

Memo



Date: March 2, 2011
To: City Manager
From: Land Use Management, Community Sustainability (AB)
Application: A10-0009 Owner: Matthew King & Miranda King
Address: 2800 Dunster Road Applicant: Matthew King & Miranda King
Subject: Non-farm use application
Existing OCP Designation: Rural/Agricultural Existing Zone: A1 - Agriculture 1

1.0 Recommendation

THAT Agricultural Land Reserve Application No. A10-0009 for Lot A Section 22 Township 26 ODYD Plan 21138, located at 2800 Dunster 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 subject to the location of the proposed dwelling being generally consistent with the location of the dwelling to be replaced, in order to not negatively impact or otherwise reduce the amount of available agricultural land on site;

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

2.0 Purpose

To obtain approval from the Agricultural Land Commission (ALC) under Section 20(3) of the Agricultural Land Commission Act for a non-farm use within the Agricultural Land Reserve (ALR) to permit a detached secondary suite.

3.0 Land Use Management

Staff have encouraged the applicant to locate the proposed replacement dwelling as near the soil disturbed by the old foundation as possible in order to minimize further impact on land and soil capability. The further reduction of available agricultural land is to be avoided.

While a net benefit to agricultural land is difficult to demonstrate in this instance, the existing lot is of modest size (0.92 ha / 2.27 acres) and the applicant seeks only to replace a dilapidated structure. The request is not unreasonable and appropriate, careful siting of the replacement dwelling should negate the potential for impact on agricultural land.

Should the application be favourably considered by the ALC, a subsequent rezoning to the A1s - Agriculture 1 zone with Secondary Suite zone will be required to permit the secondary suite land use. Development Permits concerning wildland fire hazard and hazardous conditions would also be triggered and at that time staff would seek the protection of steep slopes, and by extension the Mission Creek floodplain, via the registration of a covenant on title.

A handwritten signature in black ink, located in the bottom right corner of the page.

4.0 Proposal

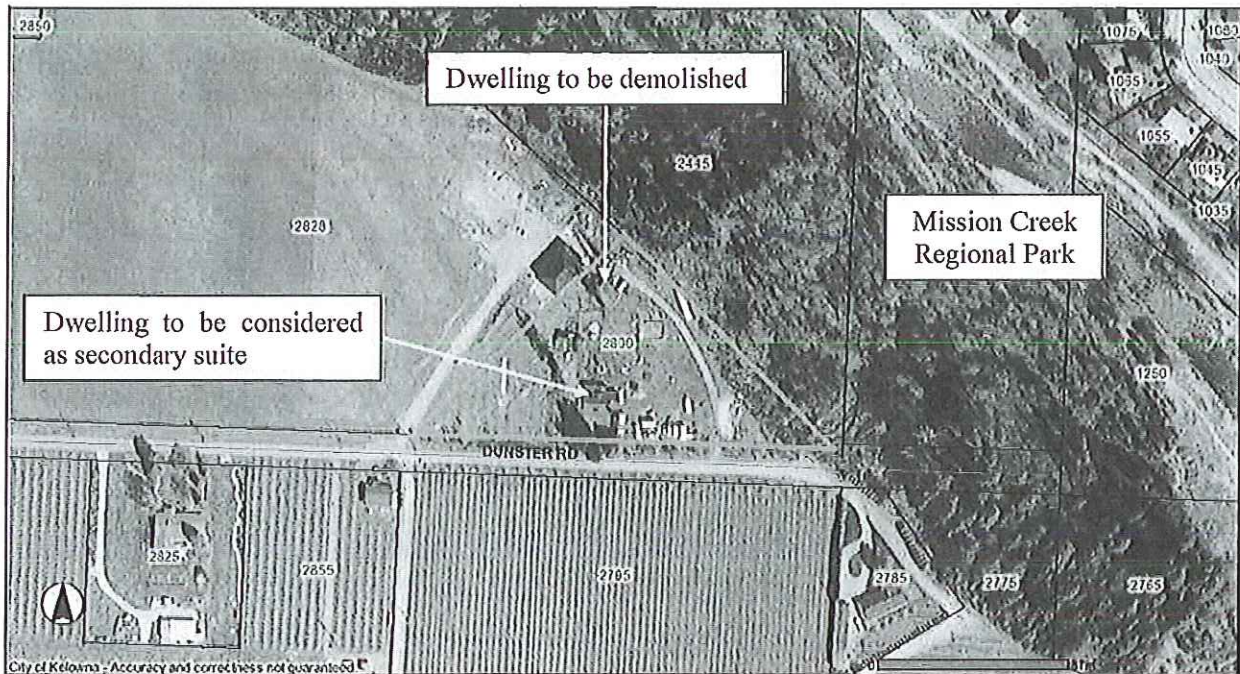
4.1 Project Description

Two existing dwellings are present on site however there are no records to suggest that the second dwelling was ever formally permitted by either the City or the ALC. The applicant is seeking to demolish one existing dwelling, in the north corner of the property, and build a new principal dwelling to replace it. The existing dwelling closer to Dunster Road is proposed to be considered as a detached secondary suite, and this has triggered the need for a non-farm use application. The applicant has provided a drawing which asserts that the dwelling to be considered as a detached secondary suite satisfies the 90 m² (968 sq ft) size limit.

Should the ALC grant permission for the non-farm use a subsequent rezoning application to the A1s - Agriculture 1 with Secondary Suite zone would be required, in addition to applicable Development Permits.

4.2 Site Context

The subject property is located on the north side of Dunster Road, adjacent to Mission Creek Regional Park, and is partially designated as Wildland Fire Hazard and Hazardous Condition Development Permit Areas. The site area is 0.92 hectares (2.27 acres) and the site elevation is 440 metres, except for the extreme northeast boundary adjacent to the Mission Creek slope which drops to 429 m just within the property line.



Zoning and land uses adjacent to the property are as follows:

Direction	Zoning	ALR	Land Use
North	P3 - Parks and Open Space	Yes	Mission Creek Regional Park
South	A1 - Agriculture 1	Yes	Orchard

East	A1 - Agriculture 1	Yes	Mission Creek Regional Park
West	A1 - Agriculture 1	Yes	Farm

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

The subject property has a future land use designation of Rural / Agricultural and relevant policies are included below:

Agriculture Policies

Parcels Less Than .8 Hectares (2 Acres). Discourage the non-farm use of parcels less than .8 hectares where such parcels are located in an agricultural area.

Housing Policies

Secondary Suites. Encourage, under the conditions stipulated in the Zoning Bylaw, the creation of secondary suites.

Environment Policies

Buffering. Utilize the Development Permit process to establish buffers to protect environmentally sensitive areas such as watercourses and steep slopes from debilitating land uses.

6.0 Technical Comments

South East Kelowna Irrigation District. See attached letter.

Development Engineering Branch. This application does not trigger any Development Engineering Services at this point in time with regard to this application, however, a comprehensive report will be provided at the time of development application if and when the Agricultural Land Commission agrees to the proposed non-farm use.

Policy & Planning Department. The subject property is designated as Rural/Agricultural (AGR) in the current OCP. It also falls within the ALR. Currently, it is zoned Agricultural (A1). The property also requires a Hazardous Conditions DP as well as a Wildland Fire Hazard DP.

The application is for a Non-farm Use in the ALR. The objective is to demolish an existing dwelling situated in the north corner and construct a new principal dwelling. Subsequently, the remaining dwelling would become a secondary suite.

As indicated by the owner in their proposed drawing, there would be no significant loss of livestock space. However at this point in time we have no way of verifying this so if the new dwelling is significantly larger than the demolished one, there could theoretically be a loss of agriculture land.

Therefore, as long as the secondary suite conforms to the zoning bylaw, and the new dwelling does not reduce the amount of agriculture land, we would recommend support for this Non-farm Use in the ALR application.

7.0 Application Chronology

Date of Application Received: December 21, 2010

Agricultural Advisory Committee February 10, 2011

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting on February 10, 2011 and the following recommendation was passed:

THAT the Agricultural Advisory Committee NOT support Application No. A10-0009 for 2800 Dunster Road, by M & M King, to obtain approval from the Agricultural Land Commission under Section 20(3) of the Agricultural Land Commission Act for a non-farm use within the Agricultural Land Reserve to permit a detached secondary suite.

The following anecdotal comments were recorded in the minutes:

The Agricultural Advisory Committee did not support the non-farm use application because there was no net benefit to agriculture.

Report prepared by:



Andrew Browne, Planner II

Reviewed by:



Todd Cashin, Manager, Environment & Land Use Branch

Approved for inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

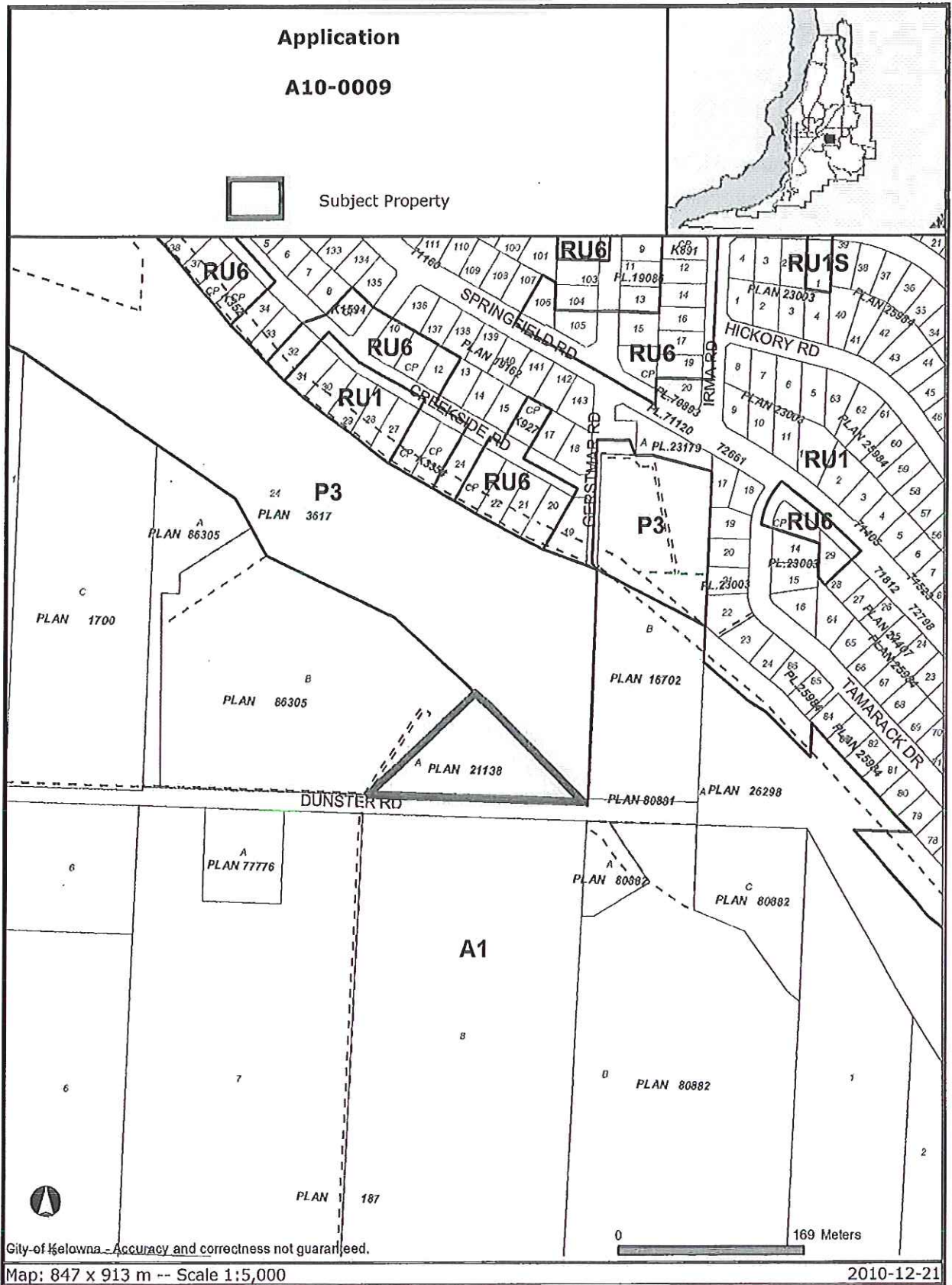
Subject property and zoning map

South East Kelowna Irrigation District letter

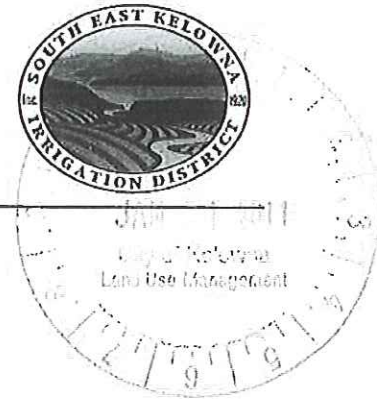
ALC application by landowner (2 pages)

Annotated aerial photo by applicant

Floor plan of dwelling to be considered as detached secondary suite



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.



M E M O R A N D U M

DATE: January 31, 2011
TO: Andrew Browne, City of Kelowna
FROM: Toby Pike, General Manager
RE: ALR App. No. A10-0009 – 2800 Dunster Road
FILE: A - 21138

The applicant indicates the subject property currently has two residences. One residence will be demolished and a new residence will be built to replace it. Our records indicate the property is only authorized for one domestic unit at the present time. The applicant will be required to pay the following fees regardless of whether this application proceeds.

1. A Capital Expenditure Charge in the amount of \$4,000.00 must be paid.
2. An Application Fee in the amount of \$450.00 must be paid. All new domestic units must have provisions for a water meter and this fee covers this cost. Because the District charges a flat rate for water, the installation of the meter will be deferred until a metered rate for domestic water is implemented. The Application Fee also covers the cost of a meter horn used to mount the meter and this should be installed during construction for ease of installation of a water meter in the future.
3. A New Account Fee in the amount of \$20.00 must be paid.
4. The property is currently serviced by a single domestic water service. The applicant should contact the District directly to discuss water servicing requirements and whether or not a new domestic service is needed for the proposed residence. The cost of a 19mm service is \$1,800.00.
5. The property will be billed for a second domestic unit.

A summary of fees:

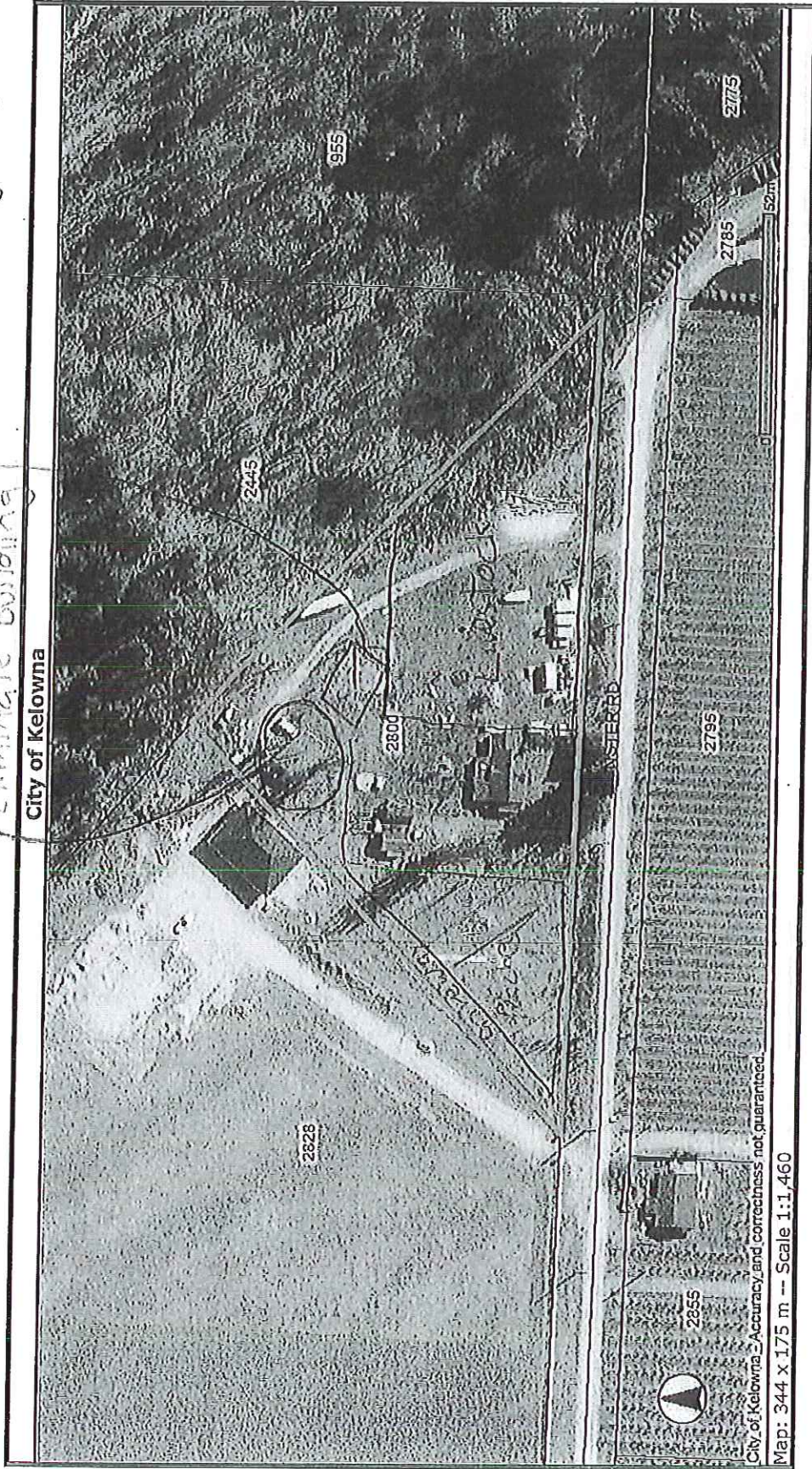
1. Capital Expenditure Charge	\$4,000.00
2. Application Fee	450.00
3. New Account Fee	
	<u>20.00</u>
Total:	\$4,470.00

Potential water servicing costs (applicant to contact SEKID to discuss requirements):

- | | |
|--------------------------|------------|
| 1. 19mm domestic service | \$1,800.00 |
|--------------------------|------------|

Upon payment of the above fees and confirmation of servicing requirements the District will issue a water certificate as evidence our requirements have been met. Please contact me if you have any questions.

Eliminate building (build dwelling here)

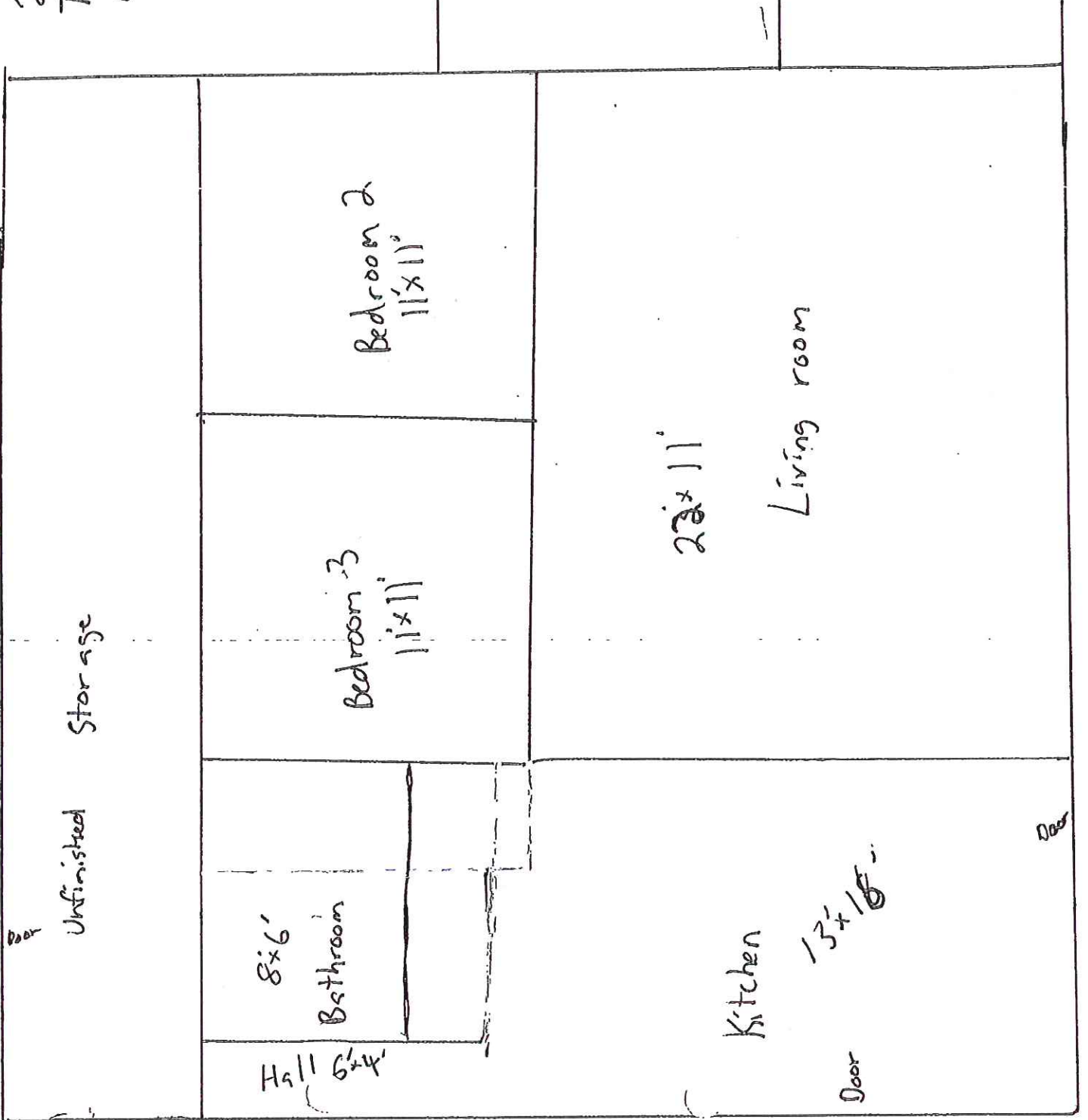


This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

2800 Dunster

Total square footage

929



BCLI Land Capability (Map 82E.083)

Area	Land Capability Rating, Unimproved	Land Capability Rating, with Improvements
SW	70% Class 5 with soil moisture deficiency 30% Class 4 with soil moisture deficiency	70% Class 3 with stoniness 30% Class 2 with soil moisture deficiency
NE	100% Class 6 with soil moisture deficiency and adverse topography	100% Class 6

BCLI Soil Classification (Map 82E.083)

Portion of Site	%	Soil Type	Description
SW	70	R - Rutland	<u>Land</u> : Very gently to strongly sloping fluvioglacial deposits. <u>Texture</u> : 10 to 25 cm of sandy loam or loamy sand over gravelly loamy sand or very gravelly sand. <u>Drainage</u> : Rapid.
	30	DH - Dartmouth	<u>Land</u> : Nearly level to very steeply sloping fluvioglacial deposits. <u>Texture</u> : 25 to 60 cm of sandy loam or loam over gravelly sandy loam or gravelly loamy sand. <u>Drainage</u> : Well to rapid.
NE	70	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.
	30	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.

Descriptions

Class 2 - Soils in this class have moderate limitations that restrict the range of crops or require moderate conservation practices. The soils are deep and hold moisture well. The limitations are moderate and the soils can be managed and cropped with little difficulty. Under good management they are moderately high to high in productivity for a fairly wide range of crops.

Class 3 - Soils in this class have moderately severe limitations that restrict the range of crops or require special conservation practices. The limitations are more severe than for Class 2 soils. They

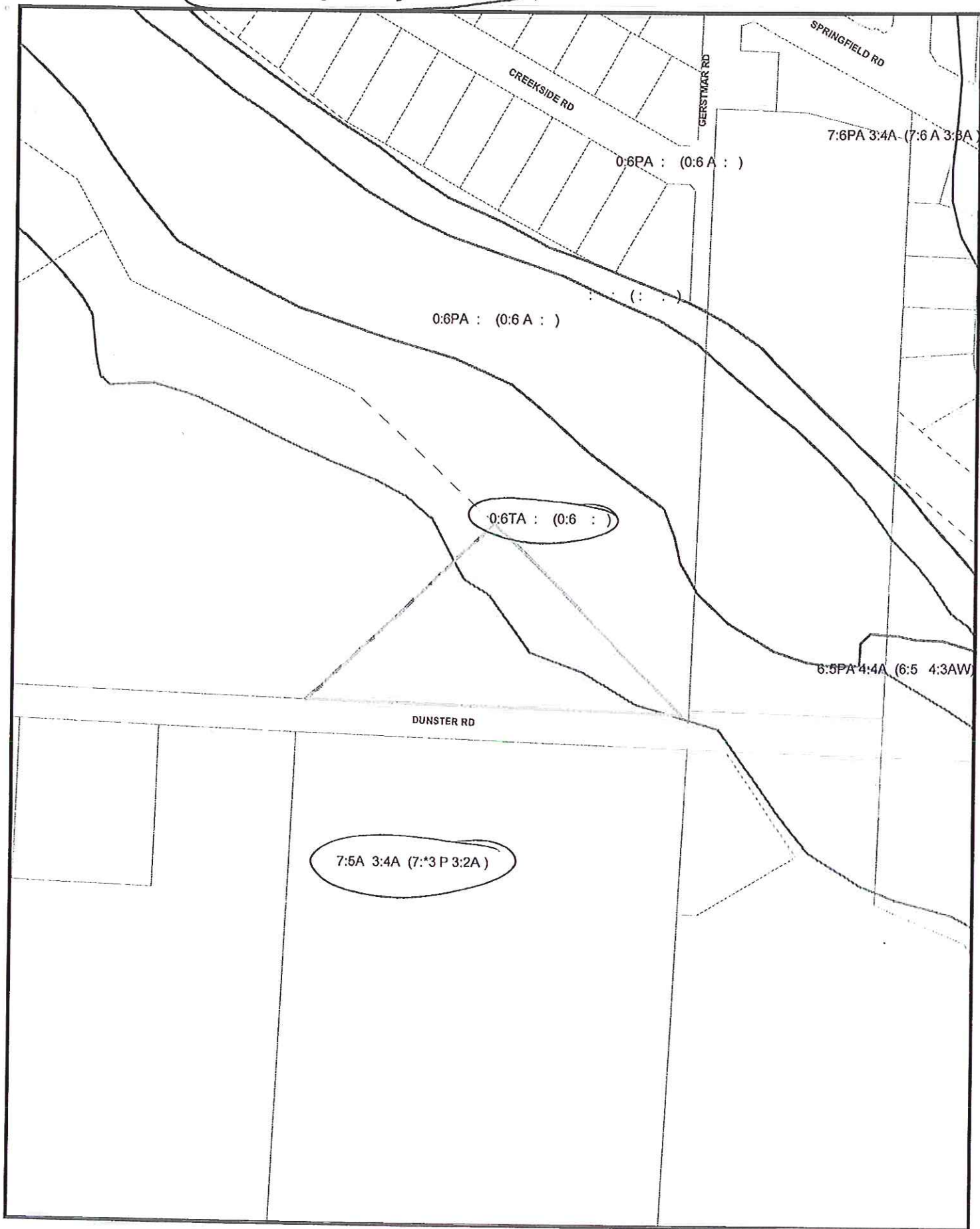
affect one or more of the following practices: timing and ease of tillage; planting and harvesting; choice of crops; and methods of conservation. Under good management they are fair to moderately high in productivity for a fair range of crops.

Class 4 - Soils in this class have severe limitations that restrict the range of crops or require special conservation practices, or both. The limitations seriously affect one or more of the following practices: timing and ease of tillage; planting and harvesting; choice of crops; and methods of conservation. The soils are low to fair in productivity for a fair range of crops but may have high productivity for a specially adapted crop.

Class 5 - Soils in this class have very severe limitations that restrict their capability to producing perennial forage crops, and improvement practices are feasible. The limitations are so severe that the soils are not capable of use for sustained production of annual field crops. The soils are capable of producing native or tame species of perennial forage plants, and may be improved by use of farm machinery. The improvement practices may include clearing of bush, cultivation, seeding, fertilizing, or water control.

Class 6 - Soils in this class are capable only of producing perennial forage crops, and improvement practices are not feasible. The soils provide some sustained grazing for farm animals, but the limitations are so severe that improvement by use of farm machinery is impractical. The terrain may be unsuitable for use of farm machinery, or the soils may not respond to improvement, or the grazing season may be very short.

Land Capability = Brown / Soil Class Green



1:2,500

Land Capability = Brown / Soil Class Green



1:2,500