

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: March 21, 2024
RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “C” (C2023.013-ZONE)

Administrative Recommendation:

THAT the Electoral Area “C” Official Community Plan Amendment Bylaw No. 2452.24, 2024, and the Okanagan Valley Zoning Amendment Bylaw No. 2800.32, 2024, be read a third time.

Purpose: To allow for subdivision and parcel consolidation with 6886 Highway 97 Folio: C-05301.005
Civic: no civic address Legal: Lot 48D, Plan 1729, District Lot 2450S, SDYD
OCP: Agriculture (AG) Zone: Agriculture One (AG1)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to allow for subdivision and parcel consolidation with the adjacent property located at 6886 Highway 97.

The subdivision is to formalize a historic encroachment of the adjacent vehicle repair use onto a portion of the subject Crown parcel.

In order to accomplish this, the following land use bylaw amendments are being proposed by the applicant for a 0.12 ha portion of the parcel:

- amend the land use designation under Schedule ‘B’ (OCP Map) of the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, from Agriculture (AG) to Industrial (I); and
- amend the zoning under Schedule ‘2’ (Zoning Map) of the Okanagan Valley Zoning Bylaw No. 2800, 2022, from Agriculture One (AG1) to General Industrial (I1).

In support of the rezoning, the applicant has stated, amongst other things, that “the OCP and rezoning application will legitimize the existing industrial land use on a portion of crown land and will allow for the continued operation of the existing auto repair business.”

Site Context:

The subject property is an approximately 0.55 ha Crown parcel and is situated on the west side of Highway 97, approximately 38 metres from the boundary with Town of Oliver.

The parcel has been developed with a road providing access to adjacent agricultural properties and is understood to be predominantly used as a right of way for an electrical transmission line.

The surrounding pattern of development is generally characterised by agriculture to the north and south, Crown land to the west and a mix of agriculture, administrative, low density residential and service commercial uses to the east.

Background:

On January 10, 2024, a Public Information Meeting (PIM) was held at the electronically via Webex and was not attended by any members of the public.

At its meeting of February 21, 2024, the Electoral Area “C” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved.

At its meeting of March 7, 2024, the Regional District Board resolved to approve first and second reading of the amendment bylaws and scheduled a public hearing ahead of its meeting of March 21, 2024.

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).

Analysis:

In considering this proposal, Administration notes that OCP policies discouraging subdivision and rezoning of agricultural land are primarily intended to prevent the fragmentation and alienation of productive agricultural land.

In this case, the subject property and the adjacent property at 6886 Highway 97 have not historically been used for agricultural purposes and are of a size that would not be conducive to agriculture.

Further, both parcels were created prior to December 21, 1972 and for this reason, restrictions on the agricultural use of these lands under the *Agricultural Land Commission Act* do not apply.

Administration understands that the 0.12 ha portion of this parcel is subject to a longstanding encroachment by the adjacent vehicle repair use and that the Crown Grant Offer is intended to rectify this encroachment.

For this reason the proposal is seen to be consistent with Electoral Area “C” OCP policies encouraging the protection of existing industrial uses.

Alternative

Conversely, Administration recognises that the Electoral Area “C” OCP generally directs industrial uses to town centres where adequate infrastructure exists to support this type of use.

Summary

In summary, the proposed amendments are seen to rectify a historic encroachment and to protect an existing industrial use. For these reasons, administration is recommending that the proposed amendments be supported.

Alternatives:

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1. THAT first and second readings of the Electoral Area "C" Official Community Plan Amendment Bylaw No. 2452.24, 2024, and the [Okanagan Valley Zoning Amendment Bylaw No. 2800.32, 2024, be rescinded and the bylaws abandoned.

Respectfully submitted:

Ben Kent
Ben Kent, Planner II

Endorsed By:


C. Garrish, Senior Manager of Planning

- Attachments: No. 1 – Applicant’s Site Plan
No. 2 – Applicant’s Building Elevations
No. 3 – Site Photo
No. 4 – Aerial Photo

Attachment No. 1 – Applicant’s Subdivision Plan

PROPOSED SUBDIVISION PLAN OF PART OF
LOT 48D, DL 2450s, SDYD, PLAN 1729

PID: 011-280-573
CHARGES: RIGHT OF WAY F5029 (FORTISBC)

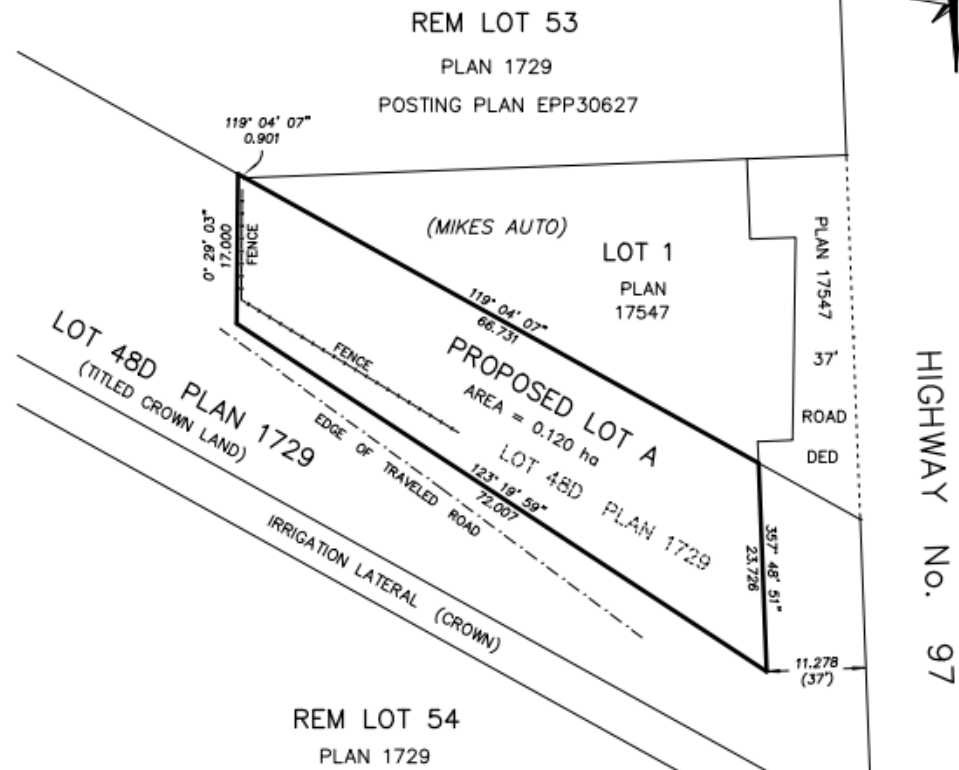
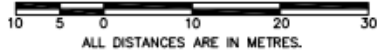
CIVIC ADDRESS:
6886 HIGHWAY 97, OLIVER

CLIENT: M.F. WADMAN'S LTD.

DATE: MARCH 30, 2020

VERSION #1

SCALE 1:500



NOTE:
THIS SUBDIVISION IS TO BE STEP 1, TO ACQUIRE TITLE TO THE CROWN LAND TO BE PURCHASED. STEP 2 IS TO BE THE CONSOLIDATION OF THE PARCEL CREATED IN STEP 1 WITH THE ADJACENT LOT 1 PLAN 17547.

LOT DIMENSIONS ARE DERIVED FROM LAND TITLE OFFICE RECORDS PLAN EPP30627
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.

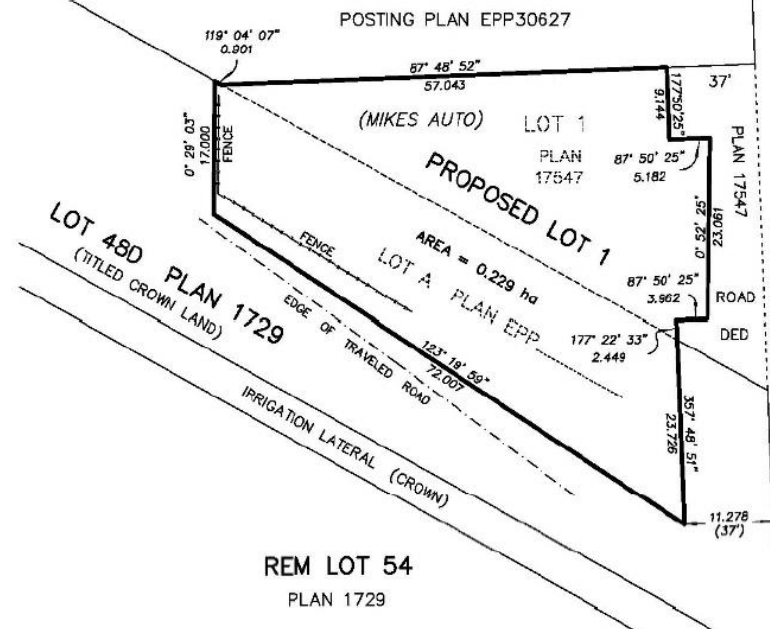
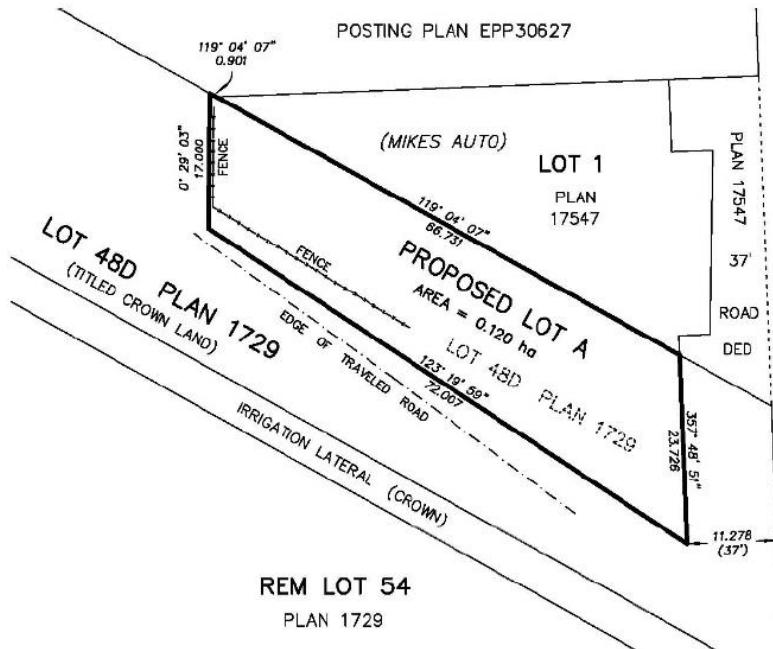
PENDERGRAFT PROFESSIONAL LAND SURVEYING INC.
BOX 640
OSOYOOS, B.C. ©
VOH 1V0
PHONE: (250) 495-7127
email: brad@pendergraftsurveying.ca
OUR FILE NO. 1132322B SUB.DWG
DC FILE NO. 1132322

Attachment No. 2 – Applicant’s Subdivision Plan Steps 1 and 2

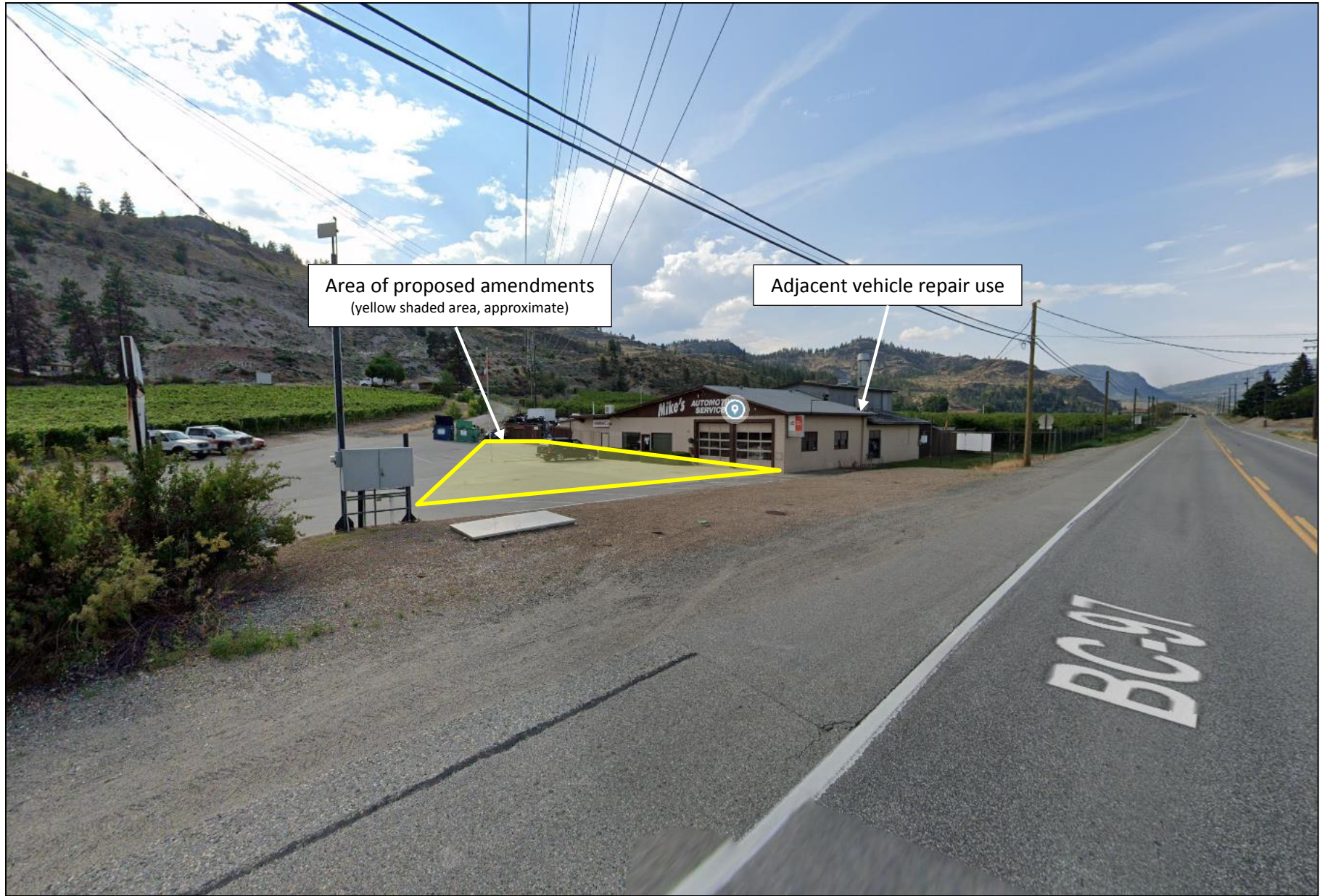
Illustration 5: Proposed Subdivision of Crown Land

Step 1

Step 2



Attachment No. 3 – Site Photo (Street View)



Attachment No. 4 – Aerial Photo

