

## ADMINISTRATIVE REPORT



**TO:** Advisory Planning Commission  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** April 11, 2022  
**RE:** Official Community Plan (OCP) Amendment – Electoral Area “E”

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Purpose: To allow for the development of a tram.

Civic: 2265 Naramata Road      Legal: Lot 1, Plan KAP16214, District Lot 206, SDYD, Except Plan H17800

OCP: Agriculture (AG)      Zone: Agriculture One (AG1)      Folio: E-02061.100

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### **Proposed Development:**

This application is seeking to amend the zoning of the subject property in order to allow for the development of a tram in the Watercourse Development Permit Area through the issuance of an Expedited Development Permit.

In order to accomplish this, the applicant is proposing to amend the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, by adding a new sub-section 23.3.7.7 (Expedited Development Permit) under Section 23.3 (Watercourse Development Permit (WDP) Area) to allow for the development of a tram on the subject parcel.

In support of the rezoning, the applicant has submitted an Environmental Assessment which states that “[QEP] can assure that the proposed tram to allow for foreshore access directly from the subject property ... would not result in a harmful alteration, disruption or destruction (HADD) of the natural features, functions and conditions of fish and fish habitat under the Federal Fisheries Act ... creation of a trail would result in significantly greater environmental impacts to the SPEA in comparison to that of a tram ... RAPR does not allow for the construction of a new foreshore access structure such as a staircase or tram in the SPEA.”

### **Site Context:**

The subject property is approximately 1.36 ha in area and is situated on the east side of Naramata Road and abuts the Okanagan lake on its eastern edge. It is understood that the parcel is comprised of a single detached dwelling and accessory structure.

The surrounding pattern of development is generally characterised by similarly sized residential parcels that have been developed with single detached dwellings.

### **Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on April 21, 1966, while available Regional District records indicate that a building permit for a swimming pool (2014) has been issued for this property.

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Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject property is currently designated Agriculture (AG), and is the subject of Watercourse Development Permit (WDP) Area and Environmentally Sensitive Development Permit (ESDP) Area designations.

The WDP area is designated pursuant to Section 488(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity. Unless a proposal falls under Section 23.3.8 of the OCP (Exemptions), a WDP must be issued for any development within the WDP area, for which an Assessment Report, prepared in accordance with Part 4 (Assessments and Assessment Reports) of the provincial *Riparian Area Protection Regulation* (RAPR), must be received by the Regional District in respect of the proposed development from the responsible provincial minister.

The Regional District may issue a WDP without the provision of an Assessment Report if a proposal falls under the “Expedited Development Permit” category as outlined in Section 23.3.7 of the OCP.

Under the Electoral Area “E” Zoning Bylaw No. 2459, 2008, the property is currently zoned Agriculture One (AG1) which allows for single detached dwelling and accessory structures.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Okanagan Lake.

The property is within the Agricultural Land Reserve (ALR) and has been classified as part “Residential” (Class 01) and part “Farm” (Class 09) by BC Assessment.

#### **Analysis:**

In considering this proposal, Administration finds that it is in contravention of provincial regulations and fails to meet the guidelines in Section 23.3.5 of the OCP bylaw.

Provincial legislation further requires local governments enact bylaws to protect riparian areas during development and this proposal defeats the intent of the regulation.

It is also noted that Section 23.3.7 of the OCP offers relaxations for an Expedited Development Permit only in cases where a proposal has already met the requirements for a WDP or if no any alteration of land is proposed within the WDP area and this proposal meets neither of those categories.

Conversely, the property owner’s QEP has stated that the impact of a tram on riparian area values is much lower in comparison to a trail or a staircase, despite being inconsistent with provincial requirements requiring the protection of the riparian values associated with the property.

In summary, the proposal to introduce a new subsection to the Expedited Development Permit section of the OCP is non-compliant with provincial regulations and Administration is recommending denial.

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#### **Administrative Recommendation:**

**THAT the APC recommends to the RDOS Board of Directors that the subject development application be denied.**

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#### **Options:**

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1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.
  2. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved with the following conditions:
    - i) *TBD*
  3. THAT the APC recommends to the RDOS Board of Directors that the subject development application be denied.

**Respectfully submitted:**

*Nikita Kheterpal*

Nikita Kheterpal, Planner I

**Endorsed By:**



C. Garrish, Planning Manager

Attachments: No. 1 – Context Maps

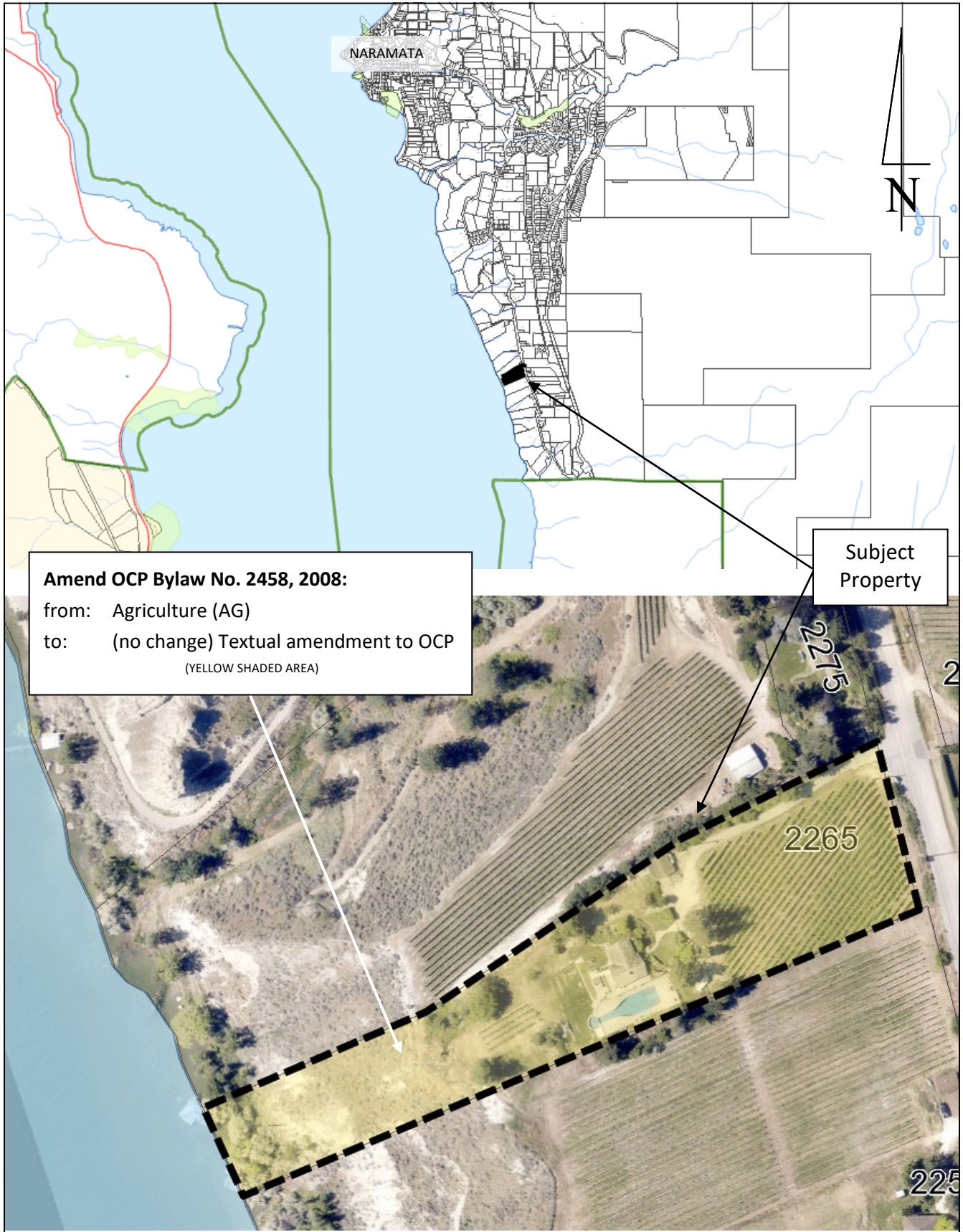
No. 2 – Applicant’s Site Plan 1

No. 3 – Applicant’s Site Plan 2

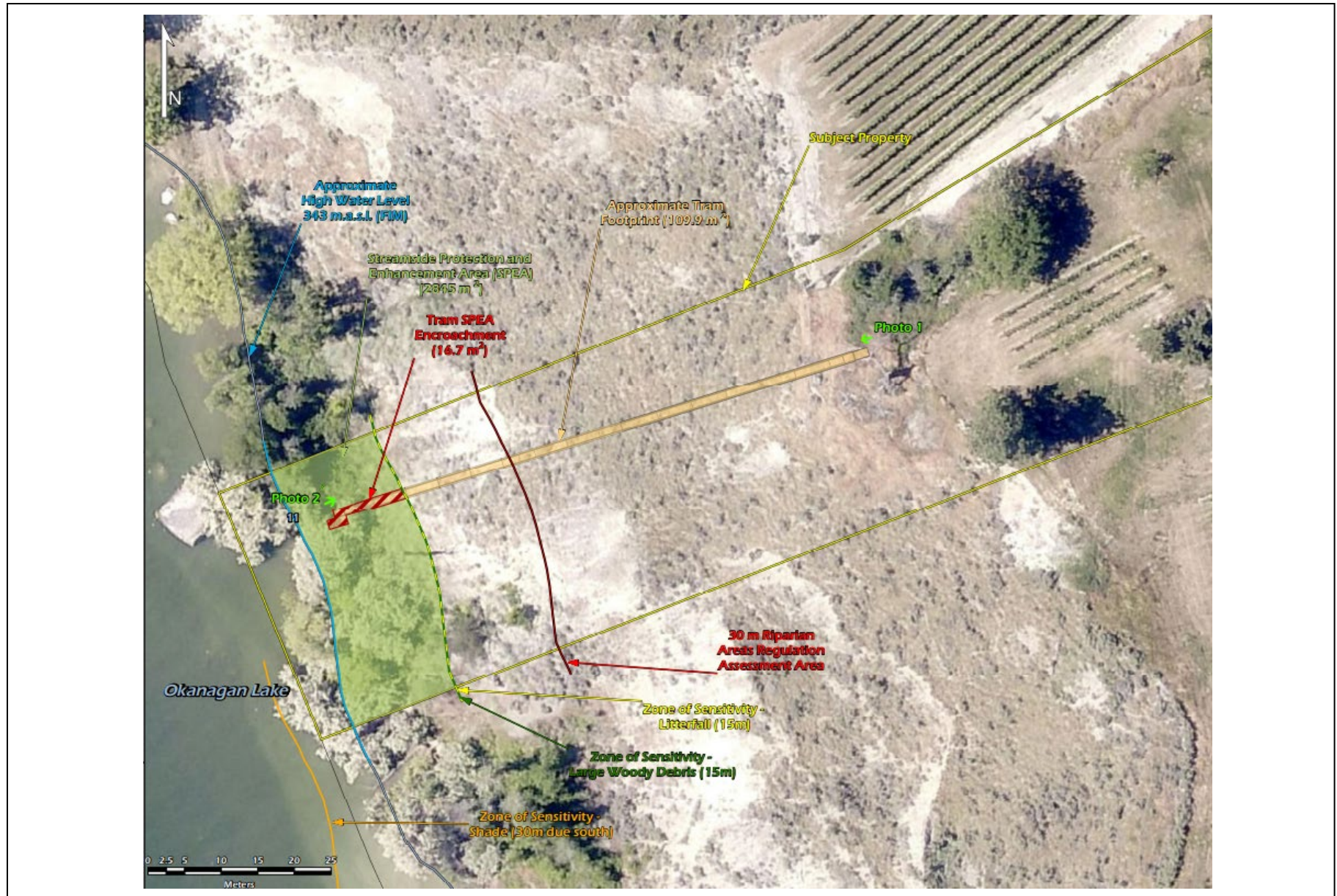
No. 4 – Site Photo

No. 5 – Applicant’s Photo of Sample Tram

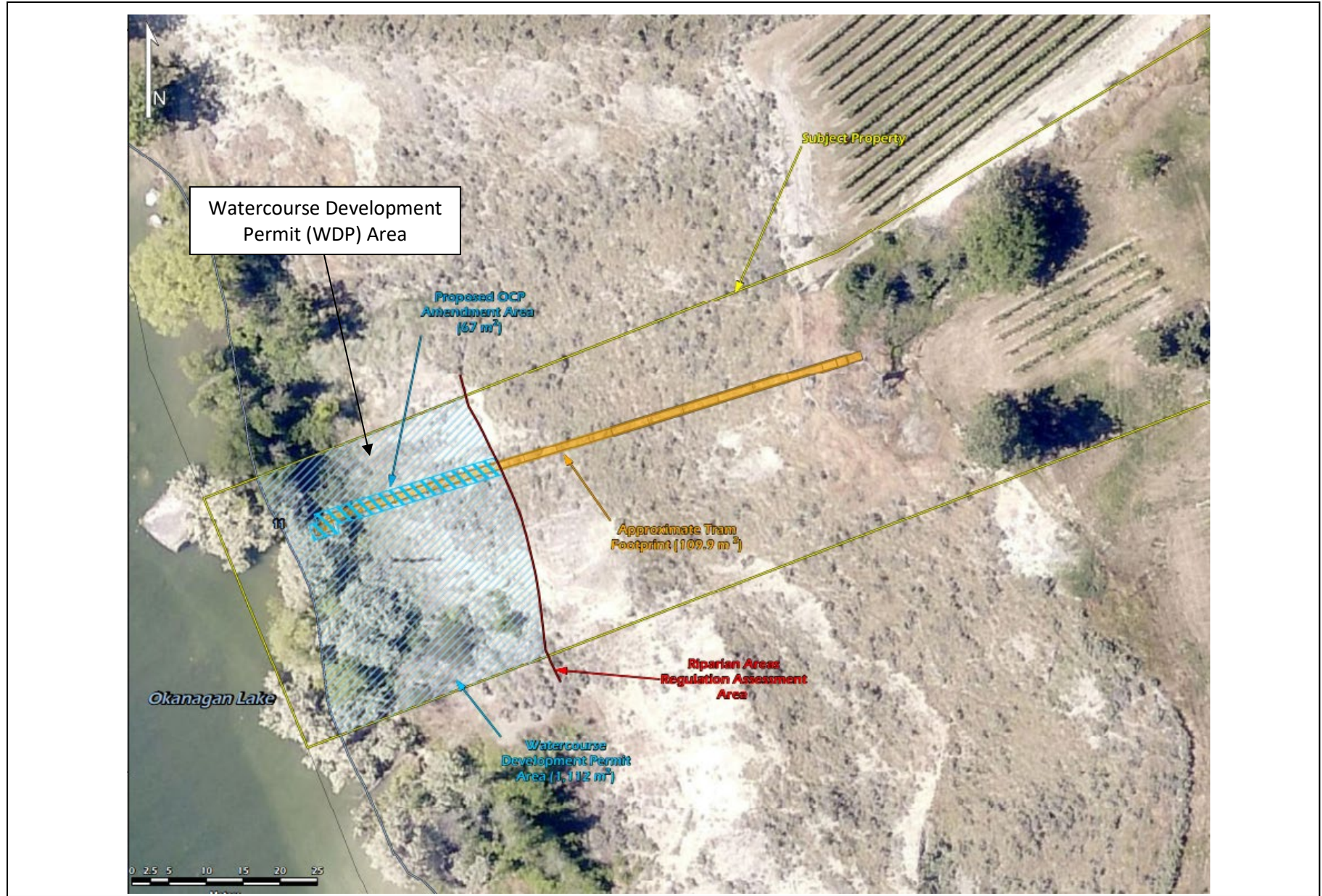
Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant's Site Plan 1



Attachment No. 3 – Applicant's Site Plan 2



Attachment No. 4 – Site Photo



Attachment No. 5 – Applicant’s Photos of Sample Trams



**Photo 11.** View of a tower bracket on two piles and their minimal permanent footprint.