

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

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

**DATE:** March 5, 2020

**RE:** Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “1”  
Apex Mountain Zone Review

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### **Administrative Recommendation:**

**THAT** Bylaw No. 2603.03, 2020, Electoral Area “1” Official Community Plan Amendment Bylaw and Bylaw No. 2457.26, 2020, Electoral Area “1” Zoning 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 March 5, 2020, 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. 2603.03, 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 April 2, 2020;

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

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### **Purpose:**

It is being proposed that the Regional District Board initiate an amendment to the Electoral Area “1” 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:**

In preparation of a single zoning bylaw for the Okanagan Electoral Areas, Administration has been reviewing and updating the various zoning districts such as Commercial, Tourist Commercial and Residential.

At present, the predominant zoning district at Apex Mountain is Residential, and is made up of the Residential Apex Alpine (RS4), Residential Multiple Unit Three (RM3) and Mixed Use Apex Alpine (RMU) zones, all of which apply to a majority of the land at the resort.

The RMU Zone is not, however, seen to be a Residential zone due to its mixed-use nature (i.e. it permits both commercial and residential uses) and is more akin to the Okanagan Falls Town Centre Zone and Naramata Village Centre Zone, both of which were reviewed in 2018.

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At its meeting of April 19, 2018, the Planning and Development (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.

At its meeting of January 23, 2020, the P&D Committee considered an Administrative Report providing an update on the proposed amendments to the Electoral Area "I" OCP and Zoning Bylaws in order to update the zones at Apex Mountain Resort as a stand-alone review.

**Referrals:**

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).

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. 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.

**Public Process:**

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. Affected property owners (approximately 394) had been notified of the public hearing in writing on January 6, 2020.

The bylaw was also notified on the Regional District's web-site, social media accounts and by inclusion in the "bi-weekly" advertisement in local newspapers.

Administration recommends that the written notification of affected property owners, the public meetings 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.

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

**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 "I" 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.

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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 “I” 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.

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.

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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.

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 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 read a first and second time and proceed to public hearing;

AND THAT the Board of Directors considers the process, as outlined in the report from the Chief Administrative Officer dated March 5, 2020, 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. 2603.03, 2020, in conjunction with its Financial and applicable Waste Management Plans;

AND THAT the holding of the public hearing be delegated to Director Monteith, or their delegate;

AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Monteith;

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

2. THAT 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; or
3. THAT 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 denied.

**Respectfully submitted:**



C. Garrish, Planning Manager

**Endorsed By:**



B. Dollevoet, G.M. of Development Services

Attachments: No. 1 – Agency Referral List

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Amendment Bylaw No. 2603.03, 2020:

<input type="checkbox"/>	Agricultural Land Commission (ALC)	<input type="checkbox"/>	Fortis
<input checked="" type="checkbox"/>	Interior Health Authority (IHA)	<input type="checkbox"/>	City of Penticton
<input type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	District of Summerland
<input type="checkbox"/>	Ministry of Energy, Mines & Petroleum Resources	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Municipal Affairs & Housing	<input type="checkbox"/>	Town of Osoyoos
<input type="checkbox"/>	Ministry of Environment & Climate Change Strategy	<input type="checkbox"/>	Town of Princeton
<input checked="" type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Mountain Resorts Branch)	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology	<input 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 type="checkbox"/>	Osoyoos Indian Band (OIB)
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Upper Similkameen Indian Band (USIB)
<input type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	Lower Similkameen Indian Band (LSIB)
<input 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 type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Canadian Wildlife Services
<input type="checkbox"/>	Kootenay Boundary Regional District	<input type="checkbox"/>	OK Falls Irrigation District
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Kaleden Irrigation District
<input type="checkbox"/>	Fraser Valley Regional District	<input checked="" type="checkbox"/>	Apex Community Association
<input checked="" type="checkbox"/>	Apex Fire Brigade		