

To: Mayor and Council
From: Paul Gipps, CAO

Meeting Date: July 8, 2025
Meeting Type: Regular Council Meeting

Prepared by: Jason Tran, Planner

Department: Planning and Development

Title: Zoning Amendment Application | Z0000336 | 15519 Barkley Road
Description: Rezoning a property from RR1 – Rural Residential 1 to RR2 – Rural Residential 2

RECOMMENDATION

THAT Zoning Amendment (Z0000336) Bylaw 1288, 2025 be read a first, second and third time.
AND THAT prior to Zoning Amendment (Z0000336) Bylaw 1288, 2025 being considered for adoption, the applicant be required to:

- a) apply for and obtain a variance to the requirement to connect to the community water system as per the District's Subdivision and Development Servicing Bylaw, and
- b) register a Land Title Act section 219 covenant on title establishing maintenance and waste collection processes on the unopened-unmaintained road right of way.

EXECUTIVE SUMMARY

This application proposes to rezone the property at 15519 Barkley Road in order to accommodate a proposed two lot rural subdivision. There is no community water system in this area of the community and a variance to the Subdivision and Development Servicing Bylaw would be required. Access to the property is from an unopened and unmaintained road right of way.

Staff are supportive of this rezoning proposal, and recommend that three readings to Bylaw 1288, 2025 (Attachment A) be granted.

BACKGROUND

| Application Information | | | |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|---------------------------|
| Application Type | Zoning Amendment | Application Date: | March 3, 2025 |
| Applicant: | New Town Architecture & Engineering | Owner: | Larry Hayes Erin Hayes |
| Application Description | Request to rezone the property from RR1 – Rural Residential 1 to RR2 - Rural Residential 2 | | |
| Variance(s) | <input type="checkbox"/> Indicates requested variance to the Subdivision and Development Servicing bylaw requiring RR2 – Rural Residential 2 properties to connect to a community water system. | | |

| Property Information: General | |
|---------------------------------------------|-----------------------------------------------------------------------------|
| Folio/Roll #: | 01758.011 |
| Legal Description | Lot A Section 8 Township 14 Osoyoos Div Of Yale Land District Plan Epp88444 |
| PID | 030-665-795 |
| Civic Address: | 15519 Barkley Road |
| Property Information: Land Use | |
| OCP Designation: | Rural Residential |
| Zoning Designation: current proposed | RR1 – Rural Residential 1 RR2 – Rural Residential 2 |

| | | |
|----------------------------------|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Land Use Contract | No | |
| ALR: | No | |
| Parcel Size: | ~19.53 acres (7.89 ha) | |
| Development Permit Areas: | Wildland Fire and Natural Environment | |
| Adjacent Land Summary: | Zoning: | Use: |
| <i>North:</i> | RR1 – Rural Residential 1 | Agriculture, Multiple Dwelling Housing, Religious Assemblies |
| <i>East:</i> | CD13 – Comprehensive Development 13 (O'Rourke Family Vineyard) | Employee housing, children's camp, dwellings, storage buildings, and infrastructure including gravel pit and septic field |
| <i>South:</i> | CD13 – Comprehensive Development 13 (O'Rourke Family Vineyard) | Employee housing, children's camp, dwellings, storage buildings, and infrastructure including gravel pit and septic field |
| <i>West:</i> | RR1 – Rural Residential 1 | Agriculture |

| Property Information: Infrastructure and Development Engineering | |
|------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Road Network | Minor Connector |
| Driveway Access | No access permit on file |
| Water Supply: | Private – On-site well |
| Sewer: | Private – On-site septic |
| Drainage / Stormwater | N/A |
| Comments: | <p>Private driveway must be maintained by the owner to ensure safe passage for adjacent property (15501 Barkley Road). Main connection off Barkley Road (runs East to West) proposed to be maintained by the District.</p> <p>Amendment to RR2 would require development to be connected to the community water system unless a variance is granted by Council allowing the property to have two water supply wells.</p> <p>Covenant registration recommended to require:</p> <ul style="list-style-type: none"> - participation in future local service area that may be established for water servicing (at time of variance). - maintenance of unopened and unmaintained portion of road right of way <p>Department intends to add approximately 110 metres of the currently unopened and unmaintained portion of Barkley Road right of way to the road maintenance contract (Attachment D).</p> |

ANALYSIS

Application Overview

The subject property is located east of Barkley Road and accessed via a long private driveway within an unopened and unmaintained road right of way (Attachment B – Location Map). It encompasses approximately 4.7 hectares (11.6 acres) and is predominantly covered with mature forest.

Currently, there are two existing houses on the property. Following the proposed rezoning, the owners intend to subdivide the land into two lots (a 1.0 ha and 3.7 ha lot). Each proposed lot would include an existing house.

Official Community Plan

The Official Community Plan (OCP) provides policy direction that supports a minimum lot size of 1.0 hectare for future subdivisions in unsewered rural residential areas. This policy aims to preserve the rural residential character of Lake

Country. Since the property already contains two homes, the proposed subdivision would only marginally increase residential density if the landowners chose to construct an accessory dwelling. It is not anticipated that the proposed rezoning or subsequent subdivision would negatively impact surrounding properties.

The proposed subdivision maintains large parcel sizes consistent with the OCP's vision for Rural Residential designated areas.

Zoning Bylaw

The area consists of several zoning districts – RR1, RR2, RLP, and CD13 (Attachment C). The property is currently zoned RR1, and it is requested that the land be rezoned to RR2.

It is not anticipated that any land use conflicts would occur as a result of the proposed rezoning.

| DEVELOPMENT REGULATIONS | | |
|-------------------------|----------------------------------------------------------|----------------------------------------------------------|
| CRITERIA | Current: RR1 – Rural Residential 1 | Proposal: RR2 – Rural Residential 2 |
| Site Coverage | 10% | 20% |
| Height | 9.5 metres or 2 ½ storeys | 9.5 metres / 2 ½ storeys |
| Density | Principal Residence & Secondary Suite or Accessory Suite | Principal Residence & Secondary Suite or Accessory Suite |
| Min. Lot Area | 4.0 ha | 1.0 ha |
| | | |
| Min. Front Yard (West) | 6.0 metres | 6.0 metres |
| Min. Side Yard (North) | 3.0 metres | 3.0 metres |
| Min. Side Yard (South) | 3.0 metres | 3.0 metres |
| Min. Rear Yard (East) | 10.0 metres | 10.0 metres |
| | | |

Based on referral feedback, staff recommend the following actions:

1. **Variance Application:** Submit a variance application to address the Subdivision and Development Servicing Bylaw requirement for RR2 properties to connect to a community water system.
2. **Access and Servicing Covenant:** Register a covenant to protect access and servicing rights for the adjacent parcel to the northeast (15501 Barkley Road, PID 012-117-358, Folio 01758.000), including provisions for snow clearing and waste collection.

As the proposed rezoning aligns with Official Community Plan policies, and that there are no anticipated land use conflicts, staff support the rezoning application as proposed.

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.
- **BC Hydro:** A new statutory right of way would be required. It will be addressed through the subdivision review between the applicant and BC Hydro.
- **Protective Services:** would prefer that public water supply infrastructure be in place prior to any further increases in neighborhood density within forested areas and wildfire development permit areas.
- The applicant completed Neighbour Consultation as required under the Development Approval Procedures Bylaw 1227, 2024
- Statutory notification occurred by Staff to properties within 100m of the subject property, including two news ads, development notice signs and notice letters.

ALTERNATE RESOLUTION OPTION(S)

1. THAT Zoning Amendment (Z0000336) Bylaw 1288, 2025 (Attachment A in the Report to Council dated July 8, 2025) for the property at 15519 Barkley Road, not be read a first, second and third time and the file closed.
2. THAT Zoning Amendment (Z0000336) Bylaw 1288, 2025 (Attachment A in the Report to Council dated July 8, 2025) for the property at 15519 Barkley Road, be deferred pending additional information as identified by Council.

Respectfully Submitted,
Jason Tran, Planner

Report Approval Details

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|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Document Title: | Zoning Amendment – Z0000336 Bylaw 1288, 2025 – 15519 Barkley Rd.docx |
| Attachments: | <ul style="list-style-type: none"> - Attachment A – Z0000336 – Draft Bylaw 1288, 2025 PH prohibited.pdf - Attachment B – Z0000336 – Location Map.pdf - Attachment C – Z0000336 – Zoning Map.pdf - Attachment D – Z0000336 – Road Diagram.pdf |
| Final Approval Date: | Jul 2, 2025 |

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

Carie Liefke, Manager of Current Planning - Jun 27, 2025 - 2:42 PM

Steven Gubbels, Development Engineering Manager - Jun 27, 2025 – 3:49 PM

Jeremy Frick, Director of Development Approvals - Jun 30, 2025 – 3:00 PM

Reyna Seabrook, Director of Corporate Services – Jul 2, 2025 – 2:16 PM

Paul Gipps, Chief Administrative Officer - Jul 2, 2025 – 3:42 PM

Makayla Ablitt, Legislative & FOI Coordinator - Jul 2, 2025 – 3:46 PM