
MEETING TYPE: Regular Council Meeting
MEETING DATE: April 2, 2024
AUTHOR: James Robertson, Land Agent
DEPARTMENT: Corporate Services
ITEM TITLE: Official Community Plan Amendment Bylaw 1222, 2024 and Zoning Amendment Bylaw 1223, 2024 | OPZ-00001 | 15696 Trask Road
DESCRIPTION: To amend the Official Community Plan from Parkland and Conservation to Urban Residential and the Zoning Bylaw from P1 - Public Park and Open Space to RU1 – Single Family Housing to satisfy a condition of sale regarding property acquisition.

PURPOSE

To propose an Official Community Plan amendment and a Zoning Bylaw amendment that reflect current and future use and to satisfy a condition of sale regarding property acquisition.

RECOMMENDATION

THAT Official Community Plan Amendment Bylaw 1222, 2024 be read a first and second time; and
THAT Zoning Amendment Bylaw 1223, 2024 be read a first and second time; and
THAT a Public Hearing be scheduled prior to adoption of the proposed bylaws.

EXECUTIVE SUMMARY

The District is seeking to change the Official Community Plan (OCP) designation of a portion of Lot A Plan KAP56246 fronting on Trask Road from the OCP designation of Parkland and Conservation to the designation of Urban Residential and to change the zoning from P1-Public Park and Open Space to RU-1 Single Family Housing.

The District entered into an agreement of Purchase and Sale (PSA) with the owners of the subject property to purchase a portion of their parcel that is not subject to this report (see Map #1 Location Map) fronting on Oyama Road. Council’s consideration of rezoning the portion of the parcel fronting on Trask Road is a condition of the PSA and will allow the property owner to construct an accessory building (garage) on the remainder of the lot (Trask Road) replacing the one located on the land to be transferred to the District.

The District authorized the construction of a Single Family Dwelling on the Trask Road portion of the property in 2011 and the building received occupancy in 2012. The historical, current and future use of the parcel is residential and therefore it is recommended the property be zoned residential.

BACKGROUND/HISTORY

In 2009, the Owners applied to have the entirety of the property rezoned to RU1 to allow construction of a residence. At that time, the Owners offered to dedicate the Oyama Road portion of their property to the District as a condition of the rezoning. Bylaw 747, 2010 was read a first and second time and public hearing occurred on September 21, 2010. Between the public hearing and third reading the Owners were informed they would be required to place a covenant on their property granting the District rights over the portion of their property adjacent to Kalamalka Lake. The Owners withdrew their rezoning application by letter on October 15, 2010. On April 27, 2011, the Owners applied for a building permit to construct a single-family dwelling, under the existing P1 zoning, which was completed and received its occupancy permit on September 14, 2012. The portion of the lot fronting Trask Road is in the Agricultural Land Reserve (ALR) while the portion fronting Oyama Road is not.

PROPERTY INFORMATION			
Civic Address:	15696 Trask Road		
Roll Number:	1854081		
Legal Description:	PID: (023-348-402) Lot A Section 11 Township 14 ODYD Plan KAP56246		
Applicant:	District of Lake Country	Owner(s):	Marie Helenne Suzanne Delaurier; Joseph Eugene Etienne Delaurier; Anthony Richard Delaurier; Marie-Anne Florence Faasse
Existing OCP:	Parkland and Conservation		
Proposed OCP:	Urban Residential		
Existing Zoning:	P1 – Public Park and Open Space		
Proposed Zoning:	RU1 – Single Family Housing		
Land Use Contract:	No		
ALR:	Partial (the land subject to this proposal is in the ALR while the land to be purchased by the District is not)		
Parcel Size:	1.912 ac; 0.77 ha		
DP Area(s):	Natural Areas; Agri-Tourism; GHG; Industrial; Commercial; Multiple Unit;		
Water Supply:	Municipal		
Sewer:	On site septic		
Site Context:	Zoning:	Use:	
<i>North:</i>	P1	Pioneer Park	
<i>East:</i>	RU1	Single Family Dwellings	
<i>South:</i>	P2	Camp Hatikvah	
<i>West:</i>	W1	Kalamalka Lake	

MAP 1: LOCATION MAP



MAP 2: AREA OF PROPOSAL**DISCUSSION/ANALYSIS**

The District approached the Owners inquiring if they would be willing to sell the portion of Lot A located on Oyama Road. Acquisition of this land will secure the Railtrail for all future uses and is required to maintain the 20 metre width of right of way. The District hired Jonathan Sobottka (AACI) to value the land which informed the offer to purchase. The Owners accepted the offer of \$175,000 with the condition they be allowed to build a garage on the Trask Road portion of the property, to replace the one located on the Oyama Road portion of land. Council approved the Purchase and Sale Agreement on December 5, 2023.

In order to satisfy the condition of the PSA, Council must consider rezoning the subject land which requires a concurrent amendment of the OCP. The proposed OCP and zoning amendments only concern the portion of Lot A located on Trask Road while the portion located on Oyama Road, to be transferred to the District through deposit of subdivision plan EPP132913 (Attachment E), will retain its OCP designation and existing P1 zoning.

IMPACT ON INFRASTRUCTURE, SERVICES AND STAFF CAPACITY

N/A

APPLICABLE LEGISLATION, BYLAWS AND POLICIES

Section 475 of the *Local Government Act* (LGA) requires Council to consider the level of consultation for an OCP amendment and requires a public hearing for both the OCP and zoning bylaw amendments. Section 475 of the LGA requires the proposed OCP amendment to be referred to the Agricultural Land Commission for comment and Division 3, Sections 464 through 470 of the LGA regulate the public hearing process. Notices will be sent to 11 property owners whose land lies within 50 metres of the subject property as required by the Development Approval Procedures Bylaw 1133 and a referral will be sent to the Agricultural Land Commission after second reading of the bylaws.

FINANCIAL IMPLICATIONS

- None Budget Previously Approved Other (see below)
 Legal \$2,500 (Operating budget)
 Survey \$2,867 (Operating budget)
 Advertising \$400 (Operating budget)
 Demolition of Garage to be determined - 2025 budget consideration.

CONSULTATION

The proposed OCP and zoning amendments will be referred to the Agricultural Land Commission after first and second reading as required by the Local Government Act Sec 475 (4). Notices regarding the proposal will be sent to all owners (11) whose property lies within 50 metres of the subject parcel. Additionally, the District will send a referral request for comment to the Central Okanagan Regional District and the Okanagan Indian Band.

COMMUNICATIONS

The proposed OCP and zoning amendments will be advertised in the Lake Country Calendar in the two weeks prior to the Public Hearing.

ALIGNMENT WITH COUNCIL STRATEGIC PRIORITIES

- Create and Support Opportunities for a Healthy, Active and Inclusive Community
- Create Infrastructure That Meets Community Needs
- Encourage Growth of the Downtown Core
- Ensure Sustainable Water Service Delivery for the Community
- Explore Opportunities to Engage With Regional Local Governments for the Betterment of the Community
- Honour Reconciliation by Strengthening Relationships and Inclusiveness With Our Indigenous Partners
- Identify and support improvements to the Development Process
- Implement the Agricultural Plan
- Preserve, Protect and Enhance Our Natural Environment
- Secure long term wastewater service delivery for our community
- Support Opportunities to Diversify Lake Country's Tax Base

ALIGNMENT WITH MASTER PLANS

- | | |
|--|--|
| <input type="checkbox"/> Agricultural Plan | <input type="checkbox"/> Official Community Plan |
| <input type="checkbox"/> Climate Action Charter | <input checked="" type="checkbox"/> Parks & Recreation Master Plan 2019 |
| <input type="checkbox"/> Housing Needs Report | <input type="checkbox"/> Sanitary Sewer System Map |
| <input type="checkbox"/> Liquid Waste Management Plan Stage 1/2 Report | <input type="checkbox"/> Transit Future Plan-Central Okanagan Region-DRAFT |
| <input type="checkbox"/> McCoubrey Plateau Area Structure Plan | <input type="checkbox"/> Transportation for Tomorrow |
| <input type="checkbox"/> Mobility Master Plan | <input type="checkbox"/> Water Master Plan |

OPTIONS

The following options are presented for Council's consideration:

- A. THAT Official Community Plan Amendment Bylaw 1222, 2024 be read a first and second time; and
 THAT Zoning Amendment Bylaw 1223, 2024 be read a first and second time; and
 THAT a Public Hearing be scheduled prior to adoption of the proposed bylaws
- B. THAT the consideration of an OCP and Rezoning amendment be referred to staff for further actions as determined by Council.

Respectfully Submitted,
 James Robertson, Land Agent

Report Approval Details

Document Title:	OPZ-00001 - 15696 Trask Road .docx
Attachments:	<ul style="list-style-type: none"> - Attachment B - Zoning Analysis Table.docx - Attachment C - OCP Ammendment (15696 Trask Rd) Bylaw 1222, 2024.docx - Attachment D - Zoning Amendment (15696 Trask Rd) Bylaw 1223, 2024.docx - Attachment E - Reduced copy of plan EPP132913.docx
Final Approval Date:	Mar 21, 2024

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

Reyna Seabrook, Director of Corporate Services - Mar 19, 2024 - 4:09 PM

No Signature found

Steven Gubbels, Manager of Development - Mar 19, 2024 - 4:38 PM

No Signature found

Jared Kassel, Director of Planning & Development - Mar 20, 2024 - 1:09 PM

No Signature found

Matthew Salmon, Director of Engineering and Environmental Services - Mar 20, 2024 - 4:22 PM

No Signature found

Matt Vader, Director Parks, Recreation and Culture - Mar 20, 2024 - 4:36 PM

Paul Gipps, Chief Administrative Officer - Mar 21, 2024 - 7:40 AM