

Memo



Date: April 8, 2011
To: City Manager
From: Land Use Management, Community Sustainability (GS)
Application: Z11-0009 **Owner:** Beverly Drutt Hazzard
Address: 1565 Lewis Road **Applicant:** Beverly Drutt Hazzard
Subject: Rezoning
Existing OCP Designation: Agriculture
Existing Zone: A1- Agriculture
Proposed Zone: RR2 - Rural Residential 2

1.0 Recommendation

THAT Rezoning Application No. Z11-0009 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 3, Section 13, Township 26 ODYD Plan 4283, except Plans H16654, H8383 and KAP85622, located at 1565 Lewis Road, Kelowna, BC from the A1 - Agriculture zone to the RR2 - Rural Residential 2 zone, be considered by Council;

AND THAT a Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Ministry of Transportation and Infrastructure and Black Mountain Irrigation District being completed to their satisfaction.

2.0 Purpose

To rezone the subject property from the existing "A1 - Agriculture 1" zone to the proposed "RR2 - Rural Residential 2" zone to facilitate a two lot subdivision within the Agricultural Land Reserve (ALR). The minimum lot size for those properties in the A1 zone when located in the ALR is 2.0 hectares. As a result, the 2.52 ha (6.22 ac) parcel does not meet the minimum parcel size for subdivision and necessitates rezoning to a rural residential zone where the minimum parcel size is less. Proposed lots sizes are 1.5 ha and 1.0 ha and the RR2 minimum parcel size is 1.0 ha.

3.0 Land Use Management

This applicant's proposal seeks to expand the type of rural residential development that presently exists to the north and south of the subject property by rezoning and subdividing the existing 2.52 hectare parcel.

A handwritten signature in blue ink, appearing to be the initials "R" or "B", located at the bottom right of the page.

As background, adjacent properties to both the north and south have been subdivided between 2004 and 2007 and their parcel sizes range from 0.3 ha to 1.1 ha.

The Agricultural Land Commission (ALC) has authorized the two lot subdivision. The ALC (Resolution #2652/2010 see attached) cites limited agricultural capability, adjacent precedent and a suitable transition between urban and agricultural land uses in arriving at their decision.

A wetland and riparian area are contained within the subject property and as a result the subject property is within a Natural Environment Development Permit area. In an effort to ensure the ongoing protection of this wetland, the City will require that the owners register a Section 219 "No Disturb" Covenant extending 7.5 metres from the "natural boundary" and which will protect this feature in perpetuity as a condition of subdivision.

4.0 Proposal

4.1 Background/Context

The subject property is located in the Belgo/Black Mountain Sector of the City. Highway 33 forms the eastern boundary of the parcel, and Lewis Road the west. Elevations are between 516 and 536 meters with an overall change in elevation of 20 m. The high points of the lot are near the centre of the parcel with slopes toward Lewis Road and Highway 33.

The property is located in a Natural Environment Development Permit Area given the presence of a portion of a large wetland (Garner Pond) and associated riparian habitat in the southeast corner.

At present this property has no identifiable agricultural activities occurring onsite, and contains one single access off of Lewis Road and a single residence.

Parcel Summary:

Parcel Size: 2.52ha (6.22 ac)
Elevation: 516 m - 536 masl

Zoning of Adjacent Property

Adjacent zoning includes:

North	RR2 - Rural Residential 2
South	RR3 - Rural Residential 3
	A1 - Agriculture 1
East	RU1 - Large Lot Housing
	A1 - Agriculture 1
West	A1 - Agriculture 1

Subject Property - 1565 Lewis Road



4.2 Subdivision and Development Criteria

Subdivision and development criteria for the Rural Residential 2 zone include the following:

CRITERIA	RR2 ZONE REQUIREMENTS	PROPOSED
Subdivision & Development Regulations		
Minimum Lot Area	1 ha (septic & field) 0.4 ha (connection to sanitary sewer)	1 - ~1.0 ha 1 - ~1.5 ha
Minimum Lot Width	36 metres	> 36 metres
Minimum Lot Depth	30 metres	>30 metres
Maximum Site Coverage	20%	< 20%

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Environment Policies¹:

Establish Riparian Management Areas. Require riparian management areas to be provided to limit environmental and hydrological impacts on local watercourses (Table 7.1 in Section 7.12 Development Permit Guidelines). Riparian Management Areas may include provision for public access provided there has been an assessment by a Qualified Environmental Professional demonstrating “no harm” to features, values and functions of fish and fish habitat, and an authorization by the appropriate federal or provincial ministry or agency.

Wetland Buffers. Encourage the retention and use of wetlands as natural buffers between urban and rural uses.

Agriculture Policies²:

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

5.2 Agriculture Plan³

Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.

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

6.0 Technical Comments

6.1 Development Engineering Department (see attached)

- A comprehensive geotechnical study will be a requirement of the future subdivision application.
- While the subject property will not be required to connect to the municipal wastewater system, the subdivision will require that the service be brought to the property line at a minimum and at the owner’s expense.
- A comprehensive site drainage management plan, however Garner Pond has a controlled outlet. As a result, the minimum basement elevation for future development is 529.4m.
- No frontage upgrades, performance bonding or levies apply to this property.

7.0 Application Chronology

Date of Application Received: February 7, 2011

Advisory Planning Commission March 15, 2011

¹ City of Kelowna Official Community Plan, Policy No.7.3.11 & 7.10.14; pp. 7-3 & 7-13

² City of Kelowna Official Community Plan, Policy No.11.1.17; p. 11-3

³ City of Kelowna Agriculture Plan; p. 130

The above noted application was reviewed by the Advisory Planning Commission at the meeting on March 15, 2011 and the following recommendation was passed:

THAT the Advisory Planning Commission support Rezoning Application No. Z11-0009, for 1565 Lewis Road, to rezone the subject property from the A1 - Agriculture 1 zone to the RR2 - Rural Residential 2 zone within the Agricultural Land Reserve (ALR) to facilitate a future two lot subdivision.

Report prepared by:



Greg Sauer, Environment & Land Use Planner

Reviewed by:  Todd Cashin - Manager, Environment & Land Use

Approved for Inclusion:  Shelley Gambacort - Director, Land Use Management

Attachments:

Subject Property Map
Proposed Subdivision Plan (Draft)
Development Engineering Comments (2 pages)
Wetland Inventory, Classification, Evaluation and Mapping (2 pages)

City of Kelowna



This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

CITY OF KELOWNA
MEMORANDUM

POSTED

Date: March 22, 2011
File No.: Z11-0009
To: Land Use Management (GS)
From: Development Engineering Manager (SM)
Subject: 1565 Lewis Road, Lot 3, Plan 4283, section 13, Township 26, ODYD

Development engineering comments and requirements regarding this application to rezone the subject property from A1 to RR2 are as follows:

1. General.

- a) Dedicate the area of Garner pond encroaching onto the subject property including additional area around the pond in accordance with current legislation.
- b) It is the intention of the owners to subdivide the property; additional comments relating to the subdivision will be provided by the Development Engineering Branch when the application is submitted
- c) Provide easements as may be required

2. Geotechnical Study.

A comprehensive Geotechnical Study is not required for this application to rezone the subject property to the rural zone RR2. But it will be a requirement under the subdivision application.

3. Domestic water and fire protection.

- a) 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 these items. All charges for service connection and upgrading costs are to be paid directly to the BMID.
- b) The water system must be capable of supplying domestic and fire flow demands in accordance with the Subdivision & Servicing Bylaw for the requested zone. The applicant must provide water computations for this development to confirm the available water supply.

4. Sanitary Sewer.

- a) The subject property is not connected to the Municipal wastewater collection and due to the size of the parcel, is not required to connect. The subdivision of the parcel will require that wastewater services be provided at the property line at the cost of the applicant.

5. Drainage.

A comprehensive site drainage management plan is not required under this application. It should be noted that Garner pond has now a controlled outlet and that the minimum basement elevation (MBE) for that parcel is governed by the peak operating Water level of the pond. The MBE is set at the geodetic elevation of 529.4m. above sea level.

6. Power and Telecommunication Services.

- a) The area is served by overhead wiring, the service connections may be provided overhead provided that there are no new poles required and service trespasses will not be created. If either of these conditions are not satisfied, then underground service will be required for both lots. It is recommended that the service be installed underground.
- b) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

7. Road improvements.

a) Lewis Road.

The frontage of Wallace Road meets the rural requirements currently identified in Bylaw 7900. There are no frontage upgrades required under this application.

8. Bonding and Levies Summary.

- a) Performance Bonding N/A
- b) Levies N/A



Steve Muenz, P. Eng.
Development Engineering Manager

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GENERAL						
Local Name	Numeric Code	Location Information	Feature Information	Fish Frequented	Primary Character	Area (m ²)
Garner Pond	D8-17	APE	AP-OTH	Unconfirmed	Modified	14819
Comments	na					

BIODIVERSITY			
Number of Wetland Types	Number of Communities	Number of Vegetation Forms	Open Water Type
2	2	3	8 (>95%OW)
Comments	na		

EDATOPIC PARAMETERS							
Hydrogeomorphic Group	Hydrodynamic Class	Soil Moisture	Soil Nutrient	Hydrophyte Composition	TDS	PH	EC
Palus_Discharge_basi	Sluggish	Very Wet	Alkaline	>90%	na	na	na
Comment	na				Clarity	Colour	
					na	na	

SOILS/SUBSTRATES						
Soil Order	Texture	Depth to Gley	Depth to Mottle	Depth to Water	Organic Class	Organic Depth
na	na	na	na	na	na	na
Comment	na					

WETLAND COMMUNITIES						
Class	Form	Sub-Form	Type	Association	Number of Forms	Vegetation Forms ¹
Shallow water	Basin Water	Discharge	Submerged_aquatic	Wa	na	na
Marsh	Basin Marsh	Discharge	Tall_rush	Wm05	na	na

¹ h=broadleaf deciduous; ts=tall shrub; ls=low shrub; fo=forb; g=graminoid; ne=narrow-leaved emergent; be=broad-leaved emergent; re=robust emergent; ff=free-floating; floating plants; su=submerged.

SURROUNDING HABITAT					
Class	Qualifier	Stage	Shrubs	Snag	Veteran
Herbs/grasses	Disturbed	na	na	na	na
Comment	na				

FUNCTIONAL CONDITION (ECOLOGICAL)			IMPACT RATING	
Funct_At_Risk			Low	
Comment	Habitat fragmentation	Comment	na	