

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: September 6, 2018

RE: Zoning Bylaw Amendment – Electoral Area “E”

Administrative Recommendation:

THAT Bylaw No. 2459.31, 2018, Electoral Area “E” Zoning Amendment Bylaw be read a third time and adopted.

Purpose: To allow an accessory dwelling with a floor area of 140 m² on one lot and to remove the ability to have an accessory dwelling on another lot.

Owner: 1518005 Alberta Ltd. **Applicant:** Donna Butler (Ecora Engineering) **Folio:** E-02130.020

Civic: 891 & 945 Old Main Road **Legal:** Lots A & Lot B, DL 209, SDYD, Plan KAP52428

Zoning: Agriculture One (AG1) **Proposed Zoning:** Agriculture One Site Specific (AG1s)

Proposed Development:

This application is for two site specific amendments to the Electoral Area “E” Zoning Bylaw No. 2459, 2008, in order to increase the floor area of an accessory dwelling from 90.0 m² to 140 m² at 945 Old Main Road and to remove the ability to have an accessory dwelling, mobile home, and secondary suite from the property at 891 Old Main Road.

In support of the proposal the applicant states: “each parcel is permitted a principal residence and 1 accessory dwelling for farm help up to 90 m² – for a total of 4 dwellings. In this amendment application, a new Site Specific AG1 zone is requested that will concentrate the floor area of the accessory dwellings for farm labour on 945 Old Main Road”.

Both properties have the same owner and are part of Curvata Vineyards. The proposal on 945 Old Main Road is to “replace the farm help dwelling with a new unit, located above a garage and workshop to be used by the farm manager. Subsequently, the driveway will be rebuilt and the main house will be removed and replaced with new construction. Both new structures will be located in the same area as the existing structures. In Phase 2 a new house and winery are planned for 891 Old Main Road.”

Background:

At its July 9, 2018 meeting, the Electoral Area “E” Advisory Planning Commission (APC) resolved to recommend to the Regional District Board that this development proposal be approved subject to a covenant being registered on the title of 891 Old Main Road, restricting the use of an accessory dwelling, mobile home, and secondary suite.

A Public Information Meeting was held on July 9, 2018, and was attended by nine (9) members of the public.

At its meeting of August 2, 2018, the Regional District Board resolved to approve first and second reading of the amendment bylaws and delegated the holding of a public hearing to Chair Kozakevich.

On August 20, 2018, a public hearing was held at 3740 3rd Street, Naramata (Naramata Community Church) and was attended by approximately three (3) member of the public.

All comments received through the public process are compiled and included as a separate item on the Board Agenda.

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 m of a controlled access highway.

Analysis:

Administration maintains its concern that there is insufficient land area between the two subject properties to warrant an increase in the floor area of an accessory dwelling for farm labour from 90 m² to 140 m².

While Administration recognizes that it has previously supported proposals in Electoral Area “E” that combined the floor area of multiple accessory dwellings into a single dwelling with a larger floor area (i.e. 210 m² or 280 m²), this was generally where these dwellings could be constructed on a single legal parcel and prior to the update of the Agriculture Zones completed in 2017.

In this instance, Administration considers there to be more merit in a consolidation of the two properties to create a single parcel 7.6 ha in area. While such a parcel would still be 0.4 ha short of qualifying for an accessory dwelling with a floor area of 180 m², a zoning amendment to allow this size of accessory dwelling would be supportable in light of the creation of a larger agricultural parcel.

Alternately, the applicant could simply develop a single detached dwelling on the parcel at 891 Old Main Road — as shown on their site plan — with their desired floor area and avoid the need for this rezoning.

While the applicant has indicated that they are willing to have a restrictive covenant registered on the title of 891 Old Main Road to prevent the development of an accessory dwelling, Administration considers this to be un-necessary duplication as the proposed site specific zoning will prevent such a development.

Administration further maintains its concern that restricting development of 891 Old Main Road is not viable over the long-term as future property owners may acquire the property with a legitimate expectation of being able to develop an accessory dwelling, secondary suite or mobile home. The inability to have these types of accessory dwelling units may create pressure on the Regional District Board to restore these development opportunities.

Conversely, Administration recognizes that the accessory dwelling is proposed in the “farm residential footprint” near the existing dwelling and other residential uses (i.e. driveway, parking, septic field) which has already been disturbed and is not used for cultivation purposes. The accessory dwelling is also proposed above a garage and farm workshop which reduces the development footprint on the property.

Alternative:

THAT first and second readings of Bylaw No. 2459.28, 2018, Electoral Area "E" Zoning Amendment Bylaw be rescinded and the Bylaw be abandoned.

Respectfully submitted



K. Taylor, Planning Technician

Endorsed by:



C. Garrish, Planning Supervisor

Endorsed by:



B. Dollevoet, Dev. Services Manager

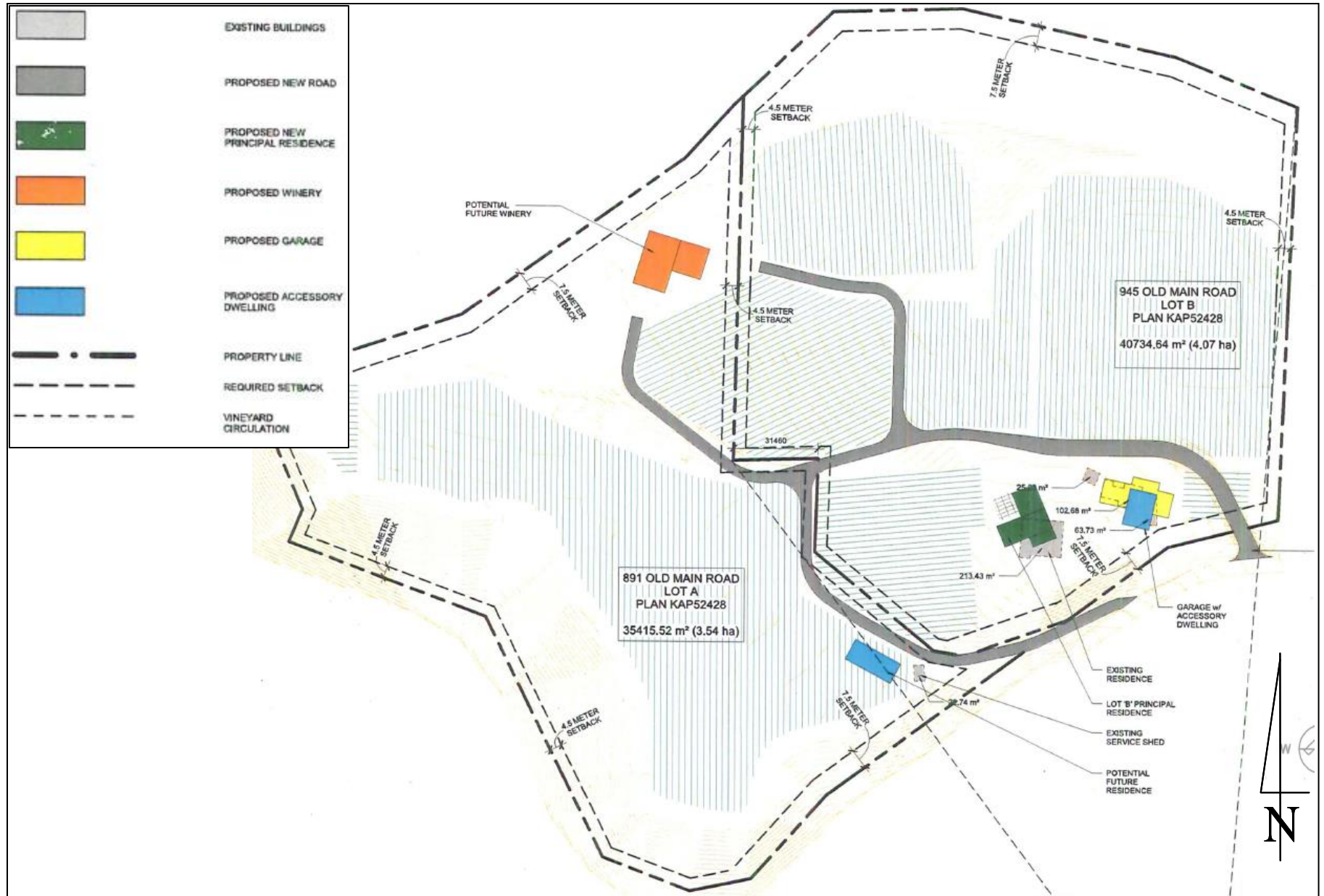
Attachments: No. 1 – Applicant's Site Plan

No. 2 – Applicant's Main Floor Plan

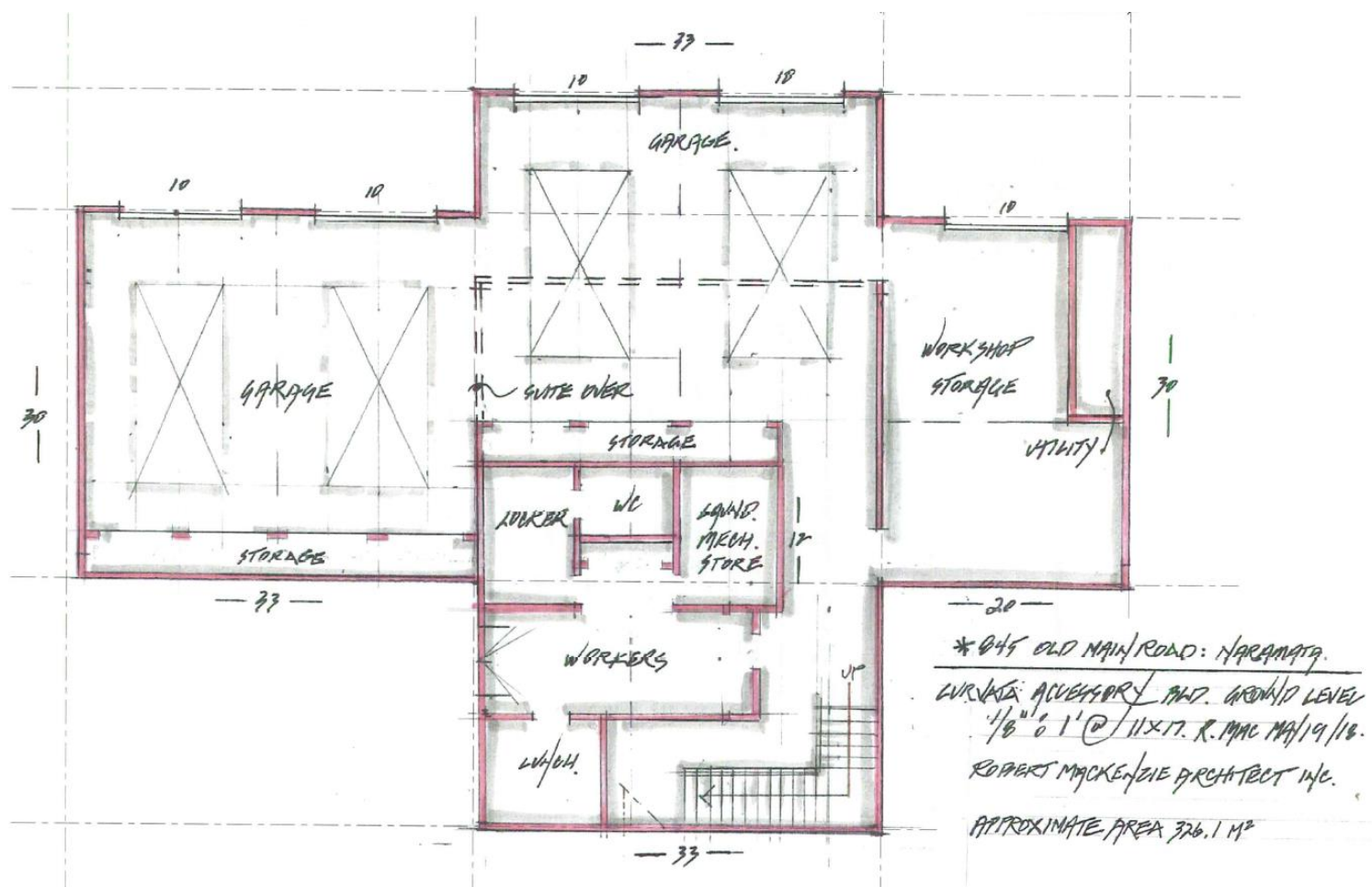
No. 3 – Applicant's Second Floor Plan

No. 4 – Aerial Photo (2007)

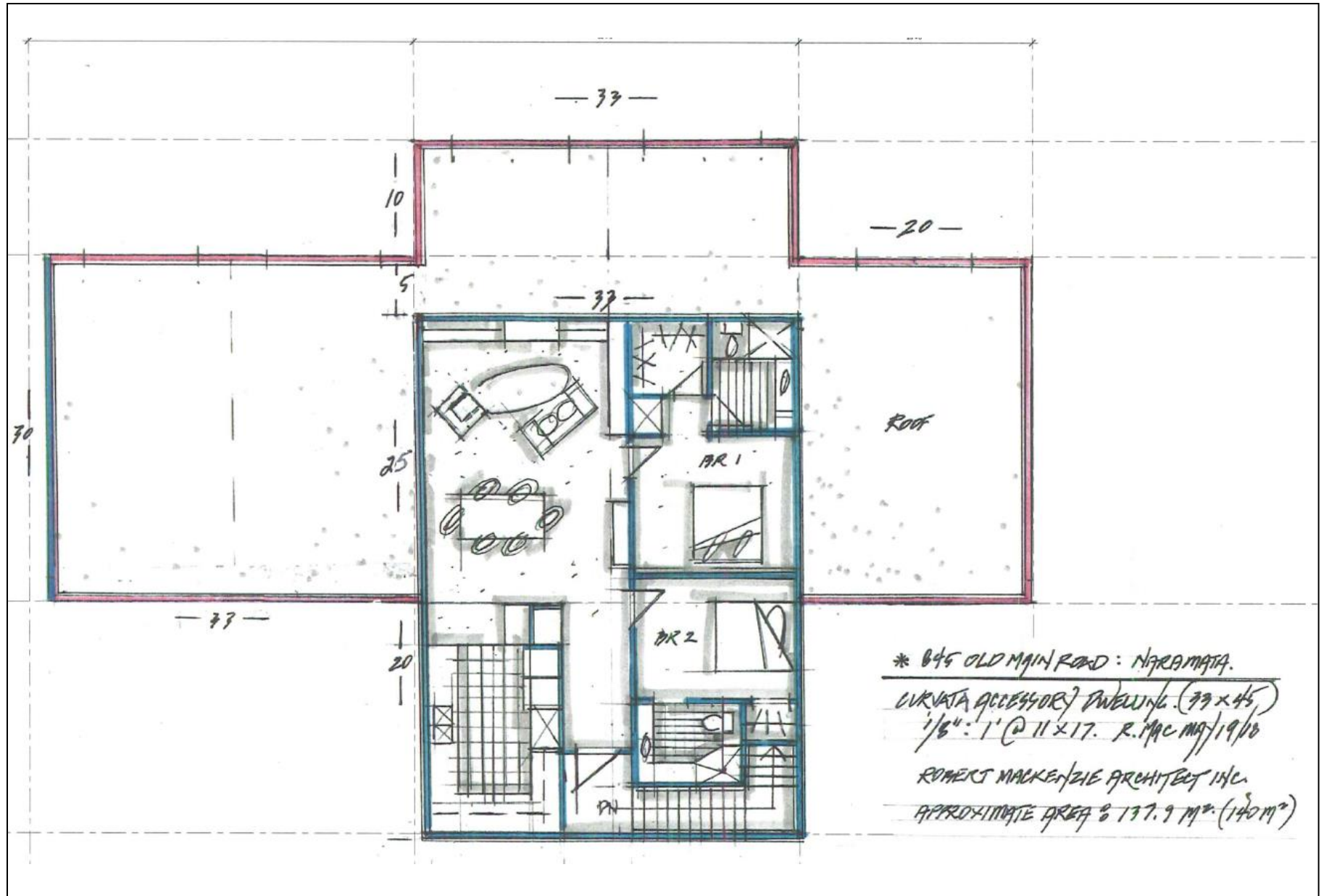
Attachment No. 1 – Applicant's Site Plan



Attachment No. 2 – Accessory Dwelling Main Floor Plan



Attachment No. 3 – Accessory Dwelling Second Floor Plan



Attachment No. 4 – Aerial Photo (2007)

