

Memo



Date: February 17, 2010
To: City Manager
From: Community Sustainability Division
File No: A09-0014
At: 1680-1720 Morrison Road
Applicant: Al Lipkovits
Owner: Al Lipkovits, Annette Lipkovits
Dennis Weninger, Lucille Weninger
Purpose: TO OBTAIN APPROVAL FROM THE AGRICULTURAL LAND COMMISSION TO UNDERTAKE A THREE-LOT SUBDIVISION WITHIN THE AGRICULTURAL LAND RESERVE
Existing Zone: A1 - Agriculture 1
Report Prepared by: Luke Turri

1.0 RECOMMENDATION:

THAT Agricultural Land Reserve application file A09-0014 for Lot 12, Section 36, Township 26, ODYD, Plan 425, located at 1680-1720 Morrison Road, Kelowna, B.C. for a 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 forward the subject application to the Agricultural Land Commission.

2.0 SUMMARY

The applicant is seeking approval from the Agricultural Land Commission to subdivide their property into three lots within ALR.

3.0 AGRICULTURAL ADVISORY COMMITTEE

At a meeting held on January 14, 2010, the Agricultural Advisory Committee passed the following recommendation:

THAT the Agricultural Advisory Committee support NOT Application No. A09-0014 for 1680-1720 Morrison Road, by Al & Annette Lipkovits; D & L Weninger (Al Lipkovits), to obtain approval from the Agricultural Land Commission under Section 21(2) of the Agricultural Land Commission Act to subdivide the subject property from the Agricultural Land Reserve.

AAC Comment:

The Agricultural Advisory Committee did not support this application because it is a further intrusion on good agricultural land by having smaller parcels and there is no net gain to agriculture.

A handwritten signature in dark ink, appearing to be a stylized 'L' or 'W' followed by a flourish.

4.0 BACKGROUND

4.1 Site Context

The subject property is located just below the Rutland Bench, fronting both Moyer and Morrison Roads. The total site area is 3.22 hectares (7.96 acres) and the site elevation varies between 417m and 431m.

Adjacent zoning is as follows:

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

4.2 Subject Property Map - 1680-1720 Morrison Rd



4.3 The Proposal

The applicant proposes to subdivide the subject property within the ALR. The “L-shaped” subject property fronts both Morrison Road and Moyer Road, surrounding a separate parcel located at the corner of these streets. The lot area is approximately 8.0 acres in size and includes one principal residence, and a residence approved as a farm help dwelling in 2000. The small segment of the lot which fronts Moyer Road (0.5 acres) currently accommodates two outbuildings. However, as of September, 2009 the City has a formal bylaw complaint investigating a potential illegal suite on the property. The surrounding area includes fruit orchards, alfalfa, and other agricultural crops, as well as horse breeding.

If the subdivision application is approved by the Agricultural Land Commission, the applicant intends to create a total of three lots. The proposed subdivision is attached, with corresponding lot numbers. The 0.5 acres section fronting Moyer Road would be one legal parcel (Lot #1), while

the remaining 7.5 acres would be split approximately in half, creating two properties of roughly 3.25 acres in size each (Lots #2 & #3). These lots would not meet the minimum lot area for the A1 - Agriculture 1 zone and would therefore require a rezoning prior to subdivision.

5.0 POLICY AND REGULATION:

5.1 Kelowna 2020 - Official Community Plan

The subject property is designated as Rural / Agricultural for future land use.

Agriculture Policies:

Agricultural Land Reserve. Confirm support for the Agricultural Land Reserve.

Sustained Agriculture. Encourage the retention of diverse agricultural uses through limits on urban development and non-farm use on lands of sustainable production capability.

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

Buffers. Provide for distinct boundaries that separate urban and rural uses by utilizing, where appropriate, roads, topographic features, watercourses, ditching, fencing, or small lot rural transition areas, as buffers to preserve larger farm units and areas.

5.2 City of Kelowna Agriculture Plan

Defined Urban - Rural/Agricultural Boundary. Confirm support for the Agricultural Land Reserve and establish a defined urban - rural/agricultural boundary, as indicated on Map 14 - Urban - Rural/Agricultural Boundary (an excerpt of this map is attached), utilizing existing roads, topographic features, or watercourses wherever possible.

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.

ALR Application Criteria. Require applicants to substantiate the marginal nature of farming (for a full range of cropping options) based on soil capability, climate, topography (slope), elevation, and/or drainage/wetland conditions. In addition to the above background data, any City decision will use the following criteria as the basis of support or non-support of individual applications:

- Location/use context in terms of impact on adjacent agricultural properties with respect to conflict of uses and speculation/land value;
- Necessity for urban growth needs or as logical infill;
- Availability of sufficient services, particularly road access and sanitary sewer, and the impact of expansion of these services on adjacent agricultural properties;
- Benefits or sensitivity to agriculture in the form of buffering or complementary transition uses.

6.0 TECHNICAL COMMENTS

6.1 Development Engineering Branch

See attached.

7.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS:

Given the land capability and soil classification ratings for the subject property, and the viable agricultural operations in the surrounding area, the subject property appears to have viable agricultural potential, regardless of land improvements being pursued.

From a land use perspective, the City of Kelowna Official Community Plan and Agriculture Plan express concern that the permitted expansion of urban uses into what is otherwise an agricultural landscape will serve to diminish the viability of agricultural practice. Increased speculative pressure on land and conflict between land uses should be avoided. The subject property lies

within a clearly defined ALR boundary. The area is not subject to any pressure from surrounding development. A farm help residence was favourably considered by staff in 2000, in support of allowing and facilitating farm activities for a diverse number of agricultural operations. As visible in the attached site photos, the proposed subdivision would be contradictory to this relatively recent farm help approval.

The applicant has not provided any justification to support a request for subdivision, and is unable to demonstrate any benefit to agriculture. The intent to subdivide the parcels in the future opposes a number of policies within the Official Community Plan, including those relating to the subdivision of agricultural lands, and the preservation of farmland. As such, The Land Use Management Department cannot support this application.

Should Council choose to support the application, an alternate recommendation is provided below:

8.0 ALTERNATE RECOMMENDATION

THAT Agricultural Land Reserve application file A09-0014 for Lot 12, Section 36, Township 26, ODYD, Plan 425, located at 1680-1720 Morrison 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.

Submitted by:


 Shelley Gambacort
 Director, Land Use Management

Approved for inclusion:



Jim Paterson
 GM, Community Sustainability

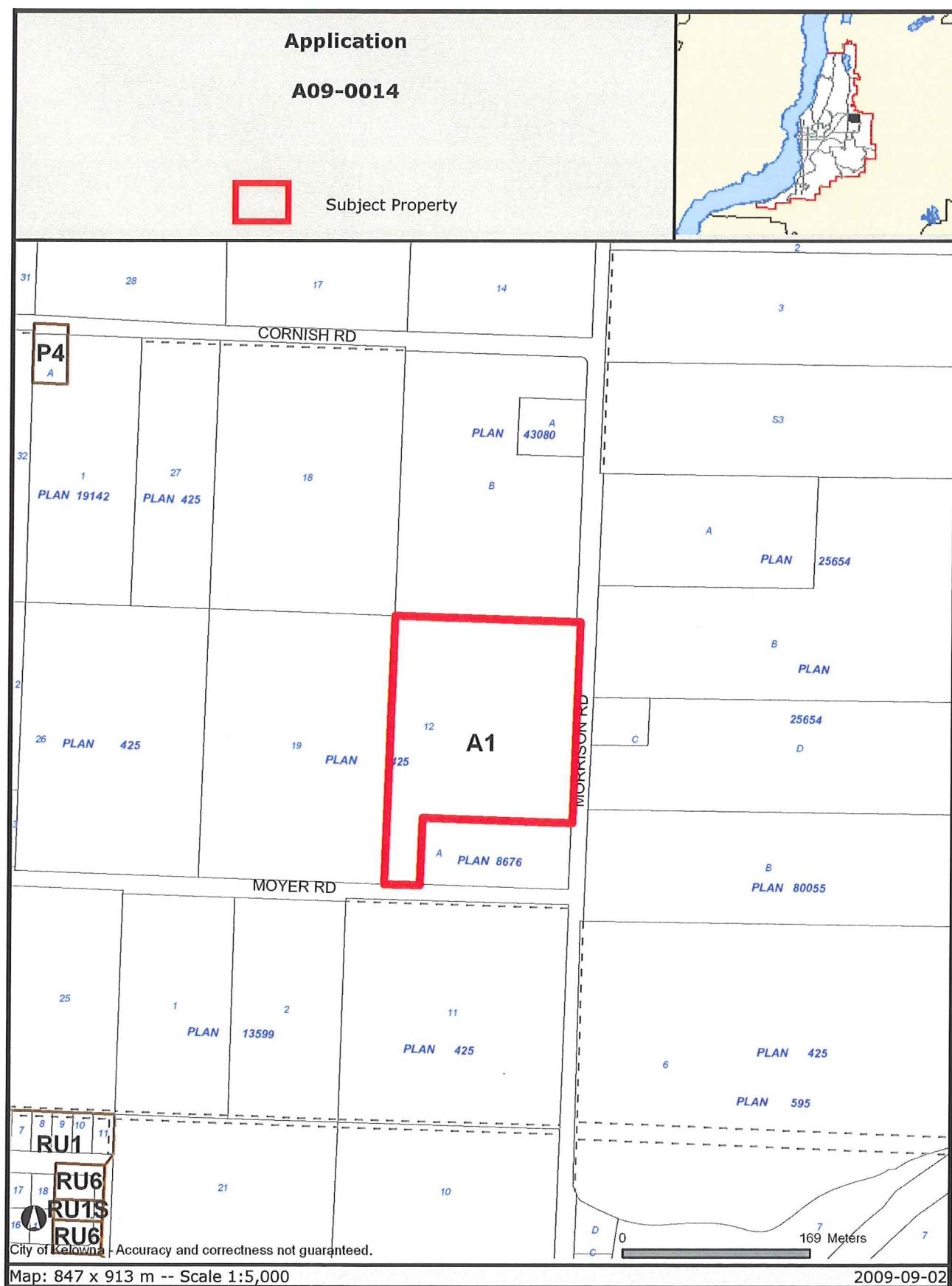
Attachments:

Subject Property Map
 ALR Map
 Proposed Subdivision Plan
 Site Photos
 Soil Classification/BCLI Land Capability Descriptions
 Soil Classification Map
 BCLI Land Capability Map
 ALC Application (by property owners)
 Development Engineering Branch Comments

Date application accepted:

September 2, 2009

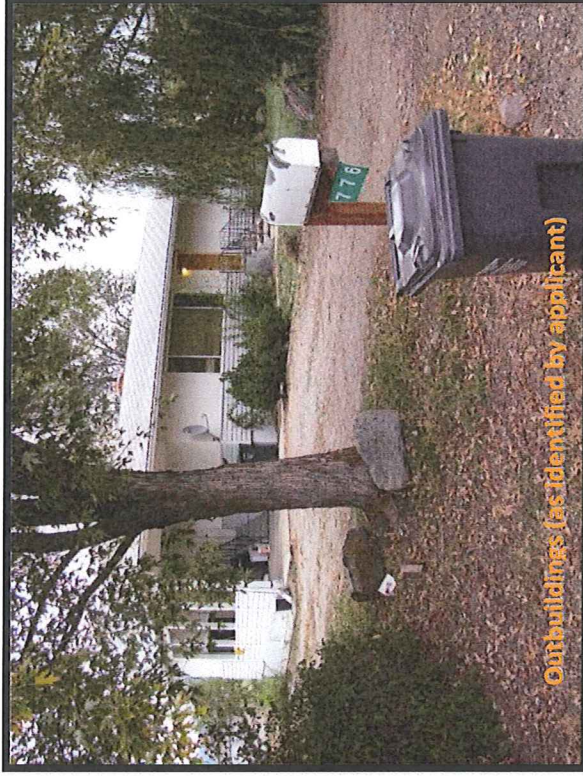
The application was originally scheduled to be heard by the Agricultural Advisory Committee (AAC) on October 14, 2009, however, the applicant was unable to attend this meeting, and was not available to attend until a meeting on January 14, 2010. The application was deferred from a February 22, 2010 Council meeting in place of CD21 discussion. Council consideration has also been delayed further because of the applicant's scheduling conflicts.



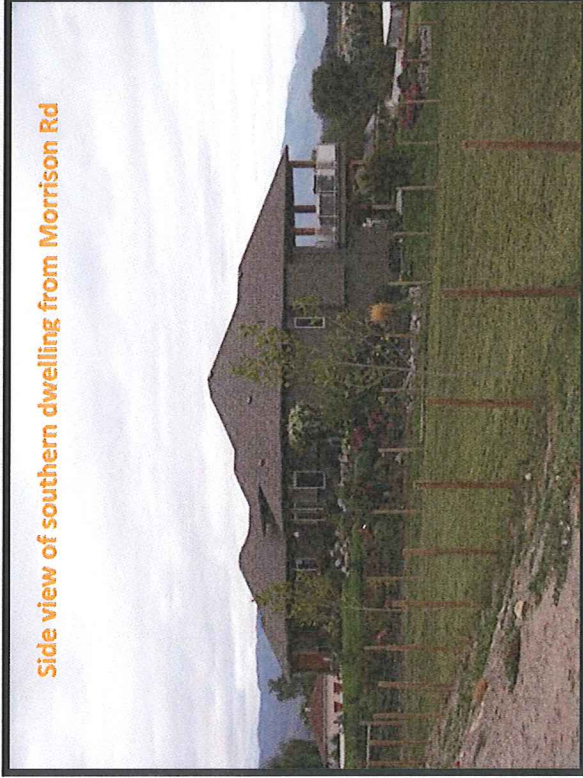
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



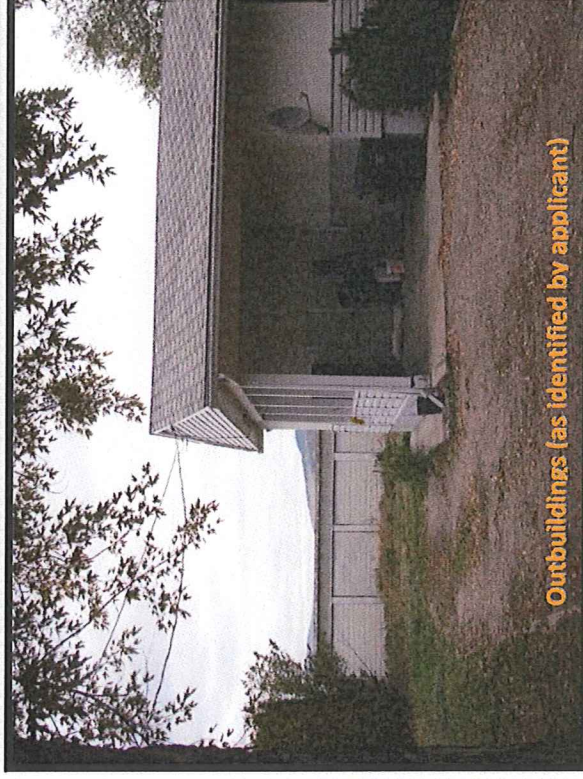
Side view of northeast corner dwelling



Outbuildings (as identified by applicant)

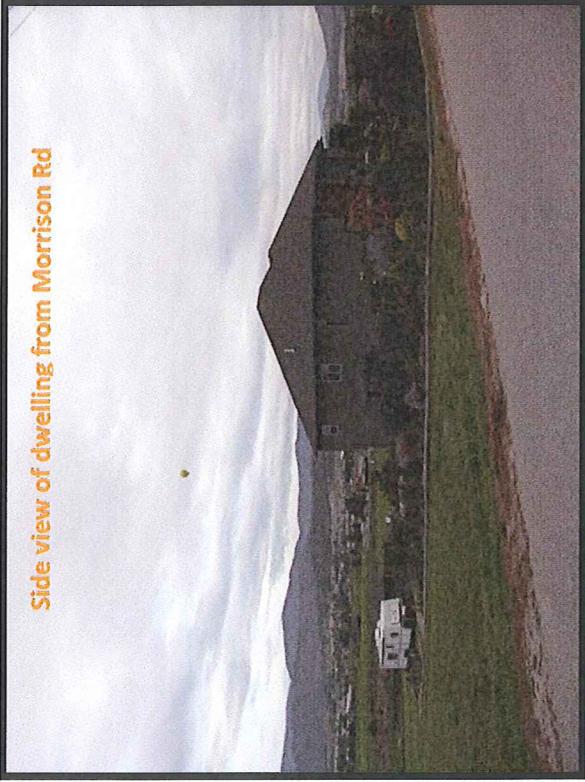


Side view of southern dwelling from Morrison Rd

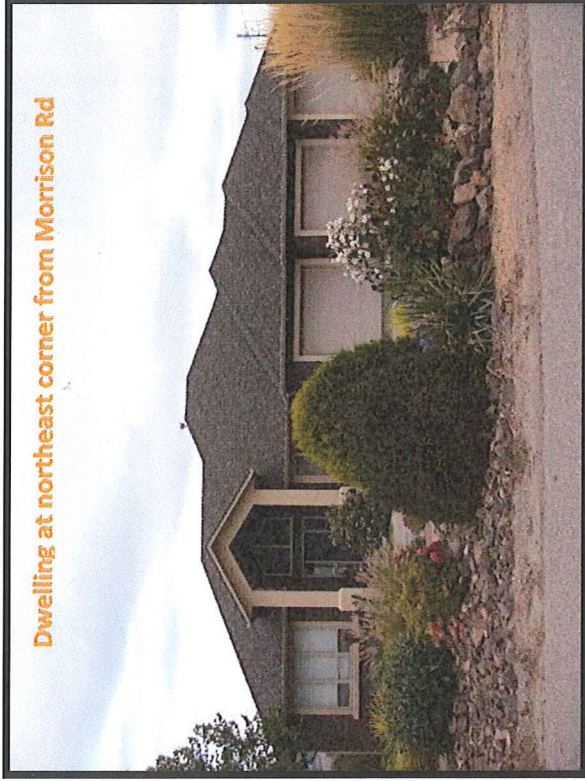


Outbuildings (as identified by applicant)

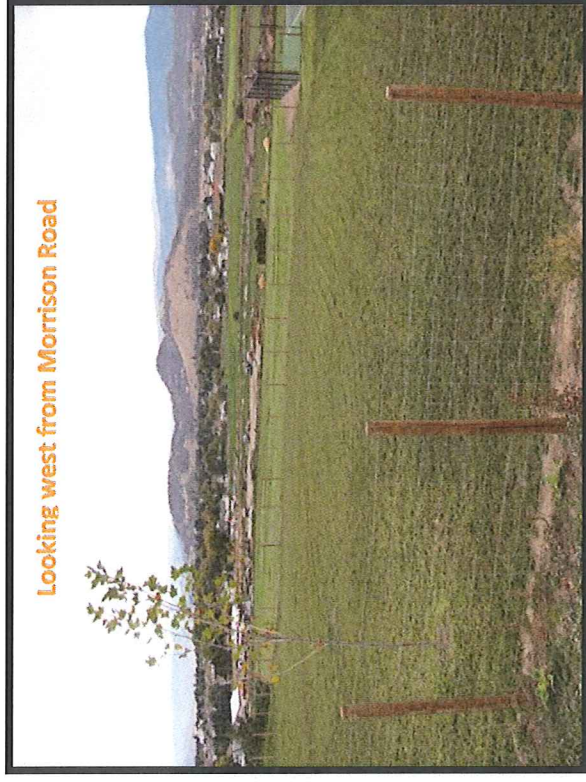
Side view of dwelling from Morrison Rd



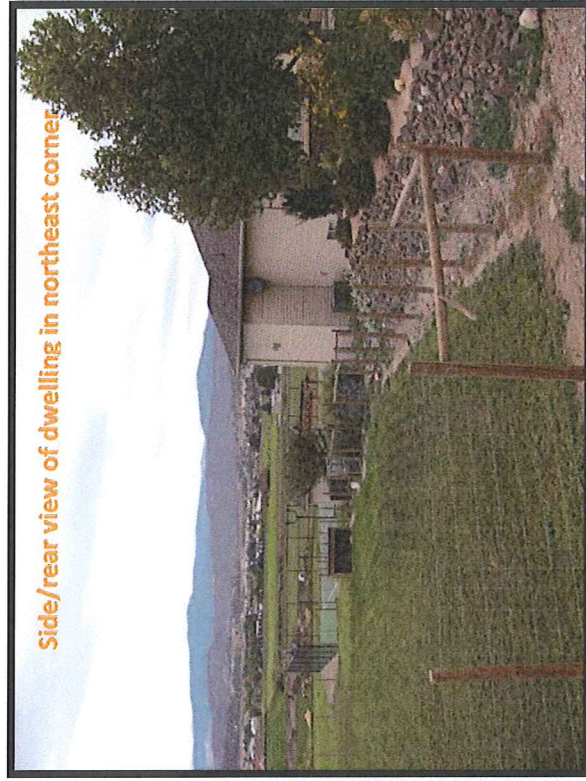
Dwelling at northeast corner from Morrison Rd



Looking west from Morrison Road



Side/rear view of dwelling in northeast corner



A09-10014 - 1680-1720 Morrison Road

BCLI Land Capability (Map 82E.084)

Land Capability Rating, Unimproved	Land Capability Rating, with Improvements
100% Class 3 with soil moisture deficiency and undesirable soil structure and/or low perviousness	100% Class 3 with undesirable soil structure and/or low perviousness

Soil Classification (Map 82E.084)

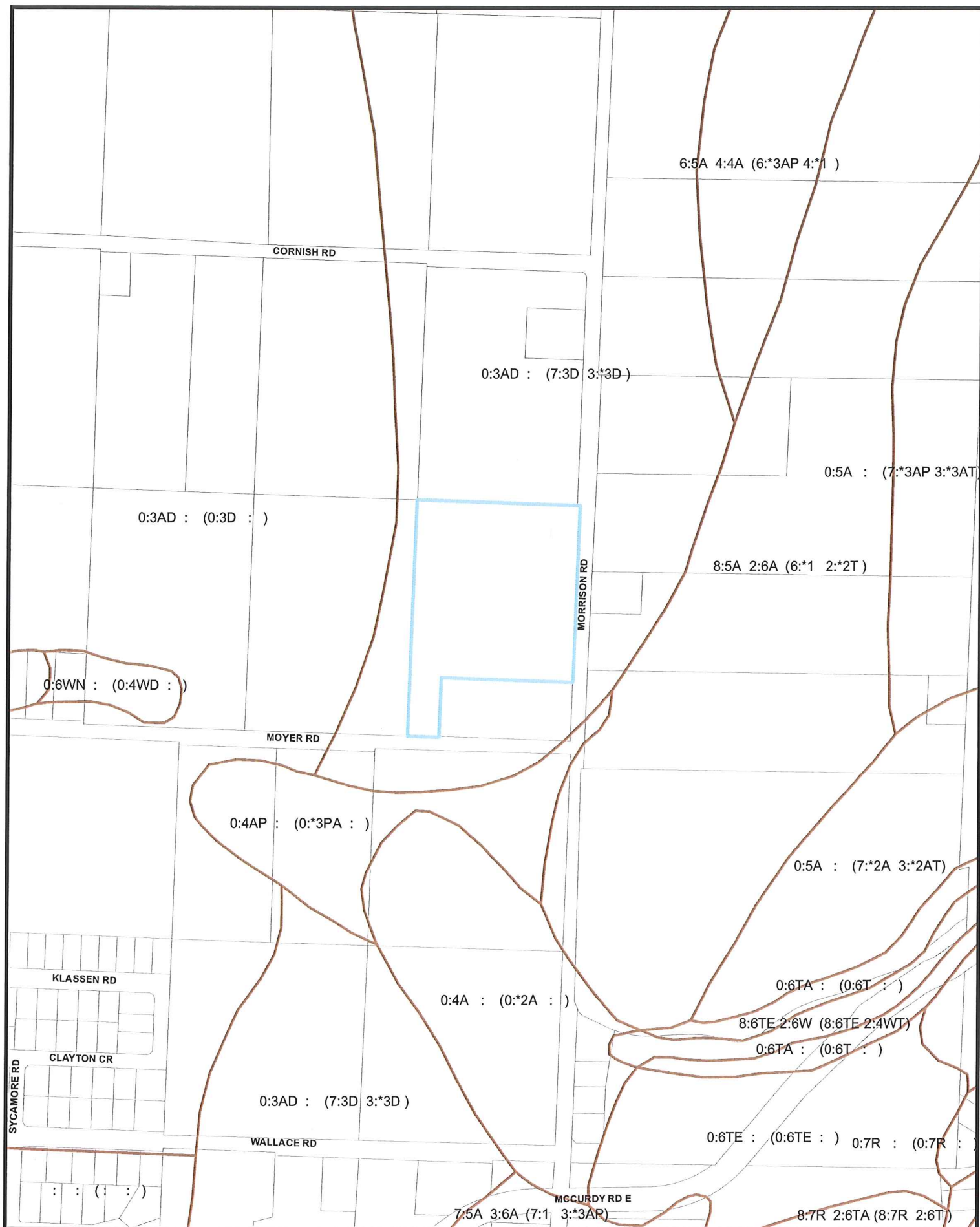
Soil Type	Description
100% GL - Glenmore	<u>Land</u> : Nearly level to moderately sloping stratified glaciolacustrine sediments. <u>Texture</u> : 100cm or more of silt loam, silty clay loam or clay loam. <u>Drainage</u> : Well to moderately well.

Land Capability = Brown/ Soil Class = Green



1:5,000

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1:5,000

CITY OF KELOWNA
MEMORANDUM

Date: September 08, 2009
File No.: A09-0014
To: Land Use Planner (LT)
From: Development Engineering Manager (SM)
Subject: 1720 Morrison Road, Lot 12, Plan 425, Section 36, Township. 26, ODYD

The Development Engineering comments regarding this subdivision within the Agricultural Land Reserve are as follows:

- a) Development Engineering 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 or subdivision application is submitted if and when the Agricultural Land Commission agrees to the proposed subdivision.
- b) The proposed ½ Ac. lot on Moyer Road does not meet the requirements of Bylaw 7900, a minimum lot size of 1 Ha. Is required without a connection to the Municipal wastewater collection system.

Steve Muenz, P.Eng.
Development Engineering Manager

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