
CITY OF KELOWNA

MEMORANDUM

Date: July 10, 2002

File No.: File No. TA02-0002 (3360-20)

To: City Manager

From: Planning & Development Services Department

Purpose: To amend the minimum lot size requirements for A1 – Agriculture 1 zoned lands not located within the Agricultural Land Reserve from 2.0 ha to 4.0 ha

Report Prepared by: R.G. Shaughnessy/Signe Bagh

1.0 RECOMMENDATION

THAT Bylaw No. 8862 (TA02-0002 - City of Kelowna) be advanced for second and third reading and adoption consideration by Council.

2.0 BACKGROUND

Bylaw No. 8862, to increase the minimum lot size in the A1 zone from 2 ha to 4 ha for non-ALR properties, was considered at the Public Hearing of June 11, 2002 and at the Regular Meeting immediately following, the following resolution was adopted:

THAT further reading consideration of Bylaw No. 8862 (TA02-0002) be deferred to the Regular Meeting of Monday, July 15, 2002 for staff to report back on the following:

- the implications of not approving the proposed bylaw on the Regional Growth Management Strategy;
- options for dealing with instream applications as of today and any applications that could come instream between today and final adoption, if the bylaw was adopted.

3.0 PLANNING COMMENTS

3.1 Options for Dealing with Instream Applications

Section 943 of the Local Government Act requires the City to “grandfather” instream subdivision applications that are received prior to Council adopting Bylaw No.8662 for a period of 12 months.

Staff received legal advice from our Solicitor's firm that indicates there is nothing in the Local Government Act prohibiting the City from grandfathering instream subdivision applications for longer than 12 months from the date of adoption of Bylaw No. 8662.

Staff are therefore recommending Council direct staff to extend this 12 month period for S98-011 (Ezzy Pozzato).

3.2 Implications of Not Approving the Proposed Bylaw

3.2.1 Sprawl

The subject bylaw proposes to increase the minimum parcel size of future subdivided lots within areas shown in the Official Community Plan (OCP) as not being suitable for urban development within the next twenty years. The areas affected include portions of the south slopes and the SW Mission as well as most of the North and South McKinley areas.

Lands in the above-noted areas are intended to be reserved for growth that will take place beyond 2020. It is important to note that the City's servicing plans and financing strategies are NOT structured to provide for urban service levels in those areas before that time. Many of the occupants of homes on newly created 2 ha lots would, however, bring with them expectations for urban services. Occupants would be driving on rural roads, which are in all likelihood not equipped to deal with higher traffic volumes. In many cases, the increased traffic would be going through agricultural areas, thus making farming more difficult. Children in the homes would need to be picked up by school buses and fire protection would have to be provided. The expense of meeting these types of demands would not be entirely funded with money raised through Development Cost Charges or the taxes generated by the new development. The development would therefore increase costs to existing taxpayers. That is the immediate implication.

Over time, there would be impacts associated with increased traffic congestion, greater travel distances and associated air pollution issues.

The longer-term implication is that the City would be reducing options for future generations. The difficulty in immediately using land within the Future Urban Reserve for large lot subdivisions is that it creates problems when that land is eventually needed for more intensive development. In short order, the supply of land available for future affordable single family housing would be exhausted. The greater the parcelization of lands today, the more difficult and expensive it will be to convert the area to more urbanized single-family neighbourhoods in the future. The lands in question are the single family neighbourhoods beyond the 20-year time horizon. The time for development of these areas will come. The OCP suggests that the time just isn't now.

Given these implications, it is perhaps not surprising that many other municipalities already have larger minimum lot sizes within their most rural zones. Most other communities surveyed recently by Planning and Development Services staff had minimum lot sizes that were twice what is being proposed with this bylaw. The minimum parcel sizes in other communities is most typically 8 ha. The Regional District has an A1 minimum parcel size of 4.0 ha and a RU1 parcel size of 30 ha. This bylaw is only proposing 4 ha minimums (consistent with the Regional District current A1 zone). Prince George has a minimum lot size for its Green Belt Zone that is 15 ha.

3.2.2 Regional Growth Management Strategy

The Regional District's Growth Management Strategy contains ten general planning principles. With respect to the matter at hand, the most relevant principle is the one which directs that:

"All local governments shall use appropriate tools to place greater emphasis on containing urban growth to Town Centres and those areas already fully serviced, towards realization of OCP objectives.

Growth and redevelopment in existing settlement areas with full services will be supported prior to supporting growth and development elsewhere."

The Growth Management Strategy is intended to set the general tone for development of Official Community Plans. The Local Government Act directs the City to make sure that its OCP achieves the goals of the Growth Management Strategy but the Regional Growth Strategy does not in itself provide specific policy direction -- that is the role of individual OCP's.

Kelowna's OCP includes policies that are intended to be supportive of the Growth Management Strategy. The specific policies are listed in Chapter 5 of the OCP. In general terms, the policy content provides the following directions:

- Ensure DCC's reflect costs
- Support TDM
- **Increase Minimum Parcel Size within "Future Urban Reserve" and Rural (non ALR) Lands**
- Protect Steep-Sloped Areas
- Support ALR
- Encourage Mixed Use Developments
- Support more Apartments/Townhouses
- **Develop Compact Urban Form**

The OCP contains an explanation of how the city's policies relate to the Growth Management Strategy. In that explanation, the City has cited the potential minimum parcel size bylaw as one method for limiting urban sprawl.

Specifically, the OCP contains a policy, which states that the City of Kelowna will:

“Initiate an amendment to the Zoning Bylaw to create a new Rural Residential Zone, with a minimum parcel size of 4.0 ha (10 acres), which would apply to all properties within the Future Urban Reserve designation and to non-ALR properties within the Rural/Agricultural designation of the OCP that are currently 4.0 ha or more in size.”

The above-noted policy does not commit the City to *approving* a bylaw.

In short, Council is not compelled to enact the bylaw either because of policies contained in the OCP or as a result of direction given by the Growth Management Strategy. There are, however, some compelling reasons why Council may wish to adopt the proposed bylaw as a growth management tool.

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Subdivision Approving Officer

Approved for inclusion

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