



Regional Board Report

For the Public Hearing April 26, 2021

TO: Regional Board

FROM: Todd Cashin
Director of Community Services

DATE: April 26, 2021

SUBJECT: Zoning Amendment Bylaw No. 871-264 (Z20/06)
M. Basra, 4379 Black Road
Central Okanagan East Electoral Area

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 currently under construction. 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. Further to RDCO's issuance of a building permit to construct a house on the property, staff received an objection from an adjacent landowner regarding the siting of the dwelling.

Respectfully Submitted:

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

Todd Cashin
Director of Community Services

Prepared by: Danika Dudzik, Senior Planner

Approved for Board's Consideration

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

Brian Reardon, CAO

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 ft² (60.5 m²) within a portion of the house.

Zoning Amendment Bylaw No. 871-264 received first reading on January 25, 2021. Further, the application was to be scheduled for a Public Hearing upon receipt of draft covenant recognizing the location of the subject property within an area that is actively farmed and subject to various disturbances resulting from normal farm operations. Since first reading, Planning staff received the appropriate draft documentation.

The provision of a secondary suite is subject to the regulations identified in Section 3.26 of Zoning Bylaw No. 871. 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.

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:

Owner/Applicant:	M. Basra
Address:	4379 Black Road
Legal Description:	Lot 1, District Lot 121, ODYD, Plan 15442
Lot Size:	+/- 0.40 ha (1 acre)
Zoning:	A1 Agricultural
OCP Designation:	Agriculture

Sewage Disposal:	Septic system
Water Supply:	Glenmore-Ellison Improvement District
Existing Use:	Vacant
Surrounding Uses:	North: Black Road / Agriculture / Rural Residential South: Agriculture East: Agriculture / Rural Residential West: Old Vernon Road / Utility Services / Ellison Dog Park
A.L.R.:	Within the A.L.R.
Fire Protection:	Ellison Fire Protection Area

RDCO TECHNICAL COMMENTS (Presented at First Reading):

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 detached house approximately 5,465 ft² (508 m²). 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 (Presented at First Reading):

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 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:

In accordance with Development Application Procedures Bylaw No. 944, a Notice of Application Sign has been posted. Furthermore, *Local Government Act* requirements including newspaper notices and neighbourhood notification were completed.

To date, no opposition has been received from affected agencies. Further to RDCO's issuance of a building permit to construct a house on the property, staff received an objection from an adjacent landowner regarding the siting of the dwelling. No other correspondence has been received from other neighbouring properties.

Conclusion:

Should the Regional Board close the Public Hearing, the application will come forward with a separate report for Board consideration of further readings to the bylaw amendment.

Attachment(s):

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