

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 5, 2018
RE: Zoning Bylaw Amendment – Electoral Area “D-2”

Administrative Recommendation:

THAT Bylaw No. 2455.36, 2018, Electoral Area “D” Zoning Amendment Bylaws be read a third time.

Purpose: To correct a mapping error that resulted in the duplex zoning of the property being removed.

Applicant: Not applicable (RDOS) Folio: D-00921.020 Civic: 737 Main Street, Okanagan Falls

Legal: KAP1280, Block 16, District Lot 337, SDYD, Parcel C, Except Plan KAP 5480, Okanagan Falls Townsite

Zone: Residential Single Family One (RS1) Proposed Zoning: Residential Two Family (Duplex) (RS3)

Proposed Development:

The purpose of the rezoning is to correct a mapping error that previously resulted in the duplex zoning of the subject property reverting to the Residential Single Family One (RS1) Zone.

Site Context:

The subject property is approximately 879 m² in area and is situated on the east side of Main Street in Okanagan Falls. It is understood that the parcel is comprised of a single detached dwelling and a secondary suite.

The surrounding pattern of development is generally characterised by similarly sized and zoned parcels to the north, south, and east and Commercial zoned parcels to the west.

Background:

A Public Information Meeting was held on May 8, 2018, at the Community Centre in Okanagan Falls and no members of the public attended.

At its meeting of May 8, 2018, the Electoral Area “D” Advisory Planning Commission (APC) resolved to recommend to the Regional District Board that this application be approved.

At its meeting of June 7, 2018, the Regional District Board resolved to approve first and second reading of the amendment bylaw and to waive the scheduling of a public hearing in accordance with Section 464 of the *Local Government Act*.

In accordance with Section 467 of the Act, staff gave notice of the waiving of the public hearing in the June 20 and 27, 2018, editions of the Penticton Western.

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required as the subject property is situated within 800 metres of a controlled area (i.e. Highway 97).

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).

Alternatives:

THAT first and second reading of Bylaw No. 2455.36, 2018, Electoral Area “D” Zoning Amendment Bylaw, be rescinded and the bylaw abandoned.

Respectfully submitted



C. Garrish, Planning Supervisor

Endorsed by:



B. Dollevoet, Dev. Services Manager

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

Attachment No. 1 – Site Photo (Google Streetview)

