

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: March 21, 2024
RE: Zoning Bylaw Amendment – Electoral Area “D” (D2021.015-ZONE)

Administrative Recommendation:

THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.06, 2023 be read a third time.

Purpose: To facilitate the development of an apartment building.

Civic: 5356 8th Avenue Folios: D-00888.015 / D-00888.001

Legal: Lots A & B, District Lot 2883S, SDYD, Plan EPP54703

OCP: Town Centre (TC) & Parks and Recreation (PR) Zone: Campground Commercial (CT2)

Proposed Development:

This application is seeking to amend the zoning of the subject properties in order to facilitate the development of a four-storey apartment building comprising of 48 units, atop a ground floor one-storey parkade.

In order to accomplish this, the applicant is proposed to amend the zoning of the properties under the Okanagan Valley Zoning Bylaw No. 2800, 2022, from Campground Commercial (CT2) to part Okanagan Falls Town Centre (OFTC) and part Parks and Recreation (PR).

In support of the rezoning, the applicant has stated that “the new development aims to rejuvenate the Okanagan Falls Town Centre by providing new opportunity for existing residents and new residence for Okanagan Falls”.

Site Context:

The subject properties are comprised of two legal parcels, which are approximately 2,839 m² and 2,842 m² in area (cumulatively, 5,681 m²) and are situated at the northeast corner of Railway Lane and 8th Avenue, abutting Skaha Lake to the north. It is understood that the parcel is currently operated as a campground.

The property owner has been issued a License of Occupation which includes a seating “pavilion” and dock to the north.

The surrounding properties are utilized for a variety of purposes, including Kenyon Park to the east, a retail shopping plaza to the south, Lions Park and other medium density residential development to the west.

Background:

On November 4, 2021, a Public Information Meeting (PIM) was held online via Webex and was attended by approximately 40 members of the public.

At its meeting of November 9, 2021, the Electoral Area “D” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved, subject to the condition that “if there are Land Use Permit applications submitted for this development in the future, they be brought to the APC for consideration”.

At its meeting of May 5, 2022, the Regional District Board resolved to approve first and second reading of the amendment bylaws and delegated the holding of a public hearing to the Area director.

The Regional District Board also resolved:

THAT prior to adoption of the Okanagan Valley Zoning Amendment Bylaw No. 2800.06, 2022, a statutory covenant is registered on the title of Lots A & B, Plan EPP54703, District Lot 2883S, SDYD, in order that no building permit will be issued until:

- 1. the area identified as “Proposed Amenity Dedication Area”, and as shown on Attachment No. 3 in the Administrative Report from the Chief Administrative Officer dated May 5, 2022, has been donated to the Regional District in fee simple title; and,*
- 2. the License of Occupation over Crown lands (Crown Lands File No. 3408764), and which involves a seating “pavilion” is transferred to the Regional District.*

A draft covenant was prepared to facilitate the Board’s previous resolution and reviewed and accepted by the applicant prior to the scheduling of a public hearing.

On February 27, 2024, a public hearing was held at 1141 Cedar Street, Okanagan Falls (Okanagan Falls Recreation Centre and was attended by 25 members of the public.

All comments received to date in relation to this application are included with this report.

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).

Analysis:

In considering this proposal, Administration notes that it is consistent with the Regional Growth Strategy, given that the properties are located within a designated Primary Growth area.

Additionally, the Electoral Area “D” Official Community Plan (OCP) encourages medium and high density residential growth in the Town Centre area in order to “promote a more compact urban form and a more complete community”.

The OCP also encourages orienting development towards Skaha Lake in order to “take full advantage of this underutilized natural asset” and further states that “the Town Centre area has sufficient capacity to accommodate a sustained growth rate for the next 20 years and supports up to 300+ additional medium density residential units”.

Lakefront Access:

Administration notes that the OCP bylaw speaks to improving the pedestrian accessibility and walkability of the Town Centre through the provision of a continuous public access along the Skaha Lake waterfront (Section 12.3.10).

In order to address this policy, the applicant has proposed to dedicate a 7.0 metre strip of land from each of the subject properties (approximately 342.1 m²) as well as the seating pavilion and water slide that have been constructed into Skaha Lake as an amenity contribution in accordance with Section 17.2.2.14 of the OCP (see Attachment No. 3).

The acquisition of the 7.0 metre wide strip of lakefront land should address this issue as well as allow for the extension of the pathway that currently terminates at the western edge of Kenyon Park, and would further provide a connection to Lions Park.

As previously noted, a covenant has been prepared as a means of securing the 7.0 metre wide strip of land, as well as the seating pavilion/waterslide.

The applicant has indicated that they wish to retain the existing tenure over Crown land (i.e. Skaha Lake) that relate to this construction as well as a dock situated near the western edge of the property. These tenures were renewed for a 30-year period in 2016.

Infrastructure:

The proposed development is to be connected to the Okanagan Falls Water System and Okanagan Falls Sanitary Sewer System.

On November 15, 2021, the former Okanagan Falls Irrigation District (OFID) provided a “System Capacity Assessment” of the subject property by CTQ Consultants, which concluded that:

Although the completed assessments show storage and source capacity deficits, we recommend that OFID supports the proposed re-zoning. Our recommendation is based on the fact that historical consumption is much lower than the design parameters included in the Subdivision Bylaw. This difference provides some buffer for OFID to service the project while the capital projects addressing the identified deficiencies are implemented. The implementation of the development will allow the collection of applicable CECs that will help financing the capital projects required by the District.

The Assessment further recommended, amongst other things, that “the water distribution system will require main upgrades along 11th Avenue. Approximately 60 m of 150 mm main should be upsized to 200 mm diameter.”

Despite this, Administration notes that the OFID has been dissolved and the Regional District is now responsible for operating the Okanagan Falls Water System. New developments which require connections to the Okanagan Falls Water System would subsequently now be held to the standards outlined in the RDOS Subdivision Servicing Bylaw.

It is understood that some upgrades will be required to the water infrastructure to adequately service the development, including water main upgrades and the provision of a fire hydrant.

With regard to sewer, it is understood that the existing sewer system has capacity in the gravity sewer mains adjacent to the properties; however, some upgrades may be required to the downstream gravity sewer mains and Lift Station No. 3 in order to fully support the proposed additional demand as it is known to already be operating near capacity.

Riparian Impact:

A riparian impact assessment has been completed for the properties and is proposing the establishment of a 30 meter setback Streamside Protection and Enhancement Area (SPEA) from the high water mark of Skaha Lake.

While the 7.0 metre wide strip of land being proposed for donation to the Regional District is situated within this potential SPEA, the construction of trails is exempt from the need for a Watercourse Development Permit (WDP).

Floodplain:

As a majority of the property is within the floodplain associated with Skaha Lake, any future development of the property will be required to comply with the floodplain regulations in the zoning bylaw.

Based upon the submitted concept plans for the site, the applicant is currently proposing to address this by providing for vehicle parking and amenity areas on the ground floor level of the development and for habitable space to occur above.

“Form & Character”:

As the property is within the Okanagan Falls Town Centre Development Permit (OFTCDP) Area, an OFTCDP will be required prior to the issuance of a Building Permit.

The intent of this DP Area is to ensure high-quality design for developments, support the creation of pedestrian-friendly Town Centre and optimize views of and access to the lakefront. This includes encouraging structures be articulated with variations in massing, materials and detailing to reduce the impacts of building scale on the surrounding area.

Alternative:

Conversely, Administration recognizes that the subject properties currently support a campground with lakefront access that provide recreational opportunities to tourists and locals.


Summary:

In summary, this proposal is seen to be consistent with the RGS and OCP Bylaws and Administration is supportive of the proposal.

Alternatives:

1. THAT first and second readings of the Okanagan Valley Zoning Amendment Bylaw No. 2800.06, 2022, be rescinded and the bylaws abandoned.

Respectfully submitted:



Shannon Duong, Planner II

Endorsed By:

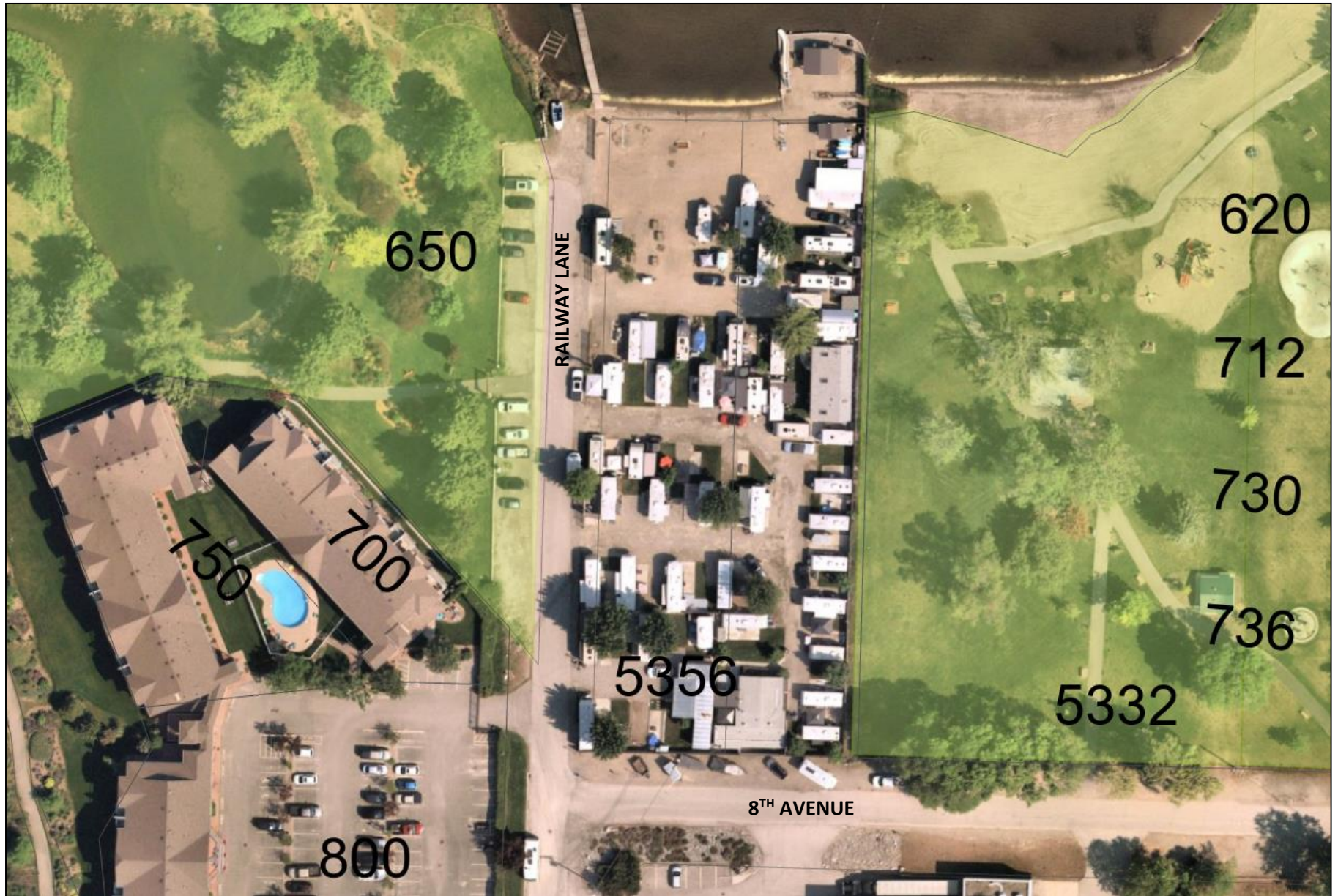


C. Garrish, Senior Manager of Planning

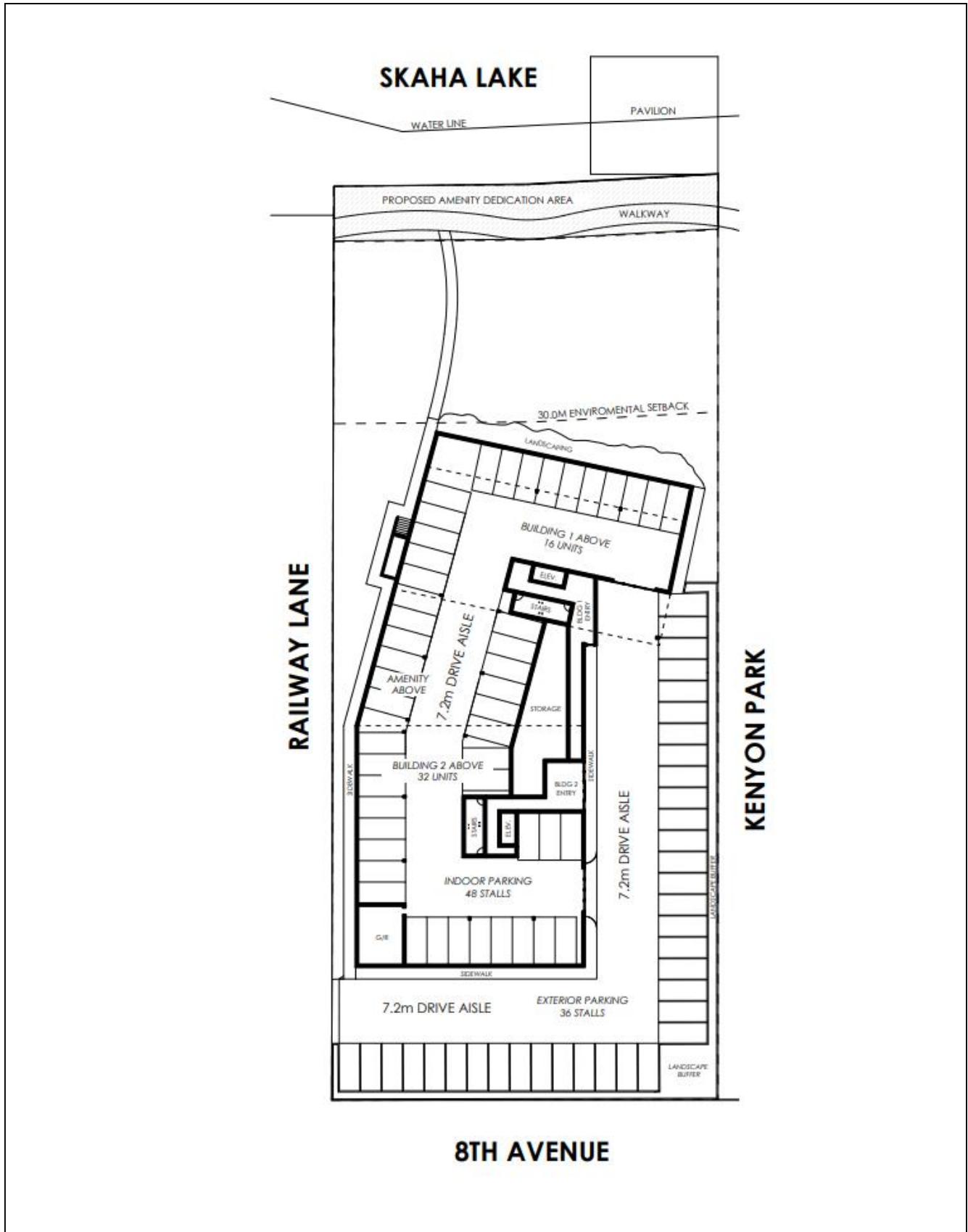
Attachments:

- | | |
|---|---|
| No. 1 – Aerial Photo | No. 5 – Applicant’s Concept Rendering 2 |
| No. 2 – Applicant’s Site Plan | No. 6 – Site Photo 1 (Google Streetview - 2023) |
| No. 3 – Applicant’s Amenity Dedication Proposal | No. 7 – Site Photo 2 (Google Streetview - 2023) |
| No. 4 – Applicant’s Concept Rendering 1 | No. 8 – Aerial Photo (2023) |

Attachment No. 1 – Aerial Photo



Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 – Applicant’s Amenity Dedication Proposal

REFERENCE PLAN OF PART OF LOTS A AND B,
BOTH DL 2883s, SDYD, PLAN EPP54703

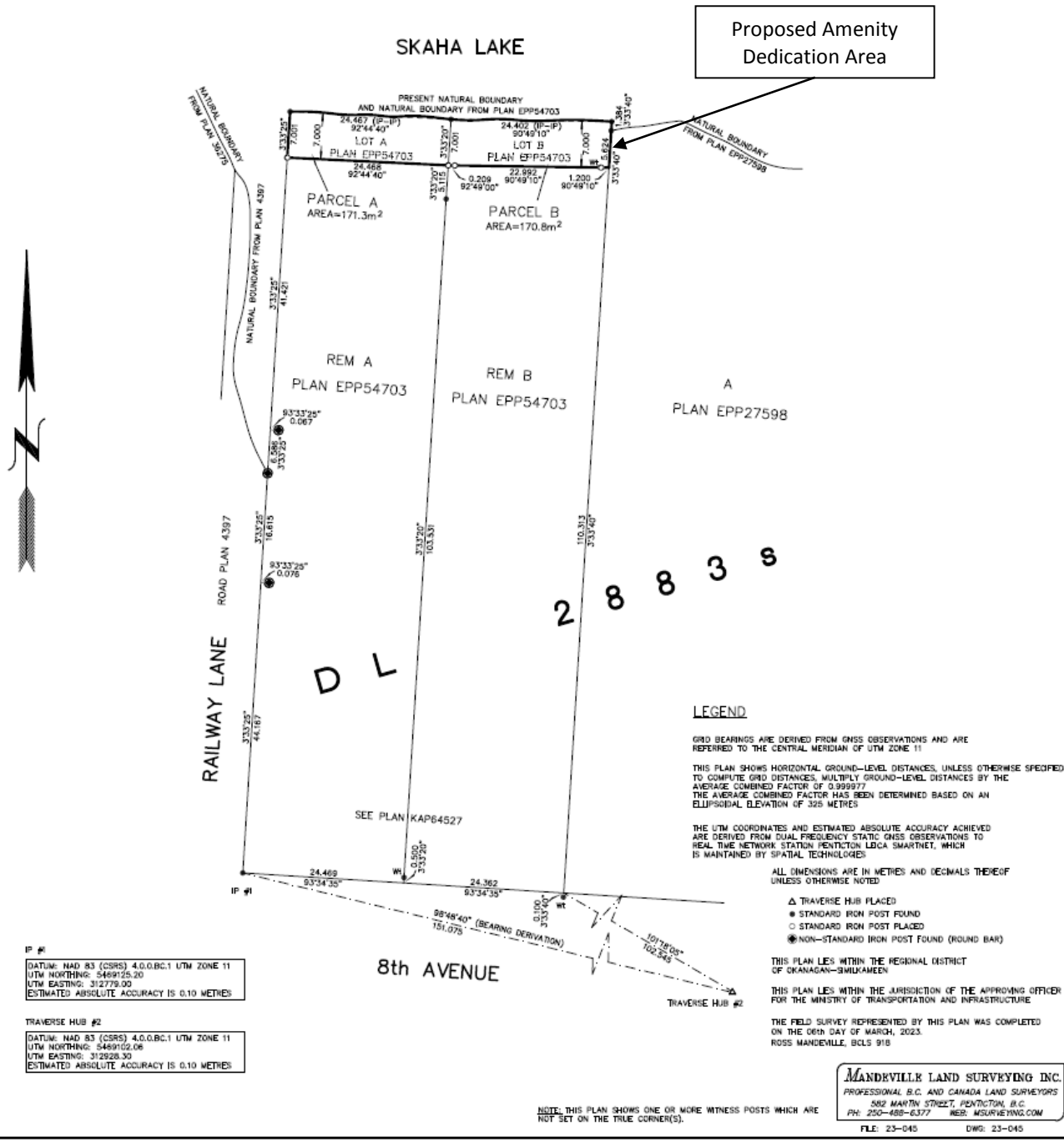
PLAN EPP127961

BCGS 82E.033
SCALE 1:400

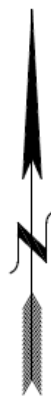


THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN WIDTH BY
580mm IN HEIGHT (C SIDE) WHEN PLOTTED AT A SCALE OF 1:400

PURSUANT TO SECTION 99(1)(h) OF THE LAND TITLE ACT



Proposed Amenity
Dedication Area



LEGEND

GRID BEARINGS ARE DERIVED FROM GNSS OBSERVATIONS AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 11

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES, UNLESS OTHERWISE SPECIFIED TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.999977

THE AVERAGE COMBINED FACTOR HAS BEEN DETERMINED BASED ON AN ELLIPSOIDAL ELEVATION OF 325 METRES

THE UTM COORDINATES AND ESTIMATED ABSOLUTE ACCURACY ACHIEVED ARE DERIVED FROM DUAL FREQUENCY STATIC GNSS OBSERVATIONS TO REAL TIME NETWORK STATION PENTICTON LEICA SMARTNET, WHICH IS MAINTAINED BY SPATIAL TECHNOLOGIES

ALL DIMENSIONS ARE IN METRES AND DECIMALS THEREOF UNLESS OTHERWISE NOTED

- ▲ TRAVERSE HUB PLACED
- STANDARD IRON POST FOUND
- STANDARD IRON POST PLACED
- ⊙ NON-STANDARD IRON POST FOUND (ROUND BAR)

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF OKANAGAN-SIMULKAMEEN

THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICER FOR THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE DEED DAY OF MARCH, 2023.
ROSS MANDEVILLE, B.C.L.S 918

IP #1
DATUM: NAD 83 (CSRS) 4.0.0.BC.1 UTM ZONE 11
UTM NORTHING: 5469125.20
UTM EASTING: 312779.00
ESTIMATED ABSOLUTE ACCURACY IS 0.10 METRES

TRAVERSE HUB #2
DATUM: NAD 83 (CSRS) 4.0.0.BC.1 UTM ZONE 11
UTM NORTHING: 5469122.06
UTM EASTING: 312928.30
ESTIMATED ABSOLUTE ACCURACY IS 0.10 METRES

8th AVENUE

NOTE: THIS PLAN SHOWS ONE OR MORE WITNESS POSTS WHICH ARE NOT SET ON THE TRUE CORNER(S).

MANDREVILLE LAND SURVEYING INC.
PROFESSIONAL B.C. AND CANADA LAND SURVEYORS
502 MARTIN STREET, PENTICTON, B.C.
PH: 250-488-6377 WEB: MDSURVEYING.COM
FILE: 23-045 DWG: 23-045

Attachment No. 4 – Applicant’s Concept Rendering 1



Attachment No. 5 – Applicant’s Concept Rendering 2



Attachment No. 6 – Site Photo 1 (Google Streetview - 2023)



Attachment No. 7 – Site Photo 2 (2023)



Pavilion and
water slide

Attachment No. 8 – Aerial Photo (2023)



Subject
Property