



Regional Board Report

Request for Decision

Approved for Board Consideration

A handwritten signature in black ink, appearing to read "Brian Reardon".

Brian Reardon, CAO

To: Regional Board

From: Todd Cashin, Director of Community Services

Date: May 12, 2022

Subject: Development Permit Application (DP-21-18)
Sunset Two Properties Ltd (owner) c/o Acorn Communities Ltd. (agent)
Adjacent to Sunset Ranch Dr. and Trickle Creek Dr.

Voting Entitlement: Custom Vote – Electoral Areas and Kelowna Fringe Area – 1 Director 1 Vote

Purpose: To consider a Development Permit and covenant amendment for works associated with the phased residential development of Sunset Ranch.

Executive Summary:

The Sunset Ranch Concept Development Plan (CDP) was prepared in conformance with policies in the Ellison Official Community Plan Bylaw No. 1124. The CDP focused on key site conditions including development on hillsides and adjacent to watercourses, integrating green space, and minimizing site disturbance. The Sunset Ranch Neighbourhood Plan intends to create a comprehensively planned residential golf course community with a maximum of 450 residential lots.

The applicant is proposing to develop the remaining lands within the Sunset Ranch CDP. Lot B (Phase 4.3 & 4.4) is proposed as a 36-lot bare-land strata subdivision and Lot 9 (Phase 6.1, 6.2, & 6.3) is proposed as a 60-lot bare-land strata subdivision. The units will consist of a mix of single detached and duplex housing and is consistent with the density permitted under the CD1 zone.

A number of covenants, easements, and statutory rights of way are registered on title of the subject properties and the applicant wishes to amend an existing covenant in favour of the RDCO. No concerns have been identified from agencies, RDCO staff or the public regarding the application. The Ellison OCP identifies Aquatic Ecosystem Development Permit (DP) Areas on the subject property and provisions of the DP guidelines will be applicable.

Recommendation(s):

THAT the Regional Board approves Development Permit application DP-21-18 for Lot B, Section 7, Township 24, ODYD, Plan KAP84569 and an undivided 36/560 share in Lot 2 Plan KAP72369 except Strata Plan KAS3281 (Phase 1 and 2) and Lot 9, Section 7, Township 24, ODYD, Plan KAP72369 and an undivided 1/7 share in Lot 2 Plan KAP72369, subject to the conditions specified in 'Schedule A' attached to the Report of the Director of Community Services dated May 12, 2022.

AND THAT the Regional Board approves of amending the Section 219 “non-disturbance zone” covenant, registered under No. KT135774 on Lot B, Section 7, Township 24, ODYD, Plan KAP84569 and an undivided 36/560 share in Lot 2 Plan KAP72369 except Strata Plan KAS3281 (Phase 1 and 2) as shown on a portion of Plan KAP72370 by removing the two sections (0.177ha & 0.410ha) from the plan as noted on Reference Plan No. KAP72370 and attached to the Report of the Director of Community Services dated May 12, 2022;

Respectfully Submitted:



Brittany Nichols, Environmental Planner, for
Todd Cashin, Director of Community Services

Prepared by: Brittany Nichols, Environmental Planner

Attachment(s):

- 1) DP-21-18 Schedule “A” - Conditions
- 2) Aerial Context & Subject Properties Map
- 3) Ellison OCP Appendix B-1 Sunset Ranch Neighbourhood Plan
- 4) CD1 (B) & CD1 (C)
- 5) Phasing Plan
- 6) Applicant Letter of Rationale for Covenant Amendment
- 7) Covenant KT135774 & Reference Plan KAP72370
- 8) March 2022 Environmental Assessment (Proposed Development & Covenant Amendment)
- 9) March 2022 Environmental Management Plan (Culvert Installation & Stormwater Discharge)
- 10) Regional Board Presentation Slides

Strategic Plan Alignment:

Priorities: Sustainable Communities, Environment

Values: Good Governance

Background:

The Sunset Ranch Concept Development Plan (CDP) was prepared in conformance with policies in the Ellison Official Community Plan Bylaw No. 1124. The CDP focused on key site conditions including development on hillsides and adjacent to watercourses, integrating green space, and minimizing site disturbance. The Sunset Ranch Neighbourhood Plan intends to create a comprehensively planned residential golf course community with a maximum of 450 residential lots. Under Zoning Bylaw No. 871, the CD1(B) & CD1(C) Multiple Unit Residential zone permits single detached, duplex, triplex, fourplex, and townhome housing.

Proposal:

The applicant is proposing to develop the remaining lands within the Sunset Ranch CDP and subdivision applications have been submitted to the Ministry of Transportation and Infrastructure. Lot B (Phase 4.3 & 4.4) is proposed as a 36-lot bare-land strata subdivision and Lot 9 (Phase 6.1, 6.2, & 6.3) is proposed as a 60-lot bare-land strata subdivision (RDCO Subdivision Referral Files: 21/5580 & 22/5582). The units will consist of a mix of single detached and duplex housing and is consistent with the density permitted under the CD1 zone.

Covenant Amendments:

As part of the original CDP in 2001, a steep slope (Geotechnical) covenant was registered on title based on topography information and aerial photo interpretation available at the time. A detailed topographic survey was completed in 2008, which indicated substantial portions of the covenant areas are less than 30% slope. Additionally, geotechnical assessments completed by Golder & Associates (2008) and Geopacific Geotechnical Engineering Consultants (2021) confirm that the previously identified steep slope areas are suitable to support the proposed development. Given this information, the applicant is requesting to discharge a portion of the steep slope covenant area (approx. 5,871m²), and replace it with a new covenant to protect areas of environmental significance (approx. 9,518m²).

Environmental Assessment:

The subject properties are bounded by Rockface Creek to the north, a tributary of Rockface Creek through the centre, and Scotty Creek to the south. A no-build, no-disturb covenant exists on title that protects the 15-metre riparian setback of each watercourse intersecting the properties. The Environmental Assessment prepared by Ecoscape Environmental Consultants Ltd. (2022) concludes that the proposed environmental covenant will protect the most important habitats on the properties and is considered a significant environmental benefit resulting from the proposed works.

A restoration and mitigation plan has been developed to offset any additional disturbance. Security Bonding of \$59,225.00 is required and environmental monitoring will occur throughout the phased development.

Stormwater Management:

The overall development proposal includes on-site stormwater management and proposed culvert upgrades for crossings over Rockface Creek and its tributaries. A Section 11 Application under the *Water Sustainability Act* has been submitted by the applicant to the Province for approval of the proposed culvert upgrades and works near streams. Stormwater management is intended to capture ground flows on and off site through a combination of french drain channels discharging overland as well as underground detention tanks to ensure controlled discharge to surrounding areas and Rockface Creek.

Servicing:

The site is serviced by Ellison sewer. Water is serviced through the Sunset Ranch Community Water System, which is owned and operated by the RDCO. The subject properties are within the Ellison Fire Protection Area.

Policy Considerations:**Regional Board Strategic Priorities 2019-2022:**

The Regional Board has identified and prioritized protection of the environment through various regional plans and actions, including:

- Prioritizing a reduction in new construction in higher risk floodplain areas; and,

- Supporting efforts to reduce our environmental footprint and adapt to climate change.

Regional Growth Strategy Bylaw No. 1336:

The following policies of the RGS are applicable to the proposal:

- Policy No. 3.2.3.1 “Consider water resources in land use planning decisions”.
- Policy No. 3.2.8.3 “Manage growth to minimize disturbance to habitat, watershed and natural drainage areas and systems”.
- Policy No. 3.2.8.6 “Encourage and support coordinated efforts to protect and enhance the Region’s forests, environmentally sensitive and significant areas”.

Ellison Official Community Plan Bylaw No. 1124:

Various objectives and policies on the OCP address a core principle for this unique area which is to retain, protect, and enhance the current rural character. The following policies and guidelines of the OCP are applicable to the proposal:

Section 7 – Natural Environment

- Policy No. 2.1.3 “Protect ground water, streams, ponds, lakes, and shorelines using methods such as development permits, covenants, subdivision and development servicing bylaws, and park dedication”.
- Policy No. 2.1.6 “Maintain appropriate riparian buffers, determined by qualified professionals that take into account processes of natural erosion, deposition, and movement of natural stream boundaries”.
- Policy No. 2.2.5 “Maintain and protect natural linkages. Prefer for protection as open space those lands, which are riparian areas, ravines, steep slopes and sensitive ecosystems in a way that provides for overall ecosystem connectivity in Ellison”.

Section 18 – Development Permits

- Policy No. 1.2 “In accordance with the *Local Government Act* of the Province of BC, the Regional District will require funding to ensure the completion of landscaping, environmental rehabilitation, or other conditions for which security may be held”.

Appendix A-5 – Aquatic Ecosystem Development Permit Objectives and Design Guidelines

- A leavestrip for the protection and restoration of the riparian ecosystem is to remain undisturbed near watercourses. The intention is that the leavestrip will be untouched by development and left in its natural condition, or, if damaged by previous use or construction, the ecosystem restored or enhanced.
- All leave strips may be required to be identified along their perimeter during all phases of construction by means such as brightly coloured snow fencing in order to prevent any accidental disturbance.

Additional Information:

Owner/Applicant:	Sunset Two Properties Ltd. Inc. No. BC1131387 (Owner) c/o J. Kay, Acorn Communities Ltd. (Agent)
Legal Description:	Lot B, Section 7, Township 24, ODYD, Plan KAP84569 and an undivided 36/560 share in Lot 2, Plan KAP72369 Except Strata Plan KAS3281 (Phase 1 & 2); and, Lot 9, Section 7, Township 24, ODYD, Plan KAP72369 and an undivided 1/7 share in Lot 2, Plan KAP72369
Address:	Within the community of Ellison in the Sunset Ranch subdivision, adjacent to Anderson Road and Upper Booth Road S.
Lot Size:	Lot B: +/- 11.86 acres (4.7 hectares) Lot 9: +/- 13.44 acres (5.4 hectares)
Zoning:	CD1(B) & CD1(C)
OCP Designation:	Residential
Sewage Disposal:	Ellison Sewer
Water Supply:	Sunset Ranch Community Water System
Existing Use:	Vacant
Surrounding Uses:	North: Residential South: Scotty Creek / Residential East: Agriculture West: Sunset Ranch Golf Course
Fire Protection:	Ellison Fire Protection Area

RDCO Technical Comments:

Parks Services staff noted the following comments:

- Sunset Ranch Park boundary should be clearly delineated and marked with orange silt fencing prior to commencement of construction.
- Proper measures should be in place to prevent encroachment and impacts to the park property from the release of water and deleterious materials resulting from construction activity.
- Stormwater management reports for Stages 4.3 and 6.1, 6.2 & 6.3 all propose overland flows and stormwater infrastructure, including storage tanks and piping. Parks Services recommends stormwater infrastructure should be located within the subject properties boundaries and include controlled discharge of stormwater to surrounding areas, Rockface Creek and tributaries.
- Parks Services does not support the Applicant's proposed stormwater management design option to construct a "wetland" to serve as a stormwater detention pond within Sunset Ranch Park to manage the stormwater from the adjacent strata subdivision.

Agency Referral Comments:

Ministry of Transportation and Infrastructure (MOTI) staff advise there are no concerns with the proposed development. MOTI interests will be addressed during the subdivision review and approval process.

FortisBC recommends the applicant contact FortisBC staff to initiate the servicing design process, servicing solutions, and land rights requirements.

Unaffected Agencies include the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Ministry of Environment, Interior Health Authority, B.C. Hydro, Shaw Cable, City of Kelowna, District of Lake Country, and Black Mountain Irrigation District.

Unaffected RDCO Departments include Inspection Services, Fire Services and Environmental Services.

Considerations:

Legal/Statutory Authority: The *Local Government Act*, Part 14, Section 488 (Designation of development permit areas) provides the legislative authority for an OCP to designate development permit areas for the protection of the natural environment, its ecosystems and biological diversity, and protection of development from hazardous conditions. The OCP provides the direction and guidelines to be adhered to when considering a development permit.

Considerations not applicable:

- Organizational/External
 - Financial
 - Alternate Recommendation
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