
MEETING TYPE: Regular Council Meeting
MEETING DATE: July 16, 2024
AUTHOR: Jason Tran, Planner
DEPARTMENT: Planning and Development
ITEM TITLE: Zoning Bylaw Amendment | Z0000331 | Lot 30 – 18451 Crystal Waters Road
DESCRIPTION: The proposed bylaw would allow for a bare land strata subdivision of an existing parcel zoned DC5 – Direct Control 5 (Crystal Waters)

PURPOSE

To consider a Zoning Bylaw Amendment to allow for a bare land strata subdivision of an existing parcel zoned DC5 – Direct Control 5 (Crystal Waters) in the Oyama Ward of the District.

RECOMMENDATION

THAT Zoning Amendment (Z0000331) Bylaw 1240, 2024 be read a first, second and third time.

EXECUTIVE SUMMARY

The applicant proposes to amend the DC5 – Direct Control 5 (Crystal Waters) zone to allow a bare land strata subdivision of Lot 30 – 18451 Crystal Waters Road.

The Official Community Plan (OCP) designates the property Urban Residential. The proposed Zoning Bylaw amendment is consistent with the OCP.

The owner is constructing a duplex on the subject property. The proposed amendment would permit Lot 30 to be subdivided, creating two separate bare land strata lots and raising separate titles to each duplex unit. The existing density permitted for Lot 30 would be maintained.

Staff supports the proposed Zoning Bylaw amendment.

BACKGROUND/HISTORY

The residential development at 18450 Crystal Waters Road is a private bare land strata subdivision with on-site water and sewer servicing. The Crystal Waters strata is responsible for maintaining the service infrastructure. The application was initially received on July 17, 2023. There is an unoccupied duplex under construction on the subject property.

TABLE 1: PROPERTY INFORMATION

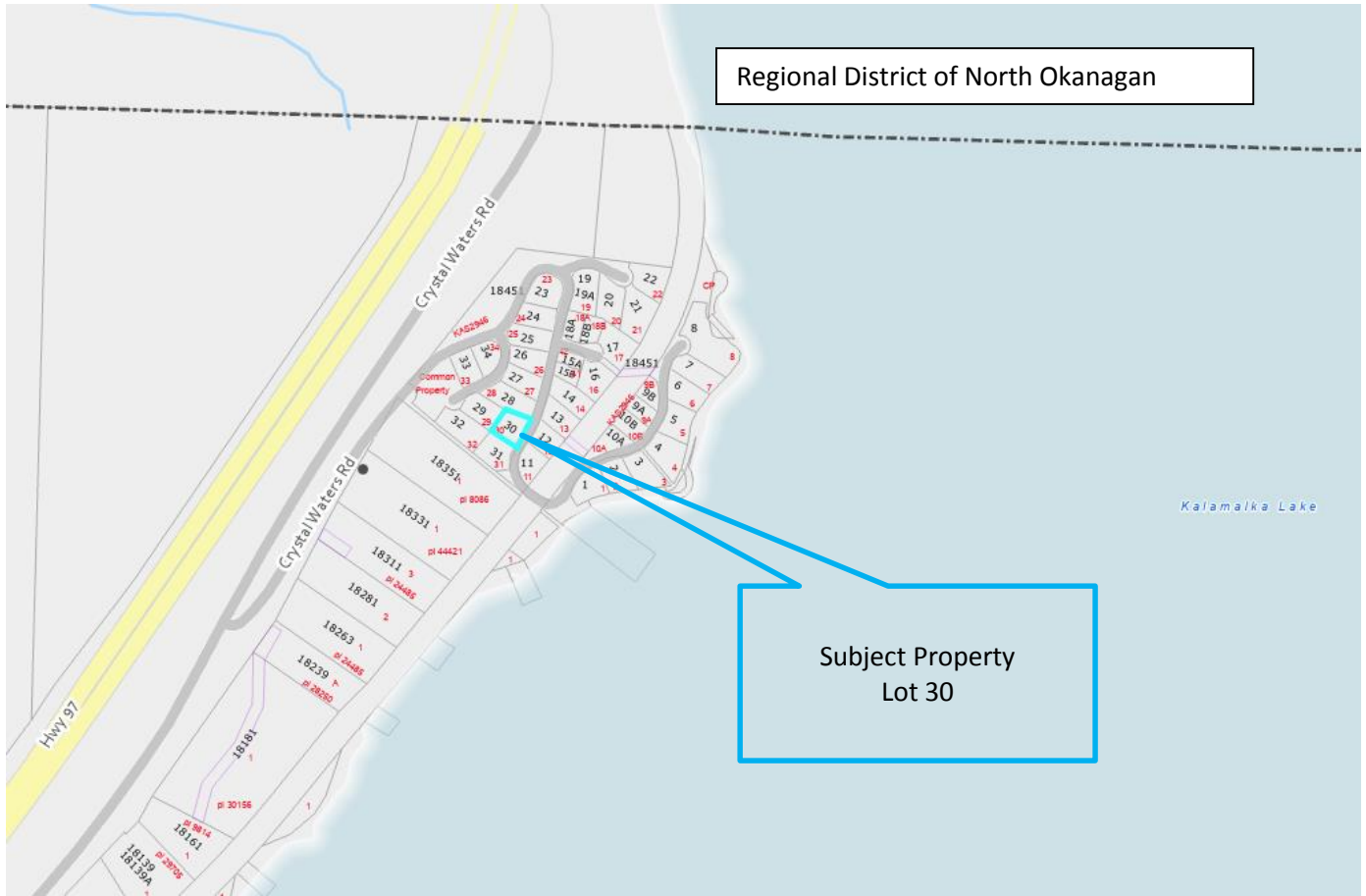
PROPERTY INFORMATION			
Civic Address:	Lot 30 – 18451 Crystal Waters		
Roll Number:	02053.060		
Legal Description:	PID: 026-545-497 STRATA LOT 30 SECTION 24 TOWNSHIP 14 AND DISTRICT LOTS 5237 AND 5238 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2946 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V		
Applicant:	Daniel Engelman	Owner(s):	Daniel Engelman
OCP Designation:	Urban Residential		
Existing Zoning Designation:	DC5 – Direct Control 5 (Crystal Waters)		
Proposed Zoning:	DC5 – Direct Control 5 (Crystal Waters)		
Land Use Contract:	N/A		
ALR:	N/A		
Parcel Size:	0.055 ha (0.136 acres)		
DP Area(s):	None		
Water Supply:	Kal Pine		
Sewer:	Private communal system		

Site Context:	Zoning:	Use:
<i>North:</i>	DC5 – Direct Control 5 (Crystal Waters)	Single Family Residential
<i>East:</i>	DC5 – Direct Control 5 (Crystal Waters)	Single Family Residential
<i>South:</i>	DC5 – Direct Control 5 (Crystal Waters)	Single Family Residential
<i>West:</i>	DC5 – Direct Control 5 (Crystal Waters)	Vacant

SITE CONTEXT

The subject property is suburban in nature and located in the Oyama Ward of the District. The Crystal Waters subdivision is located along the western shore of Kalamalka Lake and bisected by the Rail Trail. Highway 97 is located west of the strata subdivision, and parcels zoned RR3 - Rural Residential 3 lots are located to the south. The subject property is located approximately 150 metres from the District's northern municipal boundary. The Regional District of North Okanagan is just north of Crystal Waters subdivision.

MAP 1: LOCATION MAP



MAP 2: ORTHOPHOTO

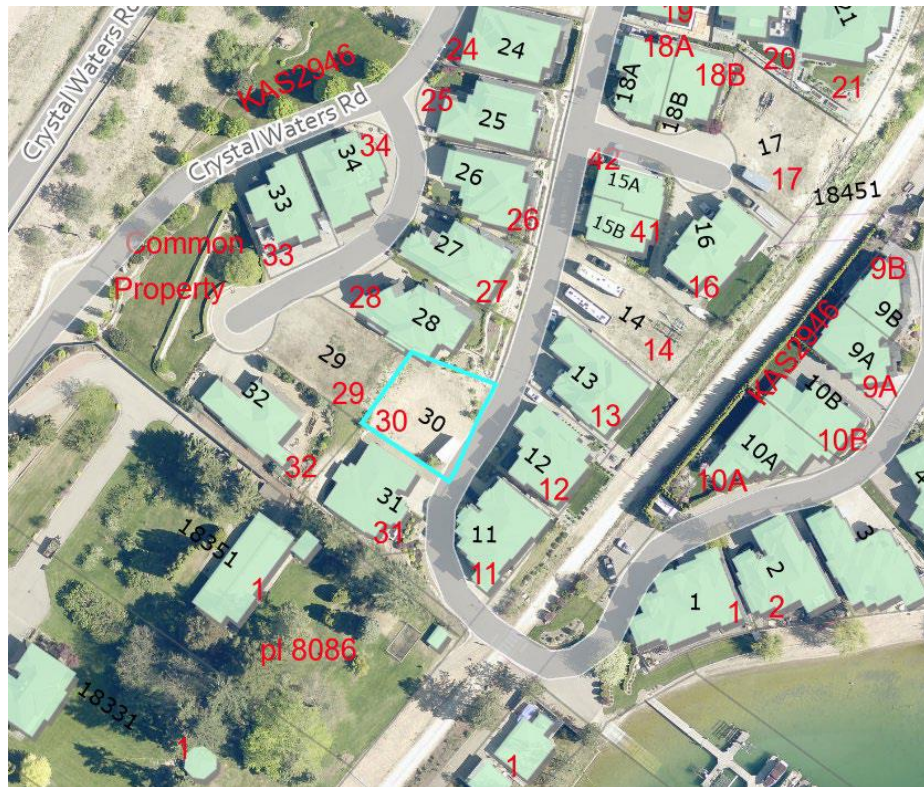


FIGURE 1: SITE PLAN

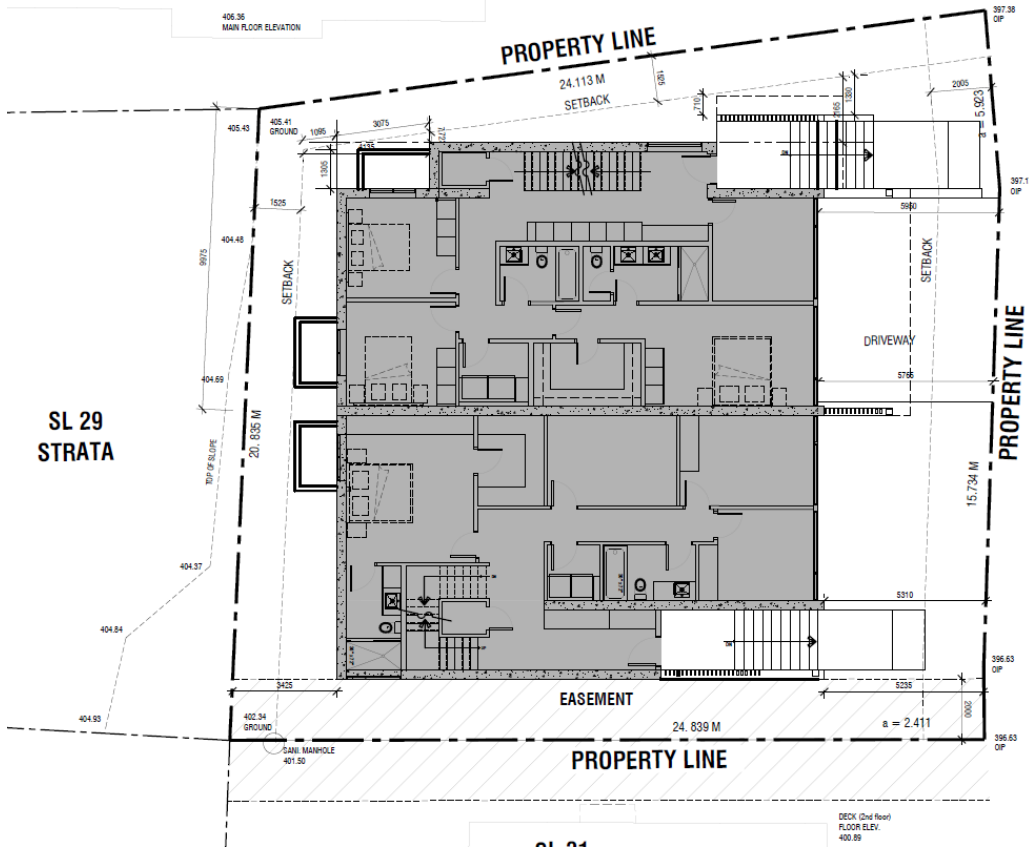


TABLE 2: FILE CHRONOLOGY

Date	Event
2023-07-17	Application Submission
2024-05-15	External Referrals
2024-07-16	Council Meeting

DISCUSSION/ANALYSIS

To evaluate this Zoning Bylaw Amendment application, staff reviewed the District’s OCP for policy direction and the regulations contained in the Zoning Bylaw.

Official Community Plan

The OCP Future Land Use Designation for the subject property is Urban Residential which includes objectives to increase the population density within Urban Residential areas, to maintain and enhance livability within Urban Residential areas, and to minimize conflict between Urban Residential uses and adjacent parcels.

The OCP suggests that Urban Residential areas should support single unit dwellings, duplexes, townhomes, and mobile homes. The proposed Zoning Bylaw amendment would be consistent with the Urban Residential designation by providing another form housing rather than single family residential.

Zoning Bylaw

The DC5 zone permits two family (duplex) or single family residential uses on the subject property. The owner is constructing a duplex on the bare land strata lot. The owner proposes to subdivide Lot 30 into two separate bare land strata parcels. Each proposed parcel would contain one half of the duplex. The proposed subdivision would

allow the owner to create separate titles for each duplex unit. The current DC5 zoning would not permit Lot 30 to be subdivided.

The proposed Zoning Bylaw amendment for proposed Lot 30 would:

- remove two family residential as a principal use,
- reduce the site standards (0 m side yard setback),
- reduce the minimum lot area (267.4 m²), and
- maintain two family lot coverage (62%).

TABLE 3: ZONING ANALYSIS

DC5 – Direct Control (Crystal Waters)	Current	Proposed
Principle Uses	<ul style="list-style-type: none"> • Zone: single family, two-family, and three-family residential • Lot 30: single family and two-family residential 	<ul style="list-style-type: none"> • Lot 30: remove two-family residential
Site Coverage	<ul style="list-style-type: none"> • 50% for single family • 62% for 2 and 3 family lots 	<ul style="list-style-type: none"> • Lot 30: 62%
Minimum Lot Area	<ul style="list-style-type: none"> • 450 m² 	<ul style="list-style-type: none"> • Lot 30: 267.4 m²
Height	<ul style="list-style-type: none"> • 9.5m / 2 ½ storeys 	<ul style="list-style-type: none"> • No change
Front Yard	<ul style="list-style-type: none"> • 2 m 	<ul style="list-style-type: none"> • No change
Side Yard	<ul style="list-style-type: none"> • 1.5 m 	<ul style="list-style-type: none"> • Lot 30: 0 m
Rear Yard	<ul style="list-style-type: none"> • 1.5 m 	<ul style="list-style-type: none"> • No change

The proposed amendment would maintain the number of dwelling units permitted (two) on Lot 30, but allow each unit to be located on a separate bare land strata parcel.

Staff supports the proposed Zoning Bylaw amendment.

APPLICABLE LEGISLATION, BYLAWS AND POLICIES

Local Government Act

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

Section 464 (3) of the *Local Government Act* requires that local government must not hold a public hearing on a proposed zoning bylaw if:

- a. an official community plan is in effect for the area that is the subject of the zoning bylaw,
- b. the bylaw is consistent with the official community plan,
- c. the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development, and
- d. the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development

IMPACT ON INFRASTRUCTURE, SERVICES AND STAFF CAPACITY

Engineering and Environmental Services has reviewed the development proposal. There are no concerns with this application for a Zoning Bylaw text amendment.

FINANCIAL IMPLICATIONS

- None Budget Previously Approved Other (see below)

CONSULTATION

As per the Development Approval Procedures Bylaw 1133, 2023, the applicant was required to consult neighbours within a 50m radius and provide any feedback to staff prior to this application proceeding to Council. To satisfy notice requirements under the bylaw, one notice sign was posted on the subject property to notify the public of this proposal and options to provide feedback.

The *Local Government Act* also requires the District of Lake Country to notify the public of the prohibited hearing through mail notice. To satisfy statutory requirements, 41 parcels were notified within a 100 m radius of the subject property.

COMMUNICATIONS

As per the *Local Government Act*, notices were posted in the Lake Country Calendar on July 4th and 11th, 2024, notifying the public that a public hearing is prohibited for this application.

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 checked="" type="checkbox"/> Official Community Plan |
| <input type="checkbox"/> Climate Action Charter | <input type="checkbox"/> Parks & Recreation Master Plan 2019 |
| <input checked="" 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

- A. THAT Zoning Amendment (Z0000331) Bylaw 1240, 2024 be read a first, second and third time;
- B. THAT Zoning Amendment (Z0000331) Bylaw 1240, 2024 not be read a first, second and third time and the file closed.
- C. THAT Zoning Amendment (Z0000331) Bylaw 1240, 2024 be deferred pending additional information as identified by Council.

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

Name	Date Reviewed

Respectfully Submitted,
Jason Tran, Planner
MCIP, RPP

Report Approval Details

Document Title:	Zoning Bylaw Amendment-Z0000331-Lot 30 – 18451 Crystal Waters Road.docx
Attachments:	<ul style="list-style-type: none"> - Attachment A-Z0000331-Bylaw 1240, 2024.pdf - Attachment B-Z0000331-Site Plan.pdf - Attachment C-Z0000331-Public Correspondence.pdf - Attachment D-Z0000331-Newspaper Advertisements.pdf
Final Approval Date:	Jul 10, 2024

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

Brian Zurek, Manager of Planning - Jul 10, 2024 - 9:10 AM

Steven Gubbels, Manager of Development - Jul 10, 2024 - 3:41 PM

Reyna Seabrook, Director of Corporate Services - Jul 10, 2024 - 4:14 PM

Paul Gipps, Chief Administrative Officer - Jul 10, 2024 - 4:17 PM