



Regional Board Report

For the Public Hearing April 26, 2021

TO: Regional Board

FROM: Todd Cashin
Director of Community Services

DATE: April 26, 2021

SUBJECT: Joe Rich Rural Land Use Amendment Bylaw No. 1195-24 (RLUB-20-02)
K. & P. Bartha, 8991 Highway 33 E
Central Okanagan East Electoral Area

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 properties

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:

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 ft² 2 storey addition to the existing single detached house.

Proposal:

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

Joe Rich Rural Land Use Bylaw (RLUB) Amendment No. 1195-24 received first reading on January 25, 2021. Further, the application was to be scheduled for a Public Hearing upon receipt of approval of the Controlled Access Permit from the Ministry of Transportation and Infrastructure. Since first reading, the applicants have applied for and received approval of a Controlled Access Permit.

The 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.

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. 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 Permit Areas.

Additional Information:

Owners/Agent:	K. & P. Bartha
Address:	8991 Highway 33 E
Legal Description:	Lot A, District Lot 4051, ODYD, Plan 34622
Lot Size:	+/- 2.72 ha (6.73 acres)
Joe Rich Rural Land Use Designation:	SH-2 Small Holdings 2
Sewage Disposal:	Septic system

Water Supply:	Onsite water service (private well)
Existing Use:	Rural residential
Surrounding Uses:	North: Highway 33 / Rural residential South: Crown land / Mission Creek East: Crown land West: Rural residential
A.L.R.:	Not within the A.L.R.
Fire Protection:	Joe Rich Fire Protection Area

RDCO TECHNICAL COMMENTS (Presented at First Reading):

Planning Services staff advises that the addition to accommodate the secondary suite is proposed outside of the Slope Stability and Rural Hillside, Sensitive Terrestrial Ecosystem, and Aquatic Ecosystem Development Permit Areas and therefore a Development Permit application is not required. However, as the subject property is located within a Wildfire Interface Development Permit 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 (Presented at First Reading):

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 3rd 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:

In accordance with Development Application Procedures Bylaw No. 944, a Notice of Application Sign has been posted. Furthermore, *Local Government Act* requirements including newspaper notices and neighbourhood notification were completed. To date, 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):

- Joe Rich RLUB Amendment No. 1195-24
- Orthophoto Map
- Addition to Single Detached House
- Secondary Suite Floorplan – Proposed