

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** September 5, 2019

**RE:** Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “H”

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### Administrative Recommendation:

**THAT Bylaw No. 2497.11, 2019, Electoral Area “H” Official Community Plan Amendment Bylaw and Bylaw No. 2498.18, 2019, Electoral Area “H” Zoning Amendment Bylaw be read a third time and adopted.**

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Purpose: To rezone the southern portion of the property to allow for the creation of an 8.6 ha parcel

Owner: Liss, Jennifer & Lawrence      Agent: AllTerra Land Surveying      Folio: H00724.040

Civic: 336 Tulameen River Road      Legal: Lot 2, Plan KAP29927, District Lot 395, LDYD

OCP: Agriculture (AG)      Proposed OCP: Large Holdings

Zoning: Agriculture Three Zone (AG3)      Proposed Zoning: Large Holdings Two (LH2)

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### Proposed Development:

This application proposes to amend zoning of the southern portion of the subject property in order to facilitate the subdivision of the northern part of the property into six (6) lots and allow the creation of an 8.6 hectare (ha) remainder parcel in the southern portion where the owners reside.

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

- amend the land use designation under Schedule ‘B’ (OCP Map) of the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, from Agriculture (AG) to Large Holdings (LH); and
- amend the zoning under Schedule ‘2’ (Zoning Map) of the Electoral Area “H” Zoning Bylaw No. 2498, 2012, from Agricultural Three Zone (AG3) to Large Holdings Two (LH2).

In support of the rezoning, the agent has stated that the owners wish to complete the previously ALC approved subdivision “to create 13 lots with the subject parcel as the remainder” and to “continue abiding on this parcel in the same way they have been”, as their primary residence.

### Site Context:

The subject property is approximately 25.8 ha in area and is situated approximately 800 metres west of Tulameen on the north side of Tulameen River Road.

It is understood that the southern portion of the parcel is comprised of a single detached dwelling, accessory structures and undeveloped agricultural land. The surrounding pattern of development is generally characterised by vacant agricultural land, and residential parcels.

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**Background:**

At its meeting of July 16, 2019, the Electoral Area “H” Advisory Planning Commission (APC) resolved to recommend to the Regional District Board that this application be approved.

A Public Information Meeting was held ahead of the APC meeting on July 16, 2019, and was attended by two (2) members of the public.

At its meeting of August 1, 2019, the Regional District Board resolved to approve first and second reading of the amendment bylaws and directed that a public hearing occur at the Board meeting of September 5, 2019.

Referral comments on this proposal have been received from the Agricultural Land Commission, Fortis, the Ministry of Agriculture, Upper Similkameen Indian Band and Interior Health Authority and are included as a separate item on the Board Agenda.

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 3).

**Analysis:**

In considering this proposal, Administration notes that it is generally not considered good planning practice to encourage the fragmentation of agricultural land and that the OCP generally seeks to discourage this type of subdivision by supporting the consolidation of legal parcels that support more efficient agricultural operations and encourage the protection of agricultural lands and maximizing productive farm activity.

Administration is concerned that the principle agricultural rationale put forward in support of this subdivision, which is the creation of smaller parcels, runs counter to the direction provided by the OCP.

Moreover, Administration notes that the ALC has been consistent in its support for larger parcel sizes on ranching and grazing lands — such as the subject property — in the Similkameen. For instance, the Commission recommended a 42.0 ha parcel size be applied to the AG3 Zone in Electoral Area “H”.

In this context, the creation of an 8.4 ha remainder may impede the agricultural opportunities available in the long-term.

That said, Administration also recognises that the ALC previously approved the subdivision of this parcel into smaller lots and that the subject property is now dis-contiguous as a result of the subdivisions that has since been completed.

Moreover, requiring compliance with the 20.0 ha minimum parcel size requirement of the AG3 Zone is not going to result in a more viable agricultural parcel.

Administration also recognises that it has previously supported proposals in other Electoral Areas that seek to undertake subdivision along a road alignment or where parcels are physically separated by other parcels within the ALR on the basis that these generally form a boundary between what is seen to be two separate parcels.

While the requested LH2 Zone is not an “Agriculture” zone, it shares many of the same regulations as the AG3 Zone, such as similar permitted uses and the same maximum parcel coverage requirements

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which will ensure that the general use of the property remains the same. For reference purposes, a comparison of the AG3 Zone and LH2 Zone is presented at Attachment No. 2.

In summary, Administration generally supports the proposed OCP and Zoning Bylaw amendments.

**Alternative:**

THAT first and second reading of the Electoral Area “H” Official Community Plan (OCP) Amendment Bylaw No. 2497.11, and the Electoral Area “H” Zoning Amendment Bylaw No. 2498.18, be rescinded and the bylaws abandoned.

**Respectfully submitted:**



F. Titley, Planning Student

**Respectfully Submitted:**



C. Garrish, Planning Manager

Attachments: No. 1 – Aerial Photo (2019)

No. 2 – Comparison of AG3 Zone vs. LH2 Zone

Attachment No. 1 – Aerial Photo (2019)





## Attachment No. 2 – Comparison of AG3 Zone vs. LH2 Zone

<b>Permitted Uses:</b> <u>Principal Uses:</u> agriculture; brewery, cidery, distillery, meadery or winery; equestrian centre; guest ranches; guide camps; meteorological towers; packing, processing & storage of farm & off-farm products; single detached dwelling or mobile home; veterinary establishments;	<b>Permitted Uses:</b> <u>Principal Uses:</u> agriculture; cemeteries; equestrian centre; open land recreation; packing, processing & storage of farm & off-farm products; single detached dwelling, mobile home or RV; veterinary establishments;
<u>Accessory Uses:</u> accessory dwellings; agri-tourism accommodation; bed and breakfast operations; home industry; home occupation; retail sale of farm & off-farm products; secondary suite; accessory buildings and structures.	<u>Accessory Uses:</u> accessory dwellings; bed and breakfast operations; carriage house; home industry; home occupation; retail sale of farm & off-farm products; secondary suite; accessory buildings and structures.
<b>Minimum Parcel Size:</b> 20.0 ha	<b>Minimum Parcel Size:</b> 8.0 ha
<b>Minimum Parcel Width:</b> Not less than 25% of the parcel depth	<b>Minimum Parcel Width:</b> Not less than 25% of the parcel depth
<b>Maximum Number of Dwellings Per Parcel:</b> one (1) principal dwelling unit. up to two (2) accessory dwelling units with a max. floor area not exceeding 180 m <sup>2</sup> between the unit(s).	<b>Maximum Number of Dwellings Per Parcel:</b> one (1) principal dwelling unit. two (2) accessory dwelling units with a max. floor area of 70 m <sup>2</sup> per unit
<b>Minimum Setbacks:</b> <u>Buildings and Structures:</u> Front parcel line: 7.5 metres Rear parcel line: 7.5 metres Interior side parcel line: 4.5 metres Exterior side parcel line: 7.5 metres <u>livestock shelters, generator sheds, boilers or walls with fans, and on-farm soil-less medium production facilities:</u> Front parcel line: 15.0 metres Rear parcel line: 15.0 metres Interior side parcel line: 15.0 metres Exterior side parcel line: 15.0 metres <u>Incinerator:</u> Front parcel line: 30.0 metres Rear parcel line: 30.0 metres Interior side parcel line: 30.0 metres Exterior side parcel line: 30.0 metres	<b>Minimum Setbacks:</b> <u>Principal Buildings and Structures:</u> Front parcel line: 9.0 metres Rear parcel line: 9.0 metres Interior side parcel line: 4.5 metres Exterior side parcel line: 4.5 metres <u>livestock shelters, generator sheds, boilers or walls with fans, and on-farm soil-less medium production facilities:</u> Front parcel line: 15.0 metres Rear parcel line: 15.0 metres Interior side parcel line: 15.0 metres Exterior side parcel line: 15.0 metres <u>Incinerator or compost facility:</u> Front parcel line: 30.0 metres Rear parcel line: 30.0 metres Interior side parcel line: 30.0 metres Exterior side parcel line: 30.0 metres
<b>Maximum Height:</b> 10.0 metres	<b>Maximum Height:</b> 10.0 metres
<b>Maximum Parcel Coverage:</b> 5% / 75% for greenhouse uses	<b>Maximum Parcel Coverage:</b> 5% / 75% for greenhouse uses