

REPORT TO COUNCIL



Date: April 9, 2018

RIM No. 1210-21

To: City Manager

From: Community Planning Department (TA)

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

Address: 3305 – 3309 McCulloch Rd **Applicant:** Leonard Wikenheiser

Subject: Subdivision in the Agricultural Land Reserve – Homesite Severance

Existing OCP Designation: REP – Resource Protection

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Agricultural Land Reserve Appeal No. A17-0010 for Lot A, Section 3, Township 26, ODYD, Plan 32710, located at 3305-3309 McCulloch Road, Kelowna for a subdivision of agricultural land in the Agricultural Land Reserve pursuant to Section 21(2) of the *Agricultural Land Commission Act*, be supported by Council, subject to the following:

1. The dimensions of the subdivision be in general accordance with Schedule "A";

AND THAT the Council directs Staff to forward the subject application to the Agricultural Land Commission for consideration.

2.0 Purpose

The applicant is requesting permission from the Agricultural Land Commission (ALC) for a subdivision of agricultural land reserve under Section 21(2). The subdivision is more specifically a "Homesite Severance" request as per ALC Policy #11 – Homesite Severance on ALRLands.

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.

Community Planning staff recommend that Council supports this application as the application is consistent with ALC Policy #11 and the City's Agricultural Plan. The severance parcel is 1 acre in size which is a suitable parcel size that will have minimal impact on the active farming operations. The applicant has submitted documentary evidence that he has continually owned and occupied the property since 1962, prior to the establishment of the Agricultural Land Commission. The subdivision of this property will allow the property owner to retire from the current farming operations. Should Council and the ALC support the application, the owner would be required to submit a Subdivision and Farm Development Permit Application to be considered by Staff.

4.0 Proposal

4.1 Background

The applicant purchased the subject property in 1962 when it was planted with 5 acres of cherries and apple trees. The owner subsequently replaced the cherries and apple trees with grape vines, and continued to expand the plantings 5 acres at a time. The 26-acre parcel was farmed continuously until 1981, when the property was subdivided and a portion sold off. The remaining 12-acre parcel has been continuously farmed with 11 acres of grape vines since that time.

There are currently two homes on the subject property; one is the owner's principal dwelling, and the other is accommodation for a farm worker.

4.2 Project Description

The owner has applied for a home site severance in accordance with ALC Policy #11. Each one of the existing homes would be on one parcel, with the severed parcel being 1 acre in size. The owner would remain in the principal dwelling, sell the remainder parcel, and retire from farming operations. 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 residential development occurs in the residential footprint.

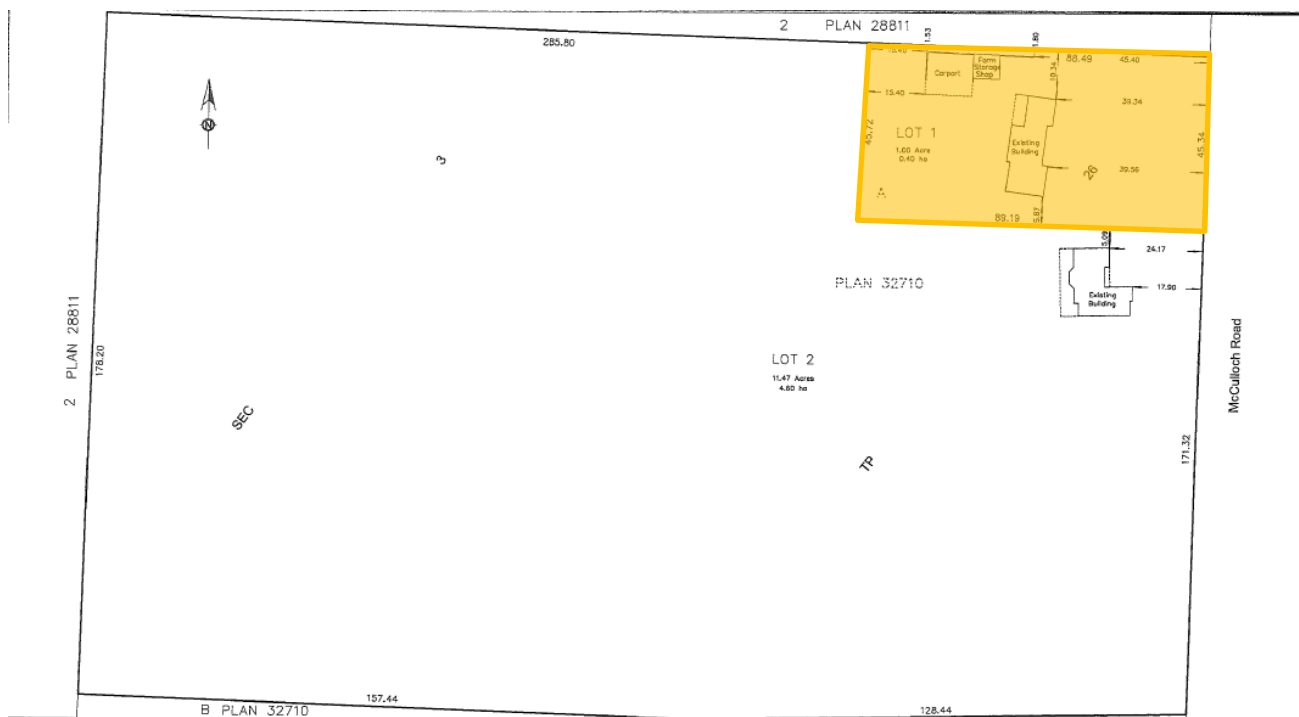


Figure 1: Proposed Homesite Severance Parcel

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.

4.3 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.)

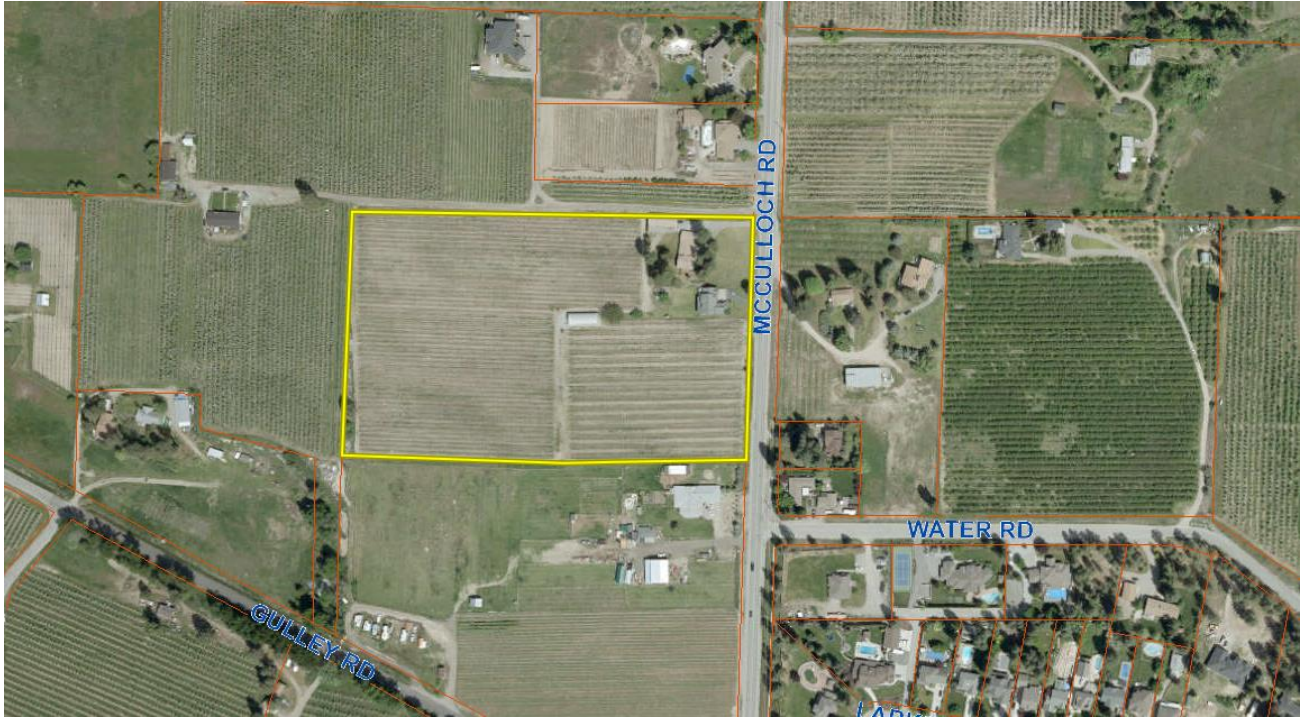
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Agriculture
East	A1 – Agriculture 1	Agriculture
South	A1 – Agriculture 1	Agriculture
West	A1 – Agriculture 1	Agriculture

Subject Property Map: 3305 – 3309 McCulloch Road

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



5.0 Application Chronology

Date of Application Received: November 14, 2017

Agricultural Advisory Committee March 6, 2018

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on March 6, 2018 and the following recommendations were passed:

THAT the Agricultural Advisory Committee recommends that Council support Agricultural Land Reserve Application No. A17-0010 for the properties located at 3305-3309 McCulloch Road 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 purpose of a home site severance.

ANEDOTAL COMMENTS:

The Agricultural Advisory Committee recommended that Council support the application for a subdivision of the subject property for the purpose of a home site severance; however, it was noted by the Committee that any potential purchaser of the subdivided land may not be aware of traditional farm practices. The Committee emphasized the need for educating the public about living in agricultural areas and how farming practices can impact residential lots.

Report prepared by: Trisa Atwood, Planner II

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment "A": Current Development Policies

Attachment "B": Technical Comments

Schedule "A": Proposed Subdivision Plan