



Staff Report
Application # G – 37542
Applicant: Allan & Lorraine Penny
Location: east of Kelowna

DATE RECEIVED: July 10, 2007

DATE PREPARED: October 24, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To use a 2 ha portion of the 7.5 ha subject property for expanded non-farm and farm retail sales and rental site for products such as rototillers and bobcats. In addition, the sale of storage unit rentals and storage container rentals is being considered.

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

BACKGROUND INFORMATION:

Local Government:

Regional District of Central Okanagan (RDCO)

Legal Description of Property:

PID: 003-336-824

Lot 2, Section 9, Township 27, Osoyoos Division Yale District, Plan 32677

Purchase Date:

July 1997

Location of Property:

4631 Highway 33 East, east of Kelowna

Size of Property:

7.5 ha (The majority of the property is in the ALR).

Present use of the Property:

Residence, greenhouse (930 square metres), and retail area for plants (185 square metres)

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: Vacant Land
SOUTH: Vacant Land
EAST: Vacant Land
NORTH: Vacant Land

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.084
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

Joe Rich Rural OCP Bylaw No. 730
Designation: Large Holdings 30 ha

Zoning Bylaw and Designation:

Zoning: Joe Rich Land Rural Bylaw No. 730
Designation: Large Holdings 30 ha: New Joe Rich Rural Land Use Bylaw No. 1195 (2007)
received 2nd and 3rd readings on June 25, 2007
Minimum Lot Size: 30 ha

RELEVANT APPLICATIONS:

Application #34576-0

Applicant: UNICO Mechanical Installations Ltd
Decision Date: December 9, 2002
Proposal: To subdivide the 18.5 ha property into two lots; one lot of 6 ha with a remainder of 12.5 ha. The subdivision would follow the road that bisects the property.
Decision: Refused on the grounds that it will reduce the agricultural options and inconsistency with local area planning (Joe Rich Rural Land Use Bylaw).

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

RDCO Board: Forwarded the application recommending a reduced non-farm use/retail sale area of 1 ha with the condition that sale of non-farm products is directly related to agriculture.

RDCO Staff: Recommend that the Board not support the application but that consideration be given to a reduced non-farm/retail size area (with the condition that sale of non-farm products is directly related to agriculture).

RDCO Agricultural Advisory Committee: While sympathetic to the applicants' financial difficulties, does not support the proposal as the uses are not complementary to agriculture. The AAC is prepared to support a reduced non-farm/retail sale area with the provision that sale of non-farm products is directly related to agriculture (i.e. farm tools).

RDCO Advisory Planning Commission: Does not support.

OTHER COMMENTS:

District Agrologist, Ministry of Agriculture and Lands: Does not support.


STAFF COMMENTS:

- Non-farm related sales (i.e. storage containers) and rental of storage space is not consistent with the agricultural use of the property.
- The area being requested – 2 ha – is approximately one third of the area of the property not currently used for buildings.

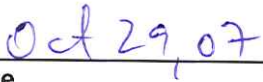
ATTACHMENTS:

- ALC context Map (1:20,000)
- Air photo (provided by RDCO)
- Letter from applicant
- Sketch of proposed area
- Air photo showing proposed area
- RDCO Planning Services Department Report (5 pages)
- Excerpt from June 13, 2007 AAC meeting

END OF REPORT



Signature



Date