

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: September 23, 2021

RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “A”

Administrative Recommendation:

THAT Bylaw No. 2905.02, 2021, a bylaw to amend the Electoral Area “A” Official Community Plan to facilitate a 70-lot subdivision and creation of conservation and dedicated park areas at Willow Beach, be read a third time; and,

THAT Bylaw No. 2451.31, 2021, a bylaw to amend the Electoral Area “A” Zoning Bylaw be read a third time; and,

THAT prior to adoption of Amendment Bylaw Nos. 2905.02, 2021, and 2451.31, 2021, that a statutory covenant be registered on the title of Lot 675, Plan KAP2066, District Lot 2450S, SDYD, Except Plan 22229 43613 H9726, to provide the Regional District with access to the lands and the ability to undertake mosquito control measures.

Purpose: To facilitate a 70-lot subdivision and creation of conservation and dedicated park areas.

Legal: Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion L 67; and Folio: A-06379.000
Lot 675, Plan KAP2066, District Lot 2450S, SDYD, Except Plan 22229, 43613 & H9726 A-06377.000

OCP: [see amendment bylaw] Proposed OCP: [see amendment bylaw] Civic: 9330 202nd Ave.

Zone: [see amendment bylaw] Proposed Zoning: [see amendment bylaw]

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to facilitate a 70-lot residential subdivision, which will occur on approximately 30% of the site with the remaining 70% of the site to be zoned either Conservation Area (CA) or Parks and Recreation (PR).

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

- *Compared to past application, the current proposal has a significantly smaller development footprint which has been primarily driven by the results of the updated Environmental Impact Assessment*
 - *Zoning is very similar to the zoning that the Board had previously given 3rd reading ...*
 - *Zoning is consistent with Regional Growth Strategy (RGS) and Official Community Plan (OCP).*
 - *The identified SPEA will be protected.*
 - *Highway access was previously dealt with by MoTI through recent H97 improvements.*
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- *The proposed parkland dedication is in accordance with the RDOS parkland dedication requirements and the proposed zoning and subsequent density has remained consistent with the previously adopted by-laws.*

Site Context:

The subject properties are comprised of two legal parcels representing a combined land area of 29.7 ha that is situated approximately 5 km north of the Town of Osoyoos municipal boundary.

Historically, the site was occupied by the Willow Beach mobile home park and campground along with an owner's residence on 500 metres of waterfront. The site also comprises a vacant agricultural parcel north of the former campground area.

Surrounding land uses are seen to be comprised of conservation areas to the north-east (associated with the Okanagan River Channel and oxbows) and agricultural lands to the north and west (across Highway 97).

Background:

On June 16, 2021, an electronic Public Information Meeting (PIM) was held online and was attended by approximately six (6) members of the public.

At its meeting of June 14, 2021, the Electoral Area "A" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved.

At its meeting of July 8, 2021, the Regional District Board approved first and second reading of the amendment bylaws and delegated the holding of a public hearing to Director Pendergraft.

On August 18, 2021, an electronic public hearing was held and was attended by the agent, property owner and five (5) members of the public.

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required prior to adoption as the proposed amendments involve lands within 800 metres of a controlled access highway (i.e. Highway 97).

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

Analysis:

This proposal is *generally* consistent with the designation of Willow Beach as a Rural Growth Area under the RGS Bylaw as well as the Containment Boundary established by the OCP Bylaw.

While it could be argued that a downzoning of land in a Rural Growth Area is inconsistent with the intent of the RGS — which generally encourages higher density due to these locations having infrastructure servicing — it is noted that the site has a limited number connections to the Northwest Sewer and the OCP speaks to the suitability of Willow Beach as a growth area as warranting reconsideration.

Similarly, while the proposed area to be rezoned extends beyond the Willow Beach Rural Growth Area Containment Boundary, Administration notes that a significant reduction in density is being proposed, with the allowable limit to decrease from 240 units to 70 strata parcels (NOTE: each parcel may be developed with a principle dwelling and a secondary suite *or* "carriage house").

Accordingly, the extension to the east of the Containment Boundary will not result in additional density being created.

The applicant has submitted a preliminary environmental assessment, hydrogeology assessment and archaeological impact assessment (AIA), all of which have generally concluded that the development can proceed subject to certain provisions and conditions

Significant earthworks may be required on parts of the site in order to address its location within the floodplain associated with Osoyoos Lake and the Okanagan River Channel. Any subsequent application for a building permit on the site will need to demonstrate compliance with the floodplain regulations in the Zoning Bylaw.

With regard to traffic impact, due to the reduction in density as well as the significant highway access upgrades that were previously completed adjacent to this property, any adverse impact as a result of this development is not anticipated.

The OCP supports the dedication of park land adjacent to Osoyoos Lake and that the location of the proposed park will be adjacent to an existing trail to the site from 95th Street.

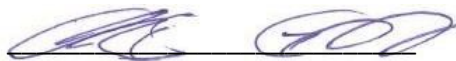
As a bare land strata subdivision, many of the servicing requirements contained within the Regional District's Subdivision Servicing Bylaw will not be applicable to this development (i.e. water system design, sewer system design, street lighting, fire hydrant and underground wiring requirements, etc.).

In summary, this proposal is generally seen to be consistent with the RGS and OCP Bylaws and is seen to be far more sympathetic to the nature of this site than have previous proposals, such as the 1,088 units proposed in 2007. For these reasons, Administration is recommending in favour of approval.

Alternatives:

1. THAT third reading of Bylaw No. 2905.02, 2021, Electoral Area "A" Official Community Plan Amendment Bylaw and Bylaw No. 2451.31, 2021, Electoral Area "A" Zoning Amendment Bylaw be deferred; or
2. THAT first and second reading of Bylaw No. 2905.02, 2021, Electoral Area "A" Official Community Plan Amendment Bylaw and Bylaw No. 2451.31, 2021, Electoral Area "A" Zoning Amendment Bylaw be rescinded and the bylaws abandoned.
- 3.

Respectfully submitted:

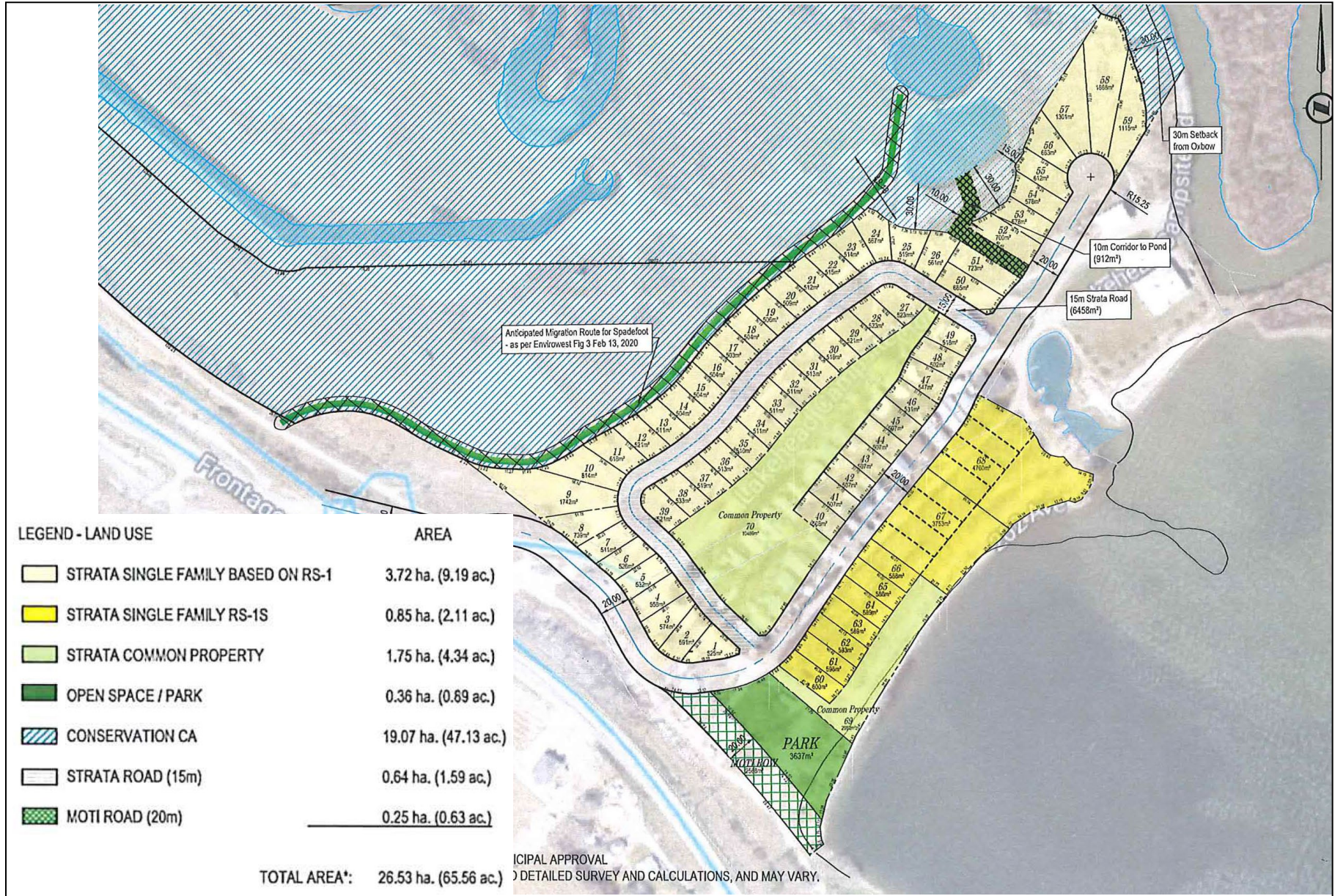


C. Garrish, Planning Manager

Attachments:

- No. 1 – Applicant's Site Plan
- No. 2 – Willow Beach Rural Growth Area Containment Boundary
- No. 3 – Aerial Photo (2007)

Attachment No. 1 – Applicant’s Site Plan



Attachment No. 2 – Willow Beach Rural Growth Area Containment Boundary



Attachment No. 3 – Aerial Photo (2007)

