

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: December 2, 2021
RE: Zoning Bylaw Amendment – Electoral Area “D” (D2021.015-ZONE)

Administrative Recommendation:

THAT Bylaw No. 2455.48, 2021, being a bylaw to amend the Area “D” Zoning Bylaw to allow for the development of a 60 unit apartment building at 5356 8th Avenue, Okanagan Falls be read a first and second time and proceed to public hearing; and

THAT the holding of the public hearing be delegated to Director Obirek; and

THAT the date, time, and place of the public hearing be scheduled in consultation with Director Obirek; and

THAT the public hearing notice be in accordance with the requirements of the *Local Government Act*; and

THAT prior to adoption of the Area “D” Zoning Amendment Bylaw No. 2455.48, 2021, the following condition is met:

1. a statutory covenant is registered on the title of Lots A & B, Plan EPP54703, District Lot 2883S, SDYD, prohibiting any construction on the land, and prohibiting any further or other subdivision of the land, until title to the approximately 342.1 m² area identified as “Proposed Amenity Dedication Area” on Attachment No. 3 in the Administrative Report from the Chief Administrative Officer dated December 2, 2021, has been transferred to the Regional District in fee simple.

Folio: D-00888.015

Legal: Lots A & B, Plan EPP54703, District Lot 2883S, SDYD

Zone: Campground Commercial (CT2)

Proposed Zone: Okanagan Falls Town Centre Site Specific (OFTCs)

Proposed Development:

This application is seeking to amend the zoning of two subject properties in order to facilitate the development of two six-storey apartment buildings with 30 units in each.

The applicant proposes to amend the zoning of the property under the Area “D” Zoning Bylaw from Campground Commercial (CT2) to Okanagan Falls Town Centre Site Specific (OFTCs), with the site specific regulation stipulating that the maximum density shall be 106 dwelling units per ha.

The applicant has stated that this will be a “modern residential complex that will refresh the Skaha Lake waterfront and provide residents and newcomers Lakeside and Parkside residences ... the development proposal complies with OCP policies that encourage medium/high density residential uses and improved access to the waterfront.”

Site Context:

The subject properties are approximately 2,838 m² and 2,842 m² in area. They are situated on the north side of 8th Avenue and abut Skaha Lake to the north. The parcels are currently used as a campground.

The surrounding pattern of development is generally characterised by a residential use and park space to the west, commercial uses to the south and park amenity in the east.

Background:

The current boundaries of the subject property were created on September 3, 2015, and building permits have not previously been issued for this property.

Under the Area “D” Official Community Plan the property is designated Town Centre (TC), and the properties are the subject of Okanagan Falls Town Centre Development Permit (OFTCDP) Area designation while the northern portion of the properties is the subject of a Watercourse Development Permit (WDP) Area designation. The property is zoned Campground Commercial (CT2) which permits a campground as a principal use, however, it does not allow for residential development.

The properties are within the floodplain associated with Skaha Lake.

BC Assessment has classified the property as part “Residential” (Class 01), part “Business and Other” (Class 06) and part “Rec/Non Profit” (Class 08).

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required prior to adoption as the proposed amendments involve lands within 800 metres of a controlled access highway (i.e. Highway 97).

Public Process:

On November 4, 2021, an electronic Public Information Meeting (PIM) was held via Webex and was attended by 40 members of the public.

At its meeting of November 9, 2021, the Area “D” Advisory Planning Commission recommend that the development application be approved, subject to the following conditions:

That if there are Land Use Permit applications submitted for this development in the future, they be brought to the APC for consideration.

All comments received to date in relation to this application are included in the Board Agenda.

Analysis:

This proposal is consistent with the designation of the properties as a Primary Growth Area under the RGS Bylaw. Further, the OCP encourages medium and high density residential growth in the Town Centre area in order to “promote a more compact urban form and a more complete community”.

The applicant is proposing a site specific rezoning to allow for increased density on the subject parcels and Administration is supportive of the proposal as it aligns with the policies outlined in the OCP for the Okanagan Falls Town Center.

The OCP also encourages orienting development towards Skaha Lake in order to “take full advantage of this underutilized natural asset” and further states that “the Town Centre area has sufficient capacity to accommodate a sustained growth rate for the next 20 years and supports up to 300+ additional medium density residential units” (Section 12.1).

Lakefront Access:

The OCP speaks to improving the pedestrian accessibility and walkability of the Town Centre through the provision of a continuous public access along the Skaha Lake waterfront (Section 12.3.10).

In order to address this policy, the applicant has proposed to dedicate a 7.0 metre strip of land from each of the subject properties (approximately 342.1 m²) as an amenity contribution in accordance with Section 17.2.2.14 of the OCP.

Previous concerns have been expressed by residents of perceived attempts to prevent public access over the Crown land occurring between the subject parcels and the high water mark of Skaha Lake and the erection of fencing and barricades along the eastern boundary of the parcel (see Attachment No. 6).

While the acquisition of a 7.0 metre wide strip of land should address this issue as well as also allowing for the extension of the pathway that currently terminates at the western edge of Christie Memorial Park, the seating pavilion and water slide that have been constructed into Skaha Lake should not be retained.

The applicant has indicated that they wish to retain the existing tenure over Crown land (i.e. Skaha Lake) that relates to this construction as well as a dock situated near the western edge of the property. These tenures were renewed for a 30-year period in 2016.

Infrastructure:

The proposed development is to be connected to the community water system operated by the Okanagan Falls Irrigation District (OFID) and the community sewer system operated by the Regional District.

On November 15, 2021, the OFID provided a “System Capacity Assessment” of the subject property by CTQ Consultants, which concluded that:

Although the completed assessments show storage and source capacity deficits, we recommend that OFID supports the proposed re-zoning. Our recommendation is based on the fact that historical consumption is much lower than the design parameters included in the Subdivision Bylaw. This difference provides some buffer for OFID to service the project while the capital projects addressing the identified deficiencies are implemented. The implementation of the development will allow the collection of applicable CECs that will help financing the capital projects required by the District.

The Assessment further recommended, amongst other things, that “the water distribution system will require main upgrades along 11th Avenue. Approximately 60 m of 150 mm main should be upsized to 200 mm diameter.”

The OFID’s Assessment was based on its bylaw requirement of a Maximum Daily Demand (MDD) plus simulated fire flow of 62.5 L/s. Under the Regional District’s Subdivision Servicing Bylaw No. 2000, 2002, minimum fire flows for a medium density development, such as that being proposed, is 150 L/s.

It is understood that, under the BC Building Code, the construction of a medium density structure could require additional fire suppression systems within the building.

The Okanagan Falls Wastewater Treatment Plant is capable of accommodating the anticipated flows from the development, however, it is anticipated that an analysis of the sanitary mains servicing the property will need to be completed (i.e. is a similar upsizing of the pipes required) and that Lift Station No. 3 will likely require upgrading as it is known to already be operating at or near capacity.

Riparian Impact:

A riparian impact assessment has been completed for the properties and is proposing the establishment of a 30 meter setback Streamside Protection and Enhancement Area (SPEA) from the high water mark of Skaha Lake.

While the 7.0 metre wide strip of land being proposed dedication to the Regional District is situated within this potential SPEA, the construction of trails is exempt from the need for a Watercourse Development Permit (WDP).

The remaining 21.0 metre area of SPEA will be unavailable for development upon issuance of a WDP and it is understood that the applicant is proposing to retain this area as beach for use by residents of the apartment building.

Floodplain:

As a majority of the property is within the floodplain associated with Skaha Lake, any future development of the property will be required to comply with the floodplain regulations in the zoning bylaw.

Based upon the submitted concept plans for the site, the applicant is currently proposing to address this by providing for vehicle parking and amenity areas on the ground floor level of the development and for habitable space to occur above.

Future Variances:

While it is recognised that the development plans that have been submitted in support of this application are concept, they do, nevertheless, indicate a built-form that will require variances in future (i.e. to exceed maximum building height and possibly to reduce on-site vehicle parking requirements).

Any such requests will be addressed through a Development Variance Permit (DVP) application and will be considered on their merits.

“Form & Character”:

As the property is within the Okanagan Falls Town Centre Development Permit Area, a permit will be required prior to the issuance of a Building Permit.

The intent of this DP Area is to ensure high-quality design for developments, support the creation of pedestrian-friendly Town Centre and optimize views of and access to the lakefront. This includes encouraging structures be articulated with variations in massing, materials and detailing to reduce the impacts of building scale on the surrounding area.

As with any future variance requests, an application for an Okanagan Falls Town Centre DP will be assessed on its merits.

Summary:

This proposal is seen to be consistent with the RGS and OCP Bylaws.

Alternatives:

1. THAT the Electoral Area "D" Zoning Amendment Bylaw No. 2455.48, 2021, be read a first and second time and proceed to public hearing; and

THAT the holding of a public hearing be scheduled for the Regional District Board meeting of January 6, 2022;

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

2. THAT the Electoral Area "D" Zoning Amendment Bylaw No. 2455.48, 2021, be denied.

Respectfully submitted:



C. Garrish, Planning Manager

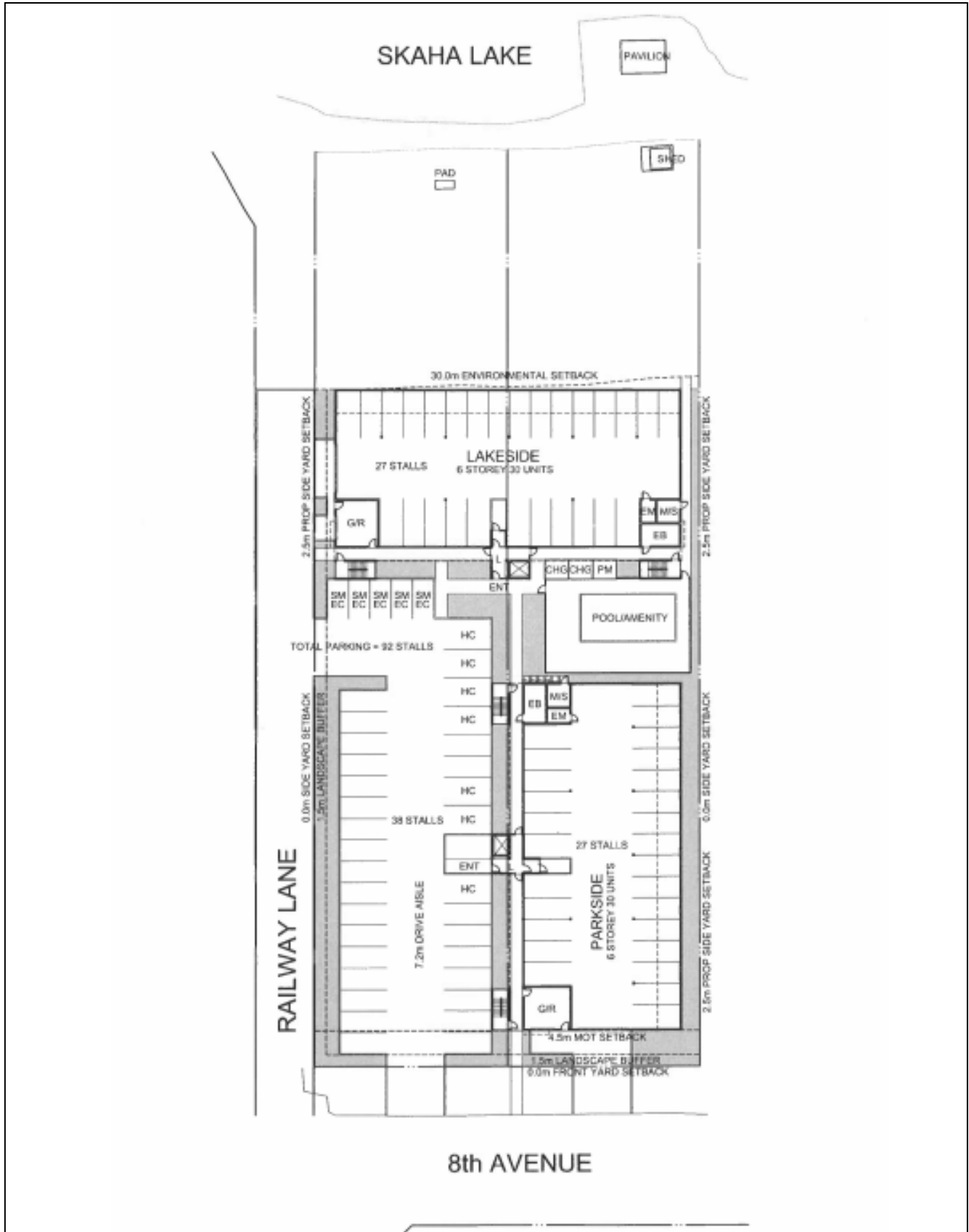
Attachments:

- No. 1 – Aerial Photo
- No. 2 – Applicant's Site Plan
- No. 3 – Applicant's Amenity Dedication Proposal
- No. 4 – Applicant's Building Elevations
- No. 5 – Site Photo (Google Streetview)
- No. 6 – Site Photo (October 2021)
- No. 7 – Site Photo (2014)

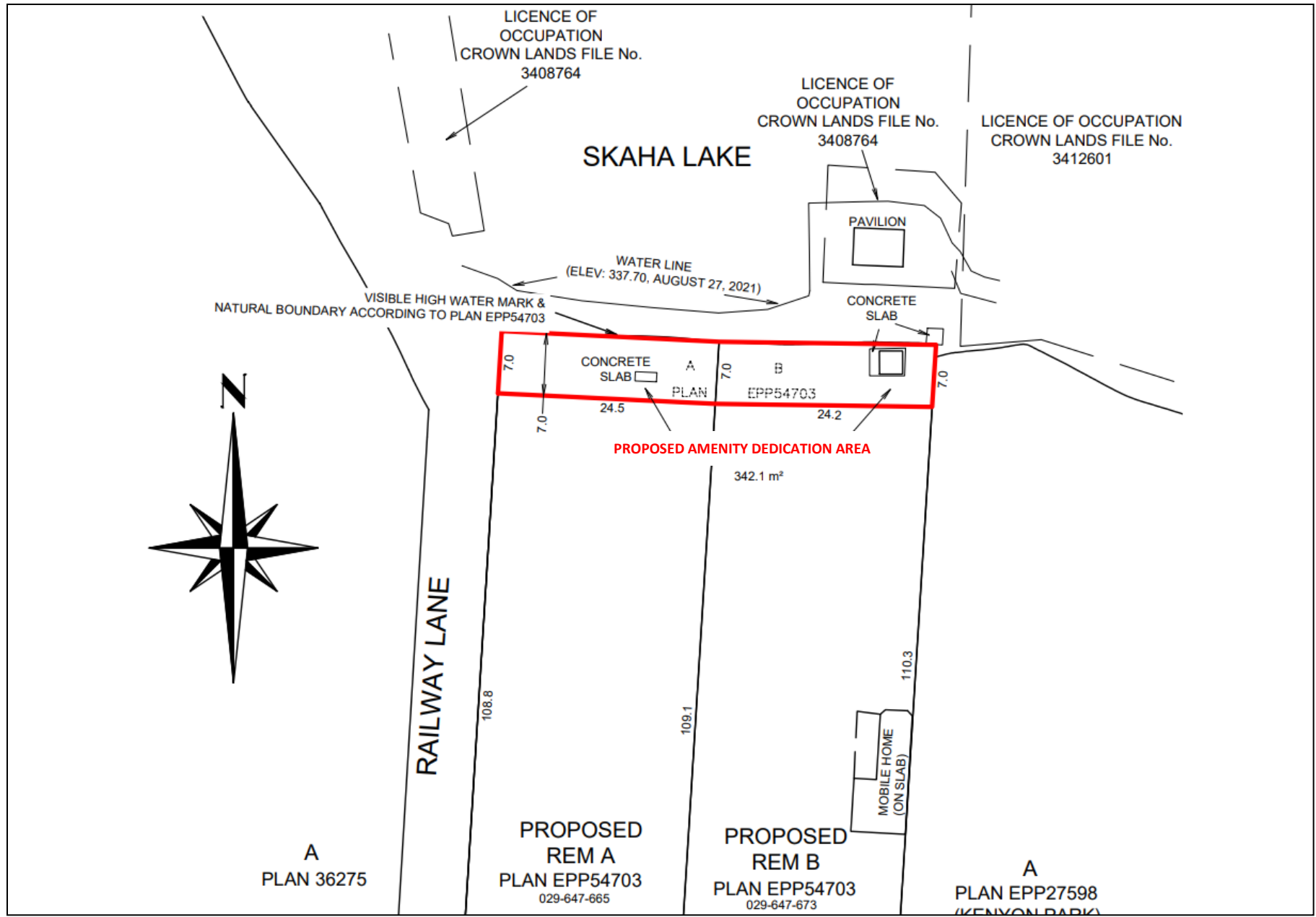
Attachment No. 1 – Aerial Photo



Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 – Applicant’s Amenity Dedication Proposal



Attachment No. 4 – Applicant’s Building Elevations



LAKESIDE
NORTH ELEVATION



LAKESIDE
EAST ELEVATION



LAKESIDE
SOUTH ELEVATION



LAKESIDE
WEST ELEVATION

Attachment No. 5 – Site Photo (Google Streetview)



Attachment No. 6 – Site Photo (October 2021)



Attachment No. 7 – Site Photo (2014)

