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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** August 6, 2002

**File No.:** File Nos. OCP02-0006 & Z02-1019  
(3360-20)

**To:** City Manager

**From:** Planning & Development Services Department

**Purpose:** To amend the Official Community Plan and to rezone a portion of the subject property to allow for a 12 lot single family residential (hillside) subdivision

**Owner:** Al Stober Construction Ltd., Ermar Estates Ltd., E & I Developments Ltd. and Jabs Construction Ltd.

**Applicant/Contact Person:** Emil Anderson Construction Ltd./Mike Jacobs

**At:** 2060 Summit Drive

<b>Existing OCP Designation:</b> Rural Agriculture	<b>Proposed OCP Designation:</b> Single/Two Family Residential
<b>Existing Zone:</b> A1 – Agriculture 1	<b>Proposed Zone:</b> RU1h – Large Lot Housing (Hillside Area)

**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 City of Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 be amended by changing the Generalized Future Land Use Map 15.1 designation of part of Lot 2, Sec. 28 & 29, Twp. 26, ODYD, Plan KAP71444 located on Summit Drive, from Rural/Agricultural to Single/Two Unit Residential; and

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 2, Sec. 28 & 29, Twp. 26, ODYD, Plan KAP71444, as shown on Map "A" attached to the report of the Planning & Development Services Manager, dated August 1, 2002, located on Summit Drive, Kelowna, BC, from the A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area) zone;

AND THAT the Official Community Plan and zone amending bylaw be forwarded to a Public Hearing for further consideration;

**2.0**     **SUMMARY**

The applicant is requesting an Official Community Plan amendment and a rezoning in order to facilitate a 12 lot single family residential hillside subdivision, which will be an extension of the proposed "Dilworth West" residential hillside development to the northeast of the subject property.

## 2.1 Advisory Planning Commission

The application was reviewed by the Advisory Planning Commission at their meeting of May 21, 2002 and the following recommendations were passed:

That the Advisory Planning Commission supports Official Community Plan Amendment No. OCP02-0006, 2060 Summit Drive/Lot B, Plan 62558, Sec. 29, Twp. 26, ODYD, Emil Anderson Construction Co. Ltd. (Mike Jacobs), to amend the Future Land Use Designation of the Official Community Plan for a portion of the subject property from Rural / Agricultural to Single/Two Family Residential;

AND THAT the Advisory Planning Commission supports Rezoning Application No. Z02-1019, 2060 Summit Drive/Lot B, Plan 62558, Sec. 29, Twp. 26, ODYD, Emil Anderson Construction Co. Ltd. (Mike Jacobs), to rezone the property from the A1-Agriculture 1 zone to the RU1h-Large Lot Housing (Hillside Area) zone to facilitate a 12 lot single family residential subdivision.

## 2.2 Agricultural Advisory Committee

The application was reviewed by the Agricultural Advisory Committee at their meeting of May 24, 2002 and the Committee has indicated that buffering at rear of the properties adjacent to the agriculture area is required and storm drainage is to be accommodated on site.

## 3.0 BACKGROUND

### 3.1 The Proposal

The eastern portion of the subject property is under application to amend the OCP Future Land Designation from Rural/Agriculture to Single/two family residential and rezone from the A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area) zone in order to proceed with a 12 lot single family residential subdivision. The proposed subdivision will be accessed off of the proposed road that will also service the Dilworth West residential hillside development.

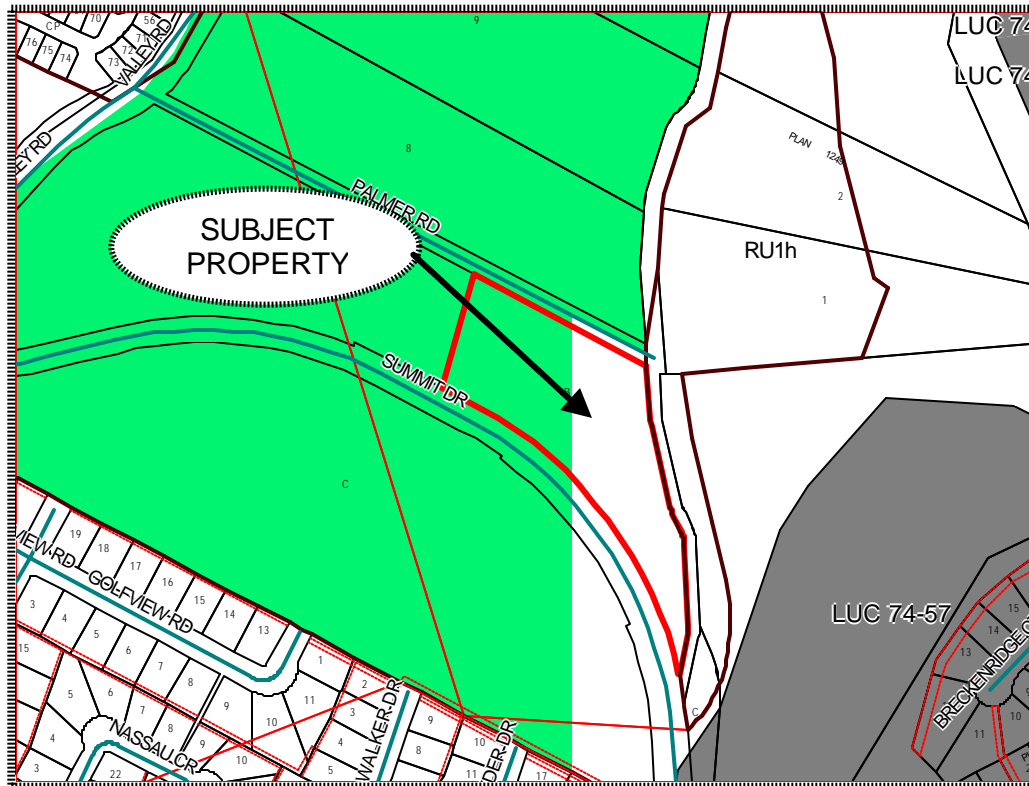
The RU1h component of the Dilworth West development was approved by Council November 13, 2001 and a subdivision PLR letter was issued for 50 RU1h lots. The access road fronting the area under this application is designated as an urban collector road, which will comprise a sidewalk on one side, street lights and provision for on-street parking on both sides.

The area under application is not in the Agricultural Land Reserve (ALR), however, that part of the subject property not under application is within the ALR.

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	593 – 909	550
Site Width (m)	17.1 – 24.8	16.5 (17 corner lot)
Site Depth (m)	30 – 49.39	30

### 3.2 Site Context

The subject property is located on the north side of Summit Drive as shown on the following map.



**NOTE:** Shaded area is land within the Agricultural Land Reserve

Adjacent zones and uses are, to the:

- North - A1 – Agriculture 1; agricultural land with single family dwelling
- East - RU1h – Large Lot Housing (hillside); Proposed 50 lot single family subdivision
- South - A1 – Agriculture 1; agricultural land (vacant)
- West - A1 – Agriculture 1; agricultural land (vacant)

### 3.4 Current Development Policy

#### 3.4.1 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.

### 3.4.2 Kelowna Official Community Plan (1994-2013)

The City will direct urban uses to land within the urban portion of the defined urban-rural agricultural boundary (note: the area under application is within this urban portion).

### 3.4.3 Glenmore/Clifton/Dilworth Sector Plan

The Sector Plan generalized Future Land Use map designates the areas under application for rezoning as Rural/Agricultural.

## 4.0 TECHNICAL COMMENTS

### 4.1 Works & Utilities

The following Works & Services are required for this subdivision:

#### .1 General

- a) Emil Anderson is currently constructing the adjacent fronting road as part of another subdivision and this subdivision requires the same works.

#### .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: 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.

The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (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 soils 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 including effects upon adjoining lands.
- (vi) Slope stability.
- (vii) Identify slopes greater than 30%.
- viii) Recommendations for items that should be included in a Restrictive Covenant.
- ix) Any items required in other sections of this document.
- x) Recommendations for erosion and sedimentation controls for water and wind.
- xi) Recommendations for roof drains and perimeter drains.

.3 Water

- a) The property is located within the Glenmore Ellison Improvement District. A boundary adjustment will be necessary if serviced by the City and approval will be required from GEID.
- b) 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 subdivision 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) Provide an adequately sized sanitary sewer system complete with individual lot connections.

.5 Drainage

- a) Provide an adequately sized drainage system complete with individual lot connections. The Subdivision, Development and Servicing Bylaw requires that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b) Provide the following drawings:
  - i) A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
  - ii) A detailed Stormwater Management Plan for this subdivision; and,
  - iii) An Erosion and Sediment Control Plan.
- c) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- d) Where ditches are provided they must be adequately lined and protected for the design flows.

.6 Roads

- a) The proposed fronting road is designated a collector condition B road (Hillside Standard – development access one side)). Dedicate and construct the road in accordance with City standard SS-H7, 14.9m dedication, 8.6m roadway). Sidewalk is required on one side. Parking bays are required fronting the lots. Extra dedication may be required because of the GEID watermain.

- b) Provide traffic control and street name signs where required. The City will install all signs and traffic control devices at the developer's expense.
- c) Provide a Street Sign, Markings and Traffic Control Devices Drawing.
- i) Grade the fronting road boulevards in accordance with the standard drawing and provide a minimum of 50 mm of topsoil. Major cut/fill slopes must start at the property lines.
- j) Landscape boulevards between the curb and sidewalk, complete with underground irrigation.
- k) Palmer Road is intended to be closed in the future. Access is not permitted onto Palmer Road from proposed lot 1. A restrictive covenant in favour of the City of Kelowna, registrable under Section 219 of the Land Title Act, must be granted to the effect that vehicular access is not permitted from abutting lots. The subdivision plan must be endorsed to the effect that a covenant is to be registered. The covenant must be registered as a priority charge and is to be indicated on the Lot Grading Plan.
- l) Driveway access is not permitted onto Summit Drive. A restrictive covenant in favour of the City of Kelowna, registrable under Section 219 of the Land Title Act, must be granted to the effect that vehicular access is not permitted from abutting lots. The subdivision plan must be endorsed to the effect that a covenant is to be registered. The covenant must be registered as a priority charge and is to be indicated on the Lot Grading Plan.

.7 Power and Telecommunication Services and Street Lights

- a) All proposed distribution and service connections are to be installed underground.
- b) Street lights must be installed on all roads.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

.8 Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).

- d) A “Consulting Engineering Confirmation Letter” (City document ‘C’) must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City’s Works & Utilities Department. The design drawings must first be “Issued for Construction” by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

.9 Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant’s Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, “Security for Works and Services”, of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

.10 Other Engineering Comments

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as BC Gas, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City’s Development Manager.

.11 Charges and Fees

- a) Development Cost Charges (DCC’s) are payable
- b) Fees per the “Development Application Fees Bylaw” include:
  - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
  - ii) Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
  - iii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
  - iv) Engineering and Inspection Fee: 3% of construction value (plus GST).
  - v) Latecomer Processing Fee: \$1,000.00 (plus GST) per agreement (no charge for 1 day agreements).

4.2 Inspection Services

No comments.

#### 4.5 Fire Department

Fire Department access and hydrants as per the BC building Code and the City of Kelowna Subdivision Bylaw.

#### 4.6 Glenmore Ellison Improvement District

The District is currently working with Emil Anderson Construction in regards to the Developer purchasing a portion of the District's canal property and the replacement of a portion of pipeline. This transaction will impact this proposed rezoning and development.

The District will approve this rezoning application with the proviso that the subdivision plan cannot be registered until the pipeline and services are installed, the sale completed and CEC's paid. The District must also receive all connection charges and inspection fees prior to subdivision approval. It must be noted that fees are subject to change as the District's Capital Plan is currently under revision.

#### 4.7 Parks Manager

All entry feature signs for the proposed development shall be located on private property and not on City boulevard.

For the information of the developer/owner the following standards apply for all landscape improvements in the right-of-way boulevards:

- a) All plant material (trees, shrubs, ground covers, seed/sod etc.) that may be proposed for the boulevard shall be reviewed by the City of Kelowna Parks Division. All materials specified shall meet City standard for size and method of installation.
- b) The use of rock for mulch will not be accepted.
- c) Plant material specifications are as follows for:
  - i) Deciduous Tree by calliper @ 300 mm measured 60 mm above the root ball.
  - ii) Deciduous shrub by spread @ 450 mm min.
  - iii) Coniferous tree by height @ 2.5 min.
  - iv) Coniferous shrub by spread @ 450 mm min.
  - v) Seed/sod mix according to proposed activity use and location.
- d) Boulevard maintenance (irrigation, shrubs, ground cover, sod) is the responsibility of the owner/occupant except for the boulevard tree maintenance, which is the responsibility of the Parks Division.

The boulevard landscape and irrigation plan is to be approved by Parks Division. Xeriscape plant material appropriate to the site conditions is recommended.

#### 4.7 Shaw Cable

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



4.8 Telus

Telus will provide underground facilities to this development. Developer will be required to supply and install as per Telus Policy.

4.9 Utilicorp Networks Canada

UNC will provide underground electrical service.

5.0 PLANNING COMMENTS

The Planning and Developments Services Department has no concerns with the OCP and Rezoning development applications as presented as this portion of the subject property is situated within the urban portion of the defined urban-rural/agricultural boundary of the OCP (refer to attached Map B). There is a concurrent Preliminary Layout Review application being processed that will address the technical and design issues for the proposed 12 lot single family residential subdivision including the provision of a buffer along the ALR lands.

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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|-----|--|--|
| 1.  | <b>APPLICATION NO.:</b>  | OCP02-0006 & Z02-1019  |
| 2.  | <b>APPLICATION TYPE:</b>   | Amend Future Land Use Designation of OCP and Rezone portion of property  |
| 3.  | <b>OWNERS:</b><br>· ADDRESS<br>· CITY/ POSTAL CODE<br><b>OWNERS:</b><br>· ADDRESS<br>· CITY/ POSTAL CODE<br><b>OWNERS:</b><br>· ADDRESS<br>· CITY/ POSTAL CODE | Al Stober Construction<br>710 – 1708 Dolphin Avenue<br>Kelowna, BC V1Y 9S4<br>Ermar Estates Ltd. & E & I Developments Ltd.<br>C/o 1615 Ellis Street<br>Kelowna, BC V1Y 2A8<br>Jabs Construction Ltd.<br>200 – 1990 Springfield Road<br>Kelowna, BC V1Y 5V5 |
| 4.  | <b>APPLICANT/CONTACT PERSON:</b><br>· ADDRESS<br>· CITY/ POSTAL CODE:<br>· TELEPHONE/FAX NO.:  | Emil Anderson Construction Co. Ltd./ Mike Jacobs<br>907 Ethel Street<br>Kelowna, BC V1Y 2W1<br>762-9999/762-6171   |
| 5.  | <b>APPLICATION PROGRESS:</b><br>Date of Application:<br>Staff Report to Council:<br>Servicing Agreement to Applicant:<br>Servicing Agreement Concluded:        | April 25, 2002<br>August 1, 2002   |
| 6.  | <b>LEGAL DESCRIPTION:</b>  | Lot B, Sec. 28 & 29, Twp. 26, ODYD, Plan KAP62558  |
| 7.  | <b>SITE LOCATION:</b>  | North Side of Summit Drive, west of Dilworth Estates   |
| 8.  | <b>CIVIC ADDRESS:</b>  | 2060 Summit Drive  |
| 9.  | <b>AREA OF SUBJECT PROPERTY:</b>   | 3.36 ha (33,600 m <sup>2</sup> )   |
| 10. | <b>AREA OF PROPOSED REZONING:</b>  | 0.96 ha (9600 m <sup>2</sup> )   |
| 11. | <b>EXISTING ZONE CATEGORY:</b>   | A1 – Agriculture 1   |
| 12. | <b>PROPOSED ZONE:</b>  | RU1 – Large Lot Housing  |
| 13. | <b>PURPOSE OF THE APPLICATION:</b>   | To amend the Official Community Plan and to rezone a portion of the subject property to allow for a 12 lot single family residential development   |
| 14. | <b>DEVELOPMENT PERMIT MAP IMPLICATIONS</b>   | Rural Agricultural to Single/Two Unit residential  |

**Attachments**

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

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Location Map  
Plan of Proposed Subdivision  
Urban-Rural/Agricultural Boundary Map B