

Board Date: February 6, 2020

Agenda Item: C.2.b. Bylaw 2785

Public Hearing

Bylaw 2785 – Accessory Dwelling Review

February 6, 2020

Public Hearing Binder

Additional Items Received



Feedback Form

Regional District of Okanagan Similkameen
101 Martin Street, Penticton, BC, V2A-5J9
Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen **FILE NO.:** X2019.008-ZONE

FROM: Name: Chris Heister
(please print)

Street Address: Gammon Road, Narameta

RE: **Accessory Dwelling Review — Bylaw No. 2785**
South Okanagan Electoral Area Official Community Plan (OCP) Bylaws & Zoning Bylaws

My comments / concerns are:

- I do support the proposed amendments to the South Okanagan Electoral Area OCP & Zoning Bylaws.
- I do support the proposed amendments to the South Okanagan Electoral Area OCP & Zoning Bylaws, subject to the comments listed below.
- I do not support the proposed amendments to the South Okanagan Electoral Area OCP & Zoning Bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2758.

**Feedback Forms must be completed and returned to the Regional District
no later than February 6, 2020**

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.




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Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: X2019.008-ZONE

FROM: Name: Colleen Simmons
(please print)

Street Address:  Panorama Ridge Rd, Penticton
Pinewinds Place Ok Falls

RE: Accessory Dwelling Review – Bylaw No. 2785
South Okanagan Electoral Area Official Community Plan (OCP) Bylaws & Zoning Bylaws

My comments / concerns are:

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Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen

FILE NO.: X2019.008-ZONE

FROM: Name:

Robert Kamarniski
(please print)

Street Address:

[Redacted] Panorama Ridge Rd

RE: Accessory Dwelling Review — Bylaw No. 2785
South Okanagan Electoral Area Official Community Plan (OCP) Bylaws & Zoning Bylaws

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Feedback Form

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101 Martin Street, Penticton, BC, V2A-5J9
Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: X2019.008-ZONE

FROM: Name: Mrs Harri
(please print)

Street Address: [REDACTED] Panorama Ridge Rd, Penticton

RE: Accessory Dwelling Review — Bylaw No. 2785
South Okanagan Electoral Area Official Community Plan (OCP) Bylaws & Zoning Bylaws

My comments / concerns are:

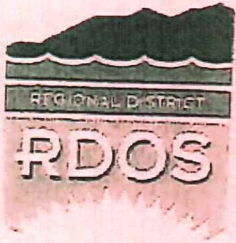
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The max floor area of an accessory dwelling should be more than 90m² like 100-150m². This allows you to build a second bedroom for visitors, like children, grand children. 90m² is very small.

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Feedback Form

OKANAGAN-SIMILKAMEEN

Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: X2019.008-ZON1

FROM: Name: NANETTE ARSENAULT
(please print)

Street Address: [REDACTED] CARM1 ROAD

RE: Accessory Dwelling Review — Bylaw No. 2785
South Okanagan Electoral Area Official Community Plan (OCP) Bylaws & Zoning Bylaws

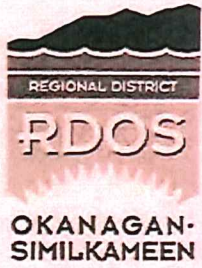
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Series of horizontal lines for handwritten feedback.





Feedback Form

Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen **FILE NO.:** X2019.008-ZONE

FROM: Name: Nola and Paul Beard
(please print)

Street Address: ██████████ Daloc Road, Penticton BC, V2A 8V6 - Upper Carmi

RE: **Accessory Dwelling Review — Bylaw No. 2785**
South Okanagan Electoral Area Official Community Plan (OCP) Bylaws & Zoning Bylaws

My comments / concerns are:

- I do support the proposed amendments to the South Okanagan Electoral Area OCP & Zoning Bylaws.
- I do support the proposed amendments to the South Okanagan Electoral Area OCP & Zoning Bylaws, subject to the comments listed below. attached.
- I do not support the proposed amendments to the South Okanagan Electoral Area OCP & Zoning Bylaws.

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Please see document emailed to Chris Garish and Ron Obirek.

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no later than **February 6, 2020**

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1. We **support** amendment 6.ii) which *disallows* subdividing unless it's viable for the environment and infrastructure.
2. We **support** second 'dwellings' (secondary suites or equivalent)...**however** on 10-acre (4 hectare) and greater lots as are in Upper Carmi:
 - RDOS should **allow them to be independent dwellings** that are
 - **not co-housed with a principal use**
 - **not tied into the primary septic system**
 - **anywhere on the lot**, subject to setbacks
 - a more livable **1200-1400 square feet**
 - A277 modular homes but **not Z240 mobile homes**.

Explanations:

NOT co-housed with a principal use (re. Definition of accessory dwelling):

- Why do I have to build a garage if I don't need or want it, to build a second dwelling?
- Combined-use buildings:
 - are larger and, therefore, less sensitive to the environment
 - result in bulkier, more visually obtrusive buildings in the landscape
 - often result in multi-story structures that are less ageing- and family-friendly
 - are more costly for owners to build: This is a **direct barrier to supplying more reasonable-cost housing**.

NOT tied into the primary septic system:

- Why, on 10 acres, does the second dwelling have to be within viable reach of the primary septic system?

Anywhere on the lot, subject to setbacks:

- Almost everyone prefers sight and sound privacy but, by design, RDOS is prohibiting it in a practical sense, where it is 100% viable: on 10 acre lots.

1200-1400 square feet:

- Living in 900sf is possible, but if the goal is 'more livable than basement suites' and accommodation for families, young couples, and seniors,' 900sf is not ideal to have room for
 - families with kids, toys/gear, etc.
 - hobbies
 - two people to have a bit of their own space

- room to entertain maybe 6 guests
- room to host adult children and grandchildren, or friends

Is there a really good reason why it couldn't be more on 10 acres?

A277 modular homes but not Z240 mobile homes

We **DO NOT support** 7.11.7 (Paraphrased: mobile home can be an accessory dwelling).

We **DO support** allowing A277 modular homes.

- In June 2018, RDOS reversed its proposal to allow mobile homes in Upper Carmi in response to Upper Carmi resident feedback and a petition. Now, only 20 months later, it's **disregarding their input** overriding Upper Carmi restrictions with generic regulations.
- We do support the compromise that the 2019 petition supported:
 - Allowing A277 modular homes
 - Disallowing Z240 mobile homes



- However, if accessory dwellings can be mobile/modular homes that do not have a co-housed primary use, it appears this is the only way that residents can have secondary dwellings that are independent.
 - This policy **forces owners to use this form of construction** to achieve that. That serves no purpose other than to support local manufacturing. Why can't owners build a structure instead of buying one?

Addendum: Comments on RDOS goals & proposal

RDOS goal	Better achieved with these changes to the proposal
Allow for greater privacy and independence for both the owner and the tenant;	Agreed. With 10 acres, the occupants could have the privacy of 8 acres between them! Why do they have to be where owners want their garage...close to the primary residence?

	<p>It should not have to be</p> <ul style="list-style-type: none"> ● within viable reach of the primary septic system, or ● as close to the primary house as people want their garage.
<ul style="list-style-type: none"> ■ a more liveable alternative to basement suites 	<p>Suites with sound and sight privacy are more livable. Allow owners to use place the allowed second dwelling further away, on its own septic system, if required.</p>
<ul style="list-style-type: none"> ■ create potential accommodation for extended family or caregivers; 	<p>Finding & retaining on-site caregivers is MUCH more likely when they can have an independent home that feels like a home and not an afterthought above a garage.</p>
<ul style="list-style-type: none"> ■ allow people to age in place and stay on their properties as their lifestyles change over time 	<p>Ageing in place <i>safely</i> requires one-floor living & the second dwelling restrictions should allow for it. Not require it to be on an upper floor, etc.</p>
<ul style="list-style-type: none"> ■ expand rental housing options for young people, seniors and families while generating rental income for homeowners. ■ the maximum floor area of an accessory dwelling not exceed 90.0 m2. 	<p>Maximum allowable size should be 1200-1400sf.</p> <p>I've lived in 900sf. It's possible. But it's not ideal to have room for</p> <ul style="list-style-type: none"> ● families with kids, toys/gear, etc. ● hobbies ● two people to have a bit of their own space ● room to entertain maybe 6 guests ● room to host adult children and grandchildren, or friends <p>Is there a really good reason why it couldn't be more on 10 acres?</p>



**DEVELOPMENT SERVICES
PRELIMINARY BYLAW
COMMUNICATION**

Your File #: X2019.008-ZONE
(Bylaw 2758)(Access
Dwellings)

eDAS File #: 2019-06903

Date: December 6, 2019

Regional District Okanagan Similkameen
101 Martin Street
Penticton, BC V2A 5J9

Attention: Lauri Feindell, Planning Secretary

**Re: Proposed Text Amendment Bylaw 2785 for:
Accessory dwellings - South Okanagan Electoral Areas**

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*.

If you have any questions, please feel free to call Rob Bitte at (250) 490-2280.

Yours truly,

Rob Bitte
Development Officer

Local District Address

Penticton Area Office
102 Industrial Place
Penticton, BC V2A 7C8
Canada
Phone: (250) 712-3660 Fax: (250) 490-2231



Interior Health
Every person matters

December 9, 2019

Christopher Garrish
Regional District of Okanagan-Similkameen
101 Martin St
Penticton, BC V2A 5J9
<mailto:planning@rdos.bc.ca>

Dear Christopher Garrish:

RE: File #: X2019.008-ZONE
Our interests are unaffected

The IH Healthy Built Environment (HBE) Team has received the above captioned referral from your agency. Typically we provide comments regarding potential health impacts of a proposal. More information about our program can be found at [Healthy Built Environment](#).

An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this proposal.

However, should you have further concerns, please return the referral to hbe@interiorhealth.ca with a note explaining your new request, or you are welcome to contact me directly at 1-855-744-6328 then choose HBE option.

Sincerely,

Mike Adams, CPHI(C)
Team Leader, Healthy Communities
Interior Health Authority

X2019.008





December 10 2019

File No: X2019.008-ZONE

Regional District of Okanagan-Similkameen
101 Martin Street
Penticton, B.C. V2A 5J9
Via E-mail: planning@rdos.bc.ca

Re: Bylaw Referral – File No. X2019.008-ZONE

Dear Christopher Garrish,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the proposed Bylaw No. 2785, 2019 regarding the updating of secondary suites and accessory dwelling regulations for RDOS's Electoral Area A, C, D, E, F and I OCP and Zoning Bylaws. I have reviewed the documentation you have provided. From an agricultural perspective I can offer the following comments:

- Ministry staff suggest that additional provisions be added to the proposed bylaws' Section 7 (General Use Regulations) referencing a requirement for consistency with the *Agricultural Land Commission Act*, its regulations, and orders of the Commission regarding secondary suites and accessory dwellings in the ALR; so as to provide greater clarity to the reader.
- Ministry staff also note that ALR lands throughout these electoral areas are designated in multiple RDOS zones (RA, LH1, AG1, AG2) within the zoning bylaws being potentially amended. The Ministry's [Guide for Bylaw Development in Farming Areas](#) encourages local governments establish a single zone for all ALR lands. Ministry staff encourage RDOS to consider revising their electoral area zoning bylaws to reflect this single zone in order to provide greater consistency for the agricultural industry, and to reflect the understanding that agriculture is the priority use in these areas.

If you have any questions, please contact me directly at christina.forbes@gov.bc.ca or 250-861-7201.

Sincerely,

Christina Forbes, P.Ag., Regional Agrologist
B.C. Ministry of Agriculture – Kelowna
Office: (250) 861-7201
E-mail: christina.forbes@gov.bc.ca

Email copy: Sara Huber, ALC Regional Planner, Sara.Huber@gov.bc.ca



RESPONSE SUMMARY

AMENDMENT BYLAW NO. 2785

Approval Recommended for Reasons Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to Conditions Below

Approval Not Recommended Due to Reasons Outlined Below

Signature: Cheryl E. Dalla

Signed By: Cheryl E. Dalla

Agency: KANEEN IRRIGATION DISTRICT

Title: Financial Administrator

Date: December 18, 2019.





Agricultural Land Commission

201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000 | Fax: 604 660-7033
www.alc.gov.bc.ca

January 3, 2020

Reply to the attention of Sara Huber
ALC Planning Review: 46701
Local Government File: X2019.008-ZONE

Lauri Feindell
Administrative Assistant, Regional District of Okanagan Similkameen
lfeindell@rdos.bc.ca

Delivered Electronically

**Re: Regional District of Okanagan Similkameen South Okanagan Electoral Area
Official Community Plan and Zoning Amendment Bylaw No. 2785, 2019**

Thank you for forwarding a draft copy of Regional District of Okanagan Similkameen (RDOS) Electoral Areas “A”, “C”, “D”, “E”, “F”, and “I” Official Community Plan (OCP) and Zoning Amendment Bylaw No. 2785 (the “Bylaw”) for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Bylaw is consistent with the purposes of the Agricultural Land Commission Act (ALCA), the Agricultural Land Reserve General Regulation, (the “General Regulation”), the Agricultural Land Reserve Use Regulation (the “Use Regulation”), and any decisions of the ALC.

The Bylaw is proposed to establish consistent regulations across the Okanagan Electoral Area Zoning Bylaws with respect to accessory structures, including allowing accessory dwellings as a permitted use in certain low density residential zones, agricultural zones, resource area zones, and small/large holdings zones, subject to certain regulations.

An accessory dwelling is defined as a dwelling unit which is permitted as an accessory use in conjunction with a principal use that is not located entirely within a single detached dwelling, including a prescribed maximum floor area of 90 m².

While an accessory dwelling would not be permitted in the ALR without the submission and approval of a Non-Adhering Residential Use (NARU) application, ALC staff note that the Bylaw includes a clause for those zoning designations affecting the ALR which states *“for parcels situated within the Agricultural Land Reserve (ALR), the maximum number of secondary suites or accessory dwellings permitted per parcel...in excess of one (1) secondary suite or accessory dwelling per parcel are permitted only to the extent that a “non-adhering residential use” approval from the Agricultural Land Commission (ALC) has been granted for such secondary suites or accessory dwellings.”*

ALC staff support the inclusion of this clause to clarify the process for obtaining an accessory dwelling on lands within the ALR. However, the wording may be unclear as it appears to permit either a secondary suite or accessory dwelling outright, with the requirement for a NARU application for any additional secondary suite or accessory dwelling. While a secondary suite is permitted outright under Section 31 of the Use Regulation, an accessory dwelling would require the submission and approval of a NARU application to the Commission. For this reason, ALC staff recommends rewording this clause for all applicable sections to the following:



*Despite Section X, for parcels situated within the Agricultural Land Reserve (ALR), the maximum number of secondary suites or accessory dwellings permitted per parcel under Section X in excess of one (1) secondary suite or accessory dwelling per parcel are **is** permitted only to the extent that a “non-adhering residential use” approval from the Agricultural Land Commission (ALC) has been granted for such secondary suite(s) or accessory dwelling(s).*

The Bylaw also proposes the rezoning of several properties (Schedules A through H); however ALC staff has confirmed that these amendments do not apply to lands within the ALR.

As an additional note, ALC staff advise that the Commission’s preference is to have a separate zone applicable to ALR properties; however, it is the Commission’s understanding that the RDOS intends to create a single zoning bylaw in future for all Electoral Areas. Upon the creation of a single zoning bylaw, the RDOS may wish to establish an agricultural zone for ALR properties which would clarify the uses permitted within the ALR (e.g. not allow accessory dwellings unless approved by the Commission). For now, the current wording and approach is acceptable and ALC staff raises no objection.

The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any Orders of the Commission.

This response does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

If you have any questions about the above comments, please contact the undersigned at 604-660-7019 or by e-mail (Sara.Huber@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Sara Huber, Regional Planner

Enclosure: Referral of Bylaw No. 2785, 2019

CC: Ministry of Agriculture – Attention: Christina Forbes

46701m1