

# ADMINISTRATIVE REPORT



**TO:** Planning and Development Committee

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** October 15, 2020

**RE:** Amendment of Environmentally Sensitive Development Permit (ESDP) Areas

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## **Administrative Recommendation:**

**THAT Amendment Bylaw No. 2912, 2020, Regional District of Okanagan-Similkameen Environmentally Sensitive Development Permit Area Update Official Community Plan Amendment Bylaw be initiated;**

**AND THAT Amendment Bylaw No. 2500.17, 2020, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw be initiated.**

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## **Purpose:**

The purpose of this report is to seek direction from the Board in relation to proposed amendments to the Electoral Area Official Community Plan (OCP) Bylaws as they relate to Environmentally Sensitive Development Permit (ESDP) Areas.

## **Background:**

At its meeting of August 6, 2020, the following Director's Motion was carried by the Regional District Board:

*THAT the RDOS Board apply Environmentally sensitive development permits (ESDPs) to only Subdivisions and rezonings; and further,*

*THAT Staff report back to the Board on the options to make ESDPs more effective at Subdivisions and rezonings; and further,*

*THAT ESDPs should in no way prevent or discourage residents from firesmarting their properties according to the firesmart principles.*

At its meeting of September 3, 2020, the August 6, 2020, Motion was debated and carried by the Regional District Board.

## **Analysis:**

In response to the direction provided by the Board at its meeting of September 3, 2020, draft Amendment Bylaw No. 2912 proposes the following amendments to the Electoral Area Official Community Plan (OCP) Bylaws:

- revised policy statements that speak to environmentally sensitive development permits being implemented only in relation to subdivision;
  - the introduction of a new guideline related specifically to subdivision design in ESDP Areas;
  - the deletion of "construction of, addition to or alteration of a building or other structure" and the "alteration of the land, including grading, removal of vegetation, deposit or moving of soil,
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paving, installation of drainage or underground services” as triggers for an environmentally sensitive development permit; and

- the deletion of all non-subdivision related exemptions for environmentally sensitive development permits.

In support of these OCP amendments, it is further proposed to amend the Development Procedures Bylaw No. 2500, 2011, in order to remove existing requirements for “Rapid Environmental Assessments” (REA) as an application type. This is due to REA’s being primarily issued in relation to building permit applications.

Finally, it will be proposed at first reading that the Board adopt a new policy that will defer enforcement of specific ESDP Area requirements during the transition to the new development permit area guidelines.

Administration is concerned about requiring property owners to submit applications that will be made redundant as a result of the proposed amendments contained in Bylaw No. 2912, as well as expending resources on enforcement actions in support of guidelines that are to be repealed.

Administration does not consider that any amendments to the existing ESDP Area Maps schedules to the OCP Bylaws is required in order to implement the Board’s direction.

With regard to the Board direction that “ESDPs should in no way prevent or discourage residents from firesmaring their properties according to the firesmart principles”, Administration considers that this will be addressed by refocusing ESDPs to apply to subdivisions only.

Finally, Administration notes that the Electoral Area OCP Bylaws already contain very strong language regarding the rezoning of environmentally sensitive lands, specifically, that the Board:

*Will not support the re-designation of land under the OCP or the re-zoning of land under the Zoning Bylaw where it is determined that the proposed development is contrary to the ESDP Area Guidelines of this Plan and the impact cannot be mitigated to a level acceptable to the Regional Board.*

On this basis, Administration considers that policies already exist that elevate the importance of ESDPs as a Board consideration at the rezoning stage.

**Alternatives:**

- .1 THAT Amendment Bylaw No. 2912, 2020, Amendment Bylaw No. 2500.17, 2020, not be initiated.
- .2 THAT initiation of Amendment Bylaw No. 2912, 2020, Amendment Bylaw No. 2500.17, 2020, be deferred pending:
  - i) TBD

**Respectfully submitted:**



C. Garrish, Planning Manager

**Attachments:** No. 1 – Amendment Bylaw No. 2912, 2020 (annotated)  
No. 2 – Amendment Bylaw No. 2500.17, 2020 (annotated)