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**MEETING TYPE:** Regular Council Meeting  
**MEETING DATE:** July 4, 2023  
**AUTHOR:** Jason T. Tran  
**DEPARTMENT:** Planning and Development  
**ITEM TITLE:** Zoning Amendment Bylaw 1208, 2023 | Z2022-002 | 11530 Turtle Bay Court  
**DESCRIPTION:** To rezone from RU-1 Urban Single Family Residential to P2 – Administration, Public Service and Assembly, to facilitate the development of a two-storey care centre at 11530 Turtle Bay Court.

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## QUESTION

Does Council support an application to rezone a property at 11530 Turtle Bay Court from Urban Single Family Residential (RU-1) to Administration, Public Service and Assembly (P2) to facilitate the development of a two-storey care centre? Furthermore, does Council wish to proceed to public hearing?

## OPTIONS

- A. THAT Zoning Amendment (Z2022-002) Bylaw 1208, 2023 be read a first and second time;  
AND THAT Zoning Amendment (Z2022-002) Bylaw 1208, 2023 be forwarded to a public hearing.
- B. THAT no public hearing be held for Zoning Amendment (Z2022-002) Bylaw 1208, 2023;  
AND THAT staff be directed to give notice of the decision not to hold a public hearing;  
AND THAT Zoning Amendment (Z2022-002) Bylaw 1208, 2023 be brought back for consideration following the required notice.
- C. THAT Zoning Amendment (Z2022-002) Bylaw 1208, 2023 not be read and that the file be closed.
- D. THAT Zoning Amendment (Z2022-002) Bylaw 1208, 2023 be deferred pending receipt of additional information as identified by Council.

## EXECUTIVE SUMMARY

The Troika Management Corp. and Wood Lake Manor Residential Care Facility Ltd., the owners of 11530 Turtle Bay Court, propose to rezone the subject property from RU1 – Single Family Housing to P2 – Administration, Public Service and Assembly. The proposed development concept for the property is a 36-unit, two-storey care centre.

The subject property is designated Tourist Commercial in the Official Community Plan. It is adjacent to a large RV park and has access to amenities along Woodsdale Road, including transit services, a park, the Rail Trail and beach access.

Should Council support this application, the owners would be required to obtain a Development Permit and Development Variance Permit to authorize the development concept.

## BACKGROUND/HISTORY

The Official Community Plan (OCP) future land use designation for the subject property is tourist commercial, and its current zoning is RU-1 urban single family residential. The proposed application would align the zoning for the subject property with the OCP's future land use designation. The application was originally received on April 20,

2022. Staff reviewed the file and requested revised documents. The application was considered complete on July 12, 2022.

**TABLE 1: PROPERTY INFORMATION**

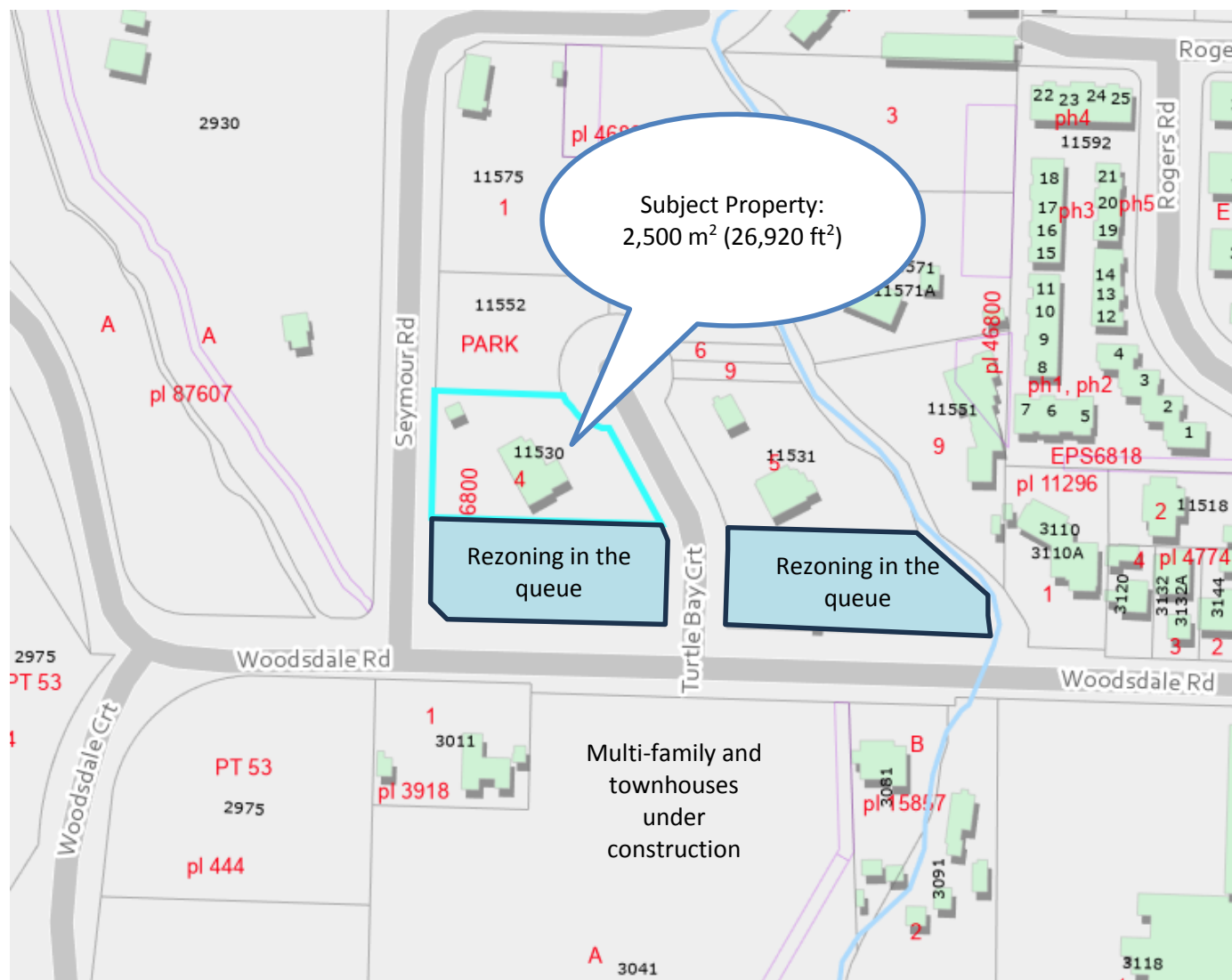
PROPERTY INFORMATION			
<b>Civic Address:</b>	11530 Turtle Bay Court		
<b>Roll Number:</b>	11606202		
<b>Legal Description:</b>	PID: 017-705-347 LOT 4 DISTRICT LOT 169 OSOYOOS DIVISION YALE DISTRICT PLAN KAP46800		
<b>Applicant:</b>	Troika Management Corp.	<b>Owner(s):</b>	Wood Lake Manor Residential Care Facility Ltd.
<b>OCP Designation:</b>	Tourist Commercial		
<b>Existing Zoning Designation:</b>	RU1 - Single Family Housing		
<b>Proposed Zoning:</b>	P2 - Administration, Public Service and Assembly		
<b>Land Use Contract:</b>	No		
<b>ALR:</b>	No		
<b>Parcel Size:</b>	2,500 m <sup>2</sup> (26,920 ft <sup>2</sup> )		
<b>DP Area(s):</b>	Multiple-Unit, Drainage Corridor and Greenhouse Gas Reduction and Resource Conservation		
<b>Water Supply:</b>	Private Well		
<b>Sewer:</b>	On-Site		
<b>Site Context:</b>	<b>Zoning:</b>	<b>Use:</b>	
<b>North:</b>	P1 - Public Park and Open Space	Turtle Bay Park	
<b>East:</b>	RU1 - Single Family Housing	Single Dwelling Housing	
<b>South:</b>	Existing: RU1 - Single Family Housing Proposed: Application for C9 – Tourist Commercial	Existing: Single Dwelling Housing Proposed: Application for Tourist Commercial	
<b>West:</b>	C9 – Tourist Commercial	Campground	

## SITE CONTEXT

The vision for the Woodsdale neighbourhood in the District's OCP is one of a mid-range density, mixed-use urban neighbourhood, with attractive recreation and transportation amenities (OCP Section 5.4). Building on the existing amenities, like Turtle Bay Park and the Rail Trail, and commercial enterprises along Woodsdale Road, the future land use plan identifies the area as a mix of tourist commercial, mixed-use commercial, and high-density residential.

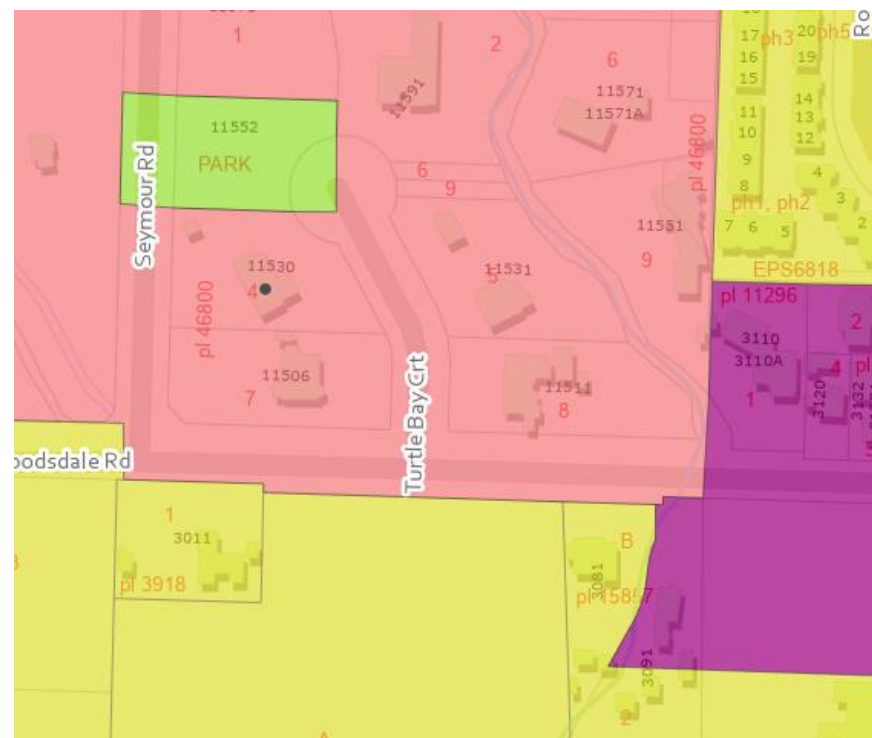
The District of Lake Country (DLC) has recognized the development pressures in this neighbourhood. As an interim step, it has targeted resources to upgrade amenities such as bike paths and bus stops along Woodsdale Road (summer 2023). Further frontage upgrades would be triggered by the redevelopment of individual properties.

Many local properties are in various stages of redevelopment. A multi-family development is under construction at 3041 Woodsdale Road, and proposals for increased residential or tourist commercial density have been submitted to the DLC for the properties at the corner of Turtle Bay Court and Woodsdale Road. Further east on Woodsdale Road, several recent townhouse developments have been constructed, with more townhouses and multi-family buildings in the proposal stage. This neighbourhood is transitioning from large-lot single-family homes with onsite servicing to the medium-density, mixed-use, municipally serviced neighbourhood envisioned by the OCP.





### MAP 3: OCP FUTURE LAND USE



Purple: Mixed Use Commercial  
Yellow: High Density Residential  
Pink: Tourist Commercial  
Green: Park





## 11530 TURTLE BAY COURT, LAKE COUNTRY BC





FIGURE 3: RENDERING OF THE CONCEPT DEVELOPMENT ENTRANCE



FIGURE 4: RENDERING OF THE CONCEPT DEVELOPMENT PATIO (NORTH SIDE)





**SITE PHOTO: SHOWING CURRENT USE (LOOKING WEST)****TABLE 2: CHRONOLOGY**

Date	Event
2022-04-20	Application Submission
2022-07-12	File Deemed Complete
2022-09-01	Core Team Meeting
2022-10-10	External Referrals
2023-02-01	MOTI Referral
2023-05-26	Neighbour Consultation
Today	Zoning Amendment Council Consideration for First and Second Reading

**DISCUSSION/ANALYSIS**

The applicant's development concept includes a 36-unit, two-storey care centre facility. Generally, this type of facility would include a commercial kitchen, a common dining room, and outdoor amenities to support the needs of residents. Security would be a key facility component, as the concept care centre would provide supports for individuals who may be immobile and/or non-cognitive. The applicant's rationale letter for the proposed project is included in Attachment A.

The subject property is designated in the OCP for Tourist Commercial Use. It is adjacent to a large RV park and has access to appropriate amenities along Woodsdale Road, including bus services, a park, the Rail Trail and beach access at Wood Lake. The DLC has improvements to Woodsdale Road planned for the summer of 2023. The improvements include enhanced bicycle lanes to better serve the community and support local growth, including special needs housing developments.

The proposed development of the subject property is supported by the policies of the OCP. The OCP encourages the development of tourist, commercial and multiple-unit residential along Woodsdale Road (OCP Section 5.4.6). The OCP policies (Section 5.4.7) encourage mixing commercial and tourist uses and in midrise developments. The proposal does not include commercial amenities. Future residents and patrons would have access to local commercial businesses.

Generally, the proposal is consistent with OCP's vision for the redevelopment of Woodsdale, and the pattern of recent development in the area. The development concept would comply with the zoning requirements for density, vehicle parking and site coverage. The proposed building height conforms to the OCP policy.

The existing single-family dwelling has private water and sanitary sewer services, and vehicle access off Turtle Bay Court. The DLC would require any proposed development on the subject property to connect to municipal water and sewer services. The applicant's development concept includes staff parking and loading vehicle access off Seymour Road, while an ambulance or accessible transport service would deliver residents either at the front entrance or accessible parking at the rear. Building and site design for the proposed project is at a conceptual stage which is appropriate for a rezoning application. The applicant's zoning analysis table is included in Attachment B.

The proposed access design is subject to DLC approval. An application for a Driveway Access Permit is on file (A2022-026) and will be reviewed further through the development application process.

Policies in the OCP (Section 8.2.) and Mobility Master Plan support reducing parking requirements in favour of alternate modes of mobility such as transit access, car sharing, bicycle parking and end of trip facilities.

#### Future Development Permit (Council) with Development Variance Permit

Should Council approve the proposed Zoning Bylaw Amendment, the development would require a Development Permit for Multiple-Unit and Greenhouse Gas & Resource Conservation. The applicant submitted the zoning amendment application with development and variance permit applications simultaneously.

### **APPLICABLE LEGISLATION AND POLICIES**

#### **Process Requirements for a Zoning Bylaw Amendment**

To assist Council in understanding the process requirements for approving a Zoning Bylaw Amendment, portions of the Local Government Act and the Lake Country Development Procedures Bylaw are inserted below:

#### **Local Government Act**

Section 464(1) states that a local government is required to hold a public hearing prior to adoption of a Zoning Bylaw (amendment).

Section 478 of the *Local Government Act* requires all bylaws enacted after the adoption of an OCP to be consistent with that plan.

However, Section 464(2) states that a local government is not required to a Public Hearing on a proposed Zoning Bylaw amendment application if the proposal is consistent with the OCP. If council decides not hold a Public Hearing in accordance with the Act, the local government must provide public notice of the procedural change in accordance with section 467 of the Act. If a Public Hearing is waived, public notice must be provided prior to first reading of the amendment bylaw in a manner that is consistent with the notice requirements for a Public Hearing.

#### **Fit to District Planning Documents**

To assist Council in understanding the uses of Tourist Commercial Zoning and determining the fit of this proposal to District Planning Documents excerpts from the District's Integrated Community Sustainability Plan, Official Community Plan, Zoning Bylaw and Economic Development and Tourism Strategy are cited below:

#### **Official Community Plan:**

##### **Section 5.4 Woodsdale**

###### **Objective**

- 5.4.6 Encourage focused development of tourist, commercial and multiple-unit residential development along Woodsdale Road.

###### **POLICIES**

- 5.4.7 The policies of Council are as follows:



- b. Encourage commercial use in conjunction with residential or tourist uses, incorporating commercial uses on the first 1-2 storeys of development and residential uses on the remaining floors.
- c. Permit up to mid-rise development in Woodsdale.
- d. Support a range of housing types in the Woodsdale neighbourhood, including townhouses, apartments and accessory suites

## **Section 7 Housing**

### **Objective**

- 7.1.6 Improve opportunities for affordable and attainable housing in the community.

### **POLICIES**

- 7.1.7 The policies of Council are as follows:

- b. Expedite permitting procedures for development proposals providing attainable ownership units, rental units, special needs housing, seniors housing, or congregate care facilities"
- d. Consider residential facilities designed for people with special needs in all neighbourhoods.
- g. Consider granting density bonuses for the creation of affordable, rental and special needs housing

## **Section 7.8 Multiple Unit Residential**

### **Objective**

- 7.8.1 Accommodate a range of income levels and ages by encouraging development of mid- and high-density multiple unit projects.

### **POLICIES**

- 7.1.7 The policies of Council are as follows:

- a. Locate high-density, multiple-unit projects within easy access of commercial services, parks, and community and recreational facilities in areas such as Main Street and Woodsdale.

## **OCP Policies on Mobility and Transportation**

- 4.1.12.c. Encourage new development near transit connections.

- 8.2.6.a. The policies of Council are as follows:

- a. Make decisions about transportation investments and land use based upon the Mode Share Targets.
- b. Make decisions about transportation investments and land use based upon the following Modal Hierarchy:
  - i. walking
  - ii. transit
  - iii. cycling
  - iv. high-occupancy vehicles
  - v. goods movement
  - vi. single-occupancy vehicles

- 8.2.10. a. Deprioritize single-occupancy vehicle use by:

- i. Working with developers to identify transportation demand management (TDM) measures for their development in exchange for reduced parking requirements. TDM measures include, but are not limited to, proximity to the Frequent Transit Network, the provision of a car share vehicle, the provision of bicycle parking above the bicycle parking requirement and the provision of end-of-trip facilities.

- 10.1.11.b. Improve active transportation options within the District.

- 10.4.2.c. Provide ease of use appurtenances such as drop curbs, wide sidewalks, smooth trail surfaces, auditory traffic signals and ramped building accesses.

- 10.5.6.a. Provide physical infrastructure that promotes pedestrian and cyclist activity while also acting as an alternative mode of transport.

## **Zoning Bylaw 561,2007**

### **Definition:**

**CARE CENTRE, MAJOR** means an establishment licensed as required under the Community Care and Assisted Living Act intended to provide care, educational services, and supervision for children or adults during the day or evening, and may include limited overnight accommodation to accommodate shift workers. This use includes group day care centres intended for 26 or more patrons, out-of-school centres, and drop-in centres. This also includes care centre, minor and care centre, intermediate.

### **18.2. P2 – Administration, Public Service and Assembly**

#### **Purpose**

The purpose is to provide a zone for administrative, institutional, public service, public administration service and assembly uses.

#### **Principal Uses**

- (a) care centres
- (b) community recreation services
- (c) congregate housing
- (d) emergency and protective services
- (e) extended medical treatment services
- (f) government services
- (g) group homes, major
- (h) health services
- (i) participant recreation services, indoor
- (j) private clubs
- (k) private education services
- (l) public education services
- (m) public libraries and cultural exhibits
- (n) recycled materials drop-off centres
- (o) religious assemblies
- (p) temporary shelter services

The draft zoning bylaw amendment is attached as Attachment C.

### **MOBILITY MASTER PLAN - Implementation Plan**

4.9. Prioritize multi-modal street projects in the core area including Woodsdale Road, Main Street Bike Lanes, Bottom Wood Lake Road connection to Okanagan Rail Trail, and the downtown mobility hub.

4.12. Consider all ages and abilities when planning, designing, and implementing.

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

The subject property is located in an area which is targeted for increased density. As the properties in the Woodsdale area are re-developed, the District Subdivision and Development Servicing Bylaw requires municipal servicing, including water, storm sewer and urban street improvements at the time of Building Permit. The area is currently serviced with sanitary sewer, which may need review, to accommodate the proposed increase in density.

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

Additional staff time and resources have been applied to this application because it was expedited through the permitting procedures as per Council policy in the OCP under section 7.1.7:

*"Expedite permitting procedures for development proposals providing attainable ownership units, rental units, special needs housing, seniors housing, or congregate care facilities."*

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

**BC Transit** supports the proposal as it increases density and can be expected to increase transit ridership. BC Transit encourages the DLC to improve amenities and accessibility at the adjacent bus stops on Woodsdale Road. They also

recommend that the district refrains from oversupplying parking as it can increase vehicle dependency and negatively impact transit use.

**Interior Health** supports the proposed replacement, and expanding this development will increase the community's total number of residential care spaces. It will provide opportunities for residents in Lake Country to continue to age within their home community, long-term housing with ongoing full supportive care for residents, social connectivity to friends and family in the area, and increased employment. All of which have significant impacts on health and well-being.

Also, they support the connection to municipal drinking water and wastewater. They do not currently have any concerns regarding the drinking water supply.

**The Ministry of Transportation and Infrastructure** has no requirements associated with this proposal. They request that the bylaw be sent to them for Ministry's signature after the third reading.

**Other utilities and service providers** did not have any recommendations or concerns.

### **CONSULTATION AND COMMUNICATION**

Council may waive the requirement to hold a Public Hearing for the proposed development application. If the Hearing is waived, public notice will be provided as per the Local Government Act prior to first reading of the Zoning Bylaw amendment. The public would be notified of the of Council's decision to consider waiving the Public Hearing through signage on the property, notification to surrounding property owners/tenants and two advertisements in the local newspaper.

Should Council grant the First and Second reading of the Zoning Bylaw amendment and choose not to waive the requirement to hold a Public Hearing, the Hearing would be held before the third reading. The public will be notified of the Public Hearing through signage on the property, notification to surrounding property owners/tenants and two advertisements in the local newspaper.

The applicant completed the required neighbour consultation with occupants of all properties within 50m of the subject site, on May 26, 2023. The applicant presented the information door to door and discussed the proposal with the neighbours, leaving contact information for questions or concerns. Neither the applicant nor DLC staff has received any questions or concerns regarding the conceptual proposal. The applicant's information provided to neighbours is attached (Attachment D).

### **ANALYSIS OF OPTIONS FOR CONSIDERATION**

OPTION A: If Council chooses Option A, the application will be scheduled for Public Hearing.

OPTION B: If Council chooses Option B, the application will be held pending notification to the community that a public hearing will not be held under Local Government Act (LGA) Section 464.

Under the LGA, notice to the public would include:

#### **Notice if public hearing not held**

- 467 (1) If a local government decides not to hold a public hearing referred to in section 464 (2) [public hearing not required for certain zoning bylaws] on a proposed zoning bylaw, it must give notice in accordance with this section.
- (2) The notice must state the following:
- (a) in general terms, the purpose of the zoning bylaw;
  - (b) the land or lands that are the subject of the bylaw;
  - (c) the date of the first reading of the bylaw;
  - (d) the place where and the times and dates when copies of the bylaw may be inspected.



While the public is not provided an explicit avenue for comment, the public could write to Council or speak at the council meeting.

Once the notice is complete, the application would come to Council at a regular meeting for consideration of first, second and third readings.

Rezoning the subject property from RU-1 to P2 would be aligned with the OCP's Tourist Commercial policies.

OPTION C: If Council chooses Option C, the bylaw will not be given First and Second reading and the file will be closed.

Denying the proposed rezoning application would leave the subject property's zoning unchanged. If council were to deny the rezoning application, the decision would be inconsistent with the Tourist Commercial policies in the OCP.

OPTION D: If Council chooses Option D, staff will work with the applicant to obtain the additional information as identified by Council, which will be provided to Council prior to the application returning to Council for First and Second reading.

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

Name	Date Reviewed

Respectfully Submitted,

Jason T. Tran,  
Planner

## Report Approval Details

Document Title:	Zoning Amendment Bylaw 1208, 2023-Z2022-002-11530 Turtle Bay Court.docx
Attachments:	<ul style="list-style-type: none"> <li>- Attachment A. Z2022-022 Development Rationale Letter.pdf</li> <li>- Attachment B. Zoning Analysis Table - 2 Storey Care Centre .pdf</li> <li>- Attachment C. Zoning Bylaw Amendment Bylaw 1208, with first reading .pdf</li> <li>- Attachment D. Z2022-002 Neighbour Consultation.pdf</li> </ul>
Final Approval Date:	Jun 26, 2023

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

**Brian Zurek, Manager of Planning - Jun 23, 2023 - 1:52 PM**

**Steven Gubbels, Manager of Development - Jun 23, 2023 - 2:03 PM**

**Matthew Salmon, Director of Engineering and Environmental Services - Jun 23, 2023 - 5:17 PM**

**Jared Kassel, Director of Planning & Development - Jun 23, 2023 - 6:55 PM**

**Reyna Seabrook, Director of Corporate Services - Jun 26, 2023 - 12:02 PM**

**Tanya Garost, Chief Administrative Officer - Jun 26, 2023 - 12:42 PM**