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## CITY OF KELOWNA

# MEMORANDUM

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**Date:** August 28, 2003  
**File No.:** A98-104

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:** APPLICATION NO. A98-104

AT: Teasdale and Belgo Roads

APPLICANT / OWNER: Alfred & Christine Kempf

PURPOSE: To receive permission for a homesite severance subdivision pursuant to Section 21 (2) of the Agricultural Land Reserve Act.

EXISTING ZONE: A1 – Agriculture 1

REPORT PREPARED BY: Mark Koch

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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. A98-104, Parcel A (Plan B5620) of Lot 2, Sec. 23 & 24, Twp. 26, ODYD, Plan 2329, located on Teasdale 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 conditionally supported by Municipal Council.

### 2.0 SUMMARY

This application was reviewed by the Agricultural Advisory Committee on Wednesday April 8, 1998. At that time the application was placed on hold for the completion of the Agricultural and Transportation Plans as there may be changes to the road requirements on the subject property.

The applicants are requesting permission to subdivide a homesite severance lot from their current orchard operation which is approximately 9.0 ha (22 ac) in size. The applicants have owned the property since 1966 and, therefore, meet the tenancy requirement for the Agricultural Land Reserve Act for a homesite severance. The sketch that the applicant has submitted indicates that the homesite parcel would include the existing principal dwelling, the adjacent implement shed redeveloped into two suites, and a portion of the Gopher Creek ravine. The applicants have not determined the exact size of the proposed homesite severance lot however, rough calculations indicate that the lot may be approximately 7000 m<sup>2</sup> (0.7 ha). This is larger than the typical proposed

homesite severance lot of approximately 4,000 m<sup>2</sup> (1 acre). This is due to the inclusion of a portion of the Gopher Creek ravine. The area of the proposed lot located at the top of bank will be approximately of 3500 m<sup>2</sup> (0.35 ha).

There are two pickers cabins and two existing dwellings located off Belgo Road on the proposed remainder portion of the subject property. The Planning & Corporate Services Department therefore will not be supporting any additional dwellings on the proposed lot remainder. If any new homes are to be constructed on the proposed remainder lot, then they should replace either of the two existing dwellings on-site.

In addition the applicant was requested to receive assurance from the Public Health Officer that an appropriate septic field for the existing dwelling and one suite could be located on the proposed homesite severance site. The applicant was also required to agree to the placement of a restrictive covenant on the steep bank for protection of the Gopher Creek stream corridor, a 10 metre road dedication along Gopher Creek, and to agree to rezone the property to A1s – Agricultural with secondary suite to allow for the retention of one of the existing two suites. The public Health Officer has no objection to the application subject to an area of approximately 30 x 30 metres being provided behind the home for the site being served to allow for setbacks from the top of the bank. Also, the applicant has acknowledged that if the Land Reserve Commission approves the application that the subdivision application will require a restrictive covenant and the Gopher Creek road dedication.

### 3.0 AGRICULTURAL ADVISORY COMMITTEE

The Agricultural Advisory Committee, at their meeting of April 8, 1998, reviewed the above noted application, and the following recommendation was passed:

That the Applicants be made aware of the draft Transportation and Agricultural Plans for the City of Kelowna and the possibility that there may be changes to road requirements. The applicants should be made aware that it might be in their best interest to delay their application until the Transportation and Agricultural Plans are finalized.

### 4.0 SITE CONTEXT

The subject property borders Gopher Creek on the west side of the property. There is a considerable ravine along this portion of the creek. The balance of the property slopes gently down to the north and east and is a mature fruit tree orchard.

Parcel Size:	9.0 ha
CLI Land Capability:	4A (2A)
Soil Classification:	OY:23
Elevation:	458 – 475 m

#### **CLI Land Capability: 4A (2A)**

The improved Land Capability rating for the site is Class 2 with capability subclass of soil moisture deficiency.

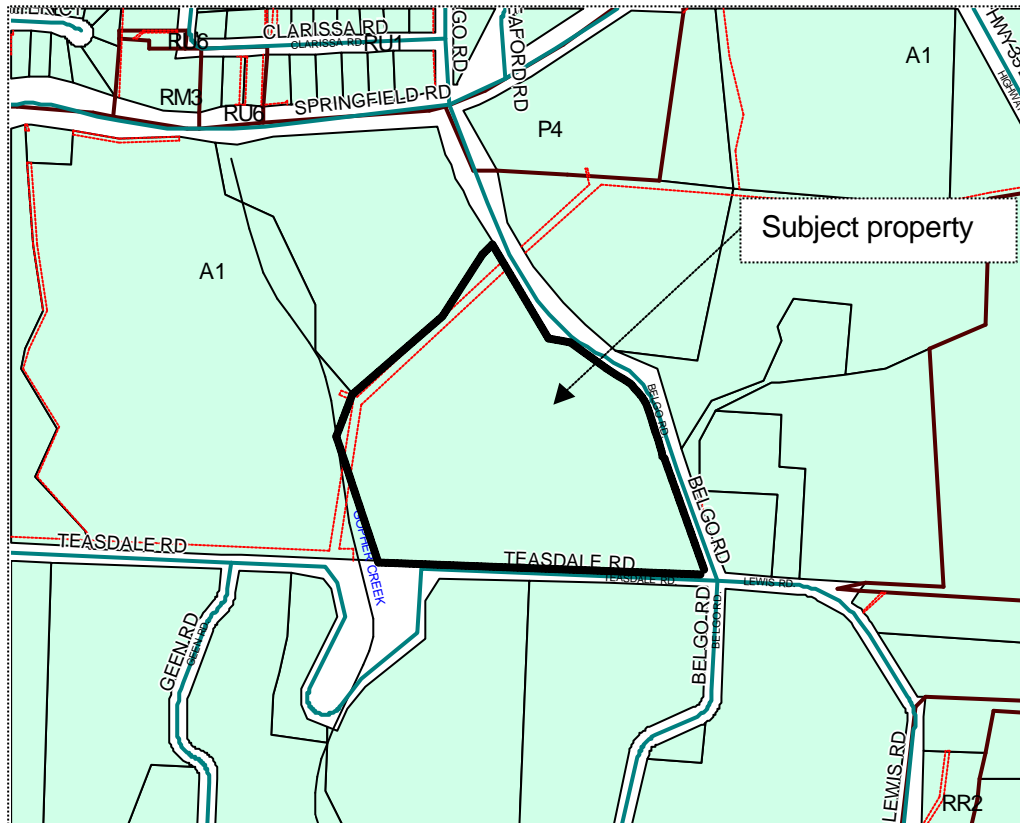
**Soil Classification: OY:23**

The soil classification is Oyama Soil which is Orthic Dark Brown rapid draining soil with 100 cm or more of sandy loam or loamy sand grading to sand texture. The land characteristics associated with Oyama soil is very gently to extremely sloping fluvio-glacial deposits.

**ZONING AND USES OF ADJACENT PROPERTY:**

North - A1 – Agriculture 1; Agricultural  
East - A1 – Agriculture 1; Agricultural and rural residential  
South - A1 – Agriculture 1; Agricultural  
West - A1 – Agriculture 1; Agricultural

The site is located in the Belgo / Black Mountain sector of the city and is located on the map below.



**5.0 CURRENT DEVELOPMENT POLICY**

**5.1 City of Kelowna Strategic Plan (1992)**

The City of Kelowna Strategic Plan support the preservation of productive agricultural land. The proposed homesite severance should have a minimal effect on the remainder of the orchard operation

5.2 Kelowna Official Community Plan (1994 – 2014)

The current Official Community Plan does not support further subdivision of ALR lands. However, the OCP does recognize support for a homesite severance application where the applicant meets the conditions of the Agricultural Land Commission Act.

The OCP does recognize that Gopher Creek is subject to a public route of access and, therefore, the applicant will be required to register a right-of-way over that portion of the creek and the adjacent 5 – 10 metre as determined by the policies of Chapter Two for the current OCP at the time of subdivision.

5.3 City of Kelowna Agriculture Plan

The City of Kelowna will continue to support the concept of homesite severance where it is consistent with the Land Commission policy.

6.0 PLANNING COMMENTS

The Planning & Development Services Department suggests that if the proposed homesite severance subdivision is approved by the Land Reserve Commission that the following conditions be applied;

- there be no additional homes permitted on the parcel remainder, without the removal of one of the existing two residences,
- a restrictive covenant be registered on the steep bank to protect the Gopher Creek stream corridor and that a 10 m wide road dedication be registered along the top of bank of Gopher Creek,
- an A1s rezoning bylaw be adopted by City Council allowing one of the two existing suites in the implement shed, or that the two existing suites be decommissioned.

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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/MK/mk  
Attach.

**FACT SHEET**

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|---|---|
| <b>1. APPLICATION NO.:</b>                          | A98-104   |
| <b>2. APPLICATION TYPE:</b>                         | Homesite Severance – Subdivision within the ALR pursuant to Section 22 of the ALR Act.                    |
| <b>3. OWNER / APPLICANT:</b>                        | Alfred & Christine Kempf  |
| . ADDRESS   | 1276 Teasdale Road  |
| . CITY  | Kelowna, BC   |
| . POSTAL CODE                                       | V1X 4K4   |
| . TELEPHONE/FAX NO.:                                | 765-6484  |
| <b>4. APPLICATION PROGRESS:</b>                     |   |
| Date of Application:                                | February 23, 1998   |
| Date Application Complete:                          | February 23, 1998   |
| Staff Report to AAC:                                | April 8, 1998   |
| Staff Report to Council:                            | August 26, 2003   |
| <b>5. LEGAL DESCRIPTION:</b>                        | Parcel A (Plan B5620) of Lot 2, Sec. 23 & 24, Twp. 26, ODYD, Plan 2329                                    |
| <b>6. SITE LOCATION:</b>                            | Northwest corner of Belgo and Teasdale Road   |
| <b>7. CIVIC ADDRESS:</b>                            | 1276 Teasdale Road, 1255 and 1255B Belgo Road   |
| <b>8. AREA OF SUBJECT PROPERTY:</b>                 | 9.0 ha  |
| <b>9. EXISTING ZONE CATEGORY:</b>                   | A1 – Agriculture 1  |
| <b>10. PURPOSE OF THE APPLICATION:</b>              | To receive permission from the Agricultural Land Commission for a homesite severance                      |
| <b>11. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b> |   |
| (a) Natural Environment DP Area                     | Site adjacent to Gopher Creek. To be addressed at the time of subdivision if granted approval by the LRC. |