

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: September 7, 2023
RE: Zoning Bylaw Amendment – Electoral Area “E” (E2023.002-ZONE)

Administrative Recommendation:

THAT Bylaw No. 2800.26, 2023, a bylaw to amend the Okanagan Valley Zoning Bylaw to allow an accessory dwelling on a parcel less than 1.0 ha in area at 3205 Rushbury Place in Naramata, be denied.

Folio: E-02200.020

Legal: Lot B Plan KAP46902, District Lot 210, SDYD

OCP: Small Holdings (SH)

Zone: Small Holdings Two (SH2)

Proposed Development:

The application is to amend the zoning of the property from Small Holdings Two (SH2) to Small Holdings Two Site Specific (SH2s) to construct a 125 m² accessory on a property less than 1.0 ha with the site specific regulation permitting an accessory dwelling without connection to a community sewer system.

In support of the rezoning, the applicant has stated that:

We believe that the project adds to the character of the existing residence on [the] property...and fits with the character of the neighbouring buildings. The location of the proposed garage and guest suite ... would have minimal impact on the views of any neighbours for whom the project is visible.

In fact, our clients have been discussing this project with the neighbouring properties and are supported by them ... this application is presented for the sole purpose of providing our clients with a guest suite as private guest accommodation – for visiting family and friends only ... our clients do not wish to rent their guest suite to anyone, neither on a short term nor long-term basis.

The owners are more than happy to support this claim by offering to place a covenant on title that would prohibit renting the guest suite to avoid any misuse of this rezoning in the future.

Site Context:

The property is 0.69 ha in area and is situated on the north end of Rushbury Place in Naramata approximately 0.4 km east of Okanagan Lake.

The surrounding pattern of development is characterised by large agricultural parcels to the east, similar small holding parcels to the north and east that have been development with single detached dwellings and smaller low density residential parcels to the south.

Background:

The property was created on March 24, 1992, while available Regional District records indicate that a building permits for a single family dwelling (2005) and detached garage (2005) have previously been issued for this property.

Official Community Plan:

The property is designated Small Holdings (SH) and includes a policy of supporting accessory dwellings on parcels less than 1.0 ha in area when connected to a community sewer (Section 10.5.4) system

Zoning Bylaw:

The property is zoned Small Holdings Two (SH2) which permits one (1) principal dwelling unit and one (1) accessory dwelling unit subject to a maximum floor area of 125.0 m² and subject to connection to a community sewer system for parcels less than 1.0 ha.

"1.0 Hectare Policy":

In response to provincial infrastructure grant and Okanagan Basin Water Board (OBWB) grant criteria, the RDOS has applied a "1.0 ha Policy" to all areas within the jurisdiction of the Regional District (i.e. all Electoral Areas).

This was to forestall the creation of small parcels dependent upon on-site septic fields for the disposal of wastewater throughout unincorporated areas (i.e. rural sprawl) and to prevent the development of additional detached dwelling units served by septic on parcels less than 1.0 ha in area.

The province has identified 1.0 hectare as being the minimum parcel size upon which a septic field for a single residential use should be utilised, as higher densities are likely to lead to septic failure over the long-term and implementation of this requirement had been consistently applied by the Ministry throughout the province when considered grant requests.

Since implementing the "1.0 ha Policy" in 2008, the Board had not supported an exception to this policy for subdivision, while a number of allowances for the short-term use of a recreation vehicle (RV) as a dwelling unit on parcels have been approved on a temporary basis through the issuance of a temporary use permit (TUP).

Other:

The subject property has been classified by BC Assessment as "Residential" (Class 01), is not in the Agricultural Land Reserve (ALR), is connected to a community water system but not a community sewer system and has a geotechnical classification of "limited or no hazard of slumps and slides".

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 metres of a controlled access highway (i.e. Highway 97 & 3).

Public Process:

On July 12, 2023, a Public Information Meeting (PIM) was held at the online via Webex and was attended by one member of the public.

At its meeting of August 14, 2023, the Electoral Area “E” Advisory Planning Commission (APC) failed to make a recommendation (3 votes in support of the proposal and 3 votes opposed).

Analysis:

The Area “E” OCP Bylaw contains a clear policy requiring that all additional detached dwellings on a parcel less than 1.0 ha in size are to be connected to a community sewer system.

This servicing requirement reflects direction from the province and Okanagan Basin Water Board (OBWB) regarding continuing eligibility of the Regional District to qualify for grant funding for key infrastructure projects (e.g. Osoyoos Lake North West Sewer Extension, Okanagan Falls Wastewater Treatment Plant, etc.).

As the subject property is approximately 0.69 ha in area, the development of an accessory dwelling to be serviced by an on-site septic system is inconsistent with the OCP.

The Regional District is currently developing a Liquid Waste Management Plan (LWMP) for Naramata with a focus on protecting public health and the surrounding environment and in recognition of its current designation as a “Rural Growth Area” under the RGS. NOTE: the subject property is situated within the proposed “Phase 1” service area of the LWMP.

It is anticipated that any future waste water system for Naramata will require grant funding from senior levels of government and the OBWB and this financial assistance may be jeopardized by a lack of adherence to the requirements of the “1.0 ha Policy”.

The province has previously indicated if a local government approves higher density development and problems with wastewater disposal later emerge, financial assistance could be withheld from any infrastructure scheme necessary to fix the problem.

Approval of this proposal may set precedence for the Board’s receptiveness to similar proposals for additional dwellings on parcels less than 1.0 ha in area and serviced by on-site septic.

The applicant has provided a letter from a Registered Onsite Wastewater Practitioner indicating that they have “reviewed the proposal and the property and determined there is more than enough area in two separate locations to relocate a new sewerage system that can service both the single family home and the addition of a carriage house”.

Alternatives:

1. THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.26, 2023, be read a first and second time and proceed to public hearing;

AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of October 5, 2023;

AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.
2. THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.26, 2023, be read a first and second time and proceed to public hearing;

AND THAT the holding of the public hearing be delegated to Director Fedrigo;

AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Fedrigo;

AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

Respectfully submitted:

Fiona Titley

Fiona Titley, Planner II

Endorsed By:

CG

C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Agency Referral List

No. 2 – Applicant’s Site Plan

No. 3 – Applicant’s Floor Plan

No. 4 – Applicant’s Floor Plan Cont.

No. 5 – Applicant’s Floor Plan Cont.

No. 6 – Applicant’s Building Elevations

No. 7 – Applicant’s Building Elevations Cont.

No. 8 – Applicant’s Building Elevations Cont.

No. 9 – Applicant’s Building Elevations Cont.

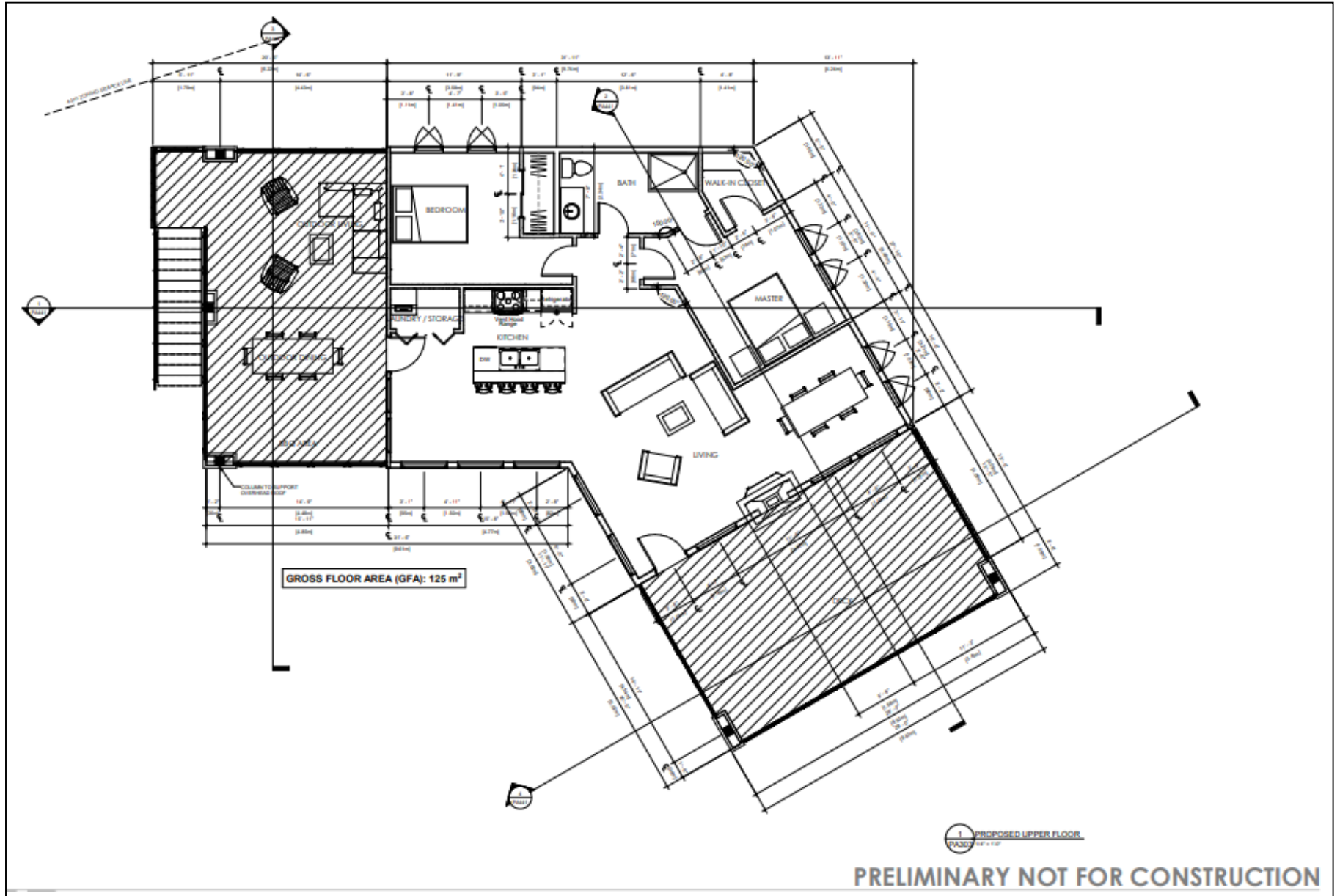
No. 10 – Site Photo

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Amendment Bylaw No. 2800.26:

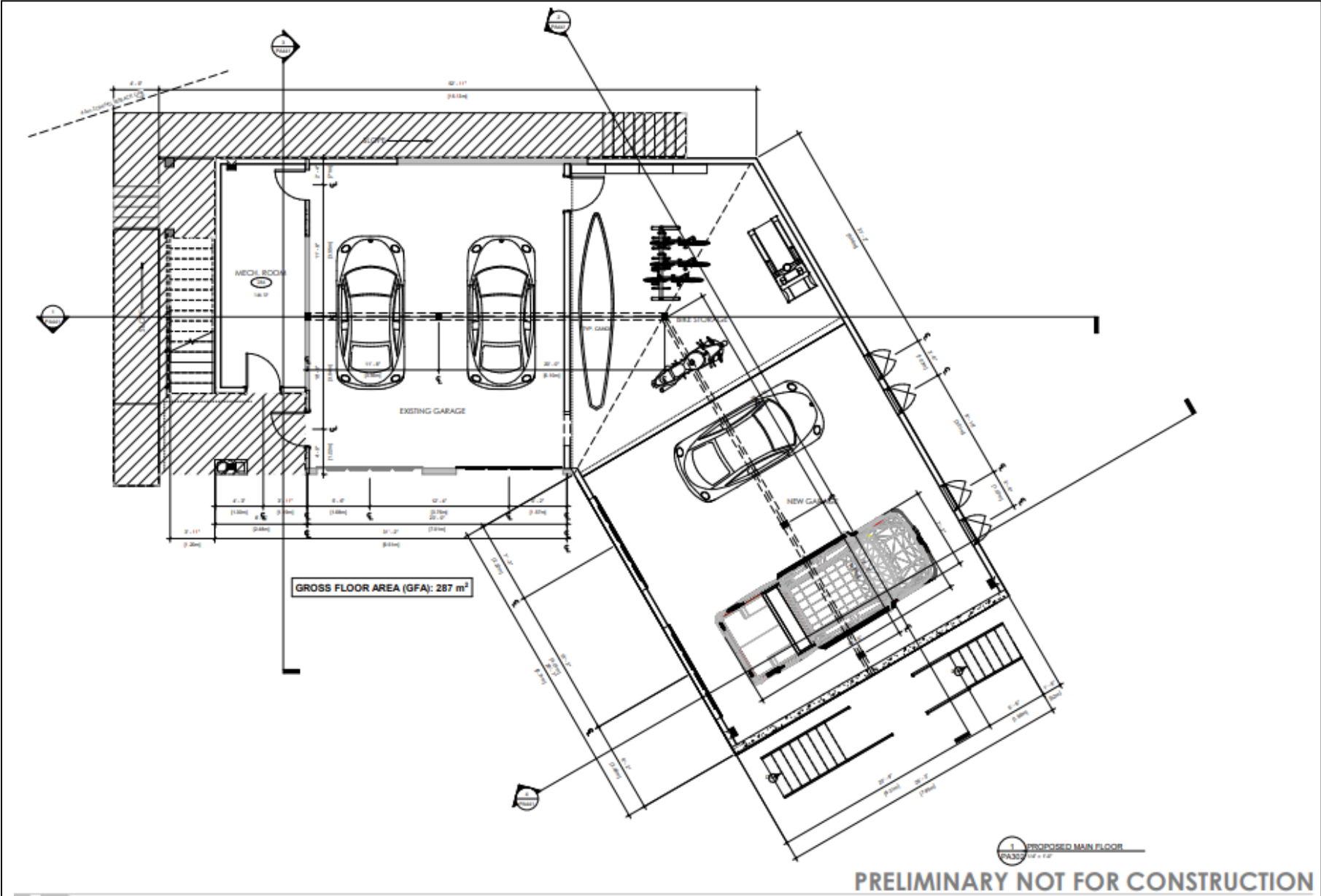
<input type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" type="checkbox"/>	Fortis
<input checked="" type="checkbox"/>	Interior Health Authority (IHA)	<input type="checkbox"/>	City of Penticton
<input type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	District of Summerland
<input type="checkbox"/>	Ministry of Energy, Mines & Petroleum Resources	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Municipal Affairs & Housing	<input type="checkbox"/>	Town of Osoyoos
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Ecosystem Section)	<input type="checkbox"/>	Town of Princeton
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch)	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology	<input type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input type="checkbox"/>	Ministry of Transportation and Infrastructure	<input type="checkbox"/>	Penticton Indian Band (PIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Osoyoos Indian Band (OIB)
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Upper Similkameen Indian Band (USIB)
<input type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	Lower Similkameen Indian Band (LSIB)
<input type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Canadian Wildlife Services
<input type="checkbox"/>	Kootenay Boundary Regional District	<input type="checkbox"/>	OK Falls Irrigation District
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Kaleden Irrigation District
<input type="checkbox"/>	Fraser Valley Regional District	<input type="checkbox"/>	X Irrigation District / improvement Districts / etc.
<input checked="" type="checkbox"/>	Naramata Fire Department	<input checked="" type="checkbox"/>	Okanagan Basin Water Board

Attachment No. 3 – Applicant's Floor Plan

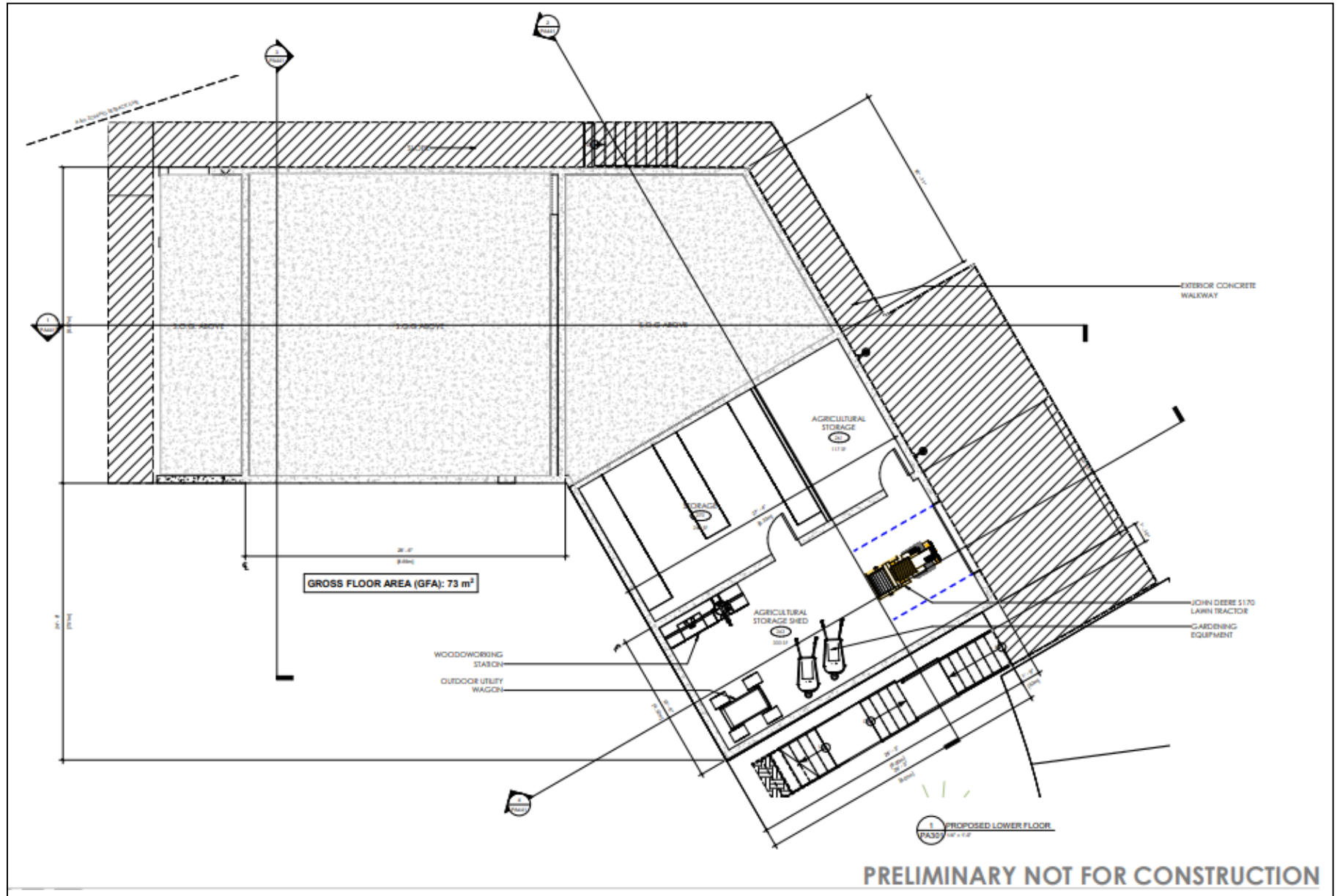


PRELIMINARY NOT FOR CONSTRUCTION

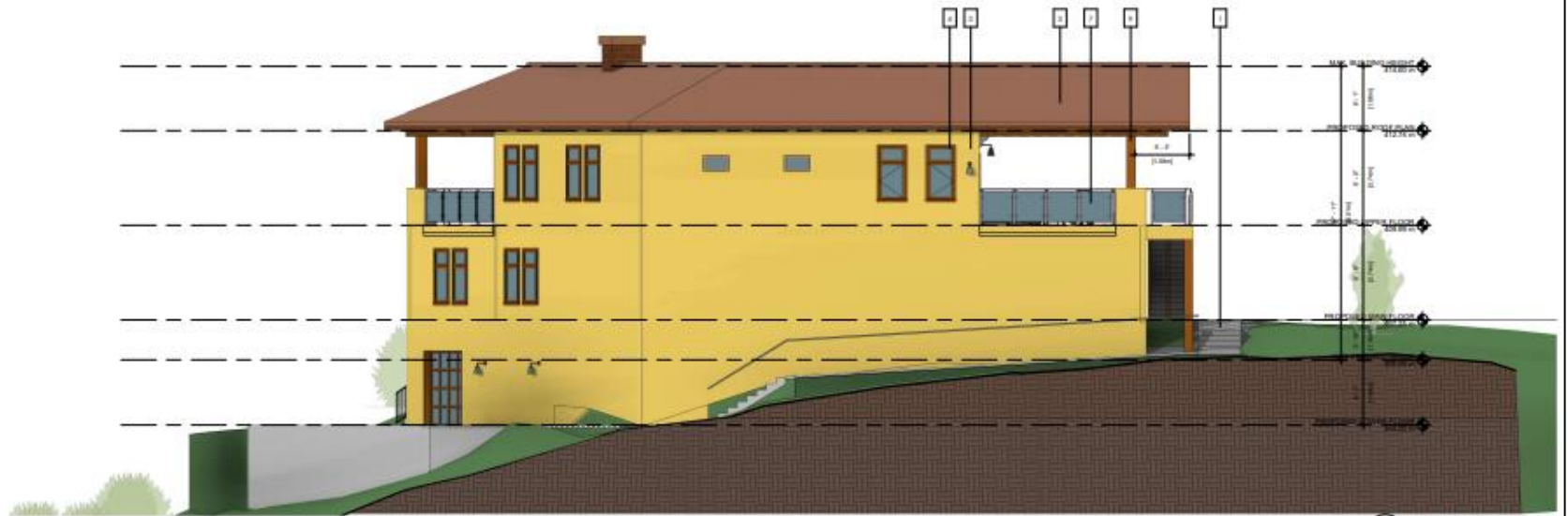
Attachment No. 4 – Applicant’s Floor Plan Cont.



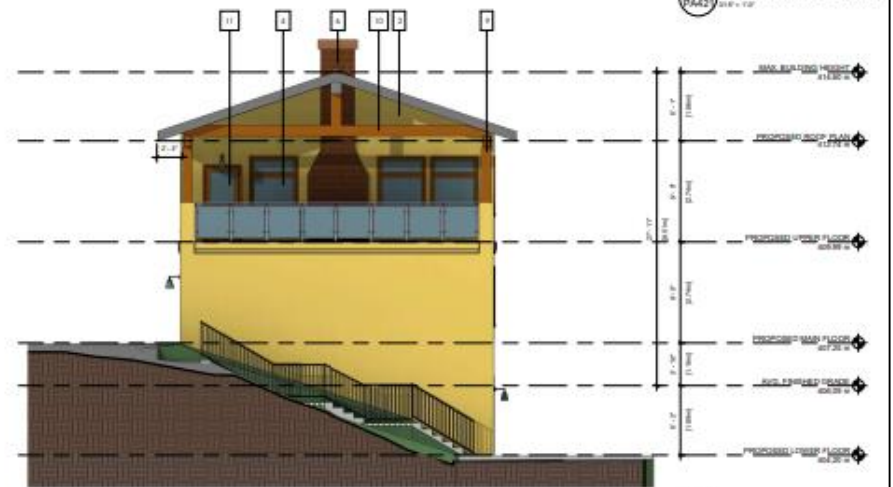
Attachment No. 5 – Applicant's Floor Plan Cont.



Attachment No. 6 – Applicant’s Building Elevations



1 PROPOSED NORTH ELEVATION
SCALE: 1/8" = 1'-0"



2 PROPOSED SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

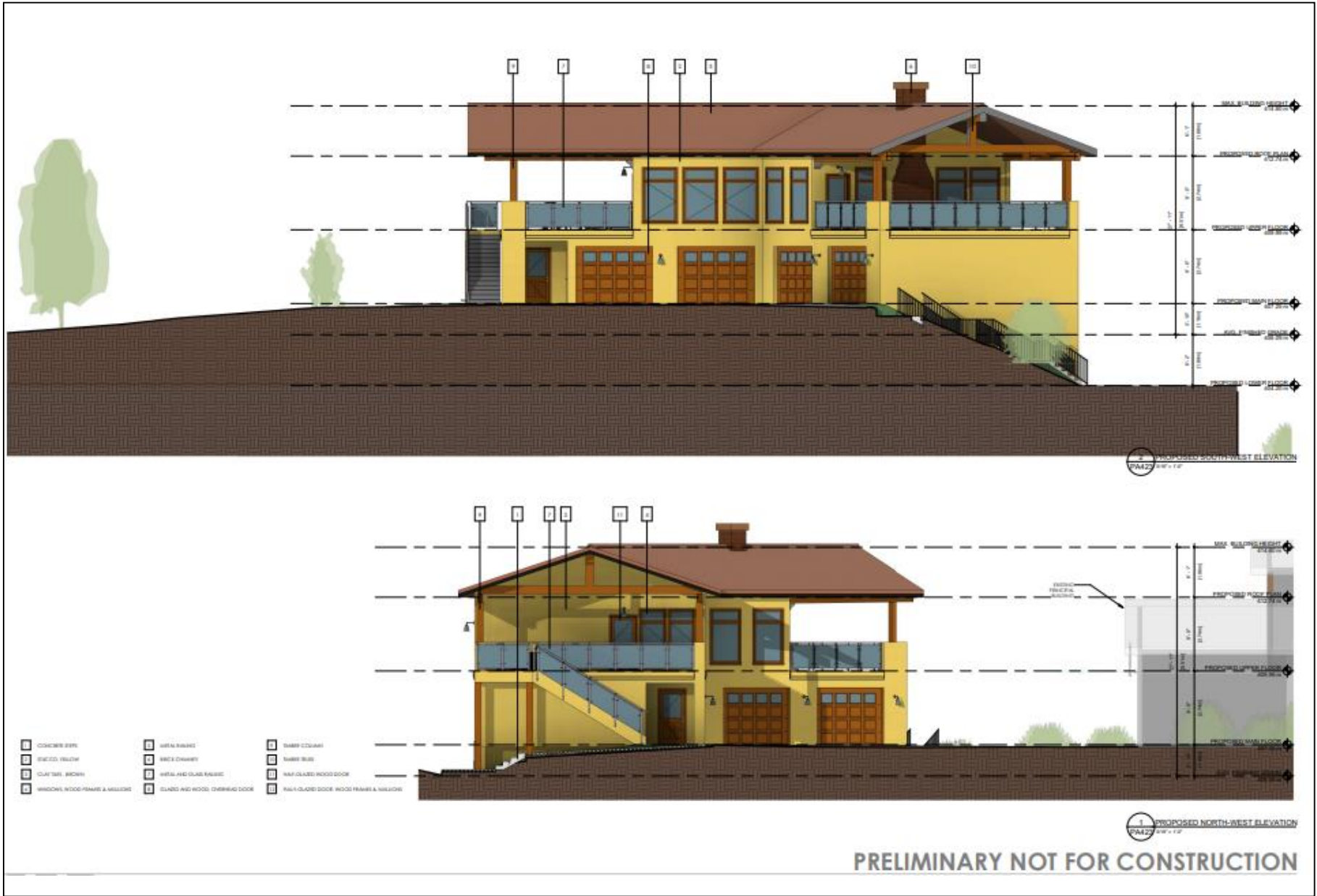
- | | | |
|----------------------------------|-----------------------------------|---|
| 1 CONCRETE SIPS | 2 METAL SIDING | 3 SHIMMER COLORED |
| 4 BRICK | 5 BRICK CHIMNEY | 6 SHIMMER BRICK |
| 7 CLAY TILE - BROWN | 8 METAL AND GLASS BALANCE | 9 HALF GLAZED WOOD DOOR |
| 10 WINDOWS, WOOD FRAME & MESHING | 11 GLAZED WOOD DOOR, GARBAGE DOOR | 12 HALF GLAZED DOOR, WOOD FRAME & HOUSE |

PRELIMINARY NOT FOR CONSTRUCTION

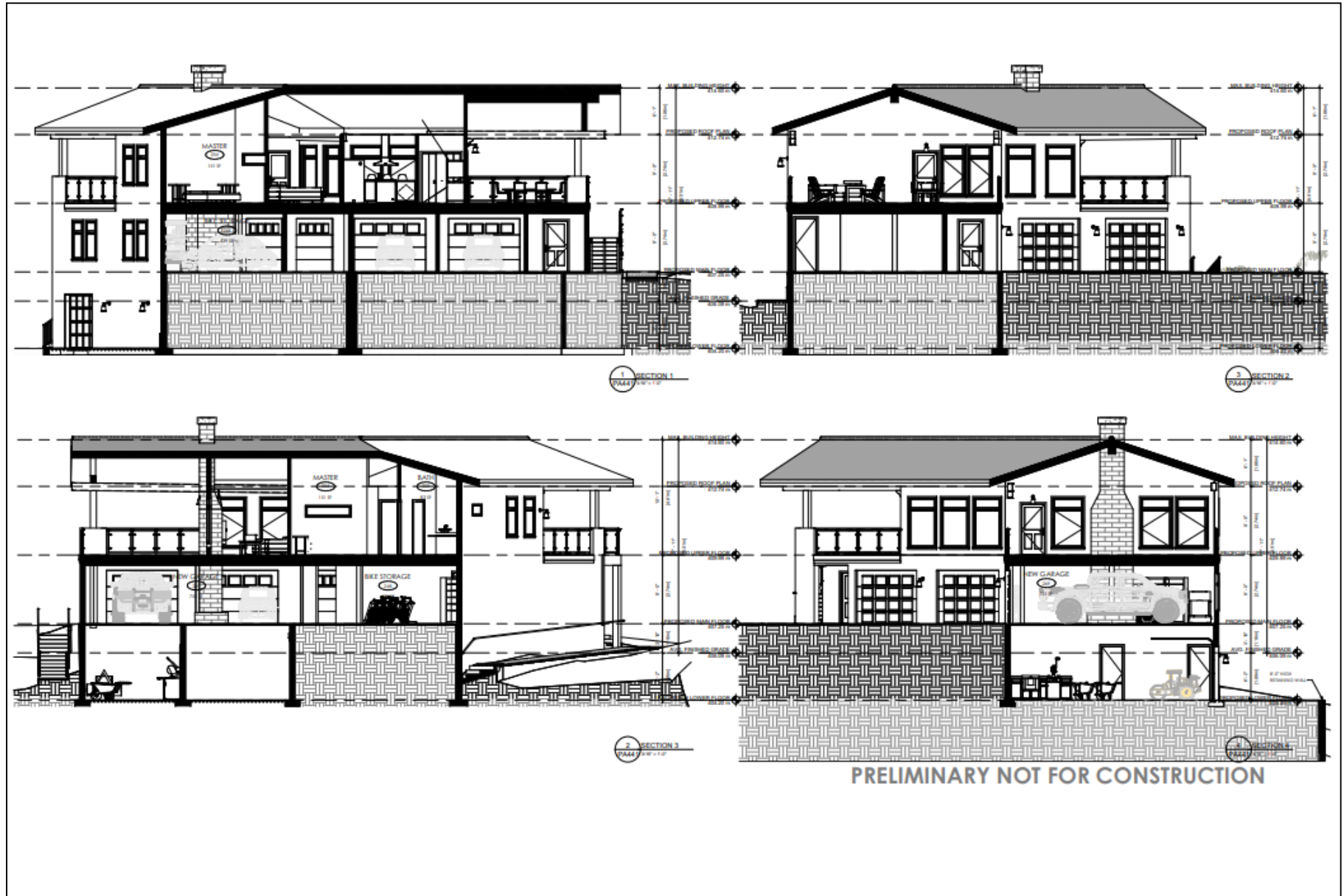
Attachment No. 7 – Applicant’s Building Elevations Cont.



Attachment No. 8 – Applicant’s Building Elevations Cont.



Attachment No. 9 – Applicant’s Building Elevations Cont.



PRELIMINARY NOT FOR CONSTRUCTION

Attachment No. 10 – Site Photo (Google Maps 2012)

