

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** J. Zaffino, Chief Administrative Officer  
**DATE:** May 23, 2024  
**RE:** Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “A” (A2024.003-ZONE)

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## 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 third time.**

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Purpose: To facilitate a two (2) lot subdivision. Folio: A-07286.150  
Civic: 401 2<sup>nd</sup> Avenue Legal: Lot 640, Plan KAP1950, District Lot 2450S, SDYD  
OCP: Agriculture (AG) and Commercial Tourist (CT)  
Zone: Agriculture One (AG1) and Campground Commercial (CT2)

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## Proposed Development:

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

In order to accomplish this, 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 “A” Official Community Plan (OCP) Bylaw No. 2905, 2021, of a portion of the property from Commercial Tourist (CT) to Small Holdings (SH) and apportion from Commercial Tourist (CT) to Agriculture (AG), and;
- amend the zoning under Schedule ‘2’ (Zoning Map) of the [Okanagan Valley Zoning Bylaw No. 2800, 2022, for a portion of the property from Campground Commercial (CT2) to Small Holdings Three (SH3) and a portion from Campground Commercial (CT2) to Agriculture One Site Specific (AG1s) and a portion of the property from Agriculture One (AG1) to Agriculture One Site Specific (AG1s) with the site specific regulation to allow a minimum parcel size of 3.0 ha despite Section 13.1.2(a) and a portion.

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:

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The subject property is approximately 4.43 ha in area and is 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 border. 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:**

On April, 10, 2024, a Public Information Meeting (PIM) was held online with Webex and was attended by 0 members of the public.

At its meeting of May 9, 2024, the Regional District Board resolved to approve first and second reading of the amendment bylaws and scheduled a public hearing ahead of its meeting of May 23, 2024.

On May 23, 2024, a public hearing was held, and all comments received to date in relation to this application are included with this report.

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 (Highway 97).

**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 the same area for agricultural use.

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 the 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 land owners 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.

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**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 a positive for the potential agricultural rehabilitation of the site.

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

**Alternatives:**

1. THAT first and second readings of 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 rescinded and the bylaws abandoned.

**Respectfully submitted:**

*Colin Martin*

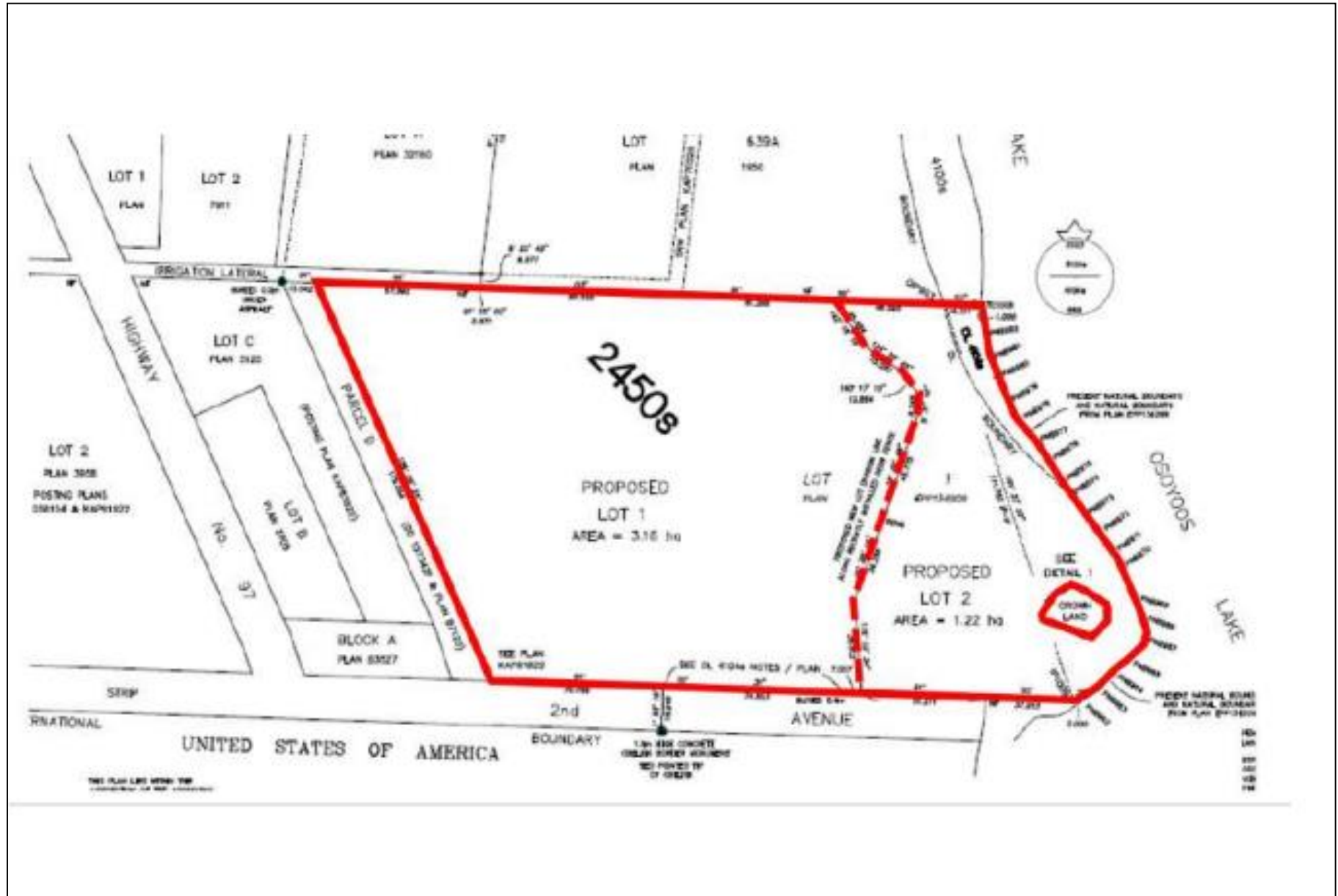
Colin Martin, Planner I

**Attachments:** No. 1 – Applicant’s Site Plan

No. 2 – Aerial View

No. 3 – Site Photo (Google Earth, 2024)

Attachment No. 1 – Applicant’s Site Plan





Attachment No. 2 – Aerial View





Attachment No. 3 – Site Photo (Google Earth, 2024)

