

To: Her Worship Mayor McKortoff and Members of Council
From: Shannon Duong, Planner
Date: May 12, 2026
Subject: Proposed Zoning Review - 4601 97th Street
Tracker No: AI-758

Recommendation:

THAT Zoning Amendment Bylaw No. 1395.12, 2026, be revised in order to include a regulation permitting one “duplex dwelling” as a principal use at the property located at 4601 97th Street, legally described as Lot A, District Lot 2450S, SDYD, Plan 30111.

CAO Comments:

Approved for Council consideration.

Executive Summary:

The purpose of this report is to seek Council direction with respect to a proposal to initiate a rezoning to allow “duplex dwelling” as a permitted use at 4601 97th Street.

Site Context:

The subject property is approximately 1.41 ha in area and is situated on the northeast side of 4601 Highway 97. It is understood that the parcel is comprised of two four-unit townhouse buildings and that a third four-unit townhouse building is currently under construction.

The surrounding pattern of development is generally characterized by a mix of medium and low density residential on the northeast side of Highway 97 and primarily agricultural property on the southwest side.

Background:

The current boundaries of the subject property date to a plan of subdivision that was deposited with the Land Title Office in Kamloops on July 12, 1979.

Official Community Plan Bylaw No. 1375, 2021

Under the Town of Osoyoos Official Community Plan (OCP) Bylaw No. 1375, 2021, the subject property is currently designated Medium Density Residential (MR) and is the subject of a Multi-Family Residential Development Permit (MRDP) Area designation.

Zoning Bylaw No. 1395, 2024

Under the Town of Osoyoos Zoning Bylaw No. 1395, 2024, the property is currently zoned Medium Density Residential One Site Specific (RM1s) which, as it pertains to this report,

permits “apartment building” and “townhouse” as principal uses, and as a site-specific allowance, “secondary suites” as an accessory use.

Importantly, both “apartment building” and “townhouse” uses require a minimum of three dwelling units to be located within a building. “Duplex dwelling” is not permitted within the RM1 Zone.

Former Zoning Bylaw No. 1085, 1998

Under former Town of Osoyoos Zoning Bylaw No. 1085, 1998, the subject property was zoned High Density Residential (R7), which permitted “multiple family dwelling”. “Multiple family dwelling” was defined as “a minimum of three dwelling units used as residences within a building or group of buildings designed as an integrated development, which may be divided into individual strata ownership.”

Permit History

In April 2022, Multi-Family Residential Development Permit (MRDP) No. 21-12, was issued in relation to a proposed multi-family residential development (see Attachment No. 2).

In 2024, building permits were issued for the construction of three townhouse buildings, each comprising of four dwelling units (BP Nos. 2023063, 2023064 & 2023065), as well as construction pertaining to civil works and two retaining walls (BP No. 2023040).

As part of the issuance of the building permits, the Town entered into a servicing agreement with the developer in 2024 which stipulated that the developer was to construct and install on the subject property, and lands adjacent to the property, various works and services (i.e., sanitary sewage, water, road works and services on all highways abutting and adjacent to the property, walkways, electrical and telephone including street lights) in accordance with approved civil drawings. The servicing requirements included the installation of individual service connections to service each proposed dwelling unit.

In February 2026, the Town Approving Officer approved the applicant’s Phased Strata Plan Declaration (Form P), which stipulated that the development would be completed within four phases.

In January 2026, the Town received an MRDP application for the proposed development. It is understood that the application was submitted in order to revise the site layout and landscaping plan which would have been altered due to changes required to the access roadway as part of the 2024 Servicing Agreement (see Attachment No. 4).

In March 2026, the Town received two building permit applications, with each proposing the construction of one townhouse building comprising of four dwelling units.

Previous Council Consideration

In 2024, the applicant applied to the Town to amend the zoning designation of the property from Medium Density Residential One (RM1) to Medium Density Residential One Site Specific (RM1s), with a site specific provision to allow “secondary suite” as a permitted accessory use at the subject property (Zoning Amendment Bylaw No. 1395.02, 2024).

At its meeting of November 12, 2024, the Town of Osyoos Council resolved to adopt Zoning Amendment Bylaw No. 1395.02, 2024.

Discussion

In reviewing the development plans provided as part of Development Permit No. 21-12, Building Permit No. 2023040 and associated servicing plans, Bylaw Amendment Application No. Z24-01, and Form P approval request, Administration noted that the development plans had included a duplex dwelling since at least October 2021.

Despite this, the current and previous zoning of the property would not have permitted the construction of a “duplex dwelling” on the property. However, it is not clear as to whether the developer was advised of this at the time in which the proposal was initially reviewed as part of the issuance of Development Permit No. 21-12.

Further compounding this issue, the developer had entered into a servicing agreement as part of the issuance of Building Permit No. 2023040. The servicing agreement has since been closed, following the completion of the required works and services.

In this regard, substantive site preparation and servicing works have already been completed based on the developer’s understanding of what they believed to have been permitted, given the issuance of various permits and approvals by the Town.

In reviewing the development proposal, Administration notes that the subject property is intended to be developed to 50 principal dwelling units, which would largely be in the form of townhouse units, with the exception of two principal dwelling units which would be located within a duplex building.

The preferred land use within lands designated as Medium Density Residential (MR) under the Town’s OCP Bylaw is apartment buildings and townhouses, as a means of achieving greater densities and efficient land use. Duplexes are generally considered to be forms of low density residential development and are not typical of medium density residential developments.

Despite this, Administration recognizes that the duplex building is an outlier in the broader development plan, which will ultimately result in what would largely be considered a medium density residential development.

Alternative:

Conversely, the developer has other options to achieve compliance with zoning, such as adding an additional unit onto the proposed duplex building (thereby resulting in a “townhouse”) or relocating and combining the duplex building with a nearby townhouse building. However, both of these options would require additional costs to either install additional service connections or relocate existing services, which may be considered unnecessarily punitive given that the developer was unaware of the zoning discrepancy until after servicing was completed. Additionally, the addition of units would require an amendment to the developer’s Form P, which has associated legal costs.

The developer also has the option to remove the duplex building from the development plan; however, this would be unfavourable from the perspective of costs to the developer, installed

but unused service connections and loss of future housing units.

Summary:

With the above in mind, Administration is recommending that Council initiate a rezoning for the subject property in order to allow “duplex dwelling” as a permitted principal use, to a maximum of one duplex dwelling (reflecting existing development plans).

If Council is supportive of initiating the rezoning, Administration highlights that there may be efficiencies in including this zoning amendment as part of the on-going Various Land Use Bylaw Amendments (2026). Accordingly, Administration is further recommending that Zoning Amendment Bylaw No. 1395.12, 2026 be updated to include the above noted amendment.

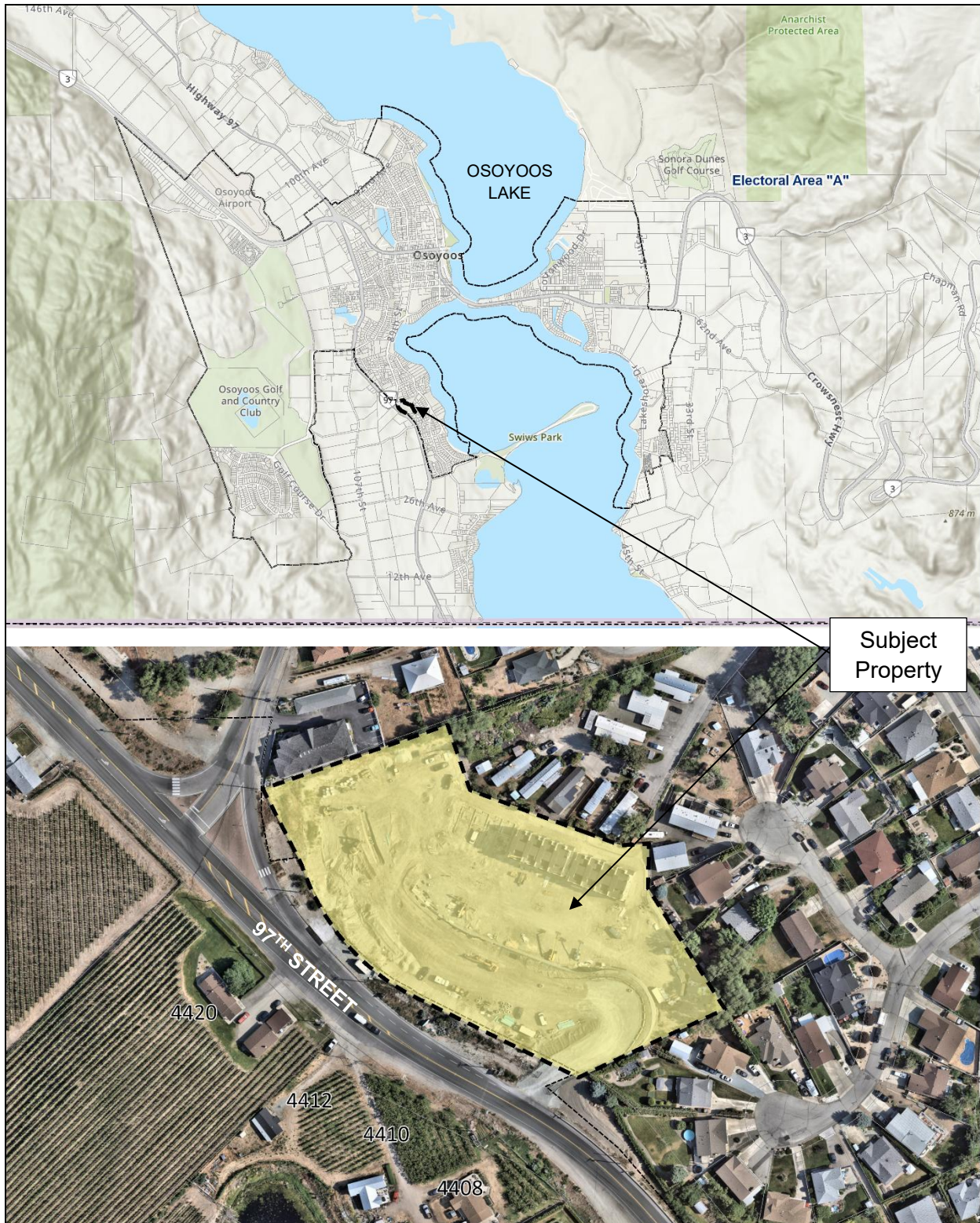
Options:

1. THAT Zoning Amendment Bylaw No. 1395.12, 2026, be revised in order to include a regulation permitting one “duplex dwelling” as a principal use at the property located at 4601 97th Street, legally described as Lot A, District Lot 2450S, SDYD, Plan 30111.
2. Status quo.

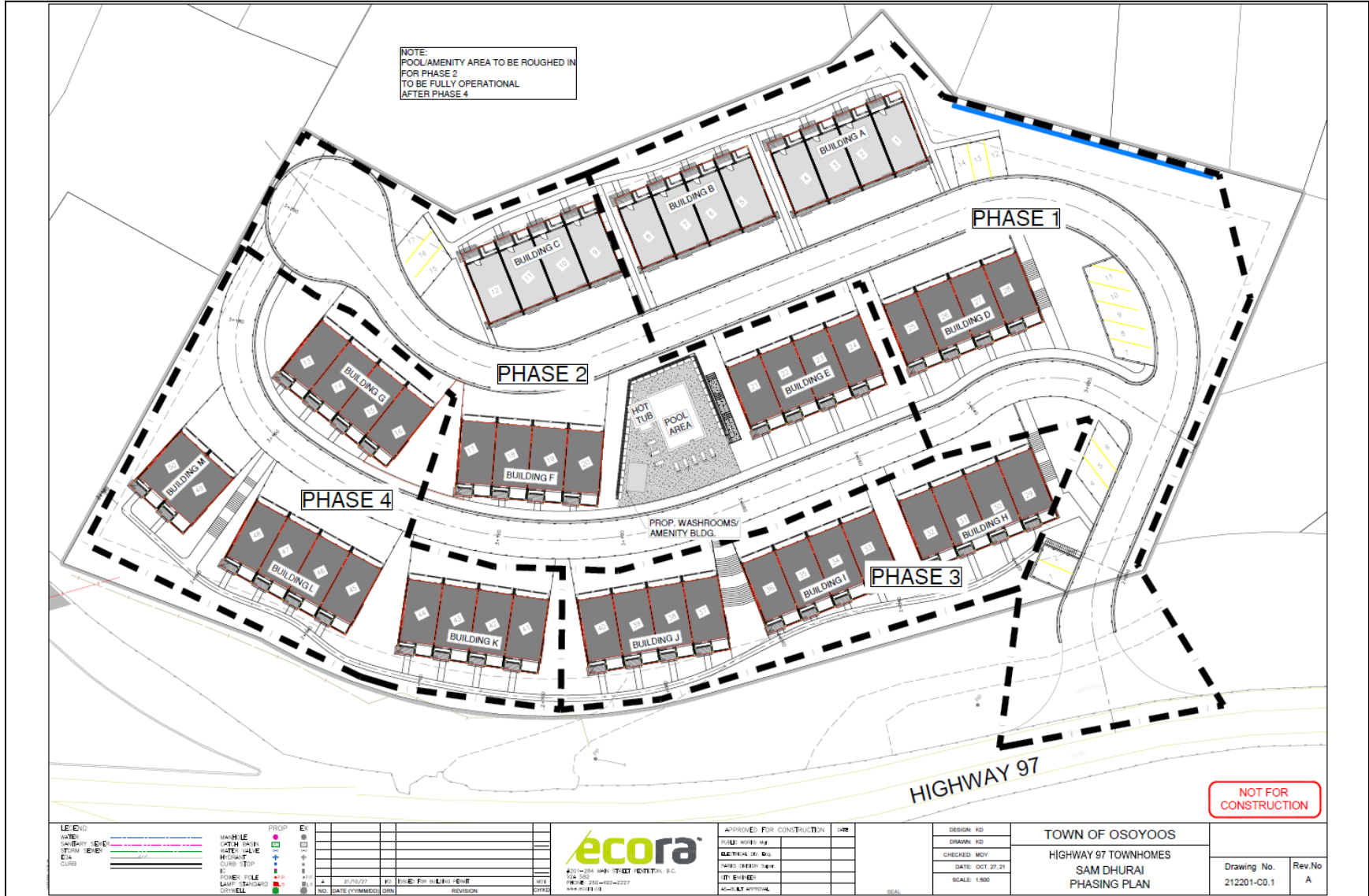
Attachments:

1. Context Maps
2. Development Permit No. 21-12 Development Plans (2021)
3. Composite Utility Plan (2023)
4. Applicant's Site Plan (2026)

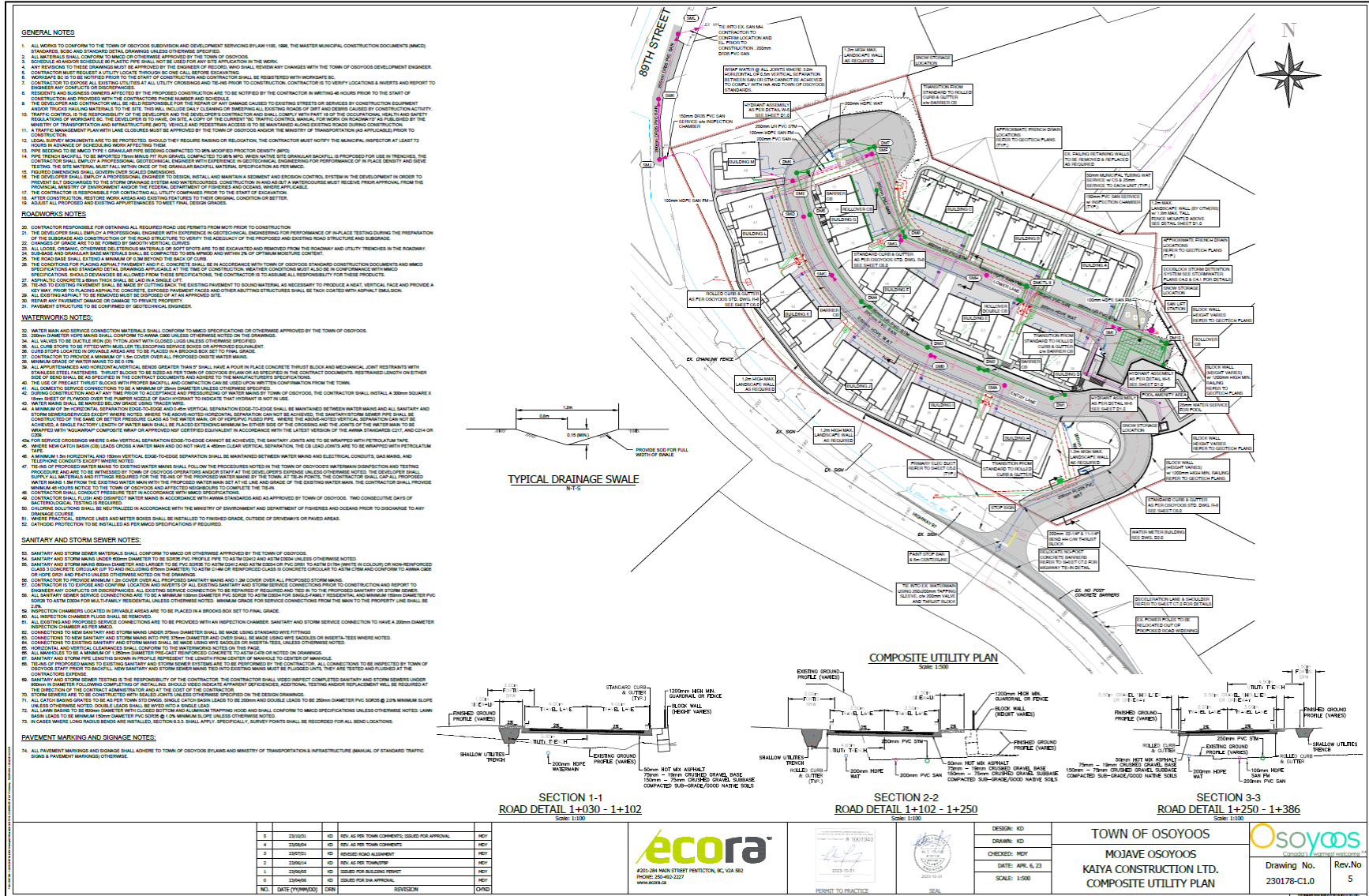
Attachment No. 1 – Context Maps



Attachment No. 2 – Development Permit No. 21-12 Development Plans (2021)



Attachment No. 3 – Composite Utility Plan (2023)



Attachment No. 4 – Applicant's Site Plan (2026)

