

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: September 23, 2021
RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “F”

Administrative Recommendation:

THAT Bylaw No. 2790.02, 2021, a bylaw to amend the Electoral Area “F” Official Community Plan to allow for the development of 106 dwelling units at 625 Hwy. 97 be read a first and second time and proceed to public hearing; and,

THAT Bylaw No. 2461.18, 2021, a bylaw to amend the Electoral Area “F” Zoning Bylaw 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 23, 2021, 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. 2790.02, 2021, 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 of Directors meeting of October 21, 2021; and,

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

Purpose:	to allow for the development of 106 dwelling units.	Folio: F-06642.200
Legal:	Lot 11, Plan KAP621, DL 2536, ODYD, Except Plan H578 36630 KAP75352	Civic: 625 Highway 97
OCP:	Tourist Commercial (CT)	Proposed OCP: Medium Density Residential (MR)
Zone:	Campground Commercial Site Specific (CT2s)	Proposed Zoning: Medium Density Residential (RM1)

Proposed Development:

This application is seeking to amend the zoning of five properties to facilitate a medium density residential development with a total of 106 dwelling units within eight terraced apartment structures.

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 “F” Official Community Plan (OCP) Bylaw No. 2790, 2018, from Tourist Commercial (CT) to Medium Density Residential (MR); and
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- amend the zoning under Schedule '2' (Zoning Map) of the Electoral Area "F" Zoning Bylaw No. 2461, 2008, from Campground Commercial Site Specific (CT2s) to Medium Density Residential One (RM1).

Site Context:

Of the five parcels subject to the application, four are "hooked" across Highway 97. The portion of the five properties subject to the application is situated on the east side of Highway 97 and is 6.8 ha in area.

The properties are located 1.5 km north of the boundary of the District of Summerland and abut Okanagan Lake to the east. It is understood that the parcels are comprised of a single detached dwelling and various accessory structures. The surrounding pattern of development is generally characterised by a provincial park to the south, undeveloped crown land to the west and a mix of residential and agricultural parcels to the north.

Background:

The current boundaries of the subject property were created on April 10, 2007 and August 16, 2009, while available Regional District records indicate that building permits have not previously been issued for this property.

Under the South Okanagan Regional Growth Strategy, the site has been designated as part of the "Rural Growth Area" (i.e. Greata Ranch).

The Electoral Area "F" Official Community Plan designates the property Tourist Commercial (CT) and the eastern edge of the properties, abutting the Okanagan Lake, are the subject of a Watercourse Development Permit (WDP) designation.

The Electoral Area "F" Zoning Bylaw designates the property as Campground Commercial Site Specific (CT2s) which permits campgrounds and motels as principal uses and eating and drinking establishments as an accessory use, however, it does not allow for residential development.

The property is also subject to a Liquid Waste Management Plan (LWMP), which was amended in 2009 to require that waste water from development in the Greata Ranch area be pumped to the District of Summerland's Wastewater Treatment Plant.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Okanagan Lake. BC Assessment has classified the property as "Farm" (Class 09).

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.

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 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.

Pursuant to Section 475 of the *Local Government Act*, the Regional District must consult with the Agricultural Land Commission (ALC) when proposing to amend an OCP which might affect agricultural land. Both the ALC and the Ministry of Agriculture have been made aware of the proposed amendment bylaws.

Public Process:

On August 11, 2021, a Public Information Meeting (PIM) was held electronically and was attended by two members of the public.

At its meeting of August 23, 2021, the Electoral Area "F" Advisory Planning Commission (APC) recommended to the RDOS Board that the subject development application be approved.

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:

The proposal is consistent with the designation of Greata Ranch as a Rural Growth Area under the RGS Bylaw. Further, the proposed form of residential development and the level of density is generally what is encouraged to occur within a designated growth area and is also consistent with previous proposals that were submitted for other parcels within this Growth Area.

It is noted, however, that the OCP does speak to development within the Greata Ranch Rural Growth Area being properly serviced (i.e. on-site provision of water and sanitary sewage treatment) and being able to address geotechnical constraints, which are discussed below.

Infrastructure Requirements

The applicant is proposing the development of a combined water and wastewater treatment facility for the development. The OCP discourages the creation of new private utilities within a designated Growth Area and the current RDOS policy is that essential services should be owned and operated by a local government. Further, the current water licence for the property is in the form of an irrigation license and that type of licence cannot be used for domestic purposes. A private sewer system is inconsistent with the Liquid Waste Management Plan (LWMP) and cannot be constructed.

The LWMP requires that development at this site be connected to the District of Summerland's Wastewater Treatment Plant. However, the District of Summerland has indicated that "further investigation is required with regards to the costs and benefits to the District of Summerland to extending a sanitary sewer connection to the Greata Ranch area" and has certain requirements if a connection to the District of Summerland's Wastewater System is pursued.

The applicant will either need to seek an amendment to the LWMP or build in accordance with the LWMP. Otherwise, the OCP speaks to new development adhering to the best practices recommendations, such as the Provincial Sewerage System Regulation administered by Interior Health Authority for on-site sewage disposal.

Hazard Lands:

The applicant has submitted a peer-review of the Geotechnical Assessment Report completed in 2007 for the properties, which generally concludes that the development can proceed subject to certain provisions and recommendations to conduct further site investigations.

Additional geo-technical hazard assessments will be required prior to the issuance of any building permits for development on the property. Such studies *may* result in the density of the site being less than what is currently proposed due to site limitations.

Summary:

In summary, this proposal is generally seen to be consistent with the RGS and OCP Bylaws.

Alternatives:

THAT Bylaw No. 2790.02, 2021, a bylaw to amend the Electoral Area “F” Official Community Plan to allow for the development of 106 dwelling units at 625 Hwy. 97 be read a first and second time and proceed to public hearing; and,

THAT Bylaw No. 2461.18, 2021, a bylaw to amend the Electoral Area “F” Zoning Bylaw 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 23, 2021, 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. 2790.02, 2021, in conjunction with its Financial and applicable Waste Management Plans; and,

THAT the holding of the public hearing be delegated to Director Gettens, or their delegate; and,

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

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

Respectfully submitted:

Nikita Kheterpal

Nikita Kheterpal, Planner I

Endorsed By:



C. Garrish, Planning Manager

Attachments:

No. 1 – Agency Referral List

No. 2 – Applicant’s Site Plan

No. 3 – Applicant’s Building Elevations

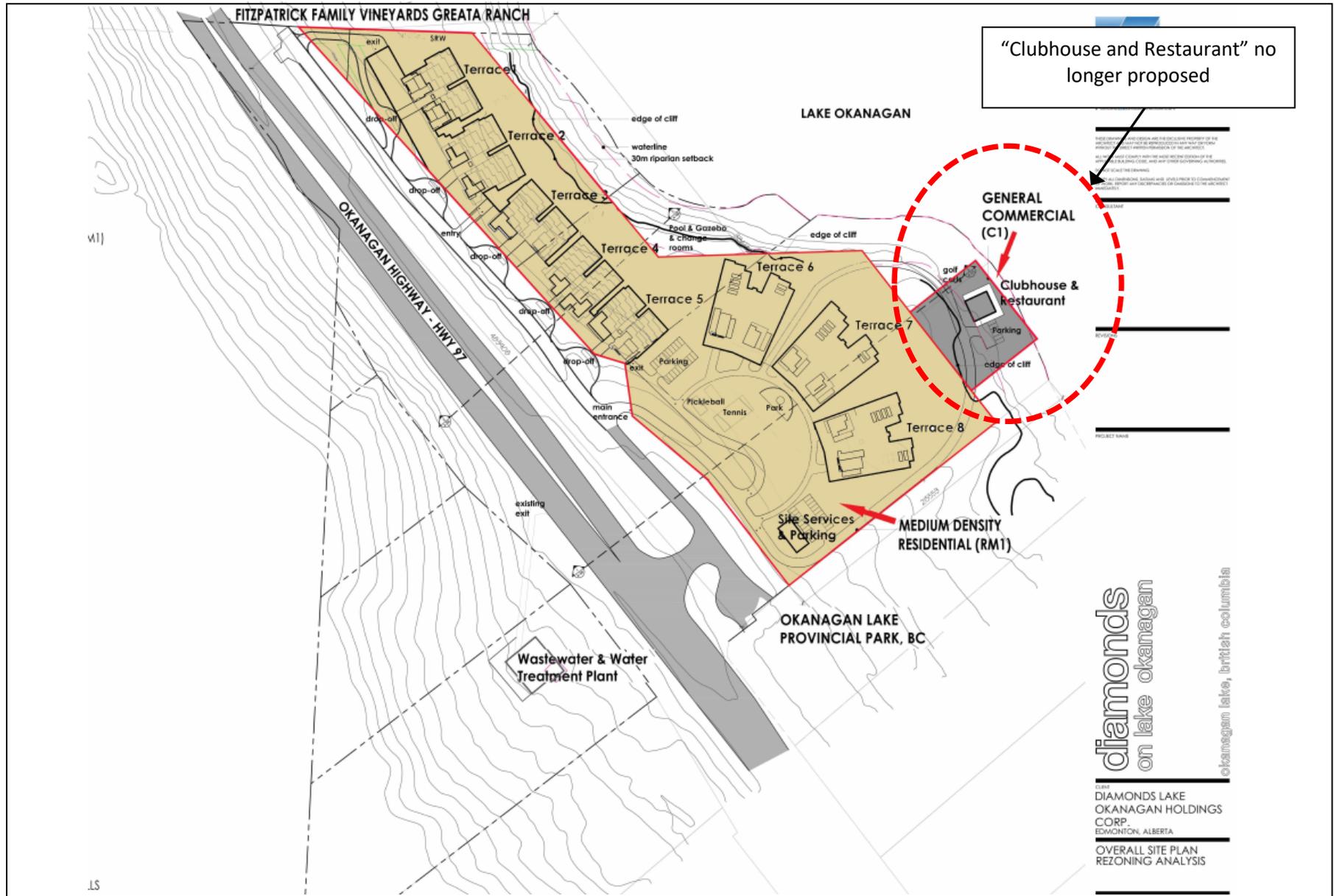
No. 4 – Aerial Photo

Attachment No. 1 – Agency Referral List

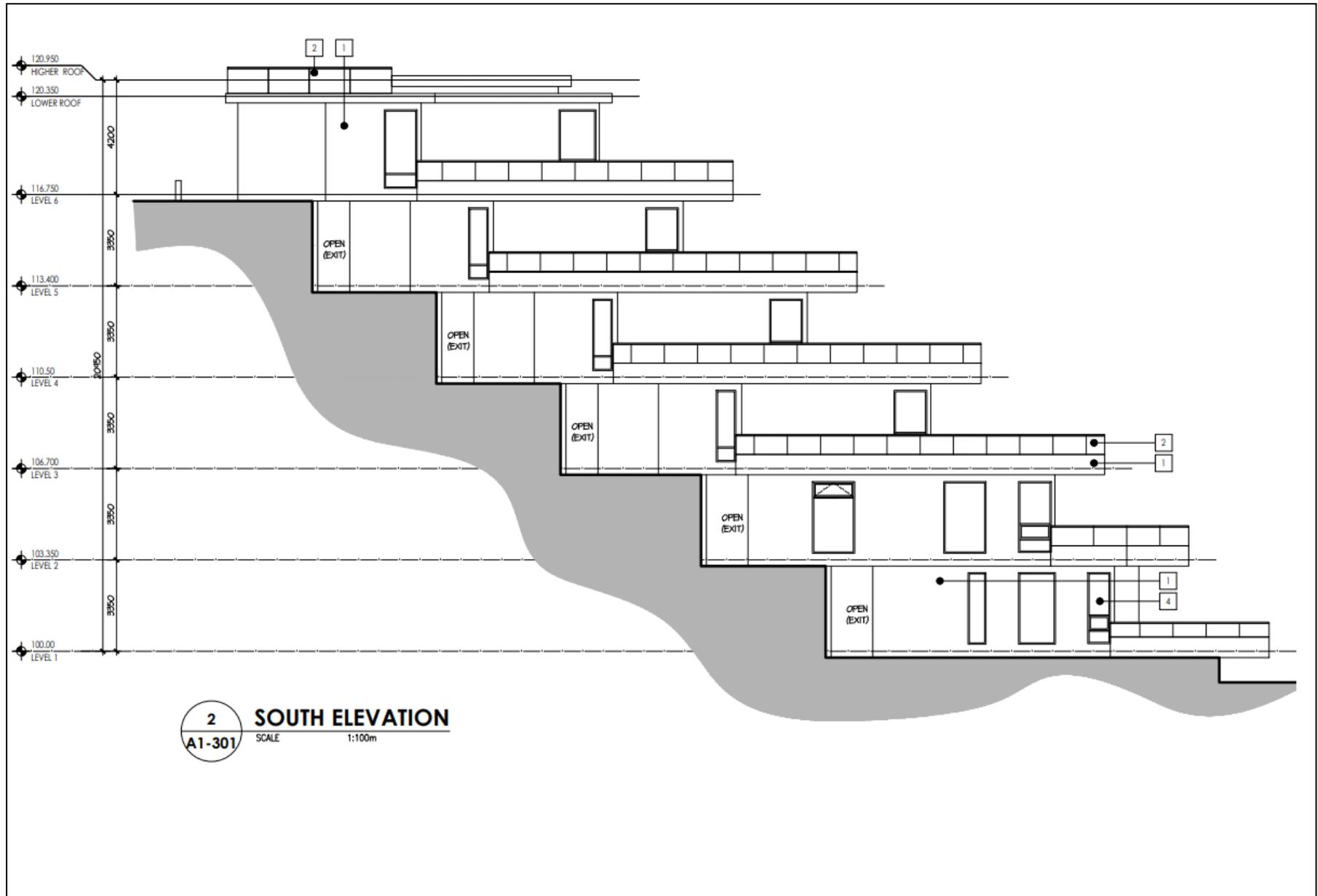
Referrals have been sent to the following agencies as highlighted with a , regarding Amendment Bylaw Nos. 2790.02, 2021 and 2461.18, 2021:

<input checked="" 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 checked="" type="checkbox"/>	Ministry of Agriculture	<input checked="" 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 checked="" type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Ecosystem Section)	<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"/>	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"/>	BC Parks	<input type="checkbox"/>	Upper Similkameen Indian Band (USIB)
<input type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	Lower Similkameen Indian Band (LSIB)
<input type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	Environment Canada
<input checked="" type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input checked="" type="checkbox"/>	Fisheries and Oceans Canada
<input checked="" type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Canadian Wildlife Services
<input type="checkbox"/>	Kootenay Boundary Regional District	<input type="checkbox"/>	OK Falls Irrigation District
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Kaleden Irrigation District
<input type="checkbox"/>	Fraser Valley Regional District	<input type="checkbox"/>	X Irrigation District / improvement Districts / etc.

Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 – Applicant’s Building Elevation (Terrace 1)



Attachment No. 4 – Aerial Photo

