

City of Kelowna Public Hearing AGENDA



Tuesday, June 10, 2014
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

1.(a)The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

(b) All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reason-able opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after May 27, 2014 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d) Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.

(e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.

2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

3. Individual Bylaw Submissions

3.1 Bylaw No. 10964 (OCP13-0011) and Bylaw No. 10965 (Z13-0016) - 984 Dehart Road, Sherwood Mission Developments Ltd.

4 - 68

To amend the Official Community Plan in order to change portions of the Future Land Use Designation of the subject property from the Multi-Unit Residential Low Density designation to the Single/Two Unit Residential designation and from the Single/Two Unit Residential designation to the Multi-Unit Residential Low Density designation and to rezone a portion of the subject property from the A1 - Agriculture 1 zone to the RU1 - Large Lot Housing zone in order to facilitate a future 55 lot residential subdivision.

3.2 Bylaw No. 10968 (OCP14-0006) and Bylaw No. 10969 (Z14-0008) - 560 & 582 McKay Avenue, 0781540 BC Ltd.

69 - 95

To amend the Official Community Plan in order to change the future land use designation of the subject properties from the Multiple Unit Residential (Medium Density) designation to the Mixed Use (Residential/Commercial) designation and to rezone the subject properties from the RU6 - Two Dwelling Housing zone to the C4 - Urban Centre Commercial zone to facilitate the development of a 3-storey mixed-use development.

4. Termination

5. Procedure on each Bylaw Submission

(a) Brief description of the application by City Staff (Land Use Management);

(b) The Chair will request that the City Clerk indicate

all information, correspondence, petitions or reports received for the record.

(c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.

(d) The Chair will call for representation from the public in attendance as follows:

(i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.

(ii) The Chair will recognize ONLY speakers at the podium.

(iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.

(e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.

(f) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

(g) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

REPORT TO COUNCIL



Date: 4/28/2014

RIM No. 1210-21

To: City Manager

From: Subdivision, Agriculture & Environment Services (MS)

Application: OCP13-0011
Z13-0016

Owners: Sherwood Mission Developments
Dr. A. Rezansoff

Address: 984 Dehart Road

Applicant: New Town Planning Services Inc.

Subject: Official Community Plan (OCP) Amendment and Rezoning Application

Existing OCP Designation: Single / Two Unit Residential (S2RES) / Multi-Unit Residential Low Density (MRL)

Proposed OCP Designation: Single / Two Unit Residential (S2RES) / Multi-Unit Residential Low Density (MRL)

Existing Zone: A1 - Agriculture 1

Proposed Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP13-0011 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing a portion of the Future Land Use designation of Lot 1, Section 31, TWP 29, ODYD Plan KAP62654, located at 984 Dehart Road, Kelowna, BC, from the Multi-Unit Residential Low Density (MRL) designation to the Single/Two Unit Residential (S2RES) designation, and a portion of Single/Two Unit Residential (S2RES) be changed to Multi-Unit Residential Low Density (MRL), in accordance with 'Map A', be considered by Council;

AND THAT Rezoning Application No. Z13-0016 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot 1, Section 31, TWP 29, ODYD Plan KAP62654, located at 984 Dehart Road, Kelowna, BC, from the A1 - Agriculture 1 zone to the RU1 - Large Lot Housing zone, in accordance with 'Map B' be considered by Council;

AND THAT the Official Community Plan Amendment Bylaw and 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 requirements of Development Engineering Branch and Parks Services, being completed to their

satisfaction, as well as a Farm Protection Development Permit, and a Natural Environment Development Permit.

2.0 Purpose

The applicant is proposing to rezone a portion of the land from the A1 - Agriculture 1 zone to the RU1 - Large Lot Housing zone to facilitate a future 55 lot residential subdivision. The proposal requires an OCP amendment to extend the Single/Two Unit Residential (S2RES) future land use designation north into the area designated for Multi-Unit Residential, Low Density (MRL), in exchange for area that was previously Single/Two Unit Residential for Multi-Unit Residential, Low Density (MRL).

3.0 Subdivision, Agriculture & Environment Services

The property at 984 Dehart was removed from the Agricultural Land Reserve (ALR) in 1989 and since the mid-1990s has been subject to significant infilling and watercourse disruption and relocation. In 1998, a Section 219 Restrictive Covenant was placed on the property requiring geotechnical, hydrogeological and drainage investigation and plans prior to development. Fill has been placed over peat, making the current soil conditions unsuitable and/or uncertain for road and foundation construction. Geotechnical concerns involve the presence of undetermined fill over topsoil and peat in some locations, and the uncertainty of the structure of the fill. Hydrogeological concerns involve the presence and reconfiguration of springs and watercourses on the property. The covenant outlines investigation and plans required to address these concerns prior to development.

Between 2008 and 2012, nine bylaw investigations occurred on the property, including stop work orders for unauthorized earth moving, and unsightly premises. A Settlement and Release Agreement was signed by the owner and the City of Kelowna (the City) in 2010, whereby the City of Kelowna agreed not to enforce the bylaw dispute with the understanding that the owner would undertake actions, including riparian and watercourse protection and restoration, and adherence to City bylaws.

The current application was initiated in the spring of 2013. This proposal was for rezoning to RU-1 Large Lot Residential included a road access that came through Young and Turner Roads. A Public Information Meeting was held on April 18, 2013, with most of the residents opposed to this access. Based on this public feedback, an alternate plan was developed, with the primary access at Dehart Road. This is the road layout for the current configuration. A Traffic Impact Analysis was prepared for this revised road network, which was received by the City in February, 2014.

Staff supports the application subject to the following conditions being fulfilled prior to 4th Reading, including requirements of the:

- Development Engineering Branch (see attached memo),
- Parks Services, including a blanket Statutory Right of Way over the property, to facilitate a trail network to be established at the time of subdivision;
- Subdivision, Agriculture & Environment Services, including the requirements of the Covenant #KM084923 (see summary below and attached covenant);
- Farm Protection Development Permit;

- Natural Environment Development Permit, including a mitigation/restoration plan (signed off by an QEP/RPBio) for the site, as required by the Settlement and Release Agreement¹ (attached); and a
- The registration of a Build/No Disturb Covenant of 20 m along the northeast property line and a 15 m No Build / No Disturb Covenant along the west property line.

4.0 Proposal

4.1 Project Description

The proposal is to amend the OCP and rezone the property to accommodate a future 55 unit RU1 - Large Lot Residential subdivision on the southern and central portion of 984 Dehart Road. The Official Community Plan (OCP) Amendment is required to facilitate an extension of the Single / Two Unit Residential future land use designation slightly to the north, replacing 9,610 m² of Multi-Unit Residential, Low Density (MRL), and changing 6,550 m² of Single / Two Unit Residential to Multi-Unit Residential, Low Density (MRL). This represents a net increase of 3,060 m² of Single / Two Unit Residential area than is currently designated in the OCP.

The proposal includes two watercourses and associated riparian management areas (RMA) in the land use plan, including a 20 m wide RMA along the northeast boundary and a 15 m RMA along the west boundary. The northeast RMA will also function as a farm protection buffer area. Adjacent water licenses with respect to flow and location must be accommodated within the plan. A memorandum of understanding with their neighbour regarding Ahern and Cowan Spring has been agreed upon.

4.2 Background

As discussed, much of the site has been modified over the last 20 years through grading and infilling. The filling and watercourse modifications, as well as bylaw infractions of moving soil and watercourses without permits, have resulted in a Section 219 Restrictive Covenant being registered on the title of the property and the City of Kelowna Settlement and Release Agreement - 2010. Details of these are included below.

Section 219 Restrictive Covenant #KM084923

The owner entered into a Section 219 Restrictive Covenant with the City of Kelowna in 1998² that stipulated that no further development occur until certain conditions were provided, including:

- Sanitary sewer and a community water provided with fire protection capability;
- A complete geotechnical report, to address the fill material and remedial actions required to make the property suitable for development, as well as address the surface and groundwater characteristics and a drainage plan, including any items that should be included in a restrictive covenant which would safeguard building sites and utility installations;
- Site grading and drainage plan completed to the satisfaction of the Development Engineer;
- A suitable landscape buffer complete with fencing is established along the border of the ALR and non-ALR lands to the southeast and to the north and to the satisfaction of the Approving Officer;

¹ Rezansoff, A.A. & the City of Kelowna, 2010. Settlement and Release Agreement.

² BC Agent – Kamloops Registry Service Ltd, Aug. 28, 1998. Land Title Act Form C No 1044 – KM084923 – Covenant.

- A prepared geotechnical report prepared by Golder & Associates³; and
- A complete inventory of springs, drainage channels and water licenses be identified, complete with a hydrogeotechnical study proposing how water will be handled through culverts and drainage channels.

City of Kelowna Settlement and Release Agreement - 2010

In 2010, a Settlement and Release Agreement (attached) was signed by the owner and the City of Kelowna, stipulating that the owner undertake the following:

- Ensure that there is no net loss of riparian habitat and function for the Lands;
- To remove all of the drain piping located on the Lands as identified on the photograph of the Lands attached hereto as Schedule "A";
- Prepare a mitigation/restoration plan (signed off by an QEP/RPBio) for the site;
- Ensure that all future works on the site will adhere to applicable provincial acts, including but not limited to: the *BC Water Act* and the *BC Fish Protection Act*; and
- Ensure that all future works on the site will adhere to applicable City of Kelowna policies, plans and policies including but not limited: Kelowna 2020 Official Community Plan (7600), Zoning Bylaw (8000) and Subdivision and Servicing Bylaw (7900).

4.3 Site Context

The 9.6 ha subject property is located within the Okanagan Mission Sector of the City (Map 1, below) and is within the Permanent Growth Boundary. The property is currently zoned A1 but is not in the Agricultural Land Reserve. Properties within the Agricultural Land Reserve lie to the north and east (Map 2, below).

The property has a number of water licenses in favour of downstream neighbours. The historical infilling resulted in changes in water flow. This resulted in issues with respect to water licenses. As part of this application package, a Memorandum of Understanding has been prepared to address water license and water flow issues. The neighbours have agreed to cooperate in the construction of a proposed conveyance route in order to ensure the water license rights are sustained in the future.

The natural gas line Right of Way (ROW) runs diagonally through the site from the west of the site to the north.

A number of watercourses are present on the site. The project includes riparian areas and details on cross sections of each of these watercourses in the design⁴ and riparian planting is proposed as part of the environmental report, but a riparian restoration plan has not yet been provided⁵.

4.4 Neighbourhood Context

A single / two unit residential subdivision with RU1 zoning lies to the west of the property, and agricultural properties lie to the north and east. Dehart Road borders the property to the south, and single unit and rural residential properties are south of Dehart Road.

Specifically, adjacent land uses are as follows:

³ Golder & Associates, 1996. Preliminary Geotechnical Investigation Proposed Subdivision, Lot 2, Plan 35773, Sec. 31, TP.29, ODYD Dehart Road, Kelowna, British Columbia

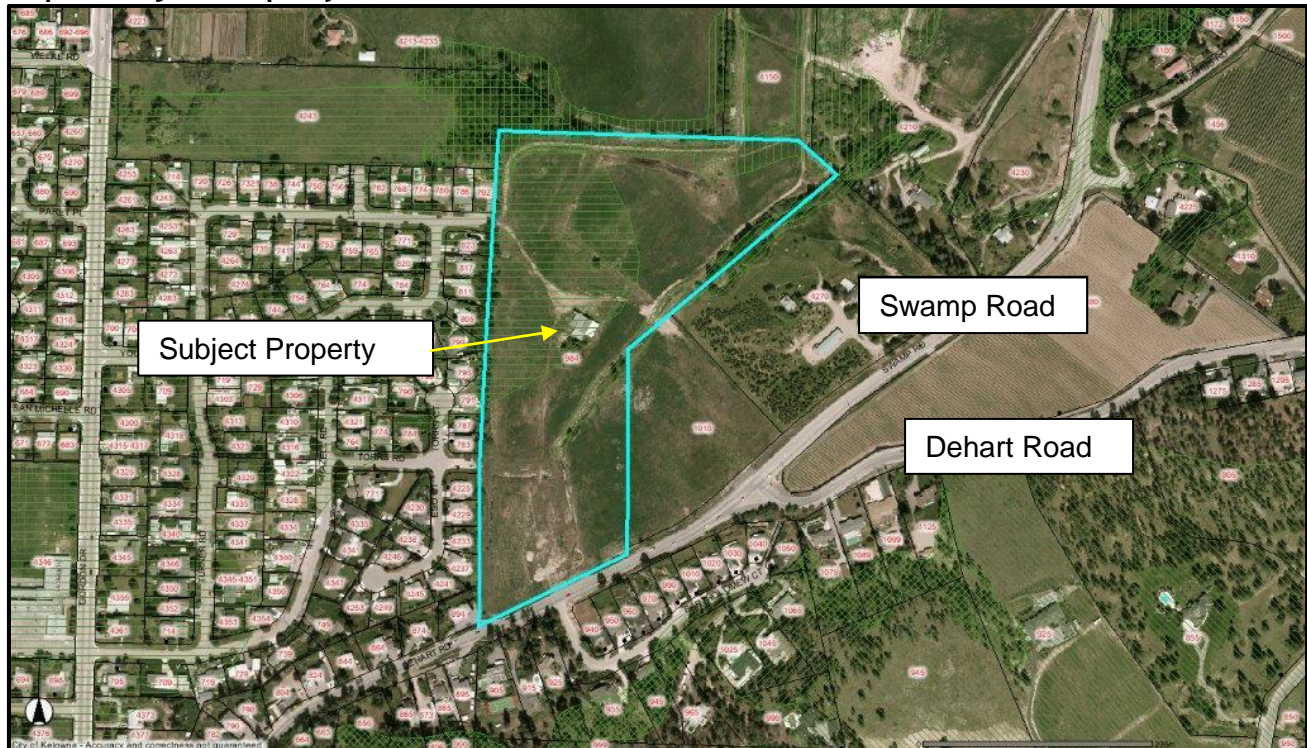
⁴ Aplin & Martin, 2013. Civil Engineering Servicing Brief – Proposed Dehart Road Subdivision – 984 Dehart Rd, Kelowna, BC

⁵ Makonis, 2013. Dehart Road Environmental Assessment – Submitted to New Town Planning Services Inc.

Orientation	Zoning	ALR	Land Use
North	A1 - Agriculture 1	Yes	Agriculture
East	A1 - Agriculture 1	Yes	Agriculture
South	RU1 - Large Lot Housing RR2 - Rural Residential 2	No	Single Family Residential Rural Residential
West	RU1 - Large Lot Housing	No	Single Family Residential

The subject property is located within a Development Permit Area for Farm Protection given its proximity to ALR land. It is within a Natural Development Permit Area for high groundwater and surface water conditions.

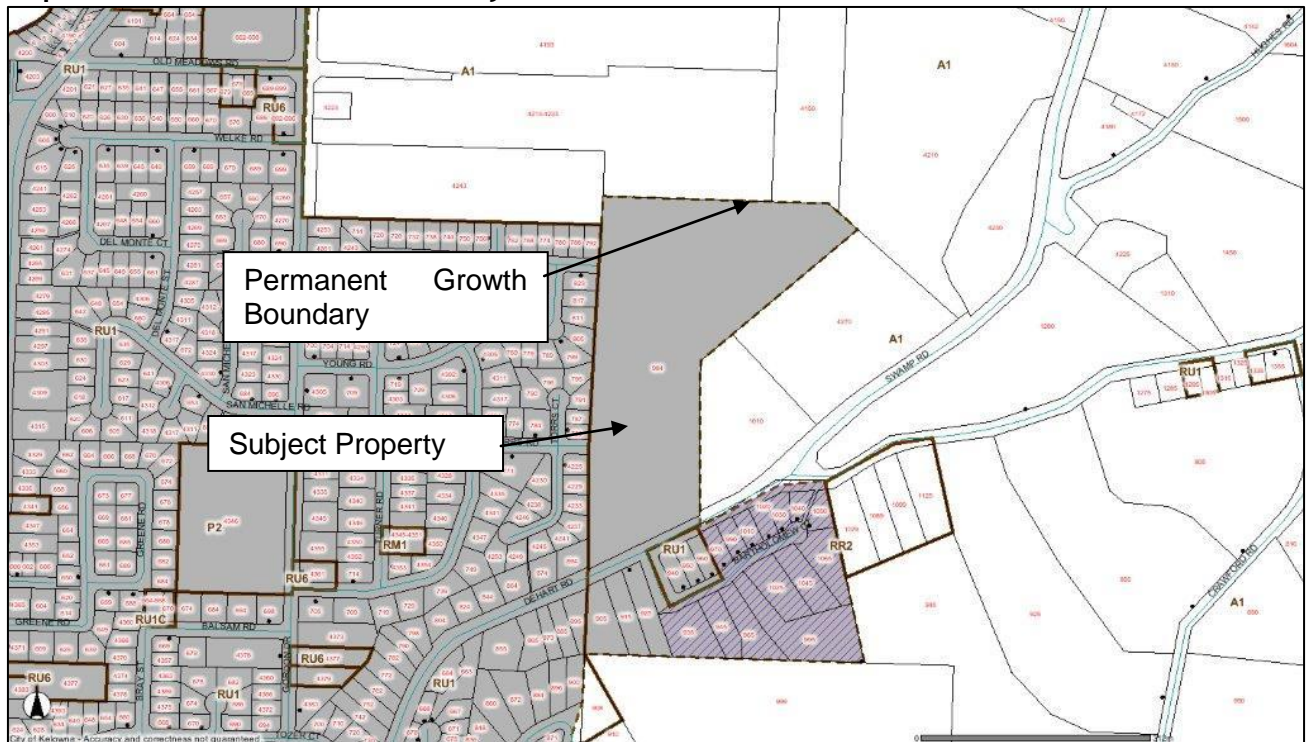
Map 1: Subject Property

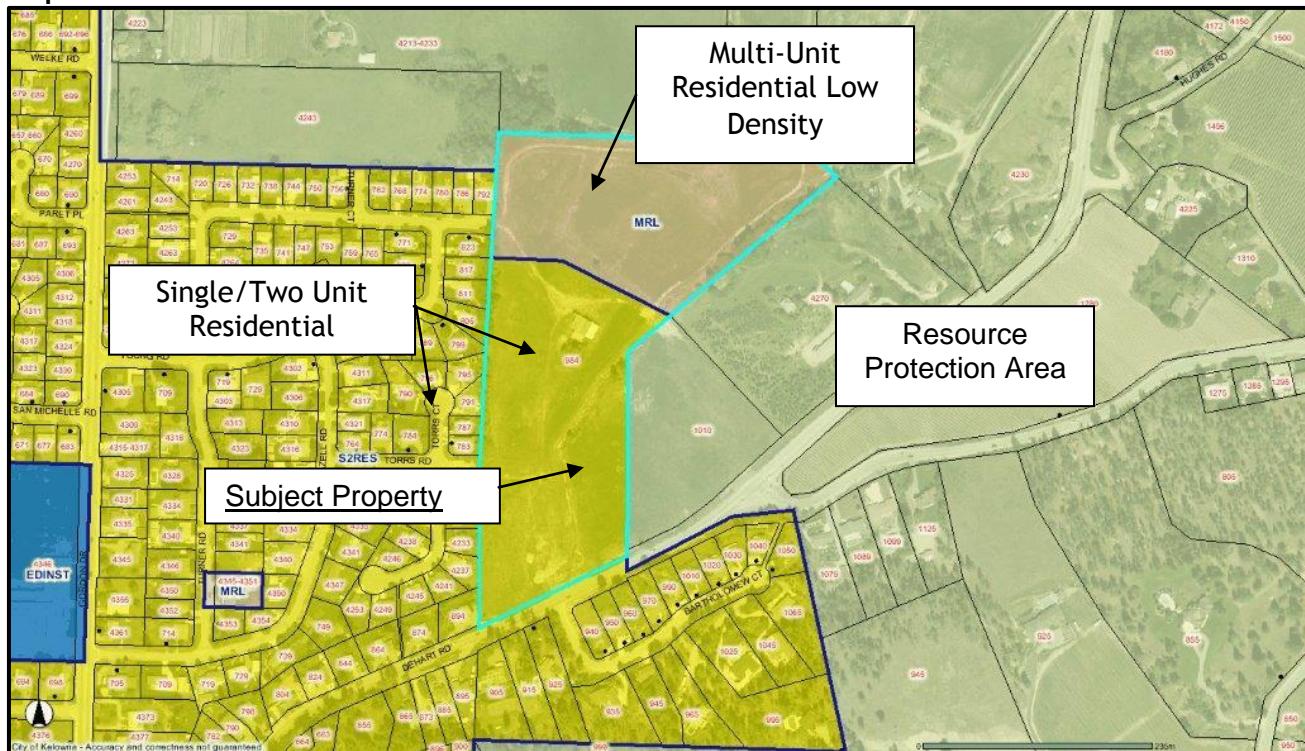


Map 2: Agricultural Land Reserve



Map 3: Permanent Growth Boundary



Map 4: Current Future Land Use

4.5 Traffic Impact Analysis

Two traffic impact analysis (TIA) reports have been completed for the project. The first Traffic Analysis Report⁶ was completed with the main access via Young and Turner Roads. Torrs Road was available for emergency vehicles only, and there was no vehicular access from Dehart Road. This road network option was presented at a public information session held by the applicant in April 18, 2013. It was met with significant concern from the residents of the Young / Turner Road neighbourhood. In response, another road network configuration was developed using an intersection at Dehart Road and Bartholomew Court as the primary access. A second TIA was completed in based on this new configuration.

A second TIA, the Traffic Impact Assessment for the Proposed 984 Dehart Road Development⁷, and was completed in January, 2014. This TIA is based on the current road and lot configuration, with the primary vehicular access on Dehart Road, and a secondary access from Turner Road.

The TIA assessed two phases of the project. The first phase is based on 55 single family units, based on the rezoning under application currently, and is estimated for completion in 2018. The second phase includes a townhouse development of approximately 200 units at the north portion of the property. This is not currently under application, but the use is accommodated in the current OCP and has been estimated for completion in 2030.

The current road layout includes the primary access through an intersection on Dehart Road and Bartholomew Court, to the south of the project. The results of the TIA indicate that the 55 unit

⁶ CTQ, March 2013. Traffic Analysis Report for 984 Dehart Road.

⁷ EYH Consultants Ltd., Jan. 31, 2014. Traffic Impact Assessment for the Proposed 984 Dehart Road Development, Kelowna, BC. A report prepared for New Town Architecture and Urban Planning.

single family development could be accommodated with this intersection. Road A on the site could accommodate three lanes with STOP control, two outbound and one inbound. A westbound right turn lane into the development from Dehart could be installed and should be included in the detailed design stage for the subdivision.⁸ The TIA indicates that painted left turn lanes at Dehart Road for access to the site should also be provided. Along the Young / Turner Roads, the TIA estimates that the 55 unit subdivision will generate an additional 4 vehicles in the morning and 6 in the afternoon peak hours.

The TIA found that, at the time of the addition of the 200 unit townhouse development, a traffic signal would be required at Dehart Road. These results are based on the assumption that the townhouse traffic will use the Road A / Dehart intersection for primary access. Under this assumption, the results estimate an additional 8 trips through the Young / Turner Road route in peak morning hours, and 10 trips along this route at peak afternoon hours.

The OCP indicates that a sidewalk is required along Dehart between the project and Gordon Drive. The City of Kelowna is willing to take a limited responsibility for the costs, for 50% up to a maximum of \$25,000⁹. Frontage upgrades along Dehart Road would be required in accordance with Bylaw # 7900. The TIA indicates that pedestrian access could be provided along the utility easements.

4.6 Utilities

The sanitary sewer services are within the jurisdiction of the City of Kelowna. Currently water is provided by the South-East Kelowna Irrigation District (SEKID). According to the consulting engineer report¹⁰, an agreement in principle has been reached between the City of Kelowna and SEKID to accommodate a boundary adjustment, such that the City of Kelowna will become the water purveyor for the subdivision prior to 4th reading of the rezoning application, subject to the owner covering the administration costs incurred by SEKID for the boundary adjustment (memo attached).

4.7 Public Consultation

A Public Information Session was held for the project on April 18, 2013. There were 51 attendees recorded. An exit questionnaire was prepared with 32 responses received. The road and lot configuration presented included the primary access from Young / Turner Roads. Of the 32 responses, 27 strongly disagreed that the traffic could be accommodated on this route. The results of the April 18, 2013 Public Information Session are attached. The road configuration was changed in response to these results, and that the main access is now from Dehart Road.

4.8 Zoning Requirements

The zoning requirements for RU1 developments are included in the table below. Note that the lot current lot illustrated in the application documents illustrates a proposed configuration, but because a subdivision is not currently being applied for, the exact alignment of lots may change. The road network will not change. However, the current configuration demonstrates that 55 RU1

⁸ EYH Consultants Ltd., Jan. 31, 2014. Traffic Impact Assessment for the Proposed 984 Dehart Road Development, Kelowna, BC. A report prepared for New Town Architecture and Urban Planning.

⁹ Muenz, S. January 21, 2014. Email to K. Funk, Dehart IIA & Sidewalk.

¹⁰ Aplin & Martin, 2013. Civil Engineering Servicing Brief – Proposed Dehart Road Subdivision – 984 Dehart Rd, Kelowna, BC.

- Large Lot Housing is possible for the site. No variances are necessary with the current configuration.

Zoning Analysis Table		
CRITERIA	ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m ²	Minimum 550 m ²
Lot Width	16.5 m	Minimum 16.5 m
Lot Depth	30 m	Minimum 30 m

No variances are being requested for this rezoning. Staff notes that subdivision plan is not being applied for at this time. The lot current lot configuration has no variances required.

4.9 Transit

4.10 Currently there is a transit stop at the southeast corner of the subject property. This existing bus stop will require upgrading to current standard (UBS2), as per the Development Engineering Department requirements (see attached memo).

4.11 Pedestrian Linkages

The internal roads will be built to a local road standard according to the Subdivision, Development and Servicing Bylaw No. 7900. The current subdivision layout includes a pedestrian connection to Torrs Road. As a subdivision is not currently being applied for and may change, a blanket statutory right-of-way is being requested as a condition of rezoning, with trail connections to be determined during the Preliminary Layout Review of subdivision.

4.12 Geotechnical

As discussed, much of the site has been modified over the last 20 years through grading and infilling. The fill was placed over peat in different locations of the property. A geotechnical report in 1998 concluded that buildings constructed over the existing conditions would result in unacceptable total and differential settlements¹¹. The report provided a number of potential treatments for the property prior to development, including but not limited to:

- Complete subexcavation of the fills, surficial topsoil layer and peat deposits and replacement with granular fills;
- Pile supports;
- Subexcavation of fill layer, combined with preload fill to compact peat deposits;
- Complete subexcavation of fills, topsoil and peats under proposed roads and replacement with granular fill and/or preloaded;
- Dewatering during excavation due to high groundwater table; and
- The provision of adequate subsurface and surface drainage measures.

4.13 Surface Water

¹¹ Golder & Associates, 1996. Preliminary Geotechnical Investigation Proposed Subdivision, Lot 2, Plan 35773, Sec. 31, TP.29, ODYD Dehart Road, Kelowna, British Columbia

Aplin and Martin Consultants Ltd. have provided plans accommodating overland creek flows at the west and northeast portions of the property (see attached plans). The plans include a 15 m creek and RMA along the west property line, and a 20 m wide channel and RMA / farm protection buffer along the northeast property line. The West Creek cross section indicates that the channel will be lined with riprap, and includes culverts under proposed roadways. The Creek Restoration Plan on the northeast property line will have side slopes of 6:1, transitioning into 3:1 slopes to meet existing grade, and will not have riprap.

4.14 Groundwater

The Section 219 Restrictive Covenant #KM084923 stipulates that a geotechnical report that addresses surface and groundwater characteristics must be and outlines recommendations for an overall drainage plan that safeguards building sites and utility installations must be prepared. The Dehart Road Environmental Assessment indicates that 6 springs are known in close proximity to the subject property¹².

A Creek Restoration Plan for the northeast drainage channel and a plan for the West Creek Upgrade have been prepared by Aplin & Martin Consultants Ltd. and are attached.

The property is within a Natural Environment Development Permit Area, and the applicant has a current Natural Environment Development Permit application for this property with the City. The approximate area of high groundwater is shown in Map 5, below.

4.15 Environmental

According to the Dehart Road Environmental Assessment, a number of rare and endangered ecosystems occur on the site. One of these, the Fd- Water Birch - Douglas Maple ecosystem occurs along the northeast property line, where the creek / riparian reserve is proposed. Another ecosystem, the ActFd - Common Snowberry - Red-osier Dogwood Riparian, is present along the west property line along the open drainage in this location. While the ecosystem is not ranked by the Conservation Data Centre of BC, it is associated with riparian and wetland habitat characteristics and should be protected, according to the assessment. Within the ditches, there are several small isolated occurrences of cattail marsh. These are ranked as 'blue-listed' or vulnerable, by the Conservation Data Centre of BC. Avoidance of these areas is recommended in the assessment¹³. The rest of the ecosystems found on site are anthropogenic, or highly modified, according to the report.

The assessment noted evidence of deer and coyote, and likely provide habitat for mice, voles and shrews, although these species were not specifically inventoried. Bighorn sheep were noted on the property during one site visit.

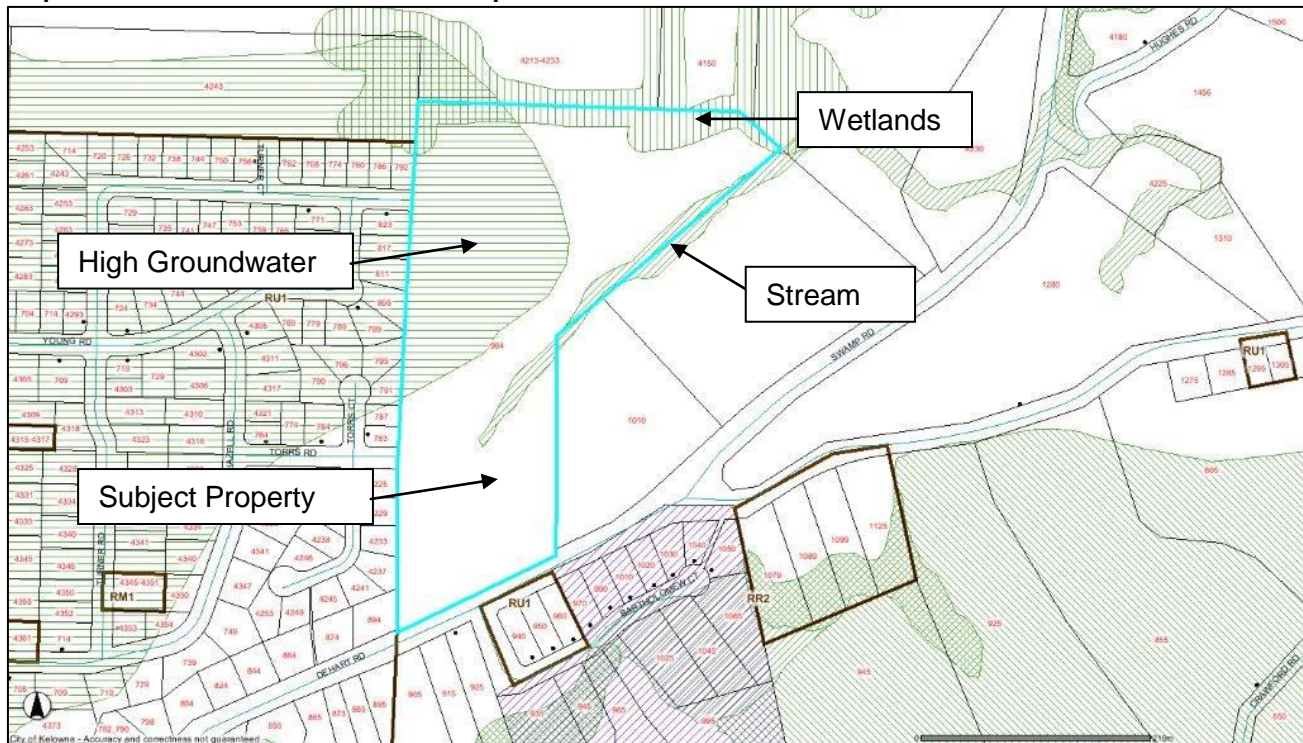
The Dehart Road Environmental Assessment found no rare plants on the property. However the timing and sampling intensity may indicate non-detection rather than absence¹⁴.

¹² Makonis, 2013. Dehart Road Environmental Assessment – Submitted to New Town Planning Services Inc.

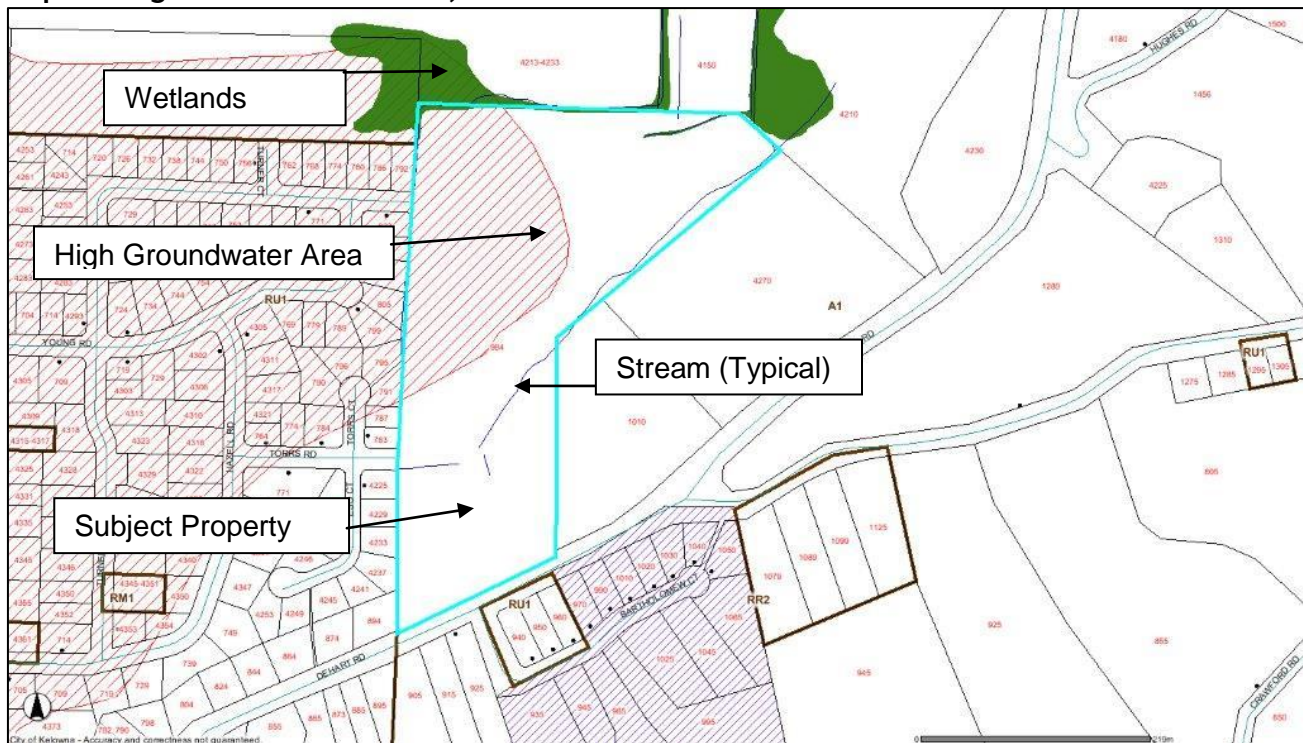
¹³ Makonis, 2013. Dehart Road Environmental Assessment – Submitted to New Town Planning Services Inc.

¹⁴ Makonis, 2013. Dehart Road Environmental Assessment – Submitted to New Town Planning Services Inc.

Map 5: Natural Environment Development Permit Areas



Map 6: Neighbourhood Wetlands, Creeks and Easements



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Focus development to designated growth areas¹⁵.

Permanent Growth Boundary. Establish a Permanent Growth Boundary as identified in the OCP. Support development of property outside the Permanent Growth Boundary for more intensive uses only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council's specific amendment of this policy.

Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs per ha located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres in particular and existing areas as per the provisions of the Generalized Future Land Use.

Farm Protection DP Guidelines¹⁶

Objectives

- Protect farm land and farm operations;
- Minimize the impact of urban encroachment and land use conflicts on agricultural land;
- Minimize conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

Guidelines

- On properties located adjacent to agricultural lands, design buildings to reduce impact from activities associated with farm operations. Design considerations include, but are not limited to maximizing the setback between agricultural land and buildings and structures, and reducing the number of doors, windows, and outdoor patios facing agricultural land.
- On agricultural and non-agricultural lands, establish and maintain a landscape buffer along the agricultural and/or property boundary, except where development is for a permitted farm use that will not encourage public attendance and does not concern additional residences (including secondary suites), in accordance with guidelines provided by Ministry of Agriculture "Guide to Edge Planning" and the ALC report "Landscape Buffer Specifications" or its replacement.
- Design any subdivision or urban development of land to reduce densities and the intensity of uses gradually towards the boundary of agricultural lands.

Ensure environmentally sustainable development¹⁷.

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

¹⁵ City of Kelowna 2030 Official Community Plan (2011) - Farm Protection Development Permit Chapter; p. 15.2 - 15.4.

¹⁶ City of Kelowna 2030 Official Community Plan (2011) - Farm Protection Development Permit Chapter; p. 15.2 - 15.4.

¹⁷ City of Kelowna 2030 Official Community Plan (2011) - Development Process Chapter 5; p. 5.17

Protection Measures. Protect and preserve environmentally sensitive areas (ESAs) using one or more of the following measures, depending on which measures are appropriate to a given situation:

- Dedication;
- Return to Crown Land or covenant for conservation purposes with the City or other government body; and
- Ensure setbacks on adjacent developments on adjacent developments are adequate to maintain the integrity of the ESA.

5.2 City of Kelowna Agriculture Plan

New Growth Areas¹⁸. Discourage the establishment of new growth areas within or beyond agricultural areas that create additional traffic pressure on the local rural road network.

Farmland Preservation¹⁹. Direct urban land uses to areas within the permanent growth boundary, in order to reduce development and speculative pressure. This is to encourage the preservation of agricultural lands and discourage further extension of existing urban areas into agricultural lands.

Urban Buffers. Require new development, adjacent to agricultural areas, to establish setbacks, fencing and landscape buffers on the urban side of the defined urban - rural/agricultural boundary.

6.0 Technical Comments

6.1 Building & Permitting Department

A Geotechnical report will be required to define building requirements / limitations.

6.2 Development Engineering Department

A full list of Development Engineering Services requirements is included in the attached memo. A summary includes:

- Prior to final adoption of the zoning bylaw, a pre-design report must identify all the offsite servicing needs in accordance with the Subdivision, Development and Servicing Bylaw No. 7900.
- The high water table may impact site and building design, and should be determined by an engineer and detailed on a Lot Grading Plan.
- A report by a Geotechnical Engineer in the field of hydro-geotechnical engineering to identify ground water characteristics and limitations, as well as soil conditions and potential requirements or restrictions regarding slope stability, soil suitability and drainage requirements.
- Provide an adequate domestic and fire water system with adequate water pressure, in accordance with Bylaw No. 7900.
- Provide an adequately sized sanitary sewer system complete with individual lot connections.

¹⁸ City of Kelowna Agriculture Plan (1998); p. 99.

¹⁹ City of Kelowna Agriculture Plan (1998); p. 131 & 132.

- Provide an adequately sized drainage system and a detailed Lot Grading Plan, complete with dedications, rights of way, setbacks and non-disturbance areas, a Stormwater Management Plan, and an Erosion and Sediment Control Plan.
- Upgrades to Dehart Road to an urban standard, including all fronting improvements.
- Provide an additional highway allowance widening on Dehart Road.
- Recommendations from the Traffic Impact Analysis (TIA) on a roadway access onto Dehart will be requirements of zoning.
- Provide underground service connections and street lights.
- Design and construction must be prepared and inspected by a Consulting Civil Engineer in accordance with Bylaw No. 7900.
- Provide a Servicing Agreement in accordance with Bylaw No. 7900, including the preparation of adequate drawings and estimates prior to the preparation of the Servicing Agreement.
- Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

6.3 Bylaw Services

The property was subject to nine bylaw complaints between 2008 and 2011. The complaints varied, but included noise, unsightly premises, nuisance trees and shrubs and altering the land without a development permit. All bylaw incidents were concluded.

6.4 Parks and Public Spaces Department

The Parks and Public Spaces Department have concerns with the ground and surface water conditions of the site, and potential impacts to Thomson Marsh and Mission Recreation Park. They recommend that any creek restoration be done by the developer and that a three year maintenance requirement by the developer.

Infrastructure Planning, in consultation with Parks Services, have determined that there is no need for park dedication within this subdivision, based on the Linear Park Master Plan, the OCP, and that the number of units is not high enough to justify the provision of a park at this time.

However, Parks Services has identified a need for a pedestrian walkway through the development, and across Dehart Road from Bartholomew Court. This would provide access for high school students going to Okanagan Mission High School, and a pedestrian access to Dehart Road at the mid-point of the property. These should be constructed to the Bylaw No. 7900 standard.

Parks Services recommends that any environmental areas are protected with a No Build / No Disturb Covenant on private lands.

6.5 Policy and Planning

The RU1 zoning requested is permitted in the S2RES portion of the property, and therefore compliant with the OCP. Although the portion designated for Multi-Unit Residential - Low Density (MRL) is not consistent with the OCP, it is consistent with the surrounding uses and is also

compliant with other policies within the OCP, including environmental policies of Environmentally Sensitive Linkages, Protection Measures, Voluntary Protection, and Habitat Protection. The proposal indicates there will be pedestrian connections for easier access to the transit stop on Dehart Road.

6.6 Subdivision Approving Officer

The Subdivision Approving Officer notes that fill has been brought to the site for years without geotechnical investigation, and that Development Cost Charges (DCCs) will be payable at final subdivision stage.

6.7 Fire Department

Fire Department access, fire flows, and hydrants must be in accordance with the BC Building Code and the City of Kelowna Subdivision Bylaw #7900. This bylaw requires a minimum of 60 ltr/sec fire flows. Additional comments will be required at the time of the building permit application.

6.8 Fortis BC Inc. - Electric

The subject property is currently serviced by a primary electrical distribution extension from Dehart Road. This line crosses both a neighbour's property and a waterway without a statutory right of way or permitting. Until such a time as this line is protected by land rights, any servicing to the proposed subdivision will require a new extension from the primary distribution facilities along Dehart Rd.

The applicant is responsible for costs associated with servicing the proposed lots as well as the provision of appropriate land rights where required. It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

6.9 Fortis Gas

Fortis BC Gas has a pipeline running at a diagonal through the northern portion of the property. They have provided these comments, as well as general development comments.

- Fortis pipeline may require an engineering assessment and possible upgrade to current standards at the expense of the owner.
- The existing soil conditions, final site grades and building elevations, as well as preloading, must be considered as it relates to the existing pipeline and Right of Way (ROW).
- Fortis BC encourages the use of its ROW for linear parks.
- Fortis BC requests that the proposed property lines align with, and do not cross, the Fortis BC ROW boundaries.

7.0 Application Chronology

Application Received: March 26, 2013

Public Information Session April 18, 2013

The proposal was presented to the public. Most of the feedback was regarding the road configuration through Young and Turner Roads. The applicant took this feedback into consideration and prepared an alternate road and layout configuration using Dehart Road as the primary access.

Application put on hold: May 20, 2013

Application was put on hold to investigate the possibility of applying for a land inclusion / exclusion through the Agricultural Land Commission with the adjacent parcel.

Traffic Impact Analysis January 31, 2014

EYH Consultants Ltd. issued a revised Traffic Impact Assessment for the Proposed Dehart Road Development.

Revised Plans Received April 22, 2014

Report prepared by:

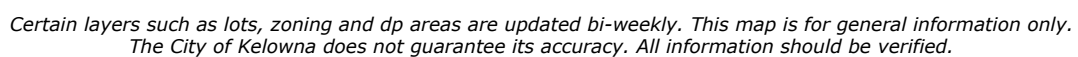
Melanie Steppuhn, Land Use Planner

Reviewed by: ☐ Todd Cashin, Manager, Environment & Land Use

Approved for Inclusion: ☐ Shelley Gambacort, Director, Land Use Management

Attachments:

Subject Property Map - 1 page
Site Photos - 1 page
OCP Amendment Plan - 1 page
Riparian Layout Plan - 1 page
Lot Easement and Covenant Plan - 1 page
Pedestrian Network Plan - 1 page
Aplin & Martin Consultants Ltd. - Civil Package - 9 pages
Key Plan - West Creek Upgrade - 2 pages
Creek Restoration Plan - 1 page
Development Engineering Manager - Memo
South East Kelowna Irrigation District - Memo
Settlement and Release Agreement - 2010
Section 219 Restrictive Covenant #KM084923 - 20 pages



984 Dehart Road – Site Photos



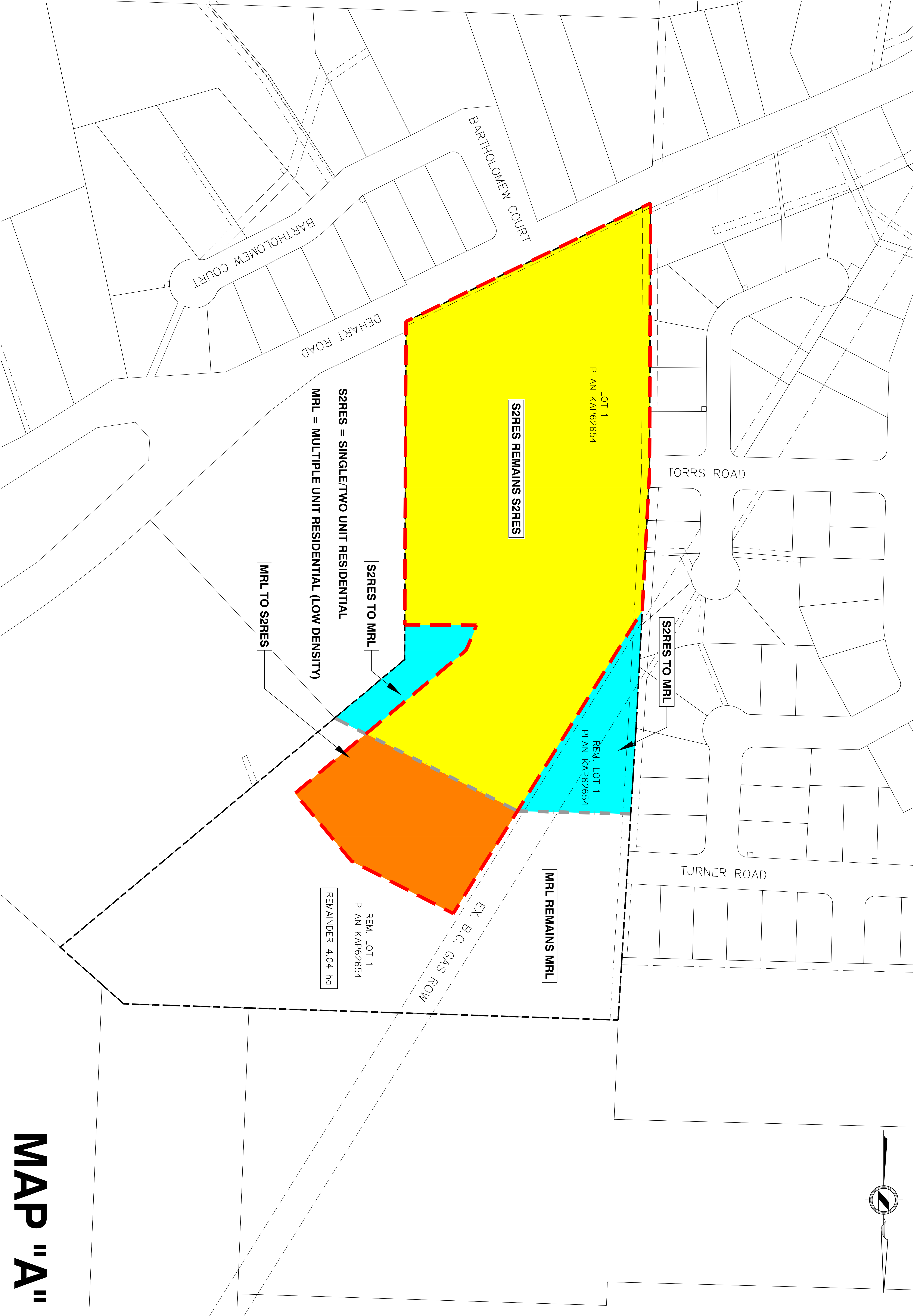
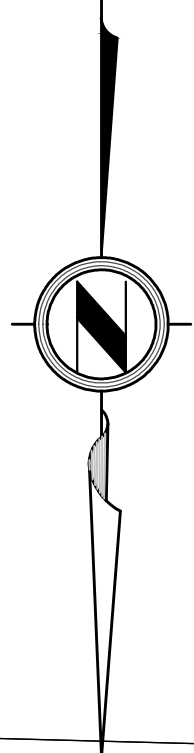
Panorama Photo from the North East Corner of the Subject Site



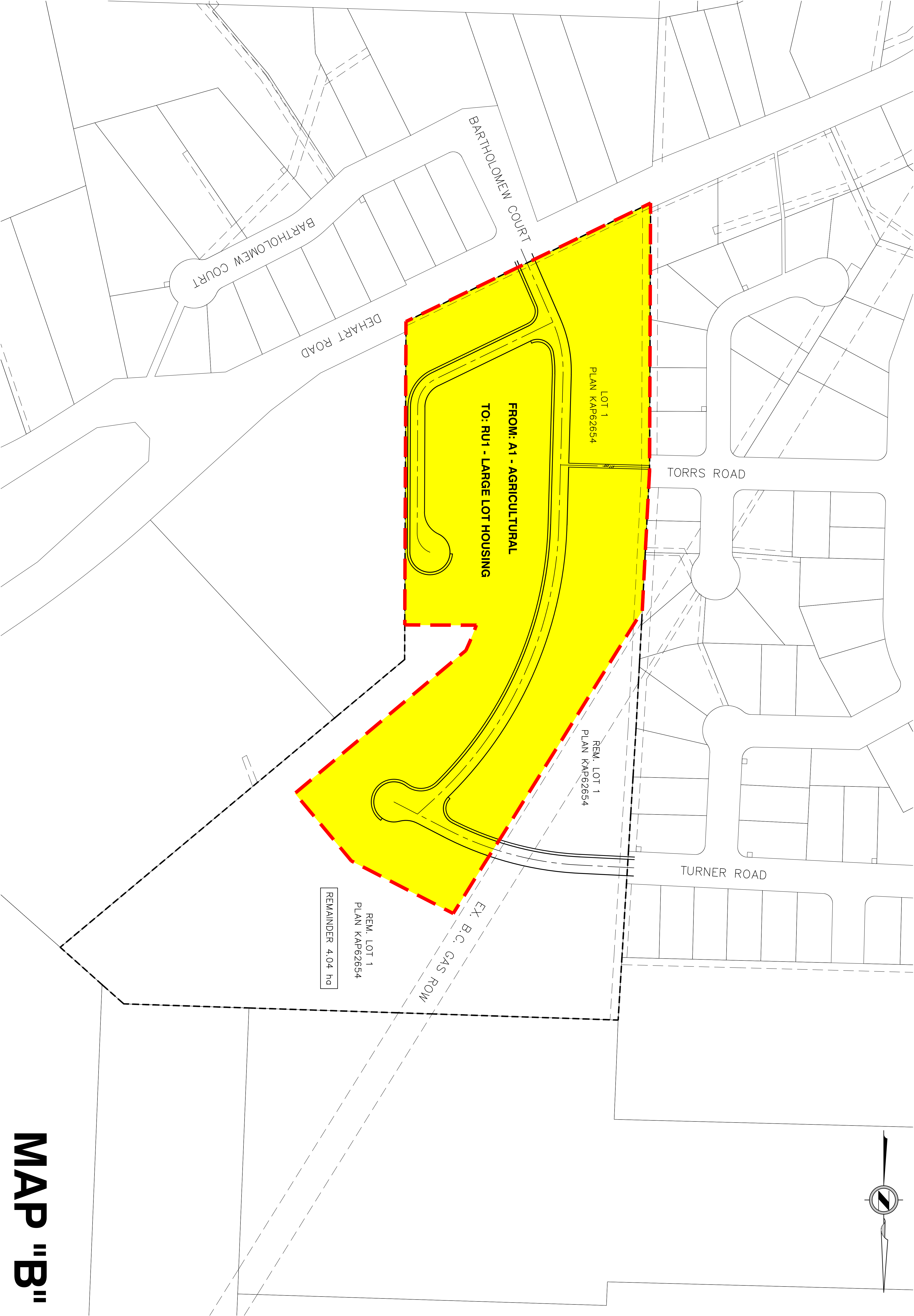
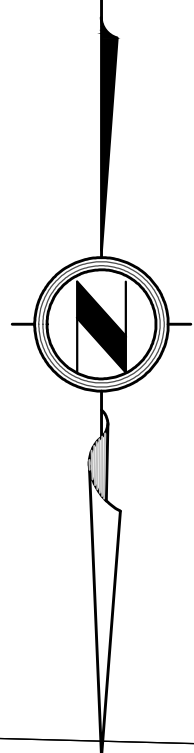
Panorama Photo from the South East Corner of the Subject Site



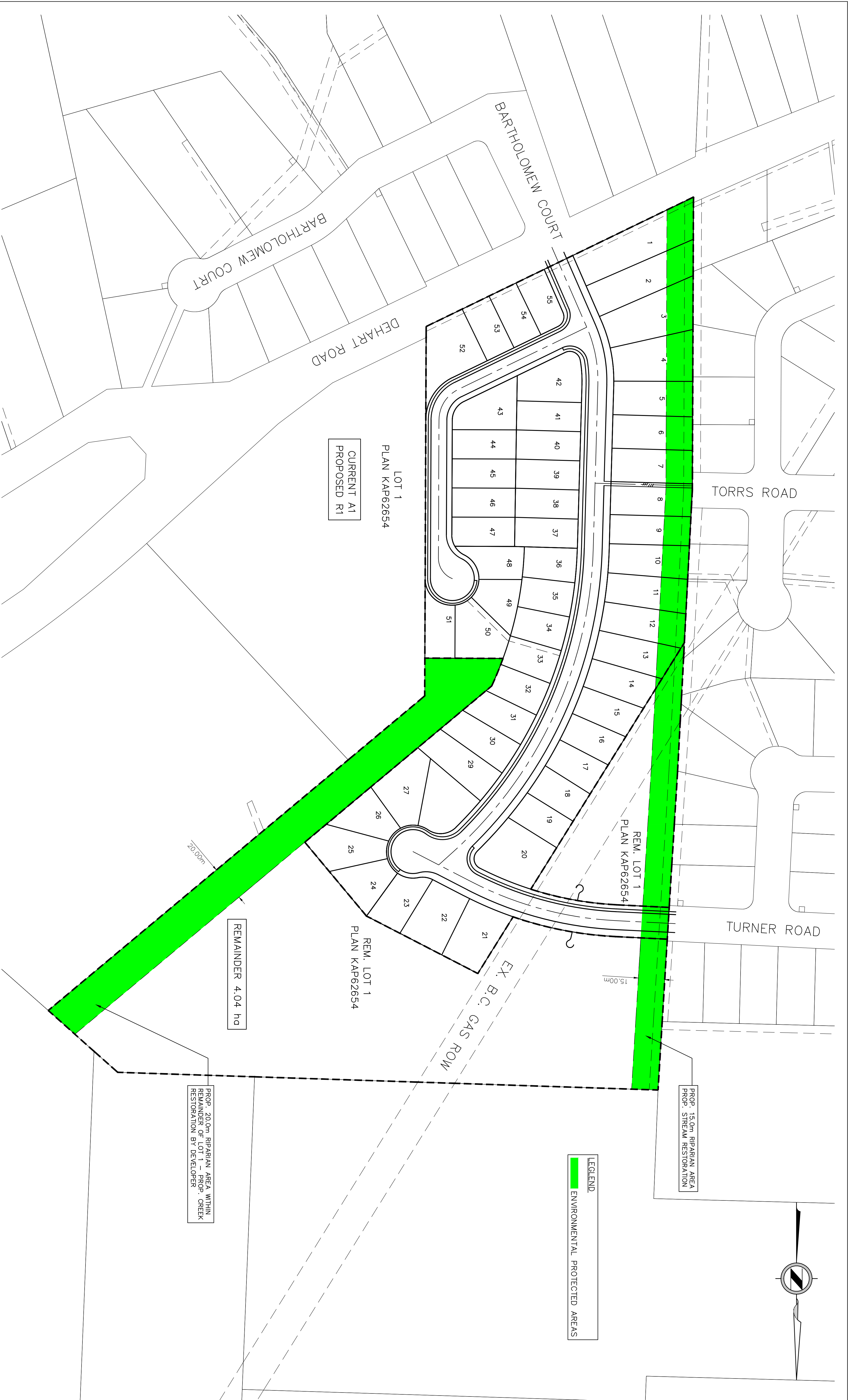
Panorama Photo from south Central Boundary of the Subject Site



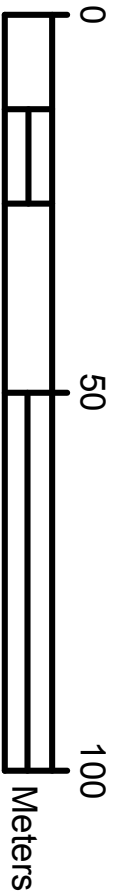
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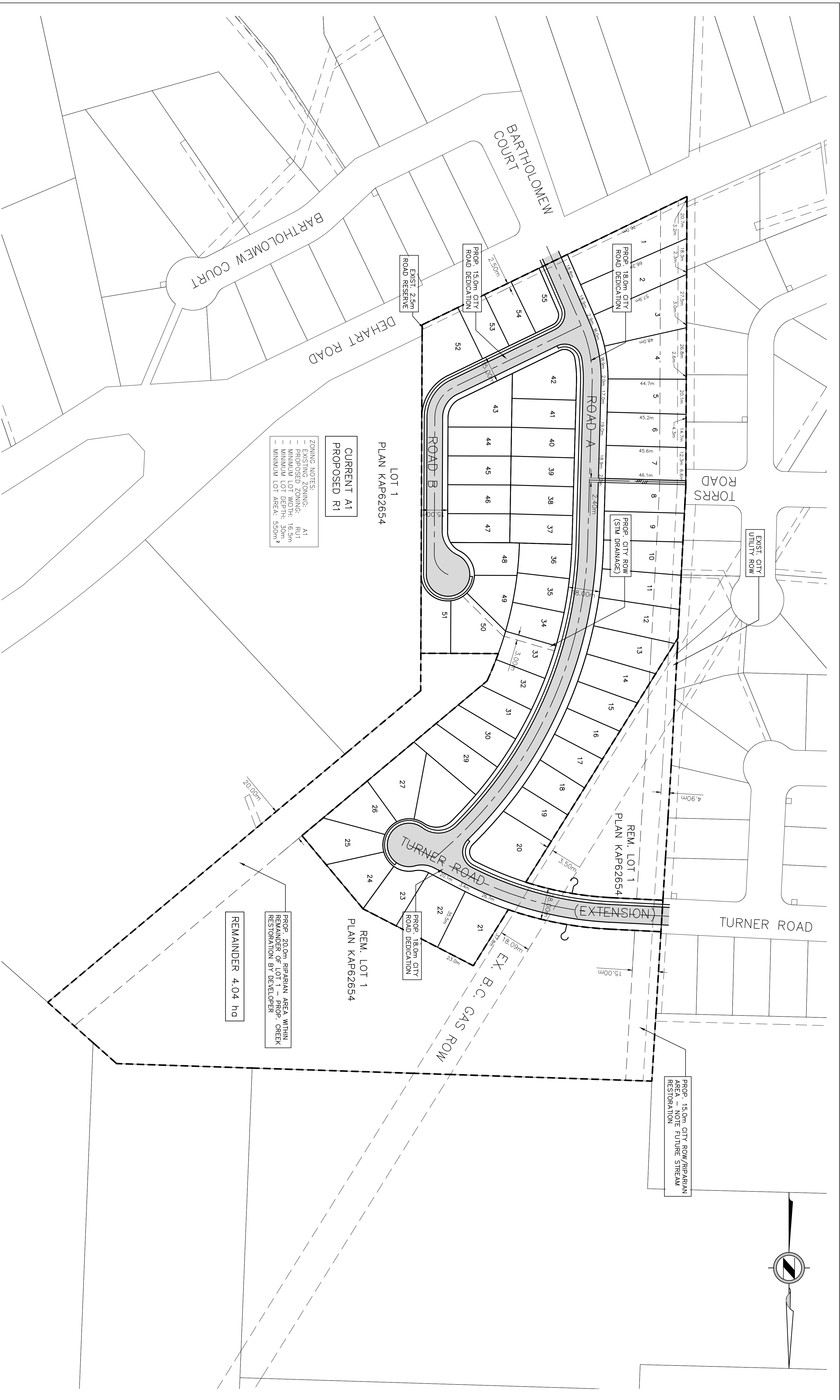


MAP "B"

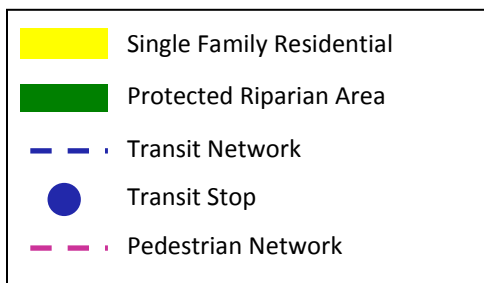
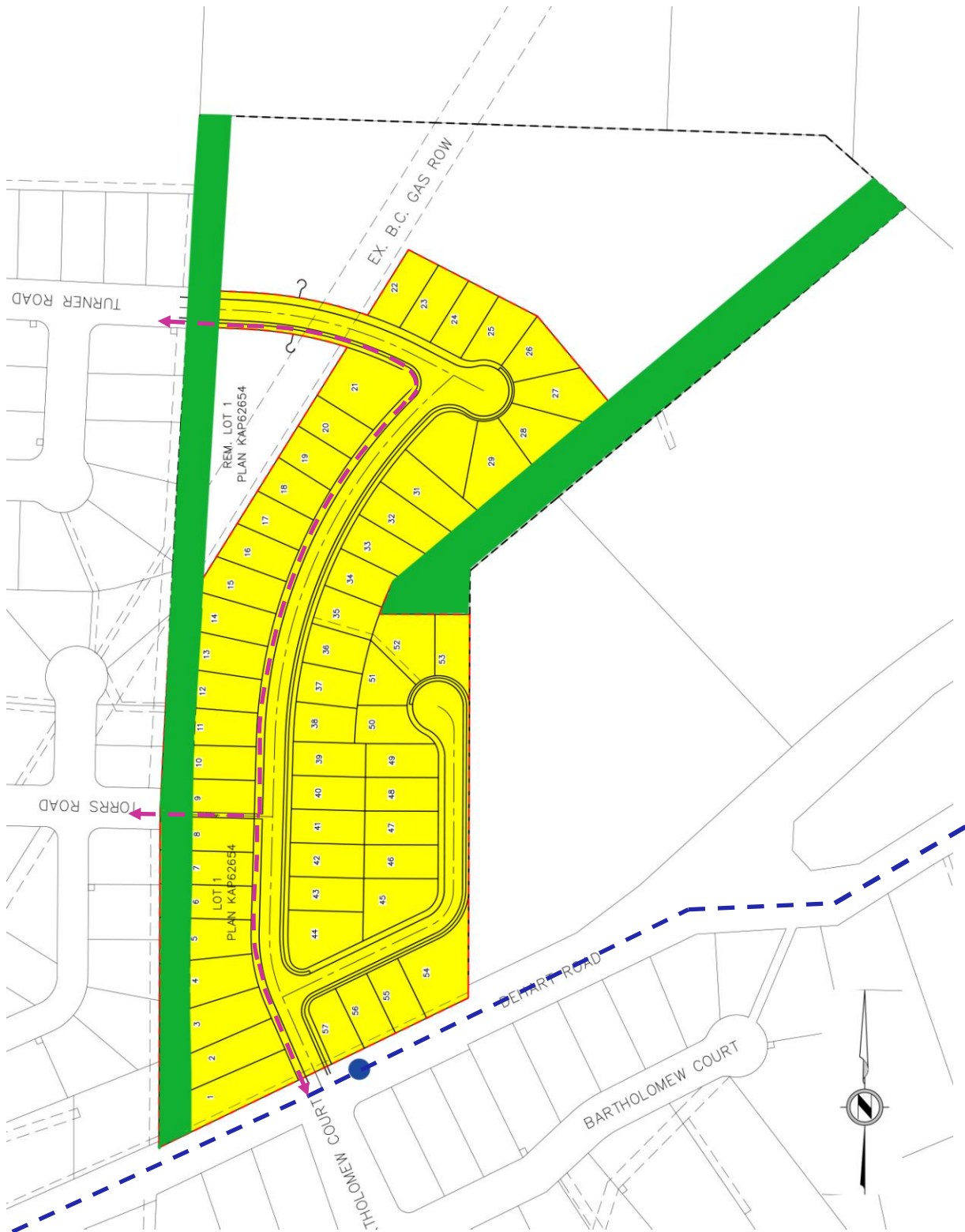


LEGAL DESCRIPTION: LOT 2, PLAN KAP62654, SEC. 31, TP. 29, O.D.Y.D.						CLIENT:	
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LOCATED AT HAZELL ROAD, 70m SOUTH OF THE TORR'S ROAD INTERSECTION							1460 PANDOSY ST., KELOWNA BC, V1Y 1P3
REV. NO.	DESCRIPTION	DR	CH	DATE	APP	PH. (250) 860-8185	
0	ISSUED FOR REZONING	TIG	MJT	14/04/11	CAB		
</							





LEGAL DESCRIPTION: LOT 2, PLAN K4P62654, SEC. 31, TP. 29, O.D.Y.D.									
B.M. MONUMENT NO. 06W73H1715		ELEVATION: 352.764							
LOCATED AT HAZELL ROAD, 70M SOUTH OF THE TORRIS ROAD INTERSECTION									
REV. NO.	DESCRIPTION	DR	CH	DATE	APP				
0	ISSUED FOR REZONING	TIG	MJT	14/04/11	CAB				
<div><div><div>APLIN & MARTIN</div><div>CONSULTANTS LTD</div><div>PROJECT MANAGER ■ ENGINEERING ■ PLANNING ■ SURVEYING</div></div><div>4841 Leon Avenue, Kelowna, B.C. Canada V1Y 6J3 Tel: (250) 446-0157, Fax: (250) 536-2312, Email: gmartin@aplinmartin.com</div></div>									
CLIENT: NEW TOWN PLANNING SERVICES LTD.									
1450 PANDOSY ST., KELOWNA BC, V1Y 1P3									
PH: (250) 860-8185									
PROJECT: RESIDENTIAL SUBDIVISION									
984 DEHART RD., KELOWNA BC									
LOT 2, PLAN K4P62654, SEC. 31, TP. 29, O.D.Y.D.									
The location of existing underground utilities or obstructions is approximate and only as how not been independently verified by the contractor. The contractor shall determine the exact location of all underground utilities and all obstructions before commencing work, and shall be responsible for any damage to any and all services which might be caused by the contractor's activities. The contractor shall be responsible for any and all underground utilities.									
TITLE: LOT EASEMENT AND COVENANT PLAN					DRAWING DATE: 12-6-51				
PROJECT NO.					SCALE: 1"=1000'				
DRAWING NO.					VERT. N/A				
SHEET NO.					DRAWING DATE: APRIL 2014				
DRAWING NO.					12-6-51 - NT01				
SHEET NO.					1 OF 1				
DRAWING NO.					REV. 0				



Pedestrian and Transit Network Plan

984 Dehart Road

April 15, 2014

ENGINEERING SERVICES PROVIDED BY

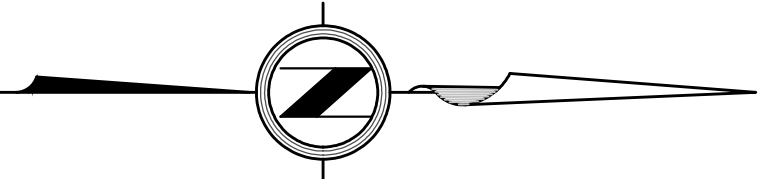
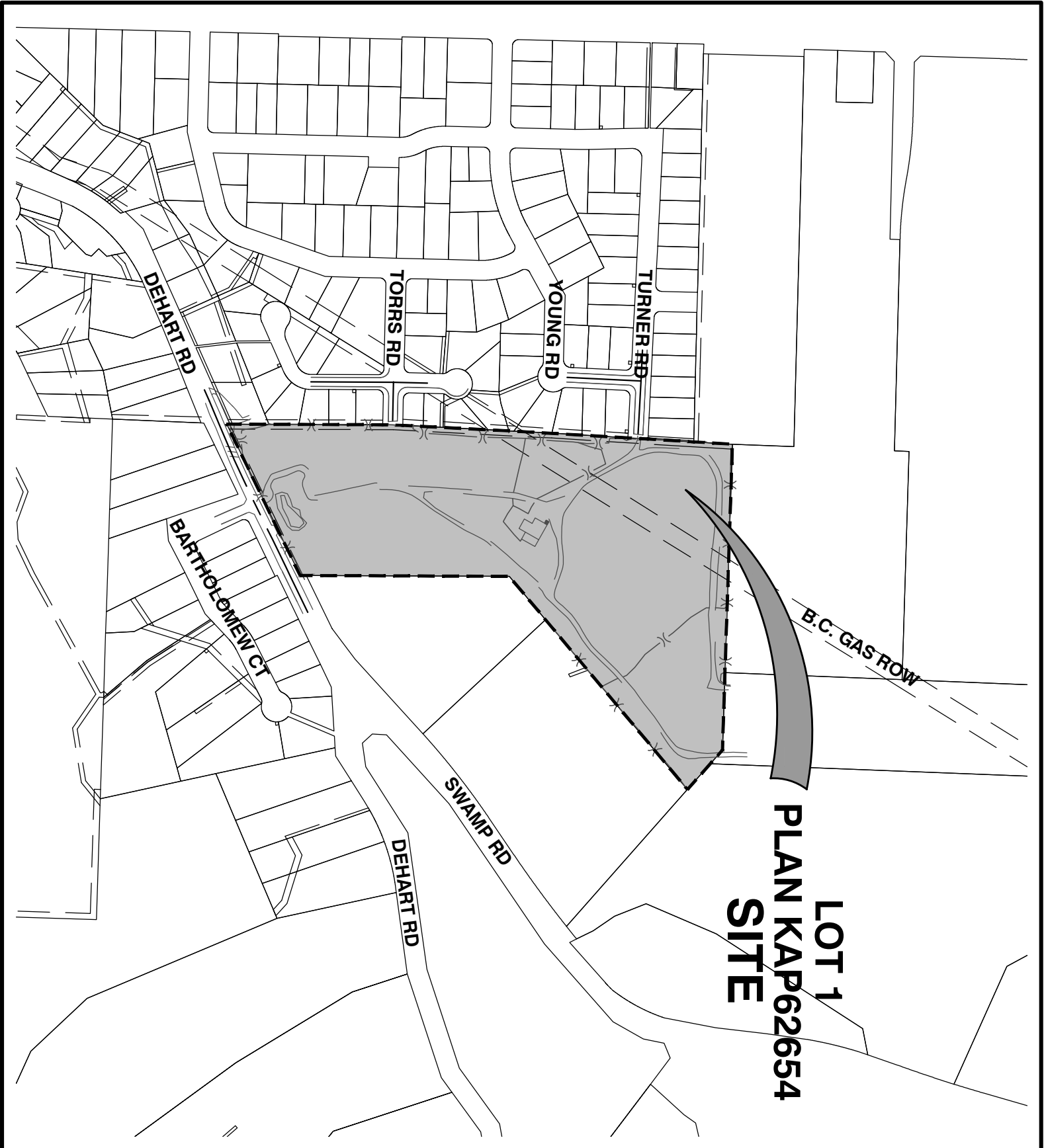
APLIN & MARTIN

CONSULTANTS LTD

PROJECT MANAGEMENT ■ ENGINEERING ■ PLANNING ■ SURVEYING

454 Leon Avenue, Kelowna, B.C. Canada V1Y 6J3

Tel: (250) 448-0157, Fax: (778) 436-2312, E-mail: general@aplinmartin.com



DEVELOPER:

NEW TOWN PLANNING SERVICES LTD.
164 ST. PAUL STREET
KELOWNA, BC
V1W 2C7

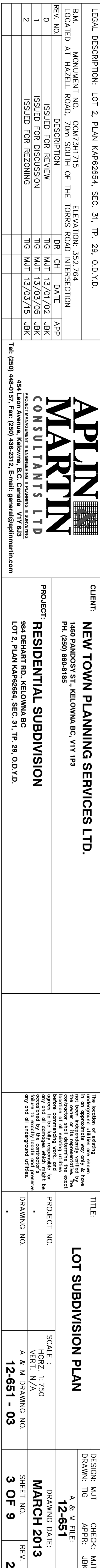
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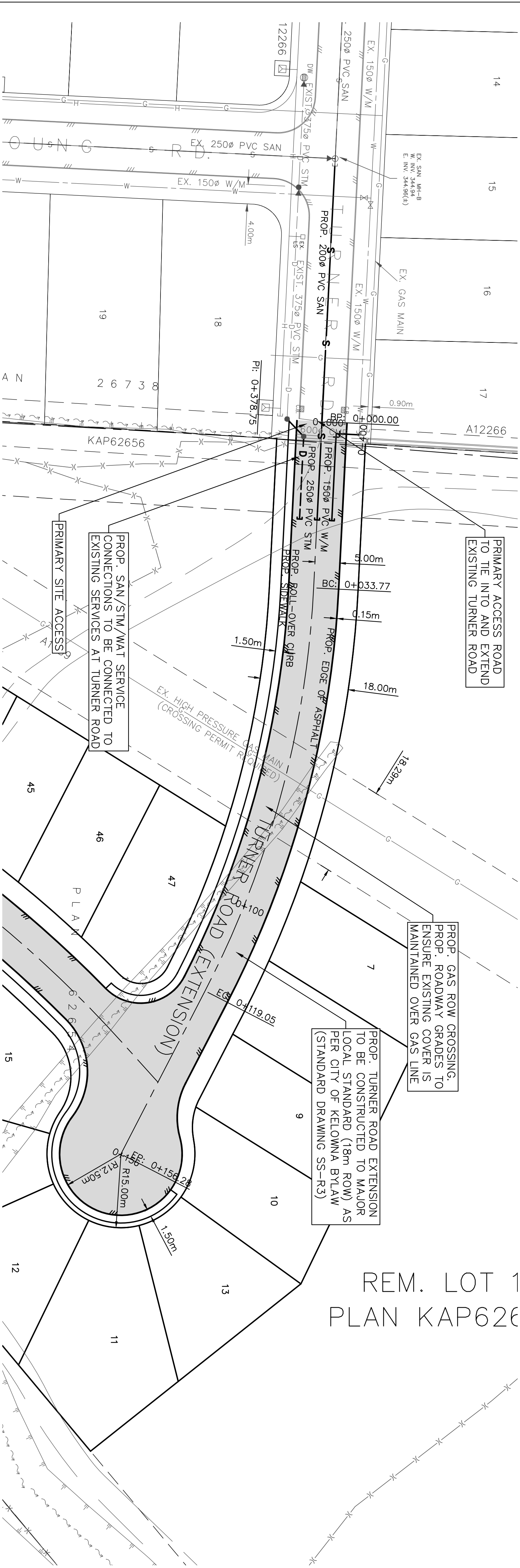
RESIDENTIAL SUBDIVISION
984 DEHART ROAD
LOT 1, PLAN KAP62654, SEC 31, TP 29, O.D.Y.D.

DRAWING INDEX	
SHEET NUMBER	SHEET TITLE
01	COVER PAGE
02	GENERAL NOTES AND LEGEND
03	LOT SUBDIVISION PLAN
04	ROADWORKS - TURNER ROAD (EXTENSION)
05	ROADWORKS - ROAD A - STA. 0+000 - 0+200
06	ROADWORKS - ROAD A - STA. 0+200 - 0+330
07	ROADWORKS - ROAD B
07	CREEK RESTORATION PLAN
09	STANDARD DETAILS

APLIN & MARTIN PROJECT No. 12-651

A&M DRAWING NO.: 12-651-01





REM. LOT 1
PLAN KAP626

ROADWORKS LEGEND

75.0

84.93

84.93

70.00

ORIGINAL CONTOUR

EXISTING ELEVATION

EXISTING ELEVATION TO BE MATCHED

PROPOSED ELEVATION

EXISTING CATCH BASIN

PROPOSED CATCH BASIN

EXISTING MANHOLE

EXISTING DRYWELL

EXISTING WATER VALVE

PROPOSED WATER VALVE

EXISTING FIRE HYDRANT

PROPOSED FIRE HYDRANT

PROPOSED PIPE CAP

NEW/REPLACEMENT ASPHALT

ENGINEERING DRAWING NOTES

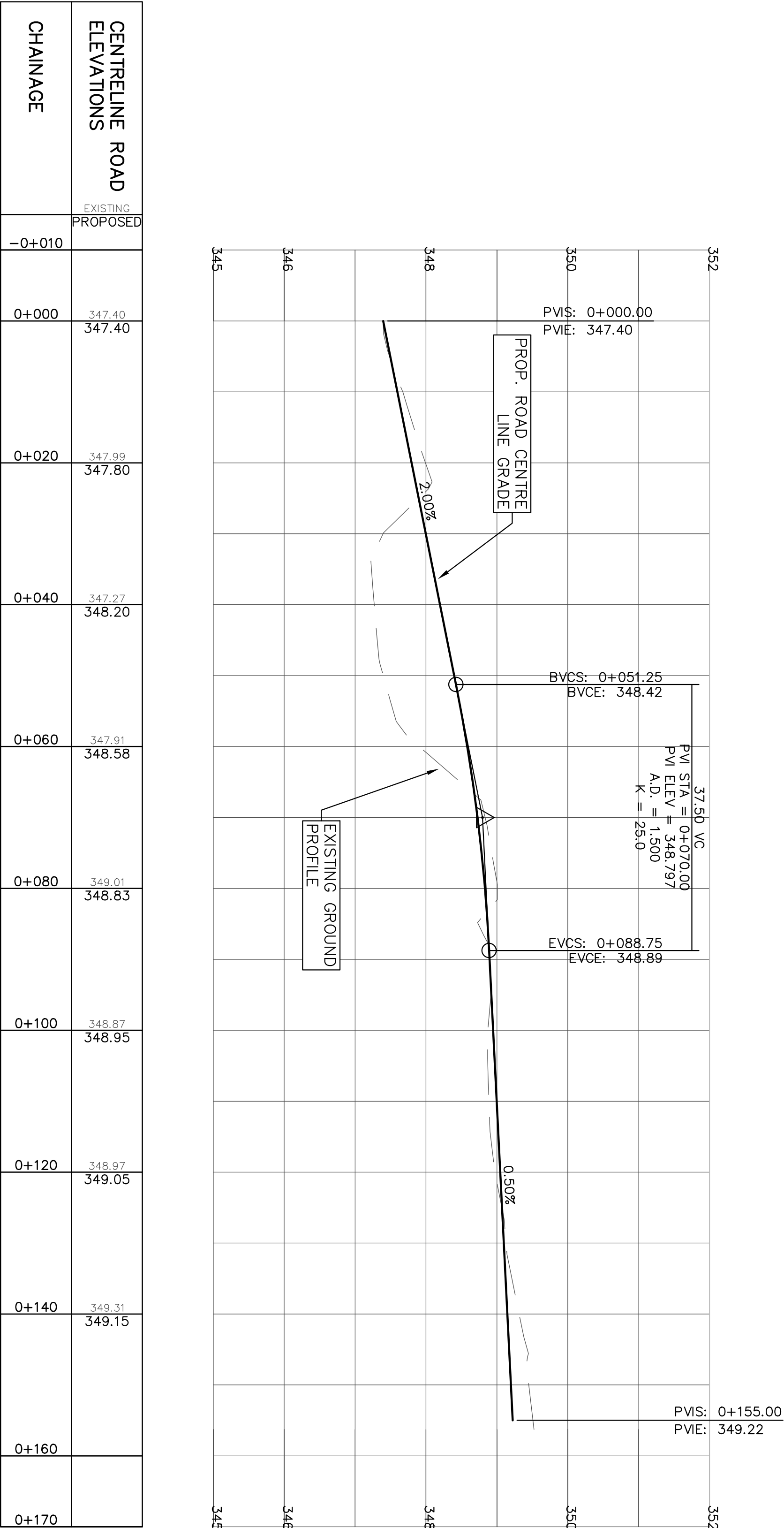
CITY ROADWORK NOTES

1. THE DEVELOPER SHALL EMPLOY A PROFESSIONAL ENGINEER WITH EXPERIENCE IN GEOTECHNICAL ENGINEERING FOR PERFORMANCE OF IN PLACE TESTING DURING THE PREPARATION OF THE SUBGRADE AND CONSTRUCTION OF THE ROAD STRUCTURE TO VERIFY THE ADEQUACY OF THE PROPOSED AND EXISTING ROAD STRUCTURE AND SUBGRADE. SELECTION OF THE PROFESSIONAL ENGINEER IS TO BE APPROVED BY THE CITY.
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APLIN & MARTIN CONSULTANTS LTD.

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4. ROAD CATCH BASINS TO BE SET TO ASPHALT BASE COURSE ELEVATION.
5. FINAL 35mm ASPHALT OVERLAY TO BE PLACED PRIOR TO END OF ONE YEAR MAINTENANCE PERIOD.



CHAINAGE	CENTRELINE ROAD ELEVATIONS	
	EXISTING	PROPOSED
0+010		
0+000	347.40	347.40
0+020	347.99	347.80
0+040	347.27	348.20
0+060	347.91	348.58
0+080	349.01	348.83
0+100	348.87	348.95
0+120	346.97	349.05
0+140	349.31	349.15
0+160		
0+170		

LEGAL DESCRIPTION: LOT 2, PLAN KAP62654, SEC. 31, TP. 29, O.D.Y.D.

BM MONUMENT NO. 0047341715 ELEVATION: 352.764 LOCATED AT HAZELL ROAD, 70m SOUTH OF THE TORRS ROAD INTERSECTION

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484 Leon Avenue, Kelowna, B.C. Canada V1Y 6J3

Tel: (250) 448-0157, Fax: (250) 458-2312, E-mail: general@aplinmartin.com

CLIENT: NEW TOWN PLANNING SERVICES LTD.

1460 PANDOSY ST., KELOWNA BC, V1Y 1P3

PH: (250) 860-8185

PROJECT: RESIDENTIAL SUBDIVISION

984 DEHART RD., KELOWNA BC

LOT 2, PLAN KAP62654, SEC. 31, TP. 29, O.D.Y.D.

TITLE: ROADWORKS - TURNER ROAD (EXTENSION)

PROJECT NO. 12-651

SCALE: HORIZ: 1:500 VERT: 1:50

DRAWING NO. A & M DRAWING NO. 12-651 - 04

DRAWING DATE: MARCH 2013

SHEET NO. 4 OF 9

REV. 2

DESIGN: MJT

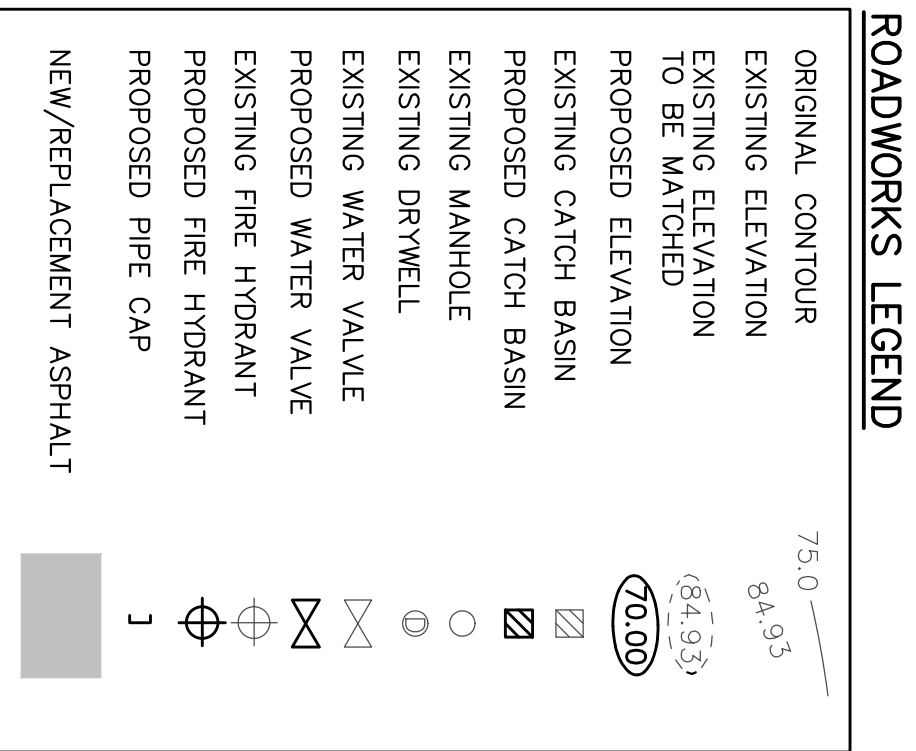
CHECK: MJT

DRAWN: TIG

APPR: JBK

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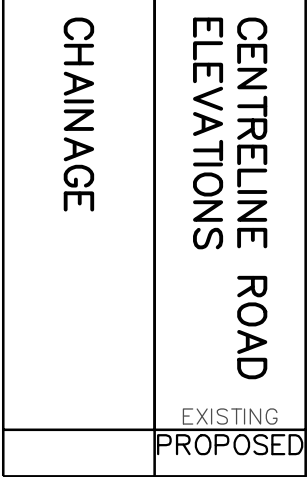


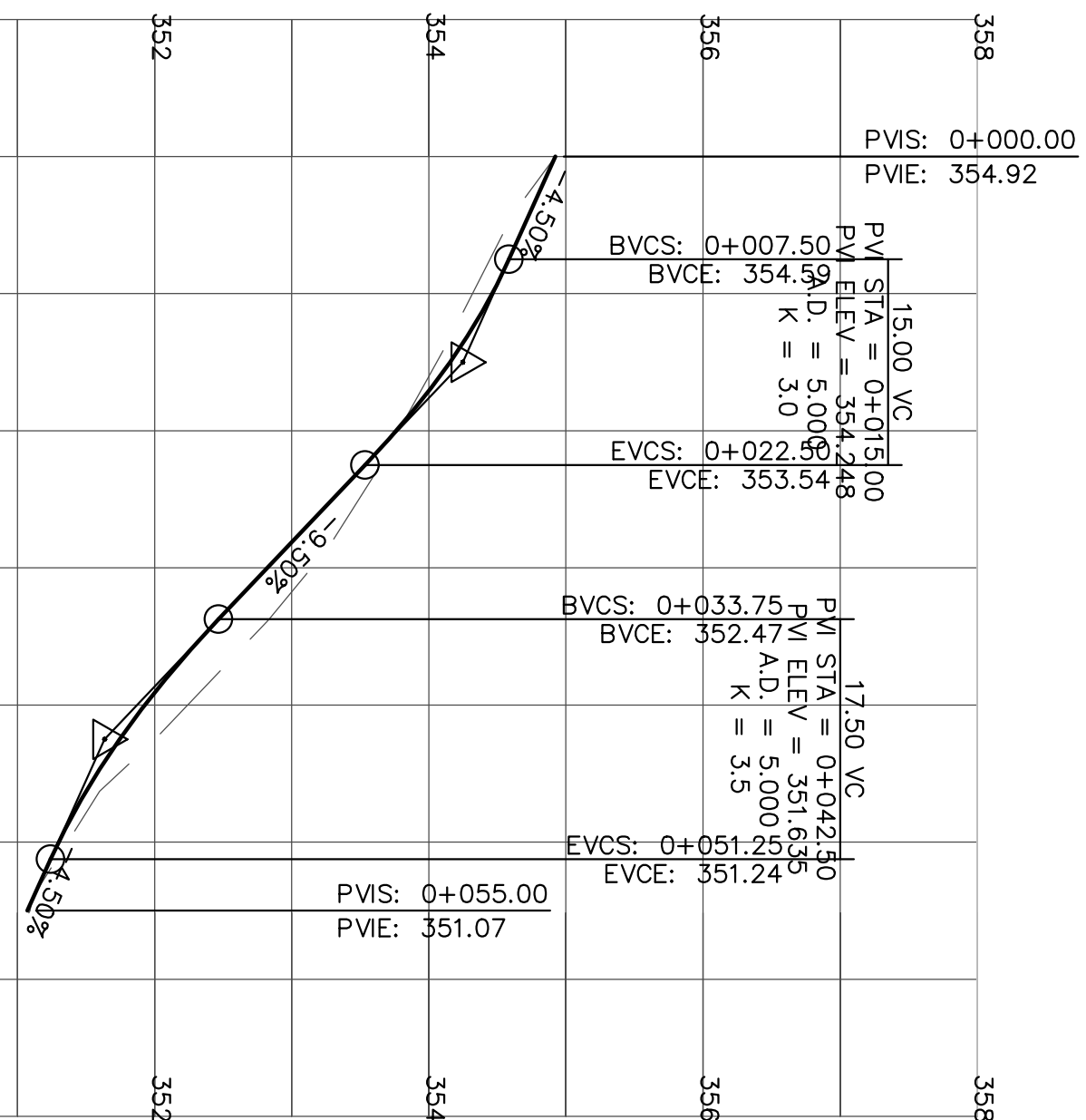
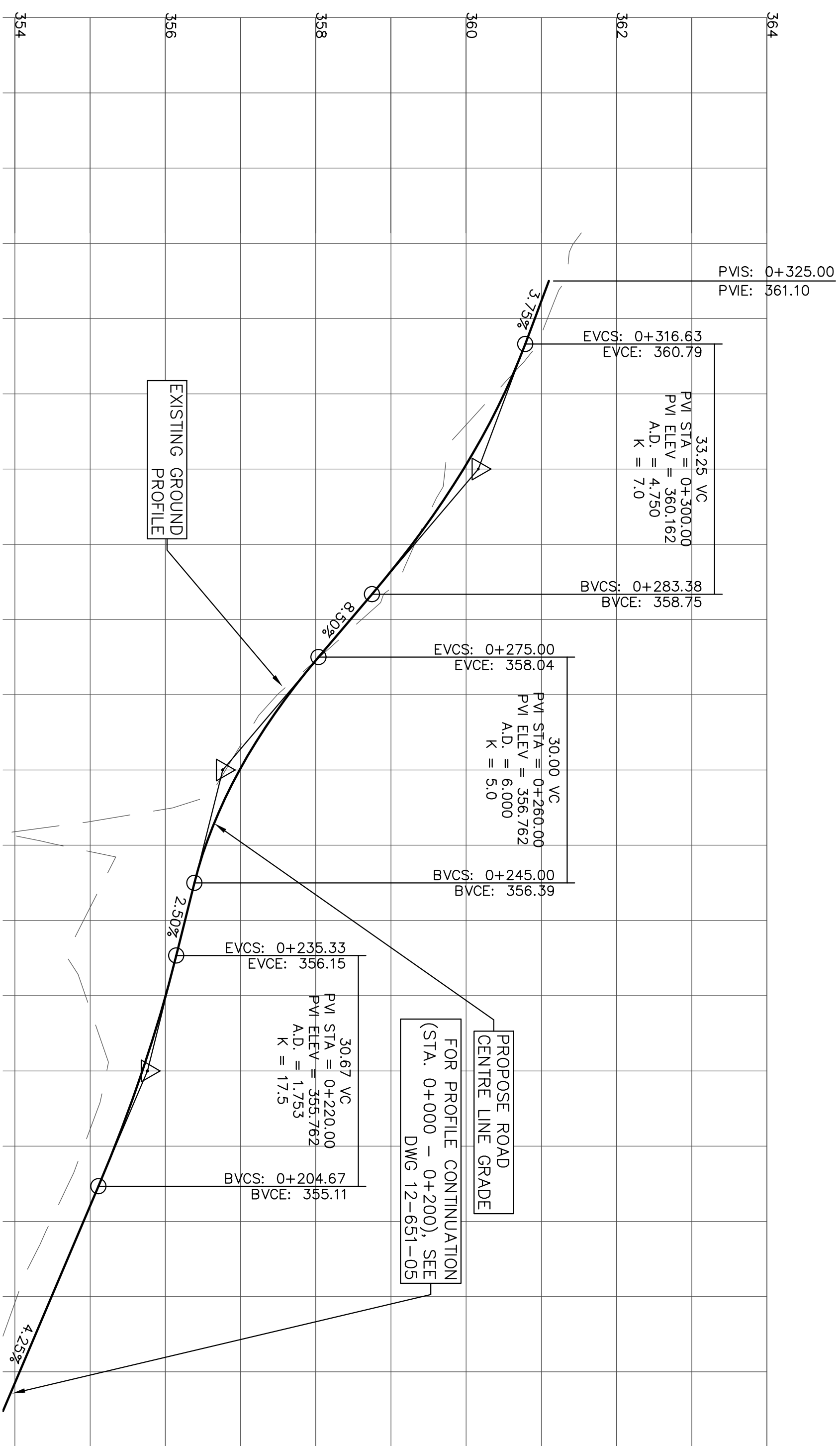
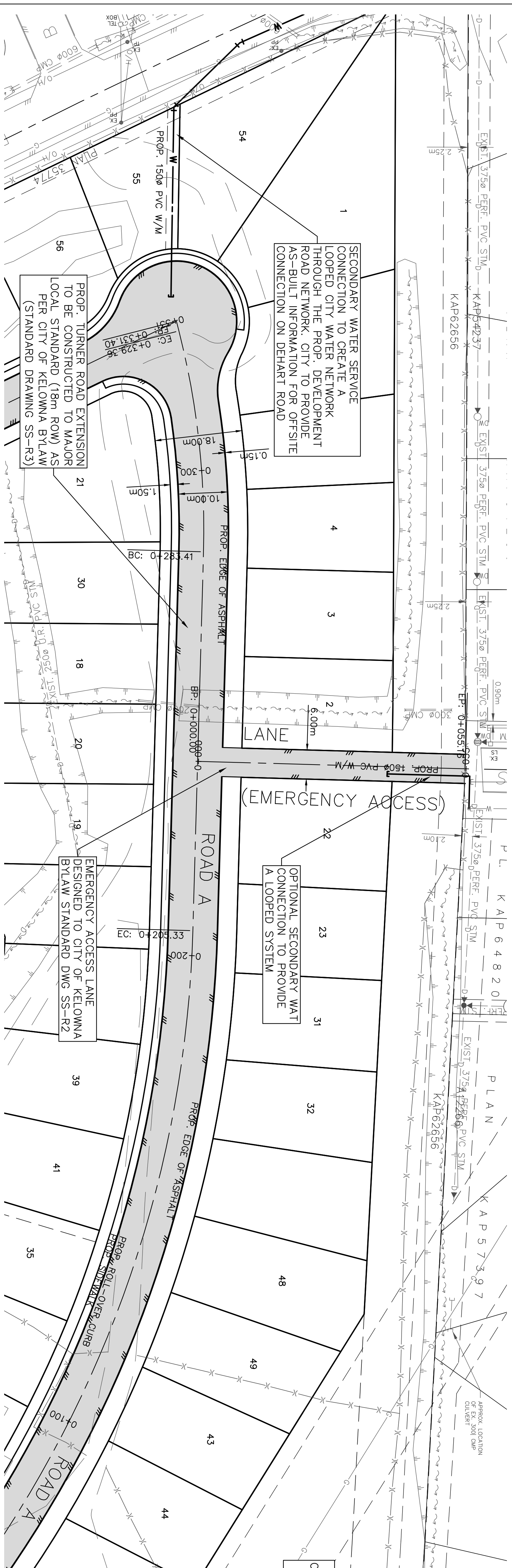
CITY ROADWORK NOTES

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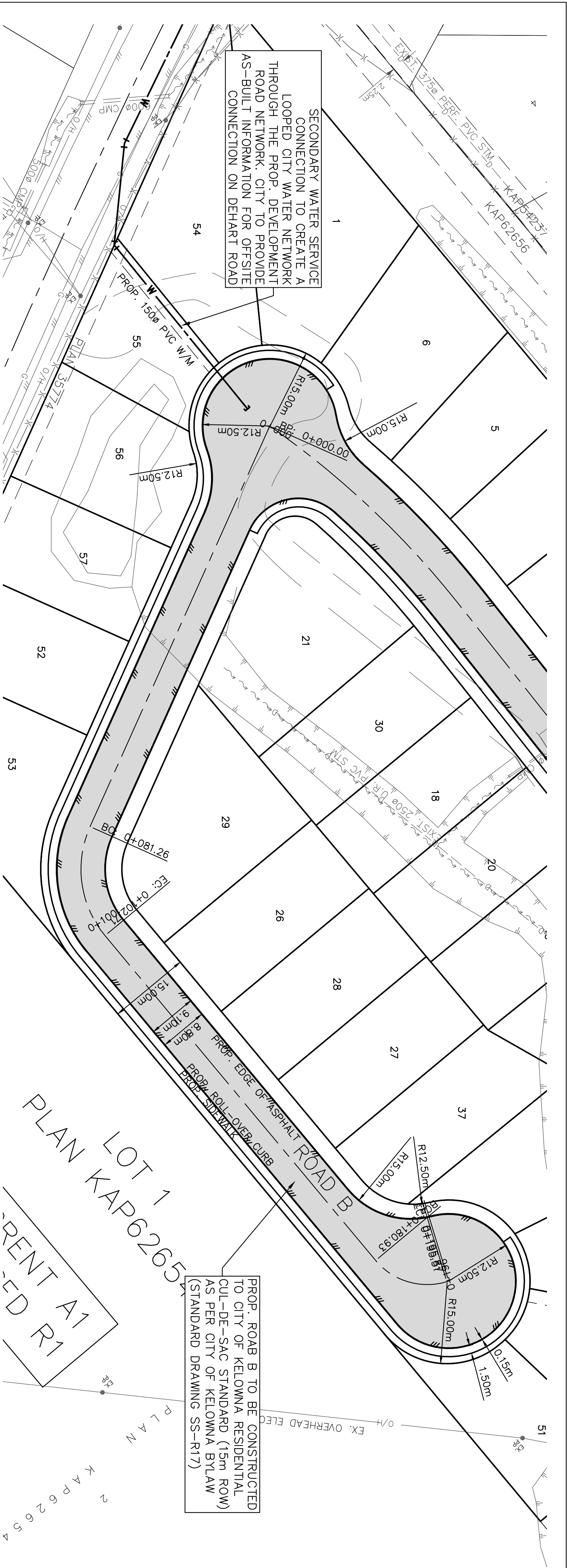


CHAINAGE	CENTRELINE ROAD ELEVATIONS	
	EXISTING	PROPOSED
0+360		
0+340		
0+320	361.08	360.91
0+300	359.72	359.96
0+280	358.61	358.46
0+260	356.80	356.99
0+240	354.91	356.26
0+220	355.22	355.70
0+200	354.47	354.91
0+180	353.67	354.06

CHAINAGE	CENTRELINE ROAD ELEVATIONS	
	EXISTING	PROPOSED
-0+010		
0+000	354.92	354.92
0+020	353.78	353.76
0+040	352.24	351.93
0+060		
0+070		

LEGAL DESCRIPTION: LOT 2, PLAN K4P62654, SEC. 31, TP. 29, O.D.Y.D.									
B.M. MONUMENT NO. 06M724H715 LOCATED AT HAZELL ROAD, 70m SOUTH OF THE TORRIS ROAD INTERSECTION		ELEVATION: 352.764							
REV. NO.	DESCRIPTION	DR. CH	DATE	APP					
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1	ISSUED FOR DISCUSSION	TIG. M/JT	13/03/05	JBK					
2	ISSUED FOR REZONING	TIG. M/JT	13/03/15	JBK					
					4841 Leon Avenue, Kelowna, B.C. Canada V1Y 6J3 Tel: (250) 446-0757, Fax: (250) 536-2312, Email: General@aplplmarchin.com				
APPLIN & MARTIN CONSULTANTS LTD PROJECT MANAGEMENT ■ ENGINEERING ■ PLANNING ■ SURVEYING									
CLIENT: NEW TOWN PLANNING SERVICES LTD. 1450 RADNOSY ST., KELOWNA BC, V1Y 1P3 Tel: (250) 860-8186									
PROJECT: RESIDENTIAL SUBDIVISION 984 DEHART RD., KELOWNA BC LOT 2, PLAN K4P62654, SEC. 31, TP. 29, O.D.Y.D.									
					The location of existing underground utilities are shown on this plan. The contractor has not been independently verified by a utility locator. The contractor shall determine the exact location of all existing utilities before commencing work, and the contractor shall be responsible for any damage to existing utilities incurred by the contractor's operations. The contractor shall leave any and all underground utilities.				
TITLE: ROADWORKS - ROAD A STA 0+200 - 0+330					DRAWING NO. 12-651				
PROJECT NO. STA 0+200 - 0+330					DRAWING DATE: MARCH 2013				
SCALE: 1:500 VERT. 1:50					SHEET NO. 6 OF 9				
DRAWING NO. 12-651 - 06					REV. 2				

ORIGINAL CONTOUR	75.0	
EXISTING ELEVATION	84.95	
EXISTING ELEVATION TO BE MATCHED	(84.93)	
PROPOSED ELEVATION	(70.00)	
EXISTING CATCH BASIN		
PROPOSED CATCH BASIN		
EXISTING MANHOLE		
EXISTING DRYWELL		
EXISTING WATER VALVE		
PROPOSED WATER VALVE		
EXISTING FIRE HYDRANT		
PROPOSED FIRE HYDRANT		
PROPOSED PIPE CAP		
NEW/REPLACEMENT ASPHALT		



ROADWORKS LEGEND	
ORIGINAL CONTOUR	75.0
EXISTING ELEVATION	84.93
EXISTING ELEVATION TO BE MATCHED	84.93
PROPOSED ELEVATION	70.00
EXISTING CATCH BASIN	EXISTING CATCH BASIN
PROPOSED CATCH BASIN	PROPOSED CATCH BASIN
EXISTING MANHOLE	EXISTING MANHOLE
EXISTING DRYWELL	EXISTING DRYWELL
EXISTING WATER VALVE	EXISTING WATER VALVE
PROPOSED WATER VALVE	PROPOSED WATER VALVE
EXISTING FIRE HYDRANT	EXISTING FIRE HYDRANT
PROPOSED FIRE HYDRANT	PROPOSED FIRE HYDRANT
PROPOSED PIPE CAP	PROPOSED PIPE CAP
NEW/REPLACEMENT ASPHALT	1

ENGINEERING DRAWING NOTES

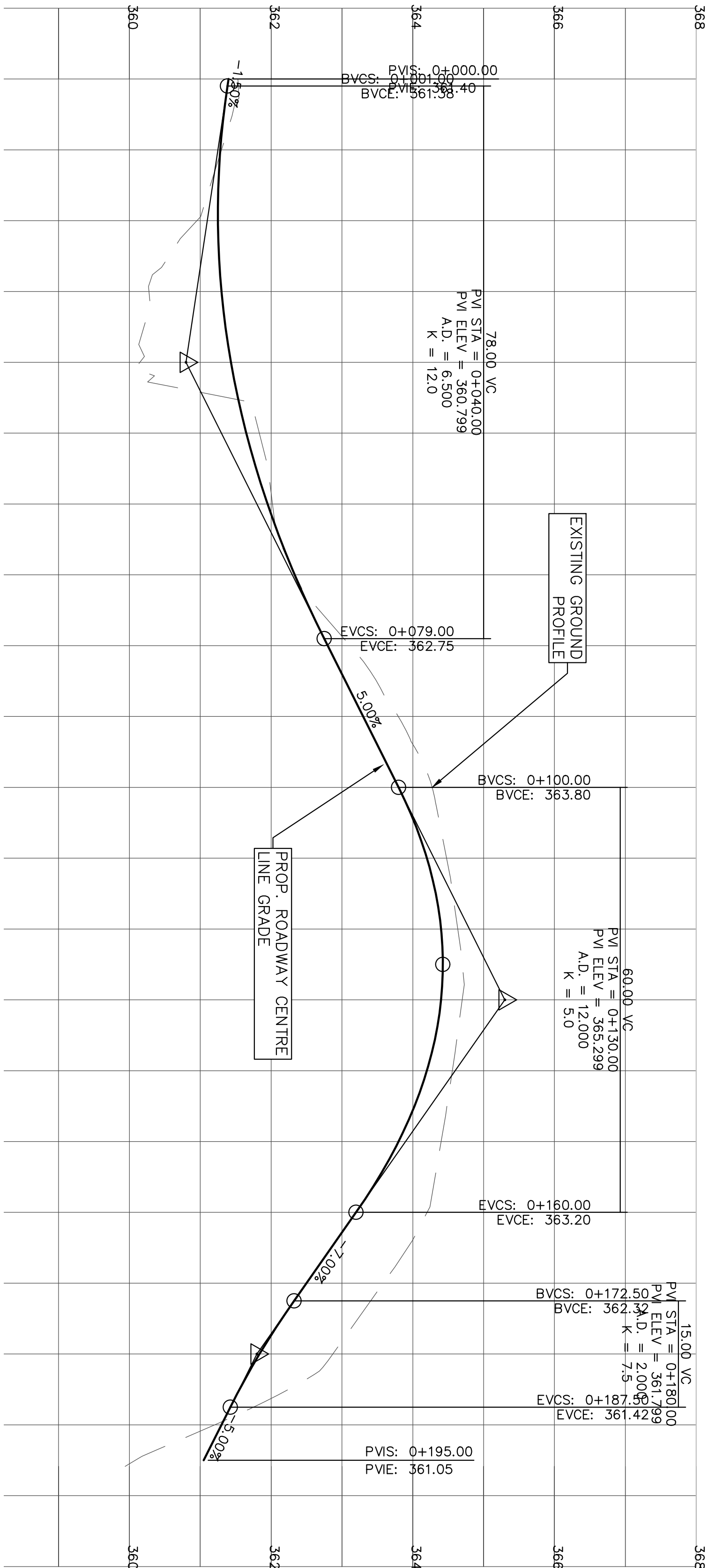
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CENTRELINE ROAD ELEVATIONS	
EXISTING	PROPOSED
CHAINAGE	
-0+010	
0+000	361.53 361.40
0+020	360.95 361.25
0+040	360.15 361.43
0+060	362.02 361.95
0+080	363.11 362.80
0+100	364.27 363.80
0+120	364.63 364.40
0+140	364.56 364.20
0+160	364.20 363.20
0+180	362.87 361.84
0+200	
0+210	

LEGAL DESCRIPTION: LOT 2, PLAN KAP62654, SEC. 31, TP. 29, O.D.Y.D.

REV. NO.	DESCRIPTION	DR. CH.	DATE	APP.
0	ISSUED FOR REVIEW	TIG	MJT 13/01/02	JBK
1	ISSUED FOR DISCUSSION	TIG	MJT 13/03/05	JBK
2	ISSUED FOR REZONING	TIG	MJT 13/03/15	JBK

APLIN & MARTIN
CONSULTANTS LTD

PROJECT MANAGEMENT • ENGINEERING • PLANNING • SURVEYING
484 Leon Avenue, Kelowna, B.C., Canada V1Y 6J3
Tel: (250) 448-0157, Fax: (250) 458-2312, E-mail: general@aplinmartin.com

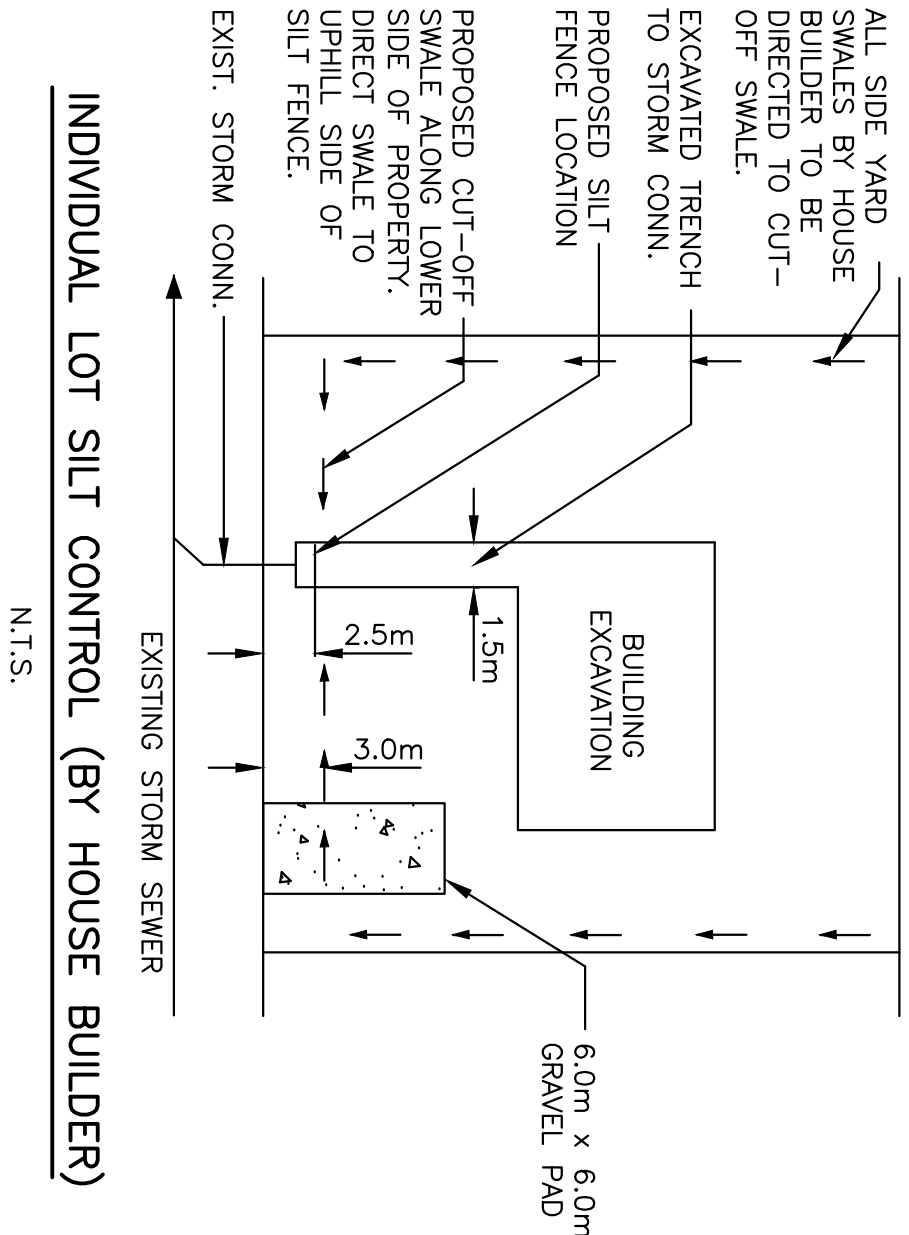
CLIENT: **NEW TOWN PLANNING SERVICES LTD.**
1460 PANDOSY ST., KELOWNA BC, V1Y 1P3
PH: (250) 860-8185

PROJECT: **RESIDENTIAL SUBDIVISION**
984 DEHART RD., KELOWNA BC
LOT 2, PLAN KAP62654, SEC. 31, TP. 29, O.D.Y.D.

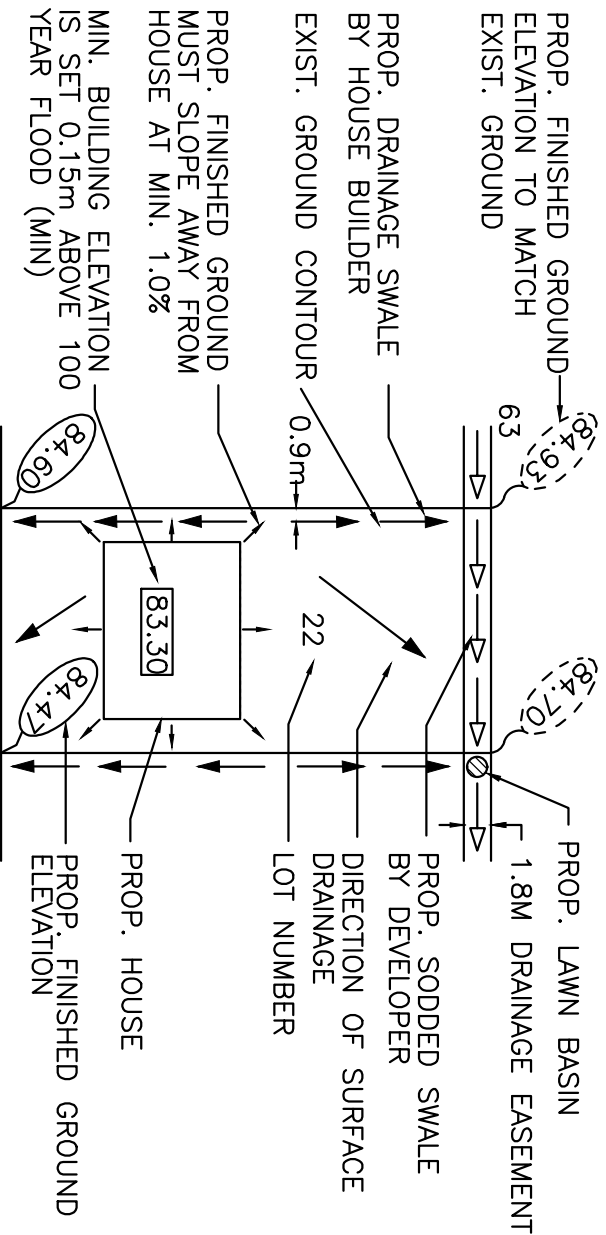
The location of existing underground utilities are shown here for information only and are not to be used for construction purposes. The location of all existing utilities shall be verified by the owner or its representative. The location of all existing utilities shall be verified by the owner or its representative. The location of all existing utilities shall be verified by the owner or its representative.

TITLE:		DESIGN: MJT		CHECK: MJT	
ROADWORKS - ROAD B		DRAWN: TIG		APPR: JBK	
PROJECT NO. 12-651		SCALE: HORIZ: 1:500 VERT: 1:50		DRAWING DATE: MARCH 2013	
DRAWING NO. 12-651 - 07		A & M DRAWING NO.		SHEET NO. 7 OF 9	
				REV. 2	

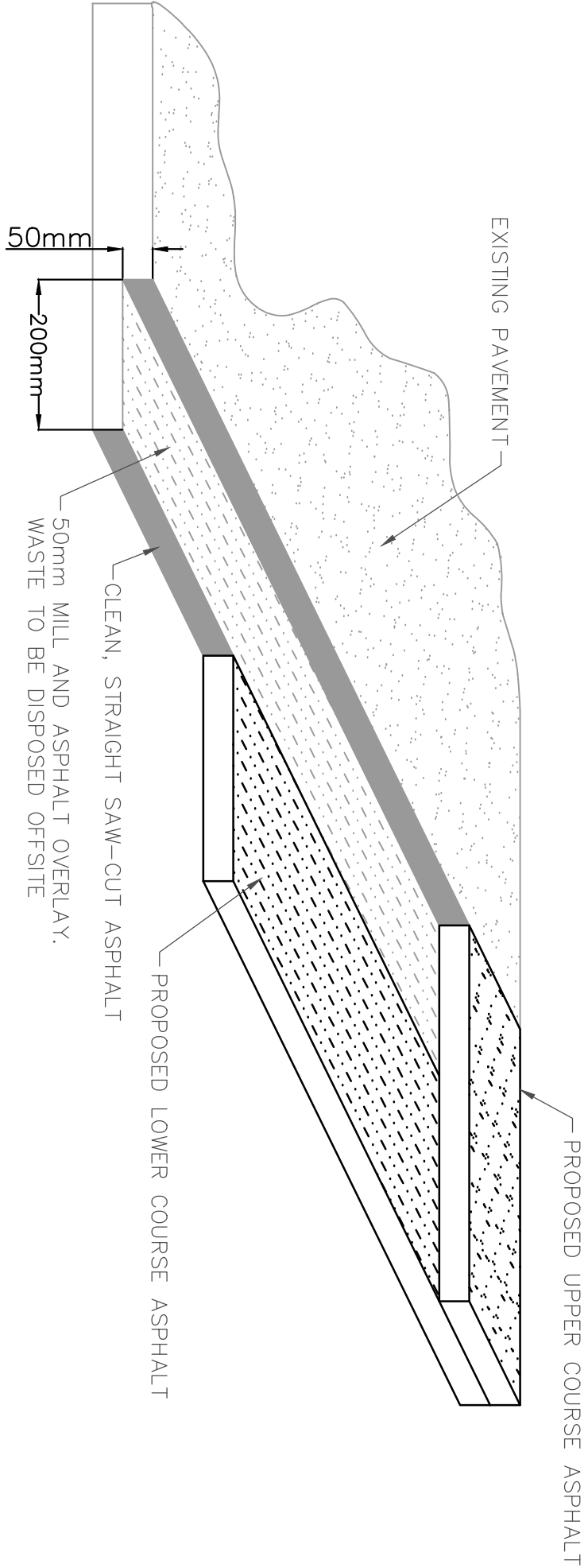




INDIVIDUAL LOT SILT CONTROL (BY HOUSE BUILDER)
N.T.S.



TYPICAL LOT DETAIL

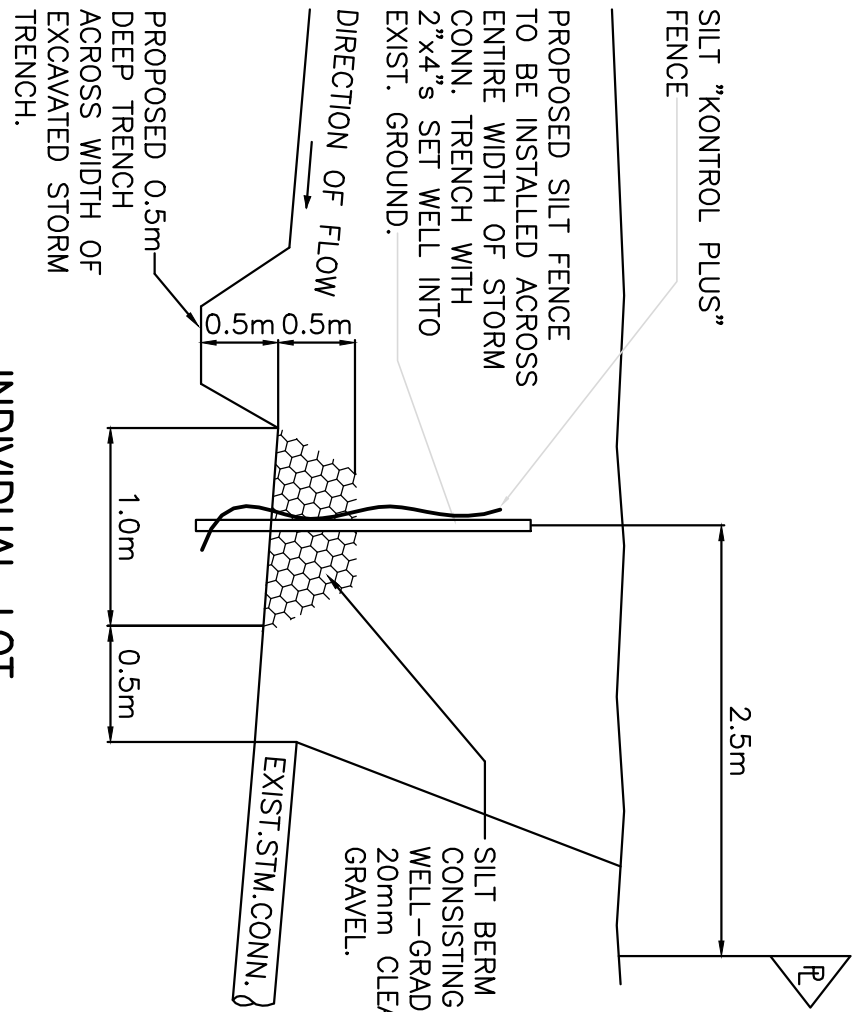


TIE-IN OF NEW PAVEMENT TO EXISTING PAVEMENT
N.T.S.

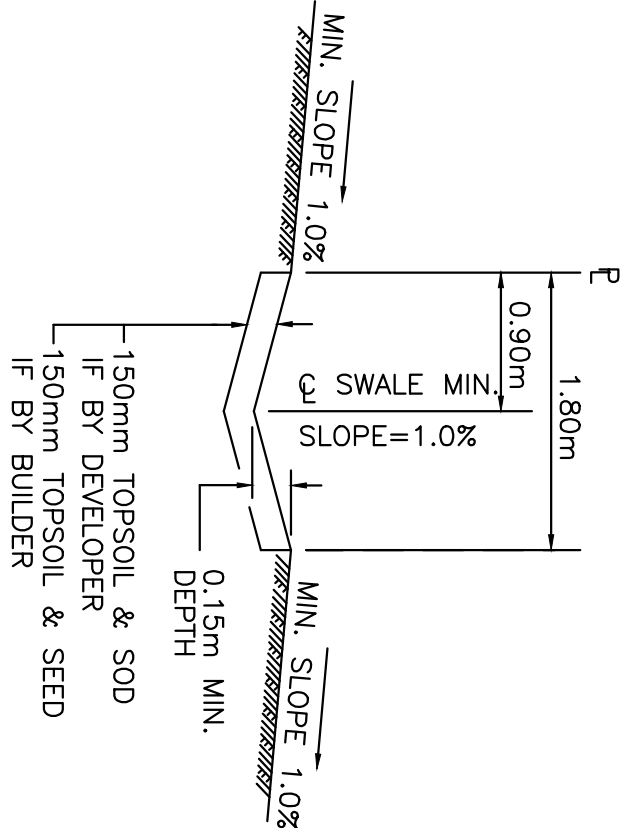
INDIVIDUAL LOT SILT CONTROL NOTES:

- IT IS THE COMPLETE RESPONSIBILITY OF THE DEVELOPER TO ENSURE THAT HOUSE BUILDERS DIRECT ALL LOT DRAINAGE TO A TEMPORARY SILT CONTROL FENCE/BERM.
- SILT CONTROL AND CUT-OFF SWALE SHALL REMAIN IN PLACE UNTIL FINISHED LOT GRADING. ALSO, FOUNDATION TILE SHALL NOT BE CONNECTED TO STM. CONNECTION UNTIL ALL ON-SITE TILE IS PLACED AND BACKFILLED. IN THE INTERIM, TILE TRENCH TO STM CONNECTION SHALL BE TEMPORARILY BLOCKED BY A SILT FENCE/BERM.
- FILTER FABRIC FOR CONSTRUCTION OF SILT FENCE TO BE NICOLON "KONTROL PLUS" OR EQUIVALENT.
- EACH HOUSE BUILDER SHALL INSTALL THE SILT FENCE/BERM AND CUT-OFF SWALE PRIOR TO UNCAPPING THE STORM CONNECTION AND EXCAVATING THE BUILDING FOOTPRINTS.
- HOUSE BUILDER SHALL ENSURE THAT NO SILT-LADEN WATER SHALL BE PUMPED OUT OF OR DISCHARGED INTO THE STORM SEWER SYSTEM. EACH HOUSE BUILDER MAY BE REQUIRED TO INSTALL ADDITIONAL FACILITIES, AS NECESSARY, TO CONTROL THE DISCHARGE OF SILT-LADEN WATERS.
- HOUSE BUILDER TO CONSTRUCT 6.0m x 6.0m GRAVEL SITE ACCESS PAD. PAD SHALL BE CONSTRUCTED OF 40mm CRUSHED GRAVEL AND BE 200mm.
- ROAD MAINTENANCE THICK. GRAVEL PAD TO BE USED FOR ALL DELIVERIES TO SITE.

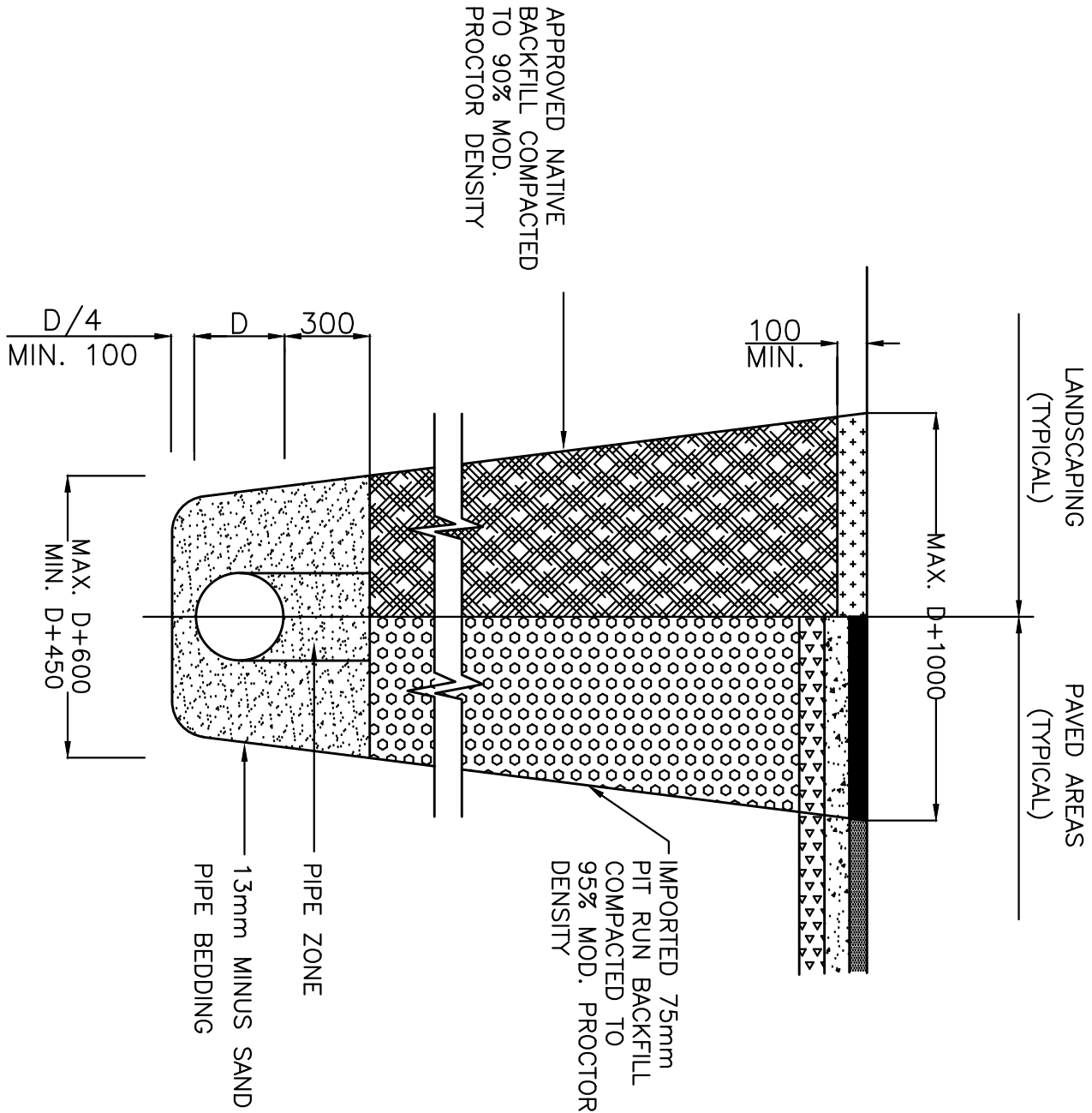
EACH BUILDER MUST MAKE EVERY POSSIBLE EFFORT TO MINIMIZE THE AMOUNT OF SOIL TRANSPORTED FROM THE BUILDING SITE TO THE ROADWAY. THIS IS PARTICULARLY IMPORTANT WHEN HEAVY MACHINERY, DUMP TRUCKS AND CONCRETE TRUCKS ARE ACCESSING THE SITE. THE PAVED ROAD SURFACE MUST BE REGULARLY CLEANED OF ACCUMULATIONS OF SOIL BY THE BUILDER. NO SOIL, SAND OR OTHER MATERIAL WITH A HIGH SEDIMENT CONTENT SHALL BE DEPOSITED OR PILED OUTSIDE THE PROPERTY BOUNDARIES, PARTICULARLY ON THE PAVED ROAD SURFACE. NO MATERIAL OF ANY TYPE IS TO BE DEPOSITED IN SUCH A WAY THAT IT INTERFERES WITH THE FLOW OF WATER ALONG THE CURBS OR INTO CATCH BASINS.



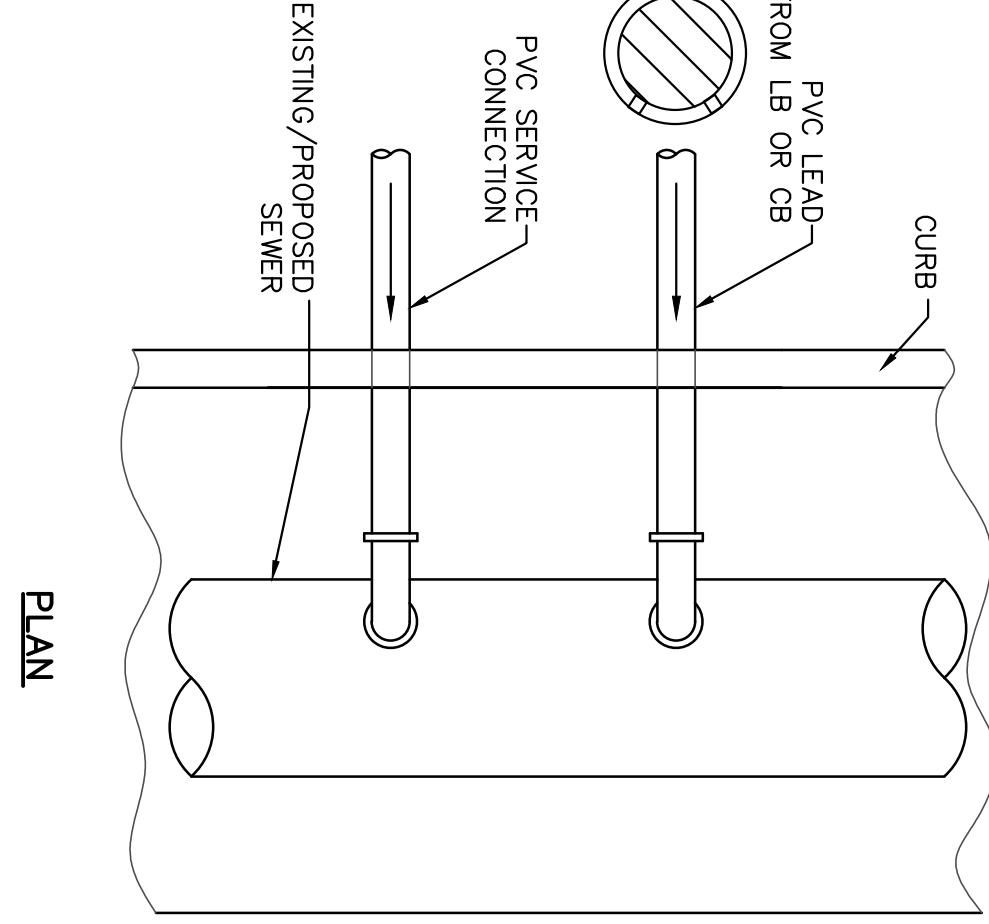
INDIVIDUAL LOT SILT FENCE/BERM DETAIL
N.T.S.



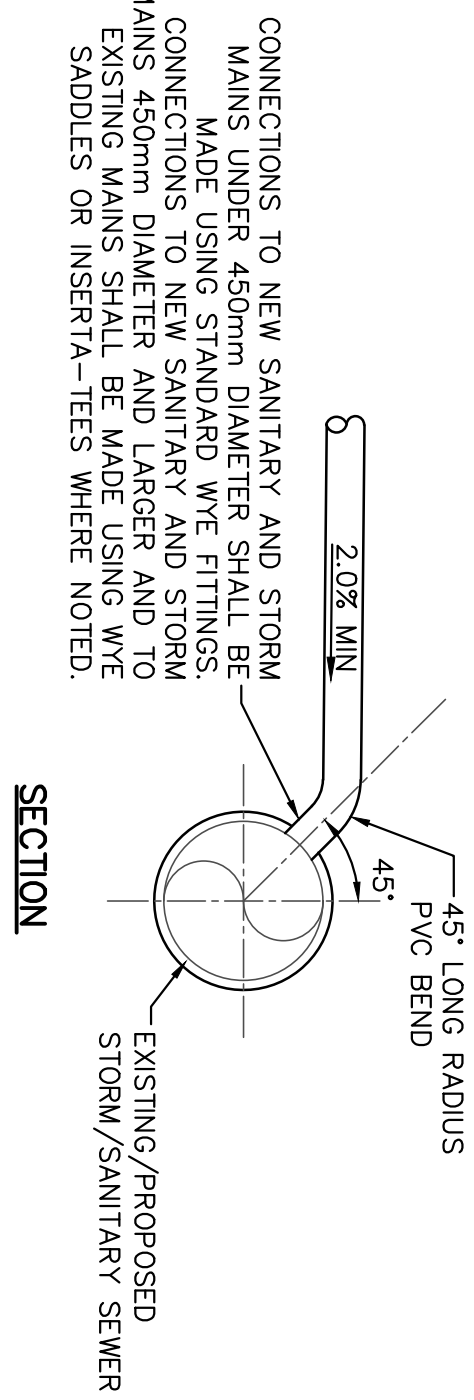
TYPICAL SECTION OF SWALE
N.T.S.



UTILITY TRENCH DETAIL
N.T.S.



PLAN



SECTION

CONNECTIONS TO SANITARY AND STORM SEWER
N.T.S.

LEGAL DESCRIPTION: LOT 2, PLAN KA62654, SEC. 31, TP. 29, O.D.Y.D.						
B.M.		MONUMENT NO.		OC67341715		ELEVATION: 352.764
LOCATED AT HAZELL ROAD, 70m SOUTH OF THE TORRS ROAD INTERSECTION						
REV. NO.	DESCRIPTION			DR	CH	DATE
0	ISSUED FOR REVIEW			TIG	MJT	13/01/02
1	ISSUED FOR DISCUSSION			TIG	MJT	13/03/05
2	ISSUED FOR RENOVING			TIG	MJT	13/03/15

PROJECT MANAGEMENT • ENGINEERING • PLANNING • SURVEYING

484 Leon Avenue, Kelowna, B.C., Canada V1Y 6J3

Tel: (250) 448-0151, Fax: (250) 458-2312, E-mail: general@aplmartin.com

NEW TOWN PLANNING SERVICES LTD.

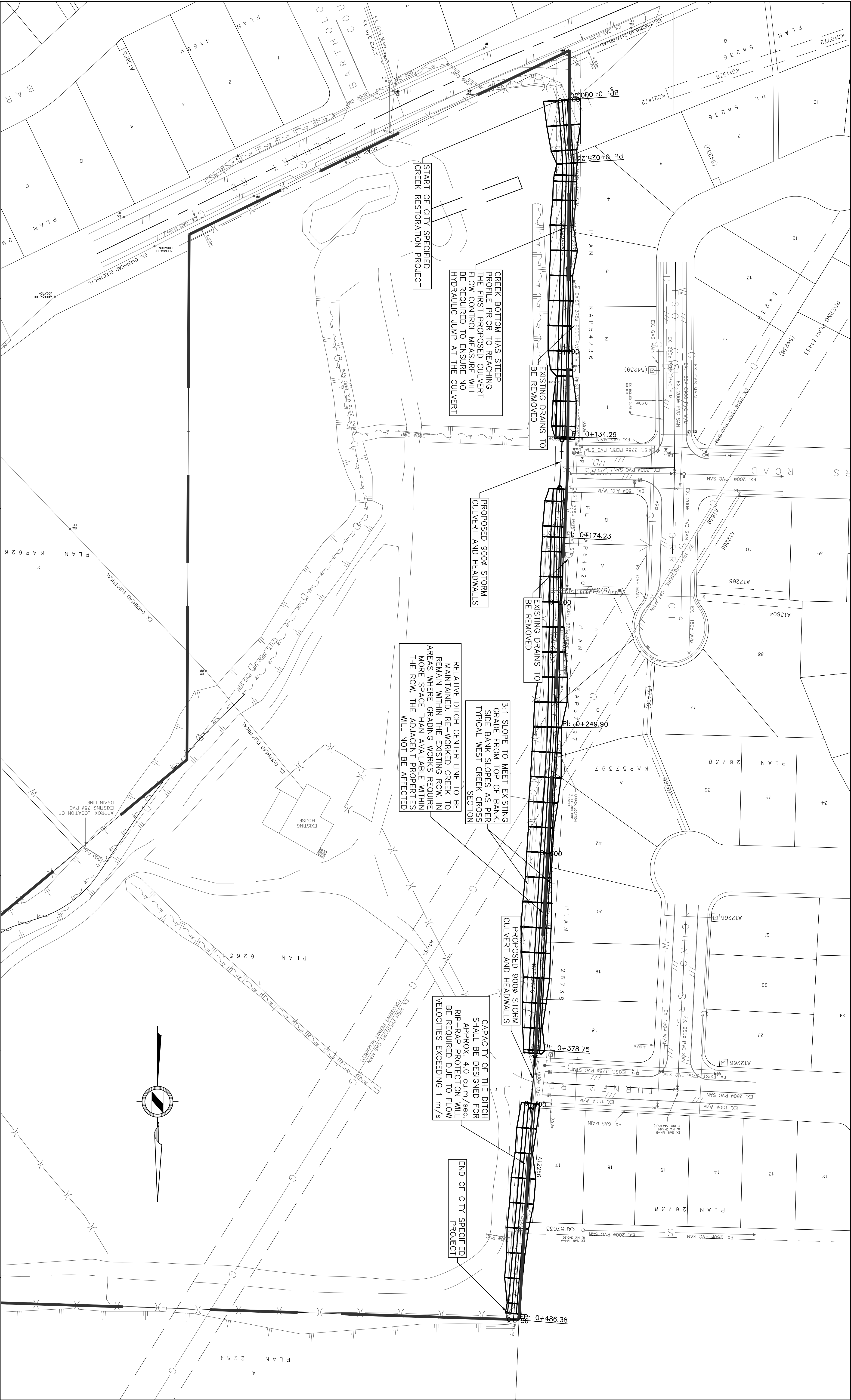
1460 PANDOSY ST., KELOWNA BC, V1Y 1P3

PH: (250) 860-8185

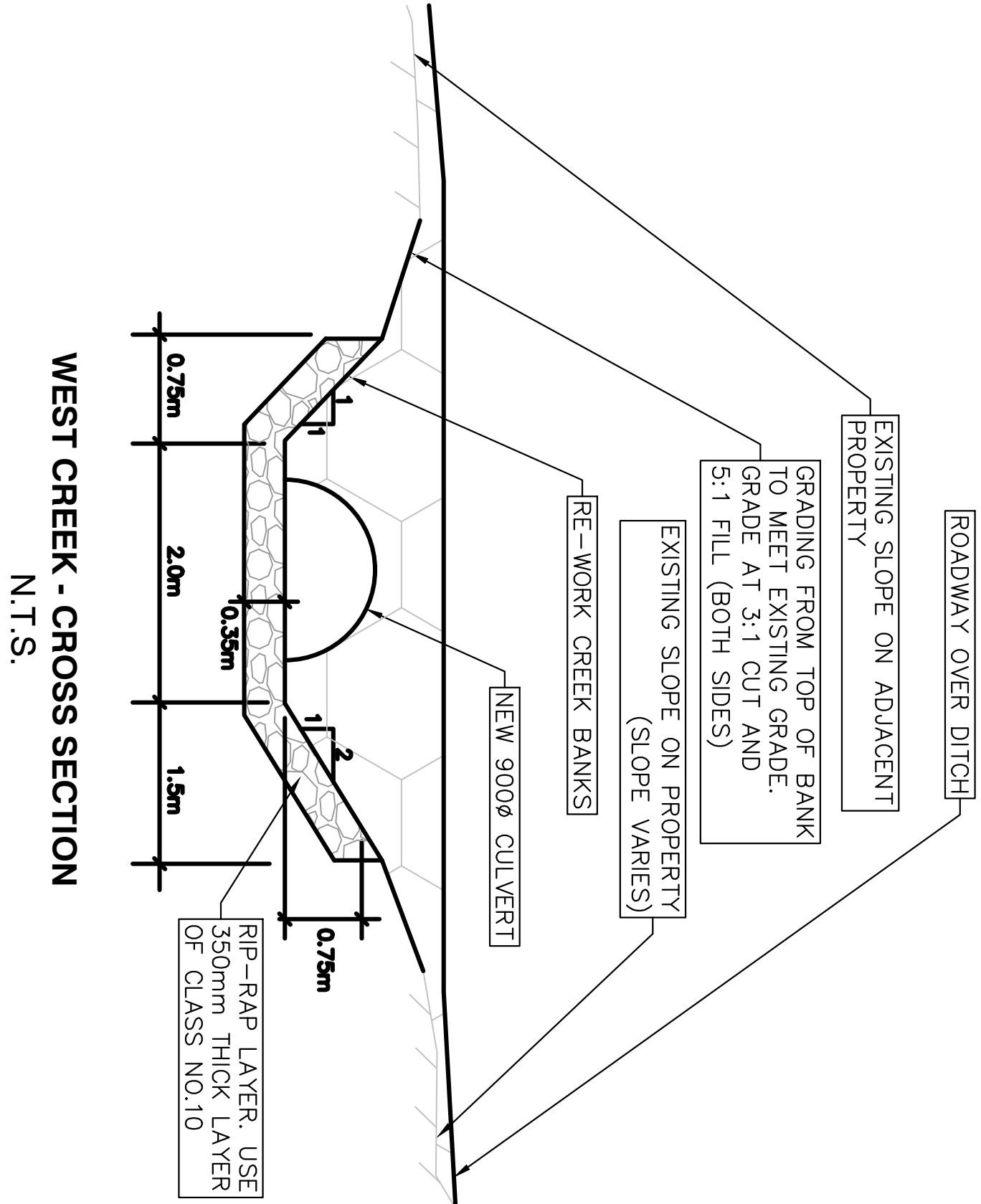
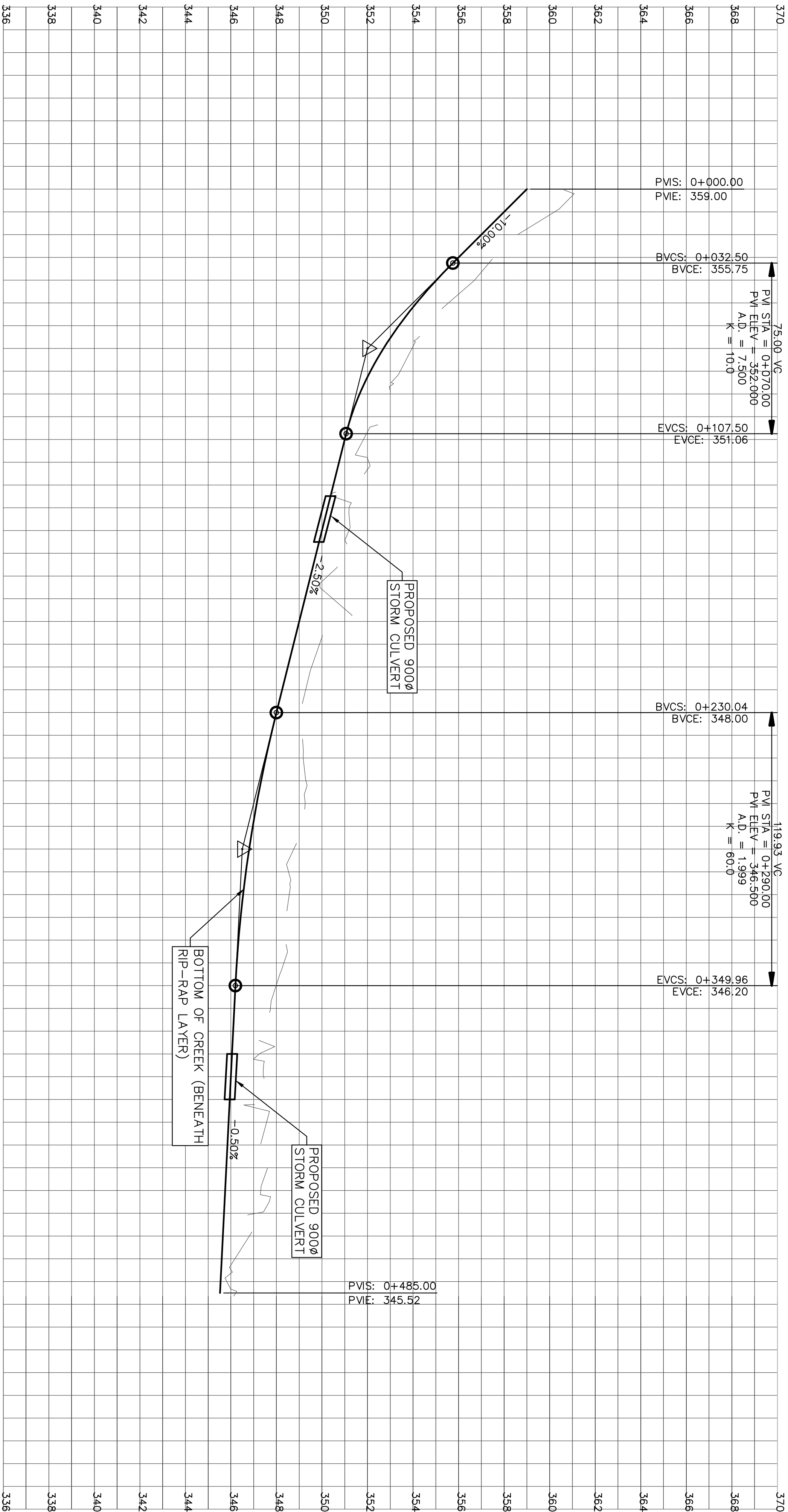
CLIENT:		PROJECT:	
NEW TOWN PLANNING SERVICES LTD.		RESIDENTIAL SUBDIVISION	
1460 PANDOSY ST., KELOWNA BC, V1Y 1P3		984 DEHART RD., KELOWNA BC	
PH: (250) 860-8185		LOT 2, PLAN KA62654, SEC. 31, TP. 29, O.D.Y.D.	

The location of existing underground utilities are shown here and are not to be used for construction. The owner or its representative, verified by the location of all existing utilities exist before commencing work, and for any and all damages which might be caused by the construction, shall be liable to exactly locate and preserve any and all underground utilities.

TITLE:		DESIGN: MJT		CHECK: MJT	
PROJECT NO.		DRAWN: TIG		APP: JBK	
SCALE:		A & M FILE:		DRAWING DATE:	
HORIZ. VERT.		12-651		MARCH 2013	
DRAWING NO.		A & M DRAWING NO.		SHEET NO.	
.		12-651 - 09		9 OF 9	
				REV.	
				2	



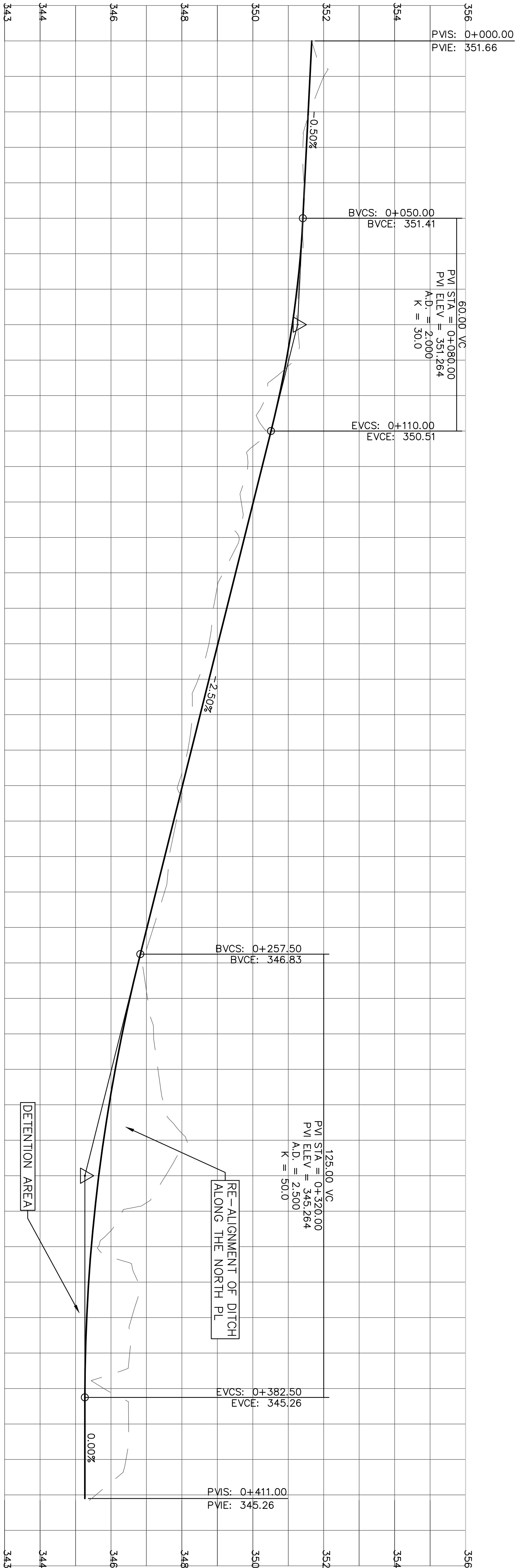
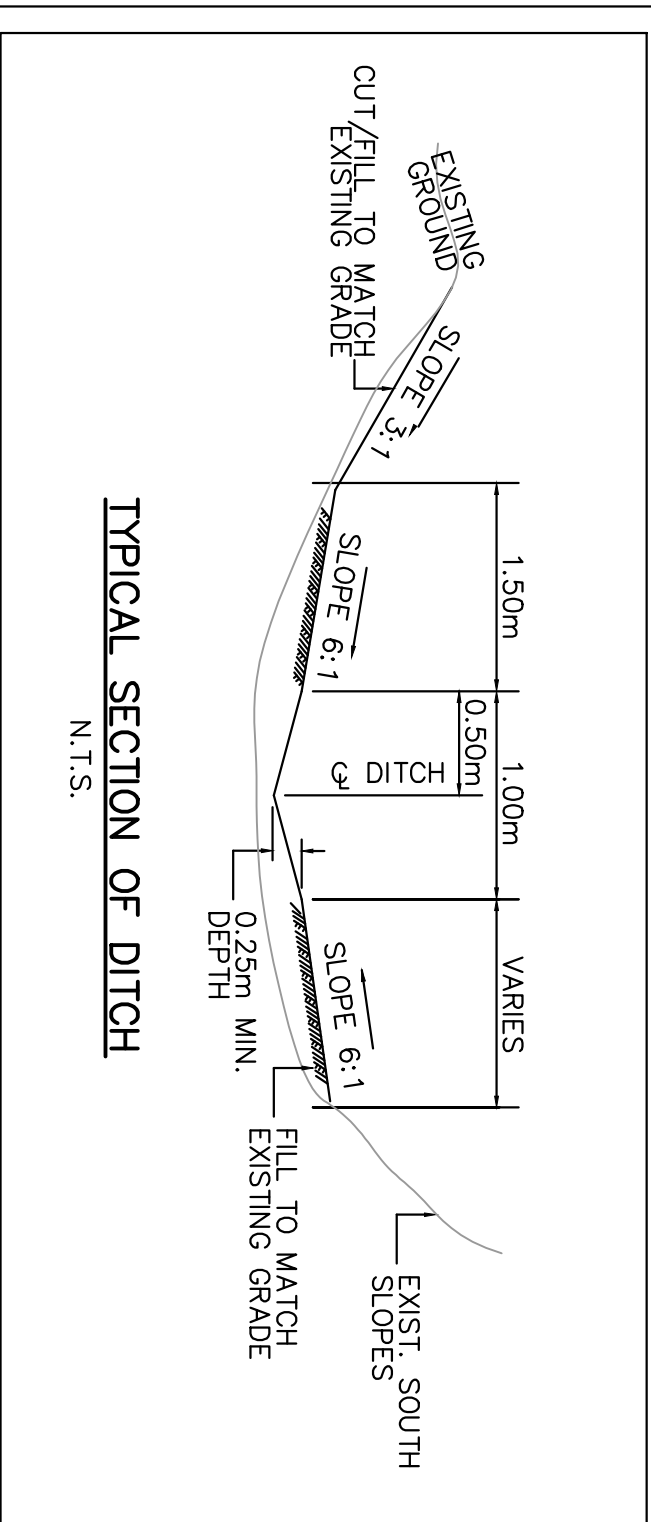
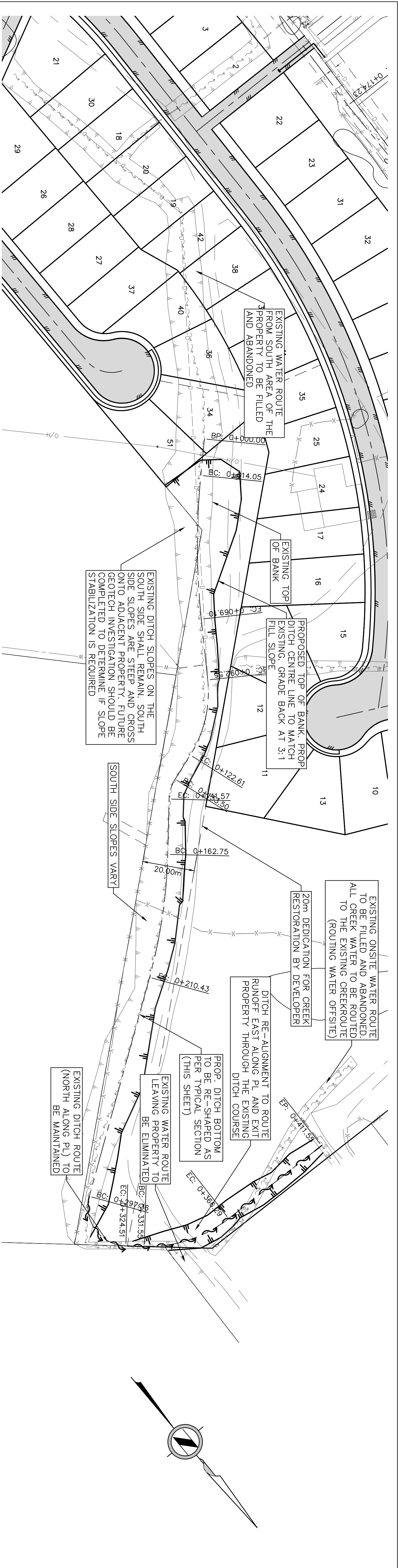
LEGAL DESCRIPTION: LOT 2, PLAN KAP62654, SEC. 31, TP. 29, O.D.Y.D.									
B.M.	MONUMENT NO.		OCM7341715		ELEVATION: 352.764				
LOCATED AT HAZELL ROAD, 70M SOUTH OF THE TORRS ROAD INTERSECTION									
REV. NO.	DESCRIPTION				DR	CH	DATE	APP	
0	ISSUED FOR REVIEW				TIG	MJT	13/01/02	JBK	



EXISTING	PROPOSED
-0+080	
-0+060	
-0+040	
-0+020	
0+000	360.62 359.00
0+020	358.60 357.00
0+040	356.70 355.03
0+060	354.71 353.38
0+080	353.44 352.13
0+100	352.62 351.28
0+120	352.06 350.75
0+140	351.20 350.25
0+160	351.31 349.75
0+180	350.48 349.25
0+200	349.89 348.75
0+220	349.28 348.25
0+240	349.13 347.76
0+260	349.30 347.32
0+280	349.18 346.96
0+300	348.53 346.66
0+320	348.42 346.42
0+340	348.33 346.26
0+360	347.73 346.15
0+380	347.26 346.05
0+400	347.39 345.95
0+420	347.30 345.85
0+440	347.31 345.75
0+460	346.81 345.65
0+480	345.82 345.55
0+500	
0+520	
0+540	
0+560	
0+580	

WEST CREEK - PROFILE

LEGAL DESCRIPTION: LOT 2, PLAN KAP62654, SEC. 31, TP. 29, O.D.Y.D.			
BM.	MONUMENT NO.	OCM73H1715	ELEVATION: 352.764
LOCATED AT HAZELL ROAD, 70m SOUTH OF THE TORRS ROAD INTERSECTION			
REV. NO.	DESCRIPTION	DR. CH.	DATE
0	ISSUED FOR REVIEW	TIG	MJT 13/01/02 JBK
PROJECT MANAGEMENT & ENGINEERING & PLANNING & SURVEYING			
454 LEON AVENUE, KELOWNA, B.C. CANADA V1Y 6J3			
Tel: (250) 448-0157, Fax: (250) 458-2312, E-mail: general@aplmmartin.com			
CLIENT: NEW TOWN PLANNING SERVICES LTD.			
1460 PANDOSY ST., KELOWNA BC, V1Y 1P3			
PH: (250) 860-8185			
PROJECT: RESIDENTIAL SUBDIVISION			
984 DEHART RD., KELOWNA BC			
LOT 2, PLAN KAP62654, SEC. 31, TP. 29, O.D.Y.D.			
The location of existing underground utilities are shown here for information only and are not to be used for construction purposes. The owner or its representative, the engineer, shall verify the location of all existing utilities exist before commencing work, and for any and all damages which might be caused by the work, the owner shall be responsible to locate and preserve any and all underground utilities.			
TITLE:		DESIGN: MJT	
PROJECT NO.		DRAWING DATE:	
SCALE :		SHEET NO.	
HORIZ. VERT.		REV	
DRAWING NO.		0	
A & M DRAWING NO.		02 OF 02	
12-651 - 02		DECEMBER 2012	
		CHECK: MJT	
		APPR: JBK	
		A & M FILE:	
		12-651	



CENTRELINE ROAD ELEVATIONS		CHAINAGE	
EXISTING	PROPOSED	0+010	0+010
351.66	351.66	0+000	0+000
351.61	351.56	0+020	0+020
351.44	351.46	0+040	0+040
351.41	351.35	0+060	0+060
351.26	351.11	0+080	0+080
350.37	350.75	0+100	0+100
349.86	350.26	0+120	0+120
349.61	349.76	0+140	0+140
348.88	349.26	0+160	0+160
348.46	348.76	0+180	0+180
348.17	348.26	0+200	0+200
347.84	347.76	0+220	0+220
347.51	347.26	0+240	0+240
346.89	346.76	0+260	0+260
347.20	346.31	0+280	0+280
347.49	345.94	0+300	0+300
347.54	345.65	0+320	0+320
345.64	345.44	0+340	0+340
346.58	345.31	0+360	0+360
345.80	345.26	0+380	0+380
346.42	345.26	0+400	0+400
345.80	345.26	0+420	0+420
345.80	345.26	0+430	0+430

LEGAL DESCRIPTION: LOT 2, PLAN KAP62654, SEC. 31, TP. 29, O.D.Y.D.

BM MONUMENT NO. 0047341715 ELEVATION: 352.764
LOCATED AT HAZELL ROAD, 20m SOUTH OF THE TORRS ROAD INTERSECTION

REV. NO. 0
1
2

DESCRIPTION
ISSUED FOR REVIEW
ISSUED FOR DISCUSSION
ISSUED FOR REZONING

DR. CH. DATE
TIG. MUT. 13/01/02 JBK
TIG. MUT. 13/03/05 JBK
TIG. MUT. 13/03/15 JBK

APP. JBK

APL N
MARTIN

CONSULTANTS LTD

PROJECT MANAGEMENT • ENGINEERING • PLANNING • SURVEYING

454 Leon Avenue, Kelowna, B.C., Canada V1Y 6A3

Tel: (250) 448-0151, Fax: (250) 458-2312, E-mail: general@aplmartin.com

CLIENT: NEW TOWN PLANNING SERVICES LTD.

1460 PANDOSY ST., KELOWNA BC, V1Y 1P3
PH: (250) 860-8185

PROJECT: RESIDENTIAL SUBDIVISION
984 DEHART RD., KELOWNA BC
LOT 2, PLAN KAP62654, SEC. 31, TP. 29, O.D.Y.D.

TITLE: CREEK RESTORATION PLAN

PROJECT NO. 12-651

SCALE: HORIZ: 1:750
VERT: 1:75
A & M DRAWING NO. 12-651 - 08

DRAWING DATE: MARCH 2013

SHEET NO. 8 OF 9

REV. 2

DESIGN: MUT
DRAWN: TIG
CHECK: MUT
APPR: JBK

Mar 11 2013 - 10:20am M:\2012\12-651\DWG\ONSITE\PRODUCTION DWG\12-651_08_CREEK RESTORATION.dwg/08_CREEK RESTORATION PLAN M:template

37

CITY OF KELOWNA

MEMORANDUM

Date: May 15, 2013
File No.: Z13-0016

To: Land Use Management (GS)

From: Development Engineering Manager

Subject: 984 Dehart Road A1 to RU1

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) Provide a Pre-design report to address all offsite Utility and Transportation servicing including costs.
- c) PRIOR TO FINAL ADOPTION OF THE ZONE AMENDING BYLAW:, a Predesign report specific to this development is required to identify all offsite servicing needs in accordance with the Subdivision, Development and Servicing Bylaw. A Servicing Agreement for all offsite works required by this subdivision must be provided, along with Performance Security, before final adoption of the Zone Amending Bylaw.
- d) 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.
- e) The Drainage Division noted that tributary stream crosses the lands. The stream may affect the layout.

.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 South East Kelowna Irrigation District (SEKID) 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) Our records indicate a 200mm main exists at the end of Torrs Road adjacent to the site.

.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) Dehart Road is designated an arterial road. Dehart Rd must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, separate sidewalk, drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.

The estimated cost for this construction for bonding purposes is **\$128,000.00**. Not included in the estimate are costs for pole relocations.

- b) Provide an additional highway allowance widening of ~3.20m (west end) tapering to ~6.22m (east end) on Dehart Road. This widening is to be accomplished by:
 - i) A dedication on the subdivision plan.
- c) The existing bus stop on Dehart Road will require upgrading to current standard (UBS2).
- d) Landscaped boulevards, complete with underground irrigation, may be required on Dehart Road.
- e) Driveway access is not permitted onto Dehart Road. 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.
- f) Roadway access to Dehart Road must be reviewed via a Traffic Impact Analysis (TIA). The City's Transportation & Mobility group will determine the terms of reference for the study. Recommendations from the Traffic Impact Analysis (TIA) will become requirements of rezoning.
- g) 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 for the subdivision 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.

Steve Muenz, P.Eng.
Development Engineering Manager

SS

1555-C

December 18, 2012

South East Kelowna Irrigation District

Attn.: Mr. Toby Pike

3235 Gulley Road

Kelowna, BC

V1W 4E5

Dear Mr. Pike

Subject: SEKID Boundary Adjustment to Exclude Lot 1, Plan 62654

This letter is to confirm that I will cover the administrative costs incurred by SEKID for the advancement of this proposed boundary adjustment to exclude 984 Dehart Road. Kindly advance any invoices to:

Dr. A. Rezansoff
25088 PO Mission
Kelowna BC
V1W 3Y7

Thank you for your assistance with this application for service boundary adjustment.

Sincerely,



Dr. A. Rezansoff

cc. New Town Planning Services Inc.

SETTLEMENT AND RELEASE AGREEMENT

This Agreement dated for reference this ____ day of _____, 2010.

BETWEEN

CITY OF KELOWNA
1435 Water Street
Kelowna, B.C. V1Y 1J4

(the "City")

AND

ALEXANDER REZANSOFF
PO Box 25088 RPO Mission Park
Kelowna, BC V1W 3Y7

("the Owner")

WHEREAS:

- A. The Owner is the registered owner of a 50% interest in title to lands within the boundaries of the City of Kelowna on which it wishes to undertake residential development, with a civic address of 984 Dehart Road and a legal description of Section 31, Plans KAP 62654 , Lot 1 (the "Lands")
- B. The Owner has been farming the Lands since 1987. Between June 22, 2009 and July 9, 2009 the City has alleged that the Owner performed work on the lands including screening of materials, infilling of a tributary to Thompson Creek and other works not permitted to occur without having confirmed that a development permit had been obtained, as required by Section 920 of the *Local Government Act* which allegations have been denied by the Owner (the "Bylaw Dispute")
- C. The parties have agreed to resolve the Bylaw Dispute upon the terms and conditions as set forth in this Agreement.

Therefore, in and for the consideration of the mutual agreements set out below, the parties covenant and agree as follows:

Undertakings of the Owner

- 1) The Owner hereby undertakes to:
 - a) ensure that there is no net loss of riparian habitat and function for the Lands;
 - b) to remove all of the drain piping located on the Lands as identified on the photograph of the Lands attached hereto as Schedule "A";
 - c) prepare a mitigation/restoration plan (signed off by an QEP/RPBio) for the site;
 - d) ensure that all future works on the site will adhere to applicable provincial acts, including but not limited to: the Water Act; and the Fish Protection Act.
 - e) ensure that all future works on the site will adhere to applicable City of Kelowna policies, plans and policies including but not limited: Kelowna 2020 Official Community Plan (7600), Zoning Bylaw (8000) and Subdivision and Servicing Bylaw (7900).

City Covenant Not to Enforce

2. In consideration of the undertakings of the Owner , the City covenants, represents and warrants to the owners, its principals, shareholders, partners, subcontractors, successors and assigns that it will not commence an action prosecution, inquiry, suit, arbitration, or other proceeding against the owners in connection with the Bylaw Dispute and shall stay all existing proceedings against the Owner in connection with the By Law Dispute.

Condition Precedent of Council Approval

3. This settlement agreement shall not be binding and effective unless and until the Council of the City has given its approval by resolution.

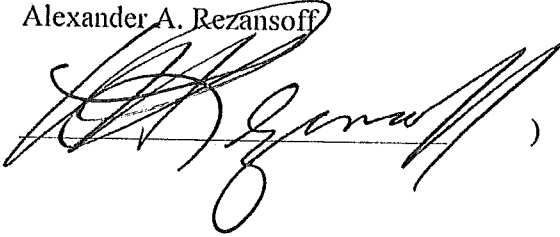
General

4. The Owner and the City acknowledge and agree that the facts and law in respect of which this settlement agreement is made may prove to be other than, or different from, the facts and law in that connection now known or believed by the City or the Owner to be true, and the City and the Owner specifically accepts and assumes this risk and agree that this settlement agreement is not affected by any such difference and remains effective and binding unaffected by any such difference.
5. This settlement agreement shall be binding upon and for the benefit of the parties and their respective heirs, successors, and assigns.
6. The terms of this settlement agreement are contractual and not merely recitals, and this settlement agreement is executed for the purpose of making a full and final irrevocable settlement.
7. There are no representations, collateral agreements or conditions with respect to this settlement agreement except as contained herein. The Owner acknowledges and agree that he has obtained independent legal counsel or has had the opportunity to obtain legal advice regarding this settlement agreement and that he has executed this agreement upon the advice of his lawyer or expressly waiving any right to consult a lawyer and that it has fully read and understood its contents.



8. This settlement agreement shall be governed and construed in accordance with the laws of the Province of British Columbia.

As evidence of their agreement to be bound by the above terms, as both a contract and a deed executed and delivered under seal, the parties have executed this settlement agreement on the date set out below.

Alexander A. Rezansoff



The Corporate Seal of the CITY OF
KELOWNA was hereto affixed in the
presence of:


 Mayor **SHARON SHEPHERD, MAYOR**

 Clerk: **Stephen Fleming,**
 City Clerk

C/S

Date executed: August 16, 2010

SCHEDULE A

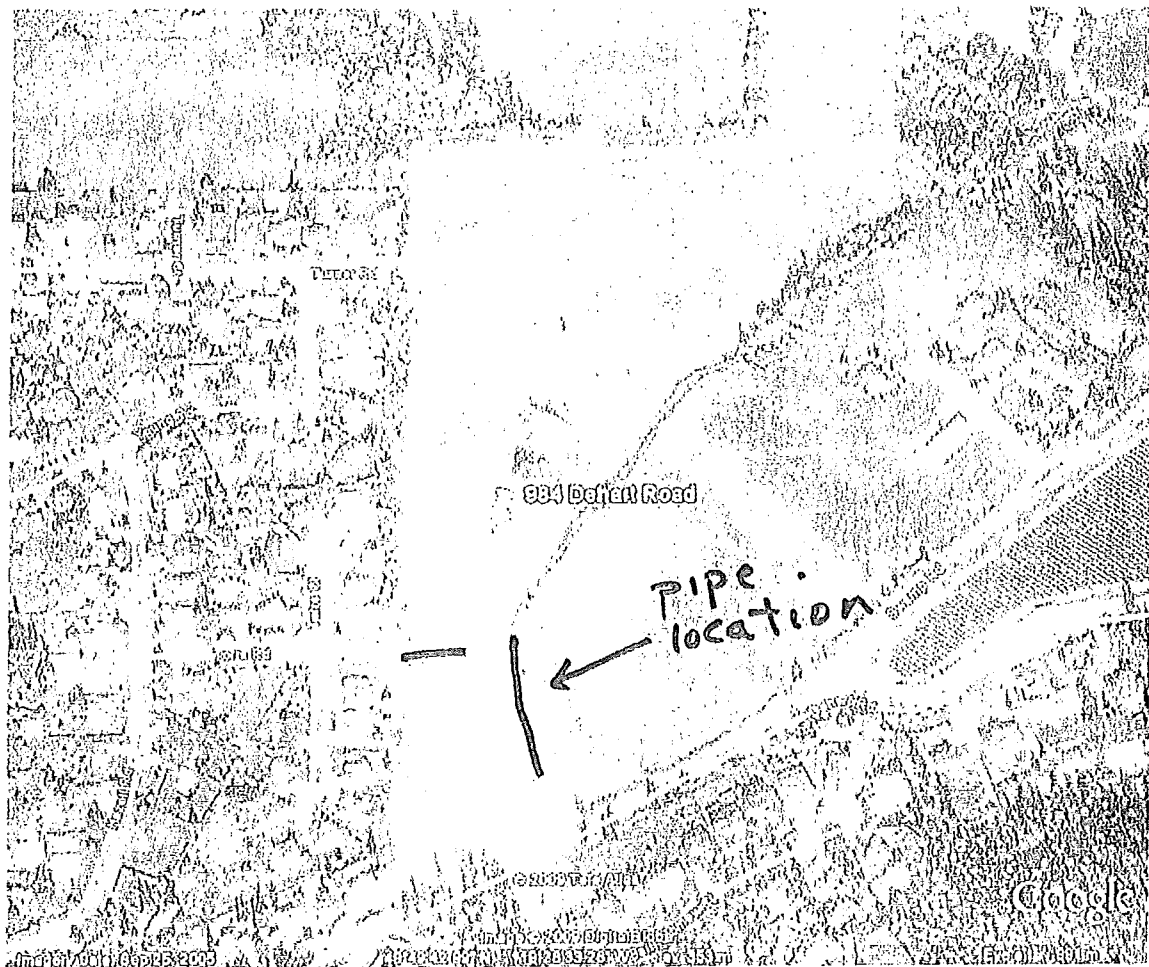


Figure 2 Close up of Site

Site Plans

Photos

48 AUG 28 10 44

KM084923

C-55

LAND TITLE ACT
FORM C

(Section 219.81)

LAND TITLE OFFICE
KAMLOOPS/NELSONProvince of
British ColumbiaAGENT
KAMLOOPS REGISTRY
SERVICE LTD

GENERAL INSTRUMENT - PART 1

(This area for Land Title Office use)

PAGE 1 of 1 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent) (250) 862 9692
HEATHER J. DUNLOP, Barrister & Solicitor, 1974 McDougall St., Kelowna, B.C. V1Y 1A32. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND: *
(PID) (LEGAL DESCRIPTION)

024 095 141

LOT 1 SECTION 31 TOWNSHIP 29 ODYD PLAN KAP61330 KAP 62 654

3. NATURE OF INTEREST: *

DESCRIPTION

DOCUMENT REFERENCE

(page and paragraph)

PERSON ENTITLED TO INTEREST

Covenant

entire document

TRANSFeree

4. TERMS: Part 2 of this instrument consists of (select one only)

- (a) Filled Standard Charge Terms
(b) Express Charge Terms
(c) Release

☐
☐
☐

D.F. No.
Annexed as Part 2
There is no Part 2 of this instrument

01 98/08/28 10:58:06 01 KL

CHARGE

209389
\$55.00

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S): *

ALEXANDER ALLAN REZANSOFF

6. TRANSFeree(S): (including postal address(es) and postal code(s)) * CITY OF KELOWNA, a municipal corporation having offices at 1435 Water Street, Kelowna, B.C. V1Y 1J4

7. ADDITIONAL OR MODIFIED TERMS: *

n/a

8. EXECUTION(S): ** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

HEATHER J. DUNLOP
Barrister & Solicitor
1974 McDOUGALL ST.
KELOWNA, B.C. V1Y 1A3

Execution Date

Y	M	D
98	06	03

Party (last name) Signature(s)

ALEXANDER ALLAN REZANSOFF

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

- * If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
** If space insufficient, continue executions on additional page(s) in Form D.

Page 2 of 6 Pages

PART 2

THIS INDENTURE made this 24th day of July, 1998.

BETWEEN:

ALEXANDER ALLAN REZANSOFF, of Box 9, Stn G,
Calgary, Alberta T3A 2G1

(hereinafter referred to as the "Grantor")

OF THE FIRST PART

AND:

CITY OF KELOWNA, a municipal corporation, having
its offices at 1435 Water Street, Kelowna, British
Columbia V1Y 1J2
(hereinafter referred to as the "Grantee")

OF THE SECOND PART

WHEREAS:

A. The Grantor is the registered owner in fee simple of all and singular that certain parcel or tract of land and premises, situate, lying and being in the City of Kelowna, in the Province of British Columbia and being more particularly known and described as:

PARCEL IDENTIFIER: 024-095-141

LOT ~~A~~ SECTION 31 TOWNSHIP 29 OSOYOOS DIVISION YALE DISTRICT
PLAN ~~KAP 61930~~ KAP 62654

(hereinafter referred to as the "Lands");

B. The Grantee is a municipality duly incorporated pursuant to the "Municipal Act", R.S.B.C., Ch. 323 and amendments thereto;

C. The Grantor has applied to the City to develop the Lands;

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D. The Grantee, pursuant to the provisions of the Land Title Act, required this Indenture be entered into as a condition of its consent to the development of the Lands;

NOW THEREFORE IN CONSIDERATION of the premises and the sum of ONE DOLLAR (\$1.00) paid by the Grantee to the Grantor, the receipt and sufficiency whereof is hereby acknowledged:

1.1 The Grantor, for itself and for its successors and assigns, hereby covenants, promises and agrees that with respect to the area marked "Lot 1" of the Reference Plan KAR 62654 filed herewith:

That no further development may occur until the following requirements are addressed to the satisfaction of the Approving Officer of the City of Kelowna:

- a) Sanitary Sewer and a community water supply with fire protection capability are provided to service proposed Lot 1.
- b) A complete geotechnical report must be prepared by a Professional Engineer, competent in the field of geotechnical study. The report must identify the material used to fill the property and all remedial actions necessary to make the property suitable for development. The report must also address surface and ground water characteristics with recommendations for an overall drainage plan. Terms of Reference for the geotechnical study must be approved by the Development Engineer before a geotechnical consultant is commissioned. The report must also make recommendations for any items that should be included in a restrictive covenant which would safeguard building sites and utility installations.
- c) A site grading plan and drainage plan must be completed to the satisfaction of the Development Engineer. These plans must address the findings of the geotechnical report mentioned above.
- d) A suitable landscaped buffer complete with fencing is established along the border of the ALR and non-ALR lands to the southeast and to the north to the satisfaction of the Approving Officer for the City of Kelowna.
- e) A geotechnical report on the Lands has been prepared by Golder Associates Ltd. on the 30 day of Jan, 1998-1996. A copy of this report is attached hereto as Schedule "A".
- f) A complete inventory of springs, drainage channels and water licenses that affect this property must be identified. A hydrogeotechnical study must be completed to identify how this water is to be handled through the

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subject property and where culverts and drainage channels are to be established.

2. The Grantor will, forthwith after execution hereof by the Grantor and the Grantee and at its own expense, do or cause to be done all acts or things necessary to ensure that this document is registered against the title to the Lands in the Kamloops Land Title Office.

3. The Grantor will pay all of the costs and expenses of performing the obligations hereby created.

4. The Grantor will upon the reasonable request of the Grantee make, do, execute or cause to be made, done or executed all such further and other lawful acts, deeds, documents and assurances whatsoever for the better or more perfect and absolute performance of the grants, covenants, promises and agreements herein set forth as may be requisite.

5. This Agreement will not be cancelled or modified without the prior written consent of the Approving Officer for the City of Kelowna.

6. The restrictions and covenants herein contained shall covenants running with the Lands and shall be perpetual and shall be registered in the Land Title Office at Kamloops, British Columbia, pursuant to Section 219 of the Land Title Act as covenants in favour of the Grantee.

7. The Grantor will indemnify and save harmless the Grantee and its servants and agents against all losses, damages, costs and expenses, including fees of solicitors and other professionals, advisors, arising out of any breach, violation or non-performance of any term, condition, covenant, or other provision of the Agreement.

8.1 No term, condition, covenant or other provision of this Agreement will be considered to have been waived by the Grantee unless the waiver is expressed in writing by the Grantee.

8.2 Any waiver by the Grantee of any term, condition, covenant or other provision of this Agreement or any waiver by the Grantee of any breach, violation or non-performance of any term, condition, covenant or other provisions of this Agreement does not constitute and will not be construed as a waiver of any further or other term, condition, covenant or other provision of this Agreement or any further or other breach, violation or non-performance of any term, condition, covenant or other provision of this Agreement.

9. The terms, conditions, covenants and other provisions of this Agreement will extend to, be binding upon

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and enure to the benefit of the parties to this Agreement and their respective successors and assigns.

10. In this Agreement unless the context otherwise requires, the singular includes the plural and vice versa.

11. This Agreement will be interpreted according to the laws of the Province of British Columbia.

12. Where there is a reference to an enactment in this Agreement, the reference will include any subsequent enactment of the Province of British Columbia of the effect and all enactments referred to are enactments of the Province of British Columbia.

13. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.

14. Nothing contained or implied in this Agreement will prejudice or affect the rights, powers and remedies of the City in the exercise of the City's functions under any public or private statutes, regulations, bylaws or orders or in equity, all of which may be fully and effectively exercised by the City in relation to the Grantor or the lands as if this Agreement had not been made.

15. This Agreement will not be modified or discharged except in accordance with the provisions of Section 219 of the Land Title Act.

16. Wherever the expression "Grantor" and "Grantee" are used herein the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

17. This Agreement shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, successors and assigns, but nevertheless, the same shall be binding upon the Grantor as personal covenants only during the period of its respective ownership of any interest in the Land.

IN WITNESS WHEREOF the parties have affixed their hands and

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seals the day and year first above written.

EXECUTION(S)

Officer Signature(s) Execution Date: Party(ies) Signature(s)
Y M D


as to all signatures

98 06 04



ALEXANDER ALLAN
REZANSOFF

HEATHER J. DUNLOP
Barrister & Solicitor
1974 McDOUGALL ST.
KELOWNA, B.C. V1Y 1A3

THIS IS THE INSTRUMENT creating the condition or covenant entered into under Section 219 of the Land Title Act by the registered owners referred to herein and shown on the print of plan initialled by me and annexed hereto.


Approving Officer for City of Kelowna

Robert G. Shaughnessy

~~End of Document.~~ *dr.*

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Golder Associates Ltd.**SCHEDULE "A"**

243-1889 Springfield Road
Kelowna, BC, Canada V1Y 5V5
Telephone (604) 860-8424
Fax (604) 860-9874



January 30, 1996

Our Ref.: 962-4008

Mr. Alex Rezansoff
3162 Watt Road
Kelowna, British Columbia
V1W 3C8

(JP) 860-5811
Pg. 717-3815-9426
H. 861-3122

**RE: PRELIMINARY GEOTECHNICAL INVESTIGATION
PROPOSED SUBDIVISION,
LOT 2, PLAN 35773, SEC. 31, TP. 29, O.D.Y.D.
DEHART ROAD, KELOWNA, BRITISH COLUMBIA**

Dear Sir:

As requested, Golder Associates Ltd (Golder) have completed a preliminary geotechnical investigation at the above reference site. The purpose of the investigation was to identify the subsurface soil and groundwater conditions and based on our interpretation of this information, to provide preliminary comments and recommendations pertaining to the geotechnical aspects of the proposed subdivision development.

The field work was carried out on January 17 and 18, 1996 during which time 9 test pits were excavated at the approximate locations shown on Figure 1 using an excavator provided by the owner of the property. The test pits were extended to depths ranging from 2.2 to 5.1 m below the existing ground surface. Standpipe piezometers were installed in selected test pits to be used for monitoring the site groundwater levels.

The test pits were located and logged in the field by a member of our geotechnical staff. Representative samples of the various insitu soil deposits were collected and brought back to our laboratory for examination and testing. Testing consisted of grain size analyses of selected soil samples.

In addition to the foregoing, the soils in Test pits 10 to 16, inclusive excavated by others together that exposed in cut faces were logged.

January 30, 1996

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962-4008

1.0 SITE CONDITIONS AND PROPOSED DEVELOPMENT

The property about 11.7 hectares in area is located northwest of the intersection of Dehart and Swamp Roads. As shown on Figure 1, the site is split into two lots designated as Lots A and B. The west boundary of the site is defined by an existing residential development. Except for a Natural Gas right of way that cuts diagonally across the northwest corner of the site and a single building located in the approximate center of the property, the remaining site area is undeveloped.

Observations and available topographic information indicates Lot A consists of a lowlying area while Lot B rises up to the east and south to form a gently sloping terrace or bench. Further observations indicate that Lot A is overlain by a variable thickness of fill materials. Based on discussions, it is understood that the majority of the fill consists of excavation spoil material from the recent construction of the Mission sewer project. The east portion of Lot B was noted to support an orchard while the west part of the lot was grass covered and contained a small marshy area located in the northwest corner of this lot.

Observations also indicate the presence of a drainage ditch system located around the perimeter of Lot A as shown on Figure 1. At the time the investigation was conducted, water was noted flowing in the ditches. Discussions indicate that flows are present throughout the year. Further observations indicate the presence of several springs as shown on Figure 1. It is understood that prior to excavation of the ditch system as well as general infilling, Lot A was generally wet and marshy.

Discussions and observations indicate the presence a discharge pipe located along the northeast side of Lot B as shown on Figure 1. During the field investigation, a significant amount of water was noted discharging from the pipe outlet.

Observations indicate that excavation of the ditch along the southeast side of the property and between Lots A and B has resulted in near vertical cut slopes. The combination of the steepness of the cut together with the soil conditions as well as groundwater seepage discharge has resulted in the occurrence of local slope failures.

Details of the proposed subdivision development are not known, however it is understood that consideration is being given to establishing a mixture of single and multi family units on the property as well as a care facility.

2.0 SUBSURFACE CONDITIONS

Detailed descriptions of the soil and groundwater conditions encountered in the test pits are presented on the attached Record of Test pit and Soil Exposure in Cut Face log

Golder Associates

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sheets. The following provides a brief description of the subsurface conditions in order of increasing depth.

2.1 Fill

As indicate above, observations indicate that Lot A is overlain by a variable thickness of fill materials. The test pit results indicate the fill thickness ranges from 1.3 to 2.9 m. Observations indicate the fills located in the south portion of Lot A are as much as 5.0 to 7.0 m thick. It is understood that these thick fills have been in place for a number of years.

In general, the fills were noted to consist primarily of a mixture of sand and gravel containing a variable silt, cobble and boulder content. Lumps of silt or clay as well as miscellaneous debris were also noted to be mixed with the granular component of the fills. Typical grain size distribution curves of the granular portion of the fills are shown on Figure 2.

Fill materials were not observed on Lot B.

2.2 Topsoll

The surficial organic soils encountered beneath the fills in Test pits 1 to 3, inclusive and Test pit 7 ranged in thickness from 0.1 to 0.4 m. On Lot B, the surficial organic soils

ranged from 0.2 to 0.6 m thick.

2.3 Peat

The areas underlain by loose peat deposits are approximately delineated on Figure 1. In general, the test pit results indicate the peats to range from 0.3 to 2.3 m thick. It is expected that thicker peat deposits could be present in local areas. These deposits were encountered at ground surface and at depths of 1.7 to 2.9 m below the existing ground surface.

2.4 Interlayered Deposits

2.4.1 Lot A

In general, the above fills and surficial organic soils or peats are followed by a mixed and interlayered sequence of sand and/or silt. The relative density of these granular deposits was estimated to range from loose to compact. In Test pits 3, 6 and 7, the above granular deposits are interlayered with layers of firm to stiff clay.

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All the test pits excavated on this lot were terminated in the above soils at depths between 3.1 and 4.9 m below the existing ground surface. Test pit 7 was terminated at 4.2 m due to refusal on an unknown surface.

2.4.2 Lot B

Based on the test pits excavated by others as well as the soil conditions observed in the cut slopes located along the north and west side of the lot, it is inferred that this lot is underlain by an interlayered and mixed sequence of clay, silt sand and gravel. The relative density of the granular deposits was estimated to range from loose to compact while the consistency of the fine grained soils varied from firm to stiff.

2.5 Groundwater Conditions

The following table summarizes the depths where the groundwater table and/or seepage levels were measured at the time the investigation was conducted.

<u>TEST PIT NO.</u>	<u>DEPTH TO STANDING WATER LEVEL.m</u>	<u>DEPTH TO SEEPAGE LEVEL.m</u>
TP1	-	1.0
TP2	1.6	-
TP3	-	2.3
TP4	-	2.8
TP5	0.3	-
TP6	1.6	-
TP8	2.5	-
TP12	0.6	-
TP13	0.6	-
TP14	0.6	-
TP15	0.7	-
TP16	1.0	-

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At the time the investigation was conducted, the groundwater/seepage levels within Lot A were encountered at the original ground surface or within the surficial fill materials. Only in Test pits 3 and 4 was groundwater seepage observed at depth in the peat deposits.

On Lot B, the groundwater levels in the west portion of this lot were observed within 0.6 to 1.0 m of the existing ground surface. The water levels in the east part of the lot are expected to be encountered at deeper depths.

It is anticipated that the groundwater/seepage levels will be subject to seasonal variations. High groundwater conditions are expected to occur during the late spring/early summer months or during periods of heavy or sustained precipitation.

3.0 DISCUSSION

Based on the results of the investigation, the following presents our preliminary comments and recommendations regarding development of the property for residential purposes.

- Buildings constructed over the existing conditions encountered in Lot A without prefoundation treatment will result in unacceptable total and differential settlements. In order to eliminate or reduce the post construction settlements, the following foundation treatments are presented for consideration:
 - (a) Complete subexcavation of the fills, surficial topsoil layer and/or peat deposits from beneath the plan area of the buildings and replacement with compacted granular grade fills.
 - (b) Pile support of the structure and floor slab. A further investigation including drilling of boreholes would be required to determine the appropriate length and capacity of the piles at the proposed building locations.
 - (c) Subexcavation of only the fills and surficial topsoil layer, replacement with compacted granular fill and provide a preload fill over the proposed building site to reduce the post construction settlements that will occur in the peat deposits. It should be noted that after completion of preloading to remove the majority of the primary settlements, the proposed buildings will still be subject to long term residual settlements that could be detrimental to the settlement sensitive features of the structure. As indicated in Section 2.1, relatively thick fills are present within the south portion of Lot A and have been in place for a number of years. It is considered likely that if the peat deposits are present beneath the fills that the majority of the primary settlements have been removed and only long term residual settlements will occur. Providing the site grade is not raised, it is considered possible that structures could be built in this area with minimal

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prefoundation treatment. Prefoundation treatment in this case would consist of construction of a minimum 1.0 m thick compacted sand and gravel pad under the structure. As indicated above buildings constructed under the foregoing conditions will be subject to long term residual settlements.

- Based on the results of the investigation, it is our opinion that prefoundation treatment in Lot B will essentially consist of stripping the relatively thin surficial organic soils from the proposed building and/or grade fill areas. Upon completion of this, the proposed structures can be supported on conventional strip and/or spread footings founded on the native firm clay strata, compact sand and silt or compact sand and gravel deposits.
- To provide a relatively settlement free pavement structure, it is recommended that the fills, topsoil and/or peats should be completely subexcavated from beneath the proposed roadways and replaced with compacted granular grade fill. Alternatively, the proposed road right of ways underlain by the peat deposits could be preloaded to reduce the post construction settlements. The existing fills and topsoil should be removed prior to preloading. As indicated above, the roads underlain by the peats will be subject to long term residual settlements. This could require periodic remedial repairs to the pavement structure.
- Based on the results of the investigation, it would appear that the majority of the granular fills excluding the miscellaneous debris and lumps of silt and clay will be suitable for use as grade fills under roadways. Some of the granular fills could be used as structural fills under building locations, however it is recommended that a geotechnical engineer inspect and approve the fills prior to its use.
- Subexcavation of the peat deposits will result in excavations extending below the groundwater table. Based on our experience in the immediate vicinity of the property, it is anticipated that dewatering during excavation and placement of granular grade fill can be carried out using standard sump pump techniques.
- As indicated in Section 2.5, high groundwater levels were encountered in Lot A as well as the west portion of Lot B. An existing ditch system constructed around the perimeter of Lot A appears to partially control the groundwater flows across the property. It is recommended that provisions be made during design of the subdivision to provide adequate subsurface drainage measures. This should include design and construction of seepage interceptor trenches along the upslope side of Lot B as well as along the toe of the cut slope where a number of springs/seepage areas were observed. In addition to the foregoing, all buildings should be provided with a perimeter foundation and/or underslab drainage systems. In Lot A, it may be necessary to raise the site grade to ensure that the main floor of the buildings are at least 1.5 m above the highest anticipated site water level.

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- The ditch excavation cut along the southeast side of Lot A will require stabilization works to prevent further occurrences of slope failures. This work could include construction of either a granular toe berm, retaining structure such as a concrete gravity wall or interlocking modular concrete blocks with geosynthetic reinforcement and/or flattening the excavation cut slope. In the foregoing considerations suitable subsurface drainage works should be included in the design.

Yours very truly,

GOLDER ASSOCIATES LTD.

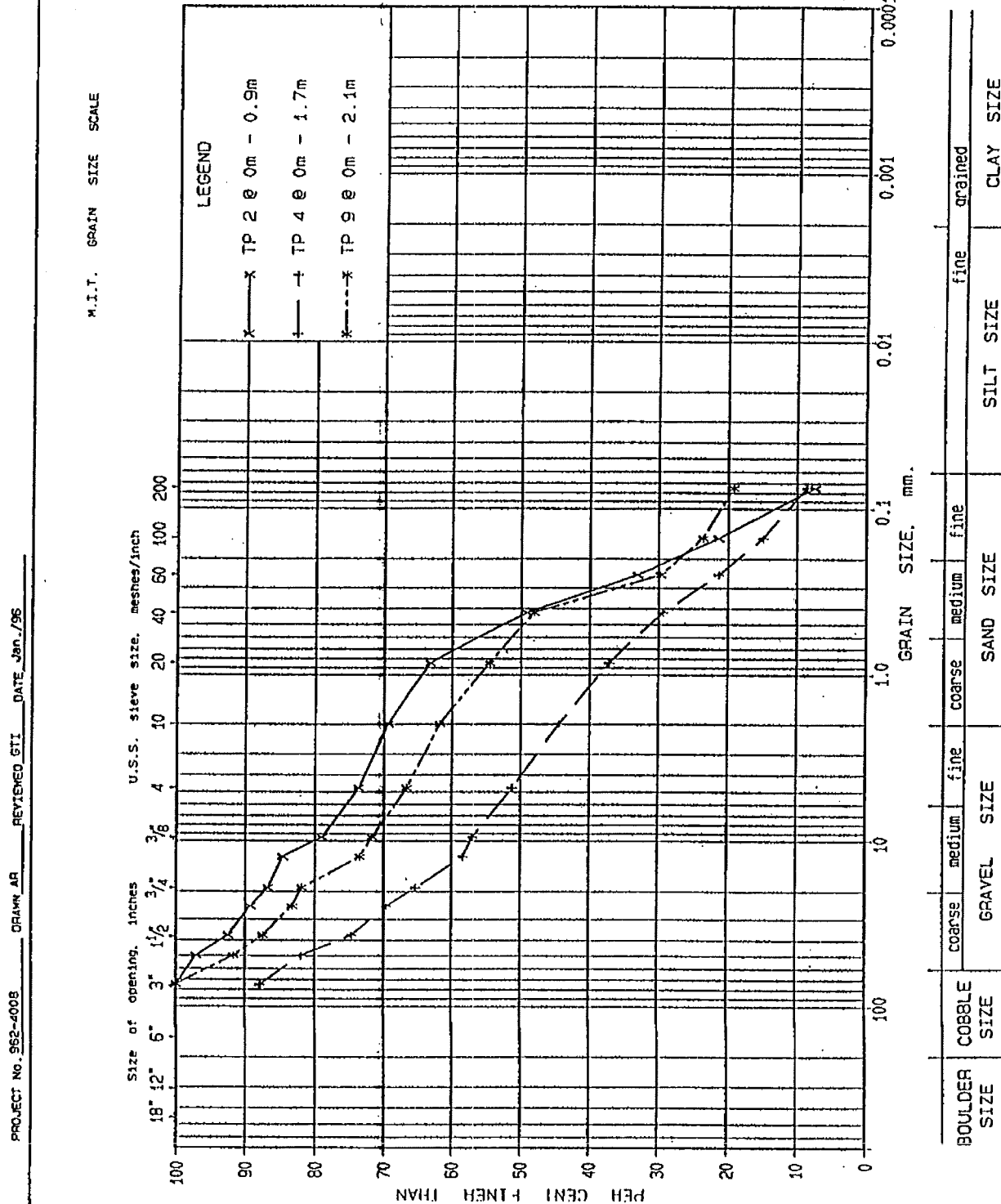

(For) G. Imada, P. Eng.
B. Carlsen, P.Eng.GI/BC/pjc
Encl.

Golder Associates

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GRAIN SIZE DISTRIBUTION

Figure: 2



Golder Associates

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RECORD OF TEST PITS		
January 24, 1996		962-4008
TEST PIT NO.	DEPTH, (m)	SOIL DESCRIPTION
TP 1	0.0 - 1.4	Loose brown SAND and GRAVEL, trace silt and cobbles, occasional boulder, root and piece of wood. (FILL)
	1.4 - 1.8	Loose dark brown organic SILT and SAND. (TOPSOIL)
	1.8 - 2.7	Loose to compact mottled grey fine to medium SAND, some silt with medium SAND seams, occasional rootlet.
	2.7 - 4.2	Loose grey SAND. Minor groundwater seepage at 1.0 m. (January 17, 1996)
TP 2	0.0 - 1.5	Loose brown SAND and GRAVEL, trace to some silt, cobbles, roots and occasional pieces of wood and pipe. (FILL)
	1.5 - 1.8	Loose dark brown organic SILT and SAND. (TOPSOIL)
	1.8 - 3.1	Loose to compact mottled grey fine to medium SAND, some silt interlayered with medium SAND, trace rootlets. Standing groundwater level at 1.64 m. (January 18, 1996)
TP 3	0.0 - 1.3	Loose brown gravelly SAND, some silt, trace cobbles, organics, occasional boulder, pieces of pipe and wood. (FILL)
	1.3 - 1.6	Loose dark brown organic SILT and SAND. (TOPSOIL)
	1.6 - 1.7	Compact grey fine sandy SILT, some rootlets.
	1.7 - 2.0	Loose brown medium SAND.
	2.0 - 3.8	Loose brown to dark brown fibrous PEAT, occasional piece of wood.
	3.8 - 4.1	Loose grey SAND, some silt.
	4.1 - 4.7	Firm grey CLAY, some silt and trace rootlets. Minor groundwater seepage at 2.3 m. (January 17, 1996)

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RECORD OF TEST PITS		
January 24, 1996		962-4008
TEST PIT NO.	DEPTH, (m)	SOIL DESCRIPTION
TP 4	0.0 - 1.7	Loose brown SAND and GRAVEL, some cobbles, trace silt and organics, occasional boulder, pieces of pipe and asphalt. (FILL)
	1.7 - 4.0	Loose brown fibrous PEAT.
	4.0 - 4.9	Compact grey silty fine SAND interlayered with grey SAND, trace silt grading to a fine to medium SAND, some silt. Minor groundwater seepage at 2.8 m. (January 17, 1996)
TP 5	0.0 - 1.9	Loose brown SAND and GRAVEL, some silt, trace to some cobbles, wood debris, organics and occasional boulder. (FILL)
	1.9 - 3.1	Loose dark brown fibrous PEAT.
	3.1 - 3.9	Loose to compact grey medium SAND interlayered with silty fine SAND containing fibrous PEAT and organic sandy SILT layers.
	3.9 - 4.2	Loose to compact grey SAND, trace silt. Standing groundwater level at 0.3 m. (January 18, 1996)
TP 6	0.0 - 1.9	Loose brown SAND and GRAVEL, some silt, trace cobbles, occasional pieces of wood and metal. (FILL)
	1.9 - 3.1	Loose brown fibrous PEAT.
	3.1 - 4.4	Firm mottled grey silty CLAY, some sand, trace gravel and rootlets.
	4.4 - 4.7	Loose brown SAND, trace gravel with some mottled grey silty SAND layers.
	4.7 - 4.9	Firm grey CLAY, some silt and sand. Standing groundwater level at 1.64 m. (January 18, 1996)

Golder Associates

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RECORD OF TEST PITS		
January 24, 1996		962-4008
TEST PIT NO.	DEPTH, (m)	SOIL DESCRIPTION
TP 7	0.0 - 2.0	Loose brown SAND, some silt, organics and roots, occasional boulder. (FILL)
	2.0 - 2.1	Loose dark brown organic SILT and SAND. (TOPSOIL)
	2.1 - 3.5	Compact mottled brown SILT, some sand interlayered with SAND, some silt.
	3.5 - 3.9	Stiff mottled grey CLAY, some silt with brown SAND layers, trace rootlets.
	3.9 - 4.2	Compact mottled brown silty SAND, some gravel and occasional cobble.
	4.2	Refusal at 4.2 m. Test pit dry at time of excavation.
TP 8	0.0 - 2.9	Loose brown SAND and GRAVEL, trace silt and cobbles, occasional pieces of wood, brick and concrete. (FILL)
	2.9 - 5.1	Loose dark brown fibrous PEAT interlayered with compact grey silty fine SAND, trace rootlets. Standing groundwater level at 2.5 m. (January 18, 1996)
TP 9	0.0 - 2.2	Loose brown SAND and GRAVEL, trace to some cobbles, occasional boulder intermixed with grey CLAY, some silt, trace organics, occasional pieces of wood and asphalt. (FILL) Test pit dry at time of excavation.
TP 10	0.0 - 1.0	Loose to compact brown SAND and GRAVEL. Test pit excavated by others and dry at time inspection. (January 18, 1996)
TP 11	0.0 - 1.0	Loose to compact brown SAND and GRAVEL. Test pit excavated by others and dry at time inspection. (January 18, 1996)

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RECORD OF TEST PITS		
January 24, 1996		962-4008
TEST PIT NO.	DEPTH, (m)	SOIL DESCRIPTION
TP 12	0.0 - 0.6	Loose dark brown organic SILT and SAND, some rootlets and trace gravel. Test pit excavated by others. Standing groundwater level at 0.6 m. (January 18, 1996)
TP 13	0.0 - 0.6	Loose dark brown organic SILT and SAND, some rootlets and trace gravel. Test pit excavated by others. Standing groundwater level at 0.6 m. (January 18, 1996)
TP 14	0.0 - 0.4	Loose dark brown organic SILT and SAND, some rootlets and gravel. Test pit excavated by others. Standing groundwater level at 0.4 m. (January 18, 1996)
TP 15	0.0 - 0.2	Loose dark brown organic SILT and SAND, some rootlets and gravel.
	0.2 - 0.7	Compact brown SAND and GRAVEL. Test pit excavated by others. Standing groundwater level at 0.7 m. (January 18, 1996)
TP 16	0.0 - 0.2	Loose dark brown organic SILT and SAND, trace gravel.
	0.2 - 1.0	Compact brown SAND and GRAVEL, some silt. Test pit excavated by others. Standing groundwater level at 1.0 m. (January 18, 1996)

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RECORD OF SOIL EXPOSURE IN CUT FACES		
January 24, 1996		962-4008
CUT LOCATION	DEPTH, (m)	SOIL DESCRIPTION
CUT 1	0.0 - 0.4	Loose dark brown organic SILT and SAND. (TOPSOIL)
	0.4 - 2.8	Firm brown CLAY, some silt with sand seams.
	2.8 - 3.7	Loose to compact brown SAND and GRAVEL with thin CLAY and SILT layers.
	3.7 - 4.1	Compact mottled brown silty fine SAND. Groundwater level at 4.1 m.
CUT 2	0.0 - 0.3	Loose dark brown fibrous PEAT.
	0.3 - 1.3	Compact light brown to brown fine SAND interlayered with sandy SILT. Groundwater level at 1.3 m.
CUT 3	0.0 - 0.4	Loose dark brown to brown organic silty SAND, some rootlets. (TOPSOIL)
	0.4 - 4.3	Compact mottled brown grey fine sandy SILT interlayered with fine SAND, grey CLAY, some silt and brown SAND and GRAVEL. Groundwater level at 4.3 m.

End of Document

Golder Associates

REPORT TO COUNCIL



Date: May 9, 2014

RIM No. 1250-30

To: City Manager

From: Urban Planning, Community Planning & Real Estate (AR)

Application:	Z14-0008 & OCP14-0006	Owner:	0781540 BC Ltd., Inc. No. BC0781540
Address:	560 & 582 McKay Avenue	Applicant:	G Group Land Development (Andrew Gaucher)

Subject: Rezoning & Official Community Plan Amendment Applications

Existing OCP Designation: MRM - Multiple Unit Residential (Medium Density)

Proposed OCP Designation: MXR - Mixed Use (Residential/Commercial)

Existing Zone: RU6 - Two Dwelling Housing

Proposed Zone: C4 - Urban Centre Commercial

1.0 Recommendation

That Official Community Plan Bylaw Amendment No. OCP14-0006 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 12, District Lot 14, ODYD, Plan 3769, located at 560 McKay Avenue, Kelowna, BC; Lot 13, District Lot 14, ODYD, Plan 3769, located at 582 McKay Avenue, Kelowna, BC; and the portion of McKay Avenue to be closed adjacent to Lots 12 and 13, from the MRM - Multiple Unit Residential (Medium Density) designation to the MXR - Mixed Use (Residential/ Commercial) designation, as shown on Map "A" attached to the Report of the Urban Planning Department dated May 9, 2014, be considered by Council;

AND THAT Rezoning Application No. Z14-0008 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 12, District Lot 14, ODYD, Plan 3769, located at 560 McKay Avenue, Kelowna, BC; Lot 13, District Lot 14, ODYD, Plan 3769, located at 582 McKay Avenue, Kelowna, BC; and the portion of McKay Avenue to be closed adjacent to Lots 12 and 13, from the RU6 - Two Dwelling Housing zone to the C4 - Urban Centre Commercial zone, as shown on Map "B" attached to the Report of the Urban Planning Department dated May 9, 2014, be considered by Council;

AND THAT Council considers the APC public process under OCP07-0032 and Z07-0093 to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of the Urban Planning Department dated May 9, 2014;

AND THAT the Official Community Plan Bylaw Amendment Bylaw and 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 completion of a Purchase/Sale Agreement with the City, finalization of the road closure adjacent to Lots 12 & 13, District Lot 14, ODYD, Plan 3769 (560 & 582 McKay Avenue), and registration of the public access Right-of-Way agreement, to the satisfaction of the City of Kelowna;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the dedication of a 0.75 m widening of the north lane;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the registration of a plan of subdivision to consolidated the properties into one title;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the registration of an agreement in the Land Titles Office, to the satisfaction of the City of Kelowna, securing the provision of six (6) required parking spaces on the property at 561 & 583 McKay Avenue upon its redevelopment;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Parks & Public Places Branch and Development Engineering Branch, as attached to the Report of the Urban Planning Department dated May 9, 2014, being completed to its satisfaction;

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

AND FURTHER THAT Bylaw No. 10246 and Bylaw No. 10245, for Rezoning Application Z07-0093 and for OCP Amendment Application OCP07-0032 respectively, be forwarded for rescindment consideration, and the files be closed.

2.0 Purpose

These applications seek to amend the Official Community Plan (OCP) future land use designation for the subject lands from MRM - Multiple Unit Residential (Medium Density) to MXR - Mixed Use (Residential/Commercial), per attached Map 'A', and to rezone them from RU6 - Two Dwelling Housing to C4 - Urban Centre Commercial, per attached Map 'B', to facilitate the development of a 3-storey mixed-use development.

In conjunction with the subject applications, staff is also recommending that Council rescind 1st, 2nd and 3rd readings for the previous 2007 OCP Amendment and Rezoning applications for the subject lands, which have now expired and are superseded by the current applications under consideration.

3.0 Urban Planning Department

In terms of land use and form of the development, the subject applications are consistent with the 2007 OCP Amendment and Rezoning applications that received favourable consideration by Council at Public Hearing in 2009 with the exception that the project is now proposed to be phased. (See the Background and Proposal sections below for more detail).

The subject properties are located in the South Pandosy Urban Centre. The current designation of Multiple Unit Residential (Medium Density) is intended to reflect the principle of residential densification in urban centres to support the centre's commercial component and to promote Transportation Demand Management (TDM) objectives. While there are concerns regarding the further expansion of commercially designated lands within the urban centre, the proposed mixed-use project does include live-work units —2 in phase one, and a commitment to the minimum provision of a further 2 in phase two. Further, the proposed development would pose minimal intrusion into the existing neighbourhood, as it is discretely located between an existing commercial frontage on Pandosy Street and Osprey Park, and bordered by a public parking facility and new commercial development to the south.

The proposal is consistent with City policies to maximize and secure pedestrian and cycling connectivity with the provision of an ultimate 6m wide, east-west connection through the development site to Osprey Park, as well as landscaped plaza/seating area at the building's southwest corner adjacent to McKay Avenue. Overall the project will foster a mix of uses including retail, office space, and a residential component that will support the pedestrian-friendly environment envisioned for the South Pandosy area, and will contribute to achieving a highly urbanized concentration of complementary land uses.

Staff has received a letter from the KLO Central Neighbourhood Association (KLOCNA), dated April 9, 2014, regarding several concerns with the proposed applications and development. KLOCNA notes that the provision of the 2 live-work units is not sufficient to meet the OCP's intent for medium density residential in this location, nor does it guarantee long-term residential use. Further, KLOCNA is not supportive of a proposal to vary parking, nor the related loss of on-street parking with the proposed closure of McKay Avenue, given the area's ongoing difficulties with parking. (Refer to the attached KLOCNA letter for further detailed comments).

4.0 Proposal

4.1 Background

On November 3, 2009, OCP Amendment and Rezoning applications (under OCP07-0032 and Z07-0093) for the four properties at 560, 561, 582 and 583 McKay Avenue received 2nd and 3rd reading, following the Public Hearing held on the same date. Under these applications, the same developer as the present proposed to amend the OCP designation to Commercial and to rezone to the C4 zone to facilitate the development of a 4-storey mixed-use development at 560 & 582 McKay Avenue and 561 & 583 McKay Avenue, with 4 live-work units and a total commercial floor area of 3,703 m². The proposed development was to be constructed over an under-building parking structure partially set into the ground, and arranged on either side of a central courtyard area. Under conditions of adoption, it was required that the McKay Avenue roadway be closed and consolidated with the four properties, with a public access right-of-way secured over the central courtyard to maintain an east-west public pedestrian link with Osprey Park. Additionally, a new, north-south local road connection was required as an extension of McKay Avenue south to Osprey Avenue.

Council has subsequently approved several extensions to these 2007 applications, with the latest extension having recently expired on May 3, 2014. In tandem with the subject applications under consideration, staff is advancing a report to rescind 2nd and 3rd reading of the 2007 applications.

4.2 Project Description

Subsequent to the 2007 applications, the developer now wishes to revise the proposal to phase the proposed development, and proceed with the first phase at 560 & 582 McKay Avenue. When the developer wishes to proceed with the second phase of the development at 561 & 583 McKay Avenue, separate OCP Amendment and Rezoning applications will need to be submitted at that time for Council consideration. It is anticipated that the second phase would mirror the design of the first phase, and potentially be connected by elevated walkways over the pedestrian walkway.

Under the subject applications for phase one, the developer is proposing to develop the properties at 560 & 582 McKay Avenue with a 3-storey mixed-use building, to include 2 live-work units and a total commercial floor area of 1,411 m². (The developer has indicated that a minimum of a further 2 live-work units will be included in the project's second phase). The live-work and smaller commercial units are located at grade toward the front (west end) of the building. Parking is provided at grade under-building toward the rear (east end) of the building, with access from the north lane.

As part of the subject development proposal for phase one, the developer proposes to close and consolidate the portion of McKay Avenue roadway adjacent to the subject site. As in the earlier 2007 proposal, a public access right-of-way is required to be secured within this former roadway to maintain an east-west public pedestrian connection with Osprey Park. In the interim, until phase two of the development proceeds, it is proposed that fire access to phase one also be accommodated within the former McKay Avenue roadway (see attached site plan).

The proposed mixed-use building is presently conceived of as a stepped, flat-roof contemporary design, transitioning from one storey at the east end of the building up to 3 storeys. The building integrates a number of deck spaces to serve as gathering areas for future building occupants and to activate building elevations, notably adjacent to the proposed pedestrian connection and Osprey Park. The proposed building materials are primarily stucco, corrugated metal cladding, and pre-finished metal panels, in combination with aluminium frame glazing. Along the building's rear elevation adjacent to Osprey Park, the at-grade, under-building parking area will be screened and secured by a stainless steel grille, with regular vertical break elements to provide visual interest. A 1.5 m landscape buffer, with columnar trees and grasses, will further screen the building's parking area from the park.

The majority of the proposed east-west pedestrian connection will be constructed with phase one (at approx. 4.5 m of the ultimate 6 m width) - the remaining 1.5 m will be constructed at phase two. The connection includes a feature landscape/sculptural element and seating area adjacent to the McKay Avenue frontage, and the proposed surface is to be a broom-finish, saw-cut concrete with concrete banding. Bollards placed along the east and west ends of the pedestrian connection will ensure no vehicular access through this area.

A Development Variance Permit is required to vary the required parking for phase one of the development from 28 spaces required to 22 spaces proposed, and to vary the number of loading spaces from 1 required to 0 provided. The developer proposes to accommodate the 6 varied parking spaces for phase one within the project's second phase, upon construction. Council will have an opportunity to consider the associated Development Permit and Development Variance Permit applications pending favourable consideration of the land use.

4.3 Site Context

The subject properties are located in an area of transition between Pandosy Street and Osprey Park in the South Pandosy Urban Centre area. The area is designated for future Multiple Unit Residential (Medium Density) development. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Single Family Residential
East	P3 - Parks & Open Space	Osprey Park
South	RU6 - Two Dwelling Housing	Single Family Residential & Public Parking
West	C4- Urban Centre Commercial	Mixed Use & Commercial

Subject Property Map: 560 & 582 McKay Avenue



4.4 Zoning Analysis

The project compares the requirements of Zoning Bylaw No. 8000 as follows:

Zoning Analysis Table			
CRITERIA	C4 ZONE REQUIREMENTS	RM5 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations			
Site Area	460 m ²	460 m ²	1,646 m ² (Consolidated)
Development Regulations			
Floor Area Ratio	1.5 FAR Permitted 1.3 - mixed use project 0.2 - covered parking	1.3 FAR Permitted 1.1 - base density 0.2 covered parking	0.86
Height	15 m / 4 storeys	15 m / 4 storeys	15 m / 3 storeys
Front Yard (E)	0 m	6.0 m	1.12 m
Side Yard (S)	2.0 m (abutting RU6 zone)	7.5 m	Approx. 13 m
Side Yard (N)	0 m	7.5 m	0 m
Rear Yard (W)	0 m	9.0 m	1.5 m
Other Regulations			
Minimum Parking Requirements	Min. 28 spaces	22 spaces ❶	
Bicycle Parking	4 class I / 10 class II	Meets requirements	
Private Open Space	6 m ² (per bachelor unit)	Meets requirements	
Loading Space	1 space	0 spaces ❷	
❶ Indicates a requested variance to vary parking from 28 spaces required to 22 spaces provided.			
❷ Indicates a requested variance to vary loading from 1 space required to 0 spaces provided.			

5.0 Current Development Policies

Staff recommends that the APC public process under OCP07-0032 and Z07-0093 be considered appropriate consultation for the purpose of Section 879 of the *Local Government Act*, and that the process is sufficiently early and does not need to be further ongoing in this case. Furthermore, additional consultation with the Regional District of Central Okanagan, other boards, councils or agencies listed in Section 879, is not required in this case.

Staff has reviewed this application and it may move forward without affecting either the City's Financial Plan or Waste Management Plan.

5.1 Kelowna Official Community Plan (OCP)

Chapter 5 - Development Process

Policy 5.3.2 - Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Policy 5.8.1 - Public Space. Integrate safe, high-quality, human-scaled, multi-use public spaces, such as parks, plazas, and squares as part of development or redevelopment within Urban and Village Centres.

Policy 5.10.1 - Maximize Pedestrian / Cycling Connectivity. Require that pedestrian and cyclist movement and infrastructure be addressed in the review and approval of all City and private sector developments, including provision of sidewalks and trails and recognition of frequently used connections and informal pedestrian routes. With new developments, require dedication of on-site walking and cycling paths where necessary to provide links to adjacent parks, schools, transit stops, recreation facilities, employment nodes, cul-de-sacs and large activity areas.

Policy 5.11.1 - Parking Relaxations. Consider parking requirement relaxations, in areas that are not part of a cash-in-lieu program, where an approved TDM strategy indicates a lower use of vehicles and the City is satisfied that parking relaxations would not create parking spill-over problems on adjoining neighbourhood streets. Parking relaxations will not be considered in hillside areas (as defined on Map 4.1 - Future Land Use).

Policy 5.25.3 - Office Building Location. Encourage office buildings providing more than 929 m² of useable space to locate in the City Centre or the Town Centres. This policy does not include offices integral to business park/industrial uses and “corporate offices” allowable under relevant industrial zones.

Policy 5.27.2 - Offices Near Transit. Direct new office development to areas served by public transit.

Policy 5.40.1 - Evaluation Checklist. Evaluate development applications that require an OCP Amendment on the basis of the extent to which they comply with underlying OCP objectives, including the following:

- Does the proposed development contribute to preserving lands with slopes greater than 30%? *N/A*
- Does the proposed development respect the OCP Permanent Growth Boundary (OCP Maps 4.1 and 5.2)? *Yes*
- Does the proposed development feature a mix of residential, employment, institutional, and/or recreational uses within individual buildings or larger development projects? *Yes*
- Is the proposed development located in an Urban Centre? *Yes*
- Does the proposed development increase the supply of affordable (as defined in the OCP) apartments or townhouses? *No*
- Is the property serviced with water and City sanitary sewer at the time of application? *Yes*
- Could the proposed project be built at no financial cost to the City? (This should consider operational and maintenance costs.) *Yes*
- Would the proposed project help decrease the rate of travel by private automobile, especially during peak hours? *Yes - the proposed development would locate employment uses in an urban centre and near transit.*
- Is there transit service within 400 m of non-residential projects or major employment generators (50+ employees)? *Yes*
- Does the proposed project involve redevelopment of currently under-utilized, urbanized land? *Yes.*
- Does the proposed project result in the creation of substantially more public open space than would be available if the development were not to proceed (not including required open space dedications or non-developable areas)? *No*
- Is there a deficiency of properties within the applicable Sector (see Map 5.4) that already have the required OCP designation? *No*

- Does the project avoid negative impacts (shadowing, traffic, etc.) on adjoining properties where those adjoining properties are not slated for land use changes? *Yes*
- Is the project consistent with the height principles established in the OCP? *Yes*
- If the project goes ahead, would surrounding property owners be likely to develop their properties as per OCP Future Land Use and other City policy provisions? *Yes*
- Would the additional density or new land use designation enhance the surrounding neighbourhood in a way that the current land use designation does not? *No*
- Could the project be supported without over-burdening existing park and other community resources or threatening the viability of existing neighbourhood resources? *Yes*

6.0 Technical Comments

6.1 Building & Permitting Department

Building related comments will be provided at time of Development Permit application.

6.2 Development Engineering Department

Refer to attached Development Engineering Department Memorandum, dated March 10, 2014.

6.3 Fire Department

Rezoning approval is based on adequate fire department access. Fire Department access is required to be a minimum of 6 m and the turning radius on to the east access lane adequate to accommodate a fire truck (BCBC 3.2.5.6). Additional comments will be required with the development permit application.

6.4 Parks & Public Places Department

- Ensure spacing of bollards on McKay Avenue and Osprey Park frontages prevents access by motor vehicles.
- Based on TAC standards for two-way bike travel, provide along the pedestrian walkway a clear lane of travel of a min. 4 m without obstruction, such as bicycles and bicycle racks.
- Provide a cross-section to scale that spans the eastern property line and includes grading information for the parkade, planting bed, plant material, and park.
- Provide a detail of the proposed parking screen along the park frontage including information on proposed dimensions and material specifications.

6.5 Interior Health Authority

This application is located in the South Pandosy area and has been identified as a growth area within the OCP. Interior Health is in support of the application as it aligns with the concept of creation of mixed land use and improved health outcomes.

Neighbourhoods with mixed land use and access to schools, civic services, green space, retail, employment opportunities, and residential can improve opportunities to engage in physical activity (walking, cycling) and a reduction in vehicle miles travelled. The research has shown that there is strong link between mixed land use and reduction in unintentional injury, mental health issues, and premature mortality. There is indirect evidence that creation of mixed land use reduces obesity and body mass index.

All of these health impacts help to begin the shift towards healthier behaviours and a healthier population.

6.6 RCMP

Along the development's proposed north elevation, it appears that covered carport-style parking is planned for approx. five vehicles, in addition to "secure" bike racks. It is strongly recommended that mitigation measures be implemented to prevent this area from being used for inappropriate and/or criminal activities.

6.7 FortisBC (Electric)

There are primary distribution facilities along the subject site's west (neighbouring property) and north (laneway) property lines. There are also primary distribution facilities within McKay Avenue but do not extend along the subject site's frontage. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required. Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

6.8 FortisBC (Gas)

No comments received.

6.9 Shaw Cable

Shaw Communications' interests are unaffected. The applicant should contact Shaw regarding future cable services.

6.10 TELUS

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

7.0 Application Chronology

Date of Application Received: February 21, 2014

Advisory Planning Commission September 1, 2009

The above noted application was reviewed by the Advisory Planning Commission at the meeting of September 1, 2009 and the following recommendations were passed:

THAT the Advisory Planning Commission support Official Community Plan Application No. OCP07-0032, for 560, 561, 582 & 583 McKay Avenue; Lots 12, 13, 14 & 15, Plan 3769, Section 13, Twp. 25 & Sec. 18, Twp. 26, ODYD; to amend the Official Community Plan from Multiple Unit Residential (Medium Density) to Commercial in order to accommodate the proposed mixed use development, and

THAT the Advisory Planning Commission support Rezoning Application No. Z07-0093, for 560, 561, 582 & 583 McKay Avenue; Lots 12, 13, 14 & 15, Plan 3769, Section 13, Twp. 25 & Sec. 18, Twp. 26, ODYD; to rezone the subject properties from the RU6 - Two Dwelling Housing zone to the proposed C4 - Urban Centre Commercial in order to accommodate the proposed mixed use development.

Report prepared by:

Abigail Riley, Planner

Reviewed by:

☐

Ryan Smith, Manager, Urban Planning

Approved for Inclusion:

☐

Doug Gilchrist, Divisional Director of Community Planning & Real Estate

Attachments:

Subject Property Map

Maps 'A' & 'B'

Site Plan

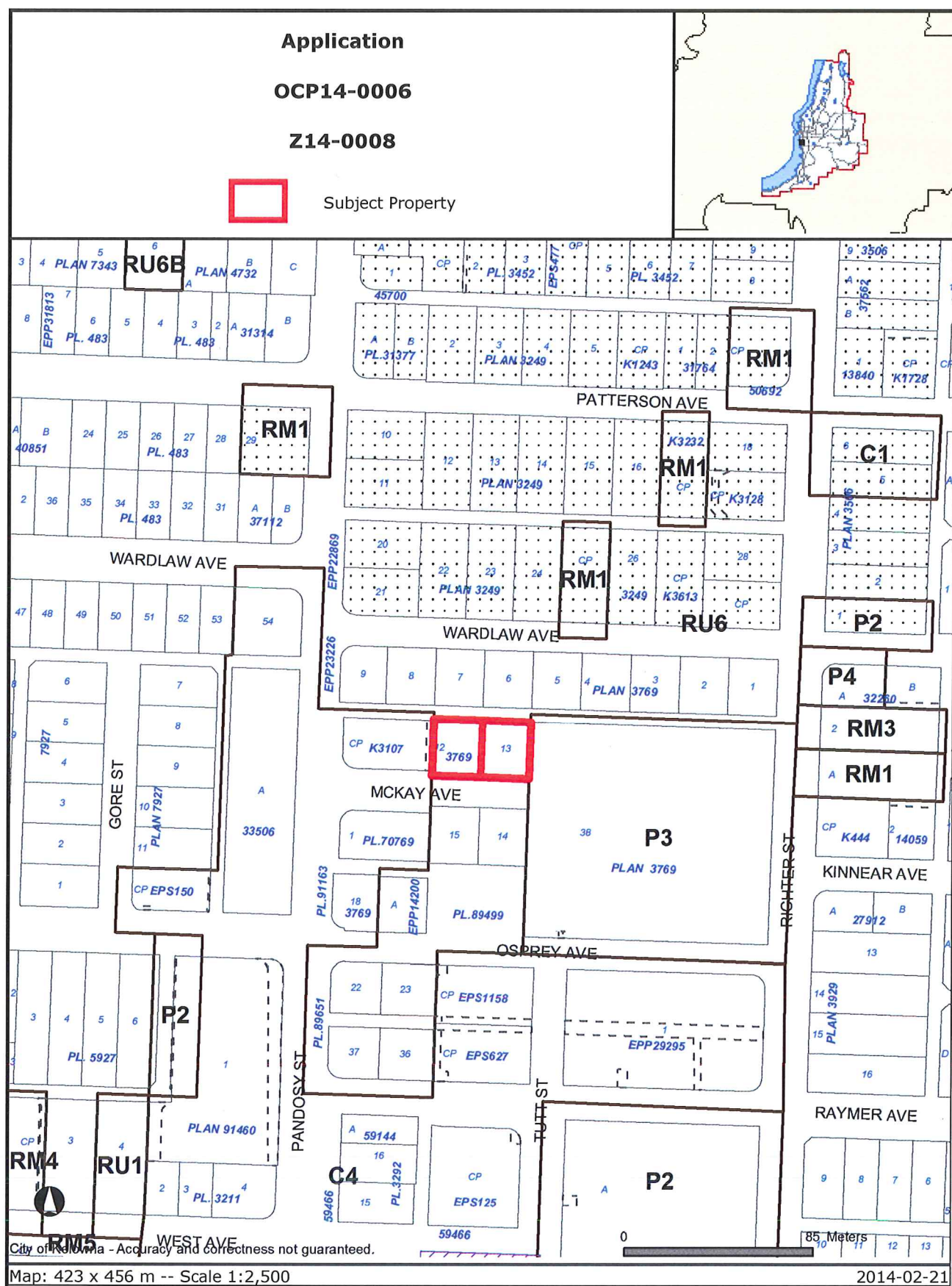
Conceptual Floor Plans

Conceptual Elevations

Conceptual Landscape Plan

KLOCNA letter, dated April 9, 2014

Development Engineering Department Memorandums, dated March 10, 2014



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.

WARDLAW AVE

N

517

Subject Properties Notes:

Amend the OCP for the subject properties from Multiple Unit Residential (Medium Density)(MRM) to Mixed Use (Residential/Commercial) (MXR).

583

605

538

560

562

MCKAY AVE

Subject Road Right-of-Way Notes:

Amend the OCP for a portion of the road right-of-way from Multiple Unit Residential (Medium Density)(MRM) to Mixed Use (Residential/Commercial) (MXR).

583

2690

2695

540

MAP "A" OCP AMENDMENT OCP14-0006

- Proposed Property Lines
- MRM to MXR
- Multiple Unit Residential (Medium Density)
- Multiple Unit Residential (Low Density)
- Mixed Use (Residential / Commercial)
- Major Park and Open Space
- Legal Parcel

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

0 5 10 Metres

Rev. May 08, 2014

WARDLAW AVE

N

517

541

559

583

605

RU6

Subject Properties Notes:

Rezone the subject properties from RU6 Two Dwelling Housing to C4 Urban Centre Commercial.

560

582

MCKAY AVE

C4

2689

Subject Road Right-of-Way Notes:

Rezone a portion of the road right-of-way from RU6 Two Dwelling Housing to C4 Urban Centre Commercial.





P3

2600

2695

540

MAP "B" PROPOSED ZONING
File #Z14-0008

-  RU6 to C4
-  Subject Properties
-  Proposed Property Lines
-  Legal Parcel

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

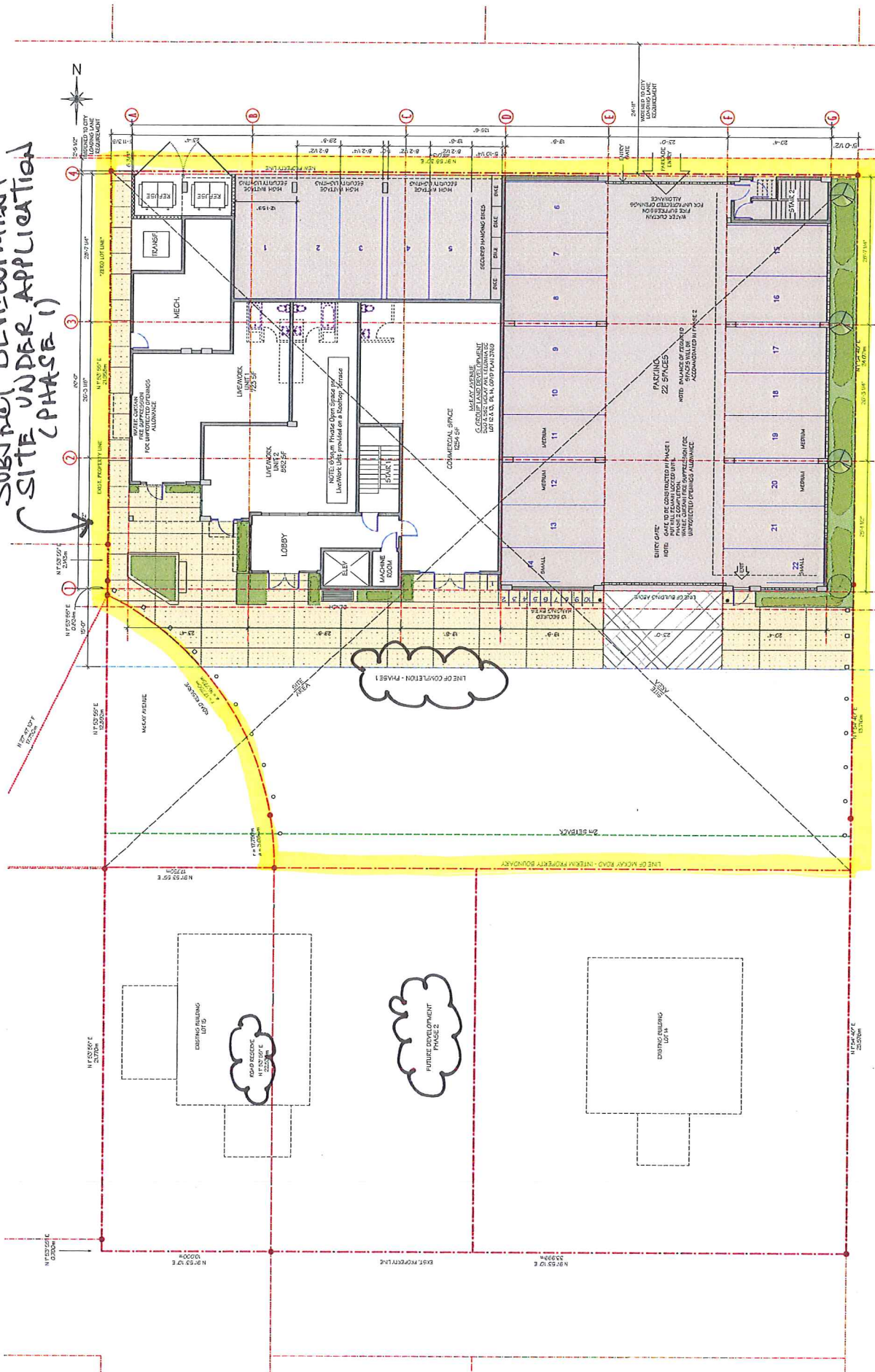
0 5 10 Metres

Rev. May 08, 2014

City of
Kelowna81



SUBJECT DEVELOPMENT
SITE UNDER APPLICATION
(PHASE 1)



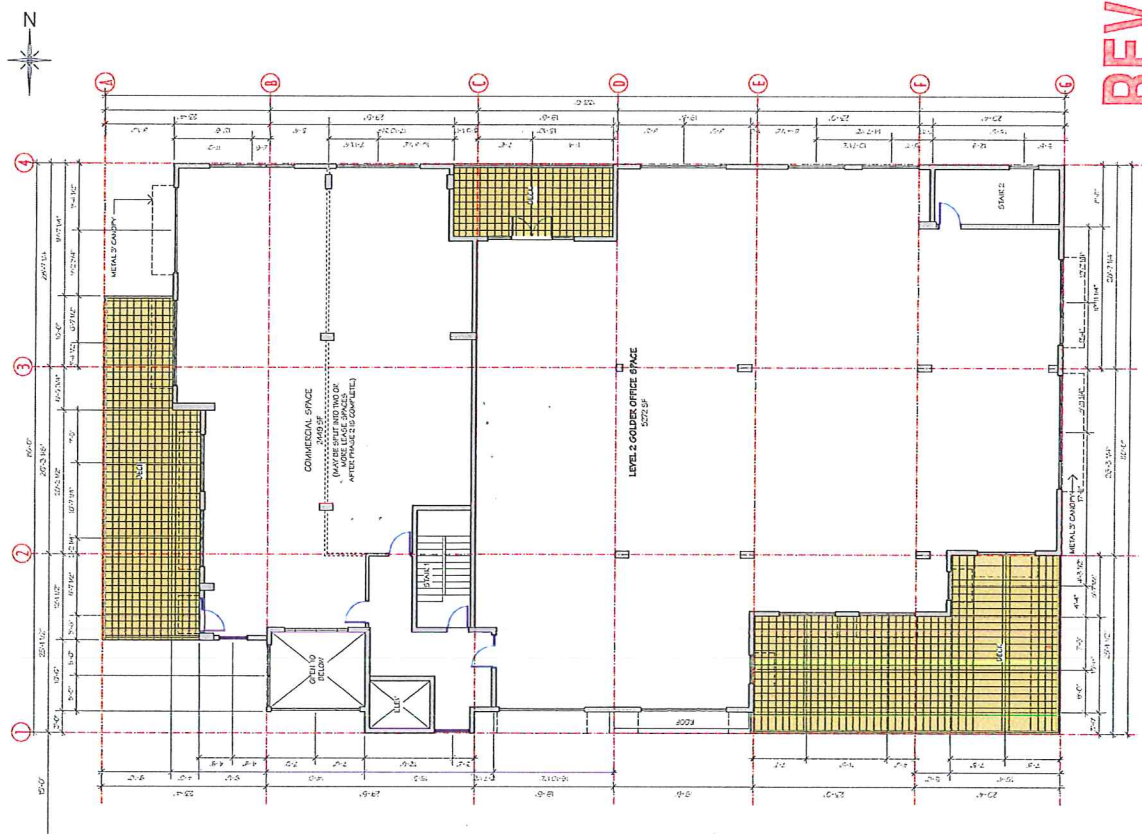
**BLUE GREEN
ARCHITECTURE INC.**
252-110-0000
1180-252-0000
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MCKAY COMMERCIAL DEVELOPMENT
KELOWNA, BC

REVISED PLANS

APR 10 2014

CITY OF KELOWNA
Land Use Management



REVISED PLANS

MCKAY COMMERCIAL DEVELOPMENT
KELOWNA, BC

APR 09 2014

SECOND FLOOR PLAN

CITY OF KELOWNA
Land Use Management

**BLUE GREEN
ARCHITECTURE INC.**
200-10000 31st Street, Kelowna, BC V1Y 1Z7
Tel: 250.860.1444 Fax: 250.860.1445
www.bluegreenarchitect.com

DATE: 2014.04.09
SCALE: 1/8" = 1'-0"
DESIGNED BY: JF
PROJECT: JLD

A2



BUILDING LOCATION



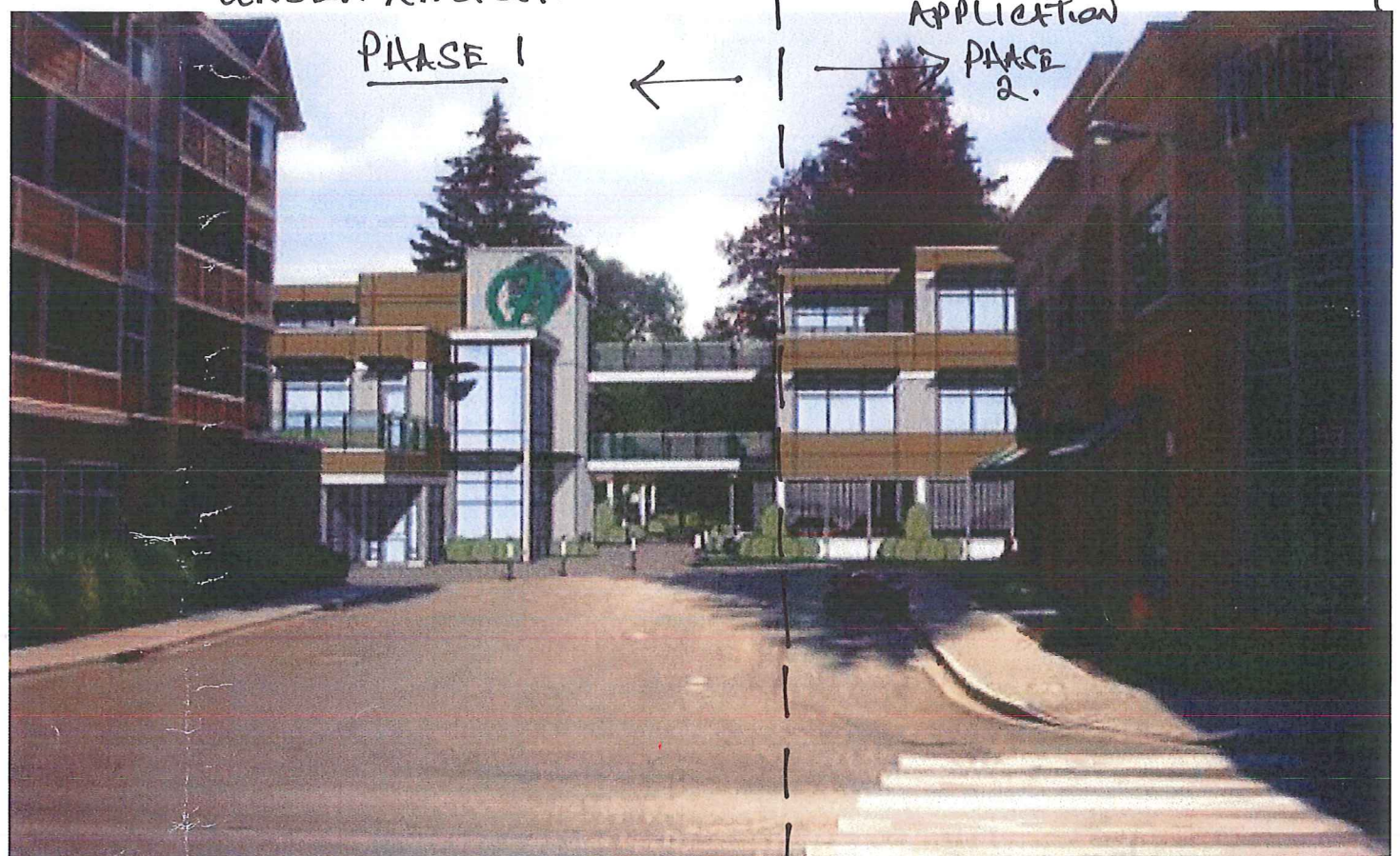
APPROX. BUILDING OUTLINE

1 SITE LOCATION
NOT TO SCALE

SUBJECT DEVELOPMENT UNDER APPLICATION

2 SITE CONTEXT PLAN
THIS

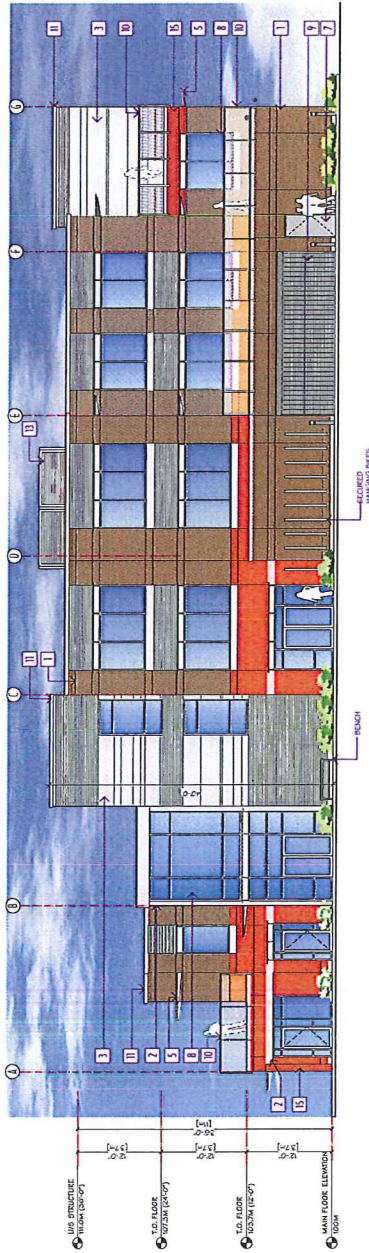
FUTURE DEVELOPMENT UNDER SEPARATE PENDING APPLICATION



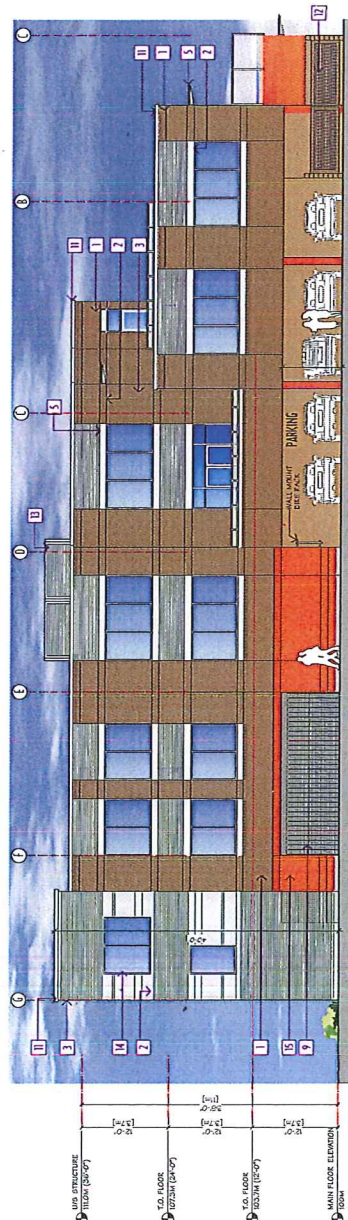
PHASE 1

PHASE 2

3 VIEW ONE NOT TO SCALE VIEW EAST - TO SPRAY PARK FROM PANDOSY ST.



SOUTH ELEVATION
1/8" = 1'-0"



NORTH ELEVATION
1/8" = 1'-0"

EXTERIOR FINISH LEGEND	
1	BRICK FINISH COLOUR: PAVANA GREY DALLAS IC PANSO #4077-20081
2	PRE-FINISHED METAL PANELS COLOUR: CLEAR ANODIZED ALUMINUM
3	CORRUGATED METAL CLADDING COLOUR: CLEAR ANODIZED ALUMINUM PROFILE: WESTFORD W-406
4	CONCRETE SPANDX, PAINTED COLOUR: CACAOA STONE GREY DALLAS IC PANSO #4077-20107
5	METAL CASSETTE COLOUR: CLEAR ANODIZED ALUMINUM
6	STAINLESS STEEL GRILLE
7	PAINTED STEEL DOORS COLOUR: POTTERS CLAY DALLAS IC PANSO #4077-20107
8	COMMERCIAL STORE FRONT GLAZING PRE-FINISHED CLEAR ANODIZED ALUMINUM
9	COMMERCIAL GARAGE GATE COLOUR: POTTERS CLAY DALLAS IC PANSO #4077-20107
10	ALUMINUM AND CLEAR GLASS GUARDS PRE-FINISHED GREY
11	PRE-FINISHED METAL FLASHING COLOUR: CACAOA STONE GREY
12	PAINTED STEEL GRILLE GARAGE ENCLOSURE COLOUR: POTTERS CLAY DALLAS IC PANSO #4077-20107
13	PRE-FINISHED LOUVERED GRILLE ROOFTOP UNITS SCREEN
14	ALUMINUM FRAME GLAZING PRE-FINISHED CLEAR ANODIZED ALUMINUM
15	STUCCO FINISH COLOUR: CULTURE GENERAL PAINT CL 100TH LVT 17

REVISED PLANS

APR 10 2014

CITY OF KELOWNA
Land Use Management

ELEVATIONS

MCKAY COMMERCIAL DEVELOPMENT
KELOWNA, BC

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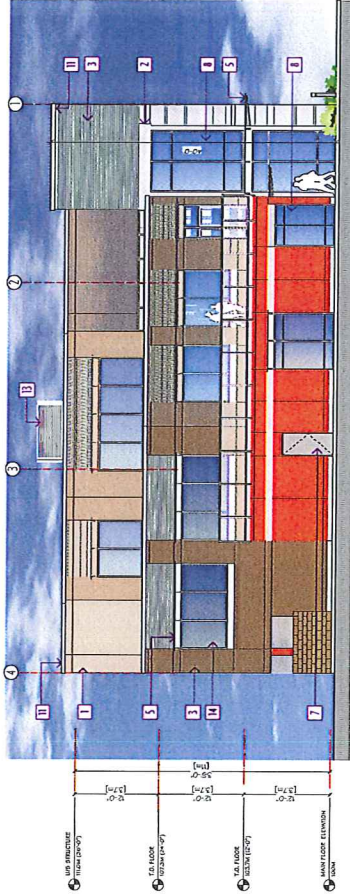


DATE: 2014.04.10
BY: JLD
CHECKED: JLD
PROJECT: 14-018

A3



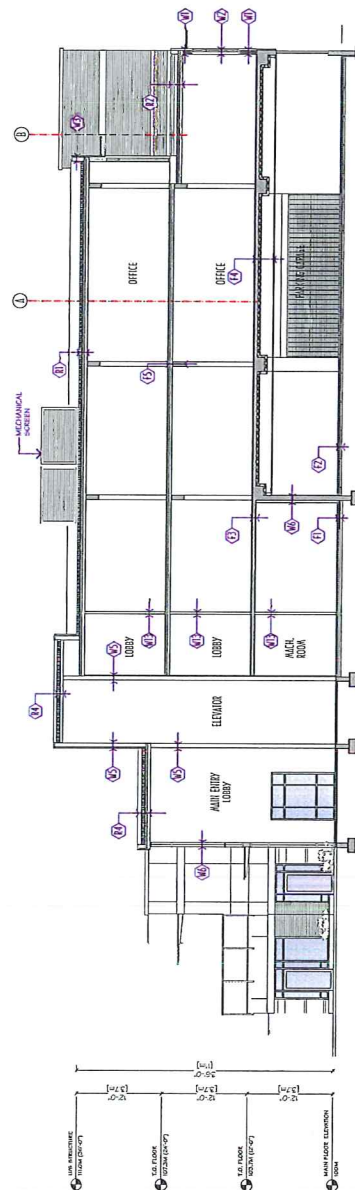
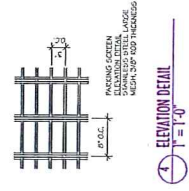
1 EAST ELEVATION
1/8" = 1'-0"



2 WEST (McKay) ELEVATION
1/8" = 1'-0"

EXTERIOR FINISH LEGEND

1	STUCCO FINISH COLOUR: PLATEAU GREY, DULUX #1 #A054 #A077 2008H
2	PREFINISHED METAL PANEL COLOUR: CLEAR ANODIZED ALUMINUM
3	CORRUGATED METAL CLADDING FINISH: GALVALUME
4	CONCRETE UPSTAND, PAINTED COLOUR: POTTERS CLAY, DULUX #1 #A055 #A077 35A07
5	METAL CANOPY COLOUR: CLEAR ANODIZED ALUMINUM
6	STAINLESS STEEL GELLES
7	PAINTED STEEL DOORS COLOUR: POTTERS CLAY, DULUX #1 #A055 #A077 35A07
8	COMMERCIAL STORE FRONT GLAZING PREFINISHED CLEAR ANODIZED ALUMINUM
9	COMMERCIAL GARAGE GATE COLOUR: POTTERS CLAY, DULUX #1 #A055 #A077 35A07
10	ALUMINUM AND CLAY GLASS GUARDS PREFINISHED GREY
11	PREFINISHED METAL PLATING COLOUR: CACAO STONE GREY
12	PAINTED STEEL GELLES COLOUR: CACAO STONE GREY
13	GARAGE ENCLOSURE COLOUR: CACAO STONE GREY, DULUX #1 #A055 #A077 35A07
14	PREFINISHED LOUVERED GELLES DOOR FINISH: GREEN
15	ALUMINUM FRAME GLAZING PREFINISHED CLEAR ANODIZED ALUMINUM



3 BUILDING SECTION
1/8" = 1'-0"

REVISED PLANS

APR 09 2014

MCKAY COMMERCIAL DEVELOPMENT
KELOWNA, BC

**BLUEGREEN
ARCHITECTURE INC.**
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DATE: 25-04-14
SCALE: 1/8" = 1'-0"
ISSUED FOR: CR
PROJECT: 1038

A4

CITY OF KELOWNA
Land Use Management

KLOCNA
KLO Central
Neighbourhood Association



April 9, 2014

RECEIVED

APR 09 2013

Abigail Riley
Planner II
Urban Planning
Community Planning & Real Estate
City of Kelowna

Re: DVP 14 -0041 – 0041, McKay Avenue

The KLO Central Neighbourhood Association is opposed not only to the proposal to reduce the amount of parking provided but also to several other aspects of the proposed development.

In 2009 the applicant, who owns property on both sides of McKay, submitted a DVP that reached 3rd reading from City Council before it was allowed to lapse. They are currently proposing to reinstate the northern portion of that application for development.

KLOCNA would argue that a great deal has changed in the Village neighbourhood since 2009. In 2011, Council adopted the Official Community Plan 2030 after much citizen consultation. The OCP, in the Pandosy Village area, calls for medium density residential commercial redevelopment and in particular medium density residential development adjacent to Osprey Park. This current proposal does not recognize the changes mandated by the OCP.

The current application proposed a three-storey office building with the possibility of “life work” space of 159 m² on the main floor to allow the project to qualify as a residential/commercial complex. This “life work” space represents approximately 10% of the gross floor area of the project. While technically meeting the requirement of a mixed-use

residential/commercial building, it does not meet the spirit of the OCP or fit in with the surrounding mixed-use buildings. The “life-work” areas do not mirror the surrounding residential uses in the area. The “life work” designation is better suited to a purely commercial or commercial/industrial area since it will not guarantee long term residential use as imagined and required by the OCP. As a result, the building in the application should be seen as purely a commercial building. KLOCNA believes that only truly residential/commercial buildings should be allowed in the redevelopment area of Pandosy Village.

The overall complex envisioned and proposed would encompass both sides of McKay, require the re-routing of McKay Avenue south, and have a 1.5 m transition on the east side of the complex between the building and the park. Except for an approximately 6 meter, partially covered corridor running east from McKay, access to Osprey Park is completely blocked by the proposed building complex. Furthermore, once the second phase of this development is completed this corridor will also be used as a north/south driveway link connection the parking facilities of the two buildings. This would not be conducive to pedestrian access to Osprey Park.

The eastern building façade, with its 1.5m transition zone, presents a physical and visual barrier between the community park to the east and the residential/commercial area of Pandosy Village to the west. If this proposal were a true residential/commercial project, this would be less of a problem. The OCP requires that this area to the west of the park be used as medium density residential. This designated usage, along with a substantial and dedicated “corridor linking McKay Avenue to the park, would allow a true and inviting transition between the park and the residential/commercial area of Pandosy Village. The KLOCNA believes that Osprey Park must genuinely link to the Village in as many physical and visual ways possible. The applicant’s present proposal is in opposition to the future neighbourhood plan.

Within the past year the City has conducted, at the request of the Pandosy merchants and residents of the neighbourhood, a detailed parking study. One of the principal findings of the study is that short term parking in the area is at a premium. The request by the applicant to reduce the required number of parking spaces within in the building complex by 6 would only exacerbate the problem. The project will also remove significant on street parking from McKay only making worse an already difficult situation. If the applicant

were to remove the buildings on the lots it owns on the south side of McKay and temporally convert those lots to parking it may be considered the first step in the solution to the problem. The next step would be for the City to require that the applicant dedicate the six lost parking stalls from phase one of the project and the six lost street-parking spaces along McKay within the parking requirements of the second phase. This would ensure that with this particular development, its net effect on Pandosy Village parking would be zero. Ideally steps should be taken to improve the parking situation over the long term not aim for the status quo.

The form and character of the current redevelopment of the Pandosy Village area involves the building of legitimate residential/commercial structures. The OCP and the KLOCNA envision the future of Pandosy Village to a vibrant and family orientated residential/commercial neighbourhood. This vision promotes increased density through true residential/commercial development that provides improved east-west links between parks and the lake, improved transit, and improved parking.

While we cannot support this application at this time and in its present form, we look forward to future dialogue with the applicant and the City on this application. We remain committed to the responsible redevelopment of the Pandosy Village that truly respects the spirit and wording of the OCP 2030.

Regards,

O.J. (John) Mardall
Vice president
KLOCNA

CITY OF KELOWNA

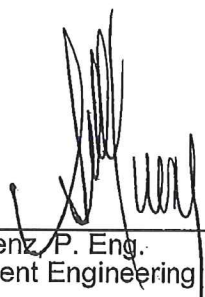
MEMORANDUM

Date: March 10, 2014
File No.: OCP14-0006
To: Urban Planning (AR)
From: Development Engineer Manager (SM)
Subject: 560 & 582 McKay Ave

The Development Engineering comments and requirements regarding this OCP amendment application are as follows:

1. **General.**

- a) All the offsite infrastructure and services upgrades are addressed in the Development Engineering Report under file Z14-0008.



Steve Muenz, P. Eng.
Development Engineering Manager

SS

CITY OF KELOWNA
MEMORANDUM

Date: March 10, 2014
File No.: Z14-0008

To: Urban Planning (AR)

From: Development Engineering Manager

Subject: 560 & 582 McKay Avenue Mixed Use Development

Development Engineering Department have the following comments and requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is Sergio Sartori

1. Domestic Water and Fire Protection

- (a) The existing lots are serviced with small diameter water services. The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs.
- (b) The applicant, at his cost, will arrange for the removal of the existing main within the closed road and the installation of one new larger metered water service.
- (c) Provide a Watermain link within the created McKay Ave extension right-of-way, from the Watermain in McKay Avenue, to the existing main within Osprey Avenue.
- (d) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.

2. Sanitary Sewer

- (a) The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required size and preferred location of the new service. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal of all existing small diameter services and the installation of a new larger service.
- (b) A downstream flow analysis check is required by a consulting civil engineer to determine the impact of additional flow contributions on the existing pipe system and sewer lift station. If it is determined that upgrades to the existing facilities must be made, additional bonding will be required.

3. Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for these sites which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems.
- (b) Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal of the existing main within the closed road, installation of a terminal manhole, and the installation of one new overflow service.

4. Road Improvements

- (a) The extension of McKay Avenue will require the construction of a modified local road standard (10.0m width), from McKay Avenue, south to Osprey Avenue. Construction will include curb and gutter, monolithic sidewalk, storm drainage system including catch basins and manholes, pavement, street lights as required, and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.
- (b) The lane fronting the northerly boundary on this development must be upgraded to a paved standard along the full frontage length of this development. Install a storm drainage system including a catch basin and drywell.
- (c) McKay Ave prior to the closure will require interim measures for traffic and pedestrian safety. All interim measure will be at the developer's expense

5. Subdivision

By registered plan to provide the following:

- (a) Provide a 10.0m road reserve to extend McKay Avenue south, to Osprey Avenue.
- (b) Dedicate 0.75 widening of the north lane.
- (c) Lot consolidation.
- (d) Grant statutory rights-of-way if required for utility services.

6. Electric Power and Telecommunication Services

The electrical services to this development must be installed in an underground duct system, and the building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

7. Street Lighting

Street lighting including underground ducts must be installed on all roads fronting on the proposed development. The cost of this requirement is included in the roads upgrading item.

8. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the city engineering department for review and marked "issued for construction" by the city engineer before construction may begin.

Should traffic conditions dictate, the City of Kelowna wishes to reserve the right to restrict lane access onto Pandosy Road to right in right out.

9. 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.

10. 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.

11. Geotechnical Report

As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics.
- (b) Site suitability for development, unstable soils, etc.
- (c) Drill and / or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

12. Bonding and Levy Summary

(a) Bonding

To be determined.



Steve Muenz, P. Eng.
Development Engineering Manager

SS