

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: May 18, 2017

RE: Official Community Plan (OCP) Bylaw & Zoning Bylaw Amendments
Electoral Areas “A”, “C”, “D”, “E” & “F” (ESDP Update)

Administrative Recommendation:

THAT Bylaw No. 2710, 2017, Regional District of Okanagan-Similkameen Parks, Recreation, Trails, Conservation Areas and Environmental Areas Update Amendment Bylaw be read a first and second time and proceed to a public hearing;

AND THAT the Board of Directors considers the process, as outlined in the report from the Chief Administrative Officer dated May 18, 2017, 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. 2710, 2017, 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 June 1, 2017;

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

Proposal:

Amendment Bylaw No. 2710 represents the culmination of a multi-year review and update of the environmental and park/recreational policies and objectives — including a comprehensive review of the Environmentally Sensitive Development Permit (ESDP) Area designations — found in the Okanagan Electoral Area Official Community Plan Bylaws and Zoning Bylaws.

Background:

The purpose of updating the Regional District’s Environmentally Sensitive Development Permit (ESDP) Area designations is to:

- incorporate new mapping associated with *Keeping Nature in our Future* for ESDP Areas:
 - mapping indicates “high” and “very high” values;
 - a new Important Ecosystem Area layer is to be applied to Crown land, lands in the ALR and small lots zoned for residential development.
- introduce standardised policy sections in the Okanagan Electoral Area OCP Bylaws that support, amongst other things, the designation of ESDP Areas:
 - “Parks, Recreation and Trails”; and

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- “Natural Environmental & Conservation”.
 - update the guidelines used by QEPs (qualified environmental professionals) when preparing assessments in support of ESDP applications:
 - updated Terms of Reference (ToR) outlining assessment requirements for QEPs;
 - reports to be signed by a Registered Biologist (RPBio);
 - modification of residential exemptions and introduction of an alternate Rapid Environmental Assessment (REA) for residential development;
 - modification of exemptions for subdivision; and
 - provision for joint Watercourse DP and ESDP applications.

The impetus for this Update was the adoption of the Regional Growth Strategy (RGS) Bylaw in 2010 and its call for the completion of a biodiversity strategy, and the Board has considered aspects of the update at various committee meetings between 2014 and 2017.

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) will be required prior to adoption as the proposed amendments will affect land situated within 800 metres of a controlled area (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 & 67 has 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:

Public Information Meetings were held on November 17, 2015 (Oliver), December 2, 2015 (West Bench), December 8, 2015 (OK Falls), December 14, 2015 (Osoyoos) and January 11, 2016 (Naramata).

Received “Feedback Form” from residents were generally supportive of the proposed changes to the ESDP Area designation. Other written comments were also received from residents and these may be summarised as follows:

- requests from individual property owners to have their lands removed from the proposed ESDP Area designation map;
- opposition to the use of development permits to protect environmentally sensitive lands;
- concern regarding the utilization of the professional reliance model by the Regional District;
- concern that the guidelines favour one type of ecosystem at the expense of other ecosystem types (i.e. forests over grasslands);

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- concern that the guidelines do not allow conservation groups/organisations to undertake restoration work on designated lands without first obtaining a permit;
 - parkland dedication under the Act should not comprise riparian areas; and
 - the Regional District should be encouraging education about environmental sensitivity instead of regulating private property.

A session was also held with local area QEPs (qualified environmental professionals) on March 15, 2016, with received comments generally relating to the information contained in the draft Terms of Reference (ToR) and suggested improvements to the Rapid Environmental Assessment application form.

The proposed amendments were also considered by the Okanagan Advisory Planning Commissions (APCs) and the minutes of these meetings are included with all other comments received from the consultation process.

Administration recommends that the Public Information Meetings, consideration by the various Okanagan APCs, the session with QEPs 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, this process is seen to be sufficiently early and does not need to be further ongoing.

Agency comments have been received from the Ministry of Forests, Lands and Natural Resource Operations (Ecosystem Section), Interior Health Authority, Town of Oliver, Osoyoos Indian Band, Penticton Indian Band, Lower Similkameen Indian Band and the Central Okanagan Regional District and these are included as a separate item on the Board Agenda.

Analysis:

Administration considers the work undertaken to modernise and update the text and mapping within the Okanagan Electoral Area OPC Bylaws to represent a significant commitment by the Regional District Board to protecting the environmental resources found in the South Okanagan.

The new mapping associated with *Keeping Nature in our Future* will represent the first time that a consistent data set has been applied to ESDP Areas within the Okanagan Electoral Areas.

The introduction of an Expedited Rapid Environmental Assessment (REA) application option is seen to be an innovative approach to addressing one of the major short-comings of the current scheme, which has been the blanket exemption applied to all forms of residential development.

Replacement of the Terms of Reference for professionals with more definitive application requirements in the Development Procedures Bylaw as well as clearer guidelines within the OCP's is seen to provide a greater level of clarity for QEPs completing assessment report in support of ESDP applications.

The comprehensive review of the OCP and Zoning Map Schedules that has occurred will also address a number of consistency issues across the Electoral Areas (i.e. designation of provincial parks and protected areas), errors dating back to the 2008 Repeal and Re-enactment (R&R) process, allow for the incorporation of new provincial data on the Electoral Area boundaries and the colourisation of these schedules.

Given the scope of proposed changes associated with Amendment Bylaw No. 2710, Administration is proposing to monitor its implementation over the next 12 months and report back to the Board with any identified issues affecting the intended operation of the new ESDP Area scheme and possible remedies.

The Board is asked to be aware that, since it last considered the proposed new OCP & Zoning Schedules at the March 16, 2017, meeting of the P&D Committee further mapping errors have been identified. These involve the following properties:

AREA	LEGAL	Current	Proposed	SUMMARY
"C"	Lot 982, Plan KAP17033, District Lot 2450S, SDYD	I/AI	AG/AG1	OCP & Zone – error from 2002 bylaw review.
"E"	Lots 4-5, Plan EPP60812, SDYD, District Lot 2711 3474	LH	RA	OCP designation – R&R error
"E"	Lot A, Plan KAP59640, District Lot 3474, SDYD.	LH	RA	OCP designation – R&R error
"E"	Lots 4-6, Plan KAP1145, District Lot 210, SDYD.	A2	RS1s	Incorrect zoning – R&R error

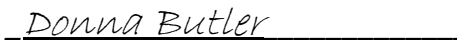
Alternative:

THAT Bylaw No. 2710, 2017, Regional District of Okanagan-Similkameen Parks, Recreation, Trails, Conservation Areas and Environmental Areas Update Amendment Bylaw, be denied.

Respectfully submitted:


 C. Garrish, Planning Supervisor

Endorsed by:


 D. Butler, Development Services Manager

Attachments: No. 1 – Agency Referral List

Attachment No. 1 – Agency Referral List

Referrals to be sent to the following agencies as highlighted with a , prior to the Board considering first reading of Amendment Bylaw No. 2710, 2017.

<input checked="" type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" type="checkbox"/>	Kootenay Boundary Regional District
<input checked="" type="checkbox"/>	Interior Health Authority (IHA)	<input checked="" type="checkbox"/>	City of Penticton
<input checked="" type="checkbox"/>	Ministry of Agriculture	<input checked="" type="checkbox"/>	District of Summerland
<input checked="" type="checkbox"/>	Ministry of Energy & Mines	<input checked="" type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Community, Sport and Cultural Development	<input checked="" type="checkbox"/>	Town of Osoyoos
<input checked="" type="checkbox"/>	Ministry of Environment	<input type="checkbox"/>	Town of Princeton
<input type="checkbox"/>	Ministry of Forest, Lands & Natural Resource Operations	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Tourism and Innovation	<input checked="" type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure	<input checked="" type="checkbox"/>	Penticton Indian Band (PIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input checked="" type="checkbox"/>	Osoyoos Indian Band (OIB)
<input checked="" type="checkbox"/>	BC Parks	<input type="checkbox"/>	Upper Similkameen Indian Bands (USIB)
<input checked="" type="checkbox"/>	School District #53 (Okanagan Similkameen)	<input checked="" type="checkbox"/>	Lower Similkameen Indian Bands (LSIB)
<input type="checkbox"/>	School District #58 (Nicola Similkameen)	<input type="checkbox"/>	Environment Canada
<input checked="" type="checkbox"/>	School District #67 (Okanagan Skaha)	<input checked="" type="checkbox"/>	Fisheries and Oceans Canada
<input checked="" type="checkbox"/>	Central Okanagan Regional District	<input checked="" type="checkbox"/>	Archaeology Branch
<input checked="" type="checkbox"/>	Fortis	<input type="checkbox"/>	Westbank First Nation
<input type="checkbox"/>	Lakeshore Highland Water System	<input type="checkbox"/>	Okanagan Falls Irrigation District
		<input checked="" type="checkbox"/>	Canadian Wildlife Services