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**CITY OF KELOWNA  
MEMORANDUM**

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**DATE:** August 27, 2008  
**FILE NO.:** A07-0012  
**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:** Danco Developments Ltd.      **APPLICANT:** Danco Developments Ltd. (Gary Feeny)  
**AT:** 1650 KLO Road  
**EXISTING ZONE:** A1 – Agriculture 1  
**REPORT PREPARED BY:** Alec Warrender

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**1.0 RECOMMENDATION**

THAT Agricultural Land Reserve Application No. A07-0012 for Lot 3, District Lot 131, ODYD, Plan KAP77109, located at 1650 KLO Road, Kelowna, B.C. requesting exclusion of the subject property from the Agricultural Land Reserve, pursuant to Section 30(1) 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 an exclusion of the 1.97 ha (4.86 acres) parcel. The proposed exclusion would facilitate a proposed urban land use rezoning of the property.

**3.0 HISTORY**

This application was reviewed by City Council at the October 15<sup>th</sup>, 2007 meeting, and Council resolved that the application be sent to the Agricultural Land Commission (ALC) without a recommendation from Council. However, upon the ALC's review of this exclusion request it was discovered that the ALC's notification requirements for the exclusion of land from the ALR were not followed by the applicant. The ALC indicated that the application would have to be properly advertised prior to being reviewed by Council. The applicant has since provided adequate notification and has requested that the application be forwarded again to Council.

*The following information is associated with pre-application meetings between the applicant and City of Kelowna staff*



**October 19, 2006** – The applicant approached City staff in regards to constructing medium to high density rental units on the subject property. The applicant was informed that due to density issues in the KLO area (the City is almost at build out in the OCP for this area) and the ALR status of this property and the surrounding parcels, this proposal could not be supported. The applicant was also advised that there would be access limitations due the Burtch road extension.

#### 4.0 AGRICULTURAL ADVISORY COMMITTEE

The Agricultural Advisory Committee (AAC) passed the following recommendation at their meeting of June 8, 2006:

THAT the Agricultural Advisory Committee NOT support Application No. A07-0012 for 1650 KLO Road by Danco Dev. Ltd. (G. Feeny) to obtain approval from the Agricultural Land Commission under Section 30(1) of the *Agricultural Land Commission Act* for exclusion.

Note: The AAC recommended that this application not be supported because: (a) this property has good potential for arable agriculture, provided that drainage of the land is improved; (b) it is the City's desire to confirm support for the ALR, pursuant to Policy 11.1.9 of the Kelowna 2020 – Official Community Plan; and (c) Burtch Road marks a defensible boundary between urban and rural/agricultural uses which would be weakened through approval of this exclusion, thereby setting an undesirable precedent for future decisions.

#### 5.0 SITE CONTEXT

The 1.97 ha (4.86 acres) parcel is located on KLO Road, immediately east of the proposed Burtch Road extension. The property is bound on the east, north, and south by properties having ALR status. The City of Kelowna's OCP designates the future land use of the subject property as Rural/Agriculture.

The subject property lies adjacent to a number of A-1 properties. However, as the subject property is on the fringe of the ALR, land uses such as public, institutional and a variety of residential designations are also found in the area. The existing parcel does not have any structures and it has been vacant for many years and is not being farmed.

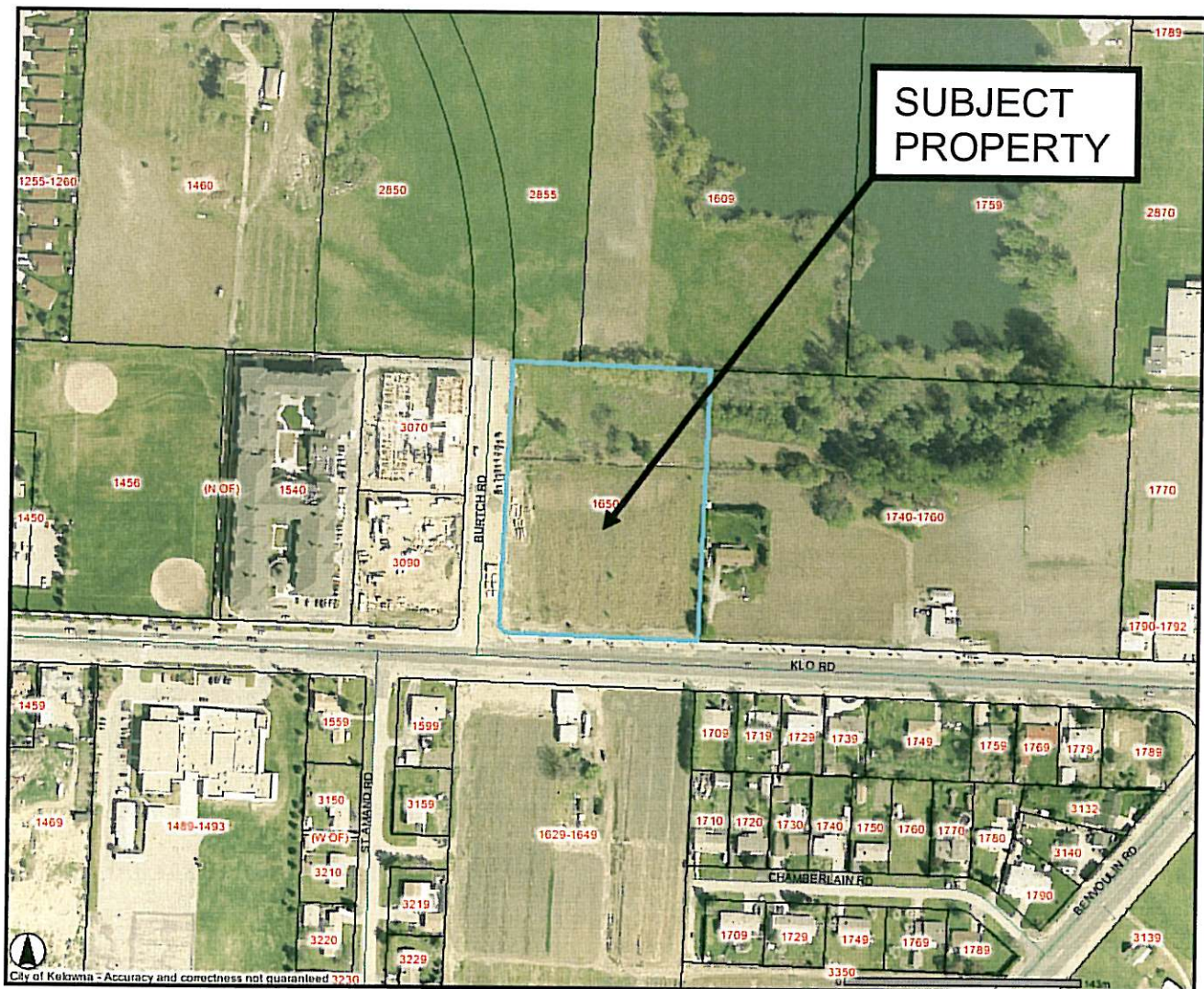
Parcel Size: 1.97 ha (4.86 ac)  
Elevation: 348 m (South Side) – 350 m (North Side)

Adjacent zones and uses are:

North	A1 – Agriculture 1 – Munson Pond – City of Kelowna (proposed park)
East	A1 – Agriculture 1 – Single Family Residence and Agricultural Land
South	A1 – Agriculture 1 – Single Family Residence and Agricultural Land
West	RM4 – Transitional Low Density Housing – Multi Family

6.0 SITE MAP

1650 KLO Road

**BCLI Land Capability**

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

***Northern Portion (~10% of total lot)******Unimproved (0:6W):***

The unimproved land classification for the northern portion of the subject area falls into Class 6. "Land in this class is non-arable but is capable of producing native and/or uncultivated perennial forage crops". The predominant limiting factor is "excess water".

***Improved (8:5 2:4W):***

With improvements, primarily through drainage, the land capability rating increases mostly to Class 5 (80%) and Class 4 (20%), with the limiting factor still being "excess water" - see attached Land Capability Map copied from map 82E.083.

**Southern Portion (~90% of total lot)****Unimproved (7:4W 3:5W):**

The unimproved land classification for the southern portion of the subject area falls into both Class 4 (70%) and Class 5 (30%). The predominant limiting factor for the southern portion of the subject property is also "excess water".

**Improved (7:2 3:3WF):**

With improvements, primarily through drainage, the land capability rating increases mostly to Class 2 (70%) and Class 3 (30%), with the primary limiting factor still being "excess water" while "fertility" is a minor limiting factor - see attached Land Capability Map copied from map 82E.083.

**Soil Classification**

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

<b>Northern Portion (~10% of total lot)</b>		
%	Soil Type	Description
100%	TA – Tanaka	<u>Land</u> : Nearly level and very gently sloping fluvial fan deposits. <u>Texture</u> : 20 to 100cm of sandy loam, silt loam or silty clay loam over sandy loam or minor gravely sandy loam. <u>Drainage</u> : Poor to very poor, high water table, subject to flooding.

<b>Southern Portion (~90% of total lot)</b>		
%	Soil Type	Description
70%	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> : dominantly poor, ranging to imperfect, fluctuating groundwater table and seepage.
30%	TA – Tanaka	<u>Land</u> : Nearly level and very gently sloping fluvial fan deposits. <u>Texture</u> : 20 to 100cm of sandy loam, silt loam or silty clay loam over sandy loam or minor gravely sandy loam. <u>Drainage</u> : Poor to very poor, high water table, subject to flooding.

## 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

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. Further, as noted in the policy section above, the OCP and Agricultural plan do not support this application for exclusion of land from the ALR. Also, there are specific policies within the Agricultural Plan that discourage the expansion of residential areas onto agricultural land.



During the application process for the Burtch Road expansion, the Agricultural Land Commission indicated that Burtch Road would create a boundary between ALR lands to the east and the multiple family residential land uses to the west. Exclusion of the subject property would facilitate future multi-residential development. As noted in the land capability section of this report, improved management practices bring a substantial portion of the subject property to a land classification of Class 2 and Class 3, which offers strong agricultural productivity.

9.0 ALTERNATE RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. ALR07-0012 for Lot 3, District Lot 131, ODYD, Plan KAP77109, located at 1650 KLO Road, Kelowna, B.C. requesting exclusion of the subject property from the Agricultural Land Reserve, pursuant to Section 30(1) of the *Agricultural Land Commission Act*, be supported by Municipal Council;

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

  
for Shelley Gambacort  
Planning & Development Services

 Approved for Inclusion 

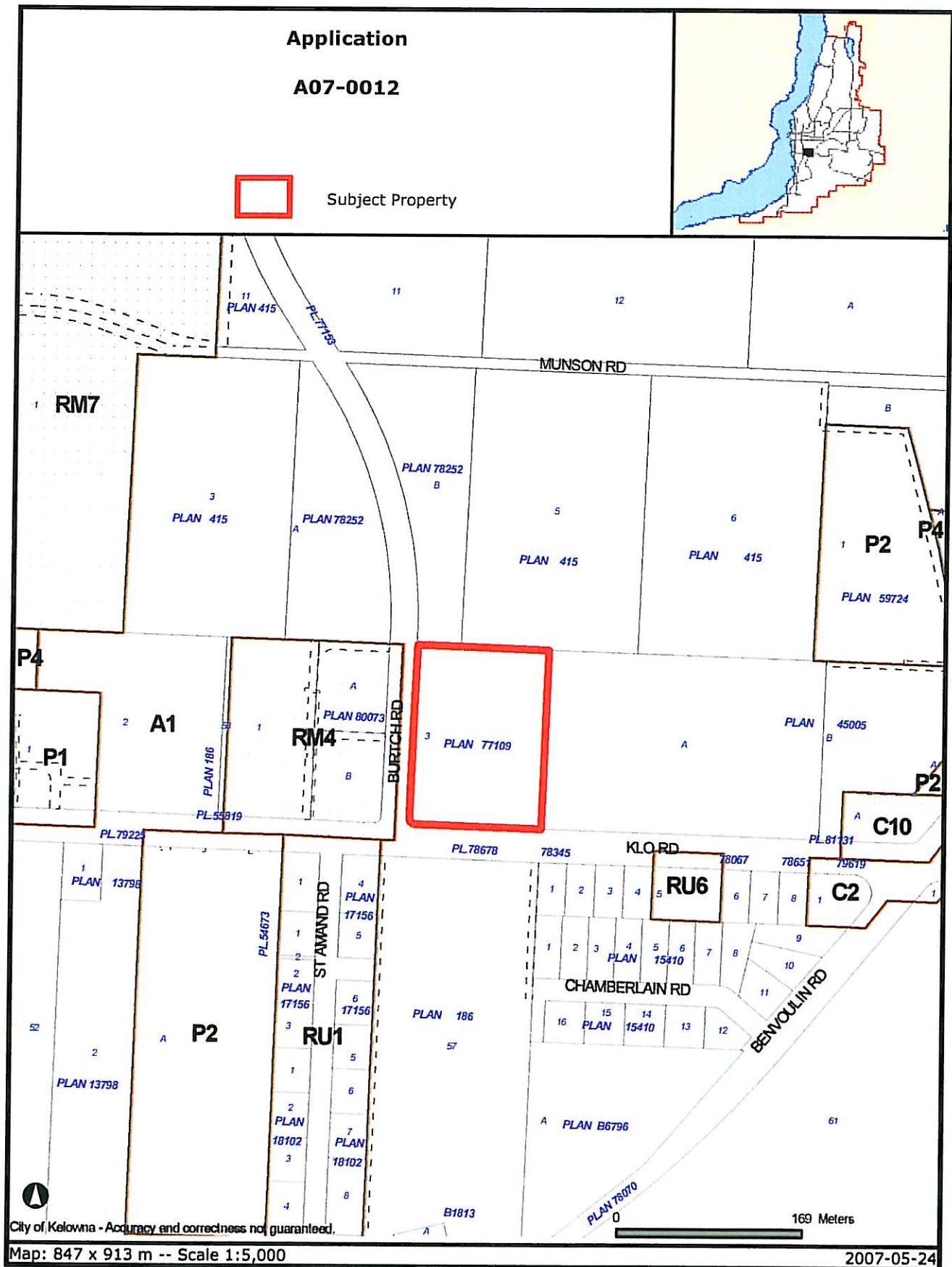
Paul Macklem  
Acting Director of Planning and Development Services

PM/SG/aw

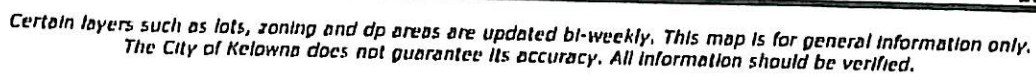
**ATTACHMENTS**

Location Map  
ALR Map  
ALR application  
Land Capability Map  
Soil Classification Map  
Parks Map  
Contour Map  
Zoning Map

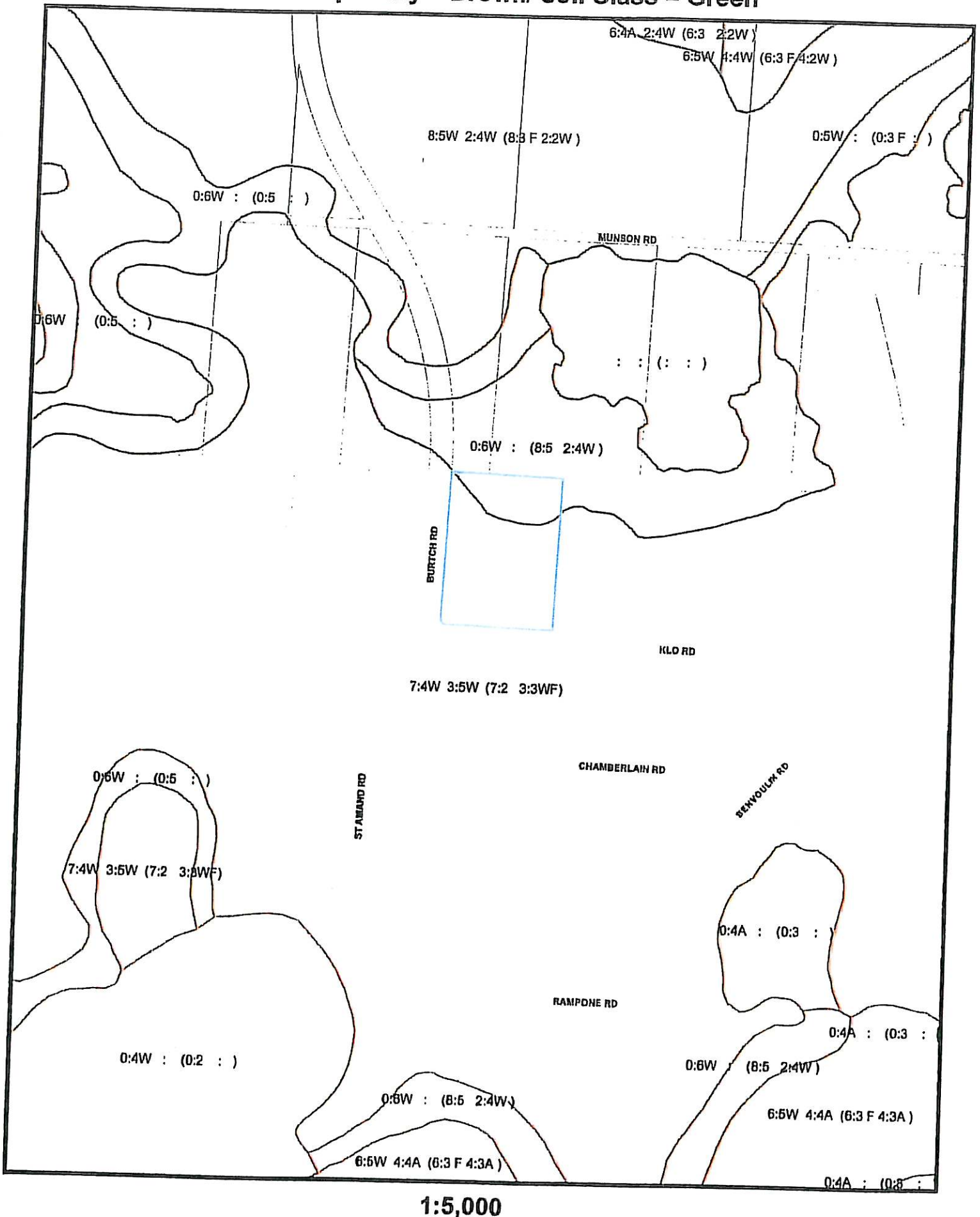




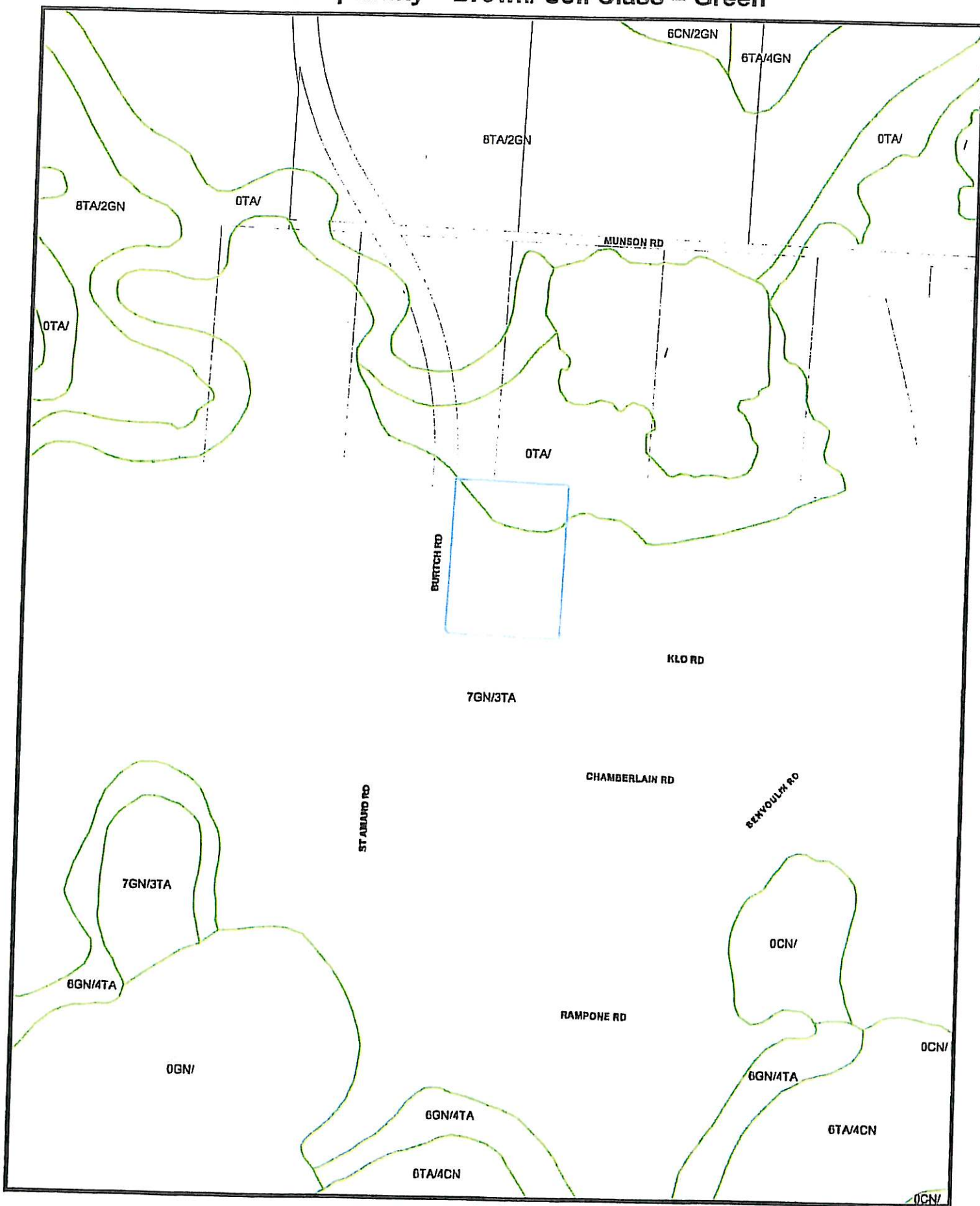
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.

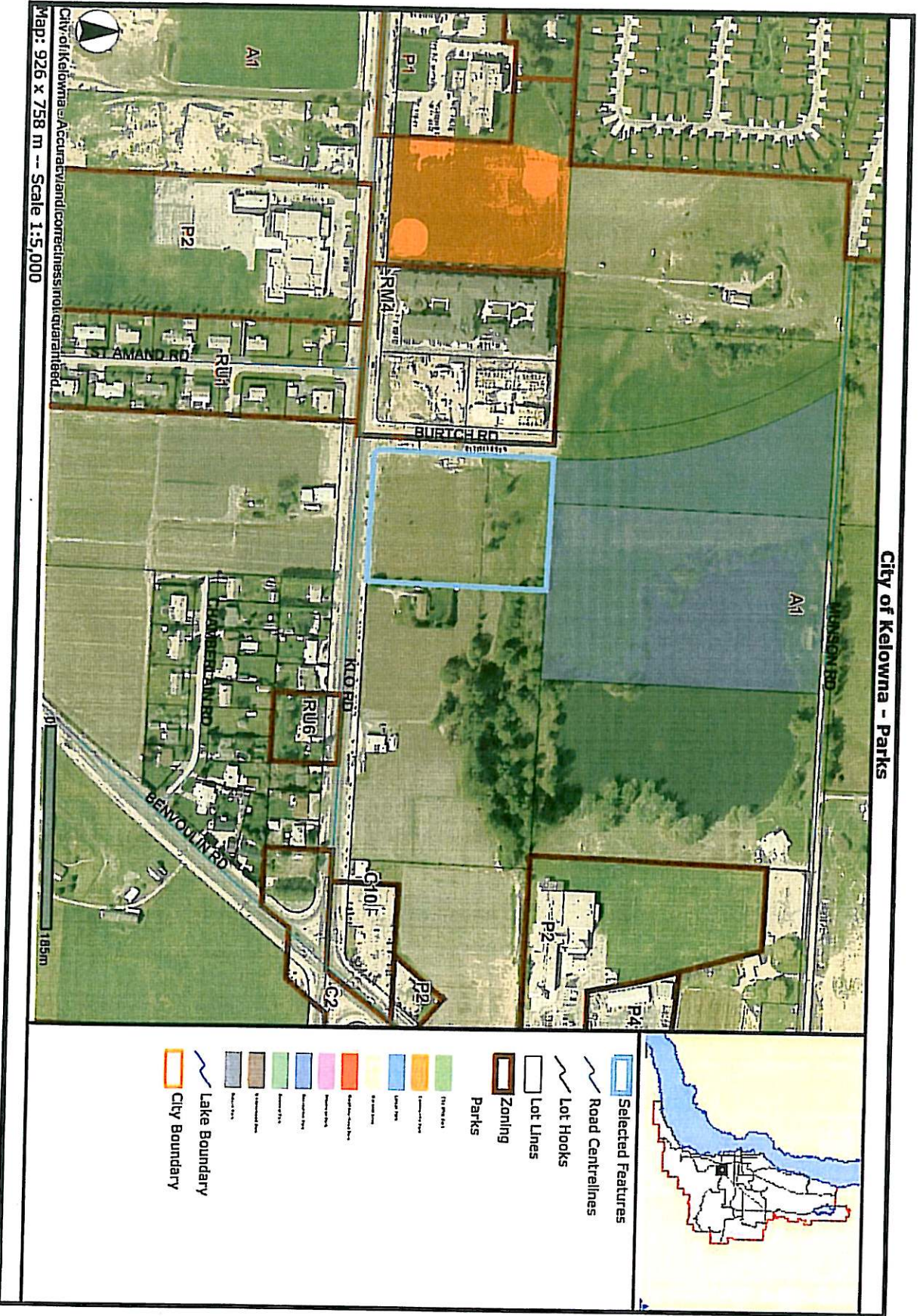


Land Capability = Brown/ Soil Class = Green

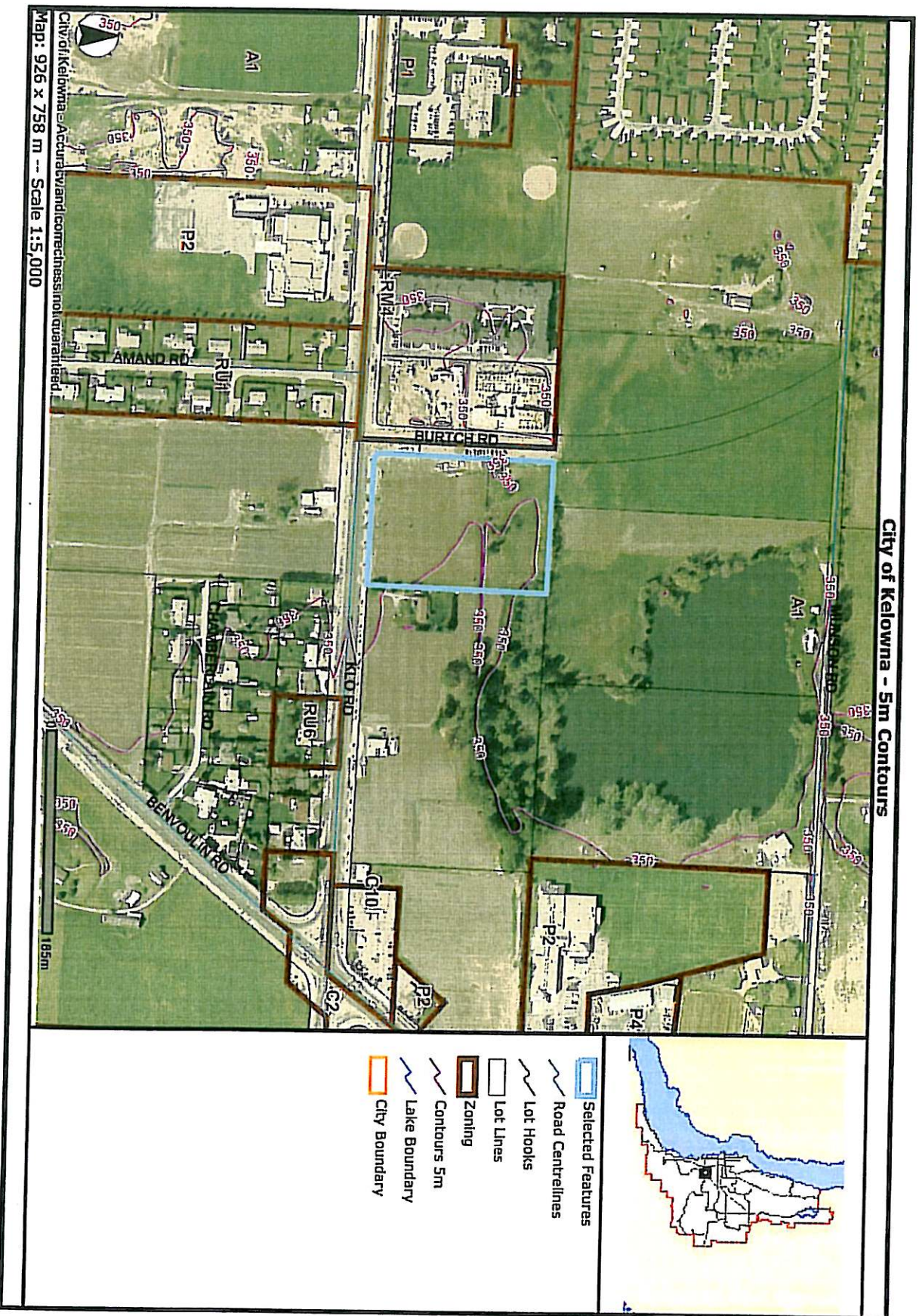


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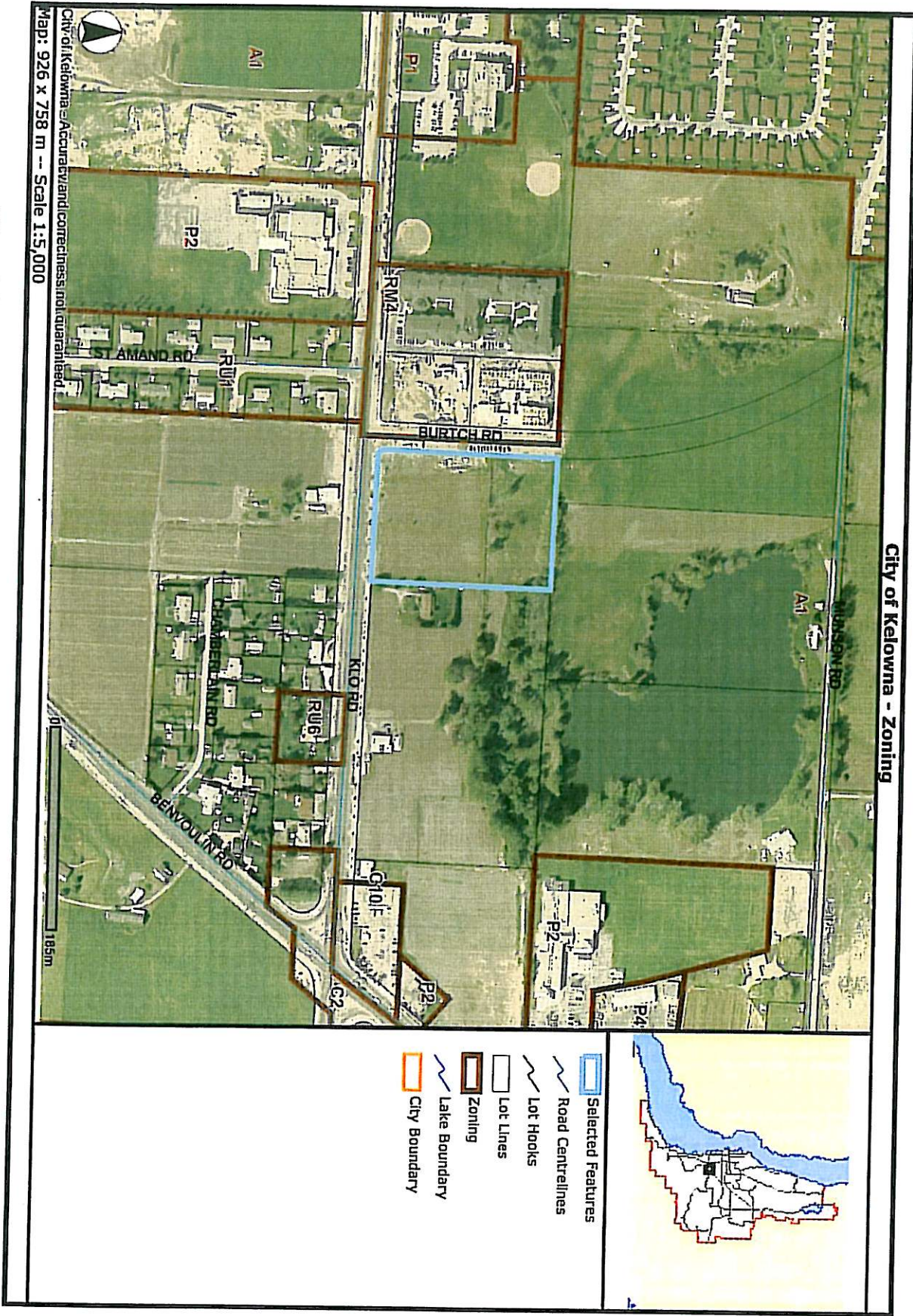




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