



# Agenda

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## Agriculture Advisory Committee Meeting to be held via Zoom

*\*Public attendance at committee meetings continues to be restricted due to limited space and the physical distancing requirements. If you'd like to watch or listen to the live Committee meeting, please email [Committees@Penticton.ca](mailto:Committees@Penticton.ca) 24-hours prior to the commencement of the meeting for the Zoom meeting participation details. You will have an opportunity to ask questions related to the agenda at the end of the meeting.*

**Wednesday, October 21, 2020  
at 3:00 p.m.**

1. **Call Regular Committee Meeting to Order**
2. **Adoption of Agenda**
3. **Adoption of Minutes**
  - 3.1 Minutes of the July 22, 2020 Agriculture Advisory Committee Meeting **2-4**  
Staff Recommendation:  
 THAT the Agriculture Advisory Committee adopt the minutes of the July 22, 2020 meeting as presented.
4. **New Business**
  - 4.1 Roundtable Introductions **Verbal**
  - 4.2 Committee Terms of Reference Update – Paula McKinnon, Legislative Assistant **5-9**
  - 4.3 Food Systems Strategy Working Group Update – Annelise Simonsen **Verbal**
  - 4.4 October 6, 2020 Council Resolution **10-27**  
 Re: 375 Smythe Drive – Zoning Amendment Bylaw No. 2020-41– Steven Collyer, Planner 1  
Staff Recommendation:  
 THAT the Agriculture Advisory Committee recommends that Council support “Zoning Amendment Bylaw No. 2020-41” to rezone the property from A (Agriculture) zone to RM1 (Bareland Strata Housing) zone with site-specific provisions to prohibit duplexes and townhouses, set a maximum density of 27 single detached dwellings, and increase the permitted building height from 8.5 m to 10.5 m.
5. **Next Meeting** **28**
6. **Public Question Period**
7. **Adjournment**



# Minutes

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## Agriculture Advisory Committee Meeting

To be held via Zoom  
Wednesday, July 22, 2020  
at 3:00 p.m.

**Present:** Rod King, Chair  
Doug Mathias, Vice Chair  
Kristi Tatebe  
Chris Holler  
Paul Gardner  
Jesse Chapman  
Darshan Jassar

**Council:** Julius Bloomfield, Councillor

**Staff:** Micheal Firlotte, Water Quality Supervisor  
Audrey Tanguay, Manager of Planning  
Nicole Capewell, Planner 1  
Paula McKinnon, Legislative Assistant

**Regrets:** Annelise Simonsen

### 1. Call to Order

The Agriculture Advisory Committee was called to order by the Chair at 3:00 p.m.

### 2. Adoption of Agenda

#### It was **MOVED** and **SECONDED**

THAT the Agriculture Advisory Committee adopt the agenda for the meeting held on July 22, 2020 as presented.

**CARRIED UNANIMOUSLY**

### 3. Adoption of Minutes

#### 3.1 Minutes of the June 17, 2020 Agriculture Advisory Committee Meeting

#### It was **MOVED** and **SECONDED**

THAT the Agriculture Advisory Committee adopt the minutes of the June 17, 2020 meeting as presented.

**CARRIED UNANIMOUSLY**

### 4. Business Arising from Prior Meetings

5. **New Business**

5.1 Irrigation, Sewer and Water Amendment Bylaw No. 2020-25 – Micheal Firlotte, Water Quality Supervisor

The Water Quality Supervisor presented to the Committee the proposed “Irrigation, Sewer and Water Amendment Bylaw No. 2020, 25” and associated ticketing bylaws to advise how the newly revised watering restrictions will affect the agricultural community.

Members at large asked various questions regarding clarification on the proposed watering restrictions and set stage levels. Members also provided the Water Quality Supervisor with feedback to help improve portions of the proposed bylaw for clarification purposes.

**It was MOVED and SECONDED**

THAT the Agriculture Advisory Committee support “Irrigation, Sewer and Water Amendment Bylaw No. 2020-25” and related ticketing bylaws as follows: “Municipal Ticketing Information Amendment Bylaw No. 2020-29” and “Bylaw Notice Enforcement Amendment Bylaw No. 2030”.

**CARRIED UNANIMOUSLY**

Darshan Jassar, Member at Large, entered the meeting at 3:24 p.m.

5.2 Proposed Zoning Amendment to Agriculture Zone – Nicole Capewell, Planner 1

The Planner 1 presented to the Committee the proposed zoning amendment to Agriculture Zone within the existing Zoning Bylaw. The Committee was informed that the new regulation would be referred to as ‘Farm Residential Footprint’ which would introduce a 2,000m<sup>2</sup> maximum for farm residential footprint within the Agriculture Zone to maximize the farming potential on agricultural properties in the City.

Feedback included staff reviewing and further clarifying the inclusion of paved driveways and farm help dwellings included in the proposed regulation and including a definition of arable land for application in the new regulation to encourage owners to build dwellings on non-arable land.

The Committee agreed by consensus that the proposed Zoning Amendment to Agriculture Zone be brought back to the Committee at the August 19 Committee meeting following a review of the feedback provided for further consideration.

6. **Council Outcome**

7. **Next Meeting**

The next Agriculture Advisory Committee meeting is scheduled to be held on August 19, 2020 at 3:00 p.m.

8. **Public Question Period**

9. **Adjournment**

**It was MOVED and SECONDED**

THAT the Agriculture Advisory Committee adjourn the meeting held on July 22, 2020 at 4:28 p.m.

**CARRIED UNANIMOUSLY**

Certified Correct:

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Paula McKinnon  
Legislative Assistant



## 2020 – 2022 Terms of Reference Agriculture Advisory Committee

[penticton.ca](http://penticton.ca)

1. The Committee shall consist of **TEN (10)** voting members appointed by City Council for a term ending December 31, 2022. Preference will be given for individuals with direct knowledge or interest and/or experience in agriculture that could include, but is not limited to:
  - Students and Youth
  - Agricultural finance
  - Academia
  - Horticulture
  - Viticulture
  - Livestock/animal husbandry
  - Agricultural processing
  - Value-added processor (cheese, cider, preserves, oil, etc.)
  - Distribution, including farm retail sales/markets
  - Sustainable development
  - Agri-tourism
2. The Committee Members shall appoint a Chair and Vice-Chair.
3. Council shall appoint one (1) Council representative to the Committee.
4. Role of Council Representative:
  - Non-Voting Member
  - Liaison to City Council
5. The Mayor or their Deputy will act as an alternate Council representative.
6. A majority of appointed voting members shall constitute a quorum.
7. The Planning Manager and/or designate shall attend committee meetings to provide operational support to the Committee.
8. The Corporate Administration Department shall arrange for secretarial services to the Committee.
9. The Committee shall meet quarterly, or as required when a new piece of business is referred to the Committee by council or staff requiring immediate action.
10. The Committee's mandate is to make recommendations to the Council on all matters referred to the Committee, including:
  - Making recommendations on all aspects of the agricultural industry, including land use, economic development and cultural matters;
  - Acts as a liaison between Council and the agricultural community;

- Review and make recommendations on applications initiated under the *Agricultural Land Commission Act*, which are to be considered by Council;
- Applications to amend the Official Community Plan and Zoning Bylaw where the subject property is zoned agricultural or has a direct impact on agriculturally zoned parcels;
- As directed by Council, reviewing initiatives to enhance the agricultural economy and promote Agri-business and Agri-tourism opportunities;
- As directed by Council, providing input on submissions to other levels of government;
- As directed by Council or requested by staff, advising staff on issues related to the irrigation systems, draining, roads or other municipal services affecting agricultural lands;
- As directed by Council, the Committee will undertake, research, develop or propose cultural tourism initiatives or potential partnerships in line with the City's vision. These initiatives may include (but are not limited to):
  - Agricultural heritage exhibit
  - Farm tours and farm demonstrations
  - Horse riding including cattle drive activities
  - Horse or other livestock shows
  - Hay, tractor and sleigh rides
  - Pumpkin patch tours and related activities
  - Picnicking
  - Farm related educational activities including cooking classes using farm products from the farm
  - Seasonal promotional events (e.g. harvest and Christmas fairs and activities)
  - Special promotional events (e.g. private or public special occasion events for the promotion of farm products)
  - Charitable fundraisers
  - Catered food and beverage service special events where farm products from the farm are promoted, but not a service requiring the use of a permanent commercial kitchen
  - Corn mazes
  - Bird and wildlife refuges and rescue services
- The Committee, for any initiative it puts forward, will research, develop and propose funding source options for consideration, including, but not limited to, corporate sponsorship, community partnerships, grants, awards, senior levels of government, and/or municipal funding;
- As directed by Council, the Committee undertakes to review and make recommendations on applications proposing community urban agriculture projects in passive areas of the City, including brownfields, pocket gardens, parks, green spaces, etc.;
- Advise Council with respect to impacts of climate change and/or invasive species;
- Working with Council, at Council's request, on submissions related to agricultural issues with other levels of government; and
- As directed by Council, recommend actions, education and marketing initiatives which promote increased public awareness and participation in residential and communal agriculture in the community.

The Committee will not participate in operational matters respecting the City of Penticton.

#### 11.

#### Conflict of Interest

All Committee members are expected to review and sign a Conflict of Interest Declaration and adhere to the requirements set out in the declaration.

If a Committee member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter or to vote on a question in respect of a matter because the member has a direct or indirect pecuniary interest in the matter, or for any other reason, the member must declare this and state the general nature of why he or she considers this to be the case and immediately leave the meeting or the part of the meeting during which the matter is under consideration.

The member's declaration must be recorded in the minutes, and the Committee member must not attempt in any way, whether before, during or after the meeting to influence the voting on any question in respect to the matter.

#### 12. Removal of a Member from Committee

Council may remove a Committee member from a Committee for good and sufficient reason, which may include any of the following, without limitation:

- (a) the absence of a Committee member from three (3) consecutive regularly scheduled Committee meetings, unless the absence is because of illness or is with leave of the Committee;
- (b) a finding by Council that the Committee member has engaged in misconduct, such as bullying or harassment of another Committee member or a City employee; or
- (c) participation by a Committee member in circumstances where the Committee member has a conflict of interest.

In any case where Council proposes to remove a member from a Committee, the member will be provided with notice and an opportunity to be heard by Council prior to Council voting on the matter.

#### 13. Resignation

Any member may resign upon sending written notice to the Corporate Officer.

In the event of a vacancy occurring during a regular term, the vacancy may be filled for the remainder of that term in the same way the initial appointments were made.

#### 14. Closed Meeting

All Committee members are expected to review and sign a Confidentiality Declaration and adhere to the requirements set out in the declaration.

No meeting or part thereof shall be closed to the public except in accordance with Section 90 of the *Community Charter*. Should a Closed meeting be held by the Committee, members must keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the municipality suffer loss or damage due to contravention of confidentiality, the municipality may recover damages from the person(s) for the loss or damage.

#### 15. The Mayor will sign all correspondence initiated by the Committee on behalf of the City of Penticton.

#### 16. For certainty, the rules and procedures of Council Procedure Bylaw No. 2018-35 and all amendments thereto shall be observed as far as may be applicable.



**City of Penticton**  
 171 Main St. | Penticton B.C. | V2A 5A9  
[www.penticton.ca](http://www.penticton.ca) | [ask@penticton.ca](mailto:ask@penticton.ca)

## CONFLICT OF INTEREST

Throughout your Committee term you are required to ensure that you do not participate in matters when you have a conflict of interest.

A conflict of interest includes a pecuniary interest or another interest in a matter that constitutes a conflict, such as personal interest in a matter that is a distinct from the interest other citizens would have in the matter generally.

A pecuniary interest refers to an interest a matter which may have financial consequences for you, such that you might be seen to have a recognizable incentive to vote for financial reasons. The phrase “pecuniary interest” is interpreted broadly. The interest does not mean there is a direct financial benefit or loss to you. It is sufficient if a matter has the potential to impact your pecuniary interests, whether directly or through another person or corporation, such as a close family member or your employer.

Accordingly, you hereby acknowledge the following:

1. It is your responsibility, as an individual committee member, to be aware of a potential conflict of interest and to declare the conflict when it arises.
2. If you are unsure of whether you may have a conflict, it is your responsibility to obtain further advice or information in respect of the matter.
3. Once you have declared a conflict in relation to a matter coming before the committee, you must not:
  - a. Participate in any discussion of the matter;
  - b. Vote; or
  - c. Attempt in any way, whether before, during or after the committee meeting, to influence the decision of others.
4. If you participate when you have a conflict, the consequence is removal from the committee by Council.

Please confirm your acknowledgement and agreement with the foregoing by signing and returning this declaration to the City.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

Print Name: \_\_\_\_\_





**City of Penticton**  
 171 Main St. | Penticton B.C. | V2A 5A9  
[www.penticton.ca](http://www.penticton.ca) | [ask@penticton.ca](mailto:ask@penticton.ca)

## CONFIDENTIALITY DECLARATION

Throughout your Committee term you will be exposed to and have access to confidential “information” which is the property of The Corporation of The City of Penticton (the “City”). Committee members with access to this information must not use it for personal benefit or in any way that could be detrimental to the City. The term Information will not, however, include information which is or becomes publicly available other than as a result of a disclosure by you.

Accordingly, you hereby agree that:

1. You will keep Information confidential and will not (except as required by applicable law, regulation or legal process), without the City’s prior written consent, disclose any Information in any manner whatsoever;
2. You will not (except as required by applicable law, regulation or legal process), without the City’s prior written consent, disclose to any person the fact that the Information exists;
3. You will safeguard all Information to which you have access against inappropriate and unauthorized access by others;
4. You agree to report incidents of misuse or abuse of information;
5. *The Freedom of Information and Protection of Privacy Act* gives individuals a right of access to records subject to certain conditions. The City has procedures in place for handling requests for information under this Act. Any questions regarding privacy or the release of information not covered by these procedures should be referred to the Corporate Officer;
6. This declaration will be governed and construed in accordance with the laws of the Province of British Columbia and the British Columbia Courts will have exclusive jurisdiction to hear all matters arising here-from.

Please confirm your declaration with the foregoing by signing and returning to the City herewith.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

Print Name: \_\_\_\_\_

**From:** [Caitlyn Anderson](#)  
**To:** [Paula McKinnon](#)  
**Cc:** [Steven Collyer](#)  
**Subject:** October 6 Resolution  
**Date:** Wednesday, October 7, 2020 3:24:00 PM  
**Attachments:** [image001.jpg](#)

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Hello,

Please be advised that Council at their Regular Council meeting held on Tuesday, October 6, 2020, passed the following resolution:

10.4 **Zoning Amendment Bylaw No. 2020-41**  
 Re: 375 Smythe Drive

**311/2020 It was MOVED and SECONDED**

THAT Council give first reading to "Zoning Amendment Bylaw No. 2020-41", for Lot 2 District Lot 196 Similkameen Division Yale District Plan KAP90446, located at 375 Smythe Drive, a bylaw to rezone the subject property from A (Agriculture) zone to RM1 (Bareland Strata Housing) zone with the following site-specific provisions:

- In lieu of Section 10.7.1.4, duplexes are not permitted.
- In lieu of Section 10.7.1.7, townhouses are not permitted.
- In lieu of Section 10.7.2.3, the maximum density shall be 27 single detached dwellings.
- In lieu of Section 10.7.2.6, the maximum building height for principal buildings shall be 10.5m.

AND THAT prior to the adoption of "Zoning Amendment Bylaw No. 2020-41", the developer is required to pay an amount equal to 15% of the upgrade costs based on the final intersection design of Smythe Drive and Lakeside Road determined through the Transportation Masterplan;

AND THAT Council direct staff to refer the application to the October 21, 2020 meeting of the Agricultural Advisory Committee for feedback on "Zoning Amendment Bylaw No. 2020-41" prior to the Public Hearing;

AND THAT Council forward "Zoning Amendment Bylaw No. 2020-41" to the November 3, 2020 Public Hearing.

**CARRIED UNANIMOUSLY**

I ask that you kindly follow through with the above resolution.

Thank you,

**Caitlyn Anderson, BBA, Deputy Corporate Officer**

City of Penticton | 171 Main Street | Penticton, BC | V2A 5A9  
 p: 250.490.2405 | f: 250.490.2402 | e: [caitlyn.anderson@penticton.ca](mailto:caitlyn.anderson@penticton.ca)



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# Council Report

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**Date:** October 6, 2020  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Steven Collyer, Planner 1  
**Address:** 375 Smythe Drive

File No: RMS/375 Smythe Dr

**Subject:** Zoning Amendment Bylaw No. 2020-41

## Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2020-41", for Lot 2 District Lot 196 Similkameen Division Yale District Plan KAP90446, located at 375 Smythe Drive, a bylaw to rezone the subject property from A (Agriculture) zone to RM1 (Bareland Strata Housing) zone with the following site-specific provisions:

- In lieu of Section 10.7.1.4, duplexes are not permitted.
- In lieu of Section 10.7.1.7, townhouses are not permitted.
- In lieu of Section 10.7.2.3, the maximum density shall be 27 single detached dwellings.
- In lieu of Section 10.7.2.6, the maximum building height for principal buildings shall be 10.5m.

AND THAT prior to the adoption of "Zoning Amendment Bylaw No. 2020-41", the developer is required to pay an amount equal to 15% of the upgrade costs based on the final intersection design of Smythe Drive and Lakeside Road determined through the Transportation Masterplan;

AND THAT Council direct staff to refer the application to the October 21, 2020 meeting of the Agricultural Advisory Committee for feedback on "Zoning Amendment Bylaw No. 2020-41" prior to the Public Hearing;

AND THAT Council forward "Zoning Amendment Bylaw No. 2020-41" to the November 3, 2020 Public Hearing.

## Strategic Priority Objective

**Community Vitality:** The City of Penticton, guided by the Official Community Plan, will promote the economic wellbeing and vitality of the community.

## Proposal

The applicant is proposing to subdivide the property to create a 27-lot bare land strata development consisting of single detached dwellings. The applicant has submitted an application to rezone the property from A (Agriculture) to RM1 (Bareland Strata Housing) in order to facilitate the proposed strata subdivision.

The proposed rezoning includes site specific provisions to prohibit duplexes and townhouses, to limit the maximum number of single detached dwellings to 27, and to allow a maximum principal building height on strata lots of 10.5m.

## Background

The subject property is 4.9 hectares (12 acres) in size and is located on the north side of Smythe Drive (Figure 1). The surrounding land uses are primarily residential and agricultural in nature. The property is near the Lakeside Road residential corridor, and in an area of wineries and other agricultural uses. Smythe Drive is the main access road into Skaha Bluffs Provincial Park to the east. The property is approximately 450 metres east of Lakeside Road, and across Smythe Drive from Painted Rock Winery. The lands slope down towards the west with a total change in grade of approximately 80 metres from east to west. Much of the property was historically used as an orchard. The most environmentally-sensitive area on the site is along the northwest edge of the parcel, as indicated in a preliminary Environmental Assessment report. The applicants have engaged a number of professionals to prepare background reports to assess the development capability of the site, outlined in the Letter of Intent (Attachment 'D').

The property is zoned A (Agriculture) and is designated 'Detached Residential' by the OCP. The OCP contains a site-specific policy statement on this property allowing a maximum of 27 single detached dwellings, with the opportunity for secondary suites but not for carriage houses. The property is not within the Agricultural Land Reserve (ALR).

This Zoning Amendment Bylaw application was submitted in 2018 along with a related OCP amendment application. As the new OCP was under development at that time, the City coordinated the OCP amendment application for the subject property jointly with the new City-wide plan. When the new OCP was adopted in August 2019, a site-specific policy statement affecting this property was implemented after public engagement. Now that the OCP designation is in place, the applicants are proposing to rezone the property to align with the OCP designation and facilitate a strata subdivision. The original proposal for this property was a development including up to 65 townhouses under the RM3 (Medium Density Multiple Housing) zone. Through the public engagement process of developing the new OCP, the proposal has been revised to the current request for a maximum of 27 single detached dwellings in a future strata development under the RM1 (Bareland Strata Housing) zone.

## Financial Implication

The existing intersection at Lakeside Road and Smythe Drive has pre-existing issues that the City is responsible for upgrading. While this proposed development is not creating these issues, it will increase the traffic using this intersection and increase the priority for upgrading this intersection. If this development is supported by Council, the City's Transportation Masterplan will likely increase the prioritization of these

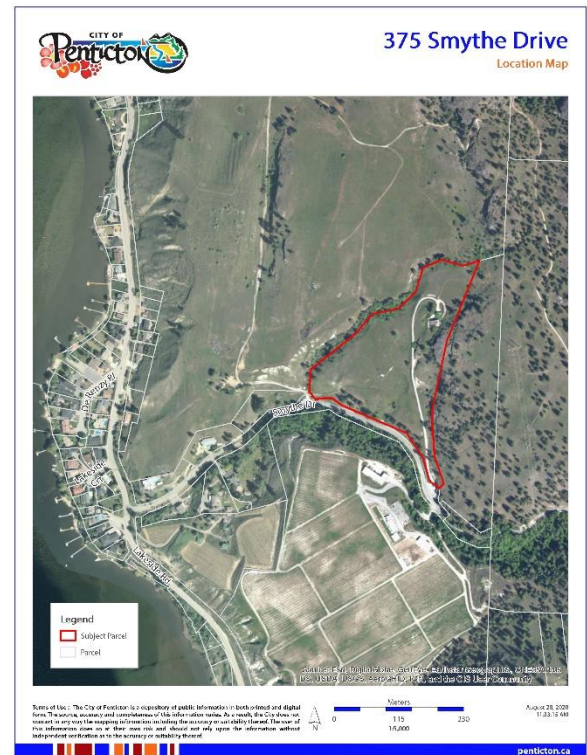


Figure 1 - Location Map

upgrades. Staff are recommending that Council require the developer to provide a financial contribution to assist with offsetting the cost of future intersection upgrades equal to 15% of the cost for the chosen intersection design through the Transportation Masterplan.

This development will bring a total of \$350,811.00 in Development Cost Charges (DCCs) to help offset the added demands on municipal infrastructure and services from the proposed development.

Additionally, the applicant is responsible for all development costs associated with the subject property, including the extension of water and sanitary sewer mains as outlined in the Technical Review section of the report.

### **Technical Review**

This application was reviewed by the Technical Planning Committee (TPC). Requirements of the future strata subdivision stage have been provided to the applicant. The property is within the Environmental and Hillside Development Permit Areas as designated by the OCP. As a condition of subdivision, an Environmental Development Permit and a Hillside Development Permit will be required. The property is located within the wildfire interface. The applicant has engaged qualified professionals to review the suitability of the proposed development in terms of the environmental features and wildfire interface risk. A geotechnical engineer will be required to ensure future grading and development remains stable for the long term.

#### *Development Engineering: On-Site Requirements*

Due to the location of the property at the end of the City's water supply system, there are significant challenges in providing water to the property and to provide sufficient flows to meet the required fire demand. The water service for this site will need to be pumped with a private pump station in order to provide suitable pressures to the entire site and to meet the fire demand. This will be addressed with 100% on-site storage of the required fire water.

As a condition of subdivision the developer will be required to create a storm water plan to manage the storm water on site. This will ensure that there is no negative impacts from the proposed development on the adjacent Gillies Creek.

#### *Development Engineering: Off-Site Requirements*

Access to the subject property is through the existing intersection at Lakeside Road and Smythe Drive. This intersection has a number of pre-existing conditions that limit sight-lines and reduce the functionality of the intersection. The City has commissioned a number of traffic assessments over the years considering a range of upgrade options. While the intersection also supports the Skaha Bluffs Provincial Park, Painted Rock Winery and several residential properties, the addition of these new units are anticipated to increase traffic by 15%. As such, staff are recommending that Council require the developer to provide the City a 15% financial contribution to the future intersection upgrade.

The upgraded intersection design will be approved by Council as part of the Transportation Masterplan. Early estimates of intersection upgrades are as much as \$1.5 million. A 15% contribution of this amount would equate to \$225,000. The Zoning Amendment Bylaw will not be adopted prior to the City receiving the 15% financial contribution to the cost of upgrading the intersection, should Council approve this recommendation.

As the Transportation Masterplan is completed, feedback from the community and the vision for the entire Lakeside Road corridor can be incorporated into a final decision on the intersection design.

### Development Statistics

The following table outlines how the proposed development meets the applicable Zoning Bylaw regulations:

	RM1 Zone Requirement	Provided on Plans
<b>Minimum Parent Parcel Lot Width:</b>	40 m	Approx. 260 m
<b>Minimum Parent Parcel Lot Area:</b>	6,000 m <sup>2</sup>	49,000 m <sup>2</sup>
<b>Maximum Strata Lot Coverage:</b>	50% (single storey building) 40% (two storey building)	Maximum 50% for single storey dwelling <sup>(3)</sup> Maximum 40% for two-storey dwelling <sup>(3)</sup>
<b>Maximum Parent Parcel Density:</b>	Maximum 27 single detached dwellings <sup>(1)</sup>	27 strata lots for single detached dwellings
<b>Vehicle Parking:</b>	2 parking spaces per single detached dwelling 1 additional space per secondary suite	Minimum 2 spaces per single detached dwelling <sup>(3)</sup> Minimum 1 additional space per secondary suite <sup>(3)</sup>
<b>Required Parent Parcel Setbacks</b> Front Yard (Smythe Drive): Side Yard (east): Side Yard (west): Rear Yard:	4.5 m 4.5 m 4.5 m 4.5 m	Minimum 4.5 m <sup>(3)</sup> Minimum 4.5 m <sup>(3)</sup> Minimum 4.5m <sup>(3)</sup> Minimum 4.5m <sup>(3)</sup>
<b>Maximum Building Height</b>	10.5 m <sup>(1)</sup>	Maximum 10.5 m
<b>Other Information:</b>	<ol style="list-style-type: none"> <li>1. Proposed site specific provision</li> <li>2. Duplexes and townhouses are not permitted uses - an additional site-specific provision</li> <li>3. Building setbacks, building heights, strata lot coverage and parking requirements will be confirmed at the building permit stage</li> </ol>	



## Analysis

The OCP designation for the property is 'Detached Residential'. This property has a site-specific policy statement which limits the number of single detached dwellings on the property to 27, allows secondary suites, and prohibits carriage houses (Figure 2). This site-specific policy statement was developed through the creation of the new OCP, adopted by Council in 2019.

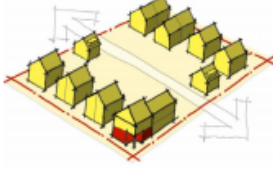
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
<b>Detached Residential</b> 	Lower-density areas of single detached houses and/or duplexes in primarily residential neighbourhoods including single-detached bareland stratas	<ul style="list-style-type: none"> <li>Single detached houses with secondary suites or carriage houses</li> <li>Duplexes</li> <li>Small-scale neighbourhood commercial building (e.g., corner store, coffee shop)</li> <li>Manufactured homes</li> </ul>	<ul style="list-style-type: none"> <li>Residential</li> <li>Limited retail/service</li> </ul>	<ul style="list-style-type: none"> <li>1 or 2 units per lot</li> <li>Generally up to 2 ½ storeys to reflect 30' maximum in Zoning Bylaw</li> </ul>	<ul style="list-style-type: none"> <li>R1</li> <li>R2</li> <li>R3</li> <li>RD1</li> <li>RSM</li> <li>C2</li> </ul>
<b>Site-Specific Detached Residential Policy Statement:</b> 375 Smythe Drive: a maximum of 27 detached single-family houses are permitted on this site. Houses may include secondary suites but not carriage houses.					

Figure 2 - Detached Residential designation with site-specific policy for 375 Smythe Drive

The Detached Residential land use designation supports lower-density neighbourhoods with properties having 1 to 2 dwelling units. Common housing forms in the Detached Residential designation include single detached dwellings, with or without a secondary suite or a carriage house, and duplexes as long as there is a maximum of 2 dwelling units on-site. The proposed rezoning to facilitate a 27 lot strata subdivision of single detached dwellings is consistent with the uses envisioned in the Detached Residential land use designation. Duplexes and carriage houses, while consistent with the Detached Residential designation, are not permitted uses in the proposed site-specific rezoning.

Staff consider that the proposed rezoning will allow for development that conforms to several OCP policies (Attachment 'D'). The strata subdivision configuration maintains a large portion of the property undeveloped to create an environmental buffer around the proposed strata subdivision (Attachment 'E').

Staff consider that the application proposes an appropriately scaled development in an area of the community that has been identified for low density residential development by the OCP. The site-specific OCP designation outlines a maximum 27 single detached houses on this property, which is consistent with the proposed rezoning. The Zoning Amendment Bylaw includes site-specific provisions such as limiting the maximum density, prohibiting townhouses and duplexes, and increasing the maximum building height in order to be consistent with the development regulations in other single detached residential zones such as R1 and R2.

This property falls within an Environmental Development Permit Area and Hillside Development Permit Area as designated by the OCP. Should the subject rezoning be approved, an Environmental Development Permit and Hillside Development Permit will be required as conditions of the Preliminary Layout Approval (PLA) of the proposed strata subdivision. Council is the approval authority for Hillside Development Permits, and should the rezoning be approved and PLA issued, a Hillside Development Permit application will come before Council for consideration at the appropriate time.

Given that there is adequate policy through the OCP to support the rezoning and future development, staff recommend Council give first Reading to "Zoning Amendment Bylaw No. 2020-41" and forward it to the November 3, 2020 Public Hearing, after the October 21, 2020 Agriculture Advisory Committee meeting.

### Alternate Recommendations

Council may consider the proposed rezoning is not appropriate for the subject property and that the lands should remain zoned A (Agriculture). If this is the case, Council should deny first reading of Zoning Amendment Bylaw No. 2020-41. Staff are recommending against this option as, in staff's opinion, the proposed rezoning is consistent with the OCP.

1. THAT Council deny first reading of Zoning Amendment Bylaw No. 2020-41.

Council may choose to support the Zoning Amendment Bylaw without the financial contribution to intersection improvements at Lakeside Road and Smythe Drive. Council may consider this option if they consider that the financial contribution would cause an undue hardship on the developer. The developer is responsible for significant, although standard expenses in developing the property including the extension of municipal infrastructure. In addition, Council may feel the Lakeside Road and Smythe Drive intersection safety concerns pre-date this proposed development and the developer should not be responsible for a financial contribution to its future upgrades. If this is the case, Council may choose to give first reading of Zoning Amendment Bylaw No. 2020-41, and exclude the recommendation that the developer be responsible for a financial contribution towards intersection upgrades.

2. THAT Council give first reading to Zoning Amendment Bylaw No. 2020-41  
AND THAT the developer is not required to provide a financial contribution to future upgrades of the intersection of Lakeside Road and Smythe Drive.

### Attachments

Attachment A – Zoning Map  
Attachment B – Official Community Plan Map  
Attachment C – Property Photos  
Attachment D – Letter of Intent  
Attachment E – Official Community Plan Policy Review (staff)  
Attachment F – Proposed Strata Subdivision Plan  
Attachment G – Zoning Amendment Bylaw No. 2020-41

Respectfully submitted,

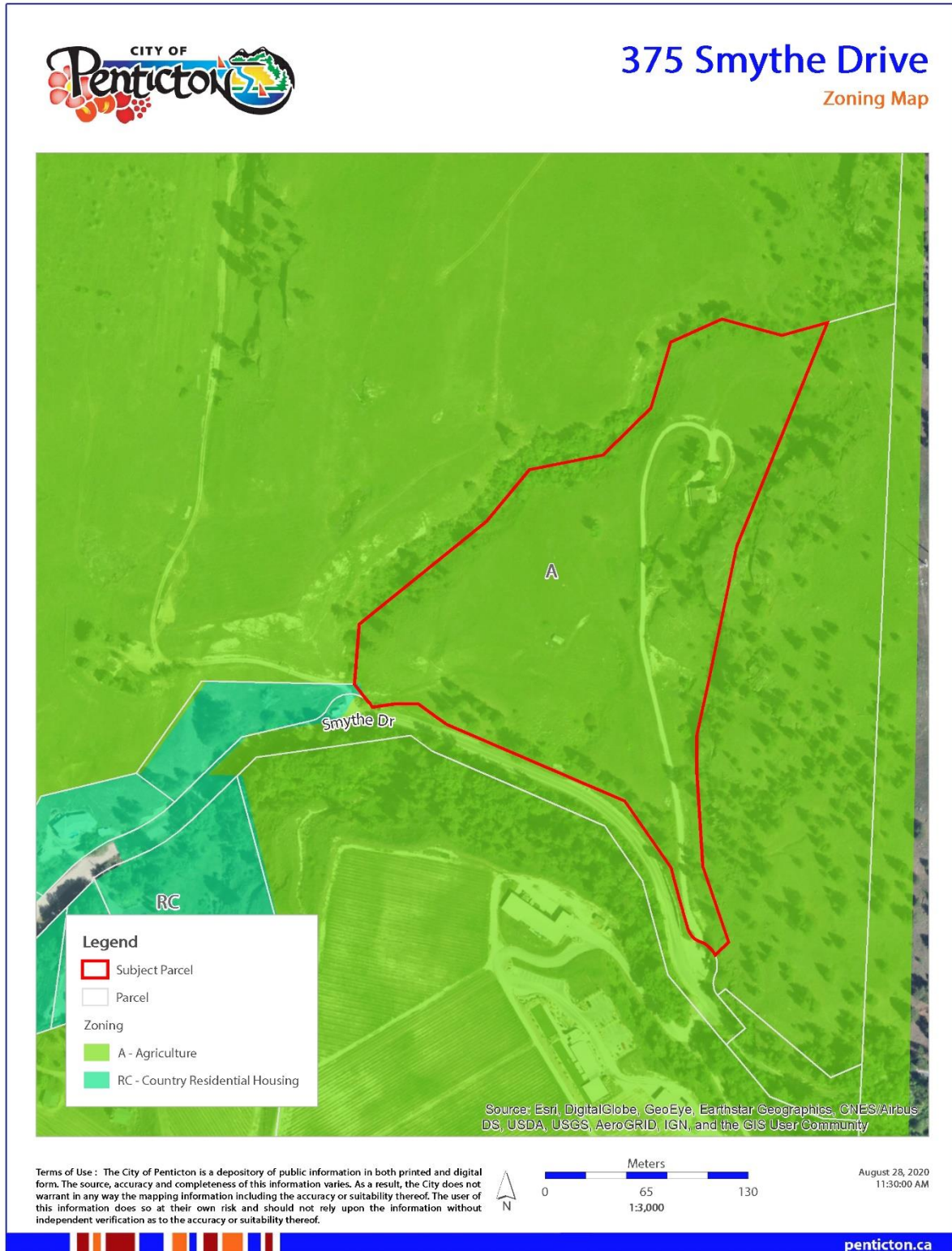
Steven Collyer, RPP, MCIP

Planner 1

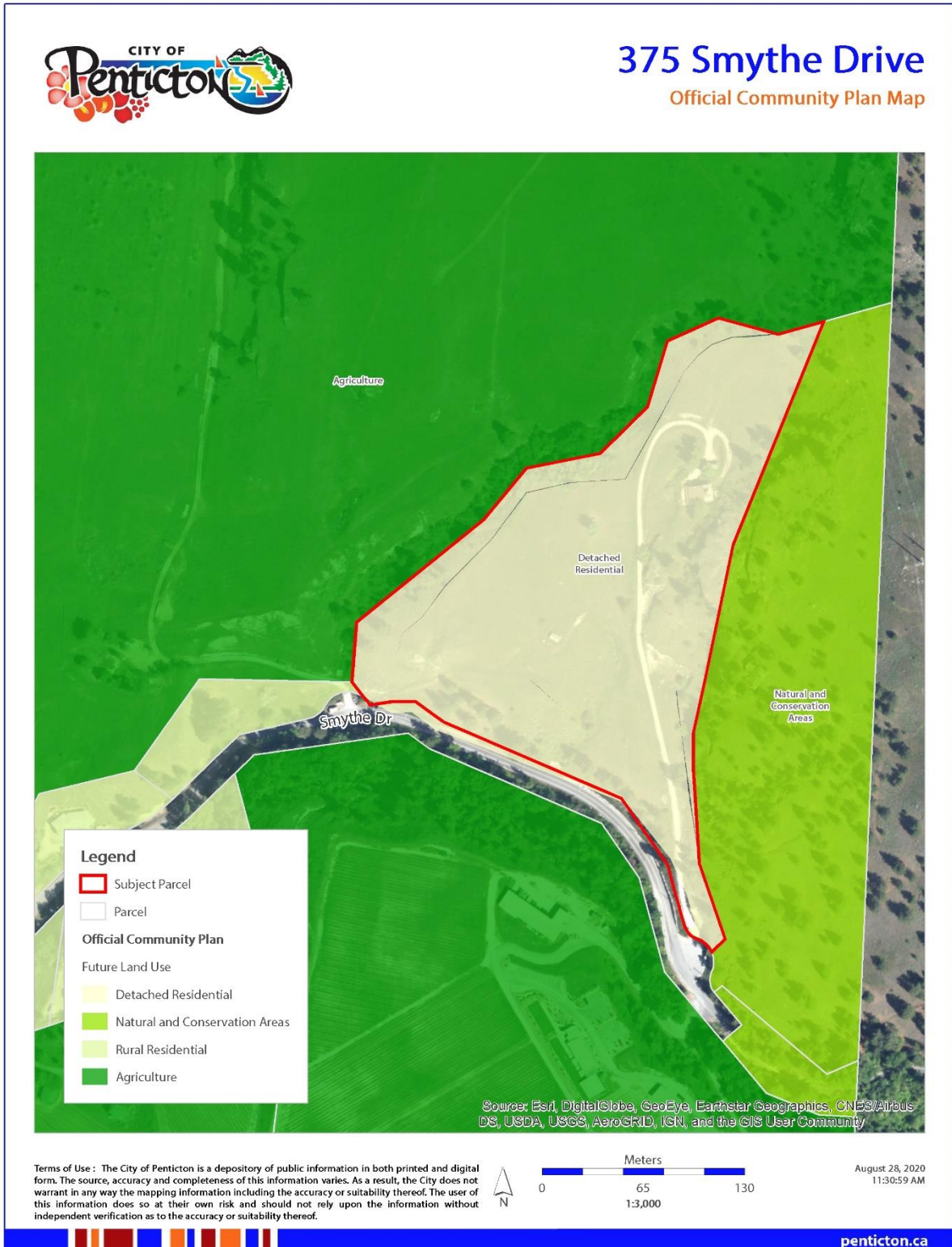
Director	A/Chief Administrative Officer
<i>BL</i>	JB



Attachment A – Zoning Map

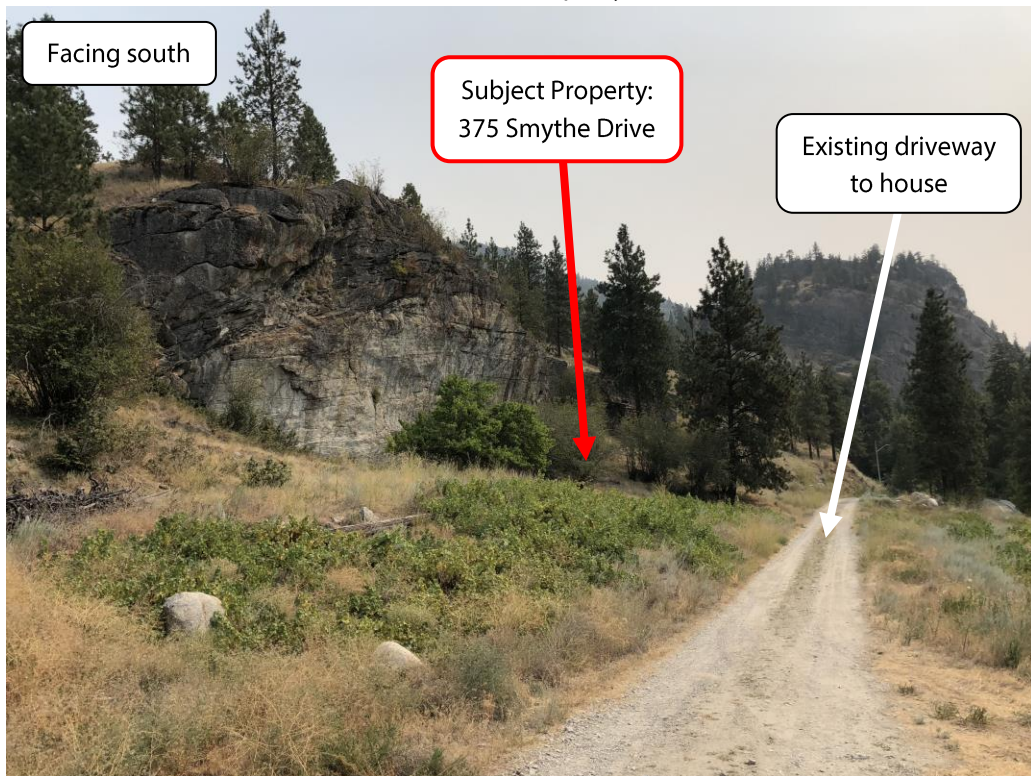


Attachment B – Official Community Plan Map





Attachment C – Property Photos







Facing west

Subject Property:  
375 Smythe Drive

View from existing house

## Attachment D – Letter of Intent



October 29, 2019

Ecora File No.: CP-19-143-SKI

City of Penticton  
171 Main Street  
Penticton, BC V2A 5J9

**Attention:** Planning Department

**Reference:** Amendment to Rezoning Application for 375 Smythe Drive

Ecora Engineering and Resource Group Ltd. (Ecora) was requested to prepare an amendment to the Rezoning Application of March 2018 for 375 Smythe Drive. The original application was to amend the Community Plan and rezone the site to RM3 for 65 townhouse units. Since the original rezone application was submitted, participation by the Owner in the new Community Plan process including consultation with the neighbourhood has resulted in the new OCP designation of Detached Residential with up to 27 single family lots on the property. The rezone application is amended to RM1, with some site specific provisions.

#### **Proposed Development**

The Concept Plan for the site is for a bare land strata development of 27 lots, accessed from the eastern end of Smythe Drive. The lots are largely located on the former orchard bench lands of the property. An emergency egress route is proposed from the western end of the property to a lower area of Smythe Drive.

This site is designated as a "Hillside Development Permit Area" and as an "Environmental Protection Development Permit Area". At the time of subdivision, Development Permits will be required to address Community Plan guidelines for Hillside and Environmental purposes. Note that the development Concept Plan reflects protection of environmentally sensitive lands and steep slopes / hazard lands.

#### **RM1 Zone**

The design of the strata development presented for the Community Plan Review process was based on the R1 zone. In discussions with City staff, it was agreed that the RM1 zone, being the bare land strata zone, is the most appropriate for this development. This zone would be amended with Site Specific provisions for 375 Smythe Drive as follows:

- **Section 10.7.1 Permitted Uses :**  
Remove .7 townhouse as a permitted use. Note that this zone does not permit carriage houses.
- **Section 10.7.2 Subdivision and Development Regulations :**
  - Amend .4 Maximum density from 25 dwellings / ha to a maximum of 27 single family dwellings
  - Amend .6 Maximum height: i. Principal building from 8.5m to 10.5m, being the maximum height in the Single Family R1, R2 and R3 zones.

Ecora Engineering & Resource Group Ltd.  
201 - 284 Main Street, Penticton, BC V2A 5B2  
| P: 250.492.2227 | F: 250.492.2135  
[www.ecora.ca](http://www.ecora.ca)



These amendments to RM1 zone represent the development limitations outlined in the new Community Plan for 375 Smythe Drive.

### **Background Professional Reports**

In support of development of 375 Smythe Drive, a number of professional reports were submitted as follows:

1. Servicing: Water service to the new development will be connected to the existing main in Smythe Drive with a booster pump located at the base of the development. On-site private water storage comprised of 5 x 100,000 L storage tanks will provide domestic water and fire protection. The strata will be responsible for this system. Sanitary sewer will gravity into the existing sanitary sewer main in Smythe Drive. Storm water will be collected in on-site storage facilities to be infiltrated into the ground or slow-released into the existing culvert in Smythe Drive that flows into Gilles Creek. All services will be installed to City standards and at the cost of the Developer.
2. Geotechnical: Rock Glen Consulting Ltd, Geotechnical Assessment for Proposed 3 Lot Subdivision at 417 Smythe Drive, 2009. The report notes that slopes adjacent to and within the property are generally stable, native soils are suitable for residential housing and there is a low risk of landslides. A plan was provided to identify developable areas at 375 Smythe Drive. Updated assessment 2018 for 375 Smythe Drive development site. Review of buildable area slope setbacks for Lot 2. Preparation of "Developable Area Plan".
3. Environmental:
  - a. Lisa Scott, 4850 Lakeside Road Environmental Assessment – Phase 1. 2007. Environmental Impact Assessment of 4 parcels including the subject site. The subject property is noted largely as "Cultivated Orchard" with some steep slopes. There is a riparian area along the northern edge of the site and along Gillies Creek. Habitat types on the site include Paper Birch – Snowberry along the southern side and Ponderosa Pine -, Selagenella. The upper eastern portion of the site with rocky outcrops and grass lands has some high habitat values – most of this area is located on the adjacent lot B that is zoned CA, Conservation Area.
  - b. Wildrock Environmental. Consultants Environmental Assessment and Mitigation Plan. 2018. Prepared for 375 Smythe Drive. Notes that much of the subject site was used as an orchard and a residence. Established Environmental Sensitive Area ratings, with the cultivated orchard area that is rated as ESA 4. ESA 1 lands located along the southern, north eastern and part of the north western slopes of the property. Some ESA designations 2 and 3 along the north western slopes. Avoid development in ESA 1 area and offset any impacts in ESA 2 and 3 areas. Noted no impact of the Gillies Creek Riparian Area on the developable area of Lot 2.
4. Forest Fire Interface: F. Marshall. Wildland Fire Urban/Interface Report for Painted Rock Vineyards, 2008. This report reviewed lands both on the north and south side of Gillies Creek - the northern lands are the subject of this application, The overall fire hazard rating of the site and adjacent area is Low to Moderate. The draw located along the northern edge of the bare land strata subdivision was rated as having a Moderate fire hazard. Recommendations for development include FireSmart principles and fuel modification in the north draw. The Gillies Creek draw, with valuable riparian and habitat values, should largely be left as is, with some minor work suggested.
5. Riparian Area Assessment: Wildstone Information Requirements to complete RAR assessment.2007. This letter recommends a 15 - 30.0m SPEA along Gillies Creek.
6. Archaeological: Penticton Indian Band. Preliminary Archaeological Impact Assessment. 2018. This assessment identified an area of high potential along the northern slopes of Gillies Creek and the draw along



Subject

File No: CP-19-143-SKI | October 2019

the northern edge of the site. PIB will work with the owner to avoid impacting the site or recovering site information and conduct further monitoring during land altering activities.

Traffic Report: Opus Traffic Review for the proposed Smythe Drive Area Plan. 2007. Pre-Design Safety Review of Smythe Drive and Lakeside Road. 2008. A Traffic Study by Opus Hamilton Consultants from 2007 was prepared for the larger development of 75 townhouses and 57 townhouses proposed at that time. Based on the trip generation rates in this study, afternoon peak traffic generated by a new development on Smythe Drive would represent about a 3% increase in traffic on Lakeside Road. However, in the peak afternoon hour traffic leaving and returning at Smythe Drive would increase from 36 existing vehicles by about 14 additional vehicles. While not a large impact, the proposed development would increase the number of turning movements at this intersection. The 2008 study discussed the sight line issues with the intersection of Lakeside and Smythe and proposed 4 conceptual options to improve safety.

#### **Intersection of Lakeside Road and Smythe Drive**

There are a number of overall concerns about Lakeside Road and traffic volumes. This Collector Road is developed as a rural cross-section, with no curbs and sidewalks for pedestrians and narrow or no road shoulder for cycling safety. The intersection with Smythe Drive has safety concerns due to limited sight lines for traffic approaching from the south due to horizontal and vertical curves and a step bank and vegetation on the east side of the roadway.

The City is in the process of reviewing intersection improvement options and be recommending an approach to addressing safety concerns.

There has been extensive public consultation on the proposed development during the Community Plan Review process. Additional input will be sought by the Owner, either in conjunction with the City's consultation on intersection improvement options or at a separate event.

We trust this proposal meets your present requirements. If you have any questions or comments, please contact the undersigned.

Sincerely

**Ecora Engineering & Resource Group Ltd.**

Donna Butler, MCIP, RPP  
Senior Planner  
Direct Line: 250.492 2227 x 1070  
Email: donna.butler@ecora.ca

**ecora**

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## Attachment E – Official Community Plan Policy Review (staff)

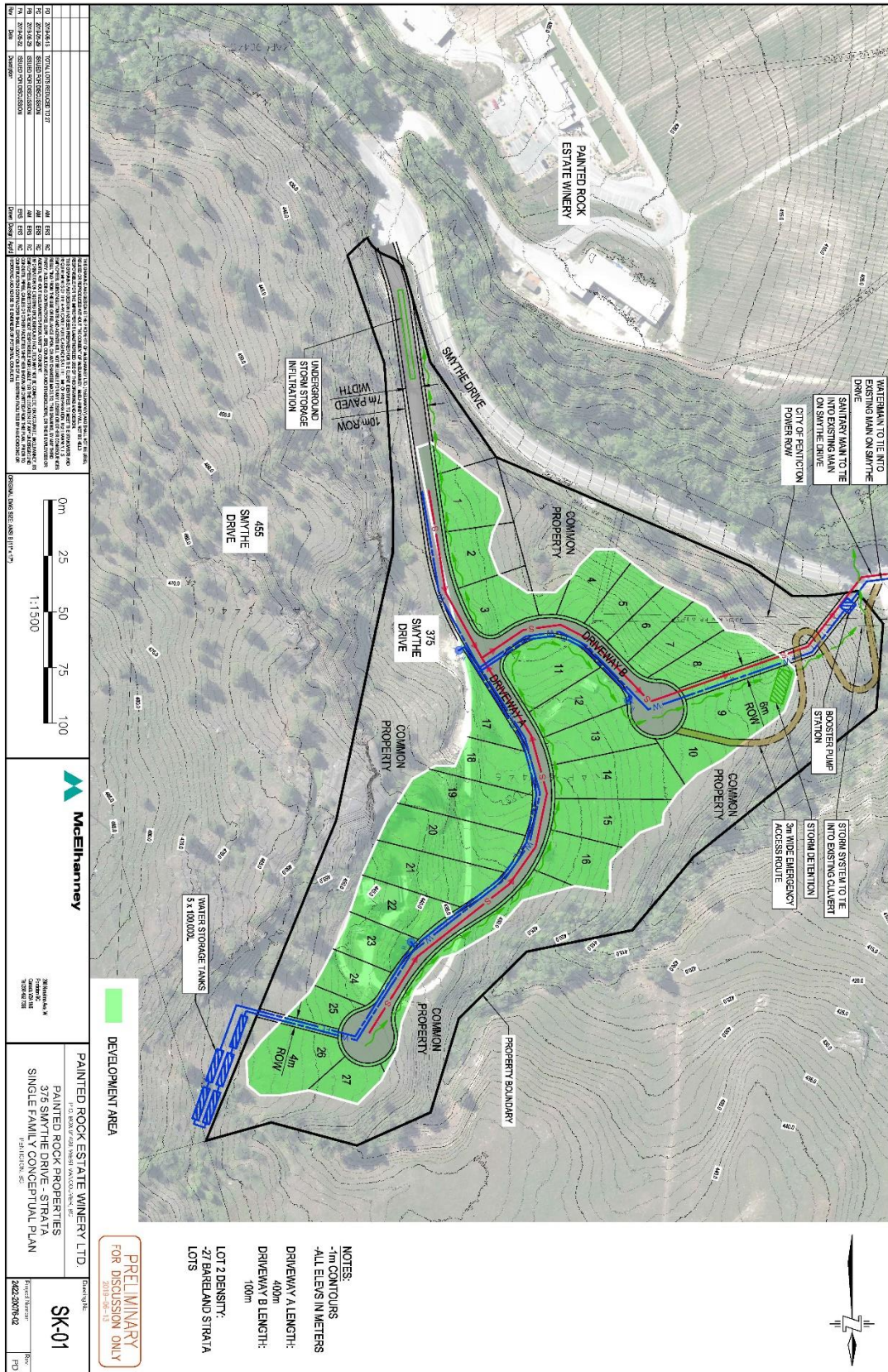
- Policy 4.1.1.2 Avoid development in environmentally-sensitive areas, geological hazard and flood hazard areas, on steep slopes, in agricultural areas and in areas not readily served by transit.
- The applicant has contracted environmental, geotechnical, wildfire and riparian consultants to determine the proposed strata subdivision layout. The compact nature of the proposed strata subdivision maintains a substantial area of the lot as common property and undeveloped.
- Policy 4.1.1.3 Evaluate the short-term and long-term financial, ecological and social costs and benefits of all proposed new greenfield (largely on hillsides) development proposals through analysis of full life cycle costs of infrastructure, including replacement, and services, and structured assessment of environmental and social impacts.
- This proposed development was considered through the development of the OCP. The applicant is required to pay Development Cost Charges, as well as additional infrastructure for the provision of water and sanitary to service the development.
- Policy 4.1.1.4 Ensure all new developments fully cover the cost of the required infrastructure and services they require, including roads, water, sewer, storm water, and provision of parks, schools, and emergency services.
- The developer is responsible for infrastructure services related to the proposed development. Staff are recommending that Council require the developer contribute to future intersection upgrades at Smythe Drive and Lakeshore Road.
- Policy 4.1.3.4 Encourage developments that include one-bedroom and two-bedroom units in suitable neighbourhoods to enable people to downsize as they age and to provide entry-level housing for those people entering the housing market. At the same time, provide 3-bedroom units, or larger, to accommodate families.
- The proposed strata subdivision will consist of single detached dwellings, with the opportunity for secondary suites. These housing types provide options for families, renters, and multigenerational households.
- Policy 4.1.4.1 Work with the development community – architects, designers and builders – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.
- The developers and their contracted professionals have designed the proposed strata subdivision in relation to its context. The development area is limited to 2.44 hectares (50% of the property) to maintain an environmental buffer around the development. The development area was also reviewed by the Geotechnical engineer and located accordingly based on the site conditions.



- Policy 4.1.4.2 Ensure that housing – both owner occupied and rental – is well-managed and meets community expectations for standards of maintenance, upkeep and cleanliness.
- The proposed development is a strata which will maintain the common property on the lot.
- Policy 4.1.6.1 Ensure all residential neighbourhoods in Penticton provide a range of appropriately-scaled housing types and tenures, employment opportunities such as home-based businesses, transportation options like walking and cycling, social supports such as childcare facilities, and access to green space and parks.
- The proposed rezoning allows for single detached dwellings with the opportunity for secondary suites. These housing types provide ownership and rental options for residents, as well as the opportunity for multigenerational households. Staff will encourage the developer provide common amenity space for the strata. While it is located close to a provincial park, on-site amenity space will be valuable for future residents.
- Policy 4.2.7.8 Ensure new residential developments provide an appropriate amount of parking for residents and their guests.
- The applicant will be required to provide the required number of parking spaces per strata lot, at the development stage. The Zoning Bylaw requires 2 parking space per single detached dwelling, with one additional parking space if a secondary suite is constructed in the single detached dwelling.
- Policy 4.4.1.1 Protect neighbourhoods and agricultural areas in wildfire interface areas, and the city at large, through implementation of wildfire best management practices, such as ecologically-appropriate FireSmart, in new neighbourhood and infrastructure design, building construction and management of individual properties.
- The applicant is aware of FireSmart practices, which guide the strata subdivision configuration and future building materials.
- Policy 4.4.2.1 Identify environmentally sensitive area and riparian areas, and protect them through application of the Environmental and Riparian Development Permit Guidelines.
- An Environmental Development Permit is required as a condition of strata subdivision, should the rezoning be approved. The applicant has provided Environmental Assessment Reports which have led to the proposed strata subdivision layout and configuration.
- Policy 4.4.2.2 Identify, preserve, protect, connect, restore and enhance wildlife corridors through land use designations, zoning and covenants.
- Preliminary environmental reports have guided the proposed strata subdivision into the current configuration. An environmental buffer is maintained around the perimeter of the property and 50% of the site is outside the development area.
- Policy 4.4.4.4 Encourage the development of compact, mixed-use neighbourhoods, where appropriate, and support transit use, walking, cycling, car-sharing and low-emission vehicles.
- The proposed strata subdivision is concentrated in one area of the lot and maintains a large amount of the property undisturbed. The strata

subdivision layout maintains environmental features around the development and provides natural recreation opportunities to residents on the common property.

## Attachment F – Preliminary Strata Subdivision Plan





## 2020 Agriculture Advisory Committee Meeting Dates

Meeting commences at 3:00 p.m.

Council Chamber, City Hall, 171 Main Street (Second Level)

Month	Date
January	-
February	19
March	18
April	22
May	20
June	17
July	22
August	19
September	16
October	21
November	18
December	9