
CITY OF KELOWNA

MEMORANDUM

Date: May 2, 2001

File No.: Z01-1011 & S01-011

To: City Manager

From: Planning & Development Services Department

APPLICATION NO. Z01-1011 & S01-011 OWNER: Eileen Powell

AT: 2830 East Kelowna Road APPLICANT: Gehue & Van Gurp,
Henk Van Gurp

PURPOSE: To rezone a portion of Lot A, Sec. 16, Twp. 26, ODYD, Plan 32982 to allow for the subdivision of a rural residential single family lot.

EXISTING ZONE: A1 – Agriculture 1

PROPOSED ZONE: RR1 – Rural Residential 1

REPORT PREPARED BY: Josephine Duquette

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot A, Sec. 16, Twp. 26, ODYD, Plan 32982, located on East Kelowna Road, Kelowna, B.C., as shown on attached map 'A' from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna;

2.0 SUMMARY

The applicant is applying to rezone and subdivide a portion of the lot to allow for the development of a rural residential single family lot. The applicant received approval from the Land Reserve Commission to exclude a portion of the subject property from the Agricultural Land Reserve in 1995 with the condition that a restrictive covenant be placed on title covering the escarpment area. The escarpment area remains within the Agricultural Land Reserve and will not allow any construction or disturbance of the existing trees and vegetation within the designated area.

3.0 ADVISORY PLANNING COMMISSION

The subject application was reviewed by the Advisory Planning Commission at the meeting of March 20, 2001 and the following recommendation was passed:

That the Advisory Planning Commission supports Rezoning Application No. Z01-1011 by Gehue and Van Gorp (Henk Van Gorp) to rezone a portion of Lot A, Sec. 16, Twp. 26, ODYD, Plan 32982, to allow for the subdivision of a rural residential single family lot.

4.0 BACKGROUND

4.1 The Proposal

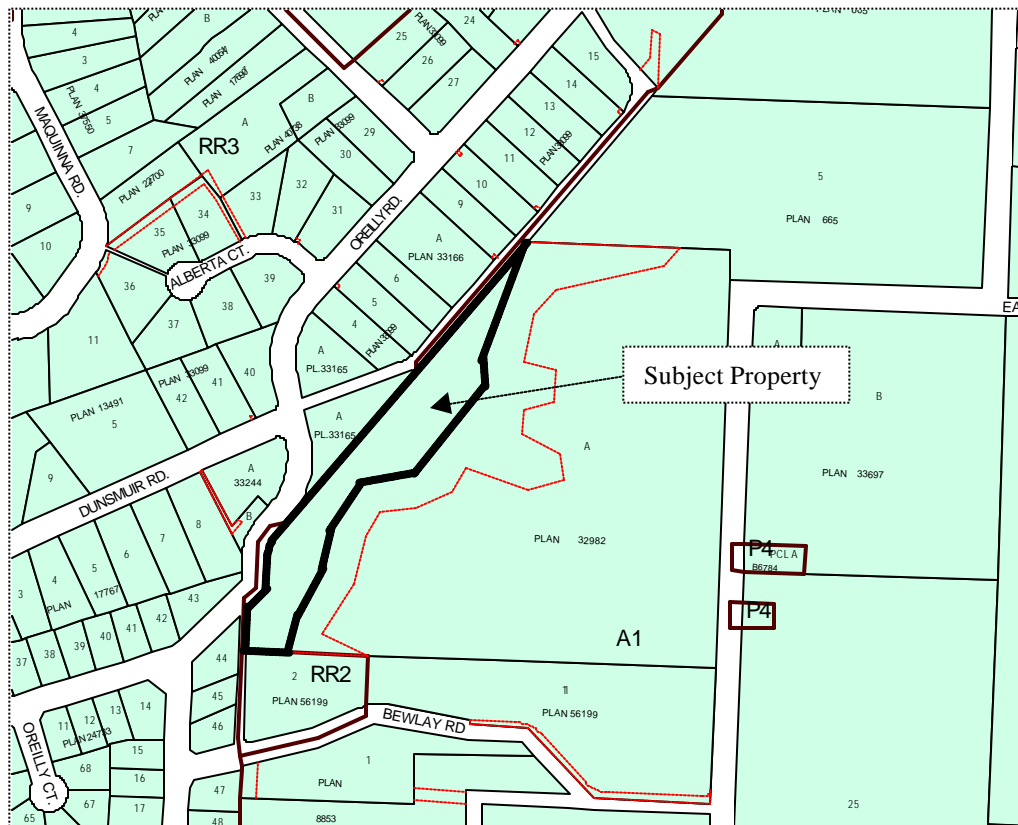
The applicant does not have specific plans for the future development of the proposed lot. The future location of all buildings and private driveways will be confirmed at the Building Permit application stage. However the proposed lot is significantly sloped and will require that a "No Disturb" covenant be registered on title for all areas identified with a slope greater than 30 %. No buildings or driveways are allowed on areas identified with a "No Disturb" covenant.

4.2 Site Context

The site is located in the Southeast Kelowna Sector of the City. The area to be rezoned is located east of O'Reilly Road and O'Reilly Lane. Adjacent zones and uses are, to the:

- North - RR3 – Rural Residential 3; Single Family Dwellings
 East - RR3 – Rural Residential 3; Single Family Dwellings & Pumphouse/Well
 South - RR2 – Rural Residential 2 & A1 – Agriculture 1; Single Family Dwellings & Agricultural uses
 West - A1 – Agriculture 1; Agricultural uses

The area proposed for rezoning and subdivision is indicated on the map below.



4.3 Existing Development Potential

The development potential for the site is agricultural or related agricultural uses.

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan

The Official Community Plan identifies the Future Land Use of the area to be rezoned as Single / Two Family Residential. The Plan identifies an objective of the City to sensitively integrate new housing with the surrounding natural attributes and the existing neighbourhoods and to optimize the benefits that can be derived from using existing infrastructure.

4.4.2 City of Kelowna Strategic Plan (1992)

The Strategic Plan identifies one of the strategies of the City to provide for the establishment of buffer areas between agricultural and urban uses.

4.4.3 Southeast Kelowna Sector Plan

The Southeast Kelowna Sector Plan indicates that the portion of the property to be rezoned and subdivided is not within the Agricultural Land Reserve. The Plan also indicates the Future Land Use of the proposed lot as residential. An objective of the Plan is to provide for the creation of a residential environment that is compatible with existing development, the overall agricultural setting and is sensitive to the natural environment qualities of the Southeast Kelowna area.

5.0 TECHNICAL COMMENTS

5.1 Works and Services Department Comments

The existing Works and Services are adequate for the proposed zoning amendment. The requirements for the subdivision will be addressed in the Preliminary Layout Review letter.

5.2 South East Kelowna Irrigation District

The proposed lot is within the boundary of the South East Kelowna Irrigation District. Water Service is available to the property subject to compliance with the requirements of the applicable district bylaws.

5.3 Okanagan Similkameen Health Region

The Public Health Inspector requires the following additional information:

- 1 Show the location of all existing buildings and on-site sewage disposal systems.
- 2 Show all easements or right-of-ways.
- 3 Demonstrate that each lot created can accommodate a conventional on-site sewage disposal system by:
 - 3.1 Completing 2 percolation tests in each proposed area.
 - 3.2 Digging at least 2 observation holes in each proposed area. Please notify the undersigned when ready for inspection. Allow 3 weeks notice.
- 4 Show location of all springs, creeks and other water bodies on the property.

6.0 PLANNING & DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The proposed rezoning application is supported in the Official Community Plan and the Southeast Kelowna Sector Plan for single family residential use. The proposed lot to be created by subdivision will meet the minimum 1 Ha lot area required for the creation of lots on a septic system. The proposed lot would be 1.3 Ha in area. Also, the subject property is not situated in a Natural Environment / Hazardous Condition Development Permit area.

R.G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion ☐

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

RGS/JD/jd
Attachment

FACT SHEET

1. **APPLICATION NO.:** Z01-1011 & S01-011
2. **APPLICATION TYPE:** Rezoning & Subdivision
3. **OWNER:** Eileen Powell
· **ADDRESS** 2830 East Kelowna Road
· **CITY/POSTAL CODE** Kelowna, BC
4. **APPLICANT/CONTACT PERSON:** Gehue & Van Gurp
· **ADDRESS** 201 – 1470 St. Paul Street
· **CITY/POSTAL CODE** Kelowna, BC V1Y 2E6
· **TELEPHONE/FAX NO.:** (250) 763-5711/ 763-9512
5. **APPLICATION PROGRESS:**
 Date of Application: February 15, 2001
 Date Application Complete: February 21, 2001
 Servicing Agreement Forwarded to Applicant:
 Servicing Agreement Concluded:
 Staff Report to Council:
6. **LEGAL DESCRIPTION:** Lot A, Sec. 16, Twp. 26, ODYD, Plan 32982
7. **SITE LOCATION:** East of O'Reilly Road
8. **CIVIC ADDRESS:** 2830 East Kelowna Road
9. **AREA OF SUBJECT PROPERTY:** 9.4249 Ha (94,249 m²)
10. **AREA OF PROPOSED REZONING:** 1.31 Ha
11. **EXISTING ZONE CATEGORY:** A1 – Agriculture 1
12. **PROPOSED ZONE:** RR1 – Rural residential 1
13. **PURPOSE OF THE APPLICATION:** To rezone and subdivide a portion of Lot A, Sec. 16, Twp. 26, ODYD, Plan 32982 to allow for the development of a single family dwelling.
14. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** Not Applicable

Attachments that are missing from the Electronic Version

Subject Property Map
ALR Map
Proposed Subdivision Layout