



Provincial Agricultural Land Commission - Staff Report

Application: 51965

Applicant: Clayton Ivan
Local Government: City of Kelowna

Proposal: To legalize an existing secondary suite of ~1,000 sq ft on the second floor of a shop building. The secondary suite was constructed in 2005 without City approval. An older dwelling also occupies the 1.57 ha property.

BACKGROUND INFORMATION

A previous application for a boundary adjustment was considered in 1991 - see below for details.

PROPERTY INFORMATION

PID: 025-039-555
Legal Description: Lot A Section 15 Township 26 Osoyoos Division Yale District Plan KAP68999
Property Area: 1.6 ha
ALR Area: 1.6 ha
Purchase Date: May 29, 2001
Location: 3399 East Kelowna Road
Owner: Clayton Ivan

LAND USE

Current Land Use:

Rural residence (two dwellings), christmas tree farm, outbuildings, pens for chickens, turkeys and pigs.

Surrounding Land Uses:

North: East Kelowna Road, small residential (ALR) lots, orchards
East: Field; Private Montessori School; Vineyard
South: Orchard
West: Orchard

PROPOSAL DETAILS

Non- Farm Use Area: 1.5 ha
Non- Farm Use Type: Residential: Additional Dwelling(s)

Agricultural Capability:

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

Source: BCL

Mapsheet: 82 E.083

PREVIOUS APPLICATIONS

Application ID: 6803

Legacy #: 25846

Applicant: Frank Scarfo

Proposal: To subdivide and consolidate a ~2 meter wide, by 73 meter (~150 sq meters) long strip from the Lot A, Plan B1720 and add it to Plan B 1536 which is 0.15 ha so as to provide adequate building setbacks from the property boundary.

Note: The Commission allowed the boundary adjustment as proposed.

RELEVANT APPLICATIONS

Application ID: 44630

Legacy #: 37850

Applicant: George & Shirley Staley

Proposal: Non-farm use to convert the second floor of the existing barn into a small secondary suite.

Decision:

Resolution #	Decision Date	Decision Description
67/2008	March 6, 2008	Allowed subject to the registration of a covenant prohibiting the location of a suite within the house.

Application ID: 41765

Legacy #: 35814

Applicant: Phil & Gertrude Bachmann

Proposal: To create a suite on the main floor of a barn which is 111 square meters. The property is 1.7 ha and was recently created as a result of a homesite severance.

Decision:

Resolution #	Decision Date	Decision Description
87/2005	March 11, 2005	The Commission allowed the development of a 111 sq meter residential suite within the existing barn structure

LOCAL GOVERNMENT INFORMATION

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

Comments and Recommendations:

Agricultural Advisory Committee

The City of Kelowna AAC resolved not to support the application because of concerns about conflict, speculative pressure, and no benefit to farming.

Board/Council

The City of Kelowna Council forwarded the application with a recommendation of support with the condition that the property be remediated - i.e. cleaned up derelict vehicles, to permit the expansion of agricultural activities.

ALC STAFF COMMENTS

Staff suggest that the Commission consider the following:

- 1) The Commission has permitted several suites in separate structures (barns, garages) in Kelowna in the past decade, including a suite on the top floor of a nearby barn _ file: 35814.
- 2) The new building was constructed in a location that limited its impact upon the arable land base.
- 3) The suite does not appear to be necessary for farm help given the relatively low level of agricultural activity on the property.
- 4) The City of Kelowna AAC does not support the proposal, although council does.

ATTACHMENTS

51965_ContextMap20k.pdf
51965 photographs.pdf

END OF REPORT

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