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## CITY OF KELOWNA

# MEMORANDUM

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**Date:** December 20, 2002  
**File No.:** A02-0110

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:** APPLICATION NO. A02-0110

OWNER: Alan & Rita Clarke

APPLICANT: D. E. Piling Assoc. Ltd.

AT: 1980 – 1984 Union Road

PURPOSE: To obtain permission from the Land Reserve Commission to subdivide within the Agricultural Land Reserve to create an additional lot.

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. A02-0110, Lot 2, Section 4, Township 23, ODYD, Plan KAP60991, located on Union Road, Kelowna, BC, for subdivision within the Agricultural Land Reserve pursuant to Section 22(1) of the Agricultural Land Reserve Act not be supported by the Municipal Council;

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

### 2.0 SUMMARY

The applicant is requesting permission from the Land Reserve Commission to subdivide within the Agricultural Land Reserve to create an additional lot. The proposed subdivision would create a separate lot, 2.44 ha in size, for the existing agri – tourist accommodation (20 stall campground), fruit stand and teahouse. The existing residence and orchard would be retained on the remainder of the subject property, which would be 3.01 ha in size.

### 3.0 AGRICULTURAL ADVISORY COMMITTEE

The Agricultural Advisory Committee was unable to review the above noted application in a timely manner. A staff report for the Agricultural Advisory Committee's (AAC) consideration was finalized on September 20, 2002.

However, the AAC was unable to achieve quorum in October and the item was rescheduled to November. The AAC was again unable to achieve quorum on the usual date of November 14 so the date was rescheduled to November 21. The AAC did have quorum on November 21 however, during Al Clark's presentation he raised a question of a potential conflict of one of the AAC members, which led to the loss of quorum. On December 2, 2002, Leo Gebert an AAC member was inadvertently dropped as a member when Council re-appointed the committee members. This left 5 re-appointed AAC members as 2 other members resigned and 5 members are required for quorum. Staff scheduled a meeting for December 12, unfortunately 1 of the 5 members was unable to attend (he is working nights). This resulted in not being able to achieve quorum for December 12 and the items were rescheduled for January. Staff have not been successful in scheduling a meeting in January, therefore, staff are forwarding this application for Council's consideration without AAC comments.

#### 4.0 SITE CONTEXT

The property is located in the Glenmore / Clifton / Dilworth Sector Area of the City and on the north east corner of the intersection of Union Road and the proposed future Glenmore bypass. The property is approximately 5.45 ha in area. The subject property slopes downward from the northern middle of the site at an elevation of 445 m to the west, south and east property lines at an elevation of approximately 430 m.

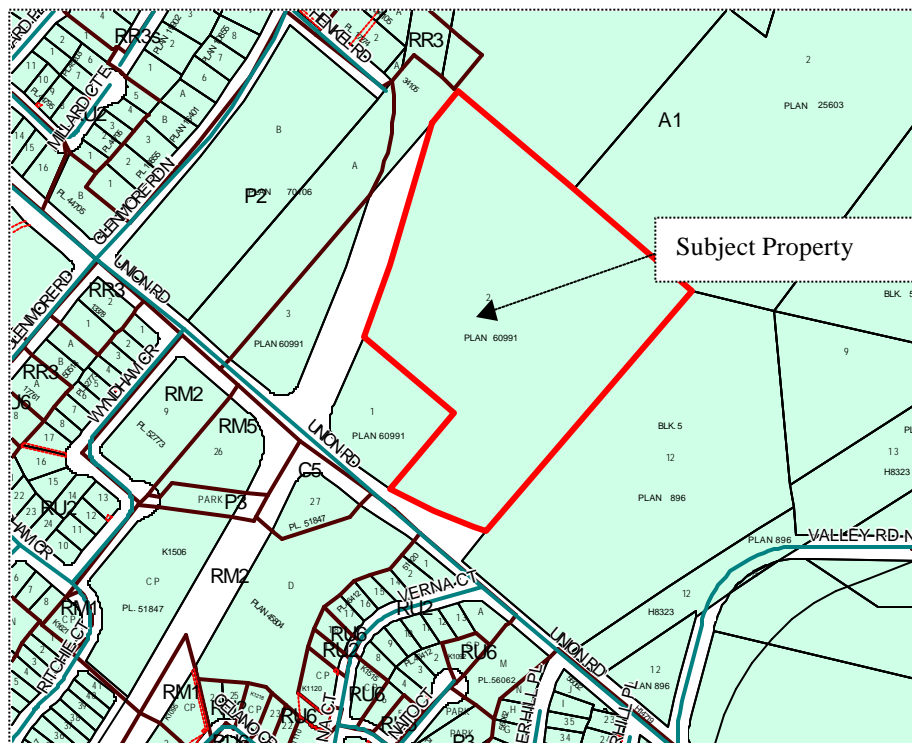
##### **CLI Land Capability: 4AD (7:3D 3\*3D)**

The improved Land Capability rating is Class 3 with a capability subclass of undesirable soil structure and/or low perviousness.

##### **Soil Classification: WK:34**

The soil classification is Westbank Soil that is moderately well draining Orthic Gray Luvisol with 100 or more of clay, clay loam or silty clay. The land characteristics associated with Westbank Soil is nearly level to strongly sloping stratified glacioclustrine sediments.

The subject property is indicated on the map below.



## ZONING AND USES OF ADJACENT PROPERTY:

North - A1 – Agriculture 1; Orchard

East - A1 – Agriculture 1; Orchard

South - A1 – Agriculture 1; Orchard

West - RM2 – Low Density Row Housing, RU2 – Medium Lot Housing; Row Housing, Single Family housing

## 5.0 CURRENT DEVELOPMENT POLICY

### 5.1 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.

### 5.2 Kelowna Official Community Plan (1994 – 2014)

The Official Community Plan designation of the subject property as Rural / Agricultural and recognizes the importance of agricultural uses.

### 5.3 Glenmore / Clifton / Dilworth Sector Plan

The Sector Plan designates the future land use of the subject property as Rural / Agricultural. Generally, land areas within this designation will not be supported for exclusion from the Agricultural Land Reserve, or further parcelization, except in specific circumstances to satisfy civic objectives for the provision of industrial or park / recreation uses. The plan identifies an objective of the City of Kelowna to promote and support the long-term opportunities for farm operations.

### 5.4 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 discourages the subdivision of agricultural land into smaller parcels, except where positive benefits to agriculture can be demonstrated. In addition, smaller parcels typically have correspondingly higher prices and attract non-farm residents in the area. The combination of higher land prices and smaller parcels makes the assembly of economic orchard units difficult and increases speculation, which further exacerbates the problem.

## 6.0 PLANNING COMMENTS

The relevant planning documents do not support the creation of additional lots within the Agricultural Land Reserve except as a homesite severance application that is consistent with the Agricultural Land Reserve policy.

The agri-tourism accommodation fruit stand and tea house was approved by the Agricultural Land Commission and subsequently the City, on the basis that it would be operated as an integral part of the existing orchard operation.

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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**

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|---|--|
| <b>1. APPLICATION NO.:</b>                          | A02-110  |
| <b>2. APPLICATION TYPE:</b>                         | Subdivision  |
| <b>3. OWNER:</b>                                    | Alan and Rita Clarke   |
| · ADDRESS   | 1952 Union Road  |
| · CITY  | Kelowna, BC  |
| · POSTAL CODE                                       | V1V 2E8  |
| <b>4. APPLICANT/CONTACT PERSON:</b>                 | D. E. Pilling & Associates   |
| · ADDRESS   | 200 – 540 Groves Avenue  |
| · CITY  | Kelowna, BC  |
| · POSTAL CODE                                       | V1Y 4Y7  |
| · TELEPHONE/FAX NO.:                                | 763 – 2315 / 763 - 6559  |
| <b>5. APPLICATION PROGRESS:</b>                     |  |
| Date of Application:                                | September 20, 2002   |
| Staff Report to AAC:                                | September 20, 2002   |
| Staff Report to Council:                            | November 14, 2002  |
| <b>6. LEGAL DESCRIPTION:</b>                        | Lot 2, Sec. 4, Twp. 23, ODYD, Plan KAP60991  |
| <b>7. SITE LOCATION:</b>                            | North of Union Road and east of the future Glenmore Bypass   |
| <b>8. CIVIC ADDRESS:</b>                            | 1980 Union Road  |
| <b>9. AREA OF SUBJECT PROPERTY:</b>                 | 5.46 ha (13.5 ac)  |
| <b>10. EXISTING ZONE CATEGORY:</b>                  | A1 – Agriculture 1   |
| <b>11. PURPOSE OF THE APPLICATION:</b>              | To obtain permission from the Land Reserve Commission to subdivide the property from the Agricultural Land Reserve |
| <b>12. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b> | Not Applicable   |

**Attachments that are missing from the Electronic Version**

Subject Property Map  
ALR Map  
Proposed Subdivision Layout