

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission

FROM: J. Zaffino, Chief Administrative Officer

DATE: May 20, 2025

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

Purpose: to allow agri-tourism units with a maximum floor area of 42.0 m². Folio: C-05681.000

Civic: 5154 Highway 97 Legal: Lot 260, Plan KAP1790, 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 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 regulation to allow for agri-tourism accommodation sleeping units to be a maximum of 42.0 m².

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

the submitted 5-unit Plan design for the agri-tourism application are approximately 40.0m². 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.

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 m². 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).

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,

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.

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.

Administrative Recommendation:

THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.

Options:

1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.
2. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved with the following conditions:
 - i) *TBD*
3. THAT the APC recommends to the RDOS Board of Directors that the subject development application be denied.

Respectfully submitted:

Colin Martin

Colin Martin, Planner I

Endorsed By:



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Context Maps

No. 2 – Applicant's Site Plan

No. 3 – Applicant's Building Elevations

No. 4 – Applicants Floor Plan

No. 5 – Site Photo (Google Earth, 2025)

Amend Zoning Bylaw No. 2800, 2022:
 from: Agriculture One (AG1)
 to: Agriculture One Site Specific (AG1s)
 (YELLOW SHADED AREA)

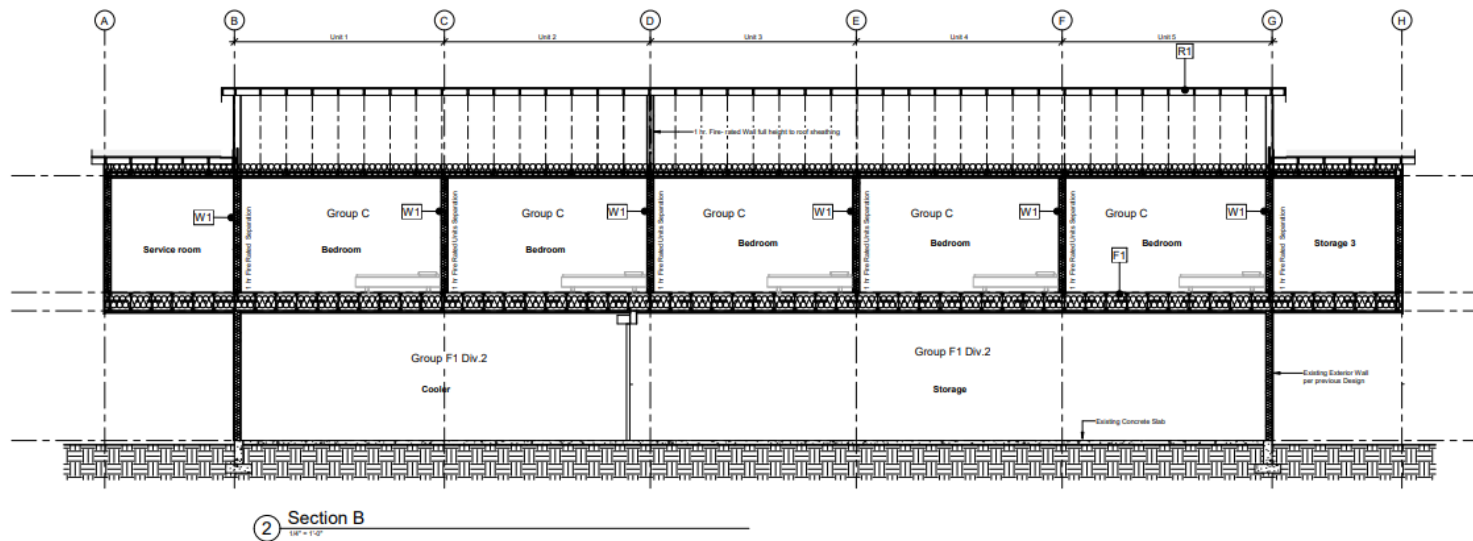
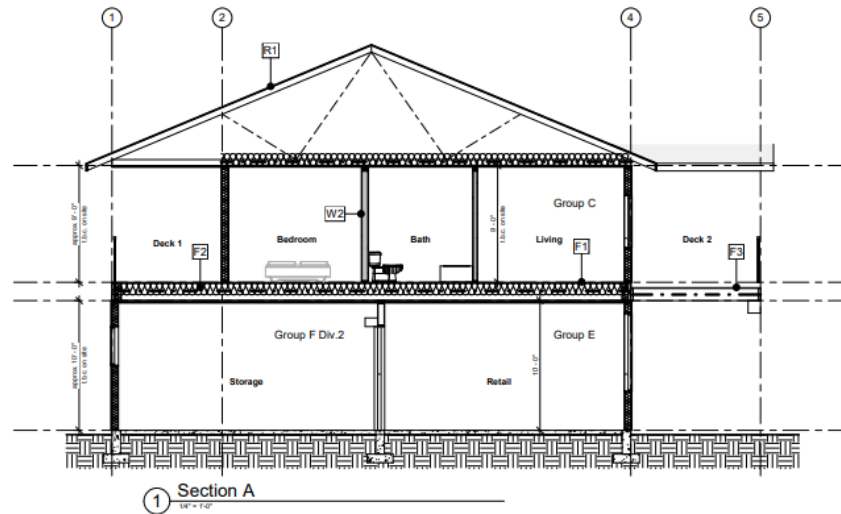
Subject Property

Map showing the location of the Subject Property (yellow shaded area) in the context of the surrounding area, including the town of Oliver and the location of the proposed amendment to the Zoning Bylaw.

Attachment No. 2 – Context Maps



Attachment No. 3 – Applicant's Building Elevations



1 April 2, 2024 For Permit	
#	Date Description
Revision Schedule	
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Project Information	
Agri-tourism accommodation 5154 Highway 97, 437 Rd 7, Olive, BC	
Rev: 04-07 Sheet Name:	
Sections	
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Attachment No. 5 – Site Photo (Google Earth, 2025)

