

TO: Planning & Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: April 5, 2018

RE: Zoning Bylaw Amendment – Electoral Area “A”
“Regal Ridge” Site Specific Zoning Review

Administrative Recommendation:

THAT staff be directed to initiate the Regal Ridge Site Specific Zoning Amendment Bylaw No. 2451.23, 2018.

Purpose:

Amendment Bylaw No. 2451.23 seeks to amend the Electoral Area “A” Zoning Bylaw No. 2451, 2008, in order to remove a number of site specific zoning regulations that relate to the Large Holdings One (LH1), Small Holdings Two (SH2) and Conservation Area (CA) Zones at “Regal Ridge” on Anarchist Mountain. This amendment relates to the work being undertaken on the preparation of a single Okanagan Valley Electoral Area Zoning Bylaw.

Background:

At its meeting of October 16, 2008, the Board considered an [Administrative Report](#) proposing the creation of a single Electoral Area Zoning Bylaw and directed staff to investigate the preparation of such a bylaw. The 2018 Business Plan includes a direction to “continuously improving bylaws, policy and process within the organization ...”

In anticipation of bringing forward a draft zoning bylaw for consideration by the Board, a series of amendment bylaws (by zone category) will be presented over the coming months intended to update various zones and facilitate their eventual consolidation in a new bylaw.

At its meeting of July 20, 2017, the Planning and Development (P&D) Committee of the Board considered an Administrative Report related to an updating of the Commercial Zones in the Okanagan Valley Electoral Area zoning bylaws.

In undertaking further work on this review of the Commercial zones – including existing site specific regulations at “Regal Ridge” – Administration identified further site specific regulations that were either redundant (i.e. no longer reflected in more recent Board policy directions) or represented significant overlap with other existing zones. To address these, Draft Amendment Bylaw 2451.23 has been prepared.

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) will be required prior to adoption as the proposed amendments involve lands within 800 metres of a controlled access highway.

Public Process:

On February 15, 2018, the Regional District sent letters to all registered property owners with land zoned SH1 advising of the proposed changes to the land use bylaws and seeking feedback. Approximately 17 feedback forms were returned and are included as a separate item on the Committee's Agenda.

Agency comments have been received from the Osoyoos Indian Band and the Regional District of Kootenay Boundary and these are included as a separate item on the Committee's Agenda.

Analysis:

Many of the site specific zoning regulations that are being proposed for deletion from the zoning bylaw were introduced during the subdivision of the "Regal Ridge" development between 2004-2008.

In the intervening years, the Regional District has updated a number of regulations in the Electoral Area "A" Zoning Bylaw as they relate to:

- hooked parcels;
- keeping of livestock and honeybees;
- modular homes (A277) and mobile homes (Z240);
- "1.0 ha Policy" (i.e. applied to minimum parcel size of Small Holdings Three (SH3) Zone); and
- permitted uses in Conservation Area (CA) Zone (undertaken as part of Environmentally Sensitive Development Permit Area update).

As a result, Administration considers many of the site specific zoning regulations that apply to parcels at "Regal Ridge" to have now become redundant or are no longer seen to be reflective of current Regional District Board land use policies and objectives and should not be carried forward into any new Okanagan Valley Zoning Bylaw.

Staff also note that the Regional Growth Strategy (RGS) Bylaw was adopted in 2010 and identified "Regal Ridge" as a Rural Growth Area. While staff are aware of some of the concerns expressed by residents regarding the proposed reduction in minimum parcel sizes from 1.25 ha in the SH2s Zone to 1.0 ha in the SH3 Zone and that this may result in a modest increase in density at "Regal Ridge", this is, nevertheless, seen to be consistent with the direction of the RGS.

With regard to concerns expressed about the allowance for mobile homes as a permitted form of dwelling type in the LH1 Zone, this was completed in 2016 as part of a separate review of the regulations governing the placement of modular and mobile homes in the various rural and residential zones. The direction provided by the Board at that time was that mobile homes be permitted in zones where the stated minimum parcel size was 4.0 ha, or greater, and the minimum parcel size in the LH1 Zone is 4.0.

With regard to the proposed deletion of the site specific regulation related to the keeping of livestock, Administration is proposing that this not be carried forward as it is not coherent in that it speaks to limiting the number of livestock to no more than two (2) animals on parcels greater than 2.0 ha in area despite the zoning bylaw allowing up to three (3) animals and 75 small livestock (i.e. chickens/rabbits) on parcels between 1.0 ha and 1.5 ha (and even more animals on parcels between 1.5 and 2.0 ha).

Alternative:

THAT the Board of Directors resolves to direct staff to not initiate the Regal Ridge Site Specific Zoning Amendment Bylaw No. 2451.23, 2018.

Respectfully submitted:


C. Garrish, Planning Supervisor

Endorsed by:


B. Dollevoet, Dev. Services Manager

- Attachments: No. 1 - Comparison of Current LH1s Zone vs. Proposed LH1 Zone
No. 2 - Comparison of Current SH2s Zone vs. Proposed SH3 Zone
No. 3 - Comparison of Current CAs Zone vs. Proposed CA Zone

Attachment No. 1 – Comparison of Current LH1s Zone vs. Proposed LH1 Zone

CURRENT LH1S ZONE	PROPOSED LH1 ZONE
<p>Permitted Uses: <u>Principal Uses:</u> agriculture; n/a n/a single detached dwellings; n/a <u>Accessory Uses:</u> n/a bed and breakfast operation; n/a home occupations; n/a n/a secondary suites; and accessory buildings and structures.</p>	<p>Permitted Uses: <u>Principal Uses:</u> agriculture; equestrian centres; forestry; single detached dwelling or mobile home; veterinary establishment; <u>Accessory Uses:</u> accessory dwelling or mobile home; bed and breakfast operation; home industries; home occupations; kennels; retail sales of farm and off-farm products; secondary suites; and accessory buildings and structures.</p>
<p>Minimum Parcel Size: 4.0 ha</p>	<p>Minimum Parcel Size: 4.0 ha</p>
<p>Minimum Parcel Width: Not less than 25% of parcel depth</p>	<p>Minimum Parcel Width: Not less than 25% of parcel depth</p>
<p>Maximum Number of Dwellings Per Parcel: a) one (1) principal dwelling; and b) one (1) secondary suite.</p>	<p>Maximum Number of Dwellings Per Parcel: a) one (1) principal dwelling; b) one (1) accessory dwelling (parcels 3.5 ha to 7.9 ha); c) one (1) secondary suite.</p>
<p>Minimum Setbacks: <u>Buildings and Structures:</u> front parcel line: 7.5 metres rear parcel line: 7.5 metres interior side parcel line: 4.5 metres exterior side parcel line: 7.5 metres <u>livestock shelters, equestrian centre, generator sheds, boilers or walls with fans, and on-farm soil-less medium production facilities:</u> front parcel line: 15.0 metres rear parcel line: 15.0 metres interior side parcel line: 15.0 metres exterior side parcel line: 15.0 metres <u>Incinerator or compost facility:</u> front parcel line: 30.0 metres rear parcel line: 30.0 metres interior side parcel line: 30.0 metres exterior side parcel line: 30.0 metres</p>	<p>Minimum Setbacks: <u>Buildings and Structures:</u> front parcel line: 7.5 metres rear parcel line: 7.5 metres interior side parcel line: 4.5 metres exterior side parcel line: 7.5 metres <u>livestock shelters, equestrian centre, generator sheds, boilers or walls with fans, and on-farm soil-less medium production facilities:</u> front parcel line: 15.0 metres rear parcel line: 15.0 metres interior side parcel line: 15.0 metres exterior side parcel line: 15.0 metres <u>Incinerator or compost facility:</u> front parcel line: 30.0 metres rear parcel line: 30.0 metres interior side parcel line: 30.0 metres exterior side parcel line: 30.0 metres</p>
<p>Maximum Height: 10.0 metres</p>	<p>Maximum Height: 10.0 metres</p>
<p>Maximum Parcel Coverage: 15%</p>	<p>Maximum Parcel Coverage: a) 35% for parcels less than 2,500 m² in area; b) 20% for parcels greater than 2,500 m² and less than 2.0 ha in area; and c) for parcels greater than 2.0 ha in area: i) 10%; and ii) 75% for greenhouse uses.</p>

Attachment No. 2 – Comparison of Current SH2s Zone vs. Proposed SH3 Zone

CURRENT SH2S ZONE	PROPOSED SH3 ZONE
<p>Permitted Uses: <u>Principal Uses:</u> agriculture; single detached dwellings; <u>Accessory Uses:</u> bed and breakfast operation; home occupations; secondary suites; and accessory buildings and structures.</p>	<p>Permitted Uses: <u>Principal Uses:</u> agriculture; single detached dwelling; <u>Accessory Uses:</u> bed and breakfast operation; home occupations; secondary suites; and accessory buildings and structures.</p>
<p>Minimum Parcel Size: 1.25 ha</p>	<p>Minimum Parcel Size: 1.0 ha</p>
<p>Minimum Parcel Width: Not less than 25% of parcel depth</p>	<p>Minimum Parcel Width: Not less than 25% of parcel depth</p>
<p>Maximum Number of Dwellings Per Parcel: a) one (1) principal dwelling; and b) one (1) secondary suite.</p>	<p>Maximum Number of Dwellings Per Parcel: a) one (1) principal dwelling; and b) one (1) secondary suite.</p>
<p>Minimum Setbacks: <u>Buildings and Structures:</u> front parcel line: 7.5 metres rear parcel line: 4.5 metres interior side parcel line: 4.5 metres exterior side parcel line: 4.5 metres <u>Accessory buildings and structures:</u> front parcel line: 7.5 metres rear parcel line: 4.5 metres interior side parcel line: 4.5 metres exterior side parcel line: 4.5 metres <u>livestock shelters, equestrian centre, generator sheds, boilers or walls with fans, and on-farm soil-less medium production facilities:</u> front parcel line: 15.0 metres rear parcel line: 15.0 metres interior side parcel line: 15.0 metres exterior side parcel line: 15.0 metres <u>Incinerator or compost facility:</u> front parcel line: 30.0 metres rear parcel line: 30.0 metres interior side parcel line: 30.0 metres exterior side parcel line: 30.0 metres</p>	<p>Minimum Setbacks: <u>Buildings and Structures:</u> front parcel line: 7.5 metres rear parcel line: 4.5 metres interior side parcel line: 4.5 metres exterior side parcel line: 4.5 metres <u>Accessory buildings and structures:</u> front parcel line: 7.5 metres rear parcel line: 4.5 metres interior side parcel line: 4.5 metres exterior side parcel line: 4.5 metres <u>livestock shelters, equestrian centre, generator sheds, boilers or walls with fans, and on-farm soil-less medium production facilities:</u> front parcel line: 15.0 metres rear parcel line: 15.0 metres interior side parcel line: 15.0 metres exterior side parcel line: 15.0 metres <u>Incinerator or compost facility:</u> front parcel line: 30.0 metres rear parcel line: 30.0 metres interior side parcel line: 30.0 metres exterior side parcel line: 30.0 metres</p>
<p>Maximum Height: 10.0 metres</p>	<p>Maximum Height: 10.0 metres</p>
<p>Maximum Parcel Coverage: 15%</p>	<p>Maximum Parcel Coverage: 20%</p>
<p>Minimum Building Width: Principal Dwelling Unit: 5.0 metres as originally designed and constructed.</p>	<p>Minimum Building Width: Principal Dwelling Unit: 5.0 metres as originally designed and constructed.</p>
<p>Keeping of Livestock: No more than two livestock on parcels greater than 2.0 ha.</p>	<p>Keeping of Livestock: <i>Not applicable</i> [to be governed by Section 7.23 – Keeping of Livestock and Honeybees]</p>

Attachment No. 3 – Comparison of Current CAs Zone vs. Proposed CA Zone

CURRENT CONSERVATION AREA SITE SPECIFIC (CAs) ZONE	PROPOSED CONSERVATION AREA (CA) ZONE
<p>Permitted Uses: <u>Principal Uses:</u>* conservation area, restricted to hiking trails, cross-country ski trails and horse back riding trails; <u>Accessory Uses:</u>* interpretative centre.</p>	<p>Permitted Uses: <u>Principal Uses:</u> conservation area; <u>Accessory Uses:</u> interpretative centre; accessory dwelling; and accessory buildings and structures.</p>
<p>Minimum Parcel Size: <i>Not applicable</i></p>	<p>Minimum Parcel Size: <i>Not applicable</i></p>
<p>Minimum Parcel Width: <i>Not applicable</i></p>	<p>Minimum Parcel Width: <i>Not applicable</i></p>
<p>Maximum Number of Dwellings Per Parcel: a) one (1) accessory dwelling</p>	<p>Maximum Number of Dwellings Per Parcel: one (1) accessory dwelling</p>
<p>Minimum Setbacks: <u>Buildings and Structures:</u> front parcel line: 7.5 metres rear parcel line: 7.5 metres interior side parcel line: 4.5 metres exterior side parcel line: 7.5 metres</p>	<p>Minimum Setbacks: <u>Buildings and Structures:</u> front parcel line: 7.5 metres rear parcel line: 7.5 metres interior side parcel line: 4.5 metres exterior side parcel line: 4.5 metres</p>
<p>Maximum Height: <i>Not applicable</i></p>	<p>Maximum Height: <i>Not applicable</i></p>
<p>Maximum Parcel Coverage: 5%</p>	<p>Maximum Parcel Coverage: 5%</p>