

**TO:** Planning & Development Committee

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

**DATE:** February 18, 2021

**RE:** Draft Electoral Area “A” OCP Bylaw No. 2905 – Summary of Significant Policy Changes FOR INFORMATION

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## **Background:**

At its meeting of September 4, 1997, the Regional District 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 perpetuated, 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” OCP Bylaw:

The current Electoral Area “A” OCP Bylaw was prepared between 2002 and 2004 and adopted by the Regional District at its meeting of February 3, 2005 (as Bylaw No. 2260).

In 2008, the Regional District completed a “Repeal and Re-enactment” (R&R) of all its Electoral Area OCP & Zoning Bylaws, including Electoral Area “A”. As a result, the current OCP Bylaw No. 2450, 2008, was adopted by the Board but existing goals, objectives or policies were not comprehensively reviewed.

Since the adoption of the 2004 Electoral Area “A” OCP Bylaw, there have been approximately 40(+/-) amendment bylaws adopted by the Regional District Board that have applied to various aspects of the bylaw.

The review and update of the Electoral Area “A” OCP Bylaw was a strategic priority noted in the Regional District’s 2019 Business Plan (i.e. initiation of the project by Q3), and the contract for the review of the bylaw was awarded at the meeting of October 17, 2019, with an estimated completion date of March 31, 2021.

At its meeting of August 6, 2020, the Board accepted a resolution from the Electoral Area “A” Advisory Planning Commission (APC) that:

*the RDOS reschedule the development of the OCP Review project to add three months to the schedule for the OCP Review, for the final report to be delivered by the end of Q1-2021 (March 2021), to allow for public engagement including public meetings, presentations, residents being informed of engagement opportunities and requesting input from citizens. Preferably this should involve in-person meetings subject to public health guidelines.*

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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 Electoral Area “A” OCP Bylaw since it was first adopted in 2004 have occurred outside of the current OCP Review project. This has included:

- introduction of Watercourse Development Permit Areas (2006);
- introduction of Climate Change & Greenhouse Gas reduction objectives and policies (2010);
- introduction of Development Approval Information (DAI) Area (2013);
- update of Temporary Use Permit objectives and policies (2013);
- incorporation of Agricultural Area Plan (AAP) recommendations (2014);
- introduction of Vacation Rental policies (2014);
- update of Environmentally Sensitive Development Permit Areas (2017);
- update of Natural Environment and Parks, Recreation & Trails objectives and policies (2017);
- various land use designation updates (e.g. Agriculture, Industrial, Commercial, Residential and Administrative & Institutional, etc.) undertaken in support of the creation of a single zoning bylaw for the Okanagan Electoral Areas (2016-present);
- review of accessory dwelling policies (2020);
- introduction of policies for cannabis production (2020); and
- introduction of objectives and policies for use of the Okanagan Basin Lakes (2020-21).

It is further noted that the next “significant” policy changes that will be considered in Electoral Area “A” are a Wildfire Development Permit Area designation and changes to the ESDP Area designation, and that both of these will, again, occur outside of a formal OCP Bylaw Review process.

Given OCP Bylaws are considered to be “living documents” and are not meant to be static, the occurrence of “significant” policy changes outside of an OCP Review is normal and, in some ways, preferable as it allows for more focused consideration and discussion of a specific policy change.

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

- Growth Management (Section 6.0): in 2010, the South Okanagan Sub-Regional Growth Strategy (RGS) Bylaw was adopted by the Board and designated Willow Beach and Anarchist Mountain as “Rural Growth Areas”.

Draft Bylaw No. 2905 is proposing “Growth Area Boundaries” around each of these communities to ensure consistency with the RGS Bylaw, but also includes policies encouraging the review of these communities as suitable growth areas as part of the current review of the RGS Bylaw.

Long-term growth projections are also being revised as the current OCP Bylaw No. 2450, 2008, assumes sufficient capacity to meet the growth of the community to the year 2100 based on a now defunct proposal to construct 1,088 units at Willow Beach as well as existing capacity at Anarchist Mountain.

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- Local Area Policies (Section 7.0): in accordance with recent OCP Reviews completed in other Electoral Areas, a new section comprising policies specific to the various communities in Electoral Area “A” has been prepared and addresses Anarchist Mountain, Osoyoos Lake (north & south) and Kilpoola. There are not seen to be any “significant” new policies in this section, other than reconsidering the suitability of Willow Beach and Anarchist Mountain as Rural Growth Areas (as referenced above).
  - Agriculture (Section 9.0): it is being proposed to delete the policies related to the Agricultural Protection Area (APA) that was introduced into the plan in 2012 as part of the incorporation of Agriculture Area Plan (AAP) recommendations. The basis for this change is that the policies not supporting the exclusion or redevelopment of lands in the Agricultural Land Reserve (ALR) is already captured by other policies in this section.
  - Hazard Lands (Section 17.0): the range of objectives and policies related to hazard lands within the Electoral Area has been expanded, particularly in relation to wildfire hazard.
  - Climate Change Mitigation and Adaptation (Section 21.0): where as the current OCP speaks to the RODS achieving carbon neutral operations by 2012, the Draft OCP speaks to this more generally (i.e. no date).

The current OCP also speaks to working towards reducing GHG emissions by 30% below 2007 levels by 2030, whereas the Draft OCP has revised this to reducing GHG emissions by 40% below 2007 levels by 2030, 60% by 2040 and 80% by 2050 as per the *Climate Change Accountability Act*.

#### Subdivisions:

As an OCP Bylaw generally comprises policy statements as opposed to the type of prescriptive regulations generally found in a Zoning Bylaw, Administration considers that no active subdivisions in Electoral Area “A” will be affected by Draft OCP Bylaw No. 2905.

#### **Respectfully submitted:**



C. Garrish, Planning Manager

#### Attachments:

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

No. 2 – Draft Electoral Area “A” OCP Bylaw No. 2905

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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.