

Memo



Date: January 22, 2010
To: City Manager
From: Community Sustainability Division
File No: Z09-0064 **Applicant:** Graeme Dimmick/ CTQ Consultants Ltd.
At: 4561 McCulloch Road **Owner:** W.P.C. Holdings Company Inc.
Purpose: TO REZONE FROM THE A1 - AGRICULTURE 1 ZONE TO THE RR1 RURAL RESIDENTIAL 1 LOT ZONE TO ALLOW A FOUR LOT SUBDIVISION.

Existing Zone: A1 - Agriculture 1
Proposed Zone: RR1 - Rural Residential 1 **Proposed Number of Lots:** 4
Report Prepared by: Greg Sauer

1.0 RECOMMENDATION:

THAT Rezoning Application No. Z09-0064 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 1, Township 26, ODYD Plan 26785, located at 4561 McCulloch Road from the A1 - Agriculture 1 zone to the RR1 - Rural Residential 1 zone, NOT be supported by Council.

2.0 SUMMARY:

The applicant is seeking to rezone the subject property from Agricultural 1 (A1) to Rural Residential 1 (RR1) to facilitate a four lot subdivision of similar lot size.

3.0 ADVISORY PLANNING COMMISSION

At the November 24, 2009 meeting of the Advisory Planning Commission, it was resolved:

THAT the Advisory Planning Commission support Rezoning Application No. Z09 0064, for 4561 McCulloch Road; to rezone the subject property from Agricultural 1 (A1) to Rural Residential 1 (RR1) to permit a four lot subdivision of similar lot size.

4.0 AGRICULTURAL ADVISORY COMMITTEE

The Agricultural Advisory Committee considered the referral at the November 12, 2009 meeting and recommended that:

Proper buffering be provided to avoid urban/rural conflict and that a notice should be placed on title that this subdivision is next to ALR property and subject to normal farm practices.

5.0 BACKGROUND/SITE CONTEXT:

The subject property is located in the Southeast Kelowna Sector and bound by McCulloch and Field Road to the north and east respectively. The parcel is 4.05 hectares (10 acres) in size with elevations between 561 and 579 meters above sea level. The property has a fairly gentle

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northwest to southeast slope of approximately 5%. The site is presently accessed from both McCulloch and Field Road and contains one single family home and one accessory structure.

The property was formerly in the Agricultural Land Reserve (ALR) having been excluded by the Agricultural Land Commission (ALC) in 1989. At the time of exclusion the application called for fourteen residential lots. The 1989 ALC Resolution noted that the soil as described by the Canada Land Inventory (CLI) could be improved to Class 3 (moderately suitable) though the relatively high elevation would prevent the land from producing tree fruits in justifying the exclusion. The parcel is not currently being utilized for agricultural purposes and historically appears not to have been productive.

5.1 Zoning of Adjacent Property

The subject property is located adjacent to the Village of Gallagher’s Canyon and Gallagher’s Canyon Golf Course on the south side of McCulloch Road. The parcel is adjacent to existing established communities including Gallagher’s Edgewood Court (a single family development) to the south, and a multi-family (eight unit townhouse) development to the west.

The area is heterogeneous in nature with Gallaghers Canyon Golf Resort being the predominant land use in the immediate area. Specifically, the adjacent zones and uses are:

- North A1 - Agriculture 1
- South CD6 - Comprehensive Residential Golf Resort
- East RR1 - Rural Residential 1
- West CD6LP - Comprehensive Residential Golf Resort (Liquor Primary)

5.2 Site Location Map

Subject Property - 4561 McCulloch Road



6.0 DEVELOPMENT POTENTIAL/CURRENT POLICY:

6.1 Kelowna 2020 - Official Community Plan

Rural/Agricultural

Generally land areas within this designation will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of industrial or park/recreation uses. Non-ALR lands will generally not be supported for development to parcel sizes less than 4.0 ha (10 acres).

Agriculture Policies:

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

Buffers. Provide for distinct boundaries that separate urban and rural uses by utilizing, where appropriate, roads, topographic features, watercourses, ditching, fencing, or small lot rural transition areas, as buffers to preserve larger farm units and areas.

6.2 City of Kelowna Agriculture Plan

Buffers. Provide for distinct boundaries that separate urban from rural uses by utilizing roads, topographic features, watercourses, ditching, fencing, or small lot rural transition areas, as buffers where appropriate, to preserve larger farm units and areas.

New Development. Require that new development adjacent to agricultural areas provide sufficient buffering in the form of setbacks, fencing, and landscaping consistent with Provincial Agricultural Land Commission specification.

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

7.0 TECHNICAL COMMENTS:

7.1 Policy & Planning

The subject property is designated as Rural Agricultural in the OCP. This OCP designation does not support the subdivision of parcels to less than 4.0 ha (10 acres) for sites outside the ALR. It is acknowledged that parcels in the area less than 4.0 ha do exist; however, these parcels pre-date the policy change which does not support subdivision to less than 4.0 ha.

7.2 Infrastructure Planning

A recent Hydrogeological Study in the area revealed a number of failing septic fields due to poor soil types and the low rate of infiltration. Due to this concern, detailed information should be provided to the City to demonstrate the feasibility of the proposed septic disposal fields on the subject property.

7.3 Development Engineering Branch

Roads

- Provide an additional highway allowance widening of 5 m for the widening of McCulloch Road.

7.4 Fire Department

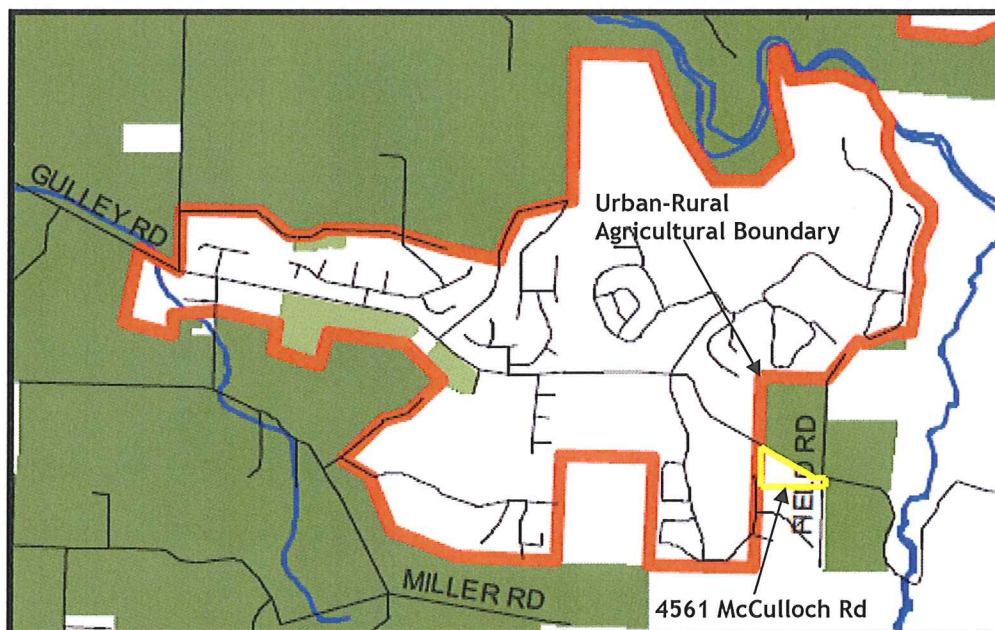
Fire hydrants are required to be installed as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900.

8.0 LAND USE MANAGEMENT DEPARTMENT:

The applicant's public consultation with the Gallagher's area to date is worthy of mention and goes beyond what is typically done. Documents provided by the applicant state that they hosted a well-attended public open house in June to provide additional information and solicit feedback from the community. While the proposal did not receive widespread support for a variety of reasons which include infrastructure and land use concerns (e.g. permitted uses and building setbacks), the applicants have attempted to address these concerns in their proposal. Examples include the provision of a 'No Build Zone' which would be registered as a Section 219 Covenant and which would protect existing residents on Gallagher's Edgewood Drive and Gallagher's Edgewood Place from development abutting rear yards. In terms of concerns registered by the public regarding additional traffic generated, the additional volumes are considered nominal for an arterial roadway such as McCulloch Road.

In terms of policy, the subject parcel is outside of and adjacent to the urban-rural agricultural boundary as defined in the Official Community Plan Map 11.2 (see below). While the area defined by the Gallagher's Canyon Conceptual Development Plan is within the urban boundary, the rural boundary begins at the west edge of this parcel. The existing boundaries of the urban-rural interface are not entirely defensible or practical in reality given this urban interface. Rather, the presence of Field Road on the eastern edge provides a more defensible boundary and the large rural lots would act as a buffer between urban and agricultural land.

Urban-Rural Agricultural Boundaries (OCP Map 11.2)



Rezoning and subdivision of land zoned A1 into smaller, less viable parcels is typically not supported by staff based on the above-noted policies. However, the 1989 Agricultural Land Commission resolution which served to exclude the subject parcel from the Agricultural Land Reserve (for a then proposed 14 lot subdivision) acknowledged the presence of Gallagher's

soils at an elevation above which tree fruits and other cash crops are viable, suggest that policy to protect agricultural lands from subdivision is only partially relevant in this instance.

In summary, the ALC excluded this land based on an application to significantly intensify the use of this land for residential purposes. While a four lot subdivision has some merit in terms of policies which call for the sensitive integration of new development and the provision of transition areas between urban and agriculture, Land Use Management recognizes that recommending support would be contrary to City policy. As such Land Use Management cannot support this rezoning application which would result in the existing 4 ha parcel being subdivided into four approximately 1 ha lots.

That said, there are unique considerations with this proposal which have merit from a land use perspective. These include the an urban/rural interface which is not defensible at present, marginal soils and high elevation for agriculture purposes, and the ALC's past support.

9.0 ALTERNATE RECOMMENDATION:

THAT Rezoning Application No. Z09-0064 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 1, Township 26, ODYD Plan 26785, located at 4561 McCulloch Road from the A1 - Agriculture 1 zone to the RR1 - Rural Residential 1 zone, be supported 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 Infrastructure Planning, Development Engineering and Land Use Management being completed to their satisfaction.

Submitted by:



 Shelley Gambacort
 Director, Land Use Management

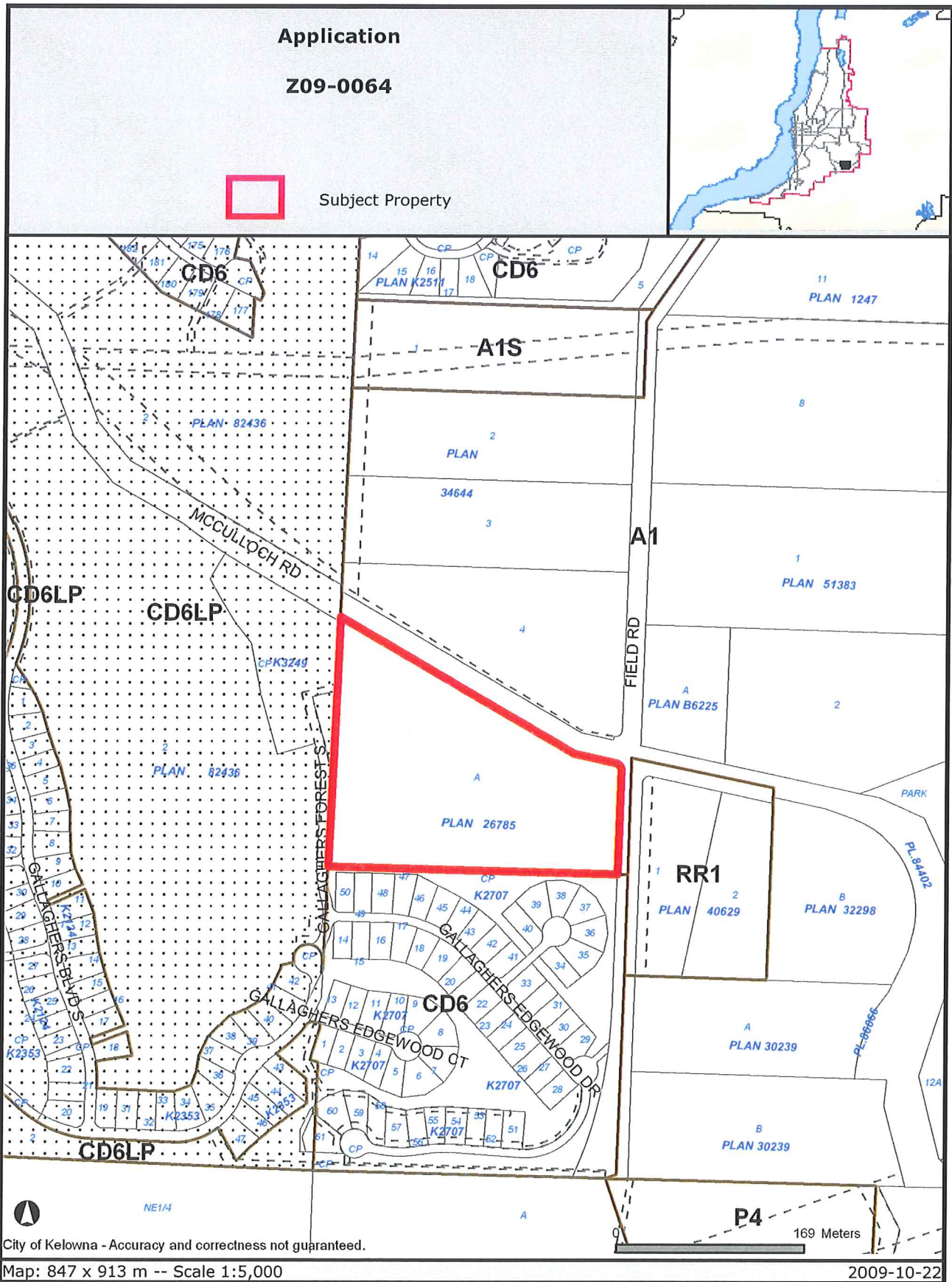
Approved for inclusion:



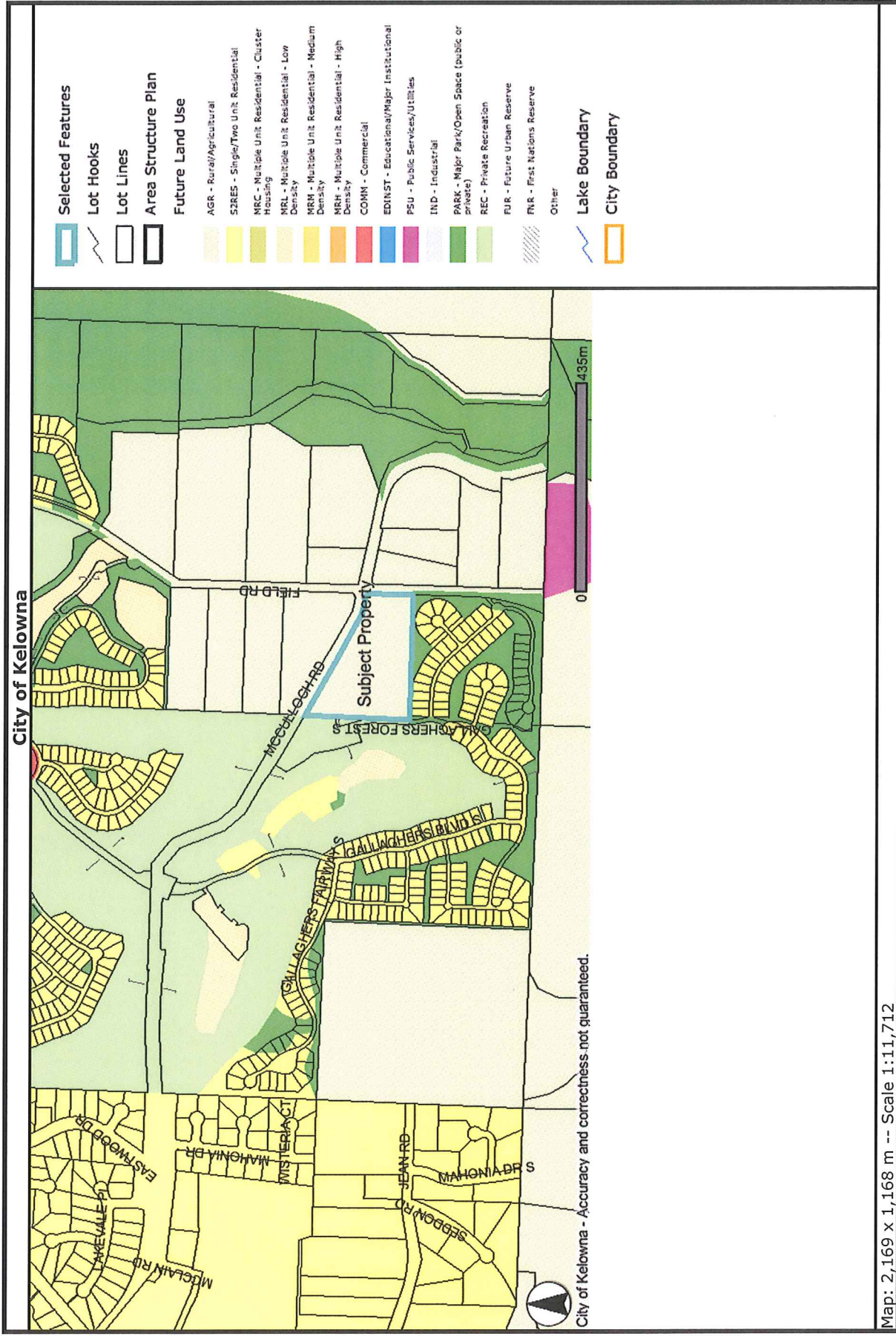
Jim Paterson
 Director, Land Use Management

Attachments:

Subject Property Map
 ALR Map
 OCP Future Land Use Map
 Site Plan and Proposed Lot Layout
 No Build Covenant Map
 Development Engineering Branch Comments
 ALC Exclusion Minutes



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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WPC HOLDINGS LTD
 4561 MCCULLOCH ROAD
 Oct. 2009
 APPENDIX 4 : PROPOSED 4 LOT SUBDIVISION Project 08663

Legend

-  Subject Property
-  Proposed No Build Zones
-  Proposed Subdivision



1:1,500

CTO

CITY OF KELOWNA
MEMORANDUM

Date: November 4, 2009
File No.: S09-0065, Z09-0064
To: Planner II, Development Services (DB) (GS)
From: Development Engineering Manager
Subject: Subdivision Application – PLR Requirements

LOCATION:	4561 McCulloch Road	ZONE A1 to RR1
APPLICANT:	Graeme Dimmick	
LEGAL:	Lot A, Plan 26785	

WORKS AND SERVICES REQUIREMENTS

The City's Development Services Department will handle the Works & Services requirements identified below between time of Preliminary Layout Review (PLR) and application for Subdivision Approval. Arrangements for construction must be made before making application for Approval of a subdivision plan. The Development Engineering Technician for this project is Sergio Sartori.

The following Works & Services are required for this subdivision:

.1) General

- a) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 to obtain further information and to determine suitable location(s) within the development.

.2) Water

- a) 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). Or each lot must be serviced by its own well. The wells must meet the requirements of the Public Health Officer.

.3) Sanitary Sewer

- a) Sanitary sewage is to be handled by an on-site sewage disposal system for each lot 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.

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Meeting held at the Capri Hotel in Kelowna, B.C. on the 25th day of January 1989.

Present:	I. D. Paton	Chairman
	J. Malenstyn	Commissioner
	R. P. Murdoch	Commissioner
	H. Allison	Commissioner

An application from Dennis Mitchell of Reid Crowther, agents for WPC Holdings for the exclusion of land from an Agricultural Land Reserve pursuant to Section 12(1) of the Agricultural Land Commission Act was considered for the property described as Lot A, Plan 26785, Sec. 1, Tp. 26, O.D.Y.D. (hereinafter referred to as the "land") shown more particularly on plans submitted to the Commission with the application. The applicants are requesting the exclusion of a 4 ha parcel in order to subdivide it into fourteen residential lots.

The subject property is currently used as a rural residence, as are the properties surrounding it on three sides. The property abuts Gallagher's Canyon Golf Course on its western boundary. Although the CLI mapping shows this land to be improvable to Class 3 for tree fruits, at an elevation of 1900 feet this property is outside of the orchard area of East Kelowna.

The Commission noted that the City of Kelowna supported this application.

A discussion ensued regarding the impact that an additional fourteen households would have on this area, especially in terms of increased traffic through the orchard lands to the west.

The Commission heard this application in December 1988 and post-poned making a decision until it had an opportunity to view the site. On 25th January 1989 four Commissioners visited the property.

IT WAS

MOVED BY:	Commissioner	J. Malenstyn	
SECONDED BY:	Commissioner	R. Murdoch	3/89

That the application be allowed.

Carried.