

Request for Decision Bylaw Amendment Application

File No: P 719 222
Reference: Bylaw No. 2972
Date: January 30, 2020

Subject: Bylaw No. 2972 (Koocanusa West / Flood, Hopkins & C.D. Reay & Sons Ltd.)
Applicant: Brian Flood, Sharlene Hopkins and C.D. Reay & Sons Ltd.
Agent: Sharlene Hopkins
Location: Kikomun-Newgate Road, west of Lake Koocanusa
Legal: District Lot 2707, Kootenay District and District Lot 2708, Kootenay District

Proposal: To amend the zone designation of both subject properties from RR-16 to RR-8 to permit future boundary adjustment subdivision.

Options:

1. THAT Bylaw No. 2972 cited as "Regional District of East Kootenay – South Country Zoning & Floodplain Management Bylaw No. 2320, 2011 – Amendment Bylaw No. 21, 2019 (Koocanusa West / Flood, Hopkins & C.D. Reay & Sons Ltd.) be introduced.
2. THAT Bylaw No. 2972 cited as "Regional District of East Kootenay – South Country Zoning & Floodplain Management Bylaw No. 2320, 2011 – Amendment Bylaw No. 21, 2019 (Koocanusa West / Flood, Hopkins & C.D. Reay & Sons Ltd.) not proceed.

Recommendation: Option 1.

The proposal enhances the agricultural operation currently spread across two parcels by consolidating it into one parcel. No negative impacts are anticipated with the proposed change in parcel sizes or boundary reconfiguration.

Property Information: **OCP Designation:** RR, Rural Resource, which supports agricultural, rural residential and rural resource land uses with parcel sizes 8.0 ha and larger. The RR designation also recognizes the use of these lands for public utility use, resource extraction, green space and recreation.

OCP Policies:

- Applications to create parcels less than 0.4 ha in size are not supported within the plan area and are directed to communities outside the plan area.
- Despite the minimum parcel size requirements established within the zoning bylaw, subdivision is generally not supported within the plan area, with the exception of areas specifically referred to in sections 4.3(3), 4.3(4) and 4.3(5) and applications consistent with section 4.3(2)(c). However, if applications for ALR subdivision or rezoning of these areas are received, they will be reviewed on an individual basis in relation to the following criteria:
 - Compatibility of proposed development with existing and surrounding land uses and parcel sizes;

**Property
Information -
cont'd:**

- Compatibility with agriculture and existing resource industries in the area;
 - Proposed lot size and density;
 - Proximity to an existing development node;
 - Capability to provide onsite sewage disposal in accordance with provincial requirements;
 - Potential impact of the proposal on groundwater;
 - Potential impacts of the proposed subdivision on the agricultural capability and suitability of both the parcel proposed for subdivision and on neighbouring parcels if the application is for a parcel located within the ALR;
 - Identification and mitigation measures for ecologically sensitive areas including riparian areas, wildlife habitats, and fish habitats;
 - Identification and mitigation of potential hazards (avulsion, flooding, wildfire & geotechnical);
 - Access to the development and proposed road networks;
 - Access to emergency service; and
 - FireSmart principles identified in 11.2(3)(c).
- Fragmentation or parcelization of land suitable for agricultural use in the Kikomun-Newgate Road North area is not supported
 - Applications for residential subdivision of the Kikomun-Newgate Road North parcels will be considered on an individual basis in relation to the following criteria:
 - Compatibility of proposed lot size and density with existing and surrounding land uses and parcel sizes;
 - Potential impacts of the proposed subdivision on the agricultural capability and suitability of both the parcel proposed for subdivision and on neighbouring parcels;
 - Potential impact of the proposal on groundwater;
 - The capability to provide onsite sewage disposal in accordance with provincial requirements; and
 - Regional District of East Kootenay decisions regarding ALR subdivision applications which were made prior to the adoption of this plan.

Current Zone Designation: RR-16, Rural Residential (Extensive) Zone
(minimum parcel size: 16 ha)

Proposed Zone Designation: RR-8, Rural Residential (Country) Zone
(minimum parcel size: 8 ha)

Parcel Size:

Existing: Two parcels: 8.7 ha (21.5 ac) and 16.1 (39.8 ac)

Proposed: Two parcels: 10.7 ha (26.5 ac) and 14 ha (34.5 ac)

Density:

Existing: 2 lots

Proposed: 2 lots

**Property
Information -
cont'd:**

Potential: 3 lots. If the proposal was amended to a 3 lot subdivision an ALR subdivision application would be required.

ALR Status: Within the ALR. The subdivision application is pursuant to Part 5 section 10(1)(C) of the *Agricultural Land Reserve General Regulation*, which permits an approving officer to approve a subdivision without approval of the commission if the proposed subdivision:

- involves not more than 4 parcels, each with a minimum of 1 ha;
- does not increase the number of parcels;
- is a boundary adjustment that, in the opinion of the approving officer, will allow for the enhancement of farming on the owner's agricultural land or for the better use of structures used for farming; and
- no parcels in the reserve are less than 1 ha.

Interface Fire Hazard Rating: Moderate, within the Baynes Lake fire protection area

BC Assessment: Residential & Farm

Water and Sewer Services: Onsite

Flood Hazard Rating: The subject properties are not identified as being within a flood hazard area.

**Professional
Studies:**

None

**Additional
Information:**

- The subject properties are currently used as farmland. The owners of DL2708 have a recreational vehicle on their property that they use in the summer months and DL2707 has a hay shed on the property.
- The owners wish to complete a boundary adjustment subdivision that will enhance the existing farm operation; no new parcels are being proposed.

Consultation:

APC Area B: Support

Referral Agencies:

- **Interior Health Authority:** Interests unaffected.
- **Transportation & Infrastructure:** Interests unaffected.
- **Environment:** Access to the properties must be off existing access or private land, no increase in access through Crown land, and any new fencing must be wildlife friendly.
- **Ktunaxa Nation Council:** No concerns.
- **School District No. 5:** No comment to date.
- **Telus:** No comment to date.

Consultation - cont'd:

- **Ministry of Agriculture:** The proposed boundary adjustment involving these two lots make good sense from an agricultural perspective.
- **Agricultural Land Commission:** No objections as it appears that new lot configuration is supportive to agriculture.

Documents Attached:

- Bylaw
- Location Map
- Land Use Map
- Zone Designation Map
- Proposal
- Aerial Photo

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