
CITY OF KELOWNA
MEMORANDUM

Date: September 24, 2008
File No.: A08-0006
To: City Manager
From: Planning & Development Services Department
Purpose: To obtain approval from the *Agricultural Land Commission* to: i) complete a lot line adjustment, creating one 1.0 ha parcel and one 24.27 ha parcel, from one 4.37 ha parcel and one 19.3 ha parcel and; ii) to allow a non-farm use on the reduced parcel to accommodate a secondary suite within an existing accessory building.
OWNERS: Lot 1: Richard and Heather Hooper
Lot 2: Topiary Holdings Inc., Inc
No. BC0720236
APPLICANT: New Town Planning Services Inc.
(Lisa Fraser)
AT: 1650 and 1670 Dehart Rd
EXISTING ZONE: A1 – Agriculture 1
REPORT PREPARED BY: Carlie Ferguson

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A08-0006 for Lot 4, Section 5, Township 26, O.D.Y.D., Plan 1837 and Lot B, Section 5, Township 26, O.D.Y.D., Plan 32728 Except Plan KAP75345 located on Dehart Road, Kelowna, B.C. for a lot line adjustment within the Agricultural Land Reserve, pursuant to Section 21(2) of the *Agricultural Land Commission Act*, be supported by Municipal Council;

AND THAT Agricultural Land Reserve Application No. A08-0006 for Lot 4, Section 5, Township 26, O.D.Y.D., Plan 1837 and Lot B, Section 5, Township 26, O.D.Y.D., Plan 32728 Except Plan KAP75345 located on Dehart Road, Kelowna, B.C. requesting permission to allow a non-farm use to permit a secondary suite within an existing accessory building pursuant to Section 20(3) of the *Agricultural Land Commission Act* be supported by Council;

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

2.0 SUMMARY

The Applicant is requesting permission to complete a lot line adjustment, involving two parent parcels, as follows:

1. Lot 4, Plan 1837 Except Plan 19431 to be reduced in size from 4.97 ha (12.28 ac) to 1.0 ha (2.47 ac)
2. Lot B, Plan 32728 Except Plan KAP75345 to be increased in size from 19.3 ha (47.7 ac) to 24.27 ha (57.5 ac)

Please refer to the attached "Application by Landowner" for additional information and rationale regarding this application.

3.0 AGRICULTURAL ADVISORY COMMITTEE

At a meeting held on September 11th, 2008, the Agricultural Advisory Committee passed the following recommendation:

THAT the Agricultural Advisory Committee support Application No. A08-0006, as presented by the Applicant, for 1650 DeHart Road, Lot 4, Plan 1837, by New Town Planning Services Inc. (L. Fraser) to obtain approval from the Agricultural Land Commission to complete a lot line adjustment, creating one 1.0 ha parcel and one 24.27 ha parcel, from one 4.37 ha parcel and one 19.3 ha parcel, on the basis that there is net gain to the agriculture industry.

4.0 SITE CONTEXT

The subject properties are located on the west side of Dehart Road in the Crawford sector of the City. The properties are within the Agriculture Land Reserve (ALR) and the majority of properties within this area of the City have ALR status.

On the southern lot (1650 Dehart Rd) there is an existing house, shop, pool, and tennis court with driveway access to Dehart Rd located in the center of the property. The intention is to retain the home and swimming pool and recover the tennis court, shop, and driveway to grape production. There is a cabin located on the southeast corner of the property that was handcrafted by a family member and will be retained as a secondary suite for farm help. The applicants also intend to construct a new residence on the proposed 1 ha lot (Southwest corner of the property) and the remaining land (approx 0.7 ha) will be used for grape production.

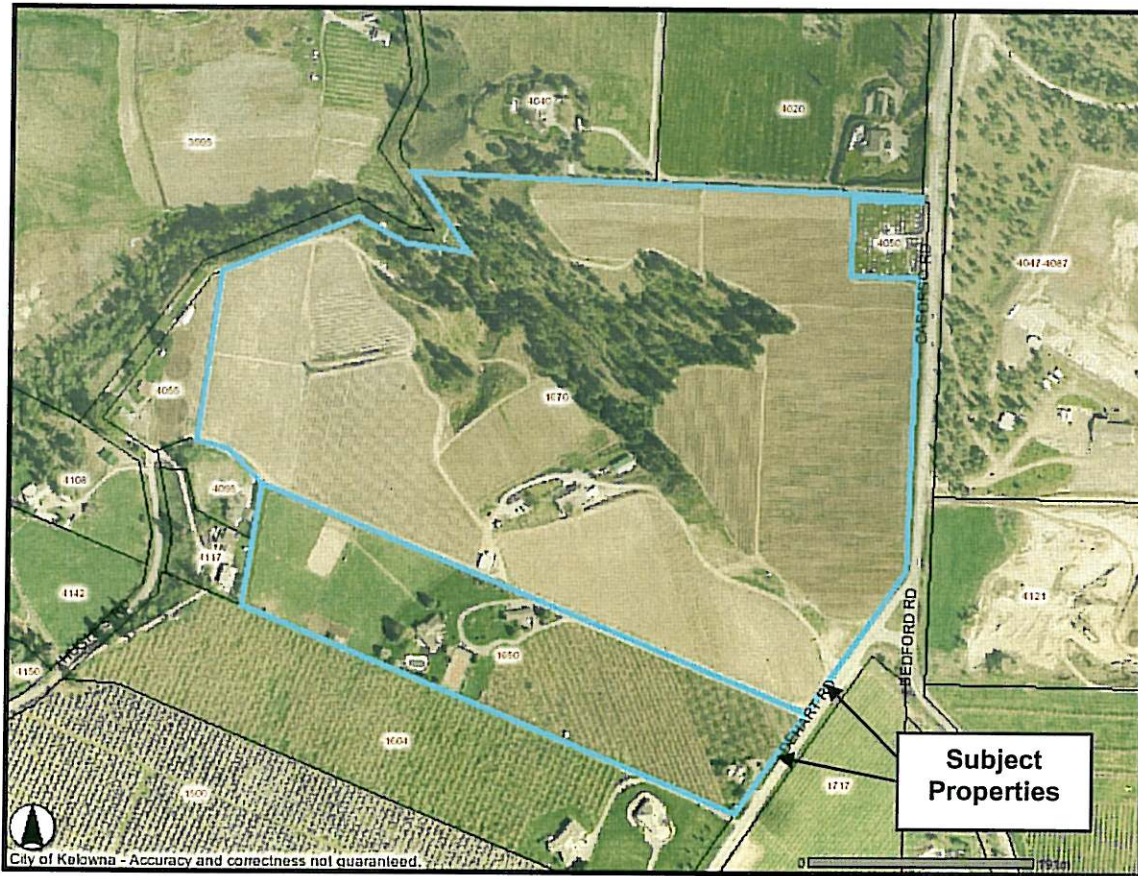
There is no residence located on the northern lot (1670 De Hart Rd) with several buildings used solely for the winery operation including a production facility and retail sales office. Approximately 10 ac of this property is heavily forested and remains in a natural state.

Parcel Size: 1. Lot 4, Plan 1837 Except Plan 19431: 4.97 ha (12.28 ac)
2. Lot B, Plan 32728 Except Plan KAP75345: 19.3 ha (47.7 ac)
Elevation: 370 m – 440 m

Zoning of Adjacent Property

North	A1 – Agriculture 1
East	A1 – Agriculture 1 and P3 – Parks and Open Space
South	A1 – Agriculture 1
West	A1 – Agriculture 1 and RR2 – Rural Residential 2

Site Location Map 1650 and 1670 Dehart Rd



BCLI Land Capability

The subject property has a mix of ratings regarding Land Capability with five notable areas. (See attached Land Capability Map copied from map 82E.083).

1. The south western portion of the properties has a Land Capability of Class 4 (80%) with a "soil moisture deficiency" limiting factor and Class 4 (20%) with both "soil moisture deficiency" and "topography" identified as limiting factors. Through improvements the land rating improves to Class 1 (50%) with no limiting factors, Class 2 (30%) with a "soil moisture deficiency" limiting factor and Class 2 (20%) with a "topography" limiting factor.
2. The south central portion of the properties has a Land Capability of Class 4 (100%) with a "soil moisture deficiency" limiting factor. With improvement such as irrigation, the land rating improves to Class 2 (60%) with a "soil moisture deficiency" limiting factor and Class 1 (40%) with no limiting factors.
3. The south eastern corner of the properties has a Land Capability of Class 3 (50%) with "Soil moisture deficiency" and "undesirable soil structure and/or low perviousness" identified as a limiting factors and Class 4 (50%) with a "soil moisture deficiency" limiting factor. Consequently, through improvements such as irrigation, the land rating improves to Class 2 (50%) with "undesirable soil structure and/or low perviousness" as the only limiting factor and Class 1 (50%) with no limiting factors.

4. The north western portion of the properties has a Land Capability of Class 7 (80%) with a "topography" limiting factor and Class 6 (20%) with both "salinity" and "excess water" identified as limiting factors. Through improvements the land rating improves to Class 7 (80%) with "erosion" as a limiting factor and Class 6 (30%) with both a "salinity" and "excess water" as limiting factors.

5. The north eastern portion of the properties has a Land Capability of Class 4 (100%) with a "soil moisture deficiency" limiting factor. Through improvement the land rating improves to Class 2 (100%) with "topography" identified as a limiting factor.

Soil Classification

The subject properties have a mix of ratings regarding Soil Classification with six notable areas and are noted in the following tables. (See attached Land Capability Map copied from map 82E.084).

1. South West Portion		
%	Soil Type	Description
70%	KN– Knox Mountain	<u>Land</u> : fluvioglacial veneer over gently to stongly sloping stratified glacio-lacustrine sediments. <u>Texture</u> : 10 to 50 cm of sandy loam over banded silty clay loam. Clay loam or loamy fine sand. <u>Drainage</u> : well to rapid.
30%	KR – Kalamoir	<u>Land</u> : eolian veneer over nearly level to extremely sloping, stratified glacio-lacustrine sediments. <u>Texture</u> : 10 to 100 cm of loamy fine sand over interbedded sandy loam, loam or silt loam. <u>Drainage</u> : well to rapid.
2. South Central Portion		
%	Soil Type	Description
60%	KR – Kalamoir	<u>Land</u> : eolian veneer over nearly level to extremely sloping, stratified glacio-lacustrine sediments. <u>Texture</u> : 10 to 100 cm of loamy fine sand over interbedded sandy loam, loam or silt loam. <u>Drainage</u> : well to rapid.
40%	KN– Knox Mountain	<u>Land</u> : fluvioglacial veneer over gently to stongly sloping stratified glacio-lacustrine sediments. <u>Texture</u> : 10 to 50 cm of sandy loam over banded silty clay loam. Clay loam or loamy fine sand. <u>Drainage</u> : well to rapid.
3. South Eastern Portion		
%	Soil Type	Description
50%	GL – Glenmore	<u>Land</u> : nearly level to moderately sloping stratified glacio-lacustrine sediments. <u>Texture</u> : 100 cm or more of silt loam, silty clay loam or clay loam. <u>Drainage</u> : well to moderately well.
30%	GY – Gellatly	<u>Land</u> : thin fluvial veneer over very gently to sltrongly sloping stratified glacio-lacustrine sediments. <u>Texture</u> : 10 to 50 cm loam or sandy loam over silty loam or silty clay loam. <u>Drainage</u> : well.
20%	KN – Knox Mountain	<u>Land</u> : fluvioglacial veneer over gently to stongly sloping stratified glacio-lacustrine sediments. <u>Texture</u> : 10 to 50 cm of sandy loam over banded silty clay loam. Clay loam or loamy fine sand. <u>Drainage</u> : well to rapid.

4. North Eastern Portion		
%	Soil Type	Description
100%	KR – Kalamoir	<u>Land</u> : eolian veneer over nearly level to extremely sloping, stratified glacio-lacustrine sediments. <u>Texture</u> : 10 to 100 cm of loamy fine sand over interbedded sandy loam, loam or silt loam. <u>Drainage</u> : well to rapid.
5. North Central Portion		
%	Soil Type	Description
100%	GT – Greata	<u>Land</u> : fluvioglacial veneer over very gently to strongly sloping, stratified glacio-lacustrine sediments. <u>Texture</u> : 30 – 100 cm if gravely sand loam or gravely loam over silt loam or silty clay loam. <u>Drainage</u> : well.
6. North Western Portion		
%	Soil Type	Description
60%	GY – Gellatly	<u>Land</u> : thin fluvial veneer over very gently to strongly sloping stratified glacio-lacustrine sediments. <u>Texture</u> : 10 to 50 cm loam or sandy loam over silty loam or silty clay loam. <u>Drainage</u> : well.
40%	SR - Summerland	<u>Land</u> : Nearly level to strongly sloping fluvial veneer over glacio-lacustrine sediments. <u>Texture</u> : 10 to 100 cm of silty clay loam grading to clay loam. <u>Drainage</u> : Dominantly poor, ranging to imperfect; fluctuating groundwater table or seepage, subject to flooding.

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.

Housing in Agricultural Areas - Discourage residential development (both expansions and new developments) in areas isolated within the agricultural environments (both ALR and non ALR).

Secondary Suites - Encourage, under the conditions stipulated in the Zoning Bylaw, the creation of secondary suites.

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.

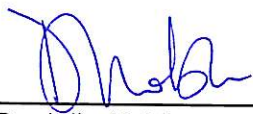
Parcel Size (Agricultural Land) – Discourage the subdivision of agricultural land into smaller parcels, except where positive benefits to agriculture can be demonstrated.

6.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

The goal of this application is to shift the boundary between the two subject properties in order to expand Lot B, Plan 32728 to include all but the easterly 1.0 ha Lot 4, Plan 1837. The intent of this lot line adjustment is to allow for the expansion of the Tantalus Winery and Vineyard. The proposal sees the expansion of an agricultural operation along with the recovery of additional land into grape production thereby increasing its acreage under a single undivided title. The Tantalus Winery building expansion proposes construction of ancillary buildings, driveways, winery facility expansion and a wine tasting area. A majority of the land within the smaller proposed 1.0 ha parcel will be leased for grape production to the vineyard operator. While the OCP and Agricultural Plan do not support applications for subdivision of land within the ALR, there is statement in the Agricultural Plan that supports subdivision where positive benefits to agriculture can be demonstrated.

The applicants wish to retain the existing cabin on the reduced parcel to house farm help for the Tantalus Vineyard. Planning considers this to be a non-farm use of this parcel as this reduced lot will not function as a farm once the lot line adjustment takes place. Therefore, this proposal also includes an application for approval from the ALC for non-farm use within the ALR to accommodate a secondary suite within an existing accessory building. Staff have no concerns with the principle of this ALR non-farm use application. It should be noted that, pursuant to ALC Policy #8, secondary suite development that results in a net loss to arable land through the creation of a new building site, additional driveway area, etc. should be discouraged. The proposed secondary suite is within an existing structure on the reduced property that is not currently in agricultural production and therefore there is no net loss to arable land.

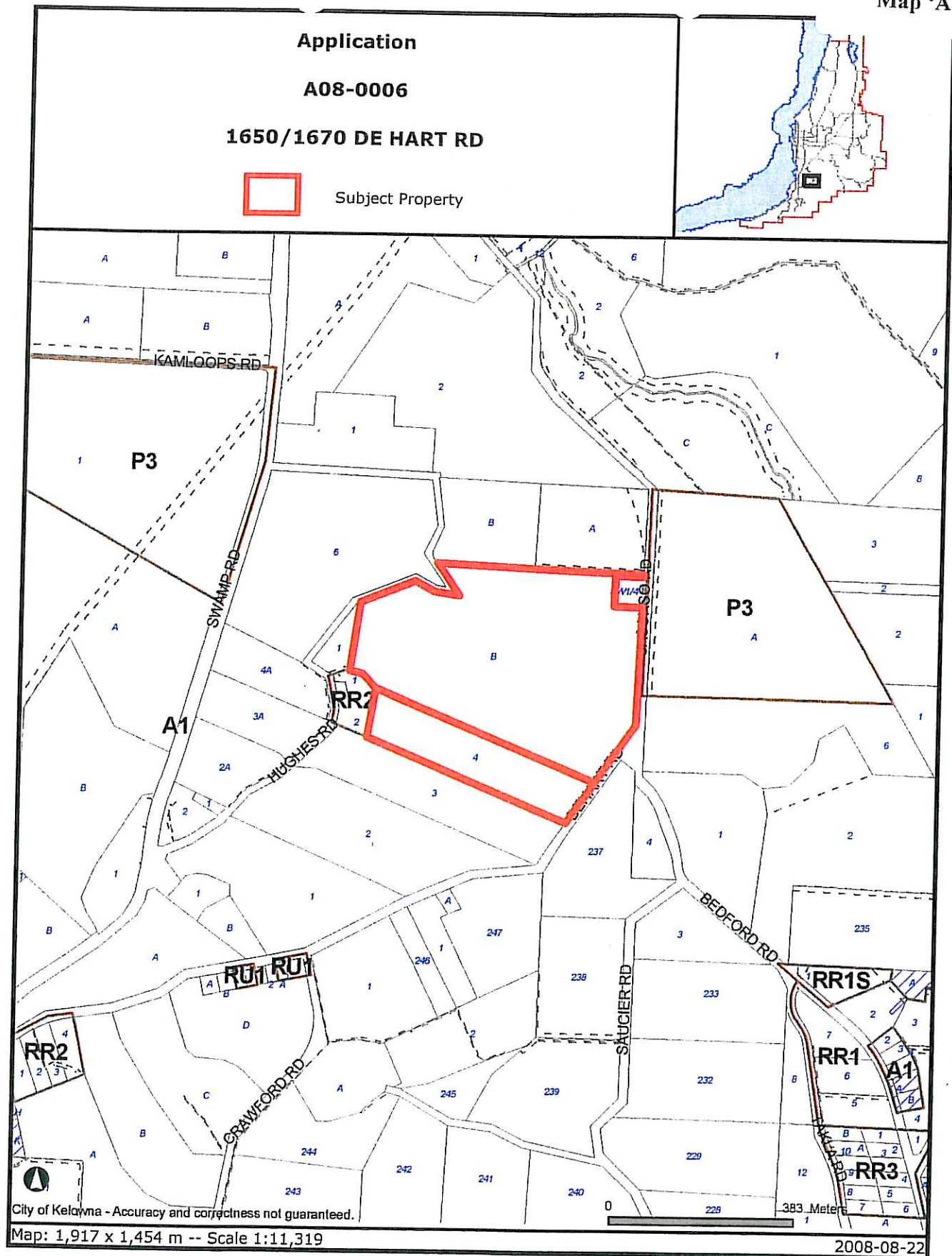
Should the ALC favourably review this application for both a lot line adjustment and non-farm use within the ALR, a rezoning application to RR1(s) – Rural Residential 1 (secondary suite) for the smaller parcel will be required to meet the minimum subdivision lot area requirements for properties not serviced by community sewer and to accommodate both the proposed single family dwelling and a secondary suite within the existing cabin.



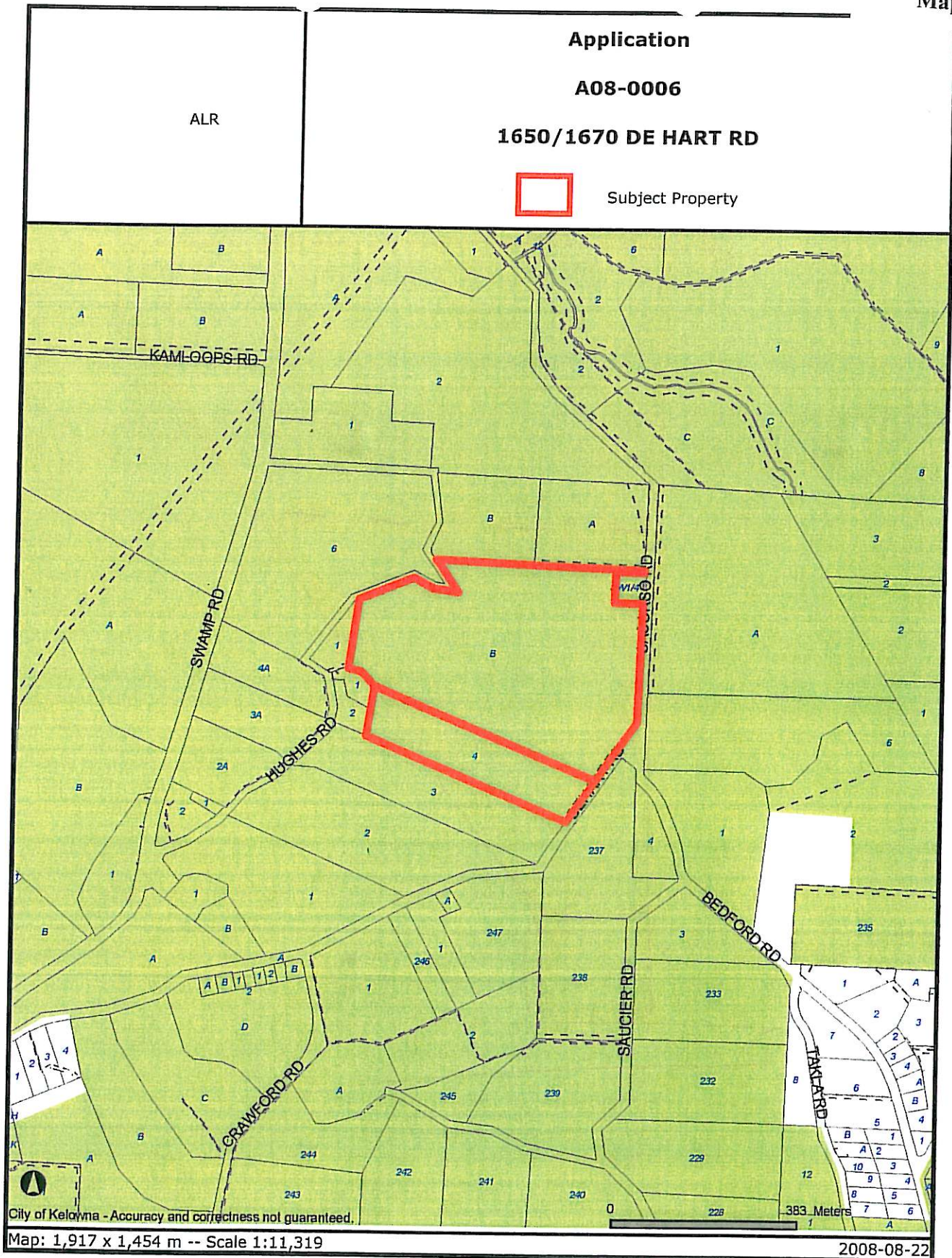
Danielle Noble
Current Planning Supervisor

ATTACHMENTS

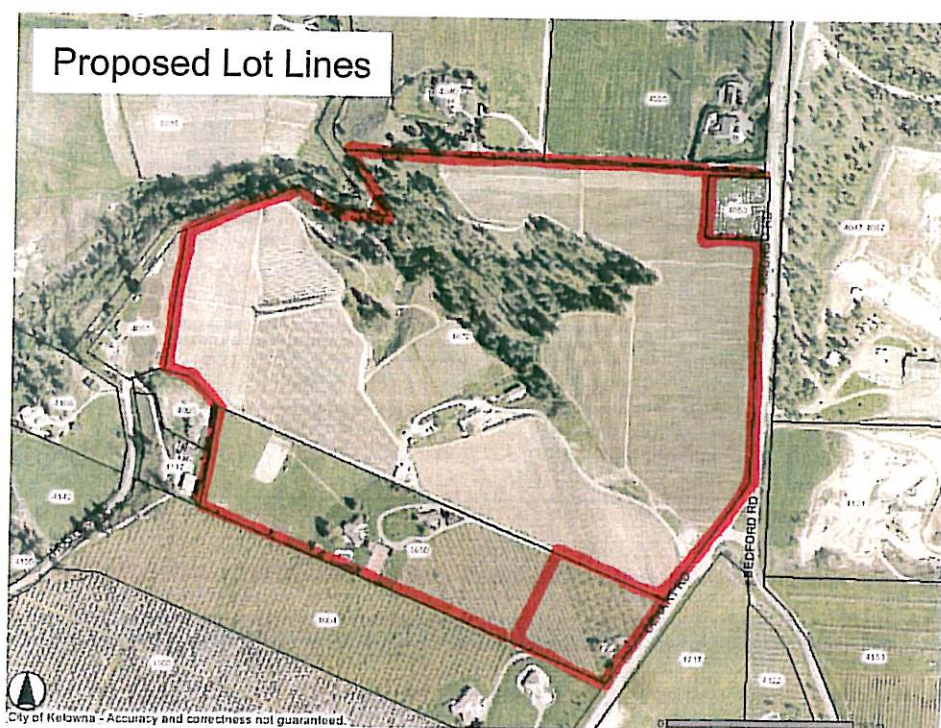
Subject Property – Map 'A'
ALR Map – Map 'B'
Site Plan – Map 'C'
Land Capability Map – Map 'D'
Soil Classification Map – Map 'E'
Proposal by Land Owner (4 pages)
Background on Tantalus Vineyards Expansion
ALR Application (2 pages)



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.

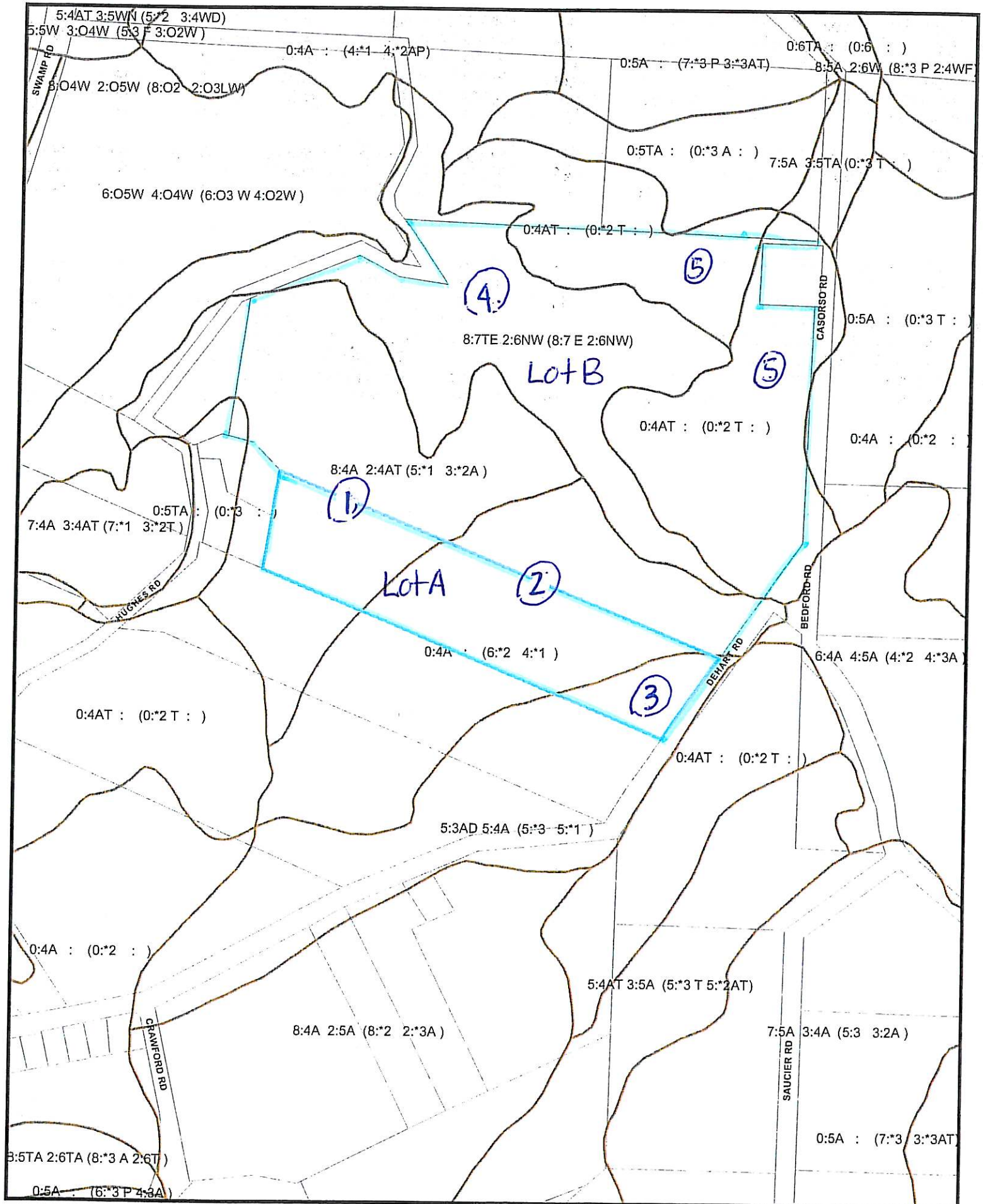


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Land Capability = Brown/ Soil Class = Green

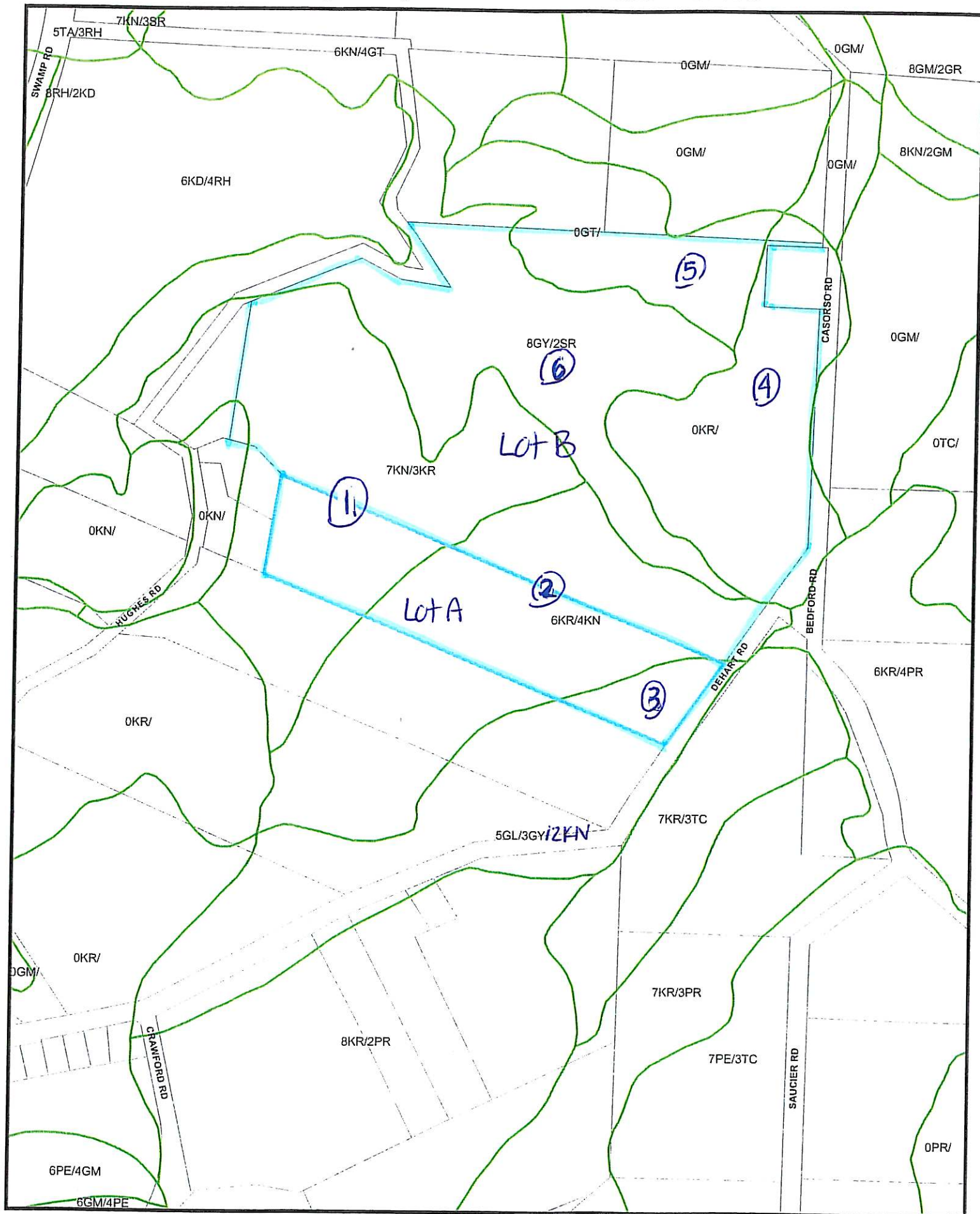
Map 'D'



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Land Capability = Brown/ Soil Class = Green

Map 'E'



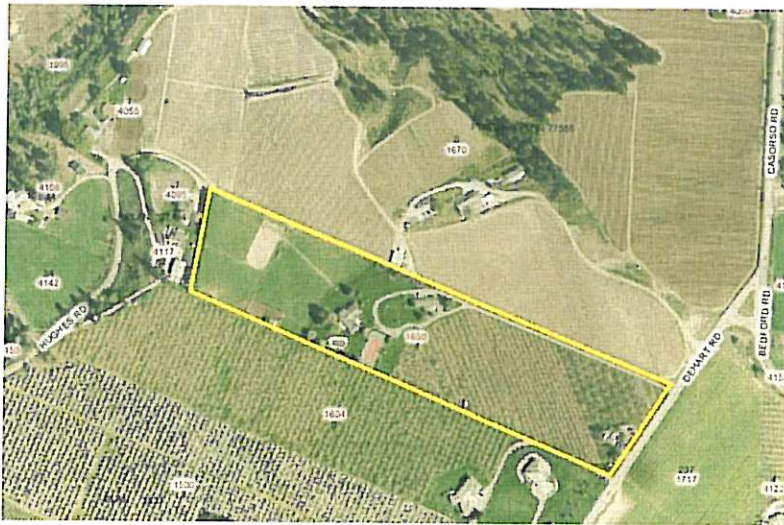
Proposal for Subdivision within the ALR (Boundary Adjustment)

Lot 4, Plan 1837, Except Plan 19431, ODYD
1650 Dehart Road, Kelowna, BC

&

Lot B, Plan 32728, Except Plan KAP75345, ODYD
1670 Dehart Road, Kelowna, BC

Applicants: Richard and Heather Hooper
Co-Applicant: Toplary Holdings Inc. (BC 0720236)



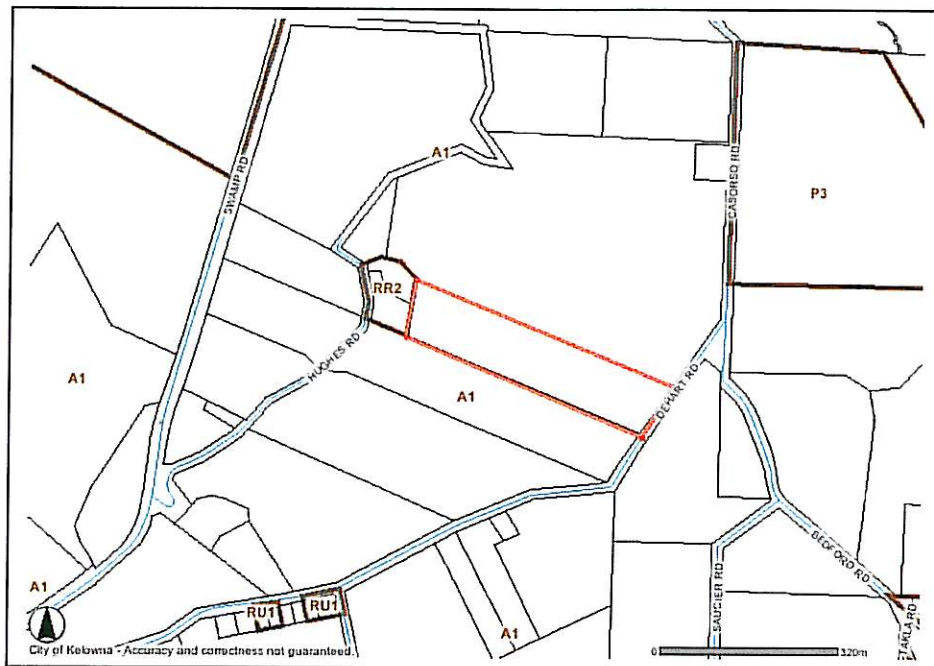
Aerial Plan View of Subject Site

Executive Summary

The property under application for subdivision within the ARL is approximately 4.97 hectares in area. This request is also related to the adjacent property to the north, Lot B, Plan 32728, 1670 Dehart Road. The owner of this second property is seeking to amalgamate their winery and vineyard operation with the subject site by way of a boundary adjustment. Subsequent to the boundary adjustment, the vineyard operator will prepare the farmland with irrigation and plant grapes. The owner of the subject site wishes to remain on the property within a remainder parcel of approximately 1.0 hectare to facilitate the construction of a new residence. All land is to remain within the ALR.

The owner of the second property proposes to expand the existing winery and increase the area of vineyard. Conceptual design for this new agri-tourism and production facility has been completed by the proponent's architect.

The owner of the subject site is the City of Kelowna's chief cardiologist and is not expected to directly undertake any farm activities. However, the balance of the 1.0 hectare parcel of land that is not occupied by the proposed new residence and minor landscaping will be leased to the vineyard operator for their use in grape production.



City of Kelowna Zoning Map

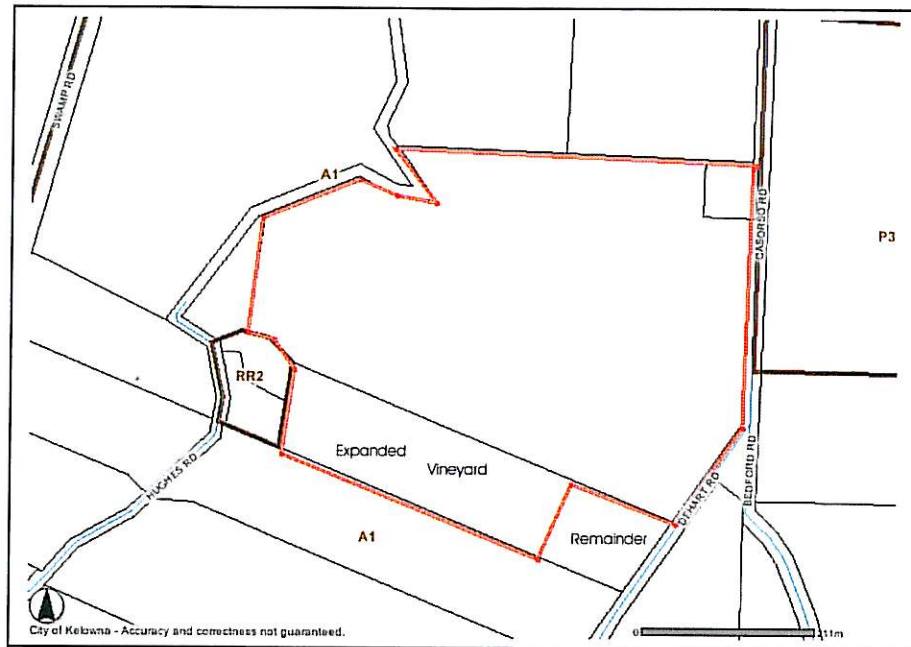
The properties surrounding the subject site are all within the ALR. Zoning as shown is Agriculture (A1) as defined under Bylaw #8000 as being;

"The purpose is to provide a zone for rural areas and agricultural uses as well as other complementary uses suitable in an agricultural setting. A maximum of one single dwelling house is permitted. In addition a secondary suite may permitted when in accordance with relevant provisions of this bylaw including subsection 6.5 and 9.5 "

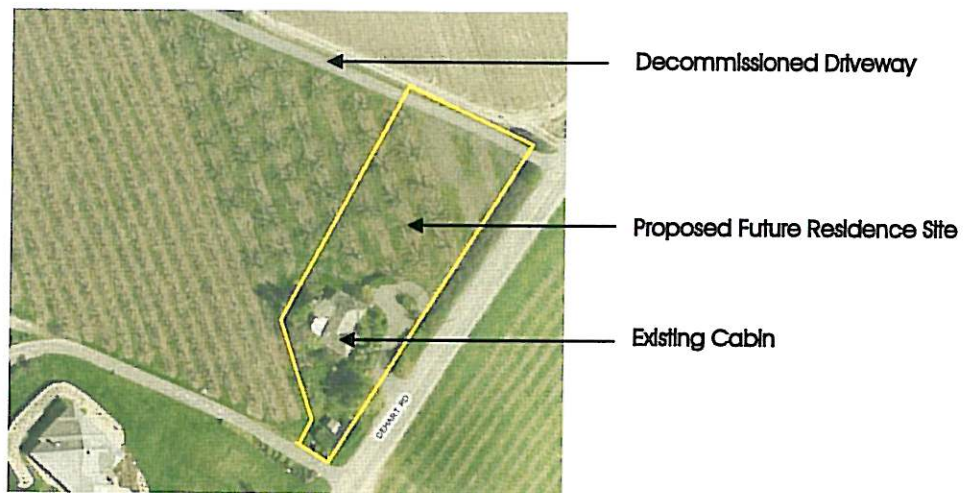
It is assured that the future use of this land will remain as agriculture with the numerous policies within the Kelowna OCP and the commitment to the ALC from the City of Kelowna to help uphold the Commission's mandate.

Subdivision Proposal

The subject site shares its northern boundary with an active vineyard that seeks to expand its holdings. The goal of this application is to shift this boundary and expand Lot B, Plan 32728 to include all but the easterly 1.0-hectare of the subject site. This 1.0-hectare remainder is the smallest lot area permitted for onsite septic service and will be developed for a modest home and driveway access. An existing cabin, which was handcrafted by a family member of the current owner, is within the proposed 1.0-hectare remainder and will also be retained. Approximately 0.7 hectares of the 1.0-hectare lot will be leased back to the vineyard operator for planting in grapes.



An existing house, shop, pool and tennis court are presently within the land proposed for consolidation with the adjacent property. There is also a long driveway extending from Dehart Road to the residence. The proponents for the expanded vineyard wish to retain the home and swimming pool outlined in yellow but recover the tennis court, shop and driveway to grape production.



Proposed Residential Use of Remainder Lot

Remainder Lot Development Proposal

The area enclosed within the yellow boundary is approximately 0.3 hectares. As mentioned, the balance of the 1.0-hectare remainder lot will be leased for grape production to the vineyard operator. In this way, the majority of the land will remain productive and could be considered as a functional part of the enlargement to Lot B, Plan 32728.

Summary of Agricultural Benefits

1. All land will remain in the ALR and be subject to the regulations as administered by the ALC.
2. The boundary extension resulting in an expanded vineyard and winery operation increases its acreage under a single undivided title.
3. The existing 'hobby-farm' is largely converted to Intensified agricultural use resulting in a significant gain in food production of the property over its present use.
4. The agricultural conversion of one of the two driveways that presently access the individual properties will further expand the productive lands.
5. The 1.0-hectare remainder lot will have approximately 0.7 hectares of the site leased back to the vineyard operator and become productive land.

Tantalus Vineyards Expansion

Tantalus Vineyards is an Estate Winery producing internationally recognized wines from their South East Kelowna location. Established in 2004, Tantalus is undergoing extensive changes in order to meet growing demand for their premium quality, organically farmed wines.

The current property at 1670 Dehart Road is a 48 acre parcel with 30 acres of planted vineyards. Approximately 10 acres of the site is heavily forested and remains in a natural state. Buildings, roadways and parking occupy the remainder of the site. The winery building contains both the production facility and retail outlet while a storage building is used for storage of vineyard supplies and equipment. A nearby trailer is used as the vineyard manager's office.

As with any business, a certain level of production is required in order to make the winery sustainable. Tantalus is committed to growing and making wines of exceptional quality. In order to do so, they have adopted a policy whereby they perform all phases of the wine production which includes utilizing grapes grown and harvested exclusively by them, from their own property. Therefore any increase in production requires further expansion of the site.

With this in mind, Tantalus recently acquired the adjacent 10 acre property located at 4020 Casorso Road. This has allowed for the planting of an additional 8 acres of vineyard. The Casorso Road property consists of one single family residence with secondary suite. The primary residence is occupied by the winemaker while the suite is used by the proprietor during his frequent visits to the winery.

Further expansion by way of the consolidation of a portion of the subject site, located at 1650 Depart Road, with the existing winery site will provide a further 8 acres of vineyard. The existing residence will be retained as a dwelling, while the tennis court and horse pasture will be reclaimed for agricultural and planted as vineyard. The existing apple orchard will also be replanted as vineyard.

Increased production brings with it expansion of the winery facilities. The design and permit process for a new state of the art, environmentally sustainable winery/retail outlet is already underway and represents a significant investment into this growing business. The new facility is proposed for an unplanted area on the original parcel. A residence to accommodate the Vineyard Manager is also proposed on an un-plantable, non forested portion of this property. Once the new winery is complete the present facility will be demolished and reclaimed for agricultural production.

The expansion plans summarized here will bring total production to between 9,000 and 10,000 cases per year and will assure Tantalus Vineyards of a sustainable business allowing them to compete with premium quality wineries both locally and internationally.