

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** July 6, 2023  
**RE:** Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “F” (F2022.004-ZONE)

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### Administrative Recommendation:

**THAT Bylaw No. 2790.06, 2023, a bylaw to amend the Electoral Area “F” Official Community Plan to facilitate a two-lot subdivision at 1108 Fish Lake Road be denied; and,**

**THAT Bylaw No. 2800.13, 2023, a bylaw to amend the Okanagan Valley Zoning Bylaw, be denied.**

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<u>Folio:</u>	F-07289.300	<u>Legal:</u>	Lot 4, District Lot 4239, ODYD, Plan KAP25804
<u>OCP:</u>	Resource Area (RA)	<u>Proposed OCP:</u>	part Large Holdings (LH)
<u>Zone:</u>	Resource Area (RA)	<u>Proposed Zone:</u>	part Large Holdings Two (LH2)

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### Proposed Development:

In order to facilitate a two-lot subdivision, the following land use bylaw amendments are being proposed by the applicant:

- amend the land use designation under Schedule ‘B’ (OCP Map) of the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2790, 2018, from Resource Area (RA) to part Large Holdings (LH) and part Small Holdings (SH); and
- amend the zoning under Schedule ‘2’ (Zoning Map) of the Okanagan Valley Zoning Bylaw No. 2800, 2022, from Resource Area (RA) to part Large Holdings Two (LH2) and part Small Holdings Four (SH4).

In support of the rezoning, the applicant has stated that “the impact on this community is negligible as the homesite would not be visible from Fish Lake Road as it would be situated on an upper bench. There is a need for more affordable land, which this would provide, with minimal impact to this small community of 5 properties, within District Lot 4239. We are presently unaware of any available [formerly SH2, now SH4] properties within 10 kms.”

### Site Context:

The subject property is approximately 15.4 ha in area and is bisected by Fish Lake Road. The parcel is comprised of a single detached dwelling and garage. The property is part of a historical Crown Grant, which has since been subdivided into five separate parcels.

The property is located within the boundaries of the Trout Creek Community Watershed and is largely surrounded by un-surveyed and undeveloped Crown lands. Aside from the other parcels derived from

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the historical Crown Grant, the most proximal privately held parcels are within the community of Meadow Valley to the east, which is predominantly agricultural in nature.

**Background:**

The property was created on February 27, 1975, while available Regional District records indicate that building permits have been issued for a single detached dwelling (1979) and garage (1984). BC Assessment has classified the subject property as “Residential” (Class 01).

RGS Bylaw:

Under the Regional Growth Strategy (RGS) Bylaw No. 2770, 2017, the property is not within a Primary or Rural Growth Area and the Strategy speaks to “discouraging rezoning of large rural land parcels to smaller parcel sizes, outside of Primary Growth Areas and Rural Growth Areas”.

OCP Bylaw:

The property is designated Resource Area (RA) which speaks to maintaining such lands “as large land parcels” (e.g. 20.0 ha minimum parcel size). Additional policies include:

- not supporting the rezoning of parcels in order to facilitate subdivision, particularly within the Trout Community Watershed in order to maintain the existing parcel sizes and preserve existing water resources; and
- supporting the protection of source water and water supply in the Trout, Shingle, Farleigh and Peachland Community Watersheds by discouraging the rezoning of parcels in order to facilitate subdivision or increased densities.

Additionally, the property is in the Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations under the OCP.

Zoning Bylaw:

The property is zoned Resource Area (RA) which requires a minimum parcel size of 20.0 ha for subdivision.

Previous Board Consideration:

At its meeting of May 4, 2023, the Regional District moved and seconded a motion “THAT Electoral Area “F” Official Community Plan Amendment Bylaw No. 2790.06, 2023, and Okanagan Valley Zoning Amendment Bylaw No. 2800.13, 2023, be denied.”

It was subsequently resolved to defer consideration of the proposed amendment bylaws pending the completion of the Faulder Zone Review. Amendment Bylaws related to the Faulder Zone Review were adopted June 15, 2023.

**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.

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

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part of that School District. In this instance, School District No. 67 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.

**Public Process:**

On November 3, 2022, a Public Information Meeting (PIM) was held electronically via Webex and was attended by approximately four members of the public.

At its meeting of April 11, 2023, the Electoral Area "F" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be denied.

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:**

This proposal is inconsistent with the growth management policies in the South Okanagan Regional Growth Strategy (RGS) as well as the Area "F" Official Community Plan (OCP). This is primarily due to it seeking to change the land use designation of a property to facilitate subdivision outside of a Growth Area (Primary or Rural) and within a designated community watershed.

It is noted that the Electoral Area "F" OCP was recently reviewed (2016-18) and the RA designation of the property was confirmed at this time and there are no policies that support the introduction of smaller parcels sizes in the Meadow Valley area.

Further, it is not clear that the proposal satisfies the evaluation criteria to be used when assessing the creation of new Rural Holdings parcels, such as compatibility with and impact on the natural environment, presence of natural hazards (wildfire and flood risk), proximity to services, and visual impacts, among other factors (OCP Bylaw Section 10.3.4).

Maintaining the property as a large parcel (i.e. 20.0 ha, or greater) will keep it as rural, with limited community services and infrastructure.

This is a hooke parcel, separated by an existing road dedication. The un-hooking of the parcel would be incongruous with surrounding land use patterns (i.e. un-surveyed Crown land) and is contrary to other policy direction.

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**Alternatives:**

1. THAT Electoral Area "F" Official Community Plan Amendment Bylaw No. 2790.06, 2023, and Okanagan Valley Zoning Amendment Bylaw No. 2800.13, 2023, be read a first and second time and proceed to public hearing;

AND THAT the Board of Directors considers the process, as outlined in the report from the Chief Administrative Officer dated May 4, 2023, 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. 2790.06, 2023, in conjunction with its Financial and applicable Waste Management Plans;

AND THAT the holding of the public hearing be scheduled for the Regional District Board meeting of May 18, 2023;

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

**Respectfully submitted:**



Shannon Duong, Planner II

**Endorsed By:**



C. Garrish, Senior Manager of Planning

- Attachments: No. 1 – Agency Referral List  
No. 2 – Applicant's Site Plan  
No. 3 – Aerial Photo

Attachment No. 1 – Agency Referral List

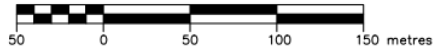
Referrals to be sent to the following agencies as highlighted with a , prior to the Board considering first reading of Amendment Bylaw Nos. 2800.13, 2023 and 2790.06, 2023.

<input 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 checked="" 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 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"/>	PIB / OIB (via NationsConnect)
<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Canadian Wildlife Services
<input type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	OK Falls Irrigation District
<input type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	Kaleden Irrigation District
<input checked="" type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input checked="" type="checkbox"/>	Meadow Valley Irrigation District
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Kootenay Boundary Regional District
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Fraser Valley Regional District

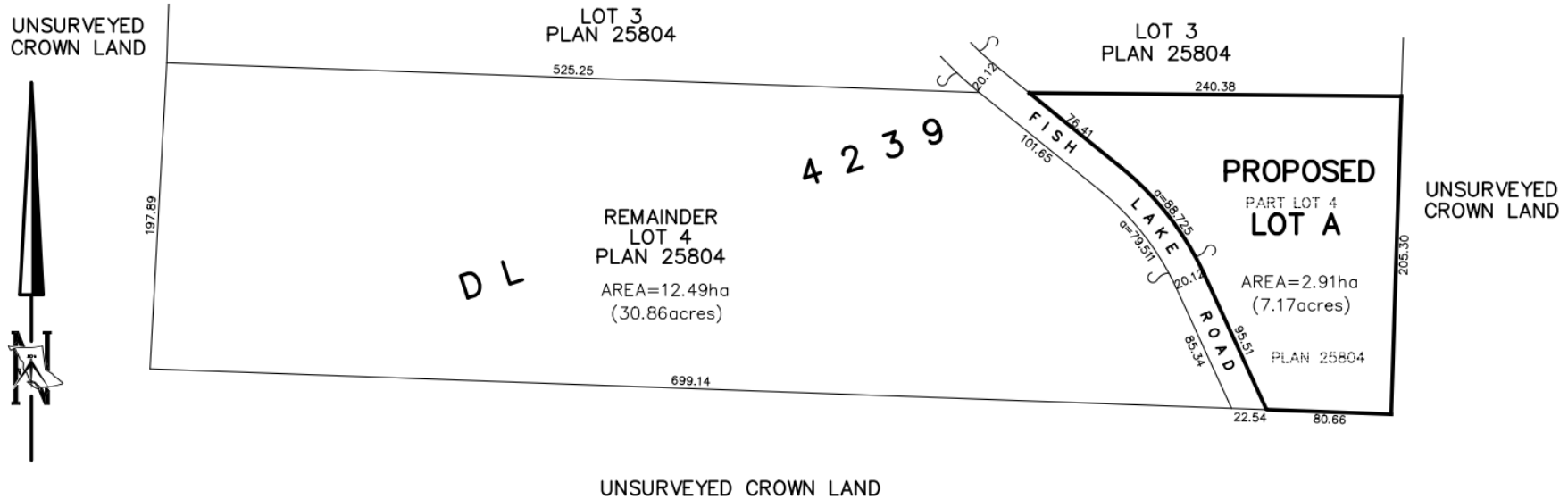
Attachment No. 2 – Applicant’s Site Plan

SKETCH PLAN TO ACCOMPANY A REZONING AND SUBDIVISION APPLICATION  
OF LOT 4, DL 4239, ODYD, PLAN 25804

BCGS 82E.061  
SCALE 1:2500



THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN WIDTH BY 280mm IN HEIGHT (B SIZE) WHEN PLOTTED AT A SCALE OF 1:2500



**LEGEND**

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN  
ALL DIMENSIONS ARE IN METRES AND DECIMALS THEREOF UNLESS OTHERWISE NOTED

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FILE 22-0263  
DWG. 22-0263A

Attachment No. 3 – Aerial Photo

