

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** January 5, 2023  
**RE:** Zoning Bylaw Amendment – Electoral Area “A” (A2022.015-ZONE)

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### Administrative Recommendation:

**THAT Bylaw No. 2800.20, 2022 a bylaw to amend the Okanagan Valley Zoning Bylaw to allow for future subdivision of 16963 Old Richter Pass Road into two 1.0 hectare parcels, be denied.**

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Folio: A-04963.080 Legal: Lot 8, Plan KAP34951, District Lot 3197, SDYD

OCP: Small Holdings (SH) Zone: Small Holdings Four (SH4)

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### Proposed Development:

This application is to amend the zoning of the property from Small Holdings Four (SH4) to Small Holdings Three (SH3) to allow for future subdivision into two 1.0 hectare parcels.

In support of the rezoning, the applicant has stated, amongst other things, that:

- *The subdivision ... [will] be occurring in an existing neighborhood as opposed to the creation of new lots outside or at the periphery of existing neighborhoods. As infrastructure does not need to be built to service the additional lot, the rezoning and eventual subdivision would not constitute ‘sprawl’ but rather is considered ‘in-fill’ as the OCP supports the smaller parcel size.*
- *There is an identified need for more housing as the RDOS 2020 Housing Needs Assessment indicated “In order to meet current basic housing demand in Electoral Area A, an additional [44] units would have needed to be built since the last census period. If growth continues to follow the trend of the RDOS as a whole, a further 31 units could be required by 2026 to meet basic demand.” Rezoning the parcel to create an additional lot for a residence is an action towards meeting this target.*

### Site Context:

The subject property is approximately 2.02 ha in area and is situated on the south side of Old Richter Pass Road, approximately 5.0km northeast from the boundary with Town of Osoyoos in the Kilpoola settlement area. It is understood that the parcel is comprised of a mobile home and various accessory structures.

The surrounding pattern of development is generally characterised by similarly sized small holdings parcels that have been developed with single detached dwellings.

### 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 June 14, 1984, while available Regional District records indicate that a building permit for a mobile home (2003) has previously been issued for this property.

Under the Regional Growth Strategy (RGS) Bylaw No. 2770, 2017, the Kilpoola area is not designated as a Growth Area and the Strategy contains the following objective to protect the character of rural areas (Objective 1-C):

- Discourage rezoning of large rural land parcels to smaller parcel sizes, outside of Primary Growth Areas and Rural Growth Areas (Policy 1C-3); and
- 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 (Policy 1C-4).

The property is designated Small Holdings (SH), and is the subject of Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations. It is zoned Small Holdings Four (SH4), which requires a minimum parcel size of 2.0 ha for subdivision.

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

**Referrals:**

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 metres of a controlled access highway (i.e. Highway 3).

**Public Process:**

On December 7, 2022, a Public Information Meeting (PIM) was held electronically via Webex and was attended by three members of the public. All comments received to date in relation to this application are included as a separate item on the Board Agenda.

**Analysis:**

This application is inconsistent with the growth management policies of the RGS, as it will introduce zoning to allow for a 50% reduction in parcel size to accommodate development that is not infill and is not representative of established adjacent densities in an area that has not been designated as a Growth Area (Primary or Rural).

Furthermore, it is in an area (Kilpoola) that is environmentally sensitive, is prone to water shortage, and is in close proximity (700 metres) of Spotted Lake, which is recognized as a culturally significant feature in the South Okanagan.

It is further noted that many of these same issues are contrary to the objectives and policies contained in the Electoral Area “A” OCP, including:

- discouraging the re-zoning of land that permits increased residential densities outside of Growth Area containment boundaries.
- existing zoned lands are capable of meeting anticipated growth trends – a population increase of up to 1.5% per year — for the next 10-20 years.

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- discouraging the rezoning of properties in the Kilpoola area that seek to facilitate subdivision or increased densities in order to protect:
    - source water and water supply; and
    - environmentally sensitive lands that have been designated as development permit areas
  - recognizing the cultural significance of Spotted Lake to the Syilx/Okanagan Nation and exploring the implementation of land use regulations to protect this natural feature.

Conversely, the proposal is generally consistent with the Small Holdings policies of the Electoral Area "A" OCP Bylaw, including:

- Supports a range of uses including rural residential, hobby farming, limited agriculture and other uses that fit within the rural character of the surrounding area.
- Will establish a range of densities and parcel sizes from 0.2ha to 2.0 ha.
- Supports a minimum parcel size of one hectare for lands without community sewer.

Summary:

The application does not align with the growth management policies of the Regional Growth Strategy or the Official Community Plan, and does not adequately address the water or environmental conservation policies established for the Kilpoola Settlement Area. Nor does it respect the significance of Spotted Lake to the Syilx/Okanagan Nation.

**Alternatives:**

1. THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.20, 2022, be read a first and second time and proceed to public hearing; and

THAT the holding of a public hearing be scheduled for the Regional District Board meeting of January 19, 2022; and


THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

**Respectfully submitted:**

*Ben Kent*

Ben Kent, Planner I

**Endorsed By:**



C. Garrish, Planning Manager

Attachments:

No. 1 – Aerial Photo

No. 2 – Applicant's Site Plan

No. 2 – Site Photo (Google Streetview)

Attachment No. 1 – Aerial Photo



Attachment No. 2 – Applicant’s Site Plan

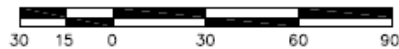
**PROPOSED  
SUBDIVISION PLAN OF LOT 8,  
DL 3197, SDYD, PLAN 34951**

PURSUANT TO SECTION 67 LTA  
BCGS 82E.003

PID: 002-914-697

CHARGES: UNDERSURFACE RIGHTS 63301E  
COVENANT W49561

SCALE 1:1500



ALL DISTANCES SHOWN ARE IN METRES.

THE INTENDED SIZE OF THIS PLAN IS 432 mm  
IN WIDTH BY 280 mm IN HEIGHT (B SIZE)  
WHEN PLOTTED AT A SCALE OF 1:1500

CIVIC ADDRESS:  
16963 OLD RICHTER PASS ROAD, OSOY005

CLIENT: ANGELO SILVA

DATE: NOVEMBER 25, 2021

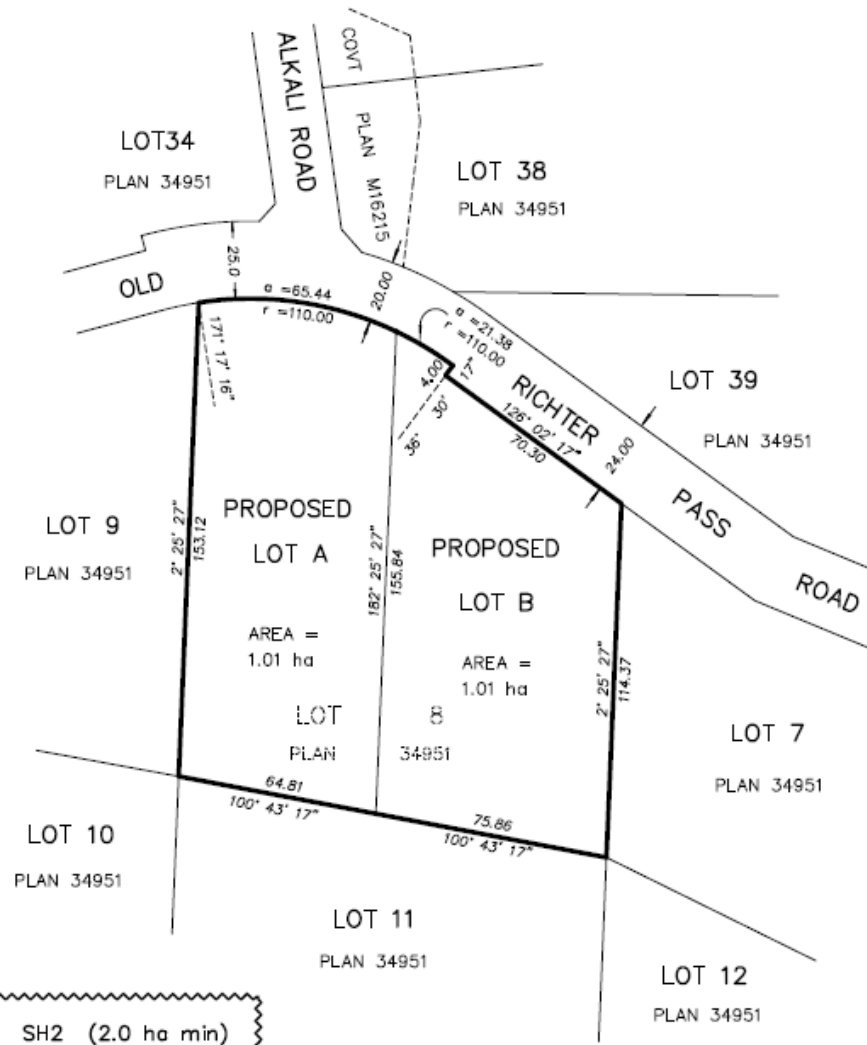
VERSION #1

LOT DIMENSIONS ARE DERIVED  
FROM LAND TITLE OFFICE RECORDS  
PLAN 34951

BEARINGS ARE UTM GRID, ZONE 11

THIS SKETCH PLAN WAS PREPARED FOR  
SUBDIVISION APPLICATION PURPOSES  
AND IS FOR THE EXCLUSIVE  
USE OF THE CLIENT SHOWN.

CURRENT ZONING SH2 (2.0 ha min)  
PROPOSED ZONING SH3 (1.0 ha min)



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OUR FILE NO. 1213129 SUB PR01.DWG  
DC FILE NO. 1142433



Attachment No. 3 – Site Photo (Google Streetview – 2012)

