
**CITY OF KELOWNA
MEMORANDUM**

DATE: February 21, 2006
FILE NO. A06-0005
TO: City Manager
FROM: Planning & Development Services Department
PURPOSE: To obtain approval from the Agricultural Land Commission to subdivide the subject property, under Section 21(2) of the *Agricultural Land Commission Act*, creating two 2.6 ha (6.5 ac) parcels from a 5.2 ha (13 ac) parent parcel.

OWNERS: Elmer Gruza **APPLICANT:** Benson Edwards (Rose Shawlee)
Jori-Ann Gruza

AT: 2604 Belgo Road

EXISTING ZONE: A1 Agriculture 1

REPORT PREPARED BY: Nelson Wight

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A06-0005 for Lot 5, Block 16, Section 11, Township 26, O.D.Y.D., Plan 1380, located on Belgo Road, Kelowna, B.C. for a subdivision within the Agricultural Land Reserve pursuant to Section 21(2) of the Agricultural Land Commission Act, NOT be supported by Municipal Council.

2.0 SUMMARY

The Applicant is requesting permission to subdivide the parent 5.2 ha (13 ac) parcel into two 2.6 ha (6.5 ac) lots. The Applicant has provided a recent letter of rationale, dated November 30, 2006 (see attachments).

3.0 AGRICULTURAL ADVISORY COMMISSION

At a meeting held on March 14, 2006, the Agricultural Advisory Committee made the following recommendation:

THAT the Agricultural Advisory Committee NOT SUPPORT Agriculture Application No. A06-0005, for 2604 Belgo Road, Lot 5, Block 16 Plan 1380, Sec. 11, Twp. 26, ODYD, by Benson Edwards, which seeks to obtain approval from the Agricultural Land Commission to subdivide within the Agricultural Land Reserve to create an additional lot as it does not demonstrate any benefit to agriculture.

Note: The applicant requested to re-present their application to the Agricultural Advisory Committee, providing additional information (see letter of rationale, dated November 30, 2006).

At a meeting held on January 11, 2007, the Agricultural Advisory Committee made the following recommendation:

THAT the Agricultural Advisory Committee NOT SUPPORT Application No. A06-0005 for 2604 Belgo Road, Lot 5, Blk. 16, Sec. 11, Twp. 26, ODYD, Plan 1380, by Benson Edwards LLP to obtain approval from the Agricultural Land Commission to subdivide within the Agricultural Land Reserve to create an additional lot.

The Members noted that the property is not being used to its agricultural capacity and the City's agriculture policy does not support this type of severance as there is no benefit to agriculture.

4.0 SITE CONTEXT

The subject property is located in the Belgo Area of Kelowna, having frontage on Belgo Road. The current use is predominantly an apple orchard.

Existing development consists of three residences. A single detached dwelling and a mobile home are located on the north side of the property. An additional single detached dwelling is located on the south side of the property (see attached sketch of proposed subdivision).

Parcel Size: 5.2 ha (12.8 ac)

Elevation: 505 m – 520m

BCLI Land Capability

The unimproved land classification for the subject area falls primarily into Class 4 (\pm 95%), with some Class 5 as well (\pm 5%). The predominant limiting factor for unimproved land is "soil moisture deficiency", with "adverse topography" having a lesser impact. Consequently, with irrigation the improved land capability rating increases mostly to Class 3 (\pm 64%), with approximately 36% of the subject property increasing to Class 2 (see attached Land Capability Map copied from map 82E.084).

Soil Classification

The soil classification for the subject property includes the following:

%	Soil Type	Description
60%	AC – Acland Creek	<u>Land</u> : gently to moderately sloping fluvioglacial deposits; <u>Texture</u> : 60 cm to 100 cm of sandy loam or loam over very gravely loamy sand or very gravely sand; <u>Drainage</u> : well to rapid
25%	DH - Dartmouth	<u>Land</u> : nearly level to very steeply sloping fluvioglacial deposits; <u>Texture</u> : 25 to 60 cm of sandy loam or loam over gravely sandy loam or gravely loamy sand <u>Drainage</u> : well to rapid
15%	OY - Oyama	<u>Land</u> : very gently to extremely sloping fluvioglacial deposits; <u>Texture</u> : 100 cm or more of sandy loam or loamy sand grading to sand; <u>Drainage</u> : rapid.

Zoning of Adjacent Property

North	A1 – Agriculture 1
East	A1 – Agriculture 1
South	A1 – Agriculture 1
West	A1 – Agriculture 1

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

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.

Homesite Severance – Continue to support the concept of homesite severance, consistent with Agricultural Land Commission Policy #011.

6.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

The relevant City policy documents noted above do not support the creation of additional lots within the Agricultural Land Reserve except as a home site severance application that is consistent with the Land Reserve policy. Consequently, Staff recommends that this application not be supported by Council.

Should Council wish to support the application, an alternate recommendation is provided below:

7.0 ALTERNATE RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A06-0005 for Lot 5, Block 16, Section 11, Township 26, O.D.Y.D., Plan 1380, located on Belgo Road, Kelowna, B.C. for a subdivision within the Agricultural Land Reserve pursuant to Section 21(2) of the Agricultural Land Commission Act, be supported by Municipal Council.

R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion

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Mary Pynenburg, MRAIC MCIP
Director of Planning & Development Services

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ATTACHMENTS

Location of subject property

ALR Map

Air Photo

Sketch Plan of Proposed Subdivision

Application by Land Owner (2 pages)

Letter of Rationale from Applicant, November 30, 2006 (2 pages)

Land Capability Map

Soil Classification Map