

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: March 3, 2022

RE: Official Community Plan & Zoning Bylaw Amendment – Electoral Area “I” (I2019.023-ZONE)

Administrative Recommendation:

THAT Bylaw No. 2683.05, 2022, a bylaw to amend the Electoral Area “I” Official Community Plan to allow for a three-lot subdivision at 1609 Green Lake Road, be denied; and,

THAT Bylaw No. 2457.32, 2022, a bylaw to amend the Electoral Area “I” Zoning Bylaw, be denied.

Folio: I-01154.000

Legal: DL 30S, SDYD, Except Plans B4130, 21048, 27512 and KAP75356

OCP: Resource Area (RA)

Zone: Resource Area (RA)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to facilitate a three-lot subdivision.

In order to accomplish this, it is being proposed to amend the Official Community Plan land use designation on part of the property from Resource Area (RA) to Conservation Area (CA) and Small Holdings (SH). It is further proposed to amend the zoning from Resource Area (RA) to part Resource Area Site Specific (RAS); part Conservation Area (CA) and part Small Holdings Four (SH4).

In support of the rezoning, the applicant has stated that the proposed “lot for a single-family dwelling is consistent with the adjacent south single-family residential node” while the proposed unhooking of the parcel along Green Lake Road will allow for the creation of a parcel that will allow farming to continue.”

Site Context:

The property is approximately 25.7 ha in area (approximately 3.2 ha on the east of Green Lake Road and 22.5 ha on the west side of Green Lake Road) and is situated approximately 1km from OK Falls. It is understood that the parcel is comprised a single family dwelling and pasture used for farm operations on the east side of Green Lake Road and vacant land on the west side of Green Lake Road.

The surrounding pattern of development is generally characterised by White Lake Grasslands Protected Area to the west and an area of small holdings five (SH5) residential lots and the Okanagan River Channel to the east of the property.

Background:

It is not clear when the current boundaries of the subject property were created, while available Regional District records indicate that building permits have not previously been issued for this property.

Under the Electoral Area "1" Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Resource Area (RA), and is the subject of an Environmentally Sensitive Development Permit (ESDP) Area designation and contains two Watercourse Development Permit (WDP) Areas.

Under the Electoral Area "1" Zoning Bylaw No. 2457, 2008, the property is currently zoned Resource Area (RA) which requires a minimum parcel size of 20.0 ha.

Part of the eastern portion of the subject property is within the floodplain associated with the Okanagan River Channel.

The property is not within a designated as a Rural Growth Area.

BC Assessment has classified the property as part "Residential" (Class 01), and part "Farm" (Class 09).

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).

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 February 9, 2021, a Public Information Meeting (PIM) was held electronically via Webex and was attended by zero members of the public.

At its meeting of February 16, 2021, the Electoral Area "1" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be denied.

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:

There are three separate components to the application, and the merits of each will be discussed in separate sub-sections below:

1. “Unhooking” the Property:

Proposals to subdivide along a road alignment are normally permitted on the basis that the road forms a natural boundary between what is seen to be two separate parcels.

2. Proposed 2.0 ha Parcel:

The proposal to subdivide to create a new 2.0 ha parcel is not supported for the following reasons:

- Resource Area (RA) zoned properties are to be maintained as large land parcels with limited community services and infrastructure;
- the preferred future land use of the property as Resource Area (RA) was recently confirmed in 2016 when the current OCP Bylaw was adopted;
- the introduction of a Small Holdings (SH) designation to facilitate the subdivision of a 2.0 ha parcel – which would represent a land area 10% of that required by the RA Zone – is inconsistent with this 2016 direction;
- under the RGS Bylaw, development outside of designated Growth Areas is generally to be discouraged in order to avoid “rural sprawl”;
- when the growth boundary for Okanagan Falls was created in 2013, the west side of the river channel was purposely excluded due to the challenges of providing services as well as its physical separation from the townsite; and
- Mount Hawthorne is a prominent feature in this area and not a preferred location for additional residential development due to steep slope hazards and important environmental attributes.

3. Proposed Land Donation:

The proposal to donate a portion of the land is generally supported by the OCP Bylaw, which encourages the donation of sensitive ecosystems or land contiguous to sensitive ecosystems to either the Regional District or the provincial government.

In previous proposals, such as “Regal Ridge” (Electoral Area “A”), “Soaring Eagles” (Electoral Area “D”), Naramata Benchland (Electoral Area “E”) or “Willow Beach” (Electoral Area “A”), the amount of land proposed for conservation purposes has generally been between 50-75% of the property under application.

In this instance the proposed increase in density of 200%, as measured by parcel numbers, is not seen to be commensurate with the proposed land donation of 14.8% of the subject property to offset concerns regarding consistency with the RGS and OCP bylaws.

Should the application be approved, a donation of land to the White Lakes Grasslands Protected Area should be made a condition of approval (see Options below).

To facilitate the land donation, a site specific exemption will need to be applied to the remainder to allow for a parcel size of less than 20.0 ha in the Resource Area (RA) Zone (e.g. 16.5 ha).

The Regional Growth Strategy does contemplate a limited amount of development outside of defined growth areas and the addition of two (2) new parcels will “not significantly change the number of units or the established density, and respects the character of its surroundings.”

Alternatives:

1. THAT the Electoral Area “I” Official Community Plan Amendment Bylaw No. 2683.05, 2022, and Electoral Area “I” Zoning Amendment Bylaw No. 2457.32, 2022, be read a first and second time;
AND that prior to scheduling a public hearing a statutory covenant be prepared to be registered on the title of District Lot 30S, SDYD, Except Plan B4130 A1266 21048 27512 KAP75356, prohibiting any construction on the land, and prohibiting any further or other subdivision of the land, until title to the approximately 4.0 ha area has been transferred to the province in fee simple for inclusion in the South Okanagan Grasslands Protected Area;
AND THAT the Board of Directors considers the process, as outlined in the report from the Chief Administrative Officer dated March 3, 2022, 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. 2683.05, 2022, in conjunction with its Financial and applicable Waste Management Plans;
AND THAT the holding of the public hearing be scheduled for the Regional District Board meeting of April 7, 2022; and
AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

Respectfully submitted:

Fiona Titley

Fiona Titley, Planner I

Endorsed By:

CG

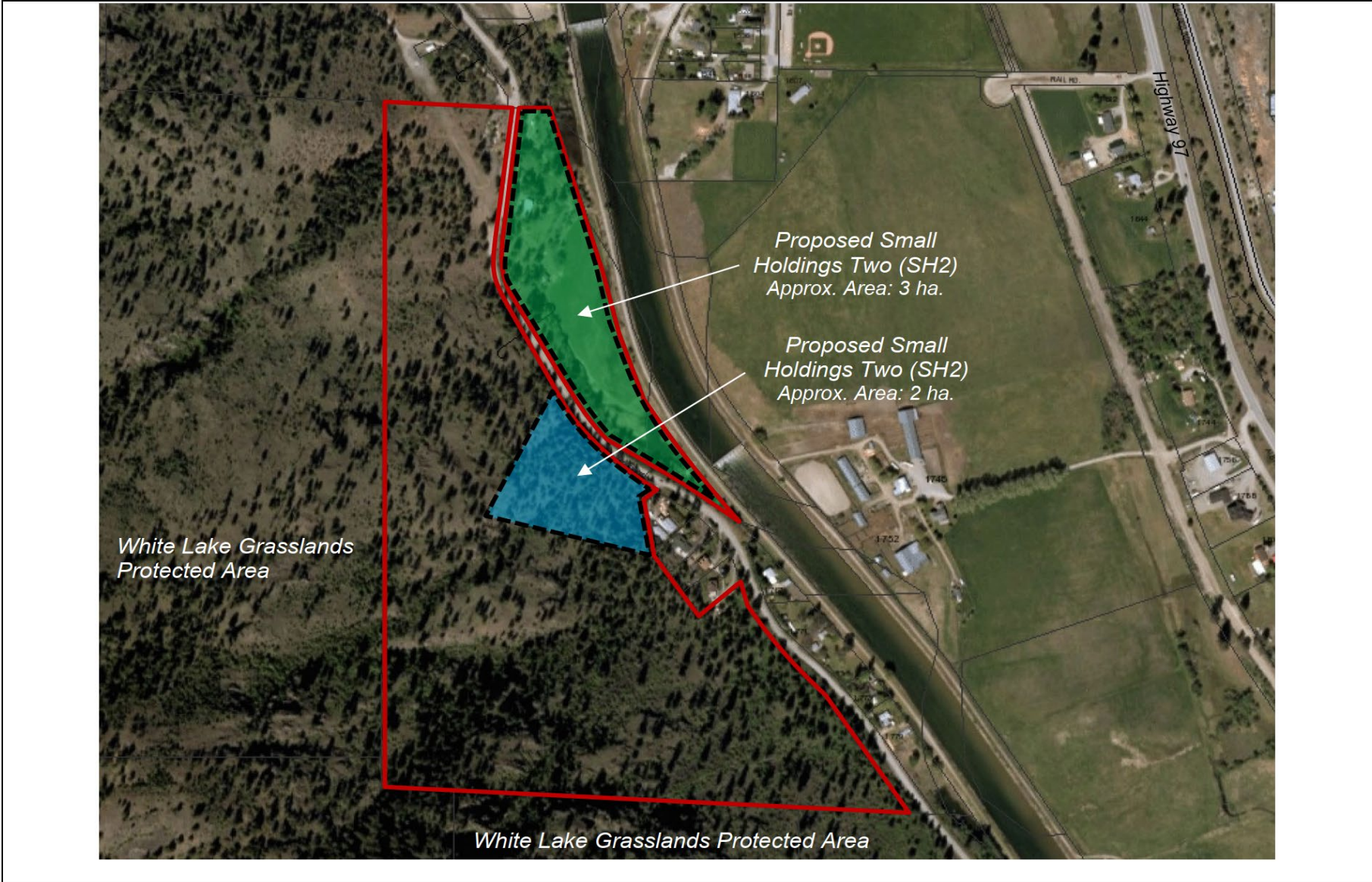
C. Garrish, Planning Manager

Attachment No. 1 – Agency Referral List

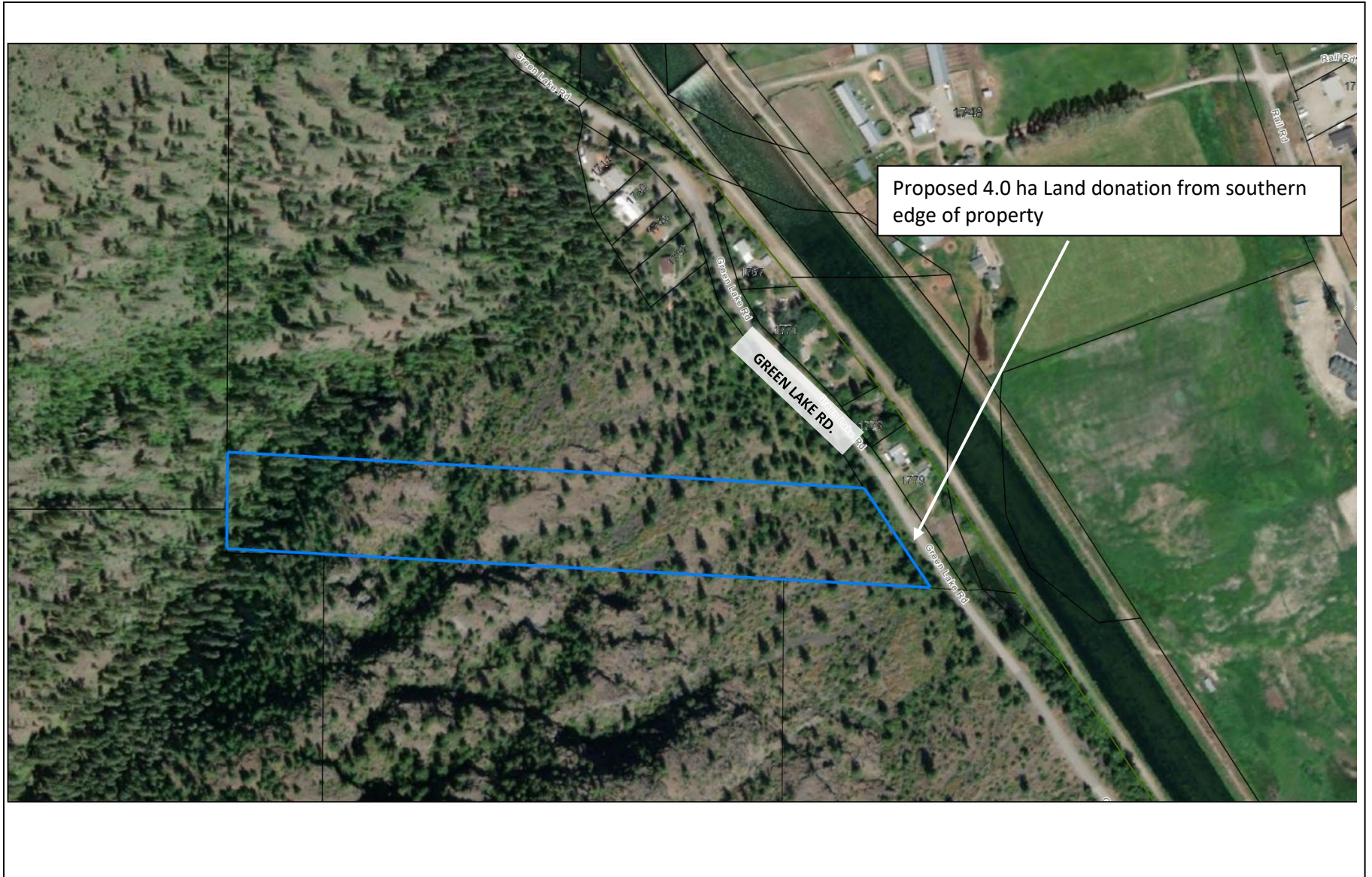
Referrals to be sent to the following agencies as highlighted with a , prior to the Board considering first reading of Amendment Bylaws No. 2683.05, 2021 & 2457.32, 2021.

<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 & Petroleum Resources	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Municipal Affairs & Housing	<input type="checkbox"/>	Town of Osoyoos
<input checked="" type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Ecosystem Section)	<input type="checkbox"/>	Town of Princeton
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch)	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology	<input type="checkbox"/>	Nations Connect (ONA/PIB/OIB/USIB/LSIB)
<input type="checkbox"/>	Ministry of Transportation and Infrastructure	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Canadian Wildlife Services
<input checked="" type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	OK Falls Irrigation District
<input type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	Kaleden Irrigation District
<input type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input type="checkbox"/>	Irrigation District / improvement Districts / etc.
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Kootenay Boundary Regional District
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Fraser Valley Regional District
<input checked="" type="checkbox"/>	OK Falls Fire Department		

Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 – Applicant’s Proposed Land Donation



Attachment No. 4 – Site Photo

