
To: Mayor and Council
From: Paul Gipps, CAO
Meeting Date: March 4, 2025
Meeting Type: Regular Council Meeting

Prepared by: Carie Liefke, Manager of Current Planning
Department: Planning and Development

Title: Zoning Amendment Bylaws 1261, 2025 & 1259, 2025 | Z0000269 & Z0000274 | Lot 63 & 64 Tyndall Road
Description: Servicing Update related to Rezoning Applications proposing RU1 – Small-Scale Multiple Housing on the Lot 63 and 64 Tyndall Road.

RECOMMENDATION

THAT Zoning Amendment (Z0000269) Bylaw 1261, 2025 be read a second and third time;
AND THAT Zoning Amendment (Z0000274) Bylaw 1259, 2025 be read a second and third time.

EXECUTIVE SUMMARY

Applications have been submitted to rezone Lot 63 and Lot 64 Tyndall Road to RU1 - Small-Scale Multiple Housing. The subject properties are located west of Tyndall Road; both properties are within the urban containment boundary of the Official Community Plan (OCP) and have been designated as Urban Residential. The rezoning applications are consistent with the OCP, and rezoning the land (along with the subsequent development) would help achieve the OCP policy objectives related to the environment, growth, infill development, and housing.

The rezoning applications, Bylaw 1261 and Bylaw 1259, were granted first reading on January 21, 2025, with a request from Council that an update on subdivision servicing requirements be provided at a future meeting. Staff have reviewed the engineering requirements and concerns raised by Council and the public regarding servicing in the area to prepare this update.

Staff are, and will continue to, advanced development in the Tyndall - Nighthawk - Okanagan Centre West areas in a comprehensive manner to ensure properties in the area are adequately serviced now and into the future. Infrastructure concerns regarding access, storm drainage, sewer, water, roads, etc. have been identified by staff and are working with engineering consultants to develop the appropriate servicing designs.

In addition, the standard subdivision review process, as identified through Provincial legislation (i.e. *Local Government Act, Land Title Act*, etc.) and District of Lake Country bylaws, must be followed by the District Approving Officer. Requirements of the subdivision process include, but is not limited to ensuring a subdivision proposal meets objectives and guidelines of the Official Community Plan to ensure the development fits into the surrounding neighbourhood, and servicing requirements of the Subdivision and Development Servicing Bylaw to ensure that matters such as sewer, water, drainage, roads, etc. are sufficient. These requirements are first managed by Council while setting the bylaw standards for the community, then these requirements are administered by the Approving Officer (and subdivision team) during a subdivision application.

The current rezoning applications (Z0000269 & Z0000274) are being presented to Council to determine if the requested RU1 - Small-Scale Multiple Housing zone is the best use for the subject properties (Lot 63 and Lot 64). Based on the objectives and guidelines of the adopted Official Community Plan, it is recommended that Council grant second and third reading to Bylaw 1259 and Bylaw 1261.

BACKGROUND

Property 1 - Information	
Civic Address:	Lot 63 Tyndall Road
Application Type	Zoning Bylaw Amendment Application Date: 2021-05-25
Folio/Roll #:	2215.000
PID & Legal Description	LOT 63 SHOWN ON PLAN B13454 SECTIONS 9 AND 16 TOWNSHIP 20 OSOYOOS DIVISION YALE DISTRICT PLAN 521 EXCEPT PLAN H18660
OCP Designation:	Urban Residential
Zoning Designation:	Current: RR1-Rural Residential 1 Proposed: RU1 – Small-Scale Multiple Housing
ALR:	N/A
Parcel Size:	3.7 ha/9.16 ac
Development Permit Areas:	(4) Multiple Unit, Stability Erosion and Drainage Hazard, Natural Environment, Wildfire
Water Supply:	Lake Intake
Sewer:	Current: N/A Proposed: Municipal Sewer

Property 2 - Information	
Civic Address:	Lot 64 Tyndall Road
Application Type	Zoning Bylaw Amendment Application Date: 2022-09-16
Folio/Roll #:	2216.000
PID & Legal Description	LOT 64 SHOWN ON PLAN B13454; SECTIONS 9 AND 16 TOWNSHIP 20 OSOYOOS DIVISION YALE DISTRICT PLAN 521 EXCEPT PLANS H18660 AND KAP70483
OCP Designation:	Urban Residential
Zoning Designation:	Current: RR2 – Rural Residential 2 Proposed: RU1 - Small-Scale Multiple Housing
ALR:	N/A
Parcel Size:	~2.41 Hectares / 5.97 Acres
Development Permit Areas:	(4) Multiple Unit, Drainage Hazard, Natural Environment, Wildfire
Water Supply:	Lake Intake
Sewer:	Current: NA Proposed: Municipal Sewer

DISCUSSION/ANALYSIS

It is in the best interests of the community that the District ensure that developments within the District, including the Tyndall - Nighthawk - Okanagan Centre West areas, be designed in a comprehensive manner to help ensure that a complete community would prevail. Therefore, when reviewing potential areas for growth, staff look at various attributes, such as access, egress, storm drainage, sewer services, water infrastructure and lot configurations, prior to providing recommendations to Council on land use changes.

Future Infrastructure, Services and Utilities

Staff had previously identified that there are servicing challenges for future development in the area that includes Lot A EPP122594 (formerly Lots 61 & 62) and Lots 63-66 Plan521 in the Tyndall Road/Nighthawk road area (Figure 1). In anticipation of development in this area, staff had Urban Systems prepare a Tyndall Road Stormwater Servicing plan to identify high level options for stormwater management. This report identified potential stormwater corridors and outfalls, which in turn provided options for overall servicing and road alignments. These parcels are reliant on each other to provide servicing solutions, and staff have provided information to the consultants involved so all parties can work together toward a holistic solution to ensure that development in the area can be completed in a comprehensive manner that makes sense for the long-term interests of the District and the community as a whole.

As part of the future subdivision application process for any of the identified lots (Figure 1), applications would be circulated to internal and external agencies to receive comment, including but not limited to seeking comments from the Lake Country Fire Department. For a development of this type, the subdivision team would work closely with the various departments and agencies to ensure any of their concerns are considered. The responses received from the referral process would be provided back to applicants to assist them in their detailed engineering designs for the proposed subdivision.

While evaluating each application, the Approving Officer must not consider registering a subdivision unless the development:

- Demonstrates a safe road network with adequate access and egress that is designed and constructed to meet all District bylaws, and that has been reviewed by the Lake Country Fire Department. This may include a holistic road network plan that is not limited to any one lot.
- Has a storm system that safely conveys stormwater, and that is designed in accordance with all District bylaws and provincial regulations for drainage quality and quantity.
- Can be serviced with community sanitary sewer and water. A combined servicing plan with other developments in the area may be required to prove each individual development can be adequately serviced.
- Addresses geotechnical concerns through professional reporting that makes recommendations on slope stability and protected areas near steep slopes. This may include the registration of no build/no disturb covenants in areas of concern.

This is not necessarily a complete list of subdivision requirements, but at a minimum, a future subdivision plan on any of these lots cannot be registered until all these items are addressed in detail to the satisfaction of the District. It is noted that District staff have not identified any additional servicing requirements that need to be placed as a condition of rezoning, and are confident that any requirements can be satisfied through the regular subdivision process.

FINANCIAL IMPLICATIONS

None Budget Previously Approved Other (see below)

COMMUNICATION

- Internal and external referrals were circulated for these applications.
- The *Local Government Act (Section 467)* prohibits a public hearing to be held for these applications. Public notifications (advertising and surrounding property owner letters) were circulated in accordance with the *LGA* in January 2025.
- The Applicant completed neighbourhood consultation, in accordance with the Districts procedures bylaw, in January 2025.

ALTERNATE RECOMMENDATION(S)

- A. THAT Zoning Amendment (Z0000269) Bylaw 1261, 2025 not be read a second or third time and the file be closed.
THAT Zoning Amendment (Z0000274) Bylaw 1259, 2025 not be read a second or third time and the file be closed.
- B. THAT Zoning Amendment (Z0000269) Bylaw 1261, 2025 be deferred pending receipt of additional information as identified by Council.
THAT Zoning Amendment (Z0000274) Bylaw 1259, 2025 be deferred pending receipt of additional information as identified by Council.

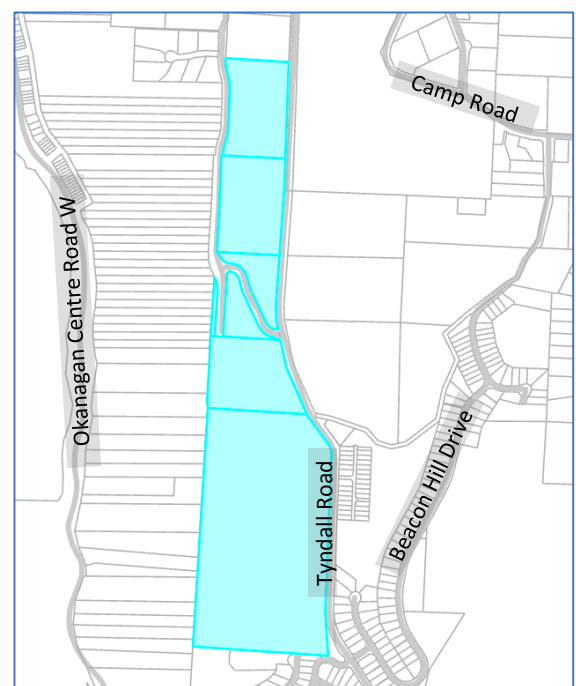


Figure 1: Tyndall Road/Nighthawk Road Area

Respectfully Submitted,
Carie Liefke, Manager of Current Planning

Report Approval Details

Document Title:	Z0000269 and Z0000274 - Zoning Amendment for Lot 63 and 64 Tyndall Road - Servicing Update.docx
Attachments:	
Final Approval Date:	Feb 27, 2025

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

No Signature found

Carie Liefke, Manager of Current Planning - Feb 25, 2025 - 12:40 PM

No Signature found

Steven Gubbels, Development Engineering Manager - Feb 25, 2025 - 4:33 PM

No Signature found

Jeremy Frick, Director of Development Approvals - Feb 26, 2025 - 4:22 PM

Reyna Seabrook, Director of Corporate Services - Feb 27, 2025 - 8:59 AM

No Signature - Task assigned to Paul Gipps, Chief Administrative Officer was completed by workflow administrator Reyna Seabrook, Director of Corporate Services

Paul Gipps, Chief Administrative Officer - Feb 27, 2025 - 12:04 PM

Makayla Ablitt, Legislative & FOI Coordinator - Feb 27, 2025 - 12:16 PM