REGULAR AGENDA

A. ELECTION OF CHAIR AND VICE CHAIR

B. ADOPTION OF MINUTES

1. Advisory Planning Commission Electoral Area “F” – Regular Meeting of November 18, 2013

   RECOMMENDATION 1
   That the minutes of the November 18, 2013 regular meeting of the Advisory Planning Commission Electoral Area “F” be adopted as circulated.

C. PETITIONS AND DELEGATIONS

D. NEW BUSINESS

1. Zoning Text Amendment Application
   A. And G. Giesbrecht
   File No. 13-0433-F-TA

2. Zoning Text Amendment Bylaw No. 2592, 2013 [Secondary Suites]
   - For review and comment

   - For review and comment

4. 2014 Meeting Dates

E. ADJOURNMENT
MINUTES of a REGULAR meeting of the ADVISORY PLANNING COMMISSION ELECTORAL AREA ‘F’ of the REGIONAL DISTRICT OF NORTH OKANAGAN held at the Enderby Fire Hall on Monday, November 18, 2013

Members: C. Dale Fennell
Keith Gray
Dick McKinney
Tilman Ernest Nahm
Robert Whitley

Other: Monica Nahm, Recording Secretary
Jackie Pearase, Electoral Area “F” Director

CALL MEETING TO ORDER

Chair Keith Gray called the meeting to order at 7:05 p.m.

ADOPTION OF MINUTES

Advisory Planning Commission Electoral Area “F” – Regular Meeting of

Moved and Seconded by Robert Whitley and Tilman Nahm
That the minutes of the October 21, 2013 regular meeting of the Advisory Planning Commission Electoral Area “F” be adopted as circulated.

CARRIED

NEW BUSINESS

Agricultural Land Reserve Application
J. Schalin c/o W.E. Maddox
File No. 13-0274-F-ALR

Moved and Seconded by Dale Fennell and Dick McKinney
That they accept the Planning Departments recommendation that the application of James Schalin c/o William E. Maddox under Section 21(2) of the Agricultural Land Commission Act to subdivide by homesite severance a 1.2 ha portion of the property legally described as That part of the NW ¼ of Sec 8, lying north of the right bank of the Shuswap River, Twp 19, R6, W6M, KDYD, except that part thereof lying between the right bank of the Shuswap River and Enderby Mabel Lake Road and located at 2807, 2843 and 2845 Enderby Mabel Lake Road, Electoral Area “F” be authorized for submission to the Agricultural Land Commission subject to the area of the homesite lot being reduced to 1 ha.

CARRIED

DISCUSSION

• Keith says the property should be divided into a more triangular shape as where the driveway would be placed with the current configuration of lot lines, the property is too steep and has a corner there that makes it too dangerous of a location for a driveway. The current driveway is now more than adequate and it would be easy to adjust the lot lines to make it work.
Development Permit with Variance Application  
Club Mara c/o Doug Mallett  
File No. 12-0533-DP / 12-0534-F-DVP

Moved and Seconded by Robert Whitley and Dick McKinney
That they accept the Planning Department Recommendation that upon consideration of input from adjacent landowners, a Development Permit with Variances be issued for the properties legally described as Parcel A of Lot 4, Sec 22, Twp 20, R8, W6M, KDYD, Plan 1471 AND Lot 4, Sec 22, Twp 20, R8, W6M, KDYD, Plan 1471, Except (1) Parcel A (DD C10573F) (2) Plan H809 and located at 8242 Highway 97A, Electoral Area “F” to vary the following sections of the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003:
1. Section 505.10.c by varying the maximum allowable size of accessory building (sheds) from 7.432 m² to 9.9 m²;
2. Section 505.10.c by varying the maximum allowable size of a deck attached to a recreational vehicle from 50% of the Gross Floor Area of the recreational vehicle to a 51.56 m² not including stairs or 53.42 m² including stairs; and
3. Section 1301.12.c by varying the setback of trailers from 3m to the edge of a roadway to 3.66 m to the centre of a roadway; and further.

That the Development Permit with Variances contain the following conditions:
1. The dimensions and siting of the campsites, buildings, parking and landscaped areas on the land be in general accordance with the site plan attached to the Planning Department Report dated October 31, 2013;
2. Accessory buildings (sheds) must be finished with cedar siding or other materials to match the recreation vehicle located on the same site and may not exceed a wall height of 2.44 m and an overall height of 3.66m; and
3. Covered decks and glass or screen enclosed sunrooms shall be permitted to be attached to a recreation vehicle having a maximum area equal to fifty percent (50%) of the Gross Floor Area of the recreation vehicle. Covered decks and sunrooms shall not be enclosed by walls higher than three (3) feet above the floor level and shall not be heated or provided with electrical wiring and services; and further,

That issuance of the Development Permit with Variances be withheld until the Regional District of North Okanagan receives notification from the Ministry of Environment that an assessment report has been received, demonstrating that the proposed development meets the requirements of Section 4(2) or of Section 4(3) of the Riparian Area Regulations.

CARRIED

DISCUSSION

- Dale mentioned that the report says there are 83 sites and 75 sites are non-conforming with the existing Development Permit. It seems like they do what they want and then apply for variances to the Development Permit to accommodate themselves. They don’t follow their own internal bylaws never mind NORD bylaws. Will they follow the new Development Permit restrictions, or just apply for a new Permit with variances again. Entire APC members agreed with Dale’s comments.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:38 P.M.

Next Area “F” meeting will be held on December 16, 2013 in the Fire Hall.
Certified Correct:

____________________________________  ______________________________________
Chair                                      Recording Secretary
January 13, 2014

[X]  Director Pearase
[X]  Advisory Planning Commission, Area F

Re:  Text Amendment Application for the property legally described as Parcel A (KP86723) Blk 9, DL 526, KDYD, Plan 592 and located at 135 3 Avenue, Electoral Area 'F'

We enclose a copy of the above application for review and comments from the Advisory Planning Commission. The Commission is requested to review the application at their earliest convenience and advise Jennifer deGroot at this office of any concerns they may have with respect to the proposed development. Also enclosed is the Information Report, which contains the Planning Department recommendation concerning the application.

The application will be considered by the Board of Directors at their meeting to be held on Wednesday, February 19, 2014 at 4:00 p.m.

Yours truly,

Jennifer deGroot
Executive Assistant (Temp.)
jd

Enclosure
APPLICATION FOR ZONING AMENDMENT

FOR OFFICE USE ONLY:

APPLICATION FEE OF $1400 - RECEIVED BY: CW

RECEIPT NO.: 159 854

DATE: NOV 29/13

PRELIMINARY REVIEW BY: CW

I/we hereby make application under the provisions of Part 26 of the Local Government Act for:

(check where applicable)

☑ an amendment to the text of Zoning Bylaw No. C1

rezoning

For the property described as in the attached form (legal description of property):

BLK 9 DL 526 PLAN KAP592 PARCELA, SEE KP86723

PROPERTY ID# 024-859-150 LAND DISTRICT KAMLOOPS

and located at (street address or general location):

135 3RD AVE

GRINDROD BC VOE 1YO

from current C1 (zoning) to proposed C1 WITH AMENDMENT (zoning)

NOVEMBER 28, 2013

Date

Applicant's Signature

THIS APPLICATION IS MADE WITH MY FULL KNOWLEDGE AND CONSENT:

NOVEMBER 28, 2013

Date

Registered Owner's Signature

NOVEMBER 28, 2013

Date

Registered Owner's Signature

Where the applicant is NOT the REGISTERED OWNER(S), the Application must be signed by the REGISTERED OWNER(S), or his AUTHORIZED AGENT (use a separate sheet if necessary)
ZONING AMENDMENT INFORMATION FORM

THE INFORMATION REQUESTED IN THIS FORM IS REQUIRED TO EXPEDITE THE APPLICATION AND ASSIST THE STAFF IN PREPARING A RECOMMENDATION.

The form is to be completed in full and submitted with all requested information, Zoning Amendment Application, Application Fee, and Title Search or Certificate of Indefeasible Title for the subject property.

1. Applicant and Registered Owner(s)

Applicant’s Name(s): ARNOLD P. GIESBRECHT & NOREEN G. GIESBRECHT
Address: 135 3RD AVE.
GRINDROD BC Postal Code: VOE 1Y0
Phone No. (home): 250-838-7742 Phone No. (work): 250-838-0185
Fax No.: 250-838-0185 Email: mayberryng@gmail.com

Registered Owner’s Name(s): ARNOLD P. GIESBRECHT & NOREEN G. GIESBRECHT
Address: 135 3RD AVE.
GRINDROD BC Postal Code: VOE 1Y0
Phone No. (home): 250-838-7742 Phone No. (work): 250-838-0185
Fax No.: 250-838-0185 Email: mayberryng@gmail.com

A copy of a Title Search, or a copy of a Certificate of Indefeasible Title, dated no more than thirty (30) days prior to submission of the application, must accompany the application as a proof of ownership.

Agent Authorization (if applicable) must accompany this application form.

2. Text Amendment

a. Description of the Proposed Text Amendment (if applicable):

TO AMEND CURRENT C1 ZONING TO ALLOW FOR
THE SALE OF GRAIN AND FEED
3. Rezoning – Property to be Rezoned

a. Size of property (area, number of parcels): 6.5 ha.

b. Present Zoning: C1

Proposed Zoning: C1 WITH AMENDMENT

c. Description of Existing Use/Development (use separate sheet if necessary):

CONVENIENCE STORE SELLING MIN. GROCERY LINE, SNACKS, POP, CHOCOLATE BARS, ETC., LIQUOR AND LOTTO

d. Description of the Proposed Use/Development (use separate sheet if necessary):

MAINTAIN EXISTING USE AS A CONVENIENCE STORE OUT OF THE CURRENT FACILITY WITH A NEW USE PROPOSAL WHICH IS TO BUILD A 2000 SQ. FT. WAREHOUSE FOR THE PURPOSE OF SELLING GRAIN AND FEED INCLUDING SMALL FARM SUPPLIES, I.E. BUCKETS, MANURE FORMS, WATER TRICKS, HORSE AND ANIMAL WORMERS AND NON VETERINARY ANIMAL MEDICATIONS. GRAIN AND FEEDS WILL BE SOLD AS BAGGED UNITS ONLY WITH NO BULK LOOSE PRODUCTS

e. Services currently existing or readily available to the property (check applicable area):

<table>
<thead>
<tr>
<th>Services</th>
<th>Currently Existing</th>
<th>Readily Available*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road Access</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Water Supply</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Sewage Disposal</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Hydro</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Telephone</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>School Bus Service</td>
<td>YES</td>
<td>NO</td>
</tr>
</tbody>
</table>

* Readily Available means existing services can be easily extended to the subject property

f. Proposed Water Supply Method: GRINDRED WATER SYSTEM.

g. Proposed Sewage Disposal Method: SEPTIC.
h. Approximate commencement date of proposed project:

As soon as possible

4. Reasons in Support of Application

Reasons and comments in support of the application (use separate sheet if necessary):

SEE ATTACHED SHEET.

5. Required documents to accompany application form

At the time of providing Application and Information Form to the applicant, the Regional District of North Okanagan Development Services Department shall indicate which of the following attachments are required or not required for this application. The Development Services Department may also require additional information.

a. A copy of a Title Search, or a copy of a Certificate of Indefeasible Title, dated no more than thirty (30) days prior to submission of the application.

REQUIRED: Yes ☒ ATACHED

b. A dimensioned Sketch Plan showing the parcel(s) or part of the parcel(s) to be developed and the location of existing buildings, structures, and uses.

REQUIRED: Yes ☐ No ☐

c. A dimensioned Site Development Plan showing the proposed use, buildings and structures, highway access, parking, etc.

REQUIRED: Yes ☐ No ☐

d. A Contour Map (Plan), if warranted by the topographic condition of the subject site.

REQUIRED: Yes ☐ No ☐

e. A dimensioned Sketch Plan of the proposed subdivision, where subdivision (small or large) is contemplated.

REQUIRED: Yes ☐ No ☐
FOR OFFICE USE ONLY:

a. Water course/body within 30 metres:
   Yes □  No □

b. Within the Agricultural Land Reserve:
   Yes □  No □

c. Affected by Controlled Access Highway:
   Yes □  No □

d. Major Grid Road other than Controlled Access Highway:
   Yes □  No □

e. Referral to:
   APC Chairman  Yes □  No □
   Director       Yes □  No □
   Interior Health Authority  Yes □  No □
   Ministry of Transportation & Infrastructure  Yes □  No □
   Ministry of Community Development  Yes □  No □
   Other          Yes □  No □
   Other          Yes □  No □
   Other          Yes □  No □

FORMS DULY COMPLETED, RECEIVED:

DATE: ____________________________ (signature)
4. Reasons in Support of Application

Reasons and comments in support of the application (use separate sheet if necessary):

SureCrop Feeds has been the local supplier of bagged feed to the farmers and, hobby farmers in the Armstrong, Enderby, Grindrod, Mara, Salmon Arm, Sicamous, Malakwa and Vernon areas for many, many years. They produce a lot of product that is not available from other retail farm outlets and, this has left the communities scrambling to find other feed substitutes.

I know this first hand as our family owns a hobby horse farm, so our daughter has searched from Salmon Arm to Vernon for specific grain products. She has bought substitute products that do not meet the needs of our farm animals.

SureCrop closed their retail sales off completely on the 15th of October with only about one week’s notice.

In discussions with SureCrop regarding my proposal to take over their retail sales, they are 100% in support of my venture and, will promote their customer base to our new facility. Again the areas as mentioned above will be on their customer base as well as customers who come from Williams Lake and, 100 Mile House etc..

SureCrops’ closure has had a very definite negative impact on the communities and, we would very much like to give the communities back the products they want through retail sales from our new 2000 sq. ft. warehouse.

November 18, 2019

Date

[Signature]

Applicant’s Signature
Regional District Of North Okanagan
Property Information Management System

Roll Number: 789 13176.000
Jurisdiction: ELECTORAL Area F

Site Address:
135 THIRD AVE
RDNO Assigned Address:
135 - 137 Third Avenue

Legal Description:
LOT BLK SEC TWP RGE MER DL PLAN
9 526 KAP592
Parcel A, SEE KP86723.

Property ID#: 024-859-150
Land District: Kamlo

Land Use Designation(s):
O.C.P. O.C.P. Area Zoning Zoning Area
mr
C 0.065 ha. C1 0.065 ha.
DPA

Natural Hazards:
FLOODPLAIN - SHUSWAP RIVER -
352.0 Meter minimum Building Elevation.

Planning Applications:

<table>
<thead>
<tr>
<th>FILE NUMBER</th>
<th>STATUS</th>
<th>OPEN DATE</th>
<th>NOTES:</th>
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<tbody>
<tr>
<td>00-0393-F-RZ</td>
<td>I</td>
<td>7/17/2000</td>
<td>B/L 1634,2000, No.5 - RB ADOPT. 02/06/12</td>
</tr>
<tr>
<td>13-0433-TA</td>
<td>A</td>
<td>12/3/2013</td>
<td>024-859-150</td>
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Building Permits:

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<th>PermitStatus</th>
<th>Const. Value</th>
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<tr>
<td>00-0321-F-BP</td>
<td>14 Jul 2000</td>
<td>Final</td>
<td>$9,800.00</td>
<td>STORAGE ADDITION W/OFFICE</td>
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History Notes:
96-0087-F-BP 14 Feb 1996 ARCHIVE $0.00

History Notes: POST OFFICE ADDITION (FINAL FEB 27/96)

Engineering Service Records:

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<thead>
<tr>
<th>SIZE</th>
<th>Domestic Water Turnon</th>
<th>Water Allocation</th>
<th>NOTES</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>0.000</td>
<td></td>
</tr>
</tbody>
</table>

Fire Inspections

Date Inspected: Jul 14 2006
Inspected By: Alastair Crick
Condition: good

NOTICE OF COLLECTION OF PERSONAL INFORMATION

Personal information collected on this form is collected for the purpose of processing this application and for administration and enforcement. The personal information is collected under the authority of the Municipal Act and the Regional District's bylaws.
Regional District Of North Okanagan
Property Information Management System

Roll Number: 789 13176.000
Jurisdiction: ELECTORAL Area F

Feb 06 2001 Lawrie Skolrood ☐ good ☐ fair ☐ poor
Aug 23 2005 Jack Gilroy ☐ good ☐ fair ☐ poor
Jul 13 2007 Alastair Crick ☐ good ☐ fair ☐ poor
Aug 23 2005 Jack Gilroy ☐ good ☐ fair ☐ poor

Comments:
1. 135 Third Avenue - Mayberry Store
   137 Third Avenue - Post Office
   82L-065-1-4
2. 00-0393-F-RZ
   B/L 1634,2000,No.5 - RB ADOPT. 02/06/12
   REZONE FROM RESIDENTIAL TWO FAMILY ZONE (R.2) to
   GENERAL COMMERCIAL ZONE (C.1)

BCAA DATA:
School District: 83
Neighbourhood: 920
Land Use:
Actual Use: STORE(S) AND SERVICE - COMMERCIAL

Property Values
Land: $82,900.00
Improvements: $74,600.00
Total: $157,500.00

NOTICE OF COLLECTION OF PERSONAL INFORMATION
Personal information collected on this form is collected for the purpose of processing this application and for administration and enforcement. The personal information is collected under the authority of the Municipal Act and the Regional District's bylaws.
**CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN**

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
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<tbody>
<tr>
<td><strong>Land Title District</strong></td>
<td>KAMLOOPS</td>
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<td><strong>Land Title Office</strong></td>
<td>KAMLOOPS</td>
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<tr>
<td><strong>Title Number</strong></td>
<td>KT62783</td>
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<td><strong>From Title Number</strong></td>
<td>KP86723</td>
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<tr>
<td><strong>Application Received</strong></td>
<td>2002-06-13</td>
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<td><strong>Application Entered</strong></td>
<td>2002-06-17</td>
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<tr>
<td><strong>Registered Owner in Fee Simple</strong></td>
<td>ARNOLD PETER GIESBRECHT, BUSINESSMAN</td>
</tr>
<tr>
<td></td>
<td>NOREEN GAYE GIESBRECHT, BUSINESSWOMAN</td>
</tr>
<tr>
<td></td>
<td>BOX 124</td>
</tr>
<tr>
<td></td>
<td>GRINDROD, BC</td>
</tr>
<tr>
<td></td>
<td>V0E 1Y0</td>
</tr>
<tr>
<td></td>
<td>AS JOINT TENANTS</td>
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<td><strong>Taxation Authority</strong></td>
<td>VERNON ASSESSMENT AREA</td>
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<tr>
<td><strong>Description of Land</strong></td>
<td>Parcel Identifier: 024-859-150</td>
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<tr>
<td></td>
<td>Legal Description: PARCEL A (KP86723) BLOCK 9 DISTRICT LOT 526 KAMLOOPS DIVISION YALE DISTRICT PLAN 592</td>
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<tr>
<td><strong>Legal Notations</strong></td>
<td>NONE</td>
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<tr>
<td><strong>Charges, Liens and Interests</strong></td>
<td>Nature: MORTGAGE</td>
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<td></td>
<td>Registration Number: KT62784</td>
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<tr>
<td></td>
<td>Registration Date and Time: 2002-06-13 08:49</td>
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<tr>
<td></td>
<td>Registered Owner: THE TORONTO-DOMINION BANK</td>
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<tr>
<td><strong>Duplicate Indefeasible Title</strong></td>
<td>NONE OUTSTANDING</td>
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<td><strong>Transfers</strong></td>
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<tr>
<td><strong>Pending Applications</strong></td>
<td>NONE</td>
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</table>

Title Number: KT62783
ZONING TEXT AMENDMENT APPLICATION

DATE: January 10, 2014

FILE NO.: 13-0433-F-TA

APPLICANT: Arnold and Noreen Giesbrecht

LEGAL DESCRIPTION: Parcel A (KP86723) Blk 9, DL 526, KDYD, Plan 592

P.I.D.# 024-859-150

CIVIC ADDRESS: 135 3rd Avenue

PROPERTY SIZE: 0.065 ha

SERVICING: Grindrod Water Utility and On-site Septic Sewage Disposal

PRESENT ZONING: General Commercial (C.1)

PROPOSED TEXT AMENDMENT: Include retail sales of farm supplies and bagged feed and seed as a permitted use in the General Commercial (C.1) Zone.

O.C.P. DESIGNATION: Commercial / Development Permit Area

PROPOSED USE: Retail sales of farm supplies and bagged feed and seed

PLANNING DEPARTMENT RECOMMENDATION:

That Zoning Text Amendment Bylaw No. 2618, 2014 which proposes to amend the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 to permit the retail sale of farm supplies and feed and seed (bagged) within the General Commercial (C.1) zone be given First and Second Readings and referral to a Public Hearing.

BACKGROUND:

This report relates to an application to amend the Regional District Zoning Bylaw to permit retail sales of farm supplies and bagged feed and seed as a permitted use within the General Commercial (C.1) zone. The owners of the property located at 135 3rd Avenue (Grindrod) have requested this zoning amendment as they are requesting permission to retail these items within a proposed addition to the existing retail store on their property.
Site Context

The subject property is located on the south side of Highway 97A and the east side of 3rd Street within the unincorporated area of Grindrod. An approximately 1500 ft² store is located in the middle of the subject property. The store is used for the retail sales of groceries, beverages and liquor. Access to the property is gained from driveway access points adjacent to Highway 97A near the northeast corner of the property and 3rd Avenue along the western side of the property. The driveways lead to a paved parking area located between the store and Highway 97A.

The subject property and the properties to the east are zoned General Commercial (C.1) and are designated in the Official Community Plan as Commercial. The property to the north (across Highway 97A) is zoned Community Park and Public Use (S.3) and is designated as Institutional. The properties to the west, south, and southeast are zoned Residential Two Family (R.2) and designated as Residential. The following orthophoto of the subject and surrounding properties was taken in 2013.

The Proposal

The owners of the property located at 3rd Avenue (Grindrod) have applied for a text amendment to the General Commercial (C.1) zone of Zoning Bylaw No. 1888 to permit retail sales of farm supplies and bagged feed and seed. The owners intend to construct a 2000 ft² addition to their existing retail store for the purpose of selling these items. The C.1 zone does not allow for retail sales of these items whereas this type of use is permitted in the Service Commercial (C.4) zone. The owners do not wish to rezone their property to the C.4 zone as they wish to continue to sell groceries and liquor, both of which may not be retailed in the C.4 zone.

The building addition is proposed to be accessed from 3rd Avenue via a new separate driveway.
ZONING BYLAW:

The subject property is zoned General Commercial (C.1). Uses permitted in the C.1 zone currently include: accommodations such as apartments, hotels and motels; educational facilities; entertainment and recreation facilities; food services; office and commerce facilities; retail sales including but not limited to beverages, drugs, garden supplies, groceries, hardware, liquor, medical supplies, pet food, tack, tools and small equipment; service and repair; and transportation facilities. The proposal as compared to the C.1 zone requirements is as follows:

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>PROPOSAL</th>
<th>ZONE REQUIREMENTS</th>
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</thead>
<tbody>
<tr>
<td>Lot Area (min.)</td>
<td>0.065 ha</td>
<td>1 ha</td>
</tr>
<tr>
<td>Lot Coverage (max.)</td>
<td>16%</td>
<td>50% (buildings only)</td>
</tr>
<tr>
<td>Building Height (max.)</td>
<td>4.08 m</td>
<td>Lesser of 12 m or 3 stories</td>
</tr>
<tr>
<td>Building Setbacks (min.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Front lot line</td>
<td>25.9 m</td>
<td>4.5 m</td>
</tr>
<tr>
<td>- Rear lot line</td>
<td>5.3 m</td>
<td>7.5 m</td>
</tr>
<tr>
<td>- Exterior lot line</td>
<td>6.1 m</td>
<td>4.5 m</td>
</tr>
<tr>
<td>- Interior lot line</td>
<td>6.1 m</td>
<td>8.0 m</td>
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<tr>
<td>Parking Spaces (min.)</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>Loading Spaces (min.)</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

Lot Area

Lots proposed to be subdivided in the C.1 zone are required to have a minimum area of 0.056 ha where the lot is serviced with a community sewer system. Where it isn't, the minimum lot size standard is 1 ha.

Building Setbacks

Where a C.1 zoned property abuts a property in a commercial or rural zone, no side yard is required. However, where a C.1 zoned property abuts a property in a residential zone, an 8 m wide side yard setback must be provided.

Off-Street Parking and Loading Spaces

The Zoning Bylaw requires that 4.4 parking spaces be provided for every 1076 ft² of commercial gross leasable area. The proposed store with addition would therefore require 4 spaces based on a building of 3500 ft².

The Zoning Bylaw requires that 1 loading space be provided for every site used as a retail store where the total gross floor area of the building is less than 450 m² (4,844 square feet).

Screening and Landscaping

The Zoning Bylaw requires that where a commercial parking or display area abuts a property in a residential zone, screening of 2 m in height be provided along the property boundary. The Zoning Bylaw requires the following:
1. Where any commercial or industrial development abuts a lot in a Residential Zone, a landscaped buffer area shall be provided with a minimum width of 2 m (6.562 feet);
2. Where any commercial or industrial development abuts a Controlled Access Highway, a landscaped buffer area shall be provided with a minimum width of 7.5 m (24.61 feet); and,
3. Where any commercial or industrial development abuts any other highway, a landscaped buffer area shall be provided with a minimum width of 3 m (9.842 feet).

OFFICIAL COMMUNITY PLAN:

Electoral Area “F” Official Community Plan

The Electoral Area “F” Official Community Plan designates the land use of the subject property as Commercial. The following OCP Commercial Policies are applicable to the application:
1. Neighbourhood Commercial uses to supply goods and services for which there is a need in local residential areas may be considered for rezoning without an amendment to this Plan in existing and future residential areas and in commercial designated areas.
2. Service Commercial uses shall be located within the City of Enderby.

The Electoral Area “F” OCP states that the Regional District has the objective to maintain the attractive rural setting and visual quality within the Electoral Area and to ensure that the form and character of commercial, industrial and multi-family developments are appropriately integrated into this rural setting and co-ordinated with existing developments in these areas. The proposed development would therefore require the approval of a Development Permit for form and character of commercial development.

Electoral Areas “B” and “C” Official Community Plan

The following Policies from the Electoral Areas “B” and “C” Official Community Plan are applicable to the application:
1. The Regional District will consider any application to amend this Plan to accommodate a neighbourhood commercial use to supply goods and services for which there is a local need which application may or may not be approved.

Electoral Areas “D” and “E” Official Community Plan

The following Policies from the Electoral Areas “D” and “E” Official Community Plan are applicable to the application:
1. Major retail and Service Commercial uses should be encouraged to locate with the Village of Lumby and other nearby urban centres;
2. Neighbourhood Commercial uses to supply goods and services to serve local needs should be permitted at locations to serve existing or future residential areas.

PLANNING ANALYSIS:

The Planning Department recommends that the proposed zoning text amendment be supported as the sale of farm supplies and bagged feed and seed would be compatible with the sale of the type of items that may already be retailed in the C.1 zone such as garden supplies, hardware, drugs, medical supplies, pet food, tack, tools and small equipment.
It is also suggested that the subject property would be a suitable location for the sale of farm supplies and bagged feed and seed. The subject property is located on Highway 97A within the unincorporated area of Grindrod, of which is surrounding by rural agricultural uses. The property is already used as a ‘general store’ which includes the retail sales of grocery items, beverages and liquor. According to the applicant, the sale of farm supplies and bagged feed and seed on their property would benefit the community as these items are currently not available for retail purchase elsewhere in the community.

By amending the C.1 zone to permit the retailing of farm supplies and bagged feed and seed, all properties currently zoned C.1 within the Regional District would also be permitted to retail these items. Staff have reviewed the locations of other C.1 zoned properties within the RDNO and suggest that the other properties currently zoned C.1 would also be suitable for the proposed use and allowing such uses on these properties would not have a negative impact on the use and enjoyment of surrounding properties.

It should be noted that prior to the issuance of Building Permit, the proposed addition to the existing store would require the approval of a Development Permit for Form and Character of Commercial Development. If Zoning Bylaw variances are proposed as part of the proposal, the Permit would require the approval of the Board of Directors. Otherwise, the Permit can be approved by staff in accordance with the Regional District Delegation Bylaw.

SUMMARY:

The subject application proposes to amend the Regional District Zoning Bylaw to permit retail sales of farm supplies and bagged feed and seed within the General Commercial (C.1) zone. The owners of the property located at 135 3rd Avenue have applied for this zoning amendment as they are proposing to construct an addition to their existing store for the sale of these items. The Planning Department recommends that the proposal be given favourable consideration as the sale of farm supplies and bagged feed and seed would be compatible with the sale of the type of items that may already be retailed in the C.1 zone. Permitting such a use in the C.1 zone should not have a negative impact on the use and enjoyment of properties currently zoned C.1 and may be beneficial to the surrounding communities. As such, it is recommended that Zoning Text Amendment Bylaw No. 2618, 2014 be given First and Second Readings and referral to a Public Hearing.

REFERRAL COMMENTS:

The application was referred for comments to the following:

1. Electoral Area “F” Director
2. Electoral Area “F” Advisory Planning Commission
3. Electoral Area Advisory Committee
4. Building Inspection Department
   The Building Inspector advised he has no concerns with respect to this application.
5. Ministry of Transportation and Infrastructure
   MoTI advised they have no objections to the proposed 2000 square foot warehouse addition at this time. However, MoTI advised the applicant should be aware a Commercial Access permit will be required for the business. MoTI will consider the expected traffic volumes to the site and if the current accesses are appropriate.
6. Interior Health Authority

The Interior Health Authority advised as a condition of approval of the proposed zoning amendment that the applicant retain an “Authorized Person” as defined in the Sewerage System Regulation to provide a report on the status of the existing sewage disposal system and the suitability of the property for future installation of disposal systems to service the existing use and planned warehouse expansion. The Authorized Person should determine if the existing disposal system is sized to accommodate the increase in Daily Design Flows of wastewater that will be generated by the addition of the 2000 square foot warehouse. The AP should also investigate the subject property to determine if suitable sites exist for installation of a replacement disposal system should the existing system be too small for the increase in Daily Design Flow, or fail and require replacement in the future. Whether the AP determines the existing disposal system is adequate or requires enlargement or replacement, consideration should be given to reserving area(s) suitable for onsite sewage disposal on the property for installation of a disposal system(s) to service the planned development into the future. All disposal site investigation and disposal system design should be in accordance with the Sewerage System Standard Practice Manual and Based on a Type 1 sewage disposal system.

Submitted by:

Jennifer deGroot
Executive Assistant (Temp.)

Endorsed by:

Rob Smailes, MCIP, RPP
General Manager, Planning and Building

Approved For Inclusion:

Trafford Hall, Administrator
ELECTORAL AREA "F"
TEXT AMENDMENT APPLICATION
SUBJECT PROPERTY MAP

File:  13-0433-F-TA
Applicant:  Arnold and Noreen Giesbrecht
Location:  135 3 Avenue
WHEREAS pursuant to Section 903 [Zoning bylaws] of the Local Government Act, R.S.B.C., 1996, Chapter 323, as amended, and Regulations passed pursuant thereto, the Board of the Regional District of North Okanagan may, by Bylaw, divide the whole or part of the Regional District into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

AND WHEREAS the Board has created zones, named each zone, established boundaries for these zones and regulated uses within those zones by Bylaw No. 1888 being the “Regional District of North Okanagan Zoning Bylaw No. 1888, 2003” and amendments thereto;

AND WHEREAS, pursuant to Section 895 [Development approval procedures] of the Local Government Act, the Board must, by bylaw, define procedures under which an owner of land may apply for an amendment to a Zoning Bylaw and must consider every application for an amendment to the bylaw;

AND WHEREAS the Board has enacted the “Regional District of North Okanagan Development Application Procedures and Administrative Fees Bylaw No. 2315, 2008 and amendments thereto” to establish procedures to amend an Official Community Plan, a Zoning Bylaw, or a Rural Land Use Bylaw, or to issue a Permit:

AND WHEREAS the Board is desirous to amend the text of Zoning Bylaw No. 1888 to allow the retail sales of farm supplies and bagged feed and seed within the General Commercial (C.1) zone;

NOW THEREFORE, the Board of the Regional District of North Okanagan, in open meeting assembled, hereby enacts as follows:

CITATION

This bylaw may be cited for all purposes as “Zoning Text Amendment Bylaw No. 2618, 2014”.

AMENDMENTS

1. Section 501.1.g of the General Commercial (C.1) zone of Zoning Bylaw No. 1888, 2003 is hereby amended by adding the following as a permitted use:

farm supplies and feed and seed (bagged)

Read a First and Second Time this day of , 2014
Advertised on this day of , 2014
this day of , 2014
Public Hearing held pursuant to the provisions of Section 890 of the Local Government Act

this day of , 2014

Read a Third Time

this day of , 2014

Approved by Minister of Transportation and Infrastructure
(Transportation Act s. 52(3))

this day of , 2014

ADOPTED

this day of , 2014

______________________________
Chair

______________________________
Corporate Officer
RECOMMENDATION:

That Zoning Text Amendment Bylaw No. 2592, 2013 which proposes to amend the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 to permit secondary suites within single family dwellings on parcels in the Small Holding (S.H), Country Residential (C.R), Non-Urban (N.U), and Large Holding (L.H) zones be given First Reading; and further,

That Zoning Bylaw Text Amendment No. 2592, 2013 be referred to the Interior Health Authority and the Okanagan Basin Water Board for review and comment.

BACKGROUND:

At the Regular Meeting held on October 17, 2012, the Board of Directors directed staff to prepare a report regarding secondary suites in the Electoral Areas. This direction was provided in response to a recommendation made by the Electoral Area Advisory Committee at their meeting held on October 4, 2012. At that meeting, the Committee talked about amending the Regional District Zoning Bylaw to permit secondary suites on properties that are currently zoned to permit two family dwellings. The above direction was not intended to increase the density within these zones but rather to provide an affordable alternative to constructing a two family dwelling and an opportunity to improve the safety of illegal suites.

In response to the Board’s direction, staff prepared Zoning Text Amendment Bylaw No. 2592 which proposed to amend the Zoning Bylaw to allow secondary suites as a permitted use on lots with an area of 2 ha or greater in the Small Holding (S.H), Country Residential (C.R), Non-Urban (N.U), and Large Holding (L.H) zones. At the Regular Meeting of July 17, 2013 the Board of Directors received Bylaw No. 2592. After considering the Bylaw, the Board resolved to direct staff to prepare amendments to the Zoning Bylaw “to permit secondary suites within accessory residential buildings and to permit secondary suites on lots that are less than 2 ha in size.”

In follow-up to the Board’s direction, staff requested the Interior Health Authority and the Okanagan Basin Water Board to provide comments on the matter.

Interior Health

As noted above, staff requested feedback from Interior Health on the Board’s direction. Specifically, staff asked the following questions:
1. What is the minimum property size threshold for permitting suites on rural properties serviced with on-site sewage disposal systems?; and,

2. What are Interior Health's water servicing requirements for a single family dwelling with a suite, specifically can one well serve both a dwelling and its secondary suite without the need for a community water system?

In a written reply dated September 17, 2013, an Environmental Health Officer for IHA responded that as long as the parcel is large enough and suitable to sustain into the future the required sewerage disposal system(s) and water supply system in compliance with applicable legislation, there should be no issues.

The response from IHA also explained that a dwelling with a secondary suite connected to the same water source and distribution system as the primary residence constitutes a "water supply system" and as such the Drinking Water Protection Act (DWPA) and Drinking Water Protection Regulation (DWPR) would apply. Under the DWPA, a water supply system means a domestic water system, other than: 1) a domestic water system that serves only one single-family residence; and 2) equipment, works or facilities prescribed by regulation as being excluded.

The DWPA and DWPR require that a person must have certain qualifications in order to operate, maintain and repair a water supply system, must have a valid operating permit, and must be knowledgeable of applicable standards and requirements. Water monitoring and testing are to be undertaken in accordance with the regulations and a person responsible for a water supply system may be required to prepare a written emergency response and contingency plan and/or an assessment response plan which would identify measures to address threats to the water supply. As noted in the September 17, 2013 response from IHA, in June 2012 the Regional Health Authority Directors sent a joint letter to the Ministry of Health requesting that the DWPA and DWPR exclude two private residences served by the same water system on a single parcel of land from the definition of a "water supply system". IHA reports that changes to the legislation have not yet occurred therefore the "water supply system" rules remain applicable to single family dwellings with secondary suites.

**Okanagan Basin Water Board**

As follow-up to the Board's direction, staff consulted with the Okanagan Basin Water Board (OBWB) with respect to the policy that local governments may not be eligible for senior government infrastructure funding should they continue to approve the creation of new lots less than 1 ha where such lots would be serviced by on-site sewage disposal. Although subdivision is not at issue regarding the matter of secondary suites, the premise behind the "1 ha rule" is the recognition that the more dwelling units there are using septic systems in a given area, the greater the chance that systems may malfunction and the less opportunity there will be to find sufficient, suitable, available land for replacement effluent dispersal fields.

The OBWB was asked to advise on maximum density provisions related to suites within detached accessory residential buildings (i.e. carriage houses) and secondary suites within principal dwellings on properties serviced by on-site septic sewage disposal systems. The Executive Director of OBWB responded that carriage houses on lots 1 ha or smaller would undermine the principle of the 1 ha rule of their grant program however secondary suites connected to the same septic system as the primary residence would be acceptable. The 1 ha rule originates from the provincial government's direction in 2000 to all local governments in BC that to be eligible for sewer infrastructure funding, they must provide evidence of a bylaw to the effect that no new lots less than 1 ha will be subdivided unless connected to a community sanitary sewer system. OBWB has advised the RDNO that they are extending the concept of the 1 ha policy to include detached secondary dwellings.
To address the direction provided by the Board with regard to secondary suites within the principal single family dwelling, it is recommended that the Regional District Zoning Bylaw be amended by listing secondary suites as a permitted use in the Small Holding (S.H), Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones and by stipulating that secondary suites in these zones must comply with the following:

1. Secondary suites must be located in a single family dwelling;
2. No more than one (1) secondary suite shall be permitted within a single family dwelling;
3. No more than one (1) secondary suite shall be permitted per lot;
4. Secondary suites shall not be permitted on lots containing an ancillary single family dwelling or a two family dwelling;
5. Secondary suites on lots within the Small Holding (S.H), Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones shall not be permitted on lots that are smaller than 1 ha;
6. The maximum floor area of a secondary suite shall not exceed the lesser of 90 m² (968 square feet) or 40% of the habitable floor area of the single family dwelling;
7. One (1) off-street parking space must be provided for each secondary suite. The parking space may not be provided in tandem with any other parking space required by this Bylaw;
8. Secondary suites must comply with all relevant Regional District bylaws and the British Columbia Building Code; and
9. Secondary suites must be located in a building and on property which is a single real estate entity. No strata titling will be permitted.

With regard to the direction provided by the Board to allow secondary suites within accessory residential buildings, it is to be noted that "ancillary single family dwellings" are currently a permitted use within the C.R, N.U, and L.H zones provided the subject parcel is at least 2 ha in size. An "ancillary single family dwelling" is, essentially, a form of "secondary suite within an accessory residential building". An ancillary single family dwelling is limited to a maximum gross floor area of 75 square metres (807.3 square feet) and must be ancillary to (i.e. smaller than) an existing principal single family dwelling on the same lot.

What the current Zoning Bylaw regulations for ancillary single family dwellings do not provide for is a secondary suite within a detached building that also serves another purpose (i.e. shop or barn) and which would have a gross floor area in excess of 75 square metres. It is recognized that having a residential suite in combination with a workshop, garage, barn, indoor riding arena, etc. may be desirable to some land owners. Staff, however, do not recommend amending the Zoning Bylaw to permit secondary suites within detached buildings with a gross floor area greater than 75 square meters as there is a tendency for the dwelling unit to be surreptitiously expanded in such a way that the dwelling unit may then pose health and safety risks if it is in contravention of Building, Fire, Plumbing, Electrical Codes, and/or Health regulations.

In addition, it is not recommended to allow ancillary single family dwellings on either ALR or non-ALR lots which are less than 2 ha for the following reasons:

1. **ALR lands**: Although the ALC has accepted current Zoning Bylaw regulations allowing ancillary single family dwellings on lands in the ALR, the Commission's acceptance of this provision may be jeopardized in the event the Zoning Bylaw regulations are amended in any way which would expand the potential for non-farm use (i.e. residential dwellings) on ALR lands. Secondary dwellings in detached buildings with their associated driveways, sewage disposal areas, domestic water infrastructure, landscaped areas, etc. would typically consume more arable land than a secondary suite wholly contained within a principal single family dwelling.
2. **Non-ALR lands:** The OBWB has indicated that carriage houses (secondary suites in a detached building) on lots larger than 1 ha would not compromise the "1 ha rule" from a grant eligibility perspective. Staff however do not recommend that such secondary dwellings be permitted on lots less than 2 ha as lands that are not in the ALR are often characterized by steeper slopes, areas of bedrock, high water table, or other features which are not only less amenable to agriculture, but also pose challenges to on-site septic sewage disposal. The physical characteristics of non-ALR parcels less than 2 ha may compromise the long term ability of the land to accommodate both a principal single family dwelling and a separate secondary dwelling together with two domestic water wells, two separate on-site septic sewerage disposal systems or a combined on-site sewerage system, and potentially, one or two back-up septic sewerage dispersal areas.

The BC Sewerage System Standard Practice Manual (Version 2) states that when two homes occupy one property or a system serves two sources of domestic sewage on one property, the Authorized Person\(^1\) must make sure that the sewerage system complies with the Sewerage System Regulation and local land use bylaws.

The requirements for a water supply system under the DWPA and DWPR, though stringent, do not preclude the Regional District's ability to expand provisions for secondary suites in the Zoning Bylaw however, ensuring compliance with the Act and Regulations may place an additional burden of responsibility on Building Inspection staff.

**SUMMARY:**

Amending the Zoning Bylaw as outlined above would be consistent with the Policies of the Regional District Official Community Plans and Regional Growth Strategy, all of which either directly support provisions for secondary suites or a greater variety of housing forms, including rental and affordable forms of housing.

Staff recommend that First Reading of Zoning Text Amendment Bylaw No. 2592 be supported and further that following First Reading, the Bylaw be referred to the Interior Health Authority and the Okanagan Basin Water Board with a request for their review and written response which staff will report to the Board in advance of Second Reading.

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Submitted by:  

Marnie Skobalski, MCIP, RPP  
Planner

Endorsed by:  

Rob Smalies, MCIP, RPP  
General Manager, Planning and Building

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\(^1\) As defined by the Sewerage System Regulation
REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 2592

A bylaw to amend the text of Zoning Bylaw No. 1888 to allow secondary suites in single family dwellings.

WHEREAS pursuant to Section 903 [Zoning bylaws] of the Local Government Act, R.S.B.C., 1996, Chapter 323, as amended, and Regulations passed pursuant thereto, the Board of the Regional District of North Okanagan may, by Bylaw, divide the whole or part of the Regional District into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

AND WHEREAS the Board has created zones, named each zone, established boundaries for these zones and regulated uses within those zones by Bylaw No. 1888 being the "Regional District of North Okanagan Zoning Bylaw No. 1888, 2003" and amendments thereto;

AND WHEREAS, pursuant to Section 895 [Development approval procedures] of the Local Government Act, the Board must, by bylaw, define procedures under which an owner of land may apply for an amendment to a Zoning Bylaw and must consider every application for an amendment to the bylaw;

AND WHEREAS the Board has enacted the "Regional District of North Okanagan Development Application Procedures and Administrative Fees Bylaw No. 2315, 2008 and amendments thereto" to establish procedures to amend an Official Community Plan, a Zoning Bylaw, or a Rural Land Use Bylaw, or to issue a Permit;

AND WHEREAS the Board is desirous to amend the Zoning Bylaw to permit secondary suites within single family dwellings in zones that otherwise permit two family dwellings;

NOW THEREFORE, the Board of the Regional District of North Okanagan, in open meeting assembled, enacts as follows:

A. CITATION

This Bylaw may be cited as the “Zoning Text Amendment Bylaw No. 2592, 2013”.

B. AMENDMENTS

1. Division Two of the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 is hereby amended by adding the following definition:

   "secondary suite" means a self-contained, accessory dwelling unit located within a single family dwelling. A secondary suite has its own separate cooking, sleeping and bathing facilities. It has direct access to outside without passing through any part of the principal single family dwelling unit.

2. Division Four of Zoning Bylaw No. 1888 is hereby amended by adding the following as Section 409:
**Secondary Suites**

Secondary suites in the Small Holding (S.H), Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones must comply with the following:

a) Secondary suites must be located in a single family dwelling;
b) No more than one (1) secondary suite shall be permitted within a single family dwelling;
c) No more than one (1) secondary suite shall be permitted per lot;
d) Secondary suites shall not be permitted on lots containing an ancillary single family dwelling or a two family dwelling;
e) Secondary suites on lots within the Small Holding (S.H), Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones shall not be permitted on lots smaller than 1 ha;
f) The maximum floor area of a secondary suite shall not exceed the lesser of 90 m² (968 square feet) or 40% of the habitable floor area of the single family dwelling;
g) One (1) off-street parking space must be provided for each secondary suite. The parking space may not be provided in tandem with any other parking space required by this Bylaw;
h) Secondary suites must comply with all relevant Regional District bylaws and the British Columbia Building Code; and
i) Secondary suites must be located in a building and on property which is a single real estate entity. No strata titling will be permitted.

3. Division Eight of Zoning Bylaw No. 1888 is hereby amended by listing secondary suites as a permitted use in the Small Holding (S.H), Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones subject to the provisions of Section 409 of this bylaw.

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<tr>
<th>Event</th>
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<tr>
<td>Read a First Time</td>
<td>this day of 2013</td>
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<td>Read a Second Time</td>
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<td>this day of 2013</td>
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<tr>
<td>Public Hearing held pursuant to the provisions of Section 890 of the Local Government Act</td>
<td>this day of 2013</td>
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<td>Read a Third Time</td>
<td>this day of 2013</td>
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<tr>
<td>Approved by Minister of Transportation and Infrastructure (Transportation Act s. 52(3))</td>
<td>this day of 2013</td>
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ADOPTED this day of 2013

_________________________ ______________________
Chair Corporate Officer
REGиональный округ Северной ОКанаган
Законодательный акт № 2592

Законодательный акт, предназначенный для изменения текста Закона об зонировании № 1888, чтобы разрешить вторичные студии в одноквартирных домах.

Gде как

в соответствии с статьей 903 [Законы об зонировании] Закона местного самоуправления, Р. С. Б. С., 1996, Глава 323, амдорерованный, и Правила, подготовленные в соответствии с тем, народ Директора Северной Оканаган может, по закону, разделить весь или часть территории округа на зоны, именуя каждую зону, устанавливая границы для зон и регулируя использование в пределах этих зон;

и где как

Собрание Директора Северной Оканаган, собралось в открытом заседании, и вносит в закон проект следующие изменения:

A. СОДЕРЖАНИЕ

Этот Закон может быть цитирован как "Закон об изменении текста зонирования № 2592, 2013".

B. РЕДАКЦИИ

1. Глава 2 Закона об зонировании № 1888, 2003 Северной Оканаган представленная в соответствии с текстом вносит изменения в следующее определение:

"вторичная студия" — это самостоятельно, дополнительная жилая квартира, расположенная в одноквартирном доме. Вторичная студия имеет свои отдельные кухонные, спальные и ванные комнаты. Она имеет прямой выход наружу без прохода через основной одноквартирный дом.

2. Глава 4 Закона об зонировании № 1888, 2003 Северной Оканаган представленная в соответствии с текстом вносит изменения в следующие как статью 409.
Secondary Suites

Secondary suites in the Small Holding (S.H), Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones must comply with the following:

a) Secondary suites must be located in a single family dwelling;
b) No more than one (1) secondary suite shall be permitted within a single family dwelling;
c) No more than one (1) secondary suite shall be permitted per lot;
d) Secondary suites shall not be permitted on lots containing an ancillary single family dwelling or a two family dwelling;
e) Secondary suites on lots within the Small Holding (S.H), Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones shall not be permitted on lots smaller than 1 ha;
f) The maximum floor area of a secondary suite shall not exceed the lesser of 90 m² (968 square feet) or 40% of the habitable floor area of the single family dwelling;
g) One (1) off-street parking space must be provided for each secondary suite. The parking space may not be provided in tandem with any other parking space required by this Bylaw;
h) Secondary suites must comply with all relevant Regional District bylaws and the British Columbia Building Code; and
i) Secondary suites must be located in a building and on property which is a single real estate entity. No strata titling will be permitted.

3. Division Eight of Zoning Bylaw No. 1888 is hereby amended by listing secondary suites as a permitted use in the Small Holding (S.H), Country Residential (C.R), Non-Urban (N.U) and Large Holding (L.H) zones subject to the provisions of Section 409 of this bylaw.

Read a First Time this 11 day of December, 2013
Read a Second Time this day of , 2013
Advertised on this day of , 2013

Public Hearing held pursuant to the provisions of Section 890 of the Local Government Act this day of , 2013

Read a Third Time this day of , 2013

Approved by Minister of Transportation and Infrastructure (Transportation Act s. 52(3)) this day of , 2013

ADOPTED this day of , 2013

Chair
Corporate Officer
TO: Electoral Area Advisory Committee
FROM: Planning Department
DATE: November 14, 2013
SUBJECT: Zoning Bylaw Text Amendment No. 2589, 2013 (Agri-Tourism Accommodation Provisions)

RECOMMENDATION:
That Zoning Bylaw Text Amendment No. 2589, 2013 to include the Agricultural Land Commission Agri-tourism provisions into Zoning Bylaw No. 1888, 2003 be given First Reading; and further,

That Zoning Bylaw Text Amendment No. 2589, 2013 be referred to various agencies such as the Regional Agricultural Advisory Committee, Advisory Planning Committees, Ministry of Agriculture, and Agricultural Land Commission.

BACKGROUND:
Zoning Bylaw Text Amendment Bylaw No. 2589, 2013 to include Agricultural Land Commission (ALC) Agri-Tourism provisions into Zoning Bylaw No. 1888, 2003 is a Regional District of North Okanagan (RDNO) initiated amendment supported by Board of Directors resolution passed January 16, 2013:

“That staff be directed to prepare a report regarding incorporating the Agricultural Land Commission Agri-tourism provisions into Zoning Bylaw No. 1888, 2003.”

OFFICIAL COMMUNITY PLAN:
The resolution noted above originated from recommendations made in the recently adopted Electoral Areas “D” and “E” Official Community Plan Bylaw No. 2485, 2011 (adopted March 21, 2012) and the Electoral Area “F” OCP Amendment Bylaw No. 2484, 2011 (Kingfisher Local Area Plan (LAP), adopted September 5, 2012). The specific policies and action items listed in the OCP and Kingfisher LAP are listed below:

Electoral Areas “D” and “E” Official Community Plan Bylaw No. 2485, 2011 – Section 4. Agricultural and Resource Use:

4.2.12 – Support ALC policies regarding agri-tourism businesses. An amendment to the Zoning Bylaw is recommended to ensure consistency between different RDNO areas.
Electoral Area “F” OCP Amendment Bylaw No. 2484, 2011 (KLAP) – Section 6. Local Area Plan Recommendations and Policies:

6.7.1 – Review Zoning Bylaw No. 1888, 2003 Section 301

Review Zoning Bylaw No. 1888, 2003 Section 301 which is currently more restrictive than ALR policies which allow secondary housing units, farm accommodation, farm tourism activities and recreational uses on rural lands provided that these activities will not impact the rural and agricultural nature of the area. The Agricultural Land Reserve Act, its regulations and policies include provision for individuals to pursue limited non-farm uses. The rural stakeholders commented that they would like to see additional opportunities for them to earn an income from their land but they do not feel that there are appropriate avenues for them to follow. RDNO should clarify how the various policies of the ALC apply to the Kingfisher area and they could produce a short bulletin on what opportunities are available through application to the ALC and are provided within the rural zoning categories within the plan area.

Policy 6.7.1: Review Zoning Bylaw No.1888, 2003 Section 301 in relation to uses permitted in the ALR.

6.7.2 – Support Recreational Opportunities on ALR and Rural Lands

There are likely many recreational activities that could be accommodated on rural parcels that do not require extensive or permanent construction activities. Provided a land owner can demonstrate that there are no long term impacts to their land or neighboring rural parcels, RDNO should be supportive of non-farm use applications to the ALC for recreation based opportunities within the rural areas of the plan. Some examples might be zip-line operation, cycling and hiking tours, horseback riding, limited bed and breakfast operations, eco-tours etc.

Policy 6.7.2: Support recreational opportunities in the plan area that do not negatively impact lands within the ALR and Rural Areas.

ZONE BYLAW:

Section 301.1 of Zoning Bylaw 1888, 2003 prohibits Agri-Tourism accommodation in conjunction with a number of other restricted uses within the Agricultural Land Reserve. This section currently applies to all Electoral Areas within the Regional District.

AGRICULTURAL LAND COMMISSION ACT AND REGULATIONS:

The Agricultural Land Commission (ALC) Act and Regulations permits Agri-Tourism accommodation within the ALR; however, allows local government to prohibit the use. Section 3(1) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation states the following:

Section 3(1) "the following land uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw:

(a) Accommodation for agri-tourism on a farm if:

i. All or part of the parcel on which the accommodation is located is classified as a farm under the Assessment Act.

ii. The accommodation is limited to 10 sleeping units in total of seasonal campsites, seasonal cabins or short term use of bedrooms including bed and breakfast bedrooms under paragraph (d), and
iii. The total developed area for buildings, landscaping and access for the accommodation is less than 5% of the parcel;

Section 1(1) “agri-tourism” means a tourist activity, service or facility accessory to land that is classified as a farm under the Assessment Act.

“sleeping unit” means
(a) A bedroom or other area used as a bedroom in a cabin, dwelling or accessory building, and
(b) A tent or recreational vehicle on a campsite.

Agri-Tourism Accommodation in Other Jurisdictions:

A number of jurisdictions within the Okanagan have adopted Agri-Tourism provisions through Zoning Bylaw amendments. Given the authority of local governments to regulate Agri-Tourism Accommodation there are a number of policies which have been employed to limit use and density beyond the minimum requirements outlined in the ALC Act. Some of these policies include minimum parcel size and/or density ratio, parking requirements, use of cabin or campsite units, limitations on cabin units including kitchen facilities and size, and duration of stay.

A summary of select local and regional government approaches to Agri-Tourism accommodation is listed below:

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Min. Lot Size</th>
<th>Cabins Permitted</th>
<th>Cabin Size</th>
<th>Kitchen Facilities Permitted Within Cabins</th>
<th>Parking Requirements</th>
<th>Max Duration of Stay</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Vernon</td>
<td>2.0 ha (5 acres)</td>
<td>Yes</td>
<td>Not Specified</td>
<td>Not Specified</td>
<td>1.0 per unit</td>
<td>One Hundred Eighty (180) days in one (1) calendar year</td>
</tr>
<tr>
<td>District of Lake Country</td>
<td>2.0 ha (5 acres)</td>
<td>Yes</td>
<td>Max 90.0 m²</td>
<td>Yes</td>
<td>1.1 per campsite space 2 per tourist cabin</td>
<td>Ninety (90) days in one (1) calendar year–Campsite Spaces</td>
</tr>
<tr>
<td>City of Kelowna</td>
<td>4.0 ha (10 acres)</td>
<td>Yes</td>
<td>Not Specified</td>
<td>No</td>
<td>1.0 per unit</td>
<td>Only available between April 1 and October 31 each year</td>
</tr>
<tr>
<td>Regional District of Central Okanagan</td>
<td>4 units for first 3.6 ha (9.4 acres)</td>
<td>No (units must be located in principle dwelling)</td>
<td>30.0 m² (for units located within principle dwelling)</td>
<td>N/A</td>
<td>1.0 per unit</td>
<td>Thirty (30) days in one (1) calendar year</td>
</tr>
<tr>
<td>Regional District of Okanagan Similkameen (Rural Osoyoos)</td>
<td>4.0 ha (10 acres)</td>
<td>Yes (all units must be attached)</td>
<td>Max 30.0 m²</td>
<td>No</td>
<td>1.0 per unit</td>
<td>Thirty (30) days in one (1) calendar year</td>
</tr>
</tbody>
</table>

PLANNING ANALYSIS:

To date the Regional District of North Okanagan Zoning Bylaw No.1888, 2003 has prohibited Agri-Tourism uses. This report is intended to explore the issue of allowing Agri-Tourism Accommodation provisions within the Agricultural Land Reserve (ALR) in Electoral Areas “D” and “E” and the portion of Electoral Area “F” within the Kingfisher Local Area Plan boundary. This would apply to only lands designated within the ALR. Agri-Tourism is an allowed use by the ALC regulations which also permit other activities, other than accommodation, on land that is classified as a farm under the Assessment Act, if the use is temporary and seasonal, and promotes or markets farm products grown, raised or processed on the farm. This report only explores permitting Agri-Tourism Accommodation.
Farm Classification

Agri-Tourism accommodation is permitted only on lands designated “farm” by the BC Assessment Authority. This is a fixed requirement by the ALC’s regulations and by their Policy definition, if the assessment change, the use is no longer permitted. While staff has the ability to determine if a property currently has farm status through the Property Information Management System, there is not a mechanism which will notify staff if farm status is not approved in subsequent years.

Number of Units

The ALC’s regulations permit a maximum of ten Agri-Tourism accommodation units, with one cabin or campsite equaling one unit. The maximum limit of sleeping units also includes the number of bed and breakfast bedrooms permitted. As an example, if there are already 3 bed and breakfast bedrooms on a parcel, only 7 additional sleeping units may be permitted under the ALC’s regulations. Staff suggest the Board could regulate this number and restrict the number of units based on parcel size or some other formula.

Minimum Lot Size

The ALC Act does not dictate a minimum lot size requirement for Agri-Tourism accommodation, however requires that the total developed area for the use, including buildings, landscaping and access (driveways and parking) must be less than 5% of the total parcel area. For example, a 2 ha (5 acres) property could utilize 4,356 ft² and a 4 ha (10 acre) property could utilize approximately 10,890 ft² for Agri-Tourism accommodation purposes. This does not restrict the actual number of units allowed on the property with exception of the stated 10 unit maximum. In consideration of this, staff feel a minimum lot size standard to regulate the density of units is prudent. This would help avoid compact, high density rental use on small parcels which could be detrimental to farming capabilities and create land use conflicts.

Planning Staff recommend a tiered density scheme shown below:

<table>
<thead>
<tr>
<th>Parcel Size (hectares)</th>
<th>&lt;4.0</th>
<th>4.0-8.0</th>
<th>&gt;8.0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Units</td>
<td>0</td>
<td>5</td>
<td>10</td>
</tr>
</tbody>
</table>

Cabin and Campsite Use

Agri-Tourism accommodation is intended to be an accessory use for tourism rental purposes only. ALC Regulation allows for both campsite and cabin type units to be used for tourism accommodation. The use of cabin structures is considered a reasonable form of providing agri-tourism; although they can be difficult to regulate as they are prone to be used as prohibited year round rental units. It is proposed that the size and amenities be strictly regulated if the Board chooses to support the use of cabins as Agri-Tourism accommodation units. To prevent potential contravention it is recommended that cooking facilities not be permitted within the units and size be limited to 30 m² for Agri-Tourism accommodation cabins. The total area would not include attached washroom facilities.

Parking Requirements

To address potential parking issues associated with short term rental accommodations staff recommended that all parking be provided on site at a ratio of one parking space per Agri-Tourism accommodation unit. Staff does not consider parking to be a significant issue due to general size and nature of parcels which will use the Agri-Tourism accommodation provisions; however one space per unit should be easily accommodated and is consistent with surrounding jurisdictions.
Duration of Stay

As identified in ALC Policy, the use of Agri-Tourism accommodation must be seasonal, which interpreted by the Commission means less than 12 months of the year. Seasonal Use under current RDNO Zoning Bylaw No. 1888, 2003 is defined as a period no longer than 182 days during a calendar year. To further emphasize the short term rental characteristics of Agri-Tourism uses it is recommended that the duration of stay be limited to thirty (30) days of accommodation of any person in one (1) calendar year.

Electoral Area Implications

The proposed bylaw amendment would apply only to Electoral Areas “D” and “E” and properties within the Kingfisher Local Area Plan boundary of Electoral Area “F”. The bylaw would not apply to the remaining areas of Electoral Area “F” or areas “B” and “C”. To identify the area in which the bylaw amendment would apply to, map Schedule “I” will be added to Zoning Bylaw No. 1888, 2003 which outlines the Kingfisher area. Consistency throughout the entire Regional District could be accomplished through a simple text amendment in the future if desired. Alternatively, the Board could direct staff to include Agri-Tourism accommodations in all Electoral Areas.

FINANCIAL/BUDGETARY CONSIDERATIONS:

There are no financial implications directly associated with the Bylaw amendment itself other than staff time to prepare the bylaw and the cost of advertising that is required by the statutory process. There are financial and capacity implications as a result of the change in regulation that remove the prohibition due to an increase potential for compliance issues and the resources necessary to respond.

PERSONNEL IMPLICATIONS:

No new personnel are required to implement the staff recommendation. It is expected that existing staff can respond to complaints and building inspections, if required. The implementation of Agri-Tourism Accommodation provisions may lead to a minor increase in required bylaw enforcement to ensure compliance of structures and use.

SUMMARY:

The inclusion of Agri-Tourism provisions into Zoning Bylaw No. 1888, 2003 is based on current policy direction from the Electoral Areas “D” and “E” Official Community Plan, the Kingfisher Local Area Plan and endorsed by Board Resolution. This report provides explanation of requirements from the Agricultural Land Commission Act and Regulation in addition to providing further recommendations on practical application of Agri-Tourism regulations. The proposed amendment would apply only to Electoral Areas “D” and “E” and the Kingfisher Local Area Plan boundary.

It is recommended that Zoning Bylaw Text Amendment No. 2589, 2013 to include the Agricultural Land Commission Agri-tourism provisions into Zoning Bylaw No. 1888, 2003 be given First Reading and be referred to various agencies such as the Regional Agricultural Advisory Committee, Advisory Planning Committees, Ministry of Agriculture, and Agricultural Land Commission.
Submitted by:

Laura Frank, MCIP, RPP
Sustainability Coordinator

Endorsed by:

Rob Smallles, MCIP, RPP
General Manager, Planning and Building

Approved For Inclusion:

Trafford Hall, Administrator
REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 2589

A bylaw to amend the text of Zoning Bylaw No. 1888, 2003 to include agri-tourism provisions of the Agricultural Land Commission Act

WHEREAS pursuant to Section 903 [Zoning bylaws] of the Local Government Act, R.S.B.C., 1996, Chapter 323, as amended, and Regulations passed pursuant thereto, the Board of the Regional District of North Okanagan may, by Bylaw, divide the whole or part of the Regional District into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

AND WHEREAS the Board has created zones, named each zone, established boundaries for these zones and regulated uses within those zones by Bylaw No. 1888, being the "Regional District of North Okanagan Zoning Bylaw No. 1888, 2003" and amendments thereto

AND WHEREAS, pursuant to Section 895 [Development approval procedures] of the Local Government Act, the Board must, by bylaw, define procedures under which an owner of land may apply for an amendment to a Zoning Bylaw and must consider every application for an amendment to the bylaw;

AND WHEREAS the Board has enacted the "Regional District of North Okanagan Development Application Procedures and Administrative Fees Bylaw No. 2315, 2008 and amendments thereto" to establish procedures to amend an Official Community Plan, a Zoning Bylaw, or a Rural Land Use Bylaw, or to issue a Permit;

AND WHEREAS the Board is desirous to amend the Zoning Bylaw to allow for Agri-Tourism provisions of the Agricultural Land Commission Act;

NOW THEREFORE, the Board of Directors of the Regional District of North Okanagan, in open meeting assembled, enacts as follows:

A. CITATION

This Bylaw may be cited as the "Zoning Bylaw Text Amendment No. 2589, 2013".

B. AMENDMENTS

1. Amend Division Two – Interpretation by adding the following definitions:

   "Agri-Tourism" means any agri-tourism activity defined under the Agricultural Land Commission Act and related regulation or policy, as amended form time to time.

   "Agri-Tourism Accommodation" means accommodation for short term rental to the traveling public on an operating farm or ranch, which is accessory to and related to, the principle farm use of the parcel. Typical uses include but are not limited to Bed and Breakfast, Agri-Tourism Campsites and Agri-Tourism Cabins. The maximum length of stay shall not exceed 30 days of accommodation of any one person during a calendar year.
"Agri-Tourism Accommodation Unit" means one (1) campsite, one (1) sleeping unit within an Agri-Tourism Cabin, or one (1) bedroom within a dwelling used for Bed and Breakfast purposes.

"Agri-Tourism Campsite" means an area that may be occupied by no more than one (1) tent, holiday trailer, motor home, camper, or similar recreational vehicles for the accommodation of agricultural tourists. Campsite space(s) shall be clearly identified by a unique number of similar designations and shall not be used for year round storage.

"Agri-Tourism Cabin” means a detached building used for the accommodation of agricultural tourists. The maximum gross floor area per tourist cabin shall not exceed 30m², not including attached washroom facilities. An Agri-Tourism Cabin is not permitted to contain a kitchen or to be used as a residence or dwelling.

2. Amend Division Three – Basic Provisions, Section 301 of Zoning Bylaw No. 1888, 2003 by removing Section 301.1.a.

3. Amend Division Three – Basic Provisions, Section 301 of Zoning Bylaw No. 1888, 2003 by adding Section 301.3 as follows:

Notwithstanding the provisions of this bylaw, Agri-Tourism Accommodation is permitted within Regional District Electoral Areas "D" and "E" and within the Kingfisher Local Area Plan boundary of Electoral Area "F" as shown on Schedule "I" of this bylaw.

3. Agri-Tourism Accommodation is subject to the following regulations:

a. Agri-Tourism Accommodation use must be accessory to the principle use.

b. All or part of the parcel on which the accommodation is located is classified as ‘farm’ by the BC Assessment Authority.

c. Agri-Tourism Accommodation units are not permitted on less than 4 ha, and no more than five (5) units are permitted on parcels 4 ha up to 8 ha, and no more than ten (10) units are permitted on parcels 8 ha and greater.

d. Agricultural Land Commission approval is required for Agri-Tourism Accommodation with more than 10 units.

e. The total developed area for buildings, landscaping and access for the accommodation is less than 5% of the parcel.

f. No one person shall stay within an Agri-Tourism Accommodation Unit for more than thirty (30) dates in one (1) Calendar year.

4. Amend Division Eleven – Off-Street Parking – Schedule "B" of Zoning Bylaw No. 1888, 2003 by adding the following to 1101.3 Schedule of Parking Requirements in alphabetical order:

| Agri-Tourism Accommodation | 1 per sleeping unit |

5. Add Division Eighteen – Schedule "I" - Kingfisher Local Area Plan Boundary for Agri-Tourism Accommodation attached to this Bylaw as Schedule "A".
6. Amend Division One, Section 102 – Schedules by adding Schedule 1 - Kingfisher Local Area Plan Boundary for Tourism Accommodation.

Read a First and Second Time

this day of , 2013

Advertised on

this day of , 2013

This day of , 2013

Public Hearing held pursuant to the provisions of Section 890 of the Local Government Act

this day of , 2013

Read a Third Time

this day of , 2013

Approved by Minister of Transportation and Infrastructure

(Transportation Act s. 52(3))

ADOPTED

this day of , 2013

__________________________  __________________________
Chair                          Corporate Officer
DIVISION EIGHTEEN – KINGFISHER LOCAL AREA PLAN BOUNDARY FOR AGRI-TOURISM ACCOMMODATION

Schedule "A"
Attached to and forming part of Zoning Bylaw Text Amendment No. 2589, 2013
Dated at Coldstream, BC, this ___ day of ____________, 2013

Corporate Officer

Regional District of North Okanagan Zoning Bylaw No. 1888, 2003
APC ‘F’
2014 Meeting Dates

Time: 7:00 p.m.
Place: Enderby Fire Hall

Monday, January 20, 2014
Monday, February 17, 2014
Monday, March 17, 2014
Monday, April 21, 2014 – Easter Monday
Monday, May 19, 2014 – Victoria Day
Monday, June 16, 2014
Monday, July 21, 2014
Monday, August 18, 2014
Monday, September 15, 2014
Monday, October 20, 2014
Monday, November 17, 2014
Monday, December 15, 2014