

H.1

REPORT TO COUNCIL



Date: September 10, 2012
To: City Manager
From: Land Use Management, Community Sustainability (GS)
Application: Z09-0062 **Owner:** 0775362 BC Ltd.
Address: (W OF) South Perimeter Way **Applicant:** 0775362 BC Ltd. (Gary Tebbutt)
Subject: Supplemental Report

Existing OCP Designations: Single/Two Unit Residential, Major Park/Open Space, Resource Protection Area
Existing Zone: A1 - Agriculture
Proposed Zones: A1 - Agriculture 1, RU1 - Large Lot Housing, RR1 - Rural Residential 1, P3 - Parks and Open Space

1.0 Recommendation

THAT Council receives for information, the Supplemental Report of the Community Sustainability Division dated September 10, 2012;

AND THAT Zone Amending Bylaw No. 10471 be amended at First Reading by removing Map "A" and replacing with a new Map "A", attached to and forming part of the Bylaw;

AND THAT the Zone Amending Bylaw be forwarded back to Public Hearing for further consideration;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the receipt of a subdivision plan in a registrable form by the Approving Officer;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the issuance of a Development Permit (Natural Environment);

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

2.0 Purpose

To report back to Council with respect to a number of questions and considerations arising from a Public Hearing; to consider proposed changes to the zoning plan; and to schedule the continuation of the open Public Hearing.

3.0 Land Use Management

The rezoning request for the subject property received first reading by the former Council on January 17, 2011 (see attached meeting minutes). The proposed rezoning contemplated the

applicant's first phase which included 15 lots on Quilchena Drive and provided for additional lots as part of a subsequent phase(s). The area anticipated for future phases was to remain zoned A1 - Agriculture.

Staff generally supported the proposed development and noted that the applicant had responded favourably to staff and Advisory Planning Commission feedback in arriving at the proposed zoning map presented to Council. Staff also advised that there had been considerable dialogue with concerned residents of the Tanager Drive/Tanager Court area.

Council gave first reading to the rezoning and forwarded the proposal to Public Hearing on February 8, 2011.

Council received considerable correspondence prior to the Public Hearing and numerous residents attended the Public Hearing to speak against the proposed development as proposed. Given the public opposition and questions that could not be answered at the time, Council opted to seek additional information and leave the Public Hearing open.

Council directed the applicant to meet with staff to:

- discuss riparian setbacks; and
- identify public trail access and the future development potential of a portion of the land not being rezoned.

Council further directed staff to report back regarding the outcome of the meeting (see attached Public Hearing minutes).

Since February 2011, staff has been working with the applicant team with respect to the outstanding concerns and arriving at a revised and improved plan for this area. The applicant team has also been conducting additional public consultation with affected residents with the hope of overcoming the neighbourhood opposition witnessed at the Public Hearing. In a submission to staff, the applicant notes that they have held numerous meetings with the affected residents. The result is an "evolved plan" with the proposed lot layout having been designed to reduce the impact on the neighbours (see attached). The new plan yields a total of 24 new lots for the proponent group. The majority of the remainder will be dedicated as Parks & Open Space while a portion is proposed to be consolidated with an adjacent agricultural property (Lot B, Plan 45006 - St. Hubertus Estate Winery) and a small remainder portion showing as "Future Development" is to remain zoned A1 - Agriculture.

The three items that Council directed staff and the applicant team to follow up on have been satisfied. With respect to the 10 metre setback (from Top of Ravine consistent with OCP Table 12.1), the applicant team has agreed to rezone and dedicate nearly all of the land within 10 metres of Top of Ravine as Parks & Open Space. The exception is a band that runs adjacent to proposed lots 21 to 24 where the 10 metre setback is within the RU1 - Large Lot Housing zone lands and in private ownership. Practical realities with the lot configurations and building envelopes have led to this approach which staff feel to be a reasonable compromise. While the land will not be in public ownership, the City will acquire a trail and access right-of-way to ensure continued public access.

The future development potential of the A1 land has been resolved in a number of ways. First, the applicant has revised the zoning map to include all of the lands north of ravine and adjacent to Tanager Drive/Court. This change has led to the 24 lots proposed in the revised plan, versus the 15 originally proposed as Phase I. The area southwest of Lot B, Plan KAP45006 will be acquired by St. Hubertus Estate Winery for agricultural purposes. This consolidation is consistent with the current zoning and future land use as illustrated in the 2030 OCP.

Further, the portion of A1 zoned land south of the ravine shown as "Future Development" may have Parks & Open Space potential, though this non-ALR land will remain zoned for agriculture

for the foreseeable future. If not consolidated with an adjacent parcel a Section 219 "No Build" covenant will need to be registered on the title. The covenant is required as the parcel will have "air access" only.

As noted earlier, the applicant team has been diligent in their approach to the proposed development. In addition to working through the issues and concerns with City staff, it is our understanding that the applicant team has worked in good faith with the community in an effort to resolve many of their concerns. The revised zoning map and proposed lot layout is evidence of these additional efforts. As a result, staff support the revised zoning plan and support the application returning to Public Hearing.

4.0 Application Chronology

Date Application Received: November 5, 2009
 Advisory Planning Commission: May 25, 2010
 Initial Consideration/First Reading: January 17, 2011
 Public Hearing: February 8, 2011
 Additional Information Submitted: August 30, 2012



 Greg Sauer, Environment & Land Use Planner

Reviewed by:



Todd Cashin, Manager, Environment & Land Use

Reviewed by:



Danielle Noble, Manager, Manager, Urban Land Use

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

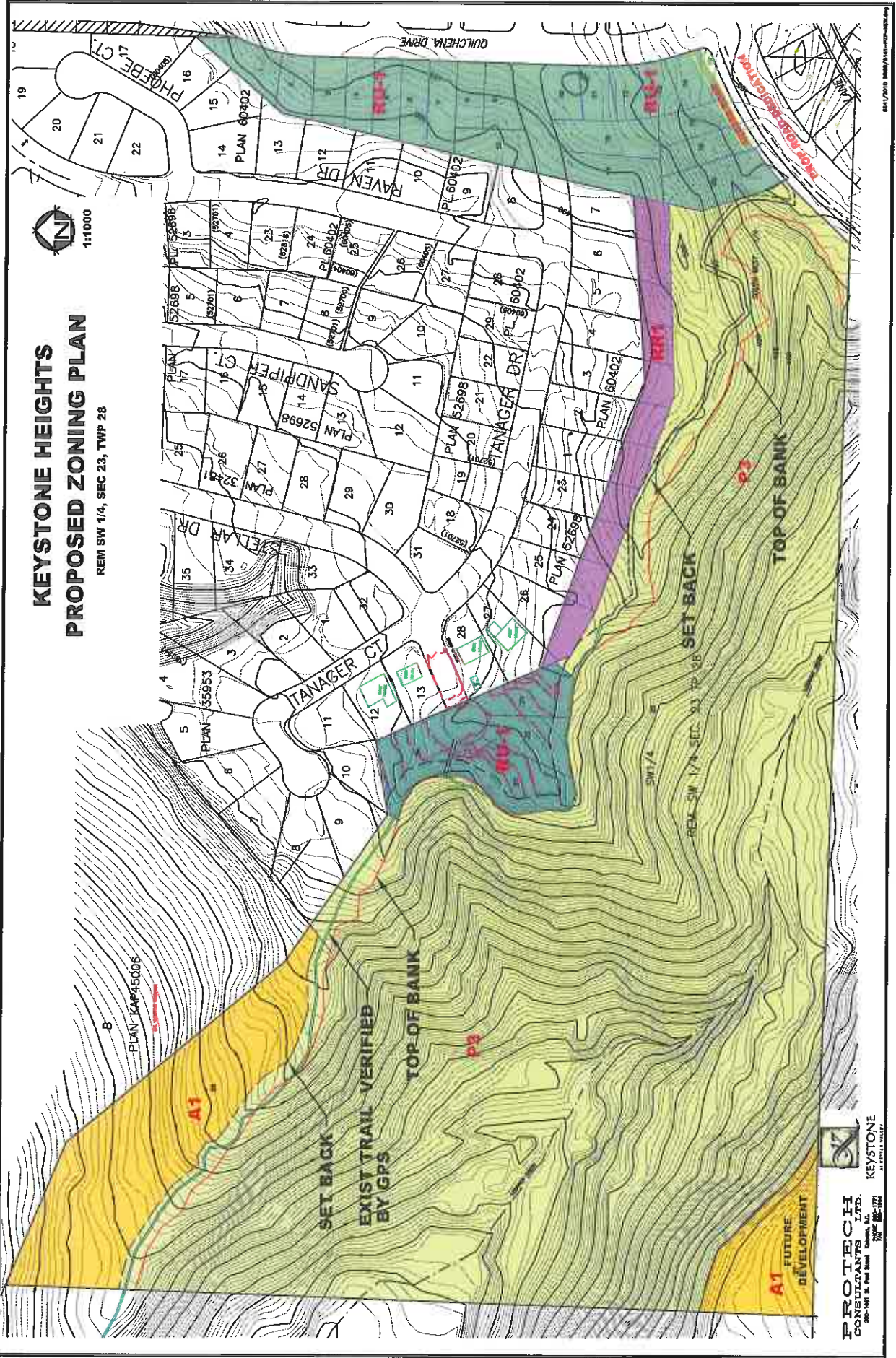
Attachments:

Keystone Heights Proposed Zoning Plan - Colour (1 page)
 Revised "Map A" - Keystone Heights Proposed Zoning Plan (1 page)
 Z09-0062 Report to Council, dated January 4, 2011 (17 pages)
 Council Meeting Minutes - January 17, 2011 (2 pages)
 Public Hearing Minutes - February 8, 2011 (5 pages)
 Applicant's Update Letter - January 19, 2012 (4 pages)
 Development Engineering Comments - Revised, dated May 30, 2012 (7 pages)
 Letters of Support (8 pages)

KEYSTONE HEIGHTS

PROPOSED ZONING PLAN

REM SW 1/4, SEC 23, TWP 28



PROTECH
ENGINEERING & ARCHITECTURE, L.L.C.
200 West 1st Street, Suite 100
P.O. Box 100
Keystone, CO 80130
303.461.1111



KEYSTONE
ARCHITECTURE

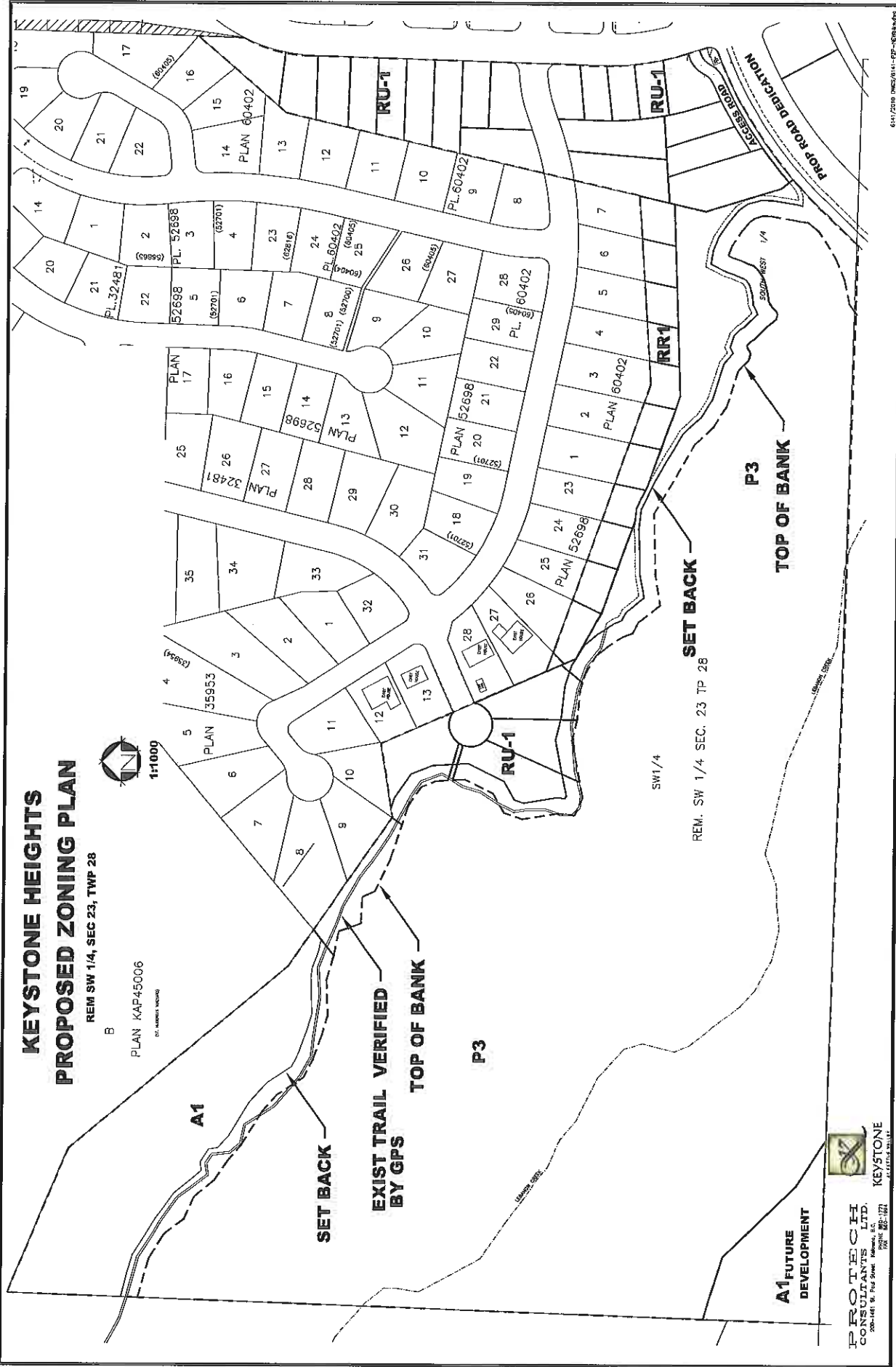
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**KEYSTONE HEIGHTS
PROPOSED ZONING PLAN**

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



PLAN KAP45006
ST. ANDREW'S CHURCH



**KEYSTONE
CONSULTANTS LTD.**
200-146 St. Paul Street
St. John's, NL A1B 1X7

**A1 FUTURE
DEVELOPMENT**

"Map A"

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Memo



Date: January 4, 2011
To: City Manager
From: Land Use Management, Community Sustainability
Application: Z09-0062 (AB) **Owner:** 0775362 BC Ltd.
Address: (W OF) South Perimeter Way **Applicant:** 0775362 BC Ltd. (Gary Tebbutt)
Subject: Rezoning Application

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

Existing Zone: A1 - Agriculture 1

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

1.0 Recommendation

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

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

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

2.0 Purpose

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

3.0 Land Use Management

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

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

Ecoscape Environmental Consultants were retained by the applicant to:

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

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

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

4.0 Proposal

4.1 Project Description

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

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

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

4.2 Site Context

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



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

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

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

5.0 Current Development Policies

5.1 Neighbourhood One Concept Development Plan

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

Open Space Policies:

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

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

Trails shall be provided for hiking or bicycling.

5.2 Kelowna Official Community Plan (OCP)

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

Growth Management Policies:

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

Environment Policies:

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

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

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

Housing Policies:

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

Transportation Policies:

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

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

Parks and Leisure Policies:

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

Linear Park Dedications. At subdivision for all development types and at rezoning for multiple unit housing, commercial, industrial and institutional developments, secure a 10-metre statutory right-of-way for public access where trails are included in Table 14.1 and/or are shown on Map 14.2. The 10-metre access corridor may be in addition to, and outside, any riparian management area requirements imposed through the Environment Chapters of the OCP. On the private property side of the public access corridor, the city may, as necessary, consider stipulating additional “no disturb” zones. Lot line adjustments or other subdivision application not resulting in the creation of new lots suitable for the construction of buildings permitted under the applicable zoning will be considered exempt from this policy.

6.0 Technical Comments

Development Engineering Branch. See attached.

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

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

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

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

7.0 Application Chronology

Date of Application Received: November 5, 2009

Advisory Planning Commission May 25, 2010

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

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

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

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

Ecoscope Retained by Applicant July 2010

Supplementary Info Received November 2010

Report prepared by:


Andrew Browne, Planner II

Reviewed by:



Danielle Noble, Manager, Urban Land Use Branch

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

Subject property and zoning map

Proposed rezoning plan (Map "A")

Proposed subdivision plan

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

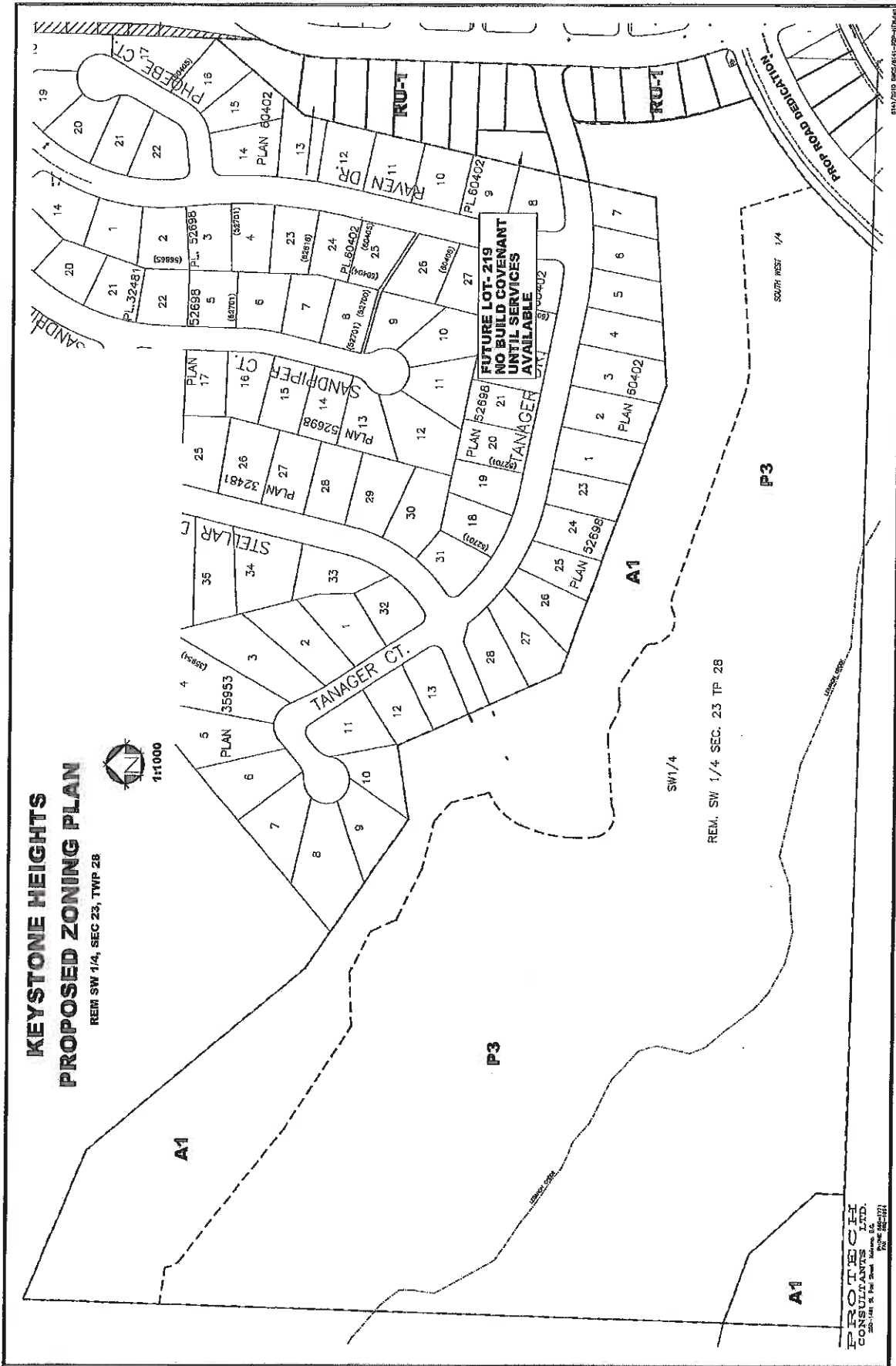
Development Engineering Branch technical comments (7 pages)

KEYSTONE HEIGHTS PROPOSED ZONING PLAN

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

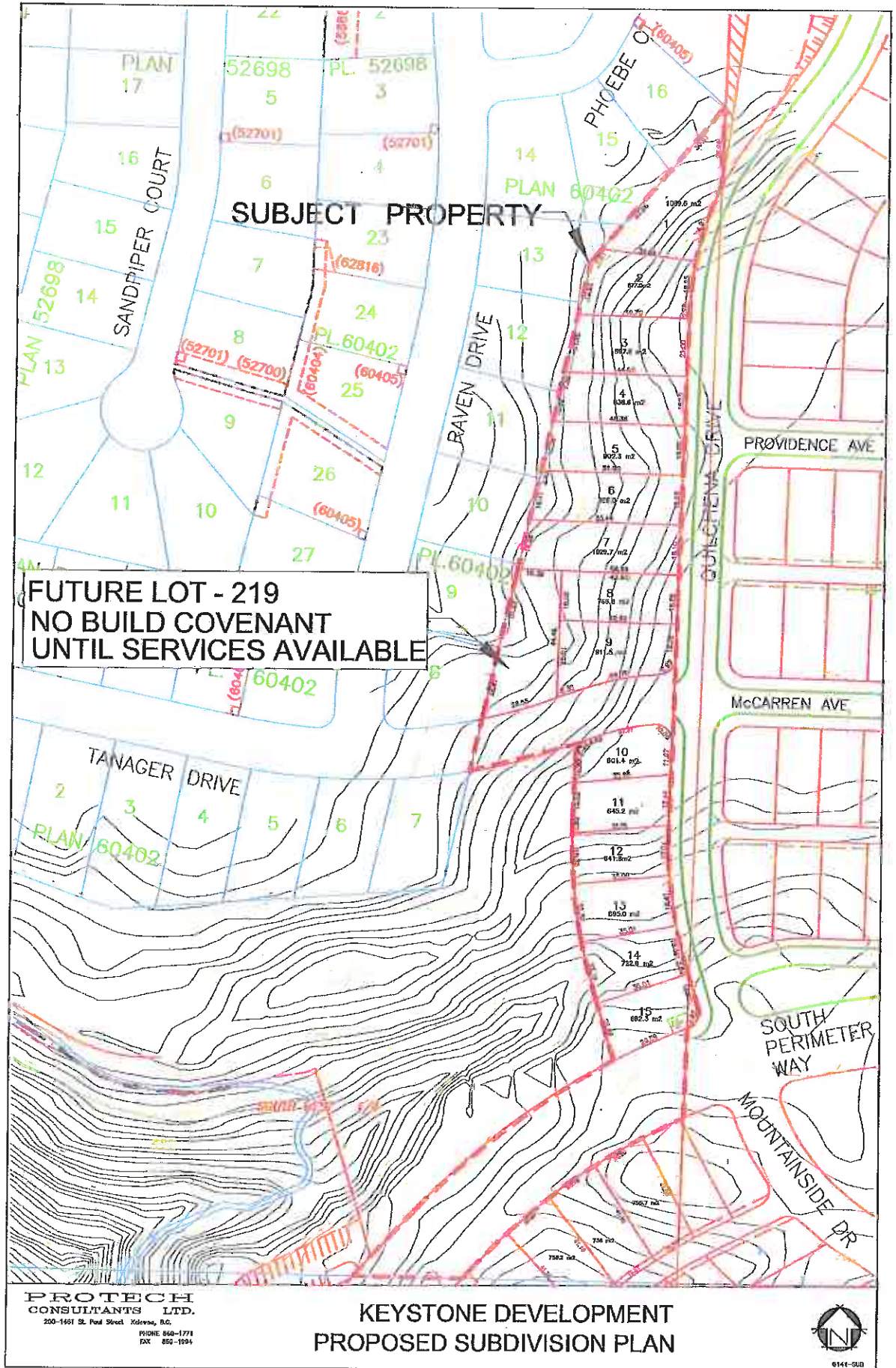


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MAP "A"

PROTECH
CONSULTANTS LTD.
255-1411 & 254-2244
P.O. BOX 10771



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

**PROTECH
CONSULTANTS LTD.**
200-1481 St. Paul Street, Kelowna, B.C.
PHONE 866-1778
FAX 855-1934

**KEYSTONE DEVELOPMENT
PROPOSED SUBDIVISION PLAN**



6141-510

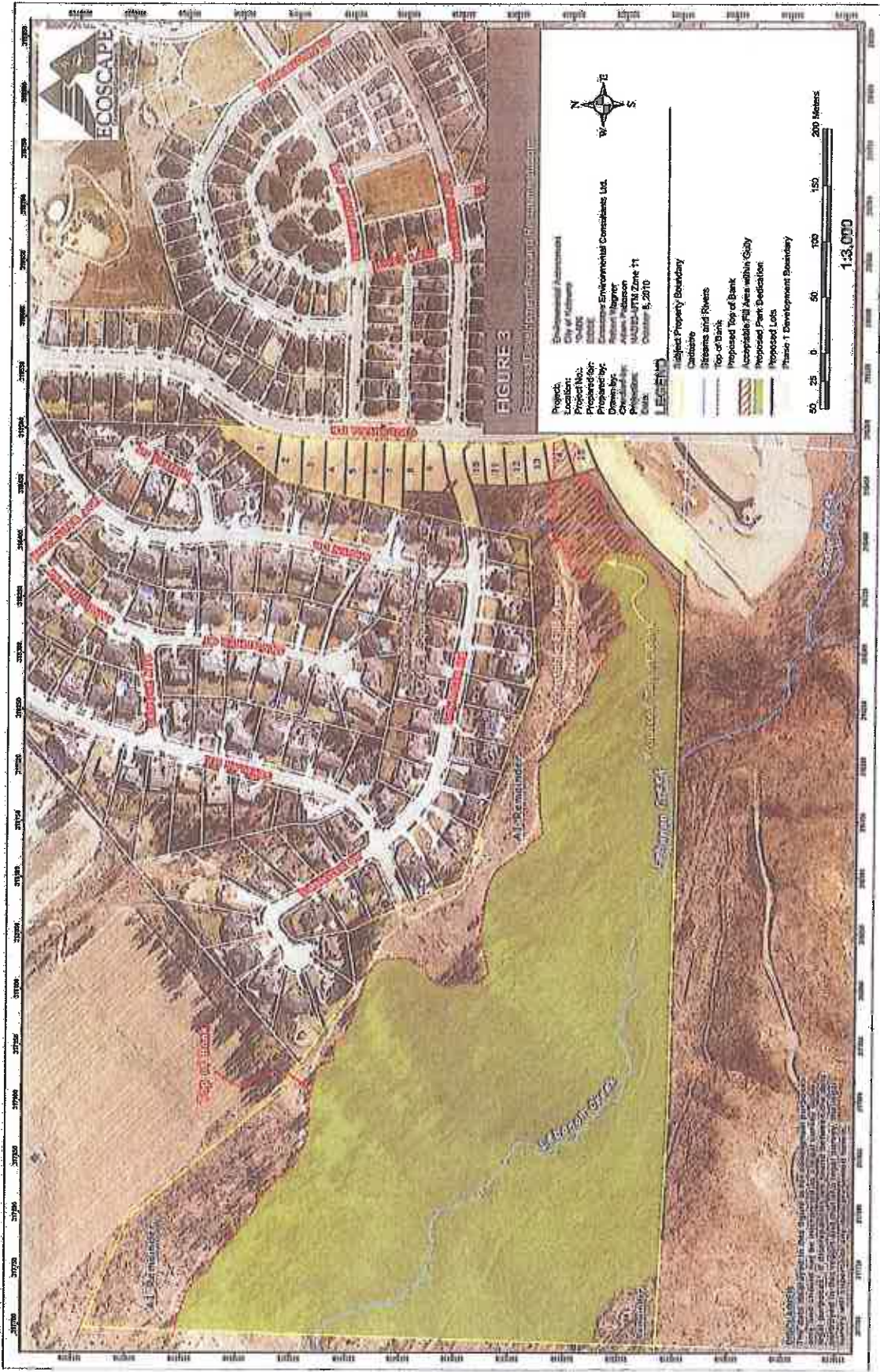


FIGURE 3
Proposed Development Boundary and Phase 1 Development Boundary

Project: Environmental Assessment
 Location: City of Richmond
 Project No.: 201005
 Prepared for: Economic Environmental Consultants Ltd.
 Prepared by: Robert Wagner
 Drawn by: Alan Paterson
 Checked by: RUCP-RTM, Zone 11
 Date: October 5, 2010



LEGEND

- Subject Property Boundary
- Carriageway
- Streams and Rivers
- Top of Bank
- Proposed Top of Bank
- Acceptable fill area within City
- Proposed Park Dedication
- Proposed Lots
- Phase 1 Development Boundary



The data used in this map was derived from the City of Richmond's GIS system. The data was provided to the Environmental Assessment team by the City of Richmond. The data was used to create this map. The data was not checked for accuracy. The data is provided as is. The data is not to be used for any other purpose. The data is not to be used for any other purpose. The data is not to be used for any other purpose.

CITY OF KELOWNA
MEMORANDUM

Date: December 1, 2009
File No.: Z09-0062
To: Land Use Management (AB)
From: Development Engineering Manager
Subject: W of South Perimeter Way

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

.1) General

- a) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 to obtain further information and to determine suitable location(s) within the development.
- b) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- c) The Drainage Division noted that Lebanon Creek crosses the lands. The creek may affect the layout. The City tries to leave the creeks open.
- d) Install a black chain link fence along the property lines backing onto the top of the slope.
- e) Existing water infrastructure is reaching capacity refer to comments under Water.

.2) Geotechnical Report

- a) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- (vi) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- (vii) Identify slopes greater than 30%.
 - ii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
 - iii) Recommendations for items that should be included in a Restrictive Covenant.
 - iv) Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
 - v) Any items required in other sections of this document.
 - vi) Recommendations for erosion and sedimentation controls for water and wind.
 - vii) Recommendations for roof drains and perimeter drains.
 - viii) Recommendations for construction of detention or infiltration ponds if applicable.

.3) Water

- a) The property is located within the City of Kelowna service area.
- b) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this subdivision to confirm this. Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.
- c) **Existing infrastructure at the Adam's Reservoir is approaching capacity for this area. If this subdivision requires more than the available capacity or other subdivisions are registered before this one and use the available capacity, then further infrastructure will need to be built. It will need to be built either by this subdivision or**

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

.4) Sanitary Sewer

- a) Provide an adequately sized sanitary sewer system complete with individual lot connections.

.5) Drainage

- a) Provide an adequately sized drainage system complete with individual lot connections. The Subdivision, Development and Servicing Bylaw require that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b) Provide the following drawings:
- i) A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
 - ii) A detailed Stormwater Management Plan for this subdivision; and,
 - iii) An Erosion and Sediment Control Plan.
- c) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- d) Significant banks are located on the subject property. The slopes appear to be sensitive to erosion; temporary and permanent measures must be taken to prevent erosion and sediment transport.
- e) Identify clearly on a contour map, or lot grading plan, the top of bank(s). Provide cross sections along the top of the bank at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections. Not all areas have a clear top of bank; and therefore, field reconnaissance by City staff and the applicant may be needed to verify a suitable location for property lines.

.6) Roads

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

- i) A dedication on the subdivision plan.
 - ii) Sale of the land to the City of Kelowna provided sufficient funds are available in the City's current budget. Contact Mr. D. Gilchrist, the City's Assistant Land Agent, if this option is selected.
 - iii) A Road Reservation Agreement with the City of Kelowna. Enclosed is a sample document that the City will prepare if the owner elects this option. Please contact Mr. D. Gilchrist, the City's Manager, and Community Development & Real Estate, to have this documentation prepared. The document must be accompanied by a plan prepared by a B.C. Land Surveyor. The subdivision plan must be endorsed to the effect that there is an agreement to be registered under Section 526 of the Local Government Act. This agreement must be registered as a priority charge.
 - iv) A Road Exchange.
- b) Quilchena Dr is designated an urban class 1 collector road. Quilchena Dr must be upgraded to a full urban standard along the full frontage of this proposed development, including separate sidewalk, boulevard landscaping and street lighting as required.
 - c) Tanager Drive is designated an urban class 1 local road. Dedicate and construct the road in accordance with City standard SS-R7 (18.0m dedication, 11.3m road).
 - d) RU4 Road is designated an urban class 2 local road. Dedicate and construct the road in accordance with City standard SS-R4 (15.0m dedication, 9.1m road).
 - e) Provide traffic control and street name signs where required. The City will install all signs and traffic control devices at the developer's expense.
 - f) Provide a Street Sign, Markings and Traffic Control Devices Drawing.
 - g) Grade the fronting road boulevards in accordance with the standard drawing and provide a minimum of 50 mm of topsoil. Major cut/fill slopes must start at the property lines.
 - h) Landscaped boulevards, complete with underground irrigation, is required on Quilchena Dr.
 - i) Grade the fronting road boulevards in accordance with the standard drawing and provide a minimum of 50 mm of topsoil. Major cut/fill slopes must start at the property lines.
 - j) Driveway access is not permitted onto South Perimeter Way. A restrictive covenant in favour of the City of Kelowna, registered under Section 219 of the Land Title Act, must be granted to the effect that vehicular access is not permitted from abutting lots. The subdivision plan must be endorsed to the effect that a covenant is to be registered. The covenant must be registered as a priority charge and is to be indicated on the Lot Grading Plan.
 - k) Verify that physical driveway access will satisfy City requirements for all lots. For steeper lots (15% and greater), show driveways on the lot grading plan with grades or profiles. Where lots are serviced by onsite sewage disposal systems, show limits of cut and fill lines.

- l) Cul-de-sac approach roads must not exceed bylaw grade requirements.
- m) Temporary asphalt cul-de-sacs or turn-a-round will be required at each terminal end of roads that will be extended in the future. Additional dedication or a Statutory Right-of-Way may be needed.

.7) Power and Telecommunication Services and Street Lights

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground
- b) Street lights must be installed on all roads.
- c) Before making application for approval of your subdivision plan, please make arrangements with Fortis BC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application.
- d) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

.8) Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

.9) Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900.

The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.

- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

.10) Other Engineering Comments

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

.11) Charges and Fees

- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - ii) Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
 - iii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iv) Engineering and Inspection Fee: 3% of construction value (plus GST).
 - v) Latecomer Processing Fee: \$1,000.00 (plus GST) per agreement (no charge for 1 day agreements).
- c) Sewer Specified Area Administration Fee of \$250.00 to amend service boundary.
- d) A hydrant levy charge of \$250.00 per lot (not required if developer installs a fire protection system – mains and hydrants).
- e) Water Extended Service Area Latecomers (ESA's):

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

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

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

Steve Muenz, P.Eng.
Development Engineering Manager

ss

Regular Meeting - P.M.

January 17, 2011

- 4.2 Land Use Management Department, dated January 4, 2011, re: Rezoning Application No. Z10-0029 - Jackie B. Scherle (Lynn Welder Consulting Ltd.) - 1096 Quesnel Road

- (a) Land Use Management Department report dated January 4, 2011.

Moved by Councillor Craig/Seconded by Councillor Stack

R049/11/01/17 THAT Rezoning Application No. Z10-0029 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1, District Lot 135, ODYD plan 17194, located on Quesnel Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with a Secondary Suite zone, be considered by Council;

AND THAT Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property;

AND THAT the suite be eligible for final occupancy prior to final adoption of the zone;

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Environmental Land Use Branch being completed to their satisfaction and the registration of a 219 no-disturb covenant along the creek.

Carried

- (b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10470 (Z10-0029) - Jackie Scherle (Lynn Welder Consulting Ltd.) - 1096 Quesnel Road

Moved by Councillor Craig/Seconded by Councillor James

R050/11/01/17 THAT Bylaw No. 10470 be read a first time.

Carried

- 4.3 Land Use Management Department, dated January 4, 2011, re: Rezoning Application No. Z09-0062 - 0775362 BC Ltd. - (W of) South Perimeter Way

- (a) Land Use Management Department report dated January 4, 2011.

Staff:

- Advised that the property is located within a Natural Environmental Permit Area and therefore a Natural Environmental Development Permit will be required for the development.
- Confirmed that a bond is collected upon the execution of the Natural Environmental Development Permit.
- Advised that the Applicant has indicated that a public input session will be held in advance of the Public Hearing.

Regular Meeting - P.M.January 17, 2011Moved by Councillor Craig/Seconded by Councillor James

R051/11/01/17 THAT Rezoning Application No. Z09-0062 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of part of Lot A Section 23 Township 28 SDYD Plan KAP89051, located at (W OF) South Perimeter Way, Kelowna, BC, from the A1 - Agriculture 1 zone to the RU1 - Large Lot Housing and P3 - Parks and Open Space zones as shown on Map "A" attached to the report of the Land Use Management Department report, dated January 4, 2011, be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

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

Carried(b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 10471 (Z09-0062) - 0775362 BC Ltd. - (W of) South Perimeter Way

Moved by Councillor Reid/Seconded by Councillor Blanleil

R052/11/01/17 THAT Bylaw No. 10471 be read a first time.

Carried

4.4 Land Use Management Department, dated January 12, 2011, re: Agricultural Land Reserve Appeal No. A09-0016 - Kenneth Casorso & Belva Casorso (New Town Planning Services) - 3985 Casorso Road

This item was deferred by the Applicant and therefore not considered by Council.

5. **NON-DEVELOPMENT APPLICATION REPORTS**

5.1 Director of Strategic Initiatives, dated January 11, 2011, re: Sewer Effluent Servicing Agreement with the Okanagan Indian Band

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R053/11/01/17 THAT City Council approves the Okanagan Indian Band Sewer Effluent Servicing Agreement for 9450 Jim Bailey Road as attached to the Report from the Director of Strategic Initiatives dated January 11, 2011;

AND THAT Council authorizes the Mayor and City Clerk to sign the Okanagan Indian Band Sewer Effluent Agreement on behalf of the City of Kelowna.

Carried

Public Hearing

February 8, 2011

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Environmental Land Use Branch being completed to their satisfaction and the registration of a 219 no-disturb covenant along the creek.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Lynn Welder Lalonde, Applicant's Representative

- Advised that the house was purchased by the Applicant's mother back in 1991 and at that time a second kitchen was constructed in the garage for use as a "canning" kitchen.
- Advised that in 1997, the garage was expanded.
- Advised that in 1998, the Applicant's mother passed away and left the property to the Applicant, who resides there.
- Advised that the Applicant's sister requires assisted-living care and is residing in the secondary suite.
- Confirmed that there is sufficient on-site parking.

There were no further comments.

- 3.5 Rezoning Application No. Z09-0062 - 0775362 BC Ltd. - (W of) South Perimeter Way - THAT Rezoning Application No. Z09-0062 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of part of Lot A Section 23 Township 28 SDYD Plan KAP89051, located at (W OF) South Perimeter Way, Kelowna, BC, from the A1 - Agriculture 1 zone to the RU1 - Large Lot Housing and P3 - Parks and Open Space zones as shown on Map "A" attached to the report of the Land Use Management Department report, dated January 4, 2011, be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

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

Staff:

- Provided details regarding what was presented during the Advisory Planning Commission meeting with respect to this application.
- Provided details on how the application has changed since being presented to the Advisory Planning Commission.
- Advised that the Advisory Planning Commission suggested that the Applicant hold an open house prior to having this application considered by Council and confirmed that an open house was held by the Applicants.
- Confirmed that there have been ongoing discussions for several years with respect to the development of the subject property.
- Advised that a Geo-Technical Report will be required through the subdivision process.
- Advised that the 10m setback can be designated through a covenant or right-of-way and does not have to be part of the park dedication area.

Public HearingFebruary 8, 2011

The Deputy City Clerk advised that the following correspondence and/or petitions had been received:

- Letter of Clarification:
 - Gary Tebbutt (Keystone of Kettle Valley), 1574 Harvey Avenue
- Letters of Concern:
 - Leo Gebert, St. Hubertus Vineyard, 5225 Lakeshore Road
 - Steve Harris, 349 Tanager Drive
 - Carl Basher, 313 Tanager Drive
- Letter of Inquiry:
 - John Link, 5392 Tanager Court
- Letters of Opposition:
 - Georg Rieder, 5397 Tanager Court
 - Grant Hodgkinson, 341 Tanager Drive
 - Cindy Moore-Mulcahy, 333 Tanager Drive
 - Robert W. Jones & Janice A. Jones, 312 Raven Drive
 - Elizabeth Alexander, 325 Tanager Drive
 - Ken Ewert, 329 Tanager Drive
 - Mark & Maria Hasek, 331 Phoebe Court
 - Chris & Kim Butt, 5422 Tanager Court
 - John Link, 5392 Tanager Court
 - Steve & Denise Harris, 349 Tanager Drive

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Gary Tebbutt, Applicant's Representative

- Advised that the subject property was purchased many years ago and that there have been ongoing discussions with City staff regarding the development of the property.
- Based on discussions with City staff, it was decided that a 15-lot subdivision be brought forward for consideration.
- Does not believe that the A1 lands can be developed without very significant dialogue with the surrounding property owners.
- Acknowledged and apologised for the short notice given for the public open house.
- During the public open house, there were many great suggestions given to the Applicants' Representatives regarding the development of the area and the surrounding A1 lands.
- It is the Applicant's hope that the 15-lot development will be approved by Council. Once approved, the Applicant intends to commence some sort of public consultation regarding the potential development of the A1 lands.
- Advised that the Applicant understands the concerns of the neighbourhood with respect to the proposed development and is trying to address any concerns.
- Advised that the 15 lots were already serviced when the Applicant purchased the property and that is why it was determined that the site could accommodate a 15-lot subdivision.
- Advised that the amount of fill, if any, that will be required in the Lot 14 area will be minimal.

Gallery:

Steve Harris, 349 Tanager Drive (Lot 7)

- Advised that, when he purchased his property, he spoke with City staff regarding the potential development of the surrounding area.
- Displayed a photo of the area behind his property which was taken in November 2010.

Public HearingFebruary 8, 2011

- Expressed a concern regarding the lack of information with respect to the future development of the A1 lands.
- Advised that prior to the open house that was requested by the Advisory Planning Commission, there hadn't been any discussions with the neighbourhood since May of 2010.
- Advised that he is opposed to the proposed rezoning and subdivision.

Grant Hodgkinson, 341 Tanager Drive (Lot 5)

- Advised that he has assembled a package with respect to his concerns with the proposed development.
- When he purchased his property, he was advised by City staff that it was unlikely that the property behind him could, or would, be developed.
- Displayed a City Memo dated January 22, 1997 which expressed concerns with respect to the development of the subject property.
- Believes that the Applicant does have specific plans for the A1 lands and displayed a map that illustrates an option for the development of the area.
- Advised that he cannot support the development of the subject property until the A1 lands are dealt with.
- Believes that the P3 lands would not make a good park as he feels that the topography of the area is not suitable for park purposes.

Jonathan Wingham, 305 Tanager Drive

- Advised that he attended the Advisory Planning Commission when this application was discussed.
- Expressed a concern regarding the lack of information with respect to the future development of the A1 lands.
- Advised that he is opposed to the application as he would like to see the A1 lands developed in conjunction with the subject property.

Cindy Moore-Mulcahy, 333 Tanager Drive

- Believes that the P3 lands would not make a good park as she feels that the topography of the area is not suitable for park purposes.
- Expressed a concern with Lot 14 and the considerable amount of fill that would be required.
- Believes that the A1 lands should be rezoned to P3.
- Advised that she attended the Advisory Planning Commission meeting when this application was considered.
- Advised that she had not had any dialogue with the Applicant since May of 2010 until receiving notice of the public open house to be held in 24 hours.

John Link, 5392 Tanager Court

- Expressed a concern with the 10m setback area and suggested that setback be included within the P3 lands.
- Would like to see something registered on title to ensure that the 10m setback area will be protected.
- Believes that the P3 lands do not make a good park as he feels that the area is not very accessible.
- Confirmed that he attended the public open house hosted by the Applicant.
- Displayed photos of the subject property from his residence.

Barbara Smith-Murray, 289 Raven Drive

- Advised that she just moved to the area and is not very familiar with the subject property, but was aware that the property would eventually be developed.
- Displayed a map of the area that was provided to her when she purchased her property, which indicates that the entire A1 lands would eventually become parkland.
- Expressed a concern that there may be environmental impacts related to the A1 lands.

Public HearingFebruary 8, 2011Ken Ewert, 329 Tanager Drive

- Opposes the development.
- Would like the A1 lands designated as parkland as he believes that the area is meant to be used by people, not houses.

Heather McInnes, 337 Tanager Drive (Lot 4)

- Opposed to the application.

Jonathan Wingham, 305 Tanager Drive

- Commented on the Official Community Plan map that was shown to him by the City which he feels contemplates a different development of the area than what is being proposed by the Applicant.

Gary Tebbutt, Applicant's Representative

- Advised that the development maps that the public are referring to were completed by Cascade Geotechnical Ltd. and were contained in the Geo-Technical Report that was conducted during the planning stages of the development. It was not the intent of the Applicant to develop the property in the manner indicated by the maps contained in the Geo-Technical Report.
- Displayed a map of the proposed trail access for the area.
- Believes that the 10m setback will be protected by way of a covenant registered on title and confirmed that the Applicant understands that the 10m setback area is a "no-disturb" area.
- Displayed a map of the parks in the area.
- Advised that access to the parkland through the A1 lands needs to be determined and should be done by way of a dedicated access area.
- Does not believe that this application removes the neighbourhoods' rights to enjoy the surrounding area.
- Clarified that all but one of the 15 lots included in the development proposal are serviced.
- Displayed a map from the Area 1 Concept Plan which indicates that the subject property could be subdivided into 31 lots.

Staff:

- Advised that the 10m setback area can be protected by way of a Restrictive Covenant, however, staff is not pursuing the Restrictive Covenant at this time as it will be dealt with through the subdivision approval process.
- Confirmed that the A1 lands are private lands and that fencing could be erected by the property owner to prevent the neighbourhood from accessing the parklands.

Deputy City Clerk:

- Provided options with respect to how Council can proceed with this application.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Hodge

R130/11/02/08 THAT the Public Hearing with respect to Rezoning Application No. Z09-0062 be kept open;

AND THAT Council directs staff to meet with the Applicant to discuss:

- including the 10m riparian setback area within the P3 lands as part of the public domain;
- how to ensure that there will be reasonable public trail access within the P3 lands; and
- the future development potential for the A1 lands;

Public Hearing

February 8, 2011

AND FURTHER THAT staff report back to Council regarding the outcome of the meeting with the Applicant.

Carried

4. TERMINATION:

The Hearing was declared terminated at 8:29 p.m.

Certified Correct:

Mayor

Deputy City Clerk

SLH/dld



January 19, 2012

City of Kelowna
Land Use Management
1435 Water Street
Kelowna BC
V1Y 1J1

Re: Keystone Estates, Stellar Drive.

Attention: Greg Sauer

Background:

Previously we submitted our rezoning application for the first phase of 15 lots along Quilchena Drive. During the Public Hearing the first phase was mostly supported by the neighborhood but they expressed significant concerns regarding the balance of the lands most specifically neighbors on Tanager Drive backing onto our lands as well as the first few lots on Tanager Court. Council directed us to work with the neighborhood and revise our application accordingly to address these concerns.

The revised submission reflects the outcome of several neighborhood meetings and is generally supported by the neighborhood with only a couple of exceptions. It would be fair to say that even the couple of neighbors not supporting this application would express respect in how we have handled this process.

The revisions to the application address the entire development of these lands with the exception of a small A1 parcel across Lebanon Creek, which is a long-term hold until such time as the lands across Lebanon Creek become developable.

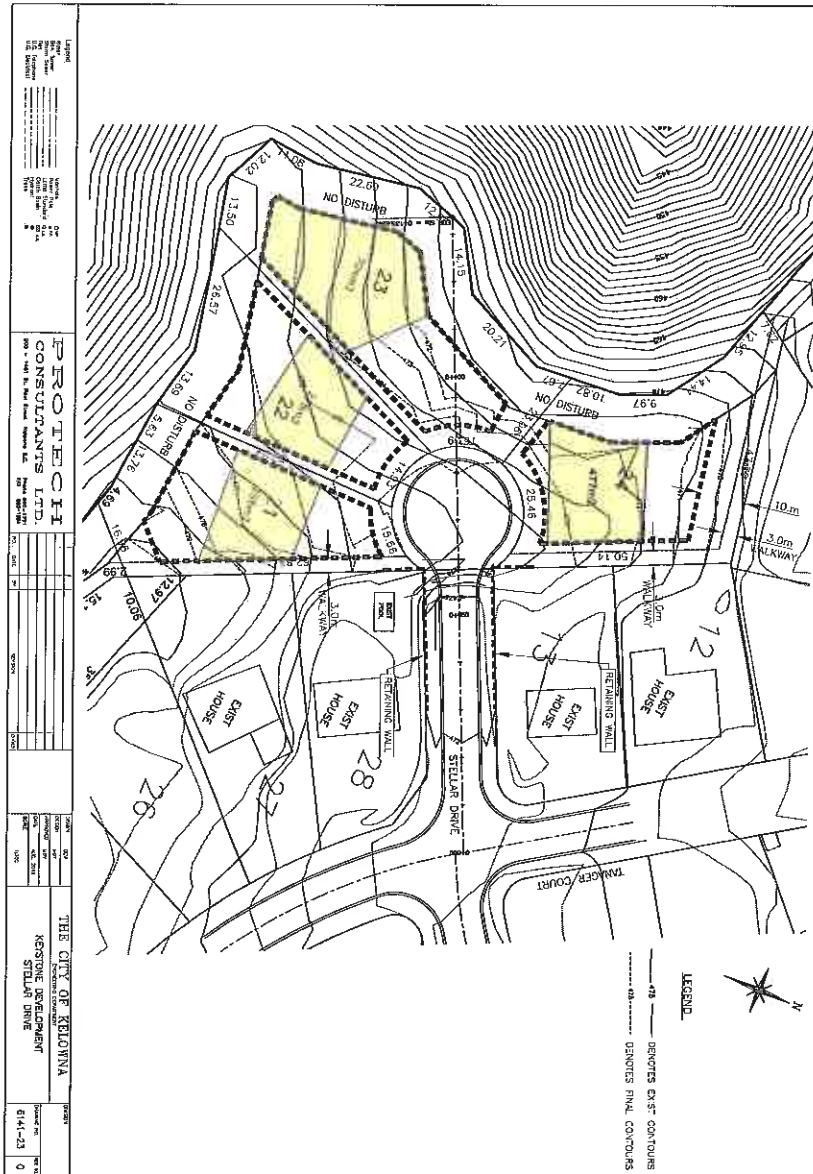
The Neighborhood Process:

Initially we hand delivered invitations to the neighborhood to a meeting held at the Minstrel Café. We had a very good exchange of ideas at that meeting with regards to what was requested by the neighborhood and what was acceptable or unacceptable to us. At the conclusion of that meeting the group in general asked us to focus our next several meetings with the owners of lots 27 & 28 on Tanager Drive and Lots 10-13 on Tanager Court. It was generally felt that these particular neighbors were going to be impacted the most by our application and that it was important to the balance of the neighbors that we use our best efforts to resolve any issues.

In conjunction with this process we had Goddard Surveying GPS the existing trail from our most westerly land boundary to where it exits the top of bank setback just behind Lot 26 on Tanager Drive. We then met with Ryan Smith, you and Todd Cashin for preliminary approval of the existing trail remaining in that location.

Over the next few months we had four different meetings with the Cul de Sac neighbors and evolved the plan to the revised application submission. In addition to this as indicated below we strategically designed the layout of the four lots in the proposed Cul de Sac to have minimum impact to these neighbors. We also have designated restricted areas for two-storey development in conjunction and cooperation with the

neighbors. These areas are highlighted in yellow on the following plan. This will be protected on behalf of the neighbors by a 219 covenant to be registered against each of these four titles.



In addition to this we also widened the side yard setback on proposed lots 24 and 21 adjacent to the neighbors and the rear yard setback of lot 24 for the benefit of the existing owner of lot 10 on Tanager Court to enhance their privacy.

You will notice on the revised subdivision plans that a public access pathway is being provided from the Cul de Sac between proposed lots 23 and 24.

Once we finalized all of these revisions with the Cul de Sac neighbors, we again hand delivered an invitation to the neighborhood for another meeting at the Minstrel Café. We reviewed all of our revisions with the Cul de Sac neighbors in attendance and received a very positive response.

RR1 Lot Enhancements:

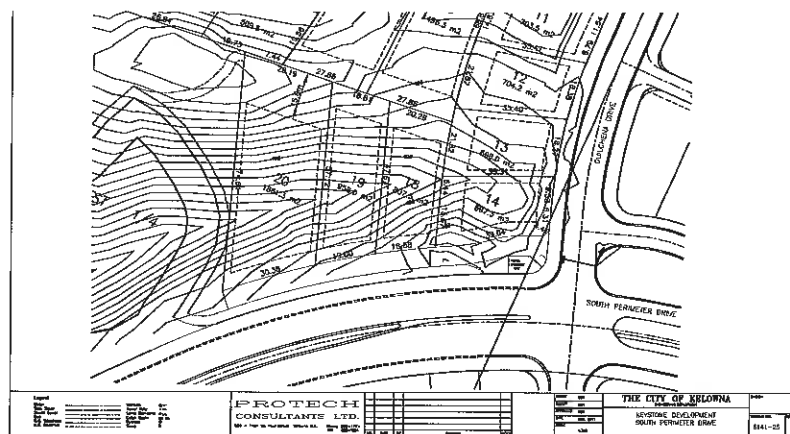
The areas in the revised application that are proposed for RR1 are lot enhancements to existing lots 1 – 7 and 23 – 27 on Tanager Drive. We have met with all of these existing homeowners and have entered into agreement to sell them the adjacent portion of these lands. The only exception to this is lot 27 where we will be gifting this portion of the land to that landowner. As a part of the Cul de Sac negotiations he wanted to maintain the opportunity for a gate from his backyard directly to the proposed dedicated parklands.

During previous meetings with planning this was supported with the condition that there would be no zig zag property lines. With all adjacent lot owners in agreement we are conforming to this requirement.

Strata Lots:

Lots 18-20 will be strata lots in order to facilitate pumping the sewer uphill from these three lots to the sanitary line on Quilchena. Andrew Browne previously reviewed this with the Engineering Department and they were in agreement. There is no other solution for these three lots.

The original application had 15 lots fronting onto Quilchena. To facilitate the existing power transformer easement and the strata access road to lots 18-20 we eliminated the original lot 15. There is a small sliver of surplus land adjacent to the access road and lot 20 and the proposed road dedication. That surplus sliver of land will be added to the road dedication for the future extension of South Perimeter Way.



Technical Subdivision:

In regards to the lot enhancements and the A1 parcel adjacent to St. Hubertus Winery, we would like to complete these as Technical Subdivisions in order to expedite the process on those parcels. I have previously discussed this with Ryan Smith and on a preliminary basis he indicated that this could be accomplished.

I believe that I have addressed all of the outstanding issues, please email me with any other additional information that you require.

Sincerely,



Gary Tebbutt

CITY OF KELOWNA
MEMORANDUM

Date: May 30, 2012
File No.: Z09-0062
To: Land Use Management (GS)
From: Development Engineering Manager
Subject: W of South Perimeter Way **REVISED**

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

.1) General

- a) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 to obtain further information and to determine suitable location(s) within the development.
- b) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- c) The Drainage Division noted that Lebanon Creek crosses the lands. The creek may affect the layout. The City tries to leave the creeks open.
- d) Install a city standard fence along the property lines backing onto the top of the slope.

.2) Geotechnical Report

- a) Provide a comprehensive geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

The Geotechnical reports must be submitted to the Development Services Department prior to submission of engineering drawings.

- (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.

.3) Water

- a) The property is located within the City of Kelowna service area.
- b) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this subdivision to confirm this. Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.

.4) Sanitary Sewer

- a) Provide an adequately sized sanitary sewer system complete with individual lot connections.
- b) A portion of this development is within the Okaview Connection Area #28 and would be running sewer through the Connection Area (CA), they will be required to join the Connection Area and pay the applicable SFE charges (\$22,000 per SFE) for their development. However, the cost of their main construction to their development would count towards their CA fees.

.5) Drainage

- a) Provide an adequately sized drainage system complete with individual lot connections. The Subdivision, Development and Servicing Bylaw require that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b) Provide the following drawings:
 - i) A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
 - ii) A detailed Stormwater Management Plan for this subdivision; and,
 - iii) An Erosion and Sediment Control Plan.
- c) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- d) Significant banks are located on the subject property. The slopes appear to be sensitive to erosion; temporary and permanent measures must be taken to prevent erosion and sediment transport.
- e) Identify clearly on a contour map, or lot grading plan, the top of bank(s). Provide cross sections along the top of the bank at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections. Not all areas have a clear top of bank; and therefore, field reconnaissance by City staff and the applicant may be needed to verify a suitable location for property lines.

.6) Roads

- a) Provide dedication of 35 m for South Perimeter Way. A preliminary design is required showing cuts & fills and the elevations of the RU1 lots adjacent to the road. This dedication is to be accomplished by:
 - i) A dedication on the subdivision plan.
 - ii) Sale of the land to the City of Kelowna provided sufficient funds are available in the City's current budget. Contact Mr. D. Gilchrist, the City's Assistant Land Agent, if this option is selected.
 - iii) A Road Reservation Agreement with the City of Kelowna. Enclosed is a sample document that the City will prepare if the owner elects this option. Please contact Mr. D. Gilchrist, the City's Manager, and Community Development & Real Estate, to have this documentation prepared. The document must be accompanied by a plan prepared by a B.C. Land Surveyor. The subdivision plan must be endorsed to the effect that there is an agreement to be registered under Section 526 of the Local Government Act. This agreement must be registered as a priority charge.

- iv) A Road Exchange.
- b) Quilchena Dr is designated an urban class 1 collector road. Quilchena Dr must be upgraded to a full urban standard along the full frontage of this proposed development, including sidewalk, boulevard landscaping and street lighting as required.
- c) Tanager Drive is designated an urban class 1 local road. Dedicate and construct the road in accordance with City standard SS-R7 (18.0m dedication, 11.3m road).
- d) End of Stellar Drive is designated an urban class 2 local road. Dedicate and construct the road in accordance with City standard SS-R4 (15.0m dedication, 9.1m road).
- e) Private access road serving Lot 14, 18, 19 & 20 must be a minimum of 7m from the lot corner nearest the intersection. It is recommended this access be aligned with the public frontage road on the north side of Quilchena Drive. Construct access as per City standard SS-R2.
- f) 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).
- g) Provide traffic control and street name signs where required. The City will install all signs and traffic control devices at the developer's expense.
- h) Provide a Street Sign, Markings and Traffic Control Devices Drawing.
- 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) Landscaped boulevards, complete with underground irrigation, is required on Quilchena Dr.
- k) Driveway access is not permitted onto South Perimeter Way. A restrictive covenant in favour of the City of Kelowna, registered under Section 219 of the Land Title Act, must be granted to the effect that vehicular access is not permitted from abutting lots. The subdivision plan must be endorsed to the effect that a covenant is to be registered. The covenant must be registered as a priority charge and is to be indicated on the Lot Grading Plan.
- l) 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.

.7) Power and Telecommunication Services and Street Lights

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground
- b) Street lights must be installed on all roads.
- c) Before making application for approval of your subdivision plan, please make arrangements with Fortis BC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application.
- d) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

.8) Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

.9) Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

.10) Other Engineering Comments

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

.11) Latecomer Provisions

- a) Under the provisions of the Local Government Act, Latecomer provisions are available for the following items:
 - i) Sanitary Sewer main installation on Stellar Drive
- b) The consulting engineer is to prepare and submit the Latecomer information. The City will prepare the actual Latecomer Agreement(s) and forward to the owner(s) for signature. The Latecomer Agreements must be submitted for Council's adoption.

.12) Charges and Fees

- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - ii) Survey Monument Fee: \$50.00 per newly created lot (HST exempt).
 - iii) Survey Monument, Replacement Fee: \$1,200.00 (HST exempt) – only if disturbed.
 - iv) Engineering and Inspection Fee: 3% of construction value (plus GST).
 - v) Latecomer Processing Fee: \$1,000.00 (plus HST) per agreement (no charge for 1 day agreements).
- c) A hydrant levy charge of \$250.00 per lot (not required if developer installs a fire protection system – mains and hydrants).
- d) The Okaview Connection Area #28 fee per SFE charge. (\$22,000 per SFE) for their development.
- e) Water Extended Service Area Latecomers (ESA's):

ESA#	Frontender	Component	To	Rate/unit \$
9	Kettle Valley	Reservoir (Adams)	Sept. 29/12	\$3,134.00

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



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

Steve Muenz, P.Eng.
Development Engineering Manager

ss

Steve & Denise Harris,
349 Tanager Drive, Kelowna, V1W 4T6
Cell: 250-826-4020 Home: 250-450-9049

February 8, 2012

City of Kelowna
Attention Mayor and Council
c/o Greg Sauer

Re: Keystone at Kettle Valley Proposed Residential Zoning Plan, Owner 0775362 BC Ltd

I would like to begin by expressing my support for the residential development known as Keystone at Kettle Valley. At a prior hearing I spoke out against a partial development of this area due to various concerns relating to riparian setback, trail access and unknown development on A1 lands.

This particular development and Ownership Group first came to my attention in early 2010 when I became aware of a proposal to rezone the land for a residential development. I was also aware that the land was recently sold and changed hands. At this time the proposal as I recall was for a partial development of the site and as such was viewed as not reflecting the interest of the neighbourhood or the area and did not create all the parkland in keeping with the OCP.

Briefly, when I purchased my home in 2007 I made numerous inquiries to the City and spoke to various departments and individuals being Gary Stephen, Janelle Turpin, Todd Cashin and Kevin Wall whom I believe was in Engineering. I accumulated current and past history and information about the area in order to make an educated and sound decision in respect to our home purchase. It was at this time it was identified parkland was planned for most of the land behind the homes on the south side of Tanager as per the OCP and that sewer would be within the area in approximately two to three years, was third in line at an approximate cost of \$22,000 per household though there would be a Provincial Grant of between \$10,000 and \$12,000.

Our decision to purchase the home in this area was partially based on this information as we also planned to install a pool in about four years and the added benefit of future parkland (walking trails etc.) was important as we had a three year old daughter.

In January 2011 there was a second proposal and subsequent public hearing on February 8, 2011. This proposal also fell short of expectations and did not meet with the neighbourhoods approval. Council listened to the neighbourhoods concern. Councillors Hobson and Hodge moved that the rezoning application be kept open and directed staff to meet with the Applicant to discuss a riparian setback, reasonable trail access and the future development potential for the A1 lands.

As it was our neighbourhood being affected and having worked in the Real Estate Industry specifically in relation to Property Management and Property Development for over twenty years; I took special interest in this development proposal. I have since attended over a half dozen meetings with the Developer Ownership Group and other concerned neighbours to ensure any plan proposed would benefit the neighbourhood overall, taking into consideration the issues previously raised, ensuring a majority of the immediately affected owners were minimally impacted by the development and ensuring land use was appropriate, etc.

I believe this current proposal as referenced in recent notices from the Developer dated November 1st and 8th respectively meets the requirements of the neighbourhood, the other previously raised issues and has been reasonably prepared to accommodate the neighbourhoods and majority of the immediately affected owners concerns.

Steve & Denise Harris,
349 Tanager Drive, Kelowna, V1W 4T6
Cell: 250-826-4020 Home: 250-450-9049

In keeping with the neighbourhood meetings and should Keystone follow what was discussed, this proposal appears to be able to be broken down into six different aspects pertaining to the 24 new lots.

- 1) Area along Quilchena, previously identified as prior serviced lots, and now the proposed presale lots from (Lot 1 to 14)
- 2) Homes along Tanager next to the new proposed park land Existing Lots 7 to 1 and to lots 23 to 27 (12 parcels) In direct reference to lots 7 through 2 in the land elevations behind the lots are greater than the lots. The offering of the land for sale by the Developer benefits the lots by resolving the disturbance issues and the increased land acts a buffer against the proposed park land. This should alleviate the concerns of visitors and users to the future park viewing activities within the homes and on the property, provide a buffer for fire protection, further buffer for access by public in accessing rear yards and the use of recreation vehicles (motor bikes and ATV's) driving the ridge line creating undue noise and provide the Homes and owners along Tanager with the control of land which is dominant to their own to ensure control of the aforementioned. The only unanswered questions which remain is the City view in respect to a break between the lots should not all of the owner of the 12 lots wish to purchase the parcels from the Developer and the sewer. Our specific benefit would be in relation to solving the unknown "Sewer to the Neighbourhood Issue" This additional land addition would then allow us to install a pool there instead of waiting for the sewer connection and building the Pool in the back yard in place of the septic field. This second option of course would only be viable if the Provincial Grant was available as previously advised or it would be cost prohibitive and therefore the Land purchase option makes more sense based on the several different reasons as advised.
- 3) Lots 21 through 24, the new four lots bordering on six homes off Tanager Drive and Court (lots 10,11,12,13,28 & 27 take into consideration existing view corridors, grading and other retaining wall aspects.
- 4) The four new lots 15,17 & 18 to the West of Quilchena are apparently going to be serviced at a later date and would hook up to Tanager Drive services once the services are completed at the west end of Tanager Drive near the new cul-de-sac.
- 5) The three strata lots 18, 19 and 20 would apparently be stratified with an access road including a lift station.
- 6) The remaining A1 land to be sold to a neighbouring agriculture user.

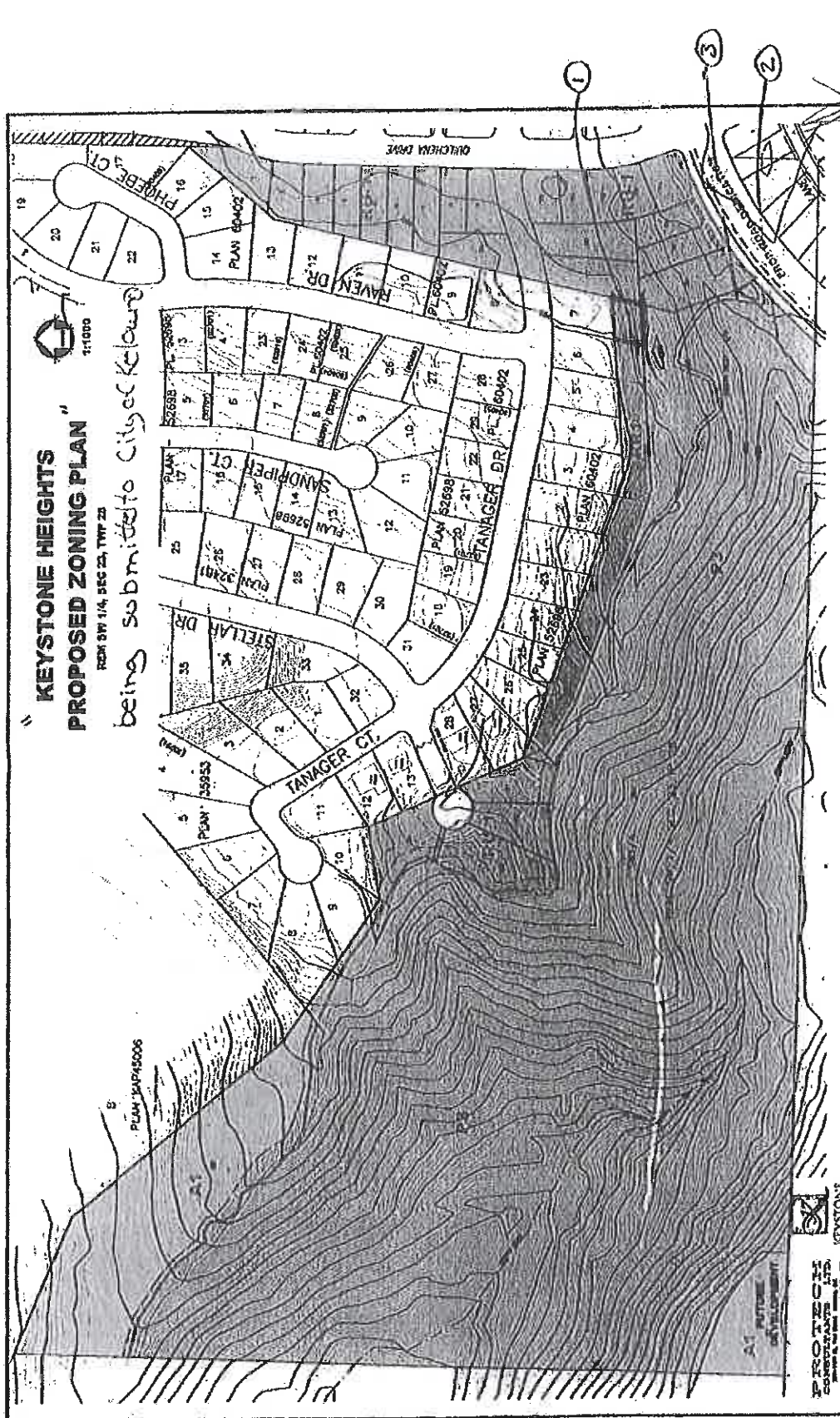
I have attached two site plans (zoning plan and lot areas and dimensions drawing) which have been provided by the developer to other neighbours and myself which we have been advised would be representative of the plan being presented to the City.

On a final note it is my understanding that due to the length of time for the Developers Ownership Group in holding the land and pertaining to the approval process they require a presale period in-order to meet financing requirements to obtain funding to complete the site servicing.

Therefore with the following taken into consideration and clarification on the timing of the development; I along with my wife Denise provide our support for this development and wish to acknowledge Jim Eidse, Elmer Eidse along with Gary Tebutt for spending a reasonable amount of time and effort to address the concerns of the neighbourhood. I also wish to acknowledge Mike Zwicker for attending to certain detail and providing effective communication.



Steve and Denise Harris



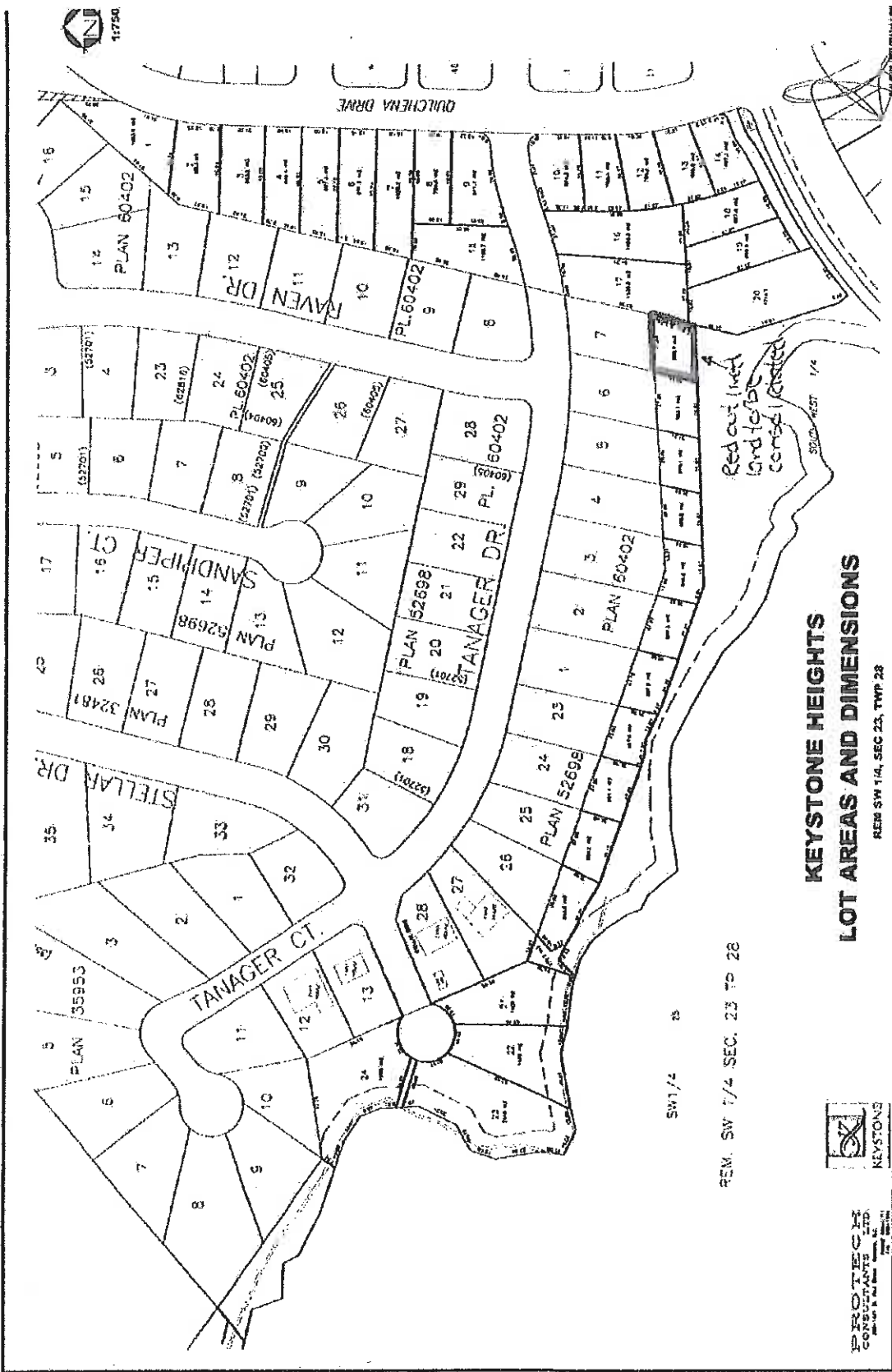
**KEYSTONE HEIGHTS
PROPOSED ZONING PLAN**

REVISION 1/4, SEC 23, TWP 22
being submitted to City of Keokuk

Schedule "A" December 20th /11.

586.7 ~~600~~ square meters.

- ① Red outlined land to be consolidated.
- ② Park Land "P3" Light green
- ③ Trail



**KEYSTONE HEIGHTS
LOT AREAS AND DIMENSIONS**

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



KEYSTONE

FOR OFFICIAL USE ONLY
CONSULTANTS

SW 1/4 SEC. 23 TO 28

SW 1/4 25

Schedule "B"



January 19, 2012

To City of Kelowna Council and Mayor

Re: Keystone at Kettle Valley residential development

We would like to begin by expressing our support for the residential development known as Keystone at Kettle Valley.

The team behind Keystone has done an excellent job in meeting with us on site to discuss our concerns with their development. In the past months we have met several times and each time we were able to express our concerns and discuss questions that we had. We understand that a lot of work has gone into this plan to improve it so that it causes a minimal disruption to our privacy and our views. The fact that the trail system has been kept fully intact was a key change and will end up being a great asset to the entire community.

We are glad to have been given the opportunity to have our say. Given the changes which have been made we are now happy to support this development as it moves forward and are thankful for all of the time spent with us.

Yours Truly,

Name

HERB SMITH

Address

613 TANAGER DR

Signature

Herb Smith

January 19, 2012

To City of Kelowna Council and Mayor

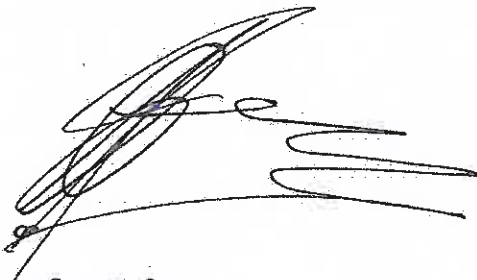
Re: Keystone at Kettle Valley residential development

We would like to begin by expressing our support for the residential development known as Keystone at Kettle Valley.

The team behind Keystone has done an excellent job in meeting with us on site to discuss our concerns with their development. In the past months we have met several times and each time we were able to express our concerns and discuss questions that we had. We understand that a lot of work has gone into this plan to improve it so that it causes a minimal disruption to our privacy and our views. The fact that the trail system has been kept fully intact was a key change and will end up being a great asset to the entire community.

We are glad to have been given the opportunity to have our say. Given the changes which have been made we are now happy to support this development as it moves forward and are thankful for all of the time spent with us.

Yours Truly,

A handwritten signature in black ink, appearing to read 'Carol Jones', with a large, sweeping flourish extending to the right.

Carol Jones

321 Tanager Dr

Kelowna, BC

V1W 4K5

January 31, 2012

To City of Kelowna Council and Mayor

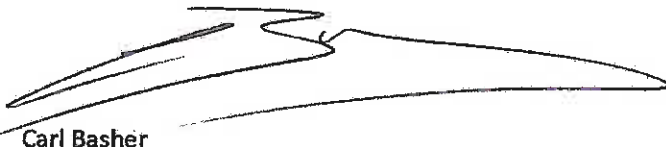
Re: Keystone at Kettle Valley residential development

I would like to express my support for the above noted project.

The Developer has gone to considerable effort to consult with the neighbourhood in general and adjacent property owners affected by the development. Numerous changes have been made to the original proposal to accommodate various concerns arising from the consultations. The Developer has sacrificed maximum profit potential in order to donate to the city a prime portion of the property for preservation as parkland. I commend the developer for their understanding and flexibility in dealing with the residents.

I believe the proposal before you is the best that can be achieved and therefore respectfully recommend it be approved by Council.

Yours truly,

A handwritten signature in black ink, appearing to read 'Carl Basher', with a long horizontal flourish extending to the right.

Carl Basher

313 Tanager Drive

Kelowna V1W 4K5

February 1, 2012

To City of Kelowna Council and Mayor

Re: Keystone zoning application Z09-0062 at Kettle Valley residential development

My name is John Link, residing at 5392 Tanager Ct. in Kelowna which is adjacent to the subject property.

I am writing to express my support for the residential development known as Keystone at Kettle Valley.

I have been involved in discussions with the City staff, the developer and the neighbouring property owners regarding this development proposal since 2008. On Feb 8, 2011 I expressed concerns regarding the earlier proposed development proposal to City Council at a Public Hearing.

Over the past several months since that Public Hearing the team behind Keystone has exceeded my expectations for collaboration with the neighbouring property owners. The current plan reflects considerable effort, expense and creativity on the part of the developer to mitigate our concerns and reflect our preferences for the proposed development.

The existing trail system, which the developer has retained as accessible to the public throughout this application process, is now proposed fully intact in a unique parkland space and will be a great asset to the entire community.

Please give this development application your support.

Regards,

A handwritten signature in black ink, appearing to read 'John Link', written in a cursive style.

John Link

5392 Tanager Ct., Kelowna, BC, V1W4K5

Johnlink@shaw.ca 250.764.6108