



Staff Report
Application # G – 37538
Applicant: Leonard & Ann Zvonarich
Location: Kelowna

DATE RECEIVED: July 9, 2007

DATE PREPARED: August 10, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To subdivide a 0.5 ha lot from the 9.4 ha subject property under the *Homesite Severance Policy*.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Although the applicants did not become the legal owners of the property until 1975, they have provided a copy of the Agreement for Sale proving that they were making payments towards the purchase of the property since August 1964.

Local Government:

City of Kelowna

Legal Description of Property:

PID: 012-177-156

Lot 6, Section 36, Township 26, Osoyoos Division Yale District, Plan 595, EXCEPT KAP78068

Purchase Date:

March 1975 (Agreement for Sale from August 1964).

Location of Property:

1593 Morrison Road, Kelowna

Size of Property:

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

Present use of the Property:

Residential, and currently planted with tree fruits

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: Prior hay field, not used now
SOUTH: Vacant land
EAST: Hyashi Subdivision and vacant land
NORTH: Vacant land, 24 trees that are not looked after

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.094
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

OCP: Bylaw No. 2020
Designation: Rural/Agriculture

Zoning Bylaw and Designation:

Zoning: Bylaw No. 8000
Designation: A1 - Agriculture 1
Minimum Lot Size: 2.0 ha

PREVIOUS APPLICATIONS:

Application #22451-0

Applicant: L.O.R.A.,
Decision Date: August 24, 1988
Proposal: Exclude 186 parcels of land totaling 1220 ha in area.
Decision: Refused. Decision to refuse upheld by ELUC.

Application #27437-0

Applicant: INTRAWEST DEV. CORP.
Decision Date: October 22, 1992
Proposal: To dedicate land for road construction purposes.
Decision: Allowed subject to a suitably enlarged radius of the curvature to allow for a possible collector road alignment onto Wallace Road and subject to compliance with all other legislation.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

City of Kelowna Council: Forwarded the application with a recommendation of support.

Agricultural Advisory Committee: Support.

Local Government Staff: Recommend the application be supported by Council provided that:

1. The existing uninhabited dwelling and the 'picker's cabin' be demolished; decommissioned as dwellings; relocated; or legalized as dwelling units.
2. The proposed parcel be reduced in size to include the existing home only, with accessory structures included on the proposed remainder.
3. The storage containers on the property be removed or legalized as structures under an approved building permit from the City.

STAFF COMMENTS:

- Although the applicants did not legally own the property in December 1972, they began the process of purchasing the property in August 1964.
- The applicants state that Leonard has lived on the property since 1935 when his parents purchased the property and farming it for 64 years.
- The proposed homesite lot will include the house as well as the accessory structures. It might be more beneficial to agriculture to retain the accessory structures with the agricultural remainder.
- The additional structures on the property (uninhabited dwelling, 'picker's cabin', storage containers) could be inspected during a site visit to determine their relevance to agriculture.

ATTACHMENTS:

- ALC Context Map (1:20,000)
- Air photo (1:5,000)
- Sketch of proposal
- Letter from applicant
- Planning & Development Services Department Memorandum
- Minutes of March 8, 2007 AAC meeting

END OF REPORT

Signature



Date

