

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** J. Zaffino, Chief Administrative Officer

**DATE:** September 18, 2025

**RE:** Zoning Bylaw Amendment – Electoral Area “F” (F2025.009-ZONE)

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### Administrative Recommendation:

**THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.57, 2025, be denied.**

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<u>Purpose:</u>	To allow for an accessory dwelling as a permitted accessory use.	<u>Folio:</u> F-07298.178
<u>Civic:</u>	2624 Forsyth Drive	<u>Legal:</u> Lot 9, Plan KAP33471, District Lot 4947, ODYD
<u>OCP:</u>	Small Holdings West Bench (SH5)	<u>Zone:</u> Small Holdings (SH)

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### Purpose:

This application is seeking to amend the zoning of the subject property in order to allow for an accessory dwelling as a permitted accessory use.

In order to accomplish this, the applicant is proposed to amend the zoning of the property under the Electoral Area “F” Zoning Bylaw No. 2800, 2022, from Small Holdings West Bench (SH5) to Small Holdings West Bench Site Specific (SH5s), with the site specific regulation to permit an accessory dwelling on the land in addition to the permitted uses.

In support of the rezoning, the applicant has stated that, amongst other things:

- *our vision is to build a modest accessory dwelling to accommodate our son and his family. This would allow us to continue to live in proximity to each other, strengthening the ties that are central to the lives of our families while adhering to and elevating, the vision of the RDOS OCP.*
- *We believe our proposal aligns closely not only with the vision, but also the objectives outlined in the Official Community Plan (OCP) for the Okanagan Lake West/ West Bench- Electoral Area “F” which promote residential policies.*

### Strategic Priorities: Operational

### Background & Analysis:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on August 31, 1982, while BC Assessment has classified the property as “Residential” (Class 01).

Available Regional District records indicate that buildings permit for a single detached dwelling (1987) and renovations to the single detached dwelling (2014).

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### Official Community Plan (OCP):

Under the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2790, 2018, the subject property is currently designated Small Holdings (SH), which includes a Board policy of supporting “secondary suites and accessory dwellings, subject to accessory dwellings on parcels less than 1.0 ha in area being connected to a community sewer system.”

### Zoning Bylaw:

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Small Holdings West Bench (SH5) which does not permit accessory dwelling as a permitted use.

### “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).

Following revisions to its grant funding criteria in 2024, the OBWB now requires local governments to provide, on an annual basis, “a list of all adopted amendment bylaws and issued permits approved by the local government in the previous calendar year, if any, that provided exceptions and/or variances to the bylaw regulations that relate to the OBWB’s 1.0 ha Policy.”

### Bylaw Enforcement:

The Regional District has received a written complaint regarding the unauthorised use of a basement suite.

### Analysis:

In considering this proposal, Administration notes that the Area “F” 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.).

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As the subject property is approximately 0.5 ha in area, the development of an accessory dwelling to be serviced by an on-site septic system is inconsistent with the OCP.

It is also noted that the OCP speaks to the need for sewer and storm water infrastructure in the West Bench prior to considering increasing density in designated areas of potential 'pocket development' within the greater West Bench area. To date, neither of these criteria have been met.

Finally, it has been a long-standing policy of the Board to restrict densities in the Greater West Bench area due to geotechnical hazards, and that this has been done by prohibiting accessory dwellings, secondary suites and the subdivision of land.

Administration notes that the property is within the area contained identified as a Zone A - Low Risk zone under the *Greater West Bench Geotechnical Review* (2021). Consequently, while a low risk and not subject to hazards, the lands are not necessarily free from influencing hazards elsewhere.

Alternative:

Conversely, Administration recognises that subject to an updated technical assessment of geotechnical hazards in the greater West Bench / Sage Mesa area, the Board may consider permitting secondary suites or accessory dwellings on a case-by-case basis.

The applicant had provided a geotechnical assessment dated February 6, 2025, conducted by Rock Glen Consulting. It was noted that identified areas were tested for the proposal on the property, concluded with the following findings:

- The slopes are lightly vegetated with some signs of surficial erosion on the body of slope. No signs of slope instability were observed on the proposed construction areas.
- Soil descriptions are limited to the excavated pits and variable soils and conditions may be encountered throughout the property.
- Visually assessed slope on the proposed construction areas 1 to 3 and did not note any indications of slope instability, and therefore concluded no evidence of slope instability.
- Soils underlying this site are assessed to be Site Class D- "stiff soils" as defined in Table 4.1.8.4.A of the BC Building Code.
- The soil at this site are generally considered to be moderately well drained. In-situ testing is recommended for the engineered design of drainage features.

NOTE: approving the proposed development, however, cannot be justified within the context of the OBWB's grant funding criteria for sewer facilities assistance.

Summary:

For the reasons outlined above, and concerns regarding compliance with OBWB 1.0 Ha Policy requirements and geotechnical concerns associated with the Greater West Bench area and absence of required sewer and stormwater infrastructure, Administration is recommending that the application be denied.

**Financial Implications:**

It is also possible that there may be costs associated with utility upgrades resulting from a proposed development related to a rezoning, such as development cost charges consideration for the increased demand to the water system, amongst others.

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**Communication Strategy:**

The proposed bylaw amendment(s) have been notified in accordance with the requirements of the *Local Government Act* as well as the Regional District's Development Procedures Bylaw No. 2500, 2011.

**Site Context:**

The subject property is approximately 0.5 ha in area and is situated on the south side of Forsyth Drive. It is understood that the parcel is comprised of a single detached dwelling.

The surrounding pattern of development is generally characterised by similarly sized residential parcels that have been development with single detached dwellings.

**Referrals:**

Approval from the Ministry of Transportation and Transport (MoTT) is not required prior to adoption as the proposed amendments involve lands beyond 800 metres of a controlled access highway (i.e. Highway 97).

**Public Process:**

On September 03, 2025, a Public Information Meeting (PIM) was held online via Webex and was attended by approximately four (4) members of the public.

At its meeting of September 16, 2025, the Electoral Area "F" Advisory Planning Commission (APC) is to consider the application, and a verbal update can be issued to the Board on the resolution.

Under Section 464(4) of the *Local Government Act*, the Regional District "must not hold a public hearing on a zoning bylaw proposed for the sole purpose of complying with section 481.3 [zoning bylaws and small-scale multi-family housing]."

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

**Alternatives:**

1. THAT Okanagan Valley Zoning Amendment Bylaw No. 2800.57, 2025 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 October 2, 2025;

AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

Will a PowerPoint presentation be presented at the meeting?      No

**Respectfully submitted:**



Tharini Prakash

**Endorsed By:**



C. Garrish

**Endorsed By:**



A. Fillion

Attachments: No. 1 – Aerial Photo

No. 2 – Applicant's Site Plan

No. 3 – Applicant's Building Elevations

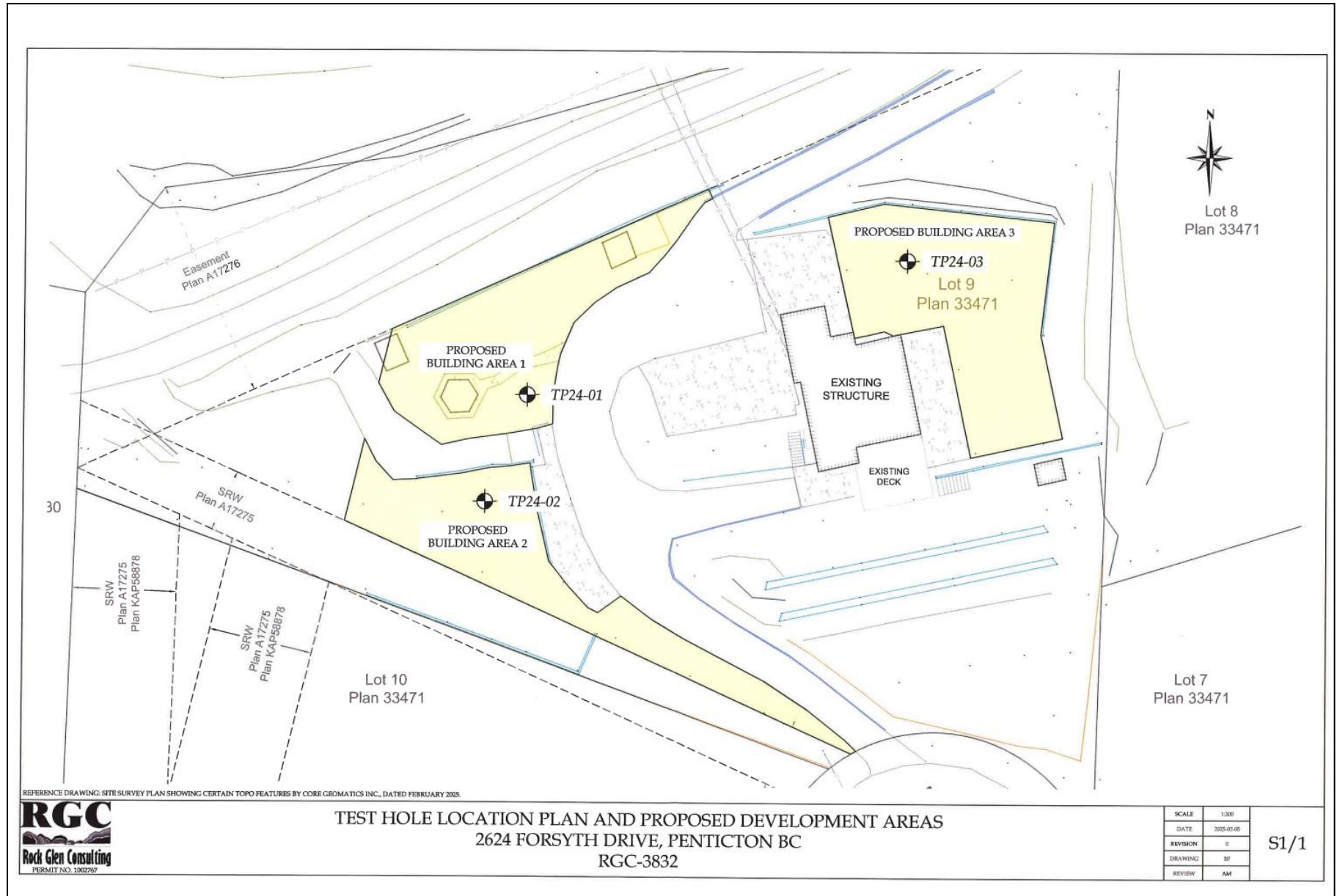
No. 4 – Site Photo

Attachment No. 1 – Aerial Photo

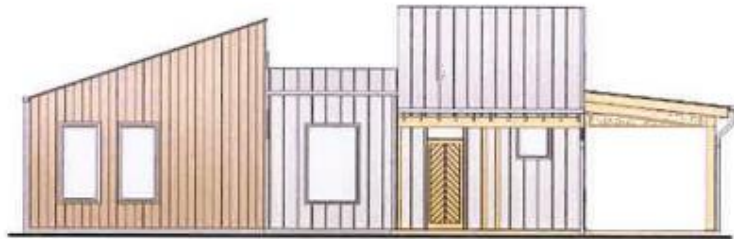




## Attachment No. 2 – Applicant's Site Plan



Attachment No. 3 – Applicant's Building Elevations





Attachment No. 4 – Proposed Accessory Dwelling Conceptual Views

