

6. Rational and Justification

The planning rationale has been prepared for the proposed Site-Specific Text Amendment for the Agricultural (AG1) Zone. Although the Small Holdings zone and land use may be considered as possible options to accommodate the proposed small sized agricultural parcel, McElhanney believed the proposed site-specific text amendment is a better option for the following reasons:

- In the Small Holdings Zones, agriculture is an accessory use, not a primary use. According to the ALC document titled *Bylaw Reviews: A Guide for Local Governments* (page 15) "Bylaws should include ALR lands in a designation that signifies that agriculture is the priority use."
- We are concerned about the optics of rezoning to Small Holdings (SH) Zone as it would be seen as an upzoning to a residential primary zone and land use. Rezoning to the SH Zone and OCP Land Use designation will likely result in concern and disapproval from the farming community, yet the owner has every intention to keep the primary use of the ALR land agricultural.
- The RDOS AG1 Zone Section 13.1.5 Minimum Setbacks have been written specifically to cater to lots that are less than 2500 m² or 0.25 ha in size. Therefore, the AG1 zone can specifically cater to the proposed 0.91 ha lot. The AG1 Zone setback requirements are will not be too large for the subject property.
- Martin Collins, Regional Planner with the ALC stated, "I would concur with your assessment that a site-specific agriculture zone would be preferable to a Small Holding Zone, and if the ALC receives a referral it may provide that comment to the Regional District." This statement comes from an email discussion with Martin Collins on December 5, 2023.
- Changing the zoning to the SH3 Zone will create a nonconforming land use for the subject property that is currently being farmed as it does not have primary single-family dwelling on the property. Agriculture is an accessory use in the SH3 zone and requires a principal use (single detached dwelling) in order for it to be a permitted use. The RDOS has no mechanism to waive nonconformance requirements, that we are aware of.
- It is possible that the agricultural lot will be purchased and consolidated with one of the adjacent farm parcels. If the property is rezoned to the SH3 Zone, the zoning and land use on the new parcel would be split zoned as the surrounding farm parcels are all zoned AG1. It is good planning to avoid creating split zoned properties that especially those that have drastically different primary uses.
- The proposed site-specific zoning complies with the Agricultural Land Commission Act Regulations and aligns with the ALR boundary for Section 3(2)(a)(ii) of ALR Regulation 57/2020 and does not require an OCP land use change away from the Agricultural Land Use.

- The proposed application aligns with the Agricultural and Low-Density Residential Land Uses within the Electoral Area "A" Osoyoos Rural Official Community Plan Bylaw 2905, 2021. Changing the land use of this agricultural property to Small Holdings (Residential) Land Use is not the intent of this application, nor is it how the land is intended to be used.
- The proposed site-specific text amendment to the farm parcel will not have a negative impact on the use and enjoyment of adjacent or surrounding properties, as the agricultural farm will continue to be leased by a local farmer.