

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 20, 2023
RE: Zoning Bylaw Amendment – Electoral Area “C” (C2023.006-ZONE)

Administrative Recommendation:

THAT Bylaw No. 2800.28, 2023, a bylaw to amend the Okanagan Valley Zoning Bylaw to allow for the continued operation of an “eating and drinking establishment at 3692 Fruitvale Way, be read a third time.

Folio: C-05854.010

Legal: Lot 2, District Lot 2450S, SDYD, Plan 19063

OCP: Agriculture (AG)

Zone: Agriculture One (AG1)

Proposed Development:

To amend the zoning of the subject property in order to allow for the continued operation of an “eating and drinking establishment”, namely, Backyard Farm Chef’s Table between Oliver and Osoyoos.

The applicant proposes to amend the zoning of the property from Agriculture One (AG1) to Agriculture One Site Specific (AG1s), with the site specific regulation to permit “eating and drinking establishment” as a principal use.

The applicant has stated, amongst other things, that “Back Yard Chef’s farm-to-table culinary experience business model supports agriculture. The ALC [Okanagan] Panel through its decision recognizes the value-added services are supportive of, and ancillary to, agriculture.”

Site Context:

The property is 3,747 m² in area and is situated on the west side of Fruitvale Way. The surrounding pattern of development is generally characterised by agricultural and associated residential uses.

The parcel is comprised of a single detached dwelling that was converted in 2015 into an “eating and drinking establishment” with the remainder of the dwelling used on an occasional basis by the property owners when they are visiting the Okanagan. Some food items used in the “eating and drinking establishment” are grown on-site and there is also an accessory building (i.e., a farm storage building).

Background:

June 14, 2023 - a Public Information Meeting (PIM) was held electronically via Webex and was attended by eight (8) members of the public.

June 21, 2023- the Area “C” Advisory Planning Commission (APC) recommended that the subject development application be approved.

July 6, 2023 - first and second reading of the amendment bylaws were approved and a public hearing was scheduled ahead of the meeting of July 20, 2023.

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 (i.e. Highway 97).


Analysis:

- the “eating and drinking establishment” use, being a value-added use which is meant to be secondary to a predominating agricultural use, is the prevailing land use on the subject property and the agricultural use appears to be secondary and supportive to the commercial use;
- the eating and drinking establishment is a commercial use which should typically be directed towards commercially designated properties within Primary Growth Areas that have appropriate servicing to support commercial uses; and,
- concerns regarding the cumulative impacts of the commercial use and its associated parking on the agricultural land base and the potential resultant land use conflicts between farming and non-farming interests in the vicinity.

Alternatives:


1. THAT first and second readings of the Okanagan Valley Zoning Amendment Bylaw No. 2800.28, 2023, be rescinded and the bylaws abandoned.

Respectfully submitted:



Shannon Duong, Planner II

Endorsed By:



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Applicant’s Site Plan

No. 2 – Aerial Photo (2023)

Attachment No. 1 – Applicant’s Site Plan



Attachment No. 2 – Aerial Photo (2023)

