
CITY OF KELOWNA
MEMORANDUM

Date: July 25, 2008
File No.: A08-0005
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 Bryan, Lorraine, Gordon, and **APPLICANT:** Bryan and Lorraine MacDonnell
James MacDonnell
AT: 3990 Senger Rd
EXISTING ZONE: A1 – Agriculture 1
REPORT PREPARED BY: Carlie Ferguson

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A08-0005 for Lot 2, Section 11, Township 26, O.D.Y.D., Plan KAP83175, located on Senger 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, 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 from the Agricultural Land Commission (ALC) to allow a homesite severance subdivision. The proposed homesite severance parcel is 0.35 ha (0.87 ac) in size, leaving a 1.88 ha (4.64 ac) remainder parcel (see attached Sketch Plan).

3.0 AGRICULTURAL ADVISORY COMMITTEE

At a meeting held on July 10, 2008, the Agricultural Advisory Committee passed the following recommendation:

THAT the Agricultural Advisory Committee **not support** Application No. A08-0005, as presented by the Applicants, for 3990 Senger Road, by Bryan and Lorraine MacDonnell to obtain approval from the Agricultural Land Commission under Section 21(2) of the *Agricultural Land Commission Act* to complete a homesite severance subdivision.

The AAC members expressed concern that this application does not comply with the Agricultural Land Commission's policies and conditions with respect to homesite severances.



4.0 **SITE CONTEXT**

The subject property is located on the west side of Senger Road in the Southeast Kelowna sector of the City. The property is within the Agriculture Land Reserve (ALR) and is surrounded by properties within the ALR except on the eastern boundary. The existing farmyard is located within the 0.35 ha area that is being requested for the homesite severance parcel. There are two sheds located on the proposed lot line that the applicant has indicated will be removed and replaced with one. The remainder of the property is currently used for growing Christmas trees. The applicant will continue to live on the property while the remainder will be rented or leased out (there has been interest from a grape farmer to lease the remaining land).

Parcel Size: 2.23 ha (5.51 ac)

Elevation: 490 m – 515 m

BCLI Land Capability

The subject property has a mix of ratings regarding Land Capability with three notable areas. (See attached Land Capability Map copied from map 82E.084).

The majority of the property has a Land Capability of Class 4 ($\pm 70\%$) and Class 5 ($\pm 30\%$) with "soil moisture deficiency" identified as a limiting factor. Consequently, through improvements such as irrigation, the land rating improves mostly to Class 2 ($\pm 70\%$) and Class 3 ($\pm 30\%$) with soil moisture deficiency as well as a "stoniness" limiting factor for the Class 3 lands.

The Northeast corner of the property has a Land Capability of Class 6 (100%) with "Soil moisture deficiency" and "topography" identified as a limiting factor. Through improvements such as irrigation the land rating remains as Class 6 (100%) with only "topography" as a limiting factor.

The Southeast corner of the property has a Land Capability of Class 4 ($\pm 50\%$) and Class 5 ($\pm 30\%$) with "Soil moisture deficiency" identified as a limiting factor and Class 4 ($\pm 20\%$) with both "soil moisture deficiency" and "topography" as a limiting factor. Consequently, through improvements such as irrigation, the land rating improves to Class 2 ($\pm 50\%$) with "soil moisture deficiency", Class 3 ($\pm 30\%$) with "soil moisture deficiency" and "stoniness" as limiting factors, and Class 2 ($\pm 20\%$) with both "soil moisture deficiency" and "topography" as limiting factors.

Soil Classification

The soil classification for the subject property is noted in the following tables. (See attached Land Capability Map copied from map 82E.084).

Majority of Property		
%	Soil Type	Description
70%	AC – Acland Creek	<u>Land</u> : gently and moderately sloping fluvial glacial deposits. <u>Texture</u> : 60 to 100 cm of sandy loam or loam over very gravely loamy sandy or very gravely sand. <u>Drainage</u> : well.
30%	DH - Dartmouth	<u>Land</u> : nearly level to very steeply sloping fluvial glacial deposits. <u>Texture</u> : 25 to 60 cm of sandy loam or loam over gravely sandy loam or gravely loamy sand. <u>Drainage</u> : well to rapid.

Northeast Corner		
%	Soil Type	Description
100%	DE – Debeck	<u>Land</u> : moderately to extremely sloping fluvioglacial deposits. <u>Texture</u> : 10 to 25 cm of sandy loam or loamy sand over very gravely loamy sand or very gravely sand. <u>Drainage</u> : rapid.

Southeast Corner		
%	Soil Type	Description
70%	OY – Oyama	<u>Land</u> : very gently to extreme sloping fluvial glacial deposits. <u>Texture</u> : 100 cm or more of sandy loam or loamy sand grading to sand. <u>Drainage</u> : rapid.
30%	R - Rutland	<u>Land</u> : very gently to strongly sloping fluvial glacial deposits. <u>Texture</u> : 10 to 25 cm of sandy loam or loamy sand over gravely loamy sand or very gravely 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 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 subject property underwent an interior property lot line adjustment in 2007. This adjustment involved this property and the parcel of land located directly north and reduced the total size by 0.65 ha (1.6 ac). Due to the lot line adjustment, the remaining lot is small in size (only 2.23 ha total) and a homesite severance would see this small parcel split even smaller into two (sized 1.88 ha and 0.35ha). Notably, ALC policies state that consideration of any homesite severance be reviewed in the context of the overall agricultural integrity of the parcel, where the size and configuration will, in the Commission's opinion, constitute a viable agricultural remainder.

While the OCP and Agricultural Plan do not support applications for subdivision of land within the ALR, there is a statement in the Agricultural Plan that supports homesite severance applications where the ALC policies and regulations can be satisfied. The Planning Department is concerned as to whether or not the ALC homesite severance policies can be satisfied by the proposed subdivision, but ultimately will be determined by the ALC. Particularly, the current residents of the subject property are currently on title along with the applicants but have not been on title since 1971. The applicants reside on an adjacent property. Therefore, contrary to ALC policy the applicants have not owned and occupied the property as their principal place of residence since December 21, 1972. ALC policies aim to provide a consistent approach to applications where the principal residence of the applicant has been an owner-occupant since December 21, 1972. As per ALC policies, a homesite severance will be considered only where the applicant submits documentary evidence showing a legitimate intention to sell the remainder of the property upon approval of the homesite severance application. However, the ALC will review the application and evaluate the merit of the proposal with respect to the provincial guidelines and policies. Notably, Planning and Development Services questions whether this application meets the spirit and intent of a homesite severance and the City of Kelowna's Agriculture Plan objective to enhance the agricultural industry and maintain a viable parcel remainder. Therefore, the Planning Department puts forward a position of non-support.

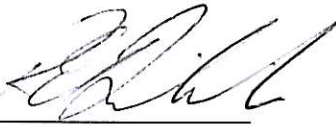
7.0 ALTERNATE RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A08-0005 for Lot 2, Section 11, Township 26, O.D.Y.D., Plan KAP83175, located on Senger 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;

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



Danielle Noble
Current Planning Supervisor



Paul Macklem
Acting Director of Planning & Development Services

ATTACHMENTS

Subject Property – Map 'A'
ALR Map – Map 'B'
Homesite Severance Proposal - Map 'C'
Land Capability Map – Map 'D'
Soil Classification Map – Map 'E'
Application by Land Owner (2 pages)

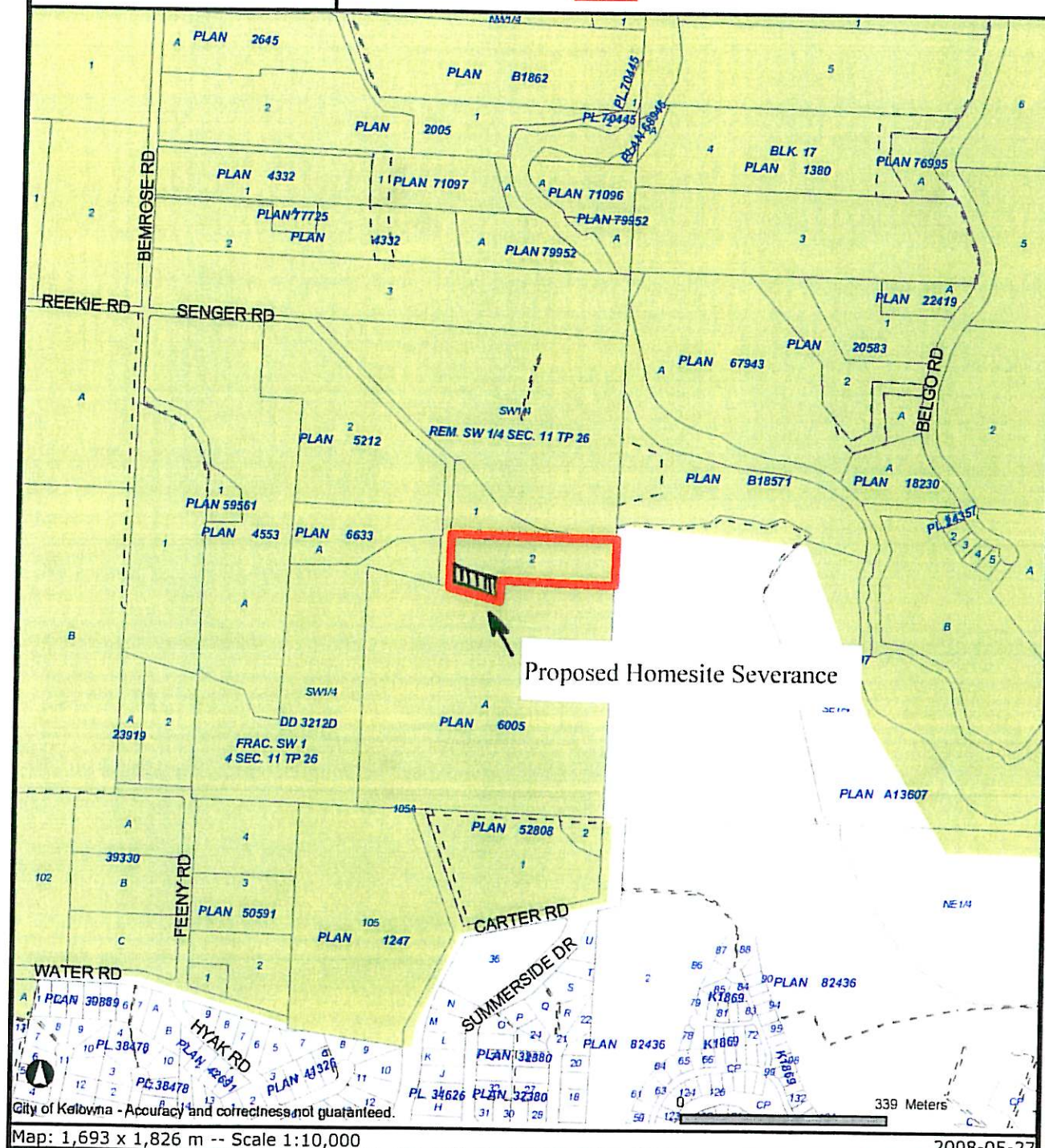
Application

A08-0005

ALR



Subject Property



*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.*



Handwritten notes:

1. $\frac{1}{2}$ of 1000 = 500

2. $\frac{1}{4}$ of 1000 = 250

3. $\frac{1}{8}$ of 1000 = 125

4. $\frac{1}{16}$ of 1000 = 62.5

5. $\frac{1}{32}$ of 1000 = 31.25

6. $\frac{1}{64}$ of 1000 = 15.625

7. $\frac{1}{128}$ of 1000 = 7.8125

8. $\frac{1}{256}$ of 1000 = 3.90625

9. $\frac{1}{512}$ of 1000 = 1.953125

10. $\frac{1}{1024}$ of 1000 = 0.9765625

11. $\frac{1}{2048}$ of 1000 = 0.48828125

12. $\frac{1}{4096}$ of 1000 = 0.244140625

13. $\frac{1}{8192}$ of 1000 = 0.1220703125

14. $\frac{1}{16384}$ of 1000 = 0.06103515625

15. $\frac{1}{32768}$ of 1000 = 0.030517578125

16. $\frac{1}{65536}$ of 1000 = 0.0152587890625

17. $\frac{1}{131072}$ of 1000 = 0.00762939453125

18. $\frac{1}{262144}$ of 1000 = 0.003814697265625

19. $\frac{1}{524288}$ of 1000 = 0.0019073486328125

20. $\frac{1}{1048576}$ of 1000 = 0.00095367431640625

21. $\frac{1}{2097152}$ of 1000 = 0.000476837158203125

22. $\frac{1}{4194304}$ of 1000 = 0.0002384185791015625

23. $\frac{1}{8388608}$ of 1000 = 0.00011920928955078125

24. $\frac{1}{16777216}$ of 1000 = 5.9604644775390625e-05

25. $\frac{1}{33554432}$ of 1000 = 2.9802322387695312e-05

26. $\frac{1}{67108864}$ of 1000 = 1.4901161193847656e-05

27. $\frac{1}{134217728}$ of 1000 = 7.450580596923828e-06

28. $\frac{1}{268435456}$ of 1000 = 3.725290298461914e-06

29. $\frac{1}{536870912}$ of 1000 = 1.862645149230957e-06

30. $\frac{1}{1073741824}$ of 1000 = 9.313225746154785e-07

31. $\frac{1}{2147483648}$ of 1000 = 4.656612873077392e-07

32. $\frac{1}{4294967296}$ of 1000 = 2.328306436538696e-07

33. $\frac{1}{8589934592}$ of 1000 = 1.164153218269348e-07

34. $\frac{1}{17179869184}$ of 1000 = 5.82076609134674e-08

35. $\frac{1}{34359738368}$ of 1000 = 2.91038304567337e-08

36. $\frac{1}{68719476736}$ of 1000 = 1.455191522836685e-08

37. $\frac{1}{137438953472}$ of 1000 = 7.275957614183425e-09

38. $\frac{1}{274877906944}$ of 1000 = 3.6379788070917125e-09

39. $\frac{1}{549755813888}$ of 1000 = 1.8189894035458562e-09

40. $\frac{1}{1099511627776}$ of 1000 = 9.094947017729281e-10

41. $\frac{1}{2199023255552}$ of 1000 = 4.5474735088646405e-10

42. $\frac{1}{4398046511104}$ of 1000 = 2.2737367544323202e-10

43. $\frac{1}{8796093022208}$ of 1000 = 1.1368683772161601e-10

44. $\frac{1}{17592186044416}$ of 1000 = 5.6843418860808005e-11

45. $\frac{1}{35184372088832}$ of 1000 = 2.8421709430404e-11

46. $\frac{1}{70368744177664}$ of 1000 = 1.4210854715202e-11

47. $\frac{1}{140737488355328}$ of 1000 = 7.105427357601e-12

48. $\frac{1}{281474976710656}$ of 1000 = 3.5527136788005e-12

49. $\frac{1}{562949953421312}$ of 1000 = 1.77635683940025e-12

50. $\frac{1}{1125899906842624}$ of 1000 = 8.88178419700125e-13

51. $\frac{1}{2251799813685248}$ of 1000 = 4.440892098500625e-13

52. $\frac{1}{4503599627370496}$ of 1000 = 2.2204460492503125e-13

53. $\frac{1}{9007199254740992}$ of 1000 = 1.1102230246251562e-13

54. $\frac{1}{18014398509481984}$ of 1000 = 5.551115123125781e-14

55. $\frac{1}{36028797018963968}$ of 1000 = 2.7755575615628905e-14

56. $\frac{1}{72057594037927936}$ of 1000 = 1.3877787807814452e-14

57. $\frac{1}{144115188075855872}$ of 1000 = 6.938893903907226e-15

58. $\frac{1}{288230376151711744}$ of 1000 = 3.469446951953613e-15

59. $\frac{1}{576460752303423488}$ of 1000 = 1.7347234759768065e-15

60. $\frac{1}{1152921504606846976}$ of 1000 = 8.673617379884032e-16

61. $\frac{1}{2305843009213693952}$ of 1000 = 4.336808689942016e-16

62. $\frac{1}{4611686018427387904}$ of 1000 = 2.168404344971008e-16

63. $\frac{1}{9223372036854775808}$ of 1000 = 1.084202172485504e-16

64. $\frac{1}{18446744073709551616}$ of 1000 = 5.42101086242752e-17

65. $\frac{1}{36893488147419103232}$ of 1000 = 2.71050543121376e-17

66. $\frac{1}{73786976294838206464}$ of 1000 = 1.35525271560688e-17

67. $\frac{1}{147573952589676412928}$ of 1000 = 6.7762635780344e-18

68. $\frac{1}{295147905179352825856}$ of 1000 = 3.3881317890172e-18

69. $\frac{1}{590295810358705651712}$ of 1000 = 1.6940658945086e-18

70. $\frac{1}{1180591620717411303424}$ of 1000 = 8.470329472543e-19

71. $\frac{1}{2361183241434822606848}$ of 1000 = 4.2351647362715e-19

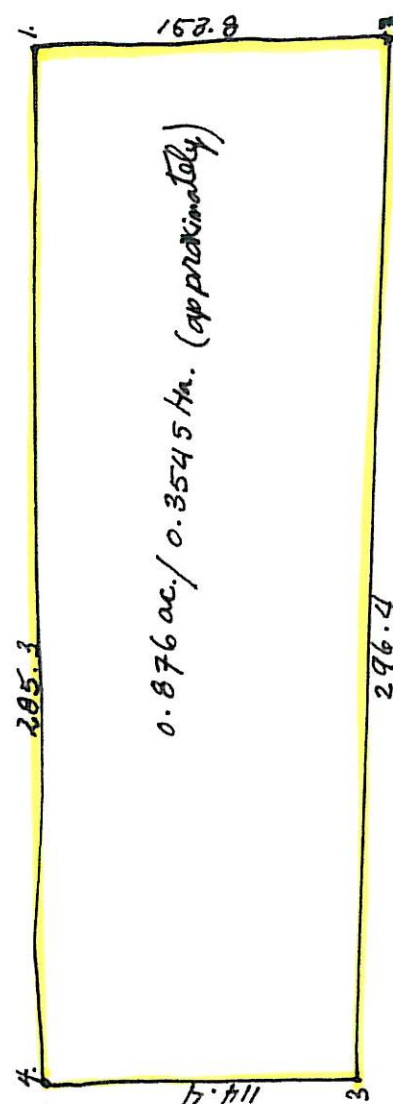
72. $\frac{1}{4722366482869645213696}$ of 1000 = 2.11758236813575e-19

73. $\frac{1}{9444732965739290427392}$ of 1000 = 1.058791184067875e-19

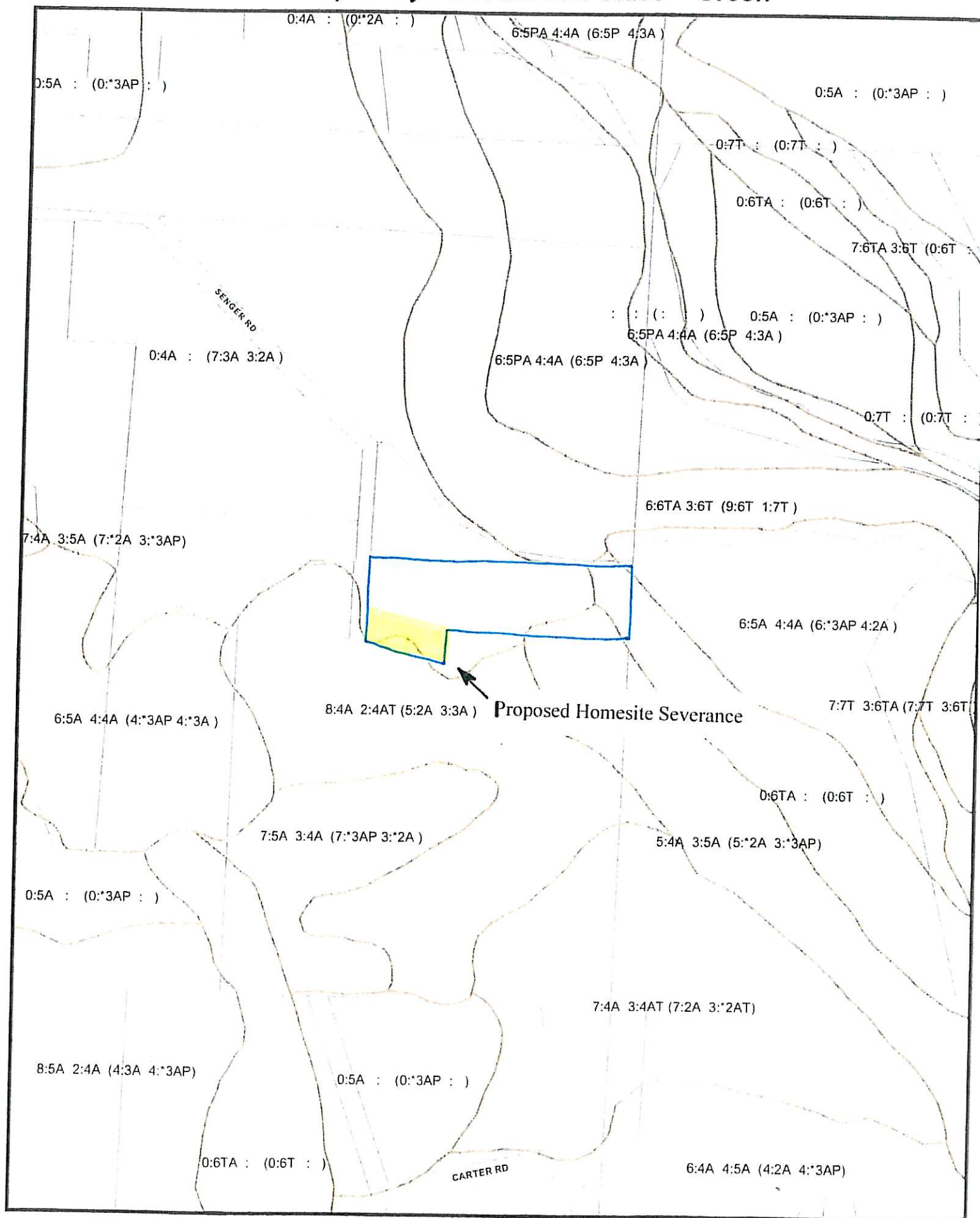
74. $\frac{1}{18889465931478580854784}$ of 1000 = 5.293

三

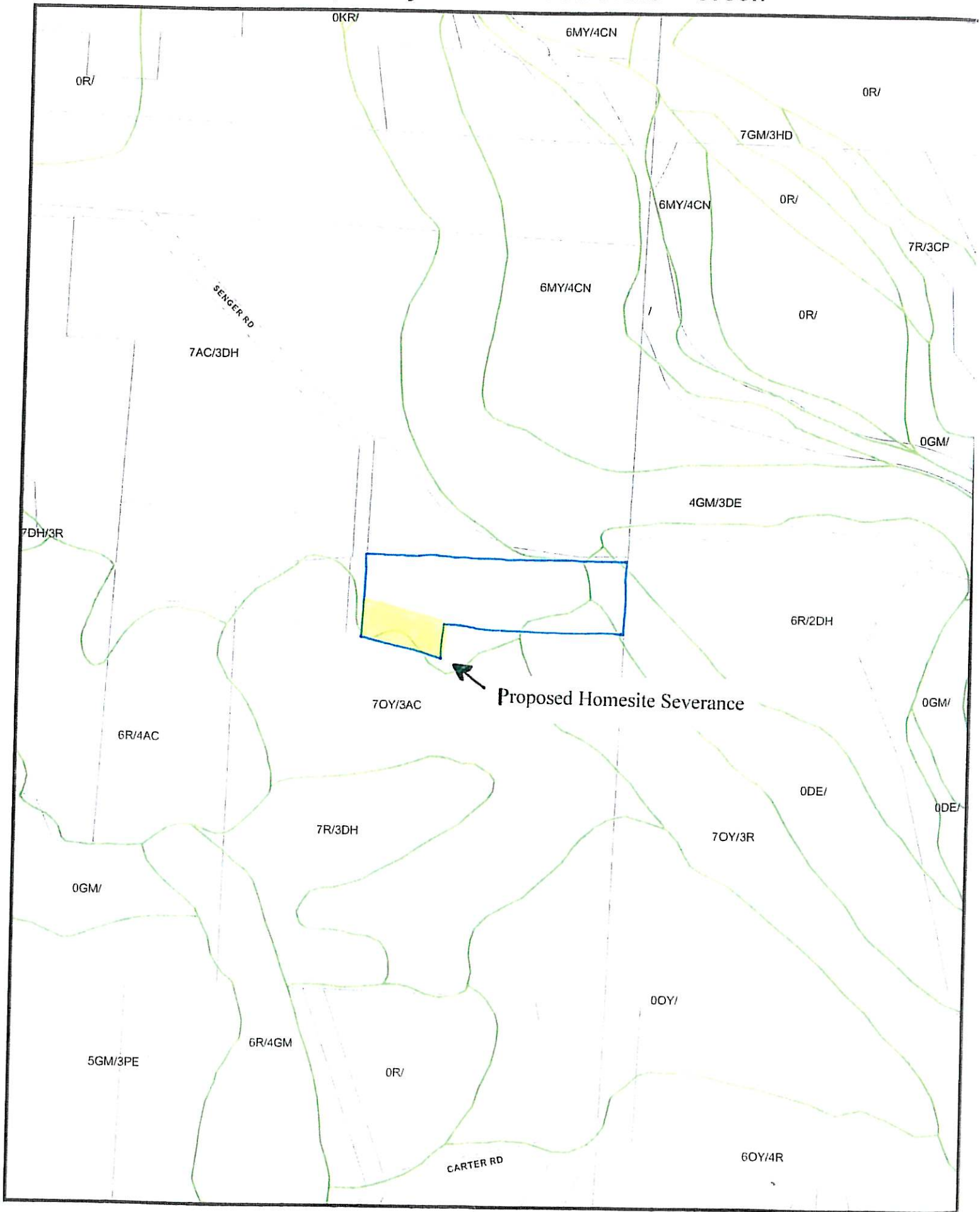
$$\frac{2.23 \text{ Ha}}{0.35} = 1.08 / 50000$$



Land Capability = Brown/ Soil Class = Green



Land Capability = Brown/ Soil Class = Green



1:5,000