



Staff Report
Application # G – 37686
Applicant: Gladys Crossley
Location: Kelowna

DATE RECEIVED: September 24, 2007

DATE PREPARED: October 24, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To use a 1,800 square metre (approximately 0.2 ha) portion of the 6.3 ha subject property for outdoor storage of building materials.

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

BACKGROUND INFORMATION:

In response to a complaint, the City of Kelowna sent a Bylaw Enforcement Officer to visit the subject property. At that time it was confirmed that a portion of the property was being used for outdoor storage of building materials, which is not permitted under the property's present zoning. The applicant was notified that the use must stop or steps must be taken to legalize the use.

Local Government:

City of Kelowna

Legal Description of Property:

PID: 027-015-181
Lot B, District Lot 124, Osoyoos Division Yale District, Plan KAP83361 (see Plan as to limited access)

Purchase Date:

1967 (inherited from grandparents who had owned property since 1946)

Location of Property:

2788 Highway 97

Size of Property:

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

BACKGROUND INFORMATION (continued):

Present use of the Property:

Residence, haying, outdoor storage of building materials

Surrounding Land Uses:

WEST: Agriculture
SOUTH: Industrial
EAST: Commercial
NORTH: Industrial

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.093(digital)
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

OCP: Kelowna 2020 OCP
Designation: Agriculture

Zoning Bylaw and Designation:

Zoning: Zoning Bylaw No. 8000
Designation: A1 - Agriculture Zone
Minimum Lot Size: 4.0 ha

PREVIOUS APPLICATIONS:

Application #26057-0

Applicant: Gladys Crossley
Decision Date: November 1, 1994
Proposal: To exclude 7.2 ha from the ALR for industrial development (in conjunction with the Marshall Feed Lot lands lying to the south).
Decision: Refused on the grounds that the land has agricultural potential.

Application #26057-1

Applicant: Gladys Crossley
Decision Date: June 20, 2002
Proposal: To reconsider the Commission's decision to refuse the exclusion of 7.3 ha for industrial development.
Decision: Refused the exclusion of the 7.3 ha parcel, but was prepared to allow the exclusion a small 0.6 ha portion lying south of the McCurdy Road connector to be consistent with its decision on the Marshall Feed lot.

Application #33366-0

Applicant: City of Kelowna
Decision Date: June 21, 2000
Proposal: To dedicate and construct the McCurdy Rd. extension through the Marshall Feed Lot properties on a 30 metre wide right of way.
Decision: Allowed.

RELEVANT APPLICATIONS:

Application #25680-0

Applicant: Kelowna Packers Ltd.
Decision Date: October 4, 1994
Proposal: To exclude the ALR area of four parcels for commercial warehouses, high-tech industrial park and high density residential uses.
Decision: Refused on the grounds of agricultural potential.

Application #25680-1

Applicant: Kelowna Packers Ltd.
Decision Date: September 5, 1996
Proposal: City of Kelowna requests exclusion to assist in relocation of the existing feed lot.
Decision: The Commission is prepared to revisit this issue in conjunction with its consideration of the City's Agriculture Plan.

Application #25680-2

Applicant: Kelowna Packers Ltd.
Decision Date: June 20, 2002
Proposal: To reconsider the Commission's 1994 decision to refuse to exclude 36 ha from the ALR – including the Marshall feed Lot
Decision: Allowed the exclusion of approximately 23 ha of the subject properties south of the proposed alignment for the McCurdy Rd. extension.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

City Kelowna Council: Forwarded the application with a recommendation of support suggesting the use to remain on a temporary two (2) year basis only.

City of Kelowna Staff: Recommend that the application not be supported because it is contrary to the objectives of the Official Community Plan and Agricultural Plan.

City of Kelowna Agricultural Advisory Committee: Recommend that the application not be supported because it is not a good use of agricultural land.


STAFF COMMENTS:

- No information has been provided as to the nature of the material or its connection to the agricultural operation of the subject property.
- The proposed use would alienate 0.2 ha of Class 3 land from agricultural production.
- A portion of the property to the south of the proposed McCurdy Road extension has been excluded from the ALR. It is not clear as to why materials cannot be stored on the excluded area.
- If the Commission wishes to consider the City's recommendation that the use be allowed for 2 years, a security should be taken to ensure that all materials are removed at the end of the approval period.

ATTACHMENTS:

- ALC Context Map (1:50,000)
- Orthophoto (1:10,000)
- Air photo (provided by the City of Kelowna)
- Air photo showing proposed area

END OF REPORT



Signature

Oct 29, 07

Date