

# ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** J. Zaffino, Chief Administrative Officer

**DATE:** May 9, 2024

**RE:** Title Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “A” (A2024.003-ZONE)

---

## Administrative Recommendation:

**THAT the Electoral Area “A” Official Community Plan Amendment Bylaw No. 2905.05, 2024, and the Okanagan Valley Zoning Amendment Bylaw No. 2800.36, 2024, be read a first and second time and proceed to public hearing; AND**

**THAT the Board of Directors considers the process, as outlined in this report from the Chief Administrative Officer dated May 9, 2024, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*; AND**

**THAT, in accordance with Section 477 of the *Local Government Act*, the Board of Directors has considered Amendment Bylaw No. 2905.05, 2024, in conjunction with its Financial and applicable Waste Management Plans; AND**

**THAT the holding of a public hearing be scheduled for the Regional District Board meeting of May 23, 2024; AND**

**THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.**

---

Purpose: to facilitate a two (2) lot subdivision.

Folio: A-07286.150

Legal: Lot 640, Plan KAP1950, District Lot 2450S, SDYD

Civic: 401 2<sup>nd</sup> Avenue

---

## Proposed Development:

This application is seeking to amend the OCP and Zoning designation of the subject property in order to allow for a two (2) lot subdivision.

In support of the rezoning, the applicant has stated that “the Agricultural Land Commission (ALC Resolution #335/2022 has conditionally approved to subdivide the lot in two lots, while retaining their Agricultural land Reserve (ALR) designation.”

## Site Context:

The subject property is approximately 4.43 ha in area, situated on the North side of 2<sup>nd</sup> Avenue, and is on the western shore of Osoyoos Lake.

The property is immediately north of the Canada and USA boarder. It is understood that the parcel is comprised of a single detached dwelling, a vineyard and accessory buildings related to the vineyard,

---

---

including a winery, and storage buildings, and a washroom building leftover from the former campground use.

The surrounding pattern of development is generally characterised by similarly sized residential and agricultural parcels that have been developed with single detached dwellings.

**Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on October 2, 1923, while available Regional District records indicate that building permits for a garage (1993), the demolition of a single family dwelling (2012), a winery building (2012), and a barrel storage building (2013) have previously been issued for this property.

BC Assessment has classified the property as part “Residential” (Class 01), part “Light Industry” (Class 05) and part “Business And Other” (Class 06).

Official Community Plan (OCP) Bylaw:

Under the Electoral Area “A” Official Community Plan (OCP) Bylaw No. 2905, 2021, the subject property is currently designated Agriculture (AG) and Commercial Tourist (CT), and is the subject of a Watercourse Development Permit (WDP) Area designation.

Zoning Bylaw:

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Agriculture One (AG1) and Campground Commercial (CT2). AG1 includes agriculture and single detached dwellings as permitted principal uses. Additionally, the AG1 zone does requires a minimum parcel size of 4.0 ha for subdivision. The CT2 zone permits campgrounds as a permitted use and has a minimum parcel size for subdivision of 2.0 ha.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Osoyoos Lake and may not require any action during the subdivision or rezoning stage, but may be triggered during future development proposals.

Agricultural Land Reserve:

The property is entirely within the Agricultural Land Reserve (ALR) and has been the subject of two resent ALC decisions, the most recent of which was a conditional approval the proposed subdivision of the property into one 1.3 ha lot and one 3.2 a lot.

Ministry of Transportation and Infrastructure (MoTI):

On January 12, 2024, the Ministry of Transportation and Infrastructure (MoTI) referred a proposed two (2) lot subdivision involving the subject property to the Regional District for compliance with any applicable RDOS land use bylaws.

**Referrals:**

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required prior to adoption as the proposed amendments involve lands within 800 metres of a controlled access highway (i.e. Highway 97).

---

Pursuant to Section 476 of the *Local Government Act*, the Regional District must consult with the relevant School District when proposing to amend an OCP for an area that includes the whole or any part of that School District. In this instance, School District No. 53 has been made aware of the proposed amendment bylaw.

Pursuant to Section 477 of the *Local Government Act*, after first reading the Regional Board must consider the proposed OCP amendment in conjunction with Regional District's current financial and waste management plans. The proposed OCP amendment has been reviewed by the Public Works Department and Finance Department, and it has been determined that the proposed bylaw is consistent with RDOS's current waste management plan and financial plan.

Pursuant to Section 475 of the *Local Government Act*, the Regional District must consult with the Agricultural Land Commission (ALC) when proposing to amend an OCP which might affect agricultural land. Both the ALC and the Ministry of Agriculture have been made aware of the proposed amendment bylaws.

**Public Process:**

On April 10, 2024, a Public Information Meeting (PIM) was held at on line through Webex and was attended by approximately 0 members of the public.

Administration recommends that the written notification of affected property owners, the public meetings as well as formal referral to the agencies listed at Attachment No. 1, should be considered appropriate consultation for the purpose of Section 475 of the *Local Government Act*. As such, the consultation process undertaken is seen to be sufficiently early and does not need to further ongoing.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

**Analysis:**

In considering this proposal, Administration notes that the intent of the subdivision is to separate that part of the property historically used for agriculture from the part that previously comprised a commercial campground use and to rehabilitate this same area agricultural purposes.

While the OCP generally seeks to discourage the subdivision of agricultural land, it also speaks to supporting proposals that will result in the more efficient use of agricultural land.

In this instance, subdivision and replacement of the current CT2 zoning with zoning that formally permits agriculture (i.e. AG1 & SH3 zones) along with a condition by the ALC that its previous approval for an RV Park on this property be repealed is considered to be more beneficial for the long-term farming prospects of the property than maintaining it as a single agricultural unit.

Alternative:

Conversely, the ALC did determine that the site of the former campground use, despite some restrictions, still has the potential to be used for more specialized crops or non-soil bound agricultural activities in future and that subdivision of this property would reduce its long-term agricultural viability.

---

The ALC has also previously concluded that the existing vineyard and Campground/RV resort work well as one unit and suggested that future landowners may benefit from the diversified use on the property.

It is also noted that this proposal appears to contemplate a de facto “homesite severance” parcel for a property owner that does not otherwise qualify for such a subdivision.

**Summary:**

In recognition that the Board previously supported “authorizing” this subdivision to proceed to the ALC and that the ALC has conditionally approved the subdivision, Administration is recommending in support of this proposal.

It is also recognized that use rights for the campground / RV Park under the ALC’s legislation will be extinguished as part of this process, which is understood to be positive for the potential agricultural rehabilitation of the site.

For these reasons, administration supports the requested amendments and is recommending approval.

**Alternatives:**

1. THAT the Electoral Area “A” Official Community Plan Amendment Bylaw No. 2905.05, 2024, and the Okanagan Valley Zoning Amendment Bylaw No. 2800.36, 2024, be denied.

**Respectfully submitted:**

*Colin Martin*

Colin Martin, Planner I

**Endorsed By:**



C. Garrish, Senior Manager of Planning

**Attachments:** No. 1 – Agency Referral List

No. 2 – Applicant’s Site Plan

No. 3 – Aerial View

No. 4 – Site Photo (Google Earth)

Attachment No. 1 – Agency Referral List

Referrals to be sent to the following agencies as highlighted with a , prior to the Board considering first reading of Amendment Bylaw No. 2800.36, 2024 & OCP Amendment 2905.05, 2024.

<input checked="" type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" type="checkbox"/>	Fortis
<input checked="" type="checkbox"/>	Interior Health Authority (IHA)	<input type="checkbox"/>	City of Penticton
<input type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	District of Summerland
<input type="checkbox"/>	Ministry of Energy, Mines & Petroleum Resources	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Municipal Affairs & Housing	<input checked="" type="checkbox"/>	Town of Osoyoos
<input checked="" type="checkbox"/>	Ministry of Lands, Water and Resource Stewardship	<input type="checkbox"/>	Town of Princeton
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch)	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology	<input checked="" type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure	<input checked="" type="checkbox"/>	Osoyoos Indian Band (OIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Fisheries and Oceans Canada
<input checked="" type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	Canadian Wildlife Services
<input type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	OK Falls Irrigation District
<input type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input type="checkbox"/>	Kaleden Irrigation District
<input type="checkbox"/>	Keremeos Irrigation District	<input type="checkbox"/>	Vaseux Lake Irrigation District
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Irrigation District / improvement Districts / etc.
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Kootenay Boundary Regional District
<input checked="" type="checkbox"/>	Osoyoos Fire Department		Fraser Valley Regional District

Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 – Aerial View



Attachment No. 4 – Site Photo (Google Earth, 2024)

