



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: January 25, 2022

From: Carla Eaton, Planner III

File No: Z 21-02

Subject: **Z 21-02, OCP and Zoning Amendment Bylaw No 100.64 and 154.104 (1st and 2nd), Smith Creek Road**

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### RECOMMENDATION

**THAT** Council give first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.64, 2022 (File: Z 21-02); and

**THAT** Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.104, 2022 (File: Z 21-02); and

**THAT** Council direct staff to schedule the proposed bylaw amendments for Public Hearing pending receipt of a conceptual stormwater management plan to the satisfaction of the Director of Engineering.

### STRATEGIC AREA(S) OF FOCUS

Strategic Plan Priorities 2021 – 2022, Economic Growth and Prosperity

### BACKGROUND

The subject property is part of the larger Smith Creek Comprehensive Development Plan (CDP 14-01) completed in 2020 along with a companion amendment to the Official Community Plan (OCP 20-01) that permitted various land uses over the plan area. The current bylaw amendment application is for the first phase of proposed development within the Smith Creek CDP area. The applicant has also recently completed a subdivision on lands to the west of the subject property (SUB 17-12), and has initiated a second subdivision further west (SUB 21-05). These first two stages of development lay outside the CDP area but have been contemplated in the overall neighbourhood planning process.

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#### PROPERTY DETAILS

<b>Address</b>	Smith Creek Road (Part E 1/2, DL 3478, ODYD, Except Plan 6425, 10683, 12080, 15504, 40370, KAP56474)
<b>PID</b>	011-344-709
<b>Folio</b>	36414695.000

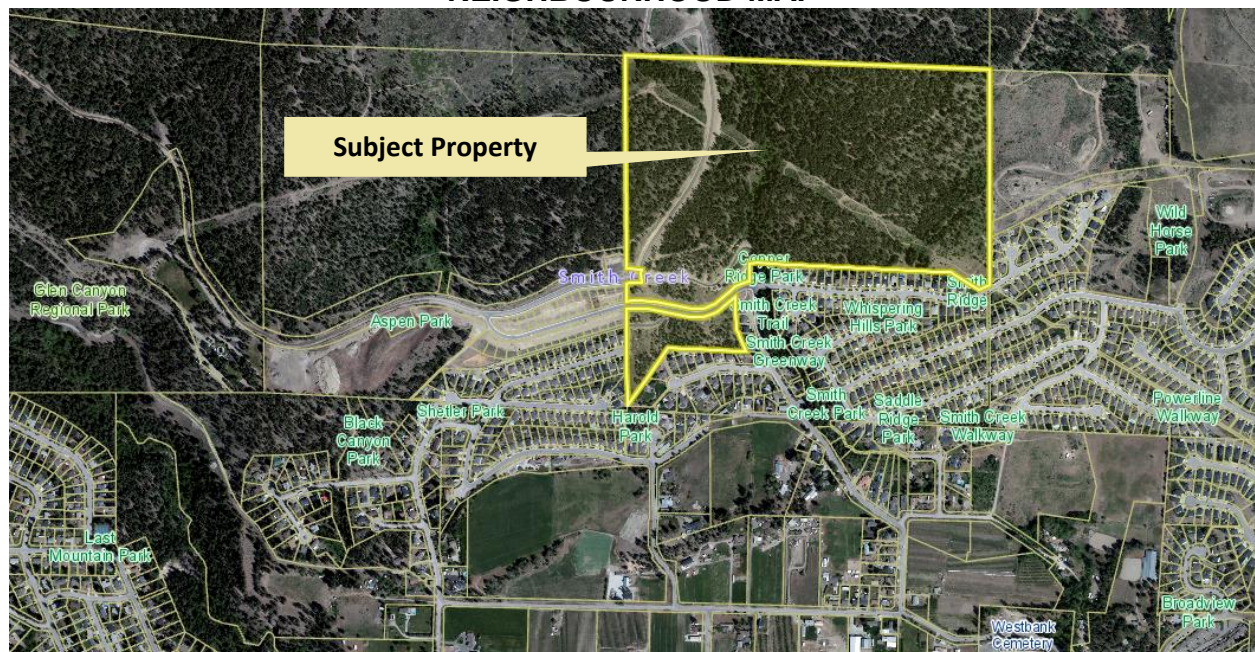
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<b>Lot Size</b>	432,694 m2 parent parcel / ~ 56,000 m2 rezoning area		
<b>Owner</b>	0999149 BC Ltd	<b>Agent</b>	Protech Consulting (2012) / Kyle Lorincz
<b>Current Zoning</b>	RU5 (Rural Resource)	<b>Proposed Zoning</b>	R4 (Medium Density Multiple Family) and R1 (Single Detached Residential)
<b>Current OCP</b>	Parks and Natural Areas /Single Family Residential/ Low Density Multiple Family	<b>Proposed OCP</b>	Single Family Residential /Medium Density Multiple Family
<b>Current Use</b>	Vacant	<b>Proposed Use</b>	Residential
<b>Development Permit Areas</b>	Hillside, Terrestrial, Aquatic, Wildfire, Form and Character for Multiple Family		
<b>Hazards</b>	Potential Rockfall / Slide Area on parent parcel		
<b>Agricultural Land Reserve</b>	N/A		

#### ADJACENT ZONING & LAND USES

<b>North</b>	^	RU5 (Rural Resource) – vacant CDP land
<b>East</b>	>	P1 - Smith Creek Greenway / R1 - single family residential
<b>West</b>	<	R1 - single family residential (new Smith Creek Ph. 1)
<b>South</b>	v	P1 – Harold Park / R1 single family residential

#### NEIGHBOURHOOD MAP





## PROPERTY MAP



## DISCUSSION

### Proposal

The applicant has proposed an Official Community Plan amendment from Low Density Multiple Family and Parks and Natural Areas to Single Family Residential, and from Single Family Residential, Low Density Multiple Family, and Parks and Natural Areas to Medium Density Multiple Family; AND a Zoning amendment from Rural Resource Zone (RU5) to Single Detached Residential Zone (R1) and Medium Density Multiple Residential Zone (R4) (*Attachment 1 and 2*). The amendments are required to facilitate a proposed single family residential subdivision on a ~56,000 m<sup>2</sup> portion of the south-east corner of the parent parcel of approximately 43 lots, and one 1.2 ha multi-family parcel<sup>1</sup> (*Attachment 3*). The proposed development includes a road dedication that will connect the northern extent of the Smith Creek Road to the southern portion. The layout and configuration of the proposed development would be subject to a future a development permit and subdivision review pending rezoning.

### Policy and Bylaw Review

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

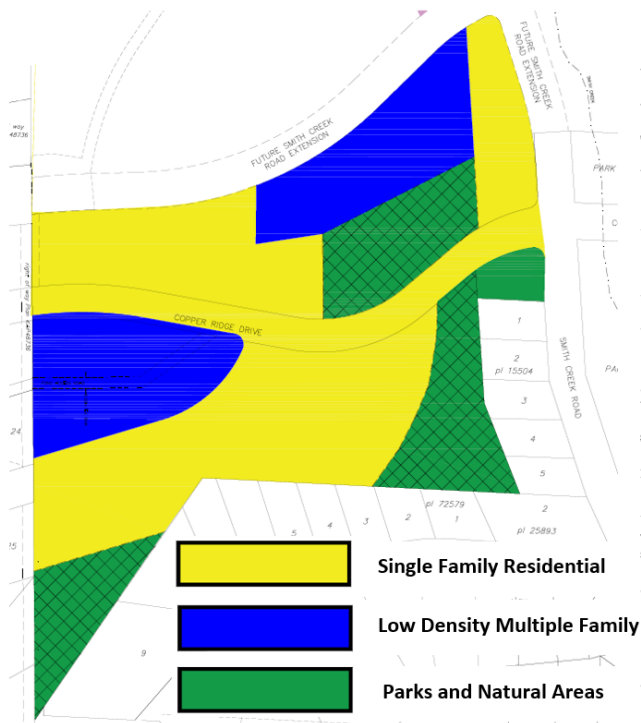
The existing OCP land use designations for the subject area are:

- Single Family Residential (SFR),
- Low Density Multiple Family (LDMF) and,
- Parks and Natural Area (PNA).

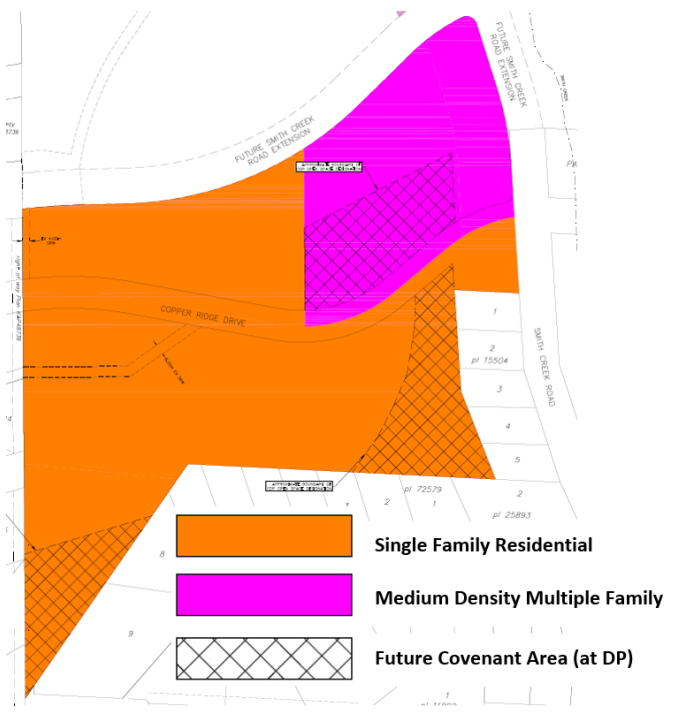
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<sup>1</sup> Conceptual plan for the medium density multiple family area includes approximately 36 two-bedroom units within an apartment form. However, this design would be addressed through a future development permit process.

The proposed amendment will remove the PNA designation, replace the LDMF designation with a new Medium Density Multiple Family (MDMF) designation in a new location, and adjust the boundary of the SFR designation (Figure 1 and 2) to facilitate the proposed development layout and higher density residential use.



**Figure 1: Existing Land Use Designation**



**Figure 2: Proposed Land Use Designation**

Although the proposed amendment removes the PNA designation, the amendment is supported as it does not affect the opportunity to secure any natural areas, trails, or to protect sensitive hillside as identified in the CDP through other future DP and/or subdivision process, with the condition that covenants are used to protect sensitive areas.

The OCP amendment is supported 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.

### *Zoning Bylaw No. 0154*

The existing land use is as follows:

- Rural Resource (RU5) zone, which is intended to accommodate rural, agricultural, and residential uses on parcels of land that are 30 ha or greater.

The proposed land uses include:

- Single Family Residential (R1) Zone, which is intended to accommodate low density single detached residential use on parcels of land that are 550 m<sup>2</sup> and larger (*Attachment 4*);

- Medium Density Multiple Residential (R4) Zone, which is intended to accommodate multiple residential in medium density housing form including the apartment, townhouse and duplex forms (*Attachment 5*).

A zoning comparison, Table 1, is provided below. The proposed zoning boundary will meet the required minimum parcel size and frontage for the R1 and R4 zones, and the proposed lot layout will be reviewed in detail as part of a future subdivision process.

**Table 1: Zoning Regulations Comparison**

Regulations	RU5 Zone (existing)	R1 Zone (proposed)	R4 Zone (proposed)
<b>Permitted Uses</b>	<ul style="list-style-type: none"> <li>• Agricultural, general</li> <li>• Greenhouse or plant nursery</li> <li>• Modular Home</li> <li>• Single detached dwelling</li> </ul>	<ul style="list-style-type: none"> <li>• Single detached dwelling</li> </ul>	<ul style="list-style-type: none"> <li>• Apartment</li> <li>• Care facility, major in duplex, townhouse or apartment</li> <li>• Duplex</li> <li>• Group home in duplex, townhouse or apartment</li> <li>• Townhouse</li> </ul>
<b>Parcel Area</b>	30 ha	550 m <sup>2</sup>	1400 m <sup>2</sup>
<b>Maximum Density</b>	only 1 single detached dwelling or only 1 modular home per parcel	1 dwelling unit per parcel / only 1 sec. suite or only 1 carriage house per parcel	1.0 FAR
<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/5.0 m for accessory bldgs	12.0 m to a max of 3 storeys/5.0 m for accessory bldgs
<b>Front Setback</b>	6.0 m	4.5 m/ 6.0 m (garage)	6.0 m
<b>Rear Setback</b>	10.0 m	3.0 m	7.5 m
<b>Interior Side Setback</b>	4.5 m	1.5 m	4.5 m
<b>Exterior Side Setback</b>	4.5 m	4.5 m/ 6.0 m (garage)	6.0 m

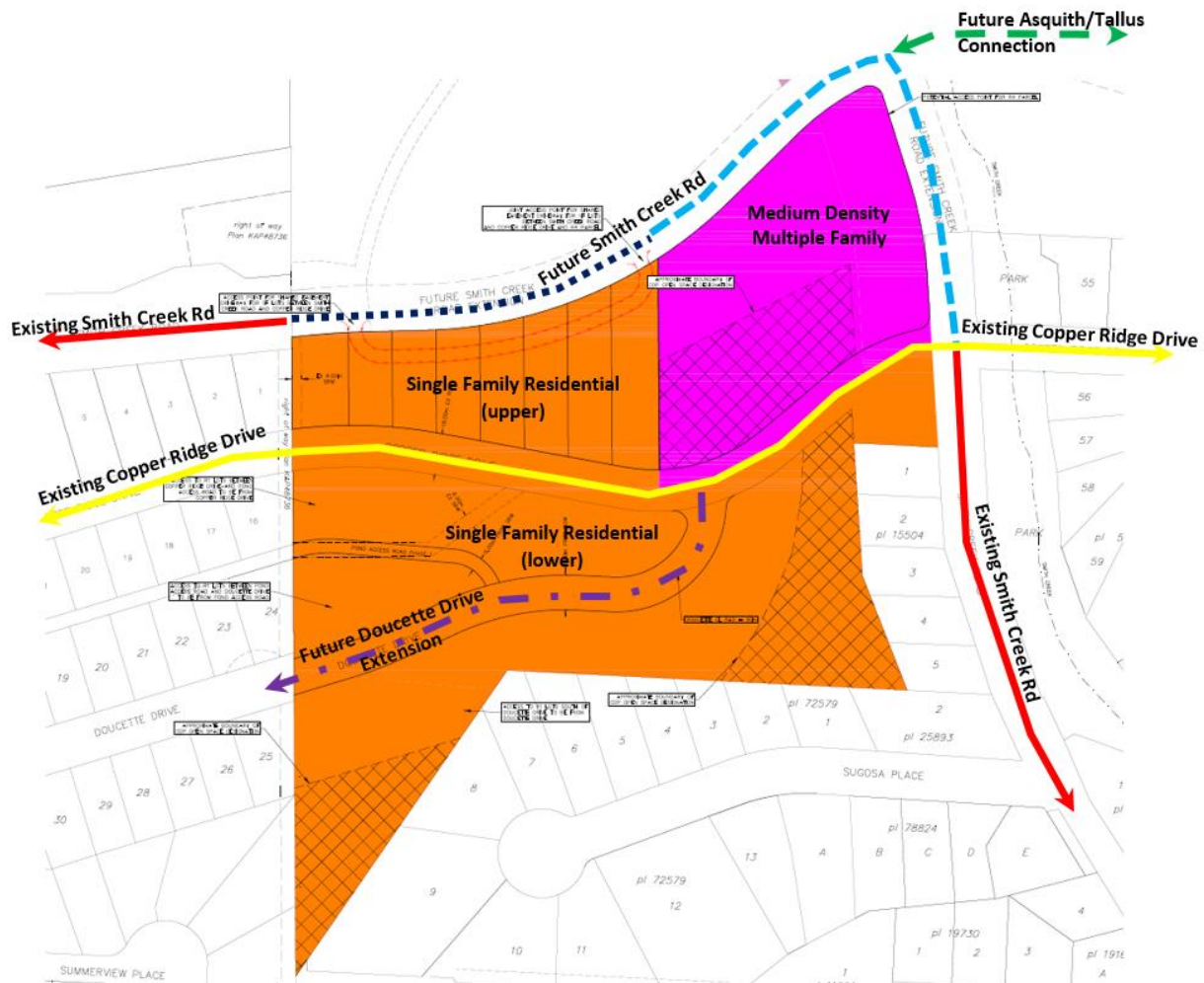
### *Development Permit Areas*

The subject property is located within the Wildfire Interface, Hillside, Aquatic Ecosystem and Sensitive Terrestrial Ecosystem Development Permit areas. Additionally, the proposed R4 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

Given the change in topography over the site, the site will be accessed from two separate areas. The lower single family residential portion of the site will be accessed directly from Copper Ridge Drive (Figure 3 – yellow line), or from the proposed extension of Doucette Drive to Copper Ridge Drive (Figure 3 – dashed purple line). Whereas the upper single family residential portion and the multiple family site will be accessed from the extension of Smith Creek Road (Figure 3 – blue and black dashed lines).



**Figure 3: Proposed Zoning Amendment / Road Network (Potential Road Dedication & Future Connections)**

**Smith Creek Road Extension** - Frontage works triggered by development of the upper portion of the site will include the extension of Smith Creek Road (Figure 3 – blue and black dashed lines) but is limited to only 1/2 of the road. Therefore it is recommended that the full dedication and construction<sup>2</sup> of the Smith Creek Road alignment (Figure 3 – blue and black dashed lines) is required as a condition of zoning so as to ensure that both sides of the road are developed. Given that the single family residential portion (Figure 3 – black dashed line) may be developed separately from the multiple family portion (Figure 3 – blue dashed line), it is also recommended that this covenant permit these

<sup>2</sup> to the classification of the Urban Arterial cross-section,



Doucette Drive to Connect to Copper Ridge Drive - Doucette Drive is proposed to be extended to connect with Copper Ridge Drive<sup>3</sup> (Figure 3 – purple dashed line) prior to any further development over 100 units<sup>4</sup>. As restrictive covenant will be recommended as a condition of zoning to ensure that this phase of development within the larger Smith Creek area has at least two access points.

The map shows the intersection of Smith Creek Trail and Smith Creek Greenway. A red star marks the proposed location for a new bus stop. The area is bounded by Ridge Park to the north and Smith Creek Greenway to the south. The map also shows existing bus stops and surrounding residential streets.

**Figure 4: Proposed Transit Improvements**

<sup>3</sup> Constructed to a Local or Local Hillside Road standard, as per Works and Services Bylaw No. 0249.

<sup>5</sup> BC Transit Bus Stops 140167 and 140063

### *Servicing*

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

Sanitary Sewer - The report provides existing and projected population numbers, as the CDP noted that off-site improvements<sup>6</sup> would be triggered at a population of 3,500 people. Current population counts are ~2,600. As such, no off-site sanitary improvements are anticipated with this re-zoning.

Water - The report noted that the site can be adequately serviced with existing infrastructure, and that new development will not yet trigger additional water improvements noted in the CDP. As such, no off-site water improvements are anticipated with this re-zoning.

Stormwater - The report notes the development will tie into existing storm sewer and storm detention pond constructed with previous development and that a private storm water detention facility will be provided for the multiple family development, where final design will be addressed at time of future development permit.

Additional discussion is still required with the applicant regarding concerns as to how the development will further address the CDP's stormwater policies and to confirm the downstream infrastructure has adequate capacity for any impacts of the proposed development.

It is recommended that the conceptual stormwater management plan is updated prior to Public Hearing to the satisfaction of the Director of Engineering. Additional information will be presented to Council with future readings and to confirm if any off-site storm water improvements are anticipated with this re-zoning.

### *Geotechnical*

A Geotechnical Review was submitted that notes that the site is safe for the use intended with some observed geotechnical hazards. 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. These issues will be addressed as a condition of the future development permit and subdivision.

### *Environmental*

An Environmental Assessment was submitted that identifies the two rezoning areas as being Environmental Sensitive Areas (ESA) 3. The proposed removal of the Parks and Natural Areas designation is combined with the proposal to protect those areas under no disturb covenants. The report makes mitigation recommendations such as construction timing for wildlife preservation, managing site equipment, as well as controlling erosion,

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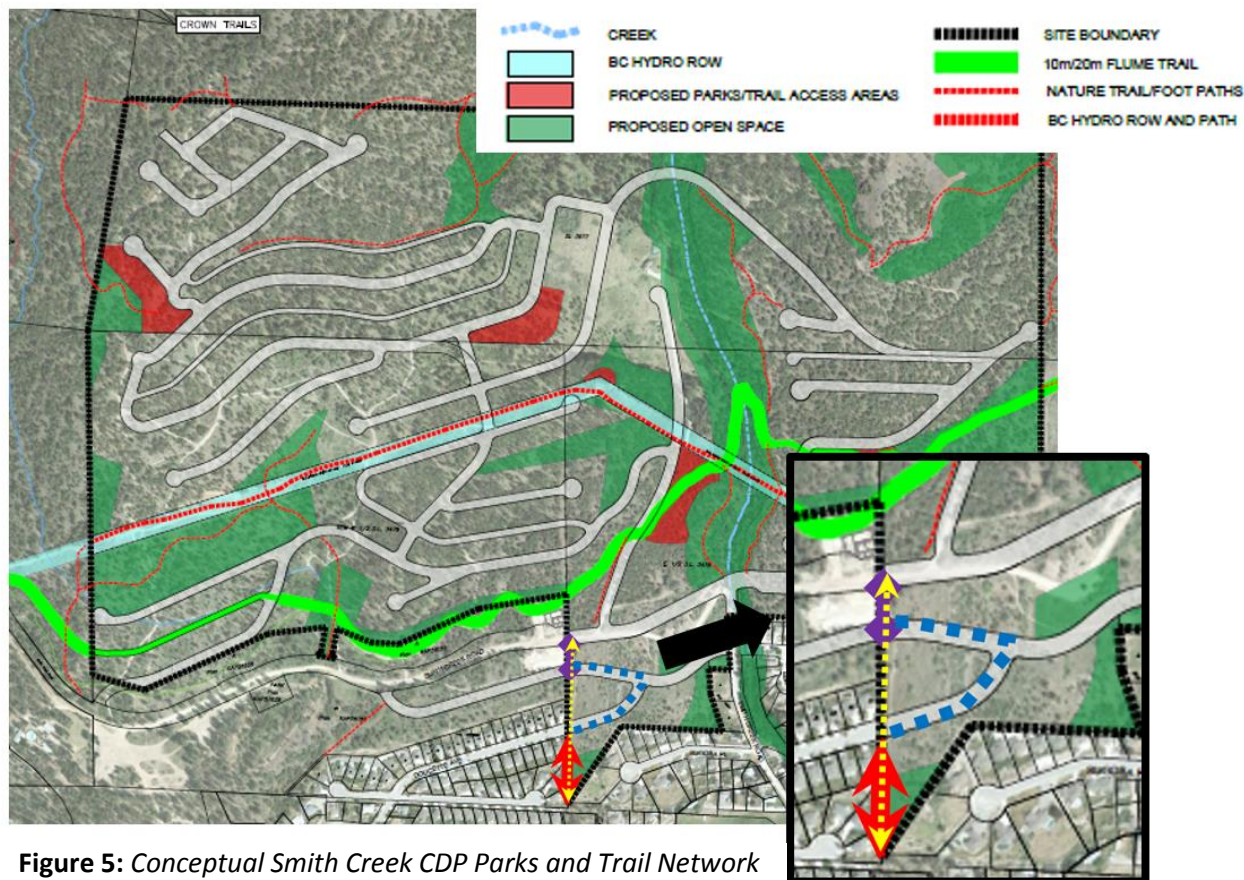
<sup>6</sup> CDP notes that downstream sanitary sewer improvements (upsizing pipe) near Broadview Road and Reece Road are likely triggered when the Smith Creek neighbourhood reaches an upstream population of ~3,500 people.



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

### *Neighbourhood Park Analysis*

The Smith Creek Comprehensive Development Plan (CDP) identified conceptual park area and trail requirements for the entire Smith Creek neighbourhood. Securing and developing trail connections through to the flume trail in Smith Creek remains a priority. The City's Recreational Trails Master Plan identifies a trail connection from the north end of Harold Park to the future Smith Creek Road extension in order to facilitate connection with the flume trail (Figure 5 – yellow dashed line). There is a well-defined existing trail through Harold Park and across the subject property.



**Figure 5: Conceptual Smith Creek CDP Parks and Trail Network**

In order to address this trail connection, the applicant has proposed to construct two sections of the trail (Figure 5 – red and purple arrows) and then to connect these two sections with existing and proposed sidewalk (Figure 5 – blue dashed line). The trail sections are proposed to be built to the City's Narrow Multi-Use trail standard<sup>7</sup> within statutory rights of ways from 3.0 m to 5.5 m wide. However, additional discussion is required with the applicant as there are concerns with both the trail standard and location based on the steepness of the proposed trail locations. Adjacent pedestrian improvements to the south of the subject property include concrete stairs, and lighting. Additional detail will be provided to Council following further review and discussion with

<sup>7</sup> Narrow Multi-Use trail standard - a 1.5 m wide, crushed gravel surface, fenced on either side by a 1.2 m tall black vinyl coated chain link fence in accordance with Bylaw 0249 – Drawings 105 and 111

the applicant. It is anticipated that the construction of the required trail connections and registration of any necessary statutory rights of way will be required as a condition of development at subdivision. 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 and no objections were noted. However, the following advisory comments were provided for the applicant's and City's consideration:

- *Interior Heath*
  - Supports diverse housing options and recommends consideration by the developer for 3-bedroom rental units for families;
- *BC Transit*
  - Supports development near future transit routes and notes concerns with pedestrian crossings;
- *Archaeology Branch*
  - Notes that there are no known archaeological sites recorded on the subject property and that potential modelling does not indicate a high potential for previously unidentified archaeological site and no additional study is required at this time, noting that notification is required if material are found during development.

### Advisory Planning Commission (APC)

The APC considered the application on June 16, 2021 and carried the following motion:

**THAT** the APC Recommend support for file Z 21-02 as presented.

### 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 21-02) based on the following:

- The proposed amendments are largely consistent with anticipated residential development in the Smith Creek Comprehensive Development Plan.
- The proposed boundary of the new medium density multi-family residential use has an appropriate transition to existing and proposed adjacent compact single family residential zone.

- Despite the R4 multiple family residential zone introducing a higher density than noted in the CDP, residential policies encourage the sensitive integration of different housing forms in all residential growth areas in support of neighbourhood diversity and healthy communities.
- By policy, Medium Density apartment forms are more acceptable along arterial and collector roads where appropriate.
- The future development permit process will address hillside and environmental mitigation and proposed covenant protection areas, as well as form and character issues with the proposed multiple family development.

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

#### Option 1: Postpone 1<sup>st</sup> and 2<sup>nd</sup> Reading

- 1) THAT Council postpone first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.64, 2022 (File: Z 21-02); and
- 2) THAT Council postpone first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.104, 2022 (File: Z 21-02).

Should Council postpone the proposal, further direction from Council is requested.

#### Option 2: Deny the Application

- 1) THAT Council deny File: Z 21-02 for Smith Creek 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

### **APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

#### **Attachments:**

1. Official Community Plan Amendment Bylaw No. 0100.64, 2022
2. Zoning Amendment Bylaw No. 0154.104, 2022
3. Site Plan
4. R1 Zoning Bylaw Excerpt
5. R4 Zoning Bylaw Excerpt