

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: February 20, 2025
RE: Development Variance Permit Application — Electoral Area “I” (I2025.001-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. I2025.001-DVP, to allow for the construction of an equestrian centre at 788 Sheep Creek Road, be approved.

Legal: Lot A, Plan KAP65129, District Lot 3186, SDYD Folio: I-07104.070

OCP: Large Holdings (LH) Zone: Large Holdings One (LH1)

Variance Request: To reduce the minimum interior side parcel line setback from 15.0 metres to 4.725 metres

Proposed Development:

To seek a variance to the interior side parcel line setback for an accessory structure that applies to the subject property in order to formalize an existing covered outdoor equestrian centre (e.g. horse-riding arena).

Specifically, it is being proposed to vary the minimum interior side parcel line setback for an Equestrian Centre from 15.0 metres to 4.725 metres.

In support of this request, the applicant has stated that “... strict compliance [with the Land Use Bylaw] is unreasonable. The minimum side setback (4.5m) for a parcel of this size is still being maintained as per 14.15.(a)(iii) .”

Site Context:

The subject property is approximately 4.0 ha in area and is situated on the east side of Sheep Creek Road. The property is currently developed with a principal dwelling unit, and several accessory buildings.

The surrounding pattern of development is characterised by similar rural residential and conservation properties.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on August 31, 1999, while BC Assessment has classified the property as part “Residential” (Class 01), and part “Farm” (Class 09).

Available Regional District records indicate that a building permit for converting an accessory building or structure into an accessory dwelling unit (2019).

Under the Electoral Area “1” Official Community Plan (OCP) Bylaw No. 2683, 2025, the subject property is currently designated Large Holdings (LH), and is the subject of an Environmentally Sensitive Development Permit (ESDP) Area designation.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2024, the property is currently zoned Large Holdings Once (LH1) which lists equestrian centres as a permitted principal use.

Bylaw Enforcement:

On October 16, 2023, the property owner was advised that it was observed that an accessory structure (e.g. equestrian centre) was being constructed on the property and that work was ordered to be stopped as a valid building permit has not been issued for the structure.

On January 5, 2024, the property owner was advised that as a building permit application had not yet been submitted to the Regional District, the matter would be referred to the Board for possible enforcement action.

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted, in accordance with Section 2.10 of Schedule ‘4’ of the Regional District’s Development Procedures Bylaw No. 2500, 2011, until 4:30 p.m. on February 3, 2025. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

The current zoning regulations requiring that equestrian centres and livestock shelters be setback at least 15.0 metres from a parcel line is based on guidelines produced by the Ministry of Agriculture to mitigate the potential for conflict between agricultural and residential uses.

The Ministry advises that appropriate setback distances are seen to mitigate against such conflicts as they “can help prevent nuisance [complaints], protect natural resources, and safeguard human health. On the other hand, excessive setbacks can present serious challenges to farming operations. The [Ministry’s standards] seek to strike a balance by recommending setbacks that are large enough to reduce conflict between uses while still being reasonable and economical for farm operations.”

Of note, the Regional District has been applying the Ministry standards through its Electoral Area Zoning Bylaws since 1998 and undertook a major update in 2017 that resulted in the setbacks for equestrian centres and livestock shelters being reduced from 30.0 metres to the current 15.0 metres – in accordance with revised standards published by the Ministry.

In the context of the subject property, it is noted that the use of surrounding parcels is generally for rural-residential / agricultural purposes and that the nearest dwelling unit (other than the applicant’s) is over 180 metres from the equestrian centre/livestock shelter.

it is recognized, however, that the adjoining parcel to the south is currently vacant and it is unknown where a dwelling unit may be developed on this property in future.

It is further noted that reducing the setback has allowed the applicant to maintain additional space for the purposes of a horse paddock.

Alternative:

Conversely, Administration recognises that proposed structure is not fixed to the ground by a permanent foundation, and there is space on the subject property to relocate the structure in compliance with bylaw.

Summary:

In summary, and for the reasons outlined above, Administration is recommending in favour of the requested variances.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

The proposed variance(s) have been notified in accordance with the requirements of the *Local Government Act* as well as the Regional District's Development Procedures Bylaw No. 2500, 2011.

Alternative:

1. That the Board deny Development Variance Permit No. I2025.001-DVP.

Respectfully submitted:


Jerritt Cloney
Jerritt Cloney
Planner I

Endorsed By:



C. Garrish
Senior Manager of Planning

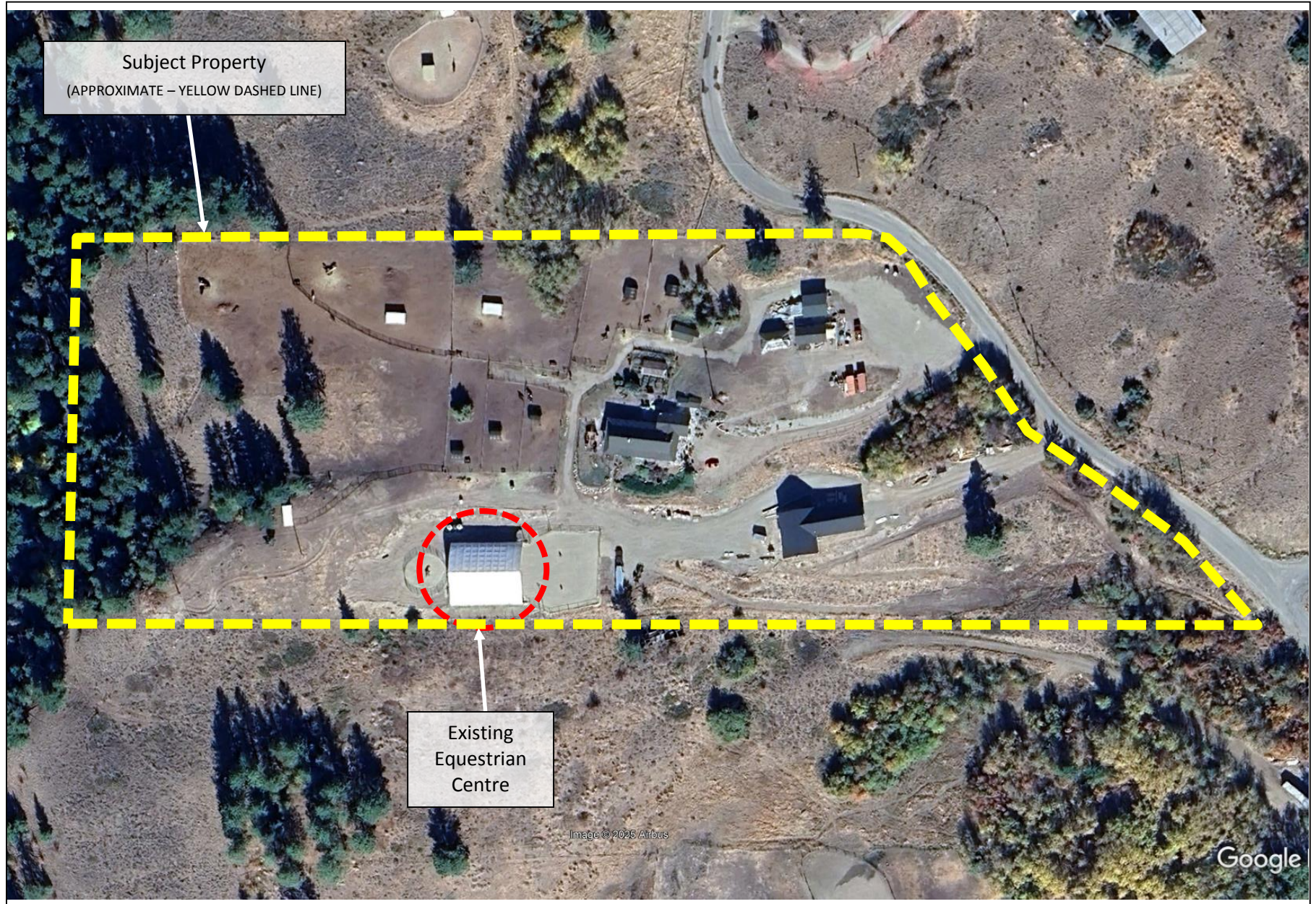
Endorsed By:



A. Fillion
Managing Director, Dev. & Infrastructure

Attachments: No. 1 – No. 1 – Site Photo (Google Earth)
No. 2 – No. 2 – Site Photos (Building Inspection)

Attachment No. 1 – Site Photo (Google Earth)



Attachment No. 2 – Site Photos (Building Inspection)



Subject Accessory Building, looking North (Photo taken October 16, 2023)



Subject Accessory Building, looking South (Photo taken October 16, 2023)