

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: June 4, 2020
RE: Zoning Bylaw Amendment – Electoral Area “F”

Administrative Recommendation:

THAT Bylaw No. 2461.14, 2020, Electoral Area “F” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of July 16, 2020;

AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*;

AND THAT a statutory covenant be registered on title prior to bylaw adoption to ensure the home industry operations are fully contained and within a sound-dampened building.

Purpose: To permit a home industry with a 300 m² floor area

Owners: Plateau Rousseau Estates, Inc. Agent: John Rousseau Folio: F-07241.090

Civic: 8025 Princeton-Summerland Rd Legal: Lot 10, Plan 27332, DL 2893, ODYD, Except Plan KAP27332

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

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

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to accommodate a 300 m² 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 m² to 300 m².

In support of the rezoning, the applicant has stated that:

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.

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.

OCP Bylaw:

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.

Zoning Bylaw:

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.

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, 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 200.0 m².

Miscellaneous:

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.

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

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 metres of a controlled access highway (i.e. Highway 97 & 3).

Public Process:

In accordance with Section 5.5 of the Development Procedures Bylaw, public information meeting and referral to an Advisory Planning Commission requirements are waived during the provincial state of emergency declaration in relation to COVID-19.

As such, a public information meeting was not held and the rezoning application has not been reviewed by the Electoral Area “F” APC. However, Electoral Area “F” APC members were invited to comment individually on the application and early notification was provided to adjacent property owners.

Analysis:

In considering this proposal, Administration notes that the applicant is proposing to create a 3.3 ha parcel in order to accommodate the proposed “home industry” use and that this is consistent with the OCP Bylaw, which requires a minimum 2.0 ha parcel area for a home industry, discourages further subdivision in the Faulder area (Section 7.3.1.2), and discourages such uses on environmentally sensitive lands (Section 10.3.5).

Although the requested SH2 Zone permits a wider range of uses than does the current SH Zone, these uses are consistent with permissions of other rural holdings parcels of similar size and are considered generally compatible with the surrounding rural area.

While there is concern that introducing a home industry into this neighbourhood could create expectations for other commercial uses, it is noted that a majority of the parcels do not have sufficient parcel area (i.e. they are less than 2.0 ha in 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.

The applicant is proposing, however, that the woodworking shop, including all building materials and finished products, are proposed to be entirely within a 300 m² sound-dampened building to be located an area designated as Low Risk in the Community Wildfire Protection Plan and with a Noise Bylaw in effect.

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, thereby introducing potential competing interests between a home industry and residential uses.

Further, allowing commercial uses 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.

However, the proposed woodworking studio is limited in operations by other provisions for home industry use and has provided mitigation measures to ensure that all home industry activities are contained within a sound-dampened building.

In summary, Administration supports the proposed zoning amendment bylaw, provided a restrictive covenant is registered prior to bylaw adoption to ensure the home industry is fully contained and within a sound-dampened building.

Alternatives:

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1. THAT Bylaw No. 2461.14, 2020, Electoral Area “F” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of the public hearing be delegated to Director Gettens, or their delegate;

AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Gettens;

AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

2. THAT Bylaw No. 2461.14, 2020, Electoral Area “F” Zoning Amendment Bylaw be read a first and second time;

AND THAT pursuant to section 464 of the Local Government Act, the Regional District Board resolves to waive the holding of a public hearing for Bylaw No. 2461.14, 2020, Electoral Area “F” Zoning Amendment Bylaw;

AND THAT pursuant to sub-section 467 of the Local Government Act, staff give notice of the waiving of the public hearing for Bylaw No. 2461.14, 2020, Electoral Area “F” Zoning Amendment Bylaw.

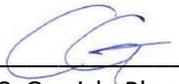
3. THAT Bylaw No. 2461.14, 2020, Electoral Area “F” Zoning Amendment Bylaw be deferred; or
4. THAT first reading of Bylaw No. 2461.14, 2020, Electoral Area “F” Zoning Amendment Bylaw be, be denied.

Respectfully submitted:



JoAnn Peachey, Planner I

Endorsed By:



C. Garrish, Planning Manager

Attachments: No. 1 – Applicant’s Site Plan

No. 4 – Site Photo (Google Streetview)

Attachment No. 2– Site Photo (Google Streetview)

