

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2022
RE: Zoning Bylaw Amendment – Electoral Area “A”, “C”, “D”, “E”, “F”, & “I” (X2022.007-ZONE)

Administrative Recommendation:

THAT Bylaw No. 2800.02, 2022, a bylaw to amend the Okanagan Valley Zoning Bylaw to introduce new regulations and definitions for “mobile vendors” (i.e. food trucks), be read a first and second time and proceed to public hearing; and

THAT the holding of a public hearing be scheduled for August 4, 2022; and

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

Background:

At present, the only reference in the Okanagan Valley Zoning Bylaw to “mobile vendor” is an indirect one in the definition of “eating and drinking establishment” that excludes “mobile catering food services” as permitted type of use.

As a result, “mobile vendors” are generally seen to be prohibited in all zones, with the exception of the Parks and Recreation (PR) Zone. This is a result of a previous interpretation of the definition of “park” to allow for “mobile vendor”, specifically:

*“**park**” means any publicly-owned, held or beneficially owned outdoor land or facility specifically designed for passive or active recreation including tot-lots, playgrounds, walkways, trails, band shells, greenbelts, buffers, nature interpretation areas, or similar land uses, including all uses permitted in Provincial Parks, and all natural and constructed landscaping, facilities, playing fields, buildings and structures consistent with the general purpose of public park land; [emphasis added]*

Consequently, property owners seeking to operate a food truck (or similar) outside of a PR Zone are required to obtain the approval of the Regional District.

On April 14, 2022, the Regional District announced the launching of a pilot program for “seasonal mobile food vending licences”, beginning in Spring of 2022, to operate in Christie Memorial Park, Kenyon Park, Manitou Park and the Similkameen Recreation Centre.

At its meeting of May 5, 2022, the Planning and Development (P&D) Committee resolved “that Bylaw No. 2800.02, a bylaw to amend the Okanagan Valley Zoning Bylaw to allow for “mobile vendor” in the Agriculture, Town & Village Centre, Commercial, Tourist Commercial, Industrial and Parks and Recreation (PR) zones, be brought forward for 1st & 2nd Reading and advertised for public hearing.”

Referrals:

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 & 3).

Public Process:

On June 8, 2022, a Public Information Meeting (PIM) was held electronically via Webex, and was attended by one (1) member of the public.

All comments received to date in relation to this application are included with this report.

Analysis:

The current zoning regulations that pertain to “mobile vendor” may be unduly restrictive. In particular, the existing regulations are seen as having not kept pace with regulatory approaches adopted by some of the member municipalities, and the current interpretation allowing this use in the PR Zone is not clear. In light of the recently announced licencing program, clarity is required.

Permitting “mobile vendor” as a permitted accessory use in the Agriculture, Town & Village Centre, Commercial, Tourist Commercial, Industrial and Parks and Recreation (PR) zones should resolve these concerns due to the occurrence of commercial uses in these zones and, in the case of Agriculture zones, the occurrence of food trucks at wineries and fruit stands.

Due to the nature of events held at the various parks in the Regional District allowing “mobile vendor” is seen to be appropriate and consistent with the historic “parks” use.

For parcels that are in the Agricultural Land Reserve (ALR), it is likely that a “non-farm use” approval from the Agricultural Land Commission (ALC) would be required prior to operating a food truck. Similarly, approval from the Ministry of Transportation and Infrastructure (MoTI) may be required if it is proposed to place a truck in close proximity to the road network (e.g. Highway 97).

The ALC has stated that operating a food truck on ALR lands is not a permitted use, and therefore food trucks in the Agricultural zones might face compliance issues with ALC regulations. Additionally, Town and Village Centre zones may be affected by additional competition with traditional “eating and drinking establishments.”

Alternatives:

1. THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.02, 2022, be denied.

Respectfully submitted:

Colin Martin

Colin Martin, Planning Services Clerk

Endorsed By:



C. Garrish, Planning Manager

Attachments:

No. 1 - Agency Referral List

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 No. 2800.02, 2022.

<input checked="" 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 checked="" type="checkbox"/>	Ministry of Agriculture		<input type="checkbox"/>	District of Summerland
<input type="checkbox"/>	Ministry of Energy, Mines & Petroleum Resources		<input checked="" type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Municipal Affairs & Housing		<input checked="" 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 checked="" type="checkbox"/>	Village of Keremeos
<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure		<input checked="" type="checkbox"/>	ONA / PIB / OIB/ UNB (via NationsConnect)
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology		<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	Integrated Land Management Bureau		<input type="checkbox"/>	Fisheries and Oceans Canada
<input checked="" type="checkbox"/>	BC Parks		<input type="checkbox"/>	Canadian Wildlife Services
<input checked="" 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 type="checkbox"/>	Thompson Nicola Regional District
<input type="checkbox"/>	Central Okanagan Regional District		<input type="checkbox"/>	Kootenay Boundary Regional District
<input checked="" type="checkbox"/>	Penticton Fire Department		<input checked="" type="checkbox"/>	Summerland Fire Department
<input checked="" type="checkbox"/>	Kaleden Volunteer Fire Department		<input checked="" type="checkbox"/>	Naramata Volunteer Fire Department
<input checked="" type="checkbox"/>	Willowbrook Volunteer Fire Department		<input checked="" type="checkbox"/>	Anarchist Mountain Volunteer Fire Department
<input checked="" type="checkbox"/>	OK Falls Volunteer Fire Department		<input checked="" type="checkbox"/>	Apex Volunteer Fire Department
<input checked="" type="checkbox"/>	Keremeos Volunteer Fire Department		<input checked="" type="checkbox"/>	Penticton Volunteer Fire Department
<input checked="" type="checkbox"/>	Oliver Fire Department			