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

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**Date:** July 5, 2006  
**File No.:** A06-0004  
**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*, to subdivide a 4.8 ha (12 ac) parent parcel, creating a 1.2 ha (3 ac) homesite severance parcel and a 3.6 ha (9 ac) parcel remainder.

**OWNERS:** Herman & Grace  
Brundula  
**APPLICANT:** Protech Consultants

**AT:** 688 Webster Road  
**EXISTING ZONE:** A1 Agriculture 1  
**REPORT PREPARED BY:** Danielle Noble

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**1.0** **RECOMMENDATION**

THAT Agricultural Land Reserve application No. A06-0004 for Lot 34, Section 25 & 26, ODYD, Plan 264, except Plans 3596, 5136, 14324 and 35135, located on Webster Road, Kelowna, B.C. which is an application to subdivide the subject property, pursuant to Section 21(2) of the *Agricultural Land Commission Act*, not be supported by Municipal Council, for the following reasons:

1. That the subdivision parcel allocation exceeds the lot area that is traditionally approved for homesite severances to meet the intent of ALC Policy #11.
2. That the proposed subdivision boundary does not yield the most suitable remainder as an agricultural parcel (i.e. the homesite severance parcel incurs valuable agricultural land that does not fulfill the objectives of the homesite severance policy).
3. That the rural home based business that is currently situated in an accessory building of 350 m<sup>2</sup> (3,800 ft<sup>2</sup>) in size, exceeds the A1 zoning requirements.

**2.0** **SUMMARY**

The Applicant is requesting permission to subdivide the parent 4.8 ha (11.9 ac) parcel into a 1.2 ha (2.9 ac) homesite severance parcel and a 3.7 (9.0 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 motion:

THAT the Agricultural Advisory Committee supports Agriculture Application No. A06-0004, for 688 Webster Road, Block 34, Sections 25 and 26, Township 26, ODYD, Plan 264, except plans 3596, 5136, 14324 and 35135, by Protech Consultants Ltd. (Grant Maddock),

which seeks to obtain approval from the Agricultural Land Commission to subdivide within the Agricultural Land Reserve to accommodate a homesite severance.

**RATIONALTE:** The AAC supports this application based on the Applicant's date of purchase for the subject property being prior to the creation of the ALR. Additionally, there is an established buffer that separates the use of the Applicant's business shop and the neighbouring school site. The AAC recommends that the Applicant provide further information regarding the detailed use of the shop and level of receptiveness to decreasing the shop size to a conforming size that is limited to 100 m<sup>2</sup> of floor area for a rural home based business.

#### 4.0 SITE CONTEXT

The subject property is located in the Rutland Sector Area of the City, having frontage on both Hartman and Webster Roads. The current use is predominantly an apple orchard.

Existing development on the subject property consists of a single detached dwelling, and various accessory buildings (see attached Sketch of Subject Property). The proposed lot subdivision assigns the new property line that bisects existing structures. The remainder of the parcel is dedicated for orchard use.

Parcel Size: 4.8 ha (11.9 ac)  
Elevation: 416 m – 454m

#### **BCLI Land Capability**

The unimproved land classification for the subject area consists of a mix of Class 5 (42%), Class 6 (38%), and Class 3 (20%). The predominant limiting factor for unimproved land is "soil moisture deficiency", with "undesirable soil structure and/or low perviousness" having a minor impact. Consequently, with irrigation the improved land capability rating increases mostly to Class 3 (72%), with about 28% of the subject property increasing to Class 2 (see attached Land Capability Map copied from map 82E.084).

#### **Soil Classification**

The soil classification for the subject property includes the following:

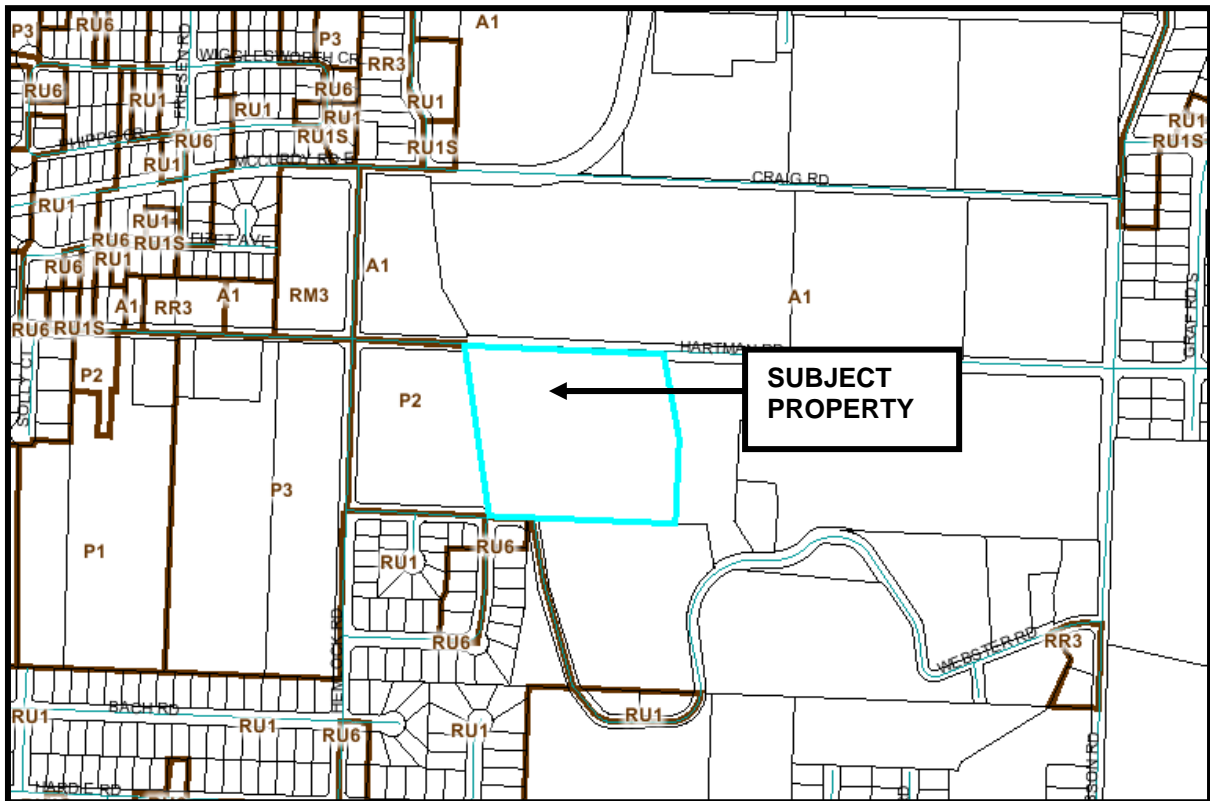
%	Soil Type	Description
42%	KE - Kelowna	<u>Land</u> : moderately and strongly sloping glacial till. <u>Texture</u> : 10 to 30 cm of loam or sandy loam veneer over gravelly sandy loam or gravelly loam. <u>Drainage</u> : well
38%	R - Rutland	<u>Land</u> : very strongly to strongly sloping fluvioglacial deposits. <u>Texture</u> : 10 to 25 cm of sandy loam or loamy sand over gravelly loamy sand or very gravelly sand <u>Drainage</u> : rapid
20%	GL - Glenmore	<u>Land</u> : nearly level to moderately sloping stratified glaciolacustrine sediments. <u>Texture</u> : 100 cm or more of silt loam, silty clay loam or clay loam. <u>Drainage</u> : well to moderately well.

## Zoning of Adjacent Property

North	A1 – Agriculture 1
East	A1 – Agriculture 1
South	A1 – Agriculture 1, RU6- Two Dwelling Housing
West	P2 – Education and Minor Institutional

## 5.0 SITE MAP

Subject Property: 688 Webster Rd.



## 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

**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.

## 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 the purpose of a home site severance application that is consistent with the *Agricultural Land Commission Policy #11 - HOMESITE SEVERANCE ON ALR LANDS*. This application appears to be questionable with regards to the intent of that policy.

Staff have concerns with the following elements of this application:

1. The ALC policy regarding homesite severances states that, “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)”. The proposed homesite severance parcel appears to encompass additional lands that may be better left with the remainder parcel to meet good land use criteria and not compromise the agricultural productivity of the remaining parcel. The land area requested for the severance site exceeds what is traditionally accepted under the intent of the ALC policy;
2. The building labelled as “woodwork shop” is approximately 350 m<sup>2</sup> (3,800 ft<sup>2</sup>) in size. Although “home-based, rural” is a secondary use under the current A1 zoning of this parcel, it is limited to a floor area of not more than 100 m<sup>2</sup>. The Applicant has provided Staff with the following items to legitimize the woodwork shop: i) Building Permit application to erect a garage/workshop, dated May 8/1973; ii) application to renovate the accessory building, dated September 9, 1976; and application for City Business license , dated July 1, 1977. While the zoning bylaw requirements have changed substantially from the dates of these previous approvals, it confirms that the workshop was legally applied for and added onto as a cabinet shop. However, continued use of the woodwork shop may become the primary use, rather than a secondary use under the current A1 zoning, which may influence future agricultural viability of the parcel and work at a cross-purpose to the ALC objectives.

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R. G. Shaughnessy  
Subdivision Approving Officer

Approved for inclusion ☐

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Acting Director of Planning & Development Services

RGS/DN

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### **ATTACHMENTS**

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