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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** November 2, 2005  
**File No.:** A05-0015  
**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 0.83 ha parcel from a 2.83 ha parent parcel.

**OWNERS:** Carolyn Lee  
Gillian Lee  
**APPLICANT:** Colin Lee

**AT:** 1998 – 2020 Heimlich Road  
**EXISTING ZONE:** A1 Agriculture 1  
**REPORT PREPARED BY:** Nelson Wight

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**1.0 RECOMMENDATION**

THAT Agricultural Land Reserve Appeal No. A05-0015, Lot 7 Sec. 8 Twp. 26 O.D.Y.D. Plan 22958, located on Heimlich 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.

**2.0 SUMMARY**

The Applicant is requesting permission to subdivide the parent 2.83 ha (7.0 ac) parcel into two lots, with one parcel 0.83 ha (2.1 ac) in size and one parcel 2.0 ha (4.94 ac) in size. The Applicant has provided a statement of rationale for this application, which is attached to this report (see attached letter to Bob Shaughnessy, dated May 13, 2005).

**3.0 AGRICULTURAL ADVISORY COMMITTEE**

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

THAT the Agricultural Advisory Committee NOT SUPPORT Agriculture Application A05-0015, Lot 7 Sec. 8 Twp. 26 O.D.Y.D. Plan 22958, located on Heimlich Road, Kelowna, B.C. by Colin Lee, which seeks approval from the Agricultural Land Commission for approval to subdivide a 2.83 ha parent parcel, creating one 2.0 ha parcel and one 0.83 ha parcel.

AND THAT the Agricultural Advisory Committee does not support Application A05-0015 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.

**4.0 SITE CONTEXT**

The subject property lies immediately north of Heimlich Road, which runs from the eastern edge of Mission Creek to Spiers Road, and is ½-mile south of the KLO Road crossing of Mission Creek. The land is very flat, with approximately a 1.0 m drop in elevation from the east side of the property to the west. Rumohr Creek runs through the northern portion of the property, from east to west.

Existing development on the subject property consists of two single family dwellings (one principal residence and a mobile home). There are accessory buildings on the property as well, but no information in the application as to the use of these structures (see attached “Application by Land Owner”). There is no information as to the present agricultural use of the property, but it appears that the areas outside of the two yard sites are used as pasture for horses.

Parcel Size: 2.83 ha (7.0 ac)

Elevation: 353 m – 352 m (Rumohr Creek at 351 m)

### **BCLI Land Capability**

The unimproved land classification for the subject area falls primarily into Class 4, with some Class 5 as well. The predominant limiting factor for unimproved land is excess water, due to poor drainage, high water tables, seepage, and/or runoff from surrounding areas. Consequently through improvements to drainage of these lands, the improved land capability rating on some portions increases almost entirely to Class 2 (see attached Land Capability Map copied from map 82E.083).

### **Soil Classification**

The soil classification for the subject property includes the following:

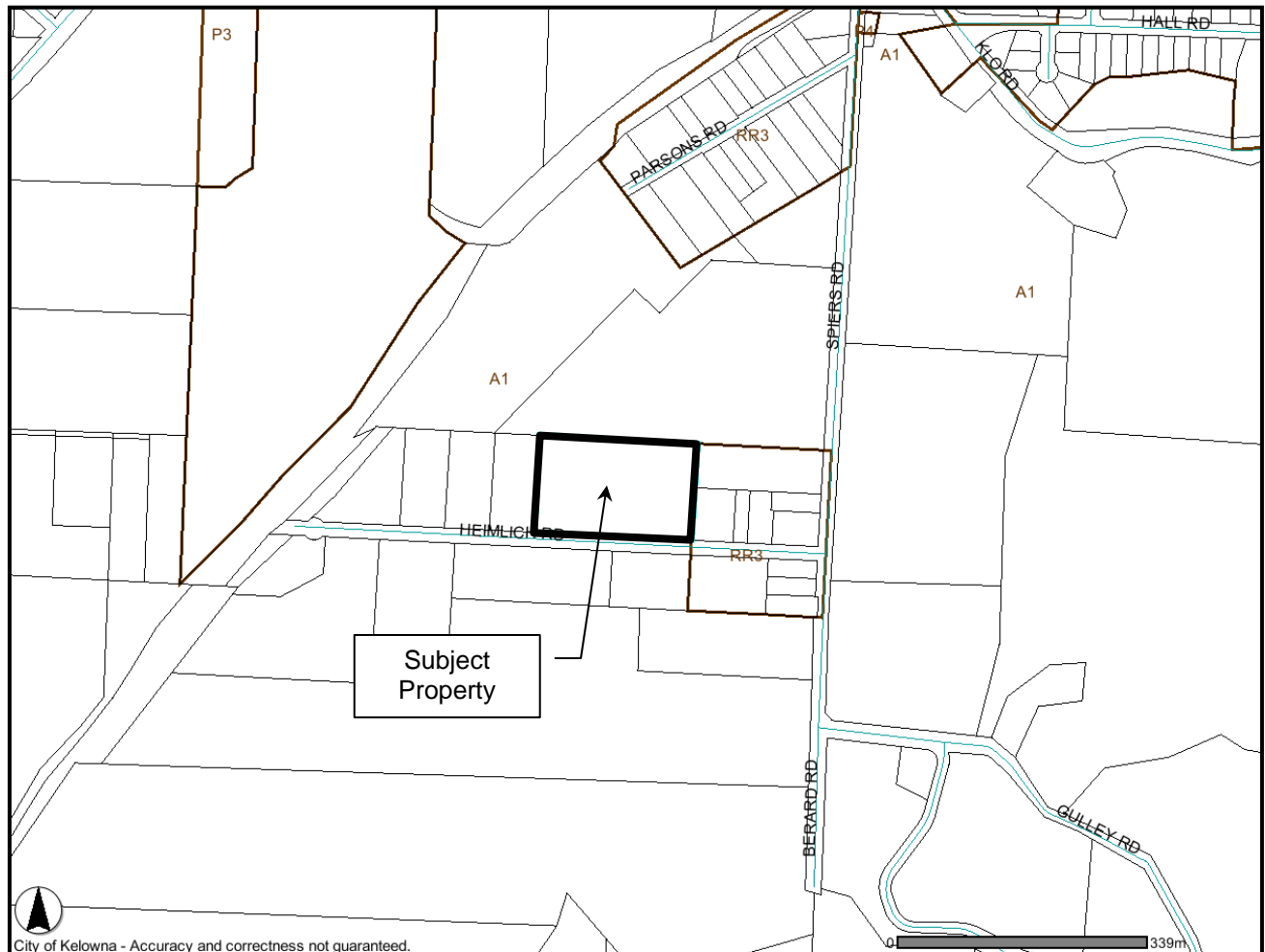
%	Soil Type	Description
56%	RH – Rumohr	<u>Land</u> : organic veneer and marl over nearly level depressional fluvial fan deposits. <u>Texture</u> : 20 to 60 cm of partially decomposed organic material and up to 50 cm of silt loam over loamy sand or fine sandy loam. <u>Drainage</u> : very poor, high groundwater table, subject to flooding.
14%	IK – Inkaneep	<u>Land</u> : nearly level to moderately sloping fluvial fan deposits. <u>Texture</u> : 100 cm or more of interbedded sandy loam, loam, and silt loam. <u>Drainage</u> : dominantly imperfect, ranging to moderately well; fluctuating groundwater table.
18%	TA – Tanaka	<u>Land</u> : nearly level and very gently sloping fluvial fan deposits. <u>Texture</u> : 20 to 100 cm of sandy loam, silt loam or silty clay loam over sandy loam or minor gravely sandy loam. <u>Drainage</u> : poor to very poor, high water table, subject to flooding.
12%	GN – Guisachan	<u>Land</u> : nearly level and very gently sloping fluvial fan deposits. <u>Texture</u> : 10 to 100 cm of silt loam, loam or sandy loam over loamy sand or very gravely loamy sand. <u>Drainage</u> : poor, fluctuating groundwater table.

### **Zoning of Adjacent Property**

North	A1 – Agriculture 1
East	RR3 – Rural Residential 3
South	A1 – Agriculture 1
West	A1 – Agriculture 1

## 5.0 SITE MAP

Subject Property: 1998 – 2020 Heimlich 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

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.

## 7.0 TECHNICAL COMMENTS

### 7.1 Works and Utilities

The drainage division noted that Rumhor Creek crosses this land. A right of way will be required at the time of subdivision. A more comprehensive report will be provided at that time.

## 8.0 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 zone, which Staff could not support.

Lastly, from a technical perspective, the Subdivision Approving Officer cannot approve any new lots less than 1.0 ha in size when on a septic tank and field disposal system, except for a homesite severance subdivision.

## 9.0 ALTERNATE RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A05-0015, Lot 7 Sec. 8 Twp. 26 O.D.Y.D. Plan 22958, located on Heimlich 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 Council.

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R. G. Shaughnessy  
Subdivision Approving Officer

Approved for inclusion ☐

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

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## ATTACHMENTS

Location of subject property  
Sketch Plan of Proposed Subdivision  
Application by Land Owner (3 pages)  
Letter of Rationale by Applicant (2 pages)  
Land Capability Map  
Soil Classification Map