



Date: 13/09/2022

To: Chair and Directors, Cariboo Regional District Board

And To: John MacLean, Chief Administrative Officer

From: Nigel Whitehead, Manager of Planning Services

Date of Meeting: Cariboo Regional District Board_Sep23_2022

File: 3360-20/20220059

Short Summary:

Green Lake and Area Official Community Plan Amendment Bylaw No. 5408, 2022

Voting:

Stakeholder Vote – Unweighted – All Electoral Areas

Memorandum:

Background

At the September 1, 2022 Board meeting, the Board was presented with an initial proposal from the Thompson-Nicola Regional District (TNRD) planning staff regarding proposed housekeeping amendments to Development Permit Area (DPA) language in the Green Lake and Area Official Community Plan (OCP). TNRD staff will be presenting to their Board a similar proposed amendment bylaw for consideration of first reading at their September 22, 2022 meeting.

The OCP has been in effect since being adopted in 2010. The DPA section, drafted by the consultant who may have been unaware of the challenges created by broad DPA wording and ambiguous mapping, was previously amended in 2013 to clean up confusing setbacks and scope of development in DPAs.

The TNRD reports landowners and staff alike have still faced challenges with the provisions setting out DPA triggers and prescriptions/justifications. For example, some owners have expressed frustration when asked to complete DPs for minor developments (e.g. an environmental review prior to building an addition). Then, when these areas are investigated (mainly for identified Hazardous Lands Areas), ground truthing often results in the designation being non-existent and so the DPA requirement is lifted. In many cases, site specific geotechnical reviews required at the time of building permit or as a requirement for subdivision mitigates any site hazard issues.

TNRD staff suggests that these issues can be readily resolved through text changes including explicit applicability vs exemptions of the hazard and environmentally sensitive area DPAs in advance of larger land use projects.

While one DPA needs updating to improve clarity on applicability, the other two are recommended to be applicable for larger scale projects where the potential environmental impacts may be greater.

Proposed Amendments

1. Riparian Development Permits

Development Permit Area description (incl. Purpose & Area) will be rewritten to better articulate the breadth of the requirements for this DPA. This provides an opportunity to clearly state the two DPA purposes and further simplify those sections since the last DPA amendments of 2013. Further amendments will be conducted on the TNRD side as the Provincial Riparian Area Regulation has been replaced with the Riparian Areas Protection Regulation, neither of which apply to local governments north of the TNRD. The changes comprise adding numbering, clearer text, and legislation reference updates. No new areas of applicability or exemptions are contemplated.

2. Environmentally Sensitive and Hazardous Lands Development Permit Areas

Primarily TNRD staff have been experiencing the greatest challenge with these areas. There are significant mapping issues identifying lakeshore properties with steep slopes that do not exist, mostly on the south side of Green Lake.

CRD staff have required and processed a number of Environmentally Sensitive Development Permits, primarily for protection of Badger habitat and Painted Turtle habitat. In all cases, the identified areas have been confirmed by Registered Professional Biologists that applicable habitat does not exist in the identified areas. Often these DPs have been required for minor additions on existing developed lots.

In their current form, the two noted DPAs, along with their mapping, present challenges and sometimes economic hardship to those seeking minor developments. It is recommended that these DPAs be amended to implement DP requirements prior to larger development project approvals, rather than all construction and development activities.

3. Additional Housekeeping Text Amendments

With the DP area amendments, other sections in the OCP should make clear that a DP may be needed as opposed to must be required. Even in its current form, the implied requirement was confusing to those property owners who felt that their developments fell within one or more exemptions.

Consultation

CRD and TNRD staff plan to conduct a coordinated consultation process proportional to the relatively minor nature of the proposed amendments, including:

- a) Referral to relevant provincial agencies.

- b) First Nations consultation as provincially prescribed.
- c) Joint CRD/TNRD open house in 70 Mile House on October 1, 2022.
- d) Teleconference meeting with GLARA (Green Lake and Area Residents Association).
- e) CRD referral to Areas G and L Advisory Planning Commissions.

A joint CRD/TNRD public hearing will be scheduled, should the proposal receive second reading, after completion of the above-noted consultation process.

Attachments:

Proposed BL 5408

Current Green Lake and Area OCP Development Permit Excerpts

Financial Implications:

N/A

Policy Implications:

N/A

Alignment with Strategic Plan:

- Communication:** Facilitate communication strategies throughout the entire Cariboo Regional District that meet the needs of residents, community stakeholders, and other levels of government.
- Planning:** Intentionally plan services and activities of the CRD to prepare for future needs of residents and community stakeholders.
- Economic Sustainability:** Foster an environment to ensure the economic sustainability of CRD communities and the region.
- Governance:** Ensure that CRD governance policy and practices are intentional, transparent, and respectful.

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CAO Comments:

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Options:

1. Endorse recommendation;
2. Deny;
3. Defer.

Recommendation:

That Green Lake and Area Official Community Plan Amendment Bylaw No. 5408, 2022 be read a first time, this 23rd day of September, 2022.