



Committee Report

Date of Report: 09/29/ 2022
Date & Type of Meeting: 10/12/2022 Rural Affairs Committee
Author: Eileen Senyk, Planner
Subject: BYLAW AMENDMENT
File: Z2206J - TASSONE
Electoral Area/Municipality J

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee and RDCK Board to consider an application for land use bylaw amendments in Electoral Area 'J' to enable the construction of an accessory building with a 90 square metres, one bedroom secondary suite above.

In order for the zoning bylaw amendment to be considered, specific changes to the OCP are also required in order to ensure consistency.

Staff recommend that the Board give First and Second to Kootenay Columbia Rivers Official Community Plan Amendment Bylaw No. 2859, 2022 and Regional District of Central Kootenay Zoning Amendment Bylaw No. 2860, 2022 and refer to a public hearing.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owner: Bruno & Kimberley Tassone
Property Location: 1473 Meadowbrook Drive
Legal Description: Lot 1, District Lot 11912, Kootenay District, Plan EPP82210
Property Size: 0.79 hectares
Current Zoning: Rural Residential (R3)
Current Official Community Plan Designation: Rural Residential (RR)

SURROUNDING LAND USES

North: Rural Residential (R3)
East: City of Castlegar – Zoning Single Residential (R-1)
South: Rural Residential (R3)
West: Rural Residential (R3)

The property is located in Electoral Area 'J' but directly borders the City of Castlegar. It was part of a larger parcel that was subdivided into two lots in 2018. Existing development consists of a single family dwelling with private water and a private wastewater disposal system, which was designed to accommodate two dwellings. There is also a detached garage.

The proponents wish to remove the existing garage, and construct an accessory building with a one bedroom secondary suite above. This building form is also known as a carriage house. The existing Rural Residential (R3) zone restricts density to one dwelling on a minimum site area of 2 hectares. This parcel is 0.79 of a hectare. The R3 zone does not have a provision for carriage houses or secondary suites. The proposal is to rezone the subject property to Country Residential K (R2K) and further modify that zone to enable a secondary suite where it would otherwise not be possible due to the minimum lot size regulation for parcels not connected to community water and sewer. This modification would apply to Country Residential K (R2K) zone for the subject property only, and is commonly referred to as “site specific” zoning.

Official Community Plan Bylaw No. 1157 directs that in the Country Residential 2 land use designation, there shall be one dwelling per hectare of land. Therefore, a “site specific” amendment to the OCP is also required, and would be limited to the subject property.



Figure 1: Overview Map

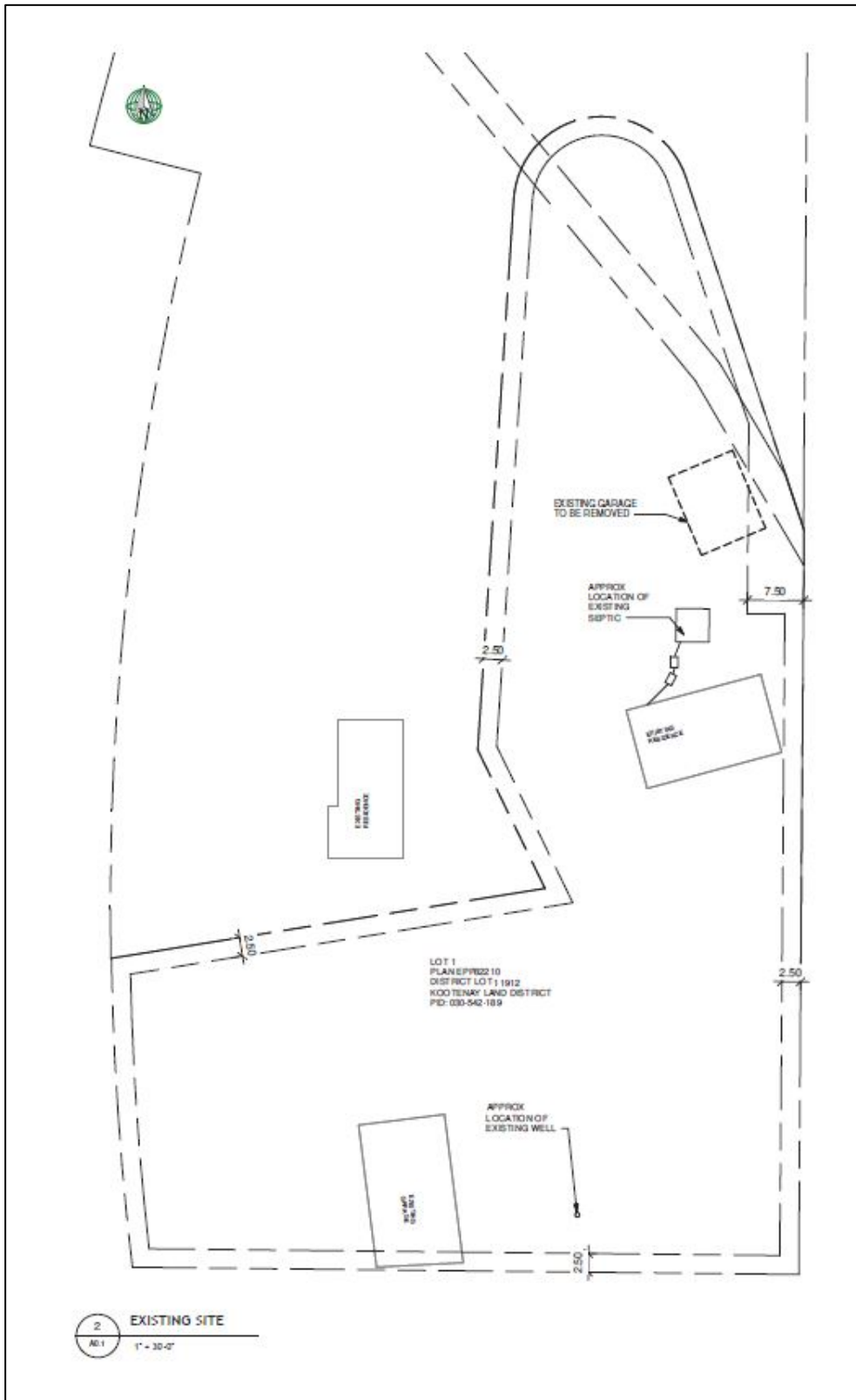


Figure 2: Site Plan



Figure 3: Existing Garage to be replaced by Accessory Building with Secondary Suite Above



Figure 4: Existing Two-Bedroom Dwelling



Figure 5; Facing North; both dwelling and garage visible in the image



Figure 6: Proposed accessory building with one bedroom secondary suite above – note that this is concept only and has not been approved by the RDCK building department.

Planning Policy

Kootenay-Columbia Rivers 1157, 1996

General Residential Policies:

3.2 General Residential Policies

3.2.4 Country Residential 2 Policies

3.2.4.1 The principal use shall be residential and/or agriculture.

3.2.4.2 One single detached dwelling or duplex shall be permitted per lot. In addition, if a lot is developed with a single detached dwelling, a manufactured home may be placed on the lot to provide temporary accommodation for a relative of the occupant of the principal dwelling. Lands within the Agricultural Land Reserve shall comply with the *Agricultural Land Commission Act, Regulations and Orders*.

3.2.4.3 The minimum lot size shall be one (1) hectare with the exception of Lot 19, District Lot 1239, Kootenay District Plan 5230 which shall be .39 hectare.

Official Community Plan Consultation, RDCK Policy No. 400-02-19

The purpose of this policy is to establish a consistent process to comply with Local Government Act (LGA) consultation requirements during a minor amendment to an official community plan. A minor amendment to an Official Community Plan is defined as any official community plan amendment application made by the public

for a single property or multiple properties functioning as one site. This application meets the definition of a minor amendment to an Official Community Plan.

By limiting the proposed OCP amendment to the subject property (site specific), staff have ensured that the consultation requirements for a minor amendment have been satisfied.

Regional Housing Needs Assessment

In 2020, the Regional District completed a Housing Needs Assessment to identify current and projected housing needs for eight of its member municipalities (excluding the City of Castlegar) and all of its Electoral Areas.

Key findings of the assessment were:

- The population of the RDCK is aging;
- Renter households are increasing and are less able to meet their housing needs than owners;
- Renters and owners are both challenged by the current housing market;
- There is a need for more non-market housing options, supportive, and emergency housing options; and,
- Transportation costs are contributing to energy poverty.

In response to the results of the Housing Needs Assessment, the RDCK Board directed staff to undertake five recommended next steps, one of which was to “create a housing action plan”. The Regional District’s Affordable Housing Action Plan (AHAP) is currently underway and is to be completed by spring 2023.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Financial Plan Amendment:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Debt Bylaw Required:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Public/Gov’t Approvals Required:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

The application fee was paid in full pursuant to the Planning Fees and Procedures Bylaw No. 2457.

3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

Section 3.2.4 – Country Residential 2 (CR2) Policies is allows for a manufactured home for a relative on lots that meet the minimum site area of one hectare. In lieu of a manufactured home, this application is for a secondary suite 90 square metres in size with one bedroom. Amending the OCP designation of this property to site specific CR2 is recommended by staff as a suitable way to proceed. This land use designation would be consistent with the Country Residential K zone that is also being considered for the property.

3.3 Environmental Considerations

The Interior Health Authority has determined that a sustainable minimum site area for onsite servicing is one hectare (1 ha). The subject property is smaller than that at 0.79 hectares. The cumulative effect of allowing density that exceeds this threshold is to compromise the long term sustainability of drinking water and waste water servicing. Type 1 septic systems consume a significant amount of space, and as noted in the letter received from the Interior Health Authority, all sewerage systems have a limited lifespan and will need to be replaced due to clogged soil. This necessitates an area of the property to be set aside as a reserve field.

The initial response to this application from the Interior Health Authority (IHA) was not supportive as there was uncertainty regarding the nature of the creek that bisects the property, and the availability of space for a reserve septic field. WSA Engineering provided additional information to IHA in September 2022, which in turn resulted in receiving a letter in support of the application, with some recommended conditions. These conditions include a covenant to protect the area identified as a reserve septic field, and a limitation on the daily sewerage volume.

3.4 Social Considerations:

In 2020, the RDCK completed a Housing Needs Report as a first step in developing an affordable housing plan for the region. Key findings were as follows:

- There is a need for housing across the RDCK that supports the needs of older residents. Specifically, there is a need for more housing that is affordable and accessible for those on a fixed income, particularly within the rental market.
- Seniors responded noting that they would prefer to be located closer to amenities and services, especially as they choose to drive less or are unable to operate a personal vehicle.
- Many of the most desirable units are located in housing markets that are too expensive for many Central Kootenay residents.
- Expanding the availability of smaller, multi-unit housing, connected to services or transit options is vital for meeting the needs of an older population.
- Addressing seniors housing not only benefits that demographic, but younger one as well. If seniors move out of their existing accommodations, the homes become available for upcoming generations who may not be able to afford a new dwelling but are willing to invest over time in an older, more affordable home.

The current proposal has the potential to provide what the Housing Needs Assessment has identified as a need in the community; a small unit close to amenities and public transportation.

3.5 Economic Considerations:

None anticipated.

3.6 Communication Considerations:

The application was referred to 19 neighboring landowners, relevant government agencies, First Nations and the City of Castlegar. The following responses were received:

Interior Health Authority – Team Leader, Healthy Community Development and Specialist Environmental Health Officer

These are our additional comments and thoughts after reviewing the new information provided:

- *Although the consultant was able to demonstrate a location for a 2nd / back up sewerage disposal area, and provided additional information related to what was initially thought to be a creek but instead an enclosed storm water pipe under easement, the fact remains that this property is still encumbered by it's size (less than 1 hectare), existing services and setback requirements (e.g. on a private well source for drinking water, onsite sewerage disposal, and an easement for the storm water pipe), as well as the existing building development and geography.*

- *As we've communicated and discussed recently, the daily estimated sewerage flows (or volume) for a 2 bedroom home and a 1 bedroom home is not equivalent to a 3 bedroom home. The estimated amount of sewage produced by two dwellings with same number of bedrooms as one dwelling is a little bit more (but not twice as much). This makes sense when you think about it; laundry, dishes, etc., would be done separately (duplicate) in two dwellings rather than together in one dwelling.*

For the reasons provided, we recommend that in support of the application on this property proceeding, the location being identified as the 2nd sewerage disposal area be protected by a registered covenant to ensure that this part of the property remains available for sewerage disposal in perpetuity and not be utilized for other purposes. We would also highly recommend that language within in the approval, covenant (or a separate covenant) limit the daily sewerage volume or septic flows to what currently exists and is presently being proposed (i.e. 2 bedroom House + 1 bedroom carriage house) from a long term sustainability perspective.

Finally, we again offer that if this property was on approved community services, or even partially (i.e. both residence's connected to an approved community water system and the private well removed), these same above concerns would not exist or be alleviated from our perspective.

Penticton Indian Band – Referrals Coordinator

We are in receipt of the above referral. The proposed activity is located within syilx (Okanagan) Nation Territory and the Penticton Indian Band (PIB) Area of Interest. All lands and resources within the vicinity of the proposed project are subject to our unextinguished Aboriginal Title and Rights. The Penticton Indian Band has now had the opportunity to review the proposed project. Our preliminary office review has indicated the proposed project is located within an area of cultural significance and has the potential to impact PIB tmx^wulax^w(lands), siw^{tk}^w (water, the lifeblood of the land) and syilx cultural heritage. Our tmx^wulax^w and siw^{tk}^w is sacred to the syilx nation and it is PIB's responsibility to take care of all lands, waters and living things within the PIB Area of Interest. As the proposed activity has the potential to impact irreplaceable syilx cultural heritage, the PIB is requiring a Cultural Heritage Resource Assessment be undertaken by qualified PIB Cultural Heritage Technicians to determine the nature and extent of any potential impacts. The PIB CHRA process involves in-field pedestrian surveys using either systematic or judgmental site sampling techniques undertaken by qualified PIB Technicians to assess the archaeological, cultural, and environmental resource potential of the study area, and to identify the need for project modifications and/or appropriate scope of further field studies if required.

The Penticton Indian Band makes information-based decisions and without a CHRA, we do not have enough information on potential impacts to syilx cultural heritage. Therefore, if our requirements are not fulfilled, we will have no other option but to reject the proposed project. Please note that our participation in the referral and consultation process does not define or amend PIB's Aboriginal Right and Title, or limit any priorities afforded to Aboriginal Rights and Title, nor does it limit the positions that we may take in future negotiations or court actions.

A Cultural Heritage Resource Assessment is a written report detailing the results of the assessment of an area that has Indigenous cultural heritage sensitivity. This property is 0.79 hectares in size and almost fully landscaped. The applicant has been informed of the PIB's request. It is unknown whether the applicant has contacted the PIB.

Little Shuswap Lake Band – Referrals Team

*The location of this referral is outside of the Little Shuswap Lake Band area of interest. Defer to local Indigenous Nations.
Kukstsemc.*

Ministry of Transportation and Infrastructure – Development Officer

The interests of the Ministry of Transportation and Infrastructure are unaffected by the proposed rezoning. No access to the property will be granted from Hwy 3.

Neighbour Response

I would like to express support for Bruno Tassone’s land use amendment application Z2206J. The completed project will add appeal and value to the street Tassone Pl. and will add much-needed housing for the community.

3.7 Staffing/Departmental Workplace Considerations:

Should the Board give the amending bylaws First and Second reading, staff will organize a public hearing.

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

SECTION 4: OPTIONS & PROS / CONS

Planning Discussion

The residents of the Regional District of Central Kootenay are in situations where they need more affordable housing but are being limited by the servicing infrastructure (water and sewerage) which make higher density development sustainable. On site servicing requires a significant amount of land per household. There must be adequate land for a septic tank and field, land reserved for a replacement septic field and a minimum 30 metre distance between the septic fields and water sources.

The cumulative effects of ad hoc approvals of increased density could, over the long term, limit the potential for future infill. In other words, the land could be used much more effectively and sustainably where community water and/or sewer are in place. In the case of the subject property, the investment in infrastructure for onsite septic and water has already been made and services are already in place. The septic system was designed to service a second house which was never built. The existing dwelling is a two bedroom house. The proposed secondary suite would have one bedroom. The existing septic system has a daily design flow of 2273 litres/day. The daily design flow for a two bedroom home and a one bedroom secondary suite is 1700 litres/day.

The inability to infill the subject parcel under the current regulatory regime, despite its high development potential exemplifies one of the focus areas of the Housing Action Plan. Through that work, Staff intend to highlight policy and regulation changes that would enable landowners to create additional housing units on

underutilized sites that have the capacity to accommodate those developments without negatively impacting surrounding lands.

As we move into a future where climate change poses a real threat to the health and well being of future generations, we should strive to promote complete, compact communities. Complete, compact communities are characterized as those that avoid sprawling and car-dependent development; integrate a mix of housing, key services and amenities within a 20-minute walk and enable viable low carbon transportation options. The current application has the potential to contribute one small dwelling unit to a community that meets the above definition. It is close to amenities, and there is access to public transit. This property is uniquely located for a rural property and the smaller parcel size can be accommodated as the land does have the capacity for on site servicing. For the above reasons, staff support the application.

Options

Option 1

That Kootenay Columbia Rivers Official Community Plan Amendment Bylaw No. 2859, 2022 being a bylaw to amend Kootenay Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 and Regional District of Central Kootenay Zoning Amendment Bylaw No. 2860, 2022 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 are hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.

That in accordance with Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, the Electoral Area J Director is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

Option 2

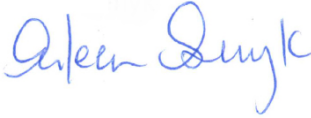
That no further action be taken with respect to Kootenay Columbia Rivers Official Community Plan Amendment Bylaw No. 2859, 2022 being a bylaw to amend Kootenay Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 and Regional District of Central Kootenay Zoning Amendment Bylaw No. 2860, 2022 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004.

SECTION 5: RECOMMENDATIONS

That Kootenay Columbia Rivers Official Community Plan Amendment Bylaw No. 2859, 2022 being a bylaw to amend Kootenay Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 and Regional District of Central Kootenay Zoning Amendment Bylaw No. 2860, 2022 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 are hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.

That in accordance with Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, the Electoral Area J Director is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

Respectfully submitted,



Eileen Senyk, Planner

CONCURRENCE

Planning Manager – Nelson Wight

Sangita Sudan – General Manager of Development and Community Sustainability

Stuart Horn – Chief Administrative Officer

ATTACHMENTS:

Attachment A – Amending Bylaws

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2859, 2022

A Bylaw to amend Kootenay Columbia Rivers Official Community Plan Bylaw No. 1157, 1996

WHEREAS it is deemed expedient to amend the Kootenay Columbia Rivers Official Community Plan Bylaw No. 1157, 1996, and amendments thereto.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

APPLICATION

- 1 That Schedule 'B' of Kootenay Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 be amended by changing the Land Use Designation of Lot 1, District Lot 11912, Kootenay District, Plan EPP82210 PID (030-542-189) from Rural Residential (RR) to Country Residential 2 (CR2), as shown on the attached Map.
2 That Policy 3.2.4.3 of Schedule 'A', Country Residential 2 Policies of Kootenay Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 be amended by reducing the minimum lot size from one (1) hectare to 0.79 hectares (1.98 acres) for Lot 1, District Lot 11912, Kootenay District, Plan EPP82210 PID (030-542-189).
3 This Bylaw shall come into force and effect upon its adoption.

CITATION

- 4 This Bylaw may be cited as "Kootenay Columbia Rivers Official Community Plan Amendment Bylaw No. 2859, 2022."

READ A FIRST TIME this 13th day of October, 2022.

READ A SECOND TIME this 13th day of October, 2022.

WHEREAS A PUBLIC HEARING was held this [Date] day of [Month], 20XX.

READ A THIRD TIME this [Date] day of [Month], 20XX.

[Controlled Highway or Exceeds 4500 sq.m] APPROVED under Section 52 (3)(a) of the Transportation Act this [Date] day of [Month], 20XX.

Approval Authority,
Ministry of Transportation and Infrastructure

ADOPTED this [Date] day of [Month], 20XX.

[Name of Board Chair], Board Chair

[Name of CO], Corporate Officer



50 metres

Hwy 3

RR
Electoral Area J - Lower Arrow/Columbia

CR2

1473

Castlegar

1473

Pullout

	Roads
	Electoral Boundaries
	Lot Lines
Land Use Designation	
	CR2
	RR

Bylaw 2859 Schedule A

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2860, 2022

A Bylaw to amend Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004

WHEREAS it is deemed expedient to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004, and amendments thereto.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

APPLICATION

- 1 That Schedule 'A' of Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 be amended by changing the Zoning Designation of Lot 1, District Lot 11912, Kootenay District, Plan EPP82210 (PID 030-542-189) from Rural Residential (R3) to Country Residential K (R2K), as shown on the attached Map.
2 That Section 1301.1 of Regional District Central Kootenay Zoning Bylaw No. 1675, 2004 be amended by reducing the minimum site area from 1 hectare to 0.79 hectares for Lot 1, District Lot 11912, Kootenay District, Plan EPP82210 (PID 030-542-189).
3 This Bylaw shall come into force and effect upon its adoption.

CITATION

- 4 This Bylaw may be cited as "Regional District of Central Kootenay Zoning Amendment Bylaw No. 2860, 2022."

READ A FIRST TIME this 13th day of October, 2022.

READ A SECOND TIME this 13th day of October, 2022.

WHEREAS A PUBLIC HEARING was held this [Date] day of [Month], 20XX.

READ A THIRD TIME this [Date] day of [Month], 20XX.

[Controlled Highway or Exceeds 4500 sq.m] APPROVED under Section 52 (3)(a) of the Transportation Act this [Date] day of [Month], 20XX.

Approval Authority,
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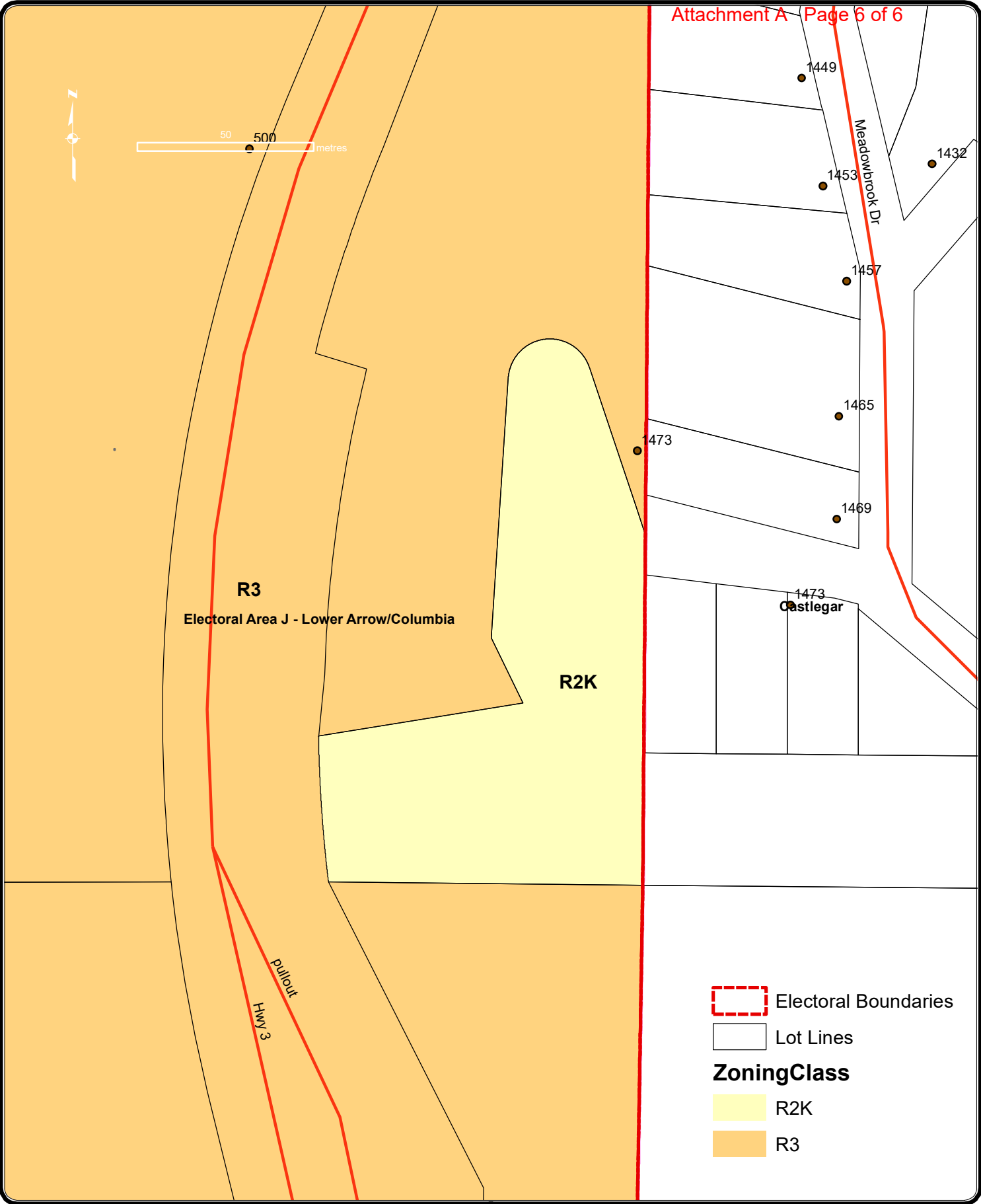
ADOPTED this [Date] day of [Month], 20XX.

[Name of Board Chair], Board Chair

[Name of CO], Corporate Officer




50 500 metres




R3
Electoral Area J - Lower Arrow/Columbia


R2K


1473
Castlegar

 Electoral Boundaries

 Lot Lines

ZoningClass

 R2K

 R3

Bylaw 2860 Schedule A