

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: May 5, 2022

RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “H” (H2021.024-ZONE)

Administrative Recommendation:

THAT Bylaw No. 2497.13, 2022, a bylaw to amend the Area “H” Official Community Plan; and,

THAT Bylaw No. 2498.24, 2022, a bylaw to amend the Area “H” 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 May 5, 2022, 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. 2497.13, 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 Board meeting of June 2, 2022; and

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

Purpose: To allow for a 10-lot bareland strata subdivision.

Folio: H-00885.000

Civic: 240 Lawless Creek Road

Legal: District Lot 1020, YDYG

OCP: Large Holdings (LH)

Zone: Large Holdings Two (LH2)

Proposed Development:

This application is seeking to amend the OCP designation and zoning of the subject property in order to facilitate a 10-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 “H” Official Community Plan (OCP) Bylaw No 2497, 2012, from Large Holdings (LH) to Small Holdings (SH); and,

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- amend the zoning under Schedule '2' (Zoning Map) of the Electoral Area "H" Zoning Bylaw No. 2498, 2012, from Large Holdings Two (LH2) to Small Holdings Three (SH3).

In support of the application, the applicant has stated that "the subject site and the lands to the north are designated as "Growth Areas" for Tulameen.

Site Context:

The subject property is approximately 12.6 ha in area and is situated on the north side of Lawless Creek Road. It is approximately 20 km north west from the boundary of the Town of Princeton. currently comprised of vacant land.

The surrounding pattern of development is generally characterised by large rural residential parcels to the south and west, undeveloped crown land to the north and small residential lots in Tulameen to the east.

Background:

There are no Plans of Subdivision available for the subject property while available Regional District records indicate that building permits have not previously been issued for this property.

Under the Electoral Area "H" Official Community Plan (OCP) Bylaw No. 2497, 2012, the subject property is currently designated Large Holdings (LH), and is the subject of an Environmentally Sensitive Development Permit (ESDP) Area designation on its eastern edge and is designated as a "Growth Area".

Under the Electoral Area "H" Zoning Bylaw No. 2498, 2012, the property is currently zoned Large Holdings Two (LH2) which establishes a minimum parcel size of 8 ha.

As the applicant is pursuing this subdivision in order to facilitate a 10-lot subdivision, Section 510 of the *Local Government Act* will require the parkland dedication at the subdivision stage.

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 97 & 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 February 15, 2022, a Public Information Meeting (PIM) was attended by 7 members of the public. At its meeting of February 15, 2022, the Area “H” Advisory Planning Commission (APC) recommended that the development application be approved, subject to the following conditions:

- i) *Prior to adoption of Amendment Bylaws No. 2497.13, 2022 and 2498.24, 2022, a statutory covenant is registered on the title of District Lot 1020, YDYD, prohibiting any construction on the land, and prohibiting any further or other subdivision of the land until a mutually acceptable arrangement regarding the reservoir has been reached between the land owner and the Regional District.*

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:

This parcel is identified as a Growth Area in the OCP and aligns with what is generally encouraged to occur within such a designated area. The OCP requires that proposals to create additional land designated Small Holdings be assessed against various criteria such as impact on the community, capability of accommodating on-site water and sewage disposal and access to existing roads, which are discussed in the report below.

Access

The parcel is accessible via Lawless Creek Road and a private roadway is proposed to further access the lots into the site. Although road design falls within the purview of the Ministry of Transportation and Infrastructure, the applicant is encouraged to provide adequate “turn around” space for emergency vehicles and to follow the MMCD (Master Municipal Construction Document) Design Guidelines (2014) which recommend a maximum road grade of 12% or 10% in cold climates.

Rural Character

The creation of ten 1.0 ha parcels is seen to be compatible with the rural residential character of the area and not anticipated to have a negative visual impact on the community.

Infrastructure Requirements – Water

While the applicant is not required under the Regional District’s Subdivision Servicing Bylaw to provide a community water system as the proposed parcels are to be greater than 1.0 ha in area, they are proposing to construct a private system to provide water to the proposed parcels.

In addition, the property owner has indicated that they are willing to donate a site for a future public water system (e.g. reservoir and supply/distribution mains as shown on Attachment No. 2).

While the OCP is supportive of continued exploration of “the feasibility and costs of providing a public sewage disposal and/or water system to Tulameen” (Policy 8.2.2) the Regional District has not

undertaken any recent studies to determine community support for the construction of a water system at this time or if a reservoir on the subject property would benefit such a system.

Complicating matters is that the applicant is pursuing a strata and it is likely that any land donation would be in the form of a strata lot. It is not clear if such a parcel would be directly accessible from a publicly dedicated road and if Regional District access to such a lot, including the provision of infrastructure would have to occur over private land (e.g. common strata land).

For these reasons, there is no recommendation to acquire this land through the rezoning process. It is also noted that, in absence of a community sewer, the land comprising a donated reservoir site would likely need to be 1.0 ha in area in order to comply with servicing requirements (NOTE: the applicant is offering a land area of less than 1.0 ha).

Discussions will continue with the property owner about the feasibility of acquiring land for a reservoir outside of the rezoning process.

Infrastructure Requirements – Sewage Disposal

The Subdivision Servicing Bylaw allows for parcels 1.0 ha in area or greater to be serviced by an on-site sewage disposal system (i.e. a septic system) and to not have to connect to a community sewer system.

Environmental Assessment

The applicant has provided an Environmental Assessment for the property which identifies that “the proposed layout design results in minor encroachment within Moderate (ESA 2) areas” and further concludes that “as long as construction is conducted following the mitigation and recommendations provided in this report ... the potential for adverse environmental impacts on environmentally sensitive areas will be low.”

Natural Hazard

It is anticipated that the applicant will be required to do further geotechnical studies and/or hazard risk assessments prior to subdivision approval and at the building permit stage.

Alternatives:

1. THAT the holding of the public hearing be delegated to Director Coyne;
AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Coyne;
AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.
2. THAT Bylaw No. 2497.13, 2022, Electoral Area “H” Official Community Plan Amendment Bylaw and Bylaw No. 2498.24, 2022, Electoral Area “H” Zoning Amendment Bylaw be, be denied.

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

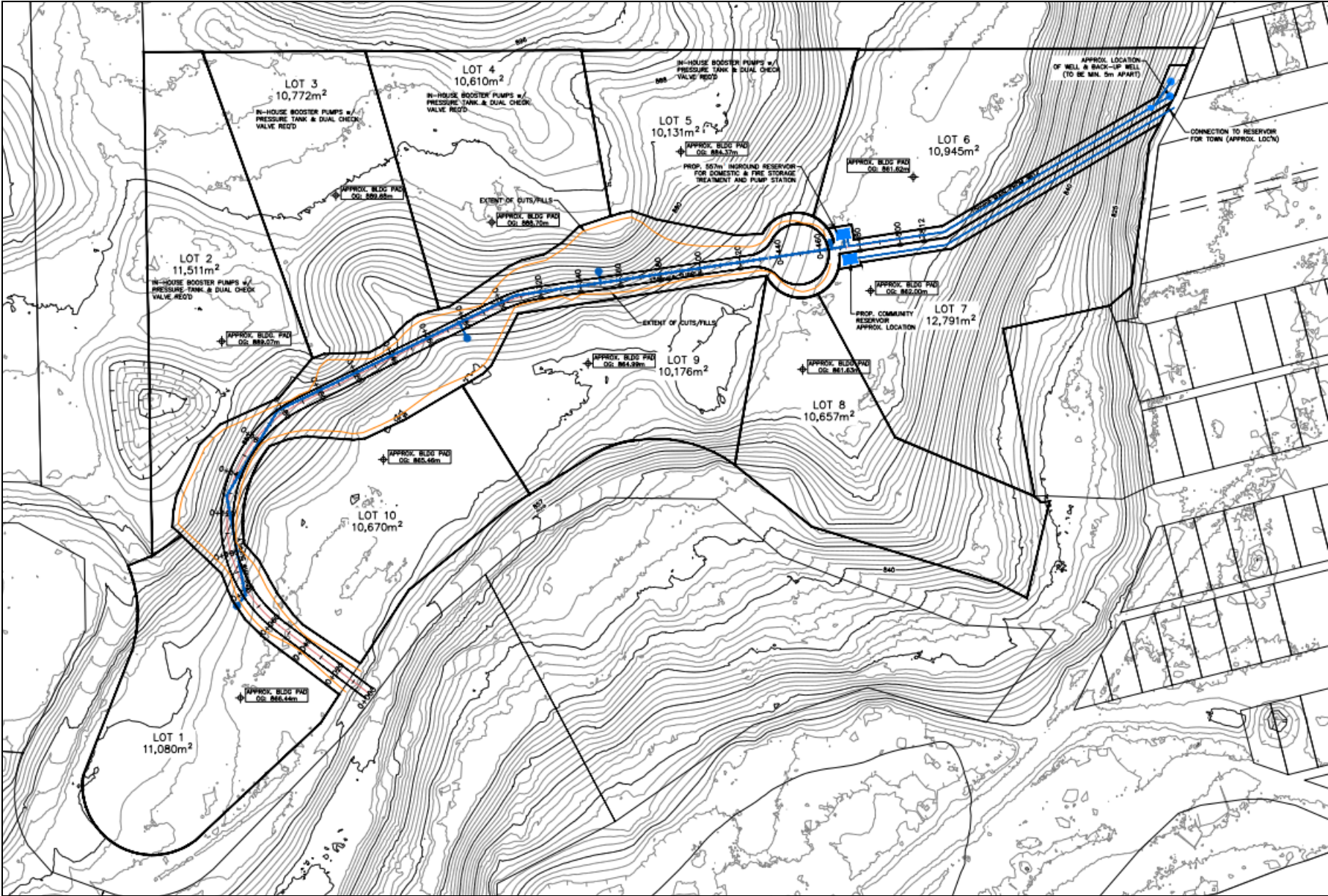
No. 3 – Site Aerial Photo

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Amendment Bylaw No. 2497.13, 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 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 type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input type="checkbox"/>	Ministry of Transportation and Infrastructure	<input type="checkbox"/>	Penticton Indian Band (PIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Osoyoos Indian Band (OIB)
<input 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 checked="" type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input type="checkbox"/>	Fisheries and Oceans Canada
<input 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 checked="" type="checkbox"/>	Tulameen Volunteer Fire Department

Attachment No. 2 – Applicant's Site Plan



Attachment No. 3 – Site Aerial Photo

