

To: Her Worship Mayor McKortoff and Members of Council
From: Shannon Duong, Planner
Date: May 14, 2024
Subject: OCP & Zoning Bylaw Amendment Application No. Z23-06
Tracker No: BLW-384

Recommendation:

THAT the Town of Osoyoos Official Community Plan Amendment Bylaw No. 1375.03, 2024, and the Town of Osoyoos Zoning Amendment Bylaw No. 1085.150, 2024, be read a first and second time and proceed to public hearing;

AND THAT Council considers the process, as outlined in the Regular Open Council Report dated May 14, 2024, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;

AND THAT the holding of the public hearing be scheduled for the Town of Osoyoos Regular Open Council Meeting of June 11, 2024.

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

CAO Comments

Approved for Council consideration.

Executive Summary:

This application is seeking to amend the Official Community Plan (OCP) designation and zoning of the subject property in order to allow for the development of a “two dwelling unit” (i.e., duplex) on the subject property.

In order to accomplish this, the following land use bylaw amendments are being proposed by the applicant:

- amend the land use designation under Map ‘2’ (Lane Use Designations) of the Town of Osoyoos Official Community Plan (OCP) Bylaw No. 1375, 2022, from Medium-High Density Residential to Low-Medium Density Residential; and
- amend the zoning under Schedule ‘A’ (Zoning Map) of the Town of Osoyoos Zoning Bylaw No. 1085, 1998, from Medium Density Residential (R6) to Low Density Residential (R3).

Background:

The subject property is approximately 831 m² in area and is situated on the east side of Oleander Drive, abutting Osoyoos Lake to the east. It is understood that the parcel is comprised of a single detached dwelling and accessory building (i.e. a detached garage).

The surrounding pattern of development is generally characterized by similarly sized parcels developed to single detached dwellings, with the exception of the adjacent parcel to the east which is understood to be developed to a multiple family dwelling.

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on August 20, 1987. Available records indicate that building permits have not previously been issued for this property.

Under the Town of Osoyoos Official Community Plan (OCP) Bylaw No. 1375, 2022, the subject property is currently designated Medium-High Density Residential, and is the subject of Multi-Family Residential Development Permit (MFRDP) Riparian Development Permit (RDP), and Hillside Development Permit (HDP) Areas.

The subject property is located within the Growth Containment Area as delineated in Map 1 of the OCP Bylaw.

Under the Town of Osoyoos Zoning Bylaw No. 1085, 1998 the property is currently zoned Medium Density Residential (R6). A “two dwelling unit” is not permitted in the R6 Zone.

Under Section 5.0 (Flood Proofing Provisions) of the Zoning Bylaw, the subject property is within the floodplain associated with Osoyoos Lake.

BC Assessment has classified the property as “Residential” (Class 01).

Referrals:

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 97/3).

Pursuant to Section 476 of the *Local Government Act*, the Town 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. 53 has been made aware of the proposed amendment bylaw.

Pursuant to Section 477 of the *Local Government Act*, after first reading Council must consider the proposed OCP amendment in conjunction with the Town of Osoyoos (Town) current financial and waste management plans. The proposed OCP amendment has been reviewed by the Town's Solid Waste Department and the Town's Finance Department, and it has been determined that the proposed bylaw is consistent with the Town's current waste management plan and the Town's financial plan.

Public Process:

On February 20, 2024, a Public Information Meeting (PIM) was held electronically via video conferencing (i.e., Zoom) and was attended by approximately three (3) members of the public.

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. 2, 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 be further ongoing.

All comments received to date in relation to this application are included as a separate item on the Council Agenda.

Analysis:

In considering this proposal, Administration notes that the OCP and zoning amendments are being requested in order to construct an additional dwelling unit on the subject property.

Administration highlights that the OCP Bylaw speaks to lands designated Medium-High Density Residential being permitted housing types which may include “-plex” developments, in addition to other standard forms of multiple family dwellings. Despite this, the Medium Density Residential (R6) zoning that applies to the property does not permit the development of the site to a two family dwelling (i.e., duplex).

While the OCP Bylaw discourages residential developments which require “downzoning” and developments that do not take advantage of allowable residential densities, Administration notes that the parcel is limited in several ways. Namely, the parcel is relatively narrow and its development is limited due to its location adjacent to Osoyoos Lake and the associated Streamside Protection and Enhancement Area (SPEA) under the Riparian Areas Protection Regulation. Additionally, it is noted that the R6 Zoning stipulates a maximum building height of 9 metres for properties adjacent to the east side of Oleander Drive, which limits the ability to “build up” on site. Ultimately, these factors are seen to limit the overall density which can reasonably be achieved on site.

Additionally, Administration emphasizes that, through recent legislative amendments, the Province has provided clear direction as it relates to future residential development. One of the principal themes of the legislative changes is the application of flexibility when making land use decisions in relation to new housing developments. In this regard, local governments are encouraged to remove obstacles which may stifle the provision of additional housing units.

Given the context of the site and its existing limitations, Administration finds that the existing zoning of the property, which effectively requires any future residential building to consist of a minimum of three dwelling units, may hinder future expansion of residential density on site.

Conversely, Administration recognizes that the intent of designating this portion of Oleander Drive for future Medium-High Density Residential use may have been to encourage lot consolidation for future larger-scale residential development, and that the OCP discourages “downzoning”.

That being said, Administration finds that the existing zoning is not fully consistent with the Medium-High Density Residential OCP designation which speaks to permitting “-plex” developments.

Further, maintaining the existing R6 zoning on the parcel could stifle attempts to increase site density, particularly due to the existing site limitations and the restrictive zoning provisions with respect to building height along the east side of Oleander Drive.

In light of the comments above, Administration is supportive of the proposed amendments and recommends that 1st and 2nd reading be given to the amendment bylaws.

Options / discussion

1. THAT the Town of Osoyoos Official Community Plan Amendment Bylaw No. 1375.03, 2024, and the Town of Osoyoos Zoning Amendment Bylaw No. 1085.150, 2024, be read a first and second time and proceed to public hearing;

AND THAT Council considers the process, as outlined in the Regular Open Council Report dated May 14, 2024, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;

AND THAT the holding of the public hearing be scheduled for the Town of Osoyoos Regular Open Council Meeting of June 11, 2024.

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

2. THAT the Town of Osoyoos Official Community Plan Amendment Bylaw No. 1375.03, 2024, and the Town of Osoyoos Zoning Amendment Bylaw No. 1085.150, 2024, be denied.

Implications:

a) Community

- The proposal would allow for the addition of one dwelling unit to the Town’s housing stock.

b) Organizational

- Additional authorizations will be required to facilitate the proposed duplex development, including the issuance of development permits and building permits.
- Development Cost Charges will be payable at the building permit stage, as well as any other fees which may be required as part of the building permit process.

c) Budget

- Financial/Risk Implications: N/A

d) Significant Dates

- If 1st and 2nd reading are given to the amendment bylaws, a public hearing will be held on June 11, 2024.

e) Sustainability

- N/A

Others Consulted:

Building Inspector

Operational Services Department

Fire Department

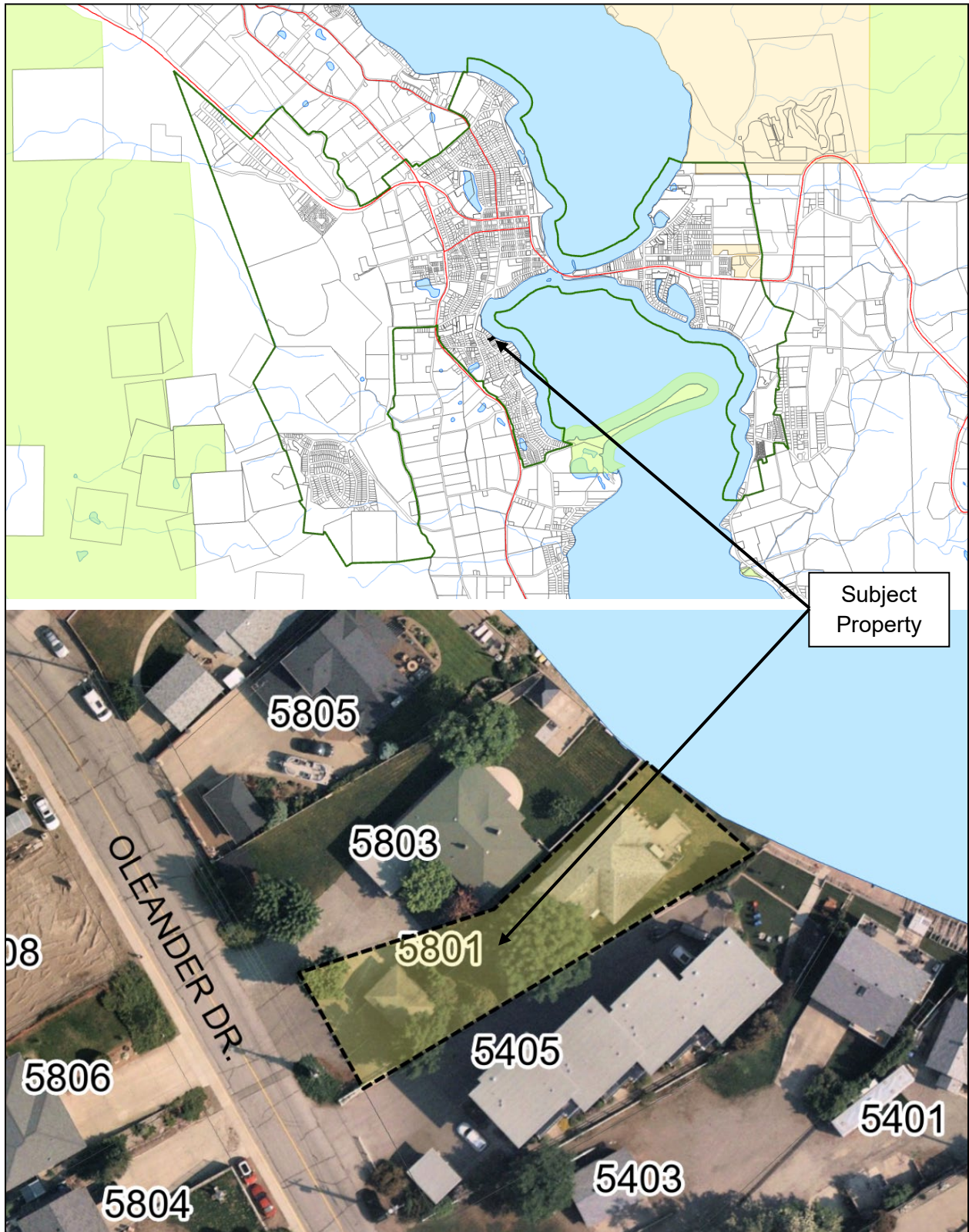
Finance Department

Regional District of Okanagan-Similkameen Solid Waste Department

Attachments:

1. Context Maps
2. Agency Referral List
3. Applicant's Site Plan
4. Applicant's 3D Renderings
5. Site Photo (Google Streetview – 2023)
6. Aerial Imagery (2022)
7. Draft OCP Amendment Bylaw No. 1375.03, 2024
8. Draft Zoning Amendment Bylaw No. 1085.150, 2024

Attachment No. 1 – Context Maps

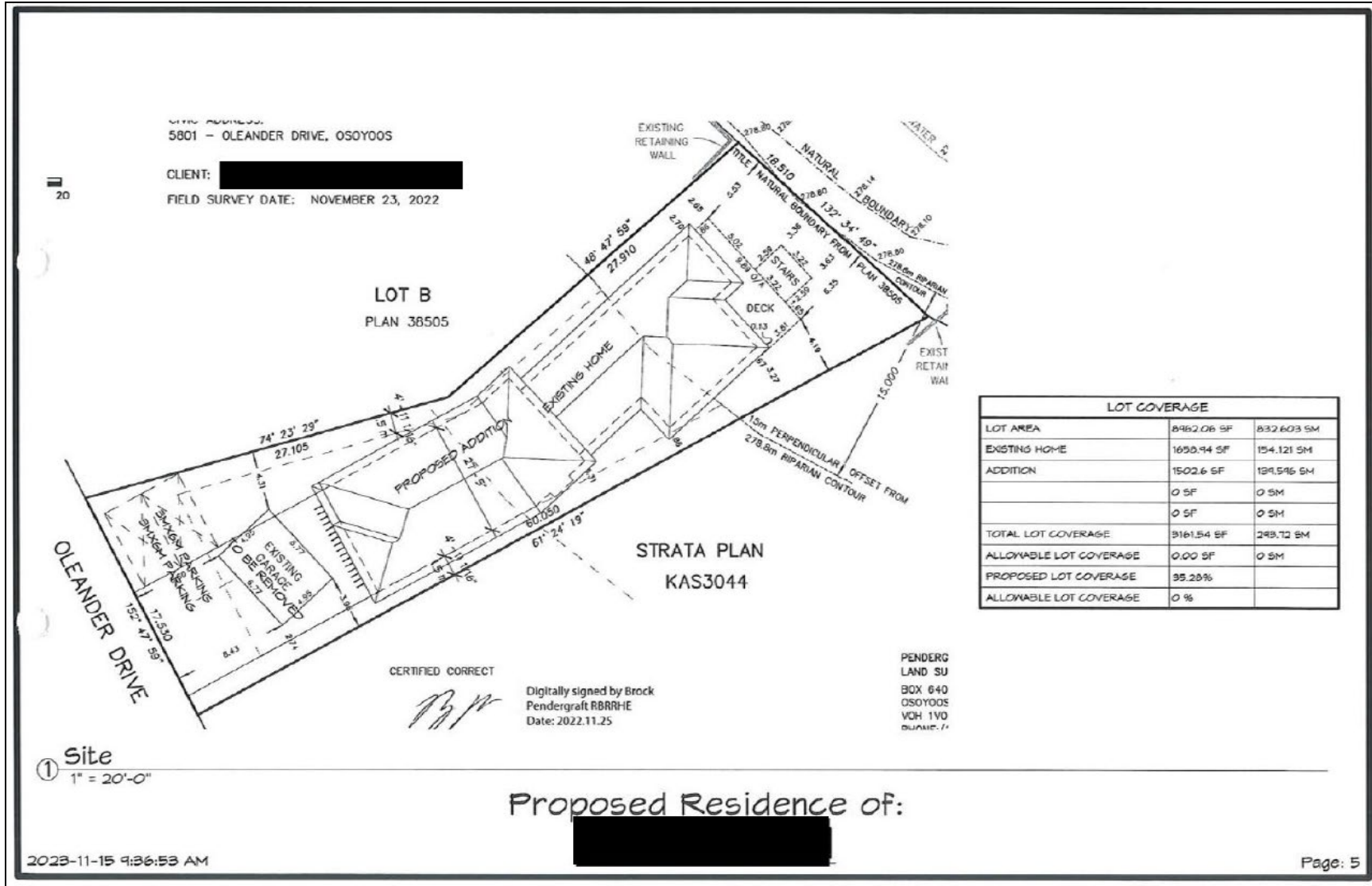


Attachment No. 2 – Agency Referral List

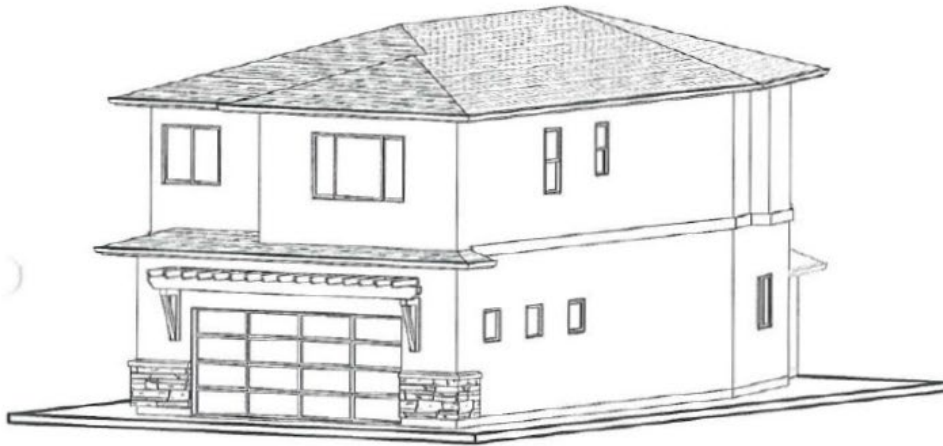
Referrals have been sent to the following agencies as highlighted with a , regarding Amendment Bylaw Nos. 1375.03, 2024 & 1085.150, 2024:

<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure	<input type="checkbox"/>	Chief Administrative Officer
<input type="checkbox"/>	Agricultural Land Commission	<input type="checkbox"/>	Corporate Officer
<input type="checkbox"/>	Archaeology Branch (MFLNRORD)	<input checked="" type="checkbox"/>	Chief Financial Officer
<input checked="" type="checkbox"/>	Interior Health Authority	<input checked="" type="checkbox"/>	Operational Services
<input type="checkbox"/>	Ministry of Agriculture & Lands	<input checked="" type="checkbox"/>	Building Inspector
<input type="checkbox"/>	Ecosystem Section (MFLNRORD)	<input checked="" type="checkbox"/>	Fire Department
<input checked="" type="checkbox"/>	School District	<input checked="" type="checkbox"/>	Osoyoos Indian Band
<input checked="" type="checkbox"/>	Fortis BC	<input checked="" type="checkbox"/>	RDOS Solid Waste Management
<input type="checkbox"/>	Eastlink	<input checked="" type="checkbox"/>	RCMP
<input type="checkbox"/>	Telus	<input type="checkbox"/>	

Attachment No. 3 – Applicant's Site Plan



Attachment No. 4 – Applicant's 3D Renderings



① Front 3D



② Rear 3D

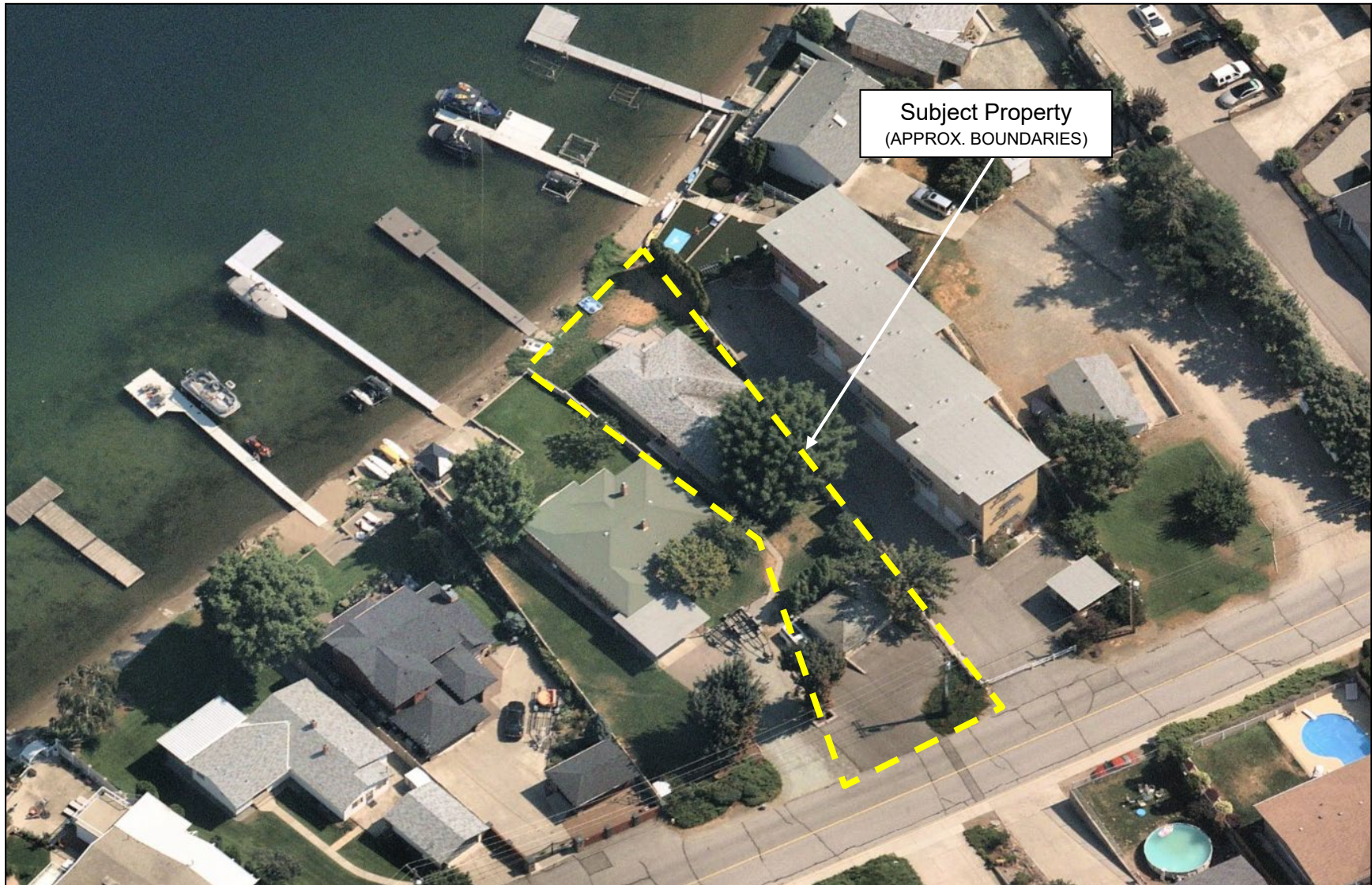
Proposed Residence of:



Attachment No. 5 – Site Photo (Google Streeview – 2023)



Attachment No. 6 – Aerial Imagery (2022)



**TOWN OF OSOYOOS
BYLAW NO. 1375.03, 2024**

A bylaw to amend the Town of Osoyoos Official Community Plan Bylaw No. 1375, 2022

WHEREAS Council deems it desirable to amend the Town of Osoyoos Official Community Plan Bylaw No. 1375, 2022.

Applicant: Steve Shannon
Location: 5801 Oleander Drive

NOW THEREFORE BE IT RESOLVED THAT the Municipal Council of the Town of Osoyoos in open meeting assembled **ENACTS AS FOLLOWS:**

1. This Bylaw may be cited for all purposes as the “Town of Osoyoos Official Community Plan Amendment Bylaw No. 1375.03, 2024”.
2. The Land Use Designations Map, being Map 2 of the “Town of Osoyoos Official Community Plan Bylaw No. 1375, 2022”, is amended by changing the land use designation on the land described as Lot A, District Lot 2450S, SDYD, Plan KAP38505, from Medium-High Density Residential to Low-Medium Density Residential.

Read a First and Second time on this ____ day of _____, 20__.

Public Hearing held on this ____ day of _____, 20__.

Read a Third time this ____ day of _____, 20__.

Adopted this ____ day of _____, 20__.

MAYOR

CORPORATE OFFICER

**TOWN OF OSOYOOS
BYLAW NO. 1085.150, 2024**

A bylaw to amend the Town of Osoyoos Zoning Bylaw No. 1085, 1998

WHEREAS Council deems it desirable to amend the Town of Osoyoos Zoning Bylaw No. 1085, 1998;

Applicant: Steve Shannon
Location: 5801 Oleander Drive

NOW THEREFORE BE IT RESOLVED THAT the Municipal Council of the Town of Osoyoos in open meeting assembled **ENACTS AS FOLLOWS:**

1. This Bylaw may be cited for all purposes as the “Town of Osoyoos Zoning Amendment Bylaw No. 1085.150, 2024”.
2. The Zoning Map, being Schedule “A” of the “Town of Osoyoos Zoning Bylaw No. 1085, 1998”, is amended by changing the land use designation on the land described as Lot A, District Lot 2450S, SDYD, Plan KAP38505, from Medium Density Residential (R6) to Low Density Residential (R3).

Read a First and Second time on this ____ day of _____, 20__.

Public Hearing held on this ____ day of _____, 20__.

Read a Third time on this ____ day of _____, 20__.

Approved pursuant to Section 52(3)(a) of the *Transportation Act* this ____ day of _____, 20__.

For the Minister of Transportation & Infrastructure

Adopted this ____ day of _____, 20__

MAYOR

CORPORATE OFFICER