

February 3, 2022

Address & Legal Description

3170 Juniper Drive

Lot 7 District Lot 2710 Similkameen Division

Yale District Plan 26199

Subject & Proposal

Zoning Amendment Bylaw 2022-08

The applicant is proposing to subdivide the subject property into two (2) lots (Figure 1). In order to facilitate the proposed subdivision and smaller lot sizes, the applicant has requested to rezone the property from RC (Country Residential) to R1 (Large Lot Residential). Should the rezoning be adopted, the subdivision would create one new single detached building lot.

Property Location

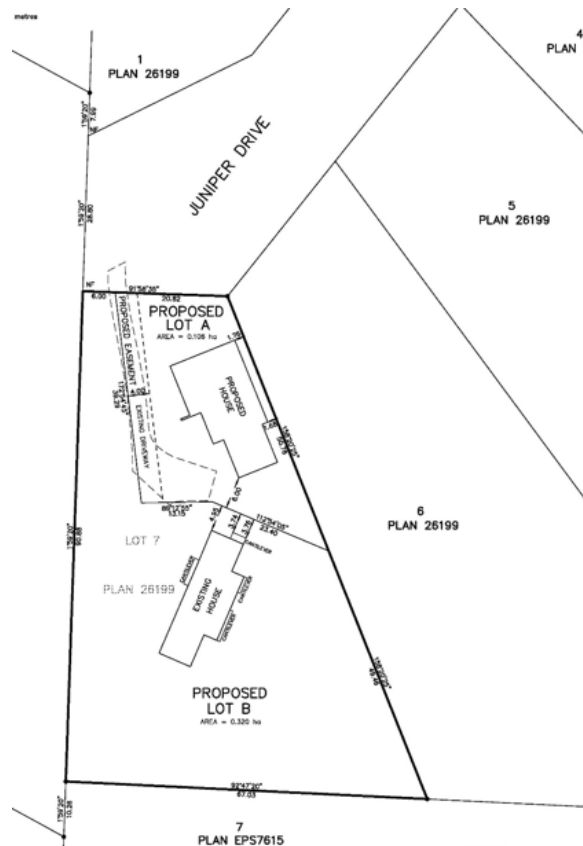


Figure 1: Proposed Subdivision

Information:

You can find the staff report to Council and Zoning Amendment Bylaw 2022-08 on the City's website at www.penticton.ca/publicnotice.

Please contact the Planning Department at planning@penticton.ca or (250) 490-2501 with any questions.

Council Consideration:

A Public Hearing has been scheduled for **6:00 pm, Tuesday, February 15, 2022** at Penticton City Hall, 171 Main St.

In response to COVID-19, the Public Hearing is being held electronically via zoom. All meetings and public hearings will be live streamed via the City's website at: www.penticton.ca/city-hall/city-council/council-meetings. Select the 'Watch Live' button.

Public Comments:

Any person whose interest may be affected by the proposed bylaw:

1. May participate at the public hearing via Zoom. Please visit www.penticton.ca/publichearings for details and the Zoom link.
2. May participate at the public hearing via telephone. Please visit www.penticton.ca/publichearings for details and the telephone number.
3. Submit written comments by mail or email no later than 9:30 am, Tuesday, February 15, 2022, to

Attention: Corporate Officer, City of Penticton
171 Main Street, Penticton, B.C. V2A 5A9
Email: publichearings@penticton.ca

Please ensure the following is included in your correspondence:

Subject: Zoning Amendment Bylaw 2022-08; 3170 Juniper Drive

No letter, report or representation from the public will be received by Council after the conclusion of the February 15, 2022 Public Hearing.

Please note that all correspondence submitted to the City of Penticton in response to this Notice must include your name and address and will form part of the public record and will be published in a meeting agenda when this matter is before the Council or a Committee of Council. The City considers the author's name and address relevant to Council's consideration of this matter and will disclose this personal information. The author's phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.

Audrey Tanguay
Planning Manager

Date: February 1, 2022
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 3170 Juniper Drive
Subject: Zoning Amendment Bylaw No. 2022-08

File No: RMS/3170 Juniper Dr

Staff Recommendation

THAT Council give first reading to “Zoning Amendment Bylaw No. 2022-08”, a bylaw to rezone Lot 7 District Lot 2710 Similkameen Division Yale District Plan 26199, located at 3170 Juniper Drive, from RC (Country Residential) zone to R1 (Large Lot Residential) zone, to allow for a future 2-lot subdivision;

AND THAT Council forward “Zoning Amendment Bylaw No. 2022-08” to the February 15, 2022 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 subject property into two (2) lots (Attachment ‘E’). In order to facilitate the proposed subdivision and smaller lot sizes, the applicant has requested to rezone the property from RC (Country Residential) zone to R1 (Large Lot Residential) zone. Should the rezoning be adopted, the subdivision would create one new single detached building lot (Attachment ‘D’).

Background

The subject property is approximately 4,290m² (1.06 acres) in size and is located on the east side of Juniper Drive, south of Pineview Road (Figure 1). The property contains a single detached dwelling located in the middle of the lot. The terrain of the subject property slopes down from east to west. The property is currently zoned RC (Country

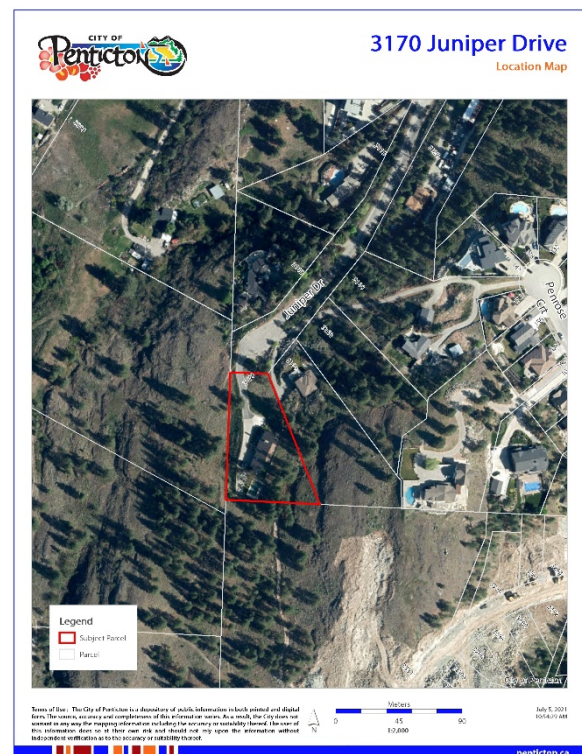


Figure 1 - Property location map

Residential) and is designated 'Detached Residential' in the Official Community Plan, which supports R1 zoned lots.

Surrounding properties on Juniper Drive contain single detached dwellings. This area has undergone a transition in recent years as residential subdivisions have occurred nearby, along Juniper Drive, Gordon Place, and Penrose Court. The subject property was originally developed as a single family lot in the 1970's with a private, on-site well and septic system. Over the years, municipal infrastructure has been installed along sections of Juniper Drive. As the result of a subdivision on the adjacent property (3180 Juniper Drive), municipal water and sanitary sewer mains were recently extended to the end of Juniper Drive. The subject property now has the opportunity to connect to city water and sanitary services, enabling subdivision of smaller lots along Juniper Drive without needing to provide on-site services.

Financial Implication

The applicant is responsible for any required upgrades to service the proposed new lot through the subdivision process. This property is also subject to a latecomer's agreement (refer to Technical Review section of this report). It is the City's responsibility to administer the latecomer's process. The property owner will pay Development Cost Charges (DCC's) on the proposed new lot to help offset the added demand on municipal infrastructure.

Technical Review

This application was reviewed by the City's Technical Planning Committee (TPC). Future requirements related to the proposed subdivision were also provided to the applicant. An Environmental Development Permit and Wildfire Risk Assessment will be required as conditions of subdivision. The applicant provided information to confirm the new property line was sufficiently setback from the existing house to meet the BC Building Code spatial separation requirements and Zoning Bylaw setbacks.

On December 8, 2020, Council passed an excess and extended service resolution related to the recent subdivision of 3180 Juniper Drive, the adjacent lot to the subject property. As a result, the existing water and sewer mains in Juniper Drive are being extended to the end of the street. As 3170 Juniper Drive (subject property) will benefit from the water and sanitary sewer mains being extended across the entire property frontage, the subject property owner will be required to pay their contribution of the infrastructure improvements if the proposed subdivision occurs within the next 15 years. The funds would be transferred back to the original payee of the works.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the development application:

| | RC Zone Requirement | R1 Zone Requirement | Proposed on Plans |
|-----------------------------|----------------------|---------------------|---|
| Minimum Lot Width | 45 m | 16 m | 28.7 m and 36.5 m |
| Minimum Lot Area | 4,000 m ² | 560 m ² | 1,080 m ² and 3,200 m ² |
| Maximum Lot Coverage | 15% | 40% | <i>No building plans submitted</i> |

| | | | |
|--------------------------------|--|--------|------------------------------------|
| Maximum Building Height | 10.5 m | 10.5 m | <i>No building plans submitted</i> |
| Required Setbacks | | | |
| Front Yard | 9.0 m | 6.0 m | <i>No building plans submitted</i> |
| Side Yard | 4.0 m | 1.5 m | |
| Rear Yard | 6.0 m | 6.0m | |
| Other Information | Although no building plans have been submitted with this application, the proposed new lot is almost twice as large as the minimum lot area required in the R1 zone, providing sufficient room for a future home to be built in accordance with the R1 zone regulations. Should any requirements not be achievable at time of building design, a variance may be required. | | |

Analysis

When considering a zoning amendment bylaw application, staff encourages Council to consider the OCP policies, the property's future land use designation, and the potential impacts on neighbouring properties.

Staff consider that the proposed rezoning and two-lot subdivision conforms to the following OCP Policies:

- Policy 4.1.1.1 Focus new residential development in or adjacent to existing developed areas.
- *Staff: The subject property is located adjacent to single-detached residential development, and the proposed rezoning to R1 is consistent with the current zoning on properties in the surrounding area.*
- Policy 4.1.3.3 Foster diversity and create relative affordability while maintaining neighbourhood character in single-family areas by encouraging the creation of smaller-frontage lots in new neighbourhoods and subdivisions, and permitting the subdivision of larger lots in established neighbourhoods where access and servicing are adequate.
- *Staff: The proposal would create one new, smaller frontage residential building lot, which would be serviced by municipal water and sewer systems.*
- Policy 4.1.5.1 Recognize that some traditionally single-family neighbourhoods will see intensification as the city grows, but ensure that new forms of residential development are compatible with the neighbourhood in scale and design, and are appropriately located (e.g., greater density closer to collector roads, services and amenities).
- *Staff: The proposed rezoning and subdivision will continue to allow single detached dwellings on each lot, with a similar residential lot size as the recently subdivided lots in the surrounding area.*

The subject property is designated 'Detached Residential' by the OCP. The Detached Residential designation envisions lower-density neighbourhoods consisting of single detached houses and/or duplexes (Figure 2). The proposed rezoning will allow for one single detached dwelling on the new lot (among other accessory uses/structures), which is consistent with the uses envisioned by the Detached Residential designation.

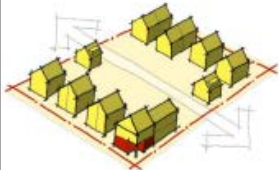
| Land Use | Description | Building Type(s) | Uses | Height / Density | Zone(s) |
|--|--|--|--|--|--|
|  Detached Residential | Lower-density areas of single detached houses and/or duplexes in primarily residential neighbourhoods including single-detached bareland stratas | <ul style="list-style-type: none"> • Single detached houses with secondary suites or carriage houses • Duplexes • Small-scale neighbourhood commercial building (e.g., corner store, coffee shop) • Manufactured homes | <ul style="list-style-type: none"> • Residential • Limited retail/ service | <ul style="list-style-type: none"> • 1 or 2 units per lot • Generally up to 2 ½ storeys to reflect 30' maximum in Zoning Bylaw | <ul style="list-style-type: none"> • R1 • R2 • R3 • RD1 • RSM • C2 |
| <p>Site-Specific Detached Residential Policy Statement: 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.</p> | | | | | |

Figure 2 - Excerpt from Land Use Designations table, Official Community Plan

The proposed rezoning and two-lot subdivision is not anticipated to negatively impact surrounding neighbours. As shown on the Zoning Map (Attachment 'A'), the proposed R1 (Large Lot Residential) zoning on the subject property exists on many other properties in the immediate area. The RC (Country Residential) zone is intended for rural residential development on large lots not connected to full municipal services (water and sanitary sewer). Since municipal services have recently been extended to the end of Juniper Drive, it is considered an efficient use of City infrastructure to allow more connections to those services through appropriate subdivision of these larger properties. The proposed development allows moderately increased density while maintaining the single-detached housing form in the area. The proposed new lot complies with the R1 (Large Lot Residential) zone lot area and lot width requirements, without requiring variances. Should variances be requested for future buildings on any of the proposed lots, a new application would come before Council and neighbours would have the opportunity to comment at that time.

In summary, staff consider that the proposed development is consistent with the detached residential character of the neighbourhood. No variances to the Zoning Bylaw regulations are requested at this time. Future buildings on the proposed lot will be required to comply with the R1 (Large Lot Residential) zone provisions. Finally, having additional lots along the newly installed services will make more efficient use of the services. Given these reasons, staff are recommending that Council give first reading to "Zoning Amendment Bylaw No. 2022-08" and forward the bylaw to the February 15, 2021 Public Hearing.

Alternate Recommendations

Council may consider the proposed rezoning from RC (Country Residential) zone to R1 (Large Lot Residential) zone is undesirable, and that the property should remain under the existing RC zoning. If this is the case, Council should deny first reading of the zoning amendment bylaw. Staff are recommending against this option, as in staff's opinion the proposed rezoning is consistent with the Official Community Plan and will allow a consistent housing form as the surrounding area.

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2022-08".

Attachments

Attachment A – Zoning Map

- Attachment B – Official Community Plan Map
- Attachment C – Photos of Property
- Attachment D – Letter of Intent
- Attachment E – Proposed Subdivision Sketch
- Attachment F – Zoning Amendment Bylaw No. 2022-08

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

Concurrence

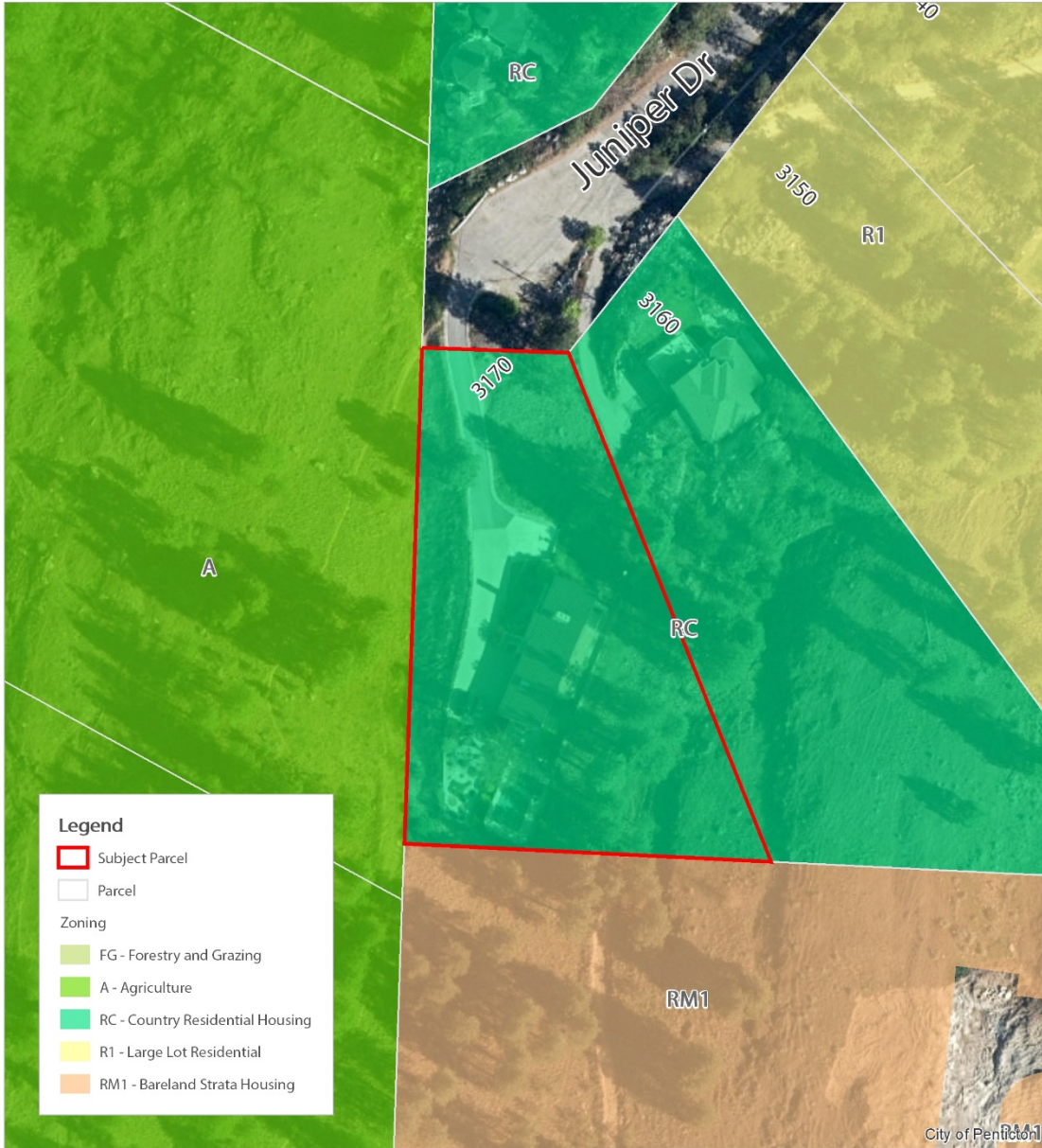
| | |
|--|---|
| Director of Development Services <i>BL</i> | Chief Administrative Officer DvD |
|--|---|

Attachment A – Zoning Map



3170 Juniper Drive

Zoning Map



Legend

- Subject Parcel
- Parcel

Zoning

- FG - Forestry and Grazing
- A - Agriculture
- RC - Country Residential Housing
- R1 - Large Lot Residential
- RM1 - Bareland Strata Housing

Terms of Use: The City of Penticton is a depository of public information in both printed and digital form. The source, accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information including the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.



July 5, 2021
10:53:18 AM

City of Penticton

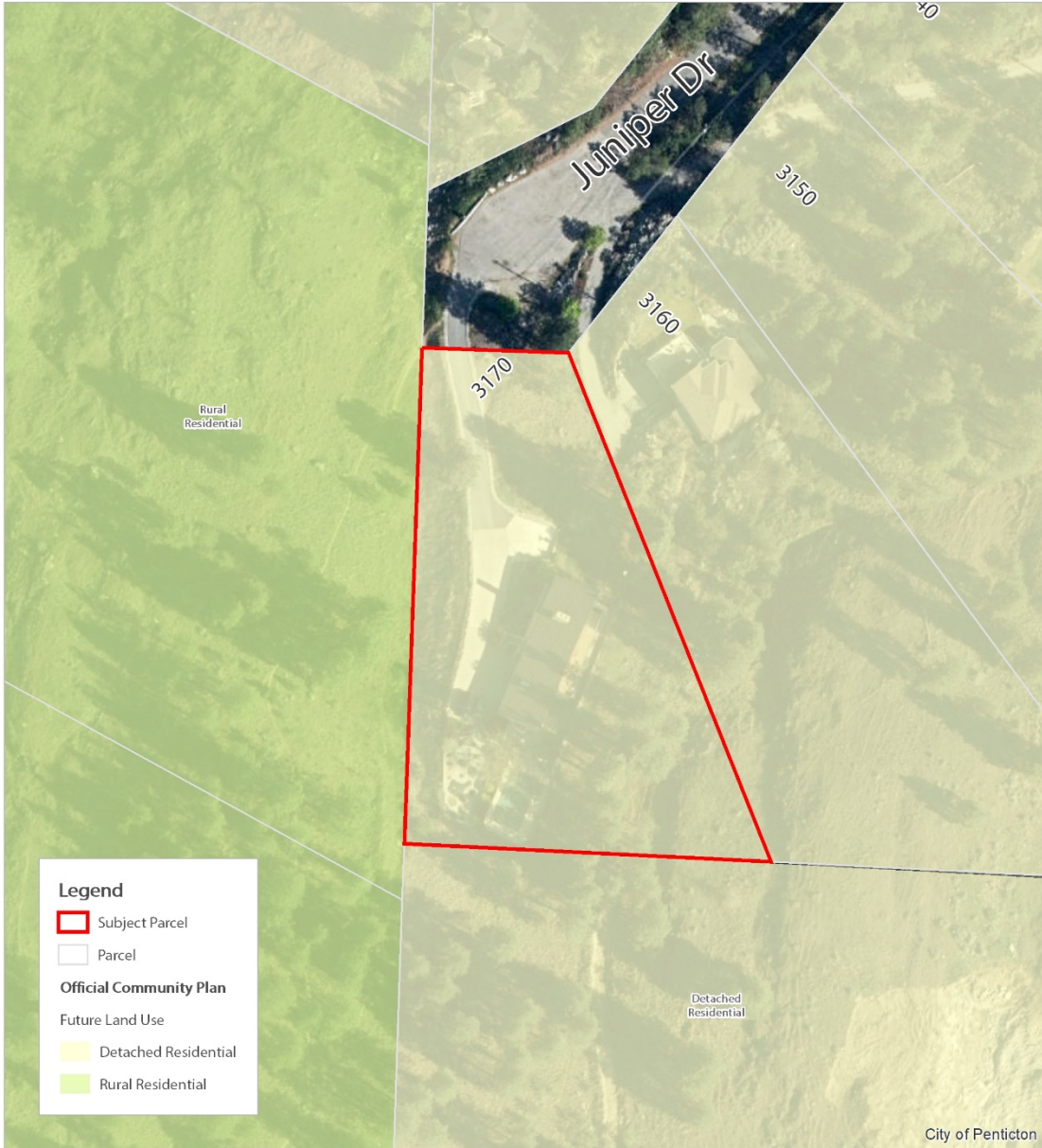


penticton.ca

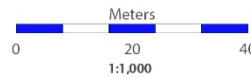


3170 Juniper Drive

Official Community Plan Map



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July 5, 2021
10:53:51 AM



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Attachment C – Photos of Property







June 25, 2021

Ecora File No.: 201619

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

Attention: Planning Department

Reference: Rezoning of 3170 Juniper Drive from RC, Country Residential to R1, Large Lot Residential

Ecora Engineering and Resource Group Ltd. (Ecora) was requested to submit a rezoning application of the above property. The site is a country residential lot of 4290 m² (1.06 acre) located at the southern end of Juniper Drive on the eastern hillsides of the City.

Proposed Development

It is proposed to rezone this property to R1 to allow for a 2 lot subdivision. The existing house on the site is to remain on a new panhandle lot on the upper part of the lot (area of 3193 m²) and a new lot (area 969 m²) is to be created on the lower area of the site fronting on Juniper. The driveway to the existing house is proposed to remain and be protected by an easement over the lower lot and will also serve as the driveway to the new lot.

Community water and sewer are in the process of being extended in Juniper Drive to provide for a subdivision of the property located to the west of the subject site and will serve the proposed 2 lot subdivision.

The topography of the property is steep and a grading plan has been provided. The grading plan is attached to the Subdivision Application.

Community Plan

Juniper Drive was initially developed as a Country Residential area with typical lots of 0.4 ha (1 ac) but has been evolving into an urban residential area over the past 10 or so years. The 2019 Community Plan designates the area as Detached Residential and also established an Environmentally Sensitive Development Permit Area on a small section of the hillside of the property for Protection. The Community Plan supports the infill and densification of residential areas.

An Environmental Assessment of 3170 Juniper Drive has been prepared by Ecora in May 2021. The report identified the environmental values on the site as follows: 72% as having ESA 3 (Low) and ESA 4 (Nil value due to area of existing house) and 23% having a rating of ESA 2 (Moderate). The Moderate rating is located in the upper area east of the existing house and is not impacted by the proposed rezoning and subdivision for a new lot adjacent to Juniper Drive.

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



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

Sincerely

Ecora Engineering & Resource Group Ltd.

Donna Butler

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

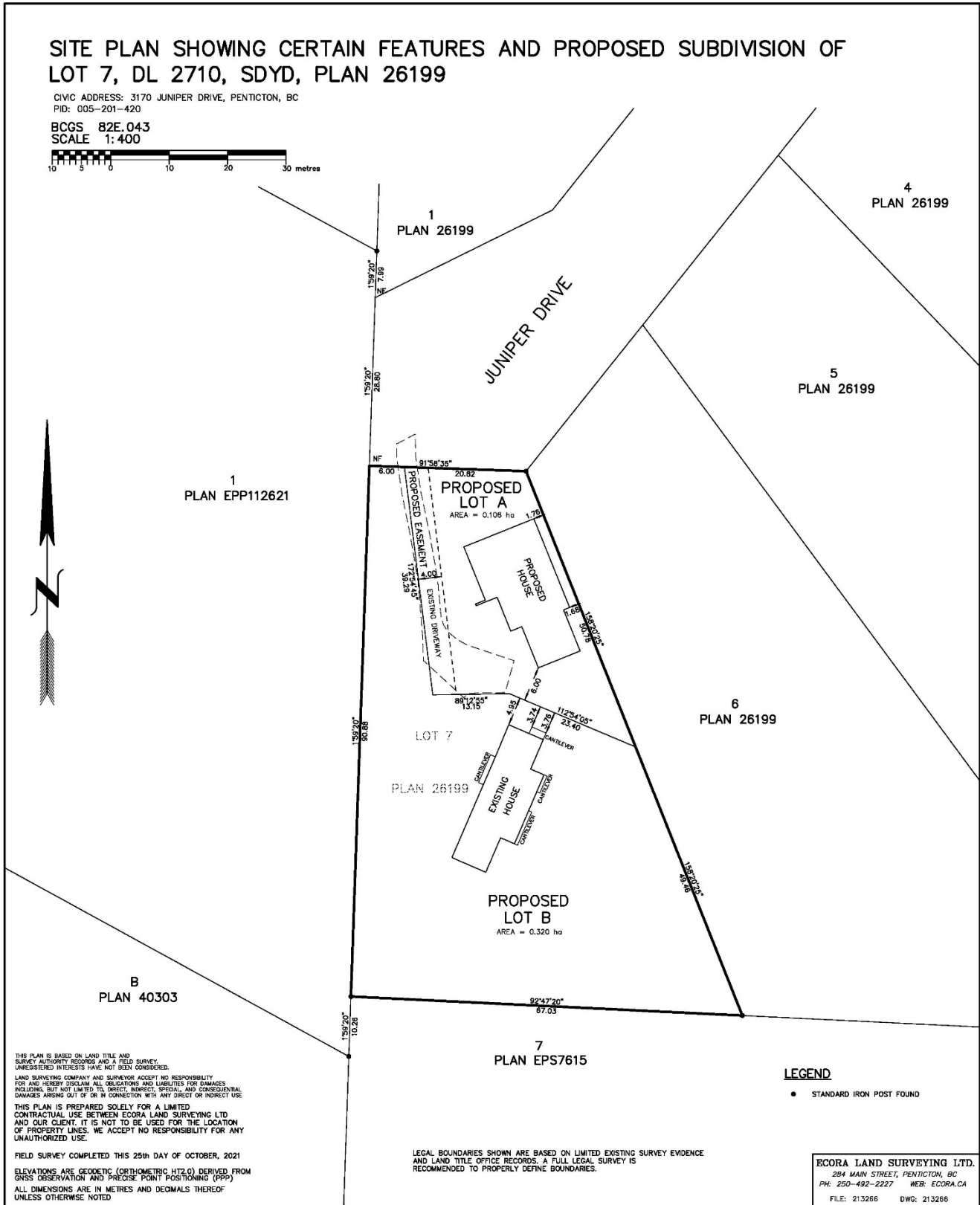
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Attachment E – Proposed Subdivision Sketch

SITE PLAN SHOWING CERTAIN FEATURES AND PROPOSED SUBDIVISION OF LOT 7, DL 2710, SDYD, PLAN 26199

CIVIC ADDRESS: 3170 JUNIPER DRIVE, PENTICTON, BC
PID: 005-201-420

BCGS 82E.043
SCALE 1:400



THIS PLAN IS BASED ON LAND TITLE AND SURVEY AUTHORITY RECORDS AND A FIELD SURVEY. UNREGISTERED INTERESTS HAVE NOT BEEN CONSIDERED.

LAND SURVEYING COMPANY AND SUPERVISOR ACCEPT NO RESPONSIBILITY FOR AND HEREBY DISCLAIM ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES INCLUDING, BUT NOT LIMITED TO, DIRECT, INDIRECT, SPECIAL, AND CONSEQUENTIAL DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE.

THIS PLAN IS PREPARED SOLELY FOR A LIMITED CONTRACTUAL USE BETWEEN ECORA LAND SURVEYING LTD AND OUR CLIENT. IT IS NOT TO BE USED FOR THE LOCATION OF PROPERTY LINES. WE ACCEPT NO RESPONSIBILITY FOR ANY UNAUTHORIZED USE.

FIELD SURVEY COMPLETED THIS 25th DAY OF OCTOBER, 2021

ELEVATIONS ARE GEODETIC (ORTHOMETRIC HTZ.G) DERIVED FROM GNSS OBSERVATION AND PRECISE POINT POSITIONING (PPP)

ALL DIMENSIONS ARE IN METRES AND DECIMALS THEREOF UNLESS OTHERWISE NOTED

LEGAL BOUNDARIES SHOWN ARE BASED ON LIMITED EXISTING SURVEY EVIDENCE AND LAND TITLE OFFICE RECORDS. A FULL LEGAL SURVEY IS RECOMMENDED TO PROPERLY DEFINE BOUNDARIES.

LEGEND
● STANDARD IRON POST FOUND

ECORA LAND SURVEYING LTD.
284 MAIN STREET, PENTICTON, BC
PH: 250-492-2227 WEB: ECORA.CA
FILE: 213266 DWG: 213266

The Corporation of the City of Penticton

Bylaw No. 2022-08

A Bylaw to Amend Zoning Bylaw 2021-01

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw No. 2021-01;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title:

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2022-08".

2. Amendment:

2.1 Zoning Bylaw No. 2021-01 is hereby amended as follows:

Rezone Lot 7 District Lot 2710 Similkameen Division Yale District Plan 26199, located at 3170 Juniper Drive, from RC (Country Residential) to R1 (Large Lot Residential).

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this day of , 2022

A PUBLIC HEARING was held this day of , 2022

READ A SECOND time this day of , 2022

READ A THIRD time this day of , 2022

ADOPTED this day of , 2022

Notice of intention to proceed with this bylaw was published on the __ day of ____, 2022 and the __ day of ____, 2022 in the Penticton newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Rezone
3170 Juniper Drive

From RC (Country Residential)
To R1 (Large Lot Residential)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2022-08

Date: _____

Corporate Officer: _____