



Regional Board Report

TO: Regional Board

FROM: Todd Cashin
Director of Community Services

DATE: October 14, 2021

SUBJECT: OCP Amendment Bylaw No.1304-04 & Zoning Amendment Bylaw No. 871-270
J. & J. Hanson c/o Urban Options (Z21/05)
4410 June Springs Road
Central Okanagan East Electoral Area

Voting Entitlement: *Custom Vote–Electoral Areas & Kelowna Area–1 Director, 1 Vote – Simple Majority*

Purpose: To consider a site-specific text amendment to the Official Community Plan to allow for a rural residential property less than 4.0 ha and to amend the zoning on a portion of the property from RU2 Rural 2 to RU3 Rural 3 to facilitate a two-lot subdivision.

Executive Summary:

In accordance with the bylaw amendments, the owners are proposing to create one additional rural residential parcel and provide park dedication to the Regional District of Central Okanagan.

RDCO Parks Services has on-going interests in securing natural open space park and recreational trail connectivity through the area, to KLO Creek Regional Park, Myra-Bellevue Provincial Park and surrounding Crown lands. The proposal would secure additional lands to increase connectivity of natural open space and parkland.

In conjunction with a future subdivision application, the owners will be required to address servicing requirements. In accordance with the Subdivision Servicing Bylaw, a community water system is required for parcels zoned RU3. Community water does not exist in this area. The owners will be required to obtain approval from the Regional Board to vary the water supply requirement at time of subdivision.

While the South Slopes Official Community Plan (OCP) does not support rezoning to allow further subdivision of rural residential parcels, as the owners propose to provide park dedication as part of the proposal which is supported by parks and recreation objectives and policies of the OCP, Planning Services staff are supportive of the application.

RECOMMENDATION:

THAT the Regional Board, receives the report from the Director of Community Services, dated October 14, 2021, with respect to OCP Amendment Bylaw No. 1304-04 & Zoning Amendment Bylaw No. 871-270 on Parcel A (DD 8796D) of the South East ¼ of Section 35, Township 29, ODYD Except Plan 35649;

AND THAT OCP Amendment Bylaw No. 1304-04 be given first reading.

AND THAT Zoning Amendment Bylaw No. 871-270 be given first reading.

AND FURTHER THAT scheduling of a Public Hearing for application Z21/05 be withheld pending:

- Written confirmation that a signed Form A transfer for the future land donation to the Regional District will be provided prior to final adoption of the bylaws amendments; and
- Receipt of the following:
 - draft no-build / no-disturb covenant from the top of bank of Rumohr Creek to protect the associated riparian area;
 - draft wildfire covenant;
 - draft covenant to limit the density of the proposed 4.75 ha RU2 parcel to one dwelling with no potential for an accessory home; and
 - draft covenant to restrict further subdivision of the proposed 2.3 ha RU3 parcel.

Respectfully Submitted:



Todd Cashin,
Director of Community Services

Approved for Board's Consideration



Corie Griffiths,
Director of Corporate Services/
Acting CAO

Prepared by: Danika Dudzik, Senior Planner

Attachment(s):

- Subject Property & Orthophoto Maps
- Bylaw No. 1304-04
- Bylaw No. 871-270
- Site Plan
- Proposed Future Subdivision
- South Slopes OCO Rural Residential Land Use Designation
- Zoning Bylaw No. 871, RU3 Zone

Implications of Recommendation:

Strategic Plan:	Granting first reading of the amendment bylaws achieves the Regional Board Strategic Priorities 2019-2022 with respect to “Sustainable Communities” and “Environment”.
Policy:	Granting first reading of the amendment bylaws complies with: <ul style="list-style-type: none">• Health and ecosystems policies of the Regional Growth Strategy Bylaw No. 1336, and• Parks and Recreation objectives and policies within the Slopes Official Community Plan Bylaw No. 1304.
Legal/Statutory Authority:	Granting first reading of the amendment bylaws is in compliance with <i>Local Government Act</i> , Sections 472 and 479.

Background:

The subject property is located adjacent to the City of Kelowna and is bisected by June Springs Road. The portion of the property north of June Springs Road is currently undeveloped. The portion of the property south of June Springs Road is developed with one single detached house and an accessory building.

The future land use designation for the property is identified as Rural Residential in the South Slopes Official Community Plan (OCP) intended for large rural properties with minimal services and some limitations consisting of a 9.8 acre (4 ha) minimum lot size. Further, the property is zoned RU2 Rural 2, which does not allow for further subdivision. Under the RU2 zone, one accessory home is permitted on parcels within a minimum size of 9.4 acres (3.8 ha). In addition to the principal dwelling, the owners are currently permitted to develop an accessory home.

Proposal:

1. To amend the South Slopes Official Community Plan through a text amendment to Policy No. 15 of the Rural Residential land use designation to allow for a rural residential property less than 4.0 ha.
2. To rezone the portion of the property south of June Springs Road from RU2 Rural 2 to RU3 Rural 3.

In accordance with the bylaw amendments, the owners intend to subdivide the subject property to create one additional rural residential parcel. As part of the proposal, the owners have offered to donate a portion of the property consisting of 1.23 acres (0.499 ha) to the Regional District of Central Okanagan for a future trail and park space.

The owners have indicated that routine maintenance and fire mitigation works on the undeveloped portion of the property have become onerous and increased trespassing of the general public for recreational purposes is a concern for them.

Under the RU2 zone, one accessory home is permitted on parcels within a minimum size of 9.4 acres (3.8 ha). Under the RU3 zone, an accessory home is not permitted however, the minimum lot size permitted under the RU3 zone is 2.47 acres (1.0 ha). As such, the proposed 5.68 acre (2.3 ha) parcel south of June Springs Road could be subdivided further.

Servicing:

Water

Existing development on the subject property is serviced by a well.

Should the OCP/rezoning application be successful, the owner is proposing one additional rural residential parcel be created. A subdivision application would be submitted to the Ministry of Transportation and Infrastructure. In conjunction with a future subdivision application, the owner will be required to address servicing requirements. In accordance with the Subdivision Servicing Bylaw, a community water system is required for parcels zoned RU3. Community water does not exist in this area. Should the bylaw amendments advance and be adopted, the owners will be required to obtain approval from the Regional Board to vary the water supply requirement of Bylaw No. 1397 at time of subdivision.

Sewerage Disposal

The existing single detached house is currently serviced by an on-site sewerage disposal system.

In conjunction with a future subdivision application, the owner will be required to address servicing requirements. In accordance with the Subdivision Servicing Bylaw, onsite wastewater disposal is permitted for parcels zoned RU3. Prior to future development, RDCO will require receipt of on-site sewerage disposal system information which confirms that the proposed development will be adequately serviced.

Regional Board Strategic Priorities 2019-2022:

RDCO's strategic priorities, developed by the Regional Board, speak to important goals, services and needs on which the Board wishes to focus the organization's attention and resources. Sustainable Communities and the Environment have been identified as priorities. The proposed park dedication as a future trail/park connection between KLO Creek Regional Park and Myra-Bellevue Provincial Park would support efforts to connect with nature. The proposal may also support a healthy built environment reducing the potential for wildfire risk.

Regional Growth Strategy Bylaw No. 1336:

In accordance with the RGS, the objectives are to minimize sprawl and encourage the efficient use of land, resources, energy and infrastructure. The Regional District encourages settlement and housing in areas with services and infrastructure to support growth. Neighbouring municipal areas are currently regarded as best able to service the growth of residential housing.

Although the owners intend to subdivide the subject property to create one additional rural residential parcel, the proposal aligns with the goal of Our Health to contribute to the improvement of community health, safety and social well-being and aligns with various policies of Our Ecosystems.

Our Ecosystems goal is to be responsible stewards of natural ecosystems to protect, enhance and restore biodiversity in the region.

Policies include:

- Encourage collaboration with regional partners on enhancing wildlife corridor linkages to

improve habitat connectivity that avoids fragmentation and isolation of important habitats (Policy No. 4)

- Encourage a mix of parkland and open space that protect regionally significant ecosystems, and natural and cultural attributes (Policy No. 5)
- Protect natural environments, parks and water systems, as these systems are essential to the quality of life in the Okanagan that support active and healthy lifestyles (Policy No. 7)

Slopes Official Community Plan Bylaw No. 1304:

Use and development of land is to be consistent with the designations depicted on Schedule C South Slopes Future Land Use along with the respective policies for each designation. The proposed 5.6 acre (2.3 ha) RU3 parcel would not achieve the 9.8 acre (4 ha) minimum lot size requirement under the Rural Residential land use designation. As such, a site specific text amendment is being proposed to Policy No. 15 of the OCP to allow for a rural residential property less than 4.0 ha

Community Facilities, Parks, Recreation and Heritage, outlines South Slopes is a large geographic area with 45% of the land area held as Provincial parks that were established to protect the unique ecosystems, habitats and scenic Okanagan Lake views. Community facilities, recreation and heritage sites in South Slopes are located within the provincial and regional parks in this area. One of the key areas of interest is improving connectivity to KLO Creek Regional Park, Myra-Bellevue Provincial Park and surrounding Crown lands.

Regional Parks provide opportunities for public recreation, interpretation and enjoyment of the natural and cultural landscape, protect and preserve ecologically significant ecosystems, natural habitats and features and provide wildlife habitat and corridors. Linear parks and trails provide important linkages and connectivity between surrounding parks, natural areas, trails and Crown lands.

The OCP identifies long term planning for future parkland acquisitions include securing lands to complement the existing system of regional parks, protection of regionally significant natural and human heritage park areas, and to complete recreational corridor linkages with existing parks, linear greenways, trails, natural areas, and surrounding Crown lands.

Policies applicable to the proposal include:

- Assess a range of tools for natural open space and conservation area management, including covenants, land trusts, purchase by conservation organizations and regional park acquisition. (Policy 5)
- Provide for an overall connectivity of natural open space and parkland between Regional District, Provincial, City of Kelowna and Crown lands in the South Slopes area. (Policy 11)

Site Context:

This property is located in the neighbourhood of June Springs Estates and within the June Springs Fire Protection Area. In accordance with the South Slopes OCP the subject property is affected by Aquatic Ecosystem and Wildfire Development Permit Areas for the purpose of the protection of the natural environment and protection of development from hazardous conditions.

A watercourse known as Rumohr Creek runs through the south-west portion of the subject property. Rumohr Creek is an ephemeral stream associated with a number of springs in the June Springs area. As such, a no-build / no-disturb covenant from the top of bank of Rumohr Creek is required as part of the rezoning process to protect the adjacent riparian area and associated habitat values. Further, a restrictive wildfire covenant is required to address the development permit guidelines of the OCP and to ensure that future property owners are aware of and obligated to the wildfire hazard reduction measures.

Additional Information:

Owners:	James and Jewell Hanson
Applicant:	Urban Options Planning Corp.
Address:	4410 June Springs Road
Legal Description:	Parcel A (DD 8796D) of the South East ¼ of Section 35, Township 29, ODYD Except Plan 35649
Lot Size:	+/- 7.55 ha (18.65 acres)
Zoning:	RU2 Rural 2
OCP Designation:	Rural Residential
Proposed Sewage Disposal:	Septic system
Proposed Water Supply:	Well
Existing Use:	Rural Residential
Surrounding Uses:	North: Agricultural (within the City of Kelowna) South: Rural Residential East: Rural Residential West: Vacant Crown lands
ALR:	Outside of the ALR
Fire Protection:	June Springs Fire Protection Area

RDCO TECHNICAL COMMENTS:

Inspections Services staff advises associated building permits have been issued and closed for an accessory building (1994) and a single family dwelling (1995) on the subject property.

Parks Services has on-going interests in securing natural open space park and recreational trail connectivity through the subject property, 4410 June Springs Road, to KLO Creek Regional Park, Myra-Bellevue Provincial Park and surrounding Crown lands. Parks Services' interest in the proposed land donation area is supported by the Parks and Recreation objectives and policies within the South Slopes OCP Bylaw No. 1304 and the Regional Parks and Greenways Plan for the Central Okanagan (2008 - 2020).

Parks Services supports the proposal subject the following condition:

- Prior to adoption of the bylaw amendments by the Regional Board, the owners will be required to provide in advance of adoption a signed Form A transfer for the future land donation to the Regional District.

A signed Form A is to be submitted to the Regional District of Central Okanagan's solicitor, on an undertaking to return the Form A should the bylaws amendments not be adopted. The subdivision and subsequent transfer would be contingent on the Regional Board approving the required variances to the Subdivision Servicing Bylaw. Should the variances be approved, the subdivision plan and Form A transfer can be filed with the Land Titles Office.

Engineering Services staff advises in accordance with the Subdivision Servicing Bylaw, a community water system is required for parcels zoned RU3. Community water does not exist in this area. Should the bylaw amendments advance and be adopted, the owners will be required to obtain approval from the Regional Board to vary the water supply requirement of Bylaw No. 1397 at time of subdivision. Regional Board approval of a Development Variance permit would also be required to reduce the minimum parcel frontage to 0 for the proposed park dedication. Further, there are concerns with the potential for further subdivision of the proposed 2.3 ha RU3 parcel and it is recommended that a covenant be put in place to limit further subdivision.

AGENCY REFERRAL COMMENTS:

Ministry of Transportation and Infrastructure advises that should the bylaw amendments be adopted by the Regional Board, the owner can submit an application for subdivision to the Ministry. MOTI refers applications to applicable agencies including the Regional District, which work together in evaluating and processing applications.

Ministry of Forests, Lands, Natural Resource Operations and Rural Development (Archaeology Branch) staff indicates according to Provincial records, there are no known archaeological sites recorded on the subject property. Further, archaeological potential modelling for the area does not indicate a high potential for previously unidentified archaeological sites to be found on the subject property. For any future land altering activities, if archaeological material is encountered during development, all activities must cease immediately and the Archaeology Branch must be contacted for direction.

FortisBC advises that there are primary distribution facilities along June Springs Road and Royce Creek Road. The applicant is responsible for costs and land right requirements associated with changes to the existing servicing. For any changes to the existing service, the applicant must contact an FBC(E) designer regarding design, servicing solutions, and land right requirements.

Unaffected Agencies include Ministry of Forests, Lands, Natural Resource Operations and Rural Development, District Okanagan Shuswap and Interior Health Authority.

External Implications:

In accordance with the Development Applications Procedures Bylaw No. 944, a Notice of Application Sign has been posted. Any correspondence received from the public will be provided to the Board as part of a future public hearing report.

Financial Considerations:

In regard to the proposed land dedication, the owners have offered to donate a portion of the property to the Regional District of Central Okanagan for a future trail and park space. The applicant will be required to provide a signed Form A transfer of the park section to the Regional District or the Regional District's solicitor. The applicant will be responsible for costs associated with preparing the Form A.

Alternative Recommendation:

THAT OCP Amendment Bylaw No. 1304-04 is not given first reading;

AND THAT Zoning Amendment Bylaw No. 871-270 is not given first reading.

Considerations not applicable to this report:

- Legal/Statutory Authority
- Organizational Issues