

To: Her Worship Mayor McKortoff and Members of Council
From: Shannon Duong, Planner
Date: May 26, 2026
Subject: Proposed Zoning Review - 4601 97th Street
Tracker No: BLW-330, BLW-389, BLW-420, BLW-390

Recommendation:

THAT the Town of Osoyoos Official Community Plan Amendment Bylaw No. 1375.11, 2026, and the Town of Osoyoos Zoning Amendment Bylaw No. 1395.12, 2026, be read a first and second time and proceed to public hearing;

AND THAT Council considers the process, as outlined in this report from the Chief Administrative Officer dated May 26, 2026, 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*, Council has considered Amendment Bylaw No. 1375.11, 2026, in conjunction with its Financial and applicable Waste Management Plans;

AND THAT the holding of a public hearing be scheduled for the Regular Open Council meeting of June 23, 2026;

AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

CAO Comments:

Approved for Council's consideration.

Executive Summary:

The purpose of this report is to seek direction from Council in relation to proposed amendments to the Town's various land use bylaws in order to address a number of issues identified through the day-to-day use of the bylaws.

Background:

The Town's Official Community Plan (OCP) Bylaw provides the policy framework for how the community will grow and change over time.

The Town's Zoning Bylaw implements the OCP policies by regulating land use on a parcel-by-parcel basis in a manner that is consistent with the Plan.

Over time, day-to-day use as well as the processing of development proposals can reveal gaps, ambiguities, or unintended consequences that weren't evident during the drafting of these types of land use bylaws.

Previous Council Consideration

At its meeting of January 27, 2026, Council resolved to initiate Amendment Bylaw Nos. 1375.11, 2026 and 1395.12, 2026.

At its meeting of March 24, 2026, Council resolved to refer the amendment bylaws back to the Committee of the Whole to discuss the dimensions of parking stalls.

At its meeting of April 14, 2026, Council resolved to initiate Amendment Bylaw No. 1395.12, 2026 subject to the removal of the proposed changes pertaining to the dimensions of parking spaces.

At its meeting of May 12, 2026, Council resolved to revise Amendment Bylaw No. 1395.12, 2026, in order to include a regulation permitting one "duplex dwelling" as a principal use at the property located at 4601 97th Street, legally described as Lot A, District Lot 2450S, SDYD, Plan 30111.

Referrals:

Approval from the Ministry of Transportation and Transit (MoTT) is required prior to adoption as the proposed amendments involve lands within 800 metres of a controlled access highway (i.e. Highway 97 & 3).

Pursuant to Section 476 of the *Local Government Act*, the Town 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 has been made aware of the proposed amendment bylaw.

Pursuant to Section 477 of the *Local Government Act*, after first reading Council must consider the proposed OCP amendment in conjunction with current Town financial plan and Regional District waste management plan.

The proposed OCP amendment has been reviewed by the Regional District of Okanagan-Similkameen Solid Waste Department and the Town's Finance Department, and it has been determined that the proposed bylaw is consistent with RDOS's current waste management plan and the Town's financial plan.

Pursuant to Section 475 of the *Local Government Act*, the Town must consult with the Agricultural Land Commission (ALC) when proposing to amend an OCP which might affect agricultural land. Both the ALC and the Ministry of Agriculture have been made aware of the proposed amendment bylaws.

Public Process:

On March 12, 2026, a Public Information Meeting (PIM) was held electronically via video conference system (i.e., Zoom) and was not attended by any members of the public.

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 be further ongoing.

All comments received to date in relation to this application are included as a separate item on the Regular Open Council Meeting Agenda.

Analysis:

Given the scope of amendments being proposed to the Town's land use bylaws, each of the proposed amendments will be discussed in the following sub-sections (which have been arranged by bylaw type):

Official Community Plan (OCP) Bylaw:

Amendment Bylaw No. 1375.11, 2026 proposes changes to the Town of Osoyoos OCP Bylaw No. 1375, 2021, largely relating to development permit areas.

Specifically, as it pertains to the Riparian Development Permit (RDP) Area, the amendment bylaw proposes changes to the exemptions under Section 8.E.5 of the OCP Bylaw. The intent of the proposed changes is generally to more closely align with regulations related to riparian protection that apply to other parts of Osoyoos Lake (i.e., within Electoral Area "A" in the Regional District of Okanagan-Similkameen).

The proposed changes include the addition of new exemption criteria, clarification of existing criteria (e.g., boundary adjustments, emergency works), and removal of redundant exemptions (i.e., where federal/provincial legislation provides for the same exemption, or where works would not otherwise trigger the need for an RDP).

Additionally, Amendment Bylaw No. 1375.11, 2026 also proposes to correct various map schedules within the OCP Bylaw which do not reflect amendments made to those maps under Amendment Bylaw Nos. 1375.03, 2024 and 1375.06, 2024, which were adopted by Council on June 25, 2024 and September 24, 2024, respectively.

Zoning Bylaw:

Amendment Bylaw No. 1395.12, 2026 proposes changes to permitted uses within the General Industrial (I1) Zone, the accessible parking space requirements to correct a typo, and the site specific allowances for the property at 4601 97th Street.

As it pertains to the I1 Zone, Amendment Bylaw No. 1395.12, 2026 proposes to add "alcohol production facility" to the list of principal permitted uses under Section 16.1 of the Zoning Bylaw. This is in recognition that "craft brewery/distillery" was added as a permitted use within the

former General Industrial (M1) Zone under previous Zoning Bylaw No. 1085, 1998, following an amendment to the bylaw in 2019.

In relation to the accessible parking space requirements, Administration notes that the number of off-street accessible parking spaces to be provided is intended to correlate with the total number of parking spaces required for a proposed development. However, Administration has noted that Table 10.7 of the Zoning Bylaw, which sets out the required off-street accessible parking spaces incorrectly refers to “Use” and “Required Number of Spaces”. Amendment Bylaw No. 1395.12, 2026 proposes to correct this error such that the table refers to “Required Number of Spaces” and the associated “Required Number of Accessible Parking Spaces”.

Lastly, in response to Council’s resolution at its meeting of May 12, 2026, Amendment Bylaw No. 1395.12, 2026 proposes to permit, as a site specific allowance, one “duplex dwelling” at the property at 4601 97th Street (legally described as Lot A, District Lot 2450S, SDYD, Plan 30111).

In reviewing the Medium Density Residential One Site Specific (RM1s) Zone which applies to the property, it was further noted that the existing site specific allowance permitting “secondary suite” as an accessory use (granted by Council through the adoption of Amendment Bylaw No. 1395.02, 2024 on November 12, 2024) was intended to allow for secondary suites to be included within proposed townhouse units which are to comprise the overarching development. However, the definition of “secondary suite” limits the siting of suites to being within a “single detached dwelling”. Accordingly, and to reflect what is understood to be Council’s direction at their meeting of November 12, 2024, Amendment Bylaw No. 1395.12, 2026 proposes to clarify the site specific provision for secondary suites applies to townhouse and duplex dwelling units.

Summary

In summary, Administration is supportive of the proposed amendments and recommends that Amendment Bylaw Nos. 1375.11, 2026 and 1395.12, 2026, be read a 1st and 2nd time.

Options:

1. THAT the Town of Osoyoos Official Community Plan Amendment Bylaw No. 1375.11, 2026, and the Town of Osoyoos Zoning Amendment Bylaw No. 1395.12, 2026, be read a first and second time and proceed to public hearing;

AND THAT Council considers the process, as outlined in this report from the Chief Administrative Officer dated May 26, 2026, 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*, Council has considered Amendment Bylaw No. 1375.11, 2026, in conjunction with its Financial and applicable Waste Management Plans;

AND THAT the holding of a public hearing be scheduled for the Regular Open Council meeting of June 23, 2026;

AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

2. THAT the Town of Osoyoos Official Community Plan Amendment Bylaw No. 1375.11, 2026, and the Town of Osoyoos Zoning Amendment Bylaw No. 1395.12, 2026, be denied.

Attachments:

1. Agency Referral List
2. Official Community Plan Amendment Bylaw No. 1375.11
3. Zoning Amendment Bylaw No. 1395.12
4. Representations

Attachment No. 1 – Agency Referral List

Referrals to be sent to the following departments and agencies as highlighted with a , prior to Council considering first reading of Amendment Bylaw Nos. 1375.11 and 1395.12:

<input checked="" type="checkbox"/>	Ministry of Transportation and Transit	<input type="checkbox"/>	Chief Administrative Officer
<input checked="" type="checkbox"/>	Agricultural Land Commission	<input type="checkbox"/>	Corporate Officer
<input type="checkbox"/>	Archaeology Branch	<input type="checkbox"/>	Chief Financial Officer
<input type="checkbox"/>	Interior Health Authority	<input checked="" type="checkbox"/>	Operational Services Department
<input checked="" type="checkbox"/>	Ministry of Agriculture & Food	<input checked="" type="checkbox"/>	Building Inspector
<input checked="" type="checkbox"/>	Ministry of Water, Land and Resource Stewardship	<input checked="" type="checkbox"/>	Protective Services Department
<input checked="" type="checkbox"/>	School District #53	<input checked="" type="checkbox"/>	Osoyoos Indian Band
<input type="checkbox"/>	Fortis BC	<input checked="" type="checkbox"/>	RDOS
<input type="checkbox"/>	RCMP	<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	