

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: September 5, 2024
RE: Zoning Bylaw Amendment – Electoral Area “D” (D2024.007-ZONE)

Administrative Recommendation:

THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.40, 2022, be read a first, second and third time.

Purpose: To allow for an 18-unit townhouse development. Folio: D-01001.000
Civic: 5300 Hawthorne Crescent
Legal: Plan KAP434A, SDYD, Part of Osoyoos IR (Dog Lake) Except: Parcel A, Plan B12862, Parcel 1, Plan B12863 & Except Plan 29119, KAP56993 & KAP65845
OCP: Medium Density Residential (MR)
Zone: Part Low Density Residential One (RS1) and part Low Density Residential Duplex (RD1)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to allow for an 18-unit townhouse development.

In order to accomplish this, the applicant is proposing to amend the zoning of the property from part Low Density Residential One (RS1) and part Low Density Residential Duplex (RD1) to Medium Density Residential (RM1).

In support of the rezoning, the applicant has stated that “the proposed development is consistent with the OCP as well as recent Provincial Housing legislation.”

Site Context:

The subject property is approximately 4,860 m² in area and is situated on the north side of Hawthorne Crescent. It is understood that the parcel is currently vacant, except for a small portion of the southeast corner, which is being used for parking for the adjacent school.

The surrounding pattern of development is generally characterised by similar medium density residential development (i.e. townhouses) and vacant land to the north, Okanagan Falls Elementary School and Zen Centre Park to the east, low density residential development to the south and industrial land currently developed with a stockyard to the west.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on August 18, 1922, while available Regional District records indicate that building permits have not previously been issued for this property.

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Medium Density Residential (MR), and is the subject of a Multiple Family Development Permit Area designation.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned part Low Density Residential One (RS1) and part Low Density Residential Duplex (RD1) which list single detached dwelling and duplex dwelling as permitted principal uses, but do not allow for townhouses.

Under the Regional Growth Strategy (RGS) Bylaw No. 2770, 2017, Okanagan Falls is designated as a Primary Growth Area. The RGS includes policies that promote compact development patterns in Primary Growth Areas.

BC Assessment has classified the property as “Residential” (Class 01).

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required prior to adoption as the proposed amendments involve lands within 800 metres of a controlled access highway (i.e. Highway 97).

Public Process:

In accordance with Section 464(3) of the *Local Government Act*, the Regional District must not hold a public hearing for a proposed zoning bylaw if the bylaw is consistent with the applicable Official Community Plan and the sole purpose of the bylaw is to permit residential development.

Where a public hearing is prohibited under Section 464(3) of the *Local Government Act*, the Regional District’s Development Procedures Bylaw stipulates that a Public Information Meeting and Advisory Planning Commission meeting will not be held in relation to the proposed bylaw amendment.

Section 467 of the *Local Government Act* stipulates that where a local government is prohibited from holding a public hearing under Section 464(3) of the Act, it must give notice of the proposed zoning bylaw, by the means specified under the Act, at least 10 days prior to first reading of the bylaw.

Notice of the proposed bylaw amendment was provided on August 23, 2024.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Analysis:

In considering this proposal, Administration considers the proposal to be representative of the type of compact development that the Regional District’s land use bylaws encourage in Primary Growth Areas, in order to make efficient use of land and existing infrastructure.

Administration notes that the future land use designation of this property under the Electoral Area “D” Official Community Plan is Medium Density Residential (MR) and the proposed Medium Density Residential One (RM1) zone is consistent with this designation.

The MR designation also includes policies that support the use of these lands for multi-family developments “including triplexes, fourplexes, townhouses and apartment buildings”.

The proposed 18-unit townhouse development is consistent with the permitted residential density in the MR designation, which allows for a maximum density of 60 dwelling units per hectare (i.e. 29 dwelling units on a 4,860 m² parcel).

In support of this proposal, the applicant has submitted conceptual plans demonstrating that development of this parcel in accordance with the requirements of the RM1 zone is generally feasible (see Attachment No. 1).

Additional Approvals Required

While the submitted conceptual plans would require variances to the front and easterly interior side parcel line setbacks to accommodate one townhouse unit and proposed amenity space (i.e. decks) respectively, administration considers that these issues do not preclude development of this site and would be most appropriately addressed through a subsequent development variance permit application.

The subject property is within the Okanagan Falls Multiple Family Development Permit (MFDP) Area. Should the proposed amendment be adopted, approval and issuance of an MFDP would be required prior to building permit issuance, to ensure that the form and character of the proposed development aligns with the design expectations established in the OCP.

The subject property is partially within the Okanagan Falls Water and Street Lighting Service Areas. Should the proposed amendment be adopted, completion of a service area petition to bring the property fully into these service areas would be required prior to building permit issuance.

Alternative

Conversely, Administration recognises that the parcel is subject to constraints due to its unusual size and shape which could limit development absent additional variances (e.g. seeking relaxation of parcel line setbacks).

However, Administration considers that this does not preclude appropriate development of this site and that alternative options *may* be available to achieve compliance without additional variances (e.g. by reducing the number of units).

Summary

In summary, the proposed zoning bylaw amendment is consistent with the Electoral Area “D” Official Community Plan and for this reason Administration is recommending approval.

Alternatives:

1. THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.40, 2024, be denied.

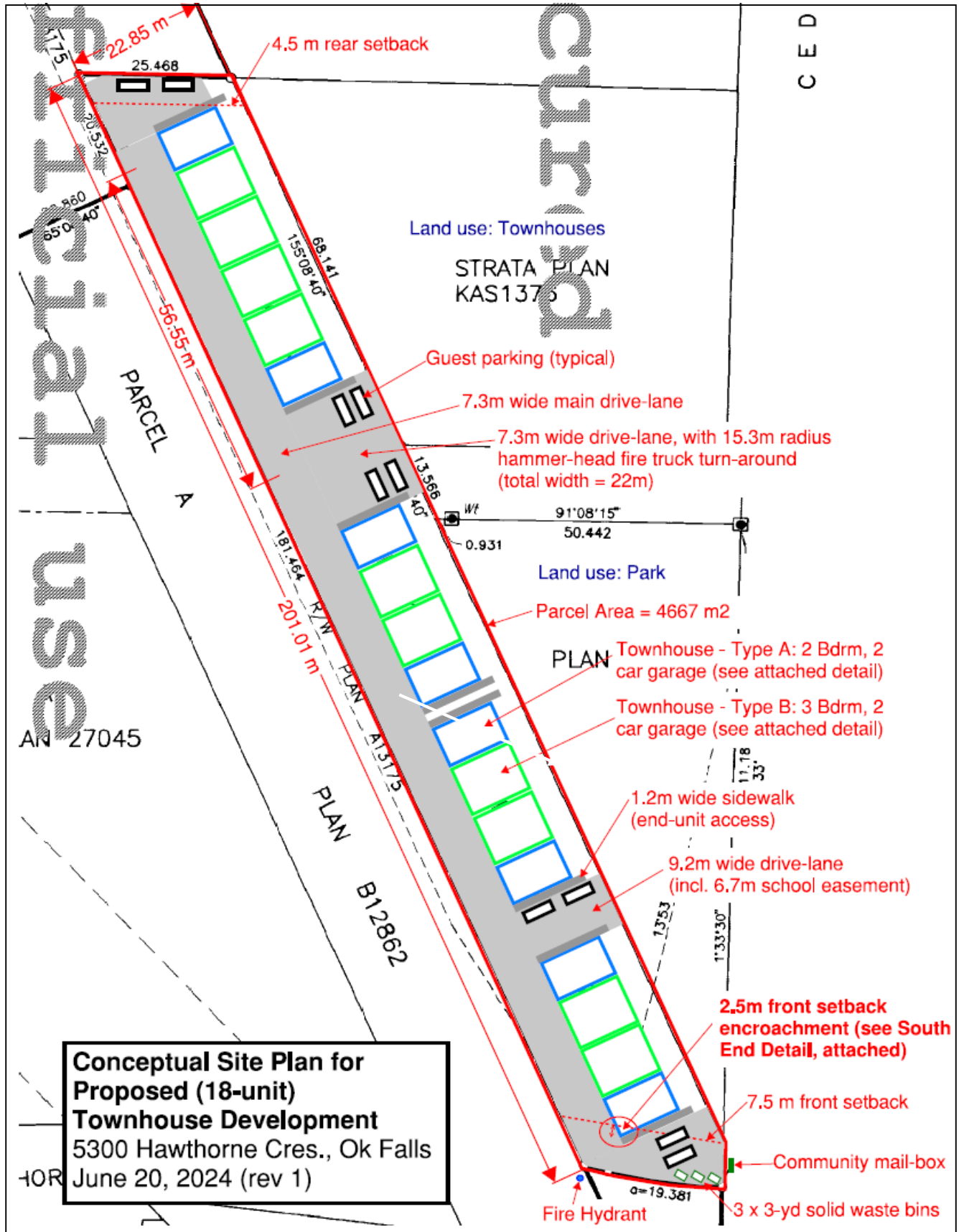
Respectfully submitted:

Ben Kent

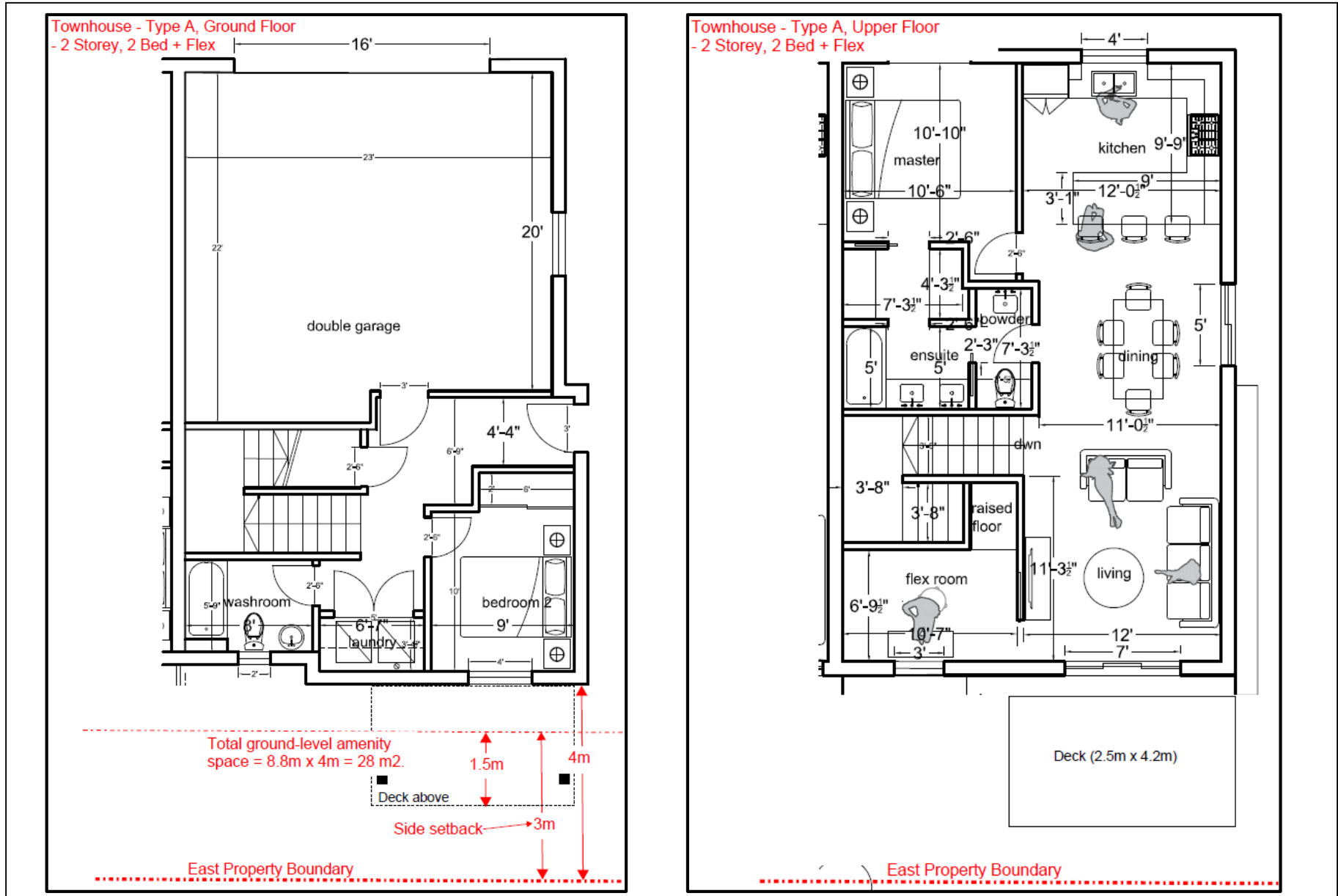
Ben Kent, Planner II

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- Attachments:
- No. 1 – Conceptual Site Plan
 - No. 2 – Conceptual Floor Plans
 - No. 3 – Conceptual Floor Plans
 - No. 4 – Conceptual Site Plan Detail
 - No. 5 – Aerial Photo
 - No. 6 – Site Photo

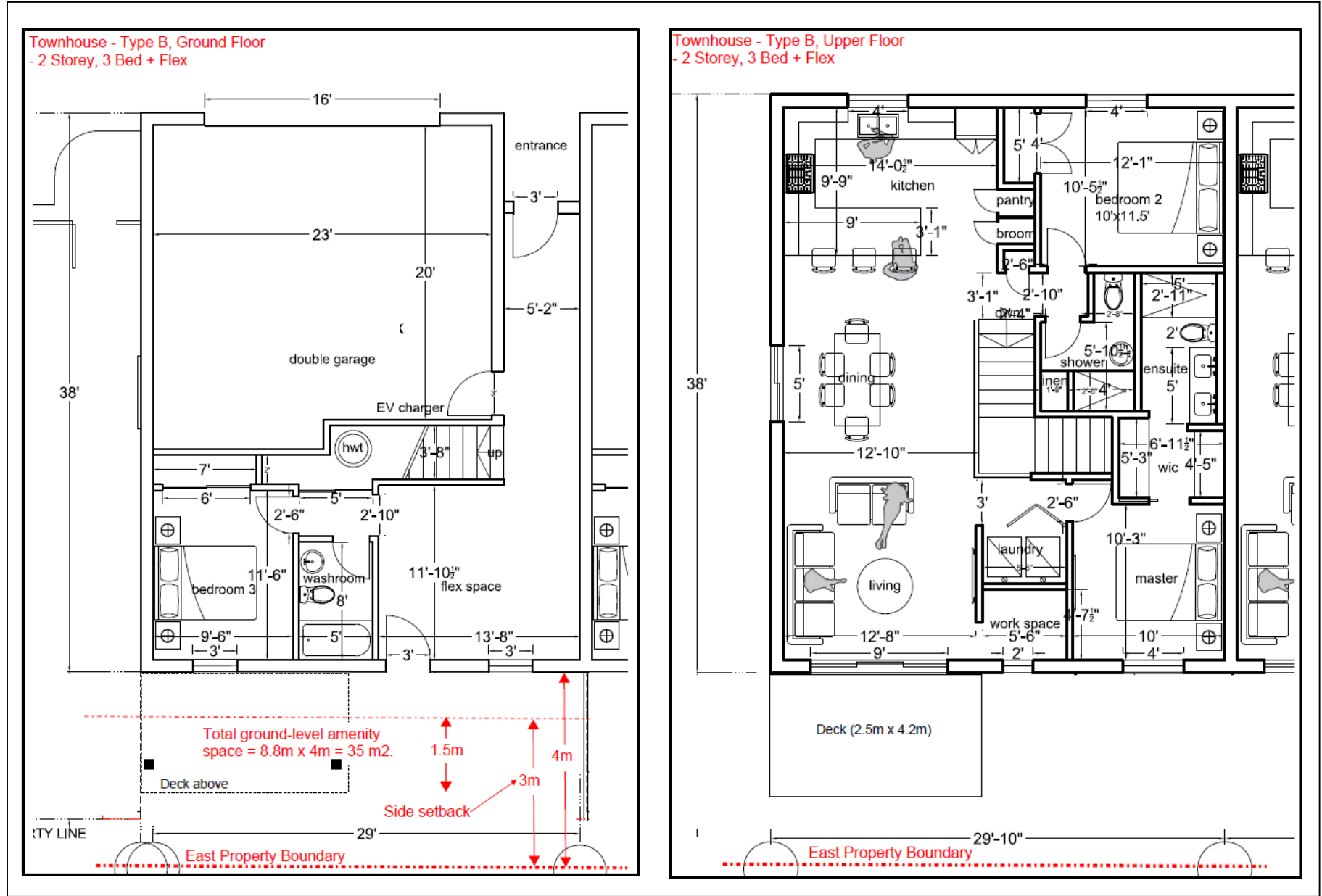
Attachment No. 1 – Conceptual Site Plan



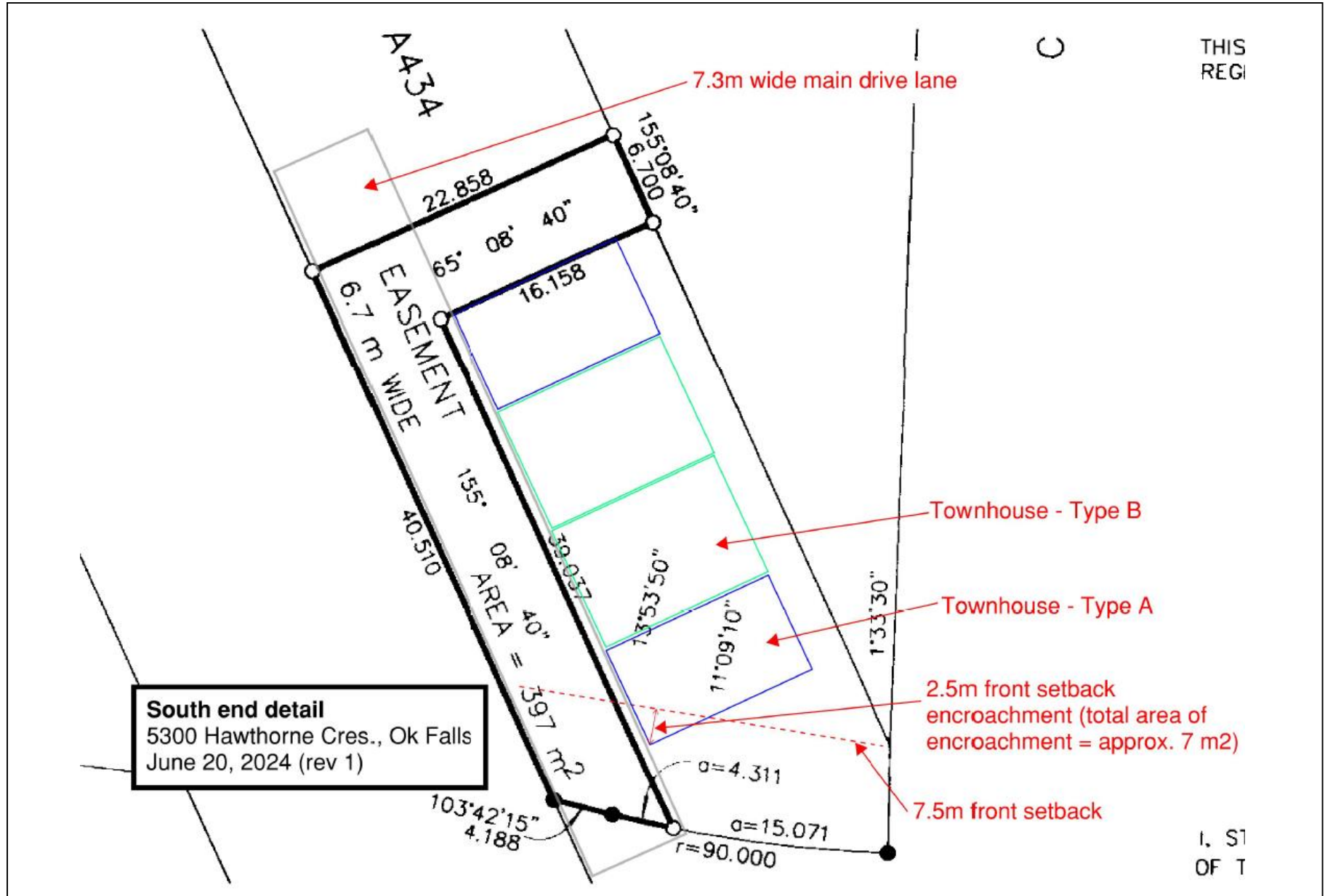
Attachment No. 2 – Conceptual Floor Plans



Attachment No. 3 – Conceptual Floor Plans



Attachment No. 4 – Conceptual Site Plan Detail



South end detail
 5300 Hawthorne Cres., Ok Falls
 June 20, 2024 (rev 1)

Attachment No. 5 – Aerial Photo



Attachment No. 6 – Site Photo (Street View – 2023)

