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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** November 12, 2003

**File No.:** DP03-0127

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** DP03-0127

**OWNER:** Randy Mosicki

**AT:** 310 Prince Edward Drive

**APPLICANT:** Randy Mosicki

**PURPOSE:** LOT CLEARING AND SITE GRADING FOR THE  
CONSTRUCTION OF A NEW SINGLE FAMILY DWELLING IN A  
NATURAL ENVIRONMENT DEVELOPMENT PERMIT AREA

**EXISTING ZONE:** A1 – AGRICULTURE 1

**REPORT PREPARED BY:** RYAN SMITH

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**1.0** RECOMMENDATION

THAT Council not authorize the issuance of Development Permit No. DP03-00127 for Lot 3, Section 7 and 8, Township 23, ODYD Plan 41162, located on Prince Edward Drive, Kelowna, B.C.;

**2.0** SUMMARY

The applicant is seeking a development permit for site modification/preparation on the subject property.

**3.0** BACKGROUND

**3.1** The Proposal

The applicant is seeking a development permit to permit the preparation of the subject property for the construction of a new single family dwelling, on the westerly (lakeview) portion of the property.

The property has a natural rock ridge protruding approximately 5 metres high that exists on the westerly end of the property. The applicants are of the opinion that the existence of the ridge prevents construction of any sizeable home in a position that can make use of the view. Adjacent to the ridge is a natural existing draw or low area. The applicants are proposing a cut of the rocky ridge and fill of the adjacent low area in order to prepare the site for the construction of a proposed single family dwelling. The applicants have indicated that they feel this is the most practical alternative in terms of site design.

The cut and fill operation will allow for repairs due to damage from a previous owner. Without approval from the City of Kelowna the previous owner created a rough cut road access to the property (through the centre of the property) in hopes of replacing the existing access easement. The applicant has indicated that some adjacent property owners were not in favour of moving the easement road to the roughed-in location and therefore the option was not pursued.

The applicant has indicated that the previous owner wanted to move the easement road in to improve the privacy of the building site. The existing easement road is in close proximity to the ideal building site, and therefore traffic generated may reduce privacy.

The applicants are proposing to build a natural rock berm from boulders removed from the proposed building site. The function of this berm would be to retain additional fill being added to grade the site for the applicants' ideal layout. The berm would also serve to increase the privacy of the proposed building site.

In addition the applicant has confirmed several possible septic locations on the subject property.

The application meets the requirements of the C5 – Transition Commercial zone as follows:

CRITERIA	PROPOSAL	A1 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	3.4905ha (existing)	4.0 ha
Lot Width (m)	90m(approx.)	40.0m
Lot Depth (m)	360m(approx.)	N/A
<b>Storeys (#)</b>	1	2.5
Site Coverage	(final design of house yet to be completed)	10%

#### 4.2 Site Context

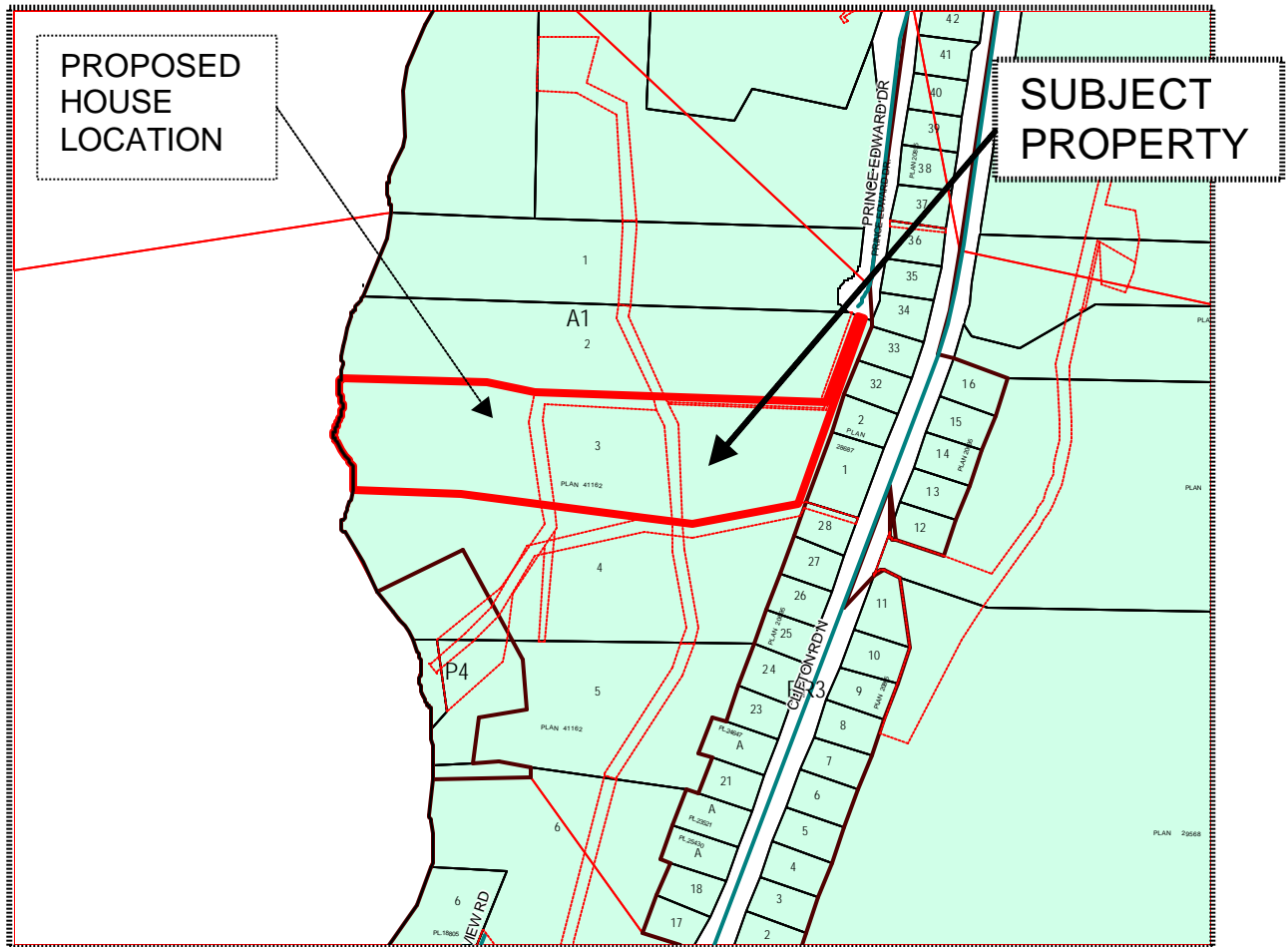
Subject property is located at the south end of Prince Edward Drive, however access provided via an access easement from the south (Lochview Road).

Adjacent zones and uses are:

- North - A1 – Agriculture 1
- East - RR3 – Rural Residential 3 – Single Family Dwelling
- South - A1 – Agriculture 1 – Single Family Dwelling
- West - Okanagan Lake

#### 4.3 Site Location Map

Subject Property: 310 Prince Edward Drive



#### 4.5 Current Development Policy

##### 4.5.1 Kelowna Official Community Plan

OCP Guidelines for Development include but are not limited to:

- Protect unique or special natural features such as land forms, rock outcroppings, mature trees and vegetation, drainage courses, wetlands, hilltops and ridge lines.
- Retain mature vegetation wherever possible and incorporate into the design of the project.
- Demonstrate that a diligent effort has been made in site design to preserve both the natural vegetation and tree cover.

- Development will be directed to appropriate areas with slopes averaging less than 30%. Where it can be demonstrated that the proposed development 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 30% or greater. Natural vegetation should be retained on slopes in order to control potential erosion, landslip and rock falls.

The applicant has failed to demonstrate a sensitive integration of the development plan with any of the above noted OCP Guidelines. The proposed area of alteration, disturbance and destruction of the natural landscape is large and conspicuous. A more sensitively integrated hillside development plan that is designed for a hillside lot would be better suited than this development plan, which seems to be designed for a flat lot.

## 5.0 TECHNICAL COMMENTS

This application was circulated to various departments and agencies and the following comments were received:

### 5.1 Inspection Services

- Residential sprinklers and fire flows required
- Hydrant required
- Retaining walls must conform to Bylaw.
- Geotechnical report by certified professional will be required for Building Permit.

### 5.2 Works and Utilities Department

No comment.

### 5.3 Fire Department

As this area is in a recognized interface area, a hazard assessment will be required.

Access to conform to subdivision standards.

This residence appears to be extremely large and consideration should be given to requiring fire flows be met. At the very least, residential sprinklers should be installed.

## 3.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department is unable to support this development permit application. The proposal is not consistent with the applicable OCP Policy and Guidelines and staff is concerned about the precedent that approval of such actions would set. Staff recommends that the applicant pursue a home design which allows the incorporation of the natural element of this lot in order to minimize the impact of the surrounding area.

#### 4.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP03-00127 for Lot 3, Section 7 and 8, Township 23, ODYD Plan 41162, located on Prince Edward Drive, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the re-grading on the land be in general accordance with Schedule "A";
2. The applicant be required to submit an environmental report that includes a mitigation plan (monitoring, fencing, tree and vegetation replacement);
3. The applicant be required to post with the City a Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the habitat restoration and enhancement, as determined by an environmental report;
4. The applicant be required to arrange for site monitoring and a system of fencing to prevent the movement of debris from the proposed area of work down slope.
5. The applicant be required to complete a wildland fire assessment and mitigation plan with a covenant registered on title;
6. The applicant be required to protect all remaining land on the subject property with slopes greater than 30% with a no-disturb covenant;

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

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Andrew Bruce  
Development Services Manager

Approved for inclusion

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

RM/AB/rs

## FACT SHEET

1. **APPLICATION NO.:** DP03-0127
2. **APPLICATION TYPE:** Development Permit (Natural Environment)
3. **OWNER:** Randy Mosicki  
· **ADDRESS** 1116 Lynn Court  
· **CITY** Kelowna, BC  
· **POSTAL CODE** V1V 1H1
4. **APPLICANT/CONTACT PERSON:** Randy Mosicki  
· **ADDRESS** 1116 Lynn Court  
· **CITY** Kelowna, BC  
· **POSTAL CODE** V1V 1H1  
· **TELEPHONE/FAX NO.:** 860-6900
5. **APPLICATION PROGRESS:**  
    **Date of Application:** October 16, 2003  
    **Date Application Complete:** October 16, 2003  
    **Servicing Agreement Forwarded to Applicant:** N/A  
    **Servicing Agreement Concluded:** N/A  
    **Staff Report to APC:** N/A  
    **Staff Report to Council:** N/A
6. **LEGAL DESCRIPTION:** Lot 3, Sections 7 and 8, Township 23, Plan 41 ODYD
7. **SITE LOCATION:** Subject property is located at the south end of Prince Edward Drive.
8. **CIVIC ADDRESS:** 310 Prince Edward Drive
9. **AREA OF SUBJECT PROPERTY:** 34905m<sup>2</sup>
10. **AREA OF PROPOSED REZONING:** N/A
11. **EXISTING ZONE CATEGORY:** A1 – Agriculture 1
12. **PROPOSED ZONE:** A1 – Agriculture 1
13. **PURPOSE OF THE APPLICATION:** Applicant seeking a development permit for preparation of a site for new home construction in a natural environment DP area.
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** N/A  
    **NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY**
15. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** Environmental DP area.

**ATTACHMENTS**

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

- Location of subject property
- Site plan
- Photographs
- Contour map showing area of excavation and fill
- Rendering