

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: March 15, 2018

RE: Official Community Plan & Zoning Bylaw Amendments – Electoral Areas “D-2”
Large Holdings Three (LH3) Zone Review

Administrative Recommendation:

THAT Bylaw No. 2603.12, 2018, Electoral Area “D-2” Official Community Plan Amendment Bylaw, Bylaw No. 2603.13, 2018, Electoral Area “D-2” Official Community Plan Amendment Bylaw and Bylaw No. 2455.30, 2018, Electoral Area “D-2” Zoning Amendment Bylaw be read a first and second time and proceed to a public hearing;

AND THAT the Board of Directors considers the process, as outlined in the report from the Chief Administrative Officer dated March 15, 2018, 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 Nos. 2603.12, 2018, and 2603.13, 2018, 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 April 5, 2018;

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

Purpose:

The proposed amendment bylaws seek to amend the Electoral Area “D-2” Official Community Plan and Zoning Bylaws in order to generally consolidate the Large Holdings Three (LH3) Zone with the Resource Area (RA) Zone, however, there are instances where other zonings such as Large Holdings One (LH1), Large Holdings Two (LH2) and Small Holdings Three (SH3) are being proposed. This amendment relates to the work being undertaken on the preparation of a single Okanagan Valley Electoral Area Zoning Bylaw.

Background:

At its meeting of October 16, 2008, the Board considered an [Administrative Report](#) proposing the creation of a single Electoral Area Zoning Bylaw and directed staff to investigate the preparation of such a bylaw. The 2018 Business Plan includes a direction to “continuously improving bylaws, policy and process within the organization ...”

In anticipation of bringing forward a draft zoning bylaw for consideration by the Board, a series of draft amendments (by zone category) will be presented over the coming months intended to update various zones and facilitate their eventual consolidation in a new bylaw.

At its meeting of November 16, 2017, the Planning and Development (P&D) Committee of the Board resolved that staff initiate the Electoral Area “D-2” Large Holdings Update Official Community Plan Amendment Bylaw No. 2603.12 and Zoning Amendment Bylaw No. 2455.30.

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) will be 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. 53 & 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:

On January 18, 2018, the Regional District sent letters to all registered property owners with land zoned LH3 advising of the proposed changes to the land use bylaws and seeking feedback. As of March 6, 2018, no feedback forms had been returned to the Regional District, however, staff were contacted informally by a number of affected property owners seeking clarification regarding the proposed amendments and potential impacts on their property.

Administration recommends that the written notification of affected property owners 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, this process is seen to be sufficient early and does not need to have further ongoing consultation.

As of March 6, 2018, Agency comments had been received from the Penticton Indian Band (PIB) and Ministry of Transportation and Infrastructure (MoTI) and these are included as a separate item on the Board Agenda.

Analysis:

In light of the substantial similarities that exist between the LH3 and RA Zones in Electoral Area “D-2” as well as the similar objectives and policy statements that seek to keep such lands in a generally “undeveloped” state, Administration is recommending that the LH3 Zone be consolidated into the RA Zone.

To facilitate this, Administration is proposing to re-draft the Large Holdings section of the OCP Bylaw to be consistent with the other Okanagan Electoral Areas.

It is noted that, due to the origins of the Large Holdings designation/zone in the “Openland and Farmland” designation (1982) — which appears to have been a “catchall” type of zoning — amending the zoning of a number of properties to RA would not be appropriate.

For example, there are a number of LH3 zoned properties significantly less than 1.0 ha in area, including within the Okanagan Falls townsite, which would be more appropriately zoned either Residential Single Family One (RS1) or Small Holdings Three (SH3). A number of other properties would also be more appropriately zoned Small Holdings Four (SH4), Large Holdings One (LH1), Large Holdings Two (LH2) or Parks and Recreation (PR).

In addition, The Nature's Trust of British Columbia (TNTBC) also has extensive land holdings within the Electoral Area, some of which is currently zoned Conservation Area (CA), LH3 and Comprehensive Development (CD).

To bring consistency to the designation and zoning of these TNTBC parcels, Administration is proposing the introduction of a Conservation Area Site Specific (CAs) Zone with the site specific allowing "agriculture" as a permitted use in recognition that some of these lands are in the Agricultural Land Reserve (ALR) and are leased by TNTBC for farm purposes.

As a result of feedback received from the property owner of 980 Pumphouse Road and their desire to retain the Medium Density Residential (MR) designation that currently applies to the property under the OCP Bylaw, Administration is proposing the initiation of Amendment Bylaw 2603.13.

In order to replace the LH3 Zone which applies to part of the property with an RS1 Zone (being the zoning that applies to the other part of their property) the OCP designation must change from MR to Low Density Residential (LR). Amendment Bylaw 2603.13 proposes to restore the MR designation immediately after the RS1 Zone has been adopted, should the Board support the changes contained within these bylaws.

Alternatives:

THAT the Board of Directors deny first reading of the Electoral Area "D-2" Official Community Plan Amendment Bylaws No. 2603.12, 2018, and 2603.13, 2018, and the Electoral Area "D-2" Zoning Amendment Bylaw No. 2455.30, 2018.

Respectfully submitted:



C. Garrish, Planning Supervisor

Endorsed by:



B. Dollevoet, Dev. Services Manager

Attachments: No. 1 — Agency Referral List

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Amendment Bylaw No. 2603.12, 2018:

<input checked="" type="checkbox"/>	Agricultural Land Commission (ALC)	<input type="checkbox"/>	Fortis
<input checked="" type="checkbox"/>	Interior Health Authority (IHA)	<input checked="" type="checkbox"/>	City of Penticton
<input checked="" type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	District of Summerland
<input type="checkbox"/>	Ministry of Energy & Mines	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Community, Sport and Cultural Development	<input type="checkbox"/>	Town of Osoyoos
<input checked="" type="checkbox"/>	Ministry of Environment	<input type="checkbox"/>	Town of Princeton
<input checked="" type="checkbox"/>	Ministry of Forest, Lands & Natural Resource Operations	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Tourism and Innovation	<input 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 checked="" type="checkbox"/>	Osoyoos Indian Band (OIB)
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Upper Similkameen Indian Bands (USIB)
<input checked="" type="checkbox"/>	School District #53 (Okanagan Similkameen)	<input type="checkbox"/>	Lower Similkameen Indian Bands (LSIB)
<input type="checkbox"/>	School District #58 (Nicola Similkameen)	<input checked="" type="checkbox"/>	Environment Canada
<input checked="" type="checkbox"/>	School District #67 (Okanagan Skaha)	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Archaeology Branch
<input type="checkbox"/>	Kootenay Boundary Regional District	<input type="checkbox"/>	Dominion Radio Astrophysical Observatory
<input type="checkbox"/>	Thompson Nicola Regional District	<input checked="" type="checkbox"/>	Canadian Wildlife Services
<input type="checkbox"/>	Fraser Valley Regional District		