

REPORT TO COUNCIL



Date: March 1, 2022

To: Council

From: City Manager

Department: Development Planning

Application: TUP19-0001-01

Owner: Irene Ruth Marie Lee

Address: 2085 KLO Rd

Applicant: Jenny Hildebrand

Subject: Temporary Use Permit

Existing OCP Designation: R-AGR – Rural - Agricultural and Resource & NAT – Natural Areas

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Council authorize the extension of Temporary Use Permit No. TUP19-0001-01 to allow for intensive agricultural to continue for Lot A District Lot 131 ODYD Plan 8888, located at 2085 KLO Road, for a three (3) year period commencing from the date of Council approval subject to the following conditions:

- a) The intensive agriculture use shall be limited to a maximum of 80 rabbits;
- b) The dimensions and siting of the buildings remain at what was previously approved as per Schedule "A"

AND FURTHER THAT there is no opportunity to extend the Temporary Use Permit.

2.0 Purpose

To seek a three (3) year extension on a Temporary Use Permit to allow for the existing intensive agricultural use on the subject property.

3.0 Development Planning

Staff support the Temporary Use Permit (TUP) extension on the subject property. The owners have demonstrated that they are able to house the rabbits on site without negatively affecting adjacent property owners. A TUP extension would allow the rabbits to remain on the property for three more years, however, once expired the rabbit pens would have to be decommissioned or repurposed for a permitted agricultural use. Intensive agriculture is in line with the Rural Agricultural Future Land Use Designation and in this instance, does not need additional approvals from the Agricultural Land Commission, as this is a permitted use.

4.0 Proposal

4.1 Background

In 2009, the Responsible Animal Care Society (TRACS) launched a rabbit relocation program to humanely trap and relocate approximately 800 rabbits. All the rabbits that were captured were sterilized. The rabbits were kept on acreages in large secure pens and on smaller satellite sanctuaries. The property that housed the rabbits most recently was sold and the property owner moved to 2085 KLO Rd. The other properties and satellite sanctuaries that were previously used are no longer options to house the rabbits.

The Zoning Bylaw and the A1 – Agriculture 1 zone differentiate intensive agriculture from regular agricultural uses, where intensive agriculture use allows for land or buildings to be used for the confinement of poultry, livestock (excluding horses) or fur bearing animals, including rabbits. To reduce potential conflicts, the area where intensive agriculture is permitted is generally 300 m away from residential and urban areas. Previously, the rabbits were kept on properties where intensive agriculture was permitted.

The property was granted a three year TUP on March 21, 2019, which allowed the rabbits to be house on the subject property. Today the applicant is looking for a three year extension to continue the use.

4.2 Project Description

The proposal is to extend the TUP on the subject property to allow for the rabbits to be housed on the subject property. The property has two pens to house 80 rabbits, which are 35.7m² and 41.6m² in size. The two pens are located near the center of the property away from the property lines. Once the three-year TUP extension has expired, there is no opportunity to extend again.

4.3 Site Context

The subject property is located in the South Pandosy – KLO sector of the City and is 1.19 ha in area. It is within the Agricultural Land Reserve, has future land use designations of R-AGR – Rural Agriculture and NAT – Natural Area, and is zoned A1 – Agriculture 1. Mission Creek is to the South, and adjacent properties have agricultural and rural residential uses, as well as agri-tourist accommodation to the West.

Subject Property Map: 2085 KLO Rd



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 3 – Future Land Use – Temporary Use Permits (TUP)

In accordance with the *Local Government Act* Section 492, an Official Community Plan may designate areas where Council may consider allowing temporary uses, and may specify general conditions regarding the issuance of temporary use permits in those areas. The temporary use designation is intended to apply to operations that are temporary in nature and the designation does not in itself permit specific uses on the designated sites. Within these areas, Council may, by resolution, issue a Temporary Use Permit and specify the conditions under which the temporary use be carried on. Upon the expiration of a Temporary Use Permit, the permitted uses revert to those outlined in the Zoning Bylaw.

Temporary Use Permits may be considered within the Permanent Growth Boundary (PGB) on all lands designated as Urban Centre, Village Centre, Regional Commercial, Neighbourhood Commercial, Education / Institutional, Industrial, or Public Service / Utility. Temporary Use Permits outside the PGB may be considered on lands designated Rural – Agricultural and Resource, with a stated time period considerably less than the maximum three year time limit. A Temporary Use Permit on lands in the Agricultural Land Reserve (ALR) will require the approval of the Agricultural Land Commission (ALC). All Temporary Use Permits must conform to other policy direction in this OCP, including fit within the character of the neighbourhood and surrounding uses. Appropriate landscaping, screening and buffering will be included as conditions of the permit to protect adjacent land uses.

6.0 Application Chronology

Date of Application Received: January 20th, 2022

Date Public Consultation Completed: January 27th, 2022

Report prepared by: Tyler Caswell, Planner

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:

Attachment A: Draft Temporary Use Permit TUP19-0001-01

Schedule A: Site Plan