

The applicant has submitted documentary evidence that they have continually owned and occupied the property since 1972, prior to the establishment of the Agricultural Land Reserve. The subdivision of this property will allow the property owner to retire from the current farming operations and supports the protection of significant environmental features. 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 subject property was created in 1924 via subdivision. The applicant has owned the property since 1972 and therefore qualifies for consideration of a homesite severance.

Apples were farmed on the property from the early 1970s to the late 1970s and then transitioned to hay. In 1996 tree farming was started, which continues to this day. Current structures on the property include one home and one detached garage.

Should the subdivision be supported by Council and the Agricultural Land Commission, the applicant would follow the standard subdivision application process, including a Preliminary Layout Review application and appropriate permits.

4.2 Project Description

The 20.9-acre property is currently farmed with a 9-acre tree farm and a 0.15-acre vegetable garden. The new farm lot would consist of the existing tree farm.

The applicant is seeking a two lot subdivision for the purpose of a homesite severance. 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. Additionally, the homesite severance area would accommodate a steep sloped ravine, which contains a wetland and provides conveyance of surface and groundwater through the parcel. The ravine and associated wetland is considered a high value 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 9.9-acre ravine and wetland areas via a "No Disturbance Covenant".

In summary, the homesite would include a 2-acre area that currently contains the house, garage and yard/vegetable garden and a 9.9-acre ravine/wetland area that would be protected via a "No Disturbance Covenant". The new farm lot would comprise a 9-acre area that is currently a tree farm. Due to topographical constraints and to limit the impact on agricultural land, the homesite and farm lot would share a common driveway. 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.

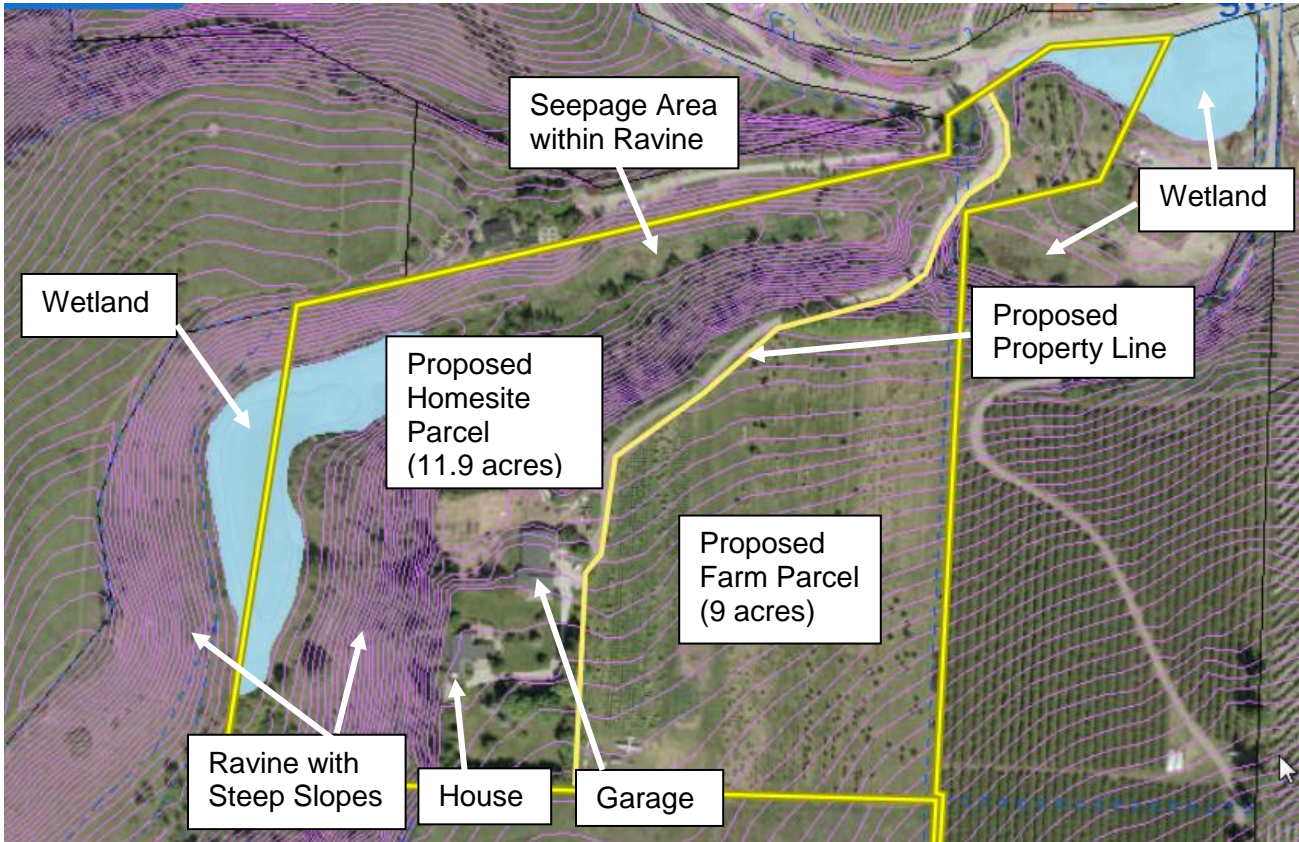


Figure 1. Proposed Homesite Severance Parcel

4.3 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:

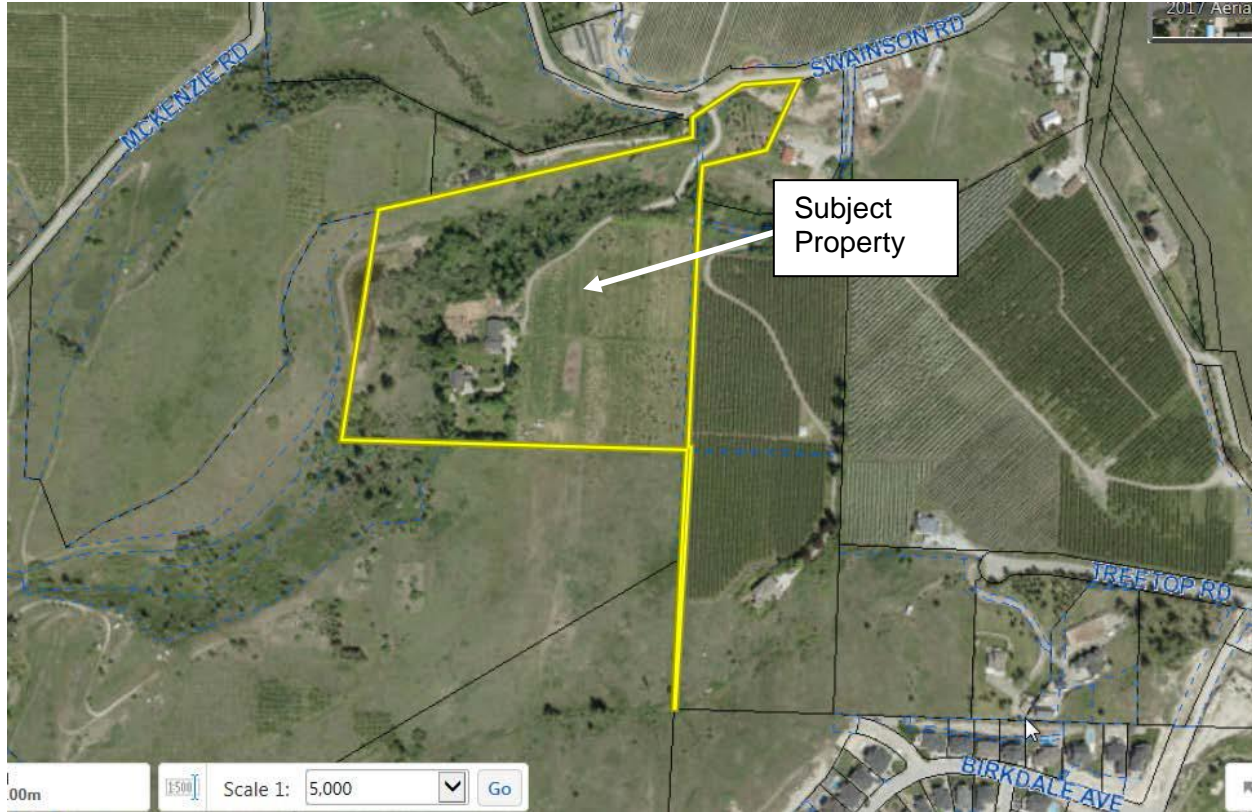
Parcel Size: 8.45 ha (20.9 acres)

Elevation: 547.0 to 593 metres above sea level (masl) (approx.)

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Agriculture
East	A1- Agriculture 1 RR1 – Rural Residential 1	Agriculture Rural Residential Development
South	A1 – Agriculture 1	Agriculture
West	A1 – Agriculture 1	Agriculture

Subject Property Map: 1705 Swainson Road



5.0 Current Development Policies

5.1 City of Kelowna Agriculture Plan (2017)

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

5.2 Kelowna Official Community Plan (OCP)

Land Use Designation Definitions

Resource Protection Area¹

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.

¹ 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.

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.

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.

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.

5.3 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.

6.0 Technical Comments

6.1 Ministry of Agriculture

No comments received.

6.2 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:

- Part of an overall stream network/drainage system
- Two identified wetlands (Okanagan Wetlands Strategy)
- Sensitive Ecosystem Inventory – wetlands, associated riparian areas, and grasslands
- Range of biodiversity; and
- 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.

6.3 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.

7.0 **Application Chronology**

Date of Application Received: May 8, 2018

Agricultural Advisory Committee: July 12, 2018

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on July 12, 2018 and the following recommendations were passed:

THAT the Agricultural Advisory Committee recommends that Council support Agricultural Land Reserve Application No. A18-0002 for the property located at 1705 Swanson 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 homesite severance.

ANEDOTAL COMMENTS: The Agricultural Advisory Committee recommends that Council support the home site severance application; however, it is the high environmental resource and low

agricultural value of the proposed home site property that allows support and the Committee would like to note this should be seen as a non-precedent setting recommendation.

Report prepared by: Corey Davis, Environmental Coordinator

Reviewed by: Laura Bentley, Community Planning Supervisor

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Schedule "A" Proposed Subdivision Plan