



# Regional Board Report

**TO:** Regional Board

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

**DATE:** January 25, 2021

**SUBJECT:** Joe Rich Rural Land Use Bylaw Amendment (RLUB-20-02)  
K. & P. Bartha, 8991 Highway 33 E  
Central Okanagan East Electoral Area

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

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**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 owners of 8991 Highway 33 E would like to add a secondary suite within their 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. 1195-24 for K. & P. Bartha located at 8991 Highway 33 E be given first reading;

**AND FURTHER THAT** scheduling of a Public Hearing for application RLUB-20-02 be withheld until such time that RDCO staff are in receipt of approval of the Controlled Access Permit from the Ministry of Transportation and Infrastructure.

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*

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**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>

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**Background:**

The property is currently developed with one single detached house and accessory structures (barns and out buildings).

The owners have recently received a building permit from Inspections Services staff to construct a 1,563 ft<sup>2</sup> 2 storey addition to the existing single detached house.

**Proposal:**

The owners are proposing to add a secondary suite within part of the single family dwelling addition.

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. These regulations were recently amended by the Regional Board to strengthen servicing requirements and reflect new design and construction requirements for secondary suites in accordance with the BC Building Code. The Board adopted Bylaw No. 1195-22 on February 24, 2020.

In addition, 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 Permits.

#### **Additional Information:**

<b>Owners/Agent:</b>	K. & P. Bartha
<b>Address:</b>	8991 Highway 33 E
<b>Legal Description:</b>	Lot A, District Lot 4051, ODYD, Plan 34622
<b>Lot Size:</b>	+/- 2.72 ha (6.73 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> Highway 33 / Rural residential <b>South:</b> Crown land / Mission Creek <b>East:</b> Crown land <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 the addition to accommodate the secondary suite is proposed outside of the Slope Stability, Sensitive Terrestrial, and Sensitive Aquatic Development Permit Areas and therefore a Development Permit application is not required. However, as the subject property is located within a Wildfire Interface area, plans for construction submitted for a building permit must show compliance with the "Wildfire Interface Development Permit Design Guidelines" of the Joe Rich Rural Land Use Bylaw; and, a restrictive covenant must be registered on the title of the property in order to ensure that future property owners are aware of and obligated to the wildfire hazard reduction measures.

**Inspections Services** staff advises there is currently an active building permit associated with subject property (Building Permit #8210/20) for an addition to a single family dwelling.

Provisions for upgrading the on-site sewerage system were approved and registered with Interior Health. Further, the upgrade will accommodate the proposed secondary suite.

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 sewerage system requirements are addressed in conjunction with the Building Permit process.

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

#### **AGENCY REFERRAL COMMENTS:**

**Ministry of Transportation and Infrastructure** staff advises there are no concerns with the proposal subject to the property owners submitting a Provincial Public Highway Permit Application for a Controlled Access Permit prior to Ministry signature on the bylaw.

The property is located within 800 metres of a Controlled Access Highway. As such, the bylaw must be forwarded to the Ministry for signature after it has achieved 3<sup>rd</sup> reading.

**FortisBC** advises that there are primary distribution facilities along Highway 33. 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 City of Kelowna, Telus, and Interior Health Authority.

#### **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. 1195-24 is not given first reading.

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

- Legal/Statutory Authority
- Financial Considerations
- Organizational Issues

#### **Attachment(s):**

- Bylaw No. 1195-24
- Orthophoto Map
- Addition to Single Detached House
- Secondary Suite Floorplan – Proposed
- Bylaw No. 1195, Section 3.16 Secondary Suites