

---

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

---

**Date:** January 28, 2005  
**File No.:** OCP04-0022 / Z04-0079

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

APPLICATION NO. OCP04-0022 / Z04-0079      OWNER: Ravinderdeep Poonian

AT: 908 El Paso Road      APPLICANT: Protech Consultants Ltd.

**PURPOSE:** To amend the Official Community Plan designation from the existing Rural/Agricultural designation to the proposed Single/Two Unit Residential designation in order to facilitate a twenty-four lot single family subdivision and a thirty-one unit single and two dwelling cluster housing development;

To rezone the subject property from the existing A1-Agriculture 1 zoning to the proposed RU1-Large Lot Housing, RU2-Medium Lot Housing and the RU4-Low Density Cluster Housing zones in order to facilitate a twenty four lot single family subdivision and a thirty-one unit cluster housing development.

**EXISTING ZONE:** A1 – Agriculture 1

**PROPOSED ZONES:** RU1-Large Lot Housing; RU2-Medium Lot Housing; RU4-Low Density Cluster Housing

**REPORT PREPARED BY:** Mark P. Koch

---

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

---

**1.0      RECOMMENDATION**

THAT OCP Bylaw Amendment No. OCP04-0022 to amend Map 19.1 of the Kelowna 2020 Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 15, Sec. 25, Twp. 26, ODYD, Plan KAP73538 except Plan KAP75858, located on El Paso Road, Kelowna, B.C., from the Rural/Agricultural designation to the Single/Two-Family designation be considered by Council;

AND THAT Rezoning Application No. Z04-0079 to amend the City of Kelowna Zoning Bylaw No 8000 by changing the zoning classification of Lot 15, Sec. 25, Twp. 26, ODYD, Plan KAP73538 except Plan KAP75858, located on El Paso Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 - Large Lot Housing, RU2 - Medium Lot Housing, and RU4 - Low Density Cluster Housing zones, as shown on Map "A" attached to the report of Planning & Corporate Services Department, dated January 28, 2005 be considered by Council;

AND FURTHER THAT the OCP and zone amending bylaws be forwarded to a Public Hearing for further consideration.

## 2.0 SUMMARY

The applicant applied to rezone the subject property from the existing A1 – Agriculture 1 zone to the RU1-Large Lot Housing; RU2-Medium Lot Housing; and RU4-Low Density Cluster Housing zones, while concurrently also applying for an Official Community Plan amendment from the existing Rural/Agricultural designation to the proposed Single/Two Family Residential designation. This concurrent rezoning and official community plan amendment application has been submitted in order to facilitate a twenty-four single family subdivision and a thirty-one unit single and two family cluster housing development.

## 3.0 ADVISORY PLANNING COMMISSION

The subject application was reviewed by the Advisory Planning Commission at their meeting of January 18, 2005 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Official Community Plan Application No. OCP04-0022 and Rezoning Application No. Z04-0079, for 908 El Paso Road, Lot 15, Plan 73538, Sec. 25, Twp. 26, ODYD, by Protech Consultants Ltd. (Grant Maddock), to amend the Official Community Plan Future Land Use designation from Rural / Agricultural to Single / Two Unit Residential; and to rezone from the A1-Agriculture 1 zone, to the RU1-Large Lot Housing zone, the RU2-Medium Lot Housing zone, and the RU4-Low Density Cluster Housing zone, in order to accommodate an 18 lot single family residential subdivision and a 31 unit cluster housing development.

## 4.0 BACKGROUND

### 4.1 The Proposal

The property owner recently received permission from the Agricultural Land Commission to exclude the subject property from the provincial Agricultural Land Reserve. As a result of this decision, the applicant has subsequently submitted this application to develop the subject property; and has proposed to rezone and subdivide twenty-three RU2-Medium Lot Housing lots, totalling an area of 1.55ha (3.83ac). Furthermore, a 0.20ha (0.49ac) lot is proposed to be subdivided and rezoned to the RU1-Large Lot Housing lot zone, in order to accommodate the existing single family dwelling, which is located on the north eastern portion of the site. Lastly, an area of 2.97ha (7.33ac) is proposed to be subdivided and rezoned to the RU4-Low Density Cluster Housing zone in order to accommodate a proposed thirty-one unit single and two family cluster housing development.

The application meets the requirements of the proposed RU1-Large Lot Housing; RU2-Medium Lot Housing; RU4-Low Density Cluster Housing zones as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Proposed Lot 25 Area (m <sup>2</sup> )	2000m <sup>2</sup> ~	550.0m <sup>2</sup>
Proposed Lot 25 Width (m)	56m ~	16.5m
Proposed Lot 25 Depth (m)	34m ~	30.0m
CRITERIA	PROPOSAL	RU2 ZONE REQUIREMENTS
Proposed Lot 1-23 Width (m)	15.3m ~	13.0m
Proposed Lot 1-23 Depth (m)	30.0m ~	30.0m
Proposed Lot 1-23 Area (m <sup>2</sup> )	460m <sup>2</sup> ~	400m <sup>2</sup>
CRITERIA	PROPOSAL	RU4 ZONE REQUIREMENTS
Proposed Lot 24 Depth (m)	180	30.0m
Proposed Lot 24 Area (m <sup>2</sup> )	29700m <sup>2</sup>	6000m <sup>2</sup>
Proposed Lot 24 Width (m)	150m	40.0m

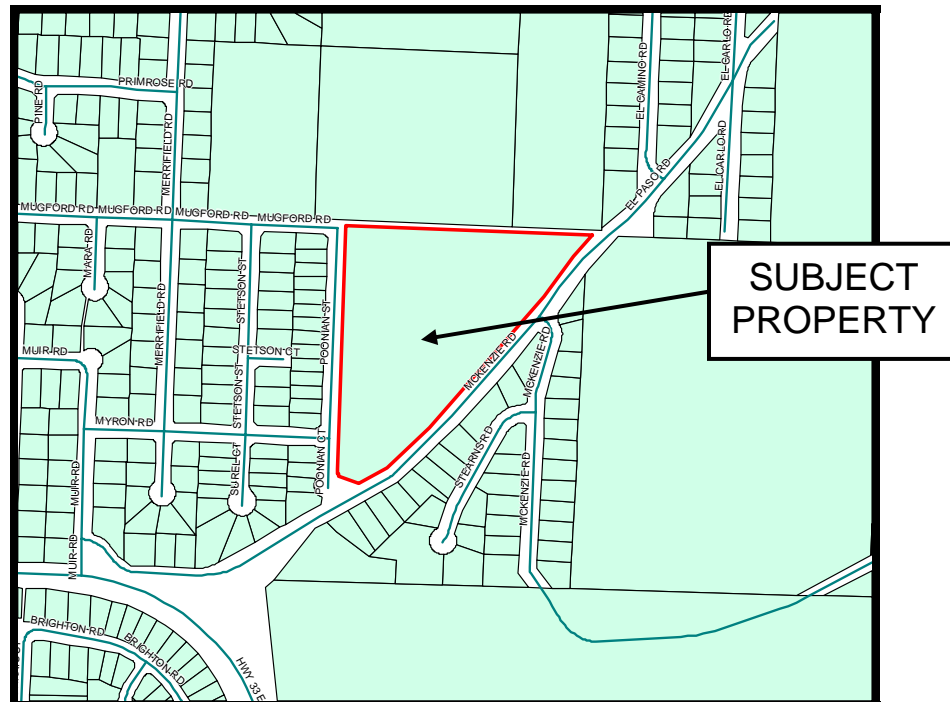
#### 4.2 Site Context

The subject property is situated in the Rutland Sector Plan area on El Paso Road, and is located north of McKenzie Road, and east of Poonian Street. The subject property is adjacent to parcels located within the Agricultural Land Reserve to the north and the east.

Adjacent zones and uses are:

- North - A1 – Agriculture 1
- East - A1 – Agriculture 1
- South - A1 – Agriculture 1
- West - RU2 – Medium Lot Housing

#### Site Location Map



#### 4.3 Existing Development Potential

The property is zoned A1 – Agriculture 1, with the current development potential allowing for agricultural and complimentary uses.

#### 4.4 Current Development Policy

##### 4.4.1 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.

##### 4.4.2 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.

#### 5.0 TECHNICAL COMMENTS

The Works & utilities Department comments and requirements regarding this application to rezone the subject property from A1 to RU1, RU2, and RU4 are as follows:

##### 1.Subdivision.

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:

- a) Overall site suitability for development.
- b) Slope analysis (i.e. 0-10 %, 10-20 %, 20-30% and over 30 %).
- c) Presence of ground water and/or springs.
- d) Presence of fill areas.
- e) Presence of swelling clays.
- f) Presence of sulfates.
- g) Potential site erosion.
- h) Provide specific requirements for footings and foundation construction.
- i) 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 these items. 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.

- a) The subject property is currently serviced by the municipal sanitary sewer collection system and is included in Sanitary Sewer Specified Area # 1.
- b) The developer will be responsible to pay, prior to final subdivision approval, the sanitary sewer area charge for each of the proposed single family lot. The charge is currently set at \$7,100.00 per Equivalent Dwelling Unit created less the cost of the permanent sanitary sewer infrastructure constructed to service the proposed single family residential lots. The amount credited is subject to the City of Kelowna review and approval.
- c) The Sanitary sewer area charge for the strata development will be determined at the time of the development permit submission.

#### 5. Drainage.

- a) 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.

#### 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. Transportation.

- a) McKenzie Road and El Paso Road must be upgraded along the frontage of the subject property to a full urban standard including curb and gutter, sidewalk, piped storm drainage system, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. The upgrade must be extended along the frontage of the initial phase of the project for which the developer has made a deposit; the deposit will be refunded to the applicant upon completion of the frontage works.
- b) There are some well travel pedestrian paths crossing the property. Continuity to the pedestrian flow must be maintained, therefore, the developer must construct a 2.4 m. wide walkway on the existing Right of way along the north property line between El Paso Road and Poonian Street in accordance to City standard drawing SS-R28.

10. Bonding and Levies Summary.

a) Performance Bonding is deferred to the subdivision

b) Levies( prior to subdivision final approval)

Sewer connection Area fees (\$7,100.00 x 23) for the Single family lots **\$220,100.00**  
Less credit for sewer construction costs

Sewer connection area fees for the multi family site will be payable at the time of the application for development permits.

6.0 AGRICULTURAL LAND COMMISSION REQUIREMENTS.

As outlined in the attached letter, dated August 16, 2004.

7.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Corporate Services Department recognizes that the subject property has recently been excluded from the provincial Agricultural Land Reserve. As the subject property was previously within the Agricultural Land Reserve, City of Kelowna policy has been to recognize that Agricultural Land Reserve status. The rationale for excluding the property was based on the steep topography and difficulty associated with farming such a site, which was reflected by the decision of the Agricultural Land Commission to allow the exclusion. The Planning and Corporate Services Department therefore has no concern over the current proposal to amend the Official Community Plan and to rezone the subject property to allow for the proposed single family subdivision and cluster housing development. The Planning and Corporate Services Department has been made aware of some neighbourhood concern over this proposal from property owners on the south east side of McKenzie Road, who have indicated their concern over potential view losses resulting in this development. It should also be noted that the Agricultural Land Commission outlined buffering requirements in their previous decision to allow the Agricultural Land Reserve exclusion, which are outlined in their letter dated August 16, 2004, and therefore these buffering requirements are to be fulfilled as part of a subsequent subdivision approval application.

---

R. G. Shaughnessy  
Subdivision Approving Officer

Approved for inclusion

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

RGS/MK/mk

Attach.

*ATTACHMENTS*

*(not attached to the electronic version of the report)*

- Location of subject property
- Proposed Plan of Subdivision
- State of Title
- Agricultural Land Commission Letter
- Resident Correspondence