

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: J. Zaffino, Interim Chief Administrative Officer
DATE: November 14, 2023
RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “H”

Purpose: To allow a one lot and two remainder subdivision Folio: H-00923.000
Civic: 551 Un-named Road Legal: District Lot 1195, YDYD, Except those portions thereof included within the boundaries of District Lots 901 and 627
OCP: Commercial (C) and Resource Area (RA) Zone: Tourist Commercial One (CT1) and Resource Area (RA)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to allow a one lot and two remainder 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 “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, from Resource Area (RA) to Large Holdings (LH); and
- amend the Electoral Area “H” Zoning Bylaw No. 2498, 2012, by:
 - amending the zoning under Schedule ‘2’ (Zoning Map) from Resource Area (RA) to Large Holdings Two Site Specific (LH2s); and
 - introducing a site specific regulation to allow a hooked parcel with a portion that is 2 hectares in area.

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

AllTerra Land Surveying Ltd. has been retained by Passayton Developments to support a one-lot plus two remainder subdivision of District Lot 229 and Remainder District Lot 1195 YDYD, step one of a greater multi-year development plan for these lands.

Proposed Lot 1 is zoned CT1, Remainder DL 229 is zoned LH2, these conform to the existing OCP and zoning bylaw. The RDOS SRR requires the remainder of DL 1195 be addressed, as it does not conform to the existing zoning bylaw and OCP. DL 1195 is currently a split zone- partially CT1, and the Rem DL 1195 is designated RA, with a minimum parcel size of 60ha. We seek this initial amendment to the zoning bylaw and OCP to allow the first stage of the subdivision to move forward.

The owner hopes to create Proposed Lot 1 for development, working within the guidelines of the CT1 zone, and is assembling a consultant team to advise on the future development capability of the parcels, including access considerations and servicing. This consultant team will inform the developer

of the most appropriate use for these lands given the physical constraints of the property, and will work with the RDOS in the future to amend the OCP and zoning of the parcels as necessary to help achieve the development goals.

Development plans have not yet progressed to the stage where the ultimate use and zone for Rem DL 1195 are identified. Through discussions with Christopher Garrish, we are proposing an OCP and zoning amendment to take Rem DL 1195 to LH / LH2 respectively as a temporary measure until such time as preliminary planning is complete. Once in a position to prove suitability for single family residential or resort development, including suitable road grades, a subsequent OCP and zoning amendment will be proposed.

DL1195 has never met the area requirement of the Resource Area zone. It was likely classified in such a way at the time of the OCP update given the lack of access across the Similkameen River and the nature of the surrounding land use (forestry). A bridge across the river will be constructed as part of the development plan, providing access to the remainder parcel.

Site Context:

The subject property is approximately 17.4 ha in area and is mostly situated on the south side of Highway 3, with a 0.2 hectare portion that is hooked on the north side. It is understood that the parcel is currently vacant, but that a portion of the parcel immediately south of the highway had previously been used as a campground.

The surrounding pattern of development is generally characterised by Crown Land and rural holdings parcels. Some of these parcels appear vacant and others have been developed with single detached dwellings.

Background:

Regional District records do not include a Plan of Subdivision deposited with the Land Titles Office in Kamloops and indicate that building permits have not previously been issued for this property.

Under the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, the northern portion of the subject property is currently designated Commercial (C) and the southern portion is designated Resource Area (RA).

The property is the subject of Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Areas adjacent to the Similkameen River, which bisects the property.

Under the Electoral Area “H” Zoning Bylaw No. 2498, 2012, the northern portion of the property is currently zoned Tourist Commercial One (CT1) which allows a range of commercial and tourism-related uses and requires a minimum parcel size of 1.0 hectare for subdivision when serviced by a well and septic system.

The southern portion of the property is currently zoned Resource Area (RA) which allows a range of rural residential and natural resource-based uses. The RA zone requires a minimum parcel size of 60.0 hectares for subdivision.

Under Section 10.0 (Subdivision Regulations) of the Zoning Bylaw, the portions of a hooked parcel created through subdivision are required to satisfy the minimum parcel size requirements of the applicable zone. In this case, a hooked parcel in the Resource Area zone would be required to have portions with a minimum size of 60.0 hectares each.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with the Similkameen River, which requires a flood construction level of 3.0 metres above the natural boundary of the river.

BC Assessment has classified the property as part “Residential” (Class 01), part “Business and Other” (Class 06).

On October 14, 2022, the Ministry of Transportation and Infrastructure (MoTI) referred a proposed 3 lot subdivision involving the subject property to the Regional District for compliance with any applicable RDOS land use bylaws.

This subdivision application proposes to create a separately titled lot corresponding to the boundaries of the CT1 zoned portion of the subject property. Accordingly, the Subdivision Review Report (SRR) prepared for this referral included a note that OCP and Zoning amendments would be required because the portion of the property currently zoned Resource Area does not currently satisfy the 60.0 hectare minimum parcel size requirement for subdivision.

The BC Land Surveyor who prepared the plan of subdivision also indicated that a 0.2 hectare portion of the parcel is currently hooked across Highway 3. Because the subdivision proposes to create new hooked parcels, a site specific provision is required to formalize this under-sized portion.

Analysis:

In considering this proposal, administration has serious concerns that the proposed rezoning will facilitate the creation of a large holdings parcel that may be unsuitable for development due to numerous land constraints.

Administration is also concerned that the proposal is not consistent with the Electoral Area “H” OCP and that the proposal will worsen a hooked parcel that does not comply with the Zoning Bylaw.

Land Constraints

The southern portion of the proposed remainder parcel comprises land that has no legal access due to concrete barricades that have been installed along the highway for traffic safety. The Provincial Approving Officer has indicated that these safety measures preclude construction of an access in this location.

The provision of alternate access via adjacent lands is believed to be limited due to steep slopes in this area and because the Similkameen River spans the entire length of the parcel, alienating it from the highway.

This portion of the parcel is entirely comprised of land with steep slopes and moderate to high wildfire hazard, and the area immediately adjacent to the river is also subject to Environmentally Sensitive and Watercourse Development Permit Areas.

For these reasons, Administration understands that this portion of the parcel was designated and zoned Resource Area in recognition of the low development potential of these lands.

OCP Consistency

The Electoral Area “H” OCP contains policies requiring proposals involving the designation of new Large Holdings lands to clearly demonstrate the need for these lands in the context of the OCP. The Area “H” OCP projects that there is adequate existing land for residential development within the plan area, and for this reason the proposal is not seen to satisfy this policy.

The OCP also includes policies requiring proposals to designate new Large Holdings lands to demonstrate (amongst other things) that the proposal will not impact the natural environment, that the land will not be susceptible to natural hazards and that access to existing roads can be provided. The proposal is not seen to satisfy these policies due to the number of land constraints on the subject parcel.

The OCP also includes local area policies for Eastgate, which discourage additional residential development in the Passayton Valley until legal road access is provided.

Hooked Parcel

Administration recognizes that District Lot 1195 already includes a hooked portion that is under-sized. However, the proposed subdivision would increase the distance between the portions of the hooked parcel from approximately 35 metres to 91 metres.

In other electoral areas, the Regional District Board has introduced a regulation limiting the maximum distance between the portions of a hooked parcel to 30 metres. This is because hooked parcels have, on occasion, been used to create developments that inconsistent with the intent of a zoning approved by the Board.

While this regulation has not been introduced to the Electoral Area “H” Zoning Bylaw, it is recognized to be a best practice because larger distances between the portions of a hooked parcel are seen to increase the likelihood that the portions will become de facto independent parcels.

Alternate

Conversely, Administration recognises that the applicant is not proposing any development at this time and that the Large Holdings Zone permits the same number of residential dwellings currently permitted by the Resource Area Zone.

Summary

In summary, the current proposal does not adequately demonstrate the need to designate the land Large Holdings and there is concern that it may result in the land being alienated.

While administration recognizes that the intent of this proposal is to satisfy minimum parcel size requirements for subdivision and no development is currently proposed, administration does not consider the subdivision to be necessary for development of the existing commercially zoned portion of the parcel.

For these reasons, administration does not support the requested amendments and is recommending denial.

Administrative Recommendation:

THAT the Electoral Area “H” Official Community Plan Amendment Bylaw No. 2497.16, 2023, and the Electoral Area “H” Zoning Amendment Bylaw No. 2498.27, 2023 be denied.

Options:

1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.
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Respectfully submitted:

Ben Kent

Ben Kent, Planner I

Endorsed By:



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Context Maps

No. 2 – Applicant’s Site Plan

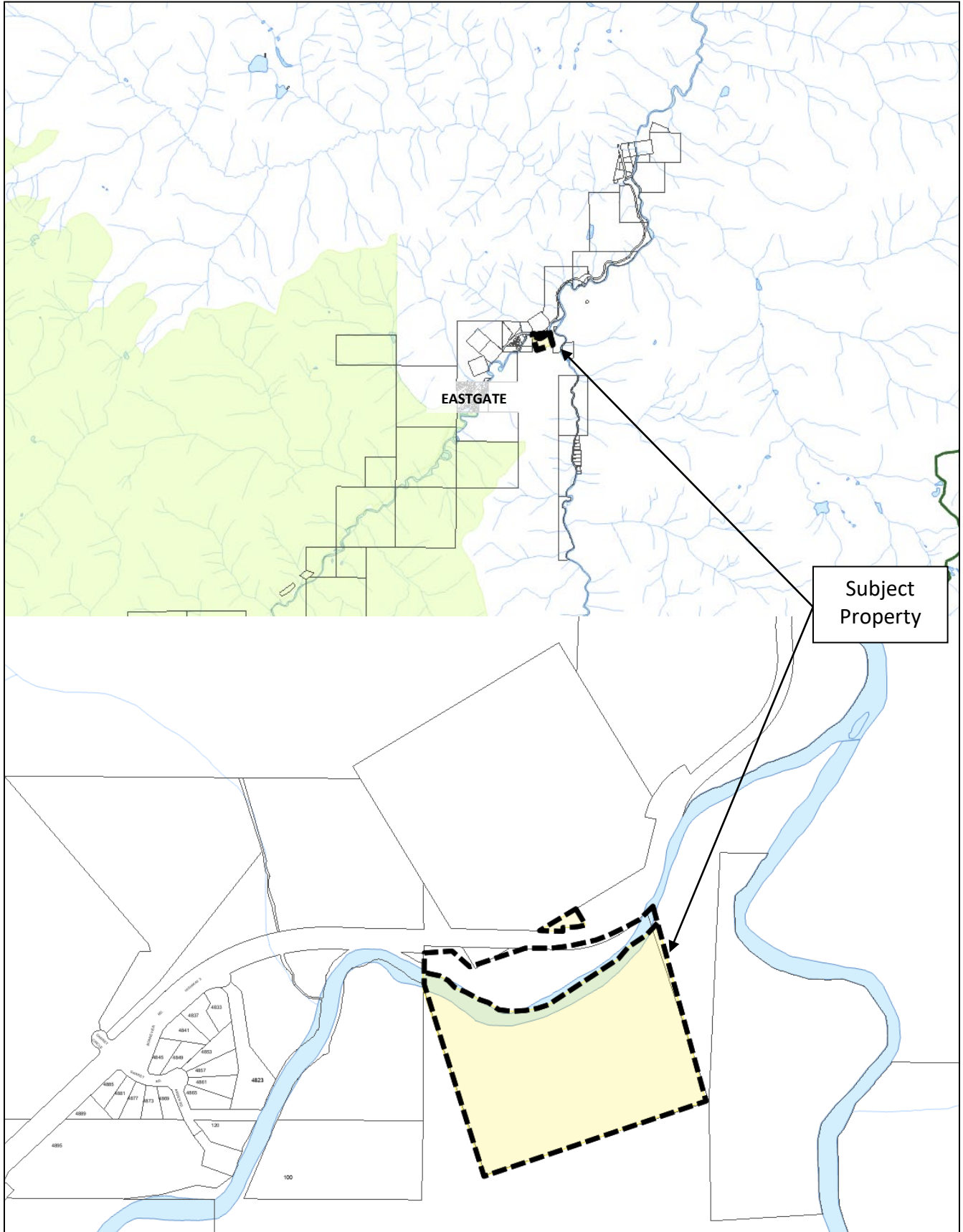
No. 3 – Proposed Land Use Bylaw Changes

No. 4 – Site Photo Facing Southeast (Street View – 2023)

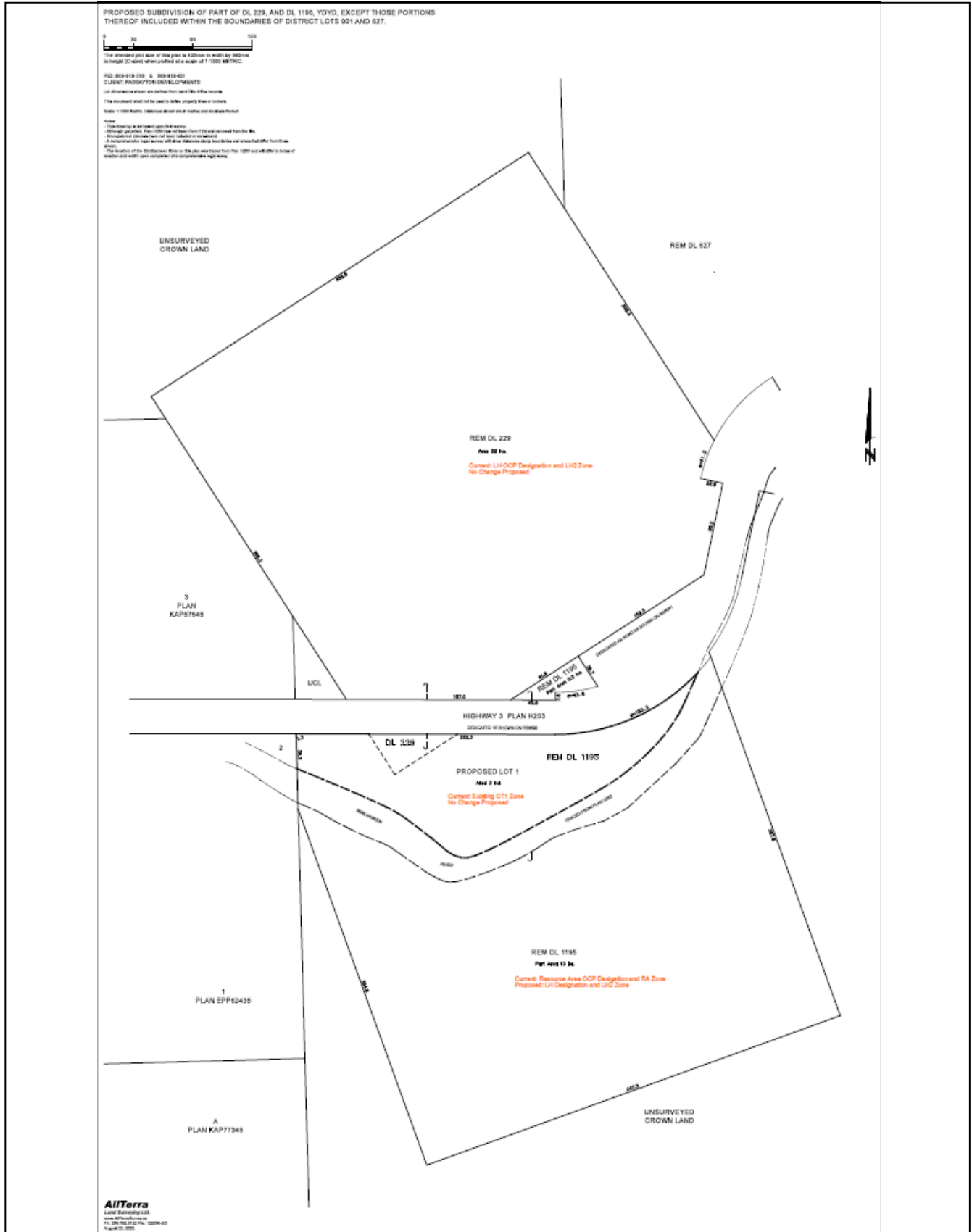
No. 5 – Site Photo Facing Southwest (Street View – 2023)

No. 6 – Aerial Photo

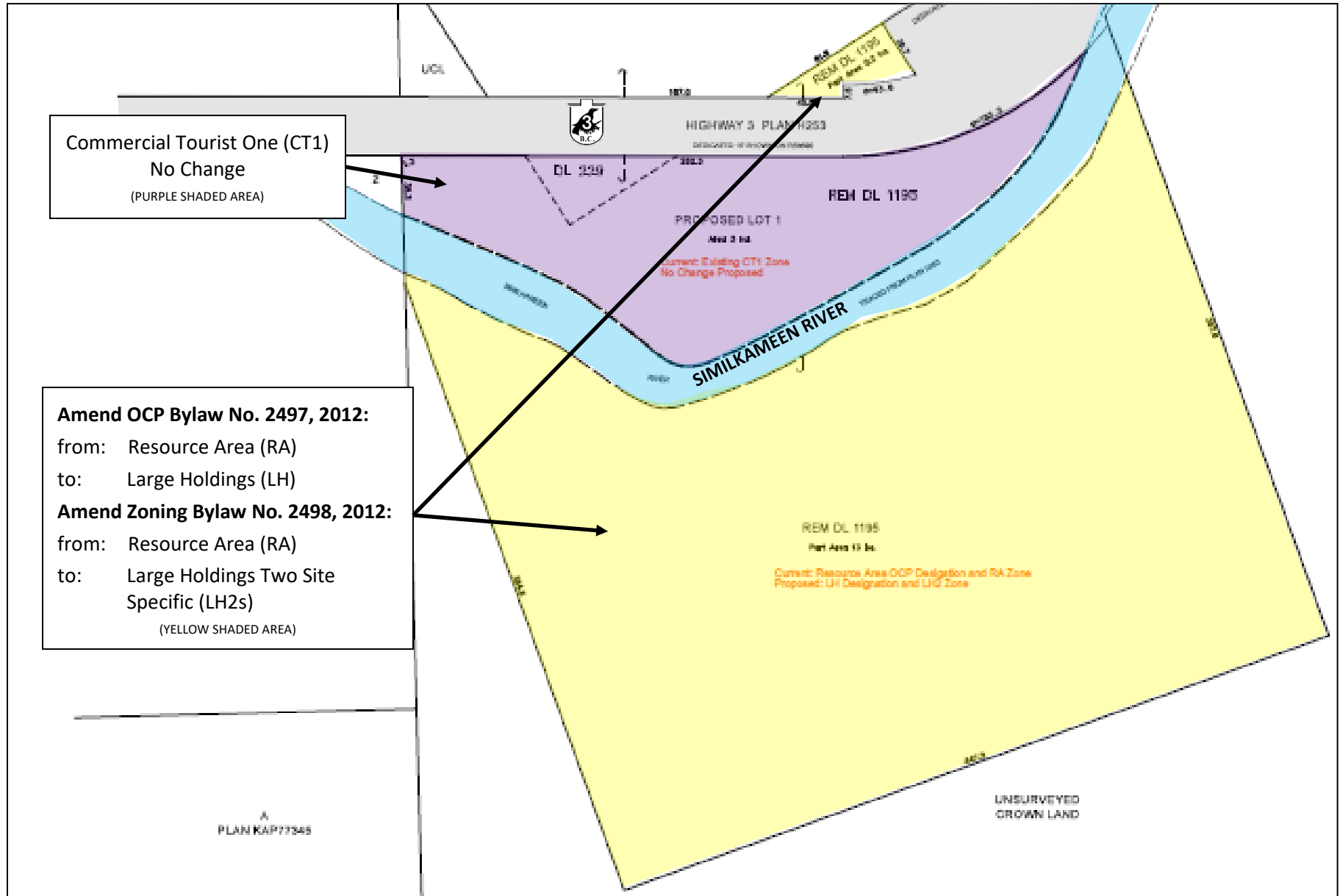
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Attachment No. 2 – Applicant’s Site Plan



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Attachment No. 4 – Site Photo Facing Southeast (Street View – 2023)



Attachment No. 5 – Site Photo Facing Southwest (Street View –2023)



Attachment No. 6 – Aerial Photo

