

To: Her Worship Mayor McKortoff and Members of Council
From: Leah Curtis, Planning Technician
Date: January 24, 2023
Subject: Report 1 – Zoning Amendment Bylaw No. 1085.137, 2023
 10 Wren Place
Tracker No: BLW-332

RECOMMENDATION:

1. a) That Zoning Bylaw Application Z21-06 be accepted.
- b) That Zoning Bylaw Application No.1085.137, 2023 be read for a first and second time.

CAO Comments:

Approved for Council consideration.

Executive Summary:

The applicant is proposing to amend the Zoning for the property located at 10 Wren Place in order to accommodate the subdivision of the property into two small lots. One lot will contain the existing home.

Background:

OWNER	Robert Conci
APPLICANT	Robert Conci
CIVIC ADDRESS	10 Wren Place
LEGAL DESCRIPTION	Lot 5, DL2450S, SDYD, Plan KAP28375
OCP DESIGNATION	Medium-High Density Residential
ZONING	R1 – Single Family Residential
Current Proposed	R2 – Single Family Residential Small Lot

Zoning Bylaw No.1085, 1998

A zoning amendment is required as the subject property is currently zoned R1 – Single Family Residential. The proposed R2 – Single Family Residential Small Lot would allow for a minimum lot size of 400m², enabling the applicant to subdivide the property into two small lots. The proposed site plan (Attachment 5) illustrates that all proposed lots conform to the minimum lot size for the R2 zone.

Official Community Plan Bylaw No.1375, 2022

The subject property is designated Medium-High Density Residential in the Town's Official Community Plan (OCP). This lot is also located within the Southeast Meadowlark Plan Area, and the Agricultural Land Reserve. The Agricultural Land Commission, will require an application for exclusion be submitted, should the application be accepted.

The Meadowlark Plan supports intensive residential development and the OCP seeks to accommodate diverse housing options as a form of infill development and intensification in existing residential neighbourhoods where possible and suitable. The proposed rezoning and subsequent subdivision of the subject property would comply with OCP density requirements and policies.

Subdivision and Development Servicing Bylaw No. 1100, 1998

A driveway easement is required in favour of the existing lot in order for property owners to access the existing house and avoid the bollards and lift station located directly in front of the house. The easement would be secured during the subdivision stage. Attachment 5 shows the proposed location of the easement.

Off-site servicing costs and any additional engineering requirements will be secured through the subdivision process. Development Cost Charges will be payable at subdivision stage. Adequate services have been confirmed for the proposed new lot. The applicant has been advised that servicing for the proposed new lot will be costly as a result of the depth of the servicing pipes.

Land Use Procedure Bylaw No. 1235, 2007

As per the Town of Osoyoos Land Use Procedure Bylaw No.1235, 2007, rezoning application signage was placed on the subject land notifying the public of the pending application. Once a public hearing date has been set the neighbouring property owners and tenants will receive notification by mail and notices will be placed in the local newspaper as required by the *Local Government Act*.

Agricultural Land Reserve Exclusion Applications Policy (PLA-020)

The Town of Osoyoos is responsible for submitting applications to the Agricultural Land Commission (ALC) through their online portal. A Council resolution is required in order for administration to forward the exclusion application on behalf of the applicant to the ALC for their consideration.

Rationale for Recommendation

Staff is of the opinion that this site is suitable for a smaller lot size. The proposed development is in keeping with the spirit of the OCP and the new subdivision will contribute to the housing stock demand in the Town.

Options / discussion

Option 1

- a) That Zoning Bylaw Application Z21-06 be accepted.
- b) That Zoning Amendment Bylaw No.1085.137, 2023 be read for a first and second time.

Option 2

That Council rejects the application and the bylaw be abandoned.

Implications:

- a) **Community**
The proposed amendment and subsequent subdivision will enable one new residential lot to be created.
- b) **Organizational**
The preliminary development proposal package has been forwarded to outside agencies (i.e., MoTI) for comment; significant comments received through the referral process will be presented at the Public Hearing.

A notice of development sign has been posted on the subject property (Attachment 4). Notification of the Public Hearing will be mailed or otherwise delivered to properties within a 60-metre radius as per the Town's Land use Procedure Bylaw following Council's approval of the application and 1st and 2nd readings of the amending bylaw.

- c) **Budget**
There are no impacts to the budget associated with this report.
- d) **Significant Dates**
Should 1st and 2nd reading be granted, staff are proposing a Public Hearing be held on February 28, 2023, following the required notification process.

Following a successful 3rd reading, the property will need to be removed from the ALR prior to the final approval of the amending bylaw.

- e) **Sustainability**
The proposed amendments is consistent with the Town's approach to sustainability as this area is currently serviced.

Others Consulted:

Director of Operations
Deputy Fire Chief Prevention/Operations

Attachments:

1. Amending Zoning Bylaw No.1085.137, 2023
2. Application Package
3. Location Map

4. Sign
5. Proposed Subdivision Plan

Respectfully submitted,



Leah Curtis, Planning Technician

**TOWN OF OSOYOOS
BYLAW NO. 1085.137, 2023**

A bylaw to amend the Zoning Bylaw 1085, 1998.

WHEREAS Council deems it desirable to amend the Zoning Bylaw.

APPLICANT: Robert Conci
ADDRESS: 10 Wren Pl

NOW THEREFORE BE IT RESOLVED THAT the Council of the Town of Osoyoos in open meeting assembled **ENACTS AS FOLLOWS:**

1. This Bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 1085.137, 2023".
2. That the Town of Osoyoos Bylaw 1085, 1998 Schedule "A" Zoning Map be amended by changing the zoning from "*R1 - Single Family Residential*" to "*R2 – Single Family Residential Small Lot*" of the property legally described as "Lot 5, District Lot 2450S, SDYD, Plan KAP28375".

Read a First and Second time on the _____ day of _____, 2023.

Notice was given in accordance with the *Local Government Act* and Section 94 of the *Community Charter* by advertising twice in the *Times Chronicle* newspaper on the _____ day of _____, 2023 and the _____ day of _____, 2023 and posting on the **Public Notice Posting Places** on the _____ day of _____, 2023.

Public Hearing was held on the _____ day of _____, 2023.

Read a Third time on the _____ day of _____, 2023.

Approved pursuant to section 52(3)(a) of the Transportation Act this _____ day of _____, 2023

for Minister of Transportation & Infrastructure

Adopted on the _____ day of _____ 2023.

Mayor

Corporate Officer



SCHEDULE "A2"
LAND USE PROCEDURES BYLAW 1235, 2007

ZONING AMENDMENT

APPLICATION

PLANNING & DEVELOPMENT SERVICES
PO Box 3010, 8711 MAIN ST. OSOYOOS BC V0H 1V0
TEL: 495-6191 FAX: 495-2400

Date: June 11/2021
Cheque No.: debit
Amount: 1000 -
Received By: _____

CIVIC ADDRESS: #10 WREN PLACE, OSOYOOS

LEGAL DESCRIPTION: LOT 5 BLOCK _____ PLAN 28375 DISTRICT LOT DL 2450s

EXISTING ZONING: <u>R1</u>	PROPOSED ZONING: <u>R2</u>	OCP DESIGNATION: <u>MED-HIGH RES</u>	OCP AMENDMENT: <input type="checkbox"/> YES <input type="checkbox"/> NO
EXISTING USE: <u>RESIDENTIAL</u>	PROPOSED USE: <u>RESIDENTIAL</u>	PROPOSED OCP DESIGNATION: (if applicable)	

APPLICATION MUST INCLUDE:

- CURRENT STATE OF TITLE CERTIFICATE OR A CURRENT TITLE SEARCH
- SITE PLANS - MUST INCLUDE: LEGAL DESCRIPTION, SCALE, EASEMENTS AND RIGHT OF WAYS, SETBACKS, EXISTING AND PROPOSED BUILDINGS, LOT AREA, NUMBERED PARKING STALLS, ROADS, VEHICLE AND PEDESTRIAN ACCESS
- PRELIMINARY ELEVATIONS AND FLOOR PLANS
- ANY ADDITIONAL TECHNICAL INFORMATION OR REPORTS THE TOWN MAY REQUIRE
- NON-REFUNDABLE APPLICATION FEES IN ACCORDANCE WITH SCHEDULE "B"

REGISTERED OWNER'S NAME: <u>ROBERT CONCI</u>	APPLICANT'S NAME: <u>ROBERT CONCI</u>				
ADDRESS: <u>3499 CANTERBURY PLACE</u>	ADDRESS: <u>3499 CANTERBURY PLACE</u>				
CITY: <u>SURREY</u>	PROVINCE: <u>B.C.</u>	POSTAL CODE: <u>V3Z 0G8</u>	CITY: <u>SURREY</u>	PROVINCE: <u>B.C.</u>	POSTAL CODE: <u>V3Z 0G8</u>
TEL: <u>604 996 5159</u>	TEL: <u>604 996 5159</u>				
FAX:	FAX:				
EMAIL: <u>truxconci@icloud.com</u>	EMAIL: <u>truxconci@icloud.com</u>				

An application must be made either by the property owner or by an agent with the owner's written authorization.

[Signature]

SIGNATURE OF REGISTERED OWNER

JUNE 11 2021

DATE

[Signature]

SIGNATURE OF APPLICANT

JUNE 11 2021

DATE

ZONING AMENDMENT APPLICATION

PLANNING & DEVELOPMENT SERVICES

PO Box 3010, 8711 MAIN ST. OSOYOOS BC V0H 1V0
TEL: 495-6191 FAX: 495-2400

- Text Amendment *(if applicable)*

Describe the Proposed Text Amendment: _____

1. Services currently existing or readily available to the property *(check applicable boxes)*:

SERVICES	CURRENTLY EXISTING		READILY AVAILABLE*	
Road Access	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Water Supply	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Sewage Disposal	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Hydro	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Telephone	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

NOTE* Readily Available means existing service can be easily extended to the subject property.

2. Proposed water supply method TOWN

3. Proposed sewage disposal method TOWN

4. Approximate commencement date of proposed project SPRING 2022

5. Reasons and comments in support of the application *(use separate sheet if necessary)*: _____

Contaminated Sites Regulation

Please note: The Town of Osoyoos does not receive site profiles. Applicants are required to submit contaminated site information directly to the Ministry of Environment to satisfy any Provincial requirements under the *Environmental Management Act*.

TITLE SEARCH PRINT

2021-06-02, 16:54:53

File Reference:

Requestor: Brock Pendergraft

Declared Value \$142000

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Land Title District
Land Title Office

KAMLOOPS
KAMLOOPS

Title Number
From Title Number

CA2042507
CA1584491

Application Received

2011-06-03

Application Entered

2011-06-10

Registered Owner in Fee Simple
Registered Owner/Mailing Address:

ROBERTO CONCI, SELF-EMPLOYED
3499 CANTERBURY PLACE
SURREY, BC
V3S 0G8

Taxation Authority

Osoyoos, Town of

Description of Land

Parcel Identifier:

004-562-607

Legal Description:

LOT 5 DISTRICT LOT 2450S SIMILKAMEEN DIVISION YALE DISTRICT PLAN 28375

Legal Notations

NONE

Charges, Liens and Interests

Nature:

MORTGAGE

Registration Number:

CA2042508

Registration Date and Time:

2011-06-03 10:04

Registered Owner:

PROSPERA CREDIT UNION
INCORPORATION NO. FI147

Nature:

ASSIGNMENT OF RENTS

Registration Number:

CA2042509

Registration Date and Time:

2011-06-03 10:04

Registered Owner:

PROSPERA CREDIT UNION
INCORPORATION NO. FI147

Duplicate Indefeasible Title

NONE OUTSTANDING

TITLE SEARCH PRINT

File Reference:

Declared Value \$142000

2021-06-02, 16:54:53
Requestor: Brock Pendergraft

Transfers

NONE

Pending Applications

NONE

PROPOSED SUBDIVISION PLAN OF LOT 5, DL 2450s, SDYD, PLAN 28375.

BCGS 82E.003

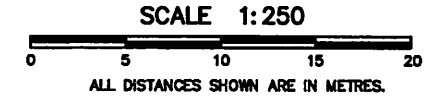
PID: 004-562-607
CHARGES: NONE



CIVIC ADDRESS:
#10 - WREN PLACE, OSOYOOS

CLIENT: ROB CONCI
FIELD SURVEY DATE: MAY 11, 2021

VERSION #1
DATE: JUNE 2, 2021



PROPOSED RE-ZONING TO R2

FRONT SETBACK - 4.5m
REAR SETBACK - 4.5m
INTERIOR SIDE SETBACK - 4.5m
MINIMUM LOT AREA = 400 m2
MINIMUM LOT WIDTH = 10.0m

LEGEND

● DENOTES STANDARD IRON POST FOUND

NOTE:

LOT BOUNDARIES SHOWN ARE DERIVED FROM CURRENT FIELD SURVEY BY BROCK PENDERGRAFT, BCLS 988, AND ARE SUBJECT TO CHANGE UPON A COMPLETE NEW LEGAL SURVEY.

BEARINGS ARE UTM GRID, ZONE 11

THIS SKETCH PLAN IS FOR THE EXPRESS PURPOSE OF APPLYING FOR SUBDIVISION ONLY, AND IS FOR THE EXCLUSIVE USE OF THE CLIENT SHOWN.

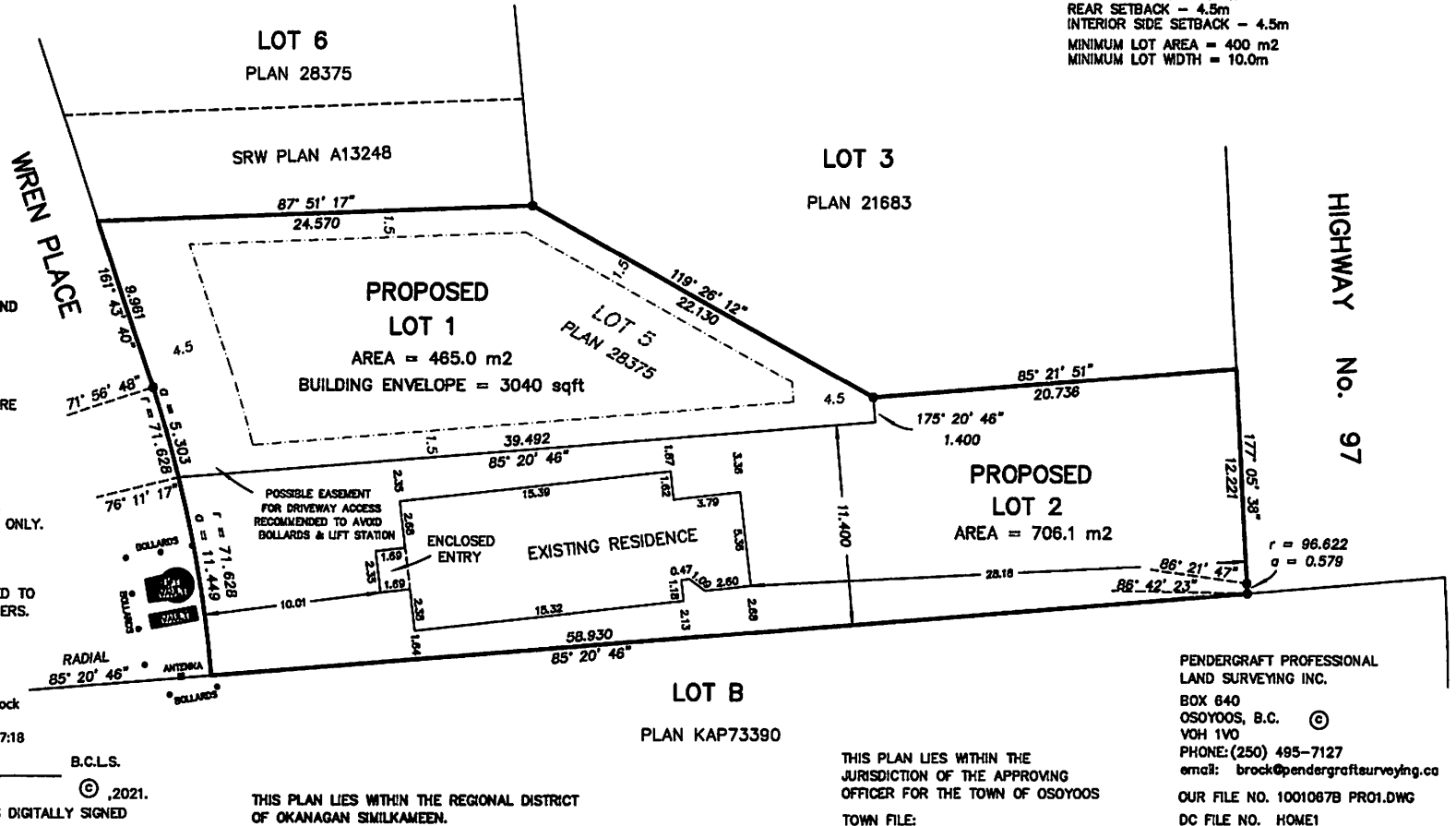
DIMENSIONS SHOWN ARE NOT TO BE USED TO DEFINE BOUNDARIES OR PROPERTY CORNERS.

CERTIFIED CORRECT

Digitally signed by Brock Pendergraft RBRHHE
Date: 2021.06.02 17:57:18 -0700'

B.C.L.S.

DATED THIS 2nd DAY OF JUNE, 2021. ©, 2021.
THIS DOCUMENT IS NOT VALID UNLESS DIGITALLY SIGNED

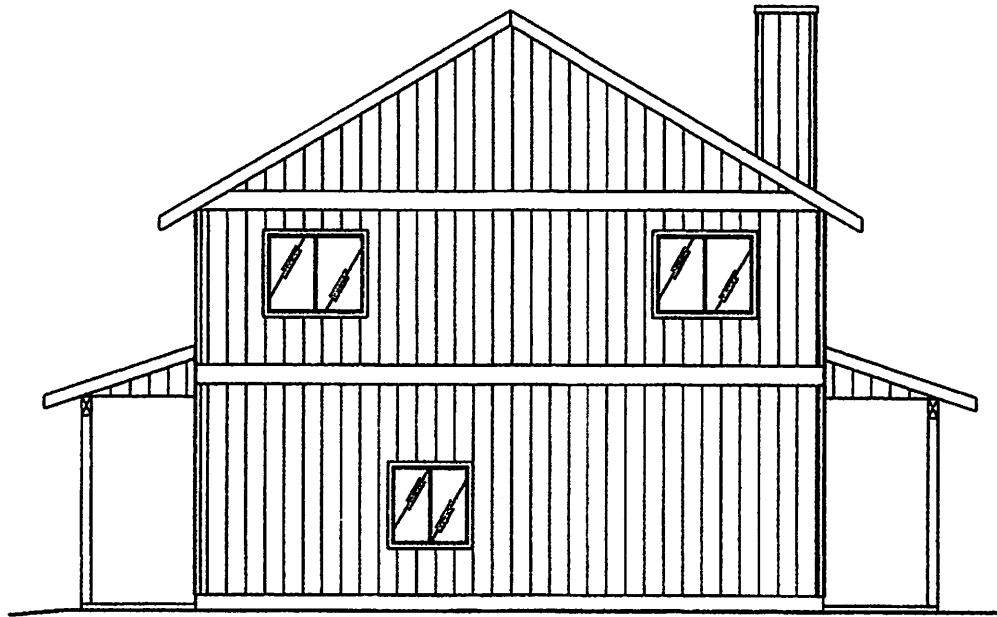


THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF OKANAGAN SIMLKAMEEN.

THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICER FOR THE TOWN OF OSOYOOS
TOWN FILE:

PENDERGRAFT PROFESSIONAL LAND SURVEYING INC.
BOX 640 OSOYOOS, B.C. ©
VOH 1VO
PHONE: (250) 495-7127
email: brock@pendergraffsurveying.ca
OUR FILE NO. 1001067B PR01.DWG
DC FILE NO. HOME1

REVERSE PLAN



REAR ELEVATION

Plan Number 85372 | Order Code: 00WEB | Rear Elevation

Plan Number 85372 Specifications:

- ▶ Total Living Area: 1901
- ▶ Lower Living Area: 581
- ▶ Main Living Area: 1320
- ▶ Garage Area: 738
- ▶ Garage Type: Attached
- ▶ Garage Bays: 2
- ▶ House Width: 30'
- ▶ House Depth: 44'
- ▶ Number of Stories: 2
- ▶ Bedrooms: 2
- ▶ Full Baths: 3
- ▶ Max Ridge Height: ~~25'~~ ^{27'} from Front Door Floor Lev
- ▶ Primary Roof Pitch: ~~7:12~~ (will BE changed to Accomadate 27' Height) 6:12
- ▶ Roof Framing: Truss
- ▶ Porch: 843 sq ft
- ▶ FirePlace: Yes
- ▶ Main Ceiling Height: 8'6"

Roof Pitch.
27'
MAX HEIGHT.

Available Foundation Types:

- ▶ Slab

PROPOSED SUBDIVISION PLAN OF LOT 5, DL 2450s, SDYD, PLAN 28375.

BCGS 82E.003

PID: 004-562-607

CHARGES: NONE



CIVIC ADDRESS:
#10 - WREN PLACE, OSOYOOS

CLIENT: ROB CONCI
FIELD SURVEY DATE: MAY 11, 2021

VERSION #1
DATE: JUNE 2, 2021



PROPOSED RE-ZONING TO R2

FRONT SETBACK - 4.5m
REAR SETBACK - 4.5m
INTERIOR SIDE SETBACK - 4.5m
MINIMUM LOT AREA = 400 m2
MINIMUM LOT WIDTH = 10.0m

LEGEND

- DENOTES STANDARD IRON POST FOUND

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CERTIFIED CORRECT

Digitally signed by Brock Pendergraft BRRRHE
Date: 2021.06.02 17:56:54 -07'00'

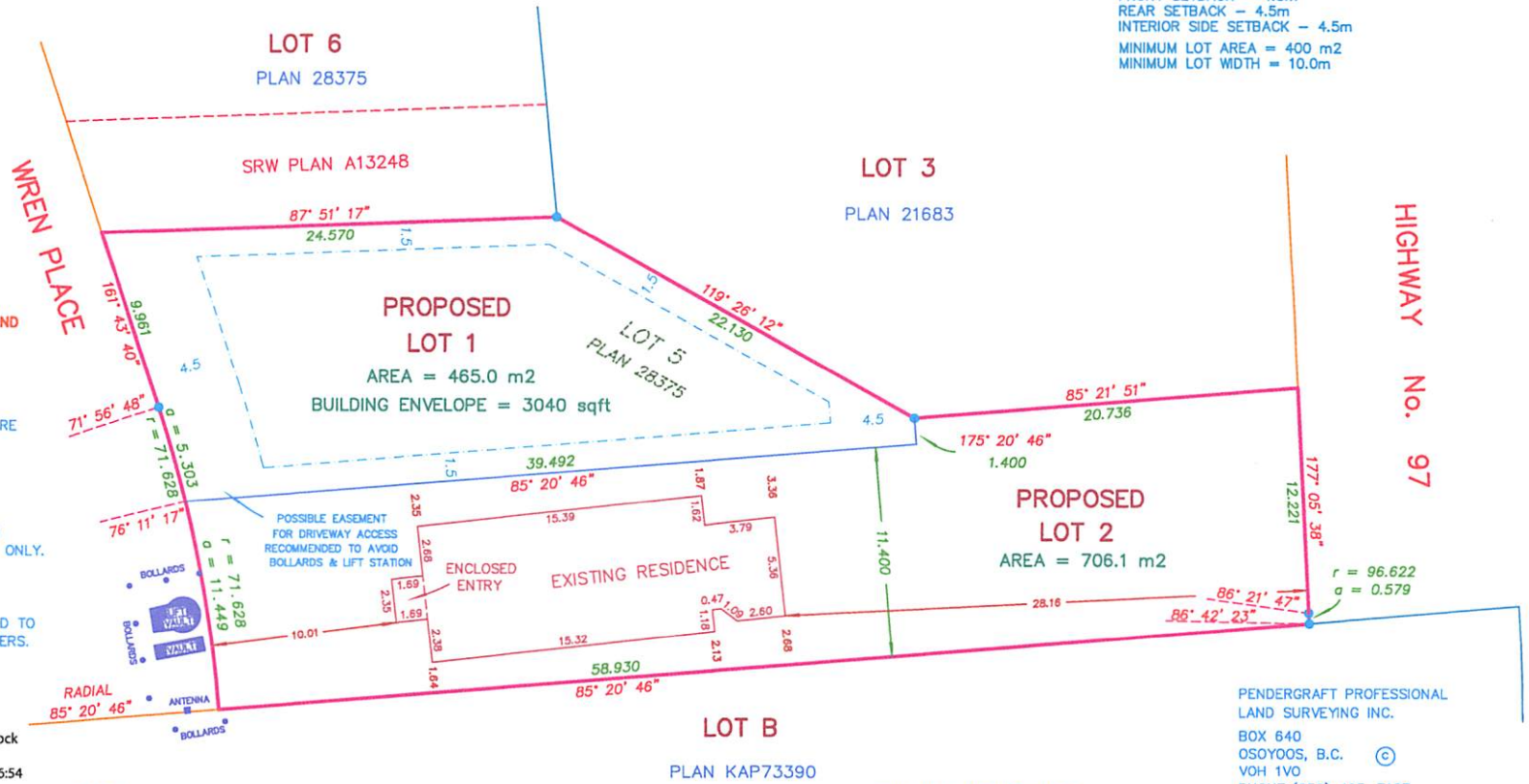
B.C.L.S.

DATED THIS 2nd DAY OF JUNE, 2021.

©, 2021.

THIS DOCUMENT IS NOT VALID UNLESS DIGITALLY SIGNED

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN.



PENDERGRAFT PROFESSIONAL
LAND SURVEYING INC.
BOX 640
OSOYOOS, B.C. ©
VOH 1V0
PHONE: (250) 495-7127
email: brock@pendergraultsurveying.ca
OUR FILE NO. 1001067B PROJ.DWG
DC FILE NO. HOME1

THIS PLAN LIES WITHIN THE
JURISDICTION OF THE APPROVING
OFFICER FOR THE TOWN OF OSOYOOS
TOWN FILE:



Plan Number 85372 | Order Code: 00WEB

COOLhouseplans.com
800-482-0464



Plan Number: 85372

- ▶ 1901 Total Living Area
- ▶ 581 Lower Level
- ▶ 1320 Main Level
- ▶ 2 Bedrooms
- ▶ 3 Full Bath(s)
- ▶ 2 Car Garage
- ▶ 30' Wide x 44' Deep

Available Foundation Types:

- ▶ Slab

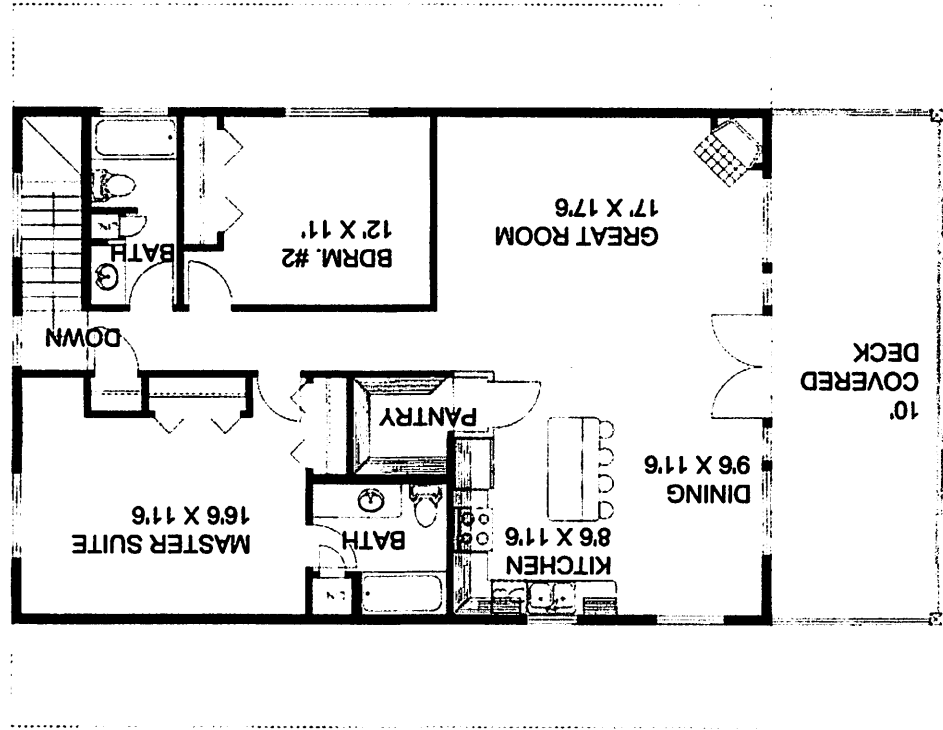


Plan Number 85372 | Order Code: 00WEB | Elevation

[↔ REVERSE PLAN](#)

Plan Number 85372 | Order Code: 00WEB | First Floor Plan

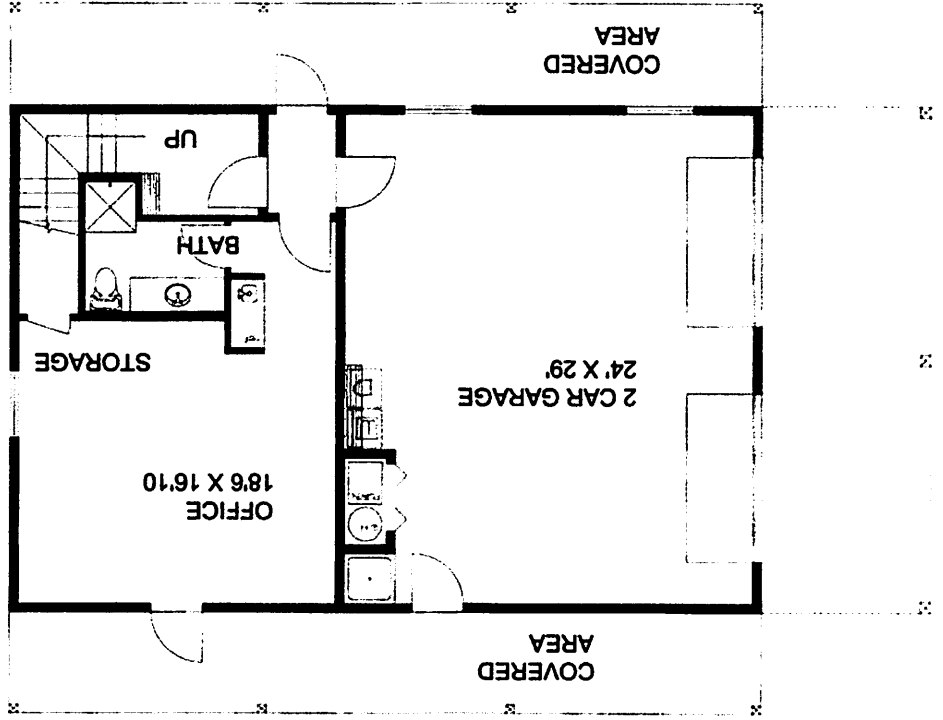
MAIN LEVEL FLOOR PLAN



REVERSE PLAN

Plan Number 85372 | Order Code: 00WEB | Lower Floor Plan

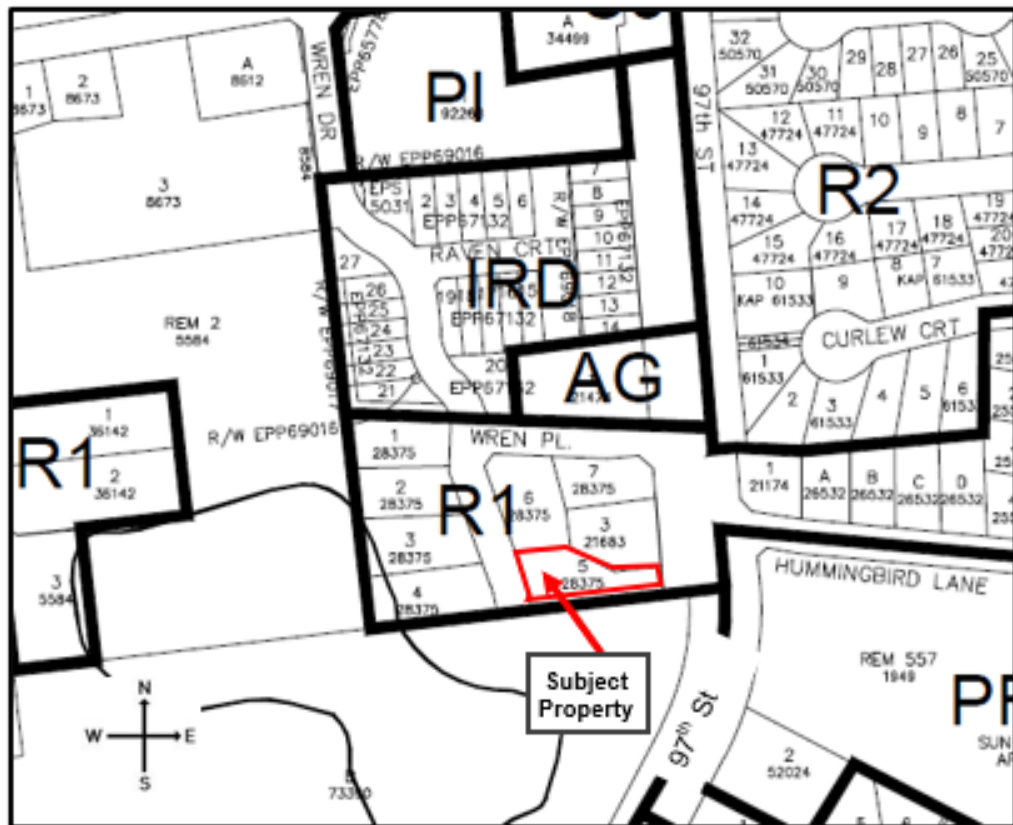
LOWER LEVEL FLOOR PLAN





PROPERTY LOCATION MAP
Zoning Amendment Application Z21-06

APPLICANT: Robert Conci
PROPERTY OWNER: Robert Conci
LEGAL DESCRIPTION: Lot 5, District Lot 2450S, SDYD, Plan 28375
CIVIC ADDRESS: 10 Wren Place
APPLICATION DATE: 2021 06 11





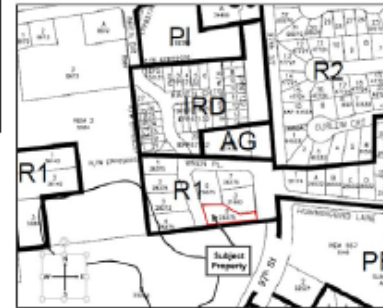
REZONING APPLICATION Z21-06

10 Wren Place

Legal Description: Lot 5, District Lot 2450S, SDYD, Plan 28375

PROPOSED DEVELOPMENT: The purpose of this amendment is to rezone this property from R1- Single Family Residential to R2 - Single Family Residential Small Lot to allow the owner to subdivide and create one new small residential lot at 10 Wren Place, Legal description: Lot 5, District Lot 2450S, SDYD, Plan 28375.

OCP LAND USE	CURRENT	AG - Agriculture
ZONING DESIGNATION	CURRENT	R1 - Single Family Residential
	PROPOSED	R2 - Single Family Residential Small Lot



OWNER - Robert Conci

APPLICANT - Robert Conci 604 - 996 - 5159

Town of Osoyoos
 Planning & Development Services
 250.495.6191

PUBLIC HEARING:

Date:

Time:

Location:

PROPOSED SUBDIVISION PLAN OF LOT 5, DL 2450s, SDYD, PLAN 28375.

BCGS 82E.003

PID: 004-562-607

CHARGES: NONE



CIVIC ADDRESS:
#10 - WREN PLACE, OSOYOOS

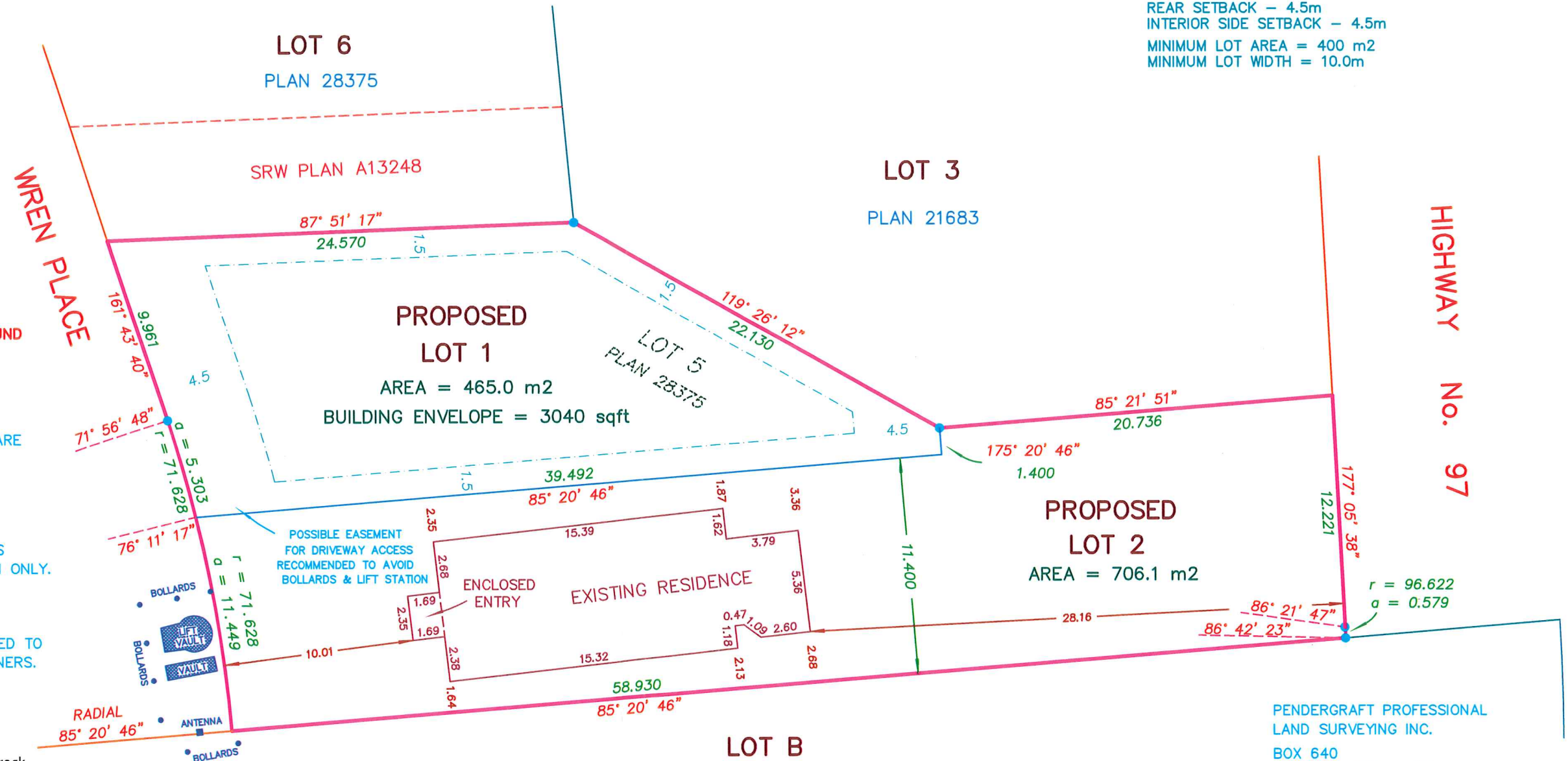
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REAR SETBACK - 4.5m
INTERIOR SIDE SETBACK - 4.5m
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MINIMUM LOT WIDTH = 10.0m



LEGEND

● DENOTES STANDARD IRON POST FOUND

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CERTIFIED CORRECT

Digitally signed by Brock Pendergraft RBRRHE
Date: 2021.06.02 17:56:54 -07'00'

B.C.L.S.

DATED THIS 2nd DAY OF JUNE, 2021.

© ,2021.

THIS DOCUMENT IS NOT VALID UNLESS DIGITALLY SIGNED

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN.

LOT B
PLAN KAP73390

THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICER FOR THE TOWN OF OSOYOOS
TOWN FILE:

PENDERGRAFT PROFESSIONAL LAND SURVEYING INC.

BOX 640
OSOYOOS, B.C. ©
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PHONE: (250) 495-7127
email: brock@pendergrafterveysing.ca

OUR FILE NO. 1001067B PR01.DWG
DC FILE NO. HOME1