

---

# CITY OF KELOWNA

## MEMORANDUM

---

**DATE:** November 28, 2005  
**TO:** City Manager  
**FROM:** Planning & Corporate Services Department  
**APPLICATION NO.:** OCP04-0018 & Z04-0075

**OWNER:** Kirschner Mountain Estates Ltd. et al  
**APPLICANT/CONTACT PERSON:** New Town Planning Services Inc./  
Keith Funk

**LOCATION:** 2980 Gallagher Road, 2045 & 2061 Garner Road & 1625 Verdure Road

**PURPOSE:** To amend the Official Community Plan Future Land Use Map to reflect the proposed refined land uses in the concurrent rezoning application;

To rezone the next phase of the Kirschner Mountain Estates development from the existing A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area) zone, the RM3h – Low Density Multiple Housing (Hillside Area) zone, and the P3 – Parks and Open Space zone to facilitate the future development of single dwelling lots, multi-family housing lots and Parks & Open Space components.

**EXISTING ZONE:** A1 – Agriculture 1  
**PROPOSED ZONES:** P3 – Parks & Open Space, RU1h – Large Lot Housing (Hillside Area), and RM3h – Low Density Multiple Housing (Hillside Area)

**REPORT PREPARED BY:** Shelley Gambacort

---

### 1.0 **RECOMMENDATION**

THAT OCP Bylaw Amendment No. OCP04-0018 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of part of Lot 1, Secs. 12 & 13, Twp. 26 and Secs. 7 & 18, Twp. 27, ODYD, Plan KAP71697 located on 2980 Gallagher Road; Part of Lot A, Sec. 13, Twp. 26, ODYD, Plan KAP48770 except Plans KAP75167 and KAP76806, located on 2045 Garner Road; Lot D, Sec. 13, Twp. 26, ODYD, Plan KAP48770, located on 2061 Garner Road; and Lot 3, Sec. 13, Twp. 26 and of Sec. 18, Twp. 27, ODYD, Plan KAP44995 except Plan KAP76806, located on 1625 Verdure Road, Kelowna, BC, to adjust the boundaries of the Single/Two Unit Residential, Multiple Unit Residential – low density and Major Park/Open Space designations, as shown on Map “A” attached to the report of Planning & Corporate Services Department, dated November 28, 2005, be considered by Council;

THAT Rezoning Application No. Z04-0075 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot 1, Secs. 12 & 13, Twp. 26 and Secs. 7 & 18, Twp. 27, ODYD, Plan KAP71697; located on 2980 Gallagher Road, Part of Lot A, Sec. 13, Twp. 26, ODYD, Plan KAP48770 except Plans KAP75167 and KAP76806; located on 2045 Garner Road; Lot D, Sec. 13, Twp. 26, ODYD, Plan KAP48770; located on 2061 Garner Road; and Lot 3, Sec. 13, Twp. 26 and of Sec. 18, Twp. 27, ODYD, Plan KAP44995 except Plan KAP76806, located on 1625 Verdure Road, Kelowna, BC, from the A1 – Agriculture 1 zone to the P3 – Parks & Open Space, RU1h – Large Lot Housing (Hillside Area), and RM3h – Low Density Multiple Housing (Hillside Area) zones as shown on Map "B" attached to the report of Planning & Corporate Services Department, dated November 28, 2005 be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP04-0018 and zone amending bylaw be forwarded to a Public Hearing for further consideration.

## **2.0 SUMMARY**

The applicant is proposing to amend the OCP Future Land Use map to accurately reflect the proposed refined zoning designations for the next phase of development within the Kirschner Mountain Estates Area Structure Plan boundaries.

### **2.1 Advisory Planning Commission**

The applications were reviewed by the Advisory Planning Commission at their meeting of March 15, 2005, and the following recommendation was passed:

THAT the Advisory Planning Commission supports Official Community Plan Application No. OCP04-0018 and Rezoning Application No. Z04-0075, for 2980 Gallagher Road, Lot 1, Plan 71697 / 2053 & 2061 Garner Road, Lots C & D, Plan 48770 / 1625 Verdure Road, Lot 3, Plan 44995, Secs. 12, 13 & 18, Twp. 26, and Sec 7, Twp. 27, ODYD, by New Town Planning Services Inc. (Keith Funk), to amend the Official Community Plan Future Land Use designations to allow for the rezoning designations of the subject properties from the A1-Agriculture 1 zone to the P3-Parks & Open Space zone, the RU1h-Large Lot Housing (Hillside Area) zone and the RM3h-Low Density Multiple Housing (hillside area) zone, in order to facilitate the development of lands identified within the Kirschner Mountain Area Structure Plan.

### **2.2 Agricultural Advisory Committee**

The application was reviewed by the Agricultural Advisory Committee at their meeting of January 17, 2005 and the following comments were provided:

- It should be registered on title that this application is directly across from agricultural land which will be subject to noise, odour, dust, traffic and agricultural practices.
- The buffering standards that the committee recommends should be above and beyond the regular standards set by the City of Kelowna. The AAC strongly recommends that the A3 annual buffering (see attached specifications) be implemented.

## **3.0 BACKGROUND**

The Kirschner Mountain Area Structure Plan (ASP) was adopted by Council in February 2002. The land uses that were identified in the ASP were subsequently incorporated into the current Official Community Plan Future Land Use Map. The applicant has now taken a more detailed look at the currently undeveloped area within the ASP boundaries and is requesting some minor revisions to the boundaries of the designated land use areas within the next phase of development.

These proposed revisions trigger an amendment to the Official Community Plan Future Land Use Map, which was based on the land uses within the Area Structure Plan, to reflect their revised concept and the applicant has also submitted a concurrent rezoning application based on the refined land use designations.

#### 4.0 PROPOSAL

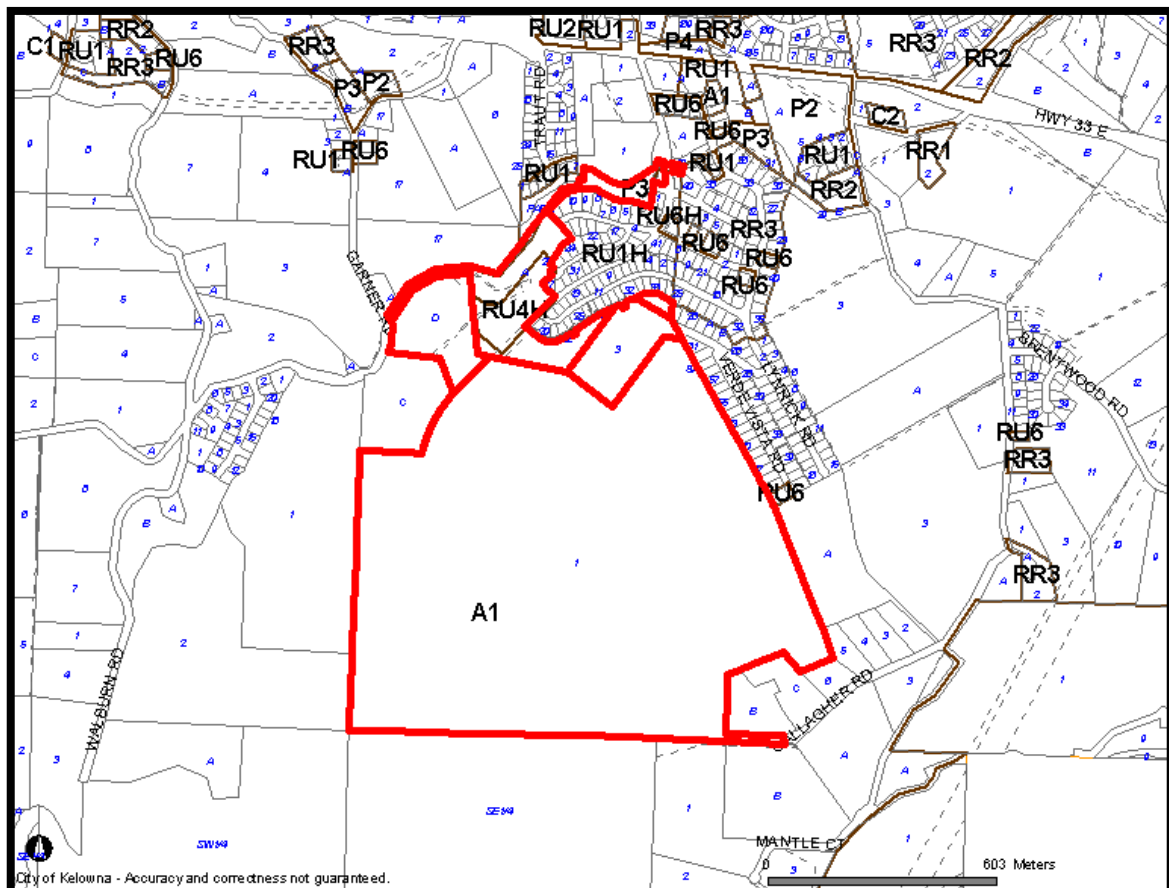
This development application is to amend the Official Community Plan Future Land Use Map and to rezone the next phase of the Kirschner Mountain Estates development lands as identified in the Kirschner Mountain Area Structure Plan. The attached Map “A” is the culmination of a more detailed site review based on recently acquired topographic information and meetings with the Parks & Planning staff to properly identify those areas designated for the Parks and Open Space areas, the low density multi-family sites and the single family development areas.

As outlined in the Area Structure Plan, the areas designated for Park & Open Space are considered active and passive open space areas and as Kirschner Mountain develops will have significant interconnected pedestrian access corridors to help create an integrated and cohesive community. There is also a 0.9 ha neighbourhood park component associated with this phase of development in the northwest portion of property.

The proposed revisions to the OCP Future Land Use Map involve adjusting the configuration of the multiple unit residential – low density sites and the single/two unit residential sites. This reconfiguration will not result in an overall increase of density (the ASP provides for an overall net density of approximately 700 dwellings).

#### 5.0 SITE CONTEXT

The property is located south of Loseth Drive and east of Garner Road and is shown outlined in red.



Adjacent zones and uses are, to the:

- North - A1 – Agriculture 1, RU4h – Cluster Housing (Hillside Area) & RU1h – Large Lot Housing (Hillside Area); *agricultural, area under development for single family residential.*
- East - A1 – Agriculture 1; established single family neighbourhood and agricultural/rural residential holdings.
- South - A1 – Agriculture 1; agricultural adjacent to Scenic Canyon Regional Park.
- West - A1 – Agricultural; agriculture/rural residential holdings.

## **6.0 CURRENT DEVELOPMENT POLICIES**

- 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

Through this application the OCP is being amended to reflect the proposed land uses and zoning for the next phase of the Kirschner Mountain Estates Area Structure Plan.

Staff have reviewed this application, and it may move forward without affecting either the City's financial plan or waste management plan.

## **7.0 PROPOSED DEVELOPMENT POTENTIAL**

- The purpose of the RU1h – Large Lot Housing (Hillside Area) zone is to provide a zone for single detached housing, and compatible secondary uses (i.e. bed & breakfast, care centres minor, group homes minor, home based businesses major & minor, second kitchen) on larger serviced urban lots.
- The purpose of the RM3h – Low Density Multiple Housing (Hillside Area) zone is to provide a zone for low density multiple housing on urban services.
- The purpose of the P3 – Parks and Open Space zone is to provide a zone for the preservation and enhancement of open space and limited public facilities.

## **8.0 TECHNICAL COMMENTS**

### **8.1 Works & Utilities**

- a) Works and Utilities comments and requirements were addressed in the original application under file Z02-1015.
- b) This application to refine some of the zoning boundaries within the subject property does not compromise Works and Utilities servicing requirements as long there is no overall increase of units.

### **8.2 Environmental Manager**

The request for zoning changes over this parcel must include detailed topographic information to properly identify the areas to be avoided by development and zoned P-3 (public open space), which are generally those areas in excess of 30% slope, as outlined in the ASP.

A Development Permit for Hazardous Condition (steep slopes) is required prior to any alteration of the land.

### **8.3 Fire Department**

Fire hydrants and access as per BC Building Code and City of Kelowna Subdivision, Development & Servicing Bylaw. Roads should provide an alternate means of egress or access and be looped when it is possible. This is a recognized interface area, a hazard assessment will be required.

### **8.4 Parks Division**

#### **1. Linear Park/Natural Area Dedications**

- a. All major trails as identified in Map 14.2 should be located within minimum 10 metre wide off-road statutory right-of-ways. As proposed on the Applicant's Rezoning Plan, Linear Park corridors may also fall within larger natural area dedications.
- b. Before the Parks Division assumes responsibility for any public lands, the Applicant will be required to retain a registered professional forester or recognized equivalent to develop and implement a plan to reduce potential wildfire hazards. The plan will address fuel reduction, forest health and the protection of significant characteristics of the forest area. The plan and work will be reviewed and approved by the Parks Division prior to undertaking any work.
- c. To prevent private/public encroachment into the proposed natural area and linear parks, the Applicant will be required to fence the rear and/or side yards of all properties adjacent to parkland with min. 4' high black chain link fence.

#### **2. Boulevards**

- a. Residents will be responsible to weed, water and mow the boulevards adjacent to their properties. They will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.
- b. All proposed plant material (trees, shrubs, ground covers and sod) for the boulevard to be reviewed and approved by Parks Staff prior to application approval.
- c. We encourage the Applicant to consider the planting of street trees within each new housing lot, consistent with the City of Kelowna's Urban Forestry Tree Planting Guide. To further discuss street and boulevard trees, please contact Ian Wilson, Parks Division Urban Forester at (250) 469-8842.
- d. If boulevard trees are approved by Parks Staff, the tree maintenance will be the responsibility of Parks Division. However, the Applicant will be responsible for watering and replacement of trees during the establishment period, for at least one growing season after planting.

**8.5 Ministry of Transportation**

The Ministry and the developer have reached an agreement regarding rezoning the balance of the lands in advance of four-laning on Highway 33. The developer is also responsible for ensuring that any safety issues that should be addressed in the short term are identified and constructed to Ministry satisfaction in advance of the future highway upgrading.

**8.5 Black Mountain Irrigation District**

No concerns.

**9.0 PLANNING COMMENTS**

The Planning and Corporate Services Department is supportive of the proposed concurrent Official Community Plan amendment and Rezoning application as presented for the next phase of development within the Kirschner Mountain Area Structure Plan boundary. The OCP amendment is the result of a more detailed review of the site with a view to designate the most suitable areas for Single/Two Unit Residential and Multiple Unit Residential – low density development.

Issues that will be addressed through the resulting subdivision review process are:

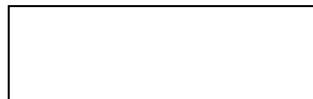
- Environmental mitigation;
- Site grading;
- Identification of no-disturb areas;
- Location of utility right-of-way corridors;
- Trail and wildlife corridor locations, and
- Wildfire assessment.

A Development Permit for Hazardous Condition (steep slopes) is required prior to any alteration of the land, in addition the future development of each of the proposed RM3h zoned areas will require a Development Permit application.

---

R. G. Shaughnessy  
Subdivision Approving Officer

Approved for inclusion



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

RGS/SG/sg

---

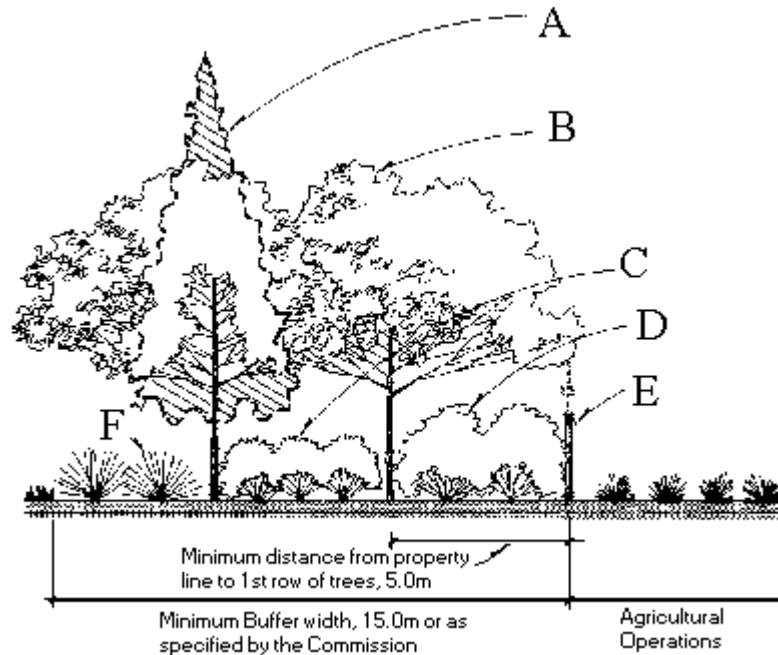
Attachments  
(Not attached to the electronic copy of the report)

- Location Map
- Map “A”
- Map “B”

**A.3: Airborne Particle and Visual Screen**

- a. Yearly screen
- b. Summer screen

Buffers agricultural operations from trespass and vandalism while offering a greater physical setback between potential conflicting land uses, visually screening uses from one another and minimizing the exchange of undesirable airborne particulate matter between incompatible land uses. (Note: Coniferous trees should be use in the buffer in situations where visual and particulate screening is required on a year round basis. Solution A.3a)



- A. Yearly Screen - Minimum double row deciduous/coniferous trees. (continuous as shown) See Schedules B.2, C.1 & C.3
- B. Summer Screen - Minimum double row deciduous trees. (continuous) See Schedules B.1, C.1. Underplant and Fence as shown.
- C. Minimum triple row trespass inhibiting shrubs. (continuous) See Schedules B.5 & C.5
- D. Minimum double row screening shrubs. (continuous) See Schedules B.6, C.6a & C.6b
- E. Fence as per Schedule D. of Fencing Specifications