

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 5, 2022  
**RE:** Zoning Bylaw Amendment – Electoral Area “D” (D2021.015-ZONE)

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### Administrative Recommendation:

**THAT** Bylaw No. 2800.06, 2022, a bylaw to amend the Okanagan Valley Zoning Bylaw, 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** staff schedule the date, time, and place of the public hearing in consultation with Director Obirek; and

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

**THAT** prior to adoption of the Okanagan Valley Zoning Amendment Bylaw No. 2800.06, 2022, a statutory covenant is registered on the title of Lots A & B, Plan EPP54703, District Lot 2883S, SDYD, in order that no building permit will be issued until:

1. the area identified as “Proposed Amenity Dedication Area”, and as shown on Attachment No. 3 in the Administrative Report from the Chief Administrative Officer dated May 5, 2022, has been donated to the Regional District in fee simple title; and,
2. the License of Occupation over Crown lands (Crown Lands File No. 3408764), and which involves a seating “pavilion” is transferred to the Regional District.

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Purpose: To allow for the development of a 48 unit apartment building. Folio: D-00888.015

Civic: 5356 8<sup>th</sup> Avenue, Okanagan Falls Legal: Lots A & B, Plan EPP54703, District Lot 2883S, SDYD

Zone: Campground Commercial (CT2) Proposed Zone: part Okanagan Falls Town Centre (OFTC) and part Parks and Recreation (PR).

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### Proposed Development:

This application is seeking to amend the zoning of two properties in order to facilitate the development of two six-storey apartment buildings with 24 units in each.

In order to accomplish this, the applicant is proposing to amend the zoning of the property under Schedule ‘2’ (Zoning Map) of the Okanagan Valley Zoning Bylaw No. 2800, 2022, from Campground Commercial (CT2) to part Okanagan Falls Town Centre (OFTC) and part Parks and Recreation (PR).

In support of the rezoning, 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

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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 2,838 m<sup>2</sup> and 2,842 m<sup>2</sup> in area. They are situated on the north side of 8<sup>th</sup> 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, while Regional District records indicate that building permits have not previously been issued for this property.

Okanagan Falls is a designated “Primary Growth Area” and the subject property is designated Town Centre (TC), subject to the 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 and 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:**

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

**November 9, 2021**, the Electoral Area “D” Advisory Planning Commission (APC) recommended 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:**

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”. It 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”.

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### 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. The applicant has proposed to dedicate a 7.0 metre strip of land from each of the subject properties (approximately 342.1 m<sup>2</sup>) as well as the seating pavilion and water slide that have been constructed into Skaha Lake as an amenity contribution in accordance with Section 17.2.2.14 of the OCP (see Attachment No. 3).

The acquisition of the 7.0 metre wide strip of lakefront land allows for the extension of the pathway that currently terminates at the western edge of Kenyon Park through to Lions Park and on to the KVR Trail.

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 and the community sewer system.

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 DCCs that will help finance the capital projects required by the District.*

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

With regard to sewer, 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).

It is understood that the remaining 21.0 metre area of SPEA is proposed to be retained as beach area for use by residents of the apartment buildings.

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**Floodplain:**

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

**“Form & Character”:**

As the property is within the OFTCDP Area, a DP 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.

**Alternatives:**

1. THAT the holding of a public hearing be scheduled for the Regional District Board meeting of June 2, 2022; and
2. THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.06, 2022, be denied.

**Respectfully submitted:**

*Nikita Kheterpal*

Nikita Kheterpal, Planner I

**Endorsed By:**



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 Concept Rendering 1

No. 5 – Applicant’s Concept Rendering 2

No. 6 – Site Photo (Google Streetview)

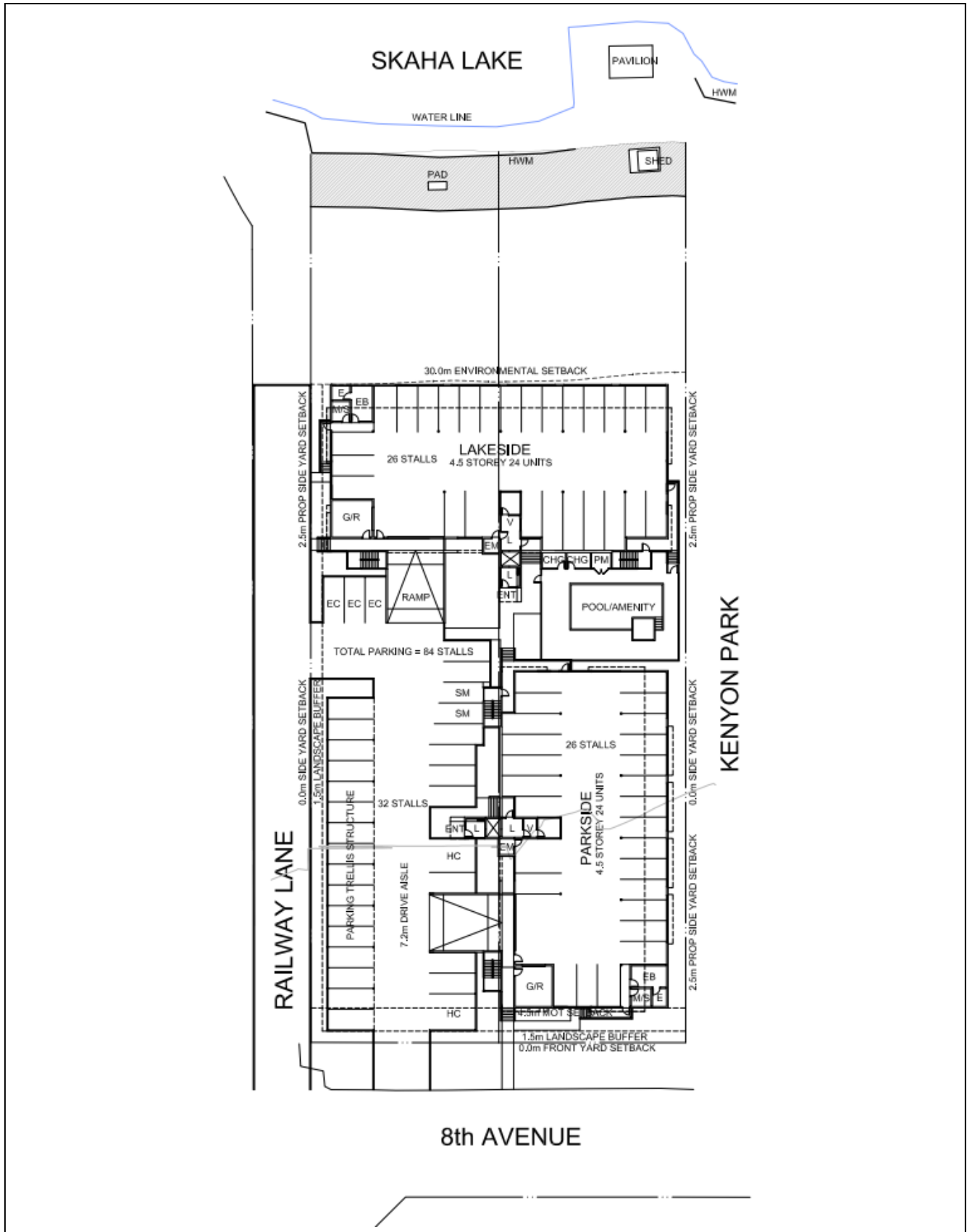
No. 7 – Site Photo (October 2021)

No. 8 – Site Photo (2014)

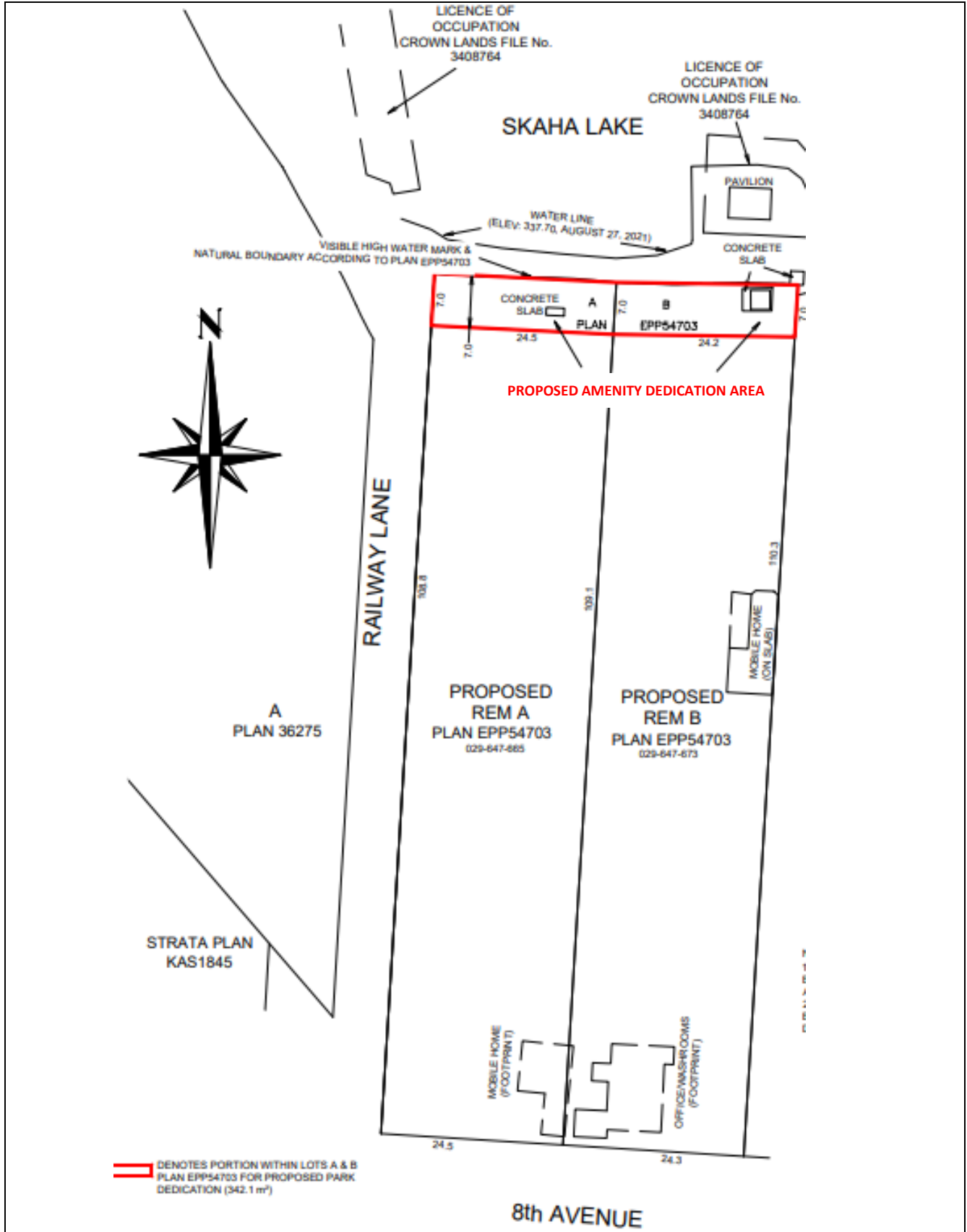
Attachment No. 1 – Aerial Photo



Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 – Applicant’s Amenity Dedication Proposal



Attachment No. 4 – Applicant’s Concept Rendering 1

Looking south and west above Skaha Lake  
showing a public access lakefront pathway





Attachment No. 5 – Applicant’s Concept Rendering 2



Attachment No. 6 – Site Photo (Google Streetview)



Attachment No. 7 – Site Photo (October 2021)



Pavilion and  
water slide

Attachment No. 8 – Site Photo (2014)

