

COMMITTEE REPORT



Date: March 8, 2018

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (TA)

Application: A17-0010 **Owner:** Leonard and Tracey Wikenheiser

Address: 3305-3309 McCulloch Road **Applicant:** Leonard Wikenheiser

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 owner purchased the subject property in 1962 and therefore qualifies for consideration of a homesite severance.

The 12-acre property is currently farmed as vineyard and has been continuously farmed as a vineyard since 1981, when a previous subdivision occurred.

There are currently two homes on the subject property, one is the main house and one is the foreman's accommodation for the farming activities. The two homes and their yards are approximately 1.5 acres. 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.

The *Ministry of Agriculture's Guide for Bylaw Development in Farming Areas*¹ cites a maximum area of 0.2 ha (0.5 acre) as a standard farm residential footprint.

¹ Ministry of Agriculture, 2015. Guide for Bylaw Development in Farming Areas.
http://www2.gov.bc.ca/gov/DownloadAsset?assetId=E5EF85D8EF2D4C939D51C472DC0C4A51&filename=840000-1_guide_for_bylaw_development_in_farming_areas_april24_2015.pdf

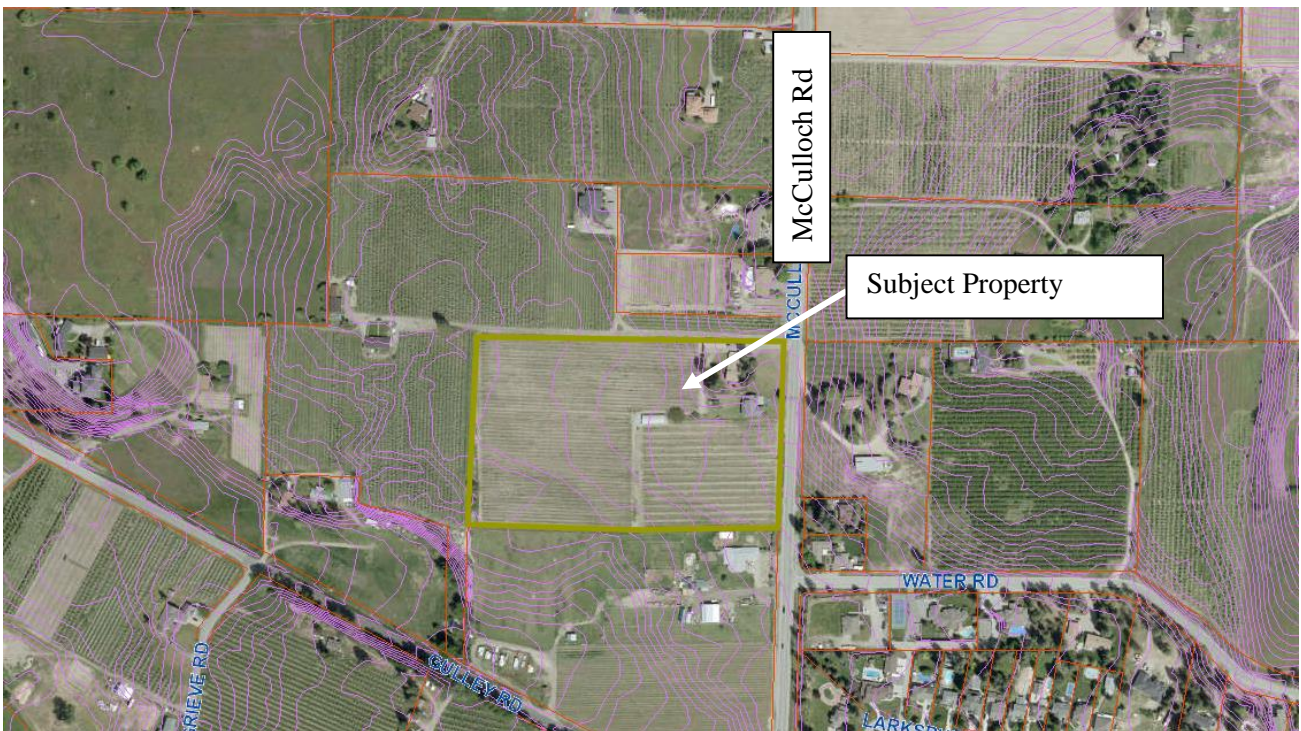
2.2 Site Context

The subject property is located in the Southeast Kelowna City Sector. It is immediately surrounded by agricultural land in the ALR with the exception of three properties to the north which have portions of land not in the ALR. The property is located outside of the Permanent Growth Boundary in the Official Community Plan.

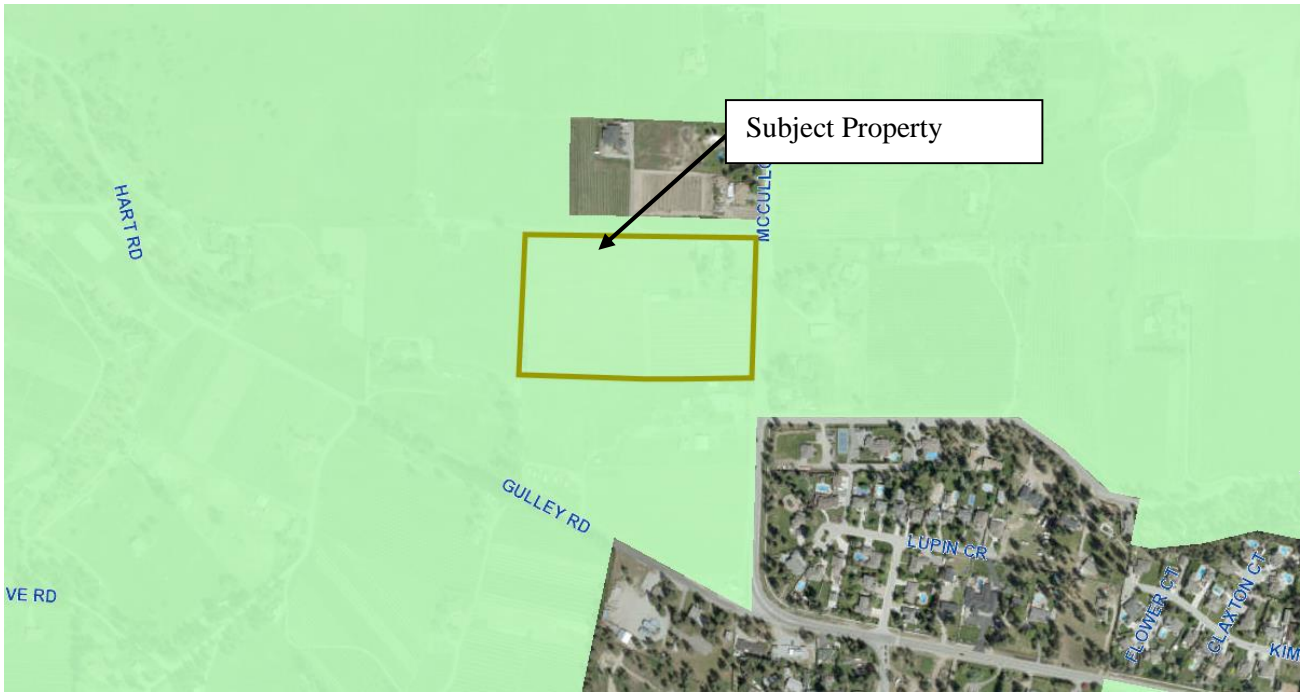
Parcel Summary – 3305-3309 McCulloch Road

Parcel Size: 12.47 acres
Elevation: 484 - 493 metres above sea level (masl) (approx.)

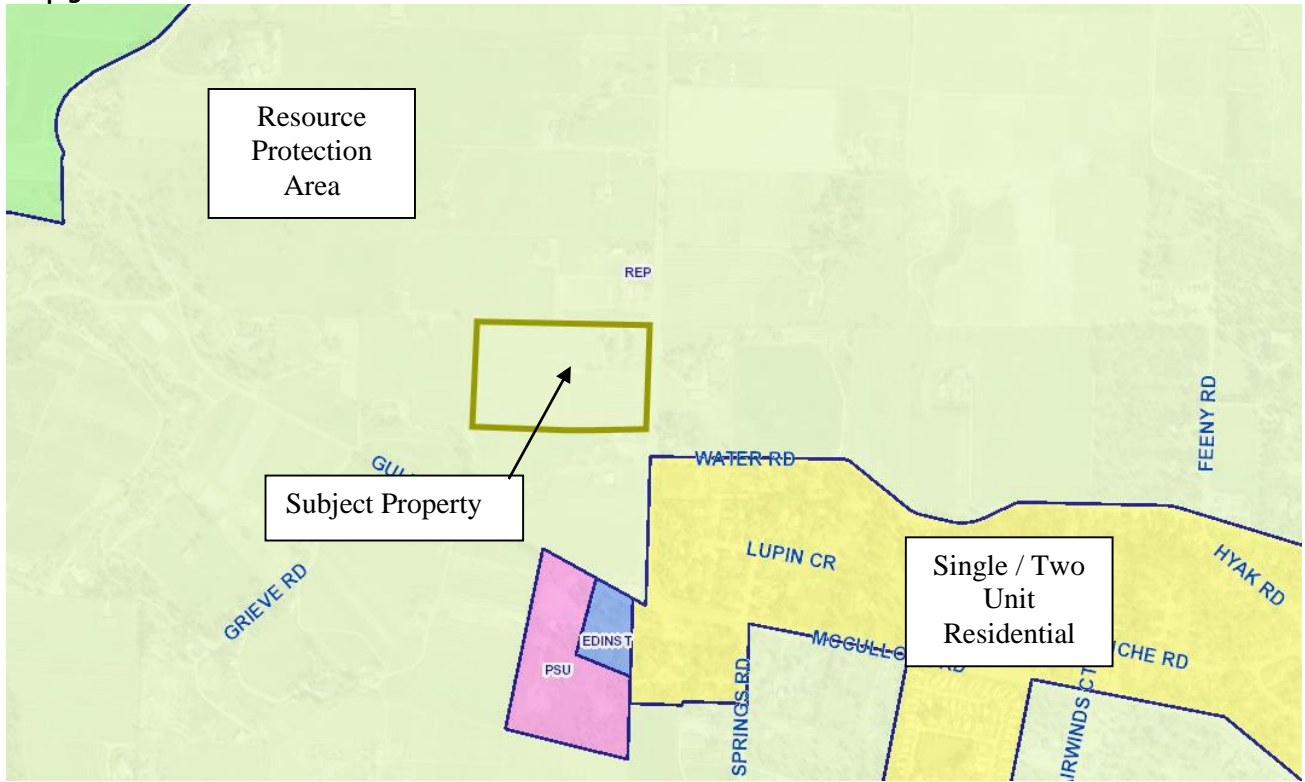
Map 1 - Neighbourhood



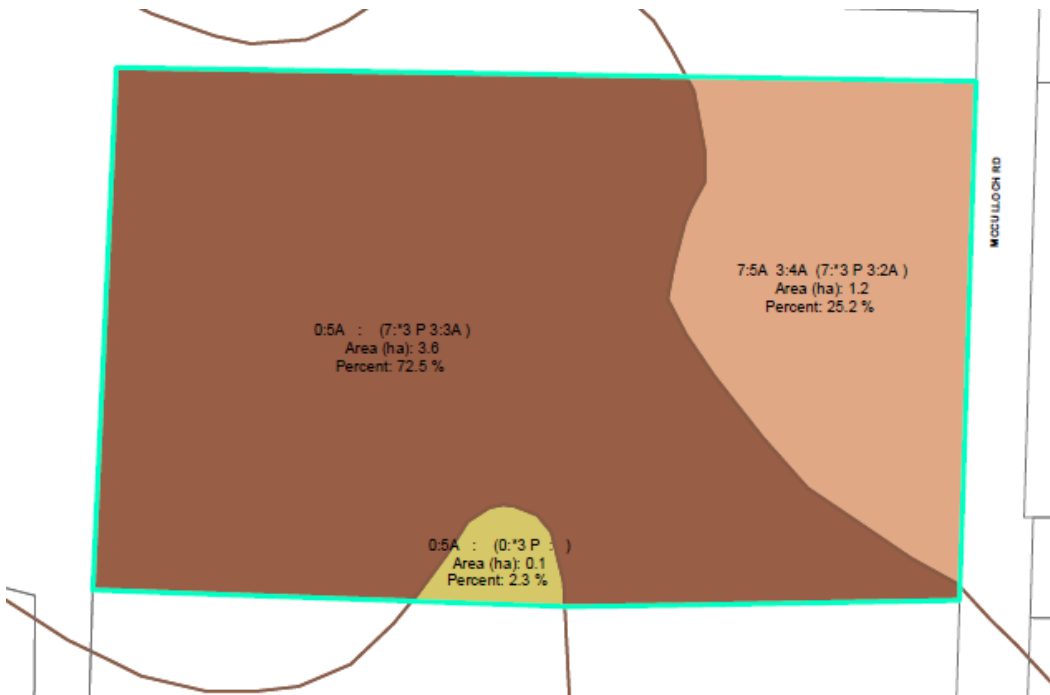
Map 2 – Agricultural Land Reserve



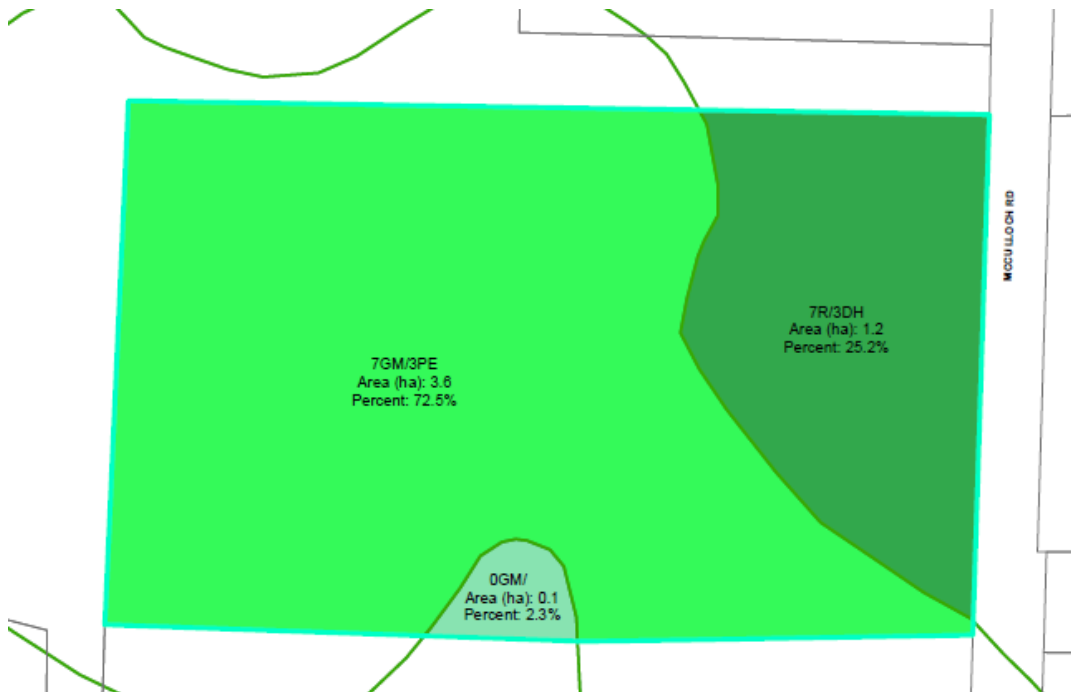
Map 3 – Future Land Use



Map 4 – BC Land Classification Inventory



Map 5 – Soil Classification



3.0 Community Planning

The City's Agriculture 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: Trisa Atwood, Planner II

Reviewed by: Terry Barton, Community Planning Department Manager

Attachments:

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

Attachment "A" - Policies



Subject: Homesite Severance

Address: 3305-3309 McCulloch Rd

3.1 City of Kelowna Agriculture Plan (1998)

ALR Application Criteria²

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.

1.1 City of Kelowna Strategic Plan

Objective³: Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

Action towards this objective⁴: Evaluate the effectiveness of City policies and bylaws in preserving agricultural lands.

1.3 Kelowna Official Community Plan (OCP)

Land Use Designation Definitions

Resource Protection Area⁵

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

² City of Kelowna Agriculture Plan. 1998. P. 130.

³ City of Kelowna Strategic Plan. 2004. P. 7.

⁴ City of Kelowna Strategic Plan. 2004. P. 29.

⁵ 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.

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 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 .2 ALR Exclusions. The City of Kelowna will not forward ALR exclusion applications to the ALC except in extraordinary circumstances where such exclusion is otherwise consistent with the goals, objectives and other policies of this OCP. Soil capability alone should not be used as justification for exclusion.

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.

1.4 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.

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: 3305-3309 McCulloch Road – Homesite Severance

3.2

3.3 Ministry of Agriculture

The application for subdivision of the property at 3305 McCulloch Rd appears to comply with the ALC Homesite Severance on ALR Lands Policy L-11. ALC has jurisdiction & the Ministry of Agriculture supports a consistent approach for these decisions in terms of appropriate lot size & configuration. Should the Homesite Severance be approved, consider conditions [before such time as current owner might sell the property] to require fencing and/or effective landscaping on the severed lot to mitigate potential of future conflict & avoid negative impacts to the continued farm operations.

3.4 Regional District of Central Okanagan (RDCO)

It appears that the landowner meets requirements of the ALC's Home Site Severance Policy as well as the RDCO's policy with respect to Home Site Severances. These types of applications are automatically supported by the Regional District. The Development Services Planning section recommends support of the application subject to any site specific recommendations from the City's AAC, Ministry of Agriculture, or other key agencies (i.e.: setbacks/buffering from remainder of farm, septic field considerations, etc.).