

ADMINISTRATIVE REPORT

TO: Advisory Planning Commission

FROM: B. Newell, Chief Administrative Officer

DATE: November 15, 2016

RE: Introduction of Environmentally Sensitive Development Permit Areas
Electoral Area “D” Official Community Plan (OCP) Bylaw Amendment



Purpose:

The purpose of this report is to provide an overview of proposed textual and mapping amendments to the Environmentally Sensitive Development Permit (ESDP) Area designation in the Okanagan Electoral Area Official Community Plan (OCP) Bylaws.

Background:

For many years, the Regional District has pursued, through its OCP Bylaws, a commitment to sustainability and the protection of environmental values throughout the south Okanagan.

In 2009, the Regional District Board of Directors strengthened this commitment through the adoption of a corporate Vision Statement in which the RDOS is envisioned “as a steward of our environment, sustaining a diverse and livable region that offers a high quality of life through good governance.”

This commitment to sustainability, being the “inter-dependent relationship between economic, physical and social dimensions, was reinforced the following year with the adoption of the [South Okanagan Sub-Regional Growth Strategy \(RGS\) Bylaw](#).

The RGS seeks to create a region “where people can enjoy sustainable development with environmental integrity while meeting the social and economic needs for present and future generations”. One specific way in which this is to be achieved was through the creation of “an integrated biodiversity conservation strategy [that] protects priority sensitive ecosystems.”

Shortly after the adoption of the RGS Bylaw, the South Okanagan and Similkameen Conservation Program (SOSCP) along with a number of partner organisations initiated a Biodiversity Strategy — later renamed [Keeping Nature in our Future](#) — in order to identify “which natural areas [in the Okanagan-Similkameen] should be protected and restored”.

Keeping Nature in our Future was completed three years later and accepted by the Regional District Board at its meeting of September 5, 2013, which included a resolution by the Board that it be used “as a guiding document for the Regional District of Okanagan-Similkameen and the amendment of Official Community Plans.”

Implementing “the RDOS Phase of the 2013 Biodiversity Strategy” was subsequently included in the Regional District’s [2013 Business Plan](#), and has been carried forward into the [2015-2019 Strategic Plan](#) — a “Key Success Driver” of which is “implementing the ESDP recommendations from the ‘Keeping Nature in our Future’ strategy”.

In response, Regional District and SOSCP staff spent 2014-16 reviewing the objectives, policies and guidelines contained within the Okanagan Electoral Area OCP Bylaws in order to identify issues and to propose amendments for consideration by the Board.

A final series of recommendations were submitted to the Planning and Development (P&D) Committee of the Board at its meeting of September 17, 2015. The Committee subsequently resolved to direct staff to undertake “early and on-going” consultation with residents, APCs, external agencies, and local First Nations in order to elicit feedback on the proposed changes to ESDP Areas.

At its meeting of December 8, 2015, the Advisory Planning Commission (APC) resolved to table discussion of the ESDP Update to its January 2016 meeting.

At its meeting of January 12, 2016, the APC resolved to defer consideration of the ESDP Update pending the completion of a legal review of the amendment bylaw. The legal review was completed in August of 2016.

Analysis:

There are many tools available to the Regional District when seeking to conserve sensitive ecosystems and habitat through its land use bylaws, many of which have been, or are in the process of being implemented. This includes:

- the introduction of Urban Containment Boundaries through the RGS Bylaw, a process which is being implemented as member municipalities and the Okanagan Electoral Areas review their OCP Bylaws;
- using OCP Bylaws to manage growth, articulate specific policy statements regarding a community’s expectations about development in environmentally sensitive areas, identifying sensitive ecosystems, riparian areas and other habitat values through mapping, and to encourage the use of best management practices; and
- using Zoning Bylaws to direct development away from location where it may harm sensitive ecosystem and directing such development towards more appropriate locations.

Finally, there is the use of development permit (DP) areas, which are a more fine-grained tool than standard zoning for shaping how development occurs on a site and allow for site-specific conditions to be applied to a development site. A DP is needed prior to most construction, vegetation removal and earth moving as well as subdivisions.

Administration considers that environmentally sensitive lands should be consistently identified through the ESDP Area designation across the south Okanagan in order to promote a more integrated and holistic approach to conservation and preservation. Administration further considers that ESDP Areas are an important tool in fulfilling the Board’s commitment to being a steward of the environment.

In terms of implementing an ESDP Area designation, the following is a summary of the proposed changes to the Electoral Area “D” OCP Bylaws. Advisory Planning Commission (APC) members are asked to refer to the project page on the Regional District’s [web-site](#) for additional information.

Policies:

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- introduce new sub-sections detailing policies based upon specific ecosystem types such as riparian, terrestrial, etc.;
 - modernise the language and policy statements contained within each of these respective new sub-sections;
 - introduce the concept of “Important Ecosystem Areas” (IEA) to be applied to Crown and agriculturally zoned ALR lands as well as some small-lot residential areas;

ESDP Area Guidelines:

- amend the ESDP Area section of each OCP Bylaw in order to:
 - specify the types of development that will trigger the need for an ESDP (i.e. subdivision, building activity and soil disturbances);
 - outline the priorities of the ESDP Area designation (preservation of native trees, habitat connectivity and corridors, etc.);
 - require that applications for an ESDP be accompanied by an assessments prepared by an individual or a team that includes a Registered Professional Biologist (RPBio);
 - allow for the issuance of permits based upon a “Rapid Environmental Assessment” completed by a QEP (similar to the expedited WDP process);
 - provide for a range of exemptions, including, but not limited to:
 - a one-time 50 m² exemption for residential additions or expansions;
 - works conducted in accordance with the Provincial Fire Smart Manual;
 - farm uses on agriculturally zoned parcels within the ALR or on lands assessed as “farm”;
 - the repair of existing fences; and
 - subdivision involving parcel consolidations or lot line adjustments.

ESDP Mapping:

- identify land to be designated as ESDP Areas or “Important Ecosystem Areas” (IEA) on a new Schedule to the OCP Bylaw;
- lands designated as ESDP or IEA to be comprised of only “high” and “very high” values as identified on the mapping provided from *Keeping Nature in our Future*;
- that the IEA layer be applied to Crown land, lands in the ALR zoned agricultural and lands zoned for low, medium and high density residential uses that possess environmental values;
- the IEA layer would not be formally designated under the Act (i.e. no permit required for development), reflecting that the Regional District cannot generally apply development permits to Crown and ALR lands (i.e. *B.C. Interpretation Act* and *Right to Farm Act*);
- certain parcels zoned low, medium and high density residential zones would be included in the ESDP Area designation where significant topographical features are present (i.e. gullies, ravines, etc.); and

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- the IEA layer would allow for the “flagging” of environmental values when assessing external agency referrals or rezoning applications.
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Administrative Recommendation:

THAT the APC recommends to the RDOS Board that the proposed amendments related to the ESDP Area Update be approved.

Options:

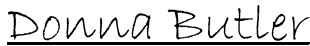
1. THAT the APC recommends to the RDOS Board that the proposed amendments related to the ESDP Area Update be approved.
2. THAT the APC recommends to the RDOS Board that the proposed amendments related to the ESDP Area Update be approved with conditions:
 - i) *TBD*
3. That the APC recommends to the RDOS Board that the proposed amendments related to the ESDP Area Update be denied.

Respectfully submitted:



C. Garrish, Planning Supervisor

Endorsed by:

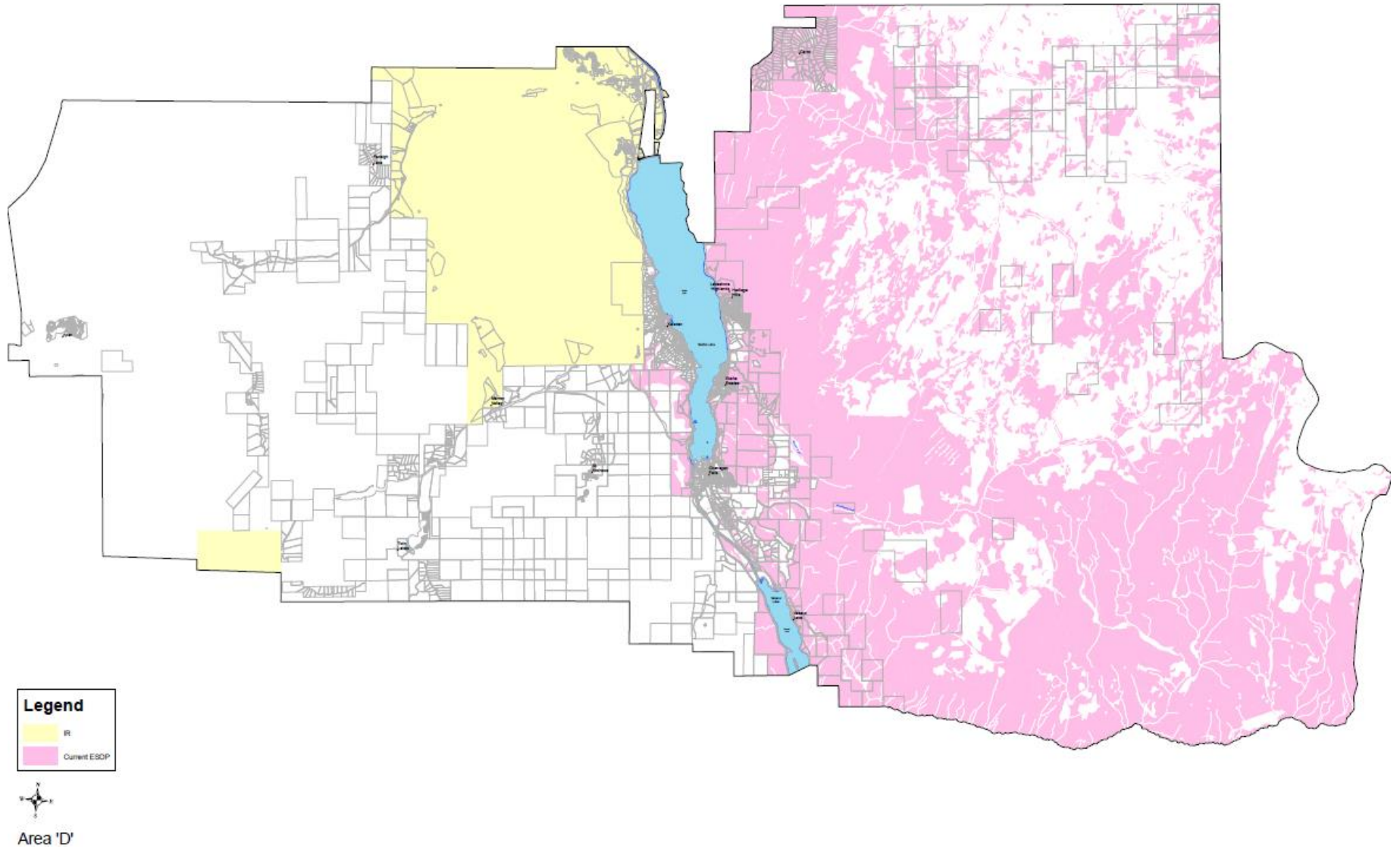


D. Butler, Development Services Manager

Attachments: No. 1 - Current OCP Bylaw Schedule 'D' (Development Permit Areas)

No. 2 - Proposed OCP Bylaw Schedule 'D' (ESDP Areas)

Attachment No. 1 – Current OCP Bylaw Schedule 'D' (Development Permit Areas)



Attachment No. 2 – Proposed OCP Bylaw Schedule 'D' (ESDP Areas)

