
**CITY OF KELOWNA
MEMORANDUM**

DATE: February 4, 2009

FILE NO.: A08-0002

TO: City Manager

FROM: Community Sustainability Division

PURPOSE: To obtain approval from the Agricultural Land Commission to subdivide the 4.47 ha (11.02 ac) subject property, under Section 21(2) of the *Agricultural Land Commission Act*, to facilitate a 2.47 ha (6.1 ac) and 2.0 ha (4.9 ac) two lot subdivision.

OWNERS: Hans & Sharon Affeld

APPLICANT: Hans & Sharon Affeld

AT: 3761 McCulloch Road

EXISTING ZONE: A1 - Agriculture 1

REPORT PREPARED BY: Alec Warrender

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Application No. ALR08-0002 for Lot C, Section 2 & 3, Twp. 26 ODYD, Plan 24790 Except Plan 35236, located at 3761 McCulloch 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.

2.0 SUMMARY


The Applicant is requesting permission to subdivide the parent 4.47 ha (11.02 ac) parcel into two lots of 2.47 ha (6.1 ac) and 2.0 ha (4.9 ac). The property would remain in the Agricultural Land Reserve.

3.0 AGRICULTURAL ADVISORY COMMITTEE

The Agricultural Advisory Committee (AAC) passed the following recommendation at their meeting of June 12, 2008:

THAT the Agricultural Advisory Committee NOT support Application No. A08-0002 for 3761 McCulloch Road, by Hans & Sharon Affeld to obtain approval from the Agricultural Land Commission to subdivide the subject 4.47 ha (11.02 ac) parent parcel, under Section 21(2) of the *Agricultural Land Commission Act*, to create a 3.20 ha (7.9 ac) and a 1.27 ha (3.1 ac) lot.

The AAC further noted that this application is not an appropriate subdivision within the ALR. Residential subdivisions within ALR lands are simply not appropriate.



4.0 SITE CONTEXT

The subject property is located in the South East Kelowna sector area of the City. McCulloch Road forms the northern boundary of the parcel. The property is bound on the east, south, and west by all properties having ALR status. The existing parcel is entirely vacant, and vegetation consists of random tree siting. This property has no identifiable agricultural activities at present, a garden shed and a workshop in addition to the single family residence presently occupy the site.

This parcel slopes moderately upwards from north to south. There is an overall change in elevation of 17 m (56 feet) from the NW to the SE corner of the property, which is at a distance of approximately 319 m.

Parcel Size: 4.47 ha (11.02 ac)

Elevation: 500 m – 599.99 m

Adjacent zones and uses are:

North	RR3 – Rural Residential 3 – Single Family Dwellings
East	RR3 – Rural Residential 3 / A1 – Agriculture 1 – Residential / Agricultural Land
South	A1 – Agriculture 1 – Single Family Dwelling/Agricultural Land / Vacant
West	A1 – Agriculture 1 – Vacant / Forest (This property Lot 85, Plan 3665 is currently under application for rezoning to RR3 to facilitate a 4 lot (1.2ha each) subdivision as approved by the ALC).

4.1 Site Map

3761 McCulloch Road



BCLI Land Capability

The subject property has a predominant rating regarding Land Capability of Class 5. Soil moisture deficiency is identified as the primary limiting factor. Consequently, through management improvements, the land rating improves mostly to Class 3, noting soil moisture deficiency and stoniness as continual limitations.

Soil Classification

The soil classification for the southern portion of the subject property includes the following:

%	Soil Type	Description
40%	PE - Paradise	Land: moderately level to very steeply sloping fluvioglacial deposits. Texture: 25 to 60 cm of loam or sandy loam veneer over gravely sandy loam or gravely loam. Drainage: rapid.
40%	PR - Parkill	Land: very gently to strongly sloping fluvioglacial deposits. Texture: 100 cm or more of loamy sand or sand. Drainage: rapid.
20%	GM – Gammil	Land: very gently to strongly sloping fluvioglacial deposits. Texture: 10 to 25 cm of sandy loam or loamy sand over gravely loamy sand or very gravely sand. Drainage: rapid.

The soil classification for the northern portion of the subject property includes the following:

%	Soil Type	Description
70%	GM - Gammill	Land: very gently to strongly sloping fluvioglacial deposits. Texture: 10 to 25 cm of sandy loam or loamy sand over gravely loamy sand or very gravely sand. Drainage: rapid.
30%	PE - Paradise	Land: moderately level to very steeply sloping fluvioglacial deposits. Texture: 25 to 60 cm of loam or sandy loam veneer over gravely sandy loam or gravely loam. Drainage: rapid.

5.0 POLICY AND REGULATION

5.1 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.

5.2 Kelowna 2020 – Official Community Plan

The OCP has two Future Land Use designations for the subject property. The northern half is designated Single / Two Unit Residential and the southern portion is designated Rural / Agricultural. This reflects the projected land uses that were assigned when the Southeast Kelowna Sector Plan (1994) designated the future rural/urban land uses. This Sector Plan guided the land use allocations for the current Official Community Plan.

Subdivision – Discourage the subdivision of agricultural land into smaller parcels, except where positive benefits to agriculture can be demonstrated.

5.3 City of Kelowna Agriculture Plan

The portion of the subject property designated as Single/Two Unit Residential is designated in the Agriculture Plan for non-farm use.

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.

6.0 TECHNICAL COMMENTS

6.1 Works & Utilities

Works and Utilities has no comments at this point in time with regard to this application, however, a comprehensive report will be provided at the time of development application if and when the Agricultural Land Commission agrees to the proposed development.

7.0 LAND USE MANAGEMENT DEPARTMENT

The Rural/Agriculture and Single/Two Unit Residential designations of this property, and other properties on the south side of McCulloch Road, were originally specified in the Southeast Kelowna Sector Plan (1994) which was approved by the Agricultural Land Commission and subsequently incorporated in the Official Community Plan Future Land Use Map adopted in 1995. These split Future Land Use designations are consistent over a number of lots on the south side of McCulloch Road (see attached Map A). It should be noted that when the Single/Two Unit Residential Future Land Use designation was applied there was no Provincial regulation in place requiring a 1.0ha minimum parcel size for lots with a septic field disposal system as there is today.

In May 2007 the abutting property to the west, 3665 McCulloch Road, applied to the Agricultural Land Commission for exclusion from the Agricultural Land Reserve for that portion of the property designated as Single/Two Unit Residential in the Official Community Plan. The exclusion application though supported by staff and Council was refused by the Agricultural Land Commission, however a 4 lot subdivision with lots sizes of 1.0 ha lots (2 lots) and 1.25 ha (2 lots) was approved. The Agricultural Land Commission's justification for allowing the adjacent 4 lot subdivision was that the subdivision would create an adequate buffer between the residential uses to the north and the more intensive agriculture to the south. An application for Rezoning to RR3- Rural Residential 3 to facilitate this subdivision is presently sitting at 3rd reading.

Although this current application is not entirely consistent with the City's agricultural policies and was not supported by the City's Agricultural Advisory Committee, the Land Use Management Department is recommending support.

The Land Use Management Department considers that the proposed larger two lot subdivision is consistent with the Agricultural Land Commission's justification noted above and with the 2.0 and 2.47 ha proposed parcel sizes will be less of an impact than had the applicant also pursued a four lot subdivision similar to the property to the west.

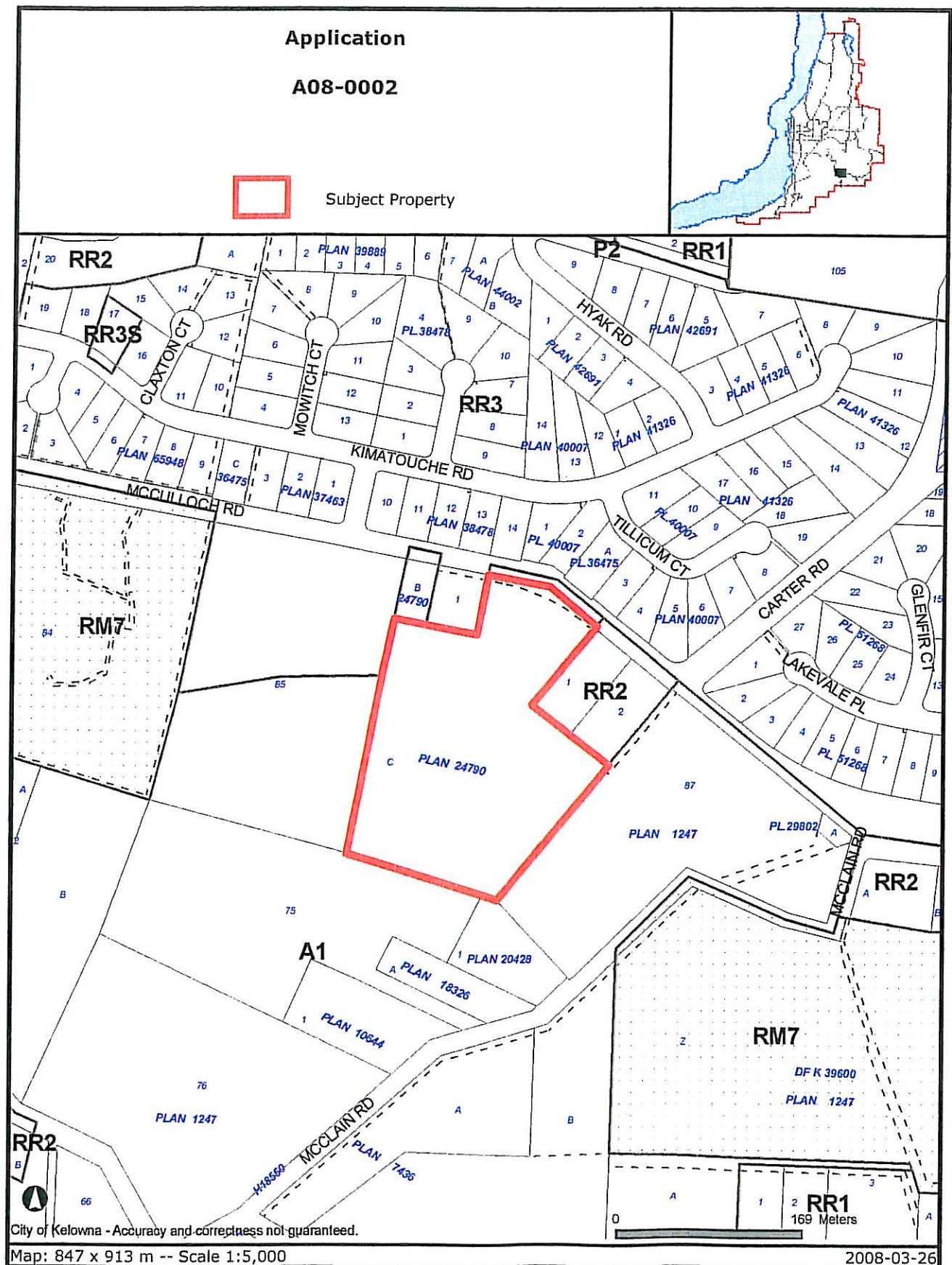


Shelley Gambacort
Director of Land Use Management

SG/aw

Attachments

Location Map
Map "A"
ALR Map
Application by Land Owner (2 pages)
Site Plan
Air Photo
Contour Map (5m contours)
Land Capability Map
Soil Classification Map

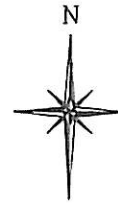


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

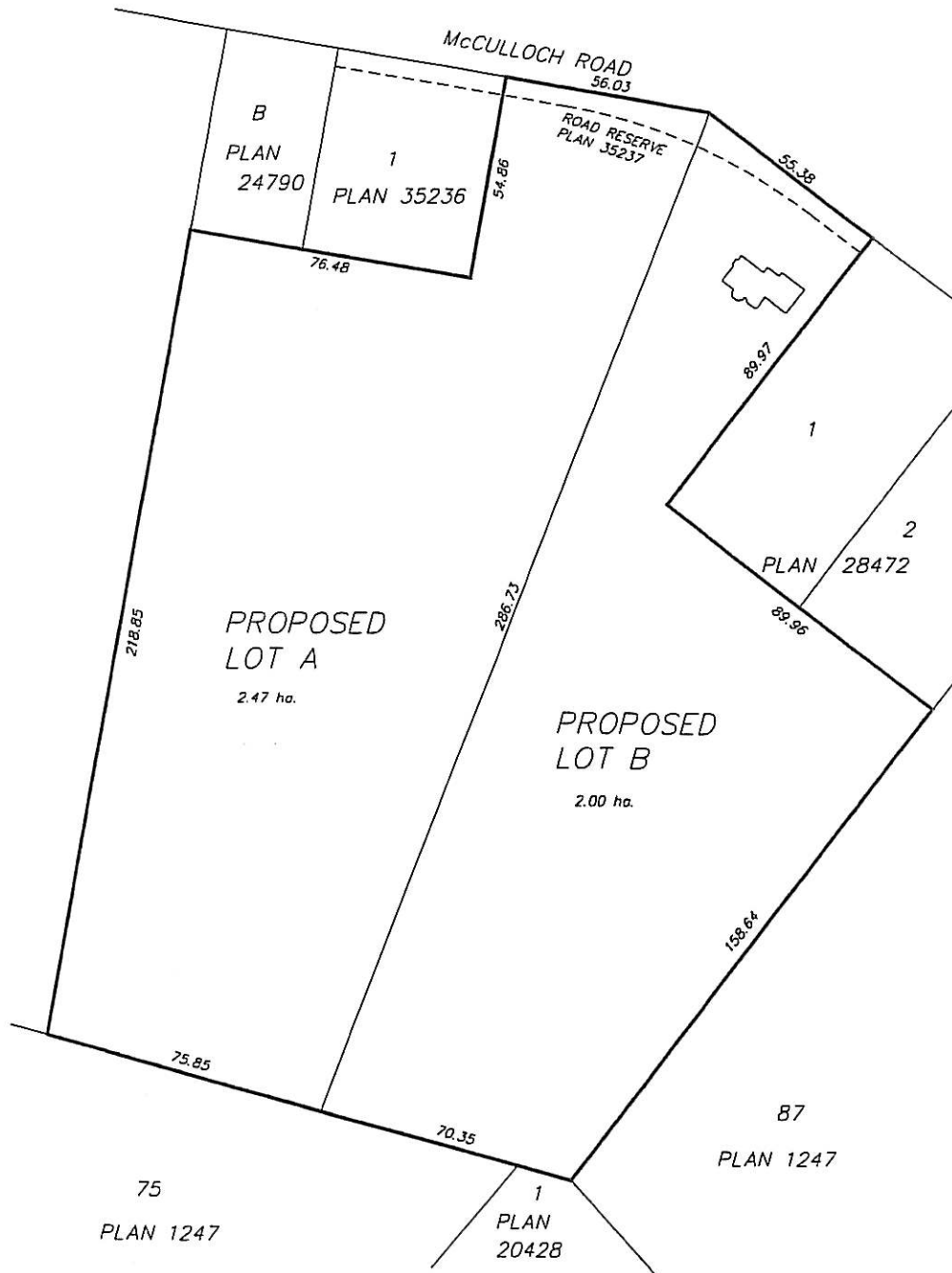




PROPOSED SUBDIVISION OF LOT C
PLAN 24790 SEC. 2 AND 3 TP. 26
ODYD EXCEPT PLAN 35236

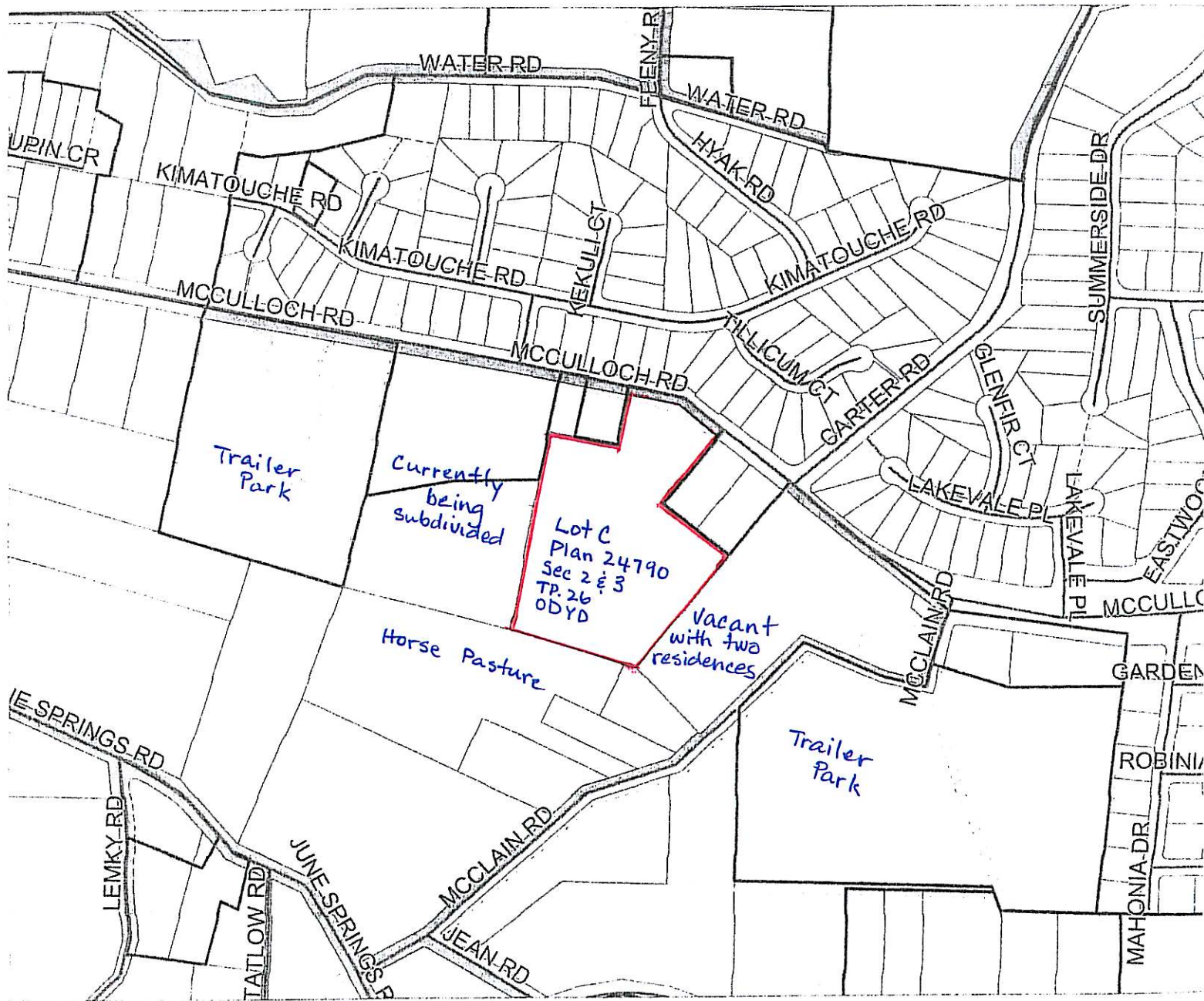


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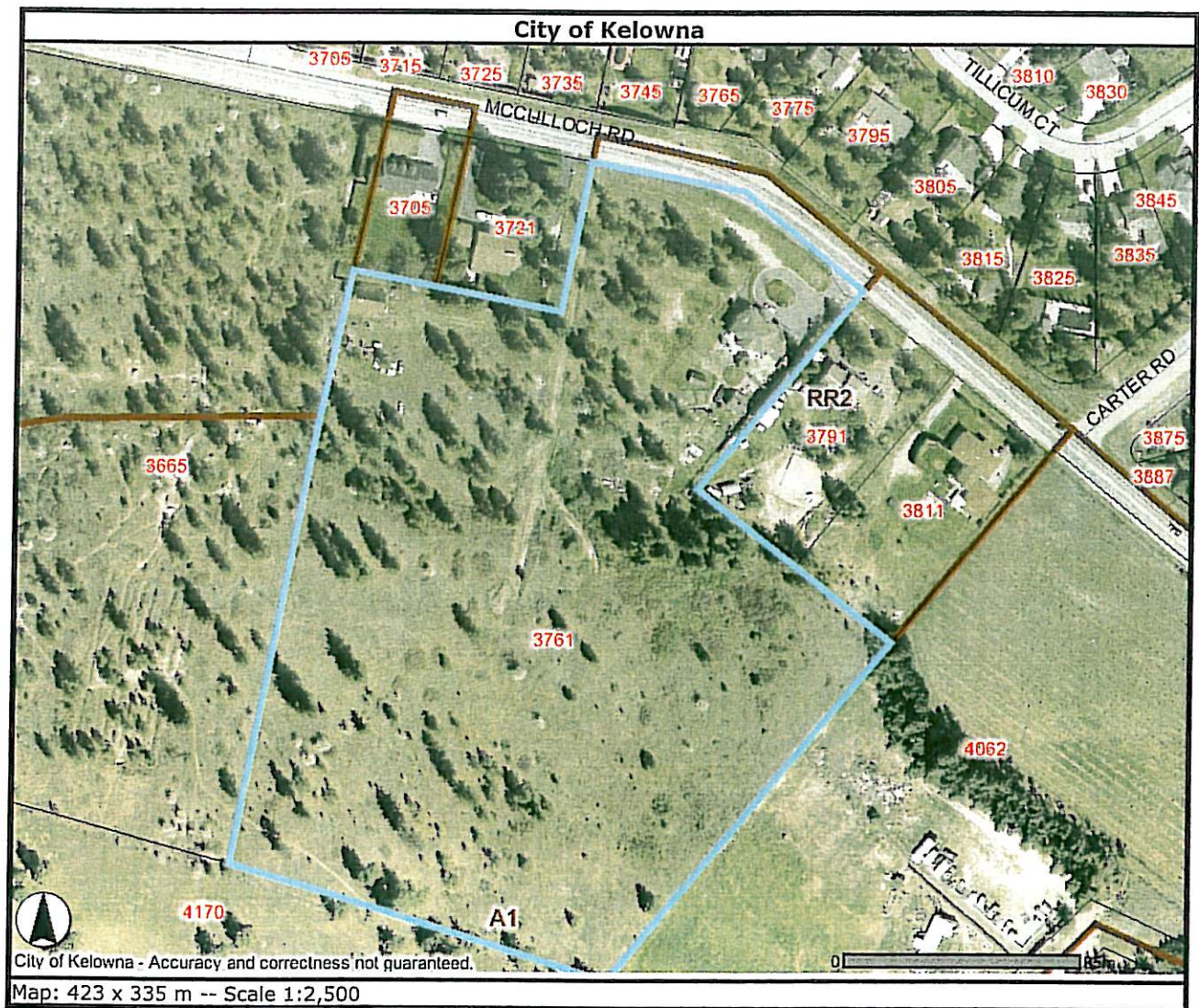
FILE 9104
MAY 13, 2008.

D.A. Goddard Land Surveying Inc.
103-1358 ST. PAUL STREET KELOWNA PHONE 763-3733

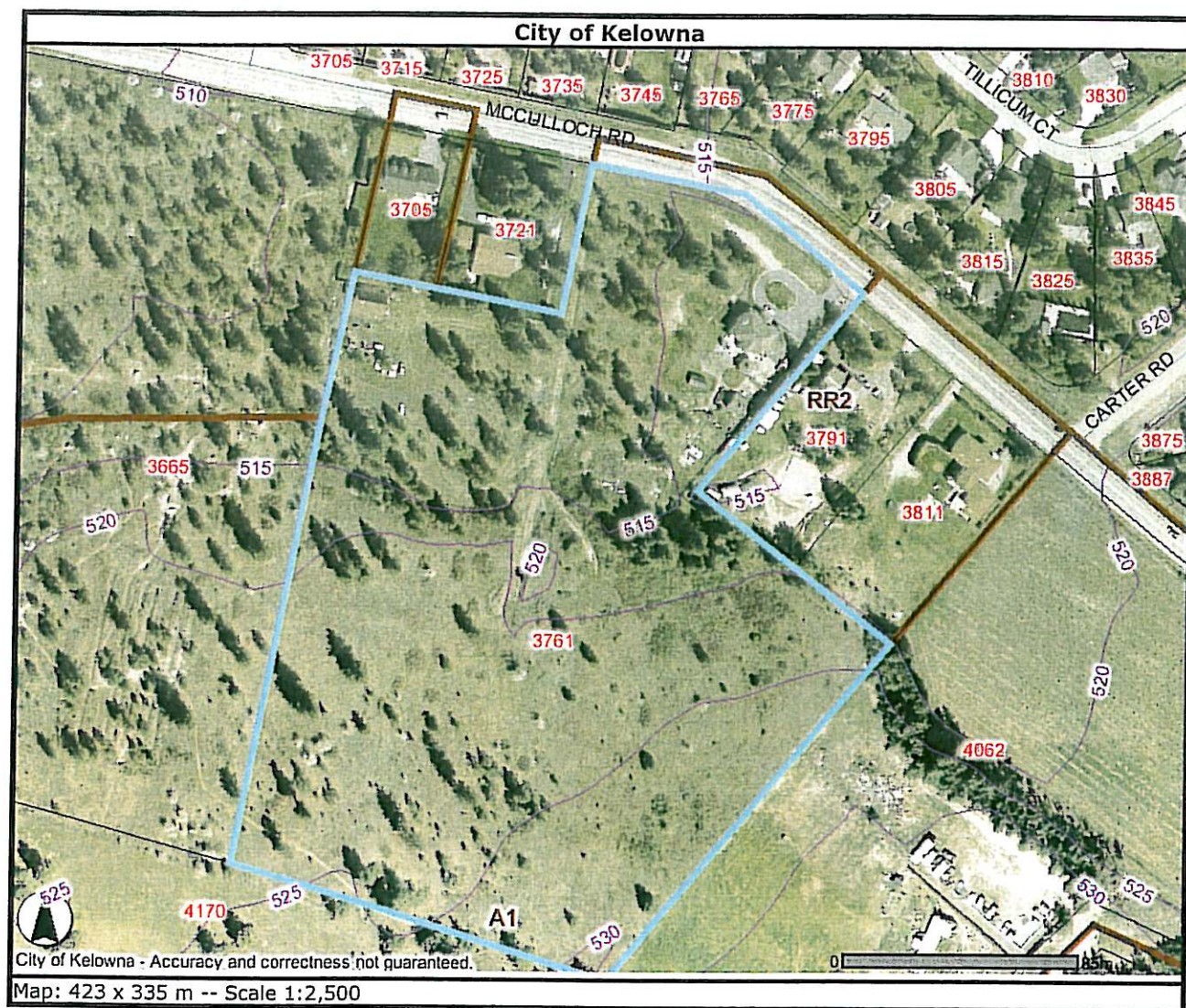


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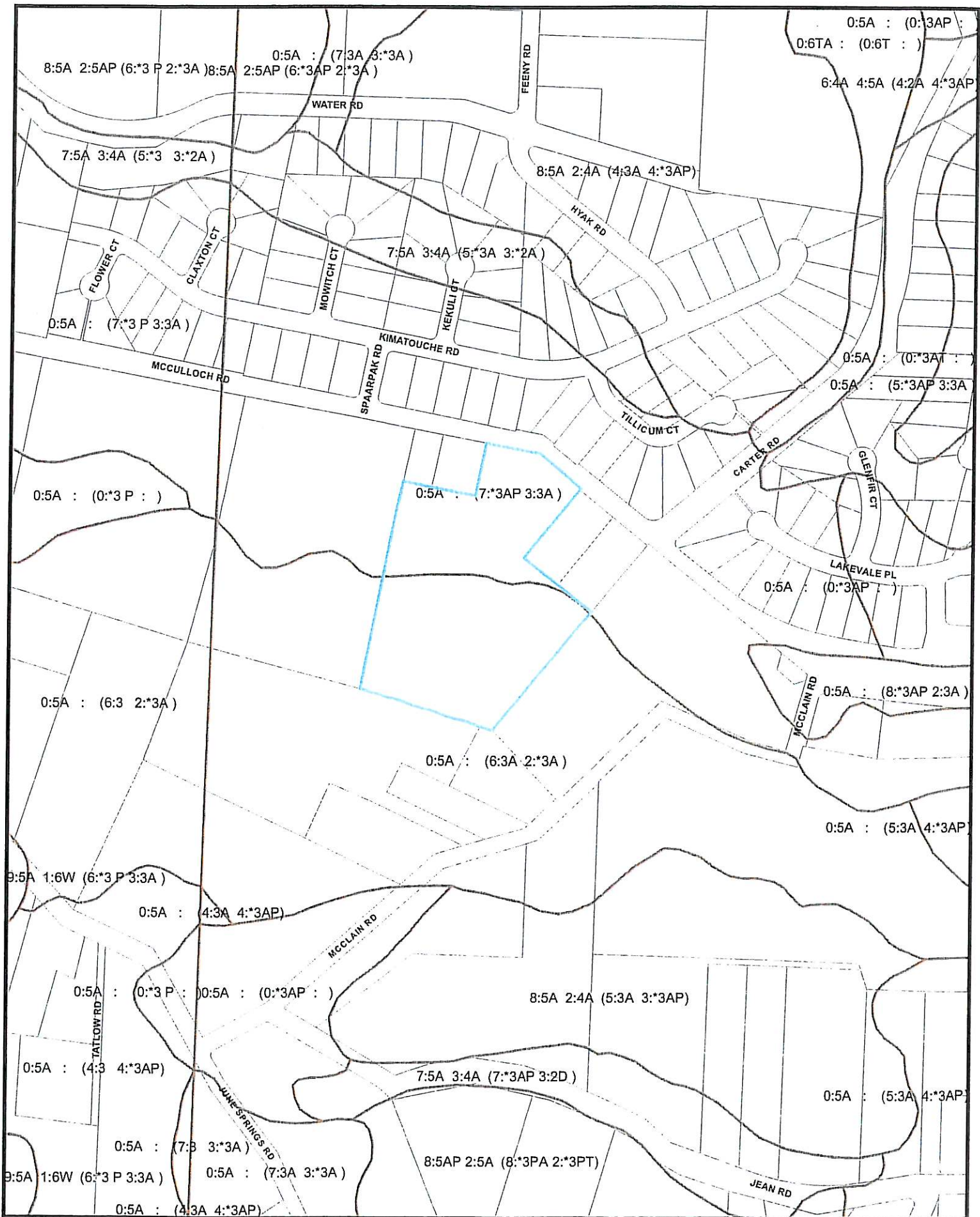


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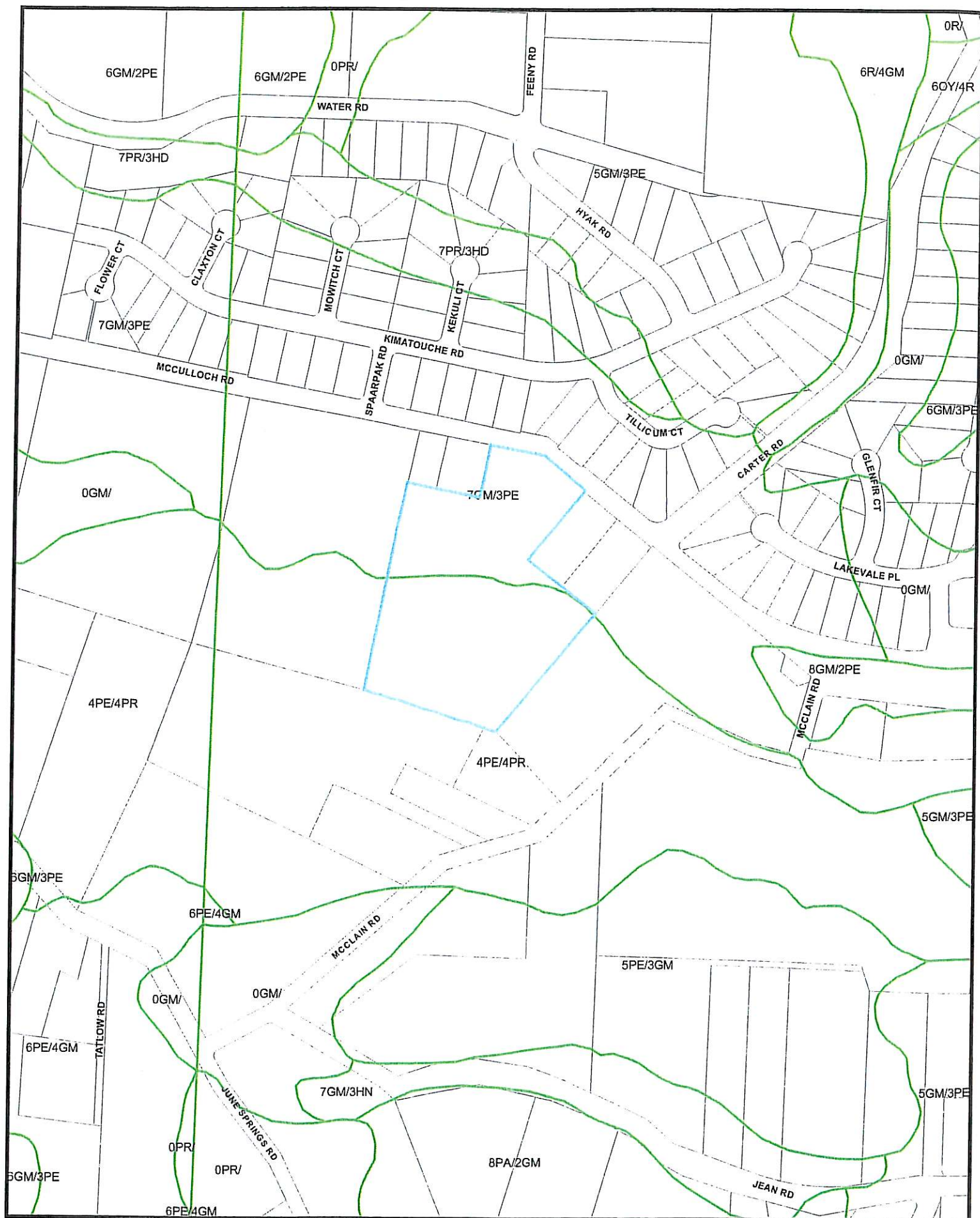
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Land Capability = Brown/ Soil Class = Green



1:5,000

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1:5,000