

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

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

**DATE:** July 2, 2020

**RE:** Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “I”  
Apex Mountain Zone Review

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### **Administrative Recommendation:**

**THAT Bylaw No. 2683.03, 2020, Electoral Area “I” Official Community Plan Amendment Bylaw and Bylaw No. 2457.26, 2020, Electoral Area “I” Zoning Amendment Bylaw be read a third time and adopted.**

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### **Purpose:**

It is being proposed that the Regional District Board initiate an amendment to the Electoral Area “I” Official Community Plan No. 2603, 2013, and Zoning Bylaw No. 2457, 2008, in order to update a number of residential zones at Apex Mountain. The proposed bylaws support the on-going work related to the preparation of a single zoning bylaw for the South Okanagan Valley Electoral Areas.

### **Background:**

At its meeting of April 19, 2018, the Planning and Development Committee (P&D) Committee of the Board resolved to initiate amendments to the Electoral Area “I” Official Community Plan (OCP) and Zoning Bylaws in order to update the zones at Apex Mountain Resort as a stand-alone review.

On January 6, 2020, affected property owners (approximately 394) were notified of the proposed zoning changes and of a public information meeting.

On February 4, 2020, a Public Information Meeting (PIM) was held at the RDOS Boardroom (101 Martin Street, Penticton) and was attended by approximately five (5) members of the public.

The proposed bylaw amendments were notified on the Regional District’s web-site, social media accounts and by inclusion in the “bi-weekly” advertisement in local newspapers.

At its meeting of March 5, 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 April 2, 2020.

At its meeting of March 19, 2020, the Board subsequently resolved that all non-regulatory public hearings on land use matters be waived, and all regulatory public hearings be postponed until further notice in response to the on-going health crisis related to the COVID-19 virus.

On May 1, 2020, Ministerial Order M139, issued under the *Emergency Program Act*, enables local governments to hold a public hearing by means of electronic or other communication facilities.

On June 4, 2020, an electronic public hearing was held ahead of the Board meeting that same day and approximately two (2) members of the public participated by conference call.

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At its meeting of June 4, 2020, the Regional District Board resolved to defer consideration of third reading and directed that a second public hearing occur at the Board meeting of July 2, 2020, and that a public information meeting be scheduled prior to the second public hearing.

On June 22, 2020, an electronic Public Information Meeting (PIM) was held via Webex and was attended by approximately 12 members of the public.

A second electronic public hearing on the amendment bylaws is scheduled to occur on July 2, 2020, ahead of the regular meeting of the Board.

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

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 metres of a controlled access highway (i.e. Highway 97 & 3).

### **Analysis:**

#### OCP Bylaw:

In support of the Apex Zone Review, it is being proposed to replace the current Residential Mixed use (RMU) designation with a new "Village Centre" designation to the Electoral Area "1" OCP Bylaw in order to present objectives and policies specific to Apex Mountain. These policies speak to, amongst other things, permitted uses, density, status as a Growth Area, vehicle parking, snow storage and potential design standards for the village core area.

NOTE: due to the Twin Lakes Growth Area similarly being designated RMU, it is being proposed that the objectives and policies for this site similarly be transitioned to the new "Twin Lakes Village Centre (TLVC)" designation as part of Amendment Bylaw No. 2683.03.

#### Apex Mountain Village Zone:

During the 2016 review of the Electoral Area "1" OCP Bylaw, the community expressed a desire to "consolidate and improve the village centre as the community's service centre and social heart". Administration is also aware of the community previously expressing concerns regarding the composition of the RMU Zone and the extent to which it contemplates the spread of commercial uses into residential areas, and that such a spread would be to the possible detriment of the Village core.

While the preparation of a Local Area Plan for Apex exceeds the scope of the current work being undertaken in support of a single zoning bylaw, Administration considers there to be merit in reconsidering the RMU Zone at this time.

Specifically, and in accordance with the approach previously applied to the Okanagan Falls and Naramata town sites, it is being proposed to replace the RMU Zone with a new Apex Mountain Village (AMV) Zone, and that the physical area of this zone be reduced to the village core of Apex.

While the range of uses permitted in the AMV Zone will not differ significantly from the RMU Zone, it is proposed to delete allowances for single detached and duplex dwellings as these are not seen to be compatible with the character and density of the village core.

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With regard to densities, Apex is a Rural Growth Area under the Regional Growth Strategy (RGS) Bylaw and Administration has determined that a number of buildings previously constructed within the village core exceed the current density restriction of 55 units/ha.

To address this, it is being proposed to delete the units/ha density regulation, to increase the Floor Area Ratio (FAR) from 2.0 to 3.0 and to increase the maximum building height from 10-19.0 metres to 20.0 metres in order to address a number of existing non-conformities and to encourage further densification (subject to parking and servicing requirements being met).

It is further proposed to replace a number of other variable zoning regulations, such as minimum parcel size for subdivision (505-1,010 m<sup>2</sup>), minimum parcel width (15-30 metres) and maximum parcel coverage (45-75%) with a single, standard regulations; 1,000 m<sup>2</sup> (parcel size), Not less than 25% of the parcel depth (parcel width) and 75% (parcel coverage).

Finally, it is being proposed to introduce regulations for snow storage based upon the number of outdoor vehicle parking spaces being provided on a parcel (i.e. when more than 4 are required).

#### Medium Density Residential Zone:

It is being proposed to introduce a new Medium Density Residential Apex (RM2) Zone for existing apartment buildings and townhouses at Apex, and to carry forward the vacation rental allowance that was introduced into the zoning bylaw in 2014.

In accordance with the direction contained in Phase 1 of the Residential Zone Review, it is further being proposed that single detached duplex dwellings not be carried forward into the RM2 Zone from the RMU and RM3 zones.

The other significant amendment related to the RM2 Zone is to apply it to a large parcel of undeveloped Crown land at the south-west part of the community, and which is currently zoned RMU.

#### Duplex Zone:

It is being proposed to apply a new Low Density Residential Duplex Apex (RD2) Zone to all existing duplexes at Apex as well as a majority of parcels on Clearview Drive.

When the Clearview Drive subdivision occurred, the RMU Zone stipulated that parcels less than 1,010 m<sup>2</sup> were to be developed to single detached and duplex dwellings only, whereas parcels greater than 1,010 m<sup>2</sup> could also be developed to multi-dwelling units (i.e. more than 3-units). A majority of the parcels on Clearview Drive are less than 1,000 m<sup>2</sup> in area.

#### “Chutes End” Comprehensive Development Zone:

The provincial Apex Alpine Resort Area Master Plan (1981) envisioned “seven phases of development” at Apex Mountain, five (5) of which had been completed by November of 1981.

Phase 7 of the Master Plan was to have been completed between 1983-85 and included, amongst other things, “60 residential strata lots” as well as “roads and services” to “Chutes End”, which comprised an approximately 2.0 ha area near the upper parking lot (by the original “Gunbarrel”).

While this area of Crown land remains undeveloped and is zoned RMU, the operator of Apex Mountain has requested a replacement zoning be introduced to allow for a range of residential densities as well as the ability to develop a new hotel near the upper parking lot.

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In response, Administration is proposing the introduction of a new “Chutes End Comprehensive Development (CD8) Zone that would allow for these range of uses and densities. This CD8 Zone is envisioned as a “holding” zone and one that would be replaced with existing low and medium density residential and tourist commercial zoning as the area is developed.

The boundaries of the proposed CD8 Zone have been expanded beyond the current RMU Zone to reflect a 2007 provincial approval for expanded development in this area of the resort.

**Alternatives:**

1. THAT first and second readings of Bylaw No. 2603.03, 2020, Electoral Area “I” Official Community Plan Amendment Bylaw and Bylaw No. 2457.26, 2020, Electoral Area “I” Zoning Amendment Bylaw be rescinded and the bylaws abandoned; or
2. THAT third reading of Bylaw No. 2603.03, 2020, Electoral Area “I” Official Community Plan Amendment Bylaw and Bylaw No. 2457.26, 2020, Electoral Area “I” Zoning Amendment Bylaw be deferred.

**Respectfully submitted:**



C. Garrish, Planning Manager