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**CITY OF KELOWNA  
MEMORANDUM**

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**DATE:** June 27, 2007  
**FILE NO.:** A07-0008  
**TO:** City Manager  
**FROM:** Planning & Development Services Department  
**PURPOSE:** To obtain approval from the Agricultural Land Commission under Section 30(1) of the *Agricultural Land Commission Act* for exclusion.  
**OWNERS** John and Marie Murphy      **APPLICANT:** Porter Ramsay Lawyers (Tom Smithwick)  
**AT:** 1460 Gibson Road  
**EXISTING ZONE:** A1 – Agriculture 1  
**REPORT PREPARED BY:** Danielle Noble

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**1.0 RECOMMENDATION**

THAT Agricultural Land Reserve Appeal No. A07-0008 for Lot 18, Sec, 36, Twp 26, ODYD, Plan 1760, Except Plans B3117, 21987, KAP56450, KAP79353 and KAP80250, located on Gibson Road, 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 from the Agricultural Land Commission (ALC) to allow an exclusion of the 1.8 ha (4.45 acres) parcel. The proposed exclusion would facilitate a proposed 20 lot residential subdivision of approximately 0.15 hectare (0.37 acre) parcels.

**3.0 AGRICULTURAL ADVISORY COMMITTEE**

At a meeting held on June 14, 2007, the Agricultural Advisory Committee made the following recommendation:

THAT the Agricultural Advisory Committee NOT support Application No. A07-0008 for 1460 Gibson Road, by Porter Ramsay (T. Smithwick) to obtain approval from the Agricultural Land Commission under Section 30(1) of the *Agricultural Land Commission Act* for exclusion, because it would further expand the existing isolated residential development in this area at the expense of the viable agricultural land base.

**4.0 SITE CONTEXT**

The 1.8 ha (4.45 ac) parent parcel is located on Gibson Road, immediately east of Mackenzie Road. The property is bound on the east, north, and west by all properties having ALR status. The existing parcel has a dwelling situated on it, and vegetation consisting of grassland.

The immediate neighbourhood context is rural residential in nature, with two contained residential neighbourhoods both to the north and south that are excluded from the ALR boundaries. The configuration of the property is irregular in shape as a result of the McCurdy Road extension through the northern portion of the parent parcel.

Parcel Size: 1.8 ha (4.45 ac)  
Elevation: 480 m – 485 m

### BCLI Land Capability

The unimproved land classification for the subject area falls predominantly into Class 4. The principal limiting factor for unimproved land is a soil moisture deficiency and topography limitations. Consequently through improvements to drainage of these lands and other interventions, the improved land capability rating on the majority of the parcel increases to Class 2, where land in this class has minor limitations that may require good ongoing management practices or slightly restrict the range of crops, or both.

### Soil Classification

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

%	Soil Type	Description
100%	OY – Oyama	<u>Land</u> : very gently to strongly sloping fluvioglacial deposits. <u>Texture</u> : 100 cm or more of sandy loam or loamy sand over grading to sand. <u>Drainage</u> : rapid.

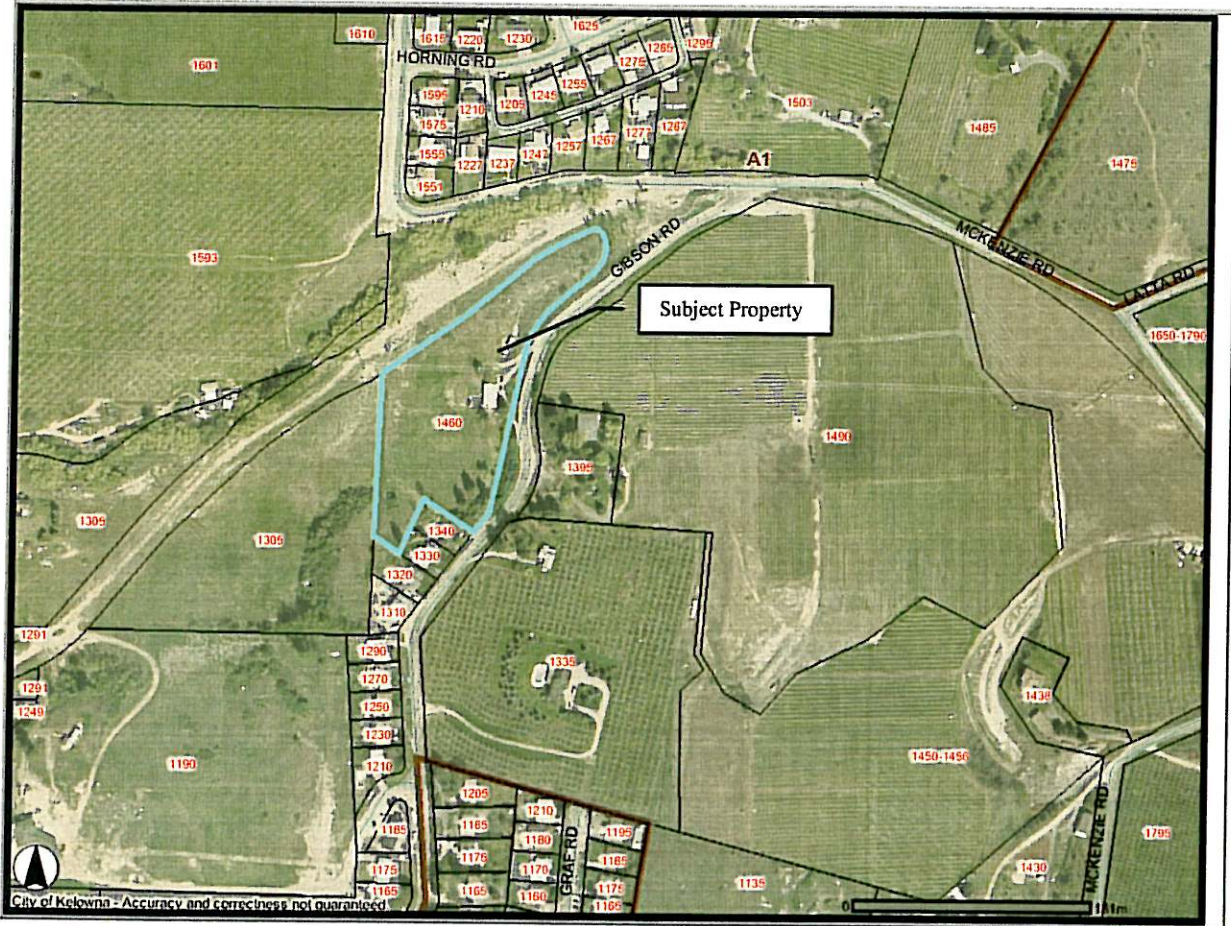
### Zoning of Adjacent Property

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



## 5.0 SITE MAP

Subject Property: 1460 Gibson Road



## 6.0 POLICY AND REGULATION

### 6.1.1 City of Kelowna Strategic Plan

**Objective:** A Primary Goal of the Strategic Plan is to preserve viable agricultural holdings as an integral part of our community.

**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 TECHNICAL COMMENTS**

### **7.1 Works and Utilities Department**

Works and Utilities has no comments with regard to this application. However, a comprehensive report will be provided at the time of subdivision application if and when the Agricultural Land Commission approval removal of the subject property from the Agricultural Land Reserve.

## **8.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS**

This application seeks to ultimately expand the residential area of development that presently exists to the north and south of the subject property. Exclusion of the subject property would help facilitate an anticipated 20 lot future residential subdivision. As noted in the land capability section of this report, improved management practices bring the subject property to a land classification of Class 2, which offers strong agricultural productivity.


Importantly, the Agriculture Plan and the OCP are policies that identify key areas of agriculturally viable lands and aim to sustain a vibrant agricultural land base. Both policy documents aim to lessen uncertainty and enhance confidence and support for future land use designations as established through the OCP. Exclusion of ALR lands facilitates adjacent land use speculation and subdivision potential.

Staff does not support this application for the following reasons:

- there is no support for the application with existing OCP policies (e.g.: 11.1.12);
- this exclusion would contribute to the increasing non-farm activity in the area which presents potential conflict with any bona fide agricultural operation in the area;
- approval of this exclusion could set a precedent, weakening the ability to constrain urban development to urban areas;
- the City has received 5 letters of opposition to the proposed ALR exclusion, anticipating future re-zoning and subdivision into residential parcels.

## **9.0 ALTERNATE RECOMMENDATION**

THAT Agricultural Land Reserve Appeal No. A07-0008 for Lot 18, Sec, 36, Twp 26, ODYD, Plan 1760, Except Plans B3117, 21987, KAP56450, KAP79353 and KAP80250, located on Gibson Road, 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

MB

Ron Dickinson

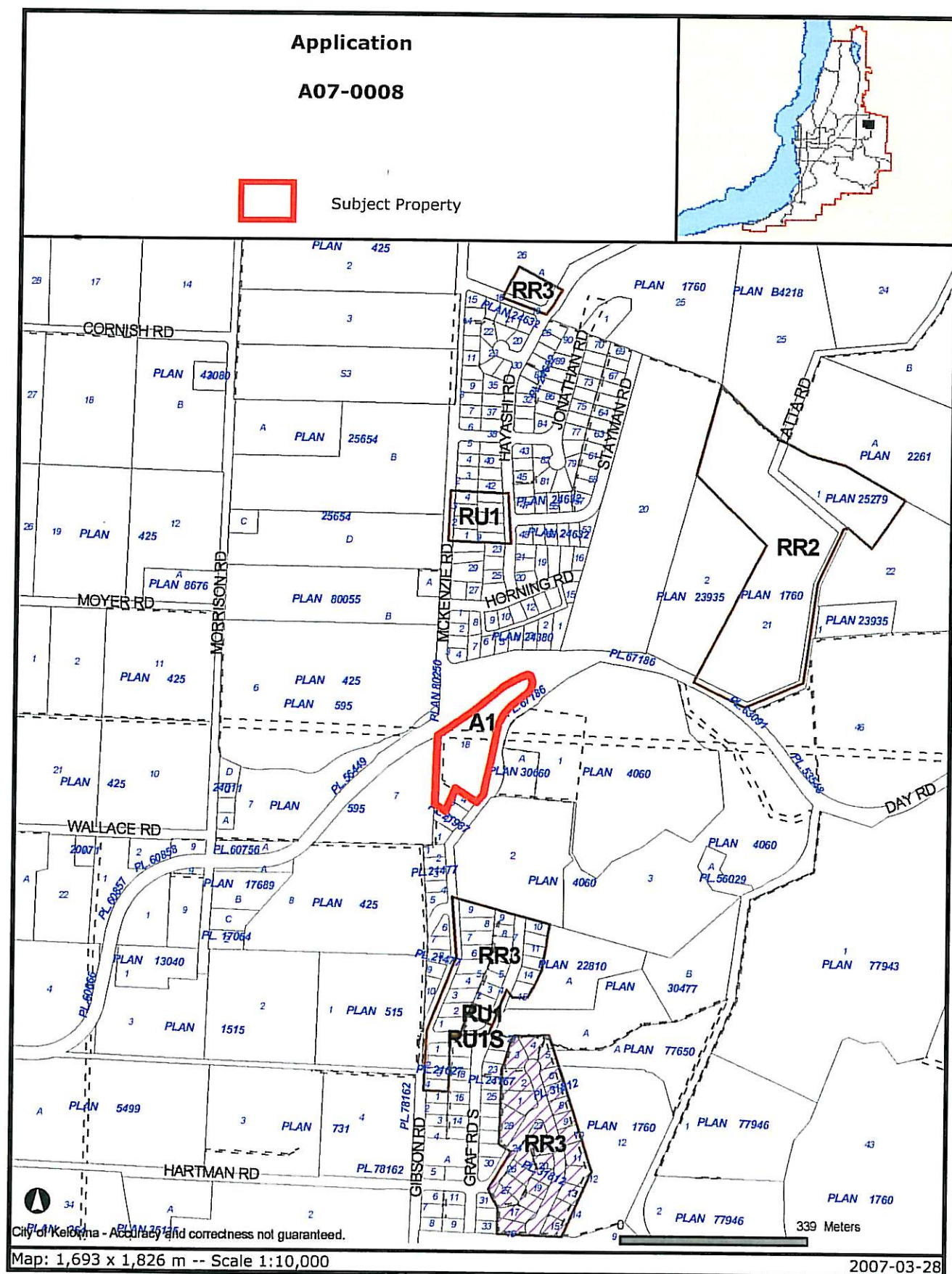
 Inspection Services Manager

RGS/DN

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**ATTACHMENTS**

- Location of subject property
- ALR Map
- Application by Landowner (2 pages)
- Land Capability Map
- Soils Map



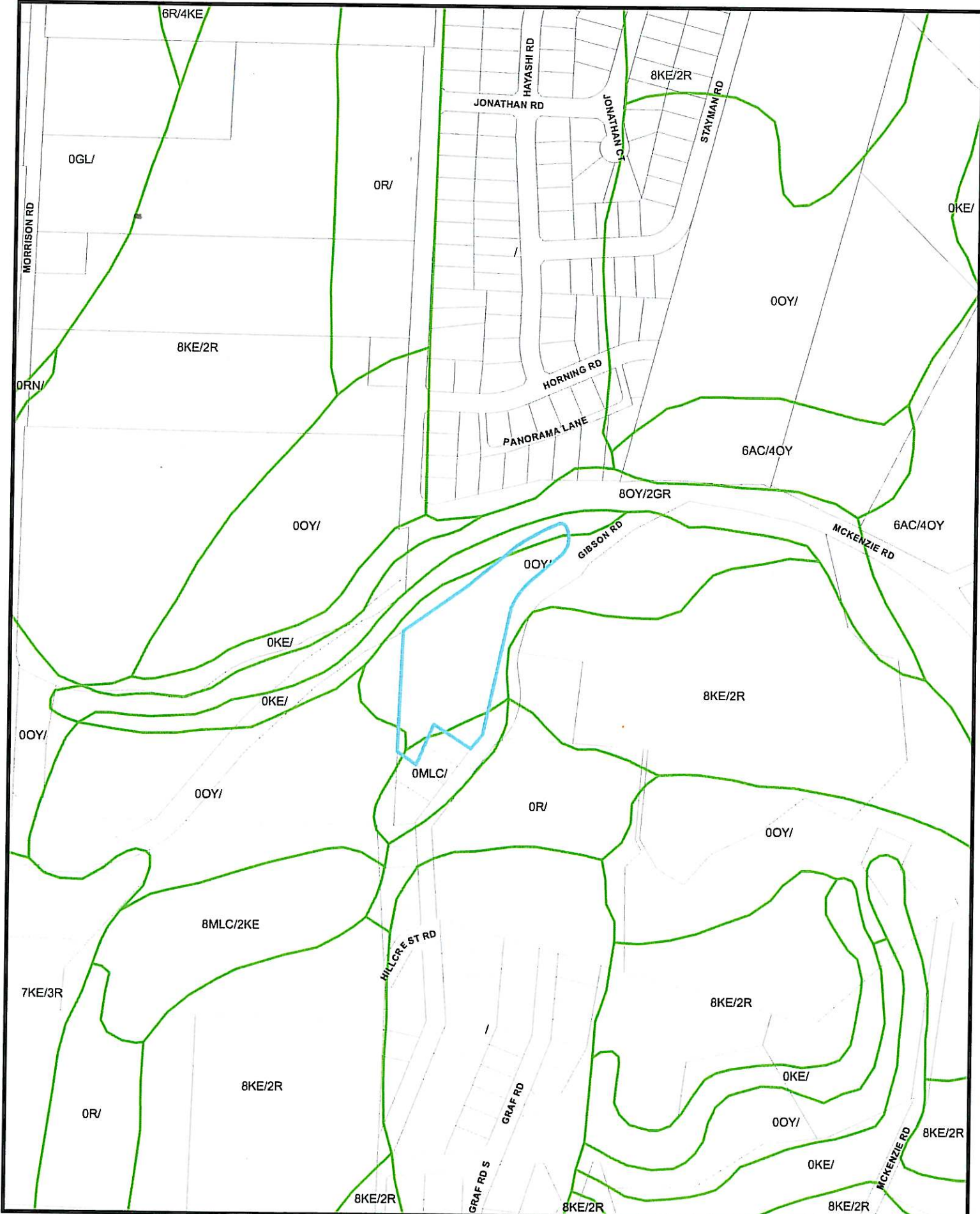
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.







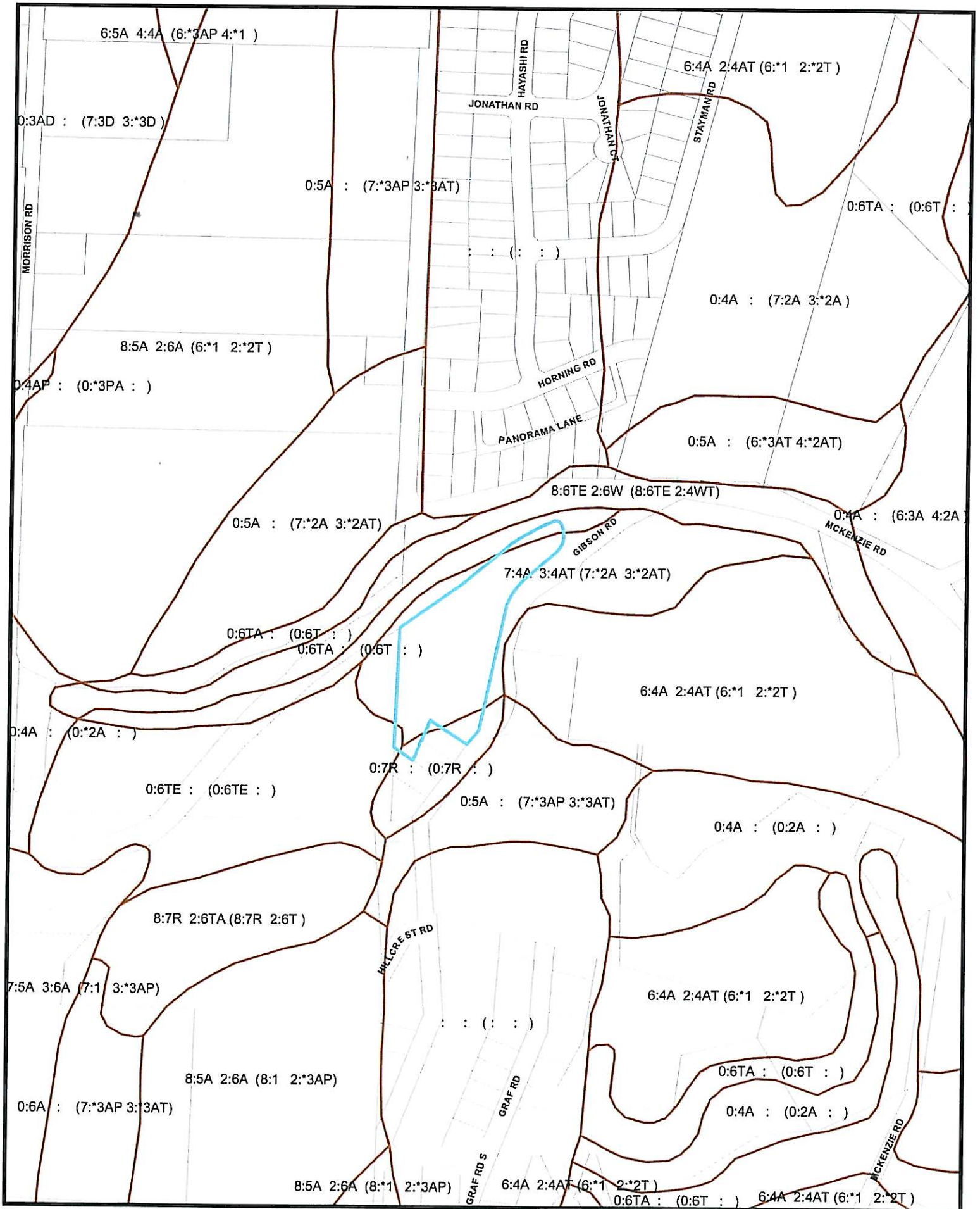
**Land Capability = Brown/ Soil Class = Green**



**1:5,000**



# Land Capability = Brown/ Soil Class = Green



1:5,000