

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: November 21, 2019
RE: Zoning Bylaw Amendment – Electoral Area “E”

Administrative Recommendation:

THAT Bylaw No. 2459.35, 2019, Electoral Area “E” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of a public hearing be delegated to Director Kozakevich, or delegate;

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

Purpose: To allow for “campground” as a principal permitted use.

Owner: Naramata Benchland Properties Ltd. Applicant: McElhanney Consulting Folio: E-07171.100

Civic: 3690 Arawana Road
unaddressed property
3440 Arawana Road

Legal: Lot A, Plan KAP59640, District Lot 3474, SDYD;
Lot 5, Plan EPP60812, District Lot 3474, SDYD
Lot 4, Plan EPP60812, District Lot 2711 and 3474, SDYD

Zoning: part Resource Area (RA); and Proposed Zoning: Resource Area Site Specific (RAs)
part Resource Area Site Specific (RAs)

Proposed Development:

This application is seeking approval to reinstate “campground” as a principal permitted use for the properties located at 3440 and 3690 Arawana Road, and an adjacent unaddressed property.

In order to accomplish this, the applicant is proposing to amend the zoning of the property under the Electoral Area “E” Zoning Bylaw No. 2459, 2008, from Resource Area (RA) to Resource Area Site Specific (RAs), with the site specific regulation permitting “campground” as a principal use.

In support of the proposal the applicant states that:

Over the last 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 for 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.

Site Context:

The properties are approximately 20.03 ha, 44.31 ha, and 47.15 ha, for a total of approximately 111.49 ha, and located east and south of Arawana Road, approximately 3.3 km north of the City of Penticton.

The surrounding pattern of development is characterized by undeveloped lands zoned as Resource Area (RA) to the north, east and south, an undeveloped Conservation Area and single detached neighbourhood to the west, with some small holdings properties to the north-west.

Background:

The properties were created by a plan of subdivision deposited in the Kamloops Land Title Office in 2004 and 2016, and available Regional District records indicate no building or development permits or enforcement actions on any of the three properties.

Under the Electoral Area "E" Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject properties are all designated as Large Holdings (LH), an objective of which is to "retain and enhance the rural character of lands" so designated. The properties further comprise areas that have been designated Environmentally Sensitive Development (ESDP) and Watercourse Development Permit (WDP).

Under the Electoral Area "E" Zoning Bylaw No. 2459, 2008, the properties have been predominantly zoned Resource Area (RA), which, amongst other things, permits agriculture, forestry and natural resource extraction.

An approximately 16.4 ha part of Lot 4, Plan EPP60812, District Lot 2711 and 3474, SDYD, includes a site specific zoning regulation that allows for public service and utility buildings, including a sewage treatment plant.

A further 0.85 ha part of Lot 4, Plan EPP60812, District Lot 2711 and 3474, SDYD, is currently zoned as Conservation Area (CA) as a result of a previous boundary adjustment. This area is not subject to the proposed bylaw.

At its meeting of October 18, 2018, the Regional District Board adopted Bylaw No. 2808, 2018, being an Update of the Tourist Commercial Zones in the Okanagan Electoral Area Zoning Bylaws. Amongst other things, this bylaw removed "campground" as a permitted use in the Resource Area (RA) Zone in the Electoral Area "E", "F" and "I" Zoning Bylaws.

At this same meeting, the Regional District Board also adopted a new Campground Regulations Bylaw No. 2779, 2018 (which repealed the Campsite Bylaw No. 712, 1982). Bylaw No. 2779, 2018 (as well as its predecessor bylaw) requires the issuance of a Campground Permit by the Regional District prior to the establishment of a campground.

Analysis:

Administration notes that "campground" was recently a principal permitted use on the subject properties, and further understands that the property owner was in the midst of planning for and was intending to apply for a campground use, prior to the change in zoning bylaw initiated by the Regional District.

In addition, the subject properties may be suitable for a campground due to their particular location and attributes, noting that any potential future development of the properties as a campground would be subject to compliance with the Campground Regulations Bylaw No. 2779, 2018.

Administration notes that regardless of the zoning bylaw amendment being adopted or not, the landowner would still be subject to a Campground Permit to bring the property into compliance with that bylaw, with specific regard to the development of a water and sanitary sewer system, road infrastructure, amenity facilities, etc.

In summary, given the particular set of circumstances surrounding this application and its subject properties, Administration supports the proposed bylaw.

Alternatives:

1. THAT Bylaw No. 2459.35, 2019, Electoral Area "E" Zoning Amendment Bylaw 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 December 19, 2019;

AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.
2. THAT first reading of the Electoral Area "E" Zoning Amendment Bylaw No. 2459.35, 2019, be deferred.
3. THAT first reading of the Electoral Area "E" Zoning Amendment Bylaw No. 2459.35, 2019, be denied.

Respectfully submitted

C. Labrecque

C. Labrecque, Planner II

Endorsed by:

CG

C. Garrish, Planning Manager

Endorsed by:

B. Dollevoet

B. Dollevoet, G.M. Dev. Services