



Regional Board Report

Request for Decision

To: Regional Board

From: Director of Community Services

Date: June 1, 2023

Subject: Zoning Amendment Bylaw No. 871-278 (Application Z23/01)
Jason Amer (owner/applicant)
Lot 109, District Lot 2922, ODYD, Plan KAP20608 – 851 Firwood Rd
Central Okanagan West Electoral Area

Voting Entitlement: *Custom Vote – Electoral Area West Unfringed Area – Electoral Area Directors only*

Purpose: To consider rezoning the subject property from R1 Single Detached Housing to R1s Single Detached Housing (Secondary Suite) to permit a secondary suite.

Executive Summary:

851 Firwood Rd is currently zoned R1 Single Detached Housing, which does not permit a secondary suite. The applicant is seeking a zoning amendment that will allow a secondary suite to be built within the single-family home currently under construction. To date, no concerns have been identified by affected agencies, RDCO staff, or the public regarding the application.

Recommendations:

THAT the Regional Board receives the report from the Director of Community Services, dated June 1, 2023, with respect to RDCO File: Z23/01 for the property located at 851 Firwood Rd and legally described as Lot 109, District Lot 2922, ODYD, Plan KAP20608 ("the Subject Property");

AND THAT the Regional Board gives first, second and third reading to Zoning Amendment Bylaw No. 871-278;

AND FURTHER THAT the Regional Board adopts Zoning Amendment Bylaw No. 871-278;

Respectfully submitted by: Shaun O'Dea, Planner

Approved by:

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

Todd Cashin, Director of Community Services

- Attachment(s):
1. Zoning Amendment Bylaw No. 871-278
 2. Orthophoto Map
 3. Site Plan
 4. Zoning Bylaw No. 871, Section 3.26 Secondary Suites
 5. Mailed Public Notice
 6. Published Notice, Vernon Morning Star, Thursday, May 25th
 7. Regional Board Presentation Slides
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Strategic Plan Alignment:

Priorities: Sustainable Communities

Values: Good Governance

Background:

The subject property is located in the Valley of the Sun community. A single-family home is currently under construction.

Proposal:

The applicant's intent is to develop a two-bedroom suite on the ground floor of the single-family home that is currently under construction. Secondary suites are subject to the regulations identified in Section 3.26 of Zoning Bylaw No. 871.

The zoning amendment and all requirements of a Building Permit must be fulfilled prior to final approval for occupancy being granted by the Regional District. Based on the plans and supporting documentation submitted, adequate on-site parking is provided for the residence and secondary suite.

Regional Growth Strategy Bylaw No. 1336:

The following policy of the RGS supports the zoning amendment application:

- Policy 3.2.6.1 - Preserve and enhance existing neighbourhoods through encouragement of a variety of housing types, densities, choices, and affordability.

Rural Westside Official Community Plan Bylaw No. 1274:

The subject property has a Residential – Low Density future land use designation. The following OCP policy supports the zoning amendment application:

- Chapter 6, Policy 1 - Encourage new housing on existing vacant lots prior to considering more of the same housing type on large holding or rural residential lots.
- Chapter 6, Policy 7 - Review the need to provide more affordable housing using secondary suites, manufactured homes within existing and new developments, while maintaining sensitivity to the existing rural character of the North Westside area and resolving additional load on any infrastructure.

Zoning Bylaw No. 871:

Zoning Amendment Bylaw No. 871-257 was adopted on February 24, 2020, strengthening servicing requirements for secondary suites and aligning design and construction requirements with the BC Building Code. As a result, Section 3.26 of Zoning Bylaw No. 871 no longer limits the floor space of a secondary suite or the ratio of suite space as a percentage of the gross floor area of the single-family

home. Since 2008, the Regional Board has approved twelve secondary suite zoning amendment applications in the Rural Westside Official Community Plan area.

The proposed zoning is consistent with the Rural Westside Official Community Plan; therefore staff consider it appropriate to waive the public hearing in accordance with section 464(2) of the Local Government Act (LGA) and section 7.1 of Development Applications Procedures Bylaw No. 1527.

Site Context:

This parcel is serviced by the RDCO's Upper Fintry - Valley of the Sun - Shalal Road community water distribution system and is within the North Westside Fire Protection Area. The proposed development will be serviced by an on-site sewerage system.

As per the Rural Westside OCP Bylaw No. 1274, the parcel is entirely within the Wildfire Interface Construction Development Permit Area. A wildfire covenant must be registered on the title during the building permit process to ensure that the current and future owners adhere to the Wildfire Interface Development Permit Design Guidelines.

Additional Information

Owner/Applicant:	Jason Amer
Address:	851 Firwood Rd
Legal Descriptions:	Lot 109, District Lot 2922, ODYD, Plan KAP20608
Lot Size:	0.18 ha (0.45 acres)
OCP Designation:	Residential Low Density
Existing Use:	Vacant
Surrounding Uses:	North: Large Holding - Vacant South: Residential Low Density - Vacant East: Residential Low Density – Single Family Dwelling West: Residential Low Density - Vacant
ALR:	Outside of the ALR
Fire Protection:	North Westside Fire Protection Area
Water Supply:	Upper Fintry - Valley of the Sun - Shalal Road water system
Wastewater Disposal:	On-site wastewater disposal

RDCO TECHNICAL COMMENTS:

Inspection Services staff advise that a building permit application has been submitted for the single-family dwelling, and additional permits will be required for the construction of the secondary suite. Section 3.26 of Zoning Bylaw No. 871 requires that a registered onsite wastewater practitioner approves the design of an on-site sewerage system with a primary and reserve area for type 1 trench disposal, suitable for the intended daily design flow rates of both dwelling units.

Unaffected RDCO Departments include Fire Services, Parks Services, and Engineering Services.

AGENCY REFERRAL COMMENTS:

B.C. Hydro has no objections to the proposal but may require a right of way and advises that the developer shall be responsible for all costs associated with electrical service extensions.

Shaw Cable supports the application, provided that the owner provides a conduit system that will allow connections to the main house and suite when Shaw extends services to the area.

No comments or concerns have been received from other agencies including Interior Health Authority, Ministry of Transportation, and Infrastructure (MOTI), Fortis, Telus.

Considerations:

External: In accordance with the Development Applications Procedures Bylaw No. 1527, a Notice of Application Sign has been posted at the property. As per section 7.2 of the bylaw, notification of the proposal was sent to owners and tenants of properties within 150m of the subject property (attachment 5). Any correspondence received is included as a report attachment.

Legal/Statutory Authority: Section 479 of the LGA grants local governments the power to enact bylaws that define zones and regulate the use of land, buildings, and other structures within each zone. Under Section 460 of the Act, a local government that has adopted a zoning bylaw must define procedures under which a landowner may apply for an amendment to a land use bylaw.

The RDCO Board adopted Development Applications Procedures Bylaw No. 1527 on May 4, 2023. The proposed zoning amendment bylaw meets section 464(2) of the LGA, whereby a local government is not required to hold a public hearing on a proposed zoning bylaw if it is in alignment with an official community plan for the area.

In conformance with section 467(3) and section 466(3.2) of the LGA, the RDCO published a notice of the proposed bylaw amendment in the Vernon Morning Star newspaper seven days prior scheduled first reading (attachment 6).

As the property is not located within 800 metres of a controlled access highway, Ministry of Transportation and Infrastructure approval is not required prior to adoption of this zoning amendment bylaw.

Under section 228 of the LGA, a regional district bylaw that does not require approval, consent or assent before it is adopted may be adopted immediately after third reading if the motion for adoption receives at least 2/3 of the votes cast.

Alternate Recommendations:

THAT the Regional Board receives the report from the Director of Community Services, dated June 1, 2023, with respect to RDCO File: Z23/01 for the property located at 851 Firwood Rd and legally described as Lot 109, District Lot 2922, ODYD, Plan KAP20608 ("the Subject Property");


AND THAT the Regional Board gives first reading to Zoning Amendment Bylaw No. 871-278;

AND FURTHER THAT the Regional Board schedules a Public Hearing on October 19, 2023, for Zoning Amendment Bylaw No. 871- 278, RDCO File: Z23/01.

Considerations not applicable:

- Organizational
 - Financial
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Approved for Agenda

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

Brian Reardon, CAO