

DATE: August 22, 2007

FILE NO.: A07-0018

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 homesite severance subdivision.

OWNERS Adam Bullach **APPLICANT:** Porter Ramsay (Tom Smithwick)

AT: 3502 East Kelowna Road

EXISTING ZONE: A1 – Agriculture 1

REPORT PREPARED BY: Alec Warrender

4.2 BCLI Land Capability

The subject property has a mix of ratings regarding Land Capability. The forested portion at the north of the subject property has a Class 6 Land Capability. The majority of the property has a Land Capability of Class 5 ($\pm 70\%$) and Class 4 ($\pm 30\%$). "Soil moisture deficiency" is identified as the primary limiting factor, while "topography" is a limiting factor for the northern portion. Consequently, through irrigation, the land rating for the southern portion (90% of total) improves mostly to Class 3 ($\pm 70\%$) and Class 2 ($\pm 30\%$). (See attached Land Capability Map copied from map 82E.083).

4.3 Soil Classification

The subject property falls in two different soil classifications breaking the property into a northern and southern portion.

Northern Portion (~10% of total lot)		
%	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 loamy sand over gravelly loamy sand or very gravelly sand. <u>Drainage</u> : rapid.

Southern Portion (~90% of total lot)		
%	Soil Type	Description
70%	R - Rutland	<u>Land</u> : very gently to strongly sloping fluvioglacial deposits. <u>Texture</u> : 10 to 25 cm of sandy loam or loamy sand over gravelly loamy sand or very gravelly sand. <u>Drainage</u> : rapid.
30%	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 gravelly sandy loam or gravelly loamy sand. <u>Drainage</u> : Well to Rapid.

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

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

5.1.4 Agricultural Land Commission Act – Policy #11

Where the Commission decides to allow a "homesite severance", there are two options:

- a. the existing homesite may be created as a separate parcel where it is of a minimum size compatible with the character of the property (plus a reasonable area, where required, for legal access purposes); or
- b. where the location of the existing homesite is such that the creation of a parcel encompassing the homesite would, in the Commission's opinion, create potential difficulty for the agricultural operation or management of the "remainder", the Commission may, as it deems appropriate, approve the creation of a parcel elsewhere on the subject property.

6.0 TECHNICAL COMMENTS

6.1 Works & Utilities

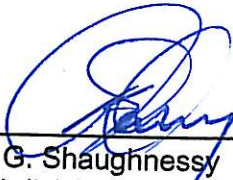
Works and Utilities has no comments at this point in time with regard to the servicing of this proposed development, however, a comprehensive report will be provided at the time of the subdivision application if and when the Agricultural Land Commission agrees to the proposed development.

It should be noted that the right of way width of East Kelowna Road does not meet current standards and some frontage dedication may be triggered by a subdivision in accordance with current Bylaws and policies.

7.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

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.

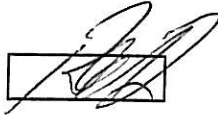
Staff believe that a panhandle shaped home site severance (See Map 'A') would be more suitable as this would ensure that the entire orchard remains active for future generations. Further, although it is not detailed on the site plan, it is assumed that there is a septic field servicing the existing dwelling. The applicant will be expected to provide this detail in order to establish the most suitable lot boundary for the parcel. Staff have no additional concerns, as long as the AAC and the ALC are satisfied with this application.



R. G. Shaughnessy
Subdivision Approving Officer

RS/SG/aw

Approved for Inclusion



David L. Shipclark
Acting Director of Planning & Development Services

ATTACHMENTS

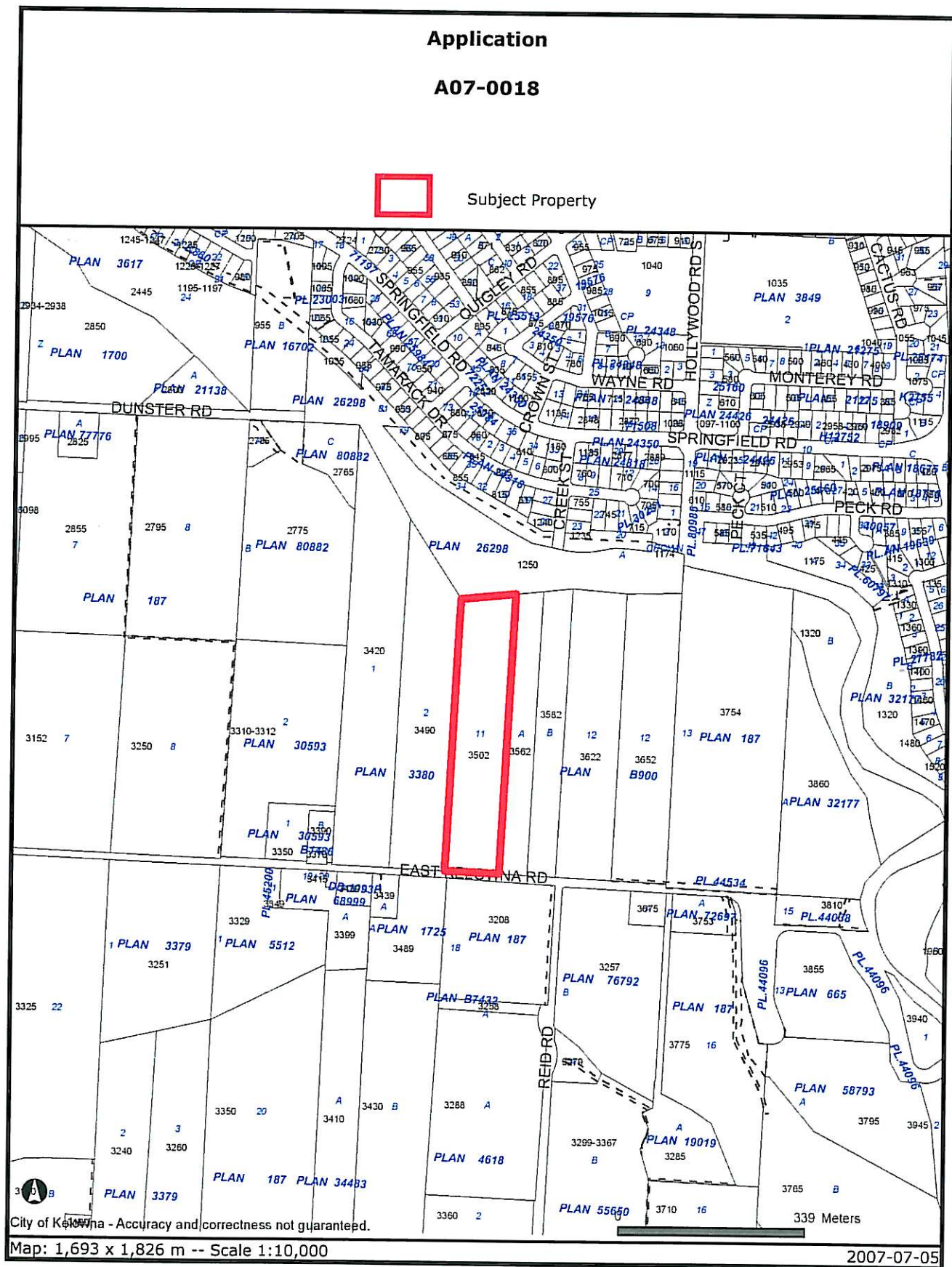
Subject Property Map
Generalized Zoning Map
ALR Map
Elevation & Contour Map
Proposed Subdivision
Site Plan & Surrounding Uses
Air Photo Showing Homesite Severance Parcel (2)
Application by Land Owner (2)
Land Capability Map
Soil Classification Map

Map 'A'

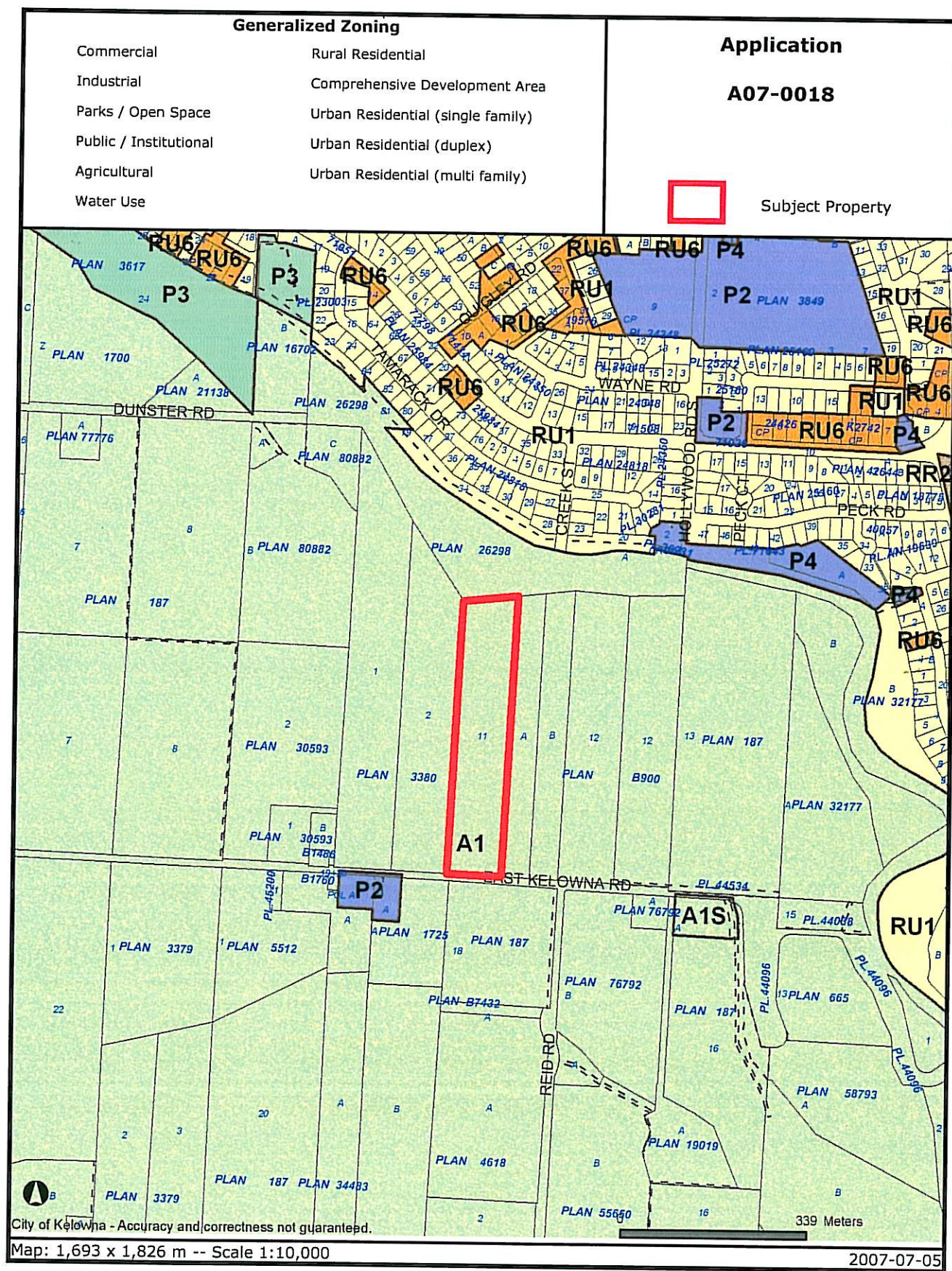
3502 East Kelowna Road



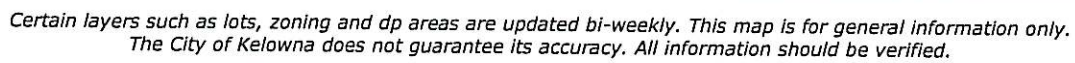
Blue – Indicates what the suggested panhandle shaped severance may look like
Red – Indicates the agricultural land that will remain with the parent parcel

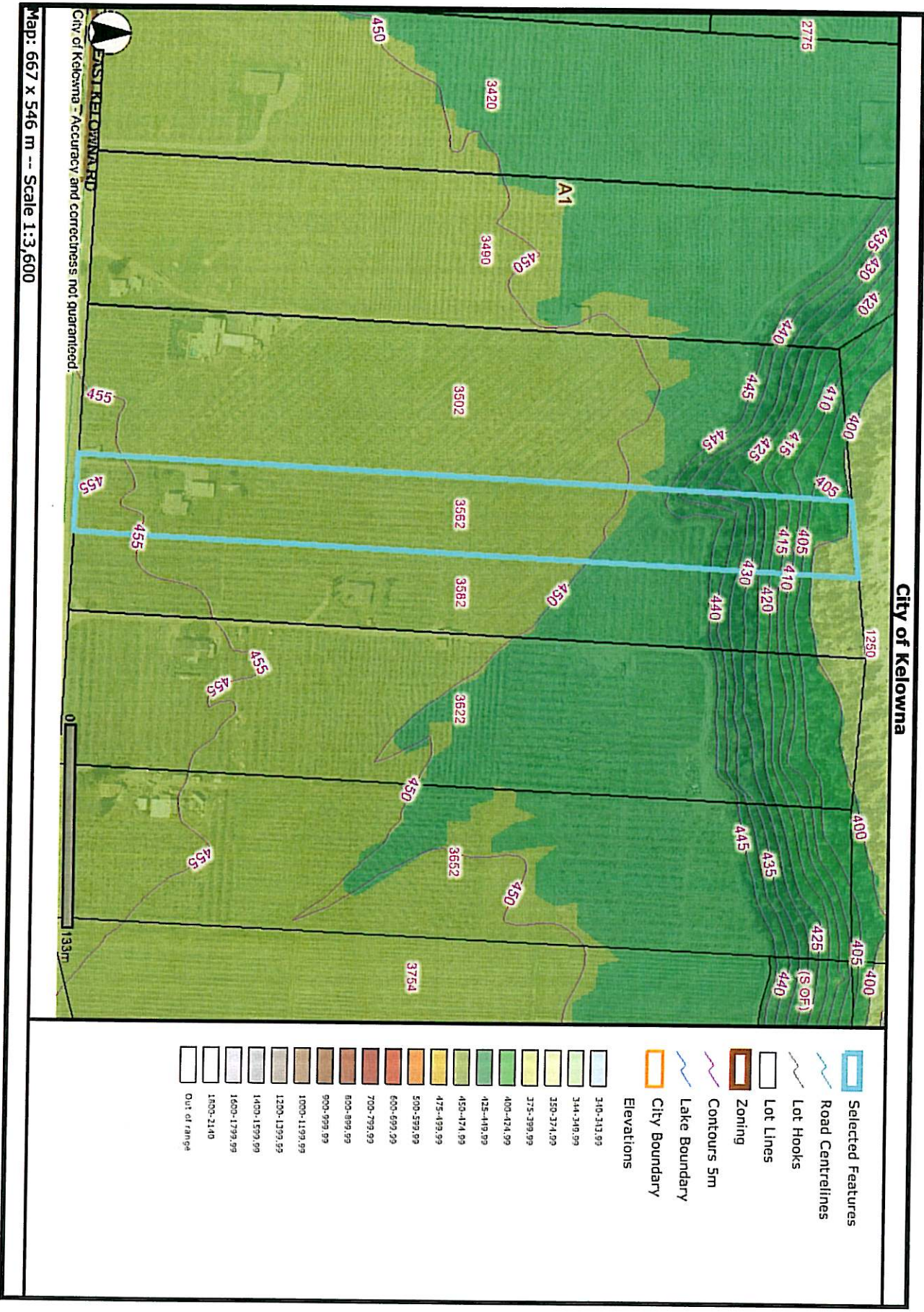


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



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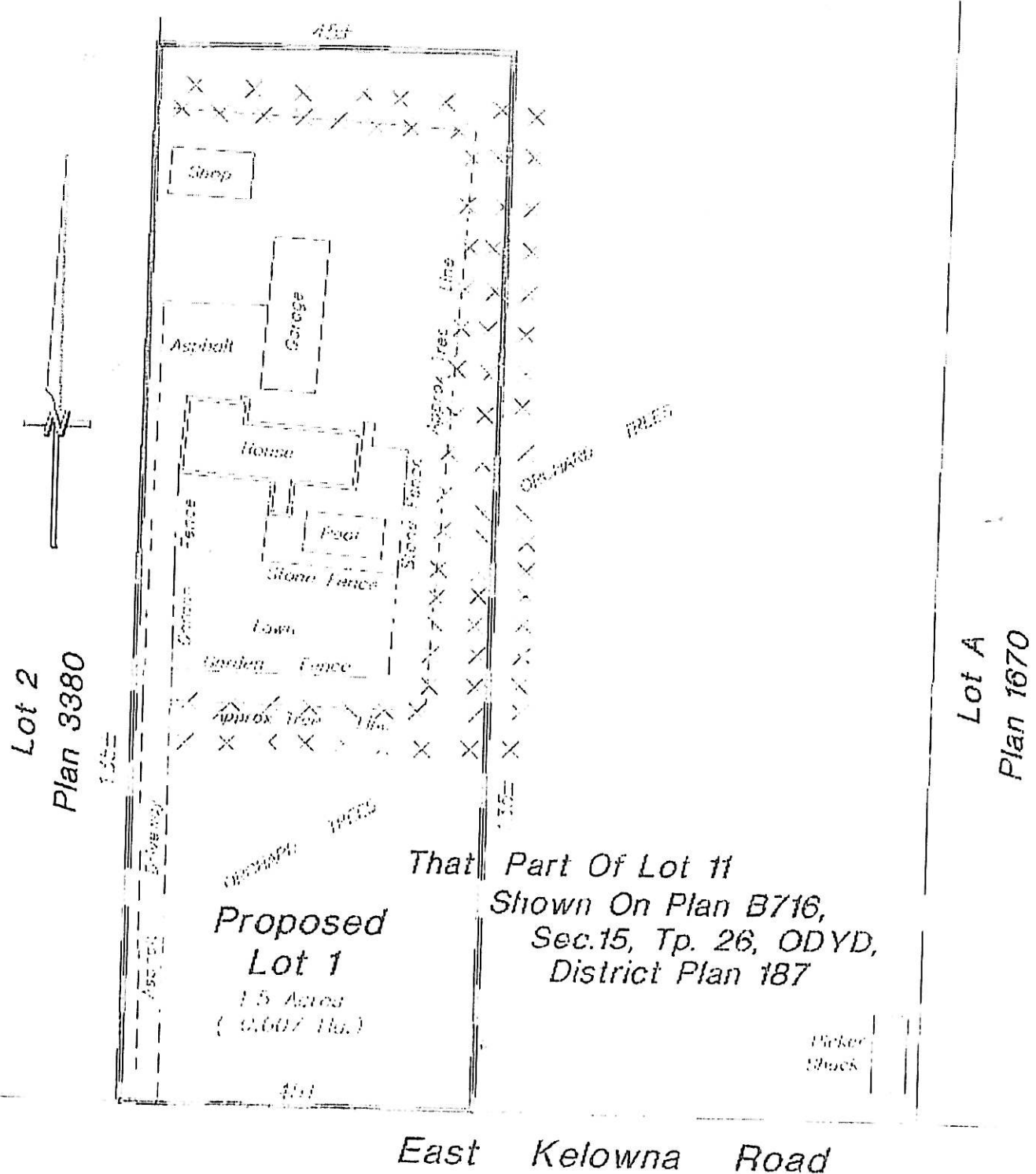




**SKETCH PLAN SHOWING PROPOSED SUBDIVISION
OF PART OF THAT PART OF LOT 11, SHOWN ON
PLAN B716, SEC.15, TP.26, ODYD, DISTRICT PLAN 187**

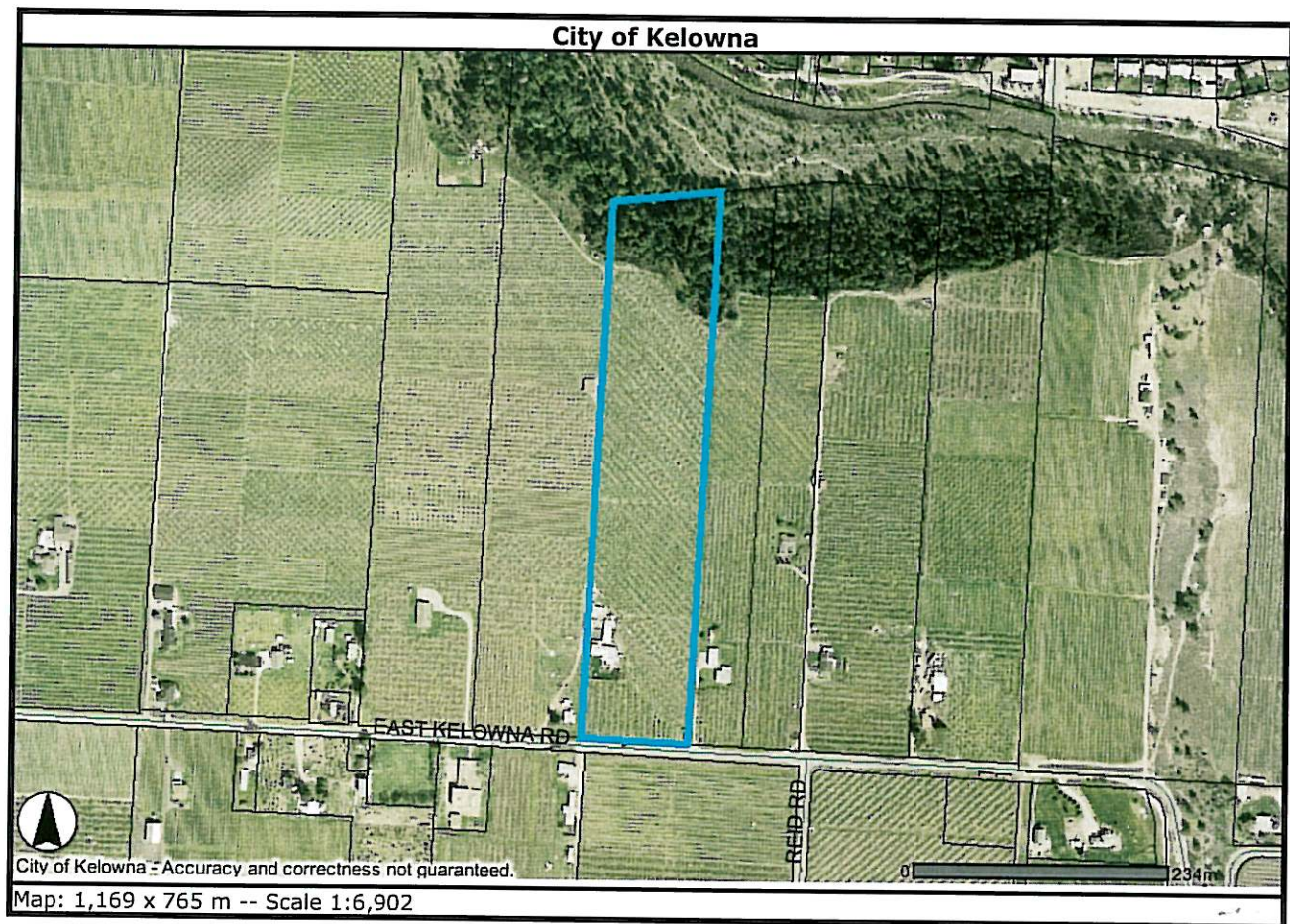
3502 - East Kelowna Road - Kelowna B.C. Bullach Property

Distances shown are in metres and decimals thereof.
Scale 1:750 Metric.



FRITSCH LAND SURVEYING INC.
British Columbia Land Surveyors

B7-080(11.0)

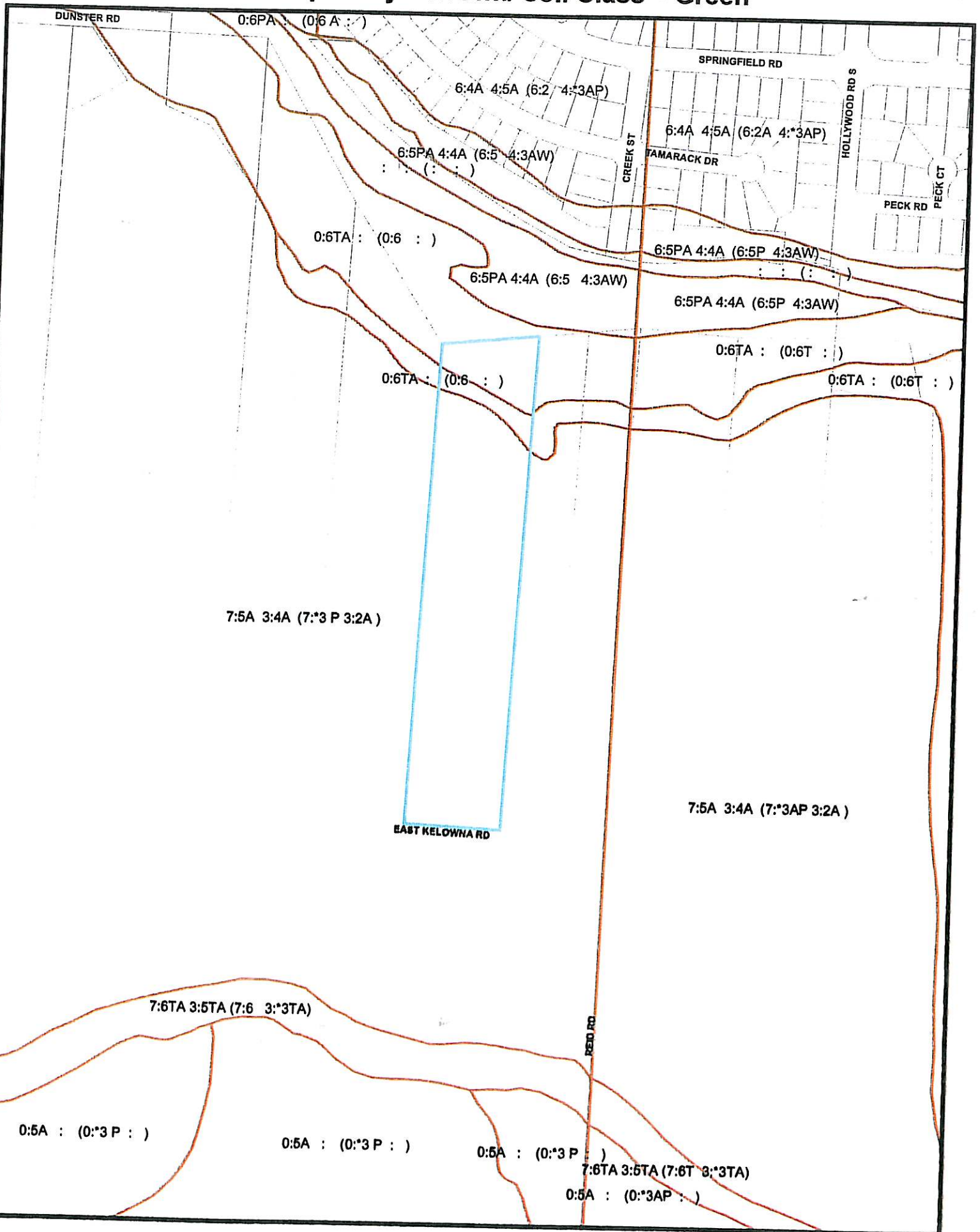


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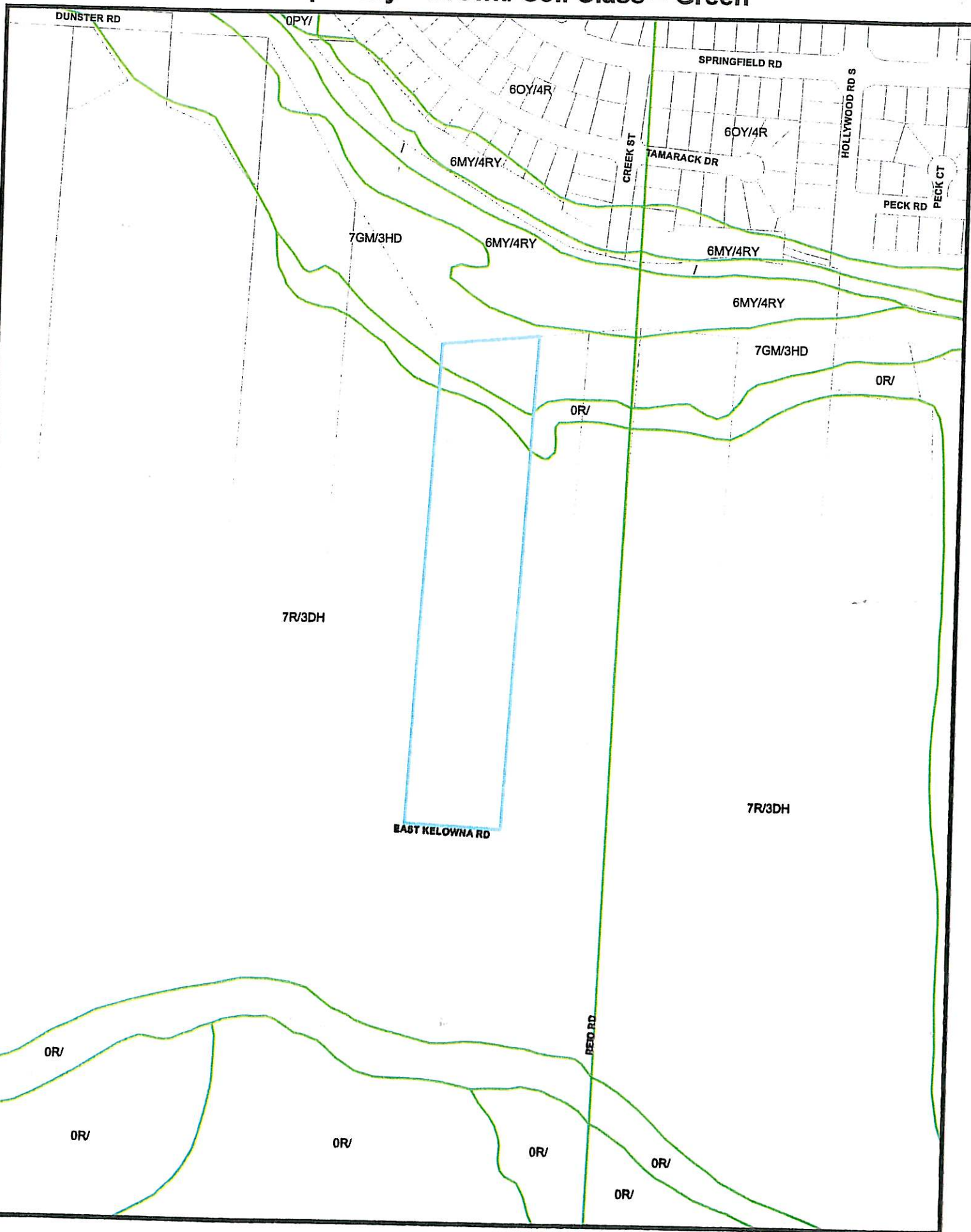
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Land Capability = Brown/ Soil Class = Green



1:5,000

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1:5,000