



100 TURTLE LAKE RD

August 20, 2025 (Amended)

**REZONING & OCP
AMMENDMENT
APPLICATION**

Regional District of Okanagan-Similkameen (RDOS)
101 Martin Street, Penticton, BC V2A 5J9

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1. Location of Subject Property

The subject property is located at 100 Turtle Lake Road, is approximately 20.0 hectares in size and is located approximately mid-distance between OK Falls and the community of Kaleden as noted in Figure 1. The property offers a balance of privacy and accessibility, with convenient proximity to urban services.

Access to the property is via Highway 97, followed by Turtle Lake Road, and ultimately a private strata road that provides a degree of seclusion while maintaining connectivity to the regional road network.

The surrounding area is characterized by a mix of Crown land and privately held parcels that are designated either Agriculture or Resource Area in the Official Community Plan (OCP).

Figure 1 - Location of Subject Property



2. Site Features

The subject property is approximately 20 ha. in area and it generally slopes down from south to the north. The area has medium tree cover and natural vegetation and the parcel does not currently contain any structures or dwellings.

3. Current Land Use Designations

Zoning

The property is zoned Resource Area (RA) within the Okanagan Valley Zoning Bylaw No. 2800, 2022 which permits various uses such as single detached dwellings and mobile homes and accessory uses including accessory dwellings, secondary suites, accessory buildings, or structures. The RA zoning permits four secondary suites or accessory dwellings in addition to the principal single detached dwelling, which would allow up to five detached dwellings or mobile homes on the property. The minimum parcel size for subdivision in the RA zone is 20 ha.

Official Community Plan

The subject property is currently designated Resource Area (RA) in the Electoral Area “I” Official Community Plan (OCP) Bylaw No. 2683 and is within an Environmentally Sensitive Development Permit (ESDP) Area designation. The OCP states that minimum parcel sizes for properties designated RA should be 20 ha.

South Okanagan Regional Growth Strategy

The Turtle Lake Road area is not designated as a Rural Growth Area in the Regional Growth Strategy but is only 2 km from the St. Andrews Settlement Area. Under the heading ‘Housing and Development’, the RGS provides direction for development in areas that are not within a Rural Growth Area stating; *“For those communities not shown on the Growth Management Map, it is understood that some infill development may be anticipated in rural areas, provided that such development does not significantly increase the number of units or the established density of the area and respects the character of the communities.”*

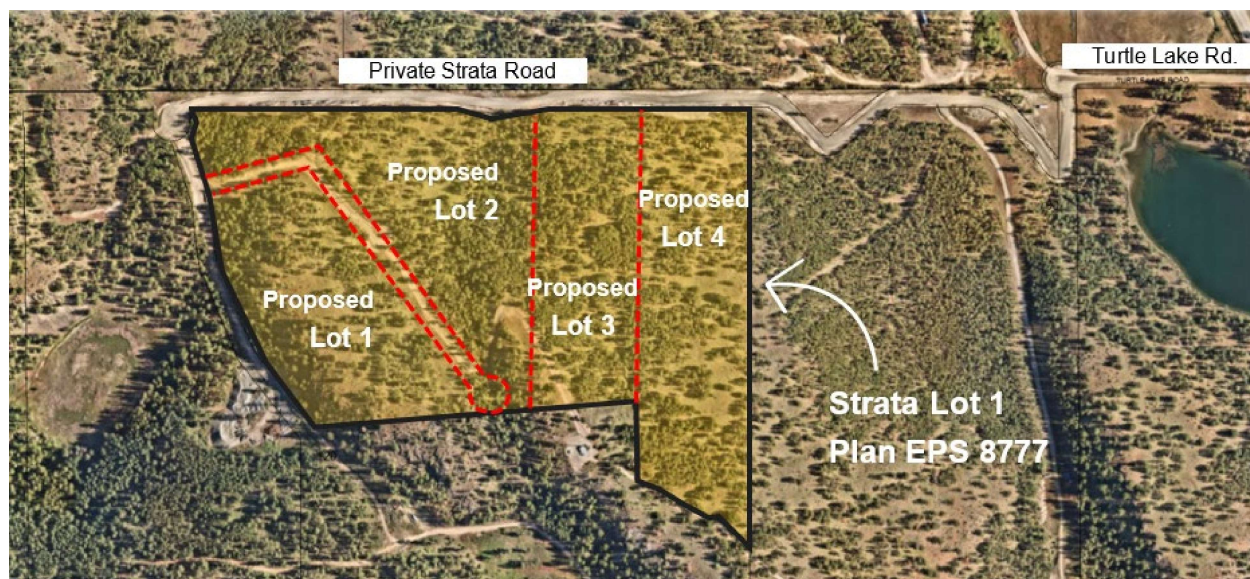
Agricultural Land Reserve

The property is not located in the Agricultural Land Reserve (ALR).

4. Proposed Development

Although the lot lines have not yet been firmly established for the proposed subdivision, the owner of the Subject Property intends to subdivide the 20+ ha. Strata Lot 1 Plan EPS 8777 into four parcels similar to that shown in [Figure 2](#) below which will result in each new lot being between 4.0 to 6.0 ha. in area. An extension to the strata road is planned to provide both legal and physical access to one of the proposed new strata lots.

Figure 2 - Proposed 4-Lot Subdivision



Considering the owner's desire to subdivide their 20+ ha. parcel to create four lots with lot sizes between 4.0 and 6.0 ha., the owners are seeking an amendment to the zoning of the property to change the zoning from Resource Area to Large Holdings One – site-specific (LH1s), which has a minimum parcel size of 4.0 ha. The site-specific provision would be a restriction on each of the lots to be zoned LH1s that would preclude the lots from having an accessory dwelling. The lots would only be able to accommodate one single detached dwelling with the option of constructing a secondary suite, but no accessory dwelling would be permitted.

To ensure the proposed LH1 zoning is consistent with the OCP, an amendment to the OCP Future Land Use Designation of the Subject Property to Large Holdings (LH) is also being requested. The Large Holdings designation within the OCP supports a minimum parcel size of 4.0 ha., consistent with the owner's subdivision intent. A summary of the requested OCP and zoning changes is noted in Table 1 below.

Table 1 - Existing and Proposed OCP and Zoning

	Existing	Proposed
OCP Land Use Designation	Resource Area (RA)	Large Holdings (LH)
Zoning Designation	Resource Area (RA)	Large Holdings (LH1) – Site Specific

Implications of Bill 44 – Small Scale Multi-Unit Housing

The Province of British Columbia has introduced new housing legislation through Bill 44 – Housing Statutes (Residential Development) Amendment Act, 2023. While many of the changes apply to urban municipalities with designated containment boundaries, the requirements for rural areas are more streamlined. In rural areas outside of an urban containment boundary, the legislation requires that Zoning Bylaws add the ability to provide at least one additional dwelling unit—such as a secondary suite or accessory dwelling—on lots where a single detached home is permitted. Although it was the intention that this rezoning application would restrict or minimize residential density in the neighborhood by precluding by accessory dwellings and secondary suites on the proposed lots, it appears that the provisions of Bill 44 require the allowance of at least one additional dwelling unit which could be either an accessory dwelling or a secondary suite. As such, to comply with the Provincial Bill 44, the site-specific zoning precludes the ability for the provision of an accessory dwelling, but secondary suites will remain permitted.

5. Proposed Official Community Plan Change

This application seeks to amend the Electoral Area “I” Official Community Plan (OCP) Bylaw No. 2683, 2016, to change the land use designation of the subject property from Resource Area (RA) to Large Holdings (LH) to allow for the creation of a four-lot subdivision, with each complying with the 4.0-hectare minimum parcel size required under the LH designation.

In terms of development outside of Rural Growth Areas, Section 6.1 of the OCP states: *“The South Okanagan RGS recognizes that “some infill development may occur” in areas not designated as Rural Growth Areas as these other settlement areas evolve over time, provided that development “does not significantly increase the number of units or the established density and respects the character of the communities.”*” Currently under the RA zoning, the property could accommodate a principal dwelling and up to 4 accessory dwellings. The proposal is to obtain the LH1 zoning designation with a site-specific provision limiting each lot to only one single family dwelling and the option for a secondary suite. Currently, 5 detached dwellings (one principal dwelling and 4 accessory dwellings) are permitted on the 20+ parcel while the proposal would only allow 1 principal dwelling unit which could include a secondary suite on each proposed lot. As such, the proposed development complies with the growth and density policies in RGS and OCP as the proposal will not significantly increase the number of units or the established density of the property. While secondary suites are permitted (aligning with Bill 44 requirements), it is not guaranteed that future residential developments will include secondary suites and we believe there is a high probability there could be a reduction in the number of units and decrease the established density in the rural neighbourhood from what is currently allowed as it is unlikely that all the principal dwellings will contain secondary suites for long-term rental.

The proposed amendment aligns with the intent and applicable policies in the OCP which provide guidance for OCP changes to Large Holdings. Responses to the criteria provided in the OCP pertaining to land use designation changes to Large Holdings as outlined under **Policy 10.3.4** of the OCP, as follows:

Policy 10.3.4 a) – Demonstrate Need for Proposed Development

- There is a general demand for housing in the South Okanagan, and a specific demand for ownership of rural acreages. Under the current zoning of the property, rental housing could be provided but the property owner would have to provide the housing and be willing to become a landlord. Under the proposed zoning, individuals would be able to acquire a 4 ha. rural property and construct a home that suites their needs and lifestyle, allowing them to own rather than renting the lifestyle they desire. Ownership often results in an enhanced sense of pride in the property they call home, and four privately owned homes on four 4+ ha. lots rather five homes on a 20 ha. parcel will have a greater positive impact on a rural neighbourhood from a resource required, traffic, density and rural character perspective.

Policy 10.3.4 b) – Assessment of Proposal Against Criteria

- **(i) Availability of vacant land:** There is limited availability of comparable Large Holdings-designated land in the immediate area. This application makes use of an existing, privately owned, and developable parcel, located approximately halfway between Okanagan Falls and Kaleden, and within a 15-minute drive of Penticton. The proposed lots would provide manageable sized rural acreages with convenient access to nearby amenities, aligning with the area's low-density character and meeting the growing demand for rural residential living.
- **(ii) Capacity of the environment:** The environmental capacity of the site will be confirmed through required professional assessments at later stages in the development process. These studies, including those conducted by Qualified Environmental Professionals (QEPs), will demonstrate the site's ability to support the proposed development while meeting applicable environmental protection standards.
- **(iii) Environmentally sensitive areas:** The proposed development is not expected to significantly impact environmentally sensitive areas. A previous environmental assessment has already addressed key ecological considerations, and further studies will be undertaken if required. The applicant acknowledges that a new Development Permit will be required at the subdivision stage and is committed to meeting all applicable criteria under the ESDP guidelines.
- **(iv) Servicing:** Preliminary assessments indicate the site can accommodate on-site wells for potable water and septic fields for onsite sewage disposal in accordance with RDOS subdivision servicing standards.
- **(v) Proximity to roads and services:** The subject property is already serviced by a strata road, which connects to Turtle Lake Road and is located near Highway 97. The site benefits from year-round road access and is within a 5 to 7 minute drive of both Kaleden and Okanagan Falls communities, and approximately 15 minutes to Penticton.

- **(vi) Natural hazards:** The property is not located within a designated floodplain, and no slope instability or other geotechnical hazards were identified in the recent subdivision that created the current 20+ ha. parcel. The terrain features moderate slopes that are considered manageable under standard subdivision conditions. If required, further geotechnical investigation will be conducted at the subdivision stage. Wildfire risk is low due to previous mitigation efforts and sparse tree coverage on the site. In addition, access from Highway 97 was engineered, constructed, and approved by the Ministry of Transportation and Infrastructure (MOTI) within the past three years, further supporting the site's suitability for safe development.
- **(vii) Compatibility with adjacent land uses:** The area consists of a mix of rural residences and natural land with the St. Andrews development approximately 1.2 kms southwest of the subject property having similar and smaller parcel sizes to those being proposed. The proposal maintains rural lot sizes and land use patterns consistent with parcels in close proximity to the subject property.
- **(viii) Visual impacts:** The proposed subdivision is not located on a prominent ridgeline or within visually sensitive areas. Potential building sites are available on the proposed lots which all have north-facing slopes, where visibility from Highway 97 is minimal or nonexistent. Due to the topography of the property, the building sites will likely occur 50 – 70 metres back from the access road so the building site locations are not anticipated to have any adverse visual impact on surrounding properties. If an environmental assessment is required for the proposed development, future home placements would be guided by the requirements / recommendations outlined in the environmental report to ensure compatibility with the site's natural features.
- **(ix) Staging:** The development would proceed in a single phase as the subdivision is small and will not be complicated.

In addition to meeting the requirements of OCP policies 10.3.4 that support the change in the OCP designation from Resource Area to Large Holdings, the proposed OCP change is also consistent with the following additional Rural Holdings policies and objectives in the Area “I” OCP.

Objective 10.2.1 – Preserve Rural Character - The proposed subdivision is consistent with nearby rural lots and the site-specific provision will prohibit accessory dwellings, minimizing density and reinforcing the area's rural nature.

Policy 10.3.1 & 10.3.2 – Compatibility with Rural and Agricultural Context - The site is not within the Agricultural Land Reserve and the lands are not farmed. Its use for rural residential purposes is compatible with the surrounding landscape and existing zoning.

Policy 10.3.8 – Promote Environmental Stewardship - The applicant will comply with the Environmentally Sensitive Development Permit (ESDP) guidelines and will obtain all required permits, ensuring environmental protection is integrated into the design. Pride in private ownership often results in a heightened level of care for the land so the creation of the lots for sale will likely result in better care and stewardship of the land.

Policy 10.4.2 – Establish Range of Densities No Less than 4 ha. - The proposed subdivision maintains parcel sizes over 4 ha. in area and limits development to one principal dwelling and potentially one secondary suite per lot. This supports the intent of the policy to preserve open space and low-density rural character.

While the Resource Area (RA) designation emphasizes large tracts of land for resource uses, several OCP objectives and policies under the Resource Area Section of the OCP support responsible, low-density rural development when properly managed. These objectives and policies are noted below.

Objective 8.2.1 – Water Conservation - The site-specific provision on the zoning will limit density to one principal dwelling and potentially one secondary suite per lot, resulting in a minimal potential increase in water demand from the existing development potential on the property, supporting long-term water conservation goals.

Objective 8.2.3 – Ecosystem Connectivity – As the property is within the Environmentally Sensitive Development Permit Area, any lands that are deemed important for wildlife corridors or habitat connectivity will be reflected in the ESDP to be issued by the RDOS.

Policy 8.3.1 – Limited Rural Residential Uses - The property is already functioning in a rural residential capacity with a maximum density of 5 detached dwellings or mobile homes allowed on the 20+ ha. parcel. The proposal formalizes this use through private ownership of the currently allowed dwellings potentially decreasing the number of detached dwellings and mobile homes to four, while providing the ability to have a secondary suite in the homes. Due to the rural context of the property, future landowners may not wish to include a secondary suite in their principal dwelling which would reduce the density of the area.

Given the site's 20+ ha size, lack of resource activity, proximity to urban areas and available existing access infrastructure, the proposed Large Holding OCP designation is a context-sensitive and appropriate land use reclassification.

6. Proposed Zoning Change

The owner also seeks to change the zoning of the subject property from Resource Area (RA) to Large Holdings One – site-specific (LH1s). The LH1 zone permits low-density rural residential use, with a minimum parcel size of 4.0 hectares which is consistent with the requested LH OCP designation. The proposed site-specific designation will eliminate the ability to have an accessory dwelling on the proposed four lots which will restrict the number of detached dwellings on each of the proposed lots to one. Currently, the RA zoned property allows 5 detached dwelling units or mobile homes on the property, while the proposed LH1s zone will allow only 4 detached dwellings on the same area of property with the ability to construct a secondary suit in each unit. Although secondary suites are used for long-term rental, in rural areas they are more commonly used as a guest suite for visitors and do not contribute to increased neighbourhood density.

7. Neighbourhood Consultation

A Neighbourhood Consultation package containing detailed information regarding the proposed OCP and zoning change was provided to the thirteen adjacent property owners. A copy of the Neighbourhood Consultation information is provided in Appendix 1. Follow-up detailed personal communication occurred with several of the property owners to provide additional information and clarification of project details. Letters of support were received from six of the thirteen adjacent property owners and there were no letters of opposition received. No responses were received from seven property owners, which included three crown land parcels. A follow-up request for comments was provided to those property owners who did not respond. Over a month of time was provided to receive comments with no letters of opposition being received. The letters of support for the proposed OCP and zoning change are provided in Appendix 2.

8. Previous Rezoning Application

In 2024 an application was submitted to the RDOS to amend the OCP and Zoning designations of the subject property to Large Holdings. The OCP and Zoning bylaw application was refused by the Board on the recommendation of the RDOS staff that the application be denied. The RDOS staff indicated that the property was not designated within a Rural Growth Area and was concerned that “rural sprawl” would result in low-density, scattered, and un-planned growth that would result in an inefficient use of land that can change the character of an area.” The RDOS staff report further stated that “...the OCP includes policies that generally do not support additional development out the designated Rural Growth Areas.”, and indicated “... Administration considers that the need for additional rural residential lots outside of the designated Rural Growth Areas has not been adequately demonstrated, as the Area “I” OCP indicates that there is “sufficient development capacity available to accommodate projected population growth...based on existing zoning established through the zoning bylaw”.

The RDOS staff report did not however reveal that the Regional Growth Strategy makes specific mention that some infill development may occur in areas not designated as Rural Growth Areas provided that the development “does not significantly increase the number of units or the established density and respects the character of rural areas” and that the Area “I” OCP acknowledges and recognizes that important RGS statement. Nor was the Board advised that the information in the OCP regarding Area “I” having sufficient capacity was based on information that was 10 years old, as the OCP was adopted in 2016.

The staff report also did not reveal that the current RA zoning of the property allows up to 5 residential dwellings on the subject property so the creation of 4 lots is not seen as an increase in density or “rural sprawl” as residential occupancy on the land could be potentially less than what is currently allowed if no secondary suites are included in future developments.

The current OCP and Rezoning application is a similar request with an added site-specific provision that will benefit the neighbourhood and ensure the proposal is in alignment with the OCP. The proposed site-specific provision will remove the ability to have accessory dwellings on the proposed new four lots, which will cap the number of detached dwellings and mobile homes to four in the subdivision. The proposal seeks to maintain the rural character of the community by only allowing secondary suites within the principal dwellings and restricting the ability to build accessory dwellings. As such, the proposal aligns with Section 6.1 of the OCP by not significantly increasing the number of units or the established density and respects the character of the community.

9. Rationale and Support for Requested OCP and Zoning Changes

Based on the above information, the following is provided as a rationale and support to change the OCP designation of the Subject Property from Resource Area RA to Large Holdings and change the zoning of the property from Resource Area to Large Holdings One (site specific).

- **Maintains rural character** by proposing four large lots that exceed the 4.0 ha minimum required parcel size in the LH zone reflecting the area's existing low-density form. The property is close to the St. Andrews development which has similar sized parcels.
- **Aligns with the requirements of Bill 44** – Provincial legislation outlined in Bill 44 requires that rural lots outside of an urban containment boundary permit at least one housing unit in addition to a principal dwelling – either a secondary suite or accessory dwelling. The proposal permits one secondary suite per lot which aligns with Bill 44, and Section 6.1 of the OCP.
- **Aligns with RGS Growth Management Statement** – The RGS recognises that some development may be anticipated in rural areas providing the development does not significantly increase the number of units or the established density of the area and respects the character of the communities. The proposed OCP and rezoning change will not alter the character of neighbourhood and will not significantly increase the potential number of dwellings that could occur in the neighbourhood.

- **Aligns with Area “I” OCP Growth Management Statement** that *“The South Okanagan RGS recognizes that “some infill development may occur” in areas not designated as Rural Growth Areas as these other settlement areas evolve over time, provided that development “does not significantly increase the number of units or the established density and respects the character of the communities.”*
- **Aligns with OCP Policy 10.3.4 criteria for Rezoning from RA to LH criteria** - Detailed review of applicable OCP policies confirms that the proposal supports key objectives, including water conservation, environmental protection, the preservation of rural character, and low-impact development.
- **Protects environmental values** by requiring a QEP-supported Environmental Development Permit at time of subdivision, in line with the OCP's environmental protection policies.
- **Avoids sprawl** by utilizing an existing, privately owned developable site that does not rely on new infrastructure or services and does not extend beyond the area’s established rural pattern.
- **Negligible Change in Potential Future Traffic Volume** – The proposed subdivision will reduce the number of detached dwellings or mobile homes in the neighbourhood. If each principal dwelling was constructed with secondary suite which was rented long-term, the potential increase of 3 dwellings would not appreciably increase traffic volumes in the neighbourhood.
- **Provides Increased Opportunity for Homeownership without Significant Increase in Potential Density** - Aligns with the intent of the LH1 zone to support limited subdivision in rural areas while maintaining large parcel sizes, protecting rural character, and not significantly increasing potential density.
- **Provides Housing Ownership opportunities Without Requiring Present or Future Service Extensions** – No sewer or water extensions will be required now or in the future as the proposed 4+ ha. properties will be serviced by wells and on-site sewage disposal. As the proposed density will not change significantly, the demand placed on ground water will not be significantly different than under the current zoning.
- **Neighbourhood Engagement reveals Support for the Proposed development** – All adjacent and surrounding property owners were provided information about the proposed rezoning and subdivision and telephone conversations occurred with a number of the adjacent property owners. Letters of support for the proposed rezoning and subdivision were received from 6 of the 13 adjacent property owners and no letters of concern were received. The absence of receiving any letters of concern suggests there are no concerns, as ample time was afforded.

- **No impacts on Adjacent Properties** – The proposed site-specific rezoning and subdivision will reduce the number of potential detached dwellings or mobile homes in the neighbourhood and therefore the proposed development will not have a negative impact on the use and enjoyment of adjacent or surrounding properties. No objections were provided in response to the neighbourhood consultation.

In summary, the proposed OCP and zoning amendments reflect a responsible, policy-aligned approach to rural development that balances land use potential with environmental, community, and neighbourhood values.

