

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** J. Zaffino, Chief Administrative Officer  
**DATE:** December 5, 2024  
**RE:** Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “C” (C2024.015-ZONE)

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## Administrative Recommendation:

THAT the Electoral Area “C” Official Community Plan Amendment Bylaw No. 2452.24, 2024, and the Okanagan Valley Zoning Amendment Bylaw No. 2800.41, 2024, be denied.

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Purpose: To allow for a two-lot subdivision Folio: C-04981.020  
Civic: 3775 Willowbrook Road Legal: Lot A, Plan EPP88891, District Lot 1995, SDYD  
OCP: Resource Area (RA) Zone: Resource Area (RA)

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## Proposed Development:

This application is seeking to amend the zoning of the subject property in order to allow for a two-lot subdivision to ‘unhook’ a parcel divided by a highway.

In order to accomplish this, the following land use bylaw amendments are being proposed by the applicant:

- amend the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, by:
  - amending the land use designation of an approximately 2.76 ha portion of the property under Schedule ‘B’ (OCP Map) from Resource Area (RA) to Small Holdings (SH); and
- amend the Okanagan Valley Zoning Bylaw No. 2800, 2022, by:
  - amending the zoning under Schedule ‘2’ (Zoning Map) from Resource Area (RA) to part Resource Area Site Specific Regulation (RAs) and part Small Holdings Four (SH4); and
  - Introducing a site specific regulation to allow a minimum parcel size for subdivision of 19.1 hectares for the proposed remainder lot.
- In support of the rezoning, the applicant has stated (amongst other things) that:

*Due to the geographic location of both lot entrances, frequent entry from the main lot to the proposed secondary lot has proven to be difficult and in all honesty, unsafe. As an owner of both parcels, the required frequency of travel across both lanes of traffic in a double blind corner has become somewhat of a hazardous situation. Due to this, the development of the secondary home has been stalled and the lots intended use is no longer practical for both owners.*

## Site Context:

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The subject property is approximately 21.98 ha in area and is situated on the east and west side of Willowbrook Road. It is understood that the parcel is comprised of a single detached dwelling and an accessory building, located on the western portion of the property.

The surrounding pattern of development is generally characterised by agriculture and Crown land to the south, and land retained for conservation purposes to the north, east and west.

**Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on January 23, 2019, while available Regional District records indicate that building permits for the installation of a mobile home (2002), a deck (2004), and an accessory building (2019) previously been issued for this property.

Under the Regional Growth Strategy (RGS) Bylaw No. 2770, 2017, the Willowbrook area is not designated as a Rural Growth Area.

Under the Electoral Area "C" Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject property is currently designated Resource Area (RA), and is the subject of a Watercourse Development Permit (WDP), Environmentally Sensitive Development Permit (ESDP), and Protection of Farming Development Permit Areas.

Under the Okanagan Zoning Bylaw No. 2800, 2022, the property is currently zoned Resource Area (RA) which lists "single detached dwelling or mobile home" as permitted principal uses and lists "accessory dwelling" as a permitted accessory use.

On parcels greater than 16.0 ha, the RA zone allows up to four accessory dwellings and a cumulative gross floor area for all accessory dwellings of 500m<sup>2</sup> (i.e. this would also allow for one accessory dwelling up to 500m<sup>2</sup> in area).

The RA zone requires a minimum parcel size for subdivision of 20 ha, and in the case of a parcel divided by a highway (i.e. a 'hooked' parcel), each portion of the property must comply with the minimum parcel size requirement.

BC Assessment has classified the property as "Residential" (Class 01).

On May 28, 2024, the Ministry of Transportation and Infrastructure (MoTI) referred a proposed 2 lot subdivision involving the subject property to the Regional District for compliance with any applicable RDOS land use bylaws.

**Referrals:**

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 metres of a controlled access highway (i.e. Highway 97 & 3).

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 477 of the *Local Government Act*, after first reading the Regional Board must consider the proposed OCP amendment in conjunction with Regional District's current financial and

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waste management plans. The proposed OCP amendment has been reviewed by the Public Works Department and Finance Department, and it has been determined that the proposed bylaw is consistent with RDOS's current waste management plan and financial plan.

**Public Process:**

On November 6, 2024, a Public Information Meeting (PIM) was held electronically via Webex and was not attended by any members of the public.

At its meeting of November 20, 2024, the Electoral Area "C" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved.

Administration recommends that the written notification of affected property owners, the public meetings as well as formal referral to the agencies listed at Attachment No. 1, should be considered appropriate consultation for the purpose of Section 475 of the *Local Government Act*. As such, the consultation process undertaken is seen to be sufficiently early and does not need to further ongoing.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

**Analysis:**

Administration considers this proposal to be inconsistent with the growth management policies of the South Okanagan Regional Growth Strategy (RGS) as well as the Electoral Area "C" Official Community Plan (OCP).

This is primarily due to the rezoning seeking to change the land use designation of a property to facilitate subdivision outside of a Growth Area (Primary or Rural).

Administration also considers this proposal to be representative of the type of "rural sprawl" that the Regional District's land use bylaws seek to prevent from occurring within the electoral areas.

This is because the incremental subdivision of large intact rural parcels into smaller residential parcels outside of designated growth areas generally results in unplanned, disorderly growth and the inefficient use of land and resources.

While the Area "C" OCP does not include policies that specifically discourage the creation of new rural holdings parcels outside of the designated Rural Growth Areas, this is because the Electoral Area "C" OCP pre-dates the South Okanagan Regional Growth Strategy.

In other Okanagan Electoral Areas, the OCPs have been updated to align with the South Okanagan Regional Growth Strategy by generally discouraging the creation of new rural holdings parcels outside of the designated Rural Growth Areas.

The Electoral Area "C" OCP also includes policies that speak to supporting a 20 ha minimum parcel size for lands designated RA, "in recognition that these areas will remain rural with limited community services and infrastructure".

For these reasons, Administration supports the current RA designation of the property and maintaining it as a large parcel (i.e. 20.0 ha, or greater).

Vehicle Access / Safety

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While the applicant has indicated the subdivision is intended to address highway safety concerns, it is unclear how the creation of an additional parcel in the area will reduce these concerns.

Administration also considers that alternative options are available to the applicant that would more readily address safety concerns associated with crossing the highway (e.g. by constructing one or more accessory dwellings up to 500m<sup>2</sup> in area on the approximately 19.22 ha portion of the property west of Willowbrook road).

### Alternative

Conversely, Administration recognises that the creation of parcels that are divided by a highway is generally discouraged because there is a tendency for such parcels to develop as de facto independent properties.

Accordingly, the Regional District has introduced regulations requiring each portion of a hooked parcel to comply with the minimum parcel size requirements of the applicable zone (e.g. 16 ha in the RA zone). This is in recognition that multiple applications have been received to ‘unhook’ parcels divided by a highway that have resulted in the creation of undersized parcels.

However, administration recognizes that this parcel is pre-existing and that, in the Regional District’s experience, the request is fairly representative of the development pattern that results from the creation of hooked parcels with under-sized portions.

### Summary

In summary, Administration considers that the proposal is not consistent with the rural growth objectives of the Regional District’s land use bylaws and may not address highway safety concerns.

### **Financial Implications:**

Financial implications have been considered and none were found.

### **Communication Strategy:**

The proposed bylaw amendments 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.

### **Alternatives:**

1. THAT the Electoral Area “C” Official Community Plan Amendment Bylaw No. 2452.25, 2024, and the Okanagan Valley Zoning Amendment Bylaw No. 2800.48, 2024, be read a first and second time and proceed to public hearing;

AND THAT the Board of Directors considers the process, as outlined in this report from the Chief Administrative Officer dated December 5, 2024, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;

AND THAT, in accordance with Section 477 of the *Local Government Act*, the Board of Directors has considered Amendment Bylaw No.2452.25, 2024, in conjunction with its Financial and applicable Waste Management Plans;

AND THAT the holding of a public hearing be delegated to Director Knodel;

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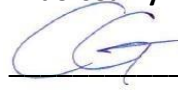
AND THAT staff schedule the date, time, and place of the Public Hearing in consultation with Director Knodel.

**Respectfully submitted:**

*Ben Kent*

Ben Kent, Planner II

**Endorsed By:**



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Agency Referral List

No. 2 – Applicant’s Site Plan

No. 3 – Proposed Lot

No. 4 – Aerial Photo

No. 5 – Site Photo

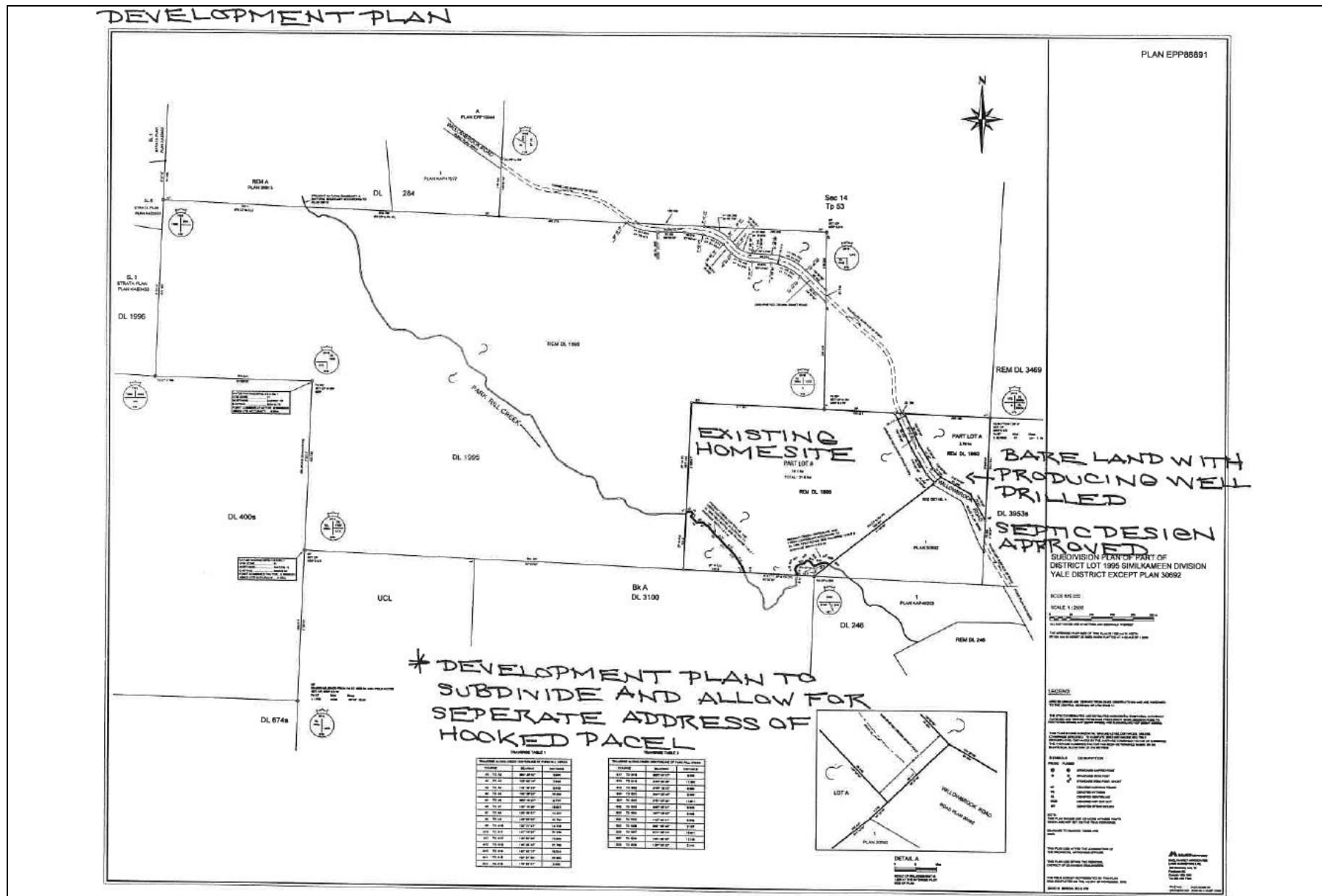
No. 6 – Site Photo

Attachment No. 1 – Agency Referral List

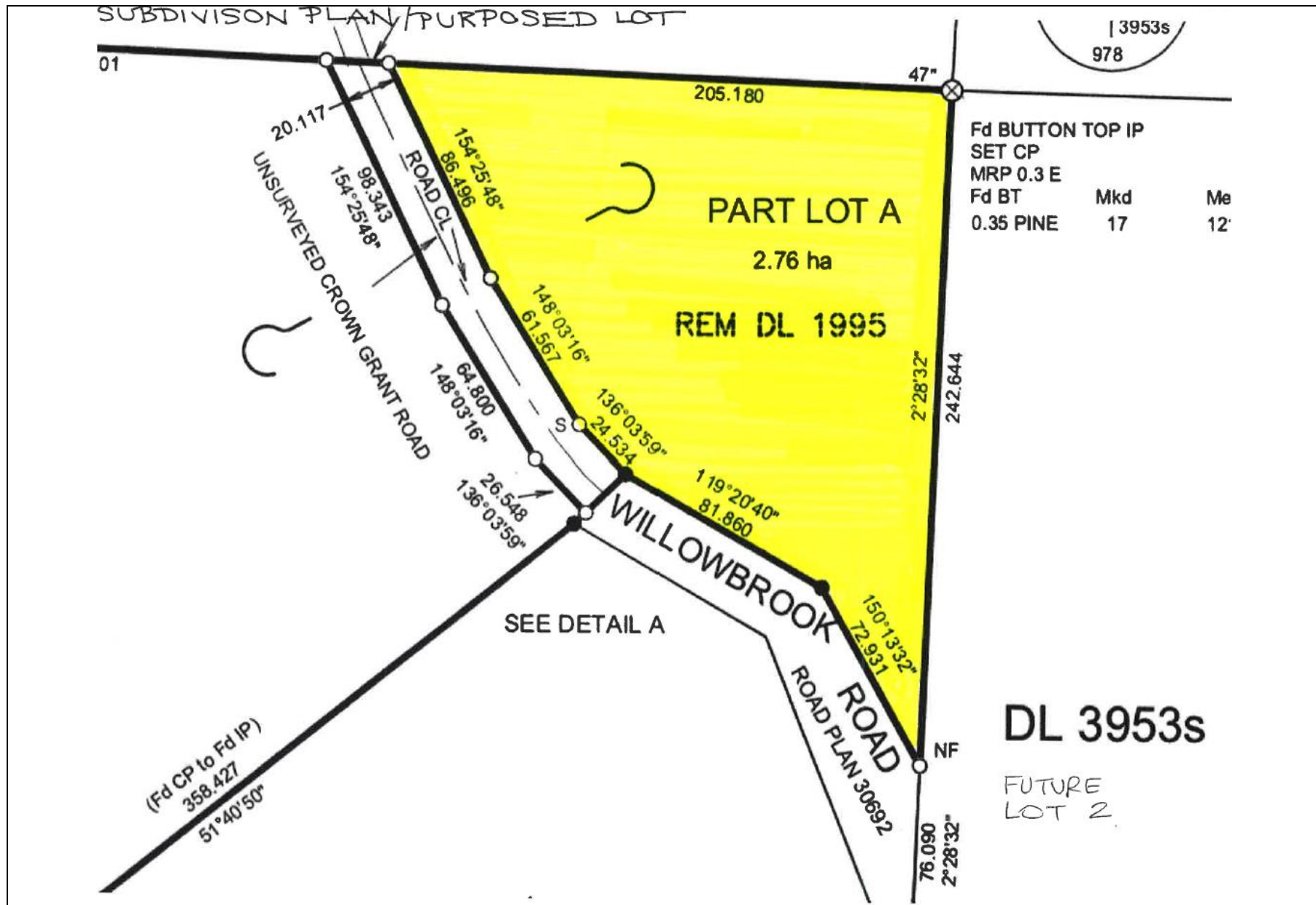
Referrals have been sent to the following agencies as highlighted with a , regarding Amendment Bylaw No. 2452.25, 2024 and 2800.48, 2024:

<input type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" type="checkbox"/>	Fortis
<input type="checkbox"/>	Interior Health Authority (IHA)	<input type="checkbox"/>	City of Penticton
<input type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	District of Summerland
<input type="checkbox"/>	Ministry of Energy, Mines & Petroleum Resources	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Municipal Affairs & Housing	<input type="checkbox"/>	Town of Osoyoos
<input type="checkbox"/>	Ministry of Lands, Water and Resource Stewardship	<input type="checkbox"/>	Town of Princeton
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch)	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology	<input checked="" type="checkbox"/>	ONA / PIB / OIB / LSIB (via NationsConnect)
<input type="checkbox"/>	Ministry of Transportation and Infrastructure	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Canadian Wildlife Services
<input checked="" type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	OK Falls Irrigation District
<input type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	Kaleden Irrigation District
<input type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input type="checkbox"/>	Vaseux Lake Irrigation District
<input type="checkbox"/>	Keremeos Irrigation District	<input type="checkbox"/>	Irrigation District / improvement Districts / etc.
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Kootenay Boundary Regional District
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Fraser Valley Regional District
<input checked="" type="checkbox"/>	Willowbrook Volunteer Fire Department		

Attachment No. 2 – Applicant’s Site Plan

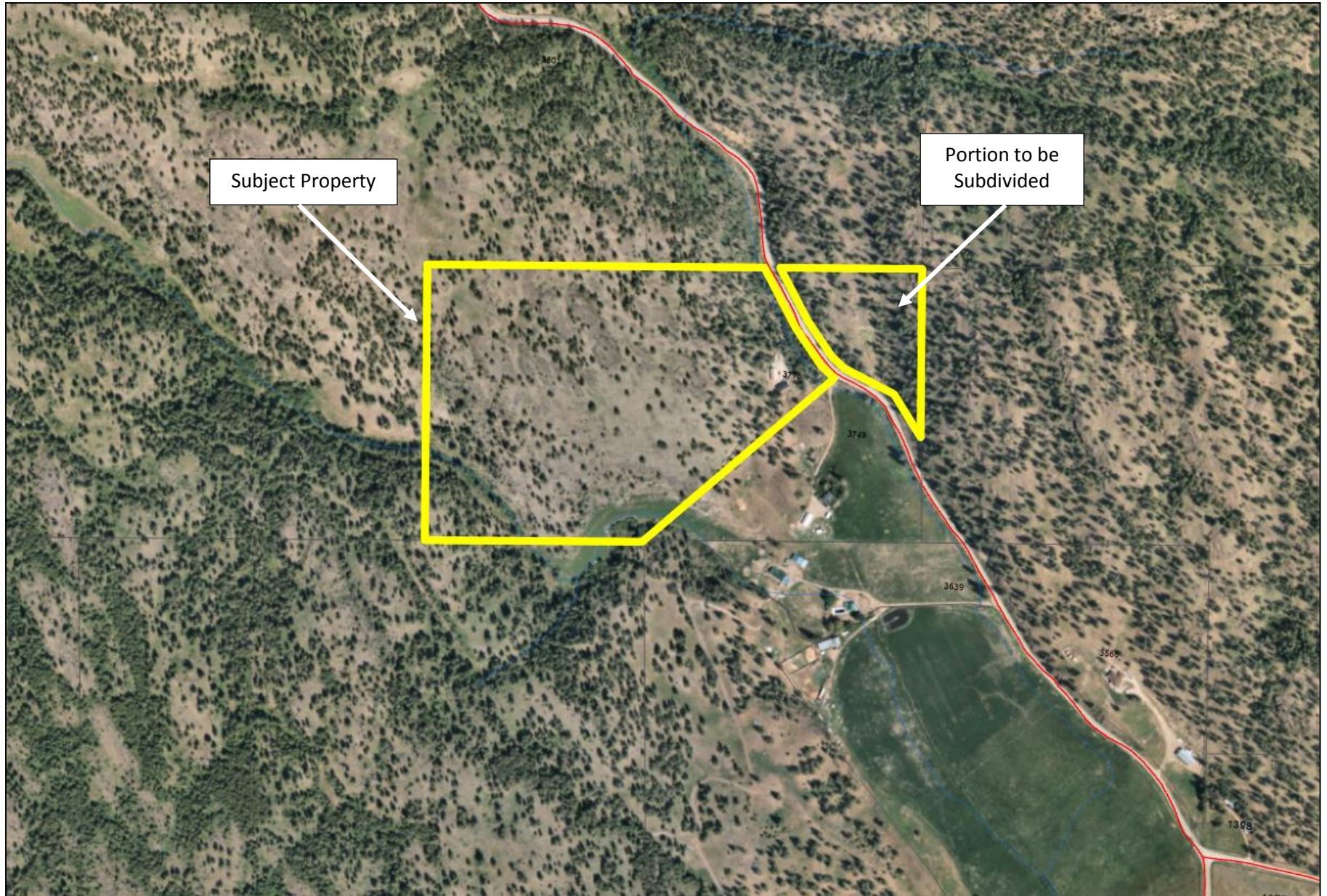


Attachment No. 3 – Proposed Lot





Attachment No. 4 – Aerial Photo



Attachment No. 5 – Site Photo



Attachment No. 6 – Site Photo

