
CITY OF KELOWNA
MEMORANDUM

Date: April 17, 2003
File No.: A03-0004
To: City Manager
From: Planning & Development Services Department
Purpose: To obtain approval from the Land Reserve Commission to subdivide the subject property for the purpose of a homesite severance.

Owners: John and Marion Schell	Applicant/Contact Person: Robert R. Runnals, B.C.L.S.
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At: 3250 East Kelowna Road
Existing Zone: A1 – Agriculture 1
Report Prepared by: Mark Koch

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 **RECOMMENDATION**

THAT Agricultural Land Reserve Appeal No. A03-0004, Lot 8, Plan 187, Sec. 15, Twp. 26, ODYD, located on East Kelowna Road, Kelowna, B.C. for subdivision within the Agricultural Land Reserve, in order to accommodate a homesite severance parcel, pursuant to Section 21(2) of the Agricultural Land Reserve Act be supported by Municipal Council.

2.0 **SUMMARY**

The applicants are requesting permission to subdivide an 8.13 ha (20.09 ac.) property into two parcels, approximately 0.42 ha (1.04 ac.) and 7.71 ha (19.05 ac) in size. The purpose of the proposed subdivision is to allow for a homesite severance, which is in accordance with Section 21(2) of the Agricultural Land Commission Act. The property owners intend on selling the remainder of their property, together with their existing residence to a family member. This is predicated by the fact that requesting a homesite severance lot which would incorporate their existing residence, which is located in the centre of the subject property, would negatively impact the existing orchard operation, as a separately titled lot. The proposed location of the homesite severance lot is located the south west corner of the subject property, and is approximately the same lot area

that surrounds the existing principal dwelling. The 7.71 ha parcel remainder would comprise the existing orchard and the existing residence.

3.0 AGRICULTURAL ADVISORY COMMITTEE

The Agricultural Advisory Committee, at their meeting of April 10, 2003, reviewed the above noted application, and the following recommendation was passed:

THAT the AAC support Application No. A03-0004 to obtain approval from the Land Reserve Commission to subdivide the subject property for the purpose of a homesite severance, subject to a panhandle driveway containing all service/utility lines.

4.0 SITE CONTEXT

The subject property is located in the Southeast Kelowna Sector of the City, on the north side of East Kelowna Road, and south of Dunster Road. The parcel size is 8.0 ha, and the property elevation ranges from 447 m in the southeast end of the property to 443 m at the northwest corner of the subject property.

Parcel Size: 8.13 ha (20.09 ac)
Elevation: 443 m – 447 m

BCLI Land Capability

The land classification for the subject area falls primarily into Class 5 and 6, but the improved or irrigated rating for a portion of the property increases to Class 3. The soils on the subject property are limited by a soil moisture deficiency, where crops are adversely affected by droughtiness, caused by low soil water holding capacity or insufficient precipitation.

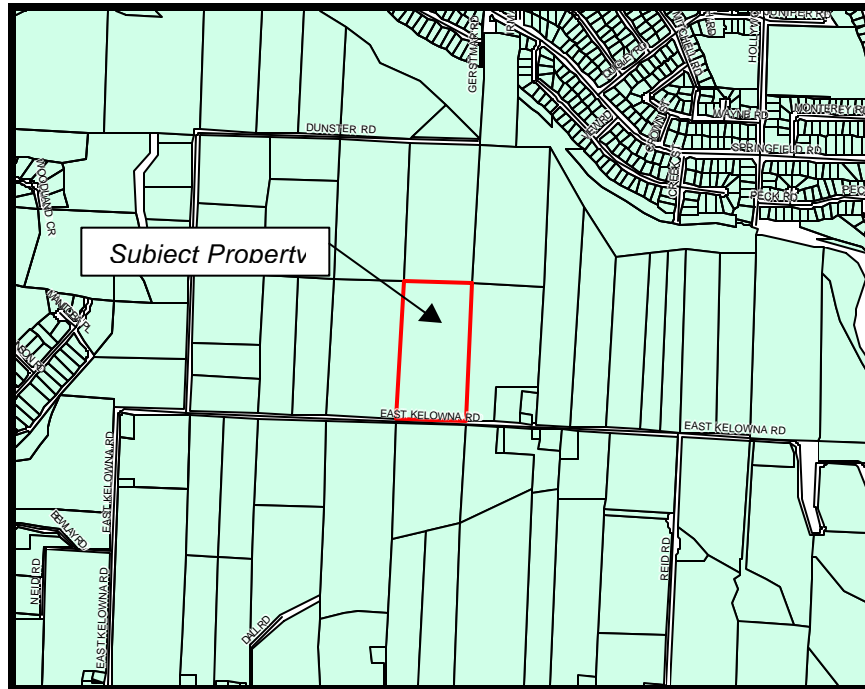
Soil Classification

The soil classification for the subject property is Rutland and Dartmouth. The Rutland soil is characterized by very gently to strongly sloping fluvioglacial deposits. While the Dartmouth soil is characterized by nearly level to very steeply sloping fluvioglacial deposits.

ZONING AND USES OF ADJACENT PROPERTY:

North - A1 – Agriculture 1 / Orchard
East - A1 – Agriculture 1 / Orchard
South - A1 – Agriculture 1 / Orchard
West - A1 – Agriculture 1 / Orchard

The subject property is located on the map below.



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 current Official Community Plan has designated the subject property as Rural / Agricultural. The plan recognizes the importance of agricultural uses, and it does not support further subdivision of ALR lands. However, the OCP recognizes support for a homesite severance application where the applicant has met the conditions of the Land Reserve Commission.

5.3 Southeast Kelowna Sector Plan

The Sector Plan future land use designation of the subject properties are Agricultural Land Reserve. The plan supports retention of the subject properties within the Agricultural Land Reserve.

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 states that the City of Kelowna will continue to support the concept of Homesite Severance applications when consistent with the Land Reserve Commission Policy No. 025/78.

6.0 PLANNING COMMENTS

The owners had originally indicated that they would like to have the homesite severance incorporate their existing principal residence, which would have been about 2.4 acres in area, as they intended to manage a small portion of orchard in the southern half of the homesite property. They further advised that should it not be supported, they would consider a panhandle lot along the existing driveway. Staff advised that the proposed 2.4 acre lot may not meet the Land Reserve Commission's lot size and location policy requirements, and that the proposed panhandle lot, along the existing driveway, would be difficult to support by staff, given it's odd lot configuration. Staff suggested an alternative area fronting East Kelowna Road, and the applicant has agreed to this option.

The Planning and Development Services Department, along with the Agricultural Advisory Committee, would support this alternative homesite lot location, as shown on the attached map.

R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion

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

RGS/MK/mk

Attachment

FACT SHEET

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| 1. APPLICATION NO.: | A03-0004 |
| 2. APPLICATION TYPE: | Homesite Severance |
| 3. OWNER: | Schell, John and Marion |
| . ADDRESS | 3250 East Kelowna Road |
| . CITY | Kelowna, B.C. |
| . POSTAL CODE | V1W 4H3 |
| 4. APPLICANT/CONTACT PERSON: | Robert Runnals, B.C.L.S. |
| . ADDRESS | P.O. Box 28063 RPO East Kelowna |
| . CITY | Kelowna, B.C. |
| . POSTAL CODE | V1W 4A6 |
| . TELEPHONE/FAX NO.: | 250-712-0731 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | 27/03/03 |
| Date Application Complete: | 27/03/03 |
| Staff Report to AAC: | 28/03/03 |
| Staff Report to Council: | 17/04/03 |
| 6. LEGAL DESCRIPTION: | Lot 8, Plan 187, Sec. 15, Twp. 26, ODYD |
| 7. SITE LOCATION: | North of East Kelowna Road, and South of Dunster Road |
| 8. CIVIC ADDRESS: | 3250 East Kelowna Road |
| 9. AREA OF SUBJECT PROPERTY: | 8.13 ha (20.09 ac) |
| 10. EXISTING ZONE CATEGORY: | A1 – Agriculture 1 |
| 11. PURPOSE OF THE APPLICATION: | To obtain approval from the Land Reserve Commission to subdivide the subject property for the purpose of a homesite severance. |
| 12. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | |