
MEETING TYPE AND DATE: REGULAR COUNCIL MEETING – NOVEMBER 2, 2021
AUTHOR: PAUL DUPUIS, SENIOR PLANNER
SUBJECT: **Z2020-002 (MADSEN ET, AL.) – TO UPDATE COUNCIL WITH NEW INFORMATION AND TO SEEK DIRECTION REGARDING THE COUNCIL RESOLUTION ADOPTED ON APRIL 20, 2021.**

ESSENTIAL QUESTION(S):

Given the new information, how does Council wish to proceed with this rezoning application to allow 4 hectare lots throughout the RLPO - Rural Large Parcel Oyama Road Zone?

Two main options are presented for Council's consideration:

- A. Terminate the RLPO-wide rezoning application in favour of individual owners making rezoning/subdivision applications to be considered on their own merits, OR
- B. Have the applicants revise their application to reflect the withdrawal of Lots A1, A2 and A3 (as per Figure 13.1) and proceed with a consultant study to address Council's April resolution for the remaining lands.

OPTIONS:

- A. **THAT** Zoning Amendment Application Z2020-00 (Madsen, et al.) be closed;
AND THAT those RLPO Zone owners be advised that applications to amend the RLPO Zone will be considered individually.

OR
- B. **THAT** Zoning Amendment Application Z2020-00 (Madsen, et al.) be revised by the applicants to exclude lots A1, A2 and A3 as shown in Figure 13.1 of the Zoning Bylaw;
AND THAT a consultant study be undertaken by the District of Lake Country at the applicants' expense assessing the impacts of subdivision with 4.0 ha, 6 ha and 9.0 ha parcels, per Council's April 20, 2021 resolution 21.04.074.

EXECUTIVE SUMMARY:

In 2020, the collective owners of the lands in the RPLO Zone (listed in Attachment A) applied for a zoning amendment to establish a minimum lot size of 4 hectares. For various reasons related to rural character, poor road access, inadequate utilities and potential municipal costs, staff did not support subdivision of lots to a minimum of 4 ha. As an alternative that may have provided some increase in subdivision potential, staff reported to Council on April 20, 2021, with Zoning Amendment Bylaw 1134, which would have allowed for 9 ha. lots. Council members may wish to refer to the previous report presented as Attachment E. That report includes a more detailed staff analysis of concerns related to further subdivision and additional information, including comments from outside agencies. On April 20, 2021, Council adopted the following resolution:

- THAT** Zoning Amendment be referred back to staff for additional information, including:
- A high-level life cycle costing analysis including potential infrastructure costs;
 - conceptual planning including the preservation of a 21-lot density, road frontage and lot width;
 - the impacts of various lot sizes, including 4 ha. and 9 ha. and a midpoint for comparison.

The minutes of Council's April 20, 2021, discussion are presented as Attachment B.

Several factors have changed since Council considered this matter on April 20, 2021, which may impact how Council wishes to proceed. Therefore, staff felt it was prudent to report back to Council at this time to seek direction. This report provides options for Council's consideration along with a staff analysis. Lastly, a chronology (Attachment C) is provided to offer a longer-term perspective of how lot sizes have been regulated on these lands since 1981.

BACKGROUND/HISTORY:

The zoning issues related to these lots go back to 1981, before Lake Country's incorporation. At that time, the Regional District of Central Okanagan approved a zoning amendment permitting 4 ha. lots in this area. When the District of Lake Country was incorporated in 1994, the Regional District's zoning remained until the District of Lake Country could create its Official Community Plan and Zoning Bylaws. The Lake Country Official Community Plan(s) would designate this area for rural uses on large lots, which discouraged subdivision. In 2009, Lake Country adopted its first Zoning Bylaw and created the Rural Large Parcel (RLP) Zone for these lands with a minimum lot size of 30 ha.

In response to designation of lots as RLP, the owners applied to amend the RLP Zone in 2010 to permit 4 ha. lots, once again. The District did not support the proposal. The owners and District then prepared an area-specific subdivision concept that would meet the owners' needs by having lots as small as 4 ha. with other much larger lots. The resulting map created potential for eight lots to be subdivided into 21 lots, with an average size of approximately 10.77 ha. It met the objective of retaining the desired large lot rural character and a density that the community could support. This area-specific subdivision concept was enshrined into the RLPO Zone (Attachment D) as Figure 13.1 (right). From that point on, all subdivisions in the RLPO Zone were intended to comply with this lot pattern.

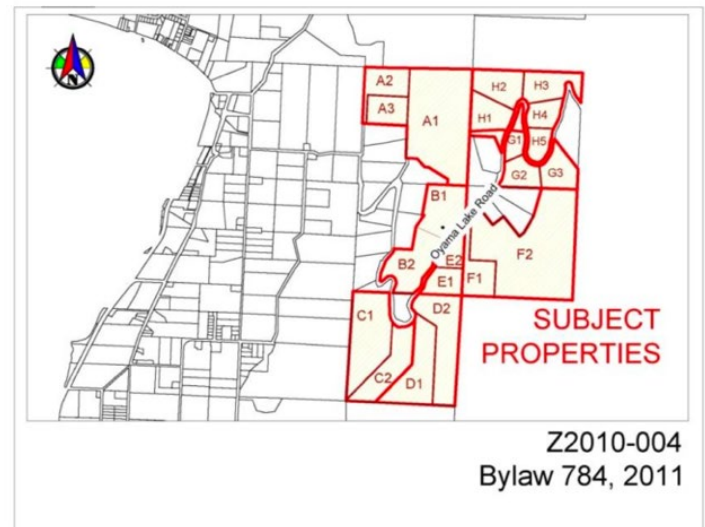


Figure 13.1 - Permitted Lot Configurations in RLPO zones

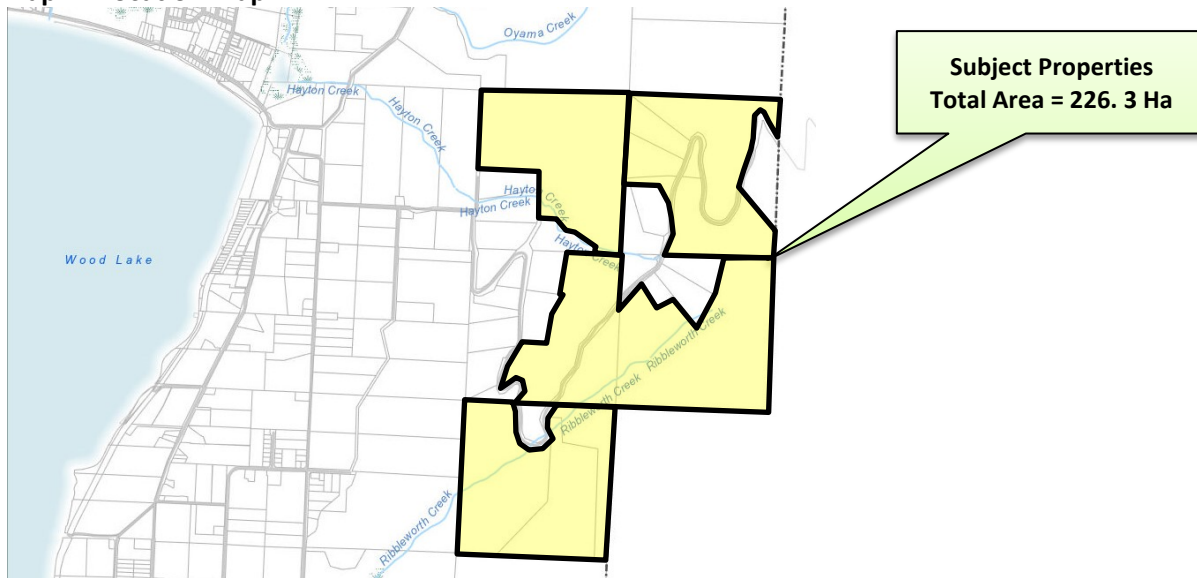
A five-lot subdivision application for lots H1-H5 received preliminary approval in 2013. Two of those lots were then formally subdivided, and that preliminary approval then lapsed.

In 2018, the landowner submitted a new subdivision application for the remaining H3-H5 lots, and it sought to create an additional lot and therefore did not comply with Figure 13.1. As a result, it was not approved.

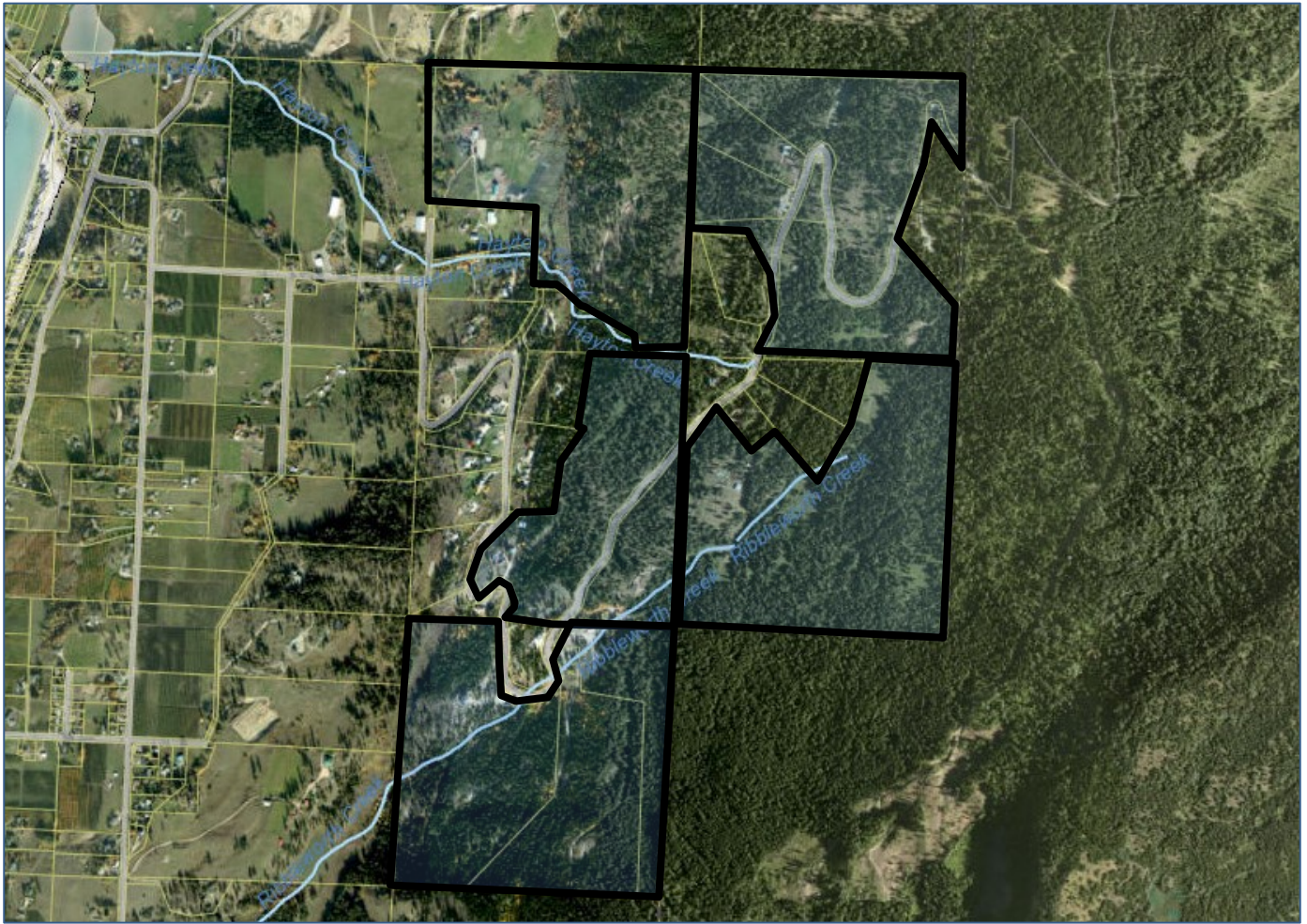
In 2020, the owners collectively made a zoning amendment application to allow 4 ha lots. Council initially considered that application on April 20, 2021. Standard information about this application is listed below.

Application Type	Zoning		
File Number:	Z2020-002		
Roll Number:	(See Attachment A)		
Proponent:	(See Attachment A)	Owner(s):	(See Attachment A)
Legal Description:	(See Attachment A)		
PID	(See Attachment A)		
Civic Address:	(See Attachment A)		
OCP Designation:	Rural		
Zoning Designation:	RLPO - Rural Large Property Oyama Road		
Land Use Contract	No		
ALR:	No		
Parcel Size:	(See Attachment A)		
DP Area(s):	Agr Dev Permit Areas Rev B; Multiple Unit DPA; Commercial; Industrial; Hillside; Wildfire; Greenhouse Gas Reduction; Agri-Tourism; Natural Environment; Drainage Corridor Erosion Potential Class stability		
Water Supply:	5574 Todd Road is on Municipal water, and other properties are on private.		
Sewer:	None		
Site Summary:		Zoning:	Use:
	<i>North:</i>	Crown Land	Vacant
	<i>East:</i>	Crown Land	Vacant
	<i>South:</i>	Crown Land	Vacant
	<i>West:</i>	A1- Agriculture 1 RLPO - Rural Large Parcel (Oyama Road	Agriculture Residential

Map 1: Location Map



Map 2: Orthophoto



DISCUSSION/ANALYSIS:

All other things aside, a four (4) ha. minimum lot size has the potential to create up to 56 Lots. The District has twice previously refused support for subdivision at this scale in this neighbourhood. The OCP designates this as a Rural with an expectation of large lots with minimal development. Relevant excerpts from the OCP are as follows:

12 RURAL

Existing Conditions: The rural setting within Lake Country is made up of forest, grassland and riparian ecosystems that are primarily undeveloped. These lands typically contain natural amenities and sensitive areas that should be preserved, along with several hazardous conditions that should be avoided by development. In addition, Rural lands have remained undeveloped due to the general character of the landscape, which often presents challenges for development. The District has designated 3,603 hectares of land for Rural land use.

Goal: Identify an area for large parcels with limited development potential.

Objective: Minimize development occurring within Rural designated areas.

Policies: The policies of Council are as follows:

1. Maintain minimal servicing standards in Rural designated areas.
2. Minimize the allowable land uses within the Rural designation.
3. Require subdivision in Rural areas to locate parcel boundaries along natural or constructed features, provided minimum parcel sizes can be achieved.
4. Discourage commercial development in the Rural designation.

Rural Designation:

Land within the District has been designated as Rural to provide protection to non-urban areas which may have recreational, limited agricultural, forestry, environmental value or resource extraction potential. Land in this designation is scarcely occupied and will continue to provide low densities on large lots.

Servicing within the Rural areas of the District is typically quite challenging due to many of the natural features of these lands, including topography and environmental characteristics. There is low potential for future development of these lands as on-site servicing challenges exist, and it is not intended that municipal services be extended into these areas.

Subject to appropriate zoning, future uses could include minimal residential, agricultural and resource extraction, provided minimal environmental and community impact is ensured.

As referenced, there are significant issues related to the development of lands in this area.

As a compromise, on April 20, 2021, staff offered the option of a nine (9) ha. minimum lot size as an alternative that would achieve 25 lots rather than the existing 21 lots shown in Figure 13.1. Council directed that a study with more options be undertaken, as per the following resolution:

THAT Zoning Amendment be referred back to staff for additional information, including:

- a high-level lifecycle costing analysis including potential infrastructure costs;
- conceptual planning, including the preservation of a 21-lot density, road frontage and lot width;
- the impacts of various lot sizes, including 4 ha. and 9 ha. and a midpoint for comparison.

Since that time, the owners of 5574 Todd Road (Lots A1, A2 and A3 on Map 131.1) have requested to be removed from the application as they only wish to subdivide as per Figure 13.1, with a possible minor refinement to accommodate an existing barn. Their property is one of the largest in the area at 46.806 ha. (115.66 acres). A separate application for subdivision was submitted on April 15, 2021, to that end; it is in the application queue.

The removal of the above-referenced property owner's support for the 4 ha. lot rezoning application means the applicants no longer have the unanimous support of the affected owners. If the application proceeds, the applicants need to formally request that the rezoning application be amended to exclude these lands described as Lots A1, A2 and A3 (Figure 13.1).

Changes to the RLPO-zoned lands have previously been considered as a whole. The RLPO Zone was created with the support of all owners, and figure 13.1 customized subdivision patterns met the needs of the owners at that time. Removal of the map will eliminate the constraint of a specific lot configuration. The applicants have previously indicated that while there may be the potential for 56 lots at 4 ha/lot, they see 31 lots as the more likely outcome. In any case, the physical constraints of topography and servicing will guide the Approving Officer's consideration of any application for subdivision. In each case, applications for subdivisions will need to propose lot sizes that respond to site-specific characteristics.

Removal of Lots A1, A2 and A3 from the group application gives cause to reconsider whether the application should continue. Another option is to terminate this application and consider the subdivision of existing parcels through individual rezoning/subdivision applications. It would still allow flexibility for the property owners in providing their visions for their properties. However, an incremental approach would allow Council to assess the impacts of any approvals over time.

The RLPO Zone was adopted in 2012. Only two lots have been created since that time, so it is unlikely that a wave of applications will happen all at once. Additionally, it is at the site-specific application stage where applicants provide additional information. Other aspects of the development can be considered, such as physical constraints identified through the Technical Development Permit process. As such, individual applications supported by Technical Development Permits would provide better information for Council's consideration, hopefully leading to

less speculation over lot configurations, service needs and impacts. Continuing with a reduced group application requires speculating what lot sizes and configurations might evolve with no clear indication of the result. Option A for Council consideration would close the group application favouring each owner proceeding with site-specific amendments when they are ready to develop their lands.

If Council wishes to proceed with a reduced group rezoning application (excluding A1, A2, A3), the subdivision impact study requested by Council would need to be defined; it would be significant in scope. Staff cannot conduct this study in-house due to capacity challenges. Consequently, Option B proposes that the District select a consultant that can do the work and that the cost of the analysis is billed back to the applicants. It is a standard procedure that developers pay for studies generated by an application that is to their sole benefit.

Methods for Lifecycle cost analysis studies have not been standardized in B.C. and can vary significantly, making it difficult to compare results across projects. If Council wishes to continue with this specific study, the resulting Terms of Reference would be particular to this application but might have applicability to other future subdivision applications. Staff could work with the consultant to prepare Terms of Reference before the study commenced. Costs are unknown and would have to be determined once the scope of work is set. Staff hopes to acquire an approximate cost estimate for this type of analysis in time for the Council meeting and will present this information, if possible. The creation of a municipal Lifecycle Cost Analysis tool is felt to be beyond the scope of this application, and, also, the unique nature of these lands does not lend them to a district-wide tool. Creating such a standardized tool would require separate project specific funding and could be made part of the 2022 Work Program/Budget.

ANALYSIS OF OPTIONS FOR CONSIDERATION:

Option A:

THAT Zoning Amendment Application Z2020-00 (Madsen, et al.) be closed;

AND THAT those RLPO Zone owners be advised that applications to amend the RLPO Zone will be considered individually.

The option reflects the fact that the applicants no longer have the support of all owners, and it provides an opportunity for Council to support changes on a case-by-case basis. It would avoid the need to study hypothetical subdivision patterns that may never materialize. Moreover, more relevant information would likely be available for Council's consideration on specific applications, and the impacts to the area could be assessed over time.

Option B:

THAT Zoning Amendment Application Z2020-00 (Madsen, et al.) be revised by the applicants to exclude lots A1, A2 and A3 as shown in Figure 13.1 of the Zoning Bylaw;

AND THAT a consultant study be undertaken by the District of Lake Country at the applicants' expense assessing the impacts of subdivision with 4.0 ha, 6 ha and 9.0 ha parcels, per Council's April 20, 2021, resolution 21.04.074.

If Council wishes to move forward with the consideration of this rezoning application, a consultant study would be undertaken. Staff would lead the consultant process to ensure that the study meets the District's expectations.

Respectfully Submitted,

Paul Dupuis, MCIP, RPP
SENIOR PLANNER
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This report has been prepared with the collaboration of the following individuals:

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This report has been prepared in consultation with the following departments:

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Director of Infrastructure Services	Greg Buchholz

ATTACHMENTS:

- A. RLPO Zoned Area-Legal Description Details
- B. Council Minutes excerpt from April 20, 2021
- C. RLPO Area Zoning Chronology
- D. RLPO Zone
- E. Staff Report from April 20, 2021, Council Meeting