

# REPORT TO COUNCIL



**Date:** April 15, 2019

**RIM No.** 1210-21

**To:** City Manager

**From:** Community Planning Department (WM)

**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

Existing OCP Designation: REP – Resource Protection

Existing Zone: A1 – Agriculture 1

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## **1.0 Recommendation**

THAT Agricultural Land Reserve Application No. A18-0005 for Lots 10 and 11, Section 5 Township 26, ODYD, Plan 2243 located at 1989 & 2087 Ward Road, Kelowna, BC to subdivide land within the Agricultural Land Reserve, pursuant to Section 21(2) of the Agricultural Land Commission Act, be supported by Council;

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

## **2.0 Purpose**

To consider an application for subdivision (lot line adjustment) of land within the Agricultural Land Reserve under Section 21(2) of the Agricultural Land Commission Act.

## **3.0 Community Planning**

Community Planning supports the application for a subdivision within the Agricultural Land Reserve to accommodate the lot line adjustment between two existing parcels. Given the nature of the existing parcels and agricultural operation, the change in lot configuration is not anticipated to have any negative impact on agricultural land, and it resolves servicing and access between the existing properties.

## **4.0 Proposal**

### **4.1 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 1970s, the use changed to grapes and most recently to apple and cherry production. The applicant has indicated the intent that the agriculture currently occurring on the properties will continue.

1989 Ward Road is 23.3 acres in size and is in cherry and apple production (50 % cherries, 50 % apples). Approximately one 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 1950s. 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. A farm implement storage building is 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.

#### 4.2 Project Description

The application is to adjust the boundary between the two existing properties. The lot line adjustment would transfer the existing dwelling from the larger parcel, 1989 Ward Road, to the smaller parcel, 2087 Ward Road. The proposed 2087 Ward Road would be just under one acre (0.95 acres / 3,876 m<sup>2</sup>) include an accessory building and a small cleared area which is occupied by the existing onsite septic disposal system. The adjustment would allow all of the existing cherry and apple orchard to be completely located on 1989 Ward Road.

The proposal would leave 2087 Ward Road without a principal dwelling and essentially allow for the construction of a single family dwelling in the future. At that time, any proposed construction would have to meet current Agricultural Land Commission (ALC) and City regulations and policies, which would help reduce any potential impact to the active agricultural operation.

The applicants have worked with staff and considered feedback from the Agricultural Advisory Committee to reduce the overall size of 2087 Ward Road and reduce the potential impact to the agricultural operation. If the application is supported by Council and the ALC, a technical subdivision application will be required prior to final subdivision approval.

#### 4.3 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. 1989 Ward Road is 9.4 ha (23.3 acres) in area and 2087 Ward Road is 0.4 ha (1.0 acres) in area. All surrounding properties are zoned A1 – Agriculture and in the ALR.

Map 1 – Subject Properties



## 5.0 Current Development Policies

### 5.1 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.

#### Chapter 5 - Development Process

##### 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 .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.

### 6.0 Technical Comments

#### 6.1 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.

### 7.0 Application Chronology

Date of Application Received: April 17, 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 the Agricultural Land Reserve Application No. A18-0005 for the properties located at 1989 & 2087 Ward 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 lot line adjustment.

Anecdotal comments were that the Agricultural Advisory Committee recommended that Council support the subdivision of the subject property however, it was given reluctantly as land is being taken out of viable agricultural parcel to be added to a nonviable parcel with the boundary shape being an issue for future use of the agricultural parcel.

Updated Site Plan Received: January 28, 2019

**Report prepared by:** Wesley Miles, Planner Specialist  
**Reviewed by:** Laura Bentley, Community Planning Supervisor  
**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

### Attachments:

Schedule A – Preliminary Site Plan