



## Agricultural Land Commission Staff Report

**DATE:** August 27, 2010  
**TO:** Vice Chair and Commissioners - Okanagan Panel  
**FROM:** Martin Collins

**RE:** Application # 51787  
**PROPOSAL:** To subdivide the 3.22 ha parcel into three lots; a 0.2 ha lot fronting Moyer Road containing existing structures, and two 1.5 ha lots each containing a newer single family dwelling

### PROPOSAL INFORMATION

**Background:** The Commission has reviewed and refused three previous applications for subdivision/exclusion of the property.  
**Received Date:** June 23, 2010  
**Applicant:** Allan and Annette Lipkovits  
**Agent:** N/A  
**Local Government:** City of Kelowna

### DESCRIPTION OF LAND

**PID:** 012-394-301  
**Legal Description:** Lot 12, Section 36, Township 26, Osoyoos Division of Yale District, Plan 425, EXCEPT Plan 8676  
**Civic Address:** Located at 1680 and 1720 Morrison Road and 898 Moyer Road, Kelowna  
**Area:** 3.2 ha  
**ALR Area:** 3.2 ha  
**Purchase Date:** October 22, 1998  
**Owners:** Allan and Annette Lipkovits  
Dennis and Lucille Weninger

**Total Land Area:** 3.2 ha  
**Total ALR Area:** 3.2 ha  
**Current Land Use:** Two dwellings, two outbuildings, alfalfa field

### PROPOSAL DETAILS

#### Subdivision

Area	Agricultural Capability	Agricultural Capability Source
3.2	Prime	BCLI

<b>Number of Lots</b>	<b>Lot Size (ha)</b>
1	0.2
2	1.5

**Surrounding Land Uses:**

North 3 ha ALR parcel ALR  
 East 4 ha orchard parcels in the ALR  
 South 0.8 rural residential lot in the ALR  
 West 4 ha farm parcel in the ALR

**Official Community Plan**

**Bylaw Name:** City of Kelowna OCP  
**Designation:** Agriculture  
**OCP Compliance:** Yes

**Zoning**

**Zoning Bylaw Name:** City of Kelowna Zoning bylaw  
**Zoning Designation:** Agriculture 1 zone  
**Minimum Lot Size:** 2.0 ha  
**Zoning Compliance:** No

**PREVIOUS APPLICATIONS**

**Application #:** 43713

**Applicant:** Allan and Annette Lipkovits

**Proposal:** To undertake a boundary line adjustment between the 0.8 ha and 3.2 ha subject properties to create a 0.9 ha lot and a 3.1 ha lot in order to that one of the existing houses from the larger property be on the smaller property. The owners of the smaller property have requested permission to use the house as a rental unit.

**Decisions:**

<b>Resolution Number</b>	<b>Decision Date</b>	<b>Decision Description</b>
103	March 29, 2007	Refuse

**Application #:** 3118

**Applicant:** L.O.R.A.

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

**Decisions:**

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

**Application #:** 112

**Applicant:** HELGE & MARGARET SMESTAD

**Proposal:** subdivide the property into two lots (not eligible for consideration under the H.S.P.) - 1 x 0.2 ha and 1 x 3.2 ha

**Decisions:**

**Resolution  
Number**

**Decision Date**

**Decision Description**

935

September 10, 1992

refused due to agricultural capability and impact

**Committee Recommendations**

**Type**

**Recommendation**

**Description**

Board/Council

Refuse

The City of Kelowna Council forwarded the application with a recommendation that it the subdivision not be supported.

Agricultural Advisory  
Committee

Refuse

The City of Kelowna Agricultural Advisory Committee did not support the application.

**STAFF COMMENTS**

Staff suggests that the Commission consider the following:

- 1) The subject property has very good agricultural capability. Subdivision would have the effect of narrowing agricultural options and reducing the likelihood that the property would be used for agriculture in the long term.
- 2) It is uncertain how two large new homes came to be constructed on the subject property. This application illustrates the erosive effect of additional residences on farm parcels. There is a third (the original) home on the property that appears to be used for storage.
- 3) The City of Kelowna and the Kelowna AAC do not support the application.
- 4) The Commission has previously refused the subdivision of this property.

**ATTACHMENTS**

51787\_AirphotoMap10k.pdf

51787\_ContextMap10k.pdf

51787 sketch plan.pdf

**END OF REPORT**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**