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CITY OF KELOWNA

MEMORANDUM

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**Date:** September 21, 2001

**File No.:** File No. Z01-1019  
(3360-20)

**To:** City Manager

**From:** Planning & Development Services Department

**Purpose:** To partially discharge a Land Use Contract, amend the Official Community Plan and to rezone the subject properties to allow for a single family residential hillside development and low density multiple housing development

**Owner:** Emil Anderson Construction Co. Ltd. et al      **Applicant/Contact Person:** Emil Anderson Construction Co. Ltd./ Mike Jacobs

**At:** 902 Summit Drive

**Existing Zone:** A1 – Agriculture 1      **Proposed Zone:** RU1h – Large Lot Housing (Hillside Area) and RM3 – Low Density Multiple Housing

**Report Prepared by:** Shelley Gambacort

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SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

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1.0 RECOMMENDATION

THAT the Land Use Contract No. 74-57 be discharged from that portion of Lot A, Sec. 28 & 33, Twp. 26, O.D.Y.D., Plan 31716 except Plans 33462, 39791, 40570, 42232, 42525, 43480, KAP46337, KAP48179, KAP50737, KAP50742, KAP50743, KAP56071, KAP60291 and KAP67806; and part of Lot C, Sec. 28, Twp. 26, O.D.Y.D., Plan 31716 except Plans 32938, 42525, 43836, KAP46337, KAP50737, KAP54753, KAP56071, KAP57982, KAP60483, KAP66626, KAP67326 KAP67806 and KAP69768, as shown on Map "A" attached to the report of the Planning & Development Services Department dated September 21, 2001;

AND THAT Map 15.1 of City of Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 be amended by changing the Generalized Future Land Use designation for a part of Lot 4, Block 22, Sec. 23, Twp. 26, O.D.Y.D., Plan 1249, located north of Summit Drive, from Major Park/Open Space to Multi-Family Residential-Low Density;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot A, Sec. 28 & 33, Twp. 26, O.D.Y.D., Plan 31716 except Plans 33462, 39791, 40570, 42232, 42525, 43480, KAP46337, KAP48179, KAP50737, KAP50742, KAP50743, KAP56071, KAP60291 and KAP67806; part of Lot C, Sec. 28, Twp. 26, O.D.Y.D., Plan 31716 except Plans 32938, 42525, 43836, KAP46337, KAP50737, KAP54753, KAP56071, KAP57982, KAP60483, KAP66626, KAP67326

KAP67806 and KAP69768; and part of Lots 1, 2, 3 and 4 Block 22, Sec. 23, Twp. 26, O.D.Y.D., Plan 1249, located north of Summit Drive, Kelowna, BC from the A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area) Zone as shown on Map "B" attached to the report of Planning & Development Services Department, dated September 21, 2001;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a part of Lot A, Sec. 28 & 33, Twp. 26, O.D.Y.D., Plan 31716 except Plans 33462, 39791, 40570, 42232, 42525, 43480, KAP46337, KAP48179, KAP50737, KAP50742, KAP50743, KAP56071, KAP60291 and KAP67806; part of Lot C, Sec. 28, Twp. 26, O.D.Y.D., Plan 31716 except Plans 32938, 42525, 43836, KAP46337, KAP50737, KAP54753, KAP56071, KAP57982, KAP60483, KAP66626, KAP67326 KAP67806 and KAP69768; and part of Lots 1, 2, 3 and 4, Block 22, Sec. 23, Twp. 26, O.D.Y.D., Plan 1249, located north of Summit Drive, Kelowna, BC from the A1 – Agriculture 1 zone to the RM3 – Low Density Multiple Housing zone as shown on Map "A" attached to the report of Planning & Development Services Department, dated September 21, 2001;

AND THAT the Official Community Plan amendment, the partial discharge of Land Use Contract (LUC74-57) bylaw and the zone amending bylaws for the RU1h – Large Lot Housing (Hillside Area) zone and the RM3 – Low Density Multiple Housing zone be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the zone amending bylaw for that portion of the subject properties to be zoned RM3 – Low Density Multiple Housing zone be considered in conjunction with Council's consideration of a Development Permit.

## 2.0 SUMMARY

This proposed development application comprises a partial discharge of the Dilworth Mountain Land Use Contract (LUC 74-57) from one of the five subject properties, an Official Community Plan amendment to re-designate the northern most area from Major Park/Open Space to Single/Two Family and Multiple Family Residential – Low Density and a request to rezone the subject properties from the A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area) zone and the RM3 – Low Density Multiple Housing zone. This proposed development application would be the first one within the City of Kelowna to incorporate the proposed Hillside Development Guidelines and would facilitate a 50 lot single family subdivision and approximately 160 low-density semi-detached multi-family units.

Final adoption of the RM3 zone amending bylaw would be considered concurrently with a Development Permit application to control the form and character of the proposed low density, multiple family development.

### 2.1 Advisory Planning Commission

The Advisory Planning Commission, at their meeting of April 3, 2001, reviewed the application and passed the following recommendation:

THAT the Advisory Planning Commission supports Rezoning Application No. Z01-1019 by Emil Anderson Construction (Mike Jacobs) subject to adequate fencing being installed on the north end of the site to protect the neighbour from trespass.

## 2.2 Agricultural Advisory Committee

The Agricultural Advisory Committee, at their meeting of July 19, 2001, reviewed the application and offered the following comments:

Ensure that adequate buffering is located adjacent to the ALR lands and that all surface drainage is contained on-site and does not adversely affect the ALR lands below.

## 3.0 BACKGROUND

### 3.1 The Proposal

The proposed development would be accessed off Summit Drive. The proposal is for a 50 lot single family subdivision component to be zoned RU1h – Large Lot Housing (Hillside Area), and an area to be zoned RM3, which will accommodate approximately 160 low density semi-detached multi-family units. The area under application for rezoning comprises 17.21 ha. and approximately one third of the subject area will be designated for the RU1h zone and the remaining area will be for low density multi-family development.

The proposed RU1h and RM3 zoning designations are generally in keeping with the Glenmore/Clifton/ Dilworth Sector Plan and the Official Community Plan designations of single/two family residential and multiple family residential – low density. The northern most section under application is designated as Major Parks and Open Space ( $\pm 8200\text{m}^2$ ), which has necessitated the Official Community Plan Amendment Application to re-designate the affected area as single/two family and multiple family residential – low density.

The proposed RU1h area will be the first area to incorporate the proposed new Hillside Development Guidelines. These guidelines apply to those lands that, in its natural state, have a slope angle of 10% or greater for a distance of 6 metres or more. Lands developed within these guidelines can incorporate reduced road widths and reduced building setbacks.

Since part of the property under application for rezoning is within the Dilworth Mountain Land Use Contract, the affected area will be discharged from the LUC as part of the rezoning process.

A Preliminary Subdivision Layout Review application is being processed concurrently with this rezoning application. In response to concerns expressed by the adjacent property owners, with respect to the proposed subdivision, a requirement for Subdivision Approval is the provision of a suitable buffer between the proposed single family lots and the adjacent lots that are situated within the Agricultural Land Reserve. The applicant is required to provide details of this proposed buffer to the Approving Officer for review and approval prior to submitting an application for Subdivision Approval.

In addition, the proposed lots immediately adjacent to the land within the Agricultural Land Reserve Boundary will require a 219 Covenant to be registered on title advising that they may be subject to nuisances arising from normal farm practices as per the Farm Practices Protection Act.

### 3.2 Site Context

The subject properties are located northeast of Summit Drive approximately 500 m west of the intersection of Chilcotin and Lillooet Crescents. Adjacent zones and land uses are to the:

- North - A1- Agriculture 1 and LUC; Rural agricultural parcels and undeveloped portions of Dilworth Mountain
- East - LUC; Dilworth Mountain
- South - LUC; Dilworth Mountain subdivisions
- West - A1 – Agriculture 1 & RU1; Rural agriculture parcels and Golfview Estates

As shown on the following map the area under application is significantly sloped with an elevation of ~440 m along the west property line to ~520 m at the eastern most point of development. The contour interval shown is at 1 m.



**3.3.1 City of Kelowna Strategic Plan (1992)**

The proposed development is in keeping with the goals and objectives of the Strategic Plan which are to encourage infill development, encourage higher densities than in existing areas and to require a full level of urban services at the time development occurs.

**3.3.2 Kelowna Official Community Plan (1994-2013)**

The OCP Future Land Use designation of the subject property is Single/Two Family residential and multiple family residential – low density.

**3.3.3 Glenmore/Clifton/Dilworth Sector Plan**

The Sector Plan generalized Future Land Use map designates the areas under application for rezoning as for Single/Two unit residential and multiple family residential – low density.

As indicated in the Sector Plan the development of this area should be directed away from the steeper portion of these areas containing slopes of 30% or greater, which will be covenanted as “no build”/“no disturb areas”.

In addition, clustered single detached or semi-detached dwellings should be encouraged in areas where slopes are less than 30% to retain the existing tree line and to reduce the visual impact on the hillside.

#### 4.0 TECHNICAL COMMENTS

##### 4.1 Works & Utilities

###### .1 General

- a) A Servicing Agreement is required for all Municipal Works and Services within City lands. This will be required before adoption of the zone amending bylaw.
- b) Prior to Final Adoption of the Zone Amending Bylaw:
  - i) Provide detailed designs;
  - ii) Provide detailed cost estimates;
  - iii) Provide adequate bonding; and
  - iv) Execute a Servicing Agreement, for these works, to be registered as a 219 Covenant against the title of the lands.

###### .2 Geotechnical Report

- a) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below:
  - i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
  - ii) Site suitability for development.
  - iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable oils such as organic material, etc.).
  - iv) Any special requirements for construction of roads, utilities and building structures.
  - v) Suitability of on-site disposal of storm water if applicable, including effects upon adjoining lands.
  - vi) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
  - vii) Identify slopes greater than 30%.
  - viii) Top of bank assessment and location including recommendations for property line locations, building setbacks, and ground water disposal locations.
  - ix) Recommendations for items that should be included in a Restrictive Covenant.
  - x) Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
  - xi) Recommendations for erosion and sedimentation controls for water and wind.
  - xii) Recommendations for roof drains and perimeter drains.
  - xiii) Recommendations for construction of detention or infiltration ponds if applicable.

**NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil**

**slippage or soil instability related to this proposed subdivision.**

**.3 Water**

- a) The property is located within the City of Kelowna Water service area and Glenmore Ellison Improvement District (GEID). A boundary adjustment will be necessary if serviced by the City and approval will be required from GEID. The boundary adjustment application, if approved by GEID, must be made before initial consideration. The amendment must be obtained prior to final adoption of the zone amending bylaw.
- b) The applicant's Engineer must determine water infrastructure requirements. The Engineer must provide a Pre-design report and detailed construction estimates for bonding purposes. Offsite works are required.
- c) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this development to confirm this. Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.

**.4 Sanitary Sewer**

- a) The applicant's Engineer must determine sanitary sewer infrastructure requirements. The Engineer must provide a Pre-design report and detailed construction estimates for bonding purposes. Offsite works are required.

**.5 Drainage**

- a) Provide a preliminary Stormwater Management Plan (PSWMP) in the form of a report and drawings specific to this development. The report is to detail the stormwater infrastructure requirements in order for the development to proceed.
- b) Discharge from the site is limited as detailed in Reid Crowther's 1998 report 'Westside Drainage Analysis – Summary of Engineering Documents'. Onsite detention is anticipated.
- c) For banks exceeding 30% on the site, identify clearly on a topographical map or Lot Grading Plan the top of the bank and the toe of the 30% slope.  
  
Provide cross sections along the slopes showing the top and toe of the banks in relationship to the proposed property lines.
- d) All 30% slopes within lots must be protected by way of Non Disturb Covenants at the time of subdivision.

.6 Transportation

- a) Cul-de-sac approach roads must not exceed bylaw grade requirements of 5% (up or down); however, where topography warrants and there are no other options for a looped road, the Transportation Manager may approve steeper grades. This will be addressed at the time of subdivision.
- b) A road pre-plan beyond the development is required to confirm future alignments and extensions beyond the property.
- c) A Pedestrian link is recommended at the top of the development to either Breckenridge Court or Selkirk Drive.

.7 Power and Telecommunication Services and Street Lights

All proposed distribution and service connections are to be installed underground.

4.2 Inspections Department

A Geotechnical Report is required to address slope stability, identify 30% slopes and drainage.

4.3 Fire Department

- .1 Fire Department access and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw.
- .2 Engineered fire flows required for the townhouse development.
- .3 Any dead end road way in excess of 90 metres requires a fire department turn-around

4.4 Parks Manager

Parks Division has no comments or concerns at this time subject to review of more detailed plans at the subdivision and development permit stages.

4.5 BC Gas

No concerns with rezoning. More detail required to design services for development.

4.6 Canada Post

This application will require the installation of centralized mail delivery equipment.

4.7 Shaw Cable

Owner/contractor to supply/install conduit system as per Shaw Cable drawings & specifications.

4.8 Telus

Developer to provide underground structure as per Telus specifications.

4.9 RCMP



No Comment

4.10 SD #23

No

5.0 PLANNING COMMENTS

The Planning and Developments Services Department has no concerns with the development application as presented. Two separate zone amending bylaws will be required so as not to hold back the RU1h rezoning development from the RM3 rezoning development. The applicant intends on preceding initially with the single family subdivision and then with the multi-family development sometime in the foreseeable future.

Technical and design issues will be dealt with through the Preliminary Layout Review process for the subdivision development and the multi-family development will be reviewed further through the Development Permit application review process.

R. G. Shaughnessy  
Subdivision Approving Officer

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Development Services

RGS/SG/sg

**FACT SHEET**

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|---|---|
| <b>1. APPLICATION NO.:</b>                              | Z01-1019  |
| <b>2. APPLICATION TYPE:</b>                             | Partial Discharge of Land Use Contract and Rezoning   |
| <b>3. OWNERS:</b>                                       | Emil Anderson Construction Co. Ltd.,<br>4036 Investments Ltd., KDD Holdings Ltd., Marlene Collinson, Abraham Salloum and Frederick Bloomfield   |
| . <b>ADDRESS</b>  | C/o 907 Ethel Street  |
| . <b>CITY/ POSTAL CODE</b>                              | Kelowna, BC V1Y 2W1   |
| <b>4. APPLICANT/CONTACT PERSON:</b>                     | Emil Anderson Construction Co. Ltd./ Mike Jacobs  |
| . <b>ADDRESS</b>  | 907 Ethel Street  |
| . <b>CITY/ POSTAL CODE:</b>                             | Kelowna, BC V1Y 2W1   |
| . <b>TELEPHONE/FAX NO.:</b>                             | 762-9999/762-6171   |
| <b>5. APPLICATION PROGRESS:</b><br>Date of Application: | March 15, 2001  |
| <b>6. LEGAL DESCRIPTION:</b>                            | Lot A & Lot C, Secs. 28 & 26, Twp. 26, ODYD, Plan 31716; Lot 1, 2, 3 & 4, Bl. 22, Sec. 22, Twp. 26, ODYD, Plan 1249;  |
| <b>7. SITE LOCATION:</b>                                | East side of Summit Drive, ~ 500 m west of Chilcotin & Lillooet Cr.   |
| <b>8. CIVIC ADDRESS:</b>                                | 902 Summit Drive  |
| <b>9. AREA OF SUBJECT PROPERTY:</b>                     | 91.61 ha  |
| <b>10. AREA OF PROPOSED REZONING:</b>                   | 17.21 ha  |
| <b>11. EXISTING ZONE CATEGORY:</b>                      | A1 – Agriculture 1 (also part of Dilworth Land Use Contract)  |
| <b>12. PROPOSED ZONE:</b>                               | RU1h – Large Lot Housing (Hillside Area) zone and RM3 – Lot Density Multiple Housing zone   |
| <b>13. PURPOSE OF THE APPLICATION:</b>                  | To partially discharge the Land Use Contract and to Rezone a portion of the subject property to allow for a single family residential hillside development and low density multiple housing development |
| <b>14. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b>     | Natural Environment/ Hazardous Condition  |

**Attachments**

*(Not attached to the electronic copy of the report)*

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Location Map

Map "A" - Plan of proposed subdivision