

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: September 23, 2021
RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “H”

Administrative Recommendation:

THAT Bylaw No. 2497.12, 2021, a bylaw to amend the Electoral Area “H” Official Community Plan Bylaw to permit a 2-lot subdivision at 2321 Old Hedley Road, be read a first and second time and proceed to public hearing; and

THAT Bylaw No. 2498.23, 2021, a bylaw to amend the Electoral Area “H” Zoning Bylaw be read a first and second time and proceed to public hearing; and,

THAT the Board of Directors considers the process, as outlined in this report from the Chief Administrative Officer dated September 23, 2021, 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 of Directors has considered Amendment Bylaw No. 2497.12, 2021, in conjunction with its Financial and applicable Waste Management Plans; and,

THAT the holding of a public hearing be scheduled for the Regional District Board meeting of October 21, 2021; and,

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

Purpose: To allow for a 2-lot subdivision to unhook a parcel.

Folio: H-01264.000

Civic: 2321 Old Hedley Road

Legal: Block A, District Lot 2855S, SDYD

OCP: Agriculture (AG)

Zone: Agriculture Three (AG3)

Proposed Development:

To amend the zoning of the subject property in order to allow for a 2-lot subdivision to “unhook” the parcel along Old Hedley Road. This will result in an approximately 9.7 ha parcel on the north side of Old Hedley Road and an approximately 5.4 ha parcel on the south side of Old Hedley Road.

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
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- amend the zoning under Schedule '2' (Zoning Map) of the Electoral Area "H" Zoning Bylaw No. 2498, 2012, from Agriculture Three (AG3) to part Large Holdings Two (LH2) and part Large Holdings One (LH1).

In support of the rezoning, the applicant has stated that "the rationale for subdivision is to sell the parcel with the house on it to pay off the mortgage and keep [the] waterfront parcel with the cabin for personal future use."

Site Context:

The subject property is approximately 15.38 ha in area, is bounded by the Similkameen River along its southern boundary, is bisected by Old Hedley Road and is approximately 14.5 km west of Hedley and 24 km to the east of Princeton. It is understood that the parcel is comprised of a house and shed situated on the north side of Old Hedley Road, and a cabin on the south side (near the Similkameen River).

The surrounding pattern of development is seen to be comprised of rural-residential and residential land uses adjacent to Old Hedley Road and undeveloped Crown land beyond. Bromley Park Provincial Park is also situated 1.7 km to the north.

Background:

It is not clear when the current boundaries of the subject property were created by a Plan of Subdivision, while available Regional District records indicate that a building permit for the placement of a modular home (2005) has previously been issued for this property.

Under the Electoral Area 'H' Official Community Plan (OCP) Bylaw No. 2497, 2012, the subject property has been designated as Agriculture (AG). The property is the subject of a Watercourse Development Permit (WDP) Area designation along the southern edge of the property.

Under the Electoral Area "H" Zoning Bylaw No. 2498, 2012, the subject property has been designated Agriculture Three (AG3), which stipulates a minimum parcel size of 20.0 ha

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with the Similkameen River.

The property is within the Agricultural Land Reserve (ALR), but has been classified as "Residential" (Class 01) by BC Assessment.

The property is the subject of an approval from the Agricultural Land Commission (ALC) to undertake a two (2) lot subdivision, which is due to expire on April 19, 2023.

On December 3, 2015 the Ministry of Transportation and Infrastructure (MoTI) referred a proposed 2 lot subdivision involving the subject property to the Regional District for compliance with any applicable RDOS land use bylaws.

The applicant was notified in a letter dated February 19, 2016 that a rezoning was required in order to permit the subdivision due to the 20 ha minimum parcel size in the AG3 zone.

The subject property is not within a community water system area or community sanitary system area, and is also not within a fire department fire district area.

Referrals:

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).

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. 58 have 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.

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

Public Process:

On September 13, 2021, an electronic Public Information Meeting (PIM) was held via Webex and was attended by 2 members of the public (As well as the applicant and staff).

The Electoral Area "H" Advisory Planning Commission (APC) is scheduled to consider this proposal at their meeting of September 21, 2021. A verbal update of the APC's recommendation will be provided to the Board at its meeting of September 23, 2021.

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 further ongoing.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Analysis:

The proposal involves a subdivision along a road alignment within the ALR where the road generally forms a natural boundary between what is seen to be two separate parcels. The proposed subdivision is not uncharacteristic with surrounding land use development patterns, particularly the Small Holdings (SH) zoned parcels found along Old Hedley Road, and which are also within the ALR.

While an objective of the OCP is "to discourage the subdivision and non-farm use of land designated for 'Agriculture', the LH1 & LH2 zones list agriculture as a principal permitted use and given topographical constraints for the agricultural use of the subject parcel, such as steep, rocky hill side, the Agricultural Land Commission has supported the future subdivision of this property,

Alternatives:

1. THAT Bylaw No. 2497.12, 2021, Electoral Area “H” Official Community Plan Amendment Bylaw and Bylaw No. 2498.23, 2021, Electoral Area “H” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the Board of Directors considers the process, as outlined in the report from the Chief Administrative Officer dated September 23, 2021, 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 of Directors has considered Amendment Bylaw No. 2497.12, 2021, in conjunction with its Financial and applicable Waste Management Plans;

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

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

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

Respectfully submitted:



Fiona Titley, Planner I

Endorsed By:



C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List

No. 2 – Applicant’s Site Plan

No. 3 – Site Photo

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 Bylaws No. 2497.12, 2021 and 2498.23, 2021.

<input checked="" type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" type="checkbox"/>	Fortis
<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 & Petroleum Resources	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Municipal Affairs & Housing	<input type="checkbox"/>	Town of Osoyoos
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Ecosystem Section)	<input checked="" type="checkbox"/>	Town of Princeton
<input checked="" type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch)	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology	<input type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure	<input 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 Band (USIB)
<input type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	Lower Similkameen Indian Band (LSIB)
<input checked="" type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Canadian Wildlife Services
	Kootenay Boundary Regional District	<input type="checkbox"/>	OK Falls Irrigation District
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Kaleden Irrigation District
<input type="checkbox"/>	Fraser Valley Regional District	<input type="checkbox"/>	X Irrigation District / improvement Districts / etc.

