

REPORT TO COUNCIL



Date: June 14, 2021

To: Council

From: City Manager

Department: Development Planning Department

Application: LUC20-0003 / Z20-0052 **Owner:** Brian & Linda Pahl

Address: 2820 Boyd Rd, 2830 Boyd Rd, 2843 Boyd Road, and 2811 Boyd Road **Applicant:** Urban Options Planning & Permits

Subject: Land Use Contract Discharge and Rezoning Application

Existing OCP Designation: REP – Resource Protection

Existing Zone: A1 – Agriculture 1

Proposed Zone: A1 – Agriculture 1 and RU1 – Large Lot Housing

1.0 Recommendation

THAT Application No. LUC20-0003 to discharge LUC76-1112 from Lot 1 District Lot 130 ODYD Plan EPP107619, Lot 2 District Lot 130 ODYD Plan EPP107619, Lot 3 District Lot 130 ODYD Plan EPP107619 and Lot 1 District Lot 130 ODYD Plan KAP89521 Except Plan EPP107619, located at 2820 Boyd Road, 2830 Boyd Road, 2843 Boyd Road and 2811 Boyd Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z20-0052 to amend the City of Kelowna Zoning Bylaw No. 8000 be considered by changing classification of the properties identified in Schedule 'A' be considered by Council;

AND FURTHER THAT the Land Use Contract Discharge and Zoning Bylaws be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To discharge the Land Use Contract (LUC76-1112) from the subject properties and to rezone the properties as identified in 'Schedule A'.

3.0 Development Planning

Staff are recommending support for the proposed Land Use Contract (LUC76-1112) discharge and proposed rezoning of the subject properties. The property is affected by a Land Use Contract (LUC76-1112), which allowed the lands to be subdivided into five lots. There were two lots existing, so 2811 Boyd Road went through a four-lot subdivision, which allowed for the creation of three new lots (S19-0038-01). The

LUC allows all new lots to have the development regulations of the former Zoning Bylaw no. 4500's R1 – Low Density, Single Family Residential. Staff are proposing to adopt the RU1 – Large Lot Housing zone for the three new lots, and to revert 2811 Boyd Road back to the A1 – Agriculture 1 zone, as the property is in the ALR and has active agriculture. The proposed Rezoning of the subject properties best matches the allowable development regulations of the LUC, as well as best matches the existing land use.

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.

4.2 Project Description

Following a successful subdivision application, the applicant is seeking a Land Use Contract Discharge for all four properties, as well as a rezoning application for the three newly created lots from A1 – Agriculture 1 to RU1 – Large Lot Housing. If successful, the Land Use Contract Discharge will immediately give all three properties the development regulations of the RU1 zone, which best matches the regulations allowed in the LUC. The final property, 2811 Boyd Road will remain A1 – Agriculture 1 as the property is in the ALR.

To separate the new single-family lots and the active agriculture, the applicant completed a Farm Development Permit (DP20-0146), which included a 15.0m landscape buffer in between the active agriculture and the new subdivided lots.

4.3 Site Context

The subject properties are located on Boyd Road in the South Pandosy – KLO OCP Sector. All four properties have the Future Land Use Designation of REP – Resource Protection. The surrounding area primarily is zoned A1 – Agriculture 1 and has the Future Land Use Designation of S2RES – Single/Two Unit Residential and REP – Resource Protection.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Agriculture
East	A1 – Agriculture 1	Agriculture
South	A1 – Agriculture 1	Single-Family Home(s)
West	A1 – Agriculture 1	Mission Creek

Subject Property Map: Boyd Road



5.0 Application Chronology

Date of Application Received: July 7, 2020
Date Public Consultation Completed: September 11, 2020

Report prepared by: Tyler Caswell, Planner I
Reviewed by: Dean Strachan, Community Planning & Development Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Schedule A: Affected Addresses