

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: September 5, 2024

RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “I”
(I2024.008-ZONE)

Administrative Recommendation:

THAT the Electoral Area “I” Official Community Plan Amendment Bylaw No. 2683.08, 2024, and the Okanagan Valley Zoning Amendment Bylaw No. 2800.42, 2024, be denied.

Purpose: To allow for a four-lot subdivision Folio: I-08036.021

Civic: 100 Turtle Lake Road Legal: Strata Lot 1, Plan EPS8777, Section 14, Township 88, SDYD

OCP: Resource Area (RA) Zone: Resource Area (RA)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to allow for a four-lot subdivision.

In order to accomplish this, the following land use bylaw amendments are being proposed by the applicant:

- amend the land use designation under Schedule ‘B’ (OCP Map) of the Electoral Area “I” Official Community Plan (OCP) Bylaw No. 2683, 2024, from Resource Area (RA) to Large Holdings (LH); and
- amend the zoning under Schedule ‘2’ (Zoning Map) of the Okanagan Valley Zoning Bylaw No. 2800, 2022, from Resource Area (RA) to Large Holdings One (LH1).

In support of the rezoning, the applicant has stated (amongst other things) that:

- *The proposed lots would offer easy access to amenities in Okanagan Falls as well as the Kaleden – Penticton area.*
- *There is currently very limited availability of vacant land zoned as either LH or SH in the area although there are 6 lots due west of the proposed development. These lots are within 1.5 kilometers of the proposed subdivision.*
- *The natural environment of the area would be largely unaffected by the development. Environmentally sensitive areas have been addressed in a previous study and new studies can be pursued if required.*

Site Context:

The subject property is approximately 20.0 ha in area and is situated on the south side of a private strata road accessed from Highway 97 via Turtle Lake Road approximately 2.0 km from Kaleden and 2.5 km from Okanagan Falls. It is understood that the parcel is comprised of vacant land.

The surrounding pattern of development is generally characterised by a mix of Crown land and large, vacant privately held parcels zoned Agriculture or Resource Area.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on March 20, 2023, while available Regional District records indicate that a building permit for a cellular equipment building and tower (1995) has previously been issued for this property.

Under the Electoral Area “I” Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Resource Area (RA), and is the subject of an Environmentally Sensitive Development Permit (ESDP) designation.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Resource Area (RA) which requires a 20.0 hectare minimum parcel size for subdivision.

Under the Regional Growth Strategy (RGS) Bylaw No. 2770, 2017, the Turtle Lake Road area is not designated as a Rural Growth Area.

BC Assessment has classified the property as part “Residential” (Class 01).

Referrals:

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 97).

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. 67 has 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 July 10, 2024, a Public Information Meeting (PIM) was held electronically via Webex and was not attended by any members of the public.

At its meeting of August 6, 2024, the Electoral Area “I” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be refused.

Administration recommends that the written notification of affected property owners, 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 further ongoing. All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Analysis:

In reviewing this proposal, Administration considers it to be inconsistent with the Electoral Area “I” OCP Bylaw and representative of the type of “rural sprawl” that the Regional District’s land use bylaws seek to prevent from occurring within the electoral areas.

This is because “rural sprawl” is often characterized by low-density, scattered, and un-planned growth that results in an inefficient use of land (e.g. conversion of natural habitats) that can change the character of an area.

To prevent “rural sprawl”, the Area “I” OCP includes policies speaking to retaining lands designated Resource Area as large land parcels (e.g. as un-surveyed Crown land or District Lots) and supporting a 20 hectare minimum parcel size in recognition that these areas will remain rural with limited community services and infrastructure.

Similarly, the OCP includes policies that generally do not support additional development outside of the designated Rural Growth Areas.

The OCP specifically requires proposals to designate additional land as Large Holdings to “clearly demonstrate and articulate the need for it in the context of its impact on the community and the objectives of this OCP” as well as provide an assessment of the proposal against certain criteria (i.e. availability of rural holdings land, environmental impact, susceptibility to natural hazards, etc.).

While the applicant has provided an assessment against these criteria, Administration considers that the need for additional rural residential lots outside of the designated Rural Growth Areas has not been adequately demonstrated, as the Area “I” OCP indicates that there is “sufficient development capacity available to accommodate projected population growth...based on existing zoning established through the zoning bylaw”.

Alternative

Conversely, Administration recognises that the applicant has indicated that it is anticipated that on-site water and sewage disposal can be provided, that road access is currently provided to the property, that the land is not subject to natural hazards and that adjacent properties are unlikely to be adversely impacted.

While the applicant has further indicated that the natural environment would be largely unaffected, Administration recognizes that the property is entirely within an ESDP area and that fragmentation of large intact parcels through subdivision generally subjects parcels to increased development pressure that can impact the natural environment.

However, if the proposed amendments are approved, any future subdivision would require issuance of an Environmentally Sensitive Development Permit supported by a formal assessment by a Qualified Environmental Professional.

Summary

In summary, the proposal is seen to be inconsistent with the growth management objectives of the Regional District's land use bylaws and for this reason, Administration is recommending that the proposal be denied.

Alternatives:

1. THAT THAT the Electoral Area "I" Official Community Plan Amendment Bylaw No. 2683.08, 2024, and the Okanagan Valley Zoning Amendment Bylaw No. 2800.42, 2024, be read a first and second time and proceed to public hearing;

AND THAT the Board of Directors considers the process, as outlined in this report from the Chief Administrative Officer dated September 5, 2024, to be 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. 2683.08, 2024, in conjunction with its Financial and applicable Waste Management Plans;

AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of October 3, 2024;

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

Respectfully submitted:

Ben Kent

Ben Kent, Planner II

Attachments: No. 1 – Context Maps

No. 2 – Applicant's Subdivision Plan

No. 3 – Applicant's Location Map

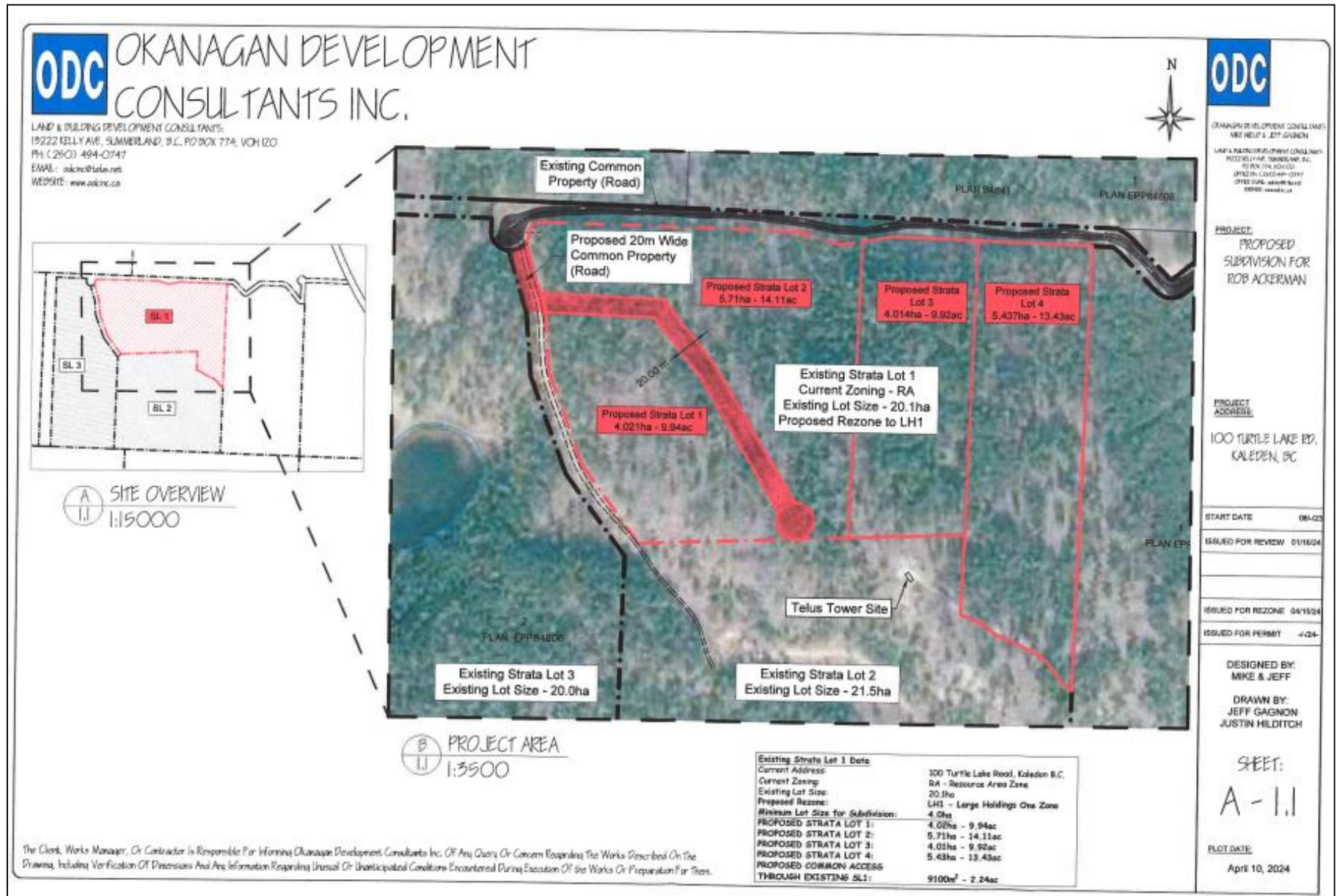
No. 4 – Applicant's Zoning Map

Attachment No. 1 – Agency Referral List

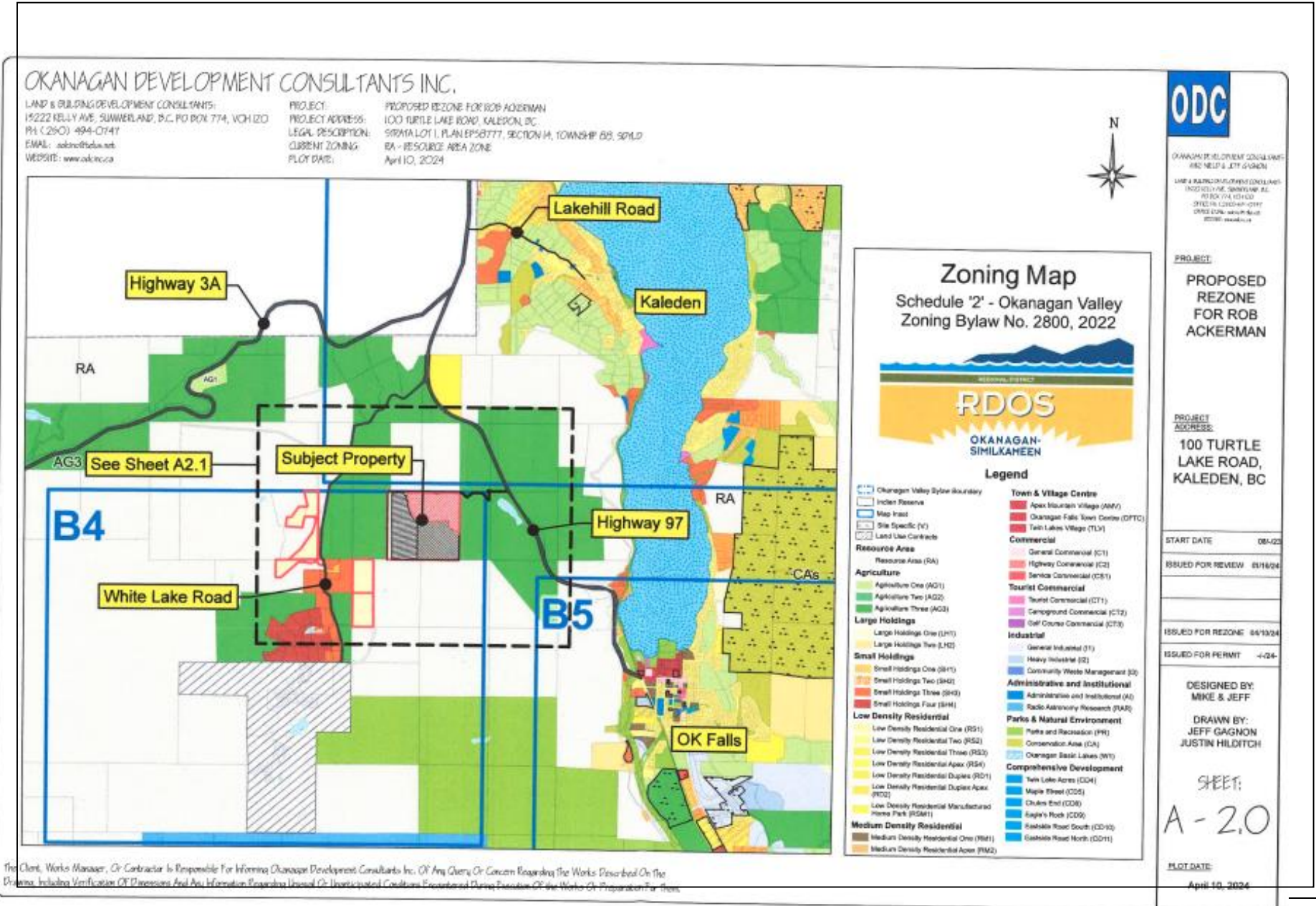
Referrals have been sent to the following agencies as highlighted with a , regarding Amendment Bylaws No. 2683.08, 2024 and 2800.42, 2024:

<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 checked="" 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 checked="" 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 type="checkbox"/>	School District #58 (Area H)	<input checked="" type="checkbox"/>	Kaleden Irrigation District
<input checked="" 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"/>	Kaleden Volunteer Fire Department		

Attachment No. 2 – Applicant’s Subdivision Plan



Attachment No. 3 – Applicant's Location Map



Attachment No. 4 – Applicant’s Zoning Map

