

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** July 21, 2016

**RE:** OCP & Zoning Bylaw Amendment — Electoral Area “D-2”  
Commercial Zone Update



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### Administrative Recommendation:

**THAT** Bylaw No. 2603.08, 2016, Electoral Area “D” Official Community Plan Amendment Bylaw and Bylaw No. 2455.24, 2016, Electoral Area “D” Zoning Amendment Bylaw be read a first and second time and proceed to a public hearing;

**AND THAT** the Board of Directors considers the process, as outlined in the report from the Chief Administrative Officer dated July 21, 2016, 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. 2603.08, 2016, in conjunction with its Financial and applicable Waste Management Plans;

**AND THAT** the holding of the public hearing be delegated to Director Siddon or delegate;

**AND THAT** staff schedule the date, time, and place of the public hearing in consultation with Director Siddon;

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

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### Proposal:

The Regional District Board is proposing to undertake an update of the commercial zones comprised within the Electoral Area “D-2” Zoning Bylaw.

### Background:

At its meeting of March 6, 2014, the Board adopted a new Electoral Area “D-2” Official Community Plan (OCP) Bylaw No. 2603, 2013.

The OCP contemplates a number of changes to the Electoral Area “D” Zoning Bylaw No. 2455, 2008, including “relabeling the highway commercial zone and providing a range of permitted uses that complement the vibrant, mixed use vision for the downtown area of Okanagan Falls that the OCP seeks.”

At its meeting of January 21, 2016, the Planning and Development (P&D) Committee of the Regional District Board resolved to “direct staff to initiate an amendment to the Electoral Area “D” Zoning Bylaw No. 2455, 2008, in order to update the commercial zones.”

### Referrals:

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Approval from the Ministry of Transportation and Infrastructure (MoTI) will be required prior to adoption as the proposed amendments will affect land situated within 800 metres of a controlled area (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. 67 has 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:**

At their meeting of February 9, 2016, the Electoral Area "D" Advisory Planning Commission (APC) resolved to recommend that the proposed amendments to the Commercial Zone be approved.

Administration recommends that consideration by the APC, written notification of affected property owners 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, this process is seen to be sufficiently early and does not need to be further ongoing.

Agency comments have been received from the Agricultural Land Commission (ALC), Fortis, Okanagan Falls Irrigation District, Ministry of Forest, Lands and Natural Resource Operations (Ecosystem Branch), Penticton Indian Band (PIB) and Interior Health Authority (IHA) and these are included as a separate item on the Board Agenda.

All property owners affected by the proposed changes were notified by mail in early February of 2016. Two (2) comments were received, while Administration held discussions with two property owners to discuss the proposed changes.

**Analysis:**

As discussed at the P&D Committee meeting of January 21<sup>st</sup>, Administration fully supports updating the uses permitted in the C4 Zone and extending this to include the other commercial zones found in the Electoral Area "D-2" Zoning Bylaw. Specifically, it is being proposed to:

- retitle the C4 Zone "Okanagan Falls Town Centre" (from "Highway Commercial");
- update the language used to describe permitted uses in the C3, C4, C6 and C7 Zones (NOTE: the C1 & C2 Zones do not exist in Electoral Area "D-2", while the C5 Zone was removed in 2015);
- exclude automobile related uses (i.e. "service stations") from the C4 Zone and include these in a new Service Commercial One (CS1) Zone to be applied to parcels where these are occurring;
- include the Okanagan Falls Heritage & Museum Society property (1145 Highway 97) in the C4 Zone (it is currently zoned Commercial Amusement (C6));
- rezone a non-conforming residential property in Upper Carmi from C6 to Small Holdings One (SH1) (the property owner has been consulted and is supportive of this change). This requires an

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amendment to the Electoral Area “D” OCP Bylaw in order to change the designation of the property from Commercial (C) to Small Holdings (SH);

- update the C7 Zone and consolidate an existing site specific zoning; and
- delete the Specialized Commercial (C8) Zone from the bylaw and rezone the only property it applies to back to Large Holdings (LH), which is the zoning that applied to the property prior to the “movie studio” concept being applied for in 2001 (the property owner received written notification of this proposal and has not responded).

**Alternative:**

THAT Bylaw No. 2603.08, 2016, Electoral Area “D” Official Community Plan Amendment Bylaw and Bylaw No. 2455.24, 2016, Electoral Area “D” Zoning Amendment Bylaw be denied.

**Respectfully submitted:**



C. Garrish, Planning Supervisor

**Endorsed by:**



D. Butler, Development Services Manager

Attachments: No. 1 – Agency Referral List

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. 2603.08, 2016, and No. 2455.24, 2015.

<input checked="" type="checkbox"/>	Agricultural Land Commission (ALC)	<input type="checkbox"/>	Kootenay Boundary Regional District
<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	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Community, Sport and Cultural Development	<input type="checkbox"/>	Town of Osoyoos
<input checked="" type="checkbox"/>	Ministry of Environment	<input type="checkbox"/>	Town of Princeton
<input type="checkbox"/>	Ministry of Forest, Lands & Natural Resource Operations	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Tourism and Innovation	<input checked="" type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input type="checkbox"/>	Ministry of Transportation and Infrastructure	<input checked="" type="checkbox"/>	Penticton Indian Band (PIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Osoyoos Indian Band (OIB)
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Upper Similkameen Indian Bands (USIB)
<input type="checkbox"/>	School District #53 (Okanagan Similkameen)	<input type="checkbox"/>	Lower Similkameen Indian Bands (LSIB)
<input type="checkbox"/>	School District #58 (Nicola Similkameen)	<input type="checkbox"/>	Environment Canada
<input checked="" type="checkbox"/>	School District #67 (Okanagan Skaha)	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Archaeology Branch
<input checked="" type="checkbox"/>	Fortis	<input type="checkbox"/>	Westbank First Nation
<input type="checkbox"/>	Lakeshore Highland Water System	<input checked="" type="checkbox"/>	Okanagan Falls Irrigation District