



THE CORPORATION OF THE  
DISTRICT OF SUMMERLAND  
**REQUEST FOR DECISION**

DATE: August 13, 2024 FILE: Z24-003  
 TO: Graham Statt, Chief Administrative Officer  
 FROM: Odessa Cohen, Manager of Planning and Sustainability  
 SUBJECT: Eco Village OCP Amendment and Rezoning - CD9 Zoning – 3rd Reading and Adoption

**STAFF RECOMMENDATION:**

That Council pass the following resolution:

***THAT Official Community Plan Amendment Bylaw No. 2024-025 for 13501 Denike Steet (Eco-Village) be read a third time and adopted;***

***AND THAT Zoning Bylaw Amendment Bylaw No. 2024-026 for 13501 Denike Street (Eco-Village) be read a third time and adopted.***

**PURPOSE:**

To consider third reading and adoption of an OCP amendment bylaw and zoning amendment bylaw following the public hearing on August 13 2024. The proposal is on District-owned lands located at 13501 Denike St for the purposes of allowing for an environmentally sensitive residential development (called the “eco-village” development) that can accommodate a mix of housing types in a compact development style, with a residential density ranging between 100-200 dwelling units.

<b>Site Information</b>	
<i>Civic Address</i>	13501 DENIKE ST
<i>Legal Description</i>	LOT 1 DISTRICT LOT 2543 OSOYOOS DIVISION YALE DISTRICT PLAN EPP127717 & LOT A DISTRICT LOT 2543 OSOYOOS DIVISION YALE DISTRICT PLAN KAP72843

<b>Land Use Designations</b>	<b>Existing</b>	<b>Proposed</b>
<i>OCP Designation</i>	Administrative (A) Low Density Residential (LDR)	Medium Density Residential (MDR) Parks (P)
<i>Zoning Designation</i>	Institutional (I) Residential Sub-Urban (RU3)	Parkland (P), CD9, Institutional (I)
<i>Development Permit Area(s)</i>	ESDP Wildfire Hazard	ESDP Wildfire Hazard

<i>Use</i>	Institutional (Solar Facility) and Recreational trails	100+ unit medium density residential, and parkland. Solar Facility to remain.
<i>Fire Response Area</i>	Inside	Inside
<i>Number of Buildings</i>	0	100+
<i>Land Use</i>	Recreation and Institutional	Residential, Parkland, and Institutional

**DISCUSSION:**

The proposed rezoning will take place on District-owned lands which are 67.4 acres (27.3 ha) and currently zoned Institutional (I) in the District’s Zoning bylaw, and Administrative (A) according to the Official Community Plan (OCP). The rezoning is intended to accommodate the proposed placement of a sustainable residential development referred to as the “Eco Village” project, and if approved will have 11.8 acres (4.77 ha) rezoned to Comprehensive Development 9 (CD9) for the purposes of the Eco Village development specifically, and 51.2 ac (20.7 ha) rezoned to Parkland/Parks (P) to protect existing recreational trails and environmentally sensitive areas (ESA) with a category 1 level, meaning **High Sensitivity – avoidance and conservation**. Lastly, 2.74 ac (0.11 ha) will remain Institutional(I) and Administrative (A) respectively for the Summerland Energy Centre as a District-owned utility.

A Comprehensive Development (CD9) zone was utilized because there is no zone in the District’s Zoning Bylaw that encompasses the full extent of intended uses of the Eco Village, and as well, that properly captures the expected sustainability considerations for planning and development (as required from the Eco-Village Concept Plan). The use of a comprehensive development zone, such as CD9, will be able to support the unique and specific development and sustainability requirements through site specific zoning and regulations.

In the CD9 zone, there are four (4) sub areas that are detailed out with specific footprint sizes, setback requirements, density, and site regulations that accommodate the specific site features and topography of each sub-area. These sub-areas are NeighbourWood (NW), Hillside (Hs), High Density (HD), and Mixed Density (MD). These sub-areas are proposed to be placed within the CD9 zone with specific regulations developed for each sub-area, and placed on the subject property through a Schedule ‘A’ zoned sub-area map (provided in Attachment No. 4).

The CD9 zone will be accompanied by a Design Guideline document to provide additional development and design direction for the Eco Village in order to achieve the project’s vision and goals as outlined in the Concept Plan (2022).

*Official Community Plan*

On average, the prescribed level of density for the Eco Village best fits within the Medium Density Residential designation, with a mix of housing forms proposed including townhousing, small format single family and duplexes, as well as up to and including four (4) storey apartment buildings (7.4.3.1). The development can support up to 100-200 dwelling units with the intent to reduce housing footprints to reduce impermeable surfaces and maintain a compact development style (7.4.3.2). Multiple building and neighborhood design considerations are proposed for this project to reduce emissions, increase energy efficiency, reduce climate risk, avoidance of hazardous or natural areas, create a complete and compact community, and establish connections to downtown through bike and walking paths (7.4.3.3; 7.4.3.5; 7.4.3.6). Lastly, connection to the future Deer Ridge sewer and existing water main will provide for appropriate

utility servicing (7.4.3.4). For this reason, it is proposed to be re-designated in the OCP to Medium Density Residential (MDR).

### *B.C. Building Code*

Currently the B.C. Building Code requires Part 9 buildings to be built to Energy Step Code Level 3, and Part 3 buildings to Energy Step Code 2. The CD9 zone will require a higher Step Code adherence to Step 4 for both Part 9 and 3 buildings. This will be complemented by the Zero Carbon Step Code to require Emission Level 4 for all new dwellings. The Zero Carbon Step Code has not yet been implemented in the District of Summerland; but this would be a specific requirement for this CD9 Zone. The Energy Step Code and Zero Carbon Step Code requirements in this CD9 zone would **not** apply to other zones in the Zoning Bylaw.

### *Zoning Bylaw*

Currently the B.C. Building Code requires Part 9 buildings to be built to Energy Step Code Level 3, and Part 3 buildings to Energy Step Code 2. The CD9 zone will require a higher Step Code adherence to Step 4 for both Part 9 and 3 buildings. This will be complemented by the Zero Carbon Step Code to require Emission Level 4 for all new dwellings. The Zero Carbon Step Code has not yet been implemented in the District of Summerland; but this would be a specific requirement for this CD9 Zone. The Energy Step Code and Zero Carbon Step Code requirements in this CD9 zone would **not** apply to other zones in the Zoning Bylaw.

Based on the staff review of the OCP and the Zoning Bylaw for the proposed land use rezoning and OCP redesignation, Staff support the rezoning and redesignation application as it meets the intention of the OCP, and the proposed comprehensive development zone does not contravene the Zoning Bylaw.

### BACKGROUND:

In the spring of 2021, Council directed staff to examine the feasibility of an environmentally sensitive residential development to complement the proposed Solar facility on Cartwright Mountain.

Since Council's request in 2021, staff have conducted three (3) public engagement sessions, engaged with the Advisory Planning Commission and the Community Climate Advisory Committee, and engaged with developers and local builders in the Okanagan.

Council approved the Eco Village Concept Plan as a guiding document for the Eco Village development on April 25 2022. Technical assessments have been completed since 2021 to understand the geotechnical, environmental, and archeological and cultural aspects of the site:

- District of Summerland Sustainability (Eco) Village Environmental Impact Assessment (2021) (Attachment No. 7);
- Wildfire Hazard Assessment and Mitigation Report (2021) (Attachment No. 6);
- Penticton Indian Band Cultural Heritage Assessment (2021); and
- Geotechnical report (2021)

If approval is granted by Council for the proposed OCP amendments and rezoning, staff will then proceed with the land sale process which will require a design-based RFP process to request proposed development design concepts that will conform with the proposed CD-9 zone. The reason for the design-based competition is to identify what further sustainability components can

be proposed by RFP proponents that best meet Council's vision, and scored based on the quality of the design. The intent is to finalize the land sale by Q4 2024. It is planned that proposed lots 1, 2, 4, 5, 6, and 7 as shown on the draft subdivision plan (Attachment No. 5) will be rezoned to CD-9 and targeted for sale, while lot 3 (the solar facility) and the remnant parcels (parkland parcels) be retained by the District in the long term.

On July 2, 2024 Council granted 1<sup>st</sup> and 2<sup>nd</sup> reading of Official Community Plan Amendment No. 2024-025 and Zoning Bylaw No. 2024-026 for 13501 Denike Street (Eco-Village), and approved a public hearing to take place on August 13, 2024.

### **External Referrals**

Penticton Indian Band was circulated on June 19, 2024 in advance of the 1<sup>st</sup> and 2<sup>nd</sup> reading on July 2, 2024. A response was received on July 2, 2024, with instructions on how to proceed with engagement with the Penticton Indian Band (PIB). At this time the District is moving forward with the next steps of engagement as per the PIB recommendations, but a review from PIB is not likely to be received for another 30 to 90 days, according to their letter.

### **LEGISLATION and POLICY:**

- Official Community Plan
- Zoning Bylaw 2000-450

### **SUPPORTING DOCUMENTS:**

1. Official Community Plan Bylaw Amendment 2024-025
2. Zoning Bylaw Amendment 2024-026

### **CONCLUSION:**

Staff recommend that Council proceed with third reading of the Official Community Plan Bylaw No. 2024-025 and Zoning Amendment Bylaw 2024-026, and adoption as no circulation is required to the Ministry of Transportation and Infrastructure as the lands are outside of the 800m circulation zone.

### **OPTIONS:**

1. Move the motion as recommended by staff.
2. ***THAT Official Community Plan Amendment Bylaw No. 2024-025 and Zoning Bylaw Amendment No. 2024-026 not be supported***
3. Refer to staff for other options.

Respectfully submitted,



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*Odessa Cohen*  
Manager of Planning and  
Sustainability

Endorsed by,



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*Graham Statt*  
Chief Administrative  
Officer

Presentation: Yes  No