
On November 6, 2008, the Regional District Board completed a “Repeal and Re-enactment” (R&R) Process of all its official community plan bylaws and zoning bylaws in order to address a number of administrative deficiencies that had occurred in relation to the adoption of amendments between 2004 and 2008.

This resulted in the replacement of the Electoral Area “D-2” Zoning Bylaw No. 1801, 1998, with the current Electoral Area “D-2” Zoning Bylaw No. 2455, 2008. During the transition between these bylaws a number of errors occurred, including the inadvertent switching of the zoning regulations between the RS2 and RS3 Zones (i.e. duplexes became permitted in RS2 but prohibited in the RS3 (Duplex) Zone). In addition, the zoning of the subject property should have been updated to RS3 to reflect new zone titles introduced as part of the R&R Process but, for unknown reasons, was retained as RS2.

At its meeting of April 7, 2011, the Board adopted Amendment Bylaw No. 2483, 2010, which corrected a substantial number of the errors which had occurred during the R&R Process, including restoring the proper provisions of the RS2 & RS3 Zones in Electoral Area “D-2”.

At its meeting of March 19, 2015, the Board adopted Amendment Bylaw No. 2455.16, 2015, which, amongst other things, introduced “secondary suite” as a permitted use in the RS1 & RS2 Zones. As a result of these amendments, the RS1 & RS2 Zones became essentially identical (i.e. same permitted uses, density provisions, parcel size for subdivision, setbacks, building heights, etc.).

At its meeting of June 15, 2017, the Board adopted Amendment Bylaw 2710, 2017, which primarily dealt with the update of environmental provisions in the Okanagan Electoral Area OCP and Zoning Bylaws, but also included updated electoral area boundary locations, colourisation of the map schedules and the correction of what were thought to be the remaining R&R errors.

Due to the overlap between the RS1 & RS2 Zones, the historical zoning of the subject property as RS1 (prior to 2006) and the zoning of surrounding properties being RS1, the zoning of the subject property was changed from RS2 to RS1 by Amendment Bylaw 2710, 2017. NOTE: as part of on-going work related to the preparation of a single zoning bylaw for the Okanagan Electoral Areas, it is being proposed to consolidate the RS1 & RS2 Zones due to their substantial duplication.

The occurrence of this mapping error at the subject property was recently brought to the Regional District attention by the property owner.

Under the Electoral Area “D-2” OCP Bylaw No. 2603, 2013, the subject property is designated as Low Density Residential (LR) and is subject to a Hillside and Steep Slope Development Permit (HSSDP) and OK Falls Multi Family Development Permit Area designations.

Analysis:

In considering this situation, Administration recognises that the zoning adopted by the Board in 2006 to address the illegal suite also granted the property owner the ability to develop a duplex on the subject property. That this duplex zoning was removed in 2011 is seen to be related to an attempt to address errors related to the R&R process and not a reflection of the suitability of the property (or area) for greater densities.

In fact, an objective of the LR designation of this area under the OCP Bylaw is to support the use of land for “single family dwellings, secondary suites, manufactured homes [and] duplexes ...” [emphasis added].

It is further noted that the subject property (and surrounding area) is within the Okanagan Falls Primary Growth Area under the Regional Growth Strategy (RGS) Bylaw and is serviced with community water and sewer – making it the type of location that the Regional District is seeking to encourage appropriate infill types of development.

For these reasons, Administration is supportive of restoring the duplex zoning that previously applied to the subject property.

Conversely, Administration recognises that the original intent of the 2006 rezoning of the subject property was merely to address an illegal suite and that subsequent amendments to the zoning bylaw have introduced suites as a permitted use in the RS1 Zone.

The Board was also advised during consideration of Amendment Bylaw No. 1801.07 that the application to formalise the suite did not contemplate any “new development” (i.e. duplex development).

Administrative Recommendation:

THAT the APC recommends to the RDOS Board of Directors that the subject zone amendment bylaw be approved.

Options:

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

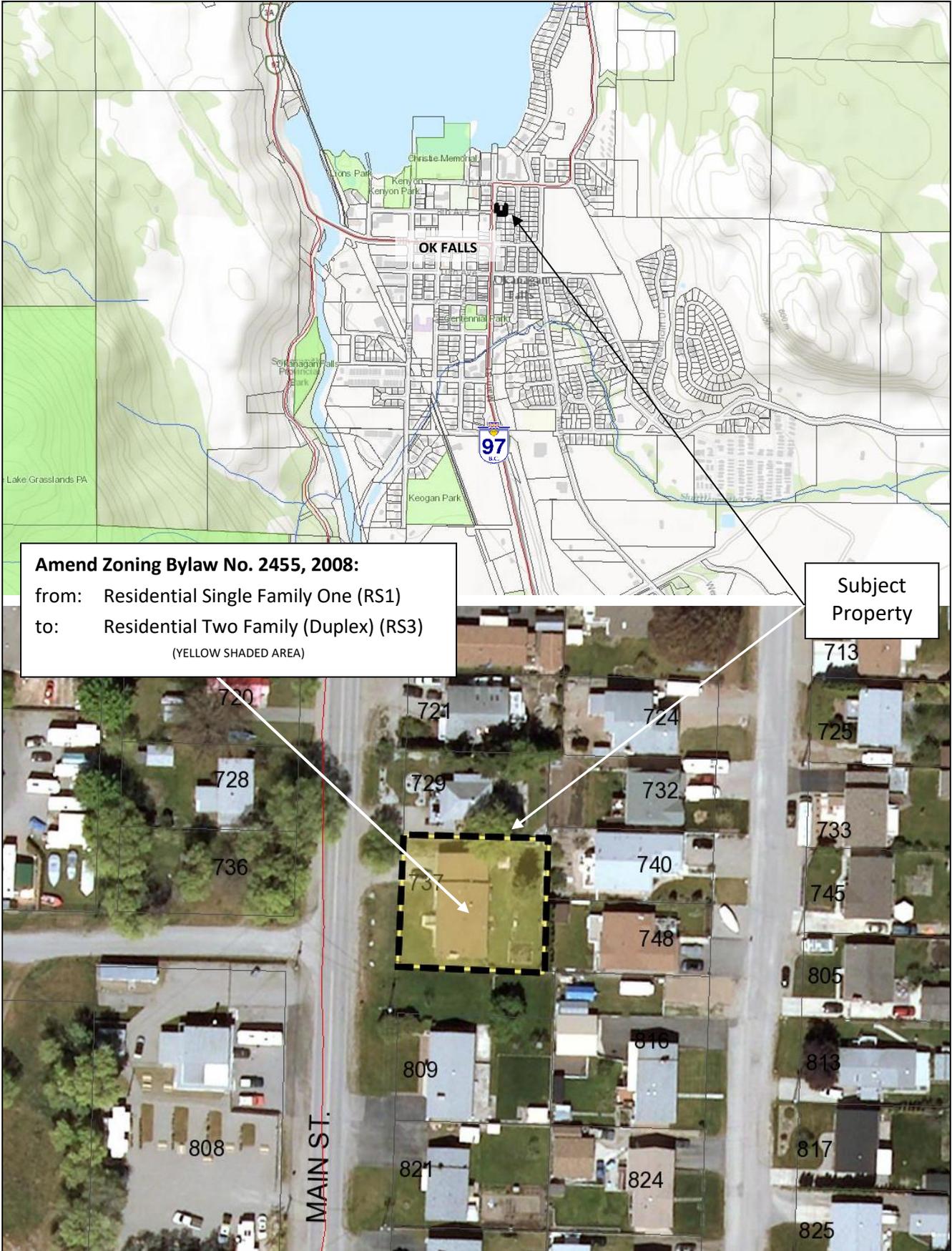
Respectfully submitted:



C. Garrish, Planning Supervisor

Attachments: No. 1 – Context Maps
No. 2 – Site Photo (Google Streetview)

Attachment No. 1 – Context Maps



Attachment No. 2 – Site Photo (Google Streetview)

