# Report to Council

Date:

November 19, 2012

File:

ASP12-0001

To:

City Manager

From:

Land Use Management, Community Sustainability

Subject:

Diamond Mountain Area Structure Plan - Request for Authorization

City of

Kelowna

## Recommendation:

THAT Council authorize the preparation of an Area Structure Plan for a maximum of approximately 1,405 dwelling units on the following properties, in accordance with Council Policy No. 247:

- Lot A, Sections 9, 10 and 16, Township 23, ODYD, Plan 30819, Except Plan KAP81434;
- Lot 1, Sections 9 and 10, Township 23, ODYD, Plan 1884, Except Plan 31642; and
- Lot B, Section 9, Township 23, ODYD, Plan 30819, Except Plan 38902.

# Purpose:

To consider a request for authorization to prepare an Area Structure Plan for the Diamond Mountain area, in accordance with the Kelowna 2030 - Official Community Plan and Council Policy No. 247. The applicant is seeking authorization to investigate the potential for the development of approximately 1,405 dwelling units, consisting of a mix of single dwelling housing, cluster housing, multiple dwelling housing, limited commercial space, and related parks, trails and amenity spaces.

# Background:

The applicant team initially began discussions with City staff regarding the potential for development of the subject lands in 2006/2007. Shortly after this, Council directed staff to begin the process of developing a new Official Community Plan (OCP). While considerable work was undertaken at that time towards planning development of the site, it was agreed that the project would be postponed until such a time as the new OCP was adopted.

In the new OCP, the subject area is identified as one of four areas slated for the development of an Area Structure Plan (ASP) to determine the suitability, nature, and scale of development on the sites. Following the adoption of the new OCP in the spring of 2011, the applicant approached the City once again in the late summer of 2012 to move forward with the formal development of an ASP.

It should be noted that the 2030 OCP and the corresponding 20-Year Servicing Plan only identify the subject lands as containing a total of 460 dwelling units. The applicant's submission calls for far more than this, and the proponent must provide a clear rationale for



how the proposal will be phased over time in a manner consistent with the long-term objectives of the OCP and the associated 20-Year Servicing Plan & Financial Strategy.

In addition, the proposed boundaries of this ASP exclude several parcels identified on the OCP's Generalized Future Land Use Map (Map 4.1). As rationale for the exclusion, the applicant notes that the lands are subject to "extreme topographical constraints and limited land development and active transportation potential". However, as part of this ASP exercise, the applicant will have to provide a rationale for how these parcels could develop in the future, including how a transportation network could connect the parcels.

While the application information does contain considerable detail regarding access, servicing, and layout, these details should be understood to be preliminary and conceptual in nature. Details regarding all aspects of the proposal will be addressed in the next phases of ASP development.

Should the request be authorized, the next phases of the ASP process are broadly outlined as follows:

- 1. <u>Terms of Reference</u> City staff will develop a detailed Terms of Reference for the ASP and will provide this to the applicant team;
- 2. <u>Consultation Plan</u> a consultation plan will be brought before Council for authorization;
- 3. <u>Phase 1</u> the applicant team will complete an analysis of existing conditions, including necessary technical reports and will provide this to City staff for review;
- 4. Open House 1 residents will be provided with an opportunity to get an update on ASP progress and to review the work completed to date;
- 5. <u>Phase 2</u> the applicant team will complete a draft ASP document for review by City staff:
- 6. Open House 2 residents will be provided with a final opportunity, prior to formal Council consideration, to provide input into the ASP document to ensure that it reflects their concerns;
- 7. <u>Council Consideration</u> the ASP will be brought forward to Council in the form of amendments to the Official Community Plan and Zoning Bylaws.

# Proposal:

The applicant proposes to undertake the development of an Area Structure Plan (ASP) for a portion of the area known as Diamond Mountain (or Tonn Mountain), consisting of three parcels. The lots are located between Glenmore Road and the University of British Columbia's Okanagan campus, south of the Glenmore Landfill. With the exception of a single detached dwelling and several accessory agricultural buildings, the lots are largely undeveloped, with large areas remaining in their natural state.

The proposal includes the development of up to 1,405 dwelling units on the three parcels, with principal access from John Hindle Drive, which is currently under construction (see attached *conceptual site plan*). At this stage, the applicant is proposing a wide variety of unit

types, densities and building forms, including single detached housing, townhouses, apartment housing, and mixed-use development. The proponent intends for the development to accommodate a broad spectrum of residents, from students to seniors. A large portion of the site is proposed to remain free of development for use as recreational trails and park land. Presently, the site is not serviced by water or sanitary connections.

The proponent will explore with City staff issues such as servicing, road access, storm drainage, topography, land use, and environmentally sensitive features before bringing the ASP forward for Council consideration.

# **Site Context:**

The three subject properties comprise the large majority of the Diamond Mountain lands, being 79.4ha in area. The properties are located on the west side of Glenmore road, approximately 1.4km (as the crow flies) east of the University of British Columbia's Okanagan campus. Topography on the site varies greatly, from steep hillsides to gentle slopes and natural benches.

According to the Sensitive Ecosystem Inventory, the subject properties contain a relatively even mix of coniferous woodlands, grasslands, sparsely vegetated, and non-sensitive ecosystems. There is a small section of the site containing old forest. At this stage, there is no evidence of any watercourses or wetlands on the parcels.

Surrounding land uses are mixed, but consist largely of agricultural uses located within the Agricultural Land Reserve. Major exceptions to this include the Yaletown multiple unit residential development immediately west of the subject properties, and the Glenmore Landfill located to the north of the proposal.

All three parcels are presently zoned A1 - Agriculture 1; however, none of the subject properties is within the ALR. The parcels are surrounded on all sides by land within the ALR, with the exception of the multiple unit residential development (Yaletown) abutting the western edge of the subject properties.

Despite the uniform ALR status of much of the surrounding development, land uses in the vicinity of the subject properties vary greatly. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture 1	Agriculture
	P4 - Utilities	Glenmore Landfill
East	A1 - Agriculture 1	Agriculture
	P3 - Parks and Open Space	Robert's Lake Regional Park
South	A1 - Agriculture 1	Agriculture
	RR3 - Rural Residential 3	Large lot rural residential
West	A1 - Agriculture 1	Agriculture
	RR1 - Rural Residential 1	Large lot rural residential
	C9 - Tourist Commercial	Shady Lane R.V. & Trailer Park
	RM3 - Low Density Multiple Housing	Multi-unit residential (Yaletown)

# Subject Property Map: Proposed ASP Parcels



#### Internal Circulation:

Policy & Planning Infrastructure Planning Development Engineering Branch Real Estate & Building Services

# Hierarchy of Plans:

Area Structure Plans provide an important link between an OCP, which is prepared at a broad community scale, and an actual development proposal prepared at a property scale. ASPs provide Council and Staff with the ability to identify impacts, to resolve issues, and to set standards for larger scale developments in advance of a formal rezoning or Development Permit application.

# **Existing Policy:**

Council Policy No. 247 establishes the Hierarchy of Plans and lays out the broad processes by which an ASP is to be prepared (outline above under "Background"). This policy is reinforced by direction in the OCP that describes the role of ASPs. Further, the OCP makes specific

provision for the preparation of an ASP in the Tonn Mountain area in Chapter 4 of the document and on the associated Future Land Use Map.

The request for authorization is consistent with Council Policy No. 247 and with the maps and guidelines of the OCP.

# Financial/Budgetary Considerations:

The application fee required for the preparation of Area Structure Plans reflects the magnitude of these plans and their impact on staff time and associated legal resources. As such, it is not anticipated that there will be significant financial or budgetary consideration. However, it is difficult to anticipate the precise costs for each application.

# Personnel Implications:

The development of Area Structure Plans does require significant staff resources from multiple departments. Staff resources will be principally required from the Land Use Management Department, where it is anticipated that 20% of the time of one Land Use Planner will be required throughout the ASP process.

Other departments, such as Infrastructure Planning, Policy & Planning, Development Engineering, Subdivision, and Real Estate and Building Services will also be impacted to varying degrees.

# External Agency/Public Comments:

The coming phases of the ASP process will provide opportunities for both external agencies and the general public to submit comments and to make representations. The application will be referred to external agencies as necessary, and the public will be provided with multiple opportunities to provide input throughout the development of the ASP.

Submitted by:

James Moore, Land Use Planner

Reviewed by:

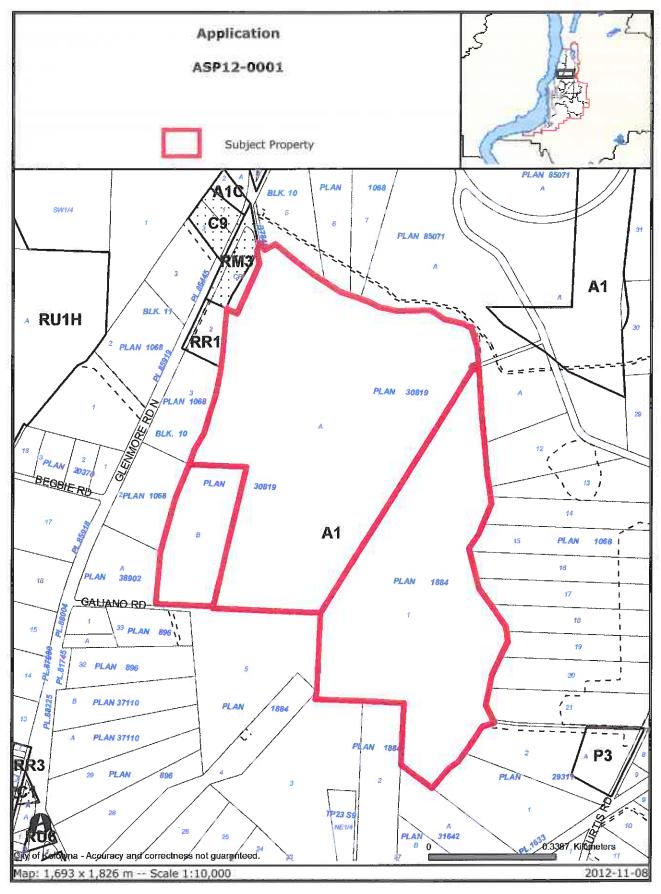
Danielle Noble, Urban Land Use Manager

Approved for Inclusion:

Shelley Gambacort, Director, Land Use Management

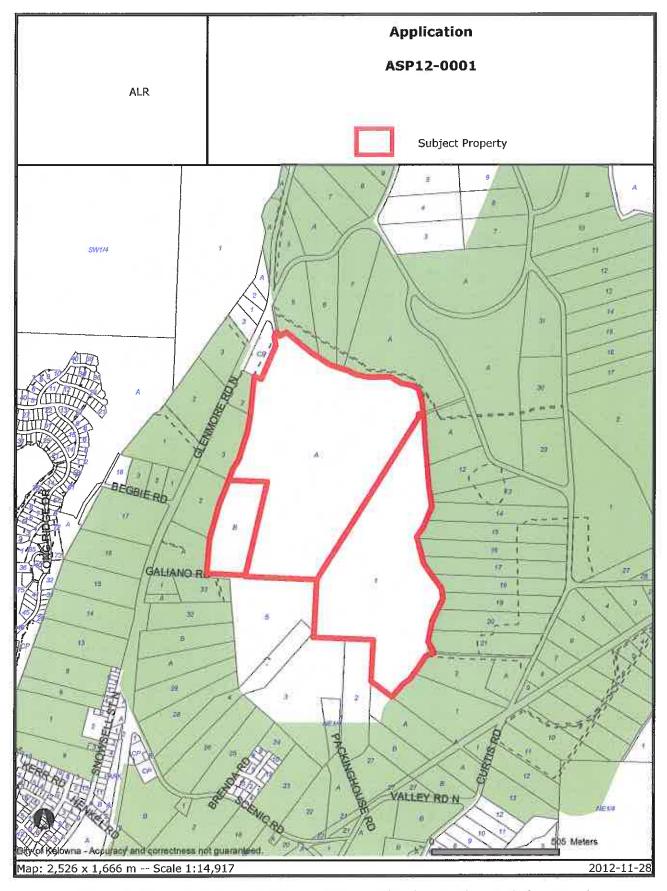
# Attachments:

Subject Properties Map ALR Map Official Community Plan - Future Land Use Map Conceptual Site Plan Council Policy No. 247



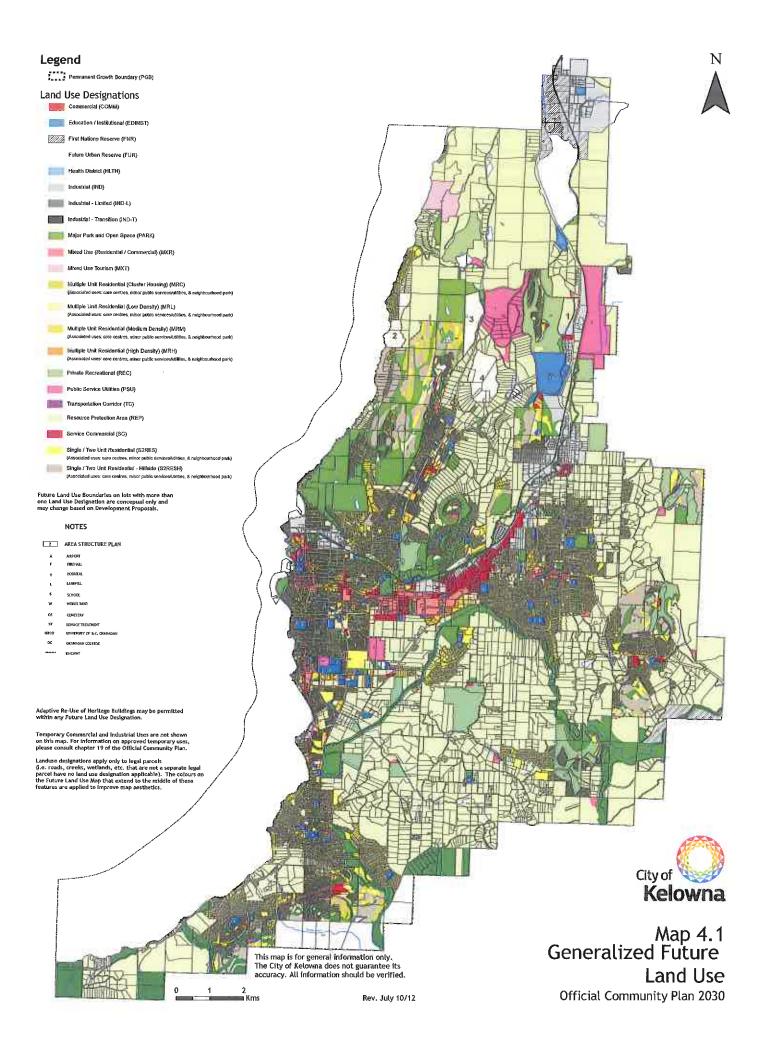
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.

The City of Kelowna does not guarantee its accuracy. All information should be verified.



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NOVEMBER 2012

DIAMOND MOUNTAIN ASP - KELOWNA, B.C.

S TROIKA



City of Kelowna 1435 Water Street Kelowna, BC V1Y 1J4 250 469-8500 kelowna.ca

# **Council Policy**

Hierarchy of Plans (Sector Plans/Structure Plans /Redevelopment Plans)

APPROVED June 4, 1996

RESOLUTION: R506/11/05/16 REPLACING: R375/10/04/26; R447/96/06/04; Policy No. 220 & 221 DATE OF LAST REVIEW: May 2011

# A. MANDATE FOR COMMUNITY PLANS

The Local Government Act provides for a community plan to be adopted by a municipality containing a general statement of the broad objectives and policies of the local government respecting the form and character of existing and proposed land use and servicing requirements in the area covered by the plan. A local government may adopt one or more community plans for one or more areas.

#### B. HIERARCHY OF PLANNING DOCUMENTS

The following hierarchy of plans is proposed, and will be established by amendment to the Official Community Plan:

- · Official Community Plan
- Sector Plans
- Area Structure Plans
- · Area Redevelopment Plans

#### C. SECTOR PLANS

Sector Plans are undertaken for large areas of the City, which may contain portions of developed and undeveloped land. Because of the large area, the multiple land owners, and the need to establish general parameters as a framework for future development or re-development, the City will undertake to prepare Sector Plans, at Council's direction. The plan area shall comprise an integrated planning unit definable by manmade or natural boundaries, as shown in Schedule A. The Sector Plan will work towards those objectives and policies stated in the Official Community Plan. A public process is followed and the plan is adopted, by bylaw, following a Public Hearing as an Official Community Plan amendment.

# D. AREA STRUCTURE PLANS

#### (1) Area Structure Plans (ASP'S)

Area Structure Plans (ASP's) shall be prepared by an individual land owner or owners of the majority of land for areas identified in the Official Community Plan as ASP areas, or for areas where the proponent is contemplating a proposal which:

- (a) does not conform to the purpose and intent of the Official Community Plan; and
- (b) is of sufficient magnitude in terms of population, units of development, servicing constraints. social impact or economic burden on the municipality; or
- (c) in Council's view, may affect adjacent properties, land uses, or the natural environment; or
- (d) in Council's view, may be affected by hazardous conditions; or
- (e) in Council's view, may affect municipal heritage sites, or a revitalization area; and
- (f) such other matters as may be required, unique to the plan area under consideration.

The plan area shall be as outlined in the OCP or as authorized by resolution of Council. The Plan will work towards those objectives and policies stated in the Official Community Plan. Approval of the Area Structure Plan as an Official Community Plan amendment, will be considered by Council following a Public Hearing.

Because Area Structure Plans for large tracts of land tend to have environmental, servicing and financial impacts far greater than any individual rezoning or subdivision application, and the process of assessing these impacts and managing the public input to that process requires a substantial staff time commitment, it is the policy of Council that an applicant for an Area Structure Plan pay an application fee that will cover these anticipated costs, and that the City have the option of using that fee to hire auxiliary staff resources in the form of consultants to assist in its review.

#### (2) Area Structure Plan Contents

Area Structure Plans shall generally contain the following, with more specific requirements to be determined within a Terms of Reference prepared for each planning area after Council authorization and prior to the commencement of plan preparation:

- (a) an inventory of existing land uses, natural features, zoning, transportation network, utility infrastructure and heritage sites.
- (b) a statement of development objectives and policies for the area, and their relationship to Council policy as stated in the Official Community Plan, and within other bylaws and policies that may be adopted by Council from time to time.
- (c) information on the natural environment and hazardous conditions of the area including the manner in which natural site—characteristics will influence development and an assessment of the environmental impact of the proposed development.
- (d) the identification of major land use areas by type and density.
- (e) the general location of the major transportation network for vehicles, public transit, pedestrians and cyclists within the plan area, and the relationship of the proposed network to existing City facilities. Advance transportation plans should identify all vehicle, transit, pedestrian, cycle and trail linkages and provide a mix of trail, local, collector and arterial roads necessary to create a balanced transportation system.
- (f) the identification and general location of the proposed major utility infrastructure components, including, but not limited to underground mains and trunks, sub-stations, storm water management facilities, gas lines, and power lines.
- (g) the identification of the need for major institutional uses within the plan area, including school and park requirements.
- (h) the sequence of development of the plan area, related to the provision of utilities, transportation facilities and community services, and the general direction and timing of development.
- (i) the location and type of any development permit areas to be designated within the plan area together with guidelines for proposed development within those development permit areas.

### (3) Submission Requirements

Prior to the preparation of any Area Structure Plan documents, an applicant shall first submit a request for Council's authorization to proceed with an Area Structure Plan. The request should include:

- (a) Letter of request outlining property to be included.
- (b) Map showing legal descriptions of property to be included and boundaries of proposed ASP.
- (c) Description of the property and map showing existing land use, site or topographic constraints.
- (d) Terms of Reference for the ASP as well as a generalized description of land uses being proposed, and illustrated on a map of the property.
- (e) Other information as may be required to support the request to proceed with an ASP.

If the application is for lands not identified in the OCP as an ASP area, then the applicant must apply to Council for an amendment to the OCP concurrently with the application for authorization and the request will be scheduled for consideration with other OCP amendments.

# (3) Submission Requirements (Cont'd)

An Area Structure Plan shall include:

- (a) Plan reports and background information documents in reproducible formats.
- (b) Maps at the appropriate scale, showing the following:
  - (i) plan area and neighbourhood boundaries,
  - (ii) topography, developable and undevelopable areas,
  - (iii) distribution of land uses by type and density,
  - (iv) population and density of each neighbourhood,
  - (v) transportation and utility networks, by size and type and other maps, plans or graphic material necessary to describe the proposal for the plan area.

#### (4) Process

Schedule B, attached to and forming part of this policy, illustrates the process to be followed in the adoption of an Area Structure Plan.

(a) Process Outline

Step 1 Application

The land owner, or agent acting for a group of land owners makes application to Council for authorization to proceed with the development of an Area Structure Plan. The application should include those items noted in Section 3.

(b) Step 2 Consideration by Council (three weeks)

If the area is identified as an ASP area within the OCP, staff will prepare a report for Council's consideration of the request for authorization to prepare an ASP. The report will include a recommendation on the proposed boundaries of the plan area, a preliminary statement of issues to be considered relative to the Official Community Plan and other Council policy, and a statement to the effect that approval of the request to prepare ASP in no way assures approval of the final ASP. The application fee will include a base fee plus a charge per hectare for the area to be included in the plan area. The purpose of the application fee is to cover additional staff resources in the form of engineering and planning consultant as may be considered necessary to augment staff resources in order to meet timeline commitments.

(c) Step 3 Start up Meeting

Following Council's authorization, a start-up meeting with the applicant, their consultants, city staff and any consultant acting on the City's behalf is convened to discuss the Terms of Reference. A site visit will be conducted by the applicant and City staff to familiarize all personnel involved with the unique characteristics of the site.

(d) Step 4 Preparation of a Draft Plan (varies - applicant's responsibility)

It is the responsibility of the applicant to engage the appropriate expertise to prepare an Area Structure Plan (in accord with the approved Terms of Reference) which meets with the City's requirements for Content and Submission noted in Section 4 & 5 of this policy, and conforms with objectives and policy outlined in the Official Community Plan. Once completed it is submitted to the Community Sustainability Division who will coordinate the review.

(e) Step 5 Review of First Draft (ten weeks)

The Community Sustainability Division will coordinate the review of the draft ASP by City staff and external agencies, and prepare written comments on the submission. A meeting with the applicant will be held to discuss the comments.

(f) Step 6 Preparation of Second Draft (varies - applicant's responsibility)

The applicant will address the concerns raised by the Community Sustainability Division and prepare revisions to the draft ASP.

- (4) Process (Cont'd)
  - (g) Step 7 Review of Second Draft ASP (four weeks)

The Community Sustainability Division will coordinate the review of the second draft and prepare a position on the Area Structure Plan. This will be communicated to the applicant by letter.

- (h) Step 8 Public Information Meeting
  - The applicant will schedule and advertise a public information meeting to allow the public to review and discuss the draft ASP. City staff will attend to observe and answer general questions.
- (i) Step 9 Submission of Final Draft ASP and OCP and/or Zoning Bylaw amendment (varies applicant's responsibility)

With the submission of an application to amend the Official Community Plan and/or the Zoning Bylaw as necessary, the application process is now concurrent with the OCP/Zoning Amendment Process, which includes circulation, APC meeting, Council consideration, Public Hearing and Rading

Final Reading.

# E. AREA REDEVELOPMENT PLANS (ARP'S)

Area Redevelopment Plans are undertaken for developed areas of the City where there are existing services and the area is experiencing pressures for re-development or infill development that would significantly increase building height or density beyond existing zoning. ARP's, based on Terms of Reference agreed upon by Council, shall be prepared by an individual land owner for a single project site (at the applicant's cost) or by the City where there are multiple owners of the land for areas identified in the Official Community Plan as ARP areas which:

- (a) conform to the purpose and intent of the Official Community Plan; and
- (b) is of sufficient magnitude in terms of population, units of development, servicing constraints. social impact or economic burden on the municipality; or
- (c) in Council's view, may affect adjacent properties, land uses, the natural environment or hazardous conditions; or
- (d) in Council's view, may affect municipal heritage sites, or a revitalization area; and
- (e) such other matters as may be required, unique to the plan area under consideration.

The plan area shall be as outlined in the OCP or as authorized by resolution of Council. The Plan will work towards those objectives and policies stated in the Official Community Plan. Approval of the Area Redevelopment Plan as an Official Community Plan amendment, will be considered by Council following a Public Hearing.

# (1) Area Redevelopment Plan Contents

All Area Redevelopment Plans shall contain:

- (a) an inventory of existing land uses, natural features, zoning, transportation networks, utility infrastructure and heritage sites;
- (b) a statement of development objectives and policies for the area, and their relationship to Council policy as stated in the Official Community Plan, and within other bylaws and policies that may be adopted by Council from time to time;
- (c) where applicable, information on the natural environment or hazardous conditions of the area including the manner in which natural site characteristics will influence development;
- (d) the identification of major land uses by type and density;
- (e) the general location of transportation networks and required upgrades to accommodate vehicles, public transit, pedestrians and cyclists within the plan area, and the relationship of the proposed network to existing City facilities. Advance transportation plans should identify all vehicle, transit, pedestrian, cycle and trail linkages and provide a mix of trail, local, collector and arterial roads necessary to create a balanced transportation system;

#### (1) Area Redevelopment Plan Contents (Cont'd)

(f) the location and type of any development permit areas to be designated within the plan area, together with guidelines for proposed development within those development permit areas.

#### (2) Submission Requirements

Where the applicant is the land owner, or agent acting for a group of land owners, the submission requirements would be the same as for an Area Structure Plan (ASP).

If the applicant is the City, staff shall first submit a request for Council's authorization to proceed with an Area Redevelopment Plan. The request should include:

- (a) Map showing the boundaries of the proposed ARP.
- (b) Description of the property and map showing existing land use, site or topographic constraints.
- (c) Terms of Reference for the ARP as well as a generalized description of land uses being proposed, and illustrated on a map of the property.
- (d) Identification of funding source / budget.

If the application is for lands not identified in the OCP as an ARP area, then the submission must include an application to Council for an amendment to the OCP concurrently with the application for authorization and the request will be scheduled for consideration with other OCP amendments.

An Area Redevelopment Plan shall include:

- (a) Plan reports and background information documents in reproducible formats.
- (b) Maps at the appropriate scale, showing the following:
  - (i) plan area and neighbourhood boundaries,
  - (ii) topography, developable and undevelopable areas,
  - (iii) distribution of land uses by type and density,
  - (iv) population and density of each neighbourhood.
  - (v) transportation and utility networks, by size and type and other maps, plans or graphic material necessary to describe the proposal for the plan area.

### (3) Process

Where the applicant is the land owner, or agent acting for a group of land owners, the process would be the same as for an Area Structure Plan (ASP).

If the applicant is the City, the process shall be as follows (see Schedule B):

(a) Process Outline

Step 1 Application

The Community Sustainability Division or the City's consultant makes application to Council for authorization to proceed with the development of an Area Redevelopment Plan. The application should include those items noted in Section E. subsection 2.

(b) Step 2 Consideration by Council (three weeks)

If the area is identified as an ARP area within the OCP, staff will prepare a report for Council's consideration of the request for authorization to prepare an ARP. The report will include a recommendation on the proposed boundaries of the plan area, a preliminary statement of issues to be considered relative to the Official Community Plan and other Council policy, and a statement to the effect that approval of the request to prepare ARP in no way assures approval of the final ARP.

# (3) Process (Cont'd)

(c) Step 3 Start up Meeting

Following Council's authorization, a start-up meeting with city staff and any consultant acting on the City's behalf is convened to discuss the Terms of Reference. A site visit will be conducted by staff and consultants to familiarize all personnel involved with the unique characteristics of the site.

(d) Step 4 Preparation of a Draft Plan (varies - applicant's responsibility)

It is the responsibility of the applicant / consultant to prepare an Area Redevelopment Plan which meets with the requirements for Content and Submission noted in Section E, subsections 1 & 2 of this policy, and conforms with objectives and policy outlined in the Official Community Plan. Once completed it is submitted to the Community Sustainability Division who will coordinate the review.

(e) Step 5 Review of First Draft (ten weeks)

The Community Sustainability Division will coordinate the review of the draft ARP by City staff and external agencies, and prepare written comments on the submission. A meeting with the applicant / consultant will be held to discuss the comments.

(f) Step 6 Preparation of Second Draft (varies - applicant's responsibility)

The applicant / consultant will address the concerns raised by the Community Sustainability Division and prepare revisions to the draft ARP.

(g) Step 7 Review of Second Draft ARP (four weeks)

The Community Sustainability Division will coordinate the review of the second draft and prepare a position on the Area Redevelopment Plan. This will be communicated to the applicant /consultant by letter.

(h) Step 8 Public Information Meeting

The applicant / consultant will schedule and advertise a public information meeting to allow the public to review and discuss the draft ARP. City staff will attend to observe and answer general questions.

(i) Step 9 Submission of Final Draft ARP and OCP and/or Zoning Bylaw amendment (varies applicant's responsibility)

With the submission of an application to amend the Official Community Plan and/or the Zoning Bylaw as necessary, the application process is now concurrent with the OCP/Zoning Amendment Process, which includes circulation, APC meeting, Council consideration, Public Hearing and Final Reading.

# **REASON FOR POLICY**

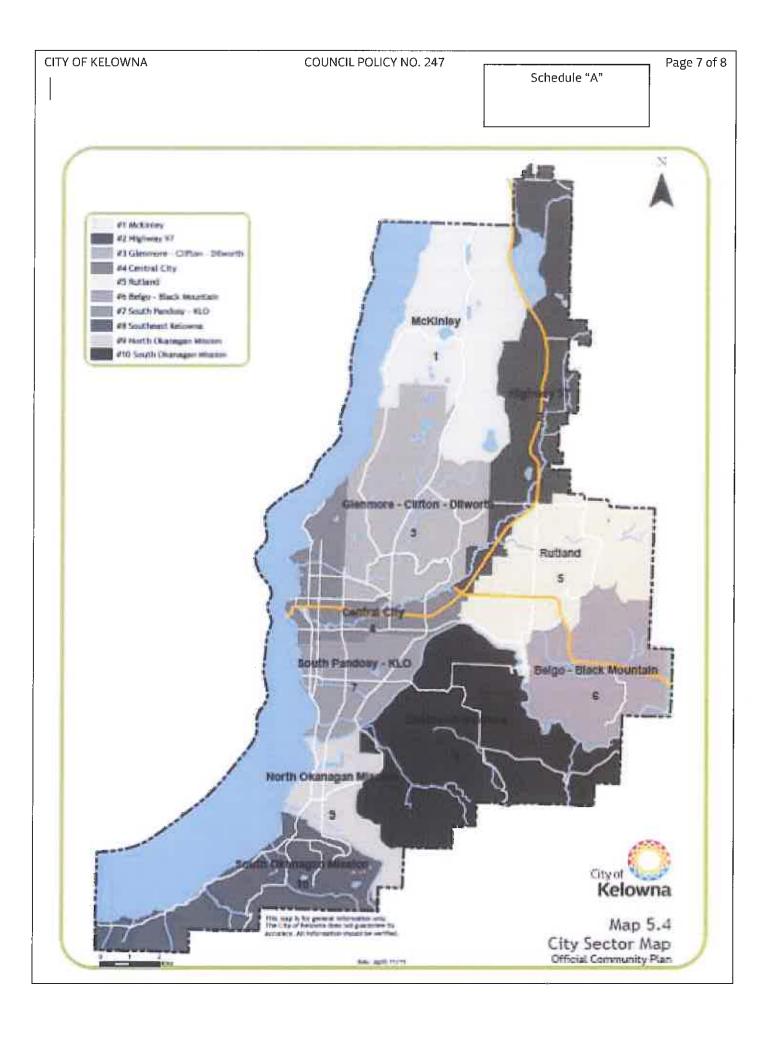
To summarize the hierarchy of planning documents and outline the level of detail expected within each planning document as well as the process for reviewing an application in order to reduce confusion.

# **LEGISLATIVE AUTHORITY**

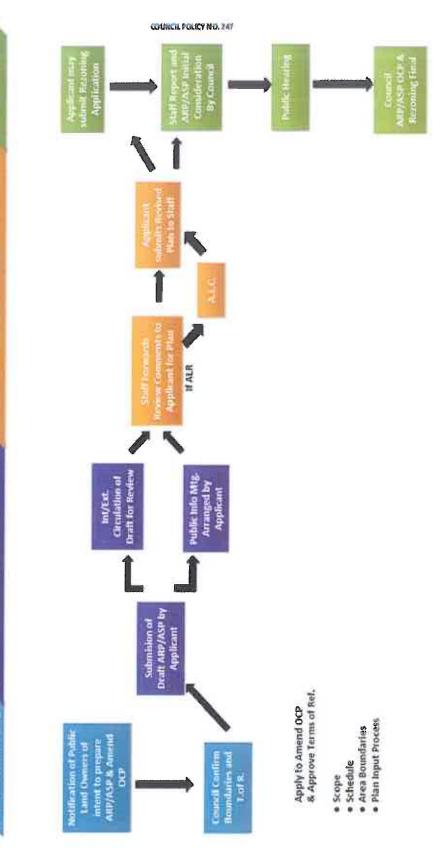
Council resolution.

#### PROCEDURE FOR IMPLEMENTATION

Policy administered through Land Use Management or Policy and Planning.







SCHEDULE "6"

Area Structure Plan (ASP) & Area Redevelopment Plan (ARP) Process

SCHEDULE B.