
CITY OF KELOWNA

MEMORANDUM

Date: April 12, 2005

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. OCP04-0014

OWNER: Valendas Enterprises Ltd.

AT: 180 Clifton Road N

APPLICANT: The Hulbert Group

PURPOSE: TO AMEND THE OFFICIAL COMMUNITY PLAN FUTURE LAND USE DESIGNATION FROM RURAL/AGRICULTURAL TO MULTIPLE UNIT RESIDENTIAL – LOW DENSITY FOR THE UPLAND PORTION OF THE SUBJECT PROPERTY

EXISTING FLU DESIGNATION: RURAL/AGRICULTURAL

EXISTING ZONE: RR1 – RURAL RESIDENTIAL 1

PROPOSED FLU DESIGNATION: MULTIPLE UNIT RESIDENTIAL – LOW DENSITY

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP04-0014 to amend Map 19.1 of the Kelowna Official Community Plan (2000 - 2020) Bylaw No. 7600 by changing the Future Land Use designation of the Fractional North East ¼ Section 6 Township 23 ODYD Except Plan 25017, located on Clifton Road, Kelowna, B.C., from the Rural Agricultural designation to the Multiple Unit Residential – low density designation, as shown on Map “A” attached to the report of Planning & Development Services Department, dated March 22, 2005 be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP04-0014 be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Official Community Plan amending bylaw be considered in conjunction with Council's consideration of a Text Amendment, Rezoning and Development Permit on the subject property.

2.0 SUMMARY

The applicants are proposing a multiple unit residential - hillside development on the subject property and are seeking an Amendment to the Official Community Plan, a rezoning and text amendment to the zoning bylaw in order to accommodate the development proposal. This

application is limited to the Official Community Plan amendment portion of the development process.

3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of November 9, 2004 it was resolved:

THAT the Advisory Planning Commission supports Official Community Plan Application No. OCP04-0014, Rezoning Application No. Z04-0060, Text Amendment No. TA04-0007 for 180 Clifton Road N/Lot NE ¼, Plan T23, S6, ODYD, to amend the Official Community Plan future land use designation from Rural Agricultural to Multiple Unit Residential – low density; and to rezone the subject property from the RR1 – Rural Residential 1 zone to the proposed new CD18 – Nature’s Shores Hillside Development zone.

2.0 BACKGROUND

The property located at 180 Clifton Road has been the subject of a variety of development applications dating back more than 12 years. To date no development application relating to the subject property has advanced to Council for consideration (OCP02-0005/OCP01-003/S01-026/Z01-1026/OCP97-033/S97-116/Z97-1041).

2.1 The Proposal

The applicant is proposing to create a Comprehensive Development zone for the subject property that would accommodate a multiple unit residential - low density development. The proposed Comprehensive Development zone will be loosely based on the RU4 – Low Density Cluster Housing zone and the RM3 – Low Density Multiple Housing zone.

The developer has placed the building and site design plans within the context of sustainability guidelines for the development. The objective for the development as described in these guidelines is:

The Nature’s Shores development should, within the site’s constraints maximize opportunities for gains in multiple (social, economic, and environmental) areas through creative design and minimize negative environmental and social impacts from the development.

The guidelines (attached as Appendix “A”) include the following headings:

- Land Use, Density and Site Layout
- Environmental Protection and Hazardous Conditions
- Landscape and Open Space Design
- Transportation, Roads and Parking
- Storm Water Management
- Building Massing and Siting
- Building Energy Use
- Water Conservation
- Materials, Resources and Waste Management
- Indoor Air Quality, Health and Productivity

Within the context of these guidelines and existing Official Community Plan Policy the applicant is seeking to create a model hillside development with a “minimal footprint” on the environment. The proposal will accommodate 131 hillside units which would be housed in 79

buildings. Building types will vary between single family dwellings and duplexes. Building height on the downhill or west side of the buildings will be limited to approximately 2-2.5 storeys. Large portions of the subject property are very steep in slope and much of the property exceeds slopes of 30%. The applicant is proposing to cluster the units in areas of the property where slopes are predominantly less than 30%. These areas of clustering appear to run north/south on the site plan.

The style of architecture proposed by the applicant is reminiscent of Japanese construction with low sloped roofs and building footprints that have a minimal impact on the visual landscape. The applicant is proposing to construct the buildings on concrete plinths which rest on the hillside rather than cutting into the hillside to create building sites. All units will be accessed via single loaded roads in order to minimize the cut and fill requirements according to the applicant.

The applicant is proposing a land dedication to the City along the western property boundary (bordering on Okanagan Lake) to satisfy linear park requirements as shown on Map 19.1 of Kelowna's Official Community Plan. The north/south linear path would be constructed the length of the property by the developer (to the specifications of the Parks Department) and would be maintained by the City's Parks Department as a public amenity.

The applicant is seeking to interrupt the dedication with the placement of an amenity building for the development on a natural bluff close to the top of bank near the middle of the property. This building will take the form of a Japanese teahouse. This building will be used as an amenity building for the residents of the development. Uses may include a meeting/gathering area and a small special event venue. No commercial uses are proposed as permitted uses for this structure. In the general vicinity of this amenity building the applicant is also proposing to construct public washrooms, public viewing areas and interpretive plaques in order to mitigate the impact of the encroachment into riparian management area. In this area the proposed linear pathway will be located between the teahouse feature and top-of-bank.

The applicant is also proposing to construct several other trails which would traverse the subject property from east to west. These trails would be protected by easement agreements to ensure their maintenance as a public amenity.

The applicant has completed the required geotechnical study, Environmental Impact Assessment, drainage analysis, and traffic impact study. These documents have been submitted for staff review and are discussed in the Planning and Corporate Services and Works and Utilities Comments below.

The application meets the requirements of the CD19- Natures Shores Multiple Family Hillside Development zone as follows:

CRITERIA	PROPOSAL	RR1 ZONE REQUIREMENTS	CD19 ZONE REQUIREMENTS
Lot Area (m ²)	35.68Ha	1Ha or 0.8Ha with a connection to sewer	27.7 Ha
Area of Subject Property under Development Proposal	27.7Ha	1Ha or 0.8Ha with a connection to sewer	27.7Ha
Lot Depth (m) (approx.)	990m	30.0m	990m
Lot Width (m) (approx.)	350m	40.0m	350m
Site Area Statistics			
Area of Buildings at Grade(Ha)	2.2Ha	N/A	2.2Ha
Area of Pavement/Road (Ha)	2.9Ha	N/A	2.9Ha
Area of Linear Park Dedication (Ha)	6.1Ha	N/A	6.1Ha
Area of No-disturb Covenanted Natural Area (Ha)	8.4Ha	N/A	8.4Ha
Area of Common Open Space not Covenanted (Ha)	8.1Ha	N/A	8.1Ha
Floor Area Ratio (FAR)	0.2 maximum	N/A	0.4 maximum
Site Coverage Statistics			
Site Coverage (%) (Buildings)	8%	10% (50% Greenhouses plant nurseries)	10%
Site Coverage (%) (Buildings and paved areas)	18%	N/A	25%
Site Coverage (%) (Linear Park Dedication)	22%	N/A	15%
Site Coverage (%) (No disturb Covenanted Natural Areas)	30%	N/A	45%
Site Coverage (%) Common Open Space not Covenanted	28%	N/A	30%
Site Slope Characteristics			
Areas of less than 30% slope (Ha)	7.8Ha (28%)	N/A	N/A
Areas of greater than 30% slope (Ha)	19.9Ha (72%)	N/A	N/A
Proposed Building Heights	2.5storey maximum	2.5 storeys or 9.5m (the lesser)	2.5 storey maximum from average building grade

2.2 Site Context

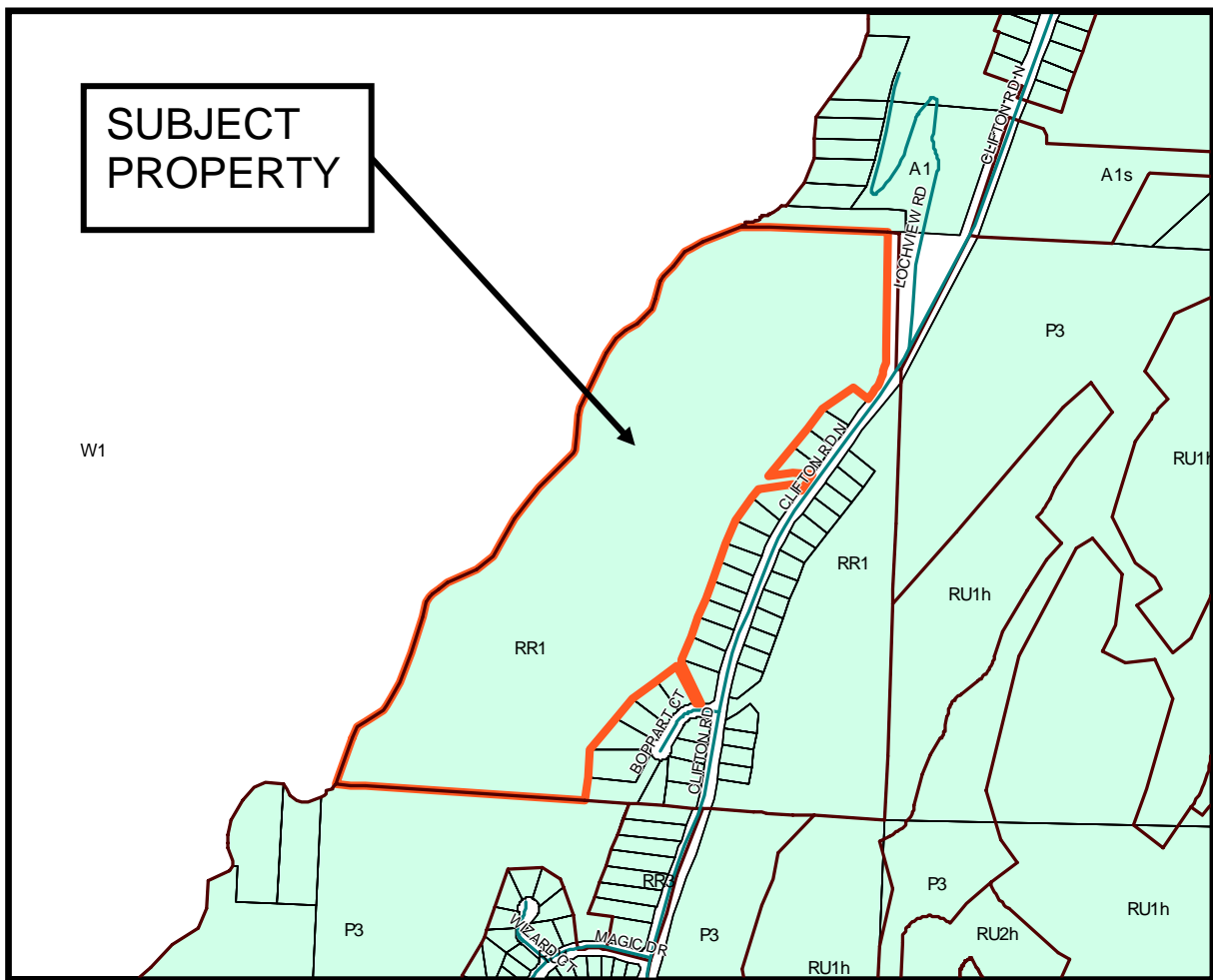
The subject property is located on the west side of Clifton Road and is bordered by Knox Mountain Park/Magic Estates to the south and intersects Lochview Road (a private access easement) to the north.

Adjacent zones and uses are:

- North - A1 – Agriculture 1 – Single Family Dwelling
- East - RR1 – Rural Residential 1 – Single Family Dwellings
- South - P3 – Parks and Open Space – Knox Mountain Park
- West - Okanagan Lake

2.3 Site Location Map

Subject Properties: 180 Clifton Road



3.4 Existing Development Potential

The purpose of the RR1 – Rural Residential 1 is to provide for country residential development, and complementary uses, on larger lots in areas of high natural amenity and limited urban services.

The minimum lot size in the RR1 zone is 1Ha or 0.8Ha with a connection to community sanitary sewer.

3.5 Current Development Policy

3.5.1 Kelowna Official Community Plan

Future Land Use (OCP Chapter 19)

The Official Community Plan (OCP) designates the upland portion of the subject property as Rural / Agricultural and the lakeside portion as Major Park / Open Space. The applicant is seeking an amendment to the OCP in order to show the future land use designation of the upland portion of the subject property as Multiple Unit Residential – Low Density is contrary to the direction of the OCP. The major park/open space designation will remain.

Housing (OCP Chapter 8)

The Official Community Plan lists a variety of criteria for staff to evaluate proposals which would require an OCP amendment and rezoning to a higher density. The Natures Shore's development proposal meets the following criteria:

- The developer has illustrated to staff that supporting infrastructure could be upgraded to support the development. These infrastructure upgrades would also benefit property owners in surrounding developments.
- The project does not propose any height gain with relation to neighboring developments. The developer is attempting to design the site and units in a manner which will have the least possible impact on the property itself and on neighboring properties.
- Knox Mountain Park is located to the south of the subject property, Single family homes along Clifton Road are located to the east and large single family lots accessed via Lochview Road are located to the North. Given the established development on all sides staff does not anticipate that this proposal will destabilize the existing neighborhood.

The development proposal does not meet the following criteria listed in Chapter 8:

- No portion of the development is available for affordable, special needs or rental housing.
- The proposed density would exceed the densities provided for on Map 19.1 by more than 1 increment.

The Official Community Plan Policy No. 8.1.45 (Housing Chapter) states that the City will encourage, especially in environmentally sensitive areas (see Map 7.1), the creation of cluster housing with the aim of maximizing amenity space and lessening environmental impact, including retention of steep sloped areas as natural open space, public or private (e.g. Clifton area, Glenmore Highlands etc). Contour maps of the subject property show that areas of slope less than 30% run north/south in direction on the property. The applicants have attempted to cluster their buildings in these north/south pockets of slopes less than 30%.

Growth Management (OCP Chapter 5)

Chapter 5 of the Official Community Plan provides a list of guidelines for the consideration of development applications. This development application compares to those guidelines as follows:

Staff feels that the park and access amenities and infrastructure upgrades as proposed by the developer will not compromise the ability of future generations to meet their needs and enjoy the quality of life that we experience today.

The developer has attempted to cluster development in areas of the site where grades do not exceed 30%; however in instances where grades exceed 30%, attempts have been made to sensitively integrate the development into the natural environment. It has not been demonstrated that this development will pose any servicing challenges or increase the risk to person inhabiting this property in the future. The developer is proposing to protect much of the steepest land by no-disturb covenant.

The development does not, however, contribute to a more compact urban form as advocated in the OCP in that the developer is proposing the development of a “Greenfield” site. It must be noted that the site is located on a transportation route is designated as a 2 lane major collector in Map12.1 of the OCP and urban style development has already leapfrogged the subject property.

Environment (OCP Chapter 7)

The applicant has designed the project with regard to Development Permit Guidelines for Hazardous Conditions and Natural Environment designated areas. The subject property is identified in the OCP as a Natural Environment and Hazardous Condition Development Permit Area as the subject property contains steep slopes and is located adjacent to Okanagan Lake. The OCP requires that all development in such areas comply with the guidelines presented in Chapter 7 (Environment) of the OCP. The applicant has attempted to cluster the development in areas of the property where slopes do not exceed 30%. These clusters run north south on the property and are apparent on the plans submitted by the applicant and on City topographical data.

The subject property is also within a Wildland Fire Hazard Area and the OCP requires that development within these areas comply with the guidelines presented in Chapter 7 (Environment). The applicant has submitted a Wildland Fire Mitigation Plan as component of the Environmental Impact Assessment. The recommendations of this plan must be adopted and undertaken by the applicant prior to the issuance of a development permit.

Chapter 7 of the OCP also encourages those pursuing development of visually prominent slopes and ridgelines to submit a report providing information on the anticipated aesthetic impacts of the proposed development. The applicant has submitted cross sections of the proposed development illustrating the anticipated cuts and fills. The developer is utilizing a single loaded road concept in order to minimize the visual impact of cut and fills related to the road. Rather than cutting deeply into the slope to create building sites the developer is seeking to create elevated plinths to support the buildings.

The OCP encourages voluntary protection of natural features in cases where it is an objective of the City to protect land in excess of that which is, by virtue of municipal and senior government regulations, required to be protected. To encourage voluntary placement of conservation covenants, the City may give consideration to allowing increased density on the balance of the subject property, transferring density to another property, trading land, purchasing land, offering grants-in-aid, or granting tax exemptions. Owners placing voluntary conservation covenants on their land shall not be deprived of the privilege to enjoy the land as their own but they may not close, fence or otherwise obstruct any adjoining public route of access. The applicant has indicated that up to 52% of the site will be either park dedication or protected by covenant as natural open space and an additional 28% of the property will also be reserved as open space.

Parks (OCP Chapter 14)

The waterfront portion of the property is designated as a “proposed park” on the City’s OCP Future Land Use Map 19.1. This designation indicates recognizes properties or portions thereof which are priorities for acquisition.

a) Parking and Trail Access from the North

Park Division Objectives:

As indicated on the OCP Map 14.2 - Linear Park Concept Plan, a trail head and trail connection to the North end of the lakeside linear park is required. A trail head can be established and parking for approximately 20 vehicles can be accommodated adjacent to the north end of the Boppart property within an expanded road right-of-way at the intersection of Lockview Road and Clifton Road. This concept will require additional review by the Community Planning and Real Estate Division and Works & Utilities Department, however an

accessible trail connection from the parking area to the primary lakeside trail is required.

Impact of the Proposed Nature's Shores Development:

If a multi use off-road trail connection to the primary lakeside trail is provided for within the proposed site plan for the Nature's Shores development, then this OCP Linear Trail objective would be met.

b) Primary Waterside Trail Development

Park Division Objectives:

The OCP Maps 14.2 - Linear Park Concept Plan, and 19.1 - Generalized Future Land Use Plan, both indicate the City's intent to establish a linear trail along Okanagan Lake through the Boppart Property. The primary trail along the ridge of the lake is a natural extension of the Paul's Tomb Trail in Knox Mountain Park. As noted earlier, the trail offers spectacular views in a unique and pristine natural setting. As such, it is imperative that the landscape character in which the multi-use trail is established remain natural. Policy documented in the OCP supports the City's intent to acquire the linear trail for public access and provides the ability to establish a no-disturb zone adjacent to the trail to protect the integrity of the natural setting in which it exists.

OCP maps and policies supporting the objectives of trail dedication and no-disturb zones include the following:

Linear Park Dedication and Trail Width Standards:

The dedication provided for public access must average 10 meters and must be able to accommodate a level multi-purpose trail with an ultimate width of 5.0 meters. Where cuts or fills are required to establish a level trail, flat 1 meter shoulders and side slopes not exceeding 30% must be achievable within the dedicated area unless stable rock formations secure the edge with no risk of erosion. When protection of significant vegetation or other features of the site is warranted, the trail width can be reduced to 3.0 meters for up to 20 meters in length. A maximum trail slope of 8 % must be achievable. When protection of significant vegetation or other features of the site is warranted, the trail may exceed a maximum grade as deemed acceptable to the Parks Division.

Back Of Trail To Property Line:

The distance from the edge of the trail to the private property line shall not be less than 5.0 meters.

Additional Policy:

In addition the trail development policy listed above, the following Parks and Leisure Services policies are also applicable to this development application:

The OCP encourages the dedication of natural areas at the time of rezoning for preservation or public use. The preservation of steep sloped areas of this site by no-disturb/no building covenant and the linear park dedication proposed by the developer appears to meet this policy.

The OCP also encourages the creation of natural environment viewing areas and interpretive facilities where such can be done without jeopardizing sensitive natural vegetation or wildlife. The developer has incorporated public benches, a lookout area and public washrooms into the proposal in order to satisfy this policy.

The applicant is proposing a shared dock to service the development. While the OCP directs staff to *“consider property owner requests for a shared dock located off of lakefront route of access dedications provided that the applicant is an owner or strata council of a multiple unit project located immediately upland from the lakeshore dedication and provided that the applicant has lost riparian rights as a result of dedicating a shore zone route of access. This policy should not be interpreted to allow private docks off of public beach access points”*, the Parks Department is concerned that this dock will adversely impact the linear park experience and is concerned. Council Policy #301 also directs staff to consider dock license applications from upland property owners in this situation.

Transportation (OCP Chapter 12)

Chapter 12 of the Official Community Plan provides a list of guidelines for the consideration of development applications. This development application compares to those guidelines as follows:

The OCP encourages the integration of pedestrian routes with park system linear parks. The developer is proposing the dedication of a linear park system which will connect to Knox Mountain Park. The developer will also protect pedestrian routes of access from this linear park to Clifton Road by easement. The linear park system may also serve as a shortcut from Clifton Road, through Paul’s tomb towards downtown for cyclists.

Although the development proposes substantial dedication for linear park and easement for public access, the proposal does not address any transportation demand management strategies. Clifton Road is not currently serviced by a public transit route and the Regional Transit Operations Manager has not requested that any infrastructure for future transit service be provided.

In accordance with the OCP the applicant has submitted a Traffic Impact Study (TIS) which has been reviewed by the Transportation Division of the Works and Utilities Department. The proposed upgrades to Clifton Road and the City right of way on Lochview Road are based on the findings of this study.

3.5.2 Kelowna Strategic Plan (2005)

- Goal 1 – To Maintain, Respect and Enhance our Natural Environment
- Goal 2 – To Foster a Strong, Stable and Expanding Economy

- Goal 3 – To Foster the Social and Physical Well Being of Residents and Visitors

4.0 TECHNICAL COMMENTS

4.1 Parks and Leisure Services Department

The Parks and Leisure Services Department was originally under the impression that through development a large portion of the subject lands could be protected as natural open space as they weren't developable or are designated as for linear park protection. Consequently we have worked with the Planning Department, the Developer and his Consultants on the proposed development in order achieve community benefit under these circumstances.

In addition to the above we have the following comments on the current proposal.

a) The intent of the linear park requirement shown in the Official Community Plan, Future Land Use Map is to provide a natural open space experience as an extension of Knox Mountain Park and the Paul's Tomb Trail. Although progress was shown on the Developer's recent plan, we recommend:

b) The top-of-bank must be staked and approved by the City;

c) With respect to the tea house we would recommend a minor variance within the rear yard building setback if the facility provides guaranteed general public facilities such as washrooms. Washrooms should be available to the public similar to other City public washrooms at no cost to the City;

d) There is a need for the Developer to stake and prove out in the field the multi-use trail alignment, accessibility and separation required to buffer the private buildings to the satisfaction of the City;

e) The proposed marina and its access across the linear park conflicts with the goal of achieving a natural open space linear park experience. Parks do not support the marina and we also believe a shared dock at this location will have a significant impact on the adjacent parkland environment although existing Council Policy in the OCP supports the provision of shared docks in this situation.

f) The upland trail connections which access Clifton Road will be an important part of the linear park system. However, Parks find that public trails through private strata developments and adjacent homes can result in private/public conflict. Detailed information will be required on trail alignment, layout, site design, maintenance, etc. To avoid future potential problems, Parks require the trails to be built as part of the development and maintained by the Strata.

g) Parks recommend that the linear park along the waterfront be dedicated as parkland and rezoned as proposed.

h) The remaining natural areas are maintained in private ownership to ensure the City's objectives for retaining natural open space are met and protected with a No-build No-disturb Covenant.

4.2 Works and Utilities

The Works and Utilities Department has reviewed the Environmental Impact Assessment, Traffic Impact Study, Geotechnical Report and Drainage Management Plan. Works and Utilities comments with regard to this application to rezone a portion of the subject property from RR1 to a comprehensive development zone are as follows:

a) Subdivision

Right of Way required to protect the existing drainage course to contain the ephemeral stream traversing the southerly portion of the property.

b) Geotechnical Study

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.

Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.

Site suitability for development.

Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).

Any special requirements for construction of roads, utilities and building structures.

Suitability of on-site disposal of storm water, including effects upon adjoining lands.

Slope stability, rock fall hazard and slippage including the effects of drainage on the site.

Identify in detail all slopes greater than 30%.

Top of bank assessment and location including recommendations for property line locations, building setbacks, and ground water disposal locations.

Recommendations for items that should be included in a Restrictive Covenant.

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.

Any items required in other sections of this document.

Recommendations for roof drains and perimeter drains.

Recommendations for construction of detention or infiltration ponds and their effects on the downstream properties.

Note: A geotechnical report was submitted for staff review and staff has no further concerns at this time with regard to the content of the report. Greater detail with regard to precautionary measures for blasting and other construction related activities will be presented at Zoning/Development Permit stage.

c) Domestic Water and Fire protection.

The domestic water supply system was not designed to provide fire flow and meet the demand for a multi-family development and in some areas is marginally capable of supplying an adequate fire protection. The applicant is required to provide a report and cost estimate in order to establish what upgrading to the water supply system is required to service the proposed development in accordance with current bylaws and policies.

Note: The developer has committed to undertake and pay for all required upgrades of the water system to accommodate this development. These upgrades may also benefit other property owners along Clifton Road by increasing available fire flows.

d) Sanitary Sewer.

The subject property is not currently serviced by the municipal wastewater collection system. The applicant is required to provide a report and cost estimate as well as sufficient pre-design to establish how the sewage collection can best serve the property including sizing some of the components for the potential extension to service the entire North Clifton Road area.

Note: The developer has provided the City with a design for the extension of sewer service. Staff has reviewed the design and have no significant concerns at this time. The proposed upgrade and extension of the sanitary sewer will be at the developer's expense.

e) Drainage.

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 study must address the effect of detention ponds upstream of the subject property and its potential effect on the proposed development must be addressed.

There is an existing natural drainage channel crossing the southerly portion of the property, the channel of the ephemeral stream should be protected by Right of Way.

Note: Staff have reviewed the drainage management plan and expressed several concerns to the developer. The developer has addressed staff concerns and will present revised details at the Zoning/Development Permit stage.

f) 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.

g) Roads.

The summary submitted in support of this application mentions that a traffic study was completed for the project. The applicant has provided the City with a copy of the study for review.

The applicant has indicated that Clifton Road will be upgraded where needed to minimize impacts of the new development on existing neighborhoods. The extent of the proposed upgrading and an estimated cost must be provided to the City for review prior to the approval of this application.

We will provide additional comments when the applicant addresses the aforementioned issues and submit cost estimates to establish the bonding requirements for the off-site infrastructures upgrades once they have been reviewed in detail by Works and Utilities.

Note: The applicant is proposing upgrades to Clifton Road which will reduce the average road grades along Clifton Road as well as improve the intersection at Lochview Road by moving Clifton Road to the east. This would also allow a northbound left turn lane onto Lochview as well as significant road improvements on the City right-of-way portion of Clifton Road. These improvements will include a wider road with a less gradient and better sightlines in order to facilitate turning movements onto Clifton Road.

Staff have reviewed this proposal and are of the opinion that the road improvements proposed by the developer would serve to make this portion of Clifton Road safer than as currently exists for not only north and south bound users but also those accessing Lochview Road.

4.3 Inspection Services

- a) Ensure Fire department services as per 3.2.5 BCBC.
- b) Provide geotechnical report for soil bearing, drainage and steep slope stability.

4.4 Ministry of Water, Land and Air Protection

The Ecosystem Section has the following comments to make on this referral:

On page 4 of the supporting report (Summary Development Application Information, August 2004), there is a statement associated with Environmental Aspects which states "Significant environmental reports and assessments are provided in support of this summary document, and several key aspects of the site have shaped the proposed development of the site..." There are several other references in the report to the environmental studies which have been undertaken and site development plans being modified in accordance with the environmental values.

The principles expressed in the report generally sound good, but a thorough review is required to ensure that the appropriate environmental impact assessments have in fact been carried out and that the plans do recognize and allow for the values identified in those reports. As an example, the attached map shows the locations that have been utilized by shore spawning Kokanee over the preceding 3 years. As you will note, virtually the entire shoreline is utilized. At the same time, on page 9 of the summary report, the Amenities Section refers to Marina slips for public boaters. It is difficult to argue that these facilities can be built on the site without impact to the Kokanee spawning areas.

4.5 Kelowna Regional Transit Operations Manager

No comment.

4.6 Public Health Inspector, RCMP, School District #23, Terasen, Fortis

No comments.

4.7 Telus

TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.

4.8 Shaw Cable

Owner/developer to install an underground conduit system per Shaw Cable drawings and specifications.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The evaluation of this application has been a difficult task for Planning staff. While the public has had the luxury of comparing any development proposal to the concept of this property as a parkland acquisition, staff have had no such ability. The subject property is currently zoned RR1 – Rural Residential 1 in the Zoning Bylaw and designated as Rural/Agricultural in the Official Community Plan and is therefore subject to development at that density with no OCP amendment or rezoning application.

From the outset of the application process, staff has made the applicant aware that any potential development on this property would present many challenges. Staff felt that paramount among these challenges is the condition of Clifton Road and traffic impacts of any development as well as site servicing issues, the linear park identified in the Official Community Plan, and the environmental/aesthetic impacts of any development on the property. Staff identified the issues mentioned above at November's Advisory Planning Commission meeting and have been working with the developer since this time in order to address any issues/questions that may arise from Council.

During consideration of this application staff has considered many alternate development scenarios for the property in attempts to evaluate that presented by the developer. The obvious alternative development scenario to the current proposal would be development of the property under current zoning which could yield between 15-35 estate type lots with the RR1 – Rural Residential zoning. It was this scenario which staff focused the majority of their analysis. Staff considered the potential benefits to the public for both scenarios.

As shown in the table below, it appears as though the public would realize greater benefit from the development of the property with greater density under a Comprehensive Development zone as proposed by the developer. Clear benefits to the public include the 25m linear park dedication at no cost to the City, road upgrades to Clifton Road and the City Right-of-Way on Lochview Road which will increase the safety of this section for road from the current situation and the upgrades/extensions to both the sanitary sewer and community water systems. Other benefits include a commitment by the developer to allow unhindered public access (pedestrian and bicycle) through the development's road system to reach the linear park area and the protection of east/west trail corridors by way of easement. In addition, the developer has also committed to allow public access to on-site amenities near the teahouse location including public washrooms, benches and a lookout area.

Public Benefit Development Scenario	Sewer/ Water	Road Upgrades	Linear Park and Public Access	Sustainable Development
RR1 – Rural Residential Zone	No Sewer. Water system upgraded to provide adequate fire flows	Limited to site frontage and access	City to purchase linear park. Developer to provide beach accesses as required by Subdivision and Development Servicing Bylaw	No control of development on individual parcels with regard to sustainable development practices
CD Zone (Natures Shores Development Zone)	Sewer extended to subject property Water system upgraded to provide adequate flows	Yes. Off-site Upgrades to Clifton Road and the City Right of Way on Lochview	Developer dedicates 25m linear park strip from Top of Bank to the City. Developer Provides access through the site for the public Developer constructs all trail systems. Developer east/west access through the property by easeme	Development Standards Controlled through Zoning (CD Zone)

During consideration of this proposal staff also reviewed the quality of hillside development that has currently been completed to date in the City. Staff feel that models of sensitive hillside development in Kelowna are sparse. The developer has considered the guidelines presented in the OCP and has attempted to design a proposal which minimizes cuts and fills, tree cutting and regrading, clusters development sites in areas of least slope, and minimizes the visual impact of development through the use of single loaded roads where the buildings serve to obscure any large cuts necessary for road construction. In addition units are designed to rest on the hillside rather than cut into the hillside. Overall, staff feels the applicant's approach to development on this sensitive hillside environment is commendable

in a situation where the reality of providing access and services to the scale of development are challenging.

Having noted the above, staff has ongoing concerns that will need to be addressed further into the development process. These concerns include the proposed shared dock structure. Although it is acknowledged that such an amenity may be expected given the proposed scale and nature of the development, Parks staff are concerned about the impact of such a feature on the linear park experience and Planning and Environment staff are concerned about the potential environmental/aesthetic impacts of this feature on the foreshore area of the property. Staff are also concerned about the impact of the teahouse amenity building on the Riparian Management area and will continue to work with the developer on mitigation strategies. Parks staff would also like to continue to work with the developer with regard to the location and construction of the proposed trail in the linear park.

The Planning and Corporate Services Department is supportive of the proposed amendment to the Official Community Plan to change the future land use designation on the subject property from Rural/Agricultural to Multiple Unit Residential – low density subject to any development being pursued through a Comprehensive Development zone as proposed. The Planning and Corporate Services Department has considered the proposal against alternatives as mentioned above and feels that the “Nature’s Shores” proposal will present the greatest public benefit should this property be developed.

Although the proposed density is significantly more than was anticipated in the Official Community Plan and the Glenmore/Clifton/Dilworth Sector Plan (1997) which directed the City to consider a clustering of single-detached units in one area of the property, the developer has incorporated recommendations of this sector plan into the development plan. The developer has addressed servicing and road related issues to the City’s satisfaction at this point and has proposed a linear park dedication and public access plan which provides a greater degree of public movement on the property than could be anticipated through conventional subdivision at no cost to the City. The applicant has also attempted to cluster the building sites in areas of least slope and provide a model of hillside development which adopts OCP guidelines for this type of development. In addition, Chapter 7 of the OCP allows the City to consider increasing densities where a developer is preserving/protecting natural features or sensitive environmental features on a property. In this case the developer is proposing to dedicate the most sensitive area (6.1Ha for the waterfront linear park) of this property to the City of Kelowna for park purposes and a further 8.4Ha of the property which contains the steepest slopes will be protect by no disturb covenants.

In addition to the parks and infrastructure related elements of the proposal the developer is also seeking to incorporate elements of sustainable/green design into the project. Grey water recycling, minimal landscaping with native vegetation, energy efficient building materials and appliances are all strategies which the developer has adopted in order to create a development with a lesser impact on natural resources than conventional development. These aspects of the proposed development would be addressed through a Comprehensive Development Zone that would have to be considered by Council prior to final adoption of this OCP Amendment, should Council choose to advance this application.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

RM/AB/rs

Attach.

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Elevations
- Landscaping plan
- Colour Rendering

