

REPORT TO COUNCIL



Date: May 29, 2017

RIM No. 1250-30

To: City Manager

From: Community Planning Department (TB)

Application: Z17-0011

Owner: Wayne Keith Henney
Denise Alana Henney

Address: 2446 Harvard Road

Applicant: Wayne Keith Henney

Subject: Rezoning Application

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: A1 – Agriculture 1

Proposed Zone: A1c – Agriculture 1 with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z17-0011 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 33, Township 29, ODYD, Plan 9442, located at 2446 Harvard Road, Kelowna, BC from the A1 – Agriculture 1 zone to the A1 – Agriculture 1 with Carriage House zone **NOT** be considered by Council.

2.0 Purpose

To consider a Staff recommendation to NOT rezone the subject property that would facilitate the conversion of an existing accessory building into a carriage house.

3.0 Community Planning

Community Planning does not recommend support for the proposed rezoning as the subject property is not located in an urban area of the City and is outside the Official Community Plan (OCP) Permanent Growth Boundary.

The property and the surrounding neighbourhood does not have adequate urban amenities (sidewalks, cycling lanes, transit, etc.) to support even a modest increase in density and represents an inefficient use of the land. While the 3.43 acre property is not farmed today, it does have potential in the future for agricultural production and a proposed carriage house partially erodes this possibility. Further, the property is immediately adjacent to the ALR and other actively farmed properties, and so the increased density may place further pressure and conflict on the operations of these farms.

The City's Agricultural Plan reinforces this urban/rural conflict and states:

Policy .8 Housing in Agricultural Areas. Discourage residential development (both expansions and new developments) in areas isolated within agricultural environments (both ALR and non-ALR).

An Alternate Recommendation of support has been included in the report under Section 8.0 for Council's consideration.

4.0 Proposal

4.1 Background

The subject property is 3.43 acres and is currently zoned A1 – Agriculture. The property is not located within the Agricultural Land Reserve (ALR), but is adjacent to ALR Lands on the north east property line. The existing accessory building was constructed in 2001 and met the Zoning Bylaw requirements at that time for an accessory building. To convert the accessory building to a carriage house triggers three variances based on the different zoning requirements for an accessory building versus a carriage house.

The property is not currently actively farmed and does not have Farm Status through BC Assessment.

4.2 Project Description

The subject property is located outside of the Permanent Growth Boundary, and the Official Community Plan (OCP) Future Land Use is Resource Protection Area.

The applicants are proposing to rezone to A1c – Agriculture with Carriage House to convert the existing accessory building to a carriage house for family use. The habitable area of the carriage house would be on the upper floor while the lower floor would remain as a garage plus workshop area. The accessory building is already connected to power, water, and septic field. Access would be from the existing driveway and the carriage house would meet the parking and private outdoor space requirements.

The proposal is inconsistent with several OCP Policies. The OCP Policy regarding designated growth areas is firm in that growth and density should only occur within the Permanent Growth Boundary in order to contain urban growth and protect and preserve agricultural land. While this land is not actively being farmed, it is immediately adjacent to the ALR and is well outside the Permanent Growth Boundary. Further, the OCP Policy of Compact Urban Form encourages density where infrastructure already exists and is well serviced with amenities and transportation options. Finally, the Future Land Use is Resource Protection Area, which is a designation that does not support subdivision or further densification. This rezoning effectively increases density by allowing a second dwelling unit on the property in the form of a Carriage House.

The City of Kelowna Agriculture Plan reflects the OCP policies mentioned above and recommends against allowing isolated development that is within agricultural areas, regardless of ALR status. The Plan also directs urban uses (such as carriage house development) to urban areas in order to reduce pressure on the rural-agricultural boundary to prevent further development and speculative pressure. There is a precedent of conflict that can occur along urban-agricultural interfaces including complaints of noise, spray, tractor traffic, and prospective development encroaching on agricultural land.

The Agricultural Advisory Committee reviewed the application on March 13, 2017 and recommended support for the rezoning subject to the applicant registering a 219 Restrictive Covenant on-title restricting

any additional dwelling units on the property, including any potential additional suites or mobile home. The committee recognized that the property was not currently being used for agriculture and was not immediately adjacent to prominent ALR land and therefore would have minimal impact on agriculture in the area.

4.3 Variances Requested

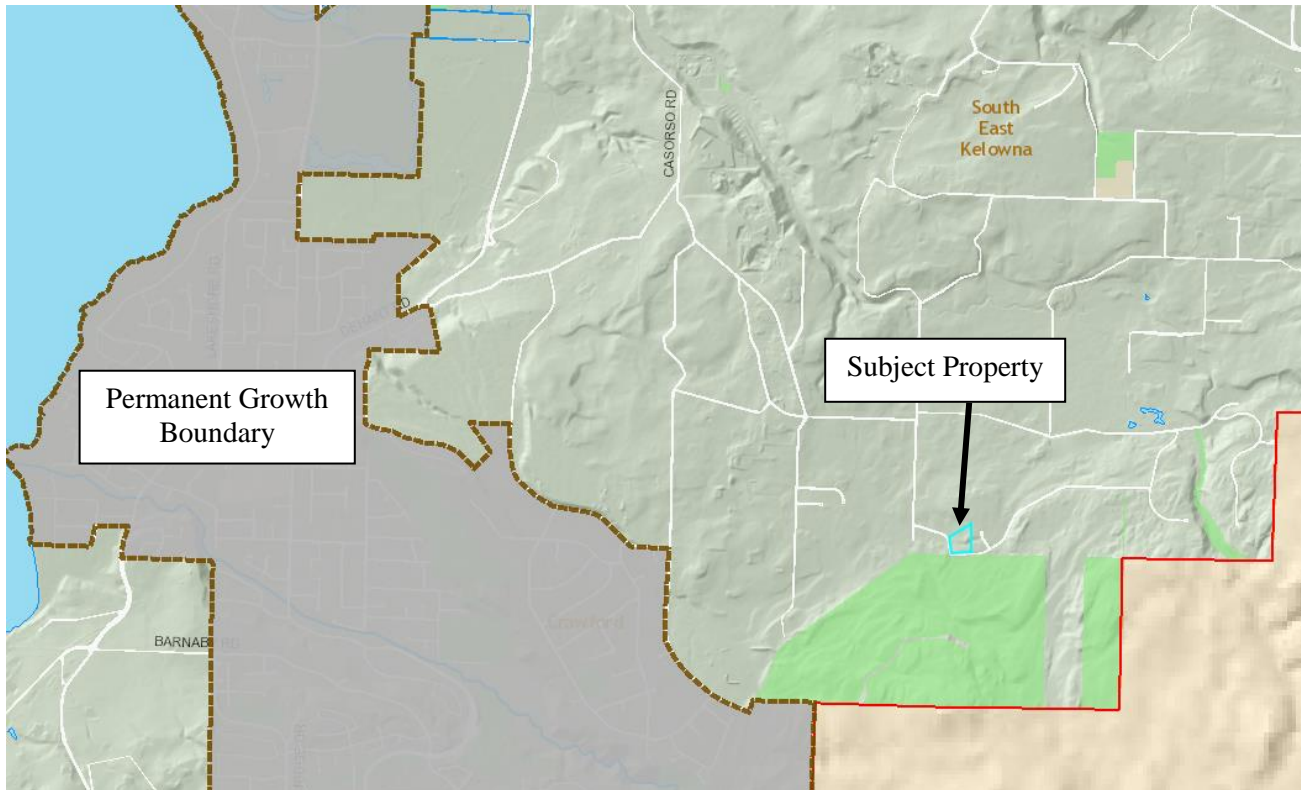
Should Council approve the rezoning, the following variances will need to be considered prior to 4th reading for the conversion of the accessory building into a carriage house. The first variance is due to the location of the accessory building being more than 10m away from the primary dwelling (10.0m required, 21.5m existing). This provision in the Zoning Bylaw was created to encourage carriage houses on agricultural land to be located close to the existing dwelling, using a residential homeplating footprint so as to have minimal impact on viable agricultural land.

The second variance is to vary the maximum height relative to the primary dwelling at peak. The Zoning Bylaw states that the carriage house must be less than the primary dwelling at mid-point and at peak. The main dwelling has an overall height at peak of 6.9m and the existing accessory dwelling as an overall height at peak of 7.43m.

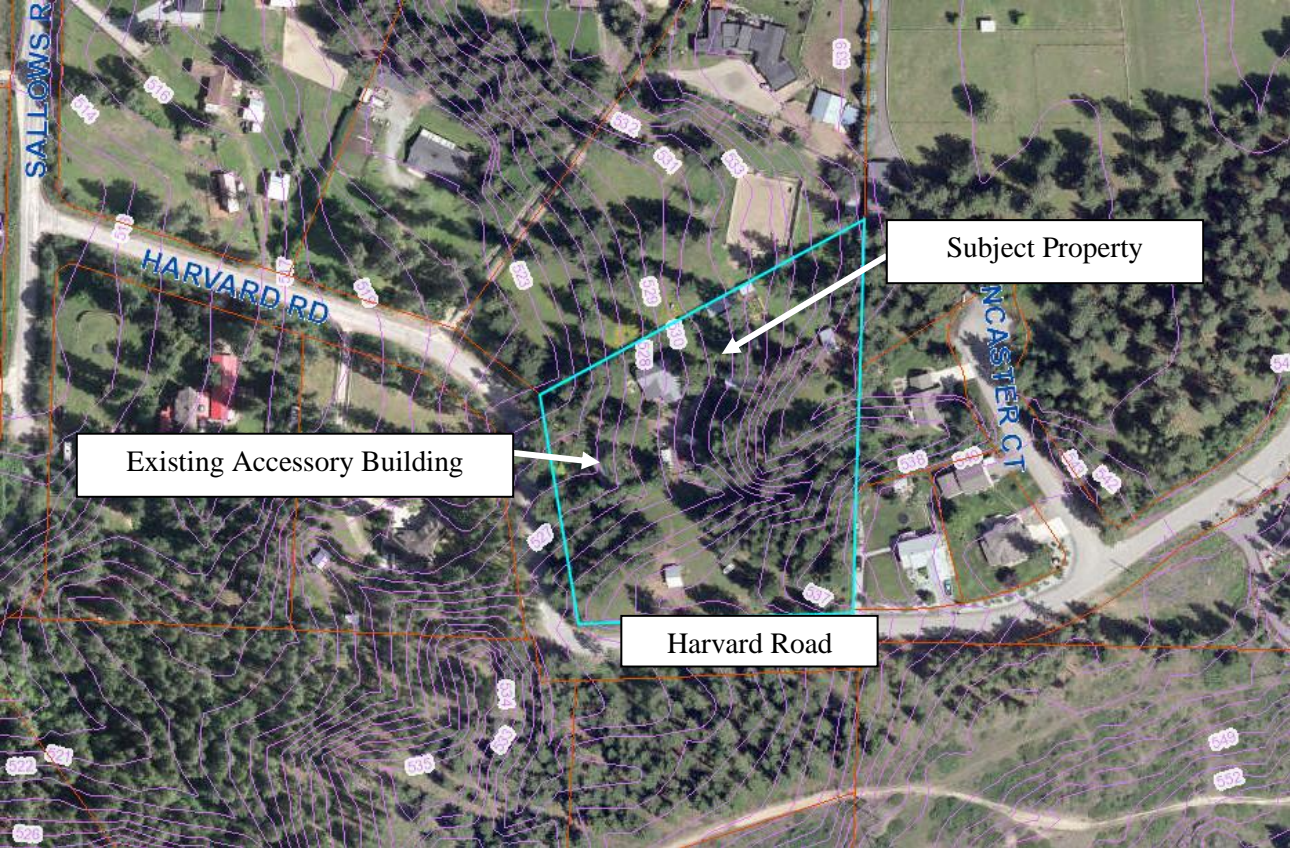
The third variance is to vary the maximum footprint of a carriage house from 90m² (required) to 118.9m² (existing). The habitable floor area of the carriage house *does* meet the requirements as only the upper floor will be used as habitable space.

4.4 Maps

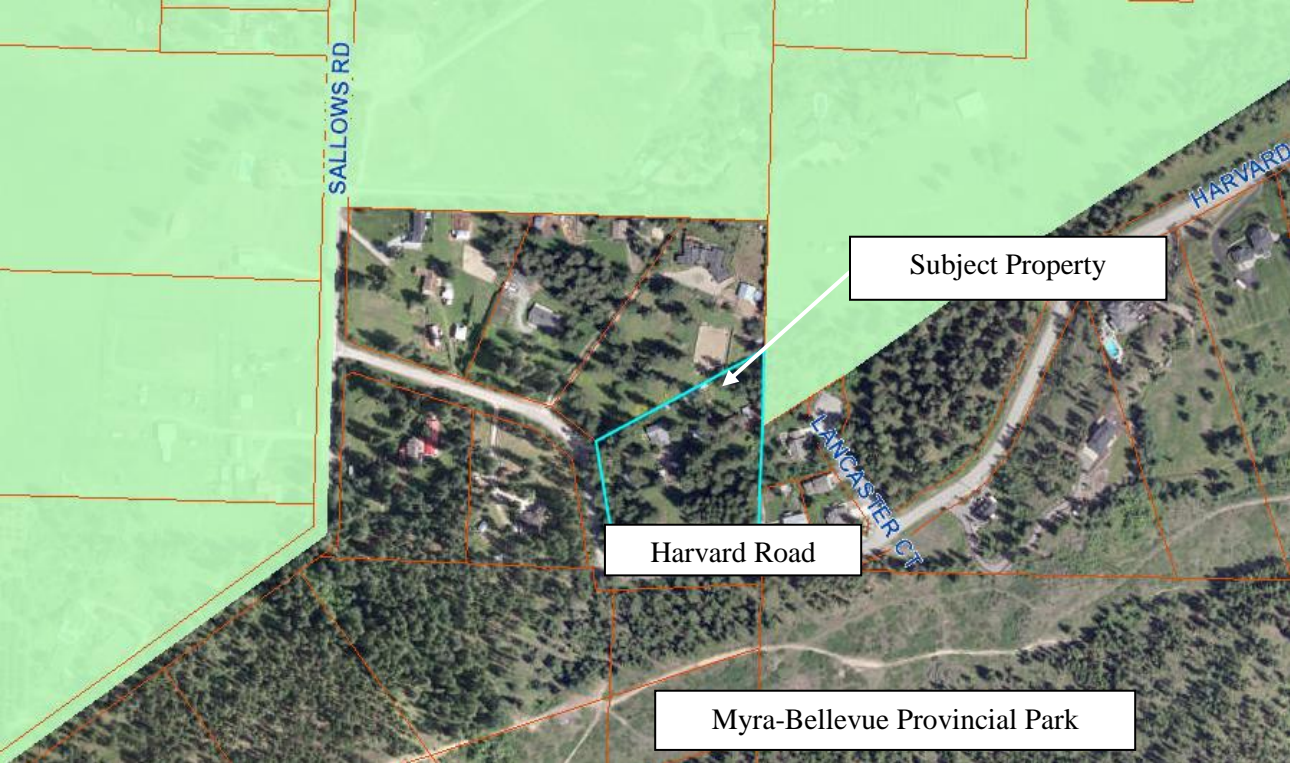
Map 1 – Context Map



Map 2 – Neighbourhood



Map 3 – Agricultural Land Reserve



4.5 Neighbourhood Context

The subject property lies within the Southeast Kelowna Sector. It is located east of Sallows Road and north of Myra-Bellevue Park. The property is not located within the Permanent Growth Boundary and is adjacent ALR Land.

Orientation	Zoning	Land Use
North	A1 – Agriculture	Rural Residential
South	A1 - Agriculture	Park
East	A1 – Agriculture RR3 – Rural Residential 3	Agriculture Rural Residential
West	RR1 – Rural Residential 1	Rural Residential

5.0 **Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

OCP Chapter 1: Introduction

Goals for a Sustainable Future

Contain Urban Growth. Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

OCP Chapter 4: Future Land Use

Permanent Growth Boundary (PGB)

Lands within the permanent growth boundary may be considered for urban uses within the 20-year planning horizon ending 2030. Lands designated as Future Urban Reserve within the permanent growth boundary may be considered for urban uses beyond 2030. Lands outside the permanent growth boundary will not be supported for urban uses. Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization.

Objective 5.3 Focus development to designated growth areas

Policy .2 Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns.

Objective 5.33 Protect and enhance local agriculture

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Policy .8 Housing in Agricultural Areas. Discourage residential development (both expansions and new developments) in areas isolated within agricultural environments (both ALR and non-ALR).

OCP Chapter 15: Farm Protection DP Guidelines

Objectives

- Protect farm land and farm operations;
- Minimize the impact of urban encroachment and land use conflicts on agricultural land;
- Minimize conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

Guidelines

- On properties located adjacent to agricultural lands, design buildings to reduce impact from activities associated with farm operations.
- On agricultural and non-agricultural lands, establish and maintain a landscape buffer along the agricultural and/or property boundary, except where development is for a permitted farm use that will not encourage public attendance and does not concern additional residences (including secondary suites).
- Design any subdivision or urban development of land to reduce densities and the intensity of uses gradually towards the boundary of agricultural lands.

5.2 Agriculture Plan (1998)

Transportation Policies

New Growth Areas. Discourage the establishment of new growth areas within or beyond agricultural areas that create additional traffic pressure on the local rural road network.

Urban-Rural/Agricultural Boundary Policies

Farmland Preservation. Direct urban uses to land within the urban portion of the defined urban – rural / agricultural boundary, in the interest of reducing development and speculative pressure, toward the preservation of agricultural lands and discourage further extension of existing urban areas into agricultural lands.

Isolated Development. In general, not support extensions to existing development or new development isolated within agricultural areas, regardless of ALR status.

6.0 **Technical Comments**

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).
- Provide the City of Kelowna Bulletin #12-03 (Secondary Suites Requirements in a single family dwelling) for minimum requirements. The drawings submitted for Building Permit application is to indicate the method of fire separation between the suite and the garage.
- Range hood above the stove and the washroom to vent separately to the exterior of the building. The size of the penetration for this duct thru a fire separation is restricted by BCBC 12, so provide size of ducts and fire separation details at time of Building Permit Applications.
- A fire rated exit stairwell is required from the suite to the exterior c/w fire rated doors that open into the stairwell and a fire rating on the bottom of the stairs. Please provide these details on the building permit drawing sets.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

- Please see attached Schedule "A" dated March 14, 2017

6.3 Bylaw Services

- No Bylaw files pertaining to property address 2446 Harvard Rd.

6.4 Central Okanagan Regional District

- RDCO staff has reviewed the below-noted referral and advises that the RDCO's interests are unaffected. Thank you for the opportunity to comment.

6.5 Fire Department

- No concerns with the zoning. Because this site is in a Wildland Urban Interface area, vinyl siding would not be the best choice for building material.

6.6 Irrigation District – South East Kelowna Irrigation District

We have reviewed the above referenced application for water supply requirements. A copy of the technical review from our consulting engineers is attached for your information. Water service is available upon payment of the following fee:

Capital Expenditure Charge, Secondary Suite \$1,200.00

Total: \$1,200.00

7.0 **Application Chronology**

Date of Application Received: January 30, 2017

Date Public Consultation Completed: March 22, 2017

Agricultural Advisory Committee March 13, 2017

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on March 13, 2017 and the following recommendations were passed:

Moved by Keith Duhaime/Seconded by Tarsem Goraya

THAT the Agricultural Advisory Committee recommends that Council support Rezoning Application No. Z17-0011 for the property located at 2446 Harvard Road, Kelowna, BC to rezone the subject property from the A1 - Agriculture 1 zone to the A1c - Agriculture 1 with Carriage House zone for the purposes of converting an existing accessory building to a carriage house;

AND THAT the Agricultural Advisory Committee recommends that Council support Development Variance Application No. DVP17-0027 for the property located at 2446 Harvard Road, Kelowna, BC to vary:

- the distance from primary dwelling;
- the height relative to peak of primary dwelling; and

- the maximum footprint of from 90m² required to 118.9m² existing.

Carried

ANCELTAL COMMENTS:

The Agricultural Advisory Committee recommends that a covenant be registered on title to the subject property restricting any additional dwelling units on the property, including any potential additional suite or mobile home.

8.o Alternate Recommendation

THAT Rezoning Application No. Z17-0011 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 33, Township 29, ODYD, Plan 9442, located at 2446 Harvard Road, Kelowna, BC from the A1 – Agriculture 1 zone to the A1c – Agriculture 1 with Carriage House zone, be considered by Council;

AND THAT the 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 Community Planning Department dated May 29, 2017;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the applicant registering a 219 Restrictive Covenant on title restricting any additional dwelling units on the property including any additional suites or mobile home;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Variance Permit for the subject property.

Report prepared by: Trisa Brandt, Planner

Reviewed by: Todd Cashin, Subdivision, Suburban and Rural Planning Manager

Reviewed by: Ryan Smith, Community Planning Department Manager

Approved for Inclusion: Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Attachment "A": Applicant's Application Package
Attachment "B": Photos
Schedule "A": Development Engineering Memorandum