

Supplementary Information Package

Trout Creek Ranch Rezoning – Application for a site-specific zoning amendment to reinstate the campground use on the subject property.

Mount Lehman Fruit Growers Ltd.
Anderson Management Inc.
PID: 011-386-185
District Lot 4478, Osoyoos Div. of Yale Land District

BACKGROUND AND INTRODUCTION

The subject property is located at 5863 Princeton – Summerland Road, which is in Area ‘F’ of the RDOS. The property is bisected by the former Kettle Valley Railway (KVR) right of way, which has resulted in the parcel consisting of two portions which are “hooked” together across the KVR right of way. The Princeton-Summerland Road which also crosses through the property does not appear to be within a dedicated road right of way. The subject property is approximately 64.75 ha. (120 ac.) in size and contains a single detached dwelling, three accessory structures and is predominantly used for grazing.

The applicants have owned the property since 2005 and were aware of the Resource Area (RA) zoning on the property and were aware that a campground was a permitted use within the RA zoning. During 2018 and 2019 the owners were contemplating developing a campground on their property and were in discussions with provincial representatives about developing a provincial campground. In 2019, while furthering discussions with the province about developing a provincial campground on their property, the owners were shocked and embarrassed when they were advised by the provincial representatives that a campground was not a permitted use in their RA zoning, and subsequently, discussions with the province immediately halted. After researching this matter, the owners realized that the campground use which was historically permitted on the property was removed by the RDOS through a ‘house-keeping’ zoning amendment in the fall of 2018.

Official Community Plan and Zoning Bylaw

The subject property is designated ‘RA – Resource Area’ in the Area ‘F’ OCP and zoned ‘RA – Resource Area in the Area ‘F’ zoning bylaw. The Resource Area designation in the OCP includes a number of objectives, including “8.2.4 – Encourage and protect responsible outdoor recreation activities”

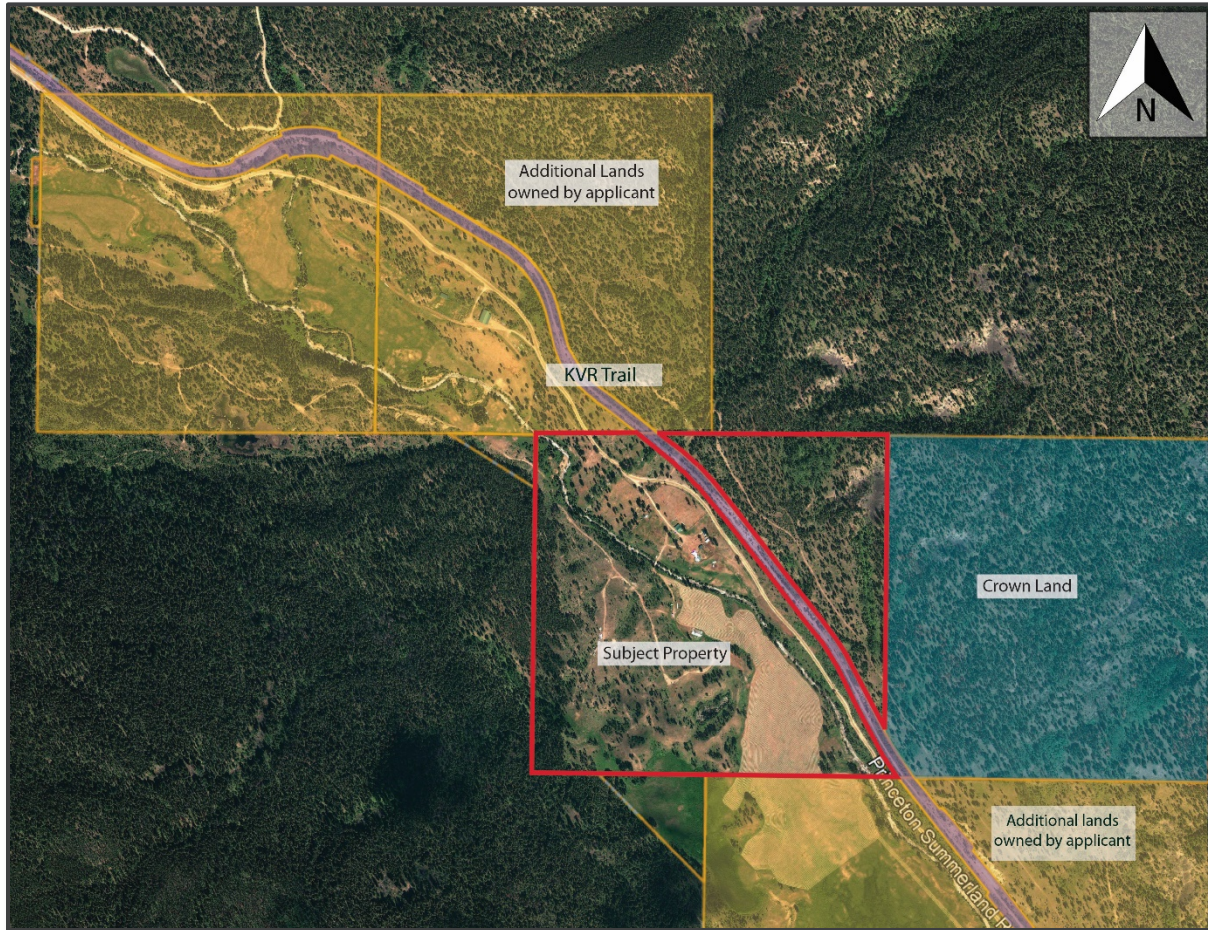
We believe that a campground use is an effective way to provide low impact accommodation which protects and encourages responsible outdoor recreation activities.

The ‘RA’ zone and designation provide a fairly limited list of permitted uses, but because of the properties natural setting and proximity to recreational uses such as the KVR Trail, fishing and hunting the owner had begun planning a campground use for the subject property. Based on the lack of campgrounds in the

area and the initial enthusiasm expressed by the Province the owners felt that the use was appropriate for the subject property.

The Site Context Map showing the subject property and the surrounding area, including the additional lands owned by the applicants is included below:

Figure 1 - Site Context Map



Zoning by-law No. 2808-2018

Bylaw 2808, 2018 was the bylaw that was adopted on October 18, 2018, which removed the campground use from the RA zone in the Area 'F' Zoning Bylaw. Each time this bylaw was presented to the Board, (July 19, 2018 for first and second reading, August 16th, 2018 for Public Hearing, September 17th, 2018 for third reading and October 18th for adoption) there was no mention in the staff report of the removal of the campground use from the RA zoning, and the only way of knowing this was to read carefully the entire bylaw (72 pages) and hopefully find the three lines on page 30 of 72 which provided the Electoral Area 'F' zoning bylaw amendments and stated:

- iii) replacing Section 10.1.1(c) under Section 10.1 (Resource Area Zone) with the following:
 - (b) deleted;

The above noted clause is the only reference in the bylaw and the staff reporting that indicates that the campground use was being removed from the RA Zone in Electoral Area 'F'.

Although I believe the RDOS did advertise the bylaw properly, the RDOS did the minimum amount advertising and consultation possible and did less consultation than what they often make private property owners do when they want to amend the zoning on their property. In this particular case, the owner did have conversations with RDOS Planning staff in 2016 and later on with the Province and expressed his interest in establishing a campground on his property. While the RDOS did advertise the amendment in local papers, the owner of the subject property resides in Abbotsford and would have had no conceivable reason to be actively keeping up with newspapers in which the RDOS would be advertising. More so, even if the owner were to obtain a copy of a paper which contained the advertisement, the by-law itself is long, complicated and confusing to the average person and expecting an individual to actually realize he is losing certain permissions would be unreasonable.

As noted above, the list of permissions included in the 'RA' zones is quite limited and removing one of the more significant and practical uses from this zone has significant impacts on the property owners and their ability to generate income from that property. To strip the rights of landowner and de-value their property without so much as a letter to the owner is simply wrong and we do not believe that this is the intent or spirit of the *Section 466(7) of the Local Government Act* which allows local governments to not directly mail the owners if the use or density change applies to 10 or more parcels. In our opinion, this provision is intended to be applied when your making changes which either positively impact the property or make minor adjustments which do not result in a significant devaluing of the property.

As a result of the lack of consultation, the owner is now forced to spend money to retain a consultant, pay an application fee and pay for the costs to install a notice sign on the subject property simply to have the Board consider reinstating a use which was permitted on his property less than 3 years ago.

PROPOSED ZONING CHANGE

From 'RA – Resource Area' to 'RA* - Resource Area, Site Specific'

The owner's request is a site-specific zoning for the subject properties to restore "campground" as a permitted use in the zoning for the subject properties. As the amendment is a site-specific request, the amendment will not have an impact on any other RA zoned properties in Electoral Area 'F'. Reinstating the campground use on the subject property will simply allow the owners to continue their plans for the development of a campground that they started over three year ago, before the RDOS removed the campground use from the zone.

If the campground use was reinstated as a site-specific use for the property, a campground could occur on the property in exactly the same manner as if the property was rezoned to the new CT2 Campground Commercial Zone. The proposed campground would have to comply with the RDOS Campground Regulations Bylaw No.2779, 2018 whether it is permitted under the new CT2 zone or as a site-specific amendment.

The owner does not wish to rezone the property CT2 as that would result in the loss of a number of land uses that the RA zoning presently allows. He simply wants the suite of land uses that he had prior to the



October 18, 2018 RDOS amendment which removed the campground use from his property's Resource Area zoning.

RATIONALE FOR PROPOSED SITE-SPECIFIC ZONING

- 1) The reinstatement of the campground use on the subject property will not provide the owner with any land use rights or privileges that he didn't have prior to RDOS removing the campground use from his RA zoning on October 18, 2018. Prior to October 18, 2018, the owner would have been required to comply with the Campground Regulations Bylaw No.2779, 2018, and if the campground use is reinstated, he will still have to comply with the Campground Regulations Bylaw.
- 2) The reinstatement of the campground use supports Objective 4 of the Resource Area designation in the Area 'F' OCP to "*encourage and protect responsible outdoor recreation activities*" by providing low-impact accommodation in a natural setting adjacent to recreational uses such as the KVR Trail and fishing and hunting opportunities.
- 3) The reinstatement of the campground use would not have any negative impacts on the adjacent properties and would provide a convenient location to increase tourism and economic development within the RDOS.
- 4) In 2019, the RDOS dealt with a very similar situation in Area 'E', where the campground use was removed from the RA zoning. The RDOS Board approved a specific zoning that re-instated the campground use as a permitted use. The owners of the property are requesting the same site-specific amendment to reinstate the campground use on their property as was provided to the Area 'E' through the adoption of Bylaw No. 2459.35, 2019 on February 20, 2020.

