
CITY OF KELOWNA

MEMORANDUM

Date: February 15, 2005
File No.: A05-0001

To: City Manager

From: Planning and Corporate Services Department

Purpose: To obtain approval from the Agricultural Land Reserve Commission to exclude the subject property from the ALR.

Owners: Clarke Orchards Contracting Ltd.	Applicant/Contact Person: Clarke Orchards Contracting Ltd.
--	--

At: 1980-1984 Union Road

Existing Zone: A1 – Agriculture 1

Report Prepared by: Mark P. Koch

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A05-0001, Lot B, Sec. 4, Twp. 23, ODYD, Plan KAP75150, located on Union Road, in Kelowna, B.C. for exclusion from the Agricultural Land Reserve pursuant to section 30(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 for their consideration.

2.0 SUMMARY

The applicant is requesting permission from the Agricultural Land Reserve Commission to exclude the subject property from the Agricultural Land Reserve. The applicant would subsequently pursue a concurrent official community plan amendment and a rezoning application to bring the RV Park and licensed tea house/café into conformity with City commercial zoning requirements. The subject property owners have recently been notified that the property tax classification for their organic tree fruit farm, which includes the RV Park and tea house/café as secondary agri-tourism uses, has been changed from agricultural to commercial, which has dramatically increased their property taxes. This determination has been made by the B.C. Assessment Authority, where the commercial nature of the businesses located on the subject property was identified. The applicant applied to the Agricultural Land Commission for an exclusion from the Agricultural Land Reserve back in 1990, and was refused their request. Furthermore, the

applicant applied for a subdivision within the Agricultural Land Reserve, to separate the tea house/café and RV Park from the primary residence in 2004, and was granted approval from Agricultural Land Commission, based on the fact that the applicant could not get insurance for the home and the businesses located on the same parcel. The approval restricted the sale of either of the two resulting properties independently, allowing the applicant to get insurance, while still maintaining a larger agricultural operation.

3.0 AGRICULTURAL ADVISORY COMMITTEE

The Agricultural Advisory Committee at their meeting of February 10, 2005 reviewed the above noted application, and the following recommendation was passed:

Moved by D. HAMILTON/Seconded by P. CALISSI

THAT the Agricultural Advisory Committee recognizes the applicant has a desire to continue farming, and whereas the various development policies do not support exclusion of this property from the ALR, the AAC therefore does NOT support this application.

AND THAT it is further recommended that the Agricultural Land Commission and the BC Assessment Authority jointly discuss, and resolve the issue of agri-tourism operations being assessed as commercial instead of farm assessment.

CARRIED

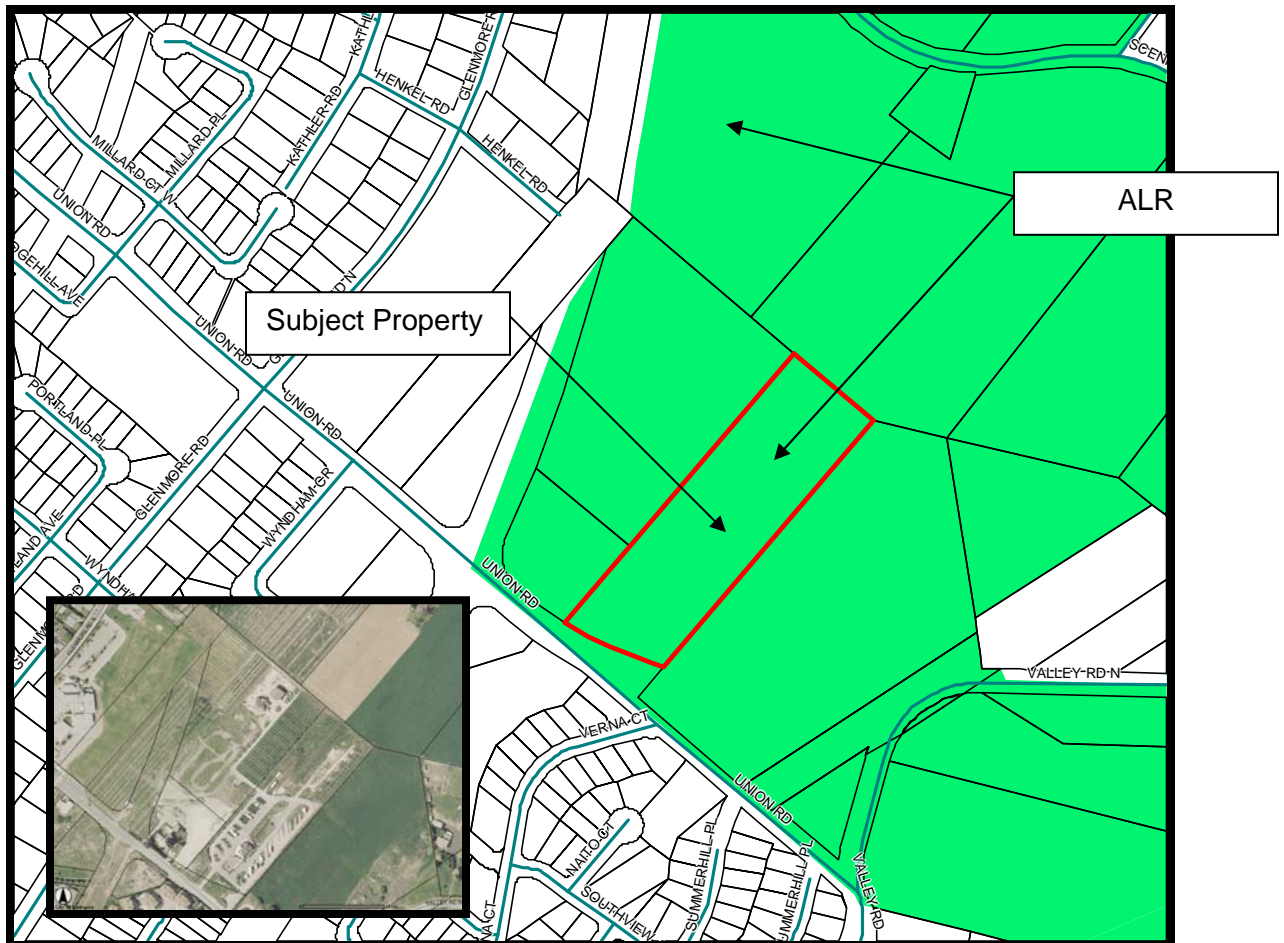
4.0 SITE CONTEXT

The subject property is situated in the Glenmore/Clifton Dilworth Sector Plan area of the City, located on the north side of Union Road and east of Glenmore Road. The legal description of the subject property is Lot B, Sec. 4, Twp. 23, ODYD, Plan KAP75150.

The elevation ranges on the property are from approximately 430m in the east, and rises slightly to approximately 440m in the west.

Total Parcel Size:	2.44ha (6.03ac)
Elevation:	430m-440m

The subject property is located on the map below.



BCLI Land Capability

The land classification for the subject area falls mostly into Class 4, with the improved or irrigated rating for the property increasing to Class 3. The unimproved land on the subject property is limited by undesirable soil structure and/or low perviousness, where soils are difficult to till, require special management for seedbed preparation, pose trafficability problems, have insufficient aeration, absorb and distribute water slowly, and/or have rooting zone depth restricted by conditions other than high water table, bedrock or permafrost.

Soil Classification

The soil classification for the majority of the subject property is the Westbank soil. The Westbank soil is characterized by nearly level to strongly sloping stratified glaciolacustrine sediment.

ZONING AND USES OF ADJACENT PROPERTY:

- North - A1 – Agriculture 1 / Farmland
- East - A1 – Agriculture 1 / Farmland
- South - RM2 – Low Density Row Housing / Duplexes
- 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 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 Glenmore/Clifton Dilworth Sector Plan

The Glenmore/Clifton Dilworth Sector Plan clearly 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 plan is to promote and support longterm 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.

6.0 PLANNING COMMENTS

The relevant planning documents, including the City of Kelowna Strategic Plan, the City of Kelowna Official Community Plan, the Glenmore/Clifton Dilworth Sector Plan, and the City of Kelowna Agriculture Plan do NOT support the proposed exclusion from the ALR.

7.0 ALTERNATE RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A05-0001, Lot B, Sec. 4, Twp. 23, ODYD, Plan KAP75150, located on Union Road, in Kelowna, B.C. for exclusion from the Agricultural Land Reserve pursuant to section 30(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 for their consideration.

R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion

☐

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

RGS/MK/mk
Attachment