



Provincial Agricultural Land Commission - Staff Report

Application: 52272

Applicant: Matthew & Miranda King
Local Government: City of Kelowna

Proposal: Non-farm Use - Proposal: To construct a detached suite on the subject property as a second permanent dwelling.

BACKGROUND INFORMATION

There are two existing dwellings present on the property, however there are no records to suggest that the second dwelling was ever formally permitted by either the City of Kelowna or the ALC. The applicant is seeking to demolish one existing dwelling in the north corner of the property, and build a new principal dwelling to replace it. The existing dwelling closer to Dunster Road is proposed to be considered as a detached secondary suite.

The applicants purchased the property in March 2010 with the purpose of using the site for agricultural purposes. Since purchasing the property, the applicants have cleared the land, planted 300 peach trees and gained farm status. The applicants indicate that the purpose of the secondary suite is to provide some supplemental income to help farm the property.

Should the ALC grant permission for the additional dwelling (suite) a subsequent rezoning application to the A1s - Agriculture 1 with Secondary Suite zone would be required.

PROPERTY INFORMATION

PID: 007-575-505
Legal Description: Lot A Section 22 Township 26 Township 26 Osoyoos Division Yale District Plan 21138
Property Area: 0.9 ha
ALR Area: 0.9 ha
Purchase Date: March 1, 2010
Location: 2800 Dunster Road, Kelowna
Owner: Matthew & Miranda King

LAND USE

Current Land Use:

The property is triangular shaped, located on the north side of Dunster Road adjacent to Mission Creek Regional Park. There are two existing dwellings on the property in addition to an equipment shed and an animal shelter. The was used for some livestock production but is now used for peach production (300 trees).

Surrounding Land Uses:

North: Mission Creek Regional Park
East: Mission Creek Regional Park
South: Agricultural Land
West: Agricultural Land

PROPOSAL DETAILS

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Non- Farm Use Area: 0.1 ha

Non- Farm Use Type: Residential: Additional Dwelling(s)

Agricultural Capability:

The majority of the area under application is rated as: Mixed Prime and Secondary

Source: CLI

Mapsheet: 82E.083

RELEVANT APPLICATIONS

Application ID: 42450

Legacy #: 36301

Applicant: John & Mary Bullock

Proposal: To subdivide a 0.8 ha lot from the 5.5 ha subject property as per the Homesite Severance Policy.

Decision:

Resolution #	Decision Date	Decision Description
687/2005	December 7, 2005	The Commission allowed the 0.8 ha homesite severance subject to standard Homesite Severance Conditions, and fencing and vegetative buffering of the property

Note: Legacy File: 36301, located to the west of the subject property.

Application ID: 41126

Legacy #: 35325

Applicant: Robert Holitzki

Proposal: To subdivide off a 0.6 ha lot from an 8.2 ha property to allow the applicant to remain on the property in his home and to sell the agricultural remnant to his neighbour to the south.

Decision:

Resolution #	Decision Date	Decision Description
244/2004	June 2, 2004	The Commission allowed the subdivision of a 0.6 ha lot subject to the provisions of Homesite Severance Policy on the grounds the applicant had an interest in the property prior to 1972.

Note: Legacy File 35325, located southwest of the subject property.

Application ID: 41040

Legacy #: 35268

Applicant: Alfred & Ann Steppuhn

Proposal: To subdivide a 0.32 ha lot from the northwest corner of the 8.2 ha property under the Commission's Homesite Severance Policy. The applicant's also propose to gift 1 ha to the City of Kelowna for Mission Creek Park in exchange for the dedication of a 0.5 ha road right of way to provide access for the new lot.

Decision:

Resolution #	Decision Date	Decision Description
130/2004	April 8, 2004	The Commission allowed the subdivision of a 0.3 ha lot for a homesite and a 1.0 ha lot and 0.5 ha road right-of-way gift for Mission Creek Park. Standard buffering conditions applied.

Note: Legacy File 35268, located southeast of the subject property.

RELEVANT APPLICATIONS

Application ID: 39810

Legacy #: 34848

Applicant: John & Marion Schell

Proposal: The applicants are requesting the subdivision of a 8.1 ha property into two parcels of 1 ha and 7.1 ha in accordance with the Homesite Severance Policy.

Decision:

Resolution #	Decision Date	Decision Description
240/2003	June 19, 2003	Application to subdivide a 0.42 ha lot from the 8.1 ha property allowed under the provisions of the Homesite Severance Policy and subject to the construction of a Schedule D (page wire) fence around the homesite lot. .

Note: Legacy File 34848, located to the south of the subject property.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: City of Kelowna OCP

Designation: Rural/Agricultural

OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: Zoning Bylaw No. 8000

Zoning Designation: Agriculture 1

Minimum Lot Size: 2.0 ha

Zoning Compliance: No

Comments and Recommendations:

Agricultural Advisory Committee

The AAC did not support the application to obtain approval from the ALC for non-farm use within the ALR to permit a detached secondary suite. The AAC did not support the non-farm use application because there was no net benefit to agriculture.

Board/Council

That the non-farm use application be supported by Municipal Council subject to the location of the proposed dwelling being generally consistent with the location of the dwelling to be replaced, in order to not negatively impact or otherwise reduce the amount of available agricultural land on site; and that Municipal Council forward the subject application to the ALC.

Planning Staff

The application for non-farm use be supported by Municipal Council subject to the location of the proposed dwelling being generally consistent with the location of the dwelling to be replaced, in order to not negatively impact or otherwise reduce the amount of available land on site; and that Municipal Council forward the subject application to the ALC.

ALC STAFF COMMENTS

Staff has the following comments regarding this application:

- The Commission is generally supportive of additional dwellings on ALR land in situations when the additional dwelling, houses a farm worker, and is deemed necessary for the operation of the farm.
- The owners/applicants purchased the property in March 2010 and has since cleared the land, planted 300 peach trees, and gained farm status. The additional dwelling would be rented to provide supplemental income for the owners of the property.
- The existing lot is of modest size (0.9 ha) and the applicant seeks to replace a dilapidated structure.
- The Agricultural Advisory Committee raised concerns with setting a precedent of secondary suites on a relatively small piece of property.

ATTACHMENTS

52272proposal.pdf
52272_ContextMap5k.pdf
52272_AirphotoMap5k.pdf
52272_AgCapabilityMap.pdf

END OF REPORT

Prepared by: Ron Wallace, May 2011