

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** J. Zaffino, Chief Administrative Officer

**DATE:** April 17, 2025

**RE:** Development Variance Permit Application — Electoral Area “D” (D2025.006-DVP)

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### Administrative Recommendation:

**THAT Development Variance Permit No. D2025.006-DVP, to allow for the construction of two retaining walls at 162 Saliken Drive, be approved.**

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Legal: Lot 13, Plan KAP23178, District Lot 2710, SDYD Folio: D-06752.220

OCP: Large Holdings (LH) Zone: Large Holdings One Site Specific (LH1s)

Variance Request: to increase the maximum height of two retaining walls from 2.0 metres to 3.46 metres.

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### Proposed Development:

This application is seeking a variance to the maximum height for retaining walls that applies to the subject property in order to undertake the construction of two retaining walls.

Specifically, it is being proposed to increase the maximum height of two retaining walls from 2.0 metres to 3.46 metres.

In support of this request, the applicant has stated that “as the driveway slopes down toward the garage slab, the exposed face of wall “A” will be less than or equal to 11’ 4” in exposed face. The exposed height will decrease rapidly as the wall approaches the roadside, ending at 4’ exposed at the end of the 40’ length of wall. The home is set close to design... which keeps overall building height under the allowed maximum.”

### Site Context:

The subject property is approximately 5.27 ha in area and is situated on the south side of Saliken Drive, approximately 325 metres east from the boundary with City of Penticton. The property is understood to contain one (1) partially constructed singled detached dwelling.

The surrounding pattern of development is generally characterised by similar residential development.

### Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on October 19, 1972.

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Available Regional District records indicate that a building permits for a Single Family Dwelling (2015), and a Single Family Dwelling (2021) have previously been issued for this property, and BC Assessment has classified the property as “Residential” (Class 01).

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Large Holdings (LH), and is the subject of a Watercourse Development Permit (WDP), Environmentally Sensitive Development Permit (ESDP), and Hillside Development Permit (HDP) Area designations.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Large Holdings One Site Specific (LH1s) which outlines accessory building or structure, subject to Section 7.1 as a permitted accessory use.

Section 6.13 provides additional regulations for retaining walls. Section 6.13.5 does allow for a retaining wall in a required setback for a front parcel line, to be up to 2.0 metres in height where the finished grade of the subject parcel at the base of the retaining wall is lower than the finished grade of the abutting parcel or highway. This is the case for 162 Saliken as the abutting highway is at a higher grade than the finished grade of the proposed wall.

Under Section 10.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Ellis Creek and any future development and building permits applied for will need to comply with the Bylaw’s Floodplain Regulations.

#### Application History:

In 2023, the property owner submitted a development variance permit application seeking to vary the maximum height for three (3) retaining walls and was subsequently denied by the Board at its meeting February 8, 2024.

In response to this previous decision, the applicant has amended the current variance request to remove one of the retaining walls that was understood to be one of the main considerations in the Board’s previous refusal.

The Ministry of Transportation and Transit provided a Permit to construct, use, and maintain access to a provincial public highway to the applicant on February 27, 2025.

#### **Public Process:**

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted, in accordance with Section 2.10 of Schedule ‘4’ of the Regional District’s Development Procedures Bylaw No. 2500, 2011, until 4:30 p.m. on March 31, 2025. All comments received are included as a separate item on the Board’s Agenda.

#### **Analysis:**

The Zoning Bylaw’s use of regulations to govern the placement of retaining walls are generally to encourage retaining walls be integrated into the terrain and respect the natural character of the site in order to achieve environmentally sound and liveable hillside neighbourhoods.

Further, retaining walls should be aesthetically well integrated into a hillside to enhance the desirability and marketability of hillside developments, allowing flexibility and innovation in design while recognizing the importance of preserving natural features and hillside character.

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For these reasons, the use of large concrete block retaining walls in residential areas that create a negative visual impact are discouraged, whereas, surface treatments that harmonize the natural texture and colours are encouraged.

In this instance, Administration notes that construction of a retaining wall is consistent with the purpose and intent of the LH1s zone, which permits retaining walls. Moreover the retaining wall's purpose is to support the principal residential use of the property.

The single detached dwelling is located at a lower elevation than Saliken Drive. The proposed 3.46 metre walls are intended to allow for the drive way to be a more reasonable grade to access the single detached dwelling.

The elevation and topography of the property appear to be quite complex and the use of retaining walls will help to alleviate slope related issues, especially the ability to access the property from the road.

The lower elevation of the dwelling and proposed retaining walls will limit the visibility of the walls on the property. Because of this it is unlikely that the proposed walls will negatively impact the streetscape and character of the surrounding neighbourhood.

**Alternative:**

Conversely, Administration recognises that the walls are to be built out of concrete and may not preserve the natural features of the hillside character.

**Summary:**

For these reasons, Administration supports the requested variances and is recommending approval.

**Financial Implications:**

Financial implications have been considered and none were found.

**Communication Strategy:**

The proposed variance(s) have been notified in accordance with the requirements of the *Local Government Act* as well as the Regional District's Development Procedures Bylaw No. 2500, 2011.

**Alternative:**

1. That the Board deny Development Variance Permit No. D2025.006-DVP.

**Respectfully submitted**

Colin Martin

Colin Martin  
Planner I

**Endorsed by:**



C. Garrish  
Senior Manager of Planning

**Endorsed by:**



A. Fillion  
Managing Director, Dev. & Infrastructure

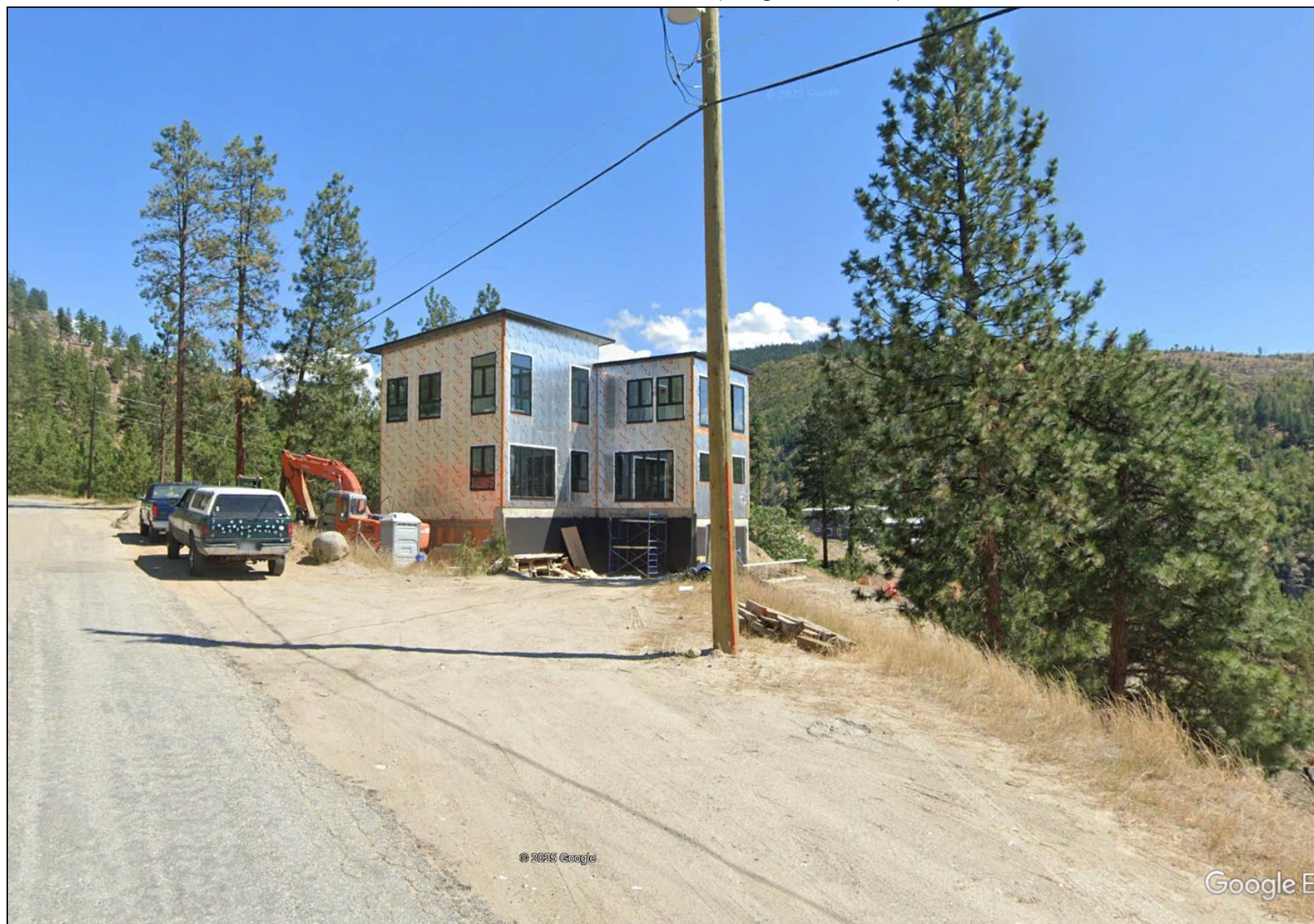
Will a PowerPoint presentation be presented at the meeting?      No

**Attachments:** No. 1 – Site Photo (Google Streetview)

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No. 2 – 3D Rendering of Proposed Retaining Walls

Attachment No. 1 – Site Photo (Google Streetview)





Attachment No. 2 – 3D Rendering of Proposed Retaining Walls

