

# REPORT TO COUNCIL



**Date:** October 15, 2012  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (GS)  
**Application:** A12-0015  
**Address:** 1155 McKenzie Road  
**Subject:** Non-farm use application  
**Existing OCP Designation:** Resource Protection Area  
**Existing Zone:** RR2 - Rural Residential

**Owner:** Garry Heier  
Elizabeth Heier  
**Applicant:** Garry Heier  
Elizabeth Heier

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## 1.0 Recommendation

THAT Agricultural Land Reserve appeal A12-0015 for Lot 2, Sections 24 and 25, Township 26 Osoyoos Division Yale District Plan KAP45676, located at 1155 McKenzie Road, Kelowna, B.C. for a non-farm use of agricultural land, pursuant to Section 20(3) 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 Purpose

To make a recommendation to the Agricultural Land Commission (ALC) for a proposed "non-farm use" within the Agricultural Land Reserve (ALR) that would allow for a secondary suite in accessory building (i.e. "Carriage House") on the subject property.

## 3.0 Land Use Management

While not a "homesite severance" per se, the subject property functions as if created by a homesite severance. As the subject parcel did not meet the minimum lot size in the A1 zone, it was rezoned to the RR2 - Rural Residential zone to reflect this.

The small size of the subject parcel (0.55 ha) and the presence of a septic field combined with relatively poor agricultural capability of the undeveloped area suggests that the subject property will not likely be productive agricultural land. Land Use Management staff support the proposed non-farm use, which if successful would allow for a Carriage House (up to 90m<sup>2</sup> in size) to be developed on the subject property.

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**4.0 Proposal**

**4.1 Background/ Project Description**

The applicants seek to rezone from the RR2 - Rural Residential 2 zone to the RR2c - Rural Residential with Carriage House zone. While rezoning is a municipal consideration, in order to be rezoned to the RR2c zone, the proponents must first obtain permission from the Agricultural Land Commission for a Non-Farm Use as the subject property is located within the ALR.

If successful, the owners would then pursue rezoning through the City. At this time the proponents have not provided plans for the development of the carriage house and are solely seeking approvals from the Land Commission to do so.

**4.2 Site Context**

The subject property is located south of McKenzie Road on the “Mckenzie Bench”. The site area is 0.55 hectares (1.38 acres) and the site elevation varies between 507 and 521m. The soils in this area are Class 6 with improved ratings of Class 3 and 4 according to the land inventory (see attached Canada Land Inventory information). Soil limitations include “droughtiness” and topography in one area and excess water and lack of nutrients in the other.

The subject property is the result of a subdivision which was effected in 1991 following ALC approval. Anecdotally, the subject property was the subject of an agreement between the landowner and a farm hand. The agreement was based on the farm hand working on their orchard for a pre-defined period (i.e. 20 years), at which time the home and homesite would be gifted to him. The agreement between Mr. Day and the orchardist predated the ALR, though the subdivision was approved by the ALC subsequent to the implementation of the ALR in 1972.

The lot lines created in 1991 are unusual and the subject property does not have road frontage and access to the subject property is via easement. The subject property would not likely be created under today’s regulations, especially given that the remainder of the lot (1225 McKenzie Road) has largely been alienated from the remainder portion to the south of 1155 McKenzie by a fairly steep slope along the panhandle access.

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

<b>Direction</b>	<b>Zoning</b>	<b>ALR</b>	<b>Land Use</b>
North	A1 - Agriculture 1	Yes	Rural residential
South	A1 - Agriculture 1	Yes	Rural/agricultural
East	A1 - Agriculture 1	Yes	Rural/agricultural
West	A1 - Agriculture 1	Yes	Rural/agricultural Utility (Water)

## Subject Property Map: 1155 McKenzie Road



### 5.0 Current Development Policies

#### 5.1 2030 Official Community Plan: Greening Our Future

The subject property has a future land use designation of Resource Protection Area and relevant policies are included below:

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 .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Policy .7 Non-farm Uses. Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- are consistent with the Zoning Bylaw and OCP;
- provide significant benefits to local agriculture;
- can be accommodated using existing municipal infrastructure;
- minimize impacts on productive agricultural lands;
- will not preclude future use of the lands for agriculture;
- will not harm adjacent farm operations.

Objective 5.34 Preserve productive agricultural land<sup>2</sup>.

<sup>1</sup> City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.33.

Policy .1 Secondary Suites. Encourage secondary suites on agricultural land to be located within a permitted principal dwelling.

Policy .3 Homeplating. Locate buildings and structures, including farm help housing and farm retail sales area and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage. The goal should be to maximize use of existing infrastructure and reduce impacts on productive agricultural lands.

## 5.2 City of Kelowna Agriculture Plan

### 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.

### Legislative Policies

10. Secondary Suites. Support the provision of secondary suites in agricultural areas as per Land Commission Policy # 770/98 (see Attached Policy #8), which allows one suite per parcel, substantially within the footprint of an existing or proposed single family dwelling provided it is clearly secondary to the single family dwelling. Suites in accessory buildings or enlarging the footprint of an existing residence for a suite would require an ALC application.

## 6.0 Technical Comments

Not applicable.

## 7.0 Application Chronology

Date of Application Received: October 5, 2012

Agricultural Advisory Committee October 11, 2012

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

THAT the Agricultural Advisory Committee NOT support Agricultural Land Reserve Application No. A12-0015 for 1155 McKenzie Road to obtain approval from the Agricultural Land Commission pursuant to Section 20(3) for a "non-farm use" within the ALR to allow for a second dwelling on the subject property.

### Anecdotal Comment:

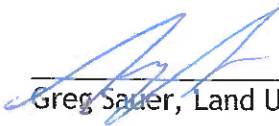
The Agricultural Advisory Committee did not support the Application as the proposal is inconsistent with the objective of the Agricultural Land Commission Act to preserve agricultural land.

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<sup>2</sup> City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.34.

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

**Report prepared by:**

  
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Greg Sauer, Land Use Planner

**Reviewed By:**



Todd Cashin, Manager, Environment & Land Use

**Approved for Inclusion:**



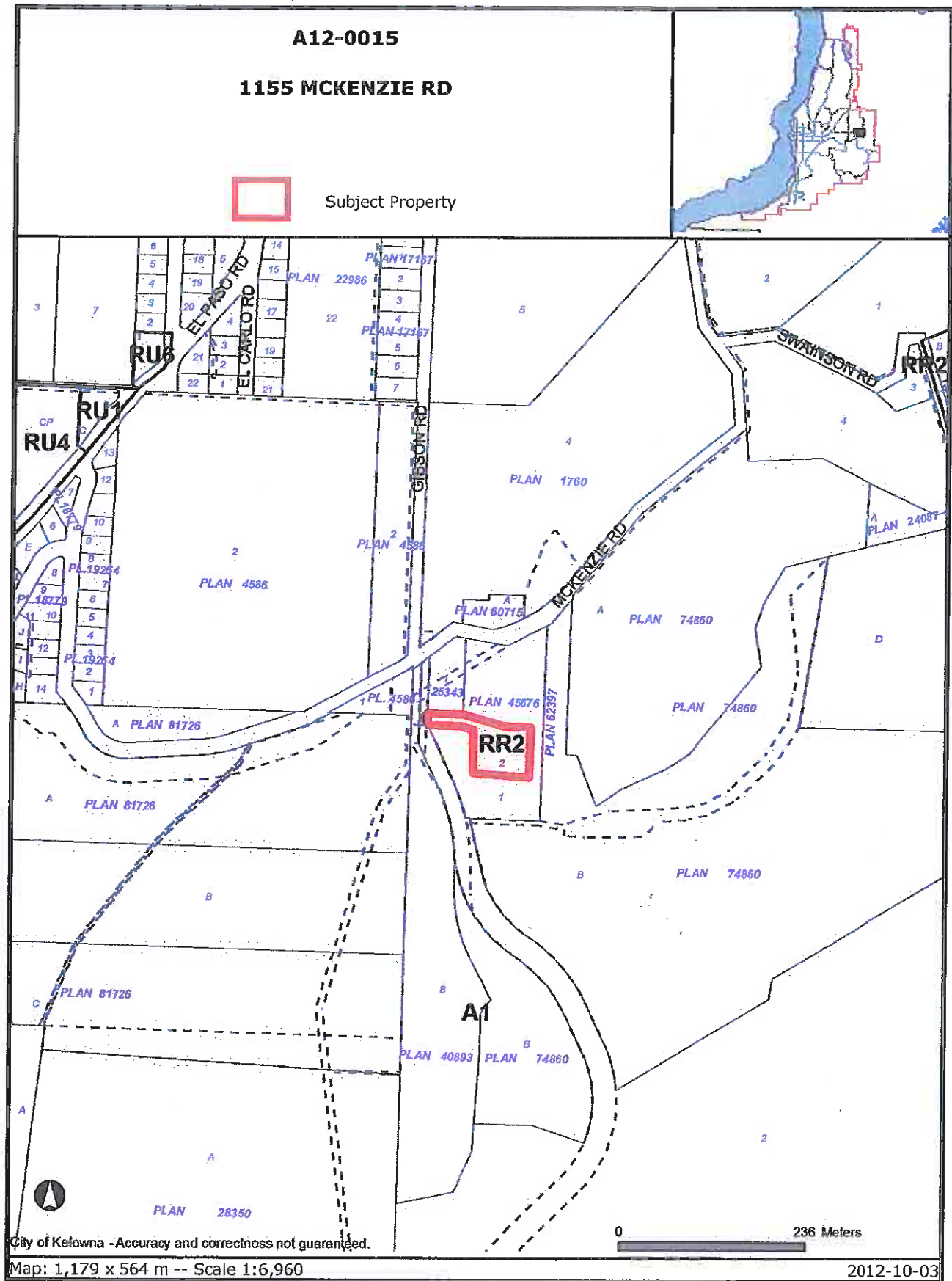
Shelley Gambacort, Director, Land Use Management

**Attachments:**

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

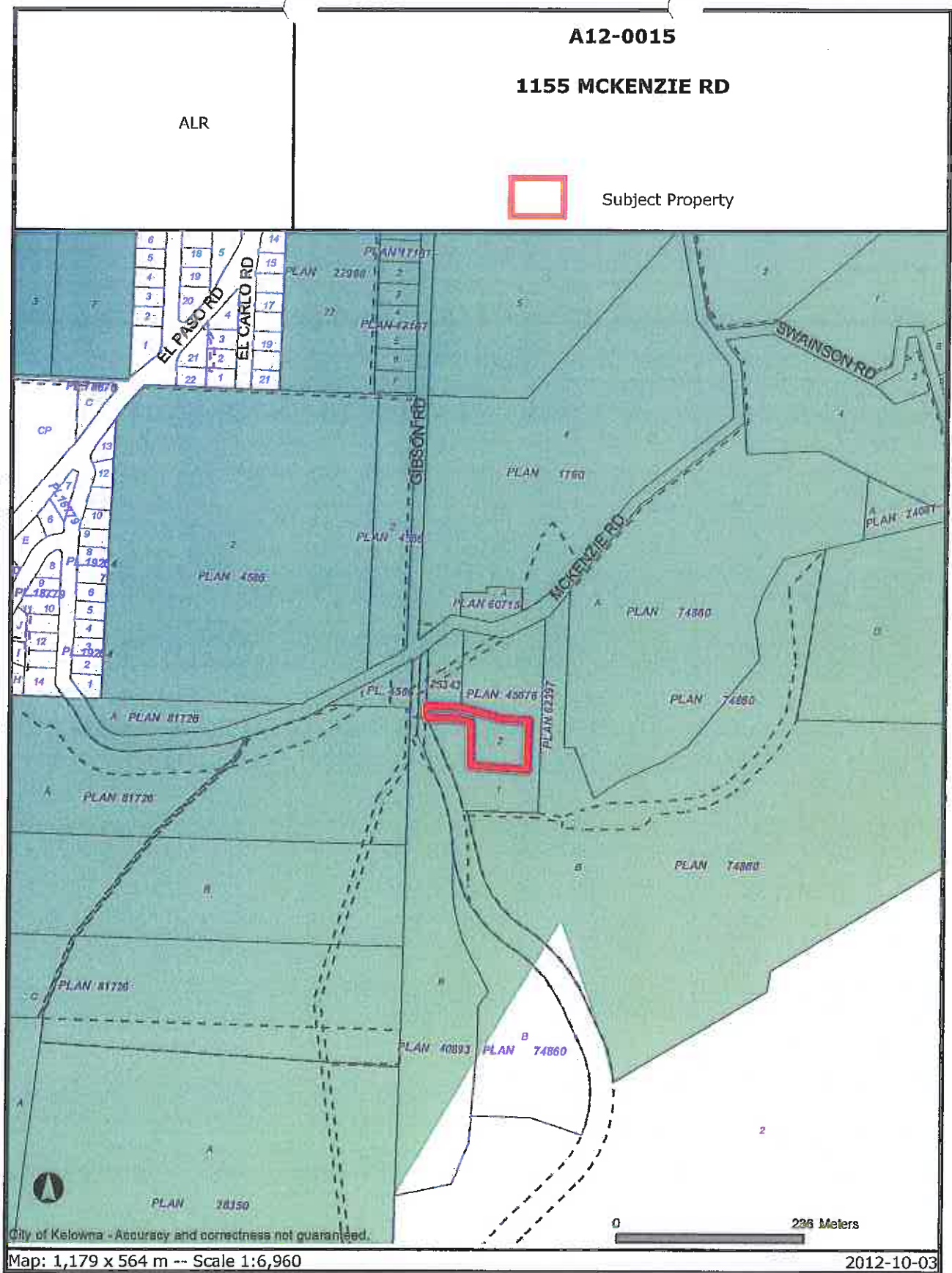
BC Land Inventory - Land Capability and Soil Classification (5 pages)

Photos (1 page)



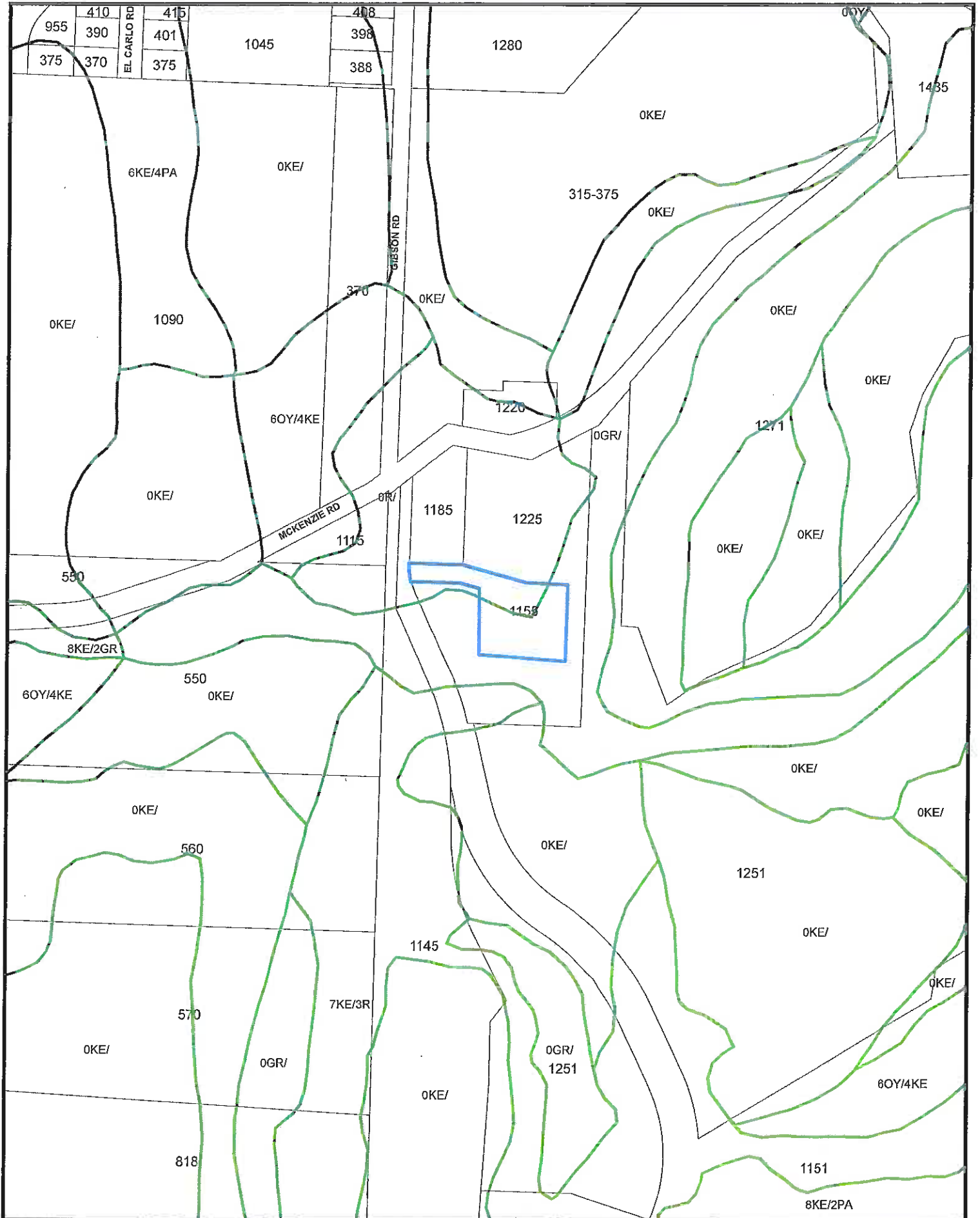
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
 The City of Kelowna does not guarantee its accuracy. All information should be verified.





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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
Northern	R - Rutland	<p><u>Land</u>: very gently to strongly sloping fluvioglacial deposits.</p> <p><u>Texture</u>: 10 to 25cm of sandy loam or loamy sand over gravelly loamy sand or very gravelly sand.</p> <p><u>Drainage</u>: rapid.</p> <p><u>Classification</u>: Orthic Dark Brown.</p>
Southern	GR - Gartrell	<p><u>Land</u>: nearly level and very gently sloping fluvioglacial deposits in depressions.</p> <p><u>Texture</u>: 60 to 100 cm of loam or sandy loam over gravelly sandy loam or gravelly loamy sand.</p> <p><u>Drainage</u>: dominantly poor, ranging to imperfect; fluctuating groundwater table and seepage.</p> <p><u>Classification</u>: Rego Humic Gleysoil: Calcareous Phase.</p>



# 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.

Portion of Site	Land Capability Rating, Unimproved	Land Capability Rating, With Improvements
Northern	100% Class 6 with crops are adversely affected by droughtiness caused low soil water holding capacity or insufficient precipitation.	<p>70% Class 3 with crops are adversely affected by droughtiness caused low soil water holding capacity or insufficient precipitation; and soils limited by the presence of coarse fragments which significantly hinder tillage, planting and/or harvesting.</p> <p>30% Class 3 with crops are adversely affected by droughtiness caused low soil water holding capacity or insufficient precipitation; and soils limited by steepness or pattern of slopes which hinders the use of farm machinery, decreases uniformity of growth and maturity of crops, and/or increases the potential for water erosion.</p>

Portion of Site	Land Capability Rating, Unimproved	Land Capability Rating, With Improvements
Southern	<p><b>100% Class 6</b> with soils limited by excess water, other than from flooding, which limits agricultural use. The excess water may be due to poor drainage, high water tables, seepage, and/or runoff from surrounding areas.</p>	<p><b>100% Class 4</b> with soils limited by excess water, other than from flooding, which limits agricultural use. The excess water may be due to poor drainage, high water tables, seepage, and/or runoff from surrounding areas. Soils are also limited by lack of available nutrients, low cation exchange capacity or nutrient holding ability, high acidity or alkalinity, high levels of carbonates, presence of toxic elements or compounds, or high fixation of plant nutrients.</p>



