

ADMINISTRATIVE REPORT



TO: Planning and Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: September 6, 2018

RE: Land Use Bylaws Update - Electoral Area "I" and *Local Government Act* Revisions

Administrative Recommendation:

THAT the Board of Directors resolve that Regional Growth Strategy Amendment Bylaw No. 2770.01, 2018, is a minor amendment of the South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017;

AND THAT the Consultation Plan for Amendment Bylaw 2770.01, 2018, include:

- **formal referral to the City of Penticton, District of Summerland and the Towns of Oliver & Osoyoos no less than 30 days prior to 1st reading;**
 - **notification in two issues of the Regional District's bi-weekly newspaper advertisement; and**
 - **notification on the Regional District's web-site and social media accounts.**
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Purpose:

The purpose of this report is to advise the Board of proposed amendments to a number of Regional District land use bylaws in relation to the proposed division of Electoral Area "D" into a new Electoral Area "D" and Electoral Area "I", including a proposed consultation program.

Further to this, a resolution regarding the "minor" nature of the required amendments to the South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017, is also being sought.

Finally, an overview of proposed amendments to these same land use bylaws in response to a 2016 revision of the *Local Government Act* is also being provided.

Background:

On April 27, 2018, the Lieutenant Governor approved Order in Council No. 216, dividing Electoral Area "D" into two separate Electoral Areas (i.e. a new "D" & "I"), and that this will come into effect on November 15, 2018.

On January 1, 2016, a revised version of the *Local Government Act* came into effect. Under the prior version of the Act, the rules governing regional districts were spread throughout nine unrelated parts of the Act with those section separated by hundreds of other, unrelated sections. The revised Act now has specific parts for regional district rules, but which are now found under different section numbers.

Analysis:

In anticipation of the division of Electoral Area "D" into a new Electoral Area "D" and Electoral Area "I", Administration has completed a review of all current land use bylaws and identified a series of amendments that are required to reflect this new governance structure.

While these amendments primarily relate to the Electoral Area “D-1” & “D-2” Official Community Plan (OCP) and Zoning Bylaws, amendments to the Advisory Planning Commission (APC) Bylaw, Board of Variance (BoV) Bylaw, Subdivision for a Relative Bylaw, Manufactured Home Park Regulations Bylaw, South Okanagan Regional Growth Strategy (RGS) Bylaw as well as the other Electoral Area OCP & Zoning Bylaws have also been identified.

These amendments primarily involve either a textual or mapping amendment to the bylaws to include a reference to Electoral Area “I” (i.e. the Context Maps in each of the Electoral Area OCP & Zoning Bylaws requirement amendment to reflect the pending creation of Electoral Area “I”).

Administration considers these amendments to be of a very minor nature and is proposing a limited program of public consultation in relation to the proposed OCP and Zoning bylaw amendments.

Specifically, that the amendment bylaws not be considered at public information meetings or by the Electoral Area Advisory Planning Commissions (APCs) and that external agency referrals be limited to those having statutory approval (i.e. Ministry of Transportation and Infrastructure) or that are required to be consulted under the Act (i.e. School Districts, Agricultural Land Commission and local First Nations).

RGS Amendment & Consultation Plan

With regard to the proposed amendments to the RGS Bylaw, the Act allows for these to proceed in a reasonable and economical manner provided they are deemed to be “minor” by the RDOS Board.

Given the proposed amendments to the RGS Bylaw (see Attachment No. 1) only involve the inclusion of references to Electoral Area “I” and no changes to the intent or objectives of the RGS, Administration is recommending that this constitutes a minor amendment.

Should the Board support this recommendation, and in accordance with the Act, Administration is proposing a Consultation Plan in which the amendment bylaw formally be referred to the City of Penticton, District of Summerland and Towns of Oliver and Osoyoos for their reference and 30 days prior to 1st reading. Additional notification also take the form of newspaper notification (bi-weekly ad), posting to the Regional District’s web-site and social media accounts.

Importantly, the amendment bylaw must receive “an affirmative vote of all board members attending the meeting” at which 1st reading will be considered in order to continue to proceed under the regulations governing the adoption of a minor amendment.

Local Government Act Revisions

Although unrelated to the pending creation of Electoral Area “I”, Administration is proposing that the amendment of the various land use bylaws outlined above be used to address the 2016 revision of the *Local Government Act*.

This revision resulted in numerous references within the various land use bylaws adopted by the RDOS Board prior to 2016 becoming outdated. For instance, the land use planning sections of the Act were previously contained in the 800 and 900 section number blocks of the legislation, but are now found in the 400 and 500 section number blocks.

To ensure ease of use of the Regional District’s land use bylaws by the public and staff, Administration is proposing that all outdated references to *Local Government Act* sections be addressed as part of the amendments being made in relation to the division of Electoral Areas “D” & “I”.

Alternative:

THAT the Regional District Board resolve that Regional Growth Strategy Amendment Bylaw No. 2770.01, 2018, is not a minor amendment of the South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017.

Respectfully submitted:


C. Garrish, Planning Supervisor

Endorsed by:


B. Dollevoet, Dev. Services Manager

Attachments: No. 1 — RGS Amendment Bylaw No. 2770.01 (annotated version)