
CITY OF KELOWNA

MEMORANDUM

Date: September 28, 2004
File No.: A04-0010

To: City Manager

From: Planning & Corporate Services Department

Purpose: To obtain approval from the Land Reserve Commission to subdivide the subject property into two parcels

Owners: Amberwood Investments Ltd.	Applicant/Contact Person: George W. Lensen
----------------------------------------------	------------------------------------------------------

At: 4210 Swamp 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. A04-0010, Lot B, Sec. 6, Twp. 26 and Sec. 31, Twp. 29, ODYD, Plan KAP56611, located on Swamp Road, Kelowna, B.C. for subdivision within the Agricultural Land Reserve, pursuant to Section 21(1) of the Agricultural Land Commission Act, NOT be supported by Municipal Council;

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

2.0 SUMMARY

The applicant is requesting permission to subdivide the 10.0ha (24.7ac) subject property into two parcels, which will be approximately 2ha (4.9ac) and 8.0ha (19.8ac) in size. The purpose of this proposed subdivision within the ALR is to allow for the separation of the divorced owner's assets. The subject property is currently being farmed, with the existing owners having owned the subject property since 1996. The owners intend upon building a new home on the proposed lot, in order for their children to live close to both parents.

3.0 AGRICULTURAL ADVISORY COMMITTEE

The Agricultural Advisory Committee at their meeting of September 9, 2004 reviewed the above noted application, and the following recommendation was passed:

Moved by John Vielvove / **Seconded** by Pierre Calissi

THAT the Agricultural Advisory Committee NOT support Application No. A04-0010 by George Lensen on behalf of the owners to obtain approval from the provincial Land Reserve Commission to subdivide within the Agricultural Land Reserve in order to create an additional lot.

CARRIED

4.0 SITE CONTEXT

The subject property is located in the North Mission/Crawford Sector of the City, situated on the west side of Swamp Road, south of Kamloops Road. The subject property ranges in elevation from 375m in the southeast corner to 343m in the northwest corner, and the parcel is legally identified as Lot B, Sec. 6, Twp. 26, Sec. 31, Twp. 31, Twp. 29, ODYD, District Plan KAP56611

Parcel Size: 10.0ha (24.7ac)
Elevation: 343m–373m

BCLI Land Capability

The land classification for the subject area falls primarily into Classes 4 and 5, however the improved or irrigated rating for the property increases to mostly Class 2 and Class 3.

The unimproved soils on a part of 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. Furthermore, the unimproved soils on the subject property are limited by topography, where soils are limited by steepness or pattern of slopes which hinders the use of farm machinery, decreases uniformity of growth and maturity of crops, and/or increases the potential for water erosion.

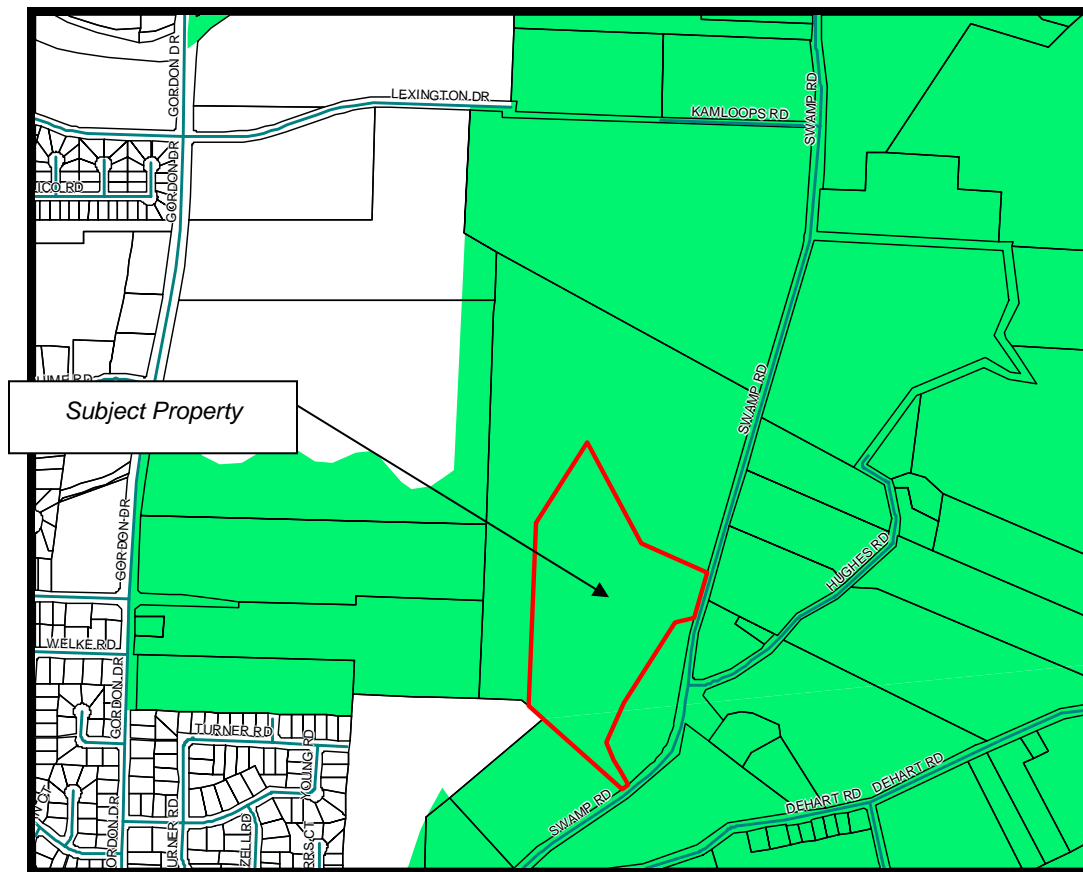
Soil Classification

The soil classification for the subject property is Rumohr and Kendall. The Rumohr soil is characterized by an organic veneer and marl over nearly level depressional fluvial fan deposits, while the Kendall soil is characterized by nearly level and very gently sloping organic deposits over fluvial deposits.

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

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.

5.3 North Mission/Crawford Sector Plan

The North Mission/Crawford Sector Plan has policies promoting preservation of viable agricultural holdings as an integral part of our community, and to support the protection of the ALR land within the Sector.

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 which is consistent with provincial Agricultural Land Reserve policy. Furthermore, the Subdivision Approving Officer has previously indicated that the proposed subdivision layout does not meet minimum bylaw frontage requirements.

7.0 ALTERNATE RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A04-0010, Lot B, Sec. 6, Twp. 26, Sec. 31, Twp. 31, Twp. 29, ODYD, District Plan KAP56611, located on Swamp Road, Kelowna, B.C. for subdivision within the Agricultural Land Reserve, pursuant to Section 21(1) of the Agricultural Land Commission Act, be supported by Municipal Council;

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

R. G. Shaughnessy
Subdivision Approving Officer

RGS/MK/mk

Attachment

Approved for inclusion ☐

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

FACT SHEET

- | | |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| 1. APPLICATION NO.: | A04-0010 |
| 2. APPLICATION TYPE: | Subdivision within the ALR |
| 3. OWNER: | Amberwood Investments Ltd. |
| • ADDRESS | 5 Alameda Court |
| • CITY | Kelowna, B.C. |
| • POSTAL CODE | V1V 1C6 |
| 4. APPLICANT/CONTACT PERSON: | George W. Lensen |
| • ADDRESS | 14-1470 Harvey Avenue |
| • CITY | Kelowna, B.C. |
| • POSTAL CODE | V1Y 9K8 |
| • TELEPHONE/FAX NO.: | 250-860-7500 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | August 19, 2004 |
| Date Application Complete: | August 19, 2004 |
| Staff Report to AAC: | August 25, 2004 |
| Staff Report to Council: | September 28, 2004 |
| 6. LEGAL DESCRIPTION: | Lot B, Sec. 6, Twp. 26 and Sec. 31,
Twp. 29, ODYD, Plan KAP56611 |
| 7. SITE LOCATION: | On Swamp Road, South of Kamloops
Road |
| 8. CIVIC ADDRESS: | 4210 Swamp Road |
| 9. AREA OF SUBJECT PROPERTY: | 10.0ha (24.7ac) |
| 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 into two parcels |
| 12. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | N/A |