



Agenda No:

7.2 + 7.3

Mtg. Date: January 23, 2012

**Development Services**

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## DEVELOPMENT SERVICES DEPARTMENT REPORT

For the Regional Board January 23, 2012

**TO:** Chair & Members of the Regional Board

**FROM:** Ron Fralick, Current Planning Manager

**DATE:** January 17, 2012

**SUBJECT:** Official Community Plan Bylaw No. 1303 (Brent Road/Trepanier)  
Official Community Plan Bylaw No. 1304 (South Slopes)  
(RDCO Files: 6480-80 & 6480-85)

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### RECOMMENDATION:

1. THAT OCP Bylaw No. 1303 (Brent Road/Trepanier Official Community Plan) be given first reading;
2. THAT OCP Bylaw No. 1304 (South Slopes Official Community Plan) be given first reading;
3. THAT the Board direct staff to forward the OCP bylaws to the Agricultural Land Commission for comment in accord with Section 882 of the *Local Government Act*;
4. AND FURTHER THAT the OCP bylaws be scheduled for a Public Hearing.

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### PURPOSE:

The South Slopes and Brent Road/Trepanier OCP's are an essential guide for residents, landowners, businesses, community organizations and government agencies that may be contemplating changes related to land use and development in the OCP areas.

One of the primary objectives in developing the OCP's is to incorporate environmental Development Permit requirements that currently do not apply to the South Slopes and Brent Road/Trepanier areas. Specifically, Environmental DP Area designations have been developed and identified (Aquatic Ecosystem, Sensitive Terrestrial, Hillside, and Wildfire). The intent is to ensure that important environmental values and areas are protected from development.

### POLICY:

Development of the Official Community Plans is consistent with the visions, goals and objectives of the RDCO Strategic Plan, Vision 2020 – Planning for the Future and with the *Local Government Act* requirement that an Official Community Plan contain a Regional Context Statement (RGS) providing a link between an RGS and the OCP specifying how the region intends to achieve the goals of the Regional Growth Strategy.

The South Slopes and Brent Road/Trepanier Official Community Plans have been developed in accordance with requirements of the *Local Government Act* and in accord with the Terms of Reference and consultant contract awarded to HB Lanarc by the Regional Board.

#### **RATIONALE:**

- Development of the OCP's is consistent with the goals and objectives of the RDCO Strategic Plan, Vision 2020 – Planning for the Future and with the *Local Government Act*.
- Increase in public/developer inquiries the past several years related to new development primarily within Trepanier, June Springs Estates, and western end of Lakeshore Road precipitated the need to develop a formal planning document for these areas.
- Development of OCP's will provide residents, the development community, Regional District staff and the Board with guidance as to what type of new development, if any, is appropriate and sustainable for the areas over the long-term.
- Development of the Brent Road/Trepanier OCP addresses concerns previously identified by the District of Peachland (ie: concerns related to impacts on the road system and on the watershed).
- Development of the South Slopes OCP addresses neighbourhood concerns over on-going development in the area outside the City of Kelowna boundaries (ie: no OCP in place to help regulate and manage growth properly over the long term and for protection of the environment).
- New OCP's recognize important environmental areas that will be protected via introduction of the most up to date environmental policies and development permit area designations and guidelines.

#### **BACKGROUND (Brent Road/Trepanier):**

Approximately fifteen years ago, the District of Peachland conveyed their concerns to the Regional District with respect to allowing new development/subdivisions in the Brent Road/Trepanier areas in the absence of a planning study or an Official Community Plan being completed. Their concerns primarily related to impacts that new developments were having on the municipality (ie: road system and impact on their watershed). Due to other commitments and priorities, a formal planning study was not undertaken and development applications continued to be considered by the Regional Board on a case-by-case basis.

In recognition of on-going development pressure primarily in the Trepanier area, Planning staff again raised the issue with the Regional Board in 2008. Staff conveyed the need to complete some form of planning document that would provide residents, development community, Regional District staff and the Board with guidance as to what type of new development, if any, is appropriate and sustainable for these areas over the long-term. In addition, the Board was advised that development of an OCP would provide opportunity to implement environmental Development Permit requirements that currently do not apply to the Brent Road/Trepanier areas.

#### **BACKGROUND (South Slopes):**

Development of an OCP for the South Slopes area was initially brought forward as a land management issue in 2008 as a result of land owner concerns over on-going development applications, a proposed gravel pit, significant land altering activities, and subdivisions occurring in the area outside the City of Kelowna boundaries.

Landowners voiced their concerns to the Regional District that the South Slopes areas are vulnerable to any type of development recognizing that there is no OCP in place to help regulate and manage growth properly over the long term and noted important environmental areas that needed to be protected.

In accord with direction from the Governance and Services Committee in the summer of 2010, a Request for Proposal (RFP) process was initiated by Planning staff for completion of two new Official Community Plans; one for the Brent Road/Trepanier area (Central Okanagan West Electoral Area), and one for the South Slopes area (Central Okanagan East Electoral Area). The OCP Plan boundaries are highlighted on the attached OCP Plan Area maps.

Planning staff provided updates to the Governance and Services Committee on November 10, 2011, and again on January 12, 2012. The updates provided on January 12, 2012 highlighted the history and rationale for developing the Official Community Plans, the public input process that was followed, and a summary of the key milestones and anticipated timelines for moving forward.

#### **PUBLIC COMMENT:**

The public process for the development of the OCP exceeded the minimum requirements identified in the *Local Government Act*. The following consultation steps were applied in the development of the Brent Road/Trepanier and South Slopes OCP's:

- In February 2011, a public survey was conducted to receive residents' and landowners' opinions on key issues in the OCP areas. The results of this survey helped provide foundational information and preliminary objectives for potential policy directions. The policy directions were tested with a second survey to residents' and landowners' that was sent out in July 2011.
- Guided by results from the first public survey, and review of background documents, a community ideas forum for each OCP was hosted by the Regional District and its planning consultants in April 2011. These events were designed to provide community members an introduction and background information related to the OCP process, as well as provide an opportunity for residents to help develop a community vision and goals to help guide the development of the OCP's priorities.
- A second open house for each OCP was hosted in September 2011 to communicate and confirm the OCP directions with residents and landowners.
- Information on all of the OCP events as well as background information, surveys and resources were posted on the Regional District's website at: [www.regionaldistrict.com/OCP](http://www.regionaldistrict.com/OCP). The website also provided a link to the on-line surveys that guided the OCP priorities and policies.

#### **AGENCY REFERRALS:**

Guided by input solicited from the public, RDCO staff, and Electoral Area Directors, the OCP planning team developed a draft OCP for public and referral agency review in July 2011. Consultation occurred with provincial, stakeholder and all key agencies affected by the bylaws including, Ministry of Environment, Ministry of Agriculture, Agricultural Land Commission, Ministry of Transportation and Infrastructure, Ministry of Forests, Ministry of Forests, Lands and Natural Resource Operations, Interior Health Authority, School District No. 23, adjacent municipalities and regional districts, Westbank First Nation, and numerous other agencies, bodies and organizations.

The OCP's were revised August/September 2011 based on external agency comments, public input including surveys, open houses of April and September 2011, and meetings with the RDCO's Advisory Commissions (ie: APC's, EAC, & AAC). Final draft OCP documents were reviewed and changes made by Regional District staff in November 2011 to ensure that the new OCP's will meet desired directions and requirements of each department prior to moving forward.

With respect to the environmental component of the OCP documents, the RDCO consultant, Regional District staff and the Environmental Advisory Planning Commission (EAC) worked cooperatively to develop useable, effective, and efficient policies and development permit guidelines. The EAC has recently indicated that they support the draft OCP's as revised by staff under the direction of the Commission. The EAC is of the opinion that the documents as reviewed and modified will achieve their objectives for protection of sensitive ecosystems.

#### **LEGAL REVIEW:**

The OCP's were forwarded to the Regional District solicitor in December 2011 and as noted at the January 12, 2012 Governance and Services Committee meeting, the legal review was recently completed by our solicitor. Final edits continue to be attended to by our consultant.

#### **STATUTORY PROCEDURAL REQUIREMENT:**

Section 882 of the Local Government Act specifies that after first reading (and prior to a Public Hearing) of an Official Community Plan bylaw the local government must in sequence consider the plan in conjunction with its financial plan and any waste management plan applicable. In addition, the local government must refer the OCP to the Agricultural Land Commission if the plan applies to any land in an Agricultural Land Reserve.

The two OCP's have been developed in consideration of the RDCO financial plan and there are no waste management plans applicable. In recognition that there are ALR lands within the boundaries of both OCP's, the OCP bylaws must be forwarded to the Agricultural Land Commission after first reading. Planning staff note that this legislative requirement is additional to the referral that was provided to the ALC as part of the OCP bylaw development process.

#### **PLANNING STAFF COMMENTS:**

Development of the two new Official Community Plans is consistent with the goals and objectives of the RDCO Strategic Plan, Vision 2020 – Planning for the Future and with legislative requirements of the *Local Government Act*. As noted in the Policy section, the OCP's must include a Regional Context Statement that explains how the OCP is consistent with the objectives set out in the RGS (currently under review). Upon completion and approval of the RGS review, the region will assess the RGS Context Statements to ensure integration of the updated RGS goals into the OCP's and the translation of RGS policies into OCP policies so residents can work towards the desired future for the OCP areas and also for the region.

The OCP's will provide essential guidance for residents, landowners, businesses, community organizations and government agencies that may be contemplating any changes related to land use, development, building and infrastructure in the OCP areas. Once the OCP's are adopted, all decisions made by the Regional District must be consistent with the applicable OCP.

It is noted that feedback received through the referral process indicated support for key policies and proposed land use. Where a particular agency or stakeholder identified issues, the documents were updated where required or warranted. Generally, most agencies overwhelmingly concurred with the policy direction to not support new development in the OCP areas recognizing the limited services and infrastructure available. These agencies also supported policies indicating that new development should be directed to the adjacent more urbanized centres of West Kelowna, Kelowna, and District of Peachland.

There was also full support from key agencies regarding environmental objectives, policies and Development Permit Area designations and guidelines for protection of significant environmental features and values within the OCP areas. One of the primary objectives for development of the OCP's was to provide opportunity to implement environmental Development Permit requirements that currently do not apply to these areas.

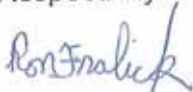
A common methodology was used to create environmental mapping, interpret the information, and develop useable, effective, and efficient policies and development permit guidelines. The Development Permit policies will enable comprehensive environmental protection in the OCP areas. Results from the community surveys reflect the opinion that the level of protection in place is low and that there is a need to: reduce the risk to sensitive ecosystems and species; reduce the risk of natural hazards on people; and protect the natural environment along the foreshore.

As noted earlier in the report, technical and administrative changes to the text of the document must be made as a result of the legal review recently completed by our solicitor. It is anticipated that our consultant and Regional District staff will make the majority of required changes prior to consideration of first reading. Any further technical and administrative changes to the OCP bylaws will be made prior to Public Hearing and staff will recommend they be approved in conjunction with the granting of second and third readings.

In recognition of the extensive volume of paper associated with the new OCP bylaw documents, Planning staff will prepare one hard copy of the bylaws (text and mapping) that will be available for review in the Development Services Department prior to, and at the January 23, 2012 Board meeting. Should individual Board members wish to peruse the contents of the OCP's prior to the Board meeting, Planning staff is available to provide instruction to access the documents digitally. Of final note, we advise that our consultant HB Lanarc will be in attendance at the Public Hearing to provide input and answer questions regarding development of the Official Community Plans.

Planning staff of the Development Services Department recommends that OCP Bylaw No. 1303 and OCP Bylaw No. 1304 be given first reading, that the bylaws be forwarded to the Agricultural Land Commission as required by the *Local Government Act*, and further that the bylaws be scheduled for a Public Hearing.

Respectfully submitted,



Ron Fralick, MCIP  
Manager of Current Planning



Dan Plamondon, Director of Development Services

Attachment

RF/jt



**BYLAW NO. 1303, YEAR**

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**A Bylaw to adopt the  
BRENT ROAD / TREPANIER OFFICIAL COMMUNITY PLAN**

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WHEREAS the Regional Board of the Regional District of Central Okanagan wishes to adopt an official community plan under the provisions of the Local Government Act;

AND WHEREAS the Regional Board may adopt an official community plan by bylaw and each reading of the bylaw must receive an affirmative vote of a majority of all members of the Board;

AND WHEREAS after first reading of the bylaw the Regional Board shall, in sequence, examine the official community plan in conjunction with its financial plan, growth management strategy, waste management plan or economic strategy plan that is applicable in the Regional District to ensure consistency between them;

AND WHEREAS if the official community plan applies to land in an agricultural land reserve established under the Agricultural Land Commission Act, the Regional Board shall refer the official community plan to the provincial Agricultural Land Commission for comment;

AND WHEREAS the official community plan has been prepared in consultation with District of Peachland, District of West Kelowna, Okanagan Indian Band, Westbank First Nation, Okanagan Nations Alliance, Ministry of Transportation and Infrastructure and applicable school district, irrigation districts and Provincial agencies;

AND WHEREAS before the Regional Board gives third reading to the bylaw, the Regional Board shall hold a public hearing on the proposed official community plan in accordance with the Local Government Act;

AND WHEREAS the Regional Board of the Regional District of Central Okanagan has complied with all requirements of the Local Government Act prior to adoption of this official community plan bylaw including all of the foregoing;

AND WHEREAS after the bylaw adopting the official community plan has received final reading; the plan is an official community plan of the Regional District of Central Okanagan;

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in an open meeting, enacts as follows:

1. Brent Road / Trepanier Official Community Plan attached hereto as Schedule 'A' and forming part of this bylaw is adopted as an Official Community Plan of the Regional District and this bylaw may be cited as "Brent Road / Trepanier Official Community Plan Bylaw No. 1303, YEAR".
2. The bylaw shall apply only to that portion of the Regional District of Central Okanagan as outlined on the attached Official Community Plan Area of this bylaw.

3. If any statement, section, sub-section, clause, sub-clause or phrase of this bylaw is for any reason held invalid by a decision of a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the bylaw and official community plan.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_

PUBLIC HEARING HELD PURSUANT TO THE LOCAL GOVERNMENT ACT this \_\_\_\_\_ day of \_\_\_\_\_

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT  
this \_\_\_\_\_ day of \_\_\_\_\_

RECONSIDERED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Brent Road / Trepanier Official Community Plan Bylaw No. 1303, YEAR as read a third time by the Regional District of Central Okanagan the \_\_\_\_\_ day of \_\_\_\_\_

Dated at Kelowna, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Director of Corporate Services

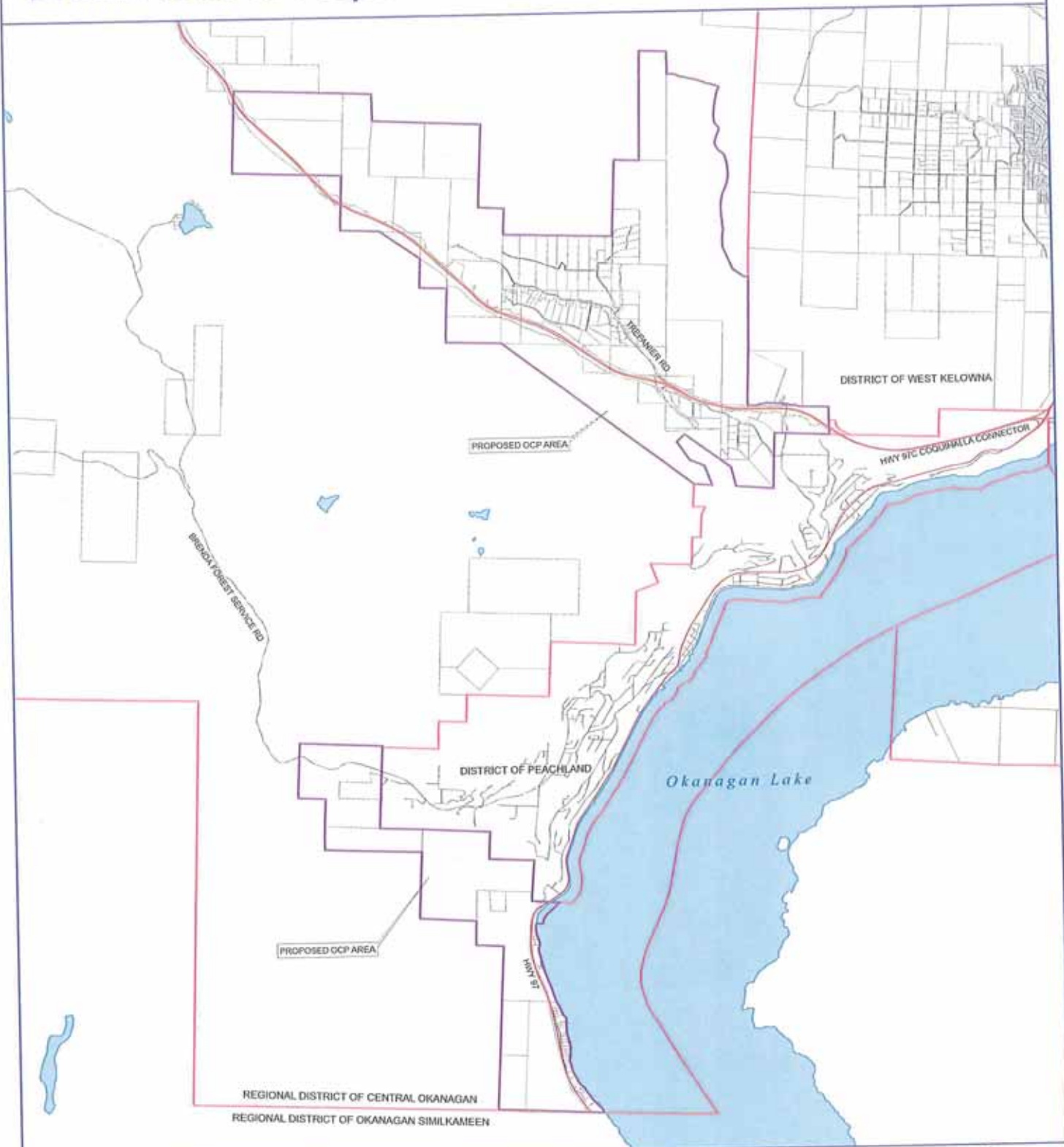
I hereby certify the foregoing to be a true and correct copy of Brent Road / Trepanier Official Community Plan Bylaw No. 1303, YEAR, which was Reconsidered and Adopted by the Regional District of Central Okanagan on the \_\_\_\_\_ day of \_\_\_\_\_

Dated at Kelowna, this \_\_\_\_\_ day of \_\_\_\_\_

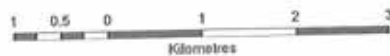
\_\_\_\_\_  
Director of Corporate Services



# Brent Road & Trepanier Official Community Plan Area



- Highway
- Street
- Lot Lines
- Brent Road and Trepanier OCP Boundary
- Municipal Boundaries
- Lakes and Ponds



Brent Road & Trepanier Official  
Community Plan  
Schedule 'B'  
Bylaw No. 1303



DRAFT - JAN 16, 2012

Note:  
This map has been consolidated for office purposes and includes information that is not part of the official Future Land Use map. The District / Municipality makes no representation regarding the accuracy of this map and users are advised to refer to an updated, accurate copy of the Future Land Use map as required.

Latest Amending Bylaw # xxxx-xx

Consolidated to (date)



**BYLAW NO. 1304, YEAR**

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**A Bylaw to adopt the  
SOUTH SLOPES OFFICIAL COMMUNITY PLAN**

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WHEREAS the Regional Board of the Regional District of Central Okanagan wishes to adopt an official community plan under the provisions of the Local Government Act;

AND WHEREAS the Regional Board may adopt an official community plan by bylaw and each reading of the bylaw must receive an affirmative vote of a majority of all members of the Board;

AND WHEREAS after first reading of the bylaw the Regional Board shall, in sequence, examine the official community plan in conjunction with its financial plan, growth management strategy, waste management plan or economic strategy plan that is applicable in the Regional District to ensure consistency between them;

AND WHEREAS if the official community plan applies to land in an agricultural land reserve established under the Agricultural Land Commission Act, the Regional Board shall refer the official community plan to the provincial Agricultural Land Commission for comment;

AND WHEREAS the official community plan has been prepared in consultation with District of Peachland, District of West Kelowna, Okanagan Indian Band, Westbank First Nation, Okanagan Nations Alliance, Ministry of Transportation and Infrastructure and applicable school district, irrigation districts and Provincial agencies;

AND WHEREAS before the Regional Board gives third reading to the bylaw, the Regional Board shall hold a public hearing on the proposed official community plan in accordance with the Local Government Act;

AND WHEREAS the Regional Board of the Regional District of Central Okanagan has complied with all requirements of the Local Government Act prior to adoption of this official community plan bylaw including all of the foregoing;

AND WHEREAS after the bylaw adopting the official community plan has received final reading; the plan is an official community plan of the Regional District of Central Okanagan;

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in an open meeting enacts as follows:

1. South Slopes Official Community Plan attached hereto as Schedule 'A' and forming part of this bylaw is adopted as an Official Community Plan of the Regional District and this bylaw may be cited as "South Slopes Official Community Plan Bylaw No. 1304, YEAR".
2. The bylaw shall apply only to that portion of the Regional District of Central Okanagan as outlined on the attached Official Community Plan Area of this bylaw.

3. If any statement, section, sub-section, clause, sub-clause or phrase of this bylaw is for any reason held invalid by a decision of a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the bylaw and official community plan.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_

PUBLIC HEARING HELD PURSUANT TO THE LOCAL GOVERNMENT ACT this \_\_\_\_\_ day of \_\_\_\_\_

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT  
this \_\_\_\_\_ day of \_\_\_\_\_

RECONSIDERED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of South Slopes Official Community Plan Bylaw No. 1304, YEAR, as read a third time by the Regional District of Central Okanagan the \_\_\_\_\_ day of \_\_\_\_\_

Dated at Kelowna, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Director of Corporate Services

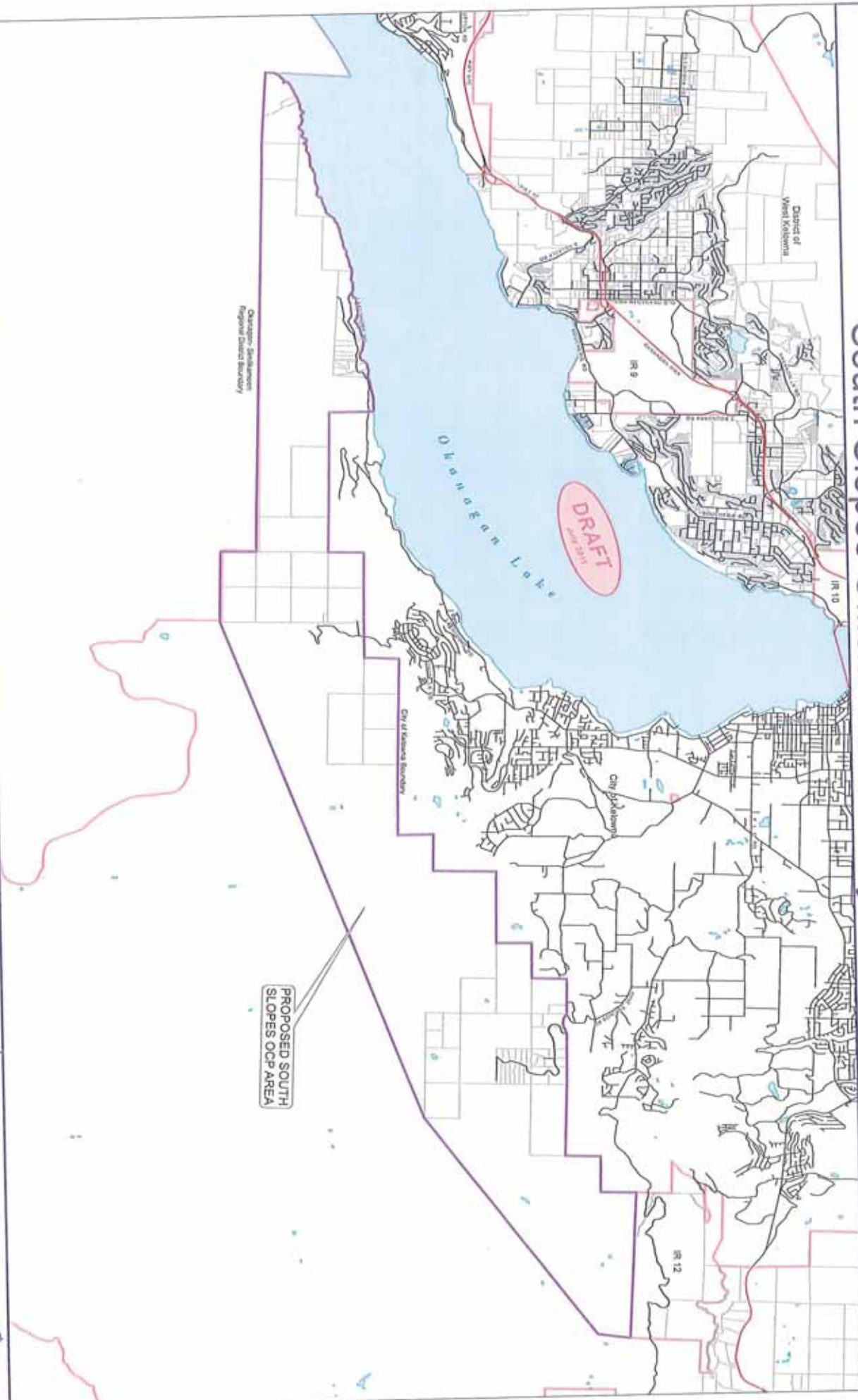
I hereby certify the foregoing to be a true and correct copy of South Slopes Official Community Plan Bylaw No. 1304, YEAR, which was Reconsidered and Adopted by the Regional District of Central Okanagan on the \_\_\_\_\_ day of \_\_\_\_\_

Dated at Kelowna, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Director of Corporate Services



# South Slopes Official Community Plan Area



- Lot lines
- Highway
- Street
- South Slopes OCP Boundary
- RDCCO Area Boundaries
- Lakes and Ponds



South Slopes Official  
Community Plan  
Schedule 'A'  
Bylaw No. xxxx Adopted. xxxx

This map has been prepared for other purposes and includes information that is not part of the official community plan. The District does not warrant or represent the accuracy or completeness of this map and users are advised to refer to an updated, accurate copy of the Official Community Plan map as required.

Latest Amending Bylaw # xxxxxx  
Consolidated to (date)



