



## REQUEST FOR DECISION

Agenda Item Number: 6.1.2

Meeting Date: 6/25/2024

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**TO:** Mayor and Council

**FROM:** Planning and Development Services

**SUBJECT:** Zoning Amendment Bylaw No. 2419; 6446 Renfrew Rd (File: Z23-01)

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### RECOMMENDATION:

THAT Council give first, second and third readings to District of Peachland Zoning Amendment Bylaw No. 2419, 2024; and

FURTHER THAT Council direct staff to schedule the bylaw for adoption following:

- 1) Dedication of lands identified for the 18m-wide road extension connecting Stuart Crescent North and Stuart Crescent South through the subject property to the District of Peachland.
- 2) Registration of a Community Amenity Contribution (CAC) covenant that requires remittance of the CAC amount payable at the time of building permit issuance.
- 3) Registration of section 219 covenant(s) that requires off-site improvements to be completed at the time of development including, but not limited to:
  - a) Trail enhancement works within Renfrew Road Park, including a staircase to gain elevation to Stuart Crescent from the east to west, raised crosswalk for trail crossing at Stuart Crescent and signage as per traffic engineer's recommendations.
  - b) Renfrew Road frontage improvements to SD-R4 standard modified with a rollover curb and replacement of existing ditch with storm inlet.
  - c) Road works to provide a complete connection of Stuart Crescent North and Stuart Crescent South through the dedicated road width and extending into public lands as necessary.
  - d) Execution of a Works and Services Agreement, prior to any land disturbance, to the satisfaction of the District's Engineering and Infrastructure Department, guaranteeing the installation of the above-mentioned off-site improvements.
- 4) Registration of a Statutory Right-of-way for sanitary and storm main extensions from Stuart Crescent to Renfrew Road.

### PURPOSE

To consider 1st, 2nd, and 3rd readings of *Zoning Amendment Bylaw No. 2419* for an application to amend the *District of Peachland Zoning Bylaw No. 2400* to rezone from *RR1 Rural Residential* to *RM3 Multi-unit Residential-Low Density* to facilitate a 31-unit multi-family residential development at 6446 Renfrew Road (Lot A District Lot 221 ODYD Plan 18736 Except Plan 21508).

### COUNCIL AUTHORITY/PREVIOUS DECISIONS

*Local Government Act* section 479 – Grants local governments the power to enact bylaws that define zones and regulate the use of land, buildings, and other structures within each zone.

### CHIEF ADMINISTRATIVE OFFICERS COMMENTS

*Approved for Council's consideration.*

# REPORT

## BACKGROUND

The subject property is located in the Lower Princeton neighborhood, approximately 100m west of Highway 97 and 600m north of Hardy Falls Regional Park. A demolition permit was issued for the pre-existing single-family home and accessory buildings in 2022. Currently, there are no structures on the property.

The subject property is 1.3 hectares (3.2 acres) in area, and it is currently zoned *Rural Residential (RR1)* with the OCP future land use designation of *Low Density Residential*. The property is surrounded by single detached residential lots (*R1*) to the north, east and west with Renfrew Road Park zoned as *Parks and Open Space (P1)* located immediately south (Figure 1). The property currently has road frontages on Stuart Crescent North, Stuart Crescent South and Renfrew Road.

The purpose of this application is to rezone the subject property from *Rural Residential (RR1)* to *Multi-unit Residential—Low Density (RM3)* to facilitate the construction of a 31-unit multi-family ground-oriented residential development (townhomes).

Figure 1: Surrounding Land Uses



- R1 – Single Detached Residential
- P1 – Parks and Open Spaces

## DISCUSSION

### Official Community Plan (OCP) Bylaw No. 2220 Compliance Review

The OCP future land use designation for the subject property is *Low Density Residential* which aligns with the proposed *RM3 (Multi-unit Residential – Low Density)* zone. Properties surrounding the subject property are also designated *Low Density Residential*. Policies relating to this OCP land use designation aim to accommodate development not exceeding 10 units per acre through infill, suites, and redevelopment of existing areas. Staff consider the proposed development to be in alignment with the land use designation as it is suburban infill that encourages expansion of multi-family residential development especially along the slopes above Highway 97 with District infrastructure existing and available in the surrounding area.

#### Infrastructure

OCP policies relating to infrastructure encourage continuous improvement and efficient use of existing infrastructure. The proposed development includes connecting Stuart Crescent N and Stuart Crescent S through the subject property directly addressing OCP section 4.14.7 that encourages improvements to the road network through road dedication during the development process. The connection of Stuart Crescent will not make any alterations to existing traffic patterns; however, it will improve emergency access/egress for the community.

#### Housing

The proposed development is in alignment with several policies in OCP section 5.3 that relate to housing, specifically the sensitive integration of new housing forms into existing neighborhoods. Staff consider the proposed development to be well-suited for the single-family neighbourhood given recent legislative changes as it would provide ground-oriented multi-family housing units (townhomes).

#### Development Permit Areas (DPA)

The subject property is located within the Hillside DPA, Terrestrial DPA and Aquatic DPA (Figure 2). Professional reports that provide a preliminary assessment of the site were submitted to support the viability of the proposed

development. The site consists of moderate slopes trending downwards to the east. A Preliminary Geotechnical Investigation Report by GeoPacific Consultants Ltd. confirms that the site is safe for the intended use. An Environmental Assessment by Ecoscape Environmental Consultants Ltd. included results of an environmental sensitivity analysis indicating that 28% of the subject property is of moderate-value and 72% is of low-value due to disturbances caused by human activities (Figure 3).

Prior to development of the subject property, both a Form and Character Development Permit, and a Technical Development Permit must be approved and issued by the District. Detailed building design, site layout, landscaping, etc., will be assessed as part of the development permit approval process.

**Figure 2: Development Permit Areas**



**Figure 3: Environmental Sensitivity Analysis**



### Zoning Bylaw No. 2400 Compliance Review

The subject property is currently zoned *RR1 Rural Residential* and is proposed to be rezoned to *RM3 Multi-unit Residential—Low Density*. The intent of the RM3 zone is to provide for “comprehensively designed low density ground-oriented multi-unit residential buildings” at approximately 10 units per acre. If the rezoning is adopted, maximum build-out for the 3.2-acre property would be approximately 32 units. The developer is proposing 31 units.

The property is intended to be subdivided into 3 lots (as shown in Figure 4) with the area in red to be provided as road dedication to the District to connect Stuart Crescent North and Stuart Crescent South.

Staff consider the proposed density to be viable within the proposed zone in that there appears to be sufficient space to meet zoning requirements such as parking, amenity spaces, setbacks, etc., which will be reviewed in detail at the time of Development Permit and Building Permit application. The table below compares *RR1* and *RM3* zoning regulations:

**Figure 4: Proposed Development Footprint**



**Table 1: Zoning Comparison**

	RR1	RM3
<b>Permitted Uses</b>	<ul style="list-style-type: none"> <li>One Single Detached Dwelling/Lot</li> <li>Agriculture</li> </ul>	<ul style="list-style-type: none"> <li>Multi-Unit Residential Dwellings</li> <li>Care Facility</li> </ul>
<b>Accessory Uses</b>	<ul style="list-style-type: none"> <li>Bed &amp; Breakfast</li> <li>Home Based Business (I, II, III)</li> </ul>	<ul style="list-style-type: none"> <li>Minor Home Business</li> <li>Residential Flex Unit</li> </ul>



	<ul style="list-style-type: none"> <li>• Farm Retail Sales</li> <li>• Suite (secondary or garden)</li> </ul>	
<b>Minimum Lot Area</b>	0.4 ha (0.98ac) with sewer	1,400m <sup>2</sup> (<30% slope) to 2,000m <sup>2</sup> (>30% slope) (does not apply to building strata)
<b>Minimum Lot Dimensions (m) (subdivision)</b>	30 wide x 50 deep	30 wide x 35 deep
<b>Floor Area Ratio</b>	N/A	0.6
<b>Maximum Lot Coverage</b>	10%	45-50%
<b>Minimum Setbacks (m)</b>	<b>Principal:</b> Front/Rear/Exterior Side = 7.5m, Interior Side = 4.5m <b>Garden Suite:</b> Front/Exterior Side = 7.5m, Rear = 3.0m, Interior Side = 1.5m <b>Animal Barn:</b> Front/Exterior Side = 30m, Rear/Interior Side = 7.5m <b>Accessory:</b> Front/Exterior Side = 6.0m, Rear/Interior Side = 1.5m	Front/Exterior Side = 6.0m Rear = 7.5m Interior Side = 3.0m
<b>Maximum Height (m)</b>	<ul style="list-style-type: none"> <li>• Single Detached Dwelling = 9.1m</li> <li>• Accessory Buildings = 5.0m</li> <li>• Agriculture Buildings = 12.0m</li> </ul>	<ul style="list-style-type: none"> <li>• Principal Building = 11.0m</li> <li>• Accessory Building = 4.5m</li> </ul>

## Technical Review

The following review was completed based on the Engineering Design Brief by D.E. Pilling & Associates Ltd., Transportation Safety Review by Peter A. Truch and referral comments from the District's Engineering and Infrastructure department.

### Water

The community water system has sufficient capacity to provide for domestic demand and fire flow for the development. There are existing watermains on Stuart Crescent S, Stuart Crescent N and Renfrew Road. The applicant intends to extend the water main across Stuart Crescent through the subject property, connecting the community water mains on either side of the property. The eastern lot is to be connected to the 200mm main on Renfrew Road. Further design details in relation to fire connection and proposed hydrants will be required at the time of Form and Character Development Permit.

### Sanitary Sewer

The community sanitary sewer system has sufficient capacity to service the proposed development. Sanitary sewer is to be conveyed by a new gravity main extended along Stuart Crescent from the north end of Stuart Crescent S through the subject property. Additionally, the proposed sanitary main is to be extended from Stuart Crescent to Renfrew Road through a statutory right-of-way owned and maintained by the District.

### Storm Drainage

Stormwater drainage is to be managed on site primarily using a series of drywells for storm infiltration along the Stuart Crescent connection. Emergency overland flows are to be directed to the existing storm path along Elizabeth Warrendorf trail. Frontage upgrades on Renfrew Road will include replacing the existing stormwater ditch with an inlet at the north end of the property which will connect to the existing storm water main in Renfrew Road. Additionally, the storm main is to be extended from Stuart Crescent to Renfrew Road through a statutory right-of-way owned and maintained by the District.

### Traffic, Access, and Roads

The proposed development will connect Stuart Crescent N and Stuart Crescent S through the subject property via an 18m wide road with a pavement width of 8.6m, to be dedicated to the District as a zoning condition. This is an important connection to the overall transportation network of the neighborhood, providing improved traffic flow and critical emergency ingress and egress. The road dedication will occur prior to zoning adoption and its construction secured through the registration of a section 219 covenant.

Future units within the western lot are proposed to be accessed from a strata road extending from Stuart Crescent. The units within the eastern lot abutting Stuart Crescent will have direct driveway access from Stuart Crescent. The remaining lower lot units will have access off Renfrew Road.

### Off-site Improvements

The District-owned 0.77 acre park immediately south of the property (Renfrew Road Park) consists of a seasonally dry creek bed and the Elizabeth Warrendorf trail connecting Bulyea Avenue and Renfrew Road. This trail has been identified as a missing pedestrian connection in Peachland's Parks and Recreation Masterplan (2018–2028). Currently there is a steep dirt path and a memorial bench along the creek bed. Off-site improvement works will include a large culvert to host the creek under the proposed road connection, stairs to gain elevation up to Stuart Crescent, and a raised crosswalk with signage for the trail crossing. These improvements will be secured through the registration of a section 219 covenant on title prior to zoning bylaw adoption.

Renfrew Road will be upgraded up to the SD-R4 standards specified in *Subdivision Servicing Bylaw No. 2395* modified with rollover curbs as part of the required frontage improvements. Additionally, as mentioned earlier in the report, the existing ditch in Renfrew Road will be replaced with an inlet at the north end of the property that will extend to the existing storm main in Renfrew Road to collect ditch flows.

### Parkland dedication

Parkland dedication may be required at the time of subdivision in accordance with s.510 of the *Local Government Act*. The District may consider cash-in-lieu to satisfy the legislated requirement, the amount of which must be equal to 5% of the average market value of all the land in the subdivision.

## **Development Financing Review**

### Development Cost Charges (DCC)

*The District of Peachland Development Cost Charges Bylaw No. 2155* was created to locate funds for the capital cost of providing, constructing, altering, or expanding roads, sewer, water, drainage and parkland acquisition and improvements. DCCs apply to all multi-unit residential developments including the proposed development, which is to be collected at time of Building Permit issuance.

Based on the proposed 31-unit buildout, at current rates, total DCCs that include charges towards the RDCO Wastewater Treatment Plant and School District #23's School Site Acquisition Charge are estimated to be \$23,328 per unit with an estimated total of \$723,168.

### Community Amenity Contribution (CAC)

*The District of Peachland Community Amenity Contribution Policy (DEV-100)* was created to provide for future amenities not covered by DCCs such as waterfront enhancement, trail development, arena, museum, fire hall, etc. and applies to all development projects with three or more residential units.

Based on the proposed 31-unit buildout, at current rates, the contribution amount is estimated to be \$1,877 per unit with an estimated total of \$58,187. The Community Amenity Contribution will be required at the time of Building Permit issuance and secured through the registration of a section 219 covenant prior to zoning bylaw adoption.

## **Public Notification**

In accordance with the *Local Government Act* (LGA) section 464 (*Bill 44 Housing Statutes (Residential Development) Amendment Act, 2023*), a local government must not hold a public hearing on a proposed zoning bylaw if an official community plan is in effect, the bylaw is consistent with the official community plan, and the sole purpose of the bylaw is to permit residential development.

Further, in accordance with *Development Procedures Bylaw No. 2396*, a Public Information Meeting (PIM) was held on October 5, 2023. The PIM was held at a cul-de-sac situated south of the subject property and was advertised on public sign boards, the District of Peachland's website, and invitations were mailed to surrounding property owners. The applicant has provided a summary report of the PIM (Attachment #4).

In conformance with *section 467(3)* of the LGA, public notification requirements have been fulfilled prior to first reading of the proposed bylaw amendment. A Notice of Application sign has been posted at the property boundary, notification letters have been sent to owners and tenants of properties within 100m of the subject property, and notification was published on the District of Peachland’s website. At time of writing this report, no correspondence was received from the public.

### **External Referral Comments**

BC Hydro, Telus, BC Transit and Fortis BC have no objections or concerns regarding this application.

### **IMPLICATIONS/RELATED ISSUES/RISK**

**Organizational:** Public road, water, sewer, and park facilities will be added to the District.

**Financial:** Ongoing maintenance costs and liabilities incurred with the acceptance of additional public facilities and lands may be off-set by increased revenue from new multiple-family units.

### **STRATEGIC DIRECTION**

The bylaw amendment process supports Council’s communication and consultation strategic priority by allowing for two-way dialogue with the community and enhanced consultation on civic issues. The application process is open and transparent, and ensures that the community is well-informed on services, projects, and decisions. In addition, the proposal is supported by the following Council Strategic Priorities:

#### *Infrastructure Improvements*

Road and sidewalk improvements

#### *Increase Housing Choice*

Integration of new housing form that is sensitive to the existing neighbourhood.

### **CONCLUSION**

Staff recommend support of the subject zoning amendment application and recommend Council grant 1st, 2nd, and 3rd readings based on the following rationale:

- The proposal is supported by various policies of the Official Community Plan and is consistent with the future land use designation.
- The proposal offers increased housing options in the neighbourhood with the opportunity to guide development through the District of Peachland’s comprehensive development permit process; and,
- The proposal, through rezoning and subdivision, provides an important road connection to the overall transportation network of the neighbourhood.

### **SUPPORTING DOCUMENTATION**

1. Zoning Amendment Bylaw No. 2419, 2024
2. Subject Property Map
3. Site Plan
4. Public Information Meeting Summary

**REVIEWED BY** Brittany Nichols, Manager of Planning

**REVIEWED & APPROVED BY** Darin Schaal, Director of Planning and Development Services