

REPORT TO COUNCIL



Date: August 8th, 2022

To: Council

From: City Manager

Department: Development Planning

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

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

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

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

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Agriculture Land Reserve Application No. A22-0003 for Lot 3 Section 23 Township 26 ODYD Plan 2329 Except Plans 4697, 34964 and H12752 located at 1368 Teasdale Road, Kelowna, BC for a Non-Adhering Residential Use Permit pursuant to Section 25 of the Agricultural Land Commission Act, be supported by Council;

AND THAT the Council directs Staff to forward the subject application to the Agricultural Land Commission for consideration.

Purpose

To support an application to the Agricultural Land Commission for a Non-Adhering Residential Use Permit to allow for the replacement of a second dwelling that is no longer a suitable residence.

2.0 Development Planning

Staff support the Non-Adhering Residential Use Permit Application to allow for the replacement of an existing second dwelling. Both dwellings are occupied by the family and the replacement of a second dwelling will allow the family to continue to farm the subject property. The applicants have chosen a site on the property that is closer to the other single-family dwelling and this will create a contiguous Homeplate. The proposed location is also on non-arable land and is a location that will contribute to the least impact to agriculture.

Should the application be supported by Council and the Agricultural Land Commission, a Building Permit and the registration of a farm footprint covenant are required before the construction can commence.

3.0 Proposal

3.1 Project Description

The subject property 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.

The subject property has two single-family dwellings on site, the first is 176.5m² in size and the second is 74m². The application is to remove the second dwelling (74m²) and construct a new dwelling, which is proposed to be 227.89m² 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 (non-arable). 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 90m², however, due to the size (227.89m²) a Non-Adhering Residential Use Permit Application is required.

3.2 Site Context

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

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing and RM3 – Low Density Multiple Housing	Springfield Road – (Multi-Family / Single-Family Dwellings)
East	A1 – Agriculture 1	Agriculture
South	A1 – Agriculture 1	Agriculture
West	A1 – Agriculture 1	Agriculture

Subject Property Map:



4.0 Application Chronology

Date of Application Received: May 26th, 2022
Date Public Consultation Completed: N/A

Agricultural Advisory Committee July 14th, 2022

THAT the Committee recommends that Council support the application for 1368 Teasdale Road to consider a non-adhering residential use permit.

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on July 14th, 2022 and the following recommendations were passed:

Anecdotal comments include that the Committee understands it is making an exception for the large second dwelling, however, considers it appropriate for the site and a multi-generational farming family. The size of proposed dwelling is reasonable and is in a good location as the homesite is not suitable for farming and does not impact arable land. There are currently two houses on the property and will continue to allow two houses.

Report prepared by: Tyler Caswell, Planner
Reviewed by: Dean Strachan, Community Planning & Development Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A – ALC Non-Adhering Residential Use Application

Attachment B – Site Plan

Attachment C – Conceptual Drawing Package

Attachment D – Ministry of Agriculture Memo