
**CITY OF KELOWNA
MEMORANDUM**

DATE: October 4, 2006
FILE NO.: A06-0021
TO: City Manager
FROM: Planning & Development Services Department
PURPOSE: To obtain approval from the Agricultural Land Commission to exclude the 3.12 ha subject property from the Agricultural Land Reserve.
OWNERS: Harvey & Gail Francis
APPLICANT: Milagro Advisory Services
AT: 745 Rifle Rd.
EXISTING ZONE: A1 Agriculture 1
REPORT PREPARED BY: Danielle Noble

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A06-0021 for Lot 4, Plan 35886, Sec. 28, Twp. 26, ODYD, located on Rifle Rd., Kelowna, B.C. for exclusion from the Agricultural Land Reserve pursuant to Section 30(1) of the *Agricultural Land Commission Act*, NOT be supported by Municipal Council.

2.0 SUMMARY

The Applicant is requesting permission to exclude the 3.12 ha subject property from the ALR. While this application is intended to be considered independently, the adjacent property to the south is also seeking exclusion approval. The applicants have no immediate or contemplated plans for land use change, although they have suggested intention to pursue subdivision of the property to provide separate legal titles to each of the three single family residences.

The applicant has provided a copy of an agrologist's report prepared by Herb Luttmerding (see attached report). The conclusion of that report is that, "most of the property is occupied by facilities and uses related to the production of mushrooms, and by three residences. This leaves very little land available (and suitable) for agricultural cropping".

3.0 AGRICULTURAL ADVISORY COMMITTEE

At a meeting held on September 28, 2006, the Agricultural Advisory Committee made the following recommendation:

THAT the Agricultural Advisory Committee NOT SUPPORT Application A06-0021 submitted by Milagro Advisory Services on behalf of the property owner (Francis) under Section 30(1) of the *Agricultural Land Commission Act* to obtain approval from the Agricultural Land Commission to exclude the 3.12 ha. property located at 745 Rifle Road and legally described as Lot 4, Plan 35886, Sec. 28, Twp. 26, ODYD from the ALR on basis that it erodes the agricultural land base.

4.0 SITE CONTEXT

The subject property is located on Dilworth Mountain. Dilworth Drive and Rifle Road form the north-western boundary of the parcel. The property is almost entirely consistent with an elevation of 440 m , with a minimal deviation in overall change in elevation of 5 m (16 feet) on the east side of the property.

This property has three single family residences positioned randomly on the site. The dominant building is situated as the closest structure to Rifle Road, which facilitates the active mushroom farming activities in addition to associated parking and storage areas. The remainder of the property is limited in vegetative cover, and incorporates a large area for vehicle parking. The eastern portion of the parcel has an extensive excavated area used for temporary and intermittent storage and processing of spent mushroom manure. The most eastern boundary of the property comprises a narrow fringe area of moderately sloping land supporting ponderosa pine, as well as various shrubs and grasses.

Parcel Size: 3.12 ha (7.72 ac)
Elevation: 440 m – 445 m

BCLI Land Capability

The majority of the parcel is identified on the Land Capability Map as Class 4. The predominant limiting factor for unimproved land is soil moisture deficiency, and undesirable soil structure and/or low perviousness. Through irrigation and other improvements, the improved land capability rating on 70% of the northern portion increases to Class 2, noting undesirable soil structure and/or low perviousness (see attached Land Capability Map). The eastern section of the subject property is exclusively rated as a Class 4, noting soil moisture deficiency. However, with appropriate land management practices, the land rating improves to a Class 1, with no or slight limitations that restrict its use for the production of common agricultural crops.

Soil Classification

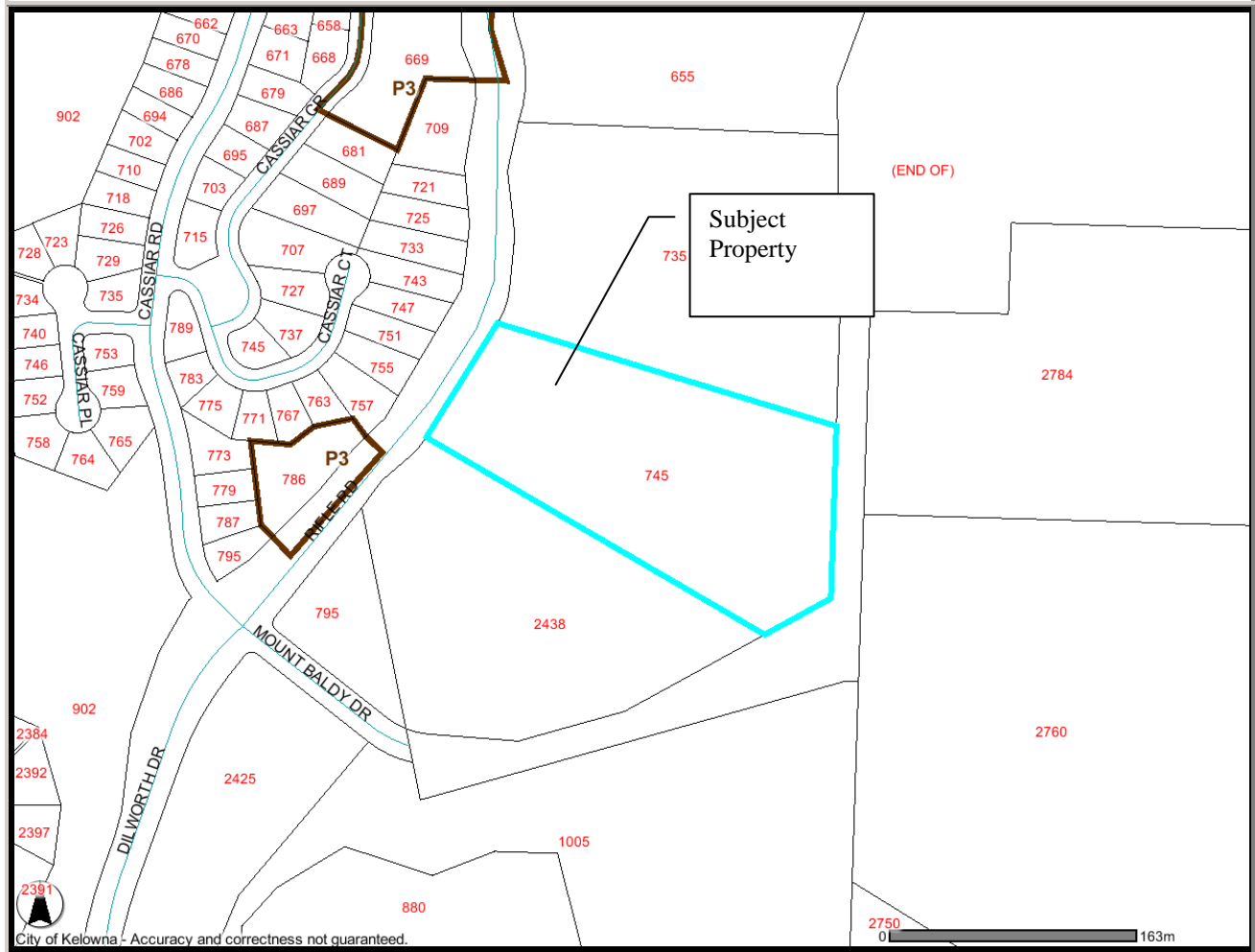
The soil classification for the subject property is predominantly “WK”, which refers to nearly level to strongly sloping stratified glaciolacustrine sediments. The remaining eastern portion is identified as having “Gellatly” soils (see attached Soil Classification Map). Gellatly soils are characterized by thin fluvial veneer over very gently to strongly sloping stratified glaciolacustrine sediments.

Zoning of Adjacent Property

North	A1 – Agriculture 1
East	A1 – Agriculture 1
South	A1 – Agriculture 1
West	A1 – Agriculture 1 (single family residential under a Land Use Contract) & P3 – Parks and Open Space

5.0 SITE MAP

Subject Property: 745 Rifle 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.

Agricultural Policies:

- 11.1.12 Sustained Agriculture. Encourage the retention of diverse agricultural uses through limits on urban development and non-farm use on lands of sustainable production capability;

6.1.3 City of Kelowna Agriculture Plan

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 into agricultural lands.

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

This application seeks to exclude the subject property from the ALR. Exclusion of the adjacent southern property is being sought concurrently. The application as submitted suggests the applicants' anticipate subdividing a minimum of 3 lots to create separate legal titles to each of the three single family homes that are considerable in size.

Given the current activities on the property relating to mushroom farming, it appears that exclusion from the ALR would work at a cross-purpose to the agricultural security of the current operation. Importantly, the activities related to mushroom cultivation are classified as "intensive impact agriculture", defined as *'a use of land, buildings and structures by a commercial enterprise or an institution for: the growing of mushrooms, including significant composting.'* Accordingly, given the intensity of this farming activity, there is no logical rationale for excluding the subject property from the ALR given the current farming activities that are presently operational. Additionally, land in the ALR provides requirements for adequate buffers for the protection of farming, and imposes requirements for screening, landscaping, fencing, and siting of buildings or structures in order to provide for the buffering or separation of development from farming. Given the current farming operation, there is no rationale for exclusion and removal of the legislative protection the land is currently bound by.

As noted in the policy section above, the OCP and Agricultural plan do not support this application for exclusion of land from the ALR. Also, there are specific policies within the Agricultural Plan that discourage the expansion of residential areas onto agricultural land. For these reasons, Staff are not supportive of the application.

Although Staff is recommending that this application NOT be supported, should Council choose to support this application, an alternate recommendation is provided below.

8.0 ALTERNATE RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A06-0021 for Lot 4, Plan 35886, Sec. 28, Twp. 26, ODYD, located on Rifle Rd., Kelowna, B.C. for exclusion from the Agricultural Land Reserve pursuant to Section 30(1) of the *Agricultural Land Commission Act*, be supported by Municipal Council.

R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion ☐
Mary Pynenburg, MRAIC, MCIP
Director of Planning & Corporate Services
RGS/DN

ATTACHMENTS

Location of subject property
ALR Map
Application by Land Owner (2 pages)
Land Capability Map
Soil Classification Map
Agrologist's Report, dated August, 2006 (3 pages)