



## DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: June 27, 2023

From: Paul Gipps, CAO

File No: Z 22-12

Subject: **Z 22-12; OCP Amendment Bylaw No. 0100.71 and Zoning Amendment Bylaw No. 0265.14 (First and Second Reading); 1620 Stevens Road**

Report Prepared By: Jayden Riley, Planner III

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**RECOMMENDATION** to Consider and Resolve:

**THAT** Council give first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.71, 2023;

**THAT** Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0265.14, 2023; and

**THAT** Council direct staff to schedule the proposed amendment bylaws for Public Hearing.

### **STRATEGIC AREA(S) OF FOCUS**

**Pursue Economic Growth and Prosperity** - We will work with stakeholders 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 subject property contains a gravel extraction business with accessory uses and is hooked across Shannon Lake Road and Bartley Road. The area affected by the proposed Official Community Plan and zoning amendment is approximately 1.2 ha and exists immediately adjacent to Shannon Lake Road on both the east and west side of the roadway and south-east of Bartley Road – see Property Map. The area located west of Shannon Lake Road has historically been used for accessory use and outdoor storage and contains a segment of McDougall Creek at the west boundary of the site.

## PROPERTY DETAILS

<b>Address</b>	1620 Stevens Rd		
<b>PID</b>	011-362-618		
<b>Folio</b>	36414137.001		
<b>Lot Size (m<sup>2</sup>)</b>	34.4 ha (1.2 ha portion affected)		
<b>Owner</b>	Emil Anderson Construction	<b>Agent</b>	Greg Asling, EAC
<b>Current Zoning</b>	RU4 (Rural Residential Large Parcel); I4 – Gravel Extraction (portion affected); I5 – Gravel Extraction with Asphalt Plant	<b>Proposed Zoning</b>	Light Industrial Zone (I1)
<b>Current OCP</b>	Industrial, Parks and Natural Areas, Resource Land	<b>Proposed OCP</b>	N/A
<b>Current Use</b>	Gravel extraction, accessory uses, outdoor storage	<b>Proposed Use</b>	Light industrial uses
<b>Development Permit Areas</b>	Industrial Form and Character, Aquatic Ecosystem		

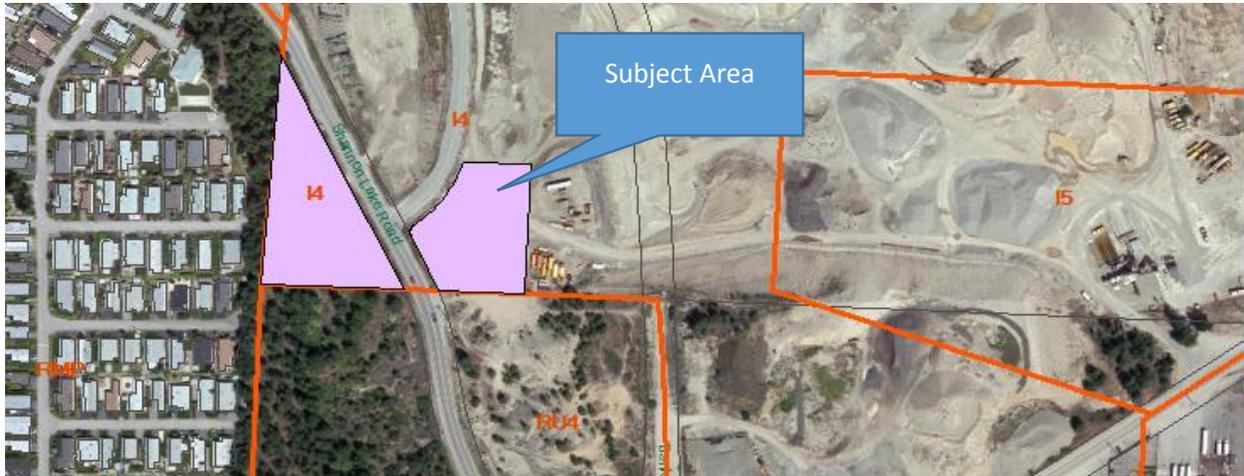
## ADJACENT ZONING & LAND USES

<b>North, East</b>	^	I4 – Gravel Extraction
<b>West</b>	<	RMP – Manufactured Home Park; McDougall Creek
<b>South</b>	v	RU4 – Rural Residential Large Parcel

## NEIGHBOURHOOD MAP



## PROPERTY MAP



### Proposal

This application is proposing an OCP amendment from Parks and Natural Areas to Industrial and a concurrent zoning amendment from Gravel Extraction (I4) to Light Industrial (I1) to accommodate the future development of two light industrial buildings – see property map and conceptual site plan (Figure 1). The proposal affects a 1.2-ha portion of the 34.4-ha property.

### Site-Specific Considerations

The subject property is located at 1620 Stevens Road and contains gravel extraction and asphalt plant uses within its 34.4 ha parcel area. The property is split-zoned and hooked across Shannon Lake Road and Bartley Road. Bartley Road functions as a municipal highway via Statutory Right of Way but is intended to be formally dedicated to the City as a condition of rezoning – more information is provided under the rezoning conditions section of this report. McDougall Creek also exists at the south-west boundary of the subject property (Figure 1).

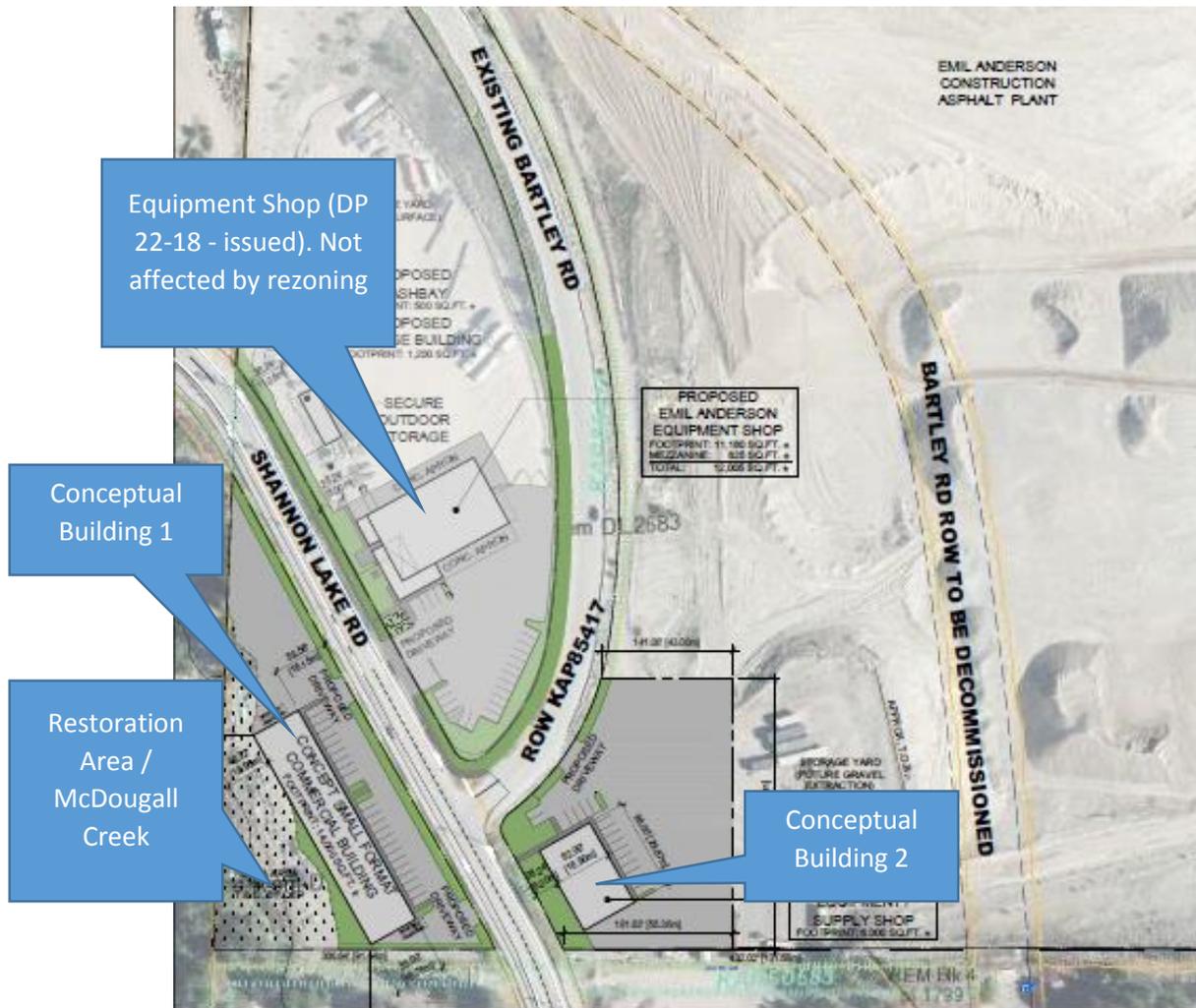


Figure 1: Conceptual site plan

## DISCUSSION

### Policy and Bylaw Review

#### Official Community Plan Bylaw No. 0100

The specific area of the subject property affected by the proposal contains Industrial and Parks and Natural Areas Land Use Designations (LUDs). The portion of the property west of Shannon Lake Road contains the Parks and Natural Areas LUD and the portion of the site east of Shannon Lake Road contains an Industrial LUD (Figure 2).

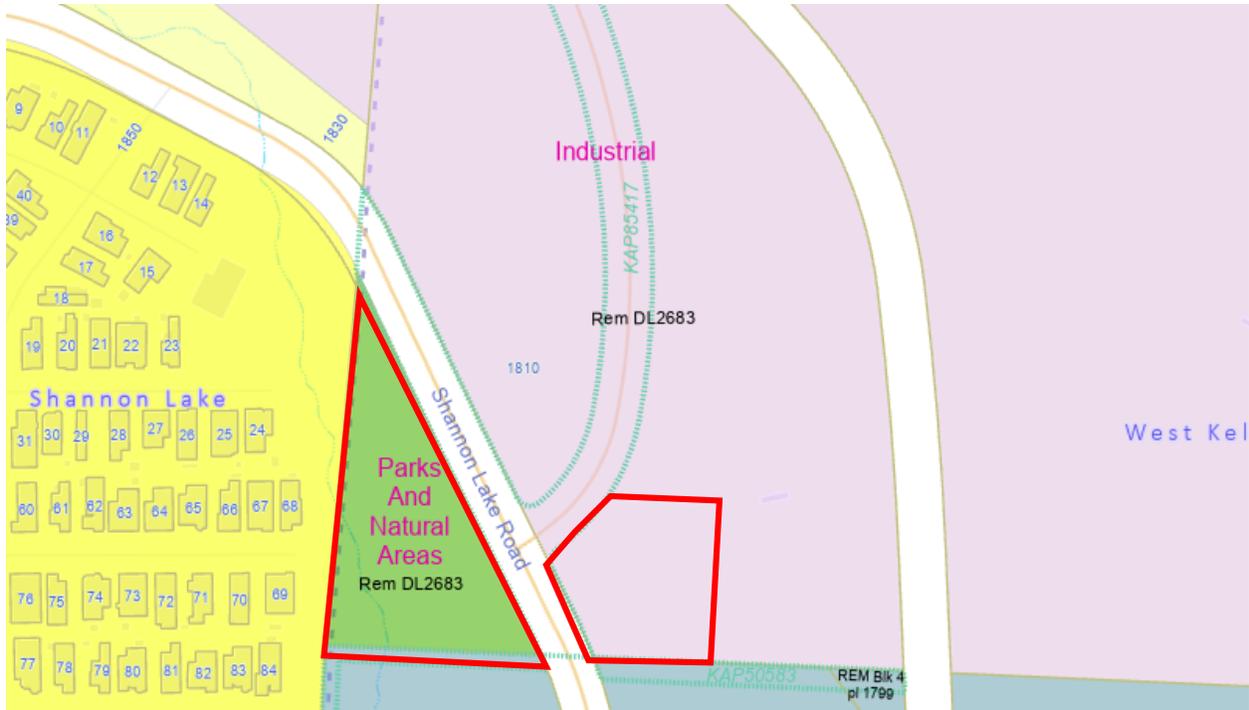


Figure 2: Existing Land Use Designations and affected portion of property.

The Industrial LUD is intended to support a range of light and heavy manufacturing, warehousing, processing, and distribution activities. The Parks and Natural Areas LUD is intended to preserve significant natural areas and provide diverse recreation opportunities (McDougall Creek). The proposed zoning amendment is consistent with the Industrial LUD but requires an amendment to a portion of the Parks and Natural Areas LUD.

The boundary that has been established for the Industrial LUD on the west side of Shannon Lake Road has been guided by the environmental report and is consistent with the delineation of the Streamside Protection and Enhancement Area (SPEA) boundary of McDougall Creek. The remaining Parks and Natural Areas LUD is intended to be restored to correct historical encroachment and permanently protected via covenant as a condition of rezoning (Figure 3).

The subject property also contains Hillside, Aquatic, and Form and Character (Industrial) Development Permit Areas. Subject to rezoning, a Form and Character (Industrial) Development Permit will be required prior to Building Permit to confirm the building's form and character and landscaping meet City guidelines. It is anticipated that based on the proposed concept and covenant condition, development of the site will be exempt from a Hillside and Aquatic Development Permit.

### Zoning Bylaw No. 0265

The property is split-zoned with the majority of the parcel zoned Gravel Extraction (I4). An area to the north of the site is also zoned Rural Residential Large Parcel (RU4), and a small portion to the south-east is zoned Gravel Extraction with Asphalt Plant (I5).

The 1.2 ha portion of the site proposed for rezoning is currently zoned Gravel Extraction (I4). The I4 zone is intended to accommodate the extraction and processing of natural sand and gravel resources for the manufacture, wholesale, and retail sale of associated products. The I4 zone also permits accessory uses, such as outdoor storage, which is occurring west of Shannon Lake Road.

The proposed Light Industrial (I1) zone permits a range of light industrial and associated uses, including contractor service, retail (service commercial), warehouse, commercial storage, recreation services (indoor), general industry, and restaurant. Subject to rezoning, at time of Development Permit further information would be reviewed to ensure that any development proposed complies with the applicable zoning criteria.

### **Technical Review**

#### Servicing

A Functional Servicing Report (FSR) was submitted with the application, which outlines existing and proposed services to accommodate the proposed zone. The site will be serviced with sewer and water from nearby mains. Stormwater will be managed via catch basins, dry wells, and on-site infiltration. Site access is proposed from Shannon Lake Road and Bartley Road. Staff is recommending that Bartley Road is dedicated as a condition of rezoning.

#### Traffic Impacts

A Traffic Impact Assessment was conducted as part of this application. The report was reviewed by the Ministry of Transportation and Infrastructure (MoTI) due to the proximity of the site to a controlled provincial highway intersection. Development traffic is not expected to have a significant impact on capacity or delays on the existing road network. MoTI is required to approve the amendment bylaw prior to adoption.

#### Environmental Assessment

An Environmental Assessment Report was submitted with the application, prepared by Ecoscape Environmental Consultants Ltd. The report has been prepared with the understanding that as a condition of rezoning, the area of historical encroachment within the McDougall Creek SPEA is to be restored and permanently protected via covenant. The SPEA has been identified in the report to be 15 m from the natural boundary of the creek. The restoration area is identified on Figure 3.



Figure 3: Restoration area adjacent to McDougall Creek

## Rezoning Conditions

### Restoration and Permanent Protection of the SPEA

Staff is recommending the applicant register a S.219 No Build (environmental) covenant as a condition of zoning to require the restoration and permanent protection of the McDougall Creek SPEA, measured 15 m from the natural boundary of the creek. This area is currently zoned Gravel Extraction (I4), portions of which have historically been used for outdoor storage and accessory use to the gravel extraction site. The restoration boundary is represented in Figure 3. The no build covenant would be registered over an area consistent with the area proposed for rezoning to Parks and Open Space (P1) – see Attachment 1.

### Dedication of Bartley Road

Bartley Road is currently being used as a public roadway under a Statutory Right of Way. The existing public right of way is located north of the Shannon Lake Road / Stevens Road roundabout but is anticipated to be closed. Staff is recommending that Bartley Road, which is currently used under the conditions of the SRW, is dedicated to the City as a condition of rezoning to formalize this connection.

### MoTI Approval

Due to the proximity of the subject property to a controlled provincial highway intersection, the proposed amendment bylaw will require approval from MoTI prior to adoption.

## **PUBLIC NOTIFICATION**

In accordance with the City's Development Applications Procedures Bylaw No. 0260, notice of application signage has been installed on the subject property in two locations.

## **CONCLUSION**

Staff recommend that Council give first and second reading to the proposed amendment bylaws based on the following rationale:

- Rezoning of the site reduces the potential industrial uses permitted under the existing I4 zone and will permanently protect and enhance the McDougall Creek SPEA;
- Rezoning will result in the dedication of Bartley Road;
- The proposed zone and future development of the site is not anticipated to have significant impacts on traffic capacity or delays within the existing road network; and
- Rezoning to I1 assists the City in meeting long-term needs for additional industrial lands.

### **Alternate Recommendation** to Consider and Resolve:

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

**THAT** Council postpone first and second reading to City of West Kelowna OCP Amendment Bylaw No. 0100.71, 2023 and Zoning Amendment Bylaw No. 0265.14, 2023 (File: Z 22-12).

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

2. That Council **deny** first and second reading to the proposed amendment bylaws.

**THAT** Council deny first and second reading of City of West Kelowna OCP Amendment Bylaw No. 0100.71, 2023 and Zoning Amendment Bylaw No. 0265.14, 2023 and direct staff to close the file (File: Z 22-12).

Should Council choose to deny the proposed amendment bylaws, the file will be closed in accordance with the City's Development Applications Procedures Bylaw No. 0260.

## **REVIEWED BY**

Chris Oliver, Planning Manager

Brent Magnan, Director of Development Services

Corinne Boback, Legislative Services Manager / Corporate Officer

**APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

Powerpoint: Yes  No

Attachments:

1. Zoning Amendment Bylaw No. 0265.14, 2023
2. Official Community Amendment Bylaw No. 0100.71, 2023