



The applicant has noted that they are not interested in pursuing a smaller parcel size as recommended by staff and as noted by the AAC. The applicants are seeking a larger lot to support their lifestyle which currently includes horses; and further, feel that the agricultural viability of the property is quite limited due to soil depth and stoniness and will not support much beyond the grazing of animals.

That said, it appears that the proposed subdivision can be reduced to a smaller footprint which encompasses the home and septic system and allows for a reasonable sized residential homeplate that will allow the remainder portion to stay relatively intact and available for enhanced agricultural use at some point in the future.

Further, as this subdivision will create interface and edge conditions which increase the potential for conflict, it is also recommended that adequate buffering take place on the homesite severance. Buffering including a double row planting consisting of trees and shrubs should be required at a minimum along the perimeter adjacent to the remainder of the property to minimize future conflict.

#### 4.0 Proposal

##### 4.1 Background

Two single detached dwellings currently exist on the subject property which Mr. Rath has owned since 1968. The orthophoto illustrates the location of the original dwelling and homeplate in the southwest accessed from June Springs Road (see below). In the time since this photo (2009), a new dwelling has been constructed with Occupancy Permit issued in April. The new dwelling and proposed future homeplate (including barn and garage) are located in the southeast with access from McClain Road.

The applicants seek a homesite severance of the new dwelling and a homeplate totaling approximately 1.0 hectare be subdivided, with a 3.7 hectare remainder parcel to be sold with the original dwelling.

##### 4.2 Site Context

The subject property is located north of June Springs Road and west of McClain Road in southeast Kelowna. The site area is ~4.7 hectare (11.8 acres) and the site elevation varies between 523 m and 536 m. According to the land inventory, the soils can be improved to Class 3 with the provision of irrigation (see attached Canada Land Inventory information).

Zoning and land uses adjacent to the property are as follows:

Direction	Zoning	ALR	Land Use
North	A1 - Agriculture 1 A1s - Agriculture 1 with secondary suite	Yes	Rural/agricultural
South	A1 - Agriculture 1 Rural Residential	Yes	Rural/agricultural
East	A1 - Agriculture 1 Rural Residential	Yes/No	Rural/agricultural
West	A1 - Agriculture 1	Yes	Rural/agricultural

Subject Property Map: 4099 June Springs Road



**5.0 Current Development Policies**

**5.1 Kelowna 2030 Official Community Plan (OCP)**

Objective 5.33 Protect and enhance local agriculture<sup>1</sup>.

*Policy .1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.*

*Policy .8 Subdivision. Maximize potential for the use of farmland by not allowing the subdivision of agricultural land into smaller parcels (with the exception of Homesite Severances approved by the ALC) except where significant positive benefits to agriculture can be demonstrated.*

*Policy .9 Housing in Agricultural Areas. Discourage residential development (both expansions and new developments) in areas isolated within agricultural environments (both ALR and non-ALR).*

Objective 5.38 Ensure non-sewered lots do not cause harm to the environment<sup>2</sup>.

*Policy .1 Minimum Lot Size for Septic Systems. Require that any lot created and serviced by an approved septic disposal system shall be a minimum of 1.0 ha (2.5 acres) in size, except where such lot is created with the approval of the appropriate Provincial ministry or agency as a home-site severance or a lot in lieu of a home-site severance.*

**5.2 City of Kelowna Agriculture Plan**

<sup>1</sup> City of Kelowna Official Community Plan - Chapter 5 - Development Process; pp. 5.33 & 5.34.

<sup>2</sup> City of Kelowna Official Community Plan - Chapter 5 - Development Process; p. 5.38.

### ALR Application Criteria<sup>3</sup>

*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.*

### Urban - Rural/Agricultural Boundary Policies<sup>4</sup>

*Parcel Size (Agricultural Land) - Discourage the subdivision of agricultural land into smaller parcels, except where positive benefits to agriculture can be demonstrated.*

*Homesite Severance - Continue to support the concept of homesite severance, consistent with Agricultural Land Commission Policy #025/78 [11]<sup>5</sup>.*

## 6.0 Technical Comments

### 6.1 Subdivision Approvals Branch

- DCCs payable at the time of subdivision approval;
- Septic field covenants will be required on both properties; and
- This homesite severance appears larger than most and could be reduced.

## 7.0 Application Chronology

Date of Application Received: April 18, 2012

Agricultural Advisory Committee June 14, 2012

The above noted application was reviewed by the Agricultural Advisory Committee and the following recommendation was passed:

THAT the Agricultural Advisory Committee support Agricultural Land Reserve Application No. A12-0004 for 4099 June Springs Road, by Brenda Bach (Arnold Rath & Brenda Bach), to obtain a Subdivision of Agricultural Land Reserve under Section 21(2) of the ALC Act for a Homesite Severance on ALR Lands.

### Anecdotal Comment:

The AAC supported the application, but would prefer to see a reduced parcel size and also ensure that buffering is provided on the homesite severance site.

### Report prepared by:

  
Greg Sauer, Land Use Planner

### Reviewed by:



Todd Cashin Manager, Manager, Environment & Land Use

<sup>3</sup> City of Kelowna Agriculture Plan (1998); p. 130.

<sup>4</sup> City of Kelowna Agriculture Plan (1998); p. 131.

<sup>5</sup> City of Kelowna Agriculture Plan (1998); p. 85.

**Approved for Inclusion:**



Shelley Gambacort, Director, Land Use Management

**Attachments:**

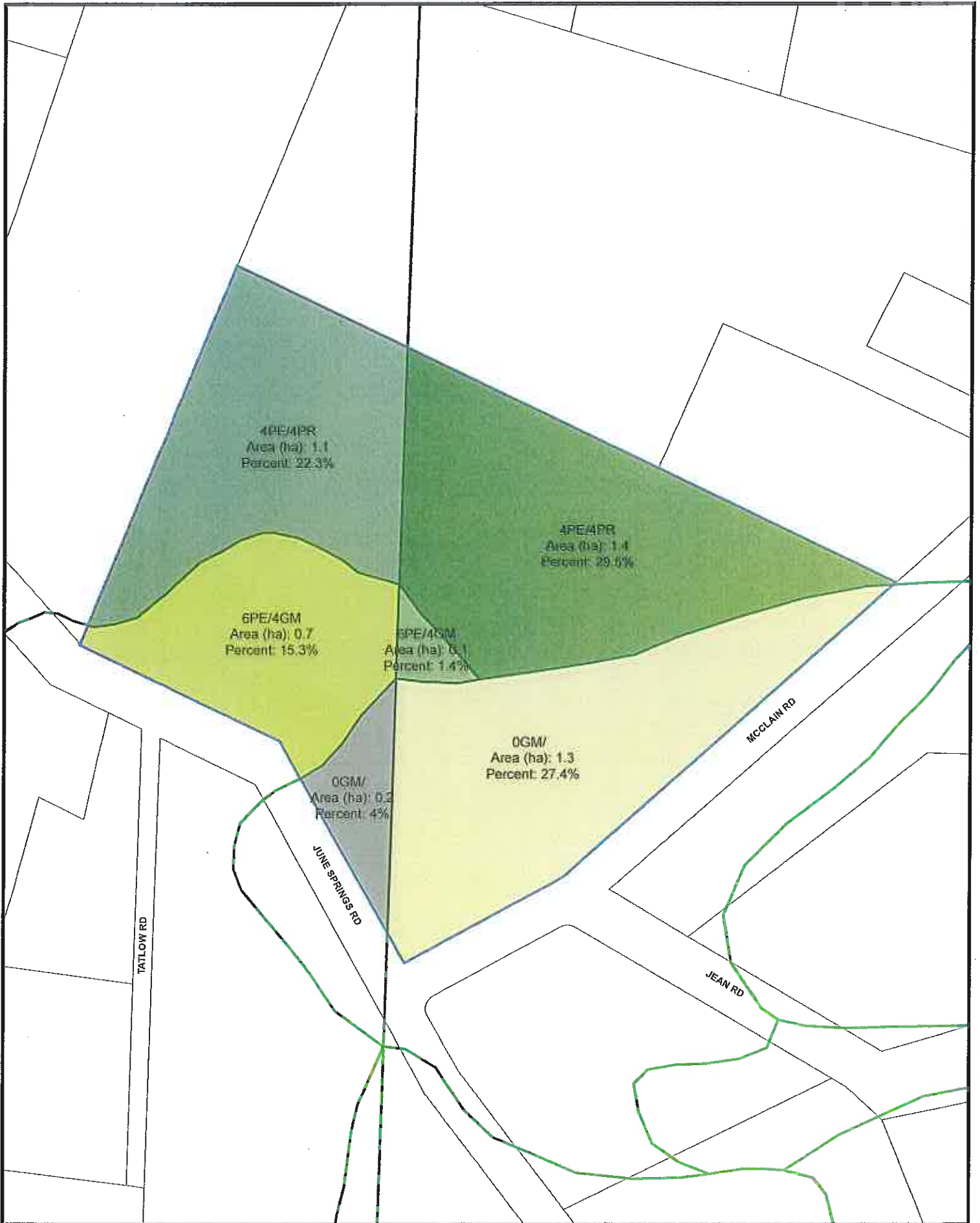
BC Land Inventory - Land Capability and Soil Classification (5 pages)

Subject property/zoning map & ALR map (2 pages)

ALC application by landowner (6 pages)



Land Capability = Brown/ Soil Class = Green

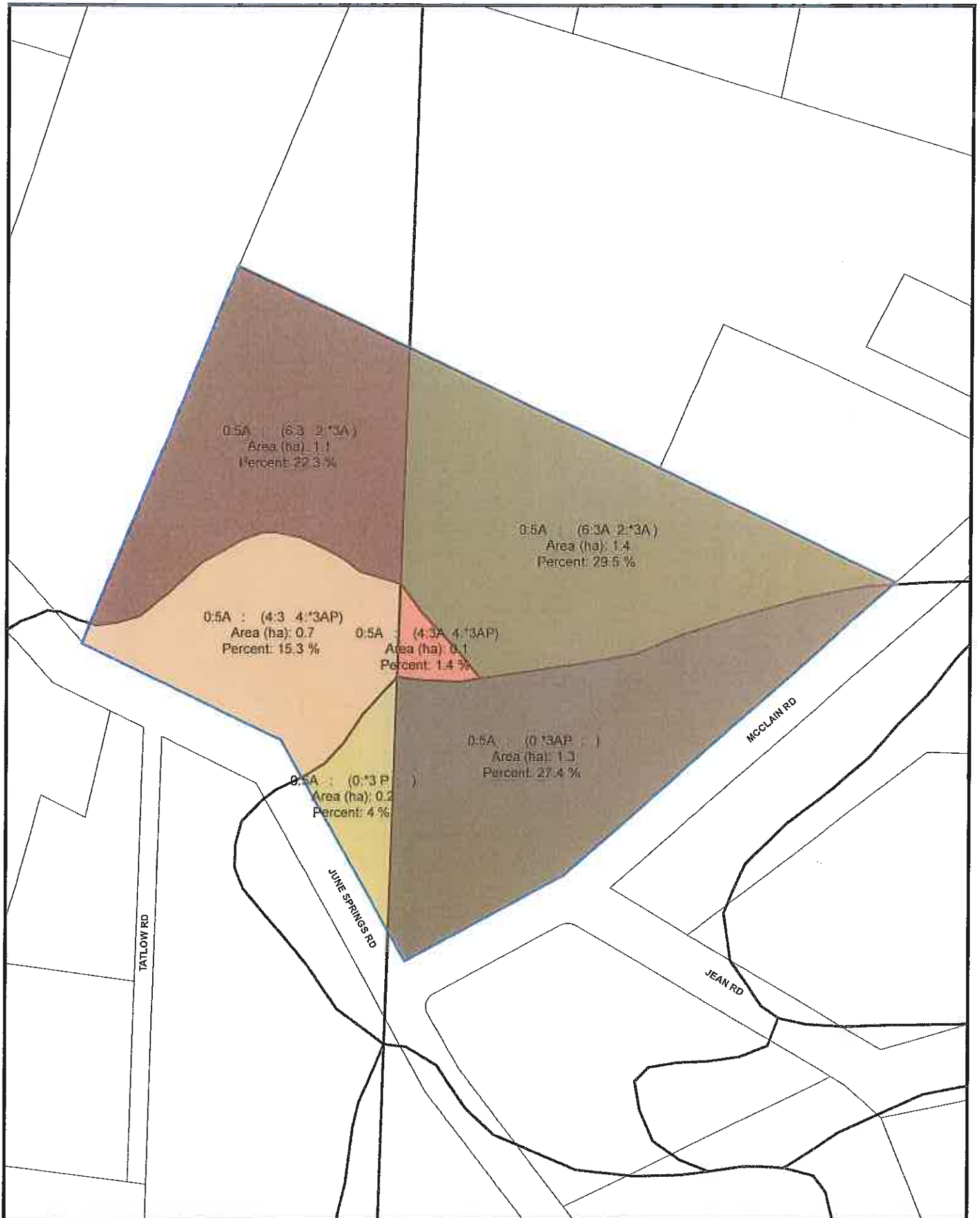


## Soil Classification

The soil classification for the subject property is as defined below.

Portion of Site / %	Soil Type	Description
2.5 ha / 51.8% 40%	PE - Paradise	<u>Land</u> : nearly level to very steeply sloping fluvioglacial deposits. <u>Texture</u> : 25 to 60cm of sandy loam or loamy sand over gravelly loamy sand or very gravelly sand. <u>Drainage</u> : rapid. <u>Classification</u> : Eluviated Eutric Brunisol.
40%	PR - Parkhill	<u>Land</u> : very gently to strongly sloping fluvioglacial deposits. <u>Texture</u> : 100cm or more of loamy sand or sand. <u>Drainage</u> : rapid. <u>Classification</u> : Eluviated Eutric Brunisol.
1.5 ha / 31.4% 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 gravelly loamy sand or very gravelly sand. <u>Drainage</u> : rapid. <u>Classification</u> : Eluviated Eutric Brunisol.
0.8 / 16.7% 60%	PE - Paradise	<u>Land</u> : nearly level to very steeply sloping fluvioglacial deposits. <u>Texture</u> : 25 to 60cm of sandy loam or loamy sand over gravelly loamy sand or very gravelly sand. <u>Drainage</u> : rapid. <u>Classification</u> : Eluviated Eutric Brunisol.
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 gravelly loamy sand or very gravelly sand. <u>Drainage</u> : rapid. <u>Classification</u> : Eluviated Eutric Brunisol.

# Land Capability = Brown/ Soil Class = Green





## BCLI Land Capability

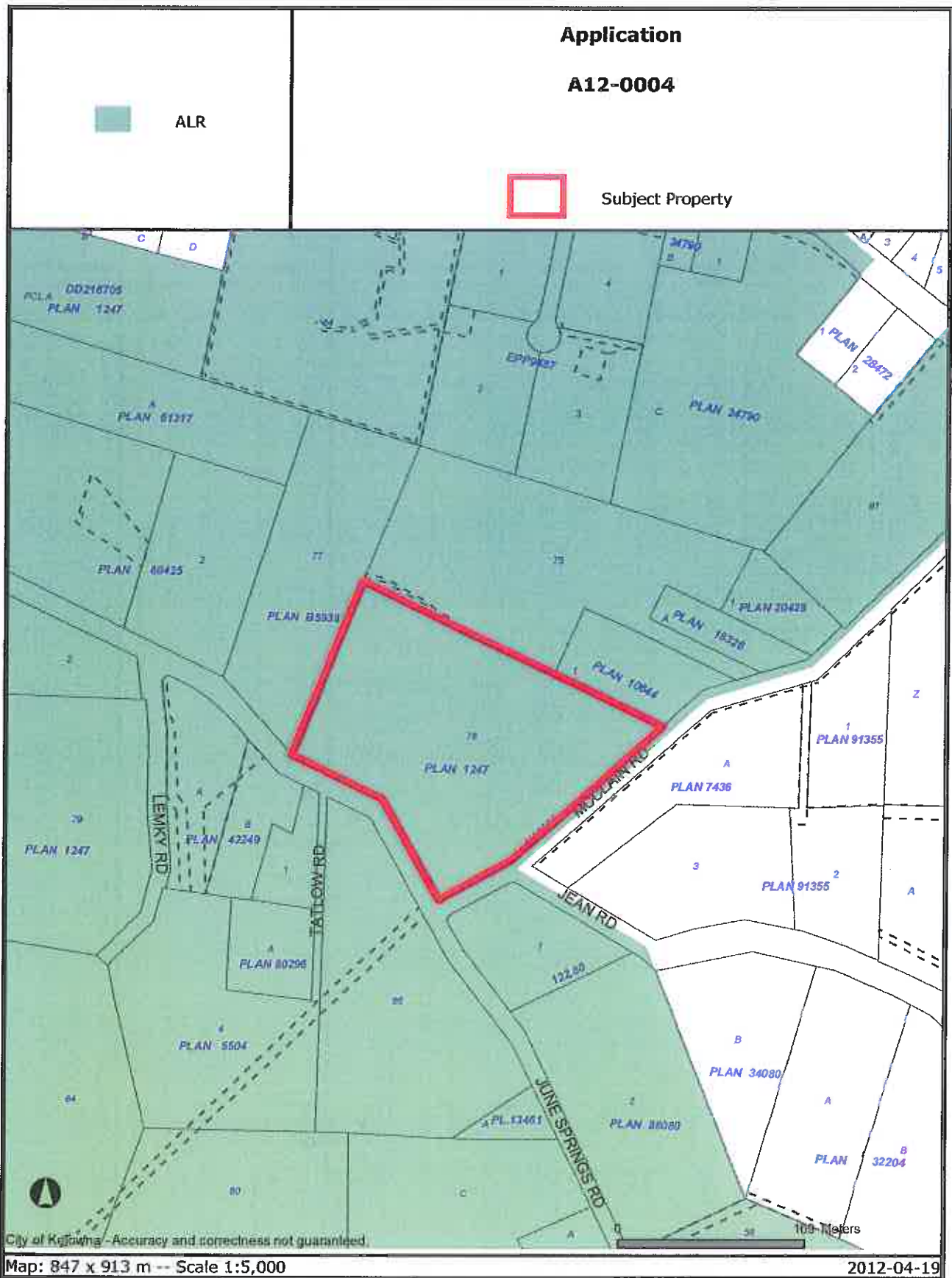
### Legend

1	Land in this Class has no or only very slight limitations that restrict its use for the production of common agricultural crops. Land in Class 1 is level or nearly level. The soils are deep, well to imperfectly drained under natural conditions, or have good artificial water table control, and hold moisture well. They can be managed and cropped without difficulty. Productivity is easily maintained for a wide range of field crops.
2	Land in this Class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both. Land in Class 2 has limitations which constitute a continuous minor management problem or may cause lower crop yields compared to Class 1 land but which do not pose a threat of crop loss under good management. The soils in Class 2 are deep, hold moisture well and can be managed and cropped with little difficulty.
3	Land in this Class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both. The limitations are more severe than for Class 2 land and management practices are more difficult to apply and maintain. The limitations may restrict the choice of suitable crops or affect one or more of the following practices: timing and ease of tillage, planting and harvesting, and methods of soil conservation.
4	Land in this Class has limitations that require special management practices or severely restrict the range of crops, or both. Land in Class 4 has limitations which make it suitable for only a few crops, or the yield for a wide range of crops is low, or the risk of crop failure is high, or soil conditions are such that special development and management practices are required. The limitations may seriously affect one or more of the following practices: timing and ease of tillage, planting and harvesting, and methods of soil conservation.
5	Land in this Class has limitations which restricts its capability to producing perennial forage crops or other specially adapted crops. Land in Class 5 is generally limited to the production of perennial forage crops or other specially adapted crops. Productivity of these suited crops may be high. Class 5 lands can be cultivated and some may be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated field crops may be grown on some Class 5 land where adverse climate is the main limitation, but crop failure can be expected under average conditions.
6	Land in this Class is non-arable but capable of producing native and/or uncultivated perennial forage crops. Land in Class 6 provides sustained natural grazing for domestic livestock and is not arable in its present condition. Land is placed in this class because of severe climate, or the terrain is unsuitable for cultivation or use of farm machinery, or the soils do not respond to intensive improvement practices. Some unimproved Class 6 lands can be improved by draining, diking and/or irrigation.
7	Land in this Class has no capability for arable agriculture or sustained natural grazing. All classified areas not included in Classes 1 to 6 inclusive are placed in this class. Class 7 land may have limitations equivalent to Class 6 land but does not provide natural sustained grazing for domestic livestock due to unsuited natural vegetation. Also included are rock land, other non-soil areas, and small water bodies not shown on the maps. Some unimproved Class 7 land can be improved by draining, diking, irrigation, and/or levelling.

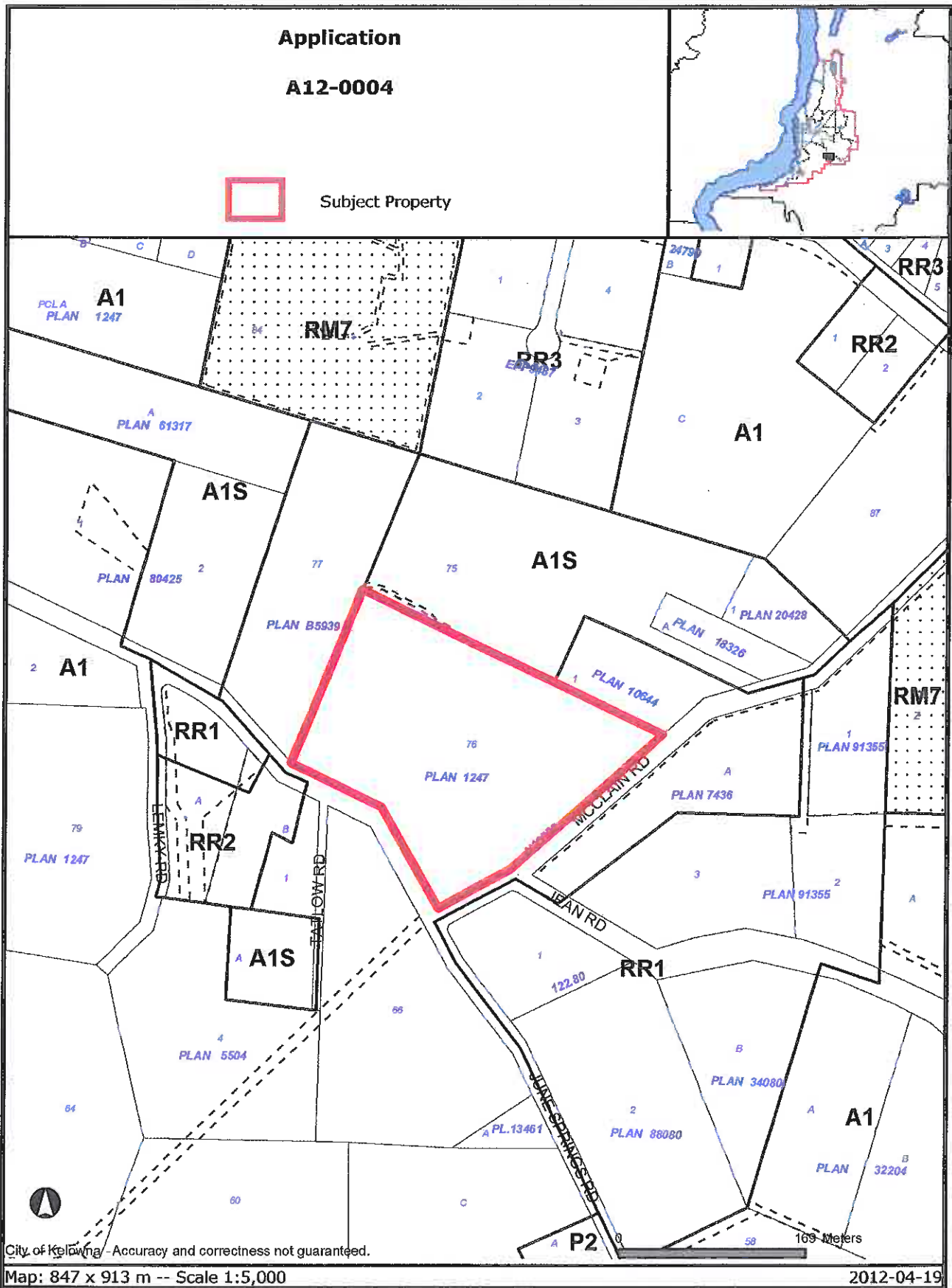
### Subject Property Land Capability

Portion of Site	Land Capability Rating, Unimproved	Land Capability Rating, Improved
Northern (1.4 ha/ 29.5%)	100% Class 5 with crops affected by droughtiness caused low soil water holding capacity or insufficient precipitation.	80% Class 3 with crops affected by droughtiness caused low soil water holding capacity or insufficient precipitation.
Eastern (1.3 ha/ 27.4%)	100% Class 5 with crops affected by droughtiness caused low soil water holding capacity or insufficient precipitation.	80% Class 3 with crops affected by droughtiness caused low soil water holding capacity or insufficient precipitation; and with soils which are limited by the presence of coarse fragments which significantly hinder tillage, planting and/or harvesting.

Portion of Site	Land Capability Rating, Unimproved	Land Capability Rating, Improved
NW (1.1 ha / 22.3%)	100% Class 5 with crops affected by droughtiness caused low soil water holding capacity or insufficient precipitation.	60% Class 3. and 20% Class 3 with crops affected by droughtiness caused low soil water holding capacity or insufficient precipitation.
SW (0.7 ha / 15.3%)	100% Class 5 with crops affected by droughtiness caused low soil water holding capacity or insufficient precipitation.	40% Class 3. and 40% Class 3 with crops affected by droughtiness caused low soil water holding capacity or insufficient precipitation; and with soils which are limited by the presence of coarse fragments which significantly hinder tillage, planting and/or harvesting.
Southern (0.2 ha / 4%)	100% Class 5 with crops affected by droughtiness caused low soil water holding capacity or insufficient precipitation.	100% Class 3 with soils which are limited by the presence of coarse fragments which significantly hinder tillage, planting and/or harvesting.
Central (0.1 ha / 1.4%)	100% Class 5 with crops affected by droughtiness caused low soil water holding capacity or insufficient precipitation.	40% Class 3 with crops affected by droughtiness caused low soil water holding capacity or insufficient precipitation. and 40% Class 3 with crops affected by droughtiness caused low soil water holding capacity or insufficient precipitation; and with soils which are limited by the presence of coarse fragments which significantly hinder tillage, planting and/or harvesting.



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.



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.



## Home Site Severance Application

February 17, 2012

**Lot # 76 Plan # 1247 Section 3 Township 26, O.D.Y.D**

Arnie has owned and lived on this property continuously since 1968 and is ready to downsize and retire. We are requesting a home site severance of approximately 1 ha (approx. 2.5 acres). Our home is located on the east side of the property with the driveway coming off of McClain Rd. The irrigation, domestic water and gas come in the property from the south, off of June Springs Rd. They are shown on the map included.

We have looked at various ways to accomplish a Home Site Severance, which would maintain the agricultural potential. Due to the topography of the land the section that we have marked off would be suitable for our needs because of the sloped ridge on the western part of our proposed lot request. We have also been informed by the Septic Engineer and the information we have found on the City website stating that we require 1 ha min. because of the septic disposal system.

In looking at the surrounding properties, our request for 1 ha is consistent with the size of the adjacent properties. See illustration attached. It would also leave approximately 3.72 ha with a small house, garage and out buildings. This piece already has the utilities, irrigation, and fenced pastures with power and water for the water troughs.

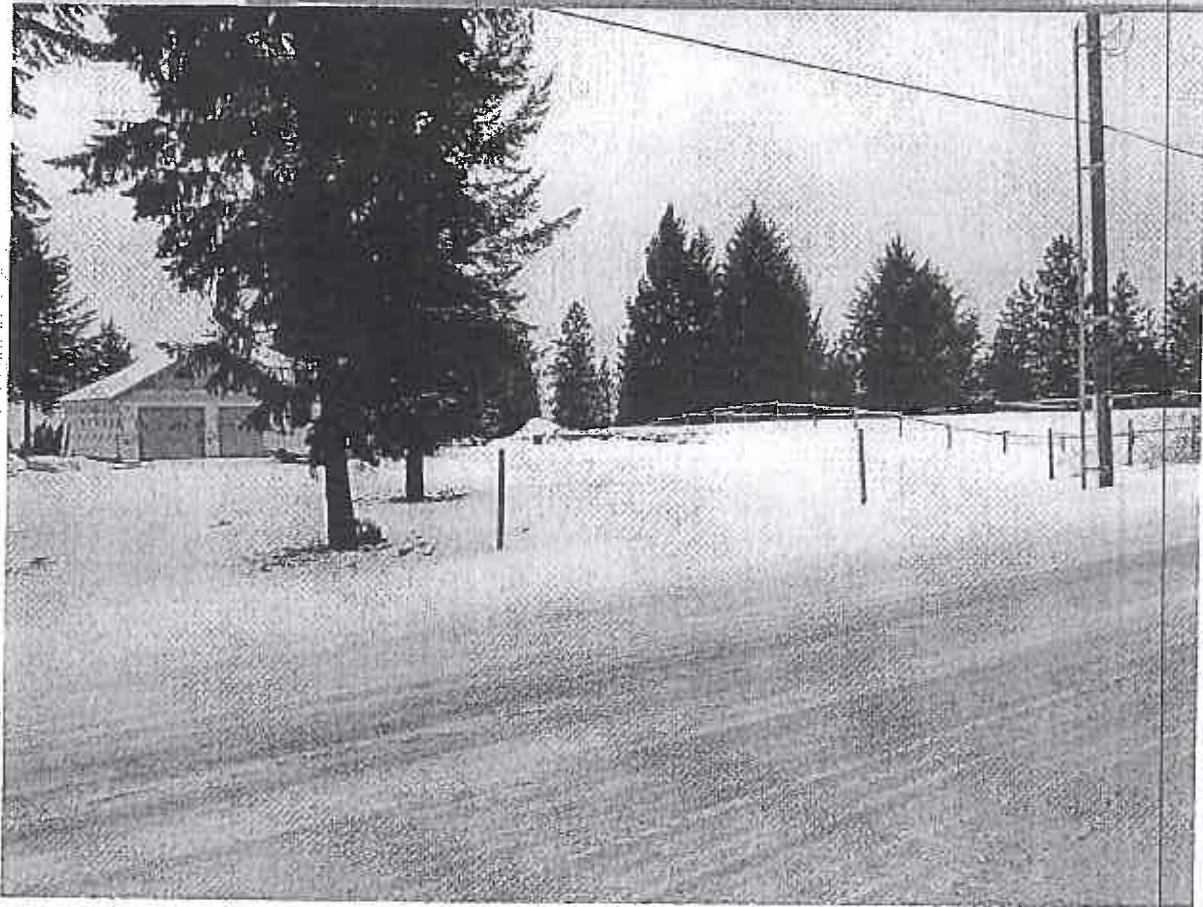
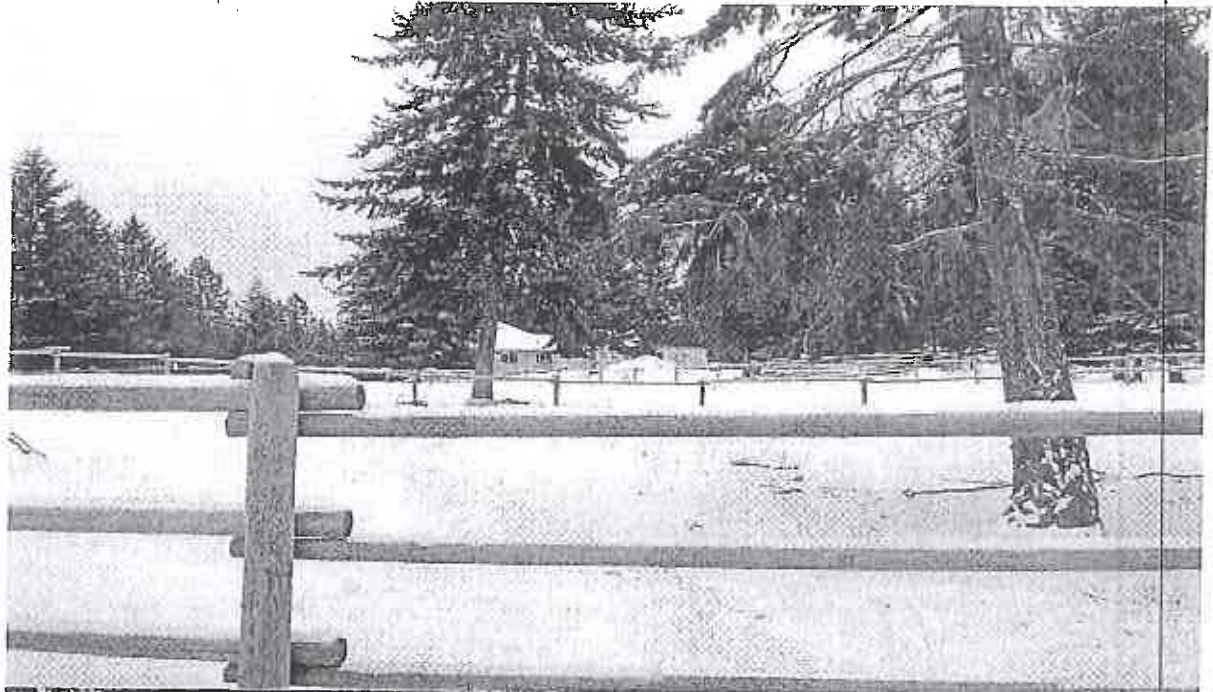
The OCP and the Agriculture Plan both support the Home Site Severance. This request is essentially a Home Site Severance with the added benefit of including a small viable agricultural plot.

In Summary, we are at the upper edge of the ALR in the area with residential to the east of us. Both properties would retain an agricultural potential. There would not be any conflict with noise, dust, odours trespass, ECT. as this land is already an established horse farm.

We respectfully request your support of our application

Arnie Rath

Brenda Bach





Remainder Parcel  
~ 3.7 ha

Propose homesite  
severance parcel  
~ 1.0 ha

