



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: September 26, 2022

Subject: Extension Request for Application File No. DP-20-09
Katawa Construction Ltd. (Owner)
c/o Ecoscape Environmental Consultants Ltd. (Agent/Applicant)
Lot 1, District Lot 3745, ODYD, Plan 14249 except Plan KAP47463
2235 Westside Road (Central Okanagan West Electoral Area)

Voting Entitlement: *Custom Vote- Electoral Area West, West Kelowna & Kelowna Fringe - 1 Director, 1 Vote*

Purpose: To consider a request for a one-year extension for a Development Permit application proposing to construct a single-family dwelling.

Executive Summary:

The owners of 2235 Westside Road submitted a Development Permit application in September 2020, proposing the demolition of an existing dwelling and the construction of a new single detached home with associated servicing. The subject property is located adjacent to Okanagan Lake and is bisected by Westside Road.

The Regional Board has not yet considered the above noted application, however a one-year extension was previously approved on September 9, 2021. The rationale for an additional one-year extension is to ensure the proposal, when finalised, aligns with development on the adjoining parcel to the south.

Recommendation:

THAT the Regional Board approve a one-year extension for Development Permit Application DP-20-09 for 2235 Westside Road.

Respectfully Submitted:

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

Todd Cashin, Director of Community Services

Prepared by: Shaun O'Dea, Planner

Attachments: 1. Subject Property and Orthophoto Map

2. Proposed Site Plan
 3. Regional Board Presentation
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Strategic Plan Alignment:

Priorities: Sustainable Communities

Values: Good Governance

Background:

To date, the Regional Board has not yet considered the above noted Development Permit application. However, on April 27, 2021 the Board considered a development proposal for the adjoining parcel to the south at 2223 Westside Road, owned by the same family, requesting a floodplain exemption, variance permit, and development permit (RDCO Files: FEX-20-01, DP-20- 08, and VP-20-03). These applications were subsequently not approved by the Board. The owners are currently working on resubmitting plans that address the challenging site constraints at 2223 Westside Road, and the final design will influence the plans for development at 2235 Westside Road.

Current Land Use:

The subject property is located in the community of Wilson's Landing and is within the Wilson's Landing Fire Protection Area. The parcel is bounded by rural properties to the north and south, Okanagan Lake to the east, and is bisected by Westside Road. The property is currently developed with one single detached house and a small outbuilding. Water is supplied via Okanagan Lake and the home is serviced by a septic tank.

Proposal:

The owner wishes to demolish the existing dwelling, construct a new single detached home adjacent to the lake, and develop a septic field that will be shared with 2223 Westside Road. Because of the shared services, and other elements of the site design, the two projects are interrelated.

The subject property proposal requires the approval of a Development Permit and Building Permit from the RDCO. Furthermore, the proposal requires provincial approvals from the Ministry of Transportation and Infrastructure as well as a Riparian Area Protection Regulation application. A Development Permit application has been submitted to address the Aquatic Ecosystem, Sensitive Terrestrial Ecosystem, Wildfire Hazard, and Hillside Development Permit provisions.

Considerations:

Statutory Authority: Section 498 of the Local Government Act requires that local governments, by Bylaw, define procedures under which a property owner may apply for land use permits. Section 13.1 of RDCO Development Applications Procedures Bylaw No. 944 states that applications that have not been approved or rejected within twelve months of the application date will be of no force and effect. Upon written request and payment of an Application Renewal Fee by the owner or agent prior to the lapse of the application, the Regional Board has the option of extending the deadline up to twelve months by passing a resolution to that affect.

Financial: The extension request was submitted and processed in accordance with the requirements of RDCO Development Application Procedures Bylaw No. 944, including payment of the required fee.

Should the Regional Board choose not to grant the extension, DP-20-09 will expire and the applicant will be required to submit a new application and pay the associated fee (\$1,384). Under Schedule C of RDCO Development Applications Procedures Bylaw No. 944, the applicant will be entitled to a 50% refund of the original application fee.

Organizational: Since the original submission of DP-20-09 there have been no significant amendments to the RDCO's Rural Westside Official Community Plan Bylaw No. 1274, Zoning Bylaw No. 871, Development Applications Procedures Bylaw No. 944, Terms of Reference for Professional Reports, or to Provincial regulations that would substantially impact the application.

External: Under the Local Government Act, public notification is not required for Development Permit issuance. However, if review of the completed application reveals that a Development Variance Permit is required, notification processes following Section 498 of the Local Government Act and RDCO Applications Procedures Bylaw No. 944 will be applied.

Considerations not applicable:

- Legal
 - Alternate Recommendation
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