
INFORMATION TO SUPPLEMENT REZONING APPLICATION

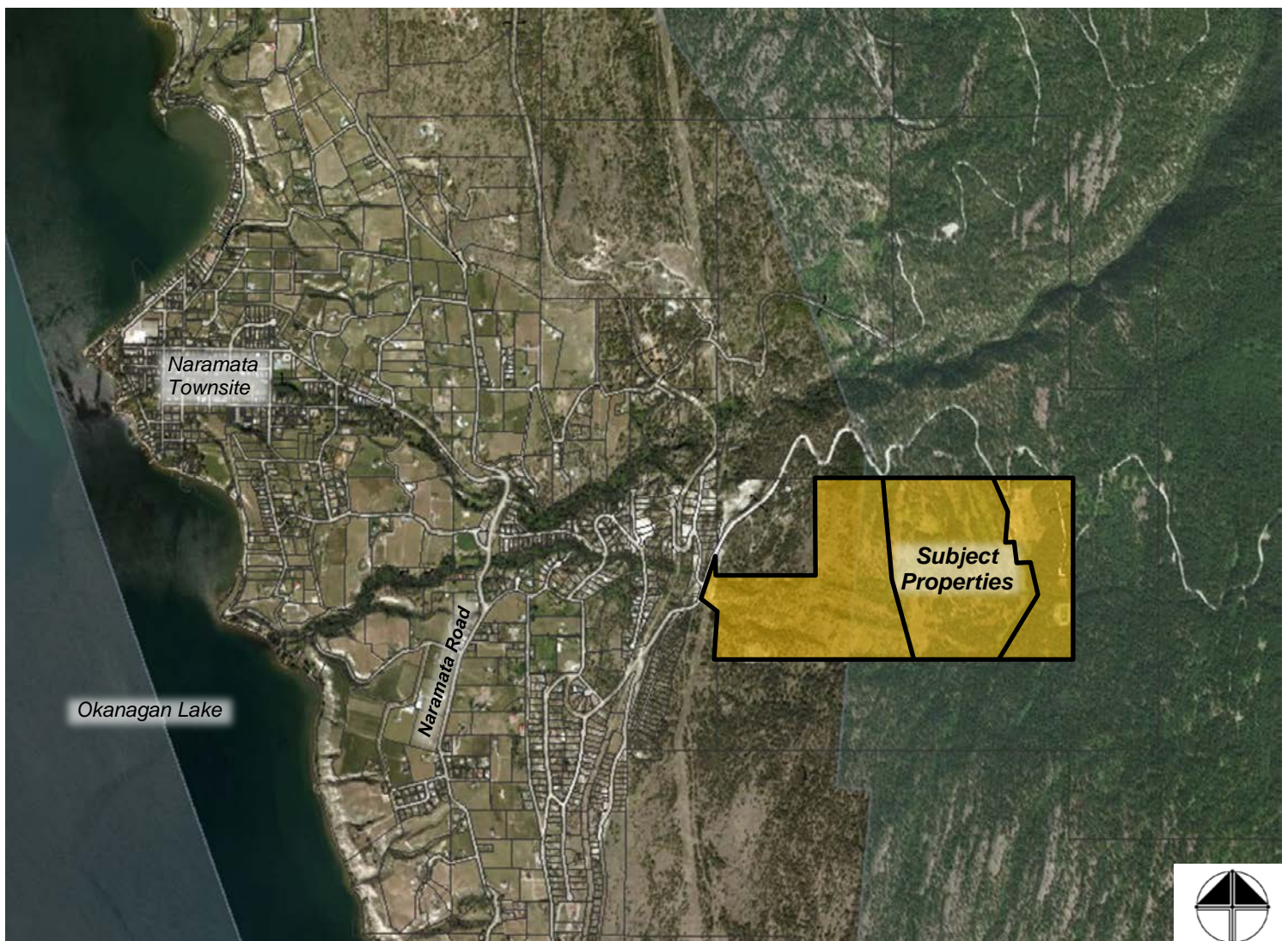
- Lot A, DL 3474, SDYD Plan KAP59640
- Lot 4, DLs 2711 and 3474, SDYD, Plan EPP60812
- Lot 5, DL 3474, SDYD, Plan EPP60812

Owner: Naramata Benchland Properties Ltd.

1. LOCATION OF SUBJECT PROPERTY

The subject property is within Electoral Area 'E' and more specifically is located east of the Naramata Townsite and is accessed by the Arawana Forest Service Road. The location of the property is noted below in Illustration 1.

Illustration 1: Location



2. HISTORY

The applicant has owned the lands known as the Naramata Benchland Properties (NBL) for over 20 years and has been working with the RDOS over the years to find suitable land use options for the lands. Over the past 10 years the owner has been developing the lower elevation NBL lands for residential use, and over a year ago the owner had decided that he did not want to pursue further zoning changes on the upper lands, but rather had decided that he was going to develop the land for a use that was permitted in the present zoning of the property. The Resource Area zone has a limited number of permitted uses, but because of the properties natural setting and location to eco-tourism opportunities, he decided in 2018 that he was going to pursue a campground on the upper NBL lands and began to move forward planning for a campground use in accordance with the zoning bylaw requirements.

In January of this year, the owner was revisiting the RA Zoning to confirm some requirements and was shocked to find out that the campground use that he was intending to use had been removed without his consent or knowledge by the RDOS on October 18, 2018.

Bylaw 2808, 2018 that was the bylaw that was adopted on October 18, 2018, which removed the campground use from the RA zone in the Area 'E' Zoning Bylaw. Each time this bylaw was presented to the Board, (July 19, 2018 for first and second reading, August 16th, 2018 for Public Hearing, September 17th, 2018 for third reading and October 18th for adoption) there was no mention in the staff report of the removal of the campground use from the RA zoning, and the only way of knowing this was to read carefully the entire bylaw (70 pages) and hopefully find the three lines on page 27 of 70 which provided the Electoral Area 'E' zoning bylaw amendments and stated:

- iii) *replacing Section 10.1.1(b) under Section 10.1 (Resource Area Zone) with the following:*
 - (b) *deleted;*

The above noted clause is the only reference in the bylaw and the staff reporting that indicates that the campground use was being removed from the RA Zone in Electoral Area 'E'.

Although I believe the RDOS did advertise the bylaw properly, the RDOS did the minimum amount advertising and consultation possible, and did less consultation than what they often make private property owners do when they want to amend the zoning on their property. In this particular case, this situation is even worse, as the owner did have conversations with the RDOS staff in 2018 about the zoning on their property, and staff assured the owner in an email that the owner would be notified if the RDOS intended to change the zoning or permitted uses on his property. This did not happen, and consequently, the RDOS removed the campground use from the RA zoning of his property while the owner was planning for development of a campground, without the owners, knowledge or consent.

In addition, not only was the campground use removed from the Area 'E' RA zoning, the new campground zone CT2 was not introduced into the bylaw, so at present, campgrounds are not allowed anywhere in Area 'E'. If a campground is desired in Area 'E', not only would the property owner have to be rezoned their property to the new RDOS campground zone CT2, the RDOS would also have to include the CT2 zone in the Area 'E' Zoning Bylaw, as the CT2 presently doesn't exist.

The owner trusts that staff is now aware of the gravity of the lack of consultation with him on this matter, and recognizes that some flexibility and latitude needs to be used in the corrective measures to resolve this problem.

3. PROPOSED ZONING CHANGE

The owners request is a site specific zoning for the subject properties to restore "campground" as a permitted use in zoning for the subject properties. As the amendment is a site specific request, the amendment will not have an impact on any other RA zoned properties in Electoral Area 'E'. Reinstating the campground use on the subject properties will simply allow the owner to continue his plans for the development of a campground that he started over a year ago, before the RDOS removed the campground zone.

If the campground use was reinstated as a site specific use for the property, the development of a campground could occur on the property in exactly the same manner as if the property was rezoned to the new CT2 Campground Commercial Zone. The proposed campground would have to comply with the RDOS Campground Regulations Bylaw No.2779, 2018 whether it is permitted under the new CT2 zone or as a site specific amendment.

The owner does not want to rezone the property CT2 as that would result in the loss of a number of land uses that the RA zoning presently allows. He simply wants the suite of land uses that he had prior to the October 18, 2018 RDOS amendment which removed the campground use from his property's Resource Area zoning.

4. RATIONALE FOR SITE SPECIFIC ZONING

The following rationale and justification are provided for the site specific zoning amendment to reinstate the campground use in the RA zoning of the subject properties.

- The owner had written confirmation from the RDOS staff that affirmed that the owner would be contacted if the RDOS planned to change any zoning or land uses on the property. This affirmation occurred prior to the introduction of the RDOS sponsored zoning amendment which proposed to remove the campground use from the owner's RA zoning. The owner feels that the RDOS has breached his trust, and rebuilding the trust could only occur by reinstating the campground use which was removed without his knowledge or consent.

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- The reinstatement of the campground use on the subject property will not provide the owner with any land use rights or privileges that he didn't have prior to RDOS removing the campground use from his RA zoning on October 18, 2018. Prior to October 18, 2018, the owner would have been required to comply with the Campground Regulations Bylaw No.2779, 2018, and if the campground use is reinstated, he will still have to comply with the Campground Regulations Bylaw.