

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: August 6, 2020
RE: Zoning Bylaw Amendment – Electoral Area “A”

Administrative Recommendation:

THAT Bylaw No. 2451.30, 2020, Electoral Area “A” Zoning Amendment Bylaw be read a third time.

Purpose: To amend minimum setbacks to expand the building envelope on the subject property.

Owners: Lual Orchards Ltd. Agent: Brad Elenko, McElhanney Ltd. Civic: 10210 81st Street

Legal: Lot 3, Plan EPP87173, District Lot 2450S, SDYD Folio: A-06047.060

OCP: Low Density Residential (LR) Proposed OCP: Low Density Residential (LR)

Zone: Residential Single Family One (RS1) Proposed Zoning: Residential Single Family One Site Specific (RS1s)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to expand the building envelope.

In order to accomplish this, the applicant is proposed to amend the zoning of the property under the Electoral Area “A” Zoning Bylaw No. 2451, 2008, from Residential Single Family One Zone (RS1) to Site Specific Single Family One Zone (RS1s) with the site specific regulation to reduce the rear parcel line setback (southern property line) from 7.5 metres to 2.0 metres and to increase the interior parcel line setback for the eastern property line from 1.5 metres to 7.5 metres.

In support of the rezoning, the applicant has stated that “due to the odd shape of the property and the resulting setbacks, the owner is requesting that the setbacks be re-adjusted to provide a greater spatial separation from the adjacent east property and reduced on the south side of the property where there is no real need or purpose for the large 7.5 m setback.” The applicant has also noted that:

- the setbacks defined for the property are not based on typical or obvious features or thinking, but rather all manifest from the definition of front parcel line, which in this case is very non-typical and unconventional.
 - the Streamside Protection Enhancement Area (SPEA) occupies a majority of the large ½ acre property and provides protection for riparian values. However, in doing so, it restricts development from a significant portion of the property.
 - the reduction in the setback will not have a negative impact on the use and enjoyment of any adjacent or surrounding property owners.
-

Site Context:

The subject property is approximately 2,360 m² in area and is accessible via a pan handle from 81st Street, abutting Osoyoos Lake to the North and approximately 600 metres from the Town of Osoyoos boundary.

It is understood that the parcel is vacant land, while the surrounding pattern of development is generally characterised by residential along Osoyoos Lake foreshore and a mix of agriculture and residential parcels abutting 87th Street.

Background:

On February 10, 2020, a Public Information Meeting (PIM) was held at the Sonora Community Centre at 8505 68th Avenue in Osoyoos and was attended by approximately 3-4 members of the public.

This item was referred to the Electoral Area “A” Advisory Planning Commission (APC) in the February 10, 2020 agenda; however, the meeting was cancelled due to lack of quorum.

At its meeting of July 2, 2020, the Regional District Board resolved to approve first and second reading of the amendment bylaws and to waive the holding of a public hearing.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required prior to adoption as the proposed amendments involve lands within 800 metres of a controlled access highway (i.e. Highway 3).

Analysis:

In considering this proposal, Administration notes that the “U” shape of the panhandle is an unusual, atypical parcel layout, which results in an atypical application of front and rear parcel lines.

For a typical panhandle lot, the rear parcel line would be opposite where the panhandle meets the non-panhandle portion of the lot (as the panhandle would typically be straight).

As such, the applicant is requesting minimum building setbacks that are no less than what would be permitted if the “front” parcel line was aligned with where the panhandle met the buildable area of the parcel.

A reduced “rear” parcel line setback will allow for additional building area that is outside the riparian area, which is identified as 30 metres from Osoyoos Lake, and further from identified Important Ecosystems on the property along the lakeshore.

The “rear” parcel line setback reduction is considered to align with Electoral Area “A” OCP Bylaw objectives to protect aquatic habitat areas by providing a development scenario that allows development to be further from the protected riparian area.

This proposal has minimal impact to the neighbouring properties to the west and east, as the proposed setbacks along abutting parcel lines are equal to or greater than what is currently permitted under the RS1 zone.

It should be noted that this proposal reduces separation distance between residential buildings and structures on this RS1 parcel and active farming operations on the agricultural lands immediately to the south.

Although Administration has concerns with reducing separation distances between residential and agricultural uses, the southern parcel line immediately abuts a panhandle access driveway which provides a further separation of 10.0 metres between the subject property and agriculturally-designated parcel.

Conversely, this recently created parcel contains sufficient building area (360 m²) to accommodate a single detached dwelling while adhering to riparian area regulation and existing zoning setbacks.

The “rear” parcel line setback provides additional separation between residential buildings/structures on the subject property and agricultural activities on the agriculturally-designated property to the immediate south.

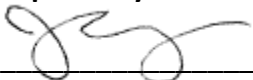
It can also be argued that setback reductions are more appropriately administered by variance, where specific development plans are provided.

In summary, this proposal would allow for building options that are further from the protected riparian area and consistent with setbacks for typical panhandle lots in the RS1 zone.

Alternatives:

1. THAT third reading of Bylaw No. 2451.30, 2020, Electoral Area “A” Zoning Amendment Bylaw be deferred; or
2. THAT first and second readings of Bylaw No. 2451.30, 2020, Electoral Area “A” Zoning Amendment Bylaw be rescinded and the bylaws abandoned.

Respectfully submitted:



JoAnn Peachey, Planner I

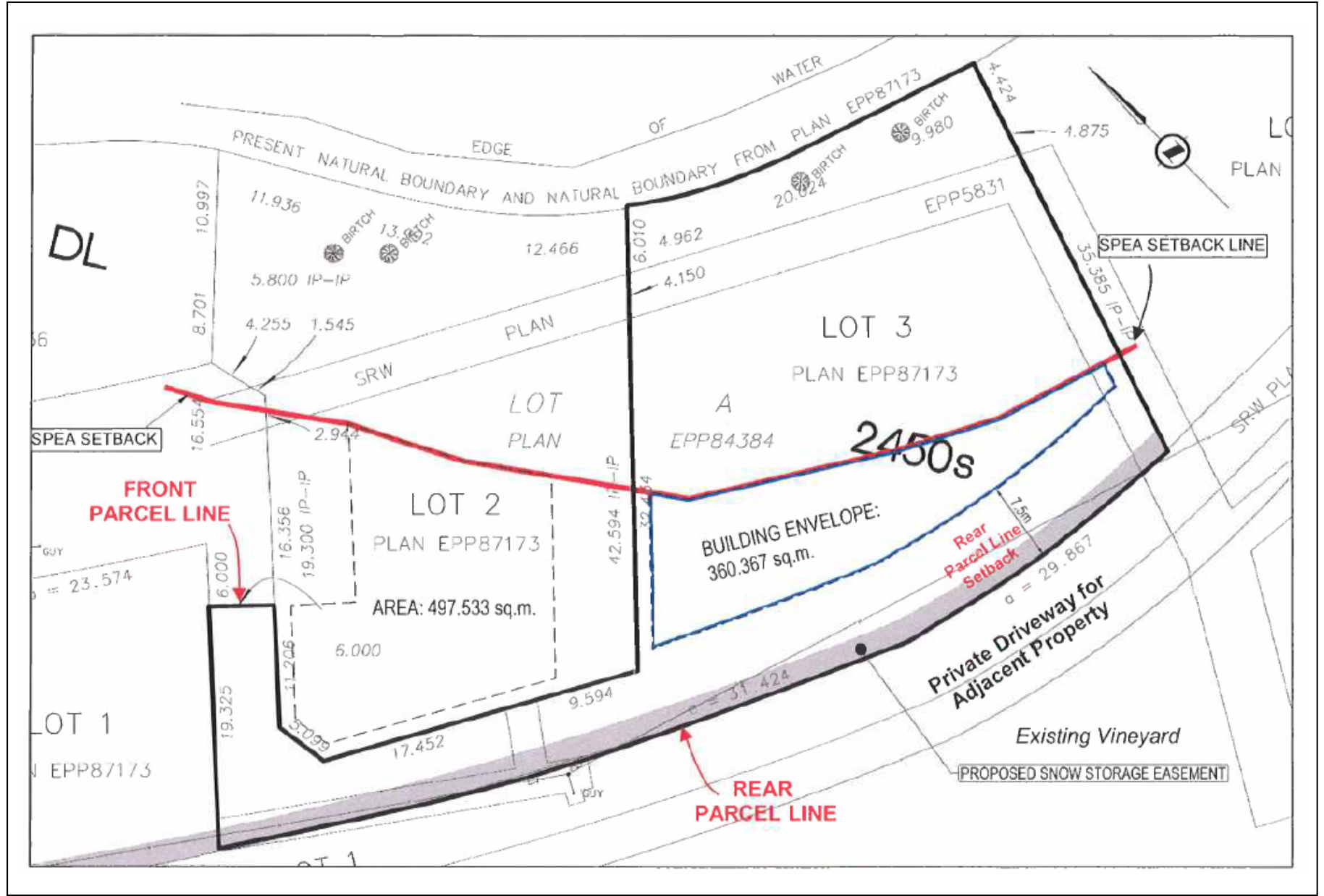
Endorsed By:



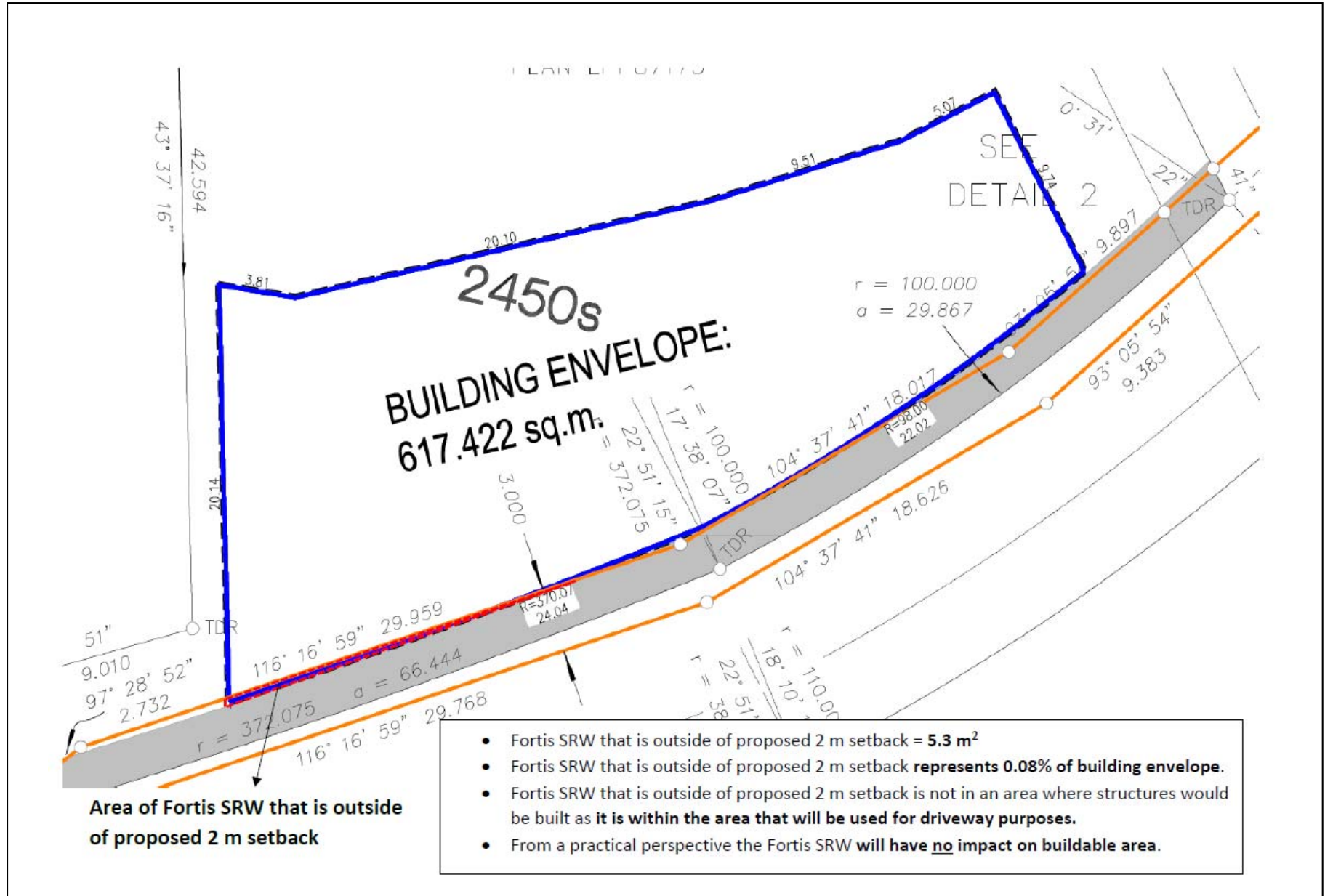
C. Garrish, Planning Manager

- Attachments: No. 1 – Applicant’s Site Plan (Proposed Setbacks)
No. 2 – Applicant’s Site Plan (Existing Setbacks)
No. 3 – Applicant’s Site Plan (Building Envelope and Fortis SRW)
No. 4 – Fortis Statutory Right of Way Reference Plan
No. 5 – Site Photo (Google Earth)

Attachment No. 2 – Applicant’s Site Plan (Existing Setbacks)



Attachment No. 3 – Applicant’s Site Plan (Building Envelope & Fortis SRW)



Attachment No. 4 –Fortis Statutory Right of Way Reference Plan

STATUTORY RIGHT OF WAY PLAN OVER PART OF:

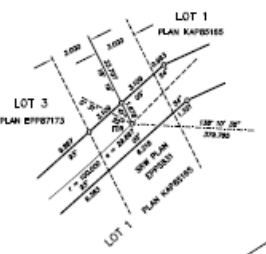
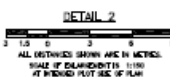
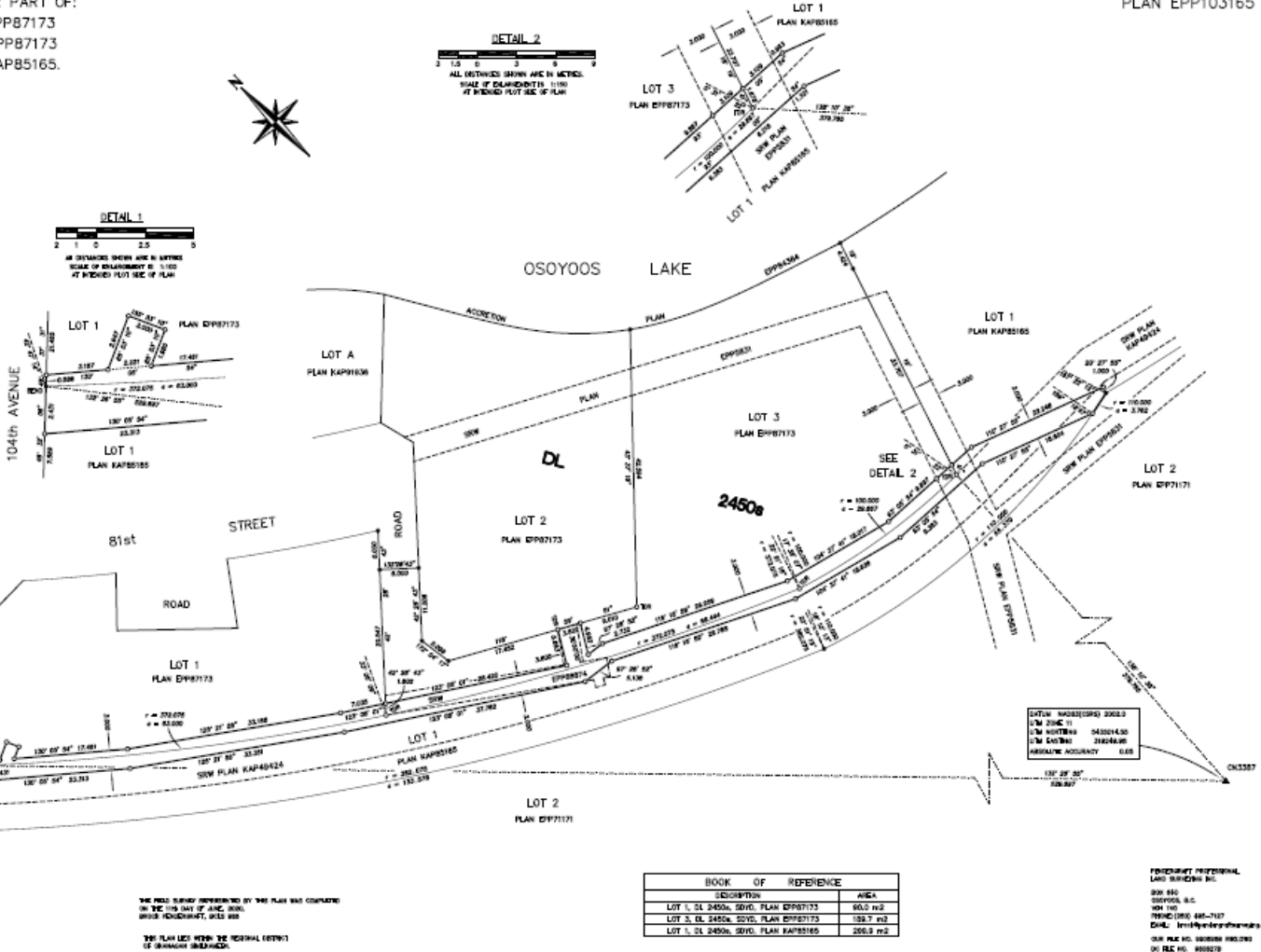
- (1) LOT 1, DL 2450s, SDYD, PLAN EPP87173
- (2) LOT 3, DL 2450s, SDYD, PLAN EPP87173
- (3) LOT 1, DL 2450s, SDYD, PLAN KAP85165.

PURSUANT TO SECTION 113 LTA
REGD. 506/004

ALL DISTANCES SHOWN ARE IN METRES.
 THE INTENDED SIZE OF THIS PLAN IS 600 mm
 IN BOTH OF THE VERTICAL DIRECTIONS
 WHEN PLOTTED AT A SCALE OF 1:300

LEGEND

- OBSERVED STAKES HIGH POINT FOUND
- OBSERVED STAKES HIGH POINT PLACED
- ▲ OBSERVED TRAVELING HIGH FOUND
- THN SKETCHED INTERIOR BOUNDARIES, RECALCULATED
- USE BOUNDARIES AND CORNERS FROM PREVIOUS SURVEY ORIGINALLY ESTABLISHED AND ARE REFERRED TO BY THE ORIGINAL NUMBER OF THE SURVEY TO THE EXTENT LEGAL DOCUMENTS REFERENCE TO THE ORIGINAL SURVEY THE SURVEYING PLAN LABELLED "ORIGINAL" SUBJECT TO THE FOLLOWING:
- THIS PLAN BEING HERETOFORE APPROVED, BEING UNDER SUPERVISION AND CONTROL BY THE SURVEYOR, THE SURVEYOR HAS BEEN ADVISED BY THE APPLICANT THAT THE ORIGINAL SURVEYING PLAN WAS APPROVED BY THE SURVEYOR IN AN ORIGINAL SURVEY OF 300 METRES.
- THE PLAN COORDINATES AND ESTIMATED HORIZONTAL ACCURACY (EMSA) ARE DERIVED FROM THE NATIONAL TRANSIT SYSTEM (NTS) USING THE NATIONAL TRANSIT SYSTEM (NTS) COORDINATES USING NATURAL RESOURCES CANADA (NRC) DATA.



DATE: 04/03/2020 2020.0
 ZONE: 10
 UTM NORTHING: 5430373.04
 UTM EASTING: 318856.16
 HORIZONTAL ACCURACY: 0.07

DATE: 04/03/2020 2020.0
 UTM ZONE: 10
 UTM NORTHING: 5430373.04
 UTM EASTING: 318856.16
 HORIZONTAL ACCURACY: 0.07

THIS FIELD SURVEY INSTRUMENTED BY THE PLAN WAS COMPLETED ON THE 15th DAY OF APRIL 2020.
 SURVEY INSTRUMENTED BY: [Name]
 THE PLAN LIES WITHIN THE NATIONAL SYSTEM OF COORDINATE REFERENCE.

BOOK OF REFERENCE	
DESCRIPTION	AREA
LOT 1, DL 2450s, SDYD, PLAN EPP87173	650.0 m ²
LOT 3, DL 2450s, SDYD, PLAN EPP87173	130.0 m ²
LOT 1, DL 2450s, SDYD, PLAN KAP85165	250.0 m ²

FORWARD PROFESSIONAL LAND SURVEYOR INC.
 2000 4th
 SURREY, B.C.
 V4N 1G7
 PHONE (604) 441-7107
 FAX (604) 441-7108
 WWW.FORWARDPROFESSIONAL.COM

Attachment No. 5 – Site Photo (Google Earth)



Subject Property
(Approximate)