

REPORT TO COUNCIL



Date: May 21, 2019

RIM No. 0940-93

To: City Manager

From: Community Planning Department (LKC)

Application: TUP19-0001

Owner: Irene Lee

Address: 2085 KLO Rd

Applicant: Urban Options Planning &
Permits

Subject: Temporary Use Permit Application

Existing OCP Designation: REP – Resource Protection Area & PARK – Major Park/Open Space

Existing Zone: A1 - Agriculture

1.0 Recommendation

THAT Council authorizes the issuance of Temporary Use Permit No. TUP19-0001 to allow for intensive agriculture for Lot A District Lot 131 ODYD Plan 8888 located at 2085 KLO Rd, Kelowna, BC for a three (3) year period commencing from Council approval subject to the following conditions:

- a) The intensive agriculture use shall be limited to a maximum of 80 rabbits;
- b) The dimensions and siting of the buildings to be constructed on the land be in accordance with Schedule "A,"

AND FURTHER THAT any application to extend the permit must be approved by Council prior to this permit expiring.

2.0 Purpose

A Temporary Use Permit application to allow for the use of intensive agriculture for a time period of three years for the purpose of housing 80 rabbits.

3.0 Community Planning

Staff support this Temporary Use Permit (TUP) application as the size of the subject property is large enough to contain the rabbits without them negatively affecting adjacent property owners, the rabbits are sterilized, and have been kept in pens for the last 10 years without becoming a nuisance. The TUP allows the rabbits to be housed on the property for the next three years. Although the Official Community Plan states that any TUP on a property designated REP – Resource Protection Area should be considerably shorter than three years, the duration of this TUP is supportable as the lifespan of the rabbits will not likely

surpass the three years, and the possibility of these animals becoming a nuisance to adjacent neighbours is very low. Furthermore, intensive agriculture is in line with the REP future land use designation and, in this instance, does not require separate approval from the Agricultural Land Commission. Once the TUP expires, the rabbit pens will be decommissioned, or repurposed for an agricultural use.

4.0 Proposal

4.1 Background

In 2009, the Responsible Animal Care Society (TRACS) launched a rabbit relocation program to humanely trap and relocate approximately 800 rabbits. All the rabbits that were captured were sterilized. The rabbits were kept on acreages in large secure pens and on smaller satellite sanctuaries. The property that housed the rabbits most recently was sold and the property owner moved to 2085 KLO Rd. The other properties and satellite sanctuaries that were previously used are no longer options to house the rabbits.

The Zoning Bylaw and the A1 – Agriculture 1 zone differentiate intensive agriculture from regular agricultural uses, where intensive agriculture use allows for land or buildings to be used for the confinement of poultry, livestock (excluding horses) or fur bearing animals, including rabbits. To reduce potential conflicts, the area where intensive agriculture is permitted is generally 300 m away from residential and urban areas. Previously, the rabbits were kept on properties where intensive agriculture was permitted. The TUP is needed to allow for intensive agriculture on the new property at 2085 KLO Rd as it is close to a residential area and is outside of the area where the intensive agriculture use is permitted.

4.2 Project Description

The proposal is to have two pens to house 80 rabbits on the subject property. Building A is 35.7 m² (384 sq ft) and Building B is 41.6 m² (448 sq ft). The two pens will be located near the center of the property away from the property lines. Once the three-year TUP has expired, the land will be returned to its original state, and the pens decommissioned or repurposed for an agricultural use.

4.3 Site Context

The subject property is located in the South Pandosy – KLO sector of the City and is 1.19 ha in area. It is within the Agricultural Land Reserve, has future land use designations of REP – Resource Protection Area and PARK – Major Park/Open Space, and is zoned A1 – Agriculture 1. Mission Creek is to the south, and adjacent properties have agricultural and rural residential uses, as well as agri-tourist accommodation to the west.

Subject Property Map: 2085 KLO Rd



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Temporary Use Permits outside the PGB may be considered on lands designated Resource Protection Area, with a stated time period considerably less than the maximum three (3) year time limit. A Temporary Use Permit on lands in the ALR will require the approval of the Agricultural Land Commission.¹

6.0 Application Chronology

Date of Application Received: March 15, 2019

Date Public Consultation Completed: March 27, 2019

Report prepared by: Levan King Cranston

Reviewed by: Laura Bentley, Community Planning Supervisor

Attachments:

Draft Temporary Use Permit
Schedule "A" - Site Plan

¹ City of Kelowna Official Community Plan, Policy 4.9 (Future Land Use Chapter).