

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: B. Newell, Chief Administrative Officer
DATE: June 7, 2021
RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “A”
“Willow Beach”

Purpose: To facilitate a 70-lot subdivision and creation of conservation and dedicated park areas.

Owners: Willow Beach Developments Agent: Infinity Properties (Josh Turner) Civic: 9330 202nd Avenue

Legal: Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion L 67; and Folio: A-06379.000
Lot 675, Plan KAP2066, District Lot 2450S, SDYD, Except Plan 22229, 43613 & H9726 A-06377.000

OCP: various [see below] Proposed OCP: various [see below]

Zone: various [see below] Proposed Zoning: various [see below]

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to facilitate a 70-lot residential subdivision, which will occur on approximately 30% of the site with the remaining 70% of the site to be zoned either Conservation Area (CA) or Parks and Recreation (PR).

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 “A” Official Community Plan (OCP) Bylaw No. 2905, 2021, as follows:

from: part Medium Density Residential (MR); to: part Low Density Residential (LR);
part Commercial Tourist (CT); and part Parks, Recreation and (PR); and
part Agriculture (AG). part Conservation Area (CA).

- amend the zoning under Schedule ‘2’ (Zoning Map) of the Electoral Area “A” Zoning Bylaw No. 2451, 2008, as follows:

from: part Agriculture One (AG1); to: part Residential Single Family One (RS1);
part Medium Density Residential One part Residential Single Family One Site
(RM1); and Specific (RS1s);
part Tourist Commercial (CT1). part Parks and Recreation (PR); and
Conservation Area (CA)

The site specific regulation is proposing to reduce the minimum parcel width for subdivision from 15.0 metres to 14.0 metres over part of the property. A proposed zoning map is included at Attachment No. 2 for reference purposes.

In support of the rezoning, the applicant has stated, amongst other things, that:

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- *Compared to past application, the current proposal has a significantly smaller development footprint which has been primarily driven by the results of the updated Environmental Impact Assessment.*
 - *Zoning is very similar to the zoning that the Board had previously given 3rd reading ...*
 - *Zoning is consistent with Regional Growth Strategy (RGS) and Official Community Plan (OCP).*
 - *The identified SPEA will be protected.*
 - *Highway access was previously dealt with by MoTI through recent H97 improvements.*
 - *The proposed parkland dedication is in accordance with the RDOS parkland dedication requirements and the proposed zoning and subsequent density has remained consistent with the previously adopted by-laws.*

Site Context:

The subject properties are comprised of two legal parcels representing a combined land area of 29.7 ha that is situated approximately 5 km north of the Town of Osoyoos municipal boundary.

Historically, the site was occupied by the Willow Beach mobile home park and campground along with an owner's residence on 500 metres of waterfront. The site also comprises a vacant agricultural parcel north of the former campground area.

Surrounding land uses are seen to be comprised of conservation areas to the north-east (associated with the Okanagan River Channel and oxbows) and agricultural lands to the north and west (across Highway 97).

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office on August 16, 1926, while BC Assessment has classified the property as "Residential" (Class 01).

RGS Bylaw:

Under the South Okanagan Regional Growth Strategy (RGS) Bylaw No. 2770, 2017, part of the Willow Beach site has been designated as a "Rural Growth Area".

OCP Bylaw:

Under the Electoral Area "A" Official Community Plan (OCP) Bylaw No. 2905, 2021, the property is designated part Agriculture (AG), part Commercial Tourist (CT) and part Medium Density Residential (MR).

As a Rural Growth Area under the RGS, the OCP speaks to supporting the development of Willow Beach (see Attachment No. 3) by discouraging the re-designation or re-zoning of land that permits increased residential densities outside of Growth Area containment boundaries.

The OCP also speaks, however, to the suitability of Willow Beach as a Rural Growth Area being reconsidered when the RGS Bylaw is next reviewed (NOTE: the RGS Bylaw is currently being reviewed).

The property is also subject to a Watercourse Development Permit (WDP) Area associated with Osoyoos Lake and the various oxbows that bisect the property; as well as an Environmentally Sensitive Development Permit (ESDP) Area also associated with the various oxbows that adjoin the property.

Zoning Bylaw:

Under the Electoral Area “A” Zoning Bylaw No. 2451, 2008, the property is zoned part Agriculture One (AG1), part Commercial Campground (CT2) and part Medium Density Residential One (RM1). The property is also below the designated floodplain associated Osoyoos Lake (based upon Geodetic Survey Canada datum for the 280.70 metre contour).

Development History:

Channelization of the Okanagan River in the 1950s resulted in the watercourse being straightened and dyked in the vicinity of “Willow Beach”, with the result that the southern portion of the property was no longer seasonally flooded (but is occasionally inundated when Osoyoos Lake is at a high level, such as in 1972, and, to a lesser extent, 2011).

This channelization allowed for the establishment of a campground, mobile home park and residential dwellings near the foreshore of Osoyoos Lake in the early 1970s. In the intervening decades, the site was also utilised for the storage of automobile and agricultural equipment.

In 2004, the Electoral Area “A” OCP and Zoning Bylaws were formally reviewed and the level of density for the site was established as being approximately 240 units for that area zoned RM1.

In 2007, an application to rezone the “Willow Beach” site to accommodate the development of approximately 1,088 units was submitted to the Regional District. This proposal received third reading on August 21, 2008, but failed to receive the formal approval of the Minister of Transportation (MoT) for the zoning component of the amendments and was eventually abandoned in 2011.

In 2012, the northwest sewer extension was completed from the Town of Osoyoos and has provided 80 connections for single family residential units to the sewer main at the Willow Beach site. It is further understood that the Town of Osoyoos has previously committed to extend a rural water system (i.e. the former SOLID Water System No. 8) to a maximum of 80 connections.

In 2016, a rezoning application proposing the creation of 80 strata lots was submitted to the Regional District but was closed in December of 2020 due to a failure to submit required information.

Analysis:

In considering this proposal, Administration notes that it is *generally* consistent with the designation of Willow Beach as a Rural Growth Area under the RGS Bylaw as well as the Containment Boundary established by the OCP Bylaw.

While it could be argued that a downzoning of land in a Rural Growth Area is inconsistent with the intent of the RGS — which generally encourages higher density due to these locations having infrastructure servicing — it is noted that the site has a limited number connections to the Northwest Sewer and the OCP speaks to the suitability of Willow Beach as a growth area as warranting reconsideration.

Similarly, while the proposed area to be rezoned extends beyond the Willow Beach Rural Growth Area Containment Boundary, Administration notes that a significant reduction in density is being proposed, with the allowable limit to decrease from 240 units to 70 strata parcels (NOTE: each parcel may be developed with a principle dwelling and a secondary suite *or* “carriage house”).

Accordingly, the extension to the east of the Containment Boundary will not result in additional density being created.

The applicant has submitted a preliminary environmental assessment, hydrogeology assessment and archaeological impact assessment (AIA), all of which have generally concluded that the development can proceed subject to certain provisions and conditions

The Regional District is anticipating that significant earthworks may be required on parts of the site in order to address its location within the floodplain associated with Osoyoos Lake and the Okanagan River Channel. Any subsequent application for a building permit on the site will need to demonstrate compliance with the floodplain regulations in the Zoning Bylaw.

With regard to traffic impact, due to the reduction in density as well as the significant highway access upgrades that were previously completed adjacent to this property, Administration is not anticipating any adverse impacts as a result of this development.

Administration notes that the OCP supports the dedication of park land adjacent to Osoyoos Lake and that the location of the proposed park will further be adjacent to an existing trail to the site from 95th Street.

While Administration further supports the preservation of the remainder of the development site through the proposed Conservation Area zoning, it is understood that Ducks Unlimited (an adjacent property owner) has previously expressed interest in this land and it is hoped that an arrangement for its transfer/donation to a conservation organization can be arranged in future.

As a bare land strata subdivision, many of the servicing requirements contained within the Regional District’s Subdivision Servicing Bylaw will not be applicable to this development (i.e. water system design, sewer system design, street lighting, fire hydrant and underground wiring requirements, etc.).

In summary, this proposal is generally seen to be consistent with the RGS and OCP Bylaws and is seen to be far more sympathetic to the nature of this site than have previous proposals, such as the 1,088 units proposed in 2007. For these reasons, Administration is recommending in favour of approval.

Administrative Recommendation:

THAT the APC recommends to the RDOS Board of Directors that the proposed rezoning of the “Willow Beach” property be supported.

Options:

1. THAT the APC recommends to the RDOS Board of Directors that the proposed rezoning of the “Willow Beach” property be approved.
2. THAT the APC recommends to the RDOS Board of Directors that the proposed rezoning of the “Willow Beach” property be approved with the following conditions:

i) *TBD*

3. THAT the APC recommends to the RDOS Board of Directors that the proposed rezoning of the “Willow Beach” property be denied.

Respectfully submitted:



C. Garrish, Planning Manager

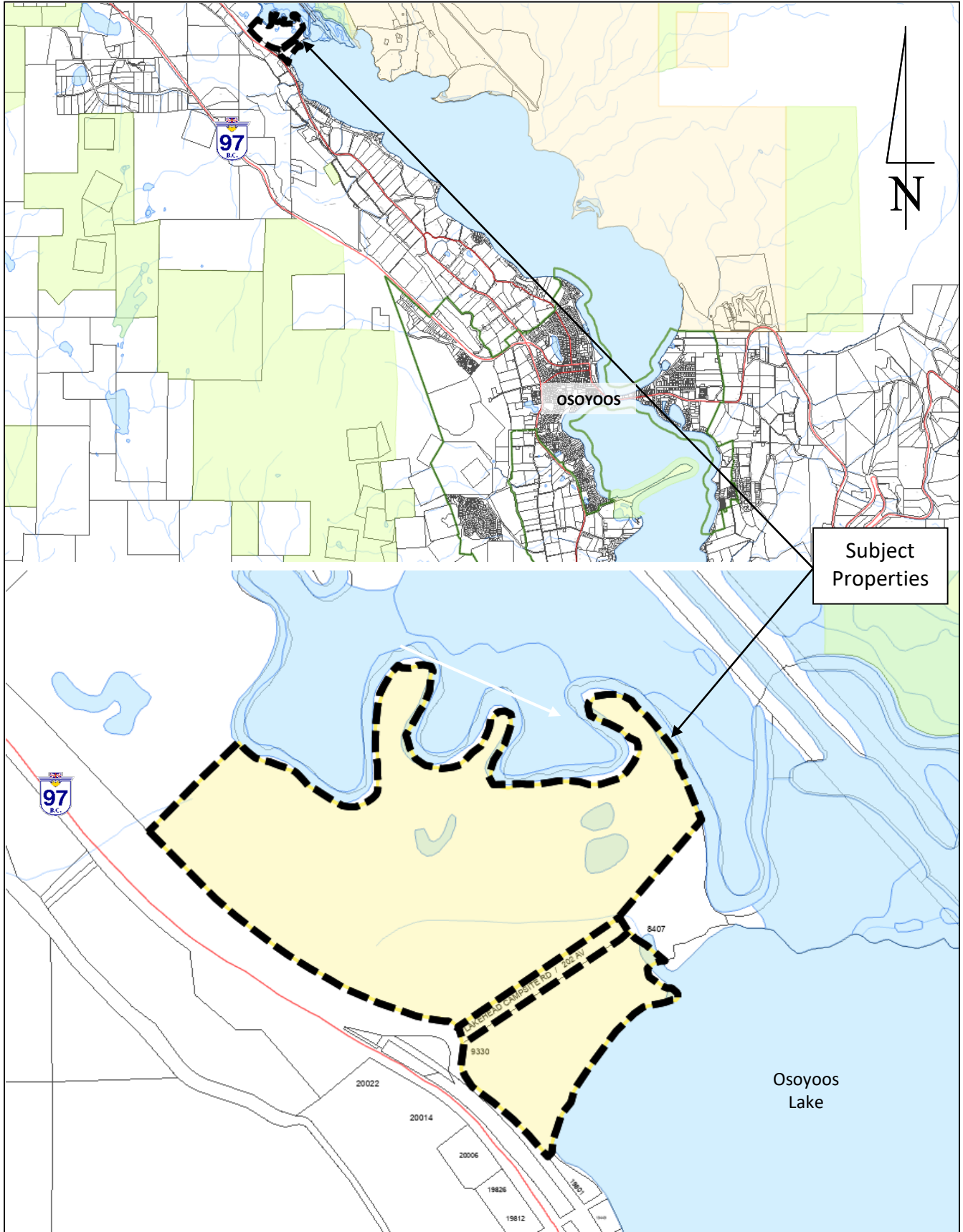
Attachments: No. 1 – Context Maps

No. 2 – Applicant’s Site Plan

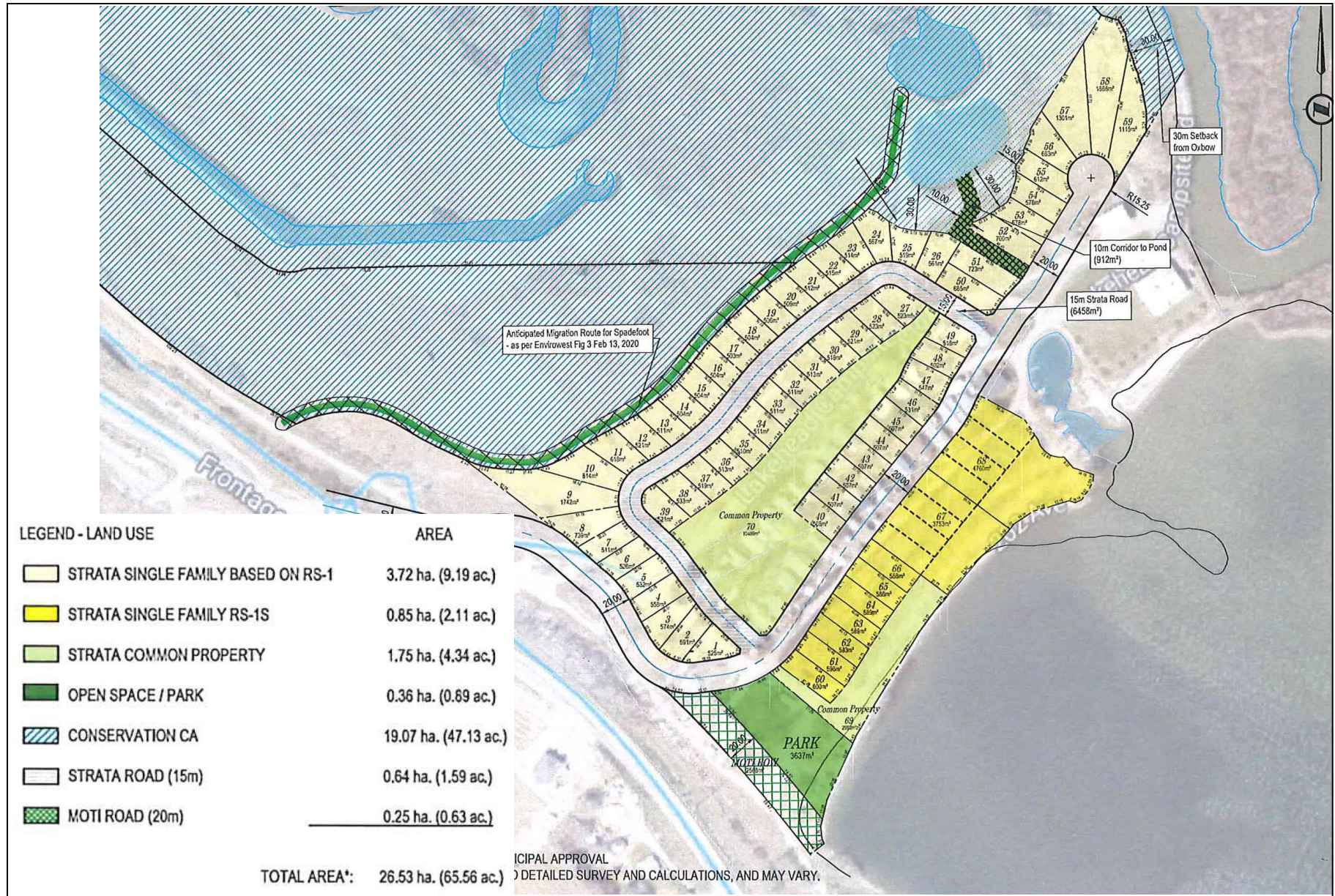
No. 3 – Willow Beach Rural Growth Area Containment Boundary

No. 4 – Aerial Photo (2007)

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 – Willow Beach Rural Growth Area Containment Boundary



Attachment No. 4 – Aerial Photo (2007)

