

Bear Land Development Services Ltd.

4117 HUGHES ROAD
KELOWNA, BC V1W 4S3



OCP Amendment and Rezoning Summary - 5555 Lakeshore Road

Date

September 9, 2016

Services Performed By:

Bear Land Development Services Ltd.
4117 HUGHES ROAD
KELOWNA, BC V1W 4S3

Services Performed For:

5555 Lakeshore Road
Carmen Langstaff and Dana Johnson

City of Kelowna

Community Planning

1435 Water Street

Kelowna, BC V1Y 1J4

Attention: Mayor & Council, Planning Staff, and Approving Officer

Re: **OCP Amendment and Rezoning Application – 5555 Lakeshore Road**

Background

The applicants, Carmen Langstaff and Dana Johnson, have been in preliminary discussions with City Staff regarding the proposed large lot subdivision at 5555 Lakeshore Road in the South Okanagan Mission area. The applicant wish to subdivide a 3.1 hectare (7.6 acres) parcel into two (2) large acreage lots and requires an OCP Amendment and Rezoning prior to subdivision. An application for OCP Amendment and Rezoning has been included with this summary report. The applicant intends to submit application for subdivision following rezoning approval. A Preliminary Layout Plan (PLR) and Site Servicing Plan have been included as background information in support of the rezoning application. The two lot subdivision consists of a 2.1 hectare (5.1 acres) lot and a 1.0 hectare (2.5 acres) lot.

The subject property is currently zoned Agriculture A1c, and is NOT located within the ALC land reserve. The proposed two lot subdivision plan requires that the parcel be rezoned from Agriculture (A1c) to Rural Residential 1 (RR1c), that includes a Carriage House. The purpose of the Rural Residential 1 zone is to provide for country residential development, and complementary uses, on larger lots in areas of high natural amenity and limited urban services. The property is well suited for the proposed zone, as noted in the following sections.

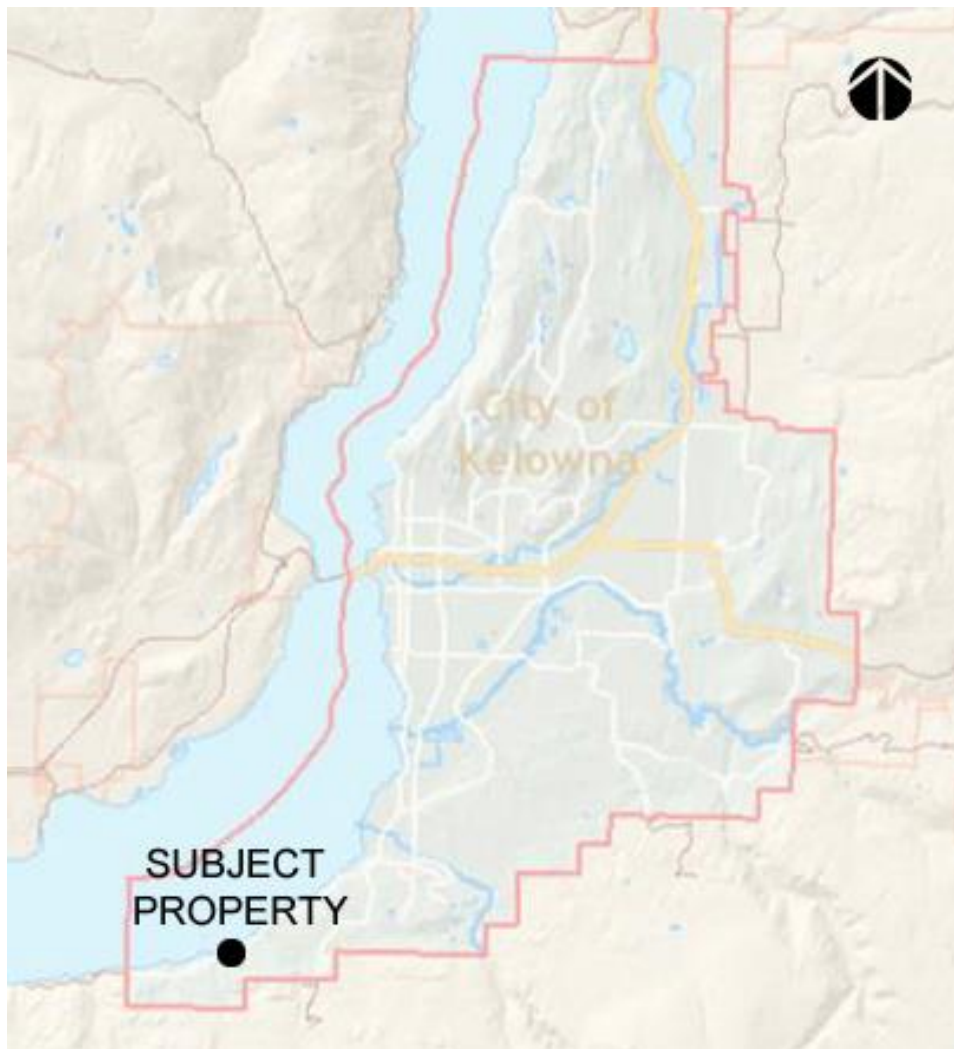
The proposed two lot subdivision satisfies the regulations under the proposed RR1c zone in terms of uses, structures, subdivision and development. The proposed RR1 zone could allow for a three (3) lot subdivision. However, the applicant is not interested in maximizing density or maximizing development potential. The property owner's key objectives and primary reasons for rezoning and subdivision of their property have been summarized below:

1. **The site is currently divided by an existing access easement that runs through the middle of the site. This access road has effectively split the property into two parcels. The subdivision is just a formalization of what is already a pre-condition;**
2. **The site is not suited for A1 uses, it is better suited for RR1 uses.** There is a long list of factors that support the rezoning, as outlined in detail below;
3. This is a legacy property with family history, the Owners have emotional attachment and wish to remain on property in perpetuity. However, the size and maintenance of the property grounds has become far more than the owners can handle on their own;
4. The Owner's intension is to have a lower maintenance home on the upper lot, with a carriage home for live in care giver. The new home site is shown on the PLR plan provided.

Site Location & Context

This subject property is located in South Okanagan Mission, on the high side of Lakeshore Road, just south of Cedar Creek and Martins Lane wineries. The property slopes uphill from Lakeshore Road which provides amazing views up and down the valley and the Okanagan Lake. The onsite topographic and natural features provide a truly exceptional residential opportunity for a second country style residence. The site is split by an existing road access easement through the site, which provides access to the 125 acres property located above the site to the south. All of the existing structures and most of the trees were lost during the Okanagan Park Wildfire in 2003.

The lower portion of the property below the access easement has been rebuilt with a single family residence, a carriage home, an accessory building/garage, a small personal garden, chicken coop, and hobby vineyard of 75 plants located on fill which was imported. The remainder of the site above the access easement is completely open and consists of exposed bedrock, up to 4cm of surface moss or dirt and limited vegetation, which does not support any intensive agricultural uses. The upper portion of the site boast panoramic lake, mountain and vineyard views. There are a few shade trees that the applicant hopes to protect and maintain. The proposed second building site location above the access easement at the upper end of the property. This is the ultimate location for the applicants to build their dream home where they hope to retire and enjoy the Okanagan lifestyle we have all grown to love.



Subject Property Location – City of Kelowna, South Okanagan Mission Area



Subject Property – 5555 Lakeshore Road

The properties located across the street, below Lakeshore Road along the waterfront, are zoned RR1. The majority of the lots are less than half an acre in size and include single family homes and accessory buildings. The existing RR1 zoning across Lakeshore Road complements the proposed zoning for the subject property. The lot areas of the two proposed lots will be much bigger in comparison.

The larger Agricultural A1 neighboring properties to the south and east, above the subject property, have lot areas of 124 acres and 25 acres. In contrast, these lots are large enough and suitable for Agricultural uses under the current A1 zoning. The majority of these lots are included in the ALC land reserve. The A1 property to the west is only 1.3 acres and is split by Lakeshore Road, which is not suitable for intensive agricultural uses either.

The proposed subdivided lot will not interfere with any of the immediate neighbor's or adjacent properties. The applicant is confident that proposed two lot subdivision does not negatively impact the neighbor's ability to enjoy their property, nor will it interfere with their view.

Site Servicing

The City has reviewed the proposed subdivision plan and have provided some feedback to date. Based on preliminary discussions, the critical component identified for rezoning the property was access to water.

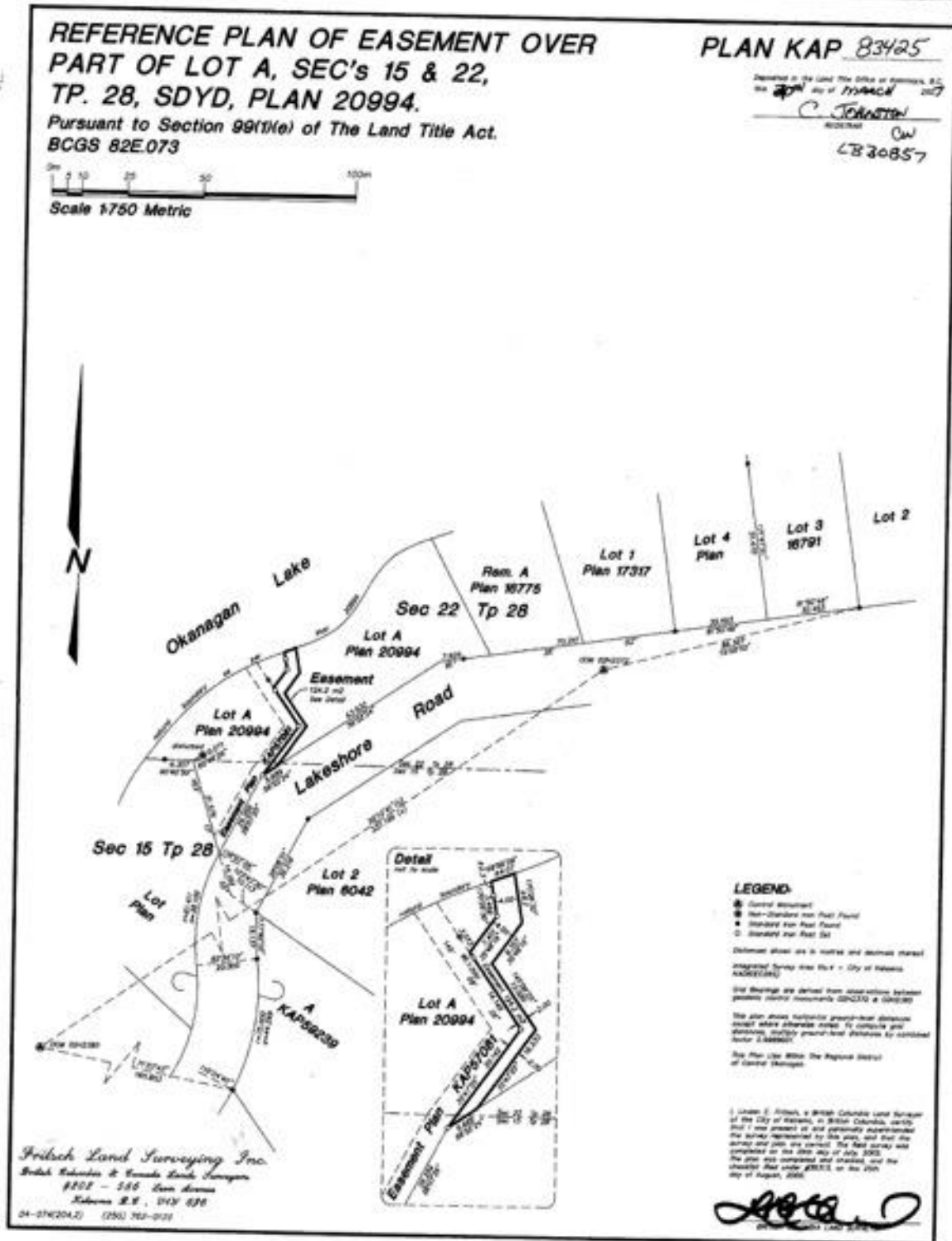
WATER

Municipal water service is not available off of Lakeshore Road fronting the property. As such, each lot will be service by fresh water lake intakes, under existing licenses. There are two (2) water licenses for the subject property, one for an existing lake intake water service and one for a proposed lake intake water service. The existing lake intake is located along an easement, KAP 83425, which is currently located through the center of a waterfront property at 5550 Lakeshore Road (Lot A, Plan 20994), dividing the waterfront property. The water line is located directly adjacent to the foundation of an existing residence and includes a large electrical power panel on the driveway in front of the residence kitchen window. The existing lake intake system is not easily maintained, nor is it suitable to install a new lake intake within the existing easement. The applicant proposes the consolidation of the existing lake intake locations into one. The preferred location for the consolidation is proposed to be at the Lakeshore 'Road End', as shown below. There are other alternatives that can be discussed with City Staff, as per the attached plan provided as part of the application. The 'Road End' simply avoids any crossing of private property.

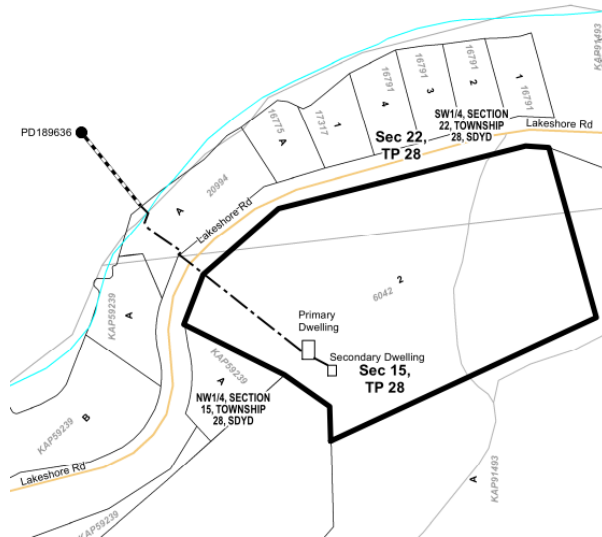
Status: Filed

Plan #: KAP83425 App #: N/A Cst #: 0

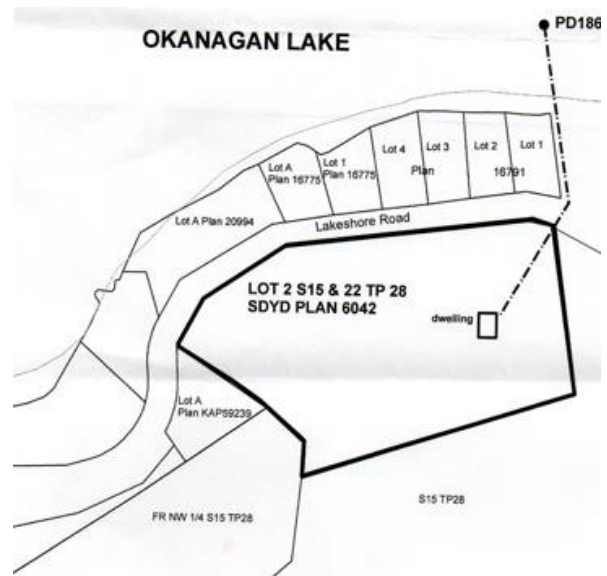
REVISED: 2007-03-26 REGIST. 2014-09-09 09:36:0



The applicant provides an opportunity to clean up what is currently an undesirable situation with the location of the existing water easement and lake intake. It also provides for the consolidation of lake intakes crossing Lakeshore Road. The applicant has received a letter from Front Counter BC advising that if the proposed works cross a public road, the agency that has jurisdiction over the road must be notified. The existing water licenses have been included with the application.

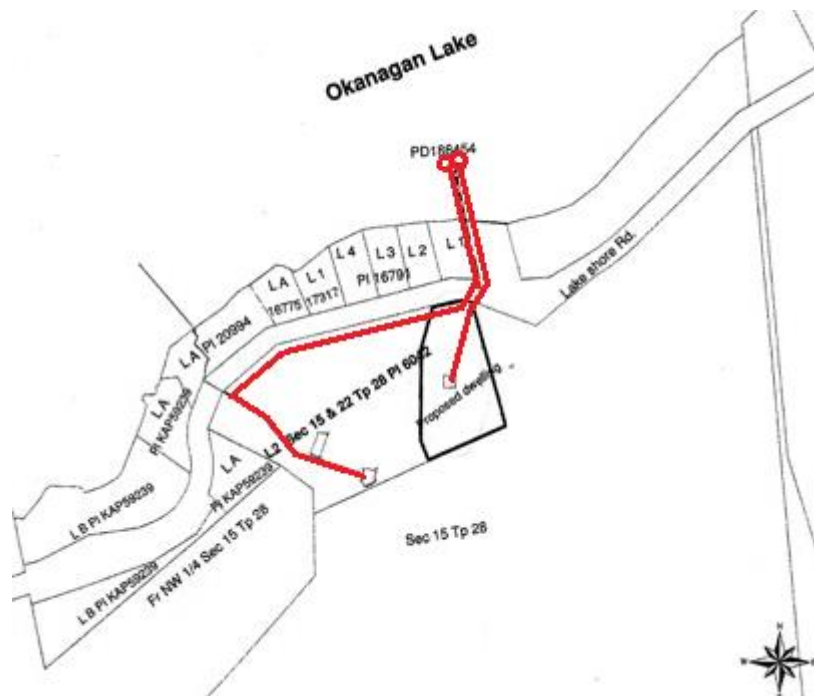


Water License C133227



Water License C131869

Existing Water License Locations

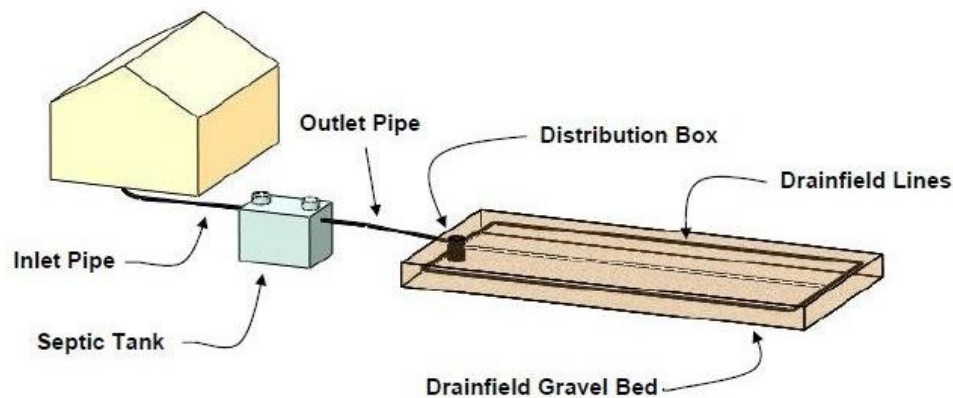


Proposed Lake Intake Improvements and Consolidation of Water Services

WASTE WATER

Municipal sanitary service is not available on Lakeshore Road. The subject property will be service by an onsite septic system. The subject property has one existing septic system that services the existing onsite buildings. The entire septic system and disposal field is included in the lower lot. The second upper lot will required a new septic and disposal system that is in compliance with the BC Sewerage System Regulation, most likely another Type 1 gravity distribution system.

An Onsite Sewer Disposal Assessment report can be provided upon request. The septic system will need to have a minimum setback of 15m, for Type 1 effluent, from the top of any cut banks or natural slopes greater than 30%, or bedrock outcrops which must be maintained when installing drain fields. It is anticipated that the proposed new lot has enough area to support a dispersal field that would service a 4 bedroom home. A slope analysis plan has been included as part of this application summary.



Typical Type 1 – Gravity Distribution System

ACCESS AND ROAD FRONTAGE IMPROVEMENTS

No road frontage improvements along Lakeshore Road have been identified for the subject property. The existing access road provides access to both of the proposed lots. The existing access road plan and profile drawings is available upon request. The access road grades along the easement through the site do not exceed 15.0%.

The site has not undergone an assessment by a geotechnical engineer to date. It is recommended that the site specific geotechnical report be determined at time of Building Permit when the new home site has been confirmed. It is recommended that a geotechnical engineer be given the opportunity to review the ditch excavation along Lakeshore Road at the time of construction. Any issues with stability, erosion, and hillside constraints would be addressed at time of building permit.

TRAFFIC & GREENHOUSE GAS REDUCTION

The increase in traffic proposed for a two lot subdivision sites will produce approximately 1.5 trips during peak AM and PM hours, or approximately 3 trips per day, per lot.

For the past several years there has been on going tree planting and landscaping on the property since the wildfires in 2003. In addition to ongoing effort, there has been brushing and weeding, juvenile spacing, and pruning as part of the post wildfire works. The few remaining trees and newly planted trees will be maintained and preserved so they can continue to help offset and reduce greenhouse gas emissions.

SHALLOW UTILITIES

Fortis BC, TELUS, and SHAW utilities can be taken from the existing poles along Lakeshore Road, fronting the two lots. Access to both lots will be provided off of the existing access off of Lakeshore Road and along the existing road easement KAP 16786A.

OCP Amendment

City staff noted that the parcel is located within the Resource Protection Area (RPA) and outside of the Permanent Growth Boundary (PGB). These high level future land use designations define how land will be developed, therefore determine how the city will grow to accommodate people, businesses, institutions and agriculture. Staff and council are asked to look at this application as a special case considering the existing access easements and actual physical use of the property.

The OCP land uses change as a community grows and evolves to meet emerging needs. The applicant is confident that the proposed zoning and subdivision plan does not negatively impact community growth, agriculture, or the natural environment. There is a need and a strong demand for this type of property considering its location, views, and proximity to one of the Okanagan's iconic wineries. A few additional clarification points are included below which support the OCP Amendment and Rezoning application:

1. **The property does not confirm and is currently not used for, nor is it suitable for most of the agricultural uses as set out in the Agricultural A1 zones.** The property is not large enough, flat enough, nor arable enough for intensive agricultural. Under the current zoning, the 3.1 hectares (7.6 acres) is an ineffective and inefficient use of land. The property is better suitable for Rural Residential land use.

2. The A1 and RR1 zones have many similar Principal and Secondary Uses, only A1 can be used for agriculture, aquaculture, intensive agriculture, agri-tourism, agri-tourism accommodation, kennels, stables and wineries. This property is not suitable for any of those purposes. **The applicant strongly believes that this property is better suited to support community growth than support the A1 land uses listed above;**
3. The applicant strongly believes that **rezoning and subdivision of this particular property would not negatively impact agriculture or the natural environment.** The specific location and size of the property is better suited and more in line with the pod of neighboring Rural Residential lots along the waterfront located across the street on Lakeshore Road;

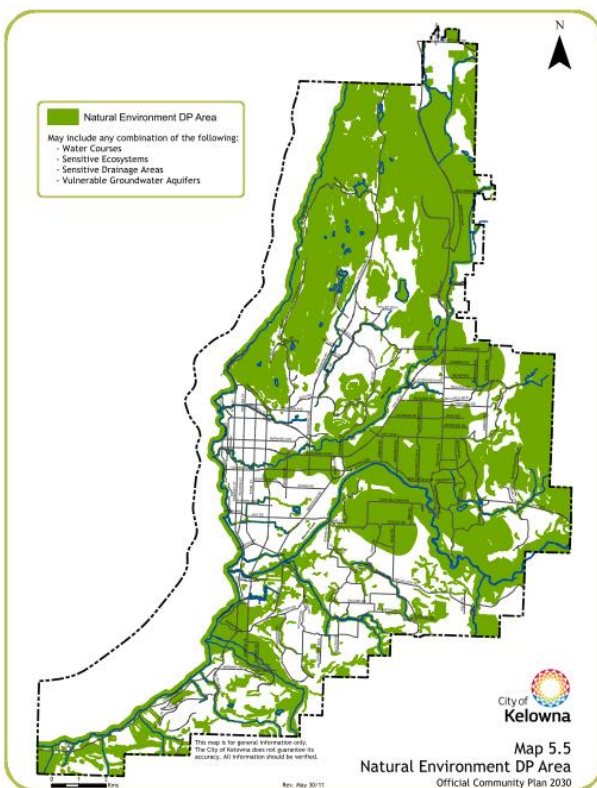


5555 Lakeshore Road – Lot 2, Plan 6042

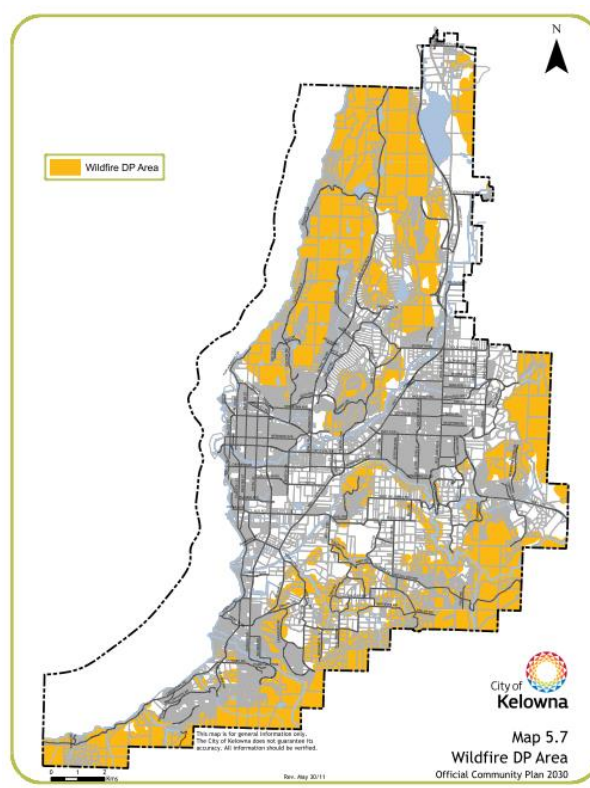
DEVELOPMENT PERMIT AREAS

The applicant wishes to apply for an exemption from the Hazardous Condition Development Permit and the Natural Development Permit. The subject property looks to be outside of the Natural Environment DP Area on Map 5.5. As the map is generalized, the applicant would like to confirm this with City Staff. The applicant welcomes a site visit to confirm the mapping and to identify any concerns regarding the creation of a second lot and second home site on the subject property.

The property is shown to be within the Wild Fire DP Area on Map 5.7. However, as indicated in prior sections, the site was devastated by the 2003 Okanagan Mountain Park Wildfire. Post wildfire remediation works have been completed within the site, resulting in a low fire hazard. There is an existing 219 wildfire covenant included on the property that will remain.



Natural Environment DP Area

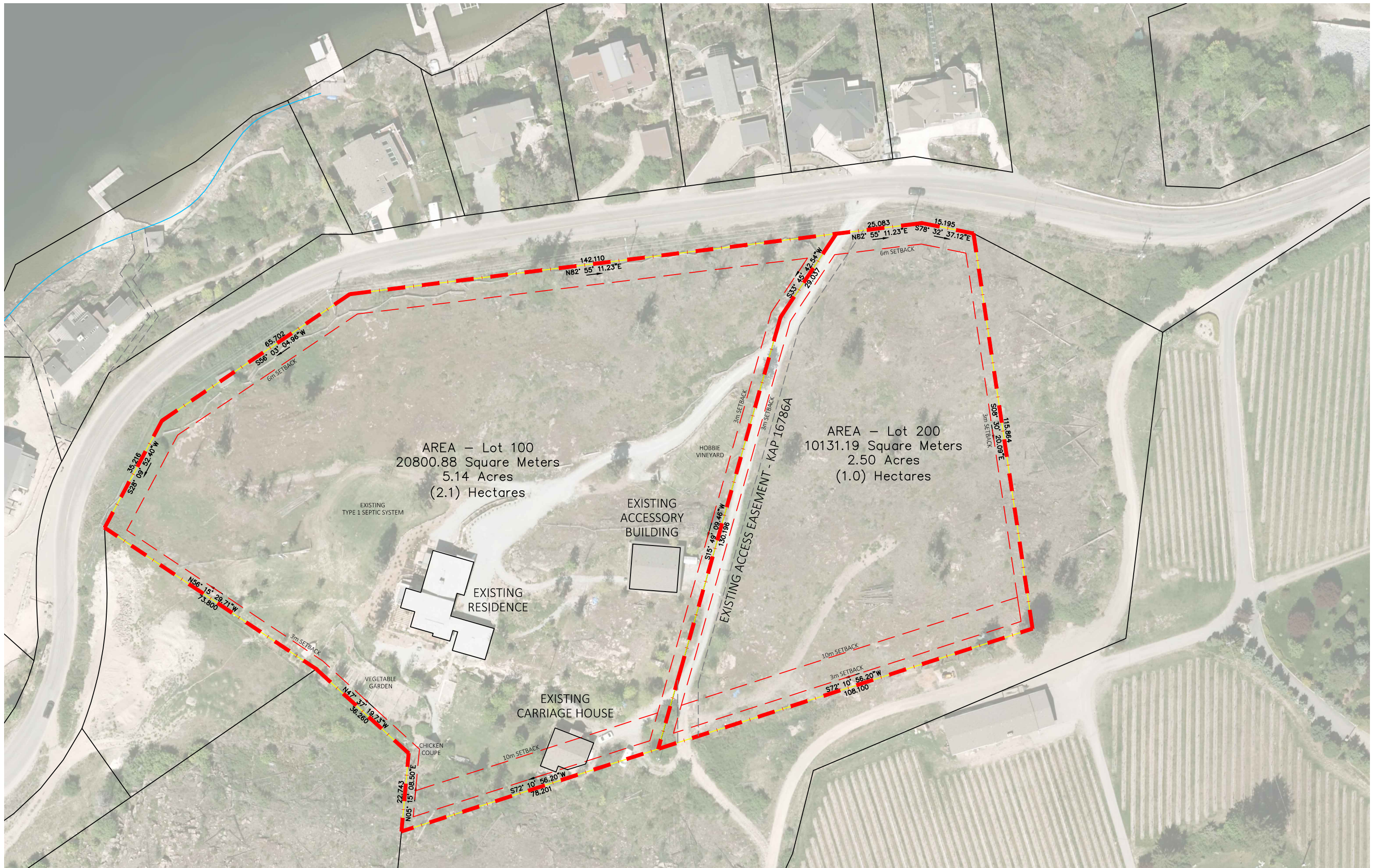


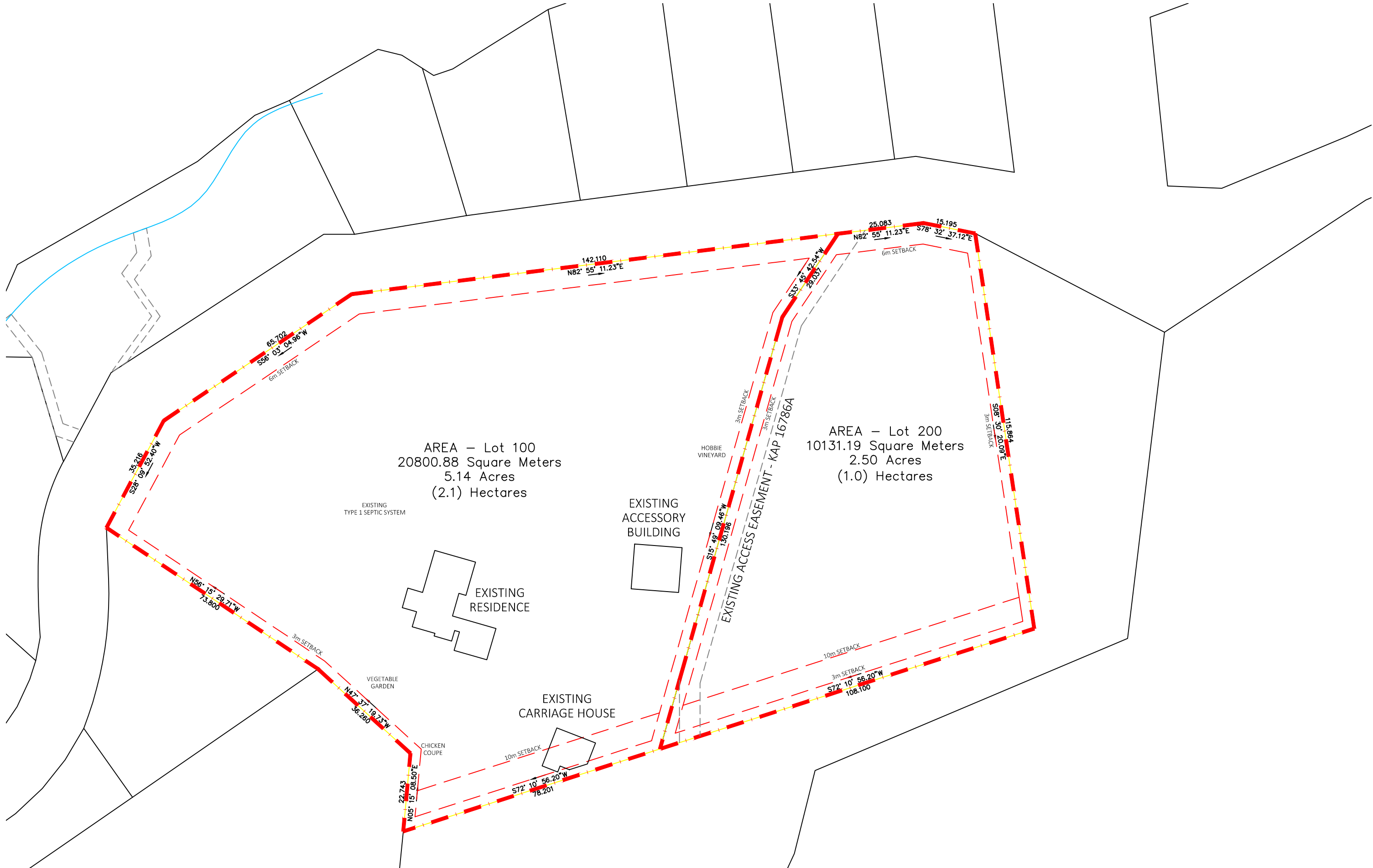
Wildfire DP Area

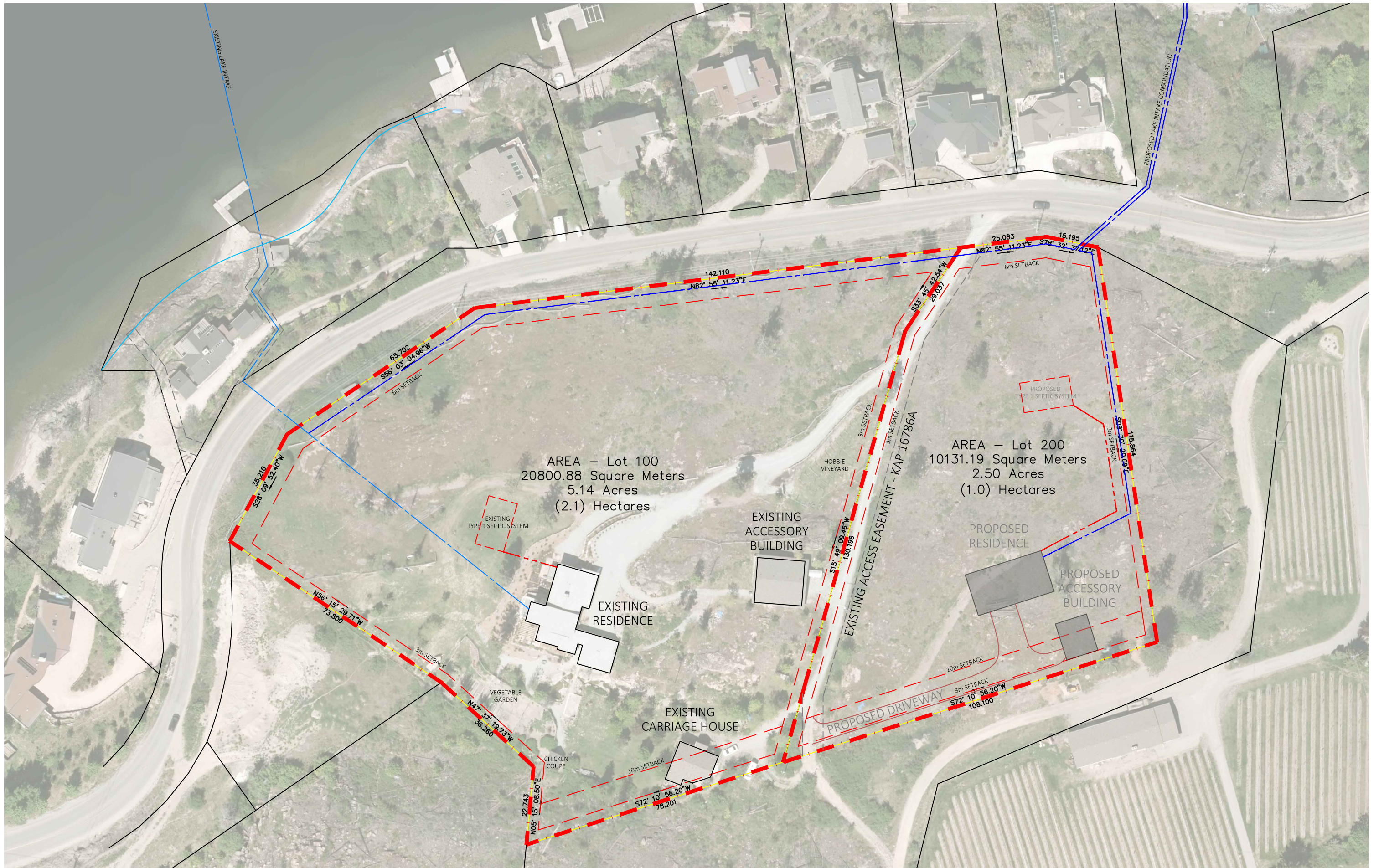


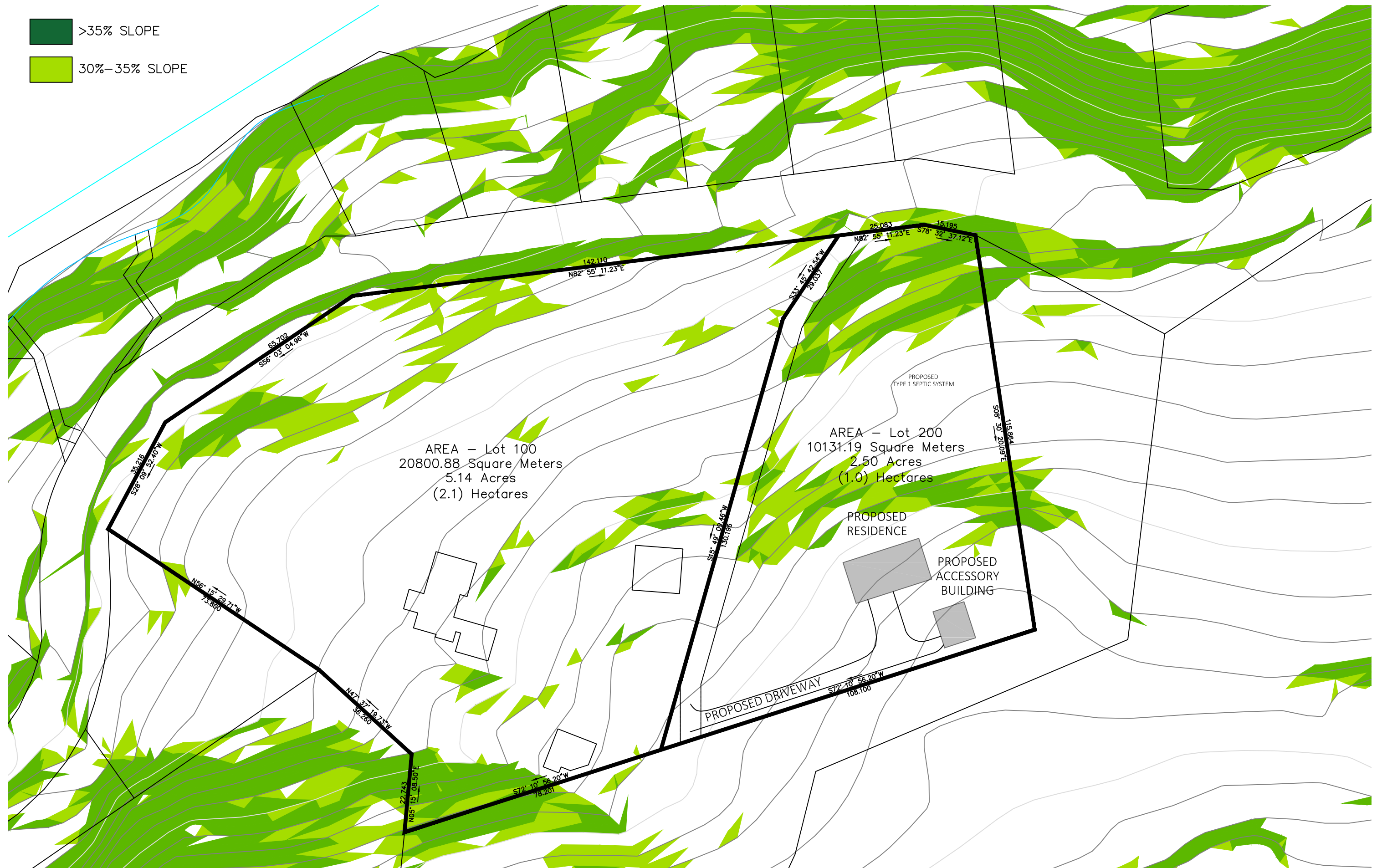
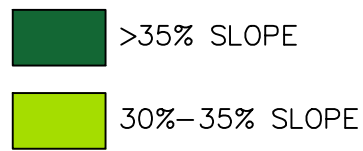


PROPOSED OCP AMENDMENT AND REZONING PLAN
PRELIMINARY SUBDIVISION LAYOUT
(PLAN 6042, LOT 2)







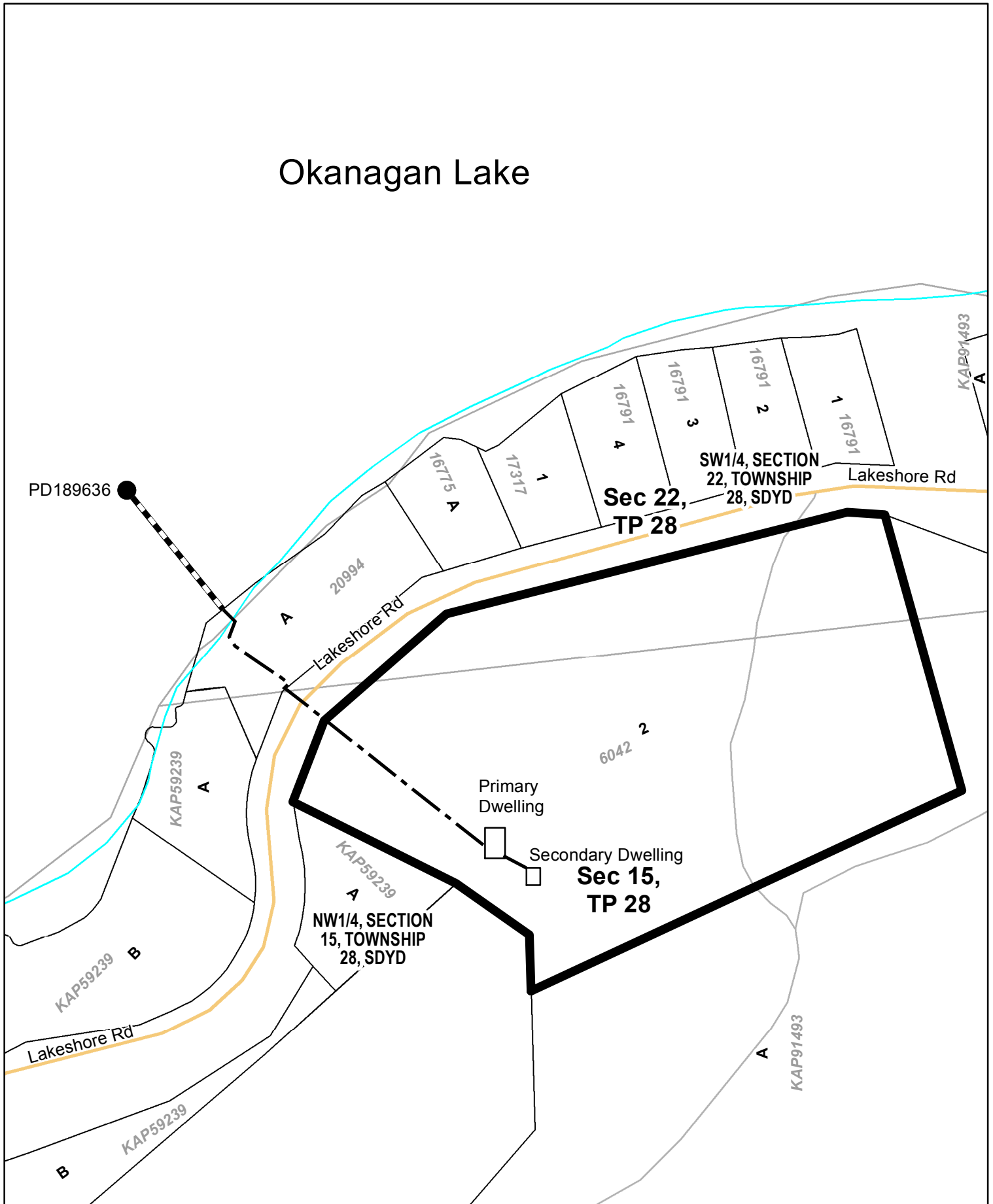


STEEP SLOPE ANALYSIS (>30% SLOPE)
PRELIMINARY SUBDIVISION LAYOUT
(PLAN 6042, LOT 2)

APPENDIX C

BC FrontCounter – Water Licenses

Lake Intake – Alternatives



Water District: Vernon

Precinct: Kelowna

Land District: SDYD

Map Number: 82.E.073.3.4

Scale: 1:2,000

LEGEND:

Point of Diversion:

Pipe:

Permit Over Crown Land

Signature:

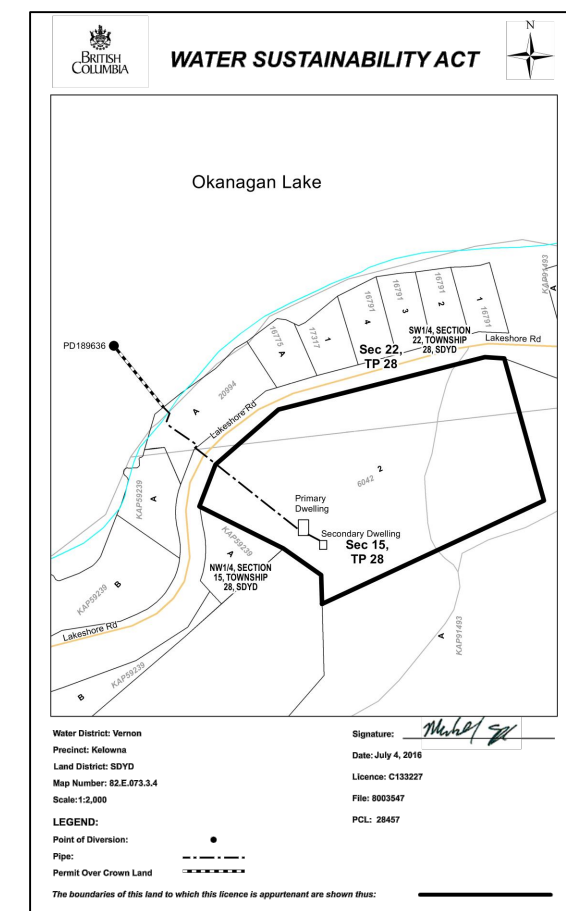
Date: July 4, 2016

Licence: C133227

File: 8003547

PCL: 28457

The boundaries of this land to which this licence is appurtenant are shown thus:



CITY OF KELOWNA
MEMORANDUM

Date: June 26, 2017
File No.: Z17-0010

To: Land Use Management (MS)

From: Development Engineering Manager

Subject: Rezoning Application – Engineering Comments

LOCATION: 5555 Lakeshore Road

APPLICANT: Bear Lands Development Services

LEGAL: Lot 2 Plan KAP6042 Land District 54 TP 28 ODYD PID: 005-244-391

The Development Engineering Branch comments and requirements regarding this application to rezone from A1c to RR1c are as follows:

The Development Engineering Technologist for this project is John Filipenko. AScT

.1) General

- a) The subject land area under this rezoning application is approximately 3.1 hectares of land above Lakeshore Road within the South Okanagan Mission area.

.3 Water

- a) The subject parcel under this application is located within the Future City of Kelowna service area. The parcel is currently served by a licenced fresh water lake intake.
- b) As a condition of rezoning, Schedule 1 of Bylaw 7900, Works & Services Requirements (BL11309) indicates that the parcels **must** be supplied by a community distribution system capable of delivering domestic and **fire flow demands** that meet the flow and pressure parameters of Schedule 4 in the Subdivision, Development & Servicing Bylaw
- c) To meet this requirement, the applicant would need to provide bonding and construct a watermain extension within Lakeshore Road (approximately 600 meters)

.4 Sanitary Sewer

- a) This subject parcel is currently not within the City service area. Sanitary sewage is presently handled by an on-site sewage disposal system.
- b) Sanitary sewage effluent ground disposal shall be in accordance with Part 2, Section 5.2 (o)(viii) of the Subdivision, Development & Servicing Bylaw No.7900.

.5 Drainage and Lot Grading

- c) A requirement of this rezoning application will be to prepare a storm water management plan and design to comply complete with the City's drainage design and policy manual. Detailed Site Grading Plans including erosion and sedimentation controls will be required at time of subdivision.
- d) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.

.6) Roads

- a) Verify that physical driveway access will satisfy City requirements. For steeper lots (15%), show driveways on the lot grading plan with grades or profiles. Where lots are serviced by onsite sewage disposal systems, show limits of cut and fill lines.
- a) Verify that adequate (130m) sightlines exist on Lakeshore Road for the driveway location.

.7) Power and Telecommunication Services and Street Lights

- a) If the existing area is served by overhead wiring, the service connections may be provided overhead provided that there are no new poles required and service trespasses will not be created. If either of these conditions is not satisfied, then underground service will be required for that lot.

.8) Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City

Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

.9) Security and Levy Requirements

Bonding To be determined

Bonding amounts are comprised of estimated construction costs escalated to include engineering design and contingency protection. The developer's consulting civil engineer shall provide detailed designs and obtain actual tendered construction costs. Bonding for required off-site construction must be provided and may be in the form of cash or an irrevocable letter of credit, in an approved format. The owner must also enter into a servicing agreement in a form provided by the City.

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as (3.5% of the Total Off-Site Construction Cost plus GST)

.10) Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

.11) Other Engineering Comments

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

Steve Muenz, P.Eng.
Development Manager

Jf