

To: Mayor and Council
From: Paul Gipps, CAO

Meeting Date: March 4, 2025
Meeting Type: Regular Council Meeting

Prepared by: Jason Tran, Planner
Department: Planning and Development

Title: Zoning Amendment Bylaw 1268, 2025 | Z0000340 | Lot 11 – 18451 Crystal Waters Road
Description: Zoning Amendment to facilitate a bare land strata subdivision of an existing parcel zoned DC5 – Direct Control 5 (Crystal Waters)

RECOMMENDATION

THAT Zoning Amendment (Z0000340) Bylaw 1268, 2025 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 11 – 18451 Crystal Waters Road.

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

There is an existing duplex on the subject property. The proposed amendment would permit Lot 11 to be subdivided, creating two separate bare land strata lots with individual titles. The existing density permitted would be maintained.

Staff supports the proposed Zoning Amendment Bylaw.

DISCUSSION/ANALYSIS

Summary Information	
Application Type	Zoning Text Amendment Bylaw
File Number:	Z0000340 Folio/Roll #: 02053.060
Legal Description:	STRATA LOT 11 DISTRICT LOT 5237 & 5238 SECTION 24 OSOYOOS DIV OF YALE LAND DISTRICT PLAN KAS2946
PID	026-545-306
Civic Address:	11 - 18451 CRYSTAL WATERS Rd
OCP Designation:	Urban Residential
Zoning Designation:	DC5 – Direct Control 5 (Crystal Waters)
Land Use Contract	None
ALR:	None
Parcel Size:	499.9 m2 (0.12 acres)
Water Supply:	Onsite private
Sewer:	Onsite private
Site Summary:	Zoning: Use:
North:	DC5 – Crystal Waters Single family residential
East:	P1 - Public Park and Open Space; DC5 – Crystal Waters Rail Trail; Single family residential
South:	RR3 – Rural Residential 3 Single Dwelling Housing
West:	DC5 – Crystal Waters Two-family residential

Background

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 Sep 19, 2024. An occupied duplex has existed on the subject property since 2011. (Attachment A – Location Map)

Site Context

The subject property is suburban in nature, with the Crystal Waters subdivision being 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. (Attachments A and B – Location & Orthophoto Map)

Official Community Plan

The OCP Future Land Use Designation for the subject property is Urban Residential. This designation aims to increase population density, enhance livability, and minimize conflicts between Urban Residential uses and adjacent parcels.

The OCP recommends that Urban Residential areas support single-family dwellings, duplexes, townhomes, and mobile homes. The proposed Zoning Bylaw amendment aligns with the Urban Residential designation by offering an alternative housing form to single-family residences.

Zoning Bylaw

The DC5 zone permits two-family (duplex) or single family residential uses on the subject property. The duplex has been occupied since 2011 on the bare land strata lot. The owner proposes to subdivide Lot 11 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 11 to be subdivided, unless text amendments to the zone are approved.

The Proposal (Attachment C – Plan of Survey)

The proposed Zoning Amendment Bylaw for proposed Lot 11 would:

- remove two-family residential as a principal use,
- reduce the shared Lot 11A, 11B site standards (0 m side yard setback),
- reduce the minimum lot area (243.3 m²), and
- maintain two-family lot coverage (60.7%).

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 11: single family and two-family residential 	<ul style="list-style-type: none"> • Remove Lot 11 from two-family residential on strata lot
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 11: 60.7%
Minimum Lot Area	<ul style="list-style-type: none"> • 450 m² 	<ul style="list-style-type: none"> • Lot 11: 243.3 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 11: 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 11 but allow each unit to be located on a separate bare land strata parcel. (Attachment C and D)

Applicable legislation

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

Impacts on infrastructure, services or staff capacity

There are no concerns with this application for a Zoning Text Amendment Bylaw.

Staff supports the proposed Zoning Amendment Bylaw. (Attachment E – Draft Zoning Amendment Bylaw 1268, 2025)

FINANCIAL IMPLICATIONS

None Budget Previously Approved Other (see below)

COMMUNICATION

Referrals were sent out on October 7th, 2024. All the referrals' comments were "No concern" except for one from BC Hydro, which will require a Right of Way from the owners.

Ministry of Transportation has no concern, and Preliminary Approval is granted for the rezoning for one year pursuant to Section 52(3)(a) of the Transportation Act.

ALTERNATE RECOMMENDATION(S)

- A. THAT Zoning Amendment (Z0000340) Bylaw 1268, 2025 not be read a first, second and third time and the file closed.
- B. THAT Zoning Amendment (Z0000340) Bylaw 1268, 2025 be deferred pending additional information as identified by Council.

Respectfully Submitted.

Jason Tran, Planner

Report Approval Details

Document Title:	Zoning Amendment Bylaw - Z0000340 - 11 - 18451 CRYSTAL WATERS RD.docx
Attachments:	<ul style="list-style-type: none"> - Attachment A - Z0000340 - Location Map.pdf - Attachment B - Z0000340 - Orthophoto Map.pdf - Attachment C - Z0000340 - Plan of Survey.pdf - Attachment D - Z0000340 - Drone Views.pdf - Attachment E - Draft Zoning Amendment Bylaw 1268 2025.pdf
Final Approval Date:	Feb 27, 2025

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

Carie Liefke, Manager of Current Planning - Feb 24, 2025 - 12:49 PM

Jeremy Frick, Director of Development Approvals - Feb 25, 2025 - 10:43 AM

Steven Gubbels, Development Engineering Manager - Feb 25, 2025 - 2:22 PM

Reyna Seabrook, Director of Corporate Services - Feb 26, 2025 - 9:37 AM

Paul Gipps, Chief Administrative Officer - Feb 26, 2025 - 9:51 AM

Makayla Ablitt, Legislative & FOI Coordinator - Feb 27, 2025 - 11:26 AM