

August 16, 2021

To Christopher Garrish, Planning Manager, RDOS

Email planning@rdos.bc.ca

I am writing in regards to the OCP and Zoning Bylaw amendment for the redevelopment of the Willow Beach property (Project No. A2021.003.ZONE). My name is Cathy Harmer and my husband, Peter and I are the owners of a house at 16403 87th Street, Osoyoos, B.C.

I have read the documents associated with the amendment bylaws No. 2905.02 and 2451.31 and we both attended the virtual Public Information Meeting on Wednesday June 16, 2021.

One of the concerns we have with the proposed rezoning is related to the Park Designation. In general, we are in favour of a park being designated at the North End of the lake and had hoped that the rezoning would include wording on the inclusion of a boat ramp, with associated car and trailer parking, as that is lacking at this area of the lake. At the meeting on June 16th, it was mentioned that there is 20 meter wide right of way planned which is required to give access to the lake, but no discussions have been had about paving it or putting in place a boat ramp, even though there is currently an unofficial boat ramp near the proposed park location. Similarly, parking was mentioned for the park but the amount and type had also not been discussed.

It seems that the lack of any plans for parking, boat trailer parking and a boat ramp is very short-sighted. With a proposed development of 70+ units at this location, I would imagine that most of the people purchasing, or renting, in the strata will have water craft of some sort, and only a very small number of them will be waterfront, so will need access to a boat ramp. There isn't a road depicted on the strata plan suggesting that the strata itself will provide a boat ramp and trailer parking within that boundary, so unless the RDOS puts this in place, all of these people will need to launch elsewhere which doesn't seem reasonable. The only official public boat launches in the area are the Town of Osoyoos Marina and Launch and swiws Provincial Park (Haynes Point) which are 8-11 km away.

I would strongly urge the RDOS to have some agreement with MOT and Infinity to provide these amenities as part of the subdivision process, it shouldn't be left to chance that that these facilities be provided for the residents of the strata and the public that will want to use the proposed park.

On an entirely separate topic, I also would like to comment on something I read in the Ecoscape Preliminary Hydrogeology Assessment, dated January 26, 2021. It relates to the fact that the development is likely to experience groundwater seepage during its lifetime and recommends the installation of sump pumps in each crawlspace with "the discharge ...routed to higher elevation gardens or grassed areas" to promote infiltration (page 23). It wasn't clear in the report whether individual owners would be responsible for this or if infrastructure was to be built to do this for all of the residences. We have an old house and have a sump pump which drains into our garden, but it is not an attractive feature. I think a strata-wide solution should be required for these new homes to ensure the discharge is routed properly so that individual home-owners don't decide to put it into the sewer system. This was an issue during the flood of 2018 where the Solana Bay and Harbour Key areas of Osoyoos were flooded, and many of the nice homes there were routing their sump pump discharge into the town sewer, which threatened to overwhelm it and caused the town to shut off sewer service to affected areas. (See <https://www.timeschronicle.ca/pumping-water-into-sewer-system-could-lead-to-more-sewer-closures-town-warns/>) It would be better to plan ahead than be in the same situation should the volume of water be greater than expected in future.

Sincerely

Cathy and Peter Harmer

Osoyoos, B.C.



Agricultural Land Commission

201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000 | Fax: 604 660-7033
www.alc.gov.bc.ca

May 10, 2021

Reply to the attention of Sara Huber
ALC Issue: 52236
Local Government File: 2021-003-ZONE

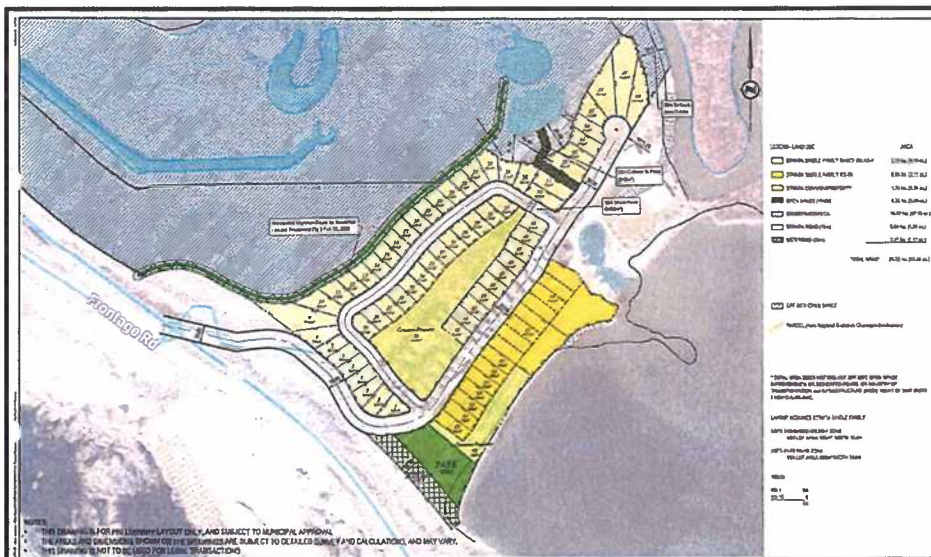
Chris Garrish
Planning Manager, RDOS
planning@rdos.bc.ca

Re: Regional District of Okanagan Similkameen Official Community Plan and Zoning Amendment Bylaw Nos. 2905.02 and 2451.31 (Willow Beach)

Thank you for forwarding a draft copy of Regional District of Okanagan Similkameen (RDOS) Official Community Plan (OCP) and Zoning Amendment Bylaw Nos. 2905.02 and 2451.31 (the "Amendment Bylaws") for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Amendment Bylaws are consistent with the purposes of the *ALC Act*, the Agricultural Land Reserve (ALR) General Regulation, the ALR Use Regulation, and any decisions of the ALC.

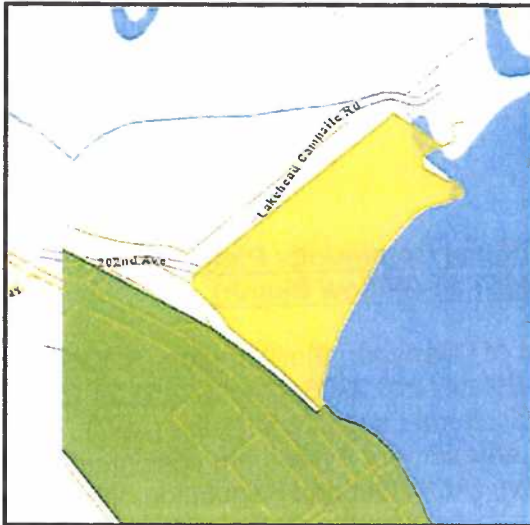
The Amendment Bylaws propose to amend the OCP and Zoning Bylaw land use designations of the of the property identified as 9330 202 Avenue; PID: 002-036-738 (the "Property") in order to facilitate a 66-lot subdivision with a 0.36 ha park dedication adjacent to Osoyoos Lake and the remainder of the Property to the north used for conservation. Specifically, the Amendment Bylaws propose to amend the OCP land use designation of the Property from part Medium Density Residential (MR), part Commercial Tourist (CT) and part Agriculture (AG) to part Low Density Residential (LR), part Parks, Recreation and Trails (P) and part Conservation Area (CA) and amend the Zoning Bylaw zone of the Property from part Medium Density Residential One (RM1), part Tourist Commercial (CT1) and part Agriculture One (AG1) to part Residential Single Family One (RD10), part Residential Single Family One Site Specific (RS1s), part Conservation Area (CA) and part Parks and Recreation (PR).

Proposal Map:



The ALC recognizes that the Property is not within the ALR; however, a very small portion of the southeast boundary of the Property is adjacent to ALR lands.

ALR Context Map:



ALC staff note that on the Proposal Map, a Ministry of Transportation and Infrastructure (MoTI) 20 m wide road is shown directed towards the ALR. ALC staff are unaware if this area forms part of the highway dedication, or whether there are plans to construct this road in future as an access to the subdivision. If construction is proposed within the ALR (regardless of whether a statutory right-of-way has been dedicated), an application to the ALC would be required. Aside from that, ALC staff do not object to the Amendment Bylaws.

The ALC strives to provide a detailed response to all referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any decisions of the Commission.

This response does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

If you have any questions about the above comments, please contact the undersigned at 236-468-3258 or by e-mail (Sara.Huber@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Sara Huber, Regional Planner

Enclosure: Referral of RDOS 2021-003-ZONE

CC: Ministry of Agriculture – Attention: Alison Fox (Alison.Fox@gov.bc.ca)

52236m1

From: [Cooper, Diana FLNR:EX](#)
To: [Christopher Garrish](#)
Cc: [Lauri Feindell](#)
Subject: RE: Bylaw Referral (A2021.003-ZONE) Willow Beach
Date: May 27, 2021 11:06:32 AM
Attachments: [image001.png](#)
[image010.png](#)
[image012.png](#)

Hello Christopher,

Thank you for your referral regarding proposed re-zoning and subdivision of 9330 202nd Avenue, PID 002036738, LOT 1 DISTRICT LOT 2450S SIMILKAMEEN DIVISION YALE DISTRICT PLAN 22229 and PID 002036967, LOT 675 DISTRICT LOT 2450S SIMILKAMEEN DIVISION YALE DISTRICT PLAN 2066 EXCEPT PLANS 22229, 43613 AND H9726. Please review the screenshot of the properties below (outlined in yellow) and notify me immediately if it does not represent the properties listed in your referral.

Results of Provincial Archaeological Inventory Search

According to Provincial records, there are no known archaeological sites recorded on either property.

However, archaeological potential modelling for the area indicates there is high potential for previously unidentified archaeological sites to exist on the properties, as indicated by the brown colour over everything shown in the second screenshot below. Archaeological potential modelling is compiled using existing knowledge about archaeological sites, past indigenous land use, and environmental variables. Models are a tool to help predict the presence of archaeological sites but their results may be refined through further assessment.

The waterfront location of Lot 1 also increases the potential for unknown/unrecorded archaeological deposits.

Archaeology Branch Advice

If land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) are planned for the subject property, a Provincial heritage permit is not required prior to commencement of those activities.

However, a Provincial heritage permit will be required if archaeological materials are exposed and/or impacted during land-altering activities. Unpermitted damage or alteration of a protected archaeological site is a contravention of the *Heritage Conservation Act* and requires that land-altering activities be halted until the contravention has been investigated and permit requirements have been established. This can result in significant project delays.

Therefore, the Archaeology Branch strongly recommends engaging an eligible consulting archaeologist prior to any land-altering activities. The archaeologist will review the proposed activities, verify archaeological records, and possibly conduct a walk-over and/or an archaeological impact assessment (AIA) of the project area to determine whether the proposed activities are likely to damage or alter any previously unidentified archaeological sites.

Please notify all individuals involved in land-altering activities (e.g., owners, developers, equipment operators) that if archaeological material is encountered during development, they **must stop all activities immediately** and contact the Archaeology Branch for direction at 250-953-3334.

Rationale and Supplemental Information

- There is high potential for previously unidentified archaeological deposits to exist both properties.
- Archaeological sites are protected under the *Heritage Conservation Act* and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.
- If a permit is required, be advised that the permit application and issuance process takes approximately 8-12 weeks; the permit application process includes referral to First Nations and subsequent engagement.
- The Archaeology Branch must consider numerous factors (e.g., proposed activities and potential impacts to the archaeological site[s]) when determining whether to issue a permit and under what terms and conditions.
- The Archaeology Branch has the authority to require a person to obtain an archaeological impact assessment, at the person's expense, in certain circumstances, as set out in the *Heritage Conservation Act*.
- Occupying an existing dwelling or building without any land alteration does not require a Provincial heritage permit.

How to Find an Eligible Consulting Archaeologist

An eligible consulting archaeologist is one who can hold a Provincial heritage permit to conduct archaeological studies. To verify an archaeologist's eligibility, ask an archaeologist if he or she can hold a permit in your area, or contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists are listed on the BC Association of Professional Archaeologists website (www.bcapa.ca) and in local directories.

Questions?

For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.

For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology.

Please let me know if you have any questions regarding this information.

Kind regards,

Jiana





Please note that subject lot boundaries (yellow) and areas of archaeological potential (brown) indicated on the enclosed screenshot are based on information obtained by the Archaeology Branch on the date of this communication and may be subject to error or change.

Diana Cooper
Archaeologist/Archaeological Information Administrator
Archaeology Branch | Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Phone: (250) 953-3343 | Email: diana.cooper@gov.bc.ca | Website www.gov.bc.ca/archaeology

RESPONSE SUMMARY

AMENDMENT BYLAW NOS. 2905.02 & 2451.31

Approval Recommended for Reasons Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to Conditions Below

Approval Not Recommended Due to Reasons Outlined Below

Thank you for the opportunity to provide comments on this application. It is our understanding that the applicant is requesting to amend the zoning of their properties to facilitate a 66-lot subdivision. This referral has been reviewed from a Healthy Communities Development perspective. The following is for your consideration:

A healthy built environment is planned and built in a way which health evidence demonstrates has a positive impact on people's physical, mental and social health. The Healthy Built Environment Linkages Toolkit (PHSA, 2018) is an evidence-based resource, which links planning principles to health outcomes. From a healthy built environment perspective the location of this development and the distance to services will require use of a vehicle and with it an increase in greenhouses gases and the resulting impact to air quality. The distance may also minimize some opportunities for residents to incorporate active forms of travel into their daily routine.

Housing is a key determinant of health. It has a significant influence on our physical and mental health, social well-being, and indirectly influences many other determinants of health such as income, early childhood development, educational opportunities, and access to health services. Healthy housing is affordable, high quality, and in a location that supports health and well-being. On this note, there is concern regarding the fact that some of this property is within the floodplain, as this may lead to additional stress on residents on a yearly basis.

Interior Health is committed to improving the health and wellness of all by working collaboratively with local governments and community partners to create policies and environments that support good health. Please do not hesitate to reach out to if you require clarification or have questions.

Signature:  _____

Signed By: Tanya Osborne, BAHS

Agency: Interior Health Authority

Title: Community Health Facilitator

Date: May 7, 2012

RESPONSE SUMMARY

AMENDMENT BYLAW NOS. 2905.02 & 2451.31

Approval Recommended for Reasons
Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to
Conditions Below

Approval Not Recommended Due
to Reasons Outlined Below

- Adequate water supply for fire suppression
- Plan in place for flood mitigation

Signature: _____

Agency: _____

Date: _____

Signed By: _____

Title: _____

From: [FLNR DOS Referrals CSNR:EX](#)
To: [Planning](#)
Subject: A2021.003-ZONE Willow Beach - 9330-202 Avenue - MFLNRORD District Okanagan Shuswap Comments
Date: May 27, 2021 2:18:32 PM
Attachments: [image004.png](#)
[image005.png](#)

Good day,

MFLNRORD District Okanagan Shuswap Comments:

DOS Lands Team

Without seeing a layout plan, I can advise only that this zone is under the Okanagan Large Lake Protocols with Red Zones for Freshwater Mussels which require Qualified Professional report and monitoring if “work in and about” the lake are proposed. It is also a Yellow/Red/Black zone for Foreshore Plants which at this time have no reporting required. No structures can be placed below the Present Natural Boundary. This includes retaining walls, walkways, landscaping etc. This work would require a Water Sustainability Act application.

If the proposed residential units will be “waterfront”, they are entitled to private moorage; however, it appears to be a shallow area. They should be aware that dredging for moorage is not permitted under the Land Act.

Mary Ellen Grant, Lands NR Specialist,
250-558-6273, MaryEllen.Grant@gov.bc.ca

Regards,



Patricia Shatzko

DOS Referrals Coordinator

Referrals Email: FLNRDOSReferrals@gov.bc.ca

Direct Phone: VOIP: 778-943-6850

I acknowledge with gratitude that I carry out my work on the traditional territories of Indigenous Peoples. I will tread lightly and with respect while doing so.



May 25, 2021

File: 0280-30

Local Government File: A2021.003-ZONE

Regional District of Okanagan-Similkameen

101 Martin Street

Penticton, BC V2A 5J9

Via Email: planning@rdos.bc.ca

Dear Christopher Garrish:

Re: File A2021.003-ZONE – Zoning Amendment for 66 Lot Subdivision (PID: 002-036-738 & 002-036-967) – The Subject Property

Thank you for providing the B.C. Ministry of Agriculture, Food and Fisheries (Ministry) the opportunity to comment on the zoning amendment for 9330 202nd Avenue, Osoyoos. Ministry staff have reviewed the documents you have provided. From an agricultural perspective we can provide the following comments for your consideration:

- The 16.53 ha Subject Property is adjacent to Agricultural Land Reserve (ALR) land to the south and south west, with the majority of ALR land buffered by Highway 97.
- The rezoning removes a portion of the designated land from the Agriculture (AG) zone and the proposed development does not support the production of agriculture commodities or the activities associated with processing these items.
- Under the agriculture capability classification, most of this parcel is within the flood plain of the now heavily modified Okanagan River and Osoyoos Lake and is classified as 6WF, meaning forage crop improvement practices are not feasible mostly due to excess water and lower fertility. The soils present are poorly suited for agriculture.
- The Ministry's [Guide to Edge Planning](#) recommends that any residential development adjacent to ALR land include a 30 metre building setback from any lot lines along the boundary of the ALR and a 15 metre vegetative buffer consistent with a Level 1 buffer as described in the Guide.

- In cases such as this development proposal, where the development is separated from the ALR by a road, the vegetative buffer may be reduced to 7.5 metres, although the 30 metre setback should be maintained. We recommend that the site plan be altered to accommodate this setback and buffer.

If you have any questions, please contact us directly by email or phone.

Sincerely,



Alison Fox, P.Ag.
Land Use Agrologist
BC Ministry of Agriculture, Food and
Fisheries
Alison.Fox@gov.bc.ca
(778) 666-0566



Philip Gyug, P.Ag.
Regional Agrologist
B.C. Ministry of Agriculture, Food and
Fisheries
Philip.Gyug@gov.bc.ca
250-378-0573

Email copy: Sara Huber, Regional Planner (Okanagan), ALC, Sara.Huber@gov.bc.ca



Your File #: A2021.003-
ZONE
(BL2451.31)
Willow Beach
Dev

eDAS File #: 2021-02405

Date: Jun/25/2021

Regional District Okanagan Similkameen
Lauri Feindell
101 Martin Street
Penticton, BC V2A 5J9
Canada

Attention: Lauri Feindell Planning Secretary

Re: **Proposed Bylaw 2451. 2008 for:**
9330 202nd Avenue, Osoyoos
Lot 675, Plan KAP2066, District Lot 2450S, S?DYD, Except Plan 22229,
43613 & H9726
Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion L677

Hello Lauri,

With regard to the above noted Regional District Okanagan Similkameen zoning proposal, the Ministry has reviewed the materials provided May 4, 2021. Based on this information, the Ministry has no objection to application of this zone to the lands above described.

Aspects related to drainage, land dedication, access to water/lands beyond will be addressed through subdivision process.

If you have any questions, please feel free to call Penticton Development Services at (250) 712-3660.

Yours truly,
Blaine Garrison
Senior Development Officer

Local District Address
Penticton Area Office 102 Industrial Place Penticton, BC V2A 7C8 Canada Phone: (250) 712-3660 Fax: (250) 490-2231

RESPONSE SUMMARY

AMENDMENT BYLAW NOS. 2905.02 & 2451.31

- Approval Recommended for Reasons Outlined Below
- Interests Unaffected by Bylaw
- Approval Recommended Subject to Conditions Below
- Approval Not Recommended Due to Reasons Outlined Below

Moved by Councillor Rhodes
Seconded by Councillor Bennett
That Council direct staff to respond to the RDOS Bylaw Referral (Amendment of the Electoral Area "A" OCP Bylaw No. 2905, 2021 & Zoning Bylaw No. 2451,2008 Willow Beach - OCP Amendment & Rezoning Proposal) as follows:
Approval Recommended subject to the following:

- Town of Osoyoos recommends that consideration be given to expanding the public beach and parks area to allow for more visitors and locals to access the north end of Osoyoos Lake.
- That pursuant to section 13 (1) of the Community Charter the Regional District consent to the Town of Osoyoos providing municipal services (water and sewer) to the subject property on terms and conditions to be negotiated between the Town and Owner.
- That a review be completed of the Town's sewer and water capacity to ensure that the Town has the ability to provide water and sewer to the development.

CARRIED

Signature: _____ *Gina MacKay* _____

Signed By: _____ Gina MacKay _____

Agency: _____ Town of Osoyoos _____

Title: _____ Director of Planning and Development _____

Date: _____ June 26 2021 _____