

REPORT TO COUNCIL



Date: April 16, 2018

RIM No. 1250-30

To: City Manager

From: Community Planning Department (LB)

Application: OCP17-0026 / Z17-0105

Owner: Lakeside Communities Inc.,
Inc.No. A57531

Address: 1602 Bennett Road

Applicant: Lakeside Communities Inc.

Subject: Official Community Plan Amendment & Rezoning Application

Existing OCP Designation: PARK – Major Park / Open Space (Public)

Proposed OCP Designation: S2RESH – Single / Two Unit Residential – Hillside

Existing Zone: P3 – Parks and Open Space

Proposed Zone: RU1h – Large Lot Housing (Hillside Area)

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP17-0026 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of a portion of Lot 2 Section 17 Township 23 ODYD Plan KAP65503, located at 1602 Bennett Road, Kelowna, BC from the PARK – Major Park / Open Space (Public) designation to the S2RESH – Single / Two Unit Residential – Hillside designation NOT be considered by Council;

AND THAT Rezoning Application No. Z17-0105 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot 2 Section 17 Township 23 ODYD Plan KAP65503, located at 1602 Bennett Road, Kelowna, BC from the P3 – Parks and Open Space zone to the RU1h – Large Lot Housing (Hillside Area) zone NOT be considered by Council.

2.0 Purpose

To consider a Staff recommendation to NOT amend the Official Community Plan and rezone the subject property from park and open space to residential that would facilitate the addition of eight single dwelling housing lots to the proposed subdivision.

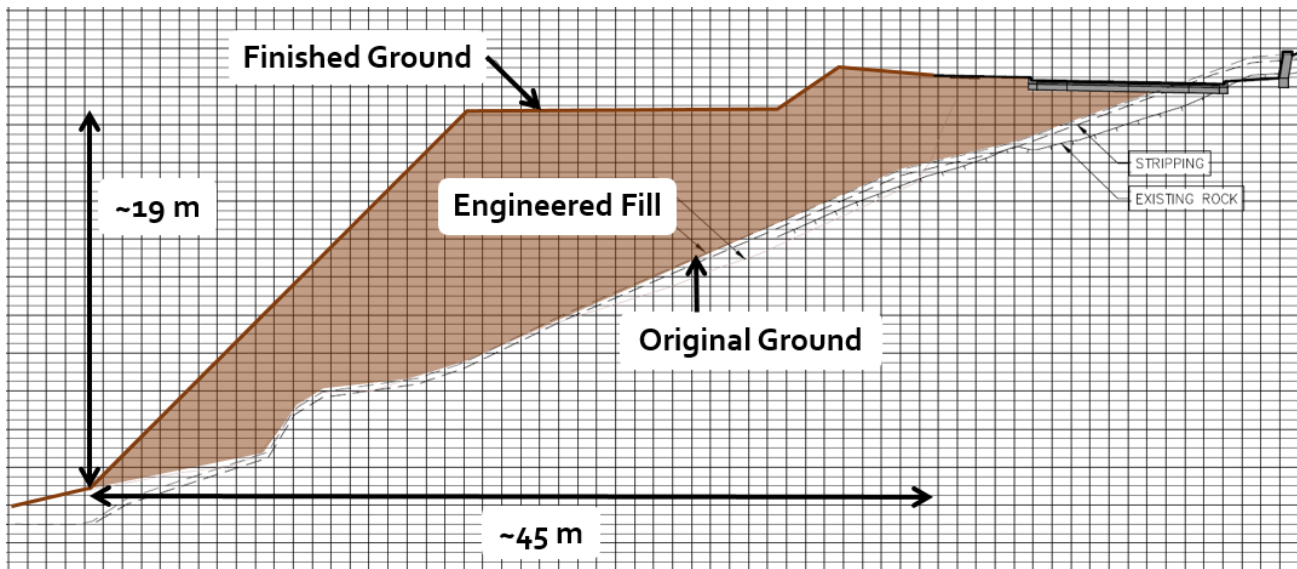
3.0 Community Planning

Staff do not support the application to amend the Official Community Plan from PARK – Major Park / Open Space (Public) to S2RESH – Single / Two Unit Residential – Hillside and to rezone from P3 – Parks and Open Space to RU1h – Large Lot Housing (Hillside Area) for a portion of the subject property. The proposal would facilitate the addition of eight residential lots to Phase 1 of the North Clifton Estates development along the west side of the Clifton Road extension. This project went through an Area Structure Plan (ASP) process to establish development locations, servicing requirements, transportation connections, and other elements to facilitate future development. The proposed amendments are not in keeping with OCP policies regarding hillside development or the ASP vision and policies to minimize disturbance to hillsides and sensitive areas.

The subject site generally consists of slopes of 30% to upwards of 45%, with a small portion near Clifton Road between 20% and 30%, as shown on Map 4. OCP Policy 5.15.12 prohibits development on slopes of 30% or greater, and the Development Permit guidelines support this policy. The main objectives of this policy are to limit the visual impact of hillside development and to reduce hazardous conditions associated with development on or near steep slopes. This policy is echoed in the North Clifton ASP vision and policies, which speak to minimizing physical and visual hillside disturbance, maintaining the natural character of the area, and directing site development based on topographic conditions and to areas with slopes of less than 30%. These objectives are typically achieved by maintaining existing mature vegetation, avoiding soil disturbance, limiting cuts and fills and/or retaining, setting building sites back from slopes, and protecting steep areas in perpetuity through dedication or covenants.

The proposal to change from park to residential Future Land Use designation and zoning also includes a proposal to increase from five lots to 13 lots along this stretch of Clifton Road, bringing the first phase of the development to a total of 50 lots. Achieving this would require significant fill of steep slopes and more site disturbance than was permitted through the Phase 1 Preliminary Layout Review and Development Permit process.

Staff are concerned the proposed changes would cause significant visual impact, particularly when compounded with the future adjacent residential lots. The subject site, with its existing mature pine trees, provides a visual separation between future residential lots, breaking up fill slopes and a small retaining wall that will face Okanagan Lake. The proposal to add more residential lots on the subject site would require removal of vegetation and creation of fill slopes of up to 19 m in height at a 1:1 slope (45-degree angle) to achieve building platforms, as shown on the site section below. Although the fill slopes would be revegetated, this extent of fill is highly visible compared to an area of natural topography and vegetation.

Image 1: Typical Site Section

Staff recognize the challenges associated with hillside development and achieving expected lot yield in those areas. While proposed solutions may be technically feasible, they do not always meet other important objectives, notably mitigating the visual impact of hillside development. During pre-application discussions with the applicant, staff suggested the applicant consider other options to achieve lots where there would be fewer impacts to steep slopes.

Public Consultation

As staff understand it, the applicant completed public notification and consultation in accordance with Council Policy No. 367 by mailing out notification letters to nearby properties and holding a public information session. The information session was held on March 14, 2018, with a total of 12 attendees signing in. Of the five written comment forms received, one was not in support of the proposed amendments and additional lots. Details of the notification and information session are available in the attached North Clifton Estates Public Information Session Consultation Summary.

Next Steps & Conditions

Should Council choose to support the applicant's proposal, a Public Hearing would be required. Should Council give the bylaws second and third readings, conditions of bylaw adoption include issuance of a Natural Environment and Hazardous Condition Development Permit and an amended Preliminary Layout Review Letter to reflect the proposed new lots.

4.0 Proposal

4.1 Background

Area Structure Plan

Council endorsed the North Clifton ASP, now known as North Clifton Estates, and adopted the corresponding OCP amendments to establish the Future Land Use designations on July 15, 2014. The ASP area was approved for up to 200 units, and the Plan anticipates approximately 175 units of single dwelling housing based on the preliminary lot layout. As stated in the ASP, the "...North Clifton neighbourhood is designed with the characteristics of the site's topography, environmental features, view corridors, and

development benches, which are predominantly situated on plateaus where slopes are less than 30%.” In accordance with OCP Policy 5.15.12 regarding steep slopes, the ASP designates the subject site PARK – Major Park / Open Space (Public) to avoid development on slopes 30% and greater. The ASP land use concept and preliminary lot layout is shown on Map 3 below.

Subdivision

The Subdivision Approving Officer issued a Preliminary Layout Review Letter for Phase 1 of North Clifton Estates in July 2016, establishing the conditions and requirements for subdivision. Phase 1 currently includes 42 lots, which is consistent with the ASP’s conceptual yield for this phase.

A Natural Environment and Hazardous Condition Development Permit was also issued, detailing matters such as site grading, protection of steep slopes, landscape restoration, and environmental monitoring. Construction of Phase 1 is currently underway, including rough grading, road construction, and service installation.

4.2 Project Description

The proposal is to amend the Future Land Use designation and rezone a portion of the subject property from park to residential to accommodate a redesign of part of Phase 1 of the North Clifton Estates development. The applicant is seeking to add eight more residential lots along the west side of the Clifton Road extension through the use of engineered fill slopes below the road. The work would involve extending the limits of disturbance into natural areas with steep slopes and mature vegetation. The proposed site sections show fill of up to 19 m in height at a 1:1 slope (45-degree angle).

The images below show the existing lot layout as per the Preliminary Layout Review Letter and the proposed lot layout and zoning. The bright yellow area in the proposed layout shows where the applicant is requesting the Future Land Use designation and zoning amendments from PARK to S2RESH and P3 to RU1h, respectively.

Image 2: Current Layout (42 lots)

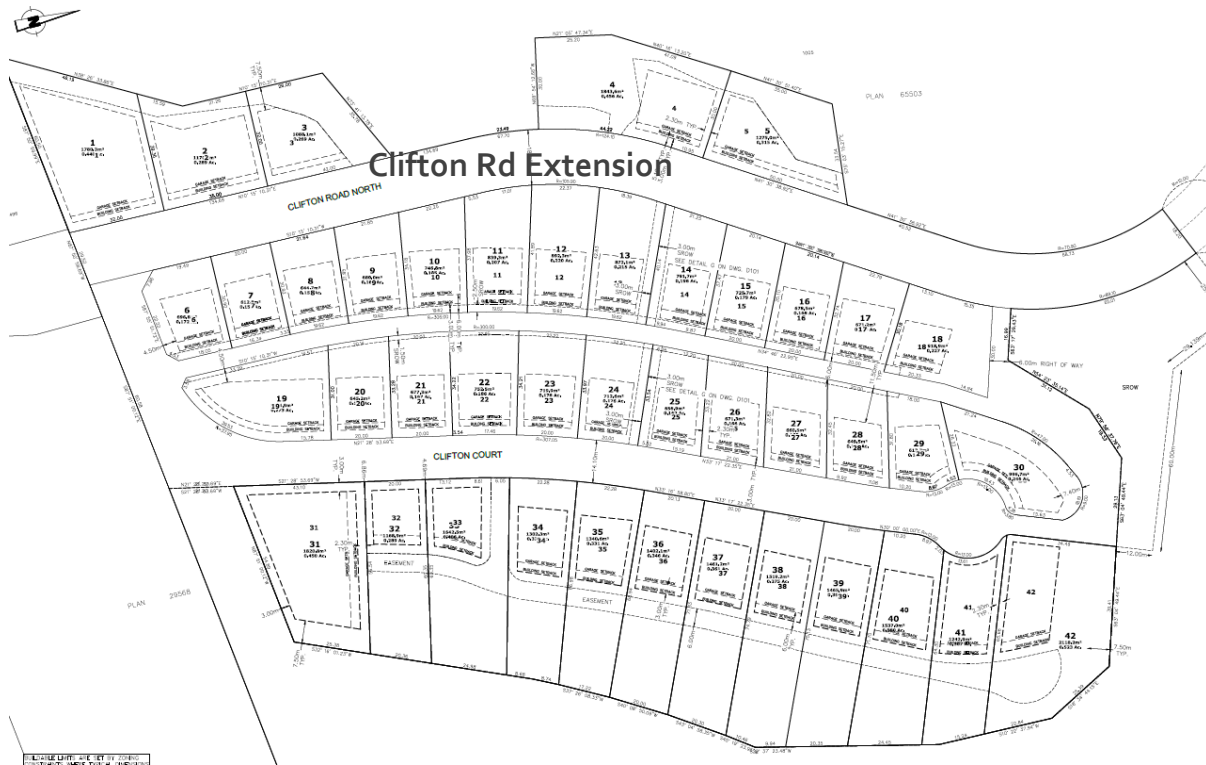
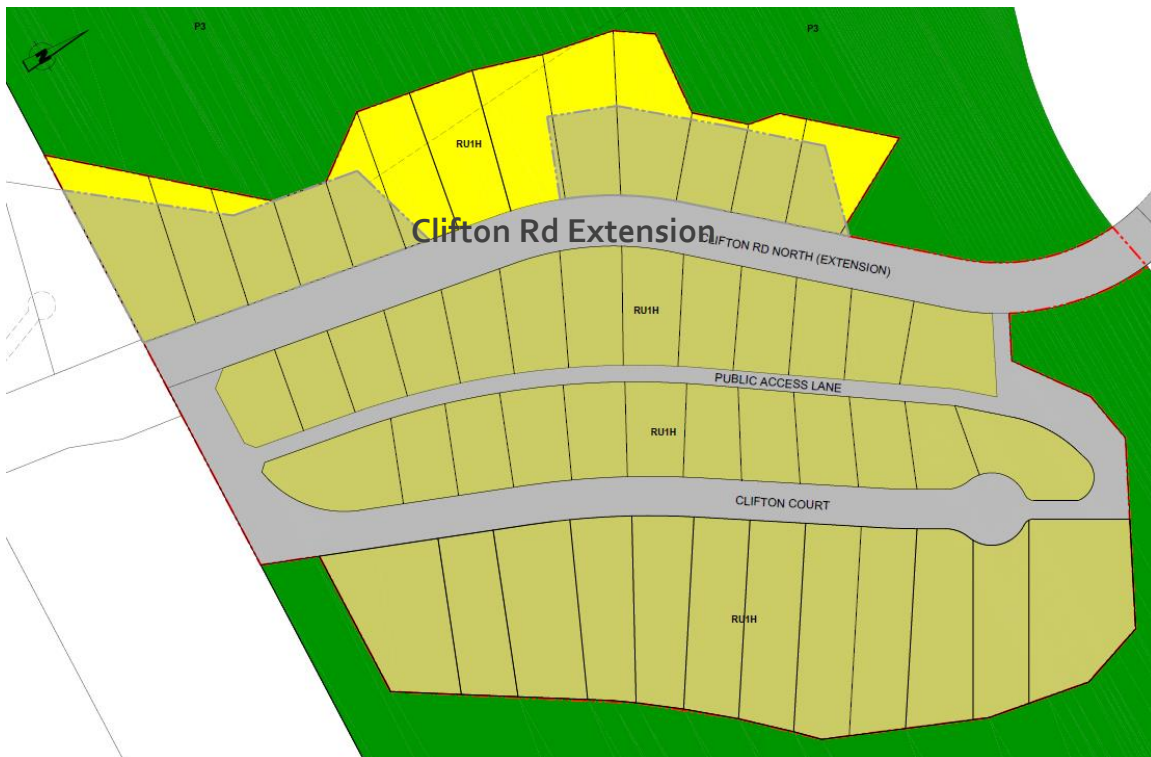


Image 3: Proposed Layout with OCP Amendments & Rezoning (50 lots)



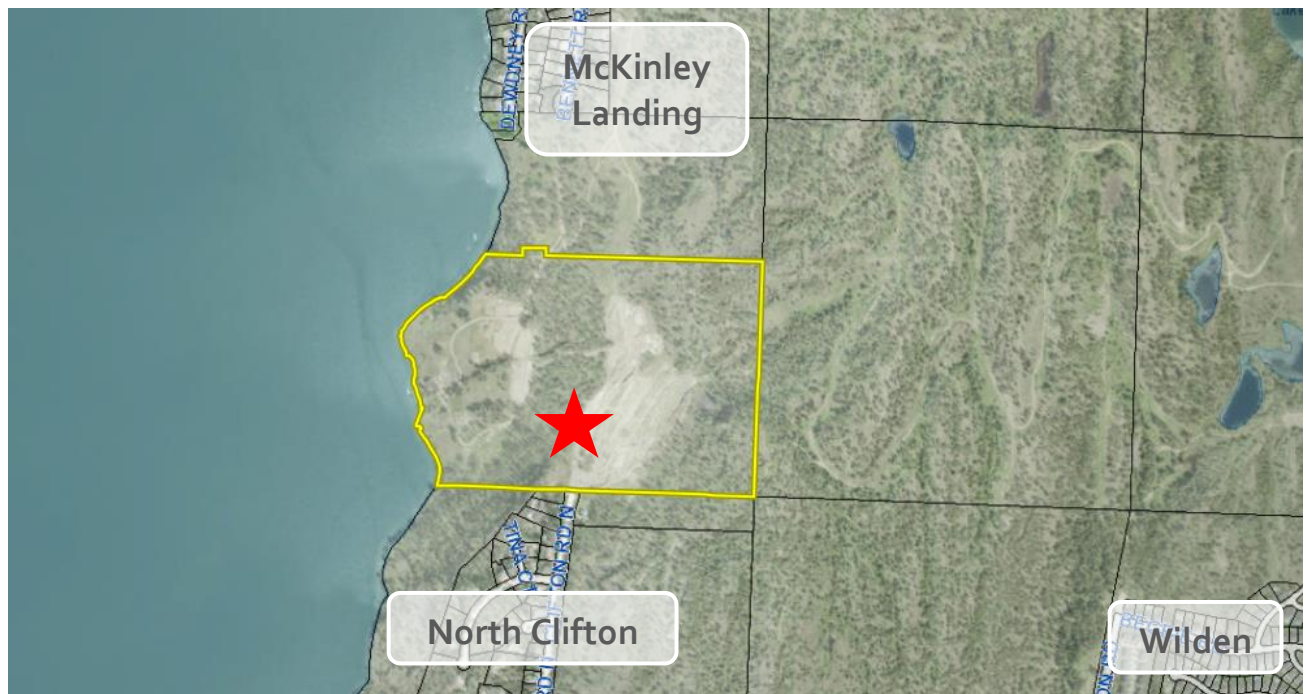
4.3 Site Context

The subject property is part of the future North Clifton Estates development in the City's McKinley Sector, and is within the Permanent Growth Boundary. The McKinley Landing neighbourhood is located to the north, and the Clifton Highlands neighbourhood is to the south. The surrounding area is characterized by large residential lots and natural open space with steep slopes.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU _{1h} – Large Lot Housing (Hillside Area)	Vacant land (under construction)
East	RU _{1h} – Large Lot Housing (Hillside Area)	Vacant land (under construction)
South	RU _{1h} – Large Lot Housing (Hillside Area)	Vacant land (under construction)
West	P ₃ – Parks and Open Space	Natural open space

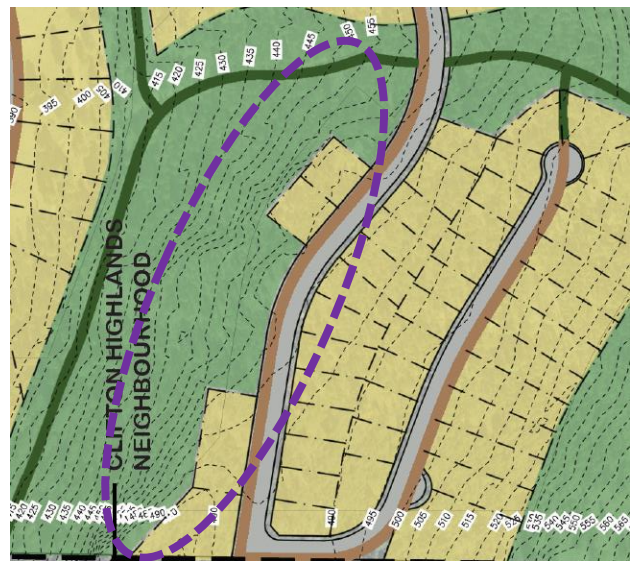
Map 1: Context



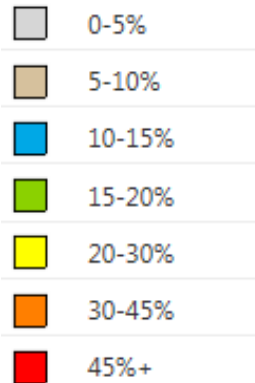
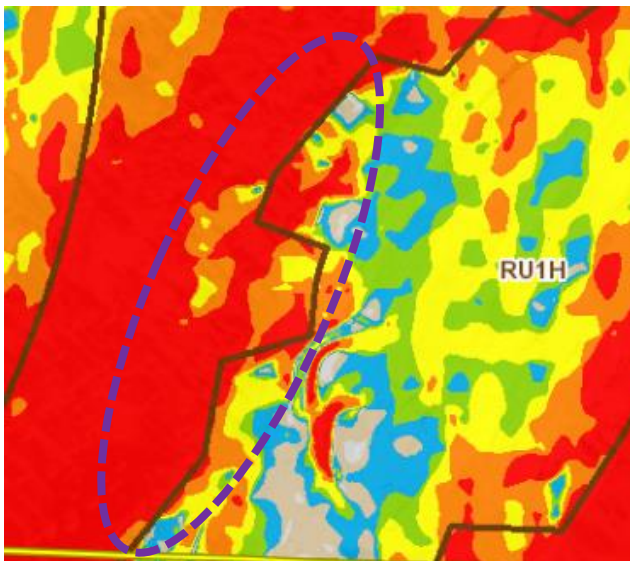
Map 2: Subject Property



Map 3: ASP Land Use Concept + Trail Network



Map 4: Slope Analysis



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Policy 5.15.12 Steep Slopes. Prohibit development on steep slopes ($\geq 30\%$ or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw 10500.

Chapter 13: Hazardous Condition Development Permit Guidelines

Relevant Guidelines

- Disturbance of steep slopes and hazardous condition areas will be avoided in accordance with City of Kelowna hillside development guidelines.
- Existing vegetation shall be maintained to control erosion and protect slopes.

5.2 North Clifton Area Structure Plan

Vision

The North Clifton neighbourhood will be a lakefront single / two family residential neighbourhood dedicated to respect for the land, topography, nature, ecology, and careful consideration of residential development design within it. The neighbourhood will be inter-connected by a series of roads, trails, pathways, and Waterfront Park with lake access providing a diverse range of amenity needs. Interconnected trails and pathways will be specifically designed to link with all components of the North Clifton area, while offering seamless connections to the surrounding neighbourhoods.

North Clifton Development Policy

Land Use and Housing

- Lot clustering within development enclaves shall minimize physical and visual hillside disturbance and maximize trails, open space, parkland, and lake views.
- Identify and preserve the sites' natural features, maintaining the natural setting and character of the land as a backdrop for complementary development forms.
- Gross residential density shall not exceed 200 units.
- Direct site development according to the location and relevance of views, natural features and topographic conditions.
- Address the need for public (park spaces) linkages within the proposed development and connections to offsite open space systems both short and long term.
- Utilize dominant natural features and landscape to provide logical boundaries or definition to development enclaves.
- Development will be directed to appropriate areas with slopes averaging less than 30%.
- Natural vegetation should be retained on slopes where possible in order to control potential erosion, land slip and rock falls.

6.0 Application Chronology

Date of Application Received:	November 20, 2017
Date of Public Information Session:	March 14, 2018
Date Public Consultation Documentation Received:	March 28, 2018

7.0 Alternate Recommendation

THAT Official Community Plan Map Amendment Application No. OCP17-0026 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of a portion of Lot 2 Section 17 Township 23 ODYD Plan KAP65503, located at 1602 Bennett Road, Kelowna, BC from the PARK – Major Park / Open Space (Public) designation to the S2RESH – Single / Two Unit Residential – Hillside designation be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated April 16, 2018;

AND THAT Rezoning Application No. Z17-0105 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot 2 Section 17 Township 23 ODYD Plan KAP65503, located at 1602 Bennett Road, Kelowna, BC from the P3 – Parks and Open Space zone to the RU1h – Large Lot Housing (Hillside Area) zone be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Natural Environment and Hazardous Condition Development Permit;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of an amended Preliminary Layout Review Letter by the Approving Officer.

Report prepared by: Laura Bentley, Planner Specialist

Reviewed by: Ryan Smith, Community Planning Department Manager

Approved for Inclusion: Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

North Clifton ASP Land Use Concept + Trail Network

Applicant Rationale

North Clifton Estates Public Information Session Consultation Summary