

# COMMITTEE REPORT



**Date:** July 14<sup>th</sup>, 2022

**RIM No.** 1210-21

**To:** Agricultural Advisory Committee (AAC)

**From:** Development Planning Department

**Application:** A22-0003      **Owner:** Northview Orchards Ltd., Inc.No. 221199

**Address:** 1368 Teasdale Road      **Applicant:** Brian Witzke

**Subject:** Application to the ALC for Non-Adhering Residential Use Permit to allow the replacement of a second dwelling.

**Existing OCP Designation:** R-AGR – Rural – Agricultural and Resource & NAT – Natural Area

**Existing Zone:** A1 – Agriculture 1

**Agricultural Land Reserve:** Yes

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## 1.0 Purpose

The applicant is requesting permission from the ALC for a Non-Adhering Residential Use Permit to allow the replacement of a second dwelling that is no longer suitable residence.

## 2.0 Proposal

### 2.1 Background

The subject is 32.47 acres (13.14ha) in size and is located on Teasdale Road within the Belgo-Black Mountain OCP Sector. The applicant is seeking permission to replace a dwelling on the property that is no longer livable. There are currently two dwellings on the property, this application would be the removal of one and allow a new home to be built.

The family has owned the property since 1946 and the parcel currently produces several varieties of apples including royal gala, pacific gala, honey crisp, ambrosia, and Spartan's. There are 27.73 acres of Grade A land, 4.74 acres of Grade D, equally 32.47 acres.

### 2.2 Project Description

The subject property has two single-family dwellings on site, the first is 176.5m<sup>2</sup> in size and the second is 74m<sup>2</sup>. The application is to remove the second dwelling (74m<sup>2</sup>) and construct a new dwelling, which is proposed to be 227.89m<sup>2</sup> in size. The application has indicated that the existing second dwelling was built in 1956, and it is now infested with ants, termites as well as signs of mold, so it is no longer suitable to live

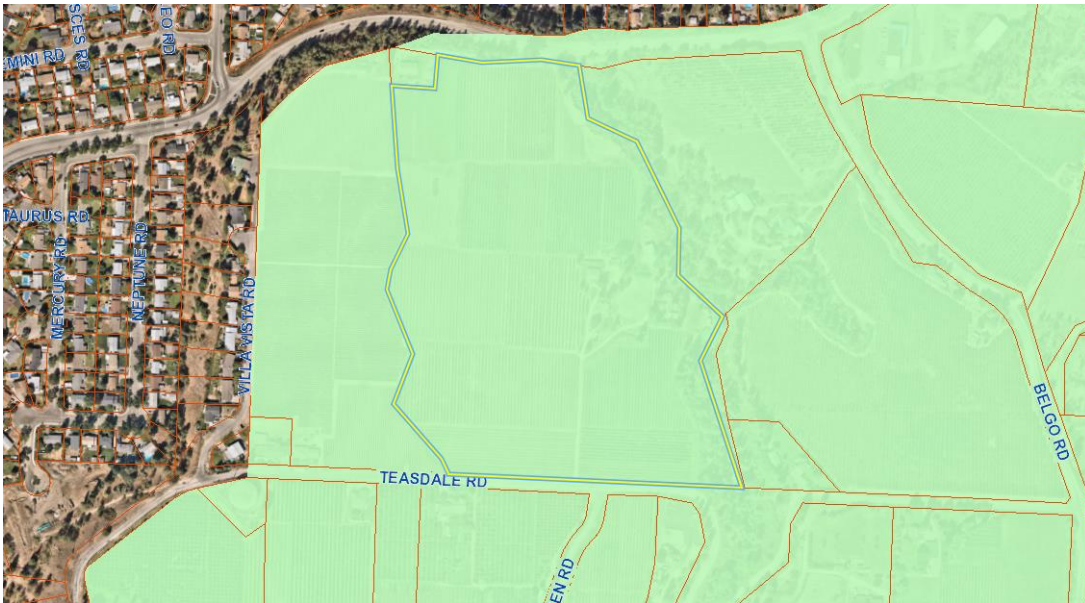
in. Both dwellings on-site are occupied by the two owners full-time and are not rented. The location of the proposed dwelling has been chosen to be limit the impact on existing agriculture and the location and driveway sits on the grade D land. The subject property also has three temporary farm worker cabins, which have active contracts through the Seasonal Agricultural Workers Program (SAWP).

The Agricultural Land Commission now allows second residences, which are permitted to be maximum of 600m<sup>2</sup>, however, due to the size (227.89m<sup>2</sup>) a Non-Adhering Residential Use Permit Application is required.

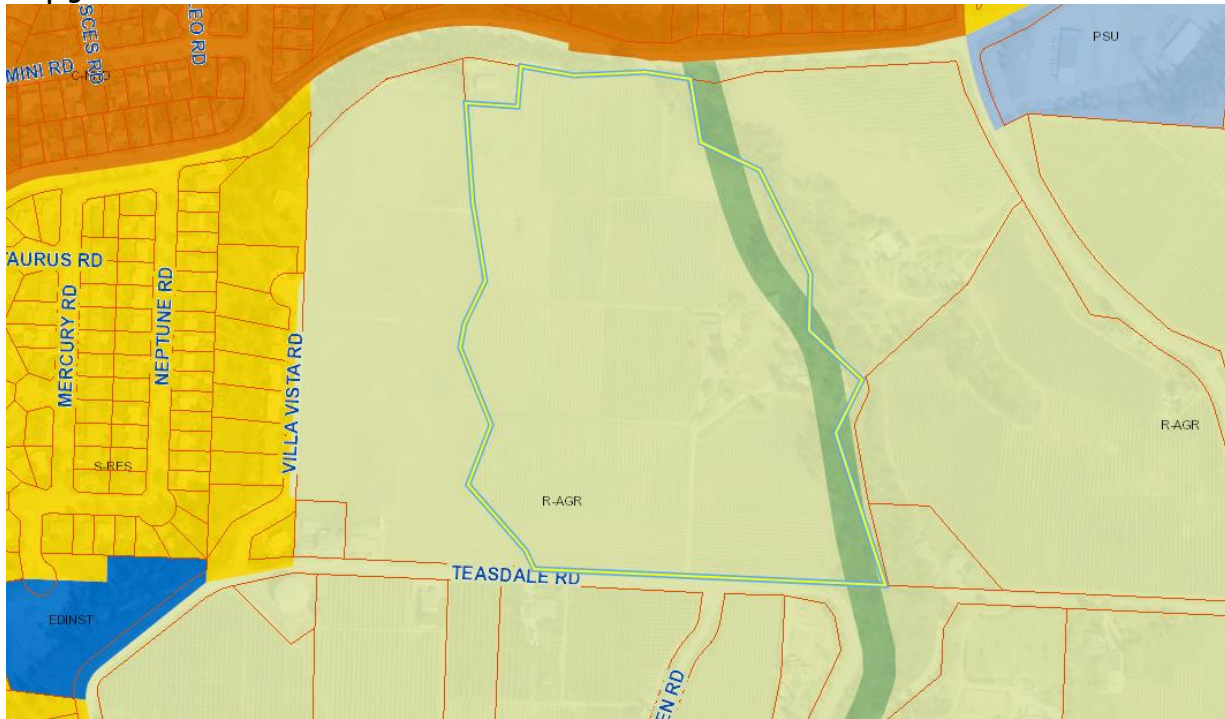
**Map 1 - Neighbourhood**



**Map 2 – Agricultural Land Reserve**



**Map 3 – Future Land Use**



**2.3 Neighbourhood Context**

The subject property lies within the Belgo-Black Mountain OCP Sector. The surrounding area is primarily agricultural lands within the ALR.

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	RU1 – Large Lot Housing and RM3 – Low Density Multiple Housing	No	Springfield Road – (Multi-Family / Single-Family Dwellings)
South	A1 – Agriculture 1	Yes	Agriculture
East	A1 – Agriculture 1	Yes	Agriculture
West	A1 – Agriculture 1	Yes	Agriculture

**3.0 Development Planning**

If the proposal is approved by Council and the Agricultural Land Commission, a Farm Residential Footprint covenant is required to be registered on Title. The covenant area would Homeplate the residential uses including both dwellings, and all residential accessory buildings. The contiguous area would help with preserving agricultural throughout the site.

The City of Kelowna Council endorsed a Staff recommendation to allow secondary residences, up to 90m<sup>2</sup>, if the property is over 2.0ha in size and currently does not have a secondary suite. This has been proposed in the new Zoning Bylaw no. 12375, which hasn't been adopted by Council. Before this, the bylaws did not

allow any secondary residence. The proposal before us does not meet the new legislature in the ALC Act, and a Non-Adhering Residential Use Permit application would be required regardless of Council's official adoption of the proposed changes to the secondary residences.

**Report prepared by:** Tyler Caswell, Planner

**Reviewed by:** Dean Strachan, Community Planning & Development Manager

**Attachments:**

Attachment A – ALC Non-Adhering Residential Use Application

Attachment B – Site Plan

Attachment C – Conceptual Drawing Package

Attachment D – Ministry of Agriculture Memo