
CITY OF KELOWNA
MEMORANDUM

DATE: July 11, 2008

TO: City Manager

FROM: Planning & Development Services Department

APPLICATION No.: OCP08-0017 / **OWNER:** Cedar Creek Developments Ltd.
Z07-0083

LOCATION: 5635 Chute Lake Rd. **APPLICANT:** Cedar Creek Developments Ltd.
(Lloyd Nestman)

PURPOSE: To amend the future land use on a portion of the subject property from Major Park/Open Space to Single/Two Unit Residential.

To rezone a portion of the subject property from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing, RU1(h) – Large Lot Housing (hillside) zone, RU4 – Low Density Cluster Housing and P3 – Parks and Open Space zone in order to initiate Phase 1 of this residential development.

EXISTING OCP DESIGNATION: Park/Open Space (northeast corner of subject property) and Single/Two Unit Residential

PROPOSED OCP DESIGNATION: Single/Two Unit Residential (northeast corner of subject property)

EXISTING ZONE: A1 – Agriculture 1

PROPOSED ZONE: RU1, RU1h, RU4 & P3 – Large Lot Housing (hillside), Low Density Cluster Housing, Parks & Open Space

REPORT PREPARED BY: Carlie Ferguson

1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP08-0017 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of a portion of Lot NW ¼ of Sec. 14, Twp. 28, SDYD, located on Chute Lake Rd, Kelowna, B.C., from the Parks/Open Space designation to the Single/Two-Unit Residential designation as shown on Map 'A' attached to the report of Planning & Development Service Department, dated July 10, 2008, be considered by Council;

AND THAT Council considers APC public process, to be appropriate consultation for the purpose of section 879 of the Local Government Act, as outlined in the report of the Planning & Development Services Department dated July 10, 2008;

AND THAT Rezoning Application No. Z07-0083 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot NW 1/4, Twp. 28, Sec. 14, SDYD, located on Chute Lake Rd, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing, RU1(h) – Large Lot Housing (hillside) zone, RU4 – Low Density Cluster Housing and P3 – Parks and Open Space zone as shown on Map 'A' attached to the report of Planning & Development Services Department, dated July 7, 2008, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP08-0017 and Zone Amendment No. Z07-0083 be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the OCP Bylaw Amendment No. OCP08-0017 and Zone Amendment No. Z07-0083 be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

2.0 SUMMARY

The applicant is proposing to rezone a portion of the subject property from the A1 – Agriculture 1 zone to the RU1 and RU1h – Single Family Dwelling (hillside) zone, RU4 – Low Density Cluster Housing, and P3 – Parks and Open Space in order to initiate Phase 1 of the subdivision of the development known as "The Creeks". The land is currently undeveloped and was extensively impacted by the firestorm of 2003.

3.0 ADVISORY PLANNING COMMISSION

The above noted applications were reviewed by the Advisory Planning Commission at the meeting of May 20, 2008 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No.: Z07-0083, for 5635 Chute Lake Road; Lot NW 1/4, Twp. 28, Sec. 14, ODYD, by Cedar Creek Dev. Ltd. (L. Nestman), to rezone a portion of the subject property from the A1 – Agriculture 1 zone to the requested P3, RU1, RU1h & RU4 zones, to facilitate a 3 phase residential development & related park dedications.

4.0 BACKGROUND

The concept for the Cedar Creek properties aims to respond to the unique physical characteristics of the site and also to have a relationship to the built form of the Kettle Valley area which is immediately adjacent to the east. Given that this area has been primarily envisioned as a Park and Open Space area in the OCP, the northeast portion of the site requires an amendment to the OCP to facilitate the single family lots, although was recognized for this residential use through the Neighborhood One Development Concept Plan.

Approximately 5.45 acres of the subject property will be dedicated to the City. The development proposal is consistent with the Neighborhood Plan that was endorsed back in 1996. The plan takes advantage of the natural setting overlooking Okanagan Lake. The concept emphasizes the integration of the development with the natural landscape of ravines and creeks.

5.0 THE PROPOSAL

The applicant is requesting the RU1, RU1h, RU4, and P3 rezoning in order to facilitate the development concept plan that is to be developed in three phases. Referenced within the development plans is the subdivision of approximately 34 lots for single family residential, a site for strata cluster housing, and the remainder of this area to be

dedicated as Park land. The conceptual layout of the lots is shown on the Site Plan attached to this report.

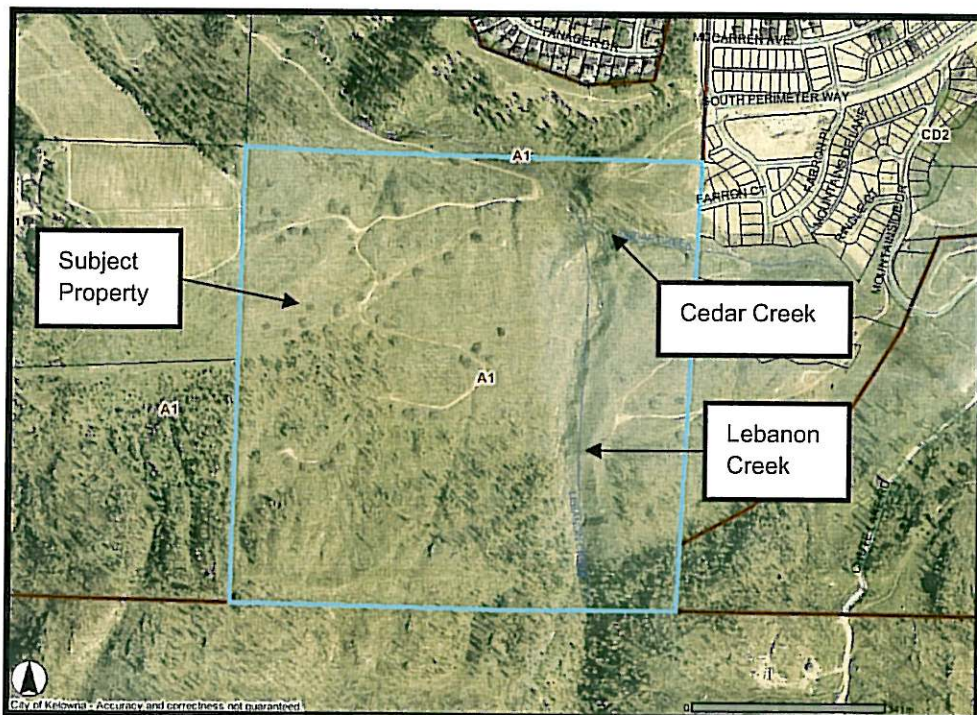
The development phasing for the subject properties are to include Phase 1, 2 and 3 concurrently. Phase 1 is to include those lands north of Cedar Creek to complete a cul-de-sac formation of the already constructed Farron Court. The proposal is to develop approximately 11 lots to complete this cul-de-sac. An additional 23 lots south of Cedar Creek are to be completed as Phase 2, and finally a strata of cluster homesites to the south (up slope) is proposed as Phase 3.

Notably, this property 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. However, there is some residual forest in the two ravines on the property. Lebanon Creek flows through the western ravine at the border of the property. The Cedar Creek ravine to the north effectively divides the property into two sections: the north section which is an area previously cleared and the south section which has not been cleared and is proposed for the Cedar Creek development. A tributary to Cedar Creek runs east of the property boundary and a forested rock bluff occurs immediate south of the property boundary. As such, this property is subject to Natural Environment Development Permit conditions.

An environmental study has been undertaken as part of the development application submission, prepared by Summit Environmental Consultants Ltd. (Summit). The Environmental Assessment report suggests that the design plan will maintain much of the native vegetation by leaving the steep areas and creeks (20 of the 40 acres on the property) undeveloped, placing restriction on vegetation removal on individual lots, and incorporating a conservation area and park area that avoids sensitive habitat features. The report suggests that the proposed conservation area will help to maintain the Lebanon Creek wildlife corridor integrity and provide contiguous wildlife habitat along both creeks and ravines.

6.0 SITE CONTEXT

The subject property is located in the Southwest Mission area, adjacent to Kettle Valley. The entire subject property is 64 ha (157 ac) in size. This application is for a portion of the property 16 ha (40 ac) in size, eight ha of which is within steep ravine areas and is undevelopable.



6.1 Surrounding Zoning

With the exception of lands to the east, all lands to the north, west, and south of the of the subject property are currently zoned A1 (Agriculture 1). Lands to the east are zoned:

- CD2 – Kettle Valley Comprehensive Development Zone
- Within proximity, a connection to Cedar Mountain Regional Park is to the south
- Lands within reasonable proximity to the north are zoned RR1

7.0 CURRENT DEVELOPMENT POLICY

The property is zoned A1. The purpose of this zone is to provide for rural areas and agricultural uses as well as other complimentary uses suitable in an agricultural setting. The applicant has applied to rezone the subject property to RU1, RU1h, RU4, and P3. The P3 zone is to recognize the requirement for natural open space and secure lands that are of environmental significance adjacent to Cedar and Lebanon Creeks. A park and trail plan has been negotiated between the applicant and the Parks Department, resulting in a mutually beneficial trail connection to this area of the community that has spectacular scenery and natural amenities for the public to enjoy.

7.1 Policy and Regulation

7.1.1 Kelowna 2020 – Official Community Plan

The proposal is consistent with the future land use designation of Single/Two Unit Residential in the Official Community Plan, with the exception of the portion to the north. The Single/Two Unit Residential designation covers single detached homes for occupancy by one family, single detached homes with a secondary suite, semi-detached and detached buildings used for two dwelling units, and complementary uses (OCP, Chapter 15).

Re-designation to higher densities is supported contingent upon the project being sensitively integrated into the surrounding neighbourhood. Objectives for multiple unit residential development should contribute to a sense of community identity and sense of place, and be an appropriate response to its physical context where an area is designated for increased density or land use transition in the OCP.

Staff recommends that APC public process should be considered appropriate consultation for the purpose of Section 879 of the *Local Government Act*, and that the process is sufficiently early and does not need to be further ongoing in this case. Furthermore, additional consultation with the Regional District of Central Okanagan, other boards, councils or agencies listed in Section 879, is not required in this case.

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

7.1.2 Southwest Okanagan Mission Neighbourhood One Concept Development Plan (1996)

The Southwest Okanagan Mission Sector Plan dates back to 1996 and was to establish the basis for the approval of future rezoning and subdivision applications. The Plan indicates that preserving the creek corridors for drainage protection and public recreation are high priority objectives. Additionally, to ensure that any new development incorporates protection of the natural features that were identified in the linear parks study and to protect ravines and riparian areas through the provision of adequate setback from the top of bank, etc.

8.0 TECHNICAL COMMENTS

8.1 Fire Department

There is not enough information to determine if article 3.2.5.6, Access Route Design, of the BCBC is met. Detailed drawings are required showing article 3.2.5.6 of the BC Building Code is met. No parking signs maybe required as per article 2.5.1.5 of the BC Fire Code. Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw are required. The street or lane that provides access to the main entrance of the building shall be the same street or lane that provides access to our hydrant and access for emergency vehicles for that building.

8.2 Inspections Department

Hillside development guidelines will apply to Phase 2, Mountainside Drive area of this proposed subdivision.

8.3 Parks Department

1. The OCP Table 14.1 identifies linear trails on both sides of Cedar Creek and Lebanon creek. The applicant will be required to provide a trail map showing the alignments of the trails to meet all City environmental regulations and Parks trail standards. OCP 14.32 states "At subdivision for all development types and at rezoning for multiple unit housing, commercial, industrial and institutional developments, secure a 10-metre statutory right-of-way for public access where trails are include in Table 14.1 and/or are shown on Map 14.2. The 10-metre access corridor may be in addition to, and outside, any riparian management area requirements imposed through the Environment Chapters of the OCP."

2. To prevent private/public encroachment, the applicant will be required to delineate all private property lines adjacent to the linear parks with a fence located 150 mm (6 inches) within the private property. We recommend that the applicant consider a split rail or ranch fencing style. The detail and specification for the fence shall be reviewed and approved by the Parks Division prior to installation.

8.4 Works & Utilities Department

Servicing requirements will be dealt with through the subdivision process.

9.0 PLANNING & DEVELOPMENT SERVICES COMMENTS

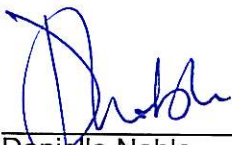
The proposed rezoning and related development applications for the subject property meet the general intent of the build out that was envisioned for this area. The Neighborhood 1 Concept Development Plan aimed to include integrated land uses and activities, contained by a boundary of lower density development and natural open space. New development is to be integrated into the landscape in a way that promotes a strong sense of community and make efficient use of developable 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 is contiguous with what was presented in the Neighborhood 1 Concept Development Plan.

The environmental report associated with this development discusses the ecological conditions of this property and identifies environmental management strategies that should be implemented during the construction and occupancy of the development to minimize potential environmental impacts.

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.

Commendably, Lloyd Nestman on behalf of Cedar Creeks Development has negotiated with the Parks department to dedicate additional land to the City's Parks and Open Space trail system within this area for a portion of land to the west of Lebanon Creek. As a result, trail connections to both crown lands to the east and a trail connection to the south accessing Cedar Mountain Regional Park can be achieved to create a very desirable and high public amenity that otherwise would have been difficult to secure given the limiting topography constraints of this terrain.

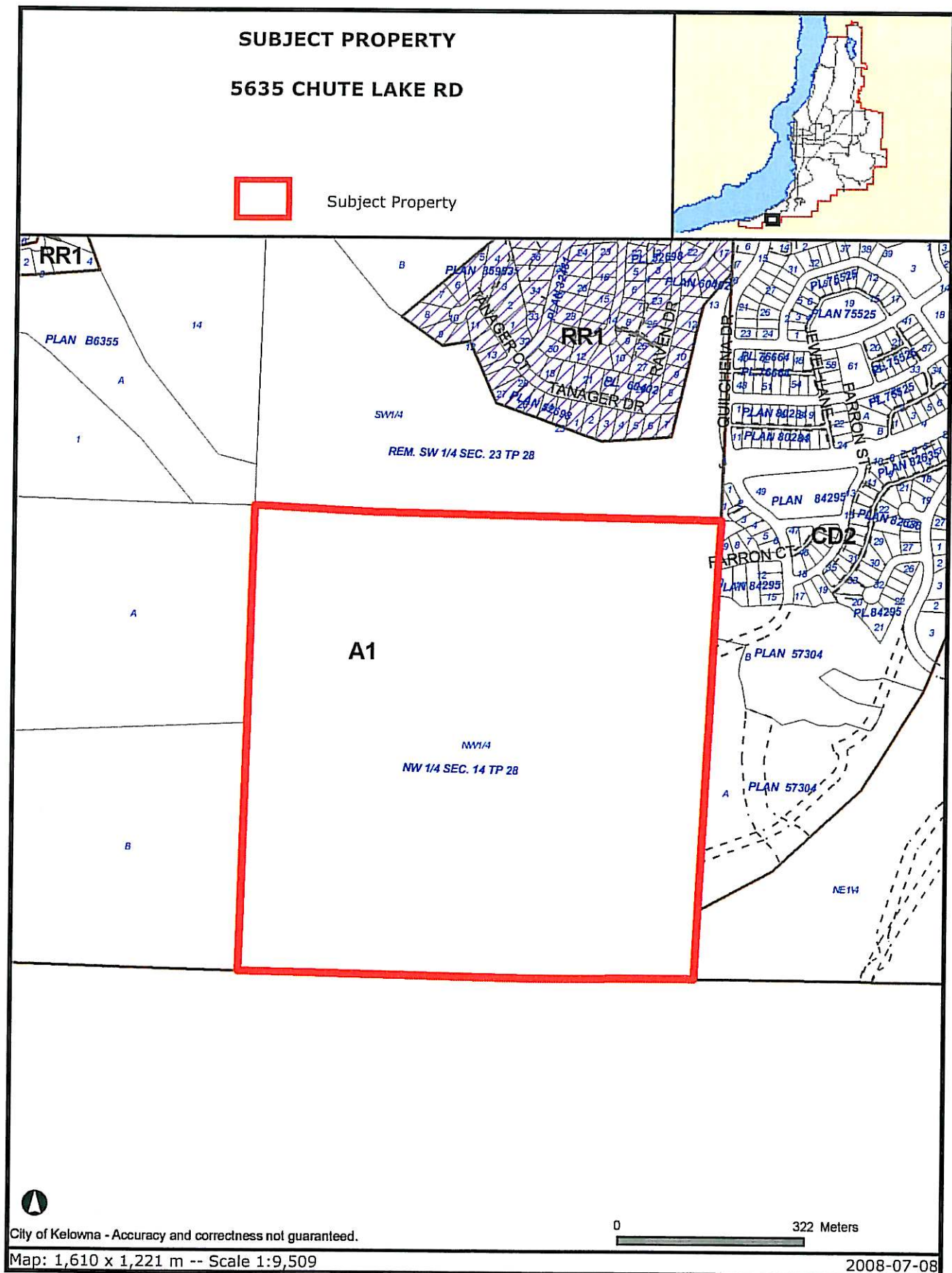


Danielle Noble
Current Planning Supervisor

Attach.
DN/cf

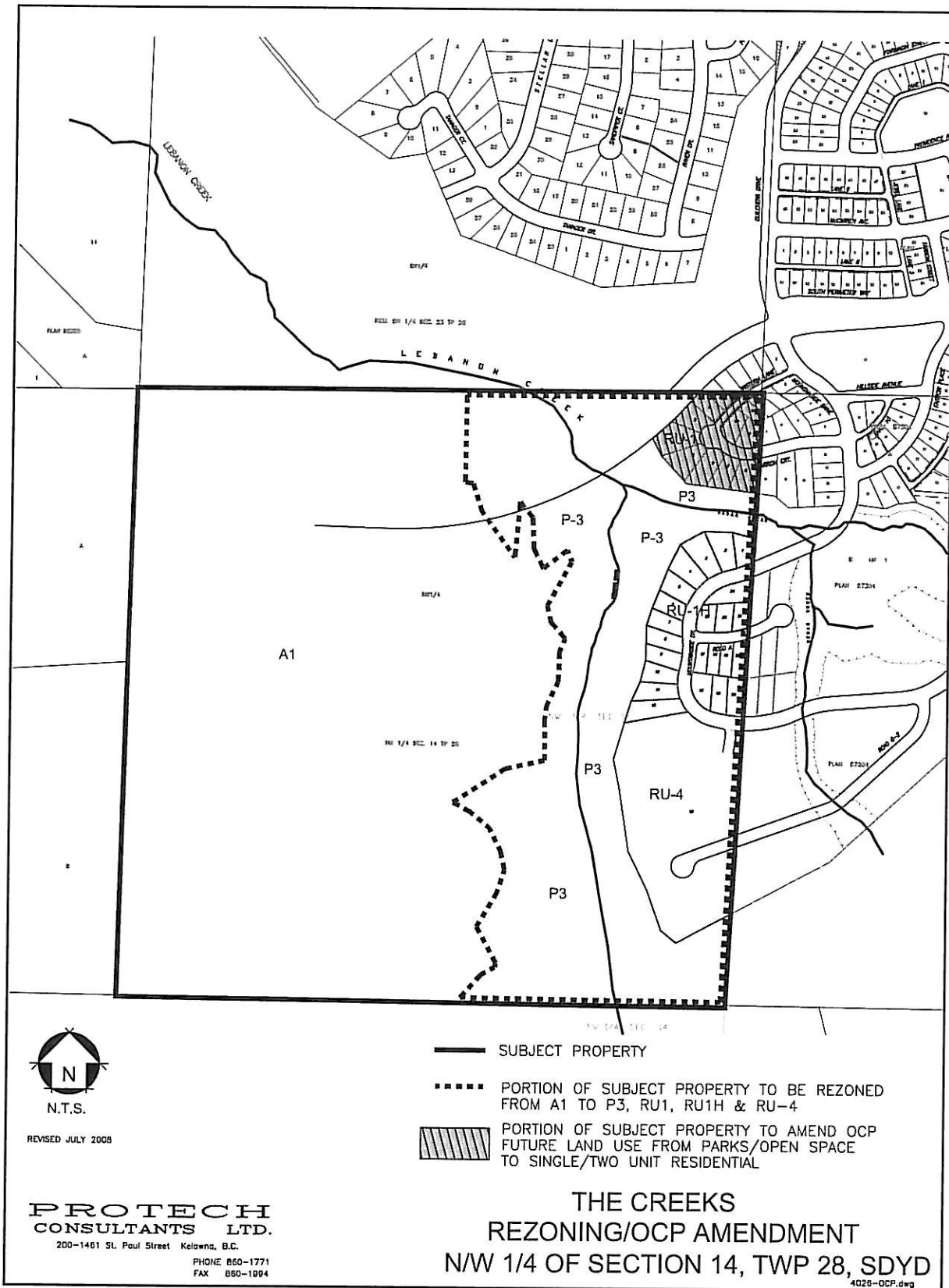
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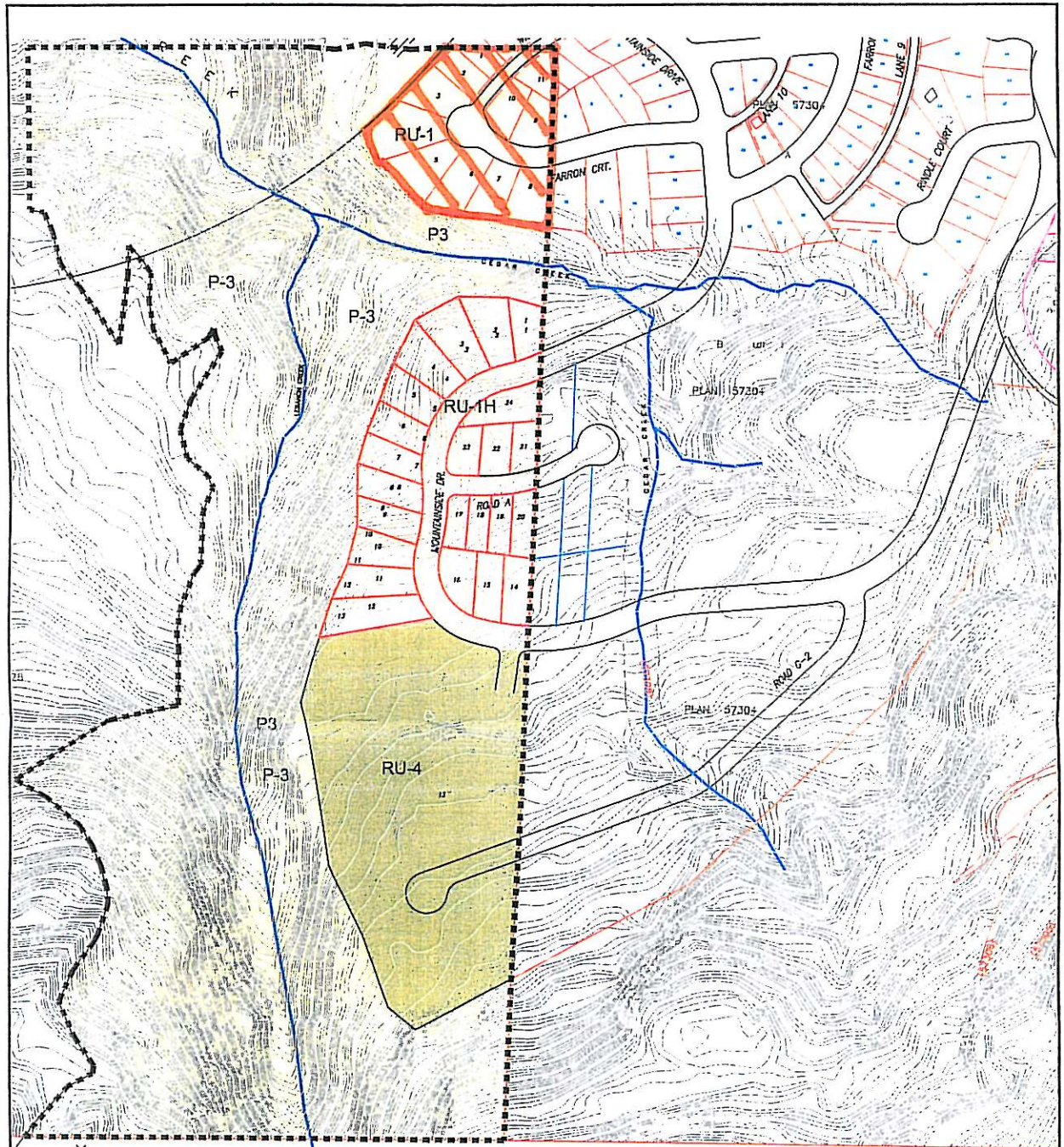
- Subject Property Map
- Map 'A' - Proposed Zoning and OCP Amendment Map
- Neighbourhood One Concept Development Plan Land Use Plan



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.

Map 'A'





N.T.S.

REVISED JULY 2008



Portion of subject property to be rezoned
from A1 to P-3, RU-1, RU-1H & RU-4



Portion of subject property to amend OCP
future land use from Parks/Open Space to
Single/Two Unit Residential

PROTECH
CONSULTANTS LTD.

200-1461 St. Paul Street Kelowna, B.C.

PHONE 860-1771
FAX 860-1994

THE CREEKS
PROPOSED REZONING PLAN
N/W 1/4 OF SECTION 14, TWP 28, SDYD

4026-PRP.dwg

