

# Memo



Date: October 5/2009

To: City Manager

From: Community Sustainability Division

File No: Z07-0070

Applicant: Protech Consultants Ltd.

At: 455 Cavell Pl

Owners: Sundowner Holdings Ltd. &  
Woodlawn Projects Inc.

Purpose: To rezone the subject property from the A1 - Agriculture 1 zone to the RU1h - Large Lot Residential (Hillside Area) zone to facilitate a residential subdivision.

Existing Zone: A1 - Agriculture 1

Proposed Zone: RU1h - Large Lot Residential (Hillside Area)

Report Prepared by: Andrew Browne

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## 1.0 RECOMMENDATION

THAT Rezoning Application No. Z07-0070 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot 2 Section 24 Township 28 SDYD Plan 41091 Except Plan KAP80779, located on 455 Cavell Place, Kelowna, B.C. from the A1 - Agriculture 1 zone to the RU1h - Large Lot Residential (Hillside Area), as shown on Map "A" attached to the report of Community Sustainability Division, dated October 5, 2009, 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 considered subsequent to the issuance of a Hazardous Condition Development Permit, acceptable to the Director of Land Use Management;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the receipt of a subdivision plan, in registerable form, acceptable to the Approving Officer;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch and Parks Planning Branch being completed to their satisfaction;

## 2.0 SUMMARY

The applicant is proposing a 16-lot single detached dwelling residential subdivision on the subject property and is proposing to dedicate approximately 53% (3.32 ha) of the site to the City as natural open space. This application seeks to establish zoning for the concurrent subdivision application.

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### 3.0 ADVISORY PLANNING COMMISSION

At the August 28, 2007 meeting of the Advisory Planning Commission, the following was resolved:

THAT the Advisory Planning Commission support Rezoning Application No. Z07-0070, for 455 Cavell Place, Lot 2, Plan 41091, Sec. 24, Twp. 28, ODYD by Protech Consultants Ltd (G. Maddock), to rezone the subject property from A1 - Agriculture 1 zone to the P3 - Parks and Open Space and the RU1H - Large Lot Housing Hillside Area zone to allow for a 16 lot single family residential development.

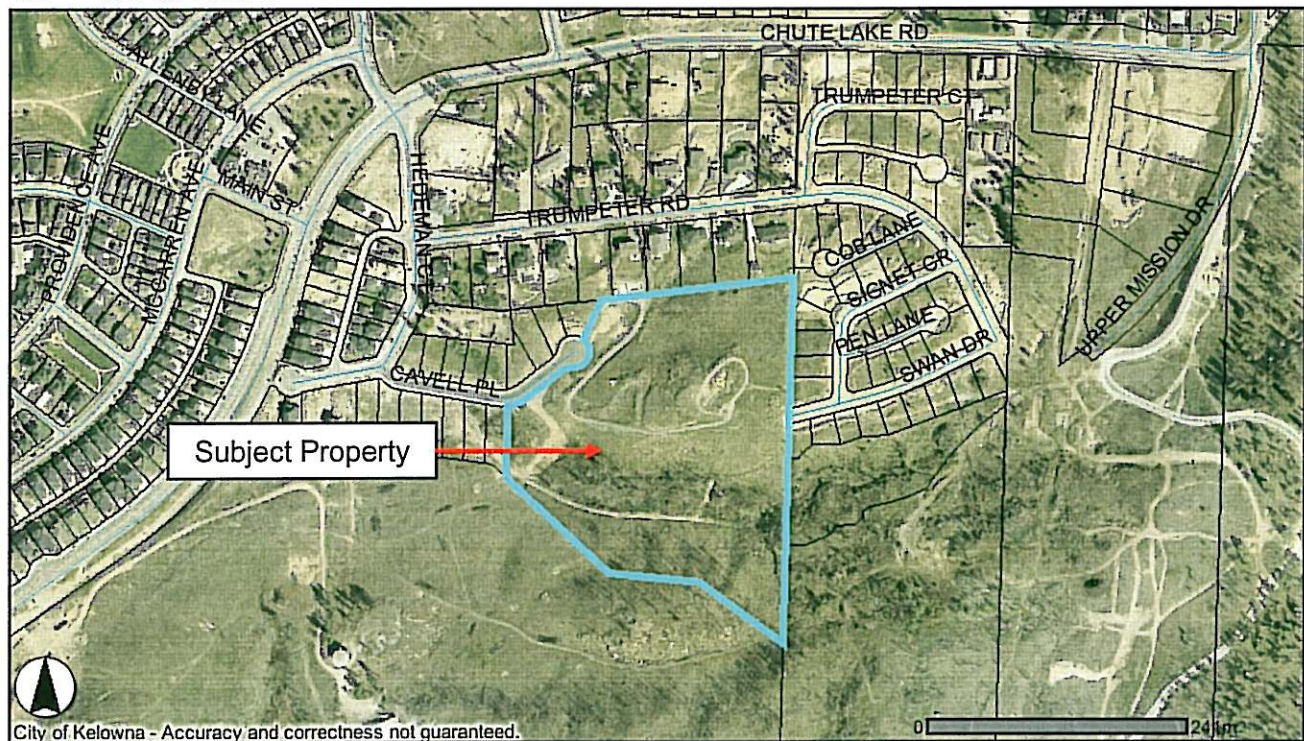
### 4.0 BACKGROUND

#### 4.1 Site Context

The subject property is located between Cavell Place and Swan Drive, near Kettle Valley, in the Southwest Mission. Land use in the vicinity is almost exclusively residential. Specifically, the adjacent zoning is as follows:

- North            RR3 - Rural Residential 3 & RU1 - Large Lot Housing
- South           CD2 - Kettle Valley Comprehensive Residential Development
- West            CD2 - Kettle Valley Comprehensive Residential Development &  
RU1 - Large Lot Housing
- East            RU1h - Large Lot Housing (Hillside Area) & P3 - Parks and Open Space

#### 4.2 Aerial Photo



Map 1: Aerial Photo of Subject Property and surroundings

### 4.3 Proposed Development

A 16-lot single detached dwelling subdivision is proposed on the subject property and the applicant proposes to dedicate approximately 3.32 ha of the site to the City as natural open space (comprised of non-developable slopes and linear park trail connections). This development is Phase II of the Cavell Place development.

The application compares with the requirements of the RU1h - Large Lot Residential (Hillside Area) zones as shown in the following table.

Zoning Bylaw No. 8000		
Criteria	Proposed	RU1h Zone Requirements
<b>Subdivision Regulations</b>		
Proposed Lot Widths	~ 20 to 40 m	16.5 m (17.0 m for a corner lot)
Proposed Lot Depths	~ 31 to 125 m	30.0 m
Proposed Lot Areas	712.3 to 2900.8 m <sup>2</sup>	550 <sup>2</sup>

## 5.0 CURRENT DEVELOPMENT POLICY

### 5.1 Kelowna 2020 - Official Community Plan

#### Growth Management Policies

Protect Steep Sloped Areas. Discourage development on lands of 30% or greater slope except in cases where it can be demonstrated that development will be sensitively integrated with the natural environment and will present no hazards to persons or property, environmental threats or unreasonable servicing challenges.

#### Environment Policies

Xeriscape Landscaping. Encourage developers to incorporate xeriscape (drought resistant, low water requirement) concepts into development of landscape programs.

Loss of Vegetation. Encourage a balance of vegetation in proposed development areas. Encourage increased vegetation in areas of previous development that are identified as being deficient and encourage tree planting in general throughout the City.

#### Housing Policies

Infrastructure Availability. Give preference to supporting new housing in areas where required services already exist or can be provided most economically and efficiently.

Land Utilization within Single Detached Areas. Work towards achieving more efficient use of land within developed single-detached neighbourhoods by encouraging rezoning, subdivision and building permit applications that would allow for smaller lot sizes, secondary suites, minor boarding facilities, minor group homes, duplexes etc. that are sensitively integrated into a neighbourhood.

Integration. Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighbourhood diversity and healthy communities.

Cluster Housing. Encourage, especially in environmentally sensitive areas and areas of steeper slopes (see Map 7.1), the creation of cluster housing to lessen environmental impact. Steeply sloped areas should be retained as natural open space, public or private. The intent of the clustering would be to preserve features that otherwise could be developed and to maximize open space in order to:

- a) facilitate creative and flexible site design that is sensitive to the land's natural features and adaptive to the natural topography;
- b) protect environmentally sensitive areas of a development site and preserve them on a permanent basis;
- c) decrease or minimize non-point source (i.e. asphalt roofs, driveways and parking) pollution impacts by reducing the amount of impervious surfaces in site development;
- d) promote overall cost savings on infrastructure installation and maintenance; and
- e) provide opportunities for social interaction, walking and hiking in open space areas.

*Note: Cluster housing was encouraged throughout this process but the applicant was ultimately not agreeable.*

#### **Transportation Policies**

Linear Park Connections. Integrate pedestrian routes with park system linear parks.

#### **Parks & Leisure Policies**

Natural Open Space. Protect a minimum of 5% of the City's total area, as publicly owned natural open space.

Dedication of Natural Areas. At time of subdivision or rezoning, encourage landowners, where appropriate, to dedicate any significant natural areas / features for preservation or for public use.

## **6.0 TECHNICAL COMMENTS**

### **6.1 Subdivision Approving Officer**

While the proposed rezoning to a Hillside residential zone is compatible with adjacent land uses, from a subdivision perspective the development could be much more sensitive in terms of its grading impacts on the subject property with some design modification which may mean a small reduction in the lot yield.

### **6.2 Building & Permitting Branch**

All required retaining walls should be constructed prior to final grading of this subdivision. Geotechnical consultant to specify the save building line on each individual parcel. Lot grading, surface drainage, roof drainage, perimeter drainage for each parcel to be designed & specified by the consultant. The building envelope to be re-identified after design completion of the final lot grading.

### **6.3 Development Engineering Branch**

See attached memorandum.

## 6.5 Fire Department

Road grade is not to exceed the 12% on proposed Swan Place as outlined in the City of Kelowna Subdivision Bylaw. An emergency access may be required off the end off Swan Place or a Fire Department turn around may be required. Additional comments may be required as the drawing is not to scale.

## 6.6 Parks Planning Branch

See attached memorandum.

## 7.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

Staff collaborated extensively, assessing various alternatives to the site layout, in order to facilitate a development that would respect the hillside guidelines, with the aim to:

- Protect the natural characteristics of the hillsides which contribute to the positive image of Kelowna;
- Support development in appropriate hillside locations which respects and protects the natural topography and which maximizes the retention of existing landforms, vegetation, and soils.
- Encourage cluster housing options which respond to the natural environment on appropriate sites where cluster housing will reduce required grading and site disturbance.
- Encourage flexibility and innovation on the part of both the City and developer in order to permit projects which result in a reduced impact on the natural environment.

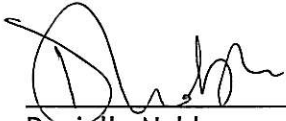
Though Staff have worked with the applicant to explore options for the layout of the development, including alternate road and lot layouts and alternate forms of housing (cluster housing), the developer has clearly advised that they are not in favour of cluster housing or in reducing the number of lots requested.

It is commendable that the applicant will dedicate the remainder of the site, which is either in excess of 30% slope or identified as wetland/stream, for preservation as a linear park. This area shown as A1 on the attached "Proposed Rezoning Plan" map, will be zoned at a later date to P3 - Parks & Open Space with a concurrent OCP amendment application.

While Land Use Management acknowledges that the applicant has modified their design over time, they have been resolute in their request for 16 fee simple lots. Staff acknowledge that the proposed subdivision layout will require sizable rock cuts and fill and, as proposed, will be visible from adjacent neighbourhoods, primarily to the west and north.

However, the proposed rezoning to RU1h is consistent with the OCP future land use designation of Single/Two Unit residential for the subject property.

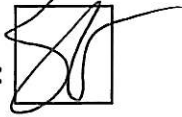
Land Use Management recommends support for the rezoning application, however, it should be noted that a reconfigured layout with fewer lots could lessen the extent of site disturbance and grading.



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Danielle Noble  
Manager, Urban Land Use Management

Approved for inclusion:

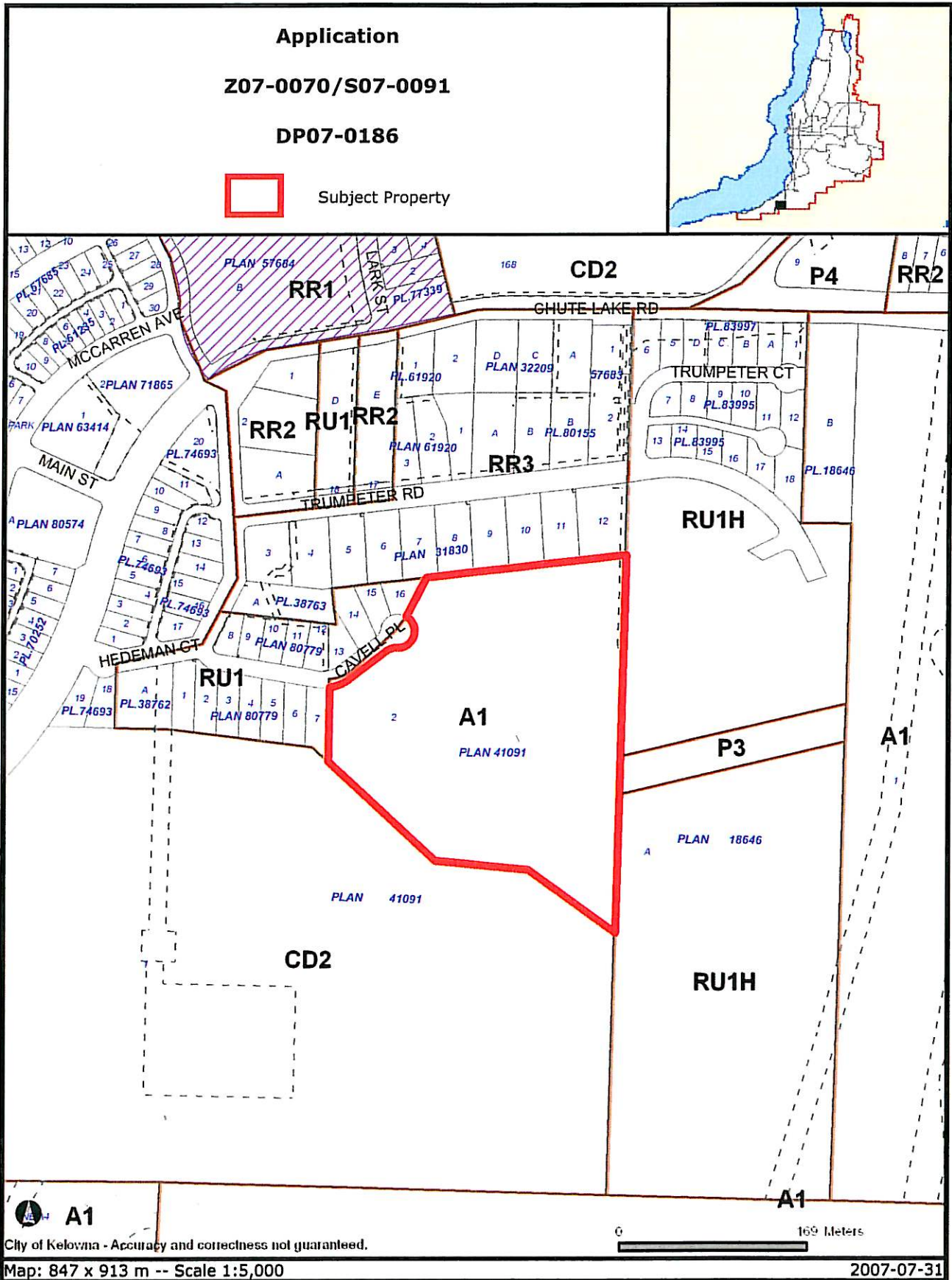


Shelley Gambacort  
Director, Land Use Management

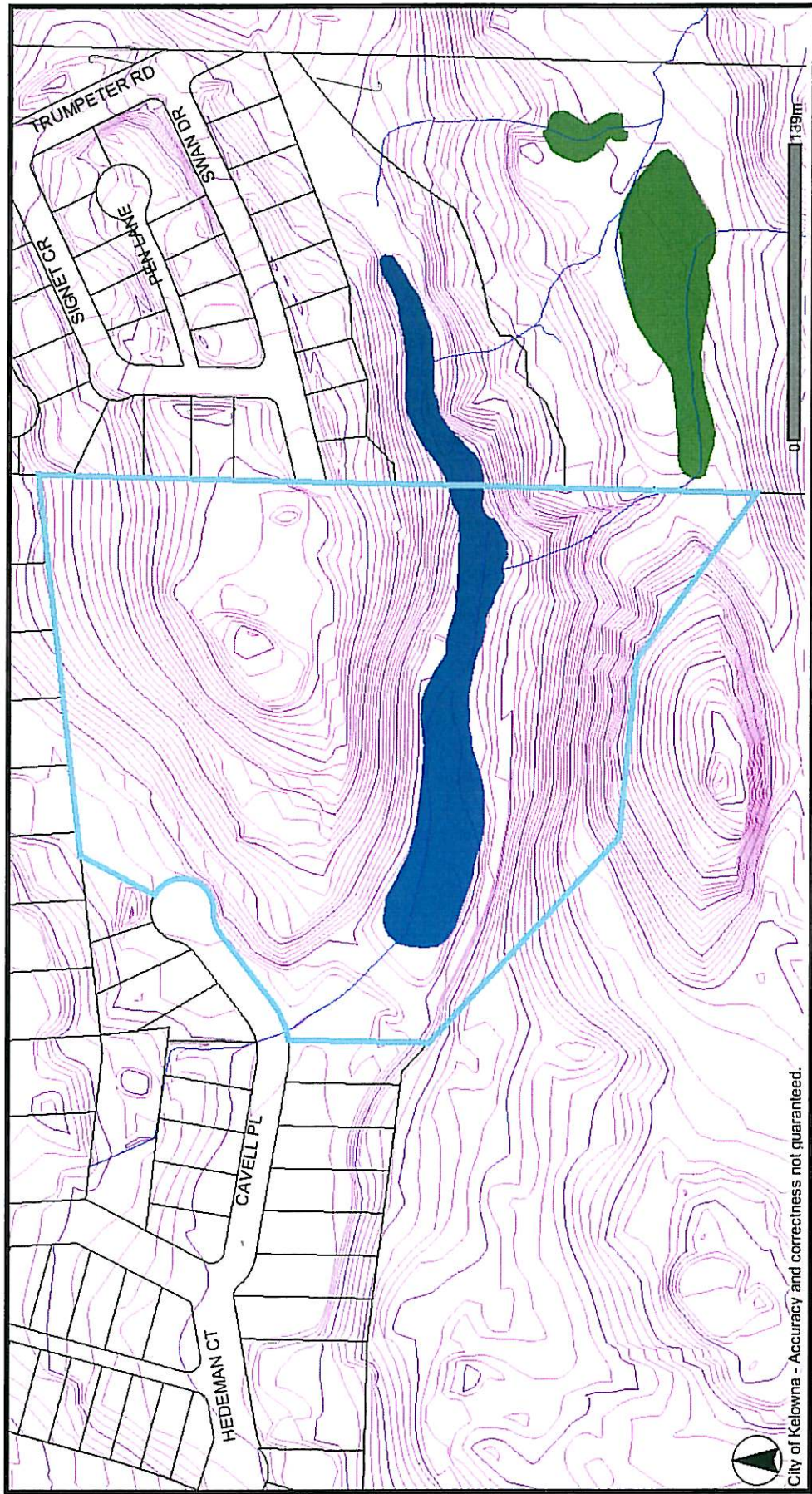
**Attachments**

- Location and zoning map
- Contour and stream/wetland map
- Development Engineering Branch Technical Comments (6 pages)
- Parks Planning Branch Technical Comments (1 page)
- Map "A" - Zoning plan
- Landscaping 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.



City of Kelowna - Accuracy and correctness not guaranteed.

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



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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** August 28, 2007  
**File No.:** Z07-0070, S07-0091, DP07-0186  
**To:** Planning and Development Officer (DN)  
**From:** Development Engineering Manager  
**Subject:** Subdivision Application – PLR Requirements

<b>LOCATION:</b> 455 Cavell Place	<b>ZONE</b> A1 to RU1h,P3
<b>APPLICANT:</b> Protech Consultants Ltd.	
<b>LEGAL:</b> Lot 2 Plan 41091	

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) 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.
- b) 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.
- c) 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 City of Kelowna service area.
- b) 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.
- c) Remove or relocate any existing service connections encroaching on the proposed lots.

**.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) 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.

**.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) Road J (cul de sacs) are designated as an Urban Local Roads. Dedicate and construct the road in accordance with City standard TYP-01SW (14.0m. dedication, 9.0 m. Road, roll over curb, parking, and optional sidewalk and trees)
- c) Provide traffic control and street name signs where required. The City will install all signs and traffic control devices at the developer's expense.
- d) Provide a Street Sign, Markings and Traffic Control Devices Drawing.
- e) 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.
- f) Private access roads must be constructed and paved to the City standard SS-R2.

**.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) 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**

- 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).
  - v) Latecomer Processing Fee: \$1,000.00 (plus GST) per agreement (no charge for 1 day agreements).
- d) Water Extended Service Area Latecomers (ESA's):

ESA#	Front ender	Component	Anniversary	Rate/unit \$
1	Kettle Valley	Intake/pipe/PS etc	April 16	320
9	Kettle Valley	Reservoir (Adams)	Sept 28	1193

- e) The property is within Sewer Connection Area No. 28 (Okaview) and is subject to a \$22,000.00 charge per single family lot; however, the cost of installing sewers for the development may be applied as credits towards this amount.
- f) Sewer Specified Area Administration Fee of \$250.00 to extend the service boundary.
- g) Water Specified Area Administration Fee of \$250.00 to extend the service boundary.

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Steve Muenz, P.Eng.  
Development Engineering Manager

Ss+

## TECHNICAL COMMENTS

**Application No.** Z07-0070

**Group:** Parks Planning Branch, Infrastructure Planning Department

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To prevent private/public encroachment, the applicant will be required to fence the rear/side yards of all properties adjacent to parkland with a split rail fence or approved equal as per City Standards. The fence detail should be submitted as part of the Civil Engineering Drawing Review.

Provide a 3.0 m wide pedestrian access route between Swan Place and Cavell Place between Lots 12 and 13 as per the Subdivision and Servicing Bylaw (this corridor may need to include stairs to traverse the slope. The pedestrian access route detail should be submitted as part of the Civil Engineering Drawing Review.

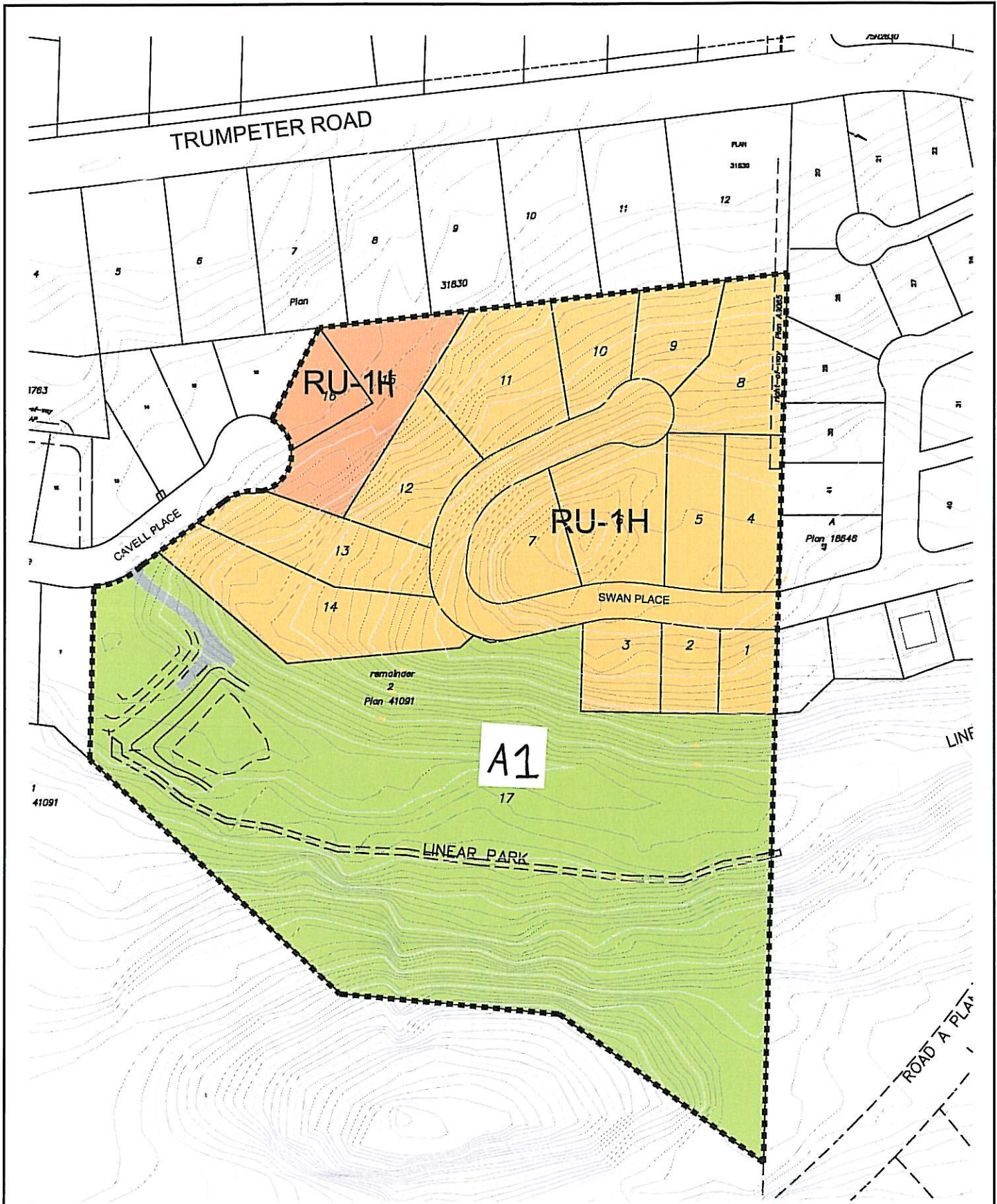
The proposed P3 parkland should be dedicated to the City at the time of subdivision as a titled lot.

The parkland shall not be disturbed by the Applicant and/or Contractors during the building process without prior permission from the City.

The parkland shall be free and clear of noxious weeds, debris, wood chip piles and garbage prior to transfer in ownership.

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.

The applicant will be required to retain a registered professional forester (RPF) or recognized equivalent to assess the condition of the trees within the subject property and make recommendations based upon the development scenario. The recommendations will be reviewed and approved by the City prior to undertaking any work. All approved recommendations of the RPFs report shall be implemented prior to transfer in ownership of the lands to the City of Kelowna.



**PROTECH**  
CONSULTANTS LTD.

200-1481 St. Paul Street Kelowna, B.C.

PHONE 860-1771  
FAX 860-1994



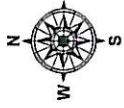
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MAP "A"

**CAVELL PLACE - PHASE II  
PROPOSED REZONING PLAN**

6107-PRP.dwg





Site Plan Informatic  
 Proven Consultants Ltd  
 2100-1440 St. Paul St  
 Kelowna, BC  
 (250) 866-1771

# Cavell PI Phase 5

Kelowna, BC

Issued for / Revision:

1	Review
2	
3	
4	
5	

Project No: 09-11  
 Drawn By: SP  
 Checked By: FC  
 Date: July 1, 2010  
 Scale: 1:400



Landscape



**Wet Management Strategy**  
 Based on the location being provided, there are no natural water resources such as creeks, rivers, or ponds and as such, the landscape prescription is designed to maintain using the seasonal moisture from during late winter and early spring. In addition to the seasonal moisture from during late winter and early spring, the use of each woody plant and will act as a moisture retainer.

**Wet Management Plan**  
 A 100-year wet management plan is to be implemented across restoration works using a mix of both low and high water retention plants and trees to be established.

**Proposed Restoration Prescription - 7.24 (m) (2.7m x 1.78 acres)**

**Native Plant Material**  
 To restore local plant material (listed above) to be installed in restoration area to restore local plant material. Target establishment rate of 50-70% for total plant material installed.

**Large Woody Debris**  
 Large woody debris to be installed along the restoration area to create wildlife habitat and to be installed in the area to be restored from the removal area of development.

**Preservation of Natural Areas**  
 All existing natural areas of the development area to be protected from disturbance and to be maintained in a field determined by a professional environmental professional or landscape architect.

**Proposed Restoration Area Plant Material List**

Quantity	Botanical Name	Common Name
38	Prunella melanocarpa	Common Honeysuckle
51	Penus barbata	Ironwood
61	Amelanchier alnifolia	Serviceberry
74	Arctostaphylos uva-ursi	Red-flowering Dogwood
11	Chrysothamnus nauseosus	Big Sagebrush
41	Juniperus horizontalis	Rocky Mountain Juniper
22	Phacelia grandiflora	Common Bluebell
83	Rosa laurina	Wild Rose
122	Rosa laurina	Black Rose

**Proposed Restoration Prescription - 7.24 (m) (2.7m x 1.78 acres)**

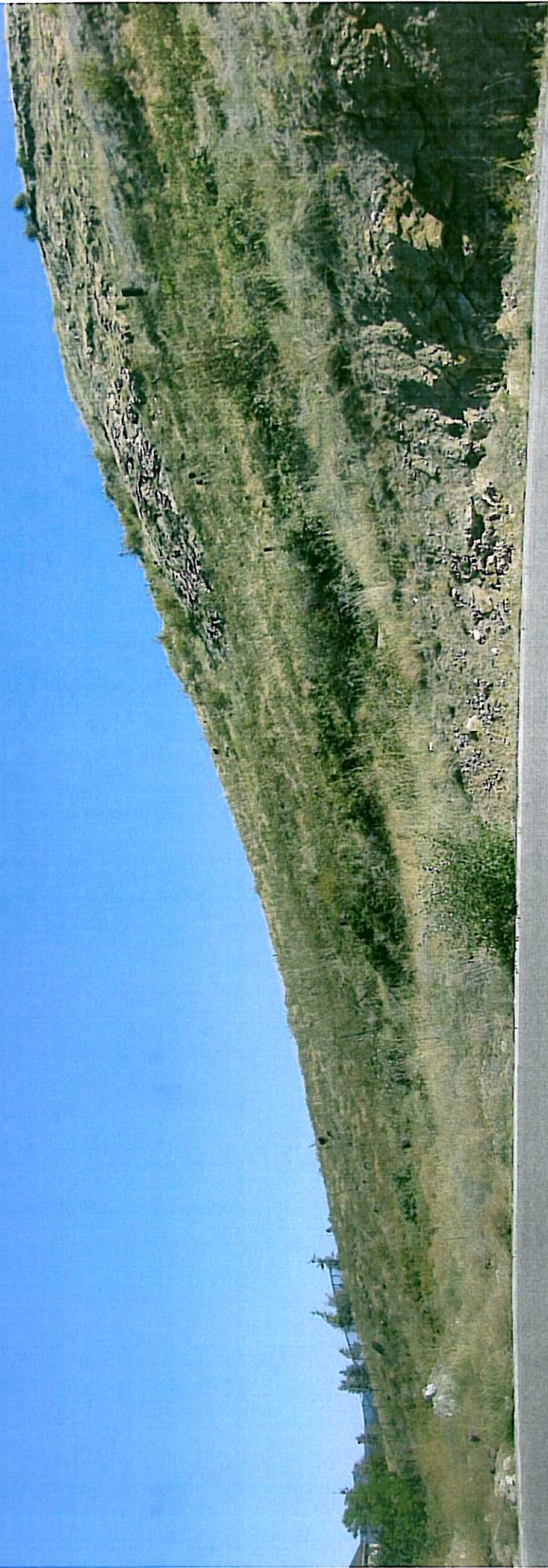
Plant Material	By weight	By Species
Protected grass seed mixture	25%	16%
Blue bunch wheat grass	25%	21%
rough fescue	10%	8%
Annual ryegrass	10%	8%
Sandberg bluegrass	5%	4%
Canada bluegrass	4%	3%
Wild blue bunch grass seed	1%	1%

With such wild grass seed is unavailable, substitute the 15% by species percentage with similar primary bluegrass and 3% additional Idaho fescue and 3% purplegrass.

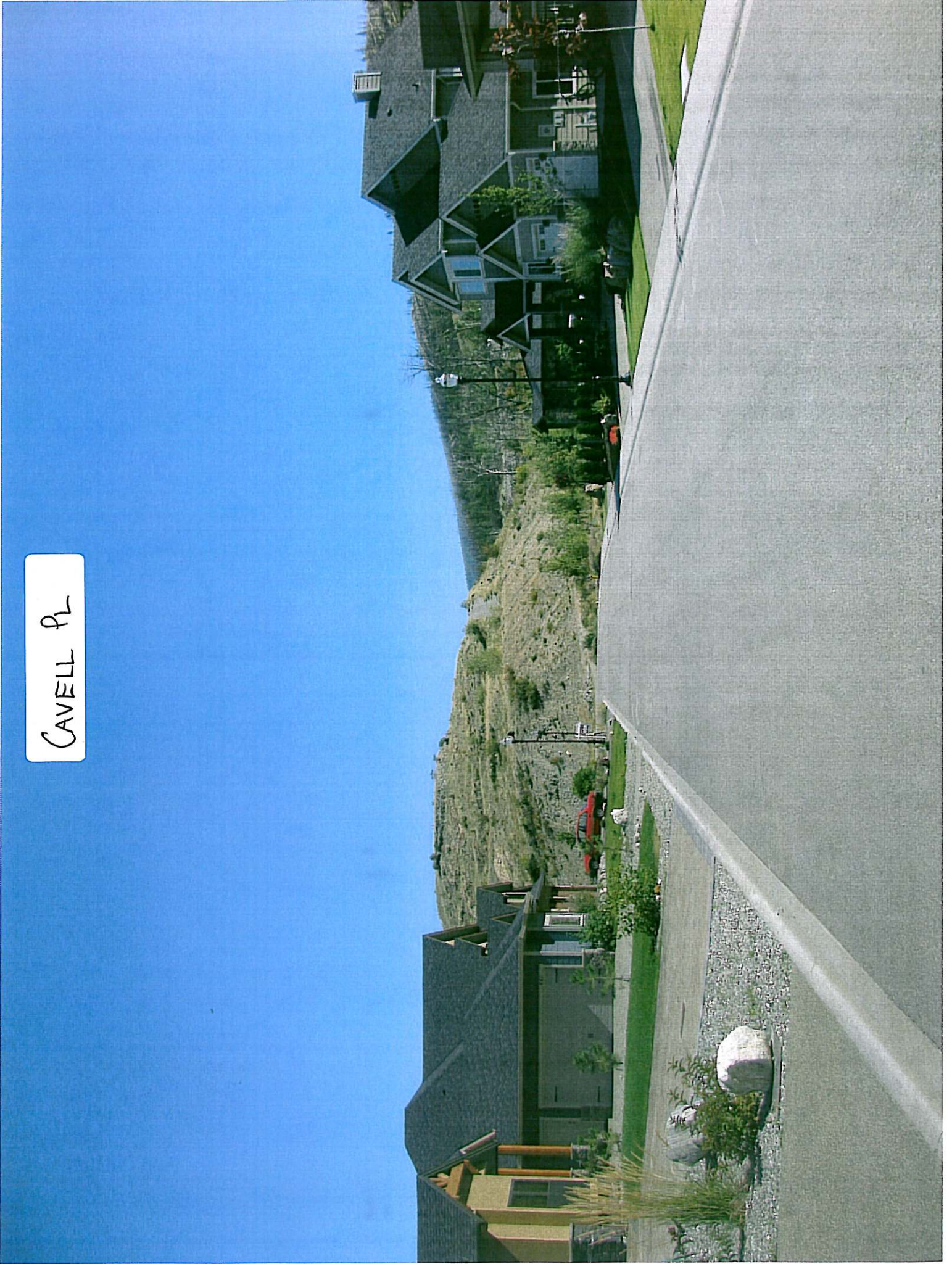
Proposed specifications for hydroseeding:

remainder  
 2  
 Plan 41091

CAVELL PL



CAVELL PL



KUIPERS CRES

