
CITY OF KELOWNA
MEMORANDUM

Date: June 5, 2007
File No.: A07-0006
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 facilitate a homesite severance subdivision.
OWNERS Leonard Zvonarich
Ann Zvonarich
APPLICANT: Leonard Zvonarich
Ann Zvonarich
AT: 1593 Morrison Rd.
EXISTING ZONE: A1 – Agriculture 1
REPORT PREPARED BY: Nelson Wight

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A07-0006 for Lot 6, Section 36, Township 26, O.D.Y.D., Plan 595 Except Plan KAP78068, located on Morrison Road, Kelowna, B.C. for a homesite severance subdivision within the Agricultural Land Reserve pursuant to Section 21(2) of the Agricultural Land Commission Act, be supported by Municipal Council, provided that:

1. The existing, uninhabited dwelling and the "picker's cabin" be demolished; decommissioned as a dwelling(s); relocated; or legalized as dwelling unit(s), and
2. The proposed parcel be reduced in size to include the existing home only, with the accessory structures included on the proposed remainder parcel.
3. The storage containers on the property be removed from the property, or legalized as structures under an approved building permit from the City.

2.0 SUMMARY

The applicant is requesting permission from the Agricultural Land Commission (ALC) to allow a homesite severance subdivision. The proposed homesite severance parcel is 0.52 ha (1.3 ac) in size, leaving a 8.5 ha (21.0 ac) lot remainder.

3.0 SITE CONTEXT

The 9.4 ha (22.3 ac) parent parcel is located on Morrison Road, southeast of the intersection of Moyer Road and Morrison Road. The property is bounded on the west by Morrison Road, and on the east by McKenzie Road. Bauer Brook runs along the southern boundary of the parcel. This parcel slopes moderately upwards from west to east. The existing farmyard occupies the 0.52 ha area that is being requested for the homesite severance parcel. The remainder 7.58 ha portion accommodates an existing orchard.

There are three dwellings on the subject property, although the applicants have indicated that one of those is uninhabitable. They live in the home that is on the proposed homesite severance parcel, and their son lives in a second residence on the south side of the property (labelled as "picker's cabin" on attached Site Plan), next to Bauer Brook. Near this second house lies the third, uninhabited dwelling. Accessory structures include a 180 m² (2,000 ft²) storage shed and various

container units and other structures. Although it is not detailed on the site plan, it is assumed that there is a septic field servicing the existing dwelling. The applicant will be expected to provide this detail in order to establish the most suitable lot boundary for the parcel, should the Agricultural Land Commission favourably consider this homesite severance subdivision request.

Parcel Size: 9.4 ha (22.3 ac)
Elevation: 435 m – 483 m

BCLI Land Capability

The majority of the subject property has an unimproved rating of Class 5 ($\pm 80\%$), with “soil moisture deficiency” identified as the only limiting factor. Consequently, through irrigation, the land rating improves primarily to Class 1 ($\pm 48\%$) and Class 2 ($\pm 47\%$). The land next to Bauer Brook is non-arable, due to unsuitable topography, past damage from erosion, and excessive wetness. Consequently, it is rated as Class 6 ($\pm 5\%$). (See attached Land Capability Map copies from map 82E.094).

Soil Classification

The soil classification for the subject property includes the following:

%	Soil Type	Description
65%	KE - Kelowna	<u>Land</u> : moderately and strongly sloping glacial till. <u>Texture</u> : 10 to 30 cm of loam or sandy loam veneer over gravely sandy loam or gravely loam. <u>Drainage</u> : well.
35%	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

4.0 POLICY AND REGULATION

4.1 Kelowna 2020 – Official Community Plan

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

4.2 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.

Homesite Severance – Continue to support the concept of homesite severance, consistent with Agricultural Land Commission Policy #11

5.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

The current owners of the property have provided a letter explaining that they have held a claim to the land since 1965 when they began making payments on it. However, they concede that the title did not transfer to their name until 1975, when the final payment was made to the previous Zvonarich generation, who had owned the land since 1935.

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. This limited subdivision opportunity makes the balance of the property available for others to expand or enter the farm business.

Staff has no concerns with this application, provided that the ALC is satisfied with their claim of ownership of the property prior to 1972. Should the ALC approve of the application in principle, it is recommended that the parcel be reduced in size to include the existing home, septic field and driveway only, leaving the accessory structures on the remainder parcel.

Staff further recommends that the uninhabited dwelling on the proposed remainder parcel be demolished prior to subdivision approval, and the dwelling labelled as "picker's cabin"—where the applicant's son lives—be decommissioned as a dwelling, relocated, demolished, or legalized as a dwelling. Also, the storage containers onsite must be removed from the property, or legalized as structures under an approved building permit from the City.


R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion



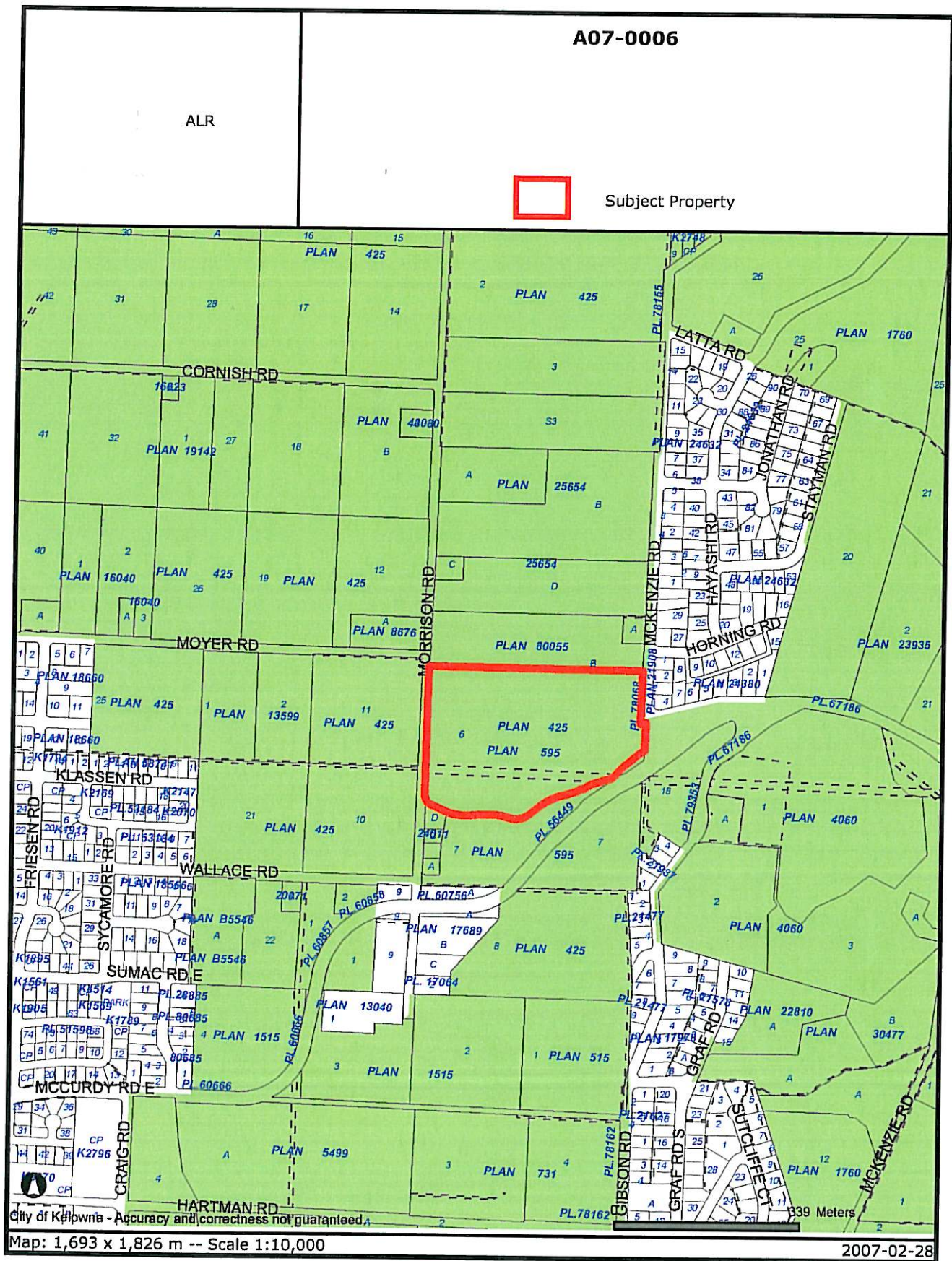
Mary Pynenburg, MRAIC MCIP
Director of Planning & Development Services

NW/nw

ATTACHMENTS (10 pages)

Subject Property Map
ALR Map
Proposed Subdivision
Site Plan And Surrounding Uses
Air Photo Showing Parent Parcel
Air Photo Showing Homesite Severance Parcel
Application by Land Owner (2 pages)
Letter of Rationale from Applicant
Land Capability Map
Soil Classification Map

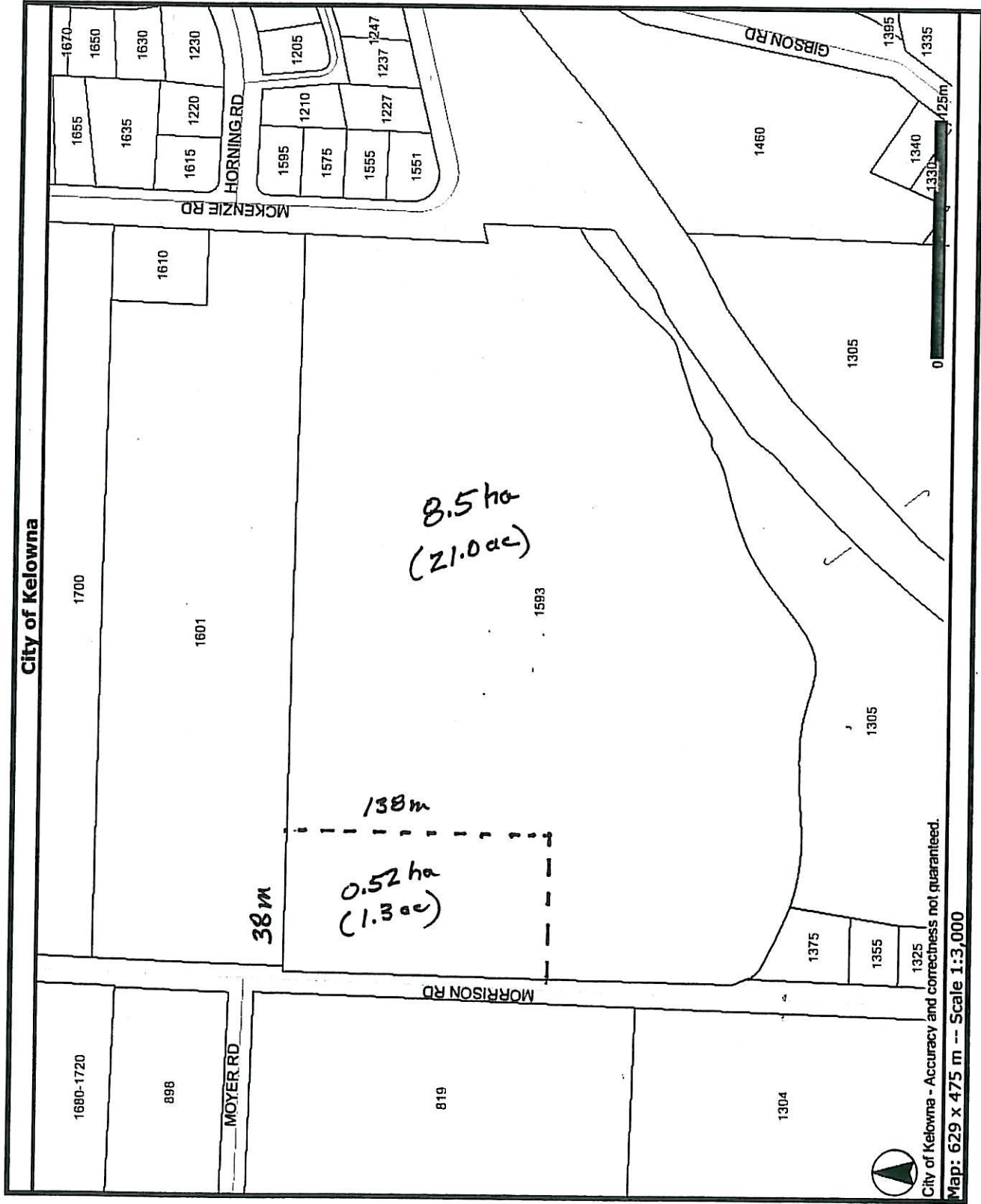




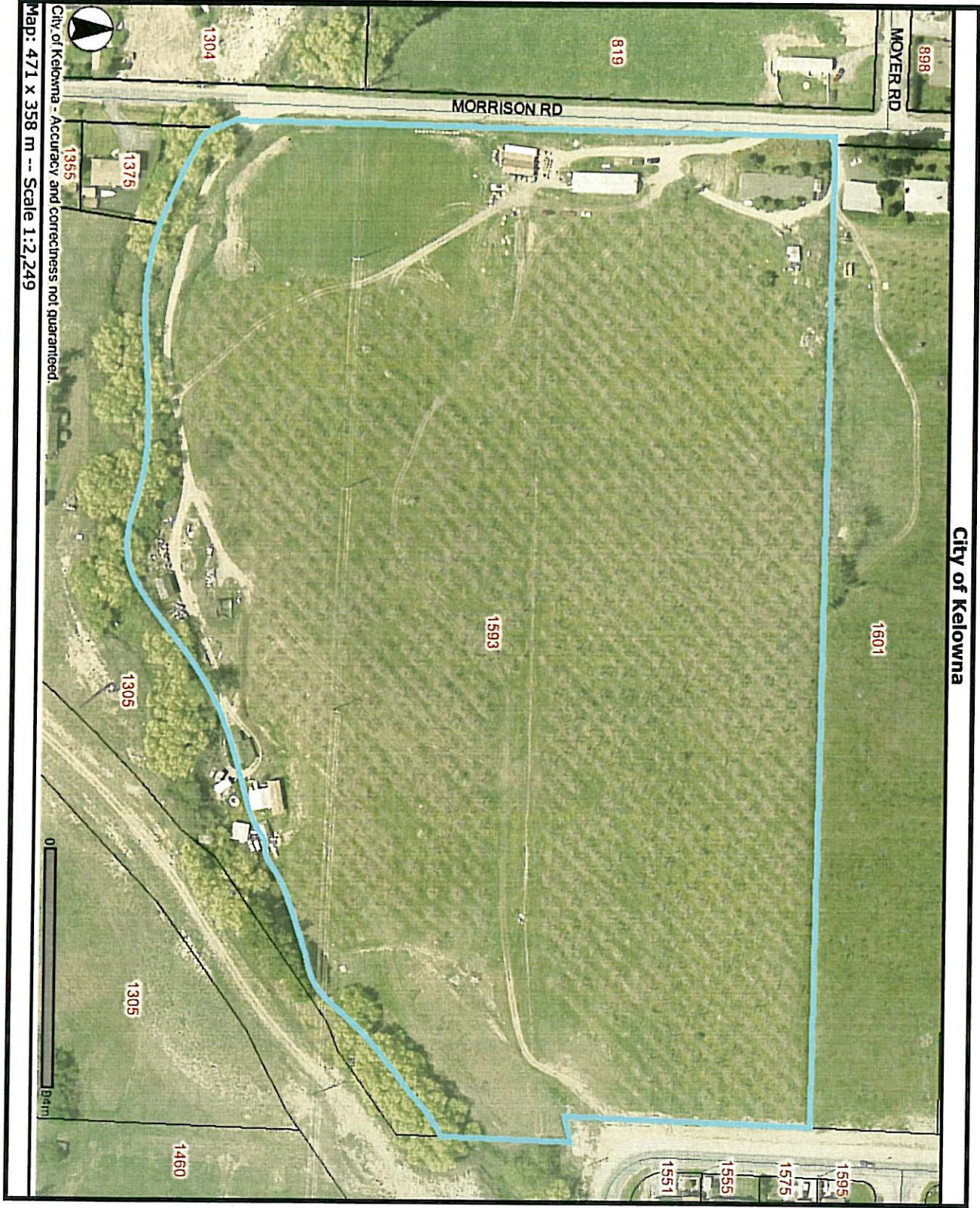
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

Proposed Subdivision Plan

parent parcel : 9.4 ha (22.3 ac)
homestead parcel : 0.52 ha (1.3 ac)
remainder parcel : 8.5 ha (21.0 ac)



This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



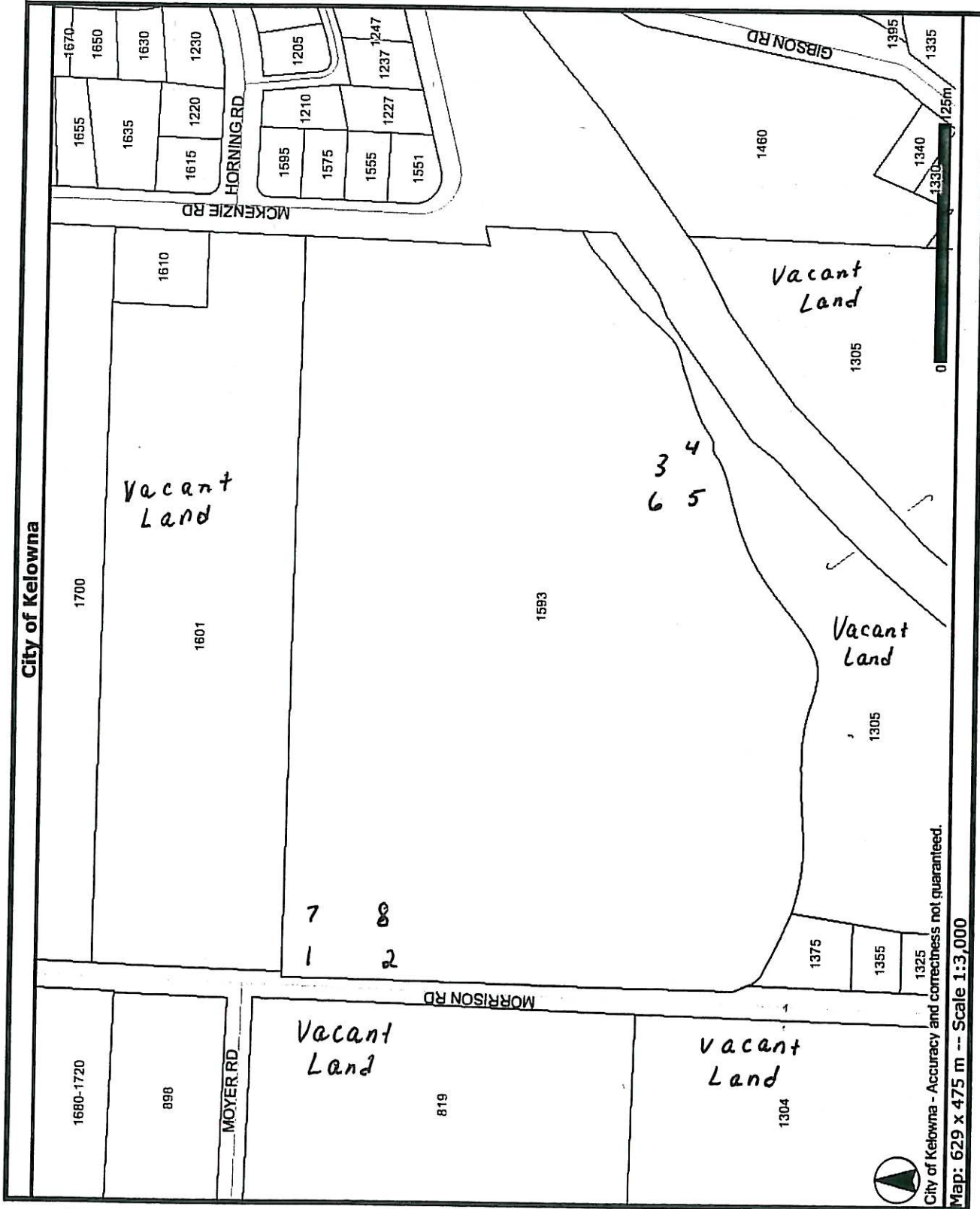
City of Kelowna

City of Kelowna - Accuracy and correctness not guaranteed.
Map: 471 x 358 m -- Scale 1:2,249

This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

Site Plan And Surrounding Uses

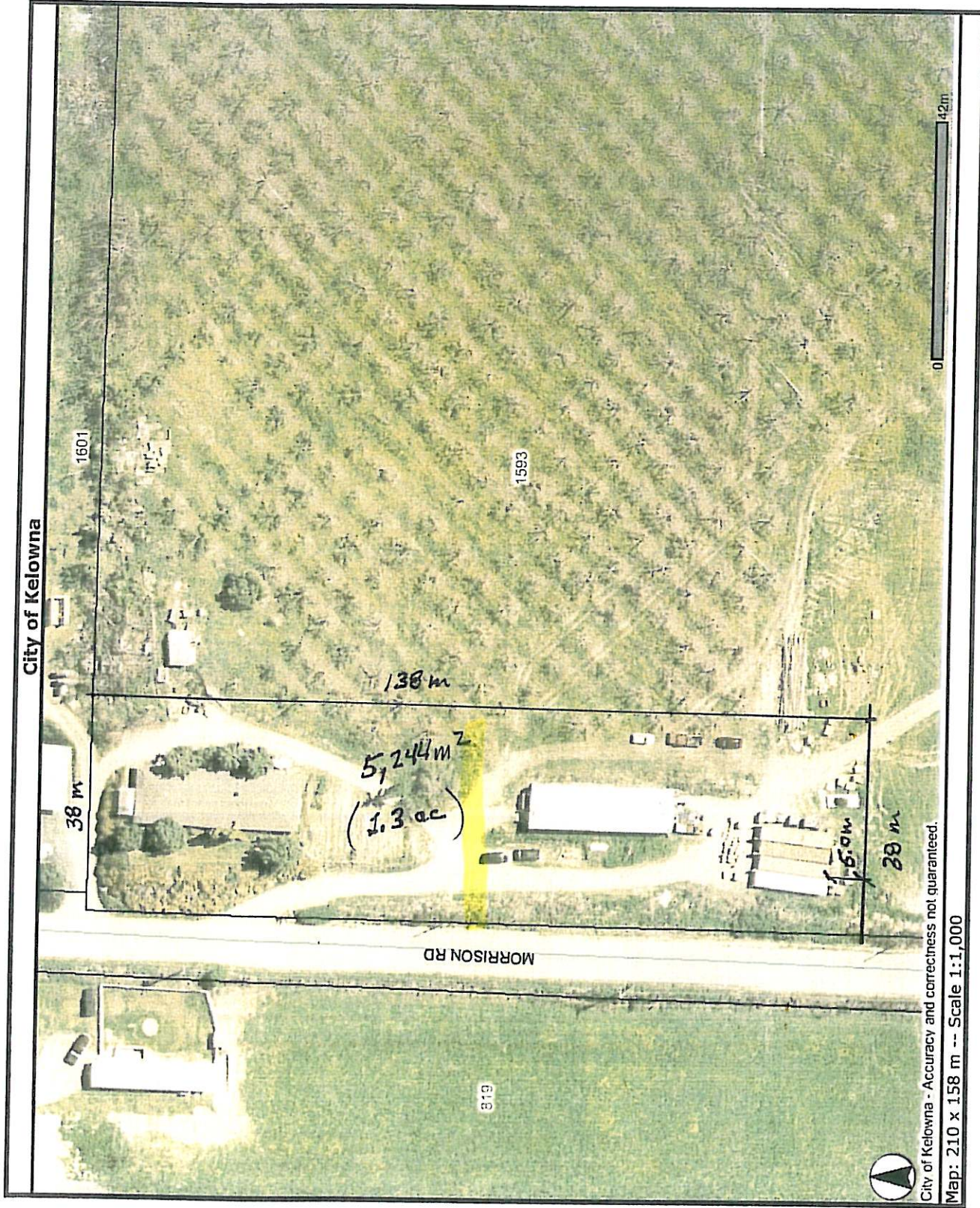
Hyashi Subdivision
↓



This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

- | | |
|-------------------|--------|
| 1 House | 7 Shed |
| 2 School Portable | 8 Shed |
| 3 Pickers Cabin | |
| 4 Shed | |
| 5 Old barn | |
| 6 Derelict Shack | |

homestead severance parcel: 0.52 ha (1.3 ac)



This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

February 24, 2007

To Whom It May Concern:

This letter is to briefly explain the history of this piece of property. It was originally purchased in 1935 by Mary and John Zvonarich. It was farmed as an apple orchard.

Leo and Ann Zvonarich started buying the property in 1965. We were buying it on crop-share payments. We did not transfer the title until 1975 when the final payment was made.

At that time, we did not worry too much about the title as it was our parents' property we were dealing with.

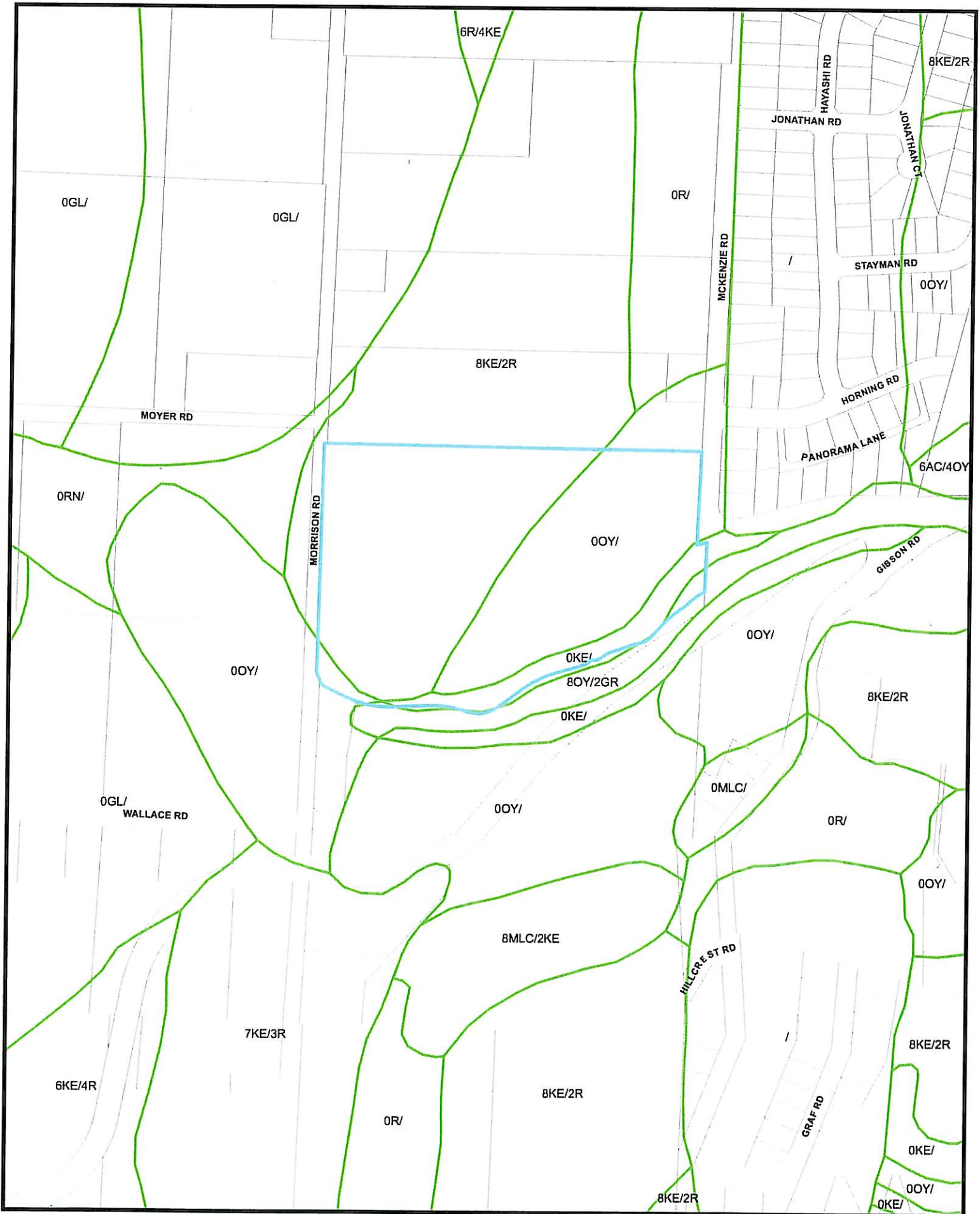
We are currently at a time in our lives where we can no longer manage the farm due to age and health. Leo is now 78 years of age and needs a slower pace. Twelve hour days are no longer possible. We would like to continue living here as long as possible.

Leo has been farming for 64 years. He has been on this property since 1935. It has not been an easy life but it was a good place to raise a family. Leo has been farming since he was 14 years of age.

Enclosed are some papers showing when we made crop payments etc. We did our best to come up with whatever we could find. If you need any further classification, please feel free to contact us at 765-5984.

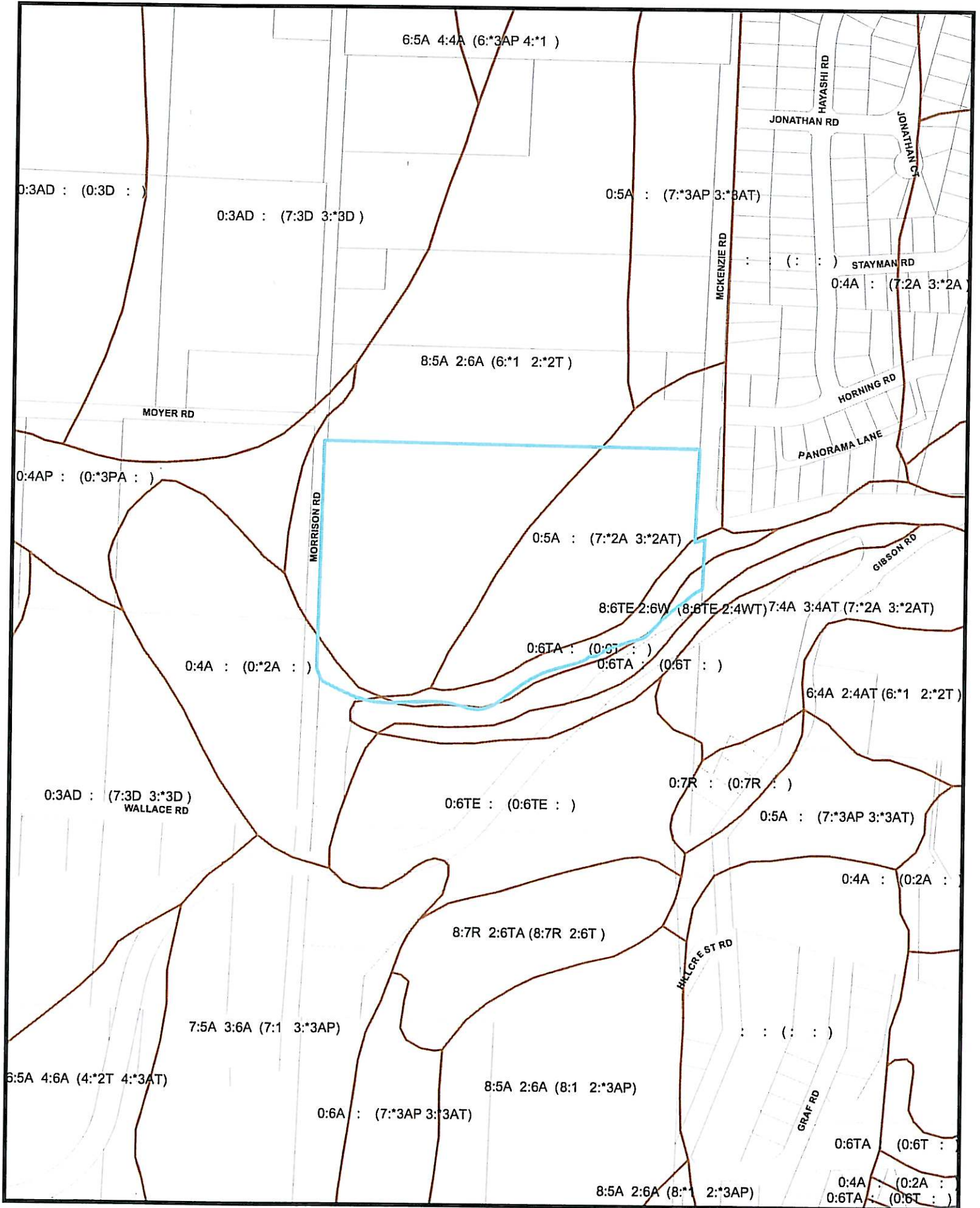
Ann Zvonarich

Land Capability = Brown/ Soil Class = Green



1:5,000

Land Capability = Brown/ Soil Class = Green

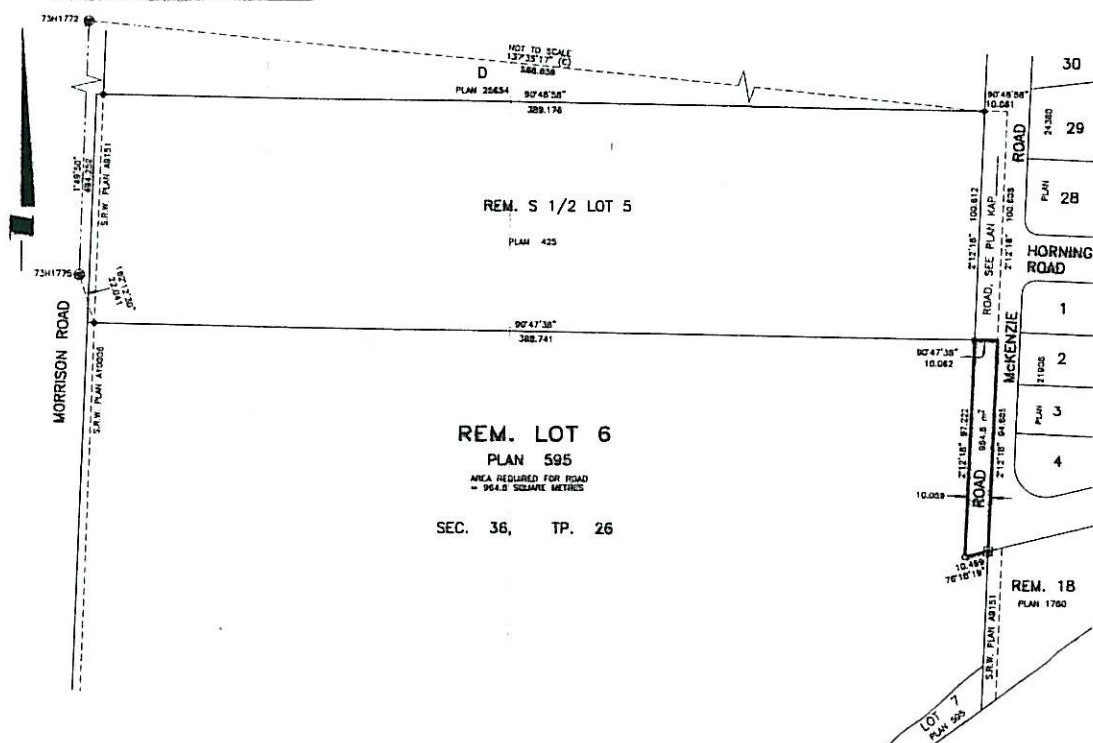


1:5,000

REFERENCE PLAN OF ROAD IN LOT 6,
PLAN 595, SEC. 36, TP. 26, O.D.Y.D.
PURSUANT TO SECTION 107 OF THE LAND TITLE ACT.

B.C.G.S. 82E.094
SCALE: 1:1250 METRES

0 10 20 50 100 METRES



PLAN KAP 78048

DEPOSITED IN THE LAND TITLE OFFICE AT KAMLOOPS, B.C.
THIS DAY 09 MAY 2005

S. LISCHKA

74 REGISTRAR

K. X. S. 100

LEGEND

GRID BEARINGS ARE DERIVED FROM OBSERVATION BETWEEN
CONTROL MONUMENTS 73H1772 AND 73H1775 (INTEGRATED
SURVEY AREA NO. 4 - CITY OF KELLOWNA (HMOB3 C595))
THIS PLAN SHOWS GROUND LEVEL MEASURED DISTANCES.
PRIOR TO COMPUTATION OF U.T.M. CO-ORDINATES MULTIPLY
BY COMBINED FACTOR 0.9999902

- ⊙ DENOTES CONTROL MONUMENT
- DENOTES STANDARD IRON POST FOUND
- DENOTES STANDARD IRON POST SET
- ⊞ DENOTES NON-STANDARD ROUND IRON POST FOUND

APPROVAL

APPROVED UNDER THE LAND TITLE ACT THIS 09 DAY
OF MAY 2005

APPROVED OFFICER FOR THE CITY OF KELLOWNA

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF CENTRAL
OKANAGAN.

I, BRUCE H. DAVIES, A BRITISH COLUMBIA LAND SURVEYOR, OF
THE CITY OF KELLOWNA, IN BRITISH COLUMBIA, CERTIFY THAT I
WAS PRESENT AT AND PERSONALLY SUPERINTENDED THE
SURVEY REPRESENTED BY THIS PLAN, AND THAT THE SURVEY
AND PLAN ARE CORRECT. THE FIELD SURVEY WAS COMPLETED
ON THE 20TH DAY OF DECEMBER, 2004. THE PLAN WAS
COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER
#ECP-26677, ON THE 21ST DAY OF DECEMBER, 2004.

Bruce H. Davies
B.C.L.S.

T.E. Ferguson Land Surveying Ltd.
B.C. AND CANADA LAND SURVEYORS
216-1025 HODGSON STREET, KELLOWNA, B.C.
TELEPHONE (250) 763-3115
FAX (250) 763-3321

JOB NO. 16321-6

C:\VEL\VEL\16321-16-PLAN005.dwg

OWNERS

Leonard Zvonarich
LEONARD ZVONARICH
ANN ZVONARICH

WITNESS

AS TO BOTH SIGNATURES

NAME: L. ZVONARICH
OCCUPATION: SURVEYOR
ADDRESS: KELLOWNA, B.C.