

Lauri Feindell

From: Scott Linttel
Sent: July 21, 2021 1:25 PM
To: Lauri Feindell; Evelyn Riechert; Christopher Garrish
Cc: "
Subject: Re: Residential Zone Update
Attachments: 100.pdf

Importance: High

Thank you Lauri for your quick follow up to our concerns.

We currently own a 39 acre property east of Wilson Mountain Road zoned SH4...Lot 1, Plan KAP79573, DL918s,SDYD.

Our apologies for the tardy response to your May 11, 2021 letter regarding Zoning Amendment bylaw 2892,2021...

We are very opposed to your proposed zone consolidation of SH4 and SH2.

Enlarging the minimum lot size by 25% from one acre to 1.25 acre of 0.5 ha is very detrimental to existing development plans for this property. Additionally, losing the agriculture component for this site is also very disappointing as it has tremendous winery potential.

In early 2018 we had met with RDOS, Town of Oliver and MOT to review engineered drawings for a 31 lot subdivision of one acre + home sites. We had designed a community sewer system and water provided from Town of Oliver from existing reservoir 500m NE of our property, and had very positive preliminary review with MOT. Many of the home sites were just one acre, in a gated bare land strata development offering exceptional home sites within the property's current SH4 zoning.

Your proposed amalgamation of SH2 and SH4, and choosing a 0.5 ha minimum lot size will negatively impact our proposed development and reduce our lot capacity by at least 25% to a maximum of 22. This will render the project unviable and cause significant monetary damage in lost development and/or potential resale.

Attached is the existing subdivision plan brought forth in 2018.

We would ask you please give our concerns valid consideration prior to making any changes to existing zoning, keep us up to date via email regarding any public meetings and/or request a meeting in person to discuss at your earliest convenience.

Thank you,

Scott Lintell
president
Lintell Projects Ltd
T262 Enterprises Ltd

From: [Lauri Feindell](#)
Sent: Tuesday, July 20, 2021 9:38 AM
To: [Evelyn Riechert](#) ; [Christopher Garrish](#)

Subject: Residential Zone Update

Would like to discuss the letter sent out in May (has moved and just received letter), regarding the residential zone update, has a large property (40 acres) in Oliver and is concerned about the amendment,

Scott: If you would like to send a return email (to Chris and Evelyn) your concerns/inquiries, property location, that would be beneficial that they would have the particulars to review prior to calling.

Thank you,

Lauri



**Lauri Feindell, Administrative Assistant,
Planning Services**

Regional District of Okanagan-Similkameen
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August 18, 2021

To: Christopher Garrish, Planning Manager,

Re: Strategic Planning Project: Residential Zone Update – Phase 4 (Bylaw No 2892)

I am contacting you in regards to a schedule I saw on the draft version of the “Electoral Area Residential and Small Holdings Zoning Update Amendment Bylaw No. 2892, 2021.” dated 2021-07-02. My name is Cathy Harmer and my husband, Peter and I are the owners of a house at 16403 87th Street, Osoyoos, B.C.

In Schedule A-208 there was an illustration of our neighbourhood with a depiction of the change of zoning being planned from RS1 to RS2 as a result of the planned zoning updates. However, on that map there was also a notation showing the rezoning of the road next to our property from being RS1 to PR, which I believe is in error. I’ve included links to the documents I discovered this information in below and have included pictures for reference.

1. Area A Map Schedule:

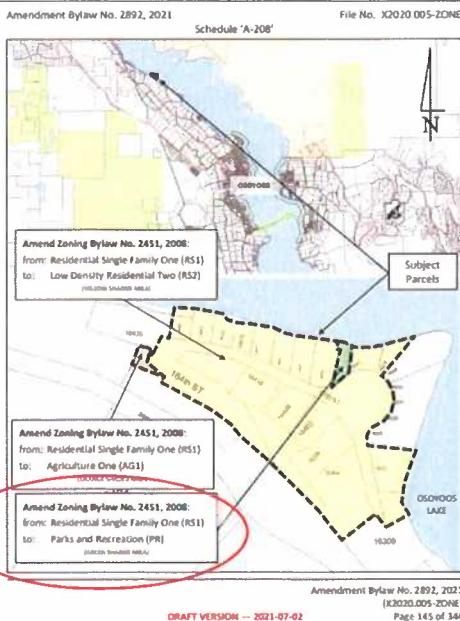
<https://www.rdos.bc.ca/assets/PLANNING/AreaX/2020/005-ZONE/MapScheduleAv20210702.pdf>

2. Draft Bylaw:

<https://www.rdos.bc.ca/assets/PLANNING/AreaX/2020/005-ZONE/2892v20210702.pdf>

This is the information included in those 2 documents: On page 14 of the Area A map schedule the road next to our house is shown as being rezoned from RS1 to PR and the detailed wording is included on pages 17 of the bylaw.

From Area A Map Schedule – p 14



From Draft Bylaw 2892




The following wording is included on pages 16 and 17 Point 4 xii)

4. The Zoning Map, being Schedule ‘2’ of the Electoral Area “A” Zoning Bylaw No. 2451, 2008, is amended by changing the land use designation of.....

i) the land shown

xii) an approximately 350 m2 area of land shown shaded green on Schedule ‘A208’, which forms part of this Bylaw, from Residential Single Family One (RS1) to Parks and Recreation (PR).

However, as you can see from Schedule 2 of the Area A Zoning bylaw 2451, the RDOS parcel viewer, and from the picture from the BC Assessment Authority for our property, the area is not in fact a residential lot but a road.

From Schedule 2, bylaw 2451 and below, from the RDOS parcel viewer for our area.	Property Assessment 16403 Inkaneep Rd (also known as 87 th street)
	
	

I understand how complicated all the revisions for this type of project are and wanted to provide you the information needed to make any corrections that may be necessary to the documents. I am assuming this is an error, but if it is fact being designated as a park, I would like to discuss this further, as it raises other questions.

I can be reached via email

Regards,

Cathy Harmer.



August 10, 2021

File: 0280-30

Local Government File: X2021.005-ZONE (RS & SH)

Evelyn Riechert, Planner I
Regional District of Okanagan-Similkameen
Via Email: planning@rdos.bc.ca

Dear Evelyn Riechert,

Re: Textual and Mapping Amendments to Bylaw No. 2892 to Standardize the Residential and Small Holding Zones.

Thank you for providing the Ministry of Agriculture, Food and Fisheries (Ministry) staff the opportunity to comment on a textual amendment to the Electoral Area "A", "C", "D", "E", "F", "G" & "I" Zoning Bylaws in order to standardize the Residential (RS) and Small Holdings (SH) zones. From an agricultural perspective, the Ministry offers the following comments:

- While difficult to determine from the mapping, we have inferred from the background information that one of the objectives is to apply an agricultural zone to all lands in the Agricultural Land Reserve (ALR), rather than an SH zone. If this is the case, ministry staff support the change as it will lead to consistency of regulation throughout the ALR within RDOS, particularly if the agricultural zone is consistent with the *Agricultural Land Commission Act (ALCA)* and Regulations. If this is not the case, please note that the zones covering the ALR must permit agriculture and the regulations should be consistent with the ALCA and Regulations.
- We recommend that where RS and SH zones are adjacent to the ALR setbacks and vegetative buffers be required that are consistent with the ministry's [Guide to Edge Planning](#). This will assist with mitigating farm practice complaints.

Please contact Ministry staff if you have any questions regarding the above comments.

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
BC Ministry of Agriculture, Food
and Fisheries
Philip.Gyug@gov.bc.ca
(250) 378-0573

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



Your File #: BL2892
X2020.005-
ZONE
eDAS File #: 2021-03875
Date: July 13, 2021

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

Attention: Lauri Feindell, Planning Secretary

Re: **Proposed Text Amendment Bylaw 2892 for:
Electoral Areas "A", "C", "D", "E", "F" and "I"**

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*.

If you have any questions, please feel free to call Rob Bitte at (778) 622-7020.

Yours truly,

Rob Bitte
Development Officer

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



Kaleden
Irrigation District

119 Ponderosa Ave., Kaleden, BC V0H 1K0
P 250-497-5407 F 250-497-5407 Email: k.i.d@shaw.ca

June 30, 2021

Regional District of Okanagan Similkameen
Attention: Evelyn Reichert, RDOS Planner
101 Martin St.
Penticton, BC
V2A 5J9

Re: PID: 024-582-336, Lot 1, DL 104s, 105s, SDYD, Plan 65107

Dear Evelyn;

Thank you for meeting with our District on June 9, 2021 regarding rezoning of the above noted lot, and for the "comfort letter" received on June 14, 2021. The Board discussed the letter and wish to request that under Clause 1. *Environmentally Sensitive Development Permit Area* the following wording could be removed or amended " but excluding communication towers and antenna systems". We note that telecommunication works are permitted in both sections, however, the District currently relies on radio communication equipment and antenna systems; if the District were to upgrade or install new communication towers or antennas, under the current wording, Clause 1 would require permitting, which is what we were trying to avoid.

We appreciate your assistance in this regard. Thank you.

Sincerely,
KALEDEN IRRIGATION DISTRICT

Mike B. Gane
Board Chair
MBG/ceh

c.e. Chris Garrish

Lauri Feindell

From: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: July 21, 2021 12:27 PM
To: Planning
Cc: Lauri Feindell
Subject: RE: Referral Comments Requested - Draft Amendment Bylaw No. 2892 - RS & SH Zone Update (X2020.005-ZONE)

Hello Lauri and the Planning superstars at RDOS!

Thank you for referral regarding the Draft Amendment Bylaw No. 2892 - RS & SH Zone Update (X2020.005-ZONE).

The Archaeology Branch does not have any concerns with the proposed bylaw updates or amendments to the OCP.

Kind regards,



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

From: Lauri Feindell <lfeindell@rdos.bc.ca>
Sent: July 8, 2021 2:24 PM
To: Arch Data Request FLNR:EX <ArchDataRequest@gov.bc.ca>
Subject: FW: Referral Comments Requested - Draft Amendment Bylaw No. 2892 - RS & SH Zone Update (X2020.005-ZONE)

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

From: Christopher Garrish
Sent: July 2, 2021 4:10 PM
To: Huber, Sara ALC:EX <Sara.Huber@gov.bc.ca>; 'Christina.Forbes@gov.bc.ca' <Christina.Forbes@gov.bc.ca>; 'Kaleden Irrigation District' <k.i.d@shaw.ca>; 'ofid@telus.net' <ofid@telus.net>; 'tosoyoos@osoyoos.ca' <tosoyoos@osoyoos.ca>; 'jcvitko@sd53.bc.ca' <jcvitko@sd53.bc.ca>; 'rs@summer.com' <rs@summer.com>; 'archdataequest@gov.bc.ca' <archdataequest@gov.bc.ca>; 'HBE@interiorhealth.ca' <HBE@interiorhealth.ca>; 'ReferralAppsREG8@gov.bc.ca' <ReferralAppsREG8@gov.bc.ca>
Cc: Evelyn Riechert <eriechert@rdos.bc.ca>; Lauri Feindell <lfeindell@rdos.bc.ca>
Subject: Referral Comments Requested - Draft Amendment Bylaw No. 2892 - RS & SH Zone Update (X2020.005-ZONE)

Friends,

Attached to this email is a Bylaw Referral sheet for Draft Amendment Bylaw No. 2892, which is proposing a series of textual and mapping amendments to the South Okanagan Electoral Area Official Community Plan (OCP) and Zoning Bylaws – being Electoral Areas “A”, “C”, “D”, “E”, “F” & “I” – as part of an update of the Residential (RS) and Small Holdings (SH) zones.

These amendments are related to on-going work being done by the RDOS in support of the preparation of a new, single zoning bylaw for the six South Okanagan Electoral Areas referenced above.

Additional information regarding this project, including a copy of Draft Amendment Bylaw No. 2892 and its related map schedules can be accessed at the following link: <https://www.rdos.bc.ca/development-services/planning/strategic-projects/residential-zone-update>

Once reviewed, please forward any comments/concerns you may have to planning@rdos.bc.ca by **Friday July 30, 2021**. If you require more time to provide comment, please let us know.

Sincerely,

Chris.



Christopher Garrish MA, MSS, MCIP, RPP • Planning Manager

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RESPONSE SUMMARY

AMENDMENT BYLAW NOS. 2892, 2021

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

Thank you for the opportunity to provide comment on the above referenced referral. It is our understanding that the RDOS is proposing a series of textual and mapping amendments to Electoral "A", "C", "D", "E", "F", and "I" Official Community Plan (OCP) and Zoning Bylaws in order to standardize and make consistent the Residential (RS) and Small Holdings (SH) zone. The following is for your consideration.

Interior Health would suggest the use of more explicit language when it comes to identifying the minimum parcel size and type of connection required. In particular the Small Holding Zones (SH3, SH4) only mention lot size; there is no language about what type of water or sewer system is required.

We also noted that the Low Density Residential Duplex Zone (RD1) minimum parcel size for subdivision at 1ha, is identified as appropriate when serviced by a well and approved septic system. Interior Health strongly discourages the creation of micro water systems (one well servicing two single family residences) as they are not financially sustainable in our current regulatory framework -see attached documents for reference. We therefore suggest that all parcel size options for duplexes be connected to community water systems.

Thank you for the opportunity to comment on this rezoning application. If you have any questions or concerns, please feel free to contact me at 250-469-7070 x12287.

Signature:  _____

Signed By: Tanya Osborne

Agency: Interior Health

Title: Community Health Facilitator

Date: July 21, 2021

WATER SYSTEMS SERVING TWO RESIDENCES ON A SINGLE LOT

1.0 PURPOSE

To further clarify the level of service Interior Health, Health Protection staff provide for the regulation of water supply systems serving more than a single-family residence.

2.0 DEFINITIONS

“Single-family residence”: any residence where not more than a single family resides. Examples of structures that are not single-family residences include bed and breakfasts, seasonal accommodations for labourers, and residences with guest houses or rental suites.

3.0 POLICY

3.1 Interior Health, Health Protection (IH-HP) staff do not typically provide routine inspection or permitting services under the *Drinking Water Protection Act* (DWPA) and *Regulation* for water supply systems that serve two single-family residences on a single, indivisible parcel of land.

3.2 IH-HP staff do respond to service requests and complaints associated with all small water system within the context of the DWPA and *Public Health Act* (e.g. providing drinking water safety information).

4.0 REFERENCES

BC Ministry of Health (2007). *Drinking Water Officers' Guide*. Retrieved May 9, 2013, from http://www.health.gov.bc.ca/protect/dwoguide_updated_approved%202007.pdf

HP-WQ-9077 - Decision Brief: Permitting water systems that serve more than one dwelling on a private lot. Interior Health, Health Protection July 2013

Drinking Water Protection Act, SBC 2001, c.9

Public Health Act, SBC 2008, c.28

Water Systems Serving Two Single Family Residences

Does Interior Health, Health Protection (IH-HP) issue permits and conduct routine inspections of water supply systems that serve two single-family residences?

No, as long as those single-family residences are located on the same parcel/lot. In consideration of population health risk, service expectations, and advice from partner agencies these services are not deemed an appropriate use of resources at this time.

Does this effect water systems serving licensed care facilities?

No. Child Care and other Community Care Facilities are not single-family residences. However, Section 20 of the *Community Care and Assisted Living Act* exempts them from the requirements of the *Drinking Water Protection Act* (DWPA). Water systems serving care facilities are managed through Health Protection's Licensing Program.

What about systems that have already been issued permits?

Systems that already have permits will remain in the IH-HP information system. However, they will not be identified for routine inspection or expected to submit to permitting requirements of the DWPA. When the DWPA is updated these permits will be voided and the facility files removed from our information system.

What if they are on a Boil Water Notice?

A letter should be provided to the owner advising of the risk to their system and how they can be addressed. Please consult with your Team Leader on what actions should be taken in these cases.

What happens if there is a concern with one of these systems?

IH-HP staff will continue to respond to service requests and complaints within the context of the DWPA, *Public Health Act*, and *Health Hazard Regulation*.

Why does it matter that the single-family residences are on the same, indivisible property?

Local government and other provincial stakeholders have told us that very small water systems serving multiple properties are prone to governance and operations issues. As such there is a greater need for oversight and, wherever possible, to avoid creating such systems in the future.

Will these systems be mailed requisitions for routine monitoring?

No.



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

July 21, 2021

Reply to the attention of Sara Huber
ALC Planning Review: 46783
Local Government File: X2020.005-ZONE

Evelyn Reichert
Planner 1, RDOS
planning@rdos.bc.ca

Re: Regional District of Okanagan Similkameen Electoral Area OCP and Zoning Amendment Bylaw No. 2892, 2021

Thank you for forwarding a draft copy of Regional District of Okanagan Similkameen (RDOS) Electoral Area Official Community Plan and Zoning Amendment Bylaw No. 2892, 2021 (the "Amendment Bylaw") for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Amendment Bylaw is 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 Bylaw proposes amendments to the Residential (RS) and Small Holdings (SH) zones to support the preparation of a new, single zoning bylaw for the six Electoral Areas. The RDOS has undertaken a series of amendments to prepare for the single zoning bylaw, and the RS and SH zones are the last two zones which require updates.

Residential Zones:

Under the Residential category, there are three proposed zones: RS1, RS2, and RS3. The minimum parcel sizes for these zones range from 350 m² for RS1, 500 m² for RS2, and 1000 m² for RS3. Each zone permits a single-detached dwelling as a principal use, as well as uses such as bed and breakfasts and home occupations as accessory uses. The RS2 and RS3 zones permit a secondary suite or an accessory dwelling up to 125 m². ALC staff previously responded to a referral from the RDOS which outlined the draft regulations for secondary suites and accessory dwellings (Planning Review 46772). At the time, ALC staff encouraged the RDOS to amend the bylaw to reflect the recent amendments to the ALR Use Regulation which permit an additional residence up to 90 m² on parcels less than 40 ha where the existing residence is 500 m² or less, and 186 m² on parcels larger than 40 ha.

Generally, ALC staff do not object to the provisions of the Residential zones but note that if/ where such zones apply to lands within the ALR, agriculture must be a permitted use, and other restrictions under the ALC Act and its regulations must apply (e.g. additional residence maximum size).

Small Holdings Zones:

Under the Small Holdings category, there are four proposed zones: SH1, SH2, SH3, and SH4. The minimum parcel sizes for the SH1 and SH2 zones vary depending on community water and sewer availability from 0.25 ha to 1 ha, while the SH3 and SH4 permit a 1 ha and 2 ha minimum parcel size, respectively. ALC staff note that if such zones apply to lands within the ALR, the minimum parcel sizes should potentially be increased to ensure that expectations for future

subdivision in the ALR are managed. The Amendment Bylaw could also note that when lands are within the ALR, the subdivision must be reviewed and approved by the ALC.

Each SH zone permits a single-detached dwelling as a principal use and bed and breakfasts, home occupations, and other land uses as accessory uses. ALC staff note that only the SH2, SH3, and SH4 zones permit agriculture, and the use is permitted as an accessory use as opposed to a principal use. If these zones are to apply to lands within the ALR, agriculture should be permitted as a principal use. All of the SH zones also permit accessory dwellings. ALC staff reiterate the comments above related to accessory dwellings.

The SH zones also have a maximum height for buildings and structures of 10 m. ALC staff note that the Ministry of Agriculture, Food and Fisheries' [Guide for Bylaw Development in Farming Areas](#) (the "Minister's Bylaw Standards") recommend that height exemptions be applied to farm buildings so as not to restrict their construction. ALC staff encourage the RDOS to incorporate this exception.

ALC staff also note that the Amendment Bylaw rezones some properties from RS to Agriculture to reflect the fact the land is within the ALR. ALC staff strongly support this initiative.

Overall, ALC staff generally do not object to the Amendment Bylaw, but note the comments raised above.

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 EA BL 2892-2021

CC: Ministry of Agriculture – Attention: Philip Gyug (Philip.Gyug@gov.bc.ca)

46783m1