

# City of Kelowna Public Hearing AGENDA



Tuesday, October 7, 2014  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

Pages

## 1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

1. (a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

(b) All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reason-able opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after September 23, 2014 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d) Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.

(e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.

## 2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

## 3. Individual Bylaw Submissions

- 3.1 Bylaw No. 11001 (TA14-0012) - Text Amendment to City of Kelowna Zoning Bylaw No. 8000 5 - 10

To improve bylaw regulations for the RU3 – Small Lot Housing zone

- 3.2 Bylaw No. 11002 - Rescind Heritage Revitalization Agreement Authorization Bylaw No. 8753 - 2056 Pandosy Street 11 - 13

To rescind a Heritage Revitalization Agreement (HRA) on the subject property in order to eliminate the commercial uses identified in the HRA and restore the residential use of the property through the underlying RU1 zone.

- 3.3 Bylaw No. 11003 (OCP14-0017) and Bylaw No. 11004 (Z14-0032) - 3020, 3030, 3040, 3050, 3060, 3070, & 3080 Abbott Street and (W of ) Cedar Avenue, 3090, 3096, & 3098 Walnut Street and 252 Meikle Avenue, City of Kelowna 14 - 21

To amend the Official Community Plan in order to change the future land use designation from MXR - Mixed Use Residential/Commercial Designation to the Park - Major Park and Open Space Designation and to rezone the subject properties .from the RU1 - Large Lot Housing zone to the P3 - Parks and Open Space zone; and the RU3 - Small Lot Housing zone to the P3 - Parks and Open Space zone.

- 3.4 Bylaw No. 11007 (OCP14-0012) and Bylaw No. 11008 (Z14-0025) - 1650 KLO Road, Danco Developments Ltd. 22 - 41

To amend the Official Community Plan Future Land Use Designation from the Resource Protection Area (REP) designation to the Single/Two Unit Residential designation and to rezone a portion of the subject property from the RR3 - Rural

Residential 3 zone to the RU3 - Small Lot Housing zone in order to accommodate the development of a small lot single family subdivision.

4. Termination

5. Procedure on each Bylaw Submission

(a) Brief description of the application by City Staff (Land Use Management);

(b) The Chair will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.

(c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.

(d) The Chair will call for representation from the public in attendance as follows:

(i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.

(ii) The Chair will recognize ONLY speakers at the podium.

(iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.

(e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.

(f) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

(g) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the

bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

# Report to Council



**Date:** 7/24/2014  
**File:** TA14-0012  
**To:** City Manager  
**From:** Urban Planning, Community Planning & Real Estate (AC)  
**Subject:** Proposed Zoning Bylaw Text Amendment to the RU3 zone.

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## 1.0 Recommendation

THAT Zoning Bylaw Text Amendment No. TA14-0012 to amend City of Kelowna Zoning Bylaw No. 8000 by amending Section 13.3 RU3 - Small Lot Housing as outlined in Schedule 'A', be considered by Council.

AND THAT the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

## 2.0 Purpose

To improve bylaw regulations for the RU3 - Small Lot Housing zone.

## 3.0 Urban Planning

Recently, Staff have received numerous inquiries regarding the rezoning potential of existing residential lots to the RU3 - Small Lot Housing zone. An internal review by Staff have determined that the majority of the currently zoned RU3 properties have rear lane access and have narrow lot widths relative to RU1 and RU2 properties. The RU3 lot form does not cater to front garages and driveways as they would become the dominant features on the streetscape. This situation is contrary to the design guidelines outline in the Official Community plan (OCP) and goes against current best urban planning practices.

The proposed text amendment will require vehicular access from a rear lane on RU3 lots. Vehicular access from the front street would only be allowed if the subject property met minimum dimensions taken from the RU2 - Medium Lot Housing zone. The threshold for vehicular access from the front would be a minimum:

- 13.0m lot width (15.0m from corner lot);
- 30.0m lot depth; and
- 400m<sup>2</sup> lot area.

The following images are examples of residential developments with lane access that provide a visually interesting streetscape rather than being dominated by garages. Schedule "B" shows images of narrow lot housing with front street vehicular lane access and the impact of garage dominated street frontages.



Figure 1: The Ponds RU3 Development in Kelowna, BC.



Figure 2: Small lot housing development in Calgary, AB.

#### 4.0 Current Development Policies

##### 4.1 Kelowna Official Community Plan (OCP)

Relevant OCP objectives and policies regarding small lot housing are:

##### 6.0 Exterior elevations and materials:

- 6.2 Provide visually prominent, accessible, and recognizable entrances through attention to location, details, proportions, materials, and lighting that act to personalize or lend identity to a building.

##### 8.0 Pedestrian access, provisions for cyclists, circulation , vehicles and loading:

- 8.1 Prioritize the safe and convenient movement of pedestrians above all other modes of transportation;
- 8.2 Promote the use of alternative modes of transportation in site design (e.g. prominent bicycle racks for convenience and security, orient building entrances to pedestrian areas);
- 8.6 Design vehicular drop-off/pick-up areas so that pedestrians have priority;
- 8.8 Locate parking areas to the rear of buildings, internal to the building, or below grade;
- 8.9 Avoid large expanses of parking;
- 8.10 Ensure vehicular and service access has minimal impact on the streetscape
- 8.11 Do not terminate public street views with garage doors and vehicle accesses;
- 8.12 Avoid vehicle access from arterial and collector roads and from those roads with a prominent streetscape;

#### 5.0 Technical Comments

##### 5.1 Building & Permitting Department

None

##### 5.2 Development Engineering Department

None

Submitted by:

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Adam Cseke, Planner

Reviewed by:

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Lindsey Ganczar, Urban Planning Supervisor

Approved for inclusion:

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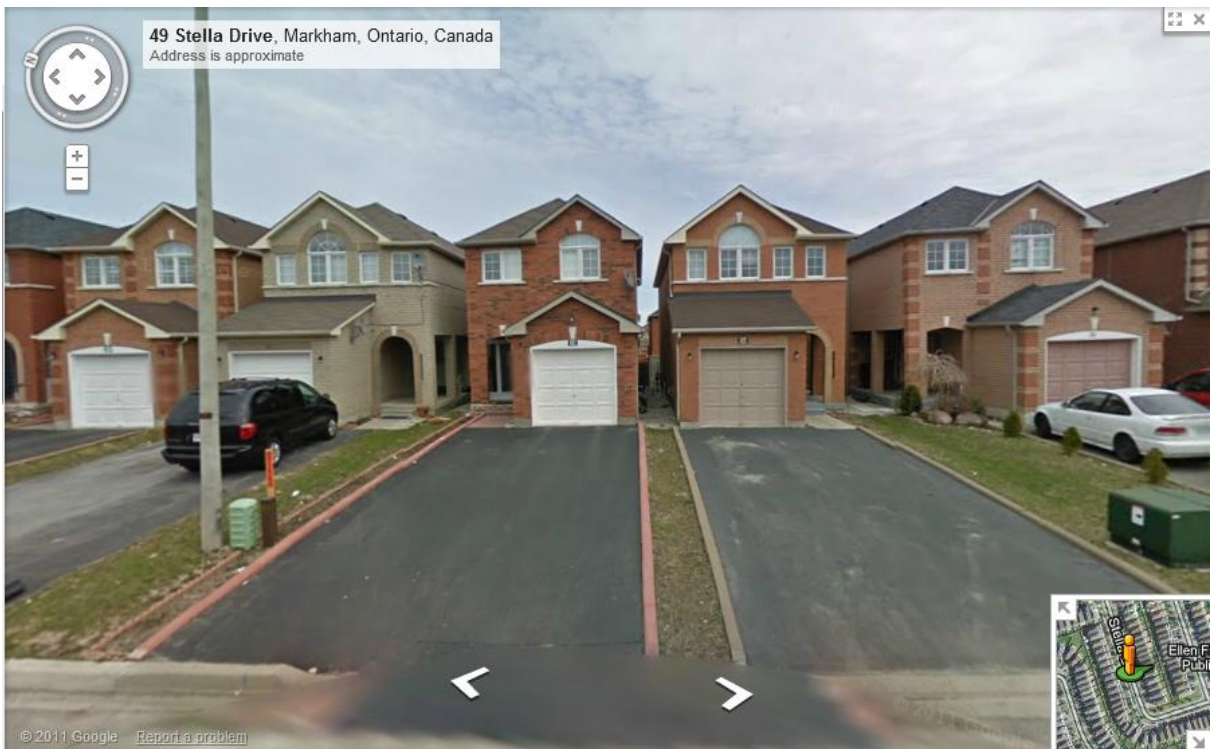
Ryan Smith, Urban Planning Manager

Attachments:

Schedule "A" - Summary of Proposed Text Amendments

Schedule "B" - Images of Various Narrow Lot Housing with Front Street Access









SCHEDULE 'A' Proposed RU3 Text Amendments  
TA14-0012

Zoning Bylaw No. 8000				
No.	Section	Existing Text	Proposed Text	Rationale
1.	Section 13.3.7 (b) Other Regulations	Where the development has access to a rear lane, vehicular access to the development is only permitted from the rear lane, except for developments in hillside areas where the topography would require the slope of such access to exceed 15%.	Development must have vehicular access to a rear or side lane. Vehicles may only access a lot from a fronting street when the lot meets the subdivision regulations for the RU2 – Medium Lot Housing zone.	Most RU3 properties have a rear lane and due to the narrow lot width having a garage as the main feature onto the street goes against the design guidelines of the OCP.
	Section 13.3.7 (j) Other Regulations	A bed and breakfast home is only permitted when vehicular access and parking are via a rear lane.	Delete	Redundant with new regulation requiring vehicular lane access for all RU3 development.

# REPORT TO COUNCIL



**Date:** 8/27/2014

**RIM No.** 1240-30

**To:** City Manager

**From:** Urban Planning Department (AC)

**Application:** HRA14-0001 **Owner:** Alan Monk & Diana Monk

**Address:** 2056 Pandosy St **Applicant:** Alan Monk & Diana Monk

**Subject:** Heritage Revitalization Agreement

**Existing OCP Designation:** S2RES - Single / Two Unit Residential

**Existing Zone:** RU1 - Large lot Housing

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## 1.0 Recommendation

THAT Council consider a bylaw which would authorize the City of Kelowna to repeal Bylaw No. 8753 - Heritage Revitalization Agreement Authorization Bylaw for the property legally known as Lot 2, Block 8, District Lot 14, ODYD, Plan 348, except Plan KAP77340, located at 2056 Pandosy Street, Kelowna, BC;

AND THAT the Bylaw to repeal the Heritage Revitalization Agreement Authorization Bylaw be forwarded to a Public Hearing for further consideration;

## 2.0 Purpose

To rescind a Heritage Revitalization Agreement (HRA) on the subject property in order to eliminate the commercial uses identified in the HRA and restore the residential use of the property through the underlying RU1 zone.

## 3.0 Urban Planning

An HRA was adopted by Council in 2001 on the subject property expanding the permitted uses to include "a counseling and care facility for individuals suffering from mental conditions such as eating disorders and depression." The intention was for Interior Heath Authority (IHA) to operate the facility.

Since 2011, IHA have not operated the building and Staff have fielded three official inquiries requesting an expansion of commercial uses on the subject property. Consistently the message to inquirers has been this HRA cannot be amended as it does not conform with the current Heritage Regulations set out in the *Local Government Act*. Specifically, the property is not recognized as a heritage building on the City of Kelowna's Heritage Register and this is a prerequisite for HRA eligibility. The fact that the property is located in the Heritage Conservation Area does not result in eligibility for an HRA.

Based on this information, the property should not have been eligible for an HRA as it does not have the required level of heritage recognition and it is not possible to amend the agreement to add additional uses to the HRA. Staff have recommended that the HRA be dissolved and the property revert back to the residential uses identified in the RU1 zone as supported by the Heritage Design Guidelines and the Official Community plan. This is what the current owner wishes to do.

Further, the HRA was adopted by Council but never registered on title and therefore the current owner was not aware of the office use restriction.

## 4.0 Proposal

### 4.1 Background

The Community Heritage Committee (CHC) will review the application at their meeting on September 4<sup>th</sup> 2014. In order to have no delay for the applicant this report had to be written prior to the CHC meeting date. This Council report was submitted September 3<sup>rd</sup> in order for first reading to occur on September 15<sup>th</sup> 2014 and public hearing to occur on October 7<sup>th</sup> 2014. Staff will provide an update to Council in their presentation regarding the CHC's recommendation.

### 4.2 Project Description

The applicant wishes to convert the office space in their home to residential living space.

### 4.3 Site Context

The subject property is within Heritage Conservation area and is surrounded by a single family context with the predominant zoning classification as RU1 - Large Lot Housing zone. The subject property is designated as an 'Early Suburban' and the dominant block style is identified as 'Arts & Crafts (late)'.

**Subject Property Map: 2056 Pandosy St**



#### Legend:

- Heritage Conservation Area
- Properties on the Kelowna Heritage Registry
- Properties with a Heritage Revitalization Agreement

## 5.1 Kelowna Official Community Plan (OCP)

### Development Process

**Compact Urban Form.**<sup>1</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.

## 6.0 Technical Comments

None

## 7.0 Application Chronology

Date of Application Received: August 1<sup>st</sup> 2014

Report prepared by:

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Adam Cseke, Planner

Reviewed by:

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Lindsey Ganczar, Urban Planning Supervisor

Approved for Inclusion:

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Ryan Smith, Urban Planning Manager

### Attachments:

Attachments

Heritage Revitalization Agreement Authorization Bylaw

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<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).



# REPORT TO COUNCIL



**Date:** 9/2/2014

**RIM No.** 1250-30

**To:** City Manager

**From:** Urban Planning, Community Planning & Real Estate (AC)

**Application:** Z14-0032 & OCP14-0017 **Owner:** City of Kelowna

- 3020, 3030, 3040, 3050, 3060, 3070, & 3080 Abbott Street

**Address:**

- (W OF) Cedar Ave
- 3090, 3096, & 3098 Walnut St
- 252 Meikle Ave

**Applicant:** City of Kelowna

**Subject:** Rezoning Application

**Existing OCP Designation:** MXR - Mixed Use (Residential / Commercial)

**Proposed OCP Designation:** PARK - Major Park and Open Space

**Existing Zone:** RU1 - Large Lot Housing & RU3 Small Lot Housing

**Proposed Zone:** P3 - Parks and Open Space

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## 1.0 Recommendation

THAT Official Community Plan Amendment Application No. OCP14-0017 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of the subject properties described in Table 1 within Schedule "A" and shown on Map "A" from MXR - Mixed Use (Residential / Commercial) to PARK - Major Park and Open Space, as shown on Map "A" attached to the Report of Urban Planning Department dated September 2<sup>nd</sup> 2014, be considered by Council;

AND THAT Rezoning Application No. Z14-0032 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of the subject properties described in Table 2 within Schedule "A" and shown on Map "B" from the RU1 - Large Lot Housing zone to the P3 - Parks and Open Space, be considered by Council;

AND THAT Rezoning Application No. Z14-0032 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of the subject properties described in Table 3 within Schedule "A" and shown on Map "B" from the RU3 - Small Lot Housing zone to the P3 - Parks and Open Space, be considered by Council;

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

## 2.0 Purpose

To rezone and to amend the Official Community Plan (OCP) the subject properties from residential land uses to park uses.

## 3.0 Urban Planning

Staff support this OCP amendment and rezoning application. At the public Council meeting on June 23<sup>rd</sup> 2014, City of Kelowna Staff provided Council with an update on the design, financial implications, and timing considerations of Refined Option 1 for the Pandosy Waterfront Project. Refined Option 1 is the urban design generated by the Pandosy Waterfront charrette participants for City-owned lakefront property in the South Pandosy neighbourhood. Council provided the following resolution to Staff at the meeting:

‘AND THAT Council direct Staff to bring forward an Official Community Plan amendment and rezoning applications of twelve City-owned lakefront properties.’

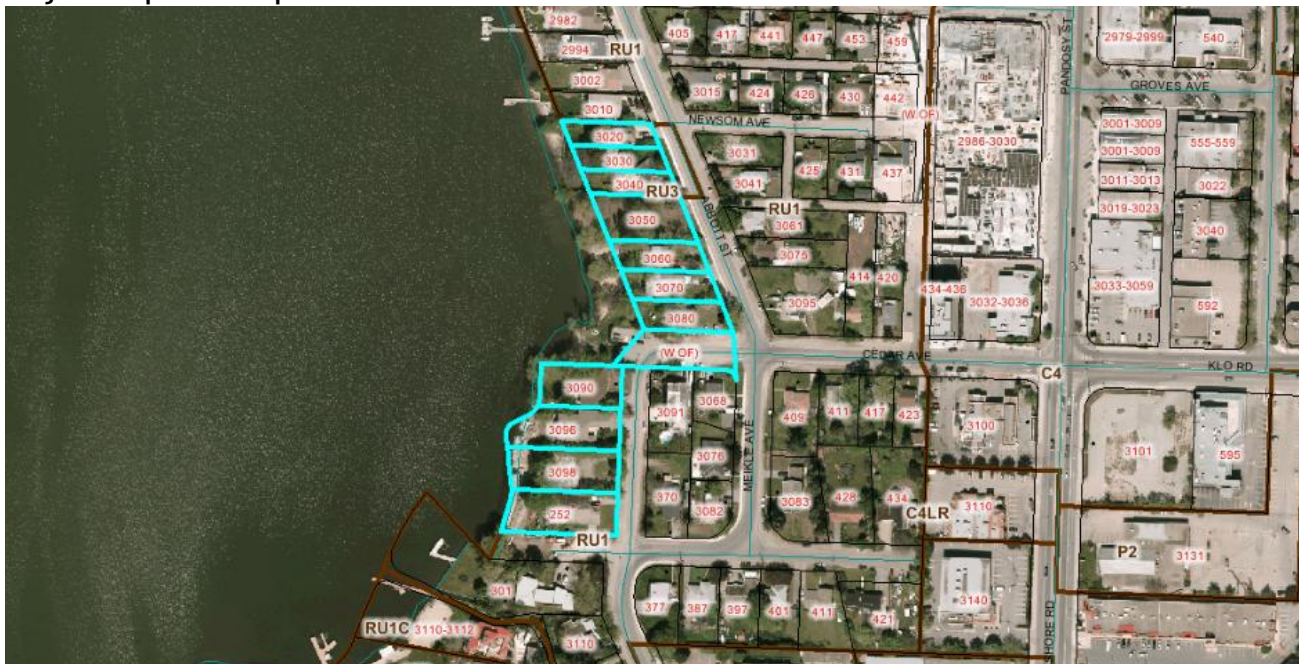
In fulfillment of Council Policy No. 367, Staff are considering the public consultation and notification requirements complete as the option for the future land use was generated through significant public consultation including use of the City’s online engagement tool, as well as a two-day charette with 30 community volunteers. The charette also included general public input with two public review sessions and an open house for a combined total of more than 360 attendees.

## 4.0 Proposal

### 4.1 Site Context

The subject properties currently contain a single detached dwelling or are vacant. The subject properties are surrounded by an RU1 zoned neighbourhood in the South Pandosy area.

#### Subject Properties Map





## 5.0 Technical Comments

### 5.1 Development Engineering Department

- The amendment to the future land use from RU1 to P3 does not compromise any municipal services (see attached letter).

## 6.0 Application Chronology

Date of Application Received: August 18<sup>th</sup> 2014  
Date of Public consultation: n/a

Report prepared by:

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Adam Cseke, Planner

Reviewed by:

☐

Ryan Smith, Urban Planning Manager

Approved for Inclusion:

☐

Doug Gilchrist, Div. Dir. of Community Planning & Real Estate

### Attachments:

Map "A" OCP Amendment Map

Map "B" Proposed Zoning Map

Development Engineering Comments

Table 1: List of Subject Properties

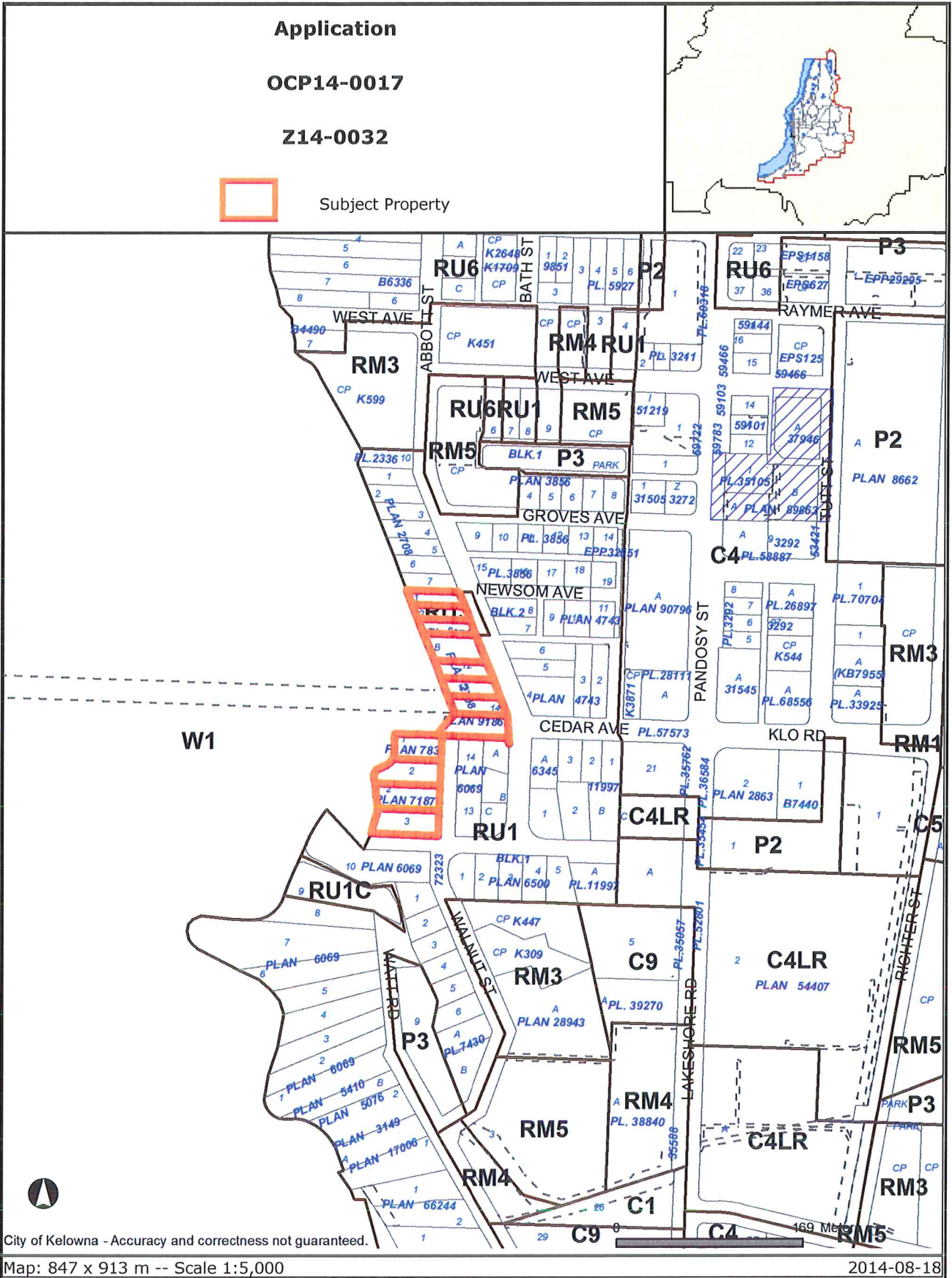
Address	Legal
3020 Abbott Street	Lot 1, District Lot 14, ODYD, Plan KAP53240
3030 Abbott Street	Lot 2, District Lot 14, ODYD, Plan KAP53240
3040 Abbott Street	Lot 3, District Lot 14, ODYD, Plan KAP53240
3050 Abbott Street	Lot B, District Lot 14, ODYD, Plan 10727
3060 Abbott Street	Lot 12, District Lot 14, ODYD, Plan 2708
3070 Abbott Street	Lot 13, District Lot 14, ODYD, Plan 2708
3080 Abbott Street	Lot 14, District Lot 14, ODYD, Plan 2708
(W OF) Cedar Ave	That Part of District Lot 14, ODYD, Plan KAP91868
3090 Walnut Street	Lot 1, District Lot 14, ODYD, Plan 7832
3096 Walnut Street	Lot 2, District Lot 14, ODYD, Plan 7832
3098 Walnut Street	Lot 2, District Lot 14, ODYD, Plan 7187
252 Meikle Ave	Lot 3, District Lot 14, ODYD, Plan 7187

Table 2: List of Subject Properties

Address	Legal
3050 Abbott Street	Lot B, District Lot 14, ODYD, Plan 10727
3060 Abbott Street	Lot 12, District Lot 14, ODYD, Plan 2708
3070 Abbott Street	Lot 13, District Lot 14, ODYD, Plan 2708
3080 Abbott Street	Lot 14, District Lot 14, ODYD, Plan 2708
(W OF) Cedar Ave	That Part of District Lot 14, ODYD, Plan KAP91868
3090 Walnut Street	Lot 1, District Lot 14, ODYD, Plan 7832
3096 Walnut Street	Lot 2, District Lot 14, ODYD, Plan 7832
3098 Walnut Street	Lot 2, District Lot 14, ODYD, Plan 7187
252 Meikle Ave	Lot 3, District Lot 14, ODYD, Plan 7187

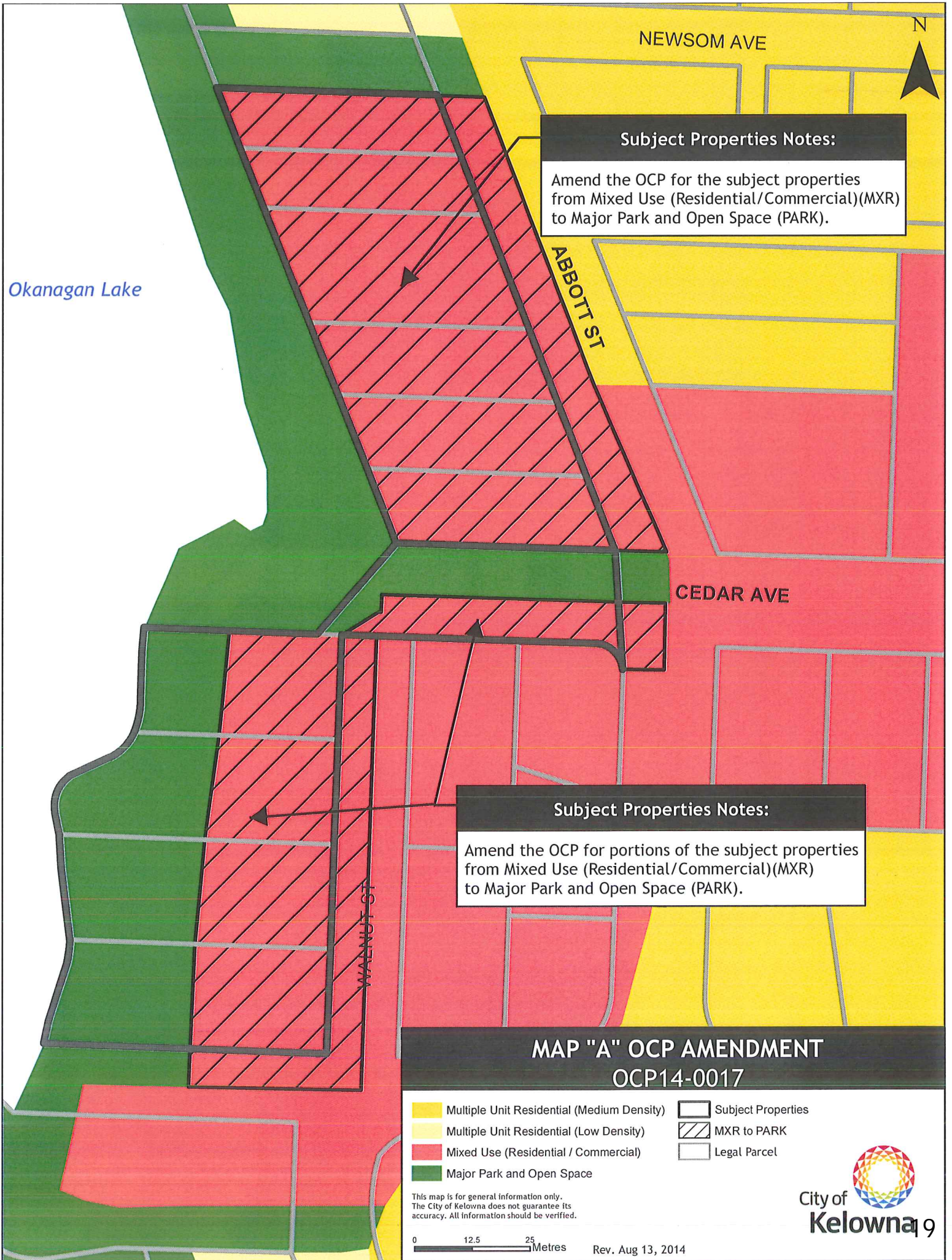
Table 3: List of Subject Properties

Address	Legal
3020 Abbott Street	Lot 1, District Lot 14, ODYD, Plan KAP53240
3030 Abbott Street	Lot 2, District Lot 14, ODYD, Plan KAP53240
3040 Abbott Street	Lot 3, District Lot 14, ODYD, Plan KAP53240

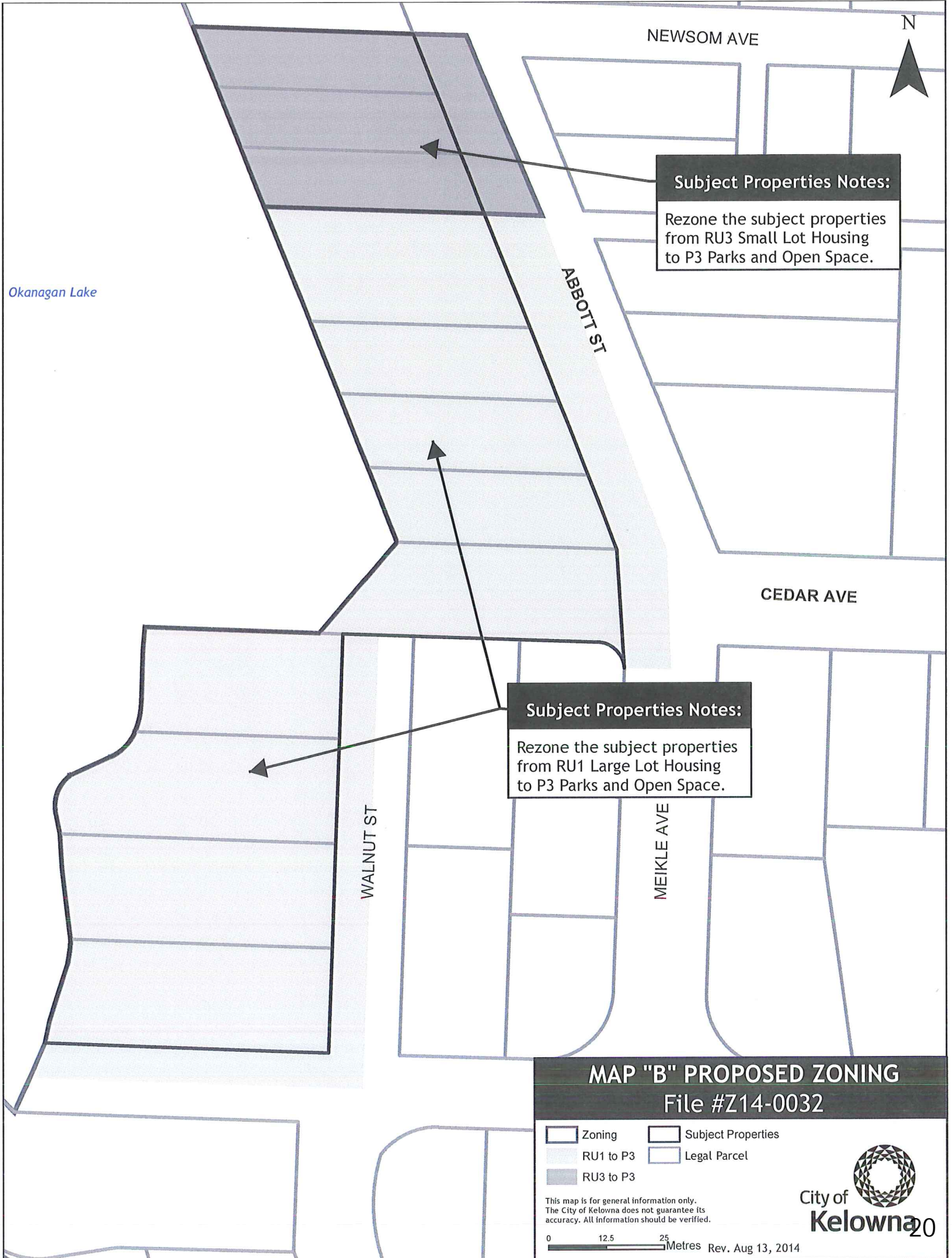


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.









Okanagan Lake

NEWSOM AVE

N

**Subject Properties Notes:**

Rezone the subject properties from RU3 Small Lot Housing to P3 Parks and Open Space.

ABBOTT ST

CEDAR AVE

**Subject Properties Notes:**

Rezone the subject properties from RU1 Large Lot Housing to P3 Parks and Open Space.

WALNUT ST

MEIKLE AVE

**MAP "B" PROPOSED ZONING**  
**File #Z14-0032**

- |           |                    |
|-----------|--------------------|
| Zoning    | Subject Properties |
| RU1 to P3 | Legal Parcel       |
| RU3 to P3 |                    |

This map is for general information only.  
The City of Kelowna does not guarantee its  
accuracy. All information should be verified.

0 12.5 25 Metres Rev. Aug 13, 2014



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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** August 25, 2014  
**File No.:** Z14-0032  
**To:** Urban Planning (AC)  
**From:** Development Engineering Manager (SM)  
**Subject:** Abbott St/Cedar Ave/Walnut St Park RU1 to P3

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Development Engineering comments and requirements regarding this application to rezone the subject properties from RU1 to P3 are as follows:

1. Subdivision.
  - a) Provide easements as may be required.
2. Domestic water and fire protection.
  - a) The existing lots are serviced with a water services which is adequate for this application.
3. Sanitary Sewer.
  - a) The existing lot is adequately serviced with 100mm sanitary services.
4. Road improvements.
  - a) The current road frontage meets the requirement of the requested zone; this application does not trigger any road upgrades.

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Steve Muenz, P. Eng.  
Development Engineering Manager

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# REPORT TO COUNCIL



**Date:** August 25, 2014

**RIM No.** 1250-30

**To:** City Manager

**From:** Subdivision, Agriculture & Environment Services, Community Planning and Real Estate (DB)

**Application:** OCP14-0012/ Z14-0025      **Owner:** Danco Developments Ltd.

**Address:** 1650 KLO Rd      **Applicant:** Protech Consultants Ltd.

**Subject:** OCP amendment and Rezoning application

**Existing OCP Designation:** Resource Protection Area (REP)

**Proposed OCP Designation:** Single / Two Unit Residential (S2RES)

**Existing Zones:** RR3 - Rural Residential 3

**Proposed Zones:** RU3 - Small Lot Housing

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## 1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP14-0012 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of part of Lot 3 District Lot 131 ODYD Plan KAP77109 from the Resource Protection Area (REP) to Single/Two Unit Residential NOT be considered by Council;

AND THAT Rezoning Application No. Z14-0025 to amend the City of Kelowna Zoning Bylaw No.8000 by changing the zoning classification of part of Lot 3 District Lot 131 ODYD Plan KAP77109 from the RR3- Rural Residential 3 to RU3 - Small Lot Housing NOT be considered by Council.

## 2.0 Purpose

To consider Staff recommendation not to amend the Official Community Plan Future Land Use Designation and not to rezone a portion of the subject property in order to accommodate the development of a small lot single family subdivision.



### 3.0 Subdivision, Agriculture and Environment Services comments

As previously discussed by staff in the Application for Exclusion from the ALR, the City of Kelowna is a mosaic of land uses with random transitions from urban to rural land uses. The varied impact of agricultural activities including but not limited to noise, smell, eroding soils, chemical application are not appreciated by residents not engaged in agriculture practices. Additionally is the concern with the loss of farm land to Urban uses with Agricultural land viewed as an affordable alternative to land that is already designated for urban use. Both of the above mentioned concerns were raised by the ALC through their consideration of the ALR exclusion application.

A section of the subject property bordering the proposed Burtch Road extension was successfully excluded from the ALR and subsequently rezoned to RR3 to facilitate a two lot subdivision. Staff supported the rezoning to facilitate the two lot split based on proposed agricultural improvements associated with the ALR exclusion. Staff felt that an RR3 rural residential lot would act as a reasonable buffer between intensive urban and agricultural land uses in order to limit interface problems as discussed above.

The proposal to further rezone a portion of the subject property bordering the proposed Burtch Rd extension to RU3 is a significant departure from OCP Policy direction which is to protect and enhance local agriculture, direct urban uses to lands within the urban portion of the Permanent Growth Boundary and that complementary agricultural uses such as urban agriculture should be the urban-rural interface that acts as a transition between urban development and farming operations. Furthermore this application triggers an amendment to the Permanent Growth Boundary (PGB) and, if approved, this would be the first amendment to the Permanent Growth Boundary that results in new urban development on the periphery of the PGB. In addition, adding the 14 residential lots would significantly increase the potential for agricultural nuisance problems.

In response to some of the concerns raised above, the proposed development is being designed with a 3 m vegetative strip which, together with the proposed rear lane, would act as a 10 m wide buffer between the urban and agricultural land uses. The applicant also shows garage orientation facing east with living space on the west side to further mitigate interface challenges.

## 4.0 Proposal

### 4.1 Project Background

#### 2007/2008

- Request for exclusion received by the City of Kelowna.
  - Stated intent was multi-family residential use (e.g. "RM5 Zoning, similar to The Verve on Glenmore Rd").
- Agricultural Advisory Committee (AAC) did not support the proposed exclusion.
  - The need to retain agricultural land within the City cited as the primary reason for non-support.
  - Burtch Road marks a defensible boundary between urban and rural/agricultural uses and the boundary should be preserved.
  - The boundary would be weakened through approval of this exclusion and would result in an undesirable precedent.

- The land has good potential for arable agriculture, provided the drainage of the land is improved.
- City staff did not support the proposed exclusion.
  - Shared all of the AAC's concerns.
- Council elected to forward the application to the ALC with "No Comment".
- ALC rejected the application as the applicant had not met the ALC's notification requirements.
- Proposal reconsidered by Council following proper advertising and this time supported.
- ALC refused the proposed exclusion (see Resolution #760/2008, attached).
  - Concluded that exclusion could "raise the potential that farm/residential conflicts will arise about smells, noise and spraying".
  - Exclusion would "raise expectations that land use change is imminent".
  - "Burtch Road represents a defensible boundary between urban and agricultural uses and the land is suitable for agricultural development".
  - "Concerned that exclusion and residential development of this property would signal to Kelowna's development community that the Commission might support excluding the remaining farmlands fronting onto KLO and Benvoulin Roads".

## 2010

- First reconsideration requested of the ALC (bases on new evidence submitted, i.e. landfilling) by the owner and which led to Resolution #2382/2010.
  - ALC authorized partial exclusion (0.7ha north of the irrigation ditch) of the original 2.0 ha requested subject to the following conditions:
    - the rehabilitation of debilitated portions of the 1.3 ha remainder;
    - the erection of a 2 metre high chain link fence along the north, south and east boundaries of the 0.7 ha excluded area and fencing the westerly and southerly edge of the remainder;
    - the planting of a cedar hedge along the south and east boundary (minimum 1 meter high trees along the inside of the fence); and,
    - residential building setbacks of 10 meters from the south property boundary.
- Reconsideration of the orientation of the 0.7 ha exclusion requested and which led to Resolution #2382A/2010.
  - ALC authorized new north/south orientation requested subject to the following additional condition:
    - Registration of a covenant prohibiting residential structures within 10 meters of the east and north property boundary and prohibiting structures taller than two storeys.

## 2011

- Third reconsideration requested of the ALC (re: height limitation).
  - ALC authorized 3 storey structure subject to the following additional conditions:
    - a 16.74 metre setback from the east property line; and
    - remediation of the 1.3 ha remainder to a crop standard (not merely forage crops).

## 2012

- Request to rezone the subject property from A1 to RR1 and RR3.
  - Supported by staff based on the conditions of the proposed exclusion from the ALC.
  - Eastern section successfully rezoned to RR1 and remain in the ALR.
  - Western section successfully rezoned to RR3 and excluded from the ALR.

### 4.2 Project Description

The subject property is located on KLO Road, immediately east of the proposed Burtch Road extension. The property is bound on the east, north, and south by properties having ALR status. The City of Kelowna's OCP designates the future land use of the subject property as Resource Protection Area (REP).

The subject property is adjacent to a number of agriculturally zoned properties. However, as the subject property is on the fringe of the ALR, land uses such as public, institutional and a variety of residential designations are also found in the area. The existing parcel does not have any structures and it has been vacant for many years and is not being farmed.

#### Parcel Summary:

Parcel Size: 1.97 ha (4.86 ac)  
Elevation: 350 m

#### Subject Property Map



The subject property is located north of KLO Road and east of Burtch Road. The surrounding properties are zoned as follows:

Direction	Zoning	ALR	Land Use
North	A1 - Agriculture 1	Yes	Munson Pond/Future Park
South	A1 - Agriculture 1	No	Rural Residential
East	A1 - Agriculture 1	Yes	Agricultural
West	RM4 - Transitional Low Density Housing	No	Multi-family Residential

## 5.0 Current Development Policies

### 2.1 Zoning Bylaw 8000

#### Section 7.6.1 Minimum Landscape Buffers<sup>1</sup>

A landscape buffer is required for all land abutting ALR land where non-farm uses exist. The minimum buffer shall be 3.0m wide and include an opaque barrier immediately adjacent to the boundary(s) abutting the ALR on the urban side of the property. This standard may be replaced or modified as a result of conditions of a decision by the Land Reserve Commission. The buffer area shall not be included in the required setback for Rural and Urban Residential zones.

### 2.2 2030 Official Community Plan: Greening Our Future

#### Objective 5.33 Protect and enhance local agriculture<sup>2</sup>.

Policy .1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

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 .4 Transition Uses. Consider complementary agricultural land uses such as urban agriculture (as defined in the Zoning Bylaw) along the urban-rural interface that act as a transition between existing urban development and farming operations.

Policy .8 Subdivision. Maximize potential for the use of farmland by not allowing the subdivision of agricultural land into smaller parcels (with the exception of Homesite Severances approved by the ALC) except where significant positive benefits to agriculture can be demonstrated.

## 6.0 Technical Comments

### Agricultural Advisory Committee

Buffer is required in accordance with the Guide to Edge Planning (Ministry of Agriculture & Lands, 2009).

<sup>1</sup> City of Kelowna Zoning Bylaw - Section 7 - Landscaping and Screening; p. 7-5.

<sup>2</sup> City of Kelowna Official Community Plan - Chapter 5 - Development Process; pp. 5.33 & 5.34.

### Building & Permitting

This is an area of high ground water, please have the geotechnical engineer address water related issues that could occur with this density.

### I-Plan - Parks and Public Places

Post and rail fencing, located 6" inside the private property line, will be required along the northern property line which is shared with undeveloped Munson Pond Park. This post and rail fencing will be constructed to City Standards. Construction detail has been forwarded to subdivision file manager.

## **7.0 Alternate Recommendation**

THAT Official Community Plan Bylaw Amendment No. OCP14-0012 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of part of Lot 3 District Lot 131 ODYD Plan KAP77109 from the Resource Protection Area (REP) to Single/Two Unit Residential be considered by Council;

AND THAT Rezoning Application No. Z14-0025 to amend the City of Kelowna Zoning Bylaw No.8000 by changing the zoning classification of part of Lot 3 District Lot 131 ODYD Plan KAP77109 from the RR3- Rural Residential 3 to RU3 - Small Lot Housing be considered by Council.

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of the Subdivision, Agriculture & Environment Services, dated August 25, 2014.

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

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

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the issuance of a Preliminary Layout Review by the City of Kelowna's Subdivision Approving Officer.

### **Application Chronology**

Date of Application Received:	January 22, 2014
Public Notification Received:	February 11, 2014

**Report prepared by:**

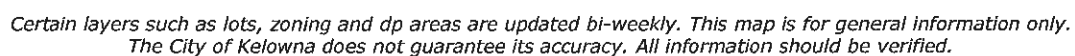
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Damien Burggraave, Land Use Planner

**Approved for Inclusion:** ☐ Shelley Gambacort, Subdivision, Agriculture & Environment

**Attachments:**

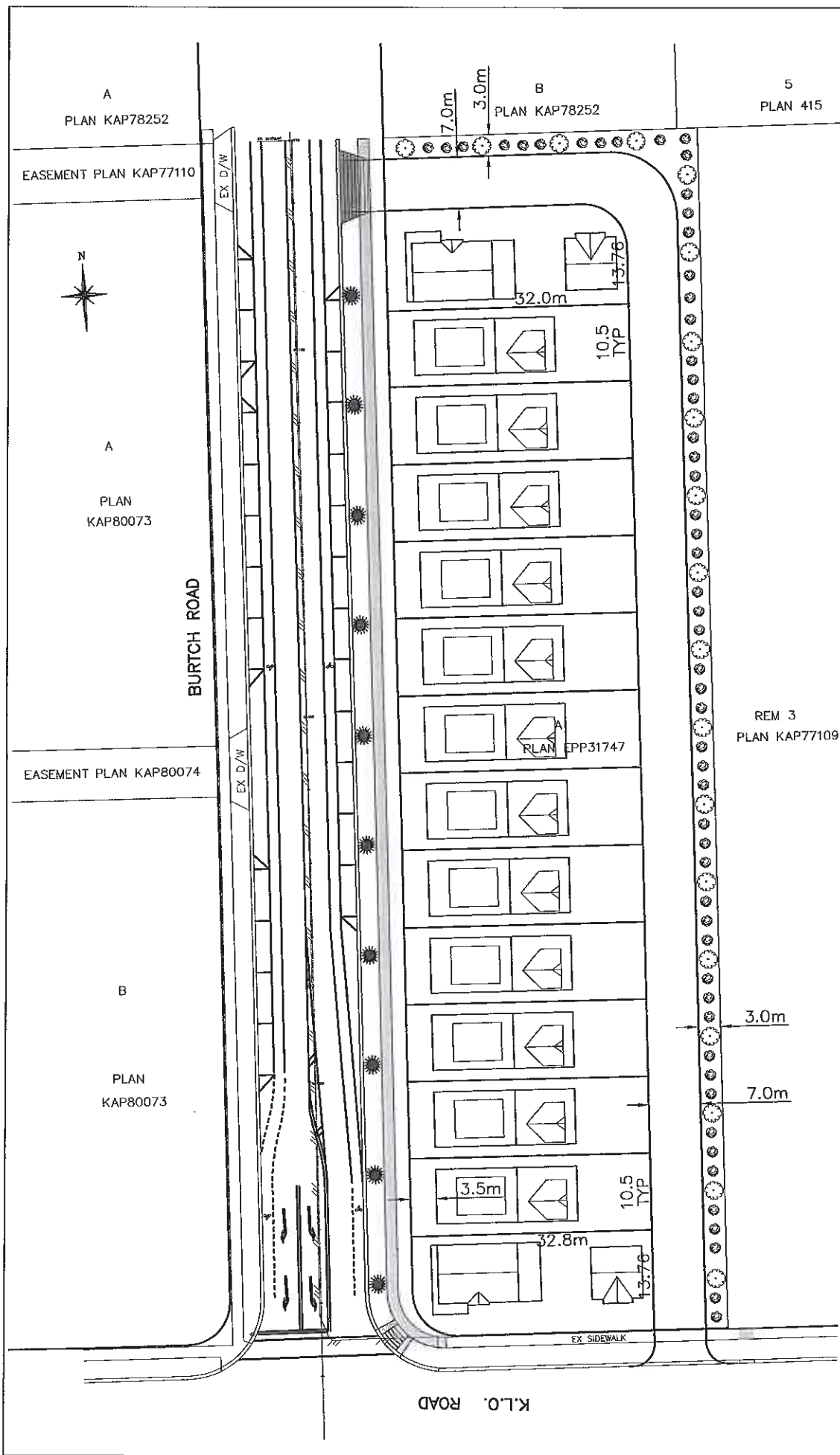
Subject Property Map  
Subdivision Layout  
Development Engineering Requirements  
Public Consultation  
Relevant Policies





PROPOSED PLAN OF SUBDIVISION  
LOT A PLAN EPP31747

**PROTECH**  
CONSULTING 2012  
200-1461 St. Paul Street, Kalamazoo, MI  
PHONE 800-1771  
FAX 800-1924



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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** July 10, 2014  
**File No.:** Z14-0025  
**To:** Urban Planning (DB)  
**From:** Development Engineering Manager (SM)  
**Subject:** 1650 KLO Road RR3 to RU3

---

Development Engineering has the following comments and requirements associated with this application.

1. General

Road frontage improvements are triggered by rezoning application Z12-0065. The requirements include curb and gutter, storm drainage system and pavement widening. Also required is a landscaped boulevard, street lighting and the re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The cost of this construction is at the applicant's expense and has entered into a Servicing Agreement with the City of Kelowna.

The proposed rezoning includes the subject parcel being subdivided into 14 lots. A subdivision application will require service upgrades that include the installation of additional services. The work will require road cuts and boulevard and pavement restoration. Development Engineering is prepared to defer the requirements of the rezoning to the subdivision stage.

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Steve Muenz, P. Eng.  
Development Engineering Manager

SS

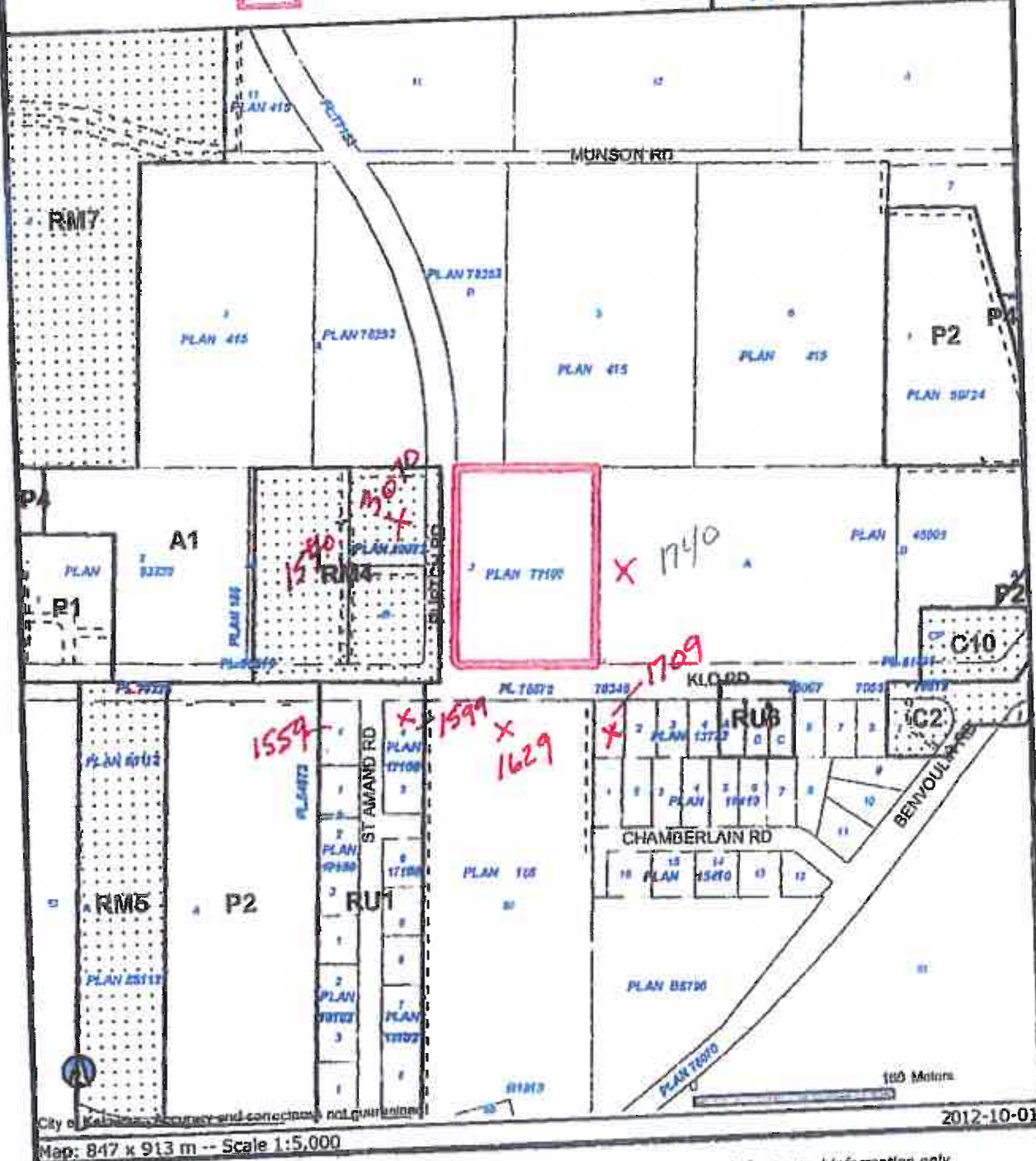
Application

212-0065

S12-0055



Subject Property



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.

[http://kelintranctd/servlet/com.esri.esrimap.Esrimap?ServiceName=Overview\\_Map&Clie...](http://kelintranctd/servlet/com.esri.esrimap.Esrimap?ServiceName=Overview_Map&Clie...) 2012-10-01

August 25, 2014  
File 8059

City of Kelowna  
1435 Water St.,  
Kelowna, B.C. V1Y 1J4

Attention: Mr. Damien Burggraave

Dear Sir:

Re: Proposed OCP and Rezoning Amendment  
Lot A, Plan EPP31747 from RR-3 to RU-3, Small Lot Housing

---

I am the owner/occupier of the property at 1629 KLO Road and I have reviewed the proposed rezoning to RU-3, Small Lot Housing and the proposed 14 lot subdivision.

<input checked="" type="checkbox"/>	I have no objection to the proposed Rezoning
<input type="checkbox"/>	I have no comment to the proposed Rezoning
<input type="checkbox"/>	I am not in favor of the Rezoning

Owner/Occupier

A. Leung  
Signature (Please Print Name)

BETTER EARTH  
LANDSCAPE SUPPLY

August 25, 2014  
File 8059

City of Kelowna  
1435 Water St.,  
Kelowna, B.C. V1Y 1J4


Attention: Mr. Damien Burggraave

Dear Sir:

Re: Proposed OCP and Rezoning Amendment  
Lot A, Plan EPP31747 from RR-3 to RU-3, Small Lot Housing

---

I am the owner/occupier of the property at 1559 KLO Road and I have reviewed the proposed rezoning to RU-3, Small Lot Housing and the proposed 14 lot subdivision.

	I have no objection to the proposed Rezoning
	I have no comment to the proposed Rezoning
	I am not in favor of the Rezoning

Owner/Occupier

  
Signature (Please Print Name)

August 25, 2014  
File 8059

City of Kelowna  
1435 Water St.,  
Kelowna, B.C. V1Y 1J4

Attention: Mr. Damien Burggraefe

Dear Sir:

Re: Proposed OCP and Rezoning Amendment  
Lot A, Plan EPP31747 from RR-3 to RU-3, Small Lot Housing

---

I am the owner/occupier of the property at 1740 KLO Road and I have reviewed the proposed rezoning to RU-3, Small Lot Housing and the proposed 14 lot subdivision.

<input checked="checked" type="checkbox"/>	I have no objection to the proposed Rezoning
<input type="checkbox"/>	I have no comment to the proposed Rezoning
<input type="checkbox"/>	I am not in favor of the Rezoning

Owner/Occupier

  
Signature (Please Print Name)

WILLIAM BERARD

GOOD IDEA IT WILL CLEAN UP THE AREA !





August 25, 2014  
File 8059

City of Kelowna  
1435 Water St.,  
Kelowna, B.C. V1Y 1J4

Attention: Mr. Damien Burggraefe

Dear Sir:

Re: Proposed OCP and Rezoning Amendment  
Lot A, Plan EPP31747 from RR-3 to RU-3, Small Lot Housing

---

I am the owner/occupier of the property at 1599 KLO Road and I have reviewed the proposed rezoning to RU-3, Small Lot Housing and the proposed 14 lot subdivision.

<input checked="checked" type="checkbox"/>	I have no objection to the proposed Rezoning
<input type="checkbox"/>	I have no comment to the proposed Rezoning
<input type="checkbox"/>	I am not in favor of the Rezoning

Owner/Occupier



Signature (Please Print Name)



August 25, 2014  
File 8059

City of Kelowna  
1435 Water St.,  
Kelowna, B.C. V1Y 1J4

Attention: Mr. Damien Burggraave

Dear Sir:

Re: Proposed OCP and Rezoning Amendment  
Lot A, Plan EPP31747 from RR-3 to RU-3, Small Lot Housing

---

I am the owner/occupier of the property at 1540 KLO Road and I have reviewed the proposed rezoning to RU-3, Small Lot Housing and the proposed 14 lot subdivision.

<input checked="" type="checkbox"/>	I have no objection to the proposed Rezoning
<input type="checkbox"/>	I have no comment to the proposed Rezoning
<input type="checkbox"/>	I am not in favor of the Rezoning

Owner/Occupier

Marleen Hathaway  
Signature (Please Print Name)  
Marleen Hathaway  
Site Manager  
Mountainview Village Good Samaritan Society.

August 25, 2014  
File 8059

City of Kelowna  
1435 Water St.,  
Kelowna, B.C. V1Y 1J4

Attention: Mr. Damien Burggraefe

Dear Sir:

Re: Proposed OCP and Rezoning Amendment  
Lot A, Plan EPP31747 from RR-3 to RU-3, Small Lot Housing

---

I am the owner/occupier of the property at 3070 Burch Road and I have reviewed the proposed rezoning to RU-3, Small Lot Housing and the proposed 14 lot subdivision.

<input checked="" type="checkbox"/>	I have no objection to the proposed Rezoning
<input type="checkbox"/>	I have no comment to the proposed Rezoning
<input type="checkbox"/>	I am not in favor of the Rezoning

Owner/Occupier

*Marloen Hathaway*  
Signature (Please Print Name)

*Marloen Hathaway*

*Site Manager*

*Mountainview Village Good Samaritan Society*

## Farm Protection DP Guidelines<sup>1</sup>

### 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

1.1 On properties located adjacent to agricultural lands, design buildings to reduce impact from activities associated with farm operations. Design considerations include, but are not limited to maximizing the setback between agricultural land and buildings and structures, and reducing the number of doors, windows, and outdoor patios facing agricultural land;

1.2 On agricultural lands, where appropriate, locate all buildings and structures, including farm help housing and farm retail sales, within a contiguous area (i.e. homeplate). Exceptions may be permitted where the buildings or structures are for farm use only;

1.3 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), in accordance with the following criteria:

1.3.1 Consistent with guidelines provided by Ministry of Agriculture “Guide to Edge Planning” and the ALC report “Landscape Buffer Specifications” or its replacement;

1.3.2 Incorporate landscaping that reinforces the character of agricultural lands. A majority of plant material selected should include low maintenance, indigenous vegetation;

1.3.3 Preserve all healthy existing mature trees located within the buffer area;

1.3.4 Integrate double rows of trees, including coniferous trees, and dense vegetation into the buffer;

1.3.5 Install and maintain a continuous fence along the edge of agricultural land. A permeable fence which allows for the movement of wildlife (i.e. split rail) in combination with dense and continuous evergreen hedge is preferred. Impermeable fencing will not be permitted.

1.4 On non-agricultural lands, design developments to protect the required landscape buffer from potential negative impacts related to on-site activities (i.e. drainage, recreational pathways, driveways);

1.7 Require statutory covenants on non-agricultural land at subdivision to notify landowners that “normal farm practices” occur in close proximity.

### 1.1 City of Kelowna Strategic Plan

Objective<sup>2</sup>: Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

<sup>1</sup> City of Kelowna 2030 Official Community Plan (2011) - Farm Protection Development Permit Chapter; p. 15.2 - 15.4.

<sup>2</sup> City of Kelowna Strategic Plan (2004); p. 7.

Action towards this objective<sup>3</sup>: Evaluate the effectiveness of City policies and bylaws in preserving agricultural lands.

## 1.2 City of Kelowna Agriculture Plan

### Urban Buffers

New developments adjacent to agricultural areas will be required to establish appropriate setbacks, fencing and landscape buffers on urban lands, as noted above, to mitigate potential conflict. In addition, for developments other than single or two family residential uses, there should be consideration of appropriate site planning measures that locate access roads, storage areas, or other spaces between agricultural lands and proposed buildings or public use areas.

In addition to the requirements for landscape buffers and fencing, it would be appropriate to consider the need for a covenant registered on the title, as part of the subdivision approval, that advises prospective buyers and land owners of the potential impacts of living near farm operations and conditions of the Farm Practices Protection (Right to Farm) Act. It may also be appropriate to support amendments to the Real Estate Act that requires disclosure to prospective buyers of these same conditions.

1. Defined Urban - Rural/Agricultural Boundary. Confirm support for the Agricultural Land Reserve and establish a defined urban - rural/agricultural boundary, as indicated on Map 14 - Urban - Rural/Agricultural Boundary, utilizing existing roads, topographic features, or watercourses wherever possible;

2. 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;

4. Landscape Buffer Specifications and Fencing Specifications. Amend the Zoning Bylaw to include setbacks and landscape buffer and fencing requirements consistent with the Land Commission specifications, with consideration for minimum setback requirements at standard road or half road widths to support the potential need for future road, park, or public access corridors;

5. Bonding. Require the provision of bonding for landscape buffer and fencing requirements adjacent to agricultural lands at the time of rezoning, subdivision, and/or building permit, in accordance with the Municipal Act;

6. Urban Buffers. Require new development, adjacent to agricultural areas, to establish setbacks, fencing and landscape buffers on the urban side of the defined urban - rural/agricultural boundary;

7. Site Planning Measures. Consider the use of site planning measures such as locating internal access roads, storage areas, or other appropriate spaces between agricultural lands and proposed buildings or public use areas, for developments requiring a Development Permit;

8. Covenants. Consider the need for a covenant registered on the title, as part of a subdivision approval, that advises prospective buyers and land owners of the potential impact of living near farm operations and the conditions of the Farm Practices Protection (Right to Farm) Act;

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<sup>3</sup> City of Kelowna Strategic Plan (2004); p. 29.

12. Parcel Size: Agricultural Land. Discourage the subdivision of agricultural land into smaller parcels, except where positive benefits to agriculture can be demonstrated.