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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** February 24, 2004

**File No.:** ASP00-002/OCP00-010/Z00-1059

**To:** City Manager

**From:** Planning & Corporate Services Department

**Purpose:** To amend the Official Community Plan by changing the Future Land Use designation from the Educational/Major Institutional designation to the Single/Two Unit Residential designation and changing the zoning classification from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone

**At:** 1374 Highway 33

**Owner:** Romesha Ventures Inc.      **Applicant/Contact Person:** Terre Consultants Ltd./Gordon Hirtle

**Existing Zone:** A1 – Agriculture 1      **Proposed Zone:** RU1 – Large Lot Housing

**Report Prepared by:** Shelley Gambacort

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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### 1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP00-010 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 3, Sec. 13, Twp. 26, ODYD, Plan 14039, located on Highway 33, Kelowna, BC, from the Educational/Major Institutional designation to the Single/Two Unit Residential designation, as shown on Map "A" attached to the report of Planning & Corporate Services Department, dated February 24, 2004, be considered by Council;

THAT Rezoning Application No. Z00-1059 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Part of Lot 3, Sec. 13, Twp. 26, ODYD, Plan 14039, located on Highway 33, Kelowna, BC, located on Highway 33, Kelowna, BC from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone, as shown on Map "B" attached to the report of Planning & Corporate Services Department, dated February 24, 2004, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP00-010 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of Preliminary Layout Review Letter by the Approving Officer;

AND THAT final adoption of the zone amending bylaw be considered subsequent to approval by the Ministry of Transportation (File Nos. 02-081-19006/19007/19008).

## 2.0 SUMMARY

The applicant is requesting an amendment to the Official Community Plan to remove the Educational/Major Institutional designation from the subject property and designate all of the subject property for Single/Two Unit Residential development. The applicant has also made a concurrent application to rezone the subject property from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone in order to accommodate a future single family residential subdivision.

### 2.1 Advisory Planning Commission

The application was reviewed by the Advisory Planning Commission at their meeting of January 23, 2001 and the following recommendation was passed:

That the Advisory Planning Commission supports applications ASP00-002 and OCP00-010 by Terre Consultants Ltd., subject to an alternate park/school site being designated to the satisfaction of the affected property owner(s), School District and City of Kelowna Parks Division; and

That the Advisory Planning Commission supports Z00-1059 by Terre Consultants Ltd. (Gordon Hirtle), pursuant to an alternate park/school site being designated.

## 3.0 BACKGROUND

The current designation under the recently adopted Official Community Plan (OCP) identifies a portion of the subject property for institutional (school) use and the remaining as single/two family residential. Initially, when Kelowna Official Community Plan (1994-2013) Bylaw No. 7600 was adopted by Council there was a portion of the subject property designated for Educational/Major Institutional and Major Park/Open Space. As a result of the recently adopted *Kelowna2020* – Official Community Plan Bylaw No. 7600 there is no longer an area designated for Major Park/Open Space on the subject property as a more suitable area has been identified further west of the subject property. There is still, however, an area designated for Educational/Major Institutional on the subject property.

### 3.1 The Proposal

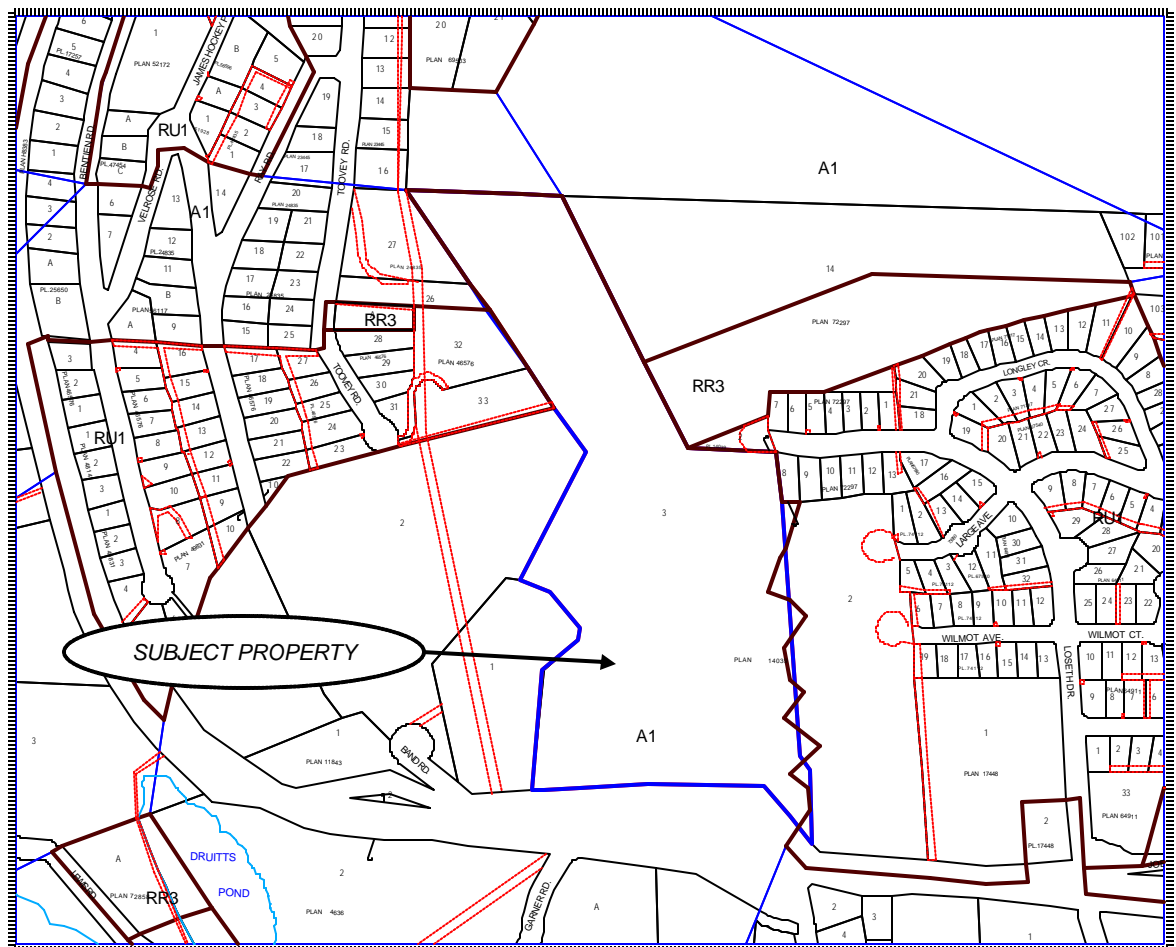
The purpose of this application is to amend the Official Community Plan designation of Educational/Major Institutional by deleting it entirely and designating the entire subject property for single/two unit residential use. The applicant has provided a letter, dated May 10, 2002, from the School District No. 23 advising that they are prepared to remove the school site reserve from these properties (copy attached). As that letter pre-dated the Bell Mountain Area Structure Plan, and the School District did not identify any school needs within the Bell Mountain ASP boundaries, the applicant was compelled to write an additional letter (see attached Fax dated November 27, 2003) to the School District confirming their position regarding the subject property. As the applicant has not had a response from the School District on this matter City Staff emailed the School District advising that a report was being prepared for Council Consideration recommending the removal of the Educational/Major Institutional designation from the subject property and to provide any further comments by February 10, 2004. No response has been received from the School District to date.

The concurrent rezoning application is to allow for the rezoning of the property to RU1 – Large Lot Housing 1 zone in order to facilitate a future single detached housing development of the subject property. There is currently an application being processed to rezone and subdivide a northern portion of the subject property in conjunction with the adjacent properties, to facilitate a single detached housing subdivision.

### 3.2 Site Context

The subject property is located on the north side of Highway 33, west of Loseth Drive. The adjacent zones and uses are, to the:

- North - A1 – Agriculture 1 & RR3 – Rural Residential 3; agricultural/rural land (currently under application for single detached housing development)
- East - A1 – Agriculture 1 & RR3 – Rural Residential 3; undeveloped rural land
- South - Hwy 33, A1 – Agriculture 1; rural agricultural land and residential subdivision
- West - A1 – Agriculture 1 & RR3 – Rural Residential; undeveloped rural land and residential subdivision



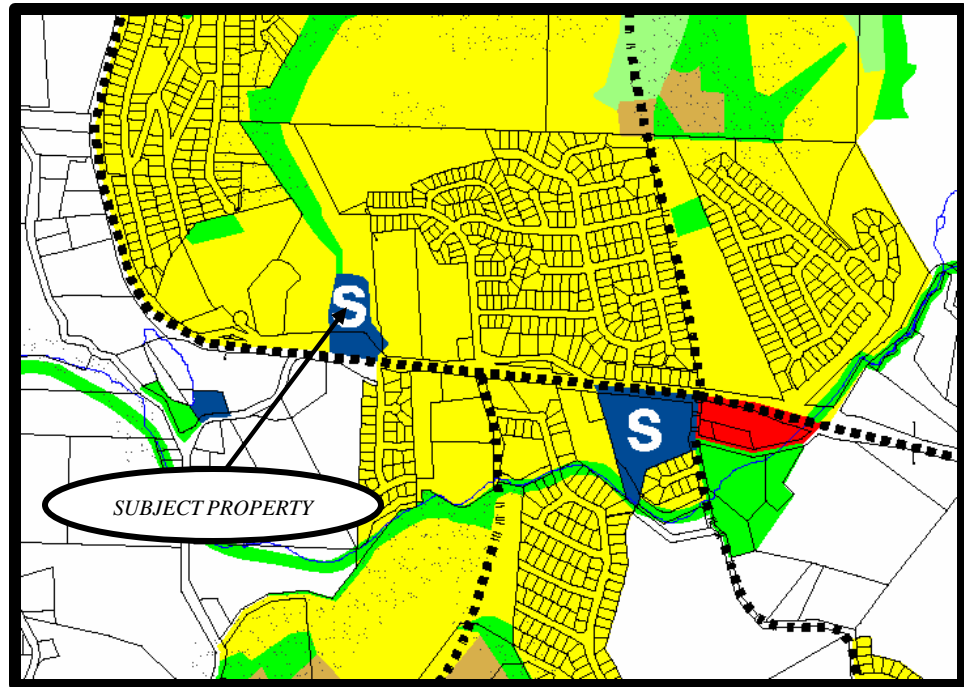
### 3.3 Current Development Policy

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

The proposed development is in keeping with the policies and objectives of the Strategic Plan in that it encourages a compact form of growth.

### 3.3.2 Kelowna Official Community Plan (1994-2013)

The OCP Generalized Future Land Use Map designates the subject property as Single/Two Family Residential and Educational/Major Institutional as shown on the following map:



### 3.3.3 Highway 33 East Area Structure Plan

The Area Structure Plan (ASP) designates the subject property as single family residential, school and park.

## 4.0 TECHNICAL COMMENTS

### 4.1 Works & Utilities

- a) The steep hillside was identified in the original area structure plan as a park area that makes a logical connection between Mine Hill and the Mission Creek linear park system.
- b) A comprehensive geotechnical study must be undertaken over the entire parcel as part of the subdivision requirements. This study should analyze the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any surface springs and the suitability of the lands for disposal of site generated storm drainage.

### .1) Servicing

- a) Domestic Water And Fire Protection - 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 these items.

All charges for service connection, regrade fees and upgrading costs are to be paid directly to the BMID.

b) Sanitary Sewer

- i) The proposed development can be serviced by extending laterally from the Gopher Creek sanitary trunk main. The downstream capacity in the lower area of Rutland is restricted and current flow monitoring indicate that the excess capacity is limited to approximately an additional 300 units.
- ii) The City of Kelowna has a long-term program for increasing the capacity of the sanitary sewer system to service the north-easterly areas of the City and plans to construct at some time in the future, dependent on funding the Ziprick/Springfield, which will eventually service the Black Mountain area.
- iii) Beyond this capacity, should a developer wish to proceed with a development in advance of the City's capital program to construct the Ziprick/Springfield trunk sewer, the developer would have to fund the pipe network construction with provision made for Latecomer Agreement.

c) Storm drainage

- i) 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. The drainage study should indicate the size and location of the detention pond(s) and provide for a positive outflow to the existing municipal storm drainage system. This plan can become part of the geotechnical study to identify possible ground recharge/detention areas.
- ii) The original concept plan indicates that the storm water will be discharged into Garner pond located on the south side of Highway 33. Garner pond is located entirely on private property therefore the pond and access will have to be protected by a statutory right of way.
- iii) Garner pond acts as a sink and does not have a positive controllable outlet to the existing municipal storm drainage system. A pond level control system as well as some overflow protection will be required to ensure that the additional storm water generated by the change in ground permeability created by the proposed development does not adversely affect the adjacent and downstream properties in the vicinity of the pond. An environmental impact assessment will be required as well.

.2) Transportation

To be addressed at time of subdivision.

4.2 Environment Manager

The area is also a designated Environmental DP area and regardless of the eventual land use, development of these lots will require and Environmental DP review.

4.3 Fire Department

Fire Department access and hydrants as per the BC Building Code and the City of Kelowna Subdivision, Development and Servicing Bylaw.

4.4 Inspections Department

No comment

4.5 Black Mountain Irrigation District

We have no objection to the rezoning or the amendments of the properties involved. We will reserve our comments and requirements re: water system design and our requirements re: capital cost charges until subdivision stage.

4.6 Ministry of Transportation

The Ministry has no objection to the proposed rezoning in principle. The Highway 33/Loseth Road intersection will be the major intersection and that the Hwy 33/Garner Road intersection will not be considered for future signalisation. Any development in this area should therefore have the ability to connect back to Loseth Road.

Ministry staff feels that the +/-60 single family residential lots that could be developed on this property would not drive major intersection improvements at Highway 33/Garner Road however, as Highway 33 develops, the internal connection to Loseth Road will become more important. Should safety problems arise at the Highway 33/Garner Road intersection in future, we do not envision the Ministry funding any improvements and it may be necessary at that time for the City to acquire the right-of-way through any intervening properties and construct the connection through to Loseth Road. Alternatively, turning restrictions at Highway 33/Garner Road would have to be introduced.

Intersection design, protection of right-of-way for future Highway 33 four laning, provision of internal access to Band Road and physical closure at Highway 33, as well as physical closure of the east end of Old Joe Rich Road at Highway 33 would be among the many issues to be addressed with any resulting subdivision application.

With respect to the proposed amendment to the Area Structure Plan, as previously stated, we have agreed the Highway 33/Loseth Road intersection will be the major intersection in this area. The future signalised intersection would provide good pedestrian crossing opportunities on Highway 33 as well as good access to any future school site on the north side of the highway. We would require any future school site to be completely fenced with the appropriate internal neighbourhood pedestrian routes provided. No direct access to Highway 33 would be considered.

4.9 Parks Manager

Area designated Major Parks/Open space to be protected. Parks will require 6.0 m wide pedestrian links between Toovey Road and this area.

4.10 School District 23

See attached correspondence.

4.11 Aquila, Terasen, Telus, Shaw Cable

Developer will be responsible for servicing.

5.0 PLANNING COMMENTS

The Planning & Corporate Services Department recommends support for this request to remove the Educational/Major Institutional future land use designation and designate the area for single/two unit residential development.

Initially, prior to the recent adoption of the Kelowna 2020 – Official Community Plan Bylaw 7600, a portion of the subject property was designated for a combined Educational/Major Institutional and Parks/Open Space site. As a result of the correspondence from the School District dated May 10, 2002, advising they were prepared to remove the school site reserve from the subject property, the Parks Division identified a more suitable location for a park site that would better meet the needs of the community. This location to the west of the subject property has, as part of the recently adopted OCP amendments, been identified on Map 19.1 Generalized Future Land Use Map for Parks & Open Space.

As the School District has not given any indication that their position has changed, with respect to removing the school site reserve from the subject property (despite repeated opportunities for them to address this matter further), this application is being forwarded to Council for their consideration with a recommendation to support the requested OCP amendment.

This department also recommends that final adoption of the zone amending be withheld pending the issuance of a Preliminary Layout Review letter for the balance of the subject property. To date an application to request a Preliminary Layout Review Letter has not been applied for.

R. G. Shaughnessy  
Subdivision Approving Officer

Approved for inclusion ☐

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

RGS/SG/sg

**FACT SHEET**

1. **APPLICATION NO.:** ASP00-002/OCP00-010/Z00-1059
2. **APPLICATION TYPE:** Area Structure Plan and Official Community Plan Amendment and Rezoning
3. **OWNER:** Romesha Ventures Inc.  
· **ADDRESS** 300 – 1111 Melville Street  
· **CITY/ POSTAL CODE** Vancouver, BC V1Z 2V5
4. **APPLICANT/CONTACT PERSON:** Terre Consultants Ltd./Gordon Hirtle  
· **ADDRESS** 2300 Bridgeview Road  
· **CITY/ POSTAL CODE:** Kelowna, BC V1Z 2V5  
· **TELEPHONE/FAX NO.:** 717-2265/762-2197
5. **APPLICATION PROGRESS:**  
Date of Application: November 30, 2000  
Servicing Agreement Forwarded to Applicant:  
Servicing Agreement Concluded:  
Staff Report to Council: February 24, 2004
6. **LEGAL DESCRIPTION:** Lot 3, Sec. 13, Twp. 26, ODYD, Plan 14039
7. **SITE LOCATION:** North of Hwy 33, across from Garner Road
8. **CIVIC ADDRESS:** 1374 Highway 33
9. **AREA OF SUBJECT PROPERTY:** 9.278 ha
10. **AREA OF PROPOSED REZONING:** 9.278 ha
11. **EXISTING ZONE CATEGORY:** A1 – Agriculture 1
12. **PROPOSED ZONE:** RU1 – Large Lot Housing
13. **PURPOSE OF THE APPLICATION:** To amend the Official Community Plan by changing the Future Land Use designation from the Educational/Major Institutional designation to the Single/Two Unit Residential designation and changing the zoning classification from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone
14. **MIN. OF TRANSPORTATION FILES NO.:** File Nos. 02-081-19006/19007/19008
15. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** Not applicable



**Attachments**

*(Not attached to the electronic copy of the report)*

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- OCP Map “A”
- Location Map (Map “B”)
- School District No. 23 Letter dated May 10, 2002
- Terre Consultants Fax dated November 27, 2003
- Plan of proposed subdivision

**MAP "A"**

