

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: B. Newell, Chief Administrative Officer
DATE: February 16, 2022
RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “I”

Purpose: To allow for a three-lot subdivision Folio: I- 01154.000
Legal: DL 30S, SDYD, Except Plans B4130, 21048, 27512 and KAP75356 Civic: 1609 Green Lake Road
OCP: Resource Area (RA) Proposed OCP: Resource Area (RA); part Conservation Area (CA), Part Small Holdings (SH)
Zone: Resource Area (RA) Proposed Zoning: Part Site Specific Resource Area (RA); part Conservation Area (CA), Part Small Holdings Four (SH4)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to facilitate a three-lot subdivision.

In order to accomplish this, the following amendments to the Electoral Area “I” OCP and Zoning Map are being proposed by the applicant (see attachment No. 1 for details).

In support of the rezoning, the applicant has stated that the proposed “lot for a single-family dwelling is consistent with the adjacent south single-family residential node” while the proposed unhooking of the parcel along Green Lake Road will allow for the creation of a parcel that will allow farming to continue.

Site Context:

The subject property is approximately 25.7 ha in area (approximately 3.2 ha on the east of Green Lake Road and 22.5 ha on the west side of Green Lake Road) and is situated approximately 1km from OK Falls. It is understood that the parcel is comprised a single family dwelling and pasture used for farm operations on the east side of Green Lake Road and vacant land on the west side of Green Lake Road.

The surrounding pattern of development is generally characterised by White Lake Grasslands Protected Area to the west and an area of small holdings five (SH5) residential lots and the Okanagan River Channel to the east of the property.

Background:

It is not clear when the current boundaries of the subject property were created, while available Regional District records indicate that building permits have not previously been issued for this property.

Under the Electoral Area “I” Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Resource Area (RA), and is the subject of an Environmentally

Sensitive Development Permit (ESDP) Area designation and contains two Watercourse Development Permit (WDP) Areas.

Under the Electoral Area “1” Zoning Bylaw No. 2457, 2008, the property is currently zoned Resource Area (RA) which requires a minimum parcel size of 20.0 ha.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, part of the eastern portion of the subject property is within the floodplain associated with the Okanagan River Channel.

Under the Regional Growth Strategy (RGS) Bylaw No. 2770, 2017, the property is not within a designated as a Rural Growth Area.

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

Analysis:

In considering this proposal, Administration notes that there are two separate components, and the merits of each will be discussed in separate sub-sections below:

“Unhooking” the Property:

Administration has previously supported proposals in other Electoral Areas that seek to undertake subdivision along a road alignment on the basis that the road generally forms a natural boundary between what is seen to be two separate parcels.

In this instance, the 3.2 ha part of the property on the east side of Green Lake Road is currently zoned RA which has a 20.0 ha minimum parcel size requirement. Rezoning this portion of the property to a zone with a smaller minimum parcel size requirement is necessary to facilitate the subdivision. Further this aspect of the proposal is seen to be consistent with Administrations previous direction on unhooking parcels as generally hooked parcels are seen as generally undesirable.

Conversely, Administration is cognisant that as hooked lots are seen as undesirable, they can be used as a rational for subdivision in areas in which subdivision is otherwise discouraged, such as land outside the established growth areas.

Proposed 2.0 ha Parcel:

With regard to the proposed new 2.0 ha parcel on the west side of Green Lake Road, the OCP Bylaw speaks to lands designated as Resource Area (RA) being maintained as large land parcels with limited community services and infrastructure in order that they are retained for such things as extractive industries (ranching and grazing, natural resource extraction and forestry), environmental conservation, watershed protection and management opportunities, and limited rural residential uses.

The request to change the zoning to allow for the creation of a parcel with a land area 10% of that required under the RA Zone (i.e. 2.0 ha vs. required 20.0 ha) is seen to be inconsistent with the goals and objectives of the OCP Bylaw.

Administration is also concerned that OCP amendments to facilitate the densification of land outside of a designated Growth Area is generally inconsistent with the objectives of the Regional Growth Strategy (RGS) Bylaw (e.g. to discourage the fragmentation of large rural land parcels).

Administration notes that when the growth boundary for the Okanagan Falls town site was created as part of the 2013 review of the OCP Bylaw, properties on the west of the Okanagan River channel were purposely excluded due to the inability to provide servicing.

Administration is also aware that Mount Hawthorne is a prominent attribute to the area and a significant barrier to development due to steep slope hazards and possess important environmental attributes.

While the RGS does contemplate a limited amount of development outside of define growth areas, this is generally considered to be in the form of rezonings that don't require an OCP amendment, such as rezoning from Small Holdings Four (SH4) to Small Holdings Three (SH3) in order to reduce the minimum parcel size for subdivision from 2.0 ha to 1.0 ha.

As discuss above, this aspect of the application is seeking to amend the OCP from RA to SH in order to introduce a parcel size that is 10% of what is currently required under the RA Zone.

Although an increase of only one (1) extra parcel may seem insignificant, it may spur the submission of further ad hoc rezoning requests that will, over time, erode the integrity of the RA designation at this location and likely change the character of the areas. Such proposals are emblematic of incremental "rural sprawl" (i.e. scattered, untimely, poorly planned development that occurs in urban fringe and rural areas) that do not have the proper infrastructure and amenities to serve them.

Proposed Land Donation:

With regard to the proposed land donation, Administration notes that this is generally supported by the OCP Bylaw, which encourages the donation of sensitive ecosystems or land contiguous to sensitive ecosystems to either the Regional District or the provincial government.

In previous proposals, such as "Regal Ridge" (Electoral Area "A"), "Soaring Eagles" (Electoral Area "D"), Naramata Benchland (Electoral Area "E") or "Willow Beach" (Electoral Area "A"), the amount of land proposed for conservation purposes has generally been between 50-75% of the property under application.

In this instance, the applicant is proposing to donate approximately 14.8% of the property for conservation purposes in exchange for a 200% increase in permitted density as measured by parcel numbers.

While Administration is generally supportive of donations involving environmentally sensitive lands, the current proposal is not seen to meet the threshold of community benefit established by the other development proposals referenced above to offset concerns about consistency with the RGS and OCP Bylaws.

NOTE: it is understood that the applicant has not yet consulted with the province or conservation organizations to determine whether they have a clear interest in assuming ownership and maintenance of this portion of the property.

Should, however, the APC support this application, staff recommend that a donation of land to the White Lakes Grasslands Protected Area be made a condition of approval (see Options below).

Proposed Site Specific Resource Area Designation:

Administration notes that the requested change to the minimum parcel size requirement of the RA Zone from 20.0 ha to 16.5 ha is the outcome of the creation of the SH parcels and the land donation.

The Electoral Area “D” OCP directs that parcels designated Resource Area should be approximately 20 ha in size or greater. Administration further recognises that it is not generally considered good planning practice to allow “spot zoning”. In such instances, spot zonings grant privileges to a single parcel which are not granted or extended to other parcels in the vicinity.

Summary

In summary, due to inconsistencies with the RGS, and OCP, administration is recommending that this application not be approved.

Administrative Recommendation:

THAT the APC recommends to the RDOS Board of Directors that the subject development application be denied.

Options:

1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.
2. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved with the following condition:
 - i) that prior to adoption of Amendment Bylaw Nos. 2683.05 and 2457.32, a statutory covenant is registered on the title of District Lot 30S, SDYD, Except Plan B4130 A1266 21048 27512 KAP75356, prohibiting any construction on the land, and prohibiting any further or other subdivision of the land, until title to the approximately 4.0 ha area has been transferred to the province in fee simple for inclusion in the South Okanagan Grasslands Protected Area.
3. THAT the APC recommends to the RDOS Board of Directors that the subject development application be denied.

Respectfully submitted:

Fiona Titley

Fiona Titley, Planner I

Endorsed By:

C. Garrish, Planning Manager

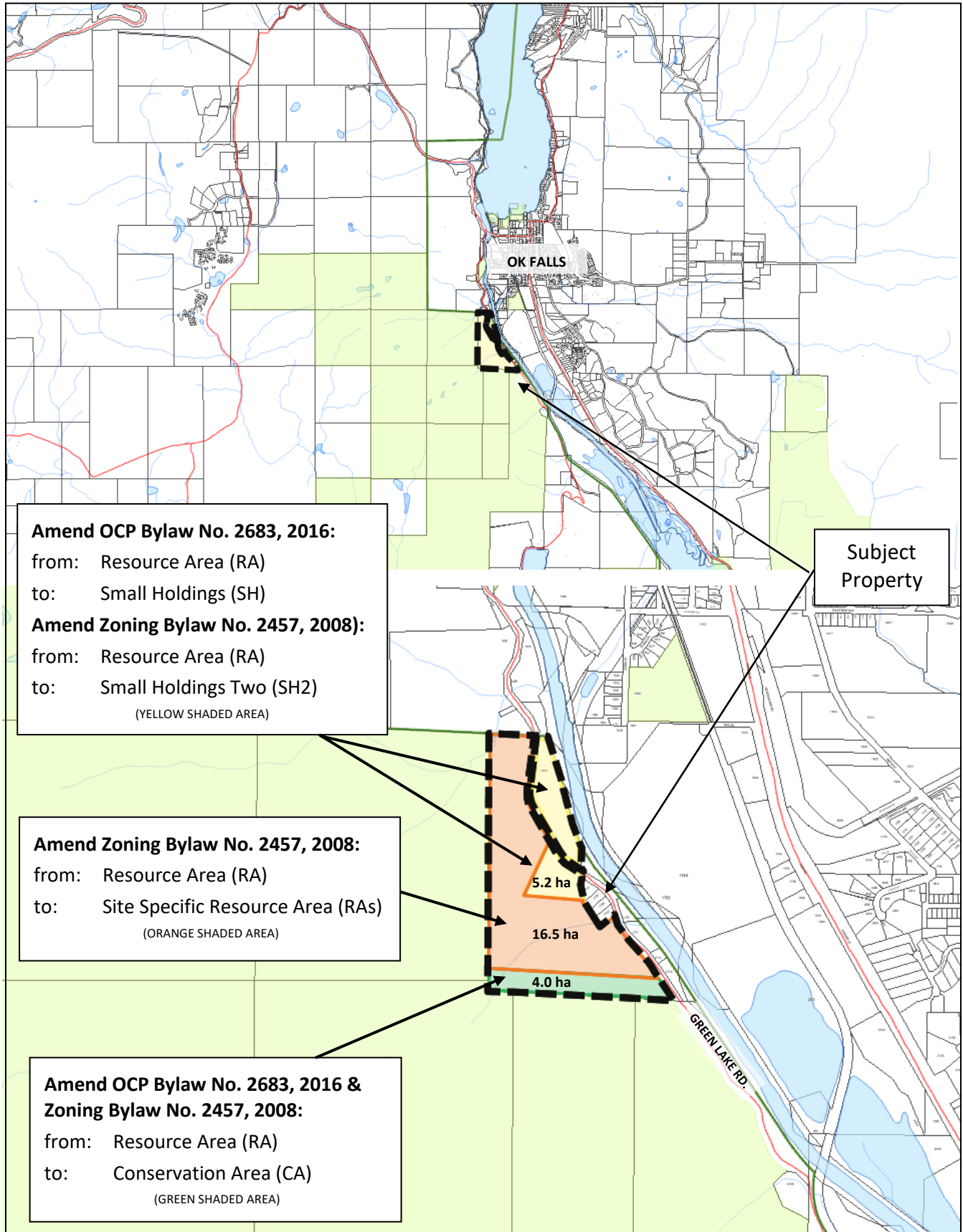
Attachments: No. 1 – Context Maps

No. 2 – Applicant’s Site Plan

No. 3 - 4.0 ha Land Donation

No. 4 – Site Photo

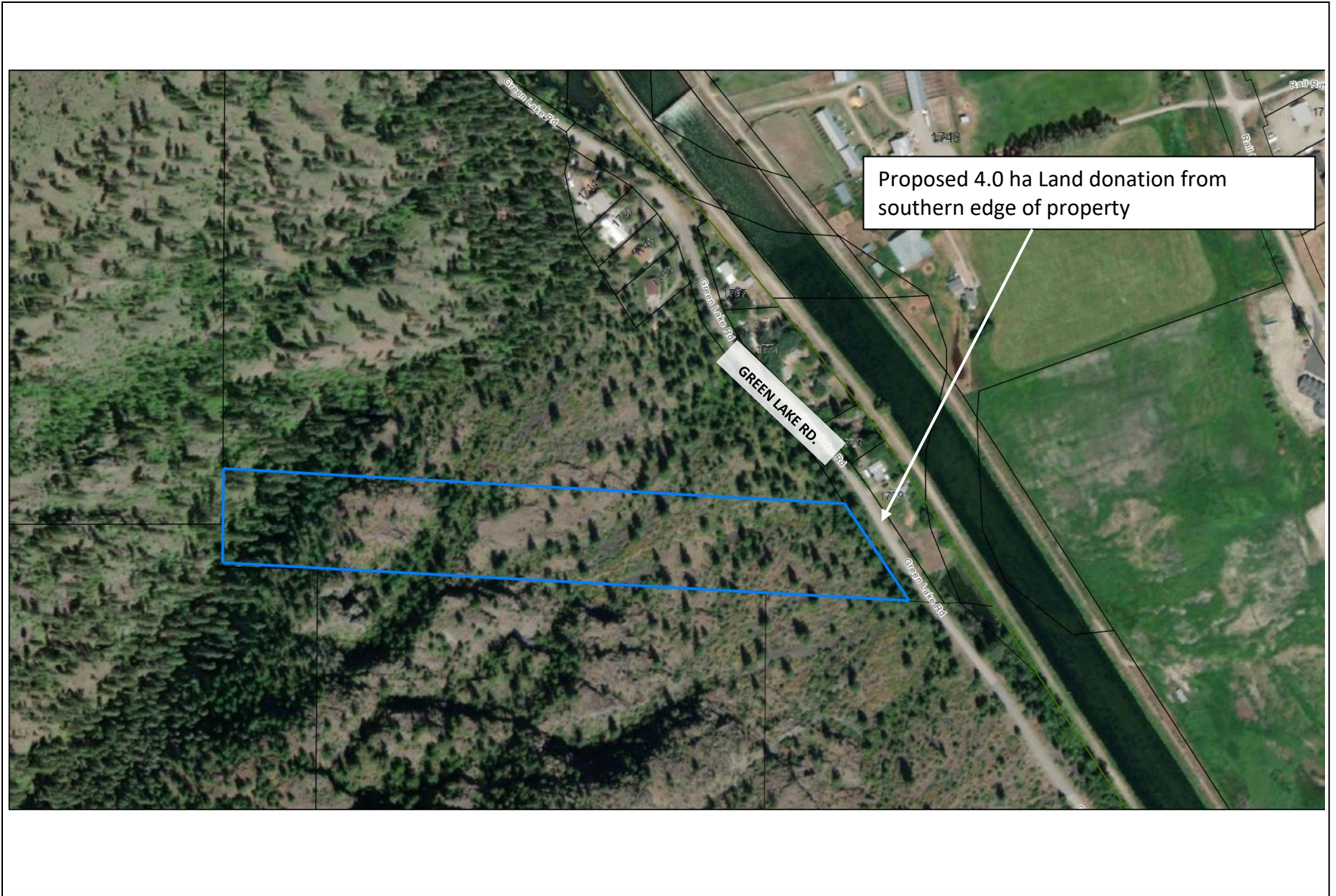
Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 – 4.0 ha Land Donation



Attachment No. 4 – Site Photo



1714, 1730, 1746 and
1752 Green Lake Road

1609 Green
Lake Road