



COUNCIL REPORT  
Development Services  
For the September 17, 2019 Council Meeting

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DATE: September 5, 2019

TO: Paul Gipps, CAO

FROM: Chris Oliver, Planner

RE: Z 18-11, Zoning Amendment Bylaw 154.84, 3040 and 3050 Boucherie Rd.  
Legal: Lot 1 and Lot 3, DL 1934, ODYD, Plan 21560  
Owner: Allan and Janice Patterson  
Agent: Protech-Consulting (2012) c/o Grant Maddock

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**RECOMMENDED MOTION:**

**THAT** Council give third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.84, 2019 (File: Z 18-11); and

**THAT** Council direct staff to schedule the bylaw for consideration of adoption following registration of the following items to the satisfaction of the Director of Development Services:

- Section 219 Highway Reserve Agreement under S.44 of the *Community Charter*, and
- Section 219 Agricultural Protection Covenant on Lot 1 DL 1934, ODYD, Plan KAP21560 (3040 Boucherie).

**RATIONALE:**

The recommended motion is based on the following:

- The proposal to rezone to accommodate a single family residential use is consistent with the neighbourhood character which is predominately single family dwellings;
- The proposal is an efficient use of existing services and infrastructure;
- A highway reserve will ensure that access and the future development potential of neighbouring properties is established; and
- An Agricultural Protective Covenant will ensure future property owners are aware of the potential disturbances due to the adjacent agricultural operation.

**LEGISLATIVE REQUIREMENTS:**

Council has the authority under Part 14, s. 479 of the *Local Government Act* to create and amend the Zoning Bylaw.

## BACKGROUND:

This application is to amend the zoning from Large Parcel Single Detached Residential (R1L) to Single Family Residential (R1) for two parcels to allow the creation of an eight lot subdivision while maintaining two existing residential dwellings (Attachment 2).

## LOCATION AND SURROUNDING USES:

The subject properties are 8,984m<sup>2</sup> (2.22 acres) in size and are located within the Lakeview Heights neighbourhood (Attachment 3 and 4). The properties have two existing single family dwellings and one accessory building that is proposed to be removed as part of a subsequent subdivision process. The surrounding land uses include:

- **North** – Agricultural zoned parcel (A1)
- **East** – Single Family Residential zoned parcels (R1)
- **South** – Large Parcel Single Family Residential zoned parcels (R1L)
- **West** – Country Residential zoned parcels (RU1)

## PUBLIC HEARING:

### **Overview of Public Hearing**

At the public hearing, which was held on July 23, 2019, the discussion was primarily focused on potential road connectivity and the development potential of adjacent properties. Two of the neighbouring property owners noted concerns with the proposed highway reserve alignment and corresponding connection that would be necessary to create a through road connection.

The requirement to provide access to lands beyond is rooted in the *Local Government Act*. The necessity of providing this access is often at the discretion of an Approving Officer at time of subdivision. Where the City has previously required adjacent developments to provide access to lands beyond, it is in the best interest of the City to establish this requirement early on in the process and require a highway reserve at time of rezoning. This ensures that as part of a subsequent subdivision application, this requirement is clearly established as a priority road connection and in the event the property is sold, notifies the future owners of the requirement.

As part of the establishment of this road connection from the development of a neighbouring property to the south (3110 Boucherie), the applicant has acknowledged the need for this through connection and proposed a reserve area that would allow for a future road connection through their property. While residents at the Public Hearing noted concern for the proposed alignment, there is a need to balance the objectives of the proposed development with potential undefined development in the future. As a condition of rezoning, the registration of a highway reserve which allows the two existing dwellings to be maintained is proposed.

## BYLAW AND POLICY REVIEW

### **Official Community Plan No. 0100:**

The OCP designation for the subject property is Single Family Residential and aims to provide traditional single family housing opportunities and encourage more land efficient compact housing

forms for families where it is sited to complement the type, form, scale, use, and character of adjacent buildings.

#### **Zoning Bylaw No. 0154:**

Below is a comparison table of the R1L and R1 Zone requirements (Table 1.). The proposed R1 Zone includes a variety of permitted uses, including secondary suites and carriage houses.

**Table 1. R1L and R1 Zone Requirements**

	<b>R1L Zone</b>	<b>R1 Zone</b>
<b>Parcel Area</b>	2500 m <sup>2</sup>	550 m <sup>2</sup>
<b>Frontage</b>	30.0 m	16.0 m
<b>Parcel Coverage</b>	20%	40%
<b>Front Setback</b>	6.0 m	4.5 m/ 6.0 m (garage)
<b>Rear Setback</b>	6.0 m	3.0 m
<b>Interior Side Setback</b>	4.5 m	1.5 m
<b>Exterior Side Setback</b>	4.5 m/ 6.0 m (garage)	4.5 m/ 6.0 m (garage)
<b>Agricultural Setback</b>	15.0m/ 9.0m <u>w</u> buffer	15.0m/ 9.0m <u>w</u> buffer

The Zoning Bylaw includes increased setback requirements when adjacent to agricultural parcels. One of the subject properties (3040 Boucherie), abuts an existing agricultural parcel to the north and as a condition of the rezoning an agricultural protection covenant will be required prior consideration of adoption.

#### **TECHNICAL CONSIDERATIONS:**

Technical concerns including frontage, access, and detailed servicing would be finalized through a future subdivision application, should the rezoning to R1 be approved.

##### **Access:**

A key consideration as part of the neighbouring subdivision on Boucherie Road was to provide access to lands beyond in order to provide access for future development and limit access onto Boucherie Road which is a higher order arterial road. The applicant is aware that the ability to connect to lands beyond will be a requirement as part of a future subdivision application (Figure 1.). In order to secure this connection, a highway reserve will be required as part of the rezoning application process (Figure 2 and Attachment 5).

##### **Site Servicing:**

The applicant has submitted a Functional Servicing Report (FSR) that indicates the subject property can be adequately serviced and can meet all applicable servicing requirements.

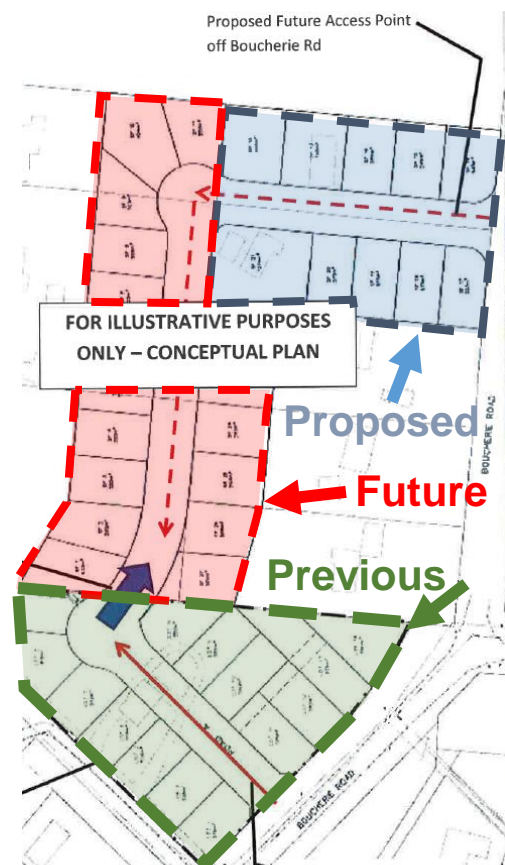


Figure 1. Access to lands beyond.



Figure 2. Proposed Highway Reserve Area.

ADVISORY PLANNING COMMISSION:

The rezoning of the subject property from R1L to R1 was supported as presented at the June 19, 2019, APC meeting.

COUNCIL REPORT/RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
June 25, 2019	<b>THAT</b> Council give first and second readings to City of West Kelowna Zoning Amendment Bylaw No. 0154.84, 2019; and <b>THAT</b> Council direct staff to schedule the bylaws for public hearing.	C251/19
July 23, 2019	A Public Hearing was held for the amending bylaw.	N/A

ALTERNATE MOTIONS:

In addition to the recommended motion, which includes a proposed agricultural protection covenant, and highway reserve that allows the existing dwellings to be maintained, Council may also wish to require the applicant to realign the highway reserve to address comments raised at the Public Hearing. Thus, the following option includes a condition that may be considered to be included in the Council resolution:

1. **THAT** Council direct staff to schedule the bylaw for consideration of adoption following registration of the following items to the satisfaction of the Director of Development Services:

- Section 219 Highway Reserve Agreement under S.44 of the Community Charter that allows for a proportional road reserve split between the subject properties and neighbouring properties to the west; and
- Section 219 agricultural protection covenant on Lot 1 DL 1934, ODYD, Plan KAP21560 (3040 Boucherie).

Should Council wish to postpone third reading the following alternate motion may be considered:

2. **THAT** Council postpone third reading of City of West Kelowna Zoning Amendment Bylaw No. 0154.84, 2019 (File: Z 18-11).

Should Council wish to postpone the adoption of the bylaw, it is requested that direction be provided as part of the Council resolution.

**REVIEWED AND APPROVED BY:**

Brent Magnan, Planning Manager  
 Shelley Schnitzler, Legislative Services Manager  
 Paul Gipps, CAO

**Attachments:**

1. Zoning Amendment Bylaw No.0154.84, 2019 (Z18-11)
2. Conceptual Site Plan
3. Context Map
4. Subject Property Map
5. Draft Highway Reserve Plan

Powerpoint: Yes ☒ No ☐