

ALC Referral Application

Regional Board Meeting
July 25, 2022

1450 K.L.O. Road
Kelowna, BC, V1W 3Z4
rdco.com



Purpose

To consider an Agricultural Land Commission referral application to permit a Non-Adhering Residential Use to allow a secondary residence on the subject property.

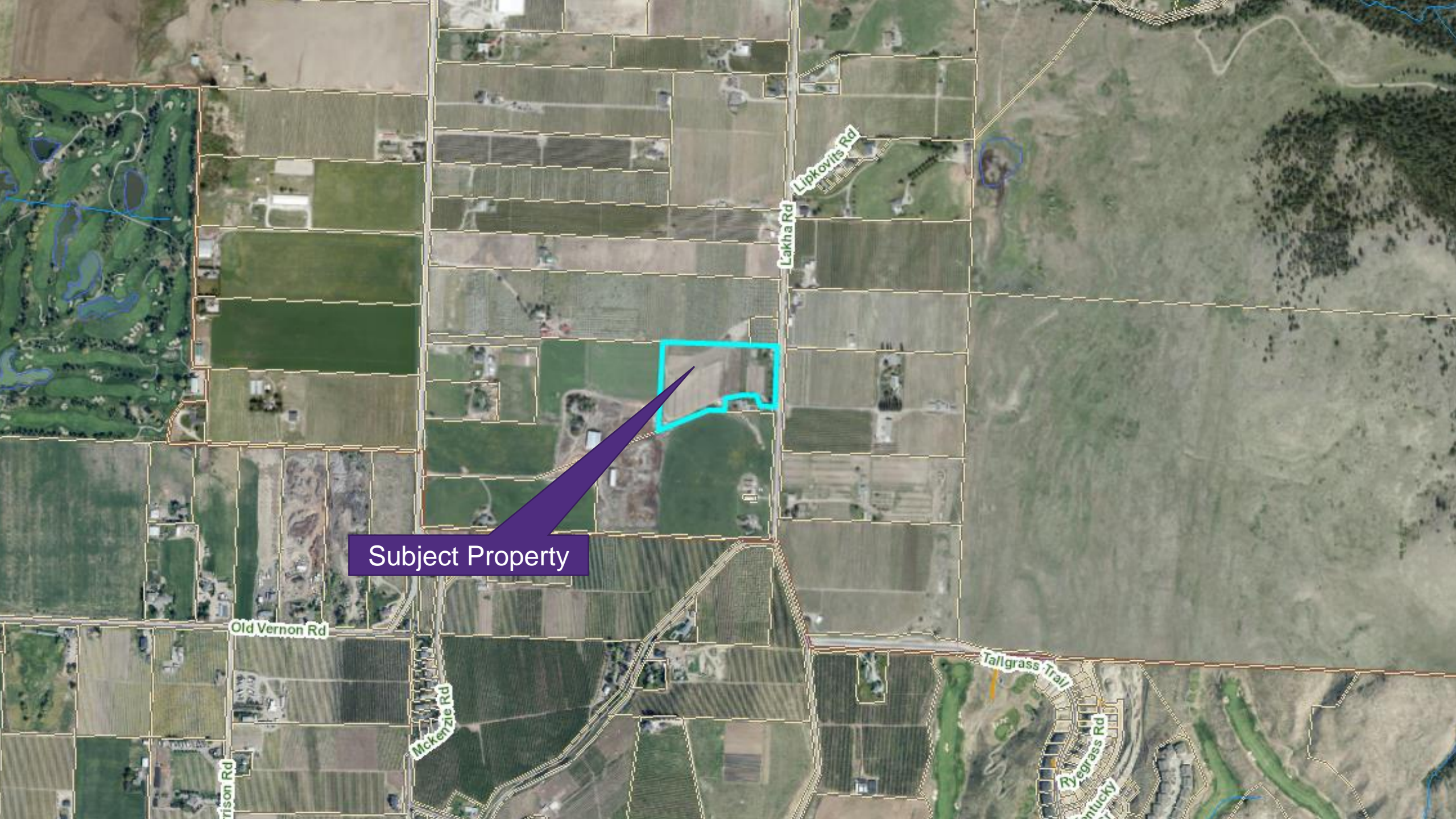


Carney Pond

97

Mill (Kelowna) Creek

Subject Property



Subject Property



pl 90103

2711

2624

2611

4

pl 3896

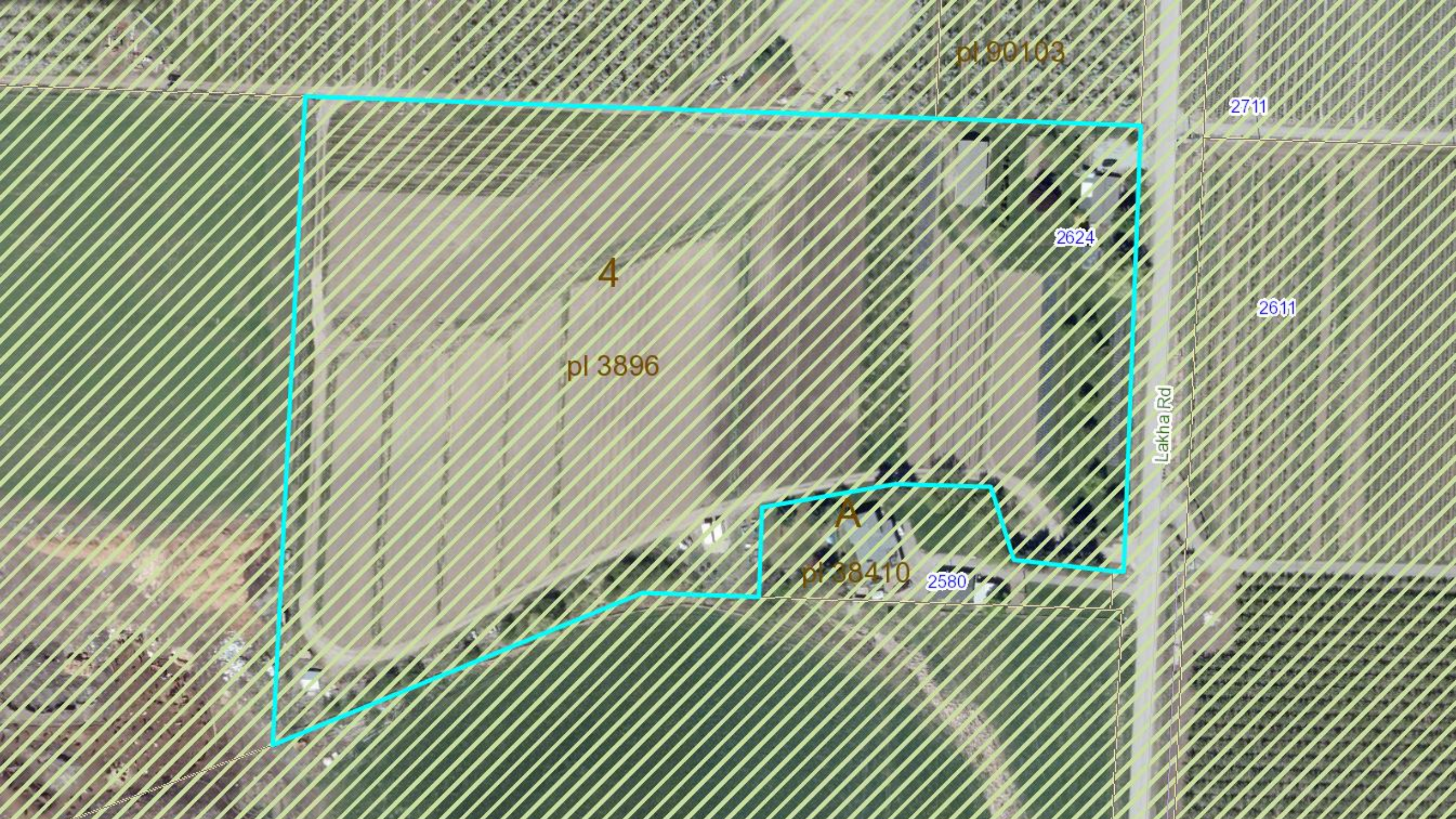
Lakha Rd

A

pl 38410

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pl 90103

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Lakha Rd

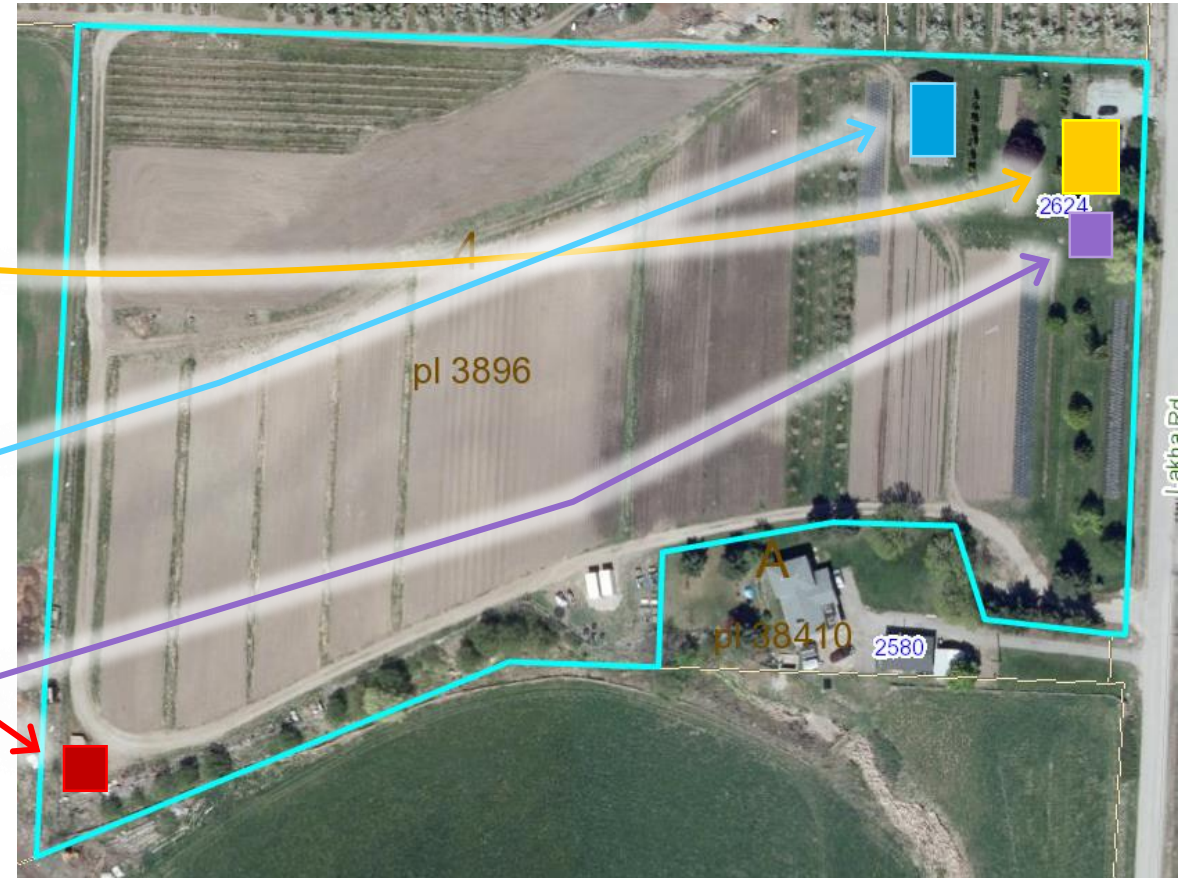
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Background – 2624 Lakha Road

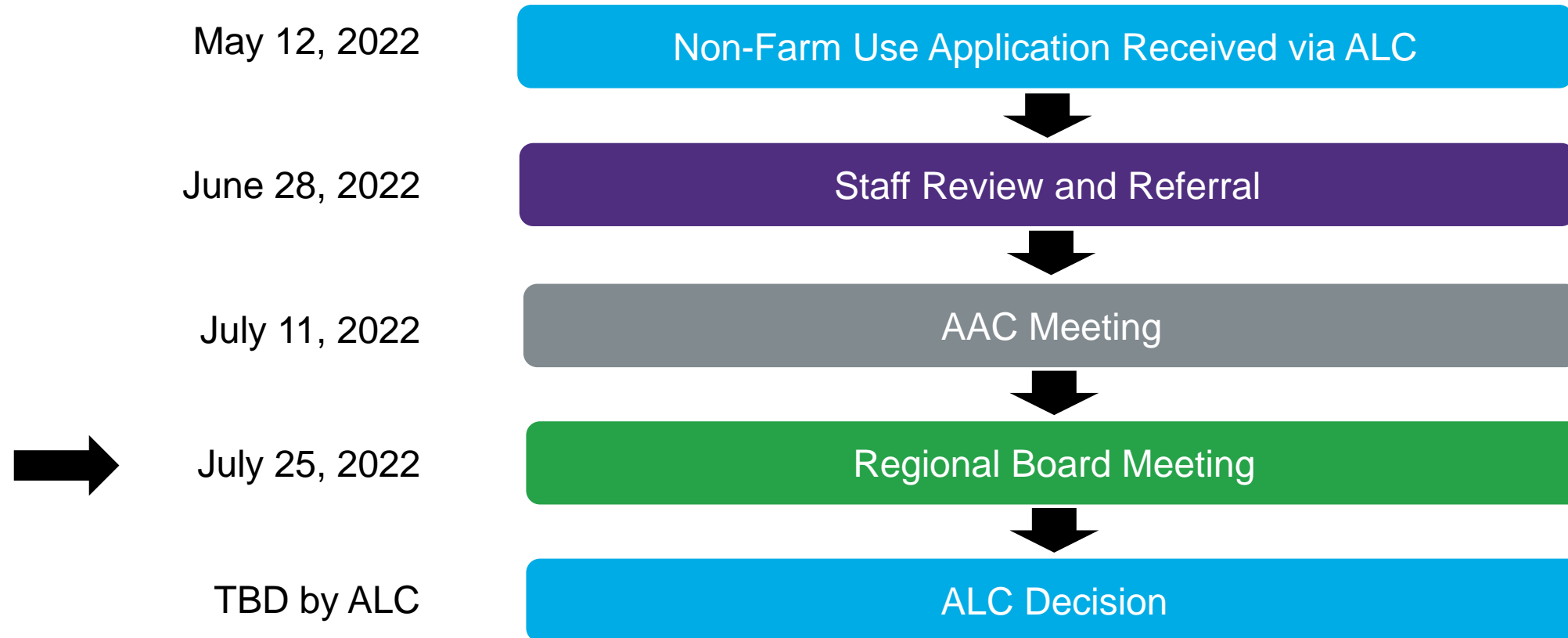
- Developed with:
 - A 98m² manufactured home (1987)
 - A double garage (2011)
 - A shed (2013)
 - A greenhouse (2015)



Background – 2624 Lakha Road

- Agricultural activities;
 - Vegetable farm, fruit trees and vines (2008-2021)
 - Replanted with cherries and grapes (2022)
- Fill in ravine (2021) under ALC notice of intent and agrologist report

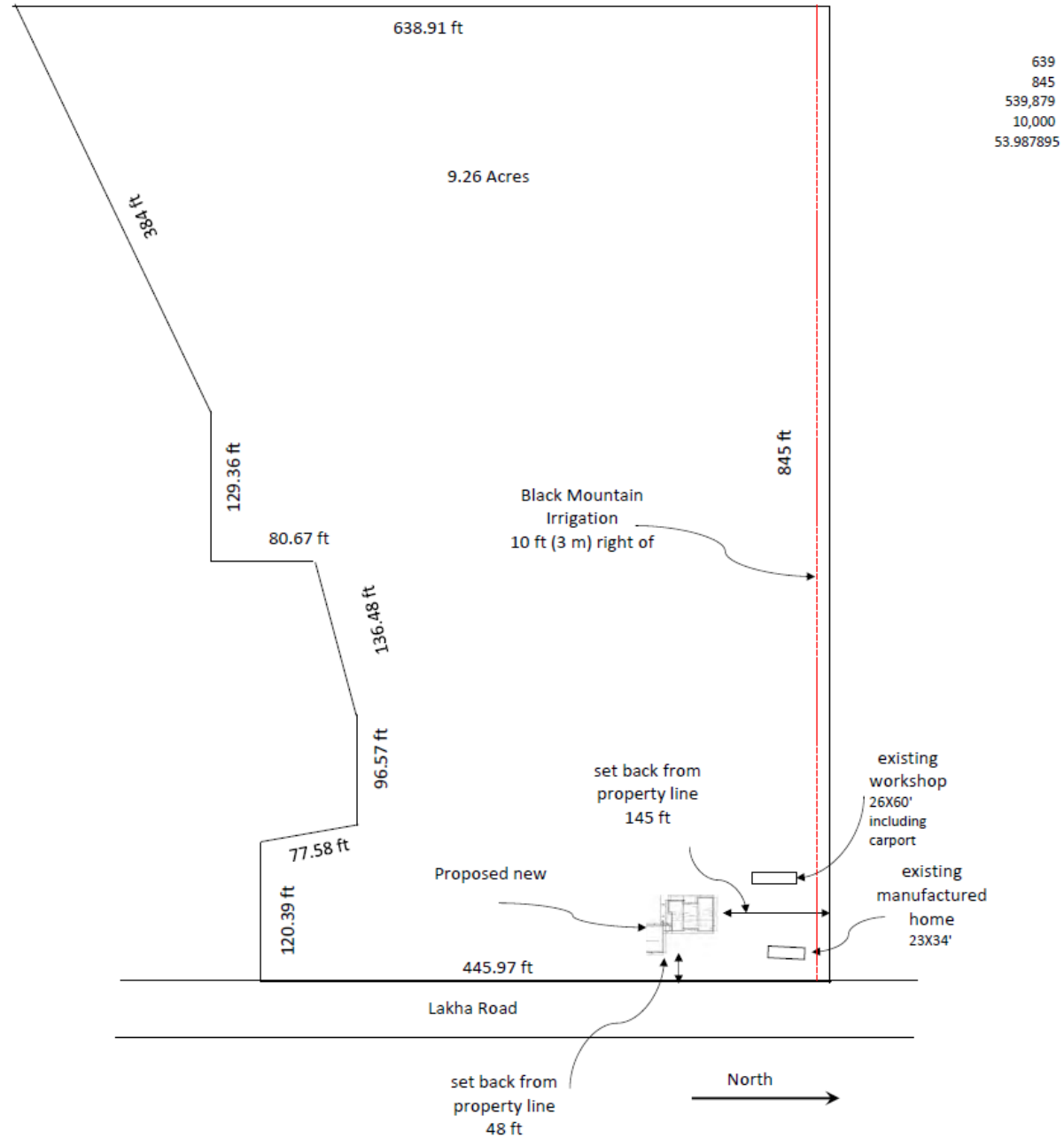
Process

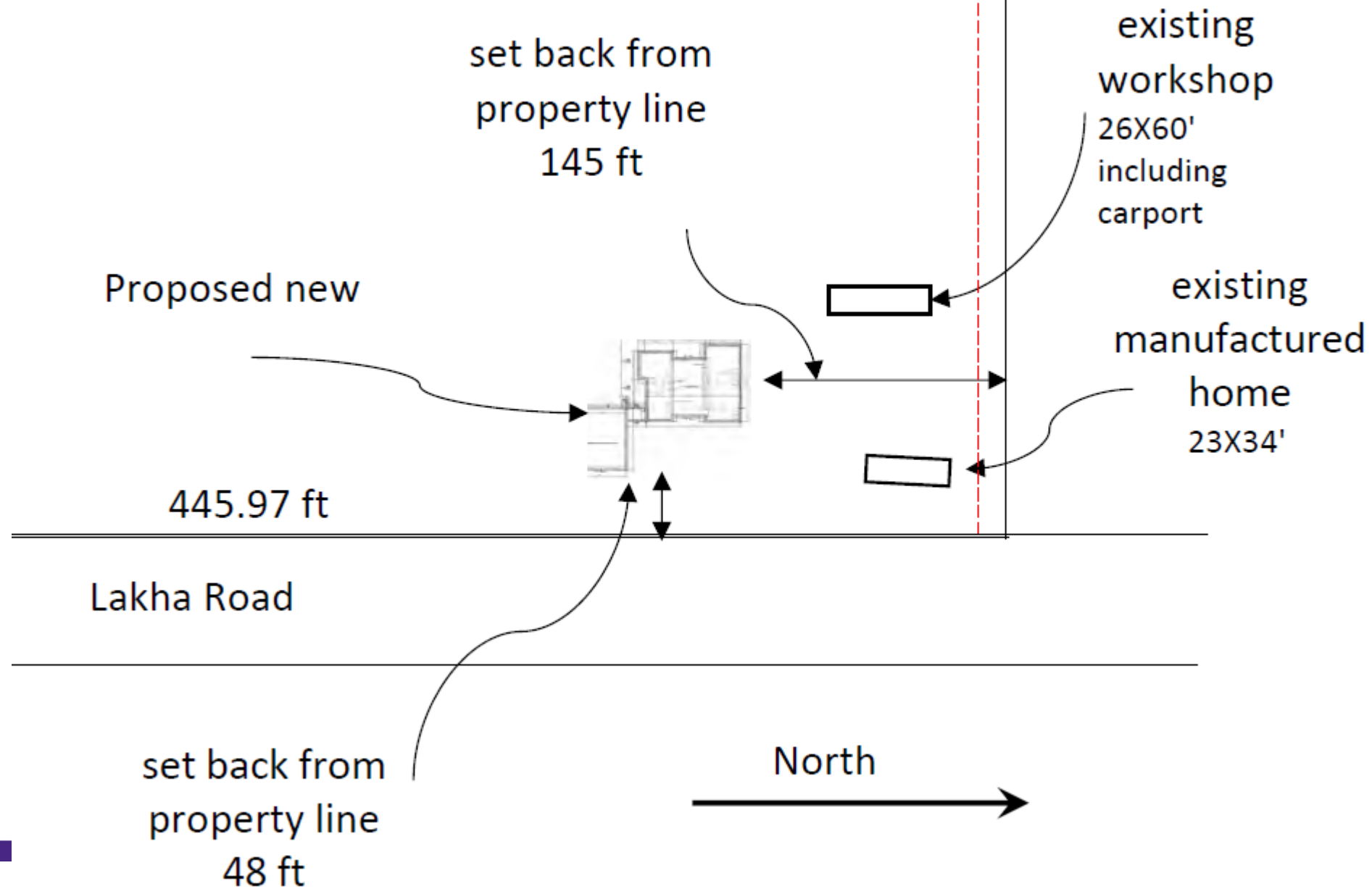


Proposal

- Request to increase the additional residence total floor area for the existing manufactured home:
 - **From: 90m²**
 - **To: 98m²**
- Construct a new dwelling (356m²)
- Maintain the existing manufactured home for farm workers and for rental purposes

Site Plan
2624 Lakha Road





Servicing



Black Mountain Irrigation District



Septic System



Ellison Fire Protection Area

Agricultural Land Commission Act

Agricultural Land Reserve Use Regulations

The ALC only permits 2 dwellings on a property if:

- One residence has a floor area of 500m² or less; and
 - One additional residence has a floor area of 90m² or less
-
- Application does not comply with ALCA or ALRUR

Regional Growth Strategy

Our Land, Our Economy, and Our Food

- Protect ALR land and supporting uses
- Support sustainable agricultural activities
- Enhance local agriculture and food systems

Policies from the RGS support the proposal

Ellison Official Community Plan

Agricultural Lands

- Preserve the agricultural land base

OCP policies support the proposal

Agricultural Plan

- Rural-Urban Fringe objective:
 - Minimize the impacts of new estate residences in the ALR on lands and farming potential

Alignment with Agricultural Plan objectives

RDCO Zoning Bylaw Regulations

- Construction of new dwelling complies with A1 zoning regulations
- Accessory Home:
 - Floor area less than 140m²
 - Parcel area greater than 9.4 acres
- Parcel area is 9.26 acres

RDCO Zoning Bylaw Regulations

- Additional application required if proposal is approved:
 - A parcel specific Zoning text amendment

Referral Responses – Inspection Services

- A Building Permit has been issued for the new dwelling with the condition that the existing manufactured home be decommissioned or removed
- If this application is not successful, the existing dwelling must be removed or decommissioned

Referral Responses – AAC

- Supported as presented

Referral Responses – Interior Health

- All buildings with indoor plumbing must have a sewerage system in compliance with the BC Sewerage System Regulation.
- Authorized Person (AP) as defined in the BC Sewerage System Regulation having performed perform a Performance Inspection on the existing sewerage dispersal system.

Referral Responses – Ministry of Agriculture, Food and Fisheries

- Retaining the existing manufactured home would be less disruptive than removing it
- The home size is only 8 m² larger than the maximum specified in the ALR Use Regulation
- The home is situated close to both the new house and Lakha Road
- Ministry staff have no objection to the application

Referral Responses – Ministry of Transportation and Infrastructure

- No concerns with the proposal

Referral Responses – Black Mountain Irrigation District

- No concerns with the proposal

Summary

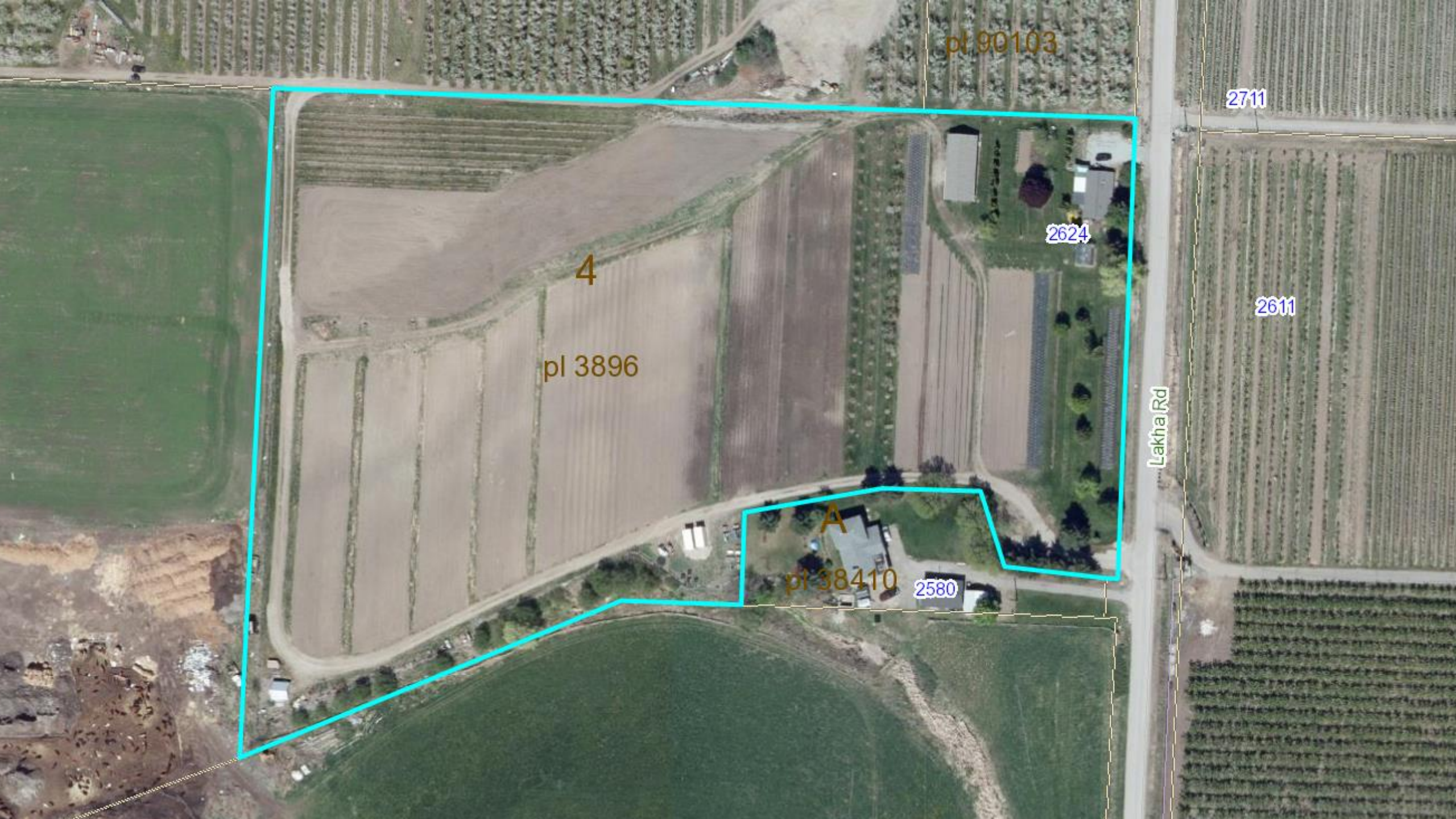
- Non-Adhering Residential Use to increase the additional dwelling total floor area from 90m² to 98m²
- Alignment with RGS, OCP, Agricultural Plan
- Proposal does not comply with Zoning Regulations
- If approved, additional applications will be required
- No opposition from external agencies

Recommendation

THAT the Regional Board receives the report from the Director of Community Services, dated July 25, 2022, with respect to RDCO file: A-22-03 for the property located at 2624 Lakha Road, legally described as Lot 4, Section 1, Township 23, ODYD, Plan 3896, Except Plans 25721 and Plan 38410 (“the subject property”);

AND THAT the Regional Board support Agricultural Land Commission Application A-22-03 for applicant John Nurkowski, to allow a Non-Adhering Residential Use as outlined in the report dated July 25, 2022;

AND FURTHER THAT the Regional Board directs staff to forward the application to the Agricultural Land Commission.



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