

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 19, 2018
RE: Zoning Bylaw Amendment – Electoral Area “F”

Administrative Recommendation:

THAT Bylaw No. 2461.11, 2018, Electoral Area “F” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of August 16, 2018;

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

Purpose: To rezone a property to facilitate a two-lot subdivision.

Owner: Erik Iikka Vaisanen Applicant: True Consulting Folio: F-06932.400

Civic: 15 Deans Rd, Summerland Legal: Lot 8, DL 2888, ODYD, Plan 647 Except Parcel D (Plan A67)

Zoning: Small Holdings Two (SH2) Proposed Zoning: Small Holdings Two Site Specific (SH2s)

Proposed Development:

This application proposes a site specific amendment in order to facilitate a two-lot subdivision that would result in parcels approximately 1.47 ha (Lot B) and 1.75 ha (Lot A) in area.

In support of the proposal the applicant states the rezoning application is: “intended to create a site-specific amendment to Zoning Bylaw 10.5.3 Min. Parcel Size to permit a minimum of 1.47 ha parcel on the lot in question. This amendment will allow the subdivision of 15 Deans road to continue as well as help resolve outstanding road dedication requirements as outlined by the Ministry of Transportation.”

Site Context:

The subject property is approximately 4.2 ha in area and situated at the south-east corner of the intersection of Deans Road and Kereluk Road. The property adjoins the SnPink'tn (Penticton Indian Band) reserve along its eastern boundary.

The surrounding pattern of development is characterized by similarly sized rural residential properties, some of which appear to support small-scale agricultural operations.

Background:

The subject property was created by a subdivision plan deposited in the Kamloops Land Title Office in 1909. Available Regional District records indicate that Building Permits were issued in 1980 for a single family dwelling and in 1982 for a garage.

Under the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2460, 2008, the subject property is designated Small Holdings (SH) and is designated as being within an Environmentally Sensitive Development Permit (ESDP) Area.

In June of 2018, an Environmentally Sensitive Development Permit was issued to mitigate any future impacts of the proposed subdivision.

Under the Electoral Area “F” Zoning Bylaw No. 2461, 2008, the property is zoned Small Holdings Two (SH2), which stipulates a minimum parcel size of 2.0 ha for subdivision. Small Holdings Three (SH3), stipulates a minimum parcel size of 1.0 ha. Section 6.2 (b) states that a panhandle lot may be permitted provided that the panhandle is not calculated as part of the parcel area for the purpose of subdivision.

The applicant submitted a subdivision application in June 2017, to subdivide the property into two lots under the existing SH2 zoning. In January 2018, the Ministry of Transportation and Infrastructure (MoTI) communicated with the applicant that while the proposal is to create 2 parcels of 2.0 ha each, the “area will be reduced by the required road dedication...it seems that with the road dedication removed, one or both of the proposed lots will not satisfy the minimum lot size of the zoning.” The area required for road dedication is 0.625 ha.

Public Process:

Quorum could not be met for the July 5, 2018, Electoral Area “F” Advisory Planning Commission (APC) meeting. If the Board wishes the application could be brought forward to the next available APC Meeting on August 2, 2018 for consideration prior to Public Hearing.

A Public Information Meeting was held on July 5, 2018, and was attended by no members of the public.

Referral comments on this proposal have been received from the Ministry of Forests, Lands and Natural Resource Operations (Ecosystems Branch) and Interior Health. These are included as separate items on the Board Agenda.

Approval from the Ministry of Transportation and Infrastructure (MoTI) of the amendment bylaw prior to adoption will not be required as the subject property is situated beyond 800 metres of a controlled area (i.e. Highway 97).

Analysis:

In considering this proposal, Administration notes that the Electoral Area “F” OCP Bylaw Section 7.0 (Rural Holdings) policies discourage the following subdivision patterns:

- i) Strip development along major roads;
- ii) Lots which straddle watercourses or which require creek crossing to gain access to building sites;
- iii) Large subdivisions without road access; and
- iv) Lot patterns and shapes which do not respect the rural and natural conditions of the area.

The first three policies do not pertain to this subdivision as it is not a strip development along a major road, no watercourses are located on the property, and both proposed lots would have road access.

In considering the fourth policy, the rural and natural conditions of the property will be maintained through the recommendations of a Qualified Environmental Professional, which form part of the Environmentally Sensitive Development Permit issued for the property.

Further policies in Section 7.0 call for residential development to be assessed on criteria including the “the impact on adjacent land use designations, and the character of the existing area”.

The land use designation for the property will remain Small Holdings, which is consistent with the designation of neighbouring properties. The creation of parcels less than 2.0 ha in area is not anticipated to have a negative affect on the rural character of the neighbourhood. A number of SH2 zoned parcels are located south of the subject property, the majority of which are just over 2.0 ha but also range down to 1.48 ha in size.

Conversely, it is recognised that parcels situated to the north of the subject property are generally greater than 2.0 ha in area and that the applicant’s proposal is not consistent with these.

Alternatives:

1. THAT Bylaw No. 2461.11, 2018, Electoral Area “F” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of the public hearing be delegated to Director Brydon or delegate;

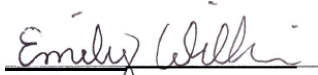
AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Brydon;

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

OR

2. THAT Bylaw No. 2461.11, 2018, Electoral Area “F” Zoning Amendment Bylaw be denied.

Respectfully submitted



E. Williamson, Planner

Endorsed by:



C. Garrish, Planning Supervisor

Attachments: No. 1 – Applicant’s Proposed Subdivision Plan

Attachment No. 1 – Proposed Subdivision Plan

