

# REPORT TO COUNCIL



**Date:** November 14, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** OCP21-0015 & Z21-0051

**Owner:** Calcan Investments Inc., Inc.  
No. BC0383776

**Address:** 5548 Upper Mission Dr

**Applicant:** Calcan Investments Inc. –  
Andrew Bruce

**Subject:** OCP Amendment and Rezoning Application

**Existing OCP Designation:** S-MU - Suburban Multiple Unit  
NAT - Natural Area

**Proposed OCP Designation:** S-MU - Suburban Multiple Unit  
NAT - Natural Area

**Existing Zone:** RU<sub>1</sub> – Large Lot Housing  
RU<sub>4</sub> – Duplex Housing  
P<sub>3</sub> – Parks and Open Space

**Proposed Zone:** RU<sub>1</sub> – Large Lot Housing  
RU<sub>4</sub> – Duplex Housing  
P<sub>3</sub> – Parks and Open Space

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## 1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP21-0015 to amend Map 3.1 in the Kelowna 2040 – Official Community Plan Bylaw No. 12300 by changing the Future Land Use designation of portions of The North East ¼, Section 14, Township 28, SDYD, Except Plans KAP57304, EPP48322, EPP65254, EPP92619, EPP98834, EPP109053 and EPP116470, located at 5548 Upper Mission Drive, Kelowna, BC, from the NAT – Natural Area designation to the S – MU – Suburban Multiple Unit designation, as shown on Map “A” attached to the Report from the Development Planning Department dated November 14, 2022, 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 Consultation process to be appropriate consultation for the Purpose of Section 475 of the *Local Government Act*, as outlined in the Report from the Development Planning Department dated November 14, 2022;

AND THAT Rezoning Application No. Z21-0051 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of portions of The North East ¼, Section 14, Township 28, SDYD, Except Plans KAP57304, EPP48322, EPP65254, EPP92619, EPP98834, EPP109053, and EPP116470, located at 5548 Upper Mission Drive, Kelowna, BC, from the P<sub>3</sub> – Parks and Open Space zone to the RU<sub>1</sub> – Large Lot Housing zone as shown on Map “B” attached to the Report from the Development Planning Department dated November 14, 2022, 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 Preliminary Layout Review Letter by the Approving Officer;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Natural Environment Development Permit for the subject property.

## **2.0 Purpose**

To amend the Official Community Plan to change the future land use designation of portions of the subject property from the NAT – Natural Areas designation to the S-MU – Suburban Multiple Unit designation and to rezone portions of the subject property from the P<sub>3</sub> – Parks and Open Space zone to the RU<sub>1</sub> – Large Lot Housing zone to facilitate a 7-lot bareland strata subdivision.

## **3.0 Development Planning**

Staff supports the Official Community Plan (OCP) amendment and Rezoning to accommodate a 7-lot strata subdivision of the subject property. The proposal is consistent with previous direction for the subject property which identified a portion as being developable for a small cluster of units. It conforms to OCP Policies encouraging sensitive hillside housing which integrate nature and protect natural areas. The proposed zoning and density of the site is consistent with the surrounding Suburban Residential neighbourhood.

The proposed OCP amendment and rezoning is meant to align the Future Land Use and zoning boundaries with areas of the property that have been identified as suitable for development. The areas subject to the Future Land Use and Zoning boundary adjustments are considered minor and reflect more detailed site investigation of the topographic conditions of the site, as well as the alignment of Upper Mission Drive.

Significant parkland dedication would protect identified environmentally sensitive areas and the high point of land. Trail connections would be provided to allow continued access to the site for recreational users.

## **4.0 Proposal**

### **4.1 Background**

The subject property was designated in the 2020 Official Community Plan Bylaw No. 7600 (adopted in 2002) as Single/Two Unit Residential and Major Park/Open Space. In 2012, Council considered an OCP Amendment and Rezoning application to refine the OCP designations and zoning of the property to take advantage of the natural topography of the land by identifying areas that were developable for small clusters of units. Portions of the subject lands were identified as being a developable area and were redesignated to Multiple Unit Residential (Cluster Housing) and rezoned to RH<sub>1</sub> – Hillside Large Lot Residential in 2014.

As the RH<sub>1</sub> – Hillside Large Lot Residential zone was removed from Zoning Bylaw No. 12375, portions of the property previously zoned RH<sub>1</sub> were rezoned to RU<sub>1</sub> – Large Lot Housing in the new Zoning Bylaw

4.2 Project Description

The application would redesignate and rezone a portion of the subject property in order to facilitate a 7-lot bareland strata subdivision. The proposed redesignation and rezoning would enlarge the existing area that is designated S-MU – Suburban Multiple Unit and zoned RU<sub>1</sub> – Large Lot Housing. The proposed lots would be accessed from a private strata driveway from Upper Mission Drive.

The remainder of the subject property would be dedicated to the City as parkland. The developer would develop a trail network on the subject property from Upper Mission Drive near Cedar Creek, up to a viewpoint above Lonely Boy Crag. A trail head would be constructed at the base of the trail near Upper Mission Drive. The trail would provide connectivity to other trails on Crown Land, outside of the City Limits.

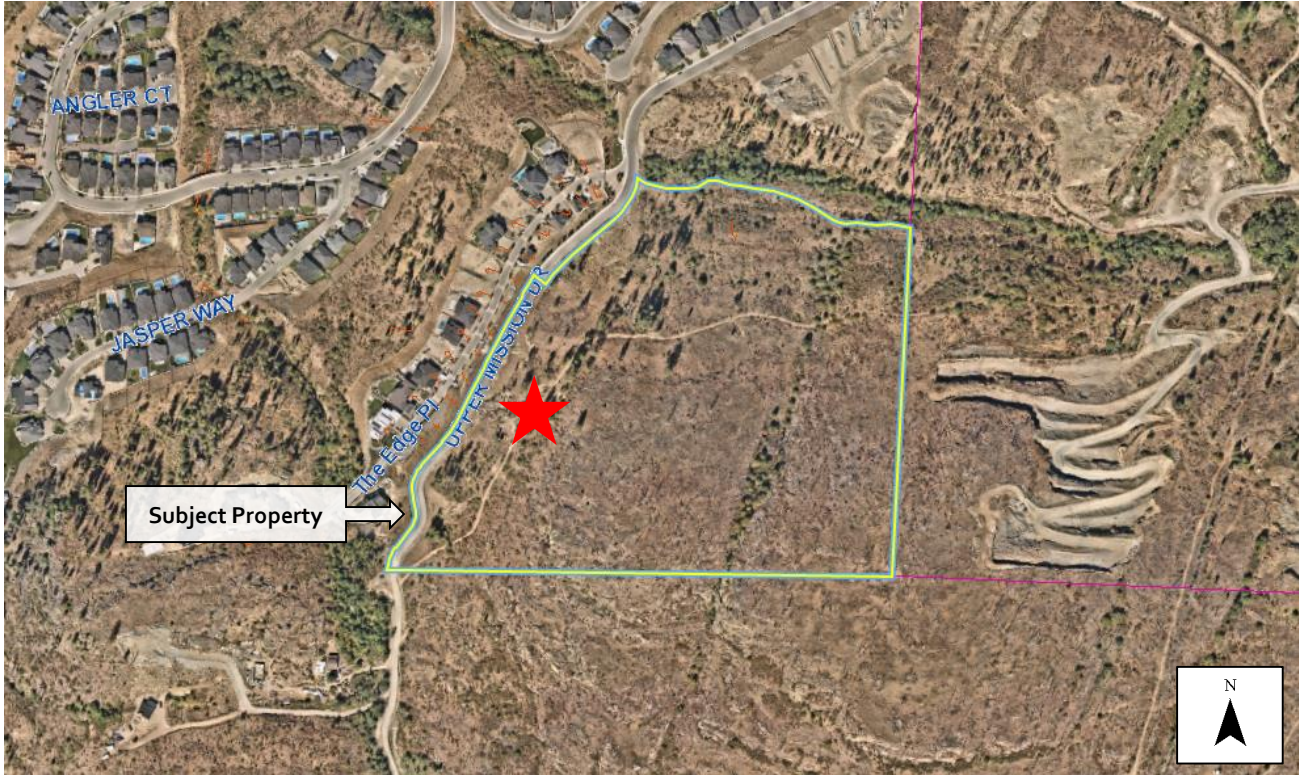
4.3 Site Context

The subject property is located on Upper Mission Drive, south of the intersection with Trestle Ridge Drive, adjacent to the southern boundary of the City of Kelowna. It is currently vacant. The Future Land Use of the surrounding area is NAT – Natural Area, S-RES – Suburban Residential, and S-MU – Suburban Multiple Unit and is zoned RU<sub>1</sub> – Large Lot Housing and P<sub>3</sub> – Parks and Open Space.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P <sub>3</sub> – Parks and Open Space	Natural Area
East	RDCO	Gravel Extraction
South	RDCO	Vacant Crown Land
West	RU <sub>1</sub> – Large Lot Housing P <sub>3</sub> – Parks and Open Space	Single Family Housing Natural Area

**Subject Property Map:** 5548 Upper Mission Drive



**5.0 Current Development Policies**

**5.1 Kelowna Official Community Plan (OCP)**

**Objective 7.2 Design Suburban Neighbourhoods to be low impact, context sensitive and adaptable**

<p>Policy 7.2.2 Hillside Housing Forms</p>	<p>Encourage housing forms that best match to the topography and have the lowest amount of impact in hillside areas, such as minimum cuts and fills, for example, and provide the greatest environmental protection. Discourage housing forms and associated roadways that cause high amounts of slope disturbance and visual impact.</p>
	<p><i>The proposed development is an area that has previously been identified as an area of land suitable for a cluster of residential units.</i></p>
<p>Policy 7.2.3 Integrate Nature</p>	<p>Integrate the design of active parks with adjacent natural areas while maintaining individual park standards. Reduce the impacts of parks on adjacent natural systems.</p>
	<p><i>The proposal would transfer a large parkland area to the City which would include development of a trail network.</i></p>

**Objective 10.1 Acquire new parks to enhance livability throughout the City.**

<p>Policy 10.1.15 Natural Areas</p>	<p>Preserve a diversity of Natural Areas for habitat and ecosystem conservation, including ecosystem connectivity corridors, with limited trails access and other low impact activities. The network should contain representative Okanagan ecosystems, contain areas of natural beauty and of high visual sensitivity, with opportunities for viewpoints, staging areas, and linear trails. Aim for contiguous spaces that link to other regionally and provincially protected spaces. Ensure</p>
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	<p>that acquired spaces have adequate access for maintenance and linear trails, and that hazards (e.g. wildfire or rock fall) are mitigated prior to acquisition. Disturbed and weedy areas are not suitable for natural park areas, unless restored to the satisfaction of the City prior to transfer. The cost/benefit of the land must result in an overall benefit to the City rather than a maintenance burden.</p>
	<p><i>A large portion (~8.58 ha) of the subject property designated as Natural Area would be dedicated to the City as parkland and provide trails to allow continued access for recreational users.</i></p>

**6.o Application Chronology**

Date of Application Received: August 26, 2021  
 Date Public Consultation Completed: January 26, 2022

**Report prepared by:** Mark Tanner, Planner II  
**Reviewed by:** Dean Strachan, Community Planning & Development Manager  
**Reviewed by:** Terry Barton, Development Planning Department Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

**Attachments**

- Attachment A: Zoning Amendments
- Attachment B: Site Layout
- Attachment C: Trail Plan
- Map A: Proposed Official Community Plan Amendment
- Map B: Proposed Rezoning