
MEETING TYPE AND DATE: REGULAR COUNCIL MEETING – DECEMBER 7, 2021
AUTHOR: TAMERA CAMERON, PLANNER
SUBJECT: **DP2021-016-C (13378 MCCREIGHT ROAD) – DEVELOPMENT PERMIT (HILLSIDE, NATURAL ENVIRONMENT, AND GHG REDUCTION AND RESOURCE CONSERVATION) FOR A NEW HOUSE**
DVP2021-028 (13378 MCCREIGHT ROAD) – DEVELOPMENT VARIANCE PERMIT FOR OVERHEIGHT RETAINING WALLS

ESSENTIAL QUESTION:

Does Council think that the proposal complies with the Development Permit Area Guidelines?

Does Council support the proposed variances to allow two over-height retaining walls to facilitate the construction of a new house on this steeply sloped property?

OPTIONS:

- A. **THAT** Development Permit DP2021-016-C (13378 McCreight Road) for the lot legally described as Lot 10 Section 29 Township 20 Osoyoos Division Yale District Plan 18801, Roll 3000159 for the construction of a house be approved.
AND THAT Development Variance Permit DVP2021-028 (13378 McCreight Road) for the lot legally described as Lot 10 Section 29 Township 20 Osoyoos Division Yale District Plan 18801, Roll 3000159 to vary Section 8.5.8 of Zoning Bylaw 561, 2007 as follows:
1. Increase the maximum permitted height of Retaining Wall 1 from 1.5m to 2.72m, and
 2. Increase the maximum permitted height of Retaining Wall 2 from 1.5m to 2.8m, be approved.
- AND FURTHER THAT** prior to the issuance of Development Permit DP2021-016-C, a Security Deposit of \$10,000 be submitted to the District of Lake Country to ensure works described in the permit are completed.
- B. **THAT** Development Permit DP2021-016-C (13378 McCreight Road) for the lot legally described as Lot 10 Section 29 Township 20 Osoyoos Division Yale District Plan 18801, Roll 3000159 for the construction of a house be denied.
AND THAT Development Variance Permit DVP2021-028 (13378 McCreight Road) for the lot legally described as Lot 10 Section 29 Township 20 Osoyoos Division Yale District Plan 18801, Roll 3000159 to vary Section 8.5.8 of Zoning Bylaw 561, 2007 as follows:
1. Increase the maximum permitted height of Retaining Wall 1 from 1.5m to 2.72m, and
 2. Increase the maximum permitted height of Retaining Wall 2 from 1.5m to 2.8m, be denied.
- C. **THAT** Development Permit DP2021-016-C (13378 McCreight Road) for the lot legally described as Lot 10 Section 29 Township 20 Osoyoos Division Yale District Plan 18801, Roll 3000159 for the construction of a house and DVP2021-028 (13378 McCreight Road) for the lot legally described as Lot 10 Section 29

Township 20 Osoyoos Division Yale District Plan 18801, Roll 3000159 to vary Section 8.5.8 of Zoning Bylaw 561, 2007 as follows:

1. Increase the maximum permitted height of Retaining Wall 1 from 1.5m to 2.72m, and
 2. Increase the maximum permitted height of Retaining Wall 2 from 1.5m to 2.8m,
- be deferred pending receipt of additional information as identified by Council.

D. **THAT** Development Permit DP2021-016-C (13378 McCreight Road) for the lot legally described as Lot 10 Section 29 Township 20 Osoyoos Division Yale District Plan 18801, Roll 3000159 for the construction of a house and DVP2021-028 (13378 McCreight Road) for the lot legally described as Lot 10 Section 29 Township 20 Osoyoos Division Yale District Plan 18801, Roll 3000159 to vary Section 8.5.8 of Zoning Bylaw 561, 2007 as follows:

1. Increase the maximum permitted height of Retaining Wall 1 from 1.5m to 2.72m, and
 2. Increase the maximum permitted height of Retaining Wall 2 from 1.5m to 2.8m,
- be referred back to staff to work with the applicant to revise the site plan to reduce the height of the proposed retaining walls.

EXECUTIVE SUMMARY:

The proposed development is for a house on a vacant and steeply sloped property within the Hillside Development Permit Area. The property is also within the Natural Environment and GHG Reduction and Resource Conservation Development Permit Areas, which are being reviewed concurrently as a Technical Development Permit by staff. Staff believes the proposal substantially meets the applicable Development Permit Area Guidelines.

A variance is also requested to Zoning Bylaw 561, 2007 to increase the maximum height of retaining walls as follows:

1. Retaining Wall 1 from 1.5m to 2.72m, a proposed variance of 1.22m
2. Retaining Wall 2 from 1.5m to 2.8m, a proposed variance of 1.3m

To reduce the visual impact of the retaining walls, the walls are proposed to be terraced, landscaped, curved with the slope where possible, and are to be constructed with decorative materials. No unintended outcomes are anticipated.

BACKGROUND/HISTORY:

The Technical Development Permit for the Natural Environment and GHG Reduction and Resource Conservation Development Permit Areas requires approval by staff and will be considered concurrently.

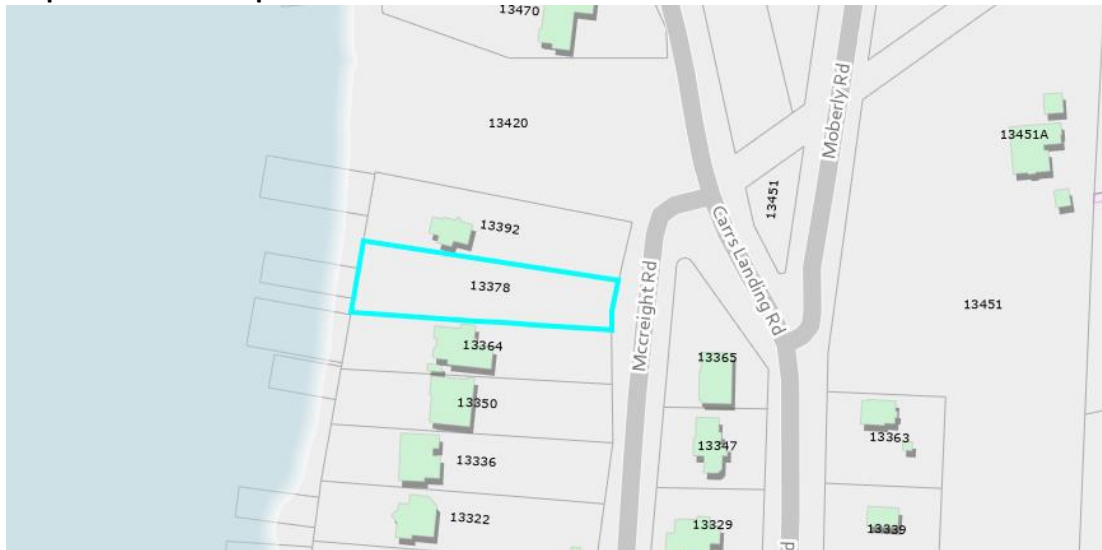
Application Type	Council Development Permit and Development Variance Permit		
File Number:	DP2021-016-C DVP2021-028	Folio:	3000159
Proponent:	Bellamy Homes Inc.	Owners:	Arlene and Perry Undseth
Legal Description:	Lot 10 Section 29 Township 20 Osoyoos Division Yale District Plan 18801		
PID	006-568-246		
Civic Address:	13378 McCreight Road		
OCP Designation:	Rural Residential		
Zoning Designation:	RR3 – Rural Residential 3		
Land Use Contract	No		
ALR:	No		
Parcel Size:	2,752m ² (0.68 acres)		

DP Area(s):	Hillside, Natural Environment, GHG Reduction and Resource Conservation	
Water Supply:	Municipal	
Sewer:	Septic	
Site Summary:	Zoning:	Use:
<i>North:</i>	RR3 - Rural Residential 3	Residential
<i>East:</i>	RR3 - Rural Residential 3	Residential
<i>South:</i>	RR3 - Rural Residential 3	Residential
<i>West:</i>	W1 – Recreational Water Use	Okanagan Lake

Site Context

The property is vacant, steeply sloped, and adjacent to Okanagan Lake. Due to the slope, it is accessed from a private easement which provides access to the top and the middle of the property (the proposed location of the house). There are two existing retaining walls mid property and an existing retaining wall and deck structure near the top of the property. A required emergency vehicle turnaround is also provided at the top of the property. The property has an existing L-shaped dock.

Map 1: Location Map



Map 2: Orthophoto



Site Photos:

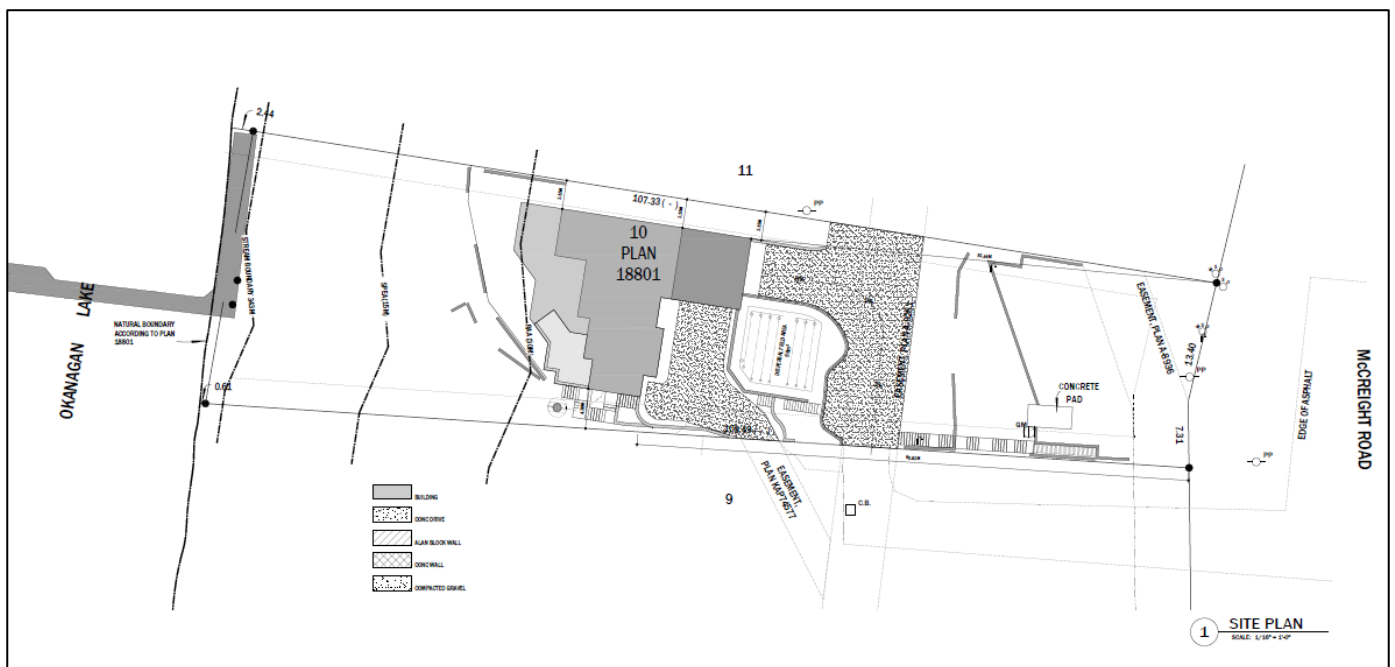
View looking west taken from the top of the property.



View looking east taken from mid property looking towards the top of the property and existing retaining walls.



Proposed Site Plan:



Chronology:

<i>Date:</i>	<i>Event:</i>
2021-04-21	Application submission
2021-08-31	Site visit
2021-09-02	Core Technical Team Meeting
2021-09-14	Internal and external referrals sent
2021-11-09	Comprehensive Letter Sent
2021-11-17	Response to Comprehensive Letter received with updated documents.

DISCUSSION/ANAYLSIS:Proposed Development

The proposed development is a 503m² house with a secondary suite. The house is located mid-property and has stacked garages, one for the house and one for the suite accessed by separate driveways. A septic field is also proposed to the east of the house. As fire trucks are not able to access the lower driveway to the house due to the narrow access easement, stairs are required by the Fire Department to provide access from the top of the property to the house so that fire trucks can park at the top and still access the house. The applicant is providing the requested access.

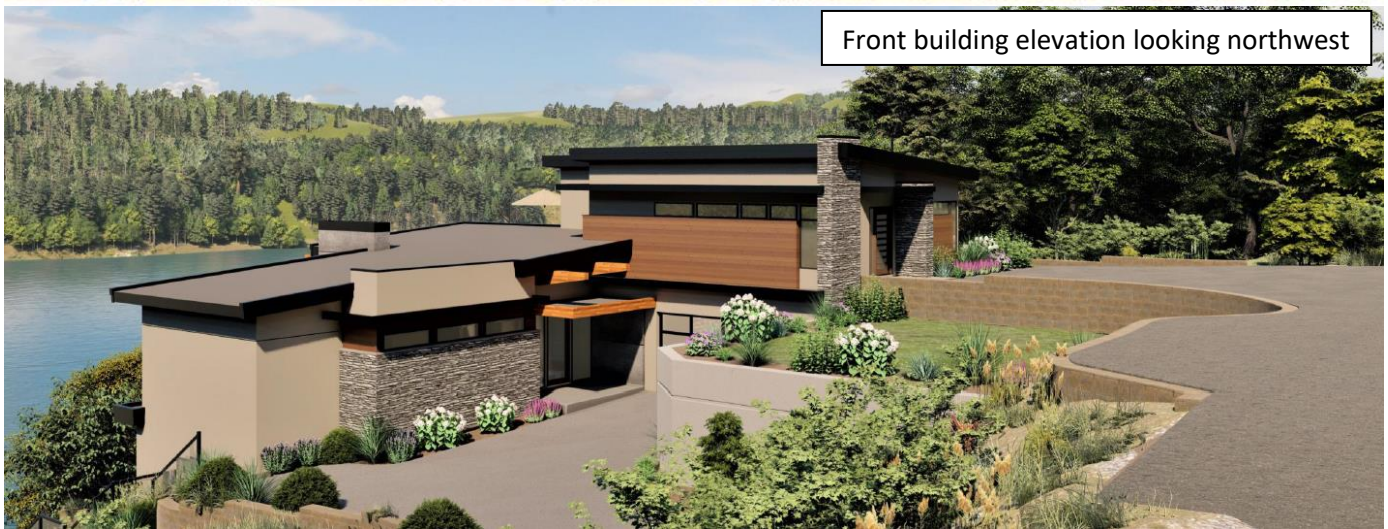
The applicants are proposing wooden stairs down to the beach in the approximate location of an existing trail. The previously disturbed footprint of the trail will be restored with indigenous plant species.

Development Permit Area (DPA) Guidelines*Hillside Development Permit Area*

The Hillside DPA applies to the entire property. The house design uses a range of design tools to reduce its apparent building height and mass. The building is stepped with the slope and uses varying rooflines. The building is highly articulated and material choices also help to provide articulation and reduce visual impact (see Renderings below).

The Hillside DPA guidelines recommend that the use of retaining walls be minimized or, if necessary, they should be designed to be terraced with landscaping to reduce visual impact and to have a unique surface texture/pattern. The proposed retaining wall along the south property line (Retaining Wall 1) will be constructed with Valley Stone and the wall retaining the septic field (Retaining Wall 2) will be a concrete reinforced wall with an architectural relief detail. The walls are terraced and landscaped.

In summary, it is staffs' opinion that the proposal substantially meets the applicable Development Permit Area guidelines.



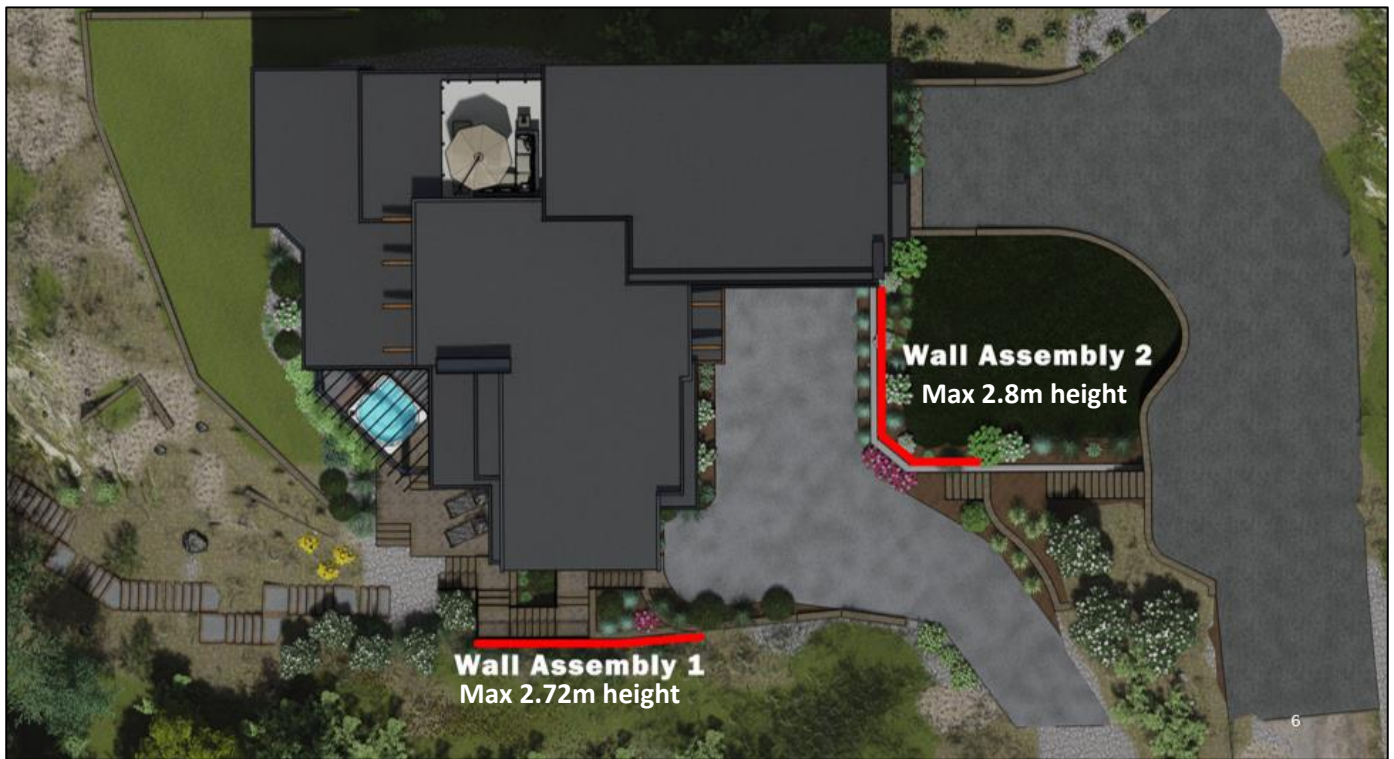
Proposed Variances

Maximum Retaining Wall Height

The Development Variance Permit application proposes to vary Section 8.5.8 of the Zoning Bylaw to increase the maximum retaining wall height as follows:

1. Retaining Wall 1 from 1.5m to 2.72m, a proposed variance of 1.22m;
2. Retaining Wall 2 from 1.5m to 2.8m, a proposed variance of 1.3m;

Due to the slope of the property, the over-height retaining walls are needed to support the septic field, the driveway, and the house on the south side. They have been stepped, landscaped, curved with the slope where possible, and are to be constructed with decorative materials. See the map and rendering below for the location of the overheight retaining walls. See also Attachment C, which includes the Retaining Wall Renderings and the applicant's variance rationale.



Legislation & Applicable Policies

Official Community Plan:

Each applicable Development Permit Area includes guidelines, which have been addressed through this Development Permit application.

Zoning Bylaw:

The proposed development meets all Zoning Bylaw regulations except for the proposed variances to the maximum height of a retaining wall.

Section 8.5.8: Retaining walls on all residential lots, except those required as a condition of subdivision approval must not exceed a height of 1.5 m measured from grade on the lower side. Retaining walls must be spaced to provide a horizontal separation equal to the height of the wall as a minimum and in no case shall a ratio of vertical rise to horizontal run exceed 1:1 as shown on Diagram 8.7.

Subdivision and Development Servicing Bylaw:

The development is exempt from servicing requirements per Section B.6.2 of the Subdivision and Development Servicing Bylaw.

Highway and Driveway Access Bylaw: Access Permit A2021-080 has been approved.

Technical Considerations:

- **Impact on Infrastructure and Other Municipal Services**
A Building Permit will be required for the building, secondary suite, and the over height retaining walls.
- **Impact on Staff Capacity and Financial Resources (Cost/Benefit Analysis)**
Regular staff time has been used to process this application.

Comments from Other Government Agencies, Council Committees and Relevant Stakeholders:

- Interior Health: No objections.
- Fortis BC: No objections.
- BC Hydro: No objections.

Consultation, Public Feedback, and Communication to and from the Public and the Applicant:

As per the *Local Government Act* and the Development Application Procedures Bylaw, a development notice sign has been installed and letters have been sent out to neighbouring property owners and tenants within 50m.

ANALYSIS OF OPTIONS FOR CONSIDERATION:

OPTION A: If Council approves the Development Permit application and the Development Variance Permit application, the owners will be able to apply for their Building Permit.

OPTION B: If Council denies the Development Permit application and the Development Variance Permit application, the applicants will need to revise their plans and resubmit a Development Permit application and, possibly, a Development Variance Permit application prior to being able to apply for a Building Permit.

OPTION C: If Council defers the application, staff will work with the applicant to ensure the additional information is provided. The application will return for Council's consideration at the next possible meeting.

OPTION D: If Council supports the Development Permit, in principle, but does not think that the proposed variances should be granted, it would be best to refer the application back to staff. Staff will work with the applicant to determine an alternative proposal that eliminates the need for variances (if possible) or reduces the extent of the variances. Because the proposed retaining walls must be addressed through the Development Permit application as well, changes to the Development Variance Permit application also requires changes to the Development Permit application.

Respectfully Submitted,

Tamera Cameron
PLANNER
PLANNING AND DEVELOPMENT DEPARTMENT

This report has been prepared with the collaboration of the following individuals:

COLLABORATORS	
TITLE	NAME
Engineering Technician	Evan Smith

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

CONCURRENCES	
DEPARTMENT	NAME
Chief Administrative Officer	Tanya Garost
Acting Director of Planning & Development	
Director of Protective Services	Steve Windsor
Manager of Planning	Corine (Cory) Gain

ATTACHMENTS:

- A: Draft Development Permit
- B: Development Permit Area Checklists
- C: Draft Development Variance Permit