



PUBLIC HEARING REPORT
Development Services
For the January 28, 2020 Public Hearing

DATE: January 17, 2020 File: Z 18-08

TO: Paul Gipps, CAO

FROM: Chris Oliver

RE: Application: Z 18-08, Official Community Plan Amendment No. 0100.55 and Zoning Bylaw Amendment No. 0154.74 (PH), 2377 Thacker Drive
Legal: LOT 108 DL 1118 ODYD PLAN 5381 EXCEPT PLAN 43347
Owner: Lunelli Enterprises LTD., INC. No. BC022466
Agent: Protech Consulting 2012 (Grant Maddock)

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.

BACKGROUND:

Proposal

The applicant is seeking to rezone the entire parcel and amend the land use designation for a portion of the subject property to accommodate a 15 lot single family residential subdivision. The relatively large parcel features an existing single family home and an accessory home (permitted as an agricultural worker dwelling under Zoning Bylaw No. 871).

History

At first and second reading, Council directed the applicant to provide additional information regarding the development of the lower portion (proposed Lot 7) of the property (Figure 1). Since that time, the applicant has provided additional technical reporting regarding the feasibility of developing this topographically challenging area.

Location and Surrounding Uses

The 16.085 acres (6.5 ha) subject property is centrally located in the Lakeview Heights

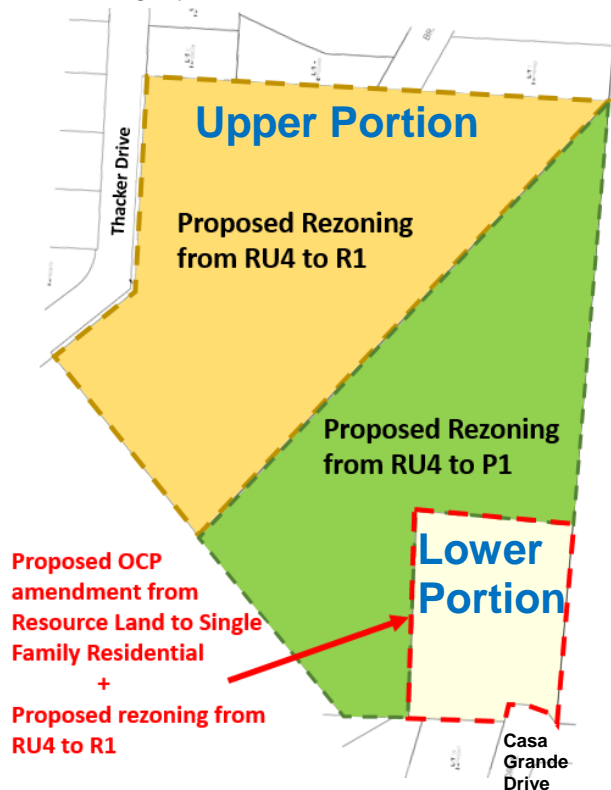


Figure 1. Proposed OCP Amendment and Rezoning

neighbourhood; approximately 1km north of the intersection of Thacker Drive and Anders Road (Attachments 1 and 2). The property is currently zoned Rural Residential Large Parcel Zone (RU4) and is split designated as both Single Family Residential and Resource Lands. The property fronts both Thacker Drive and Casa Grande Drive in the Casa Loma Neighbourhood.

Surrounding uses include:

- North, and West – R1 Zoned parcels
- East – A similarly zoned RU4 parcel
- South – R1 zoned parcels, a P1 zoned parcel (Casa Palmero Park), and an R3 Low-Density Multiple Family zoned parcel.

Subject Property Characteristics

Topographically the site can be divided into two areas (Figure 2). The upper portion is gently sloped at a 10 to 15% slope towards Thacker Drive. The lower portion is defined by a talus slope included at approximately 70% and a steep cliff, approximately 15m in height (Figure 3). There is a small section of the lower portion that fronts Casa Grande Drive and ranges from 30-40%.

Generally, the upper portion of the property is suited to development while the lower portion is in a challenging area with topographical constraints including access to the proposed development area.

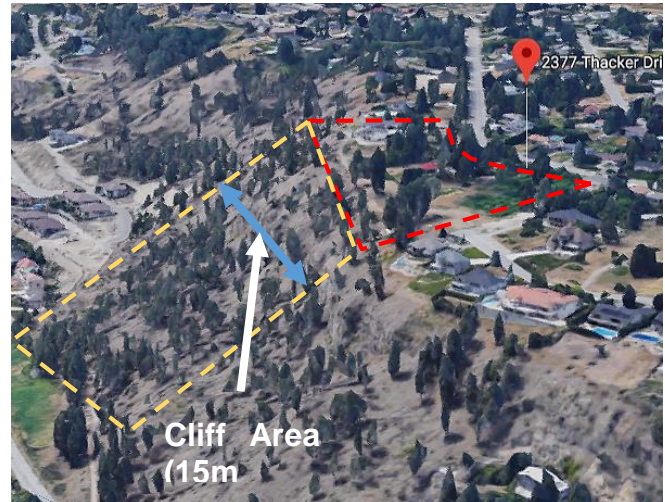


Figure 2. Upper and Lower Portions of the Property



Figure 3. Cliff Face

Policy and Bylaw Review

Official Community Plan (OCP) No. 0100:

Upper Portion

The proposal to rezone the upper portion of the property is consistent with the property's Official Community Plan (OCP) Land Use Designation of Single Family Residential. This designation generally supports infill development that makes efficient use of municipal infrastructure and is close to existing services and amenities, provided that the development complements the type, scale, and character of the existing neighbourhood.

Lower Portion

The applicant has applied for an OCP amendment and rezoning for the lower portion of the property. There are significant challenges with developing the lower portion. The proposed works to accommodate development in the lower portion (proposed Lot 7) do not align with the following objectives and guidelines of the Hillside Development Permit area included in the OCP:

- Protect people and property from hazardous conditions in the natural environment.
- Prevent the creation of hazardous conditions resulting from development on hillsides.
- Protect the natural environment, its ecosystems and biological diversity on hillsides.
- Hillside development should be designed to fit the site, rather than alter the site to fit the development. This requires site planning that:
 - Minimize the alteration of natural grades and the removal and/or disturbance of a natural vegetation; and
 - Gives priority to limiting site disturbance over achieving maximum parcel yields.

Following the direction provided at first and second reading, additional information regarding the feasibility of the development of the lower area was provided by the applicant. The additional servicing, geotechnical, and rockfall hazard information all indicate it is technically feasible to develop the lot with significant mitigation measures, slope disturbance and retaining. The identified area of disturbance is shown in Figure 4 (in red). Additional details and recommendations from the studies highlighted above are provided technical review section of this report.



Zoning Bylaw No. 0154 Parcel Size

Although the applicant has indicated that they plan to pursue a 15-lot subdivision (14 additional lots) with minimum parcel areas ranging from 795 m² to 17,224m², it is advised the R1 zone has a minimum parcel area of 550 m², thereby the potential lot yield could exceed the number of proposed lots. While a 550 m² minimum parcel area is not necessarily reflective of the size of current R1 zoned properties in the immediate neighbourhood, with the recent extension of sewer, there have been several subdivision applications in Lakeview Heights and the neighbourhood is gradually becoming denser. The current proposal reflects this trend.

Agricultural Worker Dwelling

The existing RU4 Zone permits Agricultural Worker Dwellings as a secondary use. A new dwelling was constructed on the parcel in 2010, and the existing dwelling was covenanted for use as an agricultural worker dwelling. The proposed R1 Zone does not allow for an Agricultural Worker

Dwelling. Prior to adoption of the proposed zoning amendment the existing agricultural worker dwelling (2377 Thacker) would need to be removed at the applicant's expense.

Technical Review

Geotechnical

The south-east portion of the subject property (approximately 10.8 acres in size) is located within both a Hillside and Terrestrial Development Permit Area (DPA). The applicant has submitted a geotechnical report that notes that the upper portion of the property is well suited for residential development and has generally identified a setback line from the top of bank. Following the direction provided at first and second reading, additional review of the development potential of the lower portion has been completed. Both an additional geotechnical assessment and rockfall hazard assessment identifies that the construction of the driveway and building platform will require a significant amount of grading work to construct. In addition, the rockfall hazard assessment has identified that there is existing evidence of large rocks scattered over the slope at the planned location of the house and driveway indicating the exposure and vulnerability to future rockfalls in this area are high (Figure 5).

In order to mitigate these risks, a rockfall protection berm surrounding the proposed building platform is required in order to ensure the property can be used safely for the use intended. Safe is defined by the City as having less than 0.5% probability of a geotechnical hazard occurring in a 50 year period.



Figure 5. Rocks near proposed building platform.

Servicing

A servicing report was submitted in support of the application. The report confirms that the water system for the proposed rezoning can meet fire flow requirements of the City's Works and Services Bylaw and can be serviced by existing fire hydrants.

The applicant has proposed to connect to the existing sanitary sewer lift station in front of 2252 Bridgeview Road. The lift station has been reviewed and it has been determined that there would not be enough response time built into the lift stations capacity in the event of a power outage. The applicant has agreed to provide a proportional contribution towards improvements to the lift station in the amount of \$39,551.60.

During first and second reading, it was identified that additional information regarding the servicing potential for the lower portion (proposed Lot 7) of the property was required. The applicant has since provided details regarding the proposed servicing and a letter from the Casa Loma Water Utility confirming the ability to connect to their private utility if certain procedural processes are completed and fees are paid.

Roads and Traffic

Based on a review by the City's traffic consultant, a sightline assessment has been submitted. The sightline assessment has not identified any necessary improvements to either side of Thacker Drive.

At subdivision, the applicant will be required to upgrade Thacker Drive to the standards prescribed in the Works and Services Bylaw to centreline of the road including the dedication to achieve the 20m road standard. The Rural Collector Road standard includes a requirement for a bike lane as well as a separated pathway. Advisory comments have been provided that at time of subdivision, a pedestrian connection from Bridgeview Road to Thacker Drive would be required.

In order to increase the pedestrian connectivity and safety in the area, additional off-site improvements have been identified and include the following (Figure 3):

- Continuation of the asphalt path (including a culvert and ditching);
- Pedestrian crossing with signage, crosswalk, and streetlight; and
- Improvements to a portion of the Thacker-Crestview Path (2m wide gravel standard).

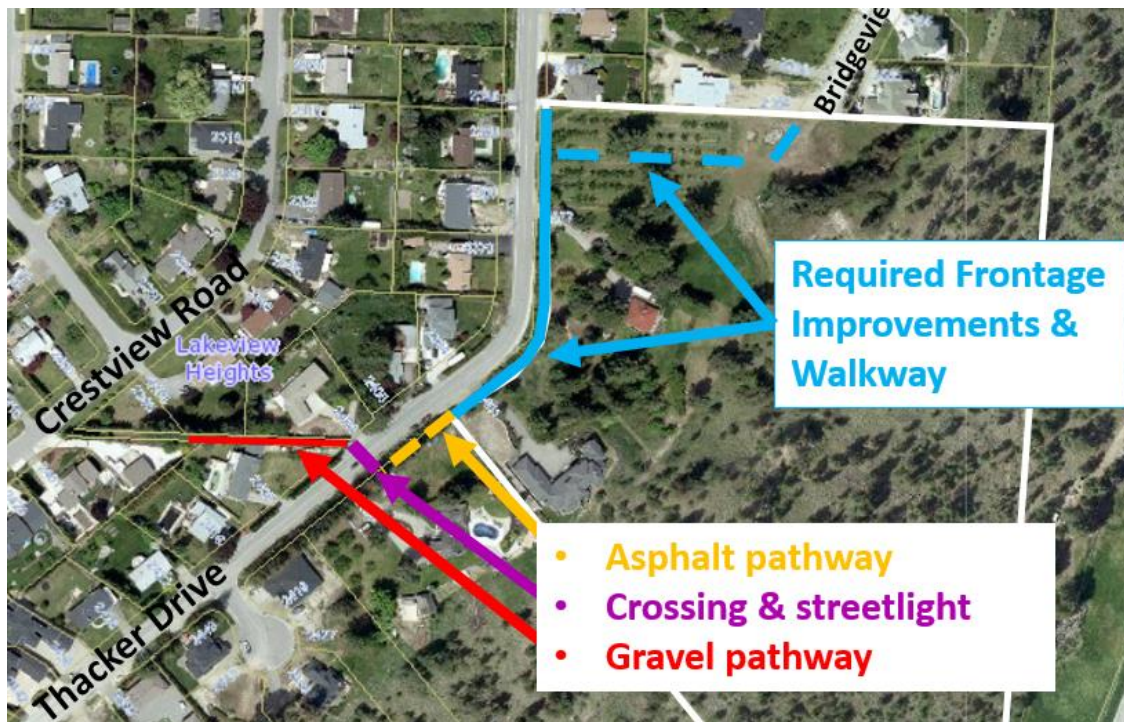


Figure 6. Required and Proposed Off-Site Improvements

The total cost for these off-site improvements to increase the safety and pedestrian connectivity in the area is estimated at \$23,619.00. Staff recommend these off-site improvements be required through the registration of a covenant on title requiring the works to be completed at time of subdivision.

Environmental

An Environmental Assessment was submitted as part of the application. The site has a range of Environmentally Sensitive Areas throughout the site, with ESA-1 having the highest ecological value and ESA -4 having the lowest value (Figure 7). Given the steep forested terrain, the environmental professional has recommended the registration of a “no build / no disturb” covenant, protecting undeveloped areas in perpetuity.

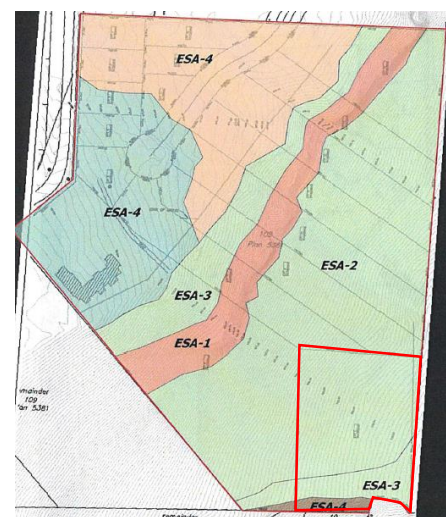


Figure 7. ESA Areas

As part of the proposed development of the lower portion of the property (proposed Lot 7) there would be significant disturbance in an undisturbed portion of the property having the second highest ecological value ESA – 2. If Council wishes to permit the rezoning of this lower portion, restoration works would be required as part of future Development Permit applications. Based on adjacent restoration works, this area is difficult to restore due to the soil characteristics and topography (Figure 8).



Figure 8. Adjacent Disturbed Slopes

Wildfire Mitigation

A Wildfire Hazard Assessment report was submitted that indicates the upper portion of the property has a moderate to low rating, and the lower portion has an extreme rating. However, with the recommended treatment prescription the rating may be reduced to low to moderate rating if annual clean-up of wood waste and tree maintenance is conducted. As a condition of the rezoning, at time of subdivision, the prescribed treatment of the area to a moderate/low wildfire hazard rating and registration of a standard wildfire covenant would be required.

PUBLIC CONSULTATION/NOTIFICATION:

Two development proposal signs have been posted on site in accordance with the Development Applications Procedures Bylaw No. 0131. Two advertisements have been placed in the local newspaper and notices were mailed to 80 property owners and/or tenants within 100 metres of the subject property (Attachment 3). As part of the notice, no responses were received.

COUNCIL REPORT/RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
March 12, 2019	THAT Council give first and second readings to City of West Kelowna Zoning Amendment Bylaw No. 0154.74, 2019; and THAT Council give first and second readings to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.55, 2019	C123/19

REVIEWED AND APPROVED BY:

Bob Dargatz, Development Engineering Manager/SAO
Brent Magnan, Planning Manager
Mark Koch, Director of Development Services
Tracey Batten, Deputy CAO/Corporate Officer
Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Context Map
2. Subject Property Map
3. Notification Map
4. Official Community Plan Amendment Bylaw No. 0100.55 and Zoning Amendment Bylaw No. 0154.74