
**CITY OF KELOWNA
MEMORANDUM**

Date: August 10, 2006
File No.: A06-0017
To: City Manager
From: Planning & Development Services Department
Purpose: To obtain approval from the Agricultural Land Commission to subdivide the parent parcel of 4.13 ha to accommodate a home-site severance parcel of 0.4 ha.
OWNERS: Marion Dorothy
Lakusta **APPLICANT:** Bryan Everett Lakusta
AT: 415 Old Vernon Rd.
EXISTING ZONE: A1 Agriculture 1
REPORT PREPARED BY: Danielle Noble

1.0 RECOMMENDATION

THAT Agricultural Land Reserve application No. A06-0017 for Lot 43, Sec. 35, Twp 26, ODYD, Plan 425, located on Old Vernon Road, Kelowna, B.C., which is an application for a homesite severance, 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 4.3 ha (10.2 ac) parcel into two lots, to facilitate the creation of a home site severance parcel size of 0.4 ha (1.0 ac). 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 August 3, 2006, the Agricultural Advisory Committee passed the following motion:

THAT the Agricultural Advisory Committee SUPPORTS Application A06-0017 which seeks to obtain approval from the Agricultural Land Commission to subdivide within the Agricultural Land Reserve to accommodate a 0.4 ha homesite severance from the 4.3 ha subject property under Section 21(2) of the *Agricultural Land Commission Act* on property located at 415 Old Vernon Road and legally described as Lot 43, Sec. 35, Twp 26, ODYD, Plan 425.

RATIONALE: The AAC supports this application based on the Applicant's date of purchase of the property, current soil limitations, and likelihood of future sewer connection requirements to facilitate the subdivision.

4.0 SITE CONTEXT

The subject property is located on the south side of Old Vernon Rd., east of Rutland Rd. N. Notably, the property is situated across from a light industrial park. However, lands bordering all other boundaries of the subject property are within the ALR. The current use on the subject property is predominantly occupied by hay production, and is moderately flat with almost no topography limitations.

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

Parcel Size: 4.13 ha (10.2 ac)

Elevation: 410 m – 415 m

BCLI Land Capability

The unimproved land classification for the northern portion of the property falls primarily into Class 3. Class 3 land capability is considered to have limitations that require moderately intensive management practices or moderately restrictive with the range of suitable crops. The predominant limiting factors for this unimproved land is soil moisture deficiency and undesirable soil structure and/or low perviousness. However with improvements the land maintains at Class 3, but is primarily limited by undesirable soil structure and/or low perviousness. With respect to the southern portion of the property, the classification is solely Class 6, noting non-arable limitations but having capability of producing native and/or uncultivated perennial forage crops. The subclass limitations are: i) excess water due to poor drainage, high water tables, seepage, and/or runoff from surrounding areas, and ii) salinity affected by soluble salts which reduce crop growth or restrict the range of crops. Consequently, with suitable improvements the upgraded land capability rating increases predominantly to Class 4, noting continued restrictions with excess moisture and undesirable soil structure and/or low perviousness (see attached Land Capability Map).

Soil Classification

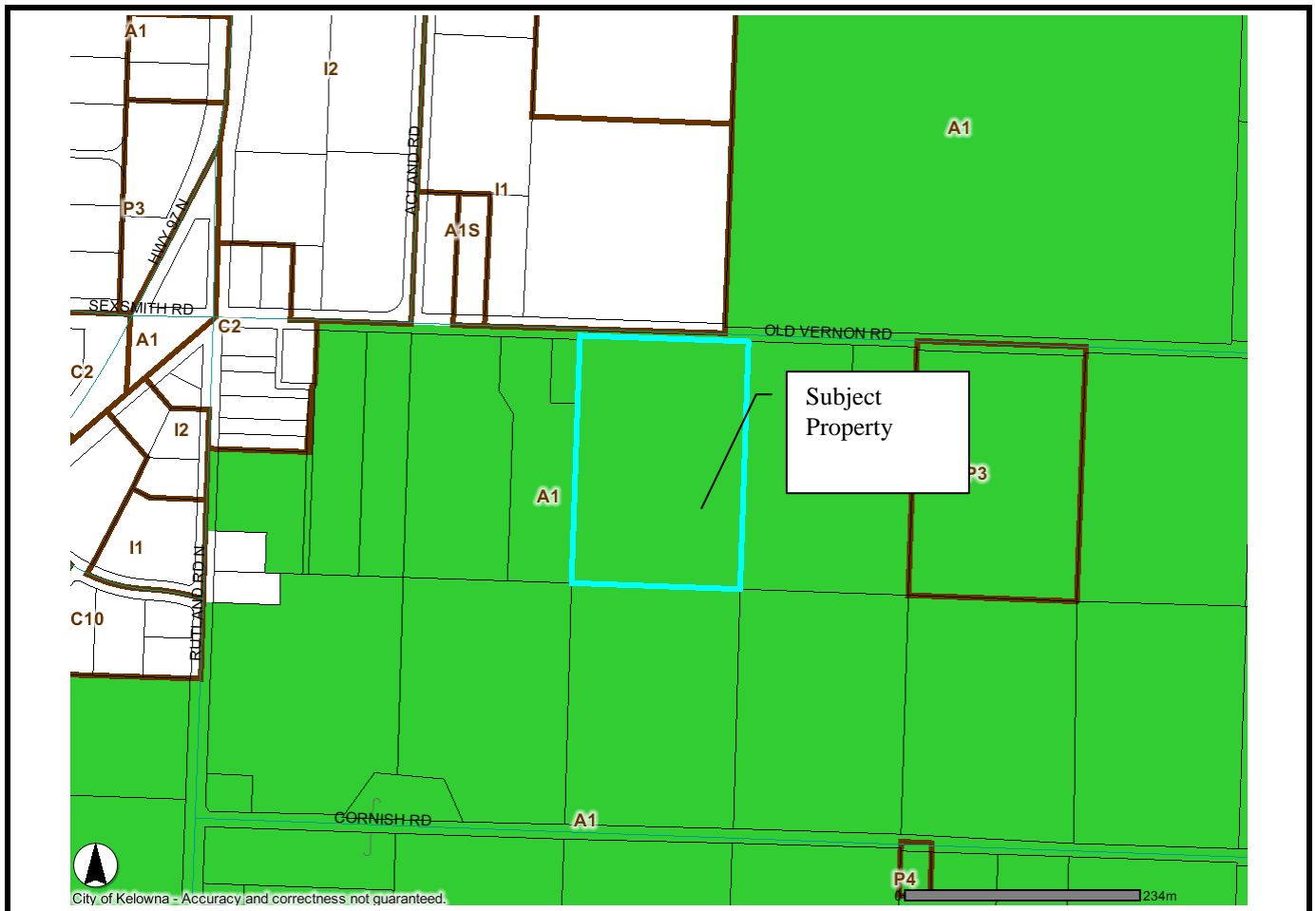
The soil classification for the subject property includes the following:

%	Soil Type	Description
100%	GL – Glenmore (northern portion)	<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.
100%	SR - Summerland (southern portion)	<u>Land</u> : nearly level to strongly sloping fluvial veneer over glaciolacustrine sediments. <u>Texture</u> : 10-100 cm of silty clay loam grading to clay loam. <u>Drainage</u> : dominantly poor, ranging to imperfect; fluctuating groundwater table or seepage, subject to flooding.

Zoning of Adjacent Property

North	I1 – Business Industrial
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 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 she has owned the property since 1973 which is within reasonable timing to the establishment of the ALR. 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 applicant has proposed a revised layout of the suggested subdivision in lieu of the homesite severance that is considered more suitable for a homesite configuration. The allocation of the homesite situated on the north-eastern portion of the property accomplishes multiple planning goals and preservation of agricultural productivity. Given the current positioning of the existing residential dwelling along with the accessory buildings, maximum efficiency of the parent parcel would be to allocate the homesite severance within the same area to condense all the urban structures to one portion of the parcel. The proposed lot area requested may impede the agricultural integrity of the parcel remainder, and be accommodated through a smaller homesite severance allocation. However, the applicant has verified that the suggested homesite severance area incorporates an existing garden area that would be maintained and enhance the value of the homesite severance parcel, yet is sensitive to the property boundary to exclude the existing residential and related accessory structures to be maintained with the parent parcel.

R. G. Shaughnessy
Subdivision Approving Officer

RGS/DN

ATTACHMENTS

- Location of subject property
- Ortho photo of the subject property
- Sketch Plan of Proposed Subdivision
- Application by Land Owner (4 pages)
- Letter of Rationale by Applicant (1 page)
- Land Capability Map
- Soil Classification Map