

TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: January 8, 2026

RE: Development Variance Permit Application — Electoral Area “A” (A2025.029-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. A2025.029 -DVP, to reduce the minimum interior parcel line setback from 50.0 metres to 0.0 metres for the two (2) proposed parcels to be created by the subdivision of Part SE1/4, Section 3, Township 65, SDYD, EXC PT Lying N & W OF Highway Shown on PL H415, be approved.

Purpose:

This application is seeking a variance to the interior parcel line that applies to the subject property in order to undertake a subdivision of the subject property and to place a new parcel line within 50.0 metres of a gravel processing operation.

Specifically, it is being proposed to reduce the minimum interior lot line setback from 50.0 metres to 0.0 metres for proposed Lots 1 and 2.

In support of this request, the applicant has stated that:

The gravel pit has been in operation for close to 30 years and in operation across the area proposed to become the shared lot line. Requiring a 50.0 metre setback would render large portions of the existing aggregate pit unusable, effectively sterilizing aggregate resources and jeopardizing both businesses... The intent of the subdivision is to allow each business to function independently. Without the variance, subdivision could not proceed, forcing both owners to remain on a single title despite distinct operations.

Strategic Priorities: Operational

Background & Analysis:

The current boundaries of the subject property were created by a Plan of Subdivision that the RDOS does not have record having been deposited with the Land Titles Office, while available Regional District records indicate that building permit(s) 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 Resource Area (RA) and is the subject of an Environmentally Sensitive Development Permit (ESDP) Area designations.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Resource Area (RAs) Site-Specific which lists concrete plant as a principal use for the subject parcel

The property is within the Agricultural Land Reserve (ALR) and has been classified as part “Residential” (Class 01), part “Light Industry” (Class 05) by BC Assessment.

At its meeting of September 18, 2025, the RDOS Board adopted an Administrative Report and resolution authorizing an application for a two-lot subdivision of land within the Agricultural Land Reserve (ALR) to be forwarded to the ALC. The application is pending ALC decision.

Analysis:

In considering this proposal, Administration notes that the Zoning Bylaw's use of setback regulations is varied and, in the context of a natural resource extraction use (gravel processing), is understood that larger setbacks (e.g. 50.0 metres) generally relate to:

- nuisances, such as noise (blasting, crushing, conveyors, etc.), dust and particulate matter, vibrations (heavy equipment operation), odour (asphalt plants, cement batching) and lighting (24-hour or seasonal operations);
- safety concerns that may not exist with other industrial uses, and the need for a safety buffer from other parcels (especially if adjoining residential areas); and
- space requirements to ensure extraction and related operations remain internal to a site and avoid spillover onto roads or neighbouring parcels (thereby reducing conflicts at a parcel boundary).

In summary, larger setbacks can be seen as a risk-management and compatibility tool, and not simply a built-form consideration (as is common with residential setbacks).

In this context, the proposal to create a new parcel boundary within 0.0 metres of an existing gravel processing operation may be reasonable given the adjacent use will, similarly, be a gravel processing operation.

Administration further considers, in this context, that setbacks should not create artificial separation between identical industrial activities when nuisance, safety and spatial separation concerns are mitigated due the similarity of uses/operations.

Alternative:

Conversely, it is recognized that, following subdivision, it is possible that the gravel processing and resource extraction uses may cease on one of the parcels, and this parcel may transition to other land uses in future (e.g. rural-residential).

In such circumstances, the reduced setback may result in land use conflicts and compromise the intent of the Zoning Bylaw, which is to maintain appropriate separation and compatibility between properties.

Further, other options are seen to be available to the applicant such as reconfiguring the proposed layout of the subdivision in a way that ensures the gravel processing use is not occurring within the required setbacks of the zone.

Summary:

For the reasons outlined above, Administration supports the requested variances and is recommending approval.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

The proposed variance(s) have been notified in accordance with the requirements of the *Local Government Act* as well as the Regional District's Development Procedures Bylaw No. 2500, 2011.

Site Context:

The subject property is approximately 56.6 ha in area and is situated on the south side of Crowsnest Highway, approximately 11 km southeast of the Osoyoos Town Center, and borders the Canada/U.S. A border to the south. The property is understood to contain an aggregate sand and gravel pit with associated equipment and operational structures.

The surrounding pattern of development is generally characterised by large, undeveloped parcels to the east and west.

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted, in accordance with Section 2.10 of Schedule '4' of the Regional District's Development Procedures Bylaw No. 2500, 2011, until 4:30 p.m. on December 4, 2025. All comments received are included as a separate item on the Board's Agenda.

Alternative:

1. THAT Development Variance Permit No. A2025.029 -DVP, to reduce the minimum interior parcel line setback from 50.0 metres to 0.0 metres for the two (2) proposed parcels to be created by the subdivision of Part SE1/4, Section 3, Township 65, SDYD, EXC PT Lying N & W OF Highway Shown on PL H415, be denied.

Will a PowerPoint presentation be presented at the meeting? Yes

Respectfully submitted


Mariane Frizzi

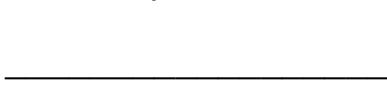
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Attachments: No. 1 – Aerial Photo

Attachment No. 1 – Aerial Photo

