

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: May 5, 2022

RE: Official Community Plan & Zoning Bylaw Amendments – Electoral Area “F” (F2021.018-ZONE)

Administrative Recommendation:

THAT Bylaw No. 2790.04, a bylaw to amend the Electoral Area “F” Official Community Plan; and, THAT Bylaw No. 2461.21, 2022, a bylaw to amend the Electoral Area “F” Zoning Bylaw; be read a third time.

Proposal:

The proposed amendments to the Electoral Area “F” Official Community Plan (OCP) Bylaw and Zoning Bylaw are to give effect to recommendations contained within the *Greater West Bench Geotechnical Review (2021)*.

Background:

At its meeting of September 20, 2018, the Regional District Board adopted the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2790, 2018. The OCP Bylaw included a policy to “support an updated technical assessment of geotechnical hazards in the West Bench / Sage Mesa area using new technologies (e.g., LiDAR) that were not available when the area was last assessed.”

October 21, 2021, the Planning & Development Committee recommended that the “Greater West Bench Geotechnical Review be received as a guiding document and go to the Area “F” Advisory Planning Commission (APC).”

November 22, 2022, the APC recommended that the subject development application be supported.

December 7, 2021, an electronic Public Information Meeting (PIM) was attended by 45 members of the public.

April 13, 2022, an electronic public hearing was attended by 15 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 with this report.

Analysis:

In response to the recommendations contained within the *Greater West Bench Geotechnical Review*, a series of amendments are being proposed to the Electoral Area “F” land use bylaws:

OCP Bylaw:

- a revised Section 17.0 (Hazard Lands) to include the following sub-sections:
 - “Geotechnical Hazard Management”, that includes, amongst other things reviewing the geotechnical hazards in the area on a 10-20 year cycle, support for the creation of a web-based reporting tool, restricting densities, reporting requirements for geotechnical studies, and preparation of a soil removal and deposition bylaw;
 - “Flood Hazard Management”, that includes, amongst other things, a new policy encouraging the Okanagan Basin Water Board (OBWB) to prepare model floodplain regulations to support the Okanagan Mainstem Floodplain Mapping (2020), so that both the mapping and regulations can be incorporated into the electoral area zoning bylaw(s); and
 - “Radon Gas Hazard Mitigation” (NOTE: no new policies related to this item are proposed).
- replace the information contained in Schedule ‘D’ (Hazard Lands – Soil) with the “Geotechnical Constraints Zone” (Map 6.0) from the Review report; and
- introduce a new Schedule ‘G’ (Hazard Lands – Floodplain Map) based on data from the 2020 OBWB floodplain mapping project.

Zoning Bylaw - Subdivision:

At present, the current 0.25 ha and 500 m² minimum parcel sizes (subject to servicing) that apply to properties in the West Bench suggest that the Regional District considers subdivision feasible, where sufficient land area is present.

The 1992 Klohn Leonoff Geotechnical Hazard Report generally recommended against further subdivision within its area of study until sanitary and storm sewers were installed. To date, sanitary and storm sewers have not been installed in the West Bench area and there have been few, if any, subdivisions in the area since the 1992 Geotechnical Hazard Report was completed.

The proposed 2.0 ha minimum parcel size for subdivision is to more accurately reflect the challenges of subdividing in the West Bench and would mitigate expectations around the advisability of subdividing lands in this area.

Zoning Bylaw - Swimming Pools:

With regard to the proposed prohibition on swimming pools, this is already an existing policy in the Electoral Area “F” OCP Bylaw, specifically, that the Regional District:

Will not support further development of swimming pools due to geotechnical hazard areas in the West Bench/Sage Mesa area until further study is provided on the risks and hazards can be adequately mitigated.

It is also noted that the 1992 Klohn Leonoff Geotechnical Hazard Report identified swimming pools as a trigger for subsurface erosion and sinkhole development and recommended that these be prohibited within the study area. The 2021 Review has confirmed that pools continue to represent a “high risk land use activity” and should be regulated.

In response, it is proposed to list “swimming pools” as a prohibited form of land use within the West Bench through the zoning bylaw. If implemented, existing pools within the West Bench will enjoy non-conforming status (i.e. “grandfathering”) under the *Local Government Act*.

Okanagan Valley Zoning Bylaw:

It is being proposed that Amendment Bylaw No. 2461.21 be revised at third reading to reflect the recent adoption of the Okanagan Valley Zoning Bylaw No. 2800 and repeal of the former Electoral Area “F” Zoning Bylaw No. 2461, 2008.

This will result in the references and section numbers to be amended by Amendment Bylaw No. 2461.21 being updated to reflect the comparable regulations in Zoning Bylaw No. 2800.

Alternative:

1. Proceed with only the amendments to the OCP Bylaw; or,
2. Proceed with only the amendments to the Zoning Bylaw; or,
3. Rescind first and second readings of the Official Community Plan Amendment Bylaw and Zoning Amendment Bylaw and the bylaws be abandoned.

Respectfully submitted:



C. Garrish, Planning Manager