
CITY OF KELOWNA

MEMORANDUM

DATE: June 27, 2005

APPLICATION NO.: OCP04-0019/Z05-0009

TO: City Manager

FROM: Planning & Corporate Services Department

OWNER: 616507 B.C. Ltd.

APPLICANT/CONTACT PERSON: D. E.
Pilling & Associates Ltd./David R. Pauls

LOCATION: N of McKinley Road

PURPOSE: To amend the Official Community Plan Future Land Use designation from Future Urban Reserve to Rural/Agricultural and to rezone the subject property from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone.

LEGAL: Lot 1, Secs. 20 & 29, Twp. 23, ODYD, Plan KAP70569 except
Plan KAP70818

CURRENT OCP DESIGNATION:
Future Urban Reserve

PROPOSED OCP DESIGNATION:
Rural/Agricultural

EXISTING ZONE: A1 – Agriculture 1

PROPOSED ZONE: RR1 – Rural
Residential 1

REPORT PREPARED BY: Shelley Gambacort

1.0 **RECOMMENDATIONS**

THAT OCP Bylaw Amendment No. OCP04-0019 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of Lot 1, Secs. 20 & 29, Twp. 23, ODYD, Plan KAP70569 except Plan KAP70818, located on McKinley Road, Kelowna, BC, from the Future Urban Reserve designation to the Rural/Agricultural designation, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated September 23, 2005, be considered by Council;

AND THAT Rezoning Application No. Z05-0009 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Secs. 20 & 29, Twp. 23, ODYD, Plan KAP70569 except Plan KAP70818, located on McKinley Road, Kelowna, BC, from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone be considered by Council;

AND THAT the OCP amending bylaw and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of OCP Amendment No. OCP04-0019 and the zone amending bylaw, be withheld pending issuance of a Natural Environment Hazardous Condition Development Permit.

2.0 SUMMARY

The applicant is proposing to amend the Official Community Plan (OCP) Future Land Use designation of the subject property from Future Urban Reserve to Rural/Agricultural and to rezone to the RR1 – Rural Residential 1 zone in order to facilitate a rural residential subdivision.

2.1 Advisory Planning Commission

The Advisory Planning Commission, at their meeting of February 1, 2005, reviewed the application and the following recommendation was passed:

THAT the Advisory Planning Commission supports Official Community Plan Application No. OCP04-0019 and Rezoning Application No. Z05-0009, for (N of) McKinley Road, Lot 1, Plan 70569, Secs. 20 & 29, Twp. 23, ODYD, by DE Pilling & Associates Ltd (David Pauls), to amend the Official Community Plan Future Land Use designation from Future Urban Reserve to Rural/Agricultural to allow for future development within the 20 year time frame of the OCP; and to rezone from A1-Agriculture 1 zone to the RR1-Rural Residential 1 zone.

3.0 THE PROPOSAL

The applicant is requesting the amendment to the OCP Future Land Use designation of Future Urban Reserve for the subject property, as the owner feels there is limited future urban development potential for the subject property. The applicant indicates the property has limited building sites due to the steep topographic conditions of the subject property and as a result, urban densities may not be achievable in this area. However, the applicant feels that densities in keeping with the proposed Rural/Agricultural Designation could be achieved. The proposed lots would be a minimum between 1 and 2 ha in area.

The applicant has provided a preliminary plan of subdivision, for reference with this OCP amendment request, which is based on the RR1 – Rural Residential 1 zone (see attached proposed subdivision plan). However, given the topographic constraints, on-site sewage disposal requirements and access requirements it is more likely that fewer lots could be achieved in this area.

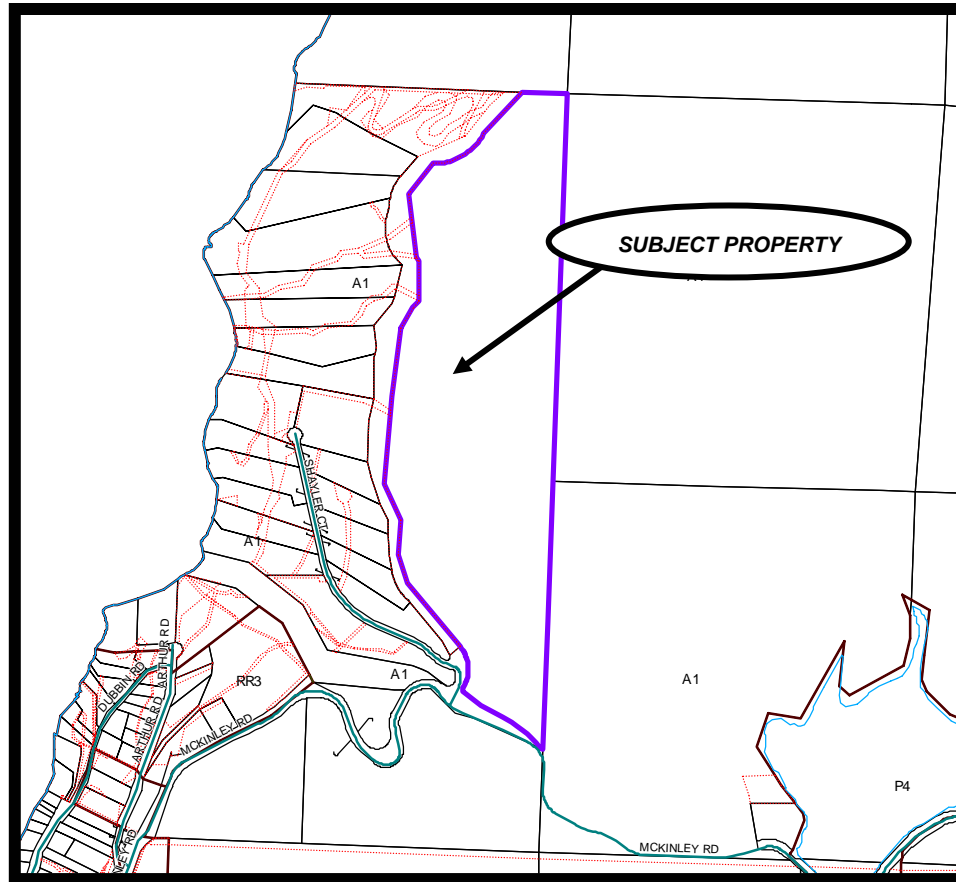
The area shown as Park would remain in a natural state and not be developed for City wide park purposes at this time.

4.0 SITE CONTEXT

The property is located north of McKinley Road and east of Shayler Court and is 69 ha in size.

Adjacent zones and uses are, to the:

North	-	A1 – Agriculture 1; <i>vacant (under application for Wellness Centre)</i>
East	-	A1 – Agriculture 1; <i>vacant (under application for Wellness Centre)</i>
South	-	A1 – Agriculture 1; <i>vacant</i>
West	-	A1 – Agriculture 1; <i>residential lots</i>



5.0 CURRENT DEVELOPMENT POLICY

- CITY OF KELOWNA STRATEGIC PLAN 2004 EDITION

The Strategic Plan objectives relating to development are:

- Manage human impacts on our natural environment, including Okanagan Lake and the surrounding hillsides.
- Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

- KELOWNA 2020 – OFFICIAL COMMUNITY PLAN

- The Official Community Plan future land use designation of the subject properties is Future/Urban Reserve. As stated in the OCP, this designation is for:

Land that has some development potential but is not projected for development within the Official Community Plan 20-year time horizon. There is potential for the reconsideration of the status of these lands as part of a future review and updating of the Official Community Plan. These boundaries are schematic in nature, and include lands that may remain within the ALR. Lands within this designation will not be supported for any further parcelization.

- The proposed future land use designation of Rural/Agriculture is for:

Land within the Agricultural Land Reserve and other rural farm and non-farm lands where natural physical constraints or lack of services and utilities limit land use intensification. Non-ALR lands will generally not be supported for development to parcel sizes less than 4.0 ha (10 acres).

6.0 PROPOSED DEVELOPMENT POLICIES

The applicant has submitted a plan of proposed subdivision based on the RR1 – Rural Residential zone and the purpose of the RR1 zone is to provide a zone for country residential development, and complementary uses, on larger lots in areas of high natural amenity and limited urban services.

7.0 TECHNICAL COMMENTS

7.1 Works & Utilities

.1) General

- a) As this area is indicated as “future urban area” in the OCP, consideration should be given to proving out future urban lot layouts that would optimise the land usage and that would confirm the “best fit” for the present layout. Also, consideration should be given for future urban services such as sanitary and storm sewer facilities to confirm the best fit for the present lot layout. Therefore, we recommend that a predesign be completed to review any future impacts on the proposed layout.

.2 Geotechnical Report

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 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 Glenmore Ellison Improvement District (GEID) service area (see their comments 7.5 below). Provide a pre-design report addressing how water will be provided to this subdivision. The subdivision is above the current service level of the existing water system.
- b) 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.

- c) Design drawings must be reviewed by GEID prior to the City issuing the drawings for construction. Confirmation of their review must be provided to the City.

.4 Sanitary Sewer

- a) Sanitary sewage is to be handled by an on-site sewage disposal system for each lot subject to approval of the Public Health Officer in accordance with the Subdivision, Development and Servicing Bylaw Schedule 4 "Sanitary" Section 2.18. Preliminary approval by the Public Health Officer is required for each individual lot, prior to subdivision approval. Please contact the Public Health Officer.

.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) Where ditches are provided they must be adequately lined and protected for the design flows.

.6) Roads

- a) The fronting Road (currently a driveway) must be fully dedicated and constructed to a Rural Collector class 1 standard in accordance with standard drawing SS-R5 with minimum 20m dedication and 10m asphalt width. Provide an asphalt cul-de-sac at the end of the road with a paved radius of 12.50m.
- b) Major cut/fill slopes must start at the property lines.
- c) 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. Where lots are serviced by onsite sewage disposal systems, show limits of cut and fill lines.
- d) Driveway access is not permitted onto McKinley 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.

- e) Where a common driveway access is proposed, a reciprocal access agreement must be registered against those properties for vehicular access.

The agreement must set down arrangements for maintenance and must include a clause to the effect that it is not to be cancelled without the consent of the Approving Officer for the City of Kelowna. This agreement must be registered as a priority charge.

- f) Private access roads must be constructed and paved to City standard SS-R2. Turn around are to be to the satisfaction of the Fire Department and the Approving Officer.

.7) Power and Telecommunication Services and Street Lights

- a) Overhead wiring is permitted for this subdivision although underground installation is recommended.
- b) Street lights are required at intersections including at private driveway accesses.

.8) 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.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

.9) Charges and Fees

Previous security for McKinley Road taken under the original subdivision (S00-075) must be converted to cash-in-lieu of construction prior to subdivision. The Servicing Agreement under S00-075 required that the Consumer Price Index be applied to the construction value. The original value of construction was \$228,781 (as amended) and will be adjusted from the date of that agreement (October 31, 2001). This will be determined at the time of payment.

7.2 Fire Department

Fire Hydrants, roads and access as per the City of Kelowna Subdivision, Development and Servicing bylaw. This is a recognized Wildland Fire Hazard area; a hazard assessment will be required. Roads should provide an alternate means of egress/access and should be looped when possible.

7.3 Environment Manager

This is a keystone property in its importance and relevance to the hillside that straddles this property and the adjacent proposed Vintage Landing development to the East and North.

There are important wildlife habitats and wildlife corridors that are shared between the two proposed developments; one property cannot be contemplated without potentially affecting the other, either directly or indirectly. High risk wildfire fuel conditions are present on site.

Any additional increase in human habitation or ignition sources (i.e., roads, driveways, structures, etc.) is a concern. Subsequent fuel reduction requirements necessary to satisfy fire safety concerns could have a detrimental impact to wildlife habitats.

The following is a quote from the TOR for the proposed Vintage Landing ASP environmental assessment: "For the purposes of environmental review, the TOR must consider all lands within the proposed Vintage Landing development boundaries and include surrounding adjacent lands, and their uses and impacts in a Cumulative Impact Analysis. In the case of very small parcels, individual environmental impacts may be small and therefore difficult to measure and/or assess, or seem negligible in total impact. However, cumulative impacts of the same nature on adjacent lands, or all similarly-zoned land, or all land with similar future generalized use, may be large or even extreme. Consideration must also be given to all aspects of development and the servicing requirements of the development (e.g., grading & earthworks, roads, water, sewer, storm drainage, power, gas, fire protection, etc.)..."

An OCP amendment for this property to change the existing land use, in advance of the proposed Vintage Landing ASP is premature. In fact, it would be advantageous to include this property within the ASP currently under way for the proposed Vintage Landing development.

7.4 Inspection Services

Prior to approval, more details are required to clarify the compliance with the following issues:

- Provision of adequate water supply
- Fire department access and fire hydrants
- Drainage plan

7.5 Glenmore Ellison Improvement District

The Glenmore Ellison Improvement District's Engineer has reviewed the proposed water system for the 20 lot subdivision located above the north end of the McKinley Landing water system.

The following comments summarize the requirements within his letter.

- a) The analysis only allows for sufficient water for a 1/3 acre lot, including the house. If additional water is required, then the design and capacity of the water system must be revised accordingly.
- b) The maximum available flow is estimated to be 68 L/s, of which 2 L/s is for maximum day demands and 66 L/s is for fire flow.
- c) The McKinley Landing intake pump station will require upgrading at the developer's cost.
- d) Latecomer monies could be available for the overbuild portion of the pumping capacity.
- e) A new booster pump station will be required, complete with standby power, at the developer's cost.

- f) Latecomer monies could be available for the overbuild portion of the storage capacity.
- g) Watermains from this development, complete with right-of-ways, must be extended to the north, south and east property line limits, at the developer's cost.
- h) Current Capital Expenditure Charges (CEC's) area as per GEID Bylaw #84. These rates are subject to change without notice. CEC's will be charged as per the Bylaw that governs at the time.
- i) Right-of-way and access will be required for GEID to install a large diameter main, likely within the existing road reserve.

8.0 PLANNING COMMENTS

Approximately 90% of the lands have slopes well over 30% and as such are not conducive for urban types of development. The OCP discourages development on lands with a slope over 30%. Given the topographic conditions of the site, urban densities would generally not be possible other than at the southern most portion of the property.

Although the applicant has demonstrated that the subject property is generally inappropriate for significant urban style and density of development, the proposed development still raises significant concerns regarding potential environmental impact. Therefore, while staff can support the OCP amendment, further environmental impact and mitigation assessment will be required to be addressed by way of a Development Permit before final consideration of the rezoning bylaw and approval of further subdivision.

R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion

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

RGS/SG/sg

ATTACHMENTS

(Not attached to the electronic copy of the report)

- Location Map "A"
- Preliminary Subdivision Layout

