

# REPORT TO COUNCIL



**Date:** February 6, 2017

**RIM No.** 1250-30

**To:** City Manager

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

**Application:** OCP16-0027 / Z16-0075

**Owner:** Glenwest Properties Ltd., Inc.  
No. Co889227

**Address:** Upper Canyon Dr (E of)

**Applicant:** Wilden Construction Corp.

**Subject:** OCP Amendment & Rezoning Applications

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

Proposed OCP Designation: PARK – Major Park / Open Space (Public)  
S2RESH – Single / Two Unit Residential – Hillside

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

Proposed Zone: P3 – Parks and Open Space  
RU4h – Low Density Cluster Housing (Hillside Area)

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## 1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP16-0027 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 The South West 1/4 of Section 5 Township 23 ODYD Except Plans KAP83526, KAP88266, EPP9195, EPP24895, EPP24897 and EPP55131, located at Upper Canyon Dr (E of), Kelowna, BC from the S2RESH – Single / Two Unit Residential – Hillside designation to the PARK – Major Park / Open Space (Public) designation, as shown on Map "A" attached to the Report from the Community Planning Department dated February 6, 2017, 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 Hearing to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;

AND THAT Rezoning Application No. Z16-0075 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of The South West 1/4 of Section 5 Township 23 ODYD Except Plans KAP83526, KAP88266, EPP9195, EPP24895, EPP24897 and EPP55131, located at Upper Canyon Dr (E of), Kelowna, BC from the RU1h – Large Lot Housing (Hillside Area) zone to the P3 – Parks and Open Space and RU4h – Low Density Cluster Housing (Hillside Area) zones, as shown on Map "B"

attached to the Report from the Community Planning Department dated February 6, 2017, 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 outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated February 6, 2017;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property.

## **2.0 Purpose**

To consider Official Community Plan Amendment and Rezoning application to amend the Future Land Use designation and rezone portions of the subject property to facilitate a semi-detached strata development and dedicate parkland to the City in the Lost Creek neighbourhood of Wilden.

## **3.0 Community Planning**

Staff support the proposal to amend the Future Land Use designation and rezone portions of the subject property for the Wilden Lost Creek strata development. These amendments will allow for a 39 unit strata development of semi-detached buildings and one single detached house while protecting steep slopes and dedicating additional parkland to expand on natural open space in the existing Upper Canyon area.

The purpose of the RU<sub>4</sub>h – Low Density Cluster Housing (Hillside Area) zone is to allow for comprehensively planned clusters of semi-detached and single detached housing in a strata format with urban services, in order to preserve topography, natural features, open space, or environmentally sensitive features. The proposed clustered semi-detached housing is more sensitive to the site topography than a traditional single detached residential subdivision. The RU<sub>4</sub>h zone is consistent with the Official Community Plan (OCP) Future Land Use designation of S<sub>2</sub>RESH – Single / Two Unit Residential – Hillside and the Glenmore Highlands Area Structure Plan (ASP) designation of Clustered Single / Multiple Family on the property.

The southern and eastern portions of the proposed development site have steep slopes and are not suitable for development. Amending the Future Land Use designation for these areas to PARK – Major Park / Open Space and rezoning to P<sub>3</sub> – Parks and Open Space will facilitate additional parkland dedication to the City and expansion of natural open space in the Upper Canyon area, which connects to a large network of natural open space through Wilden. The area proposed to be added as parkland totals approximately 0.65 hectares (1.6 acres).

The applicant has submitted a Development Permit application for form and character as well as a Development Variance Permit application to allow additional driveway access onto Rocky Point Drive. Should Council support the OCP Amendment and Rezoning applications, staff will bring forward the Development Permit and Development Variance Permit applications for Council consideration at a future date.

The applicant completed neighbourhood consultation in accordance with Council Policy No. 367. To date, staff have been contacted by two area residents with concerns about impacts on adjacent property.

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

## 4.0 Proposal

### 4.1 Background

The site is within the Glenmore Highlands ASP area, adopted by Council in April 2000. The ASP established the policy framework for the orderly development of the area and includes general plans for land uses, transportation, and servicing. The subject site is designated for Clustered Single / Multiple Family in the ASP.

### 4.2 Project Description

The proposed project consists of 38 semi-detached units and one single detached unit in a total of 20 buildings. The site is accessed from Rocky Point Drive and four of the buildings are proposed to front directly onto Rocky Point Drive, with the rest accessed by internal strata roads.

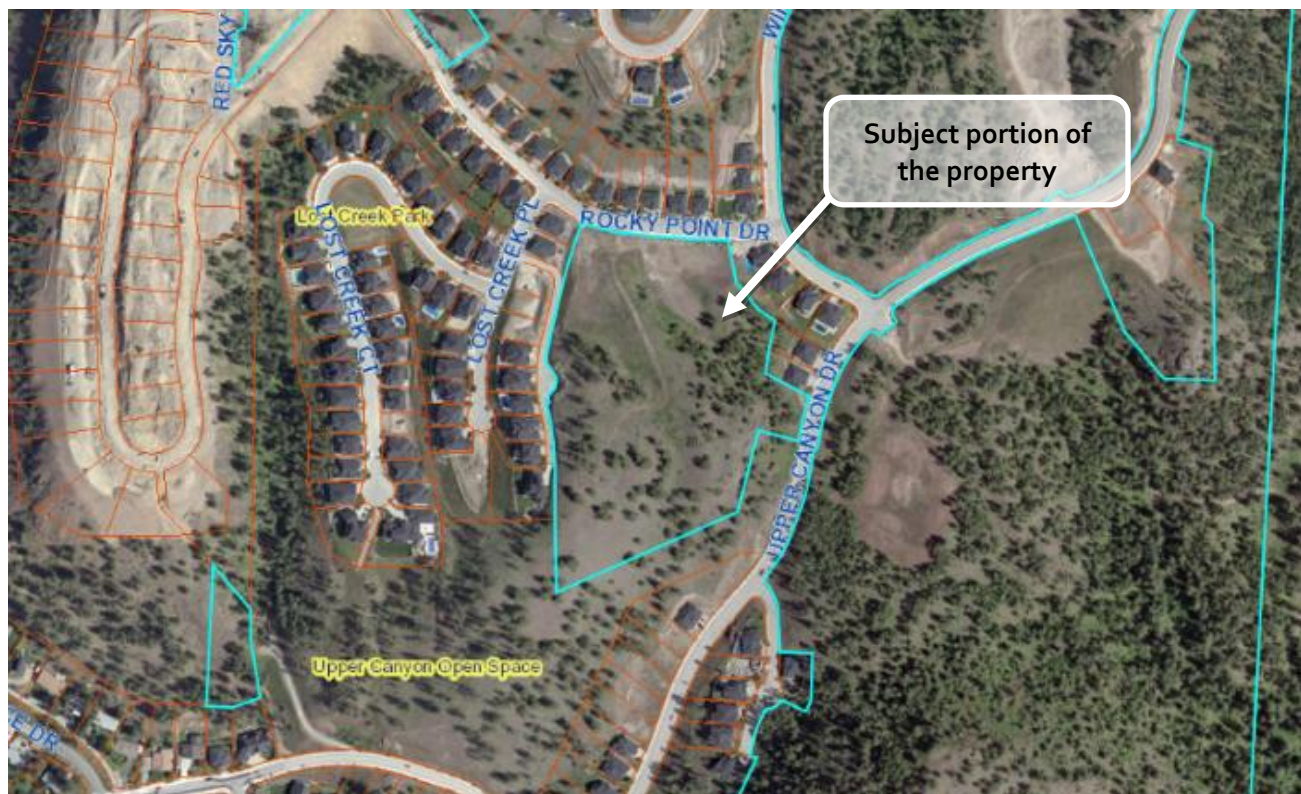
### 4.3 Site Context

The subject property is located in the southern portion of the Wilden neighbourhood in the Glenmore-Clifton-Dilworth Sector. It is west of the intersection of Upper Canyon Drive and Wilden Ridge Drive, with access off Rocky Point Drive. The area around the site is characterized by single detached residential and natural open space, with a small undeveloped local commercial and multi-family node to the east.

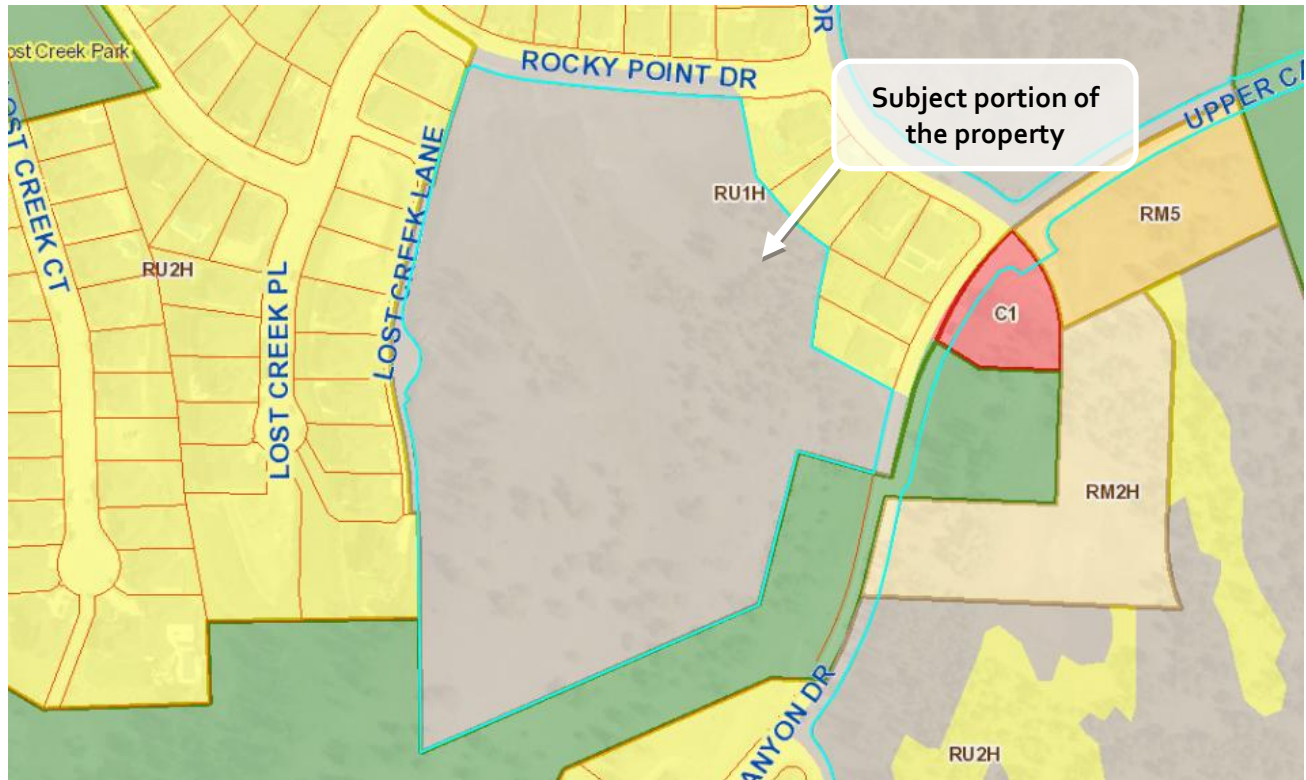
Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1h – Large Lot Housing (Hillside Area)	Single dwelling housing
East	RU1h – Large Lot Housing (Hillside Area) P3 – Parks and Open Space	Single dwelling housing Public park
South	P3 – Parks and Open Space	Public park
West	RU2h – Medium Lot Housing (Hillside Area)	Single dwelling housing

Subject Property Map 1: (E of) Upper Canyon Drive Context



Subject Property Map 2: (E of) Upper Canyon Drive Existing Zoning and Future Land Use Designations



#### 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU4h ZONE REQUIREMENTS	RU4h PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	6,000 m <sup>2</sup>	30,916 m <sup>2</sup>
Lot Width	40.0 m	110 m
Lot Depth	30.0 m	205 m
Development Regulations		
Density	17 dwellings / ha	12.6 dwellings / ha

### 5.0 Current Development Policies

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

### Chapter 4: Future Land Use

#### *Single / Two Unit Residential – Hillside (S2RESH)*

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.

#### *Major Park / Open Space (Public) (PARK)*

City, District, Community, Neighbourhood and Linear parks. Not all parks required over the next 20 years are indicated on the map, as Neighbourhood parks will be provided at City standards as integral components of new and redevelopment initiatives. A major Recreation Park will be provided in the Glenmore Valley area. Open space indicated at the south end of Ellison Lake is intended as wildlife habitat preservation subject to approval of the appropriate provincial ministry or agency.

### **Chapter 5: Development Process**

**Policy 5.14.12 Steep Slopes.** Prohibit development on steep slopes (+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.

**Policy 5.22.1 Cluster Housing.** Require new residential development to be in the form of cluster housing on or near environmentally sensitive areas and areas of steeper slopes to lessen site disturbance and environmental impact on those areas identified on the Future Land Use Map 4.1 as single-two unit residential hillside. Steeply sloped areas should be retained as natural open space, public or private. The intent of the clustering would be to preserve features identified through the Development Permit process that otherwise might be developed and to maximize open space in order to:

- a. Protect environmentally sensitive areas of a development site and preserve them on a permanent basis utilizing the most appropriate tools available;
- b. Facilitate creative and flexible site design that is sensitive to the land's natural features and adaptive to the natural topography;
- c. Decrease or minimize non-point source (i.e. asphalt roofs, driveways and parking) pollution impacts by reducing the amount of impervious surfaces in site development;
- d. Promote overall cost savings on infrastructure installation and maintenance; and
- e. Provide opportunities for social interaction, walking and hiking in open space areas.

**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.

**Policy 7.12.2 Natural Area Parks and Open Space.** 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.

To achieve the above, the City will need to acquire land. In determining what land to acquire, the City will assess:

- Costs / benefits to ensure the City is receiving a public asset, rather than a maintenance liability;
- Liability from natural and man-made hazards (falling rocks, debris, hazardous trees, fuel modification, etc.) to ensure hazards are mitigated in advance of acquisition;
- Maintenance access to ensure it is acceptable; and
- Opportunities for linear trails, view points, staging areas, etc. to ensure availability of a public recreation component.

## 5.2 Glenmore Highlands Area Structure Plan (ASP)

### Section 3.6.3 Clustered Single / Multiple Family

The intent of the Clustered Single / Multiple Family designation is to encourage sensitive siting of moderate density residential uses within the difficult topography of the Glenmore Highlands ASP area. This housing type generally occurs in areas that are more protected from off-site views or are less topographically constrained than Clustered Single Family pockets.

- Residential units should be clustered and / or building envelopes should be sited so as to be sensitive to the natural terrain (grading is to be minimized); siting should protect the natural integrity and stability of slopes, respect significant features of the natural environment and preserve the character of existing vegetation and other natural landscape features.
- Access to individual developments should be sensitive to the environment and topography.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- Any retaining walls or slope stability to platform the building sites are required to be designed by a geotechnical engineer and the work done as part of the subdivision.
- Locations of rock pits to be clearly determined on site grading plans and comment for design should be provided in the geotechnical report.
- Roof water disposal to be determined by geotechnical engineer at time of subdivision. If the roof water is connected to storm then engineering details should be provided since this requirement is not within the Building Code. Details should include slope of piping, clean outs, connection to dwelling, size of pipe, backflow protection, etc.
- Any sloped areas above the building platform should have a drainage swale system before the property line to deal with potential overland water flow issues.

### 6.2 Development Engineering Department

- See attached memorandum, Schedule "A".

### 6.3 Parks & Buildings Planning

- The land transferred to the City shall be free and clear of noxious weeds as regulated in the British Columbia *Weed Control Act*; no debris and garbage; no unauthorized tree cutting, no damage to natural vegetation, no material and construction storage and / or equipment parking. The land shall be kept in a natural, undisturbed condition.

- The proposed subdivision plan identifies a steeply sloped hazardous area for public ownership. The following mitigation measures will be required to be undertaken by the developer prior to transfer in ownership to the City:
  - The applicant will be required to retain a Registered Professional Geotechnical Engineer (PEng) to develop and implement a rock fall hazard mitigation plan to reduce and mitigate potential slope hazards. The plan will include a flat fall zone as part of the open space parcel and the construction of a trench (rock fall berm or swale) to capture falling rocks, trees, and slope slippage. The plan will be reviewed and approved by the City prior to undertaking any work. All approved recommendations of the Professional Engineer's report shall be implemented prior to transfer in ownership of the lands to the City of Kelowna.
  - The applicant will be required to retain a Registered Professional Forester (RPF) or recognized equivalent to develop and implement a plan to reduce potential wildfire hazards. The plan will address fuel reduction, forest health and the protection of significant characteristics of the forested area. The plan and work will be reviewed and approved by the City prior to undertaking any work. All approved recommendations of the RPF's report shall be implemented prior to transfer in ownership of the lands to the City of Kelowna.
  - To prevent private / public encroachment, the applicant will be required to delineate all private property lines adjacent to the open space parcel with a minimum 1.2 m (4 ft) high black vinyl chain link fence (or approved equivalent) located 150 mm (6 in) within the private property. On residential lots with registered No Disturb covenants immediately adjacent to the Natural Area Park, the fence shall be located 150 mm (6 in) before the start of the covenant area.

## 7.0 Application Chronology

Date of Application Received: November 16, 2016  
 Date Public Consultation Completed: January 11, 2017

### Report prepared by:

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Laura Bentley, Planner II

### Reviewed by:

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Todd Cashin, Subdivision, Suburban and Rural Planning Manager

### Approved for Inclusion:

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Ryan Smith, Community Planning Department Manager

### Attachments:

Map "A" OCP Bylaw Amending Map  
 Map "B" Zoning Bylaw Amending Map  
 Schedule "A" City of Kelowna Memorandum

Conceptual Site Plan  
Conceptual Renderings