

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** September 22, 2022  
**RE:** Zoning Bylaw Amendment – Electoral Area “I” (I2022.013-ZONE)

---

### Administrative Recommendation:

**THAT** Bylaw No. 2683.07, 2022, a bylaw to amend the Electoral Area “I” Official Community Plan Bylaw to allow for the construction of a single detached dwelling at 236 Creekview Rd. be read a first and second time and proceed to public hearing; and,

**THAT** Bylaw No. 2800.17, 2022, a bylaw to amend the Okanagan Valley Zoning Bylaw 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 September 22, 2022, 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. 2683.07, 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 October 6, 2022.

---

Folio: I-02807.831 Legal: Lot 4, District Lot 395S, SDYD, Plan KAP81773

OCP: Medium Density Residential (MR) Zone: Medium Density Residential Apex (RM2)

---

### Proposed Development:

This application requires the following land use bylaw amendments as 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, 2016, from Medium Density Residential (MR) to Low Density Residential (LR); and
- amend the zoning under Schedule ‘2’ (Zoning Map) of the Okanagan Valley Zoning Bylaw No. 2800, 2022, from Medium Density Residential Apex (RM2) to Low Density Residential Apex Duplex (RD2).

In support of the rezoning, the applicant has stated that:

- *the new zoning will allow us to build a single family home on the vacant lot at 236 Creekview Rd;*
  - *the surrounding lots on Creekview Rd and above on Apex Mountain Rd are mainly single family homes;*
-

- 
- *an apartment building or townhouse would be challenging to fit on the lot due to the lot's size and steep topography;*
  - *water and sewer hookup at Apex Mountain Resort for this lot is registered as a single family lot – construction of anything larger requires an application for a CPCN amendment before proceeding, which may not be approved;*
  - *our proposed building is very well designed and fits with the architecture of surrounding buildings; and,*
  - *the RDOS is supporting this application – we understand that the RDOS has intended to rezone this lot in February 2023.*

**Site Context:**

The property is 1,005 m<sup>2</sup> in area and is situated on the west side of Creekview Rd. The parcel is currently vacant. The surrounding pattern of development is characterised by similarly sized low density residential lots zoned RD2, with the exception of the north-westerly adjacent parcel which is zoned RM2 and the north-easterly lands which are zoned Resource Area (RA).

**Background:**

The property was created on August 24, 2006, while available Regional District records indicate building permits have not previously been issued for this property. A building permit application was submitted for a single detached dwelling on July 25, 2022; however, the current RM2 zoning which applies to the property does not permit “single detached dwelling”.

Under the Regional Growth Strategy (RGS) Bylaw No. 2770, 2017, the Apex area is designated as a Rural Growth Area. The property is designated Medium Density Residential (MR) and establishes a maximum net density for single detached dwelling units on lands designated LR of 30 units per hectare for areas served by a community water system and community sewerage treatment system (Section 11.4.2).

The OCP Bylaw also contains policy which supports the re-designation of lands to LR only within designated Primary and Rural Growth Areas in order to achieve lower servicing costs and to minimize environmental impacts (Section 11.4.4).

The property is zoned Medium Density Residential Apex (RM2) which permits “apartment building”, “townhouse”, and “vacation rental, subject to Section 7.10” as principal uses but does not permit “single detached dwelling”. It is serviced by a community water and community sewerage system, both of which are managed by the Apex Mountain Resort.

As part of the application, the property owners submitted a letter from the Apex Mountain Resort which confirms that the property is authorized to hook up to water and sewer, and that the property is registered as a “single family lot”.

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. 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.

**Public Process:**

**September 7, 2022** - a Public Information Meeting (PIM) was held electronically and there were no public attendees.

**August 17, 2022** - the Electoral Area "I" Advisory Planning Commission (APC) recommended that the subject development application be approved.

The consultation process meets the legislative requirements and all comments received to date in relation to this application are included as a separate item on the Board Agenda.

**Analysis:**

The Regional District conducted the Apex Zone Review in 2020, which had resulted in the rezoning of various residential parcels throughout the Apex Mountain Village. The property was rezoned from Residential Multiple Unit Three (RM3) to Medium Density Residential Apex (RM2) as a result of the Apex Zone Review.

As it relates to this application, the former RM3 zone had previously allowed for "single detached dwellings" as a principal use, in addition to various multi-unit housing options and the rezoning of the property to RM2 had subsequently removed the allowance for the construction of a single detached dwelling on the subject property. The proposed development of a single detached dwelling on the property is not anticipated to exceed the 30 unit threshold as described under Section 11.4.2 of the OCP Bylaw.

Further, the proposal is consistent with Section 11.4.4 of the OCP Bylaw, as the property is designated as a Rural Growth Area under the RGS and generally consistent with the OCP Bylaw.

A majority of the surrounding parcels are zoned RD2 and are designated LR. As such, the proposed amendments would be in keeping with the existing development patterns and direction in the general vicinity of the subject property.

Conversely, the size of the property would provide for the development of a larger multi-family dwelling unit with the potential for achieving greater density (i.e., an apartment building or townhouse as opposed to a single detached dwelling or duplex building).

As part of the Apex Zone Review, it was noted that Apex is a Rural Growth Area and amendments were made to encourage further densification, albeit, in the village core.

---

**Alternatives:**

1. THAT Bylaw No. 2683.07, 2022, Electoral Area "I" Official Community Plan Amendment Bylaw and Bylaw No. 2800.17, 2022, Okanagan Valley Zoning Amendment Bylaw be denied.

**Respectfully submitted:**



Shannon Duong, Planner II

**Endorsed By:**



C. Garrish, Planning Manager

- Attachments: No. 1 – Context Maps  
No. 2 – Aerial Photo  
No. 3 – Applicant's Site Plan  
No. 4 – Applicant's Floor Plans  
No. 5 – Applicant's Building Elevations  
No. 6 – Site Survey  
No. 7 – Site Photo

Attachment No. 1 – Agency Referral List

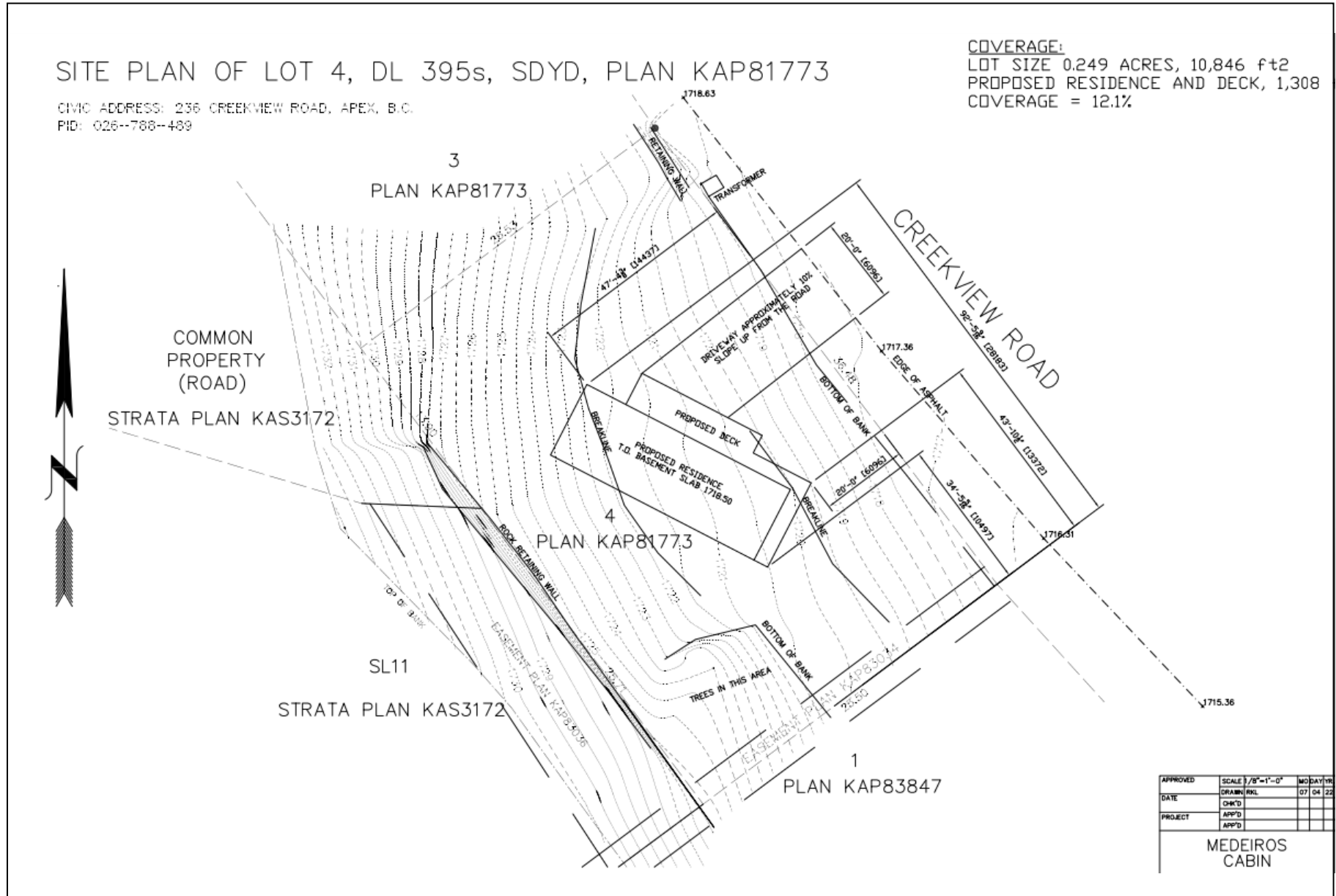
Referrals have been sent to the following agencies as highlighted with a , regarding Amendment Bylaw Nos. 2800.17, 2022 & 2683.07, 2022.

<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 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"/>	PIB & OIB (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 type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	Kaleden Irrigation District
<input checked="" type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input checked="" type="checkbox"/>	Apex Mountain Resort
<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"/>	Apex Volunteer Fire Department		

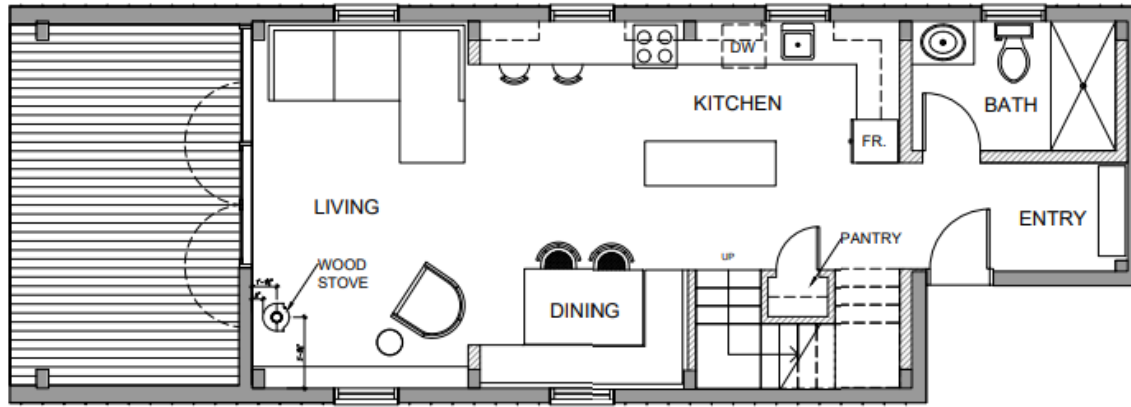
Attachment No. 2 – Aerial Photo



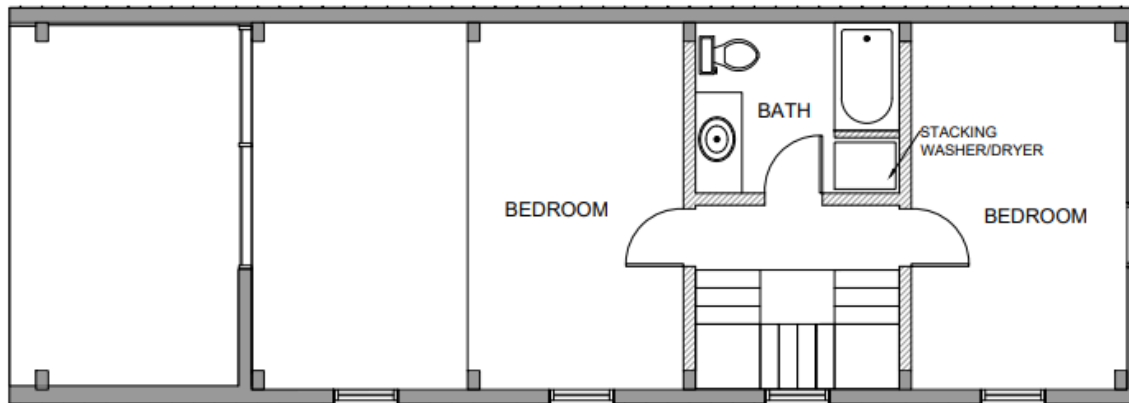
Attachment No. 3 – Applicant's Site Plan



Attachment No. 4 – Applicant's Floor Plans



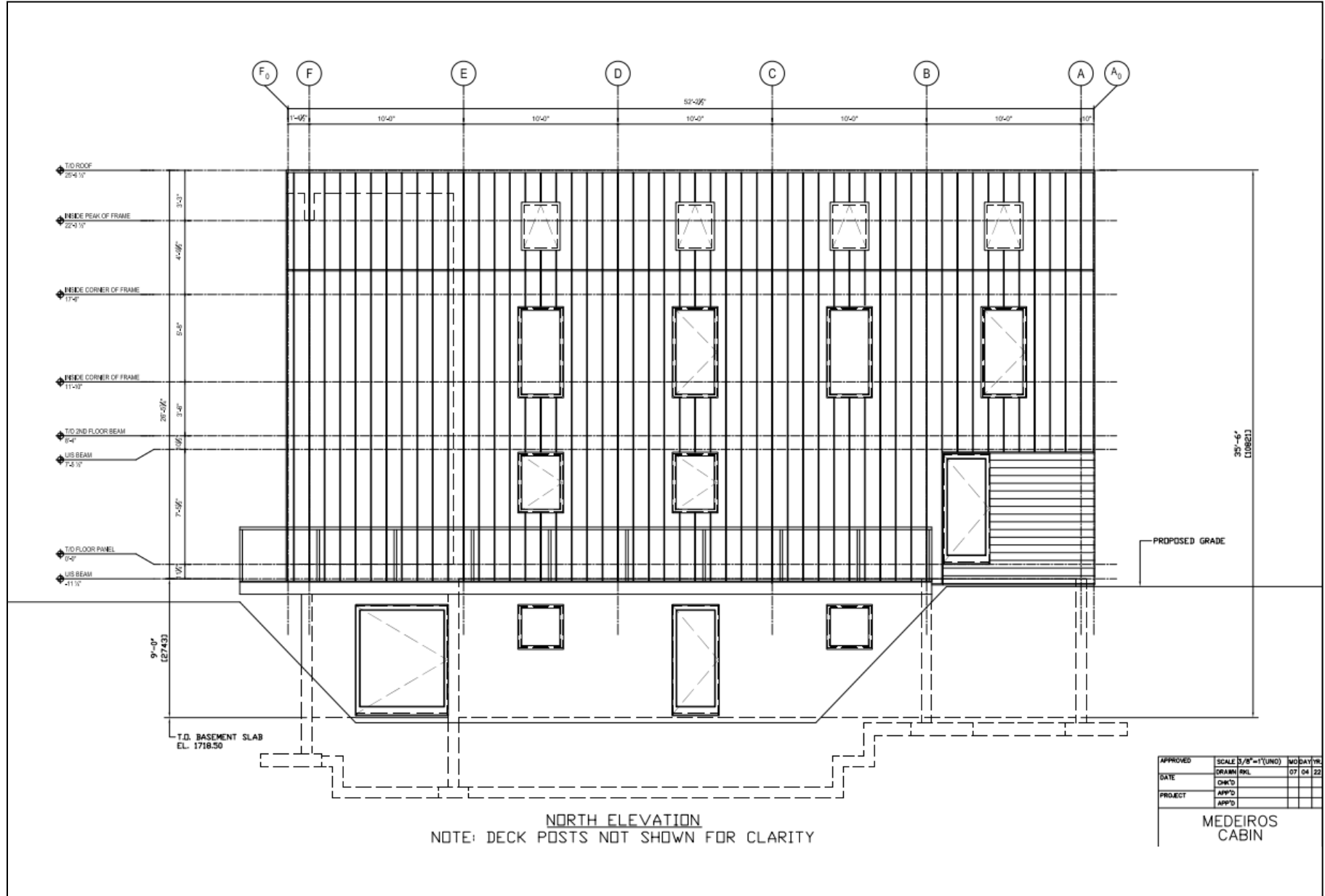
1 FIRST FLOOR PLAN  
ID 1 SCALE: 1/4" = 1'-0"



2 SECOND FLOOR PLAN  
ID 1 SCALE: 1/4" = 1'-0"



Attachment No. 5 – Applicant’s Building Elevation (North)

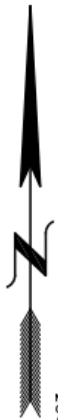


Attachment No. 6 – Site Survey

SITE PLAN OF LOT 4, DL 395s, SDYD, PLAN KAP81773

CIVIC ADDRESS: 236 CREEKVIEW ROAD, APEX, B.C.  
PID: 026-788-489

SCALE 1:250



LEGEND

- STANDARD IRON POST FOUND
- 1720— CONTOUR ELEVATION
- ∇715.36 SPOT ELEVATION

NOTE: SUBJECT TO THE NON-FINANCIAL CHARGES AND INTERESTS WHICH MAY AFFECT THE PROPERTY SEE CERTIFICATE OF TITLE AND RELATED CHARGE DOCUMENTS FOR CONFIRMATION

THIS PLAN IS BASED ON LAND TITLE AND SURVEY AUTHORITY RECORDS AND A FIELD SURVEY. UNREGISTERED INTERESTS HAVE NOT BEEN CONSIDERED.

LAND SURVEYING COMPANY AND SURVEYOR ACCEPT NO RESPONSIBILITY FOR AND HEREBY DISCLAIM ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES INCLUDING, BUT NOT LIMITED TO, DIRECT, INDIRECT, SPECIAL, AND CONSEQUENTIAL DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE

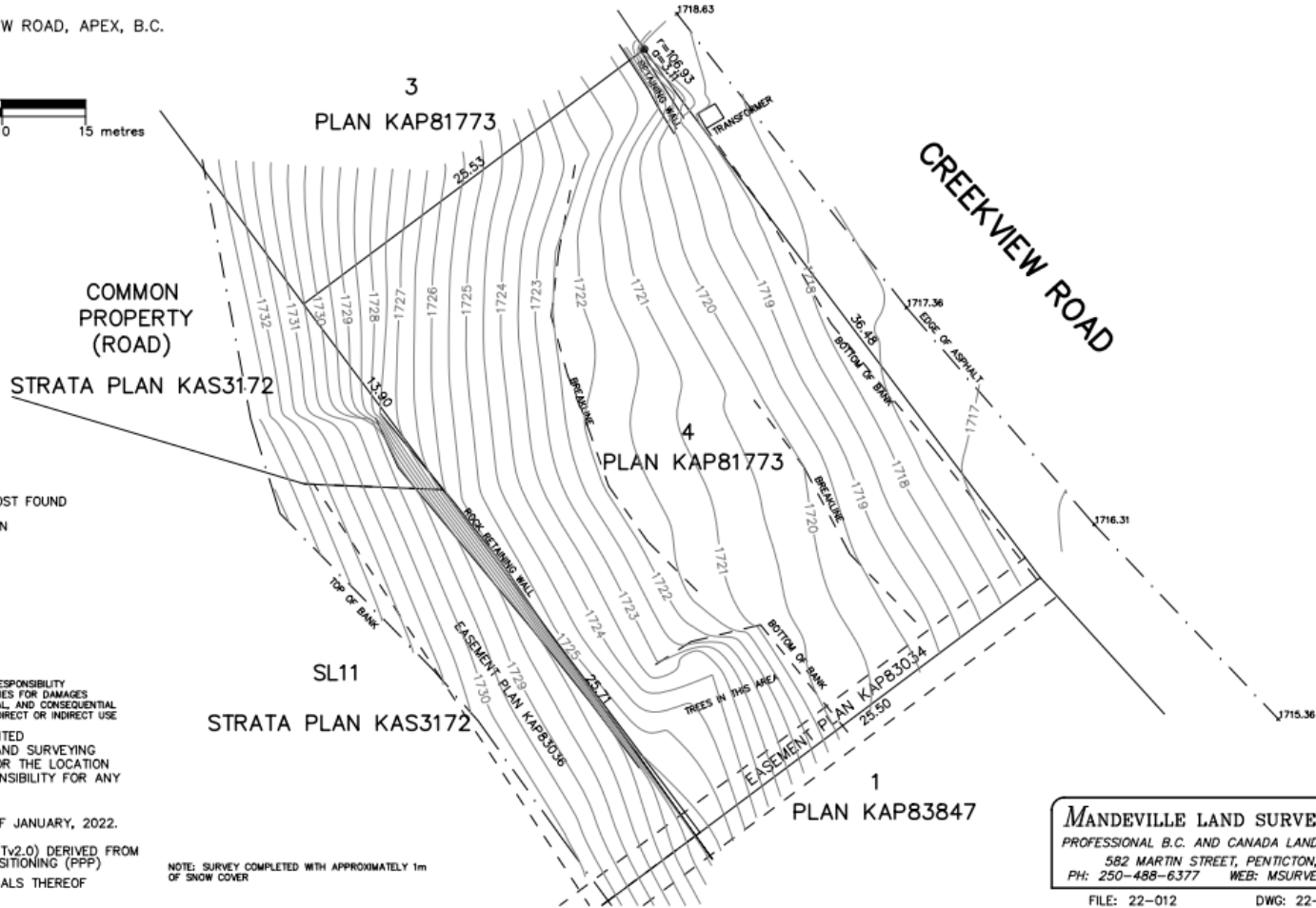
THIS PLAN IS PREPARED SOLELY FOR A LIMITED CONTRACTUAL USE BETWEEN MANDEVILLE LAND SURVEYING AND OUR CLIENT. IT IS NOT TO BE USED FOR THE LOCATION OF PROPERTY LINES. WE ACCEPT NO RESPONSIBILITY FOR ANY UNAUTHORIZED USE.

FIELD SURVEY COMPLETED THIS 21st DAY OF JANUARY, 2022.

ELEVATIONS ARE GEODETIC (ORTHOMETRIC HTV2.0) DERIVED FROM GNSS OBSERVATION AND PRECISE POINT POSITIONING (PPP)

ALL DIMENSIONS ARE IN METRES AND DECIMALS THEREOF UNLESS OTHERWISE NOTED

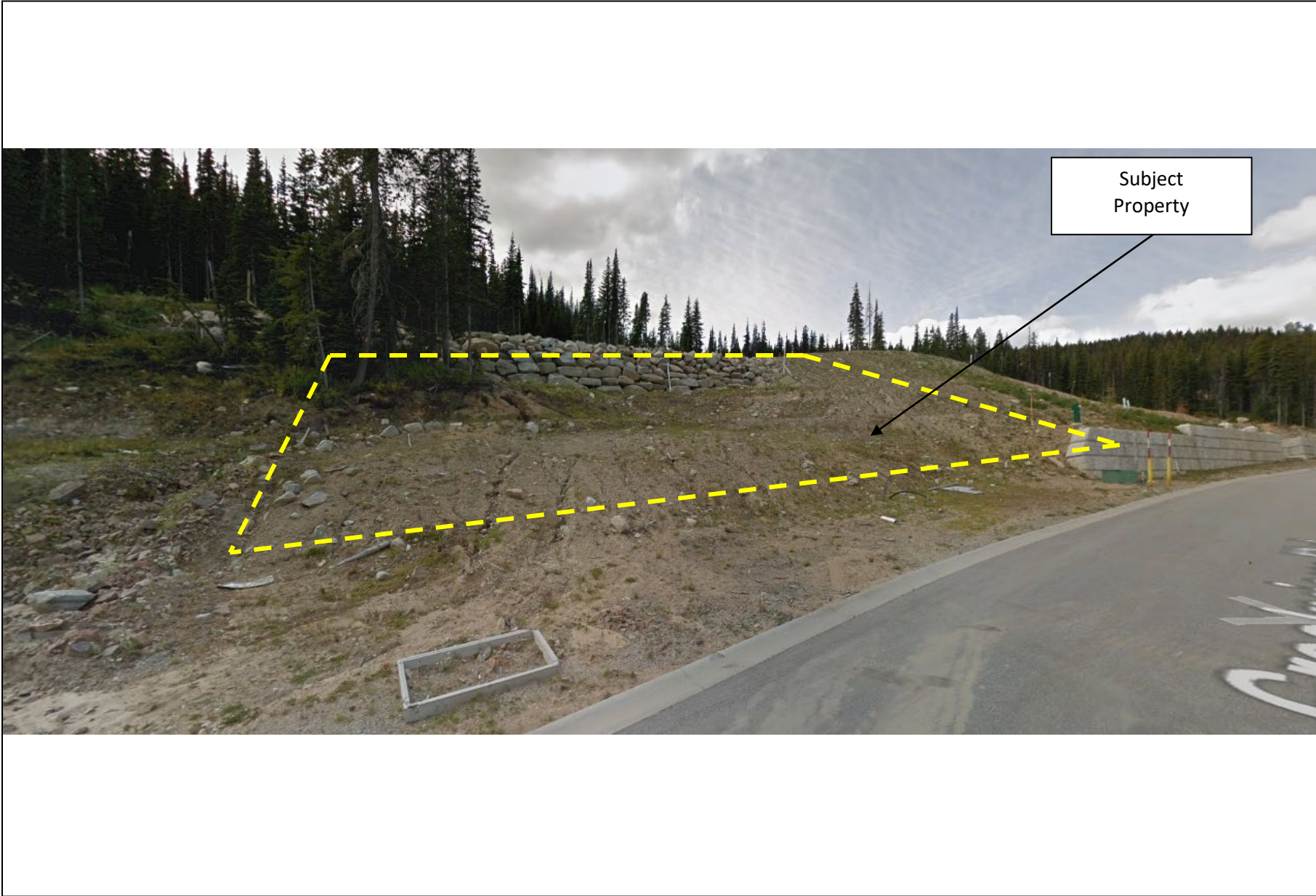
NOTE: SURVEY COMPLETED WITH APPROXIMATELY 1m OF SNOW COVER



**MANDEVILLE LAND SURVEYING INC.**  
PROFESSIONAL B.C. AND CANADA LAND SURVEYORS  
582 MARTIN STREET, PENTICTON, B.C.  
PH: 250-488-6377 WEB: MSURVEYING.COM

FILE: 22-012 DWG: 22-012

Attachment No. 7 – Site Photo



Subject  
Property