



COUNCIL REPORT

To: Paul Gipps, CAO

Date: August 23, 2022

From: Carla Eaton, Senior Planner

File No: Z 21-02

Subject: **Z 21-02, OCP and Zoning Amendment Bylaw No. 0100.64 and 0154.104 (3rd Reading), Unaddressed Smith Creek Road**

RECOMMENDATION

THAT Council give third reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.64, 2022 (File: Z 21-02); and

THAT Council give third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.104, 2022 (File: Z 21-02); and

THAT Council direct staff to schedule the bylaws for consideration of adoption following registration of a Section 219 Covenant to secure servicing and infrastructure works as a condition of zoning, including preliminary design and cost estimates to the satisfaction of the City and as described in this report for the following:

- Full dedication and construction¹ of the east-south Smith Creek Road alignment
- Extension of Doucette Drive to connect with Copper Ridge Drive² prior to any further development over 100 units;
- Bus stop improvements, including the extension of sidewalk from the Copper Ridge intersection
- Linear trail connections including works and any necessary statutory rights of way
- Off-site storm water improvements.

STRATEGIC AREA(S) OF FOCUS

Strategic Plan Priorities 2022, Economic Growth and Prosperity

¹ To the classification of the Urban Arterial cross-section

² Constructed to a Local or Local Hillside Road standard, as per Works and Services Bylaw No. 0249

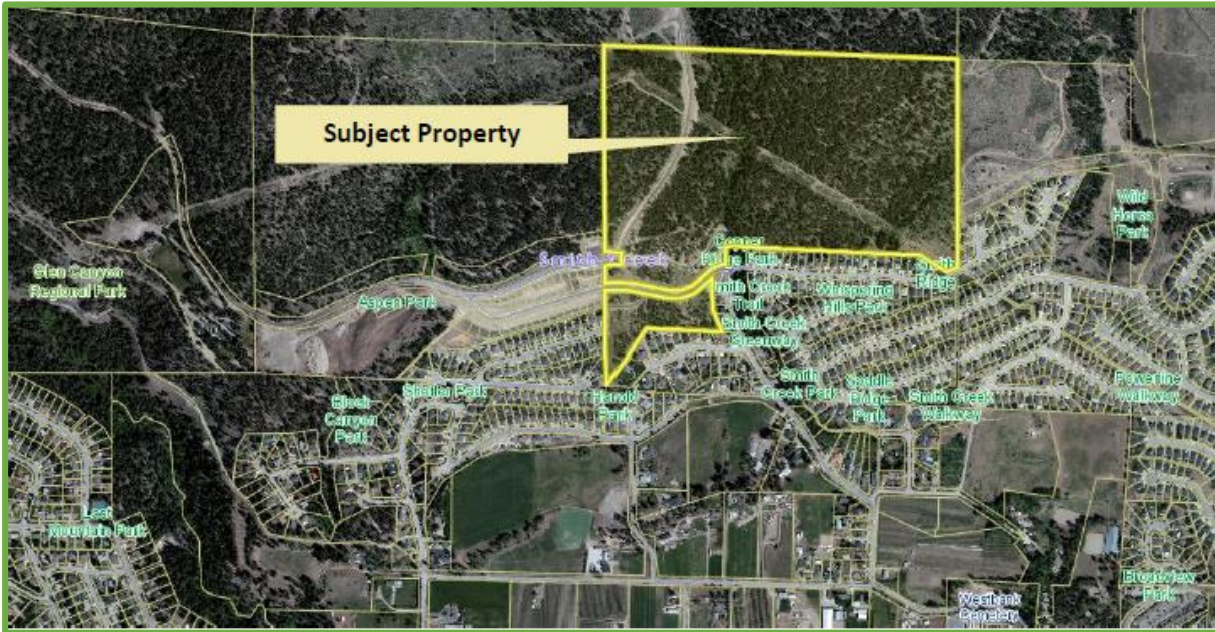
BACKGROUND

The purpose of this report is to provide Council with an overview of the Public Hearing held for this application on June 14, 2022, request consideration of third reading, and seek direction on proposed conditions of adoption for the proposed bylaw amendment. Council gave the proposed bylaw amendment second reading on May 10, 2022.

PROPERTY DETAILS			
Address	Smith Creek Road (Part E 1/2, DL 3478, ODYD, Except Plan 6425, 10683, 12080, 15504, 40370, KAP56474)		
PID	011-344-709		
Folio	36414695.000		
Lot Size	432,694 m2 parent parcel / ~ 56,000 m2 rezoning area		
Owner	0999149 BC Ltd	Agent	Protech Consulting (2012) / Kyle Lorincz
Current Zoning	RU5 (Rural Resource)	Proposed Zoning	R3 (Low Density Multiple Family) and R1 (Single Detached Residential)
Current OCP	Parks and Natural Areas / Single Family Residential / Low Density Multiple Family	Proposed OCP	Single Family Residential / Low Density Multiple Family
Current Use	Vacant	Proposed Use	Residential
Development Permit Areas	Hillside, Terrestrial, Aquatic, Wildfire, Form and Character for Multiple Family		
Hazards	Potential Rockfall / Slide Area on parent parcel		
Agricultural Land Reserve	N/A		

ADJACENT ZONING & LAND USES		
North	^	RU5 (Rural Resource) – vacant CDP land
East	>	P1 - Smith Creek Greenway / R1 - single family residential
West	<	R1 - single family residential (new Smith Creek Ph. 1)
South	v	P1 – Harold Park / R1 - single family residential

NEIGHBOURHOOD MAP



PROPERTY MAP



Proposal

The applicant has proposed an Official Community Plan amendment from Low Density Multiple Family and Parks and Natural Areas to Single Family Residential and Low Density Multiple Family (see *Attachment 1*). The applicant has also proposed a Zoning Bylaw amendment from Rural Resource Zone (RU5) to Low Density Multiple Residential Zone (R3) and Single Family Residential Zone (R1) (see *Attachment 2*). The amendments on a ~56,000 m² portion of the south-east corner of the parcel are required to facilitate a proposed development including approximately 43 single family residential lots and one 1.2 ha multi-family parcel. The proposed development also includes a road dedication that will connect the northern extent of Smith Creek Road to the southern portion.

DISCUSSION

Public Hearing Overview

A Public Hearing was held on June 14, 2022. In accordance with Development Application Procedures Bylaw No. 0260, 168 notification letters were forwarded to property owners and tenants within 100m of the proposed development in advance of the Public Hearing. One person spoke at the public hearing and twenty written submissions were received prior to the meeting noting questions or concerns about the following:

- Increasing neighborhood density and capacity of existing infrastructure;
- Condition of Smith Creek Road leading up to proposed development;
- Request for sidewalks and lighting with the current development rather than later;
- Neighbourhood impacts including noise, dust, and emissions from road expansion;
- Environmental impacts including prevalence of migration trails and wildlife habitat;
- Preserving Parks and Natural Areas rather than allowing Single Family Residential lots with covenants;
- Public greenspace availability including existing trail and biking system;
- Reconsideration of the required trail standard to allow for equestrian passage on gravel multi-use path instead of concrete stairs and side-walk routing;
- Environmental and other hazards such as potential flooding, rockfall, and/or slide areas; and
- Public notification processes including meeting times and notification delivery.

The following sections provide some follow-up to these identified issues and questions, as well as elaborate on the proposed conditions noted at public hearing.

Environmental Impacts and Protection of Greenspace

Three areas identified as Environmental Sensitive Area (ESA) 3 are recommended to be protected with no disturb covenants at time of future subdivision, which will replace their current Parks and Natural Areas land use designation (see *Figure 1* - hatched areas). Additionally, recommendations outlined in the Environmental Assessment including construction timing for wildlife preservation, erosion control, and managing disturbances are to be followed during construction and will be addressed at time of future development permit review. Ensuring these areas are protected while remaining in private ownership are in accordance with the City's Parks Acceptance policy.

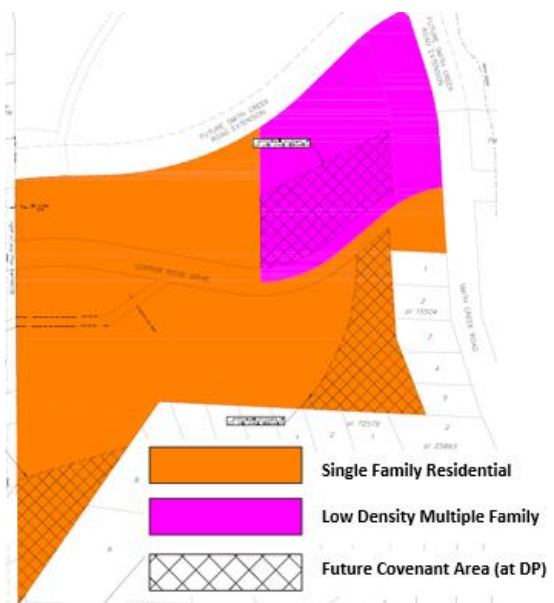


Figure 1: Proposed Future Covenant Areas

Linear Trail Connections (Equestrian, Biking, and Pedestrian Routes)

Based on Council and public feedback, the applicant has been working with staff to address the required trail connections and consideration of any necessary statutory rights of way to accommodate not just pedestrian and cycling routes, but to allow for an equestrian route through the development area as well. The proposed connection from Harold Park through to the Smith Creek Road extension (see *Figure 2* - yellow dashed line) to address identified CDP connections will combine a shared route over the lower portion (*Figure 2* – red line) and a pedestrian only connection over the northern portion (*Figure 2* – green line).

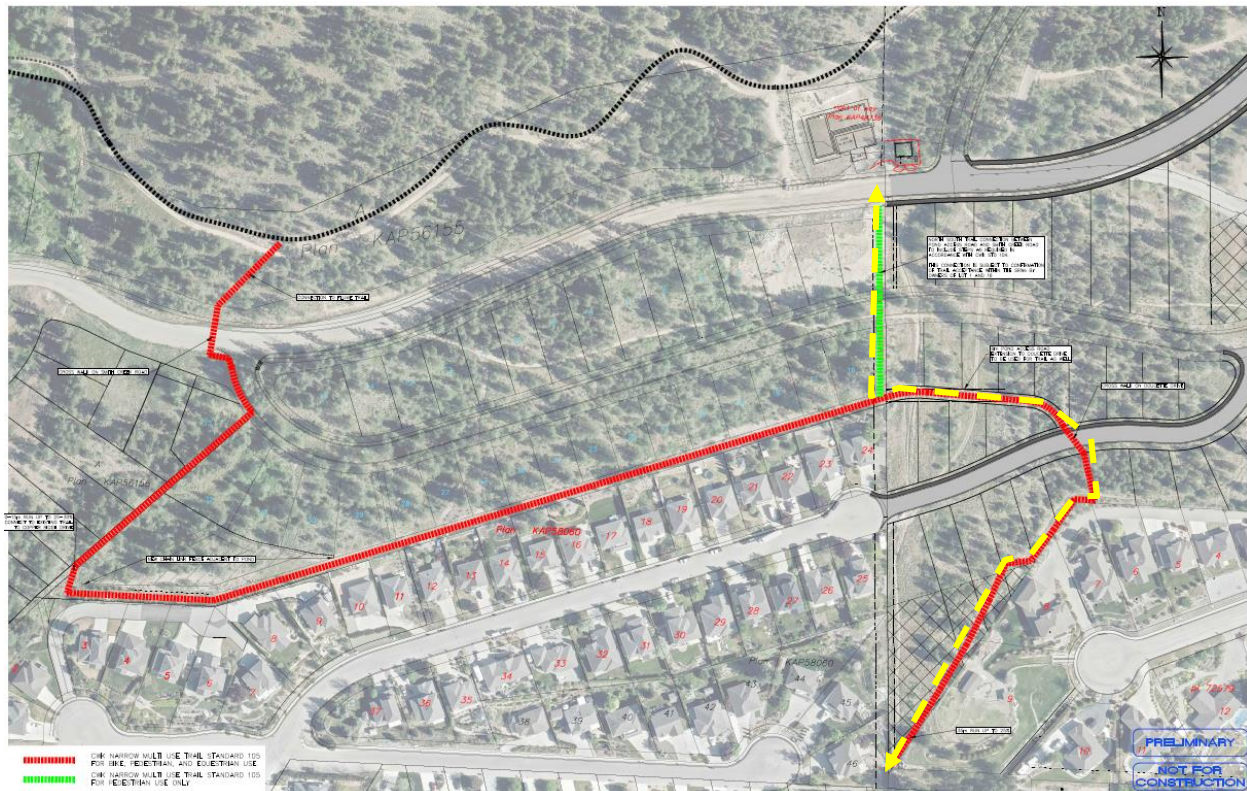


Figure 2: Conceptual Trail Network - Smith Creek Ph. 1 Development

The additional equestrian and cycling route will allow for a separate connection to the west over existing storm drainage and pedestrian walkways already in place as a condition of previous Smith Creek development to the west (Stage 1 and 2 outside the Smith Creek CDP), as well as a new section north of Smith Creek Road. Some work may be necessary to accommodate the changes proposed along the existing routes, as well as over the new proposed trails, including the consideration for statutory rights of way over existing and new proposed areas. However, the revised alignment provides a more moderately sloping trail with greater suitability for pedestrians, cyclists, and equestrians.

As a condition of zoning, it is recommended that a preliminary design drawing and cost estimate be provided for the proposed linear trail alignments, and that these are registered through Section 219 Covenant that restricts development until such time as the following works are completed or secured:

- An off-site equestrian/cycling route from the proposed on-site linear trail route through to the flume trail west of the site to a minimum 3 m wide narrow multi-use trail standard (*Figure 2 – red line west of the subject property*);
- An on-site equestrian/biking route through the site from Harold Park to the proposed off-site linear trail connection heading to the west to a minimum 3 m wide narrow multi-use trail standard (*Figure 2 – red line within the subject property*); and
- An off-site pedestrian trail connection along the western site boundary to connect the narrow multi-use trail through to Smith Creek to the north to a minimum 1.5 m wide rural pathway standard that would include crib steps over this portion (*Figure 2 – green line*).

Drainage and Flooding Concerns (Associated with Site Servicing)

A Servicing Report was submitted and notes that the site can be adequately serviced with no off-site improvements required for sanitary sewer or water services. The report notes the development will tie into existing storm sewer and storm detention pond constructed with previous development and that a private storm water detention facility will be provided for the multiple family development, where final design will be addressed at time of future development permit. In addition to these works and based on a comprehensive Storm Water Management Plan and Hydrotechnical Engineering Review, the following off-site works are recommended to be secured as a condition of zoning to address identified stormwater concerns:

- Placement of boulders within Smith Creek downstream of the Salish outlet to prevent scouring and erosion during larger storm events; and
- Monitoring every 5 years as Smith Creek development progresses to document impacts and provide recommendations regarding any further necessary works, including the installation of any recommended works.

Transportation Concerns (Existing Road and Sidewalk Conditions)

As noted in the CDP, Council may wish to review the timing for any potential Smith Creek Road improvements as off-site conditions with each phase of development, which may include the existing connection of Smith Creek Road in a north-south direction, as well as the connection of Smith Creek Road to Tallus Ridge (east-west direction). The CDP further notes that construction of the Tallus Ridge Drive extension to the east (see *Figure 3 – green dashed line*) will be triggered once Smith Creek development reaches 600 units to meet NFPA recommendation, or earlier if otherwise warranted based on existing conditions and input from professional reporting. The CDP policies allow for direction from Council in terms of the timing or request for improvements or connections to be advanced when and if deemed necessary by Council.

The proposed transportation network improvements to Smith Creek Road are designed to begin to incrementally address deficiencies in the existing road network as conditions of zoning for Phase 1. It is noted that additional in-stream zoning applications within the Smith Creek neighbourhood are also triggering additional improvements to the transportation network to address these deficiencies.

Smith Creek Road Extension - Frontage works triggered by future development of the upper portion of the site will include the extension of Smith Creek Road (see *Figure 3* – blue and black dashed lines) but is limited to only 1/2 of the road. Therefore, it is recommended that the full dedication and construction³ of the east-south Smith Creek Road alignment (see *Figure 3* – blue and black dashed lines) is required as a condition of zoning to ensure that both sides of the road are developed. Given that the single-family residential portion (see *Figure 3* – black dashed line) may be developed separately from the multiple family portion (see *Figure 3* – blue dashed line), it is also recommended that this covenant permit these areas to be developed separately and the corresponding frontage works also be constructed at time of development for each area. A preliminary design drawing and cost estimate would be required prior to adoption to clarify the Smith Creek off-site improvements and timing, although additional discussion may be necessary following public hearing, or based on Council direction.

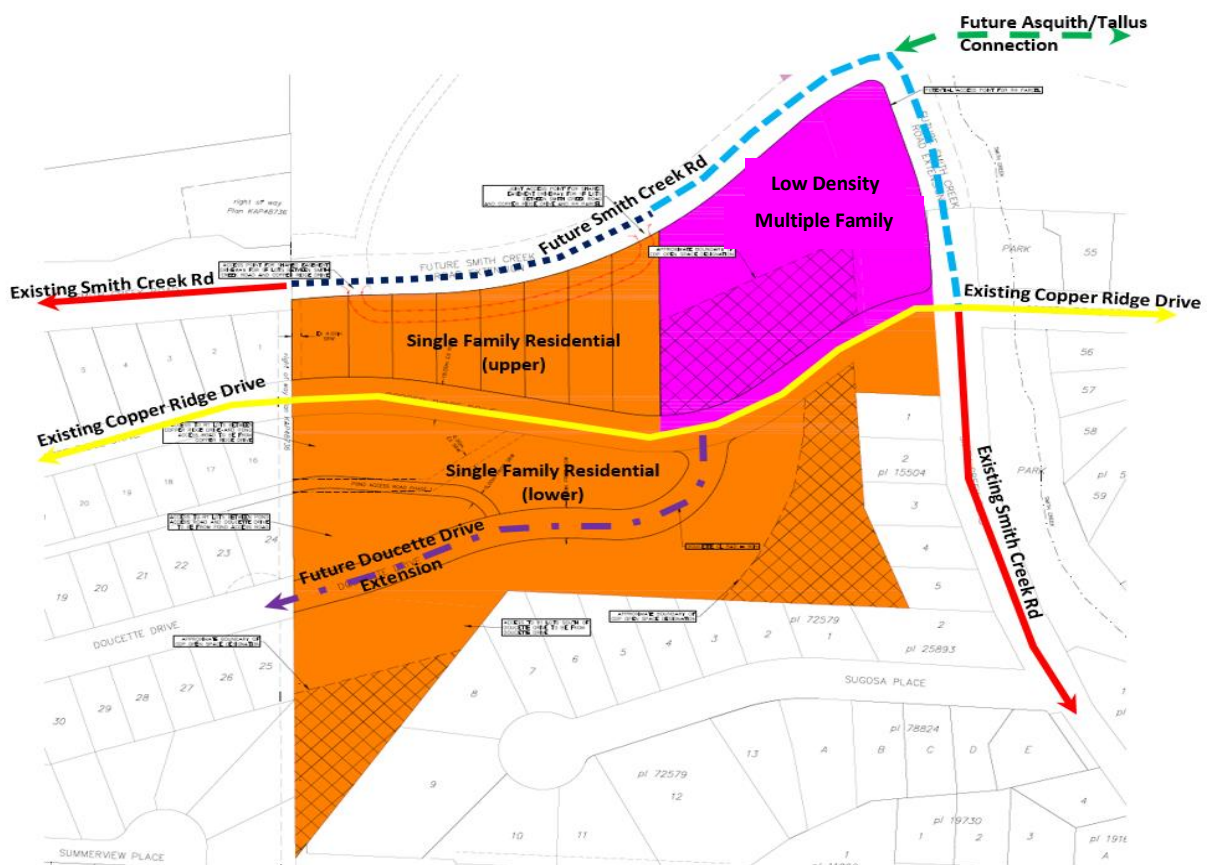


Figure 3: Proposed Zoning Amendment / Road Network (Potential Road Dedication & Future Connections)

Doucette Drive to Connect to Copper Ridge Drive - Doucette Drive is proposed to be extended to connect with Copper Ridge Drive⁴ (see *Figure 3* – purple dashed line) prior to any further development over 100 units⁵. A restrictive covenant will be recommended

³ To the classification of the Urban Arterial cross-section,

⁴ Constructed to a Local or Local Hillside Road standard, as per Works and Services Bylaw No. 0249

⁵ A second access is recommended in accordance with NFPA standards where the number of units within the upper portion of Smith Creek Road will exceed 100 units with the proposed development

as a condition of zoning to ensure that this phase of development within the larger Smith Creek area has at least two access points.

BC Transit Improvements - Based on the BC Transit referral comments and review by the City's traffic consultant, it is recommended that bus stop improvements⁶, including the extension of sidewalk from the Copper Ridge intersection complete with letdowns, as well as accessible bus pads (see *Figure 4* – red stars) including shelter and lighting are completed. These off-site transit improvements should be constructed as a condition of any future development and that a restrictive covenant is registered as a condition of zoning. A preliminary design drawing and cost estimate would be required prior to adoption.



Figure 4: Proposed Transit Improvements

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
Jun 14, 2022	THAT Council postpone consideration of Third Reading to City of West Kelowna OCP and Zoning Amendment Bylaw No. 100.64 and 154.104, 2022 (File: Z 21-02); and direct staff to bring the file back subject to confirmation of any off-site improvements including those related to transportation.	C159/22
Jun 14, 2022	Public Hearing Held	N/A
May 10, 2022	<p>THAT Council rescind second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.64, 2022 and Zoning Amendment Bylaw No. 0154.104, 2022 (File: Z 21-02); and</p> <p>THAT Council re-read City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.64, 2022 and Zoning Amendment Bylaw No. 0154.104, 2022 (File: Z 21-02) a second time as amended; and</p> <p>THAT Council direct staff to schedule the proposed bylaw amendments for Public Hearing pending receipt of a conceptual stormwater management</p>	C130/22

⁶ BC Transit Bus Stops 140167 and 140063

	plan to the satisfaction of the Director of Engineering.	
Jan 25, 2022	<p>THAT Council give first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.64, 2022 (File: Z 21-02); and</p> <p>THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.104, 2022 (File: Z 21-02); and</p> <p>THAT Council direct staff to schedule the proposed bylaw amendments for Public Hearing pending receipt of a conceptual storm water management plan to the satisfaction of the Director of Engineering.</p>	C043/22

CONCLUSION

It is recommended that Council give third reading to the proposed amendment (Z 21-02) as per the recommended motion based on the following:

- The proposed amendments are largely consistent with the anticipated residential development in the Smith Creek Comprehensive Development Plan enhancing options for both single family and townhouse development.
- The revised linear trail connections provide reasonable options for equestrian, biking, and pedestrian routes through the site with separate routing options allowing for different trail standards to enhance the overall connectivity through the neighbourhood to existing and proposed linear trail network.
- The future development permit process will address hillside and environmental mitigation and proposed covenant protection areas, as well as form and character issues with the proposed multiple family development.

Alternate Recommendation:

Alternate Recommendation 1: Postpone Consideration

THAT Council postpone third reading to City of West Official Community Plan Amendment Bylaw No. 0100.64, 2022 and Zoning Amendment Bylaw No. 0154.104, 2022 (File: Z 21-02).

Should Council wish to postpone third reading, it is requested that direction be provided as part of the Council resolution.

Alternate Recommendation 2: Deny Bylaw Amendments

THAT Council rescind first and second readings of Official Community Plan Amendment Bylaw No. 0100.64, 2022 and Zoning Amendment Bylaw No. 0154.104, 2022 (File: Z 21-02) and abandon the bylaws.

Should Council deny the proposed bylaw amendments, the application will be closed in accordance with Development Applications Procedures Bylaw No. 0260. Council shall not reconsider an application of this nature for the property for a period of six months.

REVIEWED BY

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Official Community Plan Amendment Bylaw No. 0100.64, 2022
2. Zoning Amendment Bylaw No. 0154.104, 2022