
**CITY OF KELOWNA
MEMORANDUM**

Date: July 19, 2006
File No.: A06-0016
To: City Manager
From: Planning & Development Services Department
Purpose: To obtain approval from the Agricultural Land Commission for a non-farm use within the Agricultural Land Reserve to allow the property to be rezoned from the A1-Agriculture 1 zone to the A1s –Agriculture 1 with Secondary Suite zone.

OWNER: Diane Drummond **APPLICANT:** Diane Drummond
AT: 4284 Jaud Road

EXISTING ZONE: A1 Agriculture 1
REPORT PREPARED BY: Nelson Wight

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A06-0016 for Lot A, Plan 13328, Sec. 34, Twp. 29, ODYD, located on Jaud Road, Kelowna, B.C. for non-farm use within the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act, NOT be supported by Municipal Council.

2.0 SUMMARY

The Applicant is requesting approval of a non-farm use under Section 20(3) of the Agricultural Land Commission Act, in order to pursue rezoning of the 2.0 ha (5.0 ac) subject property from A1 – Agriculture 1 zone to A1s – Agriculture 1 with Secondary Suite zone. The Applicant is in the process of constructing a new home on the subject property (BP 32080), and the A1s zone would facilitate the preservation of the existing home as a secondary dwelling unit. If unsuccessful in this application, the existing home would have to be demolished, removed from the property, or decommissioned as a dwelling unit.

Please see “Addendum to Application By Land Owner” for the Applicant’s explanation of the rationale for this application.

3.0 AGRICULTURAL ADVISORY COMMITTEE

At a meeting held on July 13, 2006, the Agricultural Advisory Committee made the following recommendation:

THAT the Agricultural Advisory Committee NOT SUPPORT Application A06-0016 which seeks to obtain approval from the Agricultural Land Commission for a non-farm use (second dwelling on the subject property) within the Agricultural Land Reserve under Section 20(3) of the Agricultural Land Commission Act to allow the property to be rezoned from the A1 Agriculture 1 Zone to the A1s – Agriculture 1 with Secondary Suite Zone for property located at 4284 Jaud Road and legally described as Lot A, Plan 13328, Sec. 34, Twp. 29, ODYD on the grounds that the mandate is to preserve agricultural land against encroachment of non-agricultural activity, such as the establishment of additional non-farm residential purposes.

4.0 SITE CONTEXT

The subject property is located on Jaud Road, approximately 1 km south of the South Kelowna Elementary School. Priest Creek runs through the southern portion of the property.

The surrounding area is predominantly in the Agricultural Land Reserve (ALR) and used for agricultural purposes, except for the two isolated residential developments to the east and south (see Applicant's sketch plan). A 10-lot rural residential subdivision lies to the east across Jaud Road, and there is a ± 10 -unit mobile home park across Jaud Road to the south.

Existing development on the subject property consists of the following buildings:

1. a $\pm 113 \text{ m}^2$ ($\pm 1,216 \text{ ft}^2$) single-family home (under a delayed demolition permit),
2. a $\pm 416 \text{ m}^2$ ($\pm 4,474 \text{ ft}^2$) single-family home with attached garage under construction, and
3. a $\pm 70 \text{ m}^2$ ($\pm 750 \text{ ft}^2$) detached garage.

An existing barn is to be demolished, because this is where the new house is to be located (see area "A" on Applicant's sketch plan).

Outside of the established and newly proposed yard areas, the land is primarily grassed and used for grazing purposes. There are two significant environmental areas as well: Priest Creek, which runs along the southern portion of the property, and a wetland in the north central portion of the property immediately north of the dwelling that is under construction.

Water service for this lot is supplied by the South East Kelowna Irrigation District (SEKID). Sewage disposal for the new dwelling, which is under construction, is to be provided by a new septic tank and field installation. There is no information from the Applicant with regard to any sewage disposal systems that are connected to the existing dwelling, but is assumed to be the same (i.e.: tank and field).

Parcel Size: 2.0 ha (5.0 ac)

Elevation: 520 m – 524 m

BCLI Land Capability

The unimproved land classification for the subject area falls primarily into Class 5 ($\pm 81 \%$), with some Class 4 ($\pm 15\%$), and Class 6 as well (4%). The predominant limiting factor for unimproved land is "soil moisture deficiency" for the Class 4 and 5 soils, whereas the Class 6 soils predominating in the riparian zone next to Priest Creek are limited due to excessive wetness. With improvements, primarily through irrigation, the land capability rating increases mostly to Class 3 (81%) and Class 2 (15%) - see attached Land Capability Map copied from map 82E.093.

Soil Classification

The soil classification for the subject property includes the following (information summarized from Soils Map 82E.093):

%	Soil Type	Description
57%	GM - Gammil	<u>Land</u> : very gently to extremely sloping fluvioglacial deposits. <u>Texture</u> : 10 to 25 cm of sandy loam or loamy sand over very gravelly loamy sand or very gravelly sand. <u>Drainage</u> : rapid.
24%	PE - Paradise	<u>Land</u> : nearly level to very steeply sloping fluvioglacial deposits. <u>Texture</u> : 25 to 60 cm of sandy loam or loamy sand over gravelly loamy sand or very gravelly sand. <u>Drainage</u> : rapid.

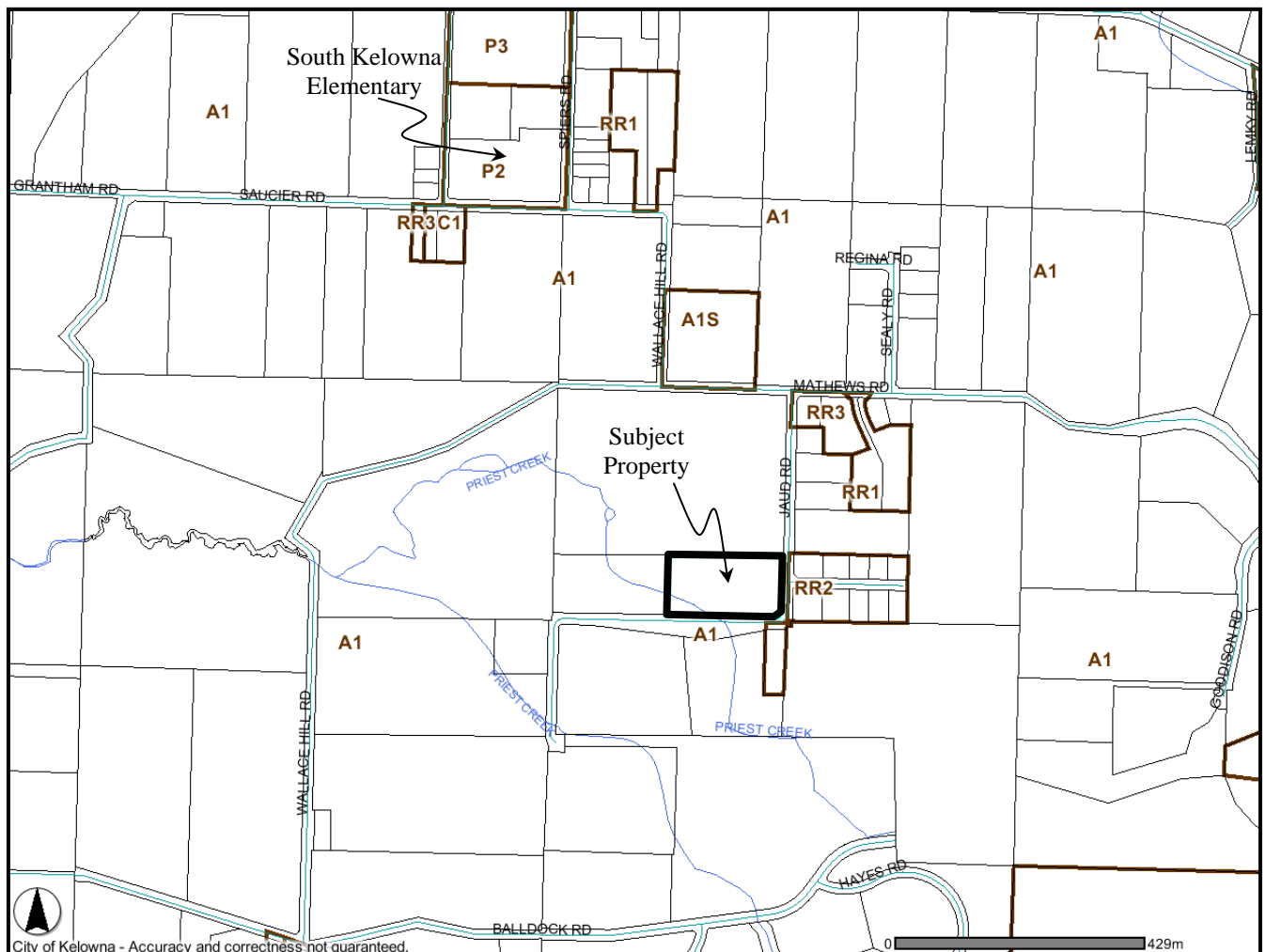
15%	HD - Harrland	<u>Land</u> : eolian veneer over gently to very steeply sloping glacial till. <u>Texture</u> : 10 to 30 cm of sandy loam or loamy sand over gravelly sandy loam or gravelly loamy sand. <u>Drainage</u> : well.
4%	GR - Gartrell	<u>Land</u> : nearly level and very gently sloping fluvioglacial deposits in depressions. <u>Texture</u> : 60 to 100 cm of loam or sandy loam over gravelly sandy loam or gravelly loamy sand. <u>Drainage</u> : dominantly poor, ranging to imperfect; fluctuating groundwater table and seepage.

Zoning and Uses of Adjacent Property

North	A1 – Agriculture 1 / Pasture, Hay Land
East	RR2 – Rural Residential 2 / rural residential housing on ± ½ acre parcels.
South	A1 – Agriculture 1 / Priest Creek mobile home park (13 units)
	RR2 – Rural Residential 2 / rural residential housing on 1.0 ac parcel
West	A1 – Agriculture 1 / Pasture

5.0 SITE MAP

Subject Property: 4284 Jaud 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.

Agricultural Policies:

- 11.1.12 Sustained Agriculture. Encourage the retention of diverse agricultural uses through limits on urban development and non-farm use on lands of sustainable production capability;

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 principle of this application, which is to allow for a more intensive residential use of the property through the addition of a secondary suite development (see the rationale on pages 73 and 74 of the Agriculture Plan). However, Staff is concerned with the form that this proposed secondary development may take. Pursuant to ALC Policy #8 (see attached), secondary suite development that results in a net loss to arable land through the creation of a new building site, additional driveway area, etc. should be discouraged. It would be preferable to locate the secondary suite within the new house, which is under construction, and relocate the existing home to another property.

In the “Addendum to Application by Landowner”, the Applicant refers to the possibility of establishing a “bed and bale” (i.e.: bed and breakfast use, with special provision for boarding of horses) in the existing house. Now that the Applicant is aware that the “bed and breakfast” use is not allowed in conjunction with the “secondary suite” use, she is content to pursue only the secondary suite, and NOT pursue a bed and breakfast use, at this time.

It should also be noted that this proposal presents conflict with some of the Zoning Bylaw provisions for secondary suite development as well. These conflicts include:

CRITERIA	PROPOSAL	ZONING BYLAW 8000 REQUIREMENTS
Floor Area (suite)	± 113 m ²	90 m ² or 75% of principal bldg.
Garage or carport	does not meet requirements	suite in accessory bldg. that exceed 1 storey in height must include a garage or carport

Although Staff is recommending that this application NOT be supported, should Council choose to support this application, an alternate recommendation is provided below:

8.0 ALTERNATE RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A06-0016 for Lot A, Plan 13328, Sec. 34, Twp. 29, ODYD, located on Jaud 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.

Shelley Gambacort
Acting Development Services Manager

Approved for inclusion

Signe K. Bagh, MCIP
Manager, Policy, Research & Strategic Planning
Acting Director Planning and Development Services

NW/nw

Attachments (18 pages):

- Location of subject property
- ALR Map
- Application by Landowner (6 pages)
- Sketch Plan Showing Buildings and Creek
- Main Floor Plan of Existing Home
- Photos of Existing Home (2 pages)
- Excerpt from Agriculture Plan (2 pages)
- ALC Policy #8 – Permitted Uses in the ALR – Residential Use (2 pages)
- Land Capability Map
- Soils Map