

Date: November 2, 2005

File No.: A05-0011

To: City Manager

From: Planning & Corporate Services Department

Purpose: To obtain approval from the Agricultural Land Commission for a subdivision to create one 2.0 ha parcel and one 1.91 ha parcel from a 3.91 ha parent parcel.

OWNERS: Richard Dempster
Marie Dempster

APPLICANT: Richard Dempster
Marie Dempster

AT: 1325 McKenzie Road

EXISTING ZONE: A1 Agriculture 1

REPORT PREPARED BY: Nelson Wight

THAT Agricultural Land Reserve Appeal No. A05-0011 for Lot A, Sec. 25, Twp. 26, O.D.Y.D. Plan 16423, located on McKenzie Road, Kelowna, B.C. for a subdivision within the Agricultural Land Reserve pursuant to Section 21(2) of the Agricultural Land Commission Act, NOT be supported by Municipal Council.

The Applicant is requesting permission to subdivide the parent 3.91 ha parcel into two lots, with one being 2.0 ha in size and the second lot being 1.9 ha in size. The Applicant has provided a statement of rationale for this application, which is attached to this report.

At a meeting held on September 8, 2004, the Agricultural Advisory Committee made the following recommendation:

AND THAT the Agricultural Advisory Committee does not support Application # A05-0011 because the land has Agricultural capability, the Application is a subdivision request that has been requested for family reasons only and not for reasons that would provide a benefit to Agriculture.

The subject property is located in the North Rutland area, with McKenzie Road forming the western boundary of the parcel. The land slopes fairly consistently from east to west, with a band of level ground running north to south through the middle of the property. This more level portion is where the two existing residences are located. The easterly portion and extreme westerly portion contain

slopes ranging from 5% to 30%. There is an overall change in elevation of 30 m (98 feet) from the east to the west side of the property, which is a distance of approximately 250 m.

Existing development on the subject property consists of two single family dwellings, two storage sheds, and a small residential greenhouse (see attached “Application by Land Owner”). The Applicant has indicated that there is presently no agricultural activity, but that the property was historically used as an orchard.

Parcel Size: 3.9 ha (9.6 ac)
Elevation: 560 m – 530 m

BCLI Land Capability

The unimproved land classification for the subject area falls primarily into Class 4, with some Class 5 and 6 as well. The predominant limiting factor for unimproved land is soil moisture deficiency, and topography. Through irrigation and other improvements, the improved land capability rating on some portions increases to Class 2 (see attached Land Capability Map).

Soil Classification

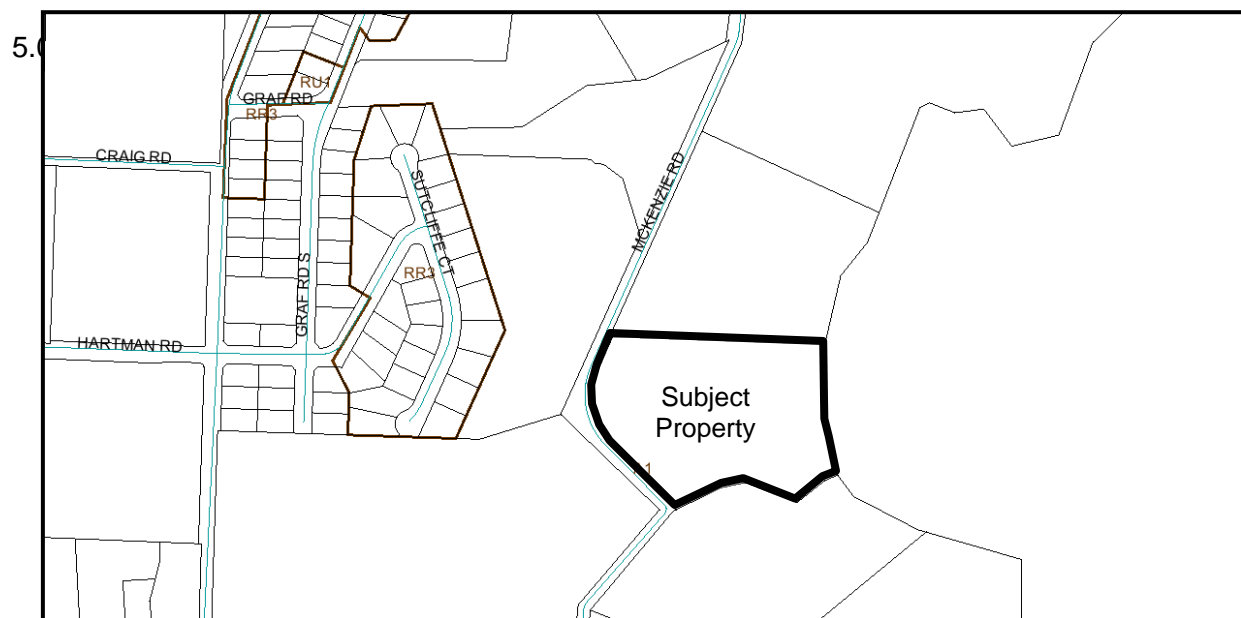
The soil classification for the subject property is almost entirely of the Kelowna soil type, with small amounts of Rutland soils. The Kelowna soil group is characterized by moderately and strongly sloping glacial till (see attached Soil Classification Map).

Zoning of Adjacent Property

North	A1 – Agriculture 1
East	A1 – Agriculture 1
South	A1 – Agriculture 1
West	A1 – Agriculture 1

4.0 SITE MAP

Subject Property: 1325 McKenzie Road



POLICY AND REGULATION

5.1.1 City of Kelowna Strategic Plan

Objective: Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

Action towards this objective: – Evaluate the effectiveness of City policies and bylaws in preserving agricultural lands.

5.1.2 Kelowna 2020 – Official Community Plan

Subdivision – Discourage the subdivision of agricultural land into smaller parcels, except where positive benefits to agriculture can be demonstrated.

5.1.3 City of Kelowna Agriculture Plan

Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.

Parcel Size (Agricultural Land) – Discourage the subdivision of agricultural land into smaller parcels, except where positive benefits to agriculture can be demonstrated.

Isolated Development – In general, not support extensions to existing development or new development isolated within agricultural areas, regardless of ALR status.

6.0 TECHNICAL COMMENTS

6.1 Works and Utilities

No comment at this point re: service of the development. However, a comprehensive report will be provided at the time of subdivision application should the ALC agree to the development. It should be noted that the horizontal alignment of McKenzie Road, does not meet current standards and some dedication and/or upgrades may be triggered by a subdivision in accordance with current Bylaws and policies.

7.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

The relevant City policy documents noted above do not support the creation of additional lots within the Agricultural Land Reserve except as a home site severance application that is consistent with the Land Reserve policy.

Staff has significant concerns with the proposal, because of the policy conflict and because there has been no satisfactory demonstration of how this subdivision application works to the benefit of the agricultural industry. Furthermore, the minimum parcel size in the A1 – Agriculture 1 zone is 2.0 ha for property within the ALR, and one of the proposed lots does not meet this subdivision requirement without having to rezone to the RR1 – Rural Residential 1, which Staff could not support.

8.0 ALTERNATE RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A05-0011 for Lot A, Sec. 25, Twp. 26, O.D.Y.D. Plan 16423, located on McKenzie Road, Kelowna, B.C. for a subdivision within the Agricultural Land Reserve pursuant to Section 21(2) of the Agricultural Land Commission Act, be supported by Municipal Council.

R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion ☐

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

Attachments:

Location Map
Sketch Plan of Proposed Subdivision
Applicant's Statement of Rationale
Application by Land Owner (2 pages)
Land Capability Map
Soil Classification Map