
MEETING TYPE: Special Council Meeting
MEETING DATE: April 11, 2023
AUTHOR: Steven Gubbels, Manager of Development
DEPARTMENT: Engineering and Environmental Services
ITEM TITLE: Development Variance Permit DVP2021-018 – 4111 Evans Road (Part 1)
DESCRIPTION: Subdivision and Development Servicing Bylaw variances for sewer, water and roads requirements.

QUESTION

Does Council wish to vary the Subdivision and Development Servicing Bylaw 1121, 2020, requirements for sewer, water and roads for the Owl's Nest development?

OPTIONS

- A. THAT DVP2021-018 for property located at 4111 Evans Road, Roll 1807002, be approved for variances to the following sections of the Subdivision and Development Servicing Bylaw 1121, 2020 (SDDS):
- Section C.1.3 to allow an onsite sewerage system.
 - Section I.4.1 to reduce the minimum fire flow requirement from 150 to 83 litres per second.
 - Section G.6.1 to increase the minimum cul-de-sac length from 300 to 370 metres, and to waive the requirement for an emergency access.
- B. THAT DVP2021-018 for property located at 4111 Evans Road, Roll 1807002, for variances to the Subdivision and Development Servicing Bylaw 1121, 2020 (SDDS) be denied
- C. THAT DVP2021-018 for property located at 4111 Evans Road, Roll 1807002, to the Subdivision and Development Servicing Bylaw 1121, 2020 (SDDS) be deferred pending receipt of additional information as identified by Council.

EXECUTIVE SUMMARY

The Cantiro Group LP is seeking approval to develop a 38-unit strata resort community on Kalamalka Lake, located at the end of Evans Road.

The property is split zoned Tourist Commercial (C9) and Agriculture 1 (A1). The currently proposed development is unable to achieve some of the engineering servicing requirements of the Subdivision and Development Servicing Bylaw 1121, 2020 (SDDS). Variances are proposed to sewer, water and roads requirements. These requirements are such that if they are not approved by Council, this type of development likely cannot be achieved on the site.

BACKGROUND/HISTORY

In October 2015, a Development Variance Permit (DVP2014-010) was issued to previous owners of the property allowing an onsite sewerage system for the construction of a maximum of 50 units. This DVP expired on October 14th, 2017.

In 2018, the owners applied for an Area Structure Plan, Official Community Plan Amendment and Zoning Amendment for this project (File # ASP2018-001 and Z2017-009). These applications proposed to amend the Official Community Plan (OCP) to change the future land use designations of the site from Tourist Commercial and

Agricultural to Urban Residential. The Zoning Bylaw amendment proposed to rezone the site from Tourist Commercial (C9) and Agricultural (A1) to a new Direct Control zone called Oyama Net Zero.

In July 2018, a Development Variance Permit application (DVP2018-008) was submitted to vary servicing requirements to allow an onsite sewerage system to waive the requirement to connect to community sewer, which is not yet available in Oyama. However, through stakeholder consultation it was determined that the OCP and Zoning Amendments were not feasible due to the servicing and lot size requirements triggered by these proposed amendments, and all three applications were closed.

In December 2020, after some revisions to the project, an application for a Development Permit was filed with the District of Lake Country under the existing Tourist Commercial (C9) zoning. In July 2021, a Development Variance Permit application was submitted for a dock variance, which was later extended to include additional variances.

On October 4th, 2022 this application was before Council requesting direction on OCP policy regarding privately run sewage treatment facilities. Motion 2022-10-178 was carried directing staff to initiate the OCP amendment process for Council's consideration. Council also directed staff to bring forward a report and options for the consideration of the District owning the Satellite Sewerage System specifically on the property located at 4111 Evans Road. A legal opinion was obtained that recommended against the District owning the Satellite Sewerage System and supporting the interpretation that Council could consider a sewerage system development variance permit for the Owl's Nest project.

PROPERTY INFORMATION			
Civic Address:	4111 Evans Road		
Roll Number:	1807002		
Legal Description:	Lot A, Sections 11 and 14, Township 14, ODYD, Plan EPP103404		
Applicant:	Cantiro Group	Owner(s):	Cantiro Group
OCP Designation:	Tourist Commercial/Agricultural		
Existing Zoning Designation:	Tourist Commercial (C9)/Agricultural (A1)/Recreational Water Use (W1)		
Proposed Zoning:	N/A		
Land Use Contract:	No		
ALR:	No		
Parcel Size:	2.32 ha/5.745 acres		
DP Area(s):	Agriculture (buffer), Hillside, Natural Environment, Greenhouse Gas Reduction and Resource Conservation		
Water Supply:	Municipal		
Sewer:	Onsite Sewerage System		
Site Context:	Zoning:	Use:	
<i>North:</i>	Agriculture (A1)	Agricultural (residential) in ALR	
<i>East:</i>	Public Park and Open Space (P1) & Recreational Water Use (W1)	Park – Rail Trail & Rec. Water Use	
<i>South:</i>	Agriculture (A1)	Agricultural in ALR	
<i>West:</i>	Agriculture (A1)	Agricultural in ALR	

MAP 1: LOCATION MAP WITH ORTHOPHOTO**DISCUSSION/ANALYSIS**

The variances to the SDDS that are before Council in this report are to the sewer system, the water system, and the road network. The reason these variances are being brought forward separately from the Development Permit and additional Zoning Bylaw variances is because they are considered critical to the type of development proposed. If these variances are denied by Council the development likely cannot proceed as it is currently proposed.

Onsite sewerage system variance:

Table C.1.3 of the District's Subdivision and Development Servicing Bylaw requires all development in commercial zones to be connected to a community sewer system. This parcel is zoned C9, making this requirement applicable to this development.

C.1.3 The required works must be constructed and installed prior to obtaining final approval.

TABLE C-1 SERVICING REQUIREMENTS														
TYPE OF WORKS		Highways and Walkways	Sidewalks	Curb & Gutter	Boulevard & Landscaping ³	Water Distribution System	Water Source	Community Sewer ²	Onsite Sewerage system	Storm Drain System	Drainage, Sediment & Erosion Control	Street lighting	Overhead wiring	Underground Utilities
		G	H	H	H	I	J	K	L	M	N	O	P	P
Zone														
C	ALL COMMERCIAL ZONES	✓	✓	✓	✓	✓		✓		✓	✓	✓		✓

Section K.1.1 of the SDDS further states:

“If community sewer is required in accordance with this Bylaw, a subdivision or development must not be approved unless the Owner of the parcel being subdivided or developed, provides each parcel in the subdivision or development with a sanitary sewer service connected to the District Sanitary Sewer System. All works must be constructed and installed in accordance with the standards as set out in this Bylaw.”

The variance request is to allow an onsite sewerage system instead of a connection to community sewer. The engineered drawings for the proposed Type 3 private sewer system designed by a Registered Waste Water Practitioner, have been accepted for registration by Interior Health.

Due to staff concerns about operational issues and the responsibility for ongoing maintenance, the owner was asked to provide a risk assessment memo to address these concerns. The memo provided by the owner confirmed their commitments to mitigating the risk of a possible system failure, and generally satisfied staff concerns. In the memo the owner commits to further mitigate the risks by ensuring that a Capital Reserve fund is set up to cover future operations, replacements parts, and ultimate replacement of the system. These will be set up as part of the stratification process.

The water distribution system variance:

The SDDS Bylaw requirements for fire flow are outlined in section 1.4.1 and Table I-3:

1.4.1 Water distribution systems must be designed to ensure that fire flows as required by the most recent Fire Underwriters Survey are available for required durations. Notwithstanding, the provisions of the Fire Underwriter's Survey, fire flows and shall not be less than:

TABLE I-3- REQUIRED FIRE FLOW	
Zone	Required Fire Flow
Single & Two Dwelling Housing	60 litres/sec
Modular/Mobile Home	60 litres/sec
Three & Four Plex Housing	90 litres/sec
Apartments & Row Housing	150 litres/sec
Commercial	150 litres/sec
Institutional	150 litres/sec
Industrial	225 litres/sec

The Fire Underwriters Survey calculation provided by the owner's engineer was calculated to be 83 litres/second. Table I-3 requires a minimum fire flow of 150 litres/second for all commercial zoned property, and 60 litres/second for single and two dwelling housing. The actual use of the site is equivalent to two dwelling housing, and the FUS calculation exceeds the minimum for that type of use.

The FUS calculation and this variance have been reviewed with the Director of Utilities, the District Engineer, and the Lake Country Fire Department. The Fire Department notes that the spatial separation of the buildings is something that impacts the FUS calculation, and these separations would need to be confirmed at the Building Permit stage.

While the owner is proposing improvements to the water system, the 150 litres per second requirement in the bylaw would likely require significant upgrades to the water distribution system.

The variance request is to reduce the minimum fire flow from 150 litres/second to 83 litres/second.

Variance to cul-de-sac/road length:

Section G.6.1 of the SDDS limits cul-de-sacs to a maximum length of 300 metres. Section G.6.4 further states that any cul-de-sac exceeding 200m in length requires a paved emergency access within 50 metres of the end of the cul-de-sac.

The interpretation of the cul-de-sac length, confirmed by the District's traffic consultant, is that it is measured from the last point where there are two or more alternative routes to exit to the remainder of the road network. In this case, this point is taken to be the intersection of Evans Road and Pelmeash Parkway, a distance of approximately 370m. It is unlikely that there are any reasonable opportunities to provide the required emergency access from this development as it is surrounded by private properties and ALR land. Without an emergency access there is one way in and out of this site, which once built out would likely contain 75-100 residents.

The variance request is to increase the minimum cul-de-sac length from 300m to 370m, and to waive the requirement for an emergency access.

Potential for future variances:

It is important to note that these variances are ones that are known at this time with the information that is currently available to staff with the preliminary servicing design.

APPLICABLE LEGISLATION AND POLICIES

Subdivision and Development Servicing Bylaw 1121, 2020.

IMPACT ON INFRASTRUCTURE OR MUNICIPAL SERVICES

It is a private sewer system so the impact is minimal, although a system failure could lead to impacts and ongoing commitments to the District.

IMPACT ON STAFF CAPACITY AND FINANCIAL RESOURCES

Regular staff time and resources have been used to process the application. A significant amount of staff time has been spent on the application. Should this file be deferred back to staff, it may impact processing times on other files.

CONSULTATION AND COMMUNICATION

Public notifications followed the requirements for a DVP as listed in Table 1 of the Development Approvals Procedure Bylaw 1133, 2021.

ANALYSIS OF OPTIONS FOR CONSIDERATION

OPTION A: Approval would allow the owner to proceed to the next steps in the development process, which is consideration of Zoning Bylaw variances and the Development Permit. The development could proceed as it is proposed.

OPTION B: Denial would likely result in the inability to proceed with this development as it is proposed.

OPTION C: Deferral pending receipt of additional information as identified by Council would return the applications to staff to continue working with the owner to address identified concerns.

Respectfully Submitted,
Steven Gubbels, Manager of Development

Collaborators: *(each individual collaborator to add name and date reviewed)*

Name	Date Reviewed
Inonge Aliaga Labun, Senior Planner	2023-03-16
Darren Lee, Director of Protective Services	2023-03-16
Brent Penner, Deputy Fire Chief	2023-03-16

Report Approval Details

Document Title:	Development Variance Permit - DVP2021-018 - 4111 Evans Rd - Owls Nest Subdivision Variances (Sewer, water and roads).docx
Attachments:	
Final Approval Date:	Mar 31, 2023

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

Matthew Salmon, Director of Engineering and Environmental Services - Mar 30, 2023 - 8:51 AM

Jared Kassel, Director of Planning & Development - Mar 30, 2023 - 9:59 AM

Reyna Seabrook, Director of Corporate Services - Mar 30, 2023 - 12:37 PM

Tanya Garost, Chief Administrative Officer - Mar 31, 2023 - 9:55 AM

MEETING TYPE: Special Council Meeting
MEETING DATE: April 11, 2023
AUTHOR: Inonge Aliaga, Senior Planner
DEPARTMENT: Planning and Development
ITEM TITLE: Development Variance Permit –DVP2021-018 – 4111 Evans Road (Part 2)
DESCRIPTION: Zoning Bylaw Variances for dock size, landscape and fencing regulations, to facilitate a 38-unit resort strata development.

QUESTION

Does Council support the Zoning Bylaw variances for the proposed 38-unit resort strata development?

For the dock:

- To allow a multi-walkway dock rather than an L or T-shaped dock;
- To increase the maximum length of the dock parallel to the shore from 10m to 83.2m; and
- To increase the maximum length of the dock from the natural boundary of the upland parcel into the water from 40m to 42m.

For the landscape and fencing:

- To reduce the required landscape buffer width along the south property line from 3m to 1.5m;
- To allow a transparent fence instead of an opaque fence along the south and west property lines where there is a significant grade difference between properties;

OPTIONS

- A. THAT DVP2021-018 for property located at 4111 Evans Road, PID 031-188-371 and Roll 1807002, to vary Zoning Bylaw 561, 2007 as follows:
1. Section 10.12.4(c) to allow a multi-walkway dock shape rather than an L or T-shape;
 2. Section 10.12.4(c) to increase the maximum length of the dock parallel to the shoreline from 10m to 83.2m; and,
 3. Sections 10.12.4(e) and 18.6.6(a)(i) to increase the maximum length of the private dock from the natural boundary of the upland parcel from 40m to 42m;
 4. Section 8.6.1(a) to reduce the required landscape buffer width from 3m to 1.5m along a portion of the south property line;
 5. Section 8.6.1(c) to allow transparent fence where there is a substantial grade difference between properties along parts of the south and west property lines ;
- be approved.
- B. THAT DVP2021-018 for property located at 4111 Evans Road, PID 031-188-371 and Roll 1807002, to vary Zoning Bylaw 561, 2007 as follows:
1. Section 10.12.4(c) to allow a multi-walkway dock shape rather than an L or T-shape;
 2. Section 10.12.4(c) to increase the maximum length of the dock parallel to the shoreline from 10m to 83.2m; and,
 3. Sections 10.12.4(e) and 18.6.6(a)(i) to increase the maximum length of the private dock from the natural boundary of the upland parcel from 40m to 42m;
 4. Section 8.6.1(a) to reduce the required landscape buffer width from 3m to 1.5m along a portion of the south property line;