
**CITY OF KELOWNA
MEMORANDUM**

DATE: June 26, 2007

FILE NO.: A07-0014

TO: City Manager

FROM: Planning & Corporate 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 three 0.406 ha (1.0 ac) parcels, and one 0.717 ha (1.8 ac) parcel from a 2.36 ha (5.6 ac) parent parcel.

OWNERS: Tommy and Sandra
Ann Josaissen **APPLICANT:** Milagro Advisory Services Inc.

AT: 1305 Highway 33

EXISTING ZONE: A1 - Agriculture 1

REPORT PREPARED BY: Alec Warrender

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Application No. A07-0014 for Lot 2, Sec. 13, Twp. 26, ODYD, Plan 4283, located at 1305 Highway 33, 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.

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

2.0 SUMMARY

The Applicant is requesting permission to subdivide the parent 2.3 ha (5.6 ac) parcel into three 0.4 ha (1.0 ac) lots and one 0.7 ha (1.8 ac) lots. If granted Agricultural Land Commission approval to subdivide the subject property, the applicant would seek City approval to rezone the property from A1 - Agriculture 1 to RR2 – Rural Residential 2. The Applicants rational for the proposed subdivision has been included in the ALC application (attached).

3.0 AGRICULTURAL ADVISORY COMMITTEE

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

THAT the Agricultural Advisory Committee NOT support Application No. A07-0014 for 1305 Highway 33 East by Milagro Advisory Services (P. Klimuk) to obtain approval from the Agricultural Land Commission to subdivide the subject property, under Section 21(2) of the *Agricultural Land Commission Act*, creating three 0.41 ha (1.0 ac) parcels, and one 0.72 ha (1.8 ac) parcel from a 2.4 ha (5.6 ac) parent parcel

The AAC recommended that this application not be supported because the AAC feels that the property can be used for agriculture, and that this application does not satisfy the conditions necessary for support, since there is no perceived benefit to agriculture through such a subdivision.

4.0 HISTORY

The following information is associated with the applicant's previous application to the Agricultural Land Commission. The applicant proposed to exclude the subject property from the ALR and rezone from A1 - Agriculture 1 to RR2 – Rural Residential 2 (A06-0012).

June 8, 2006 - The Agricultural Advisory Committee (AAC) did not support exclusion application #A06-0012. The AAC's rationale for the refusal was that "the land has the potential to be rehabilitated in order to sustain arable agriculture, and exclusion of the land has no obvious benefit to agriculture. The AAC also did not support this application because it would result in a further extension of the existing urban development in an agricultural area".

This exclusion application was withdrawn and was not advanced to Council.

5.0 SITE CONTEXT

The subject property is located in the Black Mountain Sector area of the City. Highway 33 forms the eastern boundary of the parcel, and Lewis Road the western boundary. There is an overall change in elevation of 20 m (65 feet) from the east to the west side of the property, which is at a distance of approximately 57 m.

This property has no identifiable agricultural activities at present, and several accessory structures exist on the property in addition to the single family residence.

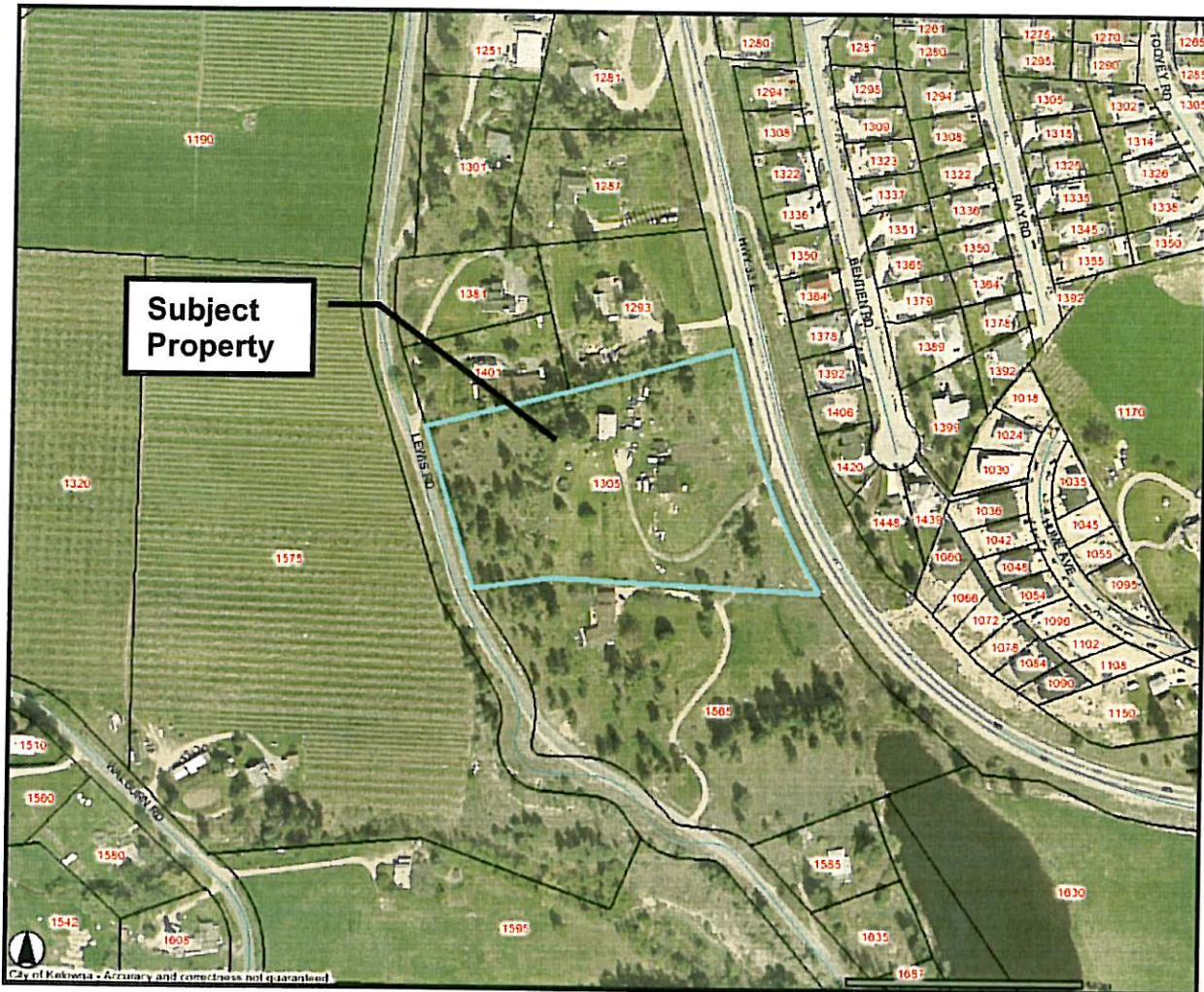
Parcel Size: 2.36ha (5.83 ac)
Elevation: 515 m – 535 m

Adjacent zones and uses are:

North	RR2 – Rural Residential 2 – Single Family Dwellings
East	RU1 – Urban Residential 1 – Single Family Dwellings
South	A1 – Agriculture 1 – Single Family Dwelling/Agricultural Land
West	A1 – Agriculture 1 – Agricultural Land

6.0 SITE MAP

Subject Property: 1305 Highway 33

**BCLI Land Capability**

The unimproved land classification for the most eastern portion of the subject area falls primarily into Class 6 with excess water being a limiting factor. This could be attributed to poor drainage, high water tables, seepage, and/or runoff from surrounding areas. This area of the subject property has an improved rating of Class 4, with limiting factors of excess water and limited fertility.

Approximately 45% of the inner section of the subject property is predominantly a Class 4 rating, with soil moisture deficiency being a degree of limitation. Through improvements, it has the potential to be rated a Class 1. The western portion of the subject property is predominantly Class 5, with topography and soil moisture deficiency limitations. Notably with improvements, this portion has the capability of improving to Class 3, with topography and stoniness limitations still dominant (see attached Land Capability Map).

The Applicant 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 agricultural capability of "40% of the property is very severely limited for agricultural uses due to excessively steep slopes".

Soil Classification

The soil classification for the subject property is broken into three sections. Given the varied topography and soil types, it is important to review each the soil classifications that exist within the three portions of the property.

%	Soil Type	Description
100% (eastern portion)	GR - Gartrell	<u>Land</u> : nearly level and very gently sloping fluvioglacial deposits in depressions. <u>Texture</u> : 60 to 100 cm of loam or sandy loam over gravelly sandy loam or gravelly loamy sand. <u>Drainage</u> : dominantly poor, ranging to imperfect; fluctuating groundwater table and seepage.
100% (inner portion)	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 gravelly sandy loam or gravelly loam. <u>Drainage</u> : well
60% (western portion)	PA – Peachland	<u>Land</u> : hummocky, pitted fluvioglacial deposits often over gently to very steeply sloping glacial till. <u>Texture</u> : 100 cm or more of gravelly silt loam, gravelly sandy loam or gravelly loamy sand. <u>Drainage</u> : well.
40% (western portion)	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 gravelly sandy loam or gravelly loam. <u>Drainage</u> : well

7.0 POLICY AND REGULATION

7.1.1 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.

7.1.2 Kelowna 2020 – Official Community Plan

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

7.1.3 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.

8.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

This applicant seeks to expand the type of rural residential development that presently exists to the north of the subject property. The proposed subdivision of this property within the Agricultural Land Reserve would help facilitate this process. The relevant City policy documents noted above do not support the creation of additional lots within the Agricultural Land Reserve. Also, there are specific policies within the Agricultural Plan that discourage the expansion of residential areas, including rural residential areas, onto agricultural land. For these reasons, staff are not supportive of the application.



R. G. Shaughnessy
Subdivision Approving Officer

Approved for Inclusion

MB

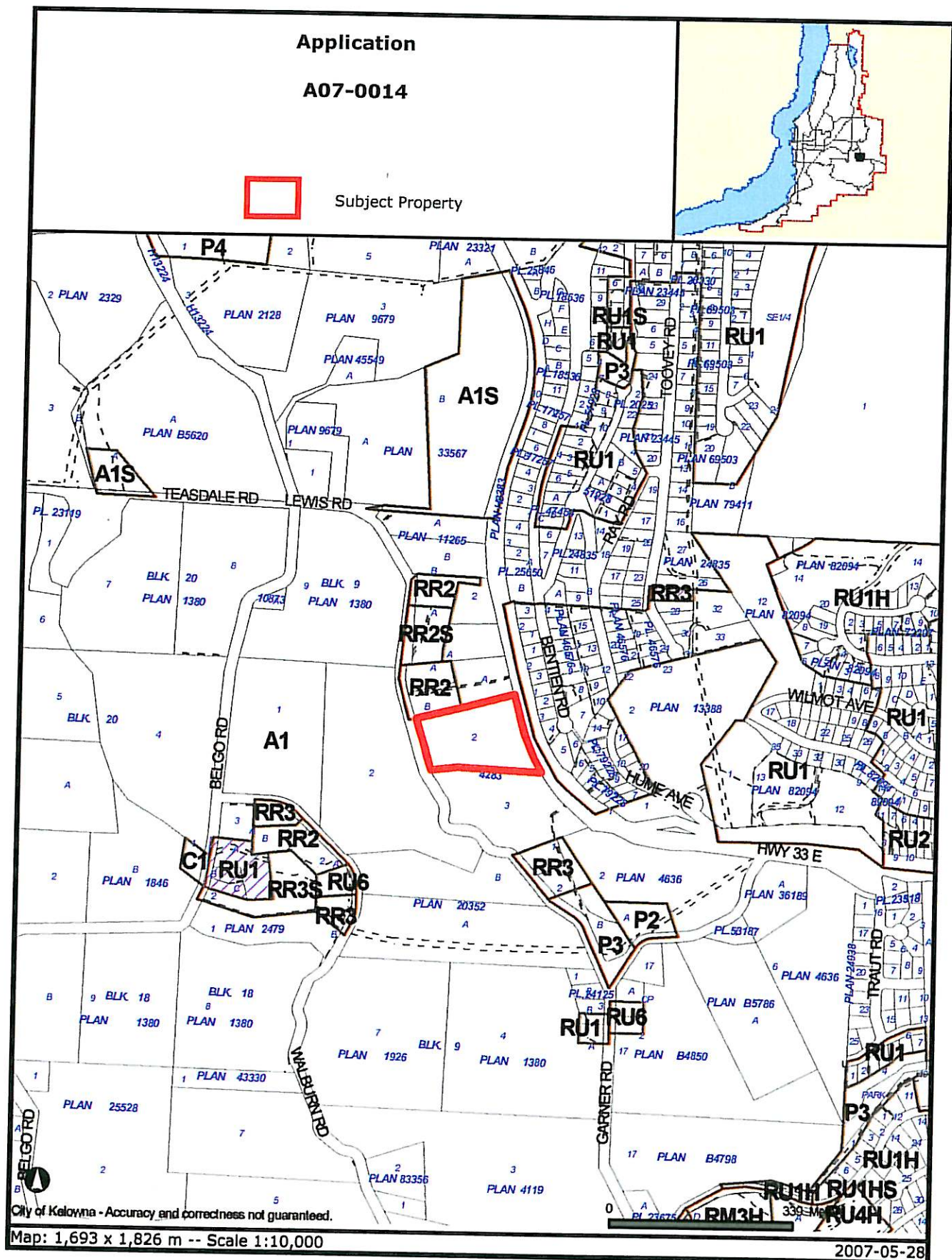
for

Ron Dickinson
Inspection Services Manager

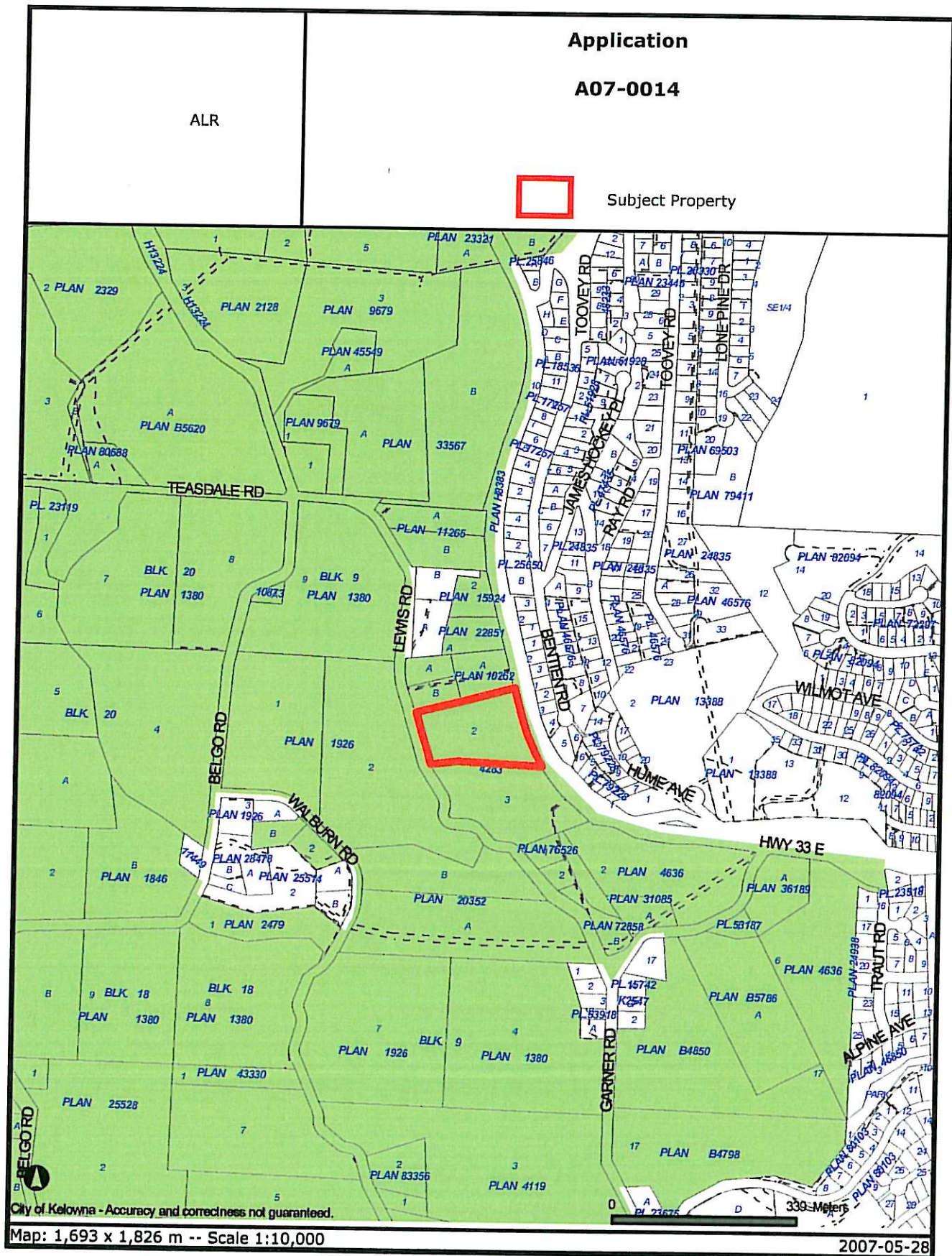
RGS/RD/aw

ATTACHMENTS

- Location Map
- ALR Map
- Application by Land Owner (2 pages)
- Site Plan
- Air Photo
- Contour Map (5m contours)
- Land Capability Map
- Soil Classification Map
- Agrologist's Report, dated January 2, 2006 (4 pages)
- Land Title



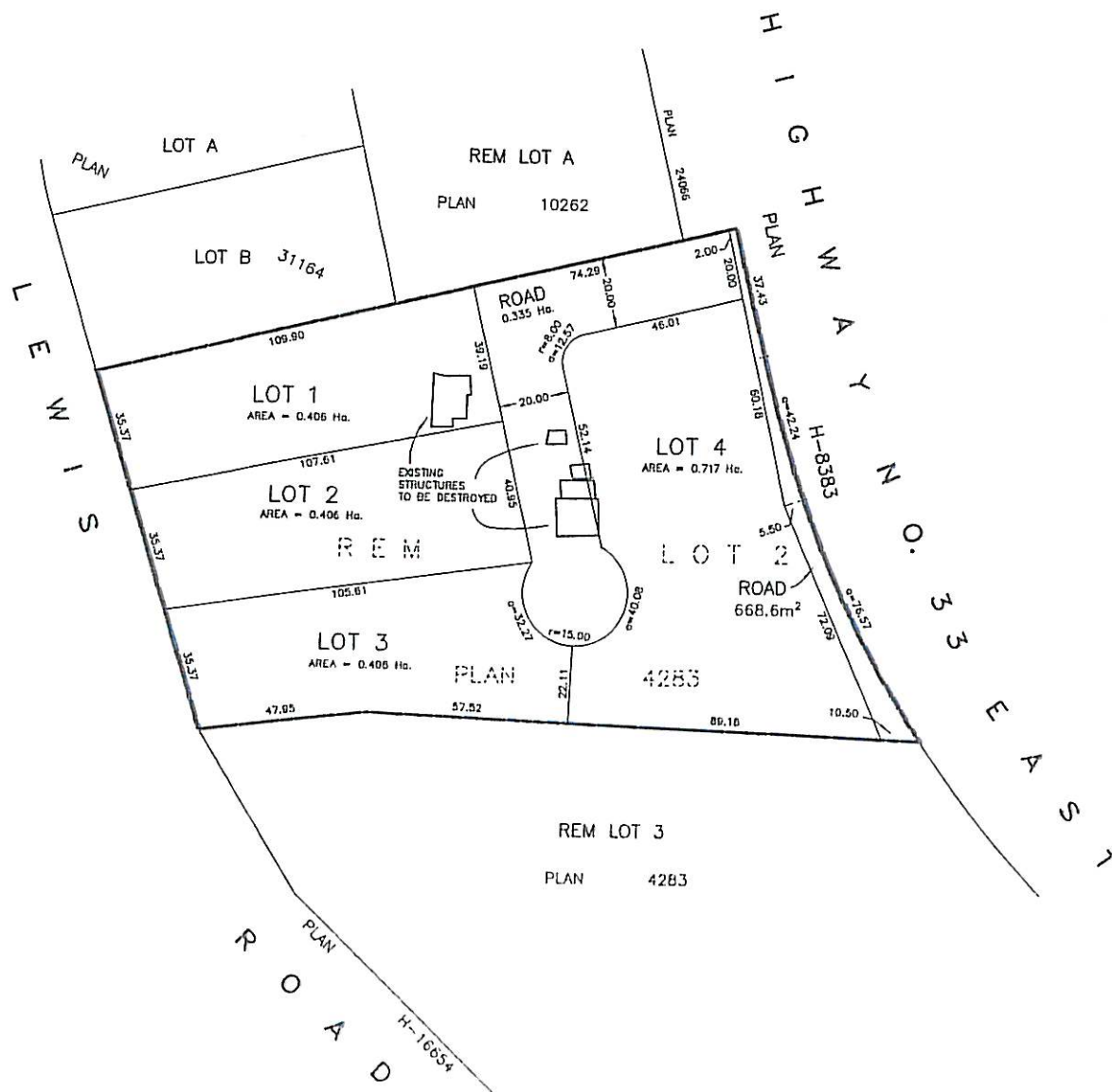
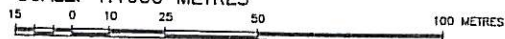
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



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PROPOSED SUBDIVISION PLAN OF LOT 2, PLAN 4283, SECTION 13,
TOWNSHIP 26, ODYD; EXCEPT PLAN H8383

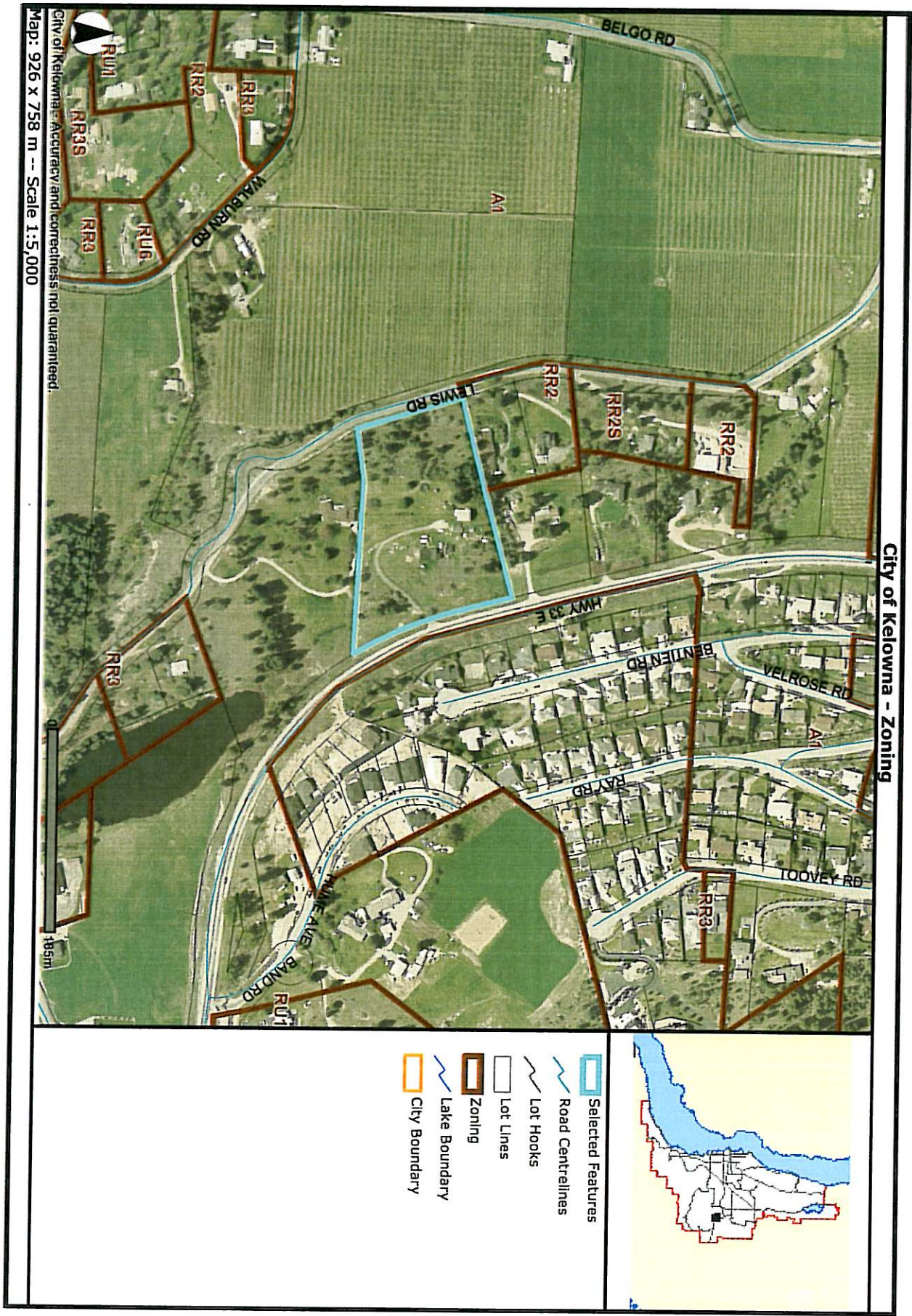
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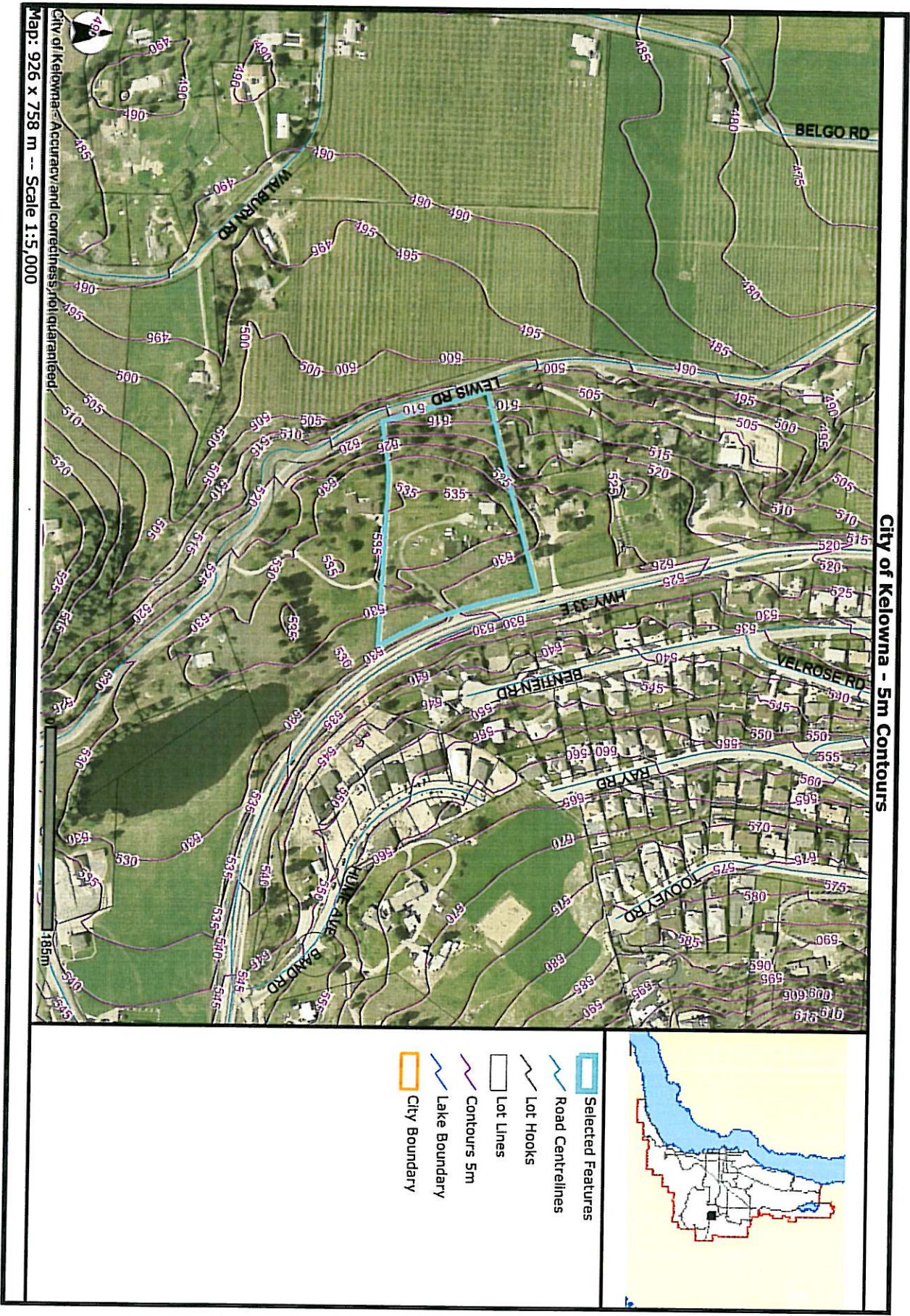
DATE: OCTOBER 25th, 2006
REV4-MAY 10th, 2007

T.E. Ferguson Land Surveying Ltd.
B.C. AND CANADA LAND SURVEYORS
216-1626 HIGHTER STREET, KILLOWNA, B.C.
TELEPHONE: (250) 763-3112
FAX: (250) 763-6321

JOB NO. #16924-SUB



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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

January 02, 2006

Your File: PPG/30649

Paul P. Gauthier
Benson Edwards LLP,
200-270 Hwy 33 W.
Kelowna, BC V1X 1X7

Dear Sir,

**RE: Agrologists Report for T. Josiassen Property (Lot 2) at 1305 Hwy 33 E.,
Kelowna, BC (approx. 2.4 ha or 6.0 acres)**

As requested, I have conducted a detailed on-site assessment of the soils and land capability for agriculture of the above property. My findings follow and are also depicted on the attached map of the property. The land capability for agriculture ratings were determined according to the methodology outlined in *Land Capability Classification for Agriculture in British Columbia*, MOE Manual 1, 1983. Water for irrigation is provided by the Black Mountain Irrigation District.

Area 1, on the attached sketch, is occupied by the homesite and a variety of outbuildings and the parking area.

Area 2, occupying the more-or-less central portion of the property consists of well drained sandy loam or loamy sand soils that grade to gravelly material in the subsoil. The topography is gently undulating with gradients less than 5 %. The area has been developed for mainly lawn and open-space; a few fruit trees are also present. Part of the driveway traverses this area. Area 2a has soils and topographic conditions similar to Area 2 but appears mainly unused and supports a variety of grassy, weedy and shrubby plants. The driveway divides Area 2a into two small discrete areas.

The unimproved (ie. non-irrigated) land capability for agriculture rating of both Area 2 and 2a is Class 5A while the improved rating (ie. irrigated) is Class (1). The tree fruit and grape modified rating also is Class (*1).

Area 3, occupying the approximate western one-third of the property is excessively steep with westerly gradients mostly between 30 % and 60 %. The soils are well to rapidly drained gravelly loamy sand or sandy loam containing varying amounts of cobbles and stones. The roadcut along Lewis Road suggests that bedrock is near the

surface in some areas. The area is undeveloped and still supports mainly native grass, shrub and tree species.

The land capability for agriculture rating of Area 3 is Class 6TA due to excessive slopes.

Area 4 traverses the property in a northerly-southerly direction and consists of very steep slopes with easterly gradients between about 25 % and 40 %. The soils are rapidly or well drained gravelly sandy loam or gravelly loamy sand. The area appears mainly unused and supports a variety of grassy, weedy and shrubby plants. Scattered Ponderosa pine are also present.

The unimproved land capability for agriculture rating is 60 % Class 5TA and 40 % Class 6TA. The improved rating is 60 % Class (5T) and 40 % Class (6T). Applying the tree fruit and grape modification, the rating is 60 % Class (*3T) and 40 % Class 6T.

Area 5 occupies a narrow area on the eastern side of the property adjacent to Highway 33. The area has a gentle northerly slope of about 5 %. The soils appear to consist of a variety of 'fill' materials ranging in texture from gravelly loamy sand to gravelly loam. Sawdust and wood chips occur on and mixed in to the upper surface in some areas. The area may have been a wet drainage channel in the past and the fill was added to improve the poorly drained conditions.

The unimproved land capability for agriculture rating ranges from about 50 % Class 5A to 50 % Class 5AP in the gravelly and sandy areas. The improved ratings are mainly Class (3AP). The tree fruit and grape modified rating is also Class (*3AP).

In summary, a visual estimate suggests that about 40 % of the property is very severely limited for agricultural uses due to excessively steep slopes. A further 10 % or so is occupied by the homesite and related buildings. About 50 % is arable but about one-half of this is occupied by lawn and open space.

Land uses to both the north and south are small (residential) holdings while on the east (across Hwy 33) is a residential subdivision. To the west (across Lewis Road) are a variety of orchards.

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

Yours truly,



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

Attachments - sketch map
- air photo mosaic



Lot 2, 1305 Hwy 33E (T. Josiasen property)

Agrologist report prepared by H.A. (Herb) Luttmering, P.A.

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December 28, 2005

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LEWIS RD

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