

Development Permit Application

DP-21-18

Sunset Ranch

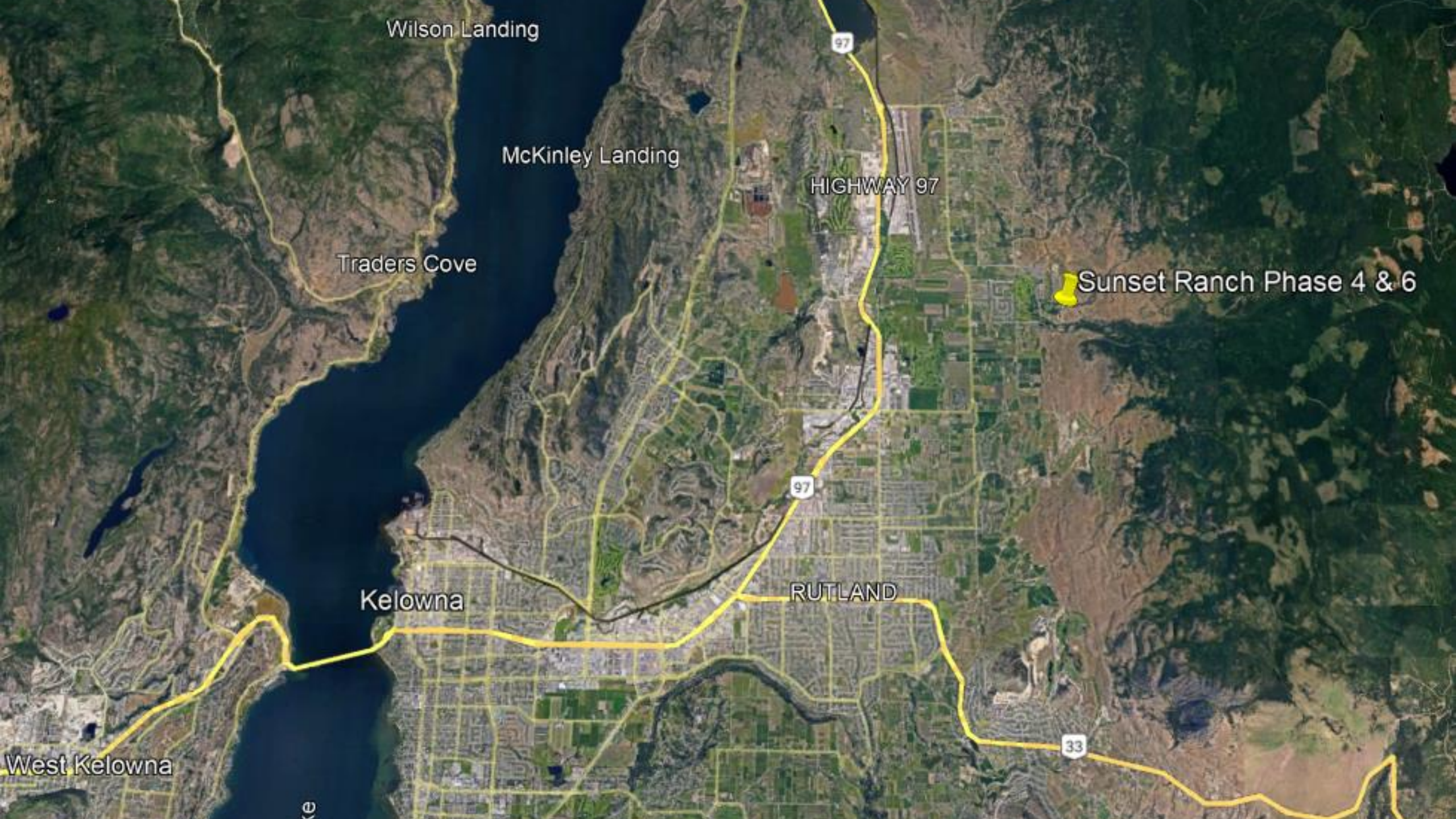
Regional Board Meeting
May 12, 2022

1450 K.L.O. Road
Kelowna, BC, V1W 3Z4
rdco.com



Purpose

- To consider a Development Permit and covenant amendment for works associated with the proposed residential development of Sunset Ranch



Wilson Landing

McKinley Landing

Traders Cove

HIGHWAY 97

Sunset Ranch Phase 4 & 6

Kelowna

RUTLAND

West Kelowna

97

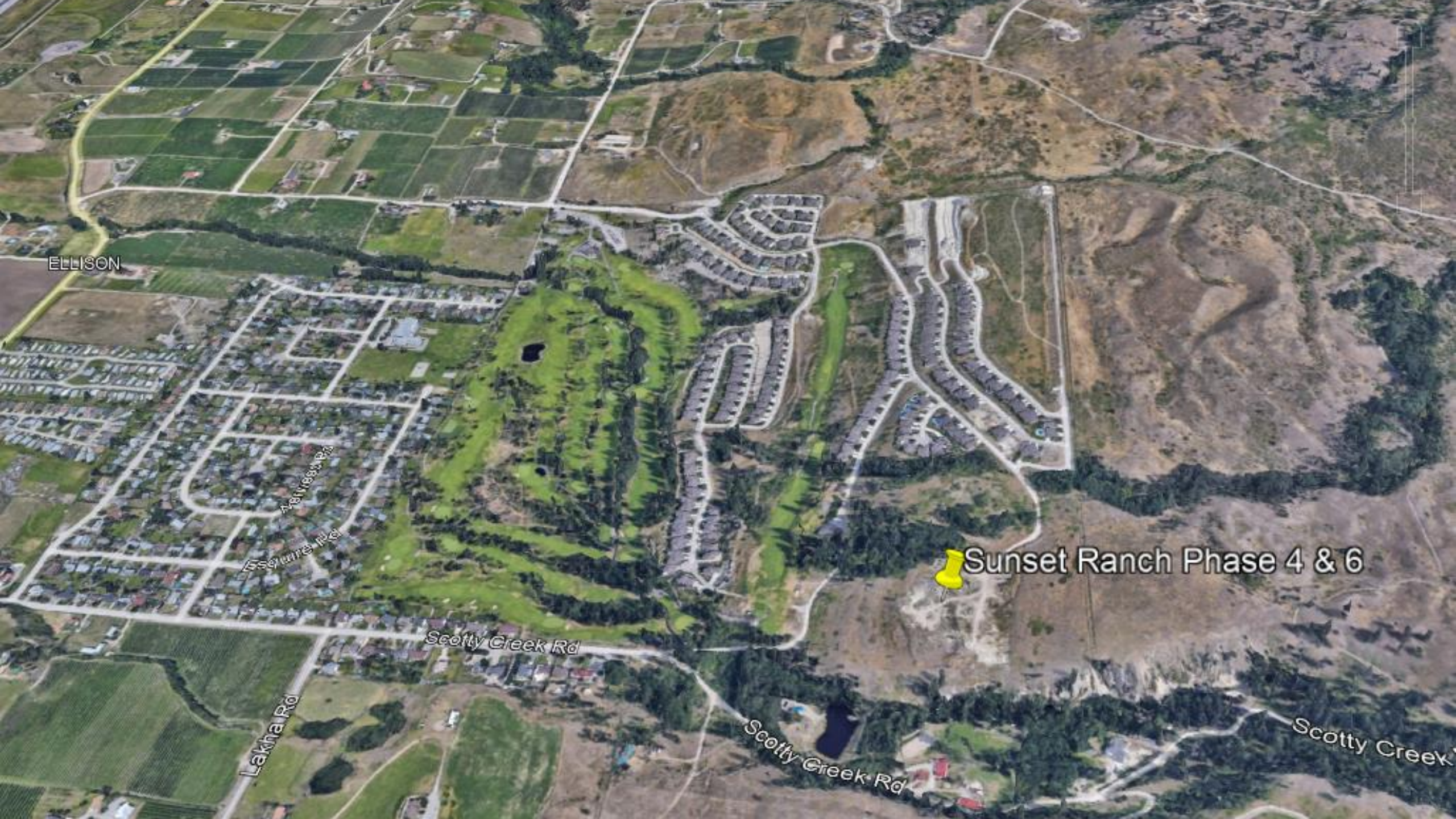
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HIGHWAY 97

97

Sunset Ranch Phase 4 & 6



ELLISON

Adrienne Rd

Essence Rd

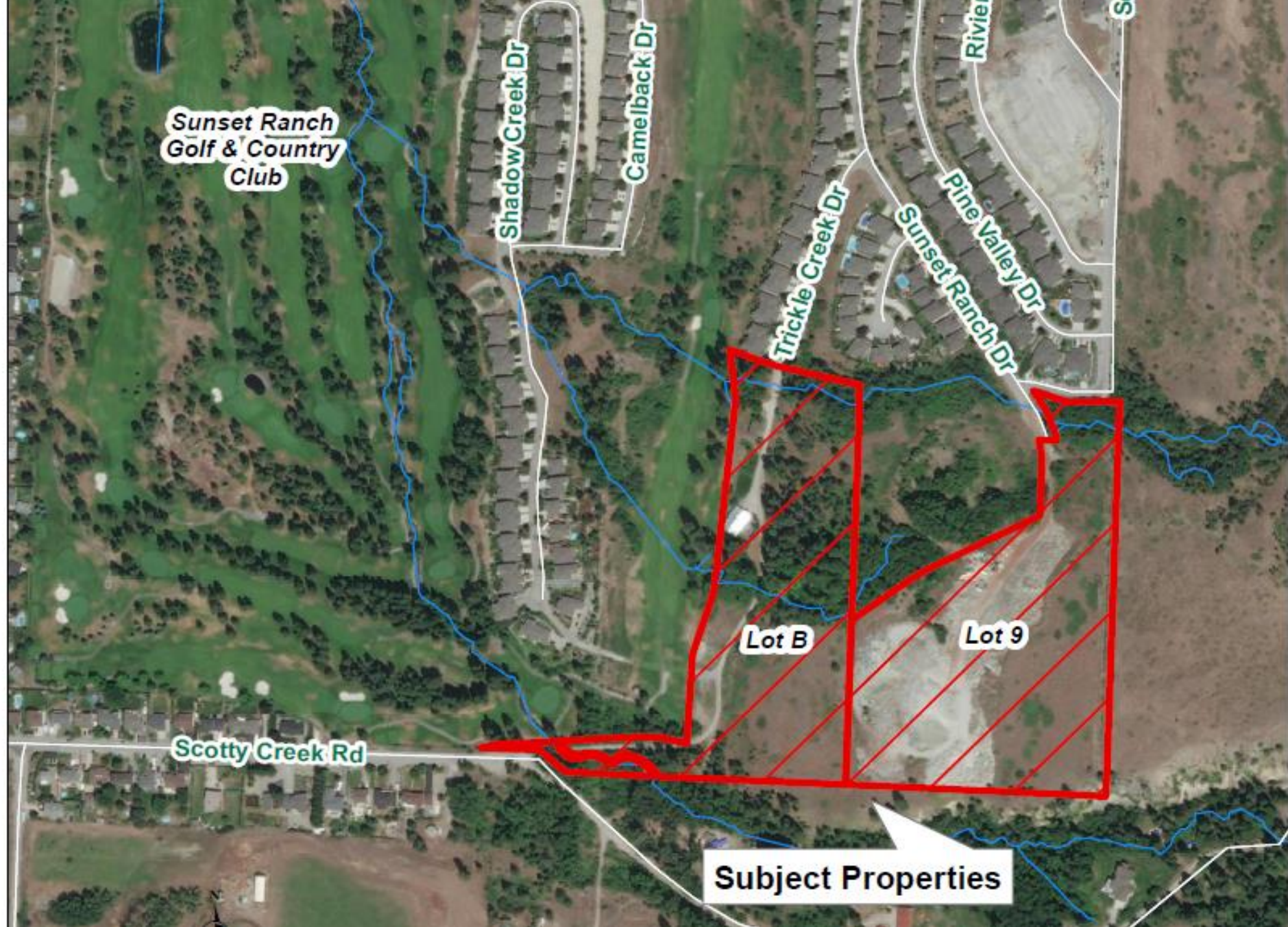
Scotty Creek Rd

Lakna Rd

Scotty Creek Rd

Scotty Creek

Sunset Ranch Phase 4 & 6



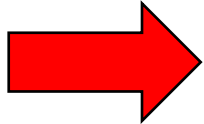
Application Process

October 29, 2021

Development Permit application submitted



RDCO staff review & referral



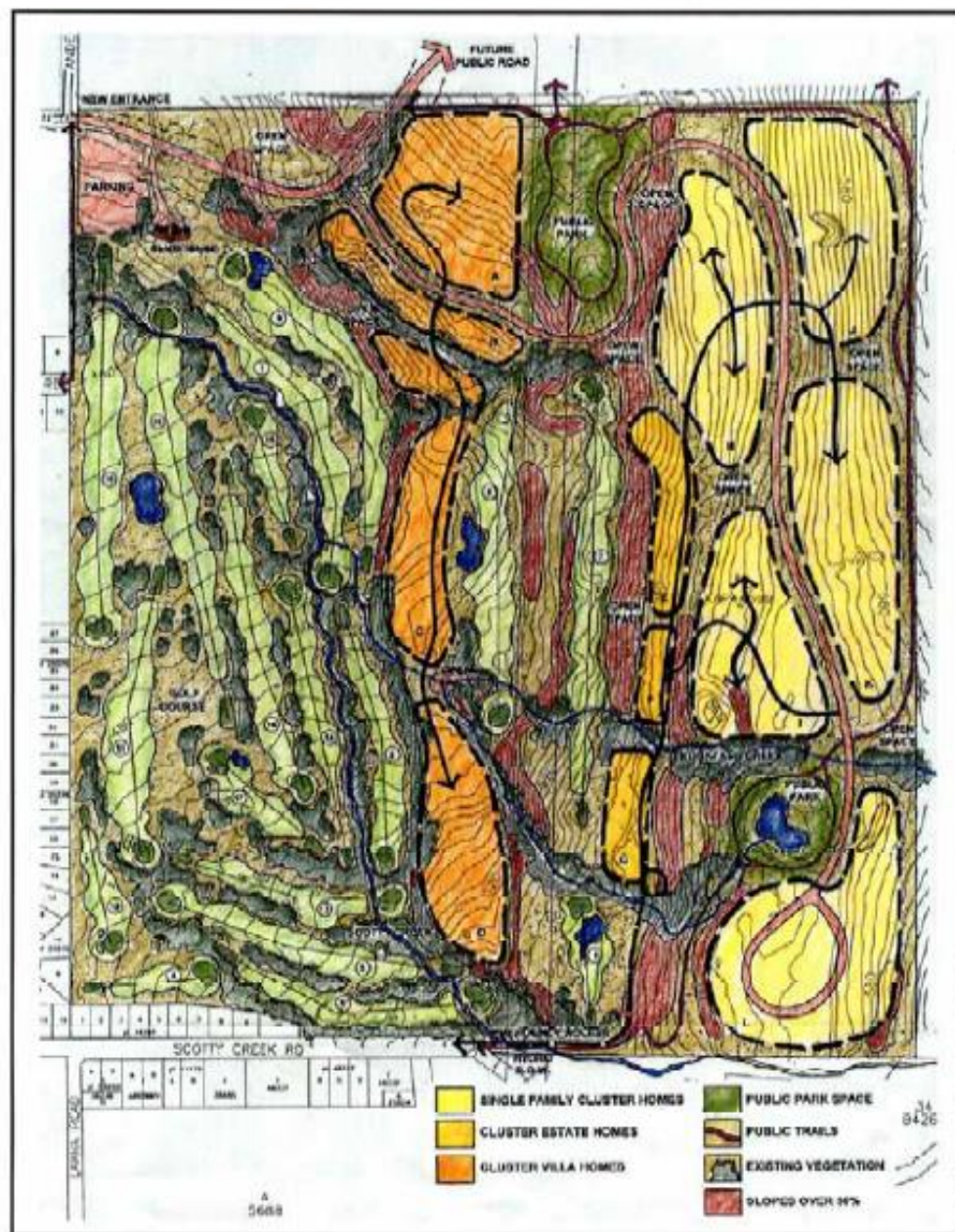
May 12, 2022

Regional Board consideration



Background

- Sunset Ranch Concept Development Plan (CDP) prepared in 2001
- CDP focused on site conditions: slopes, watercourses, green space, minimizing disturbance
- Residential golf course community
- CD1(B) & CD1(C) permits single detached and multi-unit residential
 - Total: 450 residential lots



SUNSET RANCH
CONCEPT DEVELOPMENT PLAN
ILLUSTRATIVE CONCEPT PLAN

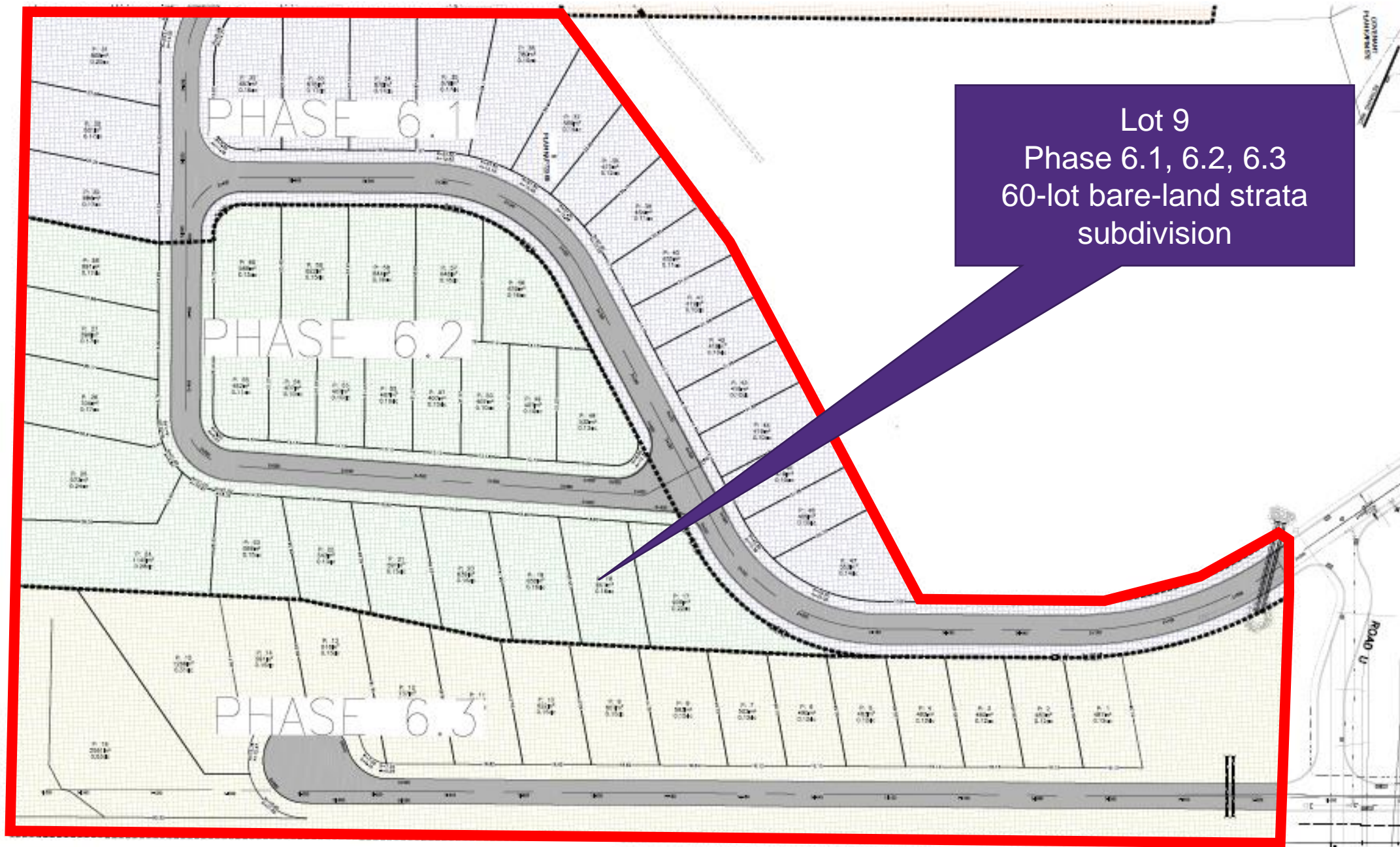


Figure 8

TRUP
REGIONAL DISTRICT
OF CENTRAL OKANAGAN

Proposal

- Phased development of remaining lands in Sunset Ranch
- Subdivision applications submitted to MOTI
- Consistent with the density permitted under the CD(1) zones



Proposed Covenant Amendment

- Non-disturbance zone (geotechnical) covenant registered at time of development in 2001
- Detailed topographic survey completed in 2008
- Slopes are <30%
- Requesting to discharge a portion of the steep slope covenant area and replace with a new covenant to protect environmental features

Geotechnical Investigation Reports

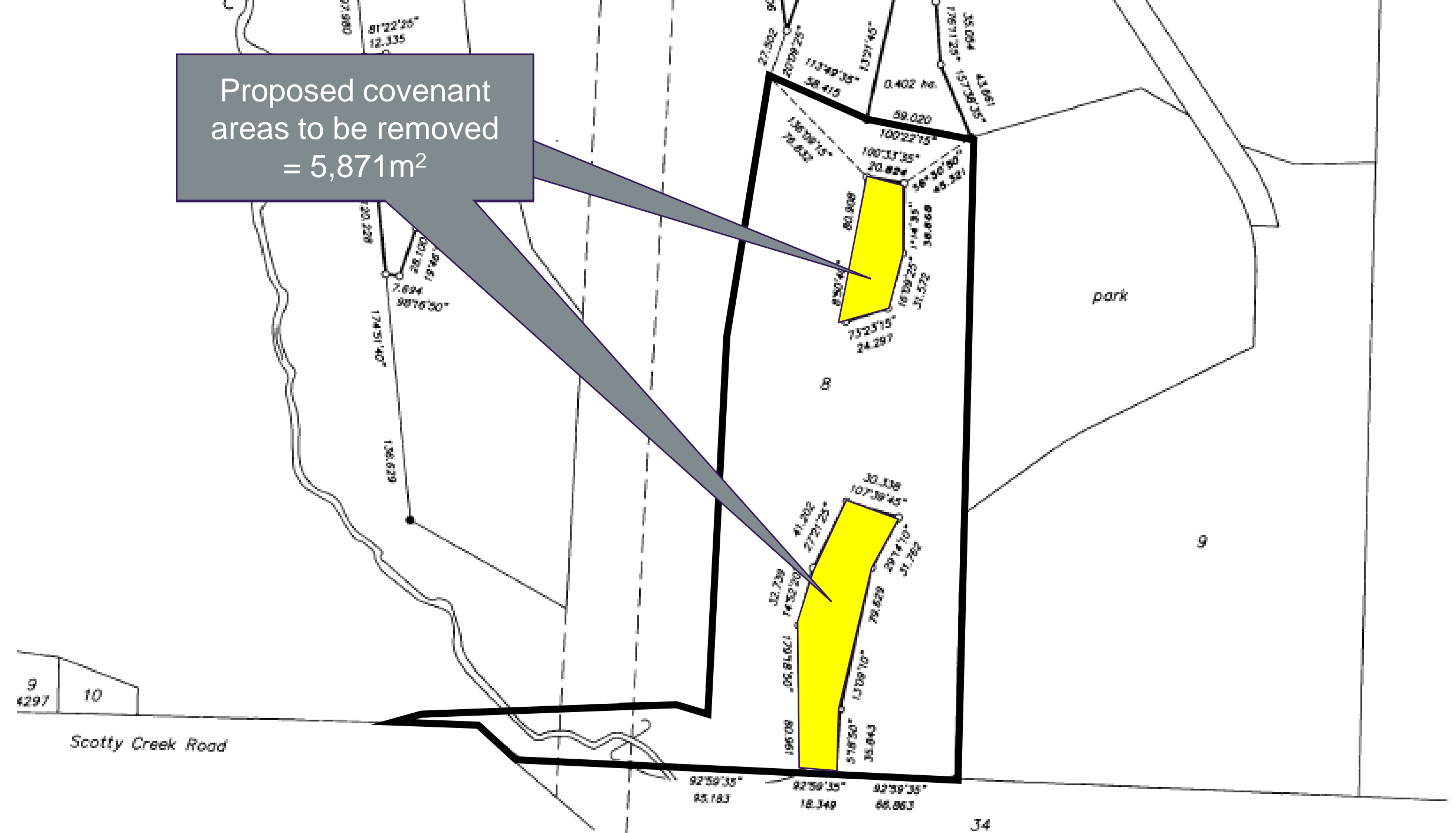
- Golder Associates Ltd. (2008)

- Retained to review construction on slopes greater than 30%
- Provided geotechnical design recommendations are followed, development in covenant areas is considered feasible

- Geopacific Consultants Ltd. (2021)

- Retained to review slope stability, site preparation, foundations, radon, drainage, excavation, grading, soil and fill placement, retaining walls
- Provided recommendations are followed, development is considered acceptable

Proposed covenant
areas to be removed
= 5,871m²



Environmental Considerations

- Ecoscape Environmental Consultants Ltd. (2022)
 - No-build, no-disturb covenant exists on title protecting riparian setbacks
 - Significant environmental benefit resulting from new environmental covenant
 - Provided all recommendations are followed, effects will be minimized
- Recommended Security Bonding = \$59,225.00
 - Includes habitat restoration, erosion protection, environmental monitoring
 - Consistent with Procedures Bylaw No. 944

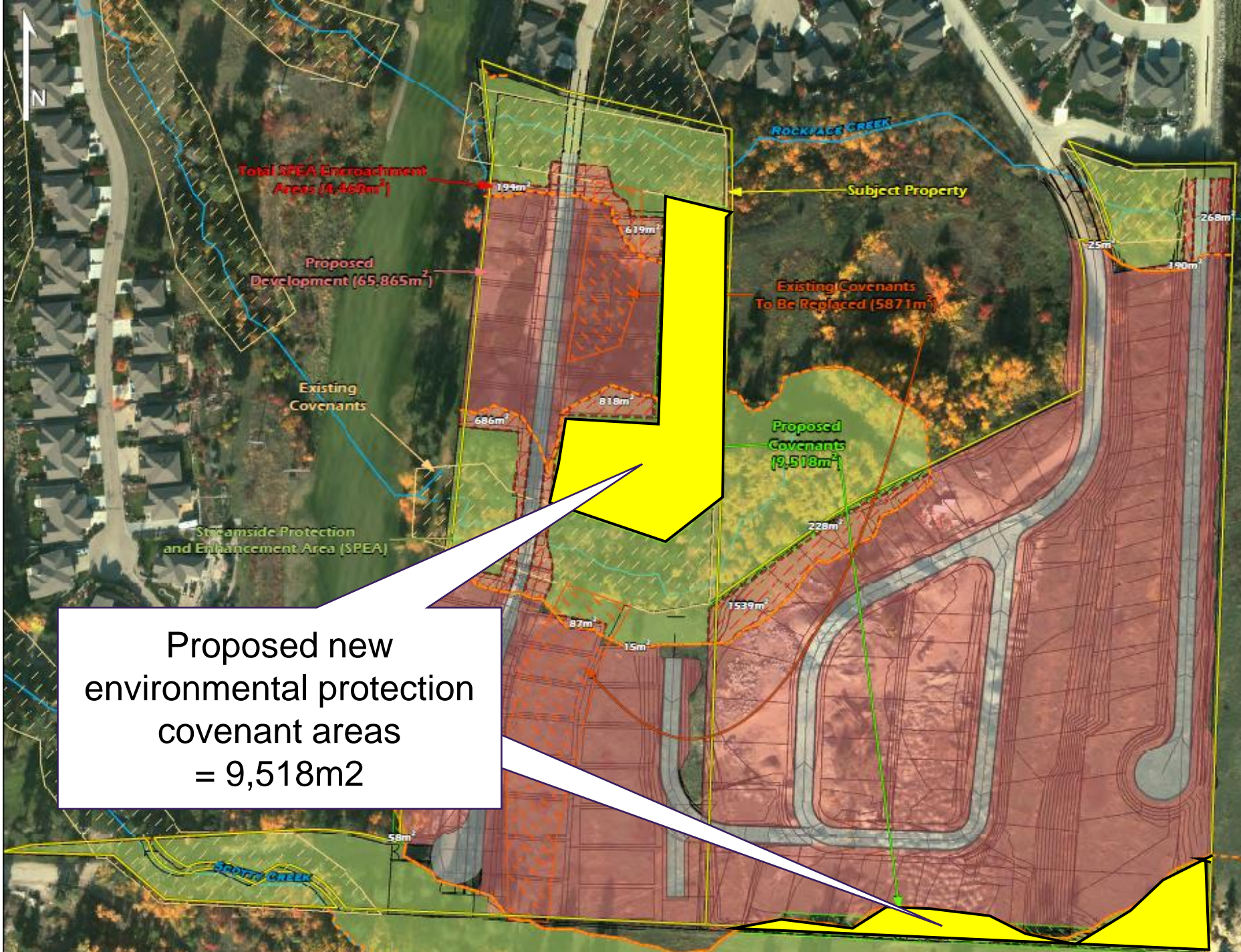


FIGURE 2

Proposed Works

Project:	Environmental Assessment
Location:	RDCO
Project No.:	21-3654
Prepared for:	Acorn Group
Prepared by:	Ecoscape Environmental Consultants Ltd.
	Josh Castanier, GIS Technician
Coordinate System:	NAD83-UTM Zone 11
Imagery:	RDCO 2019
Field Visit:	March 12, 2021
Map Date:	March 1, 2022

LEGEND

- Streams
- Site Plan
- Existing Covenants
- Existing Covenants to be Replaced
- Encroachment Areas
- Proposed Covenants
- Streamside Protection and Enhancement Area (SPEA)
- Subject Property
- Cadastre

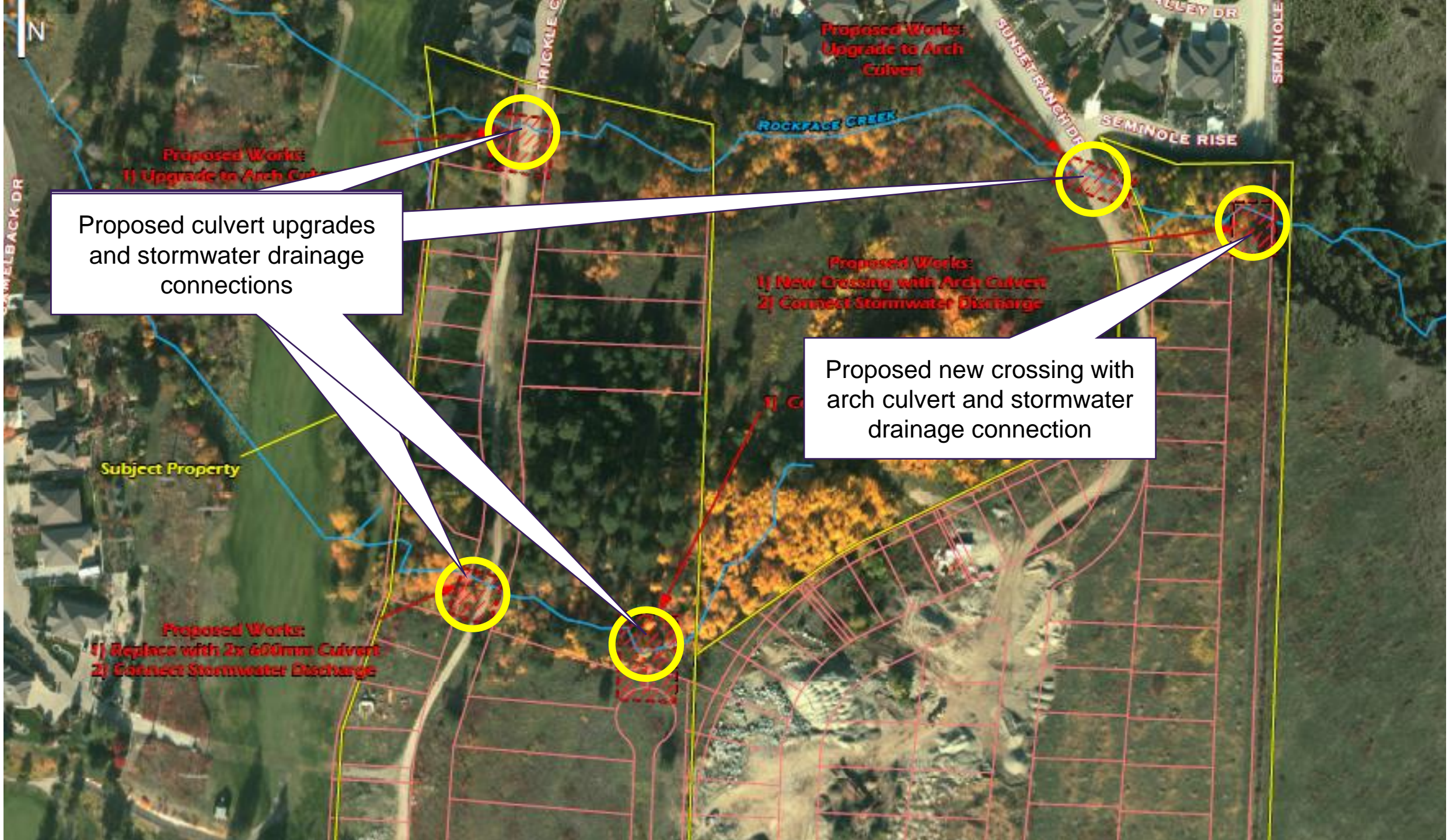
Stormwater Management & Drainage

- Watson & Burns Consulting (2021)

- Existing stormwater infrastructure and storm detention planning is sufficient for Phase 4.3 & 4.4

- Alpine Consultants Ltd. (2022)

- Overall development proposal includes on-site stormwater management and proposed culvert upgrades for crossings over watercourses
- Capture ground flows on and off site through a combination of french drain channels discharging overland and underground detention tanks



Proposed Works:
Upgrade to Arch Culvert

Proposed Works:
1) Upgrade to Arch Culvert

Proposed culvert upgrades
and stormwater drainage
connections

Proposed Works:
1) New Crossing with Arch Culvert
2) Connect Stormwater Discharge

Proposed new crossing with
arch culvert and stormwater
drainage connection

Subject Property

Proposed Works:
1) Replace with 2x 600mm Culvert
2) Connect Stormwater Discharge

Servicing

- Ellison sewer
- Sunset Ranch Community Water System
- Ellison Fire Protection Area

Regional Board Strategic Priorities

- The Regional Board has identified and prioritized protection of the environment through various regional plans and actions:
 - Prioritizing a reduction in new construction in higher risk floodplain areas
 - Supporting efforts to reduce our environmental footprint and adapt to climate change

Ellison OCP

- Natural Environment Policies support the application:

- Protect ground water, streams, ponds, lakes, and shorelines using methods such as development permits, covenants, subdivision and development servicing bylaws, and park dedication
- Maintain appropriate riparian buffers, determined by qualified professionals that take into account processes of natural erosion, deposition, and movement of natural stream boundaries
- 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

Ellison OCP (con't)

- Aquatic Ecosystem Development Permit Guidelines:

- Require funding to ensure the completion of landscaping, environmental rehabilitation, or other conditions for which security may be held
- A leavestrip for the protection and restoration of the riparian ecosystem is to remain undisturbed near watercourses
- 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

Parks Services

- Sunset Ranch Park boundary should be clearly delineated prior to commencement of construction
- Proper measures should be in place to prevent encroachment and impacts to the park property resulting from construction activity
- Recommends stormwater infrastructure be located within the subject properties boundaries and include controlled discharge of stormwater to surrounding areas, Rockface Creek and tributaries
- Does not support a stormwater detention pond within Sunset Ranch Park to manage the stormwater from the adjacent strata subdivision

Ministry of Transportation & Infrastructure

- No concerns with the proposed development
- MOTI interests will be addressed during the subdivision review and approval process

FortisBC

- Applicant to work with FortisBC staff to initiate the servicing design process, servicing solutions, and land rights requirements

Procedures Bylaw

- Delegates the Director of Community to issue development permits only under the conditions noted below:
 - Meets the DP guidelines for protection of the natural environment or protection of development from hazardous conditions
 - Must address the requirements of affected Provincial and/or Federal agencies
 - Must address recommendations of RDCO staff and committees
- Board approval required for covenant amendments

Summary

- DP application for a phased residential development and covenant amendment
- Technical reports support the application
- High value environmental areas will be protected

Staff rationale

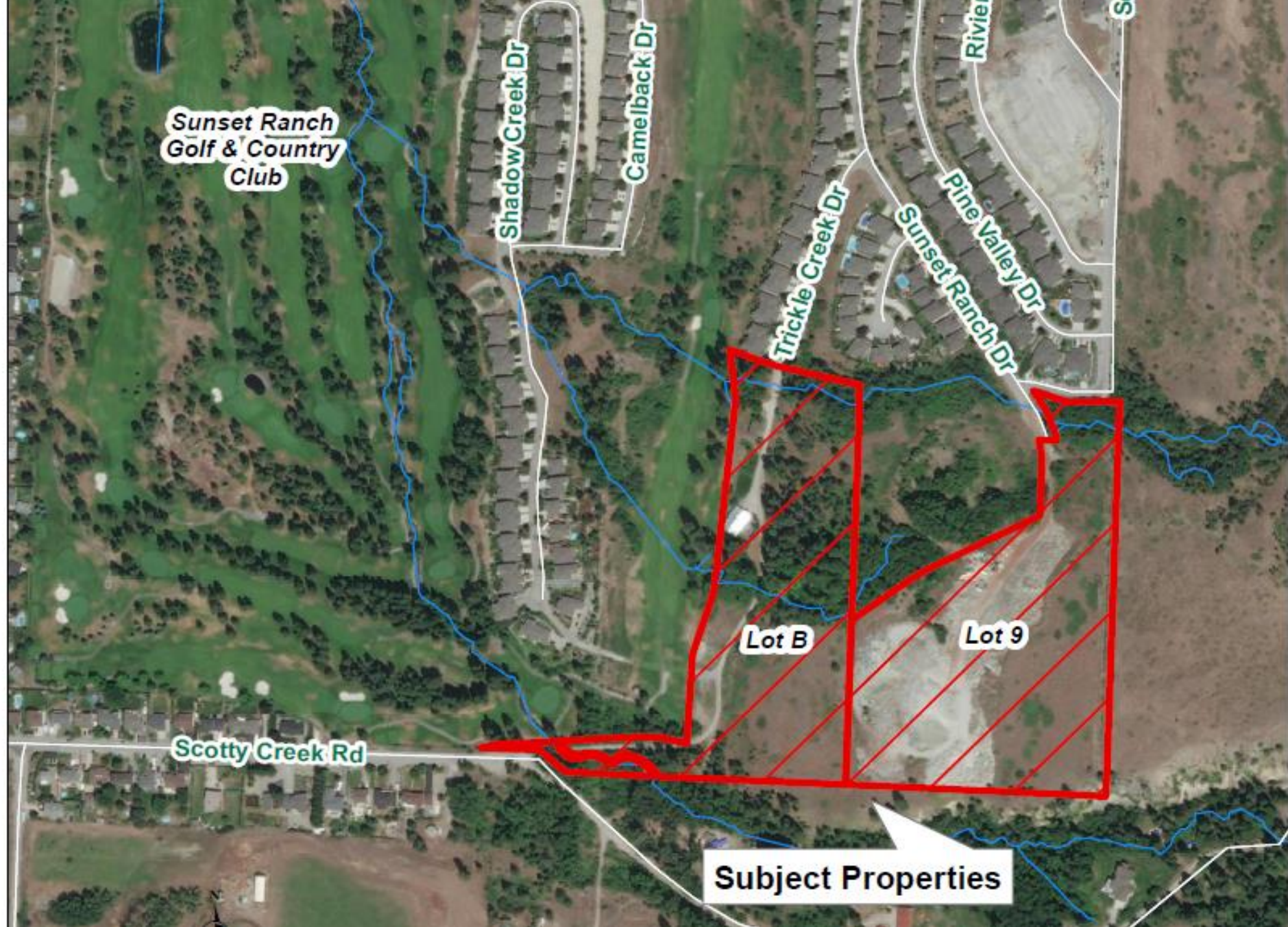
- Proposal is consistent with Concept Development Plan, Zoning Bylaw, and Procedures Bylaw
- Proposal meets OCP policies and DP Guidelines
- No concerns from internal or external agencies

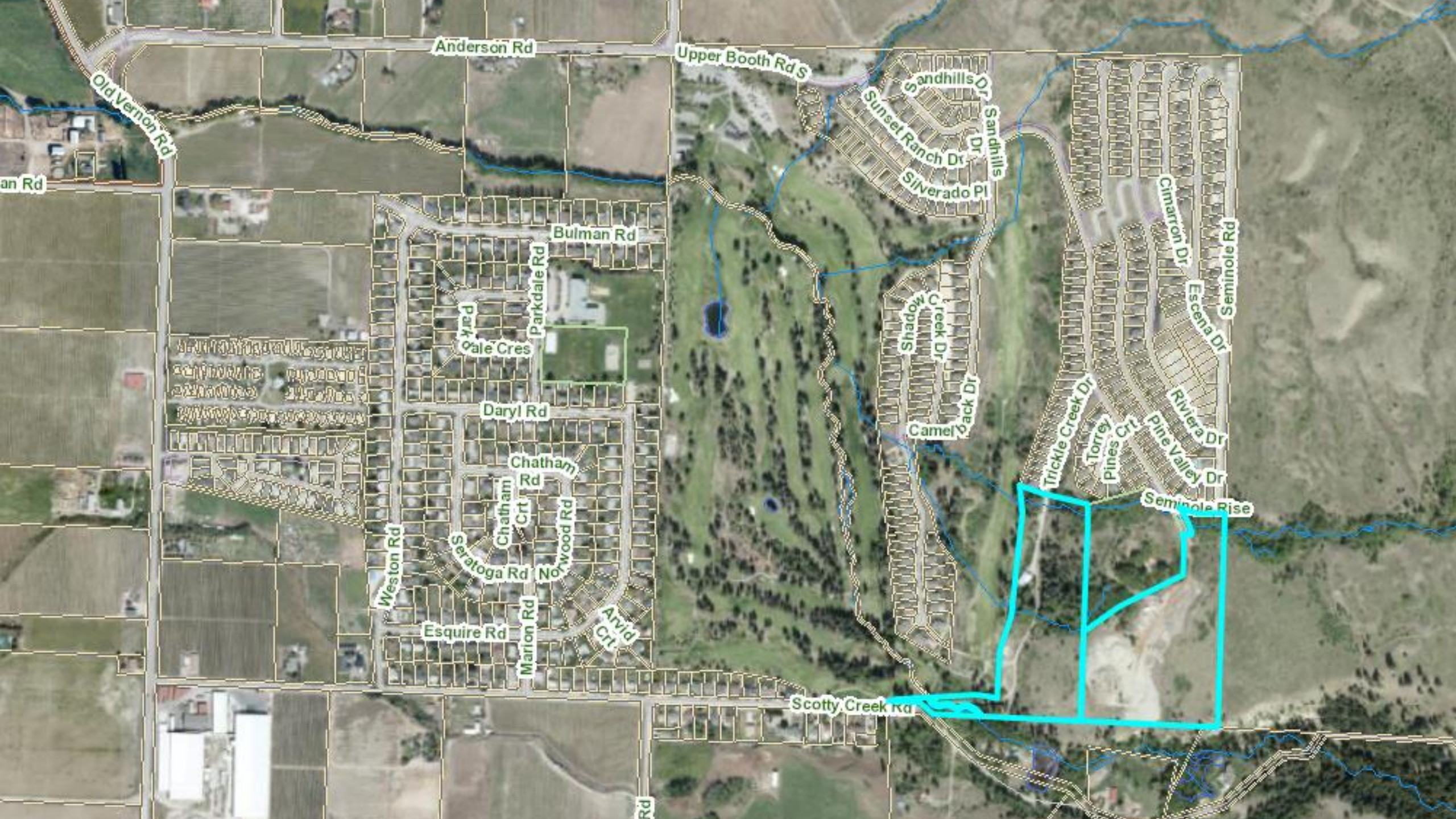
Recommendation:

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.

Recommendation (con't):

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;





Anderson Rd

Upper Booth Rd S

Old Vernon Rd

an Rd

Bulman Rd

Parkdale Rd
Pale Cres

Daryl Rd

Chatham Rd

Chatham Cr

Saratoga Rd

Chatham Rd

Chatham Cr

Chatham Cr

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Chatham Cr

Chatham Cr

Chatham Cr

Chatham Cr

Chatham Cr

Weston Rd

Esquire Rd

Marion Rd

Marion Rd

Marion Rd

Marion Rd

Marion Rd

Arvid Cr

Scotty Creek Rd

Sunset Ranch Dr

Sandhills Dr

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Sandhills Dr

Cimarron Dr

Seminole Rd

Riviera Dr

Pine Valley Dr

Seminole Rise

Trickle Creek Dr

Torrey

Pines Cr

Creek Dr

Back Dr

Camel

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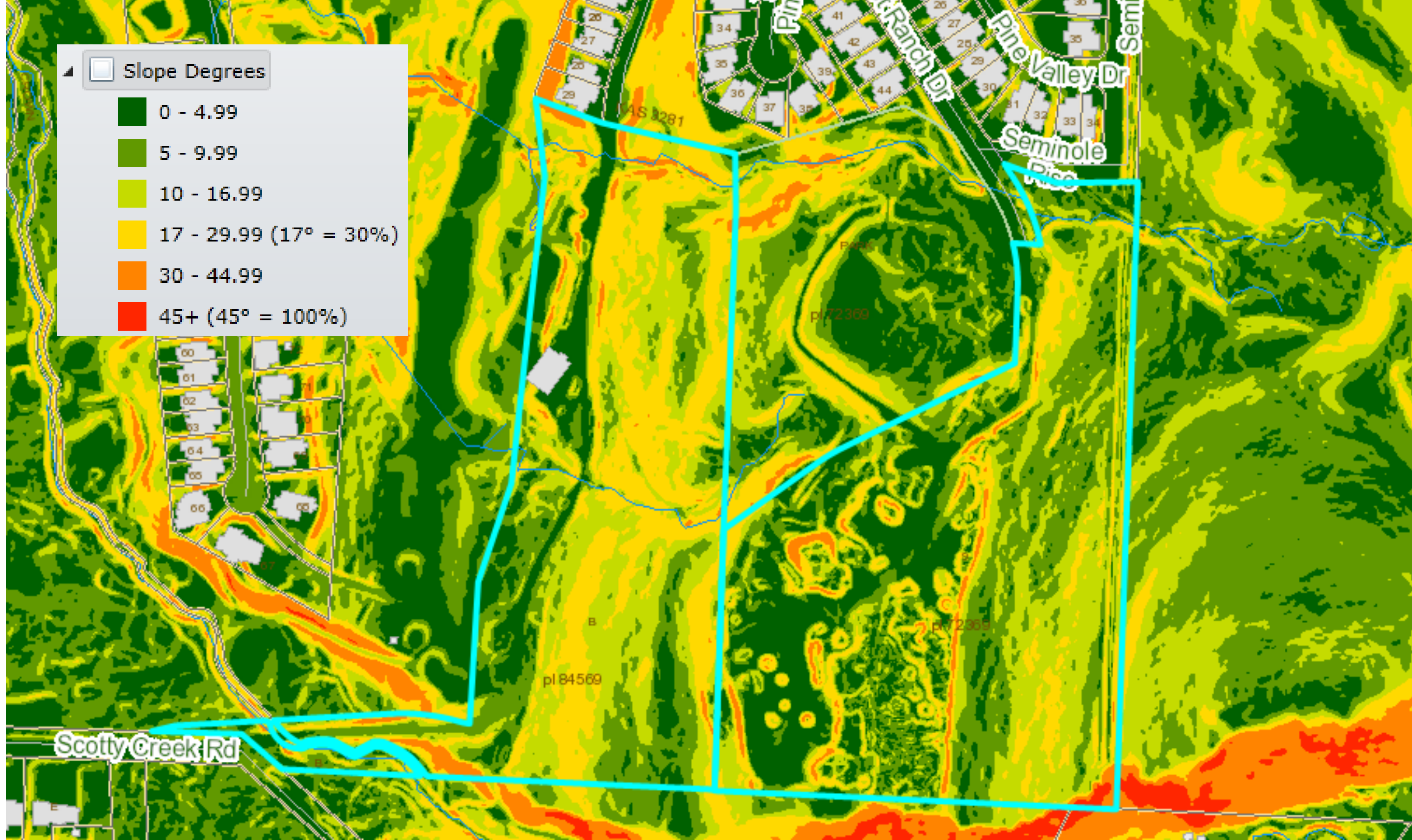
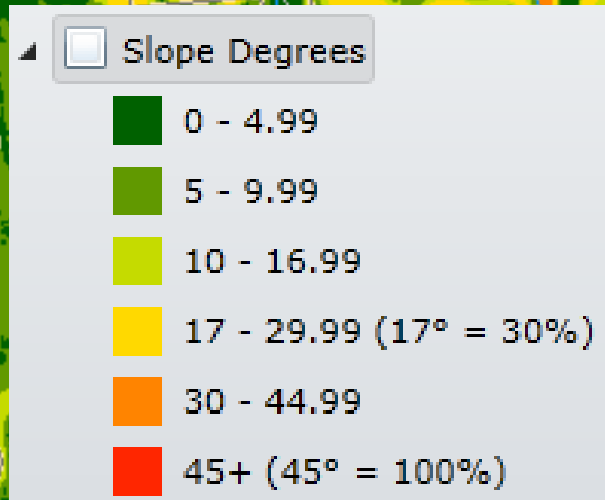
Camel

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Schedule 'A' Conditions

Adherence to Development Plans:

- No further or variance in construction of, addition to or alteration of a building or structure; or alteration or clearing of land is to occur within the Development Permit Areas as outlined in the Ellison Official Community Plan Bylaw No. 1124 without prior notification and approval by RDCO; other than that recognized and approved in this Development Permit.
- No further buildings, structures or improvements of any kind shall be constructed nor located within the 15m setback from the natural boundary of Scotty Creek, Rockface Creek, and its tributaries. Any works proposed within the 15m setback may require approvals from the Province in accordance with the *Riparian Areas Protection Regulation*. And further, there shall be no removal or disturbance of any soil, vegetation, or trees (with the exception of noxious weeds) from within the 30 m setback area without first obtaining the written consent of the RDCO.
- Further modifications including changes in and about a stream, construction/alteration of culverts, retaining walls, and substrate modification must not occur at any time without further environmental assessment being conducted and appropriate approvals received from the Province in accordance with the BC *Water Sustainability Act* (Section 11).
- Development Permit (DP-21-18) has been issued exclusively for works associated with the proposed residential development of Sunset Ranch (Phase 4.3, 4.4, 6.1, 6.2, & 6.3) as well as associated environmental monitoring and habitat restoration works.

Schedule 'A' Conditions (con't)

Adherence to Professional Reports:

- All construction, mitigation, and restoration activities must be completed as per the August 31, 2021 Stormwater Runoff Strategy prepared by Watson & Burns Consulting, the February 6, 2022 Stormwater Management Report & Culvert Design Brief prepared by Alpine Consultants Ltd., the February 2, 2022 Phasing Plan prepared by Alpine Consultants Ltd., the October 18, 2021 Geotechnical Investigation Reports prepared by Geopacific Consultants Ltd., and the March 2022 Environmental Assessment and Environmental Management Plan prepared by Ecoscape Environmental Consultants Ltd.

Schedule 'A' Conditions (con't)

Monitoring:

- The land owner shall obtain the services of an Environmental Monitor and Registered Professional Engineer to ensure the recommendations of the Development Permit are implemented and in accordance with the following schedule and conditions:
- Pre-construction meeting with the contractor, owner, Engineer(s), and Environmental Monitor;
- On-going communication and notification required between contractors and applicable Registered Professional Engineers to monitor construction, assess drainage, erosion and sediment control works, and stability of slopes throughout development;
- Submit monthly monitoring reports to RDCO, or as indicated by the Qualified Professionals;
- Prepare a substantial completion report and submit to RDCO upon completion of construction and restoration works indicating substantial completion of the conditions and requirements of the Development Permit have been carried out; and,
- In the event that greater disturbance occurs due to unforeseen circumstances, the Environmental Monitor will recommend further measures to protect/restore the natural integrity of the site and report on these measures to the RDCO.

Schedule 'A' Conditions (con't)

Security:

- The applicant shall post a letter of credit or bank draft in the amount of **\$59,225.00** in order to ensure completion of works and associated remediation landscaping within 1 year of the issuance of the Development Permit. Ninety per cent (90%) of this amount is refundable upon completion of said works and receipt of a substantial completion report signed by a registered professional, and to the satisfaction of Regional District Community Services staff.
- The remainder of the bond shall be held for a minimum of two (2) years (growing seasons) to ensure that the required mitigation has been fully implemented and demonstrated to function (ecologically or as designed). The maintenance bond may be held for longer periods if, throughout the initial 2-year period the persistent failure of the works is documented.

Schedule 'A' Conditions (con't)

Further Conditions or Restrictions:

- The landowner/applicant must apply for and receive a building permit to the satisfaction of the RDCO Building Inspection Services.
- The landowner/applicant must apply for and receive the appropriate approvals from the Province of BC in accordance with the BC *Water Sustainability Act* (Section 11).
- The property owner is responsible for complying with the conditions outlined in all covenants, easements, and statutory right of ways registered on title.
- Registration of a Section 219 no-build / no disturb covenant for the proposed environmental covenant areas as shown on Figure 2 of the March 2022 Environmental Assessment prepared by Ecoscape Environmental Consultants Ltd.
- Registration of an amended Section 219 'non-disturbance zone' as shown on a portion of Plan KAP72370 by removing the two sections (0.177ha & 0.410ha) from the plan.
- The property owner is responsible for all costs associated with covenant amendments and registration including legal fees and land surveyor fees.
- The riparian setbacks, covenant areas, and Sunset Ranch Park boundaries must be surveyed by a legal land surveyor, staked, and clearly delineated to prevent encroachment.

Schedule 'A' Conditions (con't)

Further Conditions or Restrictions:

- Prior to any disturbance on site, the contractor is required to install silt fencing around the development footprint adjacent to the riparian area and park to provide erosion and sediment control.
- Construction debris and materials must not be stored or deposited within the riparian setbacks, covenant areas, or Sunset Ranch Park and must be removed from the property on a regular basis.
- Geopacific Consultants Ltd. must be retained at time of site stripping, subgrade works, compaction of engineered fills, slab on grade review, pavement structure placement, excavation works, and review of retaining wall construction to ensure that the structural considerations of soil, including slope stability, site drainage, and erosion and sediment control will be supervised and approved by the Engineer.
- A detailed restoration plan must be prepared by a qualified professional and submitted to and approved by the RDCO prior to commencement of any restoration works.
- Should clearing activities be required during the identified avian nesting period (March 9 – September 12), pre-clearing surveys must be conducted by the EM to identify active nests and other critical habitat features. Clearing and other construction activities must be conducted within 72 hours following the completion of the pre-clearing nest surveys. Additional buffers and no-disturbance zones may be required at this time.
- In accordance with the RDCO Noxious Weed Control Bylaw No. 179, the owner or occupier of the land shall prevent the infestation of noxious weeds and cut down or otherwise destroy and mulch or remove all noxious weeds and plant with native grasses or other native vegetation.
- A retaining wall must not exceed a maximum of 2.5 m (8.2 ft.) in height. Any retaining wall greater than 2.5m requires a Development Variance Permit application and approvals from the Regional Board. Any retaining wall 1.5 m (4.9 ft.) or greater requires engineering and a building permit.