

# REPORT TO COUNCIL



**Date:** August 9, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** OCP21-0005/Z21-0010      **Owners:** Regional District of Central Okanagan, David and Laura Geen

**Address:** 1870 Mantle Court, 2903 Walburn Road, and 2975 Gallagher Road      **Applicant:** Kent-Macpherson, Jordan Hettinga

**Subject:** Official Community Plan Amendment and Rezoning Application

**Existing OCP Designation:** PARK – Major Park/Open Space (public)  
REP – Resource Protection Area

**Proposed OCP Designation:** PARK – Major Park/Open Space (public)  
REP – Resource Protection Area

**Existing Zone:** A1 – Agriculture 1  
P3 – Parks and Open Space

**Proposed Zone:** A1 – Agriculture 1  
P3 – Parks and Open Space

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## 1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP21-0005 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation for a portion of Parcel A, Section 7, Township 27, ODYD, Plan KAP79441 located at 1870 Mantle Court, Kelowna, BC and The South West ¼ of Section 12, Township 26, ODYD, Except Plans 1380, B6800 and 20506 located at 2903 Walburn Road, Kelowna, BC from the PARK - Major Park/Open Space (public) designation to the REP – Resource Protection Area designation, and a portion of Lot A, Section 12, Township 26, ODYD, Plan EPP71625 located at 2975 Gallagher Road, Kelowna, BC from the REP – Resource Protection Area designation to the PARK - Major Park/Open Space (public) designation as shown on Map "A" attached to the Report from the Development Planning Department dated August 9, 2021 be considered by Council;

AND THAT Rezoning Application No. Z21-0010 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for a portion of Parcel A, Section 7, Township 27, ODYD, Plan KAP79441 located at 1870 Mantle Court, Kelowna, BC and The South West ¼ of Section 12, Township 26, ODYD, Except Plans 1380, B6800 and 20506 located at 2903 Walburn Road, Kelowna, BC from the P3 – Parks and Open Space zone to the A1 – Agriculture 1 zone and a portion of Lot A, Section 12, Township 26, ODYD,

Plan EPP71625 located at 2975 Gallagher Road, Kelowna, BC from the A1 – Agriculture 1 zone to the P3 – Parks and Open Space zone as shown on Map “B” attached to the Report from the Development Planning Department dated August 9, 2021 be considered by Council;

AND THAT the Official Community Plan Amendment and Rezoning Bylaws be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule “A” attached to the Report from the Development Planning Department dated August 9, 2021;

## **2.0 Purpose**

To amend the Official Community Plan designations from PARK – Major Park/Open Space (public) to the REP – Resource Protection designation for a portion of 1870 Mantle Court and 2903 Walburn Road and from REP – Resource Protection to PARK – Major Park/Open Space (public) for a portion 2975 Gallagher Road. Also to rezone from P3 – Parks and Open Space to the A1 – Agriculture zone for a portion of 1870 Mantle Court and 2903 Walburn Road and P3 – Parks and Open Space to the A1 – Agriculture zone for a portion of 2975 Gallagher Road to accommodate the enhancement of the Scenic Canyon Regional Park and adjacent agricultural land.

## **3.0 Development Planning**

Staff recommend support for the proposed Official Community Plan (OCP) and Rezoning amendments to facilitate the land exchange to enhance park and agricultural land between the three properties. The overall proposal is in cooperation with the current landowner, Regional District of Central Okanagan, and the City of Kelowna. The joint effort provides a net benefit to regional park users, environmental conservation, and enhancement of agriculture.

The proposal meets several agricultural objectives of the OCP through expansion of an existing 40-acre farm operation by adding adjacent underutilized lands to be improved for farm production. The Scenic Canyon Regional Park will see a net gain of land of approximately 1.36 ha and have improved legal boundaries for accessibility and trail connections through the regional park.

Staff have reviewed this application, and it may move forward without affecting either the City’s Financial Plan or Waste Management Plan.

## **4.0 Proposal**

### **4.1 Project Description**

The three subject properties are located in the Black Mountain and South East Kelowna area adjacent to the Mission Creek Canyon and include the Jealous Fruits Cherry agricultural operation. The three subject properties, one owned by the Geen family (61.3 ha) and two by the Regional District of Central Okanagan (9.1 ha and 46.6 ha) are a total of 117 ha acres in size. The proposal is a land exchange which involves the transfer of 8.67 ha of land from the RDCO’s to the Geen family to include in their agricultural operation. In exchange, the RDCO would receive 10.03 ha of land to expand the Scenic Canyon Regional Park and improve trail access. The exchange would also include approximately 0.86 ha of land for a Statutory Right-of-Way for access for maintenance over the private property.

The boundary adjustment will result in three properties, one large parcel owned by the RDCO, and two parcels owned by the Geen family. The subject properties are partially within the Agricultural Land Reserve (ALR). The proposed boundary adjustment subdivision to accommodate the land exchange requires approval from a City Approving Officer. Because the properties are partially within the ALR the subdivision will be considered under Part 2, Section 3 of the ALC Act and Agricultural Land Reserve General Regulation - 57/2020. This provision would allow the Approving Officer to approve the subdivision if it is considered to enhance farming on the agricultural land. Potential house locations on the privately owned land will be located outside of the ALR and within a residential footprint covenant.

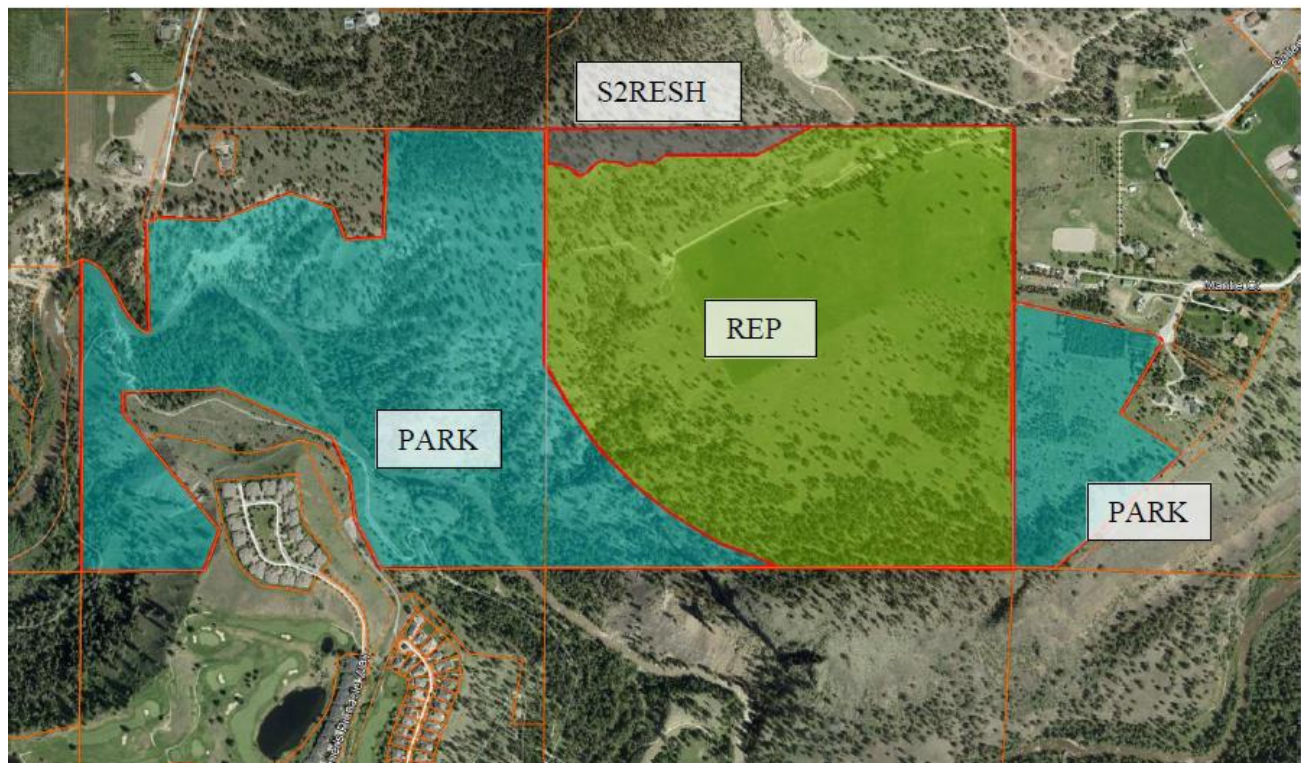
#### 4.2 Site Context

The subject properties are located in the Belgo – Black Mountain and Southeast Kelowna City Sector, and include part of the Mission Creek Canyon. The three properties are accessed from three separate roads, Walburn Road, Mantle Court, and Gallagher Road.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Rural Residential/Kirschner Mtn
East	A1- Agriculture 1	Rural Residential
South	P3 – Park and Open Space	Scenic Canyon Park
West	A1 – Agriculture 1 /P3 – Park and Open Space	Scenic Canyon Park/Rural Residential

**Subject Property Map:** 2903 Walburn Road/1870 Mantle Court/2975 Gallagher Road (Current OCP)



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 4 – Land Use Designation Definitions

##### **Resource Protection Area**

Generally, land areas within this designation (whether they are within the permanent growth boundary or not) 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 park/recreation uses.

#### Chapter 5 - Development Process

##### **Agricultural Land Use Policies**

##### **Objective 5.33 Protect and enhance local agriculture.**

**Policy .1 Protect Agricultural Land.** Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

##### **Park Land Use Policies**

##### **Objective 5.14 Provide parks for a diversity of people and a variety of uses.**

##### **Environmental Land Use Policies**

##### **Objective 5.15 Ensure environmental sustainable development.**

**Policy .7 Protection Measures.** Protect and preserve environmental sensitive areas using dedication as a City park or trail where the area complements the goals and objectives of sustainable development.

## 6.0 Technical Comments

### 6.1 Development Engineering Department

- Refer to Development Engineering Memo dated February 9, 2021.

## 7.0 Application Chronology

Date of Application Accepted: February 4, 2021

Date Public Consultation Completed: June 30, 2021

**Report prepared by:** Wesley Miles, Planner Specialist

**Reviewed by:** Dean Strachan, Community Planning & Development Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

#### **Attachments:**

Schedule A: Development Engineering Memorandum

Attachment A: Site Plan/Rationale

Map A: OCP Amendment  
Map B: Zoning Amendment