
CITY OF KELOWNA
MEMORANDUM

Date: May 20, 2008
File No.: A08-0003
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.
OWNER Guerina Russo
Ida Russo
APPLICANT: Guerina Russo
Ida Russo
AT: 3616 Benvoulin Road
EXISTING ZONE: A1 – Agriculture 1
REPORT PREPARED BY: Nelson Wight

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A08-0003 for Lot B, District Lot 133, O.D.Y.D., Plan 4634, located on Benvoulin 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.

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 0.3 ha (0.75 ac) in size, leaving a 2.2 ha (5.4 ac.) remainder parcel (see attached Sketch Plan).

3.0 AGRICULTURAL ADVISORY COMMITTEE

At a meeting held on May 13, 2007, the Agricultural Advisory Committee passed the following recommendation:

THAT the Agricultural Advisory Committee support Application No. A08-0003 for 3616 Benvoulin Road, by Guerina and Ida Russo to obtain approval from the Agricultural Land Commission under Section 21(2) of the Agricultural Land Commission Act to complete a homesite severance subdivision.

4.0 SITE CONTEXT

The subject property is located on the west side of Benvoulin Road, north of the intersection with Casorso Road. The existing farmyard occupies the 0.3 ha area that is being requested for the homesite severance parcel. There is a second dwelling in the southwest corner of the property. Outside of these yard sites there appears to be about 1.25 ha used for a market garden, with the remaining land used to store various items (e.g. vehicles, etc.).



Parcel Size: 2.4 ha (5.96 ac)
Elevation: 346 m – 347 m

BCLI Land Capability

The entire subject property has an unimproved land capability rating of Class 4, with “excess wetness” listed as the only limiting factor. Consequently, through improvements to drainage, for example, the land improves to Class 2. (See attached Land Capability Map copied from map 82E.083).

Soil Classification

The soil classification for the subject property includes the following:

%	Soil Type	Description
100%	GN – Guisachan	<u>Land</u> : nearly level and very gently sloping fluvial fan deposits. <u>Texture</u> : 10 to 100 cm of silt loam, loam or sandy loam over loamy sand or very gravely loamy sand. <u>Drainage</u> : poor, fluctuating groundwater table.

Zoning of Adjacent Property

North A1 – Agriculture 1
East P2 - Education and Minor Institutional
A1 – Agriculture 1
South A1 – Agriculture 1
West A1 – Agriculture 1

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

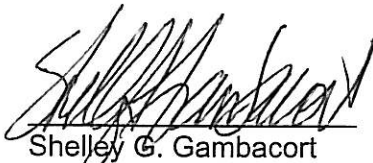
6.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

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 has no concerns with this application, given that the owner has owned this property prior to 1972. The proposed property boundaries also appear reasonable, given that they encompass the main residence and accessory buildings.

The air photo from 2006 shows a certain amount of viable land that is covered with outdoor storage. Staff encourages the owner to remove these items in order that the land would be available for production. Staff also encourages the "farm home plate" model for development. Relocation of the 2nd dwelling to the front of the lot, or registration of a "no build" covenant ensuring any new dwelling is constructed in a manner consistent with that "farm home plate" model are two suggestions, but perhaps other options also exist.

The applicant has indicated a request for "exclusion" on their application form. This form should be amended to reflect the actual intent, which is a "subdivision within the ALR", prior to forwarding to the ALC.

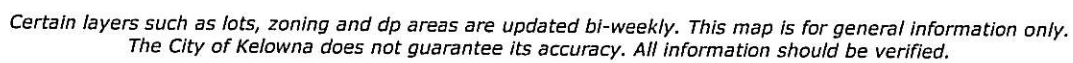


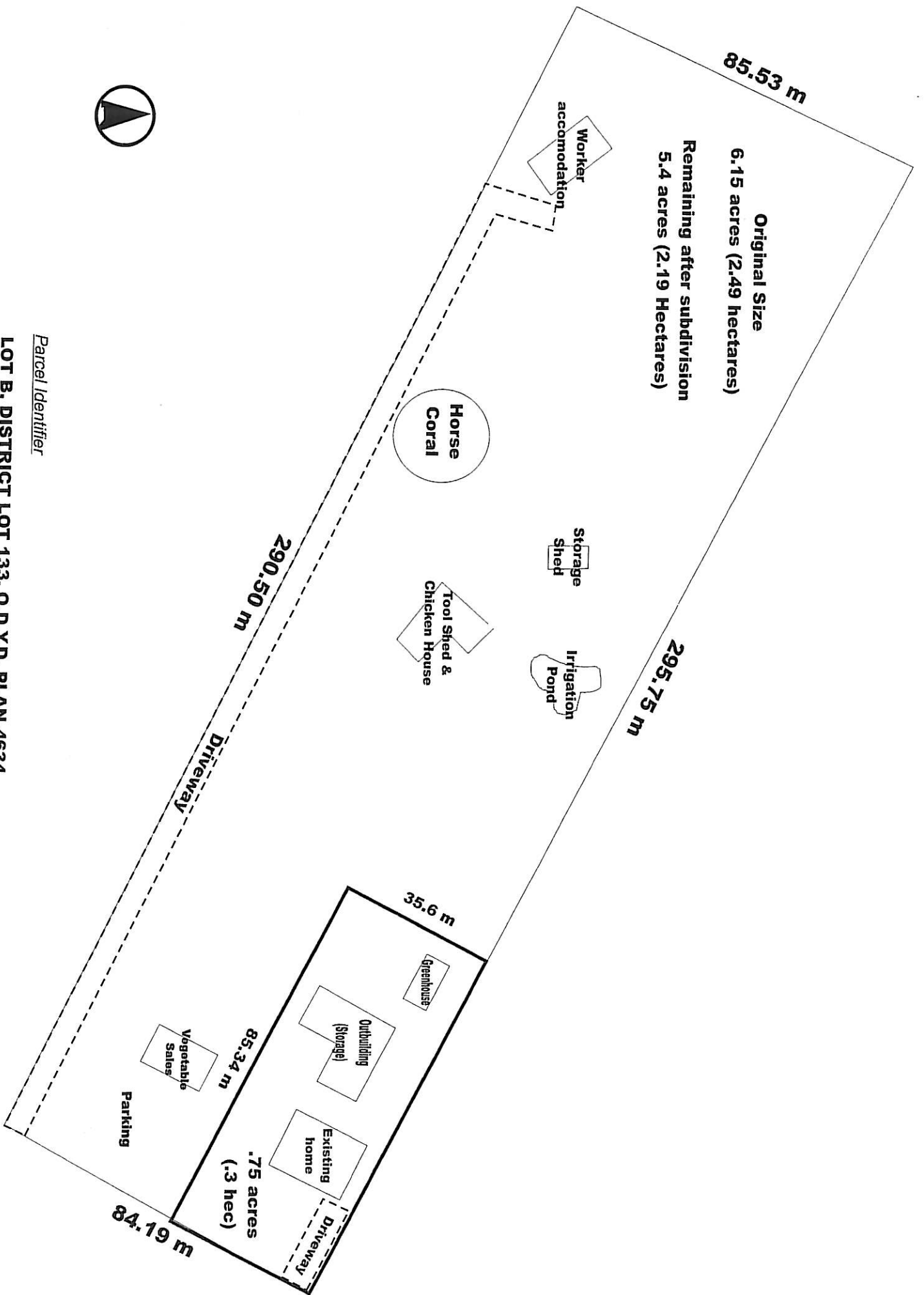
Shelley G. Gambacort
Subdivision Approving Officer

NW/nw

ATTACHMENTS

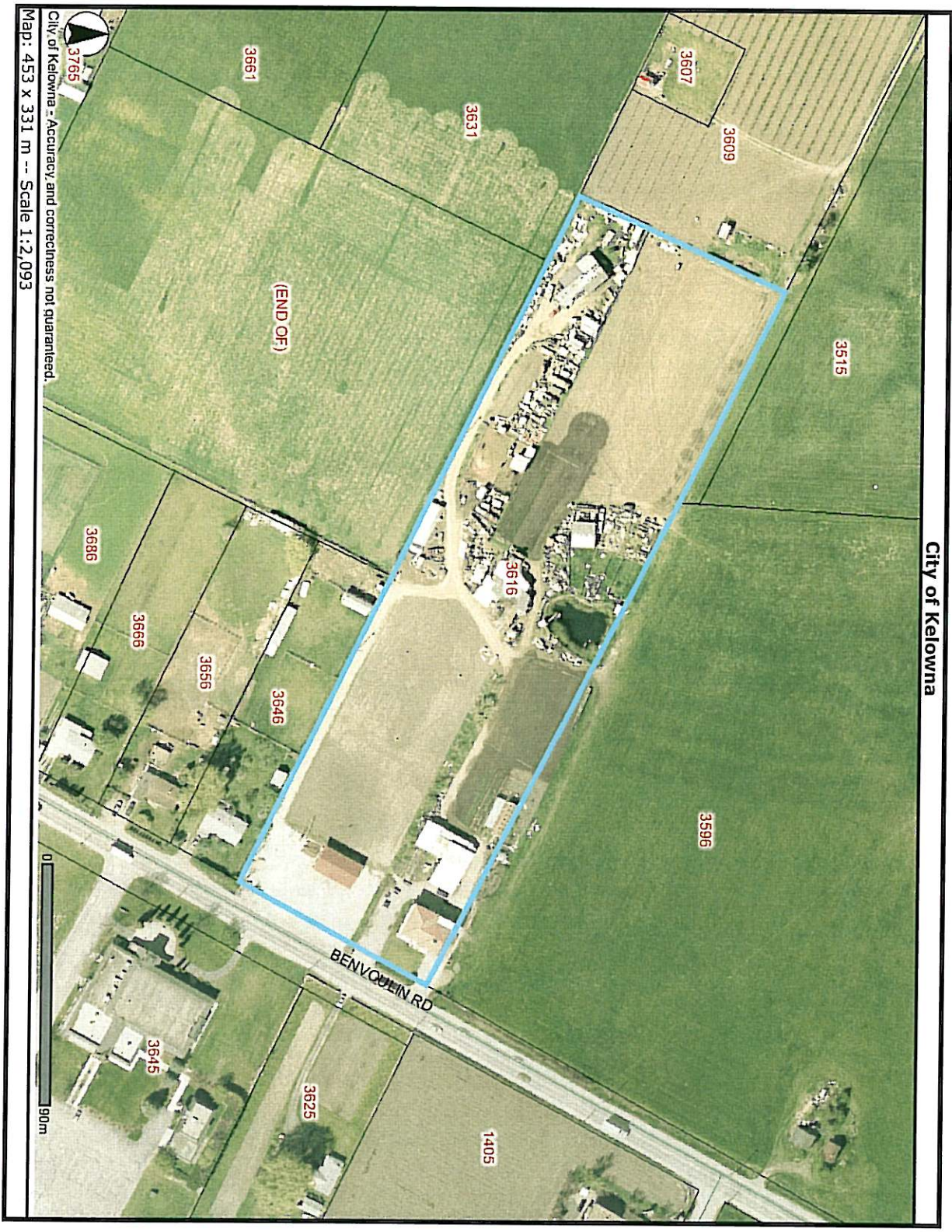
ALR Map
Site Plan
Application by Land Owner (2 pages)
Air Photo
Land Capability Map
Soil Classification Map



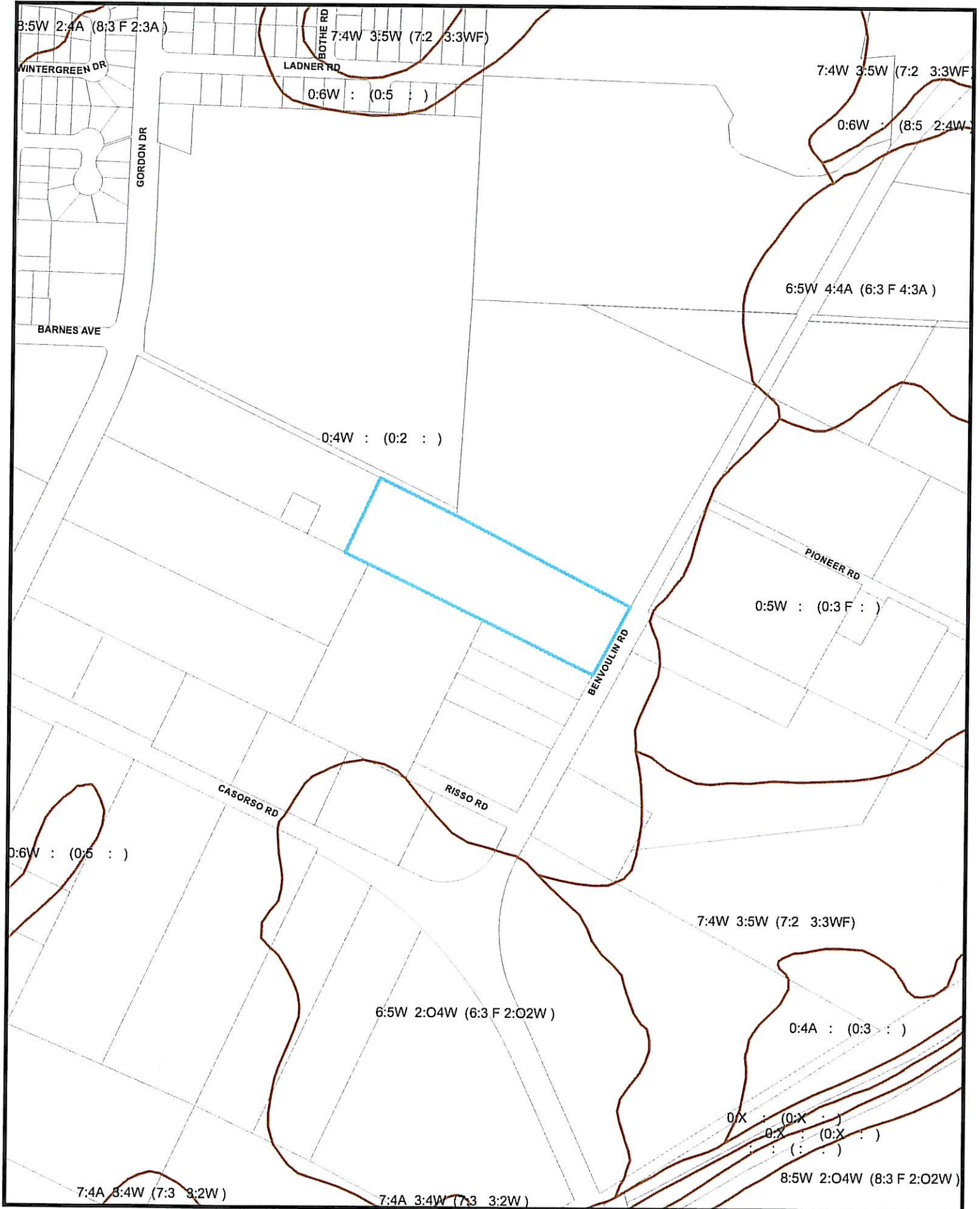


Parcel Identifier

LOT B, DISTRICT LOT 133, O.D.Y.D. PLAN 4634
3616 BENVOLIN RD., KELOWNA, B.C., V1W 4M7

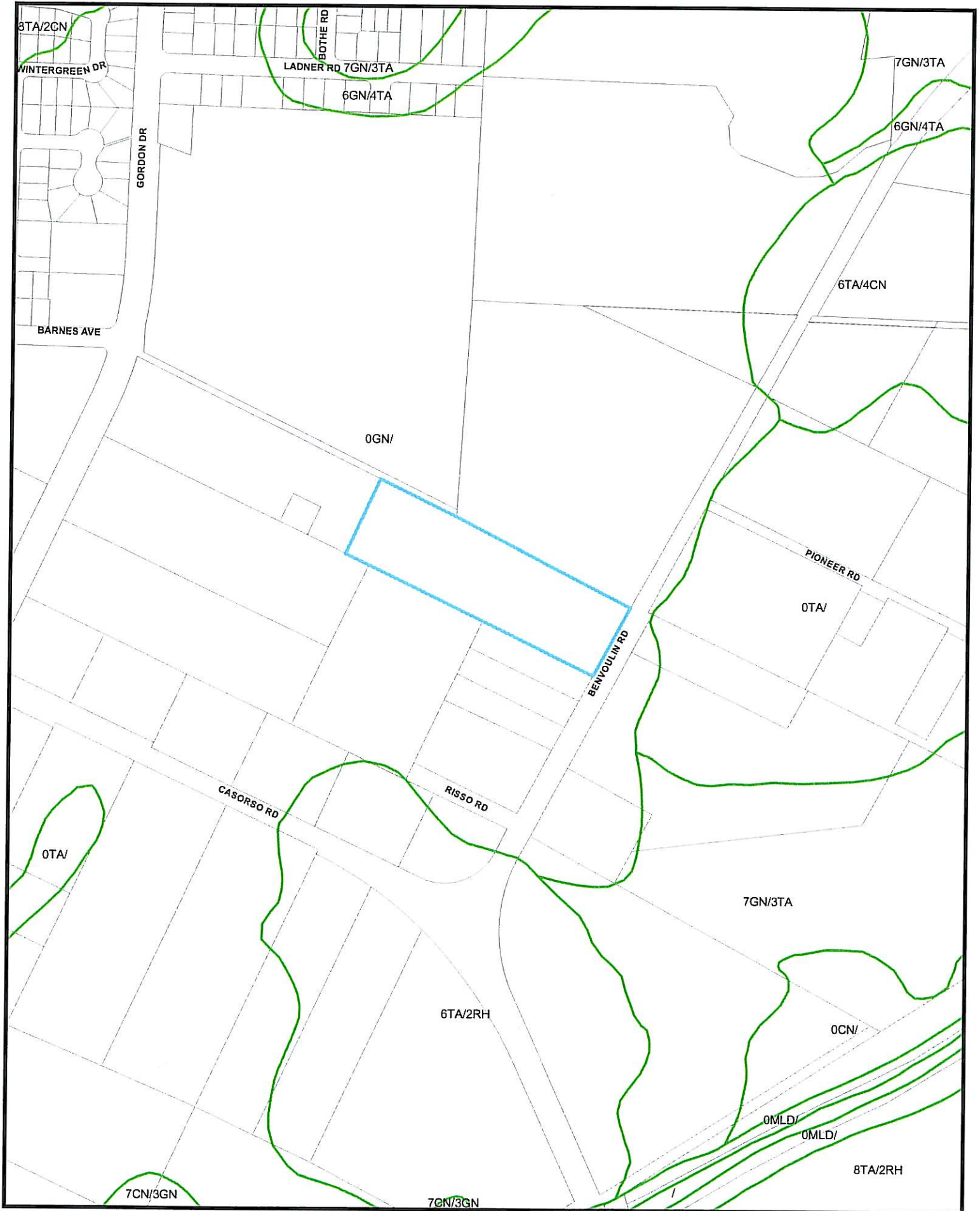


Land Capability = Brown/ Soil Class – Green



1:5,000

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1:5,000