



# Regional Board Report

**TO:** Regional Board

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

**DATE:** May 31, 2021

**SUBJECT:** Zoning Amendment Bylaw No. 871-266 (Z21/01)  
L. & D. Ketler (owners/applicants)  
5060 Whelan 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 consider a site-specific amendment to Zoning Bylaw No. 871 to permit an accessory home on Lot 7, District Lot 121, ODYD, Plan 21785.

## Executive Summary:

Under a previous application, a temporary accessory dwelling was permitted at the southwest corner of the subject property. When the temporary use ceased, the dwelling was removed from the site. Under the current zoning bylaw, an accessory home would not be permitted as the parcel size does is too small to accommodate this use.

The applicants are requesting approval of a site-specific rezoning application that will permit an additional dwelling on the subject property. The property is within the Agricultural Land Reserve (ALR) however, in accordance with s. 32 of the ALR Use Regulation, a property in the ALR may have a manufactured home as an additional residence. All technical requirements will be addressed in conjunction with the Building Permit process. Zoning Amendment Bylaw No. 871-266 received first reading on March 29, 2021.

## RECOMMENDATION:

**THAT** Zoning Amendment Bylaw No. 871-266 be given second and third readings;

**AND FURTHER THAT** final adoption be withheld pending:

- receipt of a registered covenant on title acknowledging the potential for aircraft noise impact and recognizing Zoning Bylaw No. 871, Section 3.18.10 accessory home provisions.

Respectfully Submitted:

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

Todd Cashin  
Director of Community Services

Approved for Board 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:**

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|----------------------------|--|
| Strategic Plan:            | Granting further readings of the amendment bylaw achieves the Regional Board Strategic Priorities 2019-2022 with respect to “Sustainable Communities”.   |
| Policy:                    | Granting further readings of the amendment bylaw 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 further readings of the amendment bylaw is in compliance with <i>Local Government Act</i> , Section 479.  |

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**Background:**

Zoning Amendment Bylaw No. 871-266 received first reading on March 29, 2021. The Regional Board directed that prior to scheduling a Public Hearing the following were required:

- Receipt of a proposed agricultural (farm) plan for a 2-3 year period in order to demonstrate the future expansion of agricultural activity on the property;
- A draft covenant recognizing the location of the subject property and acknowledging the potential for aircraft noise impact; and
- Written confirmation that a covenant which achieves Zoning Bylaw No. 871, Section 3.18.10 requirements will be registered prior to final adoption of the bylaw amendment.

Since first reading, Planning staff received the proposed agricultural plan and appropriate draft documentation for the required covenant. As such, a Public Hearing was scheduled for May 31, 2021, prior to the regular Board Meeting.

The property is within the Agricultural Land Reserve (ALR) however, in accordance with s. 32 of the ALR Use Regulation, a property in the ALR may have a manufactured home as an additional residence.

**Conclusion:**

All the requirements identified by the Regional Board for further consideration of the amendment bylaw have been satisfied; therefore, Planning staff recommends that Zoning Amendment Bylaw No. 871-266 be given second and third readings.

**Alternative Recommendation:**

Based on staff’s analysis of the application and feedback received to date, staff does not propose an alternative recommendation.

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

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

**Attachment:**

- Zoning Amendment Bylaw No. 871-266