

**MEETING TYPE:** Regular Council Meeting  
**MEETING DATE:** September 10, 2024  
**AUTHOR:** Sheeja Vimalan  
**DEPARTMENT:** Planning and Development  
**ITEM TITLE:** Development Variance Permit | DVP00389 | 18139 Crystal Waters Road  
**DESCRIPTION:** Development Variance Permit to authorize over-height retaining walls

**PURPOSE**

To consider a Development Variance Permit to construct over-height retaining walls.

**RECOMMENDATION**

THAT Development Variance Permit DVP00389 for the property located at 18139 Crystal Waters Road, (Attachment A to the Report to Council dated September 10, 2024) (Roll 2053030; PID: 004-192-761) to allow construction of proposed retaining walls be approved.

**EXECUTIVE SUMMARY**

Council recently approved a Development Permit to authorize the construction of a single family dwelling on the subject property. The applicant has requested a Zoning Bylaw variance to allow the construction of proposed retaining walls to support an existing driveway. Staff support the requested variance.

**BACKGROUND/HISTORY**

In 2020, the applicant applied for a Development Permit but did not include this retaining wall variance. Council issued the associated permit DP2020-020-C to authorize the construction of a single family dwelling. The applicant is now proposing a two-tiered retaining wall that would require a variance to construct. The proposed wall would support the existing driveway accessing a garage.

**TABLE 1: PROPERTY INFORMATION**

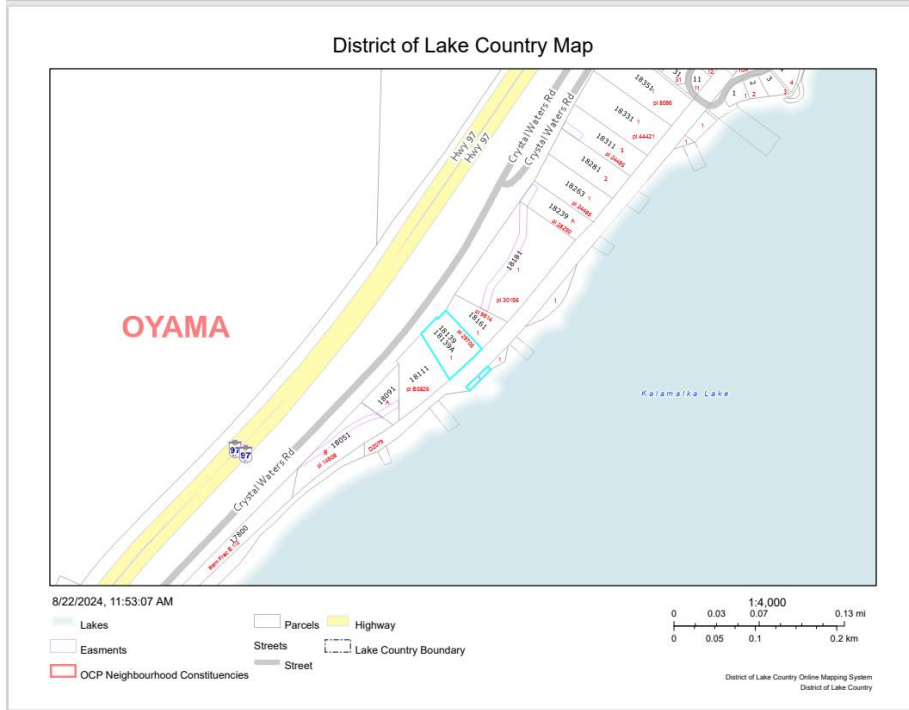
Civic Address:	18139 CRYSTAL WATERS RD		
Roll Number:	2053030		
Legal Description:	PID: 004-192-761; LOT 1 SECTION 24 TOWNSHIP 14 OSOYOOS DIV OF YALE LAND DISTRICT PLAN KAP29705		
Applicant:	Urban Options Planning Corp.	Owner(s):	Rail View Holdings Ltd.
OCP Designation:	Rural Residential		
Existing Zoning Designation:	RR3 – Rural Residential 3		
Proposed Zoning:	N/A		
Land Use Contract:	N/A		
ALR:	N/A		
Parcel Size:	0.34 ha (0.84 ac)		
DP Area(s):	Natural Environment		
Water Supply:	Private		
Sewer:	Private		
Site Context:	Zoning:	Use:	
North:	N/A	Crystal Waters Rd & Highway 97	
East:	RR3 – Rural Residential	Single-family dwelling	

South:	W1 – Recreational Water Use	Kalamalka Lake
West:	RR3 – Rural Residential	Single-family dwelling

**SITE CONTEXT**

The subject property falls within the Rural Residential Designation of the Official Community Plan (OCP) and is located within the Oyama Ward of the District of Lake Country. The parcel is outside of the District’s Urban Containment Boundary. The parcel is bisected by the Rail Trail, with frontage on Kalamalka Lake.


**MAP 1: LOCATION MAP**




**MAP 2: ORTHOPHOTO**



FIGURE 1: SITE PLAN



**GEOPACIFIC**  
CONSULTANTS



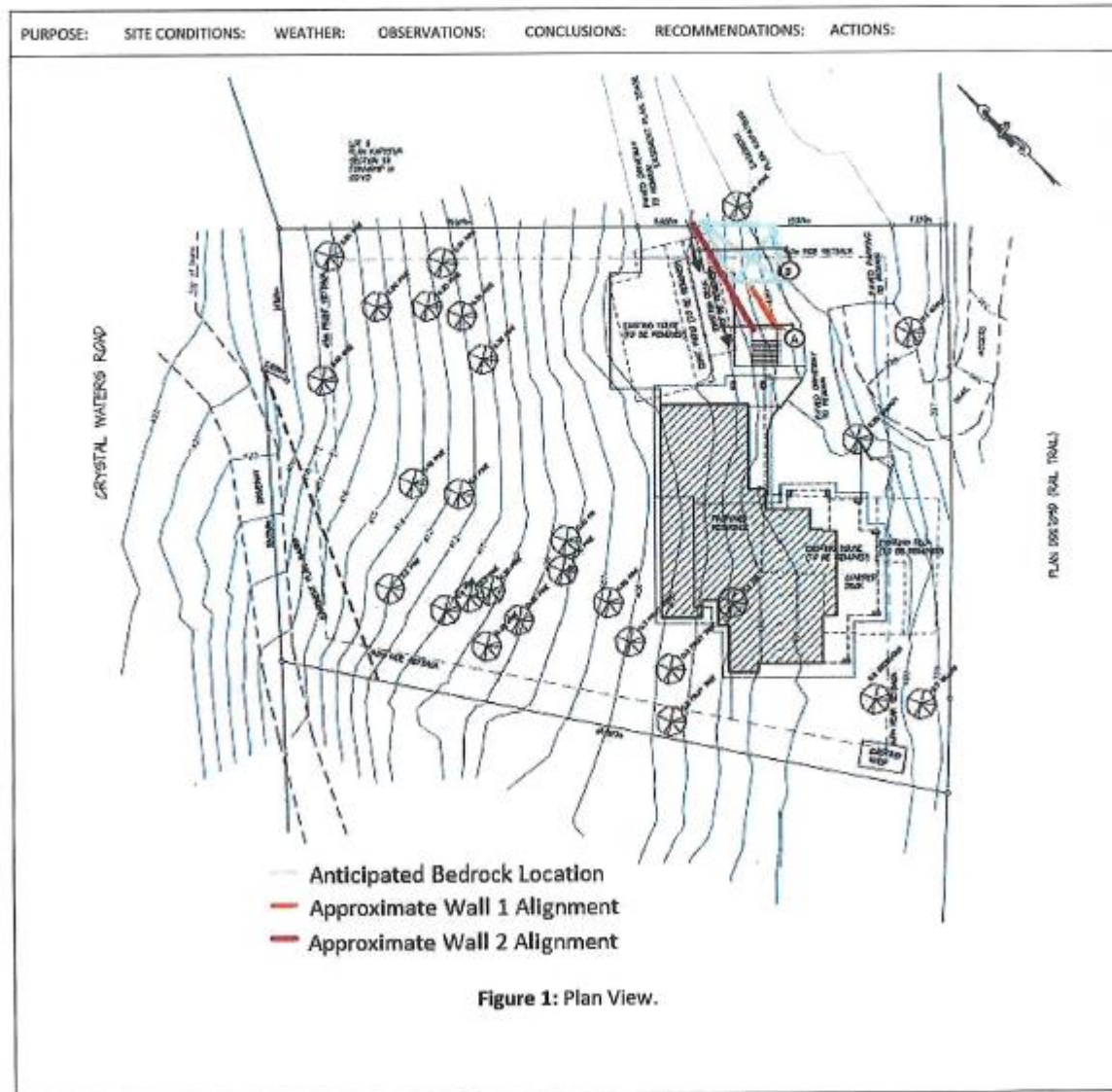
**TECHNICAL  
MEMORANDUM**

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CLIENT: Bercum Builder Inc. FILE NO: 19763

PROJECT: Proposed Lock Block Walls DATE: October 6<sup>th</sup>, 2022

ADDRESS: 18139 Crystal Waters Road, Lake Country, BC

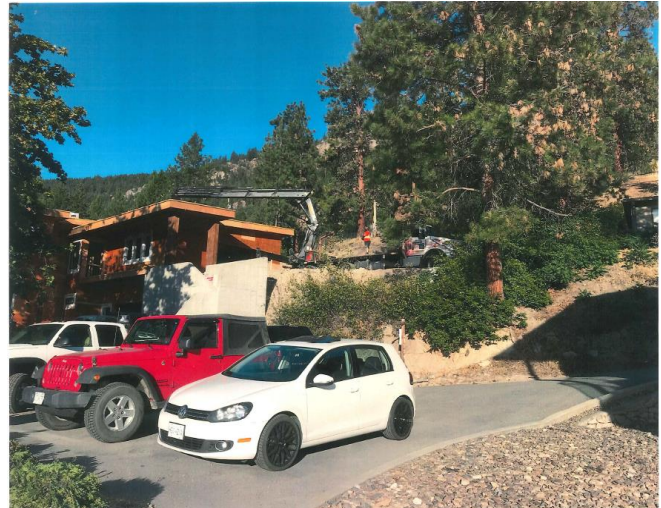


DISTRIBUTION:	Reviewed by: Kevin Bodnar, B.Eng., P.Eng.	Prepared by: Beth Millan, B.A.Sc., EIT
PAGE 3 OF 7	Signed:	Signed:



**FIGURE 2: SITE PHOTOS**

Northeastern side view



Driveway view

**TABLE 2: FILE CHRONOLOGY**

Date	Event
2023-03-13	Application Submission
2021-05-18	Development Permit Issued- DC2020-020-C

**DISCUSSION/ANALYSIS**

The applicant proposes to construct two-tiered retaining walls off the northeast side of the staircase attached to the foundation of the single-family dwelling. The proposed maximum height of the lower wall is 2.4 m (a variance of 0.9 m) and the proposed maximum height of the upper wall is 1.65 m (a variance of 0.15 m).

The construction of the proposed retaining walls would support the existing driveway accessing a garage and comply with other zoning regulations. According to the location and site grading plan of the property, the construction of the proposed retaining wall will not affect the immediate neighbours.

Staff supports the proposed variance.

**APPLICABLE LEGISLATION, BYLAWS AND POLICIES**

- Local Government Act – Section 498
- Official Community Plan (2018-2038) Bylaw 1065,2 018 – Section 13.2
- Zoning Bylaw 561, 2007 – Section 8.5- Fencing and Retaining Walls

**IMPACT ON INFRASTRUCTURE, SERVICES AND STAFF CAPACITY**

None noted.

**FINANCIAL IMPLICATIONS**

None       Budget Previously Approved       Other (see below)

**CONSULTATION**

Internal were sent out on April 22, 2024. The referral comments came back with no concerns or comments.

**COMMUNICATIONS**

As per the requirements of the Development Approval Procedure Bylaw 1227, 2024, the applicants completed neighborhood consultation and installed a development notice sign at the property.

**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 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 Development Variance Permit DVP00389 for the property located at 18139 Crystal Waters Road, (Attachment A to the Report to Council dated September 10, 2024) (Roll 2053030; PID: 004-192-761) to allow the construction of proposed retaining walls be approved.
- B. THAT Development Variance Permit DVP00389 for the property located at 18139 Crystal Waters Road, (Attachment A to the Report to Council dated September 10, 2024) (Roll 2053030; PID: 004-192-761) to allow the construction of proposed retaining walls not be approved.
- C. THAT Development Variance Permit DVP00389 for the property located at 18139 Crystal Waters Road, (Attachment A to the Report to Council dated September 10, 2024) (Roll 2053030; PID: 004-192-761) to allow the construction of proposed retaining walls be deferred pending receipt of additional information as identified by the Council.

Respectfully Submitted,  
Sheeja Vimalan, Planner

## Report Approval Details

Document Title:	Development Variance Permit - DVP00389 (DVP2022-015) - 18139 Crystal Waters Rd.docx
Attachments:	- Attachment A-DVP00389-Draft DVP.pdf - Attachment B-DVP00389- Site Plan and Retaining Wall Drawings.pdf
Final Approval Date:	Sep 5, 2024

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

**Brian Zurek, Manager of Planning - Sep 4, 2024 - 12:09 PM**

**No Signature found**

**Steven Gubbels, Development Engineering Manager - Sep 4, 2024 - 1:03 PM**

**No Signature found**

**Matthew Salmon, Infrastructure & Development Engineering Director - Sep 4, 2024 - 1:24 PM**

**Jeremy Frick, Director of Planning & Development - Sep 4, 2024 - 5:00 PM**

**Reyna Seabrook, Director of Corporate Services - Sep 5, 2024 - 10:12 AM**

**Paul Gipps, Chief Administrative Officer - Sep 5, 2024 - 2:08 PM**