
**CITY OF KELOWNA
MEMORANDUM**

DATE: April 27, 2007
FILE NO.: A07-0005
TO: City Manager
FROM: Planning & Development Services Department
PURPOSE: To obtain approval from the Agricultural Land Commission under Section 21(2) of the *Agricultural Land Commission Act* to complete a one lot subdivision.
OWNERS: Larry & Wendy Simla **APPLICANT:** Larry & Wendy Simla
AT: 1300 Latta Road
EXISTING ZONE: RR3 – Rural Residential 3
REPORT PREPARED BY: Danielle Noble

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A07-0005 for Lot A, Section 36, Township 26, O.D.Y.D., Plan 30358, located on Latta 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 0.36 ha (0.9 ac) parcel. A previous exclusion approval for this subject property was sought under the Agricultural Land Commission policy respecting "homesite severance" parcels back in the 1970's, where this 0.36 ha lot size was a requirement for septic provisions.

The Applicant recently 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 land available for commercial soil based agricultural cropping is minimal on this small land parcel*".

3.0 AGRICULTURAL ADVISORY COMMITTEE

At a meeting held on April 12, 2007, the Agricultural Advisory Committee made the following recommendation:

THAT the Agricultural Advisory Committee SUPPORT Application No. A07-0005 for 1300 Latta Road to obtain approval from the Agricultural Land Commission under Section 21(2) of the *Agricultural Land Commission Act* for subdivision because the land is already serviced by sewer.



4.0 SITE CONTEXT

The subject property is situated in the north-eastern extent of the City of Kelowna, approximately ½-mile east of the intersection of Old Vernon Road and McKenzie Road (see attached subject property map).

Existing development on the subject property consists of one single family dwelling, and various other accessory buildings (see attached aerial photo depicting all structures). The remainder of the parcel is not actively farmed.

Parcel Size: 0.366 ha (0.9 ac)

Elevation: 485 - 490 m

BCLI Land Capability

The unimproved land classification for the subject area falls predominantly into Class 5. The principal limiting factor for unimproved land is a soil moisture deficiency. Consequently through improvements to drainage of these lands and elimination of stoniness, the improved land capability rating on the majority of the parcel increases to Class 3 (see attached Land Capability Map copied from map 82E.094).

Soil Classification

The soil classification for the subject property includes the following (for additional information see attached Soil Classification Map):

%	Soil Type	Description
100%	R – Rutland	<u>Land</u> : very gently to strongly sloping fluvioglacial deposits. <u>Texture</u> : 10 to 25 cm of sandy loam or lamy sand over gravely loamy sand or very gravely 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 SITE MAP

Subject Property: 1300 Latta Road



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

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 ultimately expand the rural residential area of development that presently exists to the south of the subject property. The original application as submitted by the applicant was to exclude the property to facilitate future rural residential subdivision. The Applicants claim that the property is not agriculturally viable given the size limitations. However, after extensive discussion at the AAC meeting, the applicants have agreed that a more suitable option would be to subdivide the lot within the ALR.

The Agricultural Plan recommends that the City should continue to support the concept of home site severances, consistent with the ALC policy #11, which allows farmers to retire or sell the property while retaining the homesite. In this case, the subject property was one of the original homesite severances, and at the time of that severance, the requirements for minimum lot areas were far greater to accommodate the septic field requirements. Currently, the sewer is being extended to the frontage of the subject property, and will offer sewer capacity to the subject property. The applicant's reasons are further explained in the attached letter of rationale.

As noted in the policy section above, the OCP and Agricultural Plan do not support this application for subdivision of land within 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.

8.0 ALTERNATE RECOMMENDATION


THAT Agricultural Land Reserve Appeal No. A07-0005 for Lot A, Section 36, Township 26, O.D.Y.D., Plan 30358, located on Latta 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



Mary Pynenburg, MRAIC MCIP
Director of Planning & Corporate Services

RGS/DN

ATTACHMENTS

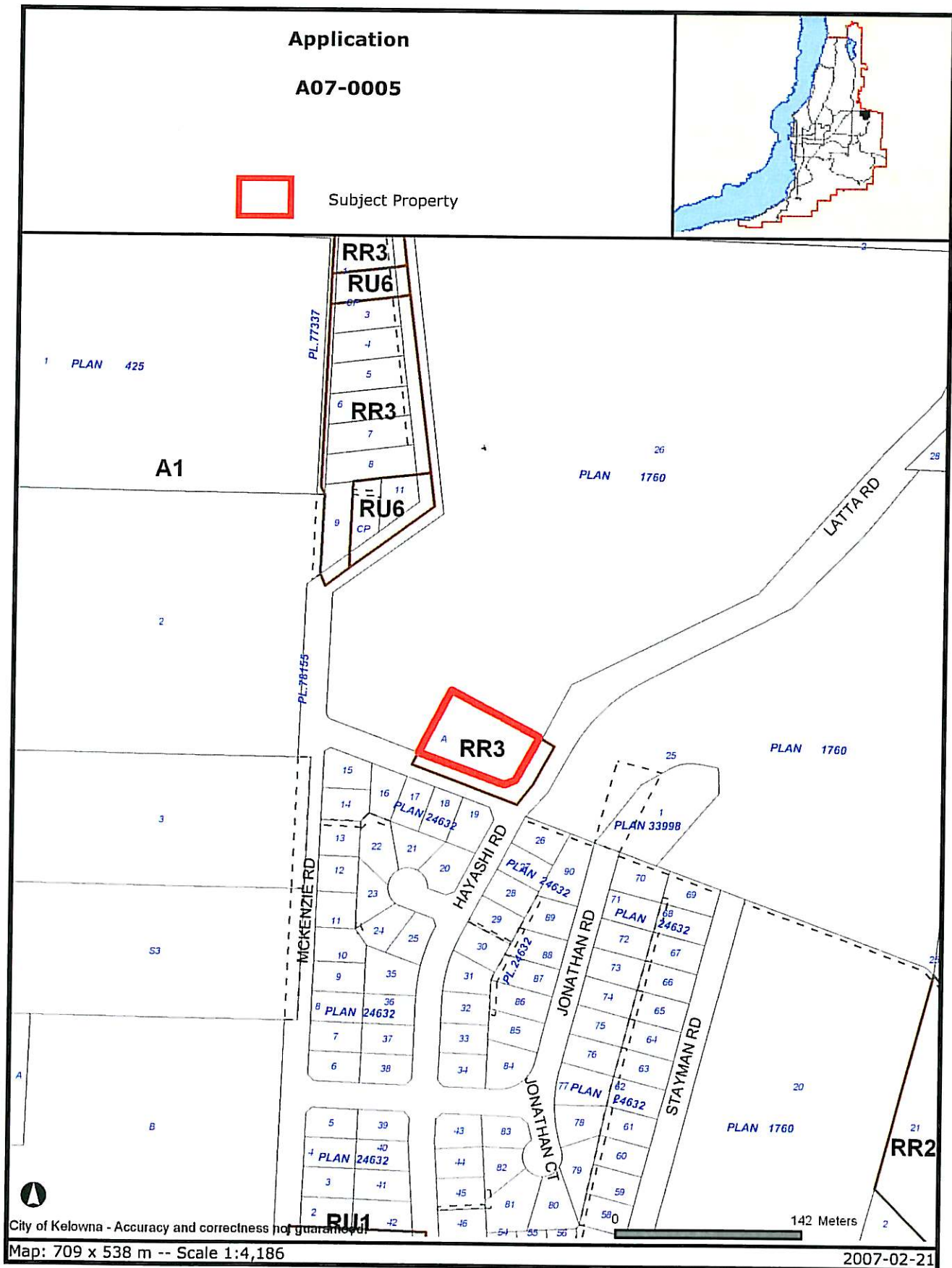
Location of subject property

Application by Land Owner & Photos (11 pages)

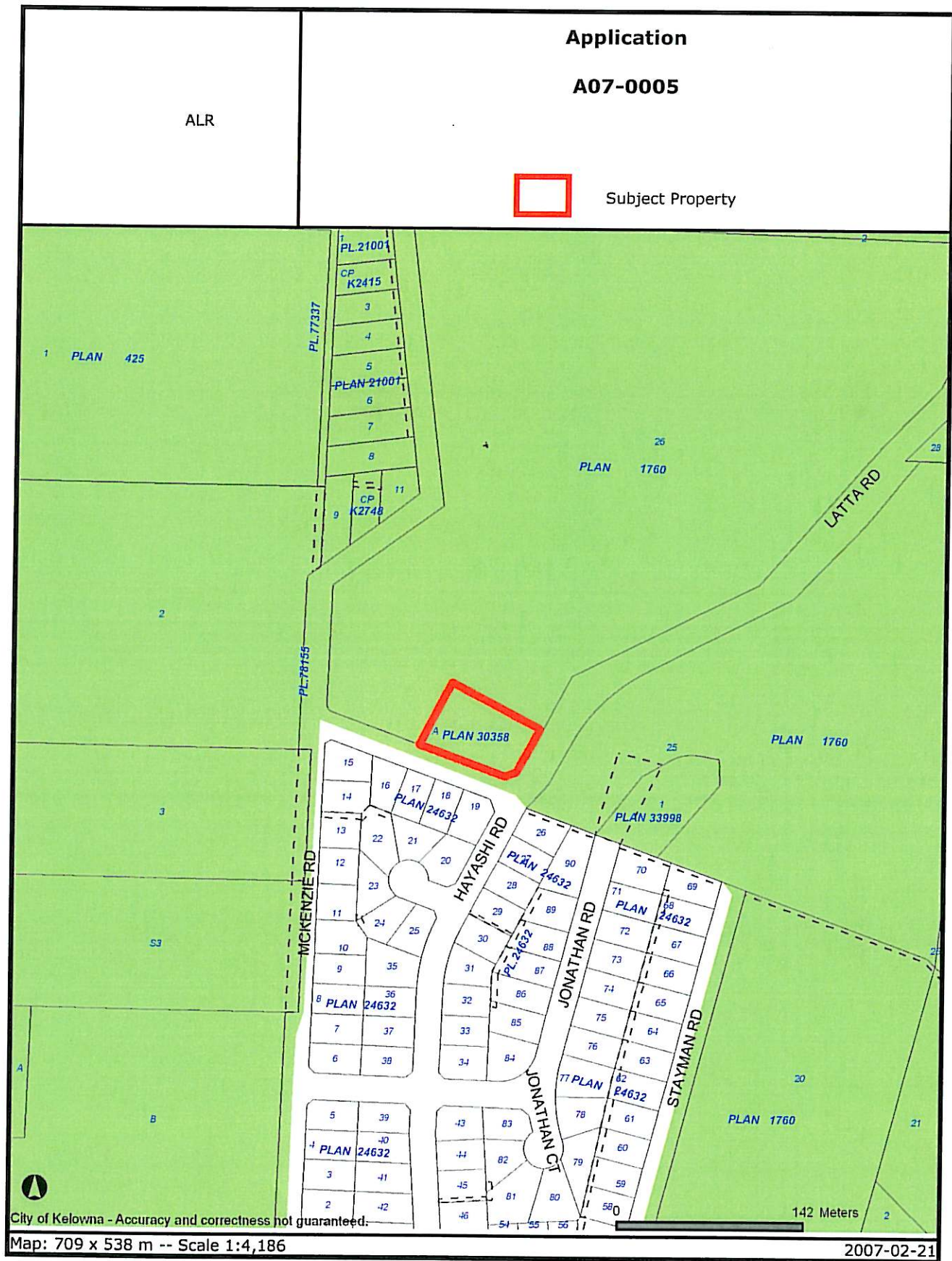
Land Capability Map

Soil Classification Map

Agrologist's Report, dated March 16, 2007



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



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To whom it may concern,

At the AAC meeting on April 12, 2007 our proposal of excluding Lot A, Section 36, Township 26, Plan 30358 at 1300 Latta Rd, Kelowna, B.C. was not supported by the ACC. However, after much debate the Council agreed a more suitable option would be to subdivide the lot within the ALR and not exclude it. A vote of three for and two against supported this proposal.

At this time we would like to change our application from exclusion from the ALR to subdivision within the ALR. As the property is already zoned RR3 and sewer is serviced to the 1300 Latta Rd lot there should be no issues creating to 0.5 acre lots from this 1 acre lot as the current zoning can stay in place.

This property has been in the Simla family since 1941. Being able to subdivide this property would mean a third generation would be able to this great residence. We would be very grateful if City Council and the ALC would support this proposal.

Attached is an approximation of how the lot will be divided.

Sincerely,
Wendy and Larry Simla



Vacant Land

Proposed Subdivided
Lot

Apple Orchard

Residential Subdivision

LATTI RD

HAYASHI RD

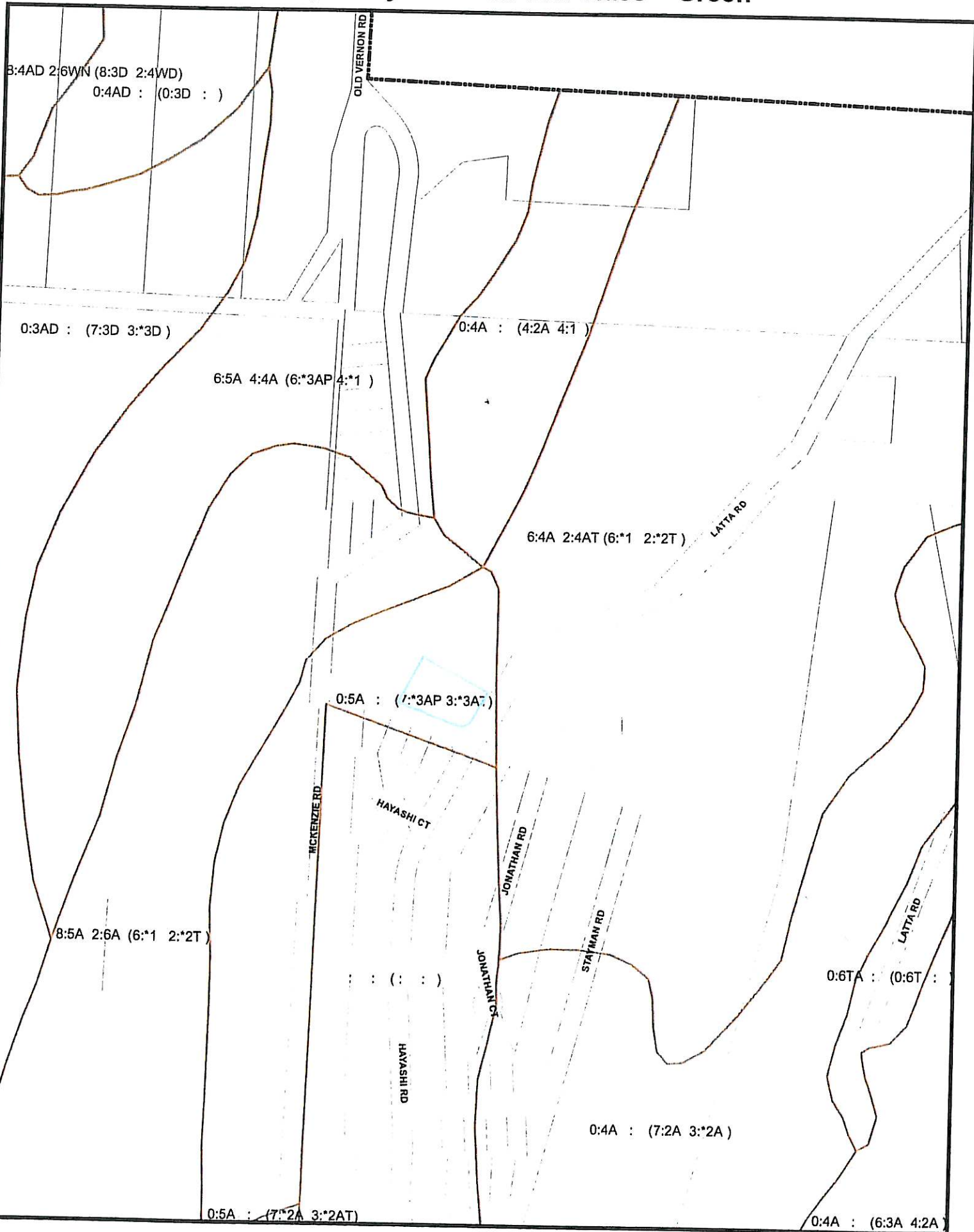


City of Kelowna - Accuracy and correctness not guaranteed.

Land Capability = Brown/ Soil Class = Green



Land Capability = Brown/ Soil Class = Green



H.A. Luttmerding, P.Ag.
Specialist in Land Inventory,
Interpretation and Use

1190 Thompson Road
Kelowna, British Columbia
Canada, V1X 1C7

Phone: (250) 861-5407
email: hluttmer@telus.net

March 16, 2007

Larry Simla
1300 Latta Road
Kelowna, BC V1P 1A5

Dear Mr. Simla,

RE: Agrolologists Report for Property at 1300 Latta Road

As requested, the following summarizes the soil and land capability for agriculture characteristics of the land parcel located at 1300 Latta Road, Kelowna, BC. I understand that this small parcel (approx. 0.95 acre or 0.38 ha) resulted from a homesite severance from the adjacent property about three decades ago. It currently serves as a residence with associated garage, driveway, parking, landscaping/lawn and an outbuilding near the western boundary. The natural soils have been variably modified in some locations by additions of fill or grading as typically occurs during development of a residential site. The land parcel is depicted on the attached orthophoto.

The published soils map for the area, including the subject parcel, indicates that the soils are well drained with shallow sandy surfaces overlying stony gravels or sandy gravels. The land capability for agriculture ratings are Class 5 unimproved (unirrigated) due to aridity. With irrigation the capability improves to Class (3) with ongoing moderate limitations due to stoniness and/or topography and moisture limitations.

Adjacent land uses include, on the south, a long-time residential subdivision and on the east, an operating orchard. Lands on the west and north are basically derelict and appear to have been unused for a substantial period of time. I understand that these lands were once used for orchard but the trees were removed and the vegetation now consists of various unmanaged grasses, forbes and weeds. Remnants of the old irrigation system are still present.

The land available for commercial soil based agricultural cropping is minimal on this small land parcel and, in my estimation, its removal from the Agricultural Land Reserve would have negligible effect from an agricultural standpoint. Adequate fencing or other buffer on the north and west to definitively delineate the subject property from the ongoing Reserve may be a consideration.

If any of the above is unclear or requires detail of explanation please contact me at (250) 861-5407.

Yours truly,

A handwritten signature in cursive script, appearing to read 'H.A. Luttmerding'.

H.A. (Herb) Luttmerding, P.Ag.
Soils/Terrain Specialist

attachment - orthophoto

