
CITY OF KELOWNA

MEMORANDUM

Date: February 24, 2004

File No.: Z04-0003
(3360-20)

To: City Manager

From: Planning & Development Services Department

Purpose: To rezone from the A1-Agriculture 1 zone to the RU1h-Large Lot Housing (Hillside) zone in order to facilitate a 43 lot single detached housing subdivision

Owner: T206 Enterprises

Applicant/Contact Person: D. E. Pilling & Associates Ltd./Murray Noble

At: 5127 Chute Lake Road

Existing Zone: A1 – Agriculture 1 **Proposed Zone:** RU1h – Large Lot Housing (Hillside Area)

Report Prepared By: Shelley Gambacort

See Attached Fact Sheet For Complete Application Details

1.0 RECOMMENDATIONS

THAT Rezoning Application No. Z04-0003 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot 1, Sec. 24, Twp. 28, SDYD, Plan 5485 except Plans 18646, KAP49406, KAP50989 and KAP64523, located on Chute Lake Road, Kelowna, BC, from the A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area) zone as shown on Map "A" attached to the report of Planning & Development Services Department, dated February 24, 2004, be considered by Council;

AND THAT the 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 proposes to rezone the northern portion of the subject property from the current A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area) zone to facilitate the development of 43 single family lots. The application is being developed in accordance with the Area Structure Plan for Neighbourhood One in the Southwest Okanagan Mission Sector Plan.

2.1 Advisory Planning Commission

The Advisory Planning Commission at their meeting of February 3, 2004 reviewed the application and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z04-0003, 5127 Chute Lake Road, Lot 1, Plan 5485, Sec. 24, Twp. 28, ODYD, by DE Pilling & Associates (Murray Noble), to rezone from the A1-Agriculture 1 zone to the RU1h-Large Lot Housing (Hillside) zone in order to facilitate a single detached housing subdivision.

3.0 BACKGROUND

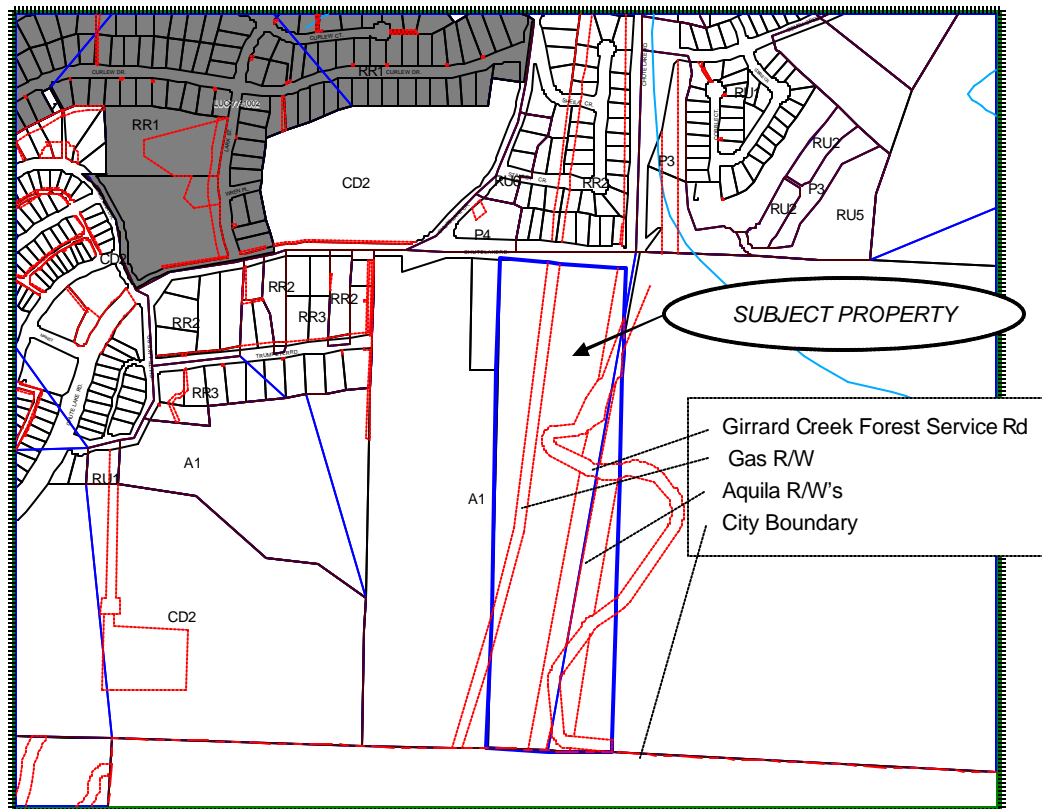
3.1 The Proposal

The proposed subdivision comprises 43 single family lots ranging in size from 553 m² to 1,917 m². Access to the proposed subdivision will be from a new road that will extend off Chute Lake Road near the west property line of the subject property, with provision for future access points to the adjacent lands and future development.

The proposal, as compared to the requirements of the RU1h zone requirements are as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Lot Area (m ²)	553 to 1,917	550 m ²
Minimum Lot Width (m)	16.5 min	16.5 m*
Minimum Lot Depth (m)	30 min.	30.0 m

3.2 Site Context



The property is located off the south side of Chute Lake Road, west of the Gillard Creek Forest Service Road. In addition to the forest service road running south through the property, there is a gas right of way and dual Aquila transmission line right-of-ways running north-south through the property as shown on the above map.

Adjacent zones and uses are, to the:

- North – RR2 – Rural Residential 2; single family residential
- East – A1 – Agriculture 1; rural undeveloped, Gillard Cr. Forest Service Rd.
- South – City Boundary
- West – A1 – Agriculture 1; Mobile Home Park, rural undeveloped

3.3 Current Development Policy

3.3.1 City of Kelowna Strategic Plan

The Kelowna Strategic Plan supports the orderly progression of urban development, in particular, infill development, where the extension of required municipal servicing can easily be accommodated within an existing urban area. This site, adjacent to Chute Lake Road meets those criteria.

3.3.2 Official Community Plan

The Official Community Plan Future Land Use Map designates the portion of the subject property under application for rezoning as single/two unit residential.

3.3.3 Southwest Okanagan Mission Sector Plan

The Southwest Okanagan Mission Sector Plan identifies generalized road locations, density, and form of housing. The current proposal is in accordance with the general parameters set out in the Plan.

3.3.4 Southwest Okanagan Mission – Neighbourhood One Area Structure Plan

The Neighbourhood One ASP designates the subject property as residential single family/cluster estate and the proposed subdivision meetings the policies and guidelines of the ASP.

3.4 Proposed Development Policy

The purpose of the RU1h – Large Lot Housing (Hillside Area) zone is to provide a zone for single detached housing, and compatible secondary uses, on larger serviced urban lots.

4.0 TECHNICAL COMMENTS

4.1 Works & Utilities

The following Works & Services are required for this subdivision:

.1) General

- a) An acceptable road preplan for the adjoining lands is required to confirm the alignments and intersections of the Forestry Road extension and Road B.

This should be done in conjunction with the neighbouring land owners. The roads must satisfy Bylaw requirements including vertical and horizontal elements.

- b) The upper portion of the property above the 520m contour elevation does not have water service at this time. Therefore, this portion of the property should not be considered part of the zone amendment application unless water system upgrades are proposed and there is an amendment to the OCP.
- c) Requirements of the rezoning application no. Z04-0003 must be satisfied before subdivision approval.
- d) *Prior To Final Adoption Of The Zone Amending Bylaw.* Drainage, water, sanitary sewer, road and other shallow utility services may not be available at the site. Therefore, prior to rezoning, a Predesign report specific to this development is required to identify all offsite servicing needs in accordance with the Subdivision, Development and Servicing Bylaw. A Servicing Agreement for all offsite works required by this subdivision must be provided, along with Performance Security, before final adoption of the Zone Amending Bylaw.
- e) *South Mission Road Triggers:* Offsite roadwork identified in the Southwest Mission Sector Plan are triggered at various stages of development based on subdivided lots or units. These works are identified in the Sector Plan and numerous components are triggered by developments occurring in the area at this time. However, other major developers in the area have committed to constructing these works, as they are needed. Therefore, this development is not required to build any of these road segments as long as the other developers in the area remain committed to building these roads.
- f) The postal authorities must be contacted to determine whether or not a "community mailbox" will be utilized, and if so, its location should be determined and the proposed location shown on the construction plans. Please contact the Canadian Post Corporation, Delivery Services, P.O. Box 2110, Vancouver, BC. V6B 4Z3 (604) 662-1381 in this regard.
- g) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.

.2 Geotechnical Report

- a) Provide a comprehensive geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering is required. 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.

.3 Water

- a) The property is located within the City service area. 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.

- b) There is an existing 600mm diameter transmission pipe on Chute Lake Road fronting the property. Individual lot service connections are not permitted off this line. There is also a local distribution main (100mmdiameter) on the opposite side of the road but is to not adequate in size for this development. The existing distribution line could be upgraded or a new water tie-in (“wet tap”) for a distribution main could be made to the transmission line but would need to be in a suitable location acceptable to the Water Manager. Any new distribution line must consider extension to adjacent lands.
- c) The maximum contour elevation for water service is 520m, based on the elevation of the Adams reservoir. The upper portion of this property above this contour elevation is not serviceable at this time unless further system facilities are built. Some lots in the lower portion may be affected by this elevation; therefore on the Lot Grading Plan identify the maximum service contour for water and specify the maximum floor elevation that can be built to satisfy Bylaw requirements.
- d) The existing Adams reservoir had an additional capacity of 508 units when it was upgraded a few years ago by Kettle Valley. Currently there are approximately 366 units used leaving 142 available units of capacity. Therefore, there is available capacity for this subdivision; however, if the subdivision is phased or the project is delayed, the available capacity may be used by others and system upgrades may be required.

.4 Sanitary Sewer

- a) Provide an adequately sized sanitary sewer system complete with individual lot connections.
- b) Sanitary sewer is not available at the site but exists on Chute Lake Road north of South Crest Drive. According to a Predesign of the sewer collection system in the Okaview area, by Urban Systems, the sewer is to be extended up Chute Lake Crescent from the intersection of Okaview Road. The Wastewater Utility is prepared to fund the service connections for each existing lot along the route and therefore the connections are to be installed with the extension of the line. This extension may be done jointly with the neighbouring proposed subdivision development to the west, which will be submitted to the City for Council's approval. This route on Chute Lake Crescent provides a benefit to existing residents and allows the developer the potential to recovered most of the costs through a latecomer process when existing owners hook-up. The City Wastewater Utility does not support any other route.

.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.

.6) Roads

- a) The applicant is requesting rezoning for Hillside road standards; therefore, the comments below are based on this being approved by City Council. The applicant has proposed the use of the alternative Hillside road standards.
- b) Chute Lake Road fronting the development is complete except for a short section towards the east property boundary. This section must be upgraded to a full urban standard including curb and gutter, separate sidewalk, piped storm drainage system, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances, if required, to accommodate this construction. This is a DCC designated road and costs are recoverable through DCC credits.
- c) Lots with frontage on Chute Lake Road are required to maintain the boulevard between the curb and the sidewalk. For each lot, provide a pipe sleeve under the sidewalk (including the existing section) that can be used for irrigation.
- d) A Collector Road is required in approximately the same location as the existing Forestry Service Road on the East side of the property. This road is required as part of this subdivision as it fronts the development. The Transportation Section indicated that the road section may eliminate parking and allow for two 3.5m vehicle lanes and 1.5m bike lanes (for a road width of 10m) within an 18m dedication. Urbanization (curb & gutter, separate sidewalk and street lighting etc) is required fronting the development. Where other lands front the road it may remain as a rural cross-section. The alignment of this road needs to be finalized and approval obtained from the Ministry of Forests.
- e) Road A and Road C are designated Hillside urban local roads. Dedicate and construct the road in accordance with City alternate standard Drawing TYP-01 (14.0m dedication, 9.0m (boc) road).
- f) Road B could be either a local road or a collector road depending on the final neighbourhood layout. Its alignment is also subject to this overall road layout issue.

At this time it will be designated as an urban Minor Hillside Collector Road in accordance with City alternate standard Drawing TYP-04 with parking/access on both sides (15.50m dedication, 11.0m (boc) road). The cul-de-sac end should make provision for extension in the future i.e. the curb should be squared off fronting lot 33.

- g) Provide traffic control and street name signs where required. The City will install all signs and traffic control devices at the developer's expense.
- h) 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) Verify that physical driveway access will satisfy City requirements for all lots. For steeper lots (15% and greater), show driveways on the lot grading plan with grades or profiles.
- k) Re-locate existing poles and utilities, where necessary.
- l) Driveway access is not permitted onto Chute Lake Road or The Forestry Road. 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.
- m) Provide corner roundings at each intersection.

.7) 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.

.8) Latecomer Provisions

- a) Under the provisions of the Local Government Act, Latecomer provisions are available for the Sanitary sewer installed on Chute Lake Crescent.
- b) Water Extended Service Area Latecomers:

ESA#	Frontender	Component	Anniversary	Rate/unit \$
1	Kettle Valley	Intake/pipe/PS etc	April 16	939
2	Kettle Valley	Adams Reservoir	April 16	783

- c) Sewer Specified Area Administration Fee of \$250.00 to amend service boundary (Spec area 1).

- j) Water Specified Area Administration Fee of \$250.00 to amend service boundary (Spec area 1).

4.2 Environment Manager

Although some of this property was impacted by the Okanagan Mtn. Park fire, there still exists some roadway, drainage, recreational, and environmental aspects (values) that should be addressed as part of this consideration for land use change. The ASP prepared by Kettle Valley Properties for the neighbourhood, should be amended to include this property and the neighbouring properties (5377 & 5241 Chute Lake Road, Lockhurst and Old Adams) with consideration to the unnamed stream and steep slopes, and identifying potential trail linkages, wildlife corridors and other open space areas (P2 zones). The trees will eventually grow back.

4.3 Fire Department

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

4.4 Inspection Services, Public Health Inspector, RCMP

No comment.

4.5 Parks Division

The existing hydro corridor is frequently used by the public for access between Chute Lake Road and the South Slopes and Gillard Area. It was also the main route of access during the fire for emergency crews. Parks wants to protect this public access route by establishing a public access ROW agreement over the parcel similar to the route of access (walkway) under the hydro corridor in Neighbour 2 around the Southridge subdivision. The proposed subdivision property lines would need to be adjusted from Lot 18 south to Lot 25 to prevent privatization of the corridor.

4.6 Terasen

The basic lot layout concept as it impacts the Terasen Gas right-of-way is acceptable to Terasen Gas except for Lots 12 & 13 where the lot boundary should be re-adjusted so as not to be in the centre of the right-of-way where the pipeline is located. Detailed comments available through the subdivision application.

4.7 Regional District of Central Okanagan

Lands with CORD to the south are zoned RU1 Rural 1 and P2 Institutional and Assembly (Seaton House of Prayer) in Zoning Bylaw 871. These lands are not within the boundaries of an Official Community Plan and are not located within the ALR.

The Okanagan Shuswap LRMP recommends that the City refer applications to Crown resource agencies for comments on design and measures to ensure compatibility with crown resource management. The issue of aggregate extraction opportunities, on or in the vicinity of the site should also be assessed prior to approval of the rezoning/subdivision application.

Issues relative to the connection of the Gillard Forest Service Road, access for public trailheads, wildfire and upslope stability should be assessed relative to the Kelowna South Slopes Plan.

4.8 Aquila, School District No. 23, Telus, Canada Post

No response.

PLANNING COMMENTS

The area under application for rezoning is only that portion of the subject property that is designated for single/two unit residential development in the Kelowna 2020 – Official Community Plan Bylaw 7600. The proposed use of the site is also in conformity with the Sector Plan and Neighbourhood One Area Structure Plan. There is a concurrent Preliminary Subdivision Layout Review (PLR) application being processed for a proposed 43 lot subdivision. All servicing issues will be addressed through this PLR process. Subdivision of the property is contingent on the provision of community water and sanitary sewer to the proposed development.

R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion

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

RGS/SG/sg

FACT SHEET

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| 1. APPLICATION NO.: | Z04-0003 |
| 2. APPLICATION TYPE: | Rezoning |
| 3. OWNER:
· ADDRESS
· CITY/ POSTAL CODE | T206 Enterprises Ltd.
1322 Green Bay Road
Westbank, BC V4T 2B6 |
| 4. APPLICANT/CONTACT PERSON:
· ADDRESS
· CITY/ POSTAL CODE:
· TELEPHONE/FAX NO.: | D. E. Pilling & Associates/
Murray Noble
200 – 540 Groves Avenue
Kelowna, BC V1Y 4Y7
763-2315/763-6559 |
| 5. APPLICATION PROGRESS:
Date of Application:
Servicing Agreement Forwarded to Applicant:
Servicing Agreement Concluded:
Staff Report to Council: | January 12, 2004

February 24, 2004 |
| 6. LEGAL DESCRIPTION: | Lot 1, Sec. 24, Twp. 28, SDYD, Plan 5485 except Plans 18646, KAP49406, KAP50989 and KAP64523 |
| 7. SITE LOCATION: | South side of Chute Lake Road west of Gillard Creek Forest Service Road |
| 8. CIVIC ADDRESS: | 5127 Chute Lake Road |
| 9. AREA OF SUBJECT PROPERTY: | 15 ha |
| 10. AREA OF PROPOSED REZONING: | 4.24 ha |
| 11. EXISTING ZONE CATEGORY: | A1 – Agriculture 1 |
| 12. PROPOSED ZONE: | RU1h – Large Lot Housing (Hillside Area) |
| 13. PURPOSE OF THE APPLICATION: | To rezone from the A1-Agriculture 1 zone to the RU1h-Large Lot Housing (Hillside) zone in order to facilitate a 43 lot single detached housing subdivision |
| 14. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | N/A |

Attachments

(Not attached to the electronic copy of the report)

- Location Map “A”
- Plan of Proposed Subdivision