



COUNCIL REPORT

To: Paul Gipps, CAO

Date: December 8, 2020

From: Chris Oliver, Planner III

File No: Z 20-04

Subject: **Z 20-04; Official Community Plan Amendment Bylaw No. 0100.61 and Zoning Amendment Bylaw No. 0154.94 (1st & 2nd), Highway 97 S (Goats Peak Block C)**

RECOMMENDATION

THAT Council give first and second reading to Official Community Plan Amendment Bylaw No.0100.61, 2020 and Zoning Amendment Bylaw No. 0154.94, 2020; and

THAT Council direct staff to schedule the bylaws for public hearing.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity (Strategic Plan Priorities 2020-2022)

BACKGROUND

The subject application is for the first phase of the Goat's Peak Comprehensive Development Plan (CDP). Since the adoption of the CDP the applicant has refined their plan for Block C and is proposing to amend the Official Community Plan land use designations and concurrently rezone the subject properties. The proposed amendments will facilitate approximately 60 single family residential lots and 82 single family or duplex lots, and 42 townhouse units in the Goats Peak/ Gellatly area.

PROPERTY DETAILS

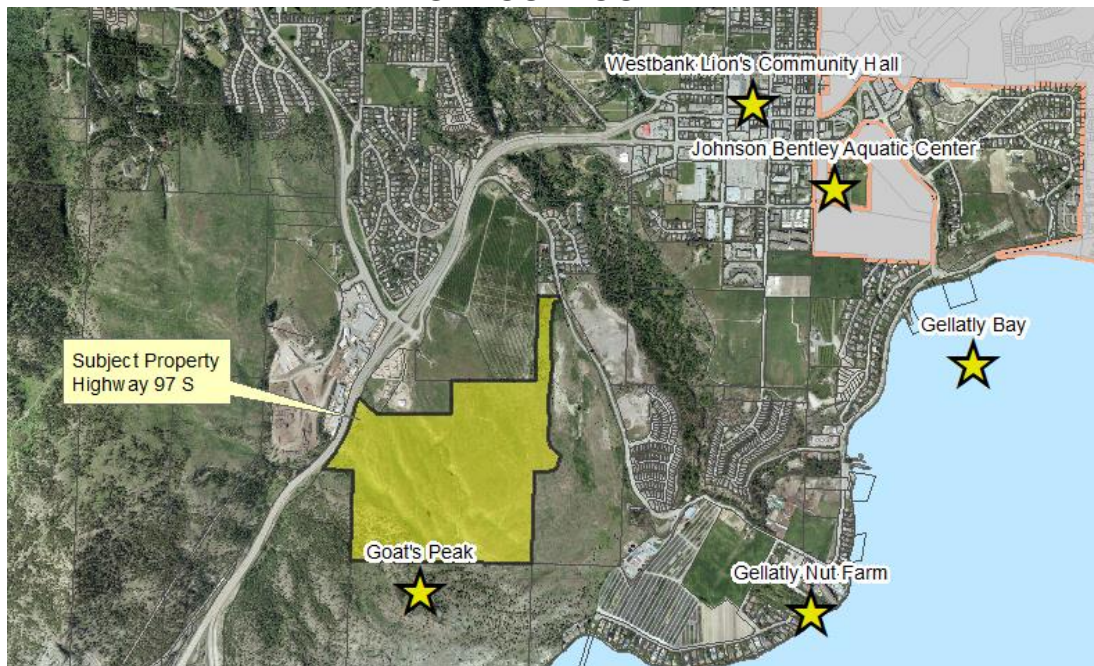
Address	Highway 97S (no municipal address) and 4012 Gellatly Road S		
PID	013-282-794 and 011-397-390		
Folio	36415236.100 and 36414569.000		
Lot Sizes	161.314 acres (652815 sqm) and 68.382 acres (276732 sqm)		
Owner	Goats Peak Lot A Holdings And Goats Peak South Half Holdings	Agent	Brad Clifton (Emil Anderson)
Current Zoning	Rural Resource Zone (RU5) and Rural Residential Large Parcel Zone (RU4)	Proposed Zoning	Single Family Residential (R1), Duplex Residential (R2), Low Density Multiple Family (R3), and Parks and Open Space (P1)

Current OCP	Single Family Residential, Low Density Multiple Family, and Parks and Natural Areas	Proposed OCP	Single Family Residential, Low Density Multiple Family, and Parks and Natural Areas
Current Use	Vacant	Proposed Use	Residential
Development Permit Areas	Hillside, Wildfire, and Sensitive Terrestrial Ecosystem		

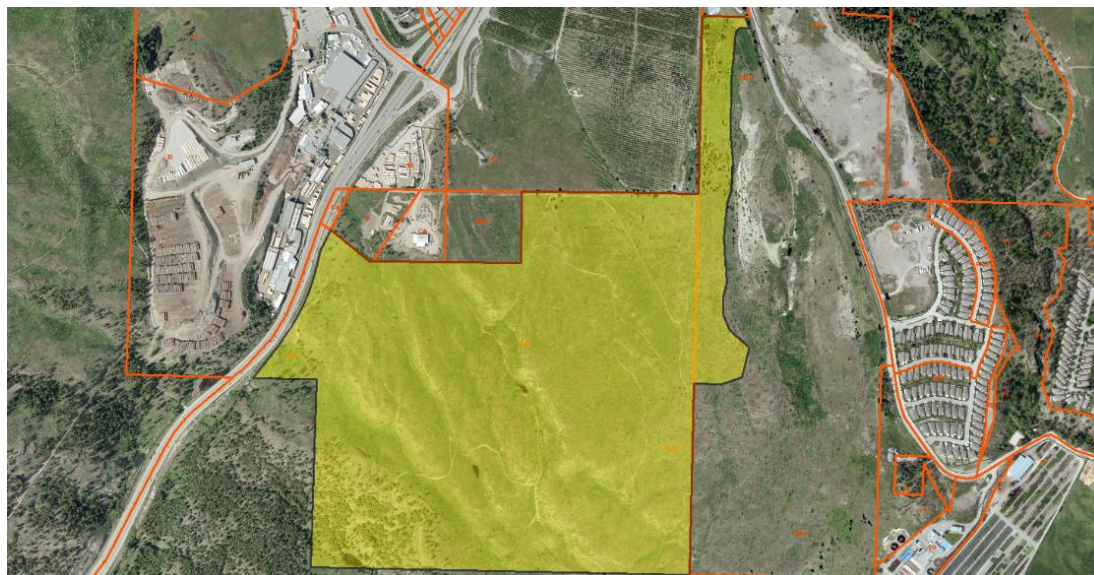
ADJACENT ZONING & LAND USES

North	^	Agricultural and Single Family Residential
East	>	Rural Residential Large Parcel
West	<	Rural Resource
South	v	Goats Peak Regional Park

NEIGHBOURHOOD MAP



PROPERTY MAP



The Goats Peak Comprehensive Development Plan outlines the development of a large area above the Northwest shore of the Okanagan Lake at the Southern boundary of the City of West Kelowna. The development area consists of four separate lots located adjacent to Gellatly Road, near the Glenrosa interchange. The concept for the area includes a diverse range of uses with a phased development and includes approximately 933 units (Figure 1).

Proposal

Block C is one of the five areas identified in the CDP which has been brought forward for an OCP amendment and rezoning. The proposal includes changes to the location of land use designations proposed in the Goat’s Peak CDP, and corresponding Zoning Bylaw amendments. The changes are primarily comprised of shifting of single detached residential and low-density multiple family units in Block C (Figure 2)

The proposed rezoning specifically consists of rezoning from RU5 – Rural Resource Zone and RU4 – Rural Residential Large Parcel Zone to (Figure 3):

- Single Detached Residential (R1)
- Duplex Residential (R2)
- Low-density Multiple Family (R3)
- Park and Open Space (P1)

DISCUSSION

Policy and Bylaw Review

Official Community Plan (OCP) Bylaw No. 0100
 Land Use Designation – The proposed amendments are consistent with the land uses proposed as part of the Goats Peak CDP. The proposal includes a swap of Single Family Residential land use areas with Low Density Multiple Family. The Goats Peak CDP identified that this area could accommodate up to 245

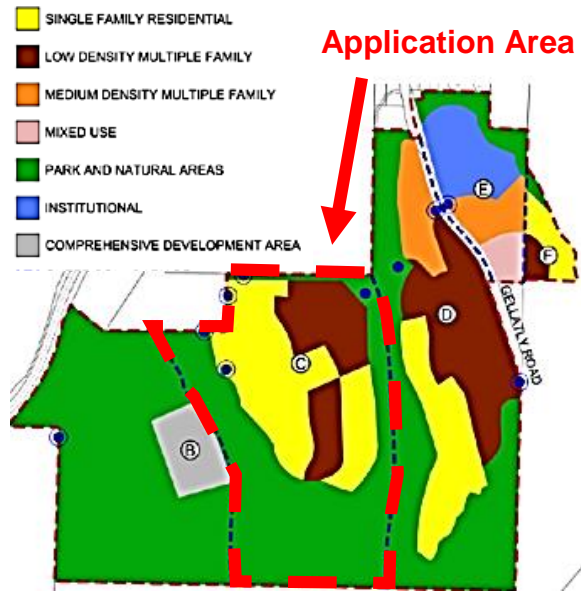


Figure 1. Original CDP Block C

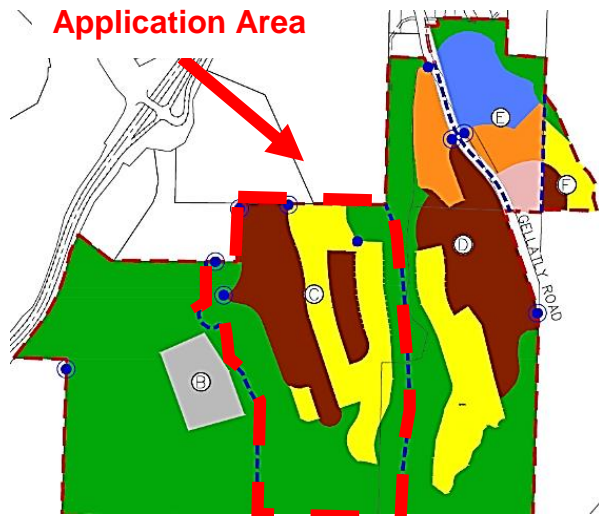


Figure 2. Revised Block C

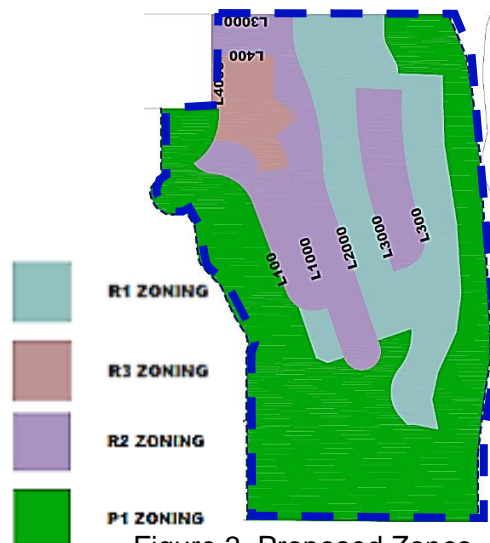


Figure 3. Proposed Zones

units and the applicant has identified through the proposed amendment that this area would accommodate approximately 184 residential units. Based on the number of identified units, the swap does not increase the overall density that was envisioned for the area through the CDP process.

Development Permit Areas – The subject property is located within the Hillside, Wildfire, and Sensitive Terrestrial Ecosystem Development Permit areas. Should the property be rezoned, the applicant would be required to address the Development Permit requirements as part of the future subdivision.

Comprehensive Development Plan (CDP)

The Goats Peak CDP was initiated in 2013 and adopted in 2017. Similar to other CDPs, the intent is to set a guiding framework for the development of the entire CDP area. In the Goats Peak CDP, Block C was envisioned as the initial phase of development and outlined various objectives that were considered as part of the establishment of the CDP. Key examples of these objectives include:

- Long-term protection of the environmental values of Goat's Peak will be paramount in the development planning for the site.
- Any development approval of Goat's Peak will encourage the provision of community trail connections, environmental protection, and parkland opportunities.
- Development must consider and strive to protect the visual sensitivity of the site.
- Development proposals must include safe emergency access/egress.

In addition to the objectives included in the CDP, specific criteria were also established and to be considered as part of the development of Block C including:

- A 1.87 hectare area intended to account for the majority of the parkland dedication requirements for the entire development will be dedicated during the development of Block C.

While a review of Block E with the City and SD 23 has taken place, the locations of the school site, athletic fields, and access to Block F are currently unknown. In order to address these requirements, a covenant can be registered to ensure the parkland dedication requirements for subdivision are met while also providing a degree of flexibility for the City and the School District.

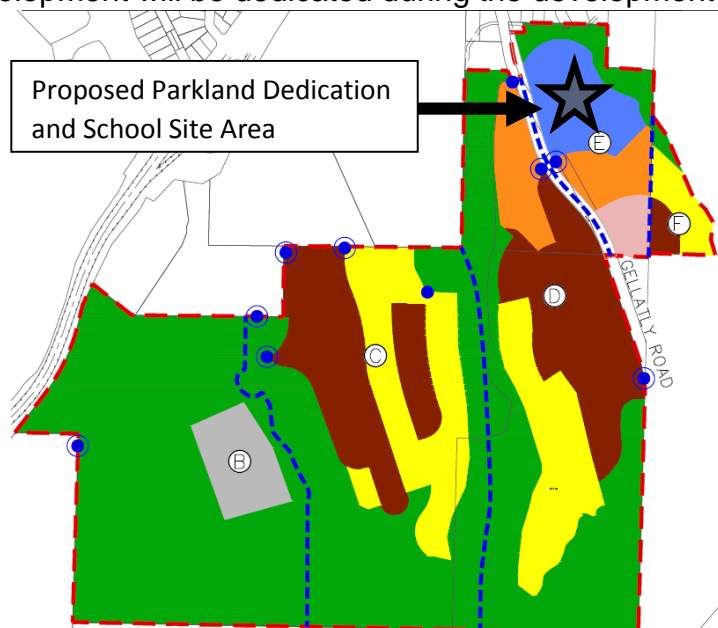


Figure 4. Proposed Parkland Dedication and School Site Area

- A blanket agreement over Block E will be established providing School District 23 the first right of refusal to purchase the site for the identified ~1.3 ha school site location in Block E (Figure 4).

A right of first refusal will be required to be executed by the property owner and School District 23 for the area identified in Block F as part of this application.

- A road right of way providing access to Block F will be provided during the development of Block C, in coordination with the dedication of land for athletic fields in Block E.

Similar to the parkland dedication requirement, with the unknown location of the uses in Block E, a blanket Road Reserve will be registered to ensure the intent of the CDP's requirement for access to Block F is met.

- The establishment of an agricultural buffer to the land to the north of Block C.

In order to accommodate the revisions to the proposed land uses, the applicant has also revised the agricultural buffer. The revised buffer achieves the same objectives as originally presented and will be required to be installed as part of subsequent processes and protected through a covenant (Figure 5 and Attachment 3).

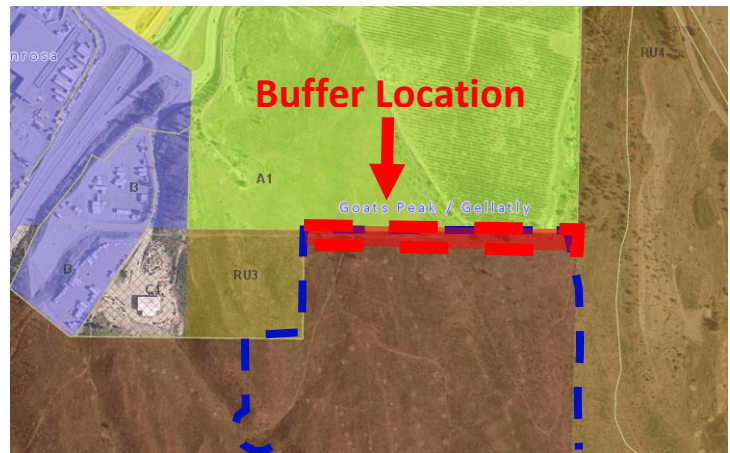


Figure 5. Agricultural Buffer Location

- That after the development of 100 units in Block C, an emergency access will be constructed in order to provide a second route in and out of Block C.

A covenant will be required to ensure that once the development exceeds 100 units, a second emergency access will be required. The general location has been identified and would require a subsequent review and approval prior to construction (Figure 6).

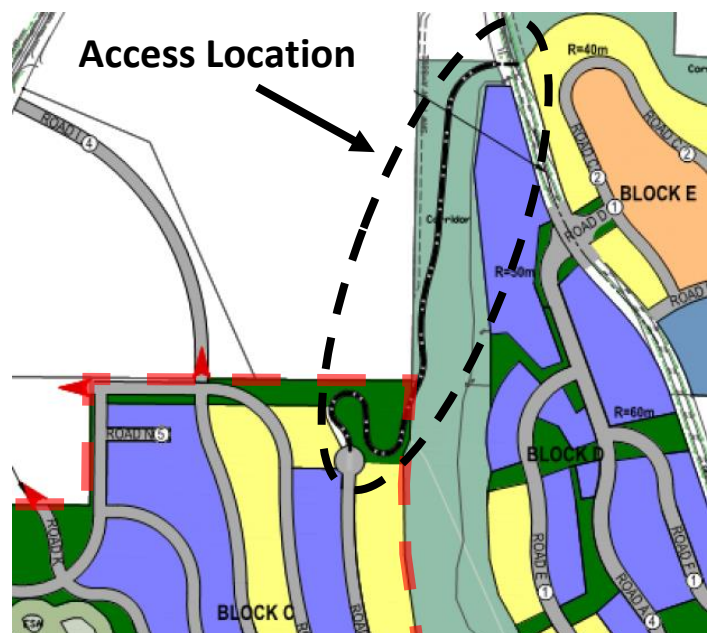


Figure 6. Emergency Access

Zoning Bylaw No. 0154

The proposed Single Detached Residential (R1) Zone is intended to accommodate low density single detached residential use on parcels of land that are 550 m² and larger. The proposed Duplex Residential Zone (R2) is intended to accommodate single detached residential and duplex residential uses. The Low Density Multiple Residential (R3) Zone is intended to accommodate multiple residential in low density house form which includes duplex and townhouse forms. The Parks and Open Space Zone is intended to accommodate parks and natural areas for recreation and associated uses. All three zones have varying regulations (see comparisons in Table 1 below).

Table 1. Zoning Regulations Comparison

Regulations	RU4 Zone	RU5 Zone	R1 Zone	R2 Zone	R3 Zone
Parcel Area	4.0 ha	30.0 ha	550 m ²	800 m ²	1000 m ²
Frontage	30.0 m	30.0 m	16.0 m	18.0 m	30.0 m
Parcel Coverage	10%	10%	40%	40%/ 35% (SFD)	40%
Building Height	12m for dwelling	12m for dwelling	9.0 m (3 storeys)	9.0 m (3 storeys)	9.0 m (3 storeys)
Setbacks					
Front	6.0 m	6.0 m	4.5 m/ 6.0 m (garage)	4.5 m/ 6.0 m (garage)	4.5 m/ 6.0 m (garage)
Rear	9.0 m	10.0 m	3.0 m	3.0 m	7.5 m
Interior Side	4.5 m	4.5 m	1.5 m	1.5 m	3.0 m
Exterior Side	4.5 m	4.5 m	4.5 m/ 6.0 m (garage)	4.5 m/ 6.0 m (garage)	4.5 m/ 6.0 m (garage)
Agricultural	15.0m/ 9.0 m <u>w</u> buffer	15.0m/ 9.0 m <u>w</u> buffer	15.0m/ 9.0m <u>w</u> buffer	15.0m/ 9.0m <u>w</u> buffer	15.0m/ 18.0m for the third storey

As highlighted in the OCP section above, the proposed land uses are consistent with what was proposed during the development of the CDP. The proposal includes a range of housing options that will achieve a key housing objective of the City which is to encourage a range of housing choices by type and tenure in West Kelowna's neighbourhoods.

Parkland and Open Space

As identified in the CDP, there is a large portion of Block C that is intended to be maintained as open space. The proposal includes ~16.47 ha open space and generally encompasses environmentally sensitive and undevelopable areas (Figure 7). In accordance with the Park Land Acceptance Policy, the City considers these lands remnant lands:

“Remnant Land” means land that has not been developed through the development process because it was identified as undevelopable, unusable, or undesirable due to the presence of certain topographic, geologic, geographic, or environmental features and associated liabilities.

To manage the creation of remnant lands through the development process, and to ensure remnant lands are not unintentionally acquired through tax sale, in accordance with the Policy, the City shall require the identified remnant lands:

- (a) Be attached to, or remain part of an abutting parcel that is not defined as remnant land, whereby ensuring remnant lands remain privately held and are connected to lands which maintain value for development.
- (b) Be designated as lands unsuitable for future development through the OCP amendment and rezoning. Refinements to the boundary are anticipated to be further delineated. This recognizes each process requires a varying degree of accuracy.
- (c) Be protected and have restrictions, as determined by and to the satisfaction of the City, to limit future land use that is subject to the existing hazards.

A referral was sent to the RDCO and the remnant lands have been briefly discussed through that process. Currently, the RDCO has not provided a formal comment for the application and has not stated any interest in the remnant lands. Additional information will be provided prior to the public hearing.

Trails and Connectivity

The proposed OCP amendments and rezoning have influenced the layout of Block C and necessitated a change to the previously identified trails plan. While the revisions are minor, the updated plan provides a clear indication for the expectation that the developer provides a variety of connectivity options for existing and future residents (Figure 7). The key points of connectivity for Block C are to the Goat’s Peak Regional Park to the south, the existing trail network that connects to Gellatly Road, and future development blocks. While the plan will likely be refined during subsequent development, it is important to highlight that the applicant shares the recognition



Figure 7. Block C Parks and Trail Map

that these trails are a key amenity to existing and future residents. These works will be secured through a covenant and statutory right of way that ensure the works or a portion of the works occur with subsequent phases of subdivision.

Technical Review

A detailed review of the servicing for Block C has been provided. There have been no significant concerns or issues identified for this phase of the CDP area.

Servicing - Water

No required upgrades to the City's existing water system are required for Block C. Important considerations for the proposed water system include:

- The watermain from the northerly boundary of Block C, across the adjacent agricultural parcel and Highway 97 to the tie-in at Glenway Court is recommended to be included as a condition of rezoning; and
- A petition to join the City's Local Area Water Service (Council approval) is required.

The off-site improvements will be secured through a covenant, and the water system petition would be brought forward concurrently if subsequent readings are given to the proposed Amendment Bylaws.

Servicing – Sanitary

No required sanitary improvements to existing City infrastructure have been identified as part of the development of Block C. Additional review by the Regional District of the Central Okanagan is underway and additional comments will be provided if the Amendment Bylaws advanced to public hearing.

Servicing – Stormwater

The proposed stormwater management plan includes interim solutions until development in Block D advances. The proposed method of addressing stormwater on the site is to construct a temporary detention pond on a flat bench in Block D with an overland overflow ditch to Gellatly Road. These off-site works may include improvements to Gellatly Road (i.e. ditching, erosion control, curbing, and a piped system) downstream of the proposed development. These off-site works will be secured through a covenant as part of the rezoning.

Servicing – Additional Review

As part of the overall servicing of the greater CDP area and future development blocks, additional review and discussions with the applicant will be required to determine the off-site improvements to existing infrastructure systems that are required. These discussions are ongoing to ensure that any required improvements are discussed early in the process.

Transportation and Access

An updated assessment has been prepared by Urban Systems and reviewed by the City's consulting transportation engineer. Key areas of discussion have been focused on the

involvement of the Ministry of Transportation and Infrastructure, and BC Transit. As part of this review, it has been identified that additional discussions between the four parties will need to take place to ensure that all transportation-related impacts are identified. The preliminary review has generally identified the need for various off-site improvements including a main access road connection (Road I) to Gellatly Road, the installation of a transit stop and shelter, off-site sidewalk connection, right-turn channel at the Glenrosa overpass, and turn lanes to access the development (Figure 8).



Figure 8. Identified Off-Site Improvements and Road I to Gellatly Road

Once additional comments have been received and reviewed by each partnering agency the information gathered will be presented to Council at or prior to the public hearing.

Wildfire Mitigation

A wildfire hazard assessment was submitted with the application and identifies that Block C is located in a high threat area. The report generally identifies that through a treatment prescription, the area can be suitable for development. Similar to the other requirements identified as part of this application, it is anticipated that a condition to reduce this hazard threat to low to moderate for the entire Block C area will be required and applied as part of subsequent development processes.

Geotechnical

A geotechnical review was submitted that notes that “the site is considered safe for the intended use.” In addition to the site suitability statement, a landslide assurance statement has also been provided. The report also highlights that some additional considerations to geotechnical issues including slope stability, rockfall hazard, etc. will be required during the design and construction phase (subsequent DP and subdivision).

Environmental

An environmental impact assessment was submitted as part of the CDP that identifies impacts from development are generally low to moderate: loss and fragmentation of wildlife habitat and ecosystems is relatively low, but cumulative effects of abundant

development in the area that pose barriers to ecological connectivity are significant. However, appropriate measures that provide for species movement and ecosystem connectivity in surrounding areas should afford adequate mitigation.

The key mitigation recommendations are to protect and enhance the environmental values of the surrounding areas (particularly the ESAs), and to conserve and restore the limited ecological connectivity that exists in the area, including the identified Wildlife / Ecosystem Corridors (particularly at the north and south ends of development along Gellatly Road). In accordance with these recommendations, a significant portion (~16.47 ha) of Block C is being preserved as open space. If the development progresses through to subdivision, a development permit addressing the ecological, hillside, and form and character considerations would be required. At that time, more specific reporting and recommendations for works surrounding these ESAs will be required.

Archeological

As a requirement of the CDP, it was identified that the City will require an Archeological Assessment at time of rezoning. An assessment is currently underway, additional information will be presented at the public hearing if Council advances the Amendment Bylaws.

Referral Responses

Advisory Planning Commission (APC) – The APC considered the application on September 23, 2020 and provided the following recommendation:

***THAT** the APC recommends support for file Z 20-04, Official Community Plan Amendment Bylaw No. 100.61 and Zoning Amendment Bylaw No. 154.94 (Goats Peak) as presented.*

Agricultural Advisory Committee (AAC) – The AAC considered the application on October 1, 2020 and provided the following recommendation:

***THAT** the AAC support the application (Z 20-04) as presented with consideration given to consultation of appropriate buffers between the residential community and the agricultural operations.*

In the discussion, the AAC noted the importance of ensuring future owners are adequately notified that they are surrounded by active agricultural operations and would be subject to common nuisances (air cannon, pest spray, helicopters, etc.). The identified method for addressing these concerns is through the registration of an agricultural protection covenant on title.

Public Notification

Two notice of application signs have been placed on the subject property in accordance with the Development Application Procedures Bylaw No. 0260. Should the application receive first and second reading, a public hearing for the application will be scheduled.

CONCLUSION

Council may choose to consider the following as part of the consideration for giving first and second reading:

- Residential policies encourage the sensitive integration of different housing forms in all residential growth areas in support of neighbourhood diversity and healthy communities;
- The proposed application is generally consistent with the land uses that were considered for Block C as part of the Goats Peak CDP process;
- The future development permit process will address hillside and environmental mitigation, as well as form and character for any proposed townhouse units;
- The proposal includes buffering from adjacent agricultural lands; and
- A public hearing will allow residents to provide input regarding the proposal.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution
February 14, 2017	THAT Council give third reading as amended and adopt City of West Kelowna OCP Bylaw No.0100.40, 2016	C149/17
November 22, 2016	Public Hearing held.	n/a
October 11, 2016	THAT Council give first and second reading to City of West Kelowna OCP Bylaw No. 0100.40, 2016; and THAT Council direct staff to schedule the bylaw amendment for public hearing.	C341/16
July 26, 2016	THAT Council direct staff to proceed with the associated bylaw amendments to the OCP upon completion of the following: 1) Further identification, size and location details for proposed neighbourhood commercial, school and park sites; and 2) Associated timing for the dedication of park land.	C274/16
October 23, 2013	THAT Council approve the terms of reference for the preparation of the Goat's Peak / Gellatly Comprehensive Development Plan.	C380/13

Alternate Motion:

THAT Council postpone first and second reading to Official Community Plan Amendment Bylaw No.0100.61, 2020 and Zoning Amendment Bylaw No. 0154.94, 2020.

Should Council postpone consideration of the proposed Amendment Bylaws, further direction to staff on how to proceed is requested.

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. Official Community Plan Amendment Bylaw No. 0100.61
2. Zoning Amendment Bylaw No. 0154.94
3. Landscape Buffer Plan