



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Board Report

Date of Report: July 5, 2019
Date of Meeting: July 18, 2019
Type of Meeting: Regular Open Board Meeting
Author: Dana Hawkins, Planner
Subject: LAND USE AMENDMENT Z1903K - SCOTT
File: 09/4600/20/2019/Z1903K -01344.400-SCOTT-BA000027

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to receive minutes of the public hearing held June 24th, 2019 and to consider third reading and adoption of land use amendments to the *Arrow Lakes Official Community Plan Bylaw No. 2022, 2009* and *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004*.

If successful, the proposed land use amendments would facilitate development of a winery with ancillary uses including: vineyards, a tasting area/lounge with outdoor patio, onsite sales, and wine manufacturing facilities.

- **OCP Designation:** From Rural Residential (R3) to Agriculture (AG)
- **Zoning Designation:** From Rural Residential K (R3K) to Agriculture 4 K (AG4K)

The report recommends that the proposed land use amendments be given third reading and adopted.

SECTION 2: BACKGROUND / ANALYSIS

GENERAL INFORMATION
Property Owners: Jerrold and Brenda Scott
Property Location: 890 Alexander Road, Nakusp
Legal Description: Lot A and an Undivided 1/3 Share in Lot D, District Lot 397 Kootenay District, Plan NEP92982 (PID 029-352-115)
Property Size: 1.9 hectares (4.7 acres)

RELEVANT INFORMATION

Site Context

The land subject to the land use amendment proposal is located at 890 Alexander Road outside the Village of Nakusp in Electoral Area 'K' of the Regional District of Central Kootenay. The land under application is 1.9 ha in site area and is used as a private residence. The subject property is serviced with on-site septic and a connection to the Village of Nakusp water system. The property is not within the

Agricultural Land Reserve nor any identified hazard areas. The applicant currently grows grapes on site, which are used to produce wine for personal use at an off site facility.

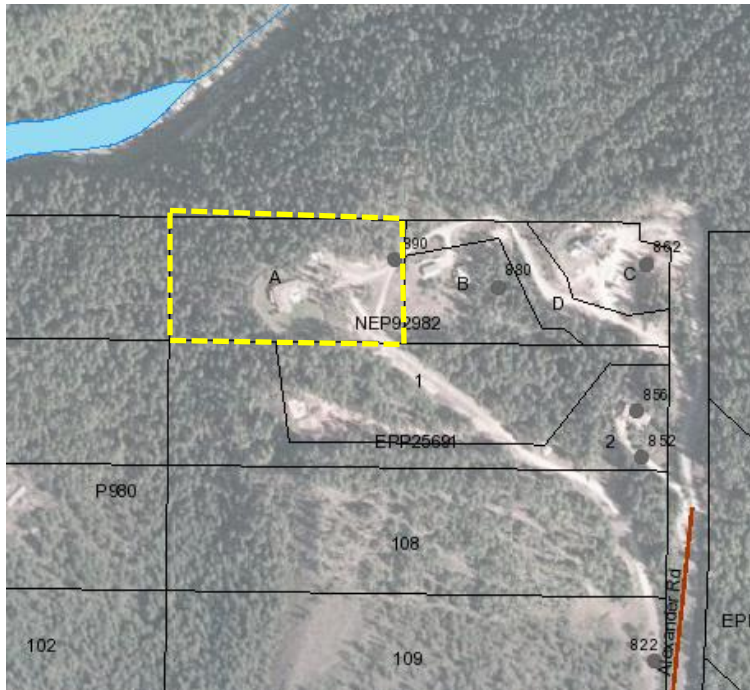


Figure 1: Location of Proposed Amendments

Land uses on adjoining properties are as follows:

Orientation	Zoning	Land Use
North	Open Space (OS)	Crown Land
West	Rural Residential K (R3K)	Vacant Lot
South	Rural Residential K (R3K)	Single Family Residential
East	Rural Residential K (R3K)	Single Family Residential; Shared access (Lot D)

Development Proposal

The applicant is proposing to operate a winery along side the existing residence at the subject property which would include: vineyards, wine manufacturing facilities, tasting area/lounge with outdoor patio, and onsite store. The vineyards are presently situated in the cleared eastward half of the property, and the manufacturing facilities, tasting area/lounge and onsite store are proposed to be located within the existing footprint of the single family home. The intent is for the existing residence to remain on site on the main floor of the dwelling. A Bed and Breakfast was previously situated in the ground floor of the dwelling. This use is no longer proposed.

To facilitate the winery the property owner has also applied to the Liquor and Cannabis Regulation Branch for a manufacturer licence with onsite store endorsement. If successful in having the property rezoned a

building permit would be required for the change of use.

PLANNING DEPARTMENT DISCUSSION

Public Hearing

A Public Hearing was held at the Nakusp Senior Citizen’s Hall in Nakusp B.C. on June 24th, 2019 and was attended by fourteen members of the public including the applicant. There were seven verbal submissions in support of the application, and two verbal submissions in opposition. Ten letters in support were received at the hearing. Further information is contained in the Public Hearing Minutes included as Attachment ‘A’.

Community Considerations

Many of the submissions in support of the application supported the winery as a way to diversify Nakusp’s economy from its main resource base and support its emerging tourism sector. The majority of the adjacent property owners submitted letters of support of the application indicating no concerns regarding impacts to their properties. The nearby land owners who spoke in opposition of the application cited concerns with traffic accessing the property through the existing easement, noise, and disturbance to wildlife and nature. The applicant indicated he would not offer business hours into the evening, and that he would speak to the neighbours about options for road maintenance for the shared easement.

Land Use Impacts

The proposed winery may have potential impacts to adjacent properties including: increased traffic, dust, noise, and visual impacts. The winery is proposed to be located in the existing single family dwelling located ~25 m from the southward property line and ~90 m from the eastward property line (the most affected neighbours). The tasting area/lounge is proposed at the rear of the house on the westward side facing the uncleared portion of the subject property. The applicant has advised that the vineyards are too small to use mechanized equipment for harvesting.

Of the most impactful uses - the potential future lounge or special events area – only a special events area endorsement application would require further Board approval. The ability to comment on maximum occupancy and hours of operation at the time of that application would be a useful tool in maintaining a small scale for the winery and reducing potential impacts to neighbouring properties. Staff have concerns about special event permits which may cause impact to neighbours by having noise potential or increased traffic for events such as weddings. Regional District of Central Kootenay Noise Control Bylaw No. 2443, 2015 is in effect for this area, which includes provisions against any person to cause any noise or sound in a private or public place that disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood.

Other possible uses in the Agriculture 4 K zone are not expected to cause negative impacts to neighbouring properties due to the large lot sizes, and setback regulations of the AG4K zone. The most impactful use permitted in the AG4K zone, Kennel, is not permitted on this lot due to it being slightly under 2.0 ha.

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Financial Plan Amendment:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Debt Bylaw Required:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Public/Gov’t Approvals req’d:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

The applicable fee for a Land Use Bylaw Amendment application was received in accordance with the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*.

b. Legislative Considerations (Applicable Policies and/or Bylaws):

A Public Hearing was held to allow for public comment on the proposed bylaw amendments in accordance with Section 464 of the *Local Government Act* on June 24th, 2019.

c. Environmental Considerations:

Environmental goals of the Area K Official Community Plan (OCP) include: *'protect the natural environment'* and *'ensure that development does not adversely harm or detract from identified wildlife corridors and areas with high wildlife and fisheries habitat value.'* Vineyards and fruit are an attractant to bears. The applicant has installed an electric fence around the vineyard. Staff have provided the applicant with best practices for farmers from the Bear Smart program which includes electric fencing and waste management.

d. Social Considerations:

Social goals of the OCP include: *'provide for safe, quiet, and attractive rural residential neighbourhoods that will satisfy the housing and social needs of all Arrow Lakes residents...'* and *'protect and enhance the unique "community character" of the unincorporated settlements within the rural plan area.'*

Potential land use impacts to adjacent properties may include: traffic, dust, noise and visual impacts.

e. Economic Considerations:

'Promote and enhance local food production through protection of viable agricultural lands and educational and marketing support to local producers.'

Many of the submissions received at the Public Hearing supported the winery as a way to diversify Nakusp's economy and support its emerging tourism sector.

f. Communication Considerations:

A Public Hearing was held as per Schedule 'D' of the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015* on June 24th, 2019. Please refer to the Minutes of the Public Hearing (see Attachment 'A').

g. Staffing/Departmental Workplan Considerations:

Upon receipt of an application accompanied by the required fees and attachments, Planning Department staff follows the 'Land Use Amendment Procedure' identified in Schedule 'D' of the *Regional District of Central Kootenay Planning and Procedures and Fees Bylaw No. 2457, 2015*.

h. Board Strategic Plan/Priorities Considerations:

This application falls under the operational role of Planning Services.

SECTION 4: OPTIONS & PROS / CONS

Summary

This application proposes amending the Official Community Plan (OCP) and the Zoning Bylaw to facilitate

a winery at the subject property. Staff are supportive of this application receiving 3rd reading and adoption. The proposed land use amendments align with the intent of the community objectives as stated in the OCP for agricultural lands approximately 2 hectares in area. “the Regional District will consider the designation of properties that do not meet the minimum lot size as agricultural on a case by case basis provided that the subject property’s primary use is that of agriculture or market gardens to diversify the local agricultural community and provide for enhanced food security.” The subject property is at the north end of a primarily rural residential neighbourhood, and impacts to adjacent properties should be carefully considered.

Option 1:

1. THAT *Regional District of Central Kootenay Amendment Bylaw No. 2674, 2019* being a bylaw to amend the *Arrow Lakes Official Community Plan Bylaw No. 2022, 2009* be read a THIRD time by content.
2. AND THAT *Regional District of Central Kootenay Amendment Bylaw No. 2674, 2019* being a bylaw to amend the *Arrow Lakes Official Community Plan Bylaw No. 2022, 2009* is hereby ADOPTED; AND FURTHER that the Chair and Corporate Officer be authorized to sign the same.
3. THAT *Regional District of Central Kootenay Amendment Bylaw No. 2675, 2019* being a bylaw to amend *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* be read a THIRD time by content.
4. AND THAT *Regional District of Central Kootenay Amendment Bylaw No. 2675, 2019* being a bylaw to amend *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* is hereby ADOPTED; AND FURTHER that the Chair and Corporate Officer be authorized to sign the same.

Pros:

- The application proposes a new agricultural use and economic opportunities near Nakusp.

Cons:

- The application may have potential impacts to nearby residential properties such as increased traffic and noise.

Option 2:

1. THAT no further action be taken with respect to the *Regional District of Central Kootenay Amendment Bylaw No. 2674, 2019* being a bylaw to amend the *Arrow Lakes Official Community Plan Bylaw No. 2022, 2009*.
2. THAT no further action be taken with respect to the *Regional District of Central Kootenay Amendment Bylaw No. 2675, 2019* being a bylaw to amend *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004*.

SECTION 5: RECOMMENDATIONS

1. THAT *Regional District of Central Kootenay Amendment Bylaw No. 2674, 2019* being a bylaw to amend the *Arrow Lakes Official Community Plan Bylaw No. 2022, 2009* be read a THIRD time by content.
2. AND THAT *Regional District of Central Kootenay Amendment Bylaw No. 2674, 2019* being a bylaw

to amend the *Arrow Lakes Official Community Plan Bylaw No. 2022, 2009* is hereby ADOPTED;
AND FURTHER that the Chair and Corporate Officer be authorized to sign the same.

3. THAT *Regional District of Central Kootenay Amendment Bylaw No. 2675, 2019* being a bylaw to amend *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* be read a THIRD time by content.
4. AND THAT *Regional District of Central Kootenay Amendment Bylaw No. 2675, 2019* being a bylaw to amend *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* is hereby ADOPTED;
AND FURTHER that the Chair and Corporate Officer be authorized to sign the same.

Respectfully submitted,



Dana Hawkins, MCIP, RPP
Planner 2

CONCURRENCE

Initials:

Planning Manager
General Manager of Development Services
Chief Administrative Officer

ATTACHMENTS:

- Attachment 'A'** – Public Hearing Minutes
- Attachment 'B'** – Amendment Bylaws No. 2674 and 2675