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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** February 26, 2003  
**File No.:** OCP02-0015 and Z02-1015

**To:** City Manager

**From:** Planning & Development Services Department

**Purpose:** To rezone the subject property from A1 – Agriculture 1 to RU1h – Large Lot Housing (Hillside Area), RU4h – Low Density Cluster Housing (Hillside Area), RU6h – Two Dwelling Housing (Hillside Area) and P3 – Parks & Open Space and to amend the Official Community Plan and the Kirschner Mountain Area Structure Plan to allow for medium density residential.

**Owners:** G & H Kirschner, D & A Kirschner, **Applicant:** Allen Kirschner  
A & A Kirschner

**At:** 2045 Garner Road

**Existing Zone:** A1 – Agriculture 1      **Proposed Zones:** RU1h – Large Lot Housing (Hillside Area), RU4h – Low Density Cluster Housing (Hillside Area), RU6h – Two Dwelling Housing (Hillside Area) and P3 – Parks & Open Space

**Report Prepared by:** Shelley Gambacort

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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### 1.0 RECOMMENDATIONS

THAT OCP Bylaw Amendment No. OCP02-0015 to amend Map 19.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of Lots A, C & D, Sec. 13, Twp. 26, ODYD, Plan KAP48770; Lot 3, Sec. 13, Twp. 26, & Sec. 18, Twp. 27, ODYD, Plan KAP44995; Lot 1, Secs. 12 & 13, Twp. 26 & Secs. 7 & 18, Twp. 27, ODYD, Plan KAP71697, located on Loseth Road, Kelowna, BC, from the Single/Two Unit Residential designation to the Multiple Unit Residential – medium density designation, as shown on Map “A” attached to the report of Planning & Development Services Department, dated February 26, 2003, be considered by Council;

THAT Rezoning Application No. Z02-1015, to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Sec. 13, Twp. 26, ODYD, Plan KAP48770, located on Loseth Road, Kelowna, BC, from the A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area), RU4h – Low Density Cluster Housing (Hillside Area), RU6h – Two Dwelling Housing (Hillside Area) and P3 – Parks & Open Space zones, as shown on Map “B” attached to the report of the Planning & Development Services Department, dated February 26, 2003, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP02-0015 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the zone amending bylaw be withheld pending the execution and registration, by the owner of the subject property, of a Servicing Agreement acceptable to the City of Kelowna.

## 2.0 SUMMARY

The applicant is proposing to rezone phase one of the Kirschner Area Structure Plan. A concurrent subdivision application is in process to create the proposed lots and an Official Community Plan amendment to modify the cluster and row housing areas within the Kirschner Area Structure Plan based on revised contour information. The proposed rezoning and subdivision applications will be evaluated against the policies and objectives identified in the Kirschner Area Structure Plan and supplemental reports.

### 2.1 Advisory Planning Commission

The application was reviewed by the Advisory Planning Commission at their meeting of January 14, 2003 and the following recommendation was passed:

THAT the Advisory Planning Commission support application OCP02-0015/Z02-1015 to amend the Official Community Plan Future Land Use Map to add Multiple Unit Residential – Low Density within the Kirschner Mountain Area Structure Plan; and to rezone the property from the A1-Agriculture 1 zone to the RU4-Low Density Cluster Housing zone to allow for 1 cluster housing lot (20 units) and to rezone to the RU1H-Large Lot Housing (Hillside Area) zone in order to facilitate a 108 lot single family residential subdivision

### 2.2 Agriculture Advisory Committee

The Agriculture Advisory Committee reviewed this application at their meeting of May 24, 2002 and recommend that a 15 m buffer and fence be provided regardless of whether a road or a lot is adjacent to the ALR boundary.

*Note: This requirement will be included in a Preliminary Layout Review letter.*

## 3.0 BACKGROUND

### 3.1 History

Since the adoption of the Kirschner Mountain Area Structure Plan (ASP) in February 2002, the applicant has taken a more detailed look at the area and has suggested some minor revisions to the design concept within the Area Structure Plan. Subsequently the applicants are requesting an amendment to the Area Structure Plan to reflect a more detailed layout for the plan area that incorporates additional developed areas for low density cluster housing and medium density residential housing within the overall site area. The proposed location of the RU4 – Low Density Cluster Housing lot in this Phase 1 rezoning application is within an area modified to allow for this cluster form of housing. The proposed amendment will retain a majority of the cluster housing site as open space that reflects the original intent of the previously approved design concept. The 108 proposed RU1h – Large Lot Housing (Hillside Area) lots are located within the area identified as low density residential in the design concept for the Area Structure Plan.

### 3.2 The Proposal

The proposal is to rezone a portion of the subject property to RU1h – Large Lot Housing (Hillside Area) to facilitate the creation of 108 single family lots through a concurrent subdivision application.

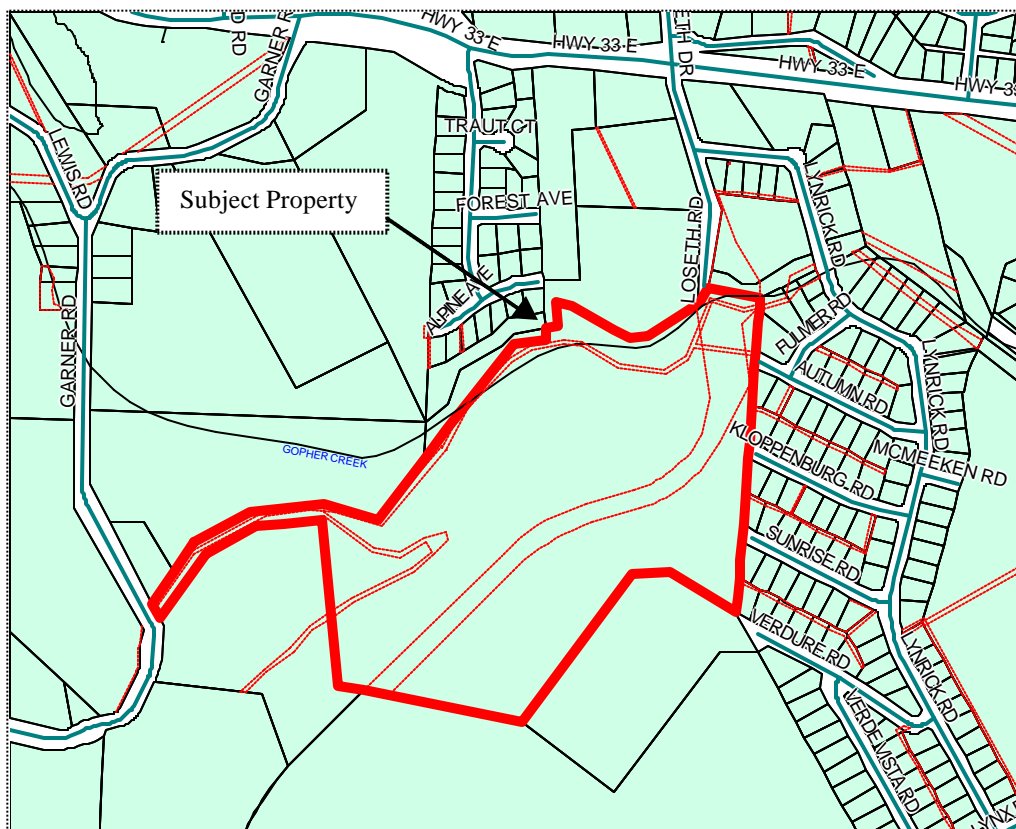
The application includes one RU4h – Low Density Cluster Housing (Hillside Area) lot located on the western portion of the subject property. Access to the subject property will be primarily from an extension of Loseth Road. Road connections will be constructed to Kloppenburg and Sunrise Roads to the east and Garner Road to the west.

The applicant is also requesting one RU6h – Two Dwelling Housing (Hillside Area) lot adjacent to an existing RU6 lot on Kloppenburg Road and P3 – Park & Open Space for the area designated as such in the Area Structure Plan.

### 3.3 Site Context

The property is located within the Black Mountain / Belgo Sector area of the City of Kelowna, south of Highway 33 between Garner and Loseth Roads. The subject property is located along the northern boundary of the Kirschner Mountain Area Structure Plan.

The subject property is located on the map below.



Adjacent zones and uses are, to the:

- North - A1 – Agriculture 1 and P3 – Parks and Open Space; orchard, grazing, rural residential and linear park adjacent to Gopher Creek
- East - A1 – Agriculture 1 and RR1 – Rural Residential 1; Rural residential subdivision
- South - A1 – Agriculture 1; Grazing
- West - A1 – Agriculture 1; Undeveloped

### 3.4 Existing Development Potential

The existing development potential for the A1 – Agriculture 1 zone is agriculture and related uses.

### 3.5 Current Development Policy

#### 3.5.1 City of Kelowna Strategic Plan (1992)

The Strategic Plan identifies a number of goals and strategies relevant to the proposed application 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.

#### 3.5.2 Kelowna Official Community Plan

The Official Community Plan identifies the subject property as a Natural Environment / Hazardous Condition Development Permit area. Also the Generalized Land Use Map identifies two land uses for the subject property: public open space and one/two family residential. The proposed RU1h – Large Lot Housing (Hillside Area) and RU4 – Low Density Cluster Housing zones are consistent with the residential generalized land use designation.

#### 3.5.3 Black Mountain Sector Plan

The sector plan recognizes that the 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. The proposed future land uses identified are single family residential and open space.

#### 2.5.4 Kirschner Mountain Area Structure Plan

The design concept within the plan identifies the subject property as low density residential and open space. The Area Structure Plan is being amended to more clearly reflect the existing contours.

### 4.0 TECHNICAL COMMENTS

#### 4.1 Works & Utilities

Works and Utilities has the following requirements associated with this development application:

##### .1 Subdivision.

- a) The alignment of the extension of Autumn road to the west must be confirmed to ensure that ultimately the connection to Alpine Road meets the current City of Kelowna class 1 collector standard
- b) A 20 m. (class 1 collector) wide right of way must be provided to link the proposed subdivision to Garner road. The right of way alignment must meet the current City of Kelowna collector standard.
- c) A Restrictive Covenant must be registered for all the steep and environmentally sensitive areas.
- d) Provide easements as may be required.

.2 Geotechnical Study

- 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:

The Geotechnical report 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, rock fall hazard and slippage including the effects of drainage on the site.
- (vii) Identify in detail all 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) Any items required in other sections of this document.
- xii) Recommendations for roof drains and perimeter drains.
- xiii) Recommendations for construction of detention or infiltration ponds

.3 Domestic Water and Fire protection.

- a) The proposed development is within the service area of the Black Mountain Irrigation District (BMID). All charges for service connection, and upgrading costs are to be paid directly to the BMID.
- b) The applicant is to provide the City of Kelowna the assurance that the supply of domestic water and fire protection is achievable in accordance with the City standards.

.4 Sanitary Sewer

- a) The ASP recognizes the fact that there is, at the present time, a limited capacity in some downstream sections of the sanitary sewer trunk main. This initial development phase of approximately 110 lots does not trigger any off-site sanitary sewer improvements.
- b) An application for inclusion in the Specified Area service boundary must be made and an administration levy of \$250.00 is required to incorporate this development into Sewer service area # 1

.5 Drainage

- a) A comprehensive detailed site drainage management plan and design to comply with the City's drainage and policy manual is a requirement of this application. The drainage area located upstream of the subject property and its potential effect on the proposed development must be addressed.

.6 Road improvements

Highway 33 - Works and Utilities has received comments from the Ministry of Transportation (MOT) and indicating that they have no objection to the first phase of zoning and subdivision proceeding at this time.

Loseth Road - The off-site portion of Loseth Road from Highway 33 to the boundary of the subject property must be upgraded to an urban Class 1 collector standard, including the design and construction of monolithic curb, gutter and sidewalk, piped storm drainage, street lighting, and the removal or the relocation of existing utilities. The upgrading must include a left turn bay at the intersection of Lynrick Road and proper traffic lanes at the intersection of Loseth Road and Hwy. 33 to the satisfaction of the MOT. The estimated cost for the Loseth Road upgrading will have to be determined by the applicant's consultant. The cost estimate must be submitted in conjunction with a road upgrading pre-design.

Kloppenburg Road - The new proposed collector linking the proposed subdivision with Garner Road must be constructed to an urban Class 1 collector standard. The intersection of the proposed collector Road and Garner Road must be upgraded to meet current standards. The exact configuration of the intersection will have to be reviewed by the City's transportation division. The estimated cost for the intersection upgrading will have to be determined by the applicant's consultant. The cost estimate must be submitted in conjunction with a pre-design report that includes a plan-profile and cross-sections of the new proposed collector road.

Alpine/Autumn Road - The extension of Autumn Road to the west must be designed to ensure that the geometry's required to meet Alpine Road meet current Class1 Collector Standard.

.7 Power and Telecommunication services

The services to and within this development are to be installed underground. It is the developer's responsibility to make an application to the respective utilities companies. The utility companies are then required to obtain the City's approval before commencing their works.

.8 Street Lights

Street lights must be installed on all roads in accordance as per Bylaws requirements. Design drawings to include level of illumination plan.

.9 Engineering.

Design, construction, supervision and inspection of all off-site civil works and servicing must be performed by a Civil Engineer and all such work is subject to the approval of the City Engineer.

.10 Bonding and Levies summary.

a) Bonding (offsite upgrading)

Loseth Road upgrading (off-site)	\$226,000.00
Kloppenburg Road upgrading (off-site)	\$197,000.00
Total estimated cost	\$423,000.00

b) Levies.

Sanitary sewer area inclusion fee	250.00
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4.2 Environmental Manager

Further to the Wildland Interface Assessment comments regarding chipping: Chipped material should not be used for paths and walkways located near surface waters, or on slopes where stormwater may wash the chipped material into nearby surface waters.

Tree thinning or spacing: The 3-m tree spacing within 20 meters of homes is to be inspected by City staff prior to tree removal. Trees proposed for removal or trees proposed for retention (whichever is more convenient) should be flagged and inspected by City staff before cutting and removal begins. Small groups of trees (2-3 specimens) may remain provided there is a 3-m separation between that group and another specimen or group of specimens.

4.3 Fire Department

Fire Department access and hydrants as per the BC Building Code and City of Kelowna Subdivision, Development and Servicing Bylaw.

4.4. Inspection Services Department

No objections.

4.5 BC Gas

Gas is in the are of this development. A review of system capacity and potential upgrade is required given the size of the development. All costs to be established at that time.

4.6 Black Mountain Irrigation District

No concerns.

4.7 Ministry of Transportation

We met with the applicant on January 16, 2003 to discuss the Phase 1 zoning proposal. Stantec Consulting Ltd. subsequently submitted an analysis of the Highway 33/Loseth Road intersection and confirmed that signalization is not required for the first 109 units.

The analysis indicates that signalization is required when 250 units are in place however, we will require the applicant to perform a signal warrant when additional units are developed beyond those proposed in Phase 1 to determine the need for a signal.

The connection through to Garner Road is integral to the safety of the neighbourhood and should be in place for the first phase of the development. It is our understanding that the City of Kelowna will require right-of-way dedication and bonding for the road connection through to Garner Road as condition of the Phase 1 rezoning application. It is our further understanding that the road connection will be constructed prior to final approval of the Phase 1 subdivision.

In this regard, we have no further objection to the rezoning for Phase 1. We would appreciate a copy of the signed development servicing agreement and copy of the legal plan of the connection through to Garner Road for our records.

4.8 SD #23

Significant impact – potential 66 additional students (44 elementary & 22 secondary) at Black Mountain Elementary School, Rutland Middle & Senior. Additional portables may be required.

4.9 RCMP

No comment.

5.0 PLANNING & DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The proposed zones are consistent with the generalized land uses identified in the relevant planning documents. The proposed lot configuration was modified to reflect the intent of the design concept within the area structure plan and the applicant has worked with the city to resolve issues relating to the proposed subdivision layout.

A Development Permit will be required prior to any work commencing on sloped areas or adjacent to Gopher Creek, which are designated Natural Environment/Hazardous Condition Development Permit Areas. The Development Permit will address any mitigation work required to compensate for filling in the area of the Loseth crossing and to address trail connectivity.

Hazel Christy  
Special Projects Manager

Approved for inclusion ☐

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

HC/SG/sg  
Attachment



**FACT SHEET**

1. **APPLICATION NO.:** Z02-1015 and OCP02-
2. **APPLICATION TYPE:** Zoning and OCP Amendment
3. **OWNER:** Gordon & Heidi Kirschner  
Donald and Amy Kirschner  
Allan & Angelica Kirschner  
· **ADDRESS** RR 5, Garner Road  
· **CITY/POSTAL CODE** Kelowna, BC, V1X 4K4
4. **APPLICANT/CONTACT PERSON:** Allan Kirschner / Dan Middal  
· **ADDRESS** 1700 Verdure Road  
· **CITY/POSTAL CODE** Kelowna, BC V1P 1G6  
· **TELEPHONE/FAX NO.:** (250) 769-1185
5. **APPLICATION PROGRESS:**  
Date of Application: April 16, 2002  
Staff Report to APC: May 7, 2002  
Staff report to APC: January 14, 2002  
Staff Report to Council: February 26, 2003
6. **LEGAL DESCRIPTION:** Lot A, Plan KAP48770; Section 12 & 13, Township 26, ODYD
7. **SITE LOCATION:** South of Highway 33 between Garner Road and Loseth Road in the Black Mountain Sector area
8. **CIVIC ADDRESS:** 2045 Garner Road
9. **AREA OF SUBJECT PROPERTY:** 19.65 ha
10. **PURPOSE OF THE APPLICATION:** To rezone the subject property from A1 – Agriculture 1 to RU1h – Large Lot Housing (Hillside Area), RU4h – Low Density Cluster Housing (Hillside Area), RU6h – Two Dwelling Housing (Hillside Area) and P3 – Parks & Open Space zones and to amend the Official Community Plan and the Kirschner Mountain Area Structure Plan.
11. **MIN. OF TRANS./HIGHWAYS FILES NO.:** 2 – 81 - 19801  
**NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY:**
12. **DEVELOPMENT PERMIT MAP 7.1 & 19.1 IMPLICATIONS:**  
(a) OCP Bylaw Amendment required Map7.1 Natural Environment / Hazardous Condition and Map19.1 Generalized Future Land Use amended  
Medium Density Residential Development Permit Area required

**Attachments**

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

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Location Map  
Map "A" Plan of Proposed Subdivision/Zoning  
ASP Design Concept