

**Public Hearing**  
to be held at  
**City of Penticton Council Chambers**  
171 Main Street, Penticton, B.C.

**Tuesday, February 7, 2017**  
at 6:00 p.m.

1. Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2017-02”** 1-15
- CO Reads Opening Statement and Introduction of Bylaws  
  
“Zoning Amendment Bylaw No. 2017-02” (457 & 461 Nelson Avenue)  
  
Purpose: To amend Zoning Bylaw No. 2011-23 as follows:  
  
Rezone Lot 80, District Lot 250, Similkameen Division Yale District, Plan 845, located at 457 Nelson Avenue and the East ½ and West ½ of Lot 79, District Lot 250, Similkameen Division Yale District, Plan 845, located at 461 Nelson Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).  
  
The applicant is proposing to construct a front-to-back duplex on each lot.  
  
Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, January 27, 2017 and Wednesday, February 1, 2017 (pursuant to the *Local Government Act*).
- CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, February 1, 2017)
- Mayor Requests the Director of Development Services describe the proposed amendments
- Mayor Invitation to applicant for comment or elaboration on the application
- Mayor Invites those in attendance to present their views
- Mayor Invites Council members to ask questions
- Mayor Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for “Zoning Amendment Bylaw No. 2017-02” is terminated and no new information can be received on this matter.

2. Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2017-04”** 16-36

CO Reads Opening Statement and Introduction of Bylaws

“Zoning Amendment Bylaw No. 2017-04” (251 Rigsby Street)

Purpose: To amend Zoning Bylaw No. 2011-23 as follows:

Rezone Lot 25, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 1035, located at 251 Rigsby Street from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing).

The applicant is proposing to construct a triplex.

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, January 27, 2017 and Wednesday, February 1, 2017 (pursuant to the *Local Government Act*).

CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, February 1, 2017)

Mayor Requests the Director of Development Services describe the proposed amendments

Mayor Invitation to applicant for comment or elaboration on the application

Mayor Invites those in attendance to present their views

Mayor Invites Council members to ask questions

Mayor Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for “Zoning Amendment Bylaw No. 2017-04” is terminated and no new information can be received on this matter.

3. Mayor Calls Public Hearing to Order for **“Official Community Plan Amendment Bylaw No. 2017-06”** 37-64

CO Reads Opening Statement and Introduction of Bylaws

“OCP Amendment Bylaw No. 2017-06” (1830 Ridgedale Avenue – The Ridge)

Purpose: To amend OCP Bylaw No. 2002-20 as follows:

Amend the following Schedules of OCP Bylaw 2002-20 for Lot 1, District Lot 2710, Similkameen Division Yale District, Plan 21103 located at 1830 Ridgedale Ave: 1) *Schedule B: Future Land Use Map* be amended to remove the site designated for a school and to include the following land use

designations: Low Density Residential, Medium Density Residential, Natural Area and Parks & Recreation; 2) *Schedule H: Development Permit Area Map* be amended to include specific sites in the General Multiple Family Development Permit Area and Environmental Protection Development Permit Area; and 3) *Schedule D: Natural Areas Map* will be amended to reflect the new environmental protection boundary.

The City has received an application to subdivide 1830 Ridgedale Avenue into 110 single-family residential lots, two multiple family sites, natural areas and parkland. The applicant has applied to amend the OCP and Zoning Bylaw to facilitate the subdivision.

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, January 27, 2017 and Wednesday, February 1, 2017 (pursuant to the *Local Government Act*).

CO No Correspondence received regarding the OCP Amendment (as of noon Wednesday, February 1, 2017)

Mayor Requests the Director of Development Services describe the proposed amendments

Mayor Invitation to applicant for comment or elaboration on the application

Mayor Invites those in attendance to present their views

Mayor Invites Council members to ask questions

Mayor Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for "Official Community Plan Amendment Bylaw No. 2017-06" is terminated and no new information can be received on this matter.

4. Mayor Calls Public Hearing to Order for "**Zoning Amendment Bylaw No. 2017-07**" 65-66

CO Reads Opening Statement and Introduction of Bylaws

"Zoning Amendment Bylaw No. 2017-07" (1830 Ridgedale Avenue – The Ridge)

Purpose: To amend Zoning Bylaw No. 2011-23 as follows:

Change the zoning designations for Lot 1, District Lot 2710, Similkameen Division Yale District, Plan 21103 located at 1830 Ridgedale Avenue from R1 (Large Lot Residential) and FG (Forestry & Grazing) to the following proposed zones: R1 (Large Lot Residential), R2 (Small Lot Residential), RD1 (Duplex Housing), RM3 (Medium Density Multiple Housing) and P2 (Parks and Recreation).

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, January 27, 2017 and Wednesday, February 1, 2017 (pursuant to the *Local Government Act*).

- CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, February 1, 2017)
- Mayor Requests the Director of Development Services describe the proposed amendments
- Mayor Invitation to applicant for comment or elaboration on the application
- Mayor Invites those in attendance to present their views
- Mayor Invites Council members to ask questions
- Mayor Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for "Zoning Amendment Bylaw No. 2017-07" is terminated and no new information can be received on this matter.

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**Regular Council Meeting**  
**held at City of Penticton Council Chambers**  
**171 Main Street, Penticton, B.C.**

**Tuesday, January 10, 2017**  
**at 1:00 p.m.**

## **Resolutions**

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- 9.3     Zoning Amendment Bylaw No. 2017-02  
          Re: 457 & 461 Nelson Avenue

07/2017

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2017-02" a bylaw to Rezone Lot 80, District Lot 250, Similkameen Division Yale District, Plan 845, located at 457 Nelson Avenue, Rezone the West ½ of Lot 79, District Lot 250, Similkameen Division Yale District, Plan 845, located at 461 Nelson Avenue and Rezone the East ½ of Lot 79, District Lot 250, Similkameen Division Yale District, Plan 845, located at 461 Nelson Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the February 7, 2017 Public Hearing.

**CARRIED UNANIMOUSLY**

# Council Report

penticton.ca

**Date:** January 10, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Randy Houle, Planner 1  
**Address:** 457 & 461 Nelson Avenue  
**Subject:** **Zoning Amendment Bylaw No. 2017-02**

File No: RZ PL2016-7769

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## Staff Recommendation

### *Rezone*

THAT "Zoning Amendment Bylaw No. 2017-02," a bylaw to Rezone Lot 80, District Lot 250, Similkameen Division Yale District, Plan 845, located at 457 Nelson Avenue, Rezone the West ½ of Lot 79, District Lot 250, Similkameen Division Yale District, Plan 845, located at 461 Nelson Avenue and Rezone the East ½ of Lot 79, District Lot 250, Similkameen Division Yale District, Plan 845, located at 461 Nelson Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the February 7, 2017 Public Hearing.

## Strategic priority objective

N/A

## Background

The subject properties (Attachment 'A') are zoned R2 (Small Lot Residential) and are designated by the City's Official Community Plan as MR (Medium Density Residential). Photos of the site are included as Attachment 'D'. The proposed building lots are both 351m<sup>2</sup> (3778ft<sup>2</sup>). A single family dwelling that straddled the lots has been demolished. The surrounding properties are primarily zoned R2 (Small Lot Residential) and P2 (Parks and Recreation).

The applicant is proposing to construct two front to back duplexes on 457 and 461 Nelson Avenue. A duplex is not a permitted use in the R2 Zone. As such, a Rezoning from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane) is required.

## Financial implication

N/A

## Proposal

The applicant is requesting that the subject properties (457 & 461 Nelson Avenue) be rezoned from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane)

## Development Statistics

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

Item	Requirement of R2 Zone (current)	Requirement of RD2 Zone	Provided on Plans
<b>Maximum Lot Coverage:</b>	40 %	40%	29%
<b>Maximum Density:</b>	N/A	0.95 FAR	0.53 FAR
<b>Vehicle Parking:</b>	2 spaces per dwelling	1 space per dwelling unit	1 space per dwelling unit
<b>Required Setbacks</b>			
Front yard (south):	4.5m	4.5m	7m
Side yard (west):	1.5m	1.5m	1.69m
Side yard (east):	1.5m	1.5m	1.69m
Rear yard (north):	6.0m	6.0m	13.1m
<b>Maximum Building Height:</b>	10.5m	10.5m	7.26m
<b>Other Information:</b>	- The subject property is within the General Multiple Family Development Permit area, but duplexes are exempt where all vehicle access and parking facilities are provided from a rear lane. - No variances are required.		

## Technical Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Concerns pertaining to servicing requirements and on-site storm water/drainage were raised, but will be addressed at the building permit stage. 461 Nelson Avenue has two legal parcels that must be consolidated prior to issuance of a building permit. If the request for the Rezoning is supported, BC Building Code and City bylaw provisions, such as setbacks and height restrictions, will apply.

## Analysis

### Support Rezoning

The sites are situated in an area experiencing some densification. Even though a duplex does not necessarily fit the OCP designation of Medium Density Residential (MR), staff considers the Rezoning to allow for a duplex represents best use of the land for the following reasons:

- The properties are large enough to accommodate a front to back duplex without any variances.
- The proposal is consistent with the OCP’s view that infill residential development is an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The OCP encourages densification in areas where existing services can accommodate higher densities, which is the case here.
- The proximity to schools and nearby services encourages more walking and active forms of transportation.

Staff considers that the design is suitable and consistent with the redevelopment trends in the area. The location of the site and characteristics of the surrounding neighbourhood make it appropriate for residential densification. A similar Rezoning was approved for 481 Nelson Avenue earlier this year. Given the above, staff recommends that Council support “Zoning Amendment Bylaw No. 2017-02” and forward the application to the February 7<sup>th</sup>, 2017 Public Hearing for comments from the public.

Deny/Refer Rezoning

Council may consider that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

**Alternate Recommendations**

1. THAT Council denies first reading to “Zoning Amendment Bylaw No. 2017-02”
2. THAT Council refers application “RZ PL2016-7769” back to staff with instructions that Council feels are warranted.


**Attachments**

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map
- Attachment C: OCP Map
- Attachment D: Images of Subject Property
- Attachment E: Site Plan
- Attachment F: Elevations
- Attachment G: Letter of Intent (457 Nelson Avenue)
- Attachment H: Letter of Intent (461 Nelson Avenue)
- Attachment I: “Zoning Amendment Bylaw No. 2017-02”

Respectfully submitted,

Randy Houle  
Planner 1

Approvals

DDS 	CAO PW
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Attachment 'A' – Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment 'B' – Zoning Map



Figure 2: Zoning Map

Attachment 'C' - OCP Map



Figure 3: OCP Map

Attachment 'D' – Images of Subject Property



Figure 4: South View (from Nelson Avenue)



Figure 5: North View (from Lane)

Attachment 'E' - Site Plan

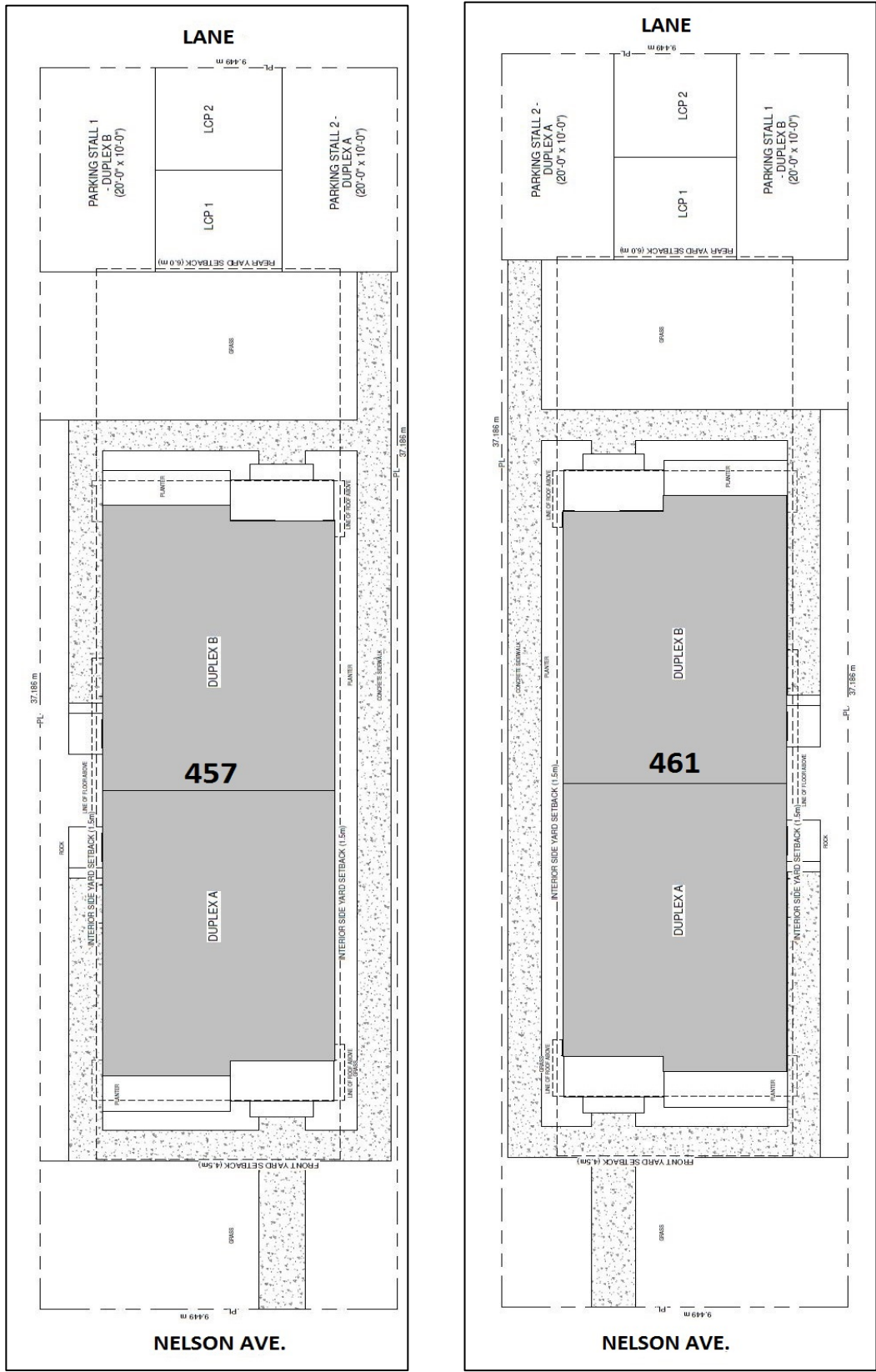


Figure 6: Site Plan

Attachment 'F' – Elevations



Figure 7: South Elevation (457 Nelson)



Figure 8: South Elevation (461 Nelson)

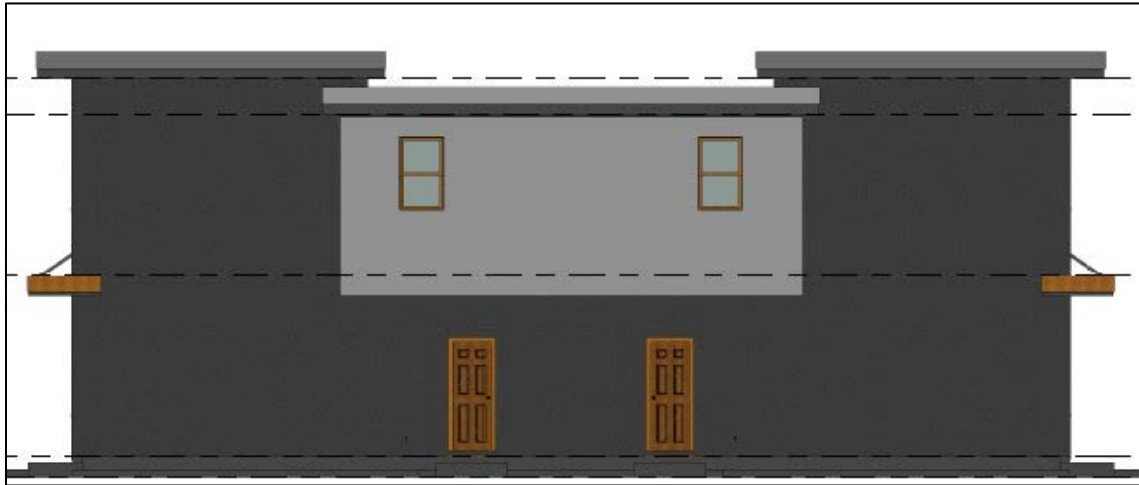


Figure 9: Side Elevation

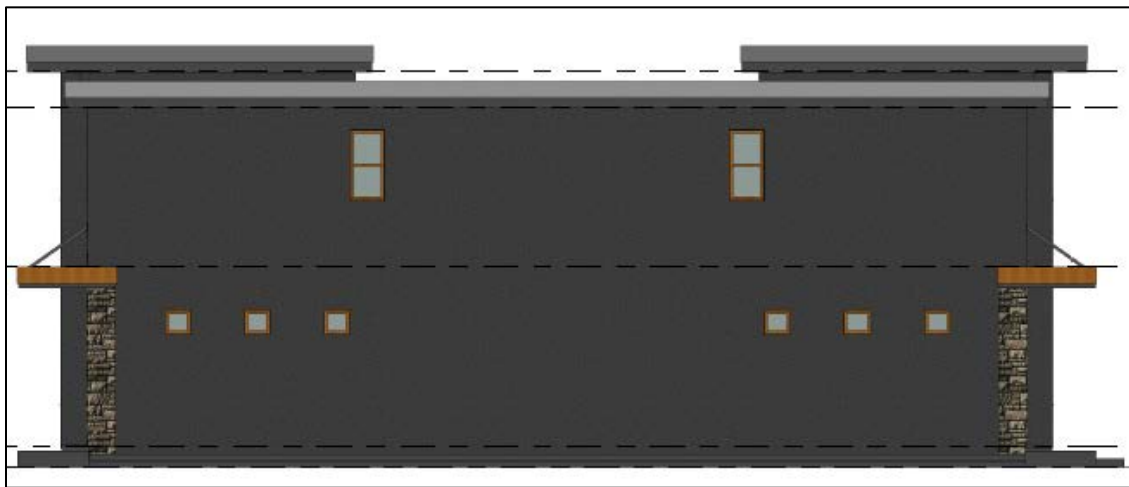


Figure 10: Side Elevation



Figure 11: North Elevation (From Lane)

Attachment 'G' - Letter of Intent (457 Nelson Avenue)



101-144 Front Street, Penticton, BC, V2A 1H1  
Tel: 250-490-6770  
www.schoennehomes.com

December 12, 2016

City of Penticton  
171 Main Street  
Penticton, BC, V2A 5A9

Attention: Randy Houle, Planner 1

Re: Development Proposal  
457 Nelson Avenue, Penticton, BC  
Lot 80, DL 250, Plan 845, PID # 005-188-288

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The above noted property is currently zoned R2 – Small Lot Residential and designated MR – Medium Density Residential on the Official Community Plan.

We are requesting a rezoning of the property from the current R2 – Small Lot Residential to RD2 – Duplex Housing Lane in order to facilitate the construction of a front to back two storey duplex building as per the attached development proposal.

Respectfully submitted

A blue ink handwritten signature of Bruce Schoenne, consisting of stylized initials and a long horizontal flourish.

Bruce Schoenne  
President  
Schoenne Homes Inc.

Attachment 'H'- Letter of Intent (461 Nelson Avenue)



101-144 Front Street, Penticton, BC, V2A 1H1  
Tel: 250-490-6770  
www.schoennehomes.com

December 12, 2016

City of Penticton  
171 Main Street  
Penticton, BC, V2A 5A9

Attention: Randy Houle, Planner 1

Re: Development Proposal  
461 Nelson Avenue, Penticton, BC  
East and West ½ lot 79, DL 250, Plan 845, PID # 012-007-323, 005-188-270

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The above noted property is currently zoned R2 – Small Lot Residential and designated MR – Medium Density Residential on the Official Community Plan.

We are requesting a rezoning of the property from the current R2 – Small Lot Residential to RD2 – Duplex Housing Lane in order to facilitate the construction of a front to back two storey duplex building as per the attached development proposal.

Respectfully submitted

Bruce Schoenne  
President  
Schoenne Homes Inc.

**Bylaw No. 2017-02**

*A Bylaw to Amend Zoning Bylaw 2011-23*

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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 2011-23;

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. 2017-02".

2. **Amendment:**

2.1 Zoning Bylaw 2011-23 is hereby amended as follows:

Rezone Lot 80, District Lot 250, Similkameen Division Yale District, Plan 845, located at 457 Nelson Avenue and the East ½ and West ½ of Lot 79, District Lot 250, Similkameen Division Yale District, Plan 845, located at 461 Nelson Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

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

READ A FIRST time this	10	day of	January, 2017
A PUBLIC HEARING was held this	7	day of	February, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the 27 day of January, 2017 and the 1 day of February, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

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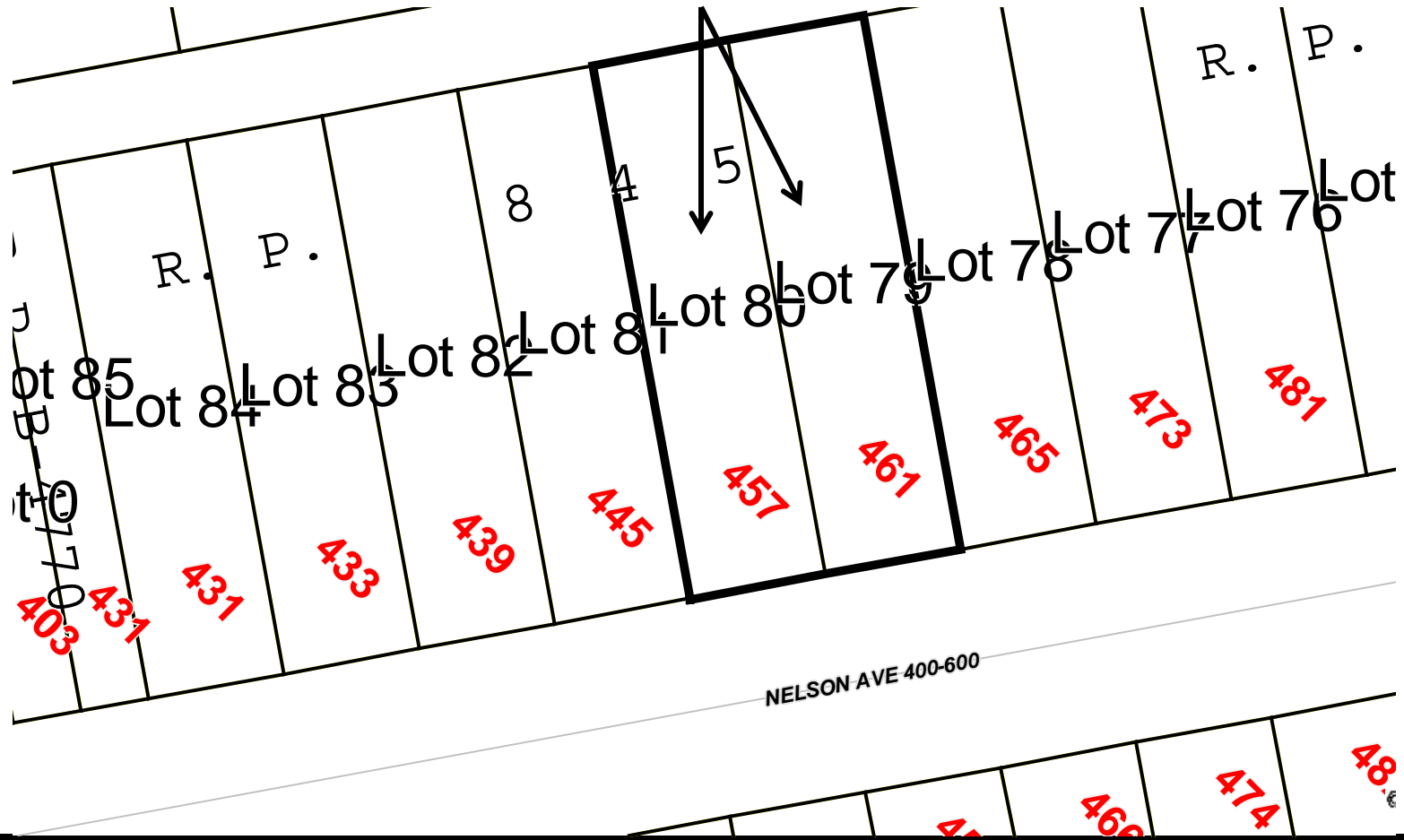
Andrew Jakubeit, Mayor

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Dana Schmidt, Corporate Officer

# Rezone 457 & 461 Nelson Avenue

## From R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-02

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_

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**Regular Council Meeting**  
**held at City of Penticton Council Chambers**  
**171 Main Street, Penticton, B.C.**

**Tuesday, January 17, 2017**  
**at 1:00 p.m.**

## **Resolutions**

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13.2 Zoning Amendment Bylaw No. 2017-04 & DVP PL 2016-7786  
Re: 251 Rigsby Street

24/2017

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2017-04," a bylaw to rezone Lot 25, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 1035, located at 251 Rigsby Street from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the February 7, 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-04," a 1.5m road widening and corner cut on the east side of the subject property is registered with the Land Title Office.

THAT delegations and submissions be heard for "Development Variance Permit PL2016-7786" for Lot 25, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 1035, located at 251 Rigsby Street, a permit to decrease the minimum front yard from 3.0m to 2.7m, to decrease the minimum south interior side yard from 3.0m to 1.5m, to decrease the minimum exterior side yard from 6.0m to 4.4m and to decrease the minimum rear yard from 6.0m to 3.5m; AND THAT "DVP PL2016-7786" be considered only after adoption of "Zoning Amendment Bylaw No. 2017-04".

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-04," approve Development Permit PL2016-7787, for Lot 25, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 1035, located at 251 Rigsby Street, a permit that allows for the construction of a townhouse.

**CARRIED UNANIMOUSLY**

# Council Report

penticton.ca

**Date:** January 17, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Randy Houle, Planner 1  
**Address:** 251 Rigsby Street  
**Subject:** **Zoning Amendment Bylaw No. 2017-04**  
**Development Variance Permit PL2016-7786**  
**Development Permit PL2016-7787**

File No: RZ PL2016-7785  
DVP PL2016-7786  
DP PL2016-7787

## Staff Recommendation

### *Zoning Amendment*

THAT "Zoning Amendment Bylaw No. 2017-04," a bylaw to rezone Lot 25, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 1035, located at 251 Rigsby Street from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the February 7<sup>th</sup>, 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-04," a 1.5m road widening and corner cut on the east side of the subject property is registered with the Land Title Office.

### *Development Variance Permit*

THAT delegations and submissions be heard for "Development Variance Permit PL2016-7786" for Lot 25, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 1035, located at 251 Rigsby Street, a permit to decrease the minimum front yard from 3.0m to 2.7m, to decrease the minimum south interior side yard from 3.0m to 1.5m, to decrease the minimum exterior side yard from 6.0m to 4.4m and to decrease the minimum rear yard from 6.0m to 3.5m;

AND THAT "DVP PL2016-7786" be considered only after adoption of "Zoning Amendment Bylaw No. 2017-04".

### *Development Permit*

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-04," approve Development Permit PL2016-7787, for Lot 25, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 1035, located at 251 Rigsby Street, a permit that allows for the construction of a townhouse.

## Strategic priority objective

N/A

## **Background**

The subject property (Attachment 'A') is zoned RD2 (Duplex Housing: Lane) and is designated by the City's Official Community Plan as MFLD (Multi-Family Low Density). Photos of the site are included as Attachment 'D'. The site is 563m<sup>2</sup> (6060 ft<sup>2</sup>). A Single Family Dwelling and garage that previously occupied the site have been demolished. The surrounding properties are primarily zoned RD2 (Duplex Housing: Lane), RM2 (Multiple Family Low Density) and C6 (Mixed Use Commercial). Surrounding properties are designated by the OCP as MFLD (Multi-Family Low Density) and MFMD (Multi-Family Medium Density).

The applicant is proposing to construct a triplex which is classified as a townhouse in the Zoning Bylaw. Each unit will have a living area on the main floor and three bedrooms on the second floor. Since a townhouse is not a permitted use in the duplex zone, a rezoning to RM2 (Low Density Multiple Housing) is required.

The proposed construction will result in a 2.7m front yard along Rigsby Street. Under the RM2 zone, a 3.0m minimum front yard is required. As such, a variance to that section of the bylaw is required. The proposed construction will result in a 1.5m south interior side yard. The Zoning Bylaw requires a 3.0m minimum interior yard. As such, a variance to that section of the bylaw is required. The proposed townhouse will result in a 4.4m exterior side yard along Rene Avenue. The Zoning Bylaw requires a 6.0m minimum exterior side yard. As such, a variance to that section of the bylaw is required. Lastly, the proposed townhouse will result in a 3.5m rear yard on the west side of the property. The Zoning Bylaw requires a 6.0m minimum rear yard. As such, a variance to that section of the bylaw is required.

The property is located within the Downtown Multiple Family Development Permit area.

## **Proposal**

The applicant is requesting that the subject property (251 Rigsby Street) be rezoned from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing).

The applicant is also requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2011-23:

- Section 10.8.2.6: To decrease the minimum front yard from 3.0m to 2.7m.
- Section 10.8.2.7.i: To decrease the minimum south interior side yard from 3.0m to 1.5m.
- Section 10.8.2.7.ii: To decrease the minimum exterior side yard from 6.0m to 4.4m.
- Section 10.8.2.8: To decrease the minimum rear yard from 6.0m to 3.5m.

Furthermore, the applicant requires Development Permit approval for the form and character of the building and to address landscaping requirements.

## **Financial implication**

NA

## **Technical Review**

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Storm water/drainage is to be maintained on site. A 1.5m road widening and corner cut is proposed along Rigsby Street to closely match the standard set out in Subdivision and

Development Bylaw 2004-81. The 1.5m widening will match the existing road dedication to the south. A sidewalk and curbing will be required at the developer’s expense. These items have been communicated to the applicant. If the requests for the zoning amendment, variances and development permit are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

### Development Statistics

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

Item	Requirement of RD2 Zone (current)	Requirement of RM2 Zone	Provided on Plans
<b>Maximum Lot Coverage:</b>	40 %	40%	40%
<b>Maximum Density:</b>	0.95 FAR	0.75 FAR	0.75 FAR
<b>Vehicle Parking:</b>	1 per unit	1 per unit	1 per unit (3 total)
<b>Required Setbacks</b>			
Front yard (East):	4.5m	3.0m	2.7m (variance required)
Rear yard (West):	6.0m	6.0m	3.5m (variance required)
Interior yard (South):	1.5m	3.0m	1.5m (variance required)
Exterior yard (North):	3.5m	6.0m	4.4m (variance required)
<b>Maximum Building Height:</b>	10.5m	12m	7.9m
<b>Other Information:</b>	Subject property is located within the Downtown Multiple Family Development Permit Area.		

### Analysis

#### Zoning Amendment

##### Support “Zoning Amendment Bylaw No. 2017-04”

The site is situated in an area experiencing some densification. The OCP designation for this site is Multi-Family Low Density Residential, which is conducive to a townhouse development. Staff consider that the zoning amendment to allow for a three-unit townhouse represents best use of the land for the following reasons:

- The proposal is consistent with the OCP’s view that infill residential development is an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The OCP encourages densification in areas where existing services can accommodate higher densities, which is the case here.
- The proximity to the lake, downtown and nearby services encourages more walking and active forms of transportation.
- Developing an empty lot with an attractive proposal such as this can have a positive impact on the surrounding neighbourhood.

Staff considers that the design is suitable and consistent with the redevelopment trends in the area. The location of the site and characteristics of the surrounding neighbourhood make it appropriate for residential densification. Given the above, staff recommends that Council support "Zoning Amendment Bylaw No. 2017-04" and forward the application to the February 7, 2017 Public Hearing for comments from the public.

#### Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site due to the number of variances required. If this is the case, Council should deny the bylaw amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

#### **Development Variance Permit**

##### Support Variances

When considering a variance to a City bylaw, staff encourages Council to be mindful of any hardship on the property that makes following the bylaw difficult or impossible; whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

*Section 10.8.2.6: To decrease the minimum front yard from 3.0m to 2.7m.*

- The proposed development will result in a 2.7m front yard setback from the proposed road widening. The 1.5m road widening will allow for a sidewalk to be constructed. It is reasonable to support the variance as the road widening makes it difficult for the applicant to meet the front yard minimum.

*Section 10.8.2.7.i: To decrease the minimum south interior side yard from 3.0m to 1.5m.*

- The proposed development will result in a 1.5m interior yard on the south side of the property. 1.5m is an adequate distance between the development and the property line. The townhouse development to the south is set back a fair distance from the property line. The proposed 1.5m interior yard will help to maximise the density of the lot with minimal impacts to adjacent properties. Similar variances have been approved by Council in the past year.

*Section 10.8.2.7.ii: To decrease the minimum exterior side yard from 6.0m to 4.4m.*

- The proposed development will result in a 4.4m exterior yard along Rene Avenue. The exterior yard is large enough to provide the required amenity space for the development. Adequate space will be provided for landscaping which will act as a buffer from Rene Avenue.

*Section 10.8.2.8: To decrease the minimum rear yard from 6.0m to 3.5m.*

- The proposed development will result in a 3.5m rear yard. The proposed road dedication on Rigsby Street resulted in the applicants having to shift the building to the west, which reduced the rear yard. The rear yard will still provide enough space for a patio. Adequate landscaping and a fence will provide screening from the neighbouring properties.

Although a duplex may be a bitter fit for the property, supporting the variances would help to maximise the density of the property, without providing an overly crowded appearance from the street. The lot coverage (40%) and density (0.75 FAR) meet the requirement of the bylaw. The height of the proposed development (7.9m) is well below the 12m maximum permitted in the RM2 zone. Additionally, the proposed development will be less than the height (9.5m) of the townhouse development to the south. In 2006, variances were approved for a duplex development at 496 & 500 Westminster Avenue West which reduced the setback along Rigsby Avenue to 2m.

Given the above, staff feels that the variances requested are sensible and recommend that Council, after hearing from any other affected neighbours, support the application.

### Deny/Refer Variances

Council may consider that the number of variances is too significant and this type of development will negatively affect the neighborhood. If this is the case, Council should deny the variances.

### **Development Permit**

#### Support Development Permit

This property is within the Downtown Multiple Family Development Permit Area. As a consequence, a Development Permit is required. Although this Development Permit can be staff-issued, it has been included in this report for Council's decision in order to streamline the approvals process. The Development Permit Area guidelines are intended to address the form and character of new multi-family buildings. The objective of these guidelines, according to the OCP, is to "ensure that the citing, form, character and landscaping of new multi-family development and exterior renovations and additions to existing buildings in the downtown area are compatible with the context of the traditional neighbourhood character in some downtown neighbourhoods."

- The building shape, roof line and architectural features such as window and door detailing are sufficiently varied and create visual interest.
- Small, but private amenity space is proposed for each unit.
- The entrances have a street orientation with picture windows, creating an aesthetically pleasing connection to the street.
- Landscape plan features a variety of different plants, flowers and trees.

Staff feel that the plans submitted meet the intent of the DPA guidelines and generally conform to the zoning bylaw. As such, staff recommend that Council approve the Development Permit application.

### Deny/Refer Development Permit

Council may consider that the proposals do not reflect the current built form of the neighbourhood, or that the development should soften the impact on neighbouring properties. If this is the case, Council should deny the permit.

**Alternate Recommendations**

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2017-04" and deny support for DVP PL2016-7786 and DP PL2016-7787.
2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-04" but deny support for DVP PL2016-7786 and DP PL2016-7787.
3. THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-04" and support DVP PL2016-7786 and DP PL2016-7787 with conditions that Council feels are appropriate.

**Attachments**

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map
- Attachment C: OCP Map
- Attachment D: Images of Subject Property
- Attachment E: Site Plan
- Attachment F: Elevations
- Attachment G: Landscape Plan
- Attachment H: Letter of Intent
- Attachment I: "Development Variance Permit PL2016-7786"
- Attachment J: "Development Permit PL2016-7787"
- Attachment K: "Zoning Amendment Bylaw No. 2017-04"

Respectfully submitted,

Randy Houle  
Planner 1

Approvals

DDS	CAO
<i>AH</i>	PW

Attachment 'A' – Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment 'B' – Zoning Map

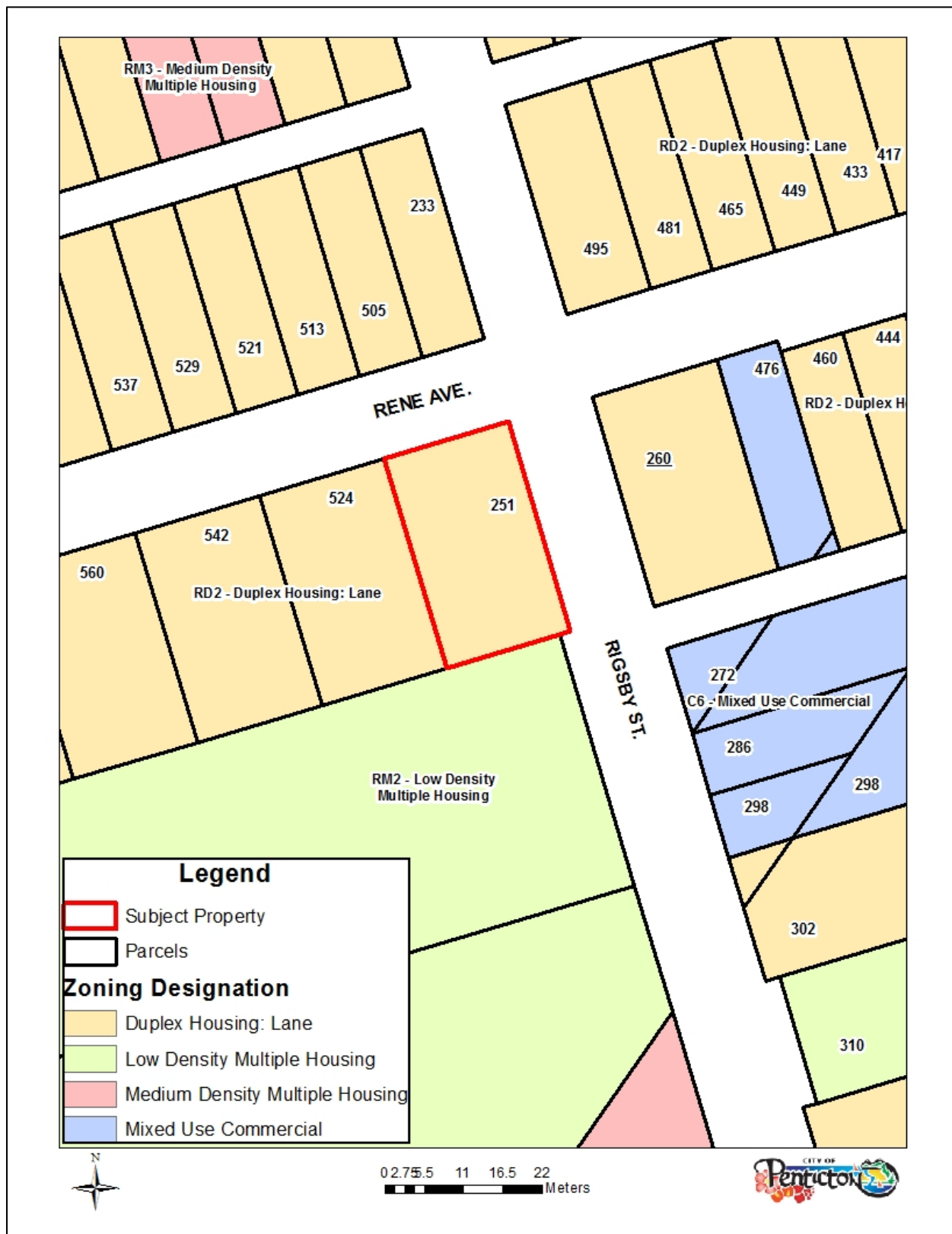


Figure 2: Zoning Map

Attachment 'C' - OCP Map

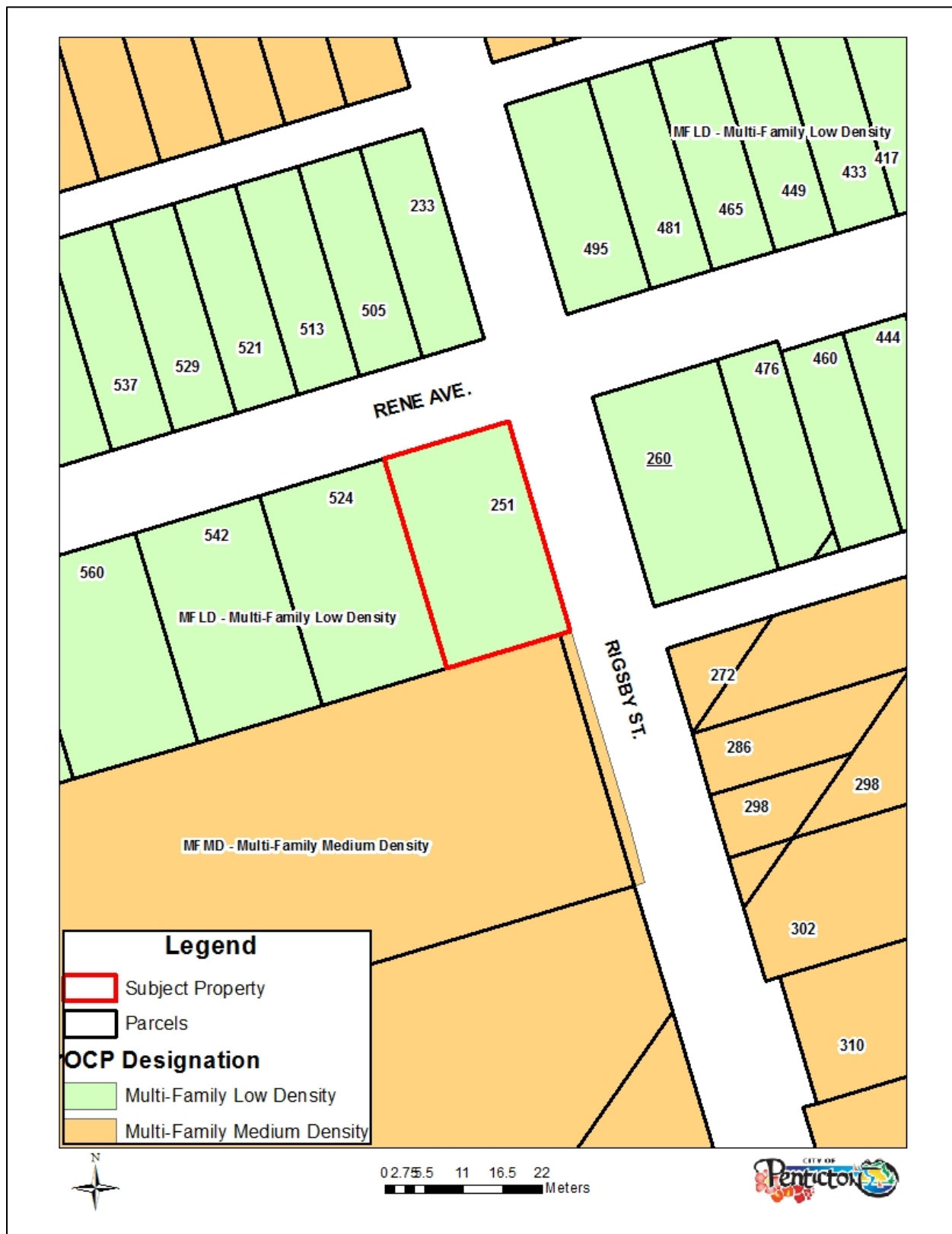


Figure 3: OCP Map

Attachment 'D' – Images of Subject Property



Figure 4: East View (from Rigsby Street)



Figure 5: North View (from Rene Avenue)

### Attachment 'E' - Site Plan

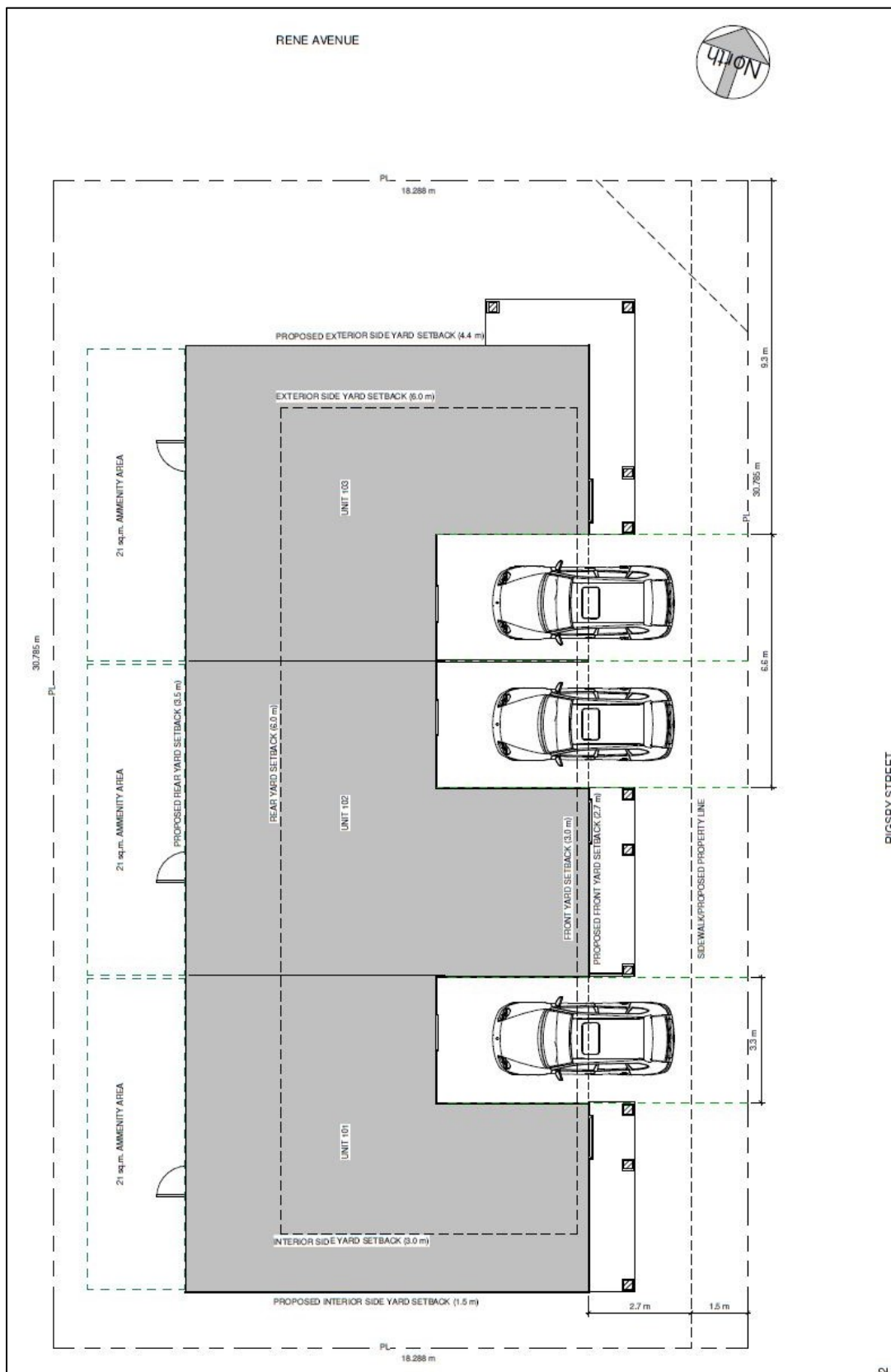


Figure 6: Site Plan

Attachment 'F' - Elevations



Figure 7: East Elevation (from Rigsby Street)

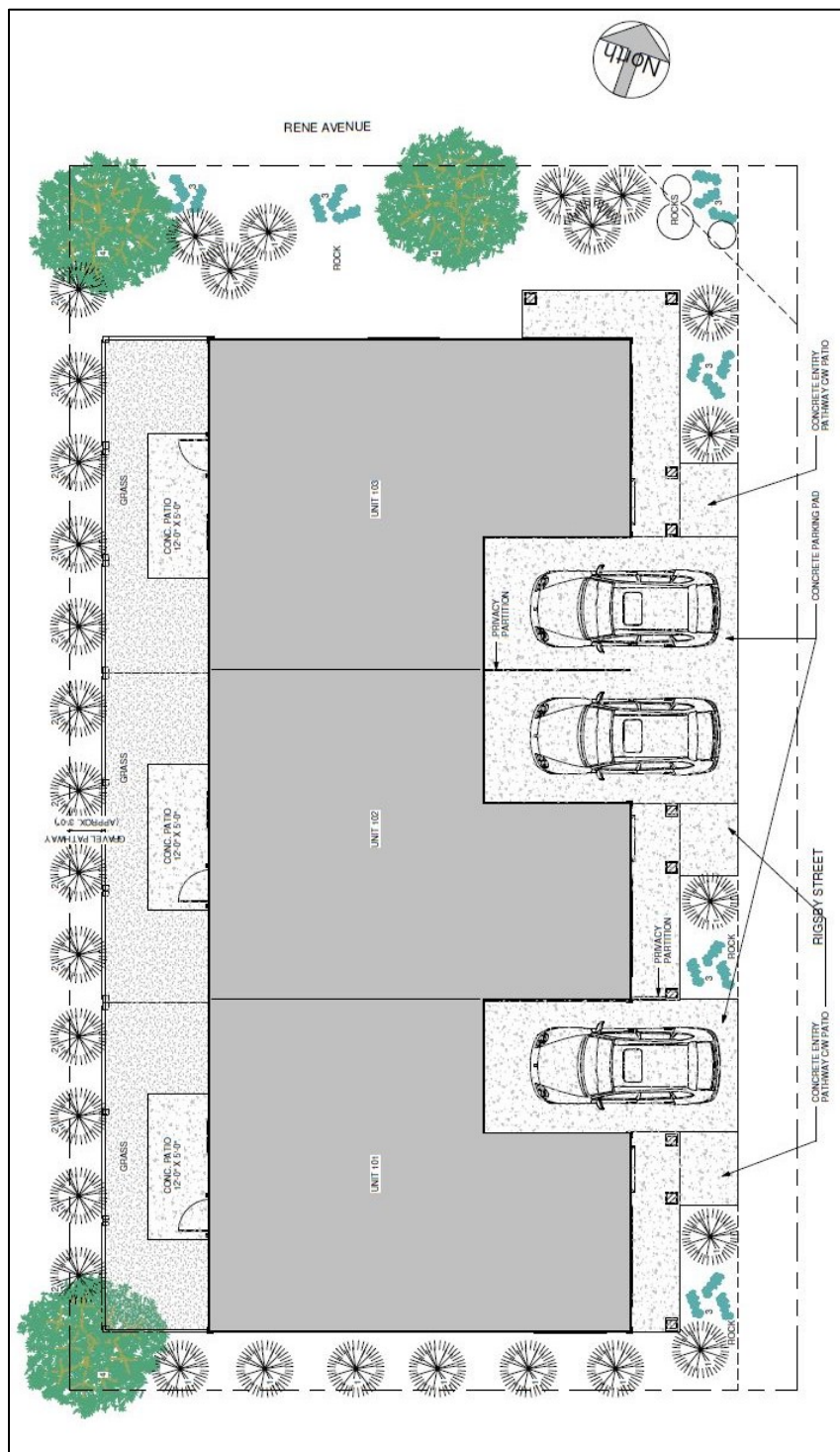


Figure 8: North Elevation (from Rene Ave.)



Figure 9: West Elevation

Attachment 'G' – Landscape Plan



**LANDSCAPE LEGEND**

- 1 - SIOUX BLUE INDIAN GRASS
- 2 - SAPPHIRE FOUNTAIN BLUE OAT GRASS
- 3 - VARIEGATED SWEET IRIS
- 4 - TREE

**LANDSCAPE NOTES:**

- 1. ALL GRASS AREAS TO HAVE UNDERGROUND IRRIGATION C/W WATER SENSORS AND TIMER.
- 2. COVER PLANTER BEDS WITH LANDSCAPE FABRIC AND MULCH
- 3. LANDSCAPE FABRIC UNDER ROCK

Figure 10: Landscape Plan

Attachment 'H' - Letter of Intent



January 6, 2017

Mr. Anthony Haddad, Director, Development Services  
 City of Penticton  
 171 Main Street  
 Penticton, BC V2A 5A9

Re: Rezoning and Development Permit Application for 251 Rigsby Street

On behalf of the owner of 251 Rigsby Street, we are respectfully applying for a rezoning and development permit for the construction of a triplex. We are requesting to rezone the property from Duplex Housing: Lane (RD2) to Low Density Multiple Housing (RM2) in order to accommodate the construction of a triplex. The property is currently designated as a Multi-Family Low Density (MFLD) in the Official Community Plan, which is in line with the proposed rezoning. Please see the attached development plans and 3D massing proposed for the property.

As part of the rezoning application, we are requesting a variance for the following yard setbacks:

Interior side yard:	Required	3.0 m
	Proposed	1.5 m
Rear yard:	Required	6.0 m
	Proposed	3.5 m
Exterior side yard:	Required	6.0 m
	Proposed	4.4 m
Front yard:	Required	3.0 m
	Proposed	2.7 m

The proposed application meets the required maximum density of 0.75 FAR and the maximum lot coverage of 40%.

If you have any questions or require additional information, please contact my office.

Regards,

A handwritten signature in black ink that reads 'H. Shedden'.

Heather Shedden  
 MCIP, RPP, BAAID  
 203-166 Main Street  
 Penticton BC V2A 5A4  
 250.486.1481  
 heather@pspace.ca

Figure 11: Letter of Intent

Attachment 'I' - "Development Variance Permit PL2016-7786"



City of Penticton  
171 Main St. | Penticton B.C. | V2A 5A9  
www.penticton.ca | ask@penticton.ca

## Development Variance Permit

**Permit Number: PL2016-7786**

Name:

Address:

### Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:  
  
Legal: Lot 25, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 1035  
Civic: 251 Rigsby Street  
PID: 011-855-525
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2011-23 to allow for the construction of a townhouse as shown in the plans attached as Schedule 'A'.
  - Section 10.8.2.6: To decrease the minimum front yard from 3.0m to 2.7m.
  - Section 10.8.2.7.i: To decrease the minimum South interior side yard from 3.0m to 1.5m.
  - Section 10.8.2.7.ii: To decrease the minimum exterior side yard from 6.0m to 4.4m.
  - Section 10.8.2.8: To decrease the minimum rear yard from 6.0m to 3.5m.

### General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.

8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the 7<sup>th</sup> day of February, 2017

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Dana Schmidt,  
Corporate Officer

Attachment 'J' - "Development Permit PL2016-7787"



City of Penticton  
171 Main St. | Penticton B.C. | V2A 5A9  
www.penticton.ca | ask@penticton.ca

### Development Permit

**Permit Number: DP PL2016-7787**

Name:  
Address:

#### Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
  - Legal: Lot 25, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 1035
  - Civic: 251 Rigsby Street
  - PID: 011-855-525
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a townhouse, as shown in the plans attached in Schedule A.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$7272 must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:
  - a. correct an unsafe condition that has resulted from a contravention of this permit,
  - b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
  - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:
  - a. the permit has lapsed as described under Condition 8, or
  - b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security as follows:

1 <sup>st</sup> Inspection	No fee
2 <sup>nd</sup> Inspection	\$50
3 <sup>rd</sup> Inspection	\$100
4 <sup>th</sup> Inspection or additional inspections	\$200

**General Conditions**

7. In accordance with Section 501(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
8. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
9. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.
10. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
11. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the 7<sup>th</sup> day of February, 2017

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
 Dana Schmidt,  
 Corporate Officer

Bylaw No. 2017-04

A Bylaw to Amend Zoning Bylaw 2011-23

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 2011-23;

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. 2017-04".

2. Amendment:

2.1 Zoning Bylaw 2011-23 is hereby amended as follows:

Rezone Lot 25, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 1035, located at 251 Rigsby Street from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing).

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

READ A FIRST time this	17	day of	January, 2017
A PUBLIC HEARING was held this	7	day of	February, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
RECEIVED the approval of the		day of	, 2017
Ministry of Transportation on the			
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the 27 day of January, 2017 and the 1 day of February, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

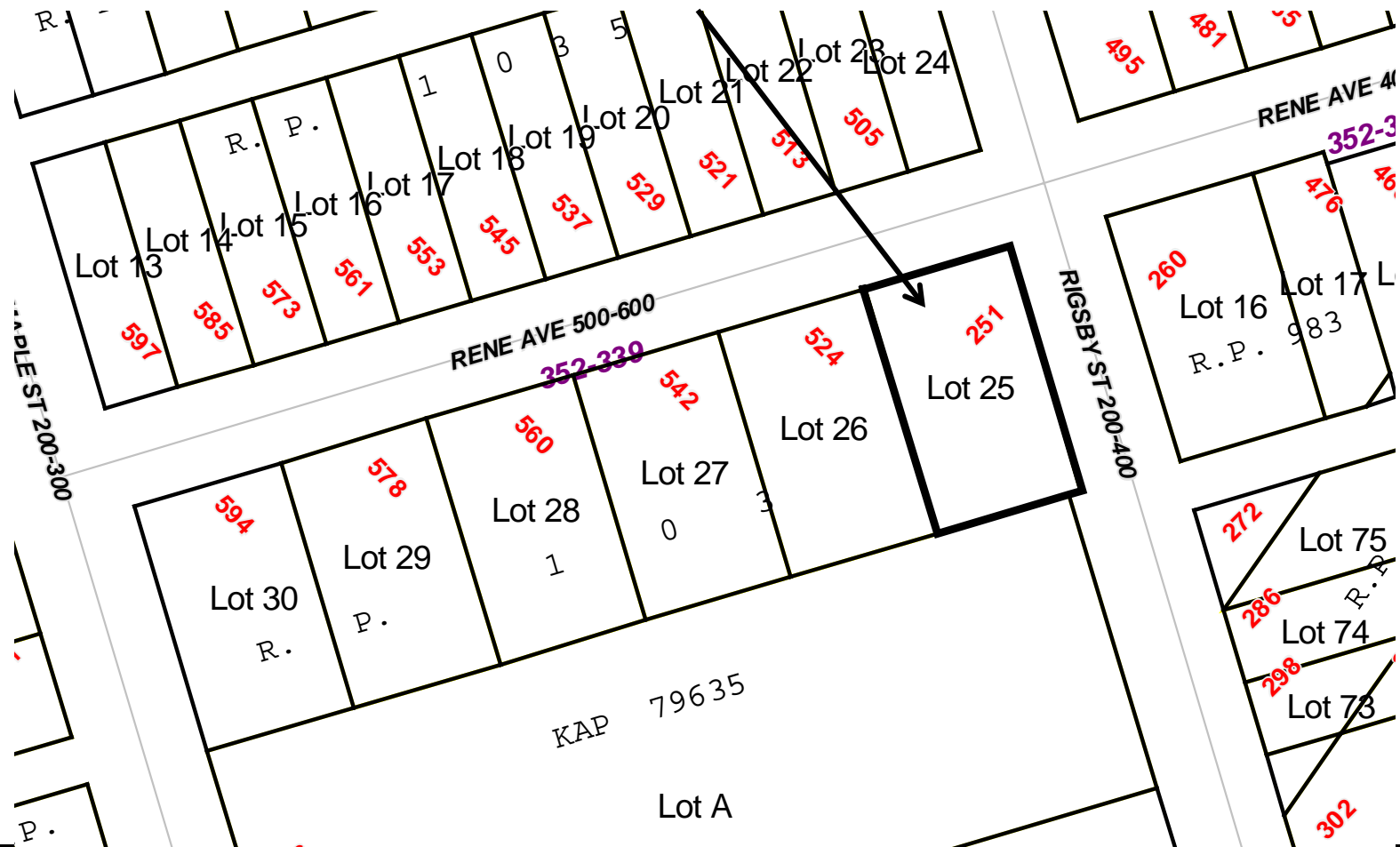
<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i>  this _____ day of _____, 2016</p> <p>_____</p> <p>for Minister of Transportation &amp; Infrastructure</p>
---

\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer

# 251 Rigsby Street - Rezone

## From RD2 (Duplex Housing: Lane) To RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-04

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_

- 37 -

**Regular Council Meeting**  
**held at City of Penticton Council Chambers**  
**171 Main Street, Penticton, B.C.**

**Tuesday, January 17, 2017**  
**at 1:00 p.m.**

## Resolutions

---

- 13.3 OCP Amendment Bylaw No. 2017-06 & Zoning Amendment Bylaw No. 2017-07  
Re: 1830 Ridgedale Avenue

25/2017

**It was MOVED and SECONDED**

THAT prior to consideration of the bylaw and in accordance with Section 475 of the *Local Government Act*, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities;
2. The Regional District of Okanagan Similkameen;
3. Local First Nations;
4. School District #67; and
5. The provincial or federal government and their agencies.

AND THAT it is determined that further consultation with School District #67 is necessary;

AND THAT "OCP Amendment Bylaw No. 2017-06", being a bylaw to amend "OCP Bylaw 2002-20" amending Schedule B: Future Land Use Map; Schedule D: Natural Areas Map; and, Schedule H: Development Permit Area Map of Bylaw 2002-20 with regard to a new 110 lot residential development proposed for Lot 1, District Lot 2710, Similkameen Division Yale District Plan 21103, located at 1830 Ridgedale Avenue and in accordance with the land use plan attached to the Bylaw, be given first reading and forwarded to the February 7<sup>th</sup>, 2017 Public Hearing.

THAT "Zoning Amendment Bylaw 2017-07", being a bylaw to amend "Zoning Bylaw 2011-23" changing the zoning designations in support of a residential development proposed for Lot 1, District Lot 2710, Similkameen Division Yale District Plan 21103, located at 1830 Ridgedale Avenue, in accordance with the land use plan attached as Schedule A of the Bylaw, be given first reading and be forwarded to the February 7<sup>th</sup>, 2017 Public Hearing.

AND THAT the following items must be satisfied prior to final adoption of "Zoning Amendment Bylaw 2017-07":

1. Adoption of "Official Community Plan Amendment Bylaw 2017-06";
2. All the recommendations regarding traffic calming contained in the Traffic Impact Assessment prepared by Watt Consulting Group and dated December 16, 2016 must be designed to the satisfaction of the City's Development Engineer and bonded for prior to final approval;

**Regular Council Meeting**  
**held at City of Penticton Council Chambers**  
**171 Main Street, Penticton, B.C.**

**Tuesday, January 17, 2017**  
**at 1:00 p.m.**

## **Resolutions**

---

3. Tree replacement plan prepared to the satisfaction of the City's Parks Supervisor to replace the 247 trees that were removed prior to earthworks (bonding for the works to be submitted prior to zoning approval);
4. Design for park and walkway to the satisfaction of the Parks Supervisor, with all works bonded for and constructed as a condition of subdivision approval; and
5. Registration of the geotechnical report prepared by Ecora Engineering dated August 17, 2016 as a covenant against the development lands.

**CARRIED**  
**Councillor Sayeed, Opposed**

# Council Report

penticton.ca

**Date:** January 17, 2017 File No: PRJ2016-101  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Blake Laven, Planning Manager  
**Subject:** Official Community Plan and Zoning Amendments for 1830 Ridgedale Avenue (The Ridge)

---

## Staff Recommendation

### *Official Community Plan Amendments*

THAT prior to consideration of the bylaw and in accordance with Section 475 of the Local Government Act, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities;
2. The Regional District of Okanagan Similkameen;
3. Local First Nations;
4. School District #67; and
5. The provincial or federal government and their agencies.

AND THAT it is determined that further consultation with School District #67 is necessary;

AND THAT "OCP Amendment Bylaw No. 2017-06", being a bylaw to amend "OCP Bylaw 2002-20" amending Schedule B: Future Land Use Map; Schedule D: Natural Areas Map; and, Schedule H: Development Permit Area Map of Bylaw 2002-20 with regard to a new 110 lot residential development proposed for Lot 1, District Lot 2710, Similkameen Division Yale District Plan 21103, located at 1830 Ridgedale Avenue and in accordance with the land use plan attached to the Bylaw, be given first reading and forwarded to the February 7<sup>th</sup>, 2017 Public Hearing.

### *Zoning Amendments*

THAT "Zoning Amendment Bylaw 2017-07", being a bylaw to amend "Zoning Bylaw 2011-23" changing the zoning designations in support of a residential development proposed for Lot 1, District Lot 2710, Similkameen Division Yale District Plan 21103, located at 1830 Ridgedale Avenue, in accordance with the land use plan attached as Schedule A of the Bylaw, be given first reading and be forwarded to the February 7<sup>th</sup>, 2017 Public Hearing.

AND THAT the following items must be satisfied prior to final adoption of "Zoning Amendment Bylaw 2017-07":

1. Adoption of "Official Community Plan Amendment Bylaw 2017-06";
2. All the recommendations regarding traffic calming contained in the Traffic Impact Assessment prepared by Watt Consulting Group and dated December 16, 2016 must be designed to the satisfaction of the City's Development Engineer and bonded for prior to final approval;
3. Tree replacement plan prepared to the satisfaction of the City's Parks Supervisor to replace the 247 trees that were removed prior to earthworks (bonding for the works to be submitted prior to zoning approval);
4. Design for park and walkway to the satisfaction of the Parks Supervisor, with all works bonded for and constructed as a condition of subdivision approval; and
5. Registration of the geotechnical report prepared by Ecora Engineering dated August 17, 2016 as a covenant against the development lands.

### **Strategic priority objective**

Approval of the zoning amendments allow for the development of additional housing for various income levels helping with housing affordability in Penticton. In addition the proposed development will help create a livable community by preserving green space and creating parks and walking trails.

### **Background**

#### *Property Description*

The subject lands are located in Penticton's eastern hillside and are currently vacant. Until quite recently a large portion of the site was used as an active aggregate extraction mine. The remainder of the property features steep terrain leading towards Penticton Creek and the City's drinking water reservoir. The lands are located to the west of the Sendero Canyon neighbourhood and uphill from the Duncan / Ridgedale neighbourhood. The steeply sloped portion of the lot is largely treed and in a natural state. The intent of the developer is to create a neighbourhood with a mixture of housing types, including 110 large and small lot single and two family residential properties, two lots for low/ mid density multiple family housing, two areas for parks and recreation and a large natural area all connected through an integrated trail network.

#### *Official Community Plan*

The lands are part of the Columbia Heights Neighbourhood Plan. The Neighbourhood Plan was created through an extensive comprehensive planning process and was originally adopted in 1997. The Plan forms part of the City's current Official Community Plan (OCP 2002-20). While the subject lands are only approximately 18 hectares (45 acres) in area, the Columbia Heights Plan covers an area of approximately 88 hectares (218 acres). The plan features a mixture of land uses and was developed with a vision towards respect for the environment, through retention and restoration of natural areas; a focus on community by offering a range of uses and a diversity of housing types, tenures and income levels; and, a development plan that includes the full service levels identified in City works and service bylaws.

The first phase of the Columbia Heights Neighbourhood Plan to go forward was Sendero Canyon, which made applications for development in 2006 and began construction in 2010. Sendero Canyon, when it is

complete will have 203 residential lots as well as a townhouse development with 44 additional residences. Sendero Canyon, being the first area to develop of the Columbia Heights plan area, constructed road ways (Lawrence Avenue) and installed significant infrastructure, including a new domestic water reservoir. The subject development will benefit from these services. The subject development represents, really, the second phase of the Columbia Heights Plan.

Presently, the Columbia Heights Area Plan shows a mixture of land uses for the subject lands. The plan shows an extensive natural area, which follows the steep northern slope of the property. The plan also shows clustered single family development, estate single family housing, an elementary school, parkland and a medium density, multiple family site.

The lands are also affected by a development permit area. The Environmental Protection Development Permit area is in place to ensure the protection of naturally sensitive areas. The steep treed slope is located in that development permit area and requires oversight by a Qualified Environmental Professional (QEP) prior to any works being done in that area. A portion of the property is also affected by the Multiple Family Development Permit Area as indicated in the Columbia Heights Plan.

### *Zoning Bylaw*

The current zoning for the property features a small area at the end of Ridgedale Avenue identified for single family development (R1) with the remainder as FG (Forestry Grazing). The current zoning does not reflect what the developer is proposing (outlined in detail below), nor what the future Land Use Plan intends for the lands.

### *Approval in place so far*

In September 2016, the City issued an earth works permit for the subject lands as part of the mine remediation works. An environmental development permit (DP) was also issued as part of those works as part of the property was located in an area deemed to be a natural area and environmental protection area. The environmental DP was issued with the support of a comprehensive review by a Qualified Environmental Professional. Prior to approval of the DP, a review by the local first nations was also conducted to determine if there were any elements of cultural or ecological importance on the site. The report submitted by the PIB Natural Resources Division did not highlight any obvious issues for the areas proposed for development, but did include 'chance find' procedures that must be followed.

To date, several trees have been removed from the site and substantive land regrading has occurred. Prior to any further works being done, zoning and subdivision preliminary layout approval need to be in place.

### **Proposal**

As stated above the developer is interested in developing approximately 110 residential lots, parkland, natural areas and two multiple family sites. The land use plan proposed is generally in conformance to that of the Columbia Heights Plan, with one major change – the school site. The developers are requesting that the OCP – and thus the Columbia Heights Plan – be amended to remove the school site from the plan.

The lot layout features the use of back lanes for vehicle access and features a pedestrian trail and walkway network throughout. There will be two small parks and a full 1/3 of the site is being preserved as a natural area. The intent of the smaller parks is for passive recreation for the residents of the surrounding community. A trail will lead through the natural area connecting the development to the Penticton Creek natural walkway.

Prior to being able to apply for subdivision and development of the lands, the property owner needs to obtain OCP and zoning amendment approval.

#### *Proposed OCP Changes*

The following OCP designations are proposed for the property (as identified on the schedule attached to the bylaw):

- Low Density Residential
- Medium Density Residential
- Natural Area
- Parks and Recreation

In addition to the change in OCP future land use designations, this Bylaw will also change the development permit area map in two ways. Firstly, the sites that are designated for multiple housing development will be places in the General Multiple Family Development Permit Area. Secondly, the Development Permit Area Map and Natural Areas maps will be amended to reflect the new environmental area boundary.

#### *Proposed Zoning Bylaw Changes*

The following zones are proposed for the development lands (as identified on the schedule attached to the bylaw):

- R1 (Large Lot Residential)
- R2 (Small Lot Residential)
- RD1 (Duplex Housing)
- RM3 (Medium Density Multiple Housing)

#### *Phasing of project*

The project is proposed in two phases with the first phase consisting of 51 single family lots. Proposed Road 3 will also be constructed at the time of Phase I as well as the eastern park, which will be an extension of the existing Sendero Canyon Park. As part of Phase I, the developer will also be responsible for most of the offsite traffic improvements and civil infrastructure. Phase II will entail the remainder of the residential lots, the westerly park and the construction of Proposed Road 1. The developer intends to begin Phase I in the Spring of 2017.

### *Proposed Form and Character of the Subdivision*

The developer is interested in carrying over much of the thematic elements of the Sendero Canyon development into this next phase of the Columbia Heights Area Plan. Back lanes are used throughout the development. The street cross section shows tree lined streets with grass boulevards, sidewalks, ornamental lighting similar in style to that of Sendero Canyon and underground electrical and services. As the developer is not planning on being the builder of all of the lots, the style of the actual residences may be more varied than seen in Sendero Canyon. However, in cases like this statutory building schemes are often used to create some uniformity. The developer has not indicated what style of housing will be encouraged on these lots or whether a statutory building scheme will be utilized.

### **Public Open House**

As part of the plan development process, the developers held a Public Open House at Columbia Elementary School. The open house was held on October 3, 2016 and attended by approximately 80 + people. The Open House was advertised in the local newspaper and letters were sent to all residences in the surrounding neighbourhoods. While the overall tone of the Open House was positive, attendees brought up several concerns that they wished to see addressed as the plan developed. A survey was also made available for attendees to fill out. In total 46 surveys were received.

A synopsis of the Open House is attached to this report (Attachment G), but the main concerns that were brought up were as follows:

- Traffic: Speed on Lawrence and traffic safety around the school
- Construction disturbance
- Environmental concerns with loss of trees and natural areas

With the comments from the public open house in mind, the developers hired a Transportation Engineering firm to make recommendations on the traffic flow of the new development, created a tree replacement plan and made some amendments to the land use plan to reflect some of the feedback.

### **Technical Review**

#### *General Utilities*

With a subdivision of this scale, early and ongoing consultation between the developer's Engineering team and the City's Development Engineering Department is vital. Discussions have been ongoing prior to applications being made. As with any greenfield development a full infrastructure plan dealing with the provision of domestic water, sanitary sewer services, an integrated road network, storm water management and electrical and communication infrastructure needs to be created. In this case, the Columbia Heights Plan identified a general concept for these needs and the Sendero Canyon development installed much of the off-site infrastructure works, including a new domestic water reservoir. While detailed plans have not been created yet, a concept plan has been submitted to the City's Development Engineer for review showing how the development will be serviced and impacts on the City's system. The City's Development Engineering has

confirmed that the City's system can handle the additional loads created by this subdivision, with adequate measures put in place. Once zoning is in place, detailed design work will commence.

### *Traffic*

As stated above a full traffic impact assessment has been conducted. The report, prepared by Watt Consulting Group, lists a number of recommendations dealing with the proposed increase of traffic and presents a general traffic calming plan to help to ease the additional traffic loads into the existing transportation network. The report reflects on both existing issues with the City's network and issues that will be created by the new development. The recommendations from the report include the following:

- City: Install sidewalk on the north side of Lawrence Avenue from Sunset Place to Allison Street.
- \* Implement curb bulbs on Lawrence Avenue for the Allison Street crosswalk to calm traffic and reduce the pedestrian crossing width.
- \* Implement curb bulbs on Lawrence Avenue at Columbia Street and maintain crosswalk to east leg of intersection only. Investigate capacity needs and road safety for the Government Street corridor.
- City: Government Street / Duncan Avenue will need additional northbound and southbound through lanes and protected-permitted left-turn phasing for 2032 background conditions; however the capacity and safety study should be conducted first to confirm the needs of the intersection
- City: Further investigate closure of the Edgewood Drive approach at Duncan Avenue.
- City: Clear constrained/obstructed sightlines in the study area.
- \* Traffic calming: Implement a raised median island at the east access for Phase 1 and one for the west access for Phase.
- \* Traffic Calming: Implement a raised median island west of Sunset Place for Phase 1.

Staff are recommending that the traffic calming aspects of these works be done by the developer as part of Phase 1 of the development (indicated with an asterisks above \*). Staff are suggesting that the designs of the works be done prior to final approval of the zoning bylaws and the works be required through an excess or extended services resolution (because the works are outside of the subject lands). The remainder of the works and further investigations the City will be responsible for as part of general Capital Works projects.

### *Geotechnical*

A geotechnical assessment of the property has identified areas that are suitable for building and those areas that are not. Given the extreme topography of the lands, the report identifies a safe building line set back from the steep slope. As part of the subdivision of the property it will be important to maintain the involvement of the geotechnical professional to ensure that any lots that are built are ultimately safe lots. Staff are recommending that as a condition of zoning approval that the geotechnical report be registered as a covenant against the lands. This will ensure that any future developers, builders or purchasers of housing are aware of the unique conditions of the lands.

## *Environmental*

Given that close to ½ of the subject property was in a natural state prior to the earthworks being done staff requested an environment review of the lands prior to any tree removal and earthworks. As part of the environmental review a tree inventory was conducted, with the understanding that all trees that were removed would be replaced at a 1:1 ratio. The environmental report also indicated areas of remediation on the natural area. The environmental investigation found areas of sloughing within a slope in the natural area. As part of the development permit approval for the Environmental Protection DP (to be able to do works within an environmental area) bonding was taken to remediate the sloughing portion. This was important as the sloughing takes place where the nature trail leading from the residential portion of the subdivision down to the Penticton Creek walkway is proposed. The environmental report also features a number of other conditions that include best practices during construction and environmental oversight of the project. These recommendations will form part of any subdivision and building permit approvals.

## **Financial implications**

Approval of the subject development has the potential for an immediate positive financial impact on the city, if the development proceeds as proposed. Some estimated financial implications for full development of the lands include:

- An estimate \$54 million dollars in construction value, equating to approximately \$650,000+ in building permit value
- An estimated \$1.75 million in development cost charges, to go towards city wide DCC program infrastructure upgrades and installations
- Approximate tax contributions of \$300,000 a year when the lots are completely built out (anticipated prior to 2020)
- Over 350,000 man hours of employment created for Penticton builders

In the short term, the City will be responsible for some minor transportation upgrades, including installing some sidewalks and monitoring transportation impacts and will be responsible for the maintenance of the two park areas and trails that are proposed. Longer term costs to the city include the responsibility for maintenance of the new civil infrastructure being installed.

## **Analysis**

### *Support OCP and Zoning Bylaw Amendments*

The proposed development strategy for the subject lands is generally in conformance with the Columbia Heights Neighbourhood Plan. The major change has to do with the fact that the plans no longer show a school site. Staff have had initial discussions with the school board about this proposed change, and the indication was that the school board will support the change. Staff are recommending however that the school board be given the opportunity to officially respond to the change in land use designation.

The proposed plan is reflective of a good planning process, with the developer seeking public input prior to finalizing plans and incorporating those findings into the final designs. The outcome is a plan that preserves a large portion of the land as a natural area, provides a mixture of land uses and is compatible with neighbouring development. The transportation network featuring back lanes, trails and a pedestrian focused network represents good planning practice and will, in staff's opinion provide a good structure for a sustainable neighbourhood.

The development meets the following policies and principles of the City's Official Community Plan and Columbia Heights Neighbourhood Plan:

- Facilitating the provision of a variety of housing types, tenures and densities that will respond to the diverse needs, including income levels of individuals and families in Penticton at varying stages of their life.
- Developing new neighbourhoods that are considerate of the environment and of important habitat
- Developing neighbourhoods that have a feeling of community, incorporating the following elements: parks, green spaces, trails and natural areas, a mixture of housing types, pedestrian orientation
- At the time of rezoning the City will require site specific natural vegetation and tree cover assessment.
- Implementing multi-use trails throughout the Columbia Heights plan area
- Ensuring pedestrian linkages between residential areas and schools and parks.
- Urban services will be provided concurrent with development

Given that the development is in general conformance with the Columbia Heights Plan and represents good planning practice, staff are recommending that Council give first reading to the OCP and zoning amendment bylaws and refer the bylaws to the February 7, 2017 Public Hearing for comment from the public. Staff are also recommending that ultimate approval of the zoning bylaw be subject to a number of conditions, including improvements to the road network, bonding for tree replacement, designing and bonding for parks works and registering the geotechnical report on the title of the parent parcel.

#### *Deny / Refer OCP and Zoning Bylaw Amendments*

Council may feel that the proposed development plan is not adequate for the lands in question. If that is the case Council may wish to deny first reading of the Bylaw. Alternatively, Council may feel that further conditions are warranted prior to approval.

#### **Alternate recommendations**

THAT Council deny first reading of "OCP Amendment Bylaw 2017-06" and "Zoning Amendment Bylaw 2017-07".

THAT Council support "OCP Amendment Bylaw 2017-06" and "Zoning Amendment Bylaw 2017-07" with conditions that differ from those identified by staff.

**Attachments**

- Attachment A – Subject Property Location Map
- Attachment B – Images of Subject Property
- Attachment C – Current OCP Future Land Use Designations (Columbia Heights Neighbourhood Plan)
- Attachment D – Proposed OCP Future Land Use Designations
- Attachment E – Current Zoning
- Attachment F – Proposed Zoning
- Attachment G – Public Open House Synopsis
- Attachment H – Proposed Phasing Plan
- Attachment I – Proposed Street Cross Section
- Attachment J – Predevelopment Tree Count

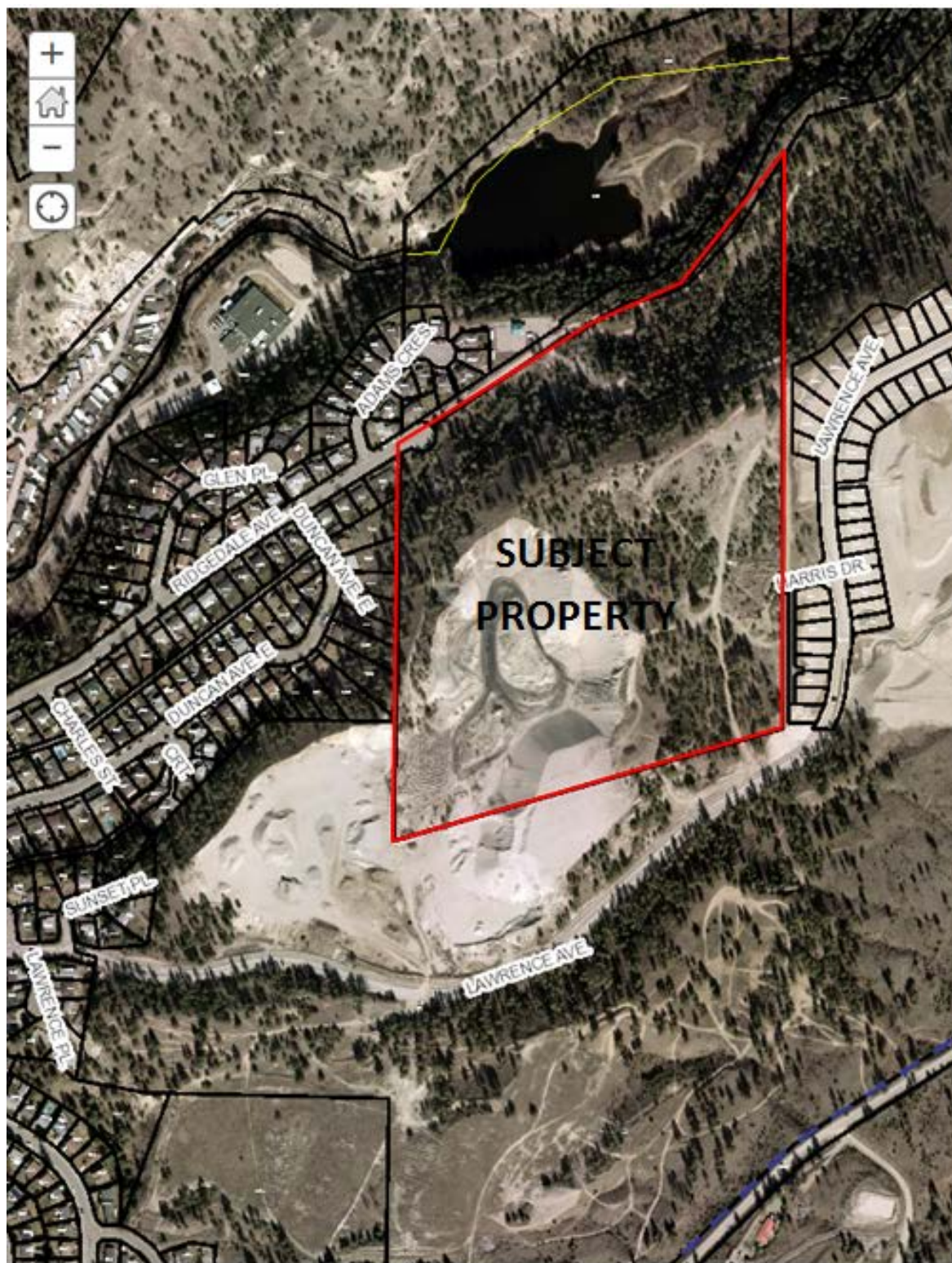
Respectfully submitted,

Blake Laven, RPP, MCIP  
Planning Manager

Approvals

Director  <i>AL</i>	Chief Administrative Officer  PW
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Attachment A  
Subject Property Location Map



Attachment B  
Images of Subject Property



**Figure 1: Drone image of subject property with Sendero Canyon development in the foreground, looking west**



**Figure 2: Drone image of subject lands showing the aggregate extraction area**

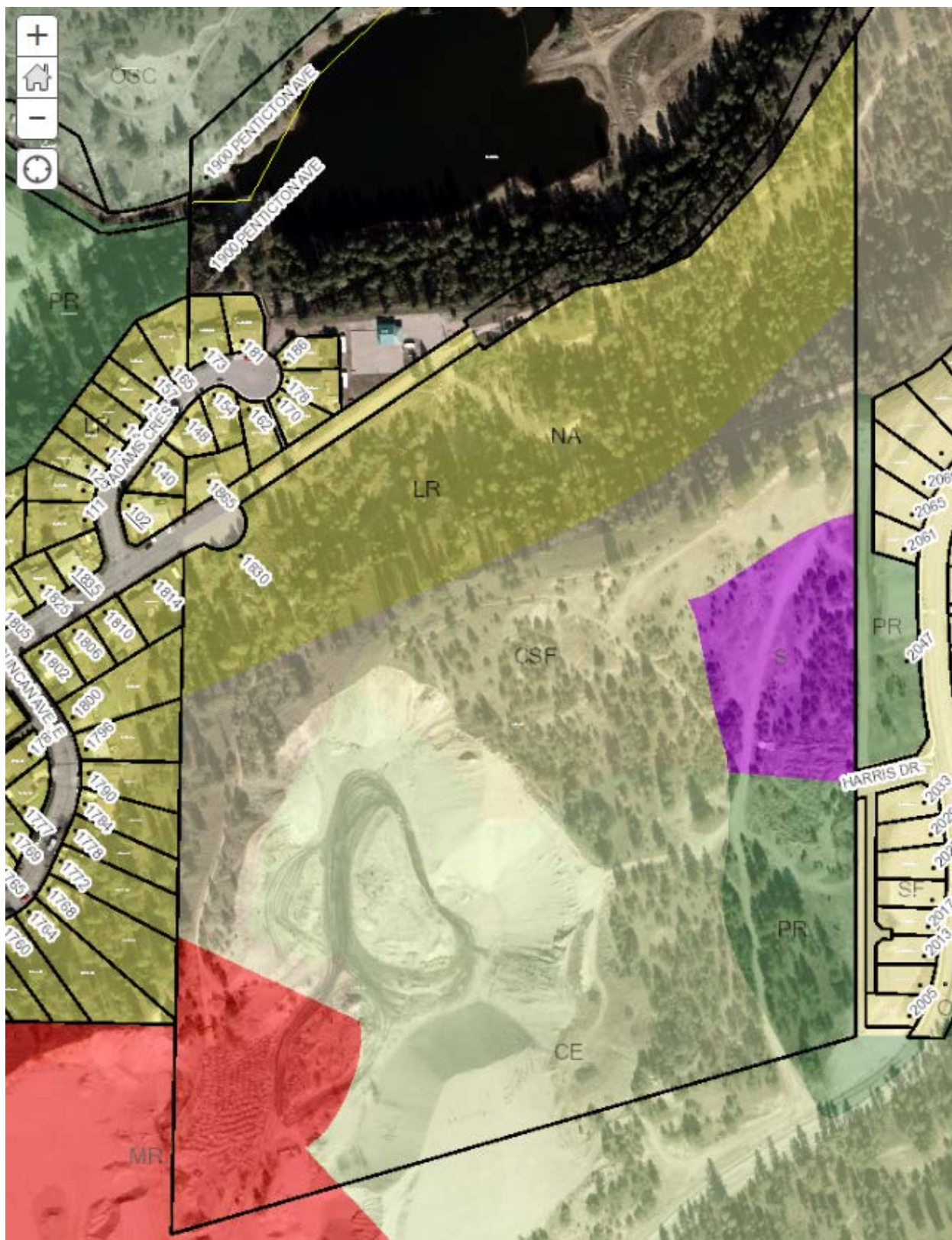


**Figure 3: Image of subject lands looking east**

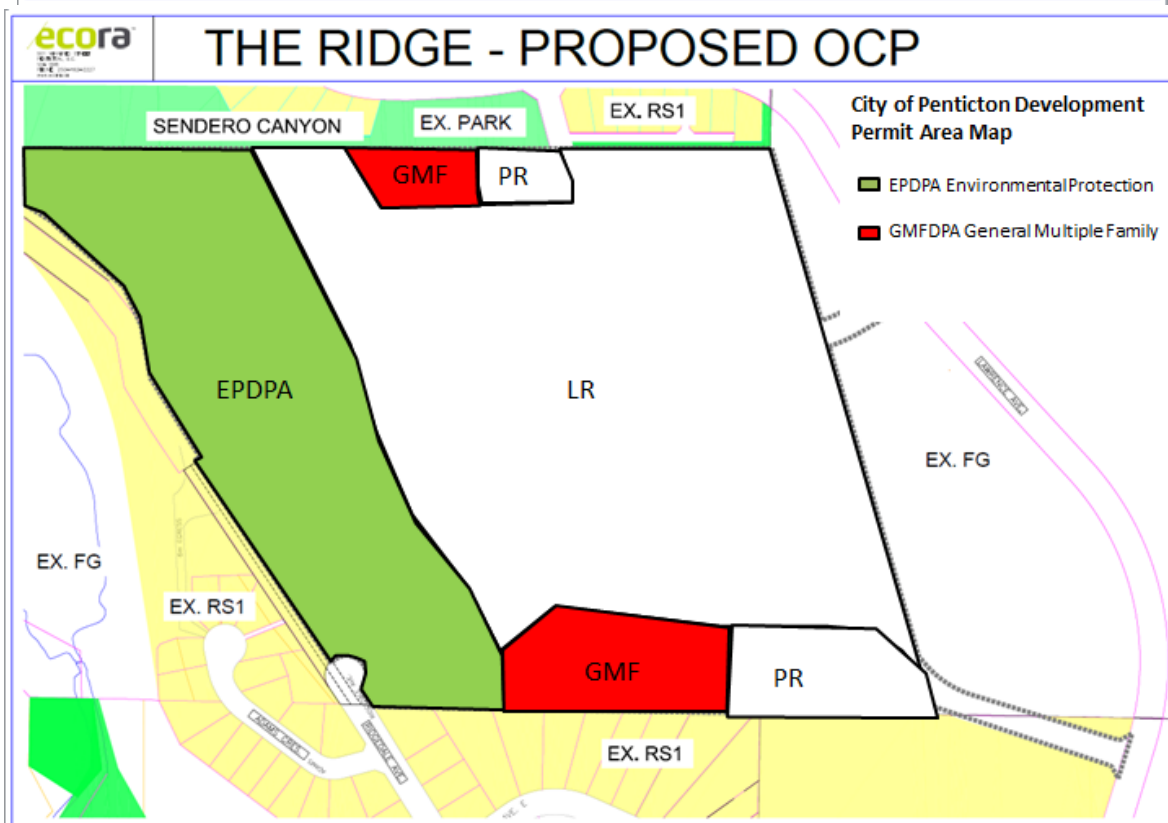
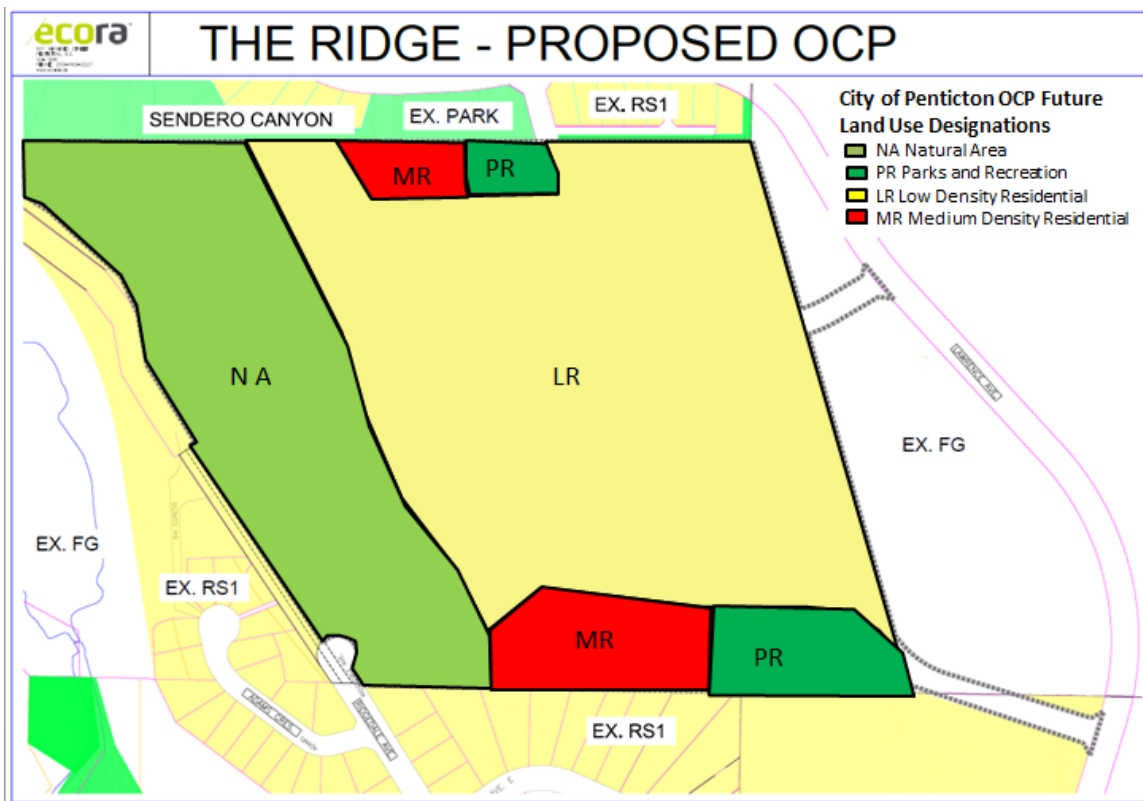


**Figure 4: Image of subject lands looking south**

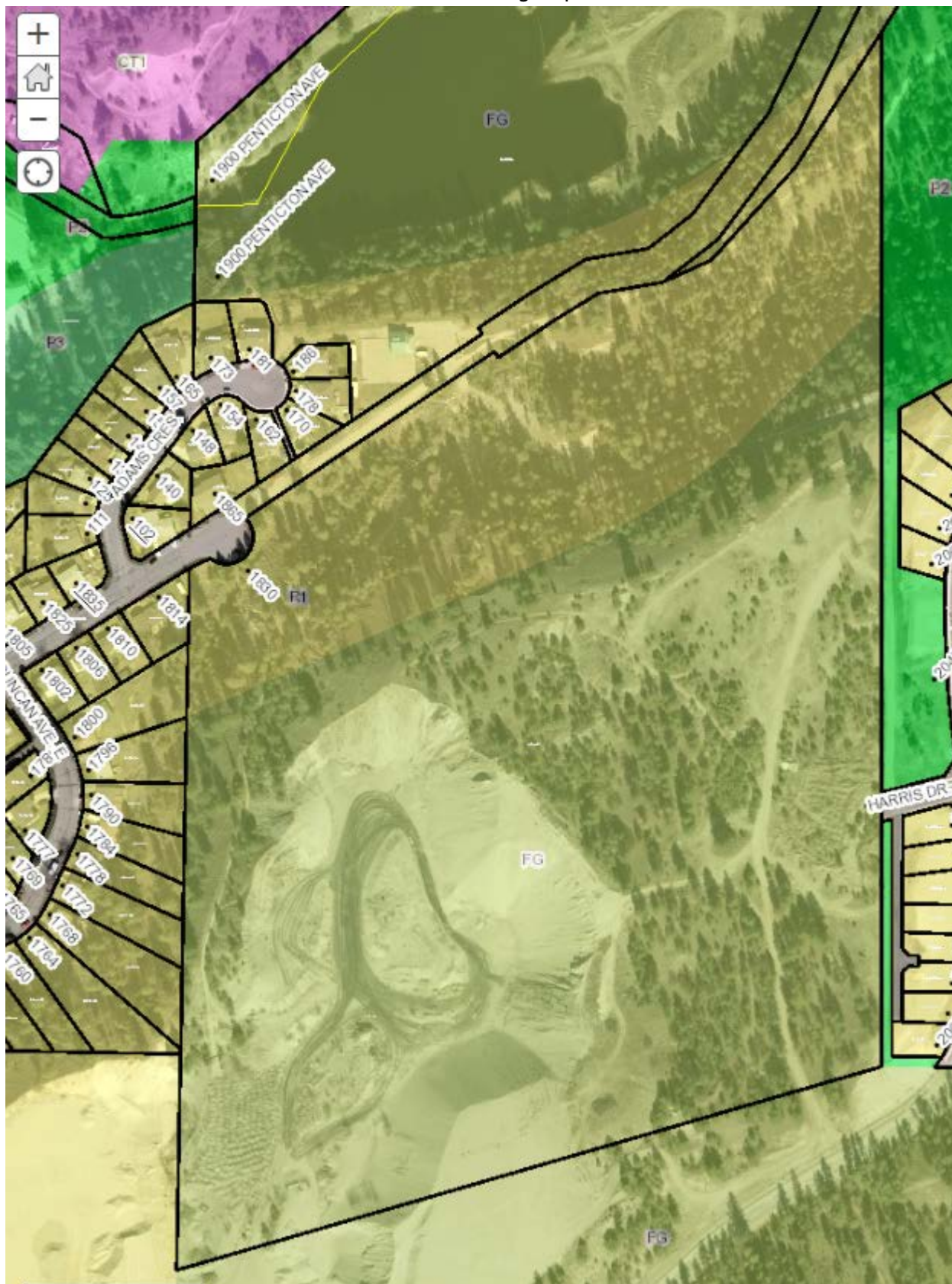
Attachment C  
Current Official Community Plan Land Use Plan Designations



Attachment D  
Proposed Official Community Plan Amendments



Attachment E  
Current Zoning Map





Attachment F  
Open House Synopsis



## Memorandum

penticton.ca

To: Blake Laven  
From: Randy Houle  
Date: October, 5, 2016  
Subject: 1830 Ridgedale Avenue Open House (October 3<sup>rd</sup>, 2016) Summary of Survey Responses

### Background Information:

The proposed development at 1830 Ridgedale Avenue consists of approximately 140 dwellings with a mix of single family, duplexes and multiple family housing. The development proposes multiple parks while also ensuring that environmentally sensitive areas are protected.

An Open House was held at Columbia Elementary School on Monday October 3<sup>rd</sup>, 2016 from 4:30 till 7pm. Ecora hosted the event with employees from the City of Penticton's Development Services Department in attendance to provide advice on process and current City policy.

Residents of nearby neighbourhoods attended to gather information and voice their opinions on the proposed development. An estimate of 80 + people were in attendance.

46 Surveys Received

Average of 2.8/5 in terms of satisfaction with proposed land use changes.

### Main Concerns:

#### *Traffic:*

- Improvements needed for Lawrence & Duncan intersection.
- Sidewalks, speed bumps and pedestrian crossings needed to slow traffic on Lawrence.

#### *Construction Site:*

- Reduce working hours (currently 7 days a week, 7-6pm).
- Generator noise.
- Dust.
- Garbage.

*Environment:*

- Numerous concerns over removal of old growth trees.
- Increased dumping of yard waste over the hill.
- Slope stability on the West side of development.

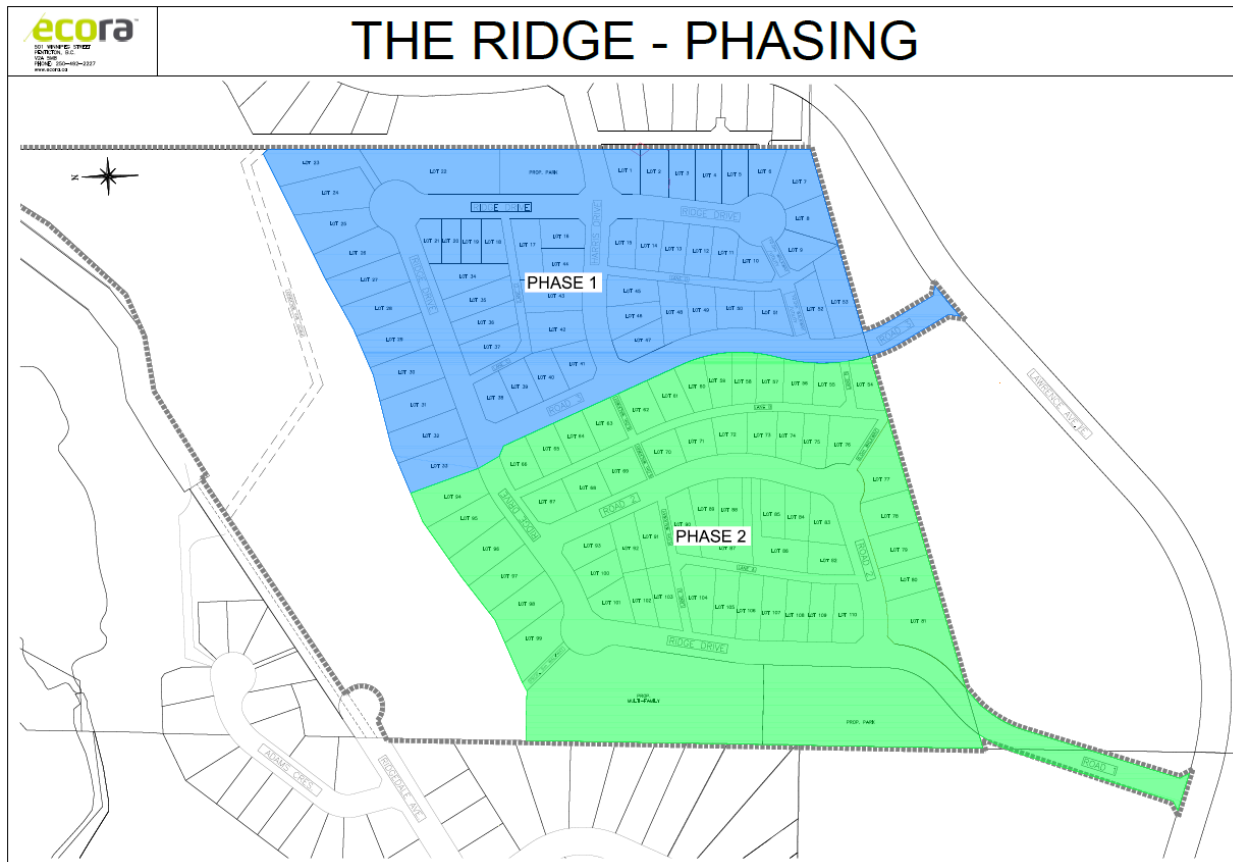
**Missing Information from proposed land use changes:**

- Parks for children, more green space and trails.
- Ensuring environmentally sensitive areas are protected, especially ESA2 and area west of Sendero.

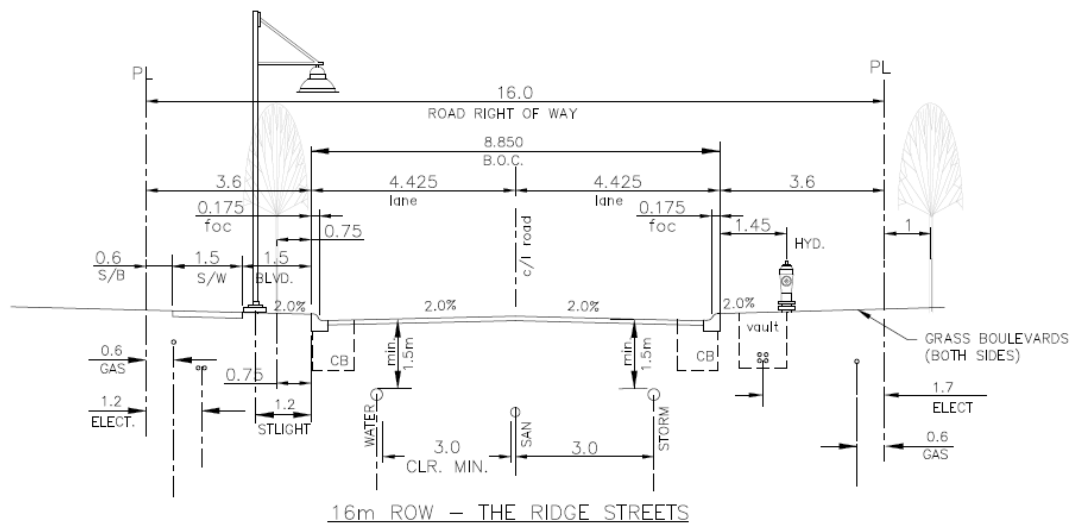
**Additional Comments:**

- Is the water supply adequate for the proposed development?
- School shortages in this area.
- Loss of privacy for neighbours below development.
- Sendero has not followed through with green space plans.
- Remove obstruction at Basham Court & Lawrence intersection.
- More separation needed between existing neighbourhood around upper Ridgedale and proposed development.
- Are fire escape routes adequate?
- Keeping residents outside of the 30m buffer informed as well.
- Reduce 6m walkway in environmentally sensitive area.
- OCP promotes density in downtown core and reducing urban sprawl, this project contradicts this.
- How many families will this project bring in?
- Ecora has done the environmental impact survey, and they work on behalf of developer. Is that a conflict of interest?

### Attachment G Proposed Phasing Plan



### Attachment H Proposed Typical Street Cross Section



**NOTES**

**– ROAD & LANE STRUCTURE**

- 50mm ASPHALT PAVEMENT
- 100mm – 19mm CRUSHED GRAVEL BASE
- 200mm – 75mm CRUSHED GRAVEL SUB-BASE

– ALL CURB AND GUTTER TO BE ROLLOVER CURB & GUTTER AS PER MMCD C-4

– SIDEWALK 120mm CONC.

Attachment I  
Predevelopment Tree inventory



# Memo

To: Michael Hodges

Date: August 12, 2016

CC: Kelly Mercer

File: CP\_15\_287\_CUZ

From: Shikun Ran, RPF

Memo No. 01

Subject: Ridgedale Development Property Tree Count

Trees in the development property of Ridgedale were mapped and field verified By Ecora Engineering and Resource Group Ltd. during the period of August 10<sup>th</sup> - 12<sup>th</sup>, 2016. The following methodology was used:

- 1) All individual trees of larger size were mapped in the office using high resolution images and GIS technology. The mapped trees were loaded into an iPad for the purpose of field verification.
- 2) Field verification occurred in August 11<sup>th</sup>, 2016. Mr. Shikun Ran, RPF verified every individual mapped trees in the field.
- 3) In some cases, a clump of trees were mapped as one individual due to difficult for separating them in the mapping process. Actual trees were counted in the field if diameter of the trees is equal or greater than 25 cm.

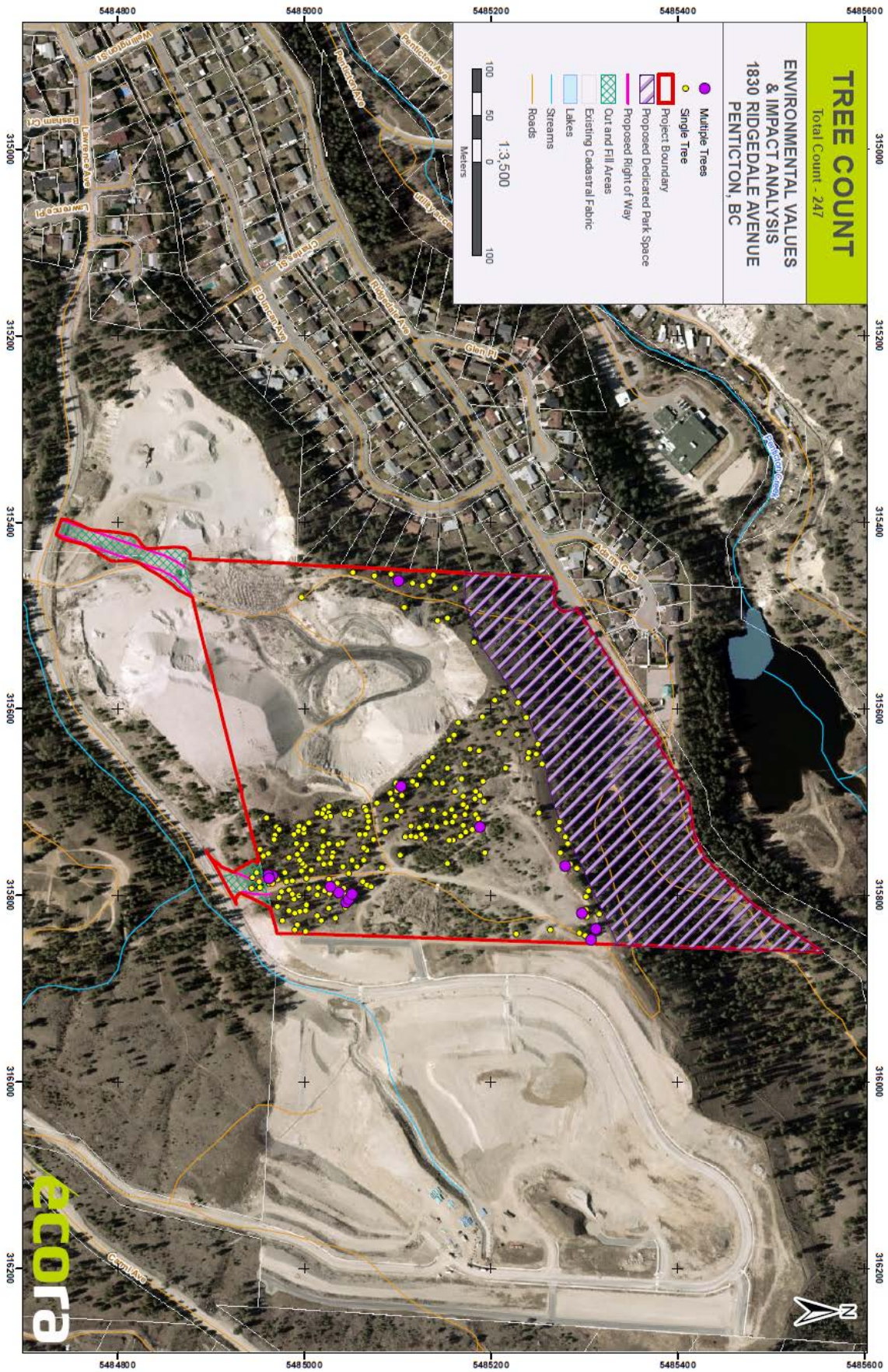
As a result of above process, a total of 247 trees were found to have diameters at breast height (DBH) equal to or greater than 25 cm.

Sincerely,

A handwritten signature in black ink, appearing to read "Shikun Ran".

Shikun Ran, RPF





Bylaw No. 2017-06

A Bylaw to Amend Official Community Plan Bylaw 2002-20

WHEREAS the Council of the City of Penticton has adopted an Official Community Plan Bylaw pursuant to the Local Government Act;

AND WHEREAS the Council of the City of Penticton wishes to amend Official Community Bylaw 2002-20;

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 "Official Community Plan Amendment Bylaw No. 2017-06."

2. Amendment:

"Official Community Plan Bylaw No. 2002-20" is hereby amended as follows:

- 2.1 Change Schedule 'B' Future Land Use designation for Lot 1, District Lot 2710, Similkameen Division Yale District, Plan 21103, located at 1830 Ridgedale Avenue in accordance with Schedule "A" attached hereto and forming part of this bylaw.
- 2.2 Change Schedule 'D' Natural Areas Map to include Lot 1, District Lot 2710, Similkameen Division Yale District, Plan 21103, located at 1830 Ridgedale Avenue in accordance with Schedule "B" attached hereto and forming part of this bylaw.
- 2.3 Change Schedule 'H' Development Permit Area Map to include Lot 1, District Lot 2710, Similkameen Division Yale District, Plan 21103, located at 1830 Ridgedale Avenue in accordance with Schedule "C" attached hereto and forming part of this bylaw.

READ A FIRST time this 17 day of January, 2017  
 A PUBLIC HEARING was held this 7 day of February, 2017  
 READ A SECOND time this day of , 2017  
 READ A THIRD time this day of , 2017  
 ADOPTED this day of , 2017

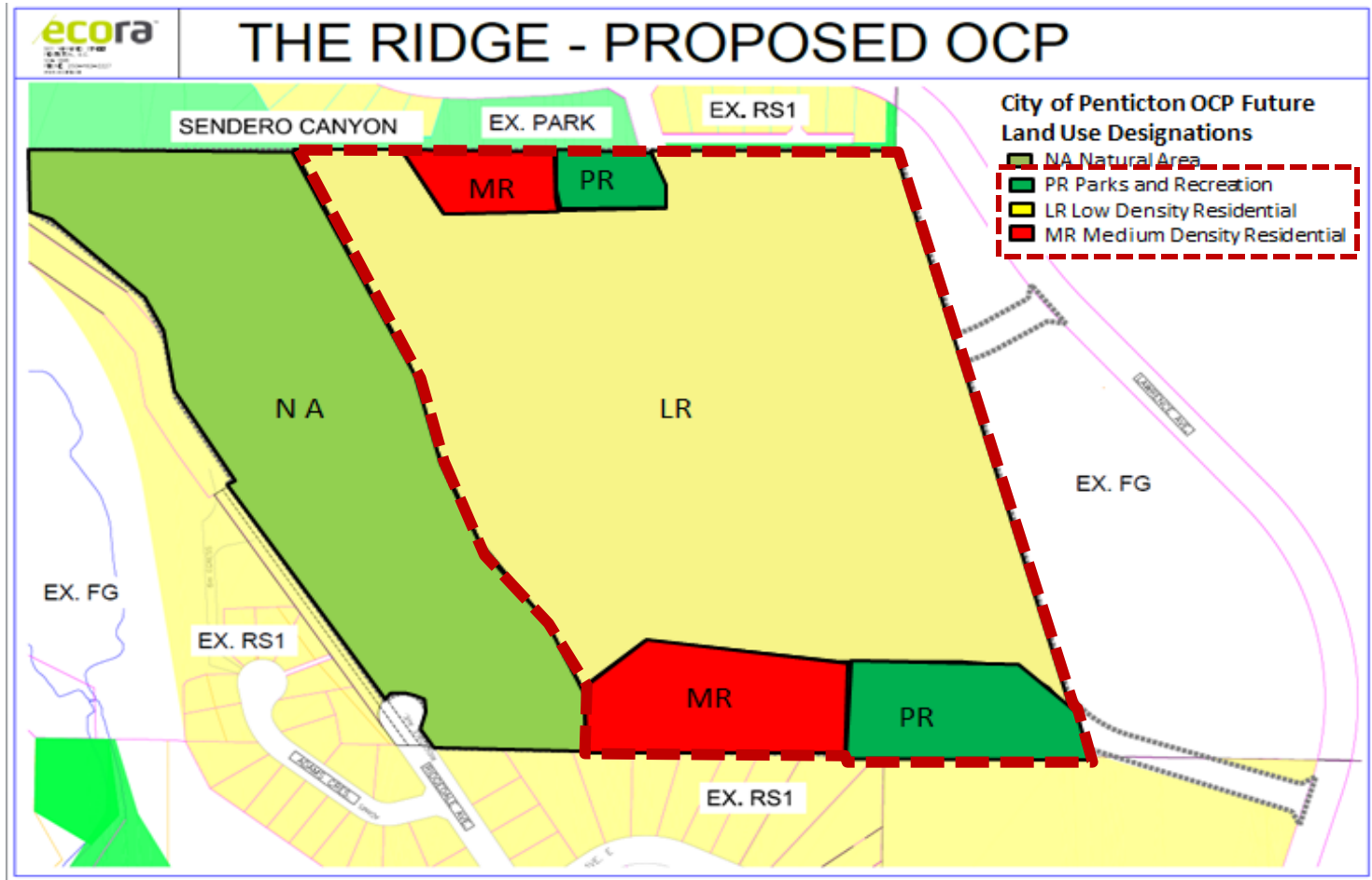
Notice of intention to proceed with this bylaw was published on the 27 of January, 2017 and the 1 of February, 2017 in the Penticton newspapers, pursuant to Section 94 of the Community Charter.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

# 1830 Ridgedale Avenue

## Amend Schedule B: Future Land Use Map of OCP Bylaw 2002-20



City of Penticton – Schedule 'A'

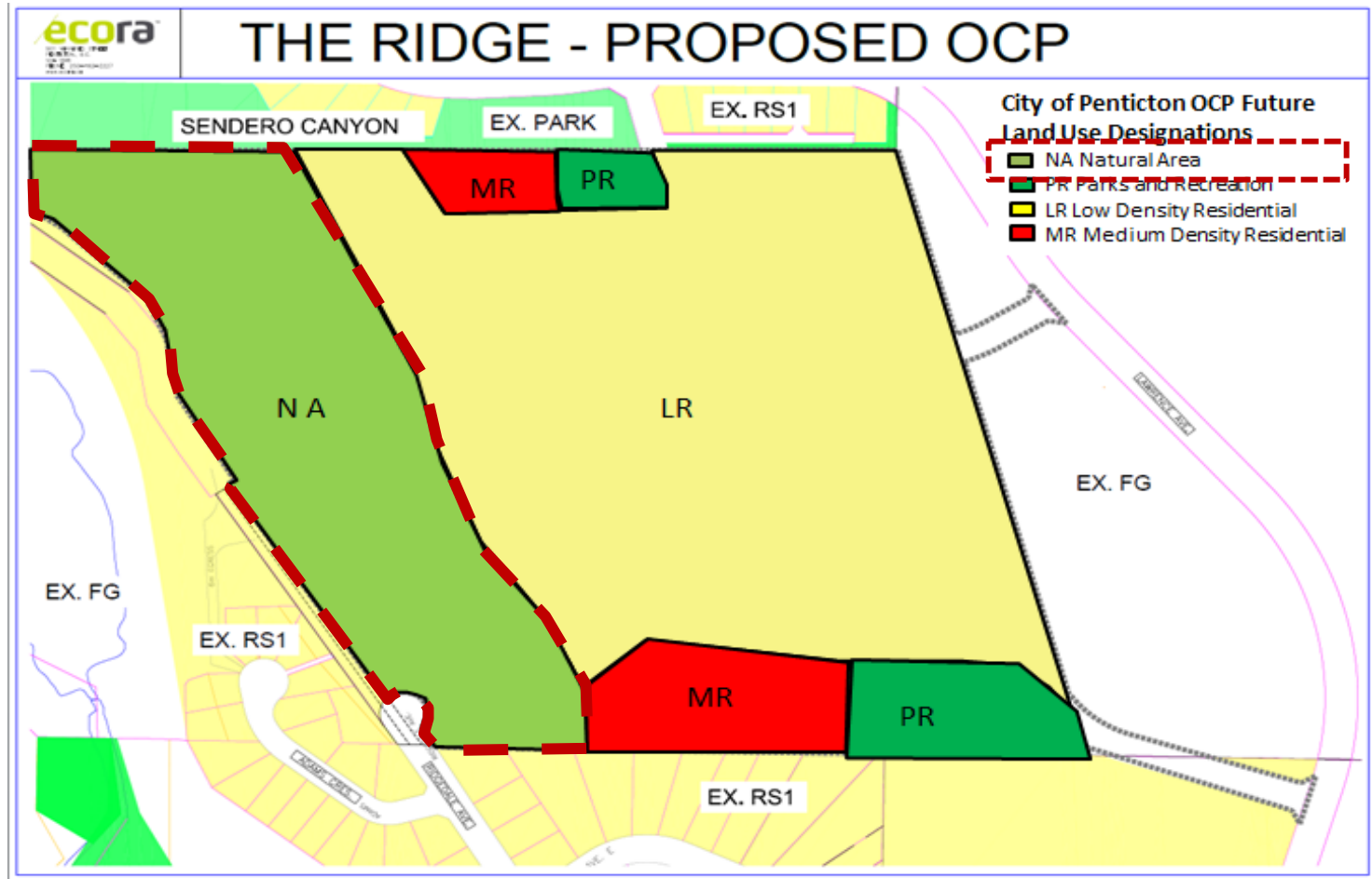
Official Community Plan Amendment Bylaw No. #2017-06

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_

# 1830 Ridgedale Avenue

## Amend Schedule D: Natural Areas Map of OCP Bylaw 2002-20



City of Penticton – Schedule 'B'

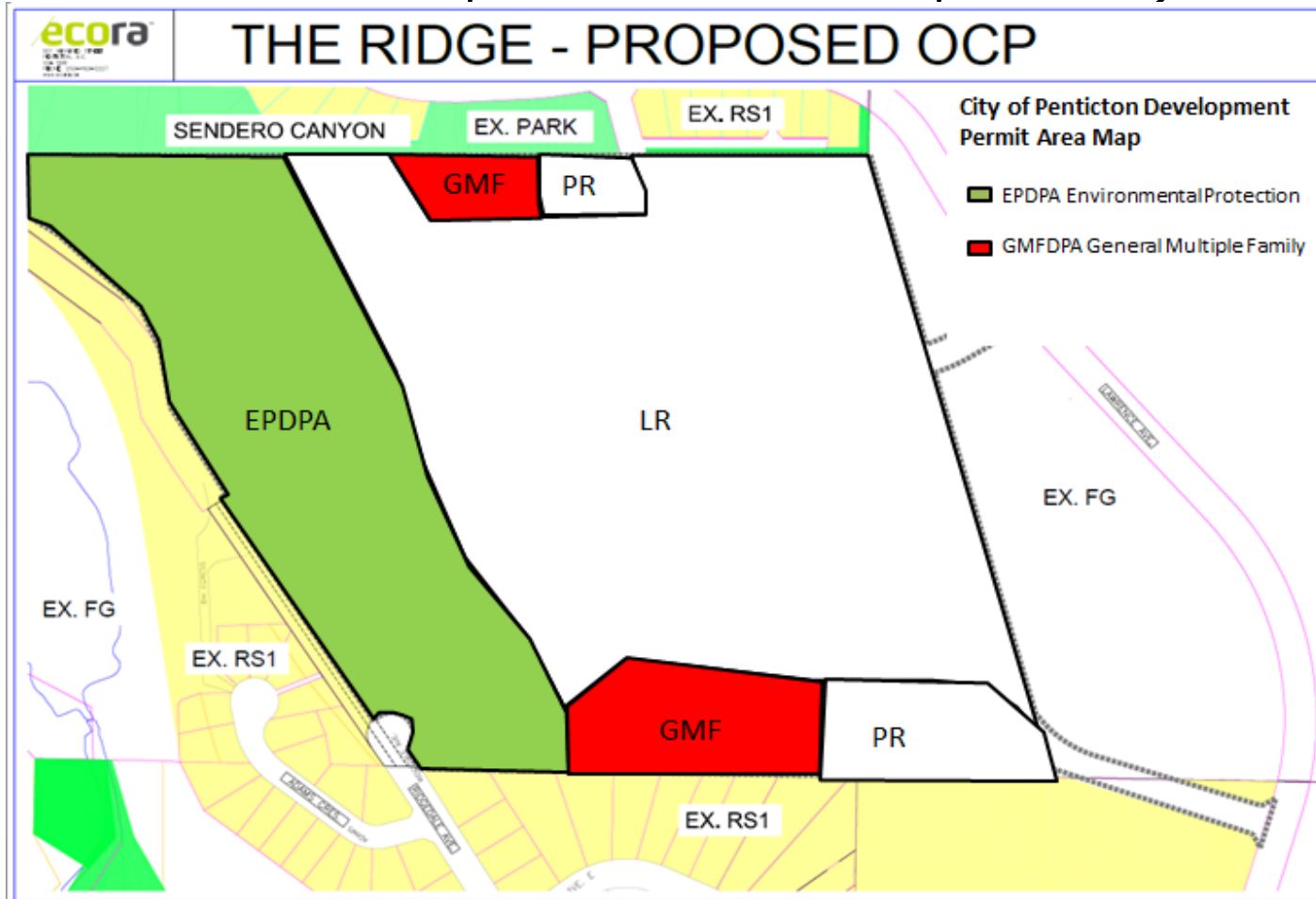
Official Community Plan Amendment Bylaw No. #2017-06

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_

# 1830 Ridgedale Avenue

## Amend Schedule H: Development Permit Area Map of OCP Bylaw 2002-20



City of Penticton – Schedule 'C'

Official Community Plan Amendment Bylaw No. #2017-06

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_

**Bylaw No. 2017-07**

*A Bylaw to Amend Zoning Bylaw 2011-23*

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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 2011-23;

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. 2017-07".

2. **Amendment:**

2.1 Zoning Bylaw 2011-23 is hereby amended as follows:

Change the zoning designations for Lot 1, District Lot 2710, Similkameen Division Yale District, Plan 21103, located at 1830 Ridgedale Avenue, in accordance with Schedule "A" attached hereto and forming part of this bylaw.

READ A FIRST time this	17	day of	January, 2017
A PUBLIC HEARING was held this	7	day of	February, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the 27 day of January, 2017 and the 1 day of February, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

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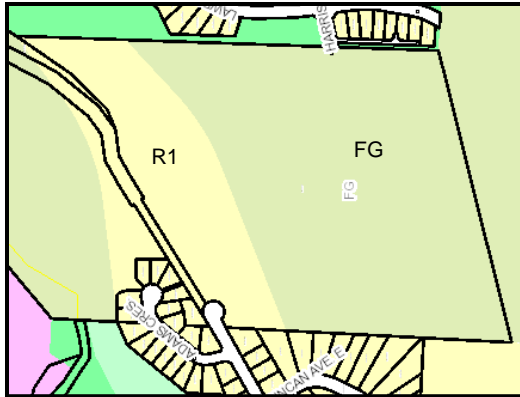
Andrew Jakubeit, Mayor

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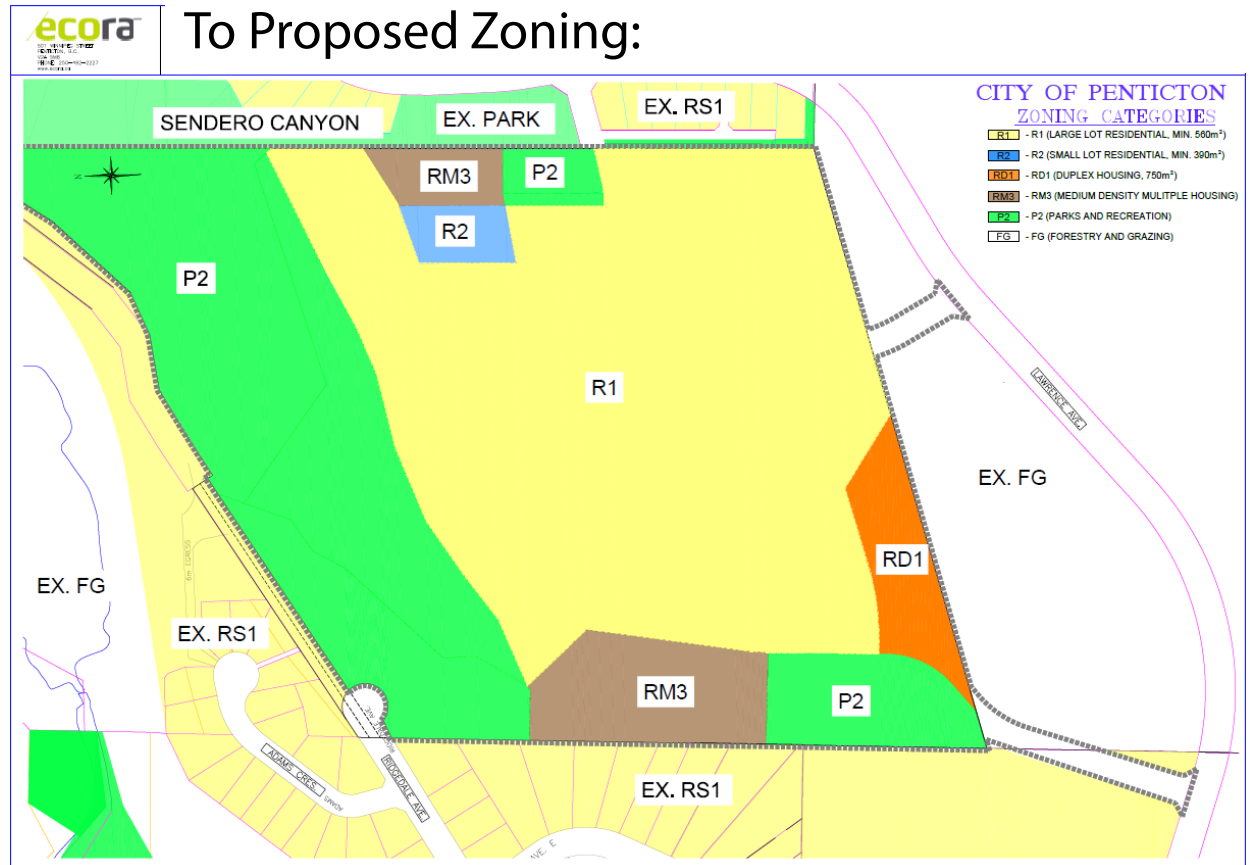
Dana Schmidt, Corporate Officer

# 1830 Ridgedale Avenue - Rezone

From  
(Current Zoning)



To Proposed Zoning:



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-07

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_