

REPORT TO COUNCIL



Date: April 10, 2017

RIM No. 1250-20

To: City Manager

From: Community Planning Department (RR)

Application: OCP17-0008 **Owner:** Various

Address: Various Arab and Appaloosa Addresses **Applicant:** City of Kelowna

Subject: Official Community Plan Amendment

Existing OCP Designation: IND-L Industrial Limited

Proposed OCP Designation: REP – Resource Protection

1.0 Recommendation

THAT Council waive the requirement of the Development Application Procedures Bylaw 10540 that a defeated bylaw not be reconsidered for 6 months from the date of its defeat;

AND THAT Official Community Plan Map Amendment Application No. OCP16-0020 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use Designation of the properties identified in Appendix 'A' attached to the Community Planning report dated April 10, 2017, from the Industrial – Limited (IND-L) designation to the Resource Protection Area (REP) designation be considered by Council;

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

AND THAT Council considers the public processes detailed in the Report from the Community Planning Department dated February 27, 2017, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*.

AND FURTHER THAT Council directs staff to pursue an escalating Bylaw Enforcement process on non-compliant properties in the subject area.

2.0 Purpose

To consider Official Community Plan amendments to change the Future Land Use of 31 properties that are without ready access to sewer and industrial standard roads.

3.0 Community Planning

The land use of the subject properties have been the subject of almost a decade of review and debate. The current Official Community Plan designation of transitional industrial use is not supported by a detailed plan for financing the necessary servicing. Without a clear strategy and vision for neighbourhood buildout, bylaw enforcement had been subsequently curtailed, which allowed unlawful uses to expand unchecked - resulting in the current land use challenges and conflicts that currently exist.

Staff proposed redesignating the properties off of Arab and Appaloosa Roads to Resource Protection, which would restrict the property zoning to A1 – Agriculture. The A1 zone allows a limited suite of businesses, include larger scale home based businesses and agriculture businesses such as nurseries. These uses are seen as an appropriate transition between the industrialized Sexsmith properties and the single family residential properties to the north.

By designating the subject properties for future REP, Council will be sending a clear message that these properties are to house low impact transitional uses. The uses allowed in the zone are ideal transitional uses, with low population densities, low numbers of customers, and minimal traffic generation.

4.0 Proposal

4.1 Background

This is a City initiated amendment prepared at the request of Council, per staff recommendations.

On February 27th, 2017, Council considered the outcome of the public interest survey in establishing a local area servcie over the neighbourhood. Council resolved that:

AND THAT Council direct staff to prepare Official Community Plan amendments as identified in the staff report attached as Schedule 'A' regarding the Arab/Appaloosa Land Use and Bylaw Enforcement Strategy.

The proposed Official Community Plan amendments will redesignate 31 properties from IND-L – Industrial Limited to REP – Resource Protection.

4.2 Project Description

Should Council redesignate the subject properties as 'Resource Protection Area', the lands would remain zoned A1 – Agriculture, and could not be rezoned without an OCP amendment.

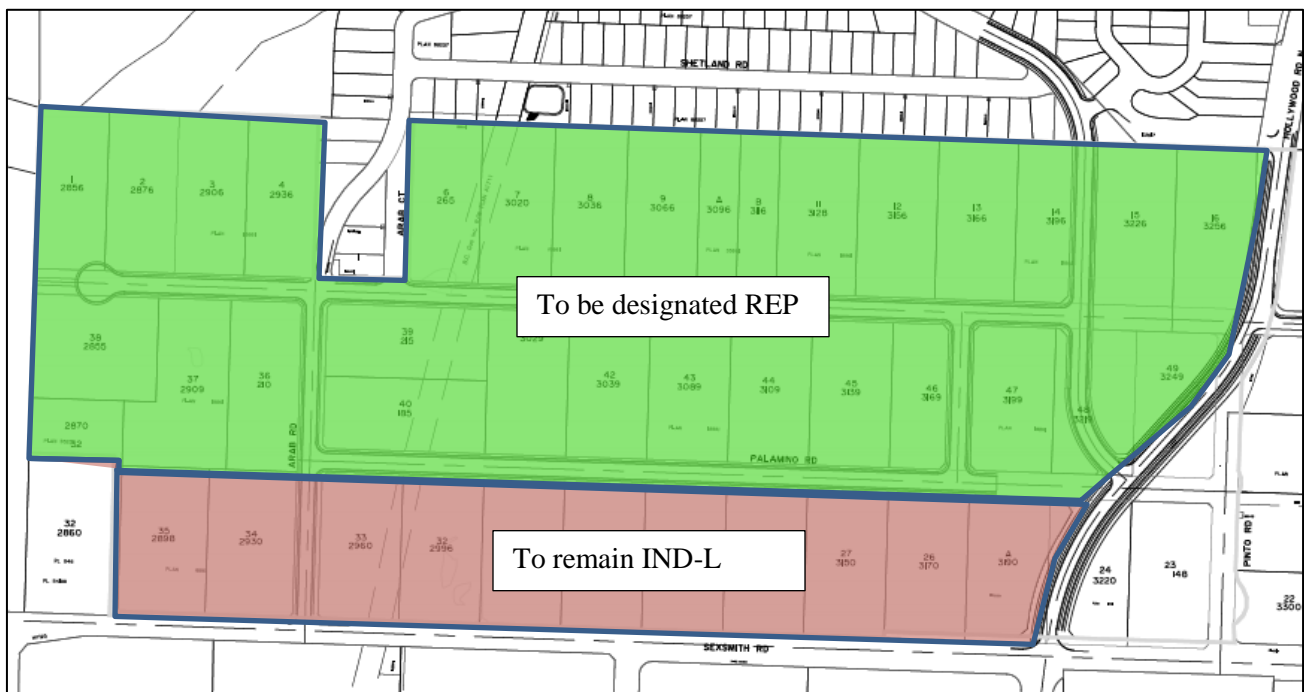
The A1 – Agriculture zone has a number of business and commercial uses appropriate for a transition. Properties in the A1 zone have the right to be developed for agricultural uses, plant nurseries and greenhouses, animal clinics and kennels or stables. As well, owners would have access to the full suite of home based business uses, including the option to have up to two non-resident employees. The A1 zone will allow some commercial activity on the properties, to a scale that is more appropriate for a transition between other uses.

Larger scale businesses would be required to relocate. None of the larger scale businesses in the neighbourhood are currently permitted by zoning. If the properties are redesignated as 'Resource Protection Area', City Bylaw Enforcement staff will commence an escalating bylaw enforcement program to bring land use into bylaw compliance.

4.3 Context

The neighbourhood is made up of agriculturally zoned lots averaging 0.8 ha in area. Many of the properties were being used for light industrial and storage uses, not conforming to zoning restrictions of the day. The intent of the Industrial – Limited designation was to recognize the character of the neighborhood and give owners a path to conformity by allowing properties to be re-zoned for transitional industrial use.

Subject Property Map:



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Resource Protection Area

Rural land preserved for agricultural, environmental and recreational purposes, including the ALR, other resource lands with environmental value and protected natural open spaces, including private open space, steeply sloped lands, Natural Environment/Hazardous Condition DP Areas, and other natural features such as watercourses, water bodies, wetlands, plant and wildlife habitat, and significant aesthetic value. Allowable uses would be agriculture / resource use including farming, forestry, wood lots and silviculture as well as public or private open space on lands considered environmentally sensitive or hazardous (steep slopes). Generally, land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna

will allow exceptions to satisfy civic objectives for the provision of park/recreation uses. Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization.

Report prepared by:

Ryan Roycroft, Planner

Approved for Inclusion:



Ryan Smith, Community Planning Department Manager

Attachments:

February 27th Council Report
Subject Properties