



Provincial Agricultural Land Commission - Staff Report

Application: 52541

Applicant: Dominic & Susanne Panucci
Agent: Chris Vickery
Local Government: City of Kelowna

Proposal: Non-farm Use - to construct a detached secondary suite in a new accessory building. The suite represents a second dwelling on the 1.7 ha property.

BACKGROUND INFORMATION

Two previous applications have been considered on the property. See below for details.

PROPERTY INFORMATION

PID: 009-780-114
Legal Description: Lot 2 Section 16 Township 26 Osoyoos Division Yale District Plan 8853
Property Area: 1.7 ha
ALR Area: 1.7 ha
Purchase Date: November 9, 2005
Location: 3380 Neid Road
Owner: Dominic & Susanne Panucci

Total ALR Area:

LAND USE

Current Land Use:

Residence, grape vineyard on the easterly portion.

Surrounding Land Uses:

North: Rural residence (0.8 ha) on a ravine in the ALR
East: Large cultivated farm parcels - tree fruits.
South: 1.5 ha ALR parcel in tree fruits
West: Non ALR residential subdivision

PROPOSAL DETAILS

Non- Farm Use Area: 1.7 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: BCLI

Mapsheet: 82 E.083

PREVIOUS APPLICATIONS

Application ID: 6853 **Legacy #:** 24819
Applicant: E Krahn
Proposal: To subdivide a 0.2 ha lot from the 1.7 ha property under Homesite Severance Policy.
Note: The Commission refused the application because the 1.5 ha remnant was not a suitable size from an agricultural perspective - particularly since about 0.7 ha of the remainder was not arable. .

Application ID: 329 **Legacy #:** 26715
Applicant: Dominic & Susanne Panucci
Proposal: To subdivide a 0.7 ha lot from the 1.7 ha property. The 0.7 ha lot consists primarily of a steep bank with a small building site adjacent to a non ALR subdivision.
Note: The Commission approved the subdivision application.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

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

Zoning:

Zoning Bylaw Name: 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 did not support the application because there was no agricultural benefit.

Board/Council

City of Kelowna council forwarded the application with a recommendation of support.

ALC STAFF COMMENTS

Staff recommends that the Commission consider the following:

- 1) The proposed site of the accessory dwelling has BCLI soils rating of class 6, indicating that the land is not arable.
- 2) The proposed accessory dwelling will have limited impacts on the remainder of the property because of the topographic slope separating the dwelling from the cultivated area.
- 3) The adjoining land use to the proposed dwelling is residential subdivision, and the dwelling will be accessed by way of an easement from the subdivision, not through the farm area.
- 4) The Agricultural Land Commission approved, by Resolution # 937/93 the subdivision of a 0.7 ha lot from the 1.7 ha parcel. The subdivision has not been concluded, but remains valid. The 0.7 ha lot is the location of the proposed new dwelling.

END OF REPORT

Prepared by: Martin Collins, February 13, 2012