
CITY OF KELOWNA

MEMORANDUM

DATE: May 22, 2007

TO: City Manager

FROM: Planning & Development Services Department

APPLICATION No.: Z07-0004

OWNER/APPLICANT: No. 21 Great Projects Ltd. (Stantec Consultants Ltd.)

LOCATION: (S of) Ivens Road

PURPOSE: To rezone a portion of the subject property from the A1 – Agriculture 1 zone to the RU1h – Single Family Dwelling (hillside) zone and P3 – Parks and Open Space zone in order to initiate Phase 1 of the Neighbourhood 3 Area Structure Plan.

EXISTING OCP DESIGNATION: Single/Two Unit Residential

EXISTING ZONE: A1 – Agriculture 1 **PROPOSED ZONE:** RU1h & P3 – Large Lot Housing (hillside) & Parks and Open Space

REPORT PREPARED BY: Danielle Noble

1.0 RECOMMENDATION

THAT Rezoning Application No. Z07-0004 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a part of the South ½ District Lot 579, SDYD, Except Plan KAP77336, located off Hewetson Avenue, Kelowna, B.C., from A1 – Agriculture 1 zone to RU1h – Large Lot Housing (hillside) zone and P3 – Parks and Open Space zone, as shown on Map ‘A’ attached to the report of Planning and Development Services Department, dated May 22, 2007, be considered by Council;

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

AND THAT final adoption of the zone amending bylaw be withheld until the applicant has addressed the requirements of the Works and Utilities and Parks departments.

2.0 SUMMARY

The applicant is proposing to rezone a portion of the subject property from A1 – Agriculture 1 zone to RU1h – Single Family Dwelling (hillside) zone and P3 – Parks and Open Space in order to initiate Phase 1 of the Neighbourhood 3 Area Structure Plan.

The Official Community Plan amendment to reflect the proposed land uses contained within the Neighbourhood 3 Area Structure Plan (ASP) has been formally adopted. The Area Structure Plan is intended to be a guide for the future rezoning, subdivision, and development of the area. The Official Community Plan amendment designates the future land uses, development permit areas, village centre area and road network as proposed in the Area Structure Plan for Neighbourhood 3.

The land is currently undeveloped with the exception of one single family residence and some limited area used for grazing.

3.0 ADVISORY PLANNING COMMISSION

At a meeting held on April 11, 2007 the Advisory Planning Commission reviewed this application, and the following recommendation was passed:

THAT the Advisory Planning Commission support Zoning Application No. Z07-0004, for south of Ivens Road, South ½ DL 599, SDYD, Except Plan KAP77336, by Stantec Consulting (M. Skobalski), to rezone from A1 – Agriculture 1 zone to the RU1h-Large Lot Housing (Hillside) –zone, to initiate Phase 1 of development in accordance with Neighbourhood 3 Area Structure Plan.

4.0 BACKGROUND

The Area Structure Plan for Neighbourhood 3 encompasses approximately 177.4 ha and generally slopes upwards from Bellevue Creek which defines the north and east boundary of the Plan area. The Plan area includes all or portions of eight legal lots under the ownership of six landowners. Kelowna City Council authorized preparation of the Neighbourhood 3 Area Structure Plan in January 2004.

Elevations within the Plan area range from approximately 425m at Bellevue Creek at the north tip to 680m on the knoll in the southwest corner. Within the Plan area there is one permanent residence (the Blaskovich home), together with a fenced pasture used for grazing horses and the south portion of the farm is bisected by Bellevue Creek. Residential development flanks the west side of the Plan area and is well established on the Crawford benchland across Bellevue Creek and north of the Plan area.

5.0 THE PROPOSAL

The applicant is requesting the RU1h – Large Lot Housing (hillside) rezoning in order to facilitate the subdivision of Phase 1. Referenced within the development plans is the subdivision of approximately 20 lots for single family residential. The conceptual layout of the lots is shown on the site plan attached to this report.

The development phasing for the subject properties are to include Phase 1 and 2 concurrently. Phase 1 (the subject of this report) is to include those lands east of Hewetson Road in Neighbourhood 3. The proposal is to develop approximately 20 lots along the easterly extension of Hewetson Road within Neighbourhood 3. An additional 18-20 lots north of the Hewetson extension and a group of cluster homesites to the south (up slope) are proposed as sub-phases within Phase 1.

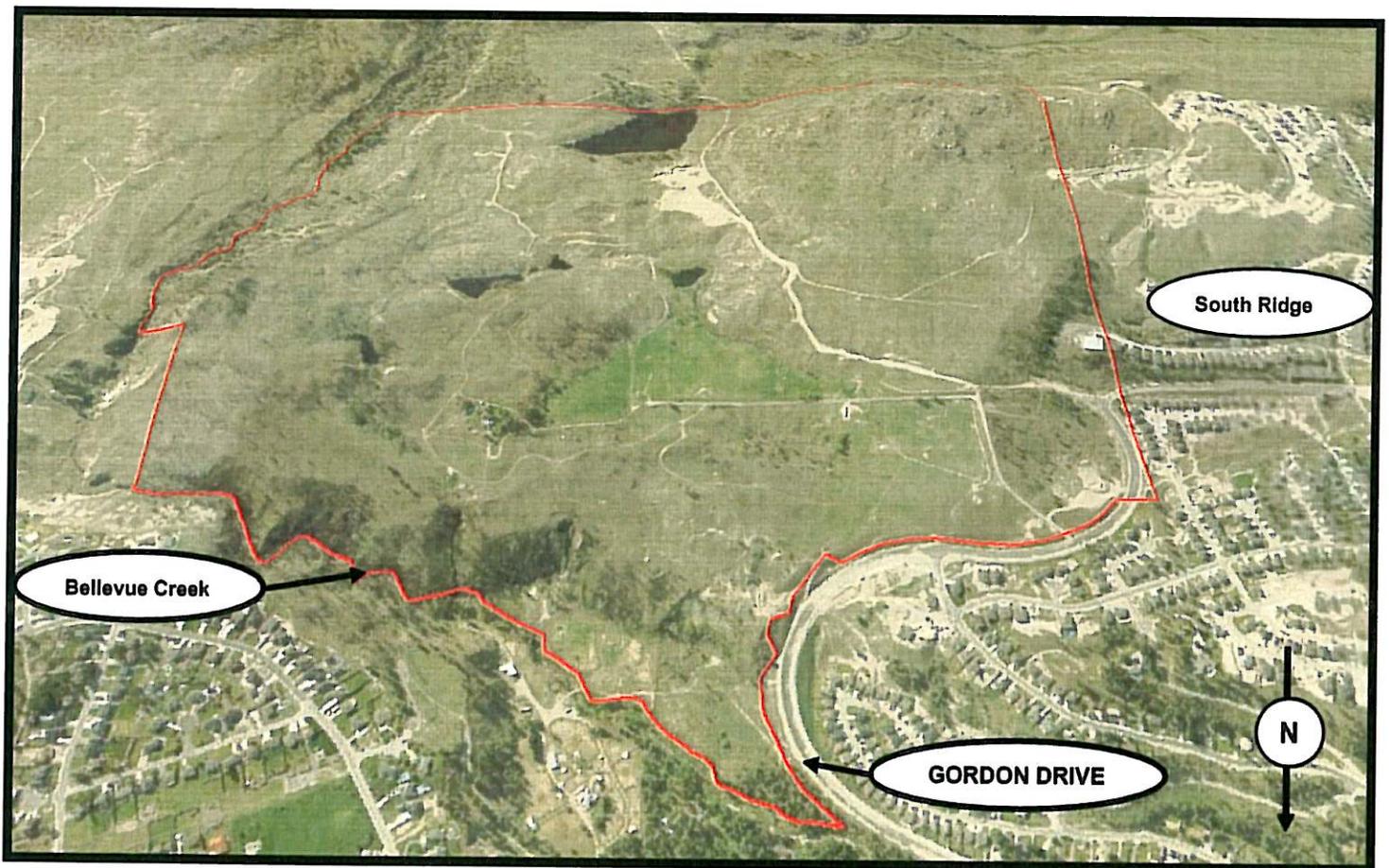
Notably, Neighbourhood 3 is comprised of diverse terrain and natural features. Much of the tree cover and other vegetation was burned in the 2003 Okanagan Mountain Park

fire. Salvage logging removed marketable burned timber after the fire however, some remnant clusters of mature trees, primarily deciduous, have survived particularly near wetted areas.

Four environmental studies have been undertaken as part of the Area Structure Plan preparation. These range from the initial, overall assessment prepared by EBA Engineering Consultants Ltd. (EBA) to more focused, follow-up studies prepared by Summit Environmental Consultants Ltd. (Summit) and Golder Associates Ltd. (Golder). The Environmental Assessment prepared by Golder describes where compensation planting and habitat restoration should occur and recommends a 2:1 replacement ratio to replace deciduous vegetation lost to fire or impacted by proposed development.

6.0 SITE CONTEXT

The subject lands are located south of Gordon Drive west of Bellevue Creek and east of South Ridge and are seen outlined in red below.



6.1 Surrounding Zoning

With the exception of Canyon Falls Park which is zoned P3 (Parks and Open Space) lands to the north, east, and south of the Neighbourhood 3 Plan area are currently zoned A1 (Agriculture 1). Lands to the west of Neighbourhood 3 are zoned:

- RU1 (Large Lot Housing)
- RU1h (Large Lot Housing – Hillside)
- RU2 (Medium Lot Housing)

- RM2h (Low Density Row Housing – Hillside)
- P3 (Parks and Open Space), and
- P4 (Utilities)



7.0 CURRENT DEVELOPMENT POLICY

- City of Kelowna Strategic Plan – 2004

The Neighbourhood 3 Area Structure Plan and related residential rezoning supports several objectives of the City's Strategic Plan:

- "Conserve Kelowna's water resources" is supported by development guidelines which promote the recycling of rainwater for irrigation and the use of drought resistant plants in the landscaping of both private and public property.
- "Promote health and wellness initiatives" is supported by the extensive network of public paths, the diversity of paths to suit different purposes and preferences, and the inter-connected system of parks which will foster healthy outdoor activities and leisure opportunities.
- "Achieve accessible, high quality living and working environments" is supported by the Plan's development guidelines and compliance with many LEED-ND (Leadership in Energy & Environmental Design – Neighbourhood Development) intents.

- “Provide infrastructure that keeps pace with population growth and evolving opportunities”. Development in Neighbourhood 3 must establish the municipal services required for each phase of development. This will address the Strategic Plan objective to provide infrastructure that keeps pace with population growth.
- Official Community Plan – Kelowna 2020
Map 19.1 Generalized Future Land Use, identifies the Neighbourhood 3 area as “Area Structure Plan 4”.
 - Section 19 of the OCP identifies potential ASP development components for the NH3 as being; *public open space, school/college/university, neighbourhood commercial; one/two unit residential, multi-unit residential (low), multi-unit residential (medium) and agricultural.*
- Southwest Okanagan Mission Sector Plan (1994)
The proposed Area Structure Plan generally conforms to the requirements of the Southwest Okanagan Mission Sector Plan. The Sector Plan indicates Neighbourhood 3 will provide for development of 1200 units within the 20 year growth scenario.

8.0 TECHNICAL COMMENTS

8.1 Fire Department

Fire Department access, fireflows and hydrants as per BC Building Code and City of Kelowna Subdivision Bylaw. If this is a recognized interface wildland area, a hazard assessment may be required. Roads should provide an alternate means of egress/access and should be looped when possible. Engineered fire flows are needed to determine hydrant requirements. Rudimentary Fire Department access to wild land areas should be provided.

8.2 Parks Department

1. The applicant is proposing a road as part of the development application that will access lands further south. In reviewing the slope analysis for this area, the road is proposed to run through slopes greater than 30%. We recommend to the Planning Department to review the steep slope areas and determine the limits of developable and undevelopable lands.

2. To prevent private/public encroachment, the applicant will be required to delineate the private property line adjacent to the park with a minimum 1.2 m (4ft) high black chain link fence or approved equivalent (rock walls) located 1.8 m (6 ft) within the private property.

3. The City of Kelowna Boulevard Maintenance By-Law No. 5708-84 requires the residents to 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.

8.3 Interior Health

Require water and sewer.

8.4 Inspections Department

Hillside development guidelines to be addressed for site grading, foundation perimeter drainage and roof drainage connections to storm sewer or rock pits. Building platforms/fill lots will require geotechnical engineer schedules for slope protection and soil capacity. Trailer(s) located on property to be removed or require building permit. Land use/zoning currently does not permit this use.

8.5 Works and Utilities Department

The following Works & Services are required for this subdivision:

.1) Geotechnical Report

- a) 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: **NOTE: 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.**

The Geotechnical reports must be submitted to the Planning and Development Services Department (Danielle Noble) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- (vi) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- (vii) Identify slopes greater than 30%.
 - ii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
 - iii) Recommendations for items that should be included in a Restrictive Covenant.
 - iv) 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.
 - v) Any items required in other sections of this document.
 - vi) Recommendations for erosion and sedimentation controls for water and wind.
 - vii) Recommendations for roof drains and perimeter drains.

- viii) Recommendations for construction of detention or infiltration ponds if applicable.

.2) Water

- a) The property is located within the City of Kelowna service area. 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.
- b) The existing Southridge reservoir is reaching capacity and no further subdivisions can occur until further reservoir storage is provided. The applicant may build additional storage or work with the other developers in the area to construct a new reservoir. Minimum Reservoir size is 500 cubic metres; however a larger size is recommended pending engineer's analysis of the service area.

.3) Sanitary Sewer

- a) Provide an adequately sized sanitary sewer system complete with individual lot connections.

.4) 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) Provide the following drawings:
 - i) A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
 - ii) A detailed Stormwater Management Plan for this subdivision; and,
 - iii) An Erosion and Sediment Control Plan.
- c) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- d) Identify clearly on a contour map, or lot grading plan, the top of bank(s). Provide cross sections along the top of the bank at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections. Not all areas have a clear

top of bank; and therefore, field reconnaissance by City staff and the applicant may be needed to verify a suitable location for property lines.

- e) Arrange for individual lot connections before submission of the subdivision plan, including payment of connection fees (provide copy of receipt).

.5) Roads

- a) Hewetson Ave is designated an urban class 1 local road. Dedicate and construct the road in accordance with City standard TYP01, 14.0m dedication, 9.0m road.
- b) Provide traffic control and street name signs where required. The City will install all signs and traffic control devices at the developer's expense.
- c) Provide a Street Sign, Markings and Traffic Control Devices Drawing.
- d) Dedicate and Construct all walkways in accordance to City standard drawing SS-R28. Note: the dedication width for walkways is 2.4 m. Fence heights are to be as follows:

Rear yard - 1.8 m above average grade level.

Side Yard - 1.2 m above average grade level to rear of existing home or 15 m from front property line on new lots, thereafter 1.8 m to rear property line.

(All grade changes to occur at posts with top of fabric remaining parallel to previous section).

- e) Grade the fronting road boulevards in accordance with the standard drawing and provide a minimum of 50 mm of topsoil. Major cut/fill slopes must start at the property lines.
- f) 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.
- g) Lanes are to be designed to City of Kelowna Standards (6m R.O.W.). Configuration of the lanes to be reviewed as part of the construction drawing review. During the review it will be determined if hammer heads or cul de sacs may be required.
- h) Cul-de-sac approach roads must not exceed bylaw grade requirements.
- i) Temporary asphalt cul-de-sacs or turn-a-round, will be required at each terminal end of roads that will be extended in the future. Additional dedication or a Statutory Right-of-Way may be needed.

.6) Power and Telecommunication Services and Street Lights

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground
- b) Street lights must be installed on all roads.
- c) Before making application for approval of your subdivision plan, please make arrangements with Fortis BC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application.
- d) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

.7) Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

.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) Other Engineering Comments

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

.10) Charges and Fees

- a) Development Cost Charges (DCC's) are payable
- b) None of the Works & Services required are items included in the DCC calculations and therefore not eligible for DCC credits.
- c) Fees per the "Development Application Fees Bylaw" include:
 - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - ii) Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
 - iii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iv) Engineering and Inspection Fee: 3% of construction value (plus GST).
- d) Sewer Development Charge Fee of \$300.00.
- e)
- f) Water Extended Service Area Latecomers:

ESA#	Frontender	Component	Anniversary (rates increase)	*Rate/unit \$
1	Kettle Valley	Intake/pipe/PS etc	April 16,2007	320
3	SSJV	Transmission Main	Oct 11,2007	126
4	SSJV	Transmission Main	Oct 11,2007	419
5	SSJV	Reservoir	Dec 06,2007	3306
6	SSJV	Piping	Dec 06,2007	185

*(these fees are to be confirmed at time of subdivision)

9.0 PLANNING & DEVELOPMENT SERVICES COMMENTS

The Planning & Development Services is generally supportive of the rezoning for the subject property, as it is congruent with Council's approval of the OCP amendment application for the Neighborhood 3 Area Structure Plan land use designations. The land uses proposed within the Area Structure Plan meet the intent of the Official Community Plan in that there will be neighbourhood commercial, single/two unit residential, cluster housing, multiple unit residential (low and medium density), major park and open space and a school site. Phase 1 incorporates single unit residential uses.

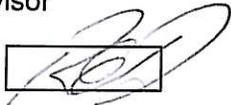
Through the concurrent subdivision application, the Planning & Development Services Department will review the proposed layout in order to achieve a sensitive development with respect to site grading. This review will ensure that all servicing issues for the proposed development are addressed and that the access to the site is achieved through a road network that will also serve the future development. Additionally, the

slope issues associated with this parcel make it subject to the Kelowna Hillside Development Guidelines, where review will ensure that cut and fill is minimized in the creation of these new lots and that houses are setback the required distance from ridgelines to comply with this direction in the OCP.

The Official Community Plan (OCP) designates portions of this site as Natural Environment / Hazardous Condition and Wildland Fire Hazard DP areas. These issues will be dealt with through a concurrent Environmental Development Permit process.



Shelley Gambacort
Current Planning Supervisor

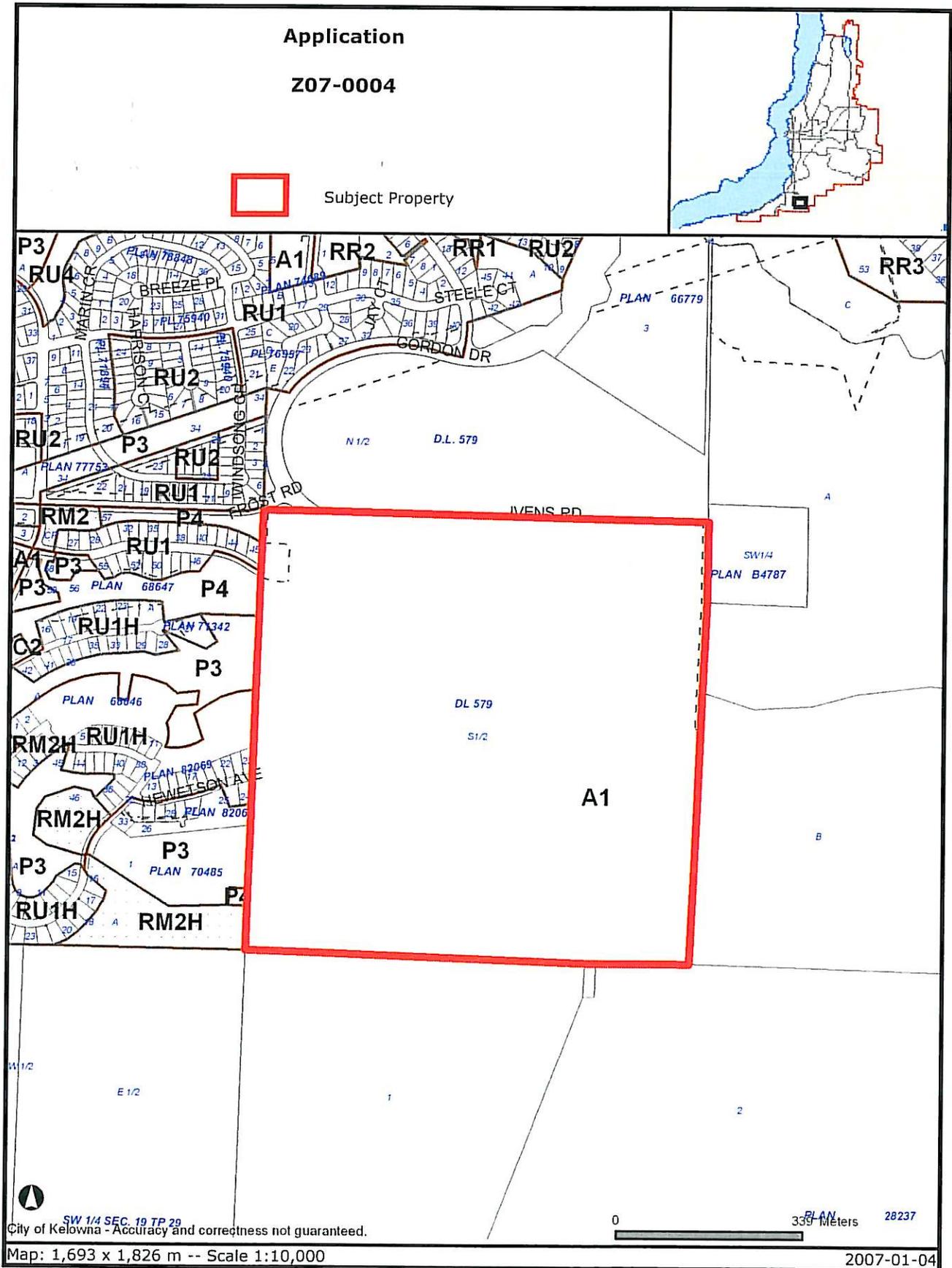
Approved for inclusion: 


Mary Pynenburg, MRAIC MCIP
Director of Planning & Development Services

Attach.
SG/DN

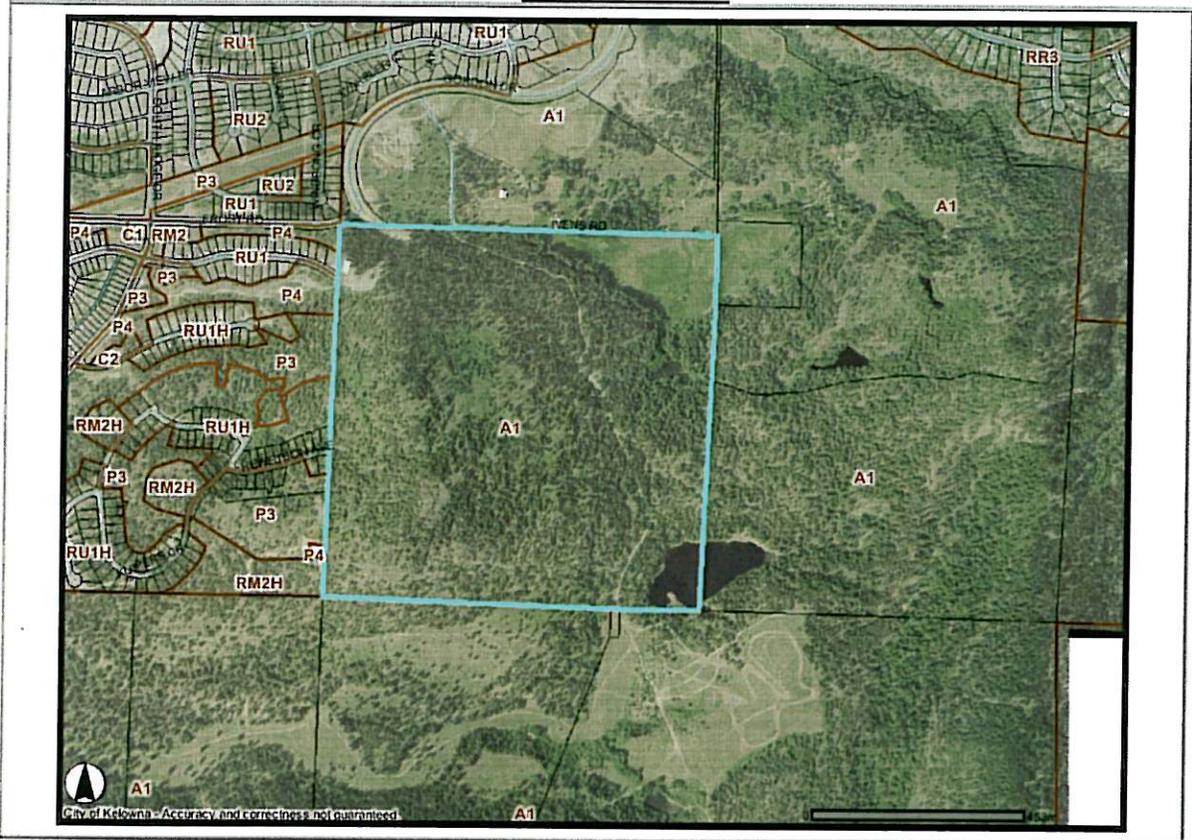
Attachments

- Subject Property Map
- Proposed Zoning Maps
- Future Land Use Development Concept Map
- Phasing Plan

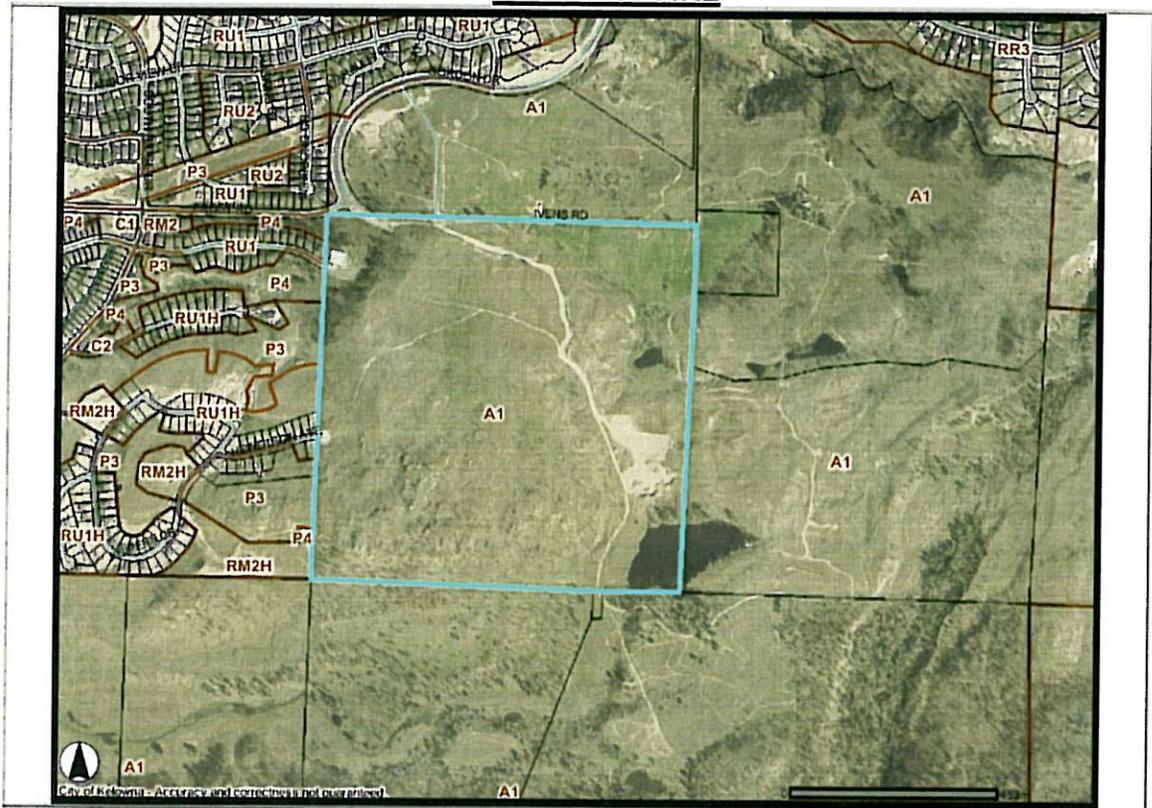


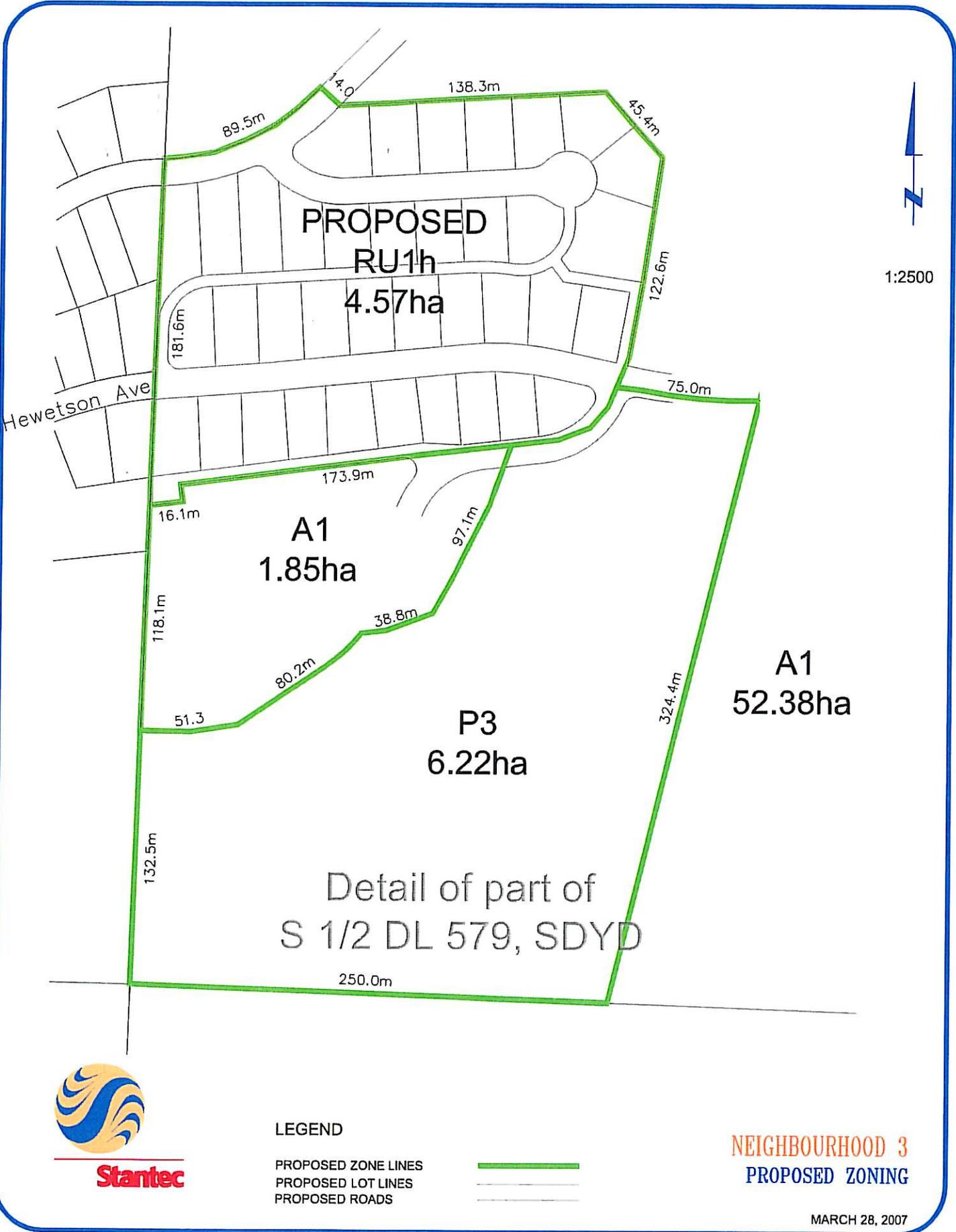
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

PRE 2003 FIRE



POST 2003 FIRE





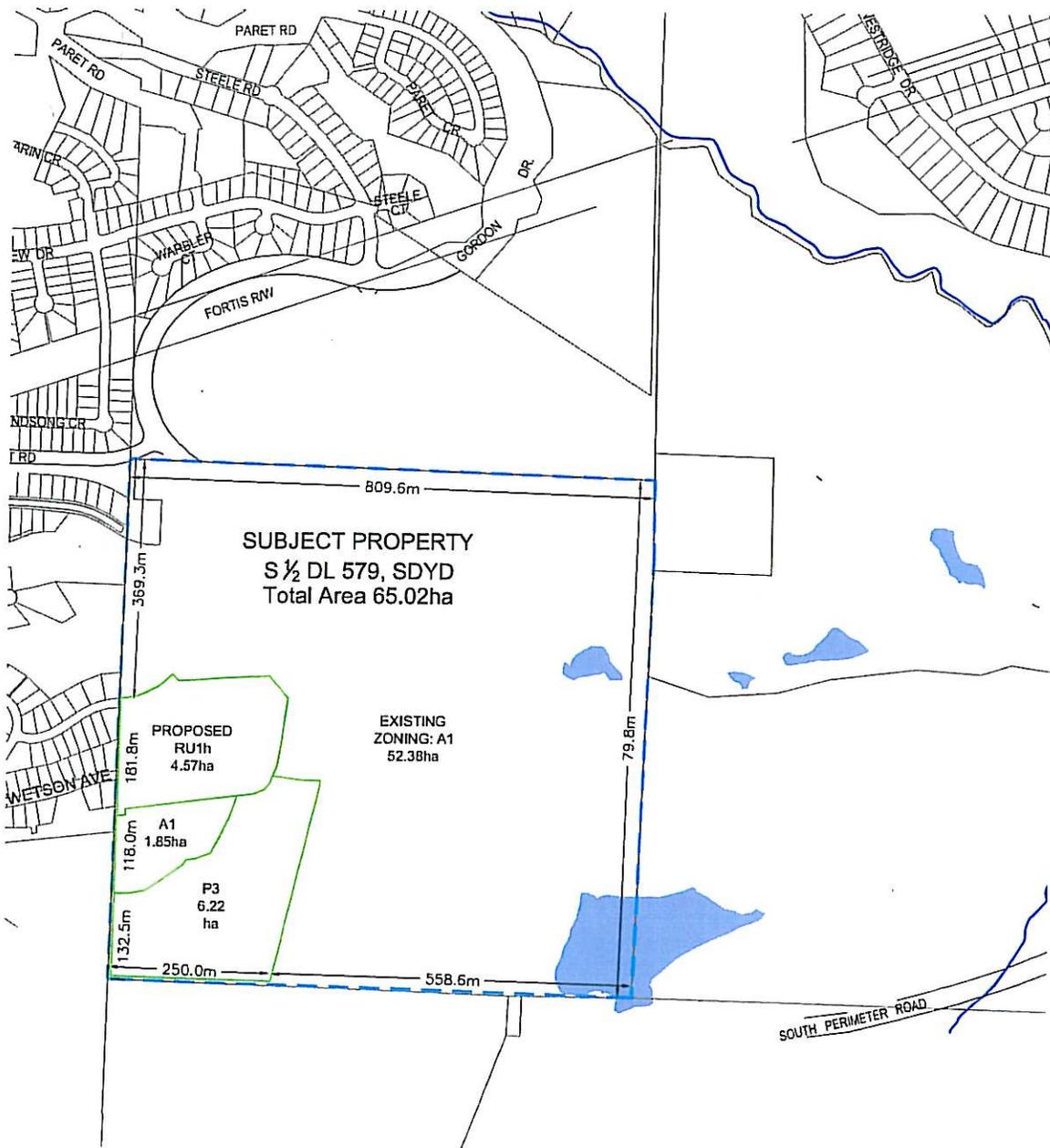
LEGEND

- PROPOSED ZONE LINES
- PROPOSED LOT LINES
- PROPOSED ROADS



NEIGHBOURHOOD 3
 PROPOSED ZONING

MARCH 28, 2007



1:10000



LEGEND
 SUBJECT PROPERTY
 PROPOSED ZONE LINES
 EXISTING LOT LINES



NEIGHBOURHOOD 3
PROPOSED ZONING

March 28, 2006

**NEIGHBOURHOOD 3
AREA STRUCTURE PLAN**



LEGEND

HA	% OF TOTAL
3.8	2
73.0	42
29.9	17
5.5	4
2.5	1
7.2	4
2.5	1
31.7	18
4.3	3
13.1	8
17.4	100

- RURAL/AGRICULTURE
- SINGLE/TWO UNIT RES. CLUSTER
- MULTI UNIT RES. LOW DENSITY
- MULTI UNIT RES. HIGH DENSITY
- COMMERCIAL / MIXED USE SCHOOL
- MAJOR PARK/OPEN SPACE (space as priority)
- WATER FEATURE
- MAJOR ROADS
- TOTAL
- POTENTIAL ROAD ACCESS
- KEY PEDESTRIAN ROUTE
- RECREATION CORRIDOR
- PEDESTRIAN BRIDGE
- CROSS WALKS
- PLAN AREA BOUNDARY
- WILDLIFE CROSSING
- VIEWPOINTS

MAP 8 - DEVELOPMENT CONCEPT
 CONTOURS: 5m
 DATE: FEBRUARY 6, 2007

