



Agricultural Land Commission

201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000 | Fax: 604 660-7033
www.alc.gov.bc.ca

May 13, 2021

Reply to the attention of Sara Huber
ALC Planning Review: 46772
Local Government File: X2021.005-ZONE

Chris Garrish
Planning Manager, RDOS
planning@rdos.bc.ca

Re: Regional District of Okanagan Similkameen Electoral Area A, C, D, E, F, G, and I Zoning Amendment Bylaw No. 2932, 2021

Thank you for forwarding a draft copy of Regional District of Okanagan Similkameen (RDOS) Electoral Area A, C, D, E, F, G, and I Zoning Amendment Bylaw No. 2932, 2021 (the “Amendment Bylaw”) for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Amendment Bylaw is consistent with the purposes of the *ALC Act*, the Agricultural Land Reserve (ALR) General Regulation, the ALR Use Regulation, and any decisions of the ALC.

The Amendment Bylaw proposes to increase the maximum permitted floor area for secondary suites and accessory dwellings from 90 m² to 125 m² in order to allow for units which can accommodate families (with a third bedroom).

In 2018, the British Columbia Building Code (BCBC) was revised to remove the size limitation for secondary suites to be a maximum of 90 m² or 40% of the habitable space of the building. Local governments are now able to determine appropriate sizes for secondary suites in their community.

Section 31 of the ALR Use Regulation permits secondary suites if there is one suite only and the suite is located in the principal residence. Recognizing that secondary suites are permitted within the ALR, ALC staff generally do not object to the Amendment Bylaw. That being said, ALC staff have some concern about the lack of requirement for the secondary suite to be proportional in size to the principal residence. Without requiring the secondary suite to be smaller than the principal residence, it is possible that a landowner may construct a building which is essentially a duplex, a use which is not permitted without approval of the ALC. ALC staff recommend including a requirement that the secondary suite be proportion to the size of the principal residence and suggest it be limited to one third of the principal residence.

Regarding accessory dwellings, currently there is only one residence permitted within the ALR, with the possibility of a manufactured home up to 9 m in width for the owner or the owner’s immediate family. However, the Ministry of Agriculture, Food, and Fisheries (AFF) is currently pursuing proposed regulatory amendments to increase “residential flexibility” in the ALR. As such, ALC staff do not object to the inclusion of the accessory dwelling provision at this time but advise that in future the Zoning Bylaw should be updated to reflect what is permitted in the revised ALR Use Regulation.

The ALC strives to provide a detailed response to all referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any decisions of the Commission.

This response does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

If you have any questions about the above comments, please contact the undersigned at 236-468-3258 or by e-mail (Sara.Huber@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to be 'Sara Huber', written in a cursive style.

Sara Huber, Regional Planner

Enclosure: Referral of RDOS X2021.005-ZONE

CC: Ministry of Agriculture – Attention: Alison Fox (Alison.Fox@gov.bc.ca)

46772m1



Interior Health
Every person matters

May 25, 2021

Regional District of Okanagan-Similkameen
101 Martin Street,
Penticton, BC, V2A-5J9

<mailto:planning@rdos.bc.ca>

Dear Regional District of Okanagan-Similkameen:

RE: File #: X2021.005-ZONE
Our interests are unaffected

The IH Healthy Built Environment (HBE) Team has received the above captioned referral from your agency. Typically we provide comments regarding potential health impacts of a proposal. More information about our program can be found at [Healthy Built Environment](#).

An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this proposal.

However, should you have further concerns, please return the referral to hbe@interiorhealth.ca with a note explaining your new request, or you are welcome to contact me directly at 1-855-744-6328 then choose HBE option.

Sincerely,

Mike Adams, CPHI(C)
Team Leader, Healthy Communities
Interior Health Authority

Lauri Feindell

Subject: FW: RDOS-New Bylaw - Secondary/Auxiliary Dwelling Bylaw 2932

>

Sent: May 14, 2021 7:50 AM

To: Karla Kozakevich <kkozakevich@rdos.bc.ca>

Subject: RDOS-New Bylaw - Secondary/Auxiliary Dwelling Bylaw 2932

Karla

Good morning, we want to applaud the RDOS for the initiative of increasing the size of secondary/auxiliary home to 125 m2 from 90 m2.

We strongly urge the RDOS to use the appropriate resources to complete the process and to bring this bylaw into effect at its earliest opportunity.

Warm regards

Randy Kowalchuk

Randy@NaramataBenchlands.com