



PROVINCIAL CROWN

October 26th, 2023

OCP & ZONING AMMENDMENT APPLICATION

To: Regional District of Okanagan Similkameen
101 Martin Street, Penticton, B.C.

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Our file: 2451-3037-011

1. Purpose

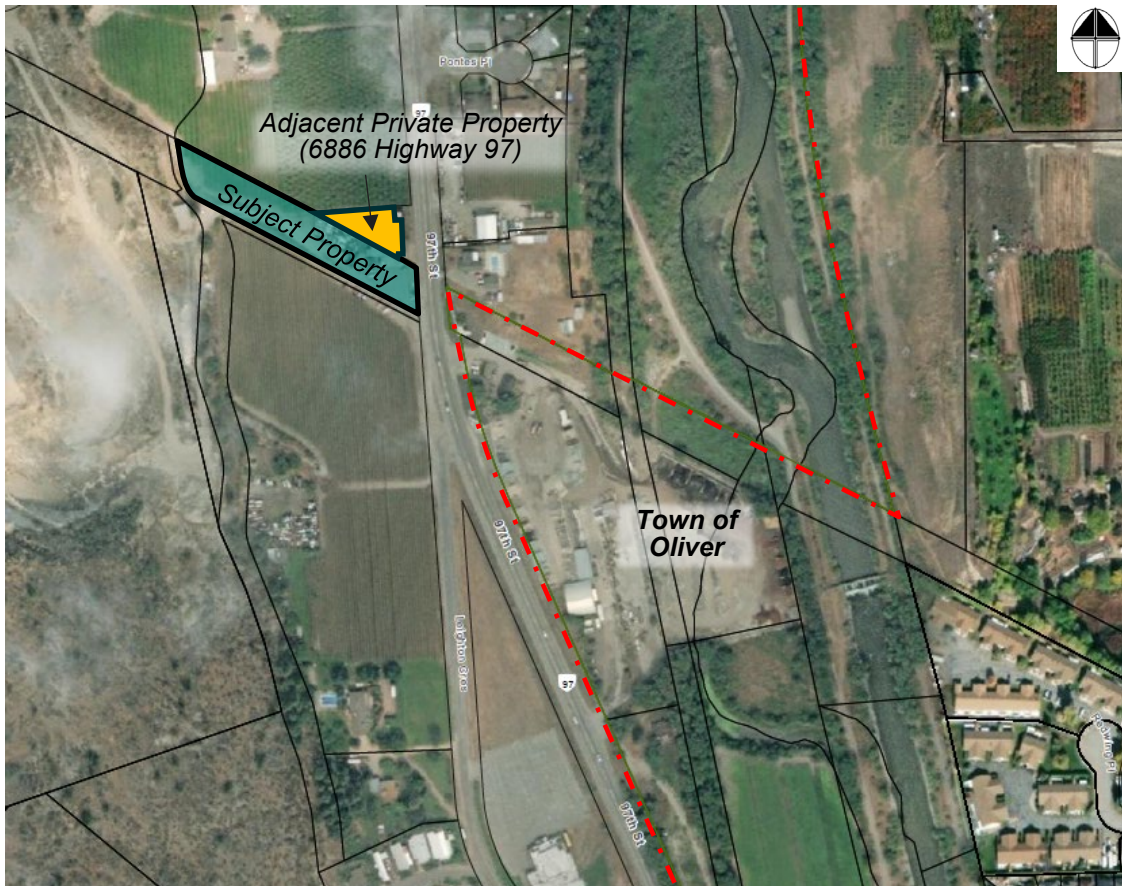
The purpose of this submission is to provide supporting information pertaining to the OCP and rezoning application for a 0.12 portion of provincial crown land.

2. LOCATION OF SUBJECT PROPERTY

The subject property is owned by the Provincial Government and does not have a civic address. It is legally described as LOT 48D DISTRICT LOT 2450S SIMILKAMEEN DIVISION YALE DISTRICT PLAN 1729. PID: 011-280-573.

The subject property is located contiguous to the south side of a privately owned parcel addressed as 6886 Highway 97. A portion of the subject property is proposed to be consolidated with 6886 Highway 97 property. Both parcels are within Area 'C' of the Regional District of Okanagan Similkameen and the parcels are within 50 meters of the boundary of the Town of Oliver as shown in Illustration 1.

Illustration 1: Location



3. SITE CONTEXT AND HISTORY

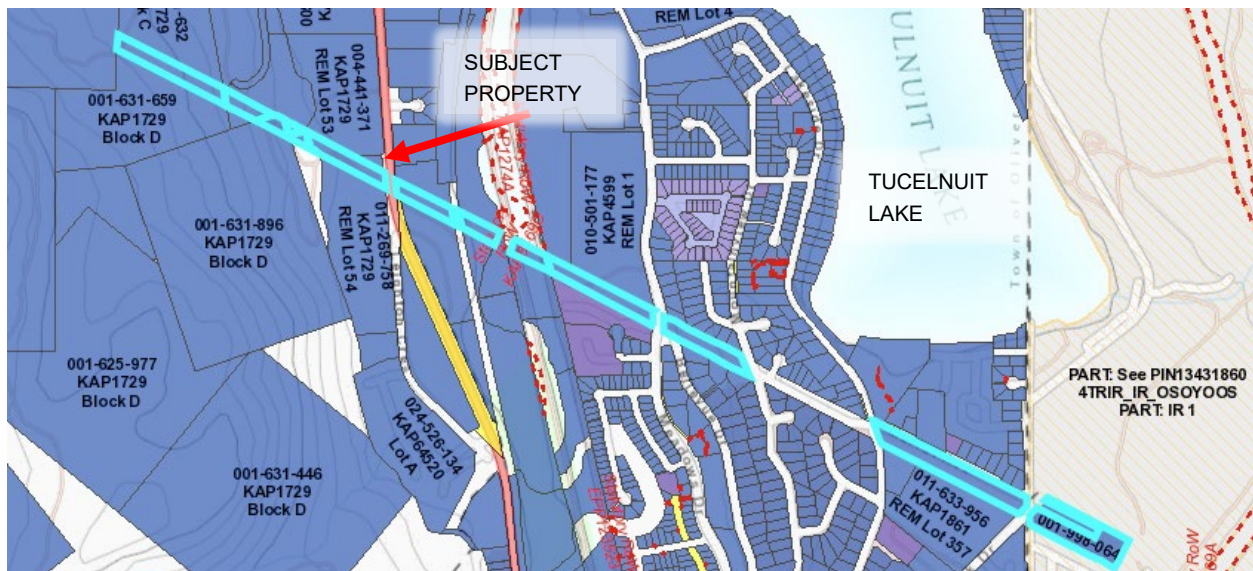
The adjacent private M.F Wadman's Ltd. property (Wadman Property) at 6886 Highway 97, is 0.11 ha. in area and is triangular in shape and shaded yellow in Illustration 2. The subject crown parcel is rectangular in shape and is approximately 0.55 ha. in area and shaded green in Illustration 2. The private parcel is flat while the subject crown parcel slopes up gently from east to west.

The Wadman Property was created by subdivision in 1967 and is less than 2 acres in area. The ALC confirmed in resolution #205/2018 that the restrictions on the use of agricultural land do not apply to the Wadman property. The ALC by resolution #325/2023 on July 6, 2023, approved 0.12 ha of the crown parcel to be consolidated with the Wadman Property.

The Wadman Property contains an industrial building (autobody repair shop) in the south portion of the property, two small outbuildings for storage of material and driveway and parking areas for vehicles in various states of being repaired.

The Crown property contains a small portion of the auto repair shop (encroachment) and accommodates additional storage for vehicles and customer parking for the autobody shop. The use of the crown land for the autobody business has been occurring for over 40 years. The crown land also includes a road that provides access to lands west of the property and includes a small amount of agricultural use (vineyard) on the northwest corner of the property. The crown land is predominantly used as a Right of Way for an electrical transmission line spanning across the valley as shown in Illustration 2.

Illustration 2: Fee Simple Crown Lands part of transmission line route (Highlighted)



Over the decades, the business had expanded, and business uses began to occur on the adjacent crown land. Mr. Wadman wants to rectify the encroaching land uses by acquiring a portion of the adjacent crown land and adding it to his property. In order to legitimize the autobody repair business on the crown land, subdivision, rezoning and ALC approval are required steps.

The following steps are being followed:

- *Application for crown purchase approved. Requires Subdivision & Consolidation.*



- An application for subdivision was made in 2020, and the Preliminary Layout Review was issued a one-year extension to May 3, 2024
- ALC approval for Non-Farm use and approval for subdivision and consolidation in the ALR was approved July 2023.

Rezoning is required to satisfy the requirements of the Subdivision.

The application will allow the subdivision of the approximately 0.55 ha. crown parcel into two parcels; one being approximately 0.12 ha. in area and other being approximately 0.43 ha. in area. The smaller 0.12 ha. parcel will then be consolidated with the Wadman Property to create a new parcel that will be .23 ha. in area.

The subdivision of the crown parcel and consolidation of the new 0.12 ha crown parcels with the Wadman Property to create a larger property will resolve the issue of the encroachment and non-farm use on the adjacent land. The consolidation will occur immediately after the registration of the subdivision of the crown land.

To comply with the requirements of the PLR and complete the Subdivision, the provincial Crown property requires an OCP and Zoning Amendment in order to be consistent with the use of the auto repair shop on the present crown lands.

Illustration 4 below shows the portion of the crown land that is to be subdivided to create a separate crown parcel which will then be consolidated with the Wadman Property.

Illustration 4: Proposed Subdivision of Crown Land



5.2. PROPOSED ZONING AMENDMENT

This application requests that the zoning on a 0.12 ha. portion of the provincial Crown property be amended to Industrial One (I1) to allow the land to be used for industrial purposes. The AG1 zone does not support the industrial use of the autobody shop.

Undertaking the process to amend the zoning and OCP designation of the 0.12 ha. portion of Crown property will allow the lands to be used for industrial purposes, and the subsequent consolidation of the 0.12 ha. portion of crown land with the Wadman property will eliminate the present encroachment onto crown land.

6. SUMMARY

Based on the information provided in this report, we offer the following summary points to support the Joint OCP and zoning amendment application to allow for the continued operation of the existing auto repair business and legalize the encroachment and use of the lands

- No new land use is proposed for the subject property, this OCP and zoning application will legitimize the existing encroachment of a building and vehicular storage onto the adjacent crown land. The adjacent owner and the province have agreed on the sale / purchase of a portion of crown land to solve the land use and building encroachment issue.
- There is no ALR issue with the Wadman property on which the majority of the existing building is located, as the ALC has confirmed that the Wadman property meets the requirements of section 23(1) of the ALC Act and therefor the restrictions on the use of the land do not apply.
- The ALC approved the non-farm (industrial) use of a .12 ha portion of the subject property and approved the subdivision of 0.12 ha from the subject property to be consolidated with the adjacent automotive repair operation property to create a 0.229 ha. parcel.
- The auto repair business has been in operation for more than 40 years and has been operating in the same manner for decades. There is no history of complaints from surrounding farmers regarding negative impacts of the auto repair business on adjacent or surrounding properties.
- The OCP and zoning amendment will facilitate an encroachment issue on crown land and will allow the sale of a portion of crown land to the adjacent property owner.
- The Ministry of Forests Lands and Natural Resource Operations and the & the ALC have supported or approved the necessary applications and direction to move forward with resolving the land use matter.
- 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.

