

# REPORT TO COUNCIL



**Date:** August 27, 2018

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (TH)

**Application:** OCP18-0009, Z18-0043      **Owner:** Pamela Blaskovich & Ponds Ventures Inc. No. BCo862732

**Address:** 4975 Buckhaven Court & (S OF) Steele Road      **Applicant:** Mair Developments Inc.

**Subject:** Official Community Plan Amendment, Rezoning Amendment

**Existing OCP Designation:** S2RESH - Single/Two Unit Residential Hillside  
MRC - Multiple Unit Residential Cluster Housing  
PARK – Major Parks and Open Space

**Proposed OCP Designation:** S2RESH - Single/Two Unit Residential Hillside  
PARK – Major Parks and Open Space

**Existing Zone:** A1 – Agriculture 1

**Proposed Zone:** RU1H – Large Lot Housing Hillside  
P3 – Parks and Open Space

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## 1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP18-0009 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of

- portions of Lot A sections 20 and 29 Township 29 SDYD Plan KAP44335 Except Plans KAP92565, EPP23066, EPP31364, EPP51781 and EPP72348, located at 4975 Buckhaven Court, Kelowna, BC, and
- portions of Lot B Section 20 Township 29 SDYD Plan KAP44335 Except Plan KAP86178, located at (S OF) Steele Road, Kelowna, BC;
- from the S2RESH – Single Two Unit Residential Hillside designation to the PARK – Major Parks and Open Space designation;
- from the MRC – Multiple Unit Residential Cluster Housing designation to the S2RESH – Single Two Unit Residential Hillside designation;

- from the PARK – Major Parks and Open Space designation to the S2RESH – Single Two Unit Residential Hillside designation

as shown on Map “A” attached to the Report from the Community Planning Department dated August 27, 2018 be considered by Council;

AND THAT Rezoning Application No. Z18-0043 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of

- portions of Lot A sections 20 and 29 Township 29 SDYD Plan KAP44335 Except Plans KAP92565, EPP23066, EPP31364, EPP51781 and EPP72348, located at 4975 Buckhaven Court, Kelowna, BC and
- portions of Lot B Section 20 Township 29 SDYD Plan KAP44335 Except Plan KAP86178, located at (S OF) Steele Road, Kelowna, BC:
- from the A1 – Agriculture 1 zone to the RU1H – Large Lot Housing Hillside zone;
- from the A1 – Agriculture 1 zone to the P3 – Parks and Open Space zone

as shown on Map “B” attached to the Report from the Community Planning Department dated August 27, 2018 be considered by Council;

AND FURTHER THAT the Official Community Plan Map Amending Bylaw and Rezoning Bylaw be forwarded to a Public Hearing for further consideration.

## **2.0 Purpose**

To amend the Official Community Plan to change the future land use designation and to rezone portions of the subject property to facilitate creation of a residential subdivision.

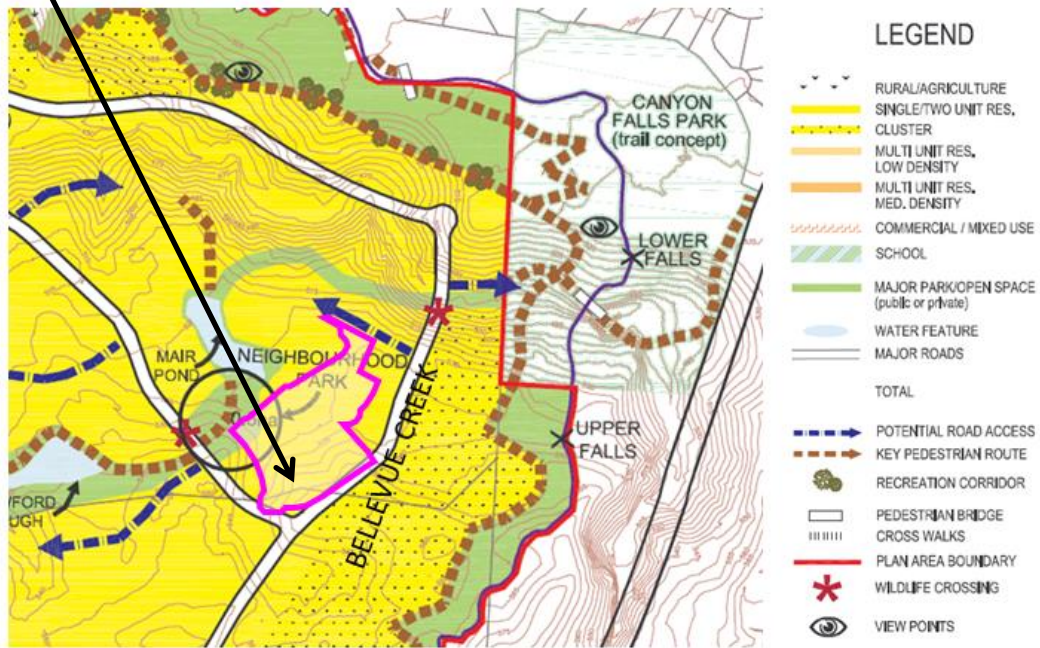
## **3.0 Community Planning**

Staff support the proposed OCP Amendment and Rezoning application to facilitate the next phase of development of The Ponds, Bellevue area. The *Neighbourhood 3 Area Structure Plan (ASP)* was created to direct the vision and objectives for what is now commonly known as The Ponds neighbourhood. This application generally adheres to the approved ASP. The Community Planning department worked with the applicant in conjunction with related Subdivision and Environmental Development Permit applications to address all conditions required of this proposed phase.

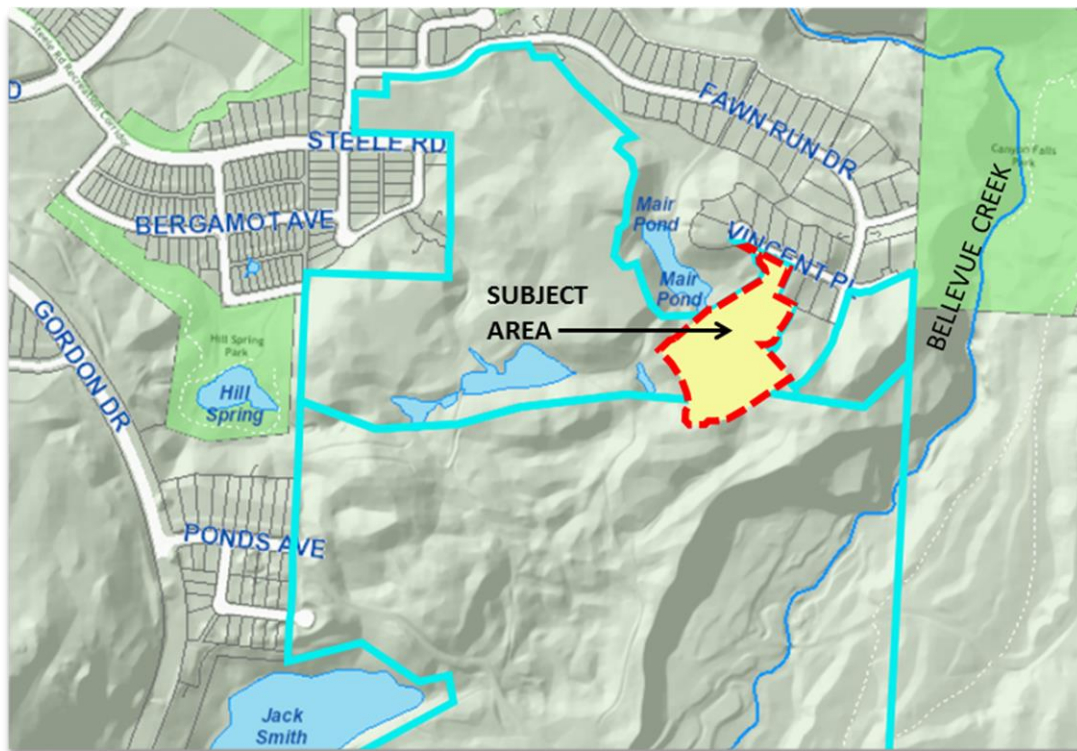
The application also generally follows the existing Future Land Use designations as identified in Kelowna’s OCP. Portions of land proposed for OCP amendment are a result of detailed design of the roads and residential lots using the natural topography of the subject properties. The land proposed to be amended from the PARK designation to the S2RESH designation is within an area identified as a 0.5 hectare Neighbourhood Park in the A.S.P.. Collaboration between City staff and the applicant determined that the land identified for this required 0.5 hectare Neighbourhood Park contains steep slopes that is not suitable for the intended use. More information on the proposed amendments in this particular area are detailed in section 4.2 Project Description of this report.

Otherwise, the application follows the intention of the ASP and the existing Land Use Designations identified in Kelowna’s Official Community Plan. The applicant has worked with natural topography to ensure that road connections to the existing Steele Road and Fawn Run Drive roads meet the City of Kelowna standards.

Neighbourhood 3 Area Structure Plan: Parks and Pathway Plan  
Subject Area



Subject Property Map: Subject area



## 4.0 Proposal

### 4.1 Background

The Neighbourhood 3 ASP and related OCP amendments were adopted by Council on April 3, 2007. Neighbourhood 3 was identified within the 1994 Southwest Okanagan Mission Sector Plan and covers the entirety of the area now known as The Ponds. The Ponds Bellevue is part of this larger master planned community.

The Plan envisions a logical pattern of development for the Neighbourhood 3 area that would result in a high quality, attractive and complete community including the objectives of: inter-connection of natural spaces, parks, pathways encourages respect for nature. The ASP notes that the development concept has been formulated to work harmoniously with the topography and to retain the integrity of water features and their surroundings.

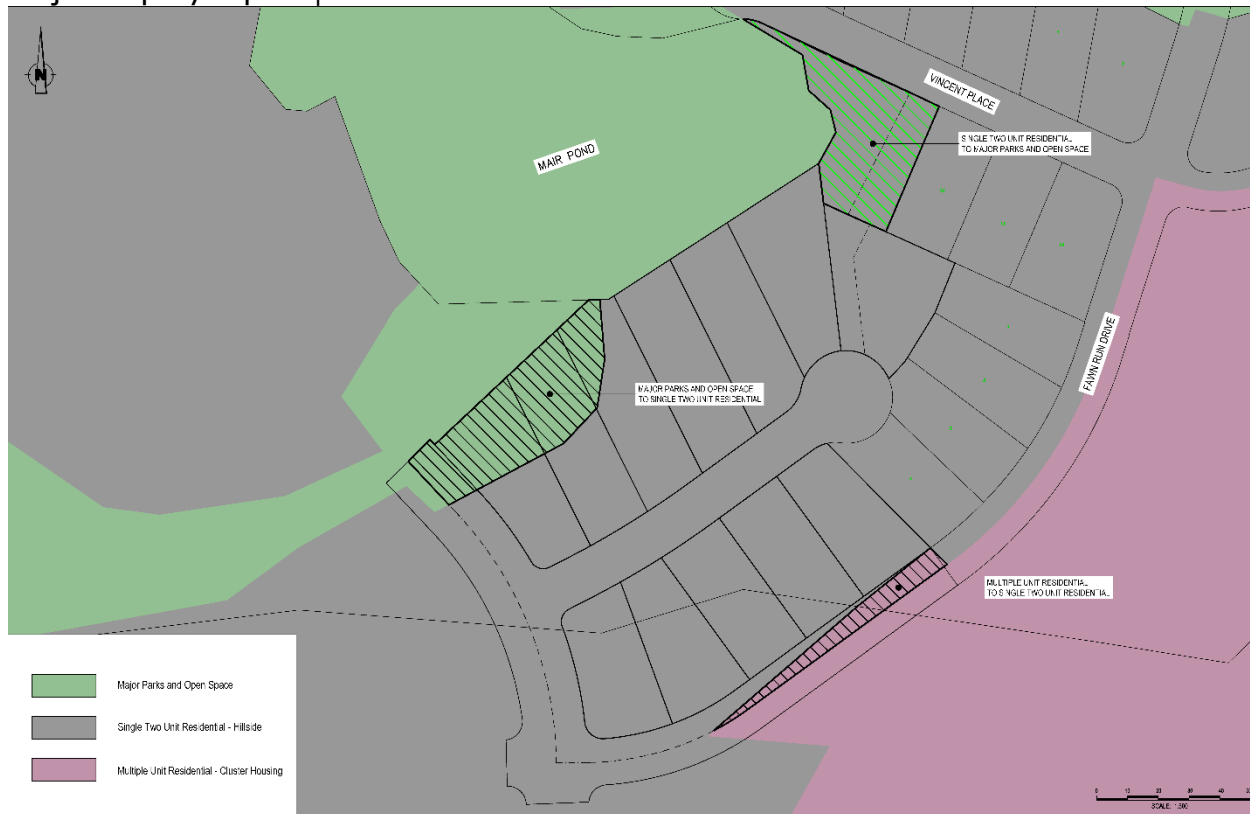
#### Subject Property Map: Layout of 12 Residential Lots



### 4.2 Project Description

The application for OCP Amendment and Rezoning is specifically for lands within the next phase of development within The Ponds Bellevue neighbourhood of The Ponds. The application proposes the continuation of Fawn Run Drive, creating 12 RU1H lots.

A 0.37-acre portion of land is proposed to be dedicated as Park for utility access and natural trail access to Mair Pond park area. The remaining subject are within this application is proposed to be rezoned to RU1H for creation of the 12 hillside residential lots. All remaining lands of the two subject parcels will be developed at a future date under the Neighbourhood 3 ASP. A number of items are required in order to complete final subdivision of the proposed 12 residential lots, one engineering requirement is the construction of a second vehicle exit.

**Subject Property Map: Proposed Future Land Use amendments**

The site is currently designated S2RESH – Single / Two Residential – Hillside (shown in grey above), MRC – Multiple Unit Residential Cluster Housing (shown in pink above), and PARK – Major Park / Open Space Public (shown in green above). The OCP Amendment proposes adjusting the boundaries of the existing Future Land Use designations in three locations.

**Amendment Area 1:** The small portion of MRC designated land is proposed to be amended to the S2RESH designation to accommodate Fawn Run Drive road alignment. Preservation of the important MRC designation is maintained within The Ponds as no other amendments to this designation are proposed.

**Amendment Area 2:** The 1,793 sq.m./0.44 acres of PARK designated land proposed to be amended to the S2RESH designation is within an area that identified to be Neighbourhood Park, 0.5 hectares in size.

Kelowna's Parkland Acquisition Guidelines identifies that Neighbourhood Parks may include playgrounds, non-bookable recreation spaces, trails, picnic areas, and passive recreational open space for children, families, seniors and others to enjoy. As such, land used for this purpose are required to contain a relatively flat area or a have very low sloping grade. Detailed analysis of this area shows the existing terrain in this area is not suitable for a flat park area. Due to the steep grades and environmentally sensitive areas within the area identified as future Neighbourhood Park, it was determined by Staff and the applicant that lands to the northwest within the immediate development area are more suitable for this specific use of park. The entire general area identified as Neighbourhood Park will be majority reclaimed as natural park space (undeveloped) with the portion proposed in this report to be combined with the RU1H zoned residential lots.

The provision for the Neighbourhood Park is still a requirement of the ASP, and this immediate neighbourhood. Staff are in discussion with Mair Development Inc to provide a detailed design for an appropriate space in the next phase of development to the northwest.

Amendment Area 3: 1,530 sq.m./0.37 acres of S2RES designated lands are proposed to be amended to the PARK designation as the natural topography and adjacency to existing Mair Pond park area do not allow for further residential development.

Retaining walls are not proposed as part of the creation of the 12 lot and road construction. A continuation of revegetation of all disturbed areas will continue as the applicant will continue to work under the current Environmental Development Permit DP16-0181 with the Community Planning Environmental Planner during all construction. All previous phases of The Ponds Bellevue with Mair Developments have been successful rehabilitation and slope stabilization projects.

The applicant submitted a Neighbourhood Consultation Summary Form to staff on July 22, 2018 outlining that Council Policy No. 367 has been fulfilled. Staff have reviewed this application, and it may move forward without affecting either the City's Financial Plan or Waste Management Plan.

#### 4.3 Site Context

The subject property is located within the Okanagan Mission sector of the City, east of the intersection of Gordon rive and Steele Road, and west of Canyon Falls Park / Bellevue Creek. It is located within the Permanent Growth Boundary, and is generally known as The Ponds.

The portion of the subject parcel under consideration contains a mix of Future Land Use designations, including: S2RESH – Single / Two Unit Residential – Hillside; MRC – Multiple Unit Residential Cluster Housing; and PARK – Major Parks and Open Space Public.

The adjacent properties to the north and west have a Future Land Use designation of PARK. To the south S2RESH and MRC designations exist.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 – Parks and Open Space RU1H – Large Lot Housing Hillside	Mair Pond Park Single Until Hillside Residential
East	RU1H – Large Lot Housing Hillside	Single Unit Hillside Residential
South	A1 – Agriculture 1	Future Residential
West	A1 – Agriculture 1	Future PARK & Hillside Residential

#### 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1H ZONE REQUIREMENTS	PROPOSED 12 RU1H LOTS
Subdivision Regulations		
Lot Area	550 m <sup>2</sup>	1,101 m <sup>2</sup> – 1,492 m <sup>2</sup>
Lot Width	16.5 m or 17.0 m corner lot	17.0 m – 26.0 m
Lot Depth	30.0 m	47.0 m – 65.0 m
Other Regulations		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 5: Development Process

**Policy 5.14.2 Dedication of Linear Parks.** At subdivision and rezoning for all development types secure a minimum 10-metre wide linear corridor for public access as included in Table 5.1 Linear Park – Public Access and/or are shown on Map 5.9 – Linear Corridors / Paths. The 10-metre wide corridor may be in addition to, and outside, any riparian management area requirements imposed through the Environmental Development Permit (see Chapter 12) requirements of the OCP. Linear trail corridors can have the following tenure which will be determined by staff at the time of subdivision or rezoning:

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

**Policy 5.15.3 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.

**Policy 5.15.13 Access Through Steep Slopes.** Discourage roads (public or private) through +30% slope areas intended to access lands beyond, except in cases where it can be demonstrated the road will be sensitively integrated (visual and aesthetic impacts minimized) with the natural environment and will present no hazards to persons or property, environmental threats or unreasonable servicing or maintenance challenges.

**Policy 5.36.3 Design for People and Nature.** Structure new neighbourhoods around parks, pedestrian and bike routes, open spaces, and environmental areas, rather than around roadways and cars.

#### Chapter 7: Infrastructure

**Policy 7.6.2 Complete Streets.** Ensure new roads are built as complete streets that incorporate sidewalks and on street bike lanes on arterial and major collector roads and off-road bike paths as per the Active Transportation Plan and provides for efficient transit service, as well as sufficient space to include landscaping.

**Policy 7.8.3 New Residential Developments.** Ensure that new residential developments and subdivisions have active transportation links to the nearest arterial or major collector roads at developer cost.

**Policy 7.12.2 Natural Area Parks and Open Spaces.** Provide a city-wide network of natural area parks which meet the following criteria:

- Contains representative Okanagan ecosystems;
- Contains areas of outstanding natural beauty (including areas with high visual sensitivity and high visual vulnerability, such as rocky outcrops, ridge lines, hilltops, silt slopes, canyons, and water edges);
- The land area is contiguous and forms part of a larger open space network;
- Contains conservation areas;
- Protects viewshed corridors; and
- Where appropriate, trails which maximize public safety while minimizing human impact on the most sensitive and vulnerable areas.

**Policy 7.15.1 Partnerships.** The City will create community and enhance quality-of-life through partnerships with developers, residents' associations, property owners, non-profit organizations, private enterprise, user groups and individuals, on the acquisition and construction of all classes of parks. The City

will also pursue joint use agreements and partnerships with School District 23, Regional District of the Central Okanagan, and the University of British Columbia Okanagan.

**6.0 Technical Comments**

**6.1 Parks**

All Park works are required at time of Subdivision S18-0035.

**6.2 Development Engineering Department**

All servicing with regards to the proposed development are required at time of Subdivision S18-0035.

**7.0 Application Chronology**

Date of Application Received: April 27, 2018

Date Public Consultation Completed: July 22, 2018

**Report prepared by:** Tracey Hillis, Planner, Suburban and Rural Planning

**Reviewed by:** Dean Strachan, Suburban and Rural Planning Manager

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

**Attachments:**

Map "A" OCP Amendment

Map "B" Proposed Rezoning

Attachment 1: ASP Map 8 Development Concept

Attachment 2: ASP Map 10 Parks and Pathways Plan