

REPORT TO COUNCIL



Date: June 4th 2019

RIM No. 0940-50

To: City Manager

From: Community Planning Department (AK)

Application: DVP19-0080

Owner: Michael Neid

Address: 3060 Pooley Rd

Applicant: City of Kelowna

Subject: Development Variance Permit

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0080 for Lot 2 Section 15, Township 26 ODYD Plan 6585, located at 3060 Pooley Rd, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted:

Section 11.1.5(b): A1 – Agriculture 1 Subdivision Regulations

To reduce the minimum lot area from 4.0 ha required to 0.6 ha proposed.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To consider a Development Variance Permit application to vary Zoning Bylaw No. 8000 to reduce the minimum lot size from 4.0 ha to 0.6 ha to subdivide the subject lot for the purpose of creating a new lot for a water reservoir and pump station.

3.0 Community Planning

Staff support the request for a Development Variance Permit as it is meant to create a new lot in order to facilitate a water reservoir and pump station facility. This proposal is part of the City's Integrated Water Supply Plan. City policies generally protect agricultural land and only support non-farm uses and subdivision on agricultural land where a benefit to agriculture can be demonstrated. The project as a whole benefits agricultural interests by separating agricultural and domestic water infrastructure in South East Kelowna.

The Agricultural Land Use Inventory identifies the portion of the property proposed to be subdivided for the reservoir as having limited potential for farming due to site limitations. Specifically, the site has steep slopes and part of the area was previously used for gravel extraction. The reservoir is not expected to negatively impact adjacent farm operations, including those on the subject property. The site will be used as a water reservoir and pump station in the long term and the proposed 0.6 ha lot includes sufficient space for the reservoir, parking and access without impacting any land that is currently being farmed.

4.0 Proposal

4.1 Background

In 2018 Council supported a non-farm use and subdivision application (A17-0011) for the proposed water reservoir and pump house, the applications were sent to the Agricultural Land Commission (ALC) for consideration. The ALC also supported the non-farm use and subdivision applications. During the non-farm process it was noted that 'utility services, minor impact' is a permitted use in the A1 zone but that once the final design is determined, a Development Variance Permit may be required to address non-compliant development regulations.

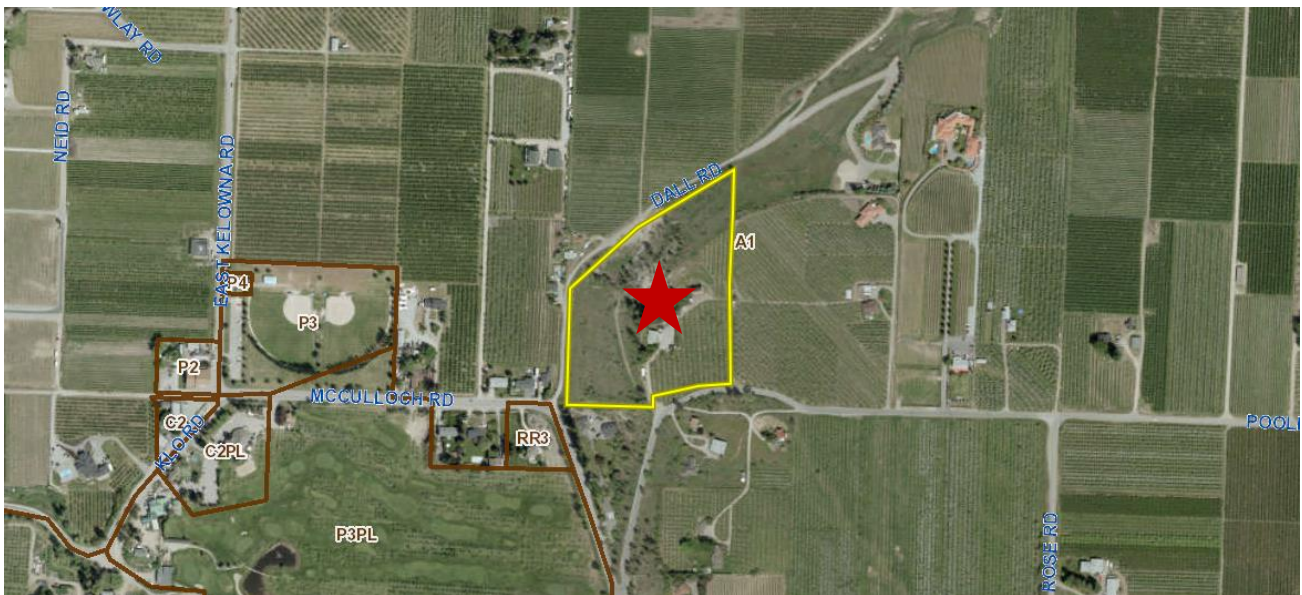
4.2 Project Description

The subject lot is a 4.4 ha agricultural parcel. The property is zoned A₁ – Agriculture 1. The subdivision regulations of the Zoning Bylaw for the A₁ zone require a minimum lot size of 4.0 ha. The proposed utility lot is 0.6 ha. A Development Variance Permit is required to be approved by Council prior to final subdivision approval. If approved the remaining agricultural lot will have an area of approximately 3.8 ha; a Development Variance Permit is not required for this portion of the subdivision as Section 1.8 of the Zoning Bylaw states: *Where a lot is reduced in size as a result of a taking for public use by the City...the lot and buildings and structures thereon are deemed to conform with the provisions of this Bylaw and the lot shall be considered to exist as it did prior to the taking.*

4.3 Site Context

The subject property is located at 3060 Pooley Rd and is within the Southeast Kelowna City Sector. The area is characterized primarily by other agricultural properties. The subject property is adjacent to Dall Rd and Pooley Rd. Adjacent parcels are zoned A₁ and designated REP – Resource Protection Area.

Subject Property Map: 3060 Pooley Rd



5.0 Current Development Policies

Kelowna Official Community Plan (OCP)

Chapter 4: Future Land Use

Resource Protection Area¹

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

Objective 5.33 Protect and enhance local agriculture².

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.

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 .7 Subdivision. Maximize potential for the use of farmland by not allowing the subdivision of agricultural land into smaller parcels (with the exception of Homesite Severances approved by the ALC) except where significant positive benefits to agriculture can be demonstrated.

Chapter 7: Infrastructure

Objective 7.20 Ensure an adequate supply of high quality water.³

Policy .1 Water Availability for Agriculture. Work with stakeholders to ensure the continued delivery of sufficient quantities of water as per best practices for water conservation to ensure continued agricultural productivity.

6.0 Application Chronology

Date of Application Received: February 26, 2019

Date Public Consultation Completed: April 9, 2019

Report prepared by: Alex Kondor, Planning Specialist

Reviewed by: Laura Bentley, Community Planning Supervisor

Attachments:

Schedule A: Subdivision Plan

Attachment A: Draft Development Variance Permit

¹ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.2.

² City of Kelowna 2030 Official Community Plan: Development Process Chapter. P. 5.35.

³ City of Kelowna 2030 Official Community Plan: Infrastructure Chapter. P. 7.12.

Schedule A – Proposed Subdivision Plan

