



August 12, 2021

Ecora File No.: 212931

Regional District of Okanagan Similkameen  
101 Martin Street  
Penticton BC V2A 5J5

**Attention: Planning Department**

**Reference: Community Plan and Rezoning Bylaw Amendment for 4899 Eastside Road**

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Ecora Engineering and Resource Group Ltd. (Ecora) was requested to submit an application to amend the Area "D" Community Plan and Zoning Bylaw for the "God's Mountain" B&B" property located at 4899 Eastside Road, just south of the City of Penticton boundary. This property, of about 46 ha, is largely undeveloped, but includes some agriculture use and 12 units of tourist accommodation in the northern part of the property.

It is proposed to create a new parcel of 17.0 ha and transfer 29.2 ha to the Nature Trust of B.C. – to be consolidated with adjacent Nature Trust property to the south. No new subdivision parcels are to be created.

#### Land Use Bylaws

Most of the site is designated in the Area "D" Community Plan Bylaw No. 2602, 2013 as RA, Resource Area, except for about 2 ha in the north part that is designated as TC, Tourist Commercial. The property is also designated as an "Environmentally Sensitive Development Permit Area".

In the Area "D" Zoning Bylaw No.2455, 2008 the property is zoned RA, Resource Area and CT1, Tourist Commercial. The minimum parcel size in the RA Zone is 20 ha.

#### Existing Commercial Use

In reviewing the site development is noted that there is non-conformity with the CT1 zone:

- the CT1 zoning extends beyond the actual commercial use and includes adjacent agriculturally used lands;
- the accessory dwelling on the property has a size of about 180m<sup>2</sup>, while the maximum size of an accessory dwelling in the CT1 zone is 125 m<sup>2</sup>. This dwelling includes one guest room, studio for guest use, the office and storage for the B&B and is integral to the commercial use as well as being the residence of the owner
- there is also a staff residence of about 150 m<sup>2</sup>, while the CT1 zone only permits one dwelling

The septic disposal system is located to the south of the commercial buildings and is proposed to be included in the amended CT1 zone area. The proposed new CT1 zone covers an area of 1.0 ha.

It is therefore proposed, as part of the Nature Trust land acquisition, to take the opportunity to address the non-conformity by creating a Site Specific Tourist Commercial zone and to reduce the CT1 zoned area to 1.0 ha only for the existing B&B operation and to include the septic disposal area..

The Owner, has also now become aware that there are some minor B&B accessory building encroachments onto the adjacent property to the north and is taking steps to work with the northern lot owner to address the problem. This is a private matter and should not impact on this development application.

### Proposed Bylaw Amendments

It is proposed to amend the Area “D” Community Plan to:

- Redesignate the western 17.0 ha of the site to LH, Large Holdings
- Redesignate the eastern 29.2 ha as CA, Conservation Area
- Reduce the CT area as discussed above

It is proposed to amend the Area “D” Zoning Bylaw to:

- Rezone the western 17.0 ha to LH2, Large Holdings 2 Zone (minimum parcel size of 8.0 ha)
- Rezone the eastern 29.2 ha as CA, Conservation Area
- Create a new Site Specific CT1 zone, with a reduced zoned area of 1 ha, and that permits 2 accessory dwellings of 180m<sup>2</sup> and 150m<sup>2</sup> and reflects the current level of development

### Geohazard

The western portion of the property, generally covering the proposed 17 ha Large Holdings lot and the B&B operation is designated on RDOS mapping as having slide and slump hazards and it is recommended that site specific engineering investigations take place where high density development is anticipated. In this case, no new development is proposed, but it is understood that any future subdivision of the western area or building construction would require a detailed geotechnical report at that time.

### Nature Trust of B.C.

Since 1971, The Nature Trust of BC, along with its partners, has acquired more than 500 parcels of land (72,000 hectares) in British Columbia for vulnerable wildlife and plants.

The Nature Trust of BC (NTBC) is interested in purchasing a portion of the Skaha Lake property that has been cared for and stewarded in a natural state by Sarah Allen and her family for many years. The property purchased by NTBC will be protected in perpetuity, and added to the adjacent NTBC conservation parcel to the south. This contributes significantly to important biodiversity conservation efforts within the complex of existing conservation lands on the east side of Skaha Lake.

This property is adjacent to the McTaggart-Cowan/nsək'lniw't Wildlife Management Area (WMA), which is 6,491 hectares, primarily secured for the protection and management of Bighorn Sheep habitat as well as 150 hectares of NTBC's Skaha Lake Eastside Property Complex on its southern border. The combination of these protected lands will maintain functional connectivity of low elevation grassland, open and closed forest ecosystems, riparian corridors, and rocky bluffs and cliffs along the east side of

Skaha Lake. The property is located in two biogeoclimatic zones of provincial conservation concern, is covered by covered by sensitive ecosystems including a Globally Imperiled ecological community, contains habitat for at least 8 SARA Schedule 1 Species at Risk (including designated Critical Habitat), and is essential habitat for almost all life stages of the Blue-listed Bighorn Sheep.

### Discussion

The overall proposal is consistent with numerous goals and policies of the Area “D” Community Plan, including:

Resource Area: The RA designation is principally Crown Land, for forestry, grazing, agriculture, outdoor recreation uses and watershed conservation that “will ensure the long term sustainability of the natural environment “. A Plan Objective is to “to plan for and protect wildlife corridors, habitat of threatened and endangered species and ecosystem connectivity”.

Large Holdings: The LH designation applies to typically privately held smaller properties of 4.0 ha and over and includes large properties for limited agriculture and other uses that retain and enhance the rural character of the area. A proposal to create additional land designated for Large Holdings is required to:

- Demonstrate the need in the context of the overall Community Plan objectives
- Consider the impact on the natural environment and environmentally sensitive areas and hazard lands
- Be capable of accommodating on-site sewer and water and have proximity to existing roads
- Consider compatibility on adjacent land uses and character
- LH areas are to protect and conserve agricultural land and environmentally sensitive areas.

The proposed 17 ha Large Holdings 2 lot retains the existing agricultural use and remains designated as an Environmentally Sensitive DPA that would address environmental impacts of any future development.

Conservation Areas: The Community Plan recognizes the high environmental values in the South Okanagan and the wide range of unique species present. Plan policies are to protect sensitive and important ecosystems and to encourage governments and private organizations to “protect, enhance and manage critical habitat area for species at risk”.

Tourist Commercial: The Plan supports existing and new resort commercial opportunities and lands designated TC for commercial services catering to tourists.

The current RA zoned area would support two, 20 ha lots. The proposed land use bylaw amendments provide for 29.2 ha of conservation land and a 17 ha rural lot that maintains the very rural, low impact character of this part of Area “D” as well as addressing bylaw non-conformity of a well established tourist accommodation use.

We trust this information meets your present requirements. If you have any questions or comments, please contact the undersigned.

Sincerely

**Ecora Engineering & Resource Group Ltd.**

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