

COMMITTEE REPORT



Date: January 16th, 2020

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Development Planning Department (HR)

Application: A19-0022

Owner: Brian and Sherie Fehr

Address: 4060 Todd Rd

Applicant: Kynoch Builders Inc.

Subject: Application to the ALC for a Non-Adhering Residential Use

1.0 Purpose

The applicant is requesting permission from the Agricultural Land Commission to allow for a new single detached house to be constructed on the subject property prior to the decommissioning of the existing single detached house to an accessory building to for a rural home-based business use.

2.0 Proposal

2.1 Background

In 2008, the Agricultural Land Commission provided approval for the extraction and removal of 35,000 m³ of aggregate from the subject property through the operation of a gravel pit. A Mines Permit for the operation of a gravel pit was also issued for the subject property. The ALC approval was extended in 2010 and expired in November of 2011.

The subject property is currently being used for agriculture, storing of farm equipment, a rural home-based business, and residential uses. Efforts have taken place on the subject property to reclaim the former gravel pit by the owners to level slopes and increase the farmable area. In 2019, an area in the south east corner of the property was prepared and irrigated for growing garlic and land in the north east corner of the property has planted with hay and irrigated. Wildlife fencing has also been installed along the north, east and south property lines.

The subject property currently has an 89.2 m² single detached dwelling with an adjoining shop. This dwelling is the principle residence of the owners and is also used to operate a rural home-based landscaping business. There are four additional accessory buildings used for the storage of farm equipment and for storing equipment related to the home-based business from time to time.

2.2 Site Context

The subject property is 5.35 ha (13.22 acres) in size and is located off Todd Road. As per Maps 2 – 4 below, the subject property is zoned A1 – Agriculture, is located within the Agricultural Land Reserve (ALR), is located outside of the Permanent Growth Boundary, and has a Future Land Use Designation of REP – Resource Protection Area.

Map 1 – Subject Property



2.3 Neighbourhood Context

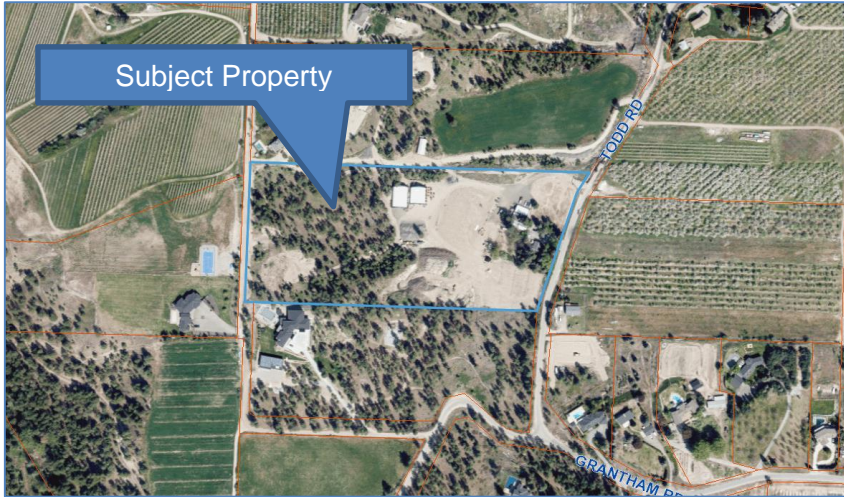
The subject property lies within the Southeast City Sector of Kelowna. The area is predominantly comprised of agricultural lands and all the surrounding properties are within the ALR. There are a few Rural Residential parcels nearby as well as a parcel zoned Parks and Open Space which is currently used by the Kelowna Fish & Game Club as a shooting range.

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

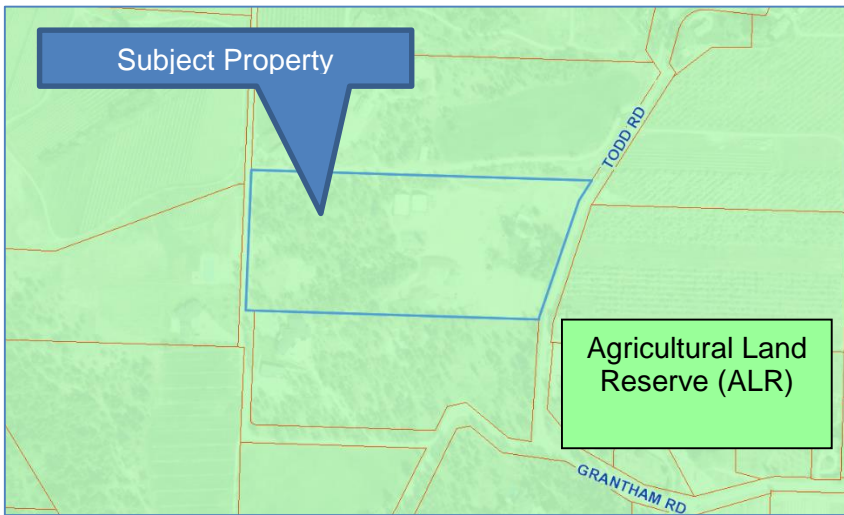
Table 1: Zoning and Land Use of Adjacent Property

Direction	Zoning	ALR	Land Use
North	A1 – Agriculture 1	Yes	Agricultural (Grain) / Residential
South	A1 – Agriculture 1	Yes	Residential
East	A1 – Agriculture 1	Yes	Agriculture (Tree Fruits) / Residential
West	A1 – Agriculture 1	Yes	Agricultural (Grain, Tree Fruits) / Residential

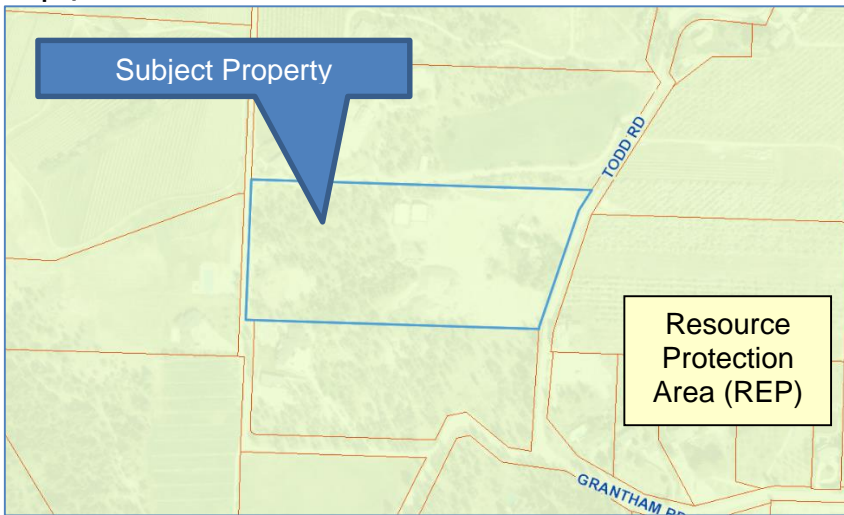
Map 2 – Neighbourhood Context



Map 3 – Agricultural Land Reserve



Map 4 – Future Land Use



2.4 Agricultural Land Use

The subject property currently has approximately 1.54 ha (3.81 acres) of land in use for agricultural activities including:

- 0.62 ha Hay
- 0.29 ha planted in Garlic
- 0.63 ha prepared for Garlic planting
- 0.10 ha storage and maintenance of farm equipment

2.5 Project Description

The proposal aims to allow for the owners to remain living in the existing single detached dwelling located on the East side of the subject property while they construct a new single detached dwelling in the South-West corner of the property. Once the new dwelling is constructed, the applicant plans to decommission the old dwelling into an accessory building which will be used as offices for the farm and for a rural home-based landscaping business. The proposed new dwelling will have a Total Floor Area of 497m².

The applicant feels that allowing the owners to continue living in the existing dwelling during construction will ensure farming activities can continue uninterrupted as well as avoid a burden on the owners' financial resources if they are required to decommission the existing dwelling and secure alternate housing during the construction of the proposed new dwelling.

2.6 Decommissioning of a Dwelling

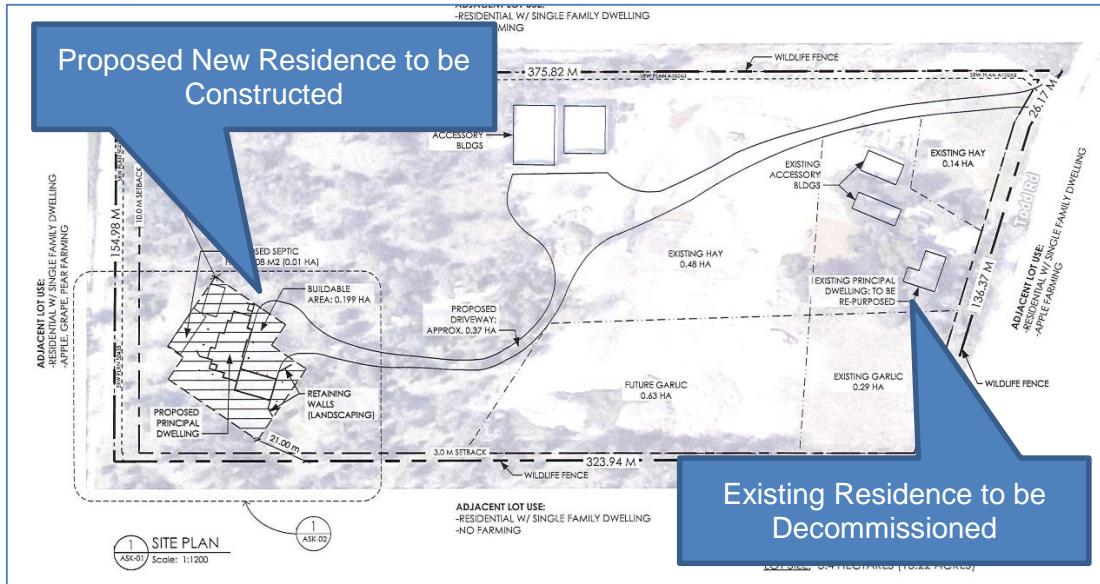
Where an owner wishes to continue to use an existing dwelling as a residence while constructing another dwelling on same parcel as a replacement, the owner shall pay a security deposit to the City the sum of \$20,000.00 for each building or structure to be decommissioned.

Prior to issuance of the building permit for the new dwelling, the owner shall enter into an agreement with the City undertaking upon completion of the new dwelling to convert the existing dwelling into a non-residential use to the satisfaction of the Building Inspector. A 21g restrictive covenant will be placed on the property by the registered owner's legal counsel stipulating the structure will not be used for any purpose other than storage or an allowable converted use.

At a minimum decommissioning of a dwelling will consist of removal of the following;

- *all bathrooms including tubs, showers, sinks, toilets, waterlines and associated drain lines
- the kitchen exhaust fan and applicable exhaust venting and wiring
- 220-volt wiring from the stove outlet to the electrical panel (an electrician may be necessary), and/or natural gas rough-in (a licensed contractor may be necessary)
- washroom exhaust fans and wiring
- all upper kitchen cabinets and washroom vanities
- all non load bearing walls necessary to leave the space in an open free flowing condition

Map 5 – Site Plan



3.0 Development Planning

If the proposal is approved a Farm Residential Footprint Covenant will be required to be registered for the new dwelling and the accessory building, with a combined area, including driveways, not exceeding 2,000 m² (0.2 ha). Chapter 15 of the City’s Official Community Plan includes guidelines for all buildings and structures to be located within a contiguous area and exceptions to this are only permitted where the buildings or structures are for farm use only. In addition, the guidelines require the design of the residential footprint is to be located within 60 meters of the road or located to maximize agricultural potential. While, the current site plan has proposed the new dwelling approximately 300 m from the road access, there is an unnamed road right-of-way to the West side of the property that neighbouring properties use for access. There is also a water service within this road right-of-way that will be connected to by the proposed new dwelling.

Currently, the proposal indicates the proposed driveway and septic area of 3,794 m² (0.37 ha) and a buildable area of 1,990 m² (0.199 ha) for the new dwelling, totaling 5,784 m² (0.58 ha) which is over double the maximum allowable Farm Residential Footprint and does not include the area for the existing dwelling or access to the existing dwelling. Revisions to the proposed site plan will be required in order to meet the maximum area.

Report prepared by:

Hailey Rilkoﬀ, Planner I

Reviewed / Approved for Inclusion by:

Alex Kondor, Acting Approving Officer/Agricultural Planning Manager

Attachments:

- Attachment A – ALC Non-Adhering Residential Use Application
- Attachment B – Site Plan
- Attachment C – Applicant Package