

cumulative impact of permitting additional dwelling units in rural/agricultural areas is considerable.

It is worthy of note that to date, the applicant has been receptive to guidance provided in terms of siting the proposed structure. The applicant originally submitted a proposed location (label "A" on the attached site plan). Staff cautioned that this was a highly unsuitable location given the impact to the subject property's agricultural potential in addition to potential impact on adjacent properties. In response, the applicant proposed an alternate location (label "B" on the attached site plan). The revised configuration is closer aligned with policy goals intended to protect agriculture (e.g. homeplating).

While the revised proposal is an improvement from a land use perspective, the proposed development remains inconsistent with City policy respecting residential development within agricultural areas. Agricultural land use policies in the OCP include "discouraging residential development in areas isolated within agricultural environments" and "encouraging secondary suites on agricultural land to be located within a permitted principal dwelling". While Land Use Management staff are supportive of secondary suites within principal dwellings, the additional residential footprint being proposed is not supported.

Furthermore, additional capital investment into non-farm uses on agricultural properties leads to further price escalation. These "improvements" are reflected in sale prices of agricultural land which can become unattainable for many existing or prospective farmers.

Non-support for the non-farm use proposal was confirmed by the City's AAC. The AAC cited the lack of benefit to agriculture and the lack of agriculture currently taking place as being key to their position of non-support.

4.0 Proposal

4.1 Project Description

One single detached dwelling (which staff understand is being rented out at present) and a detached shop currently exist on site. The applicant has indicated that the owner intends to plant grapes on the easterly half of the property in the future. The applicant is proposing to construct a new, detached secondary suite between the existing house and the existing shed (see label "B" on attached site plan).

Should the ALC grant permission for the non-farm use, a subsequent rezoning application to the A1s - Agriculture 1 with Secondary Suite zone, and applicable development permit applications, would be required to proceed.

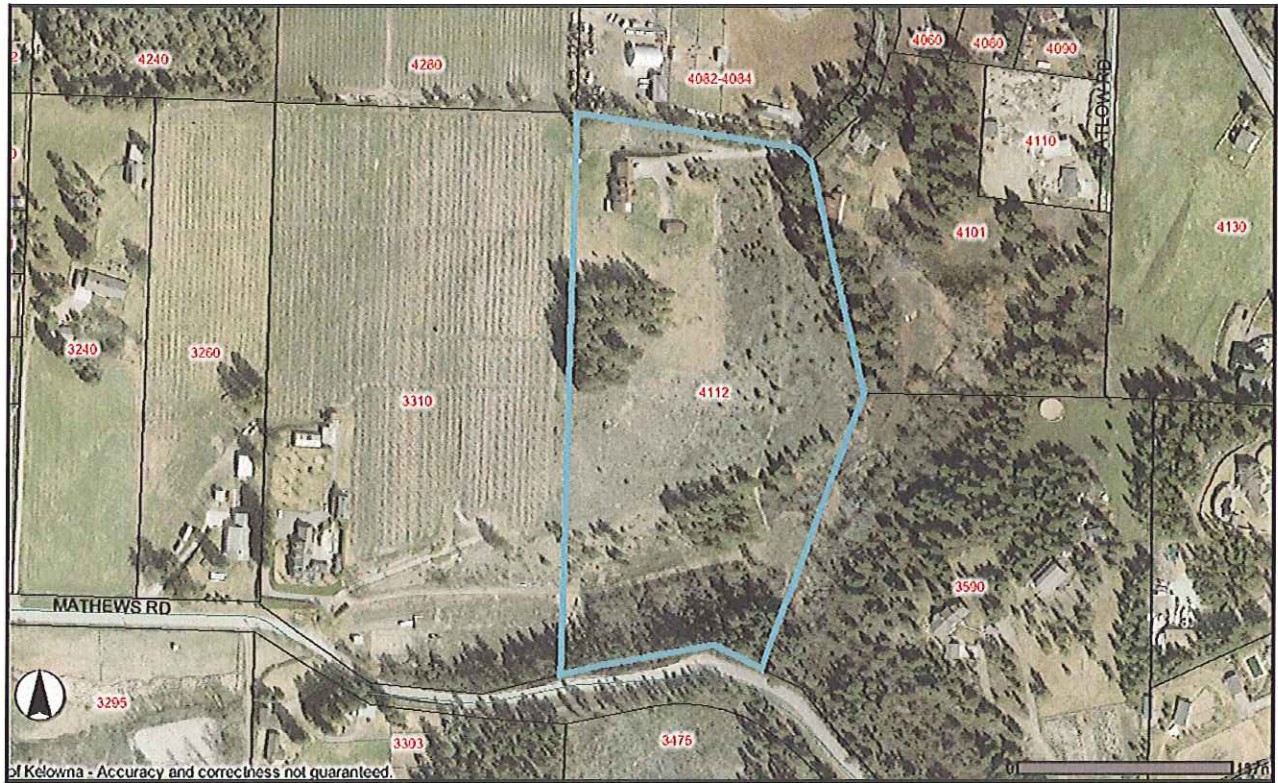
4.2 Site Context

The subject property is located on the north side of Matthews Road and at the south end of Lemky Road. The site area is 5.43 hectares (13.41 acres) and the site elevation varies between 525 m and 541 m.

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

Direction	Zoning	ALR	Land Use
North	A1 - Agriculture 1	Yes	Farm
South	A1 - Agriculture 1	Yes	Forested and single home
East	A1 - Agriculture 1	Yes	Forested and single home
West	A1 - Agriculture 1	Yes	Farm

4.3 Subject Property Map: 4112 Lemky Road



5.0 Current Development Policies

5.1 Kelowna 2030 Official Community Plan (OCP)

The subject property has a future land use designation of Resource Protection Area. Relevant policies include:

Agricultural Land Use Policies

Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development by supporting a “no net loss” approach, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Non-farm Uses. Support for non-farm uses 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; will not harm adjacent farm operations.

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

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

Homeplating. 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 possible, near the existing road frontage. The goal should be to maximize use of existing infrastructure and reduce impacts on productive agricultural lands.

6.0 Technical Comments

6.1 South East Kelowna Irrigation District

Please be advised that water service is available to the above referenced application, subject to the payment of all fees and compliance with District bylaws. There is insufficient information on the proposed suite to give an accurate estimate of charges. If the applicant would like additional information please contact the District office directly.

7.0 Application Chronology

Date of Application Received: March 3, 2011

Agricultural Advisory Committee: June 9, 2011

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting on June 9, 2011 and the following recommendations were passed:

THAT the Agricultural Advisory Committee NOT support Application No. A11-0003 for 4112 Lemky Road, by Constructive Homes (D Desbiens), to obtain approval from the Agricultural Land Commission (ALC) for a non-farm use within the Agricultural Land Reserve (ALR) under Section 20(3) of the Agricultural Land Commission Act to permit a detached secondary suite.

AAC Comments:


The Agricultural Advisory Committee did not support the Application due to no net benefit to agriculture being demonstrated. Currently there is limited agriculture on the property with an existing home being rented out and which could accommodate farm help.

8.0 Alternate Recommendation

THAT Agricultural Land Reserve appeal A11-0003 for Lot 64, Section 3, Township 26, Osoyoos Division Yale District Plan 1247, located at 4112 Lemky 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.

Report prepared by:



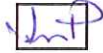
Greg Sauer, Environment & Land Use Planner

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Approved for Inclusion

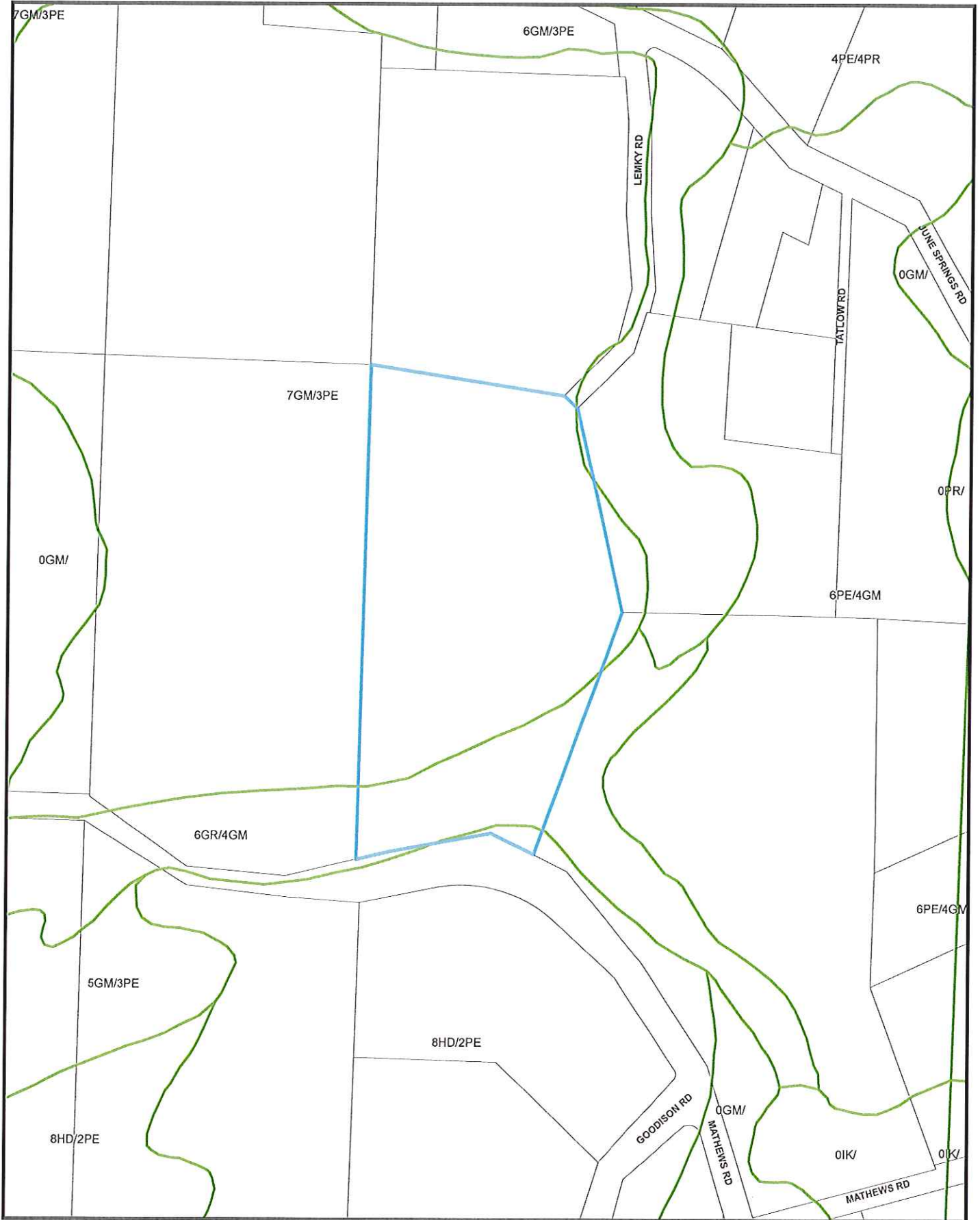


J. Paterson, General Manager, Community Sustainability

Attachments:

Soil Classification Map
Subject Property Soil Classification Description
BCLI Land Capability Map
Subject Property BCLI Land Capability Description
Subject Property and zoning Map
Subject Property and ALR Map
ALC Application by Landowner (2 pages)
Annotated Site plan

Land Capability = Brown/ Soil Class = Green

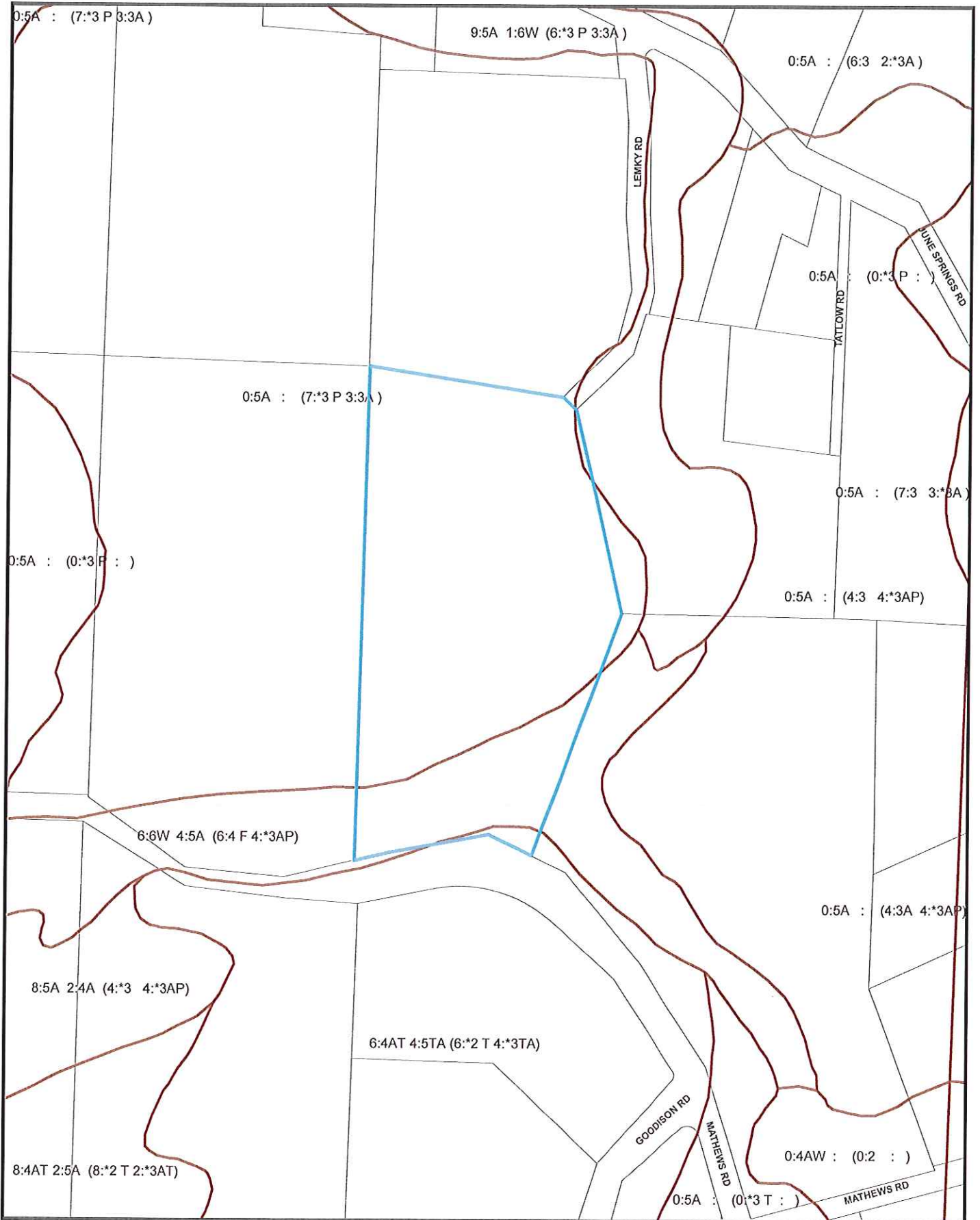


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BCLI Soil Classification

Portion of Site	%	Soil Type	Description
Northerly 85%	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	PE - Paradise	<u>Land</u> : Nearly level to very steeply sloping fluvioglacial deposits. <u>Texture</u> : 25 to 60cm of sandy loam or loamy sand over gravelly loamy sand or very gravelly sand. <u>Drainage</u> : Rapid.
Southerly 15%	60	GR - Gartrell	<u>Land</u> : Nearly level and very gently sloping fluvioglacial deposits in depressions. <u>Texture</u> : 60 to 100 cm of loam or sandy loam over gravelly sandy loam or gravelly loamy sand. <u>Drainage</u> : Dominantly poor, ranging to imperfect; fluctuating groundwater table and seepage.
	40	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.

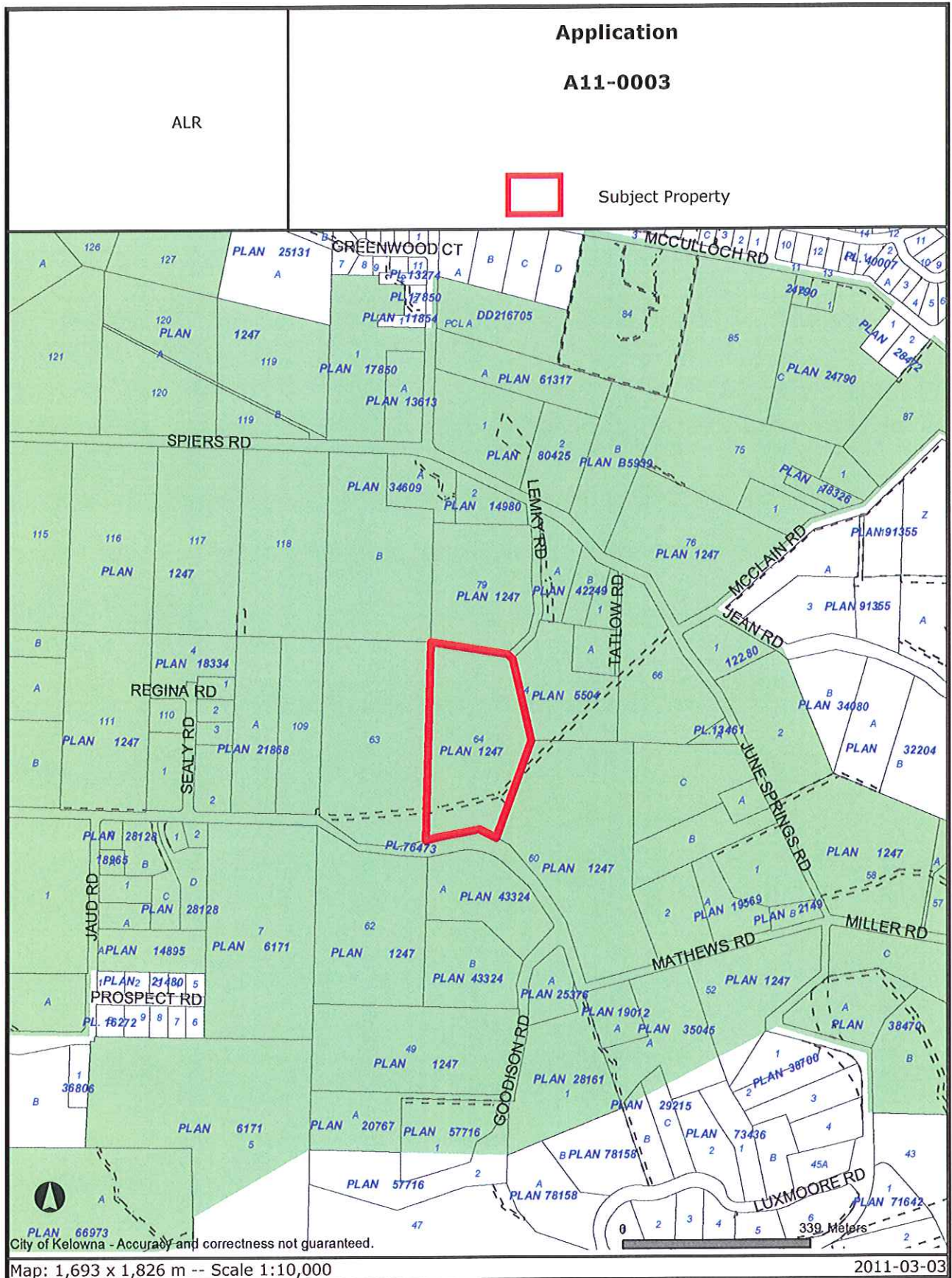
Land Capability = Brown/ Soil Class = Green



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BCLI Land Capability

Area	Land Capability Rating, Unimproved	Land Capability Rating, with Improvements
Northerly 85%	100% Class 5 with soil moisture deficiency	70% Class 3 with stoniness 30% Class 3 with soil moisture deficiency
Southerly 15%	60% Class 6 with excess water 40% Class 5 with soil moisture deficiency	60% Class 4 with limits on soil fertility 40% Class 3 with soil moisture deficiency and stoniness



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.

