

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 19, 2020

RE: Official Community Plan (OCP) & Zoning Bylaw Amendments – Electoral Area “D”
Residential Zone Update – Comprehensive Development (CD) Zones (Phase 3)

Administrative Recommendation:

THAT Bylaw No. 2603.20, 2020, Electoral Area “D” Official Community Plan Amendment Bylaw and Bylaw No. 2455.42, 2020, Electoral Area “D” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the Board of Directors considers the process, as outlined in this report from the Chief Administrative Officer dated November 19, 2020, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;

AND THAT, in accordance with Section 477 of the *Local Government Act*, the Board of Directors has considered Amendment Bylaw No. 2603.20, 2020, in conjunction with its Financial and applicable Waste Management Plans;

AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of December 17, 2020;

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

Proposed Development:

It is being proposed that the Regional District Board initiate an amendment to the Electoral Area “D” Official Community Plan (OCP) Bylaw and Zoning Bylaw in order to update the Comprehensive Development (CD) Zone as part of on-going work related to the preparation of a single zoning bylaw for the South Okanagan Valley Electoral Areas.

Background:

At its meeting of October 16, 2008, the Board considered an Administrative Report proposing the creation of a single Electoral Area Zoning Bylaw and directed staff to investigate the preparation of such a bylaw.

Since that time, Administration has balanced work on a consolidated Okanagan Valley zoning bylaw with competing demands related to current planning (i.e. rezoning and permit applications) and other long-range planning projects (i.e. RGS, OCP & Area Plan reviews).

In support of this project, the Regional District’s recent Business Plan’s have included the development of “a consolidated Okanagan Valley Zoning Bylaw” and ensuring “all existing bylaws and policies are kept in a current and useful form ...” as on-going projects.

In anticipation of bringing forward a draft zoning bylaw for consideration to the Board, Administration will be presenting the final series of draft amendments over the coming months intended to update the Residential zones and facilitate their eventual consolidation in a new bylaw.

At its meeting of April 19, 2018, the Planning and Development (P&D) Committee of the Board considered an Administrative report the provided a broad outline of the Residential Zone Update.

Previous Phases of the Residential Zone Review have included the OCP Policies and RM1 Zone Review (Phase 1) that was adopted by the Board on February 6, 2020, and the Duplex Zone Review (Phase 2) adopted by the Board on June 4, 2020.

Referrals:

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

Pursuant to Section 476 of the *Local Government Act*, the Regional District must consult with the relevant School District when proposing to amend an OCP for an area that includes the whole or any part of that School District. In this instance, School District No. 53 have been made aware of the proposed amendment bylaw.

Pursuant to Section 477 of the *Local Government Act*, after first reading the Regional Board must consider the proposed OCP amendment in conjunction with Regional District's current financial and waste management plans. The proposed OCP amendment has been reviewed by the Public Works Department and Finance Department, and it has been determined that the proposed bylaw is consistent with RDOS's current waste management plan and financial plan.

Public Process:

On July 8, 2020, the Regional District sent letters to all owners of land currently zoned CD (approximately 127 different parcels, including strata parcels) advising of the proposed changes contained within the amendment bylaws, and offering to meet to discuss any questions or comments they may have had. In response, approximately three (3) property owners contacted the Regional District.

The bylaw was also notified on the Regional District's web-site, social media accounts and by inclusion in the "bi-weekly" advertisement in local newspapers.

Administration recommends that the written notification of affected property owners as well as formal referral to the agencies listed at Attachment No. 1, should be considered appropriate consultation for the purpose of Section 475 of the *Local Government Act*. As such, the consultation process undertaken is seen to be sufficiently early and does not need to further ongoing.

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

Analysis:

The amendments contained within the amendment bylaws will update the comprehensive development (CD) zones found in Electoral Area "D" and make it consistent with the approach applied in the other Electoral Areas.

Specifically, it is being proposed to have CD Zone(s) in Electoral Area “D” be specific to individual parcels as opposed to using the CD Zone as a “blanket zone” that is applied to multiple parcels.

It is further being proposed to replace the CD Zone on properties that have subsequently been developed since the introduction of this zoning in 1998 with other zones that exist within the Zoning Bylaw.

For instance, it is being proposed that the “Big Horn Mountain Estates” neighbourhood be transitioned from the CD Zone to the RS2 Zone. Similarly, a number of parcels that have been developed to a rural-residential density on Eastside Road are being proposed for transition into various Small Holdings (SH) zones.

Following consultation with affected property owners, it is being proposed that three different properties retain a new version of a CD Zone in order to facilitate their intended development.

Alternatives:

1. THAT Bylaw No. 2603.20, 2020, Electoral Area “D” Official Community Plan Amendment Bylaw and Bylaw No. 2455.42, 2020, Electoral Area “D” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the Board of Directors considers the process, as outlined in the report from the Chief Administrative Officer dated November 19, 2020, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;

AND THAT, in accordance with Section 477 of the *Local Government Act*, the Board of Directors has considered Amendment Bylaw No. 2603.20, 2020, in conjunction with its Financial and applicable Waste Management Plans;

AND THAT the holding of the public hearing be delegated to Director Obirek, or their delegate;

AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Obirek;

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

2. THAT Bylaw No. 2603.20, 2020, Electoral Area “D” Official Community Plan Amendment Bylaw and Bylaw No. 2455.42, 2020, Electoral Area “D” Zoning Amendment Bylaw be deferred; or
3. THAT Bylaw No. 2603.20, 2020, Electoral Area “D” Official Community Plan Amendment Bylaw and Bylaw No. 2455.42, 2020, Electoral Area “D” Zoning Amendment Bylaw be, be denied.

Respectfully submitted:



C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Amendment Bylaw No. 2603.20:

<input type="checkbox"/>	Agricultural Land Commission (ALC)	<input type="checkbox"/>	Fortis
<input type="checkbox"/>	Interior Health Authority (IHA)	<input type="checkbox"/>	City of Penticton
<input type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	District of Summerland
<input type="checkbox"/>	Ministry of Energy, Mines & Petroleum Resources	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Municipal Affairs & Housing	<input type="checkbox"/>	Town of Osoyoos
<input type="checkbox"/>	Ministry of Environment & Climate Change Strategy	<input type="checkbox"/>	Town of Princeton
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch)	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology	<input type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input type="checkbox"/>	Ministry of Transportation and Infrastructure	<input checked="" type="checkbox"/>	Penticton Indian Band (PIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Osoyoos Indian Band (OIB)
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Upper Similkameen Indian Band (USIB)
<input checked="" type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	Lower Similkameen Indian Band (LSIB)
<input type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Canadian Wildlife Services
<input type="checkbox"/>	Kootenay Boundary Regional District	<input checked="" type="checkbox"/>	OK Falls Irrigation District
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Kaleden Irrigation District
<input type="checkbox"/>	Fraser Valley Regional District	<input checked="" type="checkbox"/>	OK Falls Volunteer Fire Department