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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** September 22, 2004

**File No.:** File No. Z95-1015

**To:** City Manager

**From:** Planning & Corporate Services Department

**Purpose:** To rescind 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> Readings of Zone Amending Bylaw No. 8517 (Canyon Creek Joint Venture) in order to proceed with a new application for rezoning (Z04-0020)

**Owner:** Canyon Creek Joint Venture

**Applicant** Protech Consultants (1989) Ltd. **Contact Person:** Grant Maddock

**At:** 5050 McCulloch Road

**Existing Zone:** A1 – Agriculture **Proposed Zones:** RR1 – Rural Residential 1, RR2 – Rural Residential 2 and P3 – Parks & Open Space

**Supplemental 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 first, second and third readings given Bylaw No. 8517 (Z95-1015 – Canyon Creek Joint Venture – Protech Consultants (1989) Ltd./Grant Maddock) be rescinded.

**2.0 SUMMARY**

Rezoning Authorization Bylaw No. 8517 received second and third readings at a Regular meeting of Council held on Tuesday, March 21, 2000, with final adoption of the zone amending bylaw being withheld pending the provision of an executed Servicing Agreement and the provision of the necessary funds and/or bonding.

At the Regular Meeting of Council held on Monday, March 19, 2001 a resolution was adopted extending the deadline for adoption of Zone Amending Bylaw No. 8517 (Z95-1015) to September 21, 2001.

As June 27<sup>th</sup>, 2001 was the deadline for approving lots that are less than one hectare in size serviced by on-site sewage disposal the applicant applied for an additional six

month extension for additional time to pursue alternate methods of sewage disposal for the 59-lot rural residential development proposal. Subsequent extensions expired on March 21, 2003.

The applicant has now submitted new Rezoning (Z04-0020), Subdivision (S04-0026) and Development Variance Permit (DVP) applications for a proposed 110 lot bareland strata development to be serviced by a private sanitary sewer collection system.

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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.:** Z95-1015
2. **APPLICATION TYPE:** Rezoning
3. **OWNER:** Canyon Creek Joint Venture
  - **ADDRESS** 117515 – 106A Avenue
  - **CITY/ POSTAL CODE** Edmonton, Alberta T5S 1M7
4. **APPLICANT/CONTACT PERSON:** Protech Consultants Ltd./Grant Maddock
  - **ADDRESS** 200 – 1449 St. Paul Street
  - **CITY/ POSTAL CODE:** Kelowna, BC V1Y 2E4
  - **TELEPHONE/FAX NO.:** 860-1771/860-1994
5. **APPLICATION PROGRESS:**
  - Date of Application:** March 22, 1995
  - Date put on hold pending archaeological assessment:** June 13, 1995
  - Date archaeological assessment:** December 27, 1995
  - Date 1<sup>st</sup> DVP request considered by Council:** May 11, 1998
  - Date 2<sup>nd</sup> DVP request considered by Council:** June 15, 1999
  - Staff Report to Council:** February 15, 2000
  - Date of Public Hearing:** March 21, 2000
  - Date of Third Reading:** March 21, 2000
6. **LEGAL DESCRIPTION:** Part of the East ½ of Sec. 1, Twp. 26, ODYD except Plan 48126
7. **SITE LOCATION:** North side of McCulloch Road ~0.5 km east of KLO Creek and ~1km east of Field Road
8. **CIVIC ADDRESS:** 5050 McCulloch Road
9. **AREA OF SUBJECT PROPERTY:** 129.5 ha
10. **AREA OF PROPOSED REZONING:** ~49 ha
11. **EXISTING ZONE CATEGORY:** A1 – Agriculture 1
12. **PROPOSED ZONE:** RR1 – Rural Residential 1, RR2 – Rural Residential 2 and P3 – Parks & Open Space
13. **PURPOSE OF THE APPLICATION:** To rezone a part of the subject property to accommodate a 59 lot rural residential subdivision and a dedication of a portion of the subject property as Park.

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**Attachments**

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

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Location Map