

# REPORT TO COUNCIL



**Date:** April 1, 2019

**RIM No.** 0920-20

**To:** City Manager

**From:** Community Planning Department (BBC)

**Application:** OCP18-0018 and Z18-0094      **Owner:** Mohammed Maizal Munif

**Address:** 2089 Byrns Rd      **Applicant:** Urban Options Planning & Permits – Birte Decloux

**Subject:** Official Community Plan (OCP) Amendment and Rezoning Application

Existing OCP Designation: REP – Resource Protection Area

Proposed OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: A1 – Agriculture 1

Proposed Zone: RU6 – Two Dwelling Housing

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## 1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP18-0018 to amend Map 4.1 of the Kelowna 2030 – Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located at 2089 Byrns Road, Kelowna, BC, from the REP – Resource Protection Area designation to the S2RES – Single/Two Unit Residential designation NOT be considered by Council;

AND THAT Rezoning Application No. Z18-0094 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located at 2089 Byrns Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU6 – Two Dwelling Housing zone NOT be considered by Council.

## 2.0 Purpose

To consider Staff recommendation to NOT amend the Official Community Plan from REP – Resource Protection Area to S2RES – Single/Two Unit Residential, and to NOT rezone the subject property from A1 – Agricultural to RU6 – Two Dwelling Housing that would facilitate the development of a second dwelling on the subject property.

### **3.0 Community Planning**

Community Planning Staff do not recommend support to amend the future land use and to rezone the subject property to facilitate the development of a second dwelling on the subject property. The property and the neighbouring residential lots are outside of the Permanent Growth Boundary (PGB), designated as Resource Protection in the Official Community Plan (OCP) and located within a farming area.

While the subject property is not within the Agriculture Land Reserve (ALR), it is adjacent to ALR lands and is within an agricultural interface area. The OCP directs growth and development inside the PGB in order to reduce speculative pressure on agricultural lands, avoid isolated development pockets (both within the ALR and outside the ALR), and ensure the long-term viability of surrounding farmland. As the property is surrounded by active agricultural lands, additional residential dwellings have the potential to increase urban encroachment and agricultural / urban land use conflicts created by non-farm activities within agricultural areas. It is important to acknowledge the difficulties farmers have due to complaints and possible perceived restrictions regarding normal farming practices.

In alignment with the OCP and Agricultural Plan objectives to preserve agricultural land, in recent years the City has committed significant resources to regain viable agricultural land along the Benvoulin agricultural corridor, successfully increasing agricultural uses on a number of lots. These include several properties along Benvoulin between Byrns Road and KLO Road. The Agricultural Land Commission (ALC) strongly endorses the protection and preservation of the Benvoulin agricultural corridor to re-establish active farming on lands located within this corridor. Allowing additional density in the isolated residential areas may undermine the success gained to date along this corridor due to land use conflicts.

Further, the OCP sets clear goals for creating a sustainable future and community, and the proposal contradicts the following objectives: contain urban growth and focusing development into a compact urban form that maximizes the use of existing infrastructure in urban centers; contribute to energy efficient settlement patterns; promote healthy and productive agriculture through diverse strategies that protect farmlands and food production. The addition of a second dwelling in this location does not support the infill role of the RU6 zone as the property does not have easy access to adequate transit, active transportation, schools, parks, and employment districts.

Standard urban neighbourhood amenities such as curb, gutter and sidewalk are not present in this area. Permitting urban development and density increase at this and other similar interface areas would require City investment and resources to be re-allocated from urban and village centers, and other priority infill areas as identified by the OCP.

The applicant has confirmed the completion of neighbourhood consultation and public information session in accordance with Council Policy No. 367.

### **4.0 Proposal**

#### **4.1 Background**

The subject property along with the surrounding lots located immediately to the west, east, and southeast resulted from a subdivision dating June of 1967. Throughout the late 1960s and early 1970s, prime agricultural lands were being lost each year to urban development. The provincial government responded by establishing the ALC and the ALR in 1973. Had the ALR been established at the time of the subdivision, it is unlikely the subdivision that created this and the surrounding lots would have been permitted.

In August of 2014, a nearby property located at 2049 Byrns Road received an OCP amendment approval from REP – Resource Protection Area to S2RES - Single/Two Unit Residential and was rezoned from A1 – Agriculture to RU6 – Two Dwelling Housing (OCP13-0012/Z13-0019, Bylaw #10897 and #10898).

At the time of application, three structures existed on that property: a legal non-conforming duplex, an accessory structure (garage) with an illegal dwelling unit, and an illegal carriage house. Both the duplex and the garage structure were permitted in 1973 by the Regional District, however the carriage house did not appear to be authorized by way of Building Permits.

An initial application for 2049 Byrns Road proposed to amend the OCP to higher density (from REP – Resource Protection to MRL – Multiple Unit Residential, Low Density) on a portion of the property. A recommendation of non-support for the OCP amendment was considered and deferred by Council. An alternate proposal for S2RES - Single/Two Unit Residential and RU6 – Two Dwelling Housing was ultimately adopted by Council; however, it is important to note that Staff identified and outlined a number of land use related conflicts and concerns, many of which are identified in this report and share commonality with the current proposal at the subject property.

#### 4.2 Project Description

The applicant is proposing to amend the Future Land Use designation for the subject property from REP – Resource Protection Area to S2RES - Single/Two Unit Residential, and rezone from A1 – Agriculture 1 to RU6 – Two Dwelling Housing to facilitate the development of a second dwelling on the property. If the application to rezone the land is successful, the applicant proposes to relocate an existing house onto the subject property, which has been recently renovated and is similar in character to the existing dwelling on the property.

The applicant has provided an on-site parking plan that meets zoning requirements for the proposal. However, Staff has received comments of concern from neighbouring residents regarding parking practices and the potential number of vehicles parked on and off-site.

There are no variances being tracked at this time. Should Council support the proposed OCP amendment and rezoning, issuance of a Farm Protection Development Permit would be required prior to any construction on the property.

#### 4.3 Site Context

The subject property is located along the south side of Byrns Road, between Benvoulin Road and Burtch Road. The 1,052 m<sup>2</sup> (0.26 acre) subject property is in an agricultural / rural residential interface area and is outside of the City’s PGB. With the exception of the two RU6 lots located west of the subject property, the subject lot along with all other properties fronting Byrns and Benvoulin Road are non-conforming A1 – Agriculture zoned properties given their parcel size; all are significantly less than 4.0 ha. All properties are connected to community water and sewer. Byrns Road is constructed to a rural standard and contains no storm sewer, curb, gutter or sidewalk.

The properties to the north and south of the subject property are large agricultural properties, while the properties to the east and west are rural residential, consistent with the subject property

Adjacent land uses are as follows:

Orientation	Zoning	ALR (Yes/No)	Land Use
North	A1 – Agriculture 1	Yes	Agriculture
East	A1 – Agriculture 1	No	Rural Residential
South	A1 – Agriculture 1	No – abutting Yes – adjacent	Agriculture
West	A1 – Agriculture 1 RU6 – Two Dwelling Housing	No	Rural Residential

**Subject Property Map:** 2089 Byrns Road. Current ALR lands are shown in dark green, future land use designated REP lands (non-ALR) are shown in light green.



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (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.

#### Chapter 5: Development Process

##### *Objective 5.3 Focus development to designated growth areas*

*Policy .1 Permanent Growth Boundary.* Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of properties outside the PGB for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council's specific amendment of this policy. The PGB may be reviewed as part of the next major OCP update.

##### *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).

#### 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.

## 5.2 City of Kelowna Agriculture Plan (2017)

### Official Community Plan Recommendations

- Restrict additional density outside the Permanent Growth Boundary.

## 6.0 Technical Comments

### 6.1 Development Engineering Department

- See Attachment C – Development Engineering Memorandum

## 7.0 Application Chronology

Date of Application Received: April 18, 2018  
Date of Neighbourhood Consultation Completed: November 12, 2018  
Date of Public Information Session Completed: November 18, 2018

## 8.0 Alternate Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP18-0018 to amend Map 4.1 of the Kelowna 2030 – Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located at 2089 Byrns Road, Kelowna, BC, from the REP – Resource Protection Area destination to the S2RES – Single/Two Unit Residential be considered by Council;

AND THAT Rezoning Application No. Z18-0094 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located at 2089 Byrns Road, Kelowna, BC from the A1 – Agriculture 1 zone to RU6 – Two Dwelling Housing zone be considered by Council;

AND THAT the Official Community Plan Amendment Bylaw and 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 outstanding conditions of approval as set out in Attachment C attached to the Report from the Community Planning Department.

**Report prepared by:** Barbara B. Crawford, Planner  
**Reviewed by:** Laura Bentley, Community Planning Supervisor  
**Reviewed by:** Terry Barton, Urban Planning Manager  
**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

### **Attachments:**

Attachment A – Applicant’s Letter of Rationale  
Attachment B – Conceptual Site and Landscape Plans  
Attachment C – Development Engineering Memorandum