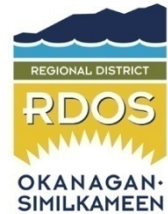


ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2011
RE: Naramata Benchlands Zoning Bylaw Amendment Application – Electoral Area ‘E’

Administrative Recommendation:

THAT the Regional District Board rescind resolution number B201/11 from the minutes of the April 7, 2011, Board meeting and replace the requirement for a transfer agreement with a restrictive covenant.

Reference:

[April 7, 2011 – Resolution B201/11](#)
[Naramata Benchland Properties Letter of Request](#)

Background:

At its meeting of March 17, 2011, the Regional District approved first and second reading of OCP Amendment Bylaw No. 2458.03, 2011, and Zoning Amendment Bylaw 2459.06, 2011 requiring, among other things:

- the continuation of the proposed wildlife corridor through the property at 3480 Arawana Road (with the subdivision of this property into 41 parcels restricted until such time as the wildlife corridor was established); and
- that prior to adoption, the property owner enter into a transfer agreement with the Regional District requiring “that the area to be zoned Conservation Area [3440 Arawana Road] is transferred to a conservation organization and/or local government within 24 months (with an option for a 12 month renewal) of the rezoning being adopted.”

On March 22, 2011, the proponent formally requested that the Board revisit Resolution No. B155/11P on the basis that it was “not practical as it will result in requiring [Naramata Benchland] NB to conduct premature land use planning and subdivision design work ...” At issue was the subdivision restriction on the proposed 41 parcels until such time as a conservation corridor was established through part of 3480 Arawana Road.

At its meeting of April 7, 2011, the Regional District Chair exercised his authority under Section 131 of the *Community Charter* to “require the council to reconsider and vote again on a matter that was the subject of a vote” in order to consider the applicant’s request. The Board resolved to revisit Resolution No. B155/11P, and subsequently determined to amend the restrictive covenant in accordance with the applicant’s request by only applying it to a 3.66 ha area situated on the north side of Arawana Road.

Request:

On June 6, 2011, a formal request was submitted to the Regional District asking the Board to remove a requirement contained in Resolution No. B155/11P that an approximately 14.85 hectare (ha) area to be zoned Conservation Area (CA) is transferred to a conservation organization and/or local government.

The proponent has advised that the basis of this request is that no conservation organisation is willing to accept this area, and there is little or no prospect of that happening in the near future. NB was willing to transfer the land to a conservation organization in exchange for an eco-gift. Local Governments can't provide eco-gifts and NB objects to the execution of the transfer agreement to the RDOS for \$1.00.

Options:

1. Status Quo (maintain the current resolution)

A fundamental aspect of this rezoning proposal has been the idea of a “swap” or “exchange” whereby the applicant offered to donate the lands to be rezoned Conservation Area (CA) in exchange for receiving a Small Holdings (SH) designation on an adjacent parcel of land that would allow for the creation of upwards of 41 parcels.

In its report to the Board of March 17, 2011, Administration highlighted the central crux of this “swap” proposal: is the ability to create upwards of 41 parcels an appropriate return to the applicant for setting aside approximately 14 ha of land as a potential public amenity (i.e. wildlife corridor)?

Although the opportunity to acquire a concurrent “eco-gift” from a conservation organisation would be of undoubted benefit to the proponent, this was not raised or pursued by the proponent prior to making application. The safest methodology of protecting the wildlife corridor is by transferring the area to either a conversation agency, the Crown or the RDOS.

The use of a transfer agreement is seen to be integral to ensuring that the lands are eventually transferred in a timely manner and as originally proposed by the applicant, while retention of the proposed conservation area by private interests creates uncertainty regarding long-term ownership and maintenance of the wildlife corridor.

2. Amended Resolution (Administration Version)

The Board could replace the transfer-of-ownership condition with the requirement that a restrictive covenant be registered on the 14.85 ha area to be zoned Conservation Area. This covenant could prohibit subdivision, limit site disturbance and ensures ungulate movements through the property. This option should safeguard those aspects of the property that contribute to its utility as a wildlife corridor.

Attached: [Amended Resolution](#)

3. Applicant Proposal

NB has proposed that the requirement to transfer the Conservation Area within 24 months (with a 12 month option) of the adoption of the rezoning should be deleted, with no covenant.

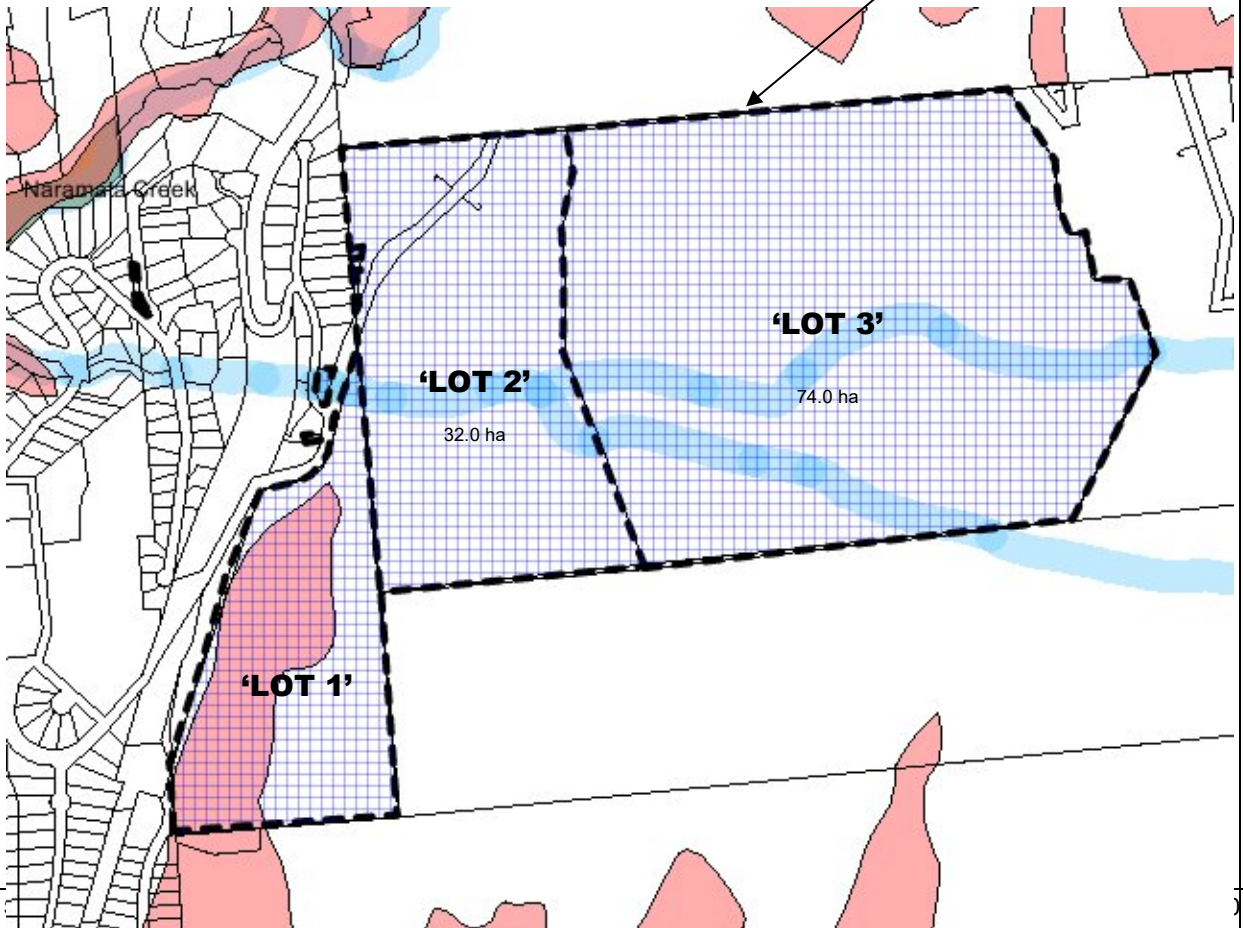
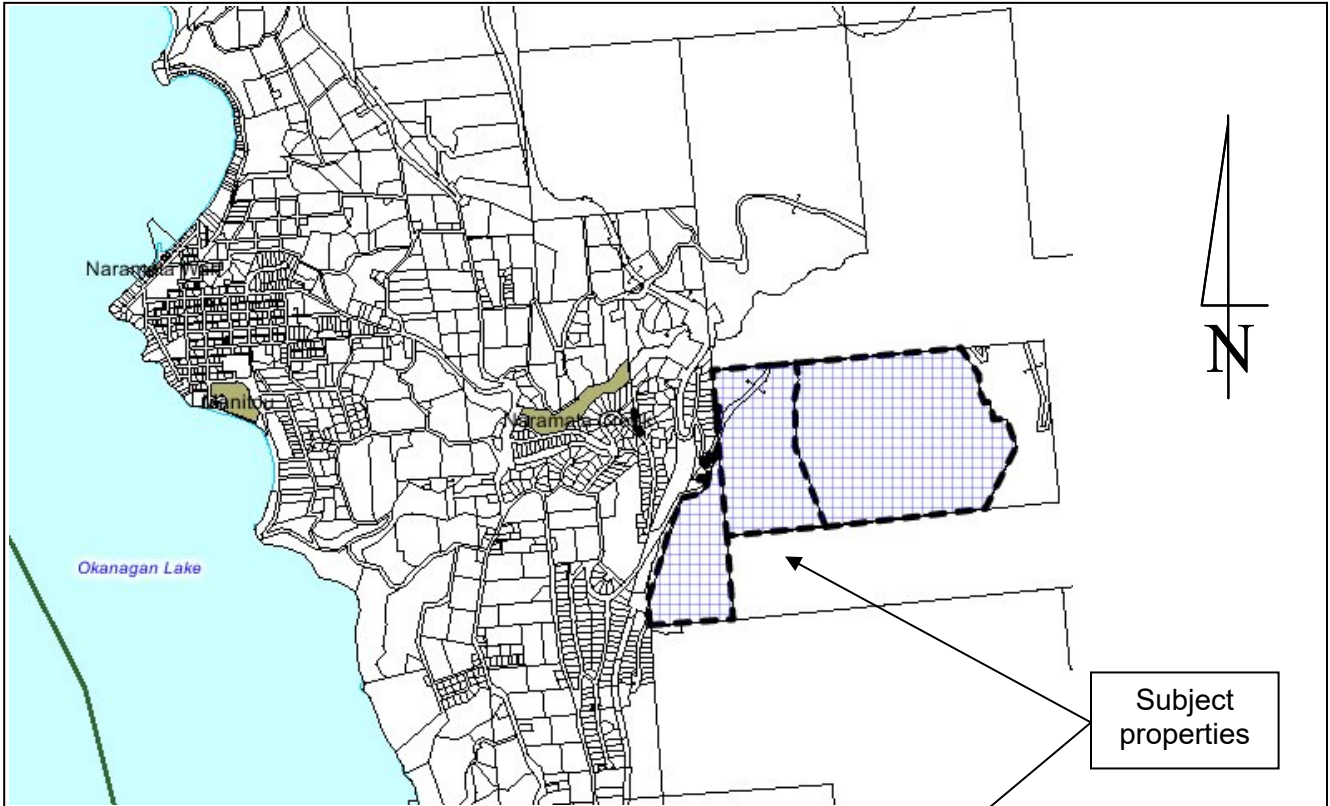
This request retains the area to be zoned CA in private ownership indefinitely, with no known schedule for transfer to a conservation organisation or local government — although the applicant has stated that “Naramata Benchland Properties Ltd. will continue to pursue all options for the transfer of the subject lands to an appropriate organization that could and would provide an eco-gift or equivalent compensation for the transfer of the land.” It is noted that conservation zoning does not in itself provide for a wildlife corridor nor prevent site disturbance.

Respectfully submitted:

Donna Butler, Development Services Manger

Attachments: Attachment No. 1 – Context Maps Attachment No. 2 – Aerial Photo

Attachment No. 1 — Context Maps



Attachment No. 2 — Aerial Photo

