



**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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www.alc.gov.bc.ca

October 25, 2006

Reply to the attention of Brandy Ridout  
ALC File # G-36880

Diane Drummond  
4284 Jaud Rd  
Kelowna, BC V1W 3C4

Dear Ms. Drummond:

**Re: Application for non-farm use in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #471/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label. The signature is fluid and cursive.

Erik Karlsen, Chair

cc: City of Kelowna (A06-0016)

TK/lv/Encl.: Minutes  
36880d1

## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 29, 2006 at the Ministry of Agriculture and Lands office located at 4607 - 23<sup>rd</sup> Street, Vernon, BC.

<b>PRESENT:</b>	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Terra Kaethler	Staff
	Martin Collins	Staff

### For Consideration

Application # G - 36880

Applicant(s) Diane Drummond

Proposal To use the existing house on the 2 ha subject property as a secondary suite to house farm help/trainers.

Legal PID: 002-123-801  
Lot A, Section 34, Township 29, Osoyoos Division Yale District, Plan 13328

Location 4284 Juad Rd, Kelowna

### Site Inspection

Ms. Drummond confirmed that she received the staff report dated September 14, 2006 and did not identify any errors.

A site inspection was conducted on September 28, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey and Sid Sidhu
- Staff: Terra Kaethler and Martin Collins
- Applicant(s): Diane Drummond, Alex Blanchard

The Commission toured the property with the applicants to view the original house, the new house currently under construction, and the proposed area for horses.

The applicant has begun building a new house on the property. The smaller, original house is still on the property, as well as a small stable. The applicant is developing the property to board and raise horses. The original house is under a delayed demolition permit, but they would like to keep the house on the property to use it as a secondary suite and to rent it out to a horse veterinarian who would help on the property.

### Discussion

The Commission held the view that establishment of additional residence would introduce an encroachment of non-agricultural activity into agricultural land. However, the property is only 2 ha and surrounded by large residential lots and a mobile home park. The Commission had no objection to the proposed non-farm use provided a restrictive covenant is registered which would limit the footprint of residential dwelling uses on the property to its current level, prohibiting any more new buildings on the property.

**IT WAS**

**MOVED BY:** Commissioner Irvine

**SECONDED BY:** Commissioner Sidhu

THAT the application for non-farm use on the 2 ha subject property to use the original house as a secondary suite be approved.

AND THAT the approval is subject to the following conditions:

- A restrictive covenant be placed on the property to ensure that no new residential buildings are allowed on the property.
- Approval is granted to the applicant only and is valid for three (3) years from the date of this decision.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

**CARRIED**

**RESOLUTION # 471/2006**



**Staff Report**  
**Application # G – 36880**  
**Applicant: Diane Drummond**  
**Location: Kelowna**

**DATE RECEIVED:** August 18, 2006

**DATE PREPARED:** September 14, 2006

**TO:** Chair and Commissioners – Okanagan Panel

**FROM:** Brandy Ridout, Land Use Planner

**PROPOSAL:** To use the existing house on the 2 ha subject property as a secondary suite and/or to house farm help/trainers and construct a new house.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The applicant is in the process of constructing a new home on the property. If unsuccessful in this application, the existing house would have to be demolished, removed from the property, or decommissioned as a dwelling unit.

The applicant has been told by the City of Kelowna that "bed and breakfast" use is not allowed in conjunction with the "secondary suite" use and is content to pursue only the secondary suite at this time.

**Local Government:**

City of Kelowna

**Legal Description of Property:**

PID: 002-123-801  
Lot A, Section 34, Township 29, Osoyoos Division Yale District, Plan 13328

**Purchase Date:**

January 2006

**Location of Property:**

4284 Jaud Road, Kelowna

**Size of Property:**

2.0 ha (The entire property is in the ALR).

## **BACKGROUND INFORMATION:**

### **Present use of the Property:**

A 113 m<sup>2</sup> single-family home (under a delayed demolition permit), 416 m<sup>2</sup> single-family home (under construction), detached garage

### **Surrounding Land Uses:**

**WEST:** Residence, pasture for horses, outbuildings  
**SOUTH:** Mobile home park, farming, road  
**EAST:** Residence, road and equipment storage  
**NORTH:** Residence, farming

### **Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E.083  
The majority of the property is identified as having Prime Dominant ratings.

### **Official Community Plan and Designation:**

City of Kelowna OCP Bylaw No. 2020  
Designation: Rural/Agriculture

### **Zoning Bylaw and Designation:**

City of Kelowna Zoning Bylaw No. 8000  
Designation: Agriculture 1  
Minimum Lot Size: 2.0 ha

## **LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**City of Kelowna Council:** Support.

**Agricultural Advisory Committee:** Do not support application on the grounds that the mandate is to preserve agricultural land against encroachment of non-agricultural activity, such as the establishment of additional non-farm residential purposes.

**City of Kelowna Planning and Development Services:** Recommend that the application not be supported. Staff has no concerns with allowing a more intensive residential use of the property through the addition of a secondary suite development. However, it would be preferable to locate the secondary suite within the new house, which is under construction, and relocate the existing home to another property. This would result in less loss of arable land to an additional building site, driveway, etc.

## **STAFF COMMENTS:**

Staff suggests the Commission consider the following:

- The presence of second dwellings tends to increase the expectation of future subdivision.
- There is no evidence that a second dwelling is necessary for farm help.
- If the applicants wish to keep the house on the property for storage, staff recommends that it be rendered uninhabitable.

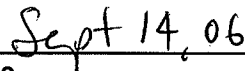
**ATTACHMENTS:**

- ALR Constituent 25
- Airphoto (supplied by City)
- Addendum to application by landowner
- Sketch showing buildings
- Page 73 and 74 of the City of Kelowna's Agriculture Plan
- Agricultural Advisory Committee minutes

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**END OF REPORT**

  
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Signature

  
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Date