

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 4, 2022

RE: Zoning Bylaw Amendment – Electoral Area “C” (C2022.010-ZONE)

Administrative Recommendation:

THAT Bylaw No. 2800.15, 2022, a bylaw to amend the Okanagan Valley Zoning Bylaw to allow for an oversized accessory dwelling at 4120 Black Sage Road 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 September 1, 2022;

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

Folio: C-06576.551 Legal: Lot 2, District Lot 2450S, SDYD, Plan 30096, Except Plan 37902

OCP: Agriculture (AG) Zone: Agriculture One (AG1)

Proposed Development:

This application is seeking to amend the zoning of the property to allow for the construction of an accessory dwelling greater than 125 m² in floor area by amending the zoning of the property from Agriculture One (AG1) to Agricultural One Site Specific (AG1s), with the site specific regulation to allow for the construction of a 271 m² accessory dwelling.

In support of the rezoning, the applicant has stated that “the proposed residence is situated above the winery/bakery areas of the building to preserve arable farmland by minimizing the footprint of the new construction”.

It is understood that an existing residence on the property will be decommissioned and used for storage following the construction of the proposed 271 m² accessory dwelling.

Site Context:

The property is 5.28 ha in area and is situated on the west side of Black Sage Rd., comprised of a vineyard, a tasting and bakery building as well as wine production building, which contains the property owners’ current residence on the top floor.

The cumulative footprint of the existing buildings on the property (inclusive of the existing residence and wine production building and tasting and bakery building) is approximately 326.65 m².

The surrounding pattern of development is generally characterised by agricultural production; however, the areas to the west of the subject property are undeveloped and zoned Conservation Area (CA).

Background:

The property was created on June 5, 1979, while available Regional District records indicate that a building permits have been issued for the placement of a mobile home (1986), a new single family dwelling (1991), a carport (1998), a farm building with living quarters (2005), and the conversion of a single family dwelling to a wine tasting room (2012; 2016).

The property is designated Agriculture (AG) and zoned Agriculture One (AG1) which permits agriculture and alcohol production facility.

“Single detached dwelling” means a detached building that contains one dwelling unit used for residential use by one family and may contain a secondary suite if permitted in the applicable zone.

As the proposed dwelling is to be sited on top of (i.e., attached to) a new winery and bakery building, it does not meet the definition of “single detached dwelling” and must meet the requirements of an “accessory dwelling”.

The property is within the Agricultural Land Reserve (ALR) and has been classified as part “Residential” (Class 01), part “Business and Other” (Class 06) and part “Farm” (Class 09) by BC Assessment.

Agricultural Land Reserve:

As there are no other dwellings on the property, the proposed new dwelling will be considered the “principal residence” on the property following the decommissioning of the existing residence, and is therefore limited to a maximum total floor area of 500 m² as per Section 20.1(1)(b) of the *Agricultural Land Commission Act*.

Any subsequent residence would be limited to a maximum total floor area of 90 m² under Section 34.3(1)(c)(i)(B) of the *Agricultural Land Reserve Use Regulation*.

The subject property was previously subdivided under the Agricultural Land Commission’s (ALC) Homesite Severance Policy in 1986 (ALC Resolution #655/86), which resulted in the current configuration of the parcel.

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 metres of a controlled access highway (i.e. Highway 97).

Public Process:

On July 13, 2022, a Public Information Meeting (PIM) was held at the Oliver Community Centre and was attended by one member of the public.

At its meeting of July 19, 2022, the Electoral Area “C” 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 OCP Bylaw contains policy which speaks to maximizing the farm activities on agricultural lands by limiting the footprint of non-farm uses, such as through the clustering of buildings, structures and related activities (Sections 9.3.19 & 9.3.24). The property is predominantly used for agricultural production and the existing buildings and associated infrastructure are located within the central portion of the property.

The applicant is proposing to renovate the existing tasting and bakery building, and the completed building will consist of three levels and contain a winery, tasting room/bakery, and the new residence.

The cumulative footprint of the proposed winery, tasting room/bakery and residence building and the decommissioned residence would be approximately 417.23 m².

The proposed construction would include a 72 m² increase in the footprint of the existing tasting room and bakery building; however, the utilization of multiple levels within one building for the winery and residence would mitigate concerns of agricultural land loss in consideration of the alternative of constructing multiple buildings for the various uses.

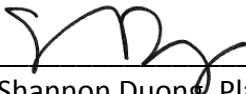
In this case, the property owners would still be entitled to construct a single detached dwelling as a permitted principal use of the property, which could result in the loss of agriculturally productive lands. Despite this, as the proposed accessory dwelling would be considered by the Agricultural Land Commission (ALC) to be the “principal residence” on the property, the property owners would only be permitted to construct one additional residence on the property to a maximum total floor area of 90 m² unless otherwise permitted by the ALC through the approval of a Non-Adhering Residential Use application.

In summary, the proposal is generally consistent with the property’s AG OCP designation,

Alternatives:

1. THAT Bylaw No. 2800.15, 2022, Okanagan Valley Zoning Amendment Bylaw be denied.

Respectfully submitted:


Shannon Duong, Planner II

Endorsed By:


C. Garrish, Planning Manager

Attachments: No. 1 – Aerial Photo

No. 3 – Floor Plan (Level 3 – Living)

No. 5 – West Elevation

No. 7 – South Elevation

No. 2 – Applicant’s Site Plan

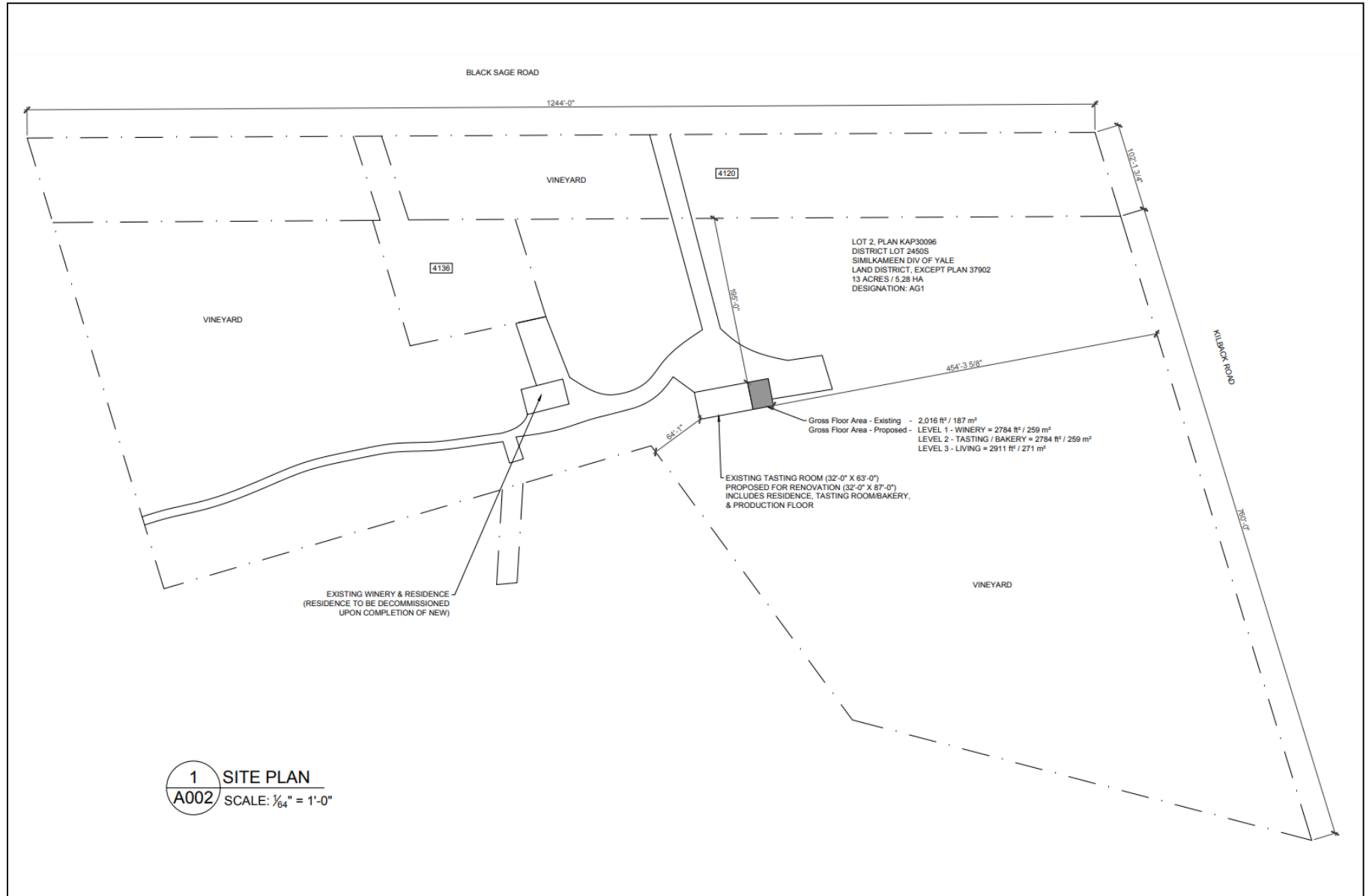
No. 4 – East Elevation

No. 6 – North Elevation

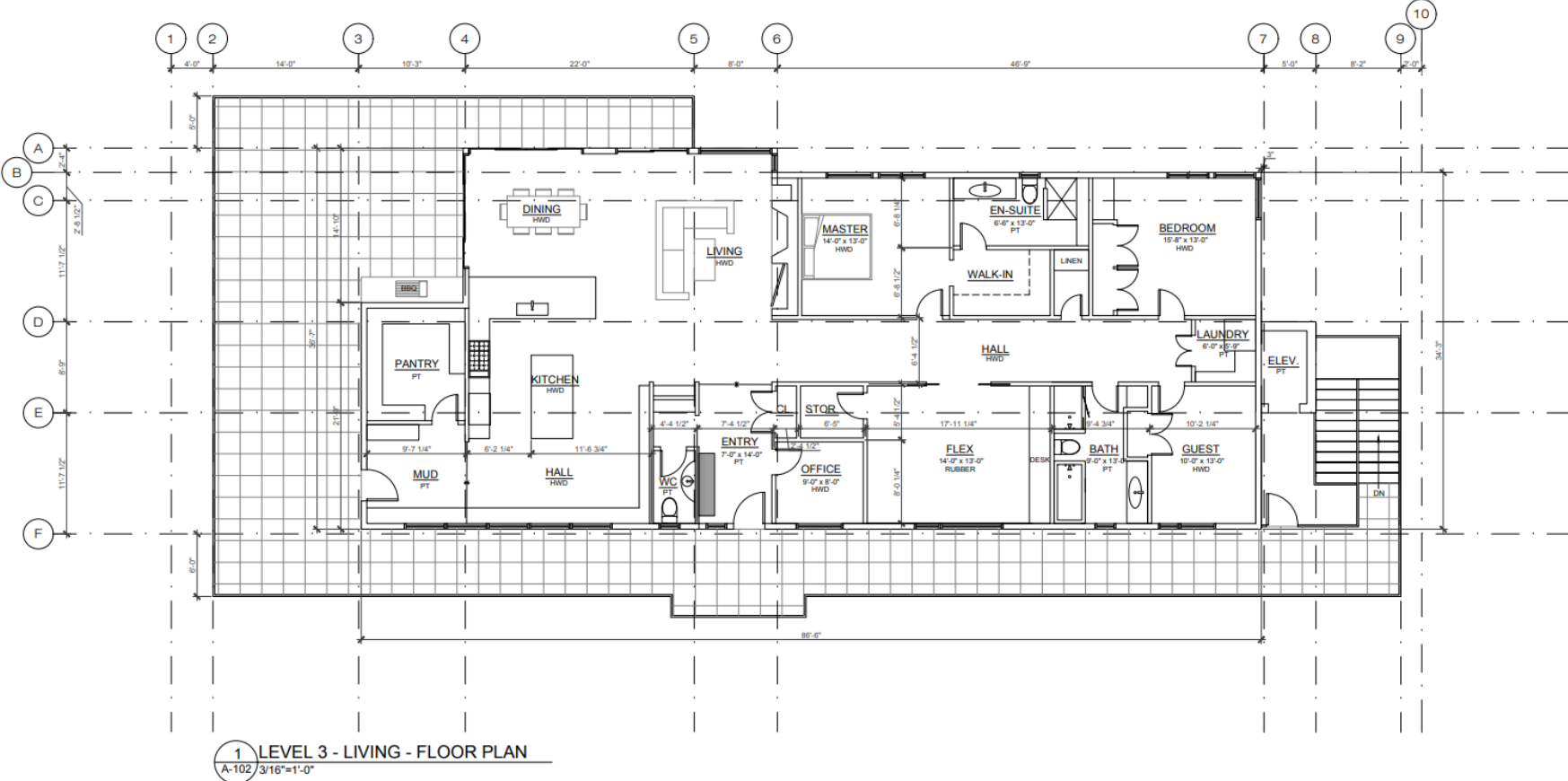
Attachment No. 1 – Aerial Photo



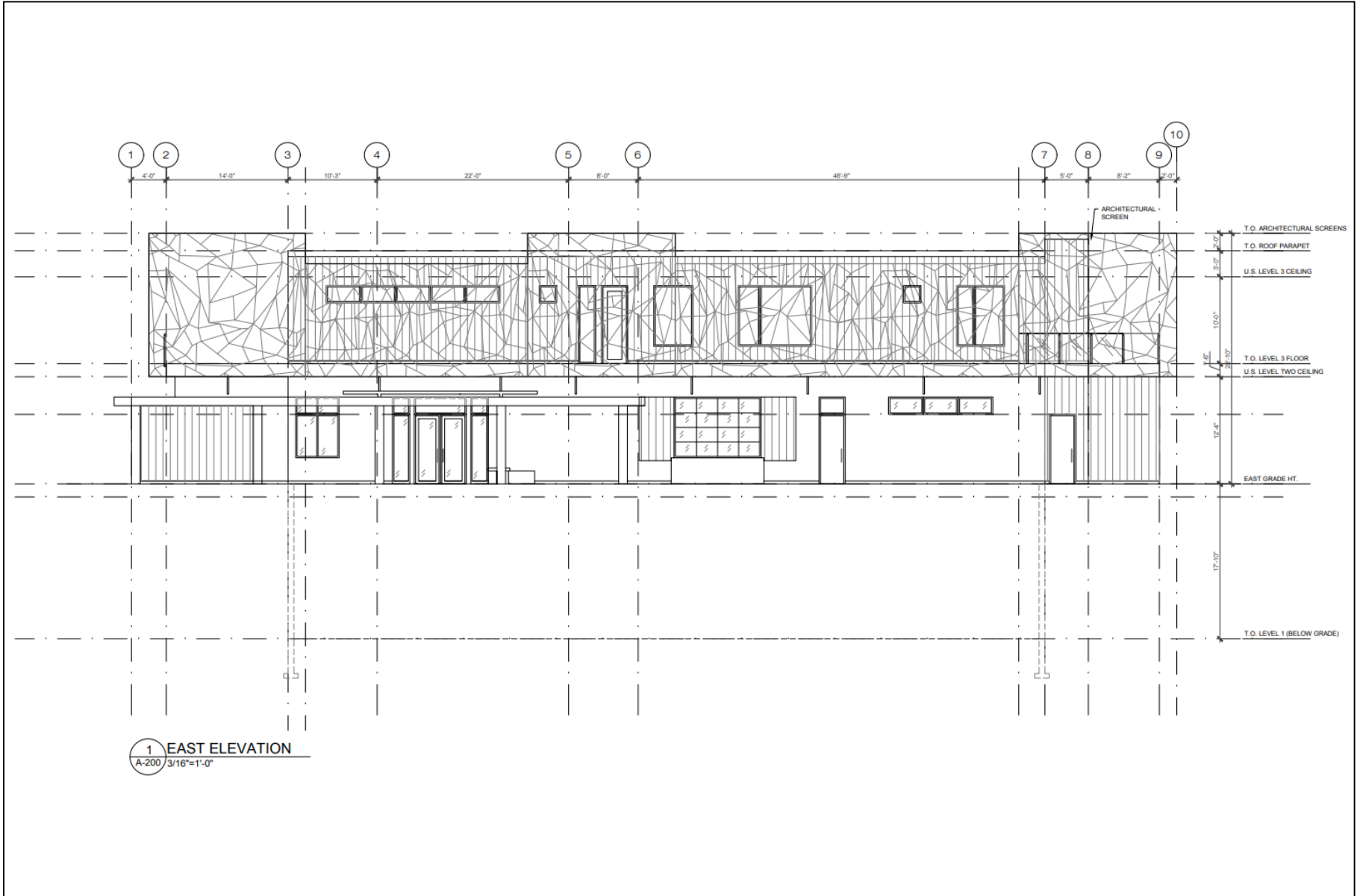
Attachment No. 2 – Applicant's Site Plan



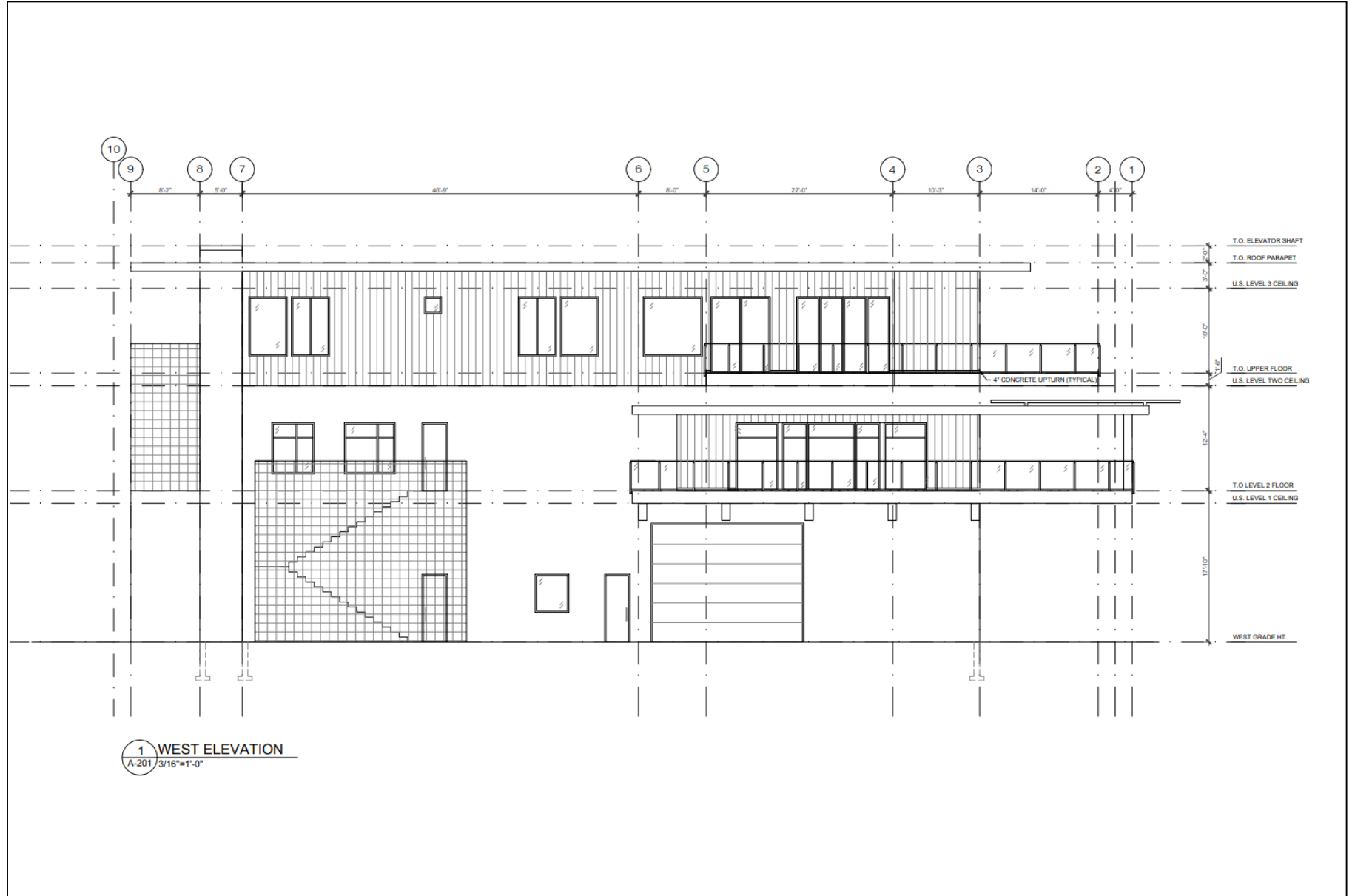
Attachment No. 3 – Floor Plan (Level 3 – Living)



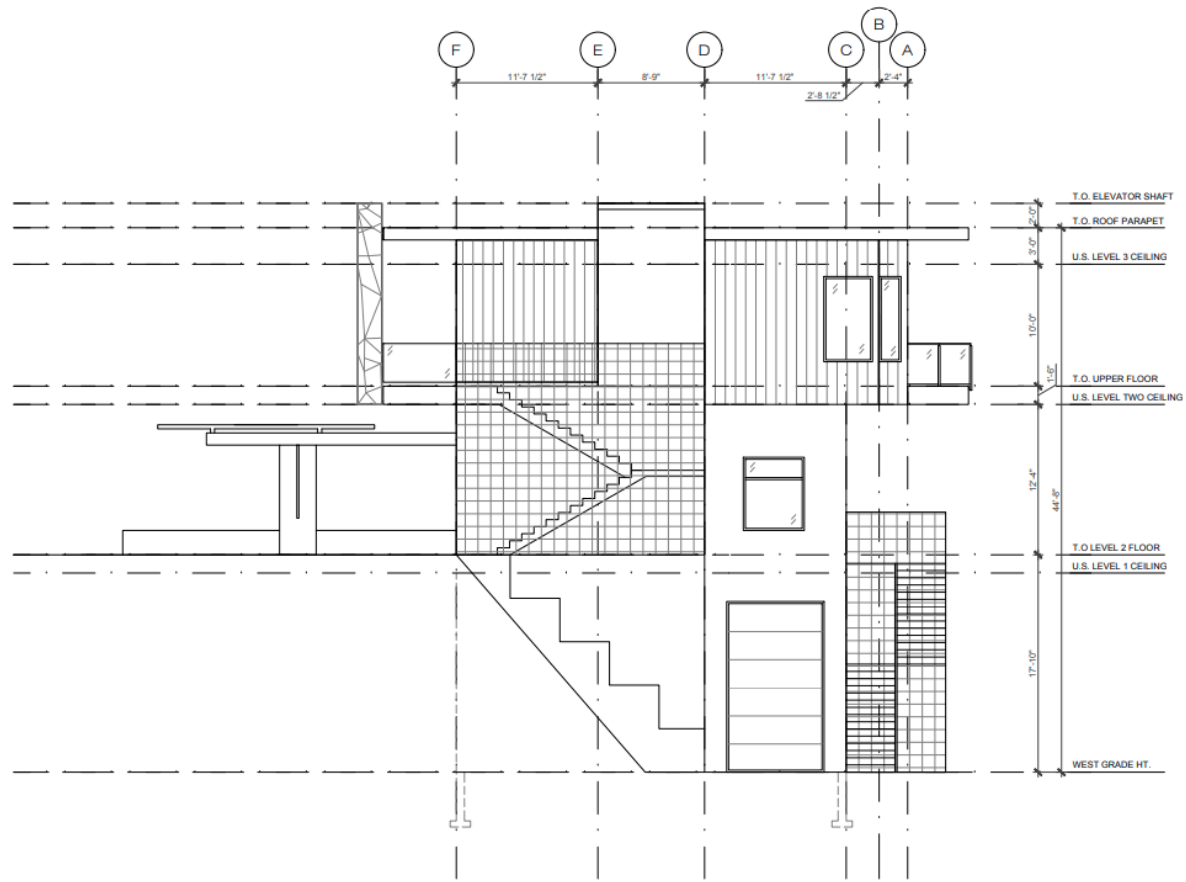
Attachment No. 4 – East Elevation



Attachment No. 5 – West Elevation

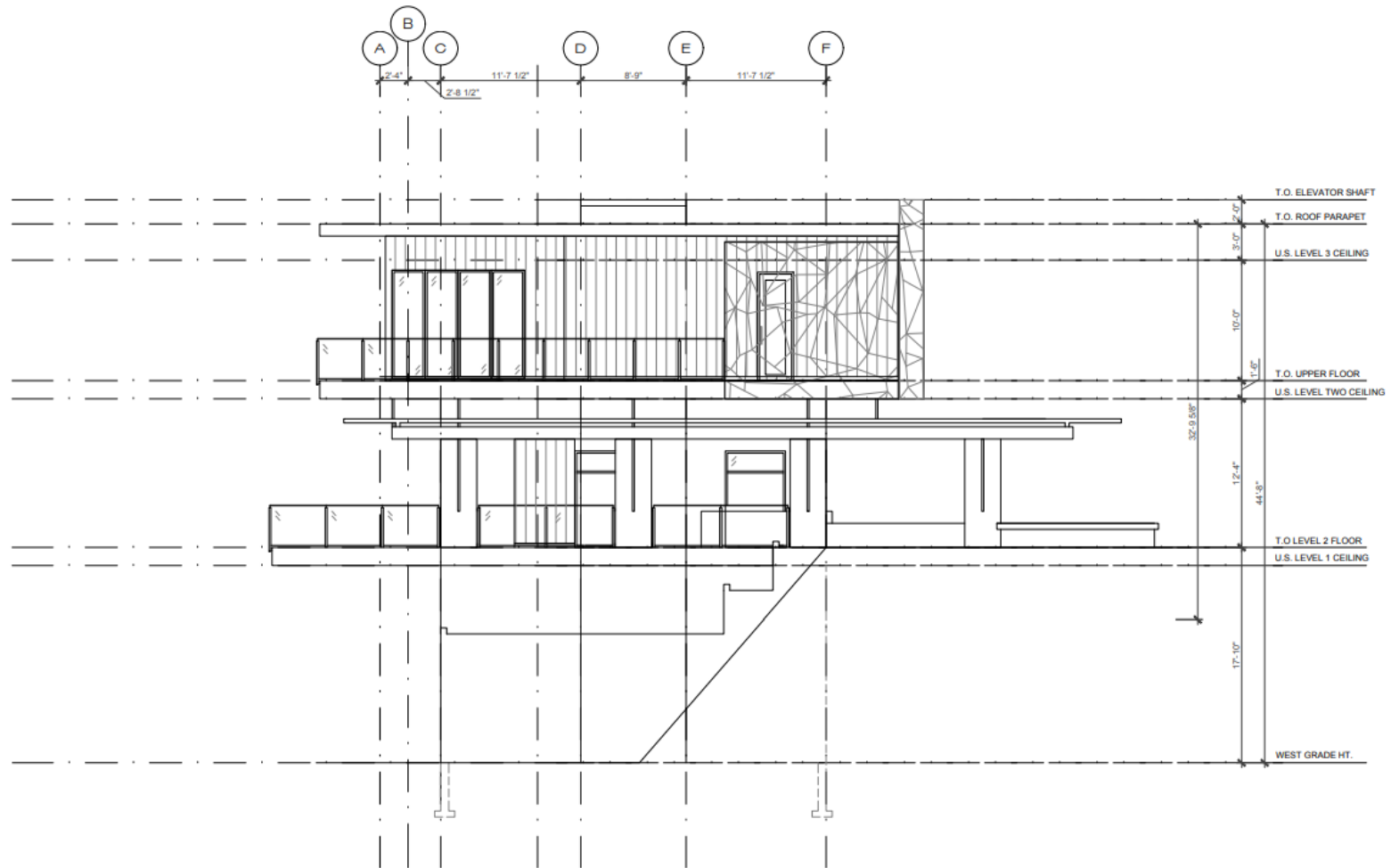


Attachment No. 6 – North Elevation



1 NORTH ELEVATION
A-202 / 3/16"=1'-0"

Attachment No. 7 – South Elevation



1 SOUTH ELEVATION
A-203 3/16"=1'-0"