
CITY OF KELOWNA
MEMORANDUM

Date: December 15, 2004
File No.: A04-0013
To: City Manager
From: Planning & Corporate Services Department
Purpose: To obtain approval from the Agricultural Land Commission for a non-farm use within the Agricultural Land Reserve to permit a suite in an accessory building on the subject property.

OWNERS: Phillip Bachmann
Gerti Bachmann
APPLICANTS: Phillip Bachmann
Gerti Bachmann

AT: 3753 East Kelowna Road

EXISTING ZONE: A1 Agriculture 1

REPORT PREPARED BY: Nelson Wight

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A04-0013, Lot A Sec. 14 Twp. 26 O.D.Y.D. Plan KAP72697, located on East Kelowna Road, Kelowna, B.C. for non-farm use within the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act, be supported by Municipal Council.

2.0 SUMMARY

The Applicant is requesting permission for a non-farm use within the Agricultural Land Reserve to allow a secondary suite in an existing accessory building (see attached Building Location Certificate). The Applicants' desire is to have their daughter and son-in-law live in the existing accessory building that these two artists have been using as a studio for the last few years.

3.0 AGRICULTURAL ADVISORY COMMITTEE

At a meeting held on December 9, 2004, the Agricultural Advisory Committee made the following recommendation:

THAT the Agricultural Advisory Committee supports Agriculture Application No. A04-0013, for 3753 East Kelowna Road, Lot A Sec. 14 Twp. 26 O.D.Y.D. Plan KAP72697 by Philip and Gerti Bachmann, to obtain approval from the Land Reserve Commission for a non-farm use within the Agricultural Land Reserve to permit a suite in an accessory building.

4.0 SITE CONTEXT

The subject property is located on East Kelowna Road just west of the Mission Creek ravine. This parcel was created through a "home-site severance" application, which was approved by the Agricultural Land Reserve Commission in 1996, with the actual subdivision being registered in January of 2003.

Existing development consists of one single-family home and an accessory building designed like a traditional, gambrel-roofed barn. There is no agricultural activity taking place on this parcel. It is used entirely for residential purposes, in addition to the “barn” being used as an artist studio.

There are two separate private sewage disposal systems on this property: one septic tank and field serving the home, and one serving the accessory building, which is sized for a two-bedroom suite. Water service for this lot is supplied by the South East Kelowna Irrigation District (SEKID).

Parcel Size: 0.68 ha (1.68 ac)

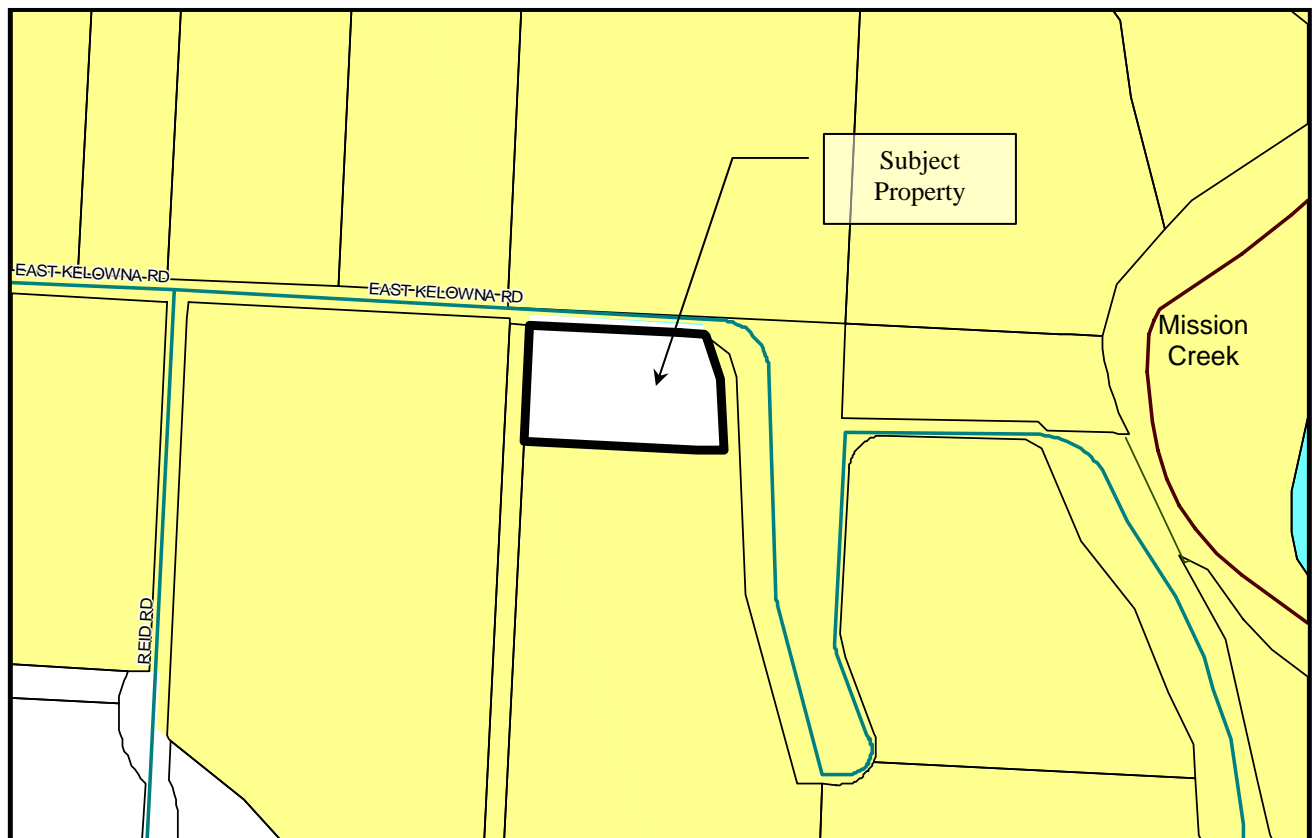
Elevation: 455 m – 458 m

Zoning and Uses of Adjacent Property

North	A1 – Agriculture 1 / Pasture, Hay Land, and Orchard
East	A1 – Agriculture 1 / Pasture, Hay Land, and Orchard
South	A1 – Agriculture 1 / Pasture and Hay Land
West	A1 – Agriculture 1 / Orchard

5.0 SITE MAP

Subject Property: 3753 East Kelowna Road



6.0 POLICY AND REGULATION

6.1.1 City of Kelowna Strategic Plan

A Primary Goal of the Strategic Plan is to preserve viable agricultural holdings as an integral part of our community.

6.1.2

Kelowna 2020 – Official Community Plan

The current Official Community Plan has designated the subject property as Rural / Agricultural.

Generally land areas within this designation will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations.

6.1.3 City of Kelowna Agriculture Plan

Secondary Suites. Support the provision of secondary suites in agricultural areas as per Land Commission Policy # 770/98, which allows one suite per parcel, substantially within the footprint of an existing or proposed single family dwelling provided it is clearly secondary to the single family dwelling. Suites in accessory buildings or enlarging the footprint of an existing residence for a suite would require an ALC application.

7.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

Staff has no concerns with the intensification of the residential use of this property, given the intention to use an existing accessory building for the purposes of a secondary suite. The primary users of this building are already working in the space most days in their various artistic endeavours. Successful completion of a rezoning application would allow them to live there full-time, which would be a significant benefit to their artistic career, and eliminate the daily commute from their present downtown residence. Furthermore, there does not appear to be any negative impacts on the agriculture industry that would result from the approval of this non-farm use application on a 0.68 ha (1.68 ac) home-site severance parcel.

R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion ☐

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Corporate Services
RGS/NW/nw

Attachments (not attached to the electronic version of the report)

- Location of subject property
- State of Title
- Building Location Certificate (annotated)
- Floor Plans