

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 4, 2022

RE: Zoning Bylaw Amendment – Electoral Area “A”, “C”, “D”, “F”, & “I” (X2022.007-ZONE)

Administrative Recommendation:

THAT Bylaw No. 2800.02, 2022, a bylaw to amend the Okanagan Valley Zoning Bylaw to to introduce new regulations and definitions for “mobile vendors be read a third time.

Background:

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

At its meeting of July 7, 2022, the Regional District Board approved first and second reading of the amendment bylaws and scheduled a public hearing ahead of its meeting of August 4, 2022

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

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). On May 19, 2022, the MoTI provided preliminary approval for the rezoning.

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, Administration notes that there is a benefit to clearer regulatory being introduced.

While a number of options are available, permitting “mobile vendor” as a permitted accessory use in the Agriculture, Town & Village Centre, Commercial, Tourist Commercial, Industrial and Parks and Recreation (PR) zones may resolve the concern 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 use of the “parks” use.

For parcels that are in 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).

Conversely, Administration recognises that 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.”

Alternative:

1. THAT first and second readings of the Okanagan Valley Zoning Amendment Bylaw No. 2800.02, 2022, be rescinded and the bylaw abandoned.

Respectfully submitted:

Colin Martin

Colin Martin, Planning Services Clerk

Endorsed By:



C. Garrish, Planning Manager