

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

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

**DATE:** February 4, 2021

**RE:** Official Community Plan (OCP) Bylaw Amendments – ALR Exclusion Applications

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### **Administrative Recommendation:**

**THAT** Bylaw No. 2913, 2020, Electoral Area Official Community Plan Amendment Bylaw be read a first and second time and proceed to public hearing;

**AND THAT** the Board of Directors considers the process, as outlined in this report from the Chief Administrative Officer dated February 4, 2021 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. 2913, 2020, 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 March 4, 2021;

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

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### **Proposed Development:**

The purpose of Amendment Bylaw No. 2913, 2020 is to introduce Official Community Plan (OCP) Bylaw policies for Agricultural Land Reserve Exclusion applications in response to changes to the *Agricultural Land Commission Act*.

This bylaw seeks to remove policy statements in a number of Electoral Area OCP Bylaws that require agrologist reports for applications to exclude land from the ALR, and to add the following new growth management policies:

- *Will consider requests for the Regional District to initiate an application to the Agricultural Land Commission to have lands excluded from the Agricultural Land Reserve only within the context of a comprehensive review of this Official Community Plan (OCP) Bylaw.*
  - *Encourages property owners to seek, as an alternative to the exclusion of lands from the Agricultural Land Reserve, approval from the Agricultural Land Commission for other application types under the Agricultural Land Commission Act such as non-farm use, non-adhering residential use and subdivision.*
  - *Generally supports maintaining the integrity of the Agricultural Land Reserve (ALR) and its existing boundaries.*
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It should be noted that the drafted OCP Amendment Bylaw No. 2913, 2020 does not include Electoral Area "A", as it is anticipated that any policy direction would be incorporated into the OCP update. Further, the drafted OCP Amendment Bylaw for Electoral Area "H" only includes the first two policy statements, as the Electoral Area "H" already contains policies speaking to the ALR boundaries.

**Background:**

At its meeting of October 15, 2020, the P&D Committee considered a draft of OCP Amendment Bylaw No. 2913, 2020 and resolved that the bylaw be initiated.

**Public Process:**

As part of the initiation of OCP Amendment Bylaw No. 2913, 2020, the following consultation was undertaken:

- Referral to the Electoral Area Advisory Planning Commissions (November 2020-January 2021);
- Notification to external agencies (October 23, 2020);
- Documentation added to the Regional District web-page (October 22, 2020) and updated on December 1, 2020 and December 12, 2020;
- Public information meeting held electronically (December 10, 2020);
- Notification of PIM posted on Regional District's Facebook page (December 1, 2020), on Regional District's webpage and events calendar (December 1, 2020), via CivicReady (December 1, 2020), in the Penticton Western News (December 2, 2020 and December 9, 2020 editions), and in the Keremeos OK Falls Review (December 3, 2020 and December 10, 2020 editions)

**Referrals:**

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, No. 58 and No. 67 have 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.

Pursuant to Section 475 of the *Local Government Act*, the Regional District must consult with the Agricultural Land Commission (ALC) when proposing to amend an OCP which might affect agricultural lands. Both the ALC and the Ministry of Agriculture have been made aware of the proposed amendment bylaw.

**Public Process:**

On December 10, 2020, a Public Information Meeting (PIM) was held electronically and was attended by approximately 3 members of the public.

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At the meetings of the Electoral Area “A” Advisory Planning Commission (APC) (November 9, 2020), Electoral Area “D” APC (November 10, 2020), Electoral Area “E” APC (December 14, 2020), Electoral Area “F” APC (November 23, 2020), Area “H” APC (December 15, 2020) and Area “I” APC (December 16, 2020) the respective APCs resolved to recommend to the RDOS Board that the proposed amendment bylaw be supported.

This item was referred to the Electoral Area “C” APC in the January 19, 2021 agenda; however, this agenda item did not receive a formal recommendation due to lack of quorum.

Administration recommends that the public meeting 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, the consultation process undertaken is seen to be sufficiently early and does not need to further ongoing consultation.

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

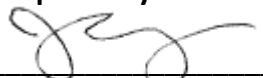
**Analysis:**

Amendment Bylaw No. 2913, 2020 contains policies to support growth management within the ALC and to maintain existing ALR boundaries unless part of a comprehensive OCP review process as previously initiated by the Board at committee.

**Alternatives:**

1. THAT Bylaw No. 2913, 2020, Electoral Area Official Community Plan Amendment Bylaw be deferred; or
2. THAT Bylaw No. 2913, 2020, Electoral Area Official Community Plan Amendment Bylaw be denied.

**Respectfully submitted:**

  
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JoAnn Peachey, Planner I

**Endorsed By:**

  
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C. Garrish, Planning Manager

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Amendment Bylaw No. 2913, 2020:

|                                     |   |                                     |  |
|-------------------------------------|---|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Agricultural Land Commission (ALC)  | <input type="checkbox"/>            | Fortis   |
| <input 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 type="checkbox"/>            | Ministry of Energy, Mines & Petroleum Resources   | <input checked="" type="checkbox"/> | Town of Oliver                                       |
| <input type="checkbox"/>            | Ministry of Municipal Affairs & Housing   | <input checked="" type="checkbox"/> | Town of Osoyoos                                      |
| <input type="checkbox"/>            | Ministry of Environment & Climate Change Strategy   | <input checked="" type="checkbox"/> | Town of Princeton                                    |
| <input type="checkbox"/>            | Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch) | <input checked="" type="checkbox"/> | Village of Keremeos                                  |
| <input type="checkbox"/>            | Ministry of Jobs, Trade & Technology  | <input checked="" type="checkbox"/> | Okanagan Nation Alliance (ONA)                       |
| <input 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 type="checkbox"/>            | BC Parks  | <input checked="" type="checkbox"/> | Upper Similkameen Indian Band (USIB)                 |
| <input checked="" type="checkbox"/> | School District #53 (Areas A, B, C, D & G)  | <input checked="" type="checkbox"/> | Lower Similkameen Indian Band (LSIB)                 |
| <input checked="" type="checkbox"/> | School District #58 (Area H)  | <input type="checkbox"/>            | Environment Canada                                   |
| <input checked="" type="checkbox"/> | School District #67 (Areas D, E, F, I)  | <input type="checkbox"/>            | Fisheries and Oceans Canada                          |
| <input checked="" type="checkbox"/> | Central Okanagan Regional District  | <input type="checkbox"/>            | Canadian Wildlife Services                           |
| <input checked="" type="checkbox"/> | Kootenay Boundary Regional District   | <input type="checkbox"/>            | OK Falls Irrigation District                         |
| <input checked="" type="checkbox"/> | Thompson Nicola Regional District   | <input type="checkbox"/>            | Kaleden Irrigation District                          |
| <input checked="" type="checkbox"/> | Fraser Valley Regional District   | <input type="checkbox"/>            | X Irrigation District / improvement Districts / etc. |
| <input type="checkbox"/>            | XXXX Volunteer Fire Department  |                                     |  |