



COUNCIL REPORT

To: Paul Gipps, CAO

Date: September 6, 2022

From: Jayden Riley, Planner III

File No: Z 22-09

Subject: **Z 22-09; Zoning Amendment Bylaw No. 0265.02, 2022 (First and Second Reading); 3349 Glenrosa Road**

RECOMMENDATION

THAT Council deny first and second reading of City of West Kelowna Zoning Amendment Bylaw No. 0265.02, 2022 (File: Z 22-09); and

THAT Council direct staff to close the file in accordance the Development Application Procedures Bylaw No. 0260.

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 seeking to rezone the subject property from Rural Residential Large Parcel (RU4) to Rural Residential Small Parcel (RU2) to accommodate a proposed 2-lot subdivision. The subject property is located within the Rural Reserve Growth Management Designation (GMD), where rezoning for subdivision is not supported.

As part of the recent Glenrosa reservoir upgrades on the adjacent property (*Figure 1*), the City has agreed to provide a single water service to immediately adjacent properties, including the subject property. The applicant has applied for rezoning of the lands in anticipation of using the water service for subdivision purposes. Subject to rezoning, the applicant is requesting that the proposed lot is connected to community water, as opposed to the existing residence (as intended) that is currently serviced via well water and cistern. Multiple variances would be required subject to rezoning as it relates to the City's Works and Services regulations.

PROPERTY DETAILS

Address	3349 Glenrosa Road		
PID	004-791-304		
Folio	36414641.632		
Lot Size	2 ha		
Owner	Desmond O'Brien	Agent	Steve Kalinocka, D.E. Pilling and Associates
Current Zoning	Rural Residential Large Parcel (RU4)	Proposed Zoning	Rural Residential Small Parcel (RU2)
Current OCP	Rural Residential	Proposed OCP	N/A
Current Use	Single Family Dwelling	Proposed Use	2-lot Subdivision
Development Permit Areas	None		
Hazards	Increased Fire Hazard		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES

North	^	Rural Residential Large Parcel (RU4)
East	>	Rural Residential Large Parcel (RU4) Institutional and Assembly (City Reservoir) (P2)
West	<	Rural Residential Large Parcel (RU4)
South	v	Rural Residential Large Parcel (RU4)

NEIGHBOURHOOD MAP



PROPERTY MAP



Proposal

This application is proposing to rezone the subject property from Rural Residential Large Parcel (RU4) to Rural Residential Small Parcel (RU2) to accommodate a proposed 2-lot subdivision (*Figure 1*).



Figure 1: proposed plan of subdivision (subject to rezoning to RU2)

DISCUSSION

Upper Glenrosa Reservoir and Water Servicing

Current bylaws require water servicing, including adequate domestic and fire flows be provided/constructed before a development can take place, in order to ensure that no deficiency is created. As per the City's bylaws, community water is intended to be provided by gravity, and the City's Capital Plan and Water Master Plan do not prioritize projects based on existing or proposed deficiencies. Developers who wish to undertake developments are expected to undertake the full costs of infrastructure needed to facilitate their development, in accordance with City Bylaws. This is not being proposed by this application and would be cost prohibitive. Further technical review of water storage and associated items would need to occur to understand the complete scope of required works or the number of variances required to support the deficiency that would be created through rezoning and subdivision.

Applicant Rationale

The agent and applicant have submitted letters of rationale (*Attachment 2*). The agent's letter states that the subject property was used as an access point, haul road, and staging area for reservoir construction on the adjacent site, 3313 Glenrosa Road, which caused significant disturbance, which contradicts with the policies of the Rural Reserve GMD;

therefore, according to the letter, the GMD policies should not be used as a basis of non-support for rezoning.

In addressing the existing water and sewer servicing, the letters state the existing agreement between the owner and the City may service the future parcel as opposed to the existing residence. It also acknowledges the need for a variance to allow the existing dwelling to continue to be serviced by the well if zoned RU2, rather than being connected to City water services. It is stated that the 2-lot subdivision can be completed while maintaining a minimum parcel size of 1 ha to allow for additional onsite septic systems, which is compliant with the City's Works and Services Bylaw No. 0249.

Policy and Bylaw Review

Official Community Plan Bylaw No. 0100

The subject property currently has a Land Use Designation (LUD) of Rural Residential. The purpose of this LUD is to support agricultural production and other land intensive home industries, and to value rural lands. Its intended attributes and built form include single detached dwelling on large parcels. There is no change proposed to the LUD.

OCP Growth Management Designation – Rural Reserve

The subject property is also within the Rural Reserve Growth Management Designation (GMD). The Rural Reserve designation does not encourage zoning amendments to accommodate new greenfield subdivision or development.

The purpose of the Rural Reserve is to maintain land in rural use as a recognition of their intrinsic and/or natural resource values, including delineation of settlement / growth areas, protection of landscape scale conservation objectives, and preservation of watersheds.

The rural reserve also functions to maintain larger tracts of land to ensure future planning/development efforts are unencumbered by multiple properties.

Growth Concept Plan (2022)

The City's Growth Concept Plan – a plan that identifies the locations where the City will grow over the next 20 years – does not support growth in the Rural Reserve. It instead focuses growth in designated areas that include the Urban Cores, Neighbourhood Centres, and Infill Housing areas. Rezoning parcels located outside of these areas to accommodate additional housing is not consistent with the plan and expected vision of the upcoming Official Community Plan for growth in West Kelowna.

Glenrosa Neighbourhood Plan

In 2015, the City considered the development of upper Glenrosa through a pre-neighbourhood planning exercise. Phase 1 of the Upper Glenrosa Neighbourhood Plan, encompassed background analysis and draft scenarios to facilitate community discussion on a long-term vision for the neighbourhood. Due to inherent costs to service the area, this exercise resulted in the City not advancing an Upper Glenrosa Neighbourhood Plan.

Instead, it was recommended that investigation of the feasibility of necessary transportation routes potentially impacting development in Glenrosa be considered prior to engaging in neighbourhood planning and that the Rural Reserve be maintained until appropriate consideration was given to these routes.

Development Permit Areas

There are no Development Permit Areas subject to the property.

Zoning Bylaw No. 0265

The subject property is zoned Rural Residential Large Parcel (RU4). The purpose of this zone is to accommodate rural, agriculture, and residential uses on parcels of land that are 4 ha or greater. The proposed Rural Residential Small Parcel (RU2) zone shares the same purpose statement of the RU4 zone but permits a minimum 1 ha (2.5 acres) parcel area.

Both existing and proposed zones share many uses and development regulations (i.e., setbacks, height, etc.); however, the RU2 zone does not permit intensive uses more suitable for a larger minimum parcel area, such as riding stable, kennels, veterinary clinic, or intensive agriculture. Rezoning to RU2 would accommodate subdivision of the subject property into 1-ha parcels, which is the minimum parcel area to not require connection to community sewer. However, the RU2 zone does require connection to community water (by gravity), regardless of parcel area.

Technical Reports

Servicing

A Functional Servicing Report (FSR) was submitted with the application, prepared by D.E. Pilling and Associates. The report outlines existing and proposed roads and access, water, sanitary, and storm servicing, as well as shallow utilities.

Water

Due to recent upgrades to the Glenrosa reservoir, the City's Engineering Department has agreed to provide a single domestic water service to existing residences located immediately adjacent to the reservoir. The pumps installed with the reservoir upgrades include capacity for domestic flows only.

If the subject property is rezoned and subdivided, additional variances would be required as the Works and Services Bylaw No. 0249 would require both RU2 lots to connect to the City water system; however:

- Bylaw 0249 water system requires both domestic and fire flow be available; and
- Bylaw 0249 supports only water servicing from reservoirs with gravity fed systems and does not support pumped servicing.

To provide fire flow, larger pumps and a hydrant would be required. The applicant proposes to keep the existing residence on the well and use the domestic service to service the future new lot.

In summary, variances would be required to:

- 1) permit an RU2 lot to not be connected to the community water system, and
- 2) permit water servicing, without available fire flow.

Additional details regarding the scope of variances would be provided at time of Public Hearing, subject to First and Second Reading.

Sanitary Sewer

The current dwelling is currently serviced with a septic system. Subject to rezoning, the Works and Services Bylaw permits parcels greater than 1 ha to be serviced by a private septic system.

Stormwater

Existing and proposed stormwater management will be provided via roof leaders and perimeter drains directed to splash pads and rock pits.

Roads/Access

The current access to the property is provide from the gravel surfaced right of way located immediately east of the property off Glenrosa Road. A second access is proposed from Glenrosa Road at the northwest end of the property.

Referrals

A referral for the application was circulated to internal departments and external agencies. External agencies did not identify any hazards associated with the proposed amendments; however, the following comments were provided by our internal departments for the applicant's and City's consideration:

- *Fire Department*

The proposed rezoning will require a variance to meet the required fire flow demand as per Engineering requirements. Sprinklering of the dwelling on the proposed new lot could be considered support for a fire flow variance. The proposed property is also within the Fire Department's 10-minute response area. This property is in a "Tender" response area, which requires a water tanker to collect water from the nearest hydrant in the case of as structure fire. The construction of any future dwellings/structures in this area will create an incremental fire protection risk.

- *Development Engineering*

Rezoning to RU2 for the purpose of subdivision would require that the lots be connected to the city water system. Only a single domestic water service is available, with no hydrant or fire flow available.

Advisory Planning Commission (APC)

The application was presented to the APC on April 20, 2022. The APC unanimously supported the proposal.

Public Notification

Notice of Application signage has been installed on the property in accordance with the City's Development Applications Procedures Bylaw No. 0260. Subject to the amendment bylaw receiving First and Second Reading, a Public Hearing will be scheduled and notification to residents informing how to make a submission for Council's consideration will occur in accordance with the *Local Government Act* and the City's Applications Procedures Bylaw No. 0260.

Legislative Requirements

Council has the authority under Part 14, S.497 of the *Local Government Act* to amend the Zoning Bylaw.

CONCLUSION

Staff recommend that Council deny the proposed zoning amendment based on the following rationale:

- Rezoning land for the purpose of subdivision in the Rural Reserve is not consistent with the policy direction in the Official Community Plan Bylaw No. 0100 or the draft OCP Growth Strategy.
- Rezoning and subsequent subdivision of the land would require variances to the Works and Services Bylaw No. 0249, as it relates to the requirement to connect RU2 zoned parcels to community water service.
- The existing agreement to provide a single water service is specific to the existing dwelling, not a proposed subdivided lot and dwelling.
- Upgrades to pumps to meet fire flow demands would be required (or additional variances for the proposed water service connection), should rezoning be approved.
- The construction of any future dwellings/structures in this area will create an incremental fire protection risk.

Alternate Recommendations:

1. That Council **postpone** consideration of the amendment bylaw.

THAT Council postpone first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0265.02, 2022 (File: Z 22-09).

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

2. That Council **give** first and second reading to the proposed amendment bylaw.

THAT Council give first and second reading to the City of West Kelowna Zoning Amendment Bylaw No. 0265.02, 2022 (File: Z 22-09); and

THAT Council direct staff to schedule a Public Hearing in regards to the proposed amendment bylaw.

REVIEWED BY

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes No

Attachments:

1. ZB 0265.02
2. Applicant/Agent Letter of Rationale

CITY OF WEST KELOWNA

BYLAW NO. 0265.02

A BYLAW TO AMEND "ZONING BYLAW NO. 0265"

WHEREAS the Council of the City of West Kelowna desires to amend "CITY OF WEST KELOWNA ZONING BYLAW NO. 0265" under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as "CITY OF WEST KELOWNA ZONING AMENDMENT BYLAW NO. 0265.02, 2022".

2. Amendments

"Zoning Bylaw No. 0265" is hereby amended as follows:

2.1 By changing the zoning of Lot A District Lot 3190 Osoyoos Division Yale District Plan 37118, as shown on Schedule 'A' attached to and forming part of the bylaw from Rural Residential Large Parcel (RU4) to Rural Residential Small Parcel (RU2).

2.2 By depicting the change on "Zoning Bylaw No. 0265 Schedule B" (Zoning Bylaw map).

READ A FIRST AND SECOND TIME THIS ____ DAY OF _____, _____

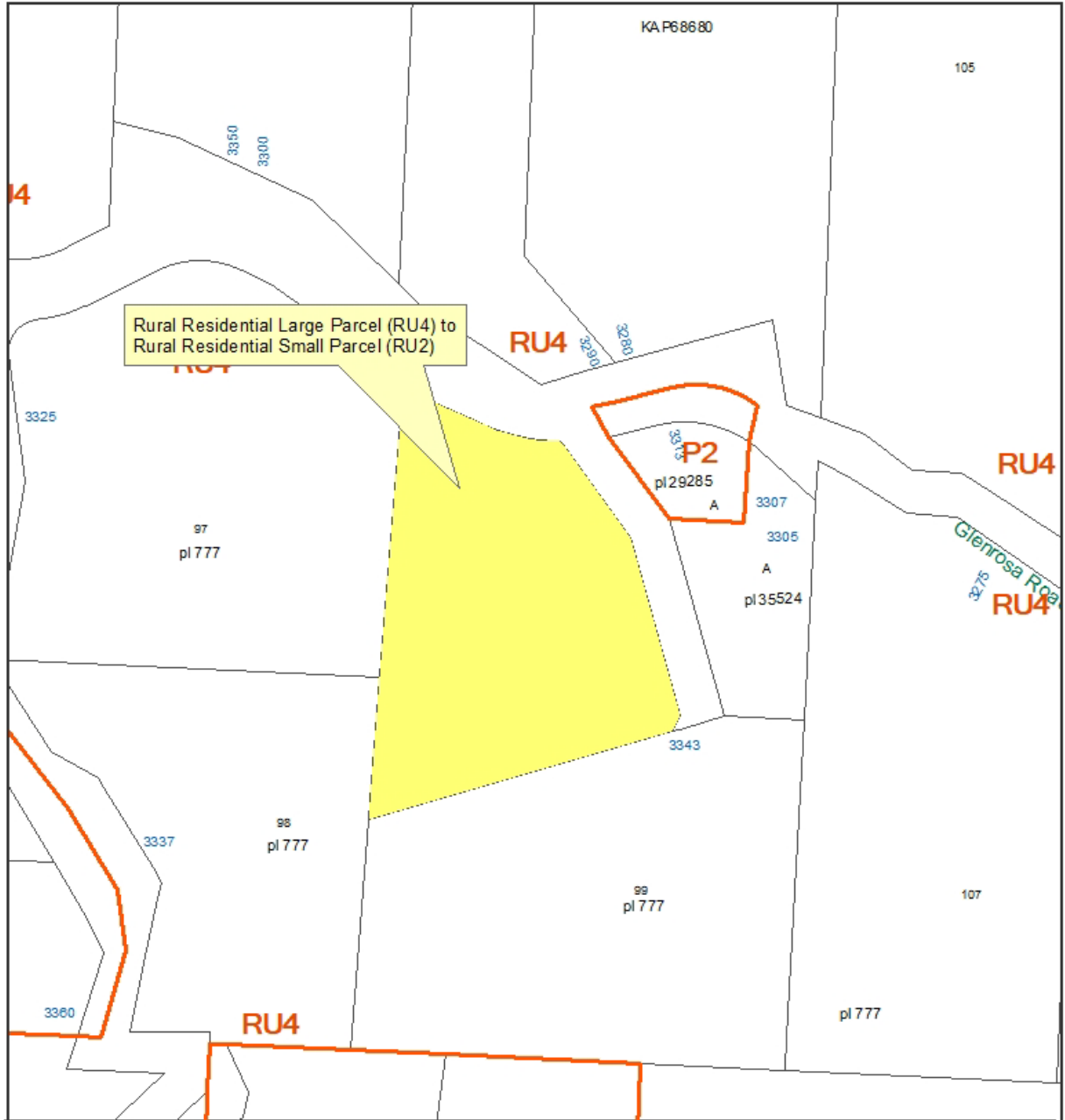
MAYOR

CORPORATE OFFICER



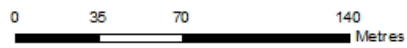
CITY OF
WEST
KELOWNA

SCHEDULE 'A' of BYLAW NO. 0265.02



Legend

- RU4 to RU2
- Parcels
- Zoning Boundary



1:2,500



Date: 2022-08-25

Development Services
City of West Kelowna
2760 Cameron Road
West Kelowna, BC V1Z 2T6

May 16, 2022
File: 2538
CoWK:

Attention: Jayden Riley | Planner II

Zoning Bylaw Amendment Rationale
3349 Glenrosa Road
Lot A, DL 3190, Plan KAP37118, O.D.Y.D.

Introduction

D.E. Pilling & Associates Ltd. (Pilling) has been retained by Mr. Desmond O'Brien for civil engineering services for the proposed rezoning of 3349 Glenrosa Road in West Kelowna. Pilling has provided this letter of rationale to support the zoning amendment application. The development proposal includes a zoning amendment from the existing Rural Residential Large Parcel (RU4) to a more conforming Rural Residential Small Parcel Zone (RU2) to allow for a future 2 lot RU2 subdivision.

It has been communicated that staff will not support this zoning amendment application for the purpose of future subdivision based on the Official Community Plan (OCP) guidelines that typically do not support the rezoning of land within the Rural Reserve.

The intent of this letter is to provide a rationale as to how the rezoning and future 2 lot subdivision does not go against the overall goals of the OCP regarding the Rural Reserve. Furthermore, as this letter will show, this is not a typical situation as the property has been recently affected by a West Kelowna Capital Works project (Glenrosa reservoir construction). Rezoning this property would not set a precedent for other Rural Reserve zoning amendments/subdivision as specific circumstances unique to this property have arisen to create the potential for a zone conforming future subdivision that keeps with the neighborhood form.

Existing Zoning & Proposed Zoning

The property is currently zoned Rural Residential Large Parcel Zone (RU4). Minimum parcel area bylaw requirements of the existing and proposed zones are shown below with respect to the existing lot attributes. The existing lot does not conform to the RU4 zoning it is assigned. The existing lot area meets the proposed RU2 requirements for zoning based on geometry.

	Existing Property	RU4 Zoning	Proposed RU2 zoning
Minimum Parcel Area	2.04 ha (5.05 ac)	4.0 ha (9.9 ac)	1.0 ha (2.47 ac)

A future 2-lot subdivision is also possible based on parcel size, frontage etc. as shown on the attached Pilling drawing 2538-Z1 Proposed Zoning Plan, dated February 2022.

Rural reserve and Official Community Plan

In the OCP, under Growth Management (GM) Designation Summary (Table 3), the following relevant "Desired Attributes" and "Purposes" under the Rural Reserve GM designation have been listed below:

- Environmentally sensitive ecosystem are protected
- Intentionally maintain lands in rural use as a recognition of their intrinsic and/or natural resource values, including delineation of settlement areas, protection of landscape scale conservation objectives, & preservation of watersheds
- Contains significant landscape features that contribute to community identity

The property has been significantly disturbed to accommodate a West Kelowna Capital Works Project (Glenrosa Reservoir), and a sizable portion of the property has been stripped and regraded reducing its natural resource or intrinsic value. Figures 1 & 2 show the previous and existing conditions of the property.

The subject parcel falls under the Hillside and Aquatic Ecosystem development permit areas, and as such aspects and conditions of these would be captured through the development permit application process.

West Kelowna Glenrosa Reservoir Construction

In August 2021, construction commenced on the new Glenrosa reservoir at 3313 Glenrosa Road. To facilitate the construction, a portion of 3349 Glenrosa was used as an access point, haul road, and lay down area. As such the property was heavily stripped and disturbed.

Photos have been included to show the significant disturbance from the pre-construction condition. Based on these photos, these lands have had a significant reduction in natural resource value, and therefore this policy goal should not be relied upon when considering this proposal.

Services (Water/Sewer)

Through an agreement with West Kelowna, the property owner will receive a domestic water service to the property once the reservoir construction is complete. The existing parcel has a well that provides water service to the existing dwelling. Rezoning the property to RU2 to facilitate a future 2 lot subdivision, would require a zoning variance to allow the existing well to continue to service the existing dwelling as per the below excerpt from the Works and Services Bylaw 0249. The new domestic water service from West Kelowna (obtained through separate agreement) would service the future lot.

"3.6.5 Despite subsections 3.6.1 through 3.6.3, for land that is zoned RU4, A1, F1, I4, I5, and P1, each parcel is to be provided with an onsite water supply when a community water system is not available. In these zones, if no part of the land being subdivided has an available watermain with adequate capacity, the Owner shall provide an onsite potable water supply system that complies with Appendix A and the Drinking Water Protection Act."

The existing parcel has an onsite septic field to service the existing dwelling. Pilling drawing 2538-Z1 Proposed Zoning Plan indicates that a 2-lot subdivision can be completed while maintaining a minimum parcel size of 1.0 ha to allow for an additional onsite septic system.

Conclusion

In summary, the information provided in this letter should show that the proposed zoning amendment and future 2- lot subdivision does not disregard the OCPs intentions or the Subdivision Servicing Bylaw 0249 and that the only variance required is to allow for an existing well to continue to service the existing dwelling as it has done so since construction of the existing home.

Sincerely,
D.E. Pilling & Associates Ltd.



Steve Kalinocka, P.Eng
Project Engineer

Cc: Desmond O'Brien



Figure 1: 3349 Glenrosa Prior to Reservoir Construction



Figure 1 Existing disturbance

Development Services
City of West Kelowna
2760 Cameron Road
West Kelowna, BC V1Z 2T6

April 21, 2022

City of West Kelowna (To Whom it may Concern)
3349 Glenrosa Road Rezoning Application

Please accept this letter of rationale for the re-zoning my property in upper Glenrosa. The Property address being 3349 Glenrosa Road, and I, Desmond O'Brien have been the owner this property and a member of the community for over 33 years.

Sometime in 2011, my property was rezoned to Rural Residential Large Parcel RU4. At the time, I was [REDACTED] while 3349 Glenrosa Road was not my primary residence. I was not personally notified about the rezoning and only found out about it well after it had been completed. West Kelowna had informed me the notification was in the local newspaper. I wish that West Kelowna would send out a letter or register mail when they affect someone's property, especially for a significant change such as zoning. Also, the new zoning assigned to the property is RU4 and the property does not meet the zoning bylaw regulations to which it is assigned and is now within the rural reserve. My property is more inline with the zoning I am applying for Rural Residential Small Parcel RU2.

I was approached by West Kelowna Engineering Department approximately 5 years ago in 2017 regarding West Kelowna upgrading their reservoir which is adjacent to my property. West Kelowna needed access to some of my property to allow for construction of the water reservoir. I entered into an agreement with West Kelowna for access to help with construction of the reservoir.

Presently, construction is well underway, and I drastically underestimated the disturbance to my property. The nature and undisturbed landscape will never be the same as before construction commenced. I have included some before and present photos to show the significant impacts to the property. I do not feel I will be able to enjoy and maintain the property as I had for 33 years prior to the changes. I believe it would be beneficial to all to rezone this property to a more conforming zone to allow for subdivision. I am only proposing to subdivide into one extra lot, which would result in two properties approximately 1 hectare in size each, which I believe still fits with the rural neighborhood.

I hope West Kelowna Mayor and council will visit the property and take a look to consider my proposal of the re-zoning and to subdivide it in half . The property has been significantly disturbed and would benefit all parties involved to be divided it in half to accommodate the drastic changes in slope and environmental impact to the landscape. As a 33-year resident at this property, I am older now and would like to retire and not have to maintain such large piece of property with the new slopes and topography changes that were made to accommodate the new reservoir. So please consider my request as a long-term resident of West Kelowna.

Sincerely,
Desmond O'Brien
Owner of 3349 Glenrosa Road



Figure 1: Prior to Construction



Figure 2: Looking West across the property



Figure 3: View from house towards north



Figure 4: View from Glenrosa Road prior to construction



Figure 5: Current View from Glenrosa Road