

REPORT TO COUNCIL



Date: February 17, 2012
To: City Manager
From: Land Use Management, Community Sustainability (JM)
Application: OCP09-0016/Z09-0071/TA09-0007 **Owner:** Calcan Investments Ltd.
Address: 5505 Chute Lake Road **Applicant:** Calcan Investments Ltd.
Subject: OCP Amendment, Rezoning Application, Text Amendment

Existing OCP Designation:	PARK - Major Park and Open Space S2RESH - Single/Two Unit Residential (Hillside)
Proposed OCP Designation:	PARK - Major Park and Open Space S2RESH - Single/Two Unit Residential (Hillside) MRC - Multiple Unit Residential (Cluster Housing)
Existing Zone:	A1 - Agriculture 1
Proposed Zones:	RH1 - Hillside Large Lot Residential RHM3 - Hillside Cluster Housing RHM4 - Hillside Cluster Multiple Housing P3 - Parks and Open Space

1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP09-0016 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of a portion of The North East ¼, Section 14, Township 28, SDYD, Except Plan KAP57304, located on 5505 Chute Lake Road, Kelowna, BC from the Major Park and Open Space and the Single/Two Unit Residential (Hillside) designations to the Major Park and Open Space, the Single/Two Unit Residential (Hillside) and the Multiple Unit Residential (Cluster Housing) designations, as shown on Map "A" attached to the Report of Land Use Management Department dated February 17, 2012, be considered by Council;

AND THAT Council considers the Advisory Planning Commission public process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of the Land Use Management Department dated February 17, 2012;

AND THAT Zoning Bylaw Text Amendment No. TA09-0007 to amend City of Kelowna Zoning Bylaw No. 8000 by introducing four new hillside zones, including RH1 - Hillside Large Lot Residential, RH2 - Hillside Two Dwelling Housing, RHM3 - Hillside Cluster Housing, and RHM4 - Hillside Cluster Multiple Housing, as outlined in the Report of the Land Use Management Department dated February 17, 2012, be considered by Council;

AND THAT Zone Amendment Bylaw No. 10668 to amend City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification for a portion of The North East ¼, Section 14, Township 28,

A handwritten signature in blue ink, appearing to be a stylized 'R' or 'P' followed by a horizontal line.

SDYD, Except Plan KAP57304, located on 5505 Chute Lake Road, Kelowna, BC, from the A1 - Agriculture 1 zone to the RH1 - Hillside Large Lot Residential and P3 - Parks and Open Space zones, as shown on Map "B" attached to the report of the Land Use Management Department, dated February 17, 2012, be considered by Council;

AND THAT Zone Amendment Bylaw No. 10669 to amend City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification for a portion of The North East ¼, Section 14, Township 28, SDYD, Except Plan KAP57304, located on 5505 Chute Lake Road, Kelowna, BC, from the A1 - Agriculture 1 zone and to the RHM3 - Hillside Cluster Housing and RHM4 - Hillside Cluster Multiple Housing, as shown on Map "B" attached to the report of the Land Use Management Department, dated February 17, 2012, be considered by Council;

AND THAT final adoption of the Zone Amending Bylaw No. 10669 be considered in conjunction with Council's consideration of a Development Permit for the subject property;

AND THAT final adoption of the Zone Amending Bylaw Nos. 10668 and 10669 be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND THAT the Official Community Plan Bylaw Amendment Bylaw, Text Amendment Bylaw and the Zone Amending Bylaws be forwarded to a Public Hearing for further consideration.

2.0 Purpose

The applicant is seeking to make several minor amendments to the Official Community Plan (OCP), as shown in the attached "Map A", in order to better reflect the boundaries of the developable areas, and to permit the use of hillside cluster housing zones on the parcel.

Concurrently, the applicant is proposing to rezone the subject property from the A1 - Agriculture 1 zone to the P3 - Parks and Open Space zone and to the proposed RH1 - Hillside Large Lot Residential, RHM3 - Hillside Cluster Housing, and RHM4 - Hillside Cluster Multiple Housing zones in order to facilitate a hillside residential subdivision. These new zones serve to implement the City's Hillside Development Guidelines.

Those portions of the parcel to be designated RHM3 are subject to a development permit for the form and character of multi-unit development. The applicant is not prepared to move forward at that level of detail at this time, so the application has been separated into two bylaws, one dealing with the single family component and the other dealing with the multi-unit component. Should the application be approved by Council, it is anticipated that the bylaw addressing the multi-unit development will be held at 3rd reading, pending submission of the required Development Permit.

3.0 Land Use Management

The subject application has been part of what has become a pilot project for hillside development - an on-the-ground effort to implement Council's adopted Hillside Development Guidelines (see attachment). The applicant group has been very receptive to comments and suggestions of staff and the end result is an improved project. For the purposes of the following analysis, the text amendment and rezoning applications will be discussed separately below.

Land Use

Land Use Management staff are generally supportive of the proposed development, as it is seen to conform generally to the Official Community Plan (OCP) vision for hillside development and with the density provided in the Southwest Mission Sector Plan.

The proposal takes advantage of the natural topography of the land, resulting in an atypical pattern of development that is suited to small “clusters” of units. This layout achieves multiple OCP objectives, such as:

- increased natural area protection;
- reduced grading (cuts/fills); and
- reduced visual impact.

The proposal will result in the protection of approximately 53.6% of the total site, which is a substantial public benefit and includes opportunities for active and passive recreation. In addition to the recreation opportunities, the protected lands include all the major environmentally sensitive portions of the parcel, including two riparian corridors, and will provide important habitat and wildlife corridors in perpetuity.

In exchange for this large land dedication, the applicant is seeking to develop a wider variety of housing forms on those portions of the parcel that are suitable for development than what is typically seen in hillside development. This concept is known as “cluster housing”. In cluster housing, a developer constructs denser “clusters” of units that may feature a mix of housing forms (single family, two dwelling housing and multi-unit) in exchange for the protection of a large amount of natural area. This is seen to be a preferable option to more traditional forms of hillside development that witnessed large lot single family development covering substantial portions of a hillside parcel and having substantial visual impact through cuts, fills and required roads.

In this particular development proposal, the applicant is seeking to create 47 fee simple single family lots, and up to 50 units consisting of a mix of bareland strata single family and two dwelling housing. The northwestern portion of the parcel is slated for a mix of townhome and low-rise apartment development, with a yield of approximately 60 units. The total unit count on the parcel is expected to be roughly 150 units. This diversity of housing forms is further supported by the OCP, as it serves to create a more complete community accessible to a wider variety of local residents.

However, developing clusters in a manner consistent *with* the natural topography presents its own challenges. For instance, the OCP promotes the connectivity of residential neighbourhoods, both to each other and to local services. These connections should not be focused entirely on vehicular travel, but should provide opportunities for active modes of transportation as well. The relative isolation of these clusters makes these objectives far more challenging to achieve. In an effort to address this challenge, the applicant proposes to link the communities to a trail system that is more broadly linked throughout the southwest mission. Using this network, a resident of the proposed development will be able to walk or cycle to nearby neighbourhoods and their services.

Overall, the proposed zoning represents a strong effort at balancing the multiple, and sometimes competing, objectives of the OCP. It is envisioned that the proposal will serve as a model for future hillside development in the valley, having a layout, servicing and road network that will be visually distinct as a hillside community.

Text Amendment

In order to implement the objectives of the OCP and the Council endorsed Hillside Development Guidelines, Staff have developed four new hillside zones in concert with the applicant team. These zones have been accepted by both parties. The zones are:

- RH1 - Hillside Large Lot Residential

- RH2 - Hillside Two Dwelling Housing
- RHM3 - Hillside Cluster Housing
- RHM4 - Hillside Cluster Multiple Housing

Presently, the zoning regulations for hillside development are limited in their effect, and consist principally of slight alterations to zones crafted originally for development in low lying areas. The proposed new hillside zones have been crafted specifically for use in areas designated for hillside residential in the OCP, and recognize at a fundamental level that hillside development requires a greater attention to detail, greater sensitivity to topography and to context. But, while stricter regulation is called for in some areas, the zones overall attempt to provide flexibility and economically efficient options for the development community.

To begin, it must be recognized that zones only address the creation of parcels and the regulation of development thereon. Servicing of these parcels, such as roadways, are a critical component of a new approach to hillside development, but are contained in the Subdivision Servicing Bylaw and are not addressed in this report.

Within the limitations of what can be accomplished using zoning regulations, the proposed hillside zones address the major objectives of hillside development in the following manner:

Natural Area Protection:

For many residents of Kelowna, hillside areas hold significant aesthetic value as natural areas. Natural rolling hills certainly represent an important local amenity. By virtue of their broad exposure, development on hillsides is also far more visible than development in low lying areas. Using this as a starting point, it is critical that new hillside zones have a strong emphasis on natural area preservation.

While the proposed single/two unit zones (RH1 and RH2) represent a fairly standard approach to natural area preservation and are intended to be implemented alongside Natural Environment and Hazardous Conditions Development Permits, the RHM3 - Hillside Cluster Housing zone embodies the new approach to natural area preservation on hillsides. It provides ultimate flexibility in housing forms and densities and ensures that the dedication of natural lands by a land owner will not result in a density reduction. The zone rewards natural area protection and a reduction in the footprint of development by providing for increased density and flexibility in housing forms in those reduced development areas.

Reduced Visual Impact:

The proposed zones include multiple provisions that seek to reduce the visual impact of hillside development. The zones require a greater degree of building articulation on the downslope face of buildings. This reduces visible building massing both for nearby residents and for residents in the valley bottom.

A new definition of building height attempts to find a balance between flexibility, ease of use, and reduced visual impact of hillside development. The new height definition introduces a regimen for site grading that places increased accountability with the land developer for critical cuts, fills, and major retaining. The mechanisms for defining and measuring height, and their corresponding impact on site grading, will ensure that new buildings and lots conform more closely to the natural topography.

Setback provisions also provide developers with several options for meeting setback requirements. All of the options place a greater emphasis on coordinating the preservation of view corridors. This preserves the amenity of the area for residents and also breaks up the visual uniformity of typical hillside development as seen from a distance.

At a fundamental level, the proposed zones recognize that the density that would be appropriate in low lying urban areas is not appropriate for hillside areas. The zones feature a slightly reduced density, but provide an incentive for walk-ups, versus walk-outs, as walk-ups are seen to have a lower visual impact.

A further incentive is provided to reduce the massing of new homes generally. Homes that do not exceed two storeys benefit from increase site coverage, reduced articulation requirements, and reduced building setbacks.

Flexibility:

The new hillside zones feature several measures to provide flexibility to the development community. Two options are provided for achieving setback requirements, lot areas are reduced, lot sizes are averaged over development phases, and building articulation requirements are highly flexible, to name a few.

However, perhaps the most important note in flexibility is the incentive program developed to encourage two-storey development. The result of the incentives is that development limited to two storeys is less expensive and is subject to fewer regulations.

Certainly, hillside development brings with it several costs not typically witnessed in low lying urban areas, such as increased site grading and servicing costs. Also, creating development that addresses the objectives of the Hillside Development Guidelines may result in some increased costs. However, in recognition of this, staff have attempted to provide options that allow a developer to keep costs down, while also achieving the objectives of good hillside development.

Significant effort has been expended in crafting zones that can be implemented practically, including several opportunities for review by the Urban Development Institute (UDI) and the Canadian Home Builders' Association (CHBA). After the new zones are adopted, staff will continue a close dialogue with the UDI/CHBA in order to monitor the implementation of the zones to ensure that technical issues are addressed via interpretation updates, text amendments or staff training.

Summary:

The proposed development represents a strong example of hillside development that balances the policies of the OCP and that addresses the objectives of the Hillside Development Guidelines. The applicant team has been exceptionally collaborative in their effort to develop new hillside zones that meet the needs of both the development community and of the community at large.

4.0 Proposal

4.1 Background

As single family development in Kelowna has been forced to the periphery in recent years, the city has seen a proliferation of hillside development. Inherent in hillside development in Kelowna are several major challenges such as environmental preservation, servicing constraints due to steep grades, visual impact, geotechnical and hydro-geological hazards, and wildfire hazards, to name a few. Certainly, development on hillsides is complicated and demands a higher degree of care and attention. The difficulty in addressing these challenges has resulted in both positive and negative examples of hillside development in the valley.

In order to encourage more effective hillside development, Council endorsed the *Hillside Development Guidelines*¹ in 2009. The Applicant has devoted considerable resources to engage with City staff in a genuine attempt to take Council's direction and to develop in accordance with these new guidelines. The result of this engagement is the creation of three new zones that aim to implement the principles and objectives of hillside development that is sensitive to the environment, aesthetically pleasing, and functionally appropriate.

In addition, as part of the Hillside Review process, the City has engaged a joint committee of UDI and CHBA members in an on-going series of meetings to review proposed updates to the Zoning Bylaw, among other items. Both groups have provided valuable feedback that has been used to help craft the proposed zones in a manner which provides the maximum possible flexibility to the development community while still implementing/respecting the recommendations contained in the Hillside Development Guidelines.

As an integral component of the development of the Hillside Development Guidelines and their implementation in the form of the proposed new zones, the City retained the services of Bob Twerdoff. Mr. Twerdoff brought his considerable hillside development experience from local governments across the province to bear on the Kelowna context. His involvement throughout the process has also added continuity and clarity of purpose.

Under the previous Official Community Plan (OCP), the subject lands were designated for Single/Two Unit Residential and Major Park/Open Space. Based on this, the proponent's original application included a request to amend the OCP to permit hillside residential development. This request was subsequently incorporated in the development of the current OCP. OCP Future Land Use designation mapping was conducted at a macro-level for the City at-large and was refined for this site, recognizing the various topographic, geotechnical, natural environment, and servicing challenges posed. The refined mapping reflects the reality of smaller developable areas and larger areas of natural open space. However, when this mapping was refined, the hillside zones were still under development and the future property lines of the proposed development itself were under review. Both these items have subsequently been finalized. Based on this, it has been determined that a final OCP amendment is required to reflect the final development proposal. The amendment includes some minor boundary adjustments to match the refined property lines, and a change in Future Land Use (FLU) for portions of the parcel from S2RESH - Single/Two Unit Residential (Hillside) to MRC - Multiple Unit Residential (Cluster Housing) in order to permit cluster housing in a hillside setting.

4.2 Project Description

The applicant proposes to develop a total of up to 97 single detached or two dwelling residential units in four separate pockets - or "clusters" - on the parcel. An additional portion of the parcel is proposed to contain approximately 60 units of multi-unit residential. These clusters are situated on existing flat benches or on areas having a gentler slope (see Attached "Map A"). 47 lots are to be fee simple lots zoned RH1, while the remainder is to be zoned RHM3 and RHM4 to accommodate up to 100 units of cluster housing. The northern portion of the parcel will contain the largest concentration of units, with the majority of the remainder to be developed on the west side of Chute Lake Road. Only six residential units are proposed for the south-eastern pocket.

The principal access to these lots is presently from Chute Lake Road, which will be realigned and re-graded to updated standards sensitive to the hillside context. Once adjacent properties to the east are developed, Upper Mission Drive will be extended and will function as a second principal

¹ City of Kelowna, "Hillside Development Guidelines", October, 2009.

access to the parcel. In order to access the pocket south of Cedar Creek and west of Chute Lake Road, two small roadways will be developed.

In concert with the residential development, and in accordance with the OCP, the applicant proposes to construct several large public trails through the parcel (see attached Trail Plan). The trails will principally flow east-west alongside the riparian corridors on the parcel and will connect to existing and/or planned trails offsite.

Outside of those areas zoned and designated for residential development, the applicant proposes to dedicate the remainder of the parcel to the City as parkland. This area represents 53.6% of the total parcel or 22.17 ha in land area. This area includes all of the highest value habitat on the parcel, as identified by a report prepared by a Qualified Environmental Professional.²

The proposed development will trigger multiple development permit requirements, including a Natural Environment and Hazardous Conditions Development Permit, and an Intensive Residential - Hillside Development Permit, which may be executed at a staff level. Any multi-unit development on site will also trigger a Comprehensive Development Permit to address form and character requirements, which will be subject to Council approval.

4.3 Site Context

The subject property is approximately 41.36 ha in area and is located adjacent to the City boundary in the Southwest Mission area, south of Kettle Valley, with frontage on Chute Lake Road. Elevations on the properties are in the range of 534 to 737 metres above sea level (masl) with an overall change in elevation of 203 m (666 feet). Lower elevations are found nearer to Kettle Valley and higher elevations are found at the City boundary along the extreme southern edge of the site.

Portions of the subject property are subject to Natural Environment, Wildland Fire Hazard, and Hazardous Condition Development Permit Areas. Furthermore, City of Kelowna environmental inventories have identified a wetland, two streams (Cedar Creek and an unnamed tributary of the same), and two sensitive ecosystems on the site (riparian gully and coniferous woodland). The subject property is within the Permanent Growth Boundary.

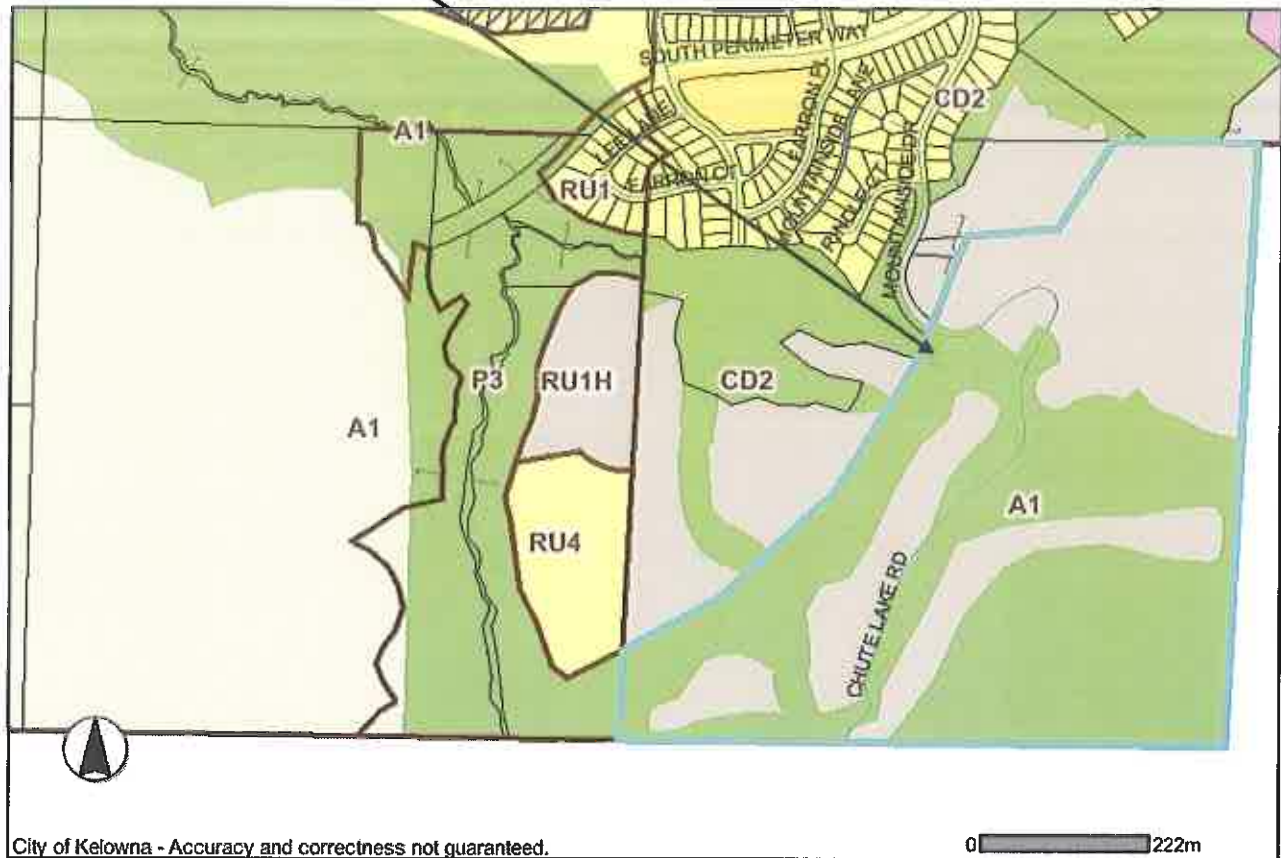
The surrounding area is predominantly undeveloped, except for portions of Kettle Valley to the south. Specifically, the adjacent zones are:

Specifically, adjacent land uses are as follows:

Orientation	Zoning
North	CD2 - Kettle Valley Comprehensive Residential Development
East	Regional District of Central Okanagan
South	Regional District of Central Okanagan
West	CD2 - Kettle Valley Comprehensive Residential Development P3 - Parks and Open Space, RU4 - Low Density Cluster Housing

² Summit Environmental Consultants Ltd. "Calcan Investments Inc.: Environmental Impact Assessment", November 2009.

Subject Property Map: 5505 Chute Lake Road



4.4 Zoning Analysis Table

Zoning Analysis Table				
CRITERIA	RH1 ZONE REQUIREMENTS	PROPOSAL	RHM3/RHM4 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations				
Lot Area and Density	600 m ²	614 m ² - 1,934 m ²	- Site Area 5,000 m ² - RHM3 Density 22 units per hectare - RHM4 Density 0.5 FAR	5,000 m ²
Lot Width	16.0 m for upslope lots, 18.0 m for downslope lots	19.1 m - 32.6 m	TBD	TBD

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Goals for a Sustainable Future

Contain Urban Growth.³ Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

Protect and Enhance Natural Areas.⁴ Protect and enhance natural areas by creating an open space network that protects sensitive ecosystems, including watersheds, and links important habitat areas.

Development Process

Permanent Growth Boundary.⁵ Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Support development of property outside the Permanent Growth Boundary for more intensive uses only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council's specific amendment of this policy. Resource Protection Area designated properties not in the ALR and outside the Permanent Growth Boundary will not be supported for subdivision below parcel sizes of 4.0 ha (10 acres). The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

Maximize Pedestrian / Cycling Connectivity.⁶ Require that pedestrian and cyclist movement and infrastructure be addressed in the review and approval of all City and private sector developments, including provision of sidewalks and trails and recognition of frequently used connections and informal pedestrian routes. With new developments, require dedication of on-site walking and cycling paths where necessary to provide links to adjacent parks, schools, transit stops, recreation facilities, employment nodes, cul-de-sacs and large activity areas.

Dedication of Linear Parks.⁷ At subdivision and rezoning for all development types secure a minimum 10-metre wide linear corridor for public access as included in Table 5.1 Linear Park - Public Access and/or are shown on Map 5.9 - Linear Corridors / Paths. The 10-metre wide corridor may be in addition to, and outside, any riparian management area requirements imposed through the Environmental Development Permit (see Chapter 12) requirements 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 applications 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. Linear trail corridors can have the following tenure which will be determined by staff at the time of subdivision or rezoning:

- Titled property in the name of the city as a park, protected area, or
- Road reserve right of way; or
- Statutory right of way.

³ City of Kelowna Official Community Plan, Chapter 1, Goal 1.

⁴ City of Kelowna Official Community Plan, Chapter 1, Goal 6.

⁵ City of Kelowna Official Community Plan, Chapter 5, Policy 5.3.1.

⁶ City of Kelowna Official Community Plan, Chapter 5, Policy 5.10.1

⁷ City of Kelowna Official Community Plan, Chapter 5, Policy 5.14.2.

Protect Sensitive Areas.⁸ Sensitive environmental areas and riparian management areas (RMA) will be protected by siting trails beyond their boundaries, unless there are absolutely no alternatives.

No Net Loss of Aquatic Habitat Productivity.⁹ Require “no net loss” with respect to land use decisions that affect aquatic habitat based on the “no net loss” principle of the Department of Fisheries and Oceans policy. No individual land use or development project should result in a net loss in habitat productivity as determined through environmental assessment in land use decisions and project approvals that affect aquatic habitats as identified on the Natural Environment DP Map 5.5. In the long term the City will strive for a net gain in overall productivity of the city’s aquatic habitats. “Tradeoffs” in the interest of land development will only be supported when longterm net gains in habitat productivity can be substantiated.

No Net Loss of Terrestrial Habitat.¹⁰ Require that “no net loss” in the productive capacity of important and/or critical terrestrial habitats as determined through environmental assessment in land use decisions and project approvals that affect terrestrial habitats as identified on the Natural Environment DP Map 5.5. In the long term the City will strive for a net gain in overall productivity of the city’s terrestrial habitats. “Tradeoffs” in the interest of land development will only be supported when longterm net gains in habitat productivity can be substantiated.

Environmentally Sensitive Area Linkages.¹¹ Ensure that development activity does not compromise the ecological function of environmentally sensitive areas and maintains the integrity of plant and wildlife corridors.

Steep Slopes.¹² Prohibit development on steep slopes (+30% or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw 10500.

Access Through Steep Slopes.¹³ Discourage roads (public or private) through +30% slope areas intended to access lands beyond, except in cases where it can be demonstrated the road will be sensitively integrated (visual and aesthetic impacts minimized) with the natural environment and will present no hazards to persons or property, environmental threats or unreasonable servicing or maintenance challenges.

Cluster Housing.¹⁴ Require new residential development to be in the form of cluster housing on / or near environmentally sensitive areas and areas of steeper slopes to lessen site disturbance and environmental impact on those areas identified on the Future Land Use Map 4.1 as single-two unit residential hillside. Steeply sloped areas should be retained as natural open space, public or private. The intent of the clustering would be to preserve features identified through the Development Permit process that otherwise might be developed and to maximize open space in order to:

- a. Protect environmentally sensitive areas of a development site and preserve them on a permanent basis utilizing the most appropriate tools available;
- b. Facilitate creative and flexible site design that is sensitive to the land’s natural features and adaptive to the natural topography;

⁸ City of Kelowna Official Community Plan, Chapter 5, Policy 5.14.4.

⁹ City of Kelowna Official Community Plan, Chapter 5, Policy 5.15.1.

¹⁰ City of Kelowna Official Community Plan, Chapter 5, Policy 5.15.2.

¹¹ City of Kelowna Official Community Plan, Chapter 5, Policy 5.15.3.

¹² City of Kelowna Official Community Plan, Chapter 5, Policy 5.15.12.

¹³ City of Kelowna Official Community Plan, Chapter 5, Policy 5.15.13.

¹⁴ City of Kelowna Official Community Plan, Chapter 5, Policy 5.22.1.

- 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.

Hydro-Geologically Sensitive Areas.¹⁵ Require an assessment of potential ground and surface water seepage as part of any subdivision on hillside lands in excess of 20% slope. Require reduced or no irrigation water use in areas where limited or no infiltration capacity exists based on hydro-geological assessments of sensitive areas.

Design for People and Nature.¹⁶ Structure new neighbourhoods around parks, pedestrian and bike routes, open spaces, and environmental areas, rather than around roadways and cars.

Infrastructure

New Residential Developments.¹⁷ Ensure that new residential developments and subdivisions have active transportation links to the nearest arterial or major collector roads at developer cost.

Housing Mix.¹⁸ Deliver services and infrastructure and create financial structures that will support the aim of having 57% of new housing units in the form of townhouses and apartments.

5.2 Hillside Development Guidelines¹⁹

Vision:

Hillside developments will be environmentally sensitive, functionally appropriate, aesthetically pleasing and economically feasible.

Principles for Hillside Development:

Development applications within hillside areas should work to achieve the vision for hillside development by focusing on the following principles:

- Damage to the environment and natural features should be avoided
- Suitable density and diversity of housing type mitigates impacts
- All users are accommodated on neighbourhood streets
- Views are preserved for residents and visitors
- Locally appropriate, drought tolerant plants are used
- Building sites are safe.

6.0 Technical Comments

6.1 Building & Permitting Department

No concerns

¹⁵ City of Kelowna Official Community Plan, Chapter 5, Policy 5.36.1.

¹⁶ City of Kelowna Official Community Plan, Chapter 5, Policy 5.36.3.

¹⁷ City of Kelowna Official Community Plan, Chapter 7, Policy 7.8.3.

¹⁸ City of Kelowna Official Community Plan, Chapter 7, Policy 7.3.1.

¹⁹ City of Kelowna, "Hillside Development Guidelines", October, 2009.

6.2 Development Engineering Department

See attached Memorandum, dated January 15, 2010.

6.3 Infrastructure Planning

Infrastructure Planning has reviewed this development application and has submitted the following comments to Development Services:

Parks & Open Spaces:

- i. At the subdivision phase, the applicant should contact the Real Estate and Building Services Division to initiate the parkland transfer. All parkland shall be zoned P3 and transferred as a title lot in the name of the City of Kelowna.
- ii. The parkland shall be free and clear of noxious weeds as regulated in the British Columbia Weed Control Act; no debris and garbage; no unauthorized tree cutting, no damage to natural vegetation, no material and construction storage and/or equipment parking. The parkland shall be kept in a natural, undisturbed condition. The City recommends erecting temporary construction fencing around the perimeter of the parkland to ensure damage does not occur.
- iii. To prevent private/public encroachment, the applicant will be required to delineate the private property lines adjacent to all parkland with a minimum 1.2 m high (4') black vinyl chain link fence with black powder coated posts, rails and hardware (or approved equivalent) located 150 mm (6") within the private property.
- iv. The trail standard for this section of Cedar Creek is a Class 5 Standard Multi-use Trail at 1.5 metre width, surfaced with gravel (see attachment). The exact alignment of the trail should be confirmed on-site with Infrastructure Planning prior to construction.
- v. A pedestrian crosswalk is required along Upper Mission Drive to allow trail users to safely cross the road. The design of the crosswalk is required to be submitted to the City as part of the Civil Engineering Drawing Package.

6.4 Fire Department

The plans for the multi unit residential should include a code analysis including occupancy class and building usage.

Engineered fire flows are required to for the multi unit buildings. The roads and hydrant are to meet the City of Kelowna Subdivision Bylaw #7900. All residential lots are to have a minimum of 6M road width with no parking signs to be provided. Fire department turn around may be required at the end of the southern access road. Maximum road grade is one in twelve. Additional comments at the building permit application may be required.

6.5 Hillside Development Consultant (Bob Twerdoff)

The primary reasons for increasing lot width is to lower single family development densities on hillsides to reduce visual impacts, extent of grading/retaining and to reduce geotechnical concerns. When considering increases in lot widths you will encounter resistance from developers due to their perceived notions of yield; however in order to create a noticeable change to how hillsides are developed, fewer single family homes will be inevitable. I would counter with the argument by suggesting increased yield can be attained through other land uses, such as cluster housing, multiple housing and secondary suites.

6.6 Interior Health Authority

Interior Health Authority does not support this application as it represents a continuation of sprawl and its associated negative health outcomes. This development will rely on vehicles and will offer limited alternate transportation opportunities that would allow people to walk or bike easily to typical destinations, such as work, school or grocery stores and become physically active. Lack of physical activity has been identified as one of the contributing factors in the growing rate of obesity amongst Canadians.

6.7 Transportation and Mobility

Cycling connection - within the application is mention of a proposed trail alignment linking an existing Kettle Valley Trail to the site. Within the application there is comment that this alignment was shown to the City's parks department. Regional Services (TDM) would like to express our encouragement to the developer in ensuring this trail linkage is provided and is to standards approved by the parks department. Ensuring there are adequate cycling and pedestrian linkages to encourage active transportation is extremely important in outlying developments particularly for youth living in these areas travelling within the immediate and nearby neighbourhoods. This development lies outside of the existing transit service area. Pathway/sidewalk connections allow citizens to travel to transit by foot or bike.

6.8 Regional District of Central Okanagan (RDCO)

See correspondence from RDCO, dated December 21, 2009.

6.9 School District No. 23

No comment.

6.10 FortisBC Energy - gas

Please be advised that Terasen Gas' facilities will not be adversely affected as we currently do not have any pipeline serving that adress nor do we have transmission pipeline running through it. Therefore, Terasen Gas has no objection to the applications as presented.

6.11 RCMP

No comment.

6.12 Shaw Cable

Owner/Developer to install an underground conduit system as per Shaw Cable drawings and specifications.

6.13 Telus

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

6.14 FortisBC

No comment.

7.0 Application Chronology

Date of Application Received: November 20, 2009

Advisory Planning Commission March 16, 2010

The above noted application was reviewed by the Advisory Planning Commission at the meeting on March 16, 2010 and the following recommendations were passed:

THAT the Advisory Planning Commission support Text Amendment Application No. TA09-0007, for 5505 Chute Lake Road; to amend Zoning Bylaw No. 8000 to create three new hillside zones consistent with the Hillside Development Guidelines.

THAT the Advisory Planning Commission support Rezoning Application No. Z09-0071, for 5505 Chute Lake Road; to rezone the subject property from the A1 - Agriculture 1 zone to the P3 - Parks and Open Space zone and to the proposed RH1 - Hillside Large Lot Residential and RH3 - Hillside Cluster Housing zones in order to facilitate a hillside residential subdivision.

Anecdotal Comments:

The Advisory Planning Commission support this text amendment, however, they noted that there are concerns with the proposed change to the definition and height shown on "Schedule A", and want to see clarification of the proposed change before providing comment.

Subsequent to the APC process, the subject development application and associated text amendment were refined with the assistance of the City's hillside development consultant, and in cooperation with the Hillside Review process. The final meeting of the joint hillside committee was held on January 26, 2012.

Report prepared by:



James Moore, Environment & Land Use Planner

Reviewed by:



Danielle Noble, Urban Land Use Manager

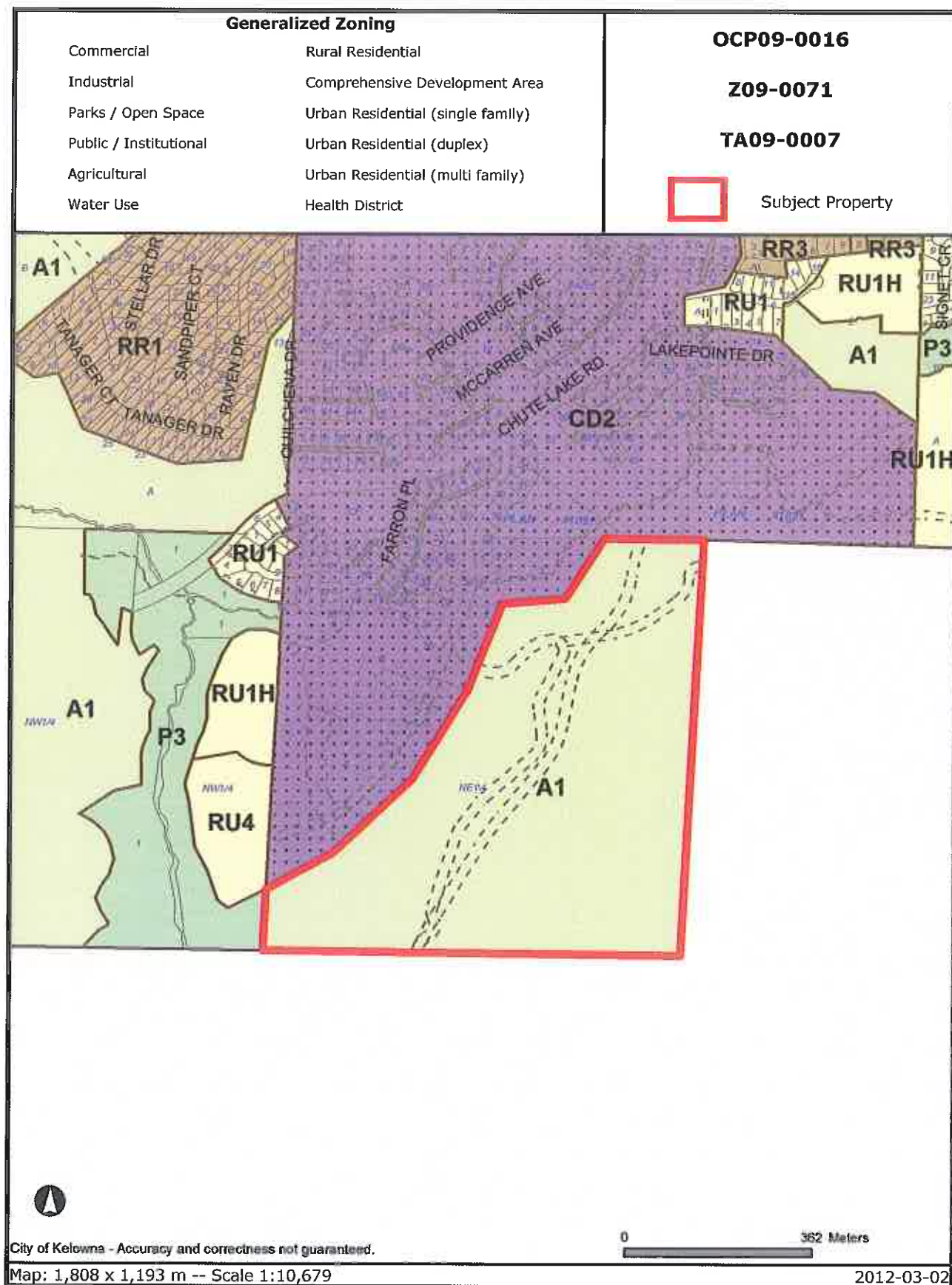
Approved for Inclusion:



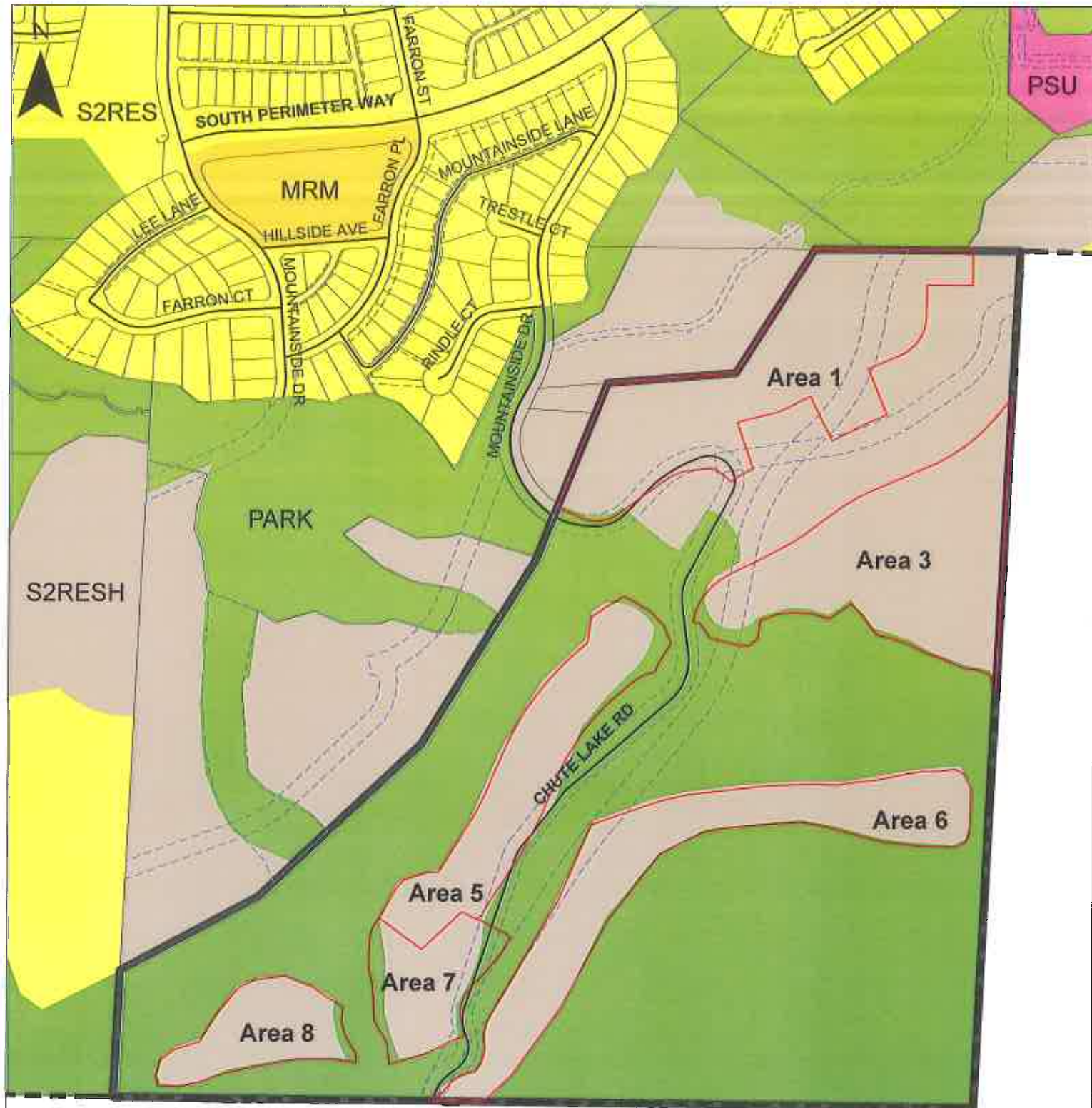
Shelley Gambacort, Director, Land Use Management

Attachments:

Subject Property Map
Map "A" - Official Community Plan Amendment Map
Map "B" - Zoning Amendment Map
Applicant's Site Plan
Applicant's Conceptual Trail Network Plan
RH1 - Hillside Large Lot Housing - DRAFT
RH2 - Hillside Two Dwelling Housing - DRAFT
RHM3 - Hillside Cluster Housing - DRAFT
RHM4 - Hillside Cluster Multiple Housing - DRAFT
Letter from Urban Development Institute
Letter from the Regional District of Central Okanagan, dated December 21, 2009
Summary of Technical 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.



Subject Property Note:

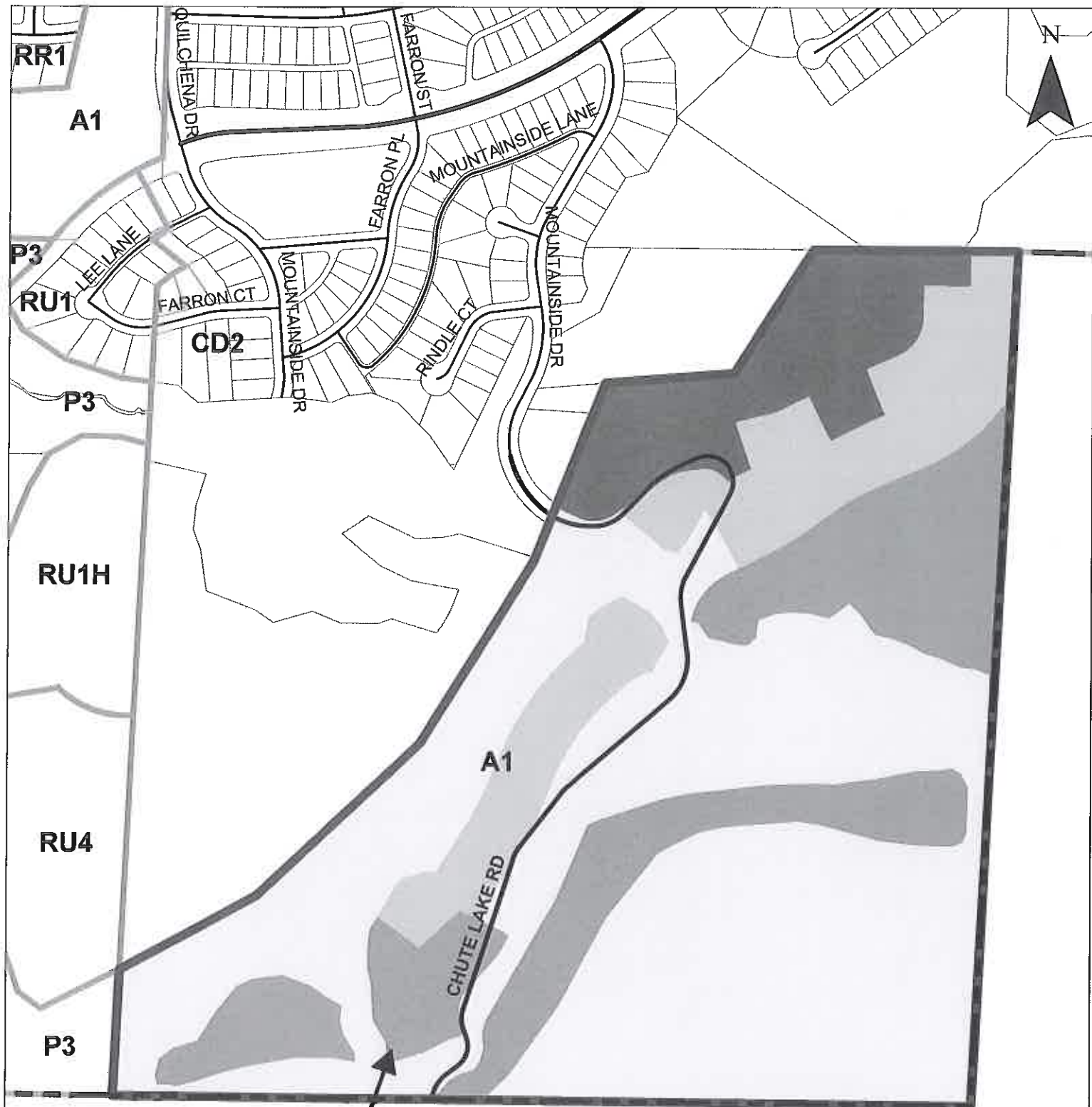
- Amend the OCP for a portion of the subject property from Major Park and Open Space (PARK) and or Single/Two Unit Residential - Hillside (S2RESH) to:
- Area 1 - From S2RESH to MRC
- Area 3 - From S2RESH to MRC
- Area 5 - From PARK/S2RESH to S2RESH
- Area 6 - From S2RESH to MRC
- Area 7 - From PARK/S2RESH to S2RESH
- Area 8 - From S2RESH to MRC
- MRC = Multiple Unit Residential (Cluster Housing)

MAP "A" OCP AMENDMENT OCP09-0016

 Multiple Unit Residential (Medium Density)	 Amendment Areas
 Major Park and Open Space	 Subject Property
 Public Service Utilities	 Legal Parcel
 Single / Two Unit Residential	 Easement
 Single / Two Unit Residential - Hillside	
 City Boundary	

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

0 20 40
Meters
Rev. Mar. 2/12



Regional District of
Central Okanagan

Subject Property Notes:

- Rezone the subject property
from A1 Agricultural 1 to one of
the following:
P3 - Parks & Open Space
RH1 - Hillside Large Lot Residential
RHM3 - Hillside Cluster Housing
RHM4 - Hillside Cluster Multiple Housing
(See Legend for Details)

MAP "B" PROPOSED ZONING

Application #Z11-0030

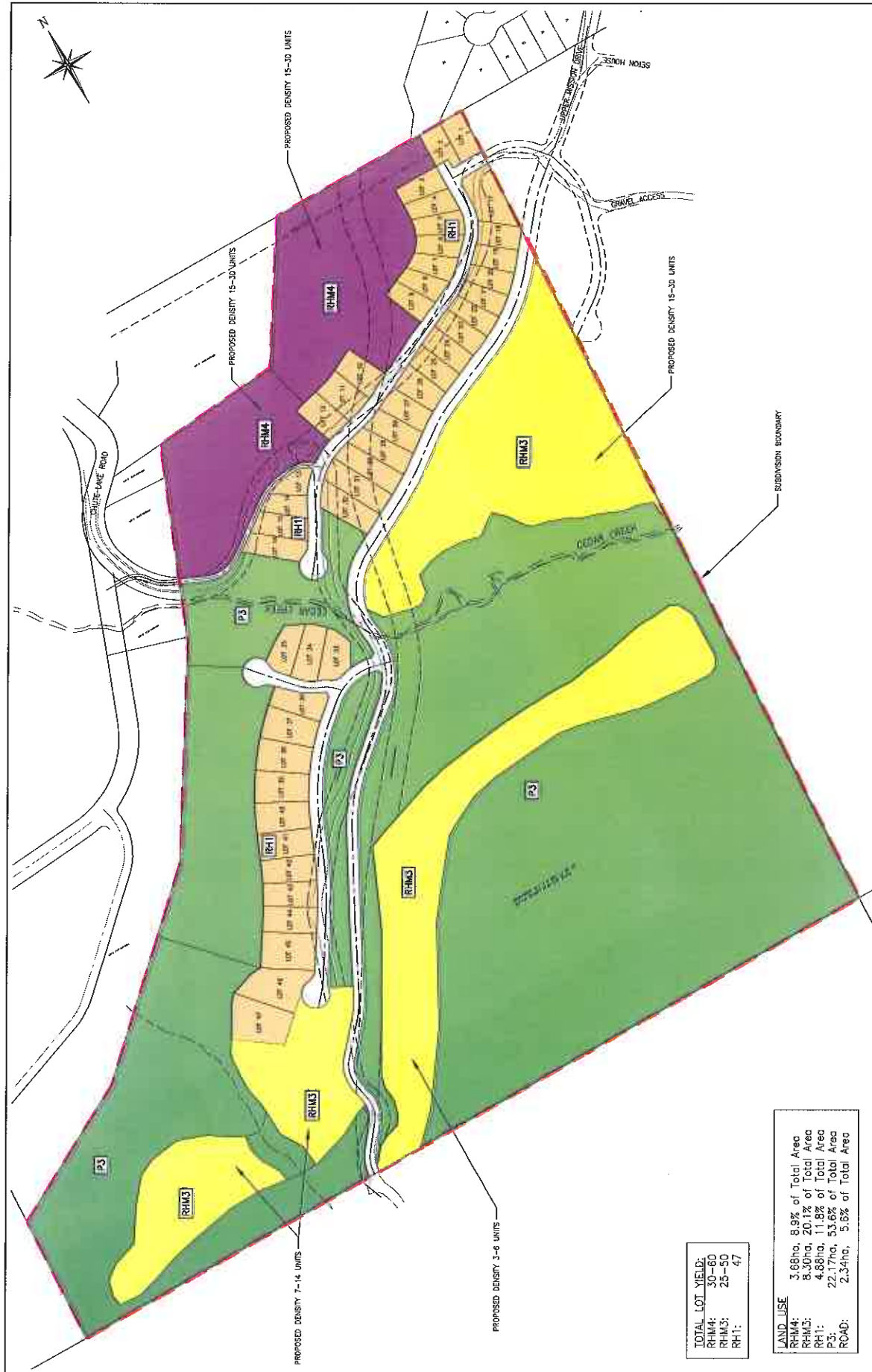
	City Boundary		A1 to P3		A1 to RHM3
	Subject Property		A1 to RH1		A1 to RHM4
	Zoning				
	Legal Parcel				

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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Meters

Rev. Mar. 2/12

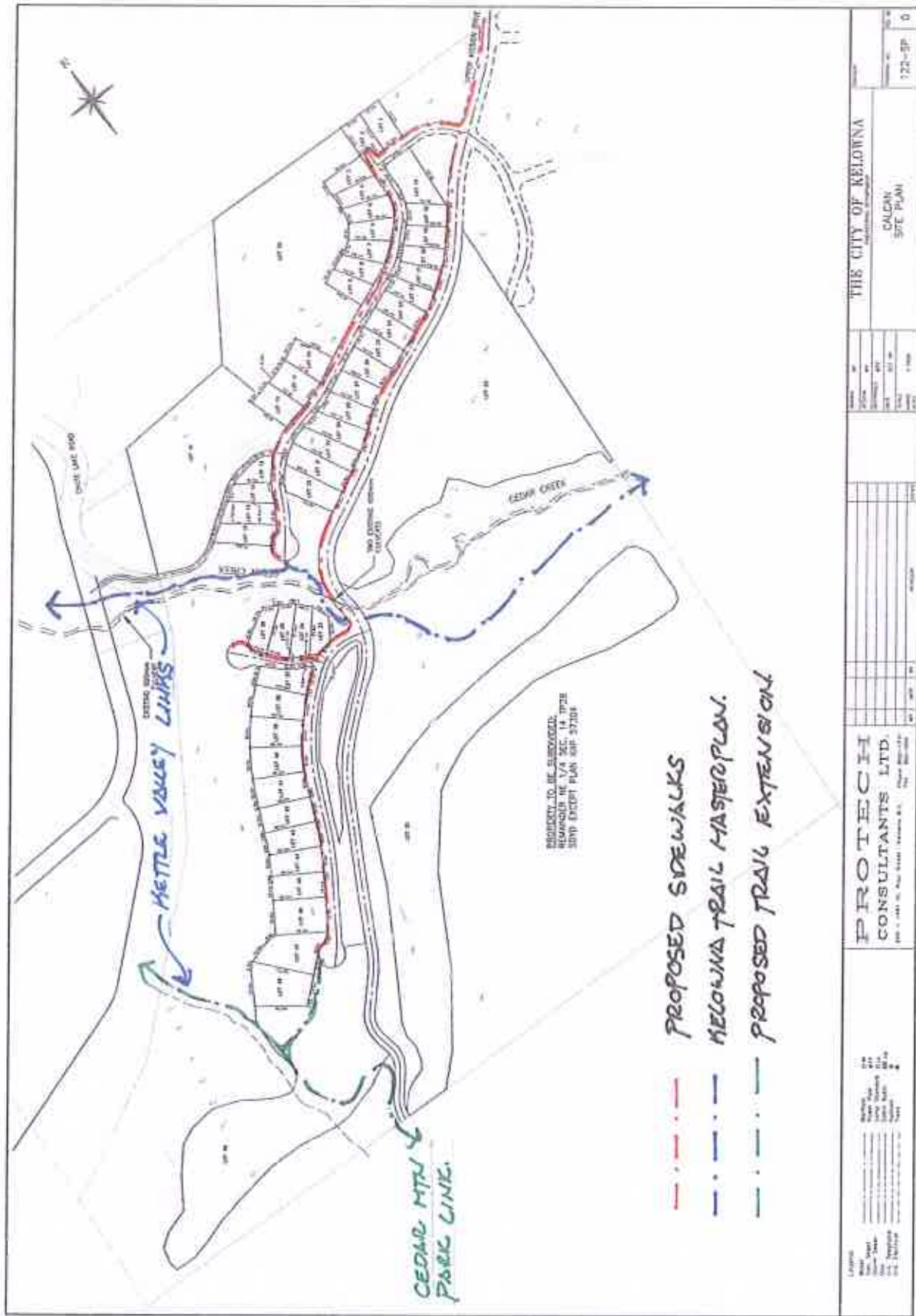




TOTAL LOT YIELD:
 RHM4: 30-60
 RHM3: 25-50
 RH1: 47

LAND USE
 RHM4: 3.88ha, 8.9% of Total Area
 RHM3: 8.30ha, 20.1% of Total Area
 RH1: 4.88ha, 11.8% of Total Area
 P3: 22.17ha, 53.6% of Total Area
 ROAD: 2.34ha, 5.8% of Total Area

PROTECH CONSULTANTS LTD. 200 - 1401 St. Paul Street Kelowna B.C. Phone 800-1571 Fax 800-1584		THE CITY OF KELOWNA DIVISION OF PLANNING		DIVISION
NO. 1 DATE 17/07/02 BY [Signature]	NO. 2 DATE 17/07/02 BY [Signature]	NO. 3 DATE 17/07/02 BY [Signature]	NO. 4 DATE 17/07/02 BY [Signature]	NO. 5 DATE 17/07/02 BY [Signature]
RECD AND USE AREA NOTICES ZONING DESIGNATION CHANGES DOWNSIDE AND TO PLAN		SCALE 1:1500 DATE 17/07/02		
122-ZP 3		PROPOSED REZONING PLAN REMAINDER NE 1/4 SEC. 14 TP28 SYD EXCEPT PLAN KAP 57304		



THE CITY OF KELOWNA 122-SP 0		PROTECH CONSULTANTS LTD. (INCORPORATED IN BRITISH COLUMBIA)	
PROJECT NO. 122-SP 0	SHEET NO. 0	DATE 2014	SCALE 1:1000
DRAWN BY J. B.	CHECKED BY J. B.	PROJECT MANAGER J. B.	PROJECT NO. 122-SP 0

13.14 RH1 – Hillside Large Lot Residential**RH1s – Hillside Large Lot Residential with Secondary Suite****13.14.1 Purpose**

To provide a zone for single detached housing on large-sized, serviced hillside lots with the express goal of minimizing the impacts of development on the natural environment and visual character of Kelowna.

13.14.2 Definitions

Despite conflicting definitions found elsewhere in this bylaw, the following definitions shall apply for the purposes of interpreting the regulations of this zone:

GRADE, BUILDING means the elevation of the finished surface of the ground established in conformance with an approved subdivision grading plan, excluding localized depressions such as for vehicle or pedestrian entrances. **Retaining walls** shall not raise the effective elevation of grade for purposes of measuring *height* of a building or **structure**.

HEIGHT means, with respect to a building, the maximum vertical distance above a straight line drawn between the midpoint of the front of the approved Building Envelope Covenant and the midpoint of the rear of the approved Building Enveloped Covenant measured to the highest point of the **structure** of a non-sloping roof, or the mid-point between the eaveline and the ridge of a sloping roof, excluding those **structures** identified in Section 6.6.1 of this bylaw.

13.14.3 Principal Uses

- (a) **single dwelling housing**

13.14.4 Secondary Uses

- (a) **bed and breakfast homes**
- (b) **care centres, minor**
- (c) **group homes, minor**
- (d) **home based businesses, major**
- (e) **home based businesses, minor**
- (f) **secondary suite (RH1s only)**

13.14.5 Buildings and Structures Permitted

- (a) one **single detached house** (which may contain a **secondary suite** in the RH1s zone)
- (b) permitted **accessory buildings** and **structures**

13.14.6 Subdivision Regulations

- (a) For lots on the upslope side of a road, the average **lot width** is 18.0m, but the minimum **lot width** is 16.0m. For lots on the downslope side of a road, the average **lot width** is 21.0m, but the minimum **lot width** is 18.0m. For the purpose of determining average **lot width**, include those lots zoned or to be zoned RH1 and RH2 for that portion of a subdivision approved in a Preliminary Layout Review of Subdivision by the Subdivision Approving Officer.
- (b) The minimum **lot depth** is 20.0m.
- (c) The minimum **lot size** for a subdivision is 600m².

13.14.7 Development Regulations

- (a) The maximum **site coverage** is 33% and together with the areas of driveways and parking shall not exceed 40%. If no building elevation exceeds a *height* of 2 **storeys**, the maximum **site coverage** shall be 40% and together with the areas of driveways and parking shall not exceed 50%.
- (b) The minimum setback for a **front yard** or flanking street is 3.0 m except that it is 6.0 m measured from the back of curb or sidewalk, whichever is closest, to a garage or **carport** having vehicular entry from the front of the garage.
- (c) Required **side yards** shall be calculated using one of the following two methods:
 - 1. Where no elevation of development exceeds 6.5m or 2 **storeys** in *height* at any point, the minimum **side yard** is 1.5 m and the sum of both **side yards** shall not be less than 4.0 m. Where development exceeds the lesser of 6.5m or 2 **storeys** in *Height*, the minimum **side yard** is 2.0 m and the sum of both **side yards** shall not be less than 5.0 m. At time of subdivision and building envelope covenant determination, adjacent lots shall coordinate their **side yard** setbacks to form larger areas of naturally-graded open space, to achieve preservation of a natural feature, and/or to achieve preservation of views.
 - 2. Where no elevation of development exceeds 6.5m or 2 **storeys** in *height* at any point, the minimum **side yard** is 1.5m when a naturalized corridor with a width equal to 5% of the total road frontage for that phase of subdivision is protected or dedicated at the time of subdivision. Where development exceeds the lesser of 6.5m or 2 **storeys** in *height*, the minimum **side yard** is 2.0m when a naturalized corridor with a width equal to 5% of the total road frontage for that phase of subdivision is protected or dedicated at the time of subdivision.
- (d) The minimum rear yard is 7.5 m except that it is 1.5 m for **accessory buildings**. Where the **lot width** exceeds the lot depth the minimum rear yard is 4.5 m provided that one **side yard** shall have a minimum width of 4.5 m.
- (e) For panhandle lots, notwithstanding section 13.14.6(b), the required **front yard** setback shall be applied from where the lot first equals or exceeds the minimum **lot width**. The location of the front, rear, and **side yards** shall be determined at time of subdivision and secured with a building envelope covenant on title.

13.14.8 Building Form and Massing

- (a) The maximum *height* is 9.5m, except it is 4.5m for **accessory buildings and structures**.

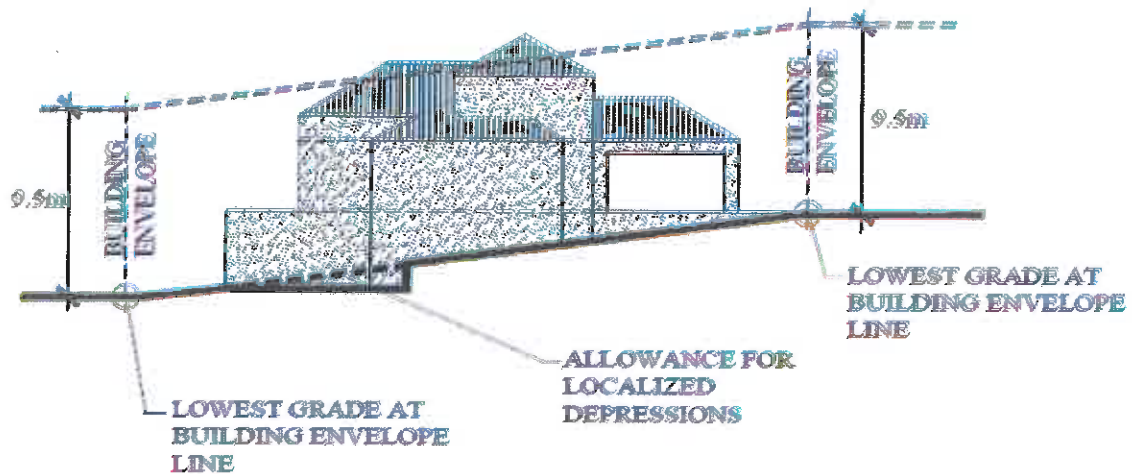


Diagram 13.1: 9.5m Maximum Height As Measured From Straight Line Between Building Envelope Points

- (b) The maximum *height* of any vertical wall element facing a **front yard**, rear yard or flanking street (including walkout basements), as measured from the average *Building Grade* of the applicable building face, is the lesser of 6.5 m or 2 **storeys** above which the building must be stepped back a minimum of 2.1 m. A maximum of 30% of the length of the building elevation may exceed 6.5 m in *height*, provided that a deck and roof **structure** projecting a minimum of 3.0 m from the face of the wall breaks up the wall face such that no wall face directly above or below the deck and roof **structure** exceeds 4.5 m in *height*.

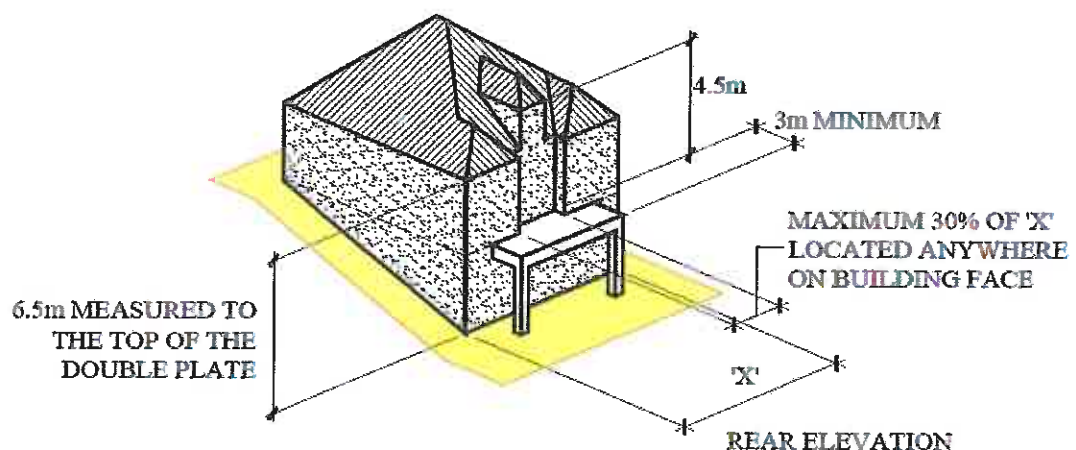


Diagram 13.2: 6.5m Vertical Wall Element Interrupted by Deck

- (c) Where any elevation of a building exceeds the lesser of 6.5m or 2 **storeys** in *height*, that portion of the **side yard** elevation above the first **storey** must be stepped back an additional 1.5 m, as measured from the outside wall of the floor below. Dormers or enclosed stairways may project into this step back by 1.5 m provided that the sum of their lengths does not exceed 30% of the length of the elevation of that **storey**. These projections are not permitted within 1.5m of the front or rear building elevations.

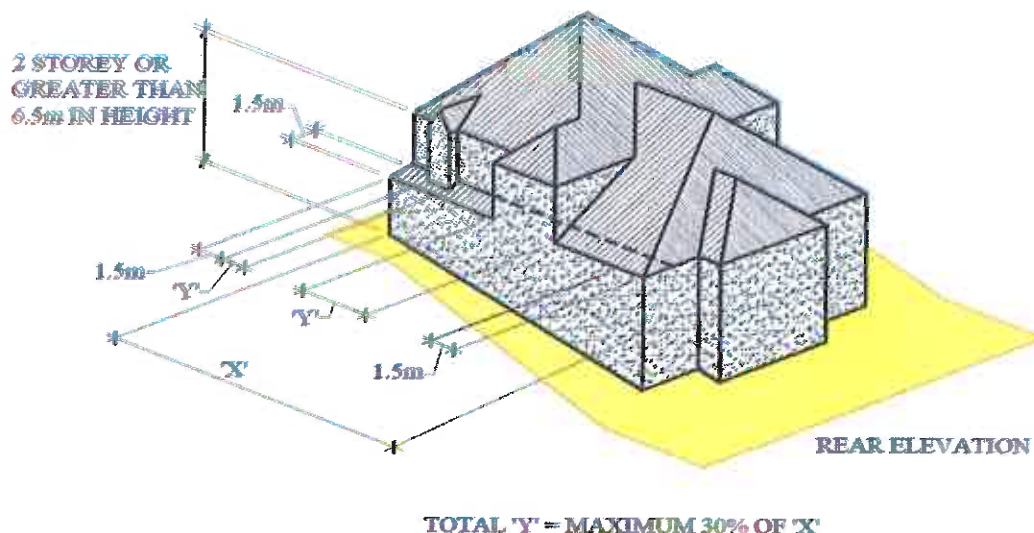


Diagram 13.3: Sideyard Building Articulation

- (d) All decks (including the supporting posts or columns) shall not exceed 4.5 m or 1 storey in *height* inclusive of any support **structure** or **retaining wall** (within a horizontal distance of 1.2 m) and shall be limited to 60% the width of the applicable building face. *Height* will be measured from the grade at the base of the deck, post, or column to the highest point of the deck, exclusive of railings.
- (e) The horizontal exterior wall face on the down slope elevation must be staggered or offset by a minimum of 1.2 m, a minimum of two times.
- (f) **Accessory buildings** and **structures** shall not exceed 4.5 m in *height*.

13.14.9

Other Regulations

- (a) A **secondary suite** may only be located within a single detached **dwelling**.
- (b) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 6 (accessory development, yards, lighting, stream protection, etc.), the landscaping and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific use regulations of Section 9.
- (c) No vehicular parking or storage is permitted in a **side yard** setback between a permitted principal **dwelling** and the adjacent property line.

13.15 RH2 – Hillside Two Dwelling Housing**13.15.1 Purpose**

To provide a zone for a maximum of two **dwelling** units on large-sized, serviced hillside lots with the express goal of minimizing the impacts of development on the natural environment and visual character of Kelowna.

13.15.2 Definitions

Despite conflicting definitions found elsewhere in this bylaw, the following definitions shall apply for the purposes of interpreting the regulations of this zone:

GRADE, BUILDING means the elevation of the finished surface of the ground established in conformance with an approved subdivision grading plan, excluding localized depressions such as for vehicle or pedestrian entrances. **Retaining walls** shall not raise the effective elevation of grade for purposes of measuring *height* of a building or **structure**.

HEIGHT means, with respect to a building, the maximum vertical distance above a straight line drawn between the midpoint of the front of the approved Building Envelope Covenant and the midpoint of the rear of the approved Building Envelope Covenant measured to the highest point of the **structure** of a non-sloping roof, or the mid-point between the eaveline and the ridge of a sloping roof, excluding those **structures** identified in Section 6.6.1 of this bylaw.

13.15.3 Principal Uses

- (a) **single dwelling housing**
- (b) **two dwelling housing**

13.15.4 Secondary Uses

- (a) **bed and breakfast homes**
- (b) **care centres, minor**
- (c) **group homes, minor**
- (d) **home based businesses, major**
- (e) **home based businesses, minor**

13.15.5 Buildings and Structures Permitted

- (a) **one single detached house**
- (b) **duplex housing**
- (c) **semi-detached housing**
- (d) **two single detached houses**
- (e) **permitted accessory buildings and structures**

13.15.6 Subdivision Regulations

- (a) The minimum **lot width** is 25.0 m. It is 27.0 m for a corner lot.
- (b) The minimum **lot depth** is 20.0 m.
- (c) The minimum **lot area** is 1100 m².

13.15.7 Development Regulations

- (a) The maximum **site coverage** is 33% and together with the areas of driveways and parking shall not exceed 40%. If the building *Height* at no point exceeds 2 **storeys**, the maximum **site coverage** shall be 40% and together with the areas of driveways and parking shall not exceed 50%.
- (b) The minimum setback for a **front yard** or flanking street is 3.0 m except that it is 6.0 m measured from the back of curb or sidewalk, whichever is closest, to a garage or **carport** having vehicular entry from the front of the garage.
- (c) Required **side yards** shall be calculated using one of the following two methods:
 - 1. Where development does not exceed 6.5m or 2 **storeys** in *height* at any point, the minimum **side yard** is 1.5 m and the sum of both **side yards** shall not be less than 4.0 m. Where development exceeds the lesser of 6.5m or 2 **storeys** in *height*, the minimum **side yard** is 2.0 m and the sum of both **side yards** shall not be less than 5.0 m. At time of subdivision and building envelope covenant determination, adjacent lots shall coordinate their **side yard** setbacks to form larger areas of naturally-graded open space, to achieve preservation of a natural feature, and/or to achieve preservation of views.
 - 2. Where development does not exceed 6.5m or 2 **storeys** in *height* at any point, the minimum **side yard** is 1.5m when a naturalized corridor with a width equal to 5% of the total road frontage for that phase of subdivision is protected or dedicated at the time of subdivision. Where development exceeds the lesser of 6.5m or 2 **storeys** in *height*, the minimum **side yard** is 2.0m when a naturalized corridor with a width equal to 5% of the total road frontage for that phase of subdivision is protected or dedicated at the time of subdivision.
- (d) The minimum rear yard is 7.5 m except that it is 1.5 m for **accessory buildings**. Where the **lot width** exceeds the lot depth the minimum rear yard is 4.5 m provided that one **side yard** shall have a minimum width of 4.5 m.
- (e) For panhandle lots, notwithstanding section 13.15.6(b), the required **front yard** setback shall be applied from where the lot first equals or exceeds the minimum **lot width**. The location of the front, rear, and **side yards** shall be determined at time of subdivision and secured with a building envelope covenant on title.
- (f) Semi-detached and duplex housing shall provide a minimum area of 30 m² of **private open space** per **dwelling** and group homes, minor shall provide a minimum area of 7.5 m² of **private open space** per bedroom in addition to the principal **dwelling**. This may be in required side or rear yards provided the minimum dimension of the space is 4.5 m.
- (g) A site may be developed with a maximum of two single detached housing units. The two single detached housing units must be separated by a minimum distance of 4.5m.

13.15.8 Building Form and Massing

- (a) The maximum *height* is 9.5m, except it is 4.5m for **accessory buildings and structures**.

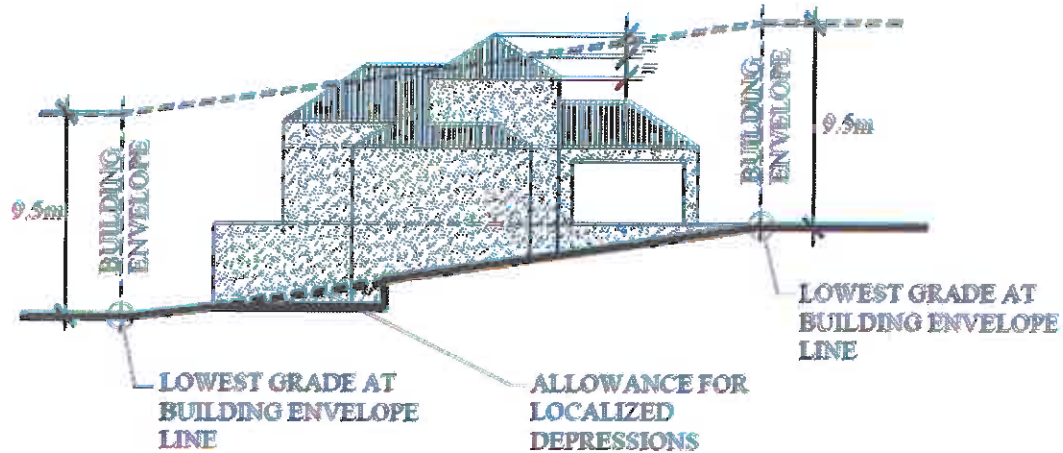


Diagram 13.4: 9.5m Maximum Height As Measured From Straight Line Between Building Envelope Points

- (b) The maximum *height* of any vertical wall element facing a **front yard**, rear yard or flanking street (including walkout basements), as measured from the average *Building Grade* of the applicable building face, is the lesser of 6.5 m or 2 **storeys** above which the building must be stepped back a minimum of 2.1 m. A maximum of 30% of the length of the building elevation may exceed 6.5 m in *height*, provided that a deck and roof **structure** projecting a minimum of 3.0 m from the face of the wall breaks up the wall face such that no wall face directly above or below the deck and roof **structure** exceeds 4.5 m in *height*.

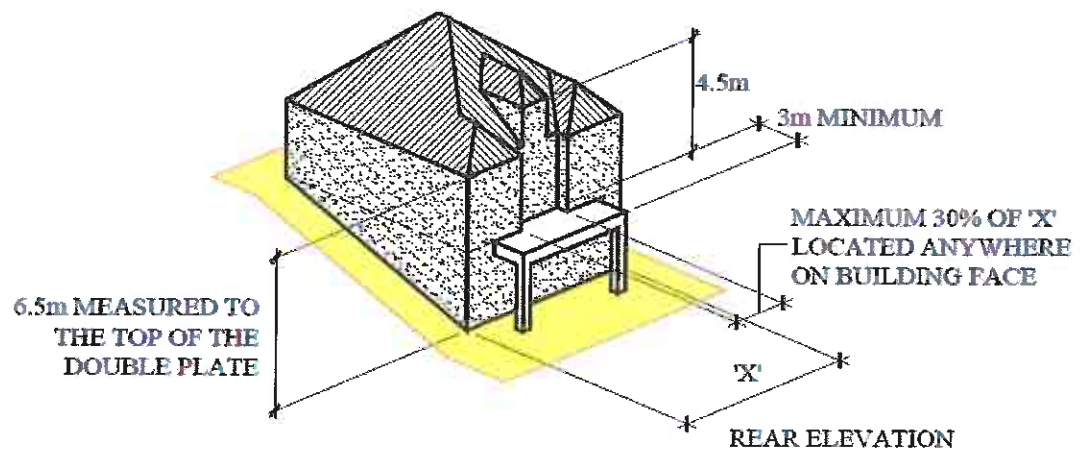


Diagram 13.5: 6.5m Vertical Wall Element Interrupted by Deck

- (c) For buildings that exceed at any point the lesser of 6.5m or 2 **storeys** in *height*, that portion of the **side yard** elevation above the first **storey** must be stepped back an additional 1.5 m, as measured from the outside wall of the floor below. Dormers or enclosed stairways may project into this step back by 1.5 m provided that the sum of their lengths does not exceed 30% of the length of the elevation of that **storey**. These projections are not permitted within 1.5m of the front or rear building elevations.

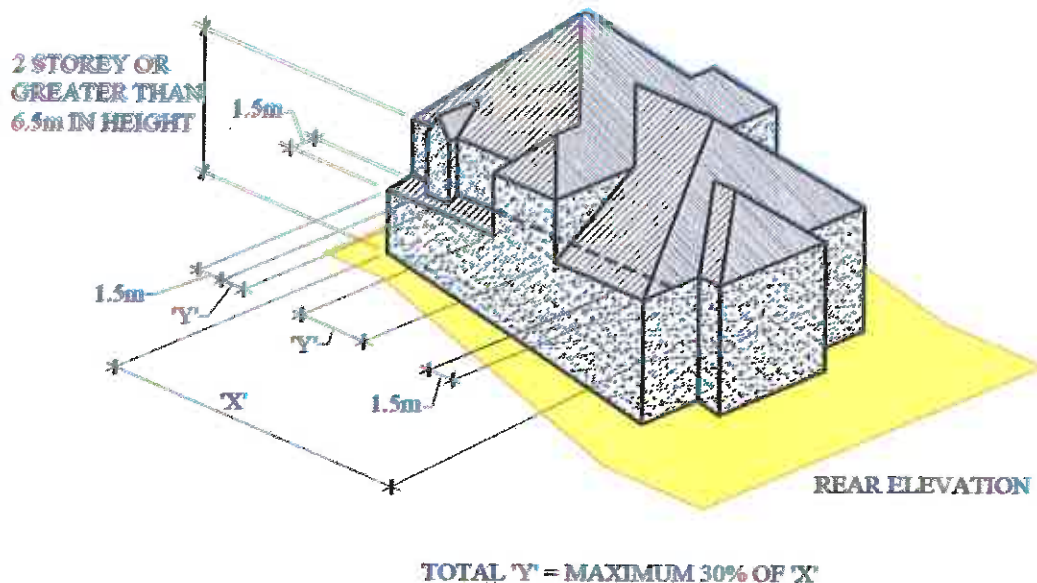


Diagram 13.6: Sideyard Building Articulation

- (d) All decks (including the supporting posts or columns) shall not exceed 4.5 m or 1 storey in *height* inclusive of any support **structure** or **retaining wall** (within a horizontal distance of 1.2 m) and shall be limited to 60% the width of the applicable building face. *Height* will be measured from the grade at the base of the deck, post, or column to the highest point of the deck, exclusive of railings.
- (e) The horizontal exterior wall face on the down slope elevation must be staggered or offset by a minimum of 1.2 m, a minimum of two times.
- (f) **Accessory buildings** and **structures** shall not exceed 4.5 m in *height*.

13.15.9 Other Regulations

- (a) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 6 (accessory development, yards, projections into yards, lighting, stream protection, etc.), the landscaping and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific use regulations of Section 9.
- (b) No vehicular parking is permitted in a **side yard** setback between a permitted principal **dwelling** and the adjacent property line.
- (c) All semi-detached and duplex housing shall be designed so there is driveway access for each **dwelling**.

13.16 RHM3 – Hillside Cluster Housing

13.16.1 Purpose

To provide a **zone** for comprehensively planned clusters of **multiple residential dwelling** units with urban services. The goal is to minimize the impacts of development on the natural environment, topography, open space, and visual hillside character of Kelowna. Site-wide density including areas of voluntary dedication and protection is to be generally consistent with the **Single / Two Unit Residential** - Hillside Official Community Plan future land use designation; however, the form and character of development may include **multiple residential dwelling** units.

13.16.2 Definitions

Despite conflicting definitions found elsewhere in this bylaw, the following definitions shall apply for the purposes of interpreting the regulations of this zone:

GRADE, BUILDING means the elevation of the finished surface of the ground established in conformance with an approved subdivision grading plan, excluding localized depressions such as for vehicle or pedestrian entrances. **Retaining walls** shall not raise the effective elevation of grade for purposes of measuring *height* of a building or **structure**.

HEIGHT means, with respect to a building, the maximum vertical distance above a straight line drawn between the lowest corner of the front of the approved Building Envelope Covenant and the lowest corner of the rear of the approved Building Enveloped Covenant measured to the highest point of the **structure** of a non-sloping roof, or the mid-point between the eaveline and the ridge of a sloping roof, excluding those **structures** identified in Section 6.6.1 of this bylaw.

13.16.3 Principal Uses

- (a) **single dwelling housing**
- (b) **two dwelling housing**
- (c) **three dwelling housing**
- (d) **four dwelling housing**
- (e) **multiple dwelling housing**

13.16.4 Secondary Uses

- (a) **home based businesses, minor**
- (b) **care centres, minor**
- (c) **group homes, minor**

13.16.5 Buildings and Structures Permitted

- (a) **single detached house**
- (b) **semi-detached housing**
- (c) **duplex housing**
- (d) **three-plex housing**
- (e) **four-plex housing**
- (f) **row housing**
- (g) **stacked row housing**
- (h) **permitted accessory buildings and structures**

13.16.6 Subdivision Regulations

- (a) For strata **development** containing **three dwelling housing, four dwelling housing, or multiple dwelling housing**:
 - i) The minimum **site width** is 30.0 m.
 - ii) The minimum **site depth** is 30.0 m.
 - iii) The minimum **site area** is 5000 m².
- (b) For strata **development** containing **single dwelling housing or two dwelling housing** the Subdivision Regulations of either the RU2 – Medium Lot Housing, RU3 – Small Lot Housing or RU5 – Bareland Strata Housing zones shall be applied, as determined by the Director of Land Use Management, except as follows:
 - i) The minimum **site area** is 5000m².
- (c) For fee simple **development**, the Subdivision Regulations of either the RU2 – Medium Lot Housing or RU3 – Small Lot Housing zones shall be applied, as determined by the Director of Land Use Management, except as follows:
 - i) The minimum **site area** is 5000m².

13.16.7 Development Regulations

- (a) On a fee simple lot or a **bareland strata lot** containing **single dwelling housing or two dwelling housing**, the development regulations of the RU2 – Medium Lot Housing, RU3 – Small Lot Housing or RU5 – Bareland Strata Housing shall be applied, as determined by the Director of Land Use Management, except as follows:
 - i) For **bareland strata** development, the minimum **bareland strata lot** setback for a **front yard** or flanking street shall be measured from the back of curb or sidewalk, whichever is closest, to a garage or **carport** having vehicular entry from the front.

- (b) On a **lot** containing three or more attached **dwelling** units:
- i) The maximum density is 22 **dwelling**s per hectare. Maximum density may be calculated using the original site area, but is dependent on the protection of environmentally sensitive features, hazardous condition areas (including slopes greater than 30%), and visually significant features. It may be possible that the maximum density may not be achievable on the resulting developable areas.
 - ii) The maximum **building site coverage** is 40%, provided that the maximum **site coverage** of **buildings**, driveways, and parking areas is 50%.
 - iii) No building or **structure** is permitted within 4.5m of a property line or protected area, except for required **front yards**.
 - iv) The minimum site **front yard** is 3.0 m except that it is 6.0 m measured from the back of curb or sidewalk, whichever is closest, to a garage or **carport** having vehicular entry from the front.
 - v) **Dwellings** or groups of **dwelling**s must be separated by a minimum of 4.5 m. Vehicle parking or storage is not permitted in this area.

13.16.8 Building Form and Massing

- (a) The maximum *height* is 9.5m, except it is 4.5m for **accessory buildings** and **structures**.

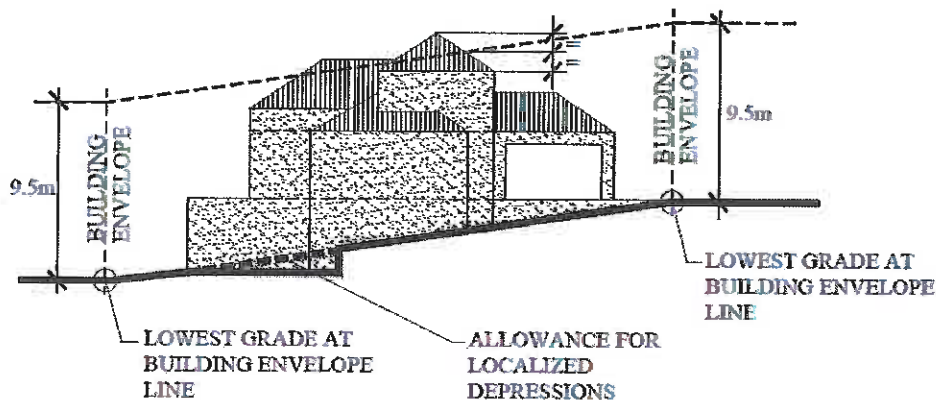


Diagram 13.7: 9.5m Maximum Height As Measured From Straight Line Between Building Envelope Points

- (b) The maximum *height* of any vertical wall element facing a **front yard**, rear yard or flanking street (including walkout basements), as measured from the average *Building Grade* of the applicable building face, is the lesser of 6.5 m or 2 **storeys** above which the building must be stepped back a minimum of 2.1 m. A maximum of 30% of the length of the building elevation may exceed 6.5 m in *height* to a maximum of 9.5m, provided that a deck and roof **structure** projecting a minimum of

3.0 m from the face of the wall breaks up the wall face. No wall face directly above the deck and roof **structure** may exceed 6.5m in *height*.

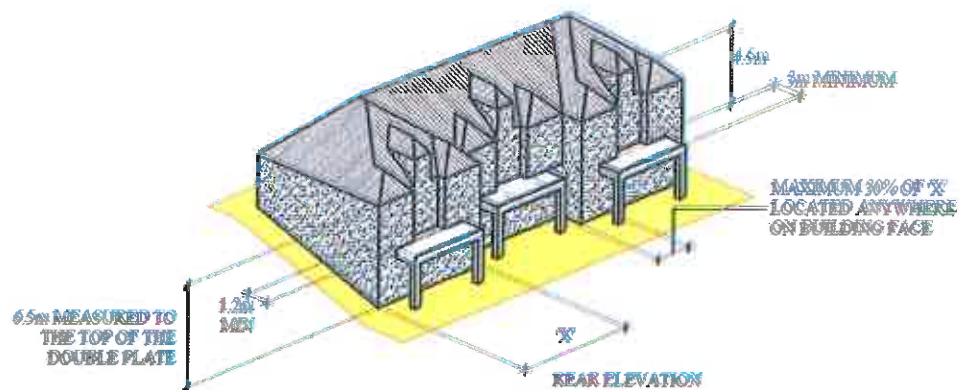


Diagram 13.8: 6.5m Vertical Wall Element Interrupted by Deck

- (c) Where any elevation of a building exceeds the lesser of 6.5m or 2 **storeys** in *height*, that portion of the **side yard** elevation above the first storey must be stepped back an additional 1.5 m, as measured from the outside wall of the floor below. Dormers or enclosed stairways may project into this step back by 1.5 m provided that the sum of their lengths does not exceed 30% of the length of the elevation of that **storey**. These projections are not permitted within 1.5m of the front or rear building elevations.

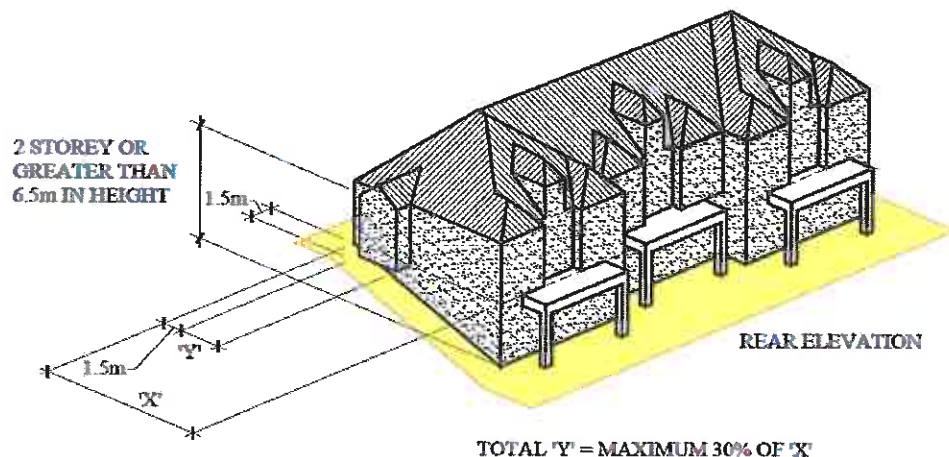


Diagram 13.9: Sideyard Building Articulation

- (d) All decks (including the supporting posts or columns) shall not exceed 4.5 m or 1 storey in *height* inclusive of any support **structure** or **retaining wall** (within a horizontal distance of 1.2 m) and shall be limited to 60% the width of the applicable building face. *Height* will be measured from the grade at the base of the deck, post, or column to the highest point of the deck, exclusive of railings.

- (e) The horizontal exterior wall face on the down slope elevation must be staggered or offset by a minimum of 1.2 m, a minimum of two times. For buildings containing more than one **dwelling** unit, this regulation applies to the entire down slope building elevation.
- (f) **Accessory buildings and structures** shall not exceed 4.5 m in *height*.
- (g) A maximum of 6 ground oriented **dwelling** units per building is permitted.

13.16.9 Other Regulations

- (a) No vehicle parking or storage is permitted in required **side yards**.
- (b) **Accessory buildings and structures** shall be set back 1.5m from any bareland strata **lot line**, and shall be a minimum of 4.5m from any principal residential building.
- (c) An **accessory building** containing recreational amenities for the use of all residents shall conform to the setback requirements for principal buildings.
- (d) A minimum area of 7.5 m² of **private open space** shall be provided per **bachelor dwelling** or **group home bedroom**, 15.0 m² of **private open space** shall be provided per 1 bedroom **dwelling**, and 25.0 m² of **private open space** shall be provided per **dwelling** with more than 1 bedroom.
- (e) For bareland strata development, in addition to required yard areas and **private open space** requirements, a minimum of 10% of the site shall be **open space**.
- (f) In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 6 (accessory development, yards, projections into yards, lighting, stream protection, etc.), the landscaping and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific use regulations of Section 9.

13.17 RHM4 – Hillside Cluster Multiple Housing

13.17.1 Purpose

To provide a zone for comprehensively planned clusters of low rise low density **apartment housing** with urban services, typically in a strata format. The express goal is to minimize the impacts of development on the natural environment, topography, open space, and visual character of Kelowna. Site wide density including areas of voluntary dedication and protection is to be generally consistent with Low Density Multiple Housing – Hillside Official Community Plan future land use designation; however, the form and character of development may include low density **apartment housing**.

13.17.2 Definitions

Despite conflicting definitions found elsewhere in this bylaw, the following definitions shall apply for the purposes of interpreting the regulations of this zone:

GRADE, BUILDING means the elevation of the finished surface of the ground established in conformance with an approved subdivision grading plan, excluding localized depressions such as for vehicle or pedestrian entrances. **Retaining walls** shall not raise the effective elevation of grade for purposes of measuring *height* of a building or **structure**.

HEIGHT means, with respect to a building, the maximum vertical distance above a straight line drawn between the lowest corner of the front of the approved Building Envelope Covenant and the lowest corner of the rear of the approved Building Enveloped Covenant measured to the highest point of the **structure** of a non-sloping roof, or the mid-point between the eaveline and the ridge of a sloping roof, excluding those **structures** identified in Section 6.6.1 of this bylaw.

13.17.3 Principal Uses

- (a) **multiple dwelling housing**
- (b) **boarding or lodging housing**
- (c) **congregate housing**
- (d) **group home, major**
- (e) **supportive housing**

13.17.4 Secondary Uses

- (a) **agriculture, urban**
- (b) **care centres, major**
- (c) **home based businesses, minor**
- (d) **community recreation services**

13.17.5 Buildings and Structures Permitted

- (a) **apartment housing**
- (b) **row housing**
- (c) **stacked row housing**
- (d) **permitted accessory buildings and structures**

13.17.6 Subdivision Regulations

- (a) The minimum **site width** is 30.0 m.
- (b) The minimum **site depth** is 30.0 m.
- (c) The minimum **site area** is 5000 m².

13.17.7 Development Regulations

- (a) The **maximum floor area** ratio is 0.5. Maximum density may be calculated using the original site area, but is dependent on the protection (dedicated or covenanted) of environmentally sensitive features, hazardous condition areas (including slopes greater than 30%), and visually significant features. It is possible that the maximum density may not be achievable on the resulting developable areas.
- (b) The maximum building **site coverage** is 40%, provided that the maximum **site coverage** of buildings, driveways, and parking areas is 50%. Those areas dedicated, covenanted or otherwise protected may not be used in calculating **site coverage**.
- (c) No building or **structure** is permitted within 4.5m of a property line or protected area, except for required site **front yards**.
- (d) The minimum site **front yard** is 3.0 m except that it is 6.0 m measured from the back of curb or sidewalk, whichever is closest, to a garage or **carport** having vehicular entry from the front.
- (e) **Dwellings** or groups of **dwellings** must be separated by a minimum of 4.5 m. Vehicle parking or storage is not permitted in this area.

13.17.8 Building Form and Massing

- (a) For **apartment housing**, the following Building Form and Massing regulations shall apply:
 - i. The maximum **height** is 13.0 m, except it is 4.5m for **accessory buildings**.

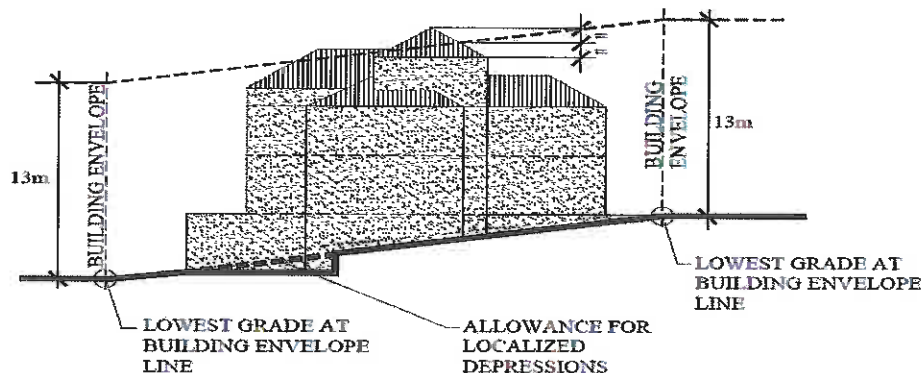


Diagram 13.10: 13m Maximum Height As Measured From Straight Line Between Building Envelope Points

- ii. Despite 13.17.7(a)(i) and (iii), where a principal building is located entirely on a naturally flat bench having a natural grade of less than 10%, the maximum *height* is the lesser of 13.0m or 3 **storeys**.
- iii. The maximum *height* of any vertical wall element facing down-slope or a flanking street (including walkout basements), as measured from *Building Grade*, is the lesser of 6.5m or 2 **storeys**, above which the building must be stepped back by a minimum cumulative depth of no less than 4.0m but an average of 6.0m.

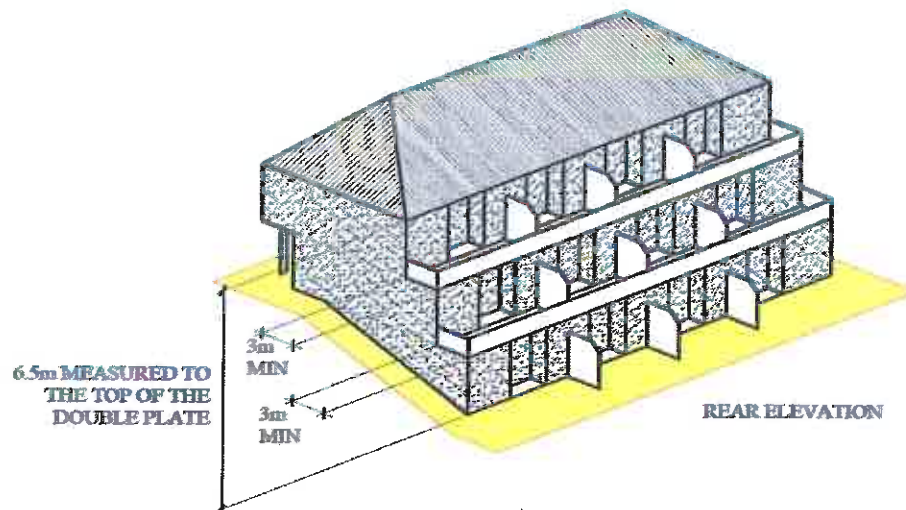


Diagram 13.11: 6.5m Vertical Wall Element Interrupted by Deck

- iv. That portion of the **side yard** elevation above the second storey must be stepped back an additional 1.5m as measured from the outside wall of the floor below. Dormers or enclosed stairways may project into this step back by 1.5m provided that the sum of their lengths does not exceed 30% of the length of the elevation of that **storey**. These projections are not permitted within 1.5m of the front or rear building elevations.

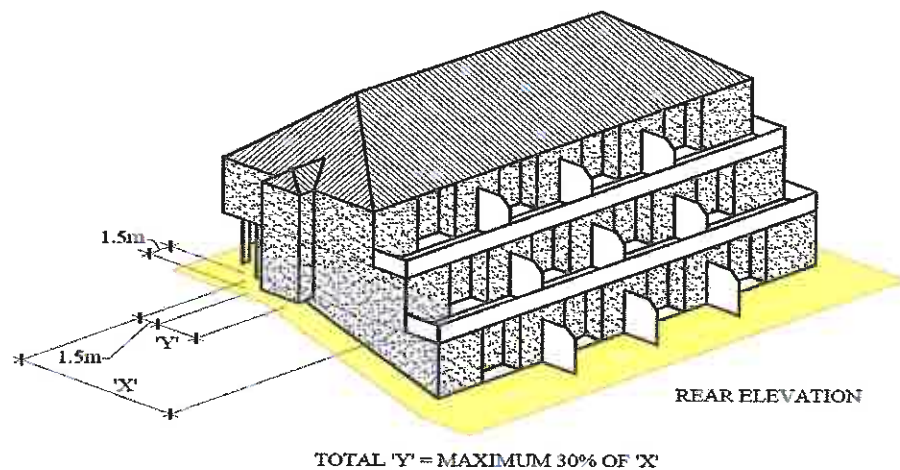


Diagram 13.12: Sideyard Building Articulation

- v. All decks (including the supporting **structure**) shall not exceed 6.5m or 2 **storeys** in *height* inclusive of any support **structure** or **retaining wall** (within a horizontal distance of 1.2m) and shall be limited to 60% the width of the down slope building face. *Height* will be measured from the grade at the base of the deck, post, or column to the highest point of the deck, exclusive of railings.
- (b) For **row housing** or **stacked row housing**, the following Building Form and Massing regulations shall apply:
- i. The maximum *height* is 9.5m, except it is 4.5m for **accessory buildings**.

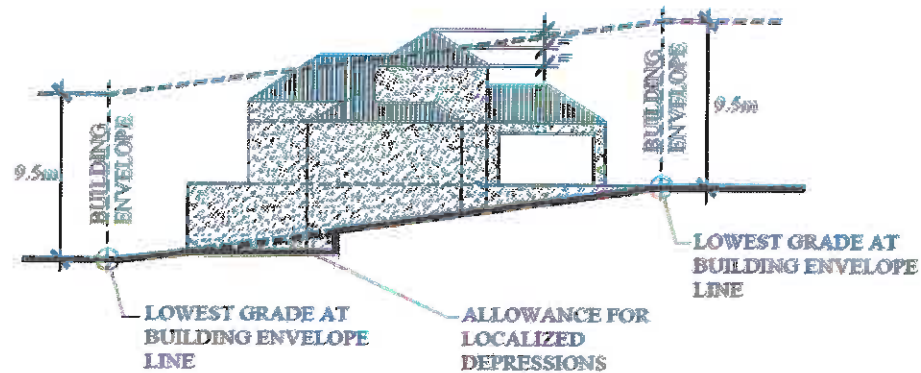


Diagram 13.13: 9.5m Maximum *Height* As Measured From Straight Line Between Building Envelope Points

- ii. The maximum *height* of any vertical wall element facing a **front yard**, rear yard or flanking street (including walkout basements), as measured from the average *Building Grade* of the applicable building face, is the lesser of 6.5 m or 2 **storeys** above which the building must be stepped back a minimum of 2.1 m. A maximum of 30% of the length of the building elevation may exceed 6.5 m in *height* to a maximum of 9.5m, provided that a deck and roof **structure** projecting a minimum of 3.0 m from the face of the wall breaks up the wall face. No wall face directly above the deck and roof **structure** may exceed 6.5 m in *height*.

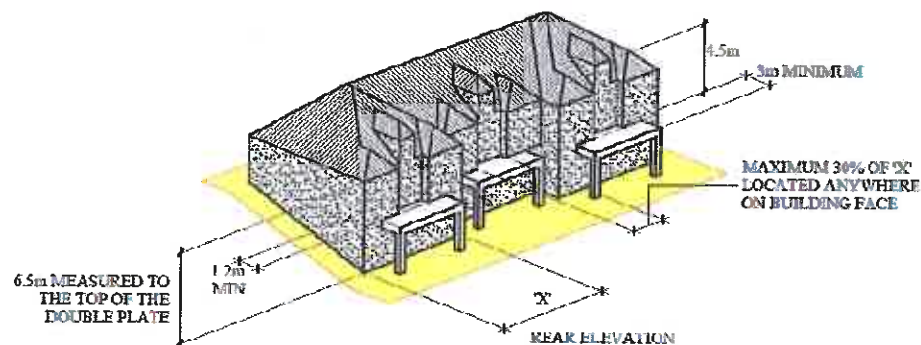


Diagram 13.14: 6.5m Vertical Wall Element Interrupted by Deck

- iii. Where any elevation of a building exceeds the lesser of 6.5m or 2 **storeys** in *height*, that portion of the **side yard** elevation above the first storey must be stepped back an additional 1.5 m, as measured from the outside wall of the floor below. Dormers or enclosed stairways may project into this step back by 1.5 m provided that the sum of their lengths does not exceed 30% of the length of the elevation of that storey. These projections are not permitted within 1.5m of the front or rear building elevations.

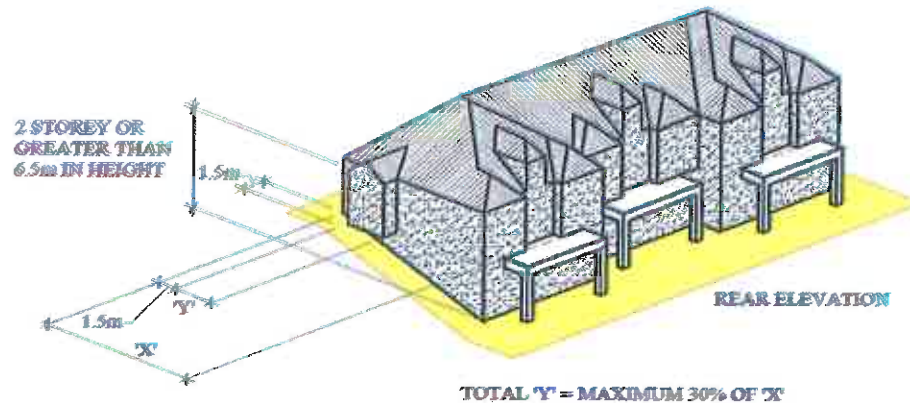


Diagram 13.15: Sideyard Building Articulation

- iv. All decks (including the supporting posts or columns) shall not exceed 4.5 m or 1 storey in *height* inclusive of any support **structure** or **retaining wall** (within a horizontal distance of 1.2 m) and shall be limited to 60% the width of the applicable building face. *Height* will be measured from the grade at the base of the deck, post, or column to the highest point of the deck, exclusive of railings.
- (c) The horizontal exterior wall face on the down slope elevation must be staggered or offset by a minimum of 1.2 m, a minimum of two times.
- (d) **Accessory buildings** and **structures** shall not exceed 4.5 m in *height*.

13.17.9 Other Regulations

- (a) A minimum area of 7.5 m² of **private open space** shall be provided per bachelor **dwelling**, congregate housing bedroom or group home bedroom, 15.0 m² of **private open space** shall be provided per 1 bedroom **dwelling**, and 25.0 m² of **private open space** shall be provided per **dwelling** with more than 1 bedroom.
- (b) No continuous building frontage shall exceed 40.0 m for a building 3 **storeys** or greater, or 65.0m for a 2 **storey** building.
- (c) **Accessory buildings** and **structures** shall be set back 1.5m from any **lot line**, and shall be a minimum of 4.5m from any principal residential building.
- (d) An **accessory building** containing recreational amenities for the use of all residents shall conform to the setback requirements for principal buildings.
- (e) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 6 (accessory development, yards, projections into yards, lighting, stream protection, etc.), the

landscaping and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific use regulations of Section 9.



Development & Environmental Services

1450 K.L.O. Road
Kelowna, B.C. V1W 3Z4

Telephone: (250) 469-6227
Fax: (250) 762-7011

December 21, 2009
Our file: 0470-20 City of Kelowna
Your file: Z09-0071, OCP09-0016, DP09-0155, S09-0075

City of Kelowna
Community Sustainability
1435 Water Street
Kelowna, BC V1Y 1J4

DELIVERED VIA E-MAIL (bnelmes@kelowna.ca)

Dear Ms. Gambacort:

Re: 5505 Chute Lake Road

Thank you for your referral received December 2, 2009, for the above noted application. Further to this request, the Regional District has reviewed the development proposal and provides the following comments:

- Parks Services supports the proposed parks and open space (P3) and future trail connections through the Calcan property.
 - The proposed P3 zone will provide opportunities for trail and park space connections to the RDCO's Cedar Mountain Regional Park located to the southwest of the Calcan property, the City of Kelowna's Cedar Mountain Linear Park to the west and future City of Kelowna linear trails as identified in the City's Linear Parks Master Plan (Trail Class #62 and #134).
 - However, the southwest corner of the proposed P3 area on the Calcan property does not provide sufficient area to construct a linear corridor (trail) through to the northeast corner of Cedar Mountain Regional Park.
 - If feasible, the acquisition of the southeast corner of the adjacent property, NW ¼ of Sec.14, as part of the Cedar Creek Linear Park would provide a better connection from the Calcan property to Cedar Mountain Regional Park. Please refer to attached map.
- Planning Section, of the Development & Environmental Services Department, recommends approval subject to the following conditions:
 - Should take into account possible environmental impacts arising from the proposed development on adjacent lands located within the RDCO.
 - Should ensure access to lands beyond to the east and the south of the proposed development.
 - Should take into account the adjacent existing gravel pit and possible operational impacts.
 - This area will be part of a future OCP and possible future Aquatic Development Permit Areas to the east and south of the proposed development. Should any

part of the development extend into lands within the RDCO a development permit may be required. At this point in time the Riparian Area Regulations would apply on the lands within the RDCO

- o It appears that the referral was not forwarded to the Ministry of Forests. As there is access beyond the property, it is suggested that MoF be contacted for comment.
- o The site plans provided show connecting roads crossing land within the RDCO. Any such future development and/or subdivision will be subject to RDCO zoning, policy and procedures.

If you have any questions or require clarification on any of the above noted comments, please contact the Development & Environmental Services Department at your earliest convenience at 250-469-6227.

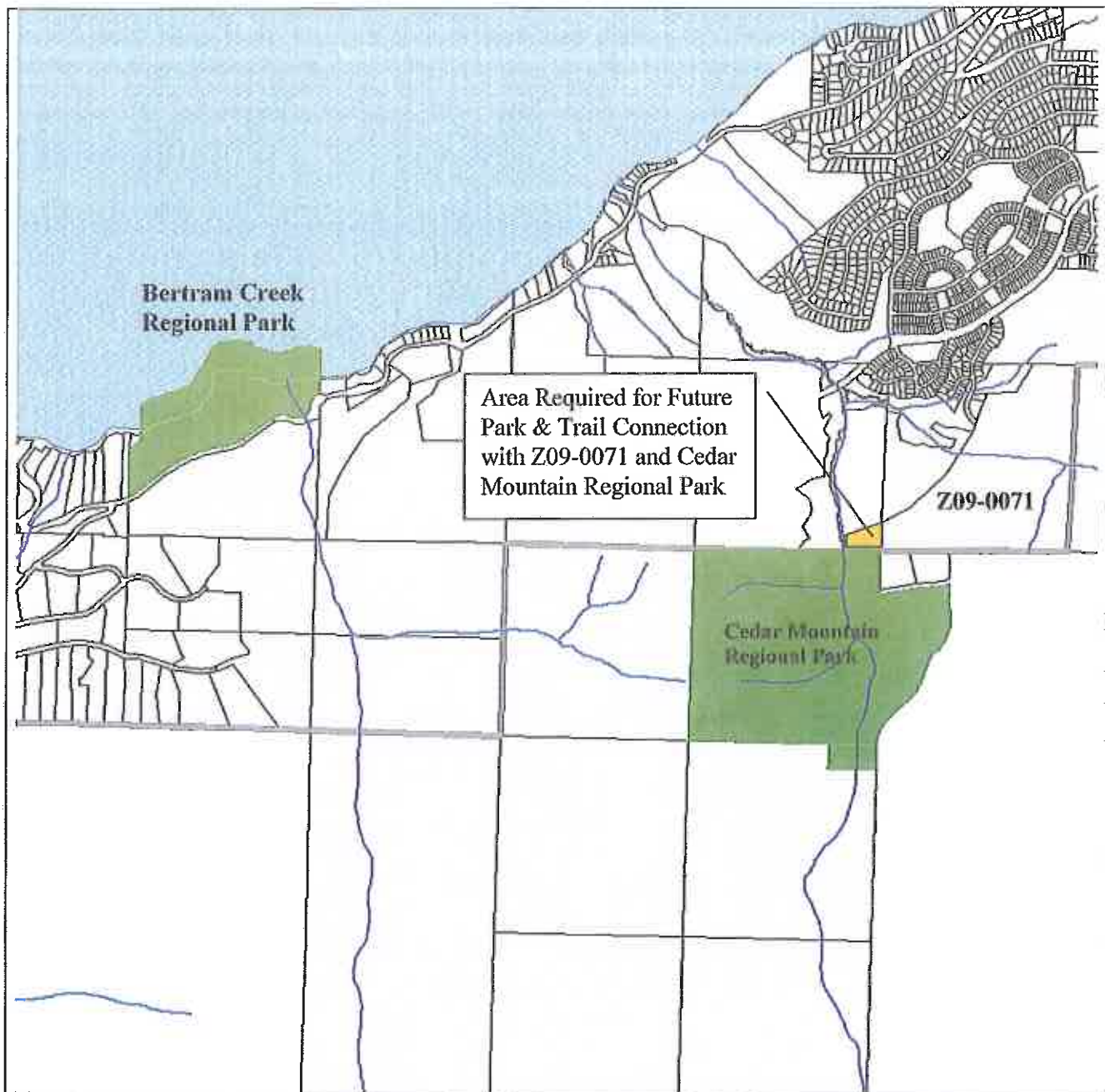
Sincerely,




Janelle Taylor
Planning Assistant 2

Attachment

cc: Parks Services, Sandy Mah
Planning Section, Margaret Bakelaar



 <p>REGIONAL DISTRICT OF CENTRAL OKANAGAN</p>	Regional District of Central Okanagan		Parks Services Department	
	Cedar Mountain Regional Park	Date: December 18, 2009	File Z09-0071 City	Drawn By sm

CITY OF KELOWNA
MEMORANDUM

Date: January 15, 2010
File No.: S09-0075, Z09-0071, OCP09-0016

To: Land Use Management & Subdivision (AB & DB)

From: Development Engineering Manager

Subject: Zoning & Subdivision Application – Requirements

LOCATION: 5505 Chute Lake Rd	ZONE A1 to RU1h, RU4h, RM3 & P4
APPLICANT: Calcan Investments Inc.	
LEGAL: NE 1/4 , Sec 14 Twp28	

WORKS AND SERVICES REQUIREMENTS

The City's Development Services 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. Z09-0071 must be satisfied before subdivision approval.
- b) Provide a Pre-design report to address all offsite Utility and Transportation servicing including costs.
- c) PRIOR TO FINAL ADOPTION OF THE ZONE AMENDING BYLAW:, Prior to rezoning, a Predesign report specific to this development is required to identify all offsite servicing needs in accordance with the Subdivision, Development and Servicing Bylaw. A Servicing Agreement for all offsite works required by this subdivision must be provided, along with Performance Security, before final adoption of the Zone Amending Bylaw.
- d) A pre-plan is required for adjacent lands to confirm intersection road alignments and access for Mountainside Drive, Chute Lake Road and Seton House of Prayer (interim and ultimate).

- e) 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.
- f) 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.
- g) 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 (3 copies) must be submitted to the Development Engineering Services Department for distribution to the Inspection Services Division and Subdivision Approval 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 Water service area.
- b) For offsite works a Predesign report is required complete with costs. Performance security and a Servicing Agreement will be required for offsite works. See comments in the "General" section.
- c) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this subdivision to confirm this. Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.

.4) Sanitary Sewer

- a) Provide an adequately sized sanitary sewer system complete with individual lot connections.
- b) For offsite works a Predesign report is required complete with costs. Performance security and a Servicing Agreement will be required for offsite works. See comments in the "General" section.

.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 hydro geotechnical 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) Confirm if offsite works are required and how drainage will be handled on site.
- c) Confirm locations and sizes of any detention facilities if required.
- d) A Predesign report is required that addresses how Storm water Management will be dealt with. For offsite works, performance security

and a Servicing Agreement will be required prior to rezoning. See comments in the "General" section.

- e) 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.
- f) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- g) 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) Upper Mission Drive is designated an urban hillside collector road. Dedicate and construct the road in accordance with City standard SSH3 (15.0m dedication, 10.0m Road, barrier curb, boulevards and a separate sidewalk on one side and optional trees).
- b) Road A (lots 1-32) is designated an urban class 2 hillside local road. Dedicate and construct the road in accordance with City standard TYP01 or SS-H12 (14.0 or 14.1m dedication, 9.0m or 6.0m (with parking bays) road).
- c) Road B (lots 33-49) is designated an urban class 2 hillside local road. Dedicate and construct the road in accordance with City standard TYP01 or SS-H13 (14.0 or 12.3m dedication, 9.0m or 6.0m (with parking bays) road).
- d) Road C (lots 33-36) is designated an urban class 2 hillside local road. Dedicate and construct the road in accordance with City standard TYP01 or SS-H13 (14.0 or 12.3m dedication, 9.0m or 6.0m (with parking bays) road).
- e) Dedicate and construct the emergency access road in accordance with City standard SS-R2 (6.0m. dedication, 6.0m road).
- f) Provide traffic control and street name signs where required. The City will install all signs and traffic control devices at the developer's expense.
- g) Provide a Street Sign, Markings and Traffic Control Devices on the Composite drawing.

- h) 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).
- 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) 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.
- k) Driveway access is not permitted onto Upper Mission Drive for Lots 18-32 and 49. A restrictive covenant in favour of the City of Kelowna, registrable 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.
- l) Private access roads must be constructed and paved to the City standard SS-R2.
- m) Cul-de-sac road(s) A & B exceed the bylaw length requirement. Maximum length of a permanent cul-de-sac is to be 200 m unless approved otherwise by the Approving Officer. Where it is part of a temporary and/or staged development, this maximum length may be 400 m.
- n) Cul-de-sac approach roads must not exceed bylaw grade requirements.

.7) Power and Telecommunication Services and Street Lights

- b) 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
- c) Street lights must be installed on all roads.
- d) 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.
- e) 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

- b) 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.
- c) 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.
- d) 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).
- e) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- f) 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

- b) 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.
- c) 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

- b) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- c) 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

- b) Development Cost Charges (DCC's) are payable
- 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 (rates change)	*Rate/unit \$
new	Randawa	Upper Reservoir	To be determined	\$3,844.00

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

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

Steve Muenz, P.Eng.
Development Engineering Manager

SS