
CITY OF KELOWNA

MEMORANDUM

Date: October 11, 2006
File No.: 6660-00
To: City Manager
From: Director of Planning and Development Services
Subject: Results of Hillside Development Audit
REPORT PREPARED BY: KARLY HENNEY

RECOMMENDATION

THAT Council endorse the recommendations in the Hillside Development Audit prepared by UMA Engineering dated October 6, 2006 (Attachment 1);

AND THAT Council direct staff to implement in 2007 the key recommendation as noted in the Planning and Corporate Services report of October 11, 2006 before fully investigating the remaining recommendations to implement as budget and staff resources permit.

BACKGROUND

The 2004 Strategic Plan directs an evaluation of hillside development policies, regulations and procedures to identify whether the current policy and regulatory framework is resulting in environmentally sensitive, functionally appropriate and aesthetically pleasing results. The City contracted UMA Engineering Ltd. in February 2006 to perform this evaluation.

In the past decade, the combination of population growth, the desire to protect agricultural land, and a strong market preference for single detached housing have resulted in increased development on Kelowna's hillsides. Various changes to the OCP, Zoning Bylaw and Subdivision, Development and Servicing Bylaw, and Hillside Development Guidelines have been put in place in recognition that the conditions and impacts of hillside development are fundamentally different from flat land subdivision.

What are the challenges for hillsides?

Steep terrain, the natural environment of this terrain, and the importance of the views to and from hillsides creates challenges for all stages of development, including: subdivision design, site planning and design, engineering, architectural design, construction, landscape design, maintenance, public safety and access. The Hillside Development Guidelines (2001) provide a comprehensive list of specific issues for each of these areas (pp 1-2 & 1-3).

In addition to inherent challenges, Kelowna's OCP sets objectives for desired outcomes. The high visibility of hillsides, which have aesthetic values for residents and significant natural features iconic to Kelowna's landscape, results in considerable public scrutiny of development. The expectations for City staff, developers, engineers, architects, builders, utility providers and land owners throughout the development process are high at a time when local hillside development is relatively new and occurring on a large scale.

How did the audit evaluate hillside development?

The audit looked at whether the City has been addressing both the inherent challenges and desired outcomes for developing hillsides correctly and effectively. The analysis included reviewing the current policy and regulatory framework, reviewing development application files, undertaking field reviews with key staff and stakeholders, and comparing Kelowna's hillside standards to those in other jurisdictions.

A significant amount of the research involved interviews and questionnaires for City staff in Planning & Development Services, Works & Utilities, Parks & Leisure Services and the Fire Department; utility providers; developers; builders; and residents. Each group has a different role, experiences hillside development differently, and interacts throughout the development process. A high level of participation and cooperation from all groups resulted in a comprehensive list of issues and options, which was especially important for clarifying process-related issues.

In addition to hosting group interviews, the City also carried out random sample surveys. Surveys were mailed to 100 flat land residents and 300 hillside residents to obtain input on the way hillside neighbourhoods are developed and assess the general level of satisfaction. Residents had the option of mailing back the hard copy survey, or completing the survey online. The response rate was 40.5% (119 surveys total), which indicates hillside development is an important issue for residents. Top issues for hillside residents relate to transportation, whereas flat land residents felt landscape and grading of hillside areas were primary issues.

The consultants prepared recommendations by correlating data from interviews and research, and applying their expertise from experience elsewhere to determine what's working, what's not working and what changes could improve the current state of hillside development projects.

An Open House was held on August 31 at the Kelowna Main Fire Hall for stakeholders and the public to give feedback on the audit recommendations. Approximately 50 people attended; hillside residents comprised one-third of those in attendance, and another third were developers. Thirteen of those attending submitted written comments. All thirteen agreed with the key recommendation, and ten felt that the audit identifies the key issues for hillside development. The Urban Development Institute (UDI) submitted a separate letter to comment on the recommendations. The letter is included as Attachment 2. The feedback received was considered in the preparation of the final report.

DISCUSSION

The audit identifies a comprehensive list of policy, regulatory and process issues, compares local hillside developments, compares other jurisdictions with hillside guidelines in place to Kelowna, and provides an analysis that ultimately asks "Does the final product match anticipated outcomes?" The audit is a report card on our current situation and section 7.0 (p 25 of the final report) gives recommendations for change, and identifies priorities for implementation.

The audit showed there are issues with the current hillside development process, that there is interest in managing hillside projects differently, however there is no community consensus on what it is we should be striving to achieve. In order to address the identified issues, staff recommends that Council approve proceeding first with the key recommendation:

In consultation with the community, developers, builders, planners and architects, review the fundamental principles for aesthetically pleasing, functionally appropriate and environmental sensitive projects, and obtain consensus on a definition of hillside area and a vision prior to drafting new design guidelines.

A community visioning process to revisit what constitutes a hillside area would be the first step in fully investigating the remaining recommendations the audit identifies. The vision and principles should inform all subsequent changes aimed at improving the effectiveness of guidelines, regulations and the hillside development process.

Incidentally, proceeding first with the key recommendation allows staff to further explore issues raised by UDI as noted in the attached September 11, 2006 letter before implementation. The audit's key recommendation (above) and the changes to the OCP, Hillside Development Guidelines, Zoning Bylaw and Subdivision, Development & Servicing Bylaw are supported by UDI.

Work on the consultation for the key recommendation could proceed in 2007. The remaining recommendations could subsequently be implemented as budget and staff resources permit, as directed by Council.

SUMMARY

Identifying deficiencies and inconsistencies in policy and process has been a complex task because of the integrated nature of the development review process and the many staff and stakeholders that are involved. The value in undertaking this review is immeasurable given the considerable impacts that hillside development has on Kelowna's infrastructure and landscape, in addition to the greater risks that are involved including erosion, land slip, rock falls and flooding.

The audit clearly demonstrates that all groups involved in hillside development have concerns, and with the support of Council there is willingness to commit to change in order to do better. The commitment and cooperation of staff, multiple stakeholders and political support for achieving a unified vision are key ingredients for success.

Signe K. Bagh, MCIP
Manager, Policy/Research/Strategic Planning

Attachments

- 1 - City of Kelowna Hillside Development Audit, UMA Engineering Ltd. (October 4, 2006)
- 2 - Letter from the Urban Development Institute, Kelowna Chapter (September 11, 2006)

Item 5.11 Hillside Development Audit – Attachment 1

Consultant's Report available on City Website www.kelowna.ca
October 16, 2006 P.M. Council Meeting – agenda item No. 5.11.

ATTACHMENT 2



URBAN DEVELOPMENT INSTITUTE – KELOWNA CHAPTER

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September 11, 2006

City of Kelowna
1435 Water Street,
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Attention Karly Henney
By email

Dear Ms. Henney

The Urban Development Institute is pleased that the City has undertaken a review of the hillside guidelines. Within the development community there has been an effort to improve in some of these areas already, and we believe this comprehensive report involving all stakeholders will serve to move many of these items forward. There are only a couple of recommendations within the report that some members felt needed to be addressed. It should be noted that we are commenting only on the information available in the Public Presentation Document and the Stakeholder meetings that have taken place to date. A full copy of the report has not been available so some of these points may be addressed in the full report.

The ideas presented by the Consultant and noted below are for the most part applauded by the development community:

Recommendations

Designate hillside development areas within the OCP and revise the Sector Plans to create vision

Protect natural features, ridgelines and designate portions of properties as environmentally/naturally sensitive in the OCP and/or Sector Plans

Set performance targets to measure Development Permit, Subdivision and Building Permit applications against Hillside Development Audit -2006

Revise Hillside Development Guidelines to:

- Create a vision for hillside development*
- Focus on key objectives*
- Encourage flexibility and innovation*
- Create enforcement/monitoring programs (can be developer driven)*
- Create guidelines that are practical and that can be implemented avoiding subjectively which leads to differences of opinion in interpretation*
- Provide strong graphic orientation, demonstrating principles such as “Do This” versus “Don’t Do This”*

Recognize for subdivision in hillsides that:

- *Flat-terrain subdivision layouts are not well suited to difficult terrain*
- *Greater use of terrain-adaptive techniques such as single-loaded lanes, panhandle lots, one-way streets, narrow/windy roads, very steep driveways, sloping boulevards, fewer sidewalks, less impervious surfaces will be required*

Recommendations Continued

Explore cluster housing opportunities and create a vision of what cluster housing represents

Establish Development Permit Bylaws which set standards and guidelines to meet prior to considering subdivision applications

Introduce design and planning professionals into development of subdivision plans through utilization of 3-D modeling, placing greater emphasis on streetscape, establishing an identity for each neighbourhood and creating a sense of belonging

Develop technical requirements for retaining walls, geotechnical reports, Development Permit submission requirements, tree retention, etc.

Revise Zoning Bylaw to incorporate separate zoning categories for hillside projects to include requirements specific to hillside issues, such as flexible front and sideyard setbacks, building envelope orientation, density limitations, massing, etc.

Dedicate necessary staff resources, including appropriate training, to evaluate, monitor and enforce technical Development Permit requirements.

Consider modifying infrastructure standards for hillside projects by amending the Subdivision, Development and Servicing Bylaw to permit lower design speeds, narrow local roads with parking pull-outs, xeriscape boulevard landscaping, low-impact development drainage, pumping for sanitary and storm services, etc.

Consider the additional costs necessary to support hillside development, in terms of difficult access and repair.

Two recommendations that cause concern are those related to cluster housing and ridge development. In our meetings as one of the stakeholders with city staff and the Consultant they outlined that the small amount of public feedback seemed to be more related to eliminating vs minimizing the visual impact. There is a significant difference between minimizing and eliminating. Given the reality of development costs and market forces we do not believe it is practical to stay completely away from the ridgelines and prominent points. They are often the most, or only developable areas of the project from a terrain perspective.

Cluster Development as the Consultant noted has been poorly defined to date. Developers can look for opportunities to provide a greater mix of Multi and Single Family within their projects but the idea of cluster development, at least as it is currently understood, has not received an enthusiastic response within the development community or real estate markets.

There are four other items that we believe require greater emphasis within the report:

- a) The involvement of the builder and lot owner needs to be much more heavily emphasized as many of the issues outlined and examples shown as “poor” in the report itself, are more related to homeowners and builders than to the developer and city at an “Engineering and Planning Stage”.
- b) There must be direction from the highest level within the City to ensure developers and City of Kelowna technical review staff take a more open and flexible attitude towards new ideas being proposed within the spirit of the guidelines.
- c) There needs to be a greater recognition of the time requirement on a development for any landscaping and mitigation efforts to return to a finished acceptable state. It simply takes time.
- d) We believe in many of the items outlined in the report, but we would be interested in an accounting of the level of public participation in this process to evaluate if these priorities are in fact community priorities or the concerns of a select few. (perhaps this is included in the full report)

UDI is encouraged by the report, but as always looks for responsible application of all new measures to ensure there is not redundancy in process or an unnecessary extension of timelines for the evaluation or approval of any new project. As we move forward there does need to be some caution and an understanding that the community of Kelowna as many others require hillside development to:

- Maintain productive agricultural lands
- Continue to provide a desired housing and lifestyle choice for its citizens
- Expand its tax base to provide and improve services and facilities and keep overall property tax increases to a minimum. (For those new to the community and to existing residents)
- Allow private property owners to achieve the best and highest use for their land under any current zoning and bylaw regime within the boundaries of the city.

In closing we believe the report with its recommendations to provide more flexibility in design standards and allow for road and service networks that best work with the terrain is a great step forward. We must all continue to work together to improve neighbourhood and housing options while at the same time have consideration for those things that are important to the community as a whole.

Yours truly,

Urban Development Institute

Gregory Asling, P. Eng
Kelowna Chapter President