



May 2, 2022

Regional District of Central Okanagan
Community Services Department – Planning Section
Attn. Brittany Nichols
1450 K.L.O. Road
Kelowna, BC



Development Variance and Development Permit Application at 2223 Westside Rd.

Dear Brittany,

The purpose of this application is to secure a Development Variance Permit and Development Permit to allow for the construction of a single-family dwelling at 2223 Westside Road. The property is very large with an area of 13,100m². However, much of the property is affected by sensitive floodplain, riparian, and slope areas which will limit the buildable area for any construction. In 2020; A Development Permit, Development Variance Permit, and Floodplain Exemption request was submitted to the RDCO for a single-family dwelling on the subject property. After the application was deemed unsuccessful, Urban Options became involved to coordinate a new application which retains the aspirations of the landowners while concurrently respecting the sensitivity of the property by following the direction of RDCO Staff, Bylaws, and the Official Community Plan. We believe this proposal is reasonable as the building footprint has been drastically reduced to respect the Riparian and Floodplain setbacks.

History

The subject property is currently undeveloped with the exception of a shed and multiple retaining walls which were built under previous ownership. Pending approval of this application, the existing shed will be removed, however the retaining wall on the foreshore will remain in place to provide flood and erosion protection to the proposed foundation. The current owners purchased the property in March 2019 with the goal of constructing a single-family dwelling. As previously mentioned, an application was submitted for Development Permit, Development Variance Permit, and Floodplain Exemption. Among other reasons, the Regional Board denied the application due to the size of the dwelling and its encroachment into the floodplain and riparian areas.

Neighbourhood Context

Discussions have taken place with the direct neighbour at 2235 Westside Road N. and there are no concerns regarding the DP & Variance applications. As shown on the attached rendering, consideration was taken during the design phase to integrate the proposed dwelling into the natural landscape for viewing pleasure from the neighbouring properties and from lake users. The dwelling has a tranquil design which is expected to blend seamlessly into the existing neighbourhood, contrary

to the previous design which was viewed as overwhelming. In addition, Ecoscape Environmental Consultants Ltd. has recommended specific vegetation to be planted as part of the restoration of the foreshore to create a natural outdoor open space which positively incorporates with the neighbourhood while supporting the lifecycles and processes of the natural environment.

As per the attached Danger Tree Report, three trees were removed on May 24, 2021. Tree #1 was dangerous due to its location amongst powerlines and Westside Road. Tree #2 was dangerous due to weak roots and the risk of collapse in a future windstorm. Tree #3 had uprooted and was blown down in a windstorm. The report provides details of each tree and photos to support the evidence. Ecoscape Environmental Consultants Ltd. has taken into account the tree removal on May 24, 2021 as part of their report.

Development Permit

The Environmental Development Permit portion of this application has been submitted to address the environmental impact, species at risk, and mitigation measures of the proposed works on the subject property with regards to terrestrial and aquatic. As outlined in the *Rural Westside Official Community Plan*, the subject property is located in a yellow shoreline sensitivity zone. The yellow zone results in a leavestrip of 15.0m for any development or land disturbance. On the east side of the Westside Road, the proposed dwelling has been strategically located within the ESA 3 area (moderate sensitivity) and outside of the 15.0m ESA 2 area (high sensitivity). On the west side of the road, the proposed septic field and piping is also located within the ESA 3 area (moderate sensitivity). For further information regarding these topics and OCP Development Permit area conformance, please refer to the attached Environmental Assessment report by Ecoscape Environmental Consultants Ltd., dated May 2, 2022. Septic plans created by Franklin Engineering Ltd., dated February 2, 2022 are attached for reference.

Ecoscape Environmental Consultants Ltd. require restoration of the riparian area and incorporate a mixture of natural restoration on the south side of the property and landscaped open space to the east of the principal dwelling which is expected to integrate with the existing neighbourhood. The plan contains an abundance of coniferous trees, deciduous trees, and mixed shrubs.

In short, all Development Permit area objectives will be met as part of this application:

"The proposed development is not anticipated to have any long-term effects within the subject property, as long as the recommended restoration plan, mitigation measures, and best management practices are followed throughout the course of the construction period within the subject property."

The Hillside Development Permit portion of this application has been submitted to address the stability of slope areas with regards to the proposed dwelling. Please refer to the attached Geotechnical Report by GeoPacific Consultants Ltd., dated February 23, 2022 for further detail.

Development Variance Permit

In addition to the Development Permit, a Development Variance Permit application has been submitted to reduce the front yard setback from 6.0m to 2.29m to allow for the single-family dwelling. By reducing the front yard setback, it allows for the dwelling to remain outside of the ESA 3 area and

protects the natural environment within in the 15.0m setback. Therefore, a Floodplain Exemption application is not necessary.

The Ministry of Transportation and Infrastructure supports the proposal and has issued a Permit to Reduce the Building Setback Less Than 4.5m. The permitted setback has been reduced from 4.5m to 1.99m (distance from furthest overhang to the property line). A new access connection to Westside Road will not be necessary as the proposed dwelling will be accessed from an existing shared driveway. This may alleviate any concerns regarding safety and additional access points on Westside Road. In addition to the Setback Permit, an Access Permit and Works Permit were granted by MOTI for the proposed driveway and septic pipe.

Conclusion

From a planning perspective, the size reduction of the principal dwelling leads to a more desirable project. Therefore, this Development Permit and Development Variance Permit application is beneficial for multiple reasons:

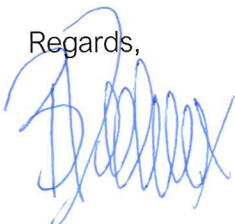
- Landowner Benefits
 - Able to construct a new dwelling in a desirable neighbourhood.

- RDCO Benefits
 - Dwelling does not impact 15.0m Floodplain or Riparian setback.
 - Conforms to OCP & RGS objectives of preserving the natural environment:
 - *RGS Section 3.2.8.3 – Manage growth to minimize disturbance to habitat, watershed and natural drainage areas and systems.*
 - *RGS Section 3.2.8.7 – Protect natural environments, parks and water systems, as these systems are essential to the quality of life in the Okanagan that support active and healthy lifestyles.*

- Neighbourhood Benefits
 - Existing access to be used for the driveway, reducing the need for additional access on Westside Road.
 - Façade is desirable from a lakefront and neighbour perspective.
 - A new dwelling will provide a higher level of protection to the neighbourhood and promote fire safety through hazard observance.

For any questions regarding this application please contact Urban Options Planning Corp. at 250.575.6707.

Regards,



Urban Options Planning Corp.
By it's Authorized Signatory; Birte Decloux, RPP MCIP