

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: B. Newell, Chief Administrative Officer
DATE: October 11, 2022
RE: Zoning Bylaw Amendment – Electoral Area “A” (A2022.011-ZONE)

Purpose: To operate a campground with ten RV sites. Folio: A-06372.030

Civic: 8555 Road 22 Legal: Lot 3, District Lot 2450S, SDYD, Plan KAP51250

OCP: Agriculture (AG) Zone: Agriculture One (AG1)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to allow for the operation of a campground.

In order to accomplish this, the applicant is proposed to amend the zoning of the property under the Okanagan Valley Zoning Bylaw No. 2800, 2022, from Agriculture One (AG1) to Agriculture One Site Specific (AG1s), with the site specific regulation to permit “campground” for up to ten (10) recreational vehicle sites as a use on an approximately 0.16 ha portion of the property.

In support of the rezoning, the applicant has stated that:

We are currently turning away multiple locals and tourists alike on a weekly basis, looking to find a place to stay. We are applying to complete construction of 10 RV pads as a site-specific secondary use for the property. We do not want it as a primary use as we will continue to use this land for farming, and these sites will help with staffing.

...the complaint against the current 5 RV sites was against the previous homeowner, who had a second existing bylaw issue and was not in good rapport...it should also be noted that we were told by the previous owner that the current 5 sites were installed with permission and that he had not received any notice of bylaw infraction. Later after taking possession of the property, we learned that the notices had been sent to the neighbour’s address by mistake.

We have 10.71 acres of beautiful land next to the desirable tourist destinations of Osoyoos & Oliver BC. With this secondary use zoning, we can have family and friends visit and help on the farm, with the added bonus of being able to help the surrounding vineyards and farms with a few extra spots for staff during the busy agricultural season. All of our neighbours on Road 22 support our application for 10 RV sites.

Site Context:

The subject property is approximately 4.3 ha in area and is situated on the south side of Road 22. It is understood that the parcel is comprised of a single detached dwelling, two outbuildings, and shed.

The surrounding pattern of development is generally characterised by similarly sized residential/agricultural parcels to the east and west and larger conservation area parcels to the north and south.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on January 11, 1994, while available Regional District records indicate that a building permits have previously been issued for a farm product storage equipment shed (n.d.), farm storage building (n.d.), and single detached dwelling (2004).

OCP Bylaw:

Under the Electoral Area “A” Official Community Plan (OCP) Bylaw No. 2905, 2021, the subject property is currently designated Agriculture (AG), and is the subject of Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations.

An ESDP was issued for the construction of a garage outbuilding on January 12, 2022; however, the associated Rapid Environmental Assessment and report did not address the proposed campground use. In this regard, a new or amended ESDP would need to be applied for and issued for the proposed campground use.

Zoning Bylaw:

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Agriculture One (AG1), which generally limits permitted uses to farm related activities and residential.

Tourist commercial uses, such as campground, are restricted to the Campground Commercial (CT2) Zone.

Campground Regulations Bylaw:

The proposed campground use of the property would also necessitate the issuance of a campground permit under the Campground Regulations Bylaw No. 2779, 2018.

The Campground Regulations Bylaw outlines various design standards which must be met in order to operate a campground, including design and layout criteria, on-site facility requirements, roadway, access and parking requirements, and servicing requirements (i.e., water, sewage, and stormwater drainage).

In order to facilitate the proposed campground use, the applicant must prove the ability to provide for the disposal of wastewater for the RV sites. Although a site plan provided by the applicant indicates a port-a-potty would be provided, this would not meet the sewerage requirements under the Campground Regulations Bylaw.

At the time of this report, proof had not been provided that a septic system was being installed for wastewater disposal; however, it is noted that the applicant has been in contact with a septic designer.

Enforcement:

The Regional District has an active bylaw enforcement file for the subject property in relation to its use as a campground/RV park. This rezoning application was submitted in response to bylaw enforcement action.

Misc:

The property is also within the floodplain associated with the Okanagan River and has been assessed as part “Residential” (Class 01) and part “Farm” (Class 09) by BC Assessment.

Analysis:

In considering this proposal, Administration notes that the applicant is proposing two uses: a campground comprised of ten RV spaces, and the use of RVs as temporary farm labour housing.

Proposed Campground Use

Administration notes that agriculturally viable lands are finite in nature and should therefore be prioritised for agricultural production. This sentiment is highlighted in the Electoral Area “A” OCP Bylaw, which contains objectives to protect the agricultural land base and minimize conflicts between agricultural and non-agricultural uses (Sections 9.2.1 & .2).

Lands in which campground uses are permitted under the Zoning Bylaw are somewhat limited in nature and are primarily restricted to parcels zoned Campground Commercial (CT2) with the exception of the Twin Lakes Village (TLV) zone and properties which have obtained site-specific allowances.

It is further recognised that the subject property is within the floodplain associated with the Okanagan River and a majority of the property, including the proposed campground area, is within an ESDP Area. Additionally, much of the surrounding parcels contain ESDP areas and are zoned Conservation Area (CA) in recognition of the associated environmental values and to limit development within this environmentally sensitive area.

Administration notes that there are other lands that could be considered for a campground use that would not require placing patrons in a designated floodplain otherwise hinder the potential agricultural use of agriculturally-designated lands or pose a risk to the environmental values within the area.

In this regard, Administration finds that the proposed campground use would be more appropriately located on other non-agricultural lands outside of an area with such conservation/environmental values.

Proposed Temporary Farm Labour Housing Use

Administration notes that the applicant has stated that the campground could be used to provide assistance to surrounding vineyards and farms; however, there are no guarantees that the campground would be used for this purpose.

Further, previous direction from the Board resulted in the adoption of OCP policies to regulate temporary farm labour housing proposals through the use of Temporary Use Permits. As such, this rezoning application deals solely with the proposed campground use and should the applicant wish to use RVs for temporary farm labour housing, the applicant would need to apply for, and be issued, a Temporary Use Permit.

Alternative

Conversely, Administration recognises that the proposed campground area is contained within a fairly small portion of the property, located near Road 22 which would reduce the amount of agricultural

land lost for the campground use and associated access requirements. With proper mitigation measures in place (e.g., fencing, buffering, signage, site management, etc.), impacts on agricultural lands could be minimized.

Summary

In summary, as the proposal is not seen to be consistent with the objectives of the Agriculture designation of the OCP Bylaw and could be located on non-agricultural lands, Administration is not supportive of this development application and is recommending denial.

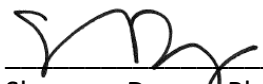
Administrative Recommendation:

THAT the APC recommends to the RDOS Board of Directors that the subject development application be denied.

Options:

1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.
2. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved with the following conditions:
 - i) *TBD*
3. THAT the APC recommends to the RDOS Board of Directors that the subject development application be denied.

Respectfully submitted:



Shannon Duong, Planner II

Endorsed By:



C. Garrish, Planning Manager

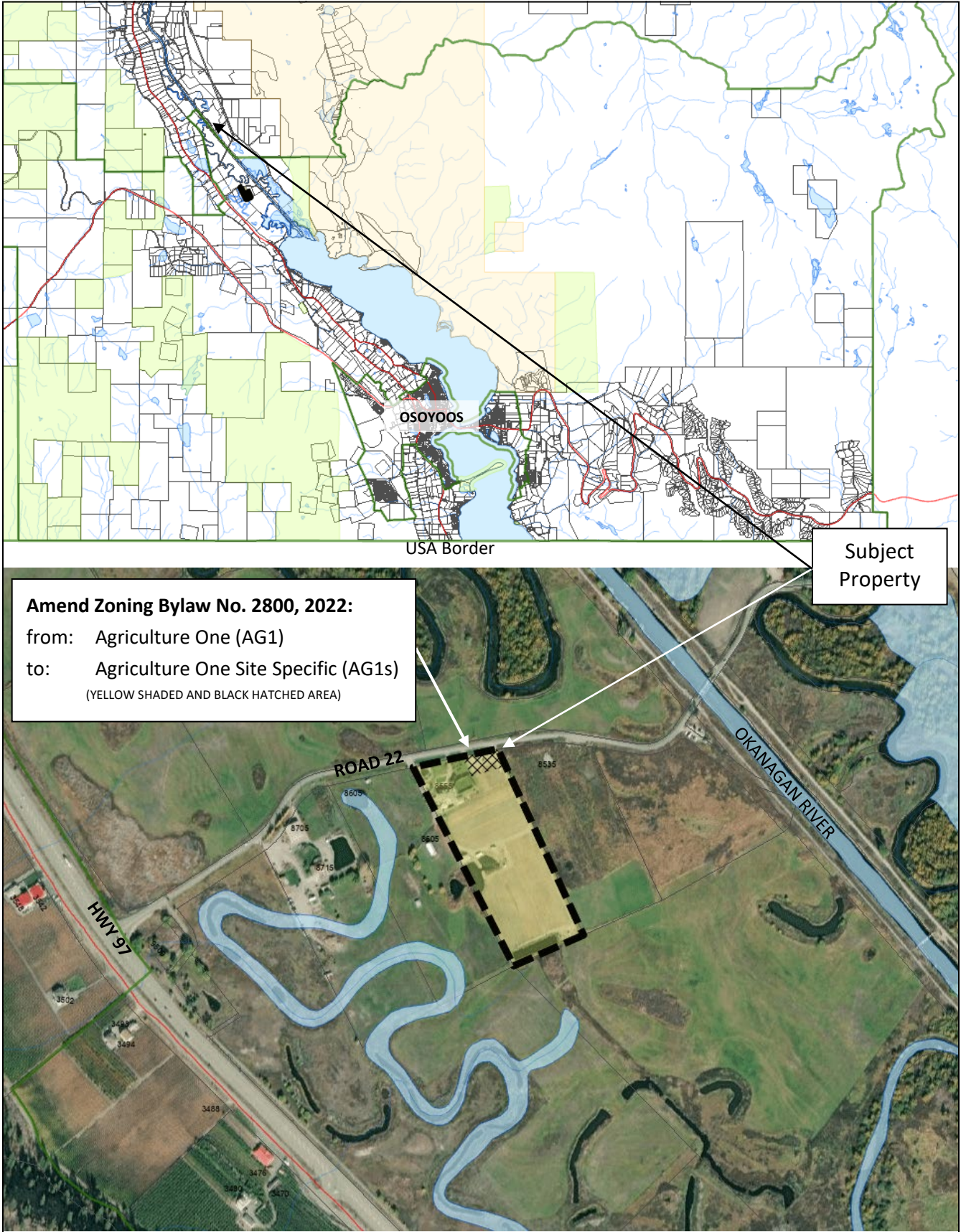
Attachments: No. 1 – Context Maps

No. 2 – Applicant’s Site Plan

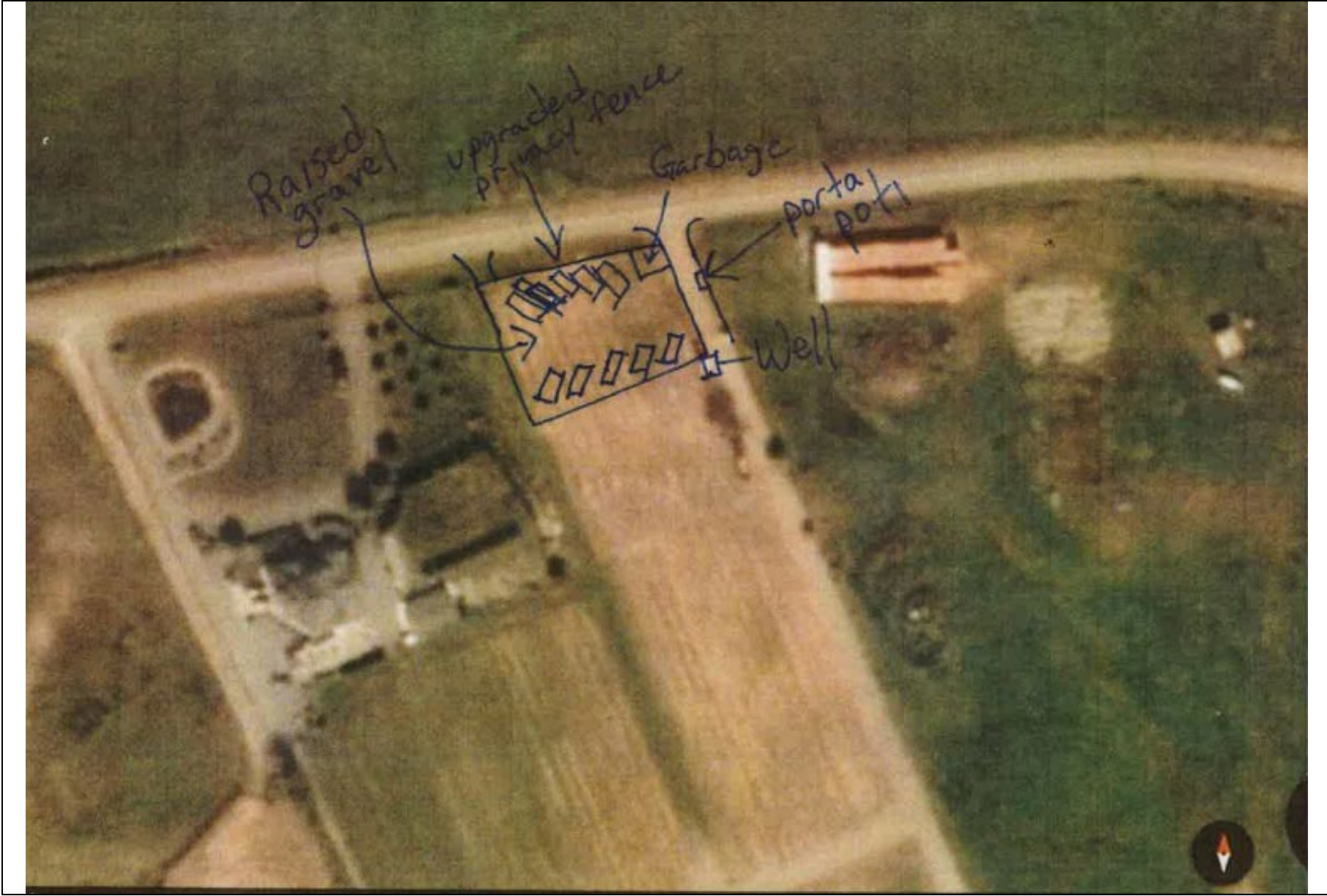
No. 3 – Site Photo (Google Street View 2012)

No. 4 – Site Photo (Bylaw Enforcement File 2021)

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 – Site Photo (Google Street View 2012)



Attachment No. 4 – Site Photo (Bylaw Enforcement File)



Approximate location of
the proposed 10 RVs
YELLOW AREA