

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** J. Zaffino, Interim Chief Administrative Officer

**DATE:** November 16, 2023

**RE:** Electoral Area “E” OCP Bylaw No. 3010, 2023 (E2021.027-ZONE)

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### **Administrative Recommendation:**

**THAT Bylaw No. 3010, 2023, a bylaw to adopt the Electoral Area “E” Official Community Plan and to repeal Bylaw 2458, 2008, be read a first and second time and proceed to public hearing; and,**

**THAT the process as outlined in this report dated November 16, 2023, be considered appropriate consultation for the purpose of Section 475 of the *Local Government Act*; and,**

**THAT the Financial and Solid Waste Management Plans have been considered in accordance with Section 477 of the *Local Government Act*; and,**

**THAT the holding of the public hearing be delegated to Director Fedrigo; and,**

**THAT notice of the public hearing be given in accordance with the requirements of the *Local Government Act*.**

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### **Purpose:**

Bylaw No. 3010 represents a review and update of the Electoral Area “E” Official Community Plan (OCP) Bylaw and is proposing to repeal and replace the current Electoral Area “E” OCP Bylaw No. 2458, 2008.

### **Background:**

At its meeting November 6, 2008, the Regional District Board adopted the current Electoral Area “E” OCP Bylaw No. 2458, 2008.

The review and update of the Electoral Area “E” OCP Bylaw was a strategic Board priority noted in the Regional District’s 2020 Business Plan and was commenced in 2021.

The Planning and Development Committee was presented with a summary of Significant Policy Changes at the meeting of June 1, 2023.

At its meeting of September 7, 2023, the Regional District Board resolved to defer first reading of Bylaw No. 3010, and referred the bylaw to the Electoral Area “E” Advisory Planning Commission (APC).

At its Special meeting of October 25, 2023, the Electoral Area “E” APC resolved to recommend to the RDOS Board that:

- *references to the community being in support of a sewer system in the Draft OCP be deleted and replaced with words indicating community support for studying the feasibility of a community sewer system, including at the following sections:*
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- i) *Section 5.2.7, delete the words ‘and sanitary sewer systems’; and*
  - ii) *Section 7.2.1.6, delete and replace with ‘Supports the study of the feasibility of a community sewer system in Lower Naramata’.*
- *the Area “E” growth area boundary be reduced to the Growth Containment Area represented in Area A and B of Figure 10. in the Draft OCP.*
  - *the statement in Section 6.5 of the Draft OCP regarding community preference of Growth Containment Area B as the Rural Growth Area boundary be deleted.*
  - *any potential growth will support the retention of the Naramata village character, improving affordability, and involve public consultation.*
  - *a Hazardous Land Assessment be completed for Area “E”;*  
*THAT Development Permits be required for all hillside development to prevent landslide, drainage, and runoff issues in Area “E” regardless of the nature or size of the development; and*  
*THAT the RDOS support the community in strengthening the review of development permits prior to issuing, preventing infractions of development permits, and increasing enforcement of development permits.*

#### **Consultation Requirements:**

Under Section 475 of the *Local Government Act*, during the development of an official community plan, the Regional District “must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.”

The Act further requires that this consultation “should be early and ongoing” and involve the following:

1. *the board of the regional district in which the area covered by the plan is located, in the case of a municipal official community plan;*
2. *the board of any regional district that is adjacent to the area covered by the plan;*
3. *the council of any municipality that is adjacent to the area covered by the plan;*
4. *first nations;*
5. *boards of education, greater boards and improvement district boards;*
6. *the Provincial and federal governments and their agencies.*

To ensure that the Regional District is meeting these requirements, the Board has adopted an *Official Community Plan Bylaw Consultation Policy* (2016) that requires a staff report be prepared prior to first and/or second reading of any new OCP Bylaw “summarizing the consultation undertaken, if additional consultation with external agencies, persons, organizations and authorities is required.”

According to the Policy, this “consultation may involve a variety of methods, including information meetings, open houses, flyers, surveys, dialogue and/or written correspondence.”

#### **Public Engagement Process:**

The consultations undertaken in support of this review have included the following:

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- the completion of a three round iterative community survey, that focused not only on community wants and desire but also on trade-offs and compromises. Over 500 people participated.
  - the establishment of a non-Board-appointed Community Advisory Group, with nine meetings
  - the establishment of a Regional Connection site with background and up to date material;
  - a final community engagement survey seeking input on the draft OCP strategic directions. There were approximately 373 respondents.
  - engagement with external agencies, such as the Okanagan Basin Water Board, Interior Health, Ministry of Transportation and Infrastructure (MoTI), the Agricultural Land Commission, and the adjacent local governments (see Attachment No. 1).

Non RDOS led community engagement included a series of ‘community conversations’ that the Community Advisory Group initiated.

Pursuant to Section 477 of the *Local Government Act*, after first reading the Regional Board must consider the proposed OCP Bylaw in conjunction with Regional District's current financial and waste management plans. The proposed OCP Bylaw 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.

Agency Consideration:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as Bylaw No. 3010 is an official community plan and the Ministry's interest is restricted to zoning bylaws involving lands within 800 metres of a controlled access highway (i.e. Highway 97 & 3) under Section 52 of the *Transportation Act*. Nevertheless, MoTI was referred a copy of Bylaw No. 3010.

Pursuant to Section 476 of the *Local Government Act*, the Regional District must consult with the relevant School District when proposing to introduce an OCP for an area that includes the whole or any part of that School District. In this instance, School District No. 67 (Okanagan Skaha) have been made aware of the proposed amendment bylaw.

Pursuant to Section 475 of the *Local Government Act*, the Regional District must consult with the Agricultural Land Commission (ALC) when proposing to adopt an OCP Bylaw which might affect lands in the Agricultural Land Reserve (ALR). Both the ALC and the Ministry of Agriculture have provided comments on Bylaw No. 3010.

Summary of Engagement:

Administration recommends that the public engagement outlined above should be considered appropriate consultation for the purpose of Section 475 of the *Local Government Act*, as well as the Board's *Official Community Plan Bylaw Consultation Policy (2016)*. 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.

**Changes Made**

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There are several amendments made to the draft OCP Bylaw 3010, presented at the Regional District Planning & Development Committee, June 1, 2023. These changes reflect input from the community and various agencies that reviewed the draft OCP. Below is a summary of these changes, shown in italics:

16.1 Parks, Recreation and Trails Background- *The Three Blind Mice Recreation Trails system, a popular mountain biking area, is managed by Provincial Recreation Sites and Trails BC with a Partnership Agreement with Penticton and Area Cycling Association (PACA).*

3.3 Communities and Settlement Areas- *Naramata has been designated as a ‘Cittaslow’ community. The Cittaslow movement began in 1999 through the work of the Mayor of Chianti, Italy. Now an international movement, the ‘Slow City’ philosophy is based on place based identity – preserving the threads of each urban area’s own unique characteristics that collectively come together to promote and support community.*

19.5.2.5 Solid Waste - *Supports measures to assist Naramata in maintaining its status as an official ‘Bear Smart’ community, including the need for bear and wildlife proof waste bins.*

22.3.7 .7- Temporary Use Permits *In issuing a Temporary Use Permit for a dwelling unit for farm labour, the Regional Board may specify conditions, in addition to those listed under sub-section 22.3.5, including, but not limited to:*

- a) the use of the accommodation be restricted to farm labour only;*
- b) the structure be removed from the property when the permit lapses, if the renewal of that permit has not been approved by the Regional Board;*
- c) the structure be constructed or manufactured in a manner that makes it easily moveable from one location to another; and*
- d) the foundation be temporary in nature (i.e. not concrete).*

24.3.2 Further studies:

In addition, a number of projects requiring additional resources have been highlighted by the community as being a Board priority, these include:

- Explore regulatory options for future hillside developments;*
- Support a housing need and demand study be conducted to assess affordable housing options;*
- Support Electoral Area “E” to become a designated International Dark Sky Community;*
- Support exploring the option of lowering single family residential development height requirements in the lower Naramata area.*

24.3.3 Advocacy Priorities:

- Support the Province to review short-term rentals (vacation rentals) including new compliance and enforcement;*
- Support the Province extending speculations and vacancy tax to the RDOS;*

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- Support sale/donation of parcels along creeks to protect riparian areas;
  - Encourage MoTI to review traffic movements and safety;
  - Support a review of RDOS Bylaw enforcement services.

**Analysis:**

Draft OCP Bylaw No. 3010 is seen as meeting the statutory requirements set out under Section 473 of the *Local Government Act* (i.e. 5 year supply of land for residential housing needs; policies that speak to affordable, rental and special needs housing; greenhouse gas emissions reduction targets, etc.), and as aligning with the community’s goals and objectives as well as those that have previously been adopted by Regional District Board (e.g. Regional Growth Strategy).

The efforts of residents that participated in this project and provided feedback at the various stages of drafting the new Official Community Plan are appreciated.

**Alternatives:**

1. THAT Bylaw No. 3010, 2023, a bylaw to adopt the Electoral Area “E” Official Community Plan and to repeal Bylaw 2458, 2008, be read a first and second time and proceed to public hearing; and  
  
THAT the process as outlined in this report dated November 16, 2023, be considered appropriate consultation for the purpose of Section 475 of the *Local Government Act*; and  
  
THAT the Financial and Solid Waste Management Plans have been considered in accordance with Section 477 of the *Local Government Act*; and  
  
THAT the holding of a public hearing be scheduled for the Regional District Board meeting of December 7, 2023; and  
  
THAT notice of the public hearing be given in accordance with the requirements of the *Local Government Act*.
2. THAT first reading of the Electoral Area “E” Official Community Plan Bylaw No. 3010 be denied.

**Respectfully submitted:**



C. Garrish, Senior Manager of Planning

Attachments:

No. 1 – Agency Referral list

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 Official Community Plan (OCP) Bylaw No. 3010:

<input checked="" type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" type="checkbox"/>	Fortis
<input checked="" type="checkbox"/>	Interior Health Authority (IHA)	<input checked="" type="checkbox"/>	City of Penticton
<input checked="" type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	District of Summerland
<input checked="" 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 checked="" type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch)
<input type="checkbox"/>	Town of Princeton	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology	<input checked="" type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure	<input checked="" type="checkbox"/>	Penticton Indian Band (PIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Osoyoos Indian Band (OIB)
<input checked="" type="checkbox"/>	Environment and Climate Change Strategy ( BC Parks, Environmental Protection, Recreation Sites and Trails)	<input type="checkbox"/>	Upper Similkameen Indian Band (USIB)
<input checked="" type="checkbox"/>	School District #67	<input type="checkbox"/>	Lower Similkameen Indian Band (LSIB)
<input checked="" type="checkbox"/>	Okanagan Basin Water Board	<input type="checkbox"/>	Environment Canada
<input checked="" type="checkbox"/>	Telus	<input checked="" type="checkbox"/>	Fisheries and Oceans Canada
<input checked="" type="checkbox"/>	Kootenay Boundary Regional District	<input checked="" type="checkbox"/>	Canadian Wildlife Services
<input checked="" type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Forests)	<input checked="" type="checkbox"/>	Shaw Cable
<input checked="" type="checkbox"/>	Naramata Water System	<input checked="" type="checkbox"/>	Naramata Fire Department