

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 8, 2021
RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “A”
“Willow Beach”

Administrative Recommendation:

THAT Bylaw No. 2905.02, 2021, being a bylaw to amend the Electoral Area “A” Official Community Plan to facilitate a 70-lot subdivision at Willow Beach, be read a first and second time and proceed to public hearing;
AND THAT Bylaw No. 2451.31, 2021, a bylaw to amend the Electoral Area “A” 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 the report from the Chief Administrative Officer dated July 8, 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. 2905.02, 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: To facilitate a 70-lot subdivision and creation of conservation and dedicated park areas.

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: [see amendment bylaw] Proposed OCP: [see amendment bylaw] Civic: 9330 202nd Ave.

Zone: [see amendment bylaw] Proposed Zoning: [see amendment bylaw]

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 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.

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required prior to adoption as the proposed amendments involve lands within 800 metres of a controlled access highway (i.e. Highway 97).

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 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.

Pursuant to Section 475 of the *Local Government Act*, the Regional District must consult with the Agricultural Land Commission (ALC) when proposing to amend an OCP which might affect agricultural. Both the ALC and the Ministry of Agriculture have been made aware of the proposed amendment bylaws.

Public Process:

On June 16, 2021, an electronic Public Information Meeting (PIM) was held online using the Webex software and was attended by approximately six (6) members of the public.

At its meeting of June 14, 2021, the Electoral Area "A" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved.

Administration recommends that 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:

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.

Alternatives:

1. THAT Bylaw No. 2905.02, 2021, Electoral Area "A" Official Community Plan Amendment Bylaw and Bylaw No. 2451.31, 2021, Electoral Area "A" Zoning Amendment 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 July 8, 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. 2905.02, 2021, 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 August 5, 2021;

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

2. THAT Bylaw No. 2905.02, 2021, Electoral Area "A" Official Community Plan Amendment Bylaw and Bylaw No. 2451.31, 2021, Electoral Area "A" Zoning Amendment Bylaw be deferred; or
3. THAT Bylaw No. 2905.02, 2021, Electoral Area "A" Official Community Plan Amendment Bylaw and Bylaw No. 2451.31, 2021, Electoral Area "A" Zoning Amendment Bylaw be, be denied.

Respectfully submitted:



Attachments:

No. 1 – Agency Referral List

No. 2 – Applicant's Site Plan

No. 3 – Willow Beach Rural Growth Area Containment Boundary

No. 4 – Aerial Photo (2007)

File No: A2021.003-ZONE

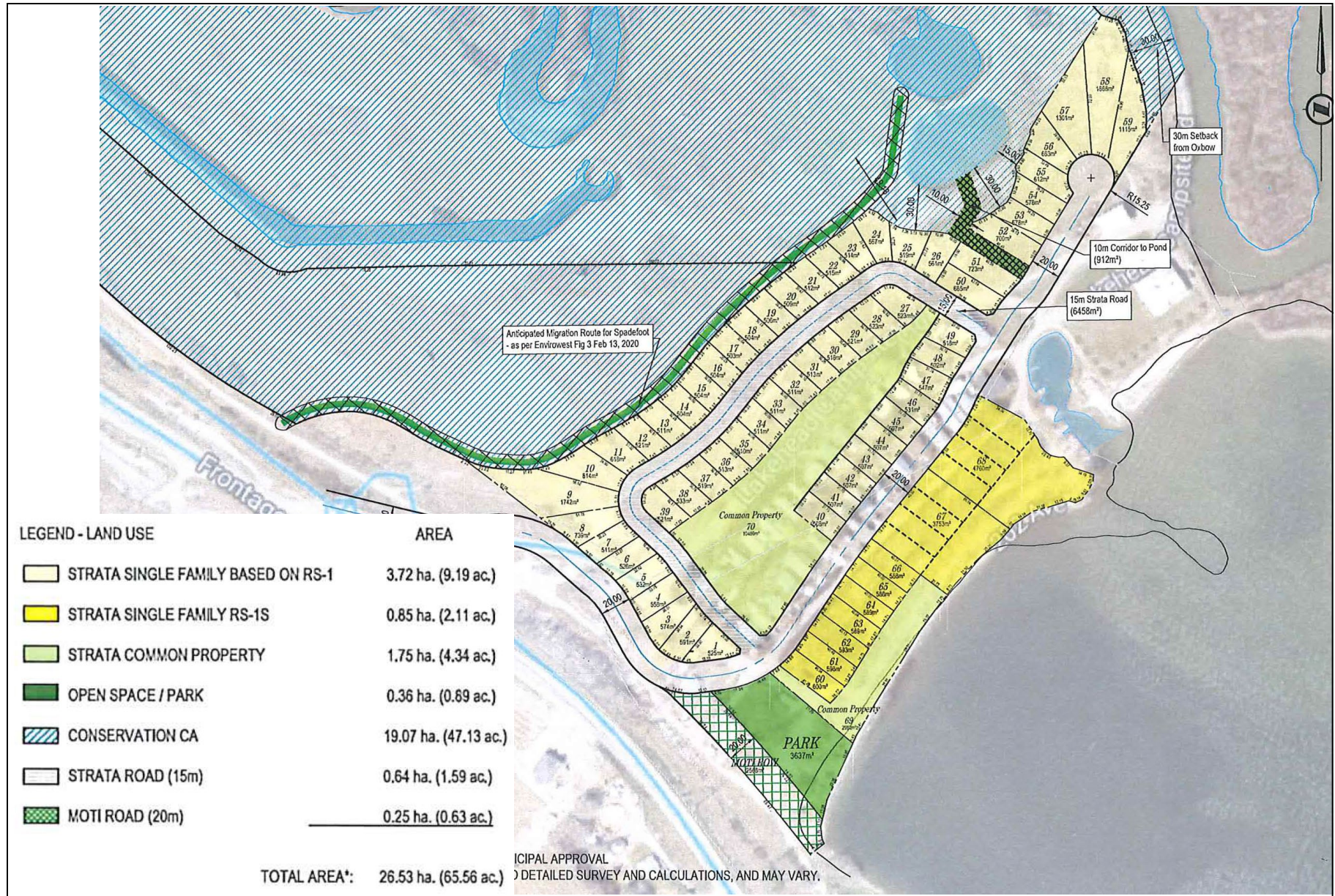
C. Garrish, Planning Manager

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 Amendment Bylaw No. 2905.02, 2021.

<input checked="" type="checkbox"/>	Agricultural Land Commission (ALC)	<input 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 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 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 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 type="checkbox"/>	BC Parks	<input type="checkbox"/>	Upper Similkameen Indian Band (USIB)
<input checked="" type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	Lower Similkameen Indian Band (LSIB)
<input 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 checked="" 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 type="checkbox"/>	Irrigation District / improvement Districts / etc.
<input checked="" type="checkbox"/>	Osoyoos Fire Department		

Attachment No. 2 – Applicant’s Site Plan



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



Attachment No. 4 – Aerial Photo (2007)

