

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: January 19, 2017
RE: Zoning Bylaw Amendment – Electoral Area “F”



Administrative Recommendation:

THAT Bylaw No. 2460.04, 2016, Electoral Area “F” Official Community Plan Amendment Bylaw and Bylaw No. 2461.09, 2016, Electoral Area “F” Zoning Amendment Bylaw be denied.

Purpose: To allow for a one lot subdivision to create a two hectare (ha) parcel.

Owner: Penelope and Andrew Spink Agent: N/A Folio: F-01888.200

Legal: Lot B, Plan 30904, District Lot L 154, ODYD. Civic: 633 Meadow Valley Road, Summerland

OCP: Large Holdings (LH) Proposed OCP: Small Holdings (SH)

Zoning: Large Holdings (LH) Proposed Zoning: Small Holdings Two (SH2)

Proposal:

This proposal is seeking to amend the zoning on the northern two hectare (ha) portion of the subject property in order to facilitate a one lot subdivision.

Specifically, the applicant is requesting a Small Holdings (SH) designation under the Official Community Plan (OCP) as well as a Small Holdings Two (SH2) zoning under the Zoning Bylaw be applied on the northern 2 ha of the property. The remaining parcel, approximately 4.8 ha, will remain Large Holdings.

The applicant in support of the proposal has stated:

- *There is a buildable area accessible from the road;*
- *There is sufficient water and area for septic;*
- *In character for the area;*
- *Not in the ALR;*
- *Will provide a rural type parcel for those who wish to live in the farmland.*

Site Context:

The subject property is approximately 6.8 ha in size and located at the junction of Fish Lake Road and Meadow Valley Road and is approximately 6.5 km north of Faulder. The subject property contains a single family dwelling and two accessory structures.

Surrounding properties are characterized as farmland within the ALR to the west and Resource Area Crown land to the east. Properties to the north and south are mostly similar sized parcels and zoned

LH. Immediately to the south is a 2 ha parcel that was subdivided in 1977. The subject property is located at the base of a fairly steep hillside, although there are flatter areas near the road.

Background:

The property was created through a 1980 subdivision and building permits were issued in 1993 and 2008.

Under the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2460, 2008, the subject property is designated Large Holdings (LH) and is zoned Large Holdings (LH) under the Electoral Area “F” Zoning Bylaw No. 2461, 2008. Under the LH zone, the minimum parcel size is 4.0 ha, whereas, under the SH2 zone, the minimum parcel size is 2.0 ha.

There is a Watercourse Development Permit (WDP) identified on the subject property. The property is not within the Agricultural Land Reserve (ALR). Currently there are no Environmentally Sensitive Development Permit (ESDP) areas established in Electoral Area “F”; however, the draft ESDP area mapping indicates that the portion of the property would be within the ESDPA.

The South Okanagan Regional Growth Strategy (RGS) within which Electoral Area “F” is contained, identifies only two growth areas; these being the District of Summerland as a Primary Growth Area and Greata Ranch as a Rural Growth Area.

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) will not be required prior to adoption as the proposed amendments do not affect land within 800 metres of a controlled area (i.e. Highway 97).

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. 67 has 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 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:

An Open House was held prior to the Advisory Planning Commission meeting on December 15, 2016 at which approximately eight members of the public attended. Two written responses have been received to date, both not supporting the proposed amendments.

At its meeting of December 15, 2016, the Electoral Area “F” Advisory Planning Commission (APC) made a motion to recommend to the Board that the application be denied.

Administration recommends that consideration by the APC, written notification of affected property owners, an Open House, 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, this process is seen to be sufficiently early and does not need to be further ongoing.

Referral comments on this proposal to date has been received from Interior Health Authority and is included as a separate item on the Board Agenda.

Analysis:

In considering this rezoning proposal, Administration recognizes that the current OCP has limited policy direction regarding growth management. One objective that is stated in the OCP is to “provide the opportunity for limited new growth in the Rural Planning Area”.

While the proposal is seeking to create only one new parcel; in order to do so, it requires amending the OCP and introducing a Small Holdings designation over a partial piece of property into an area of established agricultural and large holdings properties. The nearest SH zoned properties are approximately 4.5 km south of the subject property.

The Rural Holdings section of the OCP contains a policy with a list of criteria on which to assess any future large holdings, small holdings and rural residential development. These criteria are as follows:

- a) Capability of handling on site domestic water and sewage disposal;
- b) Capability of the natural environment and topography to accommodate additional development;
- c) Impact on adjacent land use designation, and the character of the existing area;
- d) Location relative to existing roads and other community and essential services;
- e) Susceptibility to natural hazards;
- f) An environmental impact assessment where lands contain lakes, marsh lands and watercourses; and
- g) A visual impact assessment where development is proposed on hillsides and other visually sensitive areas.

In this case, water and sewer would be handled on site through a well and a septic system and it appears that there are limited topographic characteristics or natural hazards that would preclude some further development. The hill side rising up to the east could restrict the type of development activity and may possibly negatively impact the visual characteristics of the valley.

There is a concern that this proposal is representative of incremental rural subdivision and that allowing Small Holdings designation and zone in this area of mostly Large Holdings and Agriculture zones would be uncharacteristic for the neighbourhood. The OCP does provide opportunity for *limited* new growth; however, given the location of the subject property there does not seem to be enough supporting rationale to introduce Small Holdings into the area where no other SH zones are located.

The Board should also be aware that there is an estimated capacity based on current zoning in Area “F” for approximately an additional 200 Small and Large Holding parcels (based on a 2014 calculation). While the subject property does access Meadow Valley Road, there are no other community or essential services nearby. The Meadow Valley area is not identified as a designated rural growth area under the RGS Bylaw.

For these reasons, Administration does not support the proposed OCP and Zoning amendment. The Board is also aware that an OCP review and update of Area “F” is to be conducted starting in 2017 and through that process there may be community support on assessing the areas for possible rural ‘infill’ potential. In light of the upcoming OCP review it would be premature to permit this proposal

proceed. The Board has also recently denied another somewhat similar proposal in the area for the same lack of specific OCP growth policy direction.

Alternatives:

THAT Bylaw No. 2460.04, 2016, Electoral Area “F” Official Community Plan Amendment Bylaw and Bylaw No. 2461.09, 2016, Electoral Area “F” Zoning Amendment Bylaw be read a first and second time and proceed to a public hearing;

AND THAT the Board of Directors considers the process, as outlined in the report from the Chief Administrative Officer dated January 5, 2017, 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 has considered Amendment Bylaw No. 2460.04, 2016, in conjunction with its Financial and applicable Waste Management Plans;

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

AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Brydon;

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

Respectfully submitted

E Riechert
E. Riechert, Planner

Endorsed by:


C. Garrish, Planning Supervisor

Endorsed by:

Donna Butler
D. Butler, Dev. Services Manager

Attachments: No. 1 – Agency Referral List

No. 2 – Applicant’s Site Plan

Attachment No. 1 – Agency Referral List

Referrals to be sent to the following agencies as highlighted with a , prior to the Board considering first reading of Amendment Bylaw No. 2460.04, 2016:

<input type="checkbox"/>	Agricultural Land Commission (ALC)	<input type="checkbox"/>	Kootenay Boundary Regional District
<input checked="" type="checkbox"/>	Interior Health Authority (IHA)	<input type="checkbox"/>	City of Penticton
<input checked="" type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	District of Summerland
<input type="checkbox"/>	Ministry of Energy & Mines	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Community, Sport and Cultural Development	<input type="checkbox"/>	Town of Osoyoos
<input checked="" type="checkbox"/>	Ministry of Environment	<input type="checkbox"/>	Town of Princeton
<input checked="" type="checkbox"/>	Ministry of Forest, Lands & Natural Resource Operations	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Tourism and Innovation	<input checked="" type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input type="checkbox"/>	Ministry of Transportation and Infrastructure	<input checked="" type="checkbox"/>	Penticton Indian Band (PIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Osoyoos Indian Band (OIB)
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Upper Similkameen Indian Bands (USIB)
<input type="checkbox"/>	School District #53 (Okanagan Similkameen)	<input type="checkbox"/>	Lower Similkameen Indian Bands (LSIB)
<input type="checkbox"/>	School District #58 (Nicola Similkameen)	<input type="checkbox"/>	Environment Canada
<input checked="" type="checkbox"/>	School District #67 (Okanagan Skaha)	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	Central Okanagan Regional District	<input checked="" type="checkbox"/>	Archaeology Branch
<input checked="" type="checkbox"/>	Fortis	<input type="checkbox"/>	Westbank First Nation

Attachment No. 2 – Applicant's Site Plan

