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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** September 20, 2002  
**File No.:** Z02-1002, OCP02-0001

**To:** City Manager

**From:** Planning & Development Services Department

APPLICATION NO. Z02-1002, OCP02-0001      OWNER: Rightway Plumbing Ltd.  
AT: 1677 McKinley Road      APPLICANT: (Inc. No. 77342)  
J. E. Arthur & Associates

**PURPOSE:** To rezone the subject property from A1 – Agriculture 1 to RR1 – Rural Residential 1 to facilitate the subdivision of the property into 14 rural residential lots.

**EXISTING ZONE:** A1 – Agriculture 1

**PROPOSED ZONE:** RR1 – Rural Residential 1

**REPORT PREPARED BY:** Josephine Duquette

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SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

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### 1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP02-0001 to amend Map 19.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of part of the NE ¼ of Sec. 20 shown of Plan B593, Twp. 23, ODYD, located on McKinley Road, Kelowna, B.C., from the Future Urban Reserve designation to the Rural Agricultural designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated July 11, 2002, **not** be considered by Council;

AND THAT Rezoning Application No. Z02-1002, to amend City of Kelowna Bylaw No. 8000 by changing the zoning classification of part of the NE ¼ of Sec. 20 shown of Plan B593, Twp. 23, ODYD, located on McKinley Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone **not** be approved by Council.

### 2.0 SUMMARY

The purpose of the application is to rezone the subject property from A1 – Agriculture 1 to RR1 – Rural Residential 1 to facilitate a subdivision of the subject property. The proposed subdivision would create 14 rural residential lots each a minimum of 1.0 ha in area. An Official Community Plan Amendment is required for the rezoning and subdivision applications to proceed as the future land use would need to be amended from the Future Urban Reserve designation to the Rural / Agricultural designation. The Future Urban Reserve designation is for lands that have some development potential but is not projected for development within the Official Community Plan 20 year time horizon.

This proposed Official Community Plan amendment would set a precedent for residential development to occur in a portion of the McKinley Sector area of the City that was not envisaged in the Official Community Plan 20 year time horizon. A development of this nature

could instigate more widespread McKinley Sector development pressure contrary to the Official Community Plan's growth management objectives. A precedent of this nature could also necessitate a staff review of the City's growth objectives and related financing strategies in the City's Official Community Plan. The existing Official Community Plan targets more readily serviced lands for development within its 20 year time horizon.

### 3.0 ADVISORY PLANNING COMMISSION

The subject application was reviewed by the Advisory Planning Commission at the meeting of February 26, 2002 and the following recommendation was passed:

That the Advisory Planning Commission support Official Community Plan Amendment No. OCP02-0001 and Rezoning Application No. Z02-1002 by Terre consultants ltd. (Gordon Hirtle) for 1677 McKinley Road – Lot NE ¼, Plan B593, Twp. 23, Sec. 20, ODYD, to amend the Future Land Use Map designation of the Official Community Plan from Future Urban reserve to Rural Residential, and to rezone from the A1 – Agriculture 1 zone to the RR1 – Rural residential zone in order to facilitate a 15 lot single family rural residential subdivision.

This motion was **defeated** by a vote of 3 in favour and 4 opposed.

### 4.0 BACKGROUND

#### 4.1 History

On January 21, 2002 (McKinley Waterfront Estates) a subdivision containing 15 - 2 ha A1 – Agriculture 1 lots was approved. On January 25, 2002 a Preliminary Subdivision Layout Review was applied for as second phase of McKinley Waterfront Estates comprising of 24 – 2 ha lots. On January 31, 2002 a Preliminary Subdivision Application Layout Review, an RR1 – Rural Residential 1 rezoning and an Official Community Plan amendment application were applied for on the subject property which is situated directly to the south of the McKinley Waterfront Estates subdivision, these three applications on hand. On March 18, 2002 a Preliminary Subdivision Application Layout Review for 16 lots previously zoned RR1 - Rural Residential 1 was applied for on the property located across from the Arthur Road subdivision. The applicant was issued a Preliminary Layout Review letter on May 31, 2002. On June 14, 2002 a Preliminary Subdivision Application Layout Review, an RR1 – Rural Residential 1 rezoning and an Official Community Plan amendment application were applied for to create 12 – 1 ha lots from six of the previously approved 2 ha lots within the McKinley Waterfront Estates subdivision.

#### 4.2 The Proposal

The site is currently undeveloped and is proposed to be subdivided into 14 rural residential lots, and each of the proposed lots would be approximately 1.0 ha in area. The primary access to the lots will be from a proposed local road intersecting with McKinley Road east of Shayler Court.

CRITERIA	PROPOSAL	RR1 ZONE REQUIREMENTS
Site Area (ha)	1.0 ha	1.0 ha
Site Width (m)	40.0 m	40.0 m
Site Depth (m)	125.0 m	30.0 m

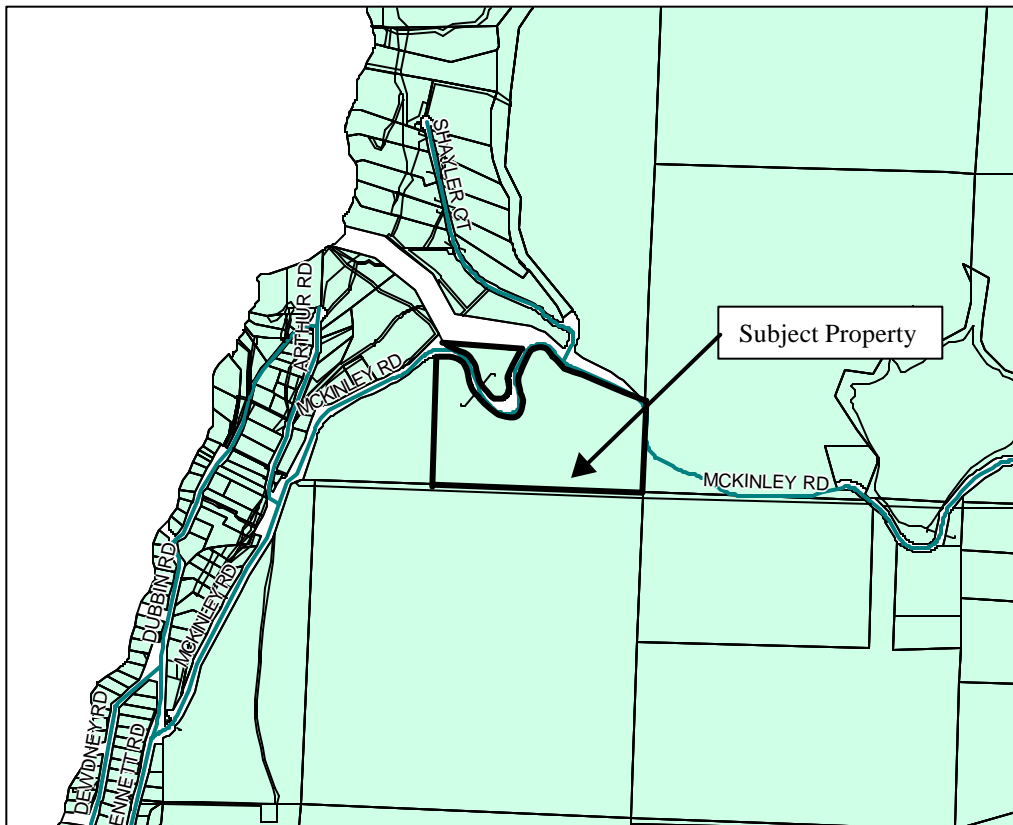
#### 4.3 Site Context

The property is located within the McKinley Sector area of the city and is located south of the proposed re-alignment of McKinley Road. The western portion of the subject property has a steeply sloping ravine with large areas comprising slopes over 30% and the existing McKinley Road switchback bisects the subject property. The area surrounding the property is primarily large undeveloped lots except for the properties to the north of McKinley Road that were recently subdivided to create 15 – 2 ha lots and 1 - 39 ha lot (McKinley Waterfront Estates).

Adjacent zones and uses are, to the:

- North - A1 – Agriculture 1; Undeveloped - Recently subdivided and proposed 2 ha lots
- East - A1 – Agriculture 1; Undeveloped
- South - A1 – Agriculture 1; Undeveloped
- West - A1 – Agriculture 1 and RR3 – Rural Residential 3; Undeveloped and Rural Residences

The subject property is located on the map below.



#### 4.4 Existing Development Potential

The existing development potential of the subject property is Agricultural and related uses.

#### 4.5 Current Development Policy

##### 4.5.1 City of Kelowna Strategic Plan (1992)

The Strategic Plan identifies the importance of staging urban growth within the City. The Strategic Plan does not support the development of future urban reserve areas until the existing urban areas are nearing completion. Furthermore, the plan supports sequential and orderly development of future urban areas as opposed to permitting simultaneous development of identified future urban areas and urban areas.

#### 4.5.2 Kelowna Official Community Plan

The Future Land Use of the area to be rezoned is designated within the Official Community Plan as Future Urban Reserve. The proposed Rural Residential 1 zone is not supported within this designation. The Future Urban Reserve is defined as land with some development potential but is not projected for development within the 20 year time horizon identified in the Official Community Plan.

### 5.0 TECHNICAL COMMENTS

#### 5.1 Works & Utilities Department and relevant utility agencies

All Works & Utilities Department and relevant utility agencies requirements associated with this application are identified within the subdivision application (S02-0006).

#### 5.2 Planning & Development Services Department

The Planning & Development Services Department does not support the proposed rezoning or Official Community Plan amendment applications. The proposed applications would set a precedent for residential development to occur in a Sector area of the City that was not envisaged in the Official Community Plan 20 year time horizon.

A development of this nature could instigate more widespread McKinley Sector development pressure contrary to the Official Community Plan's growth management objectives. A precedent of this nature could necessitate a staff review of the City's growth objectives and related financing strategies in the City's Official Community plan. The existing Official Community Plan targets more readily serviced lands for development within its 20 year time horizon.

These lands and the surrounding McKinley Landing neighbourhood are intended to be reserved for growth that will take place beyond 2013. It is important to note that the City's servicing plans and financing strategies are NOT structured to provide for urban service levels in those areas before that time. Many of the occupants of homes on newly created 2 ha lots and 1 ha lots would, however, bring with them expectations for urban services. Occupants would be driving on rural roads, which are not equipped to deal with higher traffic volumes. The increased traffic would be going through agricultural areas, thus making farming more difficult. Children in the homes would need to be picked up by school buses and fire protection would have to be provided. The expense of meeting these types of demands would not be entirely funded with money raised through Development Cost Charges or the taxes generated by the new development. The development would therefore increase costs to existing taxpayers. That is the immediate implication of the proposed rezoning application.

The longer-term implication is that the City would be reducing options for future generations by immediately using land within the Future Urban Reserve for large lot subdivisions. In short order, the supply of land available for future affordable urban residential dwellings would be exhausted. The greater the parcelization of lands today, the more difficult and expensive it will be to convert the area to more urbanized single-family neighbourhoods in the future. The areas designated as Future Urban Reserve are intended to be developed for future urban residential dwelling units beyond the 20 year time horizon of the Official Community Plan, not in the immediate time frame.

In May 2002, staff forwarded a report to Council recommending that the minimum parcel size for lands zoned A1 – Agriculture 1 and not situated within the Agricultural Land Reserve (ALR) be increased from 2 ha to 4 ha. This recommendation was partially predicated by the subdivision proposals previously mentioned in this report. Fourth and final reading of this proposed text amendment to the A1- agriculture 1 zone to increase the minimum parcel size to 4 ha for non ALR lands was approved on August 12, 2002.

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.:** Z02-1002, OCP02-0001
2. **APPLICATION TYPE:** Rezoning
3. **OWNER:** Rightway Plumbing Ltd. (Inc. No. 77342)  
· **ADDRESS** 3 – 286 Bernard Avenue  
· **CITY/POSTAL CODE** Kelowna, BC / V1Y7X6
4. **APPLICANT/CONTACT PERSON:** J. E. Arthur & Assoc. / John Arthur  
· **ADDRESS** 2653 Monford Road  
· **CITY/POSTAL CODE** Kelowna, BC / V1V 2G4  
· **TELEPHONE/FAX NO.:** 762-9262 / 762-9262
5. **APPLICATION PROGRESS:**  
    **Date of Application:** January 31, 2002  
    **Date Application Complete:** February 1, 2001  
    **Servicing Agreement Forwarded to Applicant:**  
    **Servicing Agreement Concluded:**  
    **Staff Report to Council:**
6. **LEGAL DESCRIPTION:** That part of the NE ¼ of Sec. 20 shown of Plan B593, Twp. 23, ODYD
7. **SITE LOCATION:** South of McKinley Road
8. **CIVIC ADDRESS:** 1677 McKinley Road
9. **AREA OF SUBJECT PROPERTY:** 15.3 ha
10. **AREA OF PROPOSED REZONING:** 15.3 ha
11. **EXISTING ZONE CATEGORY:** A1 – Agriculture 1
12. **PROPOSED ZONE:** RR1h – Rural Residential 1(Hillside Area)
13. **PURPOSE OF THE APPLICATION:** To rezone the subject property for A1 – Agriculture 1 to RR1h – Rural Residential 1 (Hillside Area) to facilitate the subdivision of the property into 15 rural residential lots.
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** Not Applicable  
**NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY**
15. **DEVELOPMENT PERMIT MAP 7.1 & 7.2 IMPLICATIONS** Not Applicable

**Attachments that are missing from the Electronic Version**

Subject Property Map  
Proposed Subdivision Layout (Map "A")