

To: Mayor and Council
From: Paul Gipps, CAO

Meeting Date: June 3, 2025
Meeting Type: Regular Council Meeting

Prepared by: James Robertson, Land Agent
Department: Corporate Services

Title: Road Closure | RC2024-003 | 1210 8th Street
Description: A Bylaw to close a portion of road, and remove its highway dedication, adjacent to 1210 8th Street for residential use.

RECOMMENDATION

THAT Road Closure Bylaw (RC2024-003) 1253, 2025 be read a first, second, and third time.

EXECUTIVE SUMMARY

The owners' of 1210 8th Street have applied to close and purchase a 73.6 m² section of 8th Street and a 287.5 m² section of Maddock Avenue adjacent to their property (MAP 1).

The owners' house is located at the eastern edge of the property where they would like to acquire a portion of Maddock Avenue to landscape and create a natural privacy screen. The owners' detached garage encroaches slightly onto 8th Street and the proposed purchase would resolve the encroachment. The house and garage would remain non-conforming to the zoning bylaw due to insufficient property line setbacks, which is common for the neighbourhood. BC Hydro infrastructure would remain in the road, outside of the road closure area, however, BC Hydro requires a Statutory Right of Way over the consolidated property for the aerial trespass of its infrastructure. The owners' will be required to consolidate the closed road with their existing lot to form a single parcel and register a Statutory Right of Way in favour of BC Hydro against their property title. The owners are offering \$70,000 for the land including GST (\$66,666.67 + GST).

DISCUSSION/ANALYSIS

There is no vehicle access to Maddock Avenue from 8th Street. Maddock Avenue from 7th Street, provides access to several properties north of 1210 8th Street and a park corridor with walking trail (MAP 2). The land slopes significantly down from east to west creating a side slope such that the walking trail is established away from the proposed road closure toward the property on the opposite side of Maddock Avenue. The owner's desire for increased privacy would not affect trail users.

PROPERTY INFORMATION	
File #	RC2024-003 (1210 8 th Street)
Civic Address:	1210 8 th Street
Legal Description:	Parcel A (KL25250) Block J Section 17 Township 20 Osoyoos Division Yale District Plan 454
PID:	023-699-523
Folio #	2625.000
Charges on Title	None
Parcel Size:	0.23 acres / 10,019 square feet / 0.093 hectares
ALR:	No
Zoning:	RU1
DP Areas:	Natural Environment, Stability, Erosion & Drainage, Industrial, Commercial, Multiple Unit
Water:	Municipal
Sewer:	On site septic

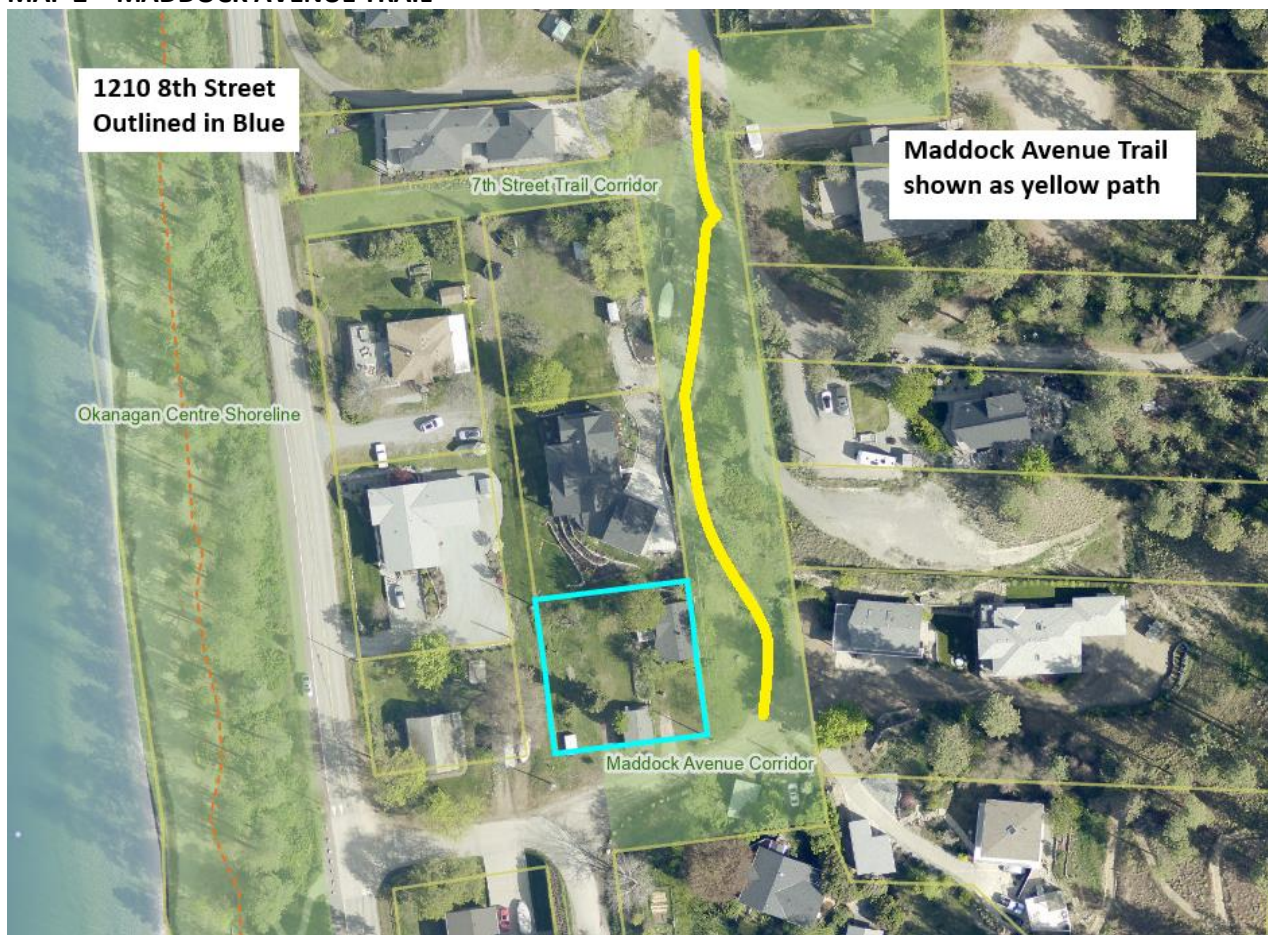
MAP 1 – PROPOSED ROAD CLOSURE**MAP 2 – MADDOCK AVENUE TRAIL**

PHOTO 1 – DRONE VIEW OF PROPOSED ROAD CLOSURE FACING EAST



PHOTO 2 - 8th STREET PROPERTY LINE FACING WEST

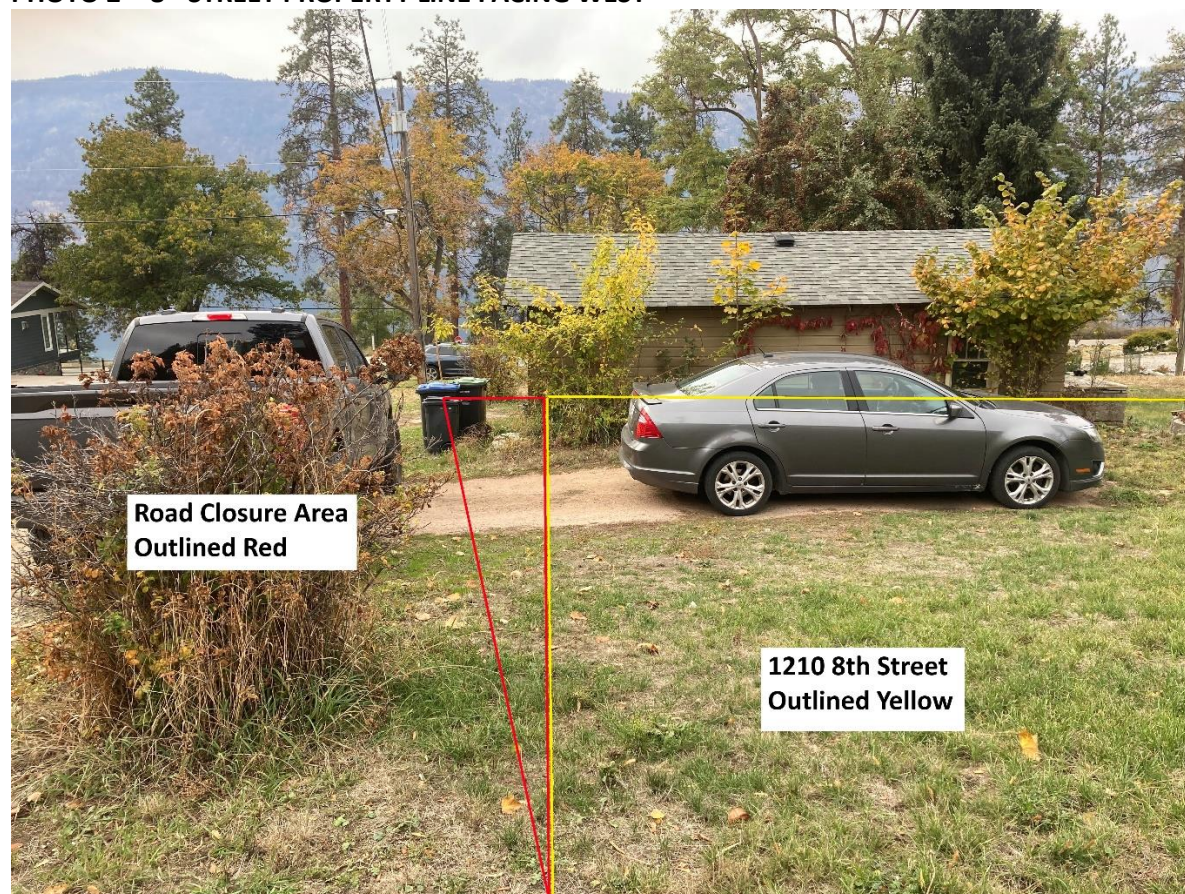
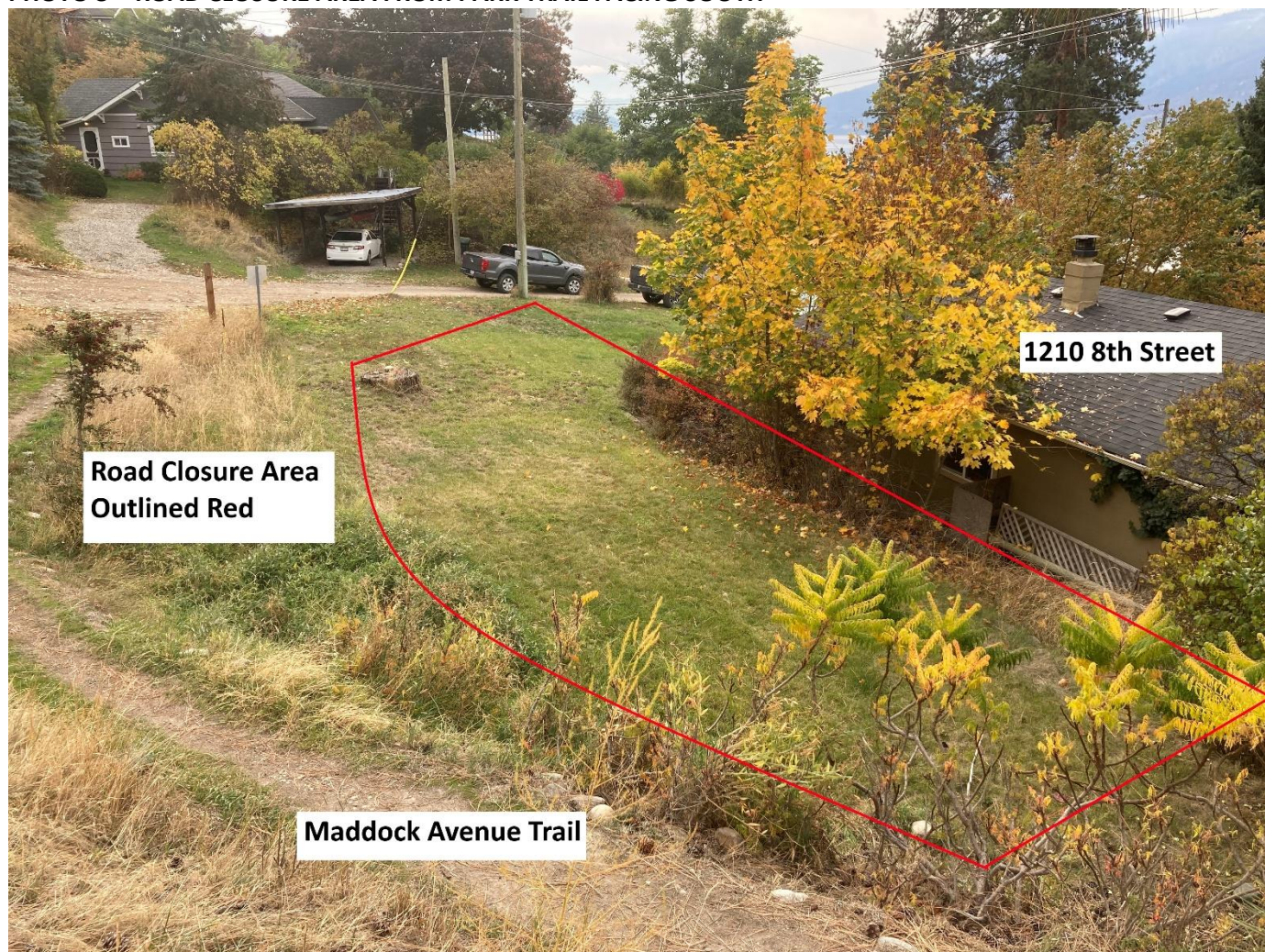


PHOTO 3 – ROAD CLOSURE AREA FROM PARK TRAIL FACING SOUTH



DEVELOPMENT POTENTIAL

The existing parcel is 930m². The addition of the closed road would create a parcel of approximately 1,247 m². The minimum parcel size for the existing zoning is 500m² which would allow subdivision although subdivision would require community sewer and the requirement to meet all setback requirements. The increase in parcel size does not affect the ability to construct additional accommodation; a secondary suite in the residence is permitted but an accessory suite in an accessory structure is not permitted.

IMPACTS ON INFRASTRUCTURE, SERVICES OR STAFF CAPACITY

Three properties are accessed from 8th Street beyond the proposed road closure; 1213 8th Street, 11025 Maddock Avenue and 11015 Maddock Avenue. Access to these properties is unaffected by the proposed road closure of 8th Street. The Director of Engineering confirmed that Maddock Avenue between 7th and 8th Street has too much of a side slope to construct a road without providing retaining structures and that there are no plans to develop it further. The District's existing water infrastructure is located outside of the proposed road closure area.

FINANCIAL IMPLICATIONS

Revenue:

The District will receive \$70,000 inclusive of GST for the land which is calculated: 361.1 m² x \$193.85/metre = \$70,000. The funds from the sale will go to the District's Land Reserve.

Expenses:

Legal \$750.00

APPLICABLE LEGISLATION, BYLAWS AND POLICY

Section 40 of the *Community Charter* allows Council, by bylaw, to close all or part of a highway that is vested in the municipality. Section 26 of the *Community Charter* requires notice of disposition to include a description of the land or improvements, the nature and, if applicable, the term of the proposed disposition; the person acquiring the property and the consideration to be received for the disposition.

CONSULTATION

This proposal was internally reviewed by all departments.

COMMUNICATIONS

After third reading, staff will advertise the terms of the proposed sale in the Lake Country Calendar and provide an opportunity for those affected persons to make their views known to Council prior to adoption.

OPTIONS

1. THAT Road Closure Bylaw (1210 8th Street) 1253, 2025 be read a first and second time with amendments as identified by Council.
2. THAT Road Closure Bylaw (1210 8th Street) 1253, 2025 not be read and the file closed.

Respectfully Submitted.

James Robertson, Land Agent

Report Approval Details

Document Title:	RC2024-003-Road Closure-1210 8th Street.docx
Attachments:	- Attachment A - RC2024-003 - Road Closure Plan.pdf - Attachment B - RC2024-003 - Consolidation Plan.pdf
Final Approval Date:	May 14, 2025

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

Darren Lee, Fire Chief - Apr 30, 2025 - 4:35 PM

Trevor James, CFO, Director of Finance & Administration - Apr 30, 2025 - 4:49 PM

Jeremy Frick, Director of Development Approvals - May 13, 2025 - 9:18 AM

Matthew Salmon, Infrastructure & Development Engineering Director - May 14, 2025 - 10:14 AM

Reyna Seabrook, Director of Corporate Services - May 14, 2025 - 11:06 AM

Paul Gipps, Chief Administrative Officer - May 14, 2025 - 11:08 AM

Makayla Ablitt, Legislative & FOI Coordinator - May 14, 2025 - 11:22 AM