
**CITY OF KELOWNA
MEMORANDUM**

DATE: September 10, 2008

TO: City Manager

FROM: Planning & Corporate Services Department

APPLICATION NO. Z08-0045

AT: 1305 Highway 33

APPLICANT: Milagro Advisory Services Inc.

OWNER: Tommy and Sandra Ann Josiassen

PURPOSE: TO REZONE FROM A1 - AGRICULTURE 1 TO RR2 - RURAL
RESIDENTIAL 2 TO FACILITATE A TWO LOT SUBDIVISION
AND THE CONSTRUCTION OF A SINGLE FAMILY DWELLING

EXISTING ZONE: A1 - Agriculture 1

PROPOSED ZONE: RR2 – Rural Residential 2

REPORT PREPARED BY: Alec Warrender

1.0 **RECOMMENDATION**

THAT Rezoning Application No. Z08-0045 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Sec. 13, Twp. 26, ODYD, Plan 4283 Except Plans H8383 and KAP86139, located at 1305 Highway 33, Kelowna, B.C. from A1 – Agriculture 1 to RR2 – Rural Residential 2 zone be considered by Council;

THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration.

THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of Preliminary Layout Review Letter by the Approving Officer.

2.0 **SUMMARY**

The applicant is requesting permission to rezone the subject property from A1 – Agriculture 1 to RR2 - Rural Residential 2. A subdivision application is being reviewed by Staff in conjunction with the rezoning application. If the rezoning application is successful the applicant will be constructing a new home on the newly created lot.

3.0 HISTORY

The following information is associated with the applicant's previous applications to the Agricultural Land Commission.

June 8, 2006 - The applicant proposed to exclude the subject property from the ALR and rezone from A1 - Agriculture 1 to RR2 – Rural Residential 2 (A06-0012). The Agricultural Advisory Committee (AAC) did not support exclusion application #A06-0012. The AAC's rationale for the refusal was that "the land has the potential to be rehabilitated in order to sustain arable agriculture, and exclusion of the land has no obvious benefit to agriculture. The AAC also did not support this application because it "would result in a further extension of the existing urban development in an agricultural area".

This exclusion application was withdrawn and was not advanced to Council.

November 30, 2007 - The Applicant had requested permission to subdivide the parent 2.3 ha (5.6 ac) parcel into three 0.4 ha (1.0 ac) lots and one 0.7 ha (1.8 ac) lots. The application was forwarded to the Agricultural Land Commission (ALC) with non-support from Staff, the Agricultural Advisory Committee and City Council. The Agricultural Land Commission (ALC) did not approve the proposed subdivision. However, the ALC did make a motion of support for the subdivision of the parent parcel into two 1.12ha parcels. The ALC's rationale for this motion was that "a two lot subdivision would not have a negative impact on the subject property's limited farm capability and would act as a transition between the smaller properties to the north and the urban development to the east".

4.0 ADVISORY PLANNING COMMISSION

At a meeting held on July 8, 2008, the APC passed the following motions:

THAT the Advisory Planning Commission supports Rezoning Application No.: Z08-0045, for 1305 Hwy 33 E; Lot 2, Plan 4283, Sec. 13, Twp. 26, ODYD, by Milagro Advisory Services (P. Klimuk), to rezone from the A1-Agriculture 1 zone to the RR2-Rural Residential 2 zone to facilitate a two lot subdivision to construct a single family residential dwelling.

5.0 SITE CONTEXT

The subject property is located in the Black Mountain Sector area of the City. Highway 33 forms the eastern boundary of the parcel, and Lewis Road the western boundary. There is an overall change in elevation of 20 m (65 feet) from the east to the west side of the property, which is at a distance of approximately 57 m.

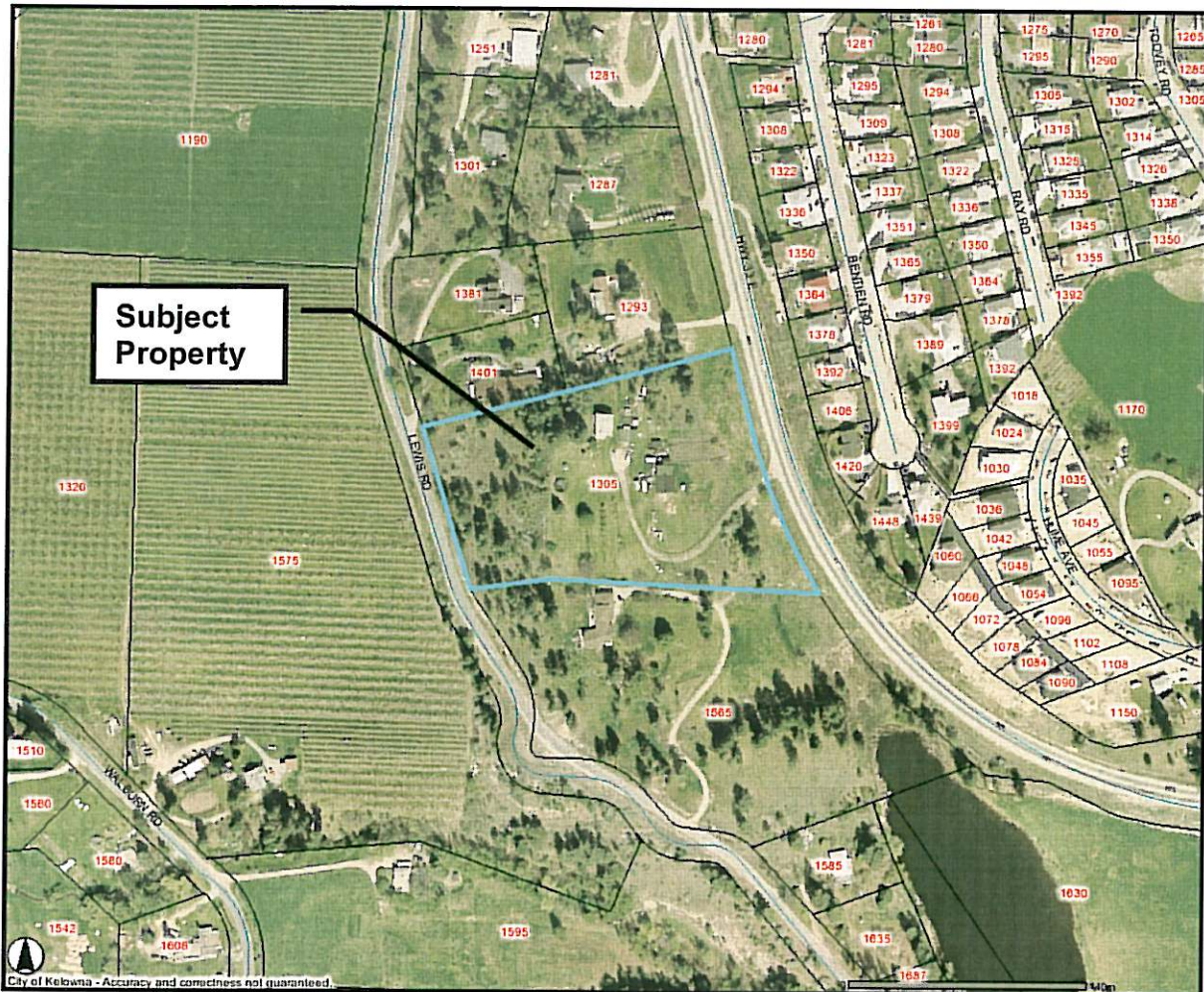
CRITERIA	PROPOSAL		RR2 ZONE REQUIREMENTS
Subdivision Regulations			
	Lot A	Lot B	
Lot Area	1.12 ha	1.12 ha	1.0 ha
Lot Width	73 m	80 m	40.0 m
Lot Depth	180 m	188 m	30.0 m

Adjacent zones and uses are:

North	RR2 – Rural Residential 2 – Single Family Dwellings
East	RU1 – Urban Residential 1 – Single Family Dwellings
South	A1 – Agriculture 1 – Single Family Dwelling/Agricultural Land
West	A1 – Agriculture 1 – Agricultural Land

6.0 SITE MAP

1305 Highway 33



7.0 POLICY AND REGULATION

7.1.1 City of Kelowna Strategic Plan

Objective: Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

Action towards this objective: – Evaluate the effectiveness of City policies and bylaws in preserving agricultural lands.

7.1.2 Kelowna 2020 – Official Community Plan

Subdivision – Discourage the subdivision of agricultural land into smaller parcels, except where positive benefits to agriculture can be demonstrated.

7.1.3 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.

Parcel Size (Agricultural Land) – Discourage the subdivision of agricultural land into smaller parcels, except where positive benefits to agriculture can be demonstrated.

Isolated Development – In general, not support extensions to existing development or new development isolated within agricultural areas, regardless of ALR status.

8.0 TECHNICAL COMMENTS

8.1 Works & Utilities

See Attached

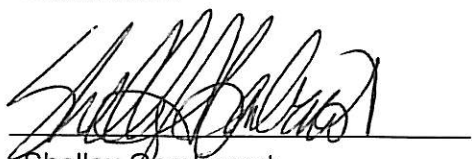
8.2 Ministry of Transportation

The Ministry of Transportation and Infrastructure is prepared to approve this subdivision subject to the following conditions:

- 1) Only one access is adhered to; meaning access for Lot A would be through registered easement through Lot B from existing access.
- 2) Movements from access be restricted to Right in, Right out only.
- 3) Zoning for subdivided lot not include "Secondary Suite" status.

9.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

This applicant seeks to expand the type of rural residential development that presently exists to the north of the subject property. The proposed subdivision of this property within the Agricultural Land Reserve would help facilitate this process. The relevant City policy documents noted above do not support the creation of additional lots within the Agricultural Land Reserve. Also, there are specific policies within the Agricultural Plan that discourage the expansion of residential areas, including rural residential areas, onto agricultural land. While Staff were not supportive of the original application to subdivide this property into four parcels, the revised application is a more sensitive response to the existing context. The Agricultural Land Commission supported the proposed two lot subdivision.



Shelley Gambacort
Planning and Development Services

SG/aw

ATTACHMENTS

Location Map

ALR Map

Site Plan

CITY OF KELOWNA

MEMORANDUM

Date: June 11, 2008
File No.: Z08-0045
To: Planning & Development Services Department (AW)
From: Development Engineer Manager (SM)
Subject: 1305 Hwy 33 E – Lot 2, Plan 4283, Sec. 13, Twp. 26, ODYD

The Works & utilities Department comments and requirements regarding this application to rezone from A1 to RR2S are as follows:

These comments are subject to M.O.T requirements

1. General

Provide easements as required

2. Geotechnical Study.

We recommend that a comprehensive geotechnical study be undertaken over the proposed building site. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays and the recommendation for construction over the decommissioned sewage disposal field.

3. Domestic water and fire protection.

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 any requirements. All charges for service connection and upgrading costs are to be paid directly to the BMID. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with current requirements.

4. Sanitary Sewer.

The property is located within the area of the Municipal wastewater collection system and in accordance with the City of Kelowna current policy, the specified charges for the proposed RR2S development will have to be cash commuted. The current pay out charge is \$320.93 per SFE plus \$250.00 charge to join spec area 6 (Black Mountain). The applicant, at their cost, will arrange for the installation of all services.

5. 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.

6. Roads

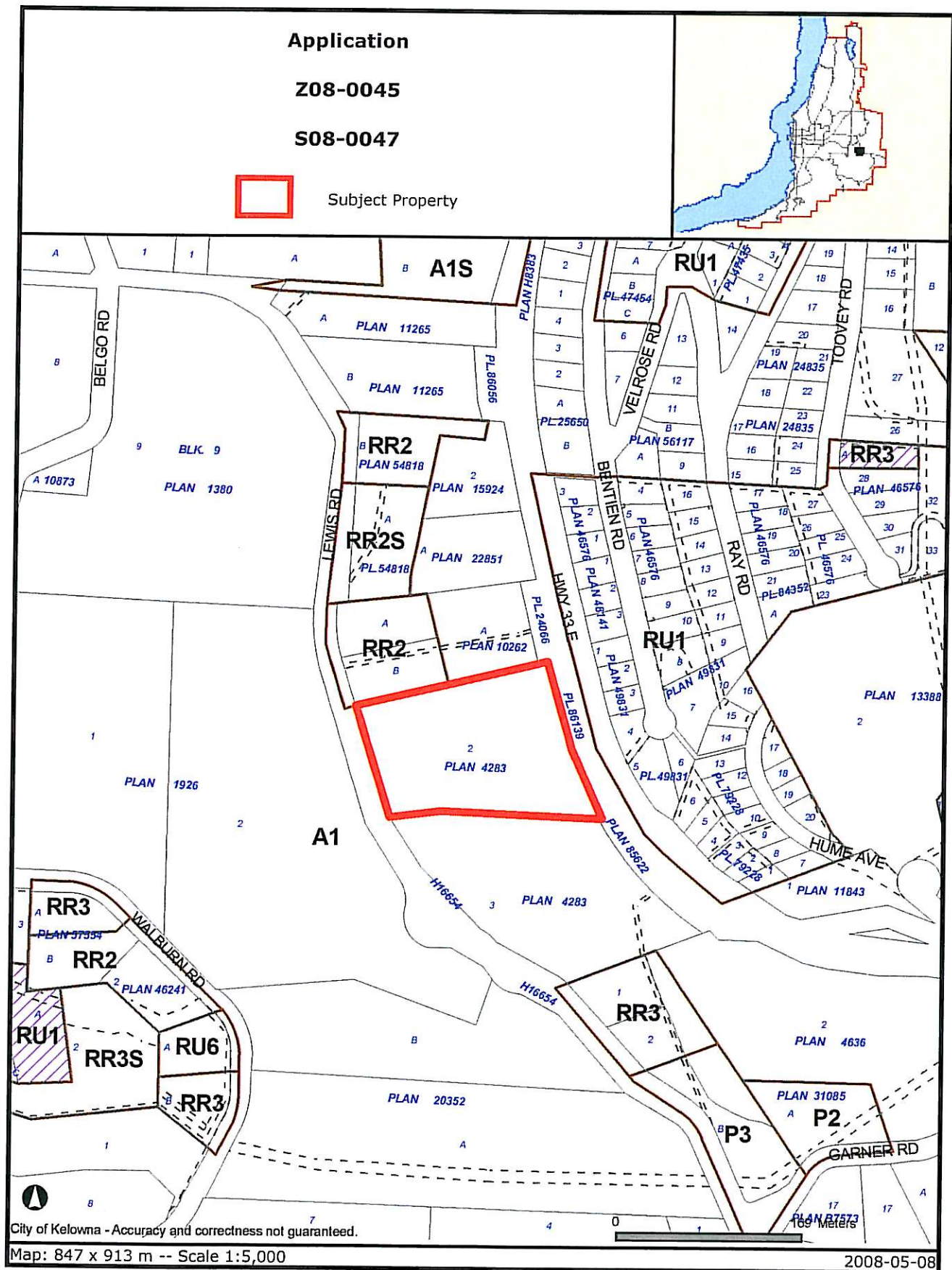
- a) There are no road upgrades required as part of this application.
- b) Provide an additional Highway allowance widening of Hwy 33E, intended for the Highway 33 four laning as shown on the Right-Of-Way Acquisition drawings prepared by SNC Lavalin. This widening is to be provided by dedication on subdivision plan.
- c) The City recommends that access be achieved from Lewis Road if possible. Provide a site access plan, proving the intended accesses.

7. Bonding and Levies Summary.levies

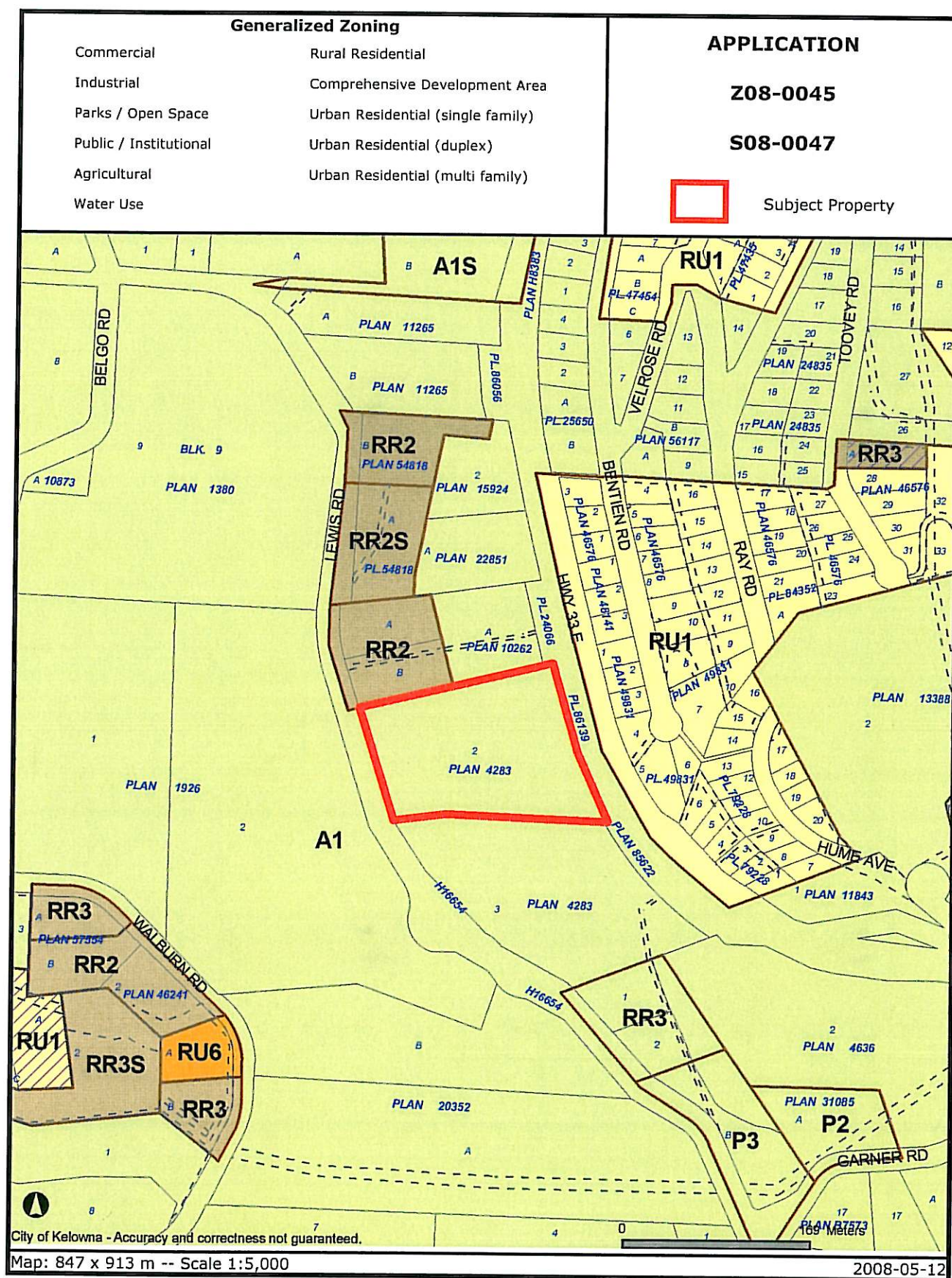
Specified Area charges (1 RR2S lot)	\$320.93
Specified area application fee	<u>\$250.00</u>
Total	<u>\$570.93</u>

Steve Muenz, P.Eng.
Development Engineering Manager

DC



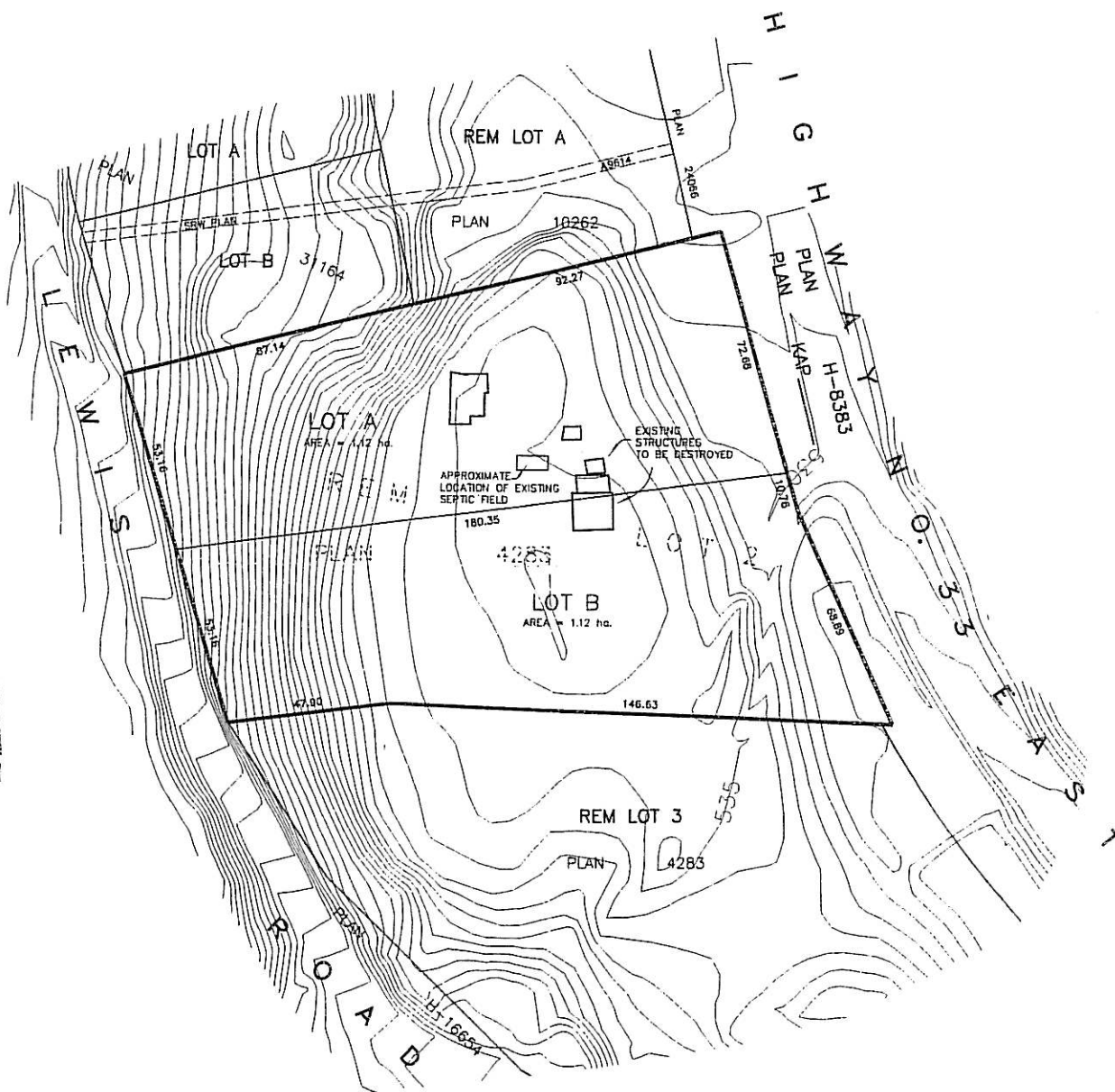
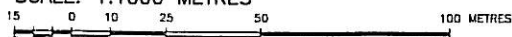
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
 The City of Kelowna does not guarantee its accuracy. All information should be verified.



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PROPOSED SUBDIVISION PLAN OF LOT 2, PLAN 4283, SECTION 13,
TOWNSHIP 26, ODYD; EXCEPT PLAN H8383

B.C.G.S. 82E.084
SCALE: 1:1000 METRES



CONTOURS AT 1.0 METRE INTERVALS
AND ARE DERIVED FROM CITY OF KELOWNA DATA

DATE: OCTOBER 25th, 2006
REV4-MAY 10th, 2007
REV5-FEBRUARY 6th, 2008
CONTOURS AND SEPTIC FIELD ADDED APRIL 23rd, 2008

T.E. Ferguson Land Surveying Ltd.
B.C. AND CANADA LAND SURVEYORS
216-1626 RICHTER STREET, KELOWNA, B.C.
TELEPHONE (250) 763-3115
FAX (250) 763-0321

JOB NO. #16924-SUB