

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: July 6, 2023

RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “A” (A2018.207-ZONE)

Administrative Recommendation:

THAT Bylaw No. 2905.01, 2023, a bylaw to amend the Area “A” Official Community Plan to allow a 6-lot subdivision at 1750 Highway 3 be read a 3rd time; and,

THAT Bylaw No. 2800.23, 2023, a bylaw to amend the Okanagan Valley Zoning Bylaw be read a third time; and,

THAT prior to the adoption of Bylaw Nos. 2905.01, 2023 & 2800.23, 2023, a statutory covenant be registered on the title of Lot 15, Plan KAP21789, Sublot 2, DL 2709, SDYD, Except Plan KAP90322, stipulating that no building permit will be issued until the 5.6 ha conservation lot identified as “Proposed Strata Lot (SL) 6”, and as shown on Attachment No. 1 in the Administrative Report from the Chief Administrative Officer dated July 6, 2023, has been donated to the Southern Interior Land Trust (SILT) for conservation purposes.

Folio: A-06748.300 Legal: Lot 15, Plan KAP21789, Sublot 2, DL 2709, SDYD, Except Plan KAP90322

OCP: Large Holdings (LH) Zone: Large Holdings One (LH1)

Proposed Development:

This application is to facilitate a bare land strata subdivision through the following land use bylaw amendments:

- amend the land use designation under Schedule ‘B’ (OCP Map) of the Electoral Area “A” Official Community Plan (OCP) Bylaw No. 2905, 2021, from Large Holdings (LH) to Small Holdings (SH) for an approximately 6.93 hectare part of the land and to Conservation Area (CA) for an approximately 5.6 hectare part of the land; and
- amend the zoning under Schedule ‘2’ (Zoning Map) of the Okanagan Valley Zoning Bylaw No. 2800, 2022, from Large Holdings One (LH1) to Small Holdings Three (SH3) for an approximately 6.93 hectare part of the land and to Conservation Area (CA) for an approximately 5.6 hectare part of the land.

The applicant has stated that there are 5 natural benches throughout the property that are suitable for developing future building sites...the proposed site plan has taken existing environmental values into consideration in order to avoid known sensitive areas. The remaining approximately 5.6 hectares is proposed rezoned as a conservation area.

Site Context:

The subject property is approximately 12.5 ha in area and is situated on the northeastern side of Highway 3. It is understood that the parcel is currently being developed for a single detached dwelling and access driveway.

The surrounding pattern of development is generally characterised by large rural parcels.

The easterly adjacent parcel (PID: 002-165-490) was recently acquired by the Southern Interior Land Trust Society (SILT) for conservation purposes.

Background:

February 8, 2021 - the Area "A" Advisory Planning Commission (APC) recommended that the development application be denied.

February 22, 2021 - a Public Information Meeting (PIM) was held electronically and was attended by two (2) members of the public.

April 6, 2023 - first and second reading of the amendment bylaws were approved and the holding of a public hearing was delegated to Director Pendergraft. A statutory covenant for registration on the title of the subject property was required prior to the adoption of Amendment Bylaw No. 2800.23, 2023, stipulating that no building permit will be issued until the 5.6 ha conservation lot has been donated to SILT for conservation purposes.

June 20, 2023 - a public hearing was held at 8505 68th Avenue, Osoyoos (the Sonora Community Centre), and was attended by one of the property owners and six (6) members of the public.

All comments received to date in relation to this application are included with this report.

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 3).

Analysis:

The following concerns regarding the proposed amendments and development of the property were identified:

- the proposal seeks to increase density outside of a growth area and within an environmentally sensitive area, which runs contrary to the applicable goals and policies within the Regional Growth Strategy and Electoral Area "A" OCP Bylaw.
- the proposed rural residential lots would deviate from the established character of the properties in the immediate vicinity, which consists primarily of large, rural parcels.
- the proposed development would negatively impact the visual character of the area given the property's prominence and visibility on the hillside, as has been evidenced by the "scarring effect" seen with the current development taking place on the property.
- the proposal seeks to increase the development potential on a parcel with steep slopes where the majority of construable area has been deemed by a geotechnical engineer as a 'moderate' hazard, and will likely require variances to accommodate residential development on the proposed lots.

Alternatives:

1. THAT third reading of Bylaw No. 2905.01, 2023, Electoral Area "A" Official Community Plan Amendment Bylaw and Bylaw No. 2800.23, 2023, Okanagan Valley Zoning Amendment Bylaw be deferred; or
2. THAT first and second readings of Bylaw No. 2905.01, 2023, Electoral Area "A" Official Community Plan Amendment Bylaw and Bylaw No. 2800.23, 2023, Okanagan Valley Zoning Amendment Bylaw be rescinded and the bylaws abandoned.

Respectfully submitted:



Shannon Duong, Planner II

Endorsed By:

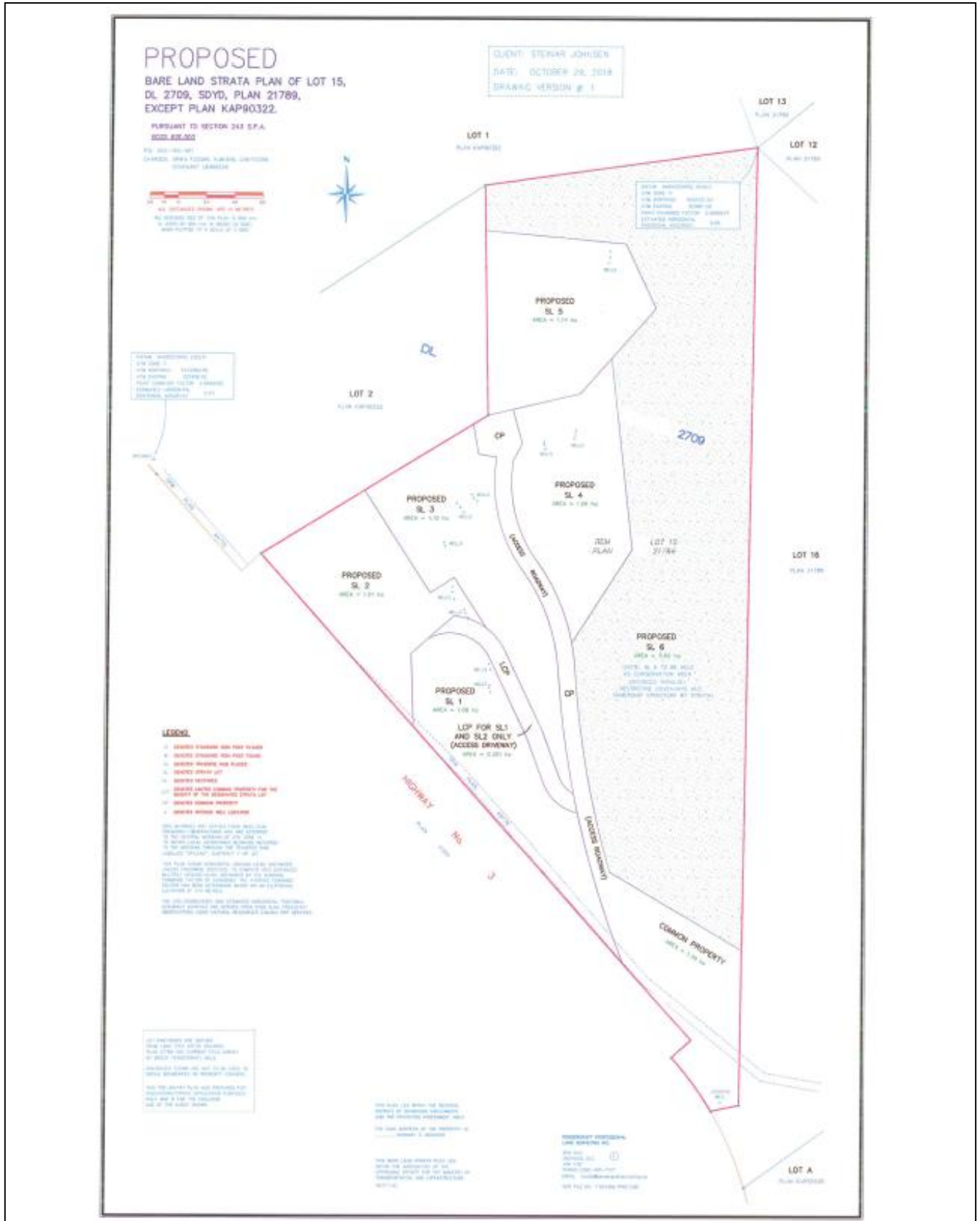


C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Applicant's Site Plan

No. 2 – Aerial Photo (2022)

Attachment No. 1 – Applicant's Site Plan



Attachment No. 2 – Aerial Photo (2022)

