

# REPORT TO COUNCIL



**Date:** October 3, 2016

**RIM No.** 1250-20/ 1250-30

**To:** City Manager

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

**Application:** OCP16-0008 Z16-0045      **Owner:** No. 21 Great Projects Ltd.,  
Inc.No. 355991

**Address:** 5100 Gordon Dr      **Applicant:** No. 21 Great Projects Ltd.,  
Inc.No. 355991

**Subject:** OCP Amendment/ Rezoning Application

**Existing OCP Designation:** MRC - Multiple Unit Residential - Cluster Housing  
S2RES - Single/ Two Unit Residential  
S2RESH - Single/ Two Unit Residential - Hillside  
PARK - Major Park/ Open Space (public)

**Proposed OCP Designation:** S2RESH - Single/ Two Unit Residential - Hillside  
MRC - Multiple Unit Residential - Cluster Housing  
PARK - Major Park/ Open Space (public)

**Existing Zone:** A1 - Agriculture 1

**Proposed Zone:** P3 - Parks and Open Space RU2H - Medium Lot Housing (Hillside Area)

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## 1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP16-0008 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land use designations of portions of The South ½ DL 579 SDYD Except Plans KAP77336, KAP86178, KAP86917, KAP87090, KAP87918, EPP9619, EPP9638, EPP12863, EPP15721, EPP18670, EPP22118 and EPP55978, located at 5100 Gordon Dr Kelowna, BC, from the Multiple Unit Residential (Cluster Housing) to Single/ Two Unit Residential - Hillside, from Single/ Two Unit Residential - Hillside to Major Park and Open Space, from Single/ Two Unit Residential to Single/ Two Unit Residential - Hillside, from Multiple Unit Residential (Cluster Housing) to Major Park and Open Space, from Single/ Two Unit Residential to Major Park and Open Space, from Major Park and Open Space to Multiple Unit Residential (Cluster Housing) as shown on Map "A" attached to the report of Community Planning dated October 3, 2016 be considered by Council;

AND THAT Rezoning Application No. Z16-0045 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classifications of portions of The South ½ DL 579 SDYD Except Plans KAP77336, KAP86178, KAP86917, KAP87090, KAP87918, EPP9619, EPP9638, EPP12863, EPP15721, EPP18670, EPP22118 and EPP55978, located at 5100 Gordon Dr Kelowna, BC, from A1- Agriculture

1 to P3 - Parks and Open Space and RU2h - Medium Lot Housing (Hillside Area) as shown on Map "B" attached to the report of Community Planning, dated October 3, 2016 be considered by Council;

AND THAT the Official Community Plan Bylaw Amendment 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 issuance of Preliminary Layout Review Letter by the Approving Officer.

## **2.0 Purpose**

To consider an Official Community Plan Amendment and Rezoning application and to amend the Future Land Use designations and rezone portions of the subject property to facilitate a single family residential subdivision for Phase 5 of The Ponds and to dedicate parkland to the City.

## **3.0 Community Planning**

Planning Staff support the proposal to amend the Future Land Use designation and rezone portions of the subject property for Phase 5 of The Ponds development. The subject area is located in a unique hillside area between two small bodies of water, Hill Spring and Jack Smith Lake. The applicant worked closely with City Staff to provide large contiguous areas of undisturbed land to be designated to the City as Park. This approach to Park land dedication is supported by the environmental assessment on the property. It also meets many Official Community Plan policies with regards to protection measures and habitat protection noted in Section 5.0 of this report. The proposed amendments will result in a net gain in natural open space compared to the current Official Community Plan Future Land Use designations on the subject property (see Map A).

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

## **4.0 Proposal**

### **4.1 Project Description**

The subject property is located in the City's Southwest Mission Sector and is Phase 5 of The Ponds development. Residential development in Phases 1 through 4 of The Ponds was approved through previous development applications. Phase 5 is intended to create approximately 34 single family residential lots that are sensitive to the site's sloped topography under the proposed RU2h - Medium Lot Housing (Hillside Area) zone. The majority of the land proposed for RU2h zoning has been used for the past ten years as gravel and rock storage for The Ponds development. Land around Jack Smith Lake and another portion south of Hill Spring park will be dedicated to the City as parkland.

### **4.2 Design Rationale**

An environmental assessment was carried out specifically for this phase of development. It was determined that the land designation collaboratively proposed by City Staff and the applicant is an appropriate allocation of park and single family residential area.

Environmental Assessment Report<sup>1</sup>

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<sup>1</sup> Ecoscape Environmental Consultants Ltd. Environmental Assessment at the Ponds Phase 5 Report, June 2016, 4.0 Impact Assessment Section.

*“Based on the proposed subdivision layout, the development including road and lot layout generally avoids the majority of the Environmentally Sensitive Area 2 (High value) areas surrounding Jack Smith Lake and Hill Spring and also avoid encroachment beyond the 30 m setback associated with Jack Smith Lake...*

*The area of ESA 2 conserved under the currently proposed site plan is compensation for land development associated with other phases of The Ponds development including the School Site and the amendment of land designated as Major Park/ Open Space (public) to Multiple Unit Residential - Cluster Housing in Phase 6. The conservation of the ESA 2 land provides reasonable protection in maintaining the ecological integrity of the subject property.”*

#### 4.3 Site Context

The subject property is located southeast and southwest of the intersection of Gordon Drive and Clarence Avenue, between Hill Spring Park and Jack Smith Lake.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 - Parks and Open Space RU3 - Small Lot Housing	Hill Spring Park Single Family Housing
East	A1 - Agriculture 1	Natural Open Space
South	A1 - Agriculture 1	Natural Open Space
West	A1 - Agriculture 1 RU1h - Large Lot Housing (Hillside Area) P3 - Parks and Open Space	Natural Open Space Single Family Housing Kuipers' Peak Mountain Park

Subject Property Map: 5100 Gordon Drive



## Current Development Policies

### 4.4 Kelowna Official Community Plan (OCP)

#### Future Land Use

**Single / Two Unit Residential - Hillside (S2RESH)<sup>2</sup>** Single detached homes for occupancy by one family, single detached homes with a secondary suite or carriage house, semi-detached buildings used for two dwelling units, modular homes, and those complementary uses (i.e. minor care centres, minor public services / utilities, and neighbourhood parks), which are integral components of urban neighbourhoods. This designation applies to suburban hillside areas where slopes are over 20%. Subdivisions on hillsides over 20% slope will be required to rezone to a hillside zone.

#### Development Process

##### Ensure Environmentally Sustainable Development

##### Environmentally Sensitive Area Linkages<sup>3</sup>

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

##### Habitat Management Hierarchy<sup>4</sup>

Ensure the following sequence of management actions for all public or private projects be adhered to, as identified in a Development Permit, to achieve the “no net loss/net gain” principle of ESA’s:

- AVOID impacts to habitat through appropriate project siting and design;
- MITIGATE minor or temporary impacts by minimizing impacts, and repairing and restoring damaged habitats to their former state or better;
- COMPENSATE only when residual, permanent loss of habitat is unavoidable, acceptable and compensable. Habitat compensation proposals will not be accepted as a trade-off for incomplete on-site mitigation where effective active mitigation efforts are feasible. Development proponents are responsible for proving that all measures to avoid or mitigate potential habitat impacts have been exhausted prior to proposing habitat compensation measures on or off -site.

##### Compensation Guidelines<sup>5</sup>

When compensation for loss of habitat is necessary and acceptable, implement the following guidelines in making habitat compensation decisions:

- On-site compensation (e.g. in or near the same location as the area being impacted) is generally preferred over off -site compensation, particularly when sufficient space is available and there is adequate biophysical capacity on the site to create or enhance similar habitat. However, in some instances, compensation efforts away from the site may result in greater ecological benefits to the overall watershed, habitat type, species or community;
- When it is deemed necessary or appropriate, off -site compensation should occur within the same watershed or ecological unit as the area being impacted;
- ‘Like-for-like’ compensation is generally preferred over replacing lost habitat with a different type of habitat. However, replacing with unlike habitat may be preferable in

<sup>2</sup> City of Kelowna Official Community Plan, Future land Use Chapter.

<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.15.3, Development Process Chapter.

<sup>4</sup> City of Kelowna Official Community Plan, Policy 5.15.4, Development Process Chapter.

<sup>5</sup> City of Kelowna Official Community Plan, Policy 5.15.5, Development Process Chapter.

cases when the replacement habitat will have higher productivity and/or will address a limiting factor within the natural system affected.

#### **Compensation Ratio<sup>6</sup>**

When compensation for loss of habitat is necessary and acceptable, require a compensation ratio (area of replacement habitat to area of lost habitat) that takes into account factors such as:

- Time lags in achieving habitat replacement;
- Risk associated with the success of compensation measures; the relative significance of the impacted habitat (e.g., does it support threatened, endangered and / or economically important species);
- Whether compensation is occurring on site or off -site; and
- Whether the replacement habitat is of the same type as the lost habitat.

#### **Protection Measures<sup>7</sup>**

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

- Dedication as a City park or trail where the area complements the goals and objectives of sustainable development. ESA's acquired as parks or trails will be managed to protect their sensitive features in balance with public use;
- Return to Crown Land or covenant for conservation purposes with the City, the Province and/or a nongovernmental organization (e.g. Central Okanagan Land Trust) eligible to hold Conservation Covenants;
- Some form of development incentive (density transfer, cluster housing, etc.) that will facilitate the protection of all or significant portions of ESAs;
- Protection of ESAs or portions of ESAs as an amenity contribution when new development requires a change to zoning that in-creases density over present zoning;
- Ensure setbacks on adjacent developments are adequate to maintain the integrity of the ESA and to minimize hazards created at the interface between natural areas and development. For example, ensure housing is setback an adequate distance adjacent to an interface area with potential tree, rockfall, flooding or fire hazards;
- As a last option, dedication to a land trust or similar nongovernment organization for conservation purposes.

#### **Habitat Protection<sup>8</sup>**

Ensure a proposed development footprint within an ESA is configured in such a way as to minimise the encroachment toward aquatic or terrestrial habitat. Consider zoning and/or subdivision variances where needed to prevent or minimize a relaxation of or encroachment into the RMA or to acquire greater RMA width for environmental protection or hazard avoidance.

### **5.0 Technical Comments**

#### **5.1 Building & Permitting Department**

No comment.

#### **5.2 Development Engineering Department**

The site is vacant, un-serviced land. Offsite and Onsite infrastructure and servicing requirements will be addressed in the PLR at time of subdivision.

<sup>6</sup> City of Kelowna Official Community Plan, Policy 5.15.6 Development Process Chapter.

<sup>7</sup> City of Kelowna Official Community Plan, Policy 5.15.7 Development Process Chapter.

<sup>8</sup> City of Kelowna Official Community Plan, Policy 5.15.11 Development Process Chapter.



### 5.3 Fire Department

- Engineered Fire Flow calculations are required to determine Fire Hydrant requirements of 60 litre/second for single family residential. All the hydrant(s) shall be operational PRIOR to the start of construction. Should this be a strata community, the hydrants shall be deemed private hydrants
- Fire Department access is to be met as per BCBC 3.2.5. (The minimum required width of the roadways shall be 6 m clear, turnarounds shall be provided with a 12 m turning radius, hammerheads to accommodate largest responding fire apparatus, maximum gradient 1:12.5 over 15M.) All roadways shall have a proper turning radius on corners or a proper turn around facility.;
- The houses shall be accessible from the street they are addressed off of - lanes are not considered emergency access routes. If lanes are utilized, they shall be named and meet the requirements of the BCBC for FD access;
- Ensure the length of the cul de sac does not exceed 200 metres as per Bylaw 7900;
- Requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met;
- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met; and
- Do not issue BP unless all life safety issues are confirmed complete.

### 5.4 School District No. 23

School District 23 has no objections to the application as proposed.

### 6.0 Application Chronology

Application Received:	June 22, 2016
Public Consultation Completed:	September 2, 2016
Referral Comments Received:	September 7, 2016

**Report prepared by:** Tracey Yuzik, Planner

**Reviewed by:** Todd Cashin, Subdivision, Suburban and Rural Planning Manager

**Reviewed by:** Ryan Smith, Community Planning Department Manager

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

#### Attachments:

Map "A" OCP Amending Map  
Map "B" Zone Amending Map  
Proposed Subdivision Layout