



## REGIONAL DISTRICT OF CENTRAL OKANAGAN PUBLIC HEARING AGENDA

Monday, May 25, 2020

7:00 p.m.

Woodhaven Board Room  
1450 K.L.O. Road, Kelowna, BC

---

Pages

### 1. CALL TO ORDER

Chair Given acknowledged that this meeting is being held on the traditional territory of the syilx/Okanagan peoples.

This Special Meeting is being held for the purpose of considering an amendment to the RDCO Zoning Bylaw No. 871.

The Public Hearing was advertised (pursuant to the Local Government Act) in the Kelowna Capital News on:

- Wednesday, May 13, 2020; and
- Wednesday, May 20, 2020

In accordance with Development Applications Procedure Bylaw No. 944, a "Notice of Application" sign was also posted on the subject property.

The role of the Regional Board is to hear representation from those persons who wish to provide comments regarding the proposed bylaw. Everyone who wishes to speak shall be given the opportunity to be heard. No one will be, or should feel, discouraged or prevented from making his or her views known. However, it is important that all who speak at this meeting restrict their remarks to matters contained in the bylaw and it is my responsibility as Chairperson of this meeting to ensure that all remarks are so restricted.

Members of the Regional Board may, if they so wish ask questions of you following your presentation. However, the main function of the Regional Board members this evening is to listen to the views of the public. It is not the function of the Regional Board at this public hearing to debate the merits of the proposed bylaw with individual citizens.

No decision will be made at the Hearing, but the entire proceedings will be considered by the Regional Board at a subsequent meeting.

Submissions regarding the proposed bylaw may be received prior to or at this Hearing.

No further information or representations can be considered by the Regional Board after the Public Hearing is terminated.

2. Zoning Amendment Bylaw No. 871-261 (RDCO File: Z20/03)

1 - 13

1. i. OWNER: S. Tulloch

AGENT: D. Tulloch

Received First Reading April 27, 2020, Central Okanagan East Electoral Area

To amend the zoning from RU2 Rural 2 to RU2s Rural 2 (Secondary Suite) on Lot 8, Section 30, Township 24, ODYD, Plan 31650 located adjacent to Sierra Drive.

3. TERMINATE & ADJOURN



# Regional Board Report

For the Public Hearing May 25, 2020

**TO:** Regional Board

**FROM:** Todd Cashin  
Director of Community Services

**DATE:** May 25, 2020

**SUBJECT:** Zoning Amendment Bylaw No. 871-261  
Application Z20/03 (S. Tulloch (owner) c/o D. Tulloch (agent))  
6880 Sierra Drive  
Central Okanagan East Electoral Area

---

**Purpose:** To permit a secondary suite by rezoning the subject property from RU2 Rural 2 to RU2s Rural 2 (Secondary Suite).

## Executive Summary:

The owner of Lot 8, Plan KAP31650, Section 30, Township 24, ODYD with a civic address of 6880 Sierra Drive would like to add a secondary suite to the existing single detached house. The parcel is currently zoned RU2 Rural 2, which does not permit a secondary suite. All technical requirements will be addressed in conjunction with the zoning amendment and Building Permit process.

To date, no opposition has been received from affected agencies or neighbouring property owners regarding the application.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Todd Cashin".

Todd Cashin  
Director of Community Services

Approved for Board's Consideration

A handwritten signature in black ink, appearing to read "Brian Reardon".

Brian Reardon, CAO

*Prepared by: Danika Dudzik, Senior Planner*

## Background:

**First Reading:** The Regional Board granted First Reading to Zoning Amendment Bylaw No. 871-261 on April 27, 2020. Further, the application was to be scheduled for a Public Hearing.

## Proposal:

The property is developed with one single detached house and two accessory buildings. The current land use is rural residential.

The owner would like to construct a secondary suite in the basement of the existing single detached house. In preparation of the rezoning, through the design of the existing residence, the owner roughed in various components in anticipation of a future suite (Building Permit No. 7712/18).

The provision of a secondary suite is subject to the regulations identified in Section 3.26 of Zoning Bylaw No. 871 (see attached). These regulations were recently amended by the Regional Board to strengthen servicing requirements and reflect new design and construction requirements for secondary suites in the BC Building Code. The zoning amendment and all requirements of a Building Permit must be met prior to final approval for occupancy being granted by the Regional District. Based on the proposal and supporting technical documentation, adequate on-site parking is achievable for the residence and secondary suite and servicing requirements for water and wastewater have been addressed as required in Zoning Bylaw No. 871.

## Ellison Official Community Plan Bylaw No. 1124:

Section 16, Policy No. 2.8 is applicable to the proposal, which supports “a range of residential types and densities in order to accommodate different socio-economic groups, age groups and lifestyles.”

## Site Context:

The property is located in the Ellison Area however; it is outside of a designated Fire Protection Area. The parcel is serviced by a private water source and on-site sewerage disposal system. In accordance with the Ellison Official Community Plan Bylaw No. 1124, the property is affected by a number of Development Permit Areas (including Aquatic Ecosystems, Rural Hillside and Sensitive Terrestrial Ecosystems).

## Additional Information:

<b>Owner:</b>	S. Tulloch
<b>Agent:</b>	D. Tulloch
<b>Address:</b>	6880 Sierra Drive
<b>Legal Description:</b>	Lot 8, Plan KAP31650, Section 30, Township 24, ODYD
<b>Lot Size:</b>	+/- 8.12 ha (20.07 acres)
<b>Zoning:</b>	RU2 Rural 2
<b>OCP Designation:</b>	Rural 4 Ha
<b>Sewage Disposal:</b>	Septic system
<b>Water Supply:</b>	Onsite water service (private well)
<b>Existing Use:</b>	Rural Residential
<b>Surrounding Uses:</b>	<b>North:</b> Rural Residential <b>South:</b> Rural Residential Vacant <b>East:</b> Sierra Drive / Rural Residential <b>West:</b> Rural Residential

<b>A.L.R.:</b>	Not within the A.L.R.
<b>Fire Protection:</b>	Outside of a Fire Protection Area

### **RDCO TECHNICAL COMMENTS (Presented at First Reading):**

**Planning Services** staff advises that Section 3.26 Secondary Suites of Zoning Bylaw No. 871 were recently amended by the Regional Board to strengthen servicing requirements and reflect new design and construction requirements for secondary suites in the BC Building Code. The Board adopted Bylaw No. 871-257 on February 24, 2020. Application Z20/03 is the first bylaw amendment application to be processed under the revised secondary suite regulations.

Portions of the subject property are affected by Development Permit Areas for the protection of the natural environment, its ecosystems and biological diversity, and protection of development from hazardous conditions.

A wetland exists along the southern boundary of the subject parcel. Wetlands are vital to the health of our ecosystems. They give us clean water, recharge groundwater resources, and protect us from flooding and drought, helping to buffer effects of climate change. In the Okanagan, wetlands are endangered, sensitive ecosystems that support many rare and endangered species and provide critical habitat to resident wildlife and fish species.

As the proposed secondary suite is to be constructed in the existing single detached house and is located outside of any Development Permit Areas, a development permit application is not required. However, the applicant is encouraged to engage with RDCO Environmental Planning staff prior to any future land disturbance or further development.

**Inspections Services** staff advises there have been various building permits recently issued for the subject property including:

- Building Permit No. 7712/18 for a single detached house 2946 ft<sup>2</sup> (273.69 m<sup>2</sup>) with full unfinished basement, four bedrooms, 3-3PC, 1-2PC, and two car garage.
- Building Permit No. 7837/19 for an accessory building (pre-fabricated shop) 6000 ft<sup>2</sup> (557.42 m<sup>2</sup>)
- Building Permit No. 7956/19 for a renovation an accessory building (pre-fabricated shop) to create a second floor
- Building Permit No. 8000/19 for an accessory building (existing barn) +/- 2500 ft<sup>2</sup> (232.26 m<sup>2</sup>)

With recent changes to the secondary suite regulations, there is no longer a limit to total floor area or percentage distribution of the secondary suite to the principal building. Secondary suite requirements will be dealt with through the building permit process to ensure compliance with the BC Building Code.

**Unaffected RDCO Departments** include Parks Services, Fire Services, and Environmental Services.

**AGENCY REFERRAL COMMENTS (Presented at First Reading):**

**FortisBC** advises that there are primary distribution facilities along Sierra Drive. The applicant is responsible for costs and land right requirements associated with changes to the existing servicing. For any changes to the existing service, the applicant must contact an FBC(E) designer regarding design, servicing solutions, and land right requirements.

**Unaffected Agencies** include Interior Health Authority, Westbank First Nation, Ministry of Transportation and Infrastructure, and City of Kelowna.

**RDCO TECHNICAL COMMENTS (Subsequent to First Reading):**

**Planning Services** staff advises servicing requirements for water and wastewater have been addressed as outlined in Section 3.26.11 and 3.26.12 Secondary Suites of Zoning Bylaw No. 871 and will be included through the building permit process.

**External Implications:**

In accordance with Development Application Procedures Bylaw No. 944, a Notice of Application Sign has been posted on the subject property. Subsequent to the Public Hearing notification process, up to and including the date of this report, no letters of support or opposition have been received regarding this application.

**Conclusion:**

Should the Regional Board close the Public Hearing, the application will come forward with a separate report for Board consideration of further readings to the bylaw amendment.

## Attachment(s):

- Bylaw No. 871-261
- Orthophoto Map
- Site Plan
- Secondary Suite Floor Plan
- Zoning Bylaw No. 871, Section 3.26 Secondary Suites

---

**REGIONAL DISTRICT OF CENTRAL OKANAGAN**  
**BYLAW NO. 871-261**  
**A Bylaw to Amend Regional District of Central Okanagan Zoning Bylaw 871, 2000**

---

WHEREAS the Regional Board of the Regional District of Central Okanagan is desirous of amending Zoning Bylaw No. 871, 2000 under the provisions of the Local Government Act.

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in an open meeting enacts as follows:

1. **This bylaw may be cited as Regional District of Central Okanagan Zoning Amendment Bylaw No. 871-261.**
2. **That the Regional District of Central Okanagan Zoning Bylaw No. 871, 2000 is hereby AMENDED by changing the zoning on designating Lot 8, Section 30, Township 24, ODYD, Plan KAP31650 as shown on Schedule 'A' attached to and forming part of this bylaw from RU2 Rural 2 to RU2s Rural 2 (Secondary Suite).**
3. **That the Regional District of Central Okanagan Zoning Bylaw map being Schedule 'B' of the bylaw be AMENDED to depict the change.**

READ A FIRST TIME this 27th day of April 2020

PUBLIC HEARING HELD PURSUANT TO THE LOCAL GOVERNMENT ACT this \_\_\_\_\_  
day of \_\_\_\_\_

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Zoning Bylaw No. 871-261 as read a third time by the Regional District of Central Okanagan the \_\_\_\_\_ day of \_\_\_\_\_

Dated at Kelowna, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Zoning Bylaw No. 871-261 which was Adopted by the Regional District of Central Okanagan on the \_\_\_\_\_ day of \_\_\_\_\_

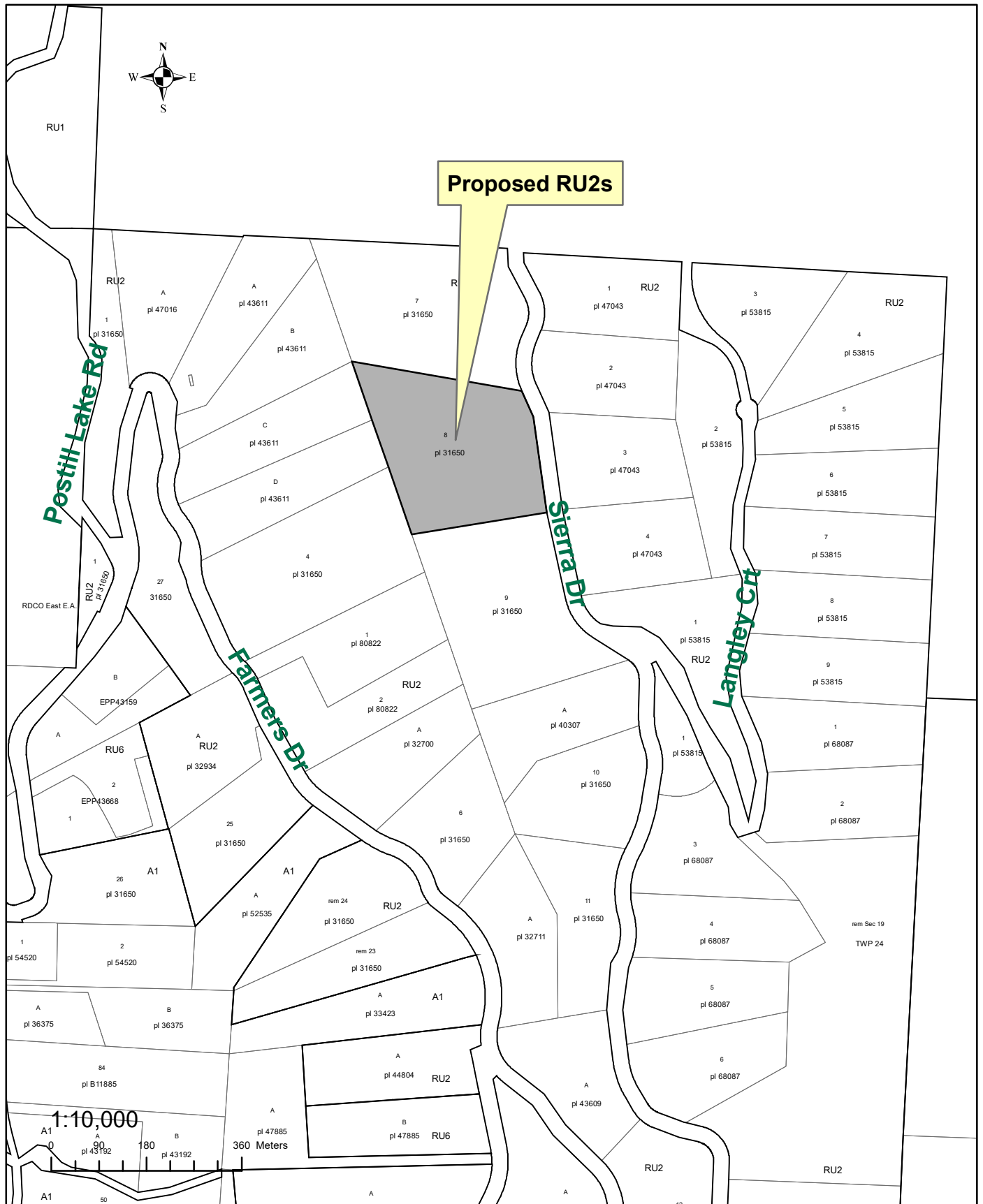
\_\_\_\_\_

Dated at Kelowna, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Director of Corporate Services

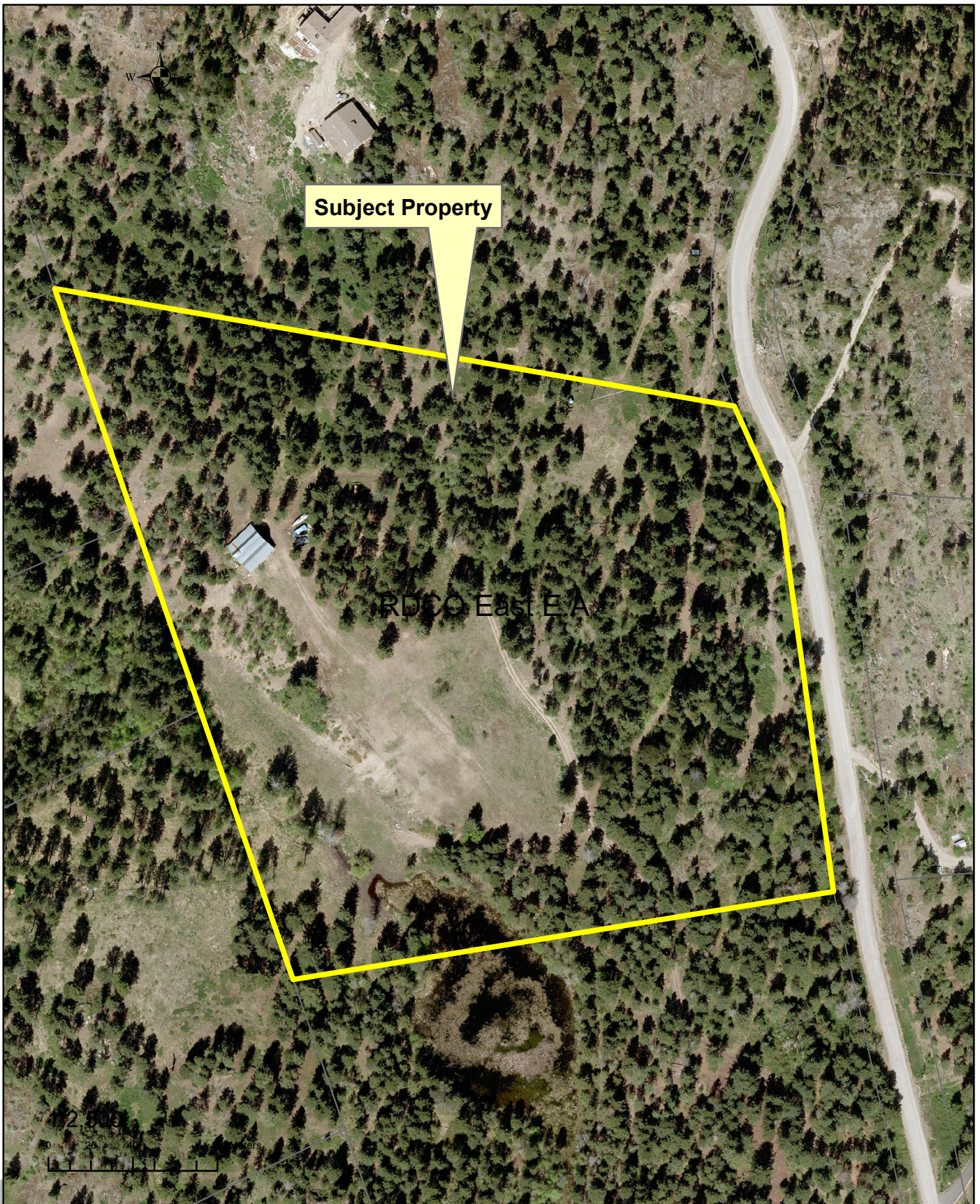
H:\Planning\3360-Zoning\20-Applications\2017\Z17-01\Maps & Bylaws\Bylaw 871-261.doc

## SCHEDULE 'A'



I hereby certify this to be a true and correct copy of Schedule 'A' as described in Bylaw No. 871-261 and read a third time by the Regional District of Central Okanagan on the            day of

# ORTHOPHOTO



Date: March 2, 2020

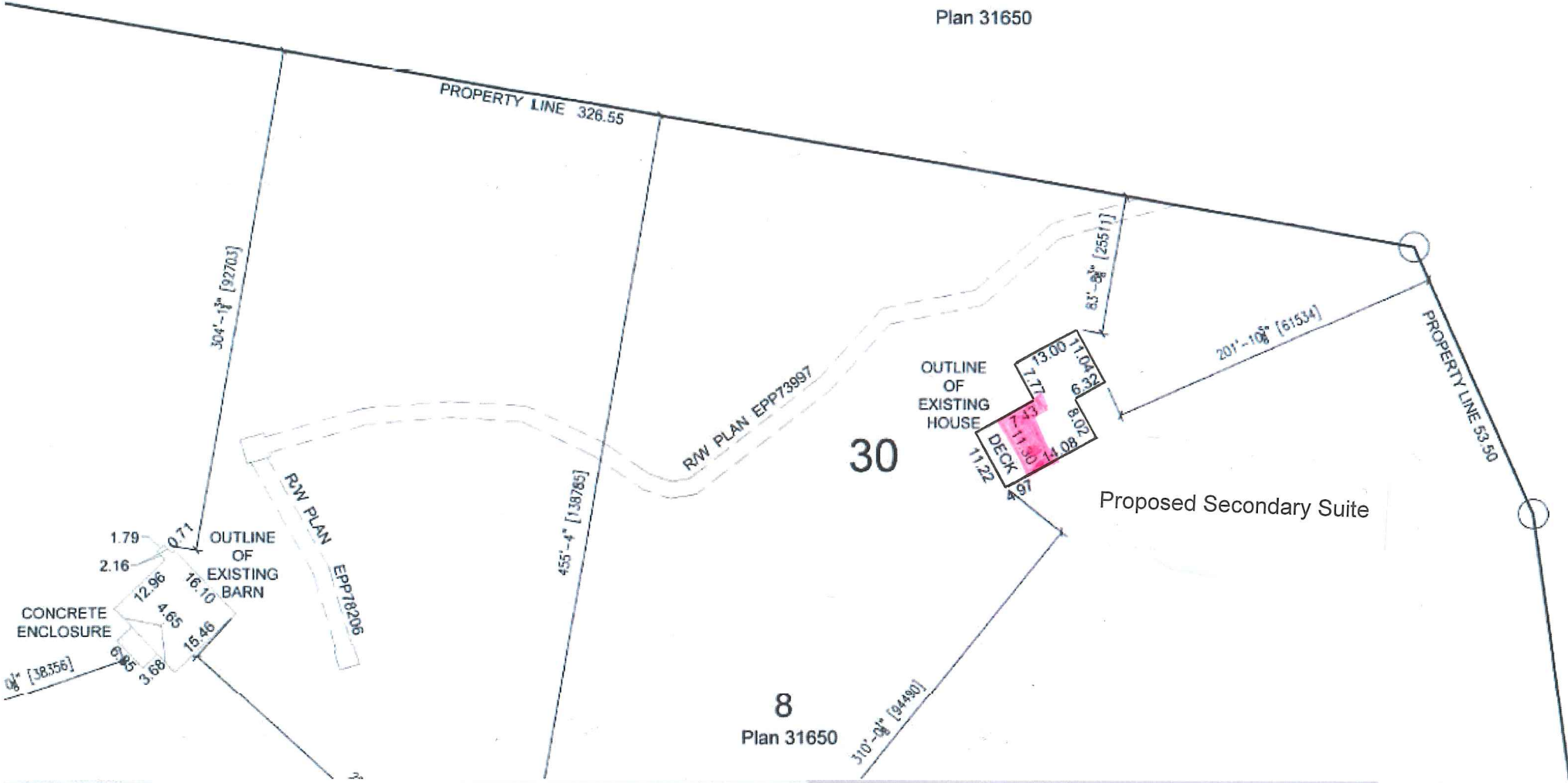
Drawn by: JM

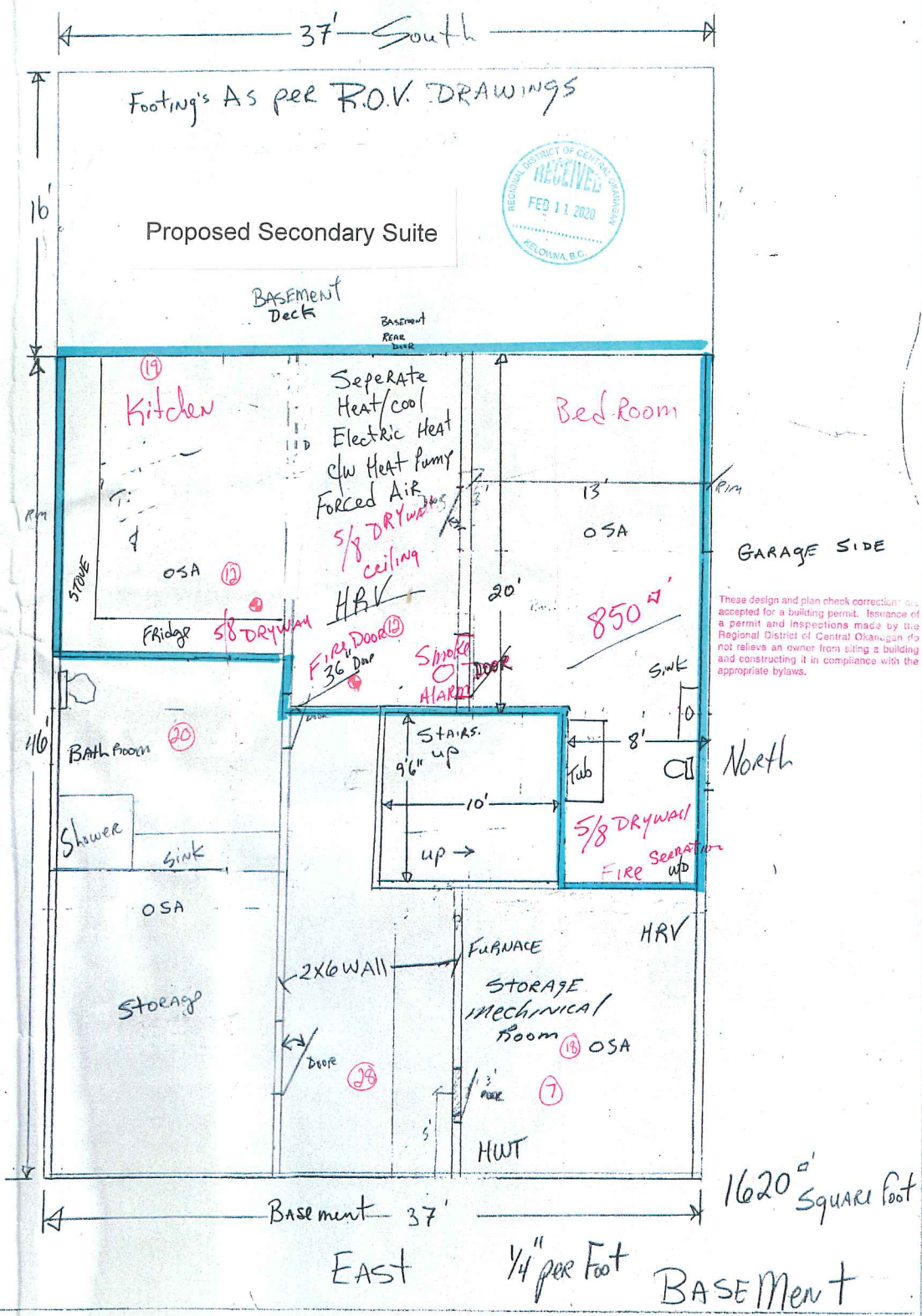
File Z20/03

Lot 8, Sec. 30, Twp 24, ODYD, Pl. 31650

WELL  
ASING

7  
Plan 31650





Regional Council of Car  
no relies on member fee  
and constructing it in  
appropriate styles.

2nd Floor  
PATIO  
Door  
8'x8'  
Patio  
Deck  
10'  
8'  
5'  
6'  
8'  
5'  
8'  
2'  
2'

1st Floor  
Garage  
Master Bedroom  
Deck  
8'x8' Patio Door  
8'x8' Patio Door  
12'  
8'  
7'  
7'  
8'  
7'  
10'

Basement  
Bedroom  
Deck  
4'x8' Rens  
Door  
INSWING  
8'x8' Patio  
Door  
7'  
10'

Scale 1/4" per Foot

Back of House

West

11

### 3.26 Secondary Suites



Bylaw  
871-257

A *secondary suite* is subject to the following regulations:

1. A *secondary suite* is added to the list of permitted uses in the A1, RU1, RU2, RU3, RU4, RU5, RU6, and R1 *zone* if the *zone* has an “s” notation shown on Schedule B, the Zoning Map, as part of the zone identification. The “s” notation shall be shown on Schedule B the Zoning Map as follows: A1s, RU1s, RU2s, RU3s, RU4s, RU5s, RU6s, and R1s. An “s” zoning classification on a *parcel* shall be established by rezoning the subject *parcel* to the “s” version of the *zone*. The regulations set out for the “s” version of the *zone* will be the same as the regulations for the version without the “s”, except for the addition of *secondary suite* as a permitted use.
2. The *secondary suite* shall have its own separate cooking, sleeping, and bathing facilities.
3. The *secondary suite* shall have direct access to outside without passing through any part of the principal *dwelling unit*.
4. The *secondary suite* shall be located within a *single detached house*.
  - a) The *secondary suite* shall not be connected to a *single detached house* by a *breezeway* or *carport*.
5. No more than one *secondary suite* is permitted per *parcel*.
6. A *secondary suite* is not permitted in conjunction with *bed and breakfast accommodation*.
7. A *secondary suite* is not permitted if an *accessory home* exists.
8. A minor *home based business* is permitted within a *secondary suite*.
9. One *parking space* for the *secondary suite* is required in addition to those required for the principal dwelling.
10. A *secondary suite* shall meet all requirements of the British Columbia Building Code and amendments thereto.
11. The *secondary suite* must be serviced by a *community water system* or a *private water source*.
  - a) For a *community water system*, written authorization permitting the *secondary suite* from the service provider is required.
  - b) For a *private water source*, a copy of the Water License, if applicable under the Water Sustainability Act, is required.

12. The *secondary suite* must be connected to a *community sewer system* or serviced by an *on-site sewerage system*, subject to the following:
- a) For *community sewer system*, written authorization permitting the secondary suite from the service provider is required.
  - b) For *on-site sewerage system*, written confirmation is required from an Authorized Person under the Public Health Act: Sewerage System Regulation which includes:
    1. For lots with an existing *on-site sewerage system*, a Compliance Inspection must indicate that the existing system is capable of processing the daily domestic sewerage flow for both *dwelling units* and demonstrates the existing system meets today's standards and can be expanded for the new Daily Design Flow and there is sufficient room on the property for a back-up type 1 trench system.
    2. For lots without an existing *on-site sewerage system*, a primary and reserve area for type 1 trench disposal for intended Daily Design Flow.

[Note: *Secondary suites* shall comply with all relevant *Regional District* bylaws and the BC Building Code.]

[Note: No *secondary suite* will be permitted without connection to a community sanitary sewer unless the *parcel* meets the requirements of the Okanagan Similkameen Health Region for on-site sewage disposal for the *secondary suite*.]

[Note see section 3.7 for limitations on parking areas in the front *setback*. Also note the definition for *parking space*.]