

Agricultural Advisory Committee

AGENDA



Thursday, July 12, 2018
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE MEETING TO ORDER:

- (a) The purpose of this Meeting is to consider certain Development Applications as noted on this meeting Agenda.
- (b) The Reports to Committee concerning the subject development applications are available on the City's website at www.kelowna.ca.
- (c) All representations to the Agricultural Advisory Committee form part of the public record.
- (d) As an Advisory Committee of Council, the Agricultural Advisory Committee will make a recommendation of support or non-support for each application as part of the public process. City Council will consider the application at a future date and, depending on the nature of the file, will make a decision or a recommendation to the Agricultural Land Commission.

2. Applications for Consideration

2.1 Swainson Rd 1705, A18-0002 - Norman & Linnea Corbett

3 - 27

The applicant is requesting permission from the Agricultural Land Commission (ALC) for a "Subdivision of Agricultural Land Reserve under Section 21 (2) of the *Agricultural Land Commission Act*. The subdivision is more specifically a "Homesite Severance" request as per Policy #11 - Homesite Severance on Agricultural Land Reserve (ALR) Lands.

2.2 McKenzie Rd 1251, A18-0004 - Albert & Elinor Van Beest

28 - 37

The applicant is requesting permission from the Agricultural Land Commission for a subdivision of Agricultural Land Reserve under Section 21(2) of the *Agricultural Land Commission Act*.

2.3 Ward Rd 1989 & 2087, A18-0005 - James Martin Walker

38 - 46

The applicant is requesting permission from the Agricultural Land Commission for a "Subdivision of Agricultural Land Reserve" under Section 21(2) of the *Agricultural Land Commission Act*. The subdivision is more specifically a "lot line adjustment" request.

3. Minutes

47 - 49

Approve Minutes of the Meeting of April 12, 2018.

4. ALC Decisions - Update

To provide the committee with an update on Agricultural Land Commission decisions.

5. Next Meeting

August 9, 2018

6. Termination of Meeting

COMMITTEE REPORT



Date: July 12, 2018

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (CD)

Application: A18-0002 **Owner:** Norman and Linnea Corbett

Address: 1705 Swainson Road **Applicant:** Kent - Macpherson

Subject: Application to the ALC for "Homesite Severance"

1.0 Purpose

The applicant is requesting permission from the Agricultural Land Commission (ALC) for a "Subdivision of Agricultural Land Reserve" under Section 21 (2) of the Agricultural Land Commission Act. The subdivision is more specifically a "Homesite Severance" request as per Policy #11 – Homesite Severance on Agricultural Land Reserve (ALR) Lands.

2.0 Proposal

2.1 Background

The applicant is seeking a two lot subdivision for the purpose of a homesite severance. The applicant has owned the property since 1972 and therefore qualifies for consideration of a homesite severance.

The 20.9-acre property is currently farmed with an 8 acre tree farm and a 0.15 acre vegetable garden. The existing tree farm would consist of the new farm lot.

There is one home on the property and one detached garage. The proposed homesite would accommodate the house, detached garage, a vegetable garden, septic field and remaining grassed/treed yard. The treed and fenced yard is a natural buffer to the farm areas in the south and east of the proposed homesite.

The homesite area would also accommodate a steeply sloped ravine, which contains a wetland and conveys surface and groundwater through the parcel. The ravine and associated wetland is considered an Environmentally Sensitive Area as identified through the City of Kelowna wetland inventory (wetlands and streams are protected under the Provincial Water Act). The ravine is also identified as a Hazardous Condition and Natural Environment Development Permit Area by the City of Kelowna in order to protect critical habitats and steep slopes. The applicant has agreed to permanently protect the ravine and wetland areas via a "No Disturbance Covenant".

A standard Farm Residential Footprint would be applied to the home on the remaining parcel to ensure any future development occurs in the residential footprint.

2.2 Site Context

The subject property is located in the Belgo – Black Mountain City Sector and is surrounded by agricultural land in the ALR. The property is located outside of the Permanent Growth Boundary in the Official Community Plan.

Parcel Summary – 1705 Swainson Road:

Parcel Size: 8.45 ha (20.9 acres)
 Elevation: 547.0 to 593 metres above sea level (masl) (approx.)

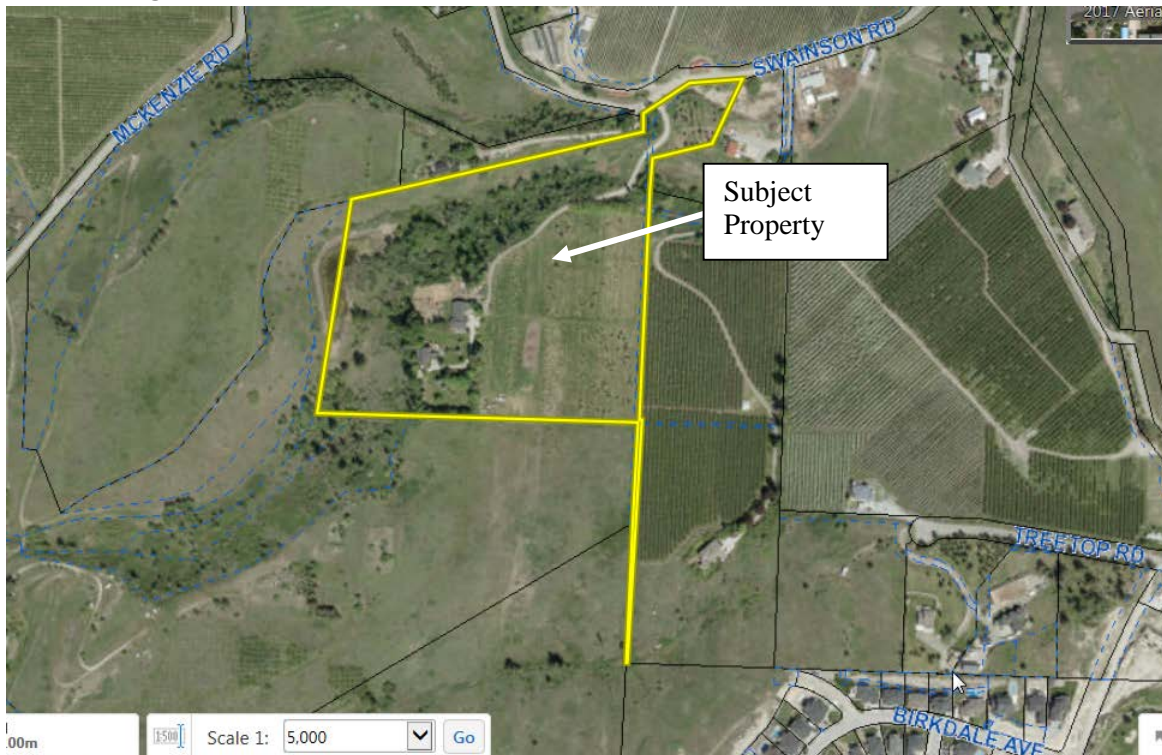
2.3 Neighbourhood Context

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

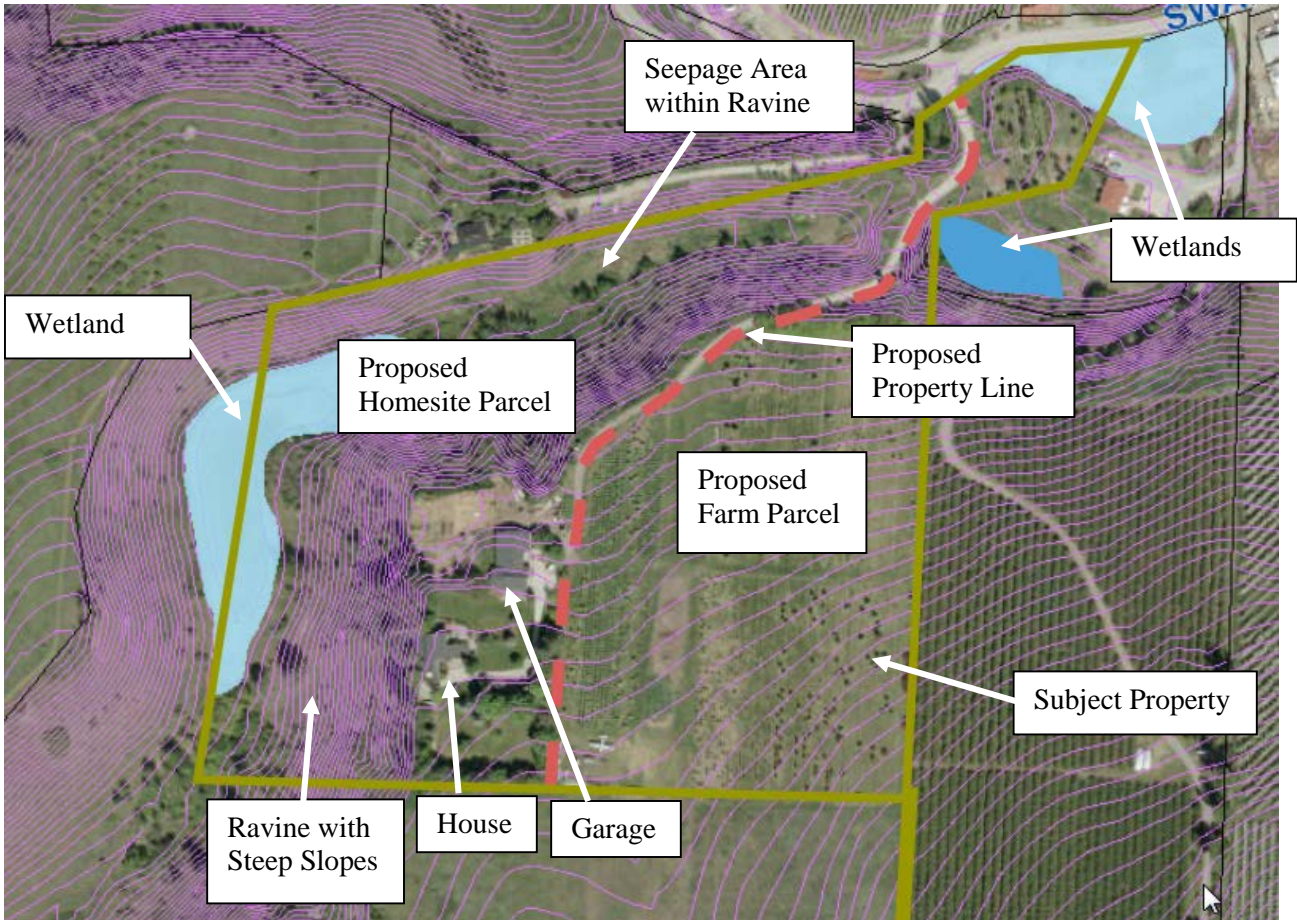
Table 1: Zoning and Land Use of Adjacent Property

Direction	Zoning	ALR	Land Use
North	A1 – Agriculture 1	Yes	Agriculture
South	A1 – Agriculture 1	Yes	Agriculture
East	A1 – Agriculture 1 RR1- Rural Residential 1	Yes	Agriculture Country Residential Development
West	A1 – Agriculture 1	Yes	Agriculture

Map 1 - Neighbourhood

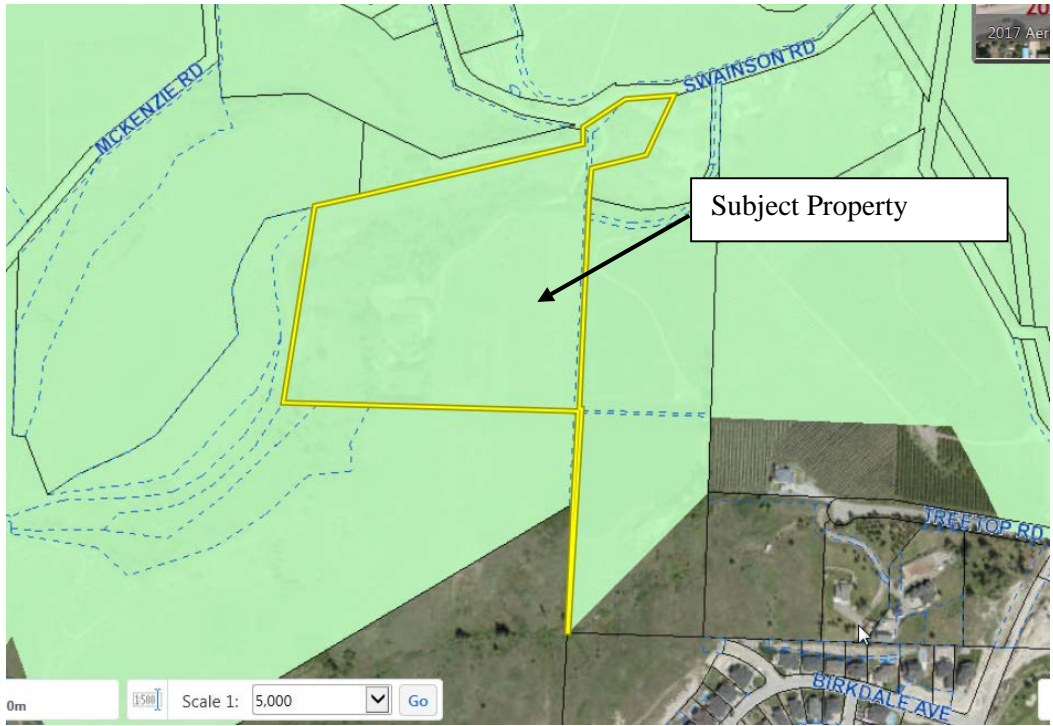


Map 2 – Proposed Subdivision/Site Context



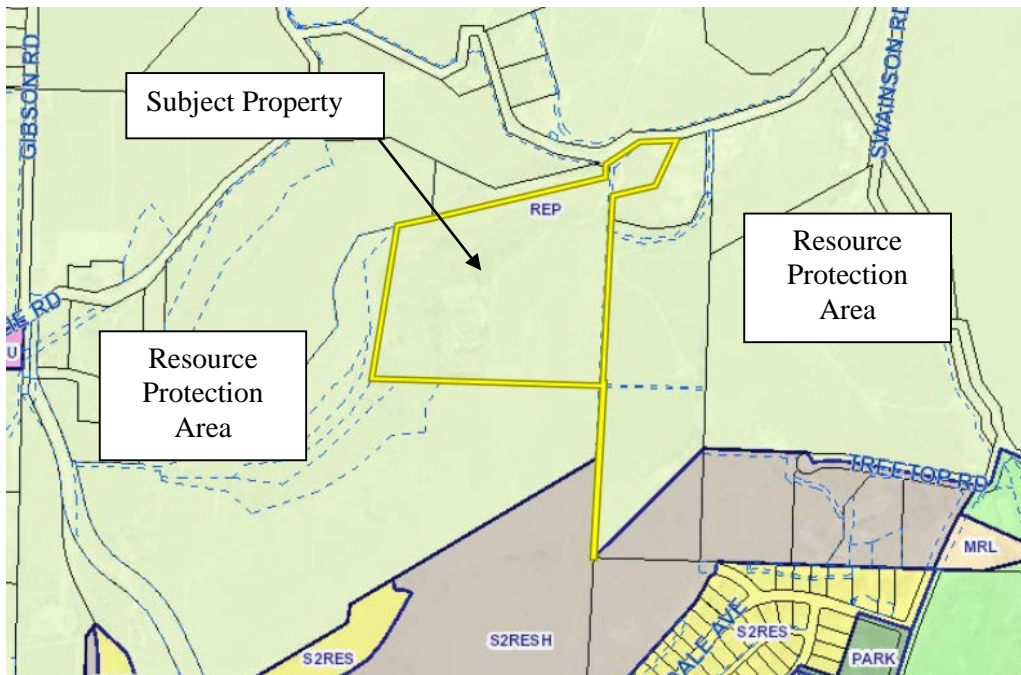
Map 3 – Agricultural Land Reserve

ALR Lands are shaded green

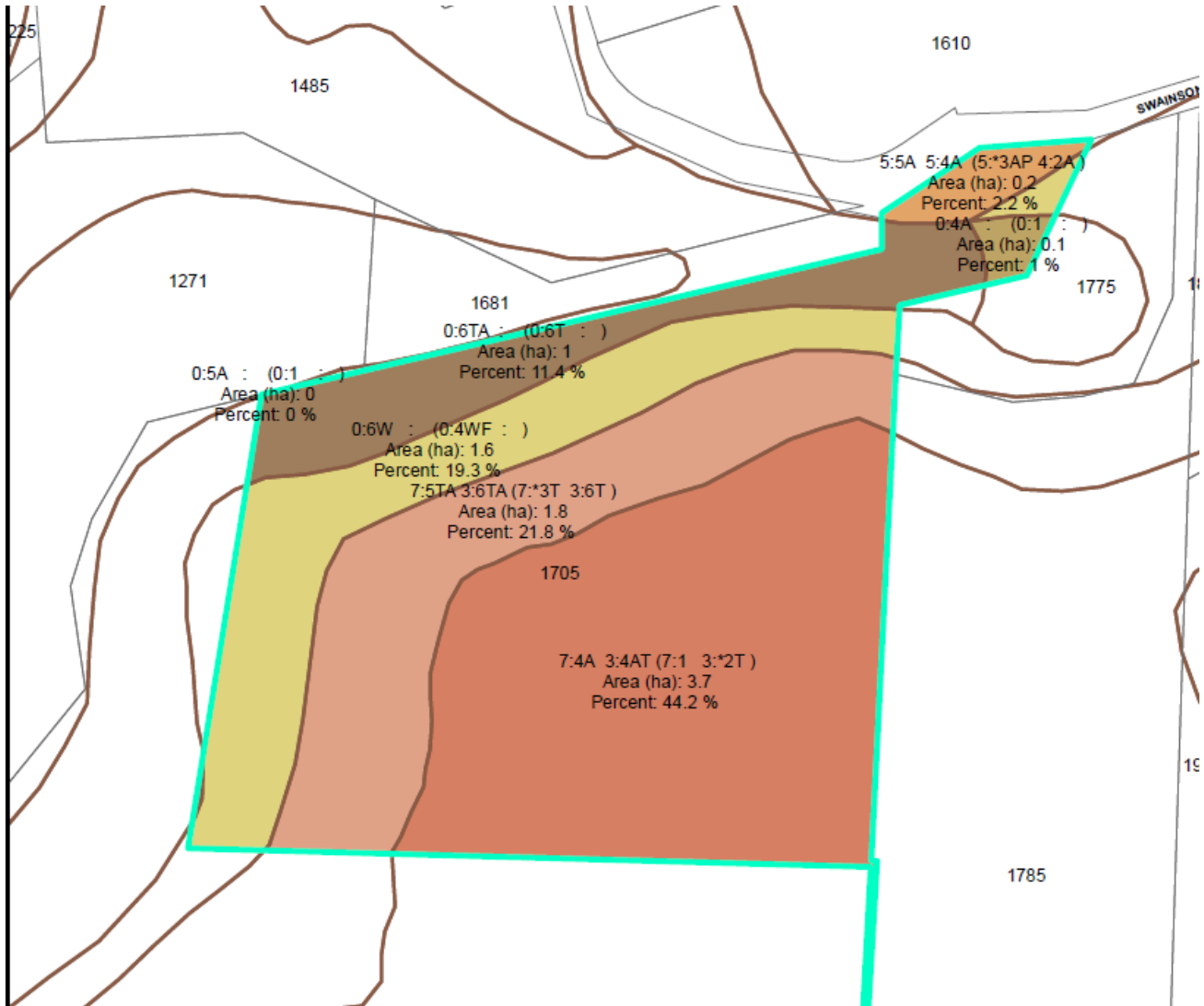


Map 4 – Future Land Use

The Future Land Use for the subject property and surrounding properties is "Resource Protection" (shaded light green).



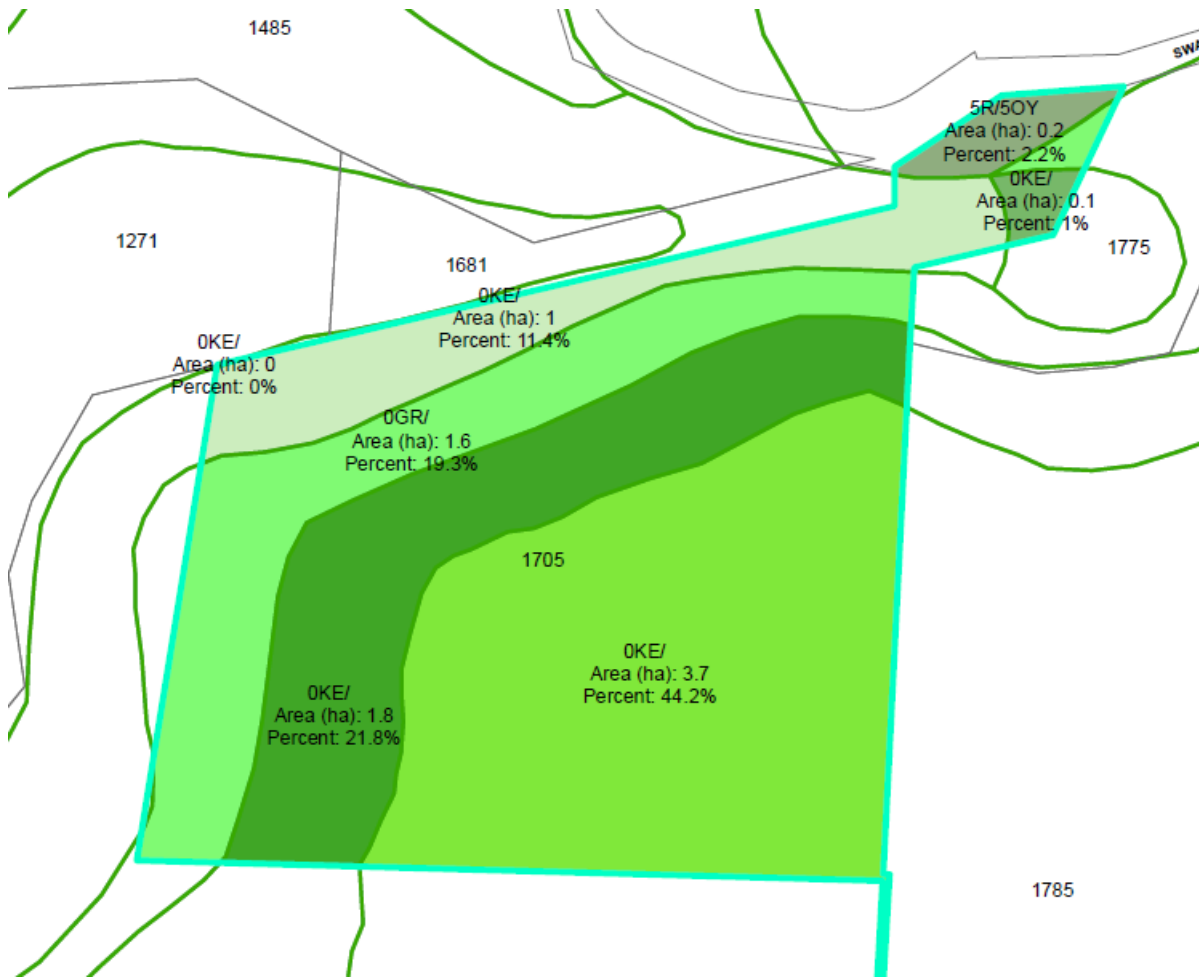
Map 5 - Agricultural Land Capability



The addition of irrigation to the proposed farm parcel improves the agricultural land capability rating to Class 1 (land has no limitations to slight limitations) for mineral soil capability and Class 2 (land has minor limitations that require good ongoing management practices) for organic soil capability.

The ravine portion of the property is rated as Class 5 and 6, where farming is limited by steep slopes and excess water (surface and groundwater).

Map 6 - Soil Capability



3.0 Community Planning

The City’s Agricultural Plan recommends continued support for homesite severance applications consistent with ALC Policy #11, which allows farmers to retire or sell the property while retaining the homesite. ALC policies state that consideration of any homesite severance should be reviewed in the context of the overall agricultural integrity of the parcel, where the size and configuration will, in the Commission’s opinion, constitute a viable agricultural remainder. To this end, homesite severance parcels should be minimized in size to help ensure the remainder is viable. This is particularly important in Kelowna where parcel sizes are already small.

Report prepared by:

Corey Davis, Environmental Coordinator

Reviewed by:



Laura Bentley, Community Planning Supervisor

Attachments:

- Attachment "A" – Policies
- Attachment "B" – Technical Comments
- Attachment "C" – Proposed Subdivision Plan
- Attachment "D" – Supporting Documents

Attachment "A" - Policies



Subject: Homesite Severance

Address: 1705 Swainson Road

1.1 City of Kelowna Agriculture Plan (2017)

Action 1.2e. Ensure that the Residential Footprint maximizes the agricultural potential.

ALR Application Criteria¹

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.

1.2 Kelowna Official Community Plan (OCP)

Land Use Designation Definitions

Resource Protection Area²

Generally land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses.

Permanent Growth boundary⁶

Lands within the permanent growth boundary may be considered for urban uses within the 20 year planning horizon ending 2030. Lands outside the permanent growth boundary will not be supported for urban uses.

Chapter 5 – Development Process

Objective 5.3 Focus development to designated growth areas.

Policy .1 Permanent Growth Boundary⁷. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Support development of property outside the Permanent Growth Boundary for more intensive uses only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council's specific amendment of this policy. Resource Protection Area designated properties not in the ALR and outside the Permanent Growth Boundary will not be supported for subdivision below parcel sizes of 4.0 ha (10 acres). The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

¹ City of Kelowna Agriculture Plan. 1998. P. 130.

² City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.2.

⁶ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.6.

Agricultural Land Use Policies

Objective 5.33 Protect and enhance local agriculture⁸.

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 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.

1.3 Agricultural Land Commission Act (ALCA)

Purposes of the commission – Section 6 of the ALCA

The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Policy L-11 Homesite Severance on Agricultural Lands

The purpose of this policy is to provide a consistent approach to situations where property under application has been the principal residence of the applicant as owner-occupant since December 21, 1972 and the applicant wishes to dispose of the parcel but retain a homesite on the land.

⁷ City of Kelowna 2030 Official Community Plan. Development Process Chapter. P. 5.2.

⁸ City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35.

Attachment "B" – Technical Comments



Subject: 1705 Swainson Road – Homesite Severance

3.2 Ministry of Agriculture

No comments received.

3.3 Regional District of Central Okanagan (RDCO)

Consider water resources in land use planning decisions.

Manage development to minimize disturbance to habitat, watershed and natural drainage areas and systems.

Avoid fragmentation of wildlife habitat corridors.

Limiting disturbance and fragmentation throughout this area is important.

All measures should be taken to avoid disturbance of the natural ecosystems throughout the subject lands.

There are environmentally sensitive areas associated with the subject property:

- 1) Part of an overall stream network/drainage system
- 2) Two identified wetlands (Okanagan Wetlands Strategy)
- 3) Sensitive Ecosystem Inventory – wetlands, associated riparian areas, and grasslands
- 4) Range of biodiversity; and
- 5) Connectivity corridor function

Kelowna staff may wish to review Regional Growth Strategy Bylaw No. 1336 and ensure that the proposal is in keeping with the vision, goals and policies of the RGS. Link:

<http://www.regionaldistrict.com/media/125810/bylaw1336.pdf>, specific to water resources and ecosystems.

The following RGS objectives should be reviewed in accordance with the proposal:

- Our Ecosystems - Be responsible stewards of natural ecosystems to protect, enhance and restore biodiversity in the region
- Our Water Resources - To manage and protect water resources

Applicable RGS Ecosystems - Policies:

- Protect natural environments, parks and water systems, as these systems are essential to the quality of life in the Okanagan that support active and healthy lifestyles;
- Encourage cooperation for the management of regional biodiversity practices as outlined in the Okanagan Biodiversity Strategy; and

- Encourage collaboration with regional partners on enhancing wildlife corridor linkages to improve habitat connectivity that avoids fragmentation and isolation of important habitats.

3.4 Parks and Buildings Planning (City of Kelowna)

The property has been identified in the OCP for a linear corridor / path, together connecting with the Day property to the south/west. The area of interest is the wetland and the ravine to the top of bank.

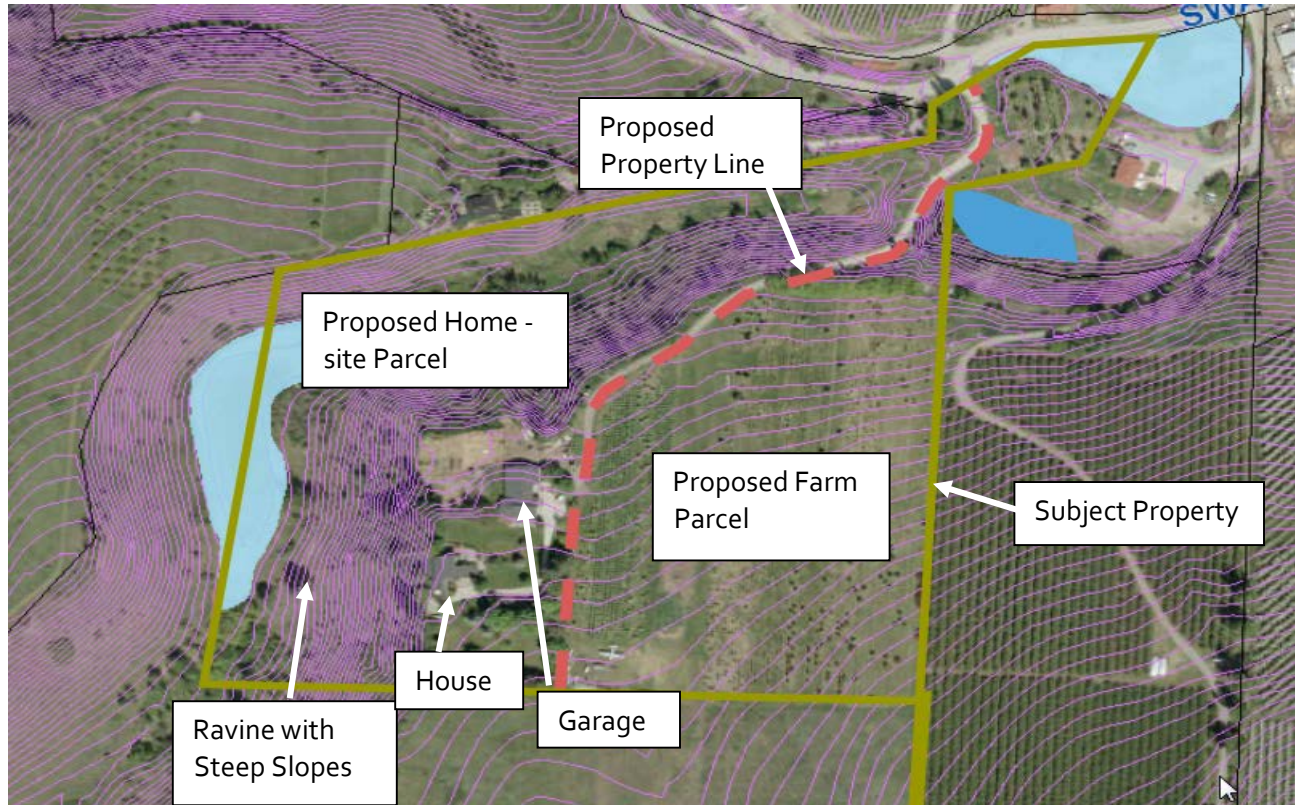
Options are in order of preference are:

1. Dedication through subdivision; or alternatively
2. No Disturb covenant and SRW for public access through the property.

Attachment "C" – Proposed Subdivision Plan



1705 Swainson Road



TITLE SEARCH PRINT

File Reference: Corbett
Declared Value \$ 341803

2018-02-15, 16:00:50
Requestor: Jordan Hettinga

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Land Title District KAMLOOPS
Land Title Office KAMLOOPS

Title Number CA1395084
From Title Number KN74657

Application Received 2009-12-16

Application Entered 2009-12-22

Registered Owner in Fee Simple
Registered Owner/Mailing Address: LINNEA SUE CORBETT, HOMEMAKER
NORMAN EDWARD CORBETT, RETIRED
1705 SWAINSON ROAD
KELOWNA, BC
V1P 1C5
AS JOINT TENANTS

Taxation Authority Kelowna, City of
Black Mountain Irrigation District

Description of Land
Parcel Identifier: 011-264-250
Legal Description:
LOT D SECTION 25 TOWNSHIP 26 AND OF SECTION 30 TOWNSHIP 27 OSOYOOS DIVISION
YALE DISTRICT PLAN 2058

Legal Notations
THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND
COMMISSION ACT, SEE AGRICULTURAL LAND RESERVE PLAN NO. M11328

Charges, Liens and Interests
Nature: RIGHT OF WAY
Registration Number: E20946
Registration Date and Time: 1970-07-22 10:42
Registered Owner: BLACK MOUNTAIN IRRIGATION DISTRICT
Remarks: INTER ALIA
PART OUTLINED RED ON PLAN A9247

Duplicate Indefeasible Title NONE OUTSTANDING

ATTACHMENT D	
This forms part of application # A18-0002	
Planner Initials	<input type="text" value="CD"/>
 City of Kelowna <small>COMMUNITY PLANNING</small>	

TITLE SEARCH PRINT

File Reference: Corbett
Declared Value \$ 341803

2018-02-15, 16:00:50
Requestor: Jordan Hettinga

Transfers NONE

Pending Applications NONE



From Certificate No. 45367F

No. 253728E

Register, Vol. 994

LAND REGISTRY ACT
FORM F (Section 143)

Certificate of Indefeasible Title

Date of application for registration, the 16th day of April, 1964
A.C. 15422

This is to certify that

WILLIAM KNELLER and
HANNA KNELLER
R.R. #5, Kelowna, B.C.
As Joint Tenants

are absolutely and indefeasibly entitled in fee simple, subject to such charges, liens, and interests as are notified by endorsement hereon, and subject to the conditions, exceptions, and reservations set out hereon, to those

pieces of land situate in the Vernon Assessment District and
Black Mountain Irrigation District

and Province of British Columbia, and more particularly known and described as:-

Firstly:

Lot RPN
Section Twenty-five (25)
Township Twenty-six (26) and of
Section Thirty (30)
Township Twenty-seven (27)

CANCELLED 29/7/1983
By V66169 F OS

Secondly:

Lot RPN
Sections Nineteen (19) and Thirty (30)
Township Twenty-seven (27)
All of
Osoyoos Division Tale District
Plan Two thousand and fifty-eight (2058)

NOTARIES
M. J. ...
ABBY ...

Subject to Provincial
Home Acquisition Act
see D.F. ...

To Lot D is annexed easement N41949 over part of Lot E plan 2058 shown on plan attached to Part 1229/1-1. 9/13/68

In witness whereof I have hereunto set my hand and seal of office

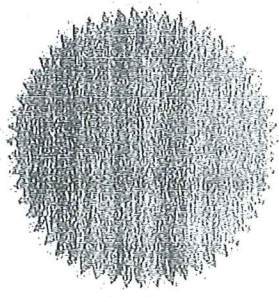
KARLOOPS

at British Columbia

this 20th day of May

1964

[Signature]



- This certificate of indefeasible title is void against the title of any person adversely in actual possession of and rightly entitled to the land included in same at the time of the application upon which this certificate was granted, and subsequent to the date of possession, and is subject to:-
- The subsisting exceptions or reservations contained in the original grant from the Crown
 - Any Dominion or Provincial tax, rate, or assessment at the date of the application for registration imposed or made a charge which may thereafter be imposed or made a lien on the land
 - Any municipal charge, rate, or assessment at the date of the application for registration imposed or which may thereafter be imposed on the land, or which had theretofore been imposed for local improvements or otherwise and which was not then due and payable including any charge, rate, or assessment imposed by any public corporate body having taxing power over an area in which the land is situate
 - Any lease, or agreement for lease, for a period not exceeding three years, where there is actual occupation under the same
 - Any public highway or right-of-way, water, course, or right of water, or other public easement
 - Any right of expropriation by Statute
 - Any tax, lien, or mortgage, lien, judgment, caveat, or other charge, or any assignment for the benefit of creditors or receiving order or authorized assignment under the Bankruptcy Act, registered since the date of the application for registration
 - Any condition, exception, reservation, charge, lien, or interest noted or endorsed thereon
 - The right of any person to show that the whole or any portion of the land is by wrong, description of boundaries or parcels improperly included in this certificate
 - The right of any person to show fraud, wherein the registered owner or wherein the person from or through whom the registered owner derived his right or title otherwise than bona fide for value has participated in any degree
 - Any restrictive condition, right of reversion, or obligation imposed on the land by the *Blower Act* when noted and endorsed thereon

THIS CERTIFICATE MAY BE AFFECTED BY THE LAND ACT AMENDMENT ACT, 1961

THE FOLLOWING PIECES OF LAND HAVE BEEN TRANSFERRED

LAND	Grant No.
Lot E - 1/2	21369

- ABREVIATIONS:
 M. Mortgage notice
 P. Right to purchase
 C.P. Subj. right to purchase
 L. Lease
 L.P. Lease
 R.P. Restrictive covenant

CHARGES, LIENS, AND INTERESTS

LAND	Nature of Charge	No.	Date of Appl. or Reg.	Time	OWNER OF CHARGE	Value or Amount	PARTICULARS, TERM, RATE, ETC.	RELEASES		Registrar to R
								No.	Date	
<i>Lot part outlined red on Plan A-9287</i>					<i>Black Mountain Development District</i>					
<i>R.V. E2094622770</i>										
<i>166</i>					<i>NORMAN EDWARD CORBETT and LYNNE SUE CORBETT "JOINT TENANTS"</i>		<i>merged</i>			
<i>R.P. G38002</i>										

Lot 25 S.C. J28254 25.11.74 12.57 By Order of the Queen in Council of the Province of British Columbia

PURSUANT TO THE AGRICULTURAL LAND DEVELOPMENT ACT

R.P. G38002 merged into Lot "E" by M.B. 6/6/74

LOT "D" M. R28870 29.5.80 *CANADIAN IMPERIAL BANK OF COMMERCE* *IF R.P. G38002 CANCELLED 11/15/83 10 GROVES RD*

11/15/83

11/15/83

11/15/83

11/15/83

11/15/83

11/15/83

253728F
353728

This Indenture

made the 13th day of April in the
year of our Lord one thousand nine hundred and sixty-four.

IN PURSUANCE OF THE "SHORT FORM OF DEEDS ACT"

BETWEEN

ALFRED FRANK WARD,
OF Box 121, Kelowna,
in the Province of British Columbia

(hereinafter called the Grantor;
OF THE FIRST PART

AND

WILLIAM KNELLER, Salesman, and
HANNA KNELLER, his wife,
both of R. R. 75, Kelowna,
in the Province of British Columbia
as "Joint Tenants"

(hereinafter called the Grantee;
OF THE SECOND PART

WITNESSETH that in consideration of and for the sum of
Thirteen Thousand (\$13,000.00)

Dollars of lawful money of Canada now paid by the said Grantee to the said Grantor (the receipt whereof is hereby
by him acknowledged), the said Grantor DOETH GRANT unto the said Grantee, his heirs and assigns, FOREVER.

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Vernon
Assessment District and the Province of British Columbia, more particu-
cularly known and described as:

Lots "D" and "E"
Osoyoos Division Yale District
Plan Two Thousand Fifty-eight (2058)

Registered this _____ day of _____
19 _____

038002

LAND REGISTRY OFFICE

AGREEMENT FOR SALE OF LAND Form 01-64

72 SEP 16 15:21

SUBSTITUTE FORM C - PARTICULARS

Copyright by Park Stationers & Printers Ltd. Vancouver B.C. All rights reserved.

(a) Nature of charge(s): **Right to Purchase**

(b) Address of person entitled to be registered, if different from that shown in instrument: *[Signature]*

(c) Full name, postal address and telephone number of person presenting instrument for registration:
Paul Coulthard
 110 1700 ST. PAUL STREET
 VANCOUVER, B.C.
 V6E 2Y9
 763-4901

(d) Declared Value: \$10,000.00

(e) If person entitled to be registered is not a British subject so state.

(f) *[Signature]*
 Signature of Applicant (Seller or Agent)

For Land Registry Office use only

THIS INDENTURE made the 11th day of July, 1972

slid Dec 11/72

BETWEEN **WILLIAM HENRY KNELLER**, Fruit Grower and Salesman, and **HANNA KNELLER**, His Wife, both of 195 Kneller Road, Rutland, in the Province of British Columbia as "Joint Tenants"

hereinafter called "the Vendor" OF THE ONE PART

AND

NORMAN EDWARD CORBETT, Orthodontist, and **LYNNEA SUE CORBETT**, His Wife, both of Morrison Road, Rutland, in the Province of British Columbia as "Joint Tenants"

hereinafter called "the Purchaser" OF THE OTHER PART

Registered the 13 Day of Sep 1972 on Application received at the time written or stamped on the Application.

WITNESSETH that the parties agree as follows:

The Vendor shall sell and the Purchaser shall buy ALL AND SINGULAR the several parcels of lands of land and premises situate in the Assessment District of Vernon in the Province of British Columbia and described as: 1stly, Lot "D", Section Twenty-five (25), Township Twenty-six (26) and of Section Thirty (30), Township Twenty-seven (27); 2ndly, Lot "E", Sections Nineteen (19) and Thirty (30), Township Twenty-seven (27); All of Okanagan Division Yale District, Plan Two Thousand Fifty-eight (2058) ***

253728
62096

Block MADEIRA 1886 UNIT. KAMLOOPS AGENT WHIST, WEBBER & COMPANY

Together with all buildings, fixtures, easements, ways, profits, privileges, tolls, easements and appurtenances to the said hereditaments belonging to, or in the possession of any part thereof, held or enjoyed, or appurtenant thereto and all the assets, rights, title, interest, property, claim and demand of the Vendor in, to, or upon the lands and premises which together are hereinafter called "the lands" for the price of NINETY THOUSAND

Dollars (\$ 90,000.00) of lawful money of Canada, payable in the number and on the days and from hereinafter mentioned, that is to say: the sum of TEN THOUSAND

Dollars (\$ 10,000.00) on the execution of this Agreement (the receipt whereof is hereby acknowledged by the Vendor), and the balance as follows: of EIGHTY THOUSAND (\$80,000.00) DOLLARS together with interest at the rate of EIGHT (8%) per centum per annum as follows:

Handwritten initials: J.W. & Co.

By a payment of the sum of FIVE THOUSAND (\$5,000.00) DOLLARS on the 1st day of January, A.D. 1973, and a further payment of FIVE THOUSAND (\$5,000.00) DOLLARS on the 1st day of July, A.D. 1973 and the sum of FIVE THOUSAND (\$5,000.00) DOLLARS on the 1st day of January and the 1st day of July in each and every year thereafter until the full amount secured hereunder together with interest as aforesaid, shall be fully paid and satisfied, the said payments to apply firstly upon interest accrued due and unpaid to the date of such payments and secondly on account of the principal.

The said interest is to be calculated as and from the 1st day of July, A.D. 1972.

2. Unless the Purchaser is in default hereunder in this Agreement is rendered null and void, the Purchaser may pay all or any part of the balance of the purchase price, without notice, bond or penalty, but payment of all interest accrued to the date of such payment.

3. The Purchaser covenants with the Vendor that:

A. he will pay or cause to be paid to the Vendor the purchase price and interest as provided in paragraph 1 hereof provided that all arrears of interest shall bear interest at the rate aforesaid from the date of payment thereof.

B. forthwith as the same become due, pay and satisfy all taxes, rates, levies, water rates, charges, rents, assessments, statute labour or other impositions whatsoever already fixed, charged, assessed or imposed or hereafter to be fixed, charged, assessed or imposed no matter by whom or by what authority or howsoever on the lands.

C. he will insure and keep insured against loss or damage by fire any buildings which may be on the lands for their full insurable value with loss payable to the Vendor as his interest may appear, and will pay all premiums and sums of money necessary for such purpose as the same become due, and on demand will assign, transfer and deliver over to the Vendor the Policy or policies of insurance and premium receipt or receipts and in default thereof the Vendor may effect or maintain any insurance herein provided for, and any amount paid by the Vendor therefor shall be forthwith payable to the Vendor by the Purchaser, with interest at the rate aforesaid, and shall be added to the purchase price and shall be a charge carrying interest at the rate aforesaid upon the lands in favor of the Vendor, prior to all claims thereon subsequent to these presents. Provided that the Vendor shall not be bound to insure the premises nor to see to the payments of any premiums on any policy, nor shall the Vendor be liable or responsible to any loss arising out of any defect in any policy or failure of any insurance company to pay for any loss thereunder.

4. If default is made in the payment of any instalment of purchase money or interest or of any taxes, rates or of any taxes, rates or assessments fixed or charged against the said lands, or if the Purchaser is otherwise in default hereunder and such default shall continue for a period of thirty days after notice thereof in writing has been given by the Vendor to the Purchaser, the whole of the balance of principal and interest then remaining unpaid shall forthwith become due and payable.

5. The Vendor may on default of the Purchaser in making payment thereof on the due date, pay or satisfy any taxes, rates, levies, assessment, water rates or charges, tolls or encumbrances against the said lands, money for insurance, cost of suit or others as howsoever, or costs, charges and expenses of or connected with the recovery, collection or enforcing payment of any money whether for principal, interest, rents, profits or otherwise hereby secured or payable hereunder, and solicitors' fees and disbursements and commission on all moneys so received or collected whether as result of suit or otherwise together with all costs as between solicitor and client which may be incurred by taking or defending proceedings of any nature whether by instituting or defending suit in any Court or otherwise concerning these presents or the said lands and the amount so paid shall be a charge on the said lands in favor of the Vendor and shall be payable forthwith with interest at the rate aforesaid from the day in respective days of payment until paid by the Purchaser and in the event of the Vendor satisfying or discharging any such payment, then, charge or expense, the Vendor shall be entitled to all equities and securities held by any person or persons in respect of the said payments, charges and encumbrances so paid and satisfied, and the Purchaser covenants to pay with interest and interest forthwith, and in the meantime the said amount shall at the option of the Vendor be added to the principal and bear interest from the date of payment until paid.

IT IS UNDERSTOOD AND AGREED that the Purchasers herein may wish to subdivide the lands herein and to sell resultant lots (hereinafter called the "lots") prior to complete payment to the Vendors of monies owing hereunder, and in further consideration of the premises and notwithstanding anything herein elsewhere contained, it is agreed as follows:

(a) The Vendors will, provided the Purchasers are not in default hereunder, approve any plan of subdivision of the lands herein or any part thereof which may be prepared by or on behalf of the Purchaser, which is tendered to the Vendor for approval, thereby joining in the dedication of any necessary highways or walkways in such subdivision plan PROVIDED that such subdivision shall constitute an orderly subdivision of the lands having regard to the surrounding development, and conform, insofar as is reasonably possible, to the development of the adjoining lands and that the subdivision concerned meets the requirements of the Superintendent of Insurance and Real Estate Council of British Columbia as provided in Part II of the Real Estate Act of British Columbia.

(b) The Vendors covenant and agree that they shall permit the sale of any lots created by the subdivision as hereinbefore referred to PROVIDED that the Purchasers deliver all or any payments made for the sale of the said lot whether down payment or all cash and they will grant partial discharges on the said lots so sold and should any sale take place that is not an all cash sale, the Vendors will accept assignments of other mortgages or agreements for sale. It is agreed that such cash payments or assignments must be equal to a value of not less than \$2,000.00 per acre and that the termination date of any of the assignments does not extend beyond June 15th, 1955.

(c) The Vendors covenant and agree that such assignments of cash payments shall be applied to the principal balance owing from time to time herein and further that when the Vendors have received either by way of cash or by way of assignment monies in the amount of \$45,000.00, they will forthwith convey to the Purchasers the herein described Lot D.

14. Any demand or notice which may be required for the purpose of these presents, or any of them shall be well and sufficiently given if delivered to the Purchaser or mailed at any Post Office, under registered cover, addressed as follows:

Norman Edward Corbett and
Linnea Sue Corbett
Morrison Road
Rutland, B.C.

or at such other address as the Purchaser shall by registered mail specify to the Vendor.

15. In the event of this Agreement being registered and in the event of default being made in any payment or in respect of any of the covenants herein contained, whether before or after such registration, it is expressly agreed that the Vendor shall be at liberty to cancel, remove and determine such registration on production to the Registrar of Titles of a satisfactory declaration that such default has occurred and is then continuing and the Purchaser hereby irrevocably appoints the Vendor his true and lawful attorney for and in the name of the Purchaser to cancel, remove and determine such registration in the event of default as aforesaid.

16. In this instrument: (a) the singular includes the plural and vice-versa;
(b) the masculine includes the feminine and vice-versa;
(c) any reference to a party includes that party's heirs, executors, administrators and assigns and in the case of a corporation its successors and assigns;
(d) any covenant, proviso, condition or agreement made by two or more persons shall be construed as several as well as joint.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, or being corporations have caused their corporate seals to be hereunto affixed.

SIGNED, SEALED AND DELIVERED
in the presence of:

Signature of Witness
Street Address: C. ROSS LANDER
10-1449 ST. PAUL ST.
City or Town: KELOWNA, BRITISH COLUMBIA
Occupation: Barrister & Solicitor

Signature of William Henry Kneller
WILLIAM HENRY KNELLER
Signature of Hanna Kneller
HANNA KNELLER

As to both signatures

SIGNED, SEALED AND DELIVERED
in the presence of:

Signature of Witness
Street Address: C. ROSS LANDER
10-1449 ST. PAUL ST.
City or Town: KELOWNA, BRITISH COLUMBIA
Occupation: Barrister & Solicitor

Signature of Norman Edward Corbett
NORMAN EDWARD CORBETT
Signature of Linnea Sue Corbett
LINNEA SUE CORBETT

As to the signature of N.E. Corbett
The corporate seal of

SIGNED, SEALED AND DELIVERED in the presence of:

Signature of Officer: Carole Scallan
10-1449 ST. PAUL ST.
KELOWNA, B.C.
RECEPTIONIST

As to the signature of Linnea Sue Corbett

6. IN CONSIDERATION WHEREOF, and upon payment of the purchase price and interest and upon the performance and observance by the Purchaser of each and every covenant, proviso, condition and agreement herein contained on the part of the Purchaser to be performed or observed, the Vendor COVENANTS AND AGREES with the Purchaser, to convey and assure, or cause to be conveyed and assured, to the Purchaser, by a good and sufficient deed in fee simple, ALL THAT the lands above described, together with the appurtenances thereto belonging or appearing, FREED AND DISCHARGED FROM ALL ENCUMBRANCES, SAVE AND EXCEPT NO EXCEPTIONS

AND ALSO, SAVE AND EXCEPT local improvement assessments or taxes, sewer and water m.f.a. from and after the date hereof, and subject to the limitations, exceptions, provisos, conditions and reservations in the original grant thereof from the Crown.

7. Such deed shall be prepared at the expense of the Purchaser and shall contain the statutory covenants.
8. THE VENDOR shall and will suffer and permit the Purchaser to occupy and enjoy the lands until default be made in the payment of the said sums of money above mentioned or interest thereon, or any part thereof, on the days and times and in the manner above mentioned, subject, nevertheless, to impeachment for voluntary or permissive waste.
9. It is expressly agreed that time is to be considered of the essence of this Agreement, and unless the payments above mentioned are punctually made at the times and in the manner above mentioned, and as often as any default shall happen in making such payment, the Vendor may at his option and in addition to his other remedies hereunder, give to the Purchaser thirty days' notice in writing, demanding payment thereof, and in case any such default shall continue those Provisions shall at the expiration of such notice be null and void and of no effect, and the Vendor shall have the right to re-enter upon and take possession of the said lands and premises; and in such event any amount paid on account of the price thereof shall be retained by the Vendor as liquidated and ascertained damages for the non-fulfilment of this Agreement to purchase the lands and pay the price thereof and interest, and on such default as aforesaid the Vendor shall have the right to sell and convey the lands to any purchaser thereof.
10. THE VENDOR shall have the right at all times and without the consent of the Purchaser, to investigate, assign or transfer all his right, title and interest in this Agreement for Sale and in the lands herein described to any person whomsoever provided, however, that the Vendor shall forthwith give notice thereof by registered mail to the Purchaser specifying the name of such person and the full address at which subsequent payments hereunder shall be made by the Purchaser. The Purchaser agrees with the Vendor to accept a conveyance from any person to whom the Vendor shall have conveyed or transferred his interest in the lands and shall not call upon the Vendor for a conveyance or to join in the covenants thereof.
11. THE VENDOR shall not be required to furnish any abstract of title, or proof or evidence of title, or any deeds, papers or documents or copies of any deeds, papers or documents relating to the said lands other than those which are now in possession of the Vendor, save and except the Certificate of Title, which shall be deposited in the Land Registry Office by the Vendor.
12. THE PURCHASER shall examine the title at his own expense.
13. The taking of a judgment or judgments on any of the covenants herein contained shall not operate as a merger of the covenants herein contained or affect the Vendor's right to interest at the rate and at the times aforesaid.

LAND TITLE ACT

83 SEP 20 14:07

V66169

DO NOT WRITE ABOVE THIS LINE, FOR LAND TITLE USE ONLY.

FORM NO. LTA 31

TRANSFER OF AN ESTATE IN FEE-SIMPLE

LAND TITLE ACT FORM 23 (Section 81 (1))

NOTE: Before submitting this application, applicants should check and satisfy themselves as to the tax position, including taxes of the Crown Provincial, a municipality and Improvement, water and Irrigation districts.

NATURE OF INTEREST: FEE SIMPLE

MARKET VALUE: 233,210.00

HEREWITH FEE OF \$ 269.00

Address of person entitled to be registered as owner if different than shown in instrument:

Full name, address, telephone number of person presenting application:

PEACOCK, PORTER & MAHONEY
BARRISTERS & SOLICITORS
1641 PANDOSY STREET
KELOWNA, B.C. V1Y 1P6
PHONE 762-2424

Tina Taylor
Signature of Applicant, or Solicitor or Authorized Agent

VERA HORNE, MARR & COATES

For Land Title Office Use Only

I/We (full name, address, and occupation)

WILLIAM KNELLER, Fruit Grower, and
HANNA KNELLER, his Wife, both of, R.R.#5, Kelowna,
British Columbia V1X 1K4 as "Joint Tenants" - and
NORMAN EDWARD CORBETT, Orthodontist, and
LINNEA SUE CORBETT, his Wife, both c/o 315 -1890 Cooper Road
Kelowna, British Columbia as "Joint Tenants"

the owner(s) in fee simple of the following land, in British Columbia:

Lot "D", Section 25, Township 26 and of
Section 30, Township 27,
Osoyoos Division Yale District
Plan 2058
City of Kelowna and Black Mountain Irrigation District
To Lot D is annexed Easement #N41949 over part of Lot "E"
Plan 2058 shown on Plan A 13698
SUBJECT TO: R.W. #E20946, Statutory Charge #J68454

in consideration of \$ 1.00 and other good and valuable consideration paid to me/us by:

LINNEA SUE CORBETT, Housewife
c/o 315 -189 Cooper Road
in the City of Kelowna
in the Province of British Columbia

(the "transferee") transfer to the transferee all my/our estate and interest in the land.

011344TRN REG TELK
29/09/03
PAID-BCC KANLOOPS LTD
FEES 269.00

EXECUTED this 24th day of August 19 83

SIGNED IN THE PRESENCE OF:

Signature *Tina Taylor*
Address TINA TAYLOR
1641 PANDOSY ST,
KELOWNA, B.C.
Lawyer

William Kneller
WILLIAM KNELLER
Hanna Kneller
HANNA KNELLER

Occupation (As to both signatures)
(Or in the case of a corporation)
The Common Seal of
was heretofore affixed in the presence of:

Robert Stuart Porter
ROBERT STUART PORTER
BARRISTER & SOLICITOR
1641 PANDOSY STREET
KELOWNA, B.C. V1Y 1P6

Norman Edward Corbett
NORMAN EDWARD CORBETT
Linnea Sue Corbett
LINNEA SUE CORBETT

NOTE: 1. If this instrument is made by a corporation, it must be sealed, see section 16 of the Companies Act and Law of Property Act.
2. This instrument must be executed in the manner prescribed by Part 5.
(Attest: C. B. B. STEWART)

253778 FOF
R.W. #E20946
R.P. #J68454

FORM 23
City 2

X

LAND TITLE ACT
FORM 3
(Sections 33(a) and 44(1))
AFFIDAVIT OF WITNESS

FINA TAYLOR
1641 PANDOSY ST.
KELOWNA, B.C.
LAW CLERK

in British Columbia, make oath and say:

1. I was present and saw this instrument duly signed and executed by

William Kneeller and
Hanna Kneeller

the party(ies) to it, for the purposes named in it.

2. The instrument was executed at Kelowna, B.C.

3. I know the party(ies) who is(are) 19 years old or more.

4. I am the subscribing witness to the instrument and am 16 years old or more.

Finna Taylor

Sworn before me at Kelowna
in British Columbia, this 15th day

of September, 19 83

James Porter

A Notary Public in and for the Province of British Columbia,
A Commissioner for Taking Affidavits for British Columbia.
*Where the person making the acknowledgment is personally known to the officer taking it, strike out the words in brackets.
*Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.
NOTE: This affidavit must be sworn by 2 witnesses who is not a party to the instrument.

LAND TITLE ACT
FORM 6
(Section 46)

PROOF OF EXECUTION BY CORPORATION

I CERTIFY that on the

day of _____, 19

at _____, in British Columbia,

(*whose identity has been proved by the evidence on oath of _____ (State Full Name, Address, and Occupation)

who is) personally known to me, appeared before me and acknowledged to me that he/she is the authorized signatory of

and that he/she is the person who subscribed his/her name and affixed the seal of the corporation to the instrument, that he/she was authorized to subscribe his/her name and affix the seal to it, and that the corporation existed at the date the instrument was executed by the corporation.)

IN TESTIMONY of which I set my hand and seal of office,

at this day of _____, 19

A Notary Public in and for the Province of British Columbia,
A Commissioner for Taking Affidavits for British Columbia.

*Where the person making the acknowledgment is personally known to the officer taking it, strike out these words in brackets.
*Where the person making the acknowledgment is personally known to the officer taking it, strike out the words in brackets.
*Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.

LAND TITLE ACT
FORM 3
(Sections 43 (b) and 44 (b))

CERTIFICATE OF ACKNOWLEDGMENT OF TRANSFEROR

I CERTIFY that on the

day of _____, 19

at _____, in the _____ of _____

(*whose identity has been proved by the evidence on oath of _____ (State Full Name, Address, and Occupation)

who is) personally known to me, appeared before me and acknowledged to me that he/she/they is(are) the person(s) mentioned in this instrument as a transferor (or attorney of a transferor) that his/her/their name(s) is(are) subscribed to it, that he/she/they know(s) the contents of the instrument and executed it voluntarily, and is(are) of the age of 19 years or more.

IN TESTIMONY of which I set my hand and seal of office,

at this day of _____, 19

A Notary Public in and for the Province of British Columbia,
A Commissioner for Taking Affidavits for British Columbia.
*Where the person making the acknowledgment is personally known to the officer taking it, strike out the words in brackets.
*Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.

FILM



Title No. V66169F

From Title No. 253728F

LAND TITLE ACT
(FORM 21, Section 173(1))

CERTIFICATE OF INDEFEASIBLE TITLE

Land Title Office, Kelowna, British Columbia

The undermentioned owner in fee-simple is indefeasibly entitled to an estate in fee-simple, subject to such charges, liens, and interests as are notified by endorsement on this certificate and subject to the conditions, exceptions, and reservations set out on the back hereof, to the land in British Columbia described below.

Registered owner in fee-simple: (Application for registration received on 29th September 1983)

LINNEA SUE CORBETT, "Housewife"

315 - 109 Cooper Road
Kelowna, British Columbia

This certificate of title may be affected by the Agricultural Land Commission Act: s.20
Agricultural Land Reserve Plan No. 211328
Deposited 1st Sept 1974
J. C. Groves, Reg., Per: J

Description of land:

Lot "D", Section 25, Township 26 and of Section 30, Osoyoos Division Yale District, Plan 2058

City of Kelowna and Black Mountain Irrigation District

Hereto is annexed Easement N41949 over part of Lot E, Plan 2058 shown on Plan A13698.

CHARGES, LIENS, AND INTERESTS*

Nature of Charge: Number, Date and Time of Application	Registered Owner of Charge	Remarks
R.W. E20946 22/7/70 10:42	Black Mountain Irrigation District	That part outlined red on Plan A9247.
S.C. J68454 28/11/74 12:57	Her Majesty the Queen in right of the Province of British Columbia	Pursuant to the Agricultural Land Development Act

Signed and sealed by me, this 14th day of October 1983

gk

Registrar

DUPLICATE CERTIFICATE OF TITLE

Date Issued	Name and Address of Person to Whom Delivered	Filing Reference of Request for Duplicate Certificate of Title	Date of Cancellation of Duplicate Certificate of Title

Title Controlled and Interest Disposed of as Follows	Date	Signature of Registrar

*Each endorsement affects all the land described, unless otherwise indicated in "Remarks" column. See back of form for abbreviations, etc.

COMMITTEE REPORT



Date: June 14, 2018

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (LB)

Application: A18-0004 **Owner:** Albert and Elinor Van Beest

Address: 1251 McKenzie Road **Applicant:** City of Kelowna

Subject: Application to the ALC for Subdivision in the Agricultural Land Reserve

1.0 Purpose

The applicant is requesting permission from the Agricultural Land Commission for a subdivision of Agricultural Land Reserve under Section 21(2) of the *Agricultural Land Commission Act*.

2.0 Proposal

2.1 Background

The application is to subdivide the property into three lots measuring 2.8 ha (6.9 ac), 8.3 ha (20.6 ac) and 11.9 ha (29.4 ac). Inclusion of the entirety of the smallest lot, outlined in green on the plan, into the Agricultural Land Reserve (ALR) would add approximately 2 ha (5 ac) into the ALR. This lot and the existing house on it would be retained by the current owners. The lot containing the gully and wetlands, outlined in blue, would be transferred to the City as a natural area under the federal government's Ecological Gifts Program to protect the environmentally sensitive features. A life estate would be provided to the current owners, with the existing house and associated structures on that lot to be removed once the owners pass away. No other residential uses would be permitted on the lot. The largest lot, outlined in red, contains the most arable land and is intended to be sold to a local farmer to be put back into active agricultural production.

Should the application be supported and approved by the Agricultural Land Commission (ALC), further City approvals would be required through subdivision and Farm Protection Development Permit applications, among others. Consideration would be given to conditions such as farm residential footprints.

2.2 Site Context

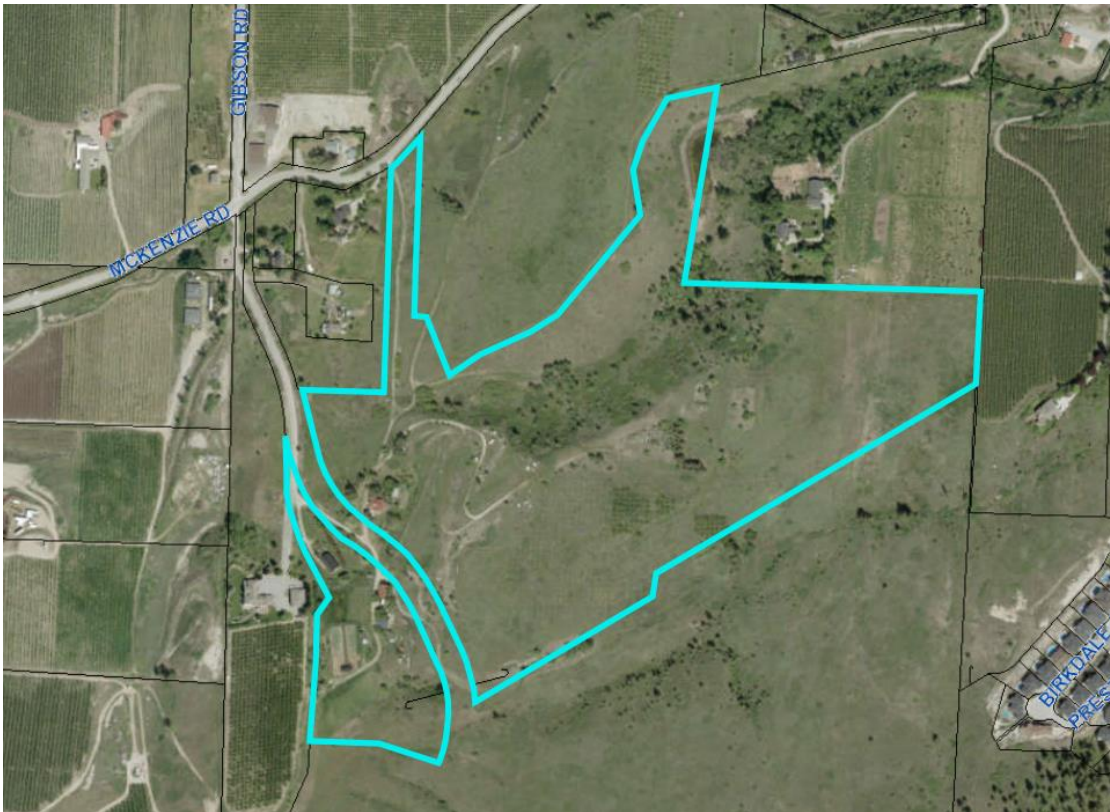
The subject property is zoned A1 – Agriculture 1, is approximately 23 ha (57 ac) in area and is mostly within the ALR. Approximately 2 ha (5 ac) in the southwest corner is currently outside of the ALR and is designated for future single family residential development. The property is hooked across a road reserve on an adjacent property, and two single detached homes are on either side of the road reserve.

Approximately one quarter of the property (5.7 ha or 14 ac) contains significant ecological wetlands and a large gully feature that has not historically been farmed. Current agriculture on the property includes about 70 cherry trees, eight apricot trees, and five walnut trees, all of which are at the end of their useful life. Previously approximately 30 acres were used as orchard, and today there are less than two acres. Chickens, turkeys and horses are also raised on the property, and there are four small chicken coops, a horse shelter and corral, and three farm implement sheds.

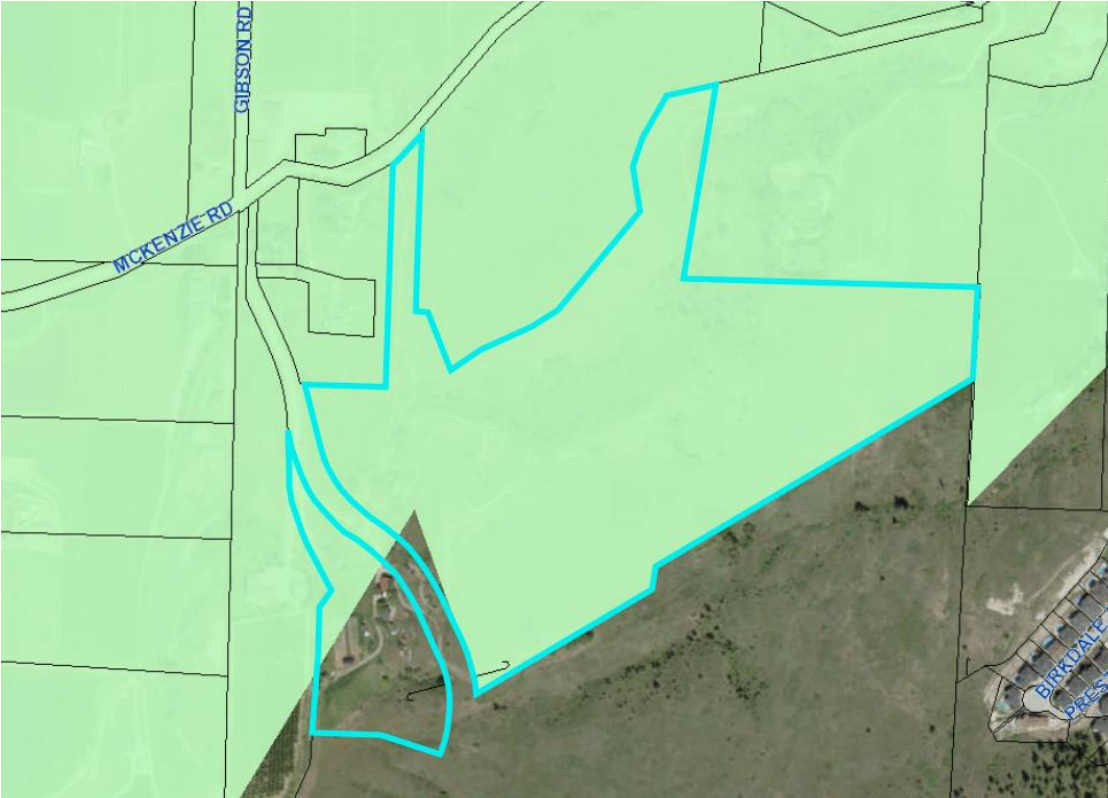
Parcel Summary – 1251 McKenzie Road:

Parcel Size:	23 hectares (57 acres)
Elevation (entire property):	513 to 598 metres above sea level (approx.)
Elevation (gully):	535 to 582 metres above sea level (approx.)

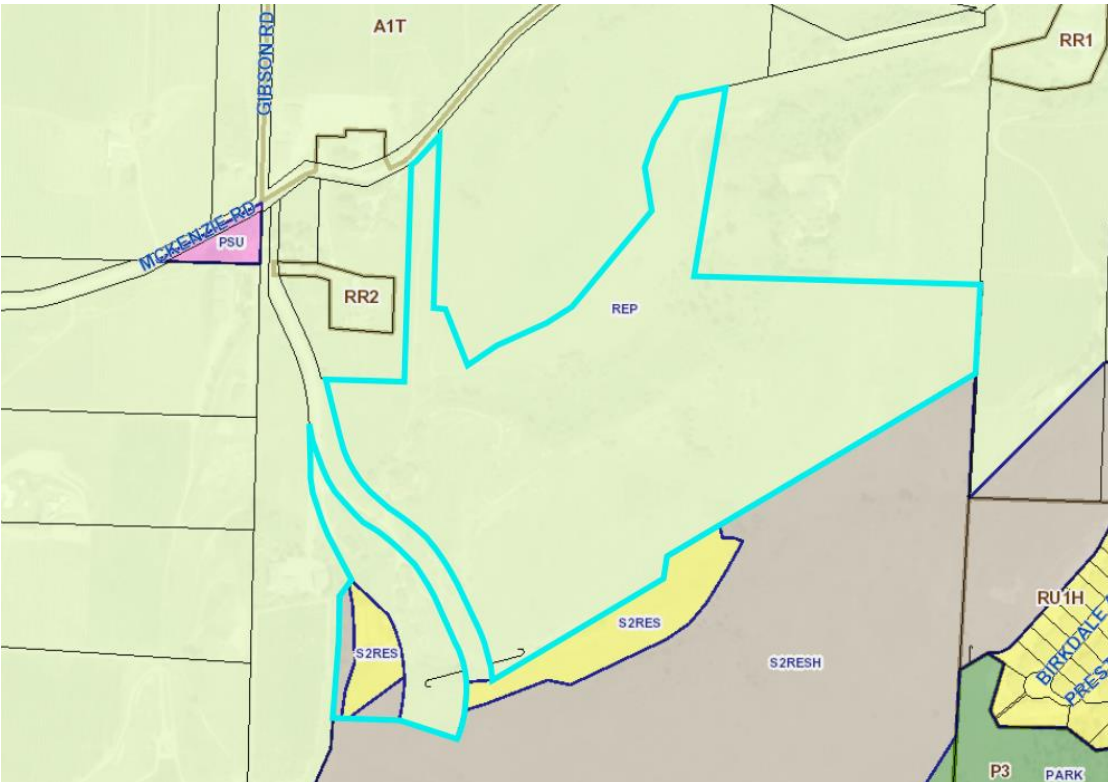
Map 1 – Subject Property



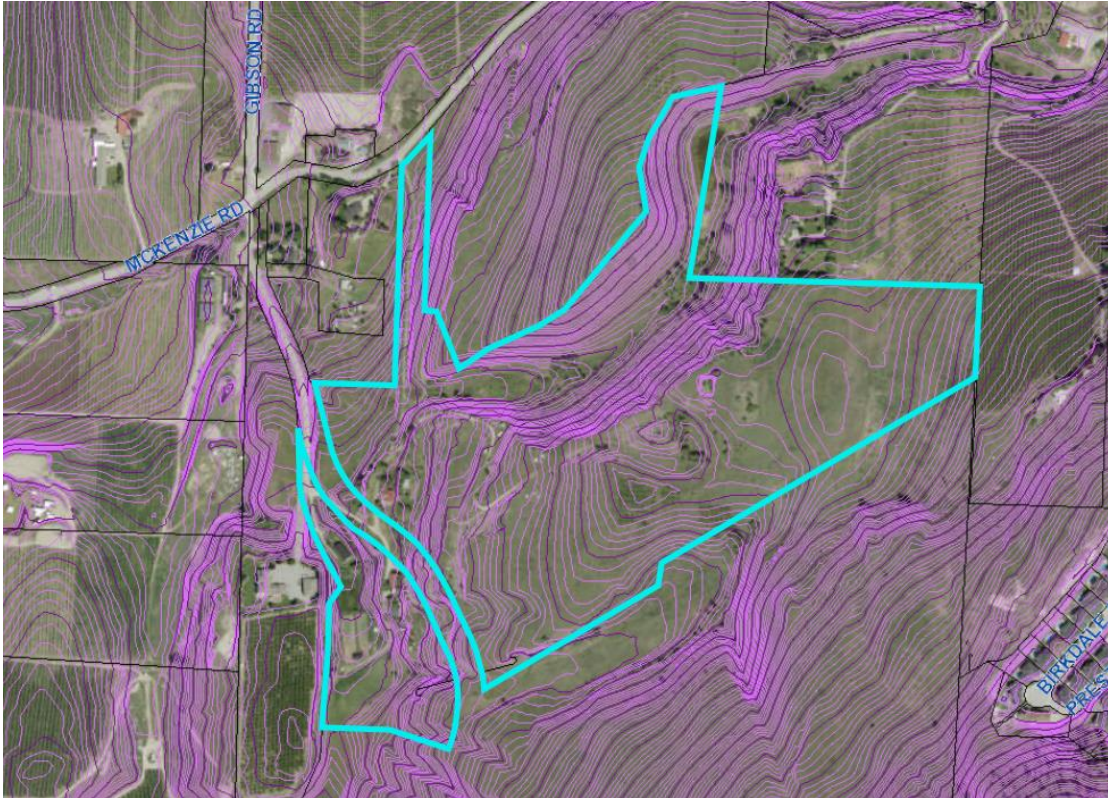
Map 2 – Agricultural Land Reserve



Map 3 – Future Land Use



Map 4 – Site Topography



2.3 Neighbourhood Context

The subject property lies within the Belgo-Black Mountain City Sector and is mostly in the ALR. It is outside of the Permanent Growth Boundary. Land to the west, north and east is in the ALR and has a Future Land Use designation of Resource Protection Area, while land to the south is outside of the ALR and is designated for future single family residential development.

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

Table 1: Zoning and Land Use of Adjacent Property

Direction	Zoning	ALR	Land Use
North	A1 – Agriculture 1	Yes	Agriculture / Open Field
East	A1 – Agriculture 1	Yes	Agriculture / Natural Area / Residences
South	A1 – Agriculture 1	No	Agriculture / Open Field
West	A1 – Agriculture 1	Yes	Agriculture / Residence

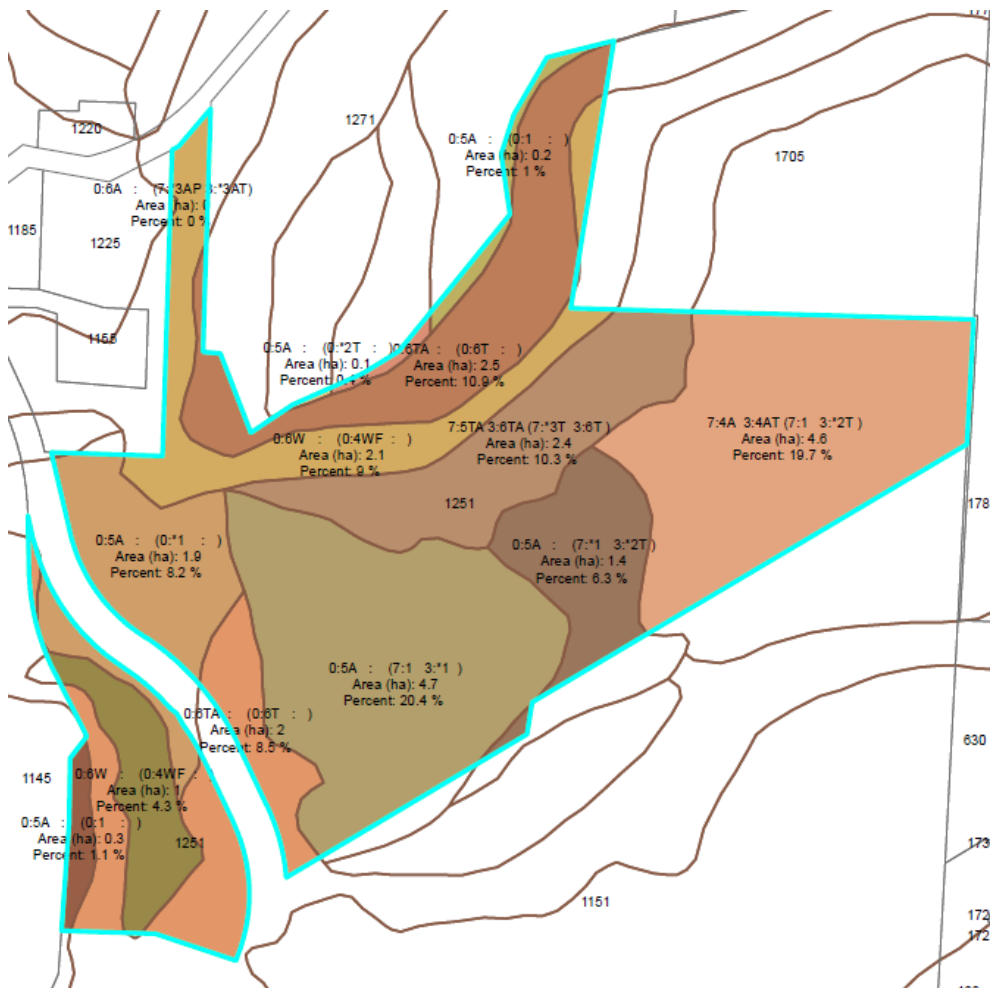
2.4 Agricultural Farming Availability

The Agricultural Land Use Inventory identifies the majority of the property as being available and having potential for farming, with the exception of the steep slopes and existing structures.

Land Capability

Approximately 67% of the subject property has a Class 4 or 5 agricultural land capability, most of which can be improved to Class 1 or 2 with irrigation. The majority of this land is in the southeast portion of the property within the proposed large lot intended to be sold to a farmer and put into production. The remaining 33% of the land is Class 6. The bottom of the gully and part of the southwest portion of the property have excess water deficiencies. With drainage improvements they could be Class 4 with excess water and fertility deficiencies. Other Class 6 land in the north portion have soil moisture and topography deficiencies and has limited opportunity for improvement.

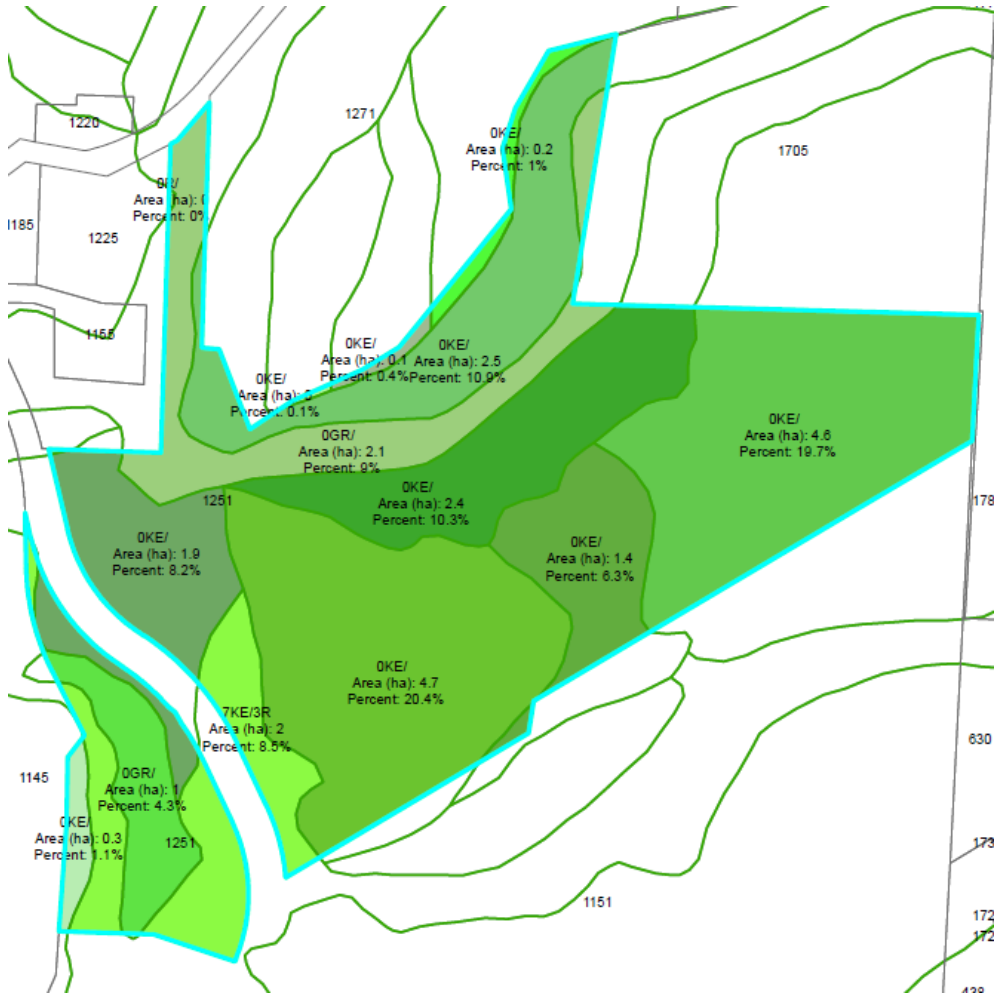
Map 5 – Land Capability



Soil Classification

The vast majority of the property (87%) is comprised of Kelowna (KE) soils, which are generally well-suited to all climatically adapted crops and can produce maximum economic yields under ideal conditions. The remainder of the land, in the bottom of the gully and part of the southwest portion, consists of Grandview (GR) soils. These are low in organic matter, but are suitable for a range of field, vegetable, grape, berry and tree fruit crops.

Map 6 – Soil Classification



3.0 Community Planning

Both the City’s Agriculture Plan and the OCP recommend not supporting subdivision in the ALR unless it provides a significant positive benefit to agriculture. The OCP also promotes protection of environmentally sensitive areas and plant and wildlife habitat, and the ALR Regulation allows for biodiversity conservation, passive recreation, wildlife and scenery viewing as a permitted use in the ALR, and the use of a municipal park for the same purposes.

Report prepared by: Laura Bentley, Community Planning Supervisor

Reviewed by: Ryan Smith, Community Planning Department Manager

Attachments:

- Schedule A: Policies
- Schedule B: Technical Comments
- Schedule C: Proposed Subdivision Plan

SCHEDULE A - Policies



Subject: 1251 McKenzie Road – Application for Subdivision in the ALR

1.1 City of Kelowna Agriculture Plan (2017)

Action 1.3e - Update zoning bylaw subdivision regulations to increase the minimum lot size in the ALR from 2.0 ha to 4.0 ha in order to create a consistent minimum lot size of 4.0 ha for all of the A1 zone.

1.2 Kelowna Official Community Plan (OCP)

Chapter 4: Future Land Use

Resource Protection Area

Generally, land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses.

Permanent Growth Boundary

Lands within the permanent growth boundary may be considered for urban uses within the 20 year planning horizon ending 2030. Lands outside the permanent growth boundary will not be supported for urban uses.

Chapter 5: Development Process

Objective 5.15 Ensure environmentally sustainable development.

Policy .7 Protection Measures. Protect and preserve environmentally sensitive areas using one or more of the following measures, depending on which measures are appropriate to a given situation:

- Dedication as a City park or trail where the area complements the goals and objectives of sustainable development. ESAs acquired as parks or trails will be managed to protect their sensitive features in balance with public use;
- Return to Crown Land or covenant for conservation purposes with the City, the Province and/or a nongovernmental organization (e.g. Central Okanagan Land Trust) eligible to hold Conservation Covenants;
- Some form of development incentive (density transfer, cluster housing, etc.) that will facilitate the protection of all or significant portions of ESAs;
- Protection of ESAs or portions of ESAs as an amenity contribution when new development requires a change to zoning that in-crases density over present zoning;
- Ensure setbacks on adjacent developments are adequate to maintain the integrity of the ESA and to minimize hazards created at the interface between natural areas and development. For example, ensure housing is setback an adequate distance adjacent to an interface area with potential tree, rockfall, flooding or fire hazards;
- As a last option, dedication to a land trust or similar nongovernment organization for conservation purposes.

Agricultural Land Use Policies

Objective 5.33 Protect and enhance local agriculture.

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 .7 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.

1.3 Agricultural Land Commission Act (ALCA)

Purposes of the commission – Section 6 of the ALCA

The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

1.4 Agricultural Land Reserve Use, Subdivision and Procedure Regulation (ALR Regulation)

Permitted uses for land in an agricultural land reserve – Section 3 of the ALR Regulation

- (f) biodiversity conservation, passive recreation, heritage, wildlife and scenery viewing purposes, if
 - (i) the area occupied by any associated buildings and structures does not exceed 100 m² for each parcel, and
 - (ii) the purpose does not include the creation of a wetland intended to manage urban runoff or waste;
- (g) use of an open land park established by a local government or treaty first nation government for any of the purposes specified in paragraph (f);

SCHEDULE B – Technical Comments



Subject: 1251 McKenzie Road – Application for Subdivision in the ALR

1.1 Development Engineering Department

Development Engineering has no comments at this point in time with regard to this application, however, a comprehensive report will be provided at the time of development application submission if the Agricultural Land Commission agrees to the proposed activity on the subject property.

1.2 Interior Health

This is a letter of comment re: City of Kelowna's consideration of application for subdivision in the ALR.

Interior Health has an interest in the preservation of farmland to support local agricultural capacity now and in the future. Agricultural capacity is a key aspect of local healthy food systems, contributing to our community's food security. Food systems determine how we choose food and what food we have access to. The food we eat is critical to our health. Land use decisions can influence use of agricultural land which can thereby impact the accessibility, quality and variety of food available to us. Having access to healthy and safe food helps to protect the population from chronic disease and infectious illnesses. In the interest of food security, we suggest the consideration of the following:

City of Kelowna policy states:

- Subdivision: Maximize potential for the use of farmland by not allowing the subdivision of agricultural land into smaller parcels except where significant positive benefits to agriculture can be demonstrated.

From a food security perspective, we cannot assess whether this subdivision proposal will offer a significant benefit to agriculture and potential benefits to the food system, community food security and health. But evidence shows that farmland preservation helps to maintain a level of food production that contributes to food self-sufficiency, and food self-sufficiency increases food security and supports healthy eating. Food self-sufficiency in BC is increasingly important, as extreme weather will affect food production in California and elsewhere. Currently, California supplies 40%-50% of BC's imported fruits and vegetables.

1.3 Black Mountain Irrigation District

No comments provided at time of writing.

1.4 Ministry of Agriculture

No comments provided at time of writing.

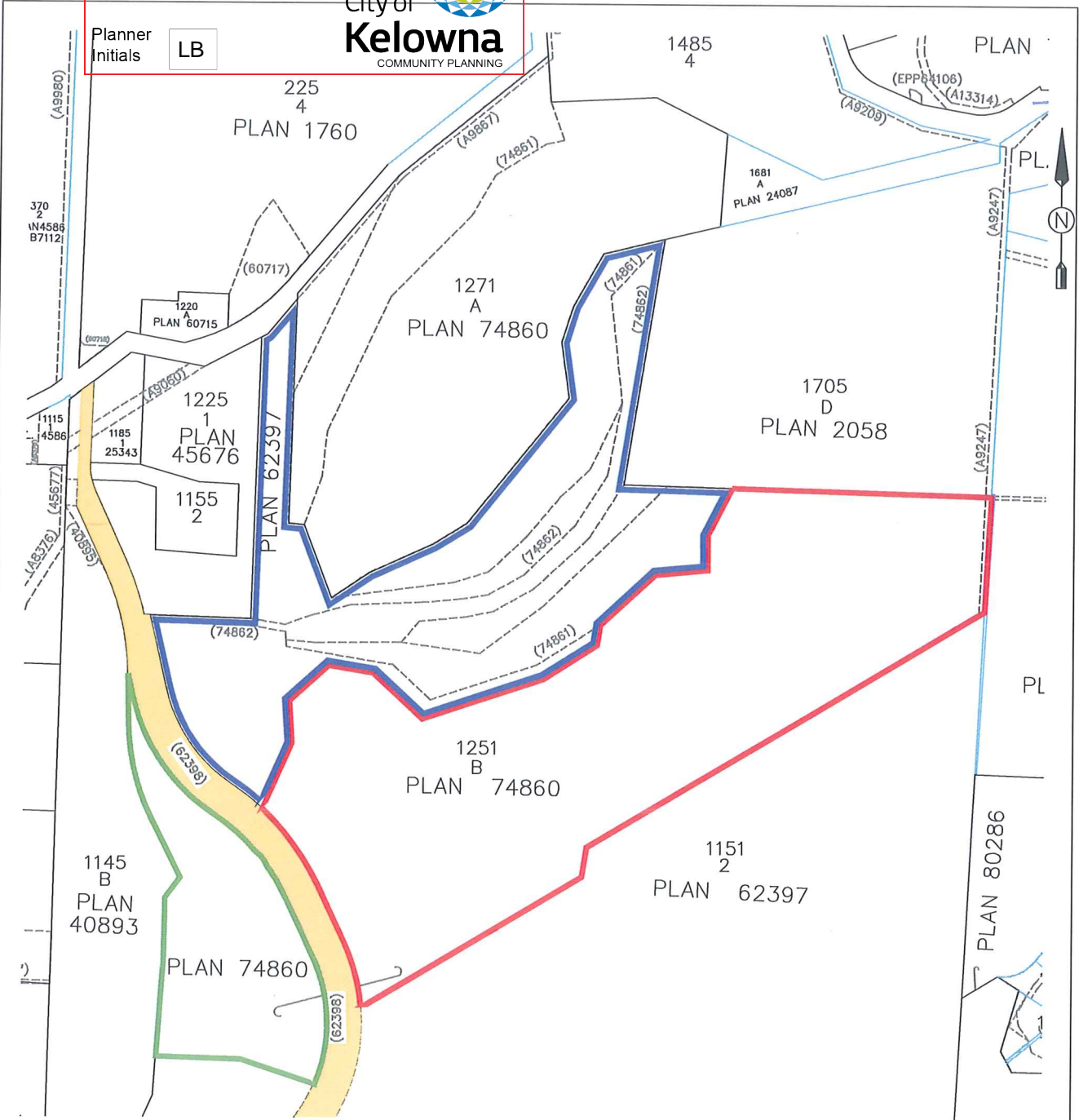
SCHEDULE C

This forms part of application
A18-0004



City of
Kelowna
COMMUNITY PLANNING

Planner Initials **LB**



SCALE: N.T.S.

MAILING ADDRESS: 1251 McKENZIE RD.

LEGAL DESCRIPTION: LOT NO. B PLAN NO. 74860
TWP. 26 SEC. 41

- WORKING AREA BOUNDARY = 20.6 acr± (83275m²±)
- WORKING AREA BOUNDARY = 29.4 acr± (118894m²±)
- WORKING AREA BOUNDARY = 6.9 acr± (27981m²±)
- TRIGGER HIGHWAY RESERVE

EASE2145

DATE: MARCH 9, 2018

COMMITTEE REPORT



Date: July 12, 2018
RIM No. 1210-21
To: Agricultural Advisory Committee (AAC)
From: Community Planning Department (KB)
Application: A18-0005 **Owner:** James Martin Walker
Address: 1989 & 2087 Ward Road **Applicant:** Urban Options Planning & Permits
Subject: Application to the ALC for a "Subdivision of Agricultural Land Reserve" (a lot line adjustment)

1.0 Purpose

The applicant is requesting permission from the Agricultural Land Commission for a "Subdivision of Agricultural Land Reserve" under Section 21(2) of the Agricultural Land Commission Act. The subdivision is more specifically a "lot line adjustment" request.

2.0 Proposal

2.1 Background

The application includes two subject properties, 1989 Ward Road and 2087 Ward Road. The properties have been owned by the same family for over 100 years. Initially they were used for cattle farming and grazing. In the 1970's the use changed to grapes and most recently to apple and cherry production. The applicant has indicated it is the intention that the agriculture currently occurring on the properties will continue to remain.

1989 Ward Road is 23.3 acres in size and is in cherry and apple production (50 % cherries, 50 % apples). Approximately 1.0 acre is unplanted and is used at harvest time for the storage of harvest boxes and vehicle movements for loading. The applicant has indicated this unplanted area also contains bee hives, which were recently added to the site. The existing single family dwelling on the east side of the property was constructed in the 1950's. It is currently accessed through 2087 Ward Road. There is also a pump building and a worker/packing box shelter near the centre of the property.

The other property, 2087 Ward Road, is 1.0 acre in size and is approximately 66 % in apple orchard production. There is a farm implement storage building located on site. There are no dwellings currently located on 2087 Ward Road. The services (water and electrical) for the dwelling located on 1989 Ward Road run through 2087 Ward Road, and the dwelling can be accessed through this property.

3.0 Community Planning

Community Planning Staff are requesting the Agricultural Advisory Committee provide a recommendation for Council (of either support or non-support) for the application to the ALC for a “Subdivision of Agricultural Land Reserve” (a lot line adjustment).

The smaller subject property, 2087 Ward Road, is considered to be legally non-conforming in terms of size. The table below compares the current and proposed lot area to the current and proposed regulations.

Status	Minimum Lot Area Regulation	2087 Ward Road
Current	2.0 ha	0.4 ha
Proposed	4.0 ha (A1 text amendments)	0.64 ha

While it meets the minimum lot width of 40.0 metres for an A1 – Agriculture 1 zoned property, it does not meet the current minimum lot area of 2.0 hectares for properties located within the Agricultural Land Reserve. The proposed lot line adjustment would result in a slightly increased lot size to 0.64 ha, but the lot would still not meet the current or proposed bylaw requirement for minimum lot area. Text amendments to implement the City of Kelowna Agriculture Plan (2017) propose updating the Zoning Bylaw subdivision regulations to increase the minimum lot size in the ALR from 2.0 hectares to 4.0 hectares to create a consistent minimum lot size for all of the A1 – Agriculture 1 zone.

Should the lot line adjustment be supported, a standard Farm Residential Footprint would be applied to 1989 Ward Road, to ensure any future development occurs within the established footprint. Additionally, a Farm Protection Development Permit, in conjunction with a subdivision application would be required. Additional considerations, including buffering and other requirements, could be included at this time.

3.1 Site Context

The subject properties are located in the City’s Southeast Kelowna Sector. The Future Land Use is REP – Resource Protection and it is within the Agricultural Land Reserve. It is located outside of the Permanent Growth Boundary.

Parcel Summary – 1989 Ward Road:

- Parcel Size: 9.4 ha (23.3 acres)
- Elevation: 379.0 to 410.0 metres above sea level (approx.)

Parcel Summary – 2087 Ward Road:

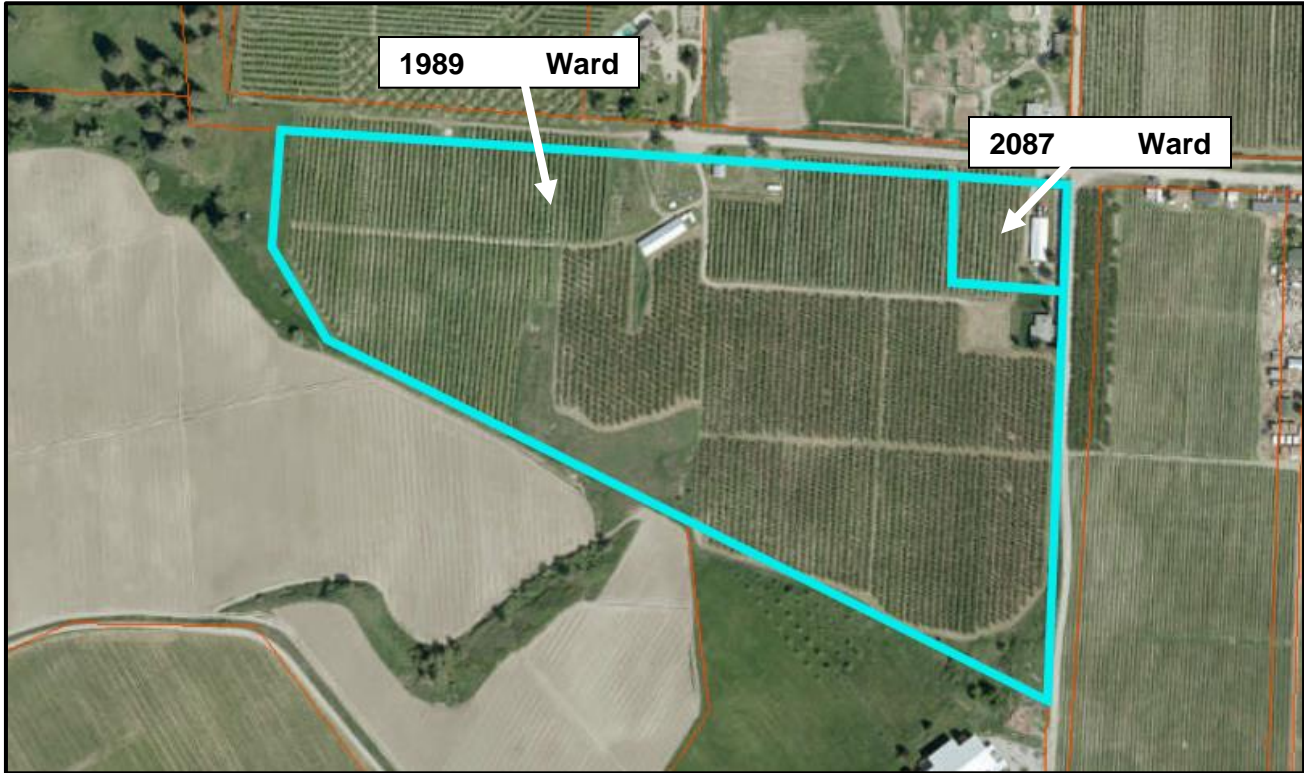
- Parcel Size: 0.4 ha (1.0 acres)
- Elevation: 404.0 to 409.0 metres above sea level (approx.)

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

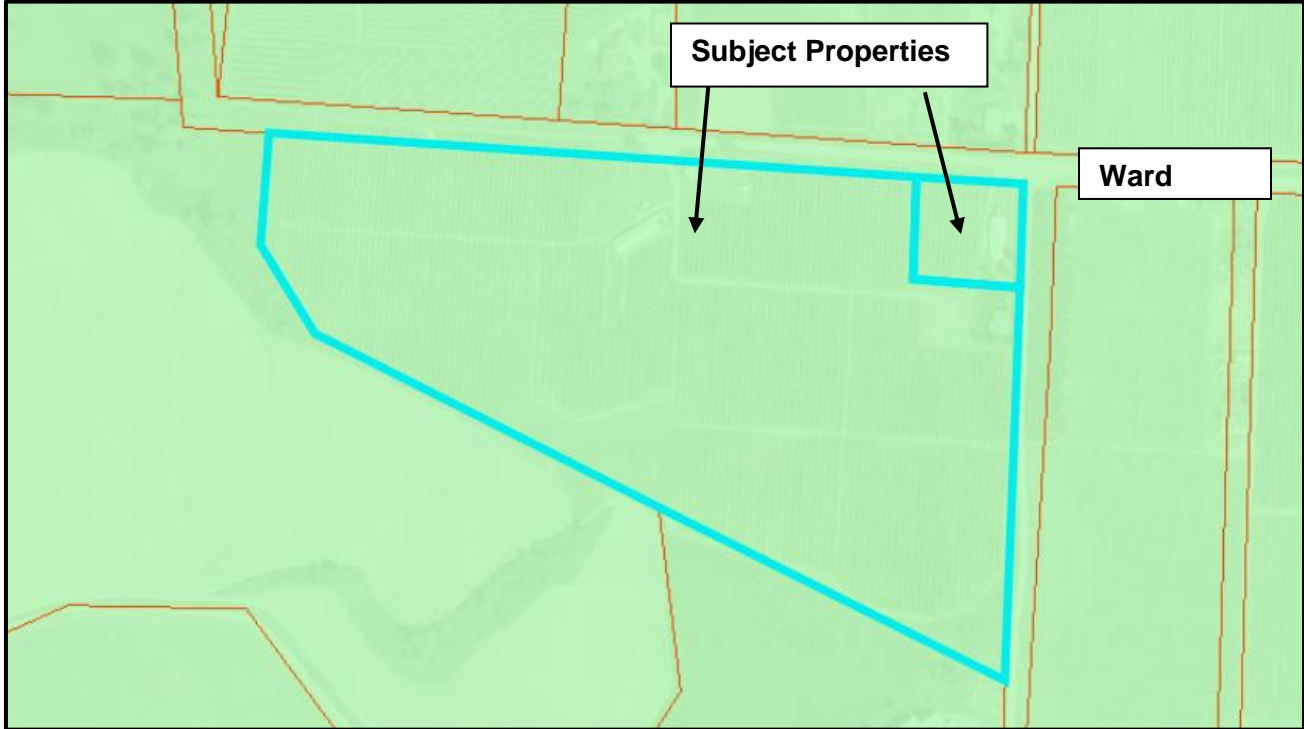
Table 1: Zoning and Land Use of Adjacent Property

Direction	Zoning	ALR	Land Use
North	A1 – Agriculture 1	Yes	Agriculture / Residential
South	A1 – Agriculture 1	Yes	Agriculture / Residential
East	A1 – Agriculture 1	Yes	Agriculture / Residential
West	A1 – Agriculture 1	Yes	Agriculture / Residential

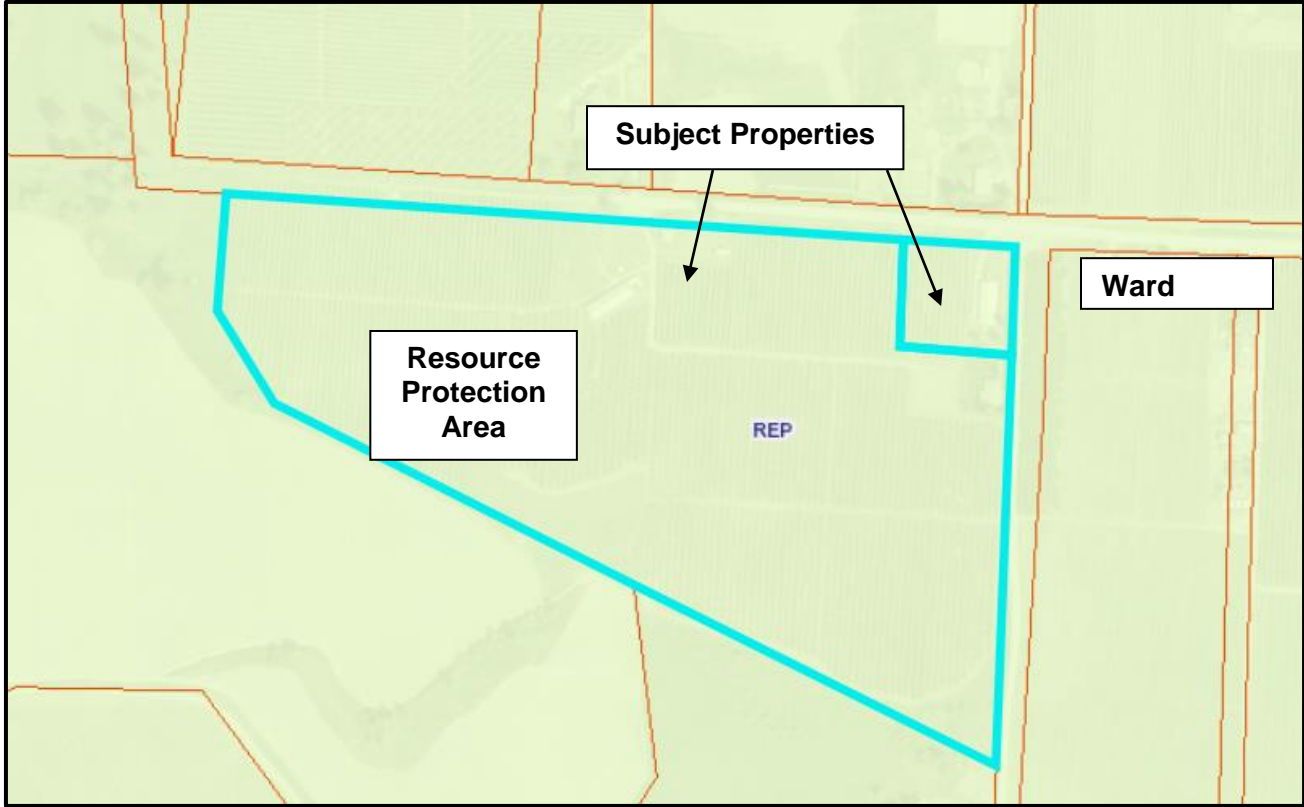
Map 1 – Subject Properties



Map 2 – Agricultural Land Reserve



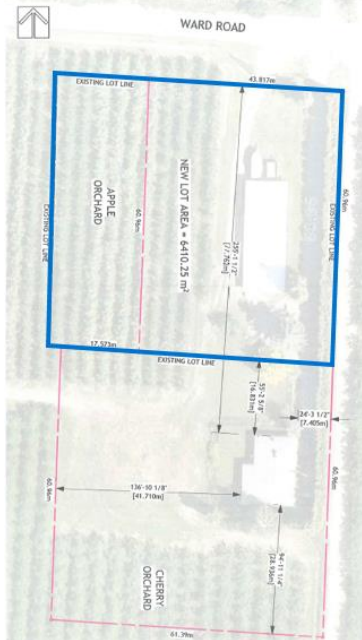
Map 3 – Future Land Use



3.2 Application Details

The applicant is requesting a lot line adjustment of the south and west property lines. This would increase the parcel size of 2087 Ward Road by 0.24 hectares (0.5 acres) and would include the dwelling that is currently located on 1989 Ward Road, as shown below.

Existing Lot Line around 2087 Ward Road

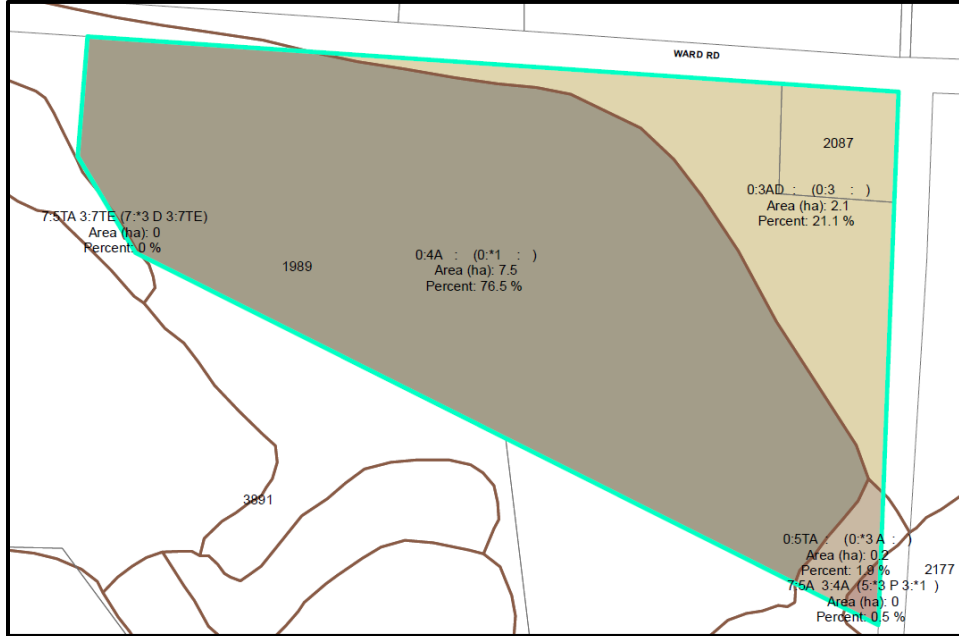


Proposed Lot Line around 2087 Ward Road



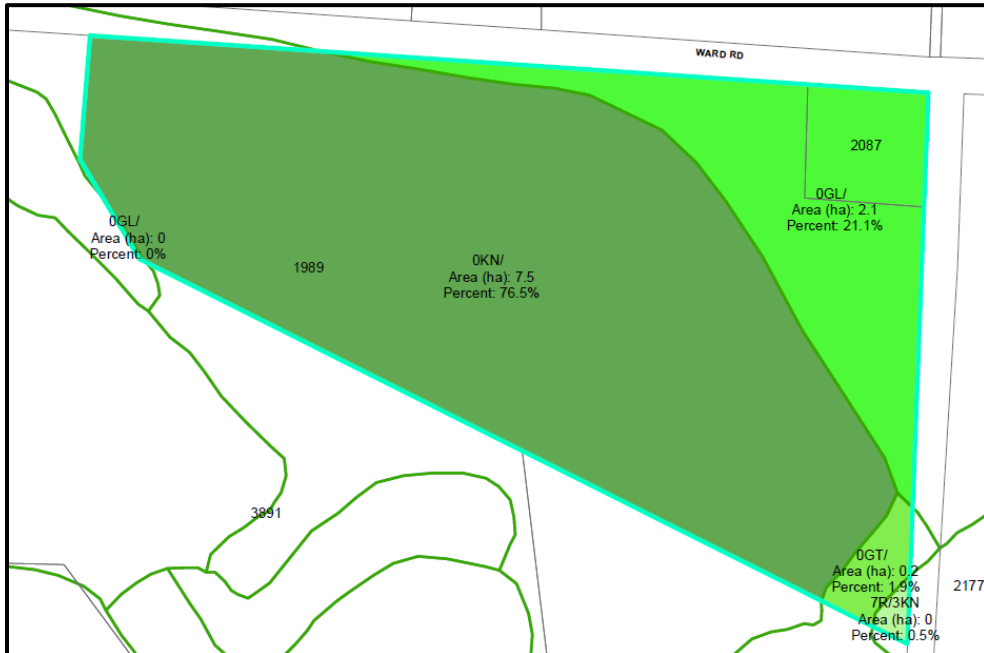
3.3 Agricultural Land Capability

Approximately 76% of the subject properties contains agricultural capability of Class 4, with identified soil moisture deficiency, which can be improved through irrigation to a Class 1. A further 21 % of the subject properties contains agricultural capability of Class 3, with soil moisture deficiency and undesirable soil structure and/or low perviousness. Improvements could be made to improve the agricultural capability to Class 3, without deficiencies.



3.4 Soil Capability

The Soil Capability of the subject property is 76.5 % Knox Mountain Soils and 21.1 % Glenmore Soils. Knox Mountain soils are well suited for most agricultural crops. Glenmore soils are moderately well suited for most agricultural crops, as they have good water holding capacity, are stone-free and relatively fertile.



4.0 Technical Comments

Development Engineering Department

This application has no impact on existing City of Kelowna infrastructure. Dedicate a corner rounding of 6m radius at the property corner.

Additional Comments are still to be received.

Report prepared by: Kimberly Brunet, Planner

Reviewed by: Laura Bentley, Community Planning Supervisor

Attachments:

Schedule A – Policies

Schedule B – Proposed Lot Line Adjustment

SCHEDULE A - Policies



Subject: Lot Line Adjustment

Address: 1989 & 2087 Ward Road

- City of Kelowna Agriculture Plan (2017)

Appendix D Table 3. Zoning Bylaw Updates: Detailed Actions

Action 1.3e - Update zoning bylaw subdivision regulations to increase the minimum lot size in the ALR from 2.0 ha to 4.0 ha in order to create a consistent minimum lot size of 4.0 ha for all of the A1 zone.

- Kelowna Official Community Plan (OCP)

Chapter 4 - Land Use Designation Definitions

Resource Protection Area

Generally land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses.

Permanent Growth boundary

Lands within the permanent growth boundary may be considered for urban uses within the 20 year planning horizon ending 2030. Lands outside the permanent growth boundary will not be supported for urban uses.

Chapter 5 – Development Process

Objective 5.3 Focus development to designated growth areas.

Policy .1 Permanent Growth Boundary. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Support development of property outside the Permanent Growth Boundary for more intensive uses **only** to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council’s specific amendment of this policy. Resource Protection Area designated properties not in the ALR and outside the Permanent Growth Boundary will not be supported for subdivision below parcel sizes of 4.0 ha (10 acres). The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

Agricultural Land Use Policies

Objective 5.33 Protect and enhance local agriculture.

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 Agriculture 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 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.

Objective 5.34 Preserve productive agricultural land

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.

- **Agricultural Land Commission Act (ALCA)**

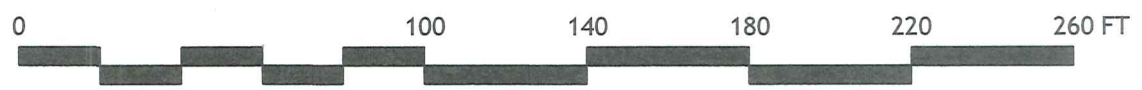
Purposes of the commission – Section 6 of the ALCA

The following are the purposes of the commission:

- a) to preserve agricultural land;
- b) to encourage farming on agricultural land in collaboration with other communities of interest;
- c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.



1 OPTION 2
Scale: 1:550



2087 WARD ROAD, KELOWNA, BC

PRELIMINARY SITE PLAN

 IHS DESIGN
1392 MINE HILL DRIVE
KELOWNA, BC V1P 1S5
(250) 212-7938
www.ihsdesign.com

SCHEDULE B

This forms part of application
A18-0005

City of Kelowna
COMMUNITY PLANNING

Planner Initials **KB**

APRIL 9, 2018
SCALE : AS NOTED

1 OF 1
46

Agricultural Advisory Committee Minutes

Date: Thursday, April 12, 2018
Location: Council Chamber
City Hall, 1435 Water Street

Committee Members Present: John Janmaat (Chair), Keith Duhaime, Pete Spencer and Tarsem Goraya

Committee Members Absent: Yvonne Herbison (Vice-Chair); Domenic Rampone, Ed Schiller, Jill Worboys (Interior Health) and Jeff Ricketts (Alternate)

Staff Present: Planner Specialist, Laura Bentley; Planner, Andrew Ferguson; and FOI Legislative Coordinator, Sandi Horning

1. Call to Order

The Chair called the meeting to order at 6:02 p.m.

Opening remarks by the Chair regarding conduct of the meeting were read.

2. Applications for Consideration

2.1 Wallace Hill Rd 4205, A17-0005 - Walter & Helen Baren

Staff:

- Displayed a PowerPoint presentation summarizing the application before the Committee.
- The applicants purchased the property in 1964 and therefore meet the required eligibility criteria for home site severance.
- Staff have encouraged a minor change to the home site location in order to reduce the impact on farming, provide for the safest site access and manage the existing residential footprint.
- Staff are seeking a recommendation from the Committee regarding the proposed home site severance application.

Roseanne Stokes, Applicant's Representative:

- Provided the rationale for the proposed location of the home site severance.
- Advised that there are standing water issues with the hay field in the area.
- Advised that the retaining wall that would have to be erected would be fairly extensive and costly.
- The proposed location would mitigate any spray concerns of the surrounding area.

- Responded to questions from the Committee Members.
- Advised that the property owners have been pumping water from their crawl space over the last few weeks.
- The area affected by the water issues is the area where the mobile home is located.
- Displayed a photo to illustrate the water issues experienced.
- Not using the property to its full potential due to the age of her father and would like to complete the home site severance as soon as possible.
- The plan is to construct the new dwelling as soon as possible.
- Confirmed that the three dwellings currently on the site are occupied by family members.
- Displayed correspondence received from City staff referencing Agricultural Land Commission requirements.

Staff:

- Responded to questions from the Committee Members regarding the removal of the mobile home on the site and the decommissioning of the second dwelling.
- Spoke to what is allowed on an A1 zoned property.
- Advised that the second dwelling on the property would not be compliant with the A1 zone, and a mobile home would need to be occupied by immediate family.
- Advised the affidavit on the property is tied to the current property owners and a new owner would have to decommission the second dwelling.
- Advised that the drainage issue raised by the Applicant's Representative was not considered as part of staff's Report to the Committee.

Moved by Keith Duhaime/Seconded by Tarsam Goraya

THAT the Agricultural Advisory Committee recommends that Council support Agricultural Land Reserve Appeal Application No. A17-0005 for the property located at 4205 Wallace Hill Road, Kelowna, BC to request permission from the Agricultural Land Commission for a "Subdivision of Agricultural Land Reserve" under section 21(2) of the *Agricultural Land Commission Act* for the purposes of a home site severance.

Carried

ANEDOTAL COMMENTS:

The Agricultural Advisory Committee recommended that Council support the home site severance application; however, the Committee did make note that the additional dwellings on the subject property need to be addressed by Council and the Agricultural Land Commission. The Committee encouraged Staff to work with the Applicants to determine if there are any solutions to the drainage issue that was raised by the Applicant's Representative.

3. Minutes

Moved by Tarsam Goraya/Seconded by Keith Duhaime

THAT the Minutes of the March 8, 2018 Agricultural Advisory Committee meeting be adopted.

Carried

4. ALC Decisions - Update

Staff:

- Advised that the home site severance application for the property located at 3305-3309 McCulloch Road was supported by Council and forwarded to the Agricultural Land Commission for consideration.

5. Next Meeting

The next Committee meeting is proposed for May 10, 2018.

6. New Business

The Agricultural Advisory Committee requested that Staff advise how drainage issues are being considered when agricultural applications are brought forward to the Committee for consideration.

7. Termination of Meeting

The Chair declared the meeting terminated at 6:38 p.m.

John Janmaat, Chair

/slh

DRAFT