
CITY OF KELOWNA
MEMORANDUM

Date: March 21, 2007
File No.: A07-0001
To: City Manager
From: Planning & Development Services Department
Purpose: To obtain approval from the Agricultural Land Commission to allow a non-farm use to accommodate conversion of the existing dwelling to a secondary suite in an accessory building and construction of a new single family residence under Section 20(3) of the *Agricultural Land Commission Act*.

OWNERS: Richard and Linda Lamberton **APPLICANT:** Doug Lane, Water Street Architecture
AT: 3995 June Springs Road
EXISTING ZONE: A1 Agriculture 1 Zone
REPORT PREPARED BY: Corine (Cory) Gain, MCIP, CPT

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Application No. A07-0001 for property located at 3995 June Springs Road and legally described as: Lot 1 Section 3 Township 26 Osoyoos Division Yale District Plan KAP80425 requesting permission to allow a non-farm use to permit the conversion of the existing 74.3 m² single family dwelling to a secondary suite in an accessory building pursuant to Section 20(3) of the *Agricultural Land Commission Act* NOT BE SUPPORTED by Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

2.0 SUMMARY

The Applicant is requesting permission to allow a non-farm use/conversion of the existing 74.3 m² single family dwelling to a secondary suite in an accessory building. The applicant would like to construct a new 292 m² single family residence and provide a secondary suite for a family member. A copy of ALC Policies # 8 and #10 are attached to this report for reference.

3.0 AGRICULTURAL ADVISORY COMMITTEE

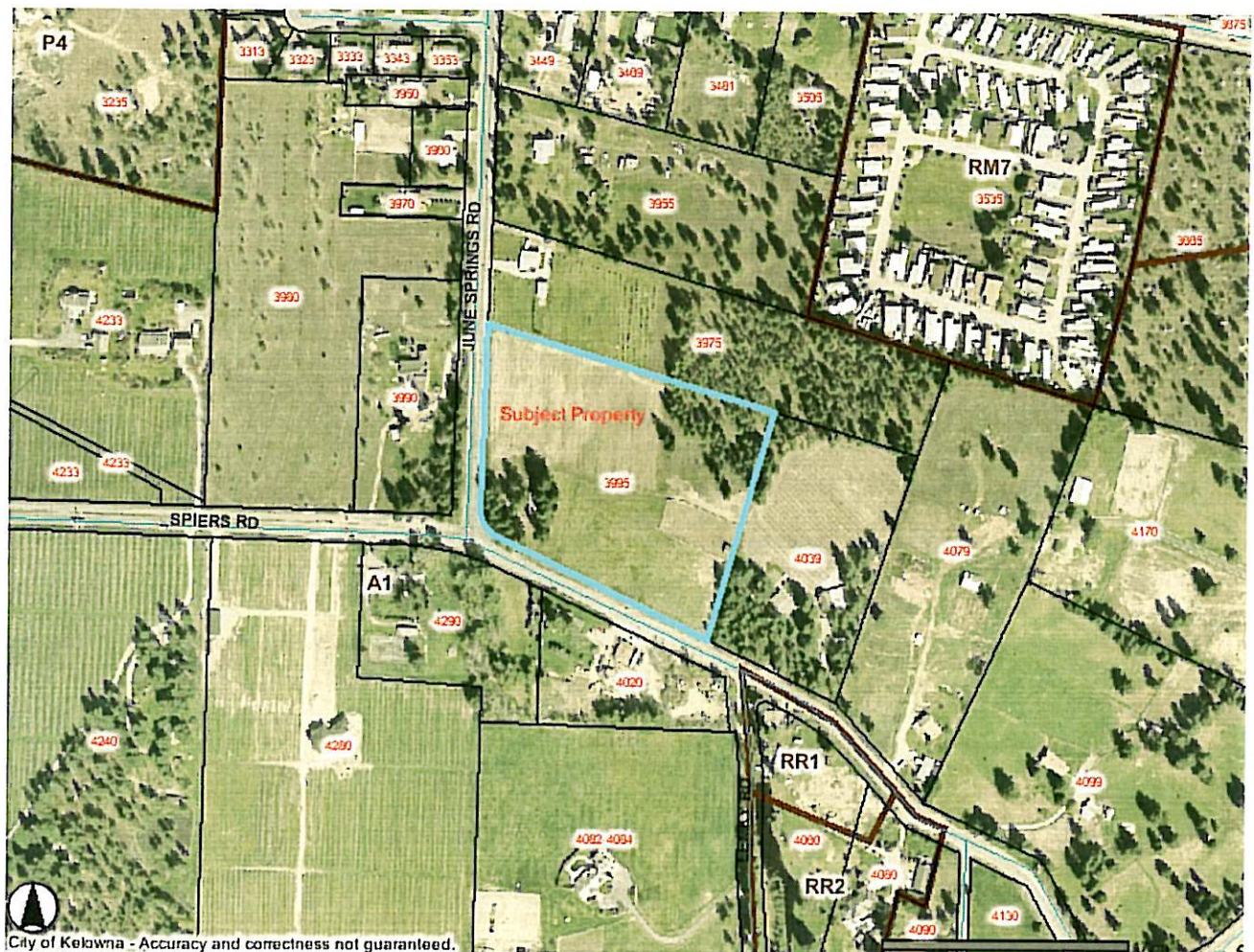
THAT the Agricultural Advisory Committee NOT SUPPORT Application No. A07-0001 for 3995 June Springs Road by Water Street Architecture to obtain approval from the Agricultural Land Commission to allow non-farm use to accommodate conversion of the existing dwelling to a secondary suite in an accessory building and construction of a new single family residence and under Section 20(3) of the *Agricultural Land Commission Act*.

The applicant advises that the property is currently planted as a tree farm with 1,100 seedlings with the intention of an additional 600 seedlings to be planted yearly.

Parcel Size: 2.80 ha. (6.92 ac.)
Elevation: Approx. 501 m to 518 m GSC

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

Subject Property: 3995 June Springs Road



BCLI Land Capability for Agriculture (1: 20,000)

The subject parcel is identified on the BC Land Capability for Agriculture Map as having an unimproved rating of 0:5A and an improved rating of 6:*3 2*3A) indicating the following:

Unimproved:

100% 5A: "Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops" and "Soil Moisture Deficiency – Crops are adversely affected by droughtiness caused by low soil water holding capacity or insufficient precipitation".

Improved:

60% 3: "Land in this class has limitations that require moderately intensive management practices for moderately restrict the range of crops, or both.

20% 3A "Land in this class has limitations that require moderately intensive management practices for moderately restrict the range of crops, or both" and "Soil Moisture Deficiency – Crops are adversely affected by droughtiness caused by low soil water holding capacity or insufficient precipitation".

Soil Classification (1: 20,000)

The subject property is identified on the BC Soil Capability for Agriculture Map as having a rating of 4PE and 4PR indicating the following:

40% PE: "Paradise – Land: Nearly level to very steeply sloping fluvioglacial deposits; Texture: 26 to 60 cm of sandy loam or loamy sand over gravely loamy sand or very gravely sand; Drainage: rapid; and Classification: Eluviated Eutric Brunisol".

40% PR: "Parkhill – Land: Very gently to strongly sloping fluvioglacial deposits; Texture: 100 cm or more of loamy sand or sand; Drainage: Rapid; and Classification: Eluviated Eutric Brunisol".

6.0 POLICY AND REGULATION

6.1 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 (Goal #2, Objective #3). Further, Objective #7 directs the community to "sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas".

6.2 Kelowna 2020 – Official Community Plan

"Section 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."

Under Uses to be Encouraged Section 8.1.45 Secondary Suites states, "Encourage, under the conditions stipulated in the Zoning Bylaw, the creation of secondary suites" contrasts with Section 8.1.53 "Housing in Agricultural Areas. Discourage residential development (both expansions and new developments) in areas isolated within the agricultural environments (both ALR and non ALR)".

6.3 City of Kelowna Agriculture Plan

The Plan states:

- "There are a number of positive impacts of allowing secondary suites in rural areas. There would be equitable treatment for all existing residences throughout the City. A secondary suite may provide some income or mortgage assistance for farmers." (p. 73)
- "It is suggested that support for the general principle of secondary suites in rural/agricultural areas would be reasonable, subject to permitting one suite per parcel, either in the existing or new principal single family dwelling as per Land Commission Policy #770/98 [currently Policy #8]. The location of a suite in an accessory building or enlarging the footprint of an existing residence to accommodate a suite would require the approval of the Land Commission." (p. 74)
- "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." (p. 79).

7.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

This property exists as a result of a homesite severance subdivision approved by the Agricultural Land Commission by Resolution #205/2002. The former property owner subdivided the subject property from the parent property under application #A02-0101 (the homesite lot is located directly to the east of the subject property) with the existing secondary dwelling located as shown on the site plan submitted with the current application. The status of the existing dwelling at that the time of subdivision was as a secondary dwelling. The current property owner seeks to return the status of the existing dwelling to that of a secondary dwelling.

The applicant has submitted seven letters of support for the application from surrounding property owners based on the property as submitted.

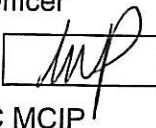
This proposal is to allow rezoning for a suite in an accessory building. In this case the applicant proposes to construct a new larger home and use the existing dwelling as a suite for family members who will assist with work on the farm. The subject property is 2.8 hectares in size; as such it is unlikely that the proposed farm operation would be of sufficient size to warrant an extra dwelling for farm help. A secondary suite on the property could be permitted but the ALC regulations require that a suite be contained within the footprint of an existing building.

The OCP and the Agriculture Plan support the concept of secondary suites in rural areas where it complies with ALC regulations. The Planning and Development Services Department would prefer that the applicant, rather than establishing a separate second dwelling that the proposed new dwelling, include provision for a suite within the proposed new dwelling and that the existing dwelling be decommissioned and used for something associated with farm activities or be

demolished. The intent would be to minimize the loss of land from productive capability. This would be consistent with both ALC and City of Kelowna policies.


R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion



Mary Pynenburg, MRAIC MCIP
Director of Planning & Development Services

RGS/cg

ATTACHMENTS

Photographs (#1 - 8) of the property taken by Staff on February 1, 2007 (4 pages)
Photographs submitted by the Applicant (3)
ALC Application by Land Owner (2 pages)
Letter of support submitted by surrounding property owners (7)
Proposed Building and Site Plans (6 pages)
Excerpts from Zoning Bylaw 8000 (6 pages)
ALC Policies #8 and #10 (3 pages)
Location Map
ALR Map
Future Land Use Map
Generalized Zoning Map
Orthophoto (1: 10,971)
Orthophoto (1: 2,743) with 1 m Contours
Contour Map (5 m Contours)
Slope Map
Land Capability Map
Soil Classification Map

PHOTOGRAPHS – FEBRUARY 1, 2007



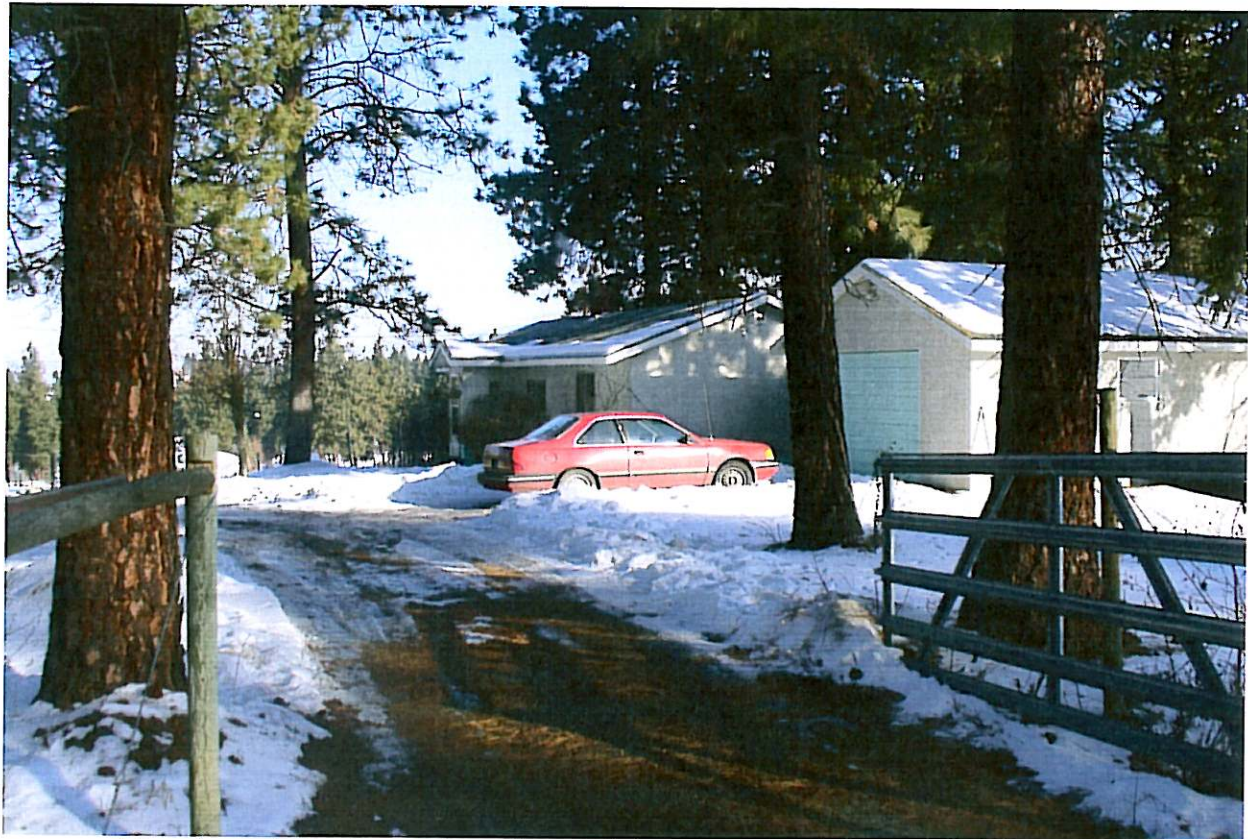
From the western driveway entrance along June Springs Rd. to the north along the property line.



View of the front of the existing dwelling on the subject property.



View across the center of the property to the northern property line.



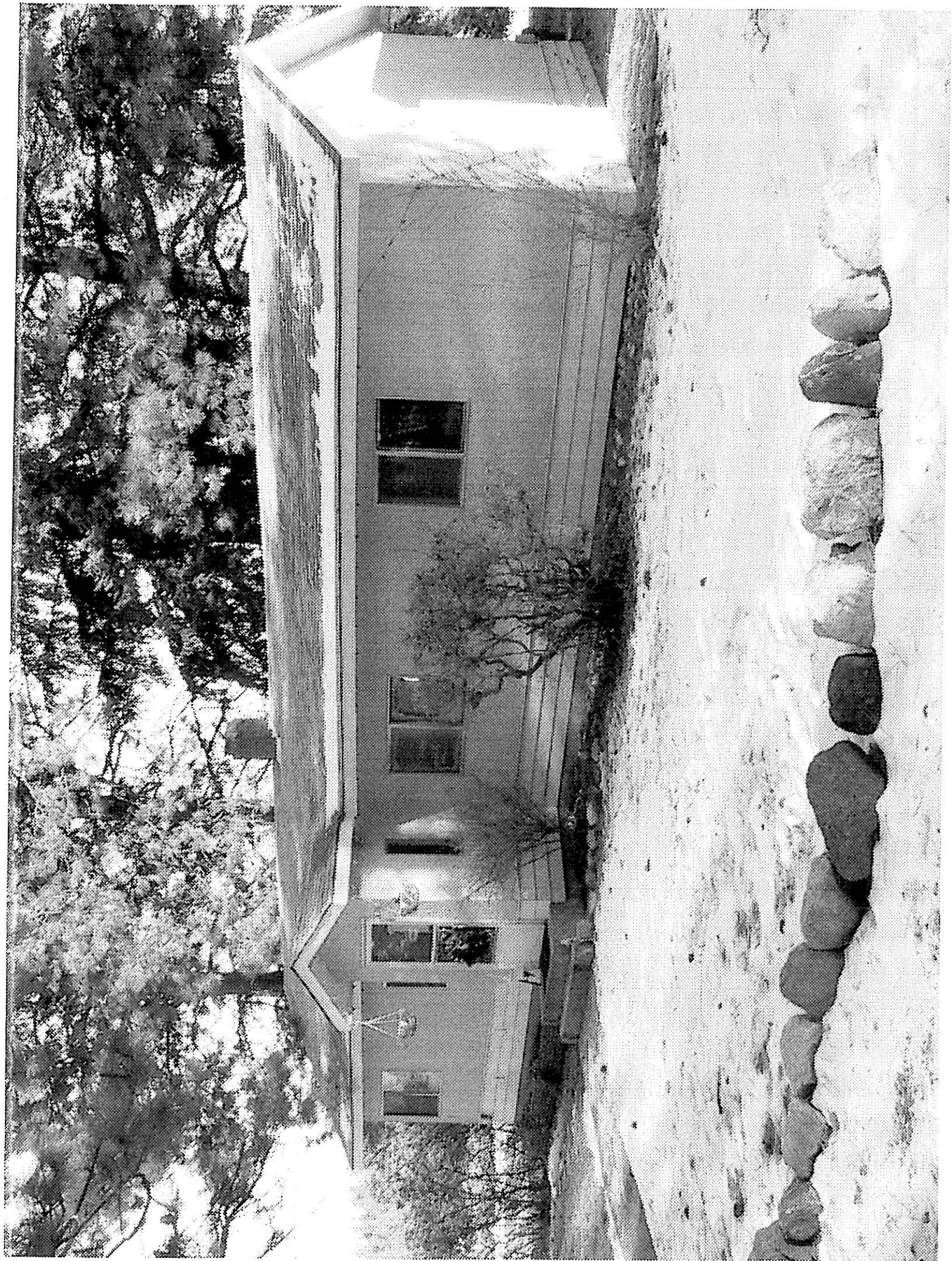
View towards the house from the southern entrance from June Springs Road.

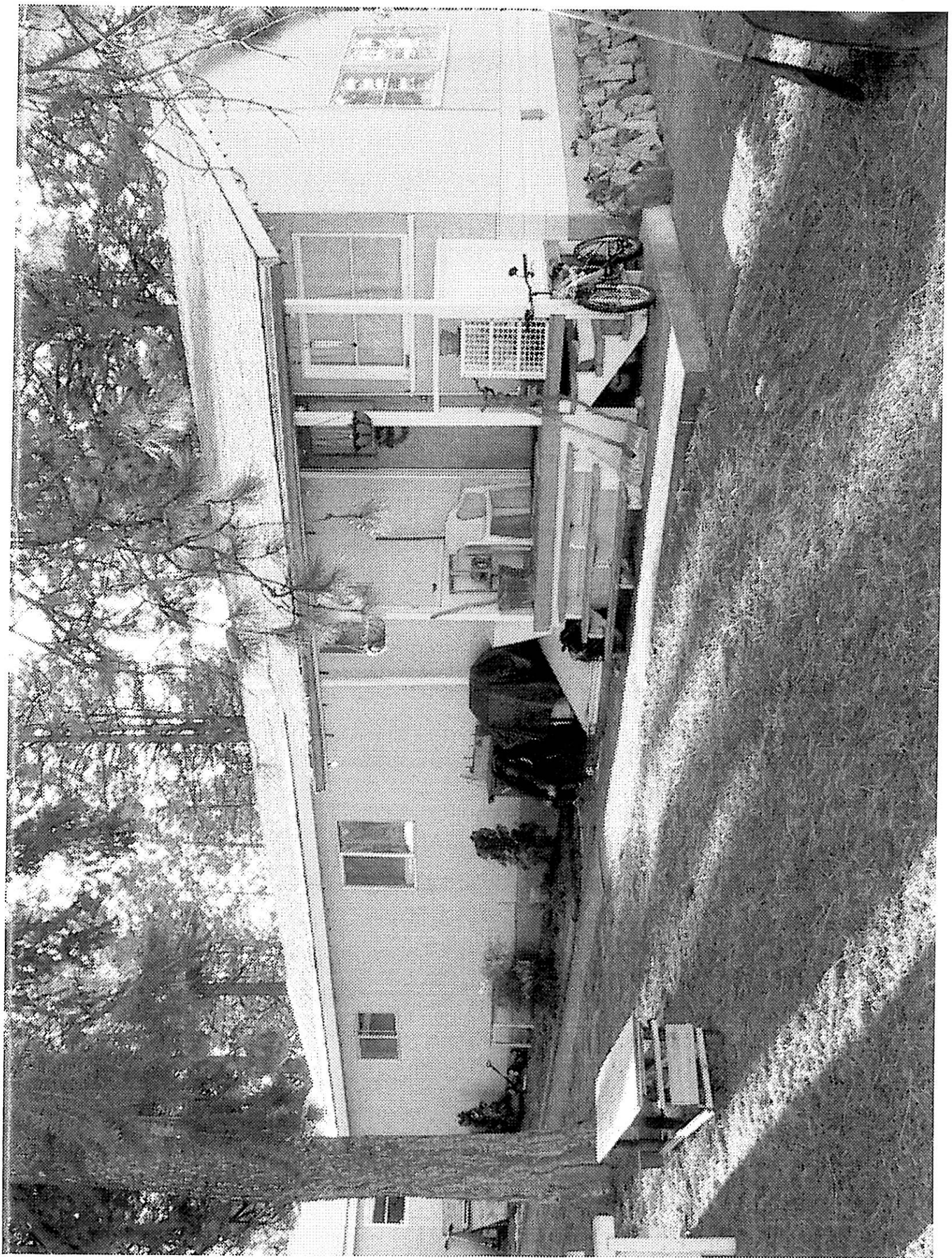


View across the center of the property from the southern lot line.



View east along the southern property line adjacent to June Springs Road



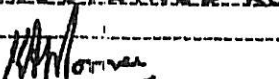




Phone Dick cell 212-3841
 Home 764-8263
 Linda work 763-6525
 Linda cell 862-6596

Dick and Linda Lamberton have purchased the property at 3995 June Springs road (7 acres) and wish to have it rezoned to A1S (Agriculture with a secondary suite). This will allow us to build a family home of approximately 1600 square foot. We will be living in the house and will be running a Christmas tree farm. We currently planted 1100 seedlings in the spring of 2006 and will be planting approximately 600 per year afterward and will be using the existing small house for family or someone to help out with the work on the trees. The current small house is only about 800 square foot and is not large enough for our needs. We will be building the new house at the furthest corner in the trees and as far away from the old house and the roads as possible. We have lived in the Kelowna area for 32 years and on 5 acres in the Mission for the last 20 years and are being forced to relocate due to encroaching subdivisions. We are well known in the South East Kelowna area and have many friends here. We are looking forward to becoming one of your neighbors and once again living in a rural setting.

In order to rezone the City will require us to have a letter of approval from the neighbors directly adjacent to the property. Would you signify that you have reviewed our development plans and have no objections by filling in your address, name and signature below.

DATE 21/01/07
 NAME KEITH A. MORRICE
 ADDRESS 3975 JUNE SPRINGS ROAD, KELOWNA B.C. V1W 4E4
 SIGNATURE 
 COMMENTS

Sincerely
 R lamberton

Phone Dick cell 212-3841

Home 764-8263

Linda work 763-6525

Linda cell 862-6596

Dick and Linda Lamberton have purchased the property at 3995 June Springs road (7 acres) and wish to have it rezoned to A1S (Agriculture with a secondary suite). This will allow us to build a family home of approximately 1600 square foot. We will be living in the house and will be running a Christmas tree farm. We currently planted 1100 seedlings in the spring of 2005 and will be planting approximately 600 per year afterward and will be using the existing small house for family or someone to help out with the work on the trees. The current small house is only about 800 square foot and is not large enough for our needs. We will be building the new house at the furthest corner in the trees and as far away from the old house and the roads as possible. We have lived in the Kelowna area for 32 years and on 5 acres in the Mission for the last 20 years and are being forced to relocate due to encroaching subdivisions. We are well known in the South East Kelowna area and have many friends here. We are looking forward to becoming one of your neighbors and once again living in a rural setting.

In order to rezone the City will require us to have a letter of approval from the neighbors directly adjacent to the property. Would you signify that you have reviewed our development plans and have no objections by filling in your address, name and signature below.

DATE 1/21/07
NAME Coreen Henderson
ADDRESS 4290 Spruce Rd
SIGNATURE C. Henderson
COMMENTS

Sincerely
R lamberton

Phone Dick cell 212-3841
Home 764-8263
Linda work 763-6525
Linda cell 862-6596

Dick and Linda Lamberton have purchased the property at 3995 June Springs road (7 acres) and wish to have it rezoned to A1S (Agriculture with a secondary suite). This will allow us to build a family home of approximately 1600 square foot. We will be living in the house and will be running a Christmas tree farm. We currently planted 1100 seedlings in the spring of 2006 and will be planting approximately 600 per year afterward and will be using the existing small house for family or someone to help out with the work on the trees. The current small house is only about 800 square foot and is not large enough for our needs. We will be building the new house at the furthest corner in the trees and as far away from the old house and the roads as possible. We have lived in the Kelowna area for 32 years and on 5 acres in the Mission for the last 20 years and are being forced to relocate due to encroaching subdivisions. We are well known in the South East Kelowna area and have many friends here. We are looking forward to becoming one of your neighbors and once again living in a rural setting.

In order to rezone the City will require us to have a letter of approval from the neighbors directly adjacent to the property. Would you signify that you have reviewed our development plans and have no objections by filling in your address, name and signature below.

DATE Jan 21 2007
NAME Jennifer Hanson
ADDRESS 3990 June Springs Rd Kelowna
SIGNATURE JHanson
COMMENTS

Sincerely
R Lamberton

Phone Dick cell 212-3841

Home 764-8263

Linda work 763-6525

Linda cell 862-6596

Dick and Linda Lamberton have purchased the property at 3995 June Springs road (7 acres) and wish to have it rezoned to A1S (Agriculture with a secondary suite). This will allow us to build a family home of approximately 1600 square foot. We will be living in the house and will be running a Christmas tree farm. We currently planted 1100 seedlings in the spring of 2006 and will be planting approximately 600 per year afterward and will be using the existing small house for family or someone to help out with the work on the trees. The current small house is only about 800 square foot and is not large enough for our needs. We will be building the new house at the furthest corner in the trees and as far away from the old house and the roads as possible. We have lived in the Kelowna area for 32 years and on 5 acres in the Mission for the last 20 years and are being forced to relocate due to encroaching subdivisions. We are well known in the South East Kelowna area and have many friends here. We are looking forward to becoming one of your neighbors and once again living in a rural setting.

In order to rezone the City will require us to have a letter of approval from the neighbors directly adjacent to the property. Would you signify that you have reviewed our development plans and have no objections by filling in your address, name and signature below.

DATE Jan 24/07
 NAME N Hardy
 ADDRESS June Springs Rd V.L.W. 4E2
 SIGNATURE N Hardy
 COMMENTS

Sincerely
 R lamberton

Phone Dick cell 212-3841

Home 764-8263

Linda work 763-6525

Linda cell 862-6596

Dick and Linda Lamberton have purchased the property at 3995 June Springs road (7 acres) and wish to have it rezoned to AIS (Agriculture with a secondary suite). This will allow us to build a family home of approximately 1600 square foot. We will be living in the house and will be running a Christmas tree farm. We currently planted 1100 seedlings in the spring of 2006 and will be planting approximately 600 per year afterward and will be using the existing small house for family or someone to help out with the work on the trees. The current small house is only about 800 square foot and is not large enough for our needs. We will be building the new house at the furthest corner in the trees and as far away from the old house and the roads as possible. We have lived in the Kelowna area for 32 years and on 5 acres in the Mission for the last 20 years and are being forced to relocate due to encroaching subdivisions. We are well known in the South East Kelowna area and have many friends here. We are looking forward to becoming one of your neighbors and once again living in a rural setting.

In order to rezone the City will require us to have a letter of approval from the neighbors directly adjacent to the property. Would you signify that you have reviewed our development plans and have no objections by filling in your address, name and signature below.

DATE Jan 22, 2007

NAME GEORGE V STALEY

ADDRESS 4039 JUNE SPRINGS RD.

SIGNATURE George V. Staley

COMMENTS

We fully support the Lamberton's request for AIS zoning of their property.

Sincerely

R lamberton

Phone Dick cell 212-3841

Home 764-8263

Linda work 763-6525

Linda cell 862-6595

Dick and Linda Lamberton have purchased the property at 3995 June Springs road (7 acres) and wish to have it rezoned to A1S (Agriculture with a secondary suite). This will allow us to build a family home of approximately 1600 square foot. We will be living in the house and will be running a Christmas tree farm. We currently planted 1100 seedlings in the spring of 2006 and will be planting approximately 600 per year afterward and will be using the existing small house for family or someone to help out with the work on the trees. The current small house is only about 800 square foot and is not large enough for our needs. We will be building the new house at the furthest corner in the trees and as far away from the old house and the roads as possible. We have lived in the Kelowna area for 32 years and on 5 acres in the Mission for the last 20 years and are being forced to relocate due to encroaching subdivisions. We are well known in the South East Kelowna area and have many friends here. We are looking forward to becoming one of your neighbors and once again living in a rural setting.

In order to rezone the City will require us to have a letter of approval from the neighbors directly adjacent to the property. Would you signify that you have reviewed our development plans and have no objections by filling in your address, name and signature below.

DATE

FEB 21 / 07

NAME

ELIZABETH SCHERLE

ADDRESS

4080 JUNE SPRINGS RD KELOWNA

SIGNATURE

Elizabeth Scherle

COMMENTS

Sincerely

R lamberton

Phone Dick cell 212-3841
Home 764-8263
Linda work 763-6525
Linda cell 862-6596

Dick and Linda Lamberton have purchased the property at 3995 June Springs road (7 acres) and wish to have it rezoned to A1S (Agriculture with a secondary suite). This will allow us to build a family home of approximately 1600 square foot. We will be living in the house and will be running a Christmas tree farm. We currently planted 1100 seedlings in the spring of 2006 and will be planting approximately 600 per year afterward and will be using the existing small house for family or someone to help out with the work on the trees. The current small house is only about 800 square foot and is not large enough for our needs. We will be building the new house at the furthest corner in the trees and as far away from the old house and the roads as possible. We have lived in the Kelowna area for 32 years and on 5 acres in the Mission for the last 20 years and are being forced to relocate due to encroaching subdivisions. We are well known in the South East Kelowna area and have many friends here. We are looking forward to becoming one of your neighbors and once again living in a rural setting.

In order to rezone the City will require us to have a letter of approval from the neighbors directly adjacent to the property. Would you signify that you have reviewed our development plans and have no objections by filling in your address, name and signature below.

DATE-----

NAME-----

ADDRESS-----

SIGNATURE-----

COMMENTS-----

Kim Peterson
4082 Agency Rd Kelowna BC V1W 4E2
[Signature]

Sincerely
R lamberton

LAMBERTON TREE FARM

3995 JUNE SPRINGS ROAD
KELOWNA, BC

LEGAL ADDRESS
LOT #
SECTION #
TOWNSHIP #
RANGE #

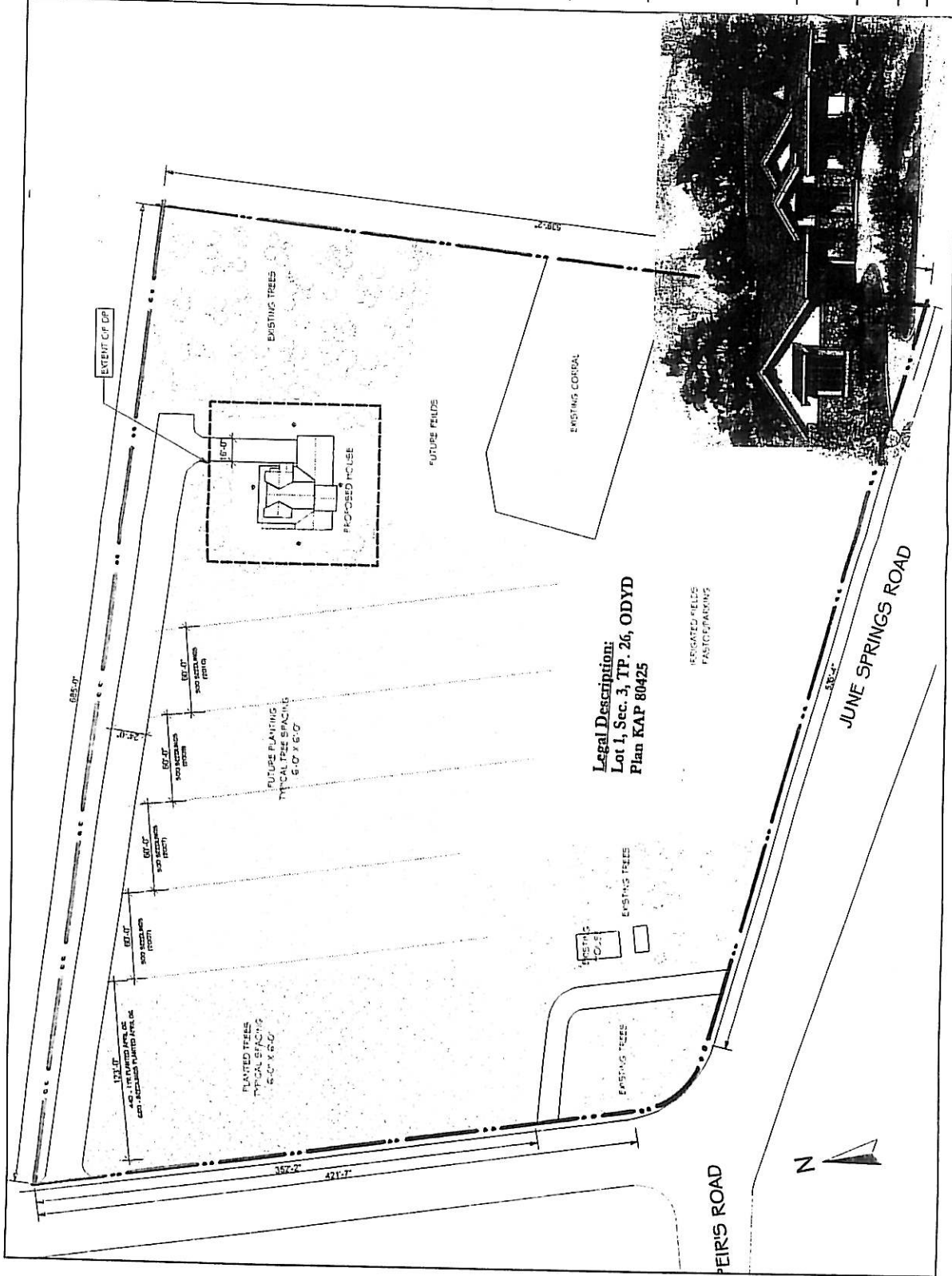
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NOT FOR
CONSTRUCTION

water street
architecture inc.
Suite 2
1562 Water Street
Kelowna, BC
V1Y 1J7

SITE PLAN

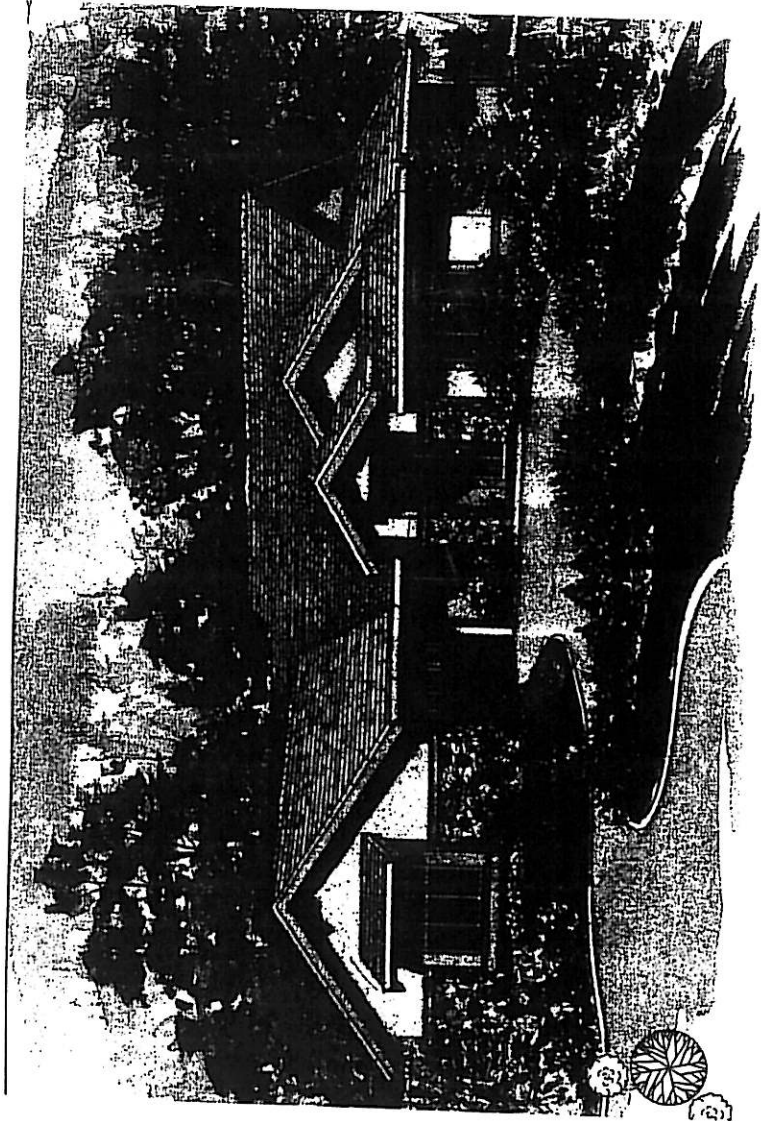
DATE	SCALE	PROJECT	NO.
dm	1:125		06-1204



Legal Description:
Lot 1, Sec. 3, TP. 26, ODVD
Plan KAP 80425

water street architecture inc.

ISSUED FOR DEVELOPMENT PERMIT
December 08, 2006



01

Legal Description:
Lot 1, Sec. 3, TP. 26, ODYD
Plan KAP 80425

Prepared for:
Lamberton Enterprises

Lamberton
Tree Farm
Kelowna
British Columbia

architectural	
A00 Title Sheet	A17
A01 Site Plan	A18
A02 Main Floor Plan	A19
A03 Basement Plan	A20
A04 Elevation 1	A21
A05 Elevation 2	A22
A06	A23
structural	
S00 Drawing Name	S00 Drawing Name
mechanical	
M00 Drawing Name	M00 Drawing Name
electrical	
E00 Drawing Name	E00 Drawing Name

water street
architecture inc.
Suite 2
1562 Water Street
Kelowna, bc
v1y 1j7

33995 JUNE SPRINGS ROAD
KELOWNA, BC

LEGAL ADDRESS
UNIT #
FLANK #
NE 1/4 SECTION #
TOWNSHIP #
RANGE #

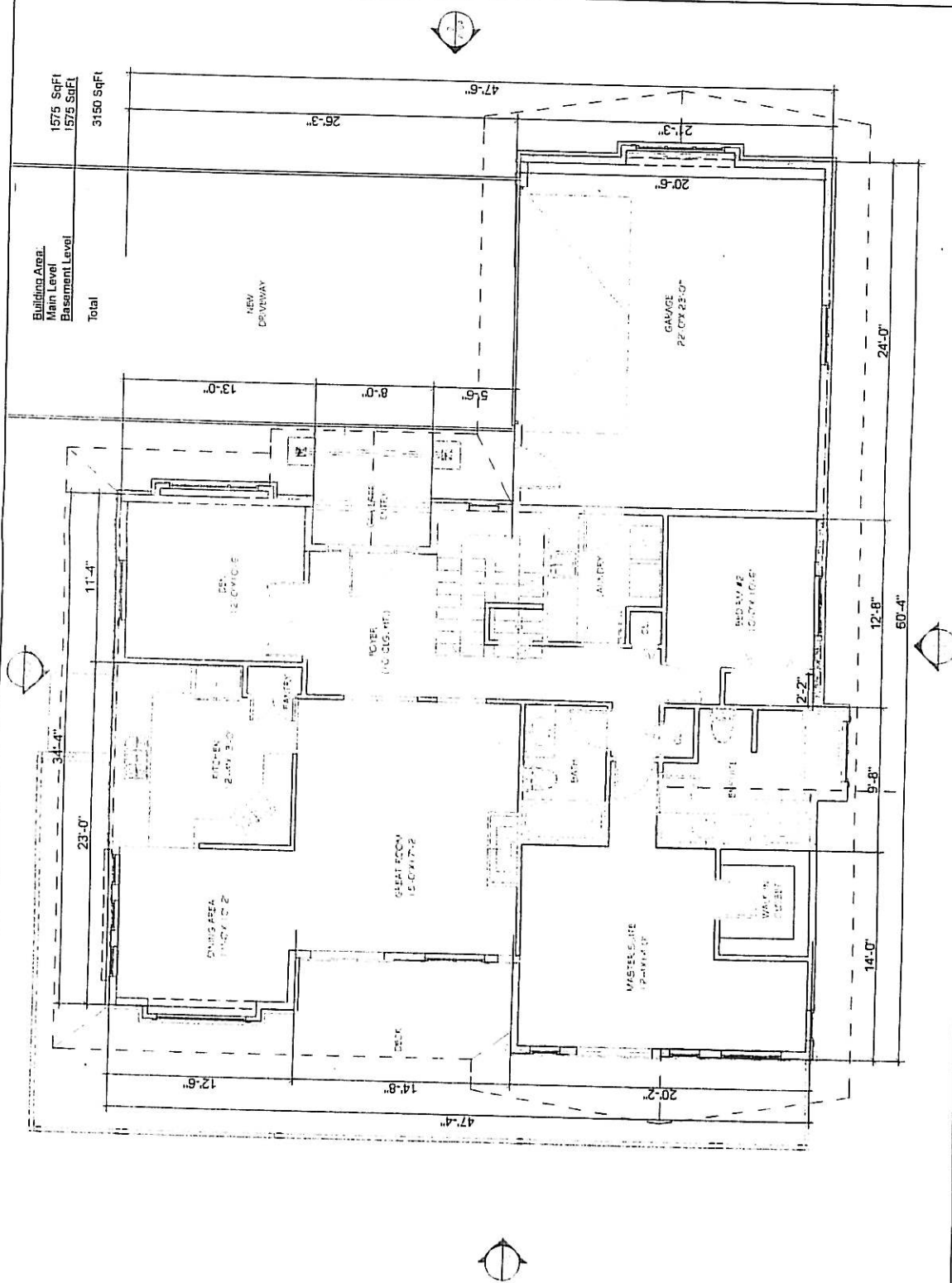
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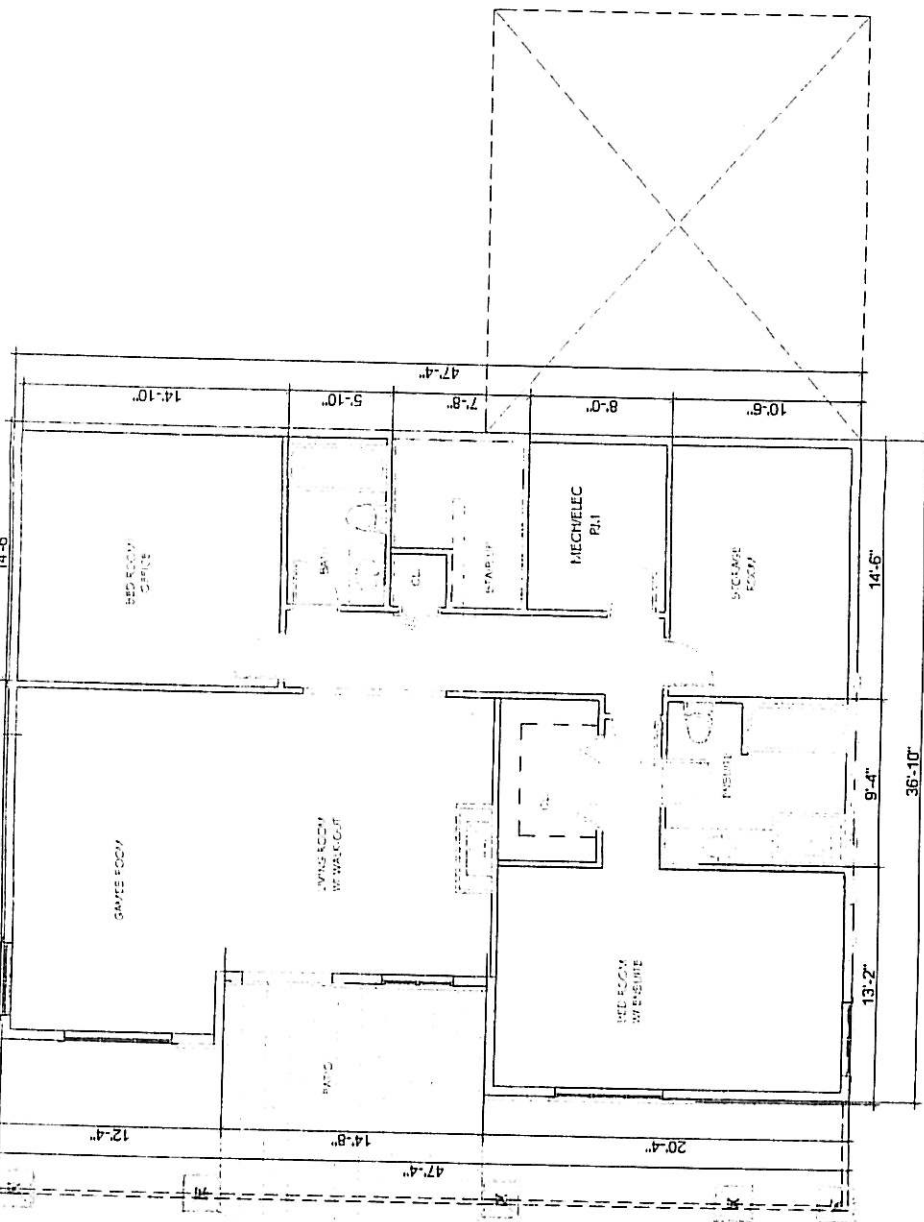
water street
architecture inc.
Suite 2
1562 Water Street
Kelowna, bc
V1Y 1J7

MAIN LEVEL

A1.2

dm	1:75	SCALE
DATE	05-12-04	REV. NO.





LAMBERTON TREE FARM

3995 JUNE SPRINGS ROAD
KELOWNA, BC

LEGAL ADDRESS
UNIT #
PLAN #
REIM SECTION #
TOWNSHIP
RANGE #

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NOT FOR
CONSTRUCTION

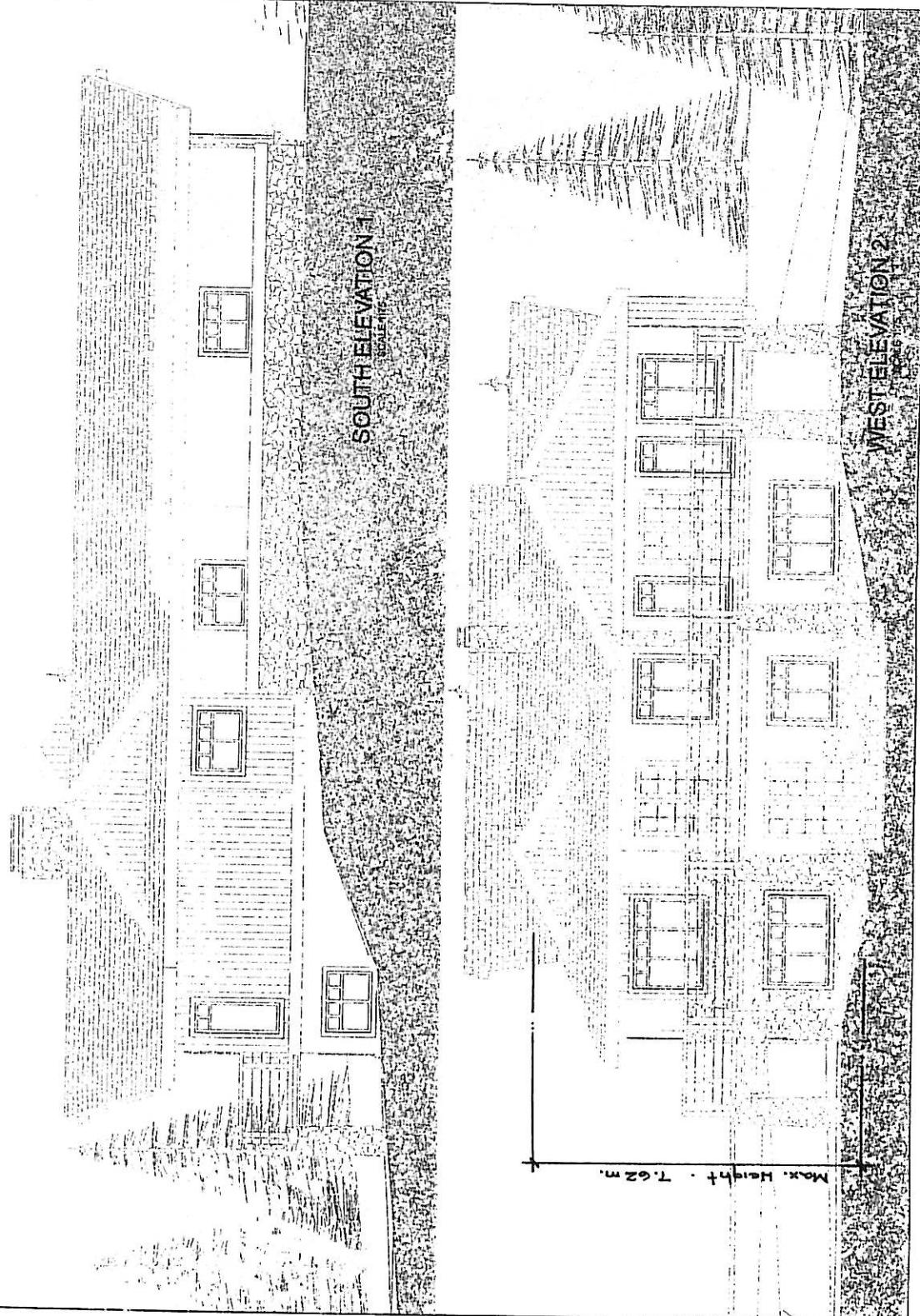
DATE

CONSULTANT

water street
architecture inc.
Suite 2
1562 Water Street
Kelowna, bc
V1Y 1J7

ELEVATIONS

sheet	scale	date
A1.5	1:75	06-12-04



Section 11 – Agricultural Zones

BL8404 amended the following Title:

11.1 A1 – Agriculture 1

A1s – Agriculture 1 with Secondary Suite

BL8760 replaced the Purpose.

BL9120 replaced the Purpose as follows:

11.1.1 Purpose

The purpose is to provide a zone for rural areas and agricultural uses as well as other complementary uses suitable in an agricultural setting. A maximum of one single dwelling house is permitted. In addition a secondary suite may be permitted when in accordance with relevant provisions of this bylaw including subsection 6.5 and 9.5

11.1.2 Principal Uses

The principal uses in this zone are:

- (a) agriculture
- (b) animal clinics, major where in existence prior to July 1st, 1998
- (c) aquaculture
- (d) greenhouses and plant nurseries

BL8760 added paragraph (e) and renumbered the subsequent paragraphs:

- (e) intensive agriculture

BL9120 deleted paragraphs (f) mobile homes and (g) single detached housing and added (g) single dwelling housing and renumbered the subsequent paragraphs:

- (g) single dwelling housing
- (f) utility services, minor impact

11.1.3 Secondary Uses

The secondary uses in this zone are:

- (a) agricultural dwellings, additional
- (b) agri-tourist accommodation
- (c) animal clinics, major
- (d) animal clinics, minor
- (e) bed and breakfast homes
- (f) care centres, intermediate

BL8760 added "forestry" and renumbered the subsequent sections:

- (g) forestry

BL8654 deleted paragraph (g) and renumbered the subsequent sections:

- (h) group homes, minor
- (i) home based businesses, major
- (j) home based businesses, minor
- (k) home based businesses, rural
- (l) kennels and stables
- (m) wineries and cideries

BL8881 added second kitchen.

BL9120 replaced paragraph (n) as follows:


- (n) second kitchen (A1 only)

BL8404 added the following line:

- (o) secondary suite (A1s only)

BL9120 added subsection 11.1.4 Buildings and Structures Permitted and renumbered the subsequent paragraphs as follows:

11.1.4 Buildings and Structures Permitted

- (a) one **single detached house** (which may contain a **secondary suite** in the A1s zone);
- (b) one **mobile home**;
-  (c) permitted **accessory buildings** or **structures** (which may contain a **secondary suite** in the A1s zone).

11.1.5 Subdivision Regulations

- (a) The minimum **lot width** is 40.0 m.

BL8862 replaced paragraph (b) as follows:

- (b) The minimum **lot area** is 4.0 ha except the minimum **lot area** is 2.0 ha when located within the **Agricultural Land Reserve**. That Lot B, Section 34, Township 29, ODYD, Plan KAP66973 be exempted from the minimum lot area requirements of this zone for a period of 3 years, effective July 30, 2002

11.1.6 Development Regulations

- (a) The maximum **site coverage** is 10% for residential **development**, and it is 35% for **agricultural structures** except it may be increased to 75% for greenhouses with closed wastewater and storm water management systems.
- (b) The maximum **height** is the lesser of 9.5 m or 2½ **storeys**, except it is 13.0 m for accessory **buildings** and 16.0 m for **agricultural structures**.
- (c) The minimum **front yard** is 6.0 m.
- (d) The minimum **side yard** is 3.0 m, except it is 4.0 m from a **flanking street**.
- (e) The minimum **rear yard** is 10.0 m, except it is 3.0 m for accessory **buildings**.

BL8760 replaced paragraph (f)

- (f) Notwithstanding subsections 11.1.6(c) to (e), **confined livestock areas** and/or **buildings** housing more than 4 animals, or used for the processing of animal products or for **agricultural and garden stands**, shall not be located any closer than 15.0 m from any **lot line**, except where the **lot line** borders a **residential zone**, in which case the area, building or stand shall not be located any closer than 30.0 m from the **lot line**.

11.1.7 Other Regulations**BL8367 and BL8760 both replaced paragraph (a):**

- (a) Notwithstanding subsection 11.1.4(b), when a **home based business, rural** involves the cutting and wrapping of wild game or any meat, the **lot** must have a minimum **lot area** greater than 0.33 ha.
- (b) Single wide **mobile homes** shall not be located on **lots** smaller than 2.0 ha. and double wide **mobile homes** shall not be located on **lots** smaller than 0.8 ha.
- (c) Major animal clinics or **kennels and stables** shall not be located on parcels less than 2.0 ha.


BL8654 replaced paragraphs (d) and (e) with paragraphs (d) (e) and (f) and renumbered the subsequent paragraphs:


- (d) **Agricultural and garden stands** selling only produce grown on the **site** or another **site** operated by the same producer do not have a maximum area. The maximum **gross floor area** of stands selling produce that is produced off-site shall be 50.0 m². For **sites** within the **Agricultural Land Reserve**, the maximum **gross floor area** of agricultural and garden sales for produce produced off-site or off-farm products shall be the lesser of one-third of the total floor area of the agricultural and garden sales stand or 100.0 m².
- (e) For **lots** not located within the **Agricultural Land Reserve**, **agri-tourist accommodation** shall not be located on **lots** smaller than 5.0 hectares in size and shall not exceed 10 **bedrooms**, campsites or recreational vehicle pads.

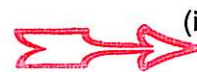
- (f) For **lots** located within the **Agricultural Land Reserve**, **agri-tourist accommodation** shall not be located on **lots** smaller than 2.0 hectares in size and shall not exceed 10% **site coverage**. Notwithstanding this section, the provision of **agri-tourist accommodation** must be in compliance with the provisions of the **Agricultural Land Reserve Act** or specific approval from the **Land Reserve Commission**.

BL8404 added paragraphs (g) and (h):

BL8760 replaced paragraph (g):

 (g) In addition to the regulations listed above, other regulations may apply, including, but not limited to, other sections of this Zoning Bylaw, and any applicable regulations or requirements of the **Land Reserve Commission**.

 (h) An "s" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a **secondary suite** is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. An "s" zoning classification on a property shall be established by rezoning the subject property to the "s" version of parent **zone**.

 (i) A **secondary suite**, in accordance with Section 9.5, may only be located within a single detached **dwelling** or an accessory **building** to a single detached **dwelling** which is no closer than 5.0 m to the principal **building**.

BL8760 added paragraph (j) as follows:

- (j) **Intensive Agriculture** uses shall be located only within those areas designated for Intensive Agricultural Use in accordance with Schedule "A" attached to this Bylaw.

BL8881 added paragraph (k) as follows:

- (k) A **second kitchen** may only be located in **single detached housing**. A **second kitchen**, when permitted, is to be used by the occupants of **single detached housing** only to accommodate one **household**. The section of the building containing the **second kitchen** must be freely and fully accessible from the remainder of the **dwelling** without any intervening doors equipped with a locking device of any kind. In order to clarify the restrictions of use of the **second kitchen** to members of the **household**, the owner of the property will be required to sign an affidavit form clearly outlining all **second kitchen** regulations prior to the issuance of an occupancy permit for the **second kitchen**.

BL9003 added paragraph (l) as follows:

- (l) A **mobile home** may be considered a **secondary suite** within an **accessory building** only in an A1s – Agricultural 1 with Secondary Suite zone provided it is not in the **Agricultural Land Reserve**.

9.5 Secondary Suites

BL9003, BL9119 and BL9399 replaced Subsection 9.5.1


9.5.1 All secondary suites must comply with the following:

 (a) **Secondary suites**, when permitted, are to be located only in a converted **single detached housing** or an **accessory building**.


BL9532 replaced Subsection 9.5.1(b):

(b) A **mobile home** may be considered a **secondary suite** within an **accessory building** only in an A1s – Agriculture 1 with Secondary Suite zone. All such development shall be in compliance with the *British Columbia Agricultural Land Commission Act*, Regulations and Orders.

(c) No **structural alteration** or addition shall be undertaken that **alters** the existing low-**density** residential character of the neighbourhood.


 (d) Where a **secondary suite** is located in an **accessory building** the principal dwelling unit shall be located between the **front yard** and the **accessory building** except in the A1s – Agriculture 1 with Secondary Suite zone. Where a **secondary suite** is located in an **accessory building** in the A1s – Agriculture 1 with Secondary Suite zone, the **accessory building** must be located at least two times the distance of the required **front yard** setback.

BL9532 replaced Subsection 9.5.1(b):

 (e) An **accessory building** shall not be higher than the lesser of 4.5 m or the height of the existing principal **dwelling** unit on the same property, except in the A1(s) – Agriculture 1 with Secondary Suite Zone the maximum height of an **accessory building** containing a **secondary suite** shall be the lesser of 9.5 m or the height of the existing principal **dwelling** unit on the same property.

9.5.2 No more than one secondary suite shall be permitted per principal **dwelling** unit. It may be permitted within the principal **dwelling** unit or within an **accessory building**. It shall not be allowed in conjunction with a bed and breakfast home.

9.5.3 No secondary suite will be allowed without connection to a community sanitary sewer unless the **lot** is at least 830 m² and meets the requirements of the **City** and the Medical Health Officer for septic disposal capacity.

 9.5.4 The maximum floor area of a secondary suite shall not exceed the lesser of 90 m² or 40% of the total floor area of the principal **building**. Where a secondary suite is located in an **accessory building**, the maximum floor area of the secondary suite shall not exceed the lesser of 90 m² or 75% of the total floor area of the principal **building**.

9.5.5 Parking and signs shall be in conformance with the regulations of this Bylaw and Sign Bylaw No. 8235.

9.5.6 Secondary **dwelling** units shall comply with all relevant **City** Bylaws, and the **Building Code**.

9.5.7 A secondary **dwelling** unit shall be located in a **building** and on a property which is a single real estate entity. No strata titling will be permitted.

BL9120 amended paragraph 9.5.8 as follows:

9.5.8 A secondary **dwelling** unit is not permitted in conjunction with lodgers, bed and breakfast accommodation or a group home.

9.5.9 The operators of secondary **dwelling** units shall be required to hold a valid **business** licence with the **City** of Kelowna.

BL8888 added paragraph 9.5.10; BL9431 amended as follows:

9.5.10 Where a **secondary suite** is located in an **accessory building**, the **accessory building** must include a garage or carport for a minimum of one **vehicle**. Single storey accessory buildings containing secondary suites are not required to provide an attached garage or carport.

BL9119 added the following:

9.5.11 Where a secondary **dwelling** unit is permitted, a minimum area of 30m² of private open space shall be provided per **dwelling** unit.

BL9119 added the following:


9.5.12 Where a secondary **dwelling unit** is located in an **accessory building**, a lighted pathway must be provided between the **fronting** street and the **accessory building**.

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 Agricultural Land Commission Act	Policy #10 March 2003 BUILDING NEW RESIDENCE WHILE OCCUPYING EXISTING RESIDENCE
<i>This policy provides advice to assist in the interpretation of the Agricultural Land Commission Act, 2002 and Regulation. In case of ambiguity or inconsistency, the Act and Regulation will govern.</i>	

It is the policy of the Commission that no application to the Commission is required:

- where there is one existing residence on the parcel;
- the existing residence will be demolished, moved off the property, or made uninhabitable upon occupancy of the new residence, and
- a bond or Letter of Credit and an affidavit (or such other assurances as determined by an authority issuing the building permit) ensuring demolition or removal of the initial residence, or that the initial residence is uninhabitable, has been posted with the authority issuing the building permit.



In cases where the initial residence and new residence are to be used for and are necessary for legitimate farm purposes, no application is required. See Commission policy "Additional Residences for Farm Use". In addition a 'manufactured home' for residential use by immediate family members of the owner is permitted under the ALR Use, Subdivision and Procedure Regulation. See Commission Policy "Permitted Uses in the ALR: Residential Uses".


However, an application to the Commission is required if there is an existing residence on the parcel, the existing residence will be retained and inhabited and the additional residence is not required for legitimate farm purposes.

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 Agricultural Land Commission Act	<p style="text-align: right;">Policy #8 March 2003</p> <p style="text-align: center;">PERMITTED USES IN THE ALR: RESIDENTIAL USE</p> <p><i>This policy provides advice to assist in the interpretation of the Agricultural Land Commission Act, 2002 and Regulation. In case of ambiguity or inconsistency, the Act and Regulation will govern.</i></p>
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REFERENCE:

Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Reg. 171/2002), the "Regulation", Section 3 (1) (b)

Section 3 (1) *"the following land uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw:*

(b) for each parcel,

(i) one secondary suite within a single family dwelling, and

(ii) one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family;

Section 1 (1) **"immediate family"** means, with respect to an owner, the owner's

(a) parents, grandparents and great grandparents,

(b) spouse, parents of spouse and stepparents of spouse,

(c) brothers and sisters, and

(d) children or stepchildren, grandchildren and great grandchildren;


INTERPRETATION:

The Regulation permits a secondary suite for residential purposes, wholly contained within a single family dwelling, on a parcel in the ALR. The secondary suite use is not limited as to who occupies the suite. The Regulation also provides for one manufactured home, in addition to a dwelling, on a parcel in the ALR, but only for use by the property owner's immediate family. The maximum width of manufactured or mobile home allowed is 9 metres, which provides for what is commonly known as a 'double-wide'. The Commission may make an exception to the width requirement in the Peace and Northern Rockies Regional Districts to provide for a 'double wide' up to the industry standard width (10 metres).

The Regulation defines "immediate family" as noted above. If the manufactured home is no longer occupied by immediate family of the property owner, it is no longer a permitted use in the ALR and must be removed from the parcel or, if it remains, not used for residential purposes.

It should be noted that Section 18 (a) (ii) of the *Agricultural Land Commission Act* provides for one residence per parcel of land, and more than one residence where "the additional residences are necessary for farm use." See Commission Policy "Additional Residences for Farm Use".

Related uses that are not permitted in the Act or Regulation for residential use require application to



and approval from the Commission.

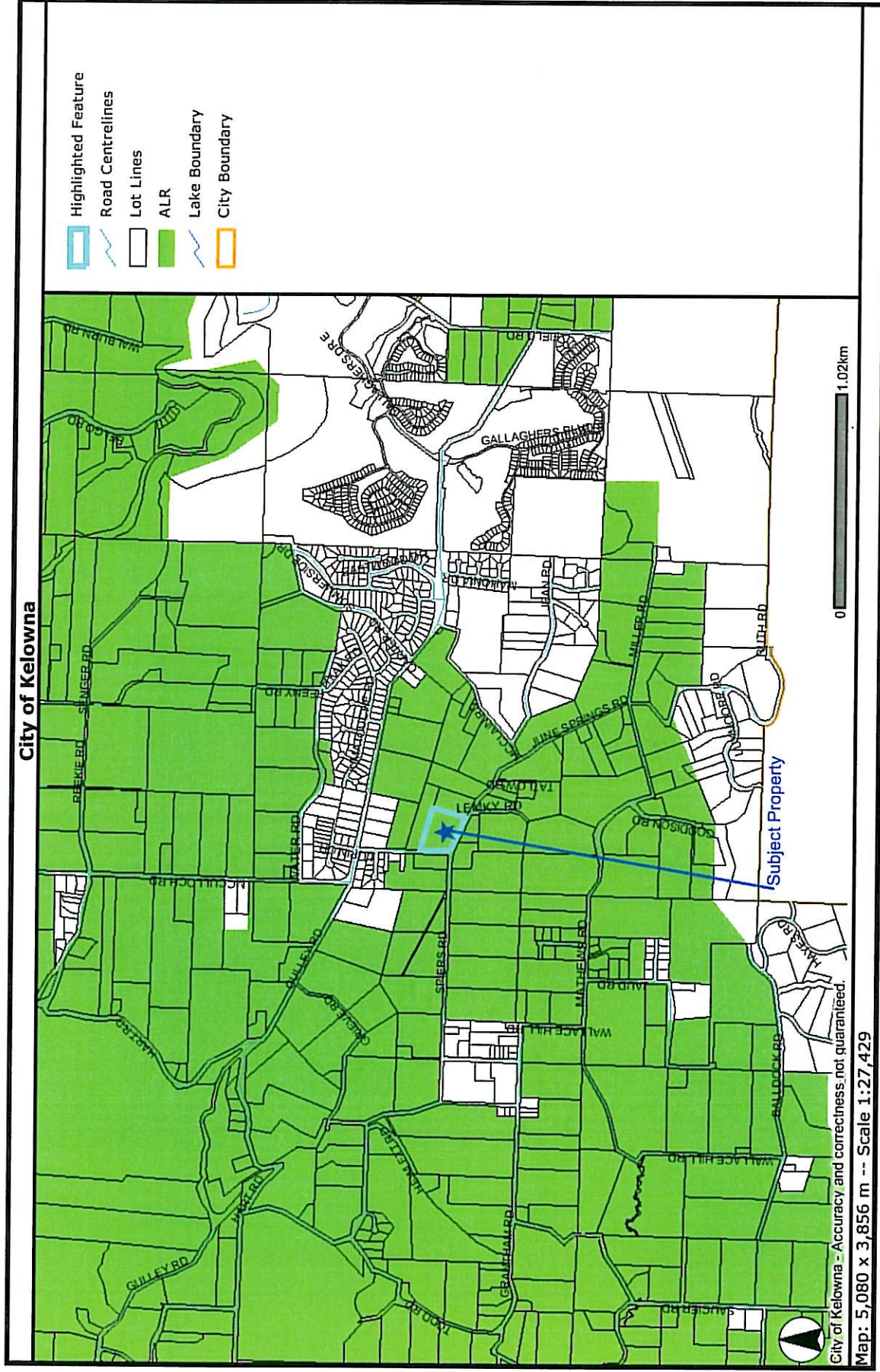
Where a zoning bylaw is in place, this use must be specifically permitted by the bylaw.

TERMS:

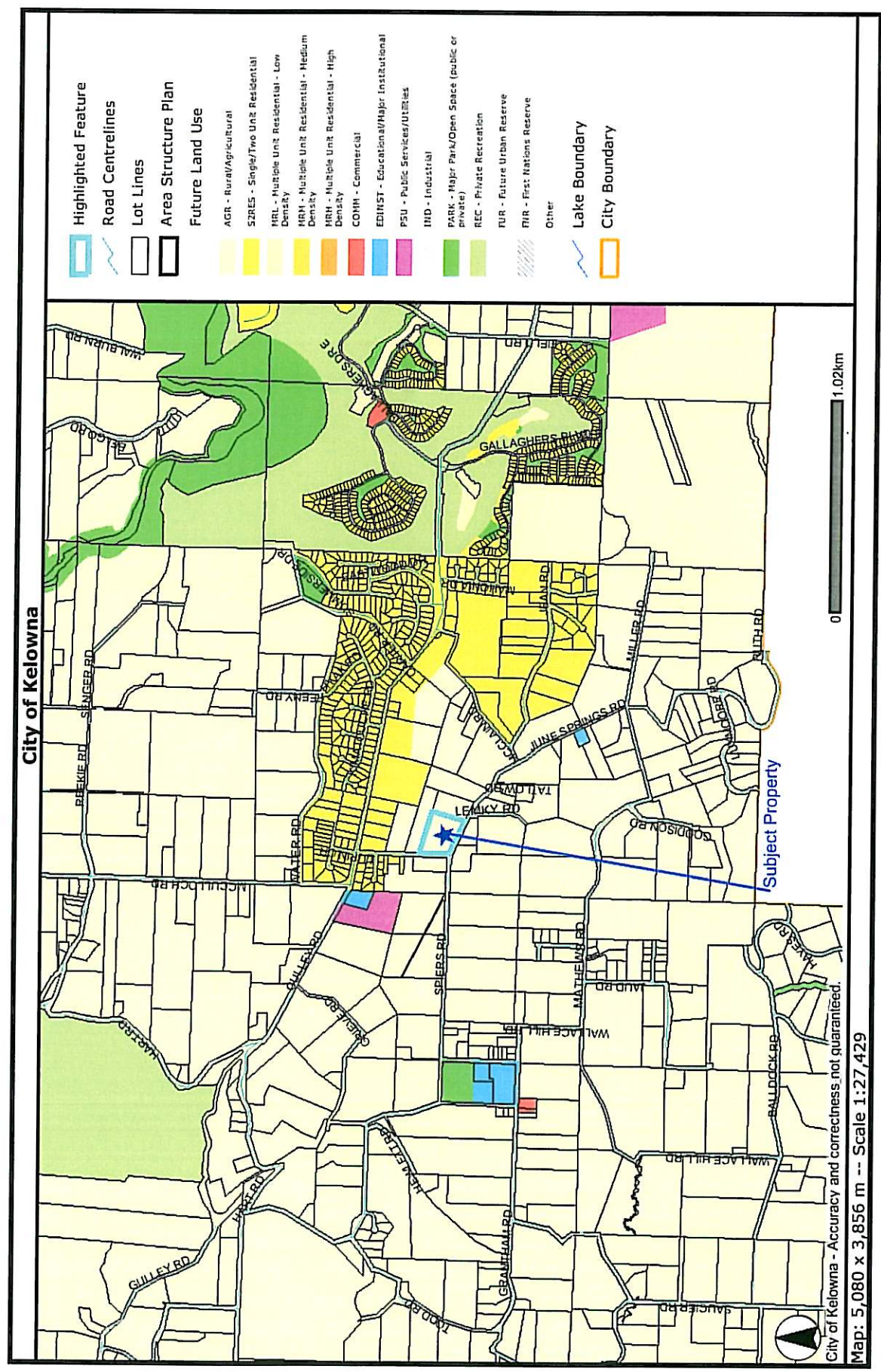
Home occupation — means an area set aside for residential use, within the footprint of a single family dwelling, and secondary or ancillary to the residential use of that single family dwelling.

Manufactured home — means a transportable prefabricated structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another and to be used for residential use by a single family. The structure normally conforms to the CSA Z240 series standards of the Canadian Standards Association for manufactured homes.

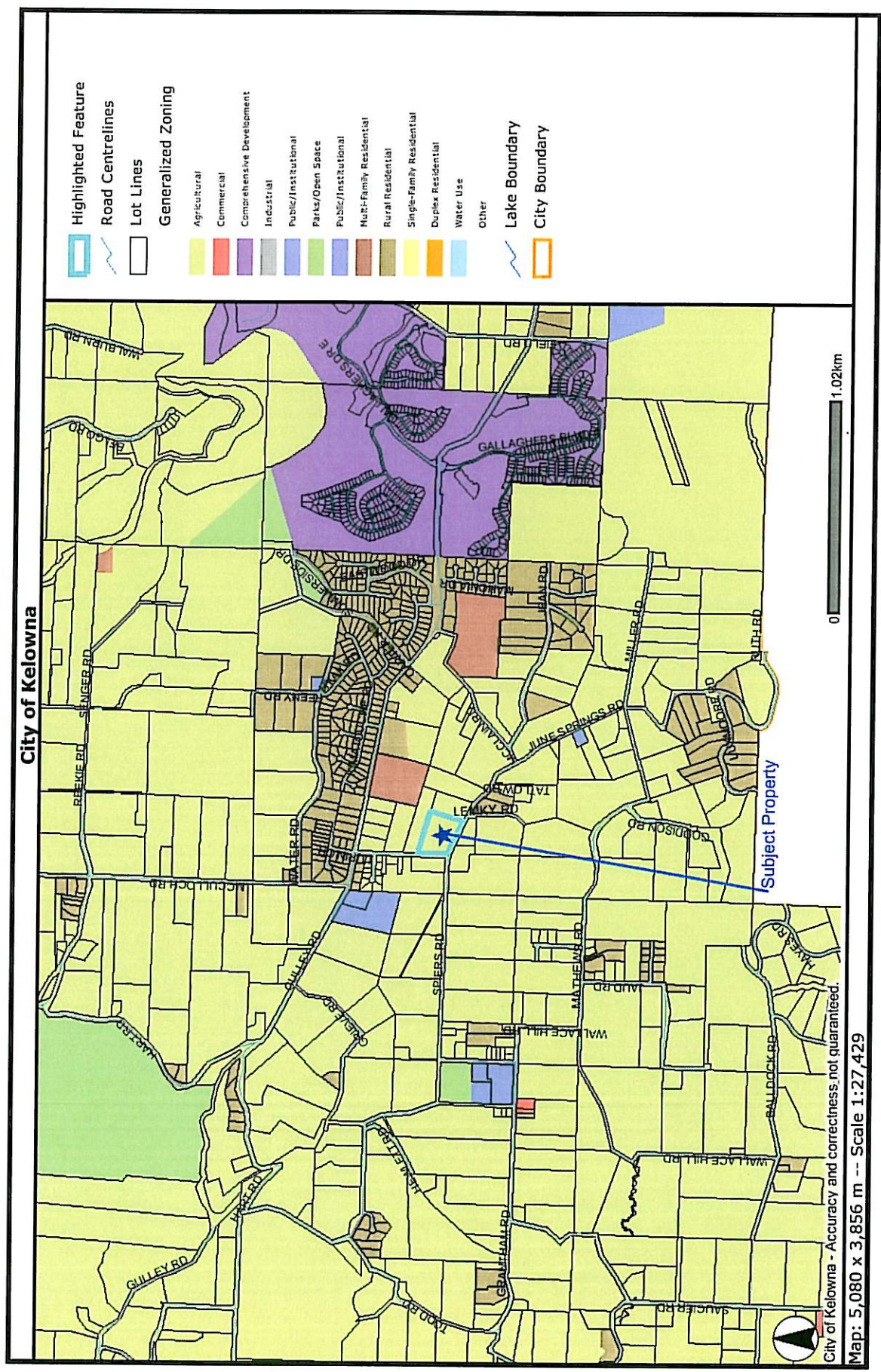




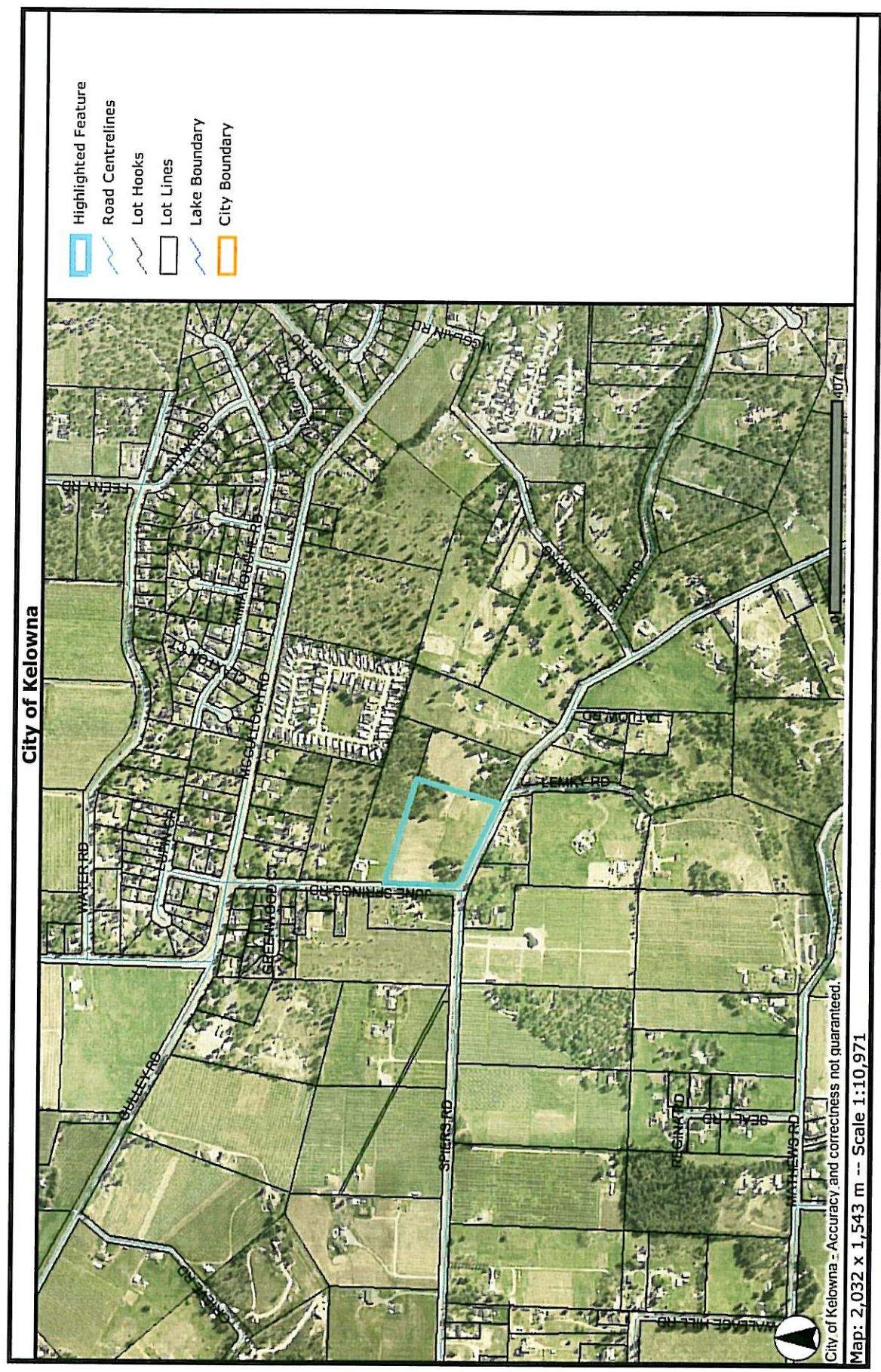
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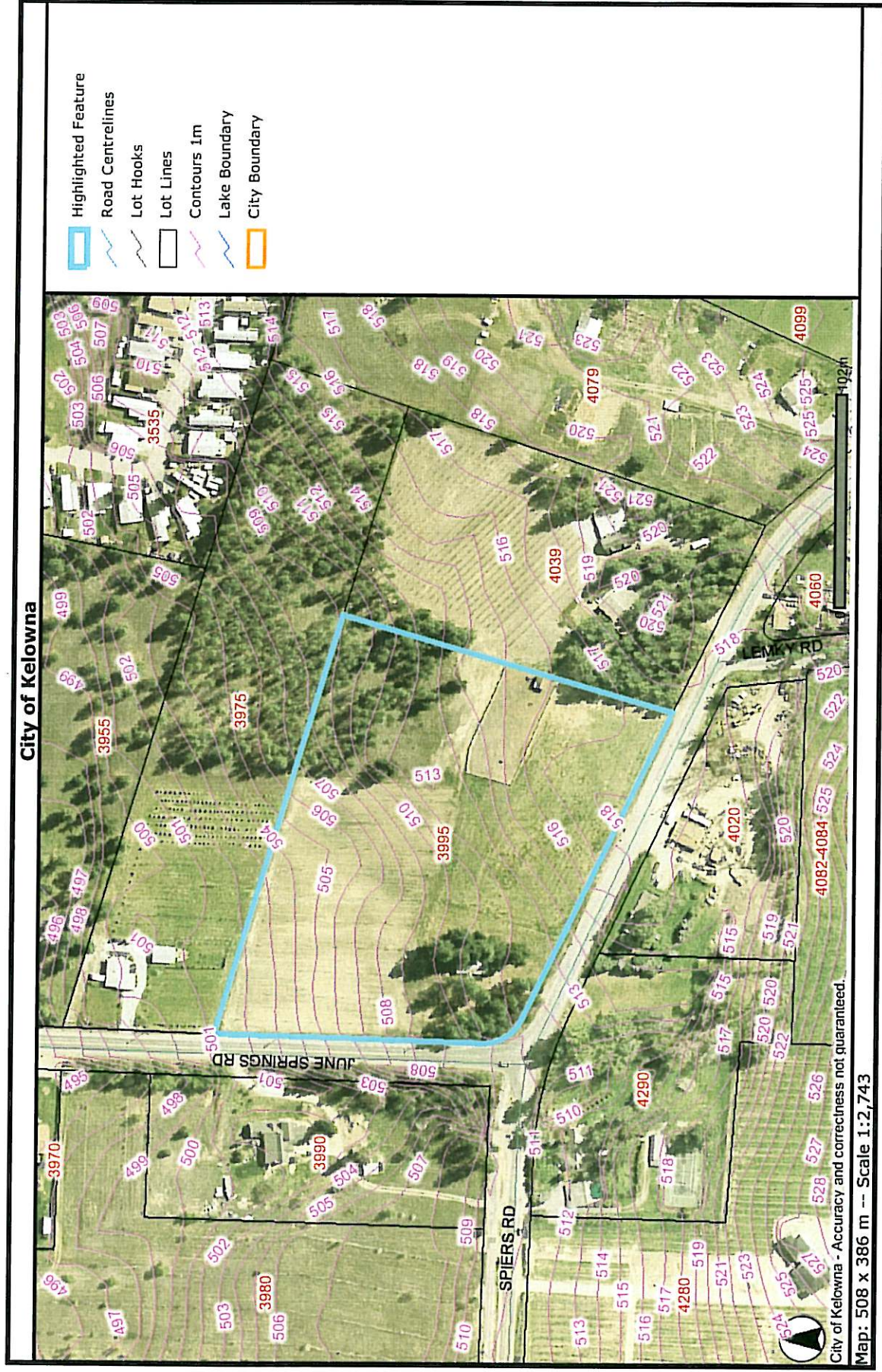
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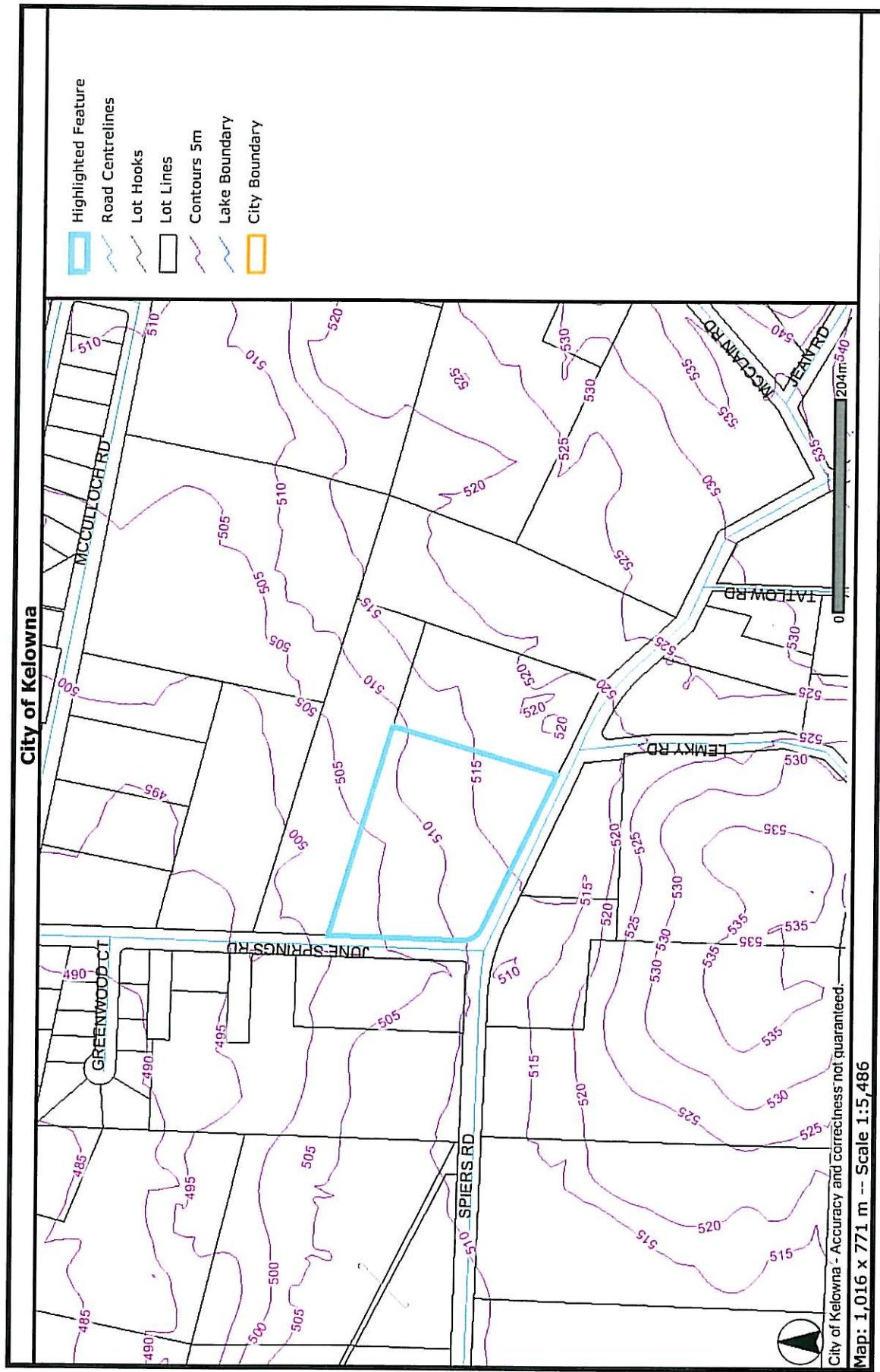
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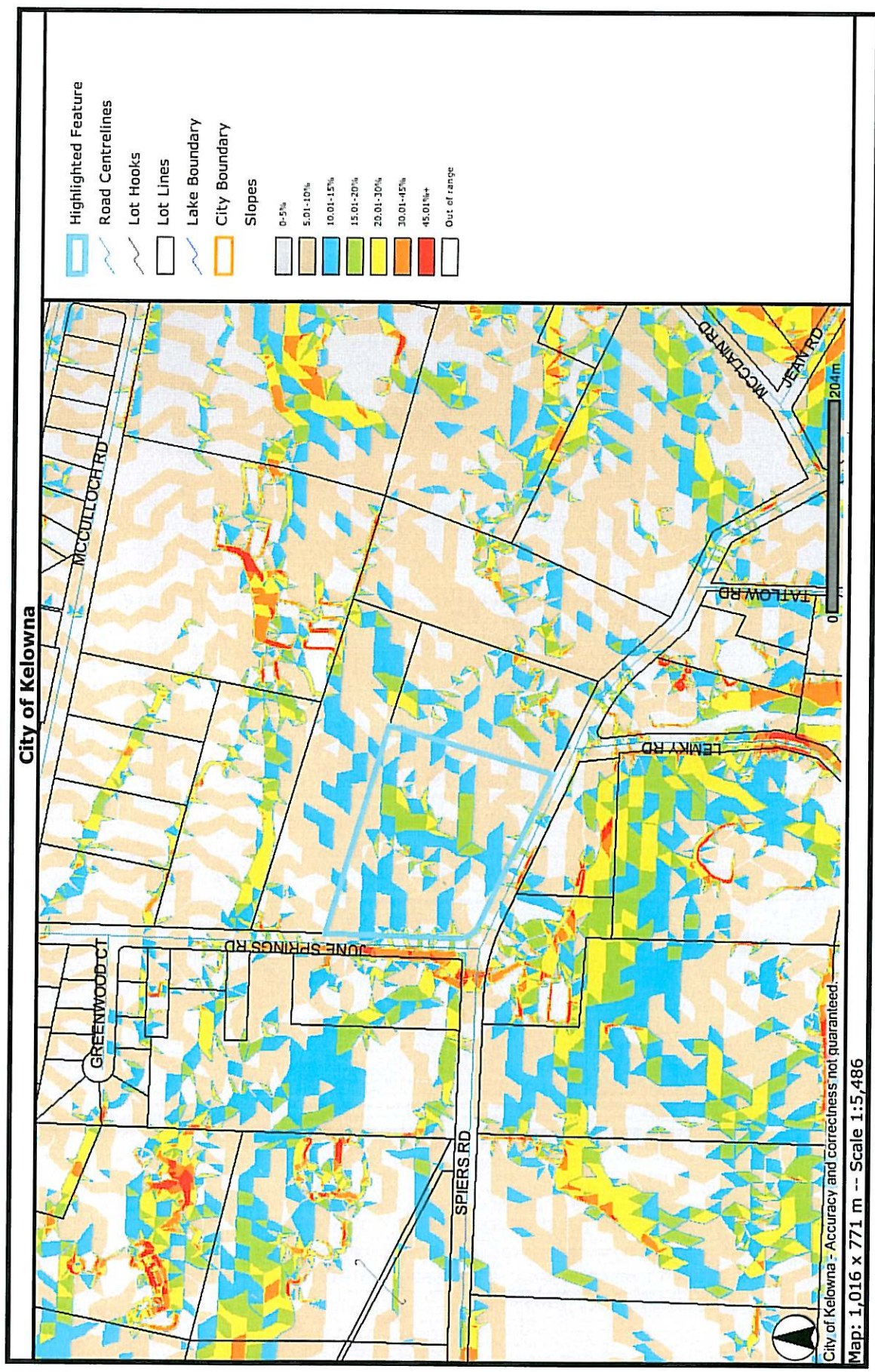
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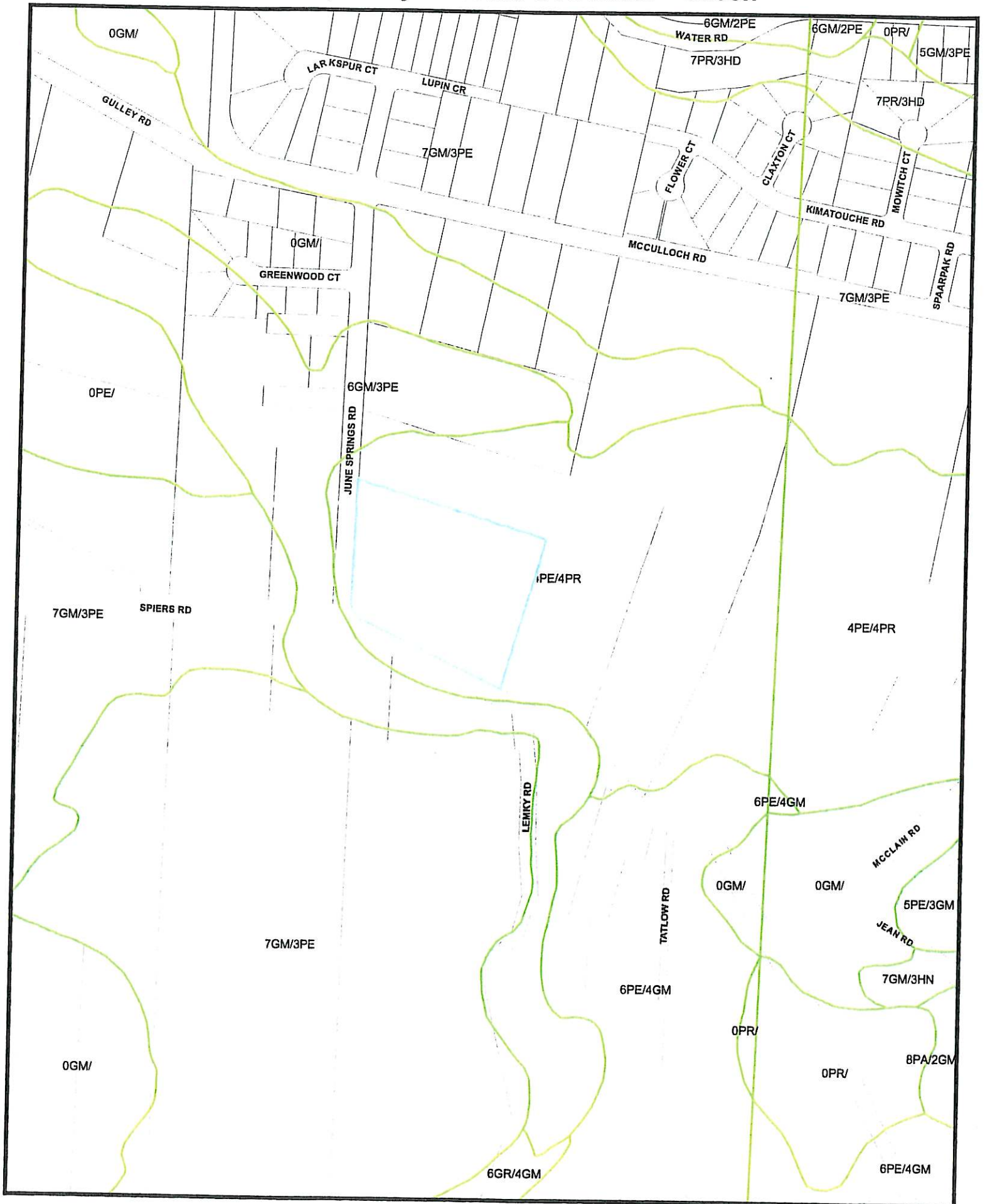


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Land Capability = Brown/ Soil Class = Green



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