
CITY OF KELOWNA
MEMORANDUM

Date: July 13, 2006
File No.: A06-0013
To: City Manager
From: Planning & Development Services Department
Purpose: To obtain approval from the Agricultural Land Commission to exclude the subject property from the Agricultural Land Reserve under Section 30(1) of the *Agricultural Land Commission Act*.
OWNERS: Patrick Munson, Timothy Munson, Wendy Munson and Stephen Munson
APPLICANT: Joe Maciel
AT: 2850 Burtch Road
EXISTING ZONE: A1 Agriculture 1 Zone
REPORT PREPARED BY: Corine (Cory) Gain, MCIP, CPT

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Application No. A06-0013 for property located at 2850 Burtch Road and legally described as: Lot A District Lot 130 Osoyoos Division Yale District Plan KAP78252 requesting exclusion of the subject property from the Agricultural Land Reserve, pursuant to Section 30(1) of the *Agricultural Land Commission Act*, NOT be supported by Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

2.0 SUMMARY

The Applicant is requesting permission to exclude the 1.76 ha. subject property from the Agricultural Land Reserve. The rationale for this application is outlined in the Applicant's letter and the report provided by Herb Luttmerding, P.Ag. both of which are attached to this report.

3.0 AGRICULTURAL ADVISORY COMMITTEE

The Agricultural Advisory Committee passed the following recommendation at their meeting of June 8, 2006:

"THAT the Agricultural Advisory Committee not support the application for exclusion of Lot A, Plan 78252, Sec. 18, Twp. 26, ODYD because the value of prime farmland is recognized;

FURTHER

The AAC expressed sympathy with the reasons for the application, as the urban/rural conflict was created by the City in dedicating the Burtch Road extension and it has left this piece of land in a very precarious position in terms of preserving agricultural land;

AND FURTHER

It would be appreciated if the City would avoid creating similar situations that place valuable agricultural land in a risk situation.”

4.0 SITE CONTEXT

The subject property is located to the west of the planned Burtch Road extension from Byrns Road to K.L.O. Road. The property was created when approximately 2.4 ha. of the 4 ha. parent property was acquired by the City of Kelowna for road and park land purposes.

Parcel Size: 1.789 ha. (4.42 ac.)

Elevation: 349 m to 350 m GSC

Zoning of Adjacent Property

North A1 – Agriculture 1

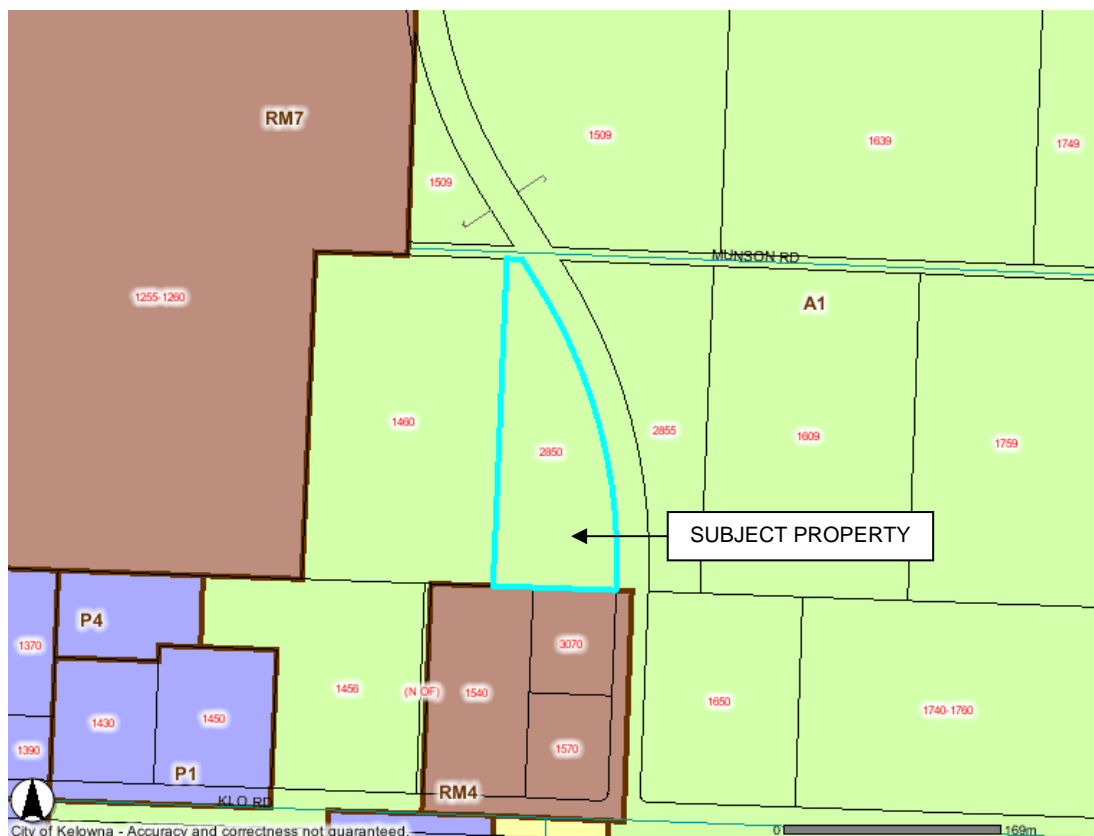
East A1 – Agriculture 1

South RM-4 Transitional Low Density Housing

West A1 – Agriculture 1

5.0 SITE MAP:

Subject Property: 2850 Burtch Road – Generalized Zoning Map



BCLI Land Capability for Agriculture & Soil Classification

Refer to the information related to soils, landscapes, climate capability and land capability for agriculture provided by Mr. Herb Luttmerding, P.Ag. in his letter/report to the applicant dated May 22, 2006

6.0 POLICY AND REGULATION

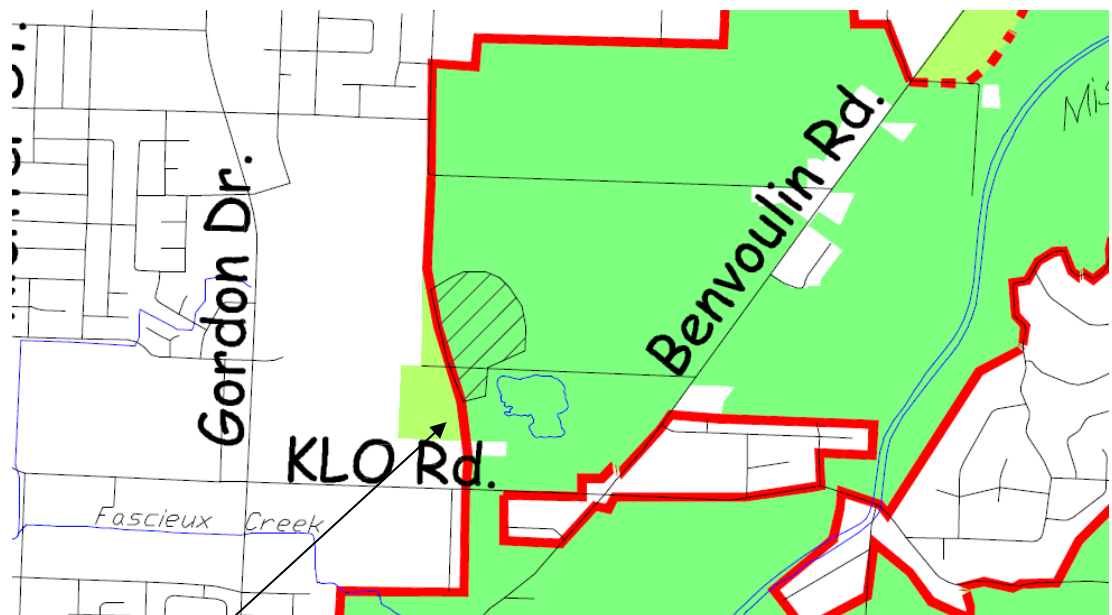
4.1 City of Kelowna Strategic Plan

A primary goal of the Strategic Plan is to preserve viable agricultural holdings as an integral part of our community.

4.2 Kelowna 2020 – Official Community Plan

While the OCP identifies the subject property as ALR land, it has been given the map designation of “ALR lands proposed for non-farm use”. As such, while the OCP is not supportive of an application for exclusion of the subject property from the ALR, it does entertain the possibility of transitional uses that would be complementary to the agricultural uses/farm operations located to east and south and the existing urban development to the west and south. However, the OCP makes it clear that “consideration of such uses should not be construed as support for subdivision to smaller parcels. In general the OCP discourages the subdivision of agricultural land into smaller parcels, except where positive benefits to agriculture can be demonstrated.

Excerpt from OCP Map 11.2 Urban – Rural Agricultural Boundaries



SUBJECT PROPERTY

4.3 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.

Defined Urban – Rural/Agricultural Boundary – Confirm support for the Agricultural Land Reserve and establish a defined urban – rural/agricultural boundary... utilizing existing roads, topographic features, or watercourses wherever possible.

Farmland Preservation – Direct urban uses to land within the urban portion of the defined urban-rural/agricultural boundary, in the interest of reducing development and speculative pressure, toward the preservation of agricultural lands and discourage further extension of existing urban areas in agricultural lands.

Transition Uses – Consider complementary agricultural uses as a transition between existing urban development and farm operations, with consideration of such uses not to be construed as support for subdivision to smaller parcels.

Burtch/Munson Road – Pursue a memorandum of agreement with the respective property owners and the Land Commission toward resolution of road network and ALR status issues for lands to the west of the proposed Burtch Road extension in the Munson Road area.

The road dedication for the Burtch Road extension has been acquired by the City of Kelowna. The ALR designation of the subject property remains unchanged.

7.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

As noted in the policy section above, the OCP and Agricultural Plan do not support applications for exclusion of land from the ALR. However, the plans do provide for transitional uses on the subject property.

The Planning and Development Services Department cannot supported the application at this time, but that the City of Kelowna should, as directed in the Agricultural Plan, “continue to pursue a memorandum of agreement with the respective property owners and the Agricultural Land Commission toward resolution of the road network and ALR status issues.” In light of the direction provided by the Agricultural Plan “it may be premature to consider this application without some discussion on the broader implications of exclusion and future urban use of this area”.

Any non-agricultural use of the property would necessitate both OCP and Zoning bylaw amendments.

8.0 ALTERNATE RECOMMENDATION

THAT Agricultural Land Reserve Application No. A06-0013 for property located at 2850 Burtch Road and legally described as: Lot A District Lot 130 Osoyoos Division Yale District Plan

KAP78252 requesting exclusion of the subject property from the Agricultural Land Reserve, pursuant to Section 30(1) of the *Agricultural Land Commission Act*, be supported by Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

R. G. Shaughnessy
Subdivision Approving Officer

RGS/cg

ATTACHMENTS

Location Map
ALR Map
OCP Map 11.2 Urban – Rural Agricultural Boundaries Map
Future Land Use Map
Generalized Zoning Map
Orthophotos (2)
Contour Map
Application by Land Owner (Relevant pages selected)
Report from H.A. Luttmerding, P.Ag. dated May 22, 2006
Land Capability Map
Soil Classification Map