

RLPO Zoned Areas – Legal, Address and Land Descriptions (Owner Information Excluded)

Roll #01535.403
 PID #009-778-829
 46.80 Hectares (115.66 Acres)
 5574 Todd Rd, Lake Country BC V4V 2C9
 North West ¼ Section 6 Township 10 ODYD Except Plans 34917, 35092, 39199, KAP53967 and KAP81360

Please note that the property has been removed from the application at the request of the property owner who is moving forward with a Subdivision application in accordance with Map 13.1 of the RLPO-Rural Large Parcel Oyama Road Zone. (S2021-008)

Roll #01535.601
 PID #013-451-642
 22.20 Hectares (54.90 Acres)
 5610 Oyama Lake Rd, Lake Country BC V4V 2C9
 The Southwest ¼ of Section 6 Shown on Plan B16275; Township 10 ODYD Except Plans 34917, KAP55023, KAP59748, KAP65139 and KAP67846

Roll #03091.003
 PID #027-227-120
 29.10 Hectares (72.15 Acres)
 5617 Oyama Lake Rd, Lake Country BC V4V 2C9
 Lot 2 Section 31 Township 21 ODYD PLAN KAP84855

Roll #03091.010
 PID #029-487-994
 19.59 Hectares (48.43 Acres)
 5653 Oyama Lake Rd, Lake Country BC V4V 2C9
 Lot B Section 31 Township 21 ODYD Plan EPP43236

Roll #03091.005
 PID #029-487-986
 10.69 Hectares (26.44 Acres)
 5691 Oyama Lake Rd, Lake Country BC V4V 2C9
 Lot A Section 31 Township 21 ODYD Plan EPP43236

Roll #01535.602
 PID #024-585-211
 9.11 Hectares (22.53 Acres)
 5697 Oyama Lake Rd, Lake Country BC V4V 2C9
 Lot 1 Section 6 Township 10 ODYD Plan KAP65139

Roll #01535.200
 PID #013-451-669
 51.84 Hectares (128.12 Acres)
 5815 Oyama Lake Rd, Lake Country BC V4V 2C9
 The Southeast ¼ of Section 6 Township 10 ODYD Except Plans H18507, KAP44199 and KAP44768

Roll #01535.632
PID #018-332-366
16.18 (40.00 Acres)
Country BC V4V 2C9
Lot A Section 6 Township 10 ODYD Plan KAP50199

Roll #01535.002
PID #013-451-634
20.52 Hectares (50.73 Acres)
5874 Oyama Lake Rd, Lake Country BC V4V 2C9
The Northeast $\frac{1}{4}$ of Section 6 Township 10 ODYD Except Plans 35112, KAP50199, KAP76060 and
EPP47829

10) Development-Related Applications (No Public Comment)

- i) **Development Permit DP2020-022-C**
Lot 229 Sec 17 Twp 20 ODYD Plan 454 Exc Plans KAP51719, EPP16990 & EPP53751;
Hare Rd; Roll: 2684000

It was moved and seconded

21.04.071

THAT Development Permit DP2020-022-C for the lot legally described as Lot 229 Section 17 Township 20 ODYD Plan 454 Except Plans KAP51719, EPP16990 and EPP53751 for the construction of a house, accessory suite, septic field, and pool be approved.
Carried.

- ii) **Development Permit DP2019-23-C**
Lot 1 DL 169 ODYD Plan 10040; 3118 Reimche Road; Roll: 11585000

Jesse Alexander, applicant's representative

When asked about the access off Reimche Road, Mr. Alexander stated the land on the Woodsdale Road side of the property is zoned commercial. They are trying to separate the accesses between Woodsdale and Reimche. The Woodsdale side is not currently being developed. They are developing the southern, residential portion first. The Engineering Department does not have issues with the access being there and prefer it. There will be a small number of cars as it will be a care home. There will be significant frontage improvements on Reimche Road. The end goal is the care home access off Reimche Road and commercial access off Woodsdale Road. The parking spots are for visitors and staff.

When asked about waste and recycling bins being visible, he stated that was an error in the report and from an earlier proposal. They are now at the north side of the building.

It was moved and seconded

21.04.072

THAT Development Permit DP2019-23-C for 3118 Reimche Road, legally described as Lot 1, District Lot 169, ODYD, Plan 10040, for an 82-unit Group Home, Major be approved.
Carried.

OPPOSED: Councillor Kozub

- iii) **Zoning Amendment Z2020-002**
5610, 5617, 5653, 5691, 5697, 5815 & 5874 Oyama Lake Road, 5574 Todd Road;
Rolls: 1535403, 1535601, 3091003, 3091010, 3091005, 1535602, 1535200, 1535632
& 1535002

It was moved and seconded

21.04.073

THAT Council hear from the applicant regarding Item 10) iii) Zoning Amendment Z2020-002.
Carried.

When asked, Mrs. Madsen stated they would like the RLPO map removed and have everything revert to the way it was; the bylaw will dictate what can be developed. They asked all the property owners to realistically look at their properties and although the full scope could be 56

lots, they expect 31 lots in total. The property owners would be equitable in their attempt to subdivide their lots if they do not have to abide by the map.

When asked about their opinion of the draft bylaw with a minimum lot size of five hectares she stated they would not like that at all; the owner of Lot E would not be able to subdivide into two lots. They paid for a water report which states their water resource is well underused.

It was moved and seconded

21.04.074

THAT Zoning Amendment Z2020-002 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.*

Carried.

- iv) Zoning Amendment Z2020-005**
Lot B Sec 4 & 9 Twp 20 ODYD Plan 38079 Exc Plan KAP46432; 9494 Chase Rd; Roll: 2184905

It was moved and seconded

21.04.075

THAT Zoning Amendment (Royston) Bylaw 1143, 2021 not be read a first and second time and the file be closed.

Carried.

- v) Monthly Building Statistics - March 2021**

11) Non-Development Related Reports

- i) Allocation of Surplus and COVID-19 Grant Expenses**

It was moved and seconded

21.04.076

THAT the 2020 general fund surplus of \$1,524,801 be allocated as follows:

- a. \$300,000 to IT Reserve; and*
- b. remaining amount of \$1,224,801 to General Surplus;*

*AND THAT the 2020 water fund surplus of \$18,162 be transferred to the water capital reserve;
AND THAT the 2020 sewer fund surplus of \$149,480 be transferred to the sewer capital reserve;
AND FURTHER THAT the following eligible COVID-19 Safe Restart Grant costs incurred of \$424,752, be approved:*

- a. Computer and technology costs to improve connectivity and virtual communications \$101,130*
- b. Revenue Shortfalls \$215,066*
- c. General Government Services \$12,448*
- d. Protective Services \$3,258*
- e. Parks and Recreation Services \$92,850*

Carried.

RLPO AREA ZONING CHRONOLOGY

<u>Date:</u>	<u>Event:</u>
1981	RDCO Zoning Bylaw 178, 1981 properties were Zoned RU-AG-Rural Agriculture which allowed for 4 ha. (9.88 acres) lots to be created.
1995	RDCO Zoning Bylaw remained in effect by default (not adopted by the District of Lake Country). Official Community Plan – "Rural" designation generally not considered subdividable. The staff position was to not support subdivisions in Rural Areas as per the OCP's. Therefore, even though the zoning allowed for a minimum lot size of 4.0 ha. (9.88 acres) it conflicted with the OCP's regulations, and it was the staff's position that the OCP took precedent at that time.
2009	The District of Lake Country adopts the first Zoning Bylaw 561, 2007. The properties were given a new Zoning designation of RLP-Rural Large Parcel, and the minimum lot size was set at 30 ha. (74.132 acres). It amounted to a perceived down zoning of the properties. However, as noted, the OCP's did not support subdivision to 4.0 Ha. (9.88 acres) so, in essence, this may be debatable. Instead, it seems Council increased the minimum lot size to be in line with the policies of the OCP's which limited subdivisions in Rural Areas.
2010	Z2010-004 was received as the owners collectively applied for return to smaller lot potential as there was concern regarding the change in minimum lot size as it was perceived as downzoning. However, there was still staff concern with any densification of the area. Still, staff worked with the owners to provide a solution for the Council's consideration that would pre-determine the general layout of the lots to ensure that the District's needs were met. The proposal was to allow 8 lots to be subdivided into 21 pre-determined lots. The minimum lot area being 4.0 ha. (9.88 acres) and the largest, approximately 45 Ha. (111.197 acres).
2012-12-04	Z2010-004 (Bylaw 784, 2010) was adopted by Council, rezoning properties from the RLP-Rural Large Parcel Zone to the newly created RLPO-Rural Large Parcel Oyama Road Zone. Map 13.1, which forms a portion of the RLPO-Rural Large Parcel Oyama Road Zone, sets out the general layout for subdivision of the lands.
2013-07-15	The District received the first application for a subdivision utilizing the new zoning designation.
2013-11-22	S2013-008 A Preliminary Layout Review Letter (PLR) was issued that supported a five-lot subdivision. Only two of the proposed five lots were completed and registered in 2015, and the PLR expired; therefore, the applicant re-applied.
2018-04-19	S2017-034 Preliminary Layout Approval Issued. The new submission proposed four lots. The District subsequently issued a new PLR that supported only three lots due to the restrictions set out within Map 13.1 of the zone. The applicant continued discussions with staff to determine if there was any way that the District would support approval for the fourth lot. Various staff from Planning and Engineering attended the site to assess the situation based on additional information provided by the applicant. The District had safety concerns regarding access due to a nearby sharp corner. The Approving Officer communicated that and reiterated that Map 13.1 was adopted to assure the number of lots to be created so the lot would not be supported

2020-02-04	The applicant contacted staff for a pre-application meeting to discuss submitting a Zoning Amendment Application. The applicant was in touch with the other property owners in the area and received unanimous support to apply on behalf of all owners. The applicant/owners have expressed that they do not believe that the future potential to subdivide their properties should be restricted by Map 13.1 as currently found within the RLPO-Rural Large Parcel Oyama Road Zone. The goals expressed to staff led to a determination that the best approach to achieve the desired outcome would be to propose the removal of Map 13.1 in its entirety (as well as a secondary supporting map showing the impacted properties).
2020-06-18	Z2020-002 Application submission
2020-08-27	Application complete and external referrals sent
2021-04-20	An application was brought forward for Council consideration. It was resolved to be referred back to staff for additional information, which included direction to complete a high-level life cycle costing analysis, including the potential infrastructure costs for a range of scenarios. Additionally, it was noted that additional regulations such as lot width and depth be considered for restricting the number of lots to 21.

*Section 13.2 added by Bylaw 784***13.2. RLPO – Rural Large Parcel Oyama Road****Purpose**

The purpose is to provide a zone for rural properties along Oyama Road to allow predetermined subdivisions of new lots.

Principal Uses

agriculture, extensive
 aquaculture
 greenhouses and plant nurseries
 group homes, minor
 mobile homes
 single dwelling housing

Secondary Uses

animal clinics, major
 animal clinics, minor
 bed and breakfast homes
 care centres, minor
 forestry
 home occupations
 kennels and stables
 secondary or accessory suite
 tourist campsites
 utility services, minor impact

Added by
 Bylaw 882

Zipline Course on Lot 2 Section 31 Township 21 ODYD Plan KAP84855

Buildings and Structures Permitted

one single detached house (which may contain a secondary suite) or one mobile home (as a principal use)
 accessory buildings or structures (which may contain an accessory suite).
 A mobile or manufactured home as an accessory suite

Subdivision Regulations

Subdivisions may only occur as indicated by the map 13.1., and must have a minimum size of 4.0 ha.

Development Regulations**SITE COVERAGE**

The maximum site coverage is 2500 m² for residential development, and it is 35% for agricultural buildings and structures except it may be increased to 75% for greenhouses with closed wastewater and storm water management systems.

HEIGHT

The maximum height is the lesser of 9.5 m or 2½ storeys, except it is 13.0 m for accessory buildings and 16.0 m for agricultural structures.

FRONT YARD

The minimum front yard is 6.0 m.

SIDE YARD

The minimum side yard is 3.0 m, except it is 4.0 m from a flanking street.

REAR YARD

The minimum rear yard is 10.0 m, except it is 3.0 m for accessory buildings.

FARM BUILDINGS

Notwithstanding subsections 13.1.6(c) to (e), buildings housing more than 4 animals, or used for the processing of animal products or for agricultural and garden stands, shall not be located any closer than 15.0 m from any lot line, except where the lot line borders a residential zone, in which case the area, building or stand shall not be located any closer than 30.0 m from the lot line.

Other Regulations

KENNELS/STABLES

Kennels and stables must be located a minimum of 50.0 m from all property lines.

FLOOR AREA

The maximum gross floor area of stands selling agricultural products shall be 50.0 m².

TOURIST CAMPSITES

Seasonal use for recreational purposes not to exceed 240 days in one year. Tourist campsites are allowed at a rate of 10 sleeping units/60 ha.

SECONDARY SUITE

A secondary suite, in accordance with Section 10.7, may only be located within a single detached dwelling.

ACCESSORY SUITE

An accessory suite, in accordance with Section 10.8, may only be located within an accessory building to a single detached dwelling which is no closer than 5.0 m to the principal building.

A mobile or manufactured home may be considered an accessory suite in the RLPO zone.

One secondary suite or accessory suite is permitted per parcel.

ADDITIONAL REGULATIONS

In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 7 (accessory development, yards, projections into yards, lighting, agricultural setbacks, etc.), the landscaping and fencing provisions of Section 8, the parking and loading regulations of Section 9, the specific use

regulations of Section 10, and the sign regulations of Section 11.

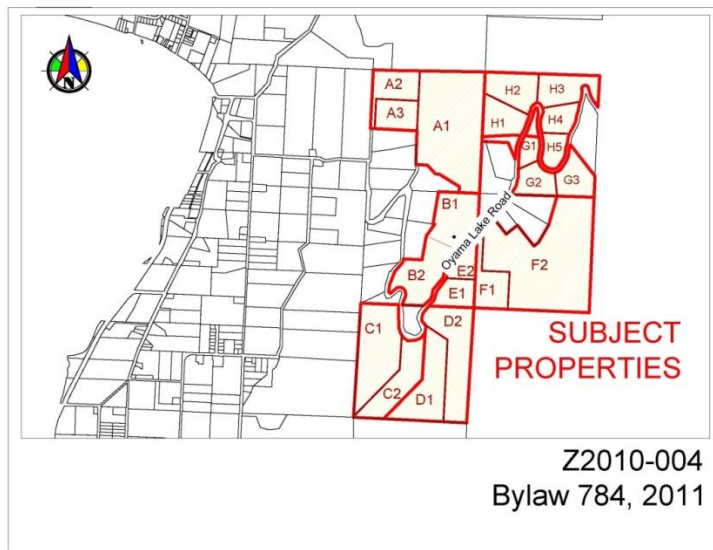
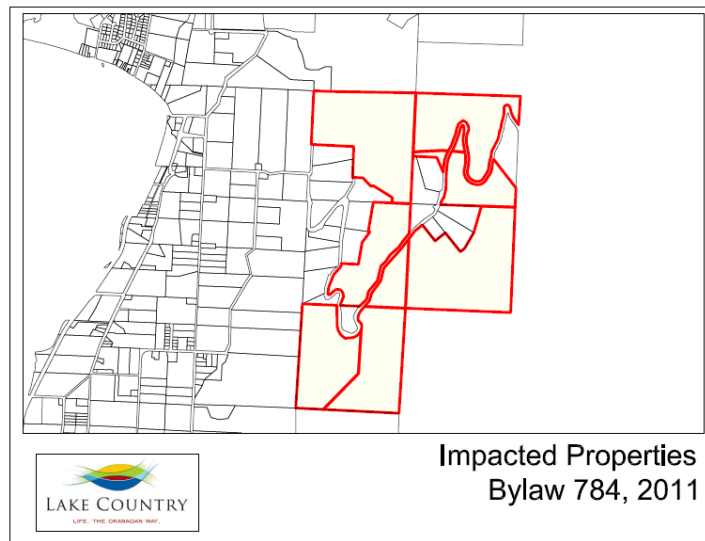


Figure 13.1 - Permitted Lot Configurations in RLPO zones





DISTRICT OF LAKE COUNTRY

REQUEST FOR COUNCIL DECISION

MEETING TYPE AND DATE: REGULAR COUNCIL MEETING – APRIL 20, 2021
AUTHOR: PAUL DUPUIS, SENIOR PLANNER
SUBJECT: **Z2020-002 (MADSEN ET, AL.) – A ZONING AMENDMENT TO REMOVE THE SUBDIVISION MAPS FROM THE RLPO-RURAL LARGE PARCEL OYAMA ROAD ZONE**

ESSENTIAL QUESTION(S):

Does Council support the removal of Map 13.1 which sets out the number and configuration of future lots within the zone?

Does Council have any concerns relating to the effect such a change may have on overall density for the area and the potential impacts to District Servicing?

OPTIONS:

- A. **THAT** Zoning Amendment (Madsen, et al.) Bylaw 1134, 2021 be read a first and second time;
AND THAT Zoning Amendment (Madsen, et al.) Bylaw 1134, 2021 be forwarded to a Public Hearing;
- B. **THAT** Zoning Amendment (Madsen, et al.) Bylaw 1134, 2021 not be read a first and second time and the file be closed.
- C. **THAT** Zoning Amendment (Madsen, et al.) Bylaw 1134, 2021 be amended by (insert Council choice of minimum lot size);
AND THAT Zoning Amendment (Madsen, et al.) Bylaw 1134, 2021 be read a first and second time, as amended.
- D. **THAT** Zoning Amendment (Madsen, et al.) Bylaw 1134, 2021 be read a first time;
AND THAT the applicant be required to submit (insert additional information identified by Council) for consideration by staff;
AND FURTHER THAT staff be directed to report back on alternate bylaw amendment options for consideration at second reading.
- E. **THAT** Zoning Amendment (Madsen, et al.) Bylaw 1134, 2021 not be read a first time and the file closed.
AND THAT staff be directed to bring back a bylaw to repeal Zoning Amendment (Russo) Bylaw 784, 2011 thereby reverting the properties back to the original zoning of RLP-Rural Large Parcel.

EXECUTIVE SUMMARY:

Zoning Amendment bylaw 784, 2010 (Z2010-004) was adopted on December 4, 2012 which resulted in a significant area of rural lots located near the District's eastern boundary in Oyama being rezoned from RLP-Rural Large Parcel to a newly created RLPO-Rural Large Parcel Oyama Road Zone. The new zone allowed for a significantly smaller minimum lot size (4.0 ha.) in comparison to the previous zoning (30.0 ha.). Council expressed concern regarding how such a change may affect the density of the area. Therefore, a mapping scheme was used to assure the

community of the number and general layout of any new lots to be subdivided (inserted as Map 13.1). Since that time two additional lots have been created by subdivision. A further subdivision of three additional lots was refused by the Approving Officer as the applicant wanted another lot not supported by the density map in the zoning bylaw. The applicant was advised that if additional lots were to be proposed a Zoning Amendment Application would be the best approach and would provide the opportunity to have Council consider the request. Consideration of this application is the result.

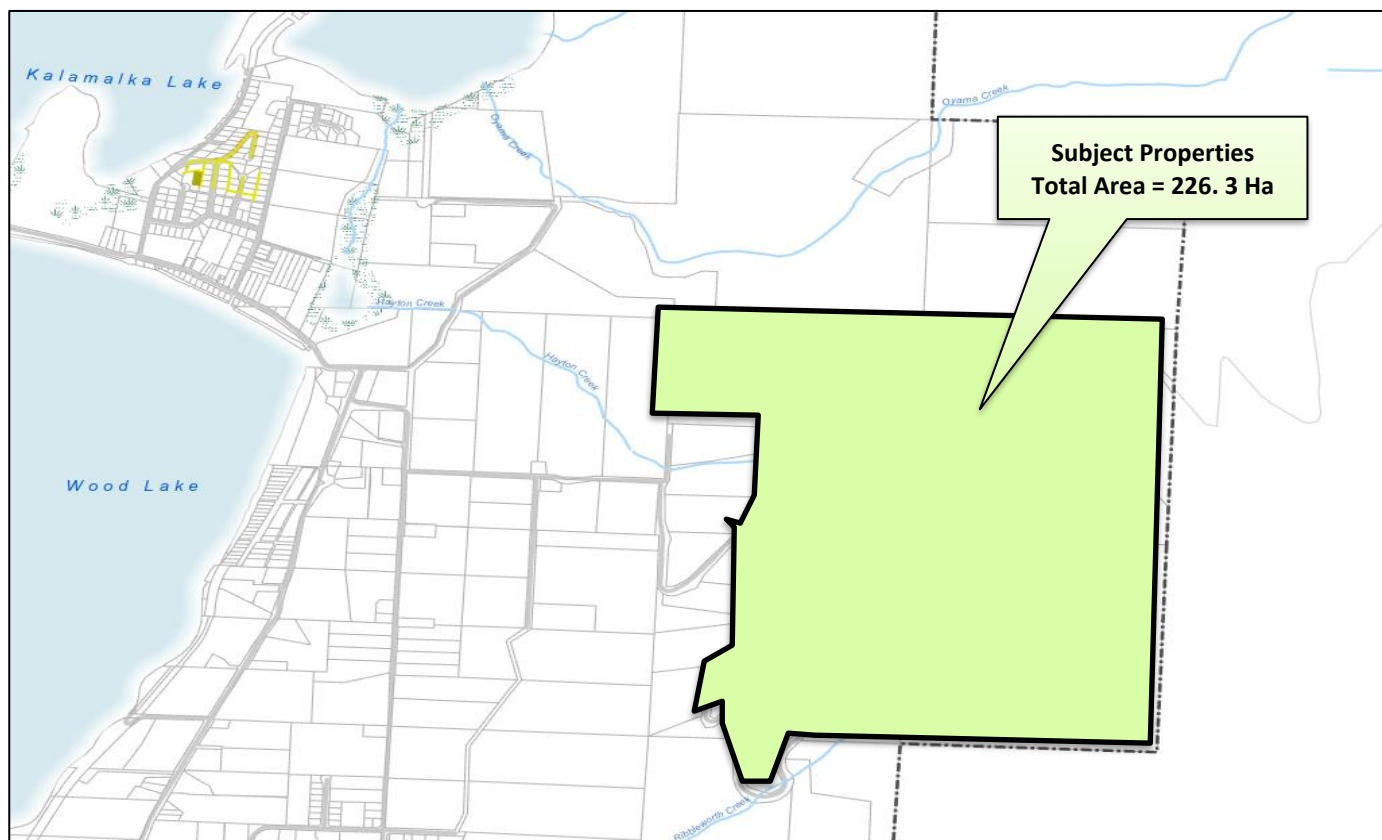
Staff has provided five (5) options for Council's consideration. Option A forwards the proposed bylaw for readings and a Public Hearing. Option B denies the application and closes the file. Option C is a sample resolution provided in anticipation that Council may wish to set the minimum lot size to their liking. Option D is a sample resolution if Council feels they wish to receive more information from the applicants in relation to impacts of density prior to moving forward to a Public Hearing. Any information that Council may wish to have provided must be done prior to Public Hearing to be sure it is available to the public for review and comment. Lastly, Option E considers the referral comments that generally do not support substantial densification in the area.

CAO COMMENTS:

There are a significant number of options for Council to consider with this file. This is reflective in the different interests of the applicants, the stakeholders and the community. Map 13.1 was drafted and included in a Zoning amendment bylaw and while it may have been clear and understood at that point, 9 years later, is not as transparent or clear to fresh perspectives. The map may even hinder the decision rights of statutory officers. There are four options that consider the future subdivision in this area without that map. Finding a balance that provides clarity and equity for property owners in this area but also protects the interests of the stakeholders and community is extremely important. While staff has drafted an amendment bylaw that considers a minimum size of 9 hectares, Council can choose to leave the minimum lot size at 4 hectares as is in the RLPO zone already or choose any other size with some comfort that the ability to subdivide is already going to be limited by a number of factors in the area including topography, access or other excess and extended servicing requirements under the Subdivision and Development Servicing bylaw.

BACKGROUND/HISTORY:

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, other properties are on private.		
Sewer:	None		
Site Summary:		Zoning:	Use:
	North:	Crown Land	Vacant
	East:	Crown Land	Vacant
	South:	Crown Land	Vacant
	West:	A1- Agriculture 1	Agriculture



Chronology:

<i>Date:</i>	<i>Event:</i>
2012-12-04	Z2010-004 (Bylaw 784, 2010) adopted; rezoned properties from RLP-Rural Large Parcel zone to a newly created zone RLPO-Rural Large Parcel Oyama Road zone.
2013-07-15	The District received the first application for a subdivision utilizing the new zoning designation.
2013-11-22	S2013-008 Preliminary Layout Approval issued.
	A Preliminary Layout Review Letter (PLR) was issued that supported a five-lot subdivision. Only two of the proposed five lots were completed and registered in 2015. The PLR expired, therefore, the applicant re-applied.
2018-04-19	S2017-034 Preliminary Layout Approval Issued
	The new submission proposed four lots. The District subsequently issued a new PLR that supported only three lots due to the restrictions as set out within Map 13.1 of the zone. The applicant continued discussions with staff to determine if there was any way that the District would support approval for the fourth lot. Various staff from Planning and Engineering attended the site to assess the situation based on additional information provided by the applicant. The final result was that the District had some concerns regarding the safety of the access given its proximity to a sharp turn in the road. The Approving Officer communicated the concern and reiterated that Map 13.1 was adopted by Council as part of the zone to assure the number of lots to be created. On that premise, approval would not be granted. No new lots have been completed to date.
2020-02-04	The applicant contacted staff for a pre-application meeting to discuss submitting a Zoning Amendment Application. The applicant had been in touch with all the property owners in the area and received unanimous support to apply on behalf of all owners. The applicant/owners have expressed that they do not believe that the future potential to subdivide their properties should be restricted by Map 13.1 as currently found within the RLPO-Rural Large Parcel Oyama Road Zone. The goals that were expressed to staff led to a determination that the best approach to achieve the desired outcome would be to propose the removal of Map 13.1 in its entirety (as well as a secondary supporting map showing the impacted properties).
2020-06-18	Z2020-002 Application submission
2020-08-27	Application complete and external referrals sent

DISCUSSION/ANALYSIS:

Best practice allows detailed analysis at the time of a proposed subdivision to determine the number and layout of lots that may be created on subdivision on a case-by-case basis. Restricting the number and layout of new lots based on a zoning map scheme is not reflective of best practice. Zoning Bylaws are typically limited to regulating minimum lot size, depth, and width for this purpose. In some cases, zoning may set a maximum density provision that also limits lot yield.

Provincial Legislation (*Land Titles Act*) provides Council the authority to appoint a Statutory Officer known as the Approving Officer; the Approving Officer is the sole discretionary decision-maker in relation to the approval of all subdivisions within their jurisdiction. More importantly, the Approving Officers' authority is to be unfettered in all matters pertaining to subdivision approval. Therefore, the existing zoning map scheme is not supported by the legislative framework; as such it may be a riskier approach to subdivision control. Furthermore, this type of map scheme is only found within the RLPO-Rural Large Parcel Oyama Road zone with no consistent intent to apply the scheme broadly and equally to other areas of the community. Therefore, if Council were to choose to support the Zoning Amendment to remove the map scheme from the RLPO-Rural Large Parcel Oyama Road zone it could

reduce risk and provide a more balanced and equal approach to subdivisions for all properties within the community.

At this stage, there is insufficient detailed information to say what the overall impact on the area may be in terms of total number of lots that might be created if the map were to be removed from the zone. Staff has identified at a very high level that if the map is removed from the bylaw and subdivision is solely regulated by the minimum lot requirements of a 4 ha. minimum then there is potential for 56 lots (See chart below). This is significantly more than what is set forth within the map which only allows for 21 lots. Such a high level base analysis would be a best case scenario as it does not take into account possible constraints relating to the land or servicing. These matters are assessed in more detail as part of the subdivision review process.

Many of the referrals coming from other agencies and government partners are not in support of the proposal. There is a consistent theme relating to the potential for an increase in density. In these rural areas any increase in density may be viewed poorly since most rural policies typically point towards protecting land and natural environments while minimizing density where there is a lack of services.

Given the Official Community Plan policies and other regional partner referrals staff has provided a Draft Zoning Bylaw Amendment that removes both maps from the RLPO Zone but sets the minimum Lot size to 9 ha. (see chart 1 below). This will allow more flexibility for applicants to create lots that better suite their needs but would only increase the maximum yield in the area under the zone to a maximum of 25 lots from 21 currently allowable as per the map. Chart 1 below shows the effects of minimum lot size on overall lot yield for all the properties. Overall lot yield shown is based on a simple mathematical calculation and does not take into account factors that are likely to limit the overall lot yield after a full analysis is completed, these factors include but are not limited to; topography, sensitive areas, stability, erosion, drainage and access. Zoning Amendments are at the full discretion of Council staff has provided option C which would allow Council to choose whichever minimum lot size they may believe to be ideal given the request and the information provided.

Chart 1 :

<u>All RLPO Properties</u> <u>Total Lot Area (Ha.)</u>	<u>Minimum Size in Ha.</u>	<u>Potential Max Lot Yield</u>
226.3	4	56.57
226.3	5	45.26
226.3	6	37.71
226.3	7	32.32
226.3	8	28.28
226.3	9	25.14
226.3	10	22.63

Legislation & Applicable Policies

The Land Titles Act: Section 77 sets out that Council has the power to appoint an Approving Officer to oversee subdivisions within a local municipality. Sections 86 & 87 set out the unfettered scope that an Approving Officer has as it relates to the subdivision of Land.

Local Government Act: Division 7 Zoning and Other Development Regulation provides the District with authority to zone land within the municipality.

Official Community Plan: The Future Land Use Designation for the properties affected is Rural and supports the general land use, however, many policies provide direction to minimize density in rural areas to minimize any future needs for servicing and to protect the natural environment.

Zoning Bylaw: The RLPO Zone has principal uses consistent with larger lot sizes of 4.0 ha. including agriculture and aquaculture in addition to residential uses. Secondary Uses are extensive, and some include; animal clinics, bed and breakfasts, forestry, and tourist campsites.

Development Application Procedures Bylaw: Sets out the requirements for all Development Applications as well as the procedures for public notification. In the case of rezoning applications there are very specific requirements to be followed for notification of a Public Hearing.

Technical Considerations:

Impact on Infrastructure and Other Municipal Services

Any subdivision of land will be subject to the servicing requirements as set out within the Subdivision and Development Servicing Bylaw. Lots created by rural subdivisions must provide improvements to highways and walkways and each lot must be serviced with onsite sewerage and its own water source (well or surface source). Bylaw requirements for stormwater management, sediment, and erosion control, hydro and telecommunications servicing must also be met.

A groundwater resource assessment was completed by Western Water Associates Ltd. in support of the 2010 rezoning application. The report recommended that, in addition to locating future wells such that they minimize interference with one another and are sited upgrate and a minimum distance of 30 metres from septic systems, water supplies for future potential subdivision be evaluated to ensure compliance with District bylaw quality and quantity requirements.

Impact on Staff Capacity and Financial Resources (Cost/Benefit Analysis)

Regular staff time has been used to process the application. Any future subdivision of land will add value to the District and increase the tax base. It is not anticipated that significant servicing increases would be required at a level that would not be offset by the development. As with all development as it builds out it may create some additional complaints and pressures on staff relating to road maintenance as we have already seen more complaints in this area during the summer months.

Comments from Other Government Agencies, Council Committees and Relevant Stakeholders:

- **Kelowna International Airport** - The airport does not support the removal of Map 13.1 for the following reasons: 1) The zoning amendment will allow increased density directly below the departure and arrival path from the airport. Current allowance is 1 residence per 5 hectares, proposed zoning will allow for a significant increase in density on the subject properties. 2) Increased density under the departure and approach path of YLW will lead to increased noise complaints. Increased noise complaints could lead to noise mitigation requirements which may reduce the capacity and efficiency of the Airport. As the airport serves as an economic pillar and vital transportation link to the region, reduced capacity and efficiency could have negative effects on the entire region. Should the zoning amendment be approved by Lake Country Council, it is highly recommended that the District of Lake Country require the property owners to put on title that the property is in the vicinity of an airport. As well, it is recommended that the District of Lake Country consider placing a covenant on the subject properties that saves the District of Lake Country, the City of Kelowna and the Kelowna International Airport harmless from noise complaints that may arise as a result of the increase in density. Please reach out if further clarification is required.
- **Agricultural Land Commission** - The ALC recognizes that the properties are not within the ALR; however, the western boundaries of Properties 1 and 3 are directly adjacent to ALR lands. As a result, additional considerations must be given to the potential impact on agriculture. Part 3 of the Ministry of Agriculture's *Guide to Edge Planning* (2015) describes urban-side edge planning tools to promote urban/rural compatibility. With the establishment of the non-farm uses adjacent to the ALR, there may be potential for complaints about farm noise and smells, as well as potential impacts to agriculture, such as trespass, litter, theft, etc. For this reason, ALC staff recommends considering the setback and buffer requirements outlined in the *Guide to Edge Planning* for Properties 1 and 3. Otherwise, ALC staff has no objection to the proposed Amendment.
- **BC Hydro** - does not have an issue with the proposed subdivision but due to the narrowness of the road around the S curve, will require surveyed drawings to confirm their existing line and the proposed

extension will be on Public property and/or that BC Hydro is given Right of Ways for any works required to serve the lots in the proposed subdivision.

- **Fortis BC** - has reviewed the subject proposal and has no concerns or objections. Some portions of the subdivision do not have Distribution Pressure gas main fronting the property. A gas main extension will be necessary if gas is required for the development.
- **Interior Health Authority (IHA)** –It is IHA’s understanding the applicant is requesting for a zoning amendment to remove Map 13.1 and the subdivision requirements in Section 13.2.5 - Rural Large Parcel Oyama Road Zone (RLPO Zone) for the nine properties listed in this application. It is unclear as to the intent of this request as no information is provided as to what would replace the minimum 4-hectare lot requirement and this information is needed to fully understand the potential health impacts. The following are population health related comments for consideration. As *Rural Large Parcel Oyama Road* zoning classification corresponds with the *Rural* Official Community Plan (OCP) designation and as stated in the District’s OCP, “these lands typically contain natural amenities and sensitive areas that should be preserved, along with several hazardous conditions that should be avoided by development,” aligning with healthy planning principles to support a healthy built and natural environment. Interior Health supports and recognizes the importance of rural land use designations within the community. The OCP also states “servicing within the Rural areas is typically quite challenging and it is not intended that municipal services be extended into these areas.” Generally, larger parcels are more sustainable in rural areas. Interior Health supports a minimum lot size of 1 hectare as sustainable long term in the absence of community servicing for sewer/water. The removed sections of the zoning bylaw need to be replaced with wording to protect sustainable minimum lot sizes (i.e. at minimum 1 hectare without community sewer/water). Also note that this does not automatically confer support of future proposed subdivisions, and these will be reviewed for sustainability in consideration of public health on a case by case basis. Interior Health is committed to improving the health and wellness of all by working collaboratively with local governments and community partners to create policies and environments that support good health.
- **Regional District of the Central Okanagan (RDCO)**—RDCO staff reviewed the referral and provides the following comments on this proposal with a recommendation of non-support. Crown land adjacent to the subject properties to the east are located within Central Okanagan East Electoral Area and are not located within an OCP. Considerations include the Crown land interface and wildfire hazard potential, community watersheds, and Provincial forest. There is an interrelationship between what happens on Crown Land and its effect on private lands, water supply, and the environment in the Regional District. There are various watercourses throughout the area with associated environmental values; containing environmentally sensitive areas such as grasslands, coniferous woodlands, and riparian areas. Consider our land, water and ecosystem policies of the Regional Growth Strategy Bylaw No. 1336 such as: Support logical and sequential growth patterns that minimize urban encroachment into rural areas. Support the protection of the rural areas that offer a rural lifestyle choice. Support the continued exchange of information with provincial agencies on future land use decisions that impact the interface of the boundaries of crown land adjacent to municipalities and regional districts. Support urban and rural land uses that provide affordable, effective, and efficient services and infrastructure that conserve land, water, and energy resources. Manage growth to minimize disturbance to habitat, watershed and natural drainage areas and systems. The RLPO Zone currently restricts the lot size to a minimum of 4.0 ha. While it is recognized that the subject properties are designated as Rural within the District of Lake Country’s OCP, removing the subdivision requirements would enable future subdivision without provision for minimum lot size. This may lead to increased density in the rural area which is not supported by policies in the Regional Growth Strategy. The OBWB Sewage Facilities Assistance grant program was established to subsidize construction of tertiary sewage treatment plants for local governments. The intention of the policy and program is to decrease water pollution coming from development on small lots and failing or over-capacity septic systems and reduce the amount of phosphorus entering the lakes from municipal effluent. To be eligible for the grant, local governments are required to have zoning policies or bylaws prohibiting new development on lots less than one hectare that are not serviced by community sewer.

Consultation, Public Feedback, and Communication to and from the Public and the Applicant:

No public consultation is required at this stage of the process. When and if Council moves the bylaw to a Public Hearing there are specific and legislated noticing requirements that will be undertaken.

ALIGNMENT TO COUNCIL VISION:

In terms of governance, support for this proposal standardizes how subdivision is administered in the District; increases the transparency of the process to the public; and minimizes differences in how the regulations may be applied as they relate to the subdivision process. Rural lot zoning in comparison to urban lot zoning may be considered better for the natural environment as lots are larger and are generally less densely developed preserving natural assets of the Environment. The level of infrastructure required is mostly privately-owned on-site services and is regulated through the Subdivision and Development Servicing Bylaw. However, with increased density comes increased pressures to improve servicing.

ANALYSIS OF OPTIONS FOR CONSIDERATION:

OPTION A: Shows support for the proposal with little overall concern regarding removing the map from the zone. The next step would be Public Hearing where Council has the opportunity to hear from their constituents as to whether they have concerns.

OPTION B: Would clearly send a message that Council wishes to maintain the status quo as it pertains to the number of lots and the overall layout of those lots.

OPTION C: Allows Council to choose from a variety of minimum lot sizes that shows the potential maximum lot yield associated with those minimum size requirements. This is at Council's discretion.

OPTION D: Means that Council may wish to require more information from the applicants to prove out the overall impact in a more rigorous manner. This is at Council's discretion.

OPTION E: Shows that Council is not in support of the proposal and has concerns relating to the existing zoning and any increase in density in the area. This option would clearly acknowledge the concerns expressed through the referral process whereby there is not support for an increase in density of any sort.

Respectfully Submitted,

Paul Dupuis, MCIP, RPP
SENIOR PLANNER
PLANNING AND DEVELOPMENT DEPARTMENT

This report has been prepared with the collaboration of the following individuals:

COLLABORATORS	
TITLE	NAME
Senior Planner	Paul Dupuis
Senior Engineering Technician	Sid Smith
Director of Corporate Services	Reyna Seabrook

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

CONCURRENCES	
DEPARTMENT	NAME
Chief Administrative Officer	Tanya Garost
Manager of Planning	Corine (Cory) Gain

Director of Planning and Development	Jamie McEwan
Director of Engineering and Environmental Services	Matthew Salmon

ATTACHMENTS:

- A: RLPO Zoned Area – Legal, Address and Land Descriptions
- B: Map 13.1 (RLPO)
- C: Applicant's Request
- D. Draft Zoning Amendment Bylaw 1134, 2021

RLPO Zoned Areas – Legal, Address and Land Descriptions (Owner Information Excluded)

Roll #01535.403
 PID #009-778-829
 46.80 Hectares (115.66 Acres)
 5574 Todd Rd, Lake Country BC V4V 2C9
 North West ¼ Section 6 Township 10 ODYD Except Plans 34917, 35092, 39199, KAP53967 and KAP81360

Roll #01535.601
 PID #013-451-642
 22.20 Hectares (54.90 Acres)
 5610 Oyama Lake Rd, Lake Country BC V4V 2C9
 The Southwest ¼ of Section 6 Shown on Plan B16275; Township 10 ODYD Except Plans 34917, KAP55023, KAP59748, KAP65139 and KAP67846

Roll #03091.003
 PID #027-227-120
 29.10 Hectares (72.15 Acres)
 5617 Oyama Lake Rd, Lake Country BC V4V 2C9
 Lot 2 Section 31 Township 21 ODYD PLAN KAP84855

Roll #03091.010
 PID #029-487-994
 19.59 Hectares (48.43 Acres)
 5653 Oyama Lake Rd, Lake Country BC V4V 2C9
 Lot B Section 31 Township 21 ODYD Plan EPP43236

Roll #03091.005
 PID #029-487-986
 10.69 Hectares (26.44 Acres)
 5691 Oyama Lake Rd, Lake Country BC V4V 2C9
 Lot A Section 31 Township 21 ODYD Plan EPP43236

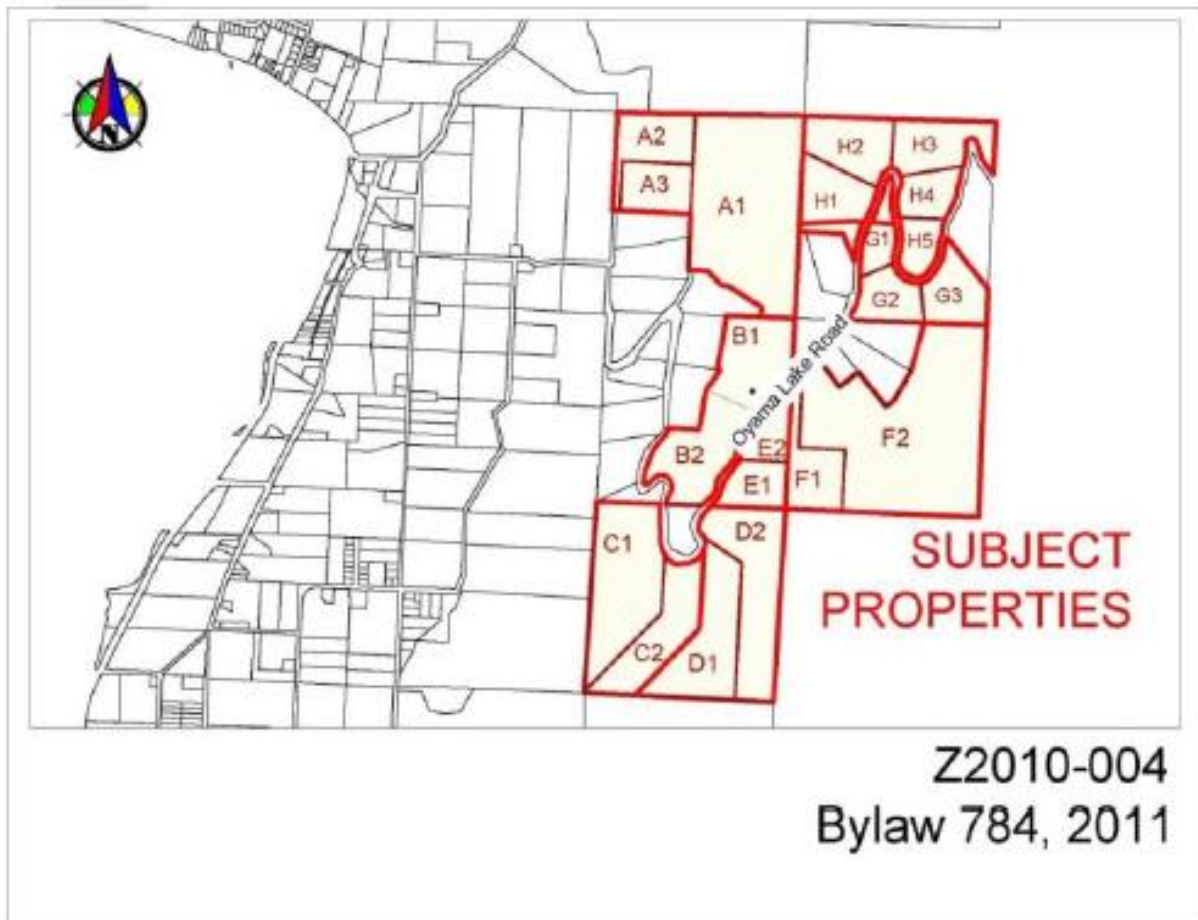
Roll #01535.602
 PID #024-585-211
 9.11 Hectares (22.53 Acres)
 5697 Oyama Lake Rd, Lake Country BC V4V 2C9
 Lot 1 Section 6 Township 10 ODYD Plan KAP65139

Roll #01535.200
 PID #013-451-669
 51.84 Hectares (128.12 Acres)
 5815 Oyama Lake Rd, Lake Country BC V4V 2C9
 The Southeast ¼ of Section 6 Township 10 ODYD Except Plans H18507, KAP44199 and KAP44768

Roll #01535.632
PID #018-332-366
16.18 (40.00 Acres)
Country BC V4V 2C9
Lot A Section 6 Township 10 ODYD Plan KAP50199

Roll #01535.002
PID #013-451-634
20.52 Hectares (50.73 Acres)
5874 Oyama Lake Rd, Lake Country BC V4V 2C9
The Northeast $\frac{1}{4}$ of Section 6 Township 10 ODYD Except Plans 35112, KAP50199, KAP76060 and
EPP47829

Map 13.1 (RLPO)



Re-Zoning Application Description:

Z2010-004 RLPO zoning

Currently, the bylaws state that we may subdivide to a minimum size of 4.0 ha with multiple regulations regarding the site coverage, height, yard allowances, farm buildings, and more. Properties are also subject to general development regulations, landscaping and fencing provisions, parking and loading regulations, usage regulations, and sign regulations. However, the subdivision allotment is subject to a map developed by the DLC (map 13.1). In creating the map, the DLC determined how many lots each individual property in the RLPO zone, along Oyama Lake Road, may sub-divide into.

We have now met with the affected landowners and as a collective group, we accept the bylaw requirements in place for Zone RLPO but are unanimous in our agreement that the Map 13.1 is restrictive and without precedence. We respectfully request that the District and Council accept our re-zoning application to remove Map Figure 13.1 from the current zoning by-laws. To that end, please find attached individual letters from the affected landowners on Oyama Lake Road giving us permission to apply for re-zoning on their behalf.



DISTRICT OF LAKE COUNTRY

BYLAW 1134

A BYLAW TO AMEND ZONING BYLAW 561, 2007

The Council of the District of Lake Country, in open meeting assembled, enacts as follows:

1) Zoning Bylaw 561, 2007 is hereby amended as follows:

(a) Section 13.2.5 is deleted in its entirety and replaced with the following:

13.2.5 Subdivision Regulations

a) Subdivisions may only occur on lots with a minimum size of 9.0 ha.

(b) Section 13.2.7 (page 13-6) is amended by deleting the following in its entirety:

- Image identified as "Schedule A to RLPO" (Z2010-004 Bylaw 784, 2011);
- Image identified as "Schedule B to RLPO" (Impacted properties, Bylaw 784, 2011); and
- Text reading "Figure 13-1 - Permitted Lot configurations in RLPO zones"

2) This bylaw may be cited as "Zoning Amendment (Madsen, et al.) Bylaw 1134, 2021".

READ A FIRST TIME this ____ day of _____ 2021.

READ A SECOND TIME this ____ day of _____ 2021.

ADVERTISED on the _____ and _____ days of _____, 2021 and a Public Hearing held pursuant to the provisions of Section 464 of the *Local Government Act* on the _____ day of _____, 2021.

READ A THIRD TIME this _____ day of _____, 2021.

ADOPTED this _____ day of _____, 2021.

Mayor

Corporate Officer

