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**MEETING TYPE AND DATE:** REGULAR COUNCIL MEETING – NOVEMBER 2, 2021  
**AUTHOR:** TAMERA CAMERON, PLANNER  
**SUBJECT:** **DP2019-034-C (9960/9970 BOTTOM WOOD LAKE ROAD) – AMENDMENT TO RESOLUTION**

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**ESSENTIAL QUESTION:**

Does Council support allowing the owners of this affordable housing development site to provide their required Landscape Security Deposit prior to the issuance of a Building Permit instead of prior to the issuance of the Development Permit?

**OPTIONS:**

- A.** THAT the resolution for Development Permit DP2019-034-C for property located at 9960 and 9970 Bottom Wood Lake Road, legally described as Lots B and C District Lot 118 Osoyoos Division Yale District Plan EPP90725, Roll#2259162 and 2250163 **be amended** to state:

“AND FURTHER THAT the landscape security deposit of \$432,241 be made a condition of the Development Permit to be fulfilled prior to the issuance of the Building Permit.”

- B.** THAT the resolution for Development Permit DP2019-034-C for property located at 9960 and 9970 Bottom Wood Lake Road, legally described as Lots B and C District Lot 118 Osoyoos Division Yale District Plan EPP90725, Roll#2259162 and 2250163 **not be amended** and the owner be required to provide the landscape security deposit prior to Development Permit issuance.

**EXECUTIVE SUMMARY:**

Applicants for this affordable housing project made a request to provide their landscape security deposit prior to Building Permit issuance rather than prior to Development Permit issuance. Allowing the landscape security deposit to be provided at the Building Permit stage will assist the affordable housing provider to obtain financing from CMHC to deliver the approved affordable housing. Although this is a departure from the District’s standard practice, securing the landscape security deposit at Building Permit stage is not uncommon in other municipalities and does not put the District at risk. However, should Council approve the amendment, it may create an expectation for others to seek the provision of their landscape security deposits at Building Permit stage rather than Development Permit stage.

**BACKGROUND/HISTORY:**

Council approved the Development Permit application at the October 5, 2021 Regular Council Meeting. At that time, Council adopted the following resolution 2021.10.213 (emphasis added):

*THAT Development Permit DP2019-034-C for property located at 9960 and 9970 Bottom Wood Lake Road, legally described as Lots B and C District Lot 118 Osoyoos Division Yale District Plan EPP90725, Roll#2259162 and 2250163 for a 196-unit multiple family development be approved.*

*AND THAT Development Variance Permit DVP2021-025 for property located at 9960 and 9970 Bottom Wood Lake Road, legally described as Lots B and C District Lot 118 Osoyoos Division Yale District Plan EPP90725, Roll#2259162 and 2250163, to vary the following sections of Zoning Bylaw 561, 2007:*

- 1. Section 15.5.6(b) to increase the maximum site coverage from 50% to 63.5%;*

2. Section 8.6.1(c) to allow a pathway to be considered a landscape buffer for the rear yard landscape buffer (south property line) for 9960 Bottom Wood Lake Road and the side yard landscape buffer (south property line) for 9970 Bottom Wood Lake Road, be approved;

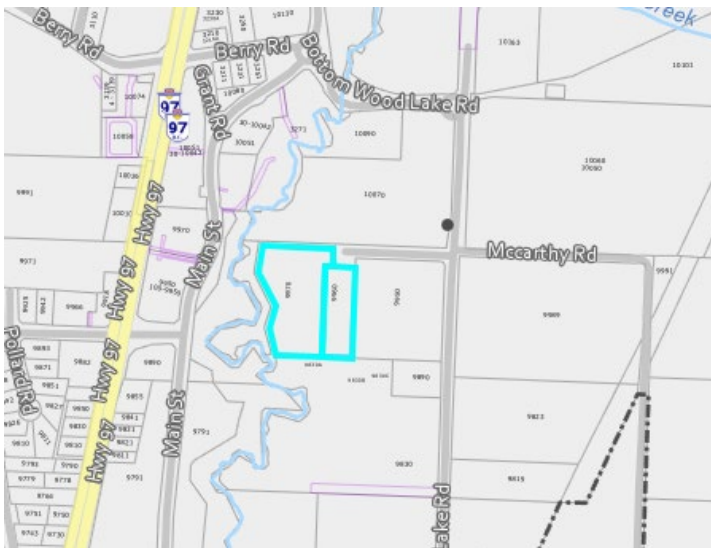
AND THAT the emergency egress at 9960 Bottom Wood Lake Road be surfaced with grasscrete or a similar engineered permeable paving product;

AND THAT the width of the southern pathway be reduced from three to two metres;

**AND FURTHER THAT prior to the issuance of Development Permit DP2019-034-C, a Security Deposit of \$432,241 be submitted to the District of Lake Country to ensure works described in the permit are completed.**

The property owner has requested that the resolution be amended to allow them to provide the Landscape Security Deposit prior to Building Permit issuance rather than prior to Development Permit issuance. They stated that the financing for Avana Developments Inc. is conditional on receiving a Building Permit, and the Letter of Credit for the Security Deposit cannot be processed until the financing has been advanced.

### Map 1: Location Map



### DISCUSSION/ANALYSIS:

While it has been the District's practice to require the landscape security deposit prior to Development Permit issuance, it is not a requirement in the Development Approvals Procedures Bylaw. Allowing the security deposit to be provided prior to Building Permit issuance as a condition of the Development Permit alleviates some financial hardship for the owners, while still providing the ability for the District to ensure the required security deposit is provided. Additionally, it would allow the Development Permit to be issued and allow the review of the Building Permit application to commence once the remaining Access Permit DP condition is satisfied.

Staff support this request since holding the landscape security deposit during the processing of the Building Permit does not serve any particular purpose but is a financial cost and obstacle to this affordable housing project. The landscape security will be in place prior to the issuance of the Building Permit and during construction, which is the purpose of the security. Should Council approve the amendment, it may have the unintended consequence of setting a precedent for future applicants wishing to provide landscape security prior to Building Permit issuance.

### ANALYSIS OF OPTIONS FOR CONSIDERATION:

OPTION A: If Council approves the amendment to the resolution, the Development Permit can be issued immediately. The next step will be for the owner to secure their Access Permit. As soon as that occurs, they can

apply for a Building Permit. This will alleviate some financial hardship for Avana. The security deposit would be received prior to Building Permit issuance.

OPTION B: If Council denies the amendment to the resolution, Avana will be required to provide the security deposit prior to Development Permit issuance. Given the conditions of financing, this would provide a financial hardship for Avana and would likely delay the issuance of the Development Permit and application for Building Permit, as the Building Permit cannot be reviewed until the Development Permit has been issued per the Building Regulations Bylaw.

Respectfully Submitted,

Tamera Cameron  
PLANNER  
PLANNING AND DEVELOPMENT DEPARTMENT

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

<b>CONCURRENCES</b>	
<b>DEPARTMENT</b>	<b>NAME</b>
Chief Administrative Officer	Tanya Garost
Acting Director of Planning & Development	Gary Penway
Manager of Planning	Corine (Cory) Gain

**ATTACHMENTS:**

N/A