



Regional Board Report

TO: Regional Board

FROM: Todd Cashin, Director of Community Services

DATE: January 27, 2020

SUBJECT: Zoning Amendment Bylaw No. 871-251
Application Z18/06 S. & P. Sandher (Owners)
4401 Old Vernon Road – Central Okanagan East Electoral Area

Voting Entitlement: *Custom Vote – Electoral Areas & Kelowna Area – 1 Director, 1 Vote*

Purpose: To seek an amendment to the conditions required to be fulfilled prior to scheduling a public hearing.

Executive Summary:

On July 18, 2019, the Regional Board adopted resolution #142/19 which granted Zoning Amendment Bylaw No. 871-251 first reading and outlined that scheduling of a Public Hearing to be withheld pending receipt of three items, including a draft covenant restricting the individual sale of neighbouring parcels owned by S. & P. Sandher and/or S. Sundher Orchards Ltd.

The owners have requested the Regional Board not require this draft covenant as they are of the opinion that it is not in the best interest of the farm operation. Therefore, staff is recommending the following section of resolution #142/19 be removed "*Written confirmation that a covenant which achieves Zoning Bylaw No. 871, Section 3.25.9 requirements will be registered prior to final adoption on the subject property*".

RECOMMENDATION:

THAT the conditions outlined in resolution #142/19 be changed such that scheduling of a Public Hearing be withheld pending receipt of the following:

- A draft covenant prohibiting new Temporary Agricultural Worker Dwellings and Accommodation on neighbouring parcels owned by S. & P. Sandher and/or S. Sundher Orchards Ltd.
- Written confirmation that a covenant which achieves Zoning Bylaw No. 871, Section 3.25.9 requirements will be registered prior to final adoption on the subject property.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Todd Cashin".

Todd Cashin
Director of Community Services

Approved for Board's Consideration

A handwritten signature in black ink, appearing to read "Brian Reardon".

Brian Reardon, CAO

Prepared by: Janelle Taylor, Planner

Implications of Recommendation:

Strategic Plan:	Amending the resolution meets the 2015-2018 Strategic Priorities Plan, Strategic Priority #3: Nurture Responsible Growth and Development.
Policy:	Amending the resolution complies with: <ul style="list-style-type: none"> • Regional Growth Strategy Bylaw No. 1336 goals and policies. • Agricultural Plan objectives. • Ellison OCP Bylaw No. 1124 policies.
Legal/Statutory Authority:	Amending the resolution is in compliance with Land Title Act, Section 219.

Background:

The Regional Board considered the rezoning application on July 18, 2019, and adopted the following resolution:

“#142/19 THAT Zoning Amendment Bylaw No. 871-251 be given first reading;

AND THAT scheduling of a Public Hearing be withheld pending receipt of the following:

- A draft covenant restricting the individual sale of neighbouring parcels owned by S. & P. Sandher and/or S. Sundher Orchards Ltd.
- A draft covenant prohibiting new Temporary Agricultural Worker Dwellings and Accommodation on neighbouring parcels owned by S. & P. Sandher and/or S. Sundher Orchards Ltd.
- Written confirmation that a covenant which achieves Zoning Bylaw No. 871, Section 3.25.9 requirements will be registered prior to final adoption on the subject property.

CARRIED”

While RDCO staff met with the property owners and discussed the proposed covenants prior to the bylaw being considered for first reading, at time of the owners exploring the draft covenants it came to their attention that restricting the individual sale of the parcels would not be in the best interest of the farm operation. As such, the owners have requested that the Regional Board not require a draft covenant restricting the individual sale of neighbouring parcels owned by S. & P. Sandher and/or S. Sundher Orchards Ltd.

The owners are satisfied with the following requirements prior to scheduling a Public Hearing:

- A draft covenant prohibiting new Temporary Agricultural Worker Dwellings and Accommodation on neighbouring parcels owned by S. & P. Sandher and/or S. Sundher Orchards Ltd.
- Written confirmation that a covenant that achieves Zoning Bylaw No. 871, Section 3.25.9 requirements will be registered prior to final adoption on the subject property.

Alternative Recommendation:

THAT the Regional Board receives for information the report dated January 27, 2020, from the Director of Community Services.

Considerations not applicable to this report:

- *Financial Considerations*
- *Organizational Issues*
- *External Implications*

Attachment(s):

- July 18, 2019 First Reading Report, Zoning Amendment Bylaw No. 871-251 (File No. Z18/06)