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## CITY OF KELOWNA

### MEMORANDUM

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**Date:** May 13, 2003

**File No.:** DVP03-0036

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** DVP03-0036

**OWNER:** Andrea Gostlin

**AT:** 2312 Dewdney Rd, Kelowna, BC

**APPLICANT:** Maric Construction

**PURPOSE:** TO OBTAIN A DEVELOPMENT PERMIT VARIANCE TO CONSTRUCT A TRAMWAY AND WOODEN DECK WITHIN THE REQUIRED SETBACK OF THE RIPARIAN MANAGEMENT AREA.

**EXISTING ZONE:** RR3 –RURAL RESIDENTIAL 3

**REPORT PREPARED BY:** KEIKO NITTEL

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

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#### 1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP03-0036; for Lot A, Section 20, Township 23, ODYD, Plan 27495, located on Dewdney Road, Kelowna, B.C. subject to the following:

1. Landscaping to be provided on the land in general accordance with Schedule "A";

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 6.14: Stream Protection Leave Strips

- Vary the setback from Okanagan Lake from the 15.0 m required to 0.0 m

AND THAT issuance of the development variance permit be subject to the issuance of License to occupy Crown Foreshore by Land & Water British Columbia Incorporated;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development variance permit application in order for the permit to be issued.

## 2.0 SUMMARY

The applicant is proposing a tramway to the shores on Okanagan Lake. In addition, the applicant is proposing to extend an existing deck located along the shoreline to connect with the terminus of the tramway. As applicant has addressed the environmental issues surrounding the proposed project, a development permit waiver for the proposed development was approved. However, as the tramway and the deck are to be located within the required 15 metre riparian management area (RMA) setback, a development variance permit is required. The approval of the development permit waiver was therefore made subject to the approval of the Development Variance Permit.

## 3.0 BACKGROUND

### 3.1 The Proposal

The applicant is seeking a development variance permit to allow for the construction of a tramway to the shores of Okanagan Lake. In addition, the applicant is proposing to extend the existing deck located along the shoreline to meet the terminus of the tramway. The proposed tramway and deck are to be located within the required 15.0m Riparian Management Area (RMA) setback thus requiring a Development Variance Permit. The subject property is identified in the OCP as a Natural Environment and Hazardous Condition Development Permit Area as the property is both located adjacent to Okanagan Lake and contains lands of a 30% and greater slope. As development permit waiver was approved for the project subject to the approval of a development variance permit. A development permit was therefore not also required.

The proposed tramway will connect the deck at the existing residence to the lakeshore below. The tramway is to be 27m long at a slope of 28 degrees. The applicant is proposing to build an aluminum track, supported by five concrete footing. The tram will roll on nylon rollers with locomotion provided by a stainless steel chain and drive motor, housed at the top of the tramway. At the tram's lower terminus near the lake high water line, a deck extension will be built to tie into existing decking on the lakeshore. As the base of the tramway and the deck are located outside the applicant's property lines, a license to occupy the Crown foreshore will be required prior to final approval of the application.

The applicant has submitted a report by Naito Engineering Consultants Ltd. that describes the property, analyzes the building site, and provides a mitigation plan to offset any potential impacts on the environmental quality and habitat of the shoreline. The applicant has attempted to mitigate the visual impact of the tramway by locating it through a cleft in the rock along the slope. In addition, loss of vegetation in the footprint areas of the concrete footings and removal of shrubs along the high water line due to the wooden deck extension will be resolved with the planting of new shrubs.

The application compares to the requirements the City of Kelowna Bylaw No. 8000 for A1 zones as follows:

CRITERIA	PROPOSAL	REQUIREMENTS
Setback from 343.0 elevation mark	0.0m to deck 2.0m to footing of tramway	15.0m

**Notes:**

- ① The applicant is seeking to vary the riparian management setback from the 15 metres required in a Riparian Management Area (RMA).

### 3.2 Site Context

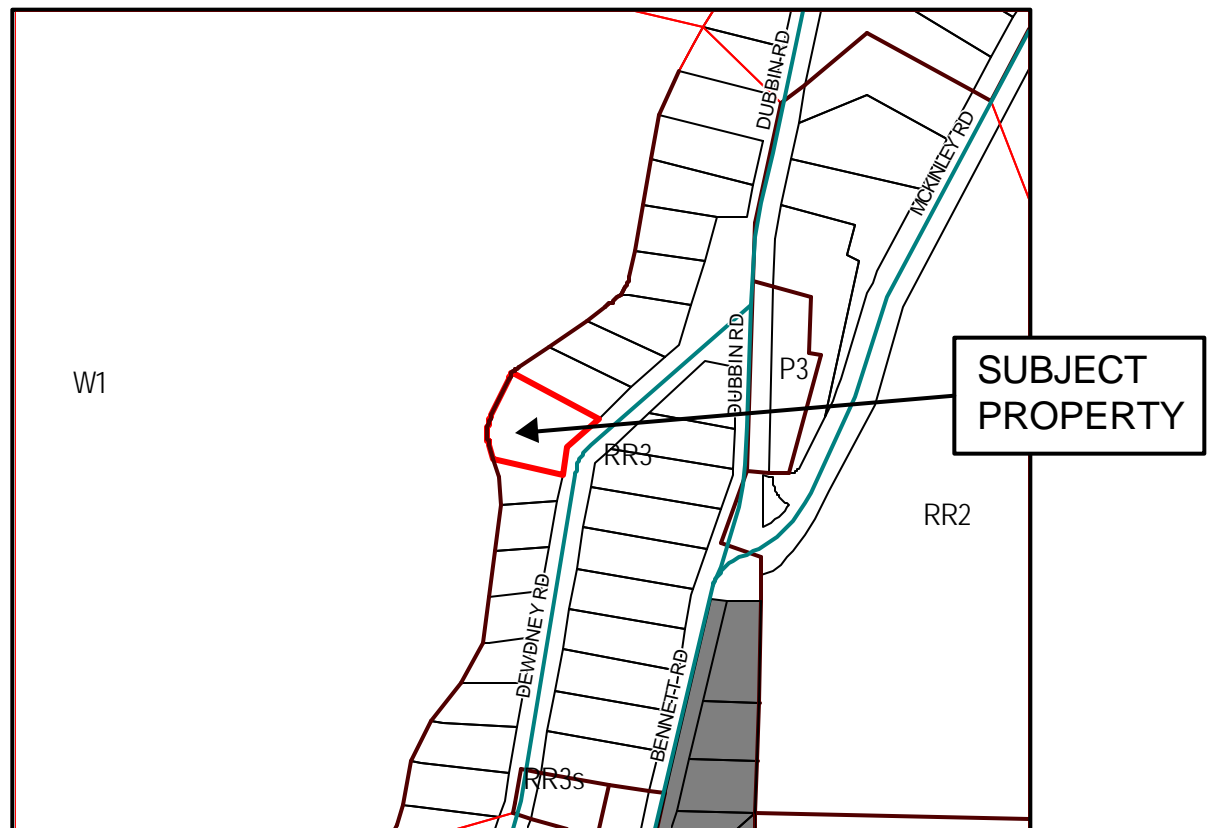
The subject property is located on Dewdney Road between Lakeshore Place and Roepel Road.

Adjacent zones and uses are:

- North - RR3- Rural Residential 3
- East - RR3- Rural Residential 3
- South - RR3- Rural Residential 3
- West - Okanagan Lake

### 3.3 Location Map

Subject Property: 2312 Dewdney Road



### 3.4 Existing Development Potential

The purpose of the RR3 – Rural Residential 3 is to provide a zone for country residential development on smaller lots, and complementary uses, in areas of high natural amenity and limited urban services. The principal use in this zone is single detached housing. Secondary Uses include bed and breakfast homes, care centres (intermediate), group homes (minor), home based businesses (minor & major), second kitchens, and secondary suites.

### 3.5 Current Development Policy

### 3.5.1 Kelowna Official Community Plan

Proposed development in a Natural Environment DP area will be sensitively integrated with the natural environment and will present no hazards to person or property, development may be permitted on land with a natural slope that averages greater than 30%. Natural vegetation should be retained on slopes in order to control potential erosion, landslip and rock falls.

Proposed development in a Hazardous Conditions Development Permit area will minimize the effects of development on the natural environment of hillside areas, defined as lands in their natural state that have a slope angle of 10% and greater for a minimum height of 9 m while preserving areas with slopes of 30% and greater. Effects to be minimized may include cuts and fills, tree cutting, regrading and the visual impact of urban development on hillsides.

### 3.5.2 Lake Okanagan Shore Zone Plan

In order to protect the shore zone, a corridor of land along the lakefront should be left in its natural condition upon redevelopment of the upland parcel, or be landscaped in a manner that either enhances conditions for fish and wildlife or maintains conditions equivalent to those that would have existed had no development occurred.

The rehabilitation of natural areas that have been negatively affected by human activity, even on properties where no development initiatives are being proposed, is also encouraged.

It should be ensured that the natural environment will not be negatively affected. The proposed action or development should have no significant impact on the environment, or which concludes that the land is not considered to be environmentally sensitive to development, nor subject to hazardous conditions.

## 5.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments and the following comments or concerns were expressed:

### 5.1 Works and Utilities

We can support the DVP conditional upon implementation of the recommendations (Conclusions on page 4) of the Naito Environmental Statement dated February 16, 2003, and upon issuance of and compliance with conditions contained within a written Authorization from BC MWLAP (Section 9 - Works In and About a Stream).

### 5.2 Inspections

No concerns.

### 5.3 Ministry of Water, Land, & Air Protection

The Ministry has no objections to the proposal provided the mitigation plans and recommendations for restoration work, described in the Naito report, are carried out. If the proposed work occur on Crown land or land owned by another person it will be necessary to obtain the approval of the owner before proceeding.

## 6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department supports the proposal to construct a tramway & deck within the riparian management area, provided that the mitigation plan is implemented as outlined in the Naito Environmental report.

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Andrew Bruce  
Current Planning Manager

Approved for inclusion

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

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Attach.

**FACT SHEET**

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|----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. APPLICATION NO.:                                                                                      | DVP03-0036                                                                                                                                                       |
| 2. APPLICATION TYPE:                                                                                     | Development Variance Permit                                                                                                                                      |
| 3. OWNER:                                                                                                | Andrea Gostlin                                                                                                                                                   |
| . ADDRESS                                                                                                | 2312 Dewdney Road                                                                                                                                                |
| . CITY                                                                                                   | Kelowna, BC                                                                                                                                                      |
| . POSTAL CODE                                                                                            | V1V 2C4                                                                                                                                                          |
| 4. APPLICANT/CONTACT PERSON:                                                                             | Maric Construction (Richard Hanenburg)                                                                                                                           |
| . ADDRESS                                                                                                | 700 Lone Pine Drive                                                                                                                                              |
| . CITY                                                                                                   | Kelowna, BC                                                                                                                                                      |
| . POSTAL CODE                                                                                            | V1P 1A1                                                                                                                                                          |
| . TELEPHONE/FAX NO.:                                                                                     | 862-6212                                                                                                                                                         |
| 5. APPLICATION PROGRESS:                                                                                 |                                                                                                                                                                  |
| Date of Application:                                                                                     | April 8, 2003                                                                                                                                                    |
| Date Application Complete:                                                                               |                                                                                                                                                                  |
| Servicing Agreement Forwarded to Applicant:                                                              | N/A                                                                                                                                                              |
| Servicing Agreement Concluded:                                                                           | N/A                                                                                                                                                              |
| Staff Report to APC:                                                                                     | N/A                                                                                                                                                              |
| 6. LEGAL DESCRIPTION:                                                                                    | Lot A, Section 20, Township 23, ODYD, Plan 27495                                                                                                                 |
| 7. SITE LOCATION:                                                                                        | on Dewdney Road off of Dubbin Road                                                                                                                               |
| 8. CIVIC ADDRESS:                                                                                        | 2312 Dewdney Road                                                                                                                                                |
| 9. AREA OF SUBJECT PROPERTY:                                                                             | 2901m <sup>2</sup>                                                                                                                                               |
| 10. EXISTING ZONE CATEGORY:                                                                              | RR3- Rural Residential 3                                                                                                                                         |
| 11. PURPOSE OF THE APPLICATION:                                                                          | A development variance permit to allow for the construction of a tramway and deck within the riparian management area setback along the shores of Okanagan Lake. |
| 12. MIN. OF TRANS./HIGHWAYS FILES NO.:<br>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | N/A                                                                                                                                                              |
| 13. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS                                                             | Natural Environment/Hazardous Condition DP & Lakeshore DP                                                                                                        |

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Location of subject property
- Site Plan
- Airphoto
- Photographs
- Elevations
- Naito Report
- Letter from Ministry of Water, Land, and Air Protection