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

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**Date:** January 26, 2005

**File No.:** **Z04-0084/OCP04-0024/DVP04-0152**

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO. Z04-0084/OCP04-0024/DVP04-0152**      **OWNER:** Steam Harbor Enterprises Ltd.

**AT:** 2767 Saucier Road      **APPLICANT:** Steam Harbor Enterprises Ltd.

**PURPOSE:** TO AMEND THE FUTURE LAND USE DESIGNATION OF THE SUBJECT PROPERTY FROM COMMERCIAL TO RURAL/AGRICULTURAL

TO REZONE THE SUBJECT PREOPRTY FROM THE C1 – LOCAL COMMERCIAL ZONE TO THE RR3-RURAL RESIDENTIAL 3 ZONE

TO VARY THE MINIMUM LOT AREA REQUIREMENT FOR LOTS NOT CONNECTED TO A COMMUNITY SANITARY SEWER SYSTEM FROM 1HA REQUIRED TO 0.193HA PROPOSED

**EXISTING ZONE:** C1 – LOCAL COMMERCIAL

**PROPOSED ZONE:** RR3 – RURAL RESIDENTIAL 3

**REPORT PREPARED BY:** RYAN SMITH

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**1.0 RECOMMENDATION**

THAT OCP Bylaw Amendment No. OCP04-0024 to amend Map 19.1 of the Kelowna 2020 – Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 1, Sec.4, Twp.26, ODYD Plan 17319, located on Saucier Road, Kelowna, B.C., from the Commercial designation to the Rural/Agricultural designation, as shown on Map “A” attached to the report of Planning & Corporate Services Department dated January 26, 2005 be considered by Council;

THAT Rezoning Application No. Z04-0084 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec.4, Twp.26, ODYD Plan 17319, located on Saucier Road, Kelowna, B.C. from the C1 – Local Commercial zone to the RR3 – Rural Residential 3 zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP04-0024 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the South Kelowna Irrigation District being completed to their satisfaction;

## **2.0 SUMMARY**

The applicants are proposing to rezone the subject property from C1 – Local Commercial to RR3-Rural Residential 3 in order correct and existing legal non-conformity. An amendment to the Official Community Plan future land use designation is also linked to this application as well as a development variance permit to vary the minimum lot area requirement for lots not connected to a community sanitary sewer system from 1Ha required to 0.193Ha proposed.

## **3.0 ADVISORY PLANNING COMMISSION**

At the January 18, 2005 meeting it was resolved:

THAT the Advisory Planning Commission supports Official Community Plan Application No. OCP04-0024, Rezoning Application No. Z04-0084 and Development Variance Permit Application No. DVP04-152, for 2767 Saucier Road, Lot 1, Plan 17319, Sec. 4, Twp. 26, ODYD, by Stream Harbor Enterprises Ltd. (George Hanna), to amend the Official Community Plan Future Land Use designation from Commercial to Single / Two Unit Residential to accommodate a proposed rezoning in order to correct an existing non-conformity; and to rezone from the C1-Local Commercial zone to the RR3-Rural Residential 3 zone in order to conform to Zoning Bylaw 8000.

## **4.0 BACKGROUND**

The subject property was created by subdivision in 1969 but did not become part of the City of Kelowna until 1973. Although a single family dwelling has existed on this property since that time, the property was mistakenly zoned C1-Local Commercial and has existed this way since.

### **4.1 The Proposal**

The applicant is seeking to amend the future land use designation of the subject property by changing it from Commercial to Rural/Agricultural and rezone the subject property from C1 – Local Commercial to RR3 – Rural Residential 3 in order construct an accessory building on the subject property. The current non-conforming zoning restricts the permitted uses on-site on would not allow the expansion of the existing single family dwelling nor the addition of an accessory building to the site.

The subject property is not connected to a community sanitary sewer system and therefore its lot size does not meet the minimum requirement of 1Ha for the RR3 – Rural Residential 3 zone. The applicant is seeking to vary the minimum lot size requirement for RR3 lots.

The application meets the requirements of the RR3 – Rural Residential 3 zone as follows:

CRITERIA	PROPOSAL	RR3 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	1935m <sup>2</sup> ❶	1.0Ha
Lot Depth (m)	89.95m	30.0m
Lot Width (m)	21.81m	18.0m
Site Coverage (%)(Buildings)	8%	30%
Parking Spaces	2	2
<b>Setbacks(m)(Apartment)</b>		
Front	60m	6.0m
Rear	7.5m	7.5m
Side (e)	5m	2.3m
Side (w)	8m	2.3m

❶Note: The subject property does not conform to the minimum size requirement for new RR3 lots and therefore the applicant is seeking a development variance permit to vary the minimum lot area for lots not serviced by a community sanitary sewer system.

#### 4.2 Site Context

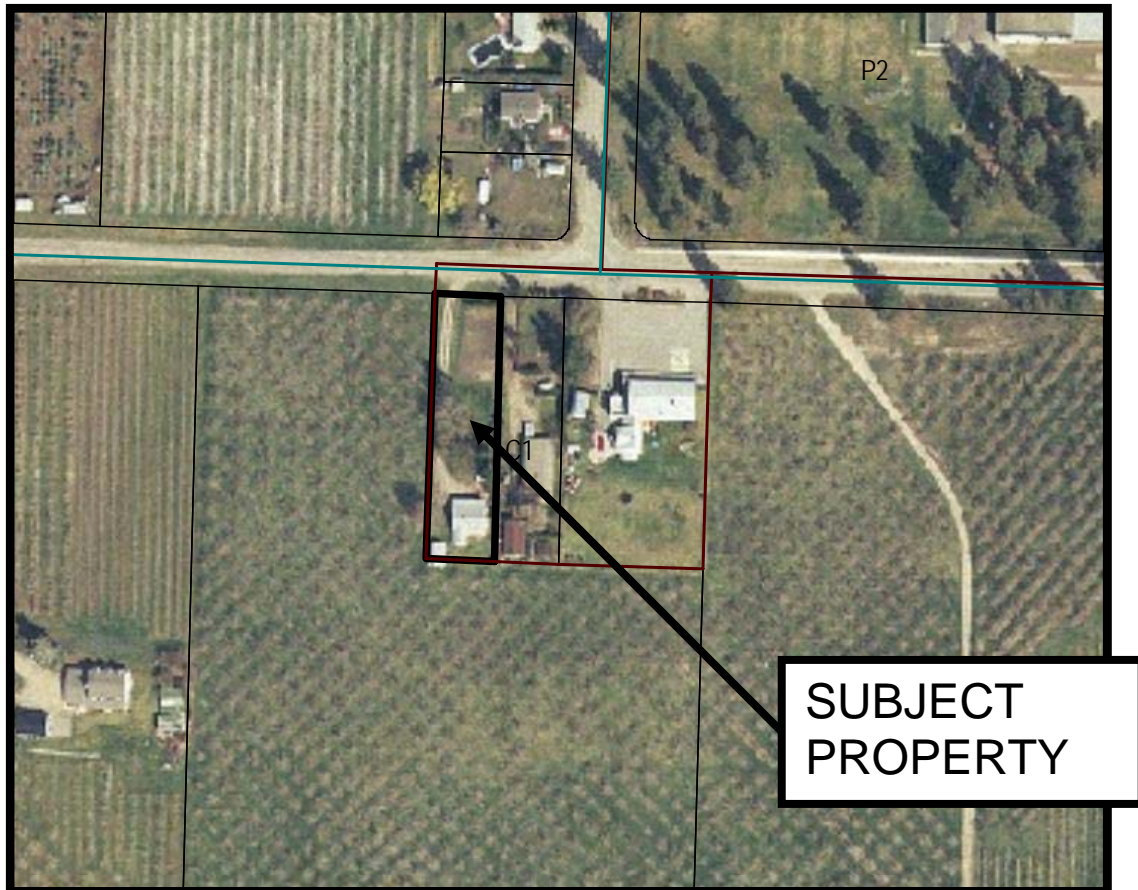
The subject property is located on the south side of Saucier Road at its intersection with Spiers Road.

Adjacent zones and uses are:

- North - A1 – Agriculture 1 – Single Family Dwelling
- East - C1 – Local Commercial – Single Family Dwelling (non-conforming)
- South - A1 – Agriculture 1 – Orchard (ALR)
- West - A1 – Agriculture 1 – Orchard (ALR)

#### 4.3 Site Location Map

Subject Property: 2767 Saucier Road



#### 4.4 Existing Development Potential

The purpose of the C1 – Local Commercial zone is to provide a zone for a limited range of local convenience services required by both the urban and rural population.

#### 4.5 Current Development Policy

##### 4.5.1 Kelowna Official Community Plan

The Future Land Use designation for the subject property identified on Map 19.1 of the Official Community Plan is commercial.

5.0 TECHNICAL COMMENTS

5.1 Works and Utilities

No concerns. Subject property is existing.

5.2 Inspection Services

New works to conform to 1998 BCBC, Zoning and Building Bylaw. Septic approval required if new house proposed or renovations to existing.

5.3 Shaw Cable

Owner/developer to supply and install an u/g conduit system.

5.4 Telus

Will provide aerial service.

5.5 South East Kelowna Irrigation District (SEKID)

The requirements for residential water service are as follows:

1. All new residential units in the district must pay a Capital Expenditure Charge in the amount of \$2,500.00 must be paid.
2. An application Fee of \$450.00 must be paid. This provides for the provision of water metering for the home and covers the cost of a meter horn, water meter and touch pad. It is the owner's responsibility to have the meter installed in the home and to comply with the City of Kelowna Plumbing code in doing so. The touch pad must be mounted where it is reasonably accessible for ease of reading by district staff.
3. A New Account Fee in the amount of \$20.00 must also be paid.
4. The lot has a 19mm water service which is adequate for one residential unit on the property.

5.6 Fire Department

No concerns.

**6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT**

The Planning and Corporate Services Department has no concerns with the proposed OCP amendment, rezoning, and development variance permit applications. The use on the subject property has been residential since its addition to the City of Kelowna and the proposed rezoning application will help eliminate the non-conforming zoning. Staff support the proposed Official Community Plan Amendment, Rezoning and Development Variance Permit applications.

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Andrew Bruce  
Development Services Manager

Approved for inclusion

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

RM/AB/rs

**ATTACHMENTS**

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

- Location of subject property
- Site plan