
CITY OF KELOWNA
MEMORANDUM

Date: August 30, 2007
File No.: A07-0019
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 conversion of space within an existing accessory building to accommodate a secondary suite.

OWNER: George Staley **APPLICANT:** George & Shirley Staley
 Shirley Staley

AT: 4039 June Springs Road

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

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A07-0019 for Lot 2, Section 3, Township 26, O.D.Y.D. Plan KAP80425, located on June Springs Road, Kelowna, B.C. for a non-farm use within the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act, be supported by Municipal Council.

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

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 convert space within an existing accessory building to accommodate a secondary dwelling unit. A subsequent rezoning to the A1s zone will be necessary to allow for that development, should this application be approved by the ALC.

Please see the attached information from the Applicant that provides further explanation of the rationale for this application.

3.0 AGRICULTURAL ADVISORY COMMITTEE

At a meeting held on August 9, 2007, the Agricultural Advisory Committee made the following recommendation:

THAT the Agricultural Advisory Committee support Application No. A07-0019 for 4039 June Springs Road by Staley to obtain approval from the Agricultural Land Commission to allow a non-farm use within the Agricultural Land Reserve to allow for the conversion of space within an existing accessory building to accommodate a secondary suite.

4.0 SITE CONTEXT

The subject property is located in southeast Kelowna, just east of the intersection of June Springs Road and Spiers Road. This parcel was created in 2004, following successful approval of a homesite severance application with the ALC. The 7-acre parcel to the west was the remainder parcel created as part of that subdivision.

The surrounding area is predominantly in the Agricultural Land Reserve (ALR) and used for agricultural purposes. However, there is some urban residential development to the north and east of this parcel (Gallagher’s Canyon development), as well as some rural residential to the south.

There is one single family dwelling on the property and one accessory building. Outside of the established yard areas, the land is primarily used to grow table grapes.

Water service for this lot is supplied by the South East Kelowna Irrigation District (SEKID). An existing septic tank and field handle the sewage disposal for the existing dwelling and an additional system would need to be installed for the proposed secondary suite. The applicants have indicated a need to install these facilities whether the secondary suite development proceeds or not, given the new agricultural health regulations, which require proper toilet and hand-washing facilities for farm help.

Parcel Size: 1.75 ha (4.3 ac)

Elevation: 510 m – 521 m

BCLI Land Capability

The unimproved land classification for the subject area is Class 5. The only identified limiting factor for unimproved land is “soil moisture deficiency”. With improvements, primarily through irrigation, the land capability rating increases to Class 3. 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.083):

%	Soil Type	Description
60%	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.
40%	PR - Parkill	<u>Land</u> : very gently to strongly sloping fluvioglacial deposits. <u>Texture</u> : 100 cm or more of loamy sand or sand. <u>Drainage</u> : rapid.

Zoning and Uses of Adjacent Property

- North A1 – Agriculture 1 / Christmas trees, and pine forest
 RM7 – Mobile Home Park / 90 mobile home sites
- East A1 – Agriculture 1 / landscape nursery stock
- South RR1 – Rural Residential 1 / rural residential housing on 1.0 ac parcels
- West A1 – Agriculture 1 / Christmas trees and pasture

5.0 POLICY AND REGULATION

5.1.1 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;

5.1.2 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.

6.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

Staff has no concerns with 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 79 and 80 of the Agriculture Plan). The suite is to be located on the 2nd floor of an existing accessory building, and therefore will not result in the loss of any arable land.

Bob Shaughnessy
Subdivision Approving Officer

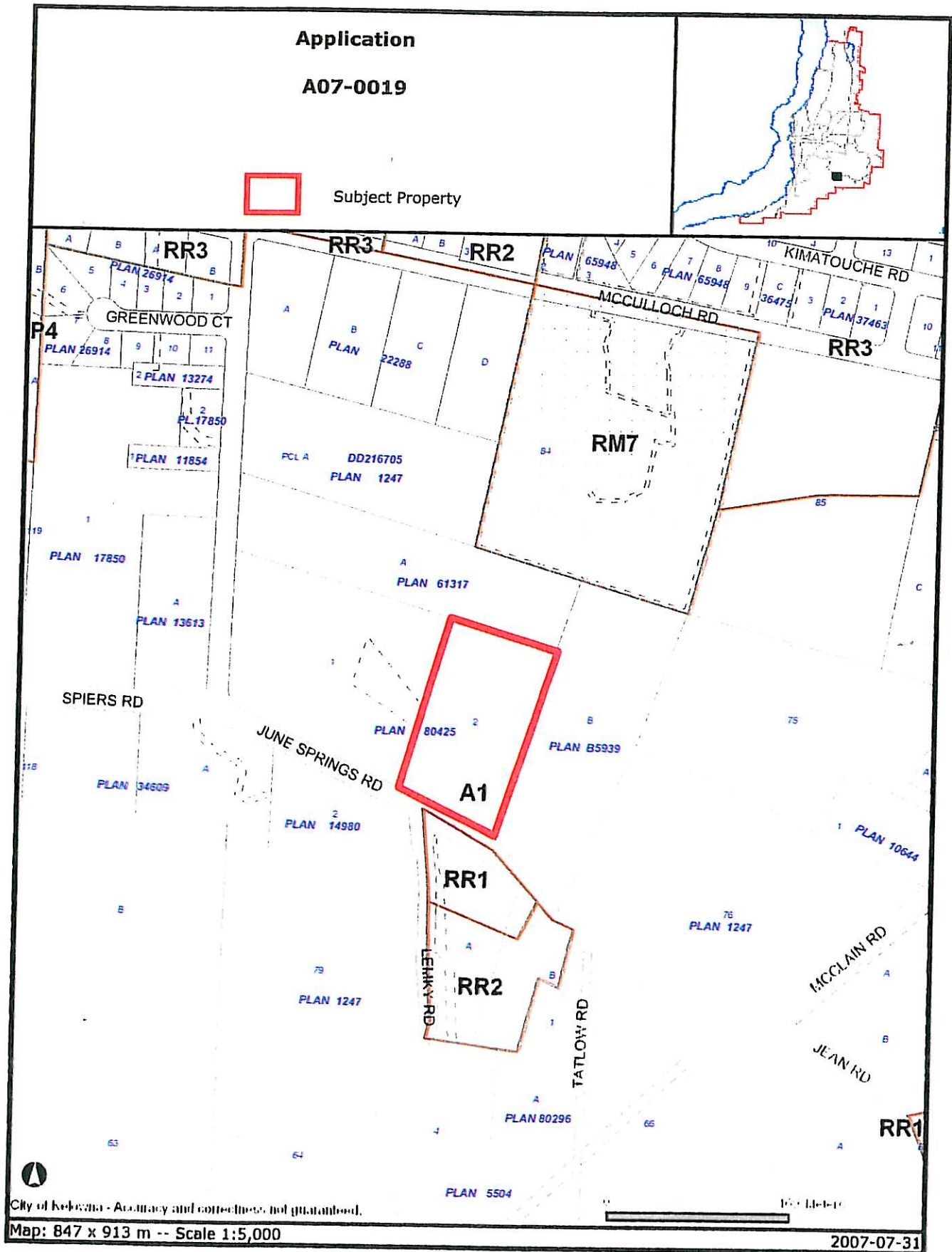
Approved for inclusion

David Shipclark
Acting Director Planning and Development Services

NW/nw

Attachments:

- Location of subject property
- Application by Landowner (6 pages)
- Photos of Existing Accessory Building
- Excerpt from Agriculture Plan (2 pages)
- Land Capability Map
- Soils Map
- Air Photo



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

AGRICULTURAL LAND COMMISSION PROPOSAL

We currently have 4.3 acres in the ALR which contains a 2.5 acre vineyard, our house and a large barn-shaped accessory building. We currently have one acre of mature Coronation grape plants and one acre of three year-old Coronation grape plants which will start producing grapes this fall. We shipped 17,000 lbs. to the fresh market last year and we anticipate that our future crops will be almost double that amount when the younger plants are in full production.

We wish to convert the second floor of the existing barn into a small secondary suite. We use the first floor of this building for farm-related activities and storage, but the second floor is currently only used for personal storage purposes. The provision of water to the barn and a septic tank will also allow us to comply with the new agricultural health regulations which require proper toilet and hand-washing facilities for our farm help and pickers (we currently have an outhouse and a basin for washing).

We note that Section 3 (1) (b) of the Agricultural Land Commission Act already gives approval for one secondary suite within a single family dwelling on ALR land and our proposal only differs in that the suite would be housed in an existing farm building rather than our residence.

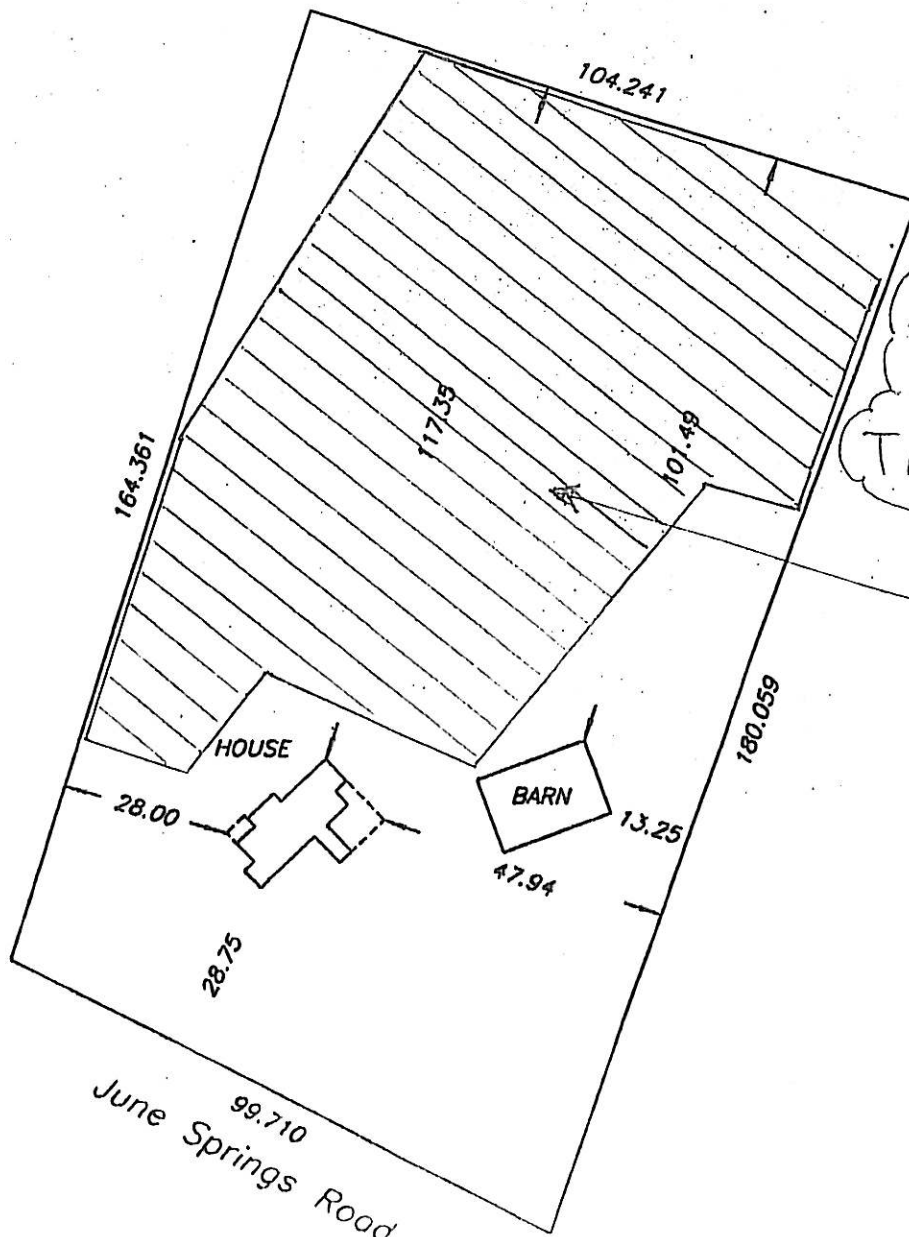
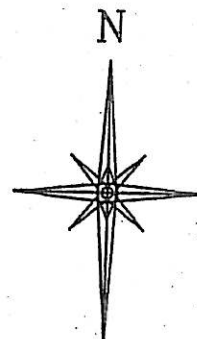
The barn is an attractive building and the second floor lends itself to the development of a small living space which will provide accommodation for someone who will assist with the farm. As we get older we are in need of more help in the vineyard and with the folding of the thousands of boxes and baskets required to send the grapes to the fresh market. Table grapes require much more hand work throughout the year and picking is much more complicated than with wine grapes. There is already a concrete pad at one end of the barn where the carport and entrance deck would be constructed and an existing driveway to the barn, so there would be no disturbance to any ALR land required in order to convert this space into a living area.

We anticipate that the total area of the living space would be approximately 840 sq. ft., which is compliant with the City of Kelowna's bylaw regarding the size of secondary dwellings. The height of the building is also compliant with the City's bylaw regarding the height of secondary dwellings on farm properties. There is water available from the South East Kelowna Irrigation District and there is already electricity to the building. The septic tank would likely be located in the triangular area between the barn and the fence and the placement would not disrupt any of the existing vineyard or driveways.

There are several secondary living quarters on small acreages in our area (next door, across the street and just up the road), so this is not a new concept in our neighbourhood. In view of the fact that this additional living space would have no appreciable impact on the agricultural land, we respectfully request that we be allowed to develop this space in order to provide living accommodations within our farming community.

**B.C. LAND SURVEYOR'S CERTIFICATE OF
LOCATION OF BUILDING ON LOT 2
PLAN KAP 80425 SEC. 3 TP. 26 O.D.Y.D.**

SCALE 1:1250 DISTANCES ARE IN METRES.



2 1/2 ACRES
OF
TABLE GRAPES

©

THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED.

CERTIFIED CORRECT
this 10th day of January, 2005.

D.A. Goddard BCLS

FILE 12896 FB 279
RE: Staley

THIS PLAN IS FOR MORTGAGE OR
MUNICIPAL PURPOSES ONLY AND IS
NOT TO BE USED TO DEFINE THE
BOUNDARIES OF THIS LOT.

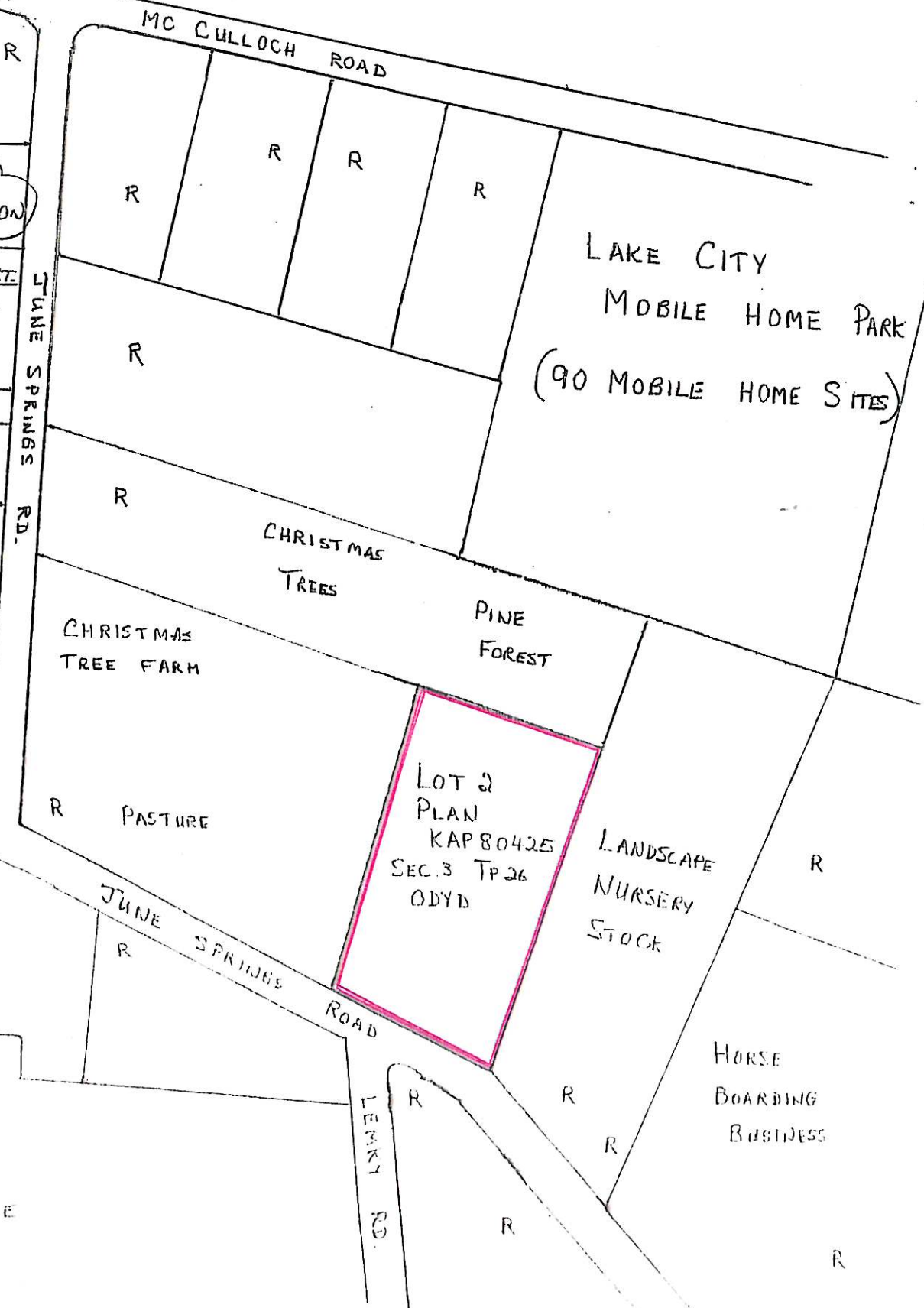
D.A. Goddard Land Surveying Inc.
103-1358 ST. PAUL STREET KELOWNA



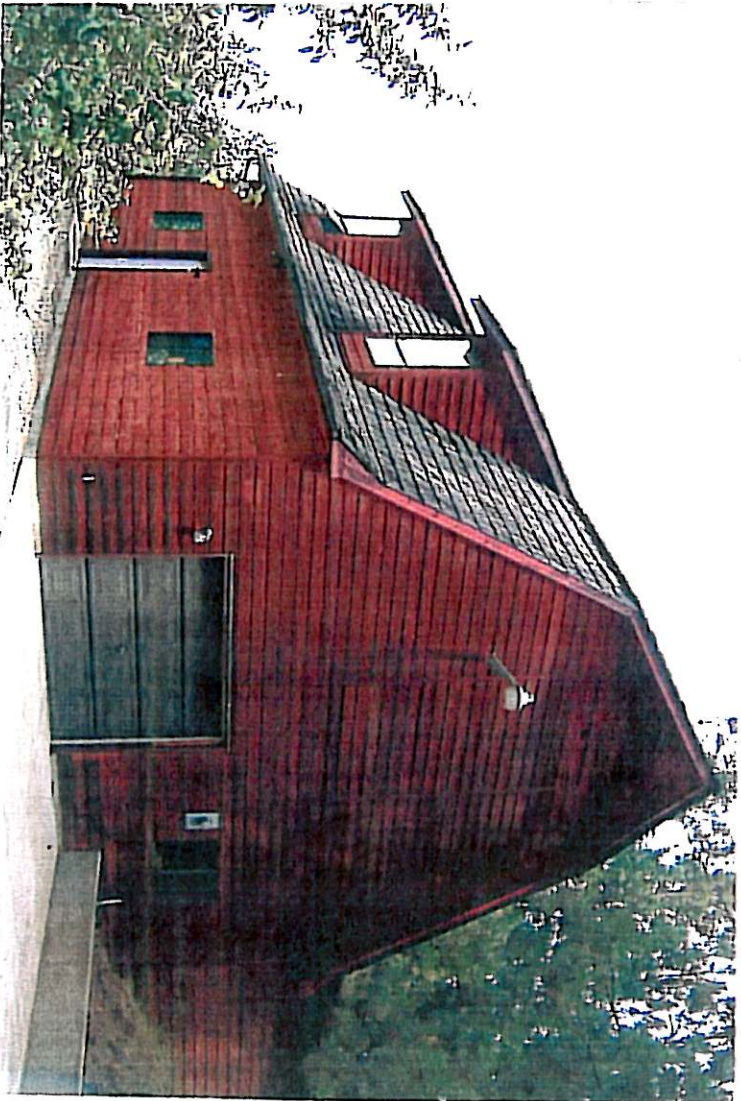
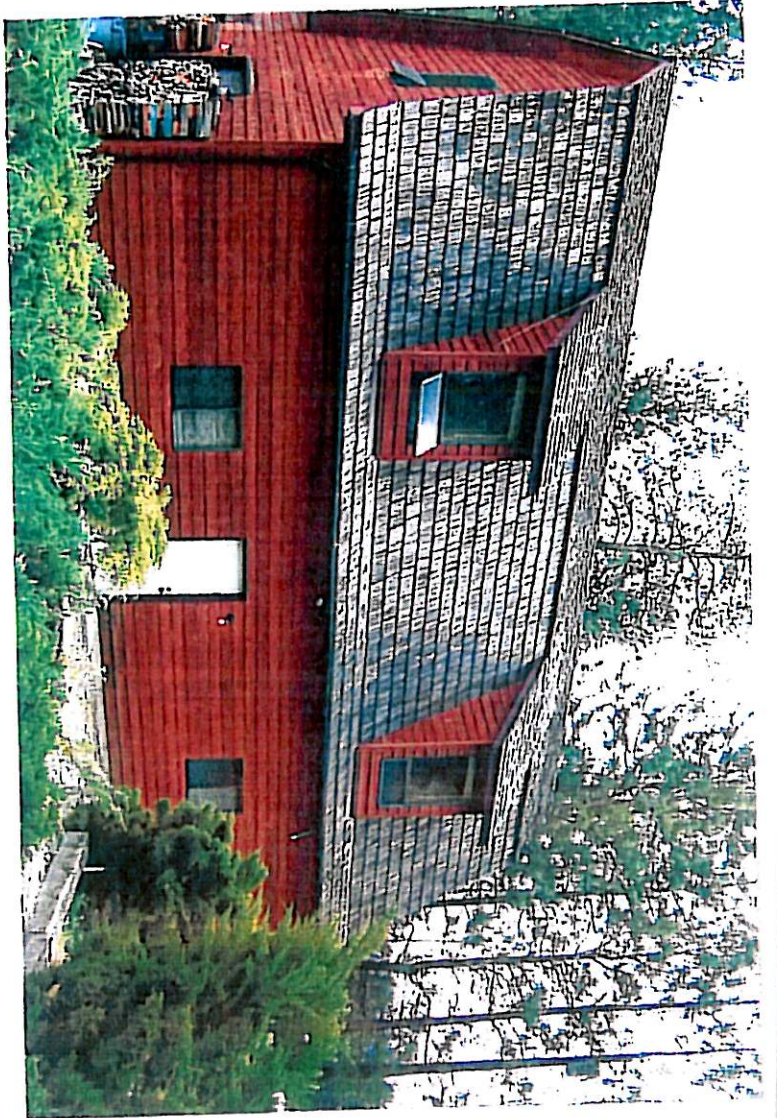
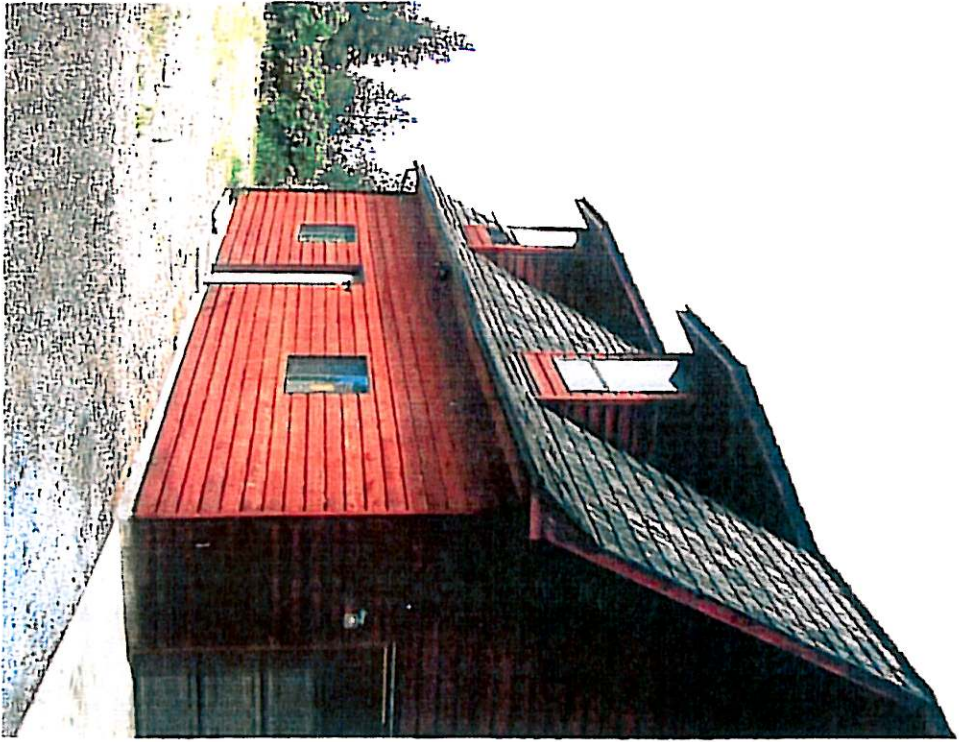
20 LOT SUB-DIVISION

SURROUNDING
PROPERTIES

11 LOT SUBDIVISION
GREENWOOD CT.



"R" = RESIDENCE



Given the limiting conditions of ownership since 1972 this policy will likely be applicable only in retirement situations. The City of Kelowna should continue to support the concept of home site severance consistent with Land Commission Policy #025/78, to allow farmers to retire or sell the property and retain the homesite, and thereby make the balance of the property available for others to expand or enter the farm business.

An additional consideration may occur when the homesite in question is considered a heritage resource. It may be appropriate to consider additional site area for the heritage homesite severance in order to retain some semblance of the original stature and presence of the building in the farm context. The Land Commission could be requested to consider increased parcel sizes for home site severance's involving a heritage resource to preserve the agricultural character of the setting.

Parcels Less Than .8 hectares (2 Acres)

Section 19 (1) of the Land Commission Act exempts lands less than .8 hectares (2 acres), by separate title prior to December 21, 1972, from restrictions on the use of agricultural land. In addition, a Certificate of General Order issued in February 1974 provides a partial exemption for parcels less than .8 hectares created after December 21, 1972. Lands less than .8 hectares are still subject to Land Commission Act regulations regarding subdivision within and exclusion from the Land Reserve. These lands are still subject to all local legislation, bylaws, and regulations; however, it is within the City's mandate to consider the zoning and non-farm use of these lots.

An inventory of existing lots less than .8 hectares within the City of Kelowna indicates that there are a relatively small number of sites, approximately 350 outside of conventional urban subdivisions, with no particular geographic concentration. In fact, most of the existing sites are located within well-established agricultural areas, some of which will have been created under the Homesite Severance provisions. There are some sites near or adjacent to established urban areas, and in some cases act as a buffer from larger agricultural holdings. However, these lots are still in an agricultural context.

The non-farm use of these properties would likely have an impact on the adjacent agricultural operations. New residential or commercial development will generate greater potential for conflict. In addition, this type of development leads to greater speculation on other agricultural lands in the vicinity and reduces the viability of continuing agricultural activity. Given the potential impact on agricultural operations and expectations it would be appropriate for the City, as a general principle, to discourage non-farm use of lands less than 2 acres in an agricultural context.

Secondary Suites

City Council has recently approved a secondary suite strategy that would seek to encourage the legalization of secondary suites throughout the City and implement policies that would make it easier to develop a secondary suite as an affordable housing alternative in all areas of the City, including agricultural areas.

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. A secondary suite

would not directly impact the operational side of a farm if no new land were removed from production to add the unit. Units necessary for additional farm help may be provided in this way rather than providing separate units that would use productive land base and require additional septic systems.

Conversely, there is a general lack of available services in rural areas, and rural locations require a vehicle which increases the traffic on a substandard rural road network, and additional traffic increases potential automobile / farm vehicle conflict.

Secondary suites may not be a big issue given that the ALC already supports bed and breakfast, agri-tourist accommodation, farm worker accommodation, farm retail sales etc. In addition, the current Zoning bylaw allows a maximum of two boarders and lodgers in any single-family residence. As this issue may apply in all other jurisdictions throughout the Province the ALC has recently approved 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 dwelling.

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. 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.

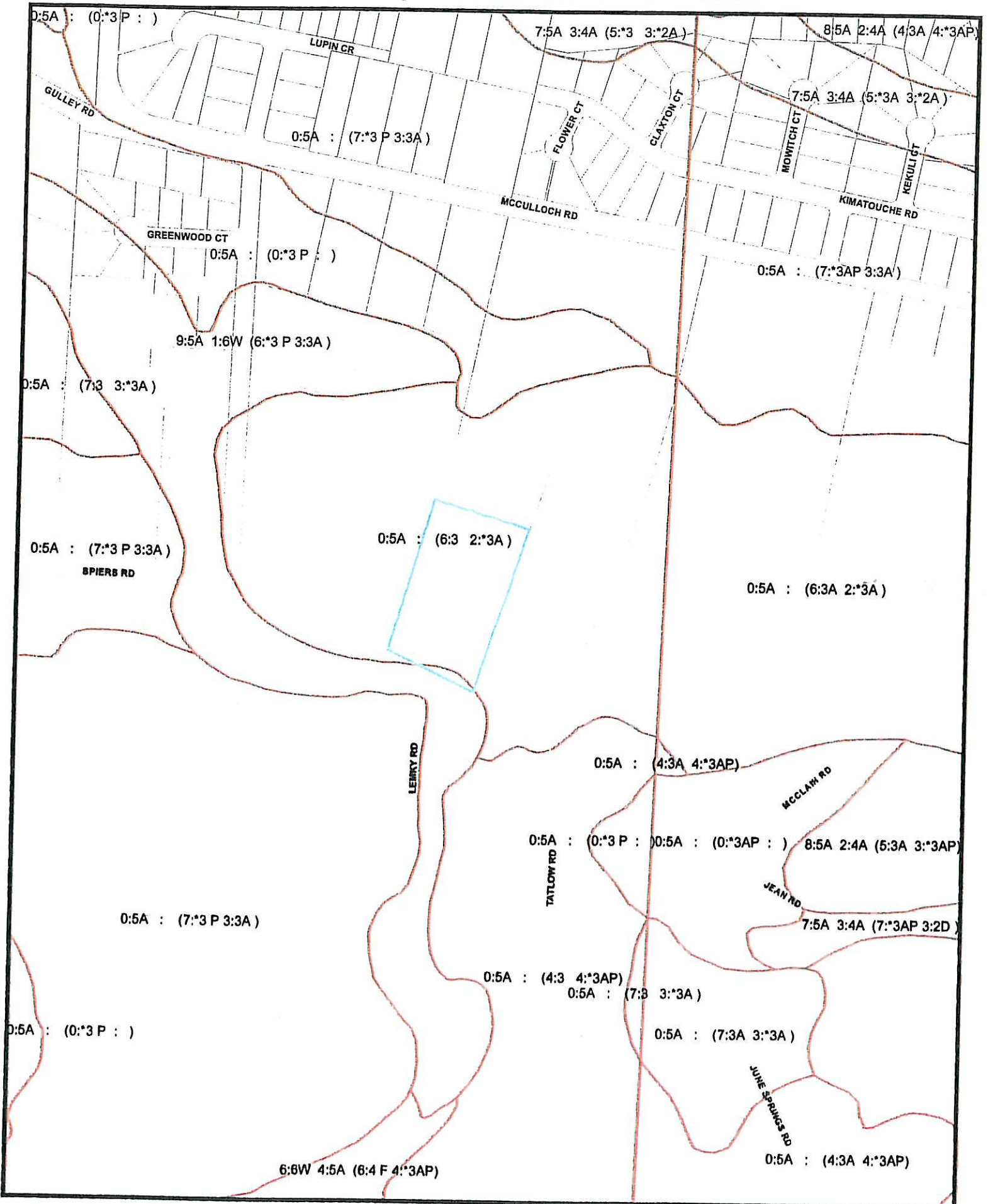
Growth Strategies Act

In June 1995 the Municipal Act was amended to provide for the preparation of a Regional Growth Strategy for the purpose of promoting human settlement that is socially, economically, and environmentally healthy and that makes efficient use of public facilities and services, land and other resources. A Regional Growth Strategy should work toward, among other things; maintaining the integrity of a secure and productive resource base, including the agriculture and forest land reserves [Section 849.(2)(e)].

The Central Okanagan Regional District (CORD) has commenced work on a Regional Growth Strategy, however, as that project is not yet complete, there is no official policy with which local Official Community Plans or other similar documents must be in compliance.

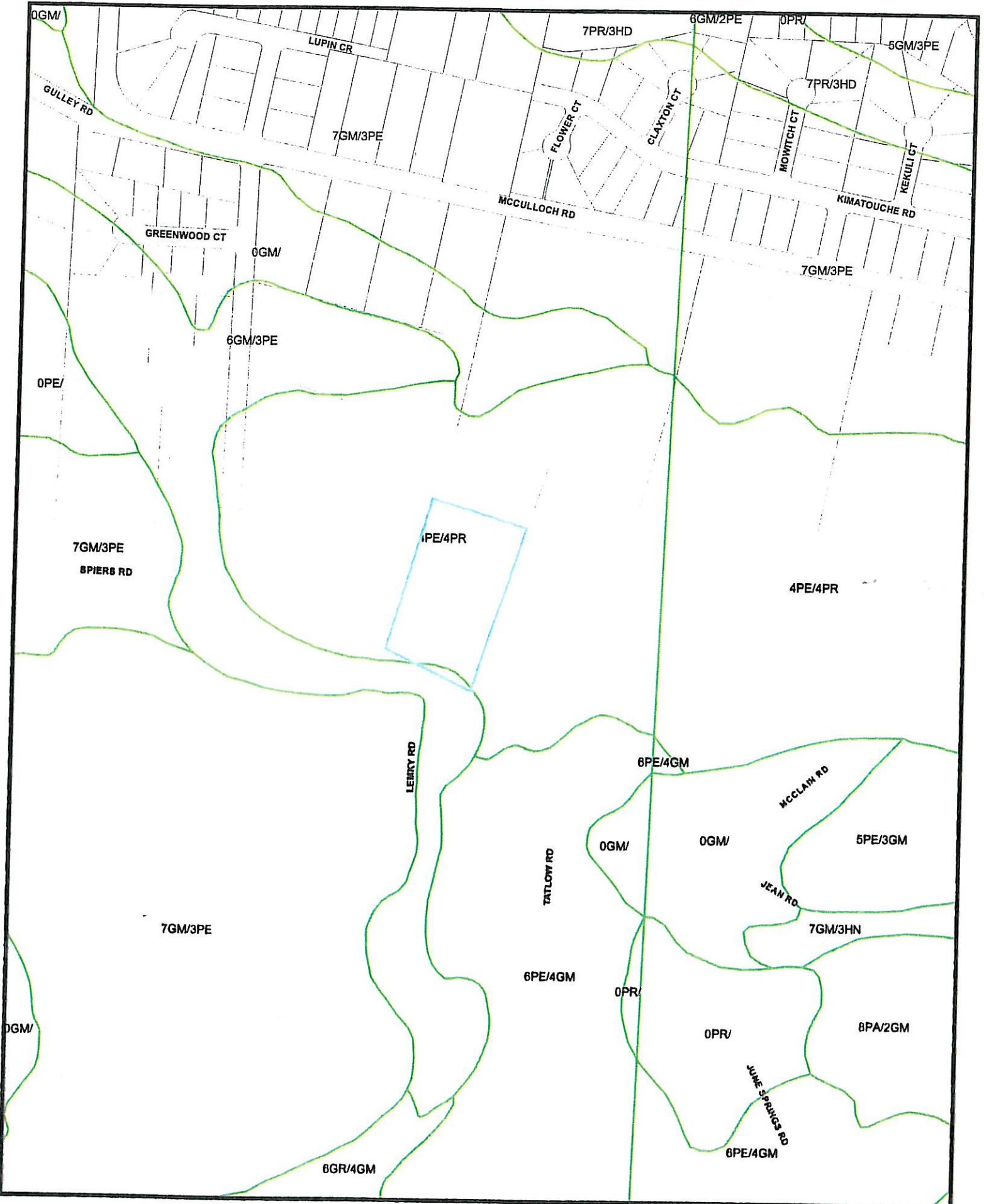
The spirit and intent of the City of Kelowna Agriculture Plan is one of maintaining the resource base, as embodied in the Agricultural Land Reserve, and enhancing the agriculture industry with the municipal mandate. However, it would be appropriate to reconsider this document in the context of a Regional Growth Strategy when that initiative has been completed, adopted by the Regional Board and accepted by local governments.

Land Capability = Brown/ Soil Class Green

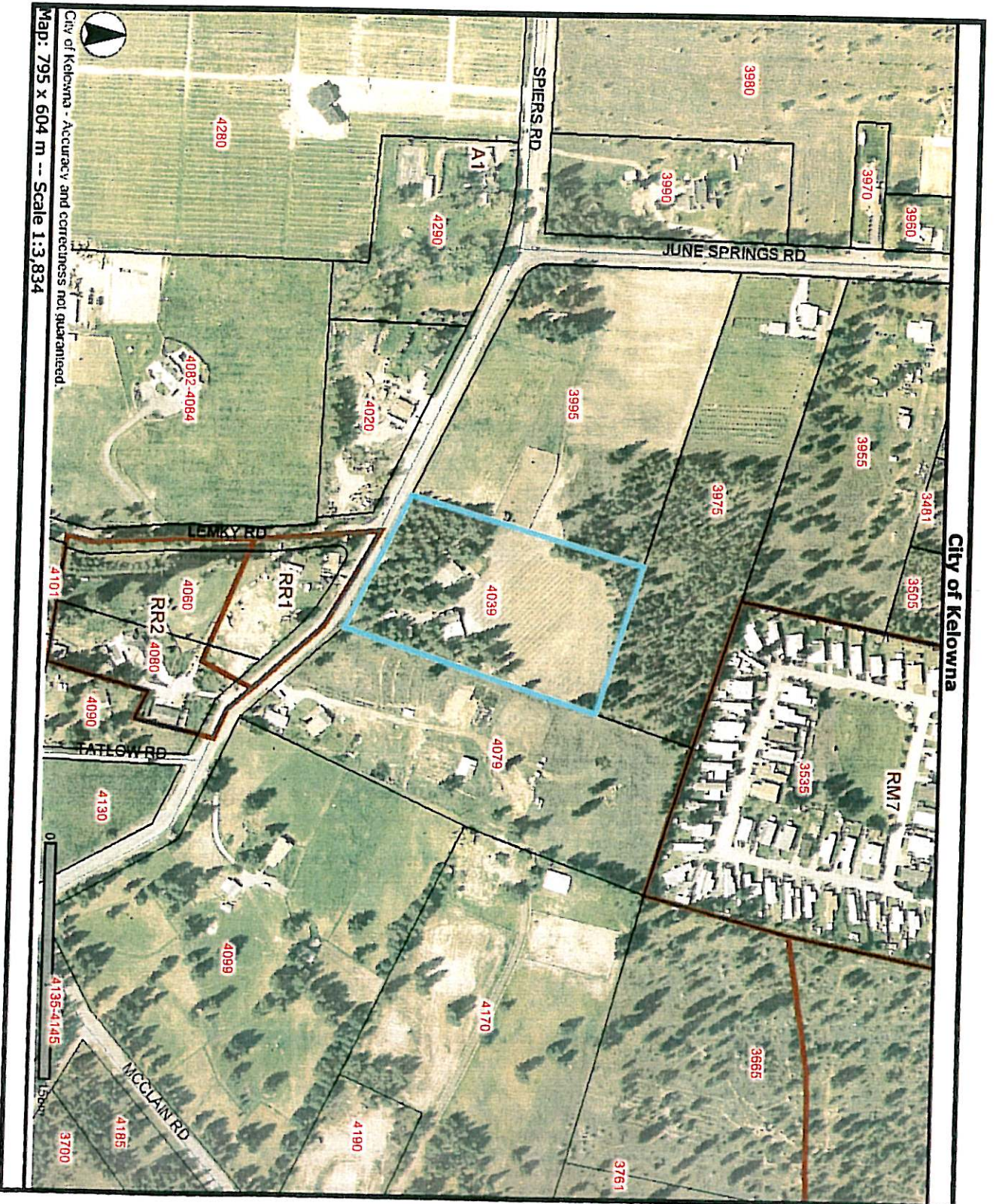


1:5,000

Land Capability = Brown/ Soil Class Green



1:5,000



City of Kelowna - Accuracy and correctness not guaranteed.

Map: 795 x 604 m -- Scale 1:3,834

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