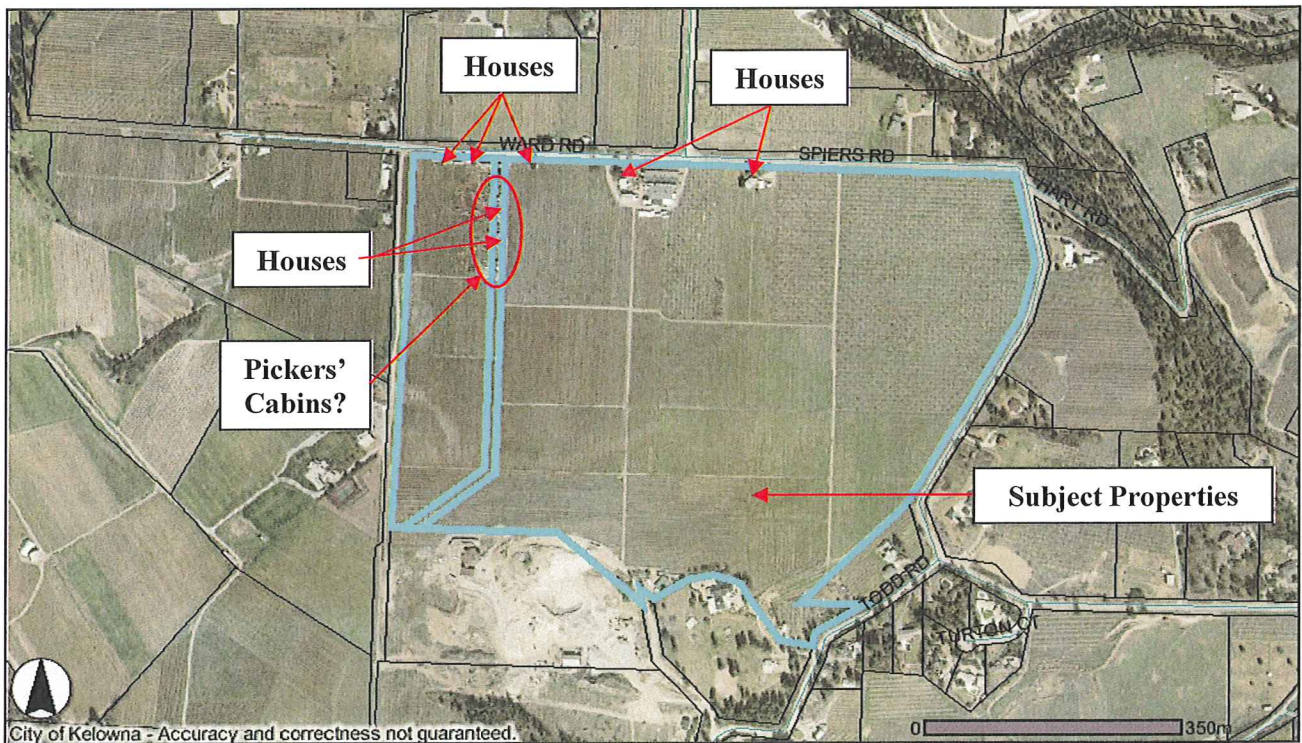


3.1 Zoning and Land Use of Adjacent Property

Direction	Zone	Use	ALR?
North	A1 - Agriculture 1	Orchard	Yes
South	A1 - Agriculture 1	Misc. agriculture	Yes
East	A1 - Agriculture 1 & RR3 - Rural Residential 3	Orchard and residences	Yes
West	A1 - Agriculture 1	Orchard	Yes

3.2 Subject Properties Map



4.0 THE PROPOSAL

The applicant proposes a subdivision within the ALR to achieve estate planning objectives and viable farm unit size. Three parcels of vastly different sizes are proposed to be reconfigured such that one parcel shall be approximately 20 ha and two parcels shall be approximately 11 ha each.

The application notes current use of the lands as follows: former packinghouse now used as a cidery, pickers' cabins (14), wine storage, telecommunications tower, and residences (3). Air photos indicate possibly 6 or more residences, possibly a dozen pickers' cabins, and a number of other structures that are not identified. Although not explicitly stated in the application, the principal agricultural use on the property is orchard / tree fruit production.

Existing Lot Areas		
Western Lot (2177 Ward Rd)	Middle Lot (2177 Ward Rd)	Eastern Lot (2287 Ward Rd)
5.4 ha	0.8 ha	35.9 ha
Proposed Lot Areas		
Proposed Lot 1	Proposed Lot 2	Proposed Lot 3
10.6 ha	20.8 ha	11.0 ha

	Existing / Proposed Lot Size	Change in Lot Size
Western Lot / Proposed Lot 1	5.4 ha / 10.6 ha	+ 5.2 ha
Middle Lot / Proposed Lot 2	0.8 ha / 20.8 ha	+ 20.0 ha
Eastern Lot / Proposed Lot 3	35.9 ha / 11.0 ha	- 24.9 ha

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 Policies¹:

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.

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.²

6.0 AGRICULTURAL ADVISORY COMMITTEE

At the August 13th, 2009 meeting of the Agricultural Advisory Committee, it was resolved:

THAT the Agricultural Advisory Committee NOT support Application No. A09-0008 for 2177 & 2287 Ward Road, Lot 157, Sec. 4, Twp. 26, & Parcel B (see 72162F), ODYD except Plans KAP78689 & KAP88849; Lot B, Sec. 4, Twp. 26, ODYD, Plan KAP78689, except Plan KAP88849, by Tony Markoff, obtain approval from the Agricultural Land Commission under Section 21(2) of the Agricultural Land Commission Act for a subdivision within the Agricultural Land Reserve for the purpose of estate planning.

AAC/Applicant/Staff discussion:

- AAC did not support this application because it will degrade the viable land base for agriculture use.
- AAC concerned with subdividing agricultural land within the ALR only makes the parcels smaller and more difficult to farm. This proposal is a detriment to agriculture by subdividing.
- AAC concerned with the home plate. Do not like to see homes being built in the middle of the property because utilities and driveways need to be brought in.

¹ Kelowna 2020 - Official Community Plan - Chapter 11, Pages 2-3

² City of Kelowna Agriculture Plan (1998) - Page 126

- AAC commented that this land is identified as ALR land and once parcels are broken down they become less farmable.
- AAC raised concern with respect to estate planning and noted that there are a number of mature farming families that have grown children and if we take the theory that it is alright if land is removed for estate planning then every farmer will think they can do the same regardless of the amount of acres. The Applicant commented that the families intent is to continue with farming and that the merit of each application should be considered.

Note: The application originally contemplated four lots, which was not supported by AAC or staff, and has since been amended so that no net change in the number of lots is proposed.

7.0 TECHNICAL COMMENTS

Subdivision Approving Officer. Met with applicant to discuss application early this year; declined to support it as Sec. 10 approval under ALC Regs. No apparent benefit to agriculture. Applicant should submit report from an agrologist to support application for additional lot. Further parcelization is not supported by the Subdivision Approvals Branch.

Development Engineering Branch. No comments at this time. A comprehensive report will be provided at the time of Subdivision application if/when the Agricultural Land Commission agrees to the proposed development.

8.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

Three lots currently exist – one lot was created in 1937 as a result of a road cancellation (0.8 ha), one lot is of moderate size (5.4 ha), and one lot is of very large size (35.9 ha). In total these three parcels represent 42.1 ha (104.1 ac). In the context of Kelowna this represents a large agricultural land holding, where 71% of farms are 20 acres or less in size (1996 Census Data). The subject properties are utilized as a tree fruit orchard, and the City of Kelowna Agriculture Plan (1998) notes figures from the Ministry of Agriculture and Food (today the Ministry of Agriculture and Lands) that describe *minimum* farm unit areas for tree fruits as 6 to 8 hectares (15 to 20 acres).

The Ministry of Agriculture and Lands notes that, of the land in BC, less than 3% can support a range of agricultural activities, just over 1% is considered prime agricultural land, and less than 0.05% is capable of producing tree fruit - yet this fragile land base supports a crucial sector of our provincial economy³. Both the City of Kelowna Official Community Plan and Agriculture Plan express concern that subdivision within the ALR has the potential to degrade the available viable land base for agriculture. The soil fertility and physical and environmental conditions for agriculture are unique and irreplaceable.

The subject properties have a variety of land capability and soil classification conditions across the site and there is the potential for land capability to increase through improvements such as irrigation and grading modifications (see BCLI Land Capability and Soil Classification attached). The applicant notes two chief considerations in their desire for subdivision: estate planning for four heirs and achieving parcels which are more agriculturally viable.

Staff understand the desire of some farm operators to subdivide their land for the benefit of heirs, and appreciate the landowner's history of local farming within our community; however, estate planning is not a valid consideration for subdivision within the ALR as there is typically no benefit to agriculture that can be demonstrated for an application that is solely based on estate planning and not agricultural benefit.


³ Agricultural Land Commission - Planning For Agriculture - B.C. Agriculture - A Study In Diversity

On the matter of agricultural viability, in this instance the applicant is proposing to reconfigure lot lines in order to eliminate an oddly configured parcel and in doing so will achieve three parcels which are more uniform in their size and shape. Land Use Management staff recommend support for the reconfiguration of the existing lot lines for the following reasons:

- No net increase in the number of lots.
- Restricting the location of non-agricultural structures (“homeplating”).
- Restricting the number of non-agricultural structures to what currently exists.
- Future subdivision potential is restricted via covenant.
- Revised subdivision layout reflects existing farm roads (see attached).



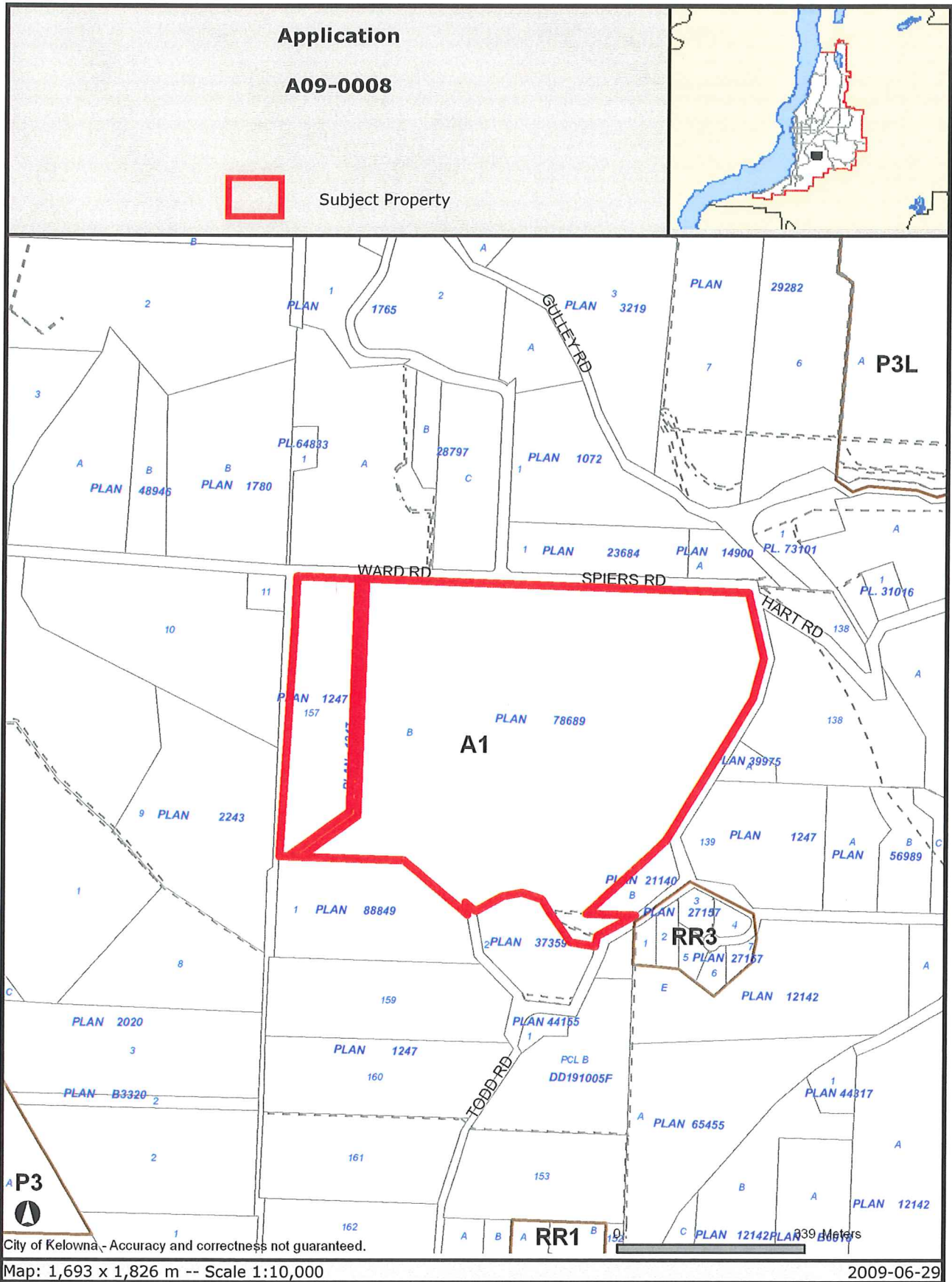
Todd Cashin
Manager, Environment & Land Use Branch

Approved for inclusion: 
Shelley Gambacort
Director, Land Use Management Department

Attachments

- Location map of subject properties
- Agricultural Land Reserve map of subject properties
- Air photo of properties
- ALC Application by landowner (2 pages)
- Land Capability, and Soil Classification maps and descriptions (4 pages)
- Proposed subdivision plan (applicant)
- Proposed subdivision plan (staff)

Jun 29, 2009 - Application accepted
Aug 13, 2009 - Agricultural Advisory Committee meeting
Aug 2009 to Jun 2010 - Working with applicant to refine application and deal with concerns raised by staff and AAC.



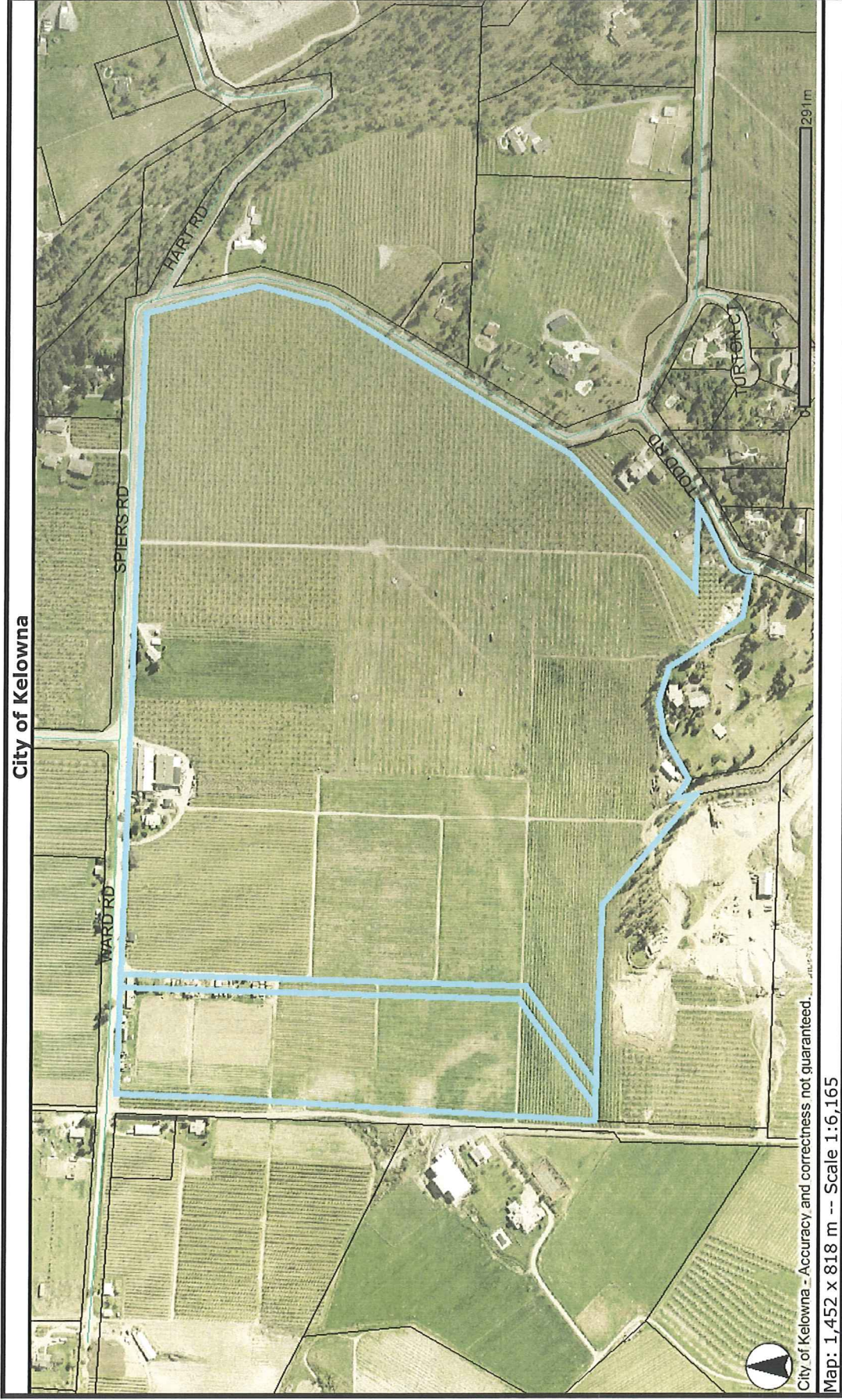
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

BCLI Land Capability (Map 82E.083)

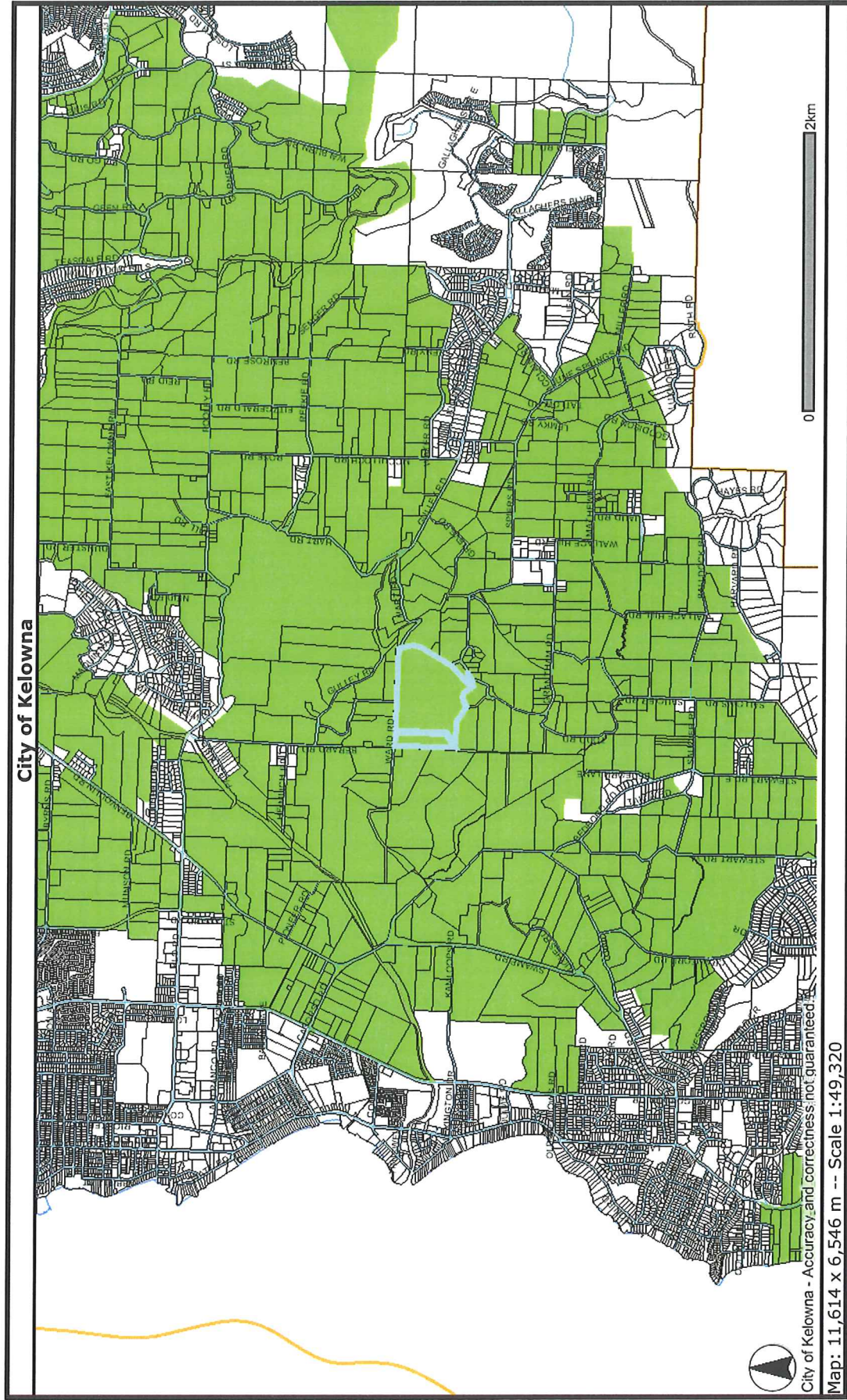
Portion of Site	Land Capability Rating, Unimproved	Land Capability Rating, with Improvements
1	100% Class 3 with soil moisture deficiency and undesirable soil structure and/or low perviousness	100% Class 3
2	100% Class 4 with soil moisture deficiency	40% Class 2 with stoniness 40% Class 1 20% Class 2 with soil moisture deficiency and topography limitations
3	100% Class 5 with soil moisture deficiency	100% Class 3 with stoniness
4	100% Class 5 with soil moisture deficiency and topography limitations	100% Class 3 with soil moisture deficiency
5	70% Class 5 with soil moisture deficiency 30% Class 4 with soil moisture deficiency	50% Class 3 with stoniness 30% Class 1 20% Class 3 with soil moisture deficiency and topography limitations
6	70% Class 5 with soil moisture deficiency 30% Class 5 with soil moisture deficiency and topography limitations	100% Class 3 with topography limitations
7	50% Class 5 with soil moisture deficiency 30% Class 4 with soil moisture deficiency and topography limitations 20% Class 5 with soil moisture deficiency and topography limitations	70% Class 3 with topography limitations 30% Class 2 with soil moisture deficiency and topography limitations
8	100% Class 5 with soil moisture deficiency and topography limitations	100% Class 3 with soil moisture deficiency

Soil Classification (Map 82E.083)

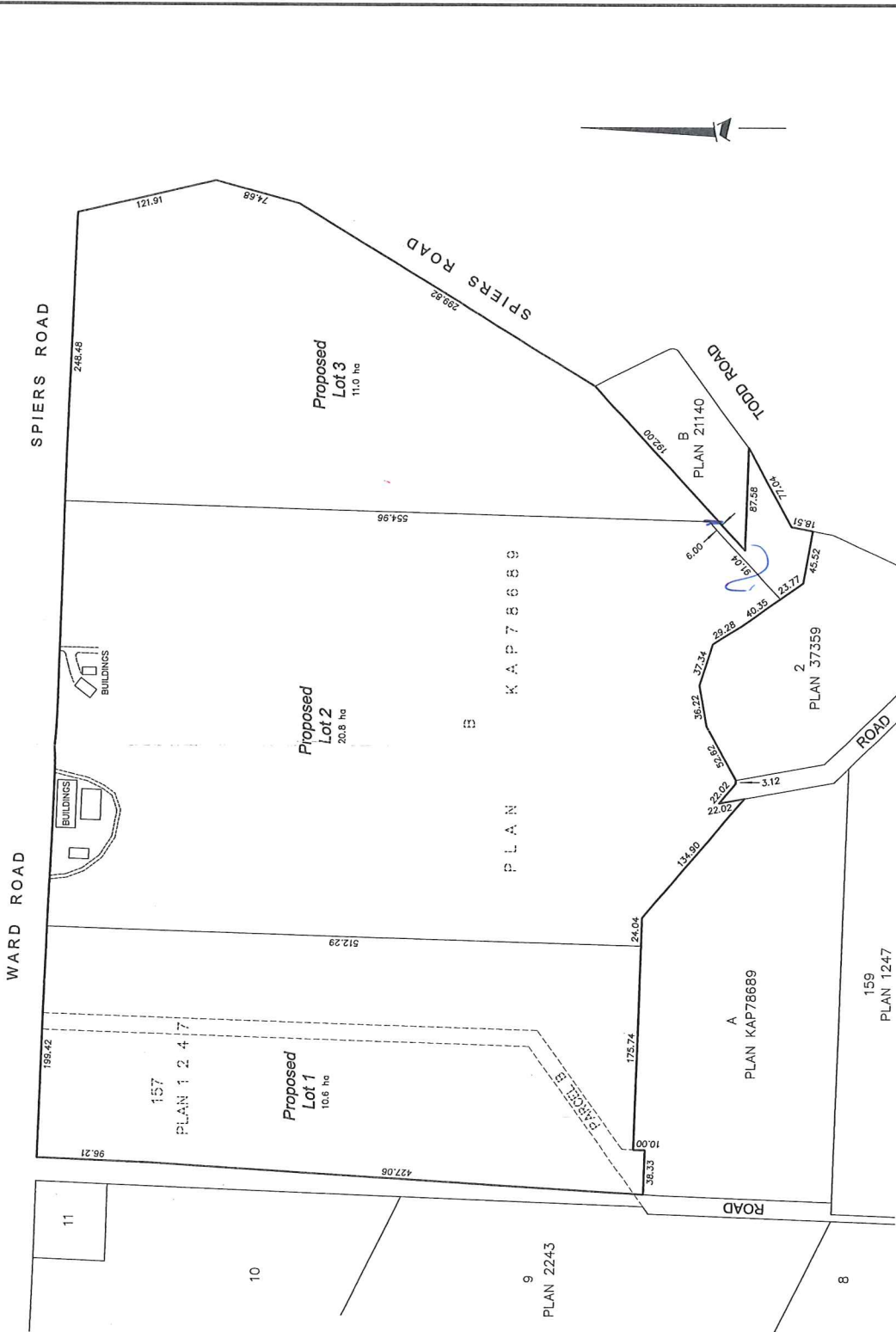
Site Portion	%	Soil Type	Description
1	100%	GL – Glenmore	<u>Land</u> : Nearly level to moderately sloping stratified glaciolacustrine sediments. <u>Texture</u> : 100 cm or more of silt loam, silty clay loam or clay loam. <u>Drainage</u> : Well to moderately well.
2	60%	GT – Greata	<u>Land</u> : Fluvioglacial veneer over gently to extremely sloping, stratified glaciolacustrine sediments. <u>Texture</u> : 30 to 100 cm of gravelly sandy loam or gravelly loam over silt loam or silty clay loam. <u>Drainage</u> : Well.
	40%	KN – Knox Mountain	<u>Land</u> : Fluvioglacial veneer over gently to strongly sloping stratified glaciolacustrine sediments. <u>Texture</u> : 10 to 50 cm of sandy loam over banded silty clay loam, clay loam or loamy fine sand. <u>Drainage</u> : Well to rapid.
3	100%	R - Rutland	<u>Land</u> : Very gently to strongly sloping fluviglacial 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.
4	100%	GT – Greata	<u>Land</u> : Fluvioglacial veneer over gently to extremely sloping, stratified glaciolacustrine sediments. <u>Texture</u> : 30 to 100 cm of gravelly sandy loam or gravelly loam over silt loam or silty clay loam. <u>Drainage</u> : Well.
5	70%	R - Rutland	<u>Land</u> : Very gently to strongly sloping fluviglacial 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.
	30%	KN – Knox Mountain	<u>Land</u> : Fluvioglacial veneer over gently to strongly sloping stratified glaciolacustrine sediments. <u>Texture</u> : 10 to 50 cm of sandy loam over banded silty clay loam, clay loam or loamy fine sand. <u>Drainage</u> : Well to rapid.
6	100%	PR – Parkill	<u>Land</u> : Very gently to strongly sloping fluviglacial deposits. <u>Texture</u> : 100 cm or more of loamy sand or sand. <u>Drainage</u> : Rapid.
7	70%	GM - Gammil	<u>Land</u> : Very gently to extremely sloping fluviglacial deposits. <u>Texture</u> : 10 to 25 cm of sandy loam or loamy sand over very gravelly loamy sand or very gravelly sand. <u>Drainage</u> : Rapid.
	30%	HD - Harrland	<u>Land</u> : Eolian veneer over gently to very steeply sloping glacial till. <u>Texture</u> : 10 to 30 cm of sandy or loamy sand over gravelly sandy loam or gravelly loamy sand. <u>Drainage</u> : Well.
8	60%	PE - Paradise	<u>Land</u> : Nearly level to very steeply sloping fluviglacial deposits. <u>Texture</u> : 25 to 60 cm of sandy loam or loamy sand over gravelly loamy sand or very gravelly sand. <u>Drainage</u> : Rapid.
	40%	GM - Gammil	<u>Land</u> : Very gently to extremely sloping fluviglacial deposits. <u>Texture</u> : 10 to 25 cm of sandy loam or loamy sand over very gravelly loamy sand or very gravelly sand. <u>Drainage</u> : Rapid.



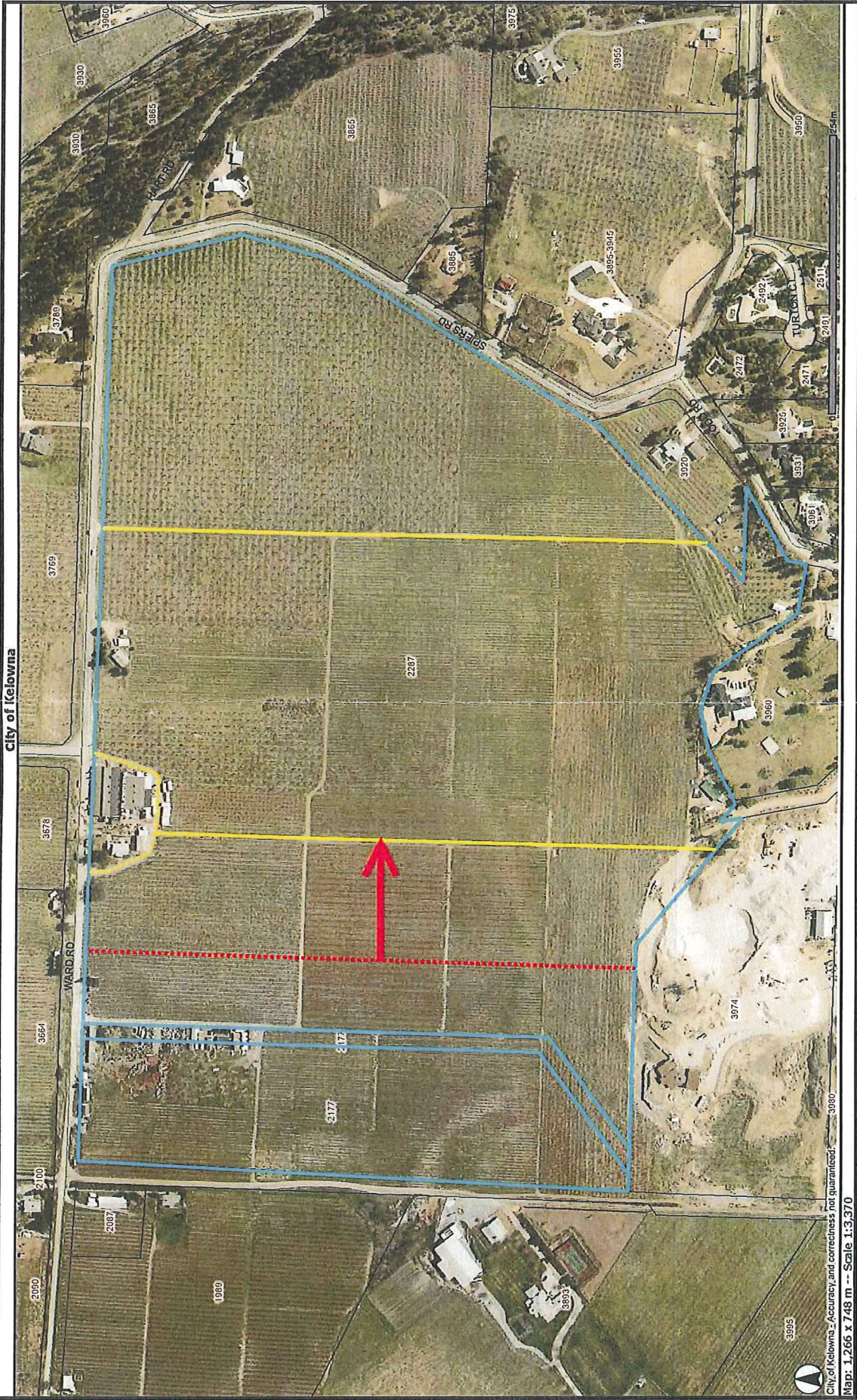
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TITLE:	SKETCH SHOWING PROPOSED SUBDIVISION OF LOT B, PLAN KAP78689, LOT 157, PLAN 1247 (EXCEPT PLAN KAP78689) AND PARCEL B, PLAN 1247 (EXCEPT PLAN KAP78689) ALL SEC. 4, TP. 26, O.D.Y.D.		
	DRAWN BY:	RUNNALLS DENBY <i>british columbia land surveyors</i> 255A Lawrence Avenue Kelowna, B.C. V1Y 6L2 Phone: (250)763-7322 Fax: (250)763-4413 Email: nell@runnallsdenby.com	
	SCALE:	1:2500	DATE:
		DWG:	12810-3
		FILE NO:	12810
		REV:	3
		CLIENT:	CANADA WEST TREE FRUITS



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- EXISTING LOT LINES
- STAFF PROPOSED LOT LINES
- APPLICANT PROPOSED LOT LINE