

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: June 7, 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 first and second time;

THAT pursuant to sub-section 464 of the *Local Government Act*, the Regional District Board resolves to waive the holding of a public hearing for Zoning Amendment Bylaw 2455.36, 2018;

AND THAT pursuant to sub-section 467 of the *Local Government Act*, staff give notice of the waiving of the public hearing for Zoning Amendment Bylaw 2455.36, 2018.

Purpose: To allow for the development of a second kitchen in an existing principal dwelling unit.

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:

The subject property was originally created by a plan of subdivision prepared on August 23, 1913, and was originally comprised as two separate parcels that were subsequently consolidated at some later point in time. Available Regional District records indicate a Building Permit was issued in 1995 in order to allow for the placement of a detached dwelling “on to [a] foundation”.

At its meeting on August 3, 2006, the Regional District Board adopted Amendment Bylaw No. 1801.07, 2006, which rezoned the property Single Dwelling Residential One (RS1) to the (then) Two Dwelling Residential Two (RS2).

This rezoning “was submitted in response to a Warning Notice of Violation from the Regional District in response to a self contained dwelling (secondary suite) in the existing dwelling.” NOTE: in 2006, the RS1 Zone did not permit “secondary suite” as a permitted accessory use whereas the (then) RS2 Zone did allow for “secondary suites” as well as “duplex dwellings”.

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.

As a result of the changes to the Electoral Area “D-2” Zoning Bylaw enacted through the R&R Process, as well as subsequent amendments, the duplex zoning of the subject property was inadvertently removed. This mapping error was recently brought to the Regional District’s 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.

Public Process:

A Public Information Meeting was held on May 8, 2018, at the Community Centre in Okanagan Falls and XXX 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.

Referral comments on this proposal have been received from the XXXX and these are included as a separate item on the Board Agenda.

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required as the subject property is situated beyond 800 metres of a controlled area (i.e. Highway 3A).

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:

- .1 THAT Bylaw No. 2455.36, 2018, Electoral Area “D” Zoning Amendment Bylaw 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 June 7, 2018;

AND THAT staff give notice of the public hearing in accordance with the requirements of the Local Government Act.
- .2 THAT Bylaw No. 2455.36, 2018, Electoral Area “D” Zoning Amendment Bylaw be denied.

Respectfully submitted

Endorsed by:



C. Garrish, Planning Supervisor



B. Dollevoet, Dev. Services Manager

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

Attachment No. 1 – Site Photo (Google Streetview)

