



The *Ministry of Agriculture's Guide for Bylaw Development in Farming Areas*<sup>1</sup> cites a maximum area of 0.2 ha (0.5 acre) as a standard farm residential footprint, where all residential uses are contained.

## 2.2 Site Context

The subject property is located in the Belgo – Black Mountain Sector of the City. There are a number of adjacent rural residential properties located to the west and north of the subject property.

Parcel Summary – 3215 Hwy 33 E:

Parcel Size: 44.6 ha (110.2 acres)  
Elevation: 529 meters above sea level (masl) to 720 masl.

## 2.3 Zoning of Adjacent Property

Orientation	Zoning	Land Use
North	I2 - Industrial	Industrial
East	City Limit	City Limit
South	FNR – First Nations Reserve	Rural Residential
West	A1 – Agriculture 1	Previous Gravel Pit

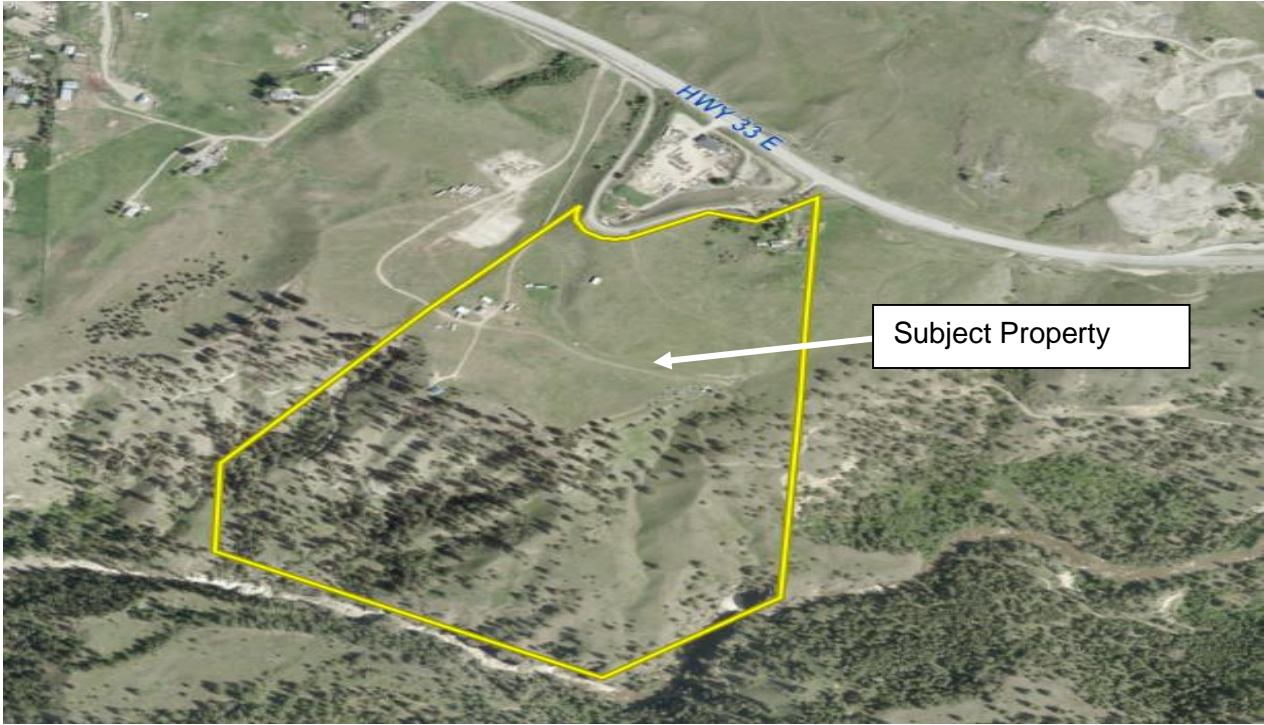
## 2.4 Application Details

The 0.7 ha (1.73 acre) homesite severance area proposed by the applicant as shown in *figure 2* is located in the north east corner of the property. Homesite severances are encouraged to be located along front and side property lines to reduce the impact to farming.

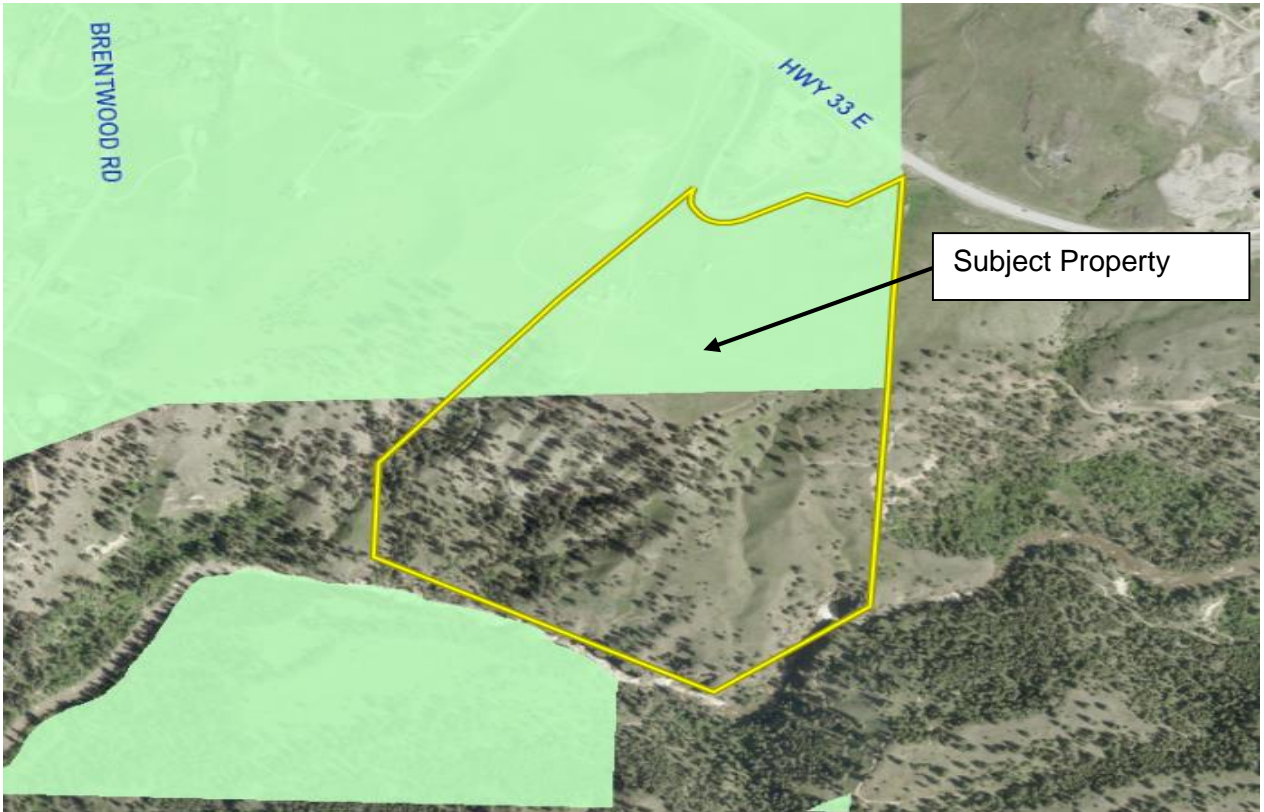
<sup>1</sup> Ministry of Agriculture, 2015. Guide for Bylaw Development in Farming Areas.

[https://www.alc.gov.bc.ca/assets/alc/assets/library/land-use-planning/guide\\_for\\_bylaw\\_development\\_in\\_farming\\_areas\\_2015.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/land-use-planning/guide_for_bylaw_development_in_farming_areas_2015.pdf)

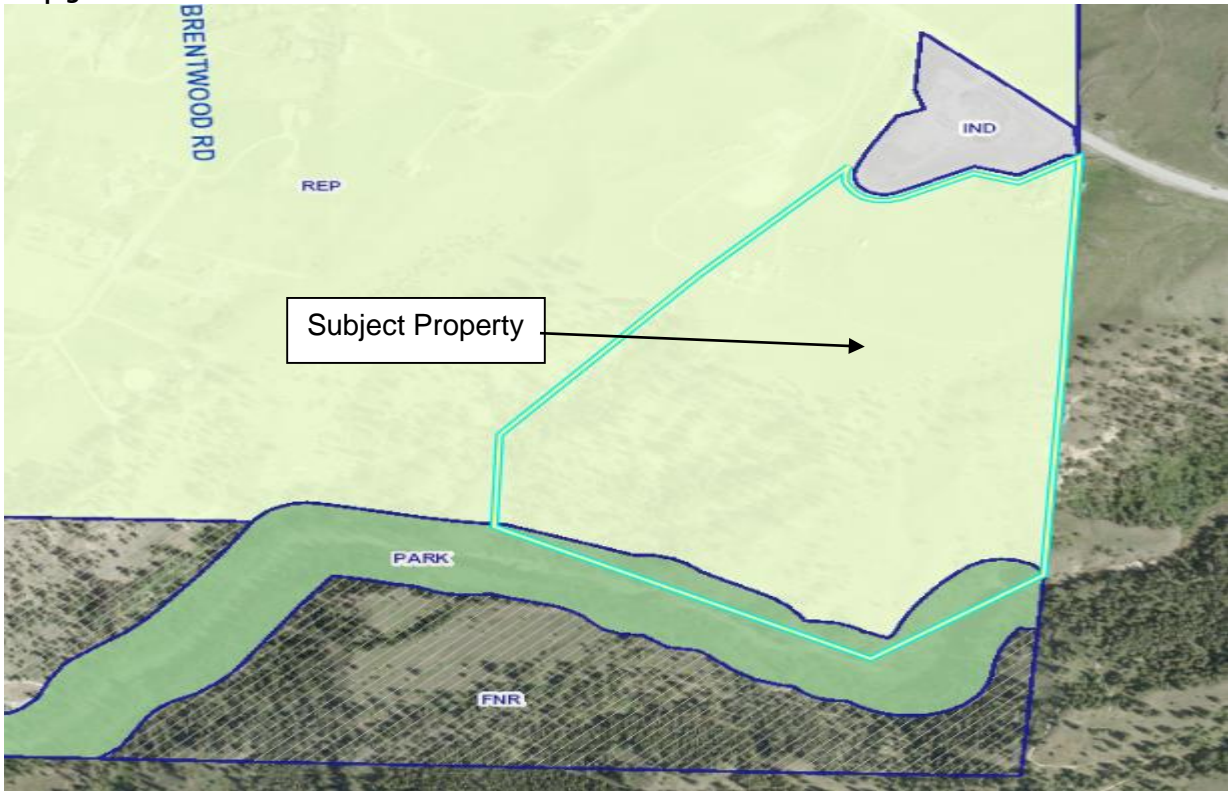
Map 1 - Neighbourhood



Map 2 - Agricultural Land Reserve



Map 3 – Future Land Use



Map 4 – Zoning

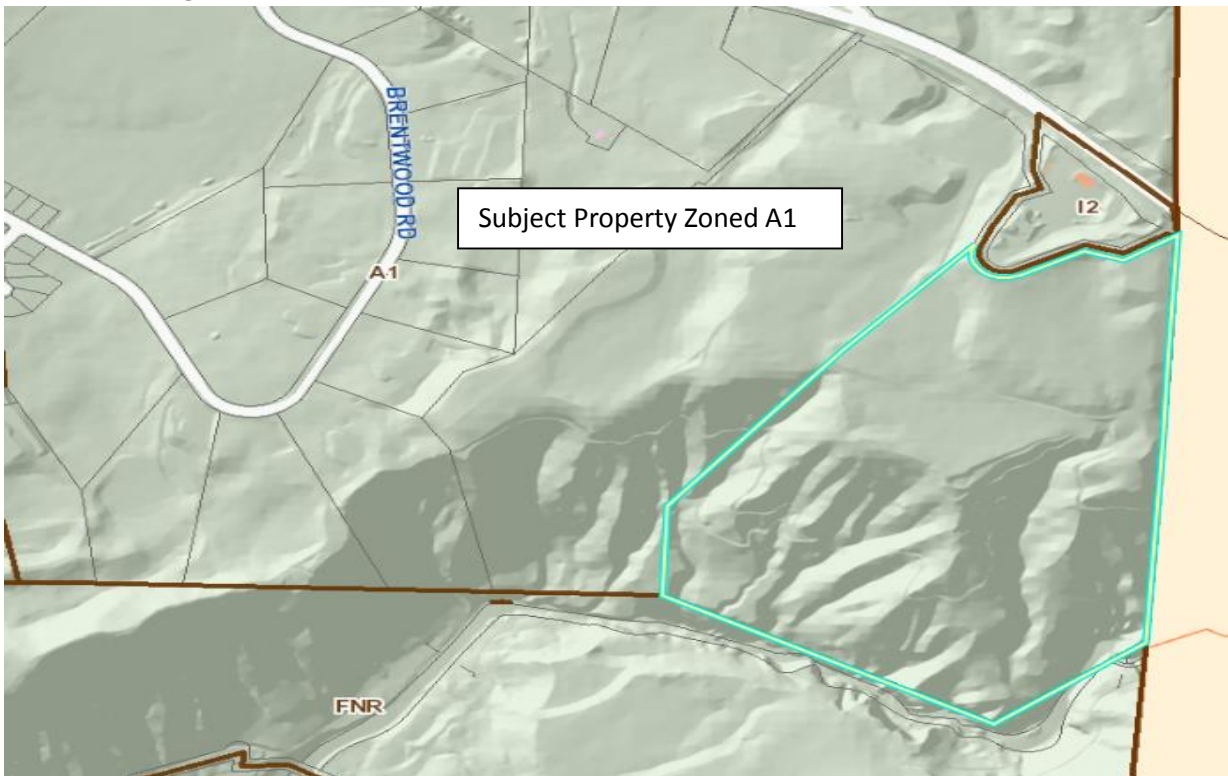


Figure 1 – Slopes

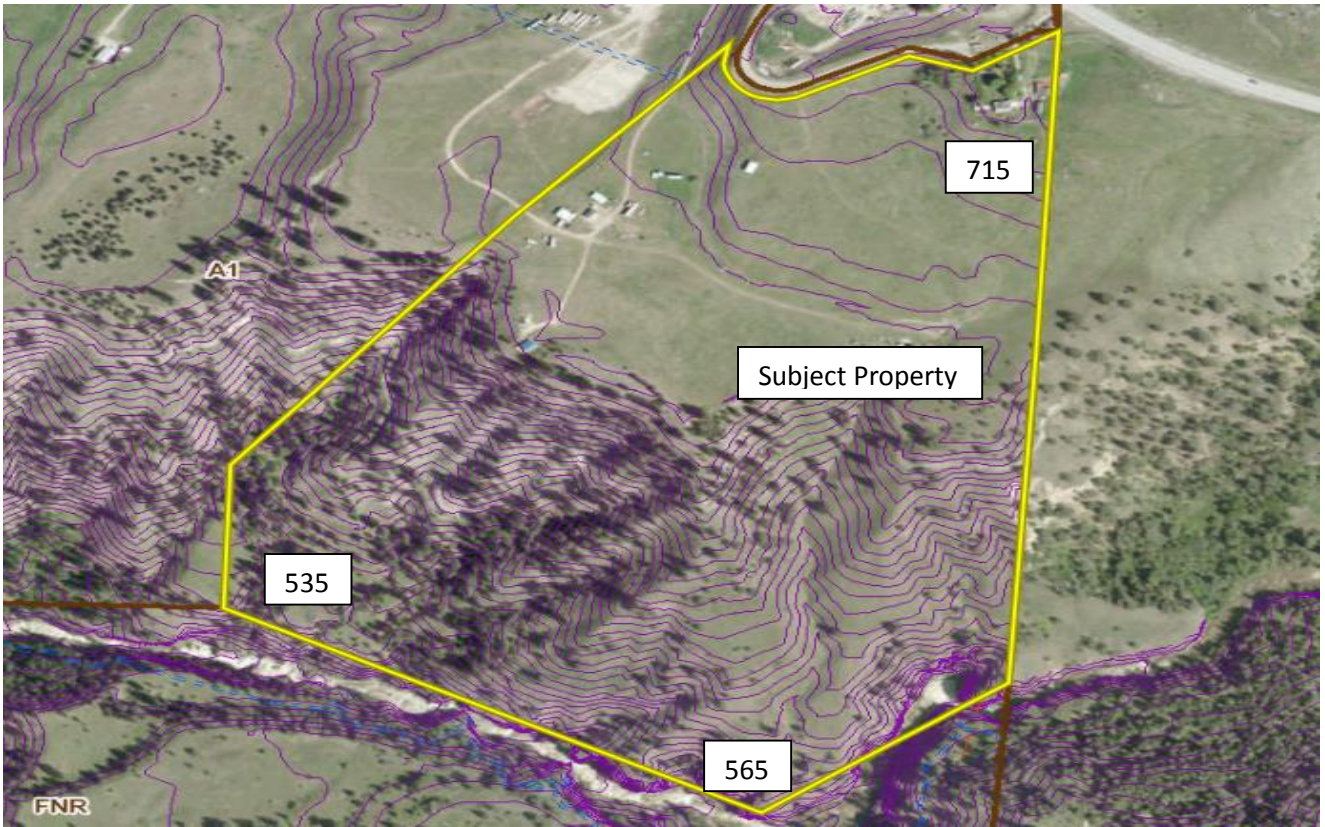


Figure 2 – Proposed Homesite Severance

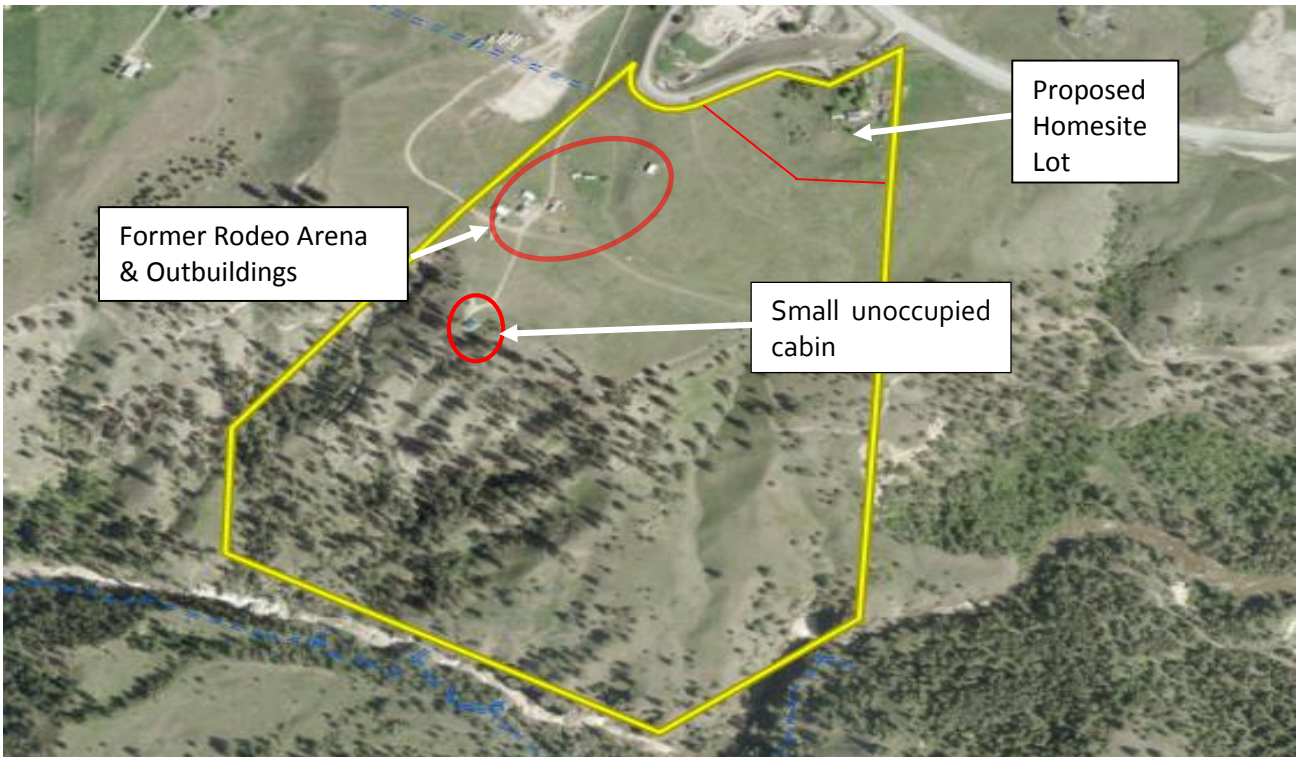


Figure 3 – Proposed Lot



### **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 agriculture integrity of the parcel, where the size and configuration will, in the Commission's opinion, constitute a viable agriculture 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. The applicants meet all the eligibility criteria for a homesite severance. Based on having safe site access and facilitating the lowest impact on farmable land, Community Planning supports locating the homesite severance on the northeast corner of the property.

**Report prepared by:** Sergio Sartori, Development Technician

**Approved by:** Dean Strachan, Community Planning Manager

**Attachments:**

Schedule A: Policies

Schedule B: Technical Comments

# SCHEDULE A - Policies



Subject: Homesite Severance

Address: 3215 Hwy 33 E

## Kelowna Official Community Plan (OCP)

### Land Use Designation Definitions

#### **Resource Protection Area<sup>3</sup>**

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<sup>4</sup>**

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<sup>5</sup>.** 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<sup>6</sup>.**

**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.

<sup>3</sup> City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.2.

<sup>4</sup> City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.6.

<sup>5</sup> City of Kelowna 2030 Official Community Plan. Development Process Chapter. P. 5.2.

<sup>6</sup> City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.33



**Objective 5.34 Preserve Productive Agricultural Areas<sup>2</sup>**

**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.

**Home Site Severance on ALR Lands**

Persons making use of this homesite severance policy (the “Homesite Severance Policy”) must understand the following:

- a. there is no automatic right to a homesite severance;
- b. the Agricultural Land Commission (the “Commission”) shall be the final arbiter as to whether a particular homesite severance meets good land use criteria;
- c. a prime concern of the Commission will always be to ensure that the “remainder” will constitute a suitable agricultural parcel.

The remainder of the subject property after severance of the homesite must be of a size and configuration that will, in the Commissions opinion, constitute a suitable agricultural parcel. Where, in the Commissions opinion, the remainder is of an unacceptable size or configuration from an agricultural perspective, there may be three options:

- a. the Commission may deny the homesite severance;
- b. the Commission may require that the remainder be consolidated with an adjacent parcel; or

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<sup>2</sup> City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.34

c. the Commission may require the registration of a covenant against the title of the remainder and such a covenant may prohibit the construction of dwellings.

# SCHEDULE B – Technical Comments



**Subject: Homesite Severance**

Address: 3215 Hwy 33 E

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## **Development Engineering Department**

No comments at this point. Land Capability Assessment Report will be assessed at time of development application when the ALC agrees to proposed activity on property.

## **Building and Permitting**

Building and Permitting has no comments at this point in time with regard to this application.

## **Black Mountain Irrigation District (BMID)**

BMID has no comments to the above referenced file.