
CITY OF KELOWNA
MEMORANDUM

Date: June 30, 2006
File No.: A06-0014
To: City Manager
From: Planning & Development Services Department
Purpose: To obtain approval from the Agricultural Land Commission to allow an approximately .4 ha. homesite severance/subdivision from the subject property under Section 21(2) of the *Agricultural Land Commission Act*.
OWNERS: Frank & Eileen Teather **APPLICANT:** Don Teather
AT: 1485 McKenzie Road
EXISTING ZONE: A1 Agriculture 1 Zone
REPORT PREPARED BY: Corine (Cory) Gain, MCIP, CPT

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Application No. A06-0014 for property located at 1485 McKenzie Road and legally described as: Lot 2 Section 36 Township 26 Osoyoos Division Yale District Plan 23935 Except Plan KAP53090 requesting a homesite severance subdivision of the subject property pursuant to Section 21(2) of the *Agricultural Land Commission act* 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 subdivide a .4 ha. homesite lot from the 4.0 ha. property utilizing Agricultural Land Commission (ALC) Policy #11 Homesite Severance on ALR Lands and Section 946 of the *Local Government Act*. A copy of ALC Policy #11 is attached to this report.

3.0 AGRICULTURAL ADVISORY COMMITTEE

The Agricultural Advisory Committee SUPPORTS Application A06-0014 which seeks to obtain approval from the Agricultural Land Commission to subdivide within the Agricultural Land Reserve to accommodate a homesite severance under Section 21(2) of the *Agricultural Land Commission Act* on property located at 1485 McKenzie Road and legally described as: Lot 2 Section 36 Township 26 Osoyoos Division Yale District Plan 23935 Except Plan KAP53090.

4.0 SITE CONTEXT

The subject property is located in North East Rutland at 1485 McKenzie Road.

There is an existing single family dwelling and associated accessory buildings (large implement shed, a greenhouse and storage shed) located near the center of the property. Most of the property is characterized by slopes ranging from zero to 20%. The property is moderately sloping, except along the southern portion fronting McKenzie Road where the slopes reach greater than 45% at the south-eastern boundary of the property.

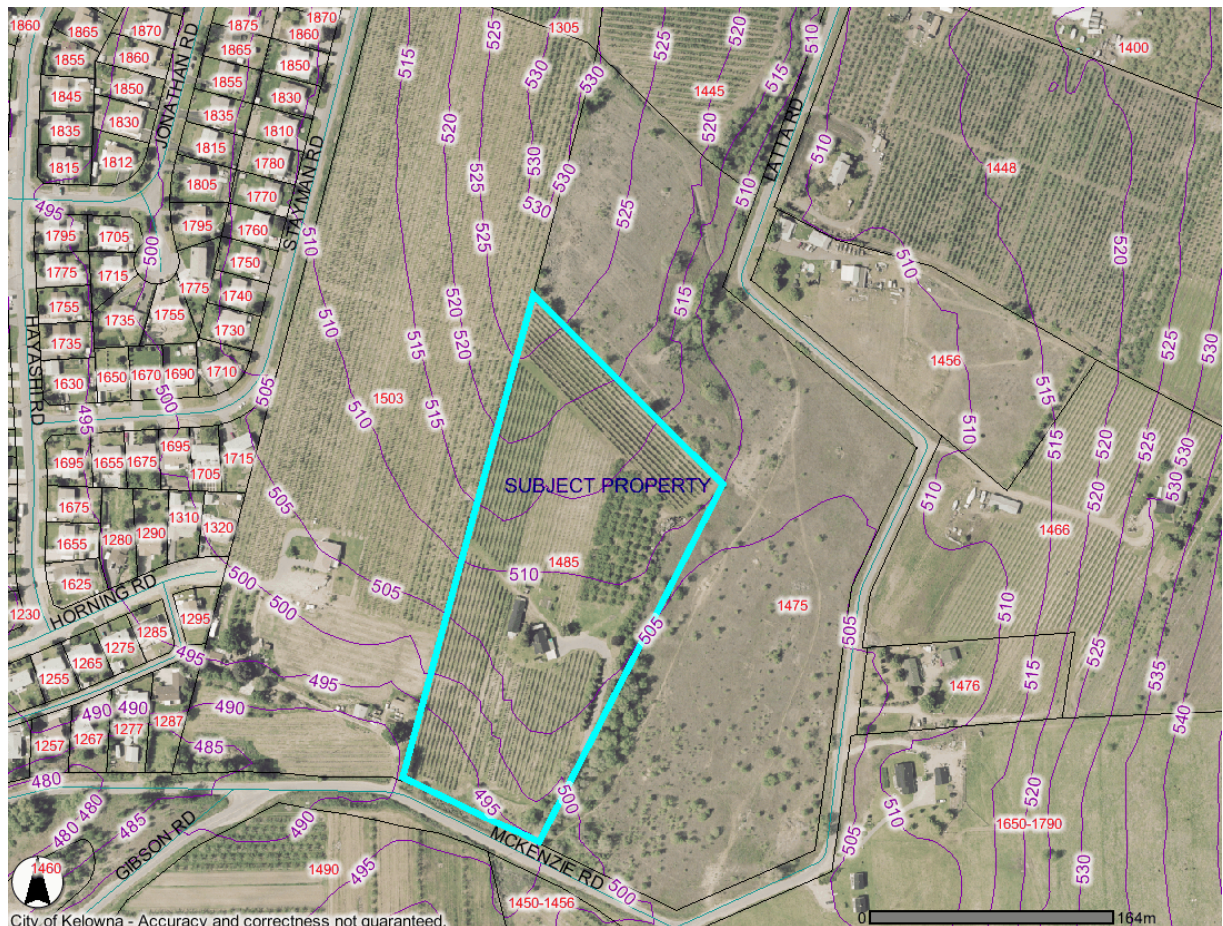
Parcel Size: 4.0 ha. (10.0 ac.)
Elevation: 490 m to 527 m GSC

Zoning of Adjacent Property

| | |
|-------|--|
| North | A1 – Agriculture 1 & RR1 Rural Residential 1 |
| East | RR1 Rural Residential 1 |
| South | A1 – Agriculture 1 |
| West | A1 – Agriculture 1 |

5.0 SITE MAP:

Subject Property: 1485 McKenzie Road



BCLI Land Capability for Agriculture (1: 20,000)

*The westerly portion of the parcel is identified on the BC Land Capability for Agriculture Map as having an unimproved rating of 0:4A (7:2A 3:*2A) and 0:5A (6:*3AT 4:*2AT) indicating the following:*

- *Most northerly 2/3 of the property: 100% Class 4A: "Land in this Class has limitations that require special management practices or severely restrict the range of crops, or both" and "Soil Moisture Deficiency – Crops are adversely affected by droughtiness cause by low soil water holding capacity or insufficient precipitation";*
- *Southern 1/3 of the property: 100% 5A: "Land in this class has limitations that restrict its capability to produce perennial forage crops or other specially adapted crops" and "Soil Moisture Deficiency – Crops are adversely affected by droughtiness cause by low soil water holding capacity or insufficient precipitation";*

*The improved rating is 7:2A 3:*2A indicating the following:*

- *Northerly 2/3 of the property: 70% Class 2A: "Minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both" and "Soil Moisture Deficiency";*
- *Northerly 2/3 of the property: 30% Class 2A: "Modified topographic and/or stoniness classes have been applied to this portion of the polygon", "Minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both", and*
- *Southerly 1/3 of the property: 60% Class *3AT: "Modified topographic and/or stoniness classes have been applied to this portion of the polygon", "Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both", "Soil Moisture Deficiency: Crops are adversely affected by droughtiness caused by low soil water holding capacity or insufficient precipitation" and Topography: Soils are limited by steepness or pattern of slopes which hinders the use of farm machinery, decreases the uniformity of growth and maturity of crops, and/or increases the potential for water erosion".*
- *Southerly 1/3 of the property: 40% *2AT: "Modified topographic and/or stoniness classes have been applied to this portion of the polygon", "Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both", "Soil Moisture Deficiency: Crops are adversely affected by droughtiness caused by low soil water holding capacity or insufficient precipitation" and Topography: Soils are limited by steepness or pattern of slopes which hinders the use of farm machinery, decreases the uniformity of growth and maturity of crops, and/or increases the potential for water erosion".*

Soil Classification (1: 20,000)

The soil classification for the northern 2/3 of the subject property is 00Y, denoting that 100% of the soils in this area are "Oyama". "Oyama" soils are characterized by land that is very gently to extremely sloping fluvioglacial deposits. The texture of the soil is described as "100 cm or more of sandy loam or loamy sand grading to sand". The soils are also characterized by rapid drainage.

The soil classification for the southern 1/3 of the property is 6AC/40Y, denoting that 60% of the soils in this area are "Acland Creek" and 40% are "Oyama". "Acland Creek" soils are characterized by land that is gently and moderately sloping fluvioglacial deposits.

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

Discourages the subdivision of agricultural land into smaller parcels, except where positive benefits to agriculture can be demonstrated.

4.3 City of Kelowna Agriculture Plan

The Plan states: "The City of Kelowna should continue to support the concept of home site severance consistent with the Land Commission Policy #025/78 (*now Policy #11*), to allow farmers to retire or sell the property and retain the homesite, and thereby make the balance of the property available for others to expand or enter the farm business.

7.0 WORKS AND UTILITIES COMMENTS

Works and Utilities has no comments at this point in time with regard to this application, however, a comprehensive report will be provided at the time of development application if and when the Agricultural Land Commission agrees to the proposed development.

8.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

The applicant seeks permission to subdivide a .4 ha. homesite lot from the 4.0 ha. parent property. The property has been owned by the applicants since 1971. While the OCP and Agricultural Plan do not support applications for subdivision of land within the ALR, there is statement in the Agricultural Plan that supports homesite severance applications where the ALC policies and regulations can be satisfied.

A previous application submitted in February 2000 was supported by the Agricultural Advisory Commission subject to a panhandle configuration. It was recognized that both the OCP and the Agriculture Plan support the principle of homesite severance as a way to realize the objective of farmland retention. The application was not successful because the property owner proposed a 1.2 ha. homesite lot, which was considered to be excessive.

The original 2006 submission by the property owners proposed the same layout as the 2000 submission. However, since the file was accepted, Mr. Teather has passed away. Mrs. Teather has appointed their son Donald Teather to act as agent on the current application. A new proposed layout has been submitted requesting a .4 ha. panhandle homesite severance lot. The new layout is consistent with the comments from the Agricultural Advisory Commission and the Agricultural Land Commission in response to the earlier application.

R. G. Shaughnessy
Subdivision Approving Officer

RGS/cg

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ATTACHMENTS

ALC Application by Land Owner

Additional Information submitted in support of the application including a MLS Contract

Photographs submitted by the applicant in support of the application

Proposed Subdivision Plan

ALR Map

Orthophoto (1: 10 886)

Orthophoto (1: 3 447)