



Staff Report
Application # G – 37565
Applicant: Tommy & Sandra Josiassen
Agent: Milagro Advisory Services Inc.
Location: Kelowna

DATE RECEIVED: July 19, 2007

DATE PREPARED: August 15, 2007

TO: Chair and Commissioners – Interior Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To subdivide the 2.4 ha subject property into three (3) lots of 0.4 ha and one (1) lot of 0.7 ha (0.5 ha would be required for road access).

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

BACKGROUND INFORMATION:

Local Government:

City of Kelowna

Legal Description of Property:

PID: 005-438-004

Lot 2, Section 13, Township 26, ODYD, Plan 4283, EXCEPT Plan H8383

Purchase Date:

June 2004

Location of Property:

1305 Highway 33, Black Mountain, Kelowna

Size of Property:

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

Present use of the Property:

Single Family Residence

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: Agriculture in the ALR
SOUTH: Rural residential in the ALR
EAST: Highway #33, urban residential beyond
NORTH: Rural residential in the ALR (0.4 ha to 1 ha lots)

Agricultural Capability:

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

Official Community Plan and Designation:

OCP: Kelowna Bylaw No. 2020 Designation: Rural/Agriculture

Zoning Bylaw and Designation:

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

PREVIOUS APPLICATIONS:

Application #26758-0

Applicant: Jason Druitt
Decision Date: January 13, 1993
Proposal: To place fill to fill in old artificial duck pond.
Decision: Allowed with conditions.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

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

The City of Kelowna AAC: Did not support the application, believing the land can be used for agriculture.

STAFF COMMENTS:

- Portions of the property have very good capability for agriculture – improvable to class 1 (for tree fruits grapes).
- About half the property is unsuitable for agricultural development due to very steep topography or debilitation due to the homesite and access.
- Subdivision would virtually eliminate the agricultural potential of the property and raise similar expectations of subdivision on the 2 ha ALR property to the south

ATTACHMENTS:

- 1:20,000 scale ALR map
- Airphoto
- Applicant's sketch plan
- Agologists report dated January 2, 2006 by H. Luttmerding
- Excerpt from AAC June 14, 2007 meeting

END OF REPORT

Signature

Date

Oct 29, 07