
CITY OF KELOWNA
MEMORANDUM

Date: November 16, 2005
File No.: A05-0010
To: City Manager
From: Planning & Corporate Services Department
Purpose: To obtain approval from the Agricultural Land Commission for (a) the creation of a 1.2 ha parcel in lieu of a homesite severance; and (b) a lot line adjustment between the two existing subject properties.

OWNERS: Siegfried Achermann **APPLICANT:** Siegfried Achermann

AT: 1810 Garner Road
1959 Walburn Road

EXISTING ZONE: A1 Agriculture 1
REPORT PREPARED BY: Nelson Wight

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A05-0010 for Lot 3, Sec. 13, Twp. 26, O.D.Y.D. Plan 4119 and Lot 4, Blk. 9, Sec. 13, Twp. 26, O.D.Y.D. Plan 1380 except Plan 24125, located on Garner 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.

2.0 SUMMARY

The Applicant is requesting permission to create a 1.2 ha parcel in lieu of a homesite severance. In addition, the Applicant is requesting a lot line adjustment between the two subject properties, as it is argued that the proposed lot line adjustment is a more sensible boundary, given the topography. The rationale for this application is provided by the Applicant on page 2 of the "Application by Landowner" form, which is attached to this report.

3.0 AGRICULTURAL ADVISORY COMMITTEE

At a meeting held on July 14, 2005, the Agricultural Advisory Committee made the following recommendation:

THAT the Agricultural Advisory Committee support Agriculture Application No. A05-0010, for 1810 Garner Road & 1959 Walburn Road/Lot 4, Plan 1380 and Lot 3, Plan 4119, Sec. 13, Twp. 26, ODYD, by Siegfried Acherman, which seeks to obtain approval from the Land Reserve Commission for (a) the creation of a 1.2 ha parcel in lieu of a homesite severance; and (b) a lot line adjustment between the two existing subject properties..

4.0 SITE CONTEXT

The subject property is located northwest of Kirschner Mountain, and bounded by Garner Road and Gopher Creek on the east, and Walburn Road on the west. The topography is a mix of moderately to strongly sloped areas, as well as some more level portions where the majority of the agricultural

activity takes place. There is an overall change in elevation of 35 m (114 feet) from the east to the west side of the property, which is a distance of approximately 0.65 km.

Existing development on the subject property consists of one single family dwelling, a barn, and two cabins. The Applicant has indicated on the application form that much of the land is either vacant or forested, with approximately 1.6 ha (4 acres) of orchard on Lot 4 (1810 Garner Road).

Parcel Size: 1810 Garner Road:	7.28 ha (17.98 ac)
1959 Walburn Road:	<u>11.33 ha (28 ac)</u>
Total;	18.61 ha (45.98 ac)

Elevation: 540 m – 505 m

BCLI Land Capability

The unimproved land classification for the subject area falls primarily into Class 4, with some Class 5, 6, and 7 as well. The predominant limiting factor for unimproved land is soil moisture deficiency, and topography. In addition, the lower class soils are further limited by depth to solid bedrock and/or rockiness. Through irrigation and other improvements, the improved land capability rating increases to Class 2 (see attached Land Capability Map) for the majority of the subject properties.

Soil Classification

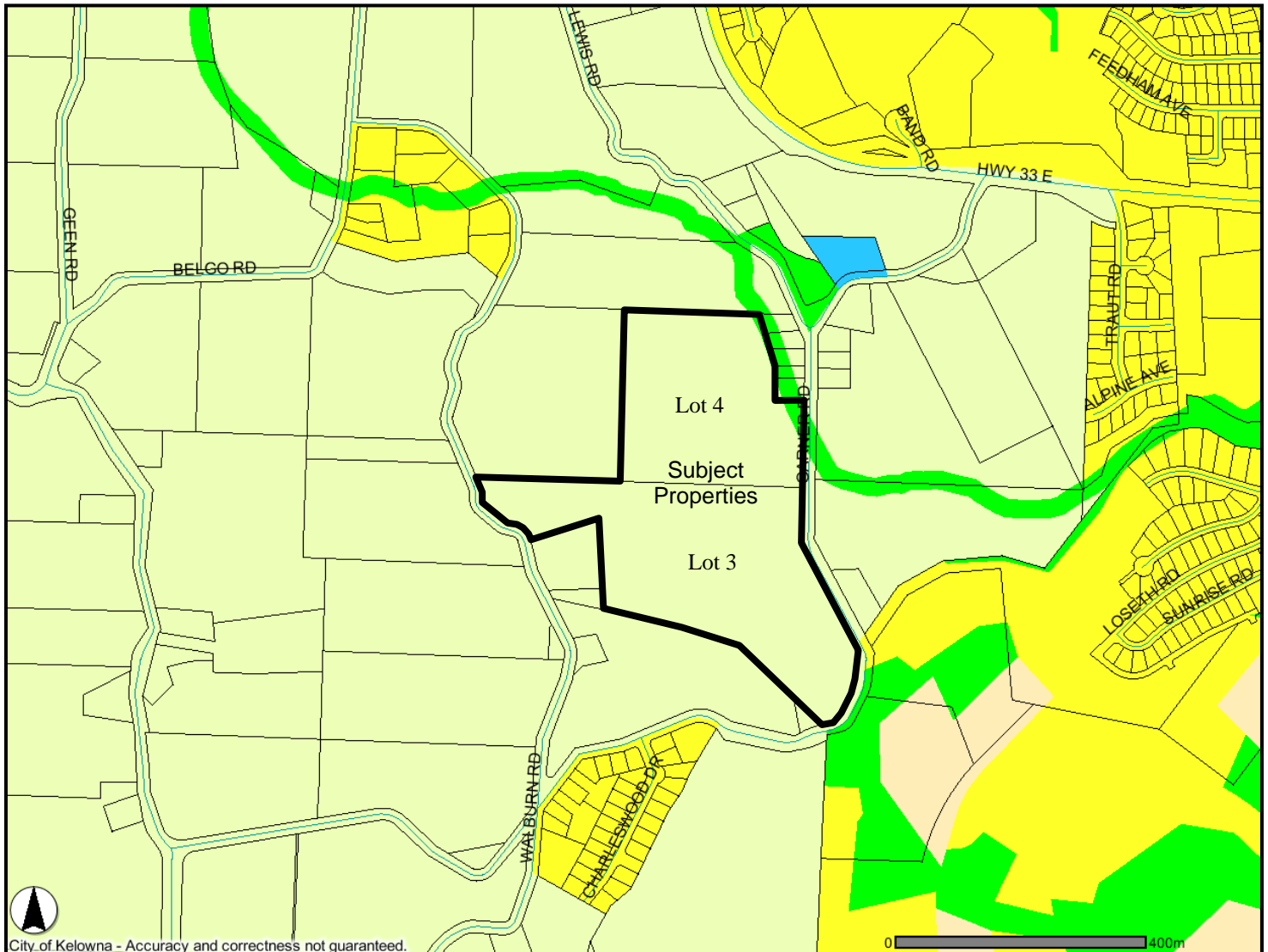
The soil classification for the subject property is almost entirely of the Harrland soil type, with small amounts of Postill soils and some exposed bedrock. The Harrland soil group is characterized by eolian veneer over gently to very steeply sloping glacial till (see attached Soil Classification Map).

Zoning of Adjacent Property

North	A1 – Agriculture 1
East	A1 – Agriculture 1
	RU1 – Large Lot Housing
	RU6 – Two Dwelling Housing
South	A1 – Agriculture 1
West	A1 – Agriculture 1

5.0 SITE MAP

Subject Properties: 1810 Garner Road, 1959 Walburn Road



6.0 POLICY AND REGULATION

6.1.1 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.

6.1.2 Kelowna 2020 – Official Community Plan

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

6.1.3

City of Kelowna Agriculture Plan

Homesite Severance – Continue to support the concept of homesite severance, consistent with Agricultural Land Commission Policy #011.

7.0 TECHNICAL COMMENTS

7.1 Parks Department

At time of subdivision, the Parks Division will seek creek dedication along Gopher Creek as outlined in the OCP Future Land Use Map. The creek dedication will include a 10 metre wide corridor measured from top-of-bank for public access as outlined in OCP Map 14.2.

7.2 Works and Utilities

No comments regarding the servicing of this proposed development. A comprehensive report will be provided at the time of subdivision if and when the ALC agrees to this proposal. It should be noted that Gopher Creek flows through the subject properties and that the channel is not protected by a right of way.

8.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

The relevant City development policies support the creation of additional lots within the Agricultural Land Reserve for the purpose of a homesite severance application that is consistent with the Land Reserve policy. Provided that the Applicant can satisfactorily demonstrate that he has continuously owned and occupied the property as his principal place of residence since December 21, 1972, then Staff would support the application, in accordance with the Agricultural Land Commission Policy #11 regarding Homesite Severances.

The historical farm yard is located in the middle of the southerly subject property (1959 Walburn Road), and does not allow for a simple subdivision that would isolate this area from the parent parcel. Consequently, the proposed 1.2 ha subdivision along Walburn Road may be more logical, provided the ALC is prepared to consider it as such (see Lot C on attached Sketch Plan of Proposed Subdivision). The parcel to be created is geographically separate, has access to a public road, and contains the least viable agricultural land on this property.

With regard to the lot line adjustment, Staff has no concerns, provided it allows for a more sensible boundary as determined by the existing topography.

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 of subject property
Sketch Plan of Proposed Subdivision
Applicant Description of Property
Application by Land Owner (2 pages)
Land Capability Map
Soil Classification Map