



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: November 10, 2020

From: Carla Eaton, Planner III

File No: Z 20-07

Subject: **Z 20-07, Zoning Amendment Bylaw No. 154.95 (1st and 2nd reading),  
Unaddressed Asquith Road**

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### RECOMMENDATION

**THAT** Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.95, 2020 (File: Z 20-07); and

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

### STRATEGIC AREA(S) OF FOCUS

Focus on Economic Growth (Strategic Plan Priorities, 2009 and 2020-2022)

### BACKGROUND

The applicant has applied to rezone (*Attachment 1*) the 2.04 ha (5.05 acre) subject property to facilitate a proposed subdivision of approximately 23 lots. The proposed development includes a road dedication that will connect the northern development areas of Smith Creek and Tallus Ridge to Shannon Lake Road by the extension of Asquith Road.

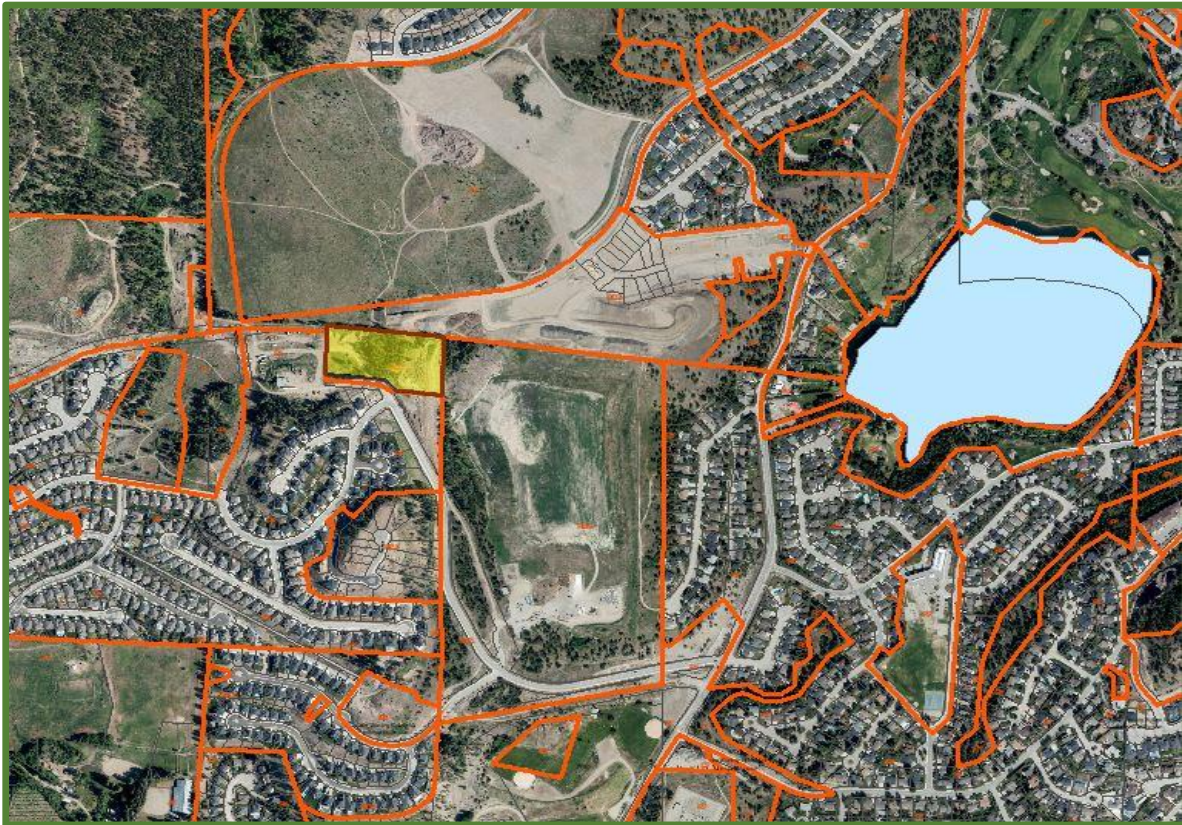
PROPERTY DETAILS			
<b>Address</b>		Unaddressed Asquith Road	
<b>PID</b>		008-216-941	
<b>Folio</b>		36414766.010	
<b>Lot Size</b>		2.04 ha (5.05 acres)	
<b>Owner</b>	Smith Creek Holdings Ltd. (Inc. No. 0731400)	<b>Agent</b>	Pilling & Associates (Steve Kalinocka)
<b>Current Zoning</b>	Rural Residential Small Parcel (RU2)	<b>Proposed Zoning</b>	Single Detached Residential (R1)
<b>Current OCP</b>	Single Family Residential	<b>Proposed OCP</b>	Single Family Residential
<b>Current Use</b>	Vacant	<b>Proposed Use</b>	Residential

<b>Development Permit Areas</b>	Hillside and Sensitive Terrestrial Ecosystem
<b>Hazards</b>	N/A
<b>Agricultural Land Reserve</b>	N/A

#### ADJACENT ZONING & LAND USES

<b>North</b>	<b>^</b>	Compact Single Detached Residential (RC3) and Agriculture (A1)
<b>East</b>	<b>&gt;</b>	Rural Resource Zone (RU5) – former landfill site
<b>West</b>	<b>&lt;</b>	Single Detached Residential (R1)
<b>South</b>	<b>v</b>	Single Detached Residential (R1)

#### NEIGHBOURHOOD MAP



#### PROPERTY MAP

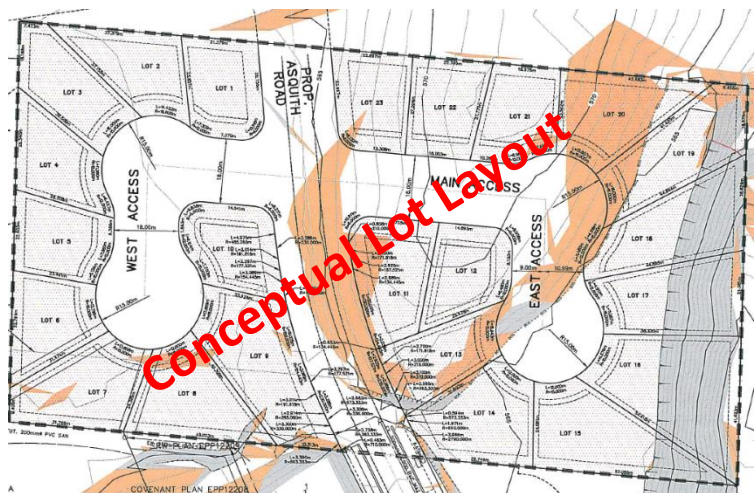




## Proposal

**Rezoning from RU2 to R1**

The applicant has provided a conceptual lot layout for a twenty-three (23) lot subdivision (see Figure 2 and *Attachment 2*). While the proposed subdivision layout and future single family residential development are subject to additional subdivision and development permits, the preliminary design includes the consideration for a potential road closure and re-alignment of Asquith Road.



Z 20-07, Zoning Amendment Bylaw No. 154.95 (1st and 2nd reading), Unaddressed Asquith Road

## Policy and Bylaw Review

### *Official Community Plan (OCP) Bylaw No. 0100*

The subject property is located within the Single Family Residential land use designation, which supports traditional single family housing opportunities and encourages more land efficient compact housing forms for families. The proposed single family (R1) lots are consistent with this designation which complements the type, scale and character of the neighbourhood.

### *Zoning Bylaw No. 0154*

The existing Rural Residential Small Parcel (RU2) zone is intended to accommodate rural, agricultural, and residential uses on parcels of land that are 1 ha or greater. The proposed Single Family Residential (R1) Zone is intended to accommodate low density single detached residential use on parcels of land that are 550 m<sup>2</sup> and larger (*Attachment 3*). A zoning comparison Table 1 is provided below. The proposed zoning boundary will meet the required minimum parcel size and frontage for the R1 zone and the proposed lot layout will be reviewed in detail as part of a future subdivision process.

**Table 1. Zoning Regulations Comparison**

Regulations	RU2 Zone	R1 Zone
<b>Parcel Area</b>	1.0 ha	550 m <sup>2</sup>
<b>Frontage</b>	30.0 m	16.0 m
<b>Parcel Coverage</b>	10%	40%
<b>Building Height</b>	9.0 m to a max of 3 storeys (20 m for barn)	9.0 m to a max of 3 storeys
<b>Front Setback</b>	6.0 m	4.5 m/ 6.0 m (garage)
<b>Rear Setback</b>	7.5 m	3.0 m
<b>Interior Side Setback</b>	4.5 m	1.5 m
<b>Exterior Side Setback</b>	4.5 m	4.5 m/ 6.0 m (garage)
<b>Agricultural Setback</b>	15.0m/ 9.0 <u>w</u> buffer	15.0m/ 9.0m <u>w</u> buffer

### *Development Permit Areas*

The subject property is located within the Hillside and Sensitive Terrestrial Ecosystem Development Permit areas, which will be addressed prior to the future subdivision.

## Technical Review

### *Transportation and Site Access*

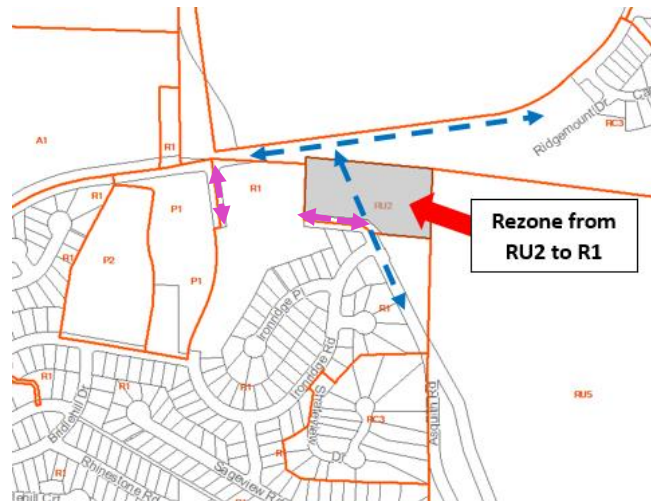
Site Access to the development is proposed from an extension of Asquith Road<sup>1</sup> that will allow access to an internal road<sup>2</sup> network. Frontage improvements will be completed as a condition of the future subdivision process to a full urban standard.

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<sup>1</sup> Asquith Road is classified as an Urban Collector Road with a 20 m right of way (Works and Services Bylaw No. 249, Drawing No. 203)

<sup>2</sup> Internal roads are classified as Urban Local Road with an 18 m right of way (Works and Services Bylaw No. 249, Drawing No. 207)

The extension of Asquith Road will create a connection to the future extensions of Tallus Heights Drive and Smith Creek Road. This is consistent with the City's Master Transportation Plan (MTP) which includes changes to the previous version of the proposed road network for the Smith Creek and Tallus Ridge neighbourhoods (see Figure 3 – purple dashed lines represent road connections that are no longer recommended under the current MTP). Road dedications and road reserves finalized under the previous plan may need to be adjusted in this area.



**Figure 3:** Road Network Changes based on current Master Transportation Plan

Prior to finalizing recommendations for off-site transportation improvements, additional information is required to address the following issues:

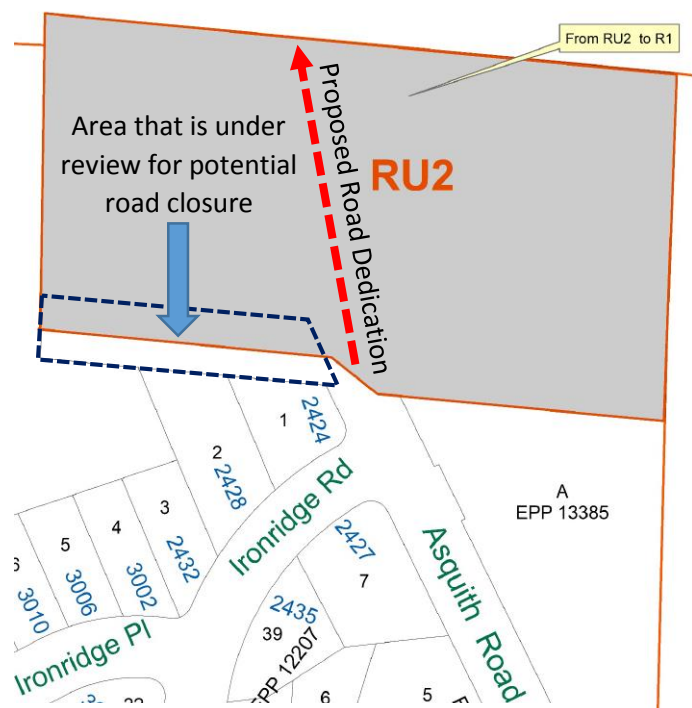
- future road dedication for the extension of Asquith Road (see Figure 4 – as shown with the red arrow) and the intersection of Asquith Road with Tallus Heights Drive;
- potential road closure of the existing alignment of Asquith Road along the southern parcel boundary (see Figure 4 – blue dashed line) to address the MTP; and
- potential new rights of ways to ensure pedestrian connectivity through the neighbourhood.

Additional information will be presented at the Public Hearing to confirm the anticipated off-site transportation improvements or conditions.

### Servicing

A Servicing Report<sup>3</sup> was submitted that notes that the site can be adequately serviced.

**Sanitary Sewer:** Based on reviews of the Sanitary Master Plan, it is not anticipated that the increase in density with the proposed rezoning will trigger any upgrades to the existing off-site sanitary sewer with the exception of the proposed 230 m of new sewer to enable



**Figure 4:** Proposed Zoning Amendment and Potential Road Closure and New Road Dedication

<sup>3</sup> Prepared by D.E. Pilling & Associates, dated August 26, 2020

connection to the City sanitary system on the future Ironridge Road. However, prior to Public Hearing, additional review of the capacity of downstream sanitary system will be completed to confirm the offsite improvements and final design will be addressed through the future subdivision process.

Water: The servicing report noted that that the site will be serviced through adequately sized existing infrastructure. However, additional off-site water servicing requirements are anticipated in order to address water looping. Additional information will be provided prior to Public Hearing and final design will be addressed through the future subdivision stage.

Stormwater: The report notes that storm water will be collected through catch basins and discharged through 230 m of new storm main that connects to existing storm infrastructure adjacent to Wild Horse Park. The report notes further that a new detention facility or pond will also be provided on-site to release storm water at acceptable pre-development rates.

Additional information is required on off-site overland storm routing and to clarify any improvements to existing storm water infrastructure downstream to be provided prior to Public Hearing. Final design to be addressed at time of future development permit.

#### *Geotechnical*

A Geotechnical Review<sup>4</sup> was submitted that notes that “the site is well suited for the proposed 23 lot subdivision development” and that the proposed building lots are “safe for the intended use as a residential subdivision”. The development will include regrading of the entire property to achieve the final design grades. The report makes additional future building recommendations regarding considerations for site preparation, cut and fill slope maximums, foundation design, groundwater and drainage, minimum basement or crawl space elevations due to high groundwater table, safe setbacks from the crest of a slope, pavement and trench backfilling, and specific comments regarding lots 15 to 19 that back onto the former landfill. As a condition of the future development permit and subdivision process, a geotechnical covenant will be registered on title to ensure the recommendations of the report are addressed during future construction.

#### *Environmental*

An Environmental Assessment<sup>5</sup> was submitted that identifies the subject property as having Environmental Sensitive Area (ESA) 3 and 4 ratings. The ratings are based on previously disturbed and fragmented habitats with areas heavily impacted by invasive species, as well as other areas so impacted by human disturbance that there is little or no possibility for recovery or rehabilitation. The report “anticipates that, if all recommendations and mitigation measures...are followed, the negative effects of works on local ecosystems will be successfully minimized.” The report additionally makes mitigation recommendations such as construction timing for wildlife preservation, managing site equipment, as well as controlling erosion, weed spread and disturbance.

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<sup>4</sup> Prepared by Calibre Geotechnical, dated August 25, 2020

<sup>5</sup> Prepared by Ecoscape Environmental Consultants Ltd., dated August 28, 2020

These and other recommendations from the report will be considered with the future development permit prior to site disturbance.

### *Neighbourhood Park Analysis*

In accordance with *Local Government Act (LGA)*, the future subdivision will trigger park dedication requirements. As the subject property does not meet the City of West Kelowna's criteria for suitable parkland, it is anticipated that cash-in-lieu of park dedication will be required as part of the future subdivision.

### *Pedestrian Connectivity*

Pedestrian connections through the parcel are anticipated to be addressed through the inclusion of sidewalks associated with the proposed road network alignments but may include the consideration of a statutory right of way to connect to future road networks.

### Referral Responses

A referral for the application was circulated to all departments and key agencies. Based on comments received thus far, no objections were noted, but the following external comments were received:

- *Interior Health*
  - No objections to the proposed development but recommends consideration of providing continuous and connected pedestrian and cycling pathways between cul de sacs and neighbourhoods to reduce travel distances;
- *BC Hydro*
  - Has overhead works in the area and may require a statutory right of way from the developer;
- *BC Transit*
  - Has no objection to the development but recommends that the future road network is pedestrian-supportive through the provision of sidewalks, notes that higher densities would be more conducive to efficient transit use, suggests that the Tallus Ridge area is proposed for future limited transit service and confirms the closest existing transit stop is within 400 m of the development (approximately a 5 minute walk).

### Public Notification

A notice of application sign has been placed on the subject property in accordance with the Development Application Procedures Bylaw No. 0260, at the end of Asquith Road.

### Legislative Requirements

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

## **CONCLUSION**

It is recommended that Council give first and second reading to the proposed amendments (Z 20-07) based on the following:

- Residential policies encourage the sensitive integration of different housing forms in all residential growth areas in support of neighbourhood diversity and healthy communities.
- Infill development makes more efficient use of community services and reduces development pressures at the urban fringes.
- The future development permit process will address hillside and environmental mitigation.
- The proposed zoning boundary amendments and proposed development is consistent with the City's master planning processes.

### **Alternate Motion(s):**

#### Option 1: Postpone 1st and 2nd Reading

- 1) THAT Council postpone first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.95, 2020 (File: Z 20-07).

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

#### Option 2: Deny the Application

- 1) THAT Council deny File: Z 20-07 for Unaddressed Asquith Road.

Should Council deny the proposal, the file will be closed. As per the City's Procedures Bylaw, the applicant could re-apply for a similar proposal six months after initial Council consideration.

## **REVIEWED BY**

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer



**APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

**Attachments:**

1. Zoning Amendment Bylaw No. 0154.95, 2020
2. Conceptual Lot Layout
3. Single Detached Residential (R1) Zone