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## CITY OF KELOWNA

### MEMORANDUM

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**Date:** May 29, 2001

**File No.:** A00-118

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:** APPLICATION NO. A00-118

OWNER: Don and Lucille Bulatovich

APPLICANT: Tony Markoff

AT: 3691 – 3707 Hart Road

PURPOSE: To obtain permission from the Land Reserve Commission to subdivide the subject property for the purpose of a Homesite severance in accordance with Section 22 (1) of the Agricultural Land Reserve Act.

EXISTING ZONES: A1 – Agriculture 1

REPORT PREPARED BY: Josephine Duquette

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### SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

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#### 1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A00-118, Lot C, Sec. 9 & 10, Twp. 26, ODYD, Plan 19769 except Plans 41427 and KAP63291, located on Hart Road, Kelowna, B.C., for subdivision within the Agricultural Land Reserve pursuant to Section 22(1) of the Agricultural Land Commission Act be supported by the Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

#### 2.0 SUMMARY

The purpose of the application is to obtain approval from the Land Reserve Commission to subdivide the subject property to create a 0.32 ha Homesite Severance panhandle lot within the Agricultural Land Reserve. The applicants would like to create a Homesite Severance lot to enable them to retire from farming and to secure capital for their retirement.

The subject property was part of two previous subdivision applications. The first application consolidated part of Lot C, Plan 19769 and Lot A, Plan 19769, Sec.'s 9 & 10, Twp. 26, ODYD and created Lot 1, Plan 41427. Plan 41427 was registered July 18, 1989. The second application consolidated a part of Lot C, Plan 19769 and Lot 1, Plan 41427, Sec. 9 & 10, Twp.

26, ODYD and created Lot A, Plan 63291, Sec. 9 & 10, Twp. 26, ODYD. Plan 63291 was registered November 30, 1998. (see Plans 41427 and 63291 attached)

### 3.0 AGRICULTURAL ADVISORY COMMITTEE

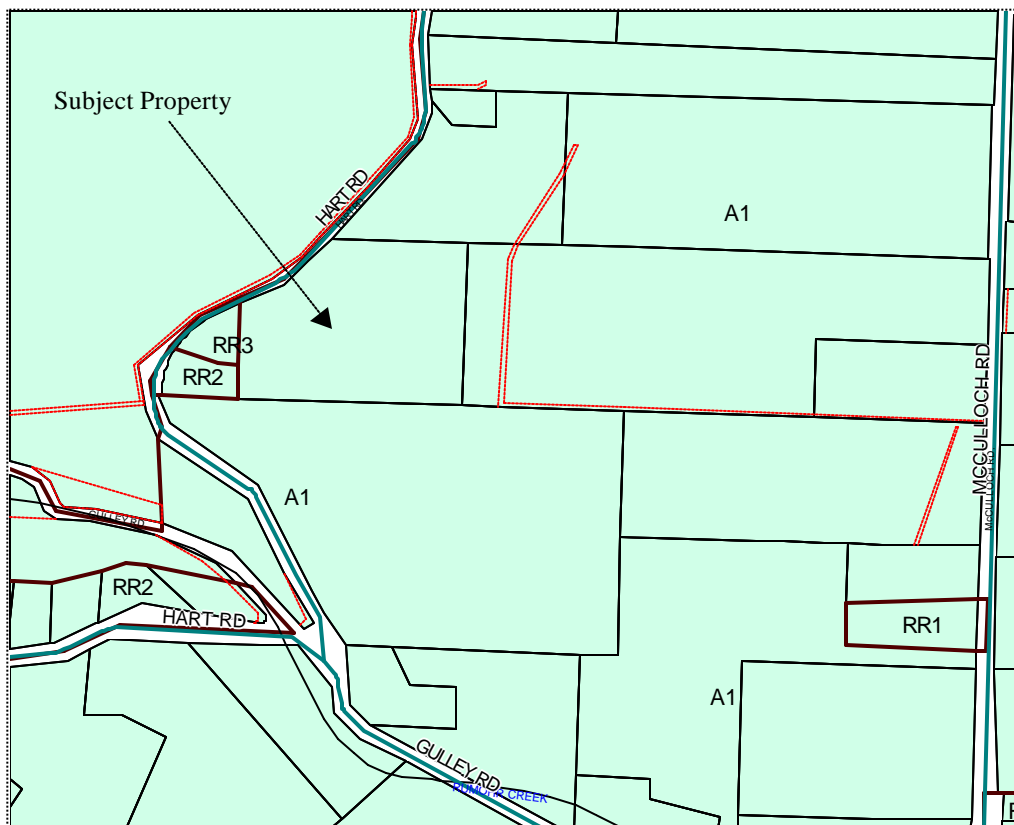
The Agricultural Advisory Committee, at their meeting of May 10, 2001, reviewed the above noted application, and the following recommendation was passed:

THAT the Agricultural Advisory Committee supports application No. A00-118 by Tony Markoff to obtain permission to subdivide the subject property for the purpose of a Homesite Severance in accordance with Section 22 (1) of the Agricultural Land Reserve Act.

### 4.0 SITE CONTEXT

The site is located east of Hart Road adjacent to The Harvest Golf Course in the Southeast Kelowna Sector of the city. The site is 4.5 Ha in size and slopes from the northwest property line to the southeast corner of the site. The property ranges in elevation from 464 m to 479 m.

The subject property is located on the map below.



**CLI Land Capability: 5A (5:3A 3\*3AP 2\*3A)**

The improved Land Capability rating for the site is primarily Class 3 with capability subclass of moisture deficiency and limited stoniness.

**Soil Classification: 7PR:34S02 3GM:34S02**

The soil classification for the site is primarily Parkhill Soil which is rapidly draining eluviated eutric brunsol soil with 10 cm or more of loamy sand or sand texture. The land characteristics associated with Parkhill Soil is very gently to strongly sloping fluvioglacial deposits.

The secondary soil classification for the site is Gammil Soil which is rapidly draining eluviated brunisol soil with 10 to 25 cm of sandy loam or loamy sand over very gravelly loamy sand or very gravelly texture. The land characteristics associated with Gammil Soil is very gently to extremely sloping fluvioglacial deposits.

**ZONING AND USES OF ADJACENT PROPERTY:**

- North - A1 – Agriculture 1, P3 – Parks and Open Space; Orchard (The Harvest Golf Course)
- East - A1 – Agriculture 1; Orchard
- South - A1 – Agriculture 1; Orchard
- West - RR2 – Rural Residential 2, RR3 – Rural Residential 3, P3 – Parks and Open Space; Two rural residences, Orchard (The Harvest Golf Course)

**3.0 CURRENT DEVELOPMENT POLICY**

- 3.1 City of Kelowna Strategic Plan (1992)  
A Primary Goal of the Strategic Plan is to preserve viable agricultural holdings as an integral part of our community.
- 3.2 Kelowna Official Community Plan (1994 – 2014)  
The Official Community Plan designation of the subject property is Rural/Agriculture and recognizes the importance of agricultural uses.
- 3.3 Southeast Sector Plan  
The Southeast Sector Plan identifies the subject property as Agricultural Land Reserve. A policy of the Plan is to encourage and support the continued role of the agricultural community in Southeast Kelowna.
- 3.4 City of Kelowna Agriculture Plan  
The Agriculture Plan identifies the subject property as being suitable for retention within the Agricultural Land Reserve. The Agriculture Plan states that the City of Kelowna will continue to support the concept of Homesite Severance applications when consistent with the Land Commission Policy No. 025/78.

**6.0 PLANNING COMMENTS**

The subject property was involved in two previous subdivision applications that consolidated a portion of the subject property with two adjacent properties. The relevant Land Reserve Commission policy (#025/78) indicates that where a previous subdivision application was approved by the Commission resulting in the creation of a separate parcel, the Commission may deny any further consideration under the Homesite Severance Policy.

The applicant must submit the following information prior to Council consideration:

- a sworn affidavit from Mr. Joe Limberger indicating that the current owners have continuously owned and occupied the property as their principal place of residence since 21 December 1972; and
- evidence showing a legitimate intention to sell the remainder of the property if the Land Reserve Commission grants approval for the Homesite Severance application.

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R. G. Shaughnessy  
Subdivision Approving Officer

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Development Services

RGS/JD/jd  
Attachments

## **FACT SHEET**

1. **APPLICATION NO.:** A00-118
2. **APPLICATION TYPE:** Subdivision in accordance with Section 22(1) of the Agricultural Land Commission Act for a Homesite Severance
3. **OWNER:** Don and Lucille Bulatovich  
· **ADDRESS** 3707A Hart Road  
· **CITY** Kelowna, BC  
· **POSTAL CODE** V1W 4G6
4. **APPLICANT/CONTACT PERSON:** Tony Markoff  
· **ADDRESS** 744 Barnaby Road  
· **CITY** Kelowna, BC  
· **POSTAL CODE** V1W 4N9  
· **TELEPHONE/FAX NO.:** 764-7377 / 764-7822
5. **APPLICATION PROGRESS:**  
    **Date of Application:** December 20, 2000  
    **Date Application Complete:**  
    **Staff Report to AAC:** January 13, 2001  
    **Staff Report to Council:**
6. **LEGAL DESCRIPTION:** Lot C, Sec. 9 & 10, Twp. 26, ODYD, Plan 19769 Except plans 41427 and KAP63291
7. **SITE LOCATION:** Southeast of Hart Road
8. **CIVIC ADDRESS:** 3691 – 3707 Hart Road
9. **AREA OF SUBJECT PROPERTY:** 4.5 ha
10. **EXISTING ZONE CATEGORY:** A1 – Agriculture 1
11. **PURPOSE OF THE APPLICATION:** To obtain permission from the Land Reserve Commission to subdivide the subject property for the purpose of a Homesite Severance in accordance with Section 22 (1) within the Agricultural Land Reserve Act.
12. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** Not Applicable