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

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**DATE:** October 4, 2006  
**FILE NO.:** A06-0022  
**TO:** City Manager  
**FROM:** Planning & Development Services Department  
**PURPOSE:** To obtain approval from the Agricultural Land Commission to exclude the 3.06 ha subject property from the Agricultural Land Reserve.  
**OWNERS:** R118 Enterprises Ltd. & Rosa and Rocco Peretta  
**APPLICANT:** Milagro Advisory Services  
**AT:** 2438 Mount Baldy Dr.  
**EXISTING ZONE:** A1 Agriculture 1  
**REPORT PREPARED BY:** Danielle Noble

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**1.0**    **RECOMMENDATION**

THAT Agricultural Land Reserve Appeal No. A06-0022 for Lot 3, Plan 35886, Sec. 27, Twp. 26, ODYD, located on Mount Baldy Dr., 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 3.06 ha subject property from the ALR. While this application is intended to be considered independently, the adjacent property to the north is also seeking exclusion approval. The applicants have no immediate or contemplated plans for land use change.

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, in its present condition, "the active agricultural portion of the property has the capability for agriculture rating of Class (3D) to Class (2D) permitting a wide range of agricultural crops".

**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 A06-0022 submitted by Milagro Advisory Services on behalf of the property owner (Peretta) under Section 30(1) of the *Agricultural Land Commission Act* to obtain approval from the Agricultural Land Commission to exclude the 3.06 ha. property located at 2438 Mount Baldy Drive and legally described as Lot 3, Plan 35886, Sec. 28, Twp. 26, ODYD from the ALR, on the 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 450 m, with a minimal deviation in overall change in elevation of 5 m (16 feet) on the east side of the property, near the boundary line. The northerly slopes have gradients of 5% or less.

This property has a rural residential house positioned on the south east portion, situated almost a maximum distance from the primary fronting road. Associated outbuildings, parking and landscaping surround the homesite. The remainder of the property has recently removed approximately 3 acres of an active apple/orchard production.

Parcel Size: 3.06 ha (7.58 ac)  
Elevation: 445 m – 450 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**

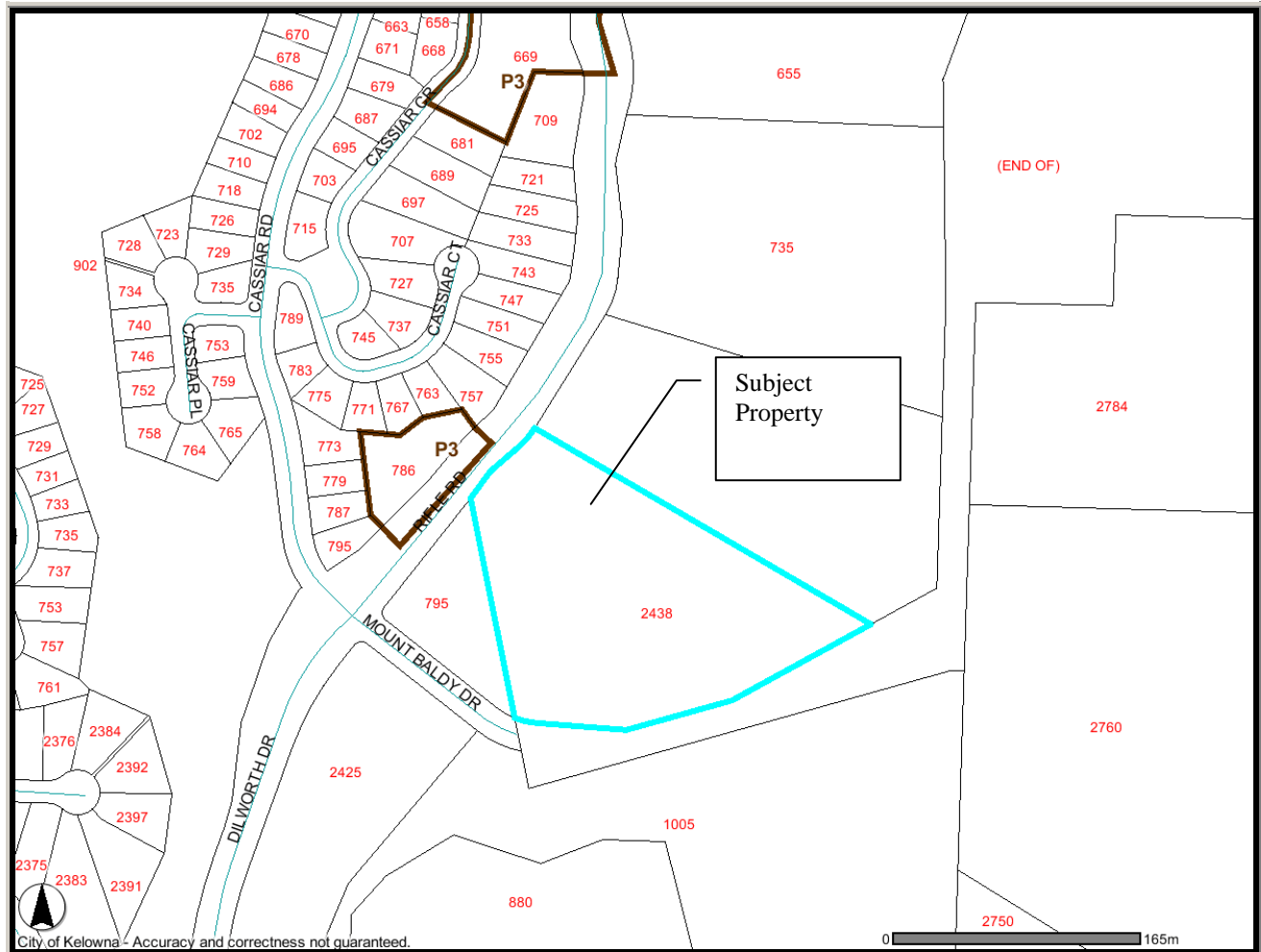
%	Soil Type	Description
66%	WK - Westbank	<u>Land</u> : nearly level to strongly sloping stratified glaciolacustrine sediments. <u>Texture</u> : 100 cm or more of clay, clay loam or silty clay. <u>Drainage</u> : moderately well.
34%	GY - Gellatly	<u>Land</u> : thin fluvial veneer over very gently to strongly sloping stratified glaciolacustrine sediments. <u>Texture</u> : 10 to 50 cm of loam or sandy loam over silt loam or silty clay loam. <u>Drainage</u> : well.

#### **Zoning of Adjacent Properties**

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

## SITE MAP

Subject Property: 2438 Mount Baldy Dr.



## 5.0 POLICY AND REGULATION

### 5.1.1 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.

### 5.1.2 Kelowna 2020 – Official Community Plan

**Subdivision** – Discourage the subdivision of agricultural land into smaller parcels, except where positive benefits to agriculture can be demonstrated.

### 5.1.3 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.

## 6.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

This application seeks to exclude the entire property from the ALR. Exclusion of the adjacent northern property is also being sought concurrently. The application as submitted suggests that the property was purchased for the sole purpose and use as a country residential homesite. The Applicant removed 3 acres of apple orchard to avoid rural/urban conflict (specifically, overspray) with residences to the north. This was further justified by suggesting that the financial cost of maintaining a small and isolated tree fruit farm was not viable.

The parcel immediately west of the subject property is currently zoned A1, but has a future land use designation of commercial. This suggested future use was pre-determined dating back to the approval of the original Land Use Contract drafted in 1974. However, current development plans suggest that the relocation of that commercial use will be situated closer to the cluster of residential density. Therefore, it is unlikely that a commercial use will be pursued for that parcel in the foreseeable future.

The Applicant provided a copy of an agrologist's report prepared by Herb Luttmerding (see attached report). The conclusion of the report is that, in its present condition, the active agricultural portion of the property has the capability for agriculture rating of Class (3D) to Class (2D) permitting a wide range of agricultural crops, ranging from tree fruits and wide variety of vegetables and salad crops to cereal grains and forages. Accordingly, the subject parcel has viable agricultural productivity and consequently would be a loss of some productive farmland that essentially has potential for economic viability and enhancement of the agricultural industry.

Collaboratively, the ALC and the City staff have worked on an Agricultural Area Plan to establish a defined urban/rural boundary aimed to utilize existing roads, topographic features, or watercourses wherever possible. Under the influence of those boundaries, farmland preservation aims to direct urban uses to land within the urban portion of the defined boundary, in the interest of reducing development and speculative pressure. Aside from soil capabilities, benefits or sensitivity to agriculture in the form of buffering or complimentary/transition uses, climate, topography, and/or drainage conditions are important criteria for non-support of this application.

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.

7.0 ALTERNATE RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A06-0022 for Lot 3, Plan 35886, Sec. 27, Twp. 26, ODYD, located on Mount Baldy Dr., 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.

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R. G. Shaughnessy  
Subdivision Approving Officer

Approved for inclusion   
Mary Pynenburg, MRAIC, MCIP  
Director of Planning & Corporate Services

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**ATTACHMENTS**

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