

REPORT TO COUNCIL



Date: March 2, 2020

To: Council

From: City Manager

Department: Development Planning

Application: A19-0021 **Owner:** Beatrice Elizabeth Van Den Eerenbeemt

Address: 620-622 Hartman Road **Applicant:** Brad Elenko; McElhenney Ltd.

Subject: Agricultural Land Commission Application

Existing OCP Designation: S2RES – Single and Two Unit Residential

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Agricultural Land Reserve Appeal No. A19-0021 for Lot 4 Sections 25 and 26 Township 26 ODYD Plan 3078, located at 620-622 Hartman 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; AND THAT the Council directs Staff to forward the subject application to the Agricultural Land Commission for consideration.

2.0 Purpose

To support an application to the Agricultural Land Commission (ALC) for a subdivision for the purpose of a homesite severance.

3.0 Development Planning

Development Planning supports this subdivision application for a homesite severance as it is consistent with ALC Policy L-11 Homesite Severance on ALR Lands.

To begin with, the owner of the lot has owned and resided on the property since June 1970, and therefore meets the ALC criteria of permitting homesite severances only where the property owner has owned and resided on the property since at least December 21, 1972.

In addition, the proposed homesite severance subdivision minimizes the size of the homesite lot and maximizes the size of the remainder lot with farm. Further, the proposed homesite lot would not in any way create a difficulty for the agricultural operation of the remainder lot. As such, the proposed homesite

subdivision upholds the ALC policy of preserving agricultural integrity when considering homesite severances.

4.0 Proposal

4.1 Project Description

The applicant seeks a two lot subdivision for the purpose of a homesite severance. The proposal is to subdivide the subject property, which is a total of 1.8 ha (4.45 acres) in size, to create a new homesite at the southeast corner of the lot abutting Hartman Rd. The applicant is seeking a 0.18 ha (0.45 acres) subdivision for the homesite. The remaining parcel would be 1.62 ha (4.0 acres) in size.

The lot contains two single family homes, a garage, and a butcher shop. The western-most single family home and butcher shop are both serviced by sanitary sewer, while the eastern-most home is serviced by a septic system with the septic field to the north of the home and east of the garage. These buildings are all clustered tightly at the southeast corner of the lot.

The remainder of the lot is being leased to raise livestock and poultry and also board horses, and contains three small farm buildings along the eastern edge near the centre of the lot. The farm buildings are being used for animal shelter and also storage of farm supplies.

The proposed subdivision would keep the eastern-most home and garage on the homesite lot. The western-most home and butcher shop would be kept with the remnant lot. In order to separate the buildings this way between the two lots a variance would be required on both lots to vary the minimum side yard setback (see Schedule A for proposed subdivision). These variances are meant to minimize the size of the homesite lot and maximize the size of the remaining lot with farm.

A reciprocal access agreement would be required between the two properties to share the existing driveway. This would nullify any loss of farmland that would be caused by allowing the eastern-most home on the remnant lot to gain a new access to the west of the existing driveway. Should the homesite lot ever need a sanitary sewer service, the sewer main at the intersection of Hartman Rd. and Craig Rd. would have to be extended to the new property line.

4.2 Site Context

The subject property is located in the Rutland Sector of the city. Farmland sits to the west, while more urban uses surround the property to the north, west and south. Specifically, a single family subdivision sits to the north, a row housing development sits to the west, Rutland Elementary School sits to the south, and sports fields sit to the southwest.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR ₃ – Rural Residential 3	Single Family Homes
East	P ₂ – Education and Minor Institutional	Rutland Elementary School
South	A ₁ – Agriculture 1	Agriculture / Rural Residential
West	RM ₃ – Agriculture 1	Row Housing

Subject Property Map: 620-622 Hartman Rd.



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.33: Minimize the impact of urban encroachment and land use conflicts on agricultural land.

Policy 5.33.7 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.

6.0 Application Chronology

Date of Application Received: December 4, 2019

Agricultural Advisory Committee

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on February 13, 2019 and the following recommendations were passed:

- *The AAC recommends that Council support the ALR Application A19-0021.*

Report prepared by: Aaron Thibeault, Planner II

Reviewed by: Alex Kondor, Acting Agricultural Planning Manager

Approved for Inclusion by: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Proposed Homesite Severance Subdivision

Attachment A: ALR Application with Supplementary Information

Attachment B: ALC Policy L-11 – Homesite Severance on ALR Lands