



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: December 13, 2022

From: Jayden Riley, Planner III

File No: Z 22-05

Subject: **Z 22-05; OCP Amendment Bylaw No.100.68 and Zoning Amendment Bylaw No. 265.01 (Third Reading as Amended); 1045 Bear Creek Road**

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### RECOMMENDATION

**THAT** Council consider and resolve to give Third Reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 100.68, 2022; and

**THAT** Council consider and resolve to give Third Reading as amended to Zoning Amendment Bylaw No. 265.01, 2022; and

**THAT** Council consider and resolve to direct staff to schedule the amendment bylaws for adoption following:

- Registration of a Section 219 Covenant that includes preliminary design and cost estimates to secure the construction of the water service extension, filling station and turn around;
- Registration of a Section 219 Covenant to ensure future development is in accordance with the Preliminary Hydrogeological Assessment prepared by Ecoscape Environmental Consultants Ltd., dated January 20, 2022.
- Registration of an easement on the adjacent property over the alignment of the water main; and
- Registration of a Statutory Right of Way over the adjacent lands to support a fire truck turnaround and staging/filling station.

### 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

This application is proposing to amend the Official Community Plan (OCP) Land Use Designation (LUD) of the subject property from the Raymer Comprehensive Development (CD) Area to Rural Residential and rezone from Rural Residential Large Parcel (RU4) to Rural Residential Small Parcel (RU2) to accommodate future subdivision.

The OCP Amendment Bylaw received First Reading on July 12, 2022. The LUD amendment was presented separately and in advance of the zoning amendment bylaw to confirm Council's willingness to advance the application while the property is actively involved in a comprehensive planning process, effectively removing it from the Raymer CDP Area to allow it to develop on its own.

Following first reading of the OCP Amendment Bylaw, on September 6, 2022, Council gave First and Second Reading to the Zoning Amendment Bylaw concurrently with Second Reading of the OCP Amendment Bylaw.

PROPERTY DETAILS			
Address		1045 Bear Creek Road	
PID		008-347-701	
Folio		36415064.016	
Lot Size		9.1 ha	
Owner	Knights Gate Properties Inc., Richard Soneff, and Cairy Holtby	Agent	Kevin Johnson, Bear Land Developments
Current Zoning	Rural Residential Large Parcel (RU4)	Proposed Zoning	Rural Residential Small Parcel (RU2)
Current OCP	Raymer CDP	Proposed OCP	Rural Residential
Current Use	Single Detached Dwelling	Proposed Use	Future Subdivision
Development Permit Areas		Hillside, Sensitive Terrestrial Ecosystem, Wildfire	
Hazards		Steep Hillside, Wildfire	
Agricultural Land Reserve		No	
ADJACENT ZONING & LAND USES			
North	^	Rural Residential Large Parcel (RU4)	
East	>	Single Detached Residential (R1)	
West	<	Rose Valley Regional Park (P1)	
South	v	Rural Residential Medium Parcel (RU3)	

## NEIGHBOURHOOD MAP



## PROPERTY MAP



## DISCUSSION

### Public Hearing Overview

A Public Hearing was held on November 22, 2022. In accordance with Development Application Procedures Bylaw No. 0260, 31 notification letters were forwarded to property owners and tenants within 100 m of the subject property in advance of the Public Hearing. The applicant's agent and one member of the public addressed Council at the public hearing. One written submission was also received prior to the meeting. The following sections provide some follow-up to the identified issues and questions, as well as elaborate on the proposed conditions noted at public hearing.

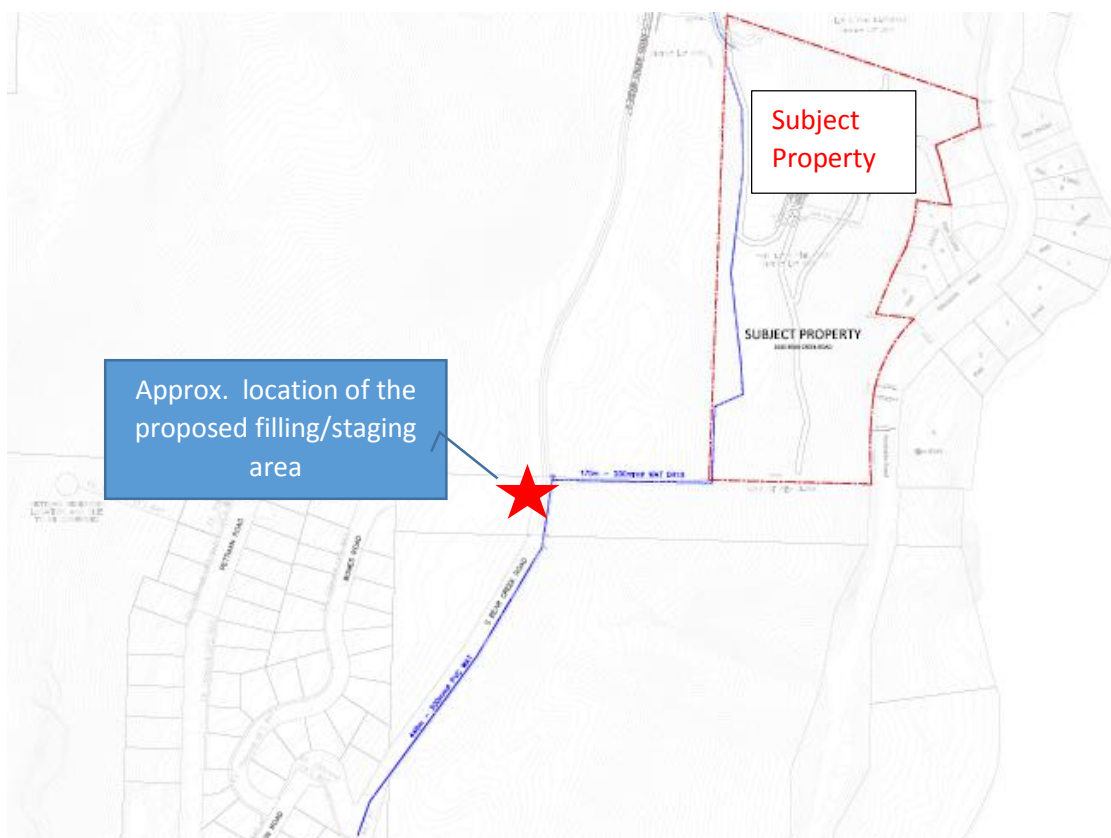
### Letters of Support

At the Public Hearing, the applicant's agent stated they had received approximately 30 letters of support related to the proposal. Staff can confirm that 29 letters of support were submitted following First Reading of the Official Community Plan Amendment Bylaw. These letters appear to be from residents in the neighbourhood, as well as the applicant's agent of the current Raymer CDP. These letters were not submitted as part of the Public Hearing process.

### Water Extension from Bear Creek Road

The subject property will require water servicing to support rezoning and future subdivision. As a condition of zoning, staff are recommending the registration a S. 219 covenant with preliminary design and cost estimate of the water extension and related improvements. The water extension includes upsizing of a water main along Bear Creek Road and a further extension via private water main that will run east from Bear Creek Road through an adjacent property before reaching the subject property.

To secure the private watermain alignment through the neighbouring property to the south, staff are recommending the registration of an easement as a condition adoption of rezoning. A preliminary design of the watermain extension has been provided with the application (*Figure 1*).



**Figure 1:** Conceptual water service extension

### Fire Truck Staging/Filling Area

As a condition of rezoning, the City's Fire Department has requested a turnaround and staging/filling area to be located at the terminus of the public segment of the watermain extension off Bear Creek Road (*Figure 1*). Staff will be working with the applicant to determine the appropriate design and location. It is anticipated that this area will need to be secured by a Statutory Right of Way on the adjacent property – the same property that will require an easement for the private segment of the water main extension.

### Groundwater / Storm Drainage

During the Public Hearing, concerns were noted from the public regarding the potential ground water and storm water, as water was described to have pooled in the west ditch of Westside Road and was at one point seen coming from a private lane down slope from the subject property.

Submitted as part of the application included a preliminary hydrogeological assessment that considered the feasibility of stormwater and onsite wastewater dispersal. The report concluded that in-ground stormwater disposal can be achieved at the site in a manner that meet the city's bylaw requirements and minimize the potential for local increased stormwater runoff onto downslope properties. The report also concluded that on-site wastewater dispersal is expected to provide a workable space for a registered wastewater professional to properly site and design septic systems at each proposed lot.

While the preliminary hydrogeological assessment does specifically address a proposed subdivision of eight, one-hectare lots, the number of lots are not being considered as part of this rezoning application. Further details would be confirmed at time of subdivision and building permit, subject to rezoning approval. Interior Health must approve any septic system; also, development of the site must meet pre-development stormwater flows during detailed design under the City's Works and Services Bylaw No. 0249.

It is recommended as a condition of zoning, a Section 219 covenant be registered to ensure that any future development be in accordance with the preliminary hydrogeological assessment prepared by Ecoscape Environmental Consultants Ltd. (Jan, 2022).

### Third Reading as Amended to Zoning Amendment Bylaw

Staff noted a minor oversight in the legal description of the Zoning Amendment Bylaw and therefore recommend that it is given Third Reading as amended to reflect the correct legal description.

## **COUNCIL REPORT / RESOLUTION HISTORY**

<b>Date</b>	<b>Report Topic / Resolution</b>	<b>Resolution No.</b>
July 12, 2022	<b>THAT</b> Council give first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100 68; and <b>THAT</b> Council direct staff to complete a technical review and bring the proposed zoning application forward concurrently with the OCP amendment	<b>C191/22</b>



September 6, 2022	<b>THAT</b> Council give second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100 68, 2022; <b>THAT</b> Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0265.01, 2022; and <b>THAT</b> Council direct staff to schedule a Public Hearing in respect to the proposed amendment bylaw.	<b>C249/22</b>
November 22, 2022	Public Hearing	<b>N/A</b>

## CONCLUSION

It is recommended that Council give third reading to the proposed amendment bylaws (Z 22-05) as per the recommended motion, based on the following:

- The site has been determined to be generally feasible to accommodate rezoning subject to extension of water service;
- As a condition of zoning, extension and oversizing of the watermain extension on Bear Creek Road will be secured by covenant and required for future subdivision of the site;
- Fire Department concerns are addressed through provisions of a turnaround and staging/filling station off of Bear Creek road, which will be secured via covenant as a condition of zoning;
- The applicant has submitted a hydrogeological assessment report that confirms the site may feasibly be developed; and
- Additional information will be required at subsequent stages of development.

## Alternate Resolution:

### 1. Postpone Consideration

**THAT** Council consider and resolve to postpone consideration City of West Kelowna Official Community Plan Amendment Bylaw No. 100.68, 2022 and Zoning Amendment Bylaw No. 265.01, 2022;

Should Council postpone consideration of the proposed amendment bylaws, further direction to staff on how to proceed is requested.

### 2. Deny application

**THAT** Council consider and resolve to rescind first and second readings City of West Kelowna Official Community Plan Amendment Bylaw No. 100.68, 2022 and Zoning Amendment Bylaw No. 265.01, and abandon the bylaw; and

**THAT** Council direct staff to close the file (Z 22-05).

Should Council deny the proposed amendment bylaws, the application will be closed in accordance with the 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. 100.68
2. Zoning Amendment Bylaw No. 265.01