

To: Mayor and Council
From: Paul Gipps, CAO

Meeting Date: May 6, 2025
Meeting Type: Regular Council Meeting

Prepared by: Trevor Empey, Senior Planner
Department: Planning and Development

Title: Zoning Amendment Bylaw 1271, 2025 and Zoning Amendment Bylaw 1272, 2025 | Z0000246 and Z0000254 | 15490 Carrs Landing Road and Lot 2 EPP83942 Carrs Landing Road
Description To rezone two parcels from RR1 – Rural Residential to RR2 – Rural Residential

RECOMMENDATION

THAT Zoning Amendment (Z0000246) Bylaw 1271, 2025 be read a first, second and third time;
AND THAT a *Land Title Act* Section 219 restrictive covenant be secured on title to a) require connection to municipal water when it becomes available in the future, and b) require a 3.0 metre vegetative buffer or opaque fence between Kopje Park and south boundary of Lot 1 EPP83942.
AND FURTHER THAT a Development Variance Permit to permit an onsite water supply be obtained by the applicant prior to Bylaw 1271, 2025 proceeding to Council for consideration of adoption.

THAT Zoning Amendment (Z0000254) Bylaw 1272, 2025, for be read a first, second, and third time;
AND THAT a *Land Title Act* Section 219 restrictive covenant be secured on title to a) require connection to municipal water when it becomes available in the future, and b) require a 3.0 metre vegetative buffer or opaque fence between Kopje Park and north boundary of Lot 2 EPP83942.
AND FURTHER THAT a Development Variance Permit to permit an onsite water supply be obtained by the applicant prior to Bylaw 1272, 2025 proceeding to Council for consideration of adoption.

EXECUTIVE SUMMARY

This application is requesting to rezone Lot 1 EPP83942 (15490 Carrs Landing Road) and Lot 2 EPP83942 from RR1 – Rural Residential to RR2 – Rural Residential (Attachments A & B). The application would be consistent with the Official Community Plan 2018-2038 (OCP). Rezoning the subject properties from RR1 to RR2 would reduce the agricultural uses permitted, increase site coverage permitted, and provide slight differences in secondary uses permitted, however it would permit further development of the land as the minimum lot size would be reduced from 4.0ha to 1.0ha.

If rezoned, future development of the properties would require connection to community water infrastructure in accordance with the Subdivision and Development Servicing Bylaw. As there is no community water infrastructure in this area, it is recommended that a development variance application to the Subdivision and Development Servicing Bylaw be a condition of this rezoning application.

Staff are supportive of these applications and recommend that Council read Bylaw 1271 and Bylaw 1272 a first, second and third time provided that, prior to adoption, a covenant requiring connection to municipal water, when available, is registered on the titles and that a covenant securing a 3.0 metre vegetative buffer or opaque fence between the properties and Kopje Park be secured on titles.

BACKGROUND

Property Information: General		
Folio/Roll #:	01743.002 & 01743.003	
Legal Description	LOT 1 SECTION 5 OSOYOOS DIV OF YALE LAND DISTRICT PLAN EPP83942 TOWNSHIP 14, and LOT 2 SECTION 5 OSOYOOS DIV OF YALE LAND DISTRICT PLAN EPP83942 TOWNSHIP 14	
PID	030-634-971 & 030-634-989	
Civic Address:	15490 Carrs Landing Rd	
Property Information: Land Use		
OCP Designation:	Rural Residential	
Zoning Designation:	RR1 – Rural Residential	
Land Use Contract	N/A	
ALR:	N/A	
Parcel Size:	Lot 1 EPP83942: 4.77ha Lot 2 EPP83942: 7.5ha	
Development Permit Areas:	Natural Environment, Slope Stability Hazard	
Adjacent Land Summary:	Zoning:	Use:
North:	RR3 – Rural Residential	Residential
East:	CD13 – Comprehensive Development 13 (O’Rourke Family Vineyard)	Agricultural, Agri-tourism, wineries etc.
South:	P1 – Public Park and Open Space	Parkland (Kopje Park)
West:	W1 – Recreational Water Use	Recreational Water Use

Property Information: Infrastructure and Development Engineering	
Road Network	Carrs Landing Road – Minor Connector
Driveway Access	Driveway Access Permits may be required at time of Building Permit
Water Supply:	Water Distribution System Not Available
Sewer:	Community Sewer System Not Available (on-site septic system required)
Drainage / Stormwater	None Available
Comments:	Variance to Subdivision and Development Servicing Bylaw RR2 zoning requirement for water distribution system is needed

ANALYSIS

This application proposes to rezone two parcels (15490 and Lot 2 Carrs Landing Road) from RR1 – Rural Residential to RR2 – Rural Residential (Attachment C) with the intent to subdivide the subject properties in the future. As this application proposes to rezone the subject properties, staff evaluated the proposal in relation to the Official Community Plan and its applicable policies that focus on Agriculture, Growth, Neighbourhood Planning and Rural Residential Land Use. The future land use designation under the OCP for the subject properties is Rural Residential which is identified in Attachment D. Based on analysis of the applicable OCP policies, staff note that this application is consistent with the OCP.

Subdivision

An application has been made to subdivide the subject properties which will be reviewed by the Approving Officer. Rezoning the subject properties to RR2 would enable subdivision to occur. **Table 1** outlines max build out potential of the subject properties based on minimum lot size requirements of the Zoning Bylaw for RR2 zoned parcels, if council were to approve the rezoning application.

Development Variance Permit

Should Council support the proposed rezoning of the properties to RR2, further development of the lands would require the regulations of the Subdivision and Development Servicing Bylaw (SDS) to be met. As there is no water distribution system in the area, a variance to the SDS requirement that RR2 properties be supplied with a water

distribution system would be needed. Staff recommend that the application to vary the servicing requirement be processed and considered by Council prior to the proposed rezoning bylaws being considered for adoption. This has been included as part of the staff recommendation to ensure that Council can consider the variance request as part of this rezoning process.

As the Carrs Landing Water Servicing Strategy Area project is currently on hold, staff further recommend that a Section 219 restrictive covenant be registered on the property title requiring the property to connect to a water distribution system when the service is available in the future. It should be noted that until a water distribution system is available, the area will not be serviced with fire protection. Mitigation of fire risk would be considered at future development stages including subdivision and building permit.

Table 1: Potential Maximum Lot Creation via Subdivision

Property	Requirements	Potential Max. Build Out	Subject Property Lot Size (Aprox.)
Lot 1 EPP83942 15490 Carrs Landing Rd.	1.0Ha (without community sewer)	Up to 4 Lots	4.77Ha
	0.5 Ha (with community sewer)	Up to 9 Lots	
Lot 2 EPP83942	1.0Ha (without community sewer)	Up to 7 Lots	7.5Ha
	0.5 Ha (with community sewer)	Up to 15 Lots	

Zoning

Table 2 below, provides analysis of the existing RR1 zone compared to the proposed RR2 zone. In summary, rezoning the subject properties from RR1 to RR2 would reduce the agricultural use, increase permitted site coverage, reduce the minimum lot size, and provide slight differences in secondary uses.

Table 2: Zoning Analysis

DEVELOPMENT REGULATIONS		
CRITERIA	RR1 Zone	RR2 Zone
Principal Uses	<ul style="list-style-type: none"> • agriculture, extensive • group homes, minor • single dwelling housing 	<ul style="list-style-type: none"> • group homes, minor • single dwelling housing
Secondary Uses	<ul style="list-style-type: none"> • animal clinics, major • animal clinics, minor • bed and breakfast homes • care centre, minor • home occupations • kennels and stables • secondary suite or accessory suite • utility services, minor impact • short term vacation rental 	<ul style="list-style-type: none"> • animal clinics, major • animal clinics, minor • bed and breakfast homes • care centre, minor • home occupations • hobby farms • secondary suite or accessory suite • utility services, minor impact • short term vacation rental
Buildings and Structures	<ul style="list-style-type: none"> • one single detached house (which may contain a secondary suite); • accessory buildings or structures (which may contain an accessory suite). • A mobile or manufactured home as an accessory suite <p>* Note there are specific requirements as per section 10 of the Zoning Bylaw</p>	<ul style="list-style-type: none"> • one single detached house (which may contain a secondary suite); • accessory buildings or structures (which may contain an accessory suite). <p>* Note there are specific requirements as per section 10 of the Zoning Bylaw</p>
Site Coverage	<ul style="list-style-type: none"> • Max 10% 	<ul style="list-style-type: none"> • Max 20%

DEVELOPMENT REGULATIONS		
CRITERIA	RR1 Zone	RR2 Zone
Height	The maximum height is the lesser of 9.5 m or 2½ storeys, except it is the lesser of 8.0 m or 1½ storeys for accessory buildings and 13.0 m for accessory structures	The maximum height is the lesser of 9.5 m or 2½ storeys, except it is the lesser of 8.0 m or 1½ storeys for accessory buildings and 13.0 m for accessory structures
Lot Area (min)	<ul style="list-style-type: none"> 4.0 hectare 	<ul style="list-style-type: none"> hectare (without community sewer) 0.5 hectare (with community sewer)
Setbacks		
Min. Front Yard	<ul style="list-style-type: none"> 6.0m 	<ul style="list-style-type: none"> 6.0m
Min. Side Yard	<ul style="list-style-type: none"> 3.0m or 4.0m from flanking street 	<ul style="list-style-type: none"> 3.0m or 4.0m from flanking street
Min. Rear Yard	<ul style="list-style-type: none"> 10.0m except 3.0m for accessory buildings 	<ul style="list-style-type: none"> 10.0m except 3.0m for accessory buildings

Regional Growth Strategy

Through referral comments, the Regional District of Central Okanagan's (RDCO) Planning Dept. noted that 15490 Carrs Landing has viable agricultural land and that rezoning 15490 Carrs Landing would be inconsistent with two of the RDCO's Regional Growth Strategy policies in relation to Agricultural and Growth. Specifically, the RDCO referenced Regional Growth Strategy policy 3.2.5.7 which intends to protect supply of agricultural land and promote agricultural viability and policy 3.2.1.1 which outlines that new growth areas should consider impacts on existing services and facilities in the community. As a result, RDCO did not support rezoning 15490 Carrs Landing Road.

Staff analyzed the provided feedback from the RDCO and note that the properties are not located in the Agricultural Land Reserve. In addition, while the current RR1 zone permits agricultural (extensive) as a principal use, the proposed RR2 zone permits a hobby farm as a secondary use and therefore personal agricultural production would still be allowable.

Kopje Regional Park

The RDCO Parks Department provided referral comments as the subject properties are bisected by Kopje Park which is owned and managed by the RDCO. The comments provided include the following:

- the park is considered to be archaeologically sensitive
- RDCO holds a water licence on Okanagan Lake for irrigation and domestic water use at the park
- concern with potential disturbance to Okanagan Lake (Grant Island to Kopje Park) from any future docks and greater boat traffic that could impact the identified swimming area and water intake area for Kopje Park
- there is an existing easement agreement between the park and the two subject properties. The shared access is the only access to Kopje Park (Attachment F)
- recommend that a buffer be placed adjacent to the Kopje Park and
- recommend that consideration be given to the proximity of the public swim area to lessen potential impacts from development of the subject properties
- RDCO has noted the importance of participating in any future evaluation of subdivision proposals to ensure interests in Kopje Park and Okanagan Lake are collectively evaluated and recommend that any applicable parkland dedication be taken in the form of land from Lot 2 EPP83942
(DLC staff note that the RDCO would be sent a referral at the subdivision stage to allow for further input during the subdivision review process)

As per the Zoning Bylaw (Section 8.6), Rural Residential zoned parcels are not required to have a landscape buffer. However, to support meeting RDCO referral comments regarding protection of Kopje Park from future development of the subject properties, staff recommend that a Level 3 Landscape Buffer be covenanted on title. A

Level 3 Landscape Buffer would require a 3.0m vegetative buffer or continuous opaque barrier to be installed along the property lines that face Kopje Park as identified in Attachment E.

Archaeological and Environmental Considerations

These two parcels are located in known Archaeological sites as identified by the Ministry of Forests and as such, this rezoning application was referred to the provincial Archaeology Branch. The referral comments noted that any land altering activities would require a Provincial Heritage Permit. As no land altering activities would occur through rezoning, no further action is required at this time. However, archaeological impacts would need to be considered during the subdivision and/or building stages of future development.

Further, the two parcels are located in Red and Yellow Kokanee spawning habitat areas as identified in the Ministry of Water, Lands and Resource Stewardship mapping of Okanagan Lake Kokanee habitat zones. As such this application was referred to the Ministry of Environment where they provided comments on Provincial policies with respect to development along Okanagan Lake. The RDCO Parks Dept. also noted the environmental significance of the nearby James Grant Island (highly sensitive area and bird sanctuary).

Staff have noted these comments back to the applicant for their awareness and any land altering activities would require appropriate municipal and provincial permitting along with technical reports for evaluation.

FINANCIAL IMPLICATIONS

☒ None ☐ Budget Previously Approved ☐ Other (see below)

COMMUNICATION

- This application was referred to internal departments and comments were provided and shared with the applicant through the Comprehensive Letter
- This application was referred to external agencies including the Ministry of Environment, RDCO, and the Ministry of Forests
- As per the *Local Government Act*, statutory notification occurred to surrounding property owners informing residents of this application
- Statutory notification was also met by placing notice signs on the subject properties along with two newspaper ads in the Lake Country Calendar

ALTERNATE RECOMMENDATION(S)

1. THAT Rezoning application Z0000246 Bylaw 1251, 2025 (Attachment A to the Report to Council dated May 6, 2025) for the property at 15490 Carrs Landing Rd (PID: 030-634-002) not be read for a first, second and third time and the file be closed.

THAT Rezoning Application Z0000254 Bylaw 1252, 2025 (Attachment B to the Report to Council dated May 6, 2025) Lot 2 Carrs Landing Rd. (PID: 030-634-989) not be read for first, second and third time and the file be closed.

2. THAT Rezoning application Z0000246 Bylaw 1251, 2025 (Attachment A to the Report to Council dated May 6, 2025) for the properties at 15490 Carrs Landing Rd. (PID: 030-634-002) be deferred pending receipt of additional information as identified by Council.

THAT Rezoning Application Z0000254 Bylaw 1252, 2025 (Attachment B to the Report to Council dated May 6, 2025) Lot 2 Carrs Landing Rd. (PID: 030-634-989) be deferred pending receipt of additional information as identified by Council.

Respectfully Submitted,
Trevor Empey, Senior Planner
 RPP, MCIP

Report Approval Details

Document Title:	Z0000246 and Z0000254 - 15490 and Lot 2 Carrs Landing Road.docx
Attachments:	<ul style="list-style-type: none"> - Attachment A - Z0000246 - Draft Bylaw 1271, 2025.pdf - Attachment B - Z0000254 - Draft Bylaw 1272, 2025.pdf - Attachment C- Z0000246 - Location Map.pdf - Attachment D - Z0000246 - Land Use.pdf - Attachment E - Z0000246 - Proposed Buffering of Kopje Park.pdf - Attachment F - Z0000246 -Access Easement.pdf
Final Approval Date:	Apr 29, 2025

This report and all of its attachments were approved and signed as outlined below:

Carie Liefke, Manager of Current Planning - Apr 25, 2025 - 10:55 AM

Steven Gubbels, Development Engineering Manager - Apr 25, 2025 - 1:02 PM

Jeremy Frick, Director of Development Approvals - Apr 28, 2025 - 7:16 AM

Reyna Seabrook, Director of Corporate Services - Apr 28, 2025 - 10:51 AM

Paul Gipps, Chief Administrative Officer - Apr 29, 2025 - 8:21 AM

Makayla Ablitt, Legislative & FOI Coordinator - Apr 29, 2025 - 9:38 AM