
**CITY OF KELOWNA
MEMORANDUM**

Date: November 18, 2008
File No.: A08-0006
To: City Manager
From: Community Sustainability Division
Purpose: To obtain approval from the *Agricultural Land Commission* to complete a subdivision with the ALR, creating one 0.87 ha parcel and one 7.02 ha parcel.
OWNER Olga Stuhlberg **APPLICANT:** Van Gorp & Company
AT: 1785 Swainson Rd
EXISTING ZONE: A1 – Agriculture 1
REPORT PREPARED BY: Carlie Ferguson

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A08-0006 for Lot E, Sections 19 and 30, Township 27, O.D.Y.D., Plan 2058, located on Swainson 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 with the condition that a portion of the subject property as delineated on Schedule "A" be included in the ALR;

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

2.0 SUMMARY

The Applicants are requesting permission to complete a two lot subdivision within the ALR to subdivide off the non-farmable portion of the subject property. The proposal is to create one 0.87 ha (2.2 ac) parcel and one 7.02 ha (17.3 ac) parcel.

3.0 AGRICULTURAL ADVISORY COMMITTEE

At a meeting held on October 9th, 2008, the Agricultural Advisory Committee passed the following recommendation:

THAT the Agricultural Advisory Committee **support** Application No. A08-0008, as presented by the Applicant, for 1785 Swainson Rd., by Van Gorp & Co. to obtain approval from the Agricultural Land Commission to subdivide within the Agricultural Land Reserve to create an additional lot **on the condition that the south portion of property be added to the ALR.**

The AAC, upon review of this application, recommended that the entire portion of non-ALR land be added to the ALR. However, the committee was not advised that a portion of this non-ALR land has a future land use designation of single/two unit residential (not agricultural) in the Official Community Plan.

4.0 SITE CONTEXT

The subject property is located on the south side of Swainson Rd in the Black Mountain North sector of the City. A majority of the property is within the Agriculture Land Reserve (ALR) with the southern portion outside the ALR. The surrounding properties within this area of the city have ALR status except for those to the south and adjacent to the portion of the subject property that is outside the ALR (see attached Map "B").

There are currently two residences located on the subject property; one located in the northern portion which is proposed to be subdivided off and the second is located in the southern portion of the subject property within the proposed remaining parcel. This second residence is also within the portion of the property that is outside of the ALR.

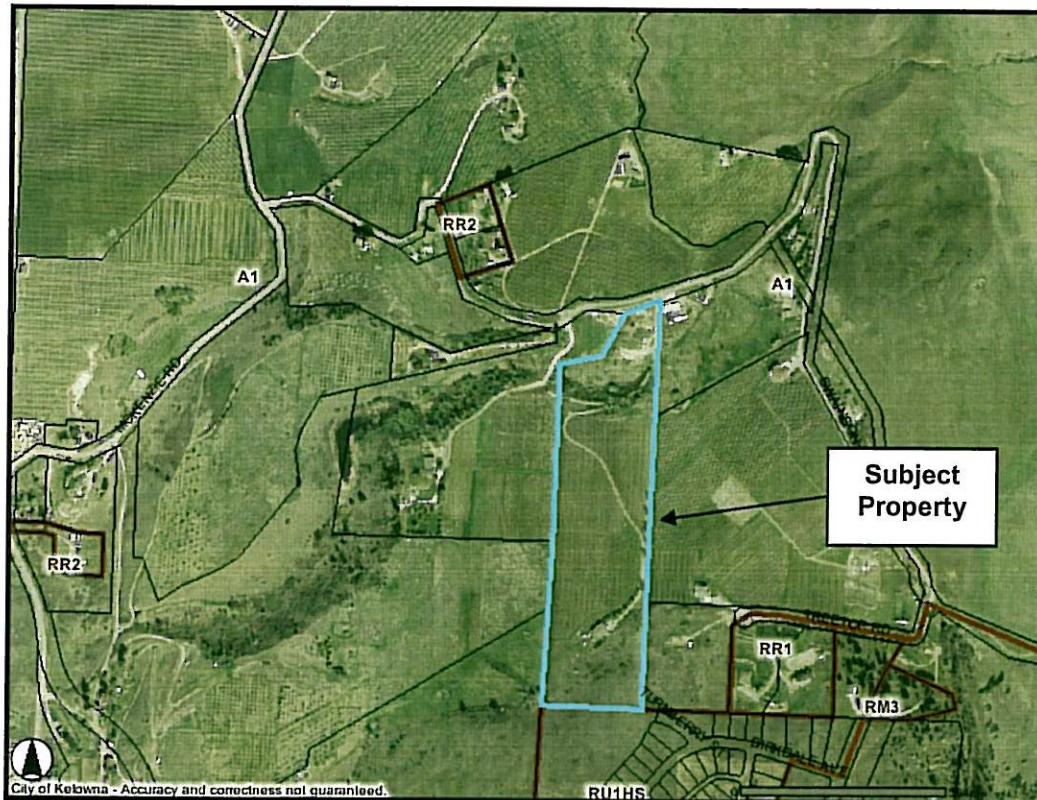
Parcel Size: 7.89 ha (19.5 ac)

Elevation: 555 m – 650 m

Zoning of Adjacent Property

North	A1 – Agriculture 1
East	A1 – Agriculture 1
South	RU1(hs) – Large Lot Housing (hillside area and secondary suites)
West	A1 – Agriculture 1

Site Location Map 1785 Swainson Rd



BCLI Land Capability

The subject property has a mix of ratings regarding Land Capability with five notable areas as discussed below going from the north extent of the property to the south. (See attached Land Capability Map copied from map 82E.084).

1. This portion of the property has a Land Capability of Class 6 (100%) with an "excess water" limiting factor. Through improvements the land rating improves to Class 4 (100%) with "excess water" and "fertility" noted as limiting factors.
2. This portion of the property 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 1 (100%) with no limiting factors.
3. This portion of the property has a Land Capability of Class 5 (70%) with "topography" and "Soil moisture deficiency" identified as limiting factors and Class 6 (30%) with "topography" and "soil moisture deficiency" as limiting factors. Consequently, through improvements such as irrigation, the land rating improves to Class 3 (70%) with "topography" as the only limiting factor and Class 6 (30%) with "topography" as the only limiting factor.
4. This portion of the property has a Land Capability of Class 4 (70%) with a "soil moisture deficiency" as a limiting factor and Class 4 (30%) with both "soil moisture deficiency" and "topography" identified as limiting factors. Through improvements the land rating improves to Class 1 (70%) with no limiting factors and Class 2 (30%) with "topography" as a limiting factor.
5. This portion of the property has a Land Capability of Class 6 (100%) with "topography" and "soil moisture deficiency" identified as limiting factors. Through improvement the land rating improves to Class 6 (100%) with "topography" identified as a limiting factor.

Soil Classification

The subject properties have a mix of ratings regarding Soil Classification with three notable areas as noted in the following tables moving from the northern portions of the property to the southern. (See attached Land Capability Map copied from map 82E.084).

1. North portion		
%	Soil Type	Description
100%	GR - Gartrell	<u>Land</u> : nearly level and very gently sloping fluvio-glacial deposits in depressions. <u>Texture</u> : 60 to 100 cm of loam or sandy loam over gravely loamy sand. <u>Drainage</u> : dominantly poor, ranging to imperfect; fluctuating groundwater table and seepage.

2. Central portion		
%	Soil Type	Description
100%	KE – Kelowna	<u>Land</u> : moderately and strongly sloping glacial till. <u>Texture</u> : 10 to 30 cm of loam or sandy loam veneer over gravely sandy loam or gravely loam. <u>Drainage</u> : well.

3. South portion		
%	Soil Type	Description
70%	KE – Kelowna	<u>Land</u> : moderately and strongly sloping glacial till. <u>Texture</u> : 10 to 30 cm of loam or sandy loam veneer over gravelly sandy loam or gravelly loam. <u>Drainage</u> : well.
30%	R – Rutland	<u>Land</u> : very gently to strongly sloping fluvio-glacial 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.

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.

5.1.4 City of Kelowna Panhandle Policy

Given the larger parcel sizes prevailing in the rural area, the greater separation between dwellings and the more occasional need for interim, transitional type subdivisions, panhandle lot subdivision proposals will be more favourably considered in rural areas of the city. While these types of proposed subdivisions should be generally consistent with the other criteria outlined, greater flexibility will be applied when reviewing panhandle lot applications for parcels located in the rural area.

6.0 LAND USE MANAGEMENT COMMENTS

The goal of this application is to subdivide the subject property into two lots in order to sell off the non-farmable portion of the property. The reduced lot is considered to be non-farmable by the applicant due to the topography of the land as well as a significant amount of marsh located directly adjacent to Swainson Rd. 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. Should the ALC favourably

review this application, a rezoning application to RR1 – Rural Residential 1 for the smaller parcel will be required to meet the minimum subdivision lot area requirements for properties not serviced by community sewer. An Environmental Assessment has been requested by the Environment Division prior to approval of the proposed subdivision to address the feasibility and requirements of protective covenants, etc. for the streams and/or wetlands on the property. The proposed subdivision will create a panhandle lot. Generally the creation of panhandle lots are not supported, however, Council policy does provide greater allowances for panhandle lots in rural areas. In this instance, Staff could consider the creation of a panhandle lot configuration subject to the requirements of Works & Utilities and Environment Divisions. At this stage in the development application process, the scope of those requirements has not been determined.

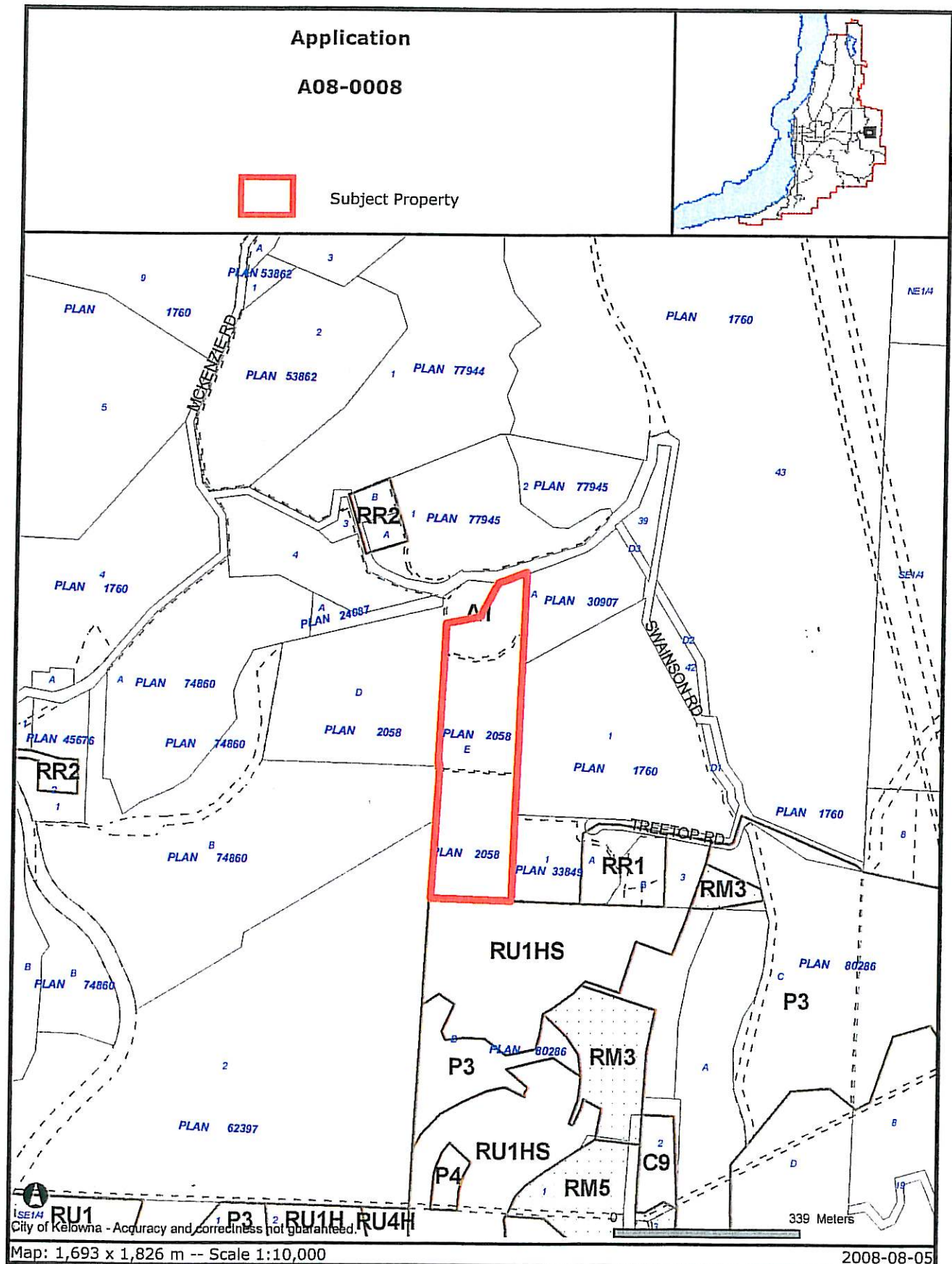
The southern portion of the subject property is not currently within the ALR. The Agricultural Advisory Committee supports the proposed subdivision within the ALR with the condition that the non-ALR land be added to the ALR. This non-ALR land has two different future land use designations in the OCP – Agricultural and Single/Two Unit Residential. Therefore, Staff recommends that only the portion of the non-ALR land with a future land use designation of Agricultural be added to the ALR with the Single/Two Unit Residential remaining as non-ALR land (see Schedule "A" attached).



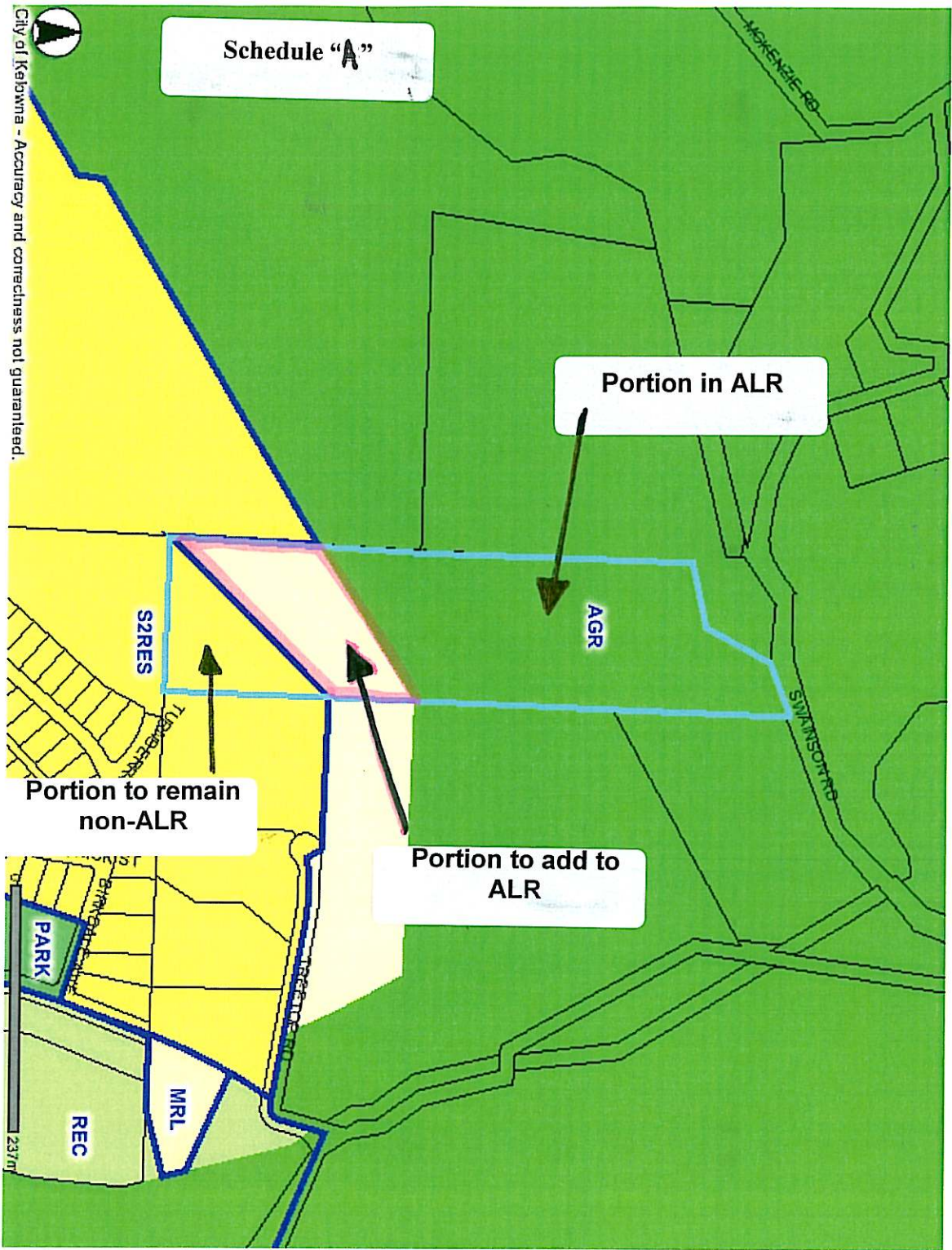
Danielle Noble
Urban Land Use Supervisor

ATTACHMENTS

Subject Property Map
Schedule "A" – ALR Map showing portion of land to be added to ALR
Site Plan Map
Land Capability Map
Soil Classification Map
Application by Land Owner (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.



Schedule "A"

Portion in ALR

AGR

S2RES

Portion to remain
non-ALR

Portion to add to
ALR

PARK

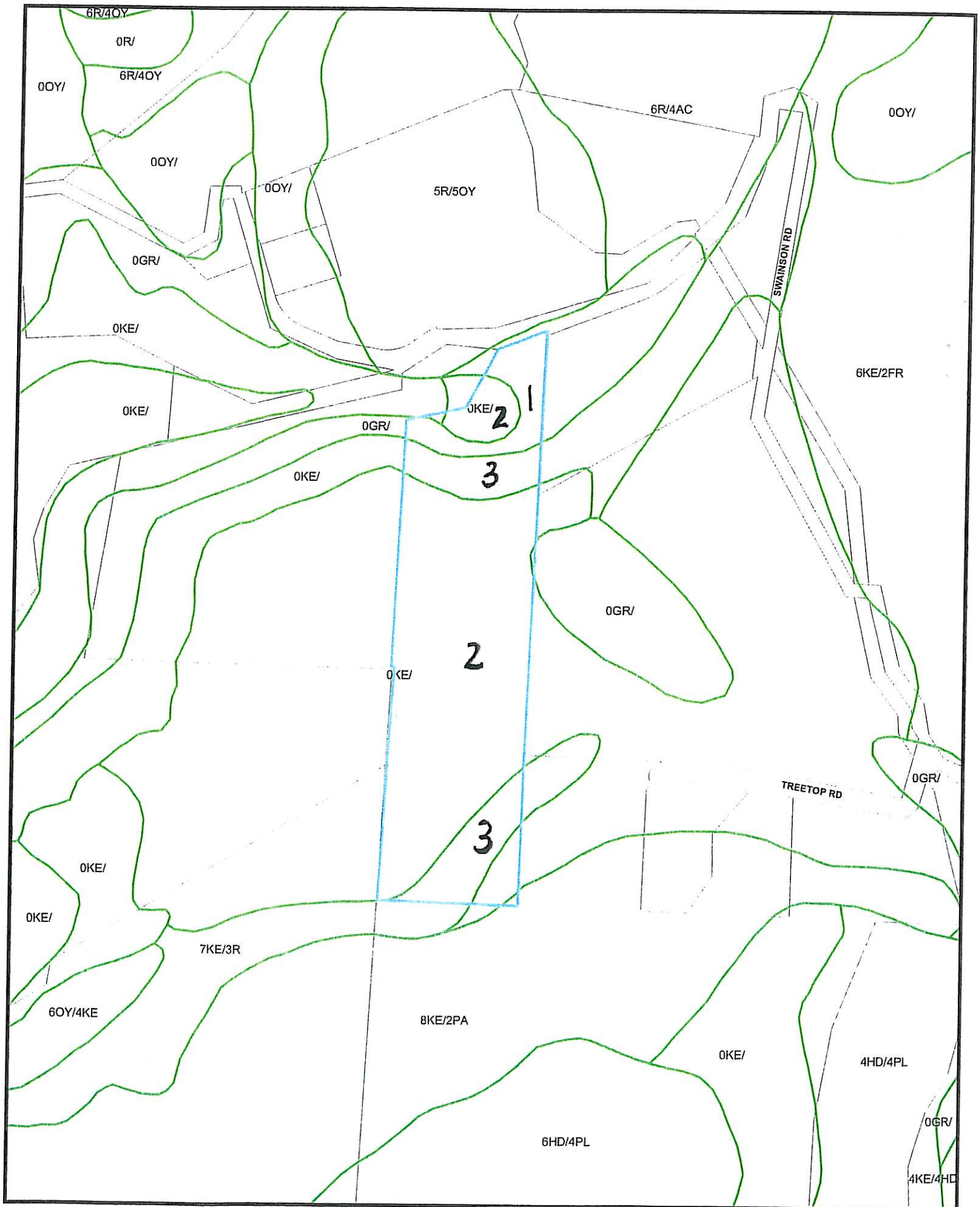
REC

MRL

237m

City of Kelowna - Accuracy and correctness not guaranteed.

Land Capability = Brown/ Soil Class = Green



1:5,000

map 82E.084

