

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: January 18, 2024
RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “I” (I2023.012-ZONE)

Administrative Recommendation:

THAT the Electoral Area “I” Official Community Plan Amendment Bylaw No. 2683.08, 2023, and the Okanagan Valley Zoning Amendment Bylaw No. 2800.31, 2023, 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 January 18, 2024, 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. 2683.08, 2023, 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 February 8, 2024;

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

Purpose: To allow for a duplex to be constructed Folio: I-02798.005
Civic: 177 Clearview Crescent Legal: Lot 2, Plan KAP65691, District Lot 395S, SDYD
OCP: Medium Density Residential (MR) Zone: Medium Density Residential Apex (MR2)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to allow for the development of a duplex.

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 “I” Official Community Plan (OCP) Bylaw No. 2683, 2016, from Medium Density Residential (MR) to Low Density Residential (LR); and
 - amend the zoning under Schedule ‘2’ (Zoning Map) of the Okanagan Valley Zoning Bylaw No. 2800, 2022, from Medium Density Residential Apex (MR2) to Low Density Residential Duplex (RD2).
-

In support of the rezoning, the applicant has stated that “At one time we had [the] rezoned to allow for a tri-plex. For myself and two sons. Once we had plans drawn up we decided the units were way too small. Therefore, we decided to build a duplex, which gets us a much more functional unit.”

Site Context:

The subject property is approximately 530 m² in area and is situated on the north side of Clearview Crescent. It is understood that the parcel is comprised of vacant land.

The surrounding pattern of development is generally characterised by similarly sized residential parcels that have been development with various forms of multifamily dwellings.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on November 22, 1999, while available Regional District records indicate that building permits have not previously been issued for this property.

Under the Electoral Area “1” Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Medium Density Residential (MR).

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Medium Density Residential Apex (MR2) which does not include a duplex as a permitted use, which is the reason for the proposed rezoning.

In 2020 a Zone review was completed for the Apex area. During this process the property was changed from RMU to RD2 which permitted a duplex. However, at the time the property owner had plans to develop the property with a tri-plex which may have been permitted under the pervious zoning. At the request of the property owner, with the introduction of the Okanagan Valley Zoning Bylaw No.2800, 2022, the property was designated, its current zoning, RM2. The RM2 zoning includes apartment buildings and townhouses, which would allow the owner to develop the previously proposed tri-plex.

Under the Regional Growth Strategy (RGS) Bylaw No. 2770, 2017, the Apex area is designated as a Rural Growth Area.

The property is not within the Agricultural Land Reserve (ALR) and has been classified as “Residential” (Class 01) by BC Assessment.

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 metres of a controlled access highway (i.e. Highway 97 & 3).

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. 67 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.

Public Process:

On December 13, 2023, a Public Information Meeting (PIM) was held by video conference using Webex and was attended by approximately no members of the public.

At its meeting of January 2, 2024, the Electoral Area "I" 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 the current zoning permits higher density uses in the form of townhouses and apartments; therefore rezoning to lower density uses will likely reduce the strain on utilities and infrastructure in the Apex area.

The property was originally zoned as Low Density Residential Apex Duplex (RD2) before the introduction of the Okanagan Valley Zoning Bylaw No.2800, 2022, and only changed to Medium Density Residential Apex (MR2) to facilitate a previously proposed tri-plex development at the request of the owner. However, the previously proposed tri-plex would have been too large to fit on the property. The proposed rezone would, return the property to the originally prescribed designation.

Apex Mountain is designated as a Rural Growth Area, and the Electoral Area "I" OCP supports directing new development to existing serviced areas within designated Rural Growth Areas. This development would take place on a vacant lot that would have access to servicing and provides diversity in density, both of which are policies supported by the OCP for General Residential.

Conversely, Administration recognises that by changing the zoning designation to RD2 and the OCP designation to LR it could complicate the possibility of higher density development to occur on the property in the future.

In summary, Administration considers the requested amendments to satisfy the intent of the OCP and Zoning Bylaw, to be consistent with the Regional Growth Strategy, and to be consistent with adjacent uses. For these reasons, administration is recommending approval.

Alternatives:

1. THAT the Electoral Area "I" Official Community Plan Amendment Bylaw No. 2683.08, 2023, and the Okanagan Valley Zoning Amendment Bylaw No. 2800.31, be denied.

Respectfully submitted:

Colin Martin

Colin Martin, Planning Technician

Endorsed By:



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Agency Referral List

No. 2 – Applicant’s Site Plan

No. 3 – Applicant’s Building Elevations

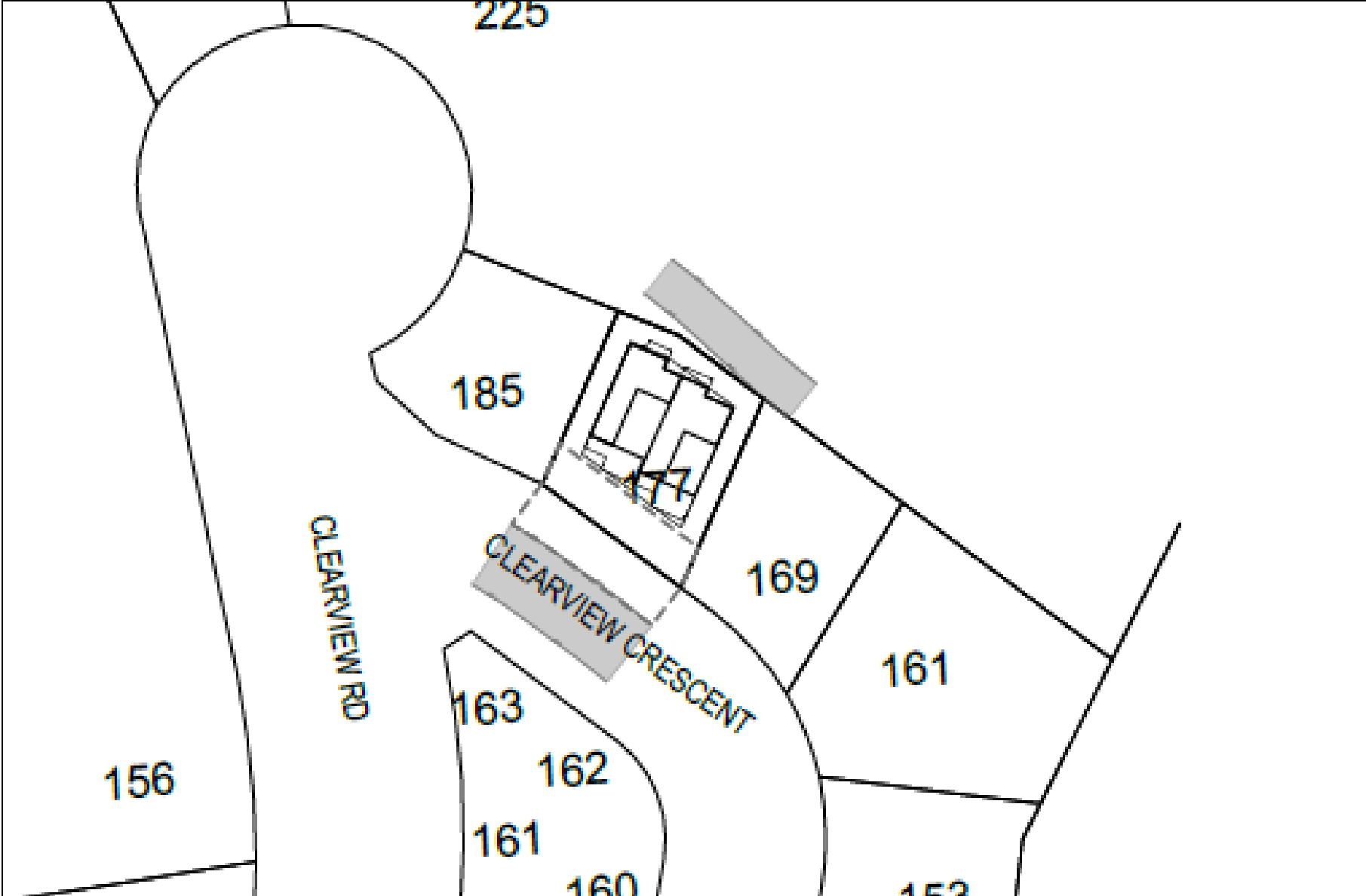
No. 4 – Site Photo

Attachment No. 1 – Agency Referral List

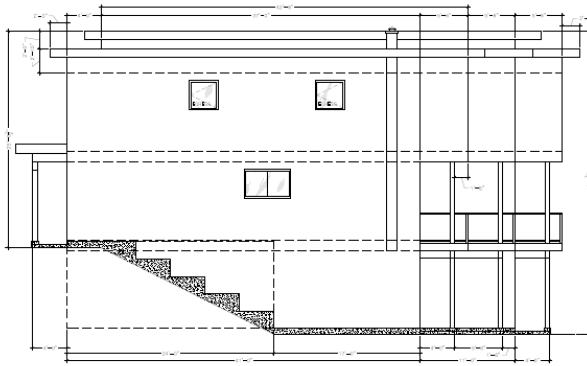
Referrals have been sent to the following agencies as highlighted with a , regarding Amendment Bylaw No. 2683.08:

<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 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 checked="" type="checkbox"/>	Penticton Indian Band (PIB)
<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 type="checkbox"/>	Canadian Wildlife Services
<input 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 checked="" type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input type="checkbox"/>	Vaseux Lake Irrigation District
<input type="checkbox"/>	Keremeos Irrigation District	<input checked="" type="checkbox"/>	Okanagan Indian Band (OIB)
<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"/>	Apex Fire Brigade Society	<input checked="" type="checkbox"/>	Lower Similkameen Indian Band (LSIB)

Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 – Applicant's Building Elevations



EAST ELEVATION

GRAPHIC INFORMATION
 DATE: 04/20/23
 TOTAL SHEET NO.: 003 OF 04
 UTM: 18QUC
 ALTIMETER: 6100 FT

NOTE:
 1. All dimensions are given in feet and inches. All dimensions shall be reported to the State for planning and permit processing in feet and inches.
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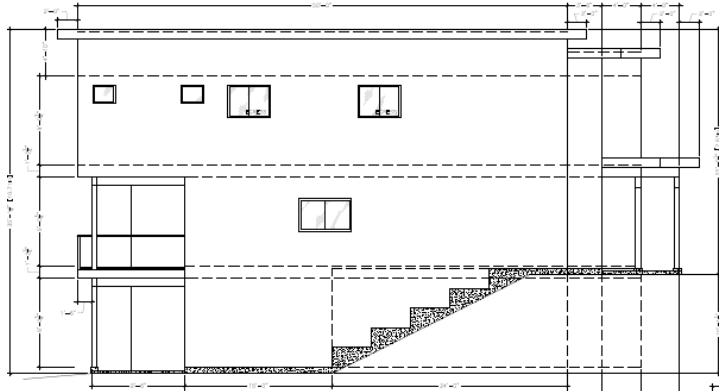
NORTH ELEVATION

ISSUED FOR BUILDING PERMIT

N&E ELEVATIONS	
PROPOSED DUPLEX	
1777 CLEARVIEW CRESENT	
ALBUQUERQUE, NM	
DATE: 04/20/23	SCALE: 1/8" = 1'-0"
BY: [Signature]	CHECKED: [Signature]
DATE: 04/20/23	SCALE: 1/8" = 1'-0"
BY: [Signature]	CHECKED: [Signature]

AZTECH DRAFTING SERVICES

12888 Canyon Blvd, Suite 100, Albuquerque, NM 87105
 Phone: (505) 263-1000 Fax: (505) 263-1001



WEST ELEVATION

GRAPHIC INFORMATION
 DATE: 04/20/23
 TOTAL SHEET NO.: 003 OF 04
 UTM: 18QUC
 ALTIMETER: 6100 FT

NOTE:
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SOUTH ELEVATION

ISSUED FOR BUILDING PERMIT

S&W ELEVATIONS	
PROPOSED DUPLEX	
1777 CLEARVIEW CRESENT	
ALBUQUERQUE, NM	
DATE: 04/20/23	SCALE: 1/8" = 1'-0"
BY: [Signature]	CHECKED: [Signature]
DATE: 04/20/23	SCALE: 1/8" = 1'-0"
BY: [Signature]	CHECKED: [Signature]

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Attachment No. 4 – Site Photo

