

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: October 21, 2021
RE: Zoning Bylaw Amendment – Electoral Area “A” (A2021.006-ZONE)

Administrative Recommendation:

THAT Bylaw No. 2451.31, 2021, a bylaw to amend the Electoral Area “A” Zoning Bylaw to allow for a minimum parcel size of 3.7 ha. at 2257 82nd Avenue, be read a third time.

Purpose: To allow for a minimum parcel size of 3.7 ha. Folio: A-02336.030
Civic: 2257 82nd Avenue Legal: Lot A, Plan KAP92472, DL 223, SDYD, Except Plan EPP9754
Zone: Agriculture One (AG1) Proposed Zone: Agriculture One Site Specific (AG1s)

Proposed Development:

The applicant is proposing to amend the zoning of the property from Agriculture One (AG1) to Site Specific Agriculture One (AG1s) with the site specific regulation stipulating that despite section 10.2.3(a), the minimum parcel size shall be 3.7 ha.

The applicant has stated that “the requested zoning amendment to reduce the minimum lot size will not result in the creation of any new lots or any physical changes to the land ... Lot 2 is primarily being used for agricultural and the requested zoning amendment will simply allow for a lot line adjustment to contain all of the active and capable agricultural land on one lot.”

Site Context:

The subject property is approximately 4.01 ha in area and is situated on the south side of 82nd avenue, west of Highway 3, and approximately 2.2 km east of the Town of Osoyoos boundary. The property currently contains a single family dwelling and farm outbuildings.

The surrounding pattern of development is generally characterised by agricultural use.

Background:

August 30, 2021, an electronic Public Information Meeting (PIM) was held via Webex and was attended by 0 members of the public.

August 9, 2021, the Electoral Area “A” Advisory Planning Commission recommended to the RDOS Board that the subject development application be approved.

September 23, 2021, the Regional District approved first and second reading of the amendment bylaws and scheduled a public hearing ahead of its meeting of October 21, 2021.

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:

The requested change to the minimum parcel size requirement of the AG1 Zone from 4.0 ha to 3.7 ha is minor in nature and is unlikely to adversely impact on the agricultural viability of the property given the area being removed is comprised of a rocky bench and outcroppings.

The zoning amendment will not change the permitted uses allowed on the property and the applicant is not proposing any new development on the property or a change in use.

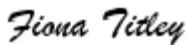
The portion of the land most suitable for agriculture is currently being used by the neighbouring property owner and the rezoning will allow the owner and the neighbour to formalize this arrangement by consolidating all viable agricultural land into one parcel through a boundary adjustment.

It is not generally considered good planning practice to allow “spot zoning” in that spot zonings grant privileges to a single parcel which are not granted or extended to other parcels in the vicinity.

Alternatives:

1. THAT first and second readings of Bylaw No. 2451.31, 2021, Electoral Area “A” Zoning Amendment Bylaw be rescinded and the bylaws abandoned.

Respectfully submitted:



Fiona Titley, Planner I

Endorsed By:



C. Garrish, Planning Manager

Attachments: No. 1 – Applicant’s Site Plan
No. 2 – Site Photo (Google Streetview)

Attachment No. 1 – Applicant’s Site Plan



Attachment No. 2 – Site Photo (Google Streetview)

