

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: March 18, 2021

RE: Electoral Area "A" OCP Bylaw No. 2905

Administrative Recommendation:

THAT the Electoral Area "A" Official Community Plan Bylaw No. 2905, 2021, 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 March 18, 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. 2905, 2021, in conjunction with its Financial and applicable Waste Management Plans;

AND THAT the holding of the public hearing be delegated to Director Pendergraft;

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

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

Purpose:

Bylaw No. 2905 represents a review and update of the Electoral Area "A" Official Community Plan (OCP) Bylaw and is proposing to repeal and replace the current Electoral Area "A" OCP Bylaw No. 2450, 2008.

Background:

At its meeting November 6, 2008, the Regional District Board adopted the current Electoral Area "A" OCP Bylaw No. 2450, 2008.

At its meeting of January 3, 2019, the Planning and Development (P&D) Committee of the Board directed that the Electoral Area "A" OCP Bylaw be reviewed commencing in the fourth quarter of 2019 (in place of the Electoral Area "C" OCP Bylaw) and subsequently included in the Board's 2019 Business Plan.

At its meeting of October 17, 2019, the contract for the review of the OCP Bylaw was awarded to EcoPlan International Inc., with work on the project commencing in November of 2019, with the scheduled end date being set for March of 2021.

Consultation Requirements:

Under Section 475 of the *Local Government Act*, during the development of an official community plan, the Regional District “must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.”

The Act further requires that this consultation “should be early and ongoing” and involve the following:

1. *the board of the regional district in which the area covered by the plan is located, in the case of a municipal official community plan;*
2. *the board of any regional district that is adjacent to the area covered by the plan;*
3. *the council of any municipality that is adjacent to the area covered by the plan;*
4. *first nations;*
5. *boards of education, greater boards and improvement district boards;*
6. *the Provincial and federal governments and their agencies.*

To ensure that the Regional District is meeting these requirements, the Board has adopted an *Official Community Plan Bylaw Consultation Policy* (2016) that requires a staff report be prepared prior to first and/or second reading of any new OCP Bylaw “summarizing the consultation undertaken, if additional consultation with external agencies, persons, organizations and authorities is required.”

According to the Policy, this “consultation may involve a variety of methods, including information meetings, open houses, flyers, surveys, dialogue and/or written correspondence.”

Public Engagement Process:

The consultations undertaken in support of this review have included the following:

- the completion of two (2) on-line community surveys;
- the distribution of four (4) Community Newsletters in November of 2019, June & November of 2020 and January of 2021;
- the distribution of postcards notifying the OCP Review project to the community;
- an on-line presentation to the Anarchist Mountain Community Association on July 15, 2020;
- presence at the Osoyoos Market on Main - Farmer's Market on Saturday July 25, 2020 and Saturday August 15, 2020;
- the convening of an in-person open house at the Sonora Centre on September 21, 2020 (attended by approximately 30-35 members of the public);
- an on-line public meeting on February 24, 2021 (attended by approximately 10-12 members of the public);
- engagement with external agencies, such as the Okanagan Basin Water Board, Interior Health, Ministry of Transportation and Infrastructure (MoTI), the Agricultural Land Commission, and the Town of Osoyoos (see Attachment No. 1);
- on-going discussions with staff at the Osoyoos Indian Band (OIB); and
- on-going dialogue with members of the Electoral Area “A” Advisory Planning Commission (APC) through meetings and electronic correspondence.

Pursuant to Section 477 of the *Local Government Act*, after first reading the Regional Board must consider the proposed OCP Bylaw in conjunction with Regional District's current financial and waste management plans. The proposed OCP Bylaw 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.

Agency Consideration:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as Bylaw No. 2905 is an official community plan and the Ministry's interest is restricted to zoning bylaws involving lands within 800 metres of a controlled access highway (i.e. Highway 97 & 3) under Section 52 of the *Transportation Act*. Nevertheless, MoTI was referred a copy of Bylaw No. 2905 and provided comment.

Pursuant to Section 476 of the *Local Government Act*, the Regional District must consult with the relevant School District when proposing to introduce an OCP for an area that includes the whole or any part of that School District. In this instance, School District No. 53 have been made aware of the proposed amendment bylaw.

Pursuant to Section 475 of the *Local Government Act*, the Regional District must consult with the Agricultural Land Commission (ALC) when proposing to adopt an OCP Bylaw which might affect lands in the Agricultural Land Reserve (ALR). Both the ALC and the Ministry of Agriculture have provided comments on Bylaw No. 2905.

Summary of Engagement:

Administration recommends that the public engagement outlined above should be considered appropriate consultation for the purpose of Section 475 of the *Local Government Act*, as well as the Board's *Official Community Plan Bylaw Consultation Policy* (2016). 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:

Draft OCP Bylaw No. 2905 is seen as meeting the statutory requirements set out under Section 473 of the *Local Government Act* (i.e. 5 year supply of land for residential housing needs; policies that speak to affordable, rental and special needs housing; greenhouse gas emissions reduction targets, etc.), and as aligning with the community's goals and objectives as well as those that have previously been adopted by Regional District Board (e.g. Regional Growth Strategy).

Administration appreciates the efforts of residents that participated in this project and provided feedback at the various stages of drafting the new Official Community Plan and is recommending that first reading of Bylaw No. 2905 be approved.

Administration would also like to highlight that the project is being delivered on schedule and has been completed within the allotted budget.

Alternatives:

1. THAT first reading of the Electoral Area "A" Official Community Plan Bylaw No. 2905 be denied.

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2. THAT first reading of the Electoral Area "A" Official Community Plan Bylaw No. 2905 be deferred pending:
- a) *TBD*

Respectfully submitted:



C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral list

Attachment No. 1 – Agency Referral List

Referrals to be sent to the following agencies as highlighted with a , prior to the Board considering first reading of Official Community Plan (OCP) Bylaw No. 2905:

<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 type="checkbox"/>	District of Summerland
<input checked="" type="checkbox"/>	Ministry of Energy, Mines & Petroleum Resources	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Municipal Affairs & Housing	<input checked="" type="checkbox"/>	Town of Osoyoos
<input checked="" type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Ecosystem Section)	<input checked="" type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch)
<input type="checkbox"/>	Town of Princeton	<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 type="checkbox"/>	Penticton Indian Band (PIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input checked="" type="checkbox"/>	Osoyoos Indian Band (OIB)
<input checked="" type="checkbox"/>	BC Parks	<input type="checkbox"/>	Upper Similkameen Indian Band (USIB)
<input checked="" type="checkbox"/>	School District #53	<input checked="" type="checkbox"/>	Lower Similkameen Indian Band (LSIB)
<input checked="" type="checkbox"/>	Okanagan Basin Water Board	<input type="checkbox"/>	Environment Canada
<input checked="" type="checkbox"/>	Telus	<input checked="" type="checkbox"/>	Fisheries and Oceans Canada
<input checked="" type="checkbox"/>	Kootenay Boundary Regional District	<input checked="" type="checkbox"/>	Canadian Wildlife Services
		<input checked="" type="checkbox"/>	Shaw Cable