

Memo



Date: January 4, 2011

To: City Manager

From: Land Use Management, Community Sustainability

Application: Z09-0062 (AB)

Owner: 0775362 BC Ltd.

Address: (W OF) South Perimeter Way

Applicant: 0775362 BC Ltd. (Gary Tebbutt)

Subject: Rezoning Application

Existing OCP Designations: Single/Two Unit Residential, Major Park/Open Space, Rural/Agricultural, and Future Urban Reserve

Existing Zone: A1 - Agriculture 1

Proposed Zones: A1 - Agriculture 1, RU1 - Large Lot Housing, P3 - Parks and Open Space

1.0 Recommendation

THAT Rezoning Application No. Z09-0062 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of part of Lot A Section 23 Township 28 SDYD Plan KAP89051, located at (W OF) South Perimeter Way, Kelowna, BC, from the A1 - Agriculture 1 zone to the RU1 - Large Lot Housing and P3 - Parks and Open Space zones as shown on Map "A" attached to the report of the Land Use Management Department report, dated January 4, 2011, 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 Preliminary Layout Review Letter by the Approving Officer;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

2.0 Purpose

The applicant is proposing to rezone portions of the subject property from the A1 - Agriculture 1 zone to the RU1 - Large Lot Housing and P3 - Parks and Open Space zones in order to facilitate a 15-lot residential subdivision and related parkland dedication to the City.

3.0 Land Use Management

This application for Phase 1 would create the potential through zoning for new residential lots fronting on Quilchena Drive and these lots would be in compliance with the OCP and could be supported.

A handwritten signature in the bottom right corner of the page.

The proponents have responded favourably to the feedback and recommendations of both staff and the Advisory Planning Commission such that they are now proposing to zone for and dedicate the P3 - Parks and Open Space portion of the site concurrently with the 15-lot subdivision to be effected along Quilchena Drive. Staff commend the applicant on their willingness to work with staff and for positively responding to the comments of the Advisory Planning Commission public process and corresponding recommendation.

Ecoscope Environmental Consultants were retained by the applicant to:

- Map and confirm the Lebanon Creek top of ravine location;
- Assess the environmental sensitivity of the site based on existing vegetation communities and habitat values;
- Evaluate potential development impacts on key ecological values;
- Establish a proposed area for park dedication; and,
- Develop appropriate mitigation strategies for the proposed development.

The report notes that the Lebanon Creek Top of Ravine was determined using a combination of existing SHIM (Sensitive Habitat Inventory Mapping) data and legal survey data, which was then field checked using GPS during the site assessment. Ecoscope concluded that the proposed 15-lot subdivision along Quilchena Drive is not expected to cause adverse environmental impacts to the proposed park, and went on to recommend various wildfire mitigation, weed management, restoration, and sediment and erosion control measures to be implemented during the subdivision process.

It should be noted that support for Phase 1 does not construe approval for additional phases, and that the land remaining zoned A1 - Agriculture 1 will require an additional public process should the landowner wish to proceed with further phases. There has been considerable dialogue to date with residents of the Tanager Drive / Tanager Court area who are concerned about the impact of any development in this area, however these discussions have almost entirely focused on the potential for and outcome of future development of the land to remain zoned A1 - Agriculture 1.

4.0 Proposal

4.1 Project Description

The proposed residential lots facing onto Quilchena Dr are, for the most part, already serviced and straight forward in their layout. In contrast, the portion of the property between the top of ravine for Lebanon Creek and the existing lots on Tanager Drive is more constrained and less obvious in its ultimate configuration. At the advice of staff, the applicant has opted to not pursue development of this complex portion of the site at this time, in favour of completing the Quilchena Drive subdivision (and associated park rezoning and dedication) first.

The proposed development compares with the proposed Zoning Bylaw No. 8000 requirements for the RU1 - Large Lot Housing zone as follows:

Criteria	Proposed	RU1 Zone Requirement
Lot Area	601.4 to 1089.6 m ²	550 m ²
Lot Width	~ 16.5 to 34.9 m (at front setback line)	16.5 m or 17.0 m if a corner
Lot Depth	35.0 to 59.0 m	30.0 m

4.2 Site Context

The subject property is located in the Southwest Mission area, west of Kettle Valley, and has frontage on South Perimeter Way, Quilchena Drive, Tanager Drive, and Stellar Drive. Elevations on the property are in the range of 370 to 500 metres above sea level (masl) with an overall change in elevation of 130 m (427 feet). Lower elevations are found in the Lebanon Creek ravine and higher elevations are found toward Quilchena Drive and Tanager Drive.



The subject property is designated as a Natural Environment, Hazardous Condition, and Wildland Fire Hazard Development Permit Area. Furthermore, City of Kelowna environmental inventories have identified a stream (Lebanon Creek) and two sensitive ecosystems on the site (riparian gully and coniferous woodland) that are located in the proposed P3 - Parks and Open Space portion of the parcel.

The surrounding area is largely undeveloped to the west and south, and developed as single dwelling housing to the north and east. Specifically, the adjacent zones are:

- | | |
|-------|---|
| North | A1 - Agriculture 1 (winery)
RR1 - Rural Residential 1 (Tanager Dr/Stellar Dr residential area) |
| South | A1 - Agriculture 1 (vacant)
P3 - Parks and Open Space (dedicated park)
RU1 - Large Lot Housing (residential area) |
| East | CD2 - Kettle Valley Comprehensive Residential Development (Kettle Valley)
RU1 - Large Lot Housing (residential area) |
| West | A1 - Agriculture 1 (winery and vacant land) |

5.0 Current Development Policies

5.1 Neighbourhood One Concept Development Plan

The 1996 Concept Development Plan for the area describes the “lands between Belcarra Estates and Lebanon Creek” as having a development potential of 31 units (using the Sector Plan slope analysis method) over approximately 6.2 hectares of area intended for residential single-family/cluster estate use.

Open Space Policies:

Boundaries and setbacks from ravine areas and creek channels shall be determined in consultation with the Ministry of Environment and the City of Kelowna.

Steep hillside areas having average slopes in excess of thirty percent (30%) are undevelopable and are to be dedicated as open space.

Trails shall be provided for hiking or bicycling.

5.2 Kelowna Official Community Plan (OCP)

The subject property is designated as Single/Two Unit Residential, Rural/Agricultural, Future Urban Reserve, and Major Park/Open Space for future land use. Relevant policies are included below.

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:

Minimize Impacts to local Watersheds. Require streamside and foreshore homeowners to prevent or reduce impacts to Kelowna’s watercourses.

Buffering. Utilize the Development Permit process to establish buffers to protect environmentally sensitive areas such as watercourses and steep slopes from debilitating land uses.

Maintaining Biodiversity. Seek to maintain ecological linkages and biodiversity, including wildlife movement corridors and aquatic and terrestrial pathways, in all land use and development decisions.

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.

Transportation Policies:

Pedestrian Linkages. Encourage the development of pedestrian routes to link all major open spaces, parks, schools, other public institutions and large activity areas within the City.

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

Parks and Leisure Policies:

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.

Linear Park Dedications. 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 included 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. On the private property side of the public access corridor, the city may, as necessary, consider stipulating additional “no disturb” zones. Lot line adjustments or other subdivision application not resulting in the creation of new lots suitable for the construction of buildings permitted under the applicable zoning will be considered exempt from this policy.

6.0 Technical Comments

Development Engineering Branch. See attached.

Environment & Land Use Branch. Park dedication and P3 rezoning is required at Phase 1 rezoning/subdivision.

Fire Department. *Comments related to a portion of the project (detached secondary suites and lane access) which has since been eliminated.*

Infrastructure Planning Department. The OCP Future Land Use Map designates the majority of this property around the Cedar Creek area to be protected as Natural Area Parkland. In addition, the Linear Park Concept Plan designates a top-of-ravine trail through the subject property within the 10.0m wide environmental setback. The Applicant is required to dedicate a parcel of land to the City as a titled property, zoned P3 for the purposes of natural area protection. The boundary of the park dedication will correspond with the 10.0m wide environmental setback on both sides of the ravine and include all the land below the top-of-ravine of Cedar Creek. Staff encourages the Applicant to contact the Infrastructure Planning Division to discuss park and trail development opportunities.

Subdivision Approving Officer. Lots already serviced should be created as Phase 1. Dedication of park area should occur with Phase 1 (same as the Creeks subdivision).

7.0 Application Chronology

Date of Application Received: November 5, 2009

Advisory Planning Commission May 25, 2010

The above noted application was reviewed by the Advisory Planning Commission at the May 25, 2010 meeting and the following recommendation was passed:

THAT the Advisory Planning Commission NOT support Rezoning Application No. Z09 0062, for W. South Perimeter Way; to rezone a portion of the subject property from A1 - Agriculture 1 zone to RR1 - Rural Residential 1 and RU1 - Large Lot Housing zone, in order to facilitate a residential subdivision.

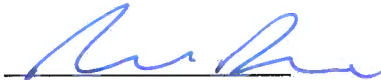
In addition, a motion passed confirming the following anecdotal comments:

The Advisory Planning Commission noted that the Applicant has not resolved the issues of the park open space, which are integral to the rezoning application. Support for a portion of the residential land uses is not in keeping with the policies of securing parkland as identified in the OCP. The Advisory Planning Commission encourages the Applicant to host a neighborhood meeting appropriately early to find resolve on this issue.

Ecoscape Retained by Applicant July 2010

Supplementary Info Received November 2010

Report prepared by:


Andrew Browne, Planner II

Reviewed by:



Danielle Noble, Manager, Urban Land Use Branch

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

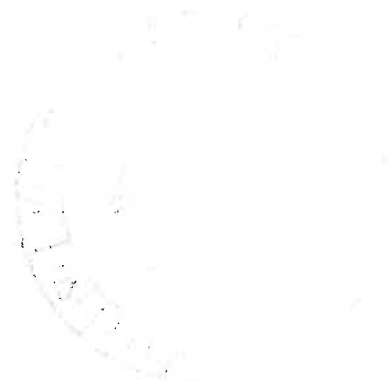
Subject property and zoning map

Proposed rezoning plan (Map "A")

Proposed subdivision plan

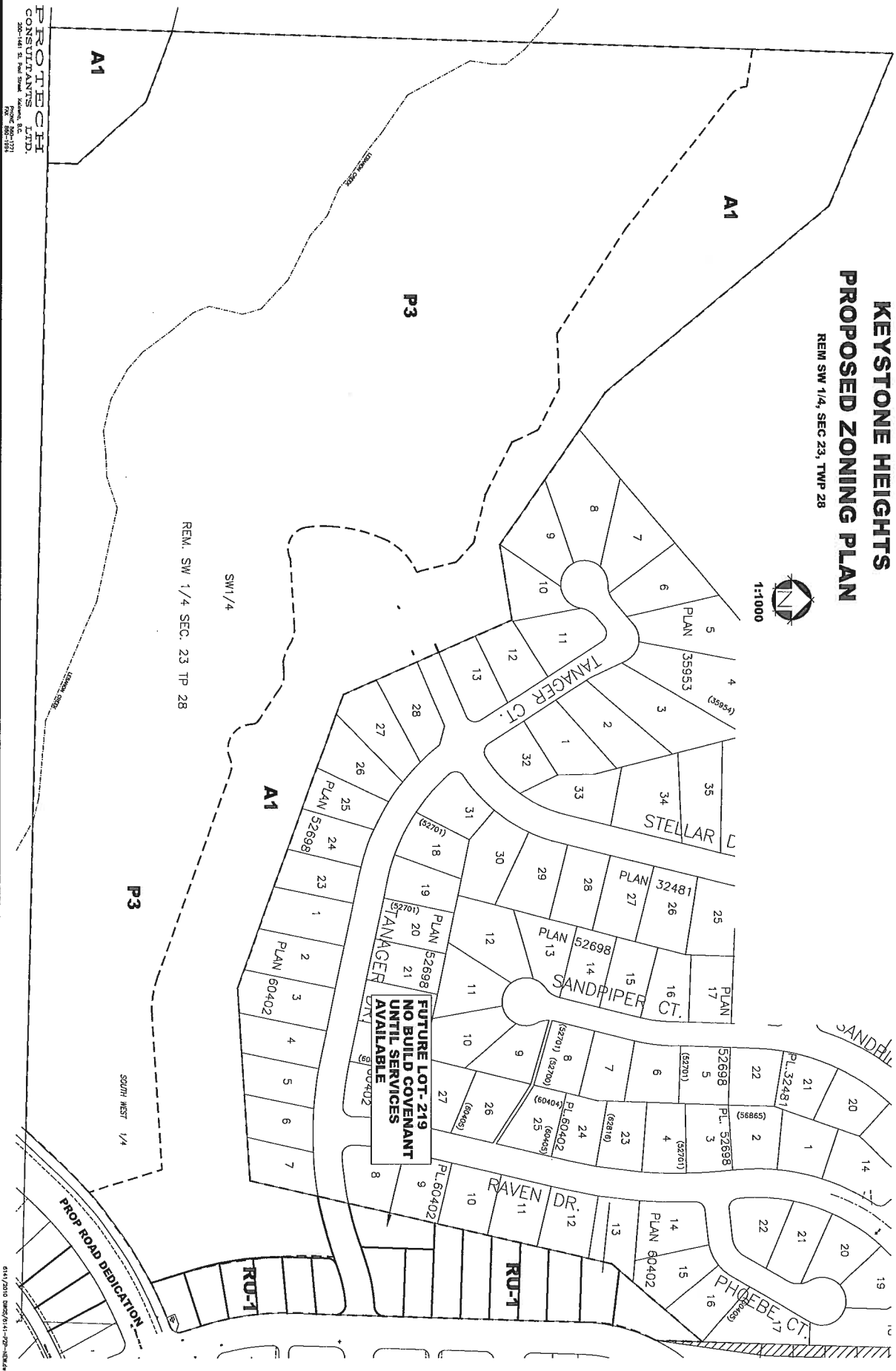
Ecoscape Biophysical Review - Figure 3 - Proposed Development Area and Recommendations

Development Engineering Branch technical comments (7 pages)



KEYSTONE HEIGHTS PROPOSED ZONING PLAN

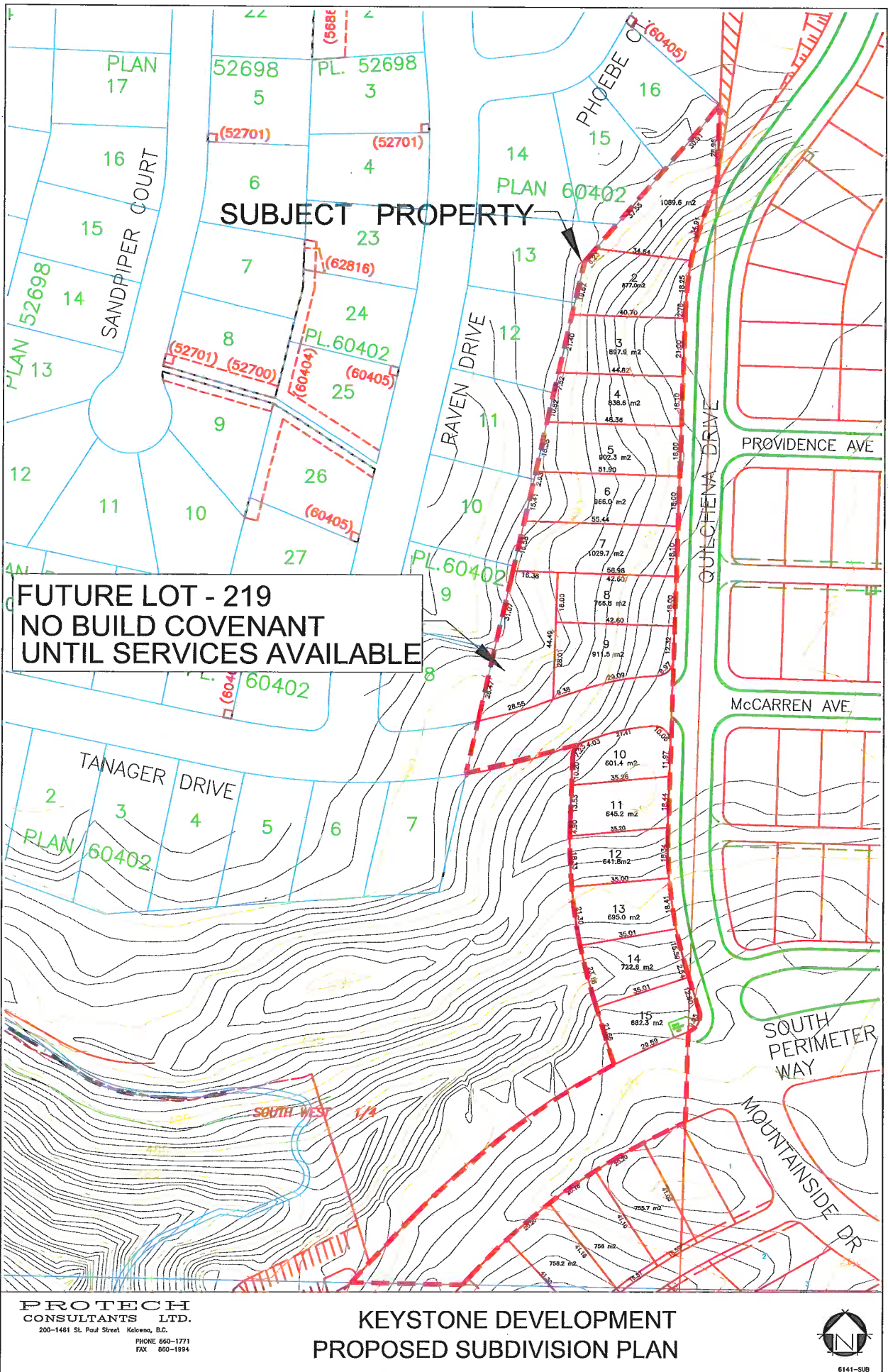
REM. SW 1/4, SEC. 23, TWP. 28



MAP "A"

PROTECH CONSULTANTS, INC.
2001-1411 St. Paul Street
St. Paul, MN 55111
Phone: 651-431-1211
Fax: 651-431-1212

5/14/2010 09:58 AM - 179-100-049



**FUTURE LOT - 219
NO BUILD COVENANT
UNTIL SERVICES AVAILABLE**

PROTECH CONSULTANTS LTD.
200-1461 St. Paul Street Kelowna, B.C.
PHONE 860-1771
FAX 860-1994

**KEYSTONE DEVELOPMENT
PROPOSED SUBDIVISION PLAN**



CITY OF KELOWNA
MEMORANDUM

Date: December 1, 2009
File No.: Z09-0062

To: Land Use Management (AB)

From: Development Engineering Manager

Subject: W of South Perimeter Way

The Development Services Department has the following comments and requirements associated with this rezoning for the proposed Residential Development. The following Works & Services are required for this application:

.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) The Drainage Division noted that Lebanon Creek crosses the lands. The creek may affect the layout. The City tries to leave the creeks open.
- d) Install a black chain link fence along the property lines backing onto the top of the slope.
- e) Existing water infrastructure is reaching capacity refer to comments under Water.

.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) **Existing infrastructure at the Adam's Reservoir is approaching capacity for this area. If this subdivision requires more than the available capacity or other subdivisions are registered before this one and use the available capacity, then further infrastructure will need to be built. It will need to be built either by this subdivision or**

in conjunction with others. The subdivision will not be approved if there is insufficient or no capacity remaining.

.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 require 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 the subject property. 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.

.6) Roads

- a) Provide dedication of 35 m for South Perimeter Way. A preliminary design is required showing cuts & fills and the elevations of the RU1 lots adjacent to the road. This dedication is to be accomplished by:

- i) A dedication on the subdivision plan.
 - ii) Sale of the land to the City of Kelowna provided sufficient funds are available in the City's current budget. Contact Mr. D. Gilchrist, the City's Assistant Land Agent, if this option is selected.
 - iii) A Road Reservation Agreement with the City of Kelowna. Enclosed is a sample document that the City will prepare if the owner elects this option. Please contact Mr. D. Gilchrist, the City's Manager, and Community Development & Real Estate, to have this documentation prepared. The document must be accompanied by a plan prepared by a B.C. Land Surveyor. The subdivision plan must be endorsed to the effect that there is an agreement to be registered under Section 526 of the Local Government Act. This agreement must be registered as a priority charge.
 - iv) A Road Exchange.
- b) Quilchena Dr is designated an urban class 1 collector road. Quilchena Dr must be upgraded to a full urban standard along the full frontage of this proposed development, including separate sidewalk, boulevard landscaping and street lighting as required.
 - c) Tanager Drive is designated an urban class 1 local road. Dedicate and construct the road in accordance with City standard SS-R7 (18.0m dedication, 11.3m road).
 - d) RU4 Road is designated an urban class 2 local road. Dedicate and construct the road in accordance with City standard SS-R4 (15.0m dedication, 9.1m road).
 - e) Provide traffic control and street name signs where required. The City will install all signs and traffic control devices at the developer's expense.
 - f) Provide a Street Sign, Markings and Traffic Control Devices Drawing.
 - g) 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.
 - h) Landscaped boulevards, complete with underground irrigation, is required on Quilchena Dr.
 - i) 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.
 - j) Driveway access is not permitted onto South Perimeter Way. A restrictive covenant in favour of the City of Kelowna, registered under Section 219 of the Land Title Act, must be granted to the effect that vehicular access is not permitted from abutting lots. The subdivision plan must be endorsed to the effect that a covenant is to be registered. The covenant must be registered as a priority charge and is to be indicated on the Lot Grading Plan.
 - k) 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.

- l) Cul-de-sac approach roads must not exceed bylaw grade requirements.
- m) 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.

.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) 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).
- c) Sewer Specified Area Administration Fee of \$250.00 to amend service boundary.
- d) A hydrant levy charge of \$250.00 per lot (not required if developer installs a fire protection system – mains and hydrants).
- e) Water Extended Service Area Latecomers (ESA's):

ESA#	Frontender	Component	To	Rate/unit \$
9	Kettle Valley	Reservoir (Adams)	Sept. 27/10	\$1,364.00

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

- f) Water Specified Area Administration Fee of \$250.00 to amend service boundary.

Steve Muenz, P.Eng.
Development Engineering Manager

ss