

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

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

**DATE:** October 18, 2018

**RE:** Official Community Plan (OCP) & Zoning Bylaw Amendments – Electoral Area “D”  
Okanagan Falls Town Centre Plan Implementation

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### **Administrative Recommendation:**

**THAT Bylaw No. 2603.16, 2018, Electoral Area “D” Official Community Plan Amendment Bylaw and Bylaw No. 2455.39, 2018, Electoral Area “D” 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 October 18, 2018, 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. 2603.16, 2018, 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 December 6, 2018;**

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

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### **Purpose:**

The proposed amendments to the Electoral Area “D” Official Community Plan (OCP) Bylaw and Zoning Bylaw are related to the on-going implementation of the Okanagan Falls Town Centre Plan (2017).

Specifically, Amendment Bylaw No. 2455.39, 2018, proposes to replace the current Okanagan Falls Town Centre (C4) Zone with a new “Okanagan Falls Town Centre (OFTC)” Zone on those parcels of land generally situated north of Highway 97 in Okanagan Falls between the Okanagan River Channel to the west, Skaha Lake to the north and Main Street to the east.

The proposed amendment to the Electoral Area “D” OCP Bylaw relates to introducing a policy statement supporting the proposed densities as well as applications to increase height in the OFTC Zone between 8<sup>th</sup> and 9<sup>th</sup> Avenues, subject to the provision of affordable housing, community infrastructure or the provision of other community benefits.

### **Background:**

The Okanagan Falls Town Centre Plan was commenced in 2014 with the objective of helping to “reverse the economic fortunes of Okanagan Falls” by creating a land use plan to guide strategic public and private investments and partnerships, and to foster positive streetscape improvements and quality urban design that together will provide a distinctive sense of place.

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At its meeting of November 16, 2017, the Planning and Development (P&D) Committee of the Board directed Administration to complete a review of the Electoral Area “D-2” Zoning Bylaw No. 2455, 2008, to ensure conformance to the Okanagan Falls Town Centre Plan as a strategic project for 2018.

**Referrals:**

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required prior to adoption as Amendment Bylaw No. 2455.39, 2018, involves land within 800 metres of a controlled access highway (i.e. Highway 97).

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 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 September 7, 2018, the Regional District sent letters to all registered property owners of land proposed to be included in the new OFTC Zone (approximately 135 owners ) advising of the proposed changes.

On September 25, 2018, a public information meeting was held for property owners of land proposed to be included in the new OFTC Zone was attended by approximately seven (7) persons.

At its meeting of September 11, 2018, Amendment Bylaw No. 2455.39, 2018, was considered by the Electoral Area “D” Advisory Planning Commission (APC), who resolved to recommend to the RDOS Board that it be supported.

Administration is also proposing another public open house prior to the Board's meeting of December 6, 2018, in order to, again, present the proposed OFTC Zone to the public.

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*.

To date, agency comments have been received from the Ministry of Transportation and Infrastructure and Interior Health Authority and these are included as a separate item on the Board Agenda.

**Analysis:**

Further to the direction provided by the P&D Committee on November 17, 2017, Administration is proposing the introduction of a new OFTC Zone to generally be applied to the Okanagan Falls Town Centre Plan Study Area. This new OFTC Zone will, amongst other things:

- expand the range of permitted uses in the proposed OFTC Zone over what is currently permitted in the C4, CT1, RS1, and RM1 zones that apply to the Study Area;

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- eliminate the requirement for the provision of ground floor retail/commercial uses currently mandated by the C4 and CT1 zones (meaning residential uses would be permitted on the ground floor);
  - establish a minimum residential density of 40 units/ha;
  - establish a maximum residential density of 100 units/ha;
  - apply a minimum parcel size for subdivision of 1,000 m<sup>2</sup> versus 500 m<sup>2</sup> (C4), 667 m<sup>2</sup> (RS1), 1,000 m<sup>2</sup> (RM1) and 1,010 m<sup>2</sup> (CT1) that currently apply to the Study Area;
  - not specify minimum setbacks from parcel lines and rely on the Okanagan Falls Town Centre Development Permit Area Guidelines to govern the siting of buildings on a parcel; and
  - apply a maximum building height of 15.0 metres versus 10.0 metres (RS1 & CT1) and 12.0 metres (C4 & RM1) that currently apply to the Study Area.

For reference purposes, a comparison of the proposed OFTC Zone versus the zones that currently apply to lands within the Study Area is included at Attachment No. 1, while the area to be zoned OFTC is shown at Attachment No. 2.

Administration considers the proposed OFTC Zone to provide the necessary incentives and flexibility to allow the development of the Study Area in a way that is consistent with the recommendations of the Okanagan Falls Town Centre Plan.

#### Density:

Specifically, the removal of the requirement for ground floor retail addresses a common criticism of the current C4 Zone, while the proposed maximum density of 100 units/ha should make the multi-storey form of development envisioned by the Plan more economically viable for developers.

A maximum density of 100 units/ha should will also set the Town Centre area apart from surrounding areas designated Medium Density Residential (MR), and which are limited to a maximum density of 60 units/ha.

In support of these proposed densities, it is also being proposed to establish a minimum density of 40 units/ha. When applied to a parcel 500 m<sup>2</sup> in area, this minimum density requirement would ensure the development of no less than 3 units — which accords with the “multi-dwelling unit” use permitted in the zone.

#### Built Form:

Additional flexibility is also being proposed through the use of the Okanagan Falls Development Permit Area guidelines to govern the establishment of parcel line setbacks as opposed to having these comprised within the zoning bylaw.

The guidelines require that buildings be orientated in a north-south axis and be stepped down toward the Skaha lakefront in order to allow for sunlight penetration and view corridors toward the lake.

In support of this, the guidelines also speak to having the height of buildings descend towards Skaha Lake. While the zoning bylaw is proposing a uniform height of 15.0 metres, the guidelines will be used to ensure this stepping occurs. Administration is, however, proposing the inclusion of a supportive policy within the OCP Bylaw that speaks to supporting a greater height between 9<sup>th</sup> and 8<sup>th</sup>

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Avenues where a community benefit is being proposed (i.e. affordable housing, upgrading of community infrastructure, etc.).

Implications & Exceptions:

Implementing this OFTC Zone will result in a number of uses becoming non-conforming, such as existing campgrounds and single detached dwellings (of which there are currently 13 in the Study Area).

There are a few properties within the Town Centre designated area that are proposed to not be rezoned to the new OFTC zone. Administration is proposing to not apply the OFTC Zone to part of the properties at 5350 Highway 97 (IGA shopping centre), which will retain the General Commercial (C1) Zone, 5228 9<sup>th</sup> Avenue (service station), which will retain the Service Commercial (CS1) Zone and 5356 8<sup>th</sup> Avenue (“Sun & Sands”), which will retain a Campground Commercial (CT2) Zone.

**Alternatives:**

1. THAT Bylaw No. 2603.16, 2018, Electoral Area “D” Official Community Plan Amendment Bylaw and Bylaw No. 2455.39, 2018, Electoral Area “D” 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 October 18, 2018, 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. 2603.16, 2018, in conjunction with its Financial and applicable Waste Management Plans;

AND THAT the holding of the public hearing be delegated to the Electoral Area “D” Director, or delegate;

AND THAT staff schedule the date, time, and place of the public hearing in consultation with the Electoral Area “D” Director;

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

2. THAT first reading of the Electoral Area “D” Official Community Plan (OCP) Amendment Bylaw No. 2603.16, and the Electoral Area “D” Zoning Amendment Bylaw No. 2455.39, 2018, be deferred.
3. THAT first reading of the Electoral Area “D” Official Community Plan (OCP) Amendment Bylaw No. 2603.16, and the Electoral Area “D” Zoning Amendment Bylaw No. 2455.39, 2018, be denied.

**Respectfully submitted:**

**Endorsed by**



C. Garrish, Planning Supervisor



B. Dollevoet, Development Services Manager

- Attachments:
- No. 1 – Agency Referral List
  - No. 2 – Commercial Zone Transition to OFTC Zone
  - No. 3 – Residential Zone Transition to OFTC Zone
  - No. 4 – Map of proposed OFTC zoned area

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Amendment Bylaw No. 2603.16:

<input type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" 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	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Community, Sport and Cultural Development	<input type="checkbox"/>	Town of Osoyoos
<input type="checkbox"/>	Ministry of Environment	<input type="checkbox"/>	Town of Princeton
<input type="checkbox"/>	Ministry of Forest, Lands & Natural Resource Operations	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Tourism and Innovation	<input type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input checked="" 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 type="checkbox"/>	Upper Similkameen Indian Bands (USIB)
<input checked="" type="checkbox"/>	School District 53 (Okanagan Similkameen)	<input type="checkbox"/>	Lower Similkameen Indian Bands (LSIB)
<input type="checkbox"/>	School District 58 (Nicola Similkameen)	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	School District 67 (Okanagan Skaha)	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Archaeology Branch
<input type="checkbox"/>	Kootenay Boundary Regional District	<input type="checkbox"/>	Dominion Radio Astrophysical Observatory
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Canadian Wildlife Services
<input type="checkbox"/>	Fraser Valley Regional District	<input checked="" type="checkbox"/>	Okanagan Falls Irrigation District
<input checked="" type="checkbox"/>	Okanagan Falls Volunteer Fire Dep't		

Attachment No. 2 – Commercial Zone Transition to OFTC Zone

Current Okanagan Falls Town Centre (C4)	Current Tourist Commercial (CT1)	Proposed OK Falls Town Centre (OFTC)
<b>Principal Uses:</b> art gallery library, museum; n/a n/a n/a eating and drinking establishment; n/a amusement establishment, indoor; hotels / motels; multi-dwelling units; offices; outdoor market; personal services establishment; retail stores, general;	<b>Principal Uses:</b> n/a n/a n/a n/a eating and drinking establishment; n/a indoor / outdoor recreation; tourist accommodation; n/a [see accessory uses] n/a [see accessory uses] [see accessory uses]	<b>Principal Uses:</b> art gallery library, museum; brewery, cidery, distillery or winery; church; community hall; eating and drinking establishment; educational facility; indoor recreational facilities; tourist accommodation; multi-dwelling units; offices; outdoor market; personal services establishment; retail stores, general;
<b>Accessory Uses:</b> accessory dwelling; bed and breakfast; home occupation; [see principal uses] [see principal uses] [see principal uses] accessory buildings/structures.	<b>Accessory Uses:</b> accessory dwelling; n/a n/a office; personal service establishment; retail stores, general; accessory buildings/structures.	<b>Secondary Uses:</b> accessory dwelling; bed and breakfast operation; home occupation; [see principal uses] [see principal uses] [see principal uses] accessory building/structures.
<b>Minimum Parcel Size:</b> 500 m <sup>2</sup>	<b>Minimum Parcel Size:</b> 1,000 m <sup>2</sup>	<b>Minimum Parcel Size:</b> 1,000 m <sup>2</sup>
<b>Minimum Parcel Width:</b> Not less than 25% of parcel depth.	<b>Minimum Parcel Width:</b> Not less than 25% of parcel depth.	<b>Minimum Parcel Width:</b> Not less than 25% of parcel depth.
<b>Maximum Number of Dwellings/Parcel:</b> n/a	<b>Maximum Number of Dwellings/Parcel:</b> one (1) accessory dwelling	<b>Maximum Number of Dwellings/Parcel:</b> n/a
<b>Maximum Density:</b> n/a	<b>Maximum Density:</b> n/a	<b>Maximum Density:</b> 100 units per hectare
<b>Minimum Density:</b> n/a	<b>Minimum Density:</b> n/a	<b>Minimum Density:</b> 40 units per hectare
<b>Minimum Setbacks:</b> <u>Buildings and structures:</u> Front: (with lane access) 3.0 metres (without lane access) 4.5 metres Rear: (adjacent a residential zone) 4.5 metres (adjacent all other zones) 0.0 metres Interior side: 0.0 metres Exterior side: 3.0 metres <u>Accessory buildings:</u> Front: 3.0 metres Rear: (adjacent a residential zone) 6.0 metres (adjacent all other zones) 0.0 metres Interior side: 1.5 metres Exterior side: 3.0 metres	<b>Minimum Setbacks:</b> <u>Buildings and structures:</u> Front: 7.5 metres Rear: 7.5 metres Interior side: 4.5 metres Exterior side: 4.5 metres	<b>Minimum Setbacks:</b> <u>Buildings and structures:</u> Front: 0.0 metres Rear: 0.0 metres Interior side: 0.0 metres Exterior side: 0.0 metres <u>Accessory buildings:</u> Front: 6.0 metres Rear: 1.0 metres Interior side: 1.5 metres Exterior side: 3.0 metres  For a parcel line adjacent Highway 97: 4.5 metres
<b>Maximum Height:</b> 12.0 metres (principal) 4.5 metres (accessory)	<b>Maximum Height:</b> 12.0 metres (principal)	<b>Maximum Height:</b> 15.0 metres (principal) 4.5 metres (accessory)
<b>Maximum Parcel Coverage:</b> 80%	<b>Maximum Parcel Coverage:</b> 35%	<b>Maximum Parcel Coverage:</b> 80%
<b>Dwelling Unit Regulations</b> multi-dwelling units shall be located above the first floor or at the rear of a building containing a principal commercial use.	<b>Dwelling Unit Regulations</b> n/a	<b>Other Regulations</b> a minimum area of 10.0 m <sup>2</sup> of amenity space shall be provided per dwelling unit. where commercial and residential uses occur in the same building or structure, residential uses shall have a separate entrance from the exterior of the building and shall not share a common hallway with commercial uses.

Attachment No. 3 – Residential Zone Transition to OFTC Zone

Current Residential Single Family One (RS1)	Current Residential Multiple Family (RM1)	Proposed OK Falls Town Centre (OFTC)
<b>Principal Uses:</b> n/a n/a n/a n/a n/a n/a n/a n/a n/a n/a n/a n/a n/a n/a n/a single detached dwelling;	<b>Principal Uses:</b> n/a boarding homes; n/a church; n/a congregate care house; duplex dwellings; n/a n/a group homes; n/a n/a multi-family dwelling units; n/a n/a n/a n/a single detached dwelling;	<b>Principal Uses:</b> art gallery library, museum; n/a brewery, cidery, distillery or winery; church; community hall; n/a n/a eating and drinking establishment; educational facility; n/a indoor recreational facilities; tourist accommodation; multi-dwelling units; offices; outdoor market; personal services establishment; retail stores, general; n/a
<b>Accessory Uses:</b> n/a bed and breakfast; home occupation; secondary suite; n/a accessory buildings/structures.	<b>Accessory Uses:</b> accessory dwelling; bed and breakfast; home occupation; n/a retail sales, general accessory buildings/structures.	<b>Accessory Uses:</b> accessory dwelling; bed and breakfast operation; home occupation; n/a [see principal uses] accessory building/structures.
<b>Minimum Parcel Size:</b> 667 m <sup>2</sup>	<b>Minimum Parcel Size:</b> 1,000 m <sup>2</sup> 466 m <sup>2</sup> (single detached dwellings) 550 m <sup>2</sup> (duplexes)	<b>Minimum Parcel Size:</b> 1,000 m <sup>2</sup>
<b>Minimum Parcel Width:</b> Not less than 25% of parcel depth.	<b>Minimum Parcel Width:</b> Not less than 25% of parcel depth; 15.0 metres (single detached dwellings) 18.0 metres (duplexes)	<b>Minimum Parcel Width:</b> Not less than 25% of parcel depth.
<b>Maximum Number of Dwellings/Parcel:</b> one (1) principal dwelling one (1) secondary suite	<b>Maximum Number of Dwellings/Parcel:</b> n/a	<b>Maximum Number of Dwellings/Parcel:</b> n/a
<b>Maximum Density:</b> n/a	<b>Maximum Density:</b> 60 units per hectare 36 units per hectare (duplexes) 21 units per hectare (single detached)	<b>Maximum Density:</b> 100 units per hectare
<b>Minimum Density:</b> n/a	<b>Minimum Density:</b> n/a	<b>Minimum Density:</b> 40 units per hectare
<b>Maximum Floor Area Ratio:</b> n/a	<b>Maximum Floor Area Ratio:</b> 0.45	<b>Maximum Floor Area Ratio:</b> n/a
<b>Minimum Setbacks:</b> <u>Buildings and structures:</u> Front: 7.5 metres Rear: 7.5 metres Interior side: 1.5 metres Exterior side: 4.5 metres <u>Accessory buildings:</u> Front: 7.5 metres Rear: 1.0 metres Interior side: 1.5 metres Exterior side: 4.5 metres	<b>Minimum Setbacks:</b> <u>Buildings and structures:</u> Front: 7.5 metres Rear: 7.5 metres Interior side: 6.0 metres Interior side (single detached): 1.5 metres Exterior side: 4.5 metres <u>Accessory buildings:</u> Front: 7.5 metres Rear: 1.5 metres Interior side: 1.5 metres Exterior side: 4.5 metres	<b>Minimum Setbacks:</b> <u>Buildings and structures:</u> Front: 0.0 metres Rear: 0.0 metres Interior side: 0.0 metres Exterior side: 0.0 metres <u>Accessory buildings:</u> Front: 6.0 metres Rear: 1.0 metres Interior side: 1.5 metres Exterior side: 3.0 metres For a parcel line adjacent a Provincial Public Highway: 4.5 metres
<b>Maximum Height:</b> 10.0 metres (principal) 5.5 metres (accessory)	<b>Maximum Height:</b> 12.0 metres (principal) 5.5 metres (accessory)	<b>Maximum Height:</b> 15.0 metres (principal) 4.5 metres (accessory)

Current Residential Single Family One (RS1)	Current Residential Multiple Family (RM1)	Proposed OK Falls Town Centre (OFTC)
<b>Maximum Parcel Coverage:</b> 35%	<b>Maximum Parcel Coverage:</b> 35%	<b>Maximum Parcel Coverage:</b> 80%
<b>Dwelling Unit Regulations</b> Minimum Principal Dwelling Unit Width: 5.0 metres, as originally designed and constructed.	<b>Dwelling Unit Regulations</b> Minimum Principal Dwelling Unit Width: 5.0 metres, as originally designed and constructed. [various amenity and open space requirements]	<b>Other Regulations</b> a minimum area of 10.0 m <sup>2</sup> of amenity space shall be provided per dwelling unit. where commercial and residential uses occur in the same building or structure, residential uses shall have a separate entrance from the exterior of the building and shall not share a common hallway with commercial uses.



Attachment No. 4 – Okanagan Falls Town Centre (OFTC) Zone

