

REPORT TO COUNCIL

ALR Application



Date: June 3rd, 2024
To: Council
From: City Manager
Address: 2160 Galiano Road
File No.: A23-0004
Zone: A1 – Agriculture

1.0 Recommendation

THAT Agricultural Land Reserve Application No. A23-0004 for Lot A Section 9 Township 23 ODYD Plan 38902 Except Plan KAP85942, located at 2160 Galiano 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.

2.0 Purpose

To support an application to the Agricultural Land Commission for a Non-Adhering Residential Use Permit to maintain 90 m² of the existing dwelling as living space and to live in the existing dwelling, while a new residence is being constructed.

3.0 Development Planning

Staff support the Non-Adhering Residential Use Permit application to allow for 90 m² of the existing dwelling to be maintained as living space and for the owners to live in the existing dwelling, while a new residence is being constructed. The proposal meets many of the policies in the Official Community Plan (OCP) including allowing a secondary residence to a property over 1.0ha in size, not impacting the farming practice and homeplating the residential uses to reduce residential sprawl across the property.

The proposed floor plan indicates that the existing dwelling can be partially decommissioned to meet the maximum 90 m² size of a secondary dwelling permitted by the Agricultural Land Commission (ALC) and Zoning Bylaw. In addition, allowing the decommissioning to be delayed until after the new principal dwelling is constructed also allows the family to remain on the subject property during the construction.

If the proposal is approved by Council and the Agricultural Land Commission, a Farm Residential Footprint covenant is required to be registered on title prior to the issuance of a new Building Permit. The covenant area would homeplate the residential uses including both dwellings, and all residential accessory buildings. Prior to final Building Permit occupancy of the new principal dwelling, a Decommissioning Building Permit will be required to be completed. This will ensure that the dwelling is converted to 90 m² total floor area prior to final occupancy, and the property will eventually conform with ALC guidelines. The maximum size for a principal dwelling is 500 m² total floor area.

4.0 Subject Property & Background

Orientation	Zoning	Land Use
North	A1 – Agriculture	Agriculture
East	A1 – Agriculture	Agriculture / Rural Residential
South	A2 – Agriculture / Rural Residential	Rural Residential
West	A1 – Agriculture	Agriculture

Subject Property Map: 2160 Galiano Road



The subject property is located on the corner of Galiano Rd and Glenmore Rd N in the North Glenmore Neighbourhood. The property has the Future Land Use Designation is R-AGR – Rural – Agriculture and Resource, it is zoned A1 – Agriculture 1 and it is entirely in the Agricultural Land Reserve (ALR). The surrounding area is primarily rural residential and agricultural properties located in the ALR.

5.0 Project Description

The subject property is 8.48 acres (3.43 ha) in size and is located on the corner of Galiano Road and Glenmore Rd N. The applicant is seeking permission to allow the existing dwelling to be occupied while a new dwelling is being constructed. In addition, the existing dwelling will be decommissioned to meet the permitted 90 m² total floor area for a second residence, which will have to occur prior to final occupancy of the new dwelling.

The existing dwelling was built in 1977 and is 230 m² in size. The owners have indicated that the existing dwelling is not large enough to accommodate the six family members, and the delayed decommissioning will allow them to remain on the property while a new dwelling is being constructed. The existing dwelling will have the entire basement decommissioned, and the main floor will be split between living space and agricultural storage to meet the allowable 90 m² total floor area for a secondary residence.

The property has active agriculture, as there are approximately 2,300 cherry trees planted on the subject property. A new irrigation system was installed throughout the property to allow for a more productive farming operation. There is one existing farm building, which is a barn at the centre of the site, and it is currently leased to a third-party for cannabis production.

6.0 Current Development Policies

Objective 8.1. Protect and preserve agricultural land and its capability.	
Policy 8.1.10. Homeplating.	Locate buildings and structures, including farm help housing and farm retail sales areas and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage. <i>The proposed location of the new dwelling will be in close proximity to the existing dwelling. These are not close to the road frontage but are accessed via a driveway that runs parallel with the east property line away from the active agriculture.</i>
Objective 8.4. Stop urban sprawl into Rural Lands	
Policy 8.4.3. Housing in Agricultural Areas.	Discourage additional residential development (both expansions and new developments) in areas surrounded by ALR and non-ALR agricultural lands. Secondary suites may be permitted in a permitted primary dwelling. Carriage houses may be considered on Rural Residential lands where the property is 1.0 hectares or greater and where proposal is consistent with the Farm Protection Guidelines outlined in Chapter 22: Farm Protection Development Permit Area. <i>The subject property is over 1.0ha, and if approved, the secondary residence would meet the same allowable total floor area of a carriage house at 90 m².</i>

7.0 Application Chronology

Application Accepted: March 10th, 2023
 Neighbour Notification Received: N/A

8.0 Agricultural Advisory Committee

Agricultural Advisory Committee May 6th, 2024

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on May 6th, 2024, and the following recommendations were passed:

THAT the Committee recommends that Council support the application to the Agricultural Land Commission (ALC) for a Non-Adhering Residential Use Permit to maintain 90 m² of the existing dwelling as living space and to live in the existing dwelling, while a new residence is being constructed.

Anecdotal comments include that the Committee would like to express the need to have the non-adhering residential use permit comply with all requirements and follow-up with enforcement if the compliance is not met.

Report prepared by: Tyler Caswell, Planner II
Reviewed by: Dean Strachan, Community & Development Planning Manager
Reviewed by: Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning, Climate Sustainability and Development Services

Attachments:

- Attachment A – ALC Application File No: 66626
- Attachment B – Site Plan
- Attachment C – Floor Plan

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.