





10.1

**REPORT TO COUNCIL**

**DATE:** August 12, 2024 **FILE:** R23-03/OCP23-03

**FROM:** M.Lisa Beaulieu, A-Director of Development Services

**SUBJECT:** OCP and Zoning Amendment Bylaw – 3628 Hot Springs Road

**RECOMMENDATION:**

**THAT** Council considers granting *Official Community Plan Amendment Bylaw No. 1508.28, 2024* and *District of Kent Zoning Bylaw 1219, Amendment Bylaw No. 1723, 2024* first and second reading; and

**THAT** Council approves the following consultation process to fulfill the requirements of Section 475 of the *Local Government Act*:

1. Two (2) consecutive issues of the local newspaper requesting written comments; and
2. Letters of notice to property owners within 100 metres of the property; and

**THAT** Council considers setting a Public Hearing date for *Official Community Plan Amendment Bylaw No. 1508.28, 2024* and *District of Kent Zoning Bylaw 1219, Amendment Bylaw No. 1723, 2024* on October 16, 2024.

**PROPERTY DESCRIPTION:**

**Owner:** JRT Developments Ltd.

**Applicant:** OTG Developments Ltd.


**Proposal:** To facilitate a 5-lot rural residential subdivision on the portion of 3628 Hot Springs Road not within the Agricultural Land Reserve.

Subject Property – 3628 Hot Springs Road

**PID:** 013-160-583

**Site Size:** 15.6 hectares (38.96 acres)

**Legal:** Parcel "A" (Reference Plan 4345) South East Quarter Section 1 Township 4 Range 29 West of the Sixth Meridian New Westminster District

 CAO

Regular  Agenda Date *Aug. 19/24*

In Camera  Agenda Place *Bylaws / P*

Public Hearing  Other \_\_\_\_\_

### OCP Land Use Designation

Current: Resource Management / Agriculture

Proposed: Residential – Rural / Agriculture

### Zoning

Current: Resource Management (MR) / Agricultural (A)

Proposed: Rural Residential 2 (RR2) / Agricultural (A)

Site Description: The property is split nearly in half by flat farmland and hillside (Bear Mountain). The farmland portion of the property is within the ALR and contains a single dwelling and other accessory residential facilities. The hillside portion of the property is not within the ALR and is forested.

Surrounding Uses: North: Agricultural (A)  
South: Agricultural (A) and Resource Management (MR)  
East: Resource Management (MR)  
West: Agricultural (A)

### Neighbourhood

Character: The surrounding neighbourhood is a mix of various sized farms, forested areas, as well as rural residential properties.

### **Application History**

In 2017, an application was made to the Ministry of Mines to utilize the portion of the property zoned MR as a gravel pit with an on-site crushing facility. After heavy opposition to the project by some Harrison Hot Springs residents, the application was eventually denied by the Ministry.

This application denial led to the property owners shifting their plans for the MR zoned hillside portion of the lot from resource extraction to rural residential development.

In 2023, OCP and Zoning amendment applications were made with the intention of using an existing access road that was conditionally approved by the ALC (Resolution #215/2020) for gravel mine road construction as the access road for the subdivision. However, because the purpose of the access road was changed the ALC required an additional application be made for their review.

On June 17, 2024, the ALC approved the proposed access road (Resolution #387/2024) and noted the 10 m wide right of way will not require ALC approval, but notification must be provided to the commission prior to registration at land titles.

## **DISCUSSION:**

### **Proposal**

To facilitate a 5-lot rural residential subdivision (Appendix C), the applicants are requesting the below land use amendments for the portion of 3628 Hot Springs Road not within the Agricultural Land Reserve.

#### Official Community Plan

1. Map amendment: redesignate from Resource Management to Residential – Rural.

#### Zoning Bylaw

2. Map amendment: rezone from Resource Management (MR) to Rural Residential 2 (RR2).
3. Text amendment: exempt all five proposed lots from the RR2 zone's 2.0 hectare minimum lot size for lots without an approved community sewer system. Proposed lot sizes will be as follows:
  - Lot 1: 1.1 ha
  - Lot 2: 0.8 ha
  - Lot 3: 1.1 ha
  - Lot 4: 1.4 ha
  - Lot 5: 1.6 ha

The proposed subdivision will be serviced by on-site well and septic systems and access Hot Springs Road via a private road right of way through the farm portion of the subject property (ALC Resolution 387/2024).

### **Regional Growth Strategy (RGS) Fraser Valley Future 2050**

The RGS Fraser Valley Future 2050 (adopted April 2024) does not include the subject property within the identified Regional Growth Boundary.

**OCP Policy Review and Staff Comments**

<b>Resource Management</b>	
7	If future studies show that an area with a Resource Management designation can accommodate a broader range of uses with safe access and without environmental damage, the area may be re-designated through an OCP Amendment.
<b>Staff Comments</b>	<ol style="list-style-type: none"> <li>1. Policy 7 recommends studies take place prior to the redesignation of Resource Management designated lands.</li> <li>2. It is recommended that Council considers first and second readings to the proposed bylaws and the following reports are submitted prior to final adoption of the OCP and Zoning Bylaw amendments. These reports would form part of the required development permit and Tree Management Bylaw. <ul style="list-style-type: none"> <li>• Geotechnical Hazard Assessment.</li> <li>• Riparian Areas Regulation Assessment.</li> <li>• Arborist Report.</li> <li>• Stormwater Management Plan.</li> </ul> </li> </ol>
<b>General Residential Policies</b>	
7	<b>Focus residential growth near existing services and infrastructure.</b>
<b>Staff Comments</b>	<ol style="list-style-type: none"> <li>1. The proposed development: <ol style="list-style-type: none"> <li>a. would not be connected to municipal services and would be reliant on on-site services.</li> <li>b. is isolated from commercial and institutional services, including parks, available in the Agassiz Townsite.</li> </ol> </li> </ol>
9	<b>More intense residential development of hillside areas in the District is discouraged until Mount Woodside is fully developed and additional hillsides are required to meet population growth needs.</b>
<b>Staff Comments</b>	<ol style="list-style-type: none"> <li>1. While there are currently active applications for approximately 250 proposed dwelling units on Mount Woodside, these applications have been delayed by access related challenges to the Loughheed Highway. The creation of the proposed five lot subdivision on 3628 Hot Springs Road will have minimum impact on this policy and is nowhere near Mount Woodside.</li> </ol>
<b>Residential – Rural Polices</b>	
1	<b>Residential – Rural areas shall be maintained generally for low density single family uses. Minimum lot size shall be in accordance with zoning provisions: 0.8 hectares (2 acres) minimum with an approved community sewer system and 2.0 hectares (5 acres) minimum without an approved community sewer system.</b>

<b>Staff Comments</b>	1. All services will need to be maintained on site as services are unavailable for the proposed development.
5	<b>(a) Clustering of residential units shall be encouraged within the Residential - Rural designation in order to preserve natural areas.</b>
<b>Staff Comments</b>	<ol style="list-style-type: none"> <li>1. The proposed development would create a new rural residential cluster in a mostly undeveloped area.</li> <li>2. Tree Management (Land Development) Bylaw 1700 will provide guidelines for the protection and preservation of trees for any development.</li> </ol>

**Staff Recommendation**

Staff recommends that Council considers:

- Granting *Official Community Plan Amendment Bylaw No. 1508.28, 2024* and *District of Kent Zoning Bylaw 1219, Amendment Bylaw No. 1723, 2024* first and second reading
- Approving the following consultation process to fulfill the requirements of Section 475 of the *Local Government Act*:
  1. Two (2) consecutive issues of the local newspaper requesting written comments; and
  2. Letters of notice to property owners within 100 metres of the property; and
- Setting a Public Hearing date for *Official Community Plan Amendment Bylaw No. 1508.28, 2024* and *District of Kent Zoning Bylaw 1219, Amendment Bylaw No. 1723, 2024* on October 16, 2024.

**ENVIRONMENTAL CONSIDERATIONS:**

Tree removal is anticipated as a result of this development as well as potential impacts to the Hot Springs Slough. Reports identified in this report would be required to help mitigate the environment impacts.

**BUDGETARY CONSIDERATIONS:**

The applicant is responsible for all costs associated with the Zoning Bylaw and Official Community Plan amendment processes.

**POLICY CONSIDERATIONS:**

Official Community Plan and Zoning Bylaw amendments will be conducted in accordance with Section 464 of the *Local Government Act* and *District of Kent Development Procedures Bylaw No. 1194, 2001*. Letters of notice will be mailed to

property owners within 100 m of the property no later than 10 days prior to the date of public hearing.

**ALTERNATIVES/OPTIONS:**

- 1) Staff's recommendation.
- 2) Do not support recommendation.
- 3) Request further information.

**ATTACHMENTS:**

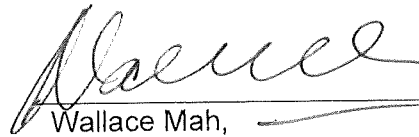
- 1) Appendix A: Location Map
- 2) Appendix B: Aerial Photo
- 3) Appendix C: Official Community Plan Amendment Bylaw No. 1508.28, 2024
- 4) Appendix D: District of Kent Zoning Bylaw, Amendment Bylaw No. 1723, 2024

Respectfully submitted for your  
consideration



\_\_\_\_\_  
M. Lisa Beaulieu  
A-Director of Development Services

Approved for submission by



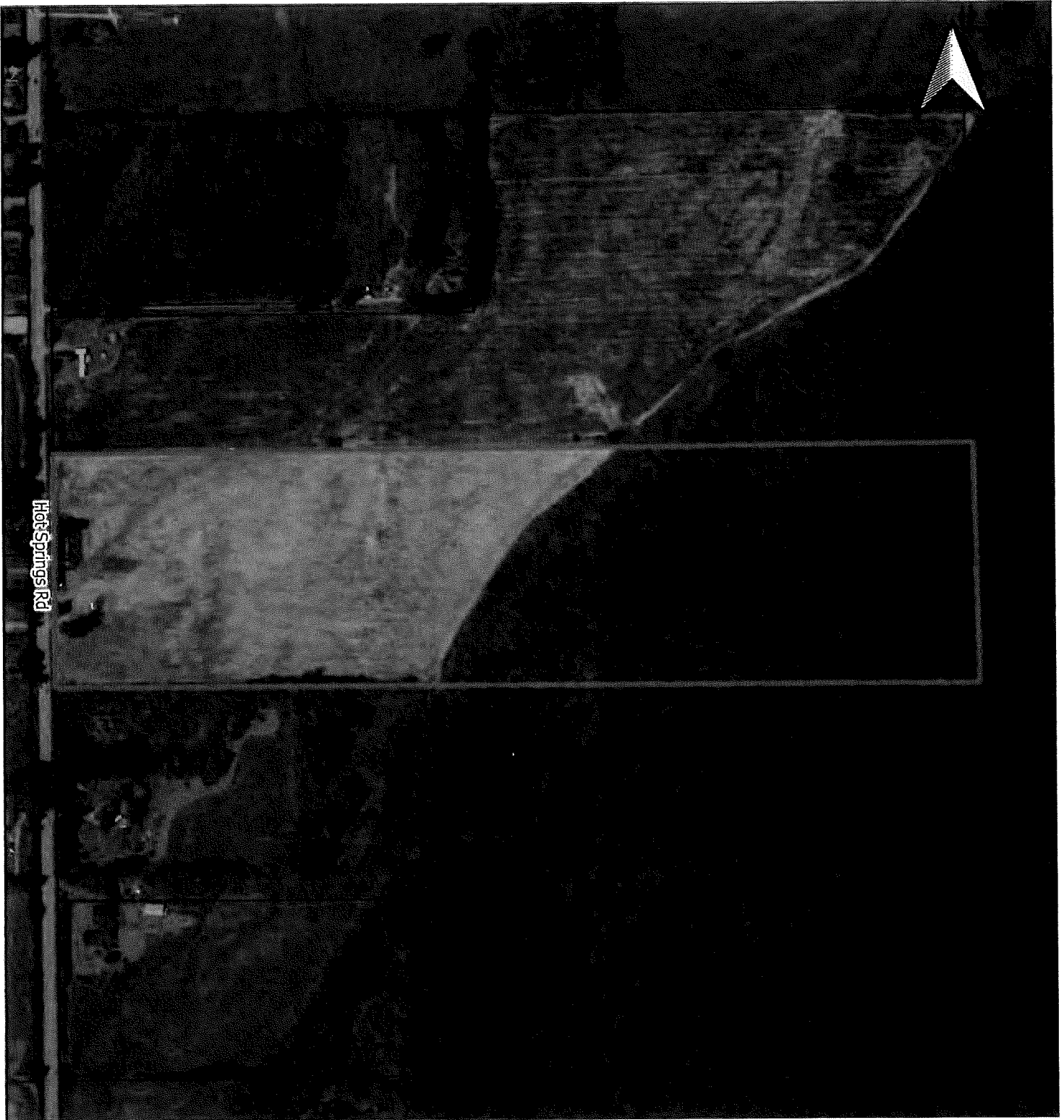
\_\_\_\_\_  
Wallace Mah,  
Chief Administrative Officer



# APPENDIX B



## Aerial Photo



0 100 200 m



Subject Property



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**THE CORPORATION OF THE DISTRICT OF KENT**

**BYLAW NO. 1508.28**

*"A bylaw to amend the District of Kent Official Community Plan Bylaw 1508, 2014"*

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**WHEREAS** the Council of the Corporation of the District of Kent has deemed it advisable to amend the Official Community Plan;

**NOW THEREFORE** the Council of the Corporation of the District of Kent, in open meeting assembled, enacts as follows:

**1. CITATION**

This Bylaw may be cited for all purposes as "Official Community Plan Amendment Bylaw No. 1508.28, 2024".

**2. MAP AMENDMENTS**

That OCP Reference Map Schedule B, and B-8 Land Use Plans of the District of Kent Official Community Plan Bylaw No. 1508, 2014 be amended for the following properties:

Currently legally described as:

Parcel "A" (Reference Plan 4345) South East Quarter Section 1 Township 4 Range 29 West of the Sixth Meridian New Westminster District:

Commonly known as:

3628 Hot Springs Road, Agassiz, BC

As outlined in black diagonal lines on Official Community Plan Amendment Map Schedule 1508.28-01 attached hereto by redesignating the above legally described lands from Resource Management to Residential - Rural

**3. SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this bylaw is, for any reason, held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this bylaw.

READ A FIRST TIME this day of  
READ A SECOND TIME this day of  
PUBLIC HEARING WAS HELD this day of  
READ A THIRD TIME this day of  
FINALLY PASSED AND ADOPTED this day of

**CERTIFIED CORRECT:**

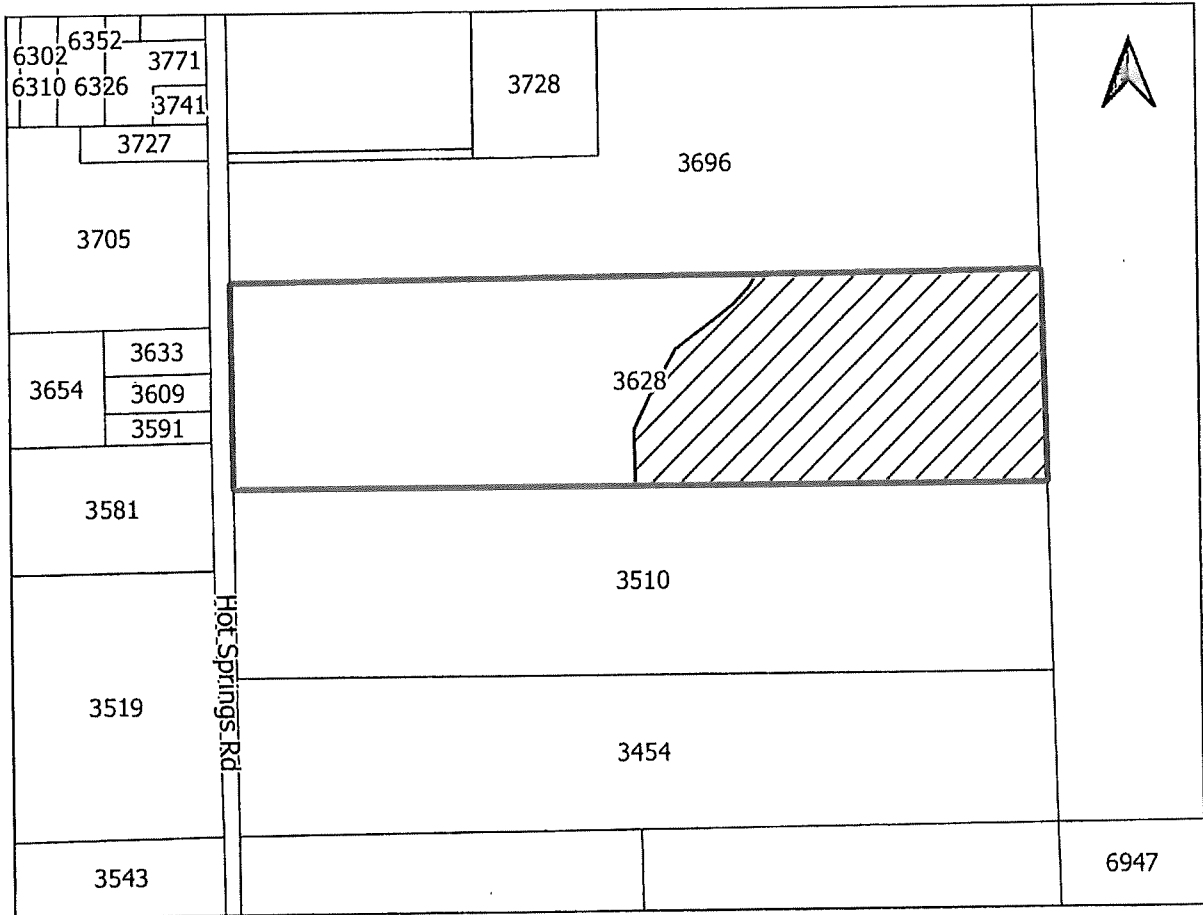
\_\_\_\_\_  
Sylvia Pranger, Mayor

\_\_\_\_\_  
Wallace Mah, Chief Administrative Officer

**CERTIFIED A TRUE AND CORRECT COPY**  
of "Official Community Plan Amendment Bylaw  
No.1508.28, 2024" adopted on this day of

\_\_\_\_\_  
Clair Lee, Director of Corporate Services

THE CORPORATION OF THE DISTRICT OF KENT BYLAW NO. 1508.28  
OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT MAP  
SCHEDULE 1508.28-1



Land District: NWD  
Land Title Office: New Westminster District

 FROM: RESOURCE MANAGEMENT  
TO: RESIDENTIAL - RURAL

\_\_\_\_\_  
Sylvia Pranger, Mayor

\_\_\_\_\_  
Wallace Mah, Chief Administrative Officer



**DISTRICT OF KENT**

BYLAW NO. 1508.28  
 DATE: August 15, 2024  
 FILE NO. 0623-03

INITIALS  
REQUIRED

INITIALS  
REQUIRED  
(CLERICAL STAFF)

ORIGINATOR	COOR ADMIN	ACTION TO BE TAKEN	DONE	DATE
BV	GA	<b>FIRST READING</b>		
BV	GA	<b>SECOND READING</b>		
		Rescind Second Reading		
		Amend Bylaw and Re-read Second		
		Approval of Reg. Dist. (borrowing bylaws)		
		Approval of Inspector of Municipalities		
		Approval of Ministry of Municipal Affairs		
		Advertise bylaw (or Waiving of bylaw)		
BV	GA	Public Hearing		
BV	GA	<b>THIRD READING</b>		
		Rescind Third Reading		
		Amend Bylaw and Re-Read Third		
		Approval of Inspector of Municipalities		
		Approval of Ministry of Transportation		
		Alternate Approval Process		
		Advertise Bylaw		
		Opportunity for Public Input		
		Quashing Period		
BV	GA	<b>ADOPTION</b>		
		Quashing Period		
		File with Inspector of Municipalities		

**THIS MUST BE COMPLETED BY ORIGINATOR**

LEGAL AUTHORITIES

LGA

MISCELLANEOUS

**THE CORPORATION OF THE DISTRICT OF KENT**

**BYLAW NO. 1723**

*"A bylaw to amend the District of Kent Zoning Bylaw 1219, 2001."*

**WHEREAS** the Council of the Corporation of the District of Kent has deemed it advisable to further amend Zoning Bylaw No. 1219, 2001;

**NOW THEREFORE** the Council of the Corporation of the District of Kent, in open meeting assembled, enacts as follows:

**1. CITATION**

This bylaw may be cited for all purposes as "District of Kent Zoning Bylaw 1219, Amendment Bylaw No. 1723, 2024".

**2. MAP AMENDMENT**

That Zoning Reference Map 10 of Schedule A, Zoning Reference Map Key of the District of Kent Zoning Bylaw No. 1219, 2001 be amended for portions of the lands:

Currently legally described as:

Parcel "A" (Reference Plan 4345) South East Quarter Section 1 Township 4 Range 29 West of the Sixth Meridian New Westminster District

Commonly known as:

3628 Hot Springs Road, Agassiz, BC

By rezoning the portion shown in black vertical hatching from Resource Management (MR) to Rural Residential 2 (RR2).

**3. TEXT AMENDMENT**

<b>Table 9.3.3 Site Specific Exemptions</b>	
<b>Legal Description</b>	<b>Exemption</b>
Lots 1, 2, 3, 4 and 5 full <i>legal Description to be provided at subdivision</i>	To reduce the 2.0 ha minimum lot size requirements for lots without an approved community sewer system

	to: Lot 1: 1.1 ha Lot 2: 0.8 ha Lot 3: 1.1 ha Lot 4: 1.4 ha Lot 5: 1.6 ha
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**4. SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this bylaw is, for any reason, held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this bylaw.

READ A FIRST TIME this day of

READ A SECOND TIME this day of

A PUBLIC HEARING WAS HELD this day of

READ A THIRD TIME this day of

MINISTRY OF TRANSPORTATION APPROVAL this day of

FINALLY PASSED AND ADOPTED this day of

**CERTIFIED CORRECT:**

\_\_\_\_\_  
Sylvia Pranger, Mayor

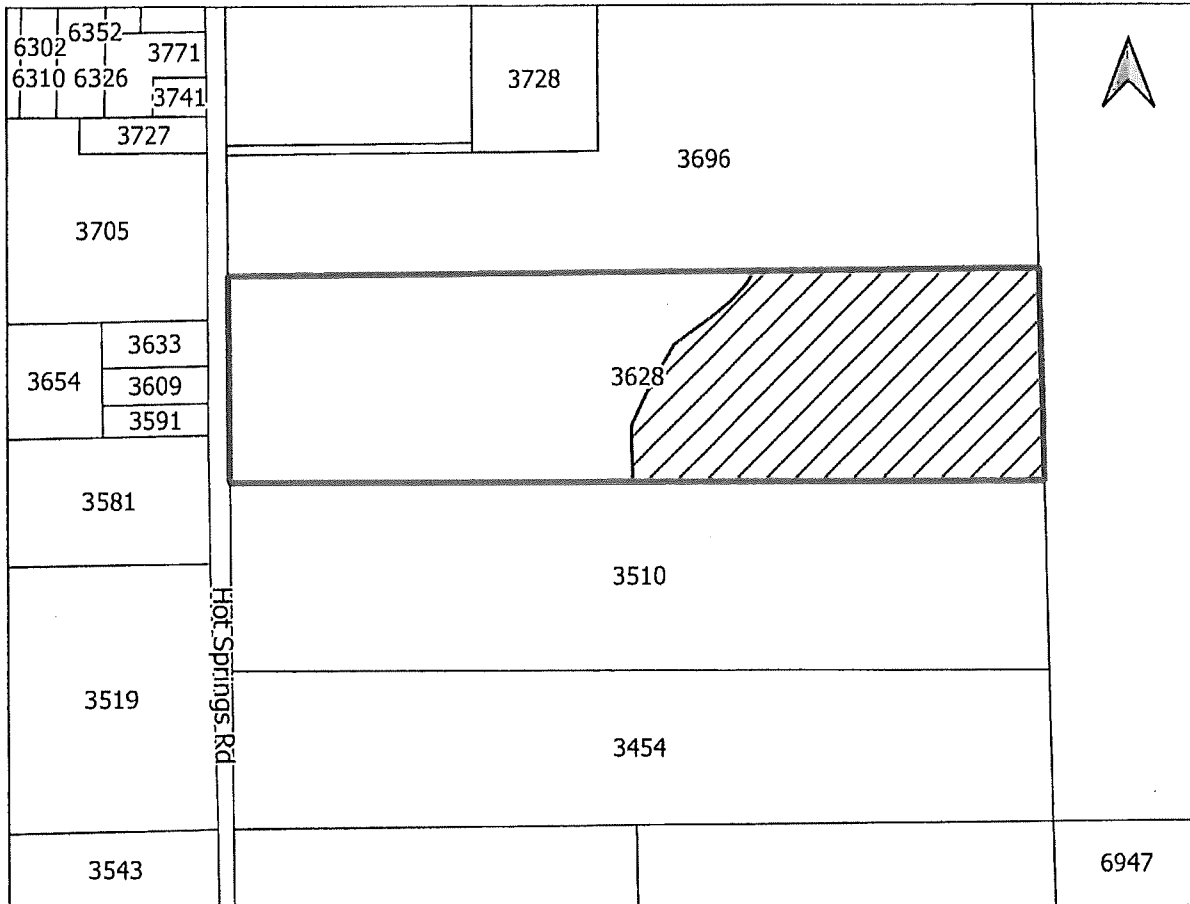
\_\_\_\_\_  
Wallace Mah, Chief Administrative Officer

**CERTIFIED A TRUE & CORRECT COPY**  
of "District of Kent Zoning Bylaw 1219,  
Amendment Bylaw No.1723, 2024"  
adopted on this day of

\_\_\_\_\_  
Clair Lee, Director of Corporate Services

THE CORPORATION OF THE DISTRICT OF KENT BYLAW NO. 1723

ZONING BYLAW AMENDMENT MAP  
SCHEDULE 1723-1



Land District: NWD  
Land Title Office: New Westminster District

FROM: RESOURCE MANAGEMENT (MR)  
 TO: RURAL RESIDENTIAL 2 (RR2)

This is Map Amendment Schedule 1723-1 to and forming part of "Zoning Bylaw 1219, Amendment Bylaw No. 1723, 2024"

Sylvia Pranger, Mayor

Wallace Mah, Chief Administrative Officer



**DISTRICT OF KENT**

BYLAW NO. 1723  
 DATE: August 15, 2024  
 FILE NO. R23-03

INITIALS  
REQUIRED

INITIALS  
REQUIRED  
(CLERICAL STAFF)

ORIGINATOR	CORP ADMIN	ACTION TO BE TAKEN	DONE	DATE
BV	GG	<b>FIRST READING</b>		
BV	GG	<b>SECOND READING</b>		
		Rescind Second Reading		
		Amend Bylaw and Re-read Second		
		Approval of Reg. Dist. (borrowing bylaws)		
		Approval of Inspector of Municipalities		
		Approval of Ministry of Municipal Affairs		
		Advertise bylaw (or Waiving of bylaw)		
BV	GG	Public Hearing		
BV	GG	<b>THIRD READING</b>		
		Rescind Third Reading		
		Amend Bylaw and Re-Read Third		
		Approval of Inspector of Municipalities		
BV	GG	Approval of Ministry of Transportation		
		Alternate Approval Process		
		Advertise Bylaw		
		Opportunity for Public Input		
		Quashing Period		
BV	GG	<b>ADOPTION</b>		
		Quashing Period		
		File with Inspector of Municipalities		

**THIS MUST BE COMPLETED BY ORIGINATOR**

LEGAL AUTHORITIES

LGA  
Transportation Act

MISCELLANEOUS

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