

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: B. Newell, Chief Administrative Officer
DATE: August 14, 2023
RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “E”

Purpose: To facilitate a two-lot subdivision. Folio: E-02037.007

Civic: 1238 Gawne Road Legal: Lot 2, District Lot 206, SDYD, Plan EPP109777

OCP: Agriculture (AG) Zone: Agriculture One (AG1) & Small Holdings One (SH1)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to facilitate the subdivision of the property into two lots of approximately 2.11 ha (“Proposed Lot A”) and 1.82 ha (“Proposed Lot B”).

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 “E” Official Community Plan (OCP) Bylaw No. 2452, 2008, for an approximately 1.76 ha portion of the property, from Agriculture (AG) to Small Holdings (SH); and
- amend the zoning of the subject property under Schedule ‘2’ (Zoning Map) of the Okanagan Valley Zoning Bylaw No. 2800, 2022, as follows:
 - an approximately 2.11 ha portion be rezoned from Agriculture One (AG1) to Agriculture One Site Specific (AG1s) with the site specific provision allowing a 2.11 ha parcel size for subdivision;
 - an approximately 1.76 ha portion be rezoned from Agriculture One (AG1) to Small Holdings Three (SH3); and
 - an approximately 0.06 ha portion be rezoned from Small Holdings One (SH1) to Small Holdings Three (SH3).

In support of the rezoning, the applicant has stated, amongst other things, that:

- *The proposed SH3 rezoned Lot B has little agricultural viability, is primarily residential in nature ... will “retain & enhance the rural character” of adjacent SH properties and maintain residential density & secondary ‘hobby farm’ agricultural uses consistent with OCP intent ... is suitable in ‘the context of its impact on the community and the objectives of this OCP’, namely conserving the “agriculturally productive land & environmentally sensitive areas” as both lots existed prior to 2007.*
- *The proposed AG1 2.11 ha Lot A will maintain approved [Ministry of Transportation and Infrastructure] farm operation access directly from Naramata Rd (2280 Naramata Rd) as it was*

prior to 2007. This will reduce potential commercial traffic on Gawne Rd. accessing the proposed Lot A. This reduction of potential commercial traffic on Gawne Rd. supports the OCP intent ...

- *The proposed AG1 Lot A will maintain the existing 2 ha vineyard planting in a more viable & affordable farm parcel ... and protect the same level of agricultural production as it was prior to 2007. The Naramata Rd Access will also allow for commercial frontage in the future, consistent with neighbouring property uses & consistent with ALR objectives.*

Site Context:

The subject property is approximately 3.93 ha in area and is situated on the east side of Naramata Road, and south of Gawne Road. It is understood that the parcel is comprised of residential development which includes a single detached dwelling, a detached garage and a pool; all of which are located on the portion of the property which is delineated as Proposed Lot B. The portion of the property west of the existing driveway (i.e., Proposed Lot A), is comprised of vineyard.

The surrounding pattern of development is generally characterised by parcels of varying sizes, which appear to be used for agricultural and residential purposes.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on May 13, 2022, which provided a panhandle access to Gawne Road. Prior to this, the configuration of the parent parcel of the property had been created following the consolidation of an approximately 1.26 ha portion of a Crown Grant parcel which was located to the east, abutting the KVR trail.

Available Regional District records indicate that building permits have been issued for a single detached dwelling (2010), detached garage (2010), and a swimming pool (2011). A permit was also issued for the demolition of a single detached dwelling, which was formerly located on the western portion of the property fronting Naramata Road (2021).

Sub-Regional Growth Strategy (RGS):

Under the South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017, the property is not within a Primary or Rural Growth Area and the bylaw speaks to discouraging further subdivision of farm parcels (Policy 1D-3).

Official Community Plan (OCP):

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is currently designated Agriculture (AG), and is the subject of an Environmentally Sensitive Development Permit (ESDP) Area designation.

The Plan speaks to supporting the consolidation of parcels in order to “support more efficient agricultural operations” and establishes 4.0 ha as the minimum parcel size for an agricultural parcel (with minor exceptions) being used for commercial operations of vine growing and other compatible agricultural uses.

Zoning Bylaw:

In support of the OCP, the property is primarily zoned Agriculture One (AG1), which allows for a range of farm uses and requires a minimum parcel size of 4.0 ha for subdivision.

NOTE: an approximately 0.06 ha part of the property that provides a “panhandle” access to Gawne Road is currently zoned Small Holdings One (SH1), which reflects the zoning applied to the rural-residential parcels fronting this road. The SH1 Zone allows for a 0.25 ha minimum parcel size for subdivision (when connected to community water and sewer).

Other Land Use Classifications/Designations:

The property is partially within the Agricultural Land Reserve (ALR) and has been classified by BC Assessment as part “Residential” (Class 01) and part “Farm” (Class 09).

The applicant has previously submitted an application to the Agricultural Land Commission (ALC) to include a 0.9 ha portion of the subject property into the ALR, such that Proposed Lot A would be entirely within the ALR.

APC Consideration:

At its meeting of June 19, 2023, the Electoral Area “E” Advisory Planning Commission (APC) resolved to defer consideration of this item “for two calendar months”.

Analysis:

In considering this proposal, Administration considers to be inconsistent with the South Okanagan Regional Growth Strategy (RGS) and Electoral Area “E” OCP as it seeks to:

- fragment land that has been designated for agricultural uses; and
- facilitate residential development outside of a designated growth area by amending the OCP designation of the property.

While Administration understands that the configuration of the subject property was different in the past, returning it to this previous state runs contrary to current strategic land use directions adopted by the Regional District Board (outlined above) and does not provide a valid planning rationale.

Administration is further concerned that the proposal is representative of rural sprawl which, individually, may seem harmless, but could incrementally establish a pattern of development that will erode an area’s existing character.

In areas within, or immediately adjacent to the ALR this is particularly concerning as it introduces rural-residential, or residential parcels into a farming area with the attendant risk of conflict, which is something the OCP seeks to forestall:

... to protect [agricultural] land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area.

Administration further considers that the subject property has greater agricultural potential as a single unit and that fragmenting it along the existing driveway will be to the detriment of any agricultural activities on the remainder or new parcel in future.

While the OCP speaks to supporting the subdivision of agricultural lands in very limited circumstances, the current proposal is not seen to satisfy any of these, such as:

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- to allow for a homesite severance approved by the Agricultural Land Commission;
 - to allow for a more efficient use of agricultural land; or
 - where the “community interest” supports subdivision.

With regard to the “community interest” criteria, this is generally understood to relate to public infrastructure projects such as roads, parkland, open space (for conservation purposes), trails, sewer, water, storm water and other utilities.

The OCP also requires that a proposal seeking to create a new Small Holdings zoning “clearly demonstrate and articulate the need for it in the context of its impact on the community and the objectives of this OCP.” Administration considers that this “need” has not been demonstrated by the applicant, while recent growth projections completed for Naramata indicate that there is sufficient capacity to meet the needs of the community to 2041 without introducing new zoning.

Administration also does not *generally* support the creation of ad hoc or spot zonings where they are divorced from broader strategic land use objectives. In such instances, spot zonings grant privileges to a single parcel which are not granted or extended to other parcels in the vicinity, even though it is likely other property owners would equally benefit from such a zoning change.

Administration is aware that the applicant’s rationale has included references to improvements to traffic volumes and movements in Electoral Area “E” as a result of this proposal, however, this has not been substantiated by a traffic impact assessment (TIA) prepared by a qualified individual.

Other options are also seen to be available to the applicant, such as relocating to a new parcel that is more suitable to their current needs.

Finally, the request for a site specific provision allowing a 2.11 ha remainder to be zoned AG1 is seen to be potentially invalid as such a parcel is considered — within the context of the OCP — to be rural-residential and is more appropriately designated and zoned as Small Holdings. As a rule-of-thumb, a site specific zoning *should* only be used to vary an existing regulation by no more than 25%. The applicant, however, is asking for a 47% variance to the minimum parcel size regulation of 4.0 ha.

Alternative:

While the option of supporting this application is available to the APC, Administration is challenged to provide a rationale that might speak in favour of this.

Summary:

In summary, the proposal is seen to be inconsistent with the Regional Growth Strategy and the policies within the Electoral Area “E” OCP Bylaw relating to lands designated for Agriculture. As such, Administration is recommending that the development application be denied.

Administrative Recommendation:

THAT the Electoral Area “E” Official Community Plan Amendment Bylaw No. 2458.21, 2023, and the Okanagan Valley Zoning Amendment Bylaw No. 2800.27, 2023, be denied.

Options:

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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:



Shannon Duong, Planner II

Endorsed By:



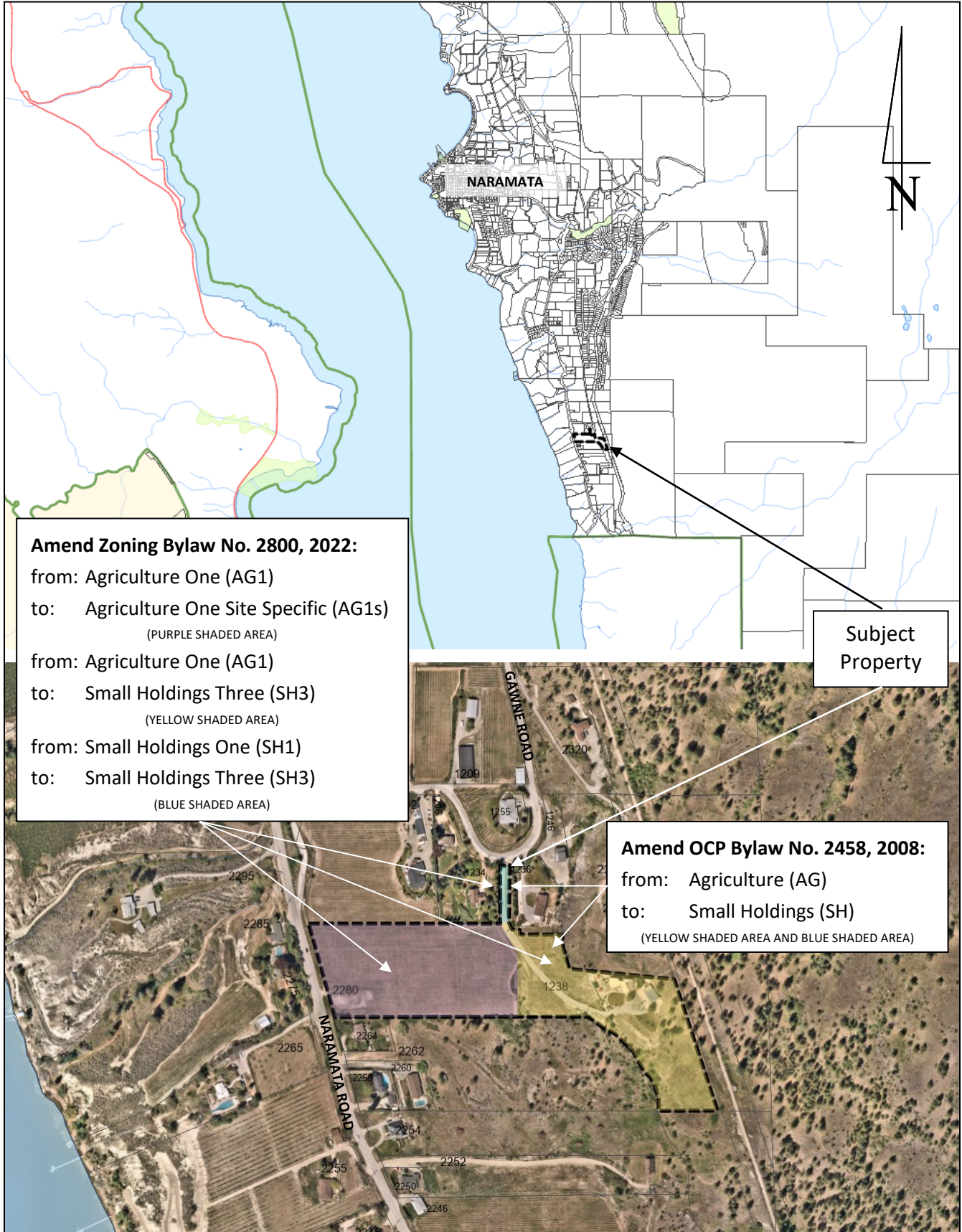
C. Garrish, Planning Manager

Attachments: No. 1 – Context Maps

No. 2 – Applicant’s Site Plan

No. 3 – Aerial Photo (2022)

Attachment No. 1 – Context Maps



Attachment No. 3 – Aerial Photo (2022)

