REPORT TO COUNCIL

Date:	August 22, 2022		
To:	Council		
From:	City Manager		
Department:	Development Planning		
Application:	TA22-0003	**Owner:**	William and Maria Kitsch
Address:	2605 O'Reilly Road	**Applicant:**	William and Maria Kitsch
Subject:	Text Amendment		
Existing OCP Designation:	R-Res – Rural Residential		
Existing Zone:	RR1 – Rural Residential 1		

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA22-0003 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Development Planning Department dated August 22, 2022 for Lot 1 Section 16 Township 26 ODYD Plan KAP71228 located at 2605 O'Reilly Road, NOT be considered by Council.

Purpose

To review a Staff recommendation to NOT support a site-specific text amendment application to the RR1 – Rural Residential 1 zone to reduce the minimum parcel size for animal clinics, major from 2.0 hectares permitted to 1.31 hectares proposed.

2.0 Development Planning

Staff do not recommend support for the proposed text amendment to facilitate the construction of an animal clinics, major. The RR1 – Rural Residential 1 zone stipulates a minimum lot size of 2.0 hectares for animal clinics, major to create a sizable buffer to prevent nuisances that would impact neighbouring properties. The size, coupled with the narrow shape of the subject property would not mitigate the risks to neighbouring properties associated with the operation of a major animal clinic. Upon the completion of public notification, multiple neighbours have reached out to staff with concerns about the proposed clinic on the property.

Staff have additional concerns about the environmental condition of the subject site.The property is located on a partially developed lane and does not have a sanitary sewer connection. The geotechnical report provided by the applicant noted that the site is bordered by steep slopes that have a risk of slope movement. Also, the slope angles of the adjacent slopes would need to be reduced with slope grading to accommodate development on site. Staff do not support the proposal to grade the site because the proposed location of

the facility is in a high environmentally sensitive area. The property has been identified as a coniferous woodland sensitive ecosystem, and the process of grading, clearing and driveway construction would have an adverse impact on the ecology of the site.

Staff recognize the potential benefits of having an animal clinic, major in Kelowna that caters to native mammals, rodents and birds. However, the size, shape, ecology and grade of the subject site are not suitable enough to justify support for the proposed text amendmentfor the subject property.

3.0 Proposal

3.1 Project Description

The applicants are proposing to build a wildlife rehabilitation facility on the subject site that caters to small, non-preadatory mammals and birds. The proposal is for a single structure with three outdoor enclosures where orphaned wildlife would receive medical care and rehabilitation. The primary building would be a 66.9 m^2 skidded mobile office trailer that would be serviced by a proposed 1-inch potable water line. Two outdoor aviaries and one outdoor animal enclosure would also be installed, along with on site parking for staff. The subject site does not currently have a sanitary sewer connection, and development engineering staff have concerns about whether the site could support a septic system. Development Engineering will provide a more detailed analysis should the text amendment be supported by Council.

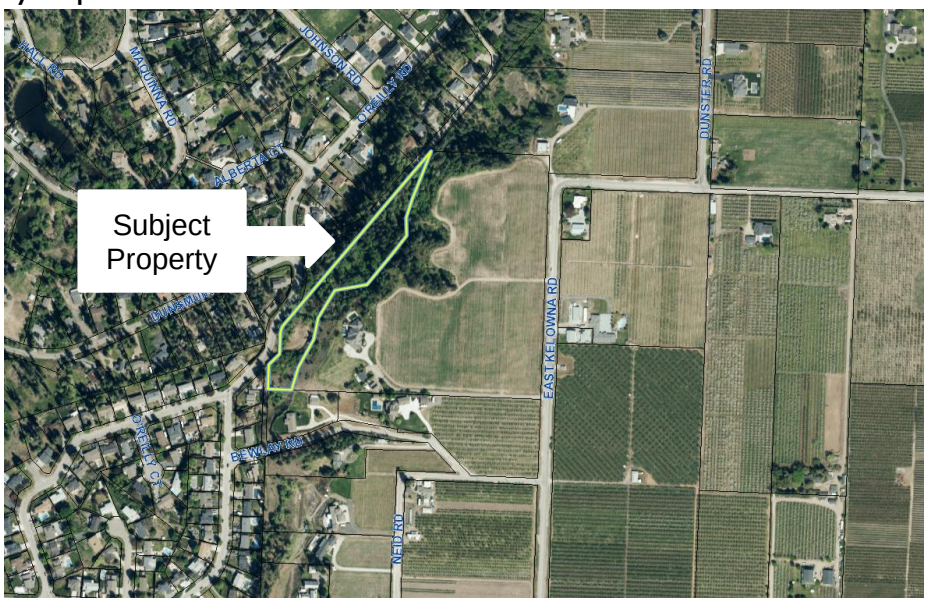
Site Context

The site is located on O'Reilly Road near the intersection with Dunsmuir Road. The parcel is zoned RR1 with a future land use of R-Res – Rural Residential.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR3 – Rural Residential 3	Single Dwelling Housing
East	A1 – Agriculture	Agriculture
South	RR2 – Rural Residential 2	Single Dwelling Housing
West	RR3 – Rural Residential 3	Single Dwelling Housing

Subject Property Map:



4.0 Current Development Policies

Objective 14.5 Protect and restore environmentally sensitive areas from development impacts.	
Policy 14.5.1 Development Design in Environmentally Sensitive Areas.	Design new development to prioritize protection of environmentally sensitive areas as identified in Map 21.1 Natural Environment Development Permit area. Design the development to not disturb natural ecosystems, preserve environmentally sensitive features, adapt to natural topography and to avoid overall environmental impact. For those developments also in a Wildfire Development Permit Area (Map 20.2), ensure the development is also designed to minimize wildfire risk.
	The proposal would initate development and impact the topography of a parcel that has been identified as a high environmentally sensitive area.
Policy 14.5.9 Habitat Management Hierarchy.	Ensure the following sequence of management actions for all public or private projects be adhered to, in areas identified in Natural Environmental Development Permit Map 21.1, to achieve the "no net loss/net gain" principle of ESA: AVOID impacts to habitat through appropriate project siting and design;
	Siting of the proposed development in a high environmentally sensitive area would require site clearance, road construction and grading.

5.0 Application Chronology

Date of Application Received: February 28, 2022
Date Public Consultation Completed: April 4, 2022

6.0 Alternate Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA22-0003 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Development Planning Department dated August 22, 2022 for Lot 1 Section 16 Township 26 ODYD Plan KAP71228 located at 2605 O'Reilly Road, be considered by Council.

Should Council choose to proceed with the alternate recommendation the applicant will be required to complete an Environmental and Natural Hazard Development Permit prior to permits being issued for site works and construction on the site.

Report prepared by: Graham Allison, 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: Site Plan and Floor Plans

Schedule B: Elevations