



Supplementary Information Report

Rezoning Application

2257 82nd Avenue, Osoyoos
Jim Pendergraft

Contact

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BACKGROUND AND INTRODUCTION

The subject property is owned by Jim Pendergraft and is located at the base of Anarchist Mountain adjacent to the west side of Highway 3 and the south side of 82nd Avenue. The property address is 2257 82nd Avenue.

In 2017, the owner of the property Mr. Pendergraft, began the exercise to subdivide his 16.5 ha. parcel into two parcels to facilitate the sale of 12.5 ha. of the property, which was planted in grapes, while keeping a 4 ha. portion of property for his home site. The zoning at the time was AG2 which had an 8 ha. minimum parcel size and as such, the property required a rezoning to change the zoning of the north portion of the property from AG2 to AG1 to allow for the proposed 4 ha. parcel.

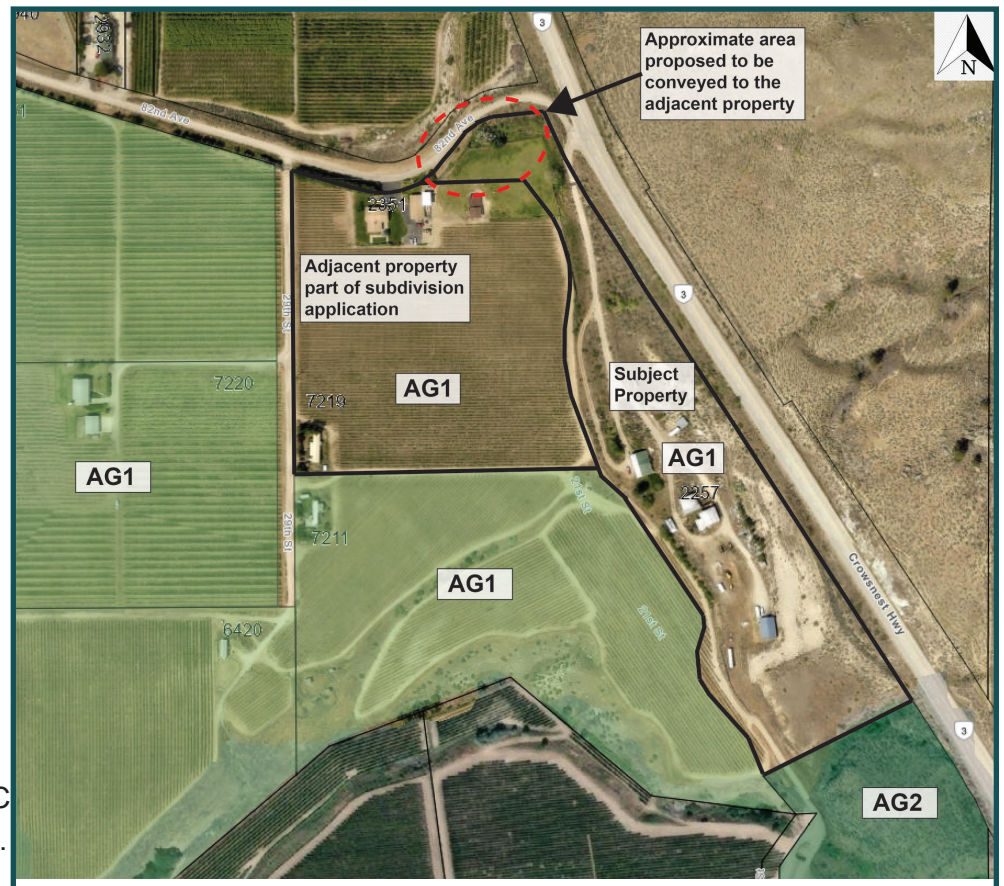
A rezoning application was submitted to the RDOS to request AG1 zoning for the portion of the land to be subdivided off the part that contains the vineyard, and an ALR subdivision application was submitted to the ALC requesting a subdivision to create a farm parcel of approximately 12.5 ha. and a homesite parcel of 4 ha. During the early stages of the ALR application, the owner decided that he wanted to make an adjustment to the subdivision to allow the northern tip of the property to be consolidated with his neighbor's (brother's) property. The proposed additional lot line adjustment was explained to the ALC while they were conducting their site review to consider the subdivision application. At the site meeting the ALC advised they thought the additional lot line adjustment made sense, but in their decision, the ALC advised that the 0.31 ha. lot line adjustment between the two brother's properties was not part of the application, and therefore could not be considered.

The RDOS approved the rezoning request to provide AG1 zoning on the north portion of the property at the February 7, 2019 RDOS Board Meeting.

The ALC approved the subdivision for the 4 ha. parcel by resolution #57/2018.

As the lot line adjustment between the two brothers met the requirements of former BC Reg 171/2002, the lot line adjustment did not need ALC approval and could be approved by the MoTI Approving Officer, so it was decided that the lot line adjustment subdivision would be submitted for concurrent registration with the ALC approved subdivision. desired 4 ha. parcel.

Site Context Map



Two subdivision plans were prepared. One plan created the ALC approved subdivision with the owner's home parcel surveyed at 4.32 ha. while the other plan was the lot line adjustment plan that provided 0.31 ha. to the neighboring property resulting in the Commissions desired 4 ha. parcel.

The ALC refused to approve the 4.31 ha. parcel as it was 0.3 ha larger than what was approved by the ALC, notwithstanding the second lot line adjustment subdivision would be registered minutes after the initial plan, with the final subdivision showing a parcel size of 4 ha., which is what the ALC approved.

As a result of the ALC's unwillingness to approve the initial subdivision plan with the homesite parcel size of 4.31 ha., a plan showing a 4 ha. subdivision had to be prepared and registered. Now, as the two brothers want to proceed with the lot line adjustment to have 0.31 ha. of farmland transferred from the non-agricultural parcel to the agricultural parcel, the parcel size of the recipient parcel after the subdivision will be 3.7 ha. which is smaller than the 4 ha. minimum parcel size. The reason for the site-specific zoning is to allow a 3.7 ha. sized parcel to be created in the AG1 zone.

PROPOSED ZONING AMENDMENT

From "AG1" – Agricultural 1 to "AG1*" - Agricultural 1 – Site Specific to reduce the minimum lot size of the subject property from 4.0 ha. to 3.7 ha. to accommodate a lot line adjustment.

The subject property is proposed to be rezoned from AG1 to AG1* - Site Specific to permit an undersized lot in the AG1 designation. Zoning bylaw 2451, 2008 requires lots zoned AG1 to have a minimum lot area of 4.0 ha. we are requesting a site-specific amendment to reduce the minimum lot size to 3.7 ha. to accommodate a lot line adjustment with the adjacent property to the west.

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. Presently both lots are 4.01 hectares and located within the ALR, despite being in the ALR - Lot 1 does not actually have any agricultural potential as it primarily comprised of rock / gravel mounds. The only portion of the property being used for agricultural purposes is the 0.31 ha. area which is proposed to be conveyed to Lot 2. More so, this 0.31 ha. area is being used by the owner of Lot 2, who happens to be the brother of the owner of Lot 1. 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.

RATIONALE

1. The intent of the minimum lot size in the Agricultural zone is to ensure that lots are appropriately size for agriculture and to discourage the fragmentation of agricultural lots. The proposed request to reduce the minimum lot size is to facilitate a lot line adjustment and convey 0.31 hectares to the adjacent parcel maintains the intent of the Agricultural designation and zone.
2. No new parcel is proposed to be created, the portion of land being conveyed is presently being used for agricultural purposes by the adjacent owner. The conveyance would simply consolidate the existing agricultural operations into a single parcel.
3. The requested site-specific zoning amendment does not have any impact on nearby properties or public lands. The only impacts are those to the abutting lands which are positive impacts as it will enhance the existing agricultural operation.
4. As noted in the background section the only reason this variance is required is a result of a technical interpretation by the ALC. We did attempt to provide a solution prior to the subdivision approval however our solution was deemed to not be in accordance with an ALC decision, therefore a site-specific rezoning is required. It is most certainly a unique situation which does not result in any physical changes on the subject property or the creation of any new lots, it is simply adjusting the lot line between two family members to contain the entirety of the agricultural operations on one lot.
5. Section 6.3.7 of the OCP states that the RDOS *“supports the consolidation of legal parcels that support more efficient agricultural operations”*

The proposed lot line adjustment will consolidate a portion of a legal parcel which will create a more efficient agricultural operation.

6. Section 6.3.15 of the OCP states that the RDOS *“Encourages the clustering of buildings, structures and related activities in order to maximize productive farm activities and to minimize areas of development”*

The proposed area which is being conveyed contains a barn dwelling which is currently being used by the farming operation of the agricultural land. Should this amendment not be approved the existing barn may need to be relocated onto lands which are presently being used for agricultural purposes. Therefore, the requested amendment to allow a lot line adjustment implements policy 6.3.15 by