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

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**Date:** October 31, 2007

**File No.:** Z04-0020

**To:** City Manager

**From:** Planning & Development Services Department

**Purpose:** To extend 3<sup>rd</sup> reading of the Zone Amending Bylaw for the request to rezone from the A1-Agriculture 1 zone to the RR1 – Rural Residential 1, RR2 – Rural Residential 2 and P3 – Parks & Open Space zones to facilitate a 110 lot bareland strata subdivision development and park dedication.

**Owner:** 417860 Alberta Ltd. et al (see fact sheet)      **Applicant/Contact Person:** Protech Consultants Ltd./Grant Maddock

**At:** 5050 McCulloch Road

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

**Supplemental Report Prepared By:** Shelley Gambacort

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**1.0    RECOMMENDATIONS**

THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Zone Amending Bylaw No. 9313 (Z04-0020 – 417860 Alberta Ltd. et al) McCulloch Road be extended to May 2, 2008.

**2.0    SUMMARY**

Rezoning Authorization Bylaw No. 9313 received second and third readings at a Regular meeting of Council held on November 2, 2004, with final adoption of the zone amending bylaw being withheld pending consideration of a Development Variance Permit on the subject property.

Section 2.10.1 of Procedure Bylaw No. 8140 states that:

Every amendment bylaw which has not been finally adopted by Council within 12 months after the date it was given third reading, lapses and will be of no force and effect, and an applicant who wishes to proceed with its application must initiate a new application.

Section 2.10.2 of the Procedure Bylaw makes provision for Council to consider an extension to an amending bylaw for up to 6 months beyond the 12 months deadline as stated in Section 2.10.1.

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The proposed development requires a Development Variance Permit, to vary Zoning Bylaw 8000, to allow for a minimum parcel size of 8,000 m<sup>2</sup> in the RR1 zone, and 4,000 m<sup>2</sup> in the RR2 zone if properties are connected to a private sanitary sewer collection system. The remainder of the property (± 50 ha or 125 acs.) will be zoned P3 – Parks and Open Space (including that portion known as Layer Cake Mountain) and will form part of the Scenic Canyon Regional Park system.

The Applicant is not yet prepared to proceed with the Development Variance Permit application and has requested that this rezoning application remain open. Therefore, the Planning & Development Services Department is forwarding this request to Council for favourable consideration of the 3<sup>rd</sup> reading extension to May 2, 2008.

  
Shelley Gambacort  
Current Planning Supervisor

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## **SUBJECT PROPERTY MAP**

