



# Regional Board Report

**TO:** Regional Board

**FROM:** Todd Cashin  
Director of Community Services

**DATE:** January 25, 2021

**SUBJECT:** Zoning Amendment Bylaw No. 871-264 (Z20/06)  
M. Basra, Adjacent to Old Vernon Road and Black Road  
Central Okanagan East Electoral Area

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

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**Purpose:** To permit a secondary suite by rezoning the subject property from A1 Agricultural to A1s Agricultural (Secondary Suite).

## Executive Summary:

The owner of Lot 1, District Lot 121, ODYD, Plan 15442 would like to add a secondary suite within the single detached house. The parcel is currently zoned A1 Agricultural, which does not permit a secondary suite. The property is within the Agricultural Land Reserve however, restrictions on the use of agricultural land contained within the *Agricultural Land Commission Act* and the Agricultural Land Reserve Use Regulation do not apply to the parcel. All technical requirements will be addressed in conjunction with the zoning amendment and Building Permit process. To date, no opposition has been received from affected agencies and Planning Services staff are supportive of the application.

## RECOMMENDATION:

**THAT** Zoning Amendment Bylaw No. 871-264 for M. Basra located at Lot 1, District Lot 121, ODYD, Plan 15442, be given first reading;

**AND FURTHER THAT** scheduling of a Public Hearing for application Z20/06 be withheld until such time that a covenant has been registered on title recognizing the location of the subject property within an area that is actively farmed and subject to various disturbances resulting from normal farm operations.

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: Danika Dudzik, Senior Planner*

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**Implications of Recommendation:**

Strategic Plan:	Granting first reading of the zoning bylaw amendment achieves the Regional Board Strategic Priorities 2019-2022 with respect to “Sustainable Communities”.
Policy:	Granting first reading of the zoning bylaw amendment complies with: <ul style="list-style-type: none"><li>• Regional Growth Strategy Bylaw No. 1336</li><li>• Ellison Official Community Plan Bylaw No. 1124</li></ul>
Legal/Statutory Authority:	Granting first reading of the zoning bylaw amendment is in compliance with <i>Local Government Act</i> , Section 479.

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**Background:**

Until recently, the subject property has been vacant. The new owner has recently received a building permit from RDCO Inspections Services staff to develop a single detached house which is currently under construction.

**Proposal:**

The owner is proposing to add a secondary suite approximately 651 ft<sup>2</sup> (60.5 m<sup>2</sup>) within a portion of the single detached house.

The provision of a secondary suite is subject to the regulations identified in Section 3.26 of Zoning Bylaw No. 871 (see attached). The zoning amendment and all requirements of a Building Permit must be met prior to final approval for occupancy being granted by the Regional District. Based on the proposal and supporting technical documentation, adequate on-site parking is achievable for the residence and secondary suite and servicing requirements for water and wastewater have been addressed as required in Zoning Bylaw No. 871.

**Regional Board Strategic Priorities 2019-2022**

RDCO’s strategic priorities, developed by the Regional Board, speak to important goals, services and needs on which the Board wishes to focus the organization’s attention and resources. Sustainable Communities has been identified as a priority:

- We will initiate and support efforts to create a healthy built environment in which all people throughout the region enjoy a high quality of life with access to safe neighbourhoods including a diverse range of housing options.

**Ellison Official Community Plan Bylaw No. 1124:**

Section 16, Policy No. 2.8 is applicable to the proposal, which supports “a range of residential types and densities in order to accommodate different socio-economic groups, age groups and lifestyles.”

Section 14, Policy No. 2.6 identifies the reduction of negative effects at the agricultural/urban interface and the use of buffering. Further, Policy No. 2.9 supports the Agricultural Land Commission Landscape Buffer Specifications for urban and residential uses next to the ALR.

**Site Context:**

The property is located in the Ellison Area and within the Ellison Fire Protection Area. The parcel is serviced by a water purveyor and on-site sewerage disposal system. In accordance

with the Ellison Official Community Plan Bylaw No. 1124, the property is not affected by any Development Permit Areas.

The subject property is surrounded by farmland and active agricultural uses. While it is not a requirement for parcels zoned A1, a Level 1 Buffer to reduce potential conflict between residential uses and normal farm practices (e.g. overspray from cherries, noise, and dust) would be beneficial to the property owner.

Additional Information:

<b>Owner/Applicant:</b>	M. Basra
<b>Address:</b>	4379 Black Road
<b>Legal Description:</b>	Lot 1, District Lot 121, ODYD, Plan 15442
<b>Lot Size:</b>	+/- 0.40 ha (1 acre)
<b>Zoning:</b>	A1 Agricultural
<b>OCP Designation:</b>	Agriculture
<b>Sewage Disposal:</b>	Septic system
<b>Water Supply:</b>	Glenmore-Ellison Improvement District
<b>Existing Use:</b>	Vacant
<b>Surrounding Uses:</b>	<b>North:</b> Black Road / Agriculture / Rural Residential <b>South:</b> Agriculture <b>East:</b> Agriculture / Rural Residential <b>West:</b> Old Vernon Road / Utility Services / Ellison Dog Park
<b>A.L.R.:</b>	Within the A.L.R.
<b>Fire Protection:</b>	Ellison Fire Protection Area

**RDCO TECHNICAL COMMENTS:**

**Inspections Services** staff advises there is currently an active building permit associated with the subject property (Building Permit #8198/20) to construct a 2 storey single family dwelling approximately 5,465 ft<sup>2</sup> (508 m<sup>2</sup>). Further to issuance of the building permit, staff received an objection from an adjacent landowner regarding the siting of the proposed residence as it relates to the close proximity of adjacent agricultural lands and active farming operations.

Provisions for the on-site sewerage system were approved and registered with Interior Health. Further, the system was designed to accommodate a future secondary suite.

Secondary suite requirements will be dealt with through the building permit process to ensure compliance with the BC Building Code. Inspections Services staff will ensure that on-site sewage servicing requirements are addressed in conjunction with the building permit process.

**Unaffected RDCO Departments** include Parks Services, Fire Services, and Environmental Services.

**AGENCY REFERRAL COMMENTS:**

**Ministry of Agriculture, Food, and Fisheries** staff advises that the parcel appears to have been a parcel less than 2 acres on a separate certificate of title prior to December 21, 1972. As such, the Agricultural Land Commission (ALC) has determined that the restrictions on the use of agricultural land contained within the *Agricultural Land Commission Act* and the Agricultural Land Reserve (ALR) Use Regulation do not apply. Further, the suite will be located within the principal residence and will not cover additional land area beyond the single detached house. Therefore, Ministry staff advises there are no objections to the construction of a secondary suite

As the size of the property is small with a larger house it is likely to be used as a rural residence in an area that is seeing intensive orchard production. A suite that may be occupied by those unfamiliar with farming may increase the likelihood of farm practice complaints. Ministry staff recommend:

- a covenant be required to be registered on title noting that the parcel is located within a farming area and may be subject to disturbances such as noise, odour and dust; and,
- landscaping within 15m of the property boundaries be consistent with the guidelines in the Ministry's Guide to Edge Planning in order to help mitigate some disturbances.

**Agricultural Land Commission** staff advises that the parcel is within the ALR. However, in 2020, the ALC reviewed the Certificate of Title and Survey Plan of the subject property which existed on December 21, 1972, and determined that the restrictions on the use of agricultural land contained within the ALC Act and ALR Use Regulation do not apply under s. 23(1) of the ALC Act. As such, ALC staff have no objection to the proposal.

**Interior Health Authority** staff advises no objections to the proposal. A Record of Sewerage System must be submitted to Interior Health by an Authorized Person prior to the construction of the septic system.

**FortisBC** advises that there are primary distribution facilities along Black Road and Old Vernon Road. The applicant is responsible for costs and land right requirements associated with changes to the existing servicing. For any changes to the existing service, the applicant must contact an FBC(E) designer regarding design, servicing solutions, and land right requirements.

**Unaffected Agencies** include Ministry of Transportation and Infrastructure.

### **External Implications:**

Any correspondence received from the public will be provided to the Board as part of a future public hearing report.

### **Alternative Recommendation:**

THAT Zoning Bylaw No. 871-264 is not given first reading.

### ***Considerations not applicable to this report:***

- Legal/Statutory Authority
- Financial Considerations
- Organizational Issues

### **Attachment(s):**

- Bylaw No. 871-264
- Orthophoto Map
- Site Plan
- Secondary Suite Floorplan – Proposed
- Elevation Plans
- Zoning Bylaw No. 871, Section 3.26 Secondary Suites
- ALC Letter – August 28, 2020