



REPORT

To: Chair and Directors

Report Number: DS-BRD-163

From: Kathy Suggitt, General Manager of Development Services

Date: June 24, 2021

Subject: OCP & Zoning Amendment Bylaw No. 2425 & 2426, 2021; PRRD File 20-011 OCP ZN

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board receive Report DS-BRD-163 re: OCP & Zoning Amendment Bylaw No. 2425 & 2426, 2021, PRRD File 20-011 OCP ZN for information; further, that draft bylaws 2425 and 2426 be marked as abandoned and never used.

BACKGROUND/RATIONALE:

On May 27, 2021, the Regional Board passed Board Resolution No. RD/21/05/25 (27) as follows,

MOVED, SECONDED and CARRIED

That the Regional Board defer consideration of Official Community Plan Amendment Bylaw No. 2425, 2021 and Zoning Amendment Bylaw No. 2426, 2021, to a June 2021 Board Meeting.

These amendments were initiated by the PRRD staff to correct administrative mapping errors on previously approved Official Community Plan (OCP) Amendment Bylaw No. 1875, 2010 and Zoning Amendment Bylaw No. 1876, 2010, PRRD File No. 10-002. As was outlined in the May 27th [report](#) to the Board that accompanied the deferred bylaws, the designation and zoning of the Crown Land parcels identified as PIN 7966360 (Parcel 1), 7966100 (Parcel 2), and 7966070 (Parcel 3) were changed by mistake and should not have been. Rather the original applications from 2010 were entirely dealing with the Private Land Parcels.

Following the deferral, PRRD staff requested a legal opinion to assess the need to adopt an amendment bylaw, to correct the mapping error. Staff has since received the legal opinion that as the original application was clear and the text of the bylaw amendments reflected the intent to deal with the private land parcels only, not any Crown Land, and it was simply the map image that did not reflect the wording of the bylaw amendment text, no further action is required by the PRRD and the designation of the Crown Land that was changed in error on the maps, should revert to its previous designation. Legal counsel advises that the appropriate clerical changes should be made by staff to the OCP and zoning bylaw maps to reflect the amendments that were lawfully made by the 2010 bylaws.

Based on the legal opinion, staff will proceed with correcting the mapping and will take no further action. The bylaws (2425 and 2426) that were proposed to correct the 2010 error will be abandoned.

STRATEGIC PLAN RELEVANCE:

☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

None

COMMUNICATIONS CONSIDERATION(S):

The property owner will be advised.

OTHER CONSIDERATION(S):

None

1. [Report No. DS-BRD-157 re: OCP and Zoning Amendment Bylaws No. 2425 and 2426, 2021; PRRD File No. 20-011](#) (Item 12.3, May 27, 2021 Board Meeting Agenda)