

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: J. Zaffino, Chief Administrative Officer
DATE: August 21, 2024
RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “C”

Purpose: To allow for a two-lot subdivision Folio: C-04144.000

Civic: 5900 McKinney Road Legal: District Lot 858, SDYD

OCP: Agriculture (AG) Zone: Agriculture Two (AG2)

Proposed Development:

This application is seeking to amend the zoning of an approximately 2.6 hectare portion of the subject property in order to allow for a two-lot subdivision.

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 “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, from Agriculture (AG) to Small Holdings (SH); and
- amend the zoning under Schedule ‘2’ (Zoning Map) of the Okanagan Valley Zoning Bylaw No. 2800, 2022, from Agriculture Two (AG2) to Small Holdings Four (SH4).

In support of the rezoning, the applicant has stated that:

This application is supported by the Area C OCP in the following ways:

- 1. Improves farming buffers by eliminating the need and risk of farm vehicle road crossings of McKinney Road. McKinney Road is a busy year-round access road to Mount Baldy, logging, hunting and recreation areas. OCP section 1.4.9*
- 2. Proposal is consistent with "support and encourage agricultural uses. Section 5.0.2*
- 3. Consistent with maintaining rural character. Section 5.0.4*
- 4. Accommodate residential growth that does not impede rural agricultural economy. Section 5.0.5*
- 5. Consistent with OCP goal of creating larger and smaller agricultural properties. Section 9.3.12*
- 6. Supported by OCP Section 9.3.12 (b) Will consider applications to subdivide parcels smaller than 4 hectares. Where the subdivision will allow for more efficient use of agricultural land.*
- 7. Consistent with the OCP description of small holdings. Section 10.1*
- 8. The application meets all the policies for Rural Holdings Section 10.3*

Site Context:

The subject property is approximately 32.2 ha in area and straddles the north and south sides of McKinney Road. The portion of the property subject to the proposed amendments is approximately 2.6 ha in area and is located entirely on the south side of McKinney Road.

It is understood that the parcel is comprised of a single detached dwelling and various accessory structures, which are located on the north side of McKinney Road.

The surrounding pattern of development is generally characterised by vacant Crown land. The nearest privately held properties are located approximately 840 metres to the west and are comprised of a mix of agriculture and rural holdings that have been developed with single detached dwellings.

Background:

A Plan of Subdivision deposited with the Land Titles Office in Kamloops is unavailable for this property, while available Regional District records indicate that building permits have not previously been issued for this property.

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is currently designated Agriculture (AG), and is the subject of a Watercourse Development Permit (WDP) designation.

The Area “C” OCP currently requires proposals to designate additional land as Small Holdings to be assessed against certain criteria (i.e. adequate water and sewage disposal, impact to the natural environment, impacts to adjacent uses and the form and character of the area, susceptibility to natural hazards and adequate road access).

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Agriculture Two (AG2) which requires a 10.0 hectare minimum parcel size for subdivision.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Baldy Creek and the flood construction level is 1.5 metres above the natural boundary of the creek.

Under the Regional Growth Strategy (RGS) Bylaw No. 2770, 2017, the area along McKinney Road east of the Town of Oliver is not designated as a Rural Growth Area.

The property is within the Agricultural Land Reserve (ALR) and is the subject of a previous ALC decision (Resolution #2720/82), which allowed for subdivision of the property along McKinney Road to create two (2) separate parcels.

BC Assessment has classified the property as “Residential” (Class 01).

On April 27, 2023, the Ministry of Transportation and Infrastructure (MoTI) referred a proposed two (2) lot subdivision involving the subject property to the Regional District for compliance with any applicable RDOS land use bylaws.

Analysis:

Administration considers this proposal to be inconsistent with the growth management policies in the South Okanagan Regional Growth Strategy (RGS) as well as the Electoral Area “C” Official Community Plan (OCP) bylaws.

This is primarily due to the rezoning seeking to change the land use designation of a property to facilitate subdivision outside of a Growth Area (Primary or Rural) and within the Agricultural Land Reserve (ALR).

It is noted that the Agricultural (AG) designation of the property reflects its intended future use for farming purposes and is consistent with the approach taken by the Board in relation to properties in the ALR.

Administration also considers this proposal to be representative of the type of “rural sprawl” that the Regional District’s land use bylaws seek to prevent from occurring within the electoral areas.

While the Area “C” OCP does not include policies specifically discouraging additional development outside of the designated Rural Growth Areas, this is because the Electoral Area “C” OCP pre-dates the South Okanagan Regional Growth Strategy and has not been updated to reflect the policy direction of this document.

In other Okanagan Electoral Areas, the OCPs have been updated to align with the South Okanagan Regional Growth Strategy by generally discouraging the creation of new rural holdings parcels outside of the designated Rural Growth Areas.

For these reasons, Administration supports the current AG designation of the property and maintaining it as a large parcel (i.e. 8.0 ha, or greater) in recognition that this areas will remain as rural, with limited community services and infrastructure and that larger parcels are generally more viable for agricultural operations.

While the applicant has indicated the subdivision is intended to allow for more efficient use of this land, Administration does not consider the presence of Camp McKinney Road (which is built to a rural standard at this location) to be an insurmountable impediment to the agricultural use of the land.

Administration recognizes that it has previously supported the un-hooking of parcels along an existing road dedication, however, in this instance the un-hooking of the parcel would be incongruous with surrounding land use patterns (i.e. un-surveyed Crown land) and is contrary to other policy directions.

With regard to the previous approval from the ALC in relation to this subdivision, Administration notes that this decision is from 1982 and no longer reflects current strategic land use directions contained within the Regional District’s land use bylaws.

Alternative

Conversely, Administration recognises that the proposal generally meets the assessment criteria currently listed in the Electoral Area “C” OCP for the designation of new small holdings parcels.

However, Administration has concerns that these assessment criteria are not consistent with the South Okanagan Regional Growth Strategy.

Administration further recognizes that a historic ALC decision authorized the subdivision of this property along McKinney Road.

Summary

In summary, the proposal is seen to be inconsistent with the growth management objectives of the Regional District’s land use bylaws. For this reason, Administration is recommending that the proposal be denied.

Administrative Recommendation:

THAT the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, and the Okanagan Valley Zoning Bylaw No. 2800, 2022, 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 conditions:
 - i) *TBD*
3. THAT the APC recommends to the RDOS Board of Directors that the subject development application be denied.

Respectfully submitted:

Ben Kent

Ben Kent, Planner II

Endorsed By:



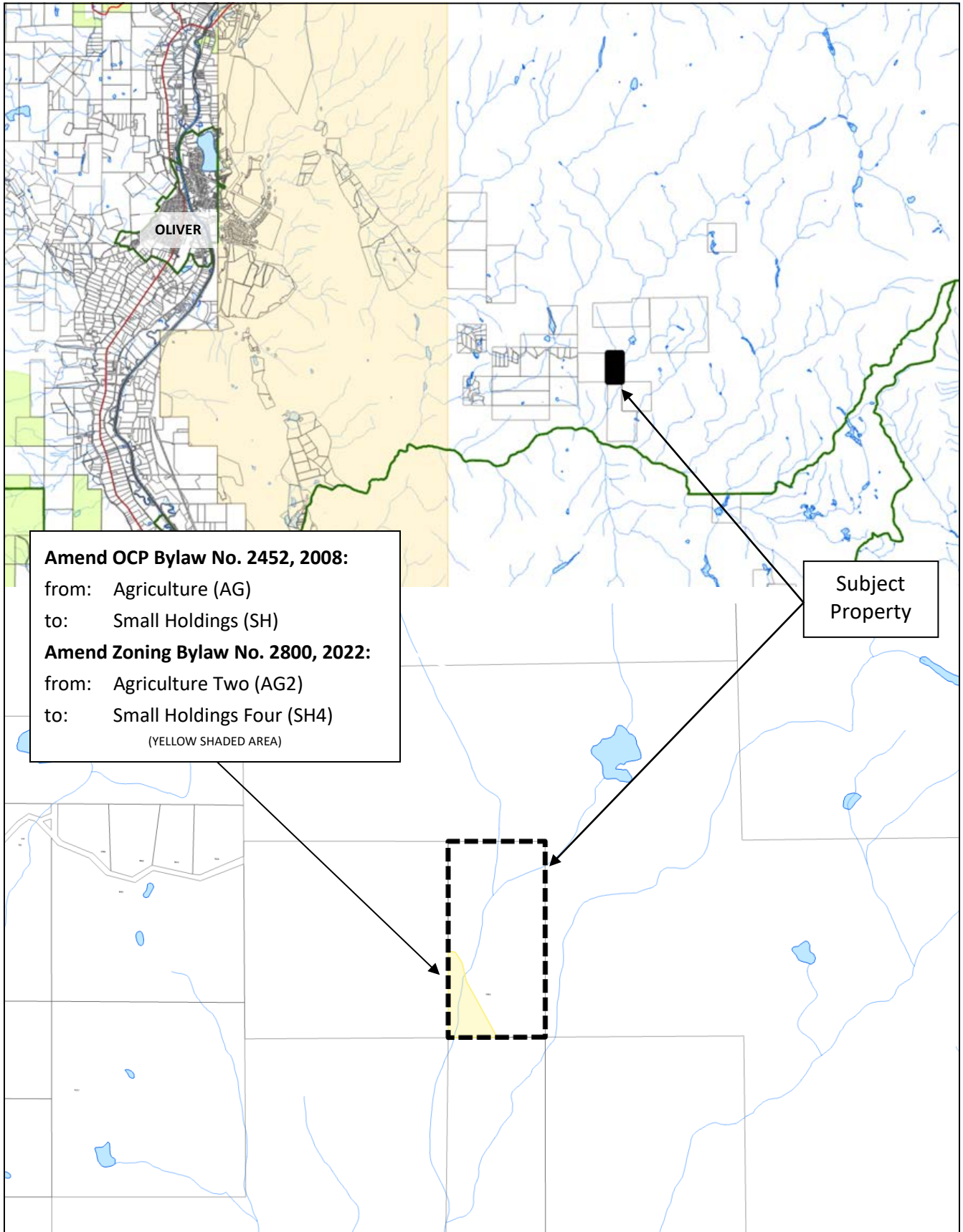
C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Context Maps

No. 2 – Applicant’s Subdivision Plan

No. 3 – Aerial Photo

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant’s Subdivision Plan

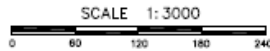
**PROPOSED
SUBDIVISION PLAN OF PART OF
DL 858, SDYD**

PID: 014-476-932
CHARGES: X101773 (ROAD GAZETTE NOTICE)
SRW LB348504

CIVIC ADDRESS:
5900 MCKINNEY ROAD, OLIVER

CLIENT: MARK MATTES

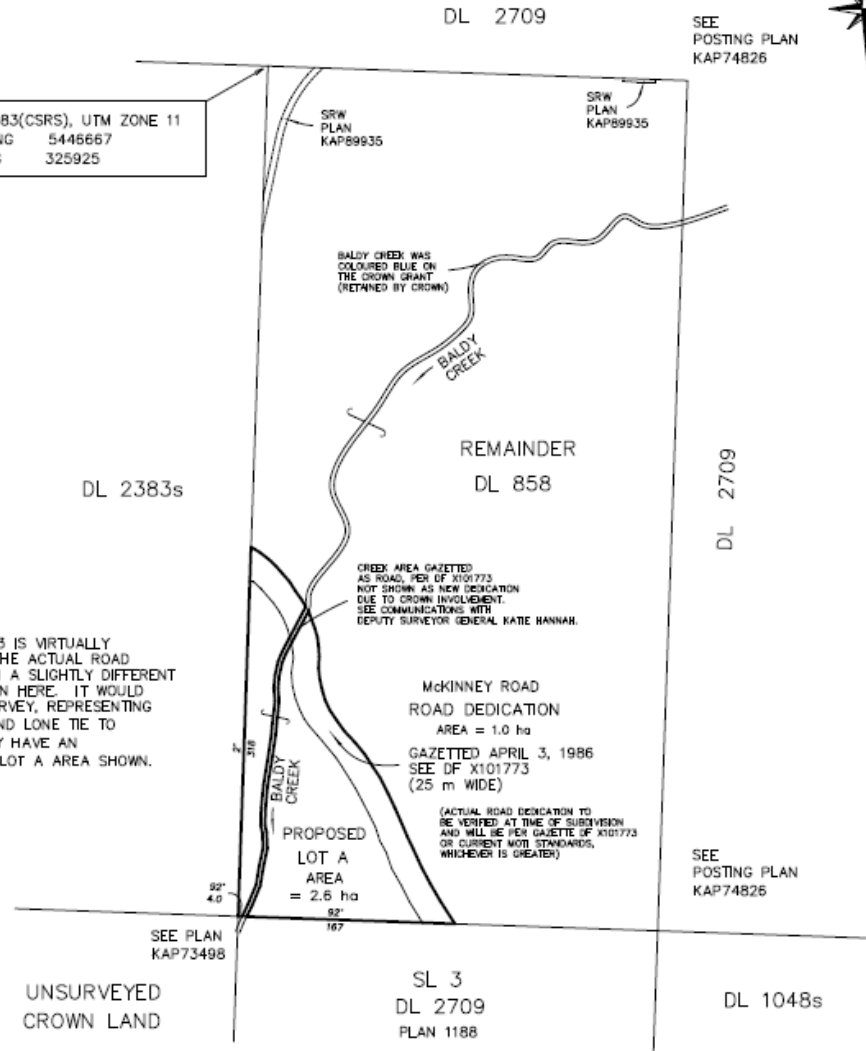
DATE: APRIL 17, 2023
VERSION #1



THE INTENDED SIZE OF THIS PLAN IS 432 mm
IN WIDTH BY 560 mm IN HEIGHT (C SIZE)
WHEN PLOTTED AT A SCALE OF 1:3000



DATUM NADB3(CSRS), UTM ZONE 11
UTM NORTHING 5445667
UTM EASTING 325925



LOT DIMENSIONS ARE DERIVED FROM LAND TITLE OFFICE RECORDS PLAN KAP89935

BEARINGS ARE UTM GRID, ZONE 11

THIS SKETCH PLAN WAS PREPARED FOR SUBDIVISION APPLICATION PURPOSES AND IS FOR THE EXCLUSIVE USE OF THE CLIENT SHOWN.

CURRENT ZONING AG2
PROPOSED ZONING CHANGED TO SH4
SEE ALC RESOLUTION FOR CONCEPTUAL SUBDIVISION APPROVAL

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OUR FILE NO. 9706398 AP1.DWG
DC FILE NO.

Attachment No. 3 – Aerial Photo

