

REPORT TO COUNCIL



Date: February 25, 2019

RIM No. 1250-30

To: City Manager

From: Community Planning Department (KB)

Application:	Z18-0123	Owner:	Daniel Rae Dorssers Christyane Ramonde Dorssers
---------------------	----------	---------------	--

Address:	4159 McClain Road	Applicant:	Daniel Rae Dorssers
-----------------	-------------------	-------------------	---------------------

Subject: Rezoning Application

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: RR1 – Rural Residential 1

Proposed Zone: RR1c – Rural Residential 1 with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z18-0123 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 Sections 2 and 3 Township 26 Osoyoos Division Yale District Plan KAP91355, located at 4159 McClain Road, Kelowna, BC from the RR1 – Rural Residential 1 zone to the RR1C – Rural Residential 1 with Carriage House zone NOT be considered by Council.

2.0 Purpose

To consider a Staff recommendation to NOT rezone the subject property that would facilitate the conversion of an existing accessory building into a carriage house.

3.0 Community Planning

Community Planning Staff do not recommend support to rezone the subject property to facilitate the conversion of an existing accessory building to a carriage house. The proposed rezoning application does not comply with City policies in the Official Community Plan (OCP) and City of Kelowna Agriculture Plan. The property is not located within an urban area of the City and it is outside of the OCP Permanent Growth Boundary. Further, the City's Agriculture Plan (2017) recognizes existing policies and regulations to protect agricultural land, but further recommends that to strengthen the OCP that carriage houses are prohibited outside of the Permanent Growth Boundary.

The objectives of the Resource Protection Area (REP) include:

- To protect the REP for agriculture as well as environmental objectives;
- Avoid densification of the REP; and to
- Direct urban uses within the Permanent Growth Boundary.

An adjacent property on McClain Road was rezoned from RR1 – Rural Residential 1 to RR1c – Rural Residential 1 with Carriage House in May 2018. For this specific parcel, Staff wrote in the Report to Council (file Z18-0009) for this rezoning application that their recommendation for this file only due to an error in the City's mapping system that led to incorrect advice being provided, and that Staff's recommendation for that specific property represented a fair compromise. This same advice was not provided to this property.

The accessory building that the applicant is proposing to convert to a carriage house was received a building permit in 2016, and an occupancy permit in January 2018. As included in Attachment A – Applicant's Letter of Rationale, the applicant indicated that Staff communicated policies of non-support for a carriage house in this location at this time, and the approved building permit drawings were stamped to indicate that the accessory structure was not permitted to be used as a dwelling unit.

The applicant has confirmed the completion of neighbourhood notification in accordance with Council Policy No. 367.

An Alternate Recommendation of support has been included in this report under Section 8.0 for Council's consideration.

4.0 Proposal

4.1 Background

There is an existing single family dwelling and an accessory building on the subject property. The existing accessory building (that is proposed to be converted to a carriage house) received a building permit in 2016, and an occupancy permit in January 2018.

Should Council support the rezoning application, the existing accessory building would be converted to a carriage house, in general accordance with Attachment B.

4.2 Project Description

The applicant is requesting permission to rezone and then convert an existing accessory building to a carriage house. It would not require any variances to the Zoning Bylaw.

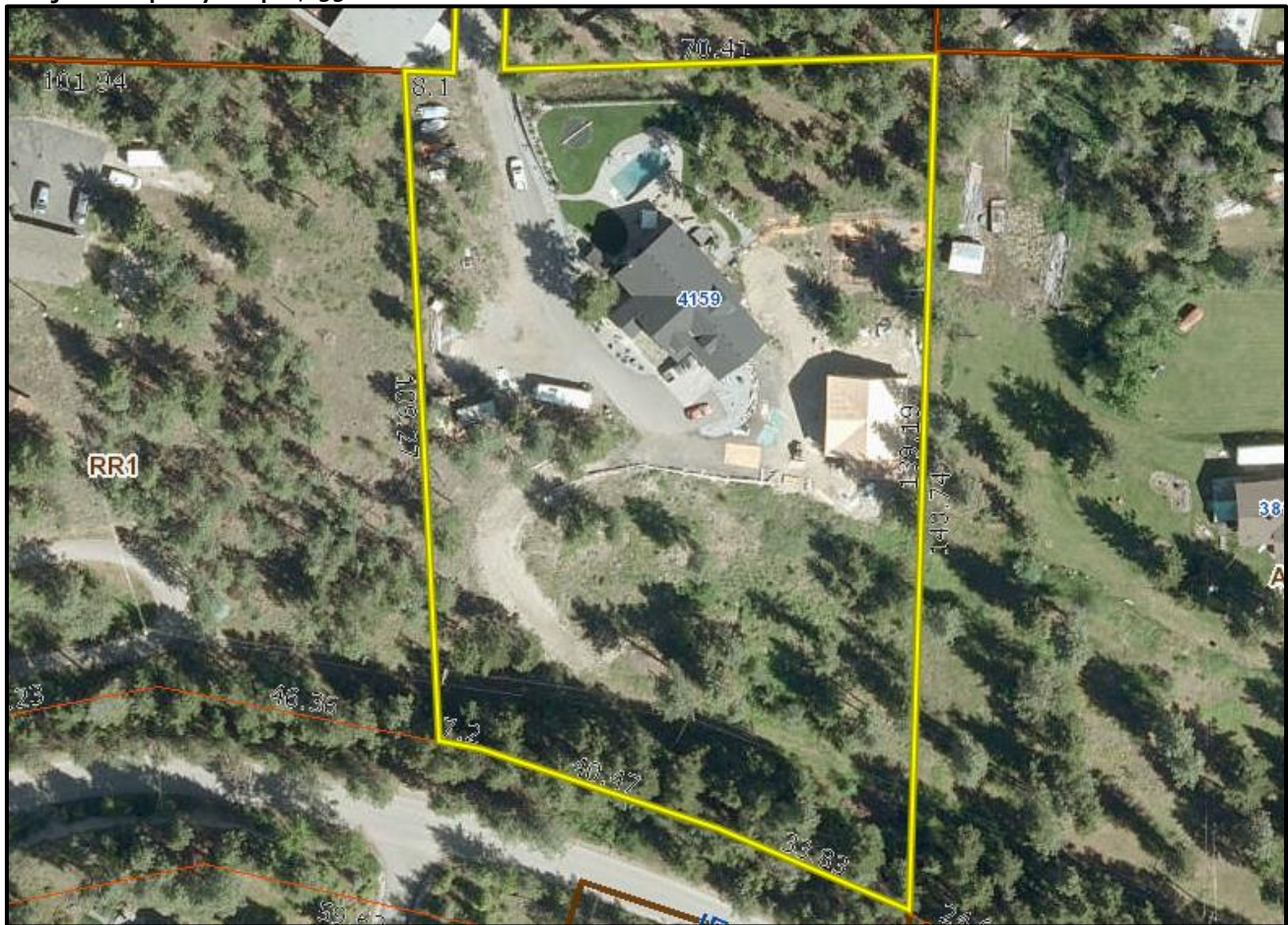
4.3 Site Context

The subject property is a panhandle shaped lot, accessed off McClain Road, with a portion of property line adjacent to Jean Road. It is approximately 2.69 acres (10,886 m²) in area. It is located in the City's Southeast Kelowna OCP Sector, and is located outside of the City's permanent growth boundary. It is not located within the Agricultural Land Reserve (ALR), but properties to the north across McClain Road are located within the ALR. The walk score of the subject property is 0, indicating that almost all errands require a car.

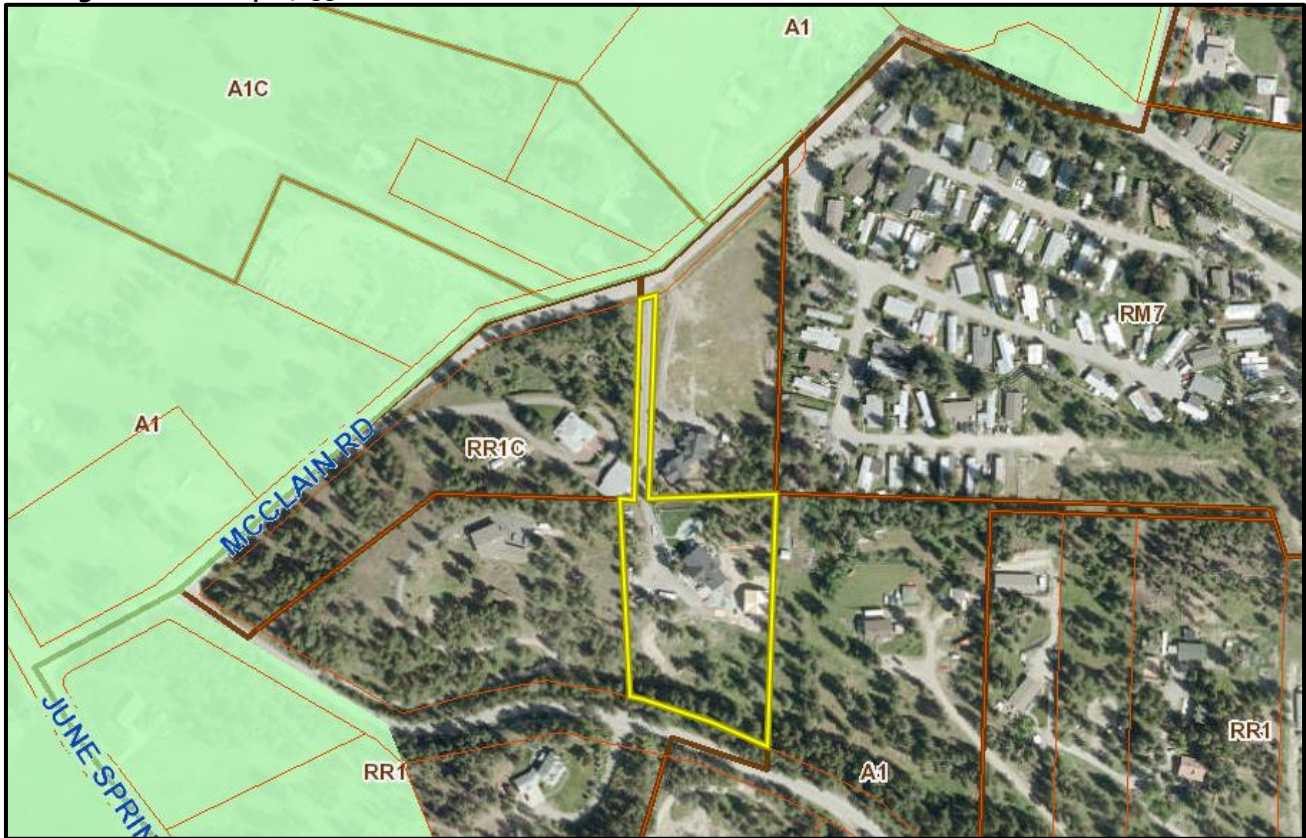
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR1 – Rural Residential 1 A1 – Agriculture 1	Rural Residential Agriculture
East	RM7 – Mobile Home Park A1 – Agriculture 1	Rural Residential
South	RR1– Rural Residential 1 A1 – Agriculture 1	Rural Residential
West	RR1– Rural Residential 1 RR1c– Rural Residential 1 with Carriage House	Rural Residential

Subject Property Map: 4159 McClain Road



Zoning and ALR Map: 4159 McClain Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

OCP Chapter 1: Introduction

Goals for a Sustainable Future

Contain Urban Growth. Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

OCP Chapter 4: Future Land Use

Resource Protection Area (REP)

Rural land preserved for agricultural, environmental and recreational purposes, including the ALR, other resource lands with environmental value and protected natural open spaces, including private open space, steeply sloped lands, Natural Environment/Hazardous Condition DP Areas, and other natural features such as watercourses, water bodies, wetlands, plant and wildlife habitat, and significant aesthetic value. Allowable uses would be agriculture / resource use including farming, forestry, wood lots and silviculture as well as public or private open space on lands considered environmentally sensitive or hazardous (steep slopes). 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. Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization.

Permanent Growth Boundary (PGB)

Lands within the permanent growth boundary may be considered for urban uses within the 20-year planning horizon ending 2030. Lands designated as Future Urban Reserve within the permanent growth boundary may be considered for urban uses beyond 2030. Lands outside the permanent growth boundary will not be supported for urban uses. Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization.

Objective 5.3 Focus development to designated growth areas

Policy .2 Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns.

Objective 5.33 Protect and enhance local agriculture

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Policy .8 Housing in Agricultural Areas. Discourage residential development (both expansions and new developments) in areas isolated within agricultural environments (both ALR and non-ALR).

OCP Chapter 15: Farm Protection DP Guidelines

Objectives

- Protect farm land and farm operations;
- Minimize the impact of urban encroachment and land use conflicts on agricultural land;
- Minimize conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

Guidelines

- On properties located adjacent to agricultural lands, design buildings to reduce impact from activities associated with farm operations.
- On agricultural and non-agricultural lands, establish and maintain a landscape buffer along the agricultural and/or property boundary, except where development is for a permitted farm use that will not encourage public attendance and does not concern additional residences (including secondary suites).
- Design any subdivision or urban development of land to reduce densities and the intensity of uses gradually towards the boundary of agricultural lands.

5.2 Agriculture Plan (2017)

Official Community Plan Recommendations

Carriage Houses. Prohibit carriage houses outside the Permanent Growth Boundary.

Zoning Bylaw Recommendations

Remove Carriage Houses as a Permitted Use on Farmland. Remove the carriage house as a permitted use with the ALR/A1 zoning. Require a non-farm use application to the ALC with any carriage house application in the ALR.

6.0 Technical Comments

6.1 Development Engineering Department

See Attachment C – City of Kelowna Memorandum

6.2 Interior Health Authority

See Attachment D – Interior Health Memorandum

7.0 Application Chronology

Date of Application Received: December 11, 2018

Date Public Consultation Completed: January 7, 2019

8.0 Alternate Recommendation

THAT Rezoning Application No. Z18-0123 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 Sections 2 and 3 Township 26 Osoyoos Division Yale District Plan KAP91355, located at 4159 McClain Road, Kelowna, BC from the RR1 – Rural Residential 1 zone to the RR1c – Rural Residential 1 with Carriage House zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration.

Report prepared by:

Kimberly Brunet, Planner

Reviewed by:

Dean Strachan, Suburban and Rural Planning Manager

Reviewed by:

Ryan Smith, Community Planning Department Manager

Approved for Inclusion:

Derek Edstrom, Acting Divisional Director, Community Planning & Strategic Investments

Attachments:

Attachment A – Applicant's Letter of Rationale

Attachment B – Site Plan and Floor Plans

Attachment C – City of Kelowna Memorandum

Attachment D – Interior Health Memorandum