

## ADMINISTRATIVE REPORT



**TO:** Planning & Development Committee

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

**DATE:** February 3, 2022

**RE:** Draft Okanagan Valley Zoning Bylaw No. 2800 - Summary of Significant Policy Changes FOR INFORMATION

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### **Purpose:**

In accordance with the Regional District's "Land Use Bylaw Transition Policy" (2016), the purpose of this report is to provide the Board with a summary of:

- "significant policy changes" contained within the Draft Okanagan Valley Zoning Bylaw No. 2800;
- "current subdivision proposals which may be affected by proposed changes to the regulations ... comprised within the Bylaw."

### **Background:**

At its meeting of September 4, 1997, the Regional District's (then) "Rural Services / Project Committee" resolved that a Disclosure Policy be established so that the Board would be apprised by staff, in relation to all Official Community Plan, Zoning and Rural Land Use Bylaw Updates, of the following:

- (i) all significant policy changes, and*
- (ii) a list of subdivision applications in progress which may be adversely affected by proposed reductions in development rights (i.e. use and/or density).*

This policy has been carried forward, largely unchanged, since that time and is now known as the "Land Use Bylaw Transition Policy" (2016), a copy of which is included at Attachment No. 1 for reference purposes.

### **Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws:**

The current Okanagan Electoral Area zoning bylaws are the result of a "Repeal and Re-enactment" (R&R) Process initiated by the Regional District in 2008 in order to address a number of "administrative deficiencies" related to the adoption of new official community plan (OCP) bylaws as well as amendment bylaws.

Since their adoption, the zoning bylaws have been the subject of numerous amendment bylaws (e.g. over 50 amendments to Electoral Area "D") affecting hundreds of lines of text within the bylaws.

The review and consolidation of the Okanagan electoral area zoning bylaws has been identified as a strategic Board priority for a number of years and supports the objective of ensuring "all existing bylaws and policies are kept in a current and useful form ..."

Additional benefits of a consolidated bylaw include improved ease of use by staff and the public, reduced inefficiencies, duplication and overlap (i.e. having to maintain 6 different bylaws) and improved coherence of the bylaws (i.e. removal of internal inconsistencies and conflicts).

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**Analysis:**

In considering the requirements of the Land Use Bylaw Transition Policy to report on all “significant policy changes”, Administration notes that many of the “significant” changes that have occurred to the zoning bylaws have happened within the past 5 years and in support of the preparation of a single bylaw for the Okanagan electoral areas. This has included:

Zone Updates	Regulatory Updates
<ul style="list-style-type: none"><li>• Residential Zone Update (2019-2021);</li><li>• Administrative and Institutional (AI) Zone Update (2020);</li><li>• Apex Mountain Zone Review (2020);</li><li>• Tourist Commercial Zone Update (2018);</li><li>• Commercial Zone Update (2018);</li><li>• Small Holdings One (SH1) Zone Update (2018);</li><li>• Large Holdings Three (LH3) Zone Update (2018);</li><li>• Naramata Town Centre Zone &amp; DP Area Update (2018);</li><li>• Industrial Zone Update (2018); and</li><li>• Agricultural Zone Update (2017).</li></ul>	<ul style="list-style-type: none"><li>• Update of Secondary Suite &amp; Accessory Dwelling Floor Area Regulations (2021);</li><li>• Micro Cannabis Production Facilities (2020);</li><li>• Accessory Dwelling Review (2020);</li><li>• Update of Home Industry &amp; Home Occupation Regulations and Cannabis Production Facilities (2019);</li><li>• Gallagher Lake Area Plan - Incorporation into Electoral Area “C” OCP Bylaw (2018);</li><li>• Regal Ridge Site Specific Zone Review - Electoral Area “A” (2018);</li><li>• Retaining Wall Regulations and Building Height Definition Update (2017);</li><li>• Update of Policies, Regulations &amp; Mapping related to the Dominion Radio Astrophysical Observatory (2017); and</li><li>• Manufactured &amp; Modular Home Update (2016).</li></ul>

In addition to the projects listed above, the Board has previously provided direction on new signage regulations, occupation of a recreational vehicle (RV), landscaping regulations and metal storage containers (the latter of which remains on-going and will be completed separate from this zoning bylaw project).

As a result, there are few “significant” policy changes occurring as a result of these previous reviews, and include the following:

- Occupancy of an existing dwelling during construction of a new dwelling (Section 6.8): this provision relates to situations where a property owner is building a new dwelling and wants to continue living in an existing dwelling despite this not being allowed by zoning (i.e. due to density restrictions).

The proposed regulations are based on direction previously provided by the P&D Committee at its meeting of September 12, 2012, and includes the need for a “Decommissioning Plan” and proposed security.

- Recreation Vehicles (Section 6.10): further to direction previously provided by the P&D Committee of the Board, it is being proposed that the allowance for a recreation vehicle belonging to a guest or visitor may be parked on a parcel for a maximum of 90 days in one (1)

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calendar year between the months of May and September in the Resource Area, Agriculture, Large Holdings and Small Holdings zones.

- Setback Exemptions - Pools (Section 6.13): pools are defined as a “structure” under the bylaw and it is proposed to introduce specific setback provisions for in-ground swimming pools (e.g. not be located within a front setback area) to clarify how they are to be placed on a parcel.
- Floodplain Management Regulations (10.4.3(a)): at present, three electoral area zoning bylaws present separate floodplain management regulations for “Farm Dwelling Units” while the other three electoral area zoning bylaws reference “Dwelling Units” at the same section. Based upon guidance provided in the provincial *Flood Hazard Area Land Use Guidelines* (2017), the proper reference is seen to be to “Farm Dwelling Units” and this has been included in Zoning Bylaw No. 2800.
- Floodplain Management Regulation Exemptions (Section 10.4-.6): the current electoral area zoning bylaws all include an exemption for “additions to buildings or structures that would increase the size of the building or structure by less than 25% of the floor area existing at the date of adoption of this Bylaw [emphasis added].” The reference to “this Bylaw” is to Amendment Bylaw No. 652, which was adopted by the Board at its meeting of June 17, 1982.

The removal of the reference to Bylaw No. 652 from this provision is seen to have been the result of a past drafting oversight, but given the challenges of applying this exemption as well as the unclear merits of continuously exempting new development in a floodplain, Administration is proposing the current exemption be removed.

- AG Zone Parcel Coverage – Electoral Area “C” (Sections 13.1.7/.2.7/.3.7): in discussion with the Electoral Area Director, it is being proposed to standardize maximum parcel coverage requirements in Electoral Area “C” with the other electoral areas. This result in the variable parcel coverage requirements for residential versus farm uses with a variable coverage based on parcel size (e.g. 10% for parcels greater than 2.0 ha and 35% parcels less than 0.25 ha).
- Okanagan Falls Town Centre (OFTC) Zone (Section 18.1): it is being proposed to increase the maximum density of dwelling units per hectare from 100 to 150. This is response to a series of recent rezoning applications involving lands within the OFTC Zone in which the Board has supported higher densities (e.g. 112 units/ha at 5081 Eighth Avenue and 159 units/ha at 850 Railway Lane).

#### OCP Amendments:

The proposed textual amendments to the various electoral area OCPs are to remove references to specific zoning bylaw references (e.g. “Electoral Area ‘C’ Zoning Bylaw No. 2453, 2008”) while the map revisions are being pursued to address zoning changes to a property that require it move from one zone category to another or to bring consistency.

For instance, the zone change at Apex is to address an error in the Apex Zone Update that resulted in a property going to from medium density to low density. Whereas the zone changes to former oxbows in Electoral Areas “A” & “C” is to ensure consistency with other oxbows and environmentally sensitive lands near the head of Osoyoos Lake. This latter category of parcel is predominantly Crown land or in the ownership of a conservation organization.

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**Subdivisions:**

There are approximately 33 subdivision referrals from the Ministry of Transportation and Infrastructure (MoTI) that the Regional District considers to be active and none of which are seen to “be affected by proposed changes to the regulations ... comprised within the Bylaw.”

This is a result of the various Zone Updates completed by the Regional District between 2017 and 2021 in support of this project.

**Respectfully submitted:**



C. Garrish, Planning Manager

**Attachments:**

- No. 1 – “Land Use Bylaw Transition Policy” (2016)
- No. 2 – Draft Okanagan Valley Zoning Bylaw No. 2800
- No. 3 – Draft OCP Amendment Bylaw No. 2954

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Attachment No. 1 – “Land Use Bylaw Transition Policy” (2016)

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN  
BOARD POLICY**

**POLICY:** Land Use Bylaw Transition Policy

**AUTHORITY:** Board Resolution dated February 11, 2016.

**POLICY STATEMENT**

The Regional District of Okanagan-Similkameen (RDOS) requires that, prior to first reading of a new Official Community Plan (OCP) Bylaw and/or Zoning Bylaw for an Electoral Area, the Board of Directors be apprised by Administration of the following:

- i) all significant policy changes comprised within the Bylaw(s); and
- ii) all current subdivision proposals which may be affected by proposed changes to the regulations (i.e. minimum parcel size requirements, development permit area designations, etc) comprised within the Bylaw(s).

**PURPOSE**

To ensure that the Board is properly apprised by Administration of all significant policy changes resulting from the preparation of a new OCP Bylaw and/or Zoning Bylaw for an Electoral Area prior to commencing the formal process to adoption.

**DEFINITIONS (IF REQUIRED)**

Not applicable

**RESPONSIBILITIES**

Development Services Department

**PROCEDURES**

Not applicable.