



CITY OF WEST KELOWNA PLANNING DEPARTMENT	
ATTACHMENT: <u>1</u>	
FILE NO.: <u>Z 20-06</u>	

COUNCIL REPORT

To: Paul Gipps, CAO

Date: October 27, 2020

From: Carla Eaton, Planner III

File No: Z 20-06

Subject: **Z 20-06, OCP and Zoning Amendment Bylaw No. 100.60 and 154.92 (1st and 2nd), Unaddressed Canyon Crest Drive**

RECOMMENDATION

THAT Council give first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.60, 2020 (File: Z 20-06); and

THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.92, 2020 (File: Z 20-06); and

THAT Council direct staff to schedule the proposed bylaw amendments 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 essentially swap zoning and land use designations which are proposed to facilitate a more efficient layout for the proposed townhouse development (approximately 26 units) eliminating the need for a second access. The proposed amendment will rezone a portion of the property from Low Density Multiple Residential (R3) and Compact Single Detached Residential (RC3) zone to Parks and Open Space (P1) zone, and to rezone a portion from Parks and Open Space (P1) zone to Low Density Multiple Residential (R3) zone; and to amend the Official Community Plan over the same areas by exchanging the land use designation from Low Density Multiple Family and Single Family Residential to Parks and Natural Area, and from Parks and Natural Area to Low Density Multiple Family (*Attachment 1 and 2*).

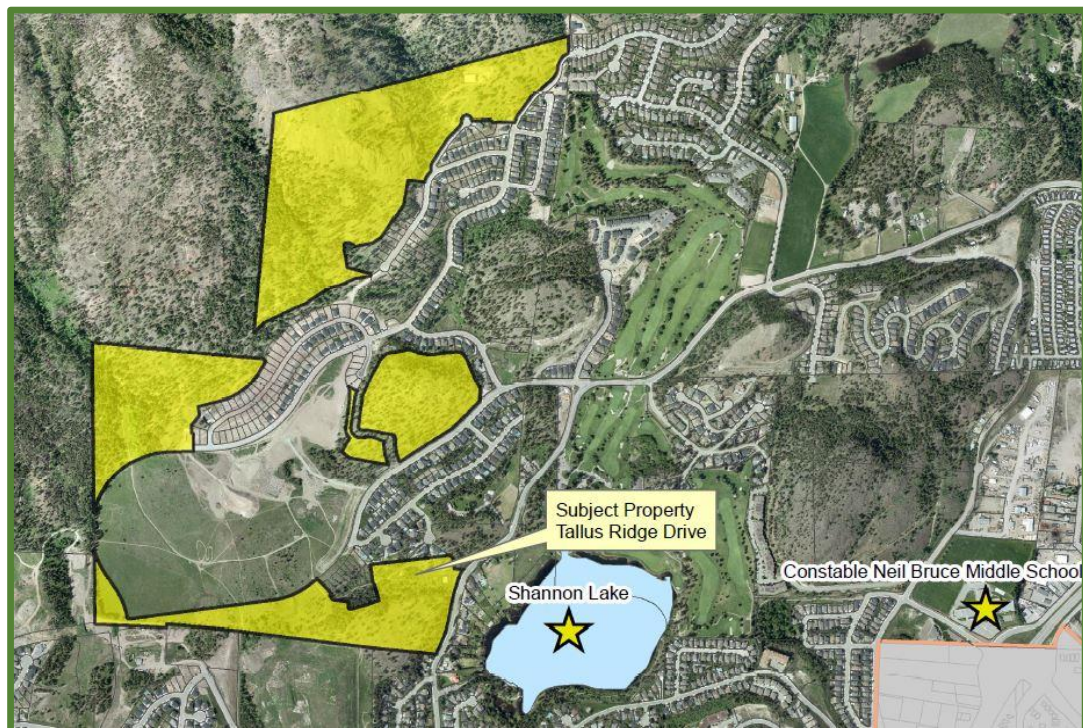
PROPERTY DETAILS			
Address		Unaddressed Canyon Crest Drive (Tallus Ph. 10/11)	
PID		030-896-487	
Folio		36414115.056	
Lot Size		Parent parcel: 61 ha (150.7 acres) / Subject: ~0.98 ha	
Owner	Ryser Developments Ltd.	Agent	Damien Burggraeve

Current Zoning	Parks and Open Space (P1) and Low Density Multiple Family (R3)	Proposed Zoning	Parks and Open Space (P1) and Low Density Multiple Family (R3)
Current OCP	Parks and Natural Area and Low Density Multiple Family	Proposed OCP	Parks and Natural Area and Low Density Multiple Family
Current Use	Vacant	Proposed Use	Residential
Development Permit Areas	Wildfire Interface, Hillside, Sensitive Terrestrial Ecosystem and Form and Character		
Hazards	Possible rock catchment areas/drainage noted		
Agricultural Land Reserve	N/A		

ADJACENT ZONING & LAND USES

North	^	Compact Single Detached Residential (RC3)
East	>	Large Parcel Single Detached Residential (R1L) and Low Density Multiple Family (R3)
West	<	Compact Single Detached Residential (RC3)
South	v	Parks and Open Space (P1) and Single Detached Residential (R1)

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

Applicant Rationale

As part of this application, the applicant stated that the land use designation and zoning swap would allow a more linear multiple family development and to retain a larger forest buffer along Shannon Lake Road. The revised layout with the new zoning boundaries would also eliminate a second site access and related disturbance. The conceptual development (See Figure 1 and *Attachment 3*) includes 26 townhouse units on the proposed multifamily lot, as well as future park dedication along Shannon Lake Road. While the proposed subdivision layout and future townhouse development are subject to

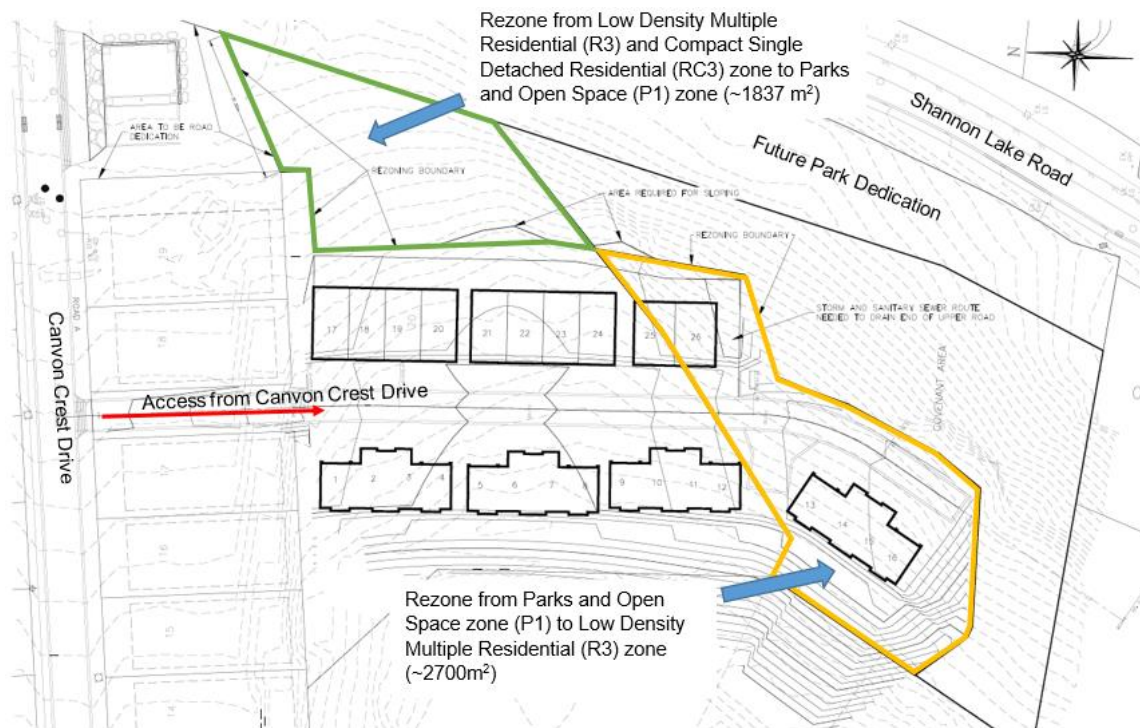


Figure 1: Proposed Zoning & Preliminary Subdivision Layout

additional subdivision and development permit processes, the preliminary design and density for the R3 zone (26 units) is substantially under the allowable density and site coverage in the R3 zone due to existing or anticipated no build covenant areas.

Policy and Bylaw Review

Official Community Plan (OCP) Bylaw No. 0100

OCP land use designations for the subject area are Low Density Multiple Family (LDMF), Single Family Residential (SFR) and Parks and Natural Area (PNA). The proposed amendments will exchange PNA and LDMF land use designations and will reduce the overall size of the PNA designation by about 849 m² (Figure 2) to facilitate the proposed development layout. To accommodate the proposed future subdivision layout, the OCP amendment also includes a very small piece (~14 m²) of the Single Family Residential land use designation to match the new frontage on Canyon Crest Drive.

Recommendation of support is based on residential policy which encourages the sensitive integration of different housing forms in all residential growth areas in support of neighbourhood diversity and healthy communities.

Additionally, the ground oriented townhouse development with at-grade private

entrances is considered an appropriate form of infill housing that has the ability to complement the type, form, scale and use of the surrounding neighbourhood. Further, there are very limited impacts to the proposed amendment from a land use perspective that were not already considered with the original bylaw amendments (Z 12-04) that allowed LDMF in this location. And despite the reduction of the PNA designation, the proposed adjustment will widen the natural area and create a larger buffer adjacent to the future linear park along Shannon Lake Road to support wildlife movement along the corridor in alignment with OCP policy. The proposed amendment does not affect the trail construction and park dedication secured through previous rezoning and neighbourhood planning processes.

Zoning Bylaw No. 0154

As shown in Figure 1, the proposed zoning amendment will increase the R3 zone by approximately 863 m² and reduce the P1 zone area by 849 m² to adjust the development

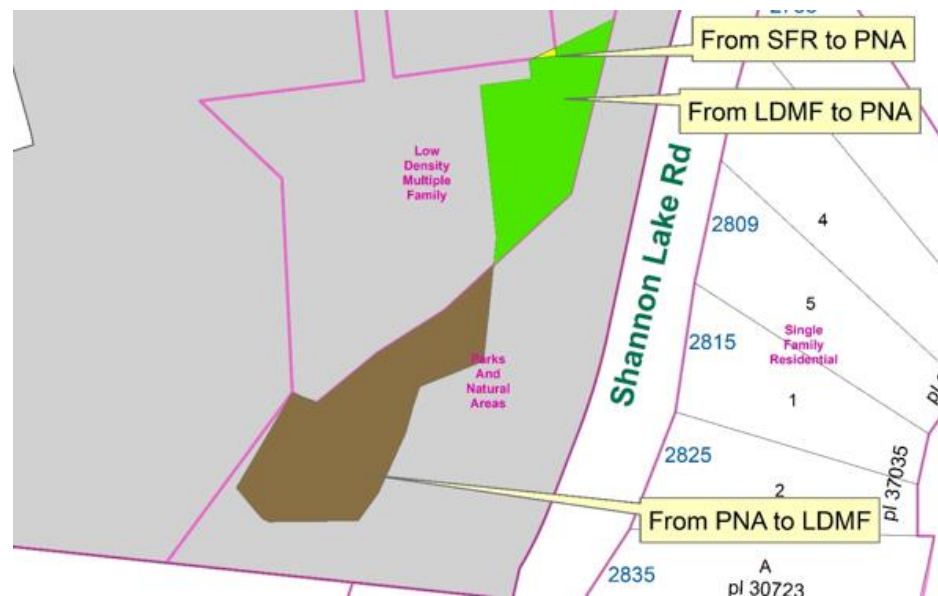


Figure 2: Proposed Land Use Designation Swap

boundary allowing for a single site access and reduced hillside disturbance. The conceptual development boundary will meet the required minimum parcel size and frontage for the R3 zone. Approximately 14m² of the RC3 zone was required to be included in the amendment to accommodate the future parcel boundary of the multi-family lot adjacent to proposed road dedication for the extension of Canyon Crest Drive.

The proposed Parks and Natural Area (P1) Zone is intended to accommodate both parks and natural areas for recreational and associated uses (*Attachment 4*), which is proposed to be held as privately owned land as part of the development. The Low Density Multiple Residential (R3) Zone is intended to accommodate multiple residential in low density house form which includes duplex and townhouse forms (*Attachment 5*).

Development Permit Areas

The subject property is located within the Wildfire Interface, Hillside and Sensitive Terrestrial Ecosystem Development Permit areas. Additionally, the proposed R3 townhouse development will also require a separate form and character Multiple Family Residential Development Permit to facilitate any future Building Permits.

Technical Review

Transportation and Site Access

Site Access continues to be proposed from a private driveway from Canyon Crest Drive. Frontage improvements along Canyon Crest Drive are being completed as part of the earlier Tallus Ridge Ph. 10 B development. Frontage improvements along Shannon Lake Road were completed as part of earlier Tallus Ridge development in 2010.

There are no off-site transportation improvements anticipated or recommended with this development.

Servicing

A Servicing Report¹ was submitted that notes that the site can be adequately serviced.

Sanitary Sewer: The report notes that the capacity of downstream sanitary system is sufficiently sized to accommodate the proposed development, as assessed during rezoning and OCP planning of the overall Tallus Ridge area under File: Z 12-04. No additional off-site sanitary sewer service upgrades have been identified and the required connecting infrastructure has been appropriately sized and installed with previous phases of development².

Water: The servicing report noted that no additional off-site water servicing requirements are anticipated and that the site will be serviced through adequately sized existing infrastructure. Final design will be addressed through the future subdivision stage.

¹ Prepared by Aplin Martin, dated Jun 8, 2020

² Tallus Ph. 10 installed 150 mm diameter pipe down to Shannon Lake Road

Stormwater: The report notes that a private storm water detention facility will be provided for the townhouse development with final design to be addressed at time of future development permit.

Geotechnical

A Geotechnical Review³ was submitted that notes that “the site is well suited for the proposed multi-family development” and that the proposed building lots are “safe for the intended use as a residential subdivision” with no obvious geotechnical hazards. The majority of the development will involve cuts below existing grades with only minor fills. The geotechnical engineer noted that perched water seepage zones are expected along the surface of bedrock during snowmelt and periods of heavy rainfall runoff. The report makes additional future building recommendations regarding considerations for site preparation, maximum slope, foundation design, groundwater and drainage, safe setbacks from the crest of a slope, safe set forward distances from rock faces, and pavement and trench backfilling. As a condition of the future development permit and subdivision process, it is likely that a geotechnical covenant will be registered on title to ensure the recommendations of the report are addressed during future construction.

Wildfire

There is an existing Wildfire Covenant registered on the parent parcel that requires wildfire mitigation efforts prior to construction, including thinning, pruning, and removal of woody debris. Additionally, an assessment of the current wildfire hazard will be required as part of the future subdivision process which ensure that the property has a low to moderate fire hazard rating prior to subdivision approval.

Environmental

An Environmental Assessment⁴ was submitted that identifies the two rezoning areas as both having Environmental Sensitive Area (ESA) 2. The proposed new P1 land is partially composed of provincially Blue-listed ecosystem and has greater ecological integrity than the proposed new R3 land having been exposed to less historical disturbance. The proposed new R3 land is considered a Red-listed ecosystem⁵ but has greater areas of disturbance and is thus host to a greater proportion of invasive species. The report “anticipates that the impact on terrestrial resource values as a result of the proposed rezoning will be low” but additionally makes mitigation recommendations such as construction timing for wildlife preservation, managing site equipment, as well as controlling erosion, weed spread and disturbance. These and other recommendations from the report will be considered with the future development permit prior to site disturbance.

Related Covenant Area Adjustment:

As part of the application process, a no build-no disturb environmental covenant (CA3977929) registered with the original zoning (File: Z 12-04) will be considered for

³ Prepared by Calibre Geotechnical, dated August 10, 2020

⁴ Prepared by Ecoscape Environmental Consultants Ltd., dated August 12, 2020

⁵ Tree, understory and grass layer is characterized by species such as Douglas-fir, ponderosa pine, birch leaved spirea, snowbetter, arrowleaf balsamroot, pussytoes, bluebunch wheatgrass and rough fescue.

boundary adjustment in order to facilitate the new development configuration. The proposal will potentially remove some of the existing covenant area in exchange for lands that had previously been part of the proposed development area. The exchanged covenant areas match the proposed zoning amendment (see Figure 1) and are proposed to be held as privately owned P1 lands and are not part of any proposed park land dedication.

From an environmental perspective, these lands were protected by covenant not for their ESA-2 and ESA-3 value but as potential remediation areas for anticipated disturbance in future Tallus developments with higher ESA-1 values where disturbance could not be avoided⁶. Additionally, the proposed new covenant area is anticipated to remain close to the original covenant area of 2700 m² (once all the new hillside areas have been included) which will still allow for compensation planting should it be required as result of future phases. The covenant adjustment will be addressed with the future development permit and subdivision design stage.

Neighbourhood Park Analysis

The Shannon Lake West Concept Development Plan (CDP) identified park area requirements for the entire Tallus Ridge neighbourhood and further details regarding dedication and no disturbance areas to protect future parks were noted in Section 219 Covenants (LA139002 and LA139003).

As such, the applicant will be required to dedicate approximately 0.5 Ha of neighbourhood linear parkland and construct a 1.5 m wide trail abutting Shannon Lake Road (as shown in Figure 3) as a condition of future subdivision approval to meet park dedication requirements specifically resulting from Section 510 of the *Local Government Act* (LGA). Prior to park dedication, the owner will be required to complete wildfire mitigation works. The proposed dedication is consistent with Council's Park Land Acceptance Policy (consistent with master plans, connects existing parks, be of low risk, etc.)

Further phases of development will trigger additional parkland dedication requirements as per the CDP.

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:

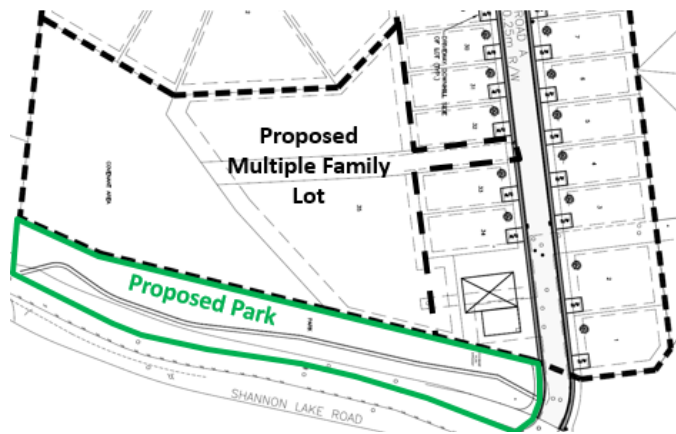


Figure 3: Proposed Future Park Area

⁶ Currently, this covenant area has not been identified for any required compensation plantings

- *Telus, Interior Health, CWK Fire Department*
 - No objections to the proposed development;
- *BC Hydro*
 - Requires 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 over 400 m from the development;
- *Forests, Lands, Natural Resource Operations, and Rural Development*
 - Recommends no disturb covenant is in place over new P1 area and notes that plant inventory of rare and at-risk species was not included in the EA.

Advisory Planning Commission (APC)

The APC considered the application on October 21, 2020 and carried the following motion:

THAT the APC recommend support for application Z 20-06 as presented.

Public Notification

Two notice of application signs have been placed on the subject property in accordance with the Development Application Procedures Bylaw No. 0260, along Shannon Lake Road and at the existing terminal end of Canyon Crest Drive.

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.

CONCLUSION

It is recommended that Council give first and second reading to the proposed amendments (Z 20-06) based on the following:

- The proposed amendments are essentially swapping previously considered and approved zoning amendments.
- The proposed new boundary of the low density multi-family residential use has an appropriate transition to the existing adjacent compact single family residential zone.
- The proposed new boundary of the P1 zone will create a larger treed buffer adjacent to Shannon Lake Road enhancing the area as a potential wildlife corridor.
- The proposed zoning boundary amendments do not alter the servicing implications for the site from those previously assessed during the original rezoning (File: Z 12-04).

- 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.

Alternate Motion(s):

Option 1: Postpone 1st and 2nd Reading

- 1) THAT Council postpone first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.60, 2020 (File: Z 20-06); and
- 2) THAT Council postpone first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.92, 2020 (File: Z 20-06).

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 20-06 for unaddressed Canyon Crest Drive.

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

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Official Community Plan Amendment Bylaw No. 0100.60, 2020
2. Zoning Amendment Bylaw No. 0154.92, 2020
3. Tallus Ridge Stage 10 Multi-Family Site Plan
4. Parks and Natural Areas (P1) Zone
5. Low Density Multiple Residential (R3) Zone

CITY OF WEST KELOWNA

BYLAW NO. 0100.60

A BYLAW TO AMEND “OFFICIAL COMMUNITY PLAN BYLAW NO. 0100”

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 AMENDMENT BYLAW NO. 0100.60, 2020”.

2. Amendments

“City of West Kelowna Official Community Plan Bylaw No. 0100” is hereby amended as follows:

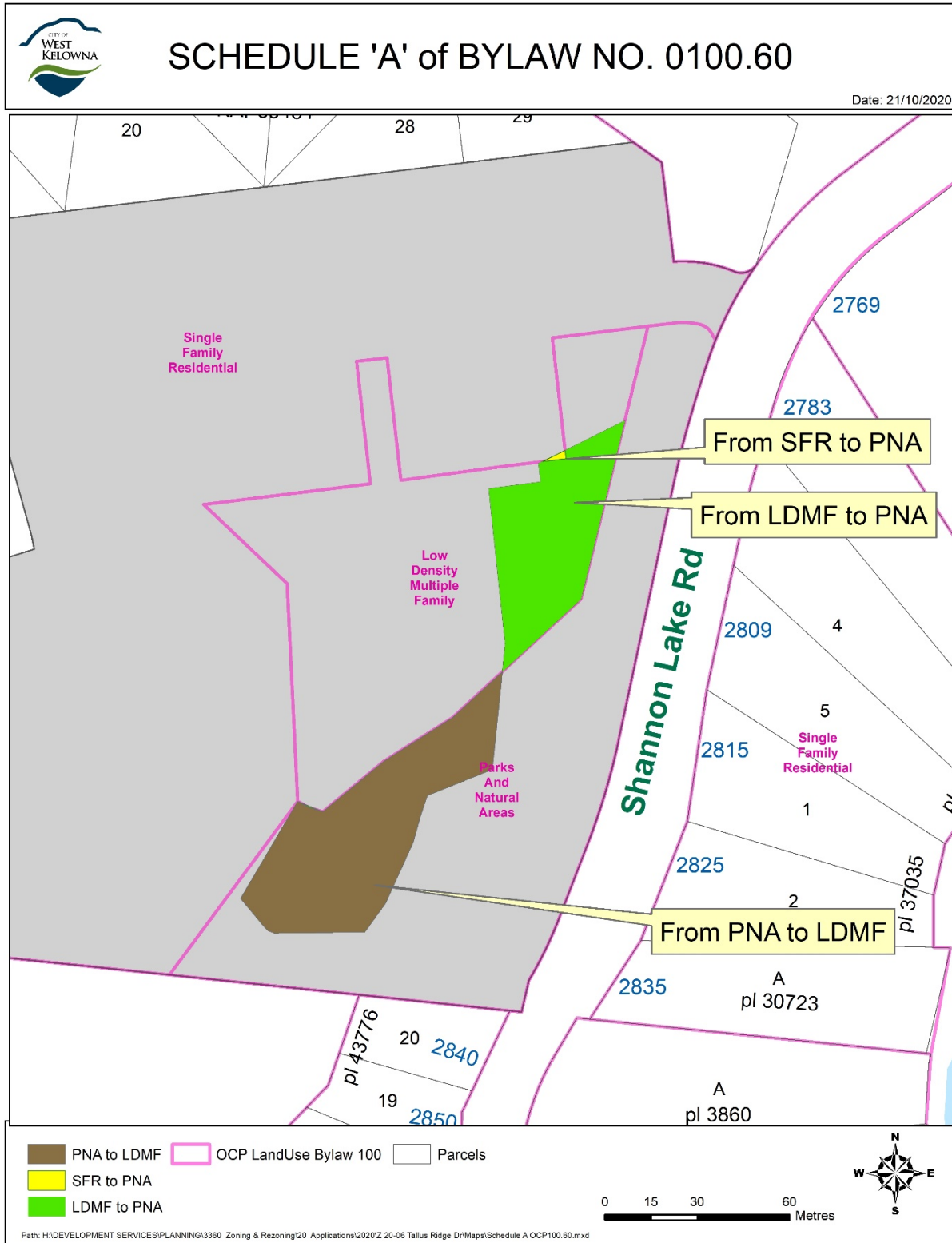
2.1 By changing the designation on a portion of Rem. Lot A, District Lots 3796 & 2600, ODYD, Plan EPP91342, Except Plan EPP95995, as shown on Schedule ‘A’ attached to and forming part of this bylaw, from Low Density Multiple Family and Single Family Residential to Parks and Natural Area; and from Parks and Natural Area to Low Density Multiple Family.

2.2 By depicting the change on “City of West Kelowna Official Community Plan Bylaw No. 0100 Schedule B” (Land Use map).

READ A FIRST AND SECOND TIME THIS
PUBLIC HEARING HELD THIS
READ A THIRD TIME THIS
ADOPTED THIS

MAYOR

CITY CLERK



CITY OF WEST KELOWNA

BYLAW NO. 0154.92

A BYLAW TO AMEND "ZONING BYLAW NO. 0154"

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. 0154.92, 2020".

2. Amendments

"Zoning Bylaw No. 0154" is hereby amended as follows:

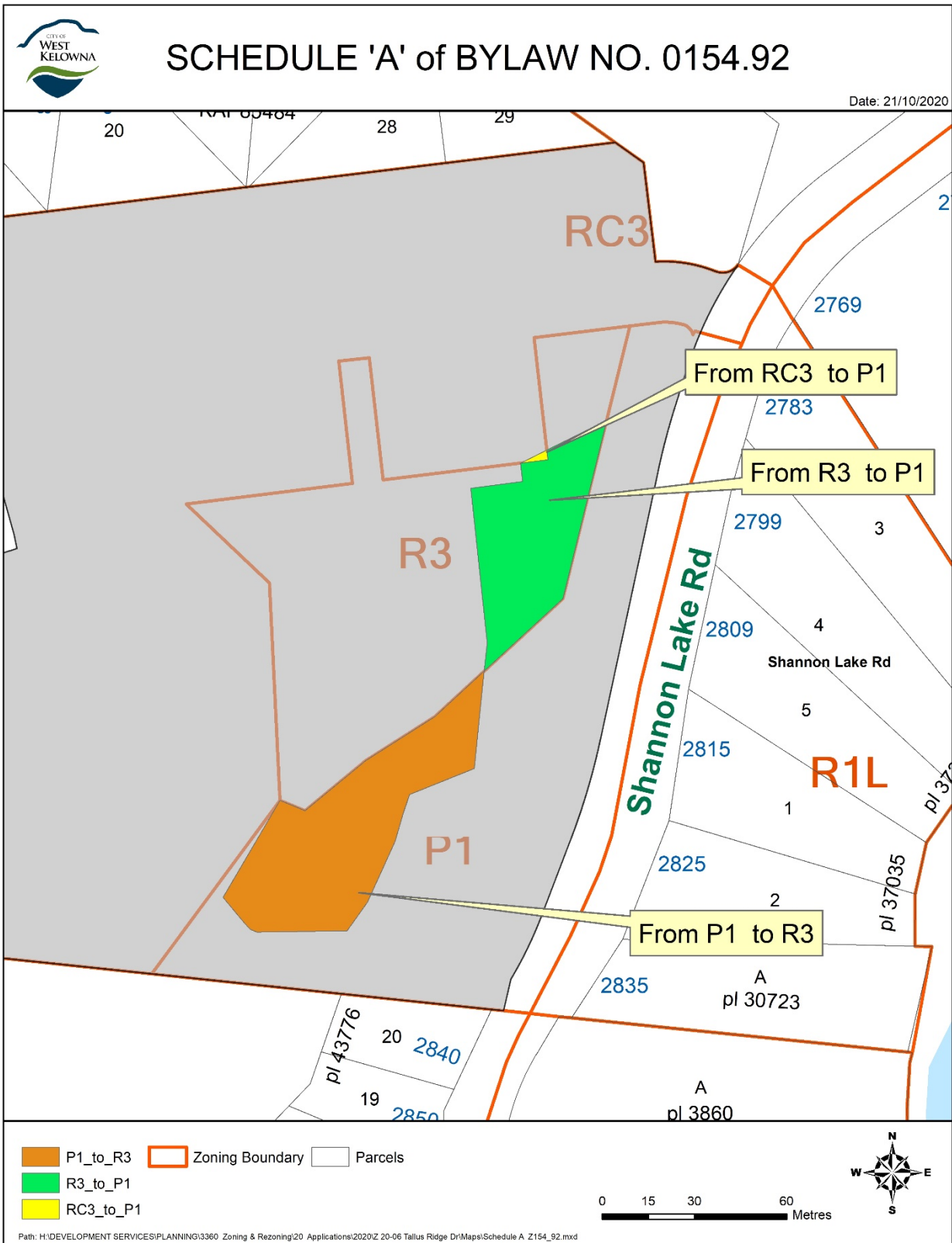
2.1 By changing the zoning on a portion of Rem. Lot A, District Lots 3796 & 2600, ODYD, Plan EPP91342, Except Plan EPP95995, as shown on Schedule 'A' attached to and forming part of this bylaw, from Low Density Multiple Residential (R3) and Compact Single Detached Residential Zone (RC3) to Parks and Open Space (P1); and from Parks and Open Space (P1) to Low Density Multiple Residential Zone (R3).

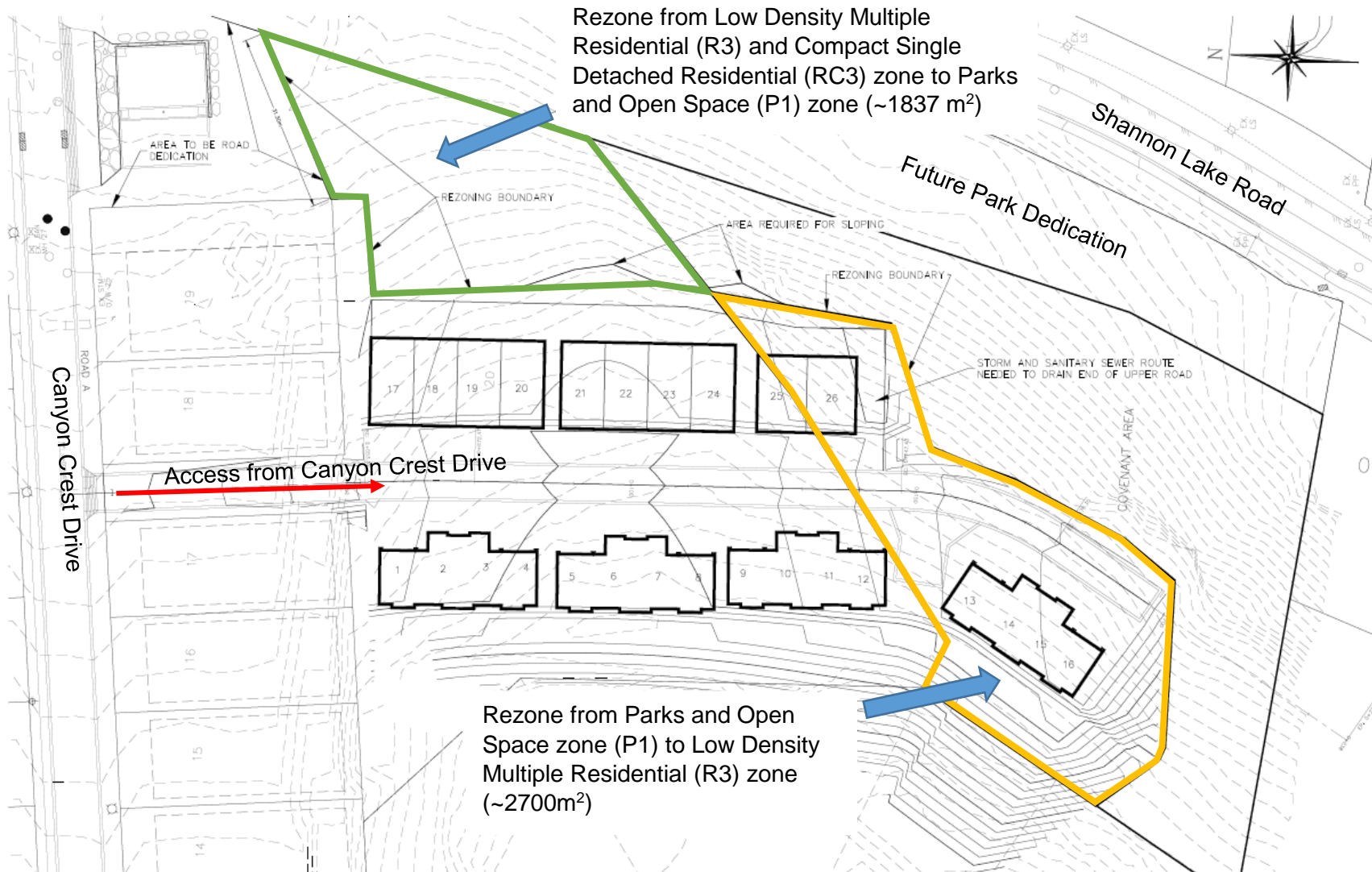
2.2 By depicting the change on "Zoning Bylaw No. 0154 Schedule B" (Zoning Bylaw map).

READ A FIRST AND SECOND TIME THIS
PUBLIC HEARING HELD THIS
READ A THIRD TIME THIS
ADOPTED THIS

MAYOR

CITY CLERK





PART 13 – PARKS AND INSTITUTIONAL ZONES

13.1. PARKS AND OPEN SPACE ZONE (P1)

.1 Purpose

To accommodate parks and natural areas for recreational and associated uses.

.2 Principal Uses, Buildings and Structures

- (a) Golf course
- (b) Interpretive centre
- (c) Recreational services, outdoor

.3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- (b) Caretaker unit
- (c) Concession stand
- (d) Restaurant

.4 Site Specific Uses, Buildings and Structures – *Reserved*

.5 Regulations Table

SUBDIVISION REGULATIONS		
(a)	Minimum parcel frontage	10 m (32.8 ft)
DEVELOPMENT REGULATIONS		
(b)	Maximum density	1 caretaker unit per parcel
(c)	Maximum parcel coverage	35%
(d)	Maximum height	9.0 m (29.5 ft)
SITING REGULATIONS		
(e)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary	4.5 m (14.8 ft)
.2	Rear parcel boundary	3.0 m (9.8 ft)
.3	Interior side parcel boundary	3.0 m (9.8 ft)
.4	Exterior side parcel boundary	4.5 m (14.8 ft)

.5	A1 Zone or ALR	15.0 m (49.2 ft) for the first two storeys or portion of the building less than or equal to 6.0 m (19.7 ft) in height, whichever is less 18.0 m (59.1 ft) for the third storey or portion of the building above 6.0 m (19.7 ft) but less than or equal to 9 m (29.5 ft) in height, whichever is less
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.6 Other Regulations - *Reserved*

10.9.LOW DENSITY MULTIPLE RESIDENTIAL ZONE (R3)

.1 Purpose

To accommodate multiple residential in low density housing form.

.2 Principal Uses, Buildings and Structures

- (a) Care facility, major, in duplex or townhouse form only
- (b) Duplex
- (c) Group home, in duplex or townhouse form only
- (d) Townhouse

.3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- (b) Home based business, minor

.4 Site Specific Uses, Buildings and Structures

Bylaw No.
154.11

- (a) On Lots 1-16, District Lot 2045, ODYD, Strata Plan KAS1884: single detached dwellings

Bylaw No.
154.11

- (b) On Lots 1-73, District Lot 5070, ODYD, Strata Plan KAS2583: single detached dwellings and apartments.

Bylaw No.
154.11

- (c) Apartments on:

- (i) Lot A, District Lot 2602, ODYD, Plan KAP92694;
- (ii) Lot 41, District Lot 703, ODYD, Plan KAP88313;
- (iii) District Lot 2602, ODYD, Plan KAP83141, Except Strata Plan KAS3683, and District Lot 2602, ODYD, Strata Plan KAS3683;
- (iv) Lots 1-14, District Lot 2602, ODYD, Plan KAS3023;
- (v) Lots 1-142, District Lot 2601, ODYD, Strata Plan KAS3485;
- (vi) Lot 1, District Lot 434 and District Lot 2045, ODYD, Plan 36364; and
- (vii) the R3-zoned portion of Lot C, District Lot 2045, ODYD, Plan KAP60462; and
- (viii) Lot A, DL 2602, ODYD, Plan KAP80333

Bylaw No.
154.22

.5 Regulations Table

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	1000 m ² (10,763.9 ft ²)
(b)	Minimum usable parcel area	700 m ² (7,534.7 ft ²)
(c)	Minimum parcel frontage	30.0 m (98.4 ft)
DEVELOPMENT REGULATIONS		
(d)	Maximum density	0.75 FAR
(e)	Maximum parcel coverage	40%
(f)	Maximum building height:	9.0 m (29.5 ft) to a maximum of 3 storeys except it is 5.0 m (16.4 ft) for accessory buildings and structures

SITING REGULATIONS		
(g)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary	4.5 m (14.8 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the front
.2	Rear parcel boundary	7.5 m (24.6 ft)
.3	Interior side parcel boundary	3.0 m (9.8 ft)
.4	Exterior side parcel boundary	4.5 m (14.8 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the exterior side
.5	A1 Zone or ALR	15.0 m (49.2 ft) for the first two storeys or portion of the building less than or equal to 6.0 m (19.7 ft) in height, whichever is less
		18.0 m (59.1 ft) for the third storey or portion of the building above 6.0 m (19.7 ft) but less than or equal to 9 m (29.5 ft) in height, whichever is less
OUTDOOR AMENITY SPACE		
(h)	Minimum outdoor amenity space per unit	25 m ² (269.1 ft ²)

.6 Other Regulations

- (a) Where side-by-side duplex units or townhouses are subdivided under the *Land Title Act*, Sections 10.9.5(a), 10.9.5(b) and 10.8.9(c) shall not apply provided that each parcel so created contains not less than one half the minimum parcel area, not less than one half the minimum usable site area and not less than one half the minimum frontage specified in those Sections, and Section 10.9.5(g).3 shall not apply.

(b) Siting Regulations for Approved Subdivisions

- .1 the regulations requiring a minimum distance between garages or carports having vehicular entry from parcel boundaries or private access easements, that is greater than the minimum distance required for other buildings and structures,

Bylaw No.
154.06

shall not apply to any parcel created by subdivision deposited in the Land Title Office before March 13, 2014 provided that the building permit authorizing the construction of the building or structure is issued before March 13, 2019.