

REPORT TO COUNCIL



Date: August 23, 2016

RIM No. 0940-93

To: City Manager

From: Community Planning Department (KB)

Application: TUP16-0002 **Owner:** Klimes, Frank & Helen

Address: 785 Packinghouse Rd **Applicant:** Decloux, Birte

Subject: Application for a Temporary Use Permit

Existing OCP Designation: REP - Resource Protection Area

Existing Zone: A1 - Agriculture 1

1.0 Recommendation

THAT Council authorizes the issuance of Temporary Use Permit No. TUP16-0002 to allow for a suite in an accessory building for Lot 27, Block 10, Sections 3, 4, and 10, Township 23, ODYD Plan 1068 Except Plan H8323, located at 785 Packinghouse Rd, Kelowna, BC for a three (3) year period commencing from Council approval subject to the following conditions:

- a) The residential use is restricted to the current tenant of record on the date of Council approval;
- b) At the end of the three (3) year period, or at the end of the occupation of the dwelling by the tenant, whichever is sooner, the suite is to be decommissioned within sixty (60) days; and
- c) Obtaining a Delayed Demolition Permit through the City of Kelowna Building Department for the suite removal, complete with a \$20,000 decommissioning bond as part of that permit.

AND FURTHER THAT any application to extend the permit must be approved by Council prior to the Temporary Use Permit expiring on August 23, 2019.

2.0 Purpose

To temporarily allow a suite in an accessory building on the subject property to remain in use for a period of three years.

3.0 Community Planning

Community Planning Staff support the application to allow the for a secondary suite in an accessory building for a period of three years. The suite has existed since prior to 1988, where the applicants' mother has lived continuously.

4.0 Proposal

4.1 Background

The property was purchased by the current owners in 1980, who converted a portion of the accessory building to a suite for an elderly parent. The occupant lives semi-independently in this unit, and is currently 92 years old. The suite is approximately 600 ft² in size.

Prior to the suite conversion in the accessory building an office existed with washroom facilities.

4.2 Project Description

The Temporary Use Permit is required to legitimize the secondary suite in an A1 - Agriculture 1 zone without the requirement of an A1c rezoning or ALC application, given that the expected term will be temporary.

The suite has been inspected by the City of Kelowna Building Inspections Supervisor and has been determined as safe for occupancy. A bond will be required as part of the permit to ensure decommissioning once the Temporary Use Permit has expired.

4.3 Site Context

The subject property is zoned A1 - Agriculture 1 and it lies within the Agricultural Land Reserve.

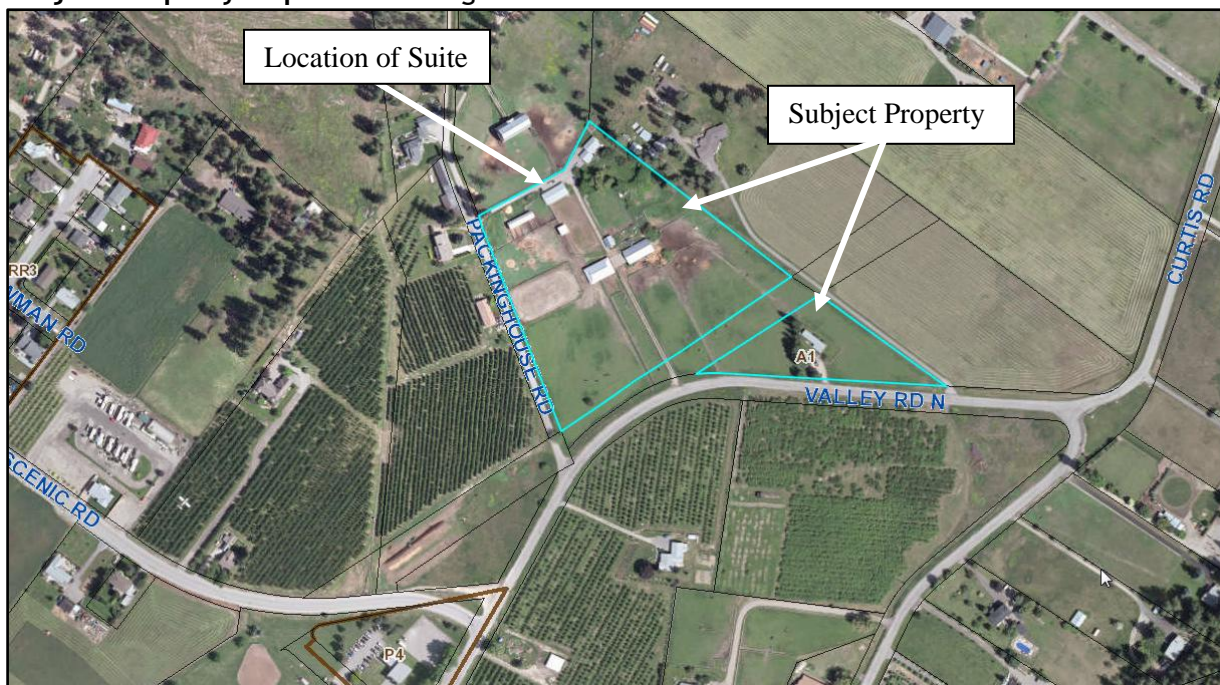
Parcel Summary - 785 Packinghouse Rd:

Parcel Size: 3.48 ha (8.59 acres)

Specifically, adjacent land uses are as follows:

Orientation	Zoning	ALR	Land Use
North	A1 - Agriculture 1	Yes	Agriculture
Southeast	A1 - Agriculture 1	Yes	Agriculture
Southwest	A1 - Agriculture 1	Yes	Agriculture
South	A1 - Agriculture 1	Yes	Agriculture
West	A1 - Agriculture 1	Yes	Agriculture

Subject Property Map: 785 Packinghouse Rd



5.0 Public Notification

As per Council Policy No. 367, the applicant completed Public Notification and Consultation in the form of a neighbourhood notification. As staff understand it, all neighbours contacted were in support of the Temporary Use Permit.

6.0 Current Development Policies

6.1 Kelowna of Kelowna 2030 Official Community Plan (OCP)

Agricultural Land Use Policies

Objective 5.33 - Protect and enhance local agriculture¹

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. 6 - Non-farm Uses. Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- are consistent with the Zoning Bylaw and OCP;
- provide significant benefits to local agriculture;
- can be accommodated using existing municipal infrastructure;
- minimize impacts on productive agricultural lands;
- will not preclude future use of the lands for agriculture; and
- will not harm adjacent farm operations.

¹ City of Kelowna 2030 Official Community Plan, Agricultural Land Use Policies Chapter, p. 39.

6.2 Agricultural Land Commission Act (ALCA)

Purposes of the commission - Section 6 of the *ALCA*

The following are purposes of the commission:

- a) To preserve agricultural land;
- b) To encourage farming on agricultural land in collaboration with other communities of interest; and
- c) To encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

7.0 Technical Comments

7.1 Building & Permitting Department

- This accessory building is safe for occupancy but needs to be decommissioned once the current occupant can no longer live there.

7.2 Fire Department

- Emergency access to the suite must be maintained.
- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- All units shall have a posted address on Packinghouse Rd. for emergency response.
- The fire department has no issues with the Temporary Use.

8.0 Application Chronology

Date of Site Visit	2016-01-28
Date of Application Received:	2016-04-08
Date Public Consultation Completed:	2016-06-14

Report prepared by:

Kimberly Brunet, Planner I

Reviewed by: Todd Cashin, Subdivision, Suburban and Rural Planning Manager

Reviewed by
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Approved for Inclusion: Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Draft Temporary Use Permit No. TUP16-0002

Letter of Rationale

Context/Site Photos

Conceptual Elevations and Floorplan