



CITY OF WEST KELOWNA
PLANNING DEPARTMENT

ATTACHMENT: 1
FILE NO.: 20-07



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**

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.

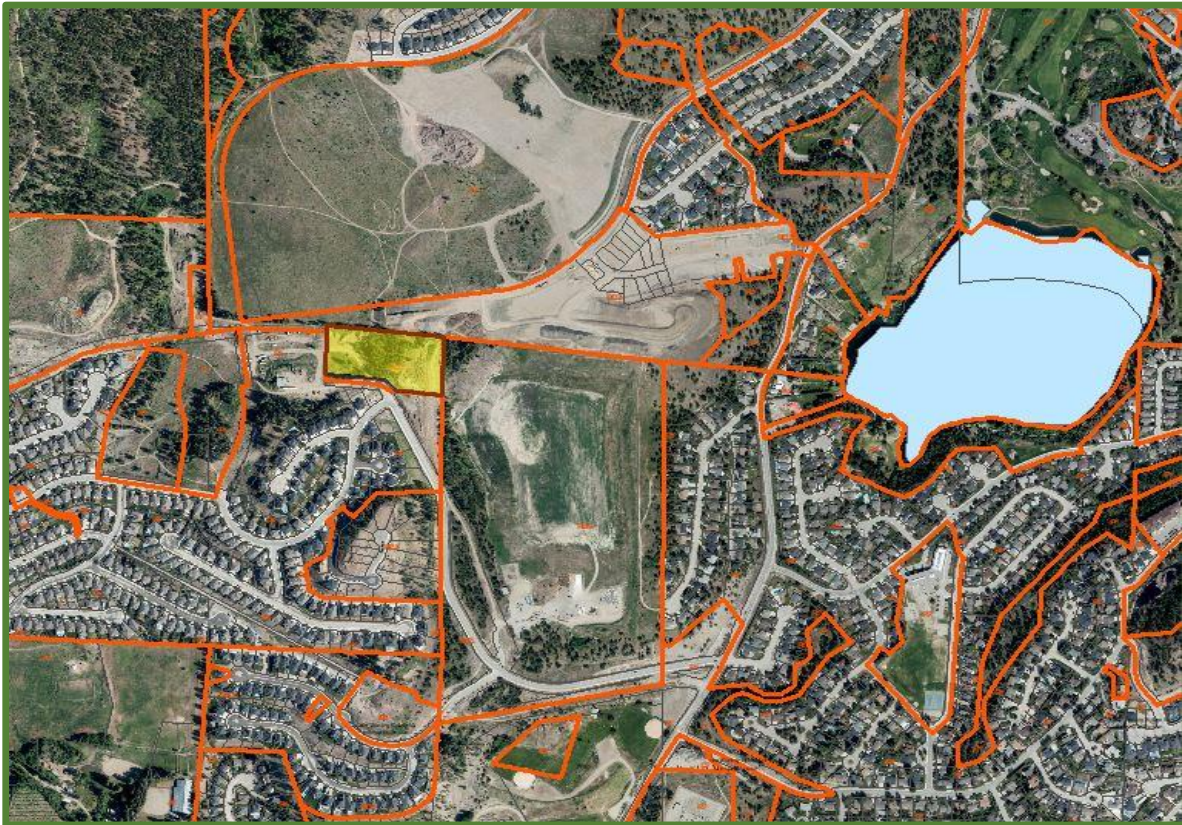
PROPERTY DETAILS			
Address		Unaddressed Asquith Road	
PID		008-216-941	
Folio		36414766.010	
Lot Size		2.04 ha (5.05 acres)	
Owner	Smith Creek Holdings Ltd. (Inc. No. 0731400)	Agent	Pilling & Associates (Steve Kalinocka)
Current Zoning	Rural Residential Small Parcel (RU2)	Proposed Zoning	Single Detached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

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

ADJACENT ZONING & LAND USES

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

NEIGHBOURHOOD MAP



PROPERTY MAP



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 m² 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
Parcel Area	1.0 ha	550 m ²
Frontage	30.0 m	16.0 m
Parcel Coverage	10%	40%
Building Height	9.0 m to a max of 3 storeys (20 m for barn)	9.0 m to a max of 3 storeys
Front Setback	6.0 m	4.5 m/ 6.0 m (garage)
Rear Setback	7.5 m	3.0 m
Interior Side Setback	4.5 m	1.5 m
Exterior Side Setback	4.5 m	4.5 m/ 6.0 m (garage)
Agricultural Setback	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 Road¹ that will allow access to an internal road² network. Frontage improvements will be completed as a condition of the future subdivision process to a full urban standard.

¹ 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)

² 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.

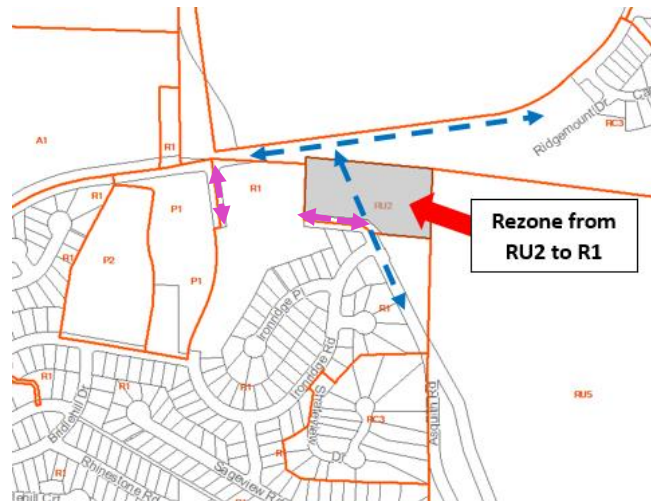


Figure 3: Road Network Changes based on current Master Transportation Plan

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 Report³ 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

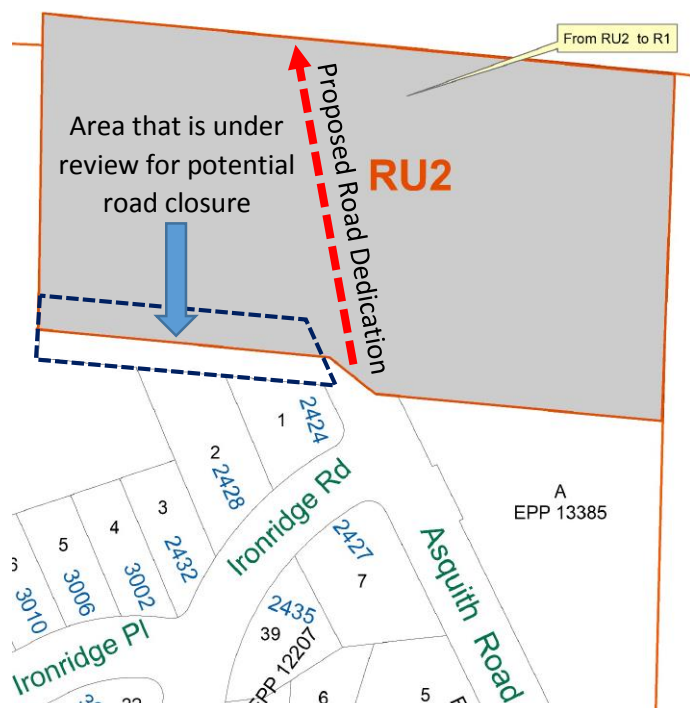


Figure 4: Proposed Zoning Amendment and Potential Road Closure and New Road Dedication

³ 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 Review⁴ 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 Assessment⁵ 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.

⁴ Prepared by Calibre Geotechnical, dated August 25, 2020

⁵ 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

CITY OF WEST KELOWNA

BYLAW NO. 0154.95

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. 0154.95, 2020".

2. Amendments

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

2.1 By changing the zoning on Lot A, District Lots 2600 & 3485, ODYD, Plan 18545, as shown on Schedule 'A' attached to and forming part of this bylaw, from Rural Residential Small Parcel (RU2) to Single Family Residential (R1).

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

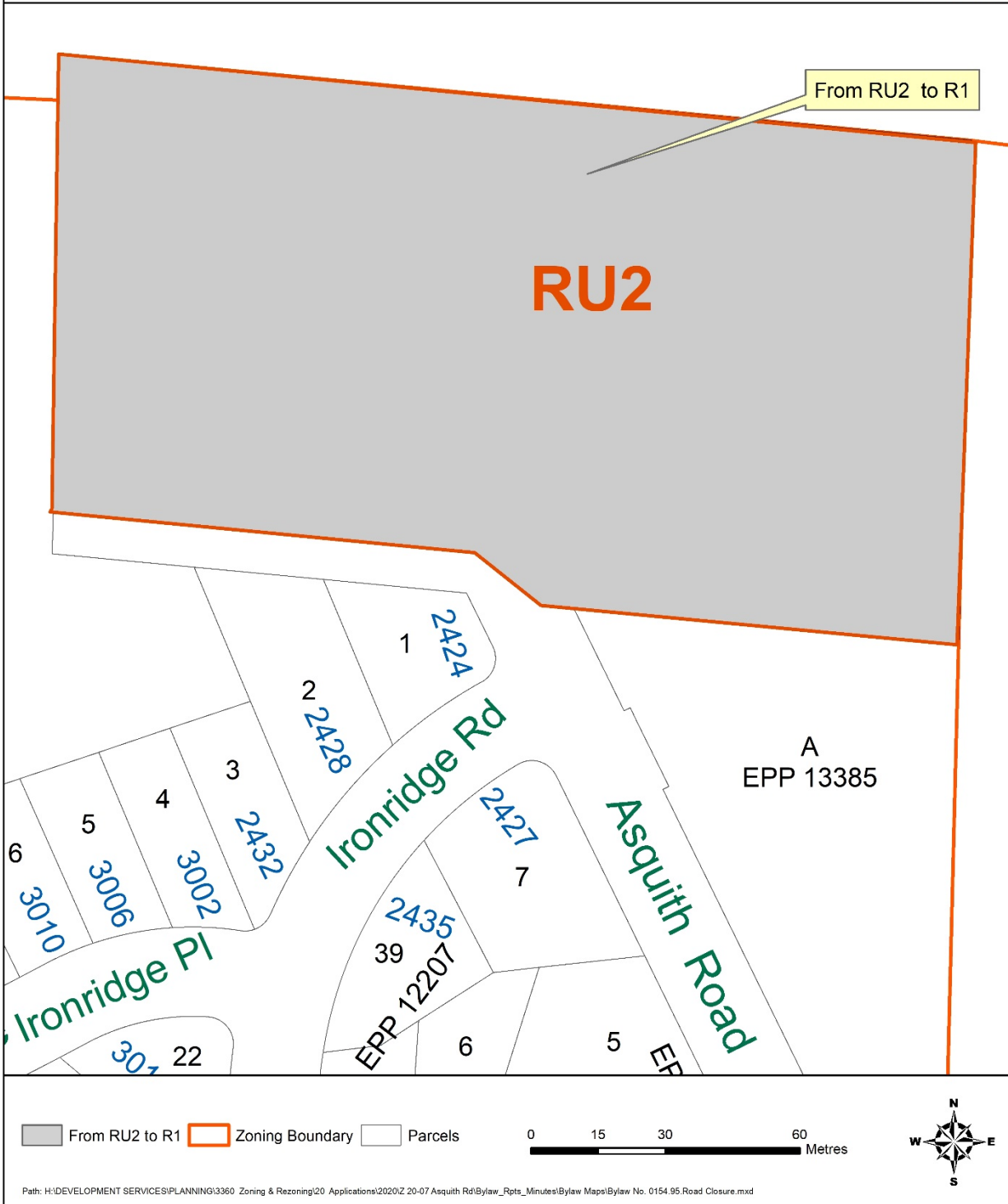
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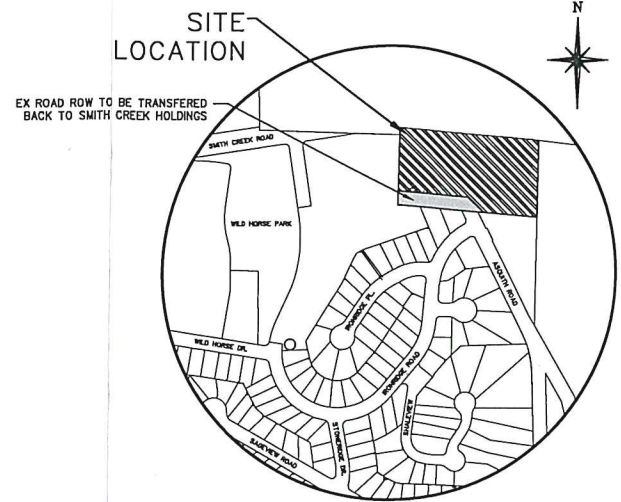
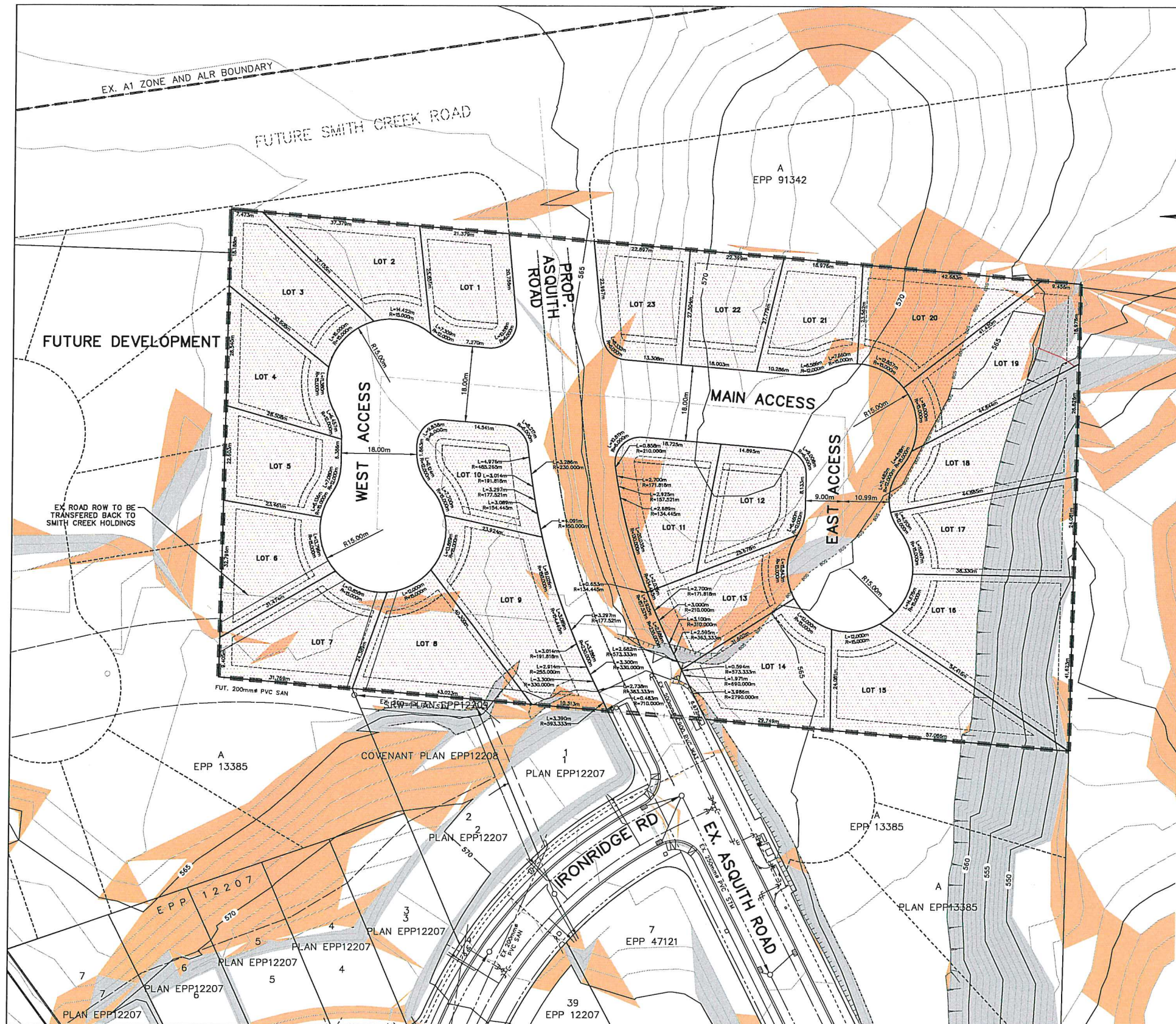
CITY CLERK



SCHEDULE 'A' of BYLAW NO. 0154.95

Date: 02/11/2020





LEGEND

- DEVELOPMENT BOUNDARY
- PARCEL SETBACKS
- EASEMENTS & SRWS
- RETAINING WALL SYSTEM
- TOP OF SLOPE
- BOTTOM OF SLOPE
- SLOPES 40% OR >
- SLOPES 20 TO 40%
- USABLE AREA
- ORIGINAL GROUND CONTOUR

LOCATION PLAN



LEGAL DESCRIPTION

PROPOSED SUBDIVISION OF LOT A, D.L. 3485, PLAN 18545, O.D.Y.D.

PROPOSED ZONING - R1

MIN. PARCEL AREA 550m²
MIN. USABLE PARCEL AREA* 330m²
MIN. PARCEL FRONTAGE 16.0m
* USABLE PARCEL AREA IS THE CONTIGUOUS AREA OF THE PARCEL EXCLUDING LAND WHERE THE NATURAL SLOPE EXCEEDS 40% FOR A MIN. HORIZONTAL DISTANCE OF 10m

SETBACKS

MIN. FRONT SETBACK 4.5m
EXCEPT 6.0m FOR A GARAGE OR CARPORT HAVING VEHICULAR ENTRY FROM THE FRONT
MIN. INTERIOR SIDE SETBACK 1.5m
MIN. EXTERIOR SIDE SETBACK 4.5m
EXCEPT 6.0m FOR A GARAGE OR CARPORT HAVING VEHICULAR ENTRY FROM THE FRONT
MIN. REAR SETBACK 3.0m
MIN. A1 ZONE OR ALR SETBACK 15.0m EXCEPT IT IS 9.0m IF LEVEL 1 BUFFER IS PROVIDED

UTILITIES

POTABLE WATER CITY OF WEST KELOWNA - W.I.D.
NATURAL GAS FORTIS BC GAS
TELEPHONE TELUS
ELECTRICITY B.C. HYDRO
SEWAGE DISPOSAL R.D.C.O. SEWER
FIRE PROTECTION WEST KELOWNA FIRE DEPARTMENT
GARBAGE COLLECTION COMMUNITY

NOTES

LOCATIONS AND OFFSETS ARE COMPILED FROM THE MOST RECENT INFORMATION AVAILABLE, BUT ARE NOT GUARANTEED ACCURATE. ALL UTILITIES NOT NECESSARILY AS SHOWN

LEGEND

CABLE TV	1	CAP	SAN#	SANITARY MH (EXISTING OR FUTURE)
GAS	2	CATCH BASIN	SAN#	SANITARY MH (PROPOSED)
SAN. SEWER	3	ELECTRICAL BOX	STM#	STORM MH (EXISTING OR FUTURE)
STORM SEWER	4	HYDRANT	STM#	STORM MH (PROPOSED)
U.G. ELECTRICAL	5	VALVE	TRANS	TRANSFORMER
U.G. TELEPHONE	6	LAMP STANDARD	UJB	UTILITY JUNCTION BOX
WATER	7			

No.	MM/DD/YY	DATE	BY	REVISION	Chk'd	No.	MM/DD/YY	DATE	BY	REVISION	Chk'd



DAVID MOR, P.ENG.
DRAWN K.W.
DESIGN P.A.C.E.
APPROVED D.K.Y.M.
DATE JUNE, 2020
SCALE 1:500

D.E. Pilling & ASSOC. CONSULTING ENGINEERING
200-540 Groves Avenue, Kelowna, B.C. V1Y 4Y7
Ph: 250.763.2315
F: 250.763.8359
E: reception@pilling.ca
ASQUITH ROAD SUBDIVISION
SMITH CREEK HOLDINGS LTD.
PHASE 11
PRELIMINARY LOT LAYOUT

DRAWING NO.
2489-DP-P0
REV. NO.
0

Bylaw No.
154.36

10.4. SINGLE DETACHED RESIDENTIAL ZONE (R1)

.1 Purpose

To accommodate low density single detached residential use on parcels of land that are 550 m² and larger.

.2 Principal Uses, Buildings and Structures

- (a) Single detached dwelling

.3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- (b) Bed and breakfast
- (c) Care facility, minor
- (d) Carriage house
- (e) Home based business, major
- (f) Secondary suite

.4 Site Specific Uses, Buildings and Structures

- (a) On Lot 1, Plan 44004, DL 581 ODYD, Except Plans KAP48178 & KAP53981: vineyard and one single detached/caretakers residence.

.5 Regulations Table

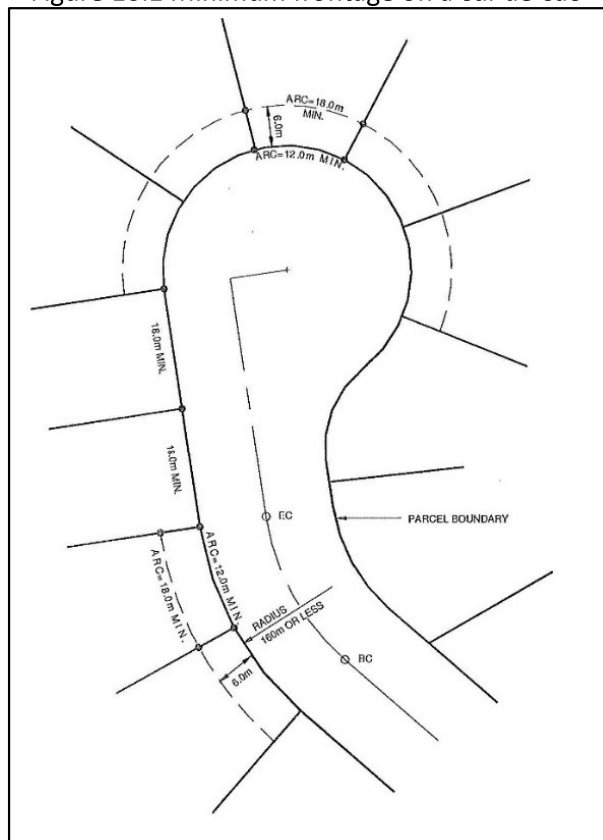
SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	550 m ² (5,920.2 ft ²)
(b)	Minimum usable parcel area	330 m ² (3,552.1 ft ²)
(c)	Minimum parcel frontage	16.0 m (52.5 ft)
DEVELOPMENT REGULATIONS		
(d)	Maximum density:	
.1	Single detached dwelling	1 per parcel
.2	Secondary suite and carriage house	Only 1 secondary suite or only 1 carriage house per parcel
(e)	Maximum parcel coverage	40%
(f)	Maximum building height:	
.1	Single detached dwelling	9.0 m (29.5 ft) to a maximum of 3 storeys
.2	Accessory buildings and structures	5.0 m (16.4 ft)
.3	Carriage house	5.0 m (16.4 ft) to a maximum of 1 storey or 6.5 m (21.3 ft) to a maximum of 1.5 storeys where at least one parking stall is provided in the same building

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 or private access easement, whichever is closer	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 or private access easement, whichever is closer	3.0 m (9.8 ft)
.3	Interior side parcel boundary	1.5 m (4.9 ft)
.4	Exterior side parcel boundary or private access easement, whichever is closer	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) except it is 9.0 (24.6ft) if a level 1 buffer is provided.

.6 Other Regulations

- (a) Without limiting the application of the height regulation in Section 10.4.5(f).1, the height of any single building wall, measured from the lowest elevation of grade at the foot of the wall to the lower surface of the eave, or to the top of the wall in the case of a building without eaves, shall not exceed the lesser of 3 storeys or 9 m (29.5 ft).
- (b) Without limiting the application of the height regulation in Section 10.4.5(f).3, the height of any carriage house wall, measured from the lowest elevation of grade at the foot of the wall to the lower surface of the eave, or to the top of the wall in the case of a building without eaves, shall not exceed the lesser of 1.5 storeys and 6.5 m (21.3 ft).
- (c) Despite Section 10.4.5(c), the parcel frontage may be less than 16.0 m (52.5 ft) for parcels on a cul-de-sac provided that the radius of the curvature along the parcel frontage is less than 160 m (524.9 ft) and the arc length along the parcel boundary is at least 12.0 m (39.4 ft) as illustrated in Figure 10.1.

Figure 10.1 Minimum frontage on a cul-de-sac



.7 Siting Regulations for Approving Subdivisions

- (a) 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, and
- (b) The regulations requiring that the siting of a building or structure be determined in relation to the location of a private access easement, if it is closer to the building or structure than the relevant parcel boundary,

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.