
CITY OF KELOWNA

MEMORANDUM

DATE: May 22, 2007

TO: City Manager

FROM: Planning & Development Services Department

APPLICATION No.: Z07-0005

OWNER/APPLICANT: No. 21 Great Projects Ltd. & City of Kelowna /Stantec Consultants Ltd.

LOCATION: (E of) Ivens Road, 1290 Ivens Road, 890 Paret Road

PURPOSE: To rezone a portion of the subject properties 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 2 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. Z07-0005 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a part of the North ½ of D.L. 579, SDYD, Except Plans 5648, 9458, 9459, KAP74689, KAP75766 AND KAP77604; Lot 3, D.L. 579, SDYD, Plan KAP66779; and Lot B, D.L. 579, SDYD, Plan KAP67461, located off Paret Road, 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 and Telus.

2.0 SUMMARY

The applicant is proposing 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 in order to initiate Phase 2 of the Neighbourhood 3 Area Structure Plan.

The Official Community Plan amendment recently adopted reflects the proposed land uses contained within the Neighbourhood 3 Area Structure Plan (ASP). 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

The above noted application was reviewed by the Advisory Planning Commission at the meeting of April 11, 2007 and the following recommendation was passed:

THAT the Advisory Planning Commission support Rezoning Application No. Z07-0005 for 1290 Ivens Road, Lot N, ½ of DL 579, SDYD, Except Plans 5648, 9458, 9459, KAP74689, KAP75766 and KAP77604; (E. of) Paret Road, Lot 3, DL 579, SDYD, Plan DAP66779, 890 Paret Road, Lot B, DL 579, SDYD, Plan KAP67461, by Stantec Consulting (M. Skobalski), to rezone from the A1-Agriculture 1 zone to the RU1h-Large Lot Housing (Hillside Area) zone and to the P3-Parks and Open Space zone to initiate Phase 2 of development in accordance with Neighbourhood 3 Area Structure Plan and rezone City owned land for Park and Open Space.

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.

The development phasing for the subject properties is to include Phase 1 and 2 concurrently. Phase 2 incorporates the upper portion of the subject properties, and will be acquired from the City of Kelowna as part of the overall redefinition of park and private lands within Neighbourhood 3. It is anticipated that Phase 2 will incorporate those lands that are referenced on the attached "Phasing Map". Development of Phase 2 will advance in stages and may result in a build-out of approximately 100-110 lots.

5.0 THE PROPOSAL

The applicant is requesting the RU1h – Large Lot Housing (hillside) and P3 – Parks and Open Space rezoning in order to facilitate the subdivision of Phase 2. Referenced within the development plans are several stages to achieve an ultimate build-out of approximately 100-110 lots.

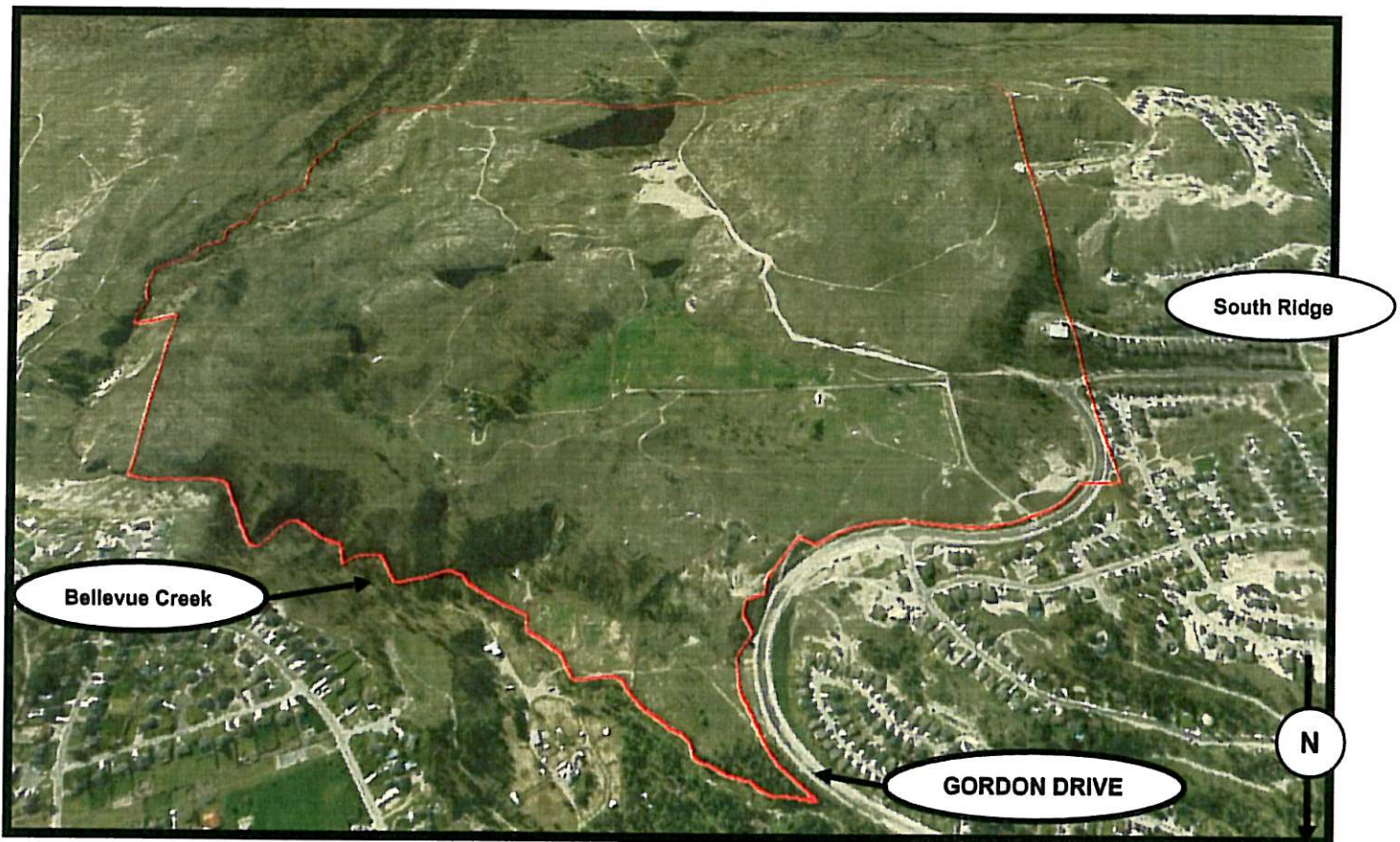
Notably, Neighbourhood 3 is comprised of diverse terrain and natural features. Much of the tree cover and other vegetation was burned in the 2003 Okanagan Mountain Park fire. Salvage logging removed marketable burned timber after the fire however, some

remnant clusters of mature trees, primarily deciduous, have survived particularly near wetted areas.

Specifically, the Environmental Assessment prepared by Golder identifies that this area (specific to the area designated as parkland) provides an opportunity for compensation of riparian planting. It was noted that since the deciduous portion of this area contains high quality, riparian influenced wildlife habitat, this protected area provides an opportunity for habitat restoration or riparian planting to compensate for the loss of the deciduous portion of the remainder of the parcel.

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.



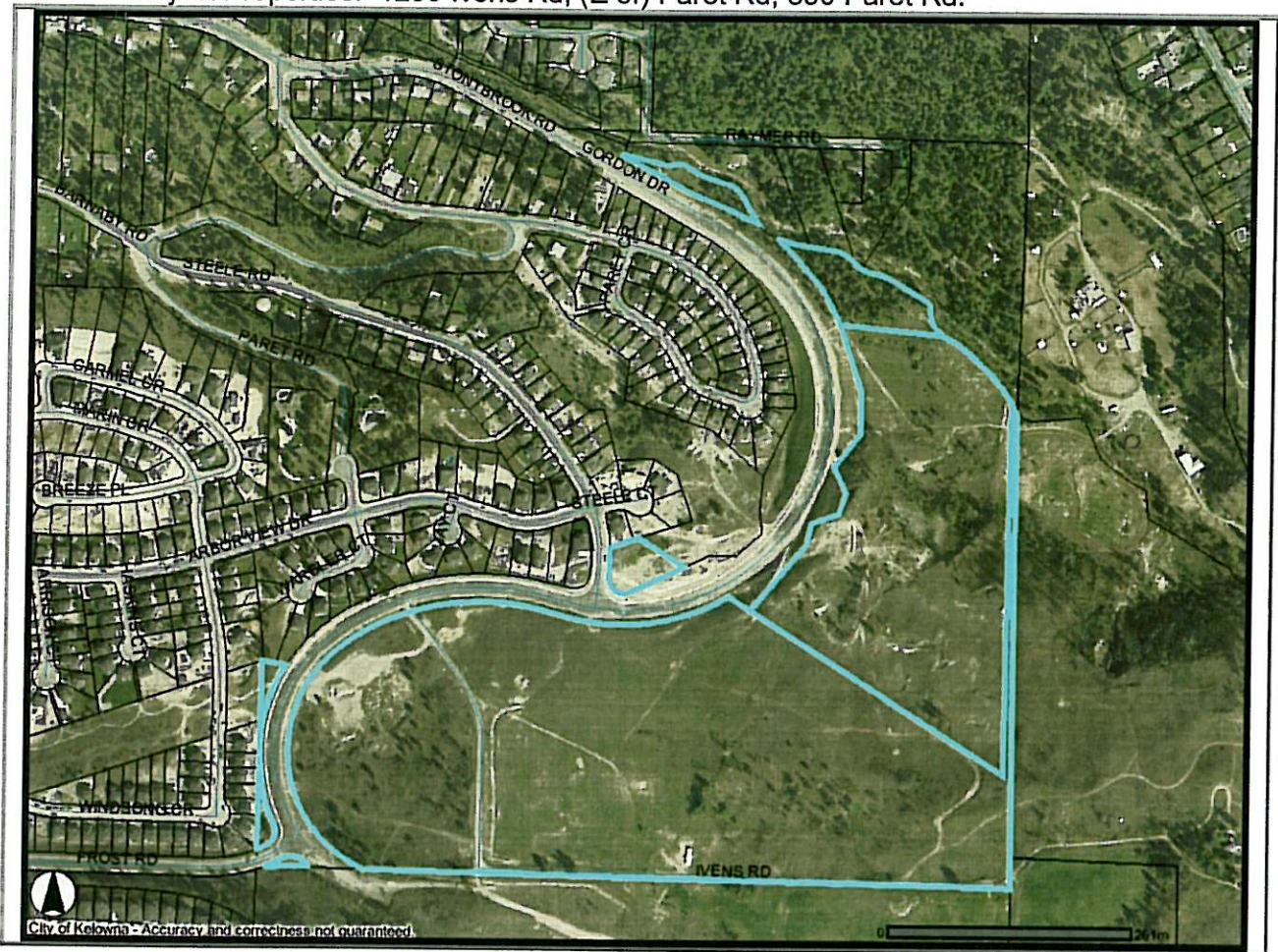
6.1 Surrounding Zoning

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

- o P4 (Utilities)

Subject Properties: 1290 Ivens Rd, (E of) Paret Rd, 890 Paret Rd.



7.0 CURRENT DEVELOPMENT POLICY

- o 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:

- o "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.
- o "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.
- o "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.
- o "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 Dept access, fire flows 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. Rudimentary Fire Department access to wild land areas may be needed.

8.2 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.

8.3 Parks Department

1. The recreation corridor will be a min. 10m wide measured from the top of the ravine of Bellevue Creek and zoned P3 - Park.

2. The development of the Bellevue Creek Top-of-Bank Recreation Corridor will be in accordance with the Memorandum of Understanding for the Neighbourhood 3 Area Structure Plan.

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

4. 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.

5. The maintenance and operations of the ponds and their water systems will be the City's responsibility. Please ensure the Drainage Division has reviewed and commented on the plan.

8.4 Interior Health

Provided sewer and water are available.

8.5 Telus

Developer to provide a 5 metre x 8 metre easement at no cost to TELUS. TELUS will place a concrete walk-in cabinet to house TELUS switching equipment to service this property and which could also serve surrounding properties. TELUS will require 24 hour access to the walk-in-cabinet.

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

8.6 Works and Utilities Department

The following Works & Services are required for this rezoning:

.1) General

- a) **PRIOR TO FINAL ADOPTION OF THE ZONE AMENDING BYLAW:** Water, sanitary sewer, and drainage and possibly other shallow utility services are not available at the site. Therefore, prior to rezoning, a pre-design report specific to this development is required to identify all offsite servicing needs in accordance with the Subdivision, Development and Servicing Bylaw. A Servicing Agreement for all offsite works required by this subdivision must be provided, along with Performance Security, before final adoption of the Zone Amending Bylaw.
- b) **SOUTH MISSION ROAD TRIGGERS:** Offsite roadwork identified in the Southwest Mission Sector Plan are triggered at various stages of development based on subdivided lots or units. These works are identified in the Sector Plan and numerous components are triggered by developments occurring in the area at this time.
- c) The postal authorities must be contacted to determine whether or not a "community mailbox" will be utilized, and if so, its location should be determined and the proposed location shown on the construction plans. Please contact the Canadian Post Corporation, Delivery Services, P.O. Box 2110, Vancouver, B.C. V6B 4Z3 (604) 662-1381 in this regard.
- d) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.

.2 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 (Planning & Development Officer) 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, including effects upon adjoining lands.
- (vi) Slope stability, rock fall hazard and slippage including the effects of drainage on the site.
- (vii) Identify slopes greater than 30%.
- (viii) Identify creek locations.
- viii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- ix) Recommendations for items that should be included in a Restrictive Covenant.
- x) 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.
- xi) Any items required in other sections of this document.
- xii) Recommendations for erosion and sedimentation controls for water and wind.
- xiii) Recommendations for roof drains and perimeter drains.
- xiv) Recommendations for construction of detention or infiltration ponds if applicable.

.3 Water

- a) The property is located within the City 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.

.4 Sanitary Sewer

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

.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) At the time of subdivision, 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) At the time of subdivision, show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.

.6) Roads

- a) The applicant is requesting rezoning for Hillside road standards; therefore the comments below are based on this being approved by City Council.
- b) Internal road standards are designated Hillside urban local and collector roads. At the time of subdivision dedicate and construct the roads in accordance with City alternate Hillside standards.
- c) 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)

- d) At the time of subdivision the following will be required:

- i. Provide traffic control and street name signs where required. The City will install all signs and traffic control devices at the developer's expense.
- ii. Provide a Street Sign, Markings and Traffic Control Devices Drawing.
- iii. 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.
- iv. 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.
- v. Re-locate existing poles and utilities, where necessary.
- vi. Provide corner roundings at each intersection.

.7) Power and Telecommunication Services and Street Lights

- a) All proposed distribution and service connections are to be installed underground.
- b) Street lights must be installed on all roads.
- c) 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.

.8) 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.

.9) 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.

.10) Other Engineering Comments(at the time of subdivision)

- 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 B.C. Gas, 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.

.11) Charges and Fees(at the time of subdivision)

- a) Development Cost Charges (DCC's) are payable
- b) 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).
 - v) Latecomer Processing Fee: \$1,000.00 (plus GST) per agreement (no charge for 1 day agreements), if applicable.
- c) 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
8	#21	Watermain	Jan 16,2008	146
11	#21	Reservoir	Nov 03,2007	955

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

- d) Sewer Specified Area Administration Fee of \$250.00 to amend service boundary (Spec area 1).


- e) Water Specified Area Administration Fee of \$250.00 to amend service boundary (Spec area 1).

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 the OCP amendment for the Neighbourhood 3 Area Structure Plan. Phase 2 incorporates single unit residential uses, designation of park and open space, and remaining Agriculture 1 lands.

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.

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 subsequent Environmental Development Permit process.


Shelley Gambacort
Current Planning Supervisor

Approved for inclusion

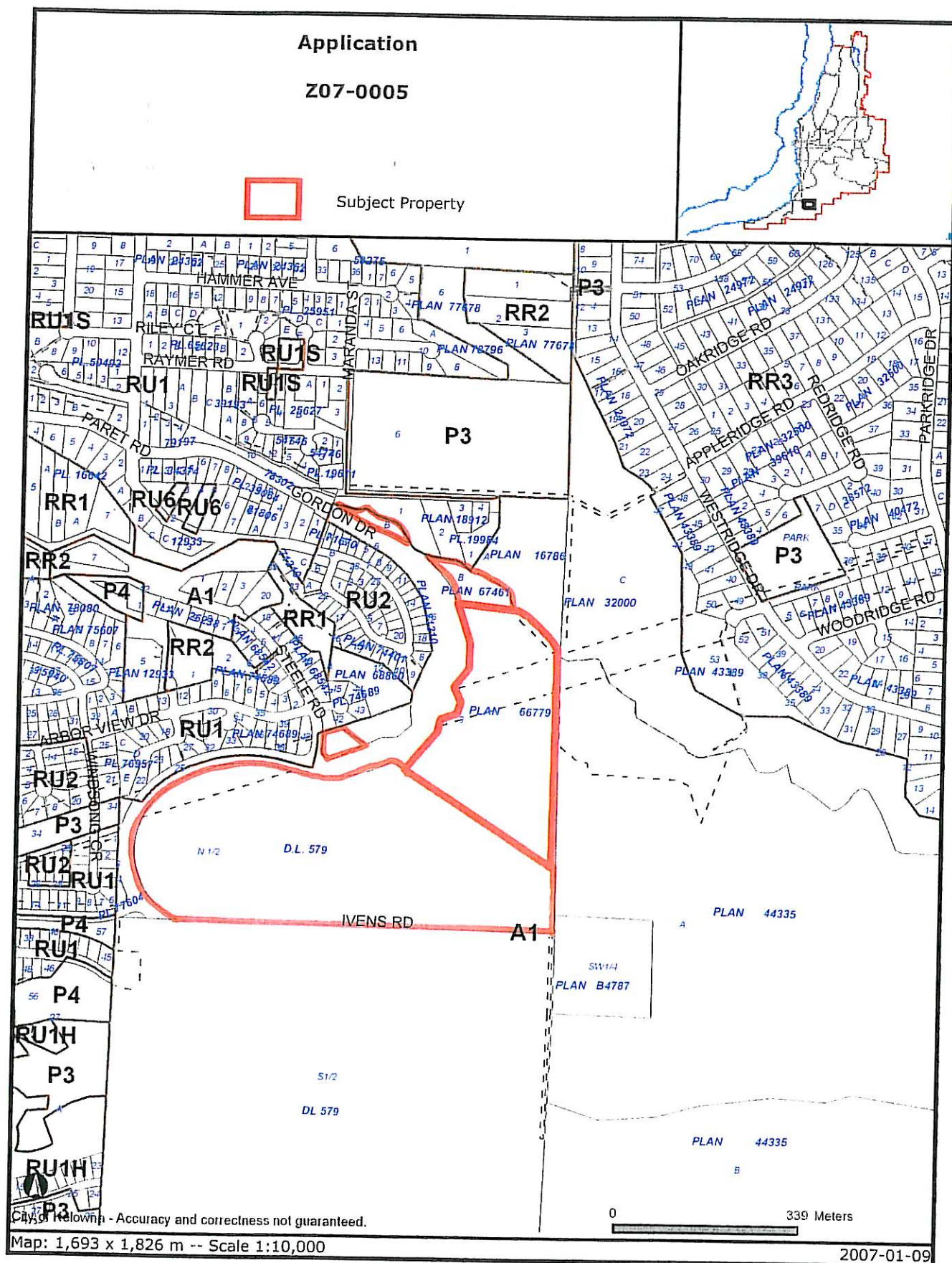


Mary Pynenburg, MRAIC MCIP
Director of Planning & Development Services

Attach.
SG/DN

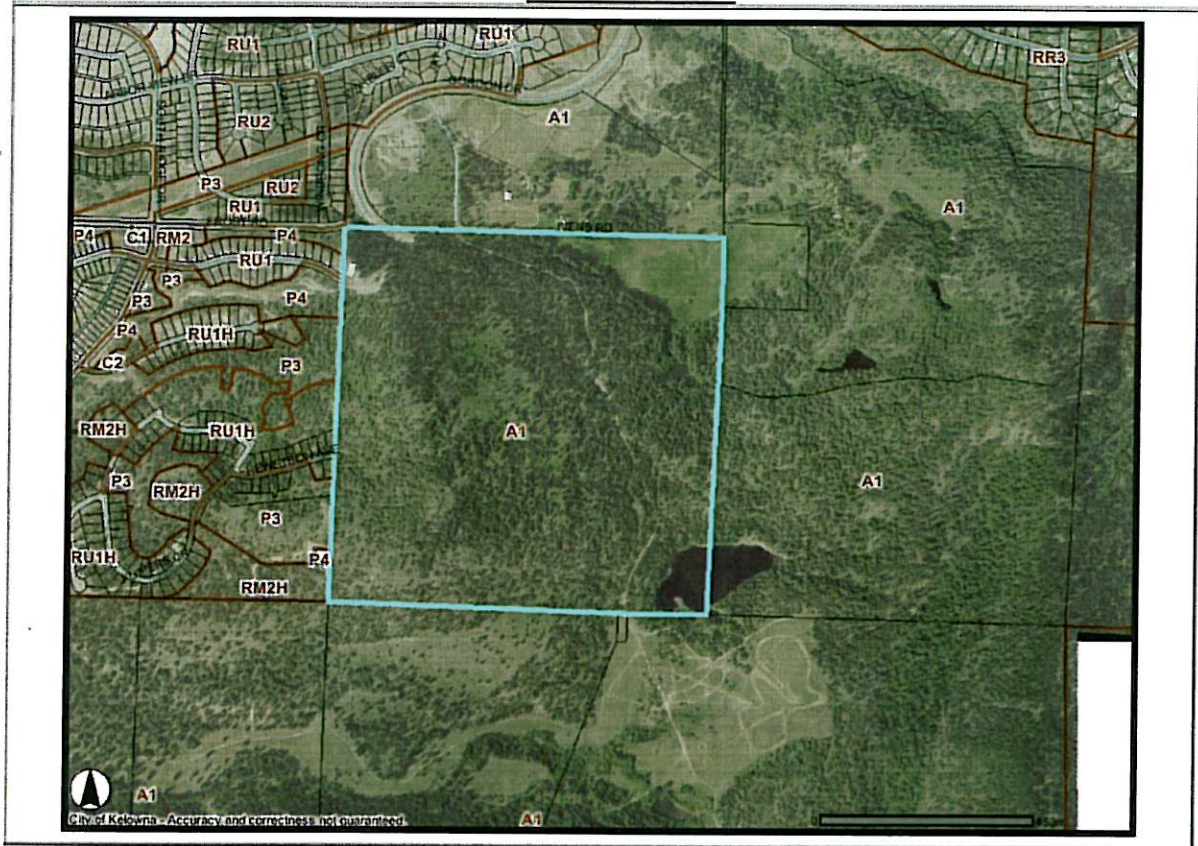
Attachments

- Subject Property Map
- Future Land Use Concept Plan Map
- Proposed Zoning
- Proposed Subdivision Layout
- Aerial view
- Phasing Plan

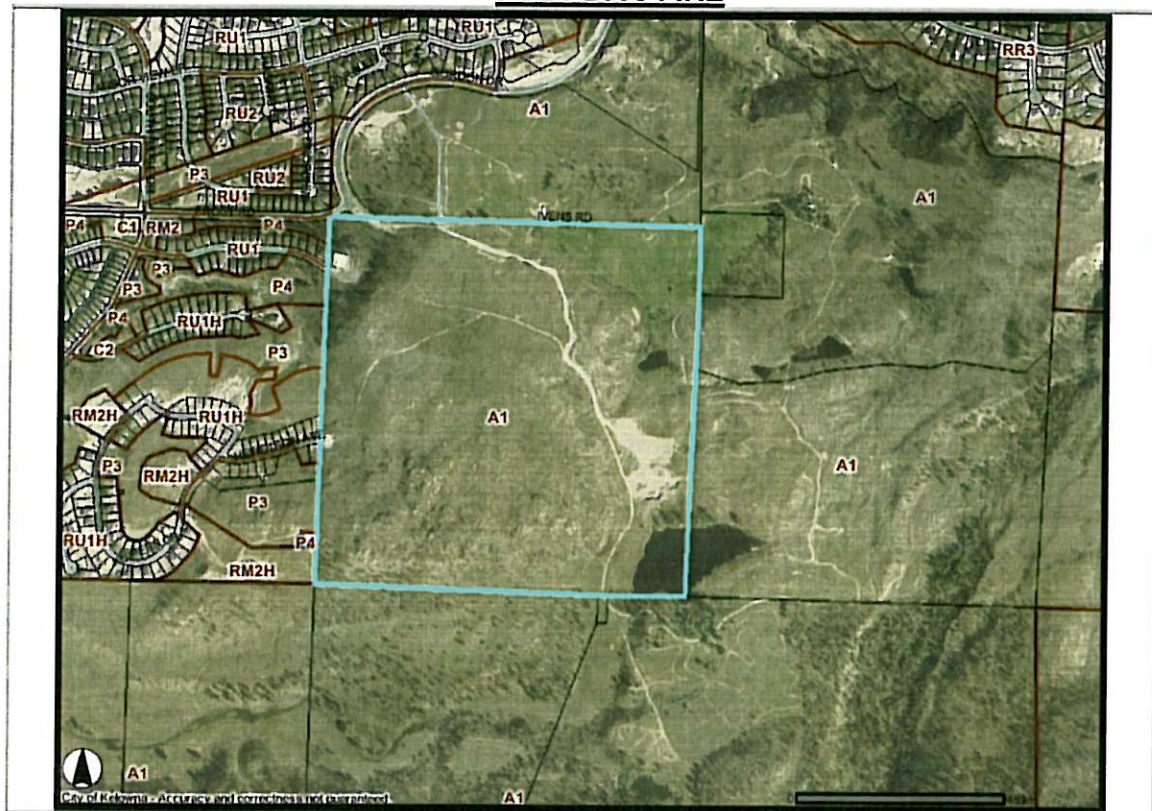


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

PRE 2003 FIRE



POST 2003 FIRE

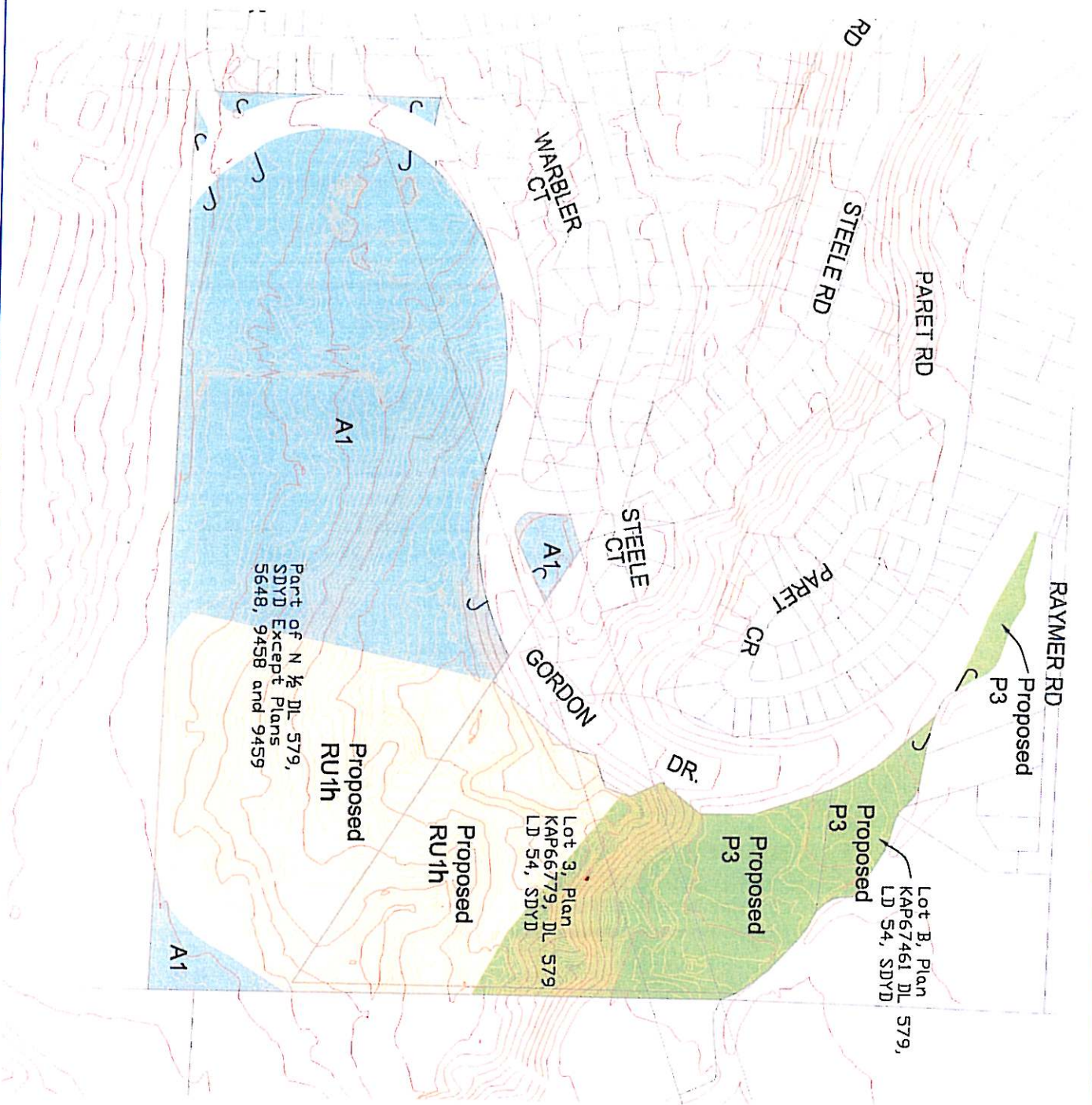


NEIGHBOURHOOD 3 PHASE 2

PROPOSED ZONING

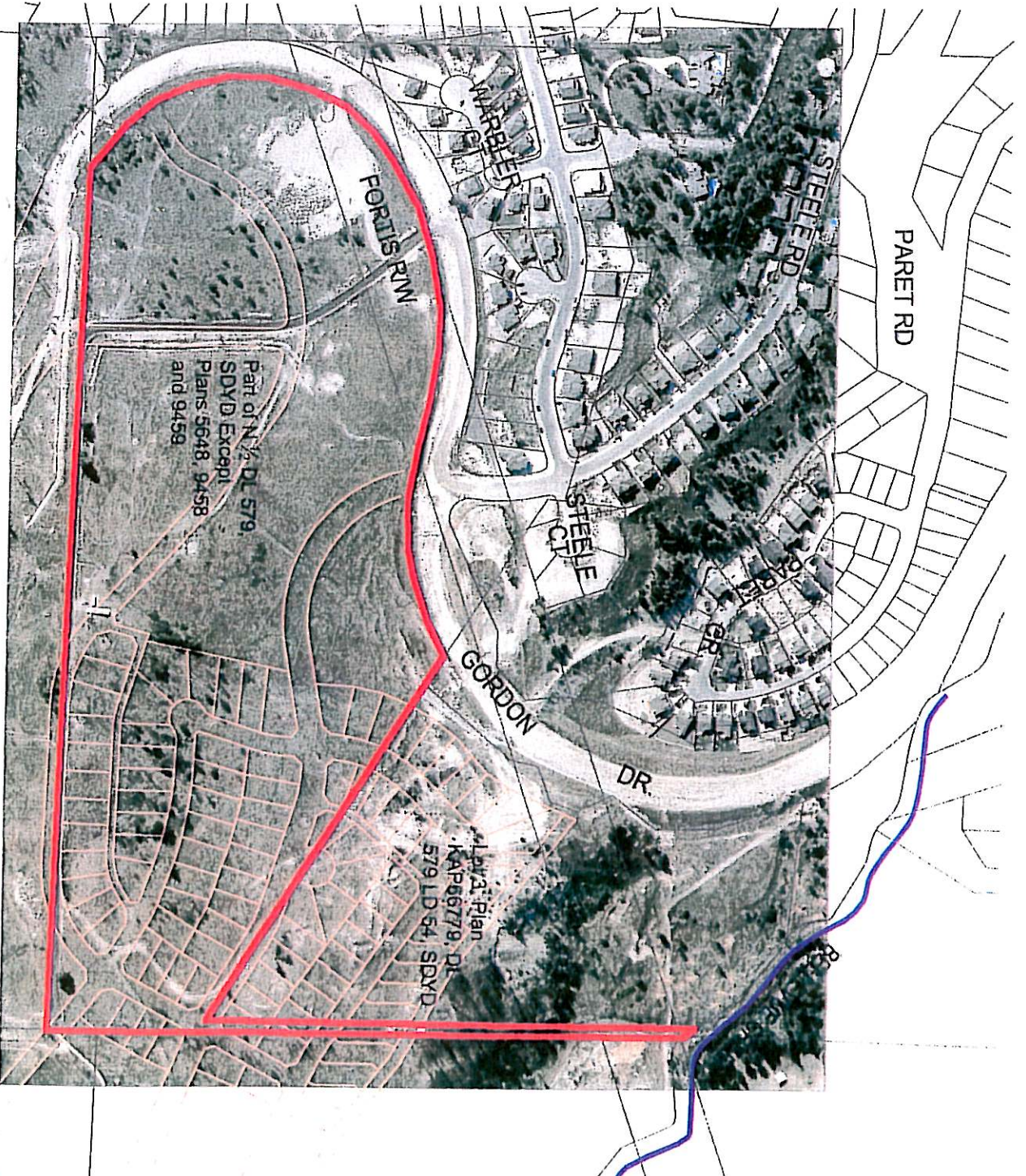
AUGUST 3, 2006

NTS



NEIGHBOURHOOD 3 PHASE 2

AERIAL VIEW



1:5000

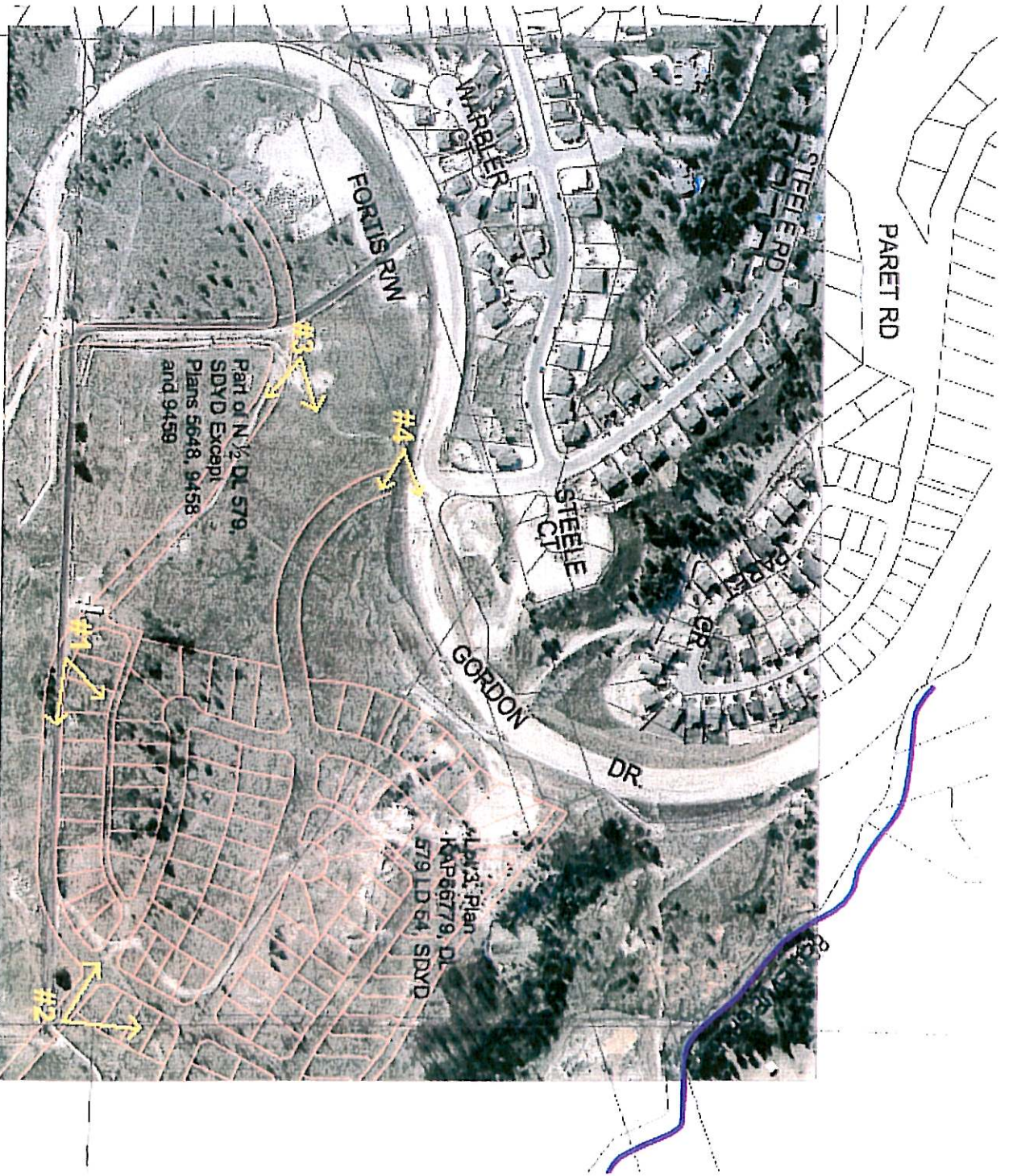
AUGUST 3, 2006

DP WAIVER
PART 2 OF 2
SUBJECT PROPERTY —

Photo taken May 27, 2005

NEIGHBOURHOOD PHASE 2

AERIAL VIEW



1:5000

AUGUST 3, 2006

Ground
Level
Photos
(see attached)

Aerial Photo taken May 27, 2005



STEELE
CT

GORDON

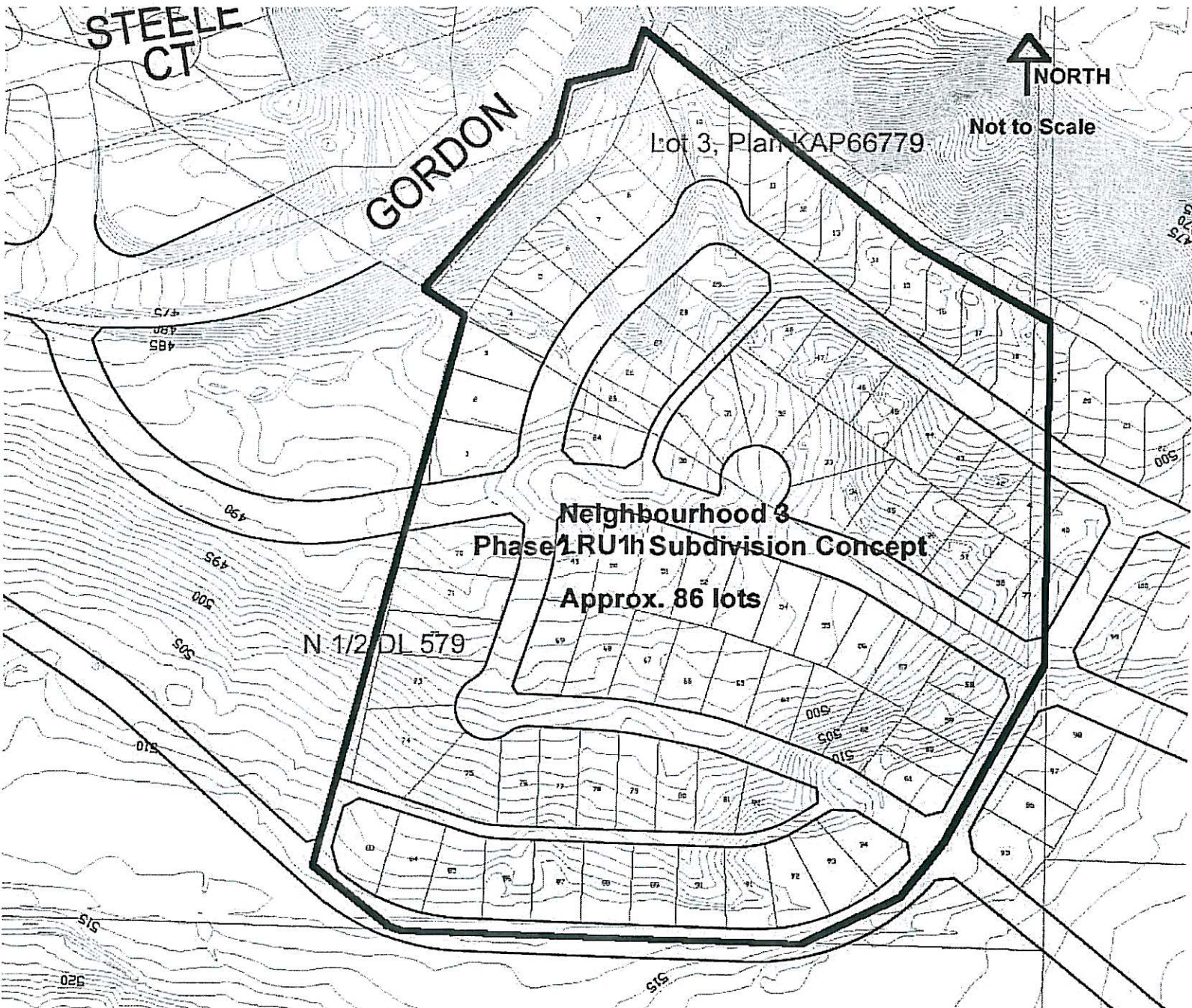


Not to Scale

Lot 3, Plan KAP66779

Neighbourhood 3
Phase 1 RU1h Subdivision Concept
Approx. 86 lots

N 1/2 DL 579



NEIGHBOURHOOD 3 AREA STRUCTURE PLAN

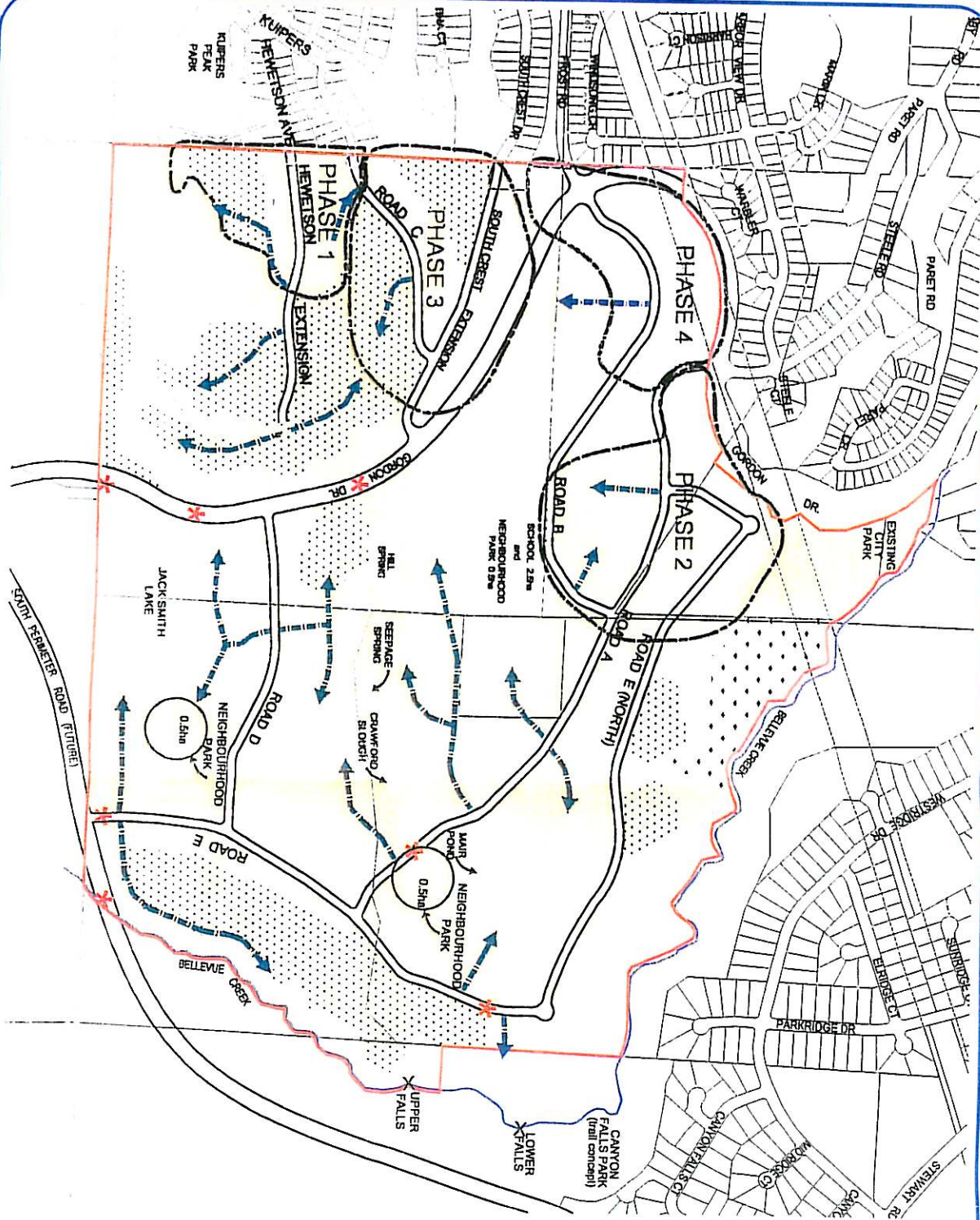
SCALE: 1:1500



LEGEND

RURAL/AGRICULTURE	1A	% OF TOTAL
SINGLE TWO UNIT RES.	3.8	2
CLUSTER	75.0	42
MULTI UNIT RES. LOW DENSITY	20.8	17
MULTI UNIT RES. MED DENSITY	5.5	4
COMMERCIAL / MIXED USE	2.5	1
SCHOOL	12	4
MAJOR PARK/OPEN SPACE (public or private)	2.5	1
WATER FEATURE	33.7	18
MAJOR ROADS	4.3	3
TOTAL	121	8
	177.4	100

POTENTIAL ROAD ACCESS

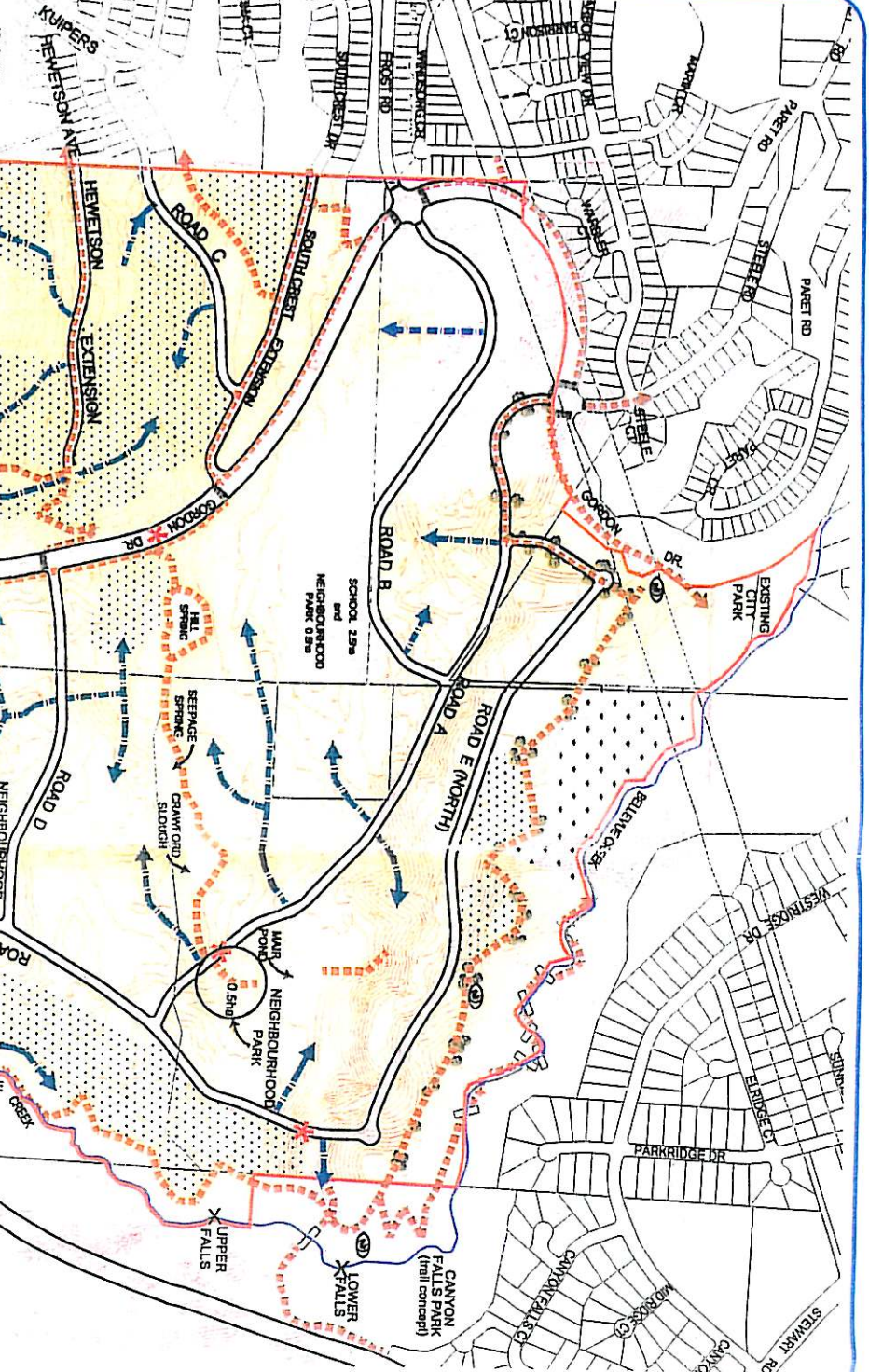


MAP 16 - PHASING PLAN

DATE: FEBRUARY 1, 2007



NEIGHBOURHOOD 3 AREA STRUCTURE PLAN



LEGEND

HA	% OF TOTAL
14	3.8
2	2
75.0	42
28	17
5.5	4
2.5	1
7.2	4
2.5	1
33.7	18
4.3	3
13.1	8
177.4	100

POTENTIAL ROAD ACCESSES

KEY RECREATION ROUTE

RECREATION CORRIDOR

FEDERATION BRIDGE

CROSS WALLS

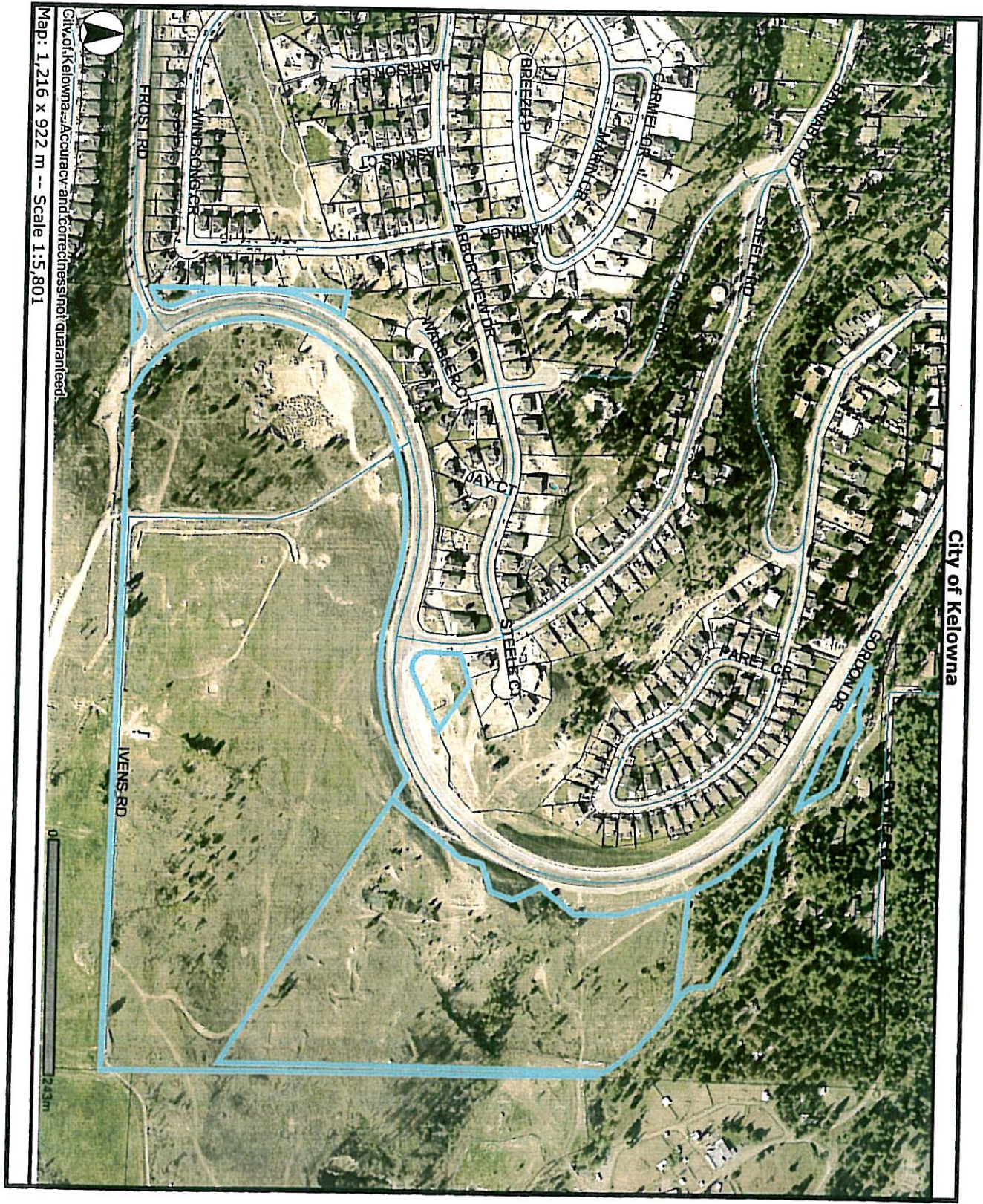
FLAN AREA BOUNDARY

WILDLIFE CROSSING

VIEW POINTS

MAP 8-DEVELOPMENT CONCEPT
DATE: FEBRUARY 6, 2007





City of Kelowna--Accuracy and correctness not guaranteed.
Map: 1,216 x 922 m -- Scale 1:5,801

This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.