

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: January 7, 2021
RE: Zoning Bylaw Amendment – Electoral Area “H”

Administrative Recommendation:

THAT Bylaw No. 2498.16, 2021, Electoral Area “H” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of February 4, 2021;

AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

Purpose:

Administration is proposing that an amendment to the Electoral Area “H” Zoning Bylaw No. 2498, 2012, be initiated by the Regional District Board in order to:

- correct a number of typographical errors;
- revise the maximum floor area permitted for secondary suites and accessory dwellings;
- revise the allotment of secondary suites and accessory dwellings permitted per parcel in the Rural Zones; and
- introduce scientific research facilities as a permitted use in the Resource Area (RA) Zone.

Background:

At its meeting of April 18, 2013, the Regional District Board adopted the Electoral Area “H” Zoning Bylaw No. 2498, 2012. Administration notes that zoning bylaws are updated by the RDOS Board from time to time to ensure that they are accurate, relevant, and responds to evolving planning needs of the day.

At its meeting of June 2, 2016, the Board adopted Amendment Bylaw No. 2730, 2016, which introduced a regulation that allows for one (1) shower in accessory buildings within the AG1 and AG2 zones, when the intention was for this to apply to the AG3 Zone.

At its meeting of July 20, 2017, the Board adopted Amendment Bylaw No. 2728, 2017, which, amongst other things, introduced a new density regulation intended to provide greater flexibility for secondary suites and accessory dwelling units in the Agriculture (AG) zones. This bylaw did not apply to Electoral Area “H”.

At its meeting of August 3, 2017, the Board adopted Amendment Bylaw No. 2498.11, 2017, which introduced a Resource Area Site Specific (RAs) for the property legally described as Lot 2, District Lot

2076, Plan KAP78220, KDYD. This included an incorrect reference to “one” accessory dwelling with a floor area of 150 m², when the intention was for “two (2)” accessory dwellings with a floor area of 150 m².

At its meeting of September 17, 2020, the Board approved Temporary Use Permit (TUP) No. H2020.009-TUP, which allowed for a “radio astrophysical observatory” as a permitted use on the property described as District Lot 1838, SDYD.

At its meeting of October 15, 2020, the Board directed that the maximum floor area of a secondary suite and accessory dwelling be set at 125.0 m² in the Draft South Okanagan Electoral Area Zoning Bylaw No. 2800. This direction did not apply to Electoral Area “H”.

On December 12, 2019, the BC Building Code was revised, which included the removal of all floor area limits to secondary suites from the code.

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required prior to adoption as the proposed amendments involve lands within 800 metres of a controlled access highway (i.e. Highway 3 & 5A).

Pursuant to Section 475 of the *Local Government Act*, the Regional District must consult with the Agricultural Land Commission (ALC) when proposing to amend an OCP which might affect agricultural. Both the ALC and the Ministry of Agriculture have been made aware of the proposed amendment bylaw.

Public Process:

On December 9, 2020, a Public Information Meeting (PIM) was held electronically on the RDOS WebEx meeting platform, and was attended by no members of the public.

At its meeting of December 15, 2020, the Electoral Area “H” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Analysis:

The draft Amendment Bylaw includes a measured response to BC Building Code changes that removed floor area limits from the code. The following table is included in the draft bylaw for zones that currently permit secondary suites and accessory dwellings, including the Resource Area (RA), Agriculture Three (AG3), and Large Holdings One (LH1) zones:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
Less than 8.0 ha	1	125 m ²
8.0 ha to 11.9 ha	2	250 m ²
12.0 ha to 15.9 ha	3	375 m ²
Greater than 16.0 ha	4	500 m ²

As per the table, a maximum floor area has been re-established in the bylaw, and has been increased from 90m² to 125m². The maximum gross area for all secondary suites and accessory dwellings per parcel becomes progressively larger in relation to size of the subject parcel. As such, the proposed bylaw would help ensure that larger suites could be constructed to meet growing demand for suitable housing in the region.

The table also sets out a consistent approach for the maximum allowable number of accessory dwellings or secondary suites. It provides progressively greater additional dwellings for larger parcels, ranging from one (1) accessory dwelling or secondary suite for parcels less than 8.0 ha, to up to four (4) additional units for properties that 16 hectares or greater.

Furthermore, “Scientific Research Facility” is introduced into the Zoning Bylaw and defined as “buildings or structures used for scientific research, investigation, testing or experimentation, but does not include facilities for the manufacturing or retail sale of products.”

By defining and allowing for scientific research facilities within the Resource Area (RA) zone, the Amendment Bylaw provides opportunities for compatible institutional development associated with science and research to be a permitted use on lands in rural Resource Area lands. This change means that the “radio astrophysical observatory” would become a permitted use on the property described as District Lot 1838, SDYD, without requiring a Temporary Use Permit in the future.

Finally, correcting previous typographical errors ensures that the zoning bylaw accurately reflects the previous decisions and intentions of the RDOS Board, and helps ensure that the zoning bylaw can be implemented correctly while making planning decisions in Electoral Area “H”.

In summary, RDOS Planning staff recommends that the APC recommend to the RDOS Board that Zoning Amendment Bylaw No. 2498, 2012 be approved.

Alternatives:

1. THAT Bylaw No. 2498.16, 2020, Electoral Area “H” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;
AND THAT the holding of the public hearing be delegated to Director Coyne, or their delegate;
AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Coyne;
AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

-
2. THAT Bylaw No. 2498.16, 2021, Electoral Area "H" Zoning Amendment Bylaw be deferred; or
 3. THAT Bylaw No. 2498.16, 2021, Electoral Area "H" Zoning Amendment Bylaw be, be denied.

Respectfully submitted:

Cery Labrecque

C. Labrecque, Planner II

Endorsed By:

CG

C. Garrish, Planning Manager