

TO: Board of Directors

File No: 23-0579-B-TA

FROM: Planning Department

Date: June 9, 2023

SUBJECT: Second Dwellings in the Agricultural Land Reserve

RECOMMENDATION:

That Zoning Text Amendment Bylaw No. 2963, 2023 be given First, Second and Third Readings.

SUMMARY:

Given the exciting outcome of the second residence design competition, public demand for housing options and as the Zoning Bylaw Review is taking more time than expected due to comments received from referral agencies, staff recommend that Zoning Bylaw 1888 be amended to reflect the current Agricultural Land Reserve (ALR) Regulations related to the size of a second residence and removing the requirement for farm status.

DISCUSSION:

In December 2022, the Board directed staff to initiate a second residence design competition. In follow up to the Board's direction, the Regional District, in collaboration with the City of Armstrong, City of Enderby, Village of Lumby, Township of Spallumcheen and City of Vernon, hosted the Secondary Dwelling Design Competition. There were a total of 69 unique submissions between the two categories. The design review panel chose a total of 15 designs to be available for purchase: 4 'One Storey' and 4 'Two Storey' designs to win cash prizes and 7 additional designs to be available for purchase. As required by the competition's Terms of Reference, all of the designs are 90 m² or less. The pre-approved plans are now available for sale from the Regional District.

For properties within the Regional District which are not within the ALR, all of the second residence designs which are available for purchase would be permitted provided the property is zoned Country Residential (C.R), Non-Urban (N.U) or Large Holdings (L.H) and provided:

1. The property is at least 2 ha in size; and
2. There is no other additional residence on the property.

However, for properties within the Regional District which are within the ALR, only three of the designs available would currently be permitted as in addition to the above noted regulations, properties within the ALR are also subject to the following zoning restrictions:

1. The gross floor area of the ancillary dwelling is limited to 75 m²; and
2. The property must be classified as "farm" under the *BC Assessment Act*.

The current RDNO Zoning Bylaw does not reflect changes to the ALR Use Regulation which came into effect in January 2022 as the Agricultural Land Commission (ALC) now permits second residences up to 90 m² on properties where the principle residence is no more than 500 m² and there is no requirement for farm status.

The ongoing Zoning Bylaw Review proposes to align the new Zoning Bylaw with the ALC Regulations, among various other changes. As such, staff have not previously brought forward a Bylaw Amendment in this regard. Given the exciting outcome of the design competition, public demand for housing options and as the Zoning Bylaw Review is taking more time than expected due to comments received from agencies such as the Ministry of Transportation, Agricultural Land Commission and Ministry of Agriculture, staff recommend that Zoning Bylaw 1888 be amended to reflect the current ALC Regulations related to the size of a second residence and removing the requirement for farm status.

Notice of First Reading of Zoning Amendment Bylaw No. 2963

In accordance with the Development Application Procedures and Administrative Fees Bylaw No. 2677, Section 467 [Notice if public hearing not held] of the *Local Government Act* and Public Notice Bylaw No. 2931, notice has been provided as outlined below to advise that Bylaw No. 2963 would be considered by the Board of Directors for First Reading on June 21, 2023:

- a Notice was posted in the Public Notice section of the RDNO website on June 13, 2023;
- a Notice was distributed through the RDNO Public Notice email subscription group on June 13, 2023;
- a Notice was posted to the RDNO Facebook page on June 15, 2023; and
- a Notice was placed in the weekly RDNO advertisement on June 15, 2023.

It is recommended that Zoning Amendment Bylaw No. 2963 be given First, Second and Third Readings as notice of the Board's consideration of the Bylaw has been completed. Bylaw No. 2963 may be adopted at a future meeting once the Ministry of Transportation has signed the Bylaw. As the proposed changes are consistent with the Official Community Plans for all of the Electoral Areas, a Public Hearing is not required.

Submitted by:



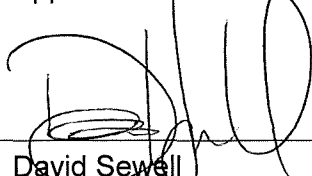
Jennifer Miles, RPP, MCIP
Planner II

Reviewed and endorsed by:



Rob Smalles, RPP, MCIP
General Manager, Planning and Building

Approved for Inclusion:



David Sewell
Chief Administrative Officer

REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 2963

A bylaw to amend the text of Zoning Bylaw No. 1888, 2003

WHEREAS pursuant to Section 479 [Zoning bylaws] of the *Local Government Act*, the Board of the Regional District of North Okanagan may, by Bylaw, divide the whole or part of the Regional District into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

AND WHEREAS the Board has created zones, named each zone, established boundaries for these zones and regulated uses within those zones by Bylaw No. 1888, being the “*Regional District of North Okanagan Zoning Bylaw No. 1888, 2003*” as amended;

AND WHEREAS, pursuant to Section 460 [*Development approval procedures*] of the *Local Government Act*, the Board must, by bylaw, define procedures under which an owner of land may apply for an amendment to a Zoning Bylaw and must consider every application for an amendment to the bylaw;

AND WHEREAS the Board is desirous to amend the text of *Regional District of North Okanagan Zoning Bylaw No. 1888, 2003*;

NOW THEREFORE, the Board of Directors of the Regional District of North Okanagan, in open meeting assembled, enacts as follows:

A. CITATION

This Bylaw may be cited as the “**Zoning Text Amendment Bylaw No. 2963, 2023**”.

B. AMENDMENTS

1. That Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 is hereby amended as follows:
 - a. Section 410.2.a is amended by deleting this section in its entirety.
 - b. Section 410.2.b is amended by replacing the words “75 m² (807.3 square feet)” with “90 m² (968 square feet)”.

Advertised on	this	13 th	day of	June , 2023
Read a First, Second and Third Time	this		day of	, 2023
Approved by Minister of Transportation and Infrastructure (Transportation Act s. 52(3))	this		day of	, 2023

ADOPTED

this

day of

, 2023

Chair

Deputy Corporate Officer