



Agricultural Land Commission Staff Report

DATE: August 26, 2009
TO: Vice Chair and Commissioners - Okanagan Panel
FROM: Brandy Ridout

RE: Application # 50349
PROPOSAL: To subdivide the 5.2 ha subject property in half to divide the shared interests in the property.

PROPOSAL INFORMATION

Background: There have been no previous applications on the subject property.
Received Date: August 4, 2009
Applicant: Elmer Herbie & Jori-Ann Gruza
Agent: Benson Edwards
Local Government: City of Kelowna

DESCRIPTION OF LAND

PID: 011-611-014
Legal Description: Lot 5 Block 16 Section 11 Township 26 Osoyoos Division Yale District Plan 1380
Civic Address: 2604 Belgo Road
Area: 5.2 ha
ALR Area: 5.2 ha
Purchase Date: August 6, 1992
Owner: Elmer Herbie & Jori-Ann Gruza

Total Land Area: 5.2 ha
Total ALR Area: 5.2 ha
Current Land Use: Three residences - single detached dwelling and mobile home on the north side of the property and a single detached dwelling on the south side of the property. The remainder is in apple orchard.

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
5.2	Prime	BCLI

Number of Lots	Lot Size (ha)
2	2.6

Surrounding Land Uses:

North	agriculture
East	agriculture
South	agriculture
West	Belgo Road, agriculture

Official Community Plan

Bylaw Name: Kelowna 2020 Bylaw No. 7600

Designation: Agriculture

OCP Compliance: Yes

Zoning

Zoning Bylaw Name: No. 8000

Zoning Designation: Agriculture 1 Zone

Minimum Lot Size: 2.0 ha

Zoning Compliance: Yes

Committee Recommendations

Type	Recommendation	Description
Planning Staff	Refuse	Application NOT supported. The relevant City documents do not support the creation of additional lots within the ALR except as homesite severances. The applicants do not qualify under the Policy as they have not owned the property since 1972.
Board/Council	Refuse	Application NOT supported.
Agricultural Advisory Committee	Refuse	Application NOT supported. The City's agriculture policy does not support this type of subdivision as there is no benefit to agriculture.

STAFF COMMENTS

- There are two large houses on the property - approval for an additional dwelling on a property may be granted if, in the opinion of the City of Kelowna's approving officer, an additional dwelling is required for full-time farm help to support an existing agricultural operation.
- Two houses on a property is not an agricultural rationale for subdivision in the ALR.

ATTACHMENTS

- 50349_ContextMap20k.pdf
- 50349_AirphotoMap.pdf
- 50349 proposal sketch.pdf
- 50349 agent's letter.pdf

END OF REPORT

Signature

Date
