

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: December 2, 2021
RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “I”

Administrative Recommendation:

THAT Bylaw No. 2683.05, 2021, a bylaw to amend the Area “I” Official Community Plan to allow for a four-lot subdivision at 1609 Green Lake Road; and,

THAT Bylaw No. 2800.12, 2021, a bylaw to amend the Okanagan Valley Zoning Amendment 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:

In order to achieve a four-lot subdivision, the following land use bylaw amendments are being proposed by the applicant:

- amend the land use designation under Schedule ‘B’ (OCP Map) of the Electoral Area “I” Official Community Plan (OCP) Bylaw No. 2883, 2016, Resource Area (RA) to Part Large Holdings (LH); part Conservation Area (CA), and Part Small Holdings (SH).
- amend the zoning under Schedule ‘2’ (Zoning Map) of the Okanagan Valley Zoning Bylaw No. 2800, 2022, from Resource Area (RA) to Part Large Holdings Two Site Specific (LH2s); part Conservation Area (CA), 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 26.2 ha in area and approximately 3.2 ha of the property is on the east side of Green Lake Road and 22.5 ha are on the west side of Green Lake Road). The subject property is situated approximately 1km west of OK Falls. 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.

The property is designated Resource Area (RA) and is the subject of an Environmentally Sensitive Development Permit Area designation and contains two Watercourse Development Permit Areas. It is also zoned 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. It falls outside of the Regional Growth Strategy in that the property is not within a designated 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 no members of the public.

At its meeting of February 16, 2021, the Electoral Area “1” Advisory Planning Commission (APC) recommended that the subject development application be refused.

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 on the Board Agenda.

Analysis:

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

“Unhooking” the Property:

Subdivision along a road alignment are generally supported on the basis that the road generally forms a natural boundary between what is seen to be two separate parcels. In this instance, the 3.1 ha part of the property on the east side of Green Lake Road is currently zoned RA which has a 20.0 ha minimum parcel size requirement. Rezoning this portion of the property to a zone with a smaller minimum parcel size requirement is necessary to facilitate the subdivision. Further this aspect of the proposal is seen to be consistent with previous direction on unhooking parcels as generally hooked parcels are undesirable.

Proposed 2.0 ha Parcel:

With regard to the proposed new 2.0 ha parcel on the west side of Green Lake Road, the OCP speaks to lands designated as Resource Area (RA) being maintained as large land parcels with limited community services and infrastructure.

The request to change the zoning to allow for the creation of a parcel with a land area 10% of that required under the current RA Zone (i.e. 2.0 ha vs. required 20.0 ha) is seen to be inconsistent with the goals and objectives of the OCP. OCP amendments to facilitate the densification of land outside of a designated Growth Area is inconsistent with the objectives of the Regional Growth Strategy, which discourages the fragmentation of large rural land parcels.

When the growth boundary for the Okanagan Falls town site was created as part of the 2013 review of the OCP Bylaw, properties on the west of the Okanagan River channel were purposely excluded due to the inability to provide servicing.

While the RGS does contemplate a limited amount of development outside of defined growth areas, this is generally considered to be in the form of rezonings that do not require an OCP amendment.

Although an increase of 1 parcel may seem insignificant, it may spur the submission of further ad hoc rezoning requests that will, over time, erode the integrity of the RA designation at this location and likely change the character of the area. Such proposals are emblematic of incremental “rural sprawl” that do not have the proper infrastructure and amenities to serve them.

Proposed Land Donation:

The proposed land donation 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” (Area “A”), “Soaring Eagles” (Area “D”), Naramata Benchland (Area “E”) or “Willow Beach” (Area “A”), the amount of land proposed for conservation purposes has been between 50-75% of the property under application.

In this instance, the applicant is proposing to donate 52.8% of the property for conservation purposes in exchange for a 200% increase in permitted density as measured by parcel numbers.

Donations involving environmentally sensitive lands are supported and the current proposal is seen to meet the minimum threshold of community benefit established by the other development proposals referenced above. However, concerns regarding consistency with the RGS and OCP Bylaws remain.

The proposed land donation was referred to the Ministry of Environment and Climate Change Strategy, with staff responding they “are supportive of the configuration and size of the land donation, and would be pleased to receive it”.

Should the application be supported, a donation of land to the White Lakes Grasslands Protected Area should be made a condition of approval.

Proposed Large Holding Two Site Specific Designation:

With regard to the requested change from RA to LH2s for the “remainder” lot, it is noted that this is similarly inconsistent with the goals and objectives of the OCP Bylaw for the same reasons as relate to the proposed 2.0 ha lot (see above). This includes ensuring that lands designated as RA be maintained as large land parcels with limited community services and infrastructure.

Ministry staff have noted that the configuration of the proposed LH2s parcel is irregular and that this could be an advantageous land acquisition for the White Lakes Grasslands Area due to its steep terrain, which limits the lots future use potential.

Alternatives:

1. THAT Bylaw No. 2683.05, 2021, Electoral Area “I” Official Community Plan Amendment Bylaw and Bylaw No. 2800.12, 2021, Okanagan Valley Zoning Amendment Bylaw 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 July 7, 2022;

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

AND THAT the Board of Directors considers the process, as outlined in the report from the Chief Administrative Officer dated July 7, 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, 2021, in conjunction with its Financial and applicable Waste Management Plans.

Respectfully submitted:



Fiona Titley, Planner I

Endorsed By:



C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List

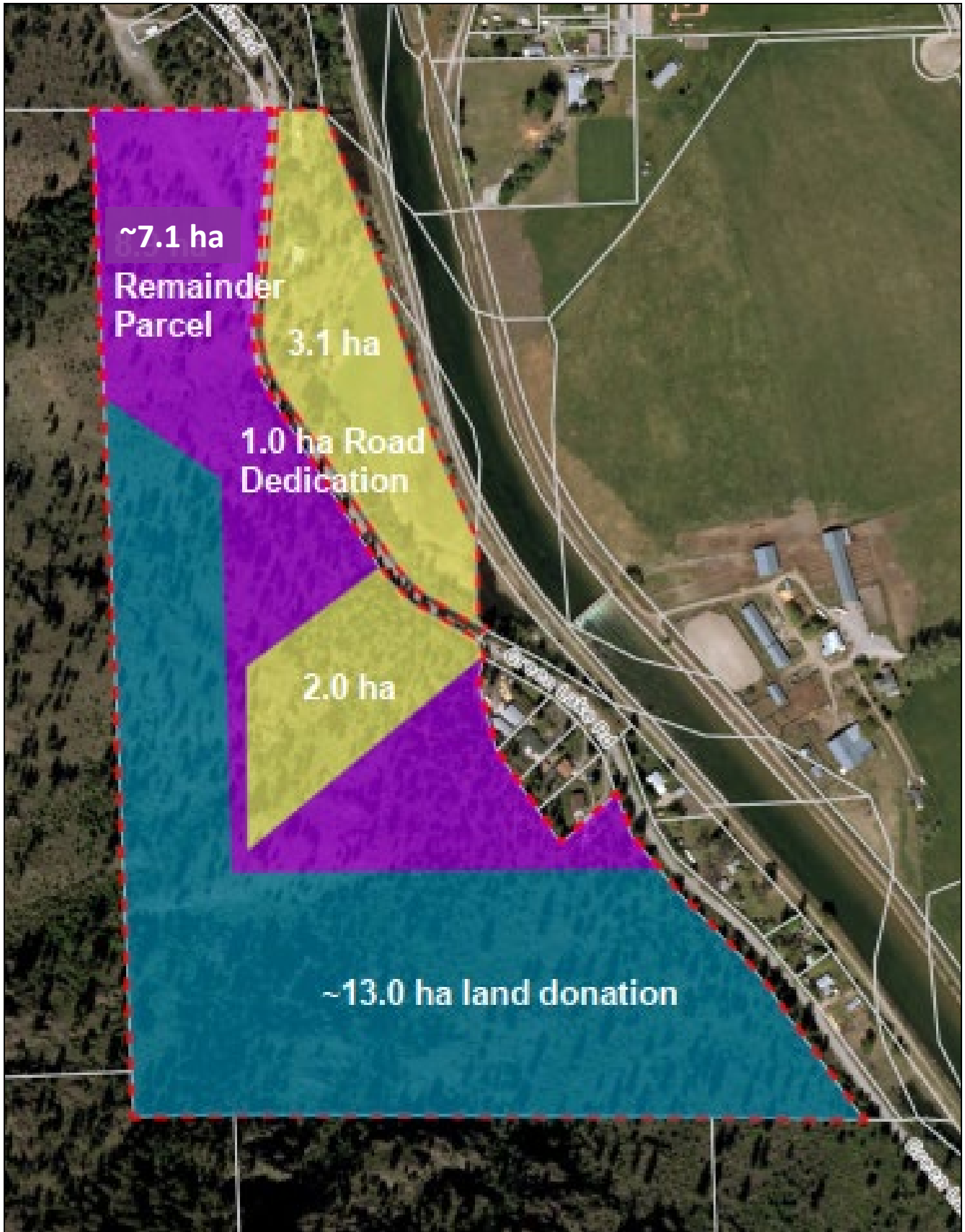
No. 2 – Applicant’s Site Plan

No. 3 – Site Photo

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, 2022 & 2800.12, 2022.

<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 checked="" type="checkbox"/>	NationsConnect (PIB)
<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	<input checked="" type="checkbox"/>	Provincial Ministry of Environment and Climate Change Strategy



Attachment No. 3 – Site Photo

