
CITY OF KELOWNA

MEMORANDUM

Date: January 16, 2001
File No.: ASP00-001, OCP01-020

To: City Manager

From: Planning & Development Services Department

APPLICATION NO. ASP00-001, OCP01-020

OWNER: Various

AT: Area Structure Plan #12

APPLICANT: 445496 BC Ltd.
(Stantec Consulting Ltd., John Steil)

PURPOSE: To amend the Official Community Plan to permit the adoption of the Kirschner Mountain Area Structure Plan (OCP Reference #12).

REPORT PREPARED BY: Josephine Duquette

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council endorse the Kirschner Mountain Area Structure Plan dated December 2001 and attached as Schedule "A" to the report of the Planning & Development Services Department dated January 16, 2002;

AND THAT OCP Amendment No. OCP01-020 to amend Table 15.1 of the Kelowna Official Community Plan (1994-2013) Bylaw No. 7600 by deleting line 12 in its entirety be considered by Council;

AND THAT OCP Amendment No. OCP01-020 to amend Map 13.2 – Areas Subject to Development Permit Area Designation of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by redefining the boundaries of the Natural Environment/Hazardous Condition Development Permit Area Designation for Lot A Section 13 Township 26 ODYD Plan KAP48770, Lot B Sections 12 and 13 Township 26 and Sections 7 and 18 Township 27 ODYD Plan KAP48770, Lot C Sections 12 and 13 Township 26 ODYD Plan KAP48770, Lot D Section 13 Township 26 ODYD Plan KAP48770, Lot 3 Section 13 Township 26 and of Section 18 Township 27 ODYD Plan KAP44995 and part of Section 12 Township 26 ODYD except (1) Plans 1380, 1639 and KAP44995 and KAP48770 (2) Parcel A (Plan B8600) (3) the south west 1/4 of said section, located on Garner, Loseth and Verdure Roads, Kelowna, B.C., as shown on Map "A" attached to the report of Planning & Development Services Department, dated January 16, 2002, be considered by Council;

AND THAT OCP Amendment No. OCP01-020 to amend Map 15.1 – Generalized Future Land Use of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of Lot A Section 13 Township 26 ODYD Plan KAP48770, Lot B Sections 12 and 13 Township 26 and Sections 7 and 18 Township 27 ODYD Plan KAP48770, Lot C Sections 12 and 13 Township 26 ODYD Plan KAP48770, Lot D Section 13 Township 26 ODYD Plan KAP48770, Lot 3 Section 13 Township 26 and of Section 18 Township 27 ODYD Plan KAP44995 and part of Section 12 Township 26 ODYD except (1) Plans 1380, 1639 and KAP44995 and KAP48770 (2) Parcel A (Plan B8600) (3) the south west 1/4 of said section, located on Garner, Loseth and Verdure Roads, Kelowna, B.C., from the Single/Two Family

Residential and Rural/Agricultural designations to the Single/Two Family Residential and Major Park/Open Space designations, as shown on Map "B" attached to the report of Planning & Development Services Department, dated January 16, 2002, be considered by Council;

AND FURTHER THAT OCP Bylaw Amendment No. OCP01-020 be forwarded to a public hearing for further consideration.

2.0 SUMMARY

The purpose of the application is to amend the Official Community Plan to adopt the Kirschner Mountain Area Structure Plan (ASP). The Area Structure Plan is intended to be a guide for the future rezoning, subdivision, and development of the area.

The Plan encompasses the properties currently owned and operated by the Kirschner family as grazing land and the residences for the family members.

3.0 ADVISORY PLANNING COMMISSION

The subject application was reviewed by the Advisory Planning Commission at the meeting of January 15, 2002 and the following recommendation was passed:

That the Advisory Planning Commission supports Official Community Plan Application No. OCP01-020 by 445496 BC Ltd. (Stantec Consulting, John Steil), Lot A, B, C, D, of Plan KAP48770, Parcel 14 in A-237, Lot 3, Plan KAP44995, of Sec. 12 & 13, Twp. 26 and Sec. 7 & 18, Twp. 27 and Portion of SE Sec 12, Twp. 26, 2045, 2053, 2061 and (E of) Garner Road, 1625 Verdure Road and (S of) Loseth Road, to amend the Future Land Use Designation of the Official Community Plan from Single/Two Family Residential and Rural/Agricultural to Single/Two Family Residential and Major Park and Open Space and to designate the Development Permit Areas;

4.0 BACKGROUND

4.1 The Proposal

Municipal Council authorized the preparation of an Area Structure Plan on April 3, 2000. The total area of the ASP is approximately 133.19 ha (329.11 acres). The future land use of residential will comprise approximately 70.3 ha of the site. The residential land use will consist of a mix of single family lots with small areas of cluster or low density residential housing. The park and open space will comprise approximately 38.74 ha of the site.

The purpose of the Area Structure Plan is to provide the Kirschner family and the future property owners with a blueprint for development, and the associated requirements for subsequent rezoning, subdivision, and development permit applications.

The official community plan amendment will outline the future land uses and the Development Permit areas for the plan area.

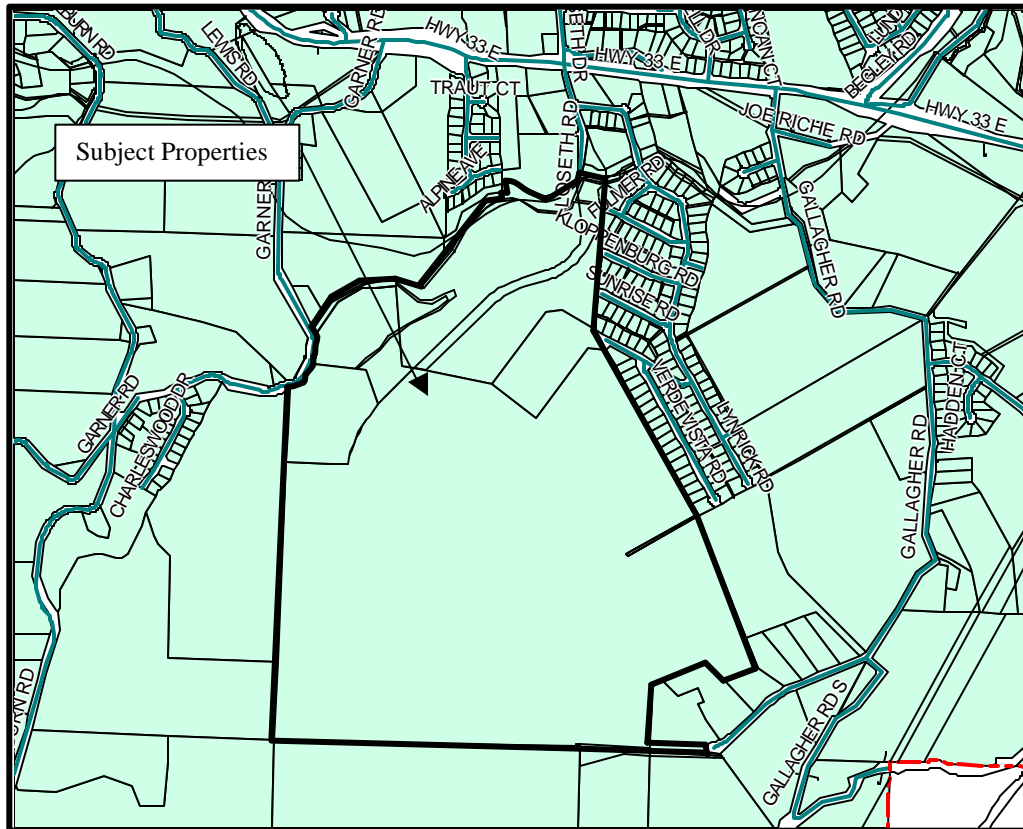
4.2 Site Context

The properties are located within the Black Mountain / Belgo Sector area of the City of Kelowna. The site is located south of Highway 33 between Garner and Gallagher Roads. Loseth Road is proposed to be extended through the property and will connect to Gallagher Road in the South East corner of the plan area.

Adjacent zones and uses are, to the:

- North - A1-Agriculture 1, P3-Parks and Open Space; orchards and rural residential, Gopher Creek
- South - A1-Agriculture 1; orchard and grazing
- West - A1-Agriculture 1; grazing
- East - A1-Agriculture 1, RR3-Rural Residential 3; grazing, orchard and rural residential

The properties are located on the map below.



4.3 Existing Development Potential

The existing development potential is based on the Agriculture 1 zone, allowing agricultural and related land uses.

4.4 Current Development Policy

4.4.1 City of Kelowna Strategic Plan (1992)

The current application conforms to a number of goals and strategies in the Strategic Plan such as: to support a pattern of urban development which ensures there will be a full range of housing types, densities, sizes and prices/rents; to preserve important natural features and environmentally sensitive areas within the City; to manage the visual impacts associated with development on hillsides; allow for differing densities and scale of development in new urban areas to provide for choice in urban environments; to ensure that a sufficient number of new urban areas are developed to allow choice in terms of residential location, amenities, and cost; the city will ensure that there is coordination between its plans and those of the Ministry of Transportation which has jurisdiction for Highway No. 33.

4.4.2 Kelowna Official Community Plan

The subject property is located within the boundaries of lands designated for the preparation of an Area Structure Plan. This proposal conforms to the components noted in the OCP, which include public open space, neighbourhood commercial, one/two family residential, and low density multi-family residential.

4.4.3 Black Mountain Sector Plan

The sector plan recognizes that the plan area is a relatively homogenous single family residential environment but allows for an increase in the existing densities due to the increased costs of providing adequate services to the site. Also, the proposed future land uses are located within the area identified as a future urban area within the plan.

4.0 TECHNICAL COMMENTS

Works and Utilities Department

The proposed stormwater drainage requirements will be evaluated and designed through subdivision and rezoning applications as required during the phasing of the development. The design of the southern stormwater detention pond needs to ensure that the proposed direction of the flow path to Mission Creek is stable and will not contribute to sediment transport into Mission Creek. A reconnaissance of the flow path and soils analysis could confirm what rip-rap or armoring may be needed to satisfy the Land Development Guideline's, dealing with water quantity and quality of the stormwater discharge. Actions must be taken to ensure due diligence can be demonstrated and that the development is in compliance with the regulations.

Transportation Department

The design and construction of the required transportation improvements, based on the phasing and implementation plan, will be required as a result of rezoning and subdivision applications. Approval from the Ministry of Transportation will be required for all construction on the highway and for all rezoning bylaws within 800 m of the Highway.

The old '20 Year Servicing Plan' (1994-2013) included this four laning project for Hwy 33. It had been scheduled for construction in the years 2012 and 2013. In 1994, the cost for this work had been estimated at about \$4,000,000. As part of the new 2020 OCP update, the city is revising '20 Year Servicing Plan'. Indications are that the cost estimates for this Hwy 33 four laning project will be increased to about \$12,000,000. The main reason for the increase in cost is the use of major retaining walls, in order to reduce encroachment on ALR lands. Initial indications are that the Ministry will not be prepared to make a significant contribution to this four-laning project. Furthermore, the City of Kelowna DCC program is not expected to identify this project as a priority for construction within the next 10 year period. If the development of the subject area exceeds the peak hour vehicle trips threshold prior to the City and the Ministry identifying this project for construction the developer would have to front end all this work. It should be noted that the four-laning project would include both bike lanes and sidewalks. These are considered to be very important transportation elements for the link between Black Mountain - Rutland areas.

The old '20 Year Servicing Plan' (1994-2013) included the upgrading of Gallagher Road to an urbanized standard. The cost of this work had been estimated to be about \$4,000,000. The revised '20 Year Servicing Plan', that is currently being finalized, does not include Gallagher Road as a DCC project. Gallagher Road will link with Loseth Road to create an important collector loop through the proposed development site. The existing portion of Gallagher Road is a rural cross-section with a paved width of about 6 meters. Considering the impact of the proposed 700 new residential units from the Kirschner site, this portion of Gallagher Road will have to be improved. The improvements would include bike lanes on a rural cross-section and some horizontal curves will have to be flattened, to meet the City collector road standard.

Note that these upgrades are not a requirement of the Official Community Plan amendment, but will need to be addresses in conjunction with the City's revised Development Cost Charges program currently under preparation.

Environment Division

More detailed information for the Natural Environment / Hazardous Condition Development Permit (DP) areas will be required during the subdivision and rezoning

applications. All riparian areas, potential red or blue-listed habitat communities, old growth trees (flagged), and wildlife trees (flagged) will be evaluated at rezoning and subdivision stages. Major steep slopes (>30%), rock-fall or land slippage 'shadow' areas, and floodplains have been identified and designated as Hazardous Condition DP areas on Figure 8. Fire hazard assessment will be completed with subsequent subdivision applications.

The environmental report notes that no red or blue-listed species were found on the site; however, that does not suggest to us that there are no environmental values associated with the forest, grassland, and riparian areas within the subject properties. The habitat potential to support red or blue-listed species does exist and these areas should be identified and designated in the future. During the transition in land use from agricultural to residential uses some habitats will be altered, the report makes little mention of these potential changes. These areas will need to be identified throughout the development process for the site.

The design and construction of the proposed water line from the booster station extending to the reservoir should be placed within the road right-of-way wherever possible. This will minimize any long cuts through the forested areas which would result in highly visible scarring on the hillside. Also, any proposed water "blow offs" from the reservoir or other points in the water distribution system should be identified and appropriate erosion & sediment control mitigation measures implemented.

Additional milestone reports are suggested for the environmental monitoring of the development of the area. The milestone reports should also include:

- upon completion of any road construction across, or through, any Natural Environment / Hazardous Condition Development Permit areas;
- upon completion of any utility servicing (e.g., excavation for water line construction) constructed outside of the road right-of-way and across, or through, any Natural Environment / Hazardous Condition Development Permit areas;
- upon completion of any trail construction within Natural Environment / Hazardous Condition Development Permit areas; and
- upon completion of any fire hazard mitigation works (fire-proofing) of site which would involve the disturbance of vegetation, or the removal of trees, within any Natural Environment / Hazardous Condition Development Permit area.

Parks Department

The park requirements are based on the proposed number of lots and associated population. Therefore, acquisition of parks through Development Cost Charges will only compensate for required parkland. The additional parkland transferred to City ownership due to inflated population projections by the developer will be provided as a donation.

A Development Permit will be required for all works to be completed within the Gopher Creek riparian management area. The City of Kelowna Environment Division and Parks Division, and the Ministry of Water, Land and Air Protection will review the Development Permit application. The development permit will address the linear park design and the riparian management/restoration implementation. The plant material selection, methods of installation, maintenance and guarantee period will be required to the satisfaction of the Parks Division. A park like setting for the wetland area is encouraged.

Areas currently proposed as Major Park and Open Space future land use is comprised primarily of areas with slopes exceeding 30%. Through future subdivision applications it will be determined if the lands should be located within private or public ownership. The areas within private ownership will be required to register a "no disturb and no build" covenant over all areas identified with a slope greater than 30%. The areas within public ownership will be designated as Major Park and Open Space with no disturbance of soils or vegetation without approval. It may be necessary to require a setback for irrigation systems located above slopes over 30% to avoid potential erosion problems within the sloped area.

The detailed location and design of the pedestrian / cycle connections will be refined during the subdivision and rezoning applications. Given the fact that the subject lands are significantly sloped, the design of the pedestrian links should accommodate residents or visitors with mobility limitations. One way to accommodate these individuals is to design the pedestrian linkages based on the requirements of the Building Code for wheelchair ramps. The Building Code identifies a maximum slope of 10% for wheelchair ramps and in the case of a longer ramp a maximum slope of 6%, with level intervals every 12.0 m to allow for a rest.

Fire Department

Details will be required during the subdivision and the rezoning applications regarding the methods used to reduce the fire hazard rating. The Fire Department will use the NFPA 299 guidelines when evaluating this development.

Ministry of Transportation

The Ministry of Transportation requires additional information for the improvements on Highway 33 and the Highway 33 – Springfield Road intersection. The outstanding issues will be resolved during the subsequent subdivision and rezoning applications.

Planning and development Services Department

The Planning and Development services Department is supportive of the development application as presented. However, there are items to be addressed through the ongoing rezoning and subdivision application processes, which will occur in a phased manner and these are:

- Design of stormwater drainage facilities;
- Location of utility right-of-way corridors;
- Upgrades to Highway 33;
- Upgrades to local roadways;
- Environmental monitoring reports based on the identified milestones;
- Assessment of suitability of proposed parks;
- Trail locations and design;
- Timing of environmental mitigation along Gopher Creek;
- Emergency access routes for each phase; and
- Wildfire assessment;

Hazel Christy, MBA, MCIP
Special Projects Planning Manager

Approved for inclusion

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

HC/JD/jd
Attachment

FACT SHEET

1. **APPLICATION NO.:** ASP00-001, OCP01-
2. **APPLICATION TYPE:** Area Structure Plan, Official Community Plan Amendment
3. **OWNER:** Gordon & Heidi Kirschner
Donald and Amy Kirschner
Allan & Angelica Kirschner
 . **ADDRESS** 1700 Verdure Road
 . **CITY/POSTAL CODE** Kelowna, BC V1P 1G6
4. **APPLICANT/CONTACT PERSON:** Stantec Consulting Ltd./ John Steil
 . **ADDRESS** 100 – 1985 W. Broadway
 . **CITY/POSTAL CODE** Vancouver BC V6J 4Y3
 . **TELEPHONE/FAX NO.:** (604) 742-8000 / (604) 742-8080
5. **APPLICATION PROGRESS:**
 Date of Application: March 9, 2000
 Date of 1st Draft of ASP: November 7, 2000
 Date of 2nd Draft of ASP: March 30, 2001
 Date of 3rd Draft of ASP: October 17, 2001
 Staff Report to Council:
6. **LEGAL DESCRIPTION:** Lot A, B, C & D, Plan KAP48770; Parcel 14 in A-237, Lot 3, Plan KAP44995 all of Section 12 & 13, Township 26, ODYD and portion of SE Section 12, Township 26, ODYD
7. **SITE LOCATION:** South of Highway 33 between Garner Road and Gallagher Road in the Black Mountain Sector area
8. **CIVIC ADDRESS:** 2045 Garner Road, (S of) Loseth Road, 2053 Garner Road, 2061 Garner Road, 1625 Verdure Road, (E of) Garner Road
9. **AREA OF SUBJECT PROPERTY:** 133.19 ha
10. **PURPOSE OF THE APPLICATION:** To amend the Official Community Plan to permit the adoption of the Kirschner Mountain Area Structure Plan (OCP reference #12).
11. **MIN. OF TRANS./HIGHWAYS FILES NO.:** 02-081-18551
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY:
12. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS:**
 (a) OCP Bylaw Amendment required
 Natural Environment / Hazardous Condition areas redefined
 Map15.1 Generalized Future Land Use amended

Attachments that are missing from the Electronic Version

Subject Property Map
Kirschner Area Structure Plan (October 2001)