

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** June 2, 2022  
**RE:** Official Community Plan (OCP) Bylaw Amendment – Electoral Area “E” (E2022.005-ZONE)

---

### Administrative Recommendation:

**THAT Bylaw No. 2458.18, 2022, a bylaw to amend the Electoral Area “E” Official Community Plan to exempt the development of a tram from the provincial *Riparian Area Protection Regulation at 2265 Naramata Road, be read a third time and adopted.***

---

Legal: Lot 1, Plan KAP16214, District Lot 206, SDYD, Except Plan H17800

OCP: Agriculture (AG)                      Zone: Agriculture One (AG1)                      Folio: E-02061.100

---

### Proposed Development:

To allow for the development of a tram in the Watercourse Development Permit Area through the issuance of an Expedited Development Permit.

In order to accomplish this, the applicant is proposing to amend the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, by adding a new sub-section 23.3.7.7 (Expedited Development Permit) under Section 23.3 (Watercourse Development Permit (WDP) Area) to allow for the development of a tram on the subject parcel.

In support of the rezoning, the applicant has submitted an Environmental Assessment which states that: “[QEP] can assure that the proposed tram to allow for foreshore access directly from the subject property ... would not result in a harmful alteration, disruption or destruction (HADD) of the natural features, functions and conditions of fish and fish habitat under the Federal Fisheries Act ... creation of a trail would result in significantly greater environmental impacts to the SPEA in comparison to that of a tram ... RAPR does not allow for the construction of a new foreshore access structure such as a staircase or tram in the SPEA.”

### Site Context:

The property is approximately 1.36 ha in area and is situated on the east side of Naramata Road and abuts the Okanagan lake on its eastern edge. The parcel is comprised of a single detached dwelling and accessory structure.

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

---

**Background:**

**April 20, 2022** - a Public Information Meeting (PIM) was held via WebEx and was attended by approximately one (1) member of the public.

**April 11, 2022** - the Electoral Area “E” Advisory Planning Commission (APC) recommended that the development application be refused.

**May 5, 2022** - the Regional District approved first and second reading of the amendment bylaw and scheduled a public hearing ahead of its meeting of June 2, 2022.

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 not required prior to adoption as the proposed amendment is to an OCP Bylaw.

**Analysis:**

The property owner has submitted a QEP report which states that the impact of a tram on riparian area values is much lower in comparison to a trail or a staircase.

Alternative

This proposal to introduce a new subsection to the Expedited Development Permit section, is inconsistent with the OCP Bylaw as well as provincial *Riparian Area Protection Regulation* (RAPR).

Further, the applicant’s proposal is manifestly different from the current “Expedited” options in the OCP Bylaw as it explicitly contemplates development occurring within a designated WDP Area.

Future Approvals

Should the Board resolve to give 3<sup>rd</sup> reading and adopt the proposed amendment bylaw, the applicant would require the issuance of an expedited WDP and an ESDP for the development of the proposed tram prior to the issuance of Building permit.

**Alternatives:**

1. THAT first and second readings of the Electoral Area “E” Official Community Plan Amendment Bylaw No. 2458.18, 2022 be rescinded and the bylaw abandoned.

**Respectfully submitted:**

*Nikita Kheterpal*

Nikita Kheterpal, Planner I

**Endorsed By:**



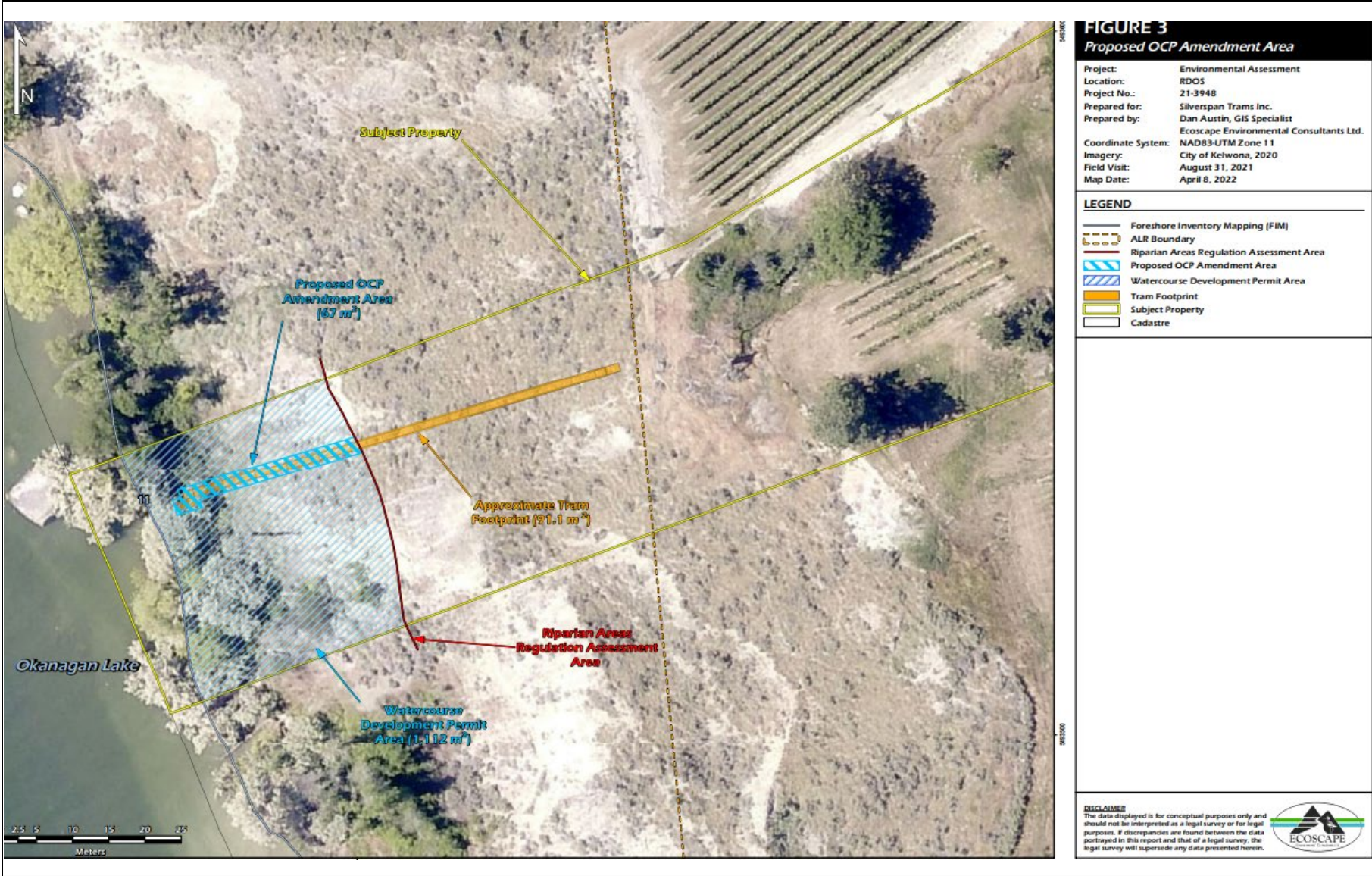
C. Garrish, Planning Manager

Attachments:

No. 1 – Applicant’s Site Plan

No. 2 – Site Photo

Attachment No. 1 – Applicant’s Site Plan





Attachment No. 2 – Site Photo

