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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** August 15, 2001  
**File No.:** A01-107

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:** APPLICATION NO. A01-107

OWNER / APPLICANT: Adrian Block

AT: 4800 Lakeshore Road

PURPOSE: To obtain permission from the Land Reserve Commission for a subdivision lot line adjustment 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. A01-107, Lot 1, Plan 1722 and Lot 1, Plan 1743, Sec. 25, Twp. 26, SDYD (Adrian Block), located on Lakeshore Road, Kelowna, B.C., for subdivision within the Agricultural Land Reserve pursuant to Section 22(1) of the Agricultural Land Reserve Act be supported by the Municipal Council;

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

### 2.0 SUMMARY

The application is to obtain approval from the Land Reserve Commission to allow for a subdivision lot line adjustment in accordance with section 22 (1) of the Agricultural Land Reserve Act. The applicant currently owns two properties at 4800 Lakeshore Road however one of the lots is undevelopable due to its size, 0.016 ha (0.04 ac) The second lot is 10.23 ha (25.27 ac) in area. The applicant is proposing to create two lots; the first lot would be 2.8 ha (7.0 ac) in area and the second lot would be 7.44 ha (18.4 ac) in area. According to the *Agricultural Land Reserve Subdivision and Land Use Regulation 448/98* enacted under the Agricultural Land Reserve Act, a Subdivision Approving Officer may approve a plan of subdivision, without the Land Reserve Commission's approval, if the proposed subdivision meets certain stated criteria as identified in section 6.0 of this report.

Considering the size of the existing two lots (ie. 0.016 ha and 10.23 ha) the Subdivision Approving Officer did not believe that the proposed lot line adjustment met the total spirit of this Subdivision and Land Use Regulation. Specifically the Subdivision Approving Officer has a concern with clause b (ii) of the Subdivision and Land Use Regulation regarding how the proposed subdivision lot line adjustment would allow for the more efficient use of agricultural land on both proposed lots when the two original lots which are 0.16 ha (0.04 ac) and 10.23 ha (25.27 ac) in size and the proposed lot line adjustment would propose a 2.8 ha (7.0 ac) lot and a 7.44 ha (18.4 ac) lot. Therefore, an application to the Land Reserve Commission under section 22 (1) of the Land Reserve Act is required.

### 3.0 AGRICULTURAL ADVISORY COMMITTEE

The Agricultural Advisory Committee, at their meeting of July 19, 2001, reviewed the above noted application, and the following recommendation was passed:

That the Agricultural Advisory Committee does not support application No. A01-107 by Adrian Block to obtain approval from the Land Reserve Commission for a subdivision lot line adjustment in accordance with Section 22 (1) of the Agricultural Land Reserve Act.

The committee does not support the application based on agricultural merits. However, the committee recognizes that the application includes a wide range of issues that are beyond the mandate of the Agricultural Advisory Committee.

### 4.0 SITE CONTEXT

The subject properties are located on the west side of Lakeshore Road in the Southwest Mission Sector area of the City fronting Okanagan Lake. The subject properties have 470 m of frontage on Lakeshore Road and 165 m of frontage on Okanagan Lake. Approximately 2.8 ha (7 ac) are in apple and cherry production, 2.8 ha (7 ac) are utilized as pasture land and equestrian related facilities including a riding stable, barn, etc. Approximately 2.8 ha (7 ac), in the most southern portion of the lands, are presently unused. The subject properties are located south of the intersection between Lakeshore Road and Barnaby Road and Rembler Creek is located along the south property line. The property slopes from Lakeshore Road down to Lake Okanagan; the elevation at Lakeshore Road is approximately 385 m and the elevation at the lake is 342 m.

**CLI Land Capability: 4A (2A), 4AT (2AT), 4AD (7:3D 3:3D), 7:4A 3:4AT (7:1 3:2T), 4AT (7:3AT 3:2NT) 7IA (7I)**

The improved Land Capability Rating is primarily Class 2 with capability subclasses of soil moisture deficiency and topography. A small portion of the land has an improved Land Capability rating of Class 1 and a slightly larger portion has an improved Land Capability rating of Class 3 with a capability subclass of undesirable soil structure and/or low perviousness. The beach area has an improved Land Capability rating of Class 7 with a capability subclass of inundation. The Rembler Creek area has an improved Land Capability rating of Class 2 and 3 with capability subclasses of moisture deficiency, topography and salinity.

**Soil Classification: KR:4, GT:5, BE:34, MU:45, S0:23, 7TM:5 3CH:5**

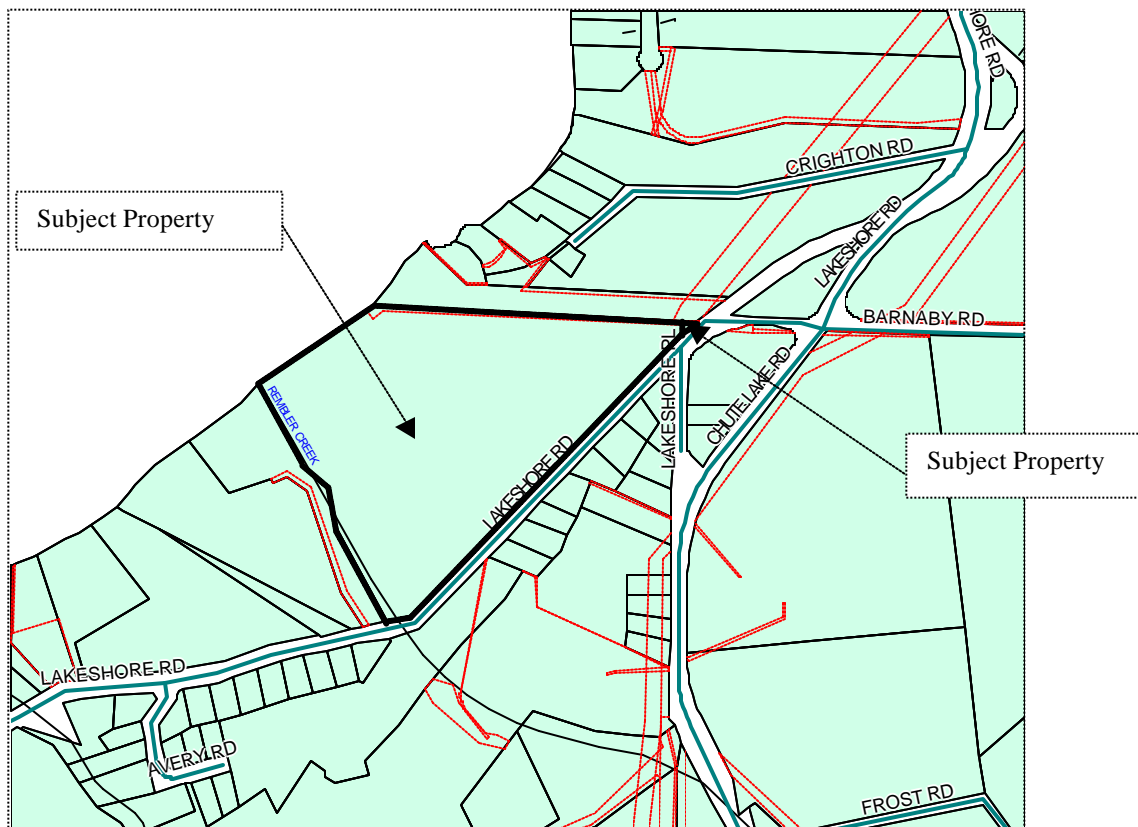
The soil classification is varied with the three largest portions being Kalamdir, Greata and Boucherie Soil.

Kalamdir Soil is a well to rapid draining eluviated eutric brunisol with 10 to 100 cm of loamy fine sand over interbedded sandy loam or loam or silt loam. The land characteristics associated with Kalamdir Soil is eolian veneer over nearly level to extremely sloping, stratified glacioclustrine sediments.

Greata Soil is well drained eluviated dark brown with 30 to 100 cm of gravelly loam over silt loam or silty clay loam. The land characteristics associated with Greata Soil is fluvioglacial veneer over gently to extremely sloping, stratified glacioclustrine sediments.

Boucherie Soil well to moderately well draining orthic grey luvisol with 10 to 75 cm of silty clay loam, clay loam or silty clay over interbedded silt loam and silty clay. The land characteristics associated with Boucherie Soil is very gently to moderately sloping stratified glacioclustrine sediments.

The two properties are located on the map below.



ZONING AND USES OF ADJACENT PROPERTY:

North - A1 – Agriculture 1; rural residential dwellings and agriculture  
East - A1 – Agriculture 1 & RR2 – Rural Residential 2; rural residential dwellings and agriculture  
South - A1 – Agriculture 1; rural residential dwellings and agriculture  
West - W1 – Recreational Water Use; Okanagan Lake

5.0 CURRENT DEVELOPMENT POLICY

5.1 City of Kelowna Strategic Plan (1992)

The Strategic Plan supports the protection of productive agricultural land.

5.2 Kelowna Official Community Plan (1994 – 2014)

The Kelowna Official Community Plan designates the future land use of the subject property as Rural / Agricultural. An agricultural policy in the Plan is to discourage the subdivision of agricultural land into smaller parcels except where positive benefits to agriculture can be demonstrated.

5.3 South West Mission Sector Plan

The South West Mission Sector Plan designates the future land use of the subject property as Agricultural Land Reserve. A policy of the Plan is to maintain viable agricultural land below the 480 m elevation contour.

5.4 City of Kelowna Agriculture Plan (1998)

The Agriculture Plan discourages subdivision of agricultural land into smaller parcels except where a positive benefit to agriculture can be demonstrated. Small agricultural lot sizes are discouraged because they tend to limit agricultural cropping options, generate insufficient production to support a family, require off-site income to support the operation, add to the speculative value of surrounding agricultural lands, and decreases the ability to assemble an economic agricultural unit.

6.0 PLANNING COMMENTS

The subject property owner initially requested that the Subdivision Approving Officer consider a lot line adjustment within the Agricultural Land Reserve (ALR) under Land Use Regulation 448/98. This regulation may allow the Subdivision Approving Officer to approve a subdivision within the ALR, without the Land Reserve Commission's permission, if:

- (a) the proposed subdivision consolidates 2 or more land registry parcels into a single land registry parcel by eliminating common lot lines, or
- (b) the proposed subdivision

(i) does not result in an increase in the number of land registry parcels for the land concerned when compared with the situation existing at the time the application for subdivision was made,

(ii) involves boundary adjustments that, in the opinion of the approving officer or board of variance, will allow for the more efficient use of agricultural land or the better utilization of farm buildings for farm purposes, and

(iii) creates no land registry parcel having an area of less than 8 093.5 m<sup>2</sup>.

Considering the size of the existing two lots (10.23 ha and 0.016 ha) the Subdivision Approving Officer did not believe that the proposed lot line adjustment met the total spirit of this Subdivision and Land Use Regulation, specifically with clause b (ii) relative to the proposed lot line adjustment allowing for the more efficient use of agricultural land on the two proposed lots considering the size of the two existing lots in terms of their existing and proposed sizes.

The Subdivision Approving Officer believes the proposed lot line adjustment does have its merits considering the uniqueness of this 10.23 ha lakefront ALR property. The one lot which is 0.016 ha (0.04 ac) in size is an anomaly beyond compare anywhere else on City Agricultural Land Reserve lands. Lakefront acreage's within the City of Kelowna are generally developed as "estate lots" with secondary agricultural uses, due to their high property values. The requested lot line adjustment would increase the land's agricultural productivity while not reducing its agricultural integrity by creating an additional estate lot. The surrounding area comprises estate orchards and vineyards and the proposed subdivision lot line adjustment would be consistent with this type of use and lot size. Therefore, the Planning and Development Services Department is recommending in support of the proposed lot line adjustment subdivision 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

GRS/JD/jd  
Attachments

**FACT SHEET**

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| <b>1. APPLICATION NO.:</b>                          | A01-107  |
| <b>2. APPLICATION TYPE:</b>                         | Subdivision within the ALR   |
| <b>3. OWNER/ APPLICANT/CONTACT PERSON:</b>          | Adrian Block   |
| . ADDRESS   | 4800 Lakeshore Road  |
| . CITY  | Kelowna, BC  |
| . POSTAL CODE                                       | V1W 4H6  |
| . TELEPHONE/FAX NO.:                                | (250) 764-5099/ (250) 764-5018   |
| <b>5. APPLICATION PROGRESS:</b>                     |  |
| Date of Application:                                | June 12, 2001  |
| Date Application Complete:                          | June 15, 2001  |
| Staff Report to AAC:                                | July 10, 2001  |
| Staff Report to Council:                            | August 22, 2001  |
| <b>6. LEGAL DESCRIPTION:</b>                        | Lot 1, Plan 1722 & Lot 1, Plan 1743, both of Sec. 25, Twp. 26, SDYD  |
| <b>7. SITE LOCATION:</b>                            | West side of Lakeshore Road south of Barnaby Road  |
| <b>8. CIVIC ADDRESS:</b>                            | 4800 Lakeshore Road  |
| <b>9. AREA OF SUBJECT PROPERTY:</b>                 | 10.243 ha (25.31 ac)   |
| <b>10. EXISTING ZONE CATEGORY:</b>                  | A1 – Agriculture 1   |
| <b>11. PURPOSE OF THE APPLICATION:</b>              | To obtain approval from the Land Reserve Commission to subdivide the property into two lots in accordance with Section 22 (1) of the Land Reserve Act. |
| <b>12. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b> | NA   |