

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: September 4, 2025

RE: Development Variance Permit Application — Electoral Area “D” (D2025.015-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. D2025.015-DVP, to vary the minimum parcel size for a portion of a hooked parcel to undertake a boundary adjustment between the properties at 4287 & 4301 McLean Creek Road, be denied.

Legal: Lot 1, Plan KAP26887, District Lot 551 2710 3090, SDYD Folio: D-03460.000

OCP: Agriculture (AG) Zone: Agriculture One (AG1)

Variance To allow a part of a “hooked” portion of a parcel to be 0.825 ha.

Purpose:

This application is seeking a variance to the minimum parcel size for subdivision that applies to the subject property in order to undertake a boundary adjustment (e.g. subdivision).

Specifically, it is being proposed to vary the regulation contained at Section 8.5.1(a) of the zoning bylaw that requires each portion of a “hooked” parcel to meet the minimum parcel area requirements of the applicable zone.

In the context of the Agriculture One (AG1) Zone that applies to the property, this would require each “hooked” part of the parcel to be 4.0 ha in area, whereas the applicant is seeking to create one “hooked” part that will be approximately 0.825 ha in area.

In support of this request, the applicant has stated (amongst other things) that “it is simply a lot line adjustment and does not create new parcels, that we should be exempt from this requirement”.

Strategic Priorities:

Operational

Background & Analysis:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on May 14, 1976, while available Regional District records indicate that a building permits for an addition to single detached dwelling (1990) and a Riding arena.

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Agriculture (AG), and is the subject of a Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Agriculture One (AG1) which requires a minimum parcel size of 4.0 ha and requires that a “hooked” parcel, which is defined as “a parcel of which one portion is physically separated from the other portion by a highway other than a Forest Service Road, or by another parcel”.

BC Assessment has classified the property as part “Residential” (Class 01), and part “Farm” (Class 09).

Agricultural Land Reserve (ALR):

The properties are within the Agricultural Land Reserve (ALR) and, in 2004, the property at 4301 McLean Creek was the subject of an approval from the Agricultural Land Commission (ALC) that allowed for an expansion of an adjacent manufactured home park (MHP) onto an approximately 2.4 ha area of land.

In reaching this decision, the Commission noted that the remainder parcel “was an appropriate size to support an agricultural operation (the horse farm) and transitioned into an area which could be more intensively cultivated.”

In 2021, the Agricultural Land Commission (ALC) refused a proposed 2-lot subdivision of the property that sought to separate “the horse boarding and rearing operations from the undeveloped lands which could be sold and developed for higher intensity farming.” In its decision:

The Panel finds that the Proposal would be detrimental to farming as it creates two smaller parcels and in the experience of the Panel, larger parcels are better for the utilization of ALR lands.

On a small lot, the land base available for agricultural activities is reduced and agricultural activities that have larger spatial requirements (e.g. crop and livestock rotation, grazing, moving large farm equipment, etc.) can not occur.

Furthermore, an additional parcel would also be occupied by a yard, dwelling, farm structures, septic field and access further reducing its productive capacity. The Proposal would disrupt the continuity of the ALR land base, fragment the agricultural area, and would negatively impact the agricultural suitability of the Property.

Subdivision Application:

On February 10, 2025, the Ministry of Transportation and Transit (MoTT) referred the proposed subdivision (boundary adjustment) of the subject property to the Regional District for compliance with any applicable RDOS land use bylaws.

It is understood that the Provincial Approving Officer is prepared to consider this subdivision under Section 3 of the *Agricultural Land Reserve General Regulation* on the that basis that “the subdivision would allow for boundary adjustments that, in the opinion of the approving officer, will enhance farming on the agricultural land or permit better use of structures used for farming.” Accordingly, approval of this proposal by the ALC is not seen to be required.

Board Consideration:

At its meeting on August 7, 2025, the Regional District Board resolved that “Development Variance Permit No. D2025.015-DVP, to vary the minimum parcel size for a portion of a hooked parcel to undertake boundary adjustment between the properties at 4287 & 4301 McLean Creek Road, be referred to the Electoral Area “D” Advisory Planning Commission.”

Electoral Area “D” APC Consideration:

At its meeting on August 18, 2025, the Electoral Area “D” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved, subject to the following condition; to accept the subject development with an easement or covenant.

Analysis:

In considering this proposal, Administration notes that “hooked” parcels are generally considered to be undesirable as they have, on occasion, been used to create parcels that may not be consistent with site densities intended by zoning; that result in physically discontinuous parts of a property that owners no longer wish to maintain and create pressure to approve subdivision not consistent with zoning.

For these reasons, the Electoral Area zoning bylaws discourage their use by requiring that all parts of a proposed “hooked” parcel meet the minimum parcel size requirement of the zone.

In this instance, Administration shares many of the concerns previously raised by the ALC in relation to the subdivision of the subject property, namely:

- reducing its size will likely be detrimental to farming;
- the property has more agricultural potential in its current form;
- it is not in the spirit of the policy directions contained within the Electoral Area “D” OCP Bylaw to maintain the integrity of land suitable for agriculture; and
- compliance with zoning does not outweigh the purpose of Section 6 of the *ALC Act* to prioritize protecting the size of the property and its use for farming.

Accordingly, the creation of a sub-minimal “hooked” portion of the property is seen to be inconsistent with the objectives and policies of the OCP Bylaw.

Administration is further concerned that creation of the sub-minimal “hooked” portion will create pressure in future to “un-hook” this part so that it can form its own legal parcel as property owners routinely cite the presence of barriers such roads or driveways as impeding their ability to efficiently farm a parcel and as a principal justification for “un-hooking”. For these reasons, Administration seeks to avoid the creation of hooked parcels.

Alternative:

Conversely, Administration recognises that this proposal is not proposing to create any additional parcels and the transfer of land to the adjacent agricultural parcel *may* allow for a greater efficiency in production to occur.

As an aside, should this subdivision proceed, the owners of 4287 McLean Creek should ensure that there is no cross connection between the two legal parcels and that both pieces have sufficient water supply to support a continued agricultural use.

Summary:

For the reasons outlined above, Administration does not support the requested variance and is recommending denial.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

The proposed variance(s) 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.

Site Context:

The subject property is approximately 8.8 ha in area and is situated on the south side of Mclean Creek Road in Okanagan Falls. The property is currently understood to contain a Riding Arena and one (1) single detached dwelling and several accessory structures.

The surrounding pattern of development is characterised by manufactured home park to west, industrial lands to the south, and agriculture to the east, and north.

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted, in accordance with Section 2.10 of Schedule '4' of the Regional District's Development Procedures Bylaw No. 2500, 2011, until 4:30 p.m. on June 26, 2025. All comments received are included as a separate item on the Board's Agenda.

Alternatives:

1. That the Board approve Development Variance Permit No. D2025.015-DVP.

Will a PowerPoint presentation be presented at the meeting? No

Respectfully submitted

Tharini Prakash
Planning Technician

Endorsed by:

C. Garrish
Senior Manager of Planning

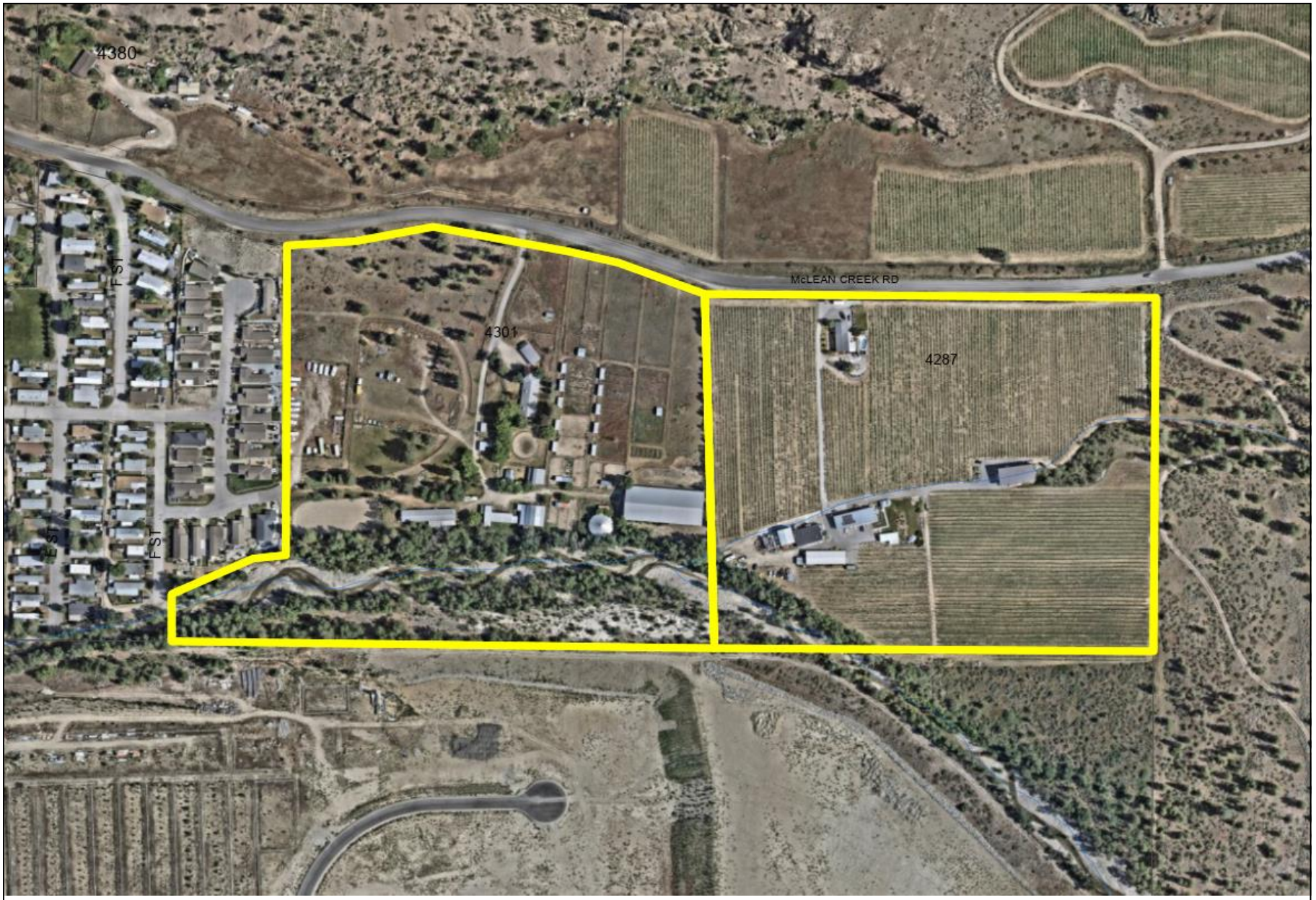
Endorsed by:

A. Fillion
Managing Director, Dev. & Infrastructure

Attachments: No. 1 – Aerial Photo

No. 2 – Proposed Parcel Areas (Current vs. Proposed)

Attachment No. 1 – Aerial Photo



Attachment No. 2 – Proposed Parcel Areas (Current vs. Proposed)

