REPORT TO COUNCIL

Date:	August 26, 2019		
RIM No.	1250-40		
To:	Council		
From:	City Manager		
Department:	Development Planning		
Application:	LUCT19-0002 / Z19-0075	**Owner:**	Multiple Owners
Address:	Multiple Properties	**Applicant:**	City of Kelowna
Affected Street:	Bedford Road & Bedford Lane		
Subject:	Land Use Contract Termination & Rezoning Application		
Existing OCP Designation:	REP – Resource Protection Area		
Existing Zone:	A1 – Agriculture 1		
Proposed Zone:	RR1 – Rural Residential 1 / RR3 – Rural Residential 3		

1.0 Recommendation

WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying A1 – Agriculture 1 zone for the subject properties under Land Use Contract LUC76-1110 outlined in 'Schedule A' does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT 19-0002 to terminate LUC76-1110 from properties identified in 'Schedule A', located on Bedford Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0075 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for the property identified in 'Schedule B', located on Bedford Lane, Kelowna, BC from the A1 – Agriculture 1 zone to RR1 – Rural Residential 1 be considered by Council;

AND THAT Rezoning Application No. Z19-0075 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for properties identified in 'Schedule C', located on Bedford Road, Kelowna, BC from the A1 – Agriculture 1 zone to RR3 – Rural Residential 3 be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for Zoning Bylaw No. 11888.

2.0 Purpose

To consider an application for the early termination of Land Use Contract LUC76-1110 and rezone the parcels to the RR2 – Rural Residential 2 and RR3 – Rural Residential 3 zones as identified in 'Schedule A, B and C'.

3.0 Development Planning

Staff are bringing forth and recommending this Land Use Contract (LUC 76-1110) be terminated and for the subject properties to be rezoned. The underlying zoning (A1 – Agriculture 1) does not fit within the established neighbourhood and is not appropriate to support the existing land use. Staff are proposing to adopt the adjacent RR1 – Rural Residential 1 to the subject property identified in Schedule 'B'. In addition, staff are proposing to also adopt the adjacent RR3 – Rural Residential 3 zone for the subject properties identified in Schedule 'C'. Two rezoning's are required as there are two different lot sizes located on Bedford Road and Lane.



RR1 Properties (Refer to Schedule 'B')



RR3 Properties (Refer to Schedule 'C')

The existing Land Use Contract (LUC) affects 3 properties on Bedford Road and 1 on Bedford Lane, and currently restricts the use to one single family residential dwelling per lot. One of the subject properties, 4255 Bedford Road, has a small strip of land that is affected by the Land Use Contract (area highlighted in red). This property has the appropriate underlying zone, RR1 – Rural Residential 1, and therefore will not need to be rezoned. Only 3 of the 4 properties need rezoning.

The Land Use Contract uses and regulations fit within the RR1 and RR3 zones however, the new zonings do not allow for agri–tourism (agriculture in general), animal clinics (only in RR3), forestry, kennels and stables, and wineries and cideries.

4.0 Proposal

4.1 Background

Land Use Contracts were a tool regularly used in the 1970's before it was eliminated on November 15th 1978. The purpose of the tool was to allow local governments to arrive at agreements with specific developers to grant development rights over and above what was allowed under current zoning. This was typically done in exchange for commitments by developers to help finance the infrastructure costs of development.

Issues have arisen, specifically with the continued application of land use contracts as they supersede any subsequent bylaw dealing with land use and development including: Zoning Bylaws, Development Cost Charge Bylaws, and Development Permits. The Local Government Act was amended in 2014 stating all land use contracts in the province will be terminated as of June 30th 2024. Land use contracts will remain in force until that date unless terminated early by the municipality. By June 20th 2022, local governments must have appropriate zoning regulations in place to replace land use contracts upon their termination. However, LUC terminations (unlike LUC discharges) do not apply when Council adopts the bylaw. Terminations require a one-year grace period as outlined by the Local Government Act.

4.2 Notification

Local governments must provide notice to each owner that the termination of land use contract is occurring and must provide notice of what the new zoning regulations apply to the land. The municipality must send additional letters after the one-year grace period is complete informing the property owners of which land use regulations apply to their properties.

Staff are recommending Council Notification Policy #367 including early notification and development signage be waived for all Land Use Contract terminations. Public consultation in this case is not recommended as the notification policy is a City initiative. Staff are suggesting the standard development notification, as outlined above, be sent to properties affected by the LUC under consideration for termination.

4.3 Site Context

The subject properties have a total area of 9,906 m^2 and are located on Bedford Road and Lane. The properties are designated REP – Resource Protection Area in the Official Community Plan and the surrounding area is residential subdivision and agriculture.

Specifically, adjacent land uses for 4324 Bedford Lane are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Farming
East	A1 – Agriculture 1	Farming
South	RR1c – Rural Residential with Carriage House	Residential
West	RR1c – Rural Residential with Carriage House	Residential

Specifically, adjacent land uses for 4255 Bedford Road are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1 & RR1c – Rural Residential with Carriage House	Residential
East	RR1c – Rural Residential with Carriage House	Residential
South	A1 – Agriculture 1	Residential
West	RR1c – Rural Residential with Carriage House	Residential

Specifically, adjacent land uses for 4293 and 4303 Bedford Road are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Farming
East	RR1 – Rural Residential 1	Residential
South	RR1 – Rural Residential 1	Residential
West	RR1 – Rural Residential 1	Residential

Subject Property Map: Bedford Road & Bedford Lane



5.0 Current Development Policies

5.1 Council Policy No. 282 – Strategy for Elimination of Remaining Land Use Contracts

Council Policy No. 282. Includes the following statement:

That the City of Kelowna initiate proceedings to discharge the contracts subject to consultation with affected owners of the land and subject to prior approval by council with regard to affected contracts;

5.2 Official Community Plan

Chapter 4: Future Land Use

Permanent Growth Boundary (PGB). 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.

Single / Two Unit Residential (S2RES). Single detached homes for occupancy by one family, single detached homes with a secondary suite or carriage house, semi-detached buildings used for two dwelling units, modular homes, bareland strata, and those complementary uses (i.e. minor care centres, minor public services/utilities, convenience facility and neighbourhood parks), which are integral components of urban neighbourhoods.

6.0 Technical Comments

N/A

7.0 Application Chronology

N/A

Report prepared by: Jenna Ratzlaff, Planner

Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Properties affected by LUC76-1110

Schedule B: Properties to be Rezoned to RR1

Schedule C: Properties to be Rezoned to RR3