



Regional Board Report

TO: Regional Board

FROM: Todd Cashin, Director of Community Services

DATE: May 27, 2019

SUBJECT: Joe Rich Rural Land Use Amendment Bylaw No. 1195-19
Application RLUB-18-02 (T. Lichtenstein (owner) c/o Urban Options (agent))
7520 Goudie Road - Central Okanagan East Electoral Area

Voting Entitlement: *Custom Vote - Electoral Areas & Kelowna Area – 1 Director, 1 Vote*

Purpose: To permit a secondary suite by re-designating the subject property from RA Rural Acreage to RAs Rural Acreage (Secondary Suite).

Executive Summary:

The owner of 7520 Goudie Road wishes to add a secondary suite within an existing single family dwelling. The secondary suite would be located in the basement of the single family dwelling. The parcel is currently designated RA Rural Acreage, which does not permit a secondary suite. All technical requirements will be addressed in conjunction with the bylaw amendment and Building Permit process. To date, no opposition has been received from affected agencies or neighbouring property owners regarding the application.

The RDCO is reviewing secondary suite regulations for the Electoral Areas; granting first reading of the bylaw amendment and requiring servicing information prior to Public Hearing is in keeping with this review.

RECOMMENDATION:

THAT Joe Rich Rural Land Use Amendment Bylaw No. 1195-19 be given first reading;

AND FURTHER THAT scheduling of a Public Hearing be withheld pending receipt of the following:

- a copy of the Water License for the private water source; and
- written confirmation from an Authorized Person under the Public Health Act: Sewerage System Regulation which includes a Compliance Inspection which indicates 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 room on the property for a back-up type 1 trench system.

Respectfully Submitted:

Todd Cashin, Director of Community Services

Prepared by: Janelle Taylor, Planner

Approved for Board's Consideration

Brian Reardon, CAO

Implications of Recommendation:

Strategic Plan:	Granting first reading of the bylaw amendment and requiring servicing information prior to Public Hearing meets the 2015-2018 Strategic Priorities Plan, Strategic Priority #3: Nurture Responsible Growth and Development.
Policy:	Granting first reading of the bylaw amendment and requiring servicing information prior to Public Hearing complies with: <ul style="list-style-type: none">• Regional Growth Strategy Bylaw No. 1336, and• Joe Rich Rural Land Use Bylaw No. 1195.
Organizational:	Granting first reading of the bylaw amendment and requiring servicing information prior to Public Hearing is in keeping with the RDCO's secondary suite regulation review (RDCO File: RLUB-17-02; Joe Rich Rural Land Use Amendment Bylaw No. 1195-16)
Legal/Statutory Authority:	Granting first reading of the bylaw amendment and requiring servicing information prior to Public Hearing is in compliance with <i>Local Government Act</i> , Sections 457 and 479: <ul style="list-style-type: none">• The provisions of a rural land use bylaw are deemed to be provisions of a zoning bylaw.• A local government may regulate the use of land, buildings and structures within a zone.

Background:

The owner would like to construct a secondary suite in the basement of a newly constructed single family dwelling. The property's current land use is rural residential; it was previously developed with a mobile home; however, the building was removed during the construction of the new dwelling (Building Permit No. 7597/17).

Secondary Suite Regulation Review:

On May 9, 2019, the Regional Board granted first reading to Joe Rich Rural Land Use Bylaw Amendment No. 1195-16 (attached) and passed Resolution No. 87/19 "THAT the Regional Board approve a moratorium on secondary suite rezoning applications, pending completion of the proposed amendments to Bylaw No. 1195-16".

The Regional District was in receipt of this application prior to May 9; therefore, RDCO staff has continued to process the request.

Joe Rich Rural Land Use Bylaw No. 1195:

The following policies within Section 4 are applicable to the proposal:

- 2.1.3 Ensure that all development has an adequate water supply that does not adversely affect water supplies of existing lands, and that suitable means of sewage disposal are available that does not adversely affect adjoining lands;
- 2.1.4 Set aside land for rural residential use, provided that the natural character is maintained, and provided that overall water supplies and sewage disposal are adequate, and site conditions are respected;
- 3.2.1 Consider slope, soil stability, natural hazards, water supply, sewage disposal capability and road access in designating rural lands for residential use;
- 3.2.5 Require, for rural lands for residential use, the development of water supplies and sewage disposal adequate for the long term, which will not adversely affect neighbouring lands or community water supplies;
- 4.2.3 Consider the impact of any proposed development on non-farm lands upon the farmland and farm activities in the vicinity;
- 5.2.8 Require that applications for a change in land use designation include a detailed environmental review that considers conditions and future environmental impacts both on the property under application and the surrounding area. Development should avoid

sensitive areas and be designed to retain important ecosystem feature and functions. Responsiveness to this information will be a very important consideration in the approval of an application;

- 6.2.2 Require appropriate studies prepared by the appropriate professional to assess any apparent hazardous conditions prior to consideration of applications for a change in land use designation or development. Such studies may include but are not limited to geotechnical hazard, wildfire hazard, and flooding hazard;
- 9.2.10 Protect the drinking water quality and quantity in the community when considering additional uses or development; and,
- 12.2.9 Continue to protect Environmentally Sensitive Areas on private land through the development permit, rezoning, and subdivision processes.

Site Context:

The property is located in the Joe Rich Area. Servicing includes the Joe Rich Fire Protection Area, on-site sewerage disposal system and a private well. In accordance with the Joe Rich Rural Land Use Bylaw No. 1195, the property is affected by the Wildfire Interface, Aquatic Ecosystems, Slope Stability and Rural Hillside, and Sensitive Terrestrial Ecosystem Development Permit Areas.

Additional Information:

Owner/Applicant:	T. Lichtenstein
Agent:	Urban Options Planning & Permits
Legal Description:	Lot C, Plan KAP53594, Sec. 26, Twp. 27, ODYD, Except Plan KAP55472
Address:	7520 Goudie Road
Lot Size:	+/- 4.0 ha (9.88 acres)
Joe Rich Rural Land Use Designation:	RA Rural Acreage
Sewage Disposal:	Septic system
Water Purveyor:	Private well
Existing Use:	Rural Residential
Surrounding Uses:	North: Rural Residential South: Rural Residential East: Goudie Road / Rural Residential West: Crown Land
A.L.R.:	Outside of the A.L.R.
Fire Protection:	Within the Joe Rich Fire Protection Area

RDCO TECHNICAL COMMENTS:

Planning Services staff notes that while the provision of a secondary suite continues to be subject to the regulations identified in Section 3.16 of Joe Rich Rural Land Use Bylaw No. 1195 (attached), staff recommends that the applicant provides documentation which demonstrates the capability of the infrastructure (septic and water) to service the proposed use. This is in keeping with the RDCO's secondary suite regulation review (RDCO File: RLUB-17-02; Joe Rich Rural Land Use Amendment Bylaw No. 1195-16).

The RLUB 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 floor and site plans submitted, the proposal will not exceed the maximum gross floor area permitted and adequate on-site parking is achievable for the residence and secondary suite as required in Joe Rich Rural Land Use Bylaw No. 1195.

The proposed development is located outside of the Aquatic Ecosystems, Slope Stability and Rural Hillside, and Sensitive Terrestrial Ecosystem Development Permit Areas identified on the subject property. Provisions of the Wildfire Interface Development Permit Area apply and were addressed at time of Building Permit No. 7597/17.

AGENCY REFERRAL COMMENTS:

FortisBC advises that there are primary distribution facilities along Goudie Road. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights were required.

Unaffected Agencies include BC Hydro, City of Kelowna, Interior Health, Ministry of Transportation and Infrastructure.

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

External Implications:

In accordance with Development Applications Procedures Bylaw No. 944, a Notice of Application Sign has been posted. Any correspondence received from the public will be provided to the Board as part of a future public hearing report.

Alternative Recommendation #1:

THAT Joe Rich Rural Land Use Amendment Bylaw No. 1195-19 not be given first reading.

Alternative Recommendation #2:

THAT the Regional Board approve a moratorium on the secondary suite land use designation application File No. RLUB-18-02 pending completion of the proposed amendments to Bylaw No. 1195-16.

Considerations not applicable to this report:

- *Financial Considerations*
- *Organizational Issues*

Attachment(s):

- Bylaw No. 1195-19
- Orthophoto Map
- Site Plan
- Elevation Diagram & Suite Floorplan
- Photos: 7520 Goudie Road: Views of the Property & Buildings on the Land
- Joe Rich Rural Land Use Bylaw No. 1195, Section 3.16 Secondary Suites
- Joe Rich Rural Land Use Bylaw Amendment No. 1195-16 (First Reading)