
CITY OF KELOWNA
MEMORANDUM

Date: April 20, 2006
File No.: A06-0003
To: City Manager
From: Planning & Corporate Services Department
Purpose: To obtain approval from the Agricultural Land Commission to subdivide the subject property, under Section 21(2) of the *Agricultural Land Commission Act*, creating a 1 ha (2.5 ac) lot in lieu of a homesite severance lot.

OWNERS: Kasper Moser **APPLICANT:** Gordon Hoffman

AT: 1080 Gibson Road
EXISTING ZONE: A1 Agriculture 1
REPORT PREPARED BY: Danielle Noble

1.0 RECOMMENDATION

THAT Agricultural Land Reserve application No. A06-0003 for Lots 1 & 2, Plan 1515, Sec. 25, Twp 26, ODYD, located on Gibson and Morrison Roads, Kelowna, B.C. which is an application for subdivision in lieu of a homesite severance, pursuant to Section 21(2) of the *Agricultural Land Commission Act*, Not be supported by Municipal Council, for the following reasons:

1. That the existing site configuration for the current dwelling is a suitable site for a homesite severance subdivision. The intent of the policy is to accommodate existing dwellings for consideration of subdivision and to allow the property owners to maintain their principle residence location. This application does not achieve that objective.
2. That the proposed subdivision parcel allocation exceeds the lot area that is traditionally approved for homesite severances to meet the intent of ALC Policy #11.
3. That the proposed subdivision boundary does not yield the most suitable remainder as an agricultural parcel (i.e. the proposed subdivision parcel encompasses valuable agricultural land that does not fulfill the objectives of the homesite severance policy).

2.0 SUMMARY

The Applicant is requesting permission to subdivide the parent 4.0 ha (10 ac) parcel to create one 1.0 ha (2.5 ac) lot in lieu of a homesite severance lot, leaving a 3.0 ha (7.5 ac) parcel remainder. Approval for this subdivision is being sought under the Agricultural Land Commission policy respecting "homesite severance" parcels. A statement of rationale to this effect is contained within the application, which is attached to this report (see attached Application by Landowner).

3.0 AGRICULTURAL ADVISORY COMMITTEE

At a meeting held on March 16, 2006, the Agricultural Advisory Committee passed the following recommendation:

THAT the Agricultural Advisory Committee supports Agriculture Application No. A06-0003, for 1080 Gibson Road; 1145 Morrison Road, Lot 1, Plan 1515; Lot 2, Plan 1515, Sec. 36, Twp. 26, ODYD, by Gordon Hoffman, which seeks to obtain approval from the Agricultural

Land Commission to subdivide within the Agricultural Land Reserve to accommodate a homesite severance.

RATIONALE: The AAC supports this application based on the longevity of the property ownership. However, AAC questioned the proposed new road access to Lot 2 (proposed parcel for homesite severance), and the intent of selling of the remaining parcels.

4.0 SITE CONTEXT

The owner of the subject property, which is located at 1080 Gibson Road, also owns the westerly adjacent lot, addressed as 1145 Morrison Road. Both lots have been part of a family farm since the 1940's, and were transferred to the present owner in 1969. Although there are two properties, the land is farmed together, with the owner's home and associated farm buildings located on 1145 Morrison Road. The property at 1080 Gibson Road, which is the subject of this application, is entirely in agricultural production, and has no buildings on it.

The owner proposes to create a 1.0 ha (2.5 ac) parcel in lieu of a homesite severance parcel and construct a new residence and have enough land on this portion of land to establish a small peach orchard.

Parcel Size: 4.0 ha (10 ac)
 Elevation: 454 m – 489m

BCLI Land Capability

The unimproved land classification for the subject area falls primarily into Class 5, with some Class 6 as well. The predominant limiting factor for unimproved land is "soil moisture deficiency". Consequently, with irrigation the improved land capability rating increases mostly to Class 1 (80%), with about 20% of the subject property increasing to Class 3 (see attached Land Capability Map copied from map 82E.094).

Soil Classification

The soil classification for the subject property includes the following:

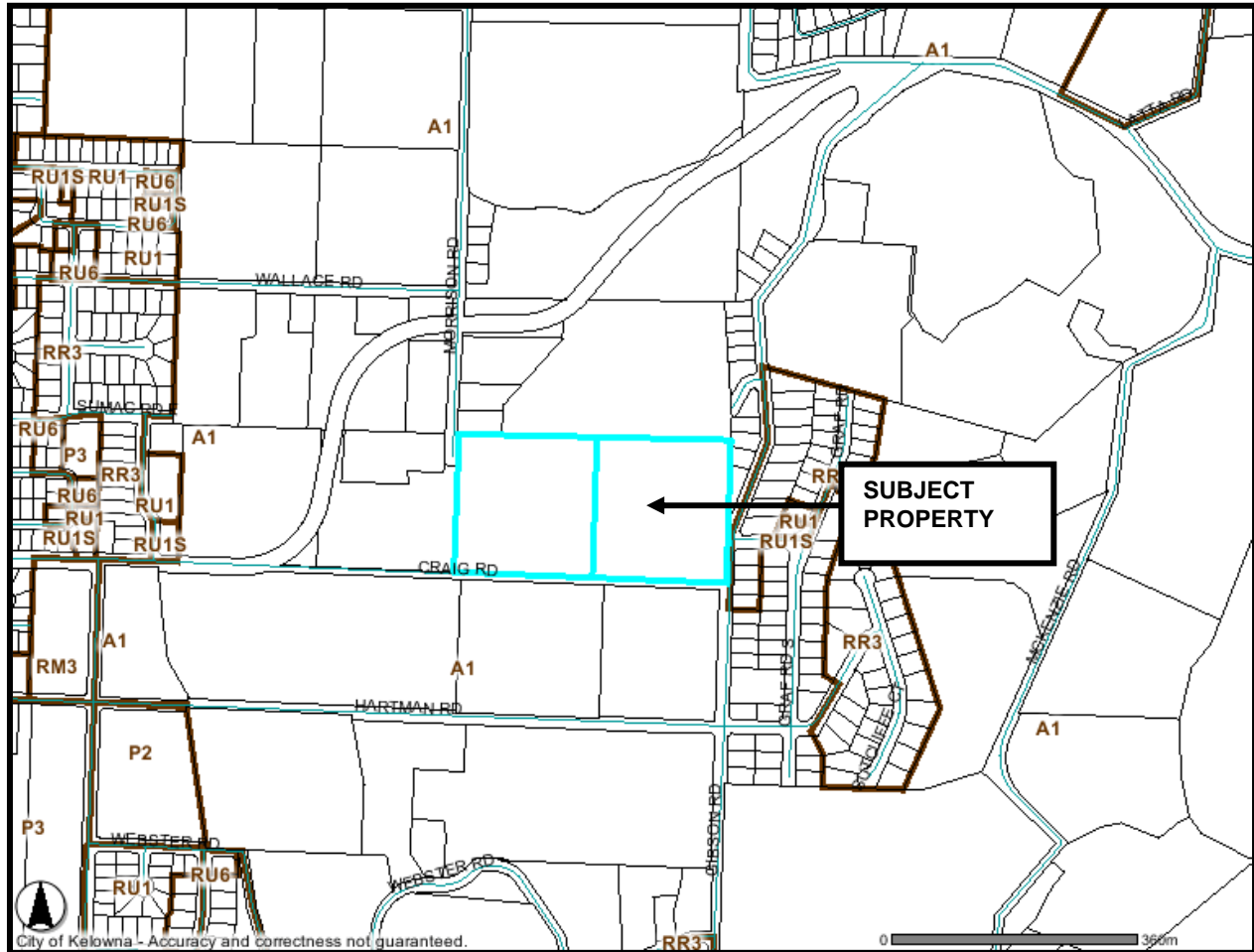
%	Soil Type	Description
80%	KE - Kelowna	<u>Land</u> : moderately and strongly sloping glacial till. <u>Texture</u> : 10 to 30 cm of loam or sandy loam veneer over gravely sandy loam or gravely loam. <u>Drainage</u> : well
20%	R - Rutland	<u>Land</u> : very strongly to strongly sloping fluvioglacial deposits. <u>Texture</u> : 10 to 25 cm of sandy loam or loamy sand over gravely loamy sand or very gravely sand <u>Drainage</u> : rapid

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: 1080 Gibson 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

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.

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

6.0 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. The property owner appears to qualify for a homesite severance, given that he has owned the property since 1969. The ALC policies respecting homesite severance applications list the two options for homesite severance as follows:

1. The existing homesite may be created as a separate parcel where it is of a minimum size compatible with the character of the property (plus a reasonable area, where required, for legal access purposes); or
2. Where the location of the existing homesite is such that the creation of a parcel encompassing the homesite would, in the Commission's opinion, create potential difficulty for the agricultural operation or management of the "remainder", the Commission may, as it deems appropriate, approve the creation of a parcel elsewhere on the subject property.

The layout and configuration of the current parcel accommodating the existing single family dwelling is considered suitable for a homesite severance. There are no logical restrictions that would require the homesite severance to be relocated on either of the two adjacent properties. Therefore, allocating an alternative homesite severance approval would prove to work at a cross-purpose to the intent of the ALC policy. The proposed lot area requested also may compromise the agricultural integrity of the parcel remainder.

7.0 ALTERNATE RECOMMENDATION

THAT Agricultural Land Reserve application No. A06-0003 for Lots 1 & 2, Plan 1515, Sec. 25, Twp 26, ODYD, located on Gibson and Morrison Roads, Kelowna, B.C. which is an application for subdivision in lieu of a homesite severance, 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/DN/dn

ATTACHMENTS

Location of subject property
ALR Map
Air Photo
Sketch Plan of Proposed Subdivision
Application by Land Owner (2 pages)
Land Capability Map
Soil Classification Map