
INFORMATION TO SUPPLEMENT REZONING APPLICATION

Lot 8 DL 3197, SDYD, Plan 34951

16963 Old Richter Pass Road, Electoral Area "A"- Osoyoos Rural

Owners:

Angelo Silva, Debbie Silva, Nicholas Silva & Vanessa Silva

1. LOCATION OF SUBJECT PROPERTY

The subject property is located on Old Richter Pass Road in the Kilpoola neighborhood approximately 1.2 km west of Highway 3 and 6 km northwest from Osoyoos. The property is within Electoral Area 'A' of the Regional District of Okanagan Similkameen and its location is noted below in Illustration 1.

Illustration 1: Location



2. SITE FEATURES

The subject property is accessed from Old Richter Pass Road and is approximately 2.02 ha. in size. The property contains a mobile home and small sheds located in the south-west corner of the parcel. The easterly and northwest portions of the land have been used for hobby agriculture. West of the driveway along the west fence line exists a natural area that may include sagebrush and other native grasses. The south edge of the property sits at the toe of a treed slope. To the west and east of the property are adjacent small holdings properties with single family residences. Site features of the property are noted on Illustrations 2 and 3.

Illustration 2: Site Features



Illustration 3: Site Features



3. CURRENT ZONING AND OCP DESIGNATIONS

Zoning

The property is zoned SH4 in the Okanagan Valley Zoning Bylaw No. 2800, 2022. The SH4 zoning of the property permits single detached dwellings along with multiple accessory uses such as accessory building or structure, accessory dwelling, agriculture, bed and breakfast operation, home industry, home occupation, and secondary suite.

The minimum parcel size for subdivision is 2.0 ha and an SH4 property allows a maximum of one principal dwelling unit and one secondary suite or accessory dwelling on the parcel.

Official Community Plan

The property is designated Small Holdings (SH) in the Electoral Area “A” OCP Bylaw No. 2905, 2021 (OCP). The Small Holdings land use designation in the OCP supports parcel sizes from 0.2 ha. to 2.0 ha. and supports a minimum parcel size of one hectare for lands without community sewer.

4. PROPOSED SUBDIVISION

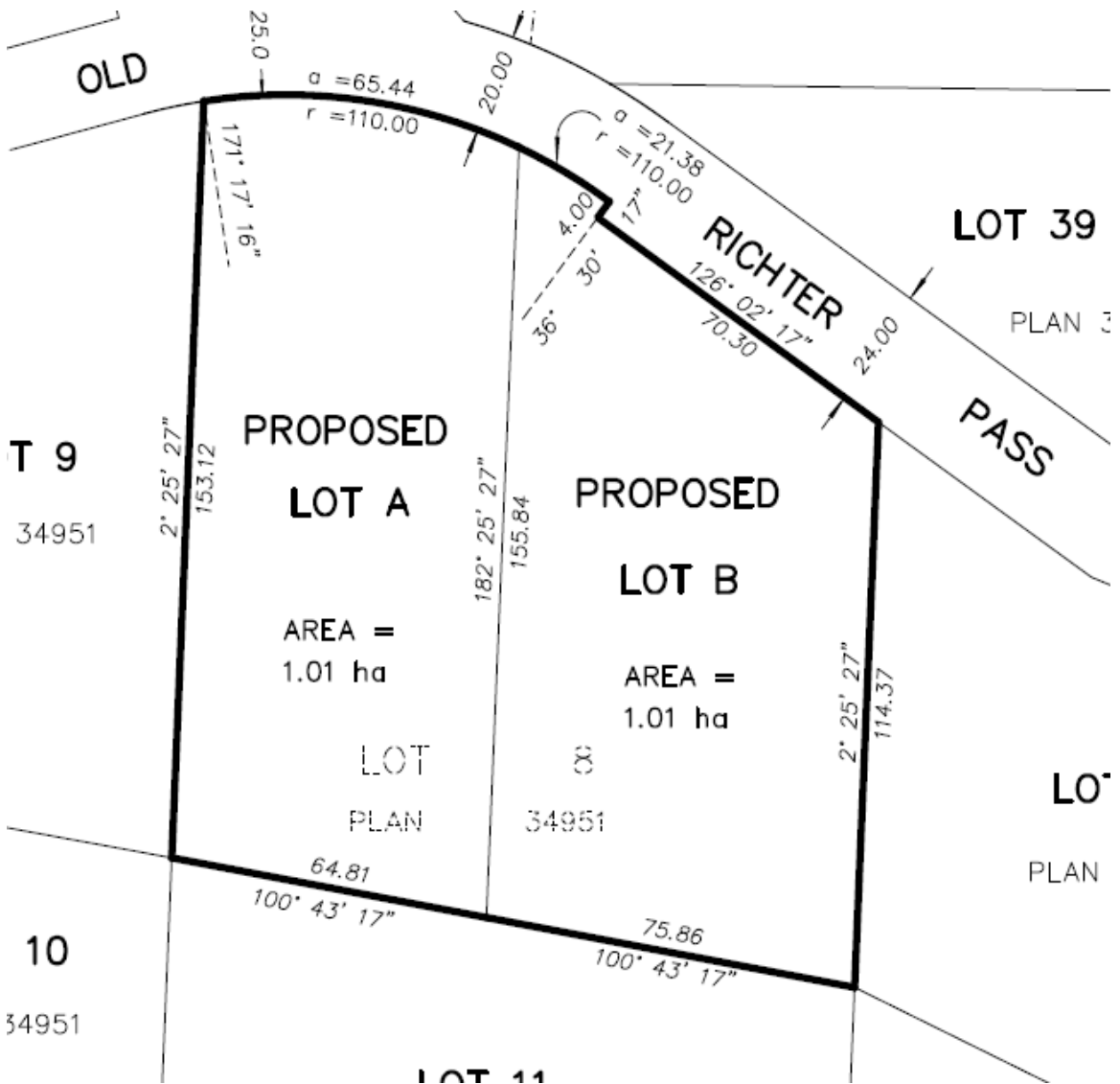
The owners of the subject property would like to subdivide the 2.02 ha. property into two parcels, each being a minimum of 1.0 ha., to allow for the construction of an additional single-family residence for rural residential use. The current SH4 zoning of the property has a 2.0 ha. minimum parcels size, so the property needs to be rezoned to SH3 which allows for a 1.0 ha. parcel size.

Identical to the SH4 zone, the SH3 zone requires the minimum parcel width for subdivision to not be less than 25% of the length of the parcel. With a maximum length of 155.84m and the shortest potential parcel width of 64.81m, the subdivision of the parent parcel would comply with the 25% minimum parcel width.

Requirements for accommodating on-site domestic water and sewage disposal will be addressed and provided at the time of subdivision.

A restrictive covenant is registered on title (see attached Title Search with W49561). Covenant W49561 restricts development on a land feature outside and to the northwest of the subject parcel, and therefore is not relevant has no impact on the subdivision of the property.

Illustration 4: Development Plan



5. PROPOSED ZONING CHANGES

The present SH4 precludes the ability of the subject parcel to be subdivided due to the 2.0 ha. minimum parcel size requirement, and as such the property will need to be rezoned to accommodate the proposed 1 lot subdivision. The Small Holdings Three Zone (SH3) in the Okanagan Zoning Bylaw appears to be the zone that would most closely fit the owner's proposed subdivision. The principal permitted use in the SH3 zone is "Single Detached Dwelling" and the minimum parcel size is 1 Hectare.

There is no requirement for an Official Community Plan amendment as the current Small Holdings OCP designation supports parcel sizes from 0.2 ha. to 2.0 ha. As the proposed SH3 zone requires a minimum 1.0 ha. parcel size, the proposed SH3 zone is consistent with the requirements of the existing Small Holdings OCP designation.

New parcels less than 1.0 ha created by subdivision require connection to community water and sewer systems. As the proposed subdivision does not create parcels less than 1.0 ha, community water and sewer is not required.

6. DEVELOPMENT PERMIT REQUIREMENTS

The subject property is within the Environmentally Sensitive Development Permit (ESDP) Area and the Water Course Development Permit (WDP) Area. Although there is no stream or watercourse evident on the subject property, A Qualified Environmental Professional will attend the site to determine if a watercourse is present. If no watercourse is identified on or within 30 meters of the subject property, no Watercourse Development Permit will be required.

An ESDP will be submitted to satisfy the requirements outlined in the ESDP Area guidelines that are present in the Official Community Plan.

7. RATIONALE FOR REQUESTED ZONING CHANGES

The following rationale is provided in support of the zoning changes proposed for the subject property.

- Policy 10.5.1 in the Area 'A' OCP supports a range of uses on the lands designated Small Holdings (SH) in Schedule 'B' (Official Community Plan Map), including rural residential, hobby farming, limited agriculture, and others uses that fit within the rural character of the surrounding area. The proposal is to create one additional rural residential lot, which is consistent with this policy.
- The two proposed lots will each be a minimum of one hectare in size. The policy outlined in section 10.5.2 of the OCP supports establishing a range of densities and parcel sizes from 0.2 hectares to 2.0 hectares for lands designated Small Holdings. As such, the proposed rezoning is consistent with this policy.

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- The subdivision and eventual development of a dwelling would 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. As well, by maintaining a one hectare parcel, the parcel retains ample room to support a continuation of residential, hobby farm, etc. uses found in the neighborhood and not result in a change of character.
 - As other properties in the neighborhood are found with similar frontage widths to the proposed subdivision, the proposed subdivision will not differ far from current frontage widths. 15705, 15523, & 15342 Old Richter Pass Road are examples of frontage widths of around 70 meters, which approximates the widths of the two proposed lots.
 - As the proposed use of the land and the anticipated parcel width of the proposed lots will be consistent with other parcels in the Kilpoola neighborhood, the proposed rezoning and subdivision of the subject property to create one additional lot will not impact the use and enjoyment of adjacent or surrounding properties.
 - The proposed rezoning and subdivision of the subject property to create one additional lot is consistent with the policies outlined in the Area 'A' OCP.
 - 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 444 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. There appears to be four undeveloped properties in the Kilpoola neighborhood, however the Canadian Multiple Listing Service shows none available for sale and limited vacant residential lands available in the area.