

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: B. Newell, Chief Administrative Officer
DATE: August 23, 2021
RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “F”

Purpose: to allow for the development of 106 dwelling units, a clubhouse and restaurant **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:** part Medium Density Residential (MR); and part Commercial (C)
Zone: Campground Commercial Site Specific (CT2s) **Proposed Zoning:** part Medium Density Residential (RM1) and part General Commercial (C1)

Proposed Development:

This application is seeking to amend the zoning of five subject properties in order to facilitate a medium density residential development with a total of 106 dwelling units within eight terraced apartment structures, in addition to a club house/restaurant.

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 “F” Official Community Plan (OCP) Bylaw No. 2790, 2018, from Tourist Commercial (CT) to part Medium Density Residential (MR); and part Commercial (C); and
- 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 part Medium Density Residential One (RM1); and part General Commercial (C1)

In support of the rezoning, the applicant has stated that “as the lands are allowed to be rezoned we as developer feel that this development will assist in the regional growth and will support the taxes the RDOS and local community.”

Site Context:

Of the five parcels subject to the application, four of them are “hooked” across Highway 97. The portion of the five properties subject to the OCP amendment and rezoning application is approximately 6.8 ha in area and situated on the east side of Highway 97.

The properties are located approximately 1.5 km north of the boundary of District of Summerland and abut the 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 by a Plan of Subdivision deposited with the Land Titles Office in Kamloops 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 (RGS) Bylaw No. 2770, 2017, the site has been designated as part of the “Rural Growth Area” (i.e. Greata Ranch).

Under the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2790, 2018, the subject properties are currently designated Tourist Commercial (CT). The eastern edges of the properties, abutting the Okanagan Lake are the subject of a Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations.

Under the Electoral Area “F” Zoning Bylaw No. 2461, 2008, the properties are currently zoned Campground Commercial Site Specific (CT2s) which permits campground and motel as principal uses and eating and drinking establishment 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).

Analysis:

In considering this proposal, Administration notes that it 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 in the report below.

With respect to the proposal for the commercial OCP designation and rezoning to allow for the clubhouse and restaurant, the OCP bylaw is supportive of directing commercial uses to areas “where they may be considered in conjunction with future residential or commercial tourism developments.”

Administration also notes that the existing zoning of the properties already allows for “eating and drinking establishment” and the proposal is not considered to be a significant departure from the existing permitted use.

Infrastructure Requirements - Water:

In order to meet the infrastructure servicing requirements for the development, the applicant is proposing to construct a privately operated on-site community water system that will only service the proposed development.

Although the OCP discourages the creation of new private water utilities and Administration supports this policy outside of designated Growth Area, within a designated Growth Area Administration consider there to be merit in the creation of private or public utilities in order to facilitate development.

That said, it is Administration's understanding that the applicant is proposing the development of a combined water and wastewater treatment facility, which is not supported by the Regional District's Engineering Services and Operations Departments.

It is also Administration's understanding that the current water licence for the property is in the form of an irrigation license, and that such a licence cannot be used for domestic purposes. It is unknown if the irrigation license is for surface water or groundwater and it will be the responsibility of the property owner to negotiate with the province for a new licence.

Infrastructure Requirements - Sewer:

With regard to the provision of sewer, the applicant is proposing an on-site private system that is to be combined with the water system (as mentioned above). The APC is asked to be aware that such a system is inconsistent with the Liquid Waste Management Plan (LWMP) and cannot be constructed.

As also mentioned above (under "Background") 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.

Administration notes that 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.

In addition, and in order to facilitate development within a designated Growth Area, Administration is *generally* supportive of either private or public systems, subject to compliance with the LWMP.

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.

Administration anticipates that 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.

Riparian Impact:

With regard to the proposed restaurant and clubhouse in the riparian area associated with Okanagan Lake, Administration notes that any redevelopment of the existing dwelling unit for this purpose will likely require a Watercourse Development Permit (WDP) prior to the issuance of a building permit.

Under the provincial Riparian Area Protection Regulation, changes of use appear to be permitted, however, structural alterations and additions (including hard-surfacing for vehicle parking) appear to be prohibited.

It is, accordingly, unknown at this time if the applicant will be able to develop the restaurant and clubhouse within the proposed commercial zoning area.

Alternative Option

Conversely, Administration recognizes that the subject properties are among the few remaining campground zoned lands with excellent lakefront access and the proposed amendments will result in a loss of this amenity.

It is also recognised that the OCP speaks to the suitability of Greata Ranch as a Rural Growth Area under the RGS Bylaw being reviewed, and that this review of the RGS is currently on-going (but has not yet been considered by the Regional District Board).

Additionally, the proposal is not consistent with the LWMP and an amendment to the Plan will be required to allow for the applicant's proposal to proceed as submitted.

Summary:

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

Administrative Recommendation:

THAT the APC recommends to the RDOS Board of Directors that the proposed OCP designation amendment and rezoning of the properties be supported.

Options:

1. THAT the APC recommends to the RDOS Board of Directors that the proposed OCP designation amendment and rezoning of the properties be supported.
2. THAT the APC recommends to the RDOS Board of Directors that the proposed OCP designation amendment and rezoning of the properties be supported with the following conditions:
 - i) *TBD*
3. THAT the APC recommends to the RDOS Board of Directors that the proposed OCP designation amendment and rezoning of the properties be denied.

Respectfully submitted:

Nikita Kheterpal

Nikita Kheterpal, Planner I

Endorsed By:



C. Garrish, Planning Manager

Attachments: No. 1 – Context Maps

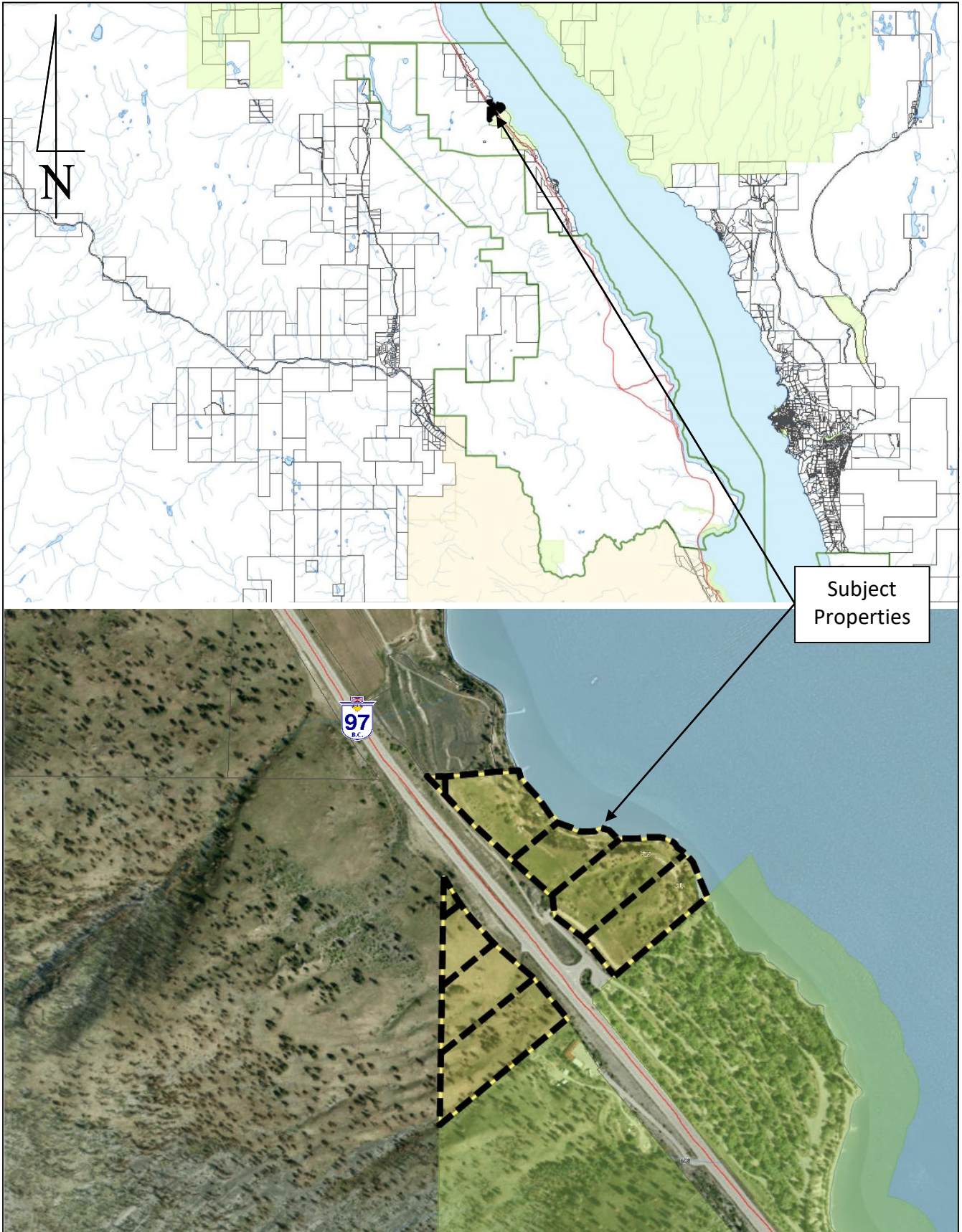
No. 2 – Proposed Land Use Bylaw Map Amendments

No. 3 – Applicant’s Site Plan

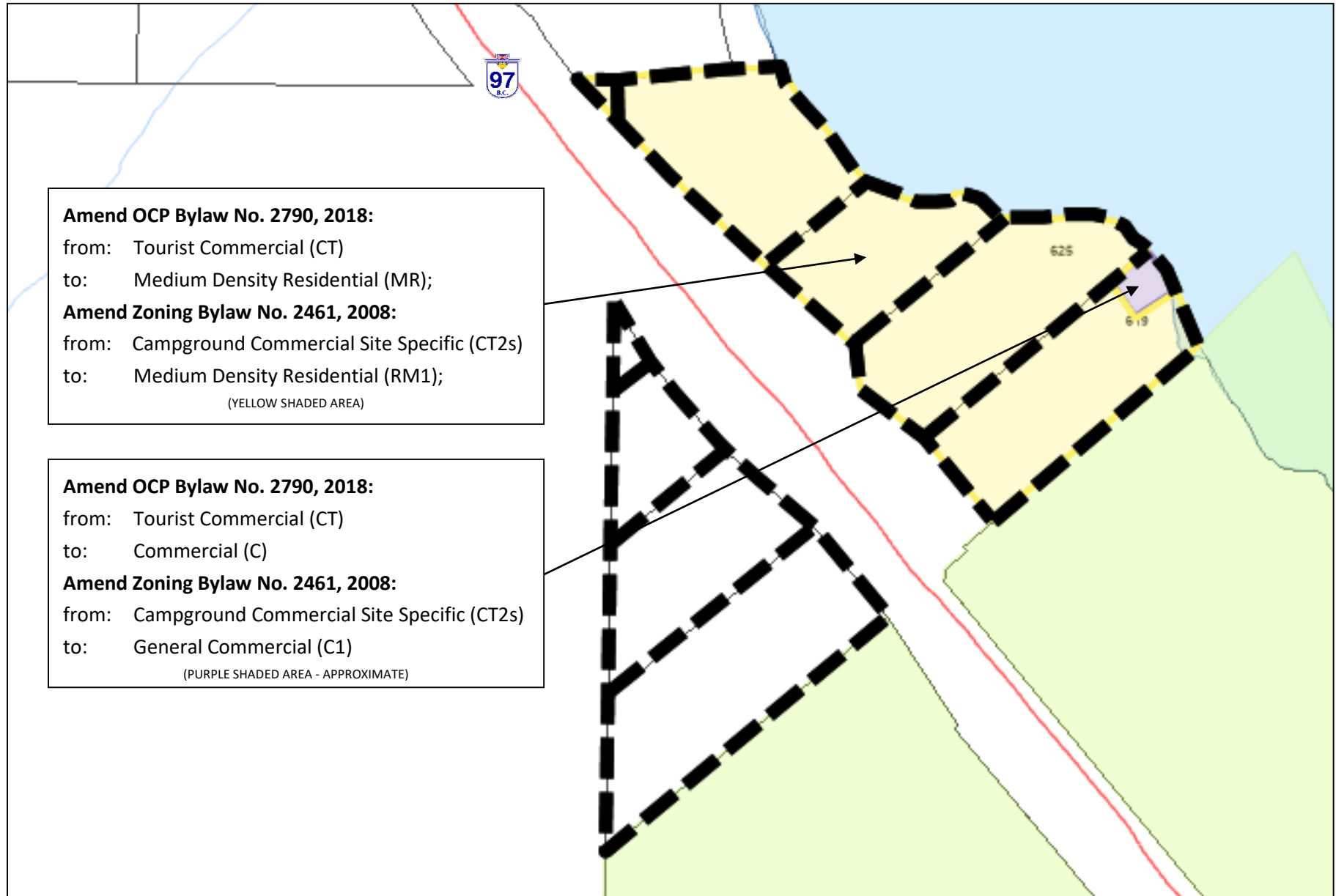
No. 4 – Applicant’s Building Elevation (Terrace 1)

No. 5 – Site Photo

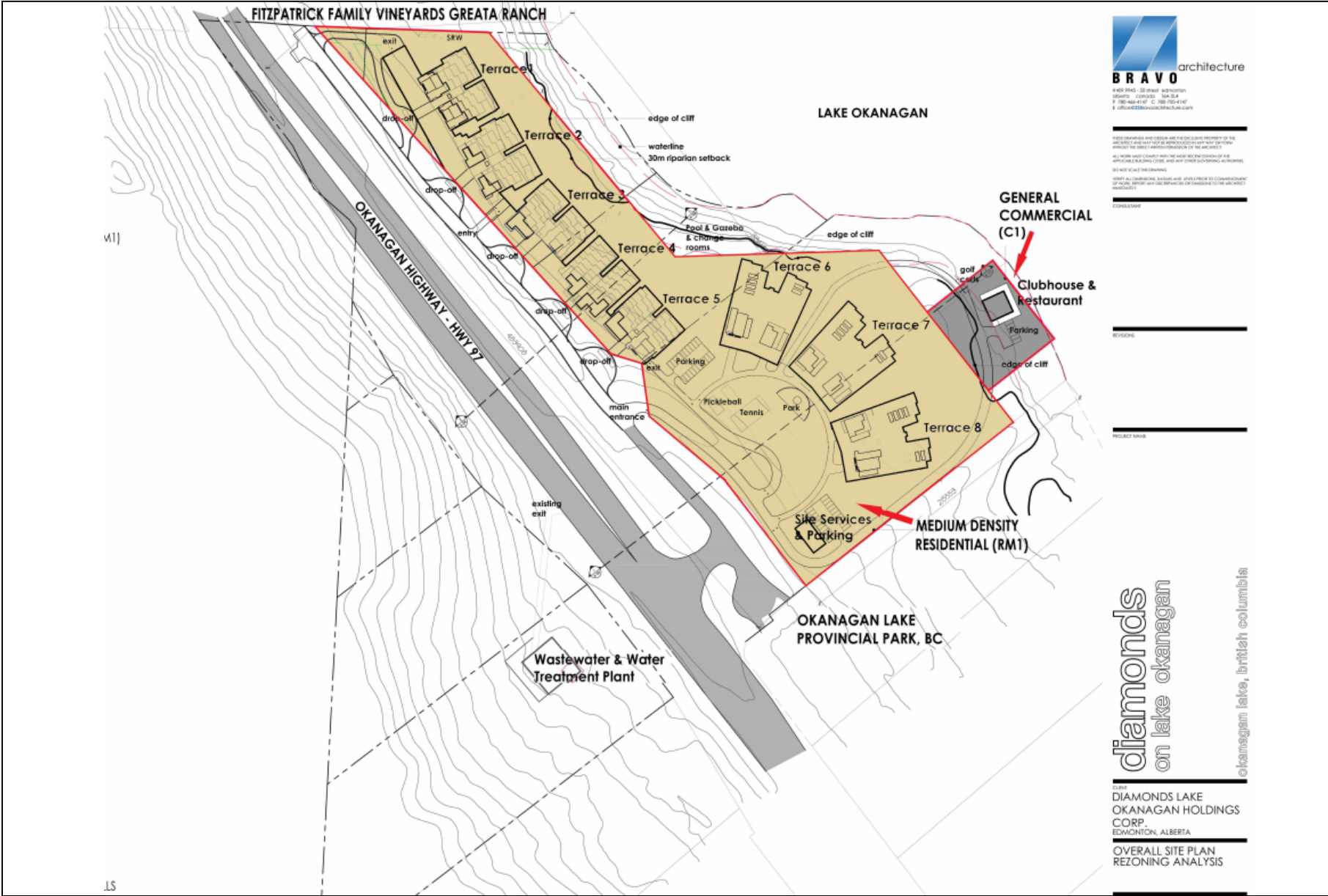
Attachment No. 1 – Context Maps



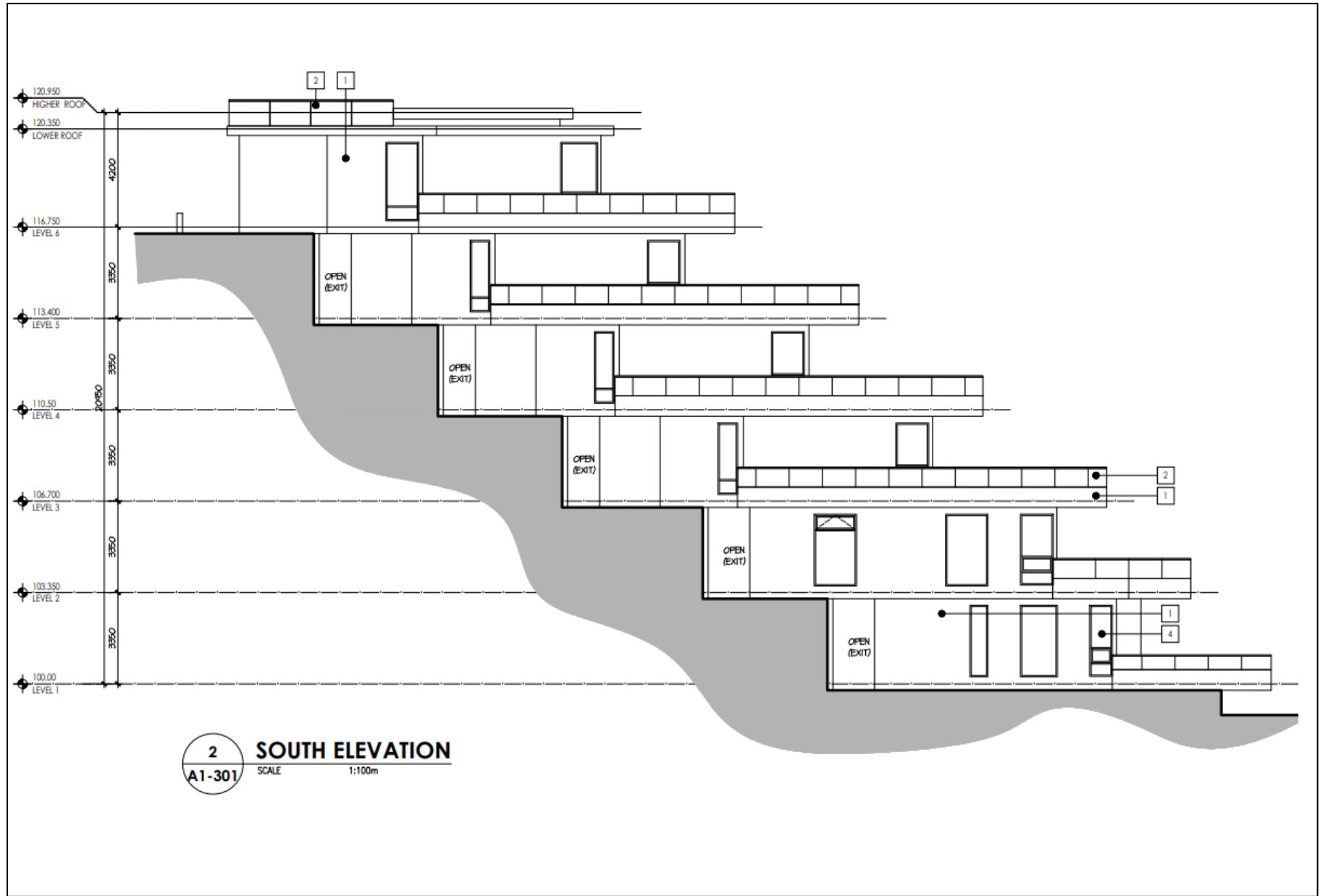
Attachment No. 2 – Proposed Land Use Bylaw Map Amendments



Attachment No. 2 – Applicant’s Site Plan



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



Attachment No. 4 – Site Photo (2017)



Parcel area under application