Remembering where we came from...

Lower Similkameen Indian Band
Mailing Address: PO Box 100 Keremeos, BC V0X 1N0
Physical Address: 1420 Highway 3, Cawston, BC V0X 1C3
Phone: 250-499-5528 Fax: (250) 499-5538

Project Name:	A2026.010-ZONE
Consulting Organization:	Regional District of Okanagan Similkameen
Consulting Organization Contact:	Ben Kent
Date Received:	05-October-2026
Project Type:	Regional Districts/Municipalities

October 06, 2026

Attention: Ben Kent

RE: Lower Similkameen Indian Band Consultation Deferral

The Lower Similkameen Indian Band (LSIB) would like to acknowledge receipt of the above referral and have conducted a preliminary office review.

The location of the proposed project/activity is within syilx (Okanagan) Nation Territory and may adversely affect inherent and constitutionally protected səlqmíx/syilx Aboriginal Title and Rights, including those held collectively within and by the syilx Nation. At this time, LSIB will defer further consultation and engagement regarding the proposed project/activity to the Penticton Indian Band (PIB), and Osoyoos Indian Band (OIB), as the syilx Nation member community with direct interest in the affected area. The LSIB must be notified of any updates or changes to the project, as any alteration to the scope of the project may affect our assessment and our determination regarding the need for further consultation.

This deferral is specific to LSIB's engagement on this referral and does not constitute a waiver, abandonment, or relinquishment of LSIB's inherent or constitutionally protected Aboriginal Title and Rights.

If you require further information or clarification, please do not hesitate to contact me.

limləmt | Thank you.



Qwaxwqwaxwliit | Nelson Tallio
Referrals Clerk
Lower Similkameen Indian Band
referralsclerk@lsib.net
250-499-5528 ext.126

CC: Chief Keith Crow, Lower Similkameen Indian Band
CC: Kathleen Louie, Title and Rights Natural Resources Manager, Lower Similkameen Indian Band

Ben Kent

From: Rob Huttema <RHuttema@osoyoos.ca>

Sent: October 9, 2026 7:34 AM

To: Ben Kent

Subject: FW: Bylaw Referral - OCP & Zoning Amendment - 8405 104th Avenue | File No. A2026.010-ZONE

Attachments: Bylaw Referral Sheet A2026.010-ZONE (2026-10-05).pdf

Follow Up Flag: Follow up

Flag Status: Completed

You don't often get email from rhuttema@osoyoos.ca. Learn why this is important

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Good morning, Brent

Osoyoos Fire Rescue interests are unaffected by Zoning change. Only concern is that if the property gets subdivided that road access will be required. Right the access is only a driveway to the homes which are part of one property.

Warmly,

Rob Huttema | Deputy Fire Chief
Prevention/Operations

Tel 250.495.4600 | **Fax** 250.495.7622 | **Toll Free** 1.888.495.6515
Email rhuttema@osoyoos.ca | **Website** www.osoyoos.ca
Town of Osoyoos | 9901 74th Avenue, Box 3010, Osoyoos BC, V0H 1V5

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From: Claudia Lenz <CLenz@osoyoos.ca>
Sent: Tuesday, October 6, 2026 10:41 AM
To: Rob Huttema <RHuttema@osoyoos.ca>
Subject: FW: Bylaw Referral - OCP & Zoning Amendment - 8405 104th Avenue | File No. A2026.010-ZONE

Hi Rob,
I'm just making sure you received this referral.
Thank you,

Claudia Lenz | Planning Technician

Tel 250.495.6191 | **Fax** 250.495.2400 | **Toll Free** 1.888.495.6515
Email clenz@osoyoos.ca | **Website** www.osoyoos.ca
Town of Osoyoos | 8711 Main Street, Box 3010, Osoyoos BC, V0H 1V0

From: Gabriel Wood <GWood@osoyoos.ca>
Sent: October 5, 2026 4:07 PM
To: plan <plan@osoyoos.ca>
Subject: FW: Bylaw Referral - OCP & Zoning Amendment - 8405 104th Avenue | File No. A2026.010-ZONE

Gabe Wood | Acting Deputy Corporate Officer

Tel 250.495.6515 | **Fax** 250.495.2400 | **Toll Free** 1.888.495.6515
Email gwood@osoyoos.ca |
Website www.osoyoos.ca
Town of Osoyoos | 8707 Main Street, Box 3010, Osoyoos BC, V0H 1V0

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From: Ben Kent <bkent@rdos.bc.ca>
Sent: October 5, 2026 2:22 PM
To: Info <Info@osoyoos.ca>; OIB-Referrals <referrals@oib.ca>; rsonsall@sd53.bc.ca; Tony Iannella <tiannella@rdos.bc.ca>; ALC.Referrals@gov.bc.ca; FBCLands@FortisBC.com; referrals@fortisbc.com
Cc: Lesley Gibbons <lgibbons@rdos.bc.ca>
Subject: Bylaw Referral - OCP & Zoning Amendment - 8405 104th Avenue | File No. A2026.010-ZONE

Some people who received this message don't often get email from bkent@rdos.bc.ca. Learn why this is important

Re: Project No. A2026.010-ZONE
OCP and Zoning Bylaw Amendment

Please find attached a referral sheet for official community plan and zoning bylaw amendment application A2026.010-ZONE, along with a link to our web page with the relevant documentation.

Please review and forward any comments to planning@rdos.bc.ca by November 4, 2026.

Kind Regards,

One Region Working Together

Ben Kent, MPL, RPP, MCIP • Planner II
Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p. 250-490-4109 • tf. 1-877-610-3737 • f. 250-492-0063
www.rdos.bc.ca • bkent@rdos.bc.ca

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[EXTERNAL] This email originated from outside of the organization.

From: ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>
Sent on: Wednesday, 21 October 2026 18:11:01 UTC
To: Ben Kent <bkent@rdos.bc.ca>
Subject: RE: Bylaw Referral - OCP & Zoning Amendment - 8405 104th Avenue | File No. A2026.010-ZONE

Follow up: Follow up
Start date: Monday, 26 October 2026 00:00:00 UTC
Due date: Monday, 26 October 2026 00:00:00 UTC

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender.

Hello Ben,

Thank you for forwarding the OCP and Zoning Bylaw Amendment for 8405 104th Ave in Osoyoos. I understand the property is not within the ALR; however, directly abuts the ALR to the east, south and west. I do not have any comments on the proposed OCP redesignation or zoning amendment as the property is outside the ALR; however, I do note that any development on the property would be directly adjacent to lands within the ALR. I recommend ensuring there are buffers and setbacks in place to reduce potential land use conflict and following the best practices in the Ministry of Agriculture and Food's *Guide to Edge Planning*, which describes urban-side edge planning tools to promote urban/rural compatibility.

Sincerley,

Claire Buchanan, MRM (she/her)
Regional Planner – Okanagan I Agricultural Land Commission
201 – 4940 Canada Way, Burnaby, BC, V5G 4K6
T 236.468.2034 | F 604.660.7033
Claire.Buchanan@gov.bc.ca | www.alc.gov.bc.ca

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From: Ben Kent <bkent@rdos.bc.ca>
Sent: October 5, 2026 2:22 PM
To: info@osoyoos.ca; OIB-Referrals <referrals@oib.ca>; rsonsall@sd53.bc.ca; Tony Iannella <tiannella@rdos.bc.ca>; ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>; FBCLands@FortisBC.com; referrals@fortisbc.com
Cc: Lesley Gibbons <lgibbons@rdos.bc.ca>
Subject: Bylaw Referral - OCP & Zoning Amendment - 8405 104th Avenue | File No. A2026.010-ZONE

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

Re: Project No. A2026.010-ZONE
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Kind Regards,

One Region Working Together

Ben Kent, MPL, RPP, MCIP • Planner II
Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p. 250-490-4109 • tf. 1-877-610-3737 • f. 250-492-0063
www.rdos.bc.ca • bkent@rdos.bc.ca

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Lesley Gibbons

From: G. Allan Phillips [redacted]
Sent: October 28, 2026 1:01 PM
To: [redacted]
Cc: Planning
Subject: Proposed OCP and Zoning Amendment 8405 104th Avenue

[Some people who received this message don't often get email from [redacted] Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

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Rick,
Thanks for your effort. I agree with the comments in your letter to the RDOS dated October 28, 2026.
Allan Phillips
[redacted]
Sent from my iPad

Lesley Gibbons

From: Rick Deis [redacted]
Sent: October 28, 2026 10:40 AM
To: Planning
Subject: Project No: A2026.010-ZONE

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CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender.

Date: October 28, 2026
To:
Regional District of Okanagan-Similkameen (RDOS) Planning Department
101 Martin Street, Penticton, BC, V2A 5J9
Attn: Ben Kent, Planner II (planning@rdos.bc.ca)

Regarding:
Comprehensive Letter of Opposition to OCP Amendment Bylaw No. 2905.08, 2026 and Zoning Amendment Bylaw No. 2800.70, 2026

Project No: A2026.010-ZONE

Subject Property: 8405 104th Avenue, Osoyoos, BC (Electoral Area "A")

Property Legal Info: PID 027-278-964 | Plan KAP85165

Dear Mr. Kent and Members of the RDOS Board,

I am writing to formally register my unequivocal opposition to the proposed Official Community Plan (OCP) and Zoning bylaw amendments for 8405 104th Avenue. The proposal to strip this 2.3-acre parcel of its Agriculture One (AG1) protections to introduce Low Density Residential Three (RS3) multi-lot subdivision zoning represents an unsustainable and dangerous planning precedent. It directly undermines the ecological, infrastructural, agricultural, and safety baseline of Electoral Area "A."
My opposition is structurally grounded in the following core planning, financial, and environmental pillars:

1. Water System Degradation, Overuse, and Systemic Area 8 Vulnerabilities

The proposal to add multi-lot residential density directly threatens an already compromised local water utility framework. The subject property sits within an infrastructure pocket where **Area 8 is routinely placed on Boil Water Advisories**, and the broader region is actively suffering from deteriorating water quality. Area 8 heavily relies on drawing lake water for a significant portion of the year.

The visible degradation of our water quality is tied directly to the systemic overuse and over-allocation of the lake's natural resources. Forcing an urban-style residential subdivision into an area with documented, seasonal water system strain is a massive planning failure. The RDOS must freeze high-density zoning expansions until long-term, stable water quality is restored, rather than approving new connections that accelerate the depletion and degradation of the lake profile.

2. The Dominos of Creeping Urbanization: Preventing Sequential Subdivision

This application cannot be viewed in isolation; it is the thin edge of the wedge for a coordinated, predatory conversion of prime Electoral Area "A" agricultural land. Approving this amendment establishes an irreversible precedent that will immediately trigger a domino effect across interconnected properties:

- The conversion of this parcel establishes immediate justification for the adjacent buffer panhandle lot at **8525 104th Avenue** and the historically connected "Plut" lot at **8522 98th Avenue** to demand matching residential zoning and or subdivision.
- Once those vital buffer properties are compromised, the productive vineyard spanning **Lot 2, Plan EPP71171, District Lot 2450S** will inevitably be targeted for destruction and residential subdivision next.

This application is a clear stalking horse for a future municipal boundary expansion by the Town of Osoyoos. It signals an intentional push to systematically convert working farms and peaceful rural residential parcels into an urban sprawl setting, completely erasing the rural agricultural mandate protected by the OCP.

3. Acute Traffic Hazards, Shared Panhandle Congestion, and 104th Avenue Blind Corners

The physical layout and access parameters of this development present a severe and immediate threat to public safety:

- **The Panhandle Bottleneck:** The subject property physically aligns with 81st Street but is entirely dependent on a long, restricted panhandle path adjoining 104th Avenue. This narrow panhandle is already heavily used by several existing residences and is a critical operational corridor for heavy **Kismet Vineyard equipment and agricultural workers**. Interjecting a high-frequency residential subdivision flow into an active agricultural industrial right-of-way is a direct recipe for operational gridlock and physical collisions.

- **The Blind Corner and Topography:** 104th Avenue features a highly dangerous **double blind corner** at the 87th Street intersection, where the road winds steeply downhill toward the lake and 81st Street.
- **Public Access and Pedestrian Risks:** The terminus of 104th Avenue serves as a highly active public water access point and boat launch. During the peak summer seasons, this narrow, un-sidewalked rural roadway becomes heavily congested with parked vehicles, boat trailers, and a high volume of **81st Street property owners and vacationers walking on foot into town**.

The roadway is completely devoid of public sidewalks, structural lighting, or urban pedestrian protections. Piling subdivision traffic onto a narrow, double-blind, down-gradient lane that functions simultaneously as a boat launch, a pedestrian town/beach route, and a heavy vineyard tractor corridor is a severe liability that the RDOS cannot responsibly sanction.

4. Cumulative Infrastructure Strain, Cost-Shifting, and Historical Precedent

The local community has already borne the long-term financial consequences of infrastructure alignment manipulation. During the execution of the Osoyoos Lake Northwest Sewer Extension project, design paths were famously bent away from direct, linear, and cost-effective public street corridors (such as the 87th Street residential corridor) to cut directly through private agricultural holdings, such as the Demelo orchard.

Those historical deviations were compromised in exchange for dropping private future-use infrastructure—specifically catch basins and twin subdivision stub-outs—leaving Area "A" ratepayers to front wide capital debt footprints under Service Line 3810 for decades. Approving a residential subdivision at 8405 104th Avenue continues this highly inequitable pattern. It rewards speculative development by piling downstream utility connections onto over-extended networks, allowing private proponents to monetize agricultural boundaries while current taxpayers absorb the long-term utility maintenance, expansion, and servicing burdens.

5. Property Tax Distortions and Financial Inequity

There is a growing, highly inequitable pattern in our community where prime lake-adjacent footprints benefit from suppressed, heavily shielded farm-class property tax rates (often paying minimal annual amounts to BC Assessment under active farm leases or minimal operations), only to leverage municipal hooks or utility adjacencies the moment a high-value real estate exit or subdivision opportunity presents itself.

Allowing the conversion of AG1 land to RS3 residential densities right along these sensitive fringes sets a dangerous precedent where developers profit directly off municipal infrastructure allowances while local ratepayers bear the systemic, long-term costs of utility expansion, debt servicing, and structural densification.

Conclusion

Allowing agricultural land to be chipped away for multi-lot residential real estate profits creates a dangerous, non-defensible planning precedent. It validates the community's historical anxieties regarding runaway, un-coordinated development pressures creeping along our sensitive lake boundaries.

I strongly urge Regional District staff and the Board of Directors to deny Project No. A2026.010-ZONE and uphold the current, vital AG1 zoning of this parcel.

Thank you for your attention to these critical community matters.

Sincerely,

Rick & Deb Deis

[redacted]

Lesley Gibbons

From: Danielson, Steven - Contractor <Steven.Danielson@fortisbc.com>
Sent: October 29, 2026 3:06 PM
To: Planning
Subject: 104 Ave, 8405, RDOS (A2026.010-ZONE)

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With respect to the above noted file,

Land Rights Comments

- There are no immediate concerns or requests for additional land rights, however there may be additional land rights requested stemming from changes to the existing FortisBC Electric ("FBC(E)") services, if required.

Operational & Design Comments

- There are FortisBC Electric ("FBC(E)") primary distribution facilities along 104 Avenue and 81 Street.
- All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.
- The applicant and/or property owner are responsible for maintaining safe limits of approach around all existing electrical facilities within and outside the property boundaries.
- For any changes to the existing service, the applicant must contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements.

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.

- Electrician's Name and Phone number
- FortisBC Total Connected Load Form
- Other technical information relative to electrical servicing

For more information, please refer to FBC(E)'s overhead and underground design requirements:

FortisBC Overhead Design Requirements
http://fortisbc.com/ServiceMeterGuide

FortisBC Underground Design Specification
http://www.fortisbc.com/InstallGuide

If you have any questions or comments, please contact us at your convenience.

Best Regards,

Steve Danielson, AACI, SR/WA
Contract Land Agent | Property Services | FortisBC Inc.
2850 Benvoulin Rd
Kelowna, BC V1W 2E3
Mobile: 250.681.3365
Fax: 1.866.636.6171
FBCLands@fortisbc.com



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OSOYOOS INDIAN BAND

1155, SEN*POK*CHIN BOULEVARD, OLIVER BC, V0H 1T8
PHONE: (250) 498-3444 ~ FAX: (250) 498-6577

October 30, 2026

Referral ID: A2026.010-ZONE
Reference #: R-77-0030207

Regional District of Okanagan Similkameen

SENT VIA NATIONSCONNECT

Attention: Ben Kent; Shannon Duong

We are in receipt of the above referral. This proposed activity/development is within the Osoyoos Indian Bands Area of Interest, responsibility and within the Okanagan Nation's Territory; the lands and resources are subject to our unextinguished Aboriginal Title and Rights.

In 1997, the Supreme Court of Canada in the ***Delgamuukw*** case clarified the law respecting the rights of aboriginal people in British Columbia, which includes the Osoyoos Indian Band. The Supreme Court ruling included the following legal principles:

- Aboriginal title is not extinguished and the Province cannot and never could extinguish aboriginal title or rights.
- Aboriginal title is protected by section 35 of the Constitution Act, 1982.
- Aboriginal title is a property interest.
- Governments must justify any infringements of aboriginal title.
  Lands held pursuant to aboriginal title have an inescapable economic component.

Other recent court cases involving the Taku River Tlingit First Nation and the Haida Nation have heightened the accountability of British Columbia to consult with First Nations with respect to third party development activities on alleged Crown lands. The Court found that the Province of B.C. has a legal fiduciary obligation to deal with First Nations' concerns about their traditional lands and resources and that it is not necessary for B.C. First Nations to first prove the existence of our rights.

Based upon the results of our Preliminary Office Review of the proposed activity/development proper consultation and consideration of potential impacts and infringements to our Aboriginal Title and Rights cannot occur without the following recommendations. It is only with these recommendations that proper consultation can begin and the proposed activity/development can be reviewed .

- The proposed activity/development is located within an area of high archaeological potential. It is recommended that a qualified archaeologist, in collaboration with an OIB field technician, conduct an Archaeological Overview Assessment and Preliminary Field Reconnaissance of the proposed project area prior to any ground disturbance occurring.

Please advise the Osoyoos Indian Band in writing as to your ability to meet the above listed conditions as outlined. Failure to meet these conditions will result in our disapproval and objection of the proposed activity/development. We will not consent, agree, or otherwise approve of the activity / development .

Our participation in the referral and consultation process does not define or amend the Osoyoos Indian Bands Aboriginal Rights and Title, or limit any priorities afforded to Aboriginal Rights and Title, nor does it limit the positions that we may take in future negotiations or court actions. If you require further information or clarification, please do not hesitate to contact me.

Please contact me through email or phone at your earliest convenience to set up a meeting to discuss our concerns.

Thank you,

Amanda Anderson
Referrals Manager
Osoyoos Indian Band

Lesley Gibbons

From: Brock Jackson [redacted]
Sent: October 30, 2026 4:50 AM
To: Planning; G Manossa
Subject: Re: Project No: A2026.010-ZONE

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Attention Ben Kent....

Following up on this email from our neighbour Rick Deis, we are 100% in agreement with his analysis and comments on the proposed:

Project No: A2026.010-ZONE

Subject Property: 8405 104th Avenue, Osoyoos, BC (Electoral Area "A")

Property Legal Info: PID 027-278-964 | Plan KAP85165

We also strongly urge Regional District staff and the Board of Directors to deny Project No. A2026.010-ZONE and uphold the current, vital AG1 zoning of this parcel.

Your attention to this matter is appreciated.

Brock Jackson and Geraldine Manossa

[redacted]

From: Rick Deis [redacted]
Sent: October 28, 2026 10:40 AM
To: planning@rdos.bc.ca <planning@rdos.bc.ca>
Subject: Project No: A2026.010-ZONE

Date: October 28, 2026
To:
Regional District of Okanagan-Similkameen (RDOS) Planning Department
101 Martin Street, Penticton, BC, V2A 5J9
Attn: Ben Kent, Planner II (planning@rdos.bc.ca)

Regarding:
Comprehensive Letter of Opposition to OCP Amendment Bylaw No. 2905.08, 2026 and Zoning Amendment Bylaw No. 2800.70, 2026

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This application cannot be viewed in isolation; it is the thin edge of the wedge for a coordinated, predatory conversion of prime Electoral Area "A" agricultural land. Approving

this amendment establishes an irreversible precedent that will immediately trigger a domino effect across interconnected properties:

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- Once those vital buffer properties are compromised, the productive vineyard spanning **Lot 2, Plan EPP71171, District Lot 2450S** will inevitably be targeted for destruction and residential subdivision next.

This application is a clear stalking horse for a future municipal boundary expansion by the Town of Osoyoos. It signals an intentional push to systematically convert working farms and peaceful rural residential parcels into an urban sprawl setting, completely erasing the rural agricultural mandate protected by the OCP.

3. Acute Traffic Hazards, Shared Panhandle Congestion, and 104th Avenue Blind Corners

The physical layout and access parameters of this development present a severe and immediate threat to public safety:

- **The Panhandle Bottleneck:** The subject property physically aligns with 81st Street but is entirely dependent on a long, restricted panhandle path adjoining 104th Avenue. This narrow panhandle is already heavily used by several existing residences and is a critical operational corridor for heavy **Kismet Vineyard equipment and agricultural workers**. Interjecting a high-frequency residential subdivision flow into an active agricultural industrial right-of-way is a direct recipe for operational gridlock and physical collisions.

- **The Blind Corner and Topography:** 104th Avenue features a highly dangerous **double blind corner** at the 87th Street intersection, where the road winds steeply downhill toward the lake and 81st Street.
- **Public Access and Pedestrian Risks:** The terminus of 104th Avenue serves as a highly active public water access point and boat launch. During the peak summer seasons, this narrow, un-sidewalked rural roadway becomes heavily congested with parked vehicles, boat trailers, and a high volume of **81st Street property owners and vacationers walking on foot into town**.

The roadway is completely devoid of public sidewalks, structural lighting, or urban pedestrian protections. Piling subdivision traffic onto a narrow, double-blind, down-gradient lane that functions simultaneously as a boat launch, a pedestrian town/beach route, and a heavy vineyard tractor corridor is a severe liability that the RDOS cannot responsibly sanction.

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I strongly urge Regional District staff and the Board of Directors to deny Project No. A2026.010-ZONE and uphold the current, vital AG1 zoning of this parcel.

Thank you for your attention to these critical community matters.

Sincerely,

Rick & Deb Deis

[redacted]

From: Mandy Jones <mjones@osoyoos.ca>
Sent on: Tuesday, 03 November 2026 23:25:06 UTC
To: Planning <planning@rdos.bc.ca>
CC: Claudia Lenz <CLenz@osoyoos.ca>; Liam Loveridge <lloveridge@osoyoos.ca>; Dave Stene <dstene@osoyoos.ca>; Jillian Abney <JAbney@osoyoos.ca>
Subject: Fw: Referral Request - 8405 104th Street

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Ben,

Thank you for your referral to the Town of Osoyoos regarding the subject property located at 8405 104th Street. This application proposes OCP and Zoning Bylaw amendments to permit smaller residential lot sizes. Properties within the Town's boundary include a mix of zones, including AG and RS1. The RS1 zone permits a density of two dwellings per lot, which is consistent with the proposed RS3 zone.

Should the applicant wish to connect to the Town's sanitary sewer system, they are encouraged to contact the Town to discuss connection availability and determine feasibility. At this time, a limited amount of connections are available on a first-come, first-serve basis.

The Town of Osoyoos has no concerns with the proposal as indicated.

Best regards,

Mandy

Osoyoos
Canada's warmest welcome

Mandy Jones MCIP, RPP | Director of Planning & Development Services

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The Town of Osoyoos is subject to the Freedom of Information and Protection of Privacy Act.

From: Janice Von Heyking [redacted]
Sent on: Wednesday, 04 November 2026 05:35:06 UTC
To: Planning <planning@rdos.bc.ca>
Subject: Proposed OCP and zoning amendment 8405 104th Avenue

Follow up: Follow up
Follow up status: Completed
Completed on: Wednesday, 04 November 2026 15:59:00 UTC

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Name: Alexander and Janice von Heyking
Address: [redacted]

COMMENTS ON APPLICATION
We are opposed to changing the designation from Agricultural to Low Density Residential for the following reasons:

1. Increased traffic on 104th Avenue could result in accidents.
2. Congestion and parking of boat trailers on 104 th Avenue with additional traffic could be hazardous
3. Need to keep agricultural land for the production of fruit and vegetables
4. Overloading of the water and sewage system.
5.Access road to 104th Ave isa poor quality gravel road
6. Difficult garbage pickup
7. Access from 104th to 87 Ave is a hazardous intersection with increased traffic volume.(blind corner)
8. Noise from potential house construction

Respectfully Submitted,

Alexander and Janice von Heyking

From:
To:
Subject: FW: Request for information/confirmation

From: Rick Deis [redacted]
Sent: November 4, 2026 4:45 PM
To: Ben Kent <bkent@rdos.bc.ca>
Subject: Re: Request for information/confirmation

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Thanks for your reply. The following is in addition to our Oct 28, 2026 formal opposition to project No. A2026.010-Zone. Please add it as an addendum to or additional submission.

Kind regards

Rick & Deb Deis
****

RE: Formal Letter of Opposition Addendum to Rezoning Application (Proposed RS3 Zoning)
Subject Property: 8405 104th Ave, Osoyoos, BC
Opposing Party: Rick and Deb Deis

To the RDOS Board and Planning Department,
We are writing to formally add additional concerns to our October letter of opposition to the proposed rezoning of **8405 104th Ave**. As a local resident, we are deeply concerned that approving this zoning change will inevitably lead to a subdivision application that the physical, geographical, and agricultural reality of the site simply cannot safely or legally accommodate.
The access corridor servicing this property appears to have some problems. Forcing increased residential density onto this specific lot introduces severe logistical constraints, grading challenges, structural access risks, and critical urban-agricultural conflicts based on the following facts:

1. Severe Escalation of Urban-Agricultural Friction

The RDOS and the Province have clear, rigid mandates to protect agricultural operations and minimize urban-rural conflict. The applicant's narrow pathway is immediately bordered to this highly active, mature vineyard rows which run perpendicular to the south side of the subject properties pan handle access road.
This vineyard property (**PID:** [redacted]) is part of Kismit's 600 acre 50 site operation. It is the eastern end of several other Kismet properties and runs right up to 98th Avenue. Since their acquisition from the [redacted] family, farm tractors and machinery have relied on the margins of this lane and parts of the pathway as a parking area and also a necessary turnaround headland zone to manage, harvest, and spray crops. Allowing rezoning and a subsequent subdivision application immediately adjacent to this operational space creates further conflicts.
A[redacted]ion of the subject property has the required agricultural buffer required by the Agricultural Land Commission but it lacks this buffer. This buffer was created back when the p[redacted]y was full of peach and cherry trees. But no such buffer exists between the vineyard and three residential properties (10230, 10219 and 10210 81st street.) abutting the pan handle access road. These properties also appear to have access to the pan handle access road which just adds to the congestion and conflicts. Possibly an oversight when the severance, rezoning and subdivision occurred by the powers that be when that parcel was carved out of good farmland?
So what are these problems:

- **Spray Drift and Liability:** Standard agricultural pesticide and protective spraying will inevitably result in chemical drift onto any additional residential lots, triggering ongoing nuisance complaints, friction, and legal liabilities that disrupt the farm's right to operate.
- **Operational Obstruction:** The increased volume of residential traffic trying to navigate a narrow corridor will physically block and interfere with farm machinery and workers during critical, time-sensitive harvest periods.
- **Dust and Noise:** Residential tenants in an RS3 zone will be directly exposed to the dust, heavy machinery noise, bird cannons and early-morning farm operations native to a working vineyard, leading to predictable urban-rural friction that violates the spirit of the *Farm Practices Protection (Right to Farm) Act*.
-

2. Severe Emergency Vehicle Access Restrictions & BC Building Code Violations

The inability to guarantee safe emergency services access is a fatal flaw in this proposal. Under the **British Columbia Building Code (Section 3.2.5.6. "Access Route Design")**, any required access route provided for fire department use must adhere to strict provincial safety baselines:

- **Section 3.2.5.6.(1)(a) [Clear Width]:** Mandates a **minimum clear width of not less than 6.0 metres (approx. 19.7 feet)** for a fire department access road. The subject property's actual pathway appears to measure short of that absolute provincial minimum code requirement in places. (based on aerial photos measurements on google earth and RDOS parcel viewer)
- **Operational Choking:** A minimum of 6.0 metres is strictly required to accommodate the width of a responding fire engine (3.0m), un-restricted hose deployment (2.0m), and the physical space for equipment deployment. If an emergency occurs, a single vehicle could block much of the lane, leaving little clearance shoulders for secondary emergency vehicles to pass, or for other residents to safely evacuate past a staged emergency scene.
- **Section 3.2.5.6.(1)(e) [Load-Bearing Capacity]:** Requires the access route to be structurally designed to support heavy fire apparatus (typically **80,000+ lbs Gross Vehicle Weight**).

3. Complex Grade Separation and Retaining Challenges

Under RDOS Okanagan Valley Zoning Bylaw No. 2800, any new subdivision utilizing a panhandle configuration requires an absolute minimum access strip width of **8.0 metres (approx. 26.2 feet)** to ensure standard vehicle passage and safe emergency services access. The physical pathway for 8405 104th Ave appears to fall short of this standard.
To make matters more complicated, the adjoining parallel panhandle belonging to **10210 81st St. sits at a lower elevation**. I assume the 8.0 meter width means a clear drivable path?

Conclusion and Request for Rejection

We believe an inspection of the site is warranted and one would see that the applicant is completely boxed in and unable to subdivide usable residential parcels.. It doesn't look like they can widen the access corridor to the north in places due to the slope, drop-off and elevation difference, and they cannot widen it to the south without physically destroying the active, mature vineyard rows that define our local agricultural economy. They also don't have additions property on the north side of their pan handle road to provide a vegetative buffer for the three 81st street properties.
An RS3 zoning change cannot be safely, structurally, or agriculturally reconciled with the extreme limitations of this corridor. Because this zoning change creates a direct path to an unworkable and hazardous subdivision layout, we respectfully request that the Planning Department and the RDOS Board **reject this rezoning application.**
At the very least, a formal agricultural impact assessment, a comprehensive emergency access review by the local Fire Chief, and a site-level survey must be required before this application is allowed to proceed any further.