



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: December 12, 2023

From: Paul Gipps, CAO

File No: Z 23-01

Subject: **Z 23-01; Zoning Amendment Bylaw (First and Second Reading); 1179 Westside Road**

Report Prepared By: Yvonne Mitchell, Planner III

RECOMMENDATION to Consider and Resolve:

THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0265.15, 2023.

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 subject property, at 1179 Westside Road, is in the West Kelowna Estates/Rose Valley neighbourhood. The subject property is 23 ha (57 acres) and bisected by Westside Road and Bear Creek Road dividing the property into thirds. The subject property is currently undeveloped, except for the lower third adjacent to Lake Okanagan, that contains a single detached dwelling. This application only applies to the upper third (triangle) portion of the property that is +/-1.78 ha (4.39 ac) and adjacent to Bear Creek Road (see Property Map below). Wildfire mitigation has occurred on the property prior to the McDougall Creek Wildfire, and additional clearing following the fire is underway.

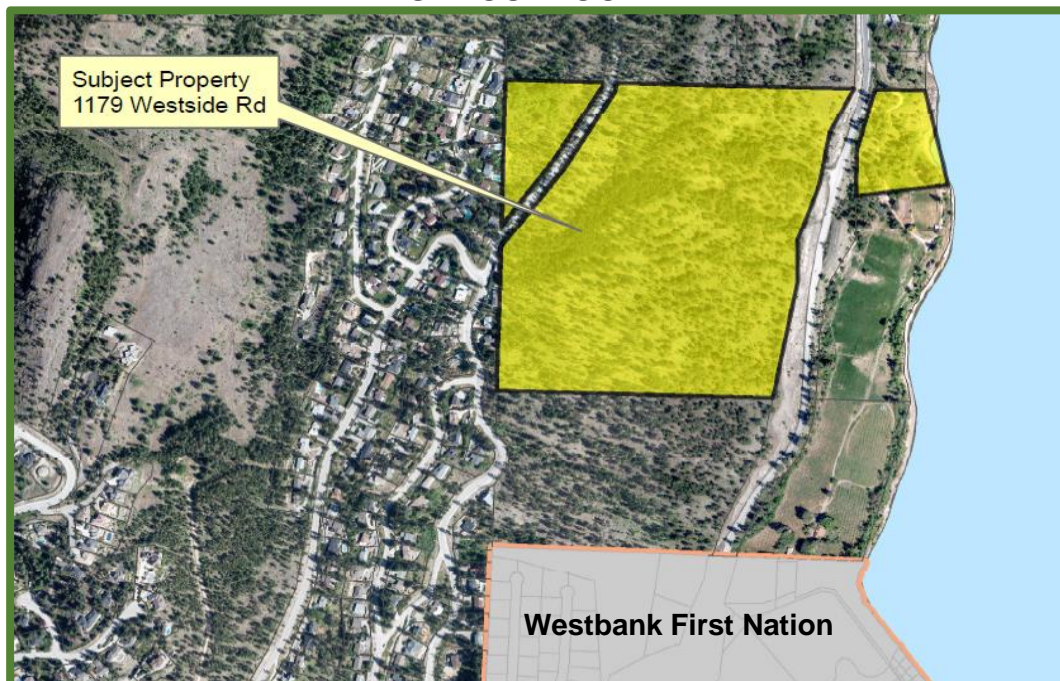
PROPERTY DETAILS

Address	1179 Westside Road		
PID	008-819-823		
Folio	36413204.000		
Lot Size	57.433 acres (232423 sqm)		
Owner	Homestar Investments Ltd.	Agent	Aplin Martin Consultants Ltd.
Current Zoning	Agricultural Zone (A1)	Proposed Zoning	Single Detached Residential (R1)
Current OCP	Low Density Residential (<i>upper third (triangle) portion</i>) Comprehensive Development Areas (<i>lower two thirds</i>)	Proposed OCP	N/A
Current Use	Vacant	Proposed Use	Residential
Development Permit Areas	Hillside, Wildfire Interface, and Sensitive Terrestrial Ecosystem		
Hazards	Hillside, Wildfire Interface, and Sensitive Terrestrial Ecosystem		
Agricultural Land Reserve	Yes (<i>portion of lower third only</i>)		

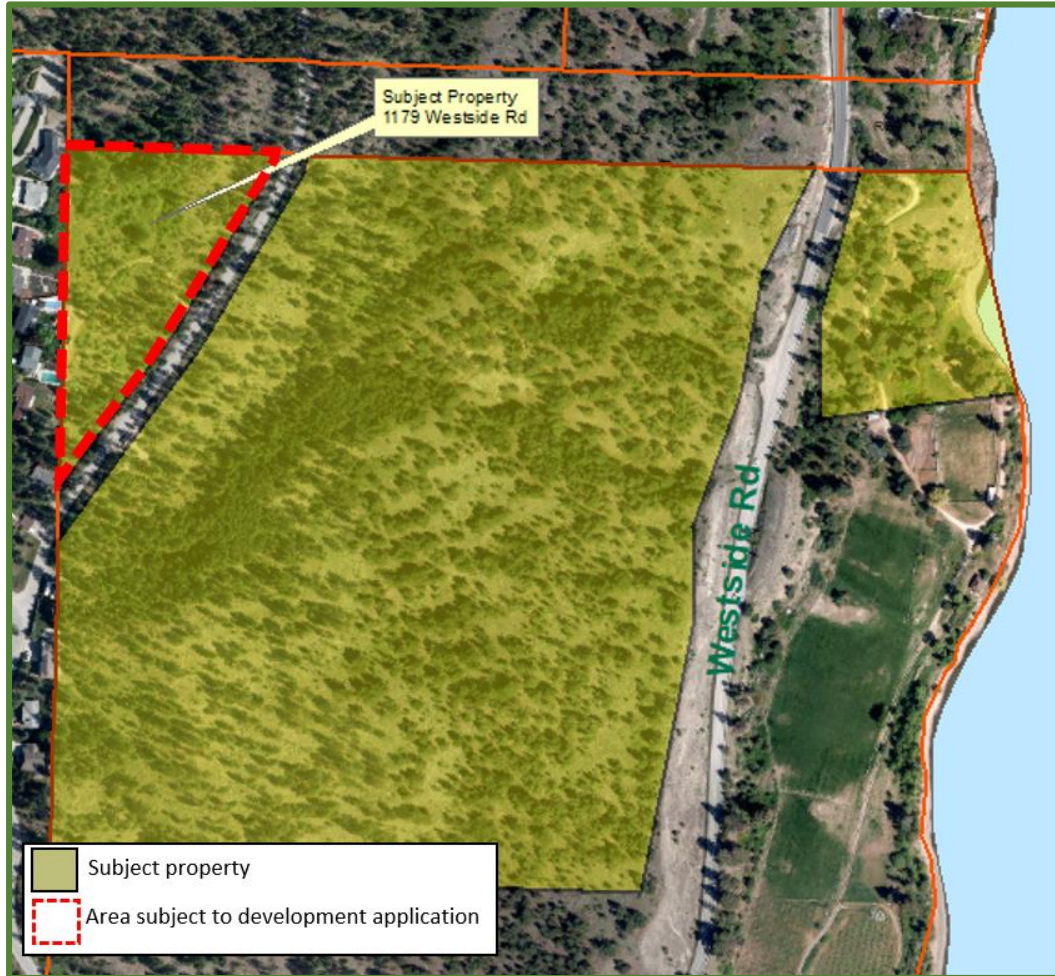
ADJACENT ZONING & LAND USES

North	^	Rural Residential Medium Parcel Zone (RU3)
East	>	Recreational Water Use Zone (W1)
West	<	Single Detached Residential (R1)
South	v	Agricultural Zone (A1)

NEIGHBOURHOOD MAP



PROPERTY MAP



Legislative Requirements

Council has the authority under s.479 of the *Local Government Act* to amend the Zoning Bylaw.

Proposal

This application is for a zoning bylaw amendment from the Agricultural Zone (A1) to the Single Detached Residential Zone (R1). The proposal affects the 1.78 ha upper third (triangle) portion of the 23 ha property.

Applicant's Rationale

A detailed rationale has been provided in Attachment 1. In summary, the applicant has requested the amendments to subdivide the upper third (triangle) portion of the property into a proposed 15 single detached residential lots. The applicant states the single family homes would be a seamless extension of the existing neighbourhood.

DISCUSSION

Zoning and Policy Review

Official Community Plan Bylaw No. 0300

The Land Use Designation for the upper third (triangle) portion of the subject property in the Official Community Plan is Low Density Residential. The Low Density Residential Land Use Designation permits a variety of low-rise residential uses that are limited to 1-2 units, including single detached dwellings including secondary suites, carriage houses and clustered housing, and duplexes, up to 3 storeys in height. The proposed zoning amendment is consistent with the Low Density Residential Land Use Designation. Key objectives and policies within the Low Density Residential Land Use Designation include:

2.9.1 Low Density Residential Objectives

2. To promote more compact and diverse low density housing forms for families, including the consideration of smaller lot sizes, secondary suites, carriage houses, duplexes, and clustered single-detached housing in support of neighbourhood diversity and healthy communities.

The proposal is a rezoning to the R1 Zone, which permits single detached housing with either secondary suites or carriage houses.

2.9.2 Low Density Policies

4. Zoning amendment applications to accommodate infill housing opportunities, or conversions to properties that have up to two separate units, maintain suitable setbacks and do not require variances, are encouraged with sensitive integration.

The proposal would be sensitively integrated as the proposed R1 zoning matches that of the existing residential neighbourhood to the West.

7. Mitigate the impact of residential uses on non-compatible industrial sites or agricultural sites and ensure adequate buffering measures are utilized.

The triangle portion of the subject property is separated from the lower two thirds of the property zoned A1 by Bear Creek Road. Note the property is not currently being used for agricultural purposes.

Development Permit Areas

Hillside, Wildfire Interface, and Sensitive Terrestrial Ecosystem Development Permits would be required unless future development qualifies for exemptions under the Official Community Plan.

Zoning Bylaw No. 0265

The existing Agricultural Zone (A1) permits single detached dwelling, modular home, mobile home, and a variety of agricultural uses. For subdivision in the A1 Zone, the minimum parcel area permitted is 4.0ha (9.9 ac).

The proposed Single Detached Residential Zone permits single detached dwelling as a principal use and a variety of secondary uses, including but not limited to, carriage house, secondary suite, bed and breakfast, and short term accommodation. For subdivision the minimum parcel area permitted is 550m² (5,920.2 ft²).

Technical Considerations

Environmental

The applicant has provided an environmental report that identifies the site (upper third triangle portion only) as Environmental Sensitive Area 3 - Low. As the expected proposal is to develop the whole of the upper third, the report recommends restoration where possible with future subdivision.

Servicing

For water servicing, there is a fire flow deficiency in this area. Upgrades are required to the existing water main infrastructure along Parkinson Road in addition to extending the infrastructure along Bear Creek Road prior to development. Additional information on the water service extension and timing will be brought forward at future readings of the bylaw.

The property is outside the water service area and will petition Council to join. It is expected the water service area petition application will run concurrently with the zoning bylaw amendment and will be introduced at third reading.

There is no existing storm infrastructure on Bear Creek Road. The applicant is to further review the stormwater routing and capacities to assess if there are off-site requirements.

It is anticipated these off-site improvements will be identified in more detail as part of consideration of future readings of the rezoning application.

Referral Comments

Advisory Planning Commission (APC)

The APC considered the application on April 19, 2023, and made the following motion:

It was moved and seconded

THAT the Advisory Planning Commission recommend support for file Z 23-01, Official Community Plan and Zoning Bylaw Amendment, 1179 Westside Road.

CARRIED; Member M. Smith opposed.

Discussion amongst the APC members included single family is suitable for this neighbourhood and concerns raised that low density multiple family is not within walking distance to community amenities, shops and services.

Agricultural Advisory Committee (AAC)

The AAC considered the application on May 3, 2023, and made the following motion:

It was moved and seconded

THAT the Agricultural Advisory Committee not support file Z 23-01, Official Community Plan and Zoning Bylaw Amendment, 1179 Westside Road due to the mandate of no net loss.

CARRIED: Member A. Schori opposed.

Discussion amongst the AAC members included confusion on why this property is zoned A1. However, as per policy in the Agricultural Plan there is to be no net loss. If this application involved a land swap it would be easier to support.

NOTE: The APC and AAC were presented a previous proposal which included a portion of the upper third (triangle) as Medium Density Residential Land Use Designation and Low Density Multiple Residential Zone (R3) which would permit townhomes. This townhome component has since been removed from the application.

Expected Conditions of Approval

Conditions are expected to be as follows:

1. Servicing Secured by Covenant
 - Upsize approximately 500m watermain along Parkinson Road.
 - Potential requirement - off-site drainage upgrades to address routing of stormwater.
2. Signing of the zoning amendment bylaw after 3rd reading by the Ministry of Transportation and Infrastructure.

Public Notification

In accordance with the *Local Government Act* and the Development Applications Procedures Bylaw No. 0260, notice of first reading was sent to all property owners and their tenants within 100 m of the subject property, was posted in the newspaper, and on the City's website. A Notice of Application sign was also installed on the property in accordance with the Development Application Procedures Bylaw No. 0260.

Per the Development Applications Procedures Bylaw No. 0260, a public hearing is not required for zoning bylaw amendment applications consistent with the Official Community Plan.

CONCLUSION

The portion of the property considered as part of this application is designated Low Density Residential in the Official Community Plan, which allows for residential uses of 1-2 units. The proposed R1 zone would permit the subdivision of this portion of the property into lots with single detached dwellings and either a carriage house or secondary suite, with a maximum height of 3 storeys. This proposed zoning amendment aligns with the Official Community Plan and would be compatible with the surrounding low density residential neighbourhood.

Alternate Recommendation to Consider and Resolve:

1. **THAT** Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No.0265.15, 2023 (File: Z 23-01); and

THAT Council direct staff to schedule a Public Hearing regarding the proposed zoning amendment.

This option is required if 8 or more written submissions have been received in response to Notice of First Reading. This option is also available at Council's discretion.

2. **THAT** Council postpone first and second reading of Zoning Amendment Bylaw No.0265.15, 2023 (File Z 23-01).

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

3. **THAT** Council deny Zoning Amendment Bylaw No. 0265.15, 2023 (File Z 23-01); and

THAT Council direct staff to close the file.

Should Council deny the proposed amendment bylaw, the applicant may not apply for a similar application for a period of six (6) months in accordance with Development Applications Procedures Bylaw No. 0260, 2018.

REVIEWED BY

Chris Oliver, Planning Manager

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

Trevor Seibel, Deputy CAO

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes No

Attachments:

1. Applicant's Rationale
2. Zoning Amendment Bylaw No. 0265.15
3. Submissions up to 4:30 p.m., December 7, 2023