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**CITY OF KELOWNA**

**MEMORANDUM**

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**DATE:** June 28, 2006

**FILE #:** Z05-0083

**TO:** City Manager

**FROM:** Planning & Development Services Department

**PURPOSE:** To rezone to the RU5 – Bareland Strata & RU2 – Medium Lot Housing

**OWNER:** 0714422 BC Ltd.                      **APPLICANT:** Acorn Communities Ltd.

**LOCATION:** 1342 Shaunna Road                      **CONTACT PERSON:** John Hickey

**EXISTING OCP DESIGNATION:** Single/Two Unit Residential

**EXISTING ZONE:** A1 – Agriculture 1                      **PROPOSED ZONE:** RU5 – Bareland Strata Housing

**REPORT PREPARED BY:** Corine (Cory) Gain, MCIP, CPT

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**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z05-0083 to amend City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Parcel Identifier: 003-513-076 Lot C Section 18 Township 27 Osoyoos Division Yale District Plan 32142, located at 1342 Shaunna Road, Kelowna, BC, from the A1 – Agriculture Zone to the RU5 – Bareland Strata Housing Zone and A1- Agriculture Zone to RU2 - Medium Lot Housing for one 882 square metre Fee Simple lot, be considered by Council.

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration.

**2.0 SUMMARY**

The applicant is proposing to rezone the subject property RU5 – Bareland Strata Housing in order to facilitate a 23 lot single family residential bareland strata subdivision and to RU2 – Medium Lot Housing to create one single family residential fee simple lot. The fee simple lot will be created at the entrance to the development to accommodate access directly from Shaunna Road. The initial subdivision will consist of 18 RU5 lots and one RU2 lot. Further subdivision will be contemplated to create five additional RU-5 lots once the Subdivision Approving Officer can be satisfied that those lots can be created in a manner consistent with good hillside development practices.

**3.0 BACKGROUND**

**3.1 The Proposal**

The purpose of the RU5 – Bareland Strata Housing zone is to provide a zone for bareland strata use on serviced urban lots. Single detached and semi-detached housing are permitted buildings in this zone.

The proposed development comprises of 18 single-family bareland strata lots ranging in size from 390 m<sup>2</sup> to 1098 m<sup>2</sup> and one 882 m<sup>2</sup> single-family fee simple lot. Access to the proposed development would be off of Shaunna Road by way of a private road which would form part of the common property within the bareland strata. The single fee simple lot will gain access directly from Shaunna Road. The proposed plan of subdivision (attached) also shows a 6,357 m<sup>2</sup> open space area that will be part of the common property. A subsequent application for subdivision to create five additional lots may be considered in the future. No plans have been included with this application that detail the use of the remainder open space component.

There is currently a shared private access easement for the subject property as well as Lot B, Plan 32142 and Lot B, Plan 59358 located immediately to the west. Should the proposed development be approved the access to the two lots to the west will be off of the new private road to be constructed for the bareland strata development.

A concurrent subdivision application is also being processed which will address the servicing requirements for the proposed development.

This application meets the requirements of the RU5 – Bareland Strata Housing zone as follows:

SUBDIVISION REGULATIONS FOR RU5		
CRITERIA	PROPOSAL	ZONE REQUIREMENTS
Site Area	2.17 ha	1.0 ha
Strata Lot Width	Lot 16 is an irregularly shaped lot that requires adjustment to meet the lot width All others are 12 m or greater	12 m
Strata Lot Depth	> 25 m	25 m
Strata Lot Area	376 – 881 m <sup>2</sup>	325 m <sup>2</sup>
DEVELOPMENT REGULATIONS - RU5 ZONE REQUIRMENTS		
Max Building Height	Lessor of 9.5 m or 2 ½ storeys	
Strata Lot Coverage	50%	
Open Space	Other than required yards area a minimum of 10% of the site	
<i>Note: Setbacks will depend on the form of development – single detached or semi-detached (0 side yards) and will be dealt with as part of the building permit requirements.</i>		

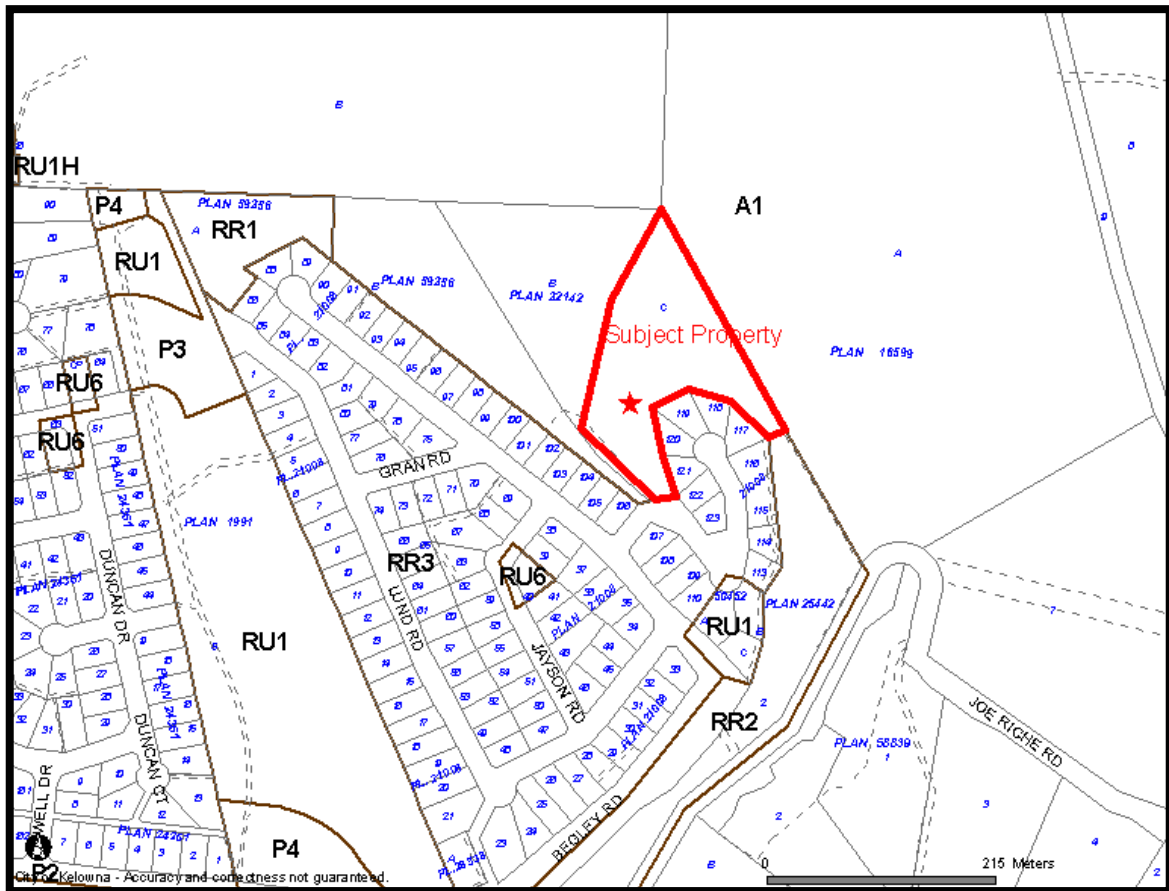
### 3.2 Site Context

Adjacent zones and uses are, to the:

Northwest -	A1 –	Agriculture 1; Future development of the Black Mountain Estates & Golf Course;
Northeast & East -	A1 –	Agriculture 1; Black Mountain Irrigation District land (future reservoir site).
South	RR3 -	Rural Residential 3; existing single family residential subdivision
West	A1 –	Agriculture & RR3 – Rural Residential 3; two rural residential lots and existing single family residential subdivision.

### 3.2 Site Location Map/Ortho Map

The subject property is located off of Shaunna Road and contains one single family dwelling, the location of which is shown by ★.



### 3.3 Existing Development Potential

The development potential of the property is challenged by the native topography and the location of a considerable amount of unconsolidated fill material. The proposal attempts to maximize the development potential of the site through careful layout and removal of substantial portions of the unauthorized fill material. That portion of the property most affected by the placement of unconsolidated fill has been designated 'open space'.

### 3.4 Current Development Policy

#### 3.4.1 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.

3.4.2 KELOWNA 2020 – OFFICIAL COMMUNITY PLAN

The OCP Future Land Use designation of the subject property is single/two unit residential.

The subject property is not within a Natural Environment/Hazardous Condition Development Permit area. However, if regrading of the site during the process of removing the unconsolidated fill results in the exposure of slopes equal to or greater than 30%, the requirement for an Environmental Development Permit may be triggered.

**4.0 TECHNICAL COMMENTS**

4.1 Community Planning Manager

Slopes on the property indicate that level passenger loading areas for safe building access will be required.

4.2 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows should determine hydrant requirements.

4.3 Parks Manager

1. The Strata and/or 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.
2. All proposed plant material (trees, shrubs, ground covers and sod) within the roadway boulevard will need to be reviewed and approved by Parks Staff prior to application approval.
3. We encourage the Applicant to consider the planting of street trees within each new house 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.
4. 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.
5. All entry feature signs for the proposed development will be located on private property and not on the City's boulevard lands and be in compliance with the City's Signage Bylaw No. 8235.

4.4 Works and Utilities

1. Subdivision

- a) All the post-development steep slopes must be identified and a no disturb Restrictive Covenant must be registered to protect the steep slopes.
- b) Dedicate the right of way necessary for the extension of Stockley Street (from Black Mountain Drive) to connect with Shaunna Road, the configuration and grade of which is to be determined and confirmed by a pre-design under this application.

- c) Provide easements as may be required.

2. Geotechnical Study

- a) A comprehensive geotechnical study has been prepared by Interior Testing Services Ltd. Due to the challenging subsurface conditions; the developer will be required to adhere meticulously to the recommendations as set out in the report.

3. Domestic Water and Fire protection

- a) The proposed development is within the service area of the Black Mountain Irrigation District (BMID). All charges and securities for service connections and system upgrading costs are to be paid directly to the BMID.
- b) The applicant is to provide the City of Kelowna the assurance that the supply of domestic water and fire protection is achievable in accordance with the City standards for the entire zone contemplated under this application.

4. Sanitary Sewer

- a) The subject property is located within the specified area # 6 and currently serviced by the municipal sanitary sewer collection system. The developer will be responsible to cash commute the sanitary sewer specified area charge for each of the proposed units. The charge is currently set at \$1,531.69 (until March 31, 2006) per Equivalent Dwelling Unit created. The total charge is **\$37,760.56** (24 Units @ \$1,531.69 prior to March 31, 2006).
- b) The sanitary sewer must be extended with the provision that future connections with the properties to the West and North can be achieved without any major change.
- c) The developer of the property to the North could eliminate the construction of a sanitary lift station by extending the sanitary sewer through the subject property. The City of Kelowna supports the elimination of the lift station therefore it is expected that the developer under this application will cooperate with the adjacent development for the extension of a gravity sanitary sewer through the subject property.

5. Drainage

- a) 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 downstream of the subject property and its potential effect on the proposed development must be addressed.
- b) The location and the size of the detention and/or retention facilities must be determined at this stage and must include all the lands within the drainage catchment areas. The potential effect of the detention/retention on downstream properties

6. 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.

7. Roads

Stockley Street (from Black Mountain Drive) extension

- a) Stockley Street (from Black Mountain Drive) is designated as an urban local road. Dedicate and construct the road as per drawing TYP-01 SW including a 14.0m. dedication plus fill and/or cut slopes where required a 9.0m. road and a 1.5 m. sidewalk on one side, complete with storm drainage, boulevard landscaping, etc. The construction cost for this item, is estimated at **\$112,700.00** and is inclusive of a bonding escalation.
- b) Some of the Stockley Street (from Black Mountain Drive) extension may require dedication and construction on the adjacent lands. The portion of Road directly fronting the subject property is required to be built to the full urban standard. Any temporary portions constructed to a lesser standard or temporary alignment due some lack of cooperation between the respective land owners will require a security under this application to ensure that the full road width at the proper location can be constructed in the future.
- c) The portion of Stockley Street (from Black Mountain Drive) to be constructed under this application may qualify for Latecomer protection.

8. Street Lights

Street lights must be installed on all roads in accordance as per Bylaws requirements. Design drawings to include level of illumination plan.

9. Engineering

Design, construction, supervision and inspection of all off-site civil works and servicing must be performed by a Civil Engineer and all such work is subject to the approval of the City Engineer.

10. DCC Credits

None of the required improvements qualify for DCC credit consideration, as these upgradings are not identified in the current DCC schedules

11. Bonding and Levies summary

a) Bonding

Stockley Street (from Black Mountain Drive) extension	<u>\$112,700.00</u>
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Total Bonding requirement **\$112,700.00**  
b) Levies.

Specified Area # 6 charges **\$37,760.56**

4.5 Interior Health Authority, Public Health Inspector

Existing septic system to be decommissioned.

4.6 FortisBC

FortisBC will provide underground electrical service the development.

4.7 Shaw Cable

Owner/Developer to install Shaw conduit, as per Shaw's specifications and drawings.

4.8 Black Mountain Irrigation District

We have no objections as an adjacent land owner with the proposed land use or subdivision. Correspondence has been provided to the developer regarding water servicing and access across BMID lands for installation of those services.

Note: A "Water Service Certificate" from the BMID will be required by the City at the time of subdivision. The developer has been advised of the process to acquire the certificate.

4.9 Telus

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

4.10 Ministry of Transportation

We have no objections or comments. This proposal does not require our approval as the property does not front on a Controlled Access Highway, i.e. Highway 33.

## 5.0 ADVISORY PLANNING COMMISSION

"The above-noted application was reviewed by the Advisory Planning Commission at the meeting of January 31, 2006, and the following recommendation was defeated:

THAT the Advisory Planning Commission not support Rezoning Application No. Z05-0083, for 1342 Shaunna Road, Lot C, Plan 32142, Secs. 18 & 19, Twp. 27, ODYD, by 0714422 BC Ltd./Acorn Communities Ltd., to rezone from the A1 – Agriculture 1 Zone to the RU5-Bareland Housing Strata Zone to facilitate a 24 lot residential bareland strata development.

Subsequently, the following motion was supported:

THAT the Advisory Planning Commission supports Rezoning Application No. Z05-0083, for 1342 Shaunna Road, Lot C, Plan 32142, Secs. 18 & 19, Twp. 27, ODYD, by 0714422 BC Ltd./Acorn Communities Ltd., to rezone from the

A1-Agriculture 1 Zone to the RU5-Bareland Housing Strata Zone to facilitate a 24 lot residential bareland strata development.”



## 6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

This application to rezone the subject property from the A1 – Agriculture 1 zone to the RU5 – Bareland Strata Housing zone and RU2 – Medium Lot Housing is consistent with the Official Community Plan Future Land Use designation of Single/Two Unit Residential development. The proposed development would be in character with the existing residential neighbourhood flanking the subject property to the south and west. It is anticipated that the property located to the east will continue to be used for agricultural purposes for the foreseeable future. As such, it is recommended that fencing be erected between the two properties to mitigate some of the rural-urban interface uses that will inevitably develop.

While the proposed development meets the intent of more concentrated development of land adjacent to an established residential area, the proposal requires significant reshaping of land to meet this objective. While the property is not within the Hazardous Condition or Natural Environment Development Permit Area, it is adjacent to properties that are within such designations. As such, minimizing the amount of land reshaping will serve to protect sensitive areas to the east and north of the property.

The applicant's "Statement of Intent and Rationale for a Zoning Amendment to RU-5" is attached as Schedule 'C' for reference.

Further, the applicant has undertaken direct consultation with adjacent property owners and reports that all concerns identified have been addressed in the modified plan presented with this application for consideration. The changes incorporated in the new plan, as described by the applicant, include:

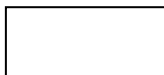
- "1) To maintain views and privacy of the exiting homes on the west side of Shaunna Road we have:
  - a) Moved the main access road further west (to align with the future *[Stockley Street formerly]* Bell Mountain Road extension);
  - b) Realigned proposed lane west of Shaunna Road to move it further away from the existing homes. This will allow the lane to be dropped in elevation;
  - c) The proposed strata homes/lots have been moved further west and lowered;
  - d) Proposed Lot 1 will be a 'fee simple' lot which will have access onto Shaunna Road. This has lowered this home site by 2 to 3 meters.
- 2) To maintain views and privacy of the existing homes on the east side of Shaunna Road we have:
  - a) Realigned proposed lane east of Shaunna Road to move it further away from the existing homes. This will allow the lane to be dropped in elevation;
  - b) The proposed strata homes/lots have been moved further east and lowered.
- 3) A hammerhead turnaround has been added to the lane east of Shaunna Road. This will also serve as access to the open space area.
- 4) Additional sections and drawings have been included to aid in the City's review of the proposed design.

In addition to the above we have satisfactorily resolved all the specific concerns brought to our attention as a result of meetings with neighbours and response to a mailout to residents."

The Planning Department recommends that the Zone Amending Bylaw be held at Third Reading until such time as the Subdivision Approving Officer issues a Preliminary Layout Review letter for the proposed 19-lot subdivision. Subdivision of the open space area to create an additional five lots will be considered in due course.

R. G. Shaughnessy  
Subdivision Approving Officer

Approved for inclusion



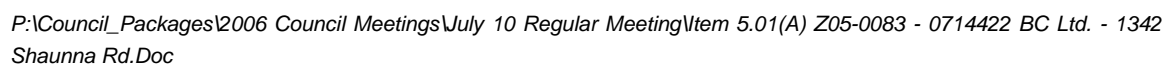
Signe Bagh, MCIP  
Acting Director of Planning and Development Services

RGS/CG/cg

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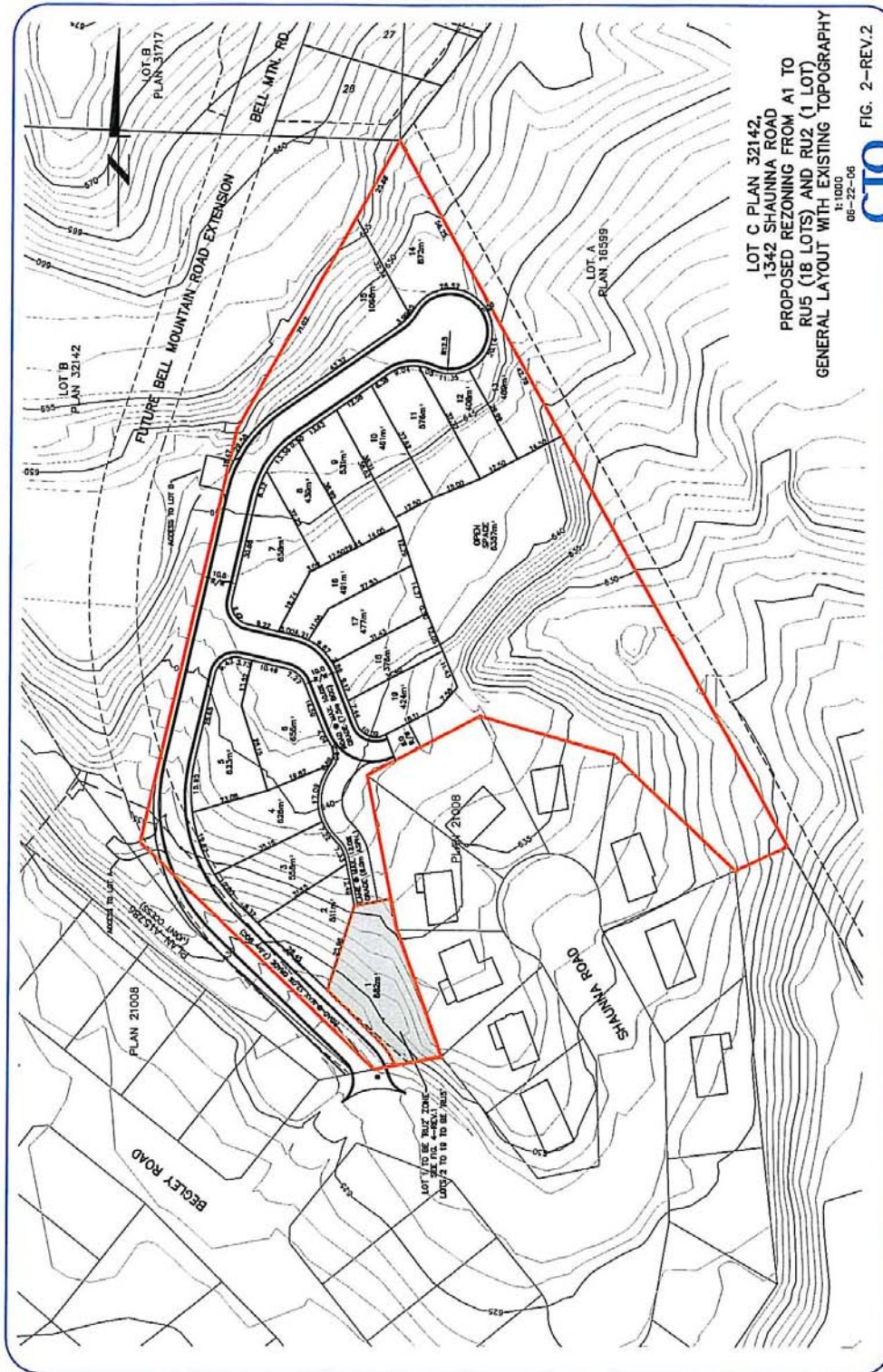
#### **Attachments**

- Schedule 'A' - Proposed Rezoning/Existing Site Conditions Plan
- Schedule 'B-1' - Proposed Subdivision Plan (19 Lots)
- Schedule 'B-2' - Proposed Subdivision Plan (24 Lots)
- Schedule 'C' – Intent and Rationale for RU-5 Zoning

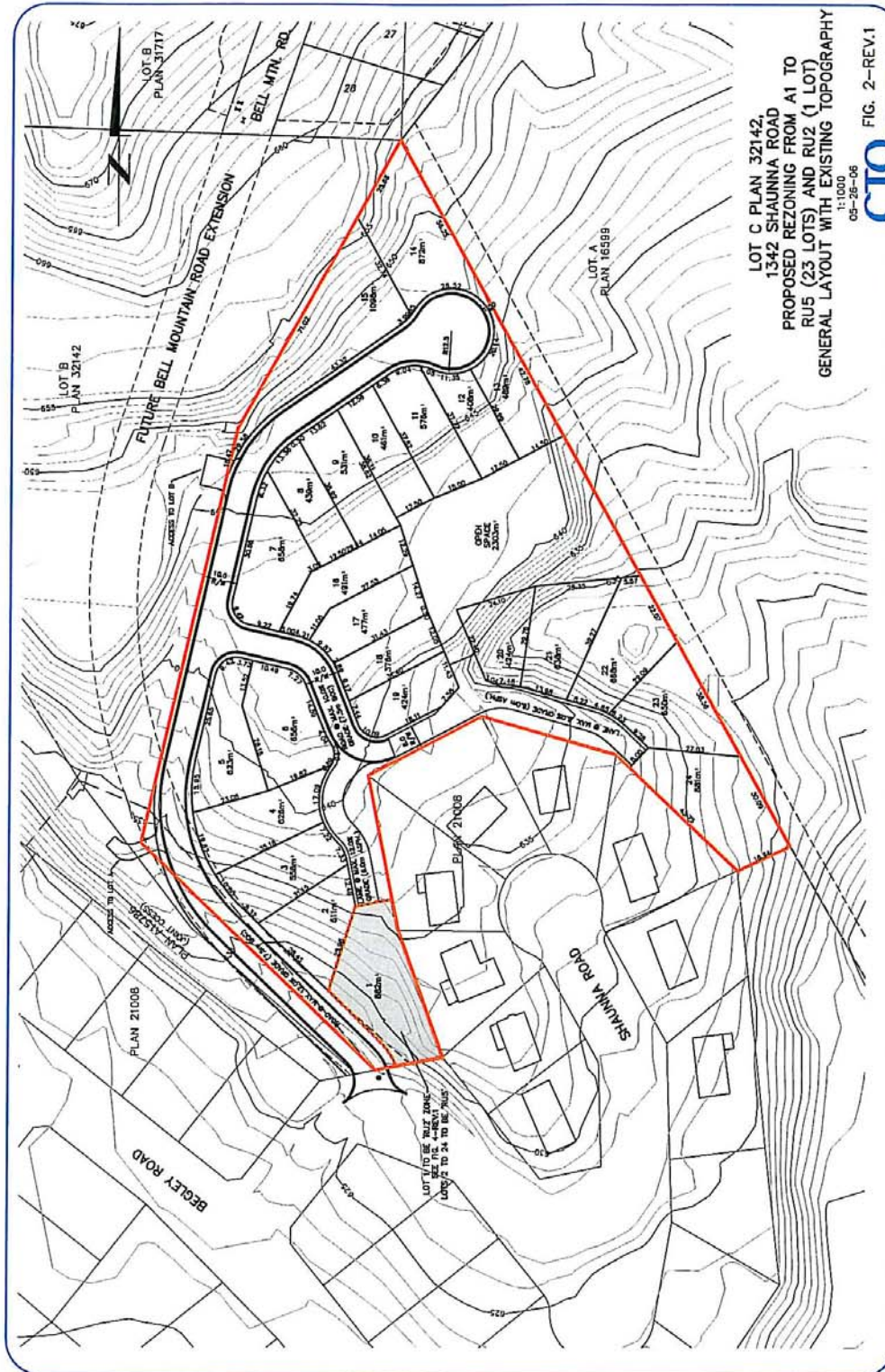




SCHEDULE 'B-1'  
PROPOSED SUBDIVISION PLAN (19 LOTS)



SCHEDULE 'B-2'  
PROPOSED SUBDIVISION PLANS (24 LOTS)





## SCHEDULE 'C'

### **Zoning Amendment: A-1 to RU-5**

#### **Statement of Intent**

**Background** – OCP designation for Future Land Use is for Single and Two Unit Residential. Owners have with City Planning and Engineering staff to discuss the proposed development. Environmental and Geotechnical investigations have been conducted on the site. Copies of the Summit Environmental Reports and the Interior Testing Services Geotechnical report are included with this application. Preliminary engineering has been conducted by CTQ together with a complete topographic field survey to ensure that the proposed development is feasible. Owners have met with Black Mountain Irrigation District to review the proposed method of servicing and have been granted permission by the BMID Board of Trustees for an easement to accommodate both water and sewer servicing from the adjacent Melcor subdivision to the north. Owners have met with Melcor regarding extension of their sewer and water services and other issues. The owners are experienced developers who are currently developing and building at Sunset Ranch in Ellison.

#### **Rationale for a Zoning Amendment to RU-5**

1. Existing topography is more receptive to a Standard type of subdivision as compared to a denser cluster type development which will be reviewed on site with the City of Kelowna staff, early in January, 2006.
2. Although the reduced engineering standards permitted with RU-4 may reduce costs to the developer, constructing the roads (grades, widths, curves etc.) to the more rigorous RU-5 standards provides the Bare Land Strata development with less ongoing maintenance risks. It is not the goal of the developer to reduce engineering standards.
3. Although the site is adjacent to an Environmental Development Permit Area (DPA), our Summit Environmental Report and Phase 1 Environmental Report identifies no topographic, natural features, open space, or environmentally sensitive areas as to be preserved. The site has been substantially altered over the last 30 years. It is our goal to in fact more closely reshape the preexisting condition through the regrading and rebalancing of earthworks throughout the site. Areas of unconsolidated fill identified through the detailed geotechnical review will be excavated, and rebalanced throughout the site to facilitate an attractive viable low density single family type development and create an attractive usable open space.

4. The maximum permitted density for the site is 15 units per hectare. We are proposing 24 units (including renovation and retention of the existing single family home with 23 new single/semi type lots). The permitted number of units is 32 for the 2.165 Hectare parcel. This density is an excellent fit between the existing Shaunna Road and the new Black Mountain Melcor development to the north. Please note that the average lot size proposed is approximately 620 Square Meters. This is above the Minimum lot size for the RU-1 Zone that the property abuts to the south and west.

5. Black Mountain Irrigation District support our development servicing concept and have agreed to provide an easement within the BMID lands to the north which, if all arrangements are finalized with all parties, could allow sewer drainage and water services from the Melcor lands.

6. The proposed built form, which will be single family with a mix of a few duplex homes will be the same whether RU-4 or RU-5. It is essential that we allow our customers to choose their built form. RU-5 Bare Land Strata permits greater choice in house plans than would be the more restrictive RU-4 Strata legal arrangement, which requires all units to be built prior to sale.

7. The Developer, Acorn Communities Ltd., has an excellent track record in the immediate region including the ongoing Sunset Ranch Development in Ellison, Morningside on the Westside and substantial prior experience in other jurisdictions. The Developer and its' housing company is HPO registered. Sunset Ranch was recently voted by Okanagan Life magazine as the Okanagan's 3<sup>rd</sup> best Subdivision. A similar standard and type of housing being built at Sunset Ranch, will be constructed on the subject site.

8. Twenty Three additional lots will contribute towards paying City of Kelowna infrastructure costs, Black Mountain Irrigation District water service infrastructure costs, and of course provide an additional 23 properties in the tax base.