

REPORT TO COUNCIL



Date: April 24, 2023

To: Council

From: City Manager

Department: Development Planning

Application: OCP22-0010/Z22-0059 **Owner:** Gurdwara Guru Amardas
Darbar Sikh Society Inc. No
S0040725

Address: 2809 Benvoulin Road **Applicant:** Urban Options Planning Corp.

Subject: Official Community Plan Amendment and Rezoning Application

Existing OCP Designation: R-AGR - Rural - Agriculture and Resource

Proposed OCP Designation: EDINST – Education / Institutional

Existing Zone: A2 – Agriculture / Rural Residential

Proposed Zone: P2 – Education and Minor Institutional

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP22-0010 to amend Map 4.1 in the Kelowna 2040 – Official Community Plan Bylaw No.12300 by changing the Future Land Use designation of Lot 1 District Lot 130 ODYD Plan 8064 located at 2809 Benvoulin Road, Kelowna, BC from the R-AGR - Rural - Agriculture and Resource designation to the EDINST – Education / Institutional designation, NOT be considered by Council.

AND THAT Rezoning Application No. Z22-0059 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 1 District Lot 130 ODYD Plan 8064 located at 2809 Benvoulin Road, Kelowna, BC from the A2 – Agriculture / Rural Residential zone to the P2 – Education and Minor Institutional zone, NOT be considered by Council.

2.0 Purpose

To review a Staff recommendation to NOT amend the Official Community Plan or rezone the subject property that would facilitate future religious assembly use.

3.0 Development Planning

The Sikh community in Kelowna has gradually outgrown their place of assembly and worship at 220 Davie Road in Rutland and wish to construct a new Gurdwara for their growing community. A search for a suitable location has taken place over the past few years and finding a new location for a larger congregation has proved challenging.

The subject property is located in the Benvoulin area and is considered an important agricultural corridor for both existing agricultural activity and heritage. Official Community Plan (OCP) policies specifically discourage public or private institutional use including places of religious assembly on agricultural lands. Although not within the Agricultural Land Reserve (ALR), the property is designated and zoned for agriculture and directly borders ALR land. Any urban development is discouraged in areas outside of the Permanent Growth Boundary to minimize development and speculative pressure on agricultural lands. Based on these overall OCP policies the Planning Department is recommending non-support for the proposed OCP and Rezoning amendments to facilitate future religious assembly on the subject property.

Staff have reviewed this application, and it may move forward without affecting either the City's Financial Plan or Waste Management Plan.

4.0 Proposal

4.1 Background

The subject property is designated R-AGR Rural - Agriculture and Resource, is zoned A2 – Agriculture / Rural Residential, is outside of the PGB, but is not within the Agricultural Land Reserve (ALR). However, the property is bordering ALR lands to the north and east. There is currently a single-family dwelling on the property and its current use is rural residential.

4.2 Project Description

The building for the proposed religious assembly and Gurdwara is approximately 2,335 m², two and half storeys tall and located in centre of the property. It includes areas for worship, classrooms, office space and washrooms. Primary access would be from Boyd Road with drive aisle circulation around the proposed building. The remainder of the property is used for parking stalls, landscaping, agricultural buffer and vegetable and fruit gardens.

The agricultural buffer is proposed at 8.0 m wide and stretches the length of the north and east property boundaries, separating it from the active agriculture and ALR. Approximately 206 m² of area along the north-east property lines is proposed to be used for vegetable garden to provide a link to agriculture and for food donation to the community. In partnership with The Bridge – Youth and Family Services, the Sikh society will donate vegetables to their organization.

If Council chose to proceed with the OCP Amendment and Rezoning proposal, Council consideration of a Form and Character Development Permit would be required along with a staff issued Farm Protection Development Permit.

Site Context

The subject property is located on the Benvoulin Road corridor which has frontage on Benvoulin Road and access from Boyd Road to the south. It is located north of the KLO/ Benvoulin Road intersection and is approximately 2.25 acres in size. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture	Agriculture
East	A1 - Agriculture	Agriculture
South	RU1 – Large Lot Housing	Residential
West	A1 - Agriculture	Benvoulin Road / Agriculture

Subject Property Map: 2809 Benvoulin Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

The Big Picture: 10 Pillars to Realize our Vision

- 1. Protect Agriculture** - Agriculture has played a crucial role in Kelowna’s economy for generations and is a big part of Kelowna’s identity. Local food production is also becoming even more important in the face of a changing climate. As such, protecting agricultural lands is key goal of Imagine Kelowna. The Official Community Plan supports this critical component of our economy, identity and food security by limiting urban growth into agricultural lands and supporting their viability.

Objective 8.1. Protect and preserve agricultural land and its capability.

Policy 8.1.1. Protect Agricultural Land.	Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size. <i>The property is 2.25 ac in size and could be utilized for agricultural purposes. It is not located within the Agricultural Land Reserve, however the property is still considered agricultural and is directly adjacent to ALR lands.</i>
Policy 8.1.2. Agricultural Land Designation.	Protect and support the continued designation and use of agricultural land for agricultural purposes regardless of soil types and capabilities. Locate agricultural structures to maximize the agricultural potential of prime soil resources. <i>The property is designated for agricultural use in the OCP.</i>
Policy 8.1.4. Urban Uses.	Direct urban uses to lands within the Permanent Growth Boundary, to minimize development and speculative pressure on agricultural lands.

	<i>The property is located outside of the PGB.</i>
Policy 8.4.1. Intensification of Rural Lands.	Do not support urban uses on lands outside the Permanent Growth Boundary except for as permitted by the 2040 OCP Future Land Use Designations in place as of initial adoption of the 2040 OCP Bylaw..
	<i>The institutional designation is considered an urban use.</i>
Policy 8.4.5. Public Uses on Agricultural Lands.	Discourage the use of agricultural lands for public or institutional uses such as schools, parks and churches except as identified in the 2040 OCP.
	<i>The proposal is for a private institutional use.</i>

6.o Application Chronology

Date of Application Accepted: September 23, 2022
 Date Public Consultation Completed: October 29, 2022

7.o Alternate Recommendation

THAT Official Community Plan Map Amendment Application No. OCP22-0010 to amend Map 3.1 in the Kelowna 2040 – Official Community Plan Bylaw No. 12300 by changing the Future Land Use designation of Lot 1 District Lot 130 ODYD Plan 8064 located at 2809 Benvoulin Road, Kelowna, BC from the R-AGR - Rural - Agriculture and Resource designation to the EDINST – Education / Institutional designation, be considered by Council;

THAT Rezoning Application No. Z22-0059 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 1 District Lot 130 ODYD Plan 8064 located at 2809 Benvoulin Road, Kelowna, BC from the A2 – Agriculture / Rural Residential zone to the P2 – Education and Minor Institutional zone, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule “A” attached to the Report from the Development Planning Department dated October 11, 2022; and

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council’s consideration of a Form and Character Development.

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

Attachments:

Attachment A: Rationale Letter