



**COUNCIL REPORT**  
**Development Services**  
**For the June 11, 2019 Council Meeting**

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DATE: June 6, 2019 File No. Z 11-15

TO: Jim Zaffino, CAO

FROM: Carla Eaton, Planner III

RE: Application: Official Community Plan Amendment Bylaw No. 0100.18 and  
Zoning Amendment Bylaw No. 0154.15 (Z 11-15)

Legal: DL 521, ODYD, Except Plans 7784, 9264, 12153, 13075, 15854,  
16046, 22092, 25478, 27025, 41547 and KAP50429

Address: 2796 Benedick Road

Owners: 1091094 B.C. Ltd.

Agent: AllNorth / Glen McCrae

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**RECOMMENDED MOTION:**

**THAT** Council adopt City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.18, 2017 (File: Z 11-15); and

**THAT** Council adopt City of West Kelowna Zoning Amendment Bylaw No. 0154.15, 2017 (File: Z 11-15).

**RATIONALE:**

The recommended motion is based on the following:

- The applicant has committed to dedication of a park adjacent to the access to Kalamoir Park and has agreed to construct park improvements at or before time of development.
- The applicant has provided a public pedestrian access (statutory right of way) through the property between Kalamoir Park and Casa Palmero Park.
- The applicant has provided a statutory right of way for future stormwater connections in accordance with the City's Master Drainage Plan.
- The applicant has committed to construct a number of off-site infrastructure improvements at or before time of development including water, storm water and roads.
- The applicant has committed to a number of on-site considerations to be addressed as a condition of future subdivision related to drainage, wildlife corridor protection and monitoring of the slide area.
- The applicant has committed to a number of development restrictions over the slide area and commitments related to monitoring of the slide area.
- The zoning conditions established at third reading have been met pending final confirmation of the registration of the legal documents noted above, which were filed at Land Titles Office on May 31, 2019.

**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:

This is an application to rezone the 6.1 ha property from Rural Residential Large Parcel Zone (RU4) to Single Detached Residential Zone (R1) and Rural Residential Small Parcel Zone (RU2); and to amend the OCP land use designation from Resource and Park and Natural Areas to Single Family Residential to facilitate a proposed subdivision of single family residential lots and 1 large rural residential lot (*Attachment 1 and 2*).

## **Zoning Conditions**

The Council resolution at third reading established seven zoning conditions, as noted in the Council Report/Resolution History table below. The conceptual design drawings and cost estimates for the park and staging area improvements, as well as the off-site storm water, water and Benedick Road improvements were reviewed by the City and approved for use in the required covenants. As the zoning conditions have now been satisfied, which include pending confirmation of the registration of the legal documents, it is recommended that the amendment bylaws be adopted.

## COUNCIL REPORT/RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
Mar 12, 2019	<p><b>THAT</b> Council give third reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.18, 2017 (File: Z 11-15); and</p> <p><b>THAT</b> Council give third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.15, 2017 (File: Z 11-15); and</p> <p><b>THAT</b> the wildlife corridor width not be accepted as proposed and that it be further reviewed for expansion at the Development Permit stage in concert with detailed subdivision designs; and</p> <p><b>THAT</b> Council direct staff to schedule the bylaws for consideration of adoption following:</p> <ul style="list-style-type: none"><li>• Submission of the following conceptual design drawings and cost estimates to the satisfaction of the General Manager of Development Services prior to registration within the required covenants noted below:<ul style="list-style-type: none"><li>○ Park and staging area improvements;</li><li>○ Off-site storm water infrastructure improvements;</li><li>○ Off-site water infrastructure improvements; and</li><li>○ Off-site road improvements to Benedick Road;</li></ul></li><li>• Registration of a blanket pedestrian Statutory Right of Way for future connections through the subject property between Kalamoir Park and Casa Palmero Park;</li><li>• Registration of a blanket Statutory Right of Way for future stormwater connections through the rural lot in accordance with the City's Master Drainage Plan;</li></ul>	C122/19

	<ul style="list-style-type: none"> <li>• Registration of a Section 219 covenant that requires: <ul style="list-style-type: none"> <li>○ The dedication and construction of the proposed park and staging area as a condition of future subdivision;</li> <li>○ The collection and piped conveyance of drainage from the Lakeridge Road area through the subject property to the stormwater system as a condition of future subdivision;</li> <li>○ The expansion of the wildlife corridor in accordance with the Hillside Development Permit guidelines at time of subdivision;</li> <li>○ Requires ongoing monitoring of the slide area during development of the residential site in accordance with reporting and recommendations of the geotechnical engineer;</li> </ul> </li> <li>• Registration of a Section 219 covenant that restricts future subdivision until the following items have been constructed in general accordance with the approved conceptual design drawings and cost estimates: <ul style="list-style-type: none"> <li>○ Off-site storm water infrastructure improvements;</li> <li>○ Off-site water infrastructure improvements; and</li> <li>○ Off-site road improvements to Benedick Road;</li> </ul> </li> <li>• Registration of a Section 219 Covenant on the rural lot that: <ul style="list-style-type: none"> <li>○ Restricts the developable area to ensure that no infrastructure or development be placed in the slide area until such time as the slide area has been deemed safe by a Geotechnical Engineer;</li> <li>○ Requires future development proposals/applications to include a record of ongoing geotechnical monitoring; and</li> <li>○ Acknowledges that the owner agrees to save harmless the City in the event of any future geotechnical event should it occur.</li> </ul> </li> </ul>	
Dec 11, 2018	Public Hearing held	N/A
Nov 27, 2018	Information Only Report	N/A
Jul 12, 2018	<p><b>THAT</b> Council give second reading to City of West Kelowna Official Community Plan Bylaw Amendment No. 0100.18, 2017; and</p> <p><b>THAT</b> Council give second reading to City of West Kelowna Zoning Bylaw Amendment No. 0154.15, 2017; and</p> <p><b>THAT</b> Council direct staff to schedule the Public Hearing.</p>	C306/18
May 8, 2018	<p><b>THAT</b> Council defer second reading to City of West Kelowna Official Community Plan Bylaw Amendment No. 0100.18, 2017; and</p> <p><b>THAT</b> Council defer second reading to City of West Kelowna Zoning Bylaw Amendment No. 0154.15, 2017.</p>	C216/18

Sep 5, 2017	<p><b>THAT</b> Council give first reading to City of West Kelowna Official Community Plan Bylaw Amendment No. 0100.18, 2017; and</p> <p><b>THAT</b> Council give first reading to City of West Kelowna Zoning Bylaw Amendment No. 0154.15, 2017; and further</p> <p><b>THAT</b> Council direct staff to schedule the application for consideration of second reading subject to receipt of a revised Storm Water Management Plan to the satisfaction of the General Manager of Development Services.</p>	C409/17
Mar 28, 2017	<p><b>THAT</b> Council postpone first and second reading of the proposed Zoning Bylaw and Official Community Plan Amendments and direct staff to seek a decision from the Regional District of Central Okanagan on the drainage proposal and to provide Council with additional information on the issue of the proposed civic infrastructure.</p>	C215/17
Nov 22, 2016	<p><b>THAT</b> Council direct staff to continue to process the OCP and Zoning Bylaw amendment application for 2796 Benedick Road (File: Z 11-15) by providing the applicant with an additional 6 month extension.</p>	C387/16
Mar 24, 2015	<p><b>THAT</b> Council defer consideration of the proposed Zoning Bylaw and Official Community Plan Amendments (File Z 11-15) and direct staff to provide additional information prior to consideration of the bylaws including the following information:</p> <ul style="list-style-type: none"> <li>• A revised servicing report, including an update on sanitary sewer capacity;</li> <li>• A revised storm water management plan;</li> <li>• Preliminary concept drawings and road cross-section that provides detail regarding Benedick Road improvements;</li> <li>• Geotechnical study on slide area;</li> <li>• Parkland and trail connections confirmed.</li> </ul>	C139/15
May 28, 2013	<p><b>THAT</b> Council postpone consideration of proposed Zoning Bylaw (871.264 and 871.265) and Official Community Plan Amendments (0100.18 and 0100.19) (File: Z 11-15); and</p> <p><b>THAT</b> Council direct staff to schedule the application for first reading pending receipt of the following information to the satisfaction of the Director of Development Services:</p> <ul style="list-style-type: none"> <li>• Geotechnical reporting confirming the site is safe for the intended use;</li> <li>• A revised functional servicing report;</li> <li>• A revised traffic impact assessment;</li> <li>• A revised storm water management plan.</li> </ul>	C181/13

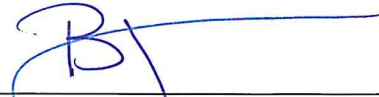
Respectfully submitted,



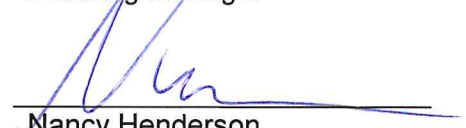
Carla Eaton  
Planner III



Bob Dargatz  
Development Manager



Brent Magnan  
Planning Manager



Nancy Henderson  
GM of Development Services

Powerpoint: Yes ☐ No ☒

Approved for Agenda

  
Jim Zaffino, CAO

June 6/19  
Date

Attachments:

- 1) Official Community Plan Amendment Bylaw No. 0100.18
- 2) Zoning Amendment Bylaw No. 0154.15

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**CITY OF WEST KELOWNA**

**BYLAW NO. 0100.18**

**A BYLAW TO AMEND "CITY OF WEST KELOWNA OFFICIAL COMMUNITY PLAN BYLAW NO. 0100"**

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WHEREAS the Council of the City of West Kelowna desires to amend "CITY OF WEST KELOWNA OFFICIAL COMMUNITY PLAN BYLAW NO. 0100" 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 OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT NO. 0100.18, 2017".

2. Amendments

"CITY OF WEST KELOWNA OFFICIAL COMMUNITY PLAN BYLAW NO. 0100" is hereby amended as follows:

- 2.1 By changing the designation on a portion of District Lot 521, ODYD, Except Plans, 7784, 9264, 12153, 13075, 15854, 16046, 22092, 25478, 27025, 41547 and KAP50429 as shown on the Schedule 'A' attached to and forming part of this bylaw from Parks and Natural Areas to Single Family Residential; and
- 2.2 By changing the designation on a portion of District Lot 521, ODYD, Except Plans, 7784, 9264, 12153, 13075, 15854, 16046, 22092, 25478, 27025, 41547 and KAP50429 as shown on the Schedule 'A' attached to and forming part of this bylaw from Resource Land to Single Family Residential; and
- 2.3 By depicting the changes on "CITY OF WEST KELOWNA OFFICIAL COMMUNITY PLAN BYLAW NO. 0100 Schedule B" (Land Use map).

READ A FIRST TIME THIS 5<sup>TH</sup> DAY OF SEPTEMBER, 2017

READ A SECOND TIME THIS 24<sup>TH</sup> DAY OF JULY, 2018

PUBLIC HEARING HELD THIS 11<sup>TH</sup> DAY OF DECEMBER, 2018

READ A THIRD TIME THIS 12<sup>TH</sup> DAY OF MARCH, 2019

ADOPTED THIS

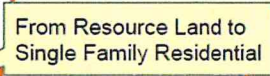
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MAYOR

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CITY CLERK

SCHEDULE 'A' of BYLAW NO. 0100.18



Date: 21/03/2017

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**CITY OF WEST KELOWNA**

**BYLAW NO. 0154.15**

**A BYLAW TO AMEND "ZONING BYLAW NO. 0154"**

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WHEREAS the Council of the City of West Kelowna desires to amend "CITY OF WEST KELOWNA ZONING BYLAW NO. 0154" 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. 0154.15, 2017".

2. Amendments

"City of West Kelowna Zoning Bylaw No. 0154" is hereby amended as follows:

2.1 By changing the zoning on a portion of District Lot 521, ODYD, Except Plans 7784, 9264, 12153, 13075, 15854, 16046, 22092, 25478, 27025, 41547, and KAP50429 as shown on the Schedule 'A' attached to and forming part of this bylaw from Rural Residential Large Parcel Zone (RU4) to Single Detached Residential Zone (R1) and Rural Residential Small Parcel Zone (RU2).

2.2 By depicting the changes on "ZONING BYLAW NO. 0154 Schedule B" (Zoning Bylaw Map).

READ A FIRST TIME THIS 5<sup>TH</sup> DAY OF SEPTEMBER, 2017

READ A SECOND TIME THIS 24<sup>TH</sup> DAY OF JULY, 2018

PUBLIC HEARING HELD THIS 11<sup>TH</sup> DAY OF DECEMBER, 2018

READ A THIRD TIME THIS 12<sup>TH</sup> DAY OF MARCH, 2019

ADOPTED THIS

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MAYOR

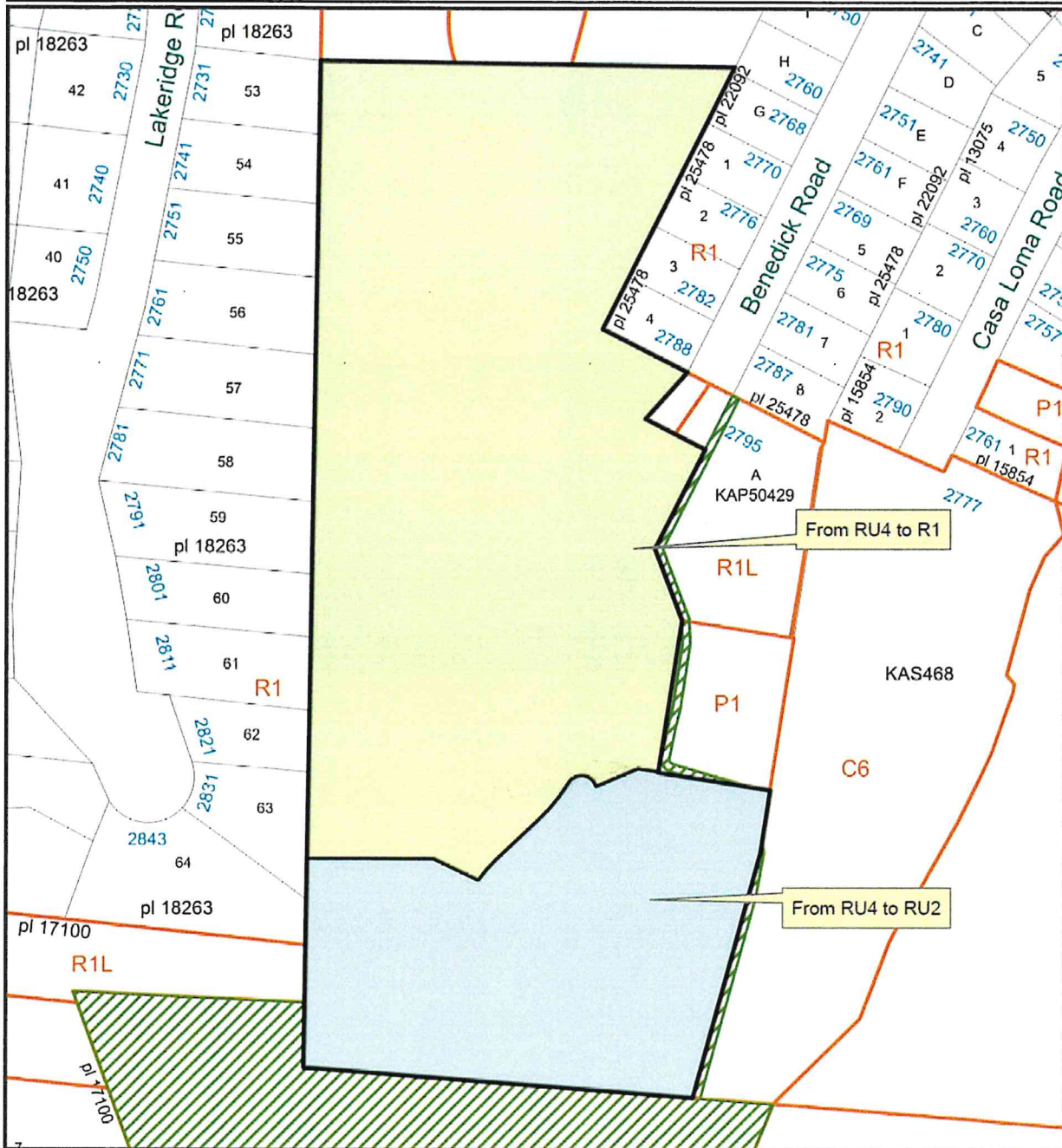
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CITY CLERK



CITY OF  
WEST  
KELOWNA

# SCHEDULE 'A' of BYLAW NO. 0154.15



## LEGEND

- Subject Property
- From RU4 to R1
- From RU4 to RU2
- Zoning Boundary

0 30 60 120 Metres

1:2,099



Date: 21/03/2017