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LEGAL DESCRIPTION:

Parcel A (DD V44313) of the Northwest ¼ of Section 6, Township 18, Range 10, West of the 6th Meridian, Kamloops Division Yale District

CIVIC ADDRESS:

2972 & 3020 Yankee Flats Road, Yankee Flats

SURROUNDING LAND USE PATTERN:

North = Rural Residential west side Yankee Flats Road and Agriculture east side of Road

South = Crown Land and Rural Residential

East = Agriculture

West = Crown Land

CURRENT USE:

Two dwellings, six outbuildings, hobby farm and grazing land

PROPOSED USE:

Current use and the current proposal is to subdivide into two lots to have a separate title for each dwelling

PARCEL SIZE:

63.99 ha

DESIGNATION & ZONE:

Salmon Valley Land Use Bylaw No. 2500

R - Rural (60 ha minimum parcel size)

PROPOSED DESIGNATION & ZONE:

Salmon Valley Land Use Bylaw No. 2500

RH – Rural Holdings (8 ha minimum parcel size)

AGRICULTURAL LAND RESERVE:

20%

SITE COMMENTS:

See "Maps_Plans_Photos_BL2560.pdf" attached.

A site visit was not conducted for this redesignation and rezoning application, however staff did perform a site visit for the LC2538 ALC file that the Board reviewed September 21, 2017. The subject property has a single family dwelling (3020 Yankee Flats Road) and a manufactured home (2972 Yankee Flats Road), both on the west side of Yankee Flats Road. The proposed 8 ha parcel would surround the manufactured home at 2972 Yankee Flats Road and is completely outside the Agricultural Land Reserve (ALR). The remainder of 55.99 ha would contain the single family dwelling, outbuildings, hobby farm, and grazing land at 3020 Yankee Flats Road; this dwelling and grazing land on the remainder lot are within the ALR. Both dwellings have their own onsite septic system and currently share one well.

POLICY:

Salmon Valley Land Use Bylaw No. 2500 - Policies and General Regulations

See "BL2500_Excerpts_BL2560.pdf" attached

- 1.7 - Rural and Agricultural Character
- 1.10 - Redesignation Criteria
- 2.2.5 - Agricultural Land Reserve (ALR)

Salmon Valley Land Use Bylaw No. 2500 - Land Use Zones**R Rural**

Permitted uses: agriculture; airfield, airstrip; equestrian centre; fish farm; forestry; guest ranch; gun club and archery range; harvesting wild crops; home occupation; kennel; portable sawmill; single family dwelling; trapping; accessory use.

Maximum number of single family dwellings per parcel:

- On a parcel with less than 2 ha in area = 1
- On a parcel with 2 ha or more in area = 2

Minimum area of parcels to be created by subdivision = 60 ha

RH Rural Holdings

Permitted uses: agriculture; church; equestrian centre; fish farms; home occupation; kennel; single family dwelling; accessory use.

Maximum number of single family dwellings per parcel:

- On a parcel with less than 2 ha in area = 1
- On a parcel with 2 ha or more in area = 2

Minimum area of parcels to be created by subdivision = 8 ha

FINANCIAL:

There are no financial implications to the CSRD with regard to this application.

KEY ISSUES/CONCEPTS:**Previous ALC Applications**

1. Prior to their passing, previous property owners James and Trena Scott applied to subdivide the property into two lots (LC2479), divided by Yankee Flats Road. CSRD staff and the Board recommended approval of this application. The ALC refused the application in 2015.
2. At the August 28, 2017 Regular Board Meeting, staff presented a second ALC application for Subdivision (LC2538D) and Inclusion (LC2539D) for the subject property. The proposal was to subdivide the 63.99 ha property divided by Yankee Flats Road, into two parcels of approximately 10 ha and a remainder of 53.99 ha for the two owners (daughters of the late James and Trena Scott) to each have a titled lot with a dwelling. Further, if the ALC approved the subdivision, the applicant would include approximately 4.42 ha of the property into the ALR. Staff recommended approval of the subdivision and inclusion, the Board agreed with staff recommendation and the applications were forwarded to the ALC recommending approval. The ALC Panel refused both the subdivision and inclusion application as proposed.

Proposal

See "Maps_Plans_Photos_2560.pdf" attached.

As the ALC denied the subdivision (LC2538D) in the ALR, the applicant has now applied to redesignate and rezone the property from R (Rural) (60 ha minimum parcel size) to RH (Rural Holdings) (8 ha minimum parcel size), in order to subdivide the property. ALC approval will not be required if new parcel lines do not include land within the ALR.

Since the proposed subdivision boundary is no longer separated by Yankee Flats Road, it does not qualify as a minimum parcel area exception under the Section 2.2.13.4 of Bylaw No. 2500. Under the R zone the minimum parcel size is 60 ha and a redesignation and rezoning to RH is required to allow for subdivision of the subject property. As the subject property is ~63.99 ha, the RH zone may permit up to a maximum of seven 8 ha lots. The applicant's current proposal is for a one 8 ha parcel surrounding the manufactured home at 2972 Yankee Flats Road, which is completely outside the ALR. The proposed remainder of 55.99 ha would contain the single family dwelling, outbuildings, hobby farm, and grazing land at 3020 Yankee Flats Road; the dwelling and grazing land on the remainder lot are within the ALR (remainder lot has a total of 20% within the ALR). If the Board gives Bylaw No. 2560 first reading, the bylaw will be referred to the ALC.

If the Board approves this bylaw amendment application, the applicant may proceed with a subdivision application through the Ministry of Transportation and Infrastructure and the CSRD.

Subdivision for a Relative

There is a section (Section 514) of the Local Government Act (LGA) regarding subdivision to provide residence for a relative; however, an application under Section 514 is not an option in this case because under Section 514, the owner must have owned the property for 5 years and the purpose of the application is to provide a separate residence for the owner, a parent of the owner or of the owner's spouse, the owner's child or the spouse of the owner's child, or the owner's grandchild. The current owner has not owned the parcel for 5 years, and the proposed subdivision is to provide a separate title for a sister, which is not in the list above.

Rural and Agricultural Character Policies

The Rural and Agricultural Character policies in Bylaw No. 2500 may consider new RH designations not located on good agricultural land. Land within the ALR and Class 4 or better agricultural land are considered 'good' agricultural land in Bylaw No. 2500. Around 80% of the subject property is located outside the ALR and contain Class 6 soils; approximately 20% of the subject property is within the ALR and contain Class 5 soils with moisture limitations and topography. The soils are improvable to 60% Class 4 with topography and stoniness limitations and 40% Class 5 with topography and moisture limitations.

Many of the neighbouring rural properties to the north and south of the subject property are designated and zoned RH (8 ha minimum) along Yankee Flats Road and the subject proposal is consistent with the current land use of the Yankee Flats community. The proposed redesignation and rezoning and potential subdivision are consistent with Bylaw No. 2500 policies and would not significantly change or negatively impact the surrounding rural and agricultural properties.

Sewage Disposal

The proposed 8 ha parcel has a manufactured home at 2972 Yankee Flats Road and is serviced by its own on-site septic system. The applicant has provided staff with a Record of Sewerage System for the manufactured home, dated May 2, 2013 and a Sewerage System Letter of Certification, dated July 31,

2013. The remainder of 55.99 ha would contain the single family dwelling at 3020 Yankee Flats Road and is currently serviced by a septic system with field, established 34 years ago. Proof of adequate sewage disposal on each lot will be required during the subdivision stage.

Water Supply

The water supply for each dwelling is currently from a shared well, but the dwelling at 2972 Yankee Flats Road will be drilling its own well if approved to be separated through subdivision. Proof of water requirements will be required during the subdivision stage.

Access and Parking

The subject property currently has two separate driveway accesses off of Yankee Flats Road. One access is to the manufactured home at 2972 Yankee Flats Road and the other is to the single family dwelling at 3020 Yankee Flats Road.

SUMMARY:

The applicant has applied to amend the designation and zone of the Salmon Valley Land Use Bylaw No. 2500 from R – Rural to RH – Rural Holdings for the subject property. The applicant has made this bylaw amendment application to be able to apply to subdivide the subject property.

Staff recommends Bylaw No. 2560 be given first reading and sent to the referral agencies for the following reasons:

- The majority of the subject property does not contain good agricultural land, as defined in the agricultural policies of Bylaw No. 2500;
- The current rural residential uses on each proposed lot are consistent with the land use pattern policies in Bylaw No. 2500 and with neighbouring properties along Yankee Flats Road;
- The redesignation and rezoning and the potential subdivision would not significantly change or negatively impact the surrounding rural and agricultural properties; and,
- Proof of adequate water requirements and sewage disposal on each lot will be required during the subdivision stage if Bylaw No. 2560 is approved.

IMPLEMENTATION:

Consultation Process

CSRD Policy P-18 regarding Consultation Processes – Bylaws, staff recommends the simple consultation process. Neighbouring property owners will first become aware of the application when a notice of application sign(s) is posted on the subject property.

Referral Process

The following list of referral agencies is recommended:

- Interior Health;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – FrontCounter BC;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch;
- Ministry of Transportation and Infrastructure;
- Agricultural Land Commission;
- CSRD Operations Management;
- CSRD Financial Services; and,

- All relevant First Nations Bands and Councils including:
 - Adams Lake Indian Band
 - Coldwater Indian Band
 - Cook's Ferry Indian Band
 - Little Shuswap Indian Band
 - Lower Nicola Indian Band
 - Lower Similkameen Indian Band
 - Lytton First Nation
 - Neskonlith Indian Band
 - Nlaka'pamux Nation Tribal Council
 - Okanagan Indian Band
 - Okanagan Nation Alliance
 - Oregon Jack Creek Band
 - Penticton Indian Band
 - Siska Indian Band
 - Skeetchestn Indian Band
 - Splots'in First Nation
 - Stk'emlups te Secwepemc
 - Tk'emlups Indian Band
 - Upper Nicola Band; and,
 - Esh-kn-am Cultural Resources Management Services

COMMUNICATIONS:

If the Board gives Bylaw No. 2560 first reading, the bylaw will be sent out to referral agencies. Referral responses will be provided to the Board with a future Board report, prior to delegation of a public hearing.

DESIRED OUTCOMES:

That the Board endorse staff recommendations.

BOARD'S OPTIONS:

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s).*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

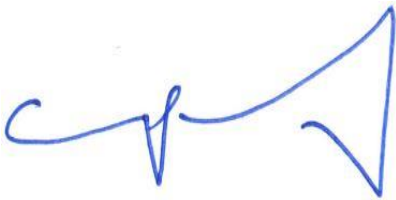
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Salmon Valley Land Use Bylaw No. 2500
2. 2017-09-21_Board_DS_LC2538_LC2539_Walters-Scott.pdf
3. LC2538_LC2539_ALC_Decision.pdf

Report Approval Details

Document Title:	2018-10-18_Board_DS_BL2560_Walters.docx
Attachments:	- BL2560_First.pdf - BL2500_Excerpts_BL2560.pdf - Maps_Plans_Photos_BL2560.pdf
Final Approval Date:	Oct 5, 2018

This report and all of its attachments were approved and signed as outlined below:



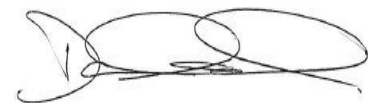
Corey Paiement - Oct 4, 2018 - 2:00 PM



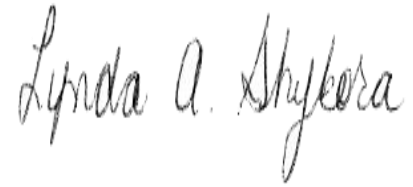
Gerald Christie - Oct 4, 2018 - 2:22 PM



Jodi Pierce - Oct 4, 2018 - 3:10 PM



Darcy Mooney - Oct 4, 2018 - 4:10 PM

A handwritten signature in cursive script that reads "Lynda A. Shykora".

Lynda Shykora - Oct 4, 2018 - 4:29 PM

A handwritten signature in cursive script that reads "Charles Hamilton".

Charles Hamilton - Oct 5, 2018 - 8:39 AM