

# REPORT TO COUNCIL



**Date:** January 23<sup>rd</sup>, 2023

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** OCP23-0002 & Z22-0076

**Owner:** Grant Wayne Gaucher & Lorrie Ann Rockl

**Address:** 3500 Hilltown Drive

**Applicant:** Grant Gaucher

**Subject:** Official Community Plan Amendment & Rezoning Application

**Existing OCP Designation:** R-AGR - Rural – Agricultural and Resource & S-RES - Suburban Residential

**Proposed OCP Designation:** R-AGR - Rural – Agricultural and Resource

**Existing Zone:** A2 – Agriculture / Rural Residential & CD18 – McKinley Beach Resort

**Proposed Zone:** A2c – Agriculture / Rural Residential with Carriage House

---

## 1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP23-0002 to amend Map 3.1 in the Kelowna 2040 – Official Community Plan Bylaw No. 12300 by changing the Future Land Use designation of portions of Lot A Sections 28 and 33 Township 23 ODYD PLAN EPP117593, located at 3500 Hilltown Drive, Kelowna, BC from the S-RES - Suburban Residential designation to the R-AGR - Rural – Agricultural and Resource designation, as shown on Map “A” attached to the Report from the Development Planning Department dated January 23<sup>rd</sup>, be considered by Council;

AND THAT Rezoning Application No. Z22-0076 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot A Sections 28 and 33 Township 23 ODYD PLAN EPP117593 located at 3500 Hilltown Drive, Kelowna, BC from the A2 – Agriculture / Rural Residential zone and CD18 – McKinley Beach Resort zone to the A2c – Agriculture / Rural Residential with Carriage House zone, as shown on Map “B” attached to the Report from the Development Planning Department dated January 23<sup>rd</sup> be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw and the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Official Community Plan Map Amending Bylaw and the Rezoning Bylaw be considered subsequent to issuance of a Natural Environment and Hazardous Condition Development Permit.

## **2.0 Purpose**

To amend the Official Community Plan future land use designation to the R-AGR - Rural – Agricultural and Resource and rezone to the A2c – Agriculture / Rural Residential with Carriage House zone to facilitate the construction of a single detached dwelling and carriage house.

## **3.0 Development Planning**

Development Planning Staff support the proposed rezoning and Official Community Plan (OCP) Amendment application. The property is not within the Agricultural Land Reserve (ALR) but abuts the ALR boundary. Therefore, a 15.0 m wide ALR buffer, including steep slopes and environmentally sensitive areas will be permanently protected via a No Disturb Covenant through the subsequent Natural Environment and Hazardous Condition Development Permit.

The proposed rezoning and future land use amendment is consistent with the Official Community Plan policies and supports utilizing the property for a single detached dwelling and carriage house. Carriage house rezoning applications are supported by OCP policies when the property is greater than 1.0 hectare in order to ensure appropriate septic disposal and to be consistent with the City's obligations with the Okanagan Basin Water Board.

## **4.0 Proposal**

### **4.1 Background**

The boundaries of the OCP future land use designation and the boundaries of the CD18 zone were determined at the time of the original creation of the zone and prior to the construction of Hilltown Drive. The layout and final subdivision of Hilltown Drive ultimately did not align with the zoning and future land use designation boundaries. Thus, resulting in a minor sliver of the property having a different zone and OCP designation. Therefore, this OCP Amendment application is an administrative clean-up, required by staff, to be consistent with the boundaries of Hilltown Drive.

### **4.2 Project Description**

The proposed application is to facilitate the construction of a single detached dwelling and a carriage house on the property. An environmental assessment has shown that the principal dwelling and proposed carriage house are situated to avoid environmentally sensitive areas and steep slopes. An existing City Linear Park Corridor (trail) will be accommodated through the North section of the parcel. Steep slopes and environmentally sensitive areas will be protected via a No Disturb Covenant. A 15.0 m wide ALR buffer, utilizing the existing native vegetation and trees to the North, will be protected through the No Disturb Covenant. A Natural Environment and Hazardous Condition Development Permit will need to be issued by Development Planning to guide the proposed development.

### **4.3 Site Context**

The subject property is located on Hilltown Drive. The surrounding area is R-AGR, and the property borders ALR land to the North. CD18 – McKinley Beach Resort borders the property to the South primarily consisting of suburban residential uses.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 -Agriculture	Agriculture
East	A2 – Agriculture / Rural Residential & CD18 – McKinley Beach Resort	Vacant
South	CD18 – McKinley Beach Resort	Residential
West	CD18 – McKinley Beach Resort	Residential

**Subject Property Map: 3500 Hilltown Drive**



**5.0 Current Development Policies**

**5.1 Kelowna Official Community Plan (OCP)**

<b>Objective 8.2 Ensure a compatible urban-rural interface that protects agricultural uses</b>	
Policy 8.2.3 Urban-Rural Buffers	Where a property is adjacent to the ALR, ensure that development limits associated negative impacts on adjacent agricultural operations by including appropriate buffers, setbacks and site planning, consistent with the Farm Protection Development Permit Guidelines outlined in Chapter 22: Farm Protection Development Permit Area.  <i>A 15.0 m wide ALR buffer, utilizing the existing native vegetation and trees to the North, will be protected via a No Disturb Covenant. The proposal is consistent with the Farm Protection Guidelines.</i>
<b>Objective 8.4 Stop urban sprawl into Rural Lands</b>	
Policy 8.4.3 Housing in Agricultural Areas	Discourage additional residential development (both expansions and new developments) in areas surrounded by ALR and non-ALR agricultural lands. Secondary suites may be permitted in a permitted primary dwelling. Carriage houses may be considered on Rural Residential lands where the property is 1.0

	hectares or greater and where proposal is consistent with the Farm Protection Guidelines outlined in Chapter 22: Farm Protection Development Permit Area
	<i>The subject property is located outside of the ALR. The property is 16.59 hectares in size and is considered Rural Residential, allowing for single dwelling and carriage house development. The proposal is consistent with the Farm Protection Guidelines.</i>

**6.o Application Chronology**

Date of Application Accepted: November 30, 2022

Date Public Consultation Completed: December 9, 2022

**Report prepared by:** Sara Skabowski, 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:**

Attachment A: Draft Site Plan

Map A: OCP Amendment Bylaw - OCP23-0002

Map B: Rezoning Bylaw - Z22-0076