

Memo



Date: June 15, 2011

To: City Manager

From: Land Use Management, Community Sustainability (LT)

Application: A11-0001

Owner: Domenic & Susanne Panucci

Address: 3380 Neid Road

Applicant: IHS Designs Ltd. (C. Vickery)

Subject: Non-Farm Use Application (Detached Secondary Suite)

Existing OCP Designation: Rural/Agricultural & Single/Two Family

Existing Zone: A1 - Agriculture 1

1.0 Recommendation

THAT Agricultural Land Reserve Application No. A11-0001 for Lot 2, Section 16, Township 26, ODYD, Plan 8853, located at 3380 Neid 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 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

Policies within the Official Community Plan and the Agricultural Plan. These policies seek to protect and enhance local agriculture, and preserve productive agricultural land. While secondary suites can be supported on agricultural properties, it is recommended that they are incorporated into the principal dwelling to limit the impacts on the agricultural land base. In addition, permitting large accessory suites can have a significant indirect impact to future farming practices by contributing to unattainable property values.

However, this application represents a fairly modest impact to the subject property. The original proposal located the proposed suite in an accessory building on a flat portion of the site with a high level of agricultural capability. Responding to concerns from the Agricultural Advisory Committee and City staff, the revised site plan locates the structure near the bottom of the west facing slope, towards the Hall Road area. The new siting has less potential impact on the future agricultural capability of the parcel, including the following considerations:

- The proposed accessory suite has been located in the least invasive location of the property.

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- Vehicular access would be provided from adjacent Bewlay Road, limiting the amount of driveways proposed.
- There is a 27m (89ft) change in elevation on the property moving east-to-west, which limits opportunities for contiguous farming practices.
- The proposed location abuts existing residential uses to the west and north.
- In this instance, locating an accessory suite within the natural “homeplate” would remove more productive lands on the property, compared to the proposed location.

Notwithstanding the above-referenced policies within the Official Community Plan, the Land Use Management Department recommends that this application be supported.

4.0 Proposal

4.1 Project Description

The eastern portion of the lot is a relatively flat 2.59 acres (including the existing dwelling) with good agricultural capability, with the remaining 1.67 acres to the west being a sloped area, down towards the Hall Road subdivision, with limited agricultural capability. The current agricultural use on the property is a vineyard.

The applicant is proposing to construct a secondary suite within a new accessory building, which requires a non-farm use application to the Agricultural Land Commission. Originally, the accessory building was proposed to the north of the principal dwelling at the top of the slope. In response to comments from the Agricultural Advisory Committee and discussions with staff, the applicant has revised their site plan. The accessory building is now proposed to the west of the existing dwelling, near the bottom of the existing slope.

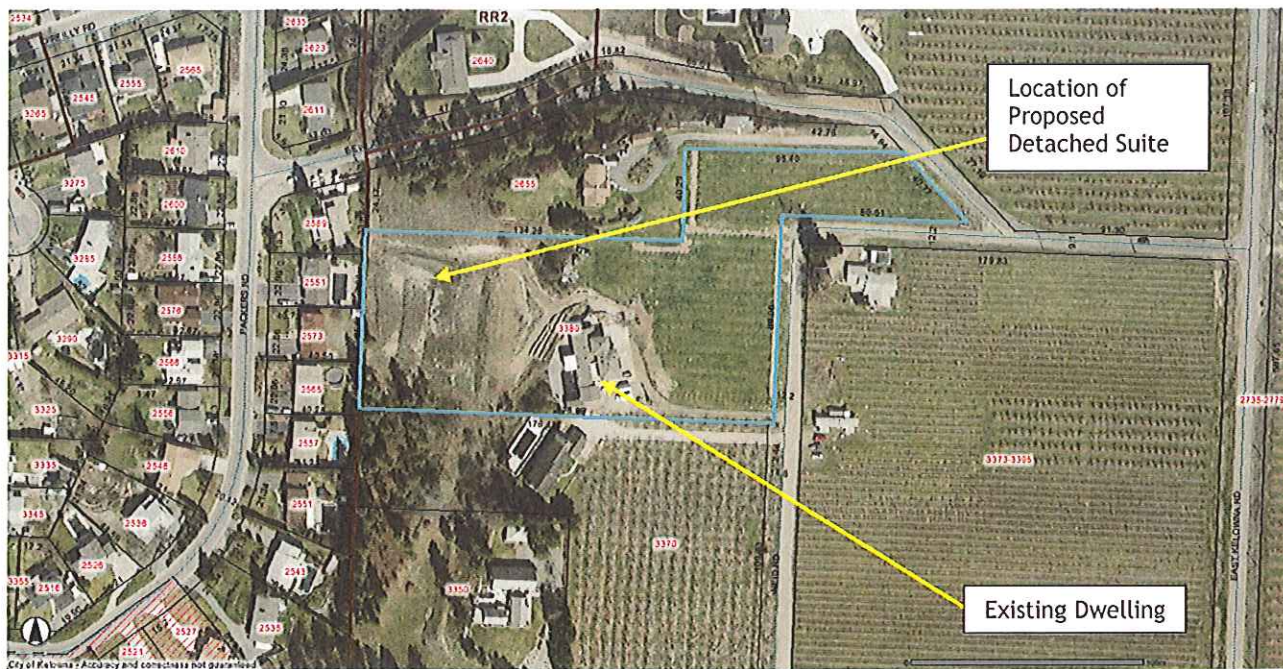
The building would be comprised of a three-car garage on the main level, and an 843 ft² suite on the upper level. Road access to the new accessory building would be obtained from Bewlay Road. The applicant has stated that the chosen location of the accessory building optimizes the privacy and views for the secondary dwelling.

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.

4.2 Site Context

The subject property is located on the East Kelowna bench, overlooking the Hall Road subdivision. The site area is 1.72 hectares (4.26 acres) and the site elevation slopes from 425m at the Neid Road frontage down to 398m at western end of the property.

Subject Property Map: 3380 Neid Road



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

Direction	Zoning	ALR	Land Use
North	A1 - Agriculture 1	Yes	Single Family Home
South	A1 - Agriculture 1	Yes	Orchard
East	A1 - Agriculture 1	Yes	Orchard
West	RR3 - Rural Residential 3	No	Hall Road Subdivision

5.0 Current Development Policies

5.1 City of Kelowna 2030 Official Community Plan (OCP)

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

Agricultural Land Use Policies

Non-farm Uses.¹ Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- are consistent with the Zoning Bylaw and OCP;
- provide significant benefits to local agriculture;
- can be accommodated using existing municipal infrastructure;
- minimize impacts on productive agricultural lands;
- will not preclude future use of the lands for agriculture; and
- will not harm adjacent farm operations.

Housing in Agricultural Areas.² Discourage residential development (both expansions and new developments) in areas isolated within agricultural environments (both ALR and non-ALR).

¹ OCP2030 - Section 5.33.7 (Development Process Chapter)

Secondary Suites.³ Encourage secondary suites on agricultural land to be located within a permitted principal dwelling.

Homeplating.⁴ Locate buildings and structures, including farm help housing and farm retail sales area and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage. The goal should be to maximize the use of existing infrastructure and reduce impacts on productive agricultural lands.

5.2 Kelowna Agricultural Plan Policies

Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.

Farmland Preservation. Direct urban uses to land within the urban portion of the defined urban-rural/agricultural boundary, in the interest of reducing development and speculative pressure, toward the preservation of agricultural lands and discourage further extension of existing urban areas into agricultural lands.

6.0 Technical Comments

6.1 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 exclusion.

6.2 Infrastructure Planning

The transportation department is cautious about the addition of residential units (including homesite severances, subdivisions and/or rezoning) in South East Kelowna. Over time, the increased density puts pressure to upgrade rural roads that are not currently budgeted for in the City's 20-Year servicing plan.

7.0 Application Chronology

Date of Application Received:	January 31, 2011
Agricultural Advisory Committee	March 10, 2011
Revised site plan received:	May 18, 2011

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

THAT the Agricultural Advisory Committee NOT support Application No. A11-0001 for 3380 Neid Road, by IHS Design (C. Vickery), 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 allow a detached secondary suite.

² OCP2030 - Section 5.33.9 (Development Process Chapter)

³ OCP2030 - Section 5.34.1 (Development Process Chapter)

⁴ OCP2030 - Section 5.34.3 (Development Process Chapter)

AAC Comment:

The Agricultural Advisory Committee did not support the non-farm use application given that no net benefit to agriculture is expected as a result of the proposed development.

Report prepared by:



Luke Turri, Land Use Planner

Approved for inclusion:



Shelley Gambacort, Director, Land Use Management

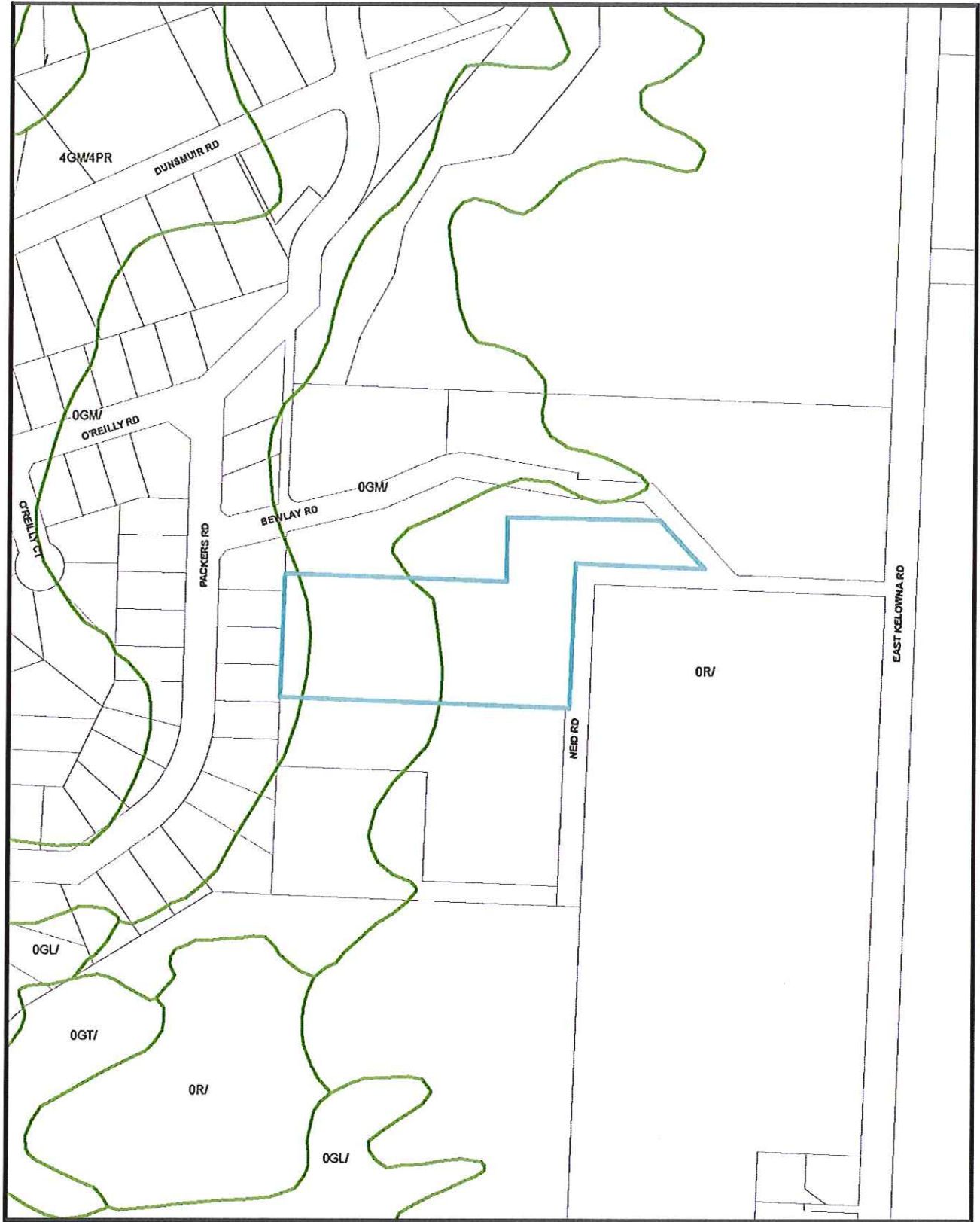
Attachments:

- Soil Classification Map
- Subject Property Soil Classification Description
- BCLI Land Capability Map
- Subject Property BCLI Land Capability Description

- Subject Property Map
- ALR Boundary Map
- Site Plan
- Elevations/Floor Plans
- Contour Map
- Context Photo



Soil Capability Map

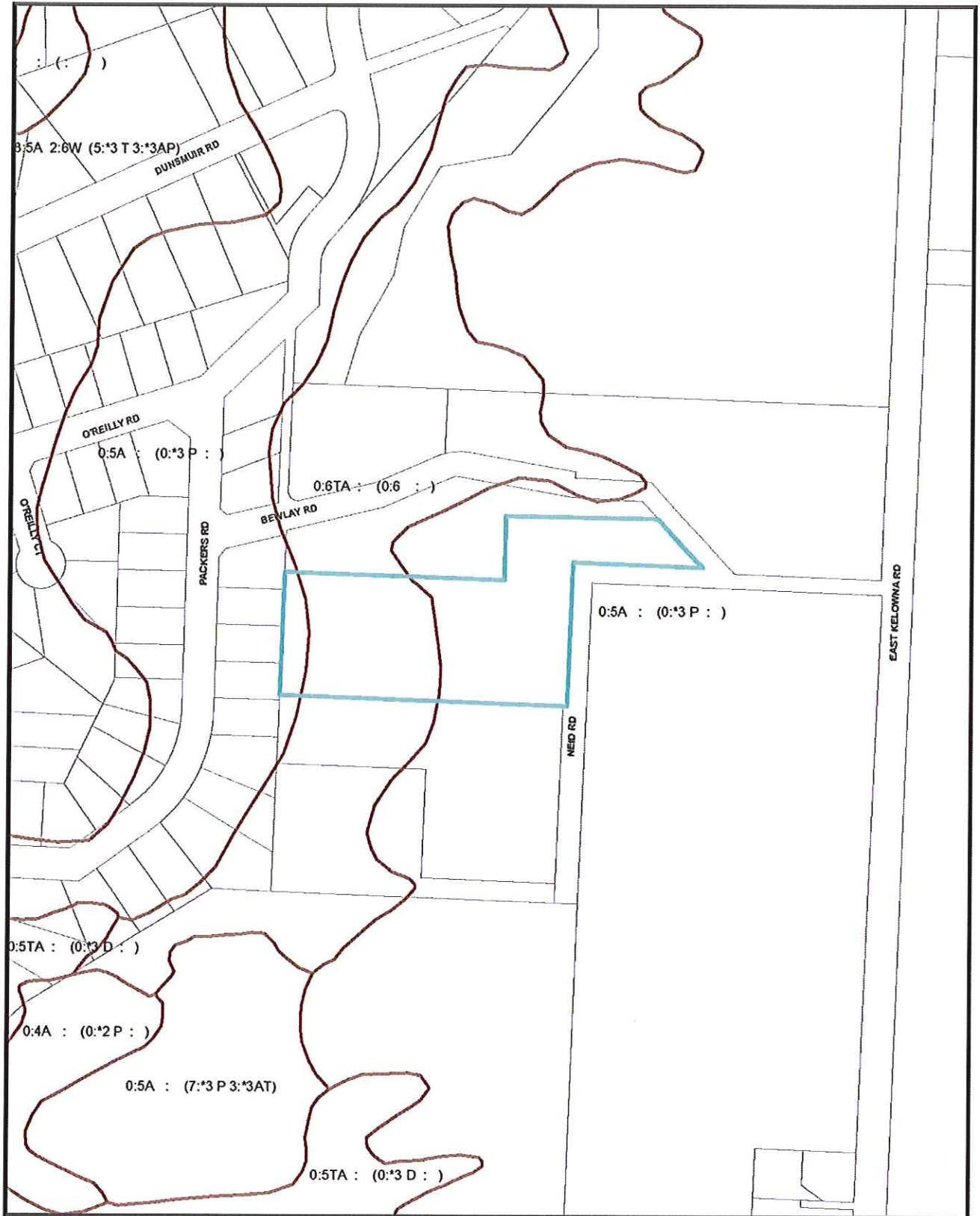


Soil Classification

The soil classification for the subject property is broken into two sections with soil types as defined below.

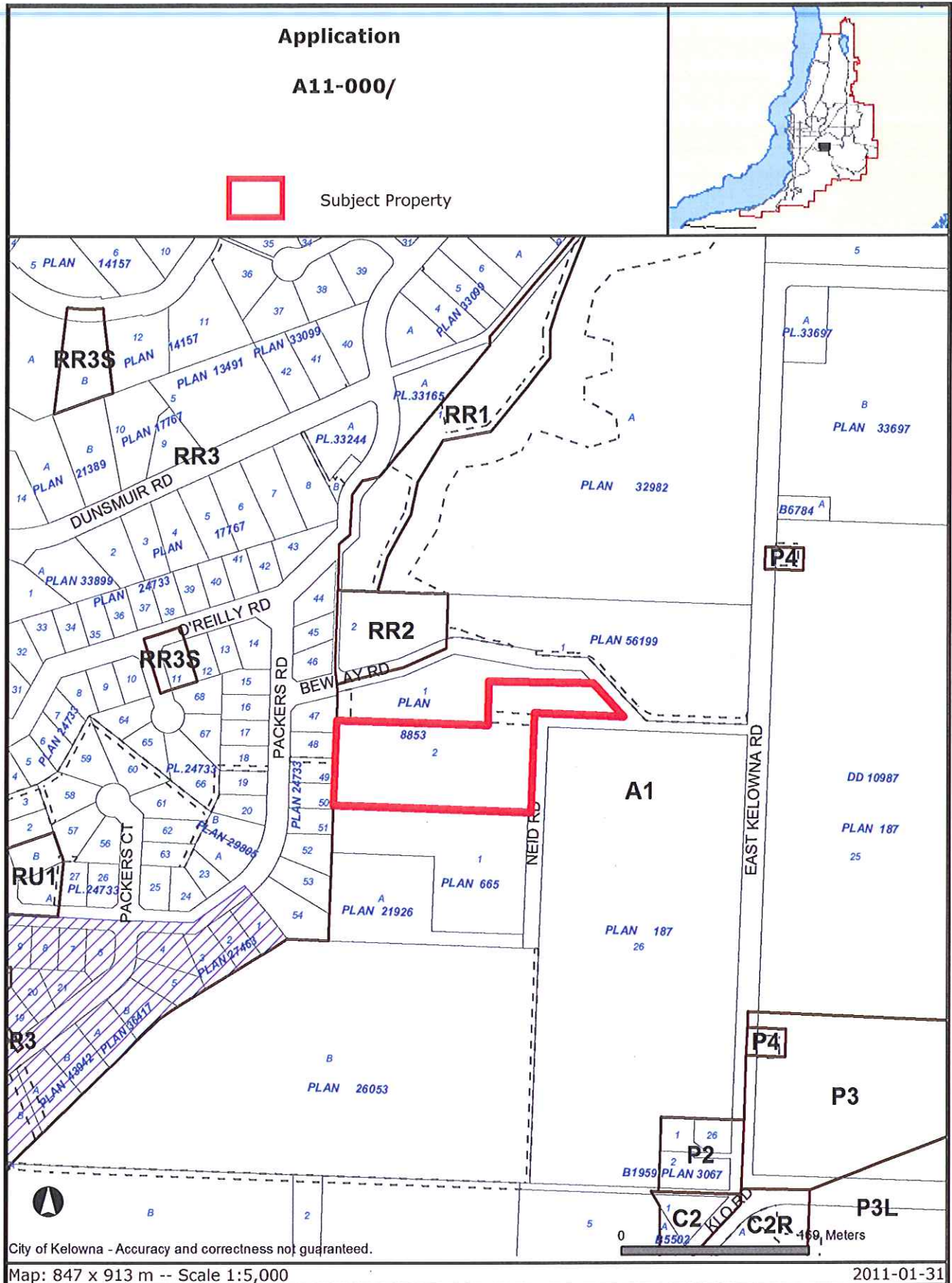
Portion of Site / %	Soil Type	Description
Eastern (flat bench)	R - Rutland	<u>Land</u> : very gently to strongly sloping fluvioglacial deposits <u>Texture</u> : 10 to 25cm of sandy loam or loamy sand over gravelly loamy sand or very gravelly sand <u>Drainage</u> : rapid. <u>Classification</u> : Orthic Dark Brown
Western Slope	GM - Gammill	<u>Land</u> : very gently to strongly sloping fluvioglacial deposits <u>Texture</u> : 10 to 25cm of sandy loam or loamy sand over gravelly loamy sand or very gravelly sand <u>Drainage</u> : rapid. <u>Classification</u> : Eluviated Eutric Brunisol

Land Capability Map

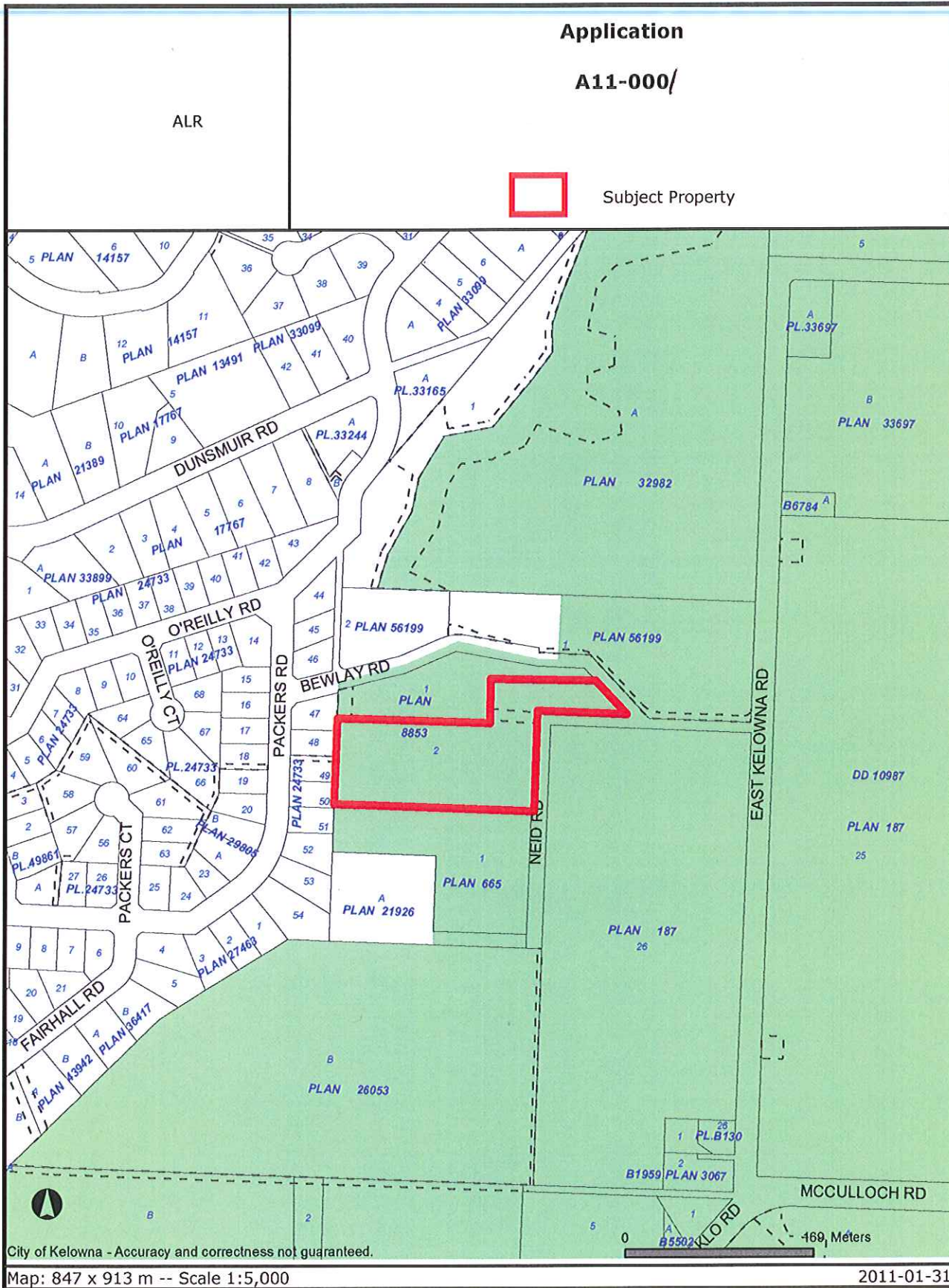


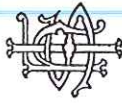
BCLI Land Capability

Portion of Site	Land Capability Rating, Unimproved	Land Capability Rating, With Improvements
Eastern (Flat Bench)	<p>100% Class 5A. Limitations which restricts its capability to producing perennial forage crops or other specially adapted crops. Land in Class 5 is generally limited to the production of perennial forage crops or other specially adapted crops. Productivity of these suited crops may be high. Class 5 lands can be cultivated and some may be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated field crops may be grown on some Class 5 land where adverse climate is the main limitation, but crop failure can be expected under average conditions.</p> <p>The land was also noted to have a land capability subclass A, which is a soil moisture deficiency. This subclass means that crops are adversely affected by droughtiness caused by low soil water holding capacity or insufficient precipitation.</p>	<p>100% Class 3P. Land in this Class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both. The limitations are more severe than for Class 2 land and management practices are more difficult to apply and maintain. The limitations may restrict the choice of suitable crops or affect one or more of the following practices: timing and ease of tillage, planting and harvesting, and methods of soil conservation.</p> <p>The land (As improved) was also noted to have a land capability subclass P (Stoniness). Soils are limited by the presence of coarse fragments which significantly hinder tillage, planting and/or harvesting.</p>
Western Slope	<p>100% Class 6TA. Non-arable but capable of producing native and/or uncultivated perennial forage crops. Land in Class 6 provides sustained natural grazing for domestic livestock and is not arable in its present condition. Land is placed in this class because of severe climate, or the terrain is unsuitable for cultivation or use of farm machinery, or the soils do not respond to intensive improvement practices.</p> <p>Land capability noted as subclass TA, (topography and soil moisture deficiency). Soils are limited by steepness or pattern of slopes which hinders the use of farm machinery, decreases uniformity of growth and maturity of crops, and/or increases the potential for water erosion. In addition, crops are adversely affected by droughtiness caused by low soil water holding capacity or insufficient precipitation.</p>	<p>100% Class 6. Land in this Class is non-arable but capable of producing native and/or uncultivated perennial forage crops. Land in Class 6 provides sustained natural grazing for domestic livestock and is not arable in its present condition. Land is placed in this class because of severe climate, or the terrain is unsuitable for cultivation or use of farm machinery, or the soils do not respond to intensive improvement practices. Some unimproved Class 6 lands can be improved by draining, diking and/or irrigation.</p>



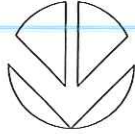
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
 The City of Kelowna does not guarantee its accuracy. All information should be verified.





HKS DESIGN
 644 AIRCROFT LANE
 KELOWNA, BC
 V1W 4H5

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PROJECT NORTH

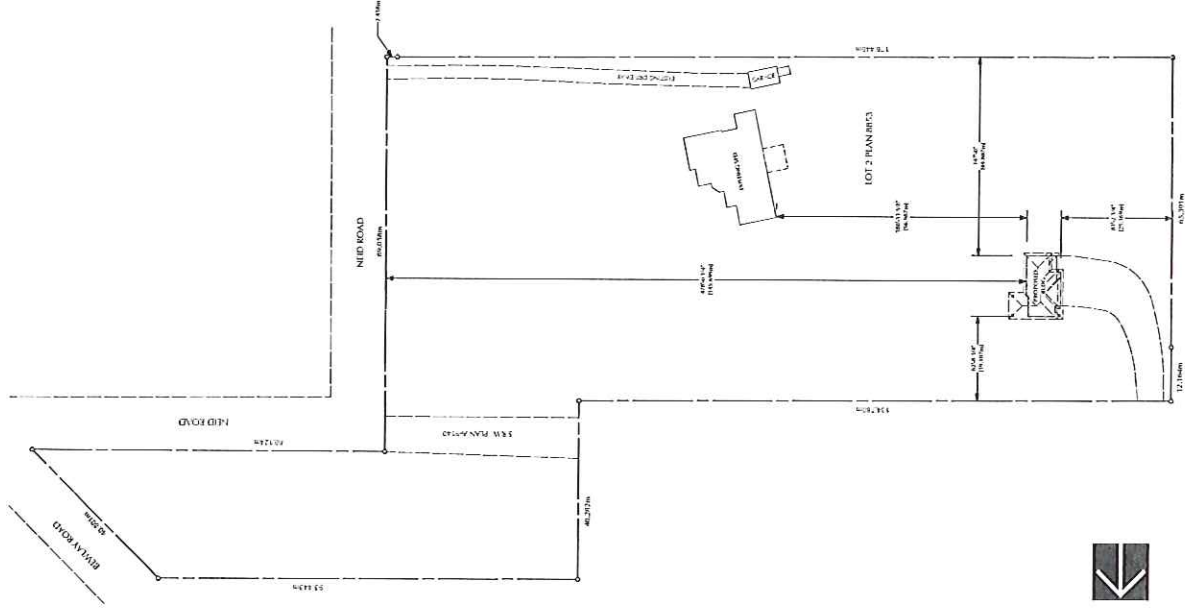
REVISION	DATE	DESCRIPTION

PROJECT
 ACCESSORY DEVELOPMENT
 3880 NEID ROAD
 KELOWNA, BC
 LOT 2 PLAN B853

DRAWING TITLE
 SITE PLAN

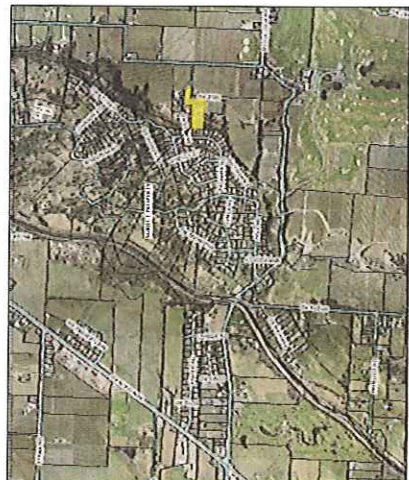
DATE
 JANUARY 10, 2011

DRAWING NUMBER
 1 of 4



PROJECT NAME: ONC ADDRESS
 3880 NEID ROAD
 KELOWNA, BC V1W 4H5
 PROJECT LOCATION
 LOT 2 PLAN B853 - IN TEMP. ZONE
 PROPOSED ZONING
 AN AGRICULTURE WITH SECONDARY USE
 IN THE LAND USE
 REGULATIONS DISTRICT
 NEID

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	ASPHALT DRIVE	1	LINEAR METRE	15.00	15.00
2	CONCRETE DRIVE	1	LINEAR METRE	15.00	15.00
3	PAVING	1	LINEAR METRE	15.00	15.00
4	CONCRETE DRIVE	1	LINEAR METRE	15.00	15.00
5	CONCRETE DRIVE	1	LINEAR METRE	15.00	15.00
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2 AERIAL SITE PLAN

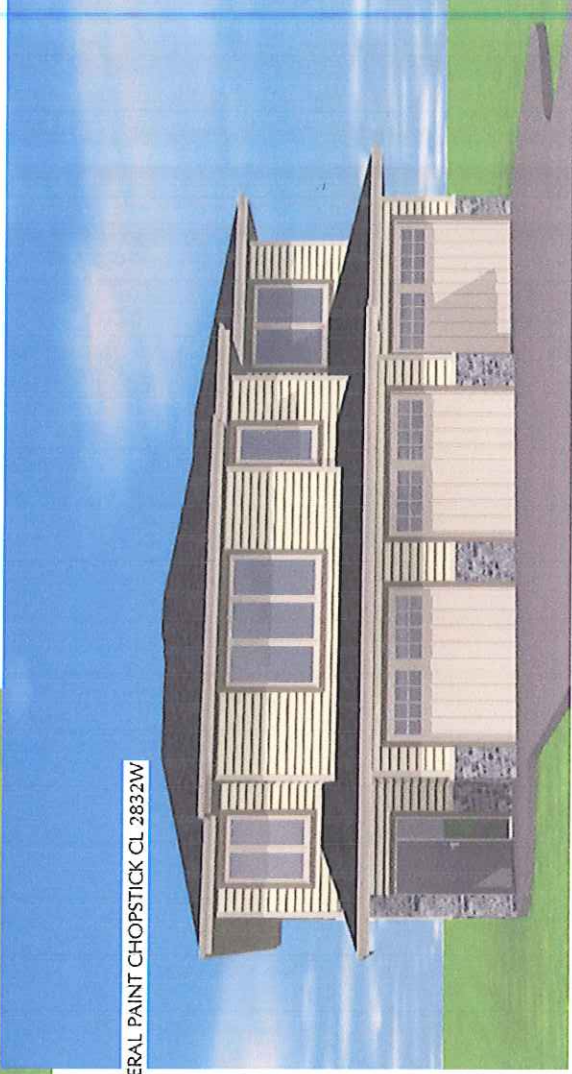


IKO CAMBRIDGE LAMINATE SHINGLE DUAL BLACK

KAYCAN TIMBERLAKE D-4 MARQUIS BISQUE

GENTEK ALUMINUM GUTTER/SOFFIT NUTMEG

ELDORADO STONE
FIELDLEDGE ANDANTE



GENERAL PAINT CHOPSTICK CL 2832W

3380 NEID ROAD, KELOWNA BC



COLOUR BOARD

JANUARY 10, 2011

SCALE : VARIES

1 OF 1



Existing dwelling

Location of proposed accessory suite

A11-0001
3380 Neid Road (Non-Farm Use Application)
CONTOUR MAP

City of Kelowna - Accuracy and correctness not guaranteed.



View of building platform from end of easement looking Southeast.