

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: February 20, 2020

RE: Official Community Plan Bylaw Amendment – Electoral Area “A”, “C”, “D”, “E”, “F”, “H” & “I”
Development Procedures Bylaw Amendment
Watercourse Development Permit (WDP) Area Update

Administrative Recommendation:

THAT Bylaw No. 2876, 2020, Regional District of Okanagan-Similkameen Watercourse Development Permit Area Update Amendment Bylaw be read a third time and adopted; and,

THAT Bylaw No. 2500.13, 2020, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw, be read a third time and adopted.

Proposed Development:

The purpose of the proposed amendments to the Electoral Area Official Community Plan (OCP) Bylaws is to update the Watercourse Development Permit (WDP) Area designations in order to ensure consistency with the recently implemented provincial *Riparian Area Protection Regulation* (RAPR).

The proposed amendments to the application requirements and processing procedures for WDPs found in the Regional District’s Development Procedures Bylaw No. 2500, 2011, is intended to further ensure consistency with the RAPR.

Background:

On March 31, 2005, the provincial *Riparian Areas Regulation* (RAR) came into effect with the purpose of establishing “directives to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.”

At Section 3 of the *Regulation*, the provincial government listed 14 regional districts — including the Regional District of Okanagan-Similkameen — that were required to implement RAR through their land use bylaws.

At its meeting of June 8, 2006, the Regional District Board adopted Amendment Bylaw No. 2337, 2006, which introduced Watercourse Development Permit (WDP) Area designations into the Electoral Area “A”, “C”, “D”, “E”, “F”, “H” & “I” OCP Bylaws.

On November 1, 2019, a new provincial *Riparian Area Protection Regulation* (RAPR) came into effect and, amongst other things, introduced a requirement allowing the provincial government to withhold an assessment report that does not comply with RAPR until the deficiencies are rectified.

At its meeting of December 5, 2019, the Planning and Development (P&D) Committee of the Board resolved “that Bylaw No. 2876, Watercourse Development Permit Area Update and Bylaw No.

2500.14, 2019, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw, be brought forward for consideration of first reading.”

At its meeting of January 23, 2020, the Regional District Board resolved to approve first and second reading of the amendment bylaws and directed that a public hearing occur at the Board meeting of February 20, 2020.

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments are to an OCP Bylaw.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Analysis:

Administration considers that the proposed amendments to the WDP Area designation will ensure greater compliance with the recently enacted provincial *Riparian Area Protection Regulation* (RAPR). These amendments include, amongst other things, the following:

- submission of an Assessment Report prepared in accordance with Part 4 (Assessments and Assessment Reports) of the provincial RAPR and which has been successfully reviewed by the responsible provincial minister;
- updating the list of activities that constitute “development”, which is currently based on the (now rescinded) *Riparian Area Regulation* (RAR), to those used in other DP Areas (i.e. ESDP triggers);
- placing development permit triggers (i.e. building, subdivision, land disturbance) in their own subsection as is done with other DP Area designations (currently, the triggers are comprised within the “Guidelines” section);
- removing the section related the requirement for monitoring reports as the Regional District does not have the legal authority to require these; and
- introducing new exemptions for in-stream works approved under the Water Sustainability Act and for works undertaken in relation to an emergency event (i.e. emergency flood or protection works).

In support of this, and to prevent the Regional District from having to manage application that are still being assessed by the provincial government, it is further proposed that the Development Procedures Bylaw be amended to require that applications may only be submitted once successfully reviewed by the responsible provincial minister.

Expedited Development Permit Process:

To ensure the continuing validity of the “Expedited” permitting option in light of the new requirements contained within the RAPR, Administration is recommending that the Board consider a resolution to the effect that;

The Regional District Board considers, in accordance with Section 12(4)(b) of the Riparian Areas Protection Act, that the requirements for an Expedited Watercourse Development Permit provides a level of protection that is comparable to or exceeds that established by the Riparian Areas Protection Regulation.

Alternatives:

1. THAT third reading of Bylaw No. 2500.13, 2020, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw and Bylaw No. 2876, 2020, Regional District of Okanagan-Similkameen Watercourse Development Permit Area Update Amendment Bylaw be deferred; or
2. THAT first and second reading of Bylaw No. 2500.13, 2020, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw and Bylaw No. 2876, 2020, Regional District of Okanagan-Similkameen Watercourse Development Permit Area Update Amendment Bylaw be rescinded and the bylaws abandoned.

Respectfully submitted:



C. Garrish, Planning Manager

Endorsed By:



B. Dollevoet, G.M. of Development Services