



Agricultural Land Commission Staff Report

DATE: May 11, 2010
TO: Vice Chair and Commissioners - Okanagan Panel
FROM: Martin Collins

RE: Application # 51666
PROPOSAL: To allow the use of a portion of the 216 sq meter detached garage structure as a secondary residence. The property is 3.6 ha.

PROPOSAL INFORMATION

Background: The landowner has constructed a large home, with outbuildings on the property, which is the remainder of a 2006 Homesite Severance. City staff indicate that the site is covered by 3,600 sq meters of buildings parking and landscaping - about 10% of the property.

Received Date: March 25, 2010
Applicant: Michael & Shari Matvieshen
Agent: Travis Kuchma
Local Government: City of Kelowna

DESCRIPTION OF LAND

PID: 006-181-406
Legal Description: Lot 2, Section 36, Township 26, Osoyoos Division of Yale District, Plan 23935, EXCEPT Plans KAP53090 and KAP84358
Civic Address: 1485 McKenzie Road, Kelowna
Area: 3.6 ha
ALR Area: 3.6 ha
Purchase Date: October 25, 2008
Owner: Michael & Shari Matvieshen

Total Land Area: 3.6 ha
Total ALR Area: 3.6 ha
Current Land Use: Residence, yard, garage and orchard

PROPOSAL DETAILS

Non Farm Use

Area	Agricultural Capability	Agricultural Capability Source
3.6	Prime	BCLI

Surrounding Land Uses:

North Rural Residential in the ALR
East Agricultural in the ALR
South Rural Residential in the ALR
West Agricultural in the ALR

Official Community Plan

Bylaw Name: Kelowna OCP
Designation: Agriculture
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: Kelowna Zoning Bylaw
Zoning Designation: Agriculture !
Minimum Lot Size: 2.0 ha
Zoning Compliance: Yes

PREVIOUS APPLICATIONS

Application #: 43393

Applicant: Eileen Teather

Proposal: To subdivide under homesite severance approximately 0.4 ha.

Decisions:

Resolution Number	Decision Date	Decision Description
590	November 15, 2006	Allow homesite severance not larger than 0.4 ha, subject to fencing and buffering.

Application #: 15816

Applicant: Frank & Eileen Teather

Proposal: To subdivide the existing residence from the property pursuant to the Homesite Severance Policy. The proposed homesite lot is approximately 1.4 ha located in the southeast corner of the property.

Decisions:

Resolution Number	Decision Date	Decision Description
519	October 6, 2000	Refused as proposed but, allow smallest portion on South west corner of the property to be used for homesite severance

Application #: 3118

Applicant: L.O.R.A.

Proposal: Exclude 186 parcels of land totalling 1220 ha in area.

Decisions:

Resolution Number	Decision Date	Decision Description
737	August 24, 1988	Refused. Decision to refuse upheld by ELUC.

Committee Recommendations

Type	Recommendation	Description
Planning Staff	Refuse	City of Kelowna planning staff recommend that the application not be supported.
Board/Council	Approve	City of Kelowna Council forwarded the application with a recommendation of support.
Agricultural Advisory Committee	Refuse	The City of Kelowna AAC recommended that the application not be supported.

STAFF COMMENTS

Staff suggest that the Commission consider the following:

- 1) There is no evidence provided in the application materials indicating that an additional dwelling is necessary for farm help. The applicant does indicate that the property is an active orchard operation.
- 2) The use of the garage structure as a residence would have little effect on the agricultural capability of the property because the structure would remain even if it could not be used for a residence.
- 3) As a general comment additional non farm residents in the ALR can result in increased potential for non farm traffic, conflict and trespass, and increases subdivision pressures.
- 4) Information provided with the file (from City staff) indicates that 3600 sq meters of the property, previously in agricultural production has been occupied by the new homesite and access. There may be an opportunity to discuss with the landowner the potential to increase the productivity of the property by decreasing the non farm footprint and increasing the agricultural capacity as a condition of approving another residence.

ATTACHMENTS

51666_ContextMap20k.pdf
51666 airphoto and sketch.pdf
51666 sketch plan.pdf

END OF REPORT

Signature

Date