
**CITY OF KELOWNA
MEMORANDUM**

Date: April 26, 2006
File No.: A06-0009
To: City Manager
From: Planning & Corporate Services Department
Purpose: To obtain approval from the Agricultural Land Commission to subdivide a 7.36 ha parcel to accommodate a home-site severance lot 1.73 ha in size.
OWNERS: Third Endeavour Inc. and Ruth Stirling **APPLICANT:** Dave Stirling
AT: 3865 Spiers Rd.
EXISTING ZONE: A1 Agriculture 1
REPORT PREPARED BY: Danielle Noble

1.0 RECOMMENDATION

THAT Agricultural Land Reserve application No. A06-0009 for Lot 138, Section 4, Twp 26, ODYD, Plan 1247 Except Plans H15296 and 39975, 3865 Spiers Rd., Kelowna, B.C. which is an application for a homesite severance subdivision, 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 subdivide the parent 7.25 ha (17.9 ac) parcel into two lots, to facilitate the creation of a home site severance lot 1.73 ha (4.27 ac) in size. The Applicant has provided a statement of rationale for this application, which is attached to this report (see attached "Application by Landowner").

3.0 AGRICULTURAL ADVISORY COMMITTEE

At a meeting held on April 20, 2006, the Agricultural Advisory Committee passed the following motion:

THAT the Agricultural Advisory Committee supports Application # A06-0009, which seeks to obtain permission 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. Additionally, the northern portion of the property has limiting topography, thereby restricting the viable agricultural use of this portion of the proposed homesite severance lot.

4.0 SITE CONTEXT

The subject property is located in Southeast Kelowna, having frontage on both Spiers Rd to the west, and Gulley Road to the north. Uniquely, the property is naturally divided by Hart Road allowing for a logical property separation. The land for proposed Lot 1 has the most limiting topography on the northeast portion. The current uses on the subject property vary, but are predominantly occupied by an apple orchard, hayfield, and forested ravine.

Existing development comprises one single family dwelling along with accessory buildings on proposed Lot 1, having driveway access via Spiers Rd.

Parcel Size: 7.25 ha (17.9 ac)

Elevation: 480 m – 425 m

BCLI Land Capability

The unimproved land classification for the northern portion of the property falls primarily into Class 6, with the remainder falling into Class 7 as well. Class 6 land capability is considered non-arable but is capable of producing native and/or uncultivated perennial forage crops. Class 7 land has no capability for arable culture or sustained natural grazing. The predominant limiting factor for unimproved land is “adverse topography” with “soil moisture deficiency” having a lesser impact. For this section of land, insignificant upgrades are gained with modified improvement practices. However, for proposed lot 1, the classification is solely Class 5, noting limitations that restrict capability to produce perennial forage crops or other specially adapted crops. The subclass limitation is predominantly ‘soil moisture deficiency’. Consequently, with irrigation the improved land capability rating increases mostly to Class 3 (70%), with about 30% of the subject property increasing to Class 3 still restricted with soil moisture deficiency limitations (see attached Land Capability Map).

Soil Classification

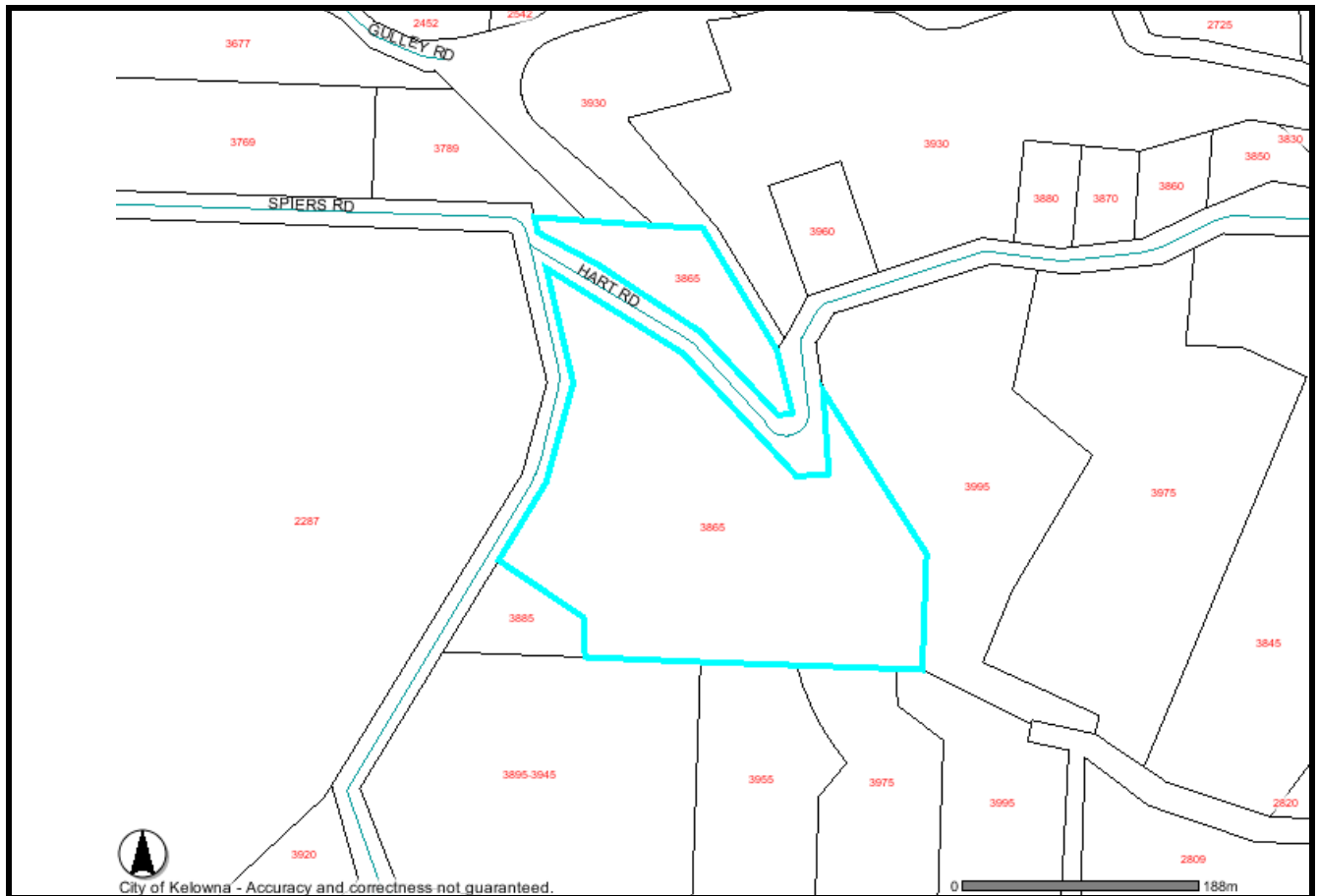
The soil classification for the subject property includes the following:

%	Soil Type	Description
70%	GM – Gammill (north eastern portion)	<u>Land</u> : very gently to extremely sloping fluvioglacial deposits. <u>Texture</u> : 10-25 cm of sandy loam or loamy sand over very gravely loamy sand or very gravely sand. <u>Drainage</u> : rapid.
30%	PE- Paradise (north eastern portion)	<u>Land</u> : nearly level to very steeply sloping fluvioglacial deposits. <u>Texture</u> : 25-60 cm of sandy loam or loamy sand over gravely loamy sand or very gravely sand. <u>Drainage</u> : rapid.
100%	PR –Parkill (southern portion)	<u>Land</u> : very gently to strongly sloping fluvioglacial deposits. <u>Texture</u> : 100 cm or more of loamy sand or sand. <u>Drainage</u> : rapid.

Zoning of Adjacent Property

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

5.0 SITE MAP



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 PLANNING AND DEVELOPMENT SERVICES COMMENTS

The relevant City policy documents noted above support the creation of additional lots within the Agricultural Land Reserve for home site severance applications that are consistent with *Agricultural Land Commission Policy #11 - HOMESITE SEVERANCE ON ALR LANDS*. The intent of this application and property ownership meet the objectives of that policy.

The layout and configuration of the current parcel accommodating the existing single family dwelling is considered suitable for a homesite severance. Notably, it is situated on a corner of the proposed homesite severance parcel, and minimizes any immediate impact on the remaining parcel. The northern portion of the parent property proposed to be tied to the homesite severance parcel has no recorded history of agricultural production according to the applicant, and logistically would be difficult to retain with the viable agricultural parcel.

R. G. Shaughnessy
Subdivision Approving Officer

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

RGS/DN

ATTACHMENTS (11 pages) (not provided on the electronic version of this report)

Location of subject property
Aerial Photo
Letter of Rationale (2 pages)
Application by Land Owner (2 pages)
Appendix 1 (from Applicant application)
Appendix 2 (from Applicant application)
Certificate of Indefeasible Title (2 pages)
Land Capability Map
Soil Classification Map