

# REPORT TO COUNCIL



**Date:** November 7, 2011

**To:** City Manager

**From:** Land Use Management, Community Sustainability (JM)

**Application:** Z11-0075

**Owner:** Michael & Deborah Ritchie

**Address:** 4195 Finch Road

**Applicant:** Gord Turner (Gord Turner Renovations Ltd.)

**Subject:** Rezoning Application

**Existing OCP Designation:** AGR - Resource Protection Area

**Existing Zone:** A1 - Agriculture 1

**Proposed Zone:** A1s - Agriculture 1 with Secondary Suite

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## 1.0 Recommendation

THAT Rezoning Application No. Z11-0075 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot1, Section 33, Township 23, ODYD, Plan KAP59741, located on 4195 Finch Road, Kelowna, BC from the A1 - Agriculture 1 zone to the A1s - Agriculture 1 with Secondary Suite zone, be considered by Council;

AND THAT Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch and the Interior Health Authority being completed to their satisfaction;

AND FURTHER THAT a building permit for the suite be applied for prior to final adoption of the zone.

## 2.0 Purpose

The applicant is seeking a zoning amendment in order to allow a secondary suite within the existing principal dwelling.

## 3.0 Land Use Management

Land Use Management generally supports the development of secondary suites within existing single dwelling housing units as a form of sensitive infill. Specifically, where located on agricultural land, secondary suites situated within existing principal dwellings are supported by OCP policy.

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When situated in urban areas, secondary suites achieve many of the objectives of the OCP by providing additional density and diversity in a manner that is sensitive to existing established neighbourhoods. In developed areas, this additional density makes more efficient use of infrastructure. However, it is less clear that the objectives of the OCP are being met where secondary suites are developed in very rural or agricultural areas. In these areas, though supported by policy, it should be recognized that additional residential units place a greater burden on limited infrastructure, and increase the likelihood that residents will be dependent on single occupant vehicle use.

#### 4.0 Proposal

##### 4.1 Background

In May of 2011, the property owners received a Natural Environment and Hazardous Conditions Development Permit to facilitate the development of an approximately 3.6ha vineyard on the property.

##### 4.2 Project Description

The applicant is seeking to construct a secondary suite within the first floor of the existing two storey principal dwelling on the subject property. The suite is proposed to be limited to one bedroom and is proposed to be approximately 76.39m<sup>2</sup> in area.

The principal entrance to the suite is from the existing driveway, where parking for the suite is also located. Landscaping for the suite is limited, as there is ample private open space for the suite on the large property.

##### 4.3 Site Context

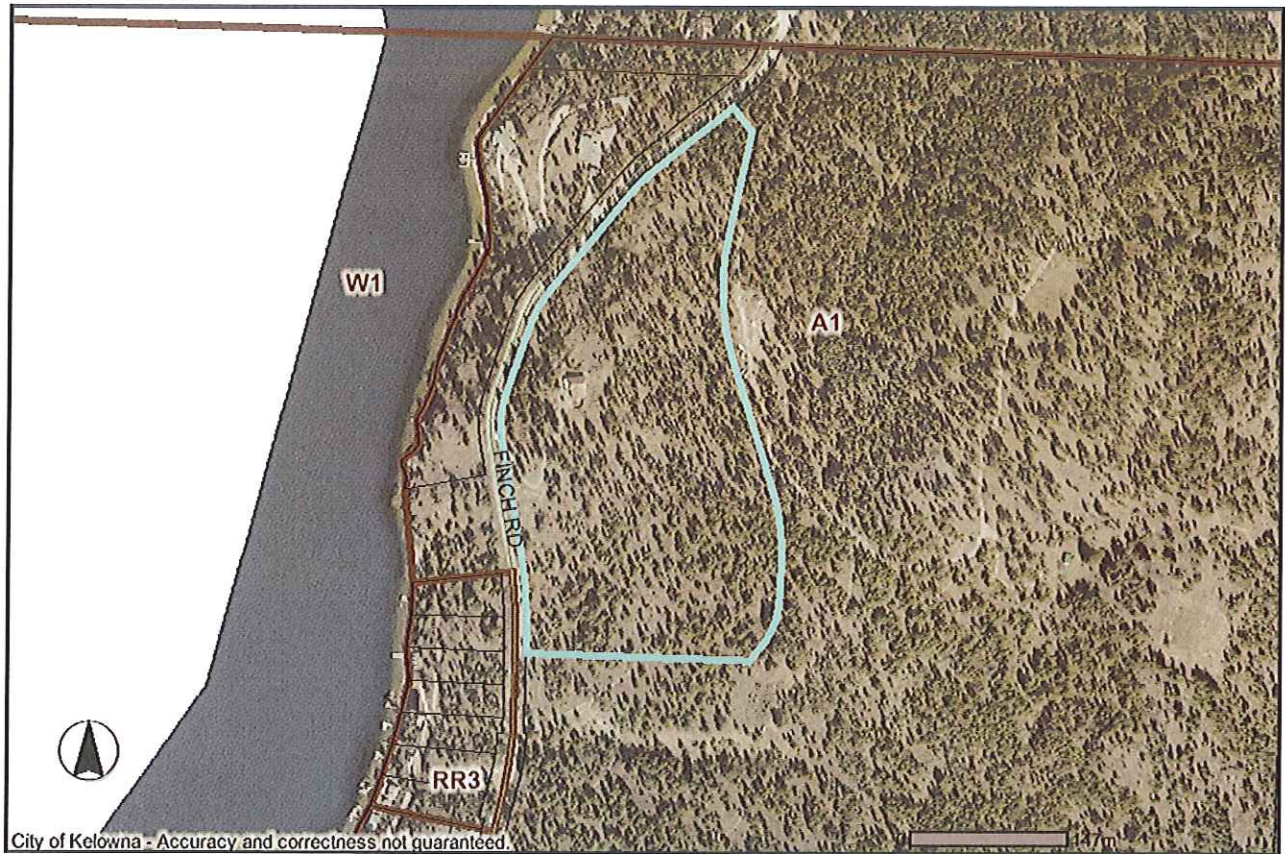
The subject property is approximately 9.3ha in area and is located on the north site of Finch Road near the northernmost boundary of the City of Kelowna. The parcel is zoned A1 - Agriculture 1, but is not within the Agricultural Land Reserve (ALR). The property is steeply sloped and presently contains one principal dwelling. The property is situated outside of the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture 1	Rural residential, District of Lake Country
East	A1 - Agriculture 1	Vineyard, Open forest
South	A1 - Agriculture 1	Open forest
West	A1 - Agriculture 1, RR3 - Rural Residential 3	Rural residential development

Subject Property Map:

4195 Finch Road



Zoning Analysis Table		
CRITERIA	A1s ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	40,000m <sup>2</sup> (4ha)	93,256m <sup>2</sup> (9.3ha)
Lot Width	40.0m	m
Development Regulations		
Height	Lesser of 9.5m or 2 ½ storeys	No change
Front Yard	6.0m	Exceeds
Side Yard (south)	3.0m	Exceeds
Side Yard (north)	3.0m	Exceeds
Rear Yard	10.0m	Exceeds
Other Regulations		
Minimum Parking Requirements	3	3
Private Open Space	30m <sup>2</sup>	Exceeds
Floor Area of Principal Dwelling	n/a	316.5m <sup>2</sup>
Floor Area of Suite	Lesser of 40% of principal or 90m <sup>2</sup>	76.4m <sup>2</sup>

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Goals for a Sustainable Future

**Contain Urban Growth.**<sup>1</sup> Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

#### Development Process

**Compact Urban Form.**<sup>2</sup> Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

#### Agriculture Policies

**Secondary Suites.**<sup>3</sup> Encourage secondary suites on agricultural land to be located within a permitted principal dwelling.

#### Infrastructure Policies

To support sustainability, Kelowna will: Design transportation routes to prioritize investment in transit, pedestrian and bicycle infrastructure in order to increase mobility choices for residents and minimize the use of single occupancy vehicles - one of the largest producers of greenhouse gases.<sup>4</sup>

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- 1) \$2500 Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- 2) Operable bedroom windows required as per the 2006 edition of the British Columbia Building Code (BCBC 06).
- 3) Provide the City of Kelowna Bulletin #88-02 (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 main dwelling.
- 4) 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 06, so provide size of ducts and fire separation details at time of Building Permit Applications.
- 5) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

<sup>1</sup> City of Kelowna Official Community Plan, Chapter 1, Goals for a Sustainable Future, pg. 1.1, Goal 1.

<sup>2</sup> City of Kelowna Official Community Plan, Chapter 5, Policy 5.2.3.

<sup>3</sup> City of Kelowna Official Community Plan, Chapter 5, Policy No. 5.34.1.

<sup>4</sup> City of Kelowna Official Community Plan, Infrastructure, Chapter 7, pg. 7.1.

## 6.2 Development Engineering Department

### Domestic Water and Fire Protection:

The development is serviced by a private water system and subject to approval of the Provincial Public Health Officer. Please contact the Public Health Officer.

### Sanitary Sewer:

Sanitary sewage is to be handled by an on-site sewage disposal system subject to approval of the Provincial Public Health Officer. Please contact the Public Health Officer.

### Site Related Issues:

Provide on-site parking for the proposed dwelling.

### Electric Power and Telecommunication Services:

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.

## 6.3 Bylaw Services

No concerns.

## 6.4 Fire Department

Requirements of section 9.10.9.14, Secondary Residential Suites, of the BCBC 2006 are to be met. Smoke Alarms as per section 9.10.19 of the BCBC are required. Additional address for the suite is required.

## 6.5 Interior Health Authority

Interior Health's recommendations are based on compliance with all applicable sections of the B.C. Sewerage System Regulation (B.C. Reg. 326, 2004), and the B.C Drinking Water Protection Act (S.B.C. 2001, c.9) and its Regulation. We welcome the option to offer input on all newly proposed and modified developments to ensure that they reflect the best options for public health protection and healthy built environments.

### Wastewater Disposal:

We note that a Record of Sewerage System filing was submitted to our office by an Authorized Person on May 24, 2011 for an Alteration to this system to serve a single family dwelling with a suite; however, a Letter of Certification has not yet been received confirming that this Alteration has been completed. It is recommended that approval of this application be contingent on receipt of a Letter of Certification, certifying that this system has been built in accordance with the construction details identified on this filing.

### Drinking Water:

We understand that this property has a private intake into Okanagan Lake as the source of drinking water. Please note that it is incumbent on the Landlord to provide tenants with safe and potable water for domestic purposes per Section 17(2) of the Public Health Act Transitional Regulation.

6.6 Fortis BC

No concerns.

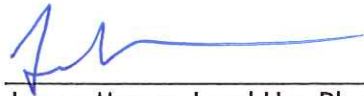
6.7 Fortis Energy BC

Upon review of the property referral referencing the above noted matter, please be advised that FortisBC does not have facilities in the immediate area of the subject property. FortisBC, therefore, has no objection to the rezoning application.

7.0 Application Chronology

Date of Application Received: October 12, 2011

Report prepared by:



James Moore, Land Use Planner

Reviewed by:



Todd Cashin Manager, Manager, Environment & Land Use

Approved for Inclusion:



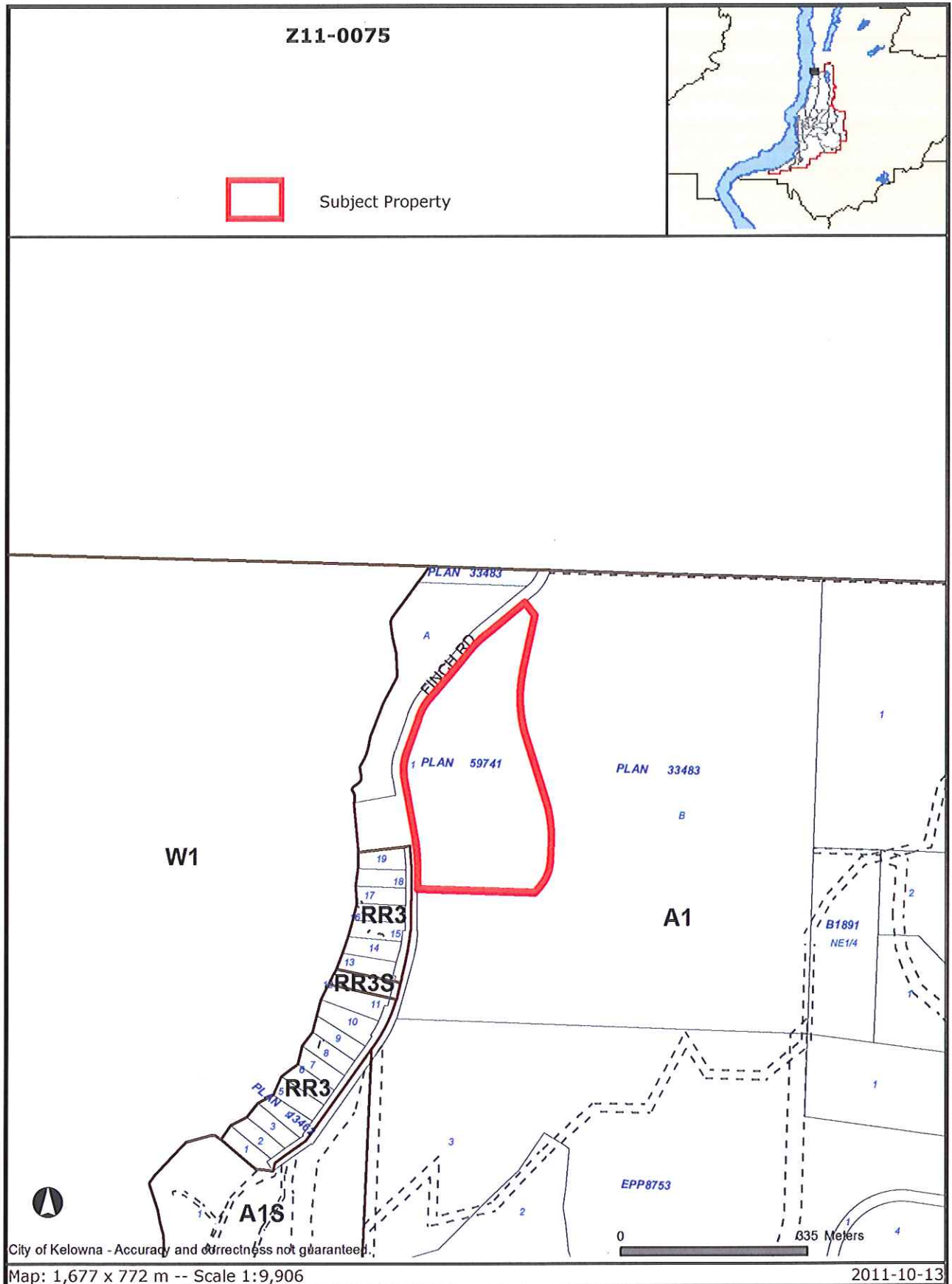
Shelley Gambacort, Director, Land Use Management

Attachments:

- Subject Property Map
- Site Plan
- Floor Plan
- Context/Site Photos

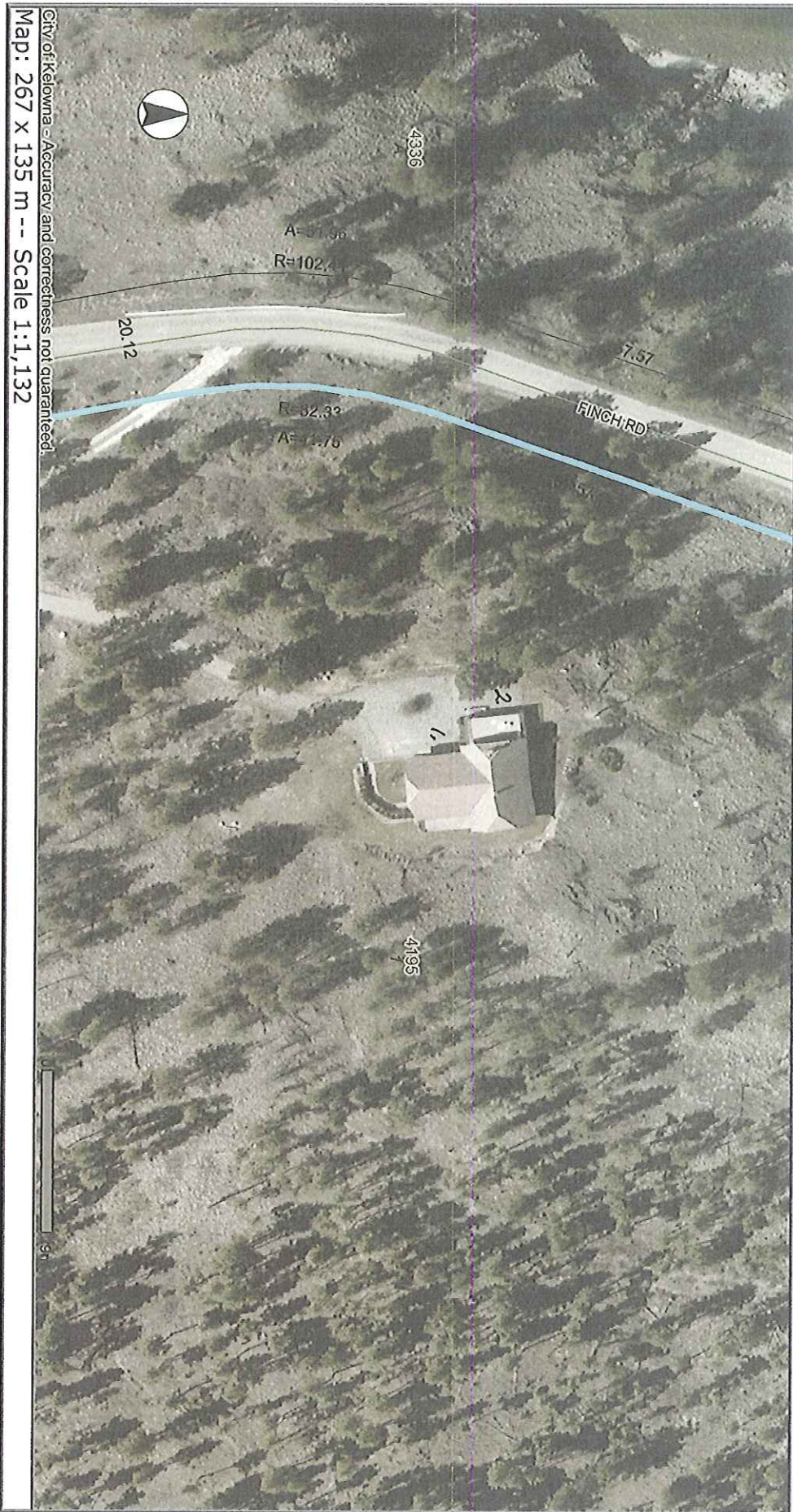
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Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

City of Kelowna



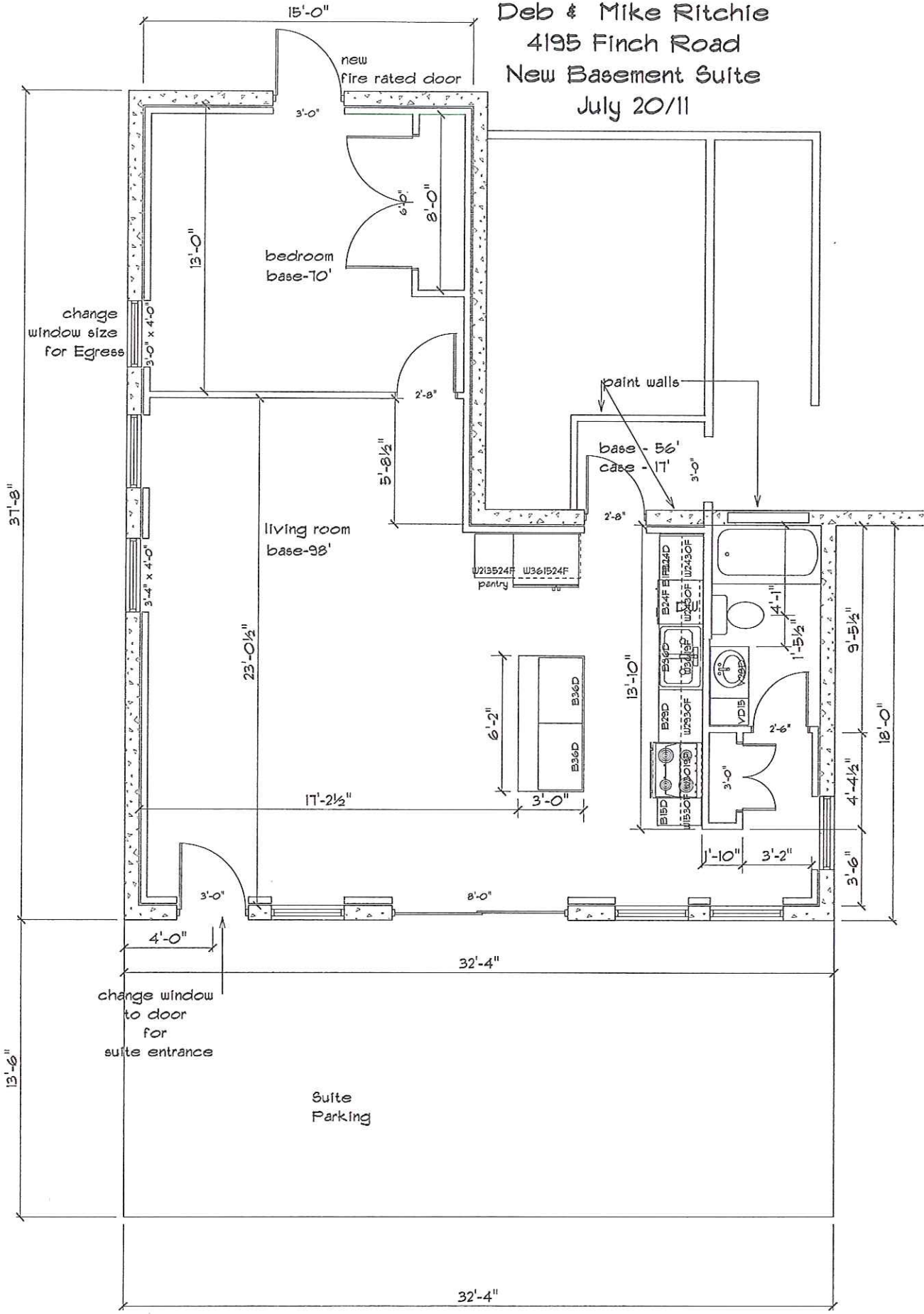
City of Kelowna - Accuracy and correctness not guaranteed.  
Map: 267 x 135 m -- Scale 1:1,132

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1. Primary Res. Parkings
2. Suite Parkings



Deb & Mike Ritchie  
 4195 Finch Road  
 New Basement Suite  
 July 20/11





VIEW OF WEST SIDE OF SUITE

VIEW OF SOUTH SIDE OF SUITE

