



Regional Board Report

Request for Decision

Approved for Board Consideration

A handwritten signature in black ink that reads "Brian Reardon".

Brian Reardon, CAO

To: Regional Board

From: Todd Cashin, Director of Community Services

Date: June 27, 2022

Subject: Zoning Amendment Bylaw No. 871-273 (Application Z22/01)
K. Madsen (owner/applicant)
530 Moody Crescent

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

Purpose: To consider rezoning the subject property from RU5 Small Lot Country Residential to RU5s Small Lot Country Residential (Secondary Suite) to permit a secondary suite.

Executive Summary:

The owner of Lot 137, District Lot 3910, ODYD, Plan KAP21925, with a civic address of 530 Moody Crescent, would like to add a secondary suite to the existing single detached house. The parcel is currently zoned RU5 Small Lot Country Residential, which does not permit a secondary suite, unless the Regional Board amends the zone designation. To date, no concerns have been identified by affected agencies, RDCO staff, or the public regarding the application.

Recommendation(s):

THAT the Regional Board receives the report from the Director of Community Services, dated June 27, 2022, with respect to RDCO File: Z22/01 for the property located at 530 Moody Crescent and legally described as Lot 137, District Lot 3910, ODYD, Plan KAP21925 (“the Subject Property”);

AND THAT Zoning Amendment Bylaw No. 871-273 for the Subject Property be given first reading;

AND FURTHER THAT the Regional Board schedule a Public Hearing on July 25, 2022 for Zoning Amendment Bylaw No. 871-273, RDCO File: Z22/01.

Respectfully Submitted:

A handwritten signature in black ink that reads "Todd Cashin".

Todd Cashin, Director of Community Services

Prepared by: Shaun O’Dea, Planner

Attachment(s):

- Zoning Amendment Bylaw No. 871-273
 - Orthophoto Map
 - Site Plan
 - Zoning Bylaw No. 871, Section 3.26 Secondary Suites
 - Regional Board Presentation Slides
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Strategic Plan Alignment:

Priorities: Sustainable Communities

Values: Resiliency, Good Governance

Background:

The subject property is located in the Killiney Beach community and is within the North Westside Fire Protection Area. This parcel is serviced by the RDCO's Killiney Beach community water distribution system and an on-site sewerage disposal system. The property is currently developed with one single detached house and one accessory building.

Proposal:

The owner's intent is to convert the two existing ground floor bedrooms in the single-family home into an independent secondary suite by adding a kitchen and bathroom facilities. The provision of a secondary suite is 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.

The property is currently serviced by a community water system as required by Zoning Bylaw No. 871, and the applicant has retained a Registered Onsite Wastewater Practitioner to complete the required analysis and design of an onsite wastewater system suitable for the domestic daily flow rates of the two proposed two-bedroom homes.

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 following OCP policy supports the zoning amendment application:

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

Site Context:

The property is within the Wildfire Interface Construction Development Permit Area and the Hillside Development Permit Area as defined in the Rural Westside OCP Bylaw No. 1274. At time of building permit application, the applicant will be required to submit plans for construction that show compliance with the “Wildfire Interface Development Permit Design Guidelines” and prior to final inspection, 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 adhere to the wildfire hazard reduction measures.

Portions of the subject property are also within the Hillside Development Permit Area, however, under Section 13.5.4 of the Official Community Plan a Development Permit is not required where the building footprint is not altered or increased.

Additional Information:

Owner/Applicant:	K. Madsen
Address:	530 Moody Crescent
Legal Description:	Lot 137, Plan KAP21925, District Lot 3910, ODYD
Lot Size:	+/- 3 ha (.63 acres)
Zoning:	RU5 Small Lot Country Residential
OCP Designation:	Residential Low Density
Sewage Disposal:	Septic system
Water Supply:	Killiney Beach
Existing Use:	Single Family Dwelling
Surrounding Uses:	North: Vacant Residential South: Single Family Dwelling East: Moody Crescent, Single Family Dwelling West: Single Family Dwelling
A.L.R.:	Not within the A.L.R.
Fire Protection:	North Westside Fire Protection Area

RDCO TECHNICAL COMMENTS:

Inspections Services staff advise that a building permit will be required for the renovation works associated with the construction of the secondary suite. Further review of on-site sewage disposal and the relevant Development Permit Areas will be addressed in conjunction with the Building Permit process.

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

AGENCY REFERRAL COMMENTS:

Interior Health Authority requires that an Authorized Person, as defined in the BC Sewerage System Regulation, designs and installs a disposal system suitable for the domestic daily flow rates of the additional bedrooms and bathroom facilities for the proposed secondary suite.

Ministry of Transportation and Infrastructure staff advise that preliminary approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act* and the Ministry has no

concerns. As the property is located within 800 metres of a Controlled Access Highway, MOTI approval is required after third reading and prior to bylaw adoption.

Unaffected Agencies include B.C. Hydro, Fortis, Telus, and Shaw Cable.

Considerations:

External: In accordance with the 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.

Legal/Statutory Authority: Section 479 of the *Local Government Act* 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 an owner of land may apply for an amendment to a land use bylaw. In accordance with Part 14, Division 3 of the Act, the Regional District of Central Okanagan Development Applications Procedures Bylaw No. 944 defines the processes for public hearings and Board consideration of bylaw amendment applications.

Considerations not applicable:

- Organizational
 - Financial
 - Alternate Recommendation
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