

REPORT TO COUNCIL



Date: August 22, 2016

RIM No. 1250-30

To: City Manager

From: Community Planning Department (TY)

Application: Z16-0034 **Owner:** Delauralyn Pihl

Address: 4491 Stewart Road West **Applicant:** David Pihl

Subject: Rezoning Application

Existing OCP Designation: REP - Resource Protection (*ALR*)

Existing Zone: A1 - Agriculture 1

Proposed Zone: A1c - Agriculture 1 with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z16-0034 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 221 Section 32 Township 29 ODYD Plan 1247, located at 4491 Stewart Road West, Kelowna BC from the A1 - Agriculture 1 zone to the A1c - Agriculture with Carriage House zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Farm Protection Development Permit for the subject property.

2.0 Purpose

To rezone the subject property to facilitate a secondary suite in an existing horse barn.

3.0 Community Planning

Community Planning supports the rezoning application to allow the applicant to construct a secondary suite in an agri-accessory building. The proposed building is a horse barn which includes birthing stalls, equestrian wash bay, tack room and feed storage. Although not a formal Bylaw regulation, the City of Kelowna adheres to the Policy of the Okanagan Basin Water Board of only approving additional development (carriage home in the case of this application) on parcels over 1.0 hectare in size when not connected to municipal sanitary systems. The subject parcel is not connected to the City sanitary system and is 4.9 hectares in size, as such it meets the OBWB policy.

4.0 Proposal

4.1 Background

The applicant operates a breeding program for thoroughbred horses. The farm includes five breeding mares, at any given time there may be between one to three foals and the same amount of yearling and two-year-old thoroughbred horses. The nature of the farm requires a staff member on site for the purposes of monitoring breeding mares and new foals. Over the first two years, foals born on the property return for training and boarding between new homes.

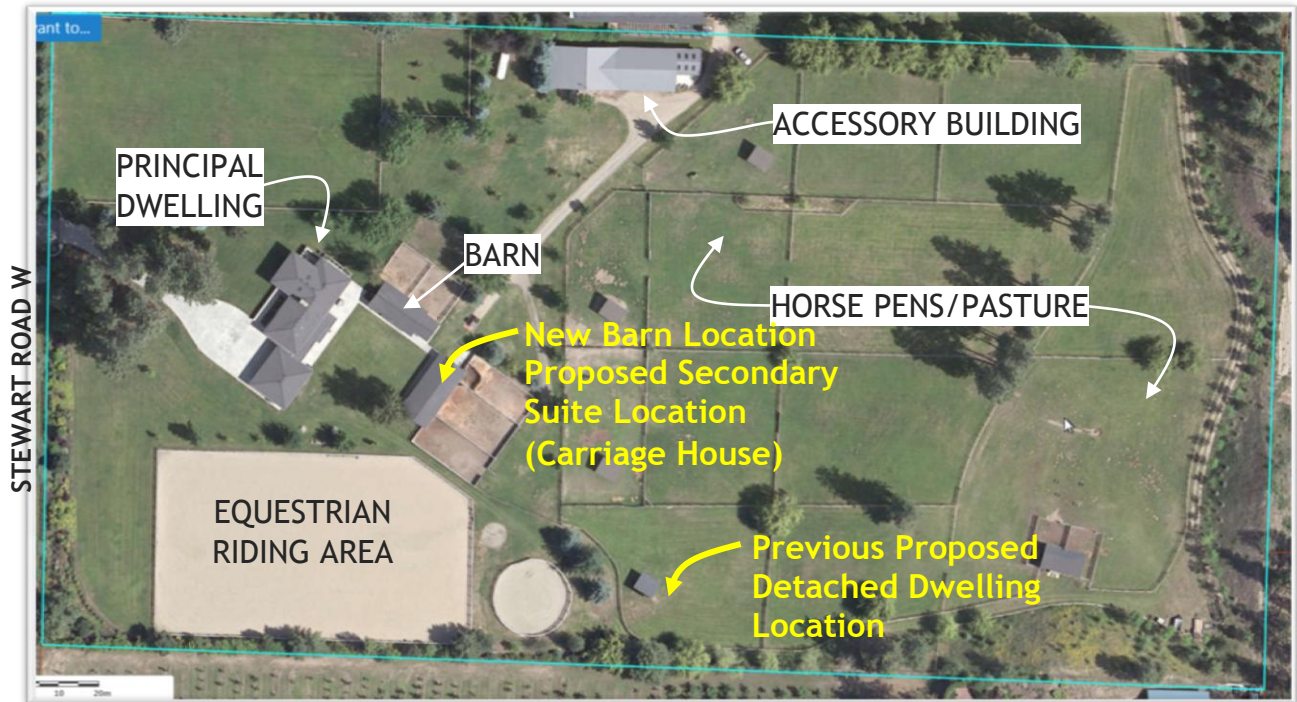
The applicant had a Non-Farm Use application to the Agricultural Land Commission in 2015 requesting a permanent, detached carriage house for staff accommodation. The application (A15-0014) was presented to the Agricultural Advisory Committee (AAC) on February 11, 2016. The AAC agreed that a full time employee requiring their own living quarters was warranted for the existing and continued farm operation, however the accommodation in the form of a detached permanent dwelling was not recommended to City Council as a positive addition to the agricultural parcel.

AAC Comment Summary

- The proposed permanent structure could have an impact on land value.
- The second dwelling is outside of an acceptable homeplate area.
- Concern identified regarding the possibility of a rental dwelling as it is secluded and somewhat private (distance from the principal dwelling and road).
- While the Committee appreciates the need for a worker due to the nature of the operation, the structure as proposed is not consistent with ALC and City of Kelowna policies.
- A suggestion was given by the AAC that a suite would address all of these issues if located within the existing principal dwelling or the horse barn permitted to be constructed in 2016.

The applicant considered the AAC recommendation and has retracted the Non-Farm Use application to the ALC (A15-0014) and is instead applying to rezone (Z16-0034) to allow a secondary suite in the newly constructed horse barn as indicated in the attached Proposed Site Plan.

Map 1 - Subject Property



The following buildings and uses exist on the property:

- One single family dwelling with attached garage and lawn area (4,300 m²)
- Agricultural Accessory Building, housing farm implements and hay & greenhouse.
- Horse Barn
- *NEW* Horse Barn - current application proposes a *secondary suite within this barn*
- 6 individual horse shelters in pasture areas within outdoor fenced training areas
- On-site manure and garden composting, Vegetable & Fruit garden (organic)

4.2 Project Description

The applicant submitted a Building Permit to construct a horse barn in 2015. The current rezoning application is to permit a suite within the horse barn as shown in the conceptual architectural plans attached to this report.

The new barn is designed as a single storey barn, with a second storey viewing area on the south end of the building. The southern portion was originally designed as a staff kitchen area; however, this area is now proposed to be redesigned for a dwelling dedicated to employee(s) living on site. The proposed carriage house is situated near the principal residence, keeping living quarters on the parcel near one another. No additional landscape buffer is required.

At the time of Building Permit issuance for the subject barn, the applicant was required to register a restrictive covenant that the staff kitchen & full bathroom would not be converted to a dwelling as the property was not zoned for such a use. Should Council approve this rezoning, the restrictive covenant would be released from the land.

4.3 Site Context

The subject property 4.9 ha (12.1 ac) in size and is located in the Southeast Kelowna Sector of the City and is within the Agricultural Land Reserve. The Future Land Use of the property is Resource Protection Area (REP). It is zoned A1 - Agriculture 1 and is outside of the Permanent Growth Boundary. The property slopes gently from 499 metres above sea level (masl) at Stewart Road West, to 495 masl at the east property line, with a depression of 492 masl in the northeast quadrant of the property.

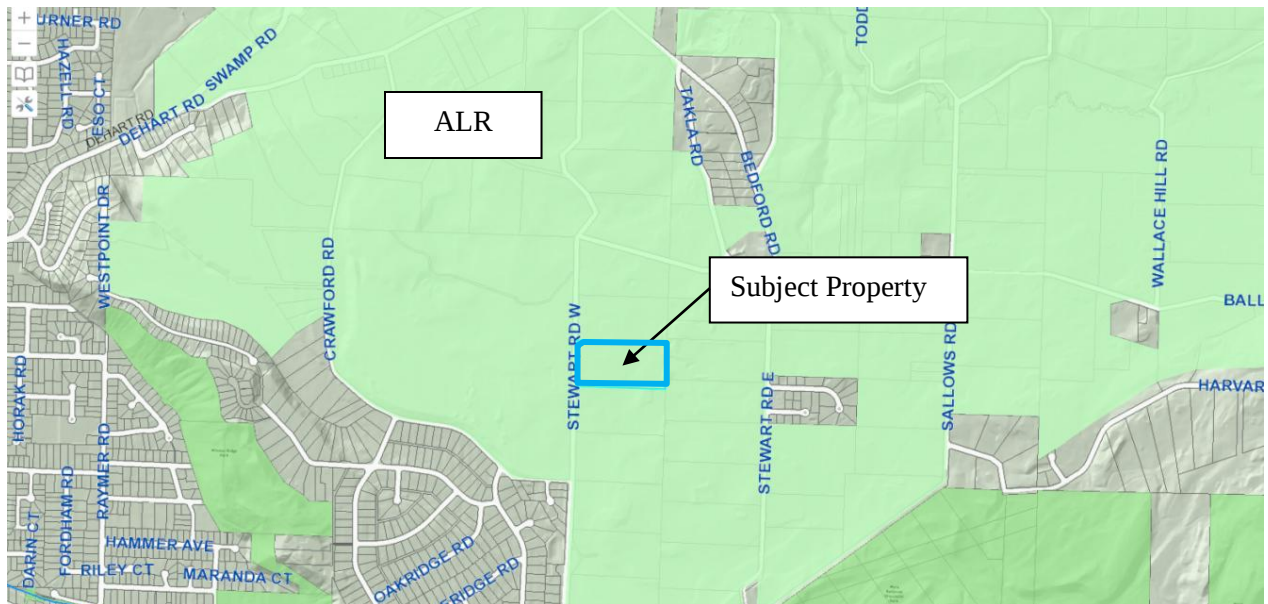
Map 2 - Neighbourhood Context



Map 3 - 4471 & 4491 Stewart Rd W - Existing Joint Farm operation, Owned by Pihl Family



Map 4 - Agricultural Land Reserve



Adjacent land uses are as follows:

Direction	Zoning	ALR	Land Use
North	A1 - Agriculture 1	Yes	Agriculture / Rural Residential
South	A1 - Agriculture 1	Yes	Agriculture / Rural Residential
East	A1 - Agriculture 1	Yes	Agriculture / Rural Residential
West	A1 - Agriculture 1	No	Agriculture

4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	A1c ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	2.0 Ha / 20,000 m ²	4.9 Ha / 48,845 m ²
Lot Width	40 m	158.5 m
Development Regulations		
Maximum Site Coverage (residential)	10 %	1 %
Maximum Site Coverage (agricultural structures)	35 %	2 %
Carriage House Regulations		
Maximum Site Coverage	14	- 1%
Maximum Height	6.0 m	6.0 m
Minimum Front Yard	6.0 m	+ 80 m
Minimum Side Yard North	3.0 m	+ 100 m
Minimum Side Yard South	3.0 m	+ 50 m
Minimum Rear Yard	3.0 m	+ 100 m
Maximum Floor Area	90 m ²	~ 75 m ²

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Farm Protection Objectives ¹ 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.

The subject property is a bona fide horse breeding farm operation. The proposed carriage house in the form of a secondary suite within a horse barn is an appropriate farm help dwelling.

Farm Help Housing ² Accommodation for farm help on the same agricultural parcel will be considered only where: agriculture is the principal use on the parcel, and the applicant demonstrates that the additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall operation of the farm. The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary.

¹ City of Kelowna Official Community Plan, Objectives (Farm Protection Development Permit Guidelines Chapter).

² City of Kelowna Official Community Plan, Policy 5.34.2 (Development Process Chapter).

6.0 Technical Comments

6.1 Building & Permitting Department

Revised drawings will be required for full BCBC plan check if rezoning is approved.

7.0 Application Chronology

Date of A15-0014 AAC Meeting:	February 11, 2016
Date of Z16-0034 Application Received:	June 3, 2016
Date Public Consultation Completed:	August 1, 2016

Report prepared by: Tracey Yuzik, Planner

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

Reviewed by: Ryan Smith, Community Planning Department Manager

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

Attachments:

Existing Site Plan

Conceptual Architectural Plans