

RDOS – Supporting Rationale – Rezoning Application

PROPERTY DESCRIPTION – LOCATION:

The property comprises of an irregularly shaped parcel of land of approximately 12.5 hectares (approximately 31 acres). Existing site topography generally slopes towards the southwest, towards highway 3 at between 30 to 50%. The property is bound by Hwy 3 on the southwest and by private property on all other sides. The location of the property is approximately 2 kilometers east of the town of Osoyoos, below the snow- belt on Anarchist Mountain.

ZONING:

The property is currently zoned as Large Holdings, LH1 which allows/ requires 4.0 hectare (approximately 10 acre) lots. Based on the total property of 12.5 hectares this would equal 3 lots (3 homes). Our request for rezoning, specified below, is for a total of 5 lots, in addition to a conservation area. Thus we are only asking for 2 additional lots in our rezoning application.

ENVIRONMENTAL IMPACT ASSESSMENT:

An Environmental Impact Assessment (EIA) Report dated January 2015, was prepared by Robyn Laubman, B.Sc., of Ecora Engineering Group Ltd. An addendum, Environmental Assessment for Osoyoos Property Lot 15 – Addendum dated March 2016, was prepared by Dan Bernier, MSc, RPBio., of Ecora Engineering Group Ltd. These reports were submitted regarding an application for an Environmentally Sensitive Development Permit (ESDP) The ESDP was approved in Permit No. A2014.132-ESDP, dated June 9, 2016. This permit covers the construction of a single-family residential home, outdoor pool, site access and installation of storm, sanitary, and utility services to be undertaken in accordance with the site plan. Environmentally Sensitive Areas (ESAs) were mapped and described for the property and the adjacent areas in order to refine the existing inventory maps and capture sensitive features on the site. These areas are shown on the enclosed site plan. Although this Environmental Impact Assessment Report was prepared for the construction of a single-family home and access road, the report has provided valuable information related to planning a possible rezoning of the property. Environmentally Sensitive Area (ESA) determination was based on the RDOS's ESA Criteria and the following four-class rating system as described in the RDOS's Terms of Reference Professional Reports for Planning Services (2008):

ESA – 1 High, contain significant vegetation and wildlife characteristics representing a diverse range of sensitive habitat. These features contribute significantly to the overall connectivity of the habitat and ecosystems. Avoidance and conservation of ESA-1 designations should be the primary objective. If development should occur within these areas (only after it proves impossible or impractical to maintain the same level of ecological function) compensation will promote no net loss to the habitat (typically with a 3:1 replacement of equivalent functioning habitat);

ESA – 2 Moderate, contribute toward the overall diversity and contiguous nature of the surrounding natural features. If development is pursued in these areas, portions of the habitat should be retained

and integrated to maintain the contiguous nature of the landscape. Some loss to these ESAs can be offset by habitat improvements to the remaining natural areas found on the property;

ESA – 3 Low, representing disturbed habitats or fragmented features. These areas contribute to the diversity to the landscape, although based on the condition and adjacency of each habitat the significant function within the landscape is limited. If development is pursued in these areas the impacts should be offset by habitat improvements in other more sensitive natural areas found on the property.

The Environmental Impact Assessment Report has summarized the ESA Areas on the property as follows:

ESA – 2 – Subhygric draw. Wildlife corridor and good connectivity to adjacent drainages, provision of ungulate winter browse species, cover for small mammals, perching habitat for birds, additional plant biodiversity on the site. This area is 2,394 m² equal to 2% of the total property.

ESA – 2 – Rock outcrops and sparsely vegetated communities. Provides habitat values to many species at risk, warm aspect slopes provide basking habitat for snake species, very fragile plant communities, somewhat fragmented from similar habitats. This area is 25,295 m² equal to 20% of the total property.

ESA -3 – Naturally vegetated shrub land with high levels of disturbance and fragmentation. Mixture of invasive and native vegetation fragmented by disturbance (e.g. trails) poor connectivity to higher value areas (separated by Highway 3). This area is 97,631 m² equal to 78% of the total property.

The proposed Conservation Area approximately 5.6 hectares (14 acres) includes almost all of the ESA 2 classified areas on the property, leaving this area in its natural existing state.

The approved access road to the single detached dwelling would also serve as a strata road for a potential future subdivision. Working closely with the engineers and designers over the past year, opportunities to have even less disturbance of the ESA 2 areas were identified and therefore much less disturbance is planned than the original design of the access road. Through this process the total area for the cut and road of the ESA 2 area has been reduced to 247 m². As soon as the access road is completed, the exposed areas will be hydro seeded using native seeds to restore this area back to its natural state.

Riparian Areas on the property:

As part of the Environmentally Sensitivity Assessment process performed, it was determined that three mapped watercourses located on or near the property may require a Riparian Areas Regulations (RAR) assessment to determine their status as streams. The two days where the project area was assessed were likely the two rainiest days of the Spring, 2012 and both days had reported floods and flood-watches issued throughout the Okanagan valley. These were ideal days for evaluating potential surface flow of drainage channels.

None of the three channels on or near the property meet the definition of a stream as outlined in the Riparian Areas Regulation: none of the 3 mapped channels provide fish habitat or surface flow of water

into fish habitat. The most southern creek located in proximity to the property is the gazette Bourguiba Creek. A second watercourse mapped on the RDOS website and located in the middle of the property site displayed mesic conditions and had no surface flow on the two days the stream was observed. The characteristic scouring and sediment deposition associated with flowing streams was absent from this old channel. This channel provides no fish habitat or water to fish habitat by surface flow.

The third and most northern draw located within the property boundaries and mapped on the RDOS website displayed mesic to sub-hygic conditions, is approximately 2-5 meters in width, and has a slope of 28%. The characteristic scouring and sediment deposition associated with flowing streams was absent from this old channel. This channel provides no fish habitat or water to fish habitat by surface flow. This area is included in the proposed Conservation Area.

Based on the findings from the site visit, none of the mapped watercourses on the RDOS website related to this property require a Riparian Areas Regulation Assessment. These ecosystems do provide significant ecological value however, and it is recommended that the north and south channels are considered ESA 1 areas and that the development incorporates these values into the planning process.

REZONING:

There are 5 natural benches throughout the property that are suitable for developing future building sites. To ensure that these building sites meet all geotechnical requirements and guidelines, this work will be carried out working closely with geotechnical engineers for approval. The enclosed site plan shows a proposal for subdividing the existing property into a total of 5 lots, each approximately 1 hectare in size, resulting in a small cluster type development. The proposed site plan has taken existing environmental values into consideration in order to avoid known sensitive areas. The remaining approximately 5.6 hectares (14 acres) is proposed rezoned as a conservation area as shown on the site plan. We have enclosed a separate map showing the proposed conservation area in a highlighted green color. The strata (5 lots) would own the conservation area which will have covenants to restrict access in order to support and protect wildlife, native vegetation, species and local fauna in general. Covenants would also ensure that the conservation area cannot be subdivided and no construction of buildings would be permitted. Any amendments to covenants would have to be approved by all 5 strata lots. In our opinion the submitted proposal represents a plan for a sustainable development of the property. It is not suited nor zoned for any agricultural or commercial use. Because we are outside of the ALR designated area, our application for rezoning would make more efficient use of existing non-ALR lands. It is our understanding that Governments do not want to remove ALR lands from the valley bottom to accommodate growth. The provincial government's proposed Bill 52 seems to have intentions of protecting existing farmland within the ALR and to preserve the land as much as possible for food production. Based on these facts it is our opinion that this really means developments should occur in locations such as ours.

BENEFITS OF REZONING FROM EXISTING LARGE HOLDINGS:

The property is currently zoned as large holdings which allows for a possible rezoning of 10 acre lots. One of the main intentions behind this zoning is to limit the number of future dwellings in this area,

which in itself is a good ambition. However as our society evolves, what worked well yesterday doesn't necessarily mean that it represents the best solution today. We have gradually become more aware of our environment and the desire to preserve our existing habitat for future generations to come, while there is still increasing pressure on residential and commercial developments in rural areas. Enclosed, as enclosure number 1, is a map showing the neighboring parcels of land, largely ranging between 40 to 60 acres in size, although some are smaller. As a land owner it is difficult to try to sell a 10 acre lot with a lot of restrictions on it. Generally speaking when someone buys a property they want to do whatever they want with it, although this has to be done within existing bylaws and guidelines. Our concept proposal involves designating almost one half of the property as a conservation area. The future homes will be built in a cluster type development, thus concentrating the area in which the buildings are located on the property. If this concept is adapted for the future development of the area, where approximately one half of the properties would be designated as conservations areas, by planning and coordinating these areas this would result in large undisturbed corridors for fauna and wildlife to be able to flourish in the future. This concept would also attract buyers that have a sincere appreciation and respect for efforts regarding conservation and environmental protection. Our property is not in a growth area. To illustrate a comparable perspective, there is a development approximately 10 kilometers away from our property, in a growth area where approximately 300 homes are under construction on about 70 acres. If we applied the same density it would result in almost 150 homes on our property. So in this respect building 5 homes in a cluster type development on 31 acres, and allowing for almost half of the property as a designated conservation area, is an excellent way of pursuing a sustainable use of our parcel, in my opinion. A similar concept was approved for the Regal Ridge development many years ago. Although this development is on a much larger scale, much of the same principles apply.

In reference to "South Okanagan Regional Growth Strategy Bylaw No.2770,2017" Objective 1C – Protect character of rural areas: 1C-4 "limit consideration for rezoning of large rural land parcels to smaller parcel sizes outside of Primary Growth Areas and Rural Growth Areas only where such growth is **infill**, does not significantly increase the number of units or the established density, and respects the character of its surroundings." The RGS also defines a goal to protect the health and biodiversity of ecosystems in the south Okanagan. This environmental goal is built upon two fundamental principles. 1. The environment should be respected for the ecosystem services it provides that entirely support human health and wellbeing; and Water supply, conservation and quality are key environmental concerns and priority considerations for environment resource management initiatives.

In my opinion, the proposed rezoning application will not increase the number of units significantly. It can also be argued that this can be interpreted as **infill**. The proposed concept respects the character of its surroundings and contributes to the protection of health and biodiversity of ecosystems in the south Okanagan for keeping nature in our future.

WATER:

The site plan shows potential wells that have been "witched". One proposed lot has one potential well and the remaining 4 lots each have 2 or 3 potential wells. There is an existing well at the very south end of the property that is shown on the site plan. According to the well construction report this well

produces 10 US gallons per minute. The total depth drilled is 180 ft. Notes on the report show “very clean” water. This well has been developed to supply water for compacting material related to the road construction. The practical use of the well water confirms the information in the well construction report. On a larger scale, the water consumption of a single family home is considered to have a small impact on the total water resources that are available. Based on this, the proposed 5 potential single family homes would be considered to have a limited impact on the total water supply. Anarchist Mountain is generally known to produce adequate water in most drilled wells.

SEWER:

The plan is to develop individual septic systems on each proposed lot.

LANDSCAPING – FIRE PROTECTION:

The guidelines for individual landscaping on each lot will focus on fire protective measures with landscaping using fire resistant components. These would be incorporated as a limited but adequate perimeter surrounding each individual home. The main goal for all landscaping is to preserve the existing native vegetation as much as possible.

The plan is to install a 10,000 US gallon (approximately 38,000 liters) water tank on or close to the proposed lot SL 5. This plan is supported by the local fire chief after an onsite consultation. This tank would supply the necessary number of fire hydrants throughout the property with water. In addition to this water source each individual home is planned to have a pool which would serve as an extra backup water supply in the summer months.

CONCEPTUAL DESIGN FOR HOMES:

All homes will be architecturally designed in accordance with our guidelines and building scheme. They include larger homes with exteriors consisting of colours that blend with the existing natural environment. The homes will have access through a secured and gated entry system. We are introducing a new concept to the area that does not exist today and therefore contributing to the diversity of this region. The property assessment values for these homes are expected to be on the higher end of the scale and as such will contribute substantial annual property taxes.

MARKET ANALYSIS:

A Market analysis for the proposed subdivision was completed by Engel & Volkers Kelowna office in July, 2018. Engel & Volkers is an international realtor with 700 offices around the world. Their concept focuses on high end properties in the best locations worldwide. They offer their clients exposure to potential buyers nationally and internationally thru their substantial network of offices and advanced marketing tools. The following is part of the quotation from the comparative market analysis by Engel & Volkers: “This property provides a rare opportunity in the Wine Capital of Canada. With No Foreign Buyers Tax and expected population growth, these luxury homes will be the prototype for the area. The

South Okanagan is a very desirable location to live. I believe that the area has a major shortage of homes that will attract those certain buyers that have a high standard of living and expect nothing but the best. These homes will provide just that. "Private premium luxury residences." The suggested pricing by Engel & Volkers confirms the feasibility of the project from a financial perspective. It would be anticipated that the development would attract resourceful buyers with large networks. They could contribute to investments and development projects in the local community.

LOCAL RESOURCES:

We have focused on making use of local resources wherever possible. These include surveying services that we have found to be very professional and efficient using advanced computer software in some of their work. A local construction company has been contracted to build the access road. We have contracted a local builder to construct our home, making use of local subcontractors wherever possible. The feedback we have received from the builder is that they have never built a home like this but are definitely up for the challenge. They consider it as a way to enhance their skills and prepare them for more challenging building projects in the future. We have chosen a local credit union as our financial partner for the project.

ENCLOSURE 1



- Legend:**
- Parcels
 - Municipal Boundary
 - Highways
 - Lakes
 - Streams
 - Indian Reserve
 - Parks
 - Powerlines
 - Roadwork
 - Intersecting



This map was prepared by the RDOS and is not to be used for any purpose other than the one for which it was prepared. The RDOS does not warrant the accuracy or completeness of the information shown on this map.



Scale: 1:10,000
 May 14, 2012

