

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: May 9, 2024

RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “A” (A2023.015-ZONE)

Administrative Recommendation:

THAT the Electoral Area “A” Official Community Plan Amendment Bylaw No. 2905.06, 2024, and the Okanagan Valley Zoning Amendment Bylaw No. 2800.35, 2024, be read a first and second time and proceed to public hearing;

AND THAT the Board of Directors considers the process, as outlined in this report from the Chief Administrative Officer dated May 9, 2024, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;

AND THAT, in accordance with Section 477 of the *Local Government Act*, the Board of Directors has considered Amendment Bylaw No. 2905.06, 2024, in conjunction with its Financial and applicable Waste Management Plans;

AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of May 23, 2024;

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

Purpose: to help facilitate a two lot subdivision.

Folio: A-06349.000

Legal: Lot 639A, Plan KAP1950, District Lot 2450S, SDYD

Civic: 601 6th Avenue

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to facilitate 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, from Agriculture (AG) to Low Density Residential (LR); and from Agriculture (AG) to Small Holdings (SH)
 - amend the zoning under Schedule ‘2’ (Zoning Map) of the Okanagan Valley Zoning Bylaw No. 2800, 2022, from Agriculture One (AG1) to Agriculture One Site Specific (AG1s) with the site specific regulation to allow a minimum parcel size of 0.9 ha despite Section and Agriculture One (AG1) to Low Density Residential Three (RS3).
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In support of the rezoning, the applicant has stated that “the proposed OCP and Zoning amendments to the farm parcel will not have a negative impact on the use and enjoyment of adjacent or surrounding properties, as the agricultural farm will continue to be leased by a local farmer.”

Site Context:

The subject property is approximately 2.12 ha in area and is situated on the East side of 6th Avenue on the west side of Osoyoos Lake, approximately 1 km south of the Town of Osoyoos. It is understood that the parcel is comprised of an orchard on the western side of the property and vacant land on the east.

The surrounding pattern of development is generally characterised by similarly sized residential and agricultural parcels that have been developed with single detached dwellings).

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on October 2, 1923, while available Regional District records indicate that building permits have not previously been issued for this property.

Under the Electoral Area “A” Official Community Plan (OCP) Bylaw No. 2905, 2021, the subject property is currently designated Agriculture (AG) and Low Density Residential, and is the subject of a Watercourse Development Permit (WDP) Area designation.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Agriculture One (AG1) and Low Density Residential Three (RS3). The AG3 designation permits agriculture as a permitted principal use and has a minimum parcel size of 4.0 ha for subdivision. The RS3 zone permits single detached dwellings as a principal use and has a minimum parcel size of 1,000 m² for subdivision.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Osoyoos Lake, and while there may not be any action required for a bylaw amendment or subdivision application, this designation may have some regulations that will be require consideration during further development.

Approximately half of the property is within the Agricultural Land Reserve (ALR) and BC Assessment has classified the property as “Residential” (Class 01).

On December 5, 2023, the Ministry of Transportation and Infrastructure (MoTI) referred a proposed two (2) lot subdivision involving the subject property to the Regional District for compliance with any applicable RDOS land use bylaws.

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 (Highway 97).

Pursuant to Section 476 of the *Local Government Act*, the Regional District must consult with the relevant School District when proposing to amend an OCP for an area that includes the whole or any part of that School District. In this instance, School District No. 53 have been made aware of the proposed amendment bylaw.

Pursuant to Section 477 of the *Local Government Act*, after first reading the Regional Board must consider the proposed OCP amendment in conjunction with Regional District's current financial and waste management plans. The proposed OCP amendment has been reviewed by the Public Works Department and Finance Department, and it has been determined that the proposed bylaw is consistent with RDOS's current waste management plan and financial plan.

Pursuant to Section 475 of the *Local Government Act*, the Regional District must consult with the Agricultural Land Commission (ALC) when proposing to amend an OCP which might affect agricultural land. Both the ALC and the Ministry of Agriculture have been made aware of the proposed amendment bylaws.

Public Process:

On April 22, 2024, a Public Information Meeting (PIM) was held on Zoom and was not attended by any members of the public.

Administration recommends that the written notification of affected property owners, the public meetings as well as formal referral to the agencies listed at Attachment No. 1, should be considered appropriate consultation for the purpose of Section 475 of the *Local Government Act*. As such, the consultation process undertaken is seen to be sufficiently early and does not need to further ongoing.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Analysis:

In considering this proposal, Administration notes that the subject property has been split-zoned with the western portion designated for future residential development since the mid-1990s and that the current proposal will separate this area from the agricultural remainder and potentially facilitate its development.

While it is recognized that this area is not within a designated Growth Area under the South Okanagan Regional Growth Strategy (RGS) Bylaw, the residential zoning as well as a commit by the Town of Osoyoos to provide water and sewer service to the site predates the implementation of the RGS.

In addition, while the remainder parcel will remain in the ALR, its proposed size of approximately 0.9 ha, is not consistent with the Agriculture (AG) designation under the OCP (which requires that parcel be not less than 4.0 ha in area) and is considered to be a rural-residential parcel. It is for this reason that a Small Holdings (SH) designation is being applied to the property (NOTE: the SH3 Zone lists "agriculture" as a permitted accessory use).

In summary, the proposed OCP and Zoning Bylaw amendment are seen to be consistent with the long-term preferred future land use of this property.

Alternatives:


1. THAT the Electoral Area "A" Official Community Plan Amendment Bylaw No. 2905.06, 2024, and the Okanagan Valley Zoning Amendment Bylaw No. 2800.36, 2024, be denied.

Respectfully submitted:

Colin Martin

Colin Martin, Planner I

Endorsed By:



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Agency Referral List

No. 2 – Applicant’s Site Plan

No. 3 – Applicant’s Building Elevations

No. 4 – Site Photo (Google Earth, 2024)

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. 2800.35, 2024 & OCP Amendment 2905.06, 2024:

<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 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 type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology	<input checked="" type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure	<input checked="" type="checkbox"/>	Osoyoos Indian Band (OIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Fisheries and Oceans Canada
<input checked="" type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	Canadian Wildlife Services
<input type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	OK Falls Irrigation District
<input type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input type="checkbox"/>	Kaleden Irrigation District
<input type="checkbox"/>	Keremeos Irrigation District	<input type="checkbox"/>	Vaseux Lake Irrigation District
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Irrigation District / improvement Districts / etc.
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Kootenay Boundary Regional District
<input checked="" type="checkbox"/>	Osoyoos Fire Department		Fraser Valley Regional District

Attachment No. 2 – Applicant’s Site Plan

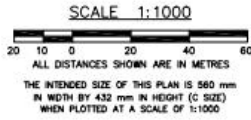
PROPOSED

SUBDIVISION PLAN OF:

- 1) PART OF LOT 639A, DL 2450s,
SDYD, PLAN 1950
- 2) DL 4100s, SDYD

BCGS 82E.003

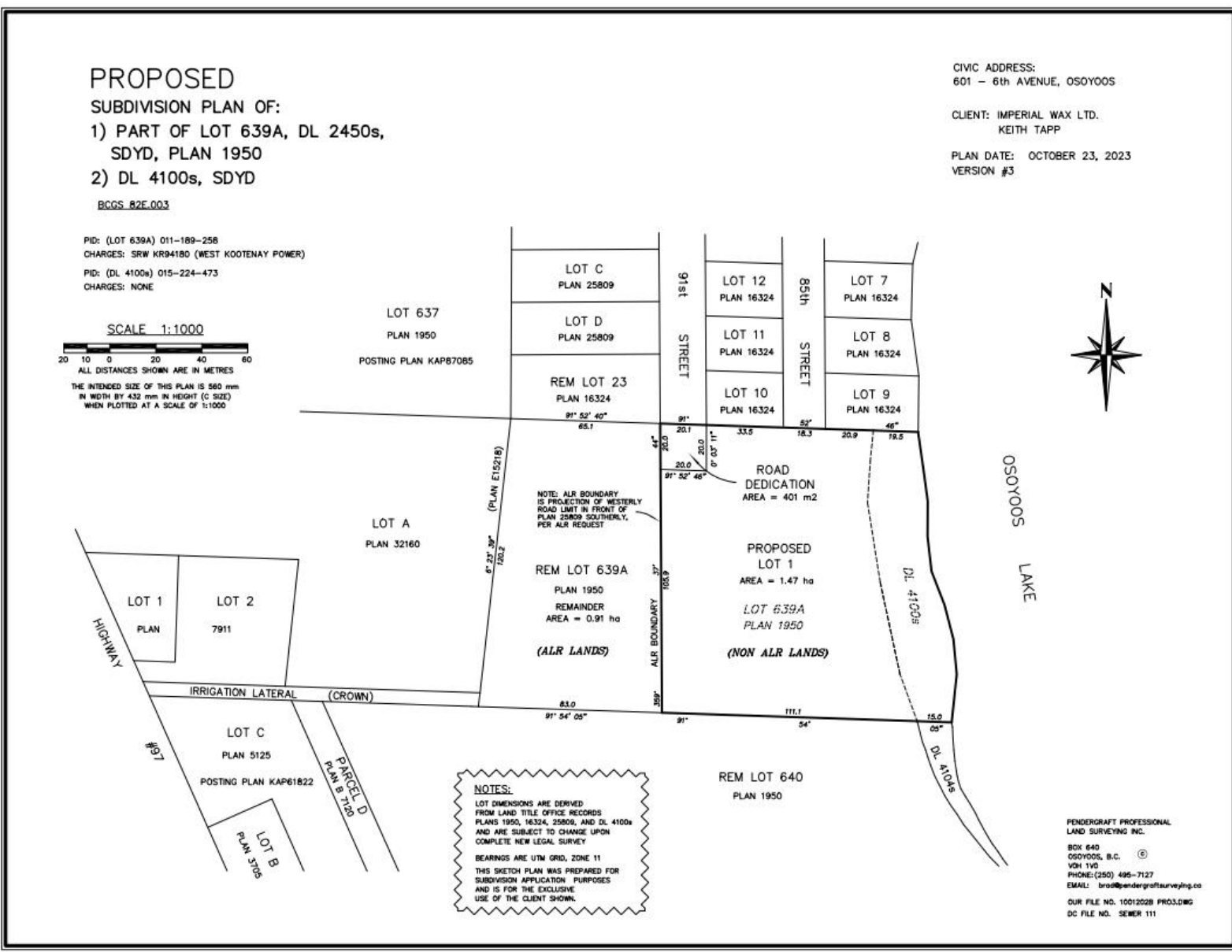
PID: (LOT 639A) 011-189-258
 CHARGES: SRW KR94180 (WEST KOOTENAY POWER)
 PID: (DL 4100s) 015-224-473
 CHARGES: NONE



CIVIC ADDRESS:
 601 – 6th AVENUE, OSOYOOS

CLIENT: IMPERIAL WAX LTD.
 KEITH TAPP

PLAN DATE: OCTOBER 23, 2023
 VERSION #3



NOTES:
 LOT DIMENSIONS ARE DERIVED
 FROM LAND TITLE OFFICE RECORDS
 PLANS 1950, 16324, 25809, AND DL 4100s
 AND ARE SUBJECT TO CHANGE UPON
 COMPLETE NEW LEGAL SURVEY
 BEARINGS ARE UTM GRID, ZONE 11
 THIS SKETCH PLAN WAS PREPARED FOR
 SUBDIVISION APPLICATION PURPOSES
 AND IS FOR THE EXCLUSIVE
 USE OF THE CLIENT SHOWN.

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 DC FILE NO. SEMER 111

Attachment No. 3 – Aerial View



Attachment No. 4 – Site Photo (Google Earth, 2024)

