

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: January 6, 2022
RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “A”
“Willow Beach” (A2021.003-ZONE)

Administrative Recommendation:

THAT third reading of Bylaw No. 2451.31, 2021, a bylaw to amend the Electoral Area “A” Zoning Bylaw to facilitate a 70-lot subdivision at Willow Beach, be rescinded and re-read a third time as amended.

Legal: Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion L 67; and Folio: A-06379.000
Lot 675, Plan KAP2066, District Lot 2450S, SDYD, Except Plan 22229, 43613 & H9726 A-06377.000

OCP: [see amendment bylaw] Proposed OCP: [see amendment bylaw] Civic: 9330 202nd Ave.

Zone: [see amendment bylaw] Proposed Zoning: [see amendment bylaw]

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to facilitate a 70-lot residential subdivision, which will occur on approximately 30% of the site with the remaining 70% of the site to be zoned either Conservation Area (CA) or Parks and Recreation (PR).

Site Context:

The subject properties are comprised of two legal parcels representing a combined land area of 29.7 ha that is situated approximately 5 km north of the Town of Osoyoos municipal boundary.

Historically, the site was occupied by the Willow Beach mobile home park and campground along with an owner’s residence on 500 metres of waterfront. The site also comprises a vacant agricultural parcel north of the former campground area.

Surrounding land uses are seen to be comprised of conservation areas to the north-east (associated with the Okanagan River Channel and oxbows) and agricultural lands to the north and west (across Highway 97).

Background:

June 14, 2021 - the Electoral Area “A” Advisory Planning Commission (APC) recommended that the subject development application be approved.

June 16, 2021 - an electronic Public Information Meeting (PIM) was held online using the Webex software and was attended by six (6) members of the public.

July 8, 2021 - first and second reading of the amendment bylaws were approved and the holding of a public hearing was delegated to Director Pendergraft.

August 18, 2021 - an electronic public hearing was held using Webex and was attended by the agent, property owner and five (5) members of the public.

September 23, 2021 - third reading of the amendment bylaws were approved with a condition that, prior to adoption, a statutory covenant be registered on title to allow access to parts of the subject property for mosquito control measures.

October 3, 2021 - approval from the Ministry of Transportation and Infrastructure was obtained (MoTI), because the lands were within 800 metres of a controlled access highway (i.e. Highway 97),.

December 2, 2021 - Bylaw No. 2892, 2021, which updated the Low Density Residential and Small Holdings zones in the Electoral Area "A" Zoning Bylaw was adopted.

December 7, 2021 - a statutory covenant granting the Regional District access to parts of the subject property for mosquito control measures was registered on the title of the property.

Under Section 470 (Procedure after public hearing) of the *Local Government Act*, the Board may, without further notice or hearing, alter and then adopt a bylaw provided that the alteration does not alter a use, increase density or decrease density without the owner's consent from that originally specified in the bylaw.

Analysis:

At issue are changes to the zoning bylaw adopted December 2, 2021, and the implications for this particular application. Specifically, the Residential Single Family One (RS1) zoning requested by the applicant has subsequently been renamed Low Density Residential Two (RS2) and there is no longer an RS1 Zone listed in the bylaw.

Other changes have also negated the need for a site specific regulation at the subject property as minimum parcel width requirements in the new RS2 Zone have been updated from the previous requirement of 14.0 metre minimum in the RS1 Zone to "not less than 25% of the parcel depth" in the new RS2 Zone.

Amendment Bylaw No. 2451.31 requires updating to replace all references to Residential Single Family One (RS1) with Low Density Residential Two (RS2). It is also being proposed that the site specific regulation be deleted from the amendment bylaw. For reference purposes, a red-lined version of the amendment bylaw is included at Attachment No. 1.

To maintain the amendment bylaw as it is currently written would result in the property not being subject to any use or density restrictions as there is no longer an RS1 Zone in the bylaw. As this is not consistent with the use and densities presented at the public hearing on August 18, 2021, community consultation, including the scheduling of a second public hearing, would have to re-occur. The Bylaw amendment relieves that requirement because, in essence, it is simply a title change.

To use a zone which does not contain any land use regulations is not prudent and, given the limitations associated with this site (i.e. environmental and infrastructure) would not be considered good planning.

Alternatives:

1. THAT third reading of the Electoral Area "A" Zoning Amendment Bylaw No. 2451.31, 2021, be rescinded; and

THAT the holding of a second public hearing be delegated to Director Pendergraft; and

THAT staff schedule the date, time, and place of the public hearing in consultation with Director Pendergraft; and

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

Respectfully submitted:



C. Garrish, Planning Manager

Attachments: No. 1 – "Red Lined" Version of Amendment Bylaw No. 2451.31

No. 2 – Applicant's Site Plan

No. 3 – Aerial Photo (2007)

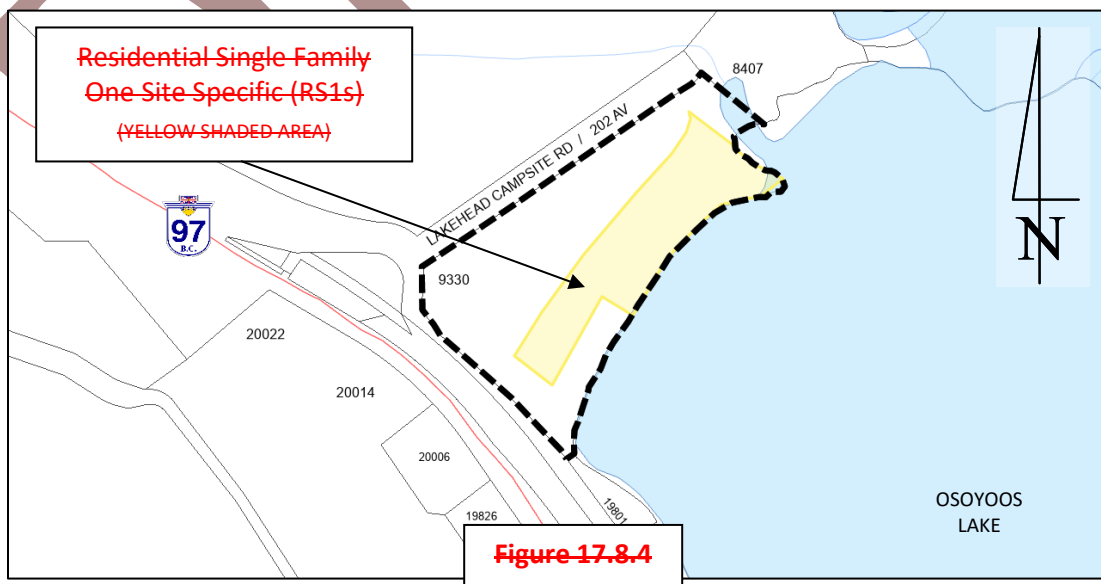
REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2451.31, 2021

A Bylaw to amend the Electoral Area “A” Zoning Bylaw No. 2451, 2008

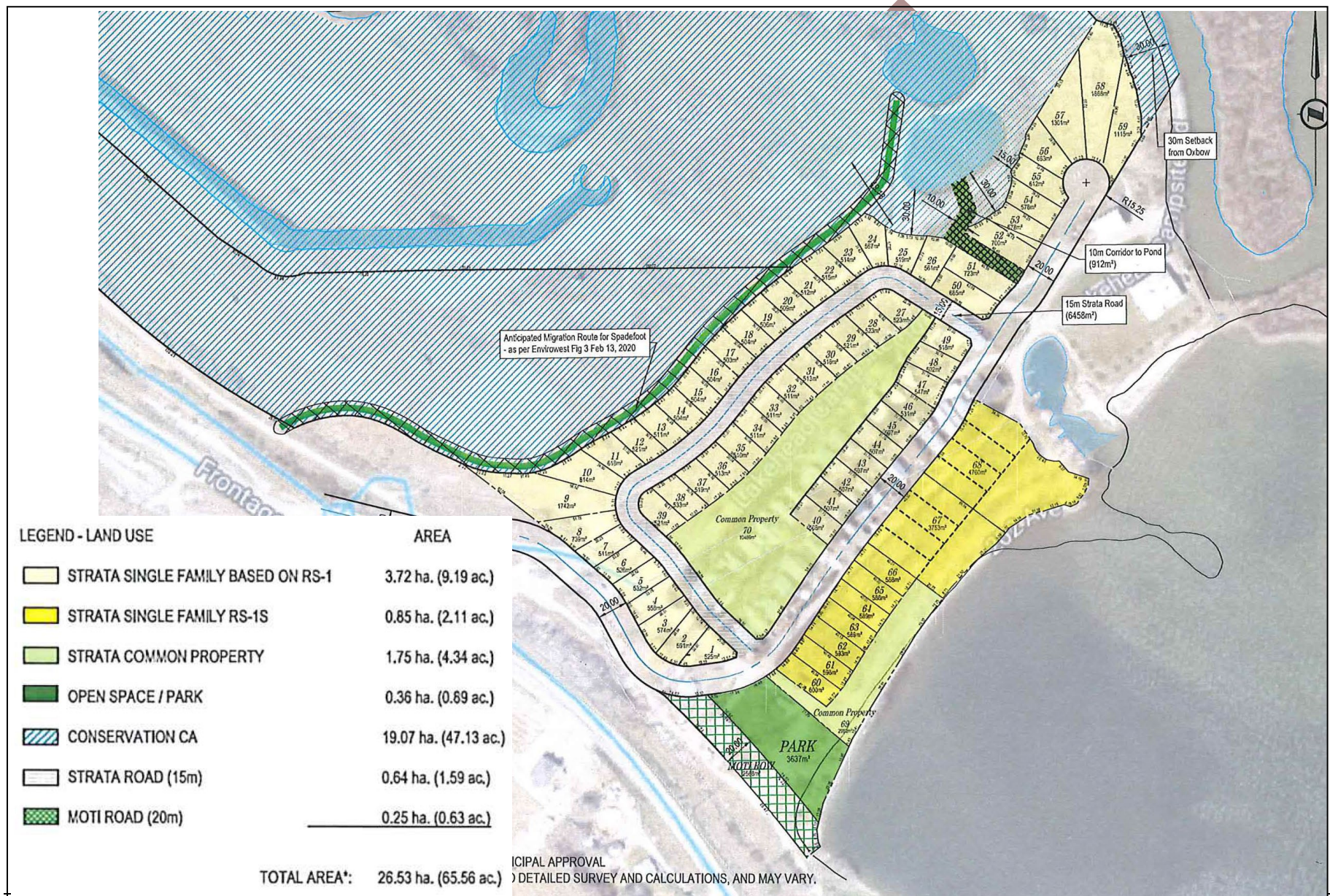
The REGIONAL BOARD of the Regional District of Okanagan-Similkameen in open meeting assembled, ENACTS as follows:

1. This Bylaw may be cited for all purposes as the “Electoral Area “A” Zoning Amendment Bylaw No. 2541.31, 2008.”
- ~~2. The “Electoral Area “A” Zoning Bylaw No. 2451, 2008” is amended by:~~
 - ~~i) adding a new sub-section 17.8.4 under Section 17.8 (Site Specific Residential Single Family One Provisions) to read as follows:~~
 - ~~.4 in the case of an approximately 0.85 ha area of the land described as Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion L 677 (9330-202nd Avenue), and shown shaded yellow on Figure 17.8.4:~~
 - ~~a) despite Section 11.1.4, the minimum parcel width for subdivision shall be 14.0 metres.~~



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3. The Official Zoning Map, being Schedule '2' of the Electoral Area "A" Zoning Bylaw No. 2451, 2008, is amended by changing the land use designation on:
- i) an approximately 20.2 ha part of the land described as Lot 675, Plan KAP2066, District Lot 2450S, SDYD, Except Plan 22229, 43613 & H9726, and shown shaded green on Schedule 'B', which forms part of this Bylaw, from Agriculture One (AG1) to Conservation Area (CA).
 - ii) an approximately 4.35 ha part of the land described as Lot 675, Plan KAP2066, District Lot 2450S, SDYD, Except Plan 22229, 43613 & H9726, and shown shaded blue on Schedule 'B', which forms part of this Bylaw, from Agriculture One (AG1) to ~~Residential Single Family One (RS1)~~ **Low Density Residential Two (RS2)**;
 - iii) an approximately 2.43 ha part of the land described as Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion L 677, and shown shaded red on Schedule 'B', which forms part of this Bylaw, from Medium Density Residential One (RM1) to ~~Residential Single Family One (RS1)~~ **Low Density Residential Two (RS2)**;
 - iv) an approximately 0.41 ha part of the land described as Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion L 677, and shown shaded turquoise on Schedule 'B', which forms part of this Bylaw, from Medium Density Residential One (RM1) to ~~Residential Single Family One Site Specific (RS1s)~~ **Low Density Residential Two (RS2)**.
 - v) an approximately 1.4 ha part of the land described as Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion L 677, and shown shaded orange on Schedule 'B', which forms part of this Bylaw, from Campground Commercial (CT2) to ~~Residential Single Family One Site Specific (RS1s)~~ **Low Density Residential Two (RS2)**.
 - vi) an approximately 0.17 ha part of the land described as Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion L 677, and Lot 675, Plan KAP2066, District Lot 2450S, SDYD, Except Plan 22229, 43613 & H9726, and shown shaded yellow on Schedule 'C', which forms part of this Bylaw, from Medium Density Residential One (RM1) to Parks and Recreation (PR).
 - vii) an approximately 0.237 ha part of the land described as Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion L 677, and shown shaded purple on Schedule 'C', which forms part of this Bylaw, from Campground Commercial (CT2) to Parks and Recreation (PR).

Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 – Aerial Photo (2007)

