

Memo



Date: March 19, 2010

To: City Manager

From: Community Sustainability Division

File No: A09-0018

Applicant: Damiano & Ann Caruso

At: 1524 Pioneer Rd

Owner: Damiano & Ann Caruso

Purpose: TO OBTAIN APPROVAL FROM THE AGRICULTURAL LAND COMMISSION TO UNDERTAKE A TWO LOT SUBDIVISION WITHIN THE AGRICULTURAL LAND RESERVE.

Existing Zone: A1 - Agriculture 1

Proposed Zone: A1 - Agriculture 1

Proposed Number of Lots: 2

Report Prepared by: Carlie Ferguson

1.0 RECOMMENDATION:

THAT Agricultural Land Reserve Appeal No. A09-0018 for Lot 9, District Lot 132, O.D.Y.D., Plan 2021 Except Plan KAP55871, located on Pioneer Road, Kelowna, B.C. for a two lot subdivision within the Agricultural Land Reserve, pursuant to Section 21(2) of the Agricultural Land Commission Act, not be supported by Municipal Council;

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

2.0 BACKGROUND AND SITE CONTEXT

The subject property is located in the South Pandosy/KLO Sector of the City. The property is located on the north side of Pioneer Rd between Benvoulin Rd and Mission Creek. The elevation on the property is approximately 348 meters above sea level (masl) and is very flat with minimal change in elevation over the entire property.

The subject property has a variety of land capability and soil classification conditions across the site and has the potential for land capability to increase to Class 2 and 3 through improvements (see BCLI Land Capability and Soil Classification attached).

The City's stream inventory (SHIM) identifies a portion of Wilson Creek running through the southeast corner of the property. Therefore, an Environmental Development Permit may be required to determine riparian setback requirements.

Parcel Summary:

Parcel Size: 2.95 ha (7.3 ac)

Elevation: 347 m - 348 m masl

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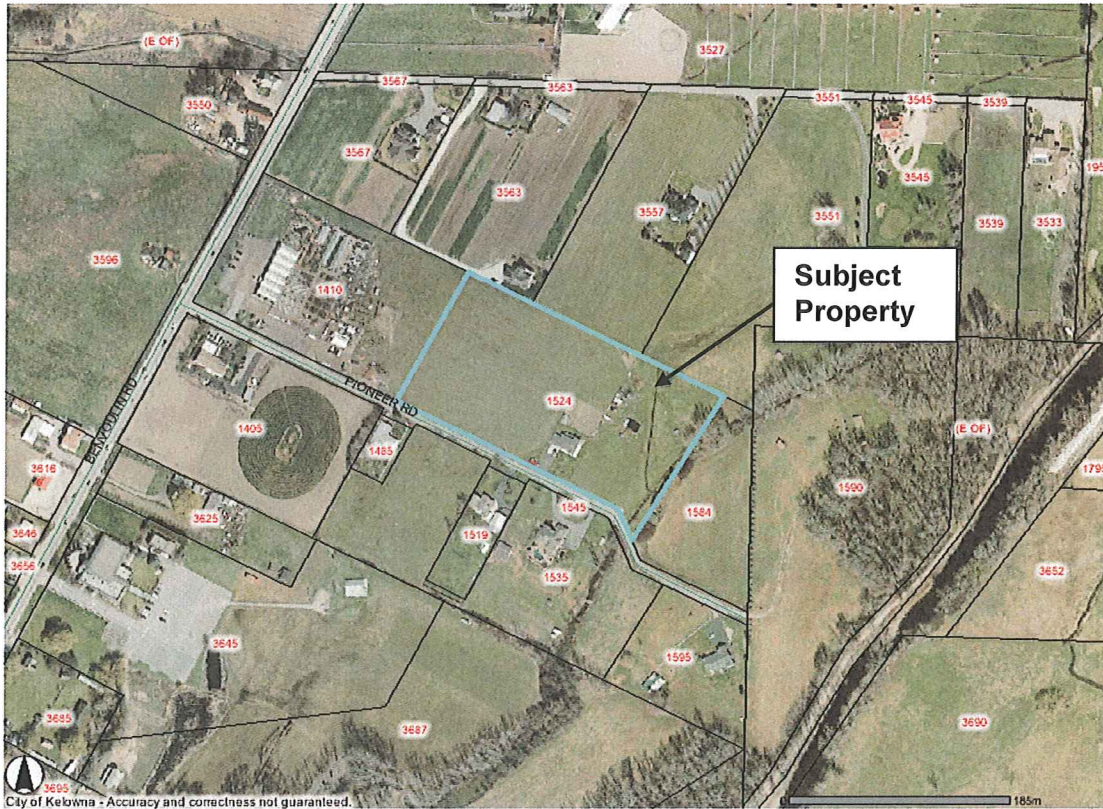
2.1 Zoning of Adjacent Property

Adjacent zones and uses are:

- North A1 - Agriculture 1
- South A1 - Agriculture 1
- East A1 - Agriculture 1
- West A1 - Agriculture 1

2.2 Subject Property Map

1524 Pioneer Rd



3.0 **THE PROPOSAL**

The applicant wishes to obtain the subdivision in order to create two separate lots sized 2 ha (5 ac) and 0.95 ha (2.3 ac) (see attached map) in order to accommodate a new house on the additional lot. The subdivision would require rezoning to RR1 - Rural Residential 1 zone in order to meet the minimum lot size requirements for properties not serviced by community sewer.

3.1 Subdivision and Development Criteria

Subdivision and development criteria for the A1 - Agriculture 1 zone are as follows:

| CRITERIA | A1 ZONE REQUIREMENTS | Proposal |
|-------------------------|-----------------------|--------------------|
| Subdivision Regulations | | |
| Minimum Lot Area | 2.0 ha within the ALR | 1) 2 ha 2) 0.95 ha |
| Minimum Lot Width | 40.0 m | 1) 164 m 2) 71 m |

4.0 AGRICULTURAL ADVISORY COMMITTEE

At a meeting held on March 11th, 2010, the Agricultural Advisory Committee passed the following recommendation:

THAT the Agricultural Advisory Committee **not support** Application No. A09-0018, for 1524 Pioneer Rd, by the applicant to obtain approval from the Agricultural Land Commission under Section 21(2) of the Agricultural Land Commission Act to subdivide within the Agricultural Land Reserve to create an additional lot.

The AAC made the following comment at that time:

AAC does not support this subdivision application as the land on this property has historically been very good and it would set precedence for allowing subdivision with no proven net gain for agriculture. AAC also suggested that an A1(s) rezoning proposal to accommodate a second dwelling on the property for the children of the applicant would be a more appropriate route.

5.0 POLICY AND REGULATION

5.1 Kelowna 2020 - Official Community Plan

Agriculture Policies: Subdivision

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

Environment Policies: Riparian Management Area Setbacks

Wilson Creek - 10 m on all stream reaches

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.

6.0 TECHNICAL COMMENTS

6.1 Development Engineering Department

Development Engineering has no comments at this point in time with regard to this application, however, a comprehensive report will be required at the time of development or subdivision application if the Agricultural Land Commission agrees to the proposed exclusion.

7.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

City of Kelowna policy is strongly in favour of the preservation of agricultural land and unresponsive of the subdivision of agricultural land into smaller parcels except where bonafide

opportunities would benefit agriculture. Given the size of surrounding parcels, current agricultural operations in the area and lot configuration, this property is well suited to accommodate a wide range of agricultural activities under its current configuration and reducing the lot size would compromise future agricultural opportunities.

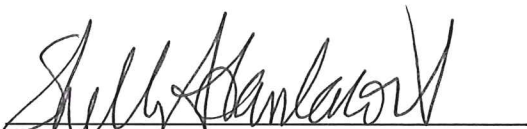
Should the ALC favourably review this application, an Environmental Assessment may be required prior to approval of the proposed subdivision to address the feasibility and requirements of protective covenants, riparian setbacks, etc. for Wilson Creek and environmentally sensitive areas located on the southeast portions of the property. A rezoning application to RR1 - Rural Residential 1 for the smaller parcel will also be required prior to subdivision in order to meet the minimum lot area requirements for properties not serviced by community sewer. Also note, the smaller lot as proposed is undersized and would need to be slightly larger (1.0 ha) at time of subdivision in order to meet the minimum lot area requirements of the RR1 - Rural Residential 1 zone.

8.0 ALTERNATE RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A09-0018 for Lot 9, District Lot 132, O.D.Y.D., Plan 2021 Except Plan KAP55871, located on Pioneer Road, Kelowna, B.C. for a two lot 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 direct staff to forward the subject application to the Agricultural Land Commission.

Submitted by:



Shelley Garnbacort
Director, Land Use Management

Approved for inclusion:

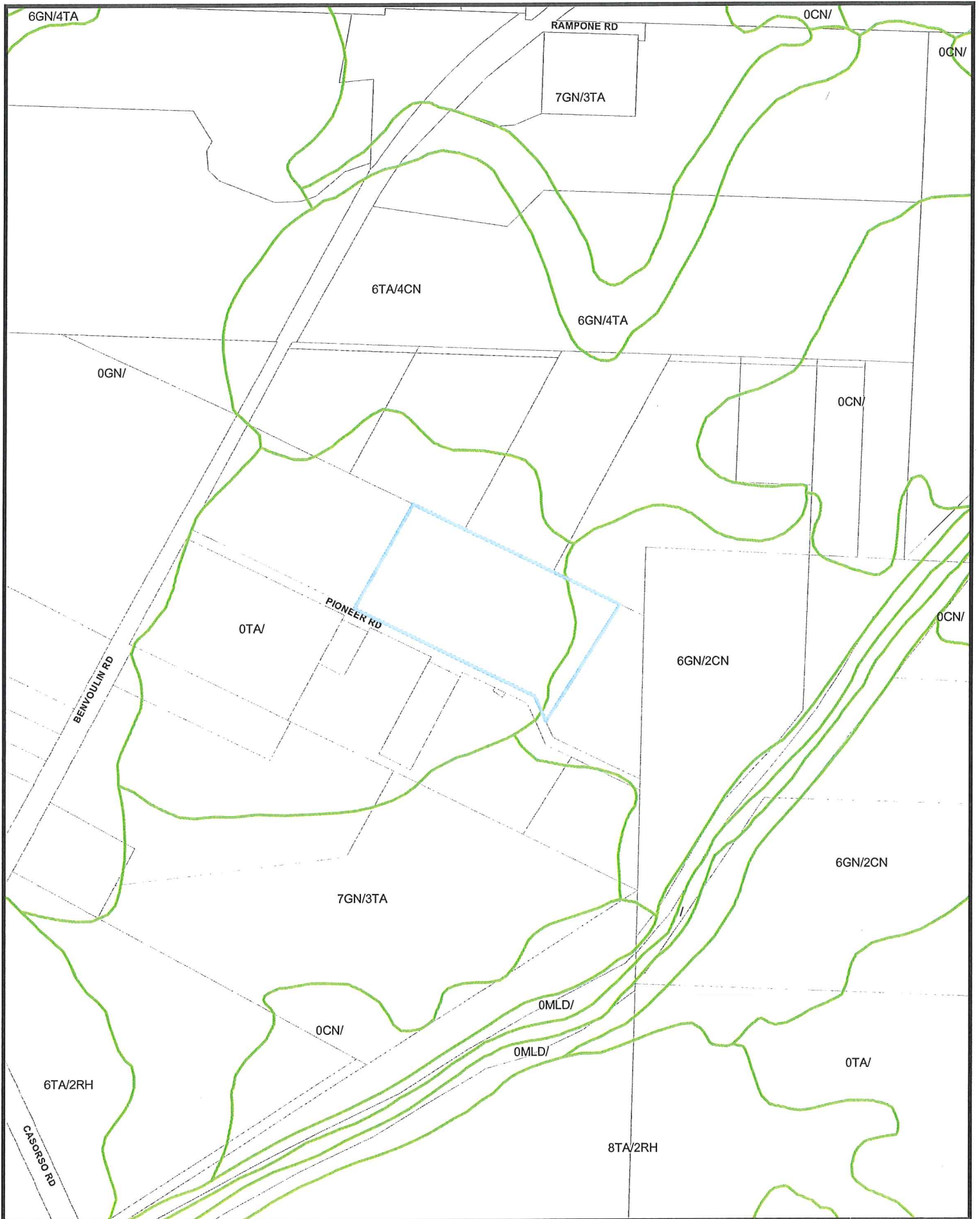


Jim Paterson, FCSLA
General Manager, Community Sustainability

Attachments:

Soil Classification Map
Soil Classification Description
BCLI Land Capability Map
BCLI Land Capability Description
Subject Property Map
ALR Map
Site Plan
Application by Landowner's Agent (3 pages)
Stream Inventory (SHIM) (2 page)
OCP Table 7.1 - Riparian Management Area Setbacks

Land Capability = Brown/ Soil Class → Green



1:5,000

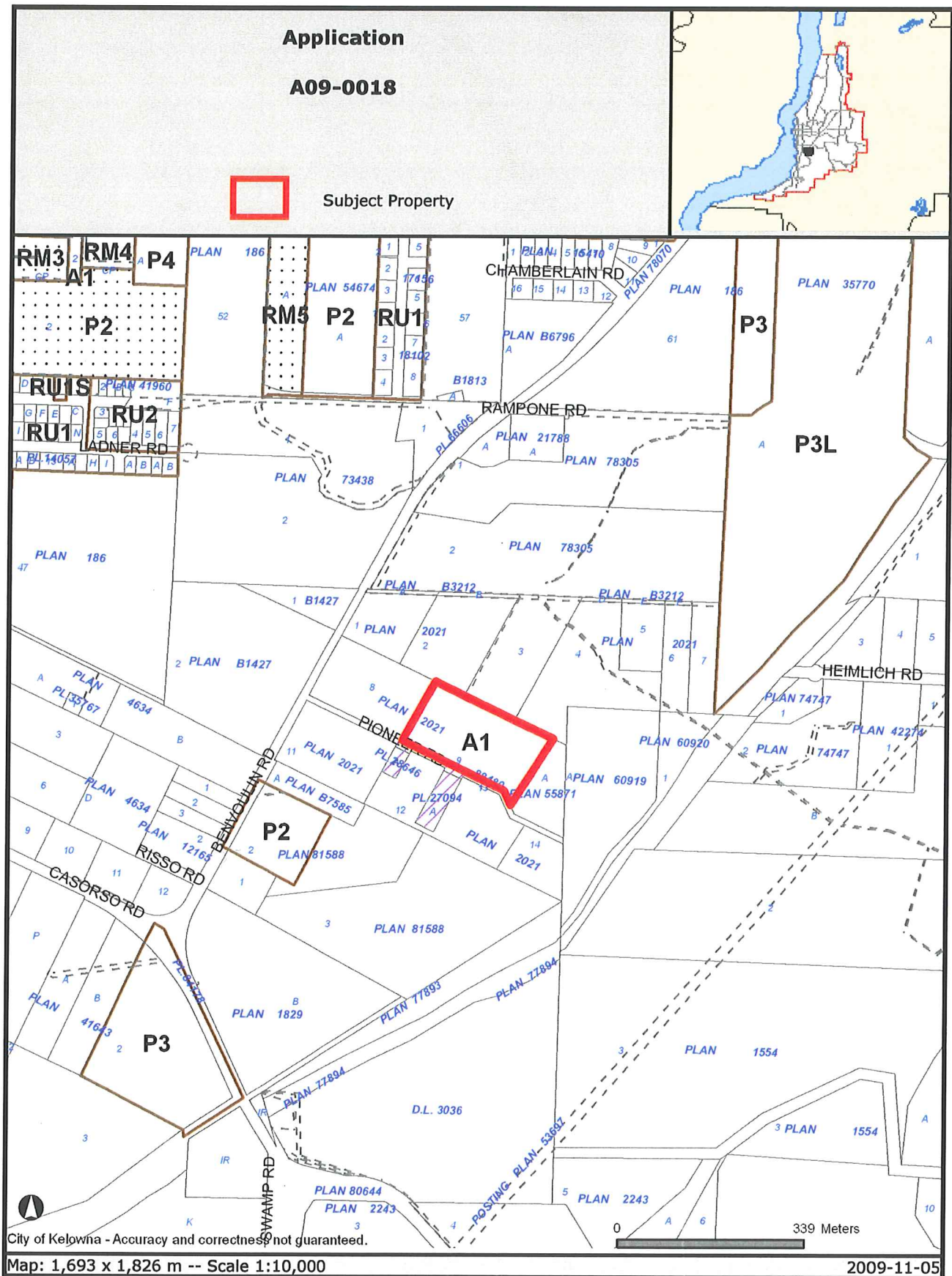
Soil Classification

The soil classification for the subject property is broken into three sections with soil types as defined below.

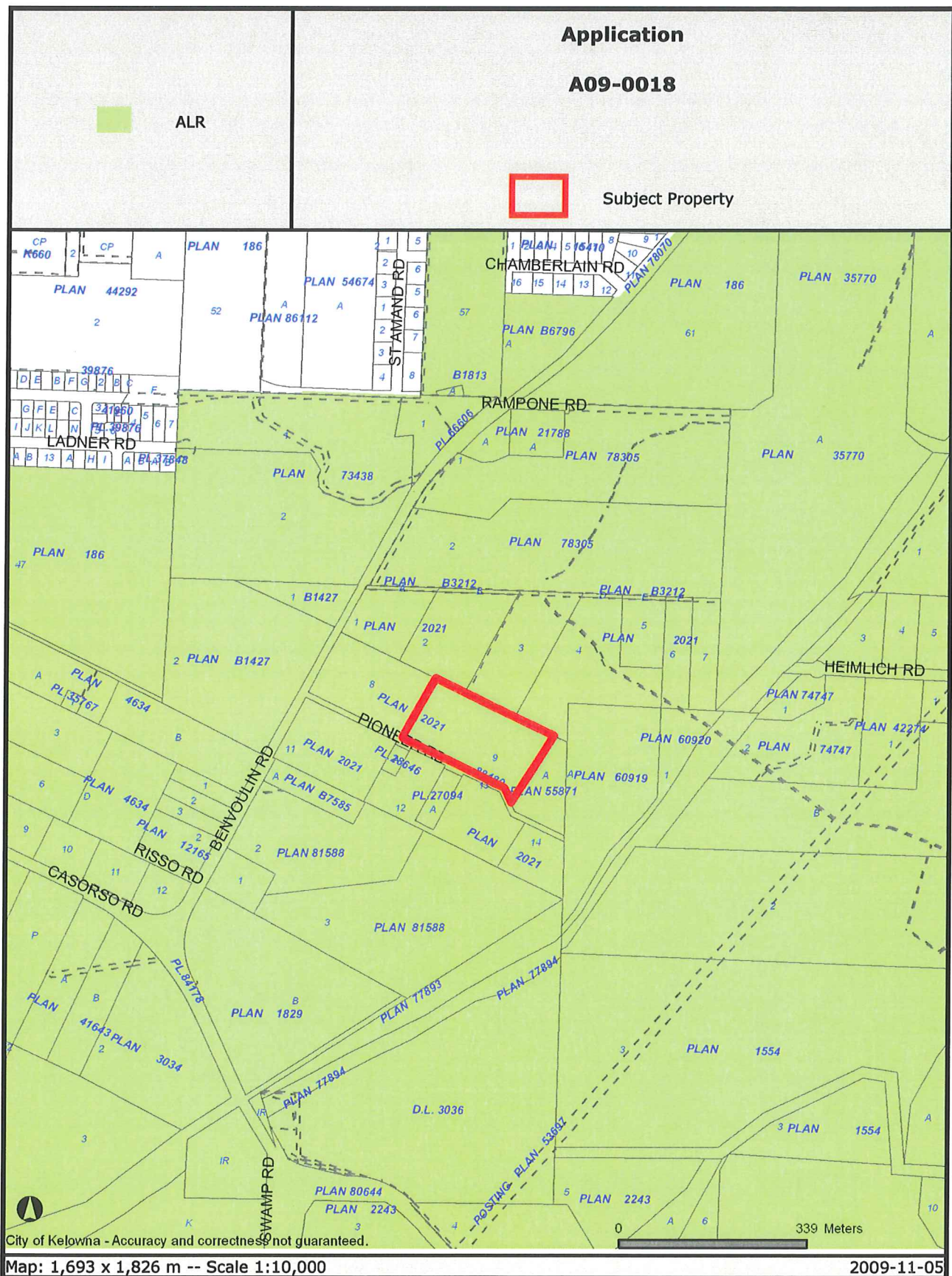
| Portion of Site / % | Soil Type | Description |
|---------------------|---|---|
| Lot 1 100% | TA - Tanaka | <p><u>Land:</u> nearly level and very gently sloping fluvial fan deposits.</p> <p><u>Texture:</u> 20 to 100 cm of sandy loam, silt loam or silty clay loam over sandy loam or minor gravelly sandy loam</p> <p><u>Drainage:</u> poor to very poor, high water table, subject to flooding.</p> <p><u>Classification:</u> Rego Humic Gleysol: Calcareous phase</p> |
| Lot 2 50% | TA - Tanaka | <p><u>Land:</u> nearly level and very gently sloping fluvial fan deposits.</p> <p><u>Texture:</u> 20 to 100 cm of sandy loam, silt loam or silty clay loam over sandy loam or minor gravelly sandy loam</p> <p><u>Drainage:</u> poor to very poor, high water table, subject to flooding.</p> <p><u>Classification:</u> Rego Humic Gleysol: Calcareous phase</p> |
| Lot 3 50% | <p>60% GN - Guisachan</p> <p>20% TA - Tanaka</p> <p>20% CN - Cameron Lake</p> | <p><u>Land:</u> nearly level and very gently sloping fluvial floodplain deposits.</p> <p><u>Texture:</u> 10 to 100 cm of silt loam, loam or sandy loam over loamy sand or very gravelly loamy sand.</p> <p><u>Drainage:</u> poor, fluctuating groundwater table.</p> <p><u>Classification:</u> Orthic Humic Gleysol</p> <p><u>Land:</u> nearly level and very gently sloping fluvial fan deposits.</p> <p><u>Texture:</u> 20 to 100 cm of sandy loam, silt loam or silty clay loam over sandy loam or minor gravelly sandy loam</p> <p><u>Drainage:</u> poor to very poor, high water table, subject to flooding.</p> <p><u>Classification:</u> Rego Humic Gleysol: Calcareous phase</p> <p><u>Land:</u> nearly level and very gently sloping fluvial floodplain deposits</p> <p><u>Texture:</u> 10 to 100 cm or more of sandy loam or loamy sand over gravelly sand</p> <p><u>Drainage:</u> dominantly imperfect, ranging to moderately well; fluctuating water table</p> <p><u>Classification:</u> Gleyed Regosol</p> |

BCLI Land Capability

| Portion of Site | Land Capability Rating, Unimproved | Land Capability Rating, With Improvements |
|-----------------|---|---|
| Lot 1 100% | 100% Class 5 with excess water (soils are limited by excess water, other than from flooding). | 100% Class 3 with fertility limitations (such as lack of available nutrients). |
| Lot 2 50% | 100% Class 5 with excess water (soils are limited by excess water, other than from flooding). | 100% Class 3 with fertility limitations (such as lack of available nutrients). |
| Lot 3 50% | <p>60% Class 4 with excess water (soils are limited by excess water, other than from flooding).</p> <p>20% Class 4 with soil water deficiency (low soil water holding capacity)</p> <p>20% Class 5 with excess water (soils are limited by excess water, other than from flooding).</p> | <p>60% Class 2 with excess water (soils are limited by excess water, other than from flooding).</p> <p>20% Class 3 with soil water deficiency (low soil water holding capacity)</p> <p>20% Class 3 with excess water (soils are limited by excess water, other than from flooding) and fertility limitations (such as lack of available nutrients).</p> |



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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LOT 2
VEGETABLE
FARM

LOT 3
HAY

LOT 4
HAY

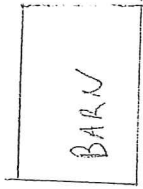
876

LOT 9 PLAN
7.3 ACRES

2021

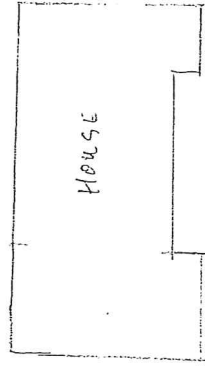
5 ACRES

2.3 ACRES



BARN

HAY



HOUSE

LIVESTOCK

540 FEET

PIONEER RD

155.7

78.9'

112.6'

(85 + 83)

466

403.4 FEET

NOT TO
SCALE

LOT
10 HAY

as the land will be taxed on two parcels. In the Plan 2021 there are five lots that are 2.37 acres each. We ask to please consider our request.

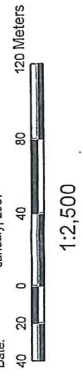
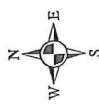
Sketch included.

Thank you

WILSON CREEK

Segments 7-9

Project: Sensitive Habitat Inventory and Mapping (SHIM)
 Location: Kelowna, BC
 Project No.: 06-054
 Prepared for: City of Kelowna
 Prepared by: Ecoscape Environmental Consultants Ltd.
 Drawn by: RW
 Checked by: KH
 Projection: NAD83-UTM Zone 11
 Date: January, 2007

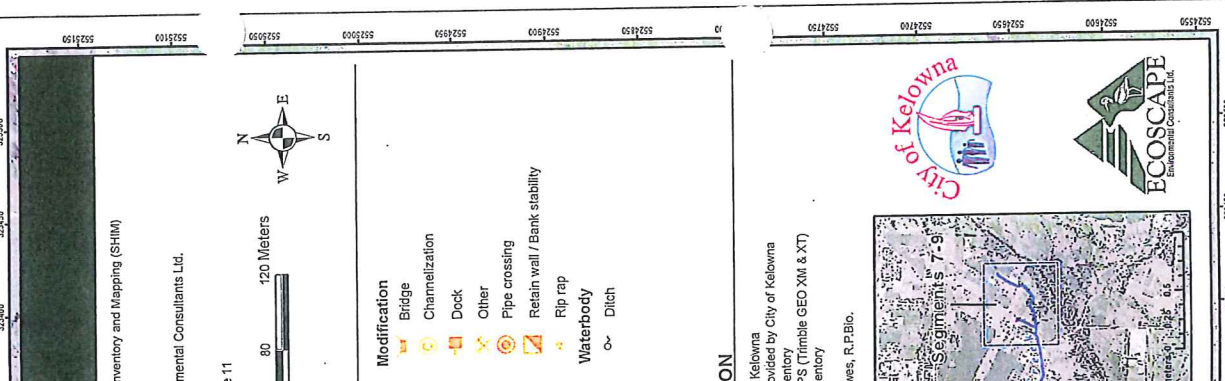
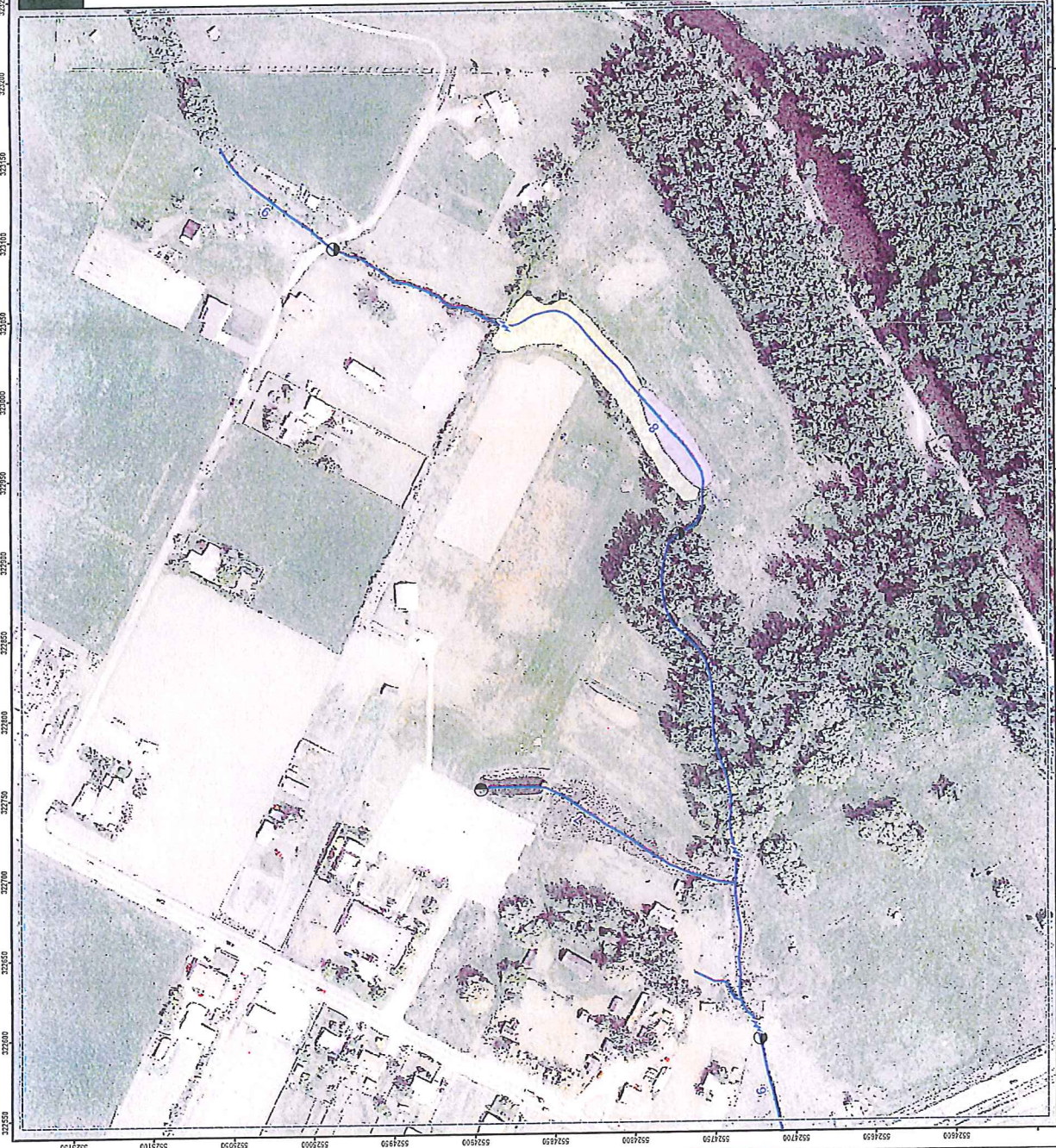


LEGEND

- | | | | | | | |
|---------------|-------------------|-------------|--------------------|---------------|------------------------------|---------|
| Segment break | Stream centreline | Top of bank | Discharge | Enhancement | Erosion | Wetland |
| Bridge | Channelization | Dock | Other | Pipe crossing | Retain wall / Bank stability | Rip rap |
| Waterbody | Ditch | Swamp | Shallow open water | Wetland | Shallow open water | Swamp |

SOURCE INFORMATION

Base Map: 82E 083 Kelowna
 Orthophoto: 2005, provided by City of Kelowna
 Stream Information: Field Inventory
 Location Information: Field, GPS (Trimble GEO XM & XT)
 Feature Information: Field Inventory
 Date of Inventory: 2007/1
 Inventory Management: Kyle Hawes, R.P.Bio.



Wilson Creek
Segment(s): 7 - 9

| Segment | Primary | Secondary | Length (m) | Hydraulic | Gradient (%) | Crown Closure | Spawning Habitat | Comment Class |
|---------|----------|-----------|------------|-----------|--------------|---------------|------------------|--|
| 7.0 | Modified | Wetland | 177,678 | Slough | 0.2 | 0 | Unknown | Disturbed cattail marsh |
| 8.0 | Natural | Wetland | 419,369 | Slough | 0.2 | 41-70% | Unknown | Cottonwood - Pacific willow - red-osier dogwood riparian association/swamp |
| 9.0 | Ditch | | 323,728 | Slough | 0.2 | 0 | Unknown | Stream liberated from tile drains and ditches/very shallow groundwater with Mission Creek influence. |

| Segment | Substrates (%) ^a | | | | | | Channel (m) | | | | Comment Substrate/Channel |
|---------|-----------------------------|----|---|---|---|---|--------------|----------------|--------------|----------------|---|
| | O | F | G | C | B | R | Wetted Width | Bankfull Width | Wetted Depth | Bankfull Depth | |
| 7.0 | 100 | 0 | 0 | 0 | 0 | 0 | 10.00 | 11.00 | 1.00 | 1.50 | Partly restored/enhanced wetland complex. |
| 8.0 | 90 | 10 | 0 | 0 | 0 | 0 | 8.00 | 9.00 | 0.70 | 1.50 | |
| 9.0 | 90 | 10 | 0 | 0 | 0 | 0 | 10.00 | 12.00 | 0.20 | 0.35 | |

a. Substrate codes: O=organic; F=silt/sand; G=gravel; C=cobbles; B=boulder; R=bedrock

| Segment | Cover (%) ^b | | | | | | | | Comment Cover |
|---------|------------------------|---|----|-----|-----|----|-----|----|--|
| | Total Cover | B | DP | IV | LVD | OV | SWD | UC | |
| 7.0 | 15 | 0 | 65 | 10 | 15 | 5 | 0 | 5 | 12 LWD pieces/ 4 span logs |
| 8.0 | 50 | 1 | 80 | 9 | 10 | 0 | 0 | 0 | 11 LWD pieces/ 7 span logs |
| 9.0 | 35 | 0 | 0 | 100 | 0 | 0 | 0 | 10 | Dense instream vegetation (cattail and iris) in majority of segment. |

b. Cover codes: B=boulder; DP=deep pool; IV=instream vegetation; LWD=large woody debris; OV=overbank vegetation; SWD=small woody debris; UC=undercut bank

| Left Bank Riparian | | | | | | | | Comment |
|--------------------|------------------|-------------------|-------------------|-------------|------|---------------|----------------|---|
| Segment | Class | Qualifier | Stage | Shrub cover | Snap | Veteran Trees | Bank stability | |
| 7.0 | Broadleaf forest | Urban Residential | mature forest | 34-66% | No | No | Medium | Residential development. |
| 8.0 | Broadleaf forest | Urban Residential | tall shrubs 2-10m | 34-66% | No | No | Medium | Playa del Sol and Sino's family res. back yards front on creek. |
| 9.0 | Herb/grasses | Agriculture | | <5% | No | No | High | Livestock access |

| Right Bank Riparian | | | | | | | | Comment |
|---------------------|------------------|-------------------|---------------|-------------|------|---------------|----------------|--------------------------|
| Segment | Class | Qualifier | Stage | Shrub cover | Snap | Veteran Trees | Bank stability | |
| 7.0 | Broadleaf forest | Urban Residential | mature forest | 67-100% | No | No | Medium | Residential development. |
| 8.0 | Broadleaf forest | Urban Residential | young forest | 5-33% | No | No | Low | Trailer park/campground. |
| 9.0 | Herb/grasses | Agriculture | | <5% | No | No | High | |

| Comment - Flora | |
|-----------------|--|
| 7.0 | Willow, cottonwood, water birch, red-osier dogwood, Oregon grape, reed canary grass, cattail |
| 8.0 | Willow, Cottonwood, elm, rose, red-osier dogwood, graminoids, burdock |
| 9.0 | Cattail, pacific willow, graminoids |

| Segment | Level of Impact ^c | | Enhancement Opportunity | |
|---------|------------------------------|--|-------------------------|---|
| | Rating | Comment | Rating | Comment |
| 7.0 | Both banks low | Naturalizing enhanced wetland area. | Low | Emulate general design with restoration of segment two except provide greater setback/buffer. |
| 8.0 | Both banks mod | | High | Establish setbacks on right bank with new development and riparian/wetland restoration. |
| 9.0 | Both banks low | not ditched but agricultural impacts on both banks | Moderate | Riparian restoration. - See Segment 8 |

c. Impact rating: 6=hi; 5 = 1-bank low; 4 = 1-bank moderate; 3 = 1-bank high; 2 = both banks low; 1 = both banks moderate; 0 = both banks high



Table 7 – 1: Riparian Management Area Setbacks

| | Stream ₁ | Stream Reach | Riparian Management Area (m) ₂ |
|---|---|----------------------------|--|
| 1 | Bauer Brook | All | 15 |
| 2 | Bellevue Creek | All | 15 |
| 3 | Bellevue Creek (North Arm) | All | 10 |
| 4 | Bertram Creek | All | 15 |
| 5 | Brandt Creek | All | 10 |
| 6 | Bruce Creek | All | 15 |
| 7 | Campbell Brook | All | 10 |
| 8 | Cedar Creek | All | 15 |
| 9 | Fascieux Creek (South Arm) | All | 15 |
| BL9236 (June 1/04) amended Line 9 to refer to the south arm and added Line 9A: | | | |
| 9A | Fascieux Creek (North Arm) | All | 10 |
| 10 | Francis Brook | All | 15 |
| 11 | Gopher Creek | All | 15 |
| 12 | Hachey Creek | All | 15 |
| 13 | Hydraulic Creek | All | 15 |
| 14 | Industry Brook | All | 10 |
| 15 | K.L.O. Creek | All | 15 |
| BL8839 (May 28/02) amended line 16 | | | |
| 16 | Lake Okanagan ₃ | All | 15 |
| 17 | Lebanon Creek | All | 15 |
| 18 | Leon Creek | All | 15 |
| 19 | Michael Brook | All | 10 |
| 20 | Mill Creek | Downstream of Hardy Road | 15 |
| 21 | Mill Creek | Upstream of Hardy Road | 30 |
| 22 | Mission Creek | Downstream of Gordon Drive | 15 |
| 23 | Mission Creek ₄ | Upstream of Gordon Drive | 50 |
| 24 | Priest Creek | All | 15 |
| 25 | Rembler Creek | All | 15 |
| 26 | Rumohr Creek | All | 15 |
| 27 | Scotty Creek | All | 15 |
| 28 | Thomson Creek | Downstream of Gordon Drive | 15 |
| 29 | Thomson Creek | Upstream of Gordon Drive | 10 |
| 30 | Varty Creek | All | 15 |
| 31 | Vernon Creek | All | 15 |
| 32 | Wilson Creek | All | 10 |
| 33 | Wetlands (no association with fish habitat) | All | 7.5 |
| 34 | Wetlands (associated with fish habitat) | All | 15 |
| 35 | Escarpments or Ravines | All | 10 |

BL9580 adding the following to the end of Table 7-1:

* Note: Any stream not in the above list is subject to the *Riparian Areas Regulation*.