
CITY OF KELOWNA
MEMORANDUM

DATE: February 10, 2009
FILE NO.: Z08-0019

TO: City Manager

FROM: Community Sustainability Division

APPLICATION NO. Z08-0019

OWNER: KINNIKINNIK
DEVELOPMENTS INC.,
GLENMORE ELLISON
IMPROVEMENT DISTRICT

AT: 3650 & 4001 FINCH ROAD,
(W. OF) GLENMORE ROAD N.,
1890, 2230 (N. OF McKINLEY
ROAD, (W. OF) & 3280 SLATER
ROAD

APPLICANT: KINNIKINNIK
DEVELOPMENTS INC.

PURPOSE: REZONING APPLICATION TO ADJUST THE BOUNDARIES OF THE A1 – AGRICULTURE 1, CD18 – VINTAGE LANDING COMPREHENSIVE RESORT DEVELOPMENT, P3 – PARKS AND OPEN SPACE , AND THE P4 – UTILITIES ZONES TO COMPLY WITH THE UPDATED DEVELOPMENT LAYOUT FOR THE PROPOSED VINTAGE LANDING (KINNIKINNIK) DEVELOPMENT

EXISTING ZONES: CD18 – VINTAGE LANDING COMPREHENSIVE RESORT DEVELOPMENT ZONE,
A1 – AGRICULTURE 1,
P3 – PARKS AND OPEN SPACE ZONE,
P4 – UTILITIES,
W2 – INTENSIVE WATER USE ZONE,

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Rezoning Application No. Z08-0019 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of; Lot B, Sec. 33, Twp. 23, O.D.Y.D., Plan KAP78845; Frac. NE ¼, of Sec. 29, Twp. 23, O.D.Y.D said to contain 91 acres more or less; NW ¼, Sec. 28, Twp. 23, O.D.Y.D; SW ¼, Sec 28, Twp 23, O.D.Y.D; Lot 1, Sec. 21 & 28, Twp. 23, O.D.Y.D., Plan KAP78846; NW ¼, Twp. 23, Sec. 21, O.D.Y.D, Exc. Plans DD24364, and 18402; That part of the NW ¼ of Sec. 21 Shown on Plan B3562, Twp 23, O.D.Y.D., Exc. Plan 17265; Lot A, Sec. 21, Twp. 23, O.D.Y.D., Plan 17265 Exc. Plan KAP50960; located on Glenmore Road, Finch Road, and Slater Road, Kelowna, B.C., to the revised; CD18 – Vintage Landing Comprehensive Resort Development Zone, P3 – Parks And Open Space Zone, P4 – Utilities and W2 – Intensive Water Use Zone, as shown on Map “B” attached to the

report of Community Sustainability Division, dated February 10, 2009, be considered by Council;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Services Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered concurrent with the final adoption of OCP amending Bylaw 10097 and Text amendment Bylaw 10098.

AND THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of the Environmental Development Permit for subdivision.

2.0 SUMMARY

This application for rezoning of the subject properties has been made in order to adjust the zoning boundaries of the A1 – Agriculture 1, CD18 – Vintage Landing Comprehensive Resort Development, P3 – Parks and Open Space (golf course), P4 – Utilities (McKinley reservoir), and the W2 – Intensive Water Use zones. The locations of the zone boundaries are being revised to accommodate changes that have occurred to the overall development plan. These proposed amendments have been triggered through the ongoing review and refinement process that has occurred as this development project has matured, and are outlined on attached Map “B”.

2.1 Advisory Planning Commission

The above noted application (Z08-0019) was reviewed by the Advisory Planning Commission at the meeting of October 21, 2008 and the following recommendation was passed:

THAT the Advisory Planning Commission support Rezoning Application No. Z08-0019, for 3650 Finch Road, W of Glenmore Road; 1890 McKinley Road; W of Slater Road; Lot NE ¼, Plan T23, S29; 4001 Finch, Lot B, Plan 78845; 3280 Slater Road, Lot 1, Plan 78846, Twp. 23, Secs. 21, 28 & 29, O.D.Y.D by Kinnikinnik Dev. Inc. (G. Gaucher), to adjust the boundaries for various zones (CD18, P3, P4 and W2) that are part of the Vintage Landing Comprehensive Resort Development to incorporate refinements to the proposed development plan.

3.0 BACKGROUND

The comprehensive resort has been designed to be comprised of; Commercial Resort Accommodation, Resort and Wellness Village, Golf Course, Vineyard and Cottage Winery, and Resort and Leadership Centre.

The development applications for the original development proposal were considered at a Public hearing on August 9, 2005, and received 2nd and 3rd readings on August 22, 2005. Those applications were extended, and were finally adopted on January 15, 2007, and incorporated the future land use designations into the Official Community Plan, which also added the CD18 – Vintage Landing Comprehensive Resort Development zone to the City of Kelowna Zoning Bylaw.

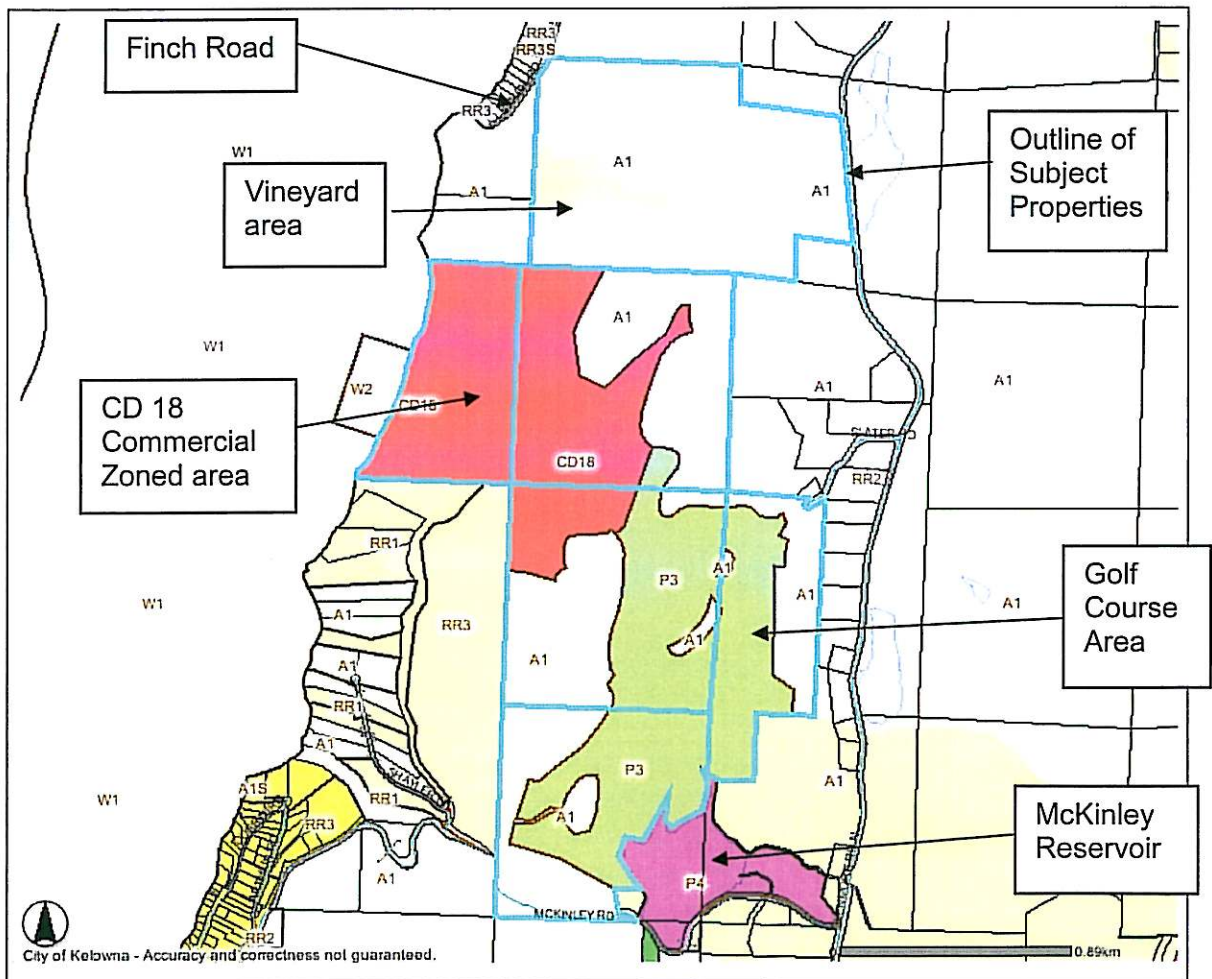
The applicant has made application for an OCP Amendment to adjust the future land use designation boundaries for the subject properties, and a Text Amendment to the C18 – Vintage Landing Comprehensive Resort Development zone. Those applications are currently being held at third reading pending Council consideration of this associated

rezoning application, as well as issuance of the Environmental Development Permit for subdivision.

3.1 The Proposal

This application has been made to rezone the subject properties in order to adjust the boundaries of the A1 – Agriculture 1, CD18 – Vintage Landing Comprehensive Resort Development, P3 – Parks and Open Space (golf course), P4 – Utilities (McKinley reservoir), and the W2 – Intensive Water Use zones. The changes to the land use boundaries is a result of the continuing review and refinement of the development proposal which has occurred as there has been more accurate survey information created for the proposed development locations in relation to the site topography.

SUBJECT PROPERTY MAP



ORIGINAL Summary Table of Proposed Uses and Development Areas

LAND USE DESIGNATION	SITE AREA	% OF SITE	UNIT	SQ. FT.
<u>COMMERCIAL</u> Resort accommodation Wellness Facilities + Resort commercial Staff accommodation	81.9 HA (202.4 Ac)	23%	1000 units	65,000 M ² 19,000 M ²
<u>PRIVATE RECREATION</u> Golf Course	81.3 Ha (200.8 Ac)	23%		
<u>AGRICULTURE</u> Vineyard	16.5 Ha (40.7 Ac)	5%		
<u>FUTURE URBAN LAND RESERVE</u>	172.2 Ha (425.5 Ac)	49%		
TOTALS	351.3 Ha (868.0 Ac)	100%	1000 units accommodation	84,000 M ²

REVISED Summary Table of Proposed Uses and Development Areas

LAND USE DESIGNATION	SITE AREA	% OF SITE	UNIT	SQ. FT.
<u>COMMERCIAL</u> Resort accommodation Wellness Facilities + Resort commercial Staff accommodation	83.49 HA (206.3 Ac)	24%	1000 UNITS	65,000 M ² 19,000 M ²
<u>PRIVATE RECREATION</u> Golf Course	76.44 Ha (188.8 Ac)	22%		
<u>AGRICULTURE</u> Vineyard	16.5 Ha (40.7 Ac)	5%		
<u>FUTURE URBAN RESERVE</u>	174.87 Ha (432.1 Ac)	49%		
TOTALS	351.3 Ha (868.0 Ac)	100%	1000 UNITS	84,000 M ²

REPORT AMENDED MAR. 25, 2009
AS DISCUSSED AT PUBLIC HEARING
MAR. 24, 2009

3.2 Site Context

The subject property is located in an undeveloped area of north McKinley Landing that spans the area from the McKinley reservoir to the south, Finch Road to the north, Slater road to the east, and Okanagan Lake to the west. The site is generally sloping down from east to west, with intermittent valleys, draws, and plateaus, and a steeply sloped section down to Okanagan Lake. The area that is sloped down to the lake also has a small ravine that slopes to the lake. There is a gravel beach along the lake front that has an existing small dock. The site has been used primarily as range land for the grazing of cattle.

Adjacent zones and uses are, to the:

- North - A1 – Agriculture 1 / Finch Road
- East - A1 – Agriculture 1 / End of Slater Road
- South - A1 – Agriculture 1 / McKinley Road
- West - A1 – Agriculture 1 / Okanagan Lake

3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

Application OCP03-0002 added the land use pattern and associated Future Land Use (FLU) designations which were identified through the Area Structure Plan (ASP04-0001) application review process. The associated OCP amending Bylaw No. 9466 was adopted on January 15, 2007. This application seeks to amend the boundary of the "Private Recreation" FLU, and return a portion back to the FLU noted as "Future Urban Reserve"

3.3.2 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that:

- Aims to co-exist with the physical environment and minimize negative impacts to air, land, and water resources, including Okanagan Lake and the surrounding natural and agricultural areas.
- works to develop and maintain a strong, diversified local economy that offers residents opportunities for high-paying jobs
- embraces the social, cultural and physical well-being of its residents through the delivery of quality services at a reasonable price, the development and maintenance of quality infrastructure and built forms, and meaningful opportunities to be involved in major decisions made by the City.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following comments which have been submitted are attached to this report.

5.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

The applicant has been working with their consultants to review and refine their development plans for this 868 Ac. (351.3Ha.) site. As a result of this review, the applicant has found it necessary to make application for an Official Community Plan amendment to adjust the boundaries of the future land use designations, a Rezoning application to adjust the boundaries of the zones on the subject properties, and a Text Amendment to the CD18 zone to incorporate the new land use and zoning boundaries into the CD18 zone.

The OCP amendment and Text amendment applications have already been considered by Council after a successful Public Hearing on October 28, 2008. This associated Rezoning application will "catch-up" to the OCP Amendment and Text Amendment applications which have already been considered by Council. Should this Rezoning application be supported, it would enable Council to consider adoption of the entire package of proposed amendments for the CD18 – Vintage Landing Comprehensive Resort Development zone.

Staff have reviewed the servicing agreement and associated bonding in place for the proposed development. The applicant will be required to provide updated bonding to address the change in construction costs estimated for the necessary off-site servicing required to service the proposed development.

In conclusion, Land Use Management staff do not have concerns with the proposed zoning changes to the development area, and are of the opinion that the proposed changes under application will not impact the level of development previously approved.

Staff support this application, and recommend positive consideration by Council.

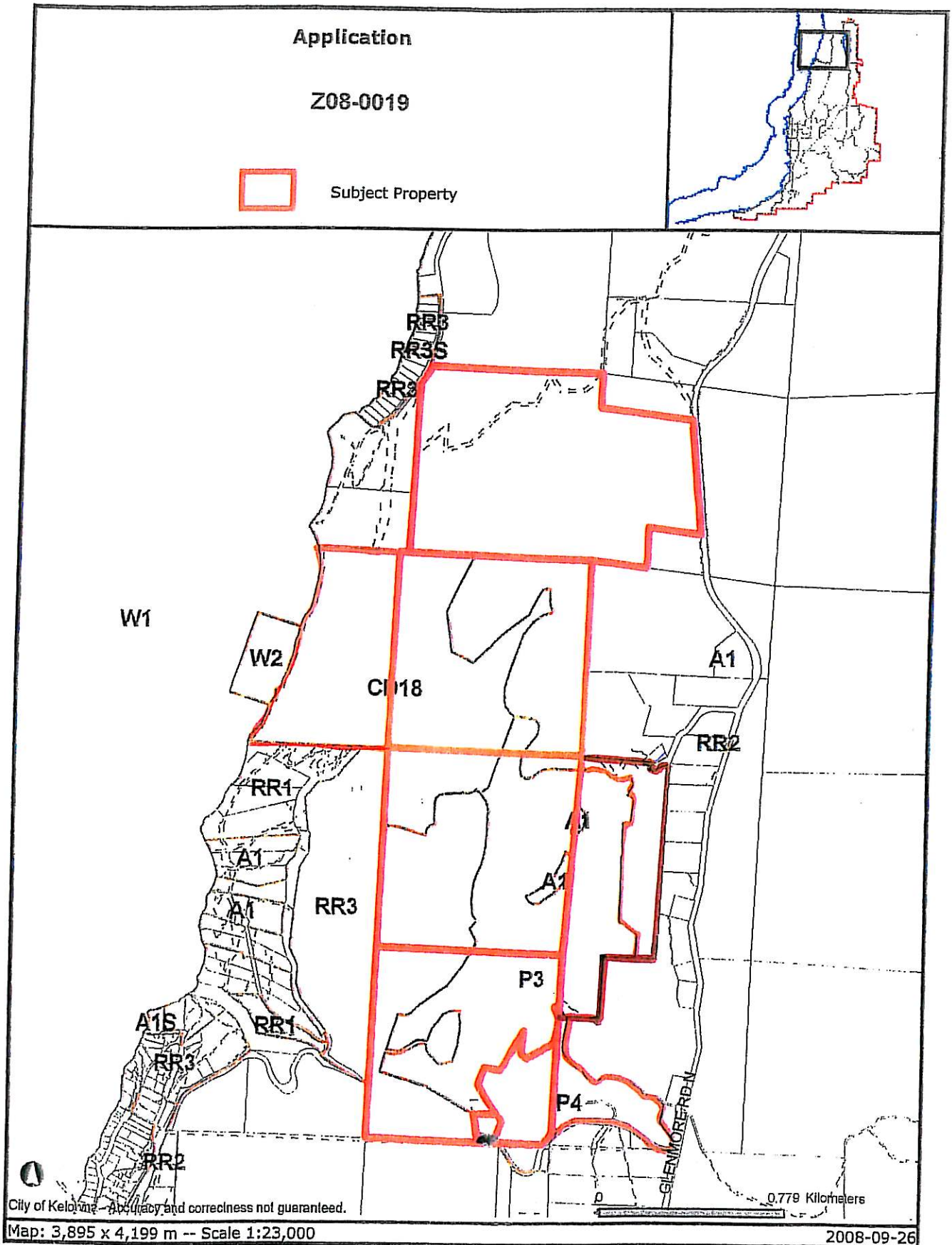


Shelley Gambacort
Director, Land Use Management

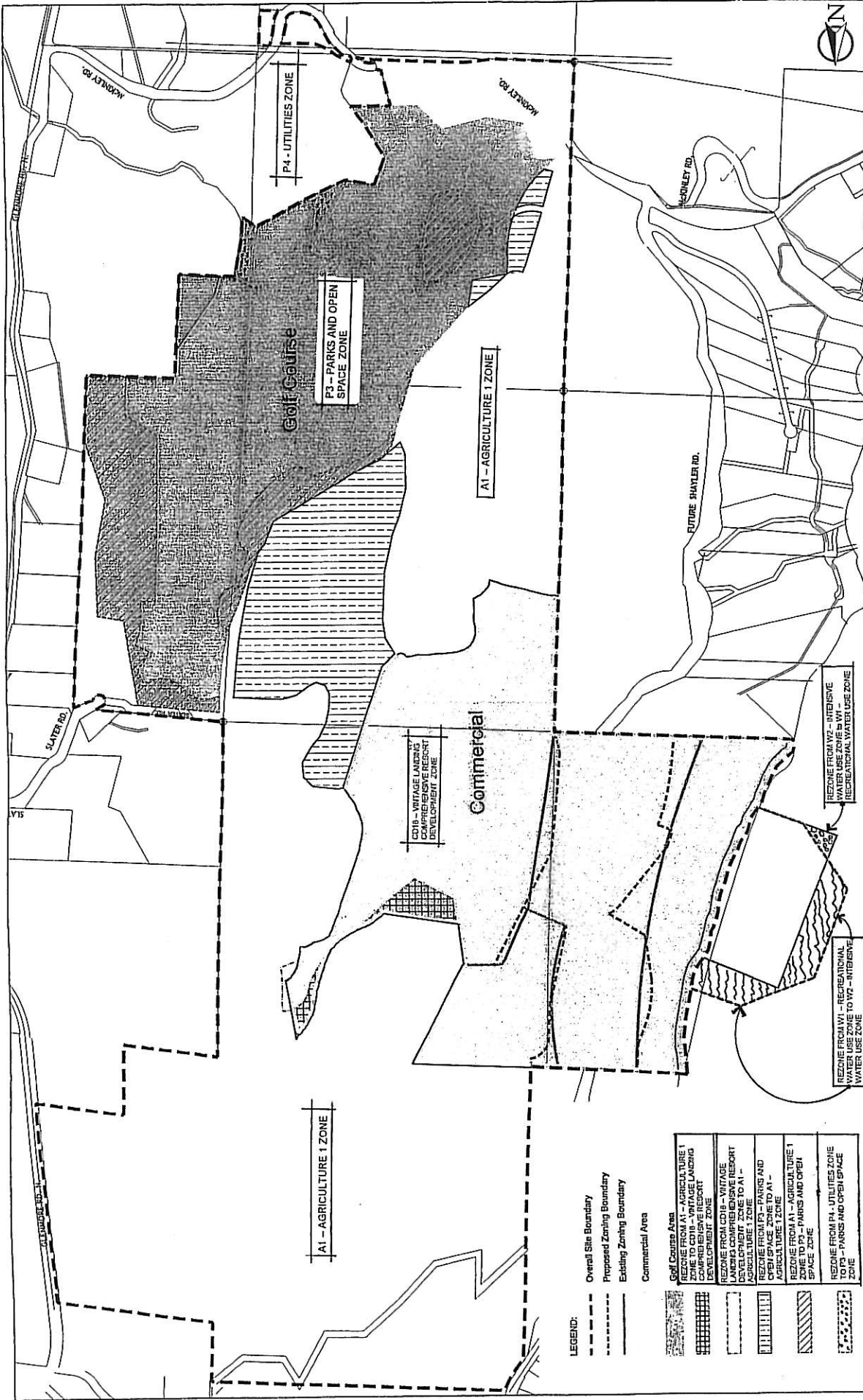
PMc/pmc

Attachments

Subject Property Map
Proposed Rezoning "Map B"
Excerpt from Tracking System of Technical comments
Works and Utilities Department comments



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.



PROPOSED ZONE AMENDMENTS

McKinley Resort Development MAP "B"

Kelowna, BC



File: OCP07-0031

Application

File: OCP07-0031

Type: OCP AMENDMENT

File Circulation

Seq	Out	In	By	Comment
	B.C. Assessment Authority (info only)			
	2007-10-23	2007-10-23		
	Community Development & Real Estate Mgr			
	2007-10-23	2007-11-14	SALEXAND	CD&RE Comments for Inclusion in Council Report: Please contact the Land Agent for road dedications over 20 metres in width, land dedications and land transfers to or from the City of Kelowna, road closures and road reserves. Depending on the type of land transaction being contemplated, the processing time can vary from 3 weeks to 3 months. The Land Department requires a full size copy, together with an 8 ? x 11 copy, of any survey plans.
	Environment Manager			
	2007-10-23	2008-01-18		Land Comments for Processing Information Only - Not for Council Report: Is the proposed trail network available to the public? Is there a secure tennure for public use? Are wildlife corridors to be protected by covenant? Please see initial comments emailed November 14th to Paul McVey. Please see additional comments in memo emailed March 14th.
	Mgr Policy, Research & Strategic Plannin			
	2007-10-23	2007-11-27		Comments too extensive for posting here. Please refer to related comments in email dated November 27, 2007.
	Ministry of Transportation			
	2007-10-23	2008-02-04		We have no objections or comments for the proposed OCP & Text amendments for this Area Structure Plan.
	Works & Utilities			
	2007-10-23			

CITY OF KELOWNA
MEMORANDUM

Date: July 23, 2008
File No.: S07-0135 OCP07-0031 TA07-0006 Z08-0019
To: Planning and Development Officer (PM)
From: Development Engineering Manager
Subject: Subdivision Application – PLR Requirements

LOCATION: Finch/Glenmore/McKinley	ZONE CD-18
APPLICANT: Kinnikinnik Developments Inc.	
LEGAL:	

WORKS AND SERVICES REQUIREMENTS

The City's Works & Utilities Department will handle the Works & Services requirements identified below between time of Preliminary Layout Review (PLR) and application for Subdivision Approval. Arrangements for construction must be made before making application for Approval of a subdivision plan. The Development Engineering Technician for this project is Sergio Sartori.

The following Works & Services are required for this subdivision:

.1) General

- a) Requirements of the rezoning application no. Z03-0009 must be satisfied before subdivision approval.
- b) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 to obtain further information and to determine suitable location(s) within the development.
- c) 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.
- d) Install a black chain link fence along the property lines backing onto the top of the slope.

.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 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.

.3) Water

- a) The property is located within the Glenmore Ellison Improvement District (GEID) service area.
- b) Provide an adequately sized domestic water connection and fire protection system. The water system must be capable of supplying domestic and fire flow demands of the project.
- c) Design drawings must be reviewed by GEID prior to the City issuing the drawings for construction. Confirmation of their review must be provided to the City.

.4) Sanitary Sewer

- a) Provide an adequately sized sanitary sewer system complete with individual lot connections.
- b) Abandon and backfill existing septic tanks in accordance with Building Department requirements. Identify, on the Lot Grading Plan, the location of the existing tanks and fields.

.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) 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) Significant banks are located on this site. The slopes appear to be sensitive to erosion; temporary and permanent measures must be taken to prevent erosion and sediment transport.
- e) 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.

- f) Where ditches are provided they must be adequately lined and protected for the design flows.

.6) Roads

- a) Road A (entrance-village) is designated a rural class collector road. Dedicate and construct the road in accordance with City standard SS-H8, (20.0m dedication, 10.0m road).
- b) Road A (village) Road is designated an urban class village collector road. Dedicate and construct the road in accordance with City standard SS-H4 (20.0m dedication, 12.8m road).
- c) Road B (village – ridge) is designated an urban class collector road. Dedicate and construct the road in accordance with City standard SS-H4 (20.0m dedication, 12.8m road).
- d) Road B (ridge – road C) is designated a rural class collector road. Dedicate and construct the road in accordance with City standard SS-H8 (20.0m dedication, 10.0m road).
- e) Road C is designated a rural class arterial road. Dedicate and construct the road in accordance with City standard SS-H2 (20.0m dedication, 10.0m road).
- f) Road D is designated an urban class collector road. Dedicate and construct the road in accordance with City standard SS-H9 (13.3m dedication, 9.0m road).
- g) Road E is designated an urban class collector road. Dedicate and construct the road in accordance with City standard SS-H6 or TYP-04 (18.2m/15.5m dedication, 8.6m/11.0m road).
- h) Road G is designated an urban class collector road. Dedicate and construct the road in accordance with City standard SS-H4 (20.0m dedication, 12.8 road).
- 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.
- j) Provide a Street Sign, Markings and Traffic Control Devices Drawing.
- k) 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).
- l) 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.

- m) 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. Where lots are serviced by onsite sewage disposal systems, show limits of cut and fill lines.
- n) Re-locate existing poles and utilities, where necessary.
- o) Cul-de-sac approach roads must not exceed bylaw grade requirements.
- p) 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.

.7) 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.
- e) Remove aerial trespass(es)

.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

- 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.

.11) 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 Specified Area Administration Fee of \$250.00 to amend service boundary.

Steve Muenz, P.Eng.
Development Engineering Manager

SS