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**MEETING TYPE:** Regular Council Meeting  
**MEETING DATE:** February 21, 2023  
**AUTHOR:** Jason T. Tran, Planner  
**DEPARTMENT:** Planning and Development  
**ITEM TITLE:** Development Permit – DP2021-019-C-1797 Lakestone Drive  
**DESCRIPTION:** The Construction of a Single Family Home and a Swimming Pool

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## QUESTION

Does Council think that the proposal complies with the Hillside, and Greenhouse Gas Reduction and Resource Conservation Development Permit Area Guidelines?

## OPTIONS

- A. **THAT** Development Permit DP2021-019-C for property located at 1797 Lakestone Drive, identified with a PID: 029-490-642 and a roll number 2176046, to permit the construction of a single family home and a swimming pool be approved.
- B. **THAT** Development Permit DP2021-019-C for property located at 1797 Lakestone Drive, identified with a PID: 029-490-642 and a roll number 2176046, to permit the construction of a single family home and a swimming pool be denied.
- C. **THAT** Development Permit DP2021-019-C for property located at 1797 Lakestone Drive, identified with a PID: 029-490-642 and a roll number 2176046, to permit the construction of a single family home and a swimming pool be deferred pending receipt of additional information as identified by Council.

## EXECUTIVE SUMMARY

The applicant proposes to construct a one storey single family home with a swimming pool at 1797 Lakestone Drive. The property is located within the Lakestone development and the following Development Permit Areas: Hillside and Greenhouse Gas Reduction and Resource Conservation. Council approval is required to authorize development within these Development Permit Areas.

The subject property is also located within the Natural Environment and Wildland Fire Development Permit Areas. Council has designated Staff the authority to approve (Technical) Development Permit applications for properties located within these Areas. Staff are reviewing a concurrent application to authorize the proposed development against the Natural Environment and Wildland Fire Development Permit Area Guidelines.

The applicant provided a site plan, building elevations, a landscaping plan and a landscaping cost estimate as part of the Hillside and Greenhouse Gas Reduction and Resource Conservation Development Permit application.

District Staff believe that the proposal substantially complies with the Hillside and Greenhouse Gas Reduction and Resource Conservation Development Permit Area Guidelines.

## BACKGROUND/HISTORY

The application was submitted on May 7, 2021, and this application went to the Core Team meeting on July 21, 2022. Afterward, the application was referred out internally and externally on October 3, 2022. The property is zoned DC3 – Direct Control 3 (Lakestone).

Council approved a Development Variance Permit (file number DVP2013-004) in 2013 that reduces the Zoning Bylaw front yard setback for the subject property as follows:

**TABLE 1: FRONT YARD SETBACKS**

Zoning Bylaw	19.3.4. (a)(i)b. Single, two and multiple dwelling housing: the minimum front yard is 4.5m except it is 6.0m to a garage door or carport entrance having vehicular entry from the front 6.0m or 4.5m from a side entry garage.
DVP2013-004	Garage setback: 4.5m Building & Garage Side Entry Setback: 1.5m

Development Permits are regulated and outlined within Council's Official Community Plan (OCP). The OCP is one of Council's most important strategic documents, which regulates development, community form and character, and influences sustainability. The processing and consideration of Development Permits are, therefore, part of implementing Council's OCP.

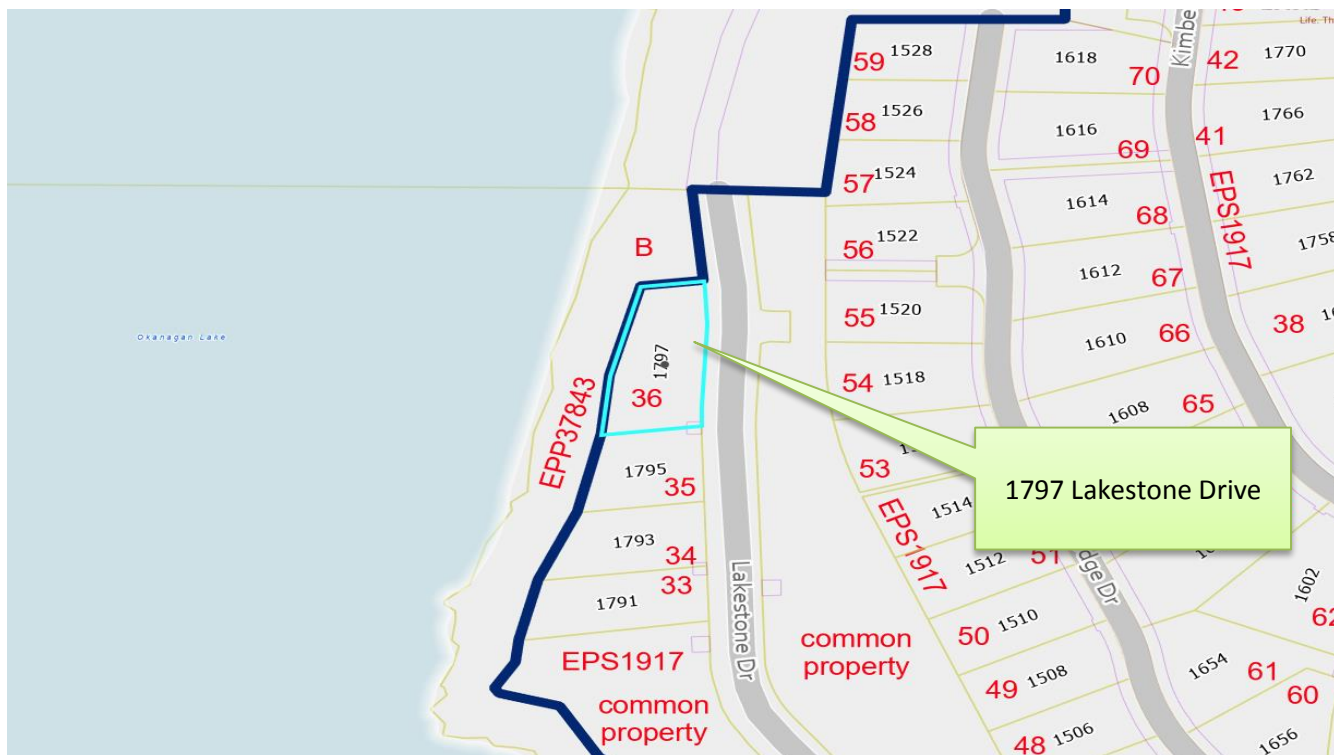
**TABLE 2: PROPERTY INFORMATION**

Summary Information			
Application Type	New one storey single detached house with an inground swimming pool		
File Number:	DP2021-019-C	Folio/Roll #:	2176046
Legal Description:	Strata Lot 36 Section 4 Township 20 Osoyoos Division Yale District Strata Plan Eps1917 Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form V		
PID	029-490-642		
Civic Address:	1797 Lakestone Drive		
OCP Designation:	Urban Residential		
Zoning Designation:	DC3 - Direct Control 3 (Lakestone)		
Land Use Contract	No		
ALR:	No		
Parcel Size:	897.5 m <sup>2</sup> (0.22 acres)		
Development Permit Area(s):	Hillside; Greenhouse Gas Reduction and Resource Conservation; Natural Environment; and Wildland Fire		
Water Supply:	Municipal		
Sewer:	Municipal		
<b>Site Summary:</b>	<b>Zoning:</b>	<b>Use:</b>	
<i>North:</i>	P1 – Public Park and Open Space	Riparian Area	
<i>East:</i>	DC3 - Direct Control 3 (Lakestone)	Single Dwelling Housing	
<i>South:</i>	DC3 - Direct Control 3 (Lakestone)	Single Dwelling Housing	
<i>West:</i>	P1 – Public Park and Open Space, Okanagan Lake	Riparian Area	

## SITE CONTEXT

The subject property overlooks Okanagan Lake, but the parcel is separated from the foreshore by a steep cliff and public open space. Lakestone Drive is on the east side of the lot, and the subject property is the only vacant lot left on Lakestone Drive.

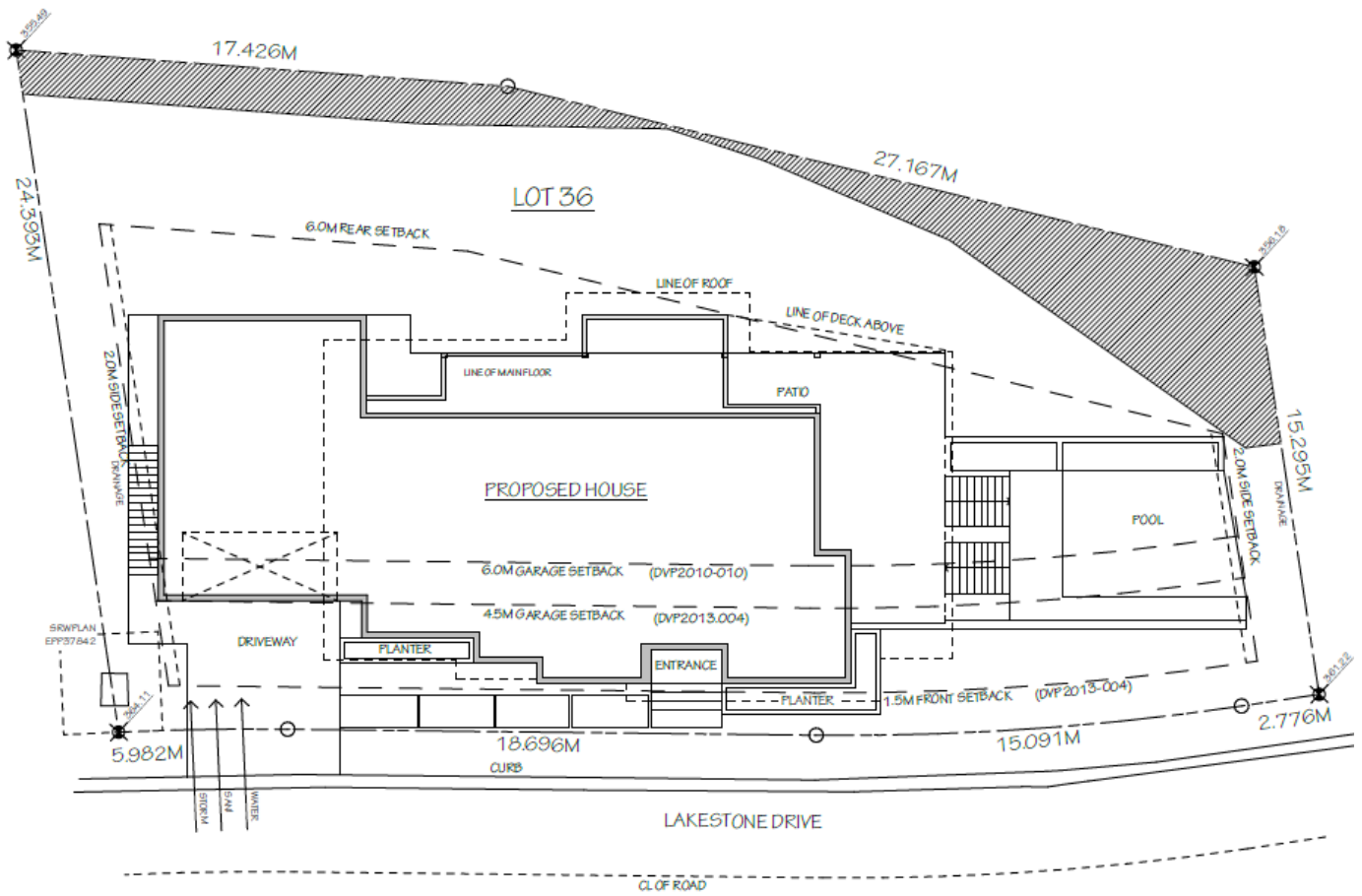
MAP 1: LOCATION MAP



MAP 2: ORTHOPHOTO



**FIGURE 1: CONCEPTUAL SITE PLAN (CONFIRMED THROUGH SUBSEQUENT PERMITTING AND APPROVAL STAGES)**



1 SITE PLAN  
SCALE: 1:150

**FIGURE 2: FRONT PERSPECTIVE**





FIGURE 3: BACK PERSPECTIVE



FIGURE 4: NORTH TO SOUTH PERSPECTIVE



FIGURE 5: SOUTH TO NORTH PERSPECTIVE





**SITE PHOTO 1: LOOKING NORTH FROM THE SUBJECT PROPERTY:**



**SITE PHOTO 2: LOOKING SOUTH FROM THE SUBJECT PROPERTY:**





**SITE PHOTO 3: LOOKING WEST FROM THE SUBJECT PROPERTY:****TABLE 3: CHRONOLOGY**

Date	Event
2021-05-07	Application Submission
2022-07-21	Core Team Meeting
2022-10-03	External Referrals
Today	Council meeting for consideration

**DISCUSSION/ANALYSIS**

The 0.22 hectare (0.54 acres) property is vacant and slopes down steeply west, from Lakestone Drive towards Okanagan Lake. The property is unvegetated. The orientation of the lot and the steep slope down to the lake constrain the developable area of the lot, which is the last unbuilt lot in the area.

Hillside Development Permit Area Guidelines:

The property is surrounded by single-family residences similar in form and size to the proposed development.

The natural topography has been incorporated into the project to minimize site disturbance and blasting. The development does avoid significant cuts and fills intended to create a buildable lot or flat yards.

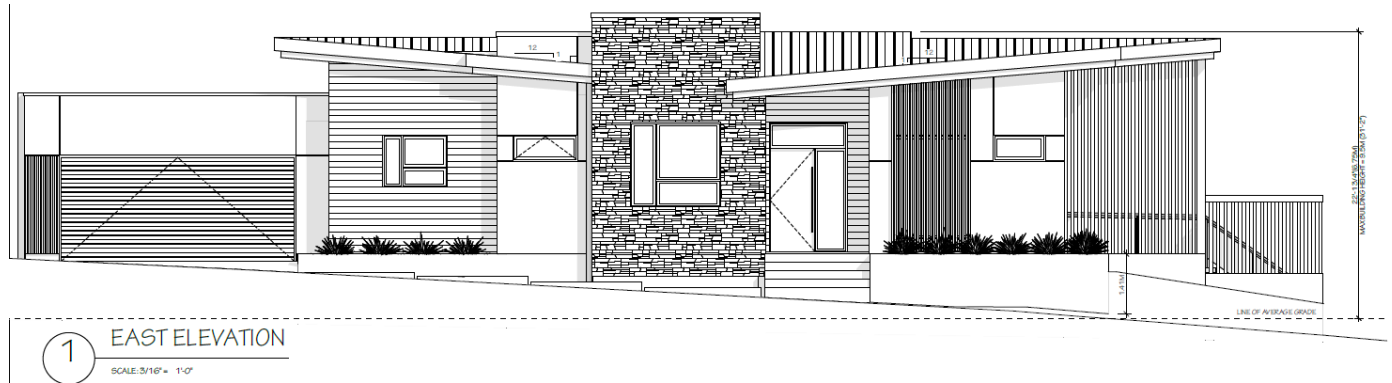
Due to the site's slope, the owner proposes on-site retaining walls. All structures would be required to conform to the Zoning Bylaw height regulations. Landscape features will be installed to reduce the visual impact of all retaining walls. Figures 6, 7 and 8 show that the proposed retaining walls' height complied with the maximum height of 1.5m per the zoning bylaw.

The property has the lowest elevation for waterfront-lots on the local portion of Lakestone Drive. Development of the site will not impede the views from upland properties. The proposed lot coverage is 34%, less than the maximum permitted (40%) in the Zoning Bylaw.

The proposed sensitively designed single-family residence is consistent with the form and character of other dwellings in the neighbourhood.

Considering the constraints posed by the natural topography and terrain of the subject property, it is Staff's opinion that the proposal substantially complies with the Hillside DPA Guidelines.

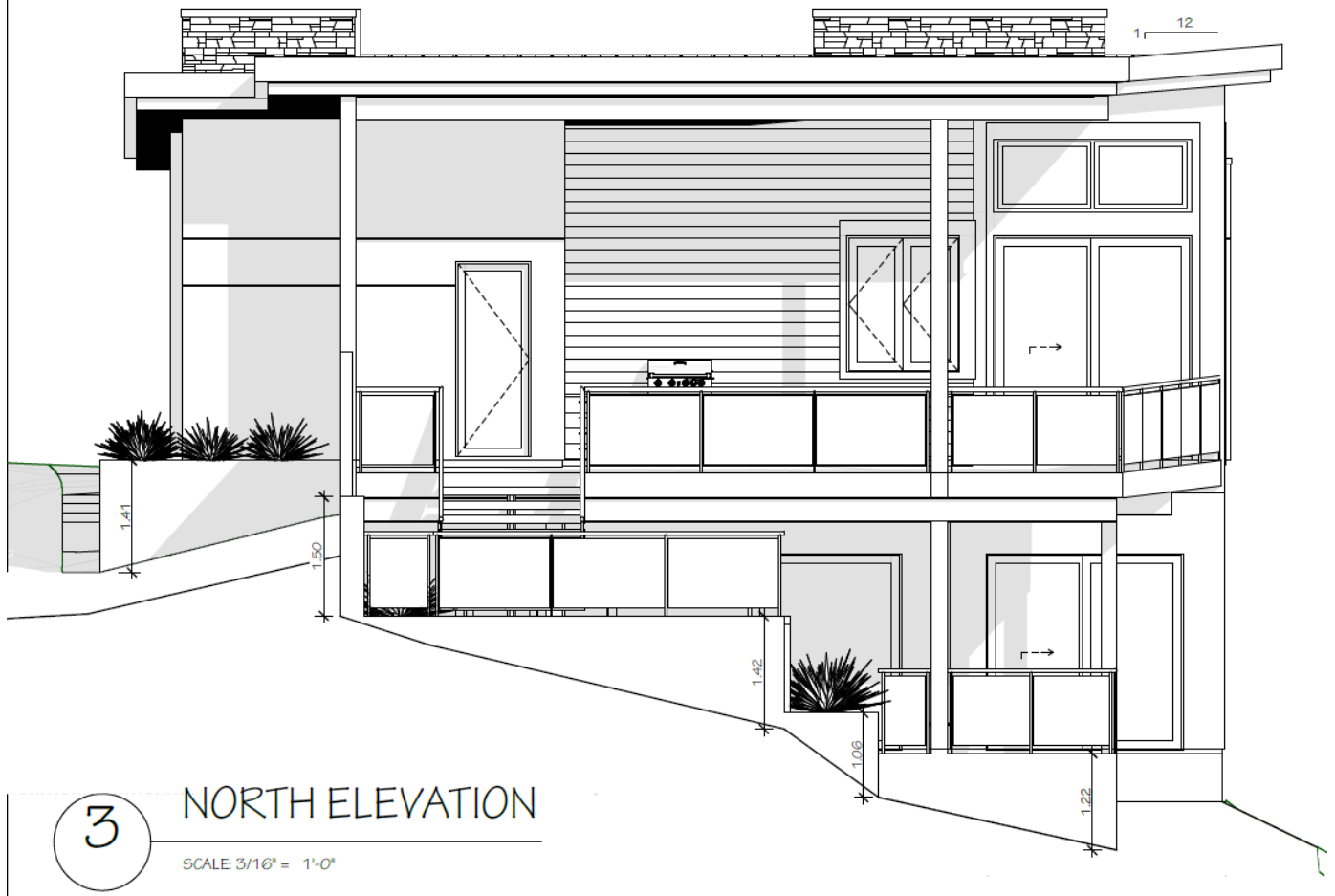
**FIGURE 6: EAST ELEVATION**



**FIGURE 7: WEST ELEVATION**





**FIGURE 8: NORTH ELEVATION****Greenhouse Gas Reduction and Resource Conservation Development Permit Area**

The proposal includes large roof overhangs along the west and south elevations to reduce solar heat gain. The proposed building roof has been oriented to maximize solar gain for the future use of solar panels.

The building materials encourage thermal massing and seasonal thermal energy storage. Also, there are opportunities for natural ventilation and airflow incorporated into the building.

The proposed landscaping plan includes drought-tolerant and indigenous plant species to reduce the need for irrigation.

It is Staffs' opinion that the proposal substantially complies with the GHG Reduction and Resource Conservation DPA guidelines.

**APPLICABLE LEGISLATION AND POLICIES****Official Community Plan**

- Section 21 states the justification and requirements for the various development permit areas within the District of Lake Country.
- Section 21.10 and Map 16 depict the Hillside Development Permit Area guidelines. The purpose of the Hillside Development Permit Area is to enhance the visual impact of development on steep slopes, to protect development from hazardous conditions and protect the natural environment, its ecosystems and biological diversity.
- Section 22.13 and Map 19 depict the Greenhouse Gas Reduction and Resource Conservation Development Permit Area guidelines. The purpose of the Greenhouse Gas Reduction and Resource Conservation Development Permit Area is to provide the community with a development tool that will aid in the reduction of greenhouse gases and conserve water and energy resources in the community.

### Zoning Bylaw

- Section 19.3 DC3 – Direct Control 3 (Lakestone)  
Development Regulations as per Section 19.3.4:

**TABLE 3: SUMMARY OF ZONING REGULATIONS**

	<b>Allowed</b>	<b>Proposed</b>
<b>Lot Coverage</b>	40% and together with driveways and parking areas, shall not exceed 50%	305.4m <sup>2</sup> / 34%
<b>Height</b>	9.5m, 3 storeys	8.87m, 1 storey
<b>Setbacks</b>		
Front	Garage setback: 4.5m (as per DVP2013-004) Building Setback: 1.5m (as per DVP2013-004)	Garage setback: 4.5m Building Setback: >1.5m
Side	2.0m	2.0m
Rear	6.0m	>6.0m

### Development Approval Procedures Bylaw

The bylaw identified the application that shall be considered and decided by Council in accordance with Schedule D of the Development Approval Procedure Bylaw.

### Highway Bylaw (Driveway Access Permit)

An approved Driveway Access Permit (A2021-091) is on file.

### **IMPACT ON INFRASTRUCTURE OR MUNICIPAL SERVICES**

Minimal impacts to District infrastructure or services are expected. Connection to the municipal water and sanitary sewer services provided at the property frontage will be required.

### **IMPACT ON STAFF CAPACITY AND FINANCIAL RESOURCES**

If the Development Permit is approved, regular staff time will be used to process the building permits and follow-up site visits to inspect landscaping prior to return of the landscape security.

### **COMMENTS FROM EXTERNAL AGENCIES, COMMITTEES AND STAKEHOLDERS**

The following external agencies were referred however, they either didn't have any concerns or no comments:

- Alto Utilities,
- B.C. Assessment Authority,
- BC Hydro,
- Canada Post,
- FortisBC Gas and Electric,
- Interior Health Authority,
- Okanagan Basin Water Board and
- TELUS

Shaw: "Shaw supports this application, please note that Shaw has an underground structure and network in the area. Also, please advise the Owner/Developer that Shaw would require a dedicated underground conduit that is installed in a common trench, along with the electrical utility at the time of Construction and shall reach out to us in advance so that we can discuss our closest tie-in point."



## CONSULTATION AND COMMUNICATION

As this application is a Development Permit, there is no statutory requirement to provide notification to neighbouring property owners and tenants.

## ANALYSIS OF OPTIONS FOR CONSIDERATION

OPTION A: Should Council approve the proposed Development Permit, staff will review the technical portion of the Development Permit application. If both are Development Permits are approved, the owners will be able to apply for their Building Permits.

OPTION B: Should Council deny the Development Permit application, the applicants will need to revise their plans and resubmit a Development Permit application prior to being able to apply for Building Permits.

OPTION C: If Council defers the application, staff will work with the applicant to ensure that additional information or revisions are provided.

Respectfully Submitted,  
Jason T. Tran, Planner

### Collaborators:

Name	Date Reviewed
Sid Smith, Senior Engineering Technician	2023.02.06

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**Report Approval Details**

Document Title:	Development Permit-DP2021-019-C-1797 Lakestone Drive.docx
Attachments:	- Attachment A - Draft Permit - DP2021-019-C - 1797 Lakestone Drive.pdf - Attachment B - Development Permit Checklists.pdf
Final Approval Date:	Feb 9, 2023

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

**Brian Zurek, Manager of Planning - Feb 9, 2023 - 9:46 AM**

**Jared Kassel, Director of Planning & Development - Feb 9, 2023 - 10:03 AM**

**No Signature found**

**Matthew Salmon, Director of Engineering and Environmental Services - Feb 9, 2023 - 11:27 AM**

**Reyna Seabrook, Director of Corporate Services - Feb 9, 2023 - 12:14 PM**

**Tanya Garost, Chief Administrative Officer - Feb 9, 2023 - 2:24 PM**