



# Regional Board Report

**TO:** Regional Board

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

**DATE:** October 26, 2020

**SUBJECT:** Joe Rich Rural Land Use Bylaw Amendment (RLUB-20-01)  
N. Dray, 1876 Huckleberry Road  
Central Okanagan East Electoral Area

**Voting Entitlement:** *Custom Vote—Electoral Areas & Kelowna Area—1 Director, 1 Vote – Simple Majority*

---

**Purpose:** To permit a secondary suite by re-designating the subject property from SH-2 Small Holdings 2 to SH-2s Small Holdings 2 (Secondary Suite).

## Executive Summary:

The owner of 1876 Huckleberry Road would like to legalize an existing secondary suite within the existing single detached house. The parcel is currently designated SH-2 Small Holdings 2, 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 and Planning Services staff are supportive of the application.

## RECOMMENDATION:

**THAT** Joe Rich Rural Land Use Amendment Bylaw No. 1195-23 for N. Dray located at 1876 Huckleberry Road be given first reading;

**AND FURTHER THAT** application RLUB-20-01 be scheduled for a Public Hearing.

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*

---

**Implications of Recommendation:**

Strategic Plan:	Granting first reading of the bylaw amendment achieves the Regional Board Strategic Priorities 2019-2022 with respect to “Sustainable Communities”.
Policy:	Granting first reading of the bylaw amendment complies with: <ul style="list-style-type: none"><li>• Regional Growth Strategy Bylaw No. 1336, and</li><li>• Joe Rich Rural Land Use Bylaw No. 1195.</li></ul>
Legal/Statutory Authority:	Granting first reading of the bylaw amendment is in compliance with <i>Local Government Act</i> , Sections 457 and 479: <ul style="list-style-type: none"><li>• The provisions of a rural land use bylaw are deemed to be provisions of a zoning bylaw.</li><li>• A local government may regulate the use of land, buildings and structures within a zone.</li></ul>

---

**Background:****History:**

The property is currently developed with one single detached house (with an existing secondary suite) and accessory buildings (barn and out buildings).

The Regional Board previously re-designated the subject property from Rural Acreage (RA) to Small Holdings (SH-2) to allow a proposed 2-lot subdivision (File: RLUB-12-02). The Board was aware at time of considering RLUB-12-02 that a variance would be required in conjunction with subdivision to exempt the requirement of a community water system. Subsequent to re-designating the property, the property was subdivided and Development Variance Permit (VP-13-01) was issued.

In 2019, Inspections Services issued a building permit to the current owner for an addition to connect an existing accessory building (containing a suite) to the original house, which was constructed prior to the purchase of the property by the current owner in 2017. A building permit was issued in 2014 to the previous owner of the property for the construction of an accessory building (detached garage with loft). The SH-2 Small Holdings 2 designation permits only one single family dwelling per parcel.

As staff understand it, the current owner was under the impression that the accessory building with the associated suite was legal however, was required to be attached to the primary residence. As such, the owner submitted a building permit application for an addition to include three bedrooms, a bathroom, additional living area, and a new onsite wastewater system which was approved and subsequently constructed. Upon final inspection, the addition was noted as complete and acceptable for occupancy, however a secondary suite application would be required to permit the secondary suite within the single detached house. The owner applied for a change of occupancy and was directed by Planning staff to submit an application to amend the Joe Rich Rural Land Use Bylaw to permit a secondary suite by re-designating the subject property from SH-2 Small Holdings 2 to SH-2s Small Holdings 2 (Secondary Suite).

**Proposal:**

The owner is proposing to legalize an existing secondary suite within the single family dwelling. Should the bylaw amendment be approved, a building permit (change of occupancy) through Inspections Services would be required.

The Rural Land Use Bylaw amendment and all requirements of a Building Permit must be met prior to final occupancy approval 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.

**Regional Board Strategic Priorities 2019-2022:**

RDCO's strategic priorities, developed by the Regional Board, speak to important goals, services and needs on which the Board wishes to focus the organization's attention and resources. Sustainable Communities has been identified as a priority:

- We will initiate and support efforts to create a healthy built environment in which all people throughout the region enjoy a high quality of life with access to safe neighbourhoods including a diverse range of housing options.

**Joe Rich Rural Land Use Bylaw No. 1195:**

The provision of a secondary suite is subject to the regulations identified in Section 3.16 of Joe Rich Rural Land Use Bylaw No. 1195 (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 Board adopted Bylaw No. 1195-22 on February 24, 2020. Application RLUB-20-01 is the first bylaw amendment application to be processed within the Central Okanagan East Electoral Area under the revised secondary suite regulations.

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;
- 3.2.5 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; and,
- 9.2.10 Protect the drinking water quality and quantity in the community when considering additional uses or development.

**Site Context:**

The property is located within the Joe Rich Area. The parcel is serviced by a private water source and on-site sewerage disposal system. In accordance with the Joe Rich Rural Land Use Bylaw No. 1195, the property is affected by a number of Development Permit Areas including Slope Stability and Rural Hillside and Sensitive Terrestrial Ecosystem.

**Additional Information:**

<b>Owner/Agent:</b>	N. Dray
---------------------	---------

<b>Address:</b>	1876 Huckleberry Road
<b>Legal Description:</b>	Lot A, Plan EEP35478, Sec. 14, Twp. 27, ODYD
<b>Lot Size:</b>	+/- 2.4 ha (6.05 acres)
<b>Joe Rich Rural Land Use Designation:</b>	SH-2 Small Holdings 2
<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 <b>East:</b> Huckleberry Road / Rural residential <b>West:</b> Rural residential
<b>A.L.R.:</b>	Not within the A.L.R.
<b>Fire Protection:</b>	Joe Rich Fire Protection Area

### RDCO TECHNICAL COMMENTS:

**Planning Services** staff advises that portions of the subject property are affected by Development Permit Areas (DPAs) however, the existing development footprint is located outside of the DPAs and a development permit application is not required. A no build/ no disturb covenant was previously registered on title to address the design guidelines of the Slope Stability and Rural Hillside DPA. The applicant must consult with Planning Services prior to any future land disturbance or further development.

**Inspections Services** staff advises there are various building permits associated with subject property including:

- Building Permit #4411/95 for a single family dwelling.
- Building Permit #7039/14 for a 624 ft<sup>2</sup> accessory building with a loft.
- Building Permit #7991/19 for an addition to connect the accessory building and single family dwelling together.

Further to processing RLUB-20-01, Community Services records indicate that the existing accessory building (barn) 67.4 m<sup>2</sup> (725 ft<sup>2</sup>) was constructed by the current owner, without a building permit. Further, the barn does not conform with the side setback of the Joe Rich Rural Land Use Bylaw. As such, a Development Variance Permit Application was required and was submitted by the owner on October 9, 2020. Should the Development Variance Permit be approved, a building permit can be applied for and issued to bring the existing barn into compliance with RDCO bylaws.

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. Inspections Services staff will ensure that on-site sewage servicing requirements are addressed in conjunction with the Building Permit process.

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

**AGENCY REFERRAL COMMENTS:**

**Interior Health Authority** staff advises that the drinking water supply will need to meet the Drinking Water Protection Act and Regulation as outlined in the Health Hazard Regulation under the *Public Health Act*. A water license is not required for a groundwater source.

**Unaffected Agencies** include Ministry of Transportation and Infrastructure, Shaw Cable, and B.C. Hydro.

**External Implications:**

Any correspondence received from the public will be provided to the Board as part of a future public hearing report.

**Alternative Recommendation:**

THAT Joe Rich Rural Land Use Amendment Bylaw No. 1195-23 is not given first reading.

***Considerations not applicable to this report:***

- *Legal/Statutory Authority*
- Financial Considerations
- Organizational Issues

Attachment(s):

- Bylaw No. 1195-23
- Orthophoto Map
- Site Plan
- Secondary Suite Floor Plan
- Bylaw No. 1195, Section 3.16 Secondary Suites