



**McElhanney**



**1631 MAPLE ST.  
OKANAGAN FALLS, BC**

September 14<sup>th</sup>, 2023

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To: Regional District of Okanagan Similkameen  
101 Martin Street, Penticton, B.C.

**REZONING  
AMMENDMENT  
APPLICATION**

**Contact**

Brad Elenko  
Division Manager  
belenko@mcelhanney.com

**Address**

2281 Hunter Road,  
Kelowna, BC Canada V1X  
7C5

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Our file: 2451-3037-011

## Location of Subject Property

The subject property is located within Electoral Area 'D' at 1631 Maple Street (subject property) which is southeast of the Okanagan Falls core and is approximately 2.31 hectares (ha) in area. The location is shown below in illustration 1.

Illustration 1: Location



## 1. Development Proposal

A portion of the north side of the subject property is within the ALR and the Owner's goal is to subdivide the portion of the property in the ALR from the remainder of the parcel to create a farm parcel and parcel for industrial use. Creating a separate parcel offers the best opportunity for the ALR lands to be used for farm purposes. To accomplish the goal, the zoning of the subject property will need to be amended from its present zoning designation to a zone that will accommodate an approximate 0.54 ha farm parcel.

## 2. Site Context and History

Illustration 2 (below) shows imagery of the property, however since that air photo was taken, construction of storage buildings has begun on the industrial zoned portion of the property in accordance with an approved Development Permit issued by the RDOS.

Illustration 2: Arial view of the Subject Property

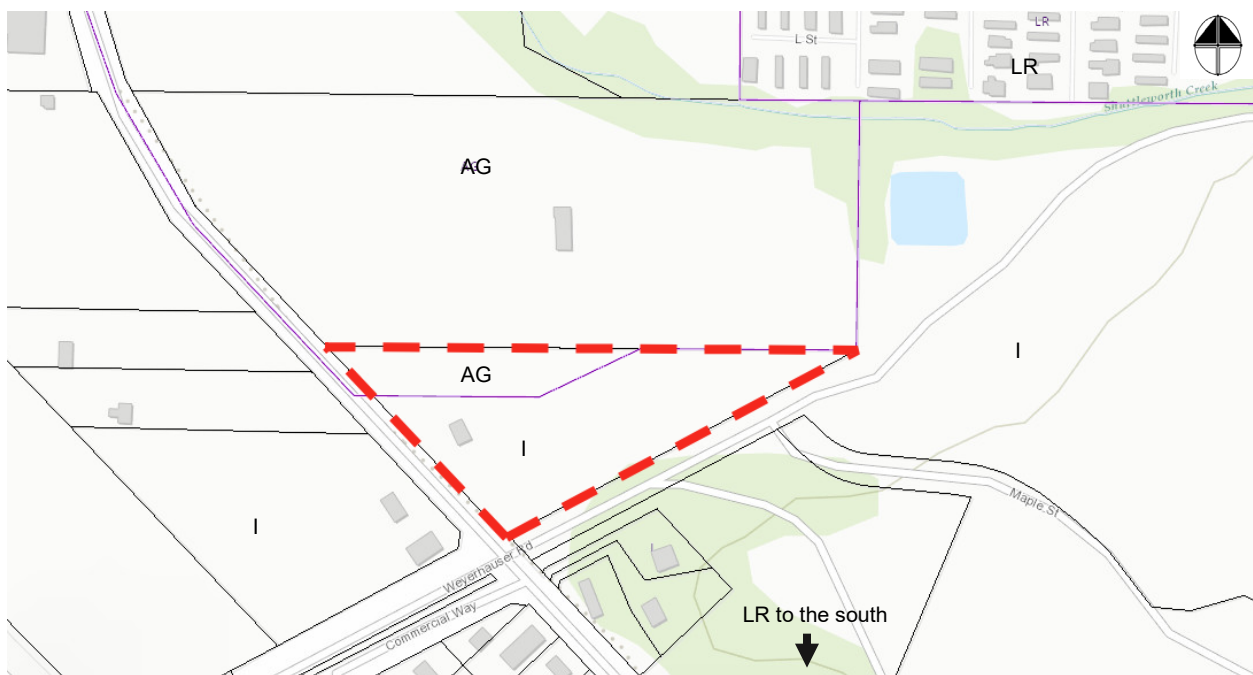


### 3. Current Land Use Designations

#### Official Community Plan

The property is designated Agriculture (AG) and Industrial (I) within the Electoral Area “D” Official Community Plan Bylaw 2452, 2008. The AG designation is intended to apply to land used for an agricultural operation or activity, whereas the I designation is intended for diverse industrial uses.

Illustration 3: RDOS Webmap showing current OCP designation

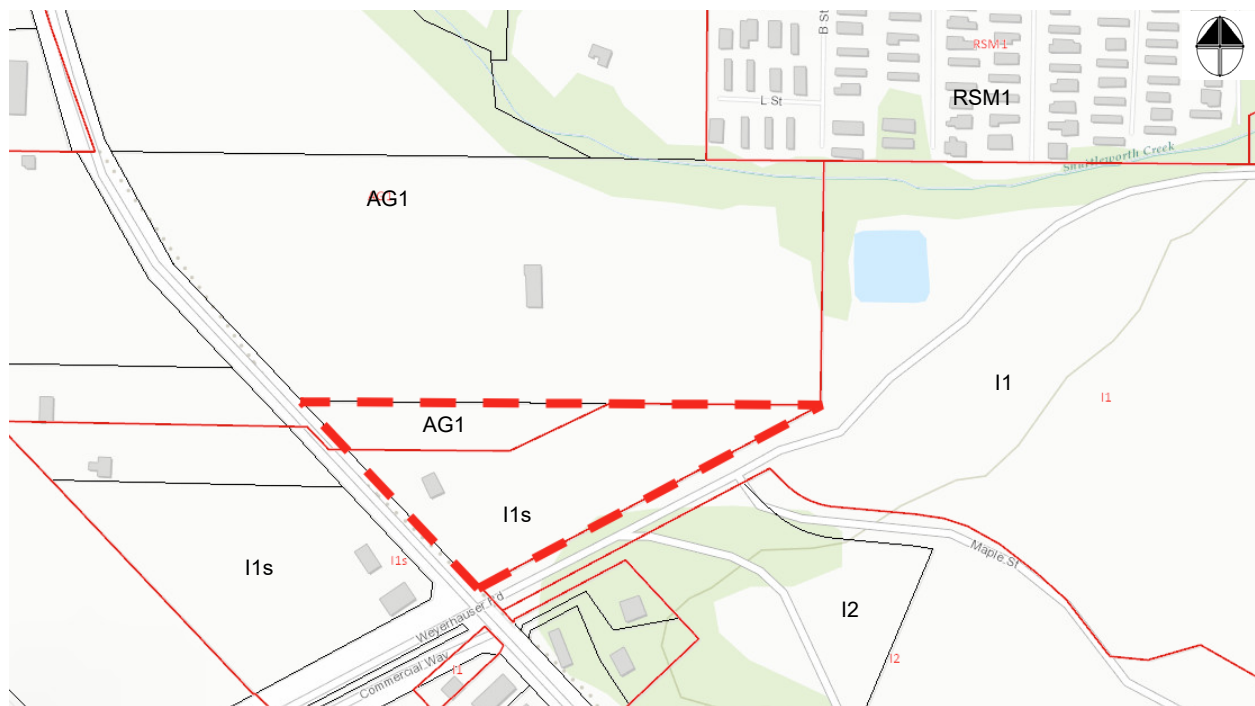


## Zoning

The zoning of the subject property is presently split zoned with the northwest corner (ALR portion of land) zoned for Agriculture (AG1), and the remainder of the property being General Industrial Site-Specific (I1s) within the Okanagan Valley Zoning Bylaw 2800, 2022 (shown in illustration 4 below).

The AG1 zoning of the property permits various agricultural uses including a single detached dwelling, accessory buildings or structures, and other accessory uses relating to agricultural activities. The I1s zone allows a wide range of uses including manufacturing, self-storage, outdoor storage, and wholesale business. The I1s site-specific zoning allows for additional accessory uses such as bed and breakfast, home occupations, single detached dwelling, and prescribes the maximum number of dwelling units being one per parcel.

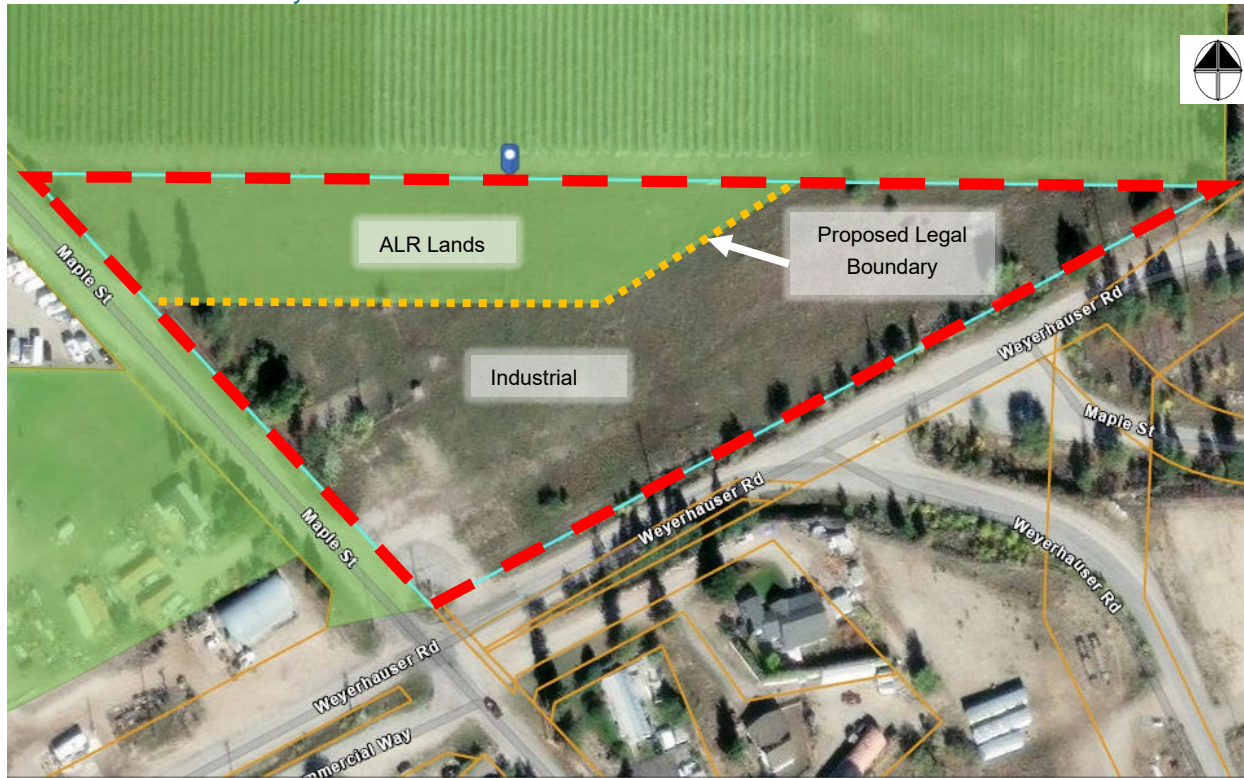
*Illustration 4: RDOS Webmap showing current zoning*



## Agricultural Land Reserve

The subject property is partially within the Agricultural Land Reserve as shown in Illustration 5 below. Approximately 0.54 ha of the 2.31 ha is within the ALR. The proposal is not a request to remove the property from the ALR. Section 3(2)(a)(ii) of the ALR Regulation 149/2020 permits the subdivision of lands where the proposed legal boundary matches the ALR Boundary. The development plan is to subdivide the property along the ALR boundary to create an ALR farm parcel and an industrial parcel of land.

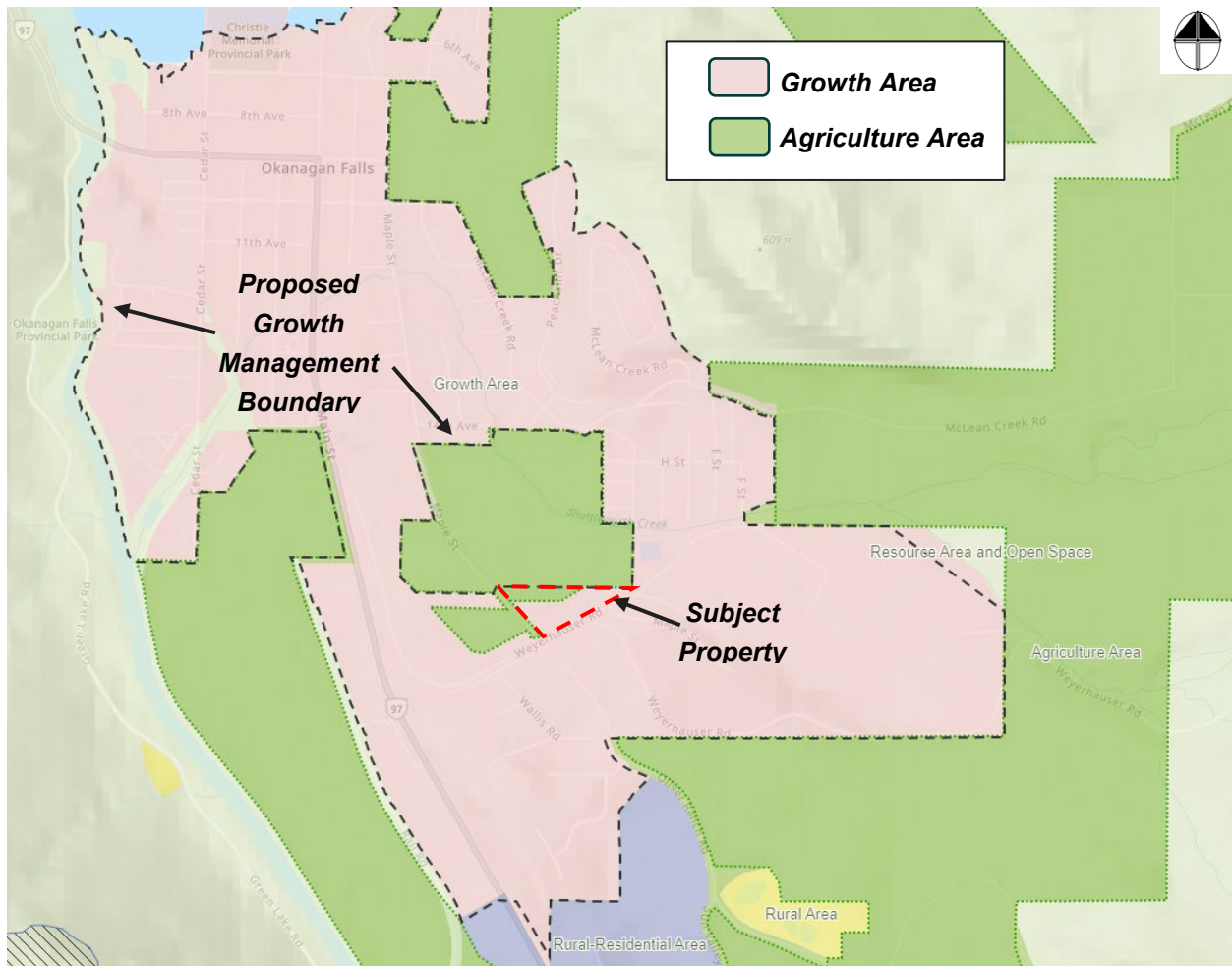
Illustration 5: ALR Boundary



## 4. Regional Growth Strategy

The South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017 (RGS) identifies Okanagan Falls as a Primary Growth Area. The ALR portion of the property is not within the Primary Growth Area as shown in Illustration 6. We believe the proposed rezoning and subsequent subdivision is consistent with the spirit of the RGS as the proposed subdivision will be along the ALR boundary and the RGS boundary to create a farm parcel that will be used for farm purposes. The rezoning and subdivision to create the separate farm parcel does not constitute growth, but rather provides clear definition to the growth boundary and provides a farm parcel on ALR land for farm use, and not for residential or industrial expansion.

Illustration 6: Image from Draft Growth Management Map Online Interactive Mapping Tool



## 5. Proposed Zoning Change

This application seeks to rezone that part of the property within the Agriculture One (AG1) zone of the property to a zone that will support a 0.52 ha parcel that could be serviced with community sanitary sewer.

The current AG1 zone allows for agriculture and single detached dwelling, however the 4.0-hectare minimum parcel size prevents the subdivision of the property to create the separate farm parcel. Given that community water and community sewer are available to the proposed agricultural parcel, the proposed parcel size would comply with the parcel size requirements for parcels with community sanitary sewer and community water.

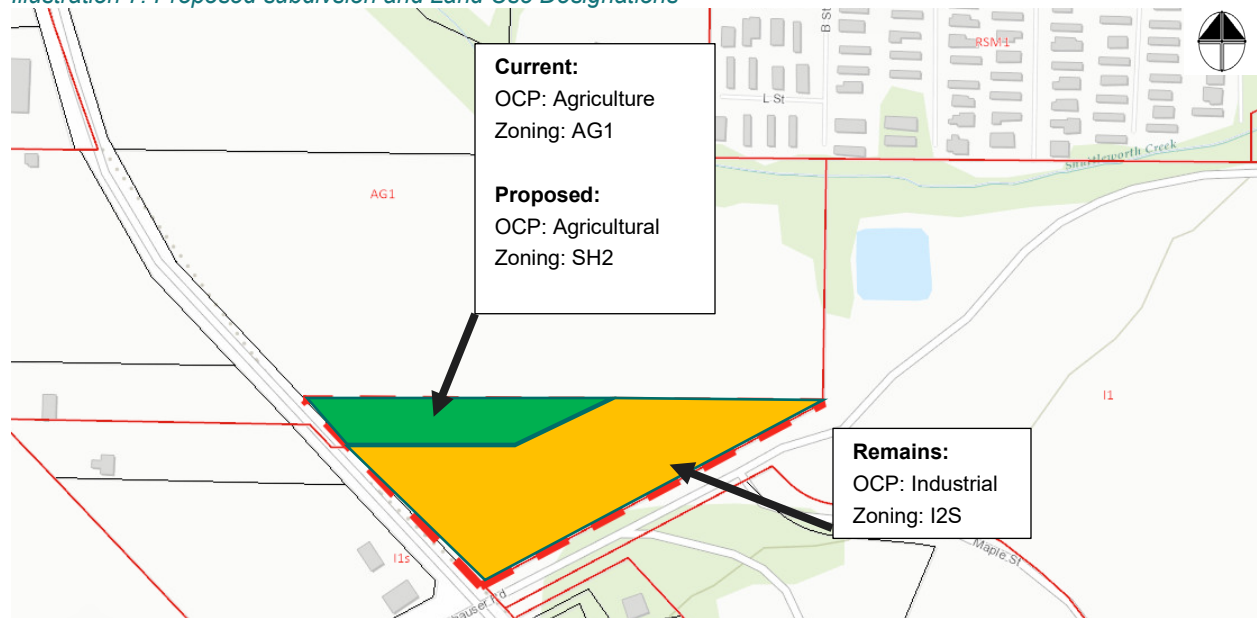
By subdividing the 0.52 ha farm portion from the subject property, the remainder of the parcel zoned General Industrial (I1s) will meet the minimum 0.1 ha. minimum parcel requirements for subdivision.

The property owner is applying to rezone the AG1 portion of the property to Small Holdings Two (SH2) which supports a minimum parcel size of 0.5 ha. As community sanitary sewer is available to the proposed  $\pm$  0.52 ha. farm parcel, the 1 ha. minimum parcel size does not apply.

The SH2 zone permits agricultural uses so the proposed ALR parcel with SH2 zoning could continue to be used for farm purposes, consistent with the ALC requirements.

Rezoning the ALR portion of the subject property to SH2 should not require an OCP change as agriculture would be permitted to occur to the proposed SH2 zoned property.

*Illustration 7: Proposed subdivision and Land Use Designations*



## 6. RATIONALE AND JUSTIFICATION

Considering the information contained in this report, we offer the following rationale for the proposed rezoning from the AG1 to SH2 zone:

- The proposed zoning will permit agriculture to occur on the proposed new farm parcel, so we believe the zoning is consistent with the Agriculture OCP designation.
- The agricultural portion of the subject property will have a greater chance of being farmed if it is a separate parcel. Kept in its current state with split zoning (agriculture and industrial), the industrial land use will be the dominant land use, and the agricultural portion will be underutilized or not utilized for farm purposes.
- Should the area be rezoned, and subdivision occur, the subdivision would not fragment any existing farmland but rather would create a farm parcel along the ALR boundary.

- The ALR regulations permit the subdivision of parcels along ALR boundaries without needing to obtain prior ALC approval.
- The Small Holdings Two zone supports the appropriate minimum parcel area and allows agricultural use.
- The proposed agricultural parcel to be created will be in an area serviced with community water and community sanitary sewer.
- Creating the proposed farm parcel provides new opportunity for agriculture by providing an affordable farm parcel to producers looking to expand, or for young and aspiring farmers seeking farmland to begin a farm operation.
- Maintains the integrity of land suitable for agriculture by creating a new parcel consisting only of ALR land – no blurred lines or misconceptions / misunderstandings about where the farmland boundary is located.
- Will prevent encroachment of non-farmland uses into agricultural lands by legally separating the industrial land from the agricultural land.
- The proposed zoning will not have a negative impact on critical habitat or watercourses.
- The proposed zoning will not have a negative impact on the use and enjoyment of the adjacent farmland, or any other adjacent lands.

