
CITY OF KELOWNA

MEMORANDUM

Date: May 6, 2003
File No.: Z03-0013 / OCP03-0004
To: City Manager
From: Planning and Development Services Department
Subject:

APPLICATION: Z03-0013 / OCP03-0004 OWNER: Monashee Financial Corp.

AT: 632 Craig Road APPLICANT: Monashee Financial Corp. /
Dan Midtdal

PURPOSE: TO APPLY FOR AN OFFICIAL COMMUNITY PLAN FUTURE
LAND USE DESIGNATION AMENDMENT, FROM RURAL /
AGRICULTURAL TO SINGLE / TWO-FAMILY RESIDENTIAL.

TO REZONE FROM THE A1 – AGRICULTURE 1 ZONE TO THE
RU1 – LARGE LOT HOUSING ZONE (PROPOSED LOTS 3,4,5,
6), AND THE RU1s – LARGE LOT HOUSING WITH SUITE ZONE
(PROPOSED LOTS 1,2) IN ORDER TO FACILITATE A
PROPOSED SIX LOT SINGLE UNIT SUBDIVISION.

EXISTING ZONE: A1 – AGRICULTURE 1

PROPOSED ZONE: RU1 ZONE – LARGE LOT HOUSING /

RU1s ZONE – LARGE LOT HOUSING WITH SECONDARY
SUITE

REPORT PREPARED BY: MARK KOCH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1. RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP03-0004 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 B, Plan 28885, Sec. 26, Twp. 26, ODYD, located on Lacombe Road, Kelowna, B.C., from the Rural/Agricultural designation to the Single/Two-Family designation NOT be considered by Council;

THAT Rezoning Application No. Z03-0013 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Plan 28885, Sec. 26, Twp. 26,

ODYD, located on Craig Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing and the RU1s – Large Lot Housing with Secondary Suite zones as shown on Map “A” attached to the report of Planning & Development Services Department, dated April 23, 2003, NOT be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP03-0004 and zone amending bylaw NOT be forwarded to a Public Hearing for further consideration;

2.0 SUMMARY

The applicant is applying for an Official Community Plan Generalized Future Land Use designation amendment for the subject property, from Rural/Agricultural to Single/Two Family Residential, while concurrently applying to rezone the subject property from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone (Proposed Lots 3,4,5,6) and the RU1s – Large Lot Housing with Secondary Suite zone (Proposed Lots 1,2). Furthermore, the applicant has applied to subdivide the subject property, proposing a six lot single unit subdivision.

The subject property is not located within the Agricultural Land Reserve (ALR), however it is abutting ALR lands. The intent of the Official Community Plan Rural/Agricultural land use designation on this property was to protect the adjacent farmland to the east from potential urban/rural conflict complaints.

2.1 Advisory Planning Commission

This application was reviewed by the Advisory Planning commission at the meeting of April 8, 2003, and the following recommendation was passed:

THAT the Advisory Planning Commission supports Official Community Plan Amendment OCP03-0004, and Rezoning Application No. Z03-0013, 632 Craig Road, Lot B, Plan 28885, Sec. 25, Twp. 26, ODYD, Monashee Financial Corp. Ltd. (Patrick McBride) to amend the Official Community Plan Future Land Use from Rural/Agricultural to Single/Two Family Residential and to rezone from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone in order to facilitate a proposed 6 lot single unit subdivision.

3.0 BACKGROUND

3.1 The Proposal

The applicant is seeking to rezone the subject property from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone (Proposed Lots 3,4,5,6) and the RU1s – Large Lot Housing with Secondary Suite zone (Proposed Lots 1,2), allowing for the creation of six single family residential lots. The City is in the process of extending the sanitary sewer system to this area. Presently, there is one single-family dwelling and a large garage existing on the site. The house is located on the proposed lot 1, and fronts on to Craig Road, while the garage is located on the proposed lot 2.

The application meets the requirements of the proposed RU1 – Large Lot Housing and the RU1s – Large Lot Housing with Secondary Suite zone as follows:

CRITERIA	PROPOSAL	RU1	RU1s
Proposed Lot 1 Area (m ²)	1469.99 m ²	550.0m ²	550.0m ²
Proposed Lot 1 Width (m)	25.27	16.5m	16.5m
Proposed Lot 1 Depth (m)	49.18	30.0m	30.0m
Proposed Lot 2 Area (m ²)	859.99 m ²	550.0m ²	550.0m ²
Proposed Lot 2 Width (m)	26.54	16.5m	16.5m
Proposed Lot 2 Depth (m)	35.03	30.0m	30.0m

Proposed Lot 3 Area (m ²)	799.99 m ²	550.0m ²	550.0m ²
Proposed Lot 3 Width (m)	18.45	16.5m	16.5m
Proposed Lot 3 Depth (m)	44.03	30.0m	30.0m
Proposed Lot 4 Area (m ²)	859.99 m ²	550.0m ²	550.0m ²
Proposed Lot 4 Width (m)	18.20	16.5m	16.5m
Proposed Lot 4 Depth (m)	46.89	30.0m	30.0m
Proposed Lot 5 Area (m ²)	799.99 m ²	550.0m ²	550.0m ²
Proposed Lot 5 Width (m)	16.90	16.5m	16.5m
Proposed Lot 5 Depth (m)	47.47	30.0m	30.0m
Proposed Lot 6 Area (m ²)	799.99 m ²	550.0m ²	550.0m ²
Proposed Lot 6 Width (m)	16.90	16.5m	16.5m
Proposed Lot 6 Depth (m)	47.7	30.0m	30.0m

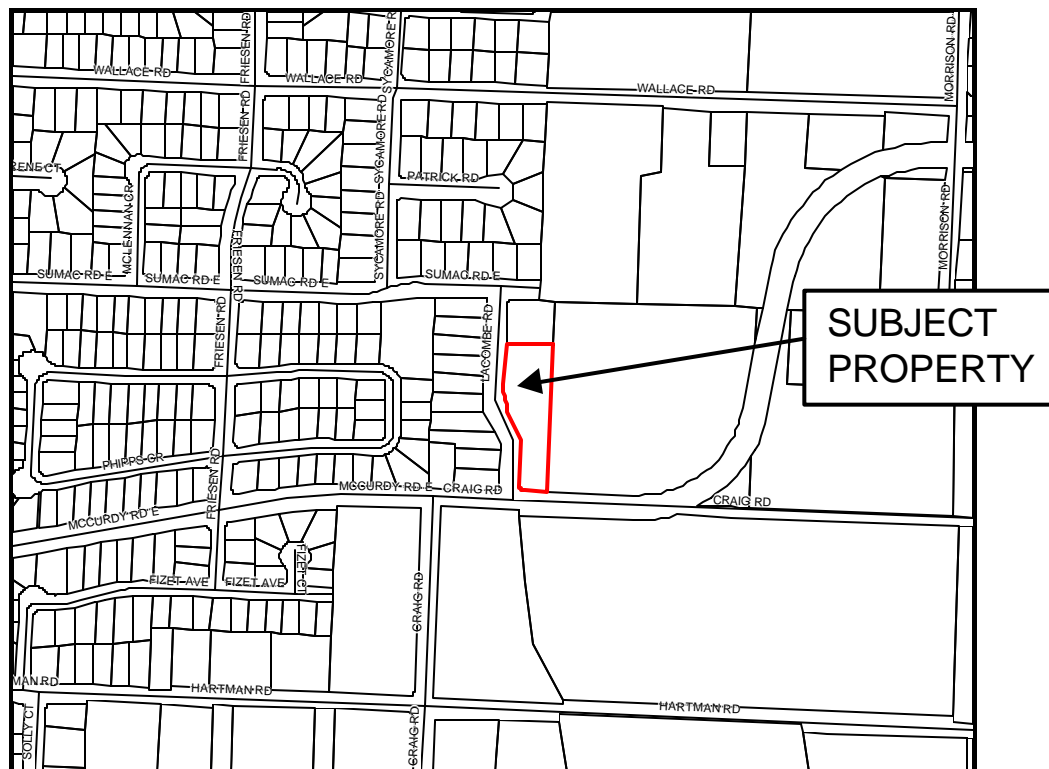
3.2 Site Context

The subject property is within the Rutland Sector Plan area on Craig Road, located east of Lacombe Road, and south of Sumac Road. To the east of the subject property is farmland, which is within the Agricultural Land Reserve.

Adjacent zones and uses are:

- North - A1 – Agriculture 1 / Rural Residential
- East - A1 – Agriculture 1 / Orchards
- South - A1 – Agriculture 1 / Farmland
- West - RR3 – Rural Residential 3 / Single Family Residential

Site Location Map



3.3 Existing Development Potential

The property is zoned A1 – Agriculture 1 and the existing development potential allows for agricultural and complimentary uses.

3.4 Current Development Policy

3.4.1 City of Kelowna Strategic Plan (1992)

A primary goal of the City of Kelowna Strategic Plan is to preserve viable agricultural holdings as an integral part of our community.

3.4.2 Kelowna Official Community Plan (1994 – 2013)

The City of Kelowna will direct urban uses to land within the urban portion of the defined urban-rural agricultural boundary, while the Official Community Plan designates the future land use for the subject property as Rural/Agricultural. In order for the proposed rezoning to proceed, the applicant will have to apply for an Official Community Plan Amendment.

3.4.3 Rutland Sector Plan (1997)

The Rutland Sector Plan generalized future land use map designates the subject property as Rural/Agricultural. Furthermore, agricultural policies within the Rutland Sector Plan express that the City of Kelowna will retain lands that are designated as Rural/Agricultural largely in their existing status and lot size.

3.4.4 Agriculture Plan

The Agriculture Plan states that urban uses should be directed to land within the defined urban area, in the interest of reducing development and speculative pressure on agricultural lands. Furthermore, the extension of existing urban areas into farmland should be discouraged.

4.0 Technical Comments

The application has been submitted to various technical agencies and departments, and the following relevant comments have been submitted:

4.1 Works and Utilities Department

The Works & utilities Department comments and requirements regarding this application to rezone the subject property from A1 to RU1 and RU1s are as follows:

1. Subdivision.

- a) Dedicate the necessary widening along McCurdy Road to provide for a 25.0 m. right of way, if required.
- b) Dedicate the necessary widening along Lacombe Road West to provide for a 20.0 m. right of way, if required.

- c) Provide easements as may be required.

2. Geotechnical Study.

A comprehensive Geotechnical Study is required, which is to be prepared by a Professional Engineer competent in the field of geotechnical engineering, the study is to address the following:

- Overall site suitability for development.
- Slope analysis (i.e. 0-10 %, 10-20 %, 20-30% and over 30 %).
- Presence of ground water and/or springs.
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulfates.
- Potential site erosion.
- Provide specific requirements for footings and foundation construction.
- Provide specific construction design sections for roads and utilities over and above the City's current construction standards

3. Domestic water and fire protection.

- a) This development is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for this service. All charges for service connection, and upgrading costs are to be paid directly to the BMID.
- b) The water system must be capable of supplying domestic and fire flow demands in accordance with the Subdivision & Servicing Bylaw. The applicant must provide water computations for this development to confirm the available water supply.

4. Sanitary Sewer.

- c) The subject property is not currently serviced by the municipal sanitary collection system. The property must be serviced by the municipal sanitary sewer prior to final subdivision approval.
- d) The City is in the process of creating a Sewer Specified Area that includes the subject property. The developer is required to pay the established sanitary sewer specified area charge of \$6,940.00 per unit. Should this project proceed prior to the Sewer Specified Area creation, the developer will not be eligible for a refund of the difference between of the Sewer Service Area charge and the actual Sewer Specified Area charge.

5. Drainage.

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual, is a requirement of this application. This plan can become part of the geotechnical study to identify possible ground recharge/detention areas.

6. Power and Telecommunication Services.

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

7. Road improvements.

Lacombe Road

The east half of Lacombe Road along the frontage of the subject property is required to be upgraded to a full urban local standard complete with curb, gutter, street lighting, asphalt fillet, storm drainage, landscaped boulevard and the relocation and/or removal of utilities as may be required.

McCurdy Road extension.

- a) The north half of McCurdy Road extension is required to be upgraded to a full urban arterial standard complete with barrier curb, gutter, separate sidewalk, street lighting, asphalt fillet, storm drainage, landscaped boulevard and the relocation and/or removal of utilities as may be required. The estimated cost of this work, for bonding purposes, would be \$27,100.00 inclusive of a bonding contingency.
- b) McCurdy Road is classified as an arterial road. The existing driveway along the East Side of the property must be relocated to merge as a single driveway with the existing access onto Lacombe Road in accordance with Bylaw 7900 schedule 4. Highway para 4.6.

8. Street lights.

Street lights must be installed on all fronting roads as per bylaw requirements. Design drawings to include level of illumination plan

9. Engineering.

Design, construction, supervision and inspection of all off-site civil works and site servicing must be performed by a consulting civil Engineer and all such work is subject to the approval of the city Engineer.

4.2 Interior Health

Community sewer and water are necessary for approval of this project, and the existing soil conditions do not meet minimum standards for onsite sewage disposal.

4.3 Black Mountain Irrigation District

The applicant is required to pay a capital cost charge, connection fee, installation fee, and to cost share watermain improvements.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has concerns with this proposed change in zone and permitted uses. The Official Community Plan does not support the

proposed urban residential uses on the subject property. Furthermore, the proposed zone change is not supported by the City of Kelowna Strategic Plan, the Rutland Sector Plan and the Agriculture Plan.

This proposed concurrent rezoning and OCP amendment application presents issues of conflicting urban and rural land uses, and should it be approved, significant buffering would be required to separate the adjacent agricultural use and the proposed residential use. It is furthermore recommended that there be a covenant registered against the title of any new properties advising prospective purchasers of the impacts that they could be facing when living next to an operating farm. It may also be appropriate to register a covenant to ensure the on-going retention and maintenance of the landscaping. Should council give favourable consideration to this OCP amendment and concurrent rezoning application, the following resolutions are provided:

THAT OCP Bylaw Amendment No. OCP03-0004 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 B, Plan 28885, Sec. 26, Twp. 26, ODYD, located on Craig Road, Kelowna, B.C., from the Rural/Agricultural designation to the Single/Two-Family designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated April 23, 2003, be considered by Council;

THAT Rezoning Application No. Z03-0013 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Plan 28885, Sec. 26, Twp. 26, ODYD, located on Craig Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing and the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP03-0004 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion ☐

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

AB/MK/mk
Attach.

FACT SHEET

1. APPLICATION NO.:

Z03-0013 / OCP02-0004

- | | | |
|-----|--|--|
| 2. | APPLICATION TYPE: | Rezoning / OCP |
| 3. | OWNER:
· ADDRESS
· CITY
· POSTAL CODE | Monashee Financial Corp.
1065 Lacombe Road
Kelowna, B.C.
V1X 4W7 |
| 4. | APPLICANT/CONTACT PERSON:
· ADDRESS
· CITY
· POSTAL CODE
· TELEPHONE/FAX NO.: | Dan Midtdal
1065 Lacombe Road
Kelowna, B.C.
V1X 4W7
765-5142 |
| 5. | APPLICATION PROGRESS:
Date of Application:
Date Application Complete:
Servicing Agreement Forwarded to Applicant:
Servicing Agreement Concluded:
Staff Report to Council: | March 10, 2003
March 13, 2003
N/A
N/A
May 6, 2003 |
| 6. | LEGAL DESCRIPTION: | Lot B, Plan 28885, Sec. 26, Twp. 26, ODYD |
| 7. | SITE LOCATION: | The subject property is located in the Rutland Sector Plan area, on Craig Road, east of Lacombe, and south of Sumac Road. |
| 8. | CIVIC ADDRESS: | 632 Craig Road |
| 9. | AREA OF SUBJECT PROPERTY: | 5637 m ² |
| 10. | AREA OF PROPOSED REZONING: | m ² |
| 11. | EXISTING ZONE CATEGORY: | A1 – Agriculture 1 |
| 12. | PROPOSED ZONE: | RU1s – Large Lot Housing with Secondary Suite |
| 13. | PURPOSE OF THE APPLICATION: | To rezone from the A1 – Agriculture 1 zone to the RU1s – Large Lot Housing with Suite zone in order to facilitate a proposed six lot single unit subdivision and to apply for an Official Community Plan Future Land Use Amendment from Rural / Agricultural to Single / Two Family Residential. |

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| 14. | MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY | N/A |
| 15. | DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | N/A |

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan and floor plan