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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** December 16, 2003  
**File No.:** A03-0012  
**To:** City Manager  
**From:** Planning & Corporate Services Department  
**Purpose:** To obtain approval from the Land Reserve Commission to allow for a partial inclusion into and a partial exclusion from the Agricultural Land Reserve.

<b>Owners:</b> Dennis & Phyllis Pilon	<b>Applicant:</b> Dennis & Phyllis Pilon
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**At:** 1145 McKenzie Road

**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. A03-0012, Lot B, Sec. 24 & 25, Twp. 26, ODYD, Plan 40893, Except Plan KAP47397, located on McKenzie Road, Kelowna, B.C. for a partial inclusion into and a partial exclusion from the Agricultural Land Reserve pursuant to Sections 17(3) and 30(1) of the Agricultural Land Reserve Act NOT be supported by Municipal Council.

### 2.0 SUMMARY

The applicant is requesting permission from the Agricultural Land Reserve Commission to include a portion of their property into the Agricultural Land Reserve, and to exclude a portion of their property from the Agricultural Land Reserve. The subject property covers an area of 4.3ha (10.7ac), and contains a cherry orchard, single residence, outbuildings and undeveloped rangeland. The area that is proposed to be included into the Agricultural Land Reserve is approximately 0.60ha (1.48ac), and the area that is proposed to be excluded from the Agricultural Land Reserve totals approximately 2.3ha (5.7ac), representing an overall loss to the Agricultural Land Reserve of approximately 1.70ha (4.20ac). The applicant has submitted the attached correspondence, which is intended to support their partial inclusion and partial exclusion application. The 4.3ha (10.7ac) subject property will remain as one titled lot.

### 3.0 AGRICULTURAL ADVISORY COMMITTEE

The Agricultural Advisory Committee, at their meeting of December 11, 2003, reviewed the above noted application, and the following recommendation was passed:

THAT the Agricultural Advisory Committee supports Application No. A03-0012 by Dennis and Phyllis Pilon to obtain approval from the Agricultural Land Reserve Commission to allow for a partial inclusion into and a partial exclusion from the Agricultural Land Reserve, because the land currently used as an orchard outside of the ALR boundary is better quality land than the portion currently inside the ALR proposed for exclusion; the result of approving the application would be a net benefit to agriculture; and a site inspection revealed the northern portion of the property to be steep and hilly and therefore inaccessible to farming equipment.

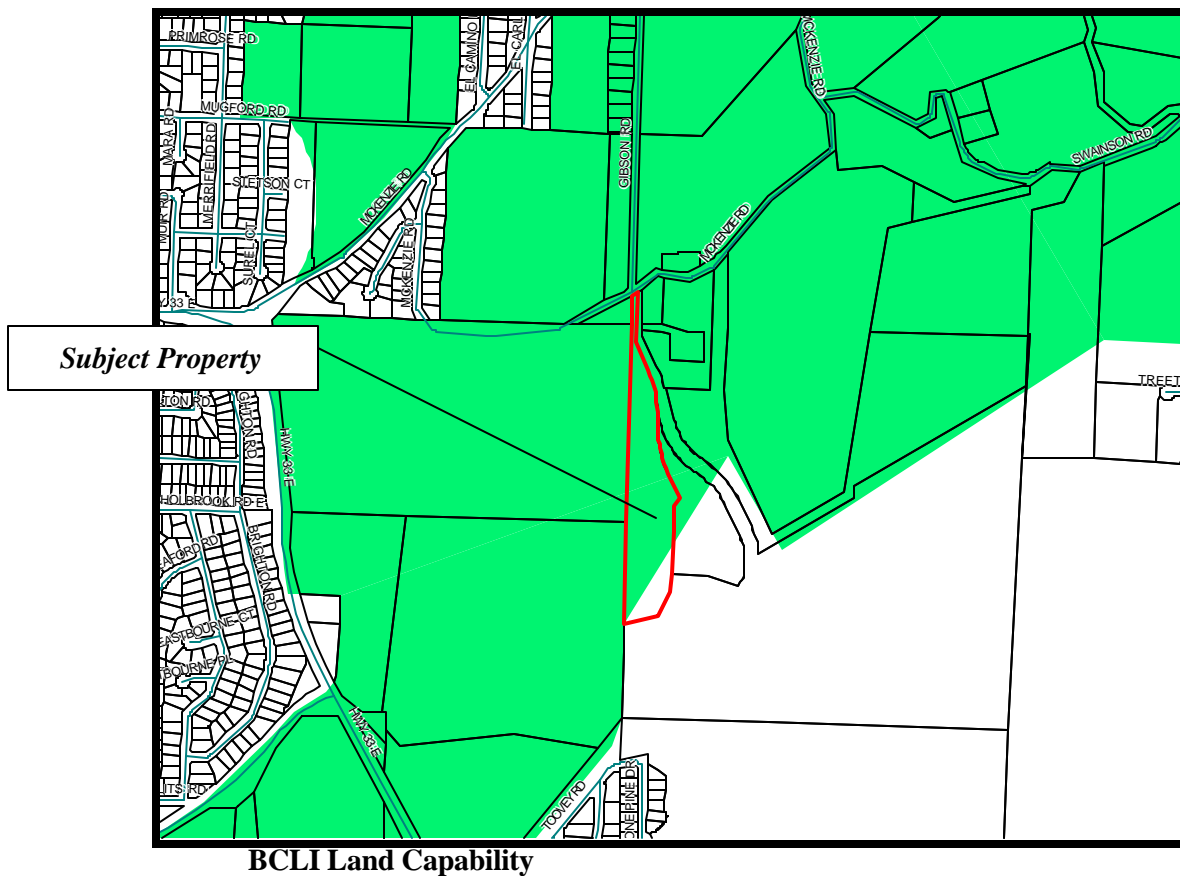
(1 opposed) **Motion CARRIED**

#### 4.0 SITE CONTEXT

The subject property is situated in the Black Mountain Sector Plan area of the City, and is located on McKenzie Road, East of Highway 33. The Northern portion of the subject property is undeveloped rangeland, with the Southern portion of the property being used as orchard. The elevation ranges from approximately 505m in the North to 542m in the South.

Total Parcel Size: 4.3ha (10.7ac)  
Elevation: 505m – 542m

*The subject property is located on the map below.*



The land classification for the subject area falls mostly into Classes 5 and 6, with the improved or irrigated rating for most of the property increasing to Class 1. The unimproved land on the subject property is limited by a soil moisture deficiency, where crops are adversely affected by droughtiness, caused by low soil water holding capacity or insufficient precipitation, and topography, where soils are limited steepness or pattern of slopes.

### **Soil Classification**

The primary soil classification for the subject property is the Kelowna soil, which is characterized by moderately and strongly sloping glacial till. Small portions of the subject property contain the Gartrell soil, which is characterized by nearly level and very gently sloping fluvioglacial deposits in depressions.

### **ZONING AND USES OF ADJACENT PROPERTY:**

North - A1 – Agriculture 1 / Small Holdings  
East - A1 – Agriculture 1 / Rangeland  
RR2 – Rural Residential 2 / Rural Residential Home  
South - A1 – Agriculture 1 / Rangeland  
West - A1 – Agriculture 1 / Hay Crops

## **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 future land use designation for the subject properties is identified as rural / agricultural in the Official Community Plan. The plan encourages the preservation of land designated rural / agricultural on the land use map for agricultural purposes. Furthermore, the plan recognizes the importance of agricultural uses, and also promotes the retention of land that is capable of agricultural production.

### **5.3 Black Mountain Sector Plan**

The Black Mountain Sector Plan identifies the entire subject property as being suitable for retention 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, while furthermore encouraging the inclusion of property into the Agricultural Land Reserve through farmland preservation policies.

## **6.0 ALTERNATE RECOMMENDATION**

THAT Agricultural Land Reserve Appeal No. A03-0012, Lot B, Sec. 24 & 25, Twp. 26, ODYD, Plan 40893, Except Plan KAP47397, located on McKenzie Road, Kelowna, B.C. for a partial inclusion into and a partial exclusion from the Agricultural Land Reserve pursuant to Sections 17(3) and 30(1) of the Agricultural Land Reserve Act be supported by Municipal Council.

7.0 PLANNING COMMENTS

The relevant planning documents support the preservation and expansion of agricultural land, while the City of Kelowna Strategic Plan, City of Kelowna Official Community Plan, Black Mountain Sector Plan and City of Kelowna Agriculture Plans do NOT support the proposed exclusion from the ALR.

The applicant had previously made an identical application to the Land Reserve Commission, where in June 1996 a ruling was passed whereby the application was refused. It was further noted that the Commission understood the intent of the applicant's request and as an alternative, was willing to allow subdivision of the subject property along the topographic break subject to inclusion of the non-ALR portion of the property into the ALR.

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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

Attachment

**FACT SHEET**

1. **APPLICATION NO.:** A03-0012
2. **APPLICATION TYPE:** ALR Exclusion / Inclusion
3. **OWNER:** Phyllis and Dennis Pilon  
· **ADDRESS** 1145 McKenzie Road  
· **CITY** Kelowna, BC  
· **POSTAL CODE** V1P 1C3  
**OWNER:** Phyllis and Dennis Pilon  
· **ADDRESS** 1145 McKenzie Road  
· **CITY** Kelowna, BC  
· **POSTAL CODE** V1P 1C3
5. **APPLICATION PROGRESS:**  
    **Date of Application:** November 14, 2003  
    **Date Application Complete:** November 28, 2003  
    **Staff Report to AAC:** December 2, 2003  
    **Staff Report to Council:** December 16, 2003
6. **LEGAL DESCRIPTION:** Lot B, Sec. 24 & 25, Twp. 26, ODYD,  
Plan 40893, Except Plan KAP47397
7. **SITE LOCATION:** On McKenzie Road, East of Hwy. 33
8. **CIVIC ADDRESS:** 1145 McKenzie Road
9. **AREA OF SUBJECT PROPERTY:** 4.3ha (10.7ac)
10. **EXISTING ZONE CATEGORY:** A1 – Agriculture 1
11. **PURPOSE OF THE APPLICATION:** To obtain approval from the Land Reserve Commission to allow for a partial exclusion from and a partial inclusion into the Agricultural Land Reserve.
12. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** N/A

## **ATTACHMENTS**

*(not attached to the electronic version of the report)*

- Location of subject property
- Site plan
- Proposed Inclusion / Exclusion Area
- Agrologist Report
- State of Title
- Previous LRC Ruling
- Soil Map
- Land Capability Map