

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: October 17, 2024
RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “C” (C2024.010-ZONE)

Administrative Recommendation:

THAT the Electoral Area “C” Official Community Plan Amendment Bylaw No. 2452.24, 2024, and the Okanagan Valley Zoning Amendment Bylaw No. 2800.41, 2024, be read a third time and adopted.

Purpose: To allow for a two-lot subdivision Folio: C-04144.000
Civic: 5900 McKinney Road Legal: District Lot 858, SDYD
OCP: Agriculture (AG) Zone: Agriculture Two (AG2)

Proposed Development:

This application is seeking to amend the zoning of an approximately 2.6 hectare portion of the subject property in order to allow for a two-lot 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 “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, from Agriculture (AG) to Small Holdings (SH); and
- amend the zoning under Schedule ‘2’ (Zoning Map) of the Okanagan Valley Zoning Bylaw No. 2800, 2022, from Agriculture Two (AG2) to Small Holdings Four (SH4).

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

This application is supported by the Area C OCP in the following ways:

1. *Improves farming buffers by eliminating the need and risk of farm vehicle road crossings of McKinney Road. McKinney Road is a busy year-round access road to Mount Baldy, logging, hunting and recreation areas. OCP section 1.4.9*
2. *Proposal is consistent with "support and encourage agricultural uses. Section 5.0.2*
3. *Consistent with maintaining rural character. Section 5.0.4*
4. *Accommodate residential growth that does not impede rural agricultural economy. Section 5.0.5*
5. *Consistent with OCP goal of creating larger and smaller agricultural properties. Section 9.3.12*

-
6. *Supported by OCP Section 9.3.12 (b) Will consider applications to subdivide parcels smaller than 4 hectares. Where the subdivision will allow for more efficient use of agricultural land.*
 7. *Consistent with the OCP description of small holdings. Section 10.1*
 8. *The application meets all the policies for Rural Holdings Section 10.3*

Site Context:

The subject property is approximately 32.2 ha in area and straddles the north and south sides of McKinney Road. The portion of the property subject to the proposed amendments is approximately 2.6 ha in area and is located entirely on the south side of McKinney Road.

It is understood that the parcel is comprised of a single detached dwelling and various accessory structures, which are located on the north side of McKinney Road.

The surrounding pattern of development is generally characterised by vacant Crown land. The nearest privately held properties are located approximately 840 metres to the west and are comprised of a mix of agriculture and rural holdings that have been developed with single detached dwellings.

Background:

On July 10, 2024, a Public Information Meeting (PIM) was held online via Webex and was not attended by any members of the public.

At its meeting of August 21, 2024, the Electoral Area “C” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved.

At its meeting of October 3, 2024, the Regional District Board resolved to approve first and second reading of the amendment bylaws and scheduled a public hearing ahead of its meeting of October 17, 2024.

All comments received to date in relation to this application are included with this report.

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 metres of a controlled access highway (i.e. Highways 97 and 3).

Analysis:

Further to the direction provided by the Board at first reading, it is being recommended that the amendment bylaws be given third reading and adopted.

Alternate:

Conversely, Administration maintains its concern that this proposal is seen to be inconsistent with the growth management objectives of the Regional District’s land use bylaws. Specifically:

- the rezoning is seeking to change the land use designation of a property to facilitate subdivision outside of a Growth Area (Primary or Rural) and within the Agricultural Land Reserve (ALR);
- in other Okanagan Electoral Areas, the OCPs have been updated to align with the South Okanagan Regional Growth Strategy by generally discouraging the creation of new rural holdings parcels outside of the designated Rural Growth Areas;

-
- Administration supports the current AG designation of the property and maintaining it as a large parcel (i.e. 8.0 ha, or greater) in recognition that this areas will remain as rural, with limited community services and infrastructure and that larger parcels are generally more viable for agricultural operations.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

The proposed bylaw amendments have been notified in accordance with the requirements of the *Local Government Act* as well as the Regional District's Development Procedures Bylaw No. 2500, 2011.

Alternatives:

1. THAT first and second readings of the Electoral Area "C" Official Community Plan Amendment Bylaw No. 2452.24, 2024, and the Okanagan Valley Zoning Amendment Bylaw No. 2800.41, 2024, be rescinded and the bylaws abandoned.

Respectfully submitted:

Ben Kent

Ben Kent, Planner II

Endorsed By:



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Applicant's Subdivision Plan

No. 2 – Aerial Photo

Attachment No. 1 – Applicant’s Subdivision Plan

**PROPOSED
SUBDIVISION PLAN OF PART OF
DL 858, SDYD**

PID: 014-476-932
CHARGES: X101773 (ROAD GAZETTE NOTICE)
SRW LB348504

CIVIC ADDRESS:
5900 MCKINNEY ROAD, OLIVER

CLIENT: MARK MATTES

DATE: APRIL 17, 2023
VERSION #1

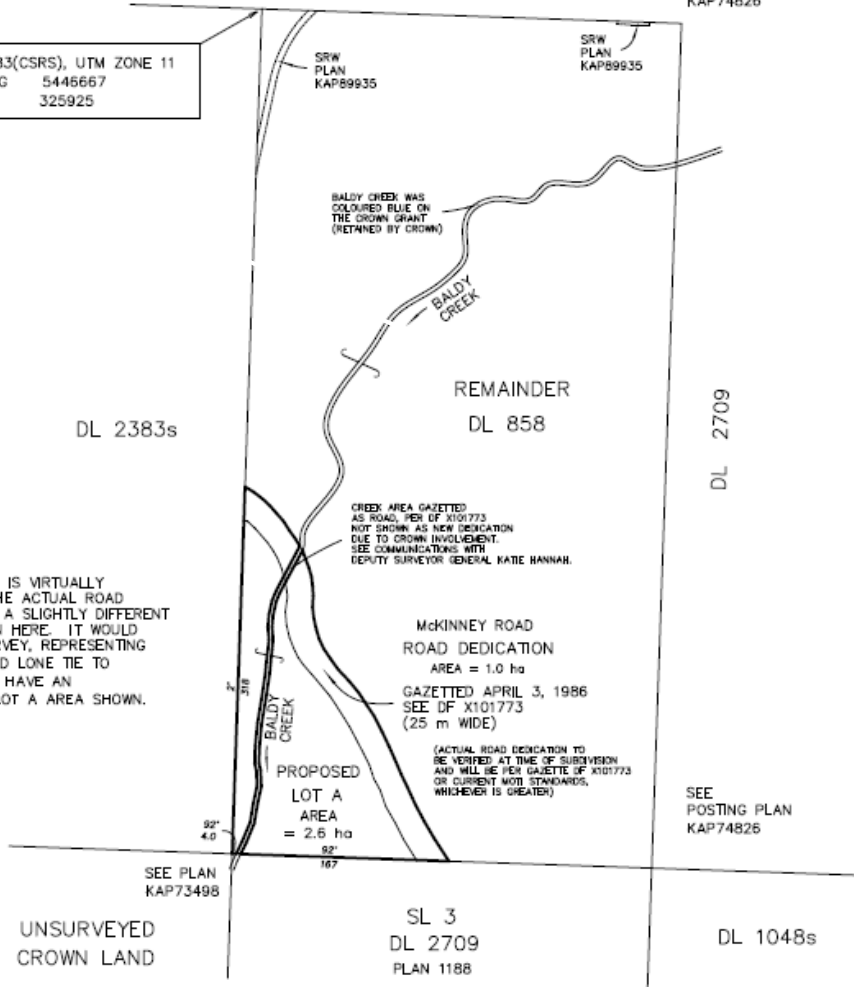
SCALE 1:3000
0 60 120 180 240
ALL DISTANCES SHOWN ARE IN METRES.
THE INTENDED SIZE OF THIS PLAN IS 432 mm
IN WIDTH BY 560 mm IN HEIGHT (C SIDE)
WHEN PLOTTED AT A SCALE OF 1:3000



DATUM NAD83(CSRS), UTM ZONE 11
UTM NORTHING 5445667
UTM EASTING 325925

DL 2709

SEE
POSTING PLAN
KAP74826



NOTE:

GAZETTE NOTICE OF X101773 IS VIRTUALLY DIMENSIONLESS, AS SUCH, THE ACTUAL ROAD DEDICATED AREA MAY BE IN A SLIGHTLY DIFFERENT LOCATION THAN THAT SHOWN HERE. IT WOULD BE SUBJECT TO A FIELD SURVEY, REPRESENTING THE AS-BUILT LOCATION, AND LONE TIE TO SURVEY EVIDENCE, AND MAY HAVE AN EFFECT ON THE PROPOSED LOT A AREA SHOWN.

CREEK AREA GAZETTED AS ROAD, PER OF X101773 NOT SHOWN AS NEW DEDICATION DUE TO CROWN INVOLVEMENT. SEE COMMUNICATIONS WITH DEPUTY SURVEYOR GENERAL KATE HANNAH.

McKINNEY ROAD
ROAD DEDICATION
AREA = 1.0 ha
GAZETTED APRIL 3, 1986
SEE OF X101773
(25 m WIDE)

(ACTUAL ROAD DEDICATION TO BE VERIFIED AT TIME OF SUBDIVISION AND WILL BE PER GAZETTE OF X101773 OR CURRENT MOB STANDARDS, WHICHEVER IS GREATER)

LOT DIMENSIONS ARE DERIVED FROM LAND TITLE OFFICE RECORDS PLAN KAP89935

BEARINGS ARE UTM GRID, ZONE 11

THIS SKETCH PLAN WAS PREPARED FOR SUBDIVISION APPLICATION PURPOSES AND IS FOR THE EXCLUSIVE USE OF THE CLIENT SHOWN.

CURRENT ZONING AG2
PROPOSED ZONING CHANGED TO SH4

SEE ALC RESOLUTION FOR CONCEPTUAL SUBDIVISION APPROVAL

FENDERGRAFT PROFESSIONAL LAND SURVEYING INC.

BOX 840
OSYOOS, B.C.
V0H 1V0
PHONE: (250) 495-7127
EMAIL: lr@fendergraffsurveying.ca
OUR FILE NO. 9706398 AP1.DWG
DC FILE NO.

Attachment No. 2 – Aerial Photo

