
**-CITY OF KELOWNA
MEMORANDUM**

Date: May 7, 2008
To: City Manager
From: Planning & Development Services Department
APPLICATION NO. Z08-0036 **APPLICANT:** Pam Carter
AT: 4135 June Springs Rd. **OWNER:** Edward & Donna Nicholas
PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE A1 – AGRICULTURE 1 ZONE TO THE RR1 – RURAL RESIDENTIAL 1 ZONE IN ORDER TO ACCOMMODATE REQUIREMENTS OF A PENDING SUBDIVISION APPROVAL.
EXISTING ZONE: A1 – AGRICULTURE 1 ZONE
PROPOSED ZONE RR1 – RURAL RESIDENTIAL 1 ZONE
REPORT PREPARED BY: DANIELLE NOBLE

1.0 RECOMMENDATION

THAT Rezoning Application No. Z08-0036 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Sections 2 & 3, Twp 26, ODYD, Plan 34080, located on June Springs Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone be considered by Council;

AND THAT the 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 requirements of the Works & Utilities Department and South East Kelowna Irrigation District being completed to their satisfaction.

2.0 SUMMARY

The applicant previously applied for a subdivision to the parent parcel, as it is situated within the ALR and required ALC consent. This rezoning application seeks to accommodate the minimum lot area requirements in anticipation of that subdivision approval.

3.0 BACKGROUND

There are two houses on the subject property, positioned with no immediate relationship to one another. An ALC decision dating back to 1991 granted the property owner permission to subdivide the 4.0 ha property into one 0.8 ha parcel and a remainder 3.2 ha parcel. Considerable time has lapsed, and now the property owner is wishing to follow-up on this approval. In order to comply with the current zoning bylaw regulations, the property requires rezoning to meet the minimum lot area requirements of 1 ha for a lot without access to municipal sewer.

The property has dual road frontage on both McClain and June Springs Roads. Currently, there are already two established driveways accessing the individual houses via June Springs Rd.

The tables below shows this application's compliance with the requirements of the RR1 zone.



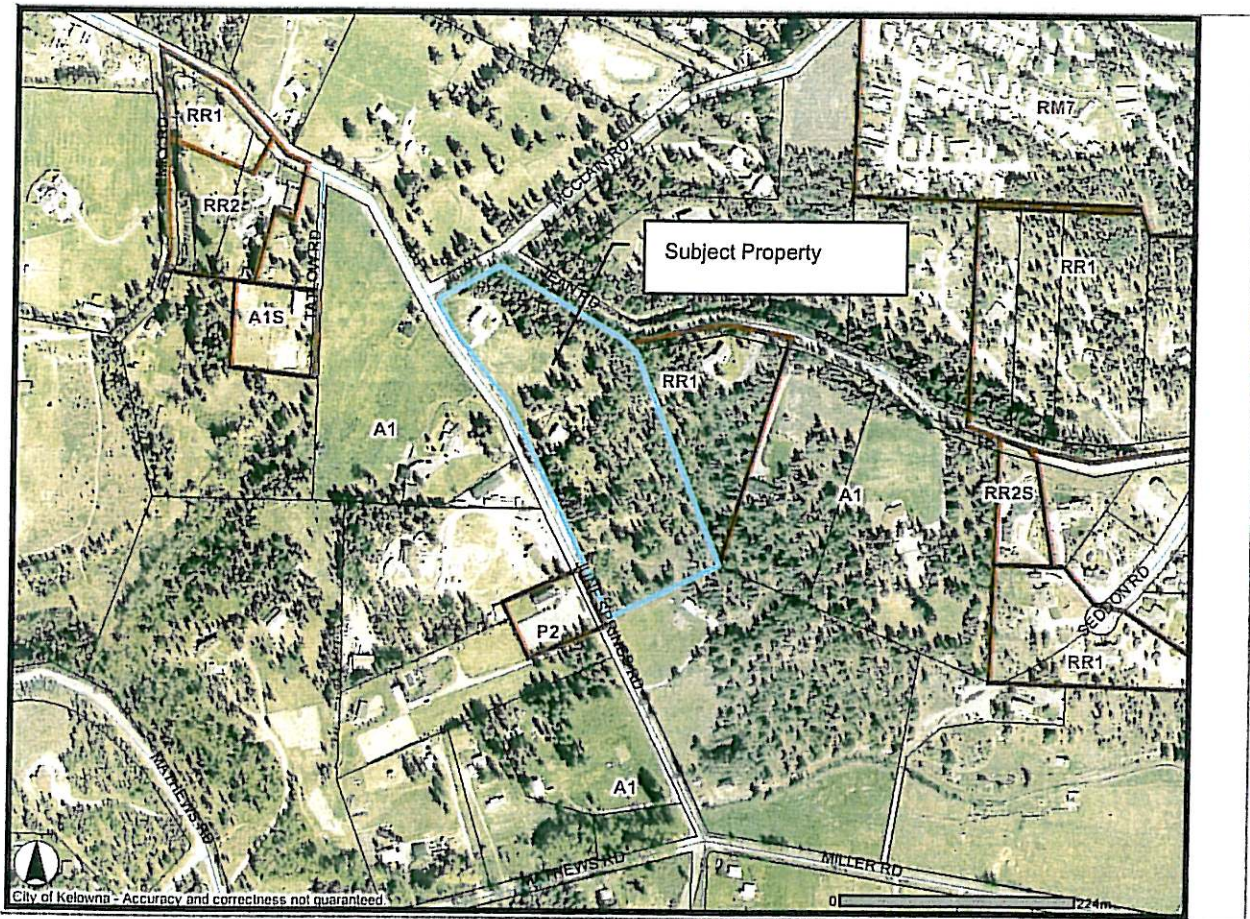
CRITERIA	PROPOSAL	RR1 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1.0 ha	1.0 ha (no connection to sewer)
Lot Width	> 40.0 m	40.0 m
Lot Depth	> 30.0 m	30.0 m

3.1 Site Context

The subject property is located in South East Kelowna, just north of the Mathews Road intersection. The surrounding area has been developed as both agricultural and rural residential. More specifically, the adjacent land uses are as follows:

- North- A1 – Agriculture 1
- East RR1 – Rural Residential 1
- South A1 – Agriculture 1
- West A1 – Agriculture 1 & P2 – Education & Minor Institutional (Seventh Day Adventist Church)

3.2 Site Location Map



4.0 Existing Development Potential

The purpose of the RR1 zone is to provide a zone for country residential development and complementary uses, in areas of high natural amenity and limited urban services.

4.1 Current Development Policy

4.1.1 City of Kelowna Strategic Plan (2004)

Goal #1 – To maintain, respect, and enhance our natural environment.

Goal #2 – To foster a strong, stable, and expanding economy.

Goal #3 – To foster the social and physical well-being of residents and visitors.

4.1.2 Official Community Plan (OCP)

The current Official Community Plan has designated the subject property as rural / agricultural.

Agricultural Policies:

- **11.1.12 Sustained Agriculture.** Encourage the retention of diverse agricultural uses through limits on urban development and non-farm use on lands of sustainable production capability;

4.1.3 City of Kelowna Agriculture Plan

Farmland Preservation – Direct urban uses to land within the urban portion of the defined urban – rural / agricultural boundary, in the interest of reducing development and speculative pressure, toward the preservation of agricultural lands and discourage further extension of existing urban areas into agricultural lands.

5.0 TECHNICAL COMMENTS

5.1 Fire Department

No concerns.

5.2 Shaw Cable

Owner/Developer to supply and install an underground conduit system per Shaw Cable drawings and specifications

5.3 Telus

TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy

5.4 Interior Health

Following information required by Interior Health prior to subdivision:

- Several five-foot-deep observation holes are required within each designated sewage disposal area. Please contact the undersigned Public Health Inspector at the Kelowna Health Centre when the test holes are ready for inspection.
- Normally percolation tests are done in holes 12 inches square and 24 to 32 inches deep. If dense clay-type material were encountered at the lower threefeet of the five-foot-deep observation holes, the procedure would be to extend the percolation

test holes to a depth of 48 inches and obtain reading for the zone 42 inches from the surface.

- Results of percolation tests are required. At a minimum, two percolation tests, performed by a recognized authority, are required for each sewage disposal area. Each lot is required to have an initial sewage disposal area plus a reserve sewage disposal area for Type 1 Sewerage Disposal Systems. It may be necessary to have these areas protected by restrictive covenant.
- Are any wells located on the property or within 100 feet of the parcel boundary? if so, show location.
- Source of domestic water: a) community supply b) other supply - deep well, shallow well, surface source.
- Where no community system is proposed, information concerning the water source, potability and its' location, may be required by the approving officer. The Schedule-A chemical water analysis list of parameters is attached as reference.

5.5 Works and Utilities

As attached.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department recognizes that a change in zoning for land use is a requirement to accommodate the pending subdivision, which has been confirmed by the Agricultural Land Commission's decision to allow the proposed subdivision dating back to 1991.

Adequate buffering and fencing will be requirements of the subdivision application. However, the configuration of the parent lot does facilitate a reasonable lot layout and the larger parent parcel will remain reasonably functional with the house and accessory buildings to accommodate agricultural activities on-site without any additional building footprints to be imposed on the larger lot.



Shelley Gambacort
Current Planning Supervisor
SG/dn

ATTACHMENTS

Location of subject property
Proposed Site Plan

CITY OF KELOWNA
MEMORANDUM

Date: May 2, 2008
File No.: Z08-0036 S07-0085
To: Planning and Development Officer (DN)
From: Development Engineering Manager (SM)
Subject: Engineering Comments

LOCATION: 4135 June Springs Road	ZONE A1 – RR1
APPLICANT: Pam Carter	
LEGAL: Lot A, Sec. 2 & 3, Twp. 26, O.D.Y.D., Plan 34080	

WORKS AND SERVICES REQUIREMENTS

The Development Engineering Technician for this project is Sergio Sartori.

The following Works & Services are required for this subdivision:

.1 Subdivision

Provide easements as required.

.2 Water

The property is located within the South East Kelowna Irrigation District (SEKID). Arrange for individual lot connections before submission of the subdivision plan including payment of connection fees (provide copy of receipt).

.3 Sanitary Sewer

Sanitary sewage is to be handled by an on-site sewage disposal system subject to approval of the Provincial Public Health Officer. Preliminary approval by the Public Health Officer is required for each individual lot, prior to subdivision approval. Please contact the Public Health Officer.

.4 Roads

Provide an additional highway allowance widening of +/- 3 m for the widening of June Springs Rd. This widening is to be accomplished by:

- i. A dedication on the subdivision plan.
- ii. A Road Reservation Agreement with the City of Kelowna. Enclosed is a sample document that the City will prepare if the owner elects this option. Please contact Mr. D. Gilchrist, the City's Manager, and Community Development & Real Estate, to have this documentation prepared. The document must be accompanied by a plan prepared by a B.C. Land Surveyor. The subdivision plan must be endorsed to the effect that there is an agreement to be registered under Section 526 of the Local Government Act. This agreement must be registered as a priority charge.

5. Power and Telecommunication Services and Street Lights

Overhead wiring is permitted for this subdivision although underground installation is recommended.

6. Charges and Fees

Development Cost Charges (DCC's) are payable

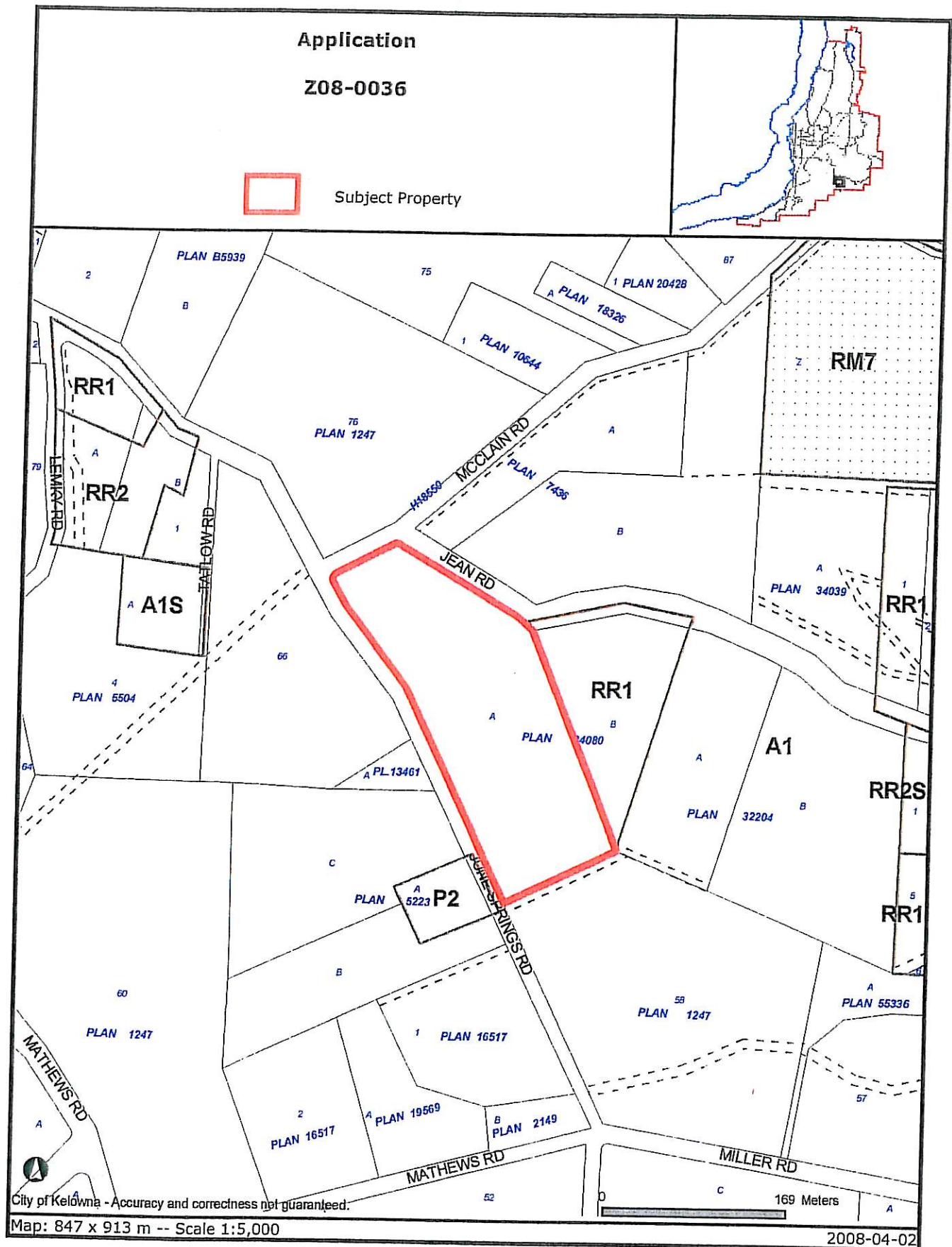
Fees per the "Development Application Fees Bylaw" include:

Survey Monument Fee: \$50.00 per newly created lot (GST exempt).

A hydrant levy charge of \$250.00 for the new lot created.

Steve Muenz, P.Eng.
Development Engineering Manager

SS



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

10000

200 METRES



76
PLAN 1247

McCLAIN ROAD

PLAN

7436

