

To: Her Worship Mayor McKortoff and Members of Council

From: Christopher Garrish, Planner

Date: May 13, 2025

Subject: Various Land Use Bylaw Amendments

Tracker No: BLW-330, BLW-389, BLW-420, BLW-390

RECOMMENDATION:

THAT the following amendment bylaws be initiated:

- Official Community Plan Amendment Bylaw No. 1375.08;
- Zoning Amendment Bylaw No. 1395.06;
- Subdivision and Development Servicing Amendment Bylaw No. 1100.02;
- Land Use Procedures (LUP) Bylaw No. 1235,10;

CAO Comments:

Approved for Council consideration.

Executive Summary:

The purpose of this report is to provide options for Council in relation to proposed amendments to the Town's various land use bylaws in order to address a number of issues identified through the day-to-day use of the bylaws.

Background:

The Town's Official Community Plan (OCP) Bylaw provides the policy framework for how the community will grow and change over time.

The Town's Zoning Bylaw implements the OCP policies by regulating land use on a parcel-by-parcel basis in a manner that is consistent with the Plan.

The Town's Subdivision and Development Servicing Bylaw further supports the OCP and Zoning bylaws by regulating the infrastructure standards and requirements for subdivision and development (e.g. roads, water, sewer, drainage).

Finally, the Town's Land Use Procedures Bylaw establishes the processes and requirements for applications related to land use approvals required under the OCP, Zoning and SDS bylaws (e.g. amendments and permits).

Over time, day-to-day use as well as the processing of development proposals can reveal gaps, ambiguities, or unintended consequences that weren't evident during the drafting of these types of land use bylaws.

Analysis:

Given the scope of amendments being proposed to the Town's land use bylaws, each of the proposed amendments will be discussed in the following sub-sections (which have been arranged by bylaw type):

Official Community Plan (OCP) Bylaw:

Development Permit Area Designations:

It is being proposed that a current exemption for public infrastructure in the Environmentally Sensitive Development Permit (ESDP) Area and Riparian Development Permit (RDP) Area designations be clarified. Specifically, that the following change be implemented:

Current Exemption	Proposed Exemption
<i>The construction, repair or maintenance of municipal works by the Town or its authorized agents or contractors, including the maintenance of parks and trails, so long as consideration has been given for ecosystem functions and their cycles (e.g. bird nesting season);</i>	<i>The construction, repair, maintenance or alteration of public utility works, including sanitary sewer, storm sewer, water, natural gas, cable, electrical, telecommunications, roads, park land or trail works;</i>

The current exemption is understood to be a recognition that such works are typically considered to be essential infrastructure related to public health, safety, and well-being and delaying such projects for permit approvals could hinder the provision of these services (e.g. clean water).

The current wording, however, is somewhat unclear in that the only form of municipal works that have been enumerated as exempt are "parks and trails", while the current reference to requiring consideration of "ecosystem functions and their cycles" seems to negate the exemption.

For instance, the Town could only confirm that ecosystem functions and cycles have been considered in relation to a specific development by requiring the preparation and submission of an assessment report supported by the issuance of a permit. – which effectively means there is no exemption.

Moreover, it is not clear what other obligations, if any, there are for a proponent of a development *after* having "considered" the implications of their actions on an ecosystem, which suggests this requirement is ineffectual (or merely aspirational).

The proposed wording would address these concerns by removing the qualifier and more clearly enumerating the types of works that are captured by the exemption.

With regard to the RDP Area designation, it is further being proposed to correct two drafting errors where in a reference to the Regional District was incorrectly implemented into the guidelines following adoption of Amendment Bylaw No. 1375.04 on June 11, 2024.

Urban Containment Boundary:

It is further being proposed that the property at 9910 Highway 3 (Lot A, Plan KAP65333, District Lot 2450S, SDYD) be removed from the Urban Containment Boundary contained at Map 1 to the OCP Bylaw.

This matter was previously presented at the Committee of the Whole (COTW) Meeting of January 28, 2025, and is in relation to a previous condition of exclusion by the Agricultural Land Commission (ALC) in relation to the Southeast Meadowlark Plan.

Municipal Boundary:

Finally, it is being proposed to amend all of the Maps to the OCP Bylaw in order to include the properties at 4295 & 4303 Highway 3 (see Attachment No. 1), which were previously incorporated within the Town's boundaries from Electoral Area "A" of the Regional District in 2024.

With regard to Map 2 (Land Use Designations), it is being proposed that these parcels be designated as "Agriculture (AG)", which reflects their current designation under the Electoral Area "A" OCP Bylaw as well as their designation under the Agricultural Land Reserve (ALR).

Zoning Bylaw:

In recognition that the built form of buildings fronting Main Street between 87th Street and Spartan Drive occurred prior to the implementation of modern zoning regulations regarding the provision of adequate off-street parking, and that many of these parcels have been fully developed (e.g. 100% parcel coverage) and are not capable of providing off-street parking spaces, it is being recommending that a new exemption be introduced to address this situation.

Specifically, it is being proposed that any change of use (e.g. a business changing from clothing to a restaurant) or any alterations that do not result in additional floor area being created be exempt from the requirement to provide additional off-street vehicle parking spaces.

In support of this, Administration recognizes that there is significant on-street parking that already functions as a shared public resource along these blocks of Main Street and that this supports multiple businesses and users throughout the day. The paid parking at this location also encourages turnover, meaning more customers can access the area and that this improves the efficiency of available parking, more so than would private off-street parking.

Conversely, it is recognized that this exemption would *generally* remove the ability for the Town to obtain cash in-lieu contributions from change of uses generating higher parking requirements, but Administration is also cognizant that the challenges of providing parking spaces on parcels in these blocks may discourage new business startups.

Although the exemption area is being proposed to be limited to those buildings fronting Main Street between 87th Street and Spartan Drive, Council has the option to expand the proposed exemption area (e.g., to additional blocks along Main Street and Spartan Drive) should it deem it desirable to do so.

Subdivision and Development Servicing Bylaw:

Standard Drawings:

The use of “Standard Drawings” in a Subdivision and Development Servicing (SDS) Bylaw is a fairly typical practice by local governments and ensures that uniform design specifications (e.g., road cross-sections, sidewalk standards, utility trenching, stormwater systems) are applied to new development within a municipality.

The Town’s current SDS Bylaw, adopted in 1998, currently comprises approximately 49 Standard Drawings related to waterworks, sanitary sewers, storm sewers, roads and street lighting, all of which date to the mid-1990s (e.g. 1995 and 1996).

While “Standard Drawings” do not change significantly over time, the Town has obtained updated drawings prepared between 2012 and 2023, and which includes an additional 17 new drawings.

In order to give effect to these drawings, it is being proposed that the SDS Bylaw be amended to delete all of the original “Standard Drawings” from the mid-1990s and introduce the new drawings through a Schedule “B” to the bylaw.

Underground Services:

The SDS Bylaw currently contains a number of specific requirements in relation to the provision of underground servicing that is to be in accordance with West Kootenay Power, B.C. Telephone, B.C. Gas and cable television (Oliver Televue) providers.

Administration is proposing that these requirements be updated and simplified by replacing references to specific companies with the “standards of the authority having jurisdiction”.

Application Requirements:

At present, the SDS Bylaw contains application requirements for subdivision applications. For consistency, it is being proposed that these be deleted and transitioned into the Town’s Land Use Procedures (LUP) Bylaw. This is further discussed below.

Legal References:

Finally, it is being proposed that outdated references to the provincial “Municipal Act” be replaced with references to the *Local Government Act* and that references to the Town’s OCP and Zoning Bylaw do not include specific bylaw numbers or dates.

Land Use Procedures Bylaw:

Administration favours having all submission requirements for land use applications contained within the Town’s Land Use Procedures (LUP) Bylaw and, accordingly, it is being recommended that the requirements for subdivision applications be transferred from the SDS Bylaw to the LUP Bylaw.

Importantly, no changes are being proposed to the submission requirements for a subdivision application.

Summary:

For the reasons outlined above, Administration recommends that the proposed land use bylaw amendments be initiated.

If Council is supportive of this direction, Administration is proposing that next steps include notification of the proposed amendments in order to obtain public feedback on the proposed changes.

Any feedback received will be presented to Council at a forthcoming meeting and prior to consideration of first reading of the amendment bylaws.

Options/discussion:

1. THAT the following amendment bylaws be initiated:
 - Official Community Plan Amendment Bylaw No. 1375.08;
 - Zoning Amendment Bylaw No. 1395.06;
 - Subdivision and Development Servicing Amendment Bylaw No. 1100.02;
 - Land Used Procedures (LUP) Bylaw No. 1235,10.
2. THAT the proposed amendments to the Town of Osoyoos Official Community Plan (OCP), Zoning, Subdivision and Development Servicing and Land Used Procedures (LUP) bylaws not be initiated.

Attachments: No. 1 – Town of Osoyoos Boundary Expansion (2024)

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