
CITY OF KELOWNA
MEMORANDUM

Date: January 9, 2009
File No.: A08-0013
To: City Manager
From: Community Sustainability Division
Purpose: To obtain approval from the Agricultural Land Commission to subdivide the subject property, under Section 21(2) of the *Agricultural Land Commission Act*, creating a home site severance.
OWNER: Dais, Norm & Shirley **APPLICANT:** Dais, Norm & Shirley

AT: 4588 Sallows Road
EXISTING ZONE: A1 – Agriculture 1
REPORT PREPARED BY: Birte Decloux

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A08-0013 for Lot 189, Section 33, Township 29, O.D.Y.D., Plan 1247, located on Sallows 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;

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 create a home site severance subdivision. The proposed home site severance parcel is 0.2 hectares (0.494 acres) in size, leaving a 4.86 hectare (12 acre) remainder parent parcel.

3.0 AGRICULTURAL ADVISORY COMMITTEE

At a meeting held on December 18, 2008, the Agricultural Advisory Committee passed the following recommendation:

THAT the Agricultural Advisory Committee support Application No. A08-0013 for 4588 Sallows Road, Lot 189, Plan 1247 by N. and S. Dais to obtain permission from the Agricultural Land Commission to accommodate a home site severance within the Agricultural Land Reserve.

4.0 SITE CONTEXT

The subject property is located on the west side of Sallows Road, south of Saucier Road, in the South East Kelowna sector of the City. The property is within the Agriculture Land Reserve (ALR) and is surrounded by properties within the ALR on three sides. Properties located to the east have been developed as rural residential.

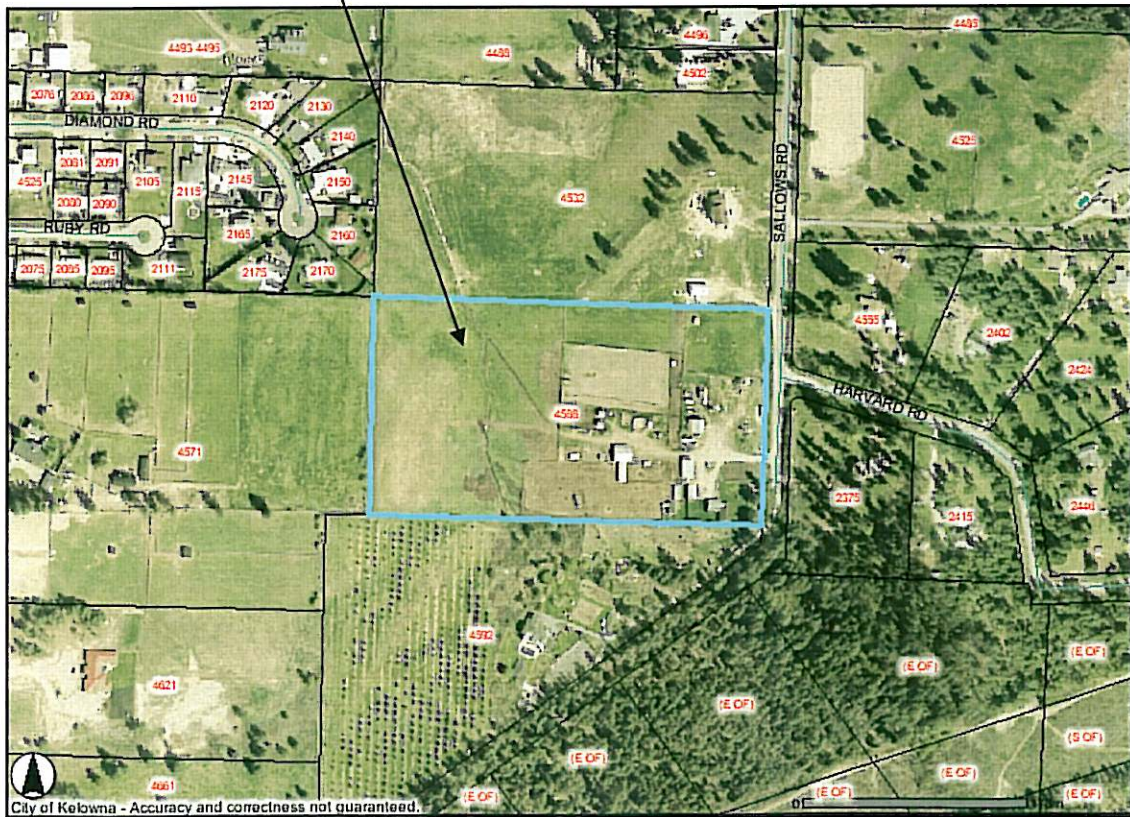
Currently, there is one residence and a number of farm accessory buildings located on the subject property which will remain on the larger farm site. A new dwelling is being proposed on the severed portion. The property is currently used for an active feed lot/farm and grazing pasture. The applicant has owned and resided on the property since 1965 and will continue to live on the portion of the property proposed to be severed while the remainder will be transferred to family members as evident by the affidavit that has been provided as documentation.

Parcel Size: 3.9 ha (9.7 ac)
Elevation: 504 m – 515 m

Zoning of Adjacent Property

North	A1 – Agriculture 1
East	RR1– Rural Residential 1 A1 - Agriculture 1
South	A1 – Agriculture 1
West	A1 – Agriculture 1 RR3 – Rural Residential 3

Site Map: 4588 Sallows Road



BCLI Land Capability

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

The south west and north east portions of the property have a Land Capability of Class 5 (100%) with "soil moisture deficiency" identified as a limiting factor. Consequently, through improvements such as irrigation, the land rating improves to Class 3 (100%) with "soil moisture deficiency" and "topography" as limitations. For the central portion of the site the Land Capability is Class 6 (60%) with "excess water" and Class 5 (40%) with soil moisture deficiencies.

Soil Classification

The soil classification for the subject property includes the following: (See attached information summarized from soils map 82E.083).

South Western Portion of the Property		
%	Soil Type	Description
100%	GM – Gammil	<u>Land:</u> very gently 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.

Central Portion of the Property		
%	Soil Type	Description
60%	GR – Gartrell	<u>Land:</u> nearly level and very gently sloping fluvial fan deposits. <u>Texture:</u> 60 to 100 cm of loam or sandy loam over gravely sandy loam or gravely loamy sand. <u>Drainage:</u> dominantly poor, ranging to imperfect; fluctuating groundwater table and seepage.
40%	GM – Gammil	<u>Land:</u> very gently 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.

North Eastern Portion of the Property		
%	Soil Type	Description
70%	PE – Paradise	<u>Land:</u> nearly level to very steeply sloping fluvioglacial deposits. <u>Texture:</u> 25 to 60 cm of sandy loam or loamy sand over gravely loamy sand or very gravely sand. <u>Drainage:</u> rapid.
30%	GM – Gammil	<u>Land:</u> very gently 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.

5.0 CURRENT DEVELOPMENT POLICY AND REGULATION

5.1 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).

5.2 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.

Home site Severance – Continue to support the concept of home site severance, consistent with Agricultural Land Commission Policy #11.

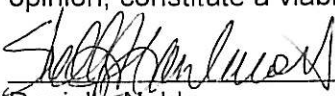
6.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS


The relevant City development policies support the creation of additional lots within the Agricultural Land Reserve for the purposes of facilitating a home site severance, which are consistent with the Agricultural Land Commission’s policies. The Agricultural Plan recommends that the City continue to support the concept of home site severances, which allows farmers to retire or sell the parent property while retaining the home site.

The property owner qualifies for a home site severance, given that he has owned the property since 1965. The Agricultural Land Commission offers two options when allowing a “home site severance”. In this case, creating a parcel elsewhere on the subject property is most desirable as it permits other family members to expand or enter the farm business.

Given the proximity of Priest Creek on the subject property, there will be requirements to be executed at the time of subdivision application with respect to environmental protection measures. Specifically, a restrictive covenant will be requested to prohibit building/disturbance within the Priest Creek riparian management area. Additionally, a restrictive covenant will be required to save the Province and the City of Kelowna from damages due to flooding.

Ultimately, the appropriate reviews of the overall agricultural integrity of the parcel are exercised by the Agricultural Land Commission, where the size and configuration will, in the Commission’s opinion, constitute a viable agricultural remainder.

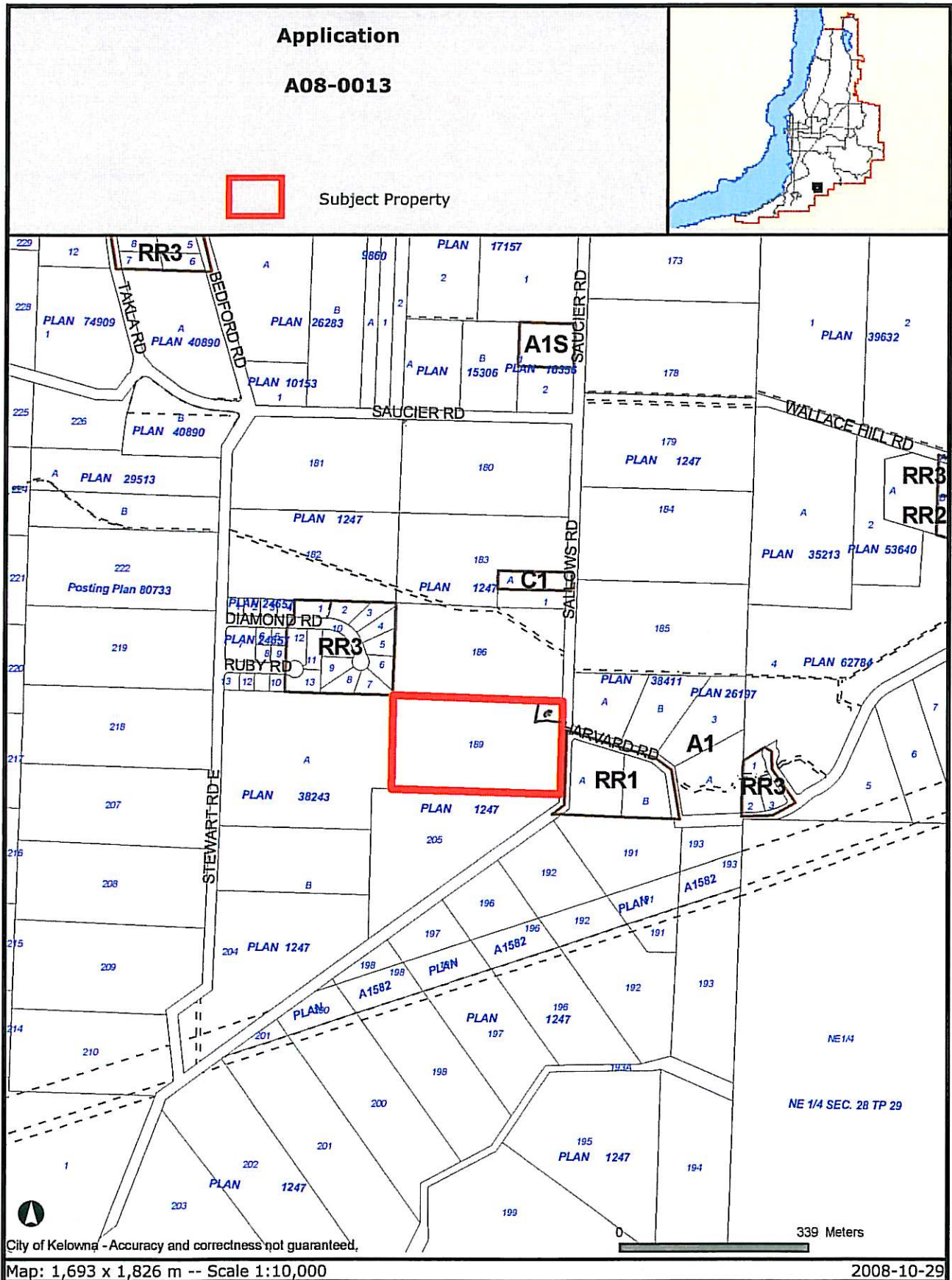
for: 
Danielle Noble
Urban Land Use Manager

Approved for Issuance 

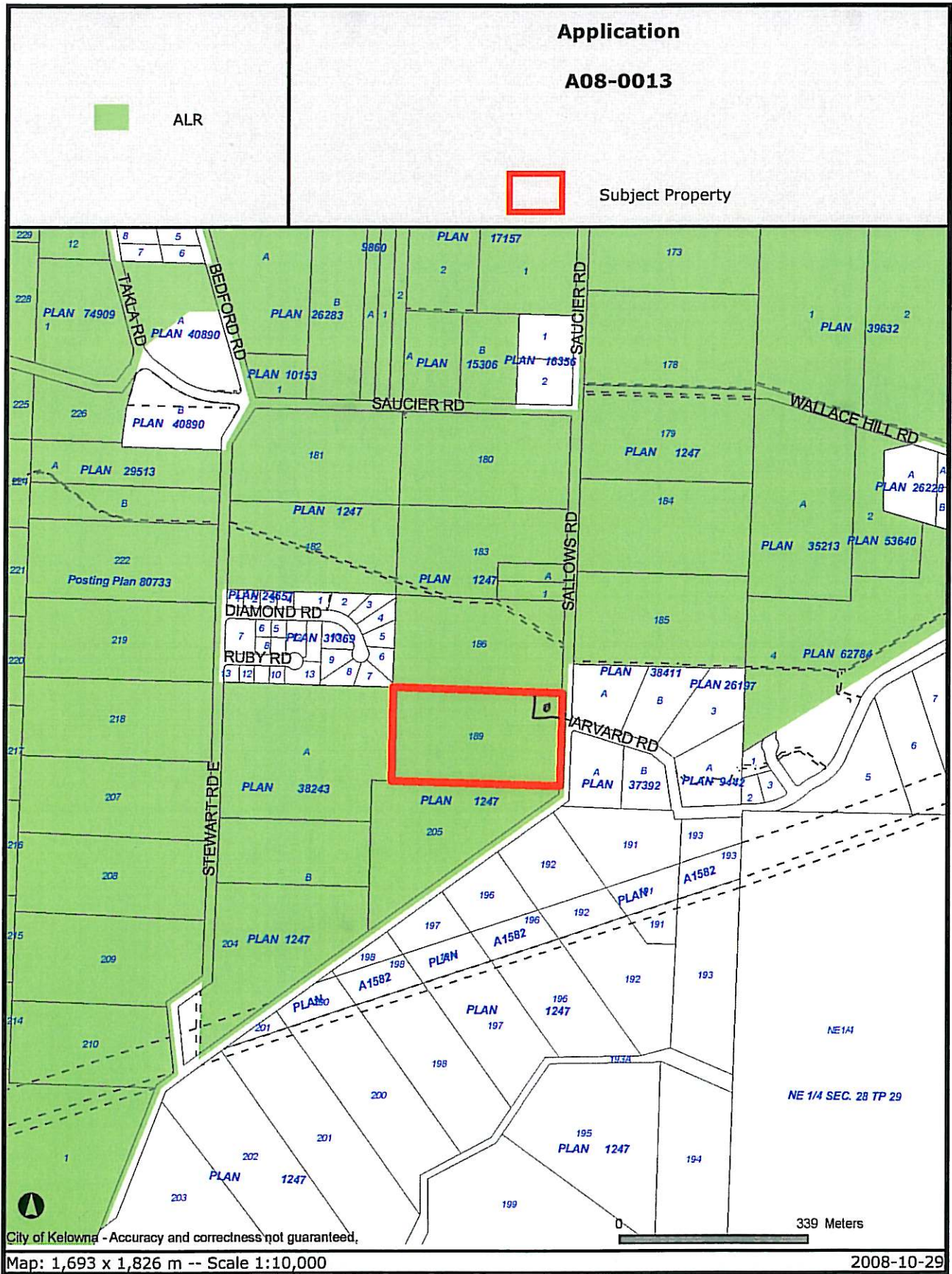
Shelley Gambacort
Director of Land Use Management

ATTACHMENTS

Subject Property – Map 'A'
ALR Map – Map 'B'
Land Capability Map – Map 'D'
Soil Classification Map – Map 'E'
Proposed Subdivided site plan

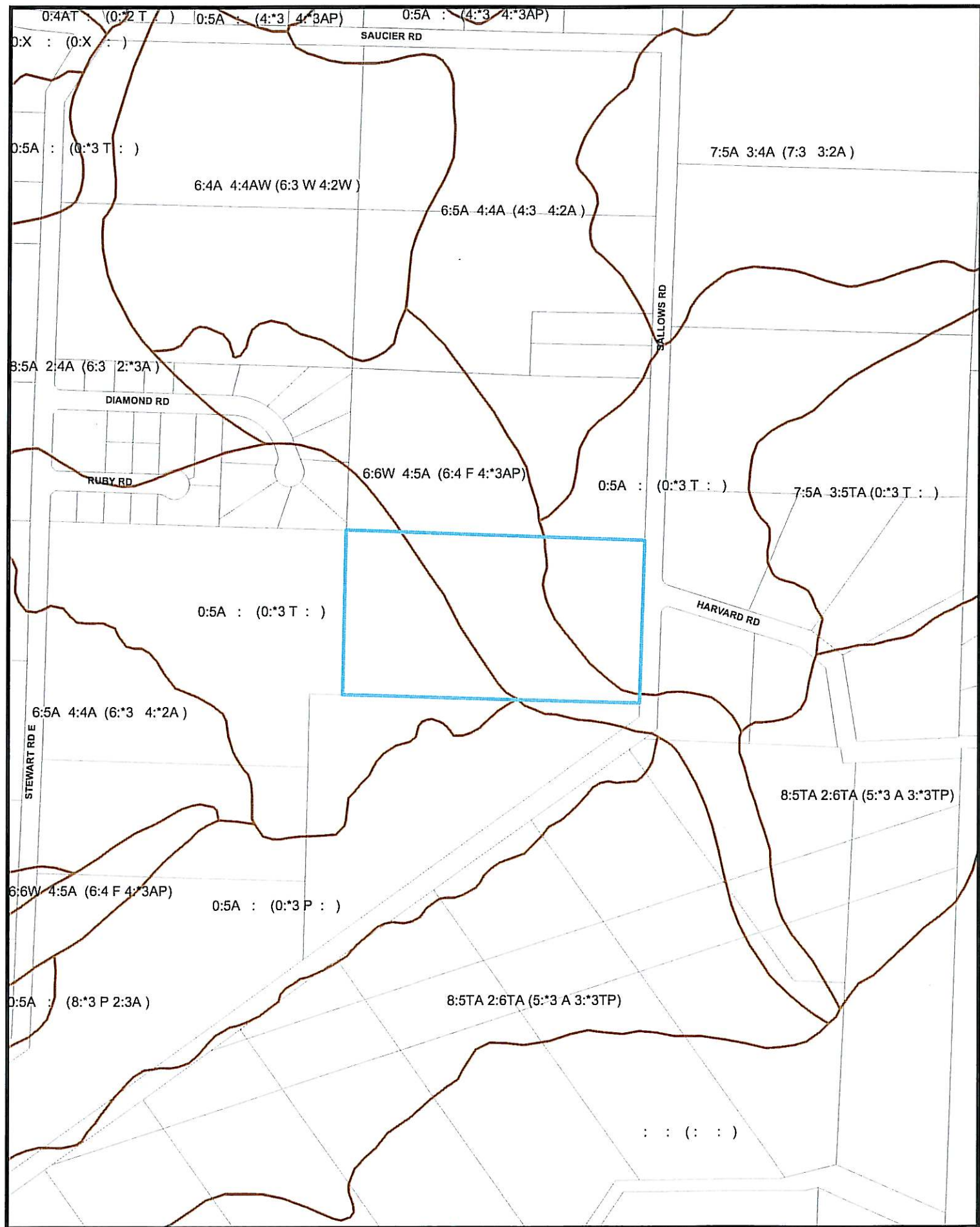


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
 The City of Kelowna does not guarantee its accuracy. All information should be verified.

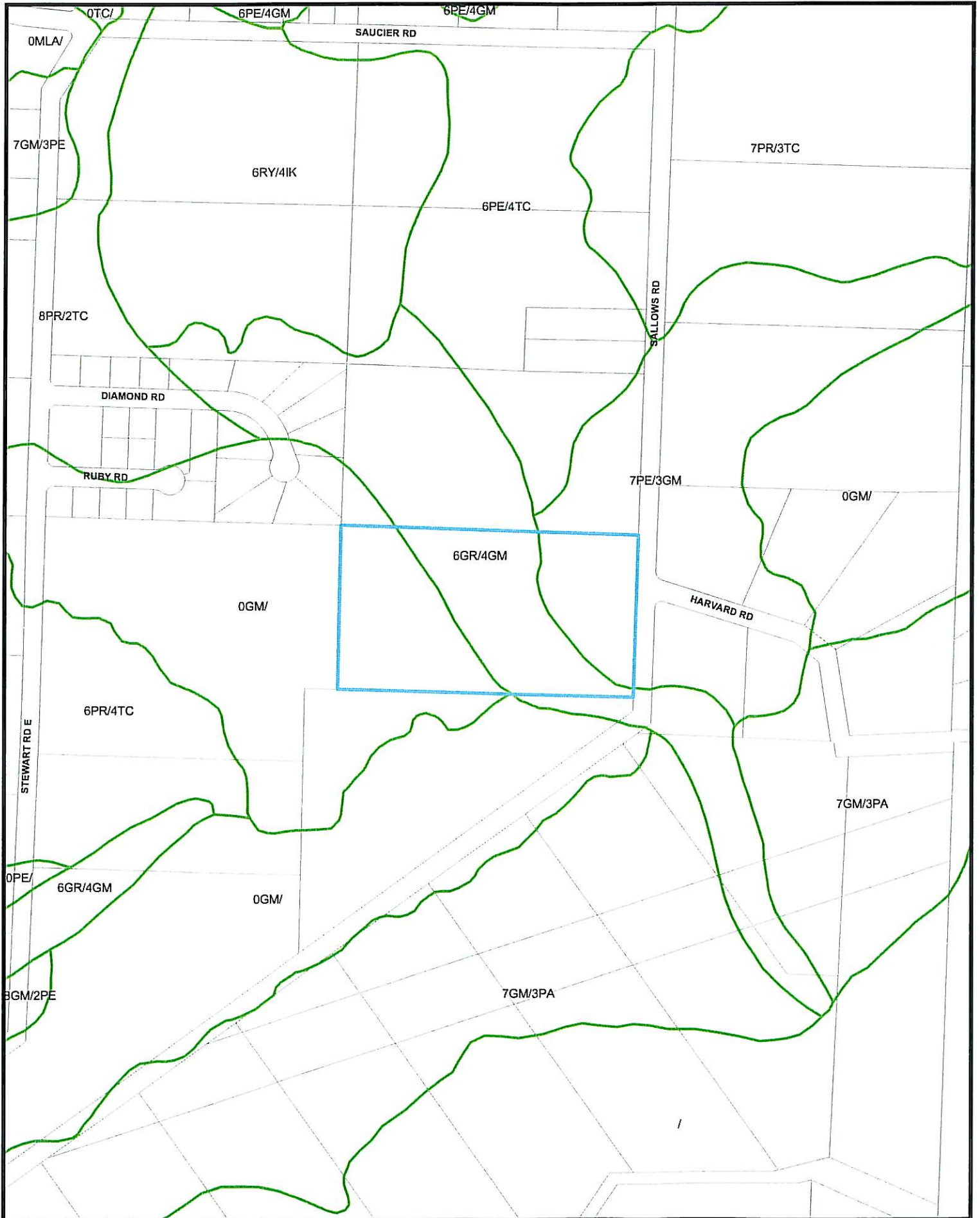


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Land Capability = Brown/ Soil Class = Green



Land Capability = Brown/ Soil Class = Green



4588 Sallows Road
Map "E"



City of Kelowna; Accuracy and correctness not guaranteed.