

## ADMINISTRATIVE REPORT



**TO:** Advisory Planning Commission  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** February 8, 2021  
**RE:** Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “A”

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Purpose: To allow a 6-lot subdivision (5 residential lots and 1 conservation lot)

Owners: Steinar and Marlene Johnsen      Agent: Steinar Johnsen      Folio: A-06748.300

Legal: Lot 15, Plan KAP21789, Sublot 2, DL 2709, SDYD, Except Plan KAP90322      Civic: 1750 Highway 3

OCP: Large Holdings (LH)      Proposed OCP: Small Holdings (SH) / Conservation Area (CA)

Zone: Large Holdings One (LH1)      Proposed Zoning: Small Holdings Three (SH3) / Conservation Area (CA)

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### **Proposed Development:**

This application is seeking to amend the Official Community Plan designation and zoning of the subject property in order to facilitate a bare land strata 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 “A” Official Community Plan (OCP) Bylaw No. 2450, 2008, from Large Holdings (LH) to Small Holdings (SH) for an approximately 6.93 hectare part of the land and to Conservation Area (CA) for an approximately 5.6 hectare part of the land; and
- amend the zoning under Schedule ‘2’ (Zoning Map) of the Electoral Area “A” Zoning Bylaw No. 2451, 2008, from Large Holdings One (LH1) to Small Holdings Three (SH3) for an approximately 6.93 hectare part of the land and to Conservation Area (CA) for an approximately 5.6 hectare part of the land.

In support of the rezoning, the applicant has stated that “there are 5 natural benches throughout the property that are suitable for developing future building sites...the proposed site plan has taken existing environmental values into consideration in order to avoid known sensitive areas. The remaining approximately 5.6 hectares is proposed rezoning as conservation area.”

### **Site Context:**

The subject property is approximately 12.5 ha in area and is situated on the north side of Highway 3. It is understood that the parcel is currently being developed for a single detached dwelling and access driveway.

The surrounding pattern of development is generally characterised by large rural parcels.

### **Background:**

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The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on September 16, 1971, while available Regional District records indicate that building permits for a single detached dwelling (1995 and 2020), accessory dwelling (2020), and a swimming pool (2020) have been previously issued for this property.

Under the Electoral Area “A” Official Community Plan (OCP) Bylaw No. 2450, 2008, the subject property is currently designated Large Holdings (LH), and is the subject of a Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations. An ESDP was issued in 2016 for a single family dwelling and associated driveway access.

The draft Electoral Area “A” OCP Bylaw for the OCP update includes similar growth management and rural holdings evaluation criteria, with the addition of providing an assessment of the availability of vacant land currently designated as either Large Holdings or Small Holdings.

Under the Electoral Area “A” Zoning Bylaw No. 2451, 2008, the property is currently zoned Large Holdings One (LH1) which requires a minimum parcel size of 4.0 ha.

Under Section 8.0 (Floodplain Regulations) of the Electoral Area “A” Zoning Bylaw, the subject property is within the floodplain associated with a watercourse.

Under the Regional Growth Strategy (RGS) Bylaw No. 2770, 2017, subject property is situated midway between two growth areas (Town of Osoyoos and Osoyoos Mountain Estates).

At its meeting of November 21, 2019 the Regional Board resolved that the proposed rezoning of the subject parcel is deemed consistent with the RGS Bylaw.

BC Assessment has classified the property as “Residential” (Class 01).

### **Analysis:**

In considering this proposal, Administration notes that this proposal fails to meet growth management policies, natural hazard policies, and natural environment policies in the Electoral Area “A” OCP Bylaw, as it seeks to increase residential development on an environmentally sensitive parcel outside of a designated Growth Area (Primary or Rural) which also contains hazard areas / steep slopes.

Further, it fails to meet evaluation criteria for assessing new Rural Holdings which consider capability with and impact on the natural environment, natural hazards, servicing, area compatibility, proximity to services, and visual impacts designations, among other factors (OCP Bylaw Section 7.3.3).

### **Area Compatibility**

The proposed small holdings parcels are not consistent with the immediate vicinity which consists of large, rural parcels.

The proposed lot size of approximately 1 ha also represents a lot size that is approximately 1/4 (25%) of the typical 4.0 ha parcel size permitted in the LH1 zone, and is much smaller than existing lot sizes of surrounding properties that typically far exceed the Large Holdings minimum lot size requirements.

### **Visual Impacts**

The topography of the parcel and its surrounding lands, make it highly prominent as it is visible from both Highway 97, the Town of Osoyoos, and Highway 3.

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Although the full impact of the resulting roads and building sites are unknown, the current development of the parcel (for a single detached dwelling and its access driveway) have included rock blasting which has resulted in a “scarring” effect on the hillside and further blasting or excavating to the bedrock surface will be necessary for all building footings.

### Natural Environment

This proposal seeks to increase development permissions in an area confirmed by a Qualified Environmental Professional (QEP) to be entirely within an environmentally sensitive area (2.8 ha being ESA 2- Moderate and 9.8 ha being ESA 3 –Low), contrary to growth management policy not to support increasing densities in ESDP areas (OCP Bylaw Section 4.4.4).

The OCP encourages ESDP designated parcels to remain large to ensure their protection (OCP Bylaw Section 13.3.3.1.4) and this proposal seeks the opposite by requesting smaller parcel sizes to enable an additional two parcels over and above what is permitted under the existing LH1 zone.

### Hazard Lands

The Electoral Area “A” OCP Bylaw seeks to direct development away from areas with potentially hazardous conditions, while this proposal seeks to increase development on a parcel where the majority of construable area of this parcel has been deemed by a geotechnical engineer as a ‘moderate’ hazard.

Administration has further concerns with increasing development permissions in an area known to contain geo-technical hazards and sensitive, protected habitat, as there is an increased likelihood that variances will be sought due to difficulty to meet zoning or subdivision standards.

### Servicing

The subject parcel is located 1.6 kilometres from the Town of Osoyoos boundary and in an area where community water and sewer services are not available.

Smaller residential parcels are, more appropriately, located in the Town of Osoyoos where there are community and essential services available (OCP Bylaw Section 4.4.7).

### Alternative Recommendation

Conversely, Administration recognises that the proposal includes a conservation area zone to help protect a 5.6 hectare portion of the parcel that contains the majority of ESA 2 areas. Mitigation can be utilized to help reduce potential impacts to ESAs. Similarly, mitigation measures can be used to develop the site from a geotechnical perspective.

However, the intent of OCP is to avoid development in environmentally sensitive areas and hazard areas, where possible, and to direct residential growth to areas with services.

### Summary

In summary, Administration does not support this rezoning proposal which increases development of an environmentally sensitive and highly prominent hillside.

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### **Administrative Recommendation:**

**THAT the APC recommends to the RDOS Board of Directors that the subject development application be denied.**

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**Options:**

1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.
2. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved with the following conditions:
  - i) *TBD*
3. THAT the APC recommends to the RDOS Board of Directors that the subject development application be denied.

**Respectfully submitted:**



JoAnn Peachey, Planner I

**Endorsed By:**



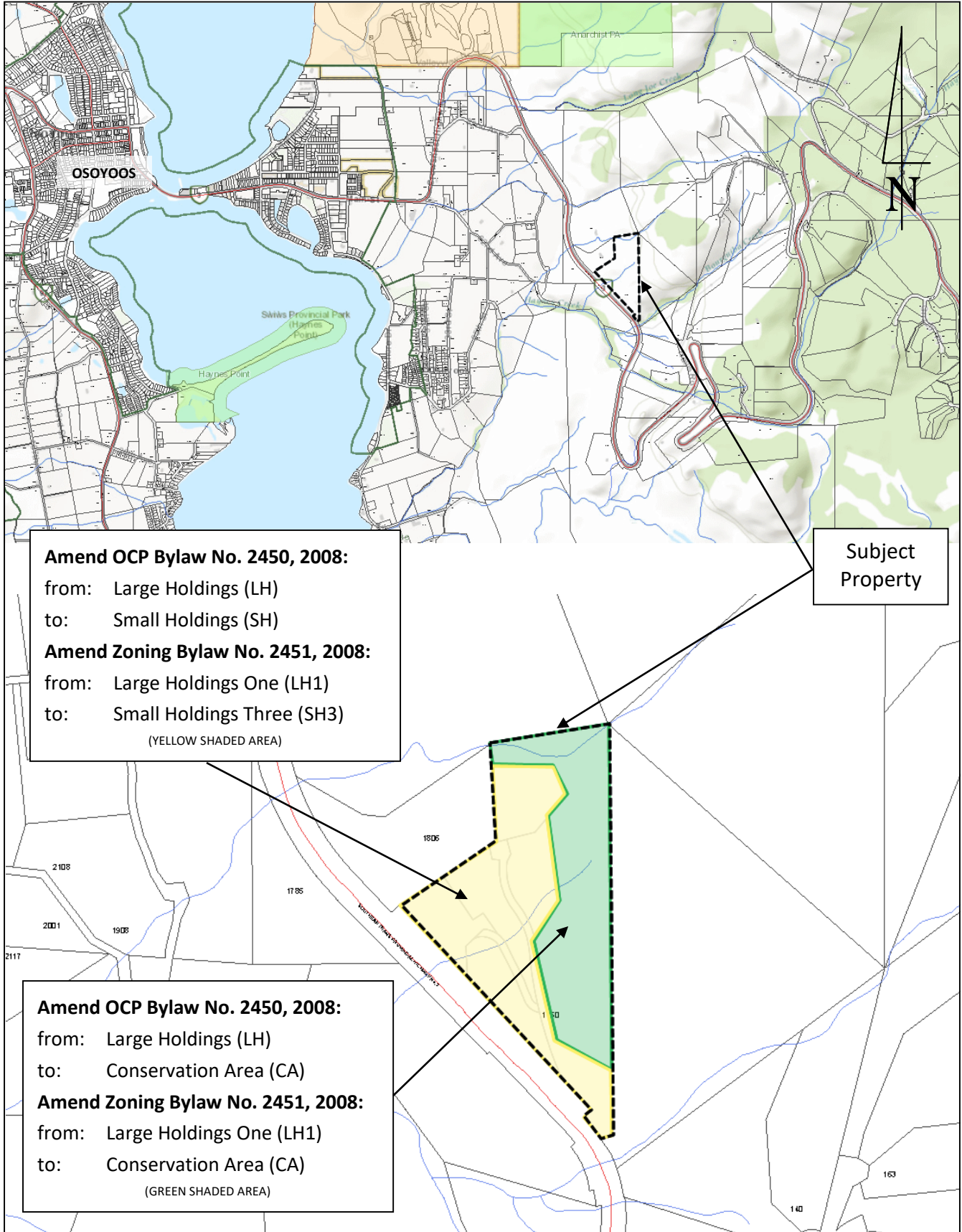
C. Garrish, Planning Manager

Attachments: No. 1 – Context Maps

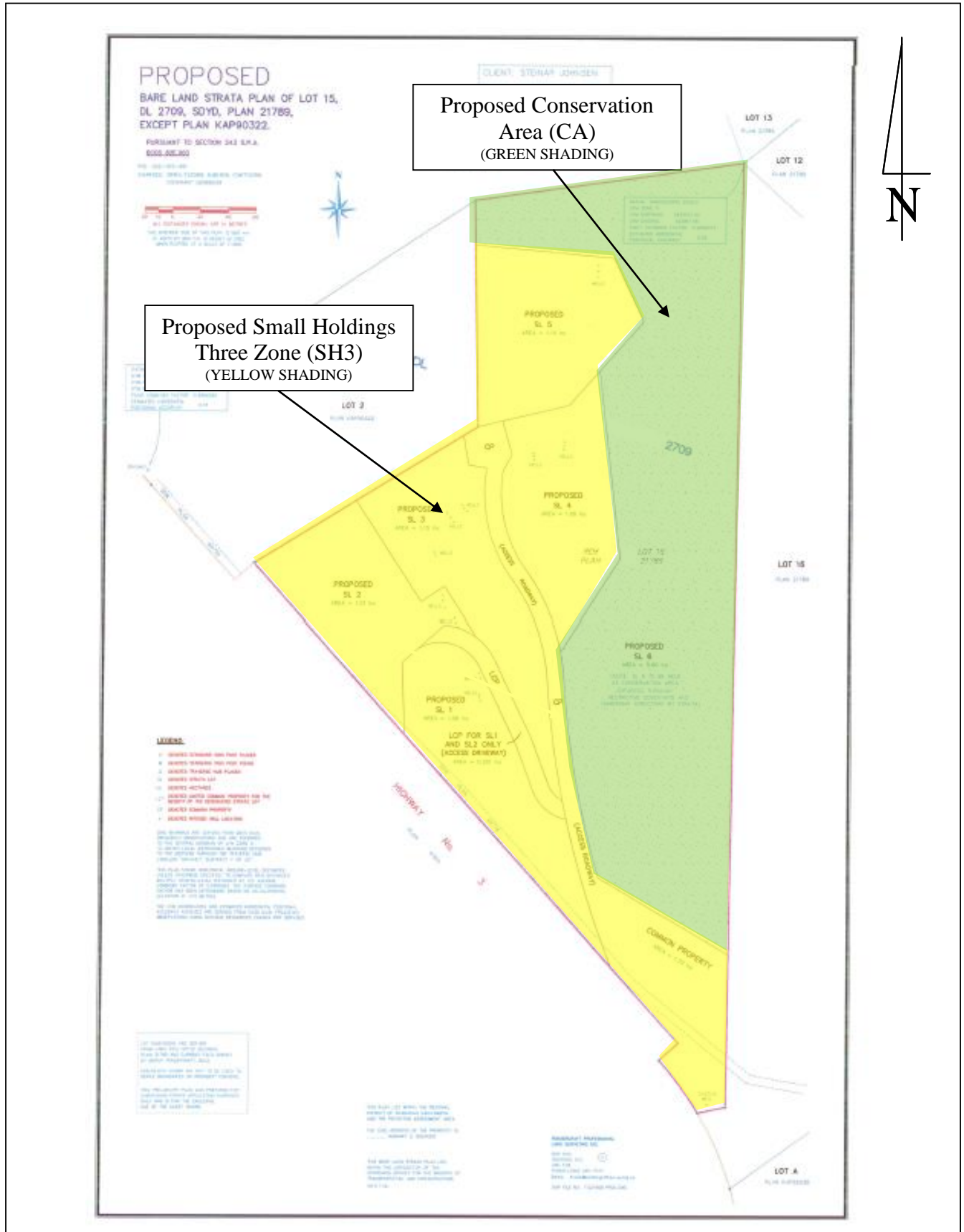
No. 2 – Applicant’s Site Plan

No. 3 – Site Photo

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 – Site Photo

