

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** January 5, 2023

**RE:** Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “H” (H2022.012-ZONE)

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### Administrative Recommendation:

**THAT** Bylaw No. 2497.14, 2022, a bylaw to amend the Electoral Area “H” Official Community Plan (OCP) to allow for the construction of a new house at 153 Third Street in Tulameen; and,

**THAT** Bylaw No. 2498.25 2022, a bylaw to amend the the Electoral Area “H” ZoningBylaw, be read a first and second time and proceed to public hearing; and,

**THAT** the process, as outlined in this report from the Chief Administrative Officer dated January 5, 2023, to be deemed 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. 2497.14, 2022, in conjunction with its Financial and applicable Waste Management Plans; and,

**THAT** the holding of a public hearing be scheduled for the Regional District meeting of January 19, 2023; and,

**THAT** notice of the public hearing adhere to the requirements of the *Local Government Act*.

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**Folio:** H-00373.000                      **Legal:** Lot 1, Block 7, District Lot 128, YDYD, TOWNSITE OF TULAMEEN

**OCP:** Commercial (C) to Low Density Res.                      **Zone:** General Commercial (C1) to Single Family (RS1)

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### Proposed Development:

This application is to amend the zoning of the property to allow for the construction of a new house, requiring:

- amend the land use designation under Schedule ‘B’ (OCP Map) of the Area “H” OCP Bylaw No. 2497, 2012, from Commercial (C1) to Low Density Residential (LR); and
- amend the zoning under Schedule ‘2’ (Zoning Map) of the Area “H” Zoning Bylaw No. 2498, 2012, from General Commercial (C1) to Residential Single Family One (RS1).

The applicant has stated that they are “seeking to rezone the property to RS1 to allow for the building of a single family dwelling that will match the surrounding properties. Commercial zoning does not align with land use in the area, which is primarily Parks and houses. Nicola Ave is surrounded by single

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family dwellings. In short we would like to build a home and support the small businesses that have long been established in this community.”

**Site Context:**

The property is approximately 585 m<sup>2</sup> in area and is situated on the south side of Third Street in the Townsite of Tulameen, approximately 330 m north of the Tulameen River and 18km from the boundary with Town of Princeton. It is understood that the parcel is comprised of a shed, a well and a septic system. The surrounding pattern of development is generally characterised by similarly sized residential parcels that have been development with single detached dwellings.

**Background:**

Records of a Plan of Subdivision that created the current boundaries of the subject property are unavailable, while available Regional District records indicate that building permits have not previously been issued for this property.

The property is designated Commercial (C) and zoned General Commercial (C1), which permits one accessory dwelling accessory to a principle commercial use. BC Assessment has classified the property as “Residential” (Class 01).

**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 3).

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. 58 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 November 2, 2022, a Public Information Meeting (PIM) was held electronically via webex and was not attended by any members of the public.

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 be further ongoing.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

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**Analysis:**

The Electoral Area "H" OCP contains growth management policies directing growth to where it will have the most positive and least negative impacts on the community. Likewise the OCP Residential designation supports a strategy of directing low density residential development to existing settlement areas.

In considering the area surrounding the subject parcel, it is noted that adjacent parcels of a similar size are zoned RS1 and developed to include a single detached dwelling. Additionally, the subject parcel contains an existing well and septic system which are proposed to be utilized by the proposed single detached dwelling. For these reasons, the proposal is seen to be in keeping with surrounding land uses and to be a more appropriate and consistent land use than the current zoning.

The applicant has submitted a preliminary site plan for the future single detached dwelling indicating that compliance with the RS1 zone can be achieved without the requirement for additional variances.

**Alternatives:**

1. THAT the Electoral Area "H" Official Community Plan Amendment Bylaw No. 2497.14, 2022, and the the Electoral Area "H" Zoning Amendment Bylaw No. 2498.25, 2022, be denied.

**Respectfully submitted:**

Ben Kent

Ben Kent, Planner I

**Endorsed By:**

CG

C. Garrish, Planning Manager

**Attachments:**

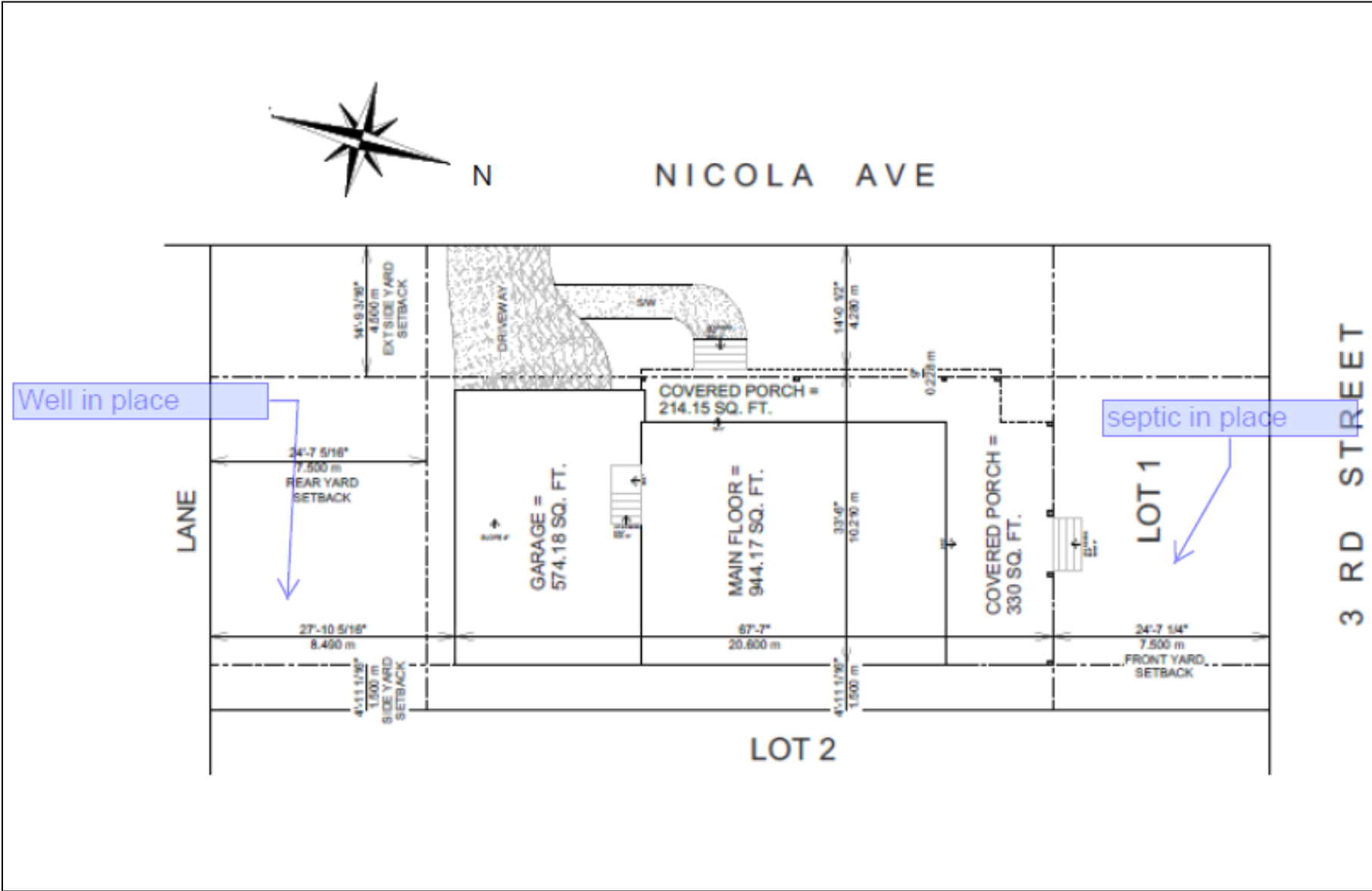
- No. 1 – Agency Referral List
- No. 2 – Applicant's Site Plan
- No. 3 – Aerial Photo

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Amendment Bylaw No. 2497.14 and 2498.25, 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 type="checkbox"/>	Ministry of Lands, Water and Resource Stewardship	<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"/>	ONA / PIB / OIB / USIB / LSIB (via NationsConnect)
<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 type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	OK Falls Irrigation District
<input checked="" 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"/>	Vaseux Lake Irrigation District
<input type="checkbox"/>	Keremeos Irrigation District	<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"/>	Volunteer Fire Department		

Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 – Aerial Photo



Attachment No. 4 – Site Photo (Google Streetview)

