



COUNCIL REPORT

To: Paul Gipps, CAO

Date: October 4, 2022

From: Carla Eaton, Senior Planner

File No: Z 17-18

Subject: **Z 17-18, OCP and Zoning Amendment Bylaw No. 0100.51 and 0265.05 (3rd as Amended), 2734 & 2736 Lower Glenrosa Road**

RECOMMENDATION

THAT Council give third reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.51, 2018 (File: Z 17-18); and

THAT Council give third reading as amended to City of West Kelowna Zoning Amendment Bylaw No. 0265.05, 2022 (File: Z 17-18); and

THAT Council direct staff to schedule the bylaw for adoption following submission of the following:

- Confirmation that any necessary legal agreements have been secured to accommodate the proposed off-site drainage improvements through affected private property to the satisfaction of the City;
- Confirmation of the registration of a Section 219 covenant to require the following as a condition of future development and as outlined in Appendix A:
 - Completion of an Archaeological Review and Wildfire Hazard Assessment with any required mitigation prior to future development;
 - Registration of a No Disturb Covenant to protect slopes greater than 30%, and to protect the riparian area;
 - Dedication and completion of wildfire mitigation of the identified Park area as shown generally on the attached Site Plan;
 - Registration of three statutory rights of way and construction of pedestrian walkways (Figure 1) through the subject property;
 - Storm drainage improvements (Figure 5) by the owner in general accordance with approved design drawings and cost estimates and to the satisfaction of the City;
 - Construction of off-site transportation (Figure 3) and water improvements by the owner in general accordance with approved design drawings and cost estimates; and
 - Restrict future development until the owner has established and constructed a statutory emergency access/egress route through the subject property (Figure 2), where any required improvements beyond the required minimum road standard necessary to support the proposed strata development would be constructed by the developer but paid for by the City.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – We will work with our partners on the Westside and throughout the region to advocate for and support efforts aimed at helping West Kelowna businesses prosper. With a focus on the future, we will advance opportunities to expand our economy, increase employment, and develop the community in ways that contribute towards prosperity for all.

BACKGROUND

The purpose of this report is to provide Council with an overview of the second Public Hearing held for this application on March 22, 2022, request consideration of third reading, and seek direction on proposed conditions of adoption for the proposed bylaw amendments. The bylaw amendments received first and second reading on July 10, 2018 and a first public hearing was held on August 14, 2018. Third reading was given on March 10, 2020, with conditions of adoption. However, the applicant later revised their development proposal to include additional multi-family lands which required amendment to the proposed bylaws and a new public hearing. As such, Council rescinded third and second reading in order to reconsider the bylaws as amended on November 9, 2021, and directed the second public hearing.

Bylaw Amendment Proposal

The applicant is requesting an amendment to the Official Community Plan (OCP) future land use designation from Resource Land and Single Family Residential to Low Density Multiple Family and Parks and Natural Area; and Zoning Bylaw amendment to rezone the subject properties from Rural Residential Small Lot Parcel Zone (RU2) and Institutional & Assembly Zone (P2) to the Low Density Multiple Residential Zone (R3) and Parks and Open Space Zone (P1) (*Attachment 1 and 2*). The intent of the application is to permit a multiple family development consisting of approximately 44 townhouses, including park dedication on the eastern portion of the site to tie into the Glen Canyon Regional Park corridor and Inverness Road, as well as proposed pedestrian walkway/trails, and protection of hillside and riparian area through the registration of no disturb covenants.

PROPERTY DETAILS

Address	Lot A, DL 3188, ODYD, Plan EPP97329; and Lot A, DL 3188, Plan KAP31219 2734 & 2736 Lower Glenrosa Road		
PID	031-030-751 and 003-769-950		
Folio	36414590.194 and 36414590.516		
Lot Size	24,200.2 m ² and 1,861.56 m ²		
Owner	1109808 B.C. LTD / Richard Barber	Agent	Pilling & Associates / David Mori
Current Zoning	RU2 – Rural Residential Small Parcel Zone & P2 – Institutional and Assembly Zone	Proposed Zoning	R3 – Low Density Multiple Residential & P1 – Parks and Open Space Zone

Current OCP	SFR – Single Family Residential & Resource Land	Proposed OCP	LDMF – Low Density Multiple Family & Parks and Natural Area
Current Use	Residential	Proposed Use	Residential
Development Permit Areas	Aquatic; Hillside; Sensitive Terrestrial Ecosystem		
Hazards	None identified		
Agricultural Land Reserve	Not within ALR		

ADJACENT ZONING & LAND USES

North	^	RC3 – Compact Single Detached Residential
East	>	RU2 – Rural Residential; P1 – Park and Open Space (Glen Canyon Regional Park)
West	<	R1 – Single Detached Residential; P2 – Webber Road Community Centre; P1 – Park and Open Space (Glenway Park)
South	v	P2 – Powers Creek Community Centre; Lower Glenrosa Rd/ Hwy 97

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

Public Hearing Overview

A Public Hearing was held on March 22, 2022 and was held open to reconvene on April 5, 2022. In accordance with Development Application Procedures Bylaw No. 0260, 93 notification letters were forwarded to property owners and tenants within 100 m of the proposed development in advance of the Public Hearing. Thirteen persons spoke at the public hearing and thirteen written submissions were received including two petitions (one with forty-two signatures and one with 6 signatures) noting the following concerns and issues:

- Protection of steep slopes and neighbouring properties from erosion / drainage issues;
- Protection of wildlife corridors, species at risk and green space / riparian areas;
- Loss of park land;
- Wildfire potential and impact on emergency service response;
- Impacts on water service pressure within the neighbourhood;
- Traffic concerns on Lower Glenrosa Road;
- Impacts on storm water / flooding on Knoppler Brook, and water quality in Powers Creek; and
- Impact of multiple family development density creating potential traffic, noise, visual and neighbourhood character impacts.

The following sections provide follow-up to these identified issues and questions, as well as elaborate on the proposed conditions noted at public hearing. A detailed account of the Public Hearing can be reviewed in the minutes attached to this Council Agenda (*Attachment 3*).

Protection from Hillside Impacts

Steep Slopes and Hillside Development - A no-disturbance steep slope area is proposed adjacent to homes accessed from Inverness road. This area was previously enlarged as a result of concerns noted at the first Public Hearing and reiterated by Council to address steep slopes and hillside areas. The larger no-disturbance area was then incorporated into the revised development proposal with no change to its area (approximately 1765 m²). As shown on Figure 1, the proposed covenant area includes slopes greater than 30% which are an extension of the steep slopes on the properties to the north. As such, it is recommended that a Section 219 covenant be required as a condition of adoption to restrict development until a No Build - No Disturb area has been registered on title in general accordance with area shown on the attached Site Plan (*Attachment 4*).

Geotechnical Evaluation - Geotechnical reporting was submitted that identifies the subject properties and larger development area as safe for the intended use, subject to avoidance of steep slopes along the riparian area and the northeast parcel boundary adjacent to the Inverness subdivision. No encroachment is proposed into the Inverness properties to the north. The subject properties are within a Hillside Development Permit Area, which will require further site specific review in conjunction with the future form and character development permit for the site.

required environmental reporting would identify any habitat or mitigation concerns or recommendations to be addressed.

Proposed Trails and Pedestrian Connectivity - As noted through review of the original development proposal, the subject properties have existing informal trails that indicate residents are travelling through the site as it is located within walking distance proximity to Westbank Centre. As such, the following four pedestrian connections are recommended to be secured as a condition of zoning (see Figure 1):

- 1) Trail through the proposed Park (Figure 1 – Green Arrow) to connect the subject property to the Inverness neighbourhood to the Narrow Multi-use Trail Standard – Blue Square (intermediate) Rating;
- 2) Hard surface walkway (Figure 1 – Red Arrow) from the dedicated Park to the cul-de-sac at Lower Glenrosa Road (preferred sidewalk or separate path walkway standard) within the proposed development;
- 3) Trail from the Webber Road Community Centre parcel to Glenway Park (Figure 1 – Brown Arrow) to the Narrow Multi-use Trail Standard – Blue Square (intermediate) Rating; and
- 4) Trail from the Inverness Road subdivision pedestrian walkway to the Webber Road Community Centre (Figure 1 – Blue line) to the Narrow Multi-use Trail Standard – Blue Square (intermediate) Rating;

As a condition of rezoning and prior to park dedication, it is recommended that construction of the Park trail to the identified standard is secured through the registration of a restrictive covenant. It is further recommended that the three remaining trails are secured through the registration of a Section 219 covenant that restricts development until the statutory rights of way have been registered and the pedestrian walkways constructed to the standards noted above. Final detailed design will be required as a condition of the future Development Permit.

Emergency Access and Wildfire Concerns

Emergency Access Routing – In response to additional review of options related to emergency egress from Glenrosa, the applicant has agreed to enter into a legal agreement as a condition of zoning to facilitate a potential emergency access/egress route through the property (see red arrow in Figure 2). A proposed statutory right of way would follow the alignment of the proposed internal strata development road and would allow for access through rather than just into the site for emergency and public access. As a condition of zoning, the emergency access road, with final design and cost estimates to be addressed as part of the future development permit process, would be constructed at time

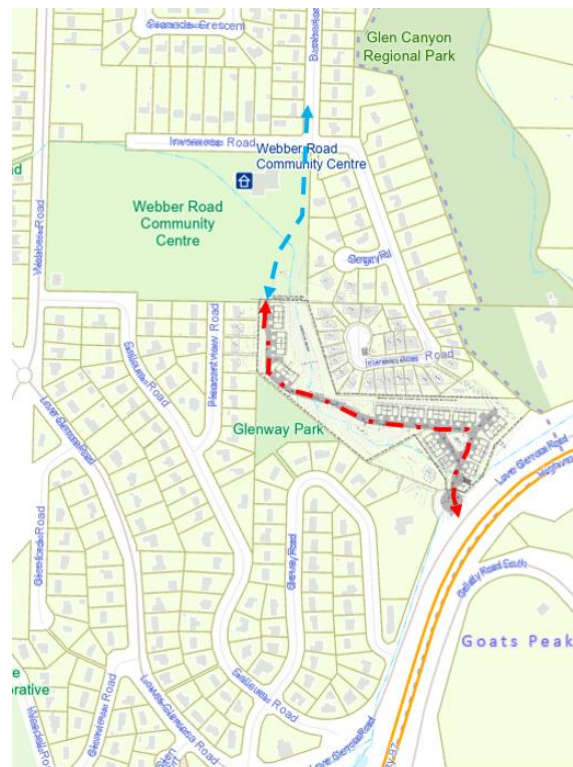


Figure 2: Conceptual Emergency Access Route

of future development by the developer. However, any required improvements beyond the minimum road standard necessary to support the proposed strata development would be paid for by the City, such as additional pavement widths to accommodate emergency vehicles or passing areas related solely to the emergency access/egress route.

Outside this application process, additional approvals and agreements will be required for potential routing through the adjacent School District No. 23 property (see blue arrow in Figure 2).

Wildfire Concerns – In response to public concern and based on the adjacency of the site to nearby large forested park corridors, it is recommended as a condition of future development that the owner is required to provide a wildfire hazard mitigation report with the future development permit process, and that any required wildfire mitigation measures to bring the wildfire hazard rating of the site to a low to moderate hazard rating are addressed as a condition of development. The proposed park area, as noted above, will have similar mitigation requirements.

Impacts on Water Servicing / Pressure

The applicant identified approximately 145 meters of new water main along Lower Glenrosa Road is required to service the site. Additionally, the City's Water Consultant confirmed the works to support the proposed development. As such, it is recommended that construction of the following works are secured as a condition of zoning through the registration of a Section 219 covenant (including preliminary design and cost estimates to the satisfaction of the City):

- Approximately 145 meters of watermain on Lower Glenrosa Road to increase fire flow to 90 Lps for the proposed development; and
- consolidation of two pressure zones along Lower Glenrosa Road¹.

Traffic Concerns on Lower Glenrosa Road

A traffic study for a proposed development of this size was not required as per the City's Terms of Reference for Professional Reporting as a traffic impact assessment is only required when more than 100 residential units are proposed. However, based on noted concerns for safety on Lower Glenrosa Road presented at both Public Hearings, recommendations to improve traffic safety and access (as shown on Figure 3)

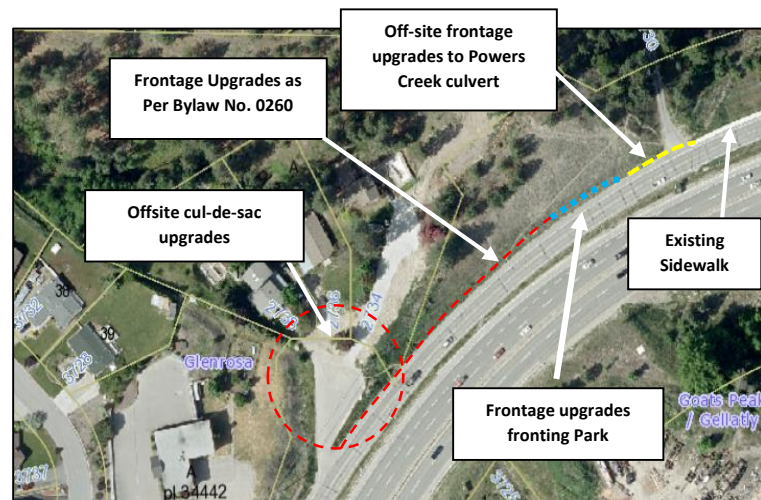


Figure 3: Cul-de-Sac and Proposed Sidewalk Extension Lower Glenrosa

¹ Upgrade the existing 100 mm diameter interconnect to 250 mm diameter and adjust the PRV setpoints as per AECOM Memorandum dated March 19, 2022

are recommended to be secured as a condition of zoning. It is recommended that construction of the following works, including preliminary design and cost estimates to the satisfaction of the City, are secured as a condition of zoning through the registration of a Section 219 covenant:

- Cul-de-sac to urban standard on Lower Glenrosa Road to accommodate sight lines, pedestrian movement, and turning radius for garbage trucks and emergency vehicles (shown in red circle in Figure 3);
- Frontage improvements on Lower Glenrosa Road fronting the Park, including a modified road section with shared pedestrian/cycle path separated from the drive aisle by concrete barrier and improved ditching (as shown as blue line in Figure 3); and
- Additional 25 meters of frontage on the north side of Lower Glenrosa Road from the Park to the Powers Creek culvert which lies east of the subject property (as shown as yellow line in Figure 3).

Drainage Impacts (Knoppler Brook flooding and Powers Creek water quality)

Knoppler Brook – As previously noted, the existing Knoppler Brook enters the subject property via two culverts which run under the neighbouring property at 2738 Lower Glenrosa Road (as shown with dashed yellow line on Figure 4).

Based on additional review of the storm drainage system and with the objective of reducing future potential flooding risk and damage to downstream infrastructure, a number of drainage improvements have been recommended to address the sub-standard existing piped system. The proposed works consist of:

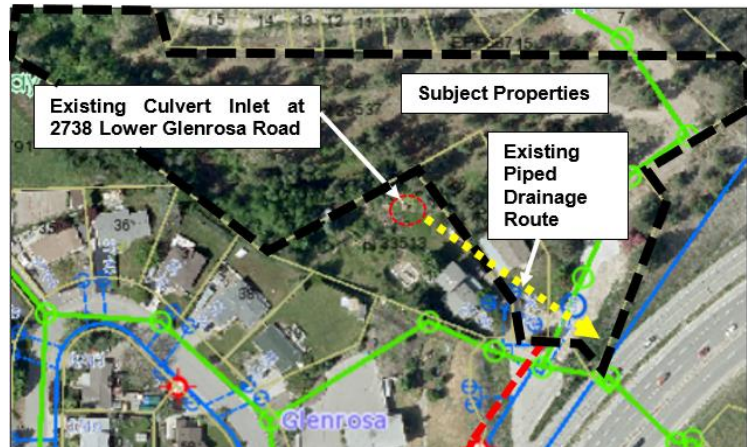


Figure 4: Existing Culvert Inlet for Knoppler Brook at 2738 Lower Glenrosa Road and Existing Piped Drainage Route

- converting the majority of the piped drainage system to an open channel realigned to avoid existing structures and driveways (see Figure 5 - open channel shown as red dashed line);
- relocating the headwall downstream of both existing and proposed residential structures (see Figure 5 – red box);
- increasing the size of the new piped portion (see Figure 5 - green dashed line); and
- to connect to a combination of improved ditches and the existing storm drainage system along Lower Glenrosa Road (general location shown as purple arrow on Figure 5).

The proposed works will require necessary legal agreements to accommodate the proposed off-site drainage improvements through affected private property to the satisfaction of the City, and it is recommended that these are confirmed prior to adoption.

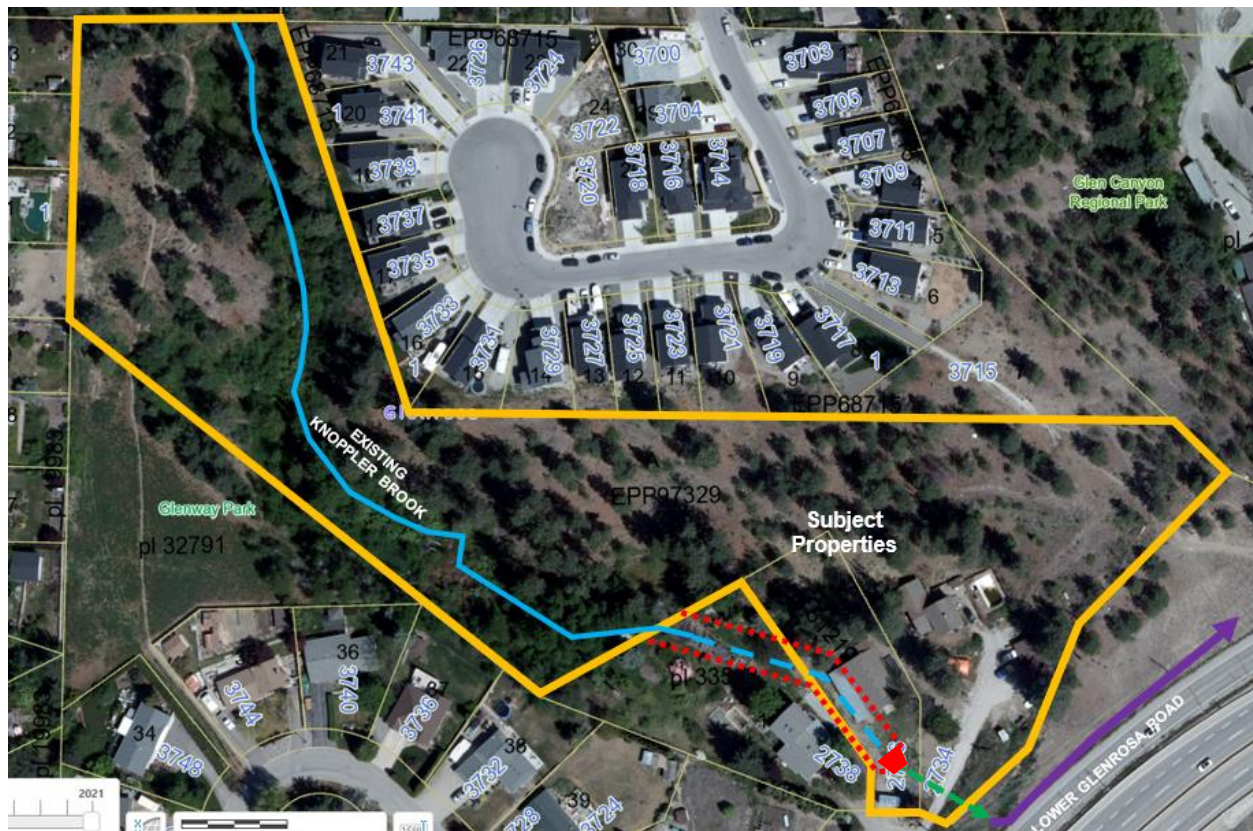


Figure 5: Proposed Open Channel and Piped Drainage System for Knoppler Brook

As such, it is recommended that the developer complete storm drainage improvements as a condition of zoning through the registration of a Section 219 covenant (including preliminary design and cost estimates to the satisfaction of the City). These improvements will include the construction of an open channel that discharges into a new section of larger piped storm drainage system before draining into the existing pipes and improved ditches along Lower Glenrosa Road (as shown generally above in Figure 5 or more technically on *Attachment 5*.)

The on-site portion of Knoppler Brook would generally continue through its existing course and any long term maintenance would be the responsibility of the future strata development subject to the proposed riparian area protection covenant as well as development permit guidelines.

Water Quality – Multiple family residential development is required to provide on-site collection and detention of storm drainage events and discharged in accordance with the Works and Services Bylaw and may include additional water quality control measures if recommended by the environmental consultant. This will be reviewed further through the future development permit and servicing permit processes.

Impact of Development on Neighbourhood Character (visual, noise, etc.)

The proposed multiple family development will require Council approve a future form and character, hillside, aquatic and terrestrial development permits. This will address specific building and site design as well as objectives for reducing visual impacts or enhancing the development through building alignment and site grading, landscaping, and building finishes and design. Appropriate transitions to existing residential development are

included in these objectives. Outside of this process, the City's Good Neighbour Bylaw No. 0151 addresses noise regulations within the City.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
March 22, 2022	Public Hearing held	N/A
November 9, 2021	<p>THAT Council rescind second and third readings to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.51, 2018; and</p> <p>THAT Council rescind second and third readings to City of West Kelowna Zoning Amendment Bylaw No. 0154.68, 2018; and</p> <p>THAT Council read City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.51, 2018 a second time as amended; and</p> <p>THAT Council read City of West Kelowna Zoning Amendment Bylaw No. 0154.68, 2018 a second time as amended; and</p> <p>THAT Council direct staff to schedule a Public Hearing.</p>	C333/21
March 10, 2020	<p>THAT Council give third reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.51, 2018; and</p> <p>THAT Council give third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.68, 2018; and</p> <p>THAT Council direct staff to schedule bylaws for consideration of adoption as per the conditions outlined further in this report.</p>	C077/20
October 2, 2018	<p>THAT Council postpone third reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.51, 2018; and</p> <p>THAT postpone third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.68, 2018.</p>	C387/18
August 14, 2018	Public Hearing held	N/A
July 10, 2018	THAT Council give first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.51, 2018;	C290/18

THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.68, 2018; and

THAT Council direct staff to schedule the bylaw for public hearing pending receipt of additional information regarding the proposed access to the subject property.

Legislative Requirements

Council has the authority under Part 14, s. 472 of the *Local Government Act* to amend the *Official Community Plan* and s. 479 to create and amend the Zoning Bylaw. Section 52(3) of the Provincial *Transportation Act* requires that the Ministry of Transportation approve the zoning bylaw amendment prior to adoption as it is within 800 m of a controlled access highway.

CONCLUSION

It is recommended that Council give third reading of the proposed amendment bylaws (Z 17-18) as per the recommended motion based on the following:

- The proposed amended zoning bylaw addresses the reference to the City's new Zoning Bylaw No. 0265.
- The proposed conditions of adoption will protect previously identified sensitive hillside, riparian area, and provide dedicated park land, along with additional north-south trail/pedestrian corridor connections through the site connecting to Glenway Park.
- The proposed boundary of the P1 zone will support the dedication of the proposed park on the east side of the site consistent with Council's previous direction and tie into and enhance the Glen Canyon Regional Park corridor.
- The proposed off-site infrastructure improvements will secure important enhancements to the City's pedestrian network, as well as road and drainage improvements, and accommodate a potential emergency access through the site.
- 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.
- Infill development makes more efficient use of community services and reduces development pressures at the urban fringes.

Alternate Recommendations:

Alternate Motion 1: Postpone Consideration of Amended Bylaws

THAT Council postpone consideration of third to City of West Official Community Plan Amendment Bylaw No. 0100.51, 2018, and Zoning Amendment Bylaw No. 0265.05, 2022 as amended (File: Z 17-18).

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

Alternate Motion 2: Deny Bylaw Amendments

THAT Council rescind first and second readings to Official Community Plan Amendment Bylaw No. 0100.51, 2018, and Zoning Amendment Bylaw No. 0154.68, 2018 (File: Z 17-18), 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, Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

PowerPoint: Yes ☒ No ☐

Attachments:

1. Official Community Plan Amendment Bylaw No. 0100.51, 2018
2. Zoning Amendment Bylaw No. 0265.05, 2022, as amended (updated from Zoning Bylaw No. 0154 to new Zoning Bylaw No. 0265)
3. March 22, 2022 Public Hearing Minutes
4. Site Plan "Red-lined"
5. Technical Storm Drainage Recommendations

APPENDIX A

Confirmation of the registration of a Section 219 covenant to require the following as a condition of future development:

- 1) Completion of an Archaeological Review prior to future development;
- 2) Completion of a Wildfire Hazard Assessment and any required wildfire mitigation measures to bring the wildfire hazard rating of the site to a low to moderate hazard rating;
- 3) Registration of a No Disturb Covenant to protect slopes greater than 30%, and to protect the riparian area on each side of Knoppler Brook, as shown generally on the attached Site Plan, to the satisfaction of the City;
- 4) Dedication of the identified Park area as shown generally on the attached Site Plan, with wildfire mitigation prior to dedication and construction of the trail through the park is required to a Narrow Multi-use Trail Standard – Blue Square (intermediate) Rating;
- 5) Registration of three statutory rights of way and construction of pedestrian walkways (Figure 1) through the subject property to connect:
 - a) the dedicated Park to the cul-de-sac at Lower Glenrosa Road to a hard surface walkway standard (preferred sidewalk or separate path);
 - b) the Webber Road Community Centre parcel to Glenway Park to the Narrow Multi-use Trail Standard – Blue Square (intermediate) Rating; and
 - c) the Inverness Road subdivision pedestrian walkway with the Webber Road Community Centre to the Narrow Multi-use Trail Standard – Blue Square (intermediate) Rating;
- 6) Storm drainage improvements (Figure 5) by the owner in general accordance with approved design drawings and cost estimates and to the satisfaction of the City, including:
 - a) Replacement of the majority of two existing drainage pipes with an open channel as an extension of Knoppler Brook;
 - b) Construction of a new headwall downstream and 1050 mm piped connection to the existing drainage system and improved ditch; and
 - c) Registration of a statutory right of way for the relocated piped system through the subject property for any remaining portion of the piped on-site drainage system;
- 7) Construction of off-site transportation (Figure 3) and water improvements by the owner in general accordance with approved design drawings and cost estimates and to the satisfaction of the City, including:
 - a) off-site improvement to Lower Glenrosa Road for an additional 25 m of frontage to the east of the proposed Park;
 - b) off-site improvements to Lower Glenrosa Road fronting the proposed Park;
 - c) the cul-de-sac on Lower Glenrosa Road;
 - d) approximately 145 m of watermain improvements on Lower Glenrosa Road; including the consolidation of two pressure zones;
- 8) Restrict future development until the owner has established a statutory right of way and constructed a potential emergency access/egress route through the subject property (Figure 2), where any required improvements beyond the required minimum road standard necessary to support the proposed strata development would be constructed by the developer but paid for by the City.