
CITY OF KELOWNA

MEMORANDUM

Date: October 2, 2002
File No.: Z02-1028, OCP02-0007

To: City Manager

From: Planning & Development Services Department

APPLICATION NO. Z02-1028, OCP02-0007 OWNER: Various

AT: 2750 to 2930 Shayler Court APPLICANT: Dave Batten

PURPOSE: To rezone six lots on Shayler Court from A1 – Agriculture 1 to RR1 – Rural Residential 1 to facilitate a subdivision to create twelve 1 ha lots.

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 OCP Bylaw Amendment No. OCP02-0007 to amend Map 19.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of Lot 2, Section 20, Township 23, ODYD, Plan KAP70569 except Plan KAP70818, Lots 3 to 5, Section 20, Township 23, ODYD, Plan KAP70569, and Lots 6 & 7, Section 20 & 29, Township 23, ODYD, Plan KAP70569 located on Shayler Court, 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 October 2, 2002, **not** be considered by Council;

THAT Rezoning Application No. Z02-1028 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 20, Township 23, ODYD, Plan KAP70569 except Plan KAP70818, Lots 3 to 5, Section 20, Township 23, ODYD, Plan KAP70569 and Lots 6 & 7, Section 20 & 29, Township 23, ODYD, Plan KAP70569, located on Shayler Court, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone **not** be considered by Council.

2.0 SUMMARY

The purpose of the application is to rezone six lots on Shayler Court from A1 – Agriculture 1 to RR1 – Rural Residential 1 to facilitate the creation of twelve 1 ha lots. 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 September 10, 2002 and the following recommendation was passed:

That the Advisory Planning Commission not support Official community Plan Amendment No. OCP02-007 and Rezoning Application No. Z02-1028, 2750/2820/2840/2860/2880 & 2930 Shayler Court, Lots 2, 3, 4, 5, 6, & 7, Plan 70569, Sec. 20, Twp. 23, ODYD, 616507 BC Ltd. to amend the Future Land Use Designation of the Official Community Plan from Future Urban Reserve to Rural Agricultural and to rezone from the A1 – Agriculture 1 zone to the RR1 – Rural residential 1 zone to allow for a proposed 12 lot single unit residential subdivision.

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 Layout Review Subdivision was applied for as second phase of McKinley Waterfront Estates comprising of 24 – 2 ha lots. On January 31, 2002 a Preliminary Layout Review Subdivision Application, 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. On March 18, 2002 a Preliminary Layout Review Subdivision Application 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 Layout Review Subdivision Application, 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. (This is the rezoning and OCP Amendment application we are considering in this report)

4.2 The Proposal

The six subject properties are currently undeveloped and are 2 ha in size they are proposed to be subdivided into twelve 1.0 ha lots. The primary access to the lots will be from Shayler Court.

CRITERIA	PROPOSAL	RR1 ZONE REQUIREMENTS
Site Area (ha)	1.0 ha	1.0 ha
Site Width (m)	46.0 m to 120.0 m	40.0 m
Site Depth (m)	85.0 m to 200.2 m	30.0 m

Note: The site depths and widths proposed for the individual lots vary however the minimum lot area, width and depth will meet the subdivision requirements for the RR1 zone.

4.2 Site Context

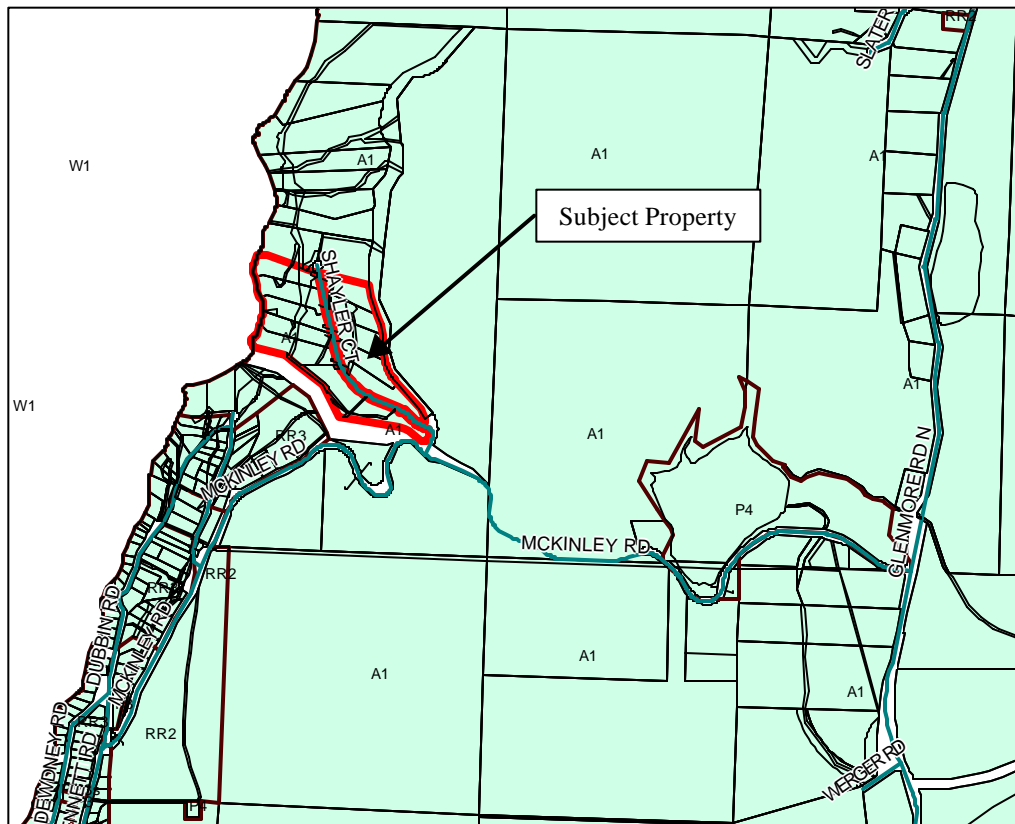
The property is located within the McKinley Sector area of the city and is located north of the proposed re-alignment of McKinley Road along Shayler Court. The subject properties have large areas comprising slopes over 30%.

The subject properties and the area north of the subject properties were subdivided earlier this year into sixteen A1- Agriculture 1 lots with a minimum area of 2 ha. The area to the east is currently under application to subdivide the area and create lots with a minimum area of 2.0 ha. A portion of the area to the south was subdivided to create rural residential lots adjacent to Lake Okanagan in previous years and the remaining area to the south is currently under Zoning and Official Community Plan applications to subdivide the property into 15 lots with a minimum area of 1.0 ha.

Adjacent zones and uses are, to the:

- North - A1 - Agriculture 1; Undeveloped and proposed rural residential housing
- East - A1 - Agriculture 1; Undeveloped
- South - A1 - Agriculture 1 & RR3 – Rural Residential 3; Undeveloped & rural residential housing.
- West - W1 – Recreational Water Use; Private residential docks

The subject property is located on the map below.



4.3 Existing Development Potential

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

4.4 Current Development Policy

4.4.1 City of Kelowna Strategic Plan (1992)

The Strategic Plan identifies the importance of staging urban growth within the City. The 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.

4.4.2 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 (S02-0068).

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.:** OCP02-0007 and Z02-1028
2. **APPLICATION TYPE:** OCP Amendment and Rezoning
3. **OWNER:** 616507 BC Ltd., Inc. No. 616507
· **ADDRESS** 201 – 1890 Cooper Road
· **CITY/POSTAL CODE** Kelowna, BC V1Y 8B7

OWNER: Larry Allen Wiebe
· **ADDRESS** 29837 Townshipline Road
· **CITY/POSTAL CODE** Abbotsford, BC V4X 1Z4

OWNER: Douglas John Froese
· **ADDRESS** 35859 Graystone Drive
· **CITY/POSTAL CODE** Abbotsford, BC V3G 1G1

OWNER: Brian Keith Regehr
· **ADDRESS** 2198 Carpenter Street
· **CITY/POSTAL CODE** Abbotsford, BC V2T 4X2

OWNER: Ronald George Martens
· **ADDRESS** 101 – 2881 Garden Avenue
· **CITY/POSTAL CODE** Abbotsford, BC V2T 4X1
4. **APPLICANT/CONTACT PERSON:** Dave Batten
· **ADDRESS** 1340 Stevens Road
· **CITY/POSTAL CODE** Kelowna, BC V1Z 1G2
· **TELEPHONE/FAX NO.:** 769-0156 / 769-7905
5. **APPLICATION PROGRESS:**
Date of Application: June 14, 2002
Date Application Complete:
Servicing Agreement Forwarded to Applicant:
Servicing Agreement Concluded:
Staff Report to Council:
6. **LEGAL DESCRIPTION:** Lot 2, Sec. 20 & 29, Twp. 23, ODYD, Plan KAP70569 except Plan KAP70818 and Lots 3 to 7, Sec. 20 & 29, Twp. 23, ODYD, Plan KAP70569
7. **SITE LOCATION:** Shayler Court
8. **CIVIC ADDRESS:** 2750 to 2930 Shayler Court
9. **AREA OF SUBJECT PROPERTY:** 12 ha
10. **AREA OF PROPOSED REZONING:** 12 ha
11. **EXISTING ZONE CATEGORY:** A1 – Agriculture 1
12. **PROPOSED ZONE:** RR1 – Rural Residential 1
13. **PURPOSE OF THE APPLICATION:** To rezone six lots along Shayler Court to facilitate a subdivision for twelve 1 ha lots.
14. **DEVELOPMENT PERMIT MAP 7.1 IMPLICATIONS** Not Applicable

Attachments that are missing from the Electronic Version

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