

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: February 18, 2021
RE: Zoning Bylaw Amendment – Electoral Area “D”

Administrative Recommendation:

THAT Bylaw No. 2455.44, 2020, Electoral Area “D” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of March 18, 2021;

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

Purpose: To allow for a general industrial park which includes “indoor agriculture”

Owners: 1655 Maple Street Holdings Ltd. Agent: Laurie Schmidt Folio: D-03459.000

Legal: Lot B, Plan 22642, DL 551, SDYD, Except Plan EPP34540 and EPP86797 Civic: 1655 Maple Street

OCP: part Industrial (I); and
part Large Holdings (LH) Proposed OCP: part Industrial (I); and
part Large Holdings (LH)

Zone: part Heavy Industrial (I2); and
part Parks and Recreation (PR) Proposed Zoning: part General Industrial (I1); and
part Parks and Recreation (PR)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to allow for the development of an industrial park with general industrial uses and an “indoor agriculture” use.

In order to accomplish this, the applicant is proposed to amend the zoning of a 43.5 ha portion of the subject property under the Electoral Area “D” Zoning Bylaw No. 2455, 2008, from Heavy Industrial (I2) to General Industrial (I1), with regulations to:

- increase the maximum parcel coverage from 40% to 60% as a site specific provision;
- add “agriculture, indoor” as a permitted use as a site specific provision; and
- add a definition for “agriculture, indoor”.

In support of the rezoning, the applicant has stated that “Avery Industrial Park is well positioned to meet the varied industrial growth demands of the South Okanagan. Based on preliminary plan configurations, our vision is that Avery Industrial park be comprised of one larger parcel along with a number of strata lots ranging from 2.5 to 4 acre parcels...the I1 General Industrial zoning provides a more diverse mix of light and medium industrial uses than I2.”

Site Context:

The subject property is approximately 45.8 ha in area and is situated on the east side of Maple Street, accessed by a panhandle portion of the parcel. It is known as the “former Weyerhaeuser site” and it is understood that the parcel is comprised of an incomplete foundation for a cannabis production facility.

The surrounding pattern of development is generally characterised by agriculture (vineyards) to the south and a mix of agriculture and mobile home park to the north and industrial uses to the west. The east has vacant lands designated as industrial.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on May 18, 1972, while available Regional District records indicate that various building permits for industrial uses from 1973-2018 have previously been issued for this property.

Under the Regional Growth Strategy (RGS) Bylaw No. 2770, 2017, the Okanagan Falls area is designated as a Rural Growth Area and the bylaw seeks to achieve a sustainable, resilient and prosperous South Okanagan regional economy (Goal 5) and supporting policies to encourage business development in employment lands (5B-1), and direct new industrial development to existing industrial areas (5B-4).

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently split designated Industrial (I) and Large Holdings (LH), is the subject of partial Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP Area) designations, and is entirely within an Industrial Development Permit (IDP) area.

Under the Electoral Area “D” Zoning Bylaw No. 2455, 2008, the property is currently split zoned Heavy Industrial (I2) and Parks and Recreation (PR). The portion of the parcel seeking rezoning is designated as I2 and currently permits indoor cannabis production, manufacturing, and salvage operations, among other industrial uses.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is partially within the floodplain associated with Shuttleworth Creek.

BC Assessment has classified the property as Light Industry (05) and Business and Other (06).

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 metres of a controlled access highway (i.e. Highway 97).

Public Process:

On February 2, 2021, a Public Information Meeting (PIM) was held electronically and was attended by approximately 12 members of the public.

At its meeting of February 9, 2021, the Electoral Area “D” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be **approved / refused / approved, subject to the following conditions; XXXX.**

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

Analysis:

Maintaining Industrial Lands:

In considering this proposal, Administration notes that this proposal aligns with the overall goals of the Industrial designation and economic development goals in the RGS.

The Electoral Area “D” OCP Bylaw recognizes the importance of maintaining the industrial land base, including the former Weyerhaeuser site and discourage conversion to other non-industrial uses (Section 14.2.2).

This proposal maintains manufacturing, salvage operation and indoor cannabis production as permitted uses, while broadening the light industrial uses permitted for the site.

Although the I1 zone would introduce service industries, storage/warehousing, wholesale businesses, food and beverage processing, among other uses, and would remove heavier industrial uses (concrete plant, gravel processing, sewage treatment plant, stockyard and abattoirs), the site will continue to be utilized for industrial purposes in Okanagan Falls and would be positioned to attract a variety of businesses in keeping with the Industrial designation.

Surrounding Area/Connectivity:

The re-designation is seen as a lateral shift in zoning permissions and seeks to remove uses that are generally higher impact to residents (concrete plant, gravel processing, sewage treatment plant, stockyard and abattoirs) in favor of lighter industrial uses.

In favour of re-designating the land from heavy to light industrial, it is noted that the subject parcel immediately abuts other industrial lands, is outside of the ALR, and has existing road access from Maple Street (Section 14.2.5).

Environmental considerations:

Environmentally sensitive and watercourse areas are limited to the area around Shuttleworth Creek abutting the northern parcel line, where access is not required (Section 14.2.5).

It is also noted that the portion of the parcel bisected by the creek is zoned Parks and Recreation and is not subject to this rezoning proposal.

Servicing:

Administration has concerns that the proposed industrial park may be developed to larger parcel sizes (greater than 1 hectare) in order to avoid the need for a connection to community sewer system.

This is inconsistent with the sewer policies under Section 20.4.5 which seek to ensure “that all new commercial, industrial, and low and medium residential development within the Primary Growth Area is connected to the Okanagan Falls sanitary sewer system”.

Administration notes, however, that the existing I2 Zone allows for subdivision of 1 hectare parcels without connecting to community sewer.

Indoor agriculture use:

This proposal includes a site specific provision to permit “indoor agriculture”, which is similar to the existing permitted use of “indoor cannabis production”. Intensive indoor growing activities, whether it be cannabis or food (i.e. vertical farming of lettuce), do not require agricultural lands and are seen to better align with industrial activities.

Permitting the types of indoor crops that can be grown in an industrial setting is seen as accommodating emerging industries (Section 14.2.8) and fostering a diversified and resilient local economy (Section 6.8), as well as contributing to local food security.

Parcel coverage:

This proposal also seeks 60% parcel coverage requirements in the I1 zone. 60% parcel coverage is what is currently permitted under the I2 zone and would align with other jurisdictions in BC.

Increasing the parcel coverage from 40% to 60% in the I1 zone promotes intensification of land uses within the Primary Growth containment boundary (Section 7.6.5) and would reflect the changing industrial market (Section 14.2.8), recognizing that attracting new businesses to Okanagan Falls requires comparable regulations to competing markets.

Alternative Recommendation:

Conversely, Administration recognises that the existing parcel is a unique site where heavy industrial uses have historically occurred and presents a rare opportunity to maintain a large, industrial parcel for a large-scale, employment-generating operation.

By introducing a general industrial zone and broadening the range of uses permitted, the I1 zone presents a risk of under-utilization of the site, as it could be used only for service-oriented uses (such as storage and warehousing) that do not generate the same level of jobs as the industrial uses permitted under the I2 zone.

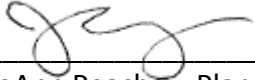
Summary:

In summary, Administrations generally supports the proposed zoning amendment bylaw and is recommending first and second reading of the bylaw.

Alternatives:

1. THAT Bylaw No. 2455.44, 2020, Electoral Area “D” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;
AND THAT the holding of the public hearing be delegated to Director Obirek, or their delegate;
AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Obirek;
AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.
2. THAT Bylaw No. 2455.44, 2020, Electoral Area “D” Zoning Amendment Bylaw be deferred; or
3. THAT Bylaw No. 2455.44, 2020, Electoral Area “D” Zoning Amendment Bylaw be, be denied.

Respectfully submitted:



JoAnn Peachey, Planner I

Endorsed By:

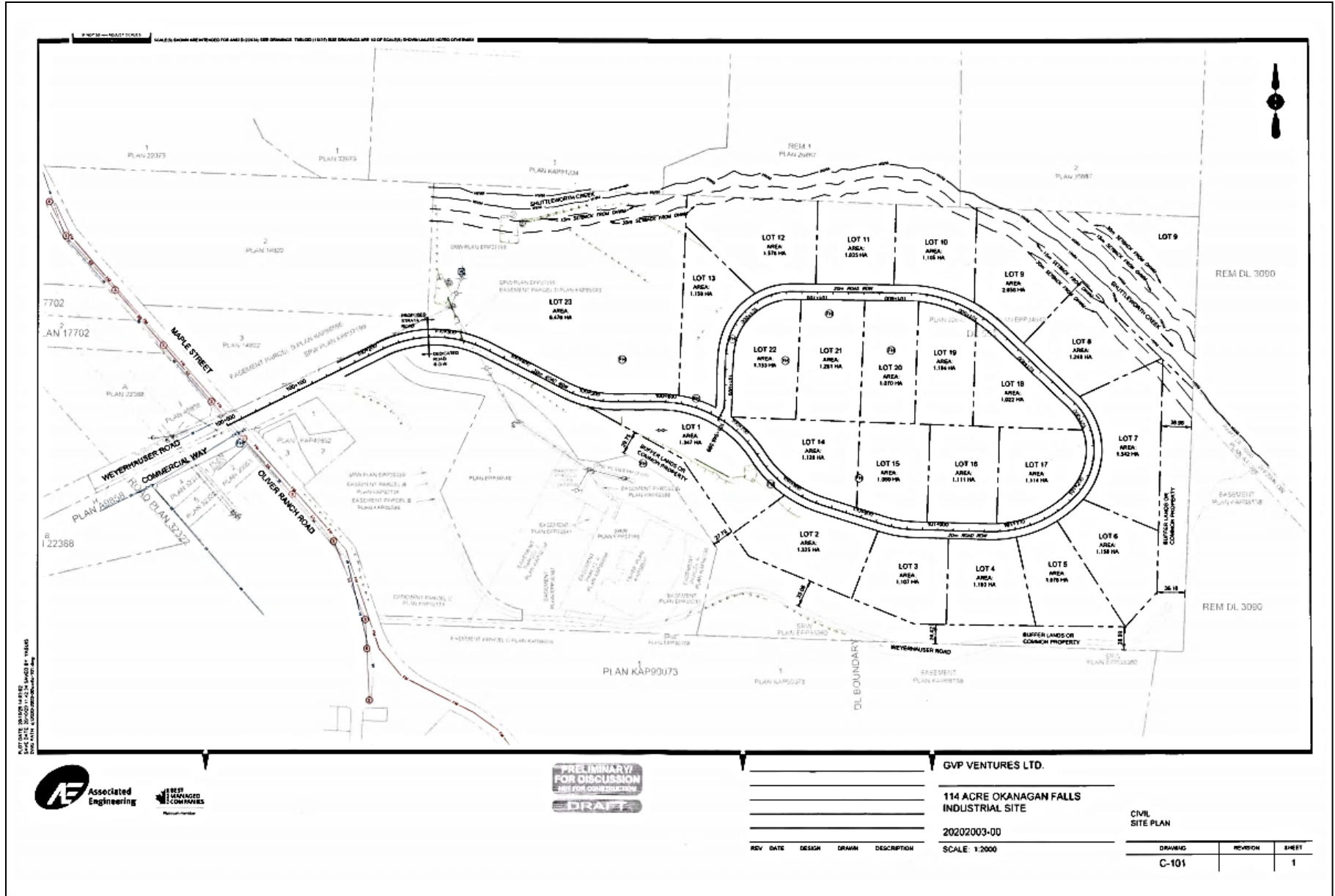
C. Garrish, Planning Manager

Attachments: No. 1 – Applicant’s Site Plan

No. 2 – Applicant’s Building Elevations

No. 3 – Site Photo (Google Earth)

Attachment No. 1 – Applicant's Site Plan



PRELIMINARY FOR DISCUSSION
NOT FOR CONSTRUCTION
DRAFT

GVP VENTURES LTD.

114 ACRE OKANAGAN FALLS INDUSTRIAL SITE

20202003-00

SCALE: 1:2000

CIVIL SITE PLAN

REV	DATE	DESIGN	DRAWN	DESCRIPTION

DRAWING	REVISION	SHEET
C-101		1

Attachment No. 2 – Site Photo (Aerial)



Attachment No. 3 – Site Photo (Google Earth)

