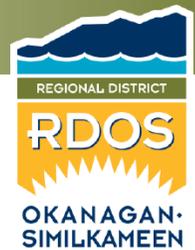


# BACKGROUND MEMORANDUM



**TO:** Advisory Planning Commission

**FROM:** JoAnn Peachey, Planner I

**DATE:** May 8, 2020

**RE:** Zoning Bylaw Amendment – Electoral Area “F”

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**Purpose:** To rezone an approximately 3.3 ha part of the subject property to accommodate a 300 m<sup>2</sup> home industry on a site-specific basis

**Owners:** Plateau Rousseau Estates, Inc.      **Agent:** John Rousseau      **Civic:** 8025 Princeton-Summerland Rd

**Legal:** Lot 10, Plan 27332, District Lot 2893, ODYD, Except Plan KAP27332      **Folio:** F-07241.090

**OCP:** Small Holdings (SH)      **Proposed OCP:** Small Holdings (SH)

**Zone:** Small Holdings Three (SH3)      **Proposed Zoning:** Site Specific Small Holdings Two (SH2s)

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## **Proposed Development:**

This application is seeking to amend the zoning of the subject property in order to accommodate a 300 m<sup>2</sup> home industry use on a site-specific basis.

In order to accomplish this, the applicant is proposed to amend the zoning of a 3.3 ha portion of the property under the Electoral Area “F” Zoning Bylaw No. 2461, 2008 from Small Holdings Three (SH3) to Site Specific Small Holdings Two (SH2s), with the site specific regulation to increase the permitted floor area of a home industry from 200 m<sup>2</sup> to 300 m<sup>2</sup>.

In support of the rezoning, the applicant has stated that “the reason why we are seeking rezoning from SH3 to SH2s on our subject property is to accommodate Home Industry usage, and to increase the allowable size of a Home Industry from 200 m<sup>2</sup> to 300 m<sup>2</sup> of interior space, which at the time of purchase (Nov. 30<sup>th</sup>, 2019) was the maximum allowable footprint of a Home Industry.

My wife and I run a small woodworking studio where we design and fabricate everything from custom furniture to chopping blocks to modern timber frame assemblies....due to the nature of our business, we require additional interior storage for materials (both finished and raw) as fine hard and soft woods, once dried, must be stored inside...we are so lucky to have found this rare piece of land outside of the ALR that we can relocate to...and look forward to having our business on the same parcel as our home...our business while on the property will be entirely enclosed in a building framed with 2x10 walls, insulated with dense pack cellulose. Even though we are a small operation, this assembly offers maximum sound dampening capabilities to ensure our neighbours don't hear us.”

## **Site Context:**

The subject property is approximately 5.32 ha in area and is situated on the south side of Princeton-Summerland Road. It is understood that the parcel is comprised of vacant land.

The surrounding pattern of development is generally characterised by rural residential enclave of small holdings parcels surrounded by undeveloped resource area.

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**Background:****Parcel Information**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on October 26, 1976, while available Regional District records indicate that building permits have not previously been issued for this property.

BC Assessment has classified the property as “Residential” (Class 01).

On February 27, 2020, the Ministry of Transportation and Infrastructure (MoTI) referred a proposed three (3) lot subdivision involving the subject property to the Regional District for compliance with any applicable RDOS land use bylaws.

**Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2790, 2018**

Under the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2790, 2018, the subject property is currently designated Small Holdings (SH), and a small portion is the subject of an Environmentally Sensitive Development Permit (ESDP) Area designation.

The Electoral Area “F” OCP Bylaw contains the following applicable objectives and policies:

- Faulder/Meadow Valley Policies – Discourages subdivision of properties in order to maintain the rural character of the area (Section 7.3.1.3);
- Rural Holdings – General Policies – Supports home industry uses only on lands designated Large Holdings (LH) that are larger than 2 ha in size, provided the uses are compatible with the surrounding rural character (Section 10.3.2);
- Rural Holdings – General Policies – Protects and conserves agriculturally productive land, and environmentally sensitive areas within designated Small Holdings areas (Section 10.3.5);
- Rural Holdings – Small Holdings Policies – Supports a range of uses including rural residential and other uses that fit within the rural character of the surrounding area (Section 10.5.1); and
- General Commercial Policies – Directs major office, service and general business commercial uses to Primary Growth Areas such as City of Penticton or District of Summerland (Section 12.3.3).

**Electoral Area “F” Zoning Bylaw No. 2461, 2008**

Under the Electoral Area “F” Zoning Bylaw No. 2461, 2008, the property is currently zoned Small Holdings Three (SH3) which does not allow a home industry as an accessory use.

The following zones under the Electoral Area “F” Zoning Bylaw allow for home industry as an accessory use, subject to regulations: Resource Area (RA), Agriculture Two Zone (AG2), Agriculture Three Zone (AG3), Large Holdings (LH) and Small Holdings Two (SH2).

Home industry use includes commercial uses that are accessory to the principal residential use and may include manufacturing of goods and materials, including a woodworking shop.

Home industries in all zones are subject to several regulations, including a minimum parcel area of 2.0 ha, limit of two (2) non-resident employees, and maximum floor area of 200 m<sup>2</sup>.

**Analysis:**

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In considering the designation change from SH3 to SH2s, Administration notes that the application aligns with the Electoral Area “F” OCP Bylaw by increasing the minimum lot size from 1.0 ha to 2.0 ha, which discourages further subdivision in the Faulder area (Section 7.3.1.2), generally aligns with supporting home industry on large holdings parcels larger than 2 ha (Section 10.3.2) and is located away from Environmentally Sensitive Areas (Section 10.3.5).

The Faulder area contains Resource Area (RA) and Small Holdings Two (SH2) parcels that permit home industry uses and other small scale businesses such as hobby farms, home occupations and convenience stores, in addition to smaller SH3 parcels.

Although the SH2 zone also introduces broader permissions for other uses, including additional rural uses (equestrian centre, forestry), institutional uses (community hall, church) and home industries that are not permitted on surrounding SH3 parcels to the north and east, these uses are consistent with permissions of other rural holdings parcels of similar size, permissions of the RA designated parcel to the west and south, and are considered generally compatible with the surrounding rural character.

Home industry uses that are compatible with the surrounding rural character are supported on lands designated as Large Holdings (LH) that are larger than 2.0 ha in size.

In this instance, the proposed 3.3 ha parcel far exceeds the minimum lot size standard for a home industry and is designated Small Holdings.

The OCP policies for Small Holdings designations allow for other uses that fit within the rural character of the surrounding area (Section 10.5.1), and provision of home industry is further supported by the inclusion of this use in the SH2 zone.

There is concern that introducing a home industry into a small holdings (SH3) enclave would create expectation for other commercial uses in the area. However, of the parcels that do not already allow for this use (i.e. SH3 zone), the vast majority of parcels in this area do not have sufficient lot area.

Administration also has concerns that introduction of a commercial use into an area that is primarily rural residential may create additional noise, dust, fire risk, traffic and impacts to streetscape (i.e. outdoor storage) that could impact neighbouring properties.

In this instance, the woodworking shop, including all building materials and finished products, are proposed to be entirely within a 300 m<sup>2</sup> sound-dampened building to be located an area designated as Low Risk in the Community Wildfire Protection Plan.

To this end, a restrictive covenant could be utilized to ensure the proposed mitigation measures for noise are kept to a high standard of sound dampening measures. It can also be used to prohibit outdoor storage of materials to ensure no negative impacts to the streetscape and that all associated storage and business activities are fully contained.

To be consistent with general commercial policies that direct major commercial uses to Primary Growth Areas (Section 12.3.3), a home industry must be limited in scale and operations.

Although additional floor area is requested in this instance, the proposed woodworking studio is limited in operations by other provisions for home industry use (i.e. carried on by an on-site resident, limited number of non-resident employees (2), limited retail sales, etc.) and the entire operation is contained within a 300 m<sup>2</sup> to limit the scale of operations while providing adequate indoor storage for materials and finished products that are specific to a woodworking shop.

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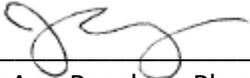
Conversely, Administration recognises that it is not generally considered good planning practice to allow “spot zoning”. “Spot zoning” is a non-comprehensive approach to zoning that introduces discrepancies between permitted uses within a specific area.

The proposed zoning would introduce a site-specific home industry into a rural residential area in perpetuity. It may introduce competing interests between operating a home industry and residential uses.

Further, allowing commercial uses, even limited commercial uses in the form of home industries, in rural areas does not support commercial growth in Primary Growth Areas, like the District of Summerland and enables relocation of a business from the District of Summerland to a rural area.

In summary, Administration generally supports the proposed zoning amendment bylaw, provided measures are put in place to ensure the home industry is fully contained within a sound-dampened building.

**Respectfully submitted:**



JoAnn Peachey, Planner I

**Endorsed By:**



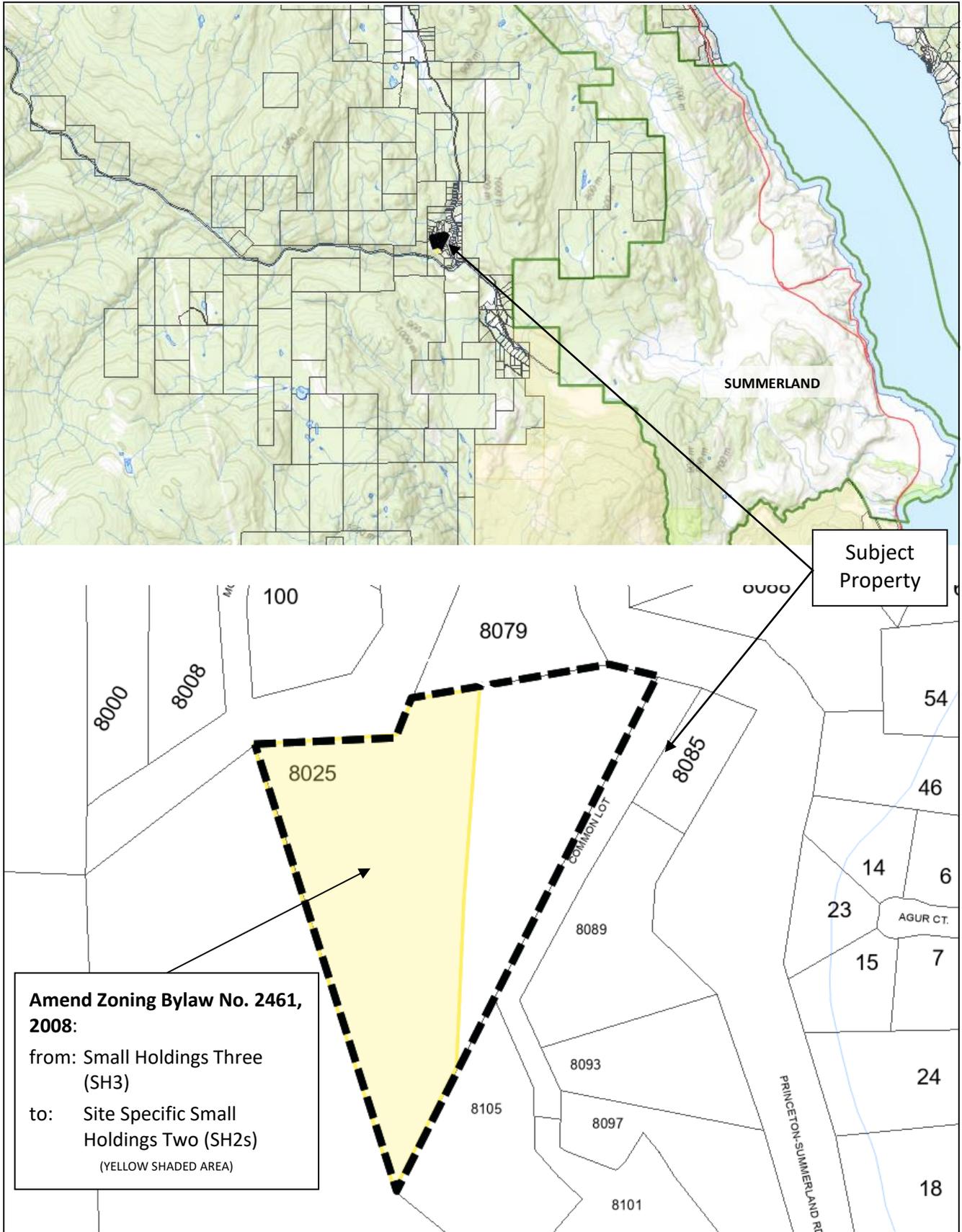
C. Garrish, Planning Manager

Attachments: No. 1 – Context Maps

No. 2 – Applicant’s Site Plan

No. 3 – APC Member Feedback Form

Attachment No. 1 – Context Maps





**APC Member Feedback Form, prepared by RDOS, under separate attachment**