

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** J. Zaffino, Chief Administrative Officer

**DATE:** June 5, 2025

**RE:** Zoning Bylaw Amendment – Electoral Area “C” (C2025.003-ZONE)

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### Administrative Recommendation:

**THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.54, 2025, be read a first and second time and proceed to public hearing;**

**AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of June 19, 2025;**

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

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Purpose: To allow agri-tourism units with a maximum floor area of 42.0 m<sup>2</sup>. Folio: C-05681.000

Civic: 5154 Highway 97 Legal: Lot 260, Plan KAP1790, District Lot 2450S, SDYD

OCP: Agriculture (AG) Zone: Agriculture One (AG1)

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### Proposed Development:

This application is seeking to amend the zoning of the subject property in order to allow the construction of an agri-tourism accommodation.

In order to accomplish this, the applicant is proposed to amend the zoning of the property under the Okanagan Valley Zoning Bylaw No. 2800, 2022, from Agriculture One (AG1) to Agriculture One Site Specific (AG1s), with the site specific permitting agri-tourism accommodation sleeping units to be a maximum of 42.0 m<sup>2</sup>.

In support of the rezoning, the applicant has stated that:

*the submitted 5-unit Plan design for the agri-tourism application are approximately 40.0m<sup>2</sup>. As discussed with RDOS, this request does not change the intent or the agricultural spirit of the zoning on the property, but allows agri-tourism accommodation units to be developed within the BC ALR Use Regulations... Agri-tourism offers a range of benefits it is valuable and growing sector that supports sustainable agriculture, promotes rural communities, and enhances the connection between urban consumers and the agricultural landscape*

### Site Context:

The subject property is approximately 4.59 ha in area and is situated on the southeastern corner of Road 7 and Highway 97 and is approximately 2.5 km south from the boundary of the Town of Oliver. It is understood that the parcel is comprised of a fruit stand and agricultural production.

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

### **Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office on December 19, 1921, while available Regional District records indicate that a building permit for a two (2) storey fruit stand (2019) has previously been issued for this property.

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is currently designated Agriculture (AG) and is the subject of a Watercourse Development Permit (WDP) Area designation.

The OCP includes supportive language for agri-tourism which promotes local agriculture and are secondary and incidental to the area’s farming production. Moreover, the OCP includes criteria for how agri-tourism accommodation should be assessed and developed in Section 9.3.23.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Agriculture One (AG1) which permits agri-tourism as a permitted use. Section 7.3 provides regulations for agri-tourism accommodation. Section 7.3.5 limits the size of agri-tourism accommodation sleeping units 30.0 m<sup>2</sup>. Washrooms are not included as part of the area of the agri-tourism accommodation sleeping unit.

Under Section 10.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property may be within the floodplain.

The property is within the Agricultural Land Reserve (ALR) and has not been subjected to any previous Agricultural Land Commission (ALC) decisions.

BC Assessment has classified the property as part “Residential” (Class 01), and part “Farm” (Class 09).

### **Referrals:**

Approval from the Ministry of Transportation and Transport (MoTT) is required prior to adoption as the proposed amendments involve lands within 800 metres of a controlled access highway (i.e. 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 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 May 7, 2025, a Public Information Meeting (PIM) was held online through Webex and was attended by approximately four (4) members of the public.

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At its meeting of May 20, 2025, the Electoral Area “C” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved, subject to the following conditions;

1. That the RDOS Building inspector approves the building permit for this development.

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 Electoral Area “C” OCP is generally supportive of agri-tourism accommodations and supports and the existing structure limits the potential drawbacks to the agricultural production on the property.

The property consists of multiple structures which are mostly concentrated in the northeastern corner of the lot. The proposed agri-tourism units being constructed above the existing fruit stand demonstrates cluster development, reducing negative impacts to the farming operation.

Moreover, the proposed use occurring within the existing structure will have no adverse visual impacts on the surrounding area.

The benefits of the clustered development, as it pertains to this particular property, are that there are existing road accesses and parking spaces. Therefore, no additional agriculturally productive land will need to be disturbed to facilitate the proposed use.

The increased size of the proposed agri-tourism accommodation sleeping units, is not seen to negatively impact the agricultural activities on this particular property.

While proper servicing will be required to facilitate five agri-tourism accommodation sleeping units, the applicant will have to contact the Town of Oliver to confirm.

Agri-tourism accommodation sleeping units are limited to preserve the agricultural nature of the farmland by limiting the conversion of productive farmland. However, in the case of this particular property the proposed agri-tourism accommodation will be in an existing structure which will not change the footprint or increase the parcel coverage.

There is an existing parking lot for fruit stand which has approximately 17 parking spaces which surpasses the 16 spaces required for the fruit stand and the agri-tourism accommodation. Additionally, sufficient parking for the other dwelling on the property is available closer to that dwelling.

**Alternative:**

Conversely, Administration recognises that the existing OCP and Zoning bylaws intentions are to preserve the viable farmland and reducing potential conflicts and expansion of other uses into designated farmland.

The increasing sizes of agri-tourism accommodation dwelling sleeping units could be seen as a move towards the tourist accommodation use. This shift in focus away from agriculture towards tourist accommodation may detract from the agricultural uses.

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The OCP encourages development to be directed towards areas that are adequately serviced. At this time, The Town of Oliver has indicated that upgrades to the existing water infrastructure on the property would be required as the existing services were only sufficient for the fruit stand.

**Summary:**

In summary, the proposed increased floor area of agri-tourism accommodation sleeping unit do not appear to negatively impact the agricultural viability of this property or any neighbouring properties.

**Financial Implications:**

Financial implications have been considered and none were found.

**Communication Strategy:**

The proposed bylaw amendment has 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.

**Alternatives:**

1. THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.54, 2025, be denied.

Will a PowerPoint presentation be presented at the meeting?      No

**Respectfully submitted:**

Colin Martin

Colin Martin  
Planner I

**Endorsed By:**



C. Garrish  
Senior Manager of Planning

**Endorsed By:**



A. Fillion  
Managing Director, Dev. & Infrastructure

**Attachments:** No. 1 – Agency Referral List

No. 2 – Applicant's Site Plan

No. 3 – Aerial Photo

No. 4 – Site Photo (Google Earth)

No. 5 – Applicant's Building Elevations

No. 6 – Applicant's Floor Plan

Attachment No. 1 – Agency Referral List

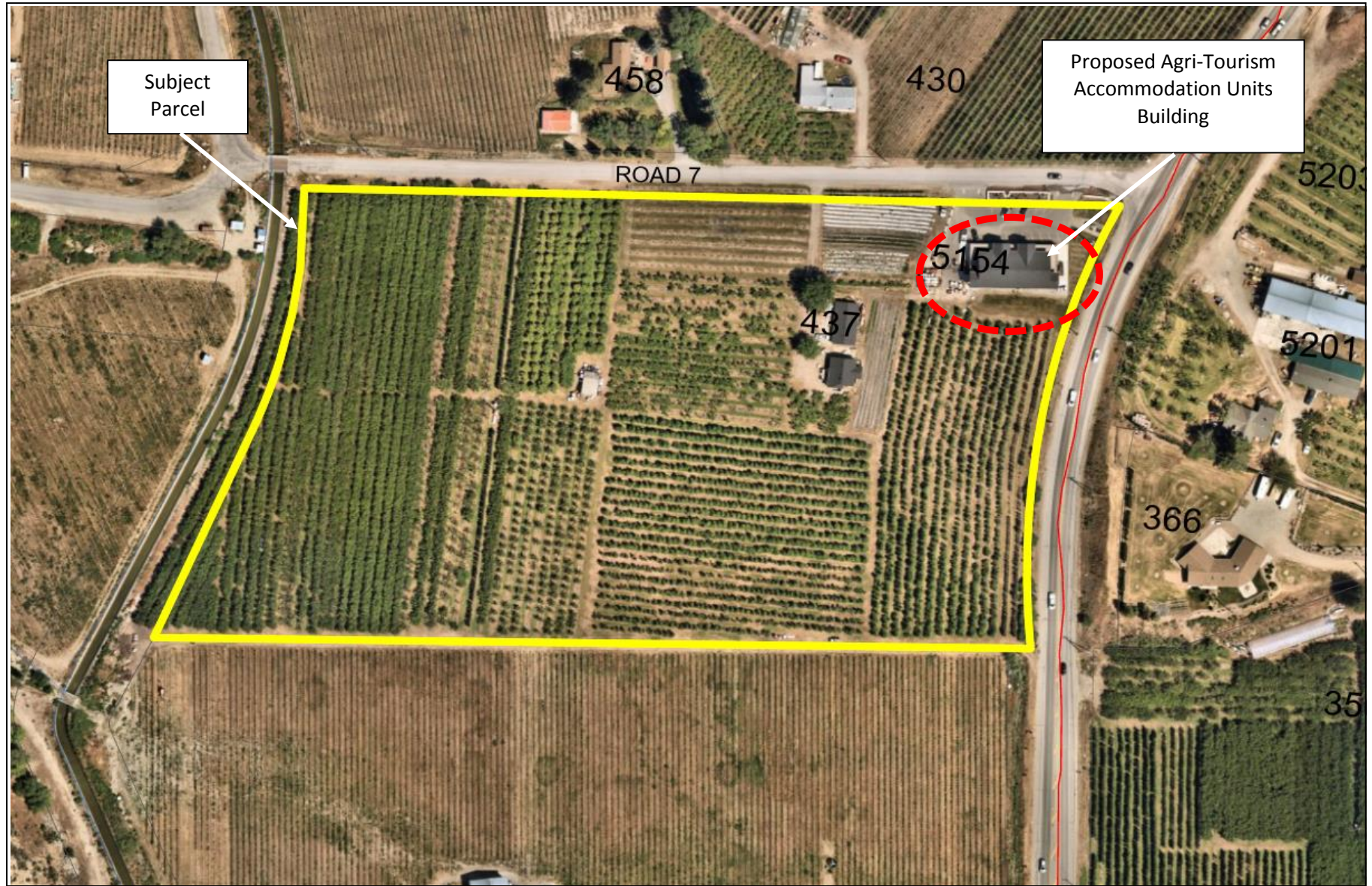
Referrals have been sent to the following agencies as highlighted with a ☒, regarding Amendment Bylaw No. 2800.54:

MEMBER MUNICIPALITIES			
<input type="checkbox"/>	City of Penticton	<input checked="" type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	District of Summerland	<input type="checkbox"/>	Town of Osoyoos
<input type="checkbox"/>	Town of Princeton	<input type="checkbox"/>	Village of Keremeos
FIRST NATIONS			
<input type="checkbox"/>	Okanagan Nation Alliance (ONA)	<input type="checkbox"/>	Lower Similkameen Indian Band (LSIB)
<input type="checkbox"/>	Osoyoos Indian Band (OIB)	<input type="checkbox"/>	Upper Similkameen Indian Band (USIB)
<input type="checkbox"/>	Penticton Indian Band (PIB)		
SCHOOL DISTRICTS			
<input checked="" type="checkbox"/>	School District No. 53 (Areas A, C & D)	<input type="checkbox"/>	School District No. 67 (Areas D, E, F, I)
<input type="checkbox"/>	School District No. 58 (Area H)		
REGIONAL DISTRICTS			
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Kootenay Boundary Regional District
<input type="checkbox"/>	Fraser Valley Regional District	<input type="checkbox"/>	Thompson Nicola Regional District
IRRIGATION & IMPROVEMENT DISTRICTS			
<input type="checkbox"/>	Allison Lake Improvement District	<input type="checkbox"/>	Lakeshore Water Works
<input type="checkbox"/>	Apex Mountain Resort (utilities)	<input type="checkbox"/>	Lower Nipit Improvement District
<input type="checkbox"/>	Boundary Line Irrigation District	<input type="checkbox"/>	Meadow Valley Irrigation District
<input type="checkbox"/>	Cawston Irrigation District	<input type="checkbox"/>	Osoyoos Irrigation District
<input type="checkbox"/>	Farleigh Lake Water Users Community	<input type="checkbox"/>	Red Wing Resorts (Water System)
<input type="checkbox"/>	Fairview Heights Irrigation District	<input type="checkbox"/>	Rolling Hills Waterworks District
<input type="checkbox"/>	Hedley Improvement District	<input type="checkbox"/>	Similkameen Improvement District
<input type="checkbox"/>	Kaleden Irrigation District	<input type="checkbox"/>	Skaha Estates Improvement District
<input type="checkbox"/>	Keremeos Irrigation District	<input type="checkbox"/>	Vaseux Lake Improvement District
FIRE DEPARTMENTS			
<input type="checkbox"/>	Anarchist Mountain Volunteer Fire Department	<input checked="" type="checkbox"/>	Oliver Fire Department
<input type="checkbox"/>	Apex Volunteer Fire Department	<input type="checkbox"/>	Osoyoos Fire Department
<input type="checkbox"/>	Kaleden Volunteer Fire Department	<input type="checkbox"/>	Penticton Fire Department
<input type="checkbox"/>	Naramata Volunteer Fire Department	<input type="checkbox"/>	Summerland Fire Department
<input type="checkbox"/>	OK Falls Volunteer Fire Department	<input type="checkbox"/>	Willowbrook Volunteer Fire Department
PROVINCIAL MINISTRIES & AGENCIES			
<input checked="" type="checkbox"/>	Agricultural Land Commission (ALC)	<input type="checkbox"/>	Ministry of Agriculture & Food
<input type="checkbox"/>	Archaeology Branch	<input type="checkbox"/>	Ministry of Energy & Climate Solutions
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Ministry of Housing & Municipal Affairs
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Ministry of Infrastructure
<input type="checkbox"/>	Interior Health Authority (IHA)	<input type="checkbox"/>	Ministry of Mining & Critical Minerals
<input type="checkbox"/>	Mountain Resort Branch	<input type="checkbox"/>	Ministry of Transportation and Transit
		<input type="checkbox"/>	Ministry of Water, Land, and Resource Stewardship
FEDERAL MINISTRIES & AGENCIES			
<input type="checkbox"/>	Canadian Wildlife Services	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	Dominion Radio Astrophysical Observatory (DRAO)	<input type="checkbox"/>	Parks Canada
<input type="checkbox"/>	Environment Canada		
OTHER			
<input checked="" type="checkbox"/>	Fortis		





Attachment No. 3 – Aerial Photo



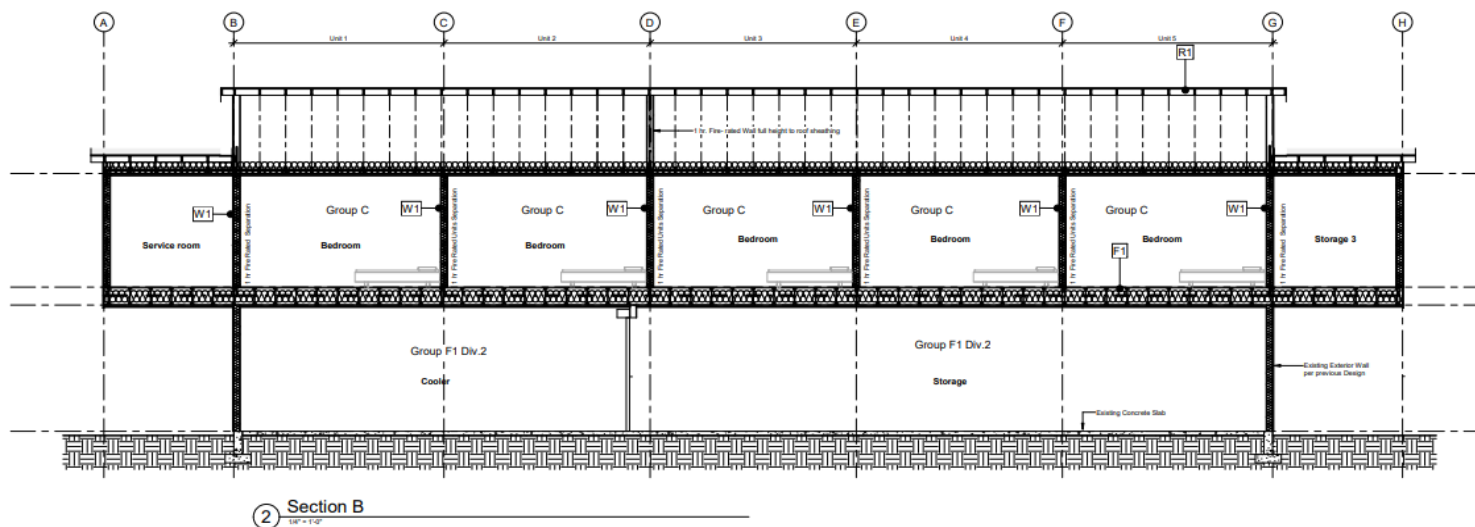
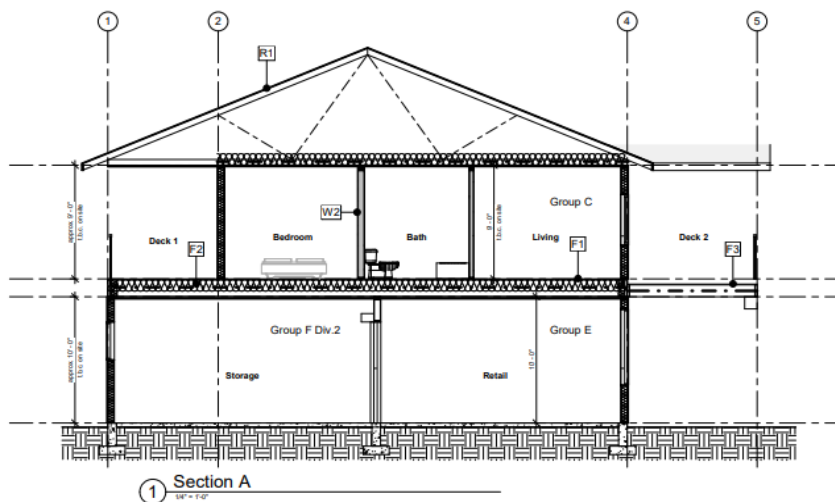


Attachment No. 4 – Site Photo (Google Earth)





## Attachment No. 5 – Applicant's Building Elevations



Sheet 2.004 - Elevation	
#	Description
Revision Schedule	
Copyright: This drawing is the property of Longview Design Studio. Reproduction by any means in part or whole is prohibited. This plan is only to be used for construction of the project unless otherwise indicated. Copyright reserved.	
Company Information	
<b>Longview</b> design studio Ph. 604.988.3888 longviewdesign@gmail.com	
Project Information	
<b>Agri-tourism accommodation</b> 5154 Highway 97, 437 Rd 7, Oliver, BC	
Rev: 24-07 Sheet name:	
Sections	
Drawn: Checked: Date: March 11, 2024	Sheet: <b>A4.0</b> Version: <b>1</b>
9/23/2024 8:07:05 AM	

# Attachment No. 6 – Applicants Floor Plan

