

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: B. Newell, Chief Administrative Officer
DATE: August 14, 2023
RE: Zoning Bylaw Amendment – Electoral Area “E”

Purpose: The construction of an accessory dwelling Folio: E-02200.020
Civic: 3205 Rushbury Place Legal: as Lot B Plan KAP46902, District Lot 210, SDYD
OCP: Small Holdings (SH) Zone: Small Holdings Two (SH2)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to permit the construction of a 125m² accessory on a property less than 1.0 ha without a connection to a community sewer system.

In order to accomplish this, the applicant is proposing to amend the zoning of the property from Small Holdings Two (SH2) to Small Holdings Two Site Specific (SH2s) 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 subject property is approximately 0.69 ha in area and is situated on the north end of Rushbury Place approximately 0.4 km east of Okanagan Lake. It is understood that the parcel is comprised of a single detached dwelling, detached garage, pool and pool house.

The surrounding pattern of development is generally 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 current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops 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:

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject property is currently designated Small Holdings (SH).

Zoning Bylaw:

Under the Okanagan Valley Zoning Bylaw No. 2800, 2023, the property is currently 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”.

APC Consideration:

At its meeting of July 10, 2023, the Electoral Area “E” considered this application and made the following recommendation: THAT the proposed amendments to the Okanagan Valley Zoning Bylaw No. 2800, 2022, to allow the development of second principal dwelling at 3205 Rushbury Place, Naramata, be denied.

The applicant has since submitted updates building plans which reduce the floor area of the proposed dwelling to 125m² and separates the uses of the living space and garage by providing an exterior entrance to the accessory dwelling.

Analysis:

In considering this proposal, Administration notes that the Electoral 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 and cannot be supported by Administration.

It is further noted that 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”.

Importantly, 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.

Administration is further concerned that approval of this proposal will change expectations regarding the Board’s receptiveness to similar proposals for additional dwellings on parcel less than 1.0 ha in area and serviced by on-site septic.

Other options are seen to be available to the applicant, such as redesigning the proposal as a secondary suite attached to the existing principal dwelling.

Alternative:

Conversely, 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”.

Summary:

In conclusion, administration is not supportive of the proposal for an accessory dwelling on the subject property.

Administrative Recommendation:

THAT the proposed amendments to the Okanagan Valley Zoning Bylaw No. 2800, 2022, to allow the development of an accessory dwelling at 3205 Rushbury Place, Naramata, be denied.

Options:

1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.
2. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved with the following conditions:
 - i) *TBD*
3. THAT the APC recommends to the RDOS Board of Directors that the subject development application be denied.

Respectfully submitted:

Fiona Titley

Fiona Titley, Planner II

Endorsed By:

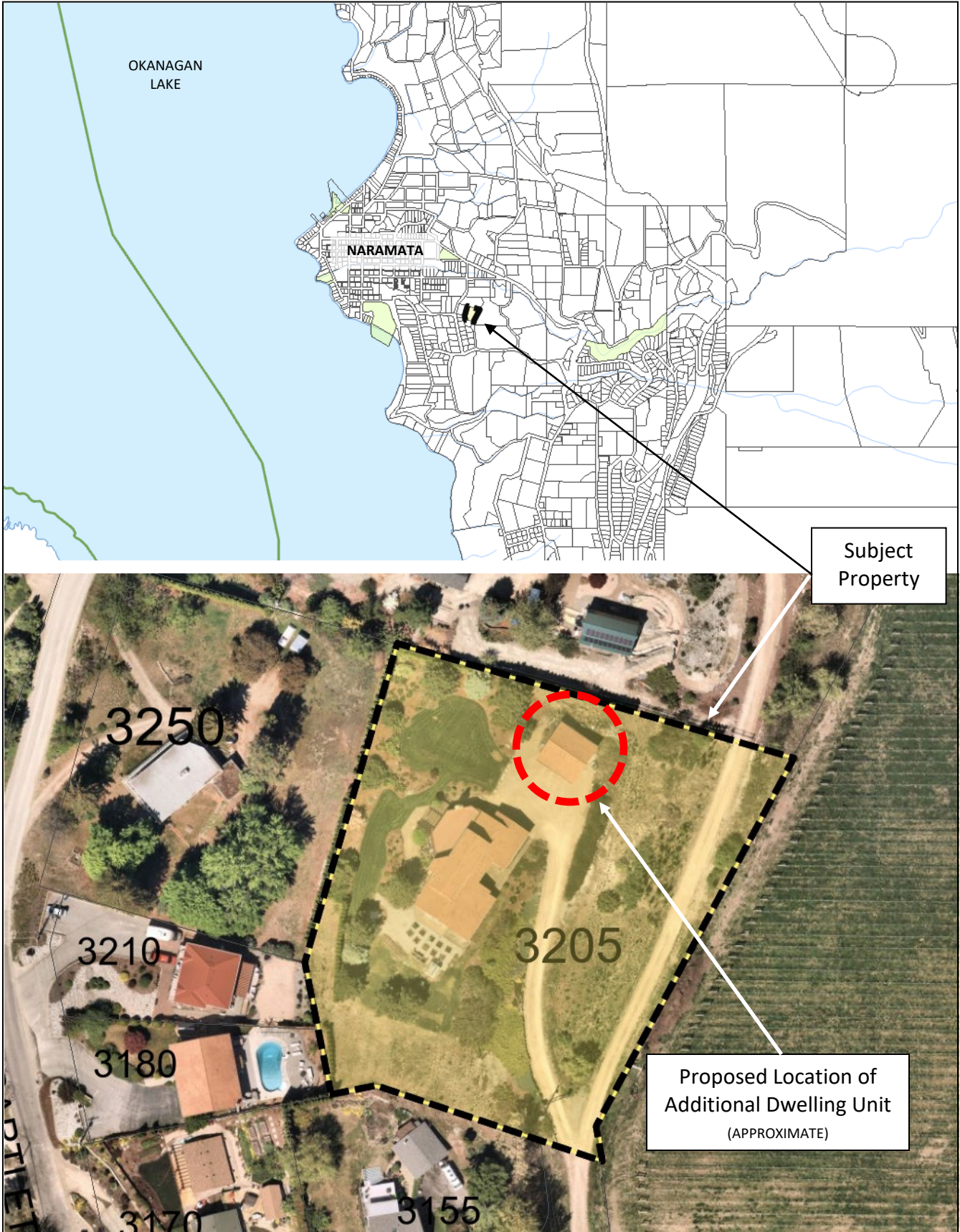
CG

C. Garrish, Senior Manager of Planning Services

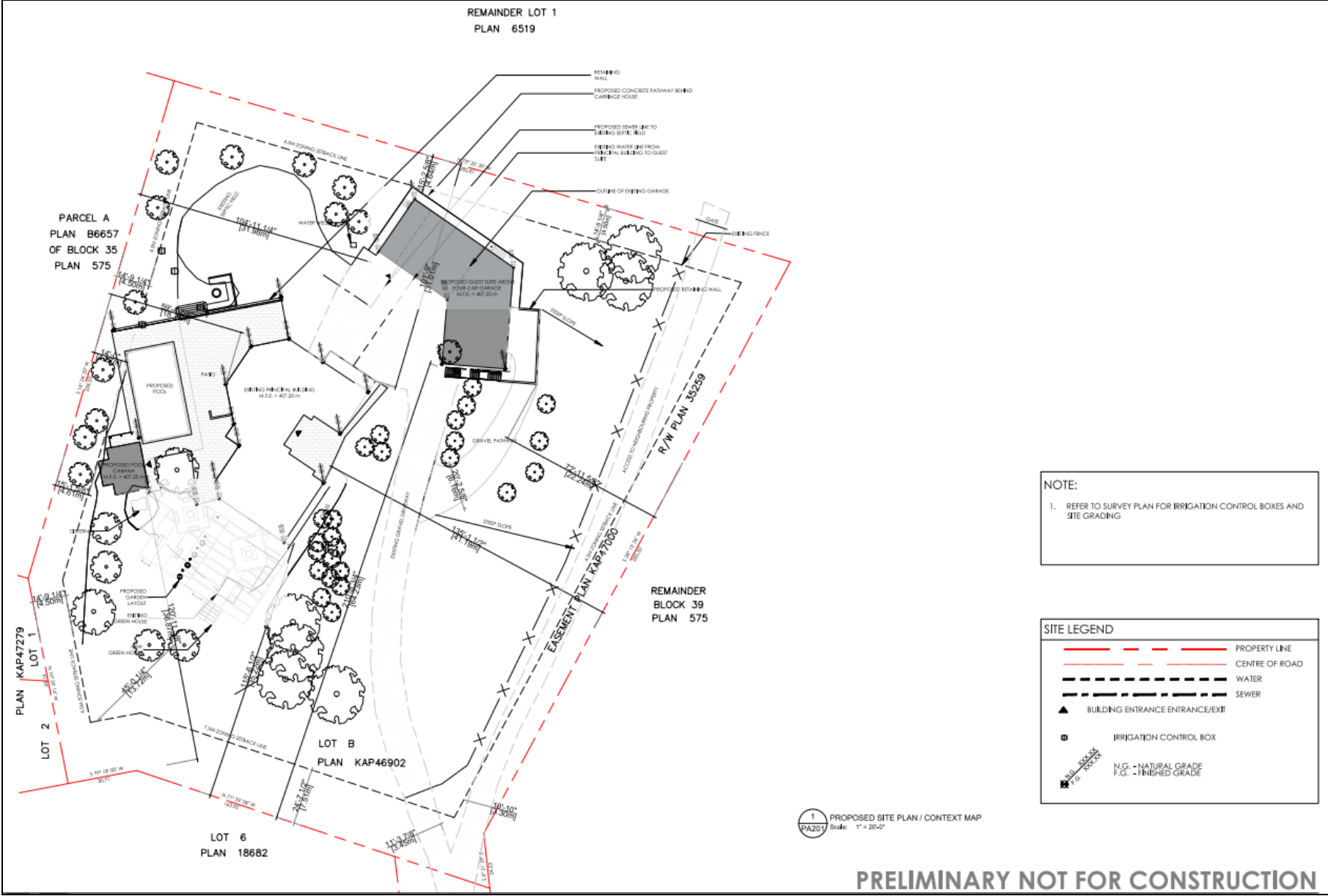
Attachments: No. 1 – Context Maps

- 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

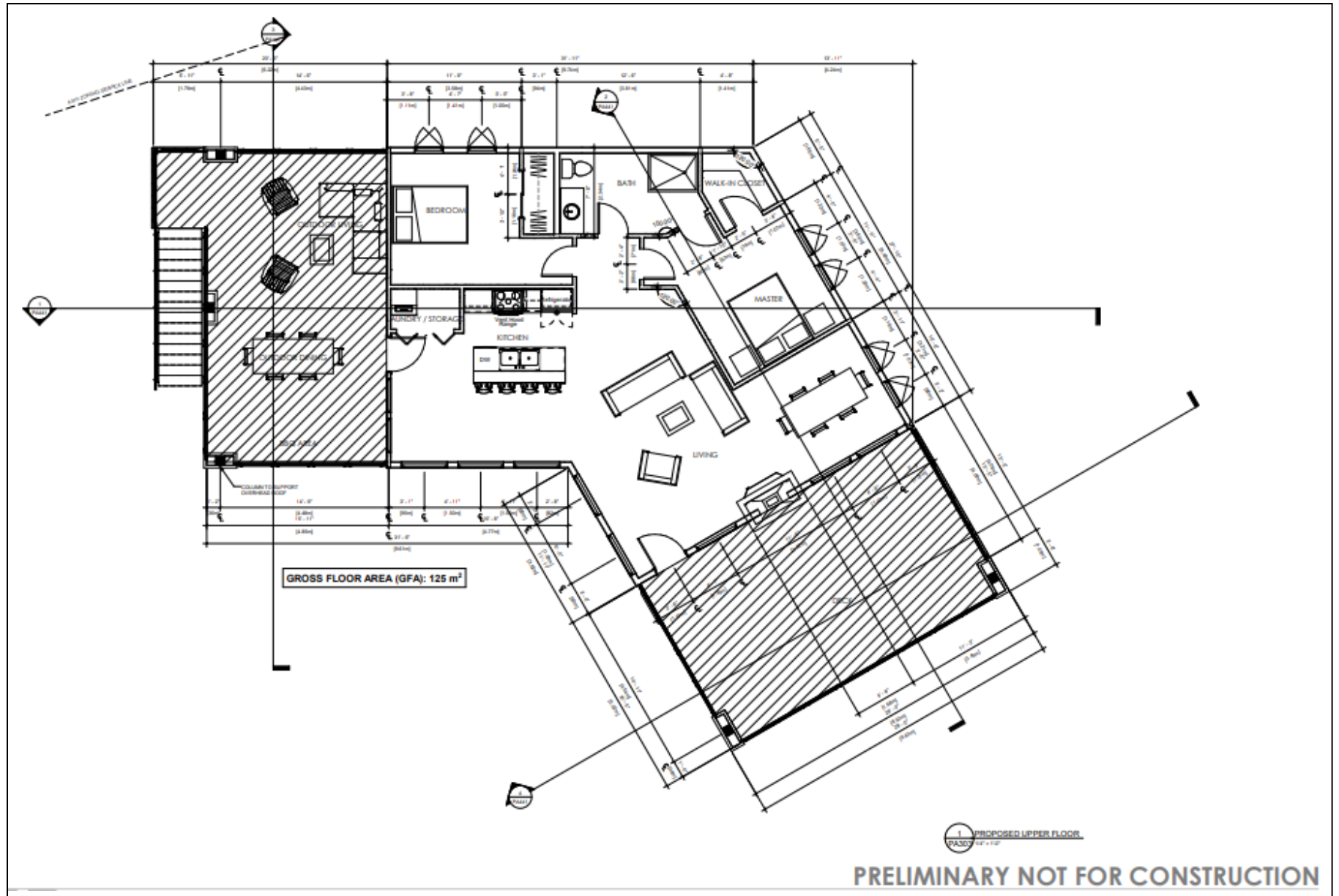
Attachment No. 1 – Context Maps



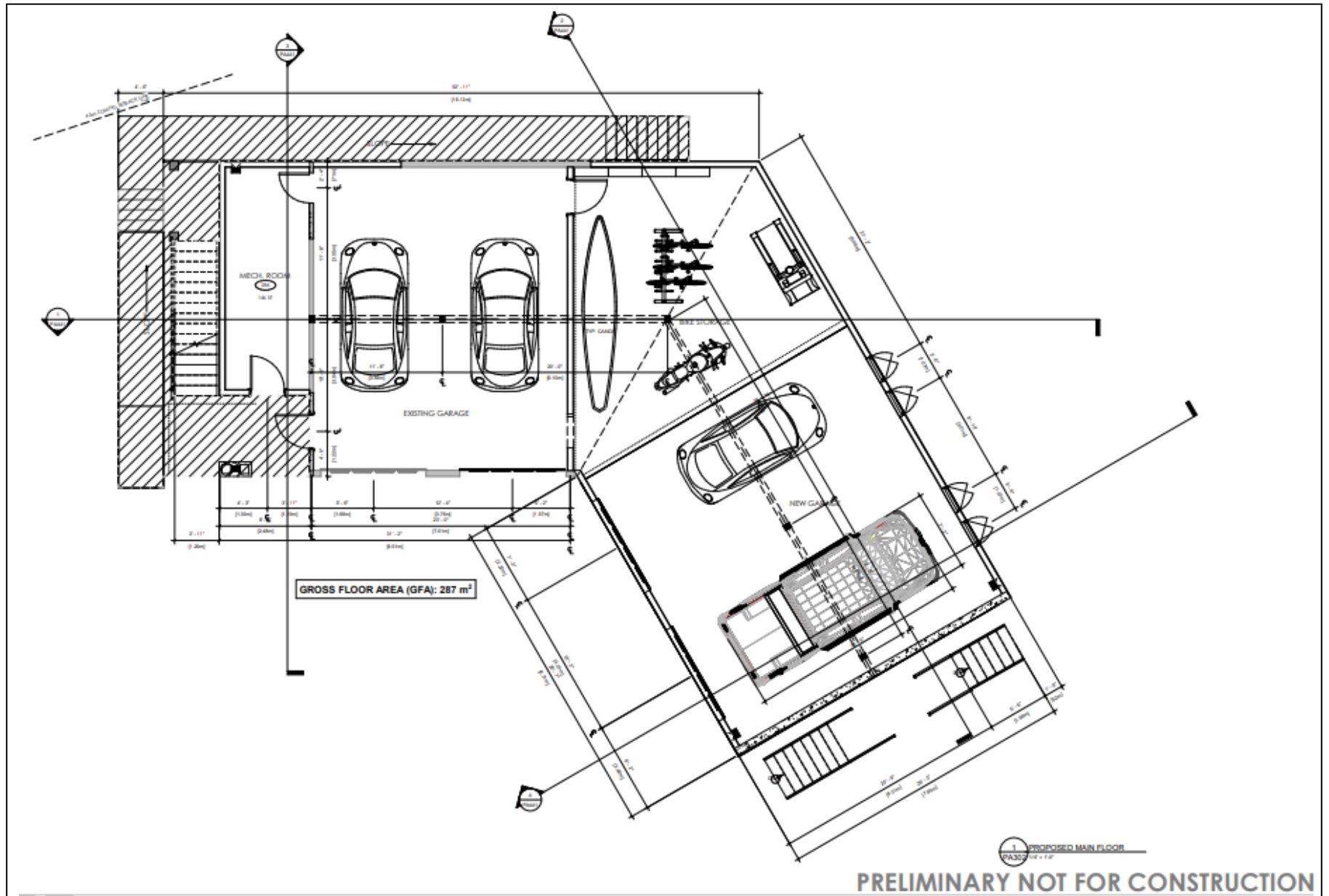
Attachment No. 2 – Applicant’s Site Plan



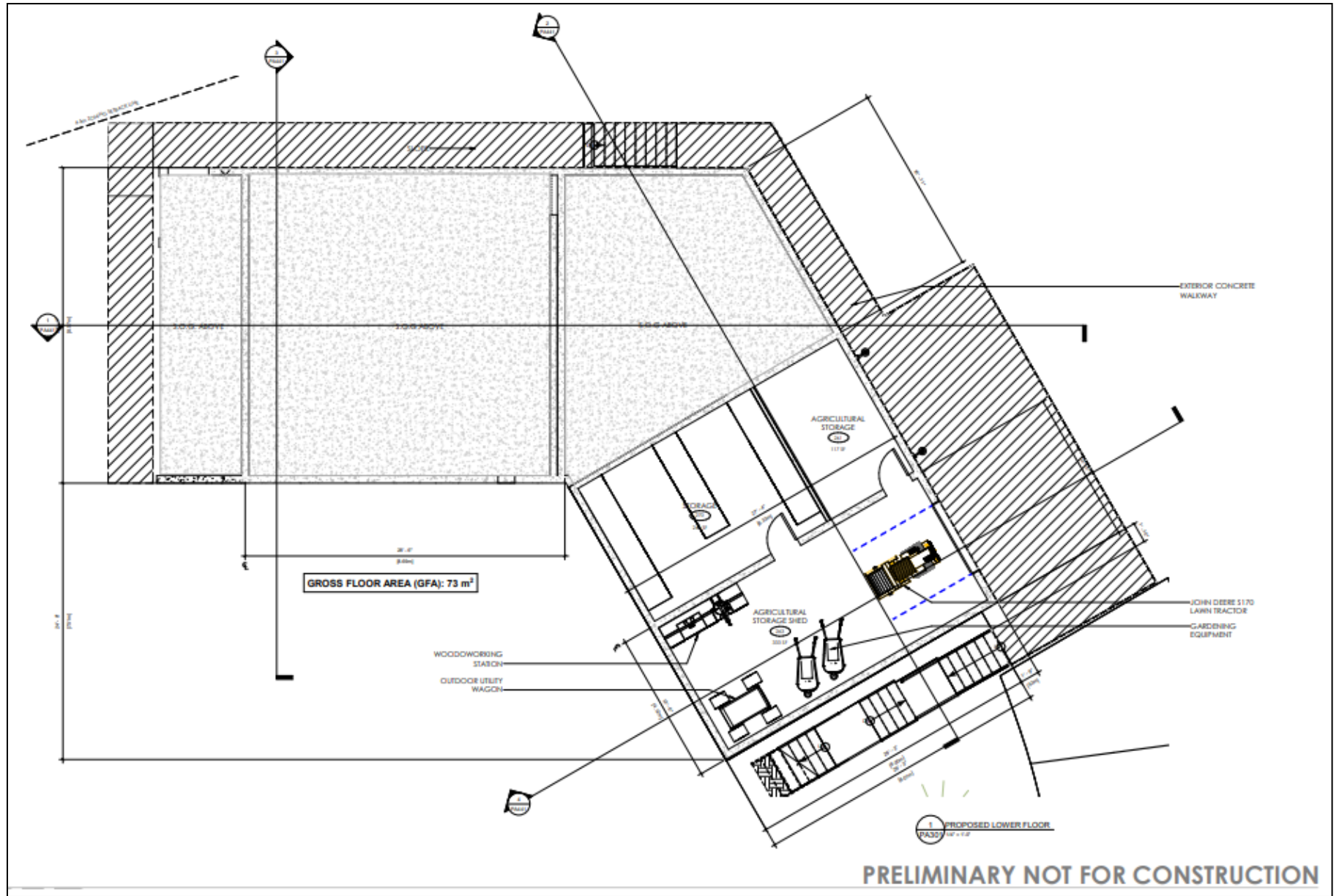
Attachment No. 3 – Applicant's Floor Plan



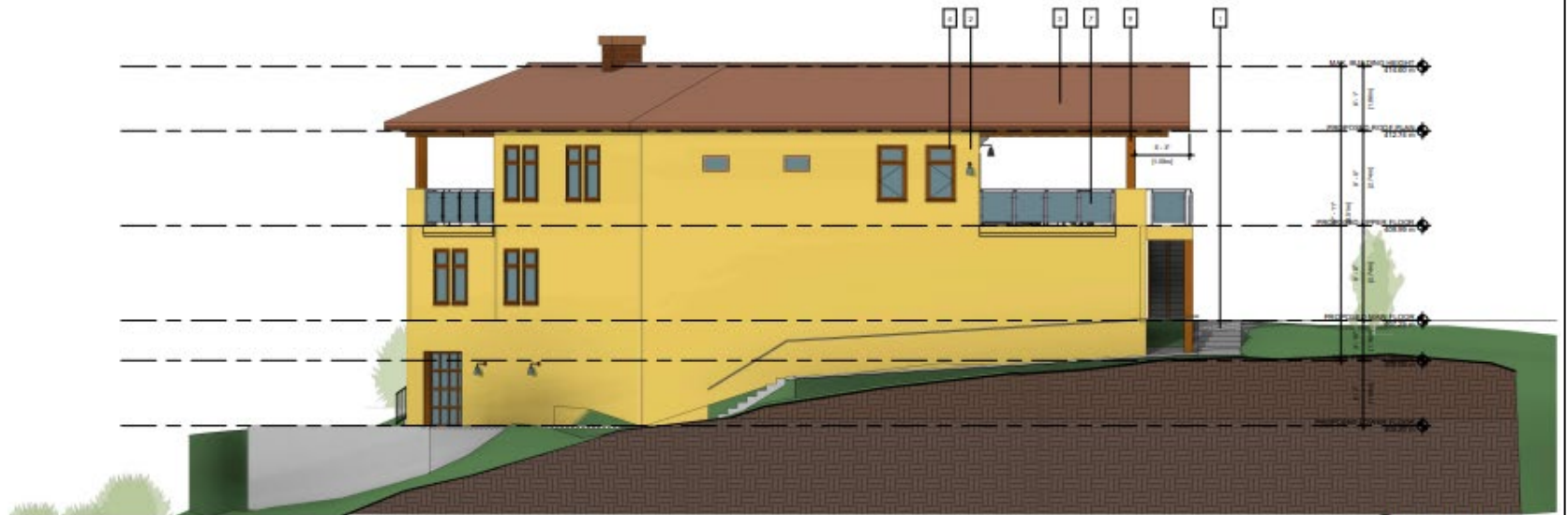
Attachment No. 4 – Applicant's Floor Plan Cont.



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



Attachment No. 6 – Applicant’s Building Elevations



1 PROPOSED NORTH ELEVATION
PAAJLV 2023.02



2 PROPOSED SOUTH ELEVATION
PAAJLV 2023.02

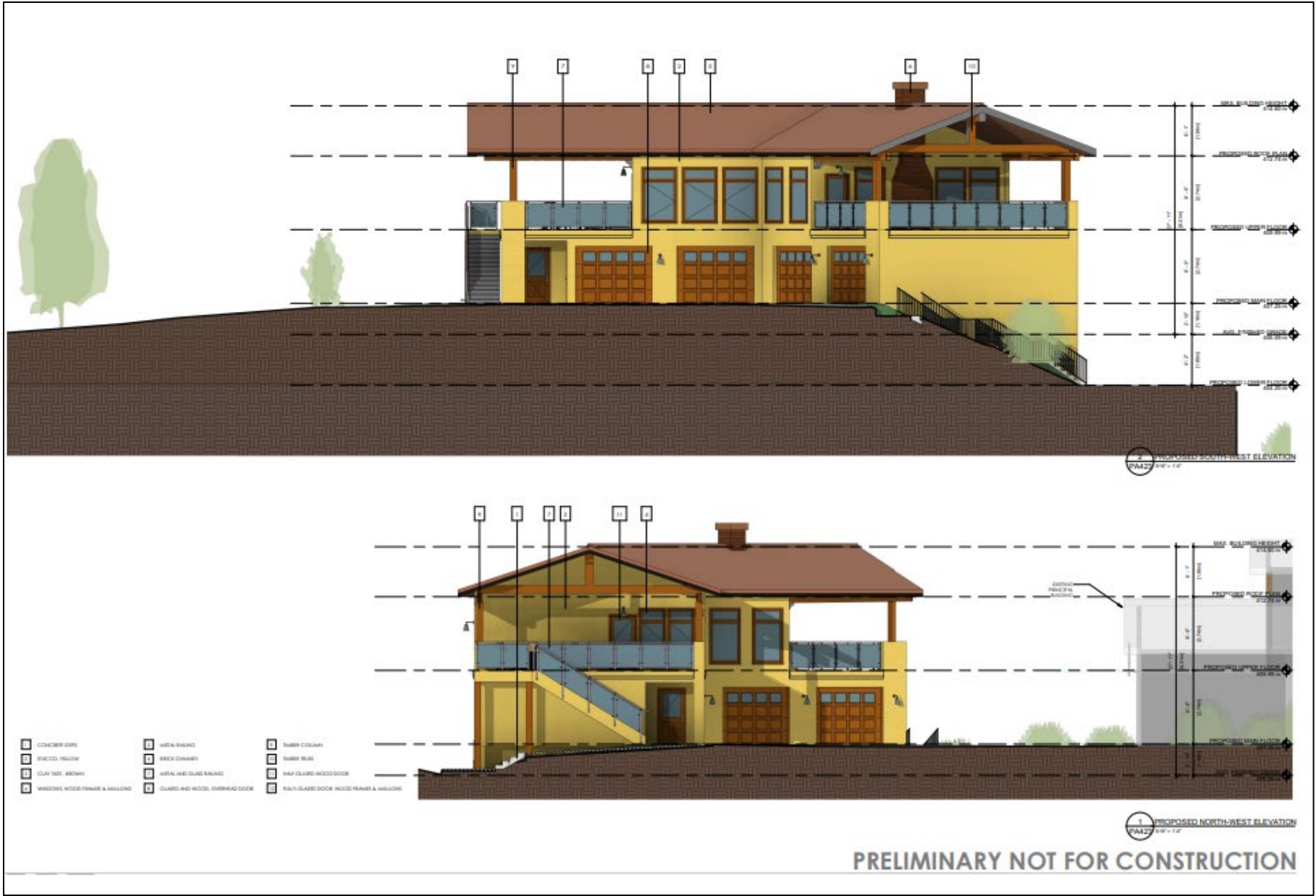
- | | | |
|--------------------------------|---------------------------------|---|
| 1 CONCRETE STEPS | 2 METAL RAINING | 3 SQUARE COLUMN |
| 4 BRICK, YELLOW | 5 BRICK CHIMNEY | 6 SQUARE RISER |
| 7 CLAY TILE, BROWN | 8 METAL AND GLASS RAILING | 9 HALF GLAZED WOOD DOOR |
| 10 WOODEN WOOD FRAME & MULLION | 11 GLAZED AND WOOD CHIMNEY DOOR | 12 HALF GLAZED DOOR, WOOD FRAME & MULLION |

PRELIMINARY NOT FOR CONSTRUCTION

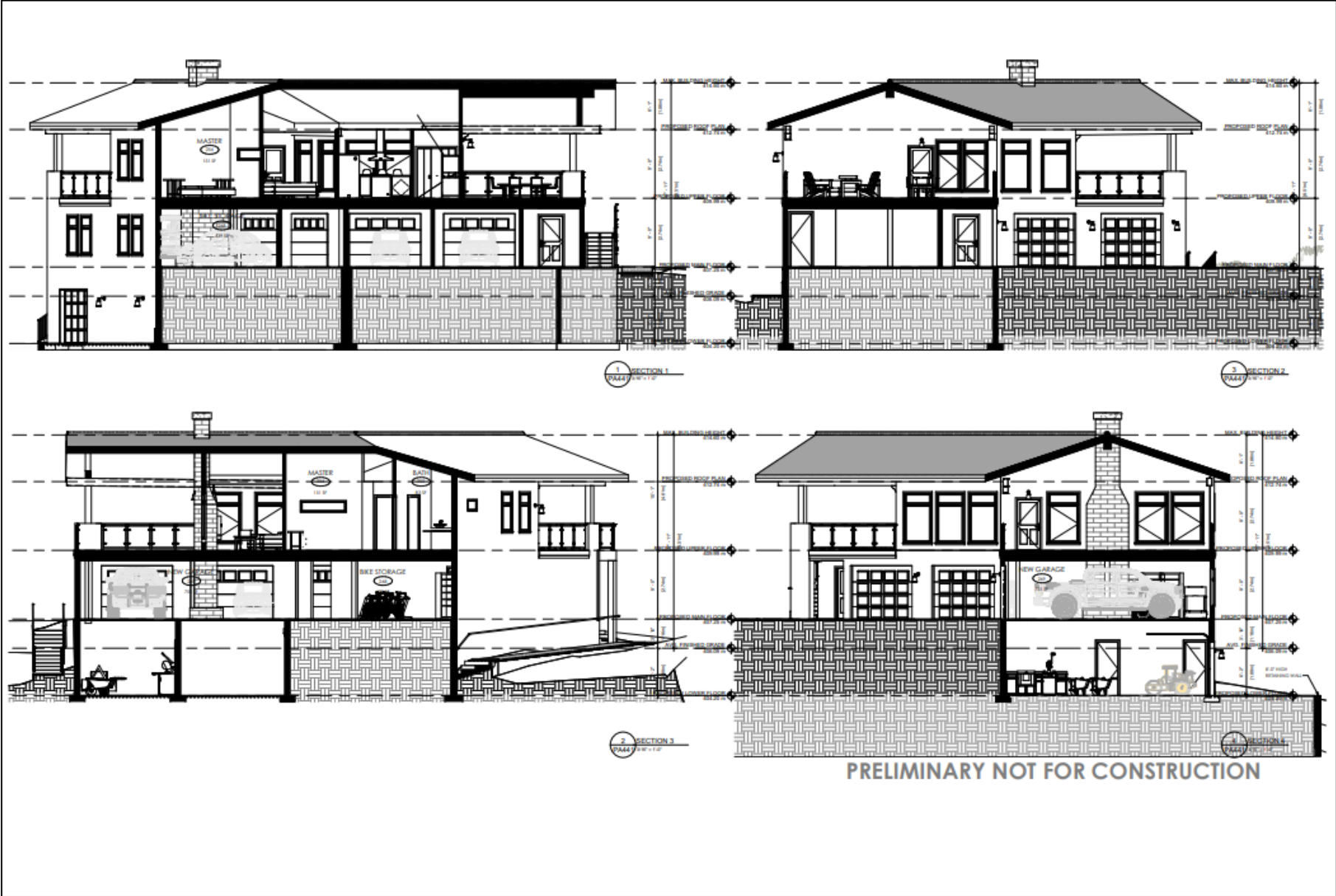
Attachment No. 7 – Applicant’s Building Elevations Cont.



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



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



Attachment No. 10 – Site Photo

