

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: February 2, 2023

RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “A” (A2022.017-ZONE)

Administrative Recommendation:

THAT Bylaw No. 2905.04, 2023, a bylaw to amend the Area “A” Official Community Plan; and,
THAT Bylaw No. 2800.22, 2023, a bylaw to amend the Okanagan Valley Zoning Bylaw to formalize the principle residential use of 150 Peregrine Court on Anarchist Mountain 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 February 2, 2023, 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. 2905.04, 2023, in conjunction with its Financial and Waste Management Plans;

AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of February 16, 2023;

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

Folio: A-06749.377

Legal: Lot B, Plan Kap87904, District Lot 2709, SDYD

OCP: Commercial (C)

Zone: General Commercial (C1)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to formalize an existing residential use by amend the land use designation under Schedule ‘B’ (OCP Map) of the Electoral Area “A” Official Community Plan from Commercial (C) to Small Holdings (SH); and amending the zoning under Schedule ‘2’ of the Okanagan Valley Zoning Bylaw from General Commercial (C1) to Small Holdings Three (SH3).

In support of the rezoning, the applicant has stated that the “property and home were previously used as a sales centre for the development. We would like to change the zoning to SH3 to allow the existing home to be used as [a] primary residence”.

Site Context:

The subject property is approximately 1.0 ha in area and is situated on the south side of Peregrine Court and approximately 5.5 km east of the boundary with Town of Osoyoos. It is understood that the parcel is comprised of a single detached dwelling.

The surrounding pattern of development is generally characterised by similarly sized residential parcels that have been developed with single detached dwellings.

Background:

The property was created on November 13, 2008, while available Regional District records indicate that building permits for a single detached dwelling (2004) and a deck (2010) have previously been issued for this property.

Under the Regional Growth Strategy the Anarchist Mountain area is currently designated as a Rural Growth Area. The property is currently designated Commercial (C), and is the subject of an Environmentally Sensitive Development Permit (ESDP) Area designation. The property is currently zoned General Commercial (C1) which permits an accessory dwelling as an accessory use to a principal commercial use.

BC Assessment has classified the property as “Residential” (Class 01).

Referrals:

On December 13, 2022, preliminary approval of the rezoning was granted by MoTI for a period of one year. School District No. 53 has been made aware of the proposed amendment bylaw and the proposed OCP amendment has been determined to be consistent with the waste management plan and financial plan.

Public Process:

On January 11, 2023, a Public Information Meeting (PIM) was held electronically via Webex and was attended by one (1) member of the public.

The written notification of affected property owners, the public meetings as well as formal referral to the agencies listed at Attachment No. 1, is appropriate consultation for the purpose of Section 475 of the *Local Government Act*. All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Analysis:

The property was originally developed as a “show home” in support of the “Regal Ridge” development on Anarchist Mountain and also used as a sales office by the proponent of this development.

The existing commercial zoning dates to this period (2003) and was part of a plan to develop “convenience and lifestyle amenities” for residents in a “village” type setting – hence its inclusion in the Anarchist Mountain Rural Growth Area under the RGS Bylaw.

Development of the commercial area was halted around 2009, and the extent of development remains a single a retail outlet (i.e. coffee shop) on a separate legal parcel that has subsequently been converted to a meeting space for local residents (i.e. “community hall”).

In this context, the request to formalize the residential use of the subject property through the introduction of a Small Holdings designation and zoning is seen to be reasonable and also consistent with the growth management objectives of the RGS and Electoral Area "A" OCP.

The proposal also satisfies the OCP criteria for creating additional land designated Small Holdings because:

- environmentally sensitive areas will not be impacted as no new development is proposed;
- the property is already serviced by on-site water and sewage disposal and has road access; and
- the designation is the same as is applied to other residential parcels in this area.

Similar sized adjacent properties within the Regal Ridge development are also zoned SH3. If the property is rezoned, the commercial area at Anarchist Mountain will still comprise approximately 19 ha. of land.

Alternatives:

1. THAT the Electoral Area "A" Official Community Plan Amendment Bylaw No. 2905.04, 2023, and the Okanagan Valley Zoning Amendment Bylaw No. 2800.22, 2023, be denied.

Respectfully submitted:

Ben Kent

Ben Kent, Planner I

Endorsed By:



C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List

No. 2 – Aerial Photo

No. 4 – Site Photo

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Amendment Bylaw No. 2905.04:

<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 Lands, Water and Resource Stewardship	<input type="checkbox"/>	Town of Princeton
<input checked="" type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Ecosystem Section)	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology	<input checked="" type="checkbox"/>	OIB (via NationsConnect)
<input checked="" 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 checked="" type="checkbox"/>	Canadian Wildlife Services
<input checked="" 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 type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input type="checkbox"/>	Vaseux Lake Irrigation District
<input type="checkbox"/>	Keremeos Irrigation District	<input type="checkbox"/>	Irrigation District / improvement Districts / etc.
<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"/>	Anarchist Volunteer Fire Department		

Attachment No. 2 – Aerial Photo



Attachment No. 3 – Site Photo (Google Streetview – 2012)

