# REPORT TO COUNCIL

**Date:** December 12, 2016

**RIM No.** 1250-04

**To:** City Manager

**From:** Community Planning Department (AC, EW)

**Application:** TA16-0005

**Subject:** Text Amendments - Carriage House Regulations & Secondary Suite Definition

## 1.0 Recommendation

THAT Council receives, for information, the report from Community Planning dated December 12, 2016, with regards to proposed text amendments that would restrict carriage houses and mobile homes on septic systems that are less than 1.0 hectare;

AND THAT Text Amendment No. TA16-0005 to amend City of Kelowna Zoning Bylaw No. 8000, as outlined in "Schedule A" attached to the Report from Community Planning dated December 12, 2016, be considered by Council;

AND FURTHER THAT the Text Amending Bylaw be forwarded to a Public Hearing for further consideration.

## 2.0 Purpose

To consider Text Amendments to Zoning Bylaw No. 8000 in order to restrict carriage houses on lots less than 1.0 hectare that rely on on-site sewage disposal and a housekeeping amendment to the definition of the term Secondary Suite.

## 3.0 Community Planning

Carriage House Amendment

In January 2014, the Okanagan Basin Water Board (OBWB) updated their Sewage Grants 1.0 Hectare Policy. This policy requires grant recipients (including Kelowna) to update their bylaws to exclude development of accessory dwellings (carriage houses) on lots less than 1.0 hectare that rely on on-site sewage disposal.

Since 2007, the OBWB has required sewage grant recipients to have bylaws prohibiting subdivision of lots smaller than 1.0 hectare. The 1.0 hectare (minimum subdivision) policy is in line with provincial government rules, and was established recognizing that much of the pollution entering lakes and streams comes from failing or under-size septic systems. Septic is the highest human-produced source of phosphorus in the watershed. The premise behind the 1.0 hectare rule is that the more dwelling units there are using septic systems in a given area, the greater the risk that

systems may malfunction and less opportunity to find sufficient, suitable, available land for replacement effluent dispersal fields – potentially leading to water pollution and health threats.

Secondary suites that are tied into the existing domestic septic system are accepted (although not recommended by OBWB) if the sewage disposal system has adequate capacity as per health regulations. Overall, carriage houses create similar risks for system failure and water quality impairment as small-lot subdivisions, without creating a separate lot. Therefore, Staff are recommending that the Zoning Bylaw be amended as per the OBWB's request to prevent carriage houses that are on lots smaller than 1.0 hectare and use on-site septic disposal systems.

Secondary Suite Amendment

Council has supported the text amendments to Zoning Bylaw 8000 (BL11263 – TA16-0004) in order to allow secondary suites within all single family dwellings[1]. The text amendments associated with BL11263 remove the requirement for operators of a secondary suite to hold a valid business license. The text amendment currently being considered is meant to enable bylaw enforcement to charge operators who have built secondary suites without receiving an occupancy permit (i.e. illegally), as enforcement was previously tied to the absence of a valid business license. This change requires wording to be added to the definition of Secondary Suite (see Schedule A).

## 4.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

**Goals for a Sustainable Future[2].**

Contain Urban Growth. Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

**Future Land Use Designation**

Permanent Growth Boundary (PGB)[3] Lands outside the permanent growth boundary will not be supported for urban uses. Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization.

**Other Supporting Policies**

Policy 5.3.2 **Compact Urban Form.**[4] Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centre's (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Policy 6.1.1 **Protect and enhance Kelowna's biodiversity.**[5] Ensure the protection of biodiversity, the conservation of critical habitats and the sustainable use of biological resources through the incorporation of an integrated ecosystem management approach and the use of best available knowledge.

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[1] BL11263 (TA16-0004) was given third reading at the Nov 15, 2016 Public Hearing meeting.
[2] Chapter 1 - Introduction
[3] Chapter 4- Future Land Use
[4] Chapter 5- Development Process; Objective 5.3 -Focus development to designated growth areas
[5] Chapter 6 - Environment

## 5.0 Technical Comments

n/a

**Report prepared by:** Adam Cseke & Emily Williamson, Planners

**Reviewed by:** Terry Barton, Urban Planning Manager

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

**Attachments:**

Schedule A – TA16-0005
Attachment A - Okanagan Basin Water Board Memorandum