
CITY OF KELOWNA
MEMORANDUM

DATE: December 15, 2006
FILE NO.: A06-0020
TO: City Manager
FROM: Planning & Development Services Department
PURPOSE: To obtain approval from the Agricultural Land Commission for a non-farm use and subdivision within the Agricultural Land Reserve to allow the smaller subject property to be rezoned from the A1-Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone.
OWNER: Allan & Annette Lipkovits; Dennis & Lucille Weninger
APPLICANT: Allan & Annette Lipkovits; Dennis & Lucille Weninger
AT: 1680-1720 Morrison Rd. & 898 Moyer Rd.
EXISTING ZONE: A1 Agriculture 1
REPORT PREPARED BY: Danielle Noble

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A06-0020 to obtain approval pursuant to Section 21(2) and 20(3) of the *Agricultural Land Commission Act* for a subdivision and a non-farm use within the Agricultural Land Reserve (secondary suite in an accessory building) to allow a boundary adjustment subdivision to add that portion of land where an existing house is situated on the property located at 1680-1720 Morrison Road and legally described as Lot 12, Section 36, Township 26, ODYD, Plan 425 Except Plan 8676 to property located at 898 Moyer Road and legally described as Lot A, Section 36, Township 26, ODYD Plan 8676, be supported by Municipal Council.

2.0 SUMMARY

The Applicant is requesting approval of a non-farm use under Section 20(3) and subdivision under Section 21(2) of the *Agricultural Land Commission Act*, in order to pursue rezoning of the 0.8 ha (2.0 ac) subject property from A1 – Agriculture 1 zone to A1s – Agriculture 1 with Secondary Suite zone. This is a joint application, as it impacts two independent legal parcels adjacent to one another. To facilitate the zoning, the Applicant will be pursuing an interior lot line adjustment to allocate 968 m² (0.1 ha) to the smaller property that contains the existing house and accessory structure to be re-designated as a secondary suite.

For clarity, the 1680-1720 Morrison Road parcel will have a total of 3 houses on the lot upon completion of the house, as the Applicant is in the process of constructing a new home on the subject property (BP 30696). Conditionally, this larger parcel (1680-1720 Morrison Rd.) has been granted a building permit subject to a demolition permit being executed for the eldest of the existing houses. The adjacent property owner (898 Moyer Rd.) is seeking to acquire that house through a subdivision/interior lot line adjustment following a proposed rezoning amendment to secure the A1s zone. The area of the land that would be incorporated to 898 Moyer Rd. is 1958.82 m² (0.48 acre). This 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.

3.0 AGRICULTURAL ADVISORY COMMITTEE

At a meeting held on November 9, 2006, the Agricultural Advisory Committee made the following recommendation:

THAT the Agricultural Advisory Committee SUPPORTS Application A06-0020 submitted by Mr. & Mrs. A. Lipkovits and Mr. & Mrs. D. Weninger (1680 & 1720 Morrison Road and 898 Moyer Road) and Mr. & Mrs. W. Schmidt (898 Moyer Road) to obtain approval pursuant to Section 21(2) and 20(3) of the *Agricultural Land Commission Act* for a subdivision and a non-farm use within the Agricultural Land Reserve (secondary suite in an accessory building) to allow a boundary adjustment subdivision to add that portion of land where an existing house is situated on the property located at 1680-1720 and legally described as Lot 12 Section 36 Township 26 ODYD Plan 425 Except Plan 8676 to property located at 898 Moyer Road and legally described as Lot A Section 36 Township 26 ODYD Plan 8676 and to permit the property to be rezoned from the A1-Agriculture 1 zone to the A1s-Agriculture 1 with Secondary Suite zone because it has no detriment to the agricultural potential of the subject properties.

4.0 SITE CONTEXT

The subject property seeking rezoning and subdivision is on Moyer Rd, approximately 0.8 ha (2.0 acres) in size. The adjacent property (Lot 12) currently holding the building permit for the new house totals 3.24 ha (8 acres) and is actively farmed for the purposes of hay production. The area of land that would be incorporated into the smaller parcel (Lot A) for 898 Moyer Rd. is 1958.82 m² (0.48 acre).

Both parcels of land are within the Agricultural Land Reserve (ALR), and the surrounding area is predominantly in the ALR and used for agricultural purposes, except for the well established residential neighborhoods to the east and southwest.

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

1. an older single-family home with a detached garage (under a delayed demolition permit),
2. a single-family home with attached garage under construction, and
3. a single-family house.

Outside of the established and newly proposed yard areas, the land is solely utilized for hay production. There are no significant environmental areas noted on the property.

Parcel Size (898 Moyer Rd.): 0.8 ha (2.0 ac)
Elevation (898 Moyer Rd.): 420 m – 430 m

Parcel Size (1680-1720 Morrison Rd.): 3.22 ha (7.96 ac)
Elevation (1680-1720 Morrison Rd.): 420 m – 430 m

BCLI Land Capability

The unimproved land classification for the subject area falls entirely into Class 3 (± 100 %). The predominant limiting factor for unimproved land is soil moisture deficiency and undesirable soil structure and/or low perviousness. With improvements, primarily through irrigation, the land capability rating increases mostly to Class 3 (70%) with continuing limitations of undesirable soil structure.

Soil Classification

The soil capability for this parcel is a complex area rated for non irrigated farming as Class 2 due to soil structure and/or low permeability and Class 3 due to undesirable soil structure and/or low permeability and possible excess water, in the proportions of 8:2. The soil classification for the subject property includes the following (information summarized from Soils Map 82E.094-1):

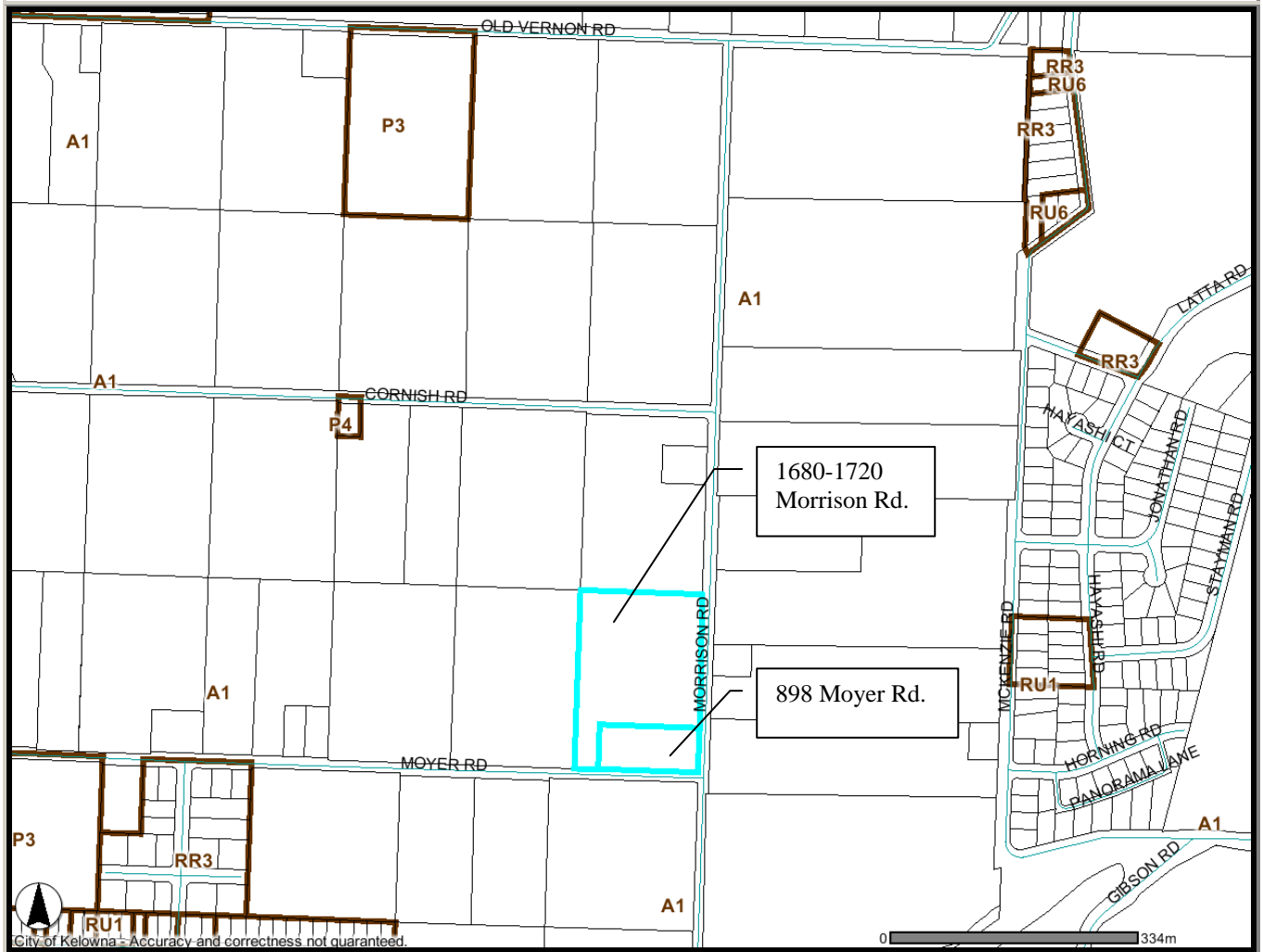
%	Soil Type	Description
100%	GL - Glenmore	<u>Land</u> : nearly level to moderately sloping stratified glaciolucustrine sediments. <u>Texture</u> : 100 cm or more of silt loam, silty clay loam or clay loam. <u>Drainage</u> : well to moderately well.

Zoning and Uses of Adjacent Property

North	A1 – Agriculture 1
East	A1 – Agriculture 1
South	A1 – Agriculture 1
West	A1 – Agriculture 1

5.0 SITE MAP

Subject Property: 898 Moyer Rd./1680-1720 Morrison Rd.



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 recognition of a secondary suite allocation (see the rationale on pages 73 and 74 of the Agriculture Plan). However, Staff is concerned with the approval of the construction of the additional house on 1680-1720 Morrison Road (Lot 12) that detracts from viable agricultural land to facilitate additional residential dwellings. While the existing house that proposes to be incorporated into the legal title of 898 Moyer Road (Lot A) has existed for decades, the reallocation of this house to a different legal title ultimately facilitates the additional residences on the adjacent parcel resulting in a net loss to arable land (for 1680-1720 Morrison Road) through the creation of a new building site, additional driveway area, etc.

However, the subdivision/lot line adjustment to incorporate the existing house with the smaller parcel situated off of Moyer Rd. logistically makes sense to achieve objectives relating to affordable housing alternatives, and does not further encroach on agricultural land. Additionally, the smaller parcel does not lend itself as a large tract of undisturbed agricultural land that ultimately would have a high productivity yield.

R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion

Mary Pynenburg, MRAIC MCIP
Director Planning and Development Services

RGS/DN

Attachments:

- Location of subject property
- Application by Landowner
- Sketch Plan Demonstrating Building Sites
- Sketch Plan of Building Footprint for one of the Principle Dwellings
- Contract of Purchase and Sale
- Excerpt from Agriculture Plan (2 pages)
- ALC Policy #8 – Permitted Uses in the ALR – Residential Use (2 pages)
- Land Capability Map
- Soils Map
- Air Photo