
CITY OF KELOWNA
MEMORANDUM

Date: February 17, 2004
File No.: A04-0001

To: City Manager

From: Planning & Corporate Services Department

Purpose: To obtain permission from the provincial Land Reserve Commission to subdivide within the Agricultural Land Reserve in order to create an additional lot.

Owners: J. & I. Ziegler	Applicant/Contact Person: S. Astfalk
--------------------------------	---

At: 2389 Rojem 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. A04-0001, Lot A, Sec. 33, Twp. 26, ODYD, Plan 26223, in Kelowna, B.C. for subdivision within the Agricultural Land Reserve, pursuant to Section 21(2) of the Agricultural Land Commission Act not be supported by the Municipal Council;

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

2.0 SUMMARY

The applicant is requesting permission from the Agricultural Land Reserve Commission to subdivide property located within the Agricultural Land Reserve in order to create an additional lot. The current owners have owned their property since 1977, and as such do not qualify to submit a homesite severance application. The subject property currently has two residences, and with the proposed subdivision is seeking to create two lots. The current owners are proposing to subdivide a parcel of approximately 0.6ac (0.24ha) in size from the parent parcel. The proposed subdivision will create a large lot remainder parcel of approximately 10.77ac (4.36ha) which will be sold, while their daughter could

then continue living in her home that is situated within the proposed smaller 0.6ac (0.24ha) Lot 1. The applicant has proposed two different subdivision layouts, one providing the proposed Lot 2 with access from an east-west laneway and the other providing access from a north-south laneway.

3.0 AGRICULTURAL ADVISORY COMMITTEE

The Agricultural Advisory Committee, at their meeting of February 12, 2004 reviewed the above noted application, and the following recommendation was passed:

THAT the Agricultural Advisory Committee not support application A04-0001 by Susanne Astfalk to obtain approval from the Land Reserve Commission to subdivide within the Agricultural Land Reserve in order to create an additional lot as it does not meet the requirements for a subdivision in the ALR.

CARRIED

4.0 SITE CONTEXT

The subject property is located on Rojem Road, situated west of Longhill Road and north of Silver Place within the Glenmore/Clifton/Dilworth Sector Plan area of the City. The subject property is 4.6ha (11.4ac) in area and has elevation changes from approximately 453m to 462m.

Parcel Size: 4.6ha (11.4ac)
Elevation: 453m-462m

BCLI Land Capability

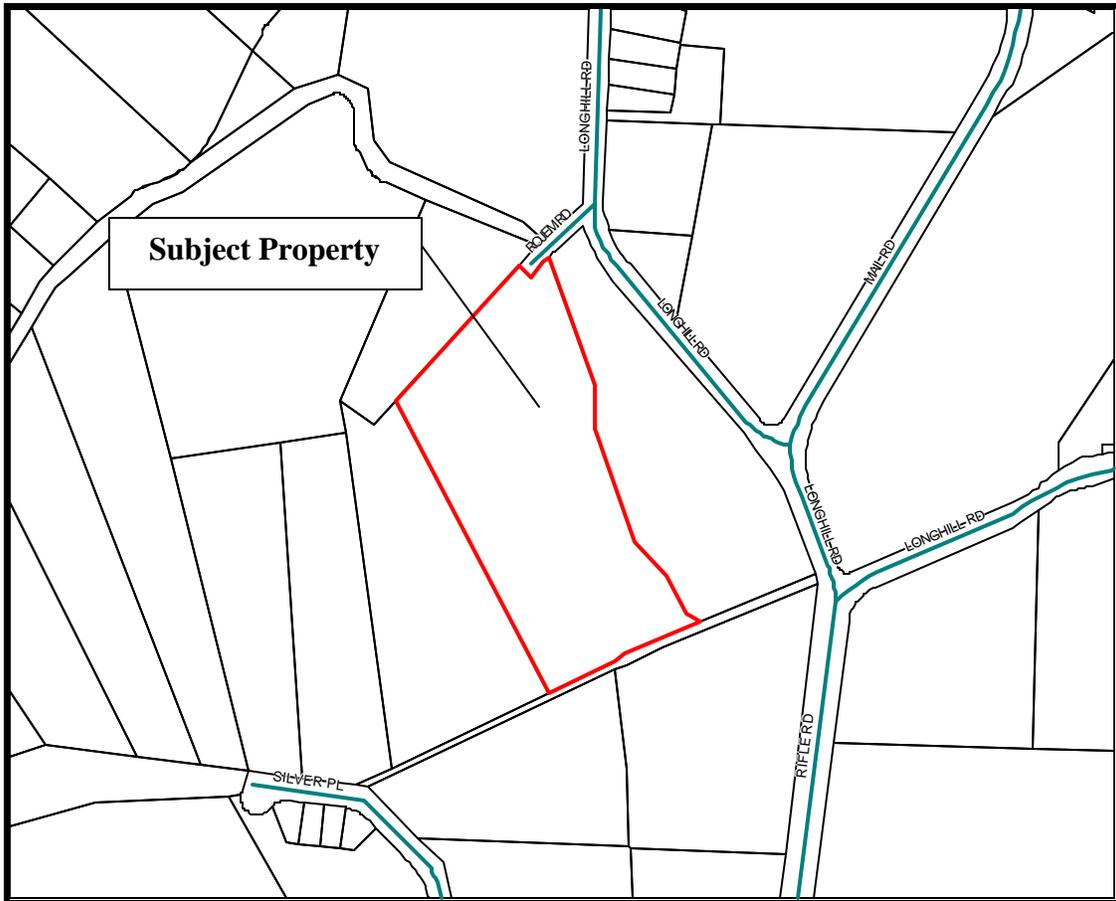
The land capability for the subject area falls primarily into Class 4, but the improved or irrigated rating increases to Class 3.

The soils on the subject property are limited by a soil moisture deficiency, caused by low soil water holding capacity or insufficient precipitation and an undesirable soil structure and/or low perviousness.

Soil Classification

The soil classification for the subject property is Westbank. The Westbank soil is usually characterized by nearly level to strongly sloping stratified glaciolacustrine sediments.

The subject property is located on the map below



ZONING AND USES OF ADJACENT PROPERTY:

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

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 subject property is designated as Rural / Agricultural on the future land use map, and is located within the area to be retained in the Agricultural Land Reserve in the current Official Community Plan. Furthermore, the Official Community Plan recognizes the importance of agricultural uses.

5.3 Glenmore/Clifton/Dilworth Sector Plan

The Glenmore/Clifton/Dilworth Sector Plan identifies agriculture as a defining character within the Glenmore Valley, and that protection of agricultural lands is an important issue. The subject property is identified as being suitable for retention within the ALR, while a key objective of the Glenmore/Clifton/Dilworth Sector plan is to promote and support 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 of land 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 more difficult and increases speculation, which further exacerbates the problem.

6.0 PLANNING COMMENTS

The Official Community Plan and the Agricultural Plan do not support further subdivision of the property, unless it is for a homesite severance in the Agricultural Land Reserve. The relevant Land Reserve Commission policy (#025/78) indicates that the subject property must be continuously owned and occupied by the applicant as his or her principal place of residence since before December 21, 1972. The applicant in this case purchased the property in 1977. The applicant is applying for a subdivision within the Agricultural Land Reserve in lieu of a homesite severance subdivision (see attached letter from applicant). The Subdivision Approving Officer has conveyed to the applicant that the two proposed lot configurations would not be supported without Rojem Road being extended along the north property boundary, which would require the removal or relocation of the existing residence.

Furthermore, the required extension of Rojem Road would be contrary to the Agricultural Land Commission's policy of not allowing road extensions into ALR designated agricultural areas.

7.0 ALTERNATE RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A04-0001, Lot A, Sec. 33, Twp. 26, ODYD, Plan 26223, in Kelowna, B.C. for subdivision within the Agricultural Land Reserve, pursuant to Section 21(2) of the Agricultural Land Commission Act be supported by the Municipal Council;

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

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.:** A04-0001
2. **APPLICATION TYPE:** Subdivision within the ALR
3. **OWNER:** Julius & Ingeborg Ziegler
· **ADDRESS** 1-2389 Rojem Road
· **CITY** Kelowna, B.C.
· **POSTAL CODE** V1V 2G3
4. **APPLICANT/CONTACT PERSON:** Susanne Astfalk
· **ADDRESS** 1-2389 Rojem Road
· **CITY** Kelowna, B.C.
· **POSTAL CODE** V1V 2G3
· **TELEPHONE/FAX NO.:** 250-470-6506 / 250-860-7973
5. **APPLICATION PROGRESS:**
Date of Application: January 28, 2004
Date Application Complete: January 28, 2004
Staff Report to AAC: February 3, 2004
Staff Report to Council: February 17, 2004
6. **LEGAL DESCRIPTION:** Lot A, Sec. 33, Twp. 26, ODYD, Plan 26223
7. **SITE LOCATION:** On Rojem Road east of Longhill Road
8. **CIVIC ADDRESS:** 2389 Rojem Road
9. **AREA OF SUBJECT PROPERTY:** 4.6ha (11.4ac)
10. **EXISTING ZONE CATEGORY:** A1- Agriculture 1
11. **PURPOSE OF THE APPLICATION:** To obtain permission from provincial the Land Reserve Commission to subdivide within the Agricultural Land Reserve in order to create an additional lot.
12. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS**