
**CITY OF KELOWNA
MEMORANDUM**

Date: September 6, 2005
File No.: A05-0009
To: City Manager
From: Planning & Corporate Services Department
Purpose: To obtain approval from the Agricultural Land Commission for a Homesite Severance Subdivision

OWNER: John and Mary Bullock **APPLICANT:** Porter Ramsay
AT: 2850 Dunster Road

EXISTING ZONE: A1 Agriculture 1
REPORT PREPARED BY: Ryan Smith

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A05-0009, Parcel Z, Section 22, Township 26 ODYD Plan 1700 Except Plan 21138, located on Dunster Road, Kelowna, B.C. for the creation of a 0.84 ha homesite severance parcel, NOT be supported by Municipal Council.

2.0 AGRICULTURAL ADVISORY COMMITTEE

AT the regular meeting of August 11, 2005 it was resolved:

THAT the Agricultural Advisory Committee support Application # A05-0009, which seeks to obtain permission from the Agricultural Land Commission for the creation of a 1.02 ha homesite severance parcel.

3.0 SUMMARY

The applicant is requesting permission for a homesite severance subdivision to split the existing homesite from an agricultural operation comprising a cherry orchard. The proposed homesite severance lot would measure 0.84 Ha and the remaining cherry orchard would measure 4.66 Ha. The rationale for this application is outlined in the Applicant's application to the land commission, which is attached to this report. The property owners have owned the property since 1976 when they purchased the lot from their parents. John and Mary Bullocks parents had owned the property since the spring of 1972.

4.0 SITE CONTEXT

The subject property is located in South East Kelowna on the north side of Dunster Road, overlooking Mission Creek. The topography on the subject property could be described as generally flat with steep slopes occurring on the northern boundary of the property where the bank drops down to Mission Creek.

Existing development comprises one single family dwelling and a garage. The agricultural activity taking place on the parcel is primarily related to the cherry orchard.

Parcel Size: 5.56 ha (13.73 ac)

Elevation: 438 m – 427m (north side)

BCLI Land Capability

The unimproved land classification for the subject area falls primarily into Class 5. The predominant limiting factor for unimproved land is soil moisture deficiency. Consequently, through irrigation and other improvements (stone removal), the improved land capability rating increases significantly to Class 3. (see attached Land Capability Map).

Soil Classification

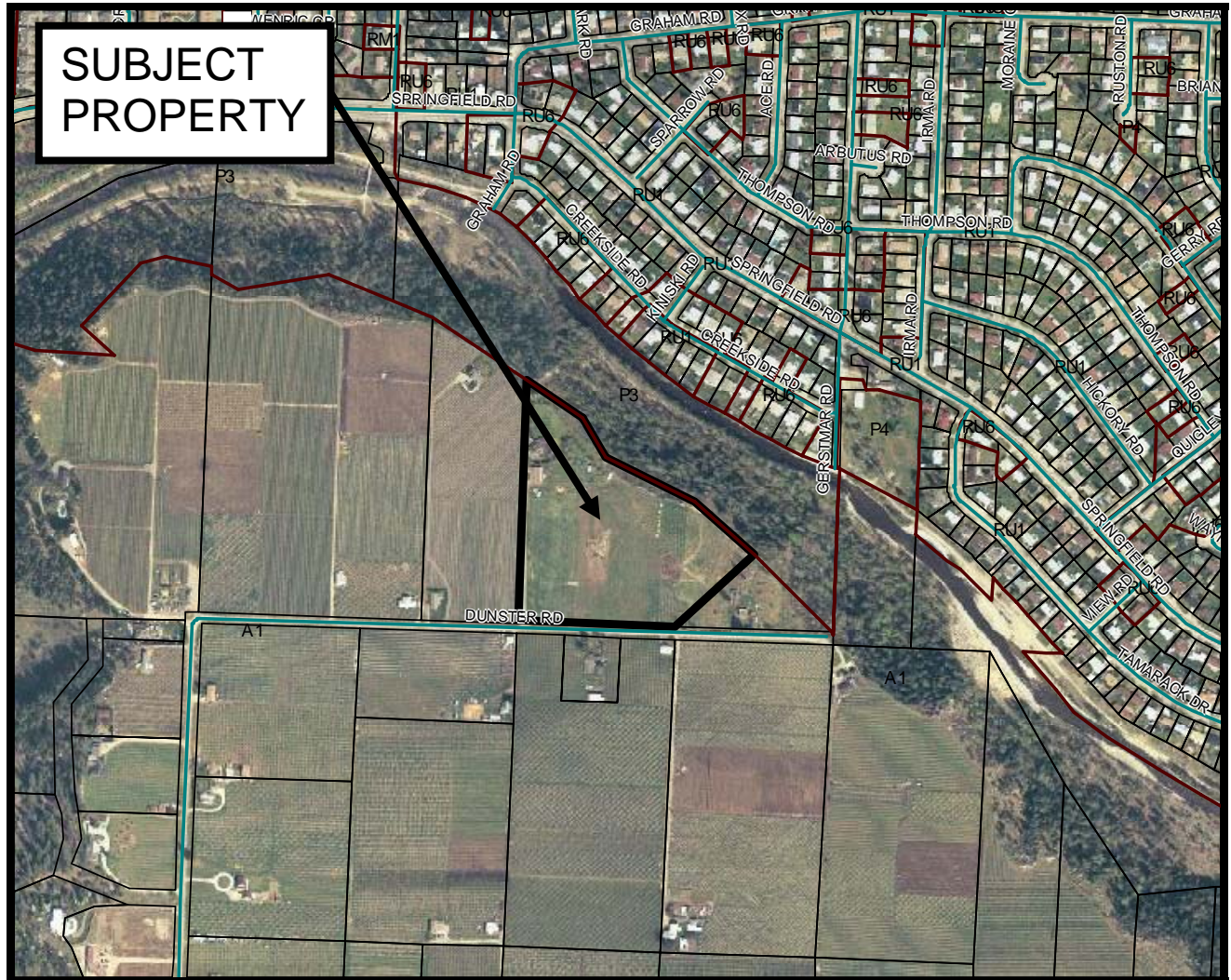
The soil classification for the subject property is the Rutland soil types, with some Dartmouth soils on portions of the lands. The Rutland and Dartmouth soils are characterized by very gently to strongly sloping fluvioglacial fan deposits (see attached Soil Classification Map).

Zoning and Uses of Adjacent Property

North	P3 – Parks and Open Space – Mission Creek corridor
East	A1 – Agriculture 1 / Single Family Dwelling (no agricultural activity)
South	A1 – Agriculture 1 / orchard
West	A1 – Agriculture 1 / orchard

5.0 SITE MAP

Subject Property: 2850 Dunster Road



6.0 POLICY AND REGULATION

.1.1 City of Kelowna Strategic Plan

A Primary Goal of the Strategic Plan is to preserve viable agricultural holdings as an integral part of our community.

.1.2 Kelowna 2020 – Official Community Plan

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 except where supported by the Agricultural Plan.

.1.3 City of Kelowna Agriculture Plan

The Agricultural Land Commission has established a policy to accommodate a farmer who wishes to dispose of the farm but retain a homesite on the land. The policy does

not confer the right, but provides conditions under which an application to the Land Commission would be considered. The policy is applicable to land where the principal residence of the applicant has been owner-occupied since December 21, 1972. The City of Kelowna should continue to support the concept of home site severance subdivisions consistent with Land Commission Policy #025/78, to allow farmers to retire or sell the property and retain the homesite, and thereby make the balance of the property available for others to expand or enter the farm business.

7.0 TECHNICAL COMMENTS

7.1 Works and Utilities

No comments at this time; however a comprehensive report will be provided at the time of subdivision if and when the ALC agrees to the proposed subdivision.

8.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

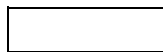
The relevant City development policies do not support the creation of additional lots within the Agricultural Land Reserve except as a home site severance subdivision application that is consistent with the Land Commission regulations. The property owners have owned the property since 1976 when they purchased the lot from their parents. John and Mary Bullocks parents had owned the property since the spring of 1972. Unfortunately staff will be unable to support this homesite severance subdivision because the December 21, 1972 threshold for ownership cannot be met.

Should Council choose to support this application an alternate recommendation has been provided below.

9.0 ALTERNATE RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A05-0009, Parcel Z, Section 22, Township 26 ODYD Plan 1700 Except Plan 21138, located on Dunster Road, Kelowna, B.C. for the creation of a 1.02 ha homesite severance parcel be supported by Municipal Council.

R. G. Shaughnessy
Subdivision Approving Officer



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

RGS/RS/rs

Attachment

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- State of Title
- Proposed Subdivision
- Applicant Letter of Rationale
- Land Capability Map
- Soil Classification Map