

REPORT TO COUNCIL



Date: June 13, 2016

RIM No. 1210-10

To: City Manager

From: Community Planning Department (MS)

Application: A16-0006 **Owner:** Roger H. Borrett

Address: 3665 Hart Road & 3671 Hart Road **Applicant:** Roger H. Borrett

Subject: Subdivision in the Agricultural Land Reserve - Lot Line Adjustment

1.0 Recommendation

THAT Agricultural Land Reserve Appeal No. A16-0006 for *Lot 2 Section 10 TWP 26 ODYD Plan KAP48949 and Lot B Section 10 TWP 26 ODYD Plan KAP92586*, located at 3665 and 3671 Hart Rd, 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 direct 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 of Agricultural Land Reserve' under Section 21(2) of the *Agricultural Land Commission Act*. The subdivision is more specifically a lot line adjustment.

3.0 Community Planning

Staff supports the application for the lot line adjustment of moving the property line between the two parcels 98 metres to the east, as it will result in the same number of parcels, both of which will be viable as farms in the long run. There will be no net loss to farming.

4.0 Proposal

4.1 Background

The applicant is requesting a lot line adjustment, to move the property boundary between 3671 Hart Road and 3665 Hart Road, both of which he owns, approximately 98 metres to the east.

The family has owned and farmed the area for four generations. The properties are planted in apples, sour cherries, grapes, a garden nursery and a vegetable garden.

In 2010, the owner's mother was granted a homesite severance by the ALC for 3671 Hart Road, for the homesite which is now 3681 Hart Road. The applicant purchased the farm remainder from his mother, and continues to farm this property and 3665 Hart Road together.

As part of the homesite severance of 3681 Hart Road, the ALC required that two covenants be placed on 3671 Hart Road. These are currently registered on the property and include:

- A Farm Residential Footprint Covenant for a building lot of 0.2 ha (1.2 acre); and
- A No-Build Covenant for the remainder of the parcel.

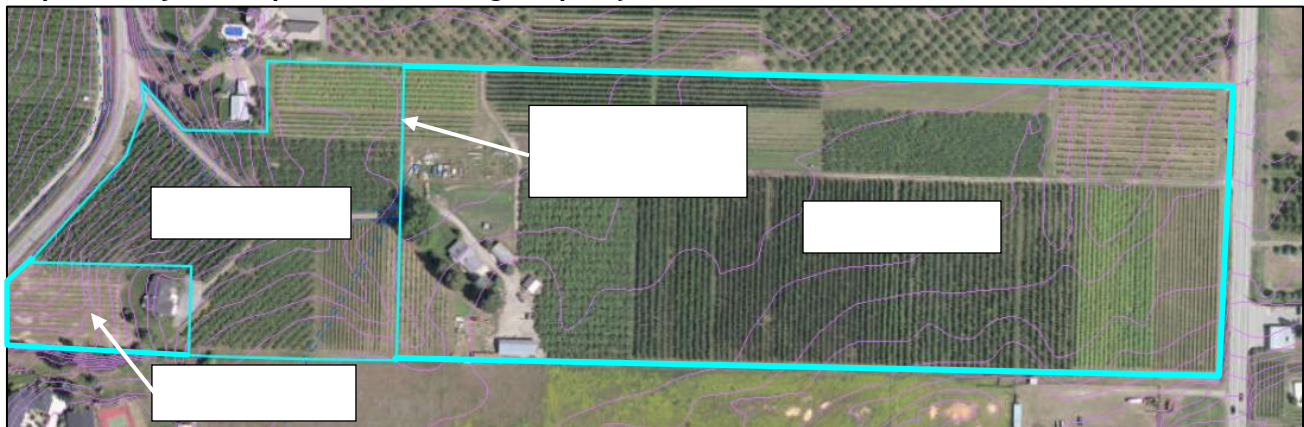
4.2 Project Description

The applicant is requesting a lot line adjustment, in order to keep his house on the western parcel, in order to sell the eastern parcel to his son, so he can keep his house, and also that each parcel can be a viable farm operation.

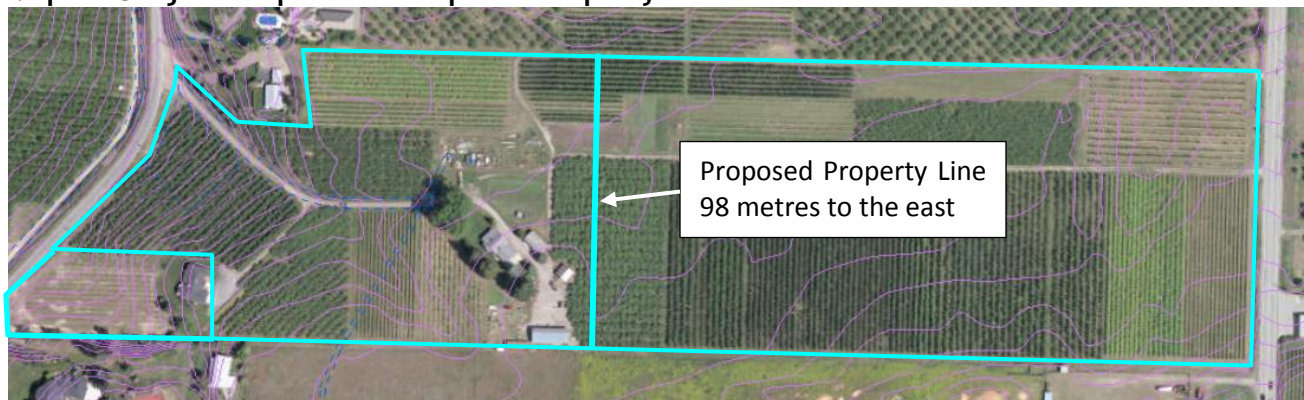
The proposal will include the following:

- Relocation of the property line between the parcels approximately 98 metres to the east.

Map 1 - Subject Properties - Existing Property Line



Map 2 - Subject Properties - Proposed Property Line



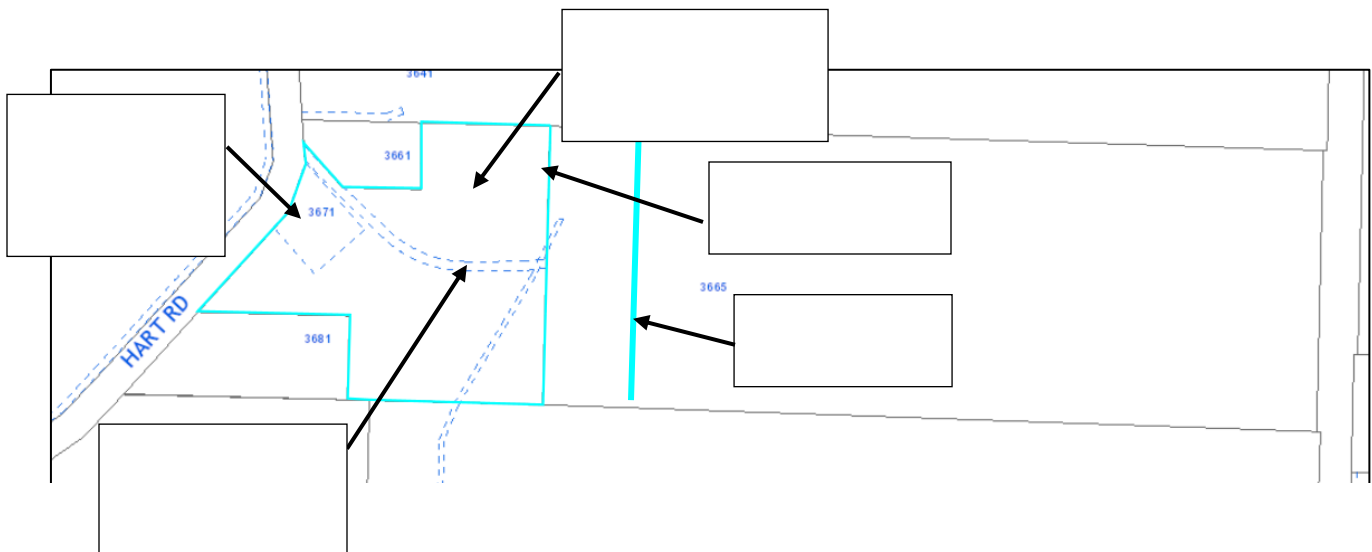
As part of the homesite severance of 3681 Hart Road, the ALC required that several covenants be placed on 3671 Hart Road. These are currently registered on the property and include:

- A Farm Residential Footprint Covenant for a building lot of 0.2 ha (1.2 acre); and
- A No-Build Covenant for the remainder of the parcel.

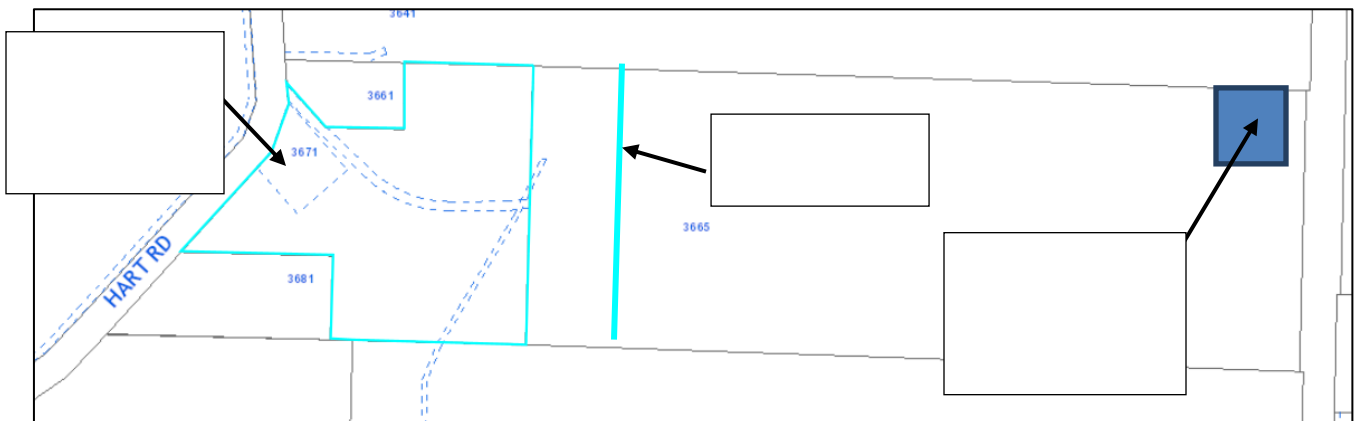
As part of the proposed lot line adjustment, the following is required with respect to covenants and access easements:

1. Remove the Farm Residential Footprint Covenant on 3671 Hart Road and register a Farm Residential Footprint Covenant on 3665 Hart Road, of the same size (0.2 ha or ½ acre).
2. Protect the owner's existing homeplate and agricultural structures with a Farm Residential Footprint Covenant (approximately 0.4 ha or 1 acre).
3. Retain the existing No-Build Covenant on the remainder of 3671 Hart Road.
4. Relocate the existing access easement to serve 3681 Hart Road (still used as primary access).

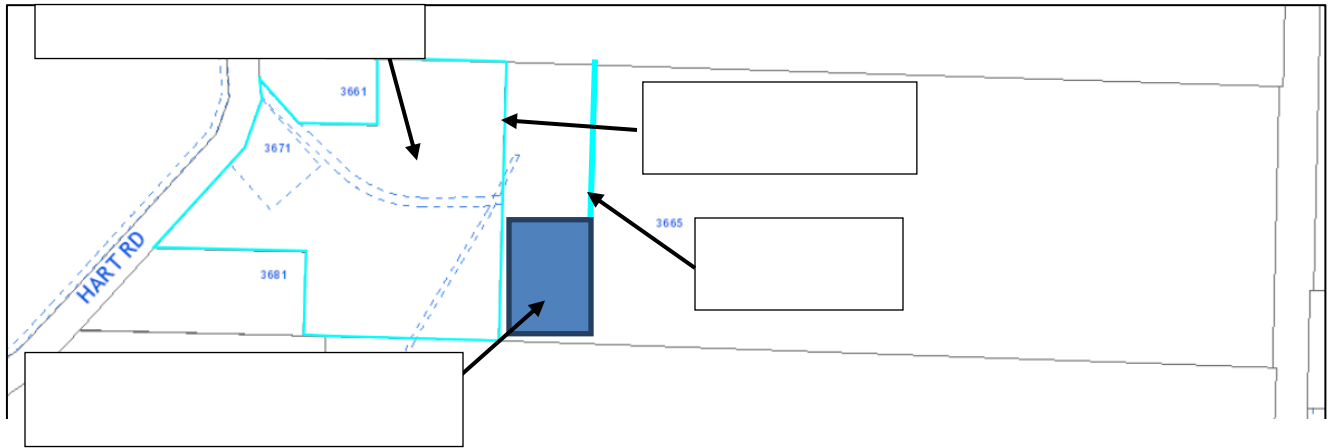
Map 3 - Subject Properties - Existing Covenant and Easement Areas



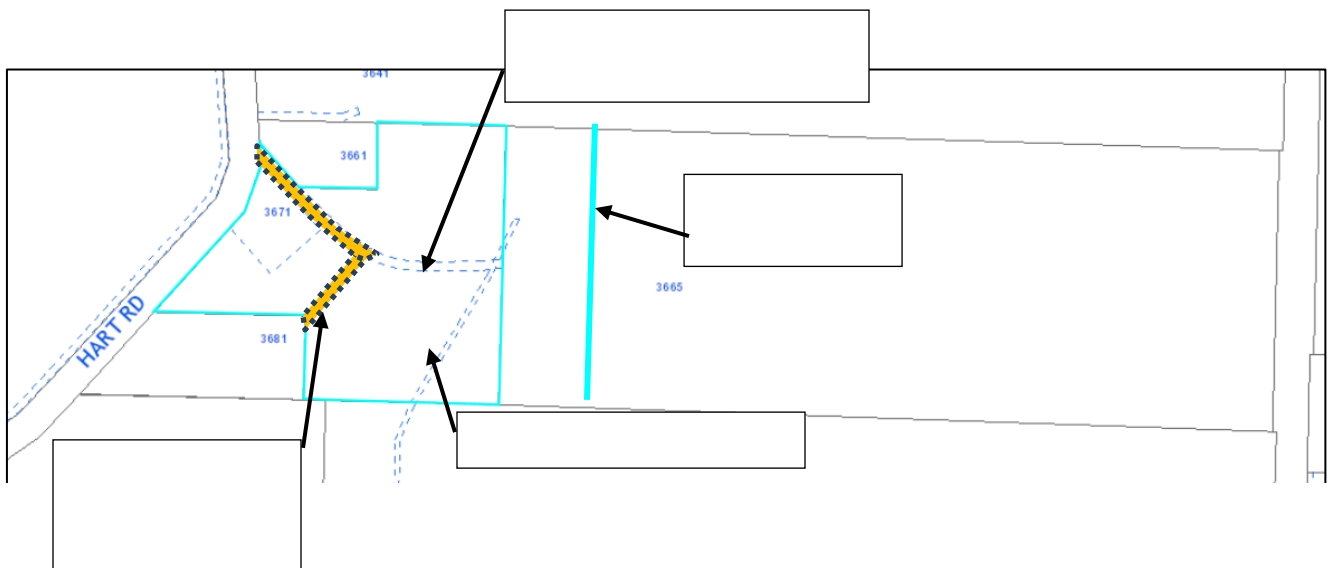
Map 4 - Subject Properties - Proposed Relocation of Farm Residential Footprint Covenant



Map 5 - Subject Properties - Proposed Adjustment to No-Build Covenant Area - 3671 Hart Road



Map 6 - Subject Properties - Proposed Covenant and Easement Areas



4.3 Site Context

The subject property is located in the Southeast Kelowna Sector of the City. It is surrounded by land in the ALR. To the west is a golf course with an agricultural component, to the north, east and south is actively farmed land. It is outside the Permanent Growth Boundary according to the Official Community Plan.

Parcel Summary 3671 Hart Road:

Parcel Size: 2.6 ha (6.5 ac)
Elevation: 464 at west to 479 (metres above sea level) at east

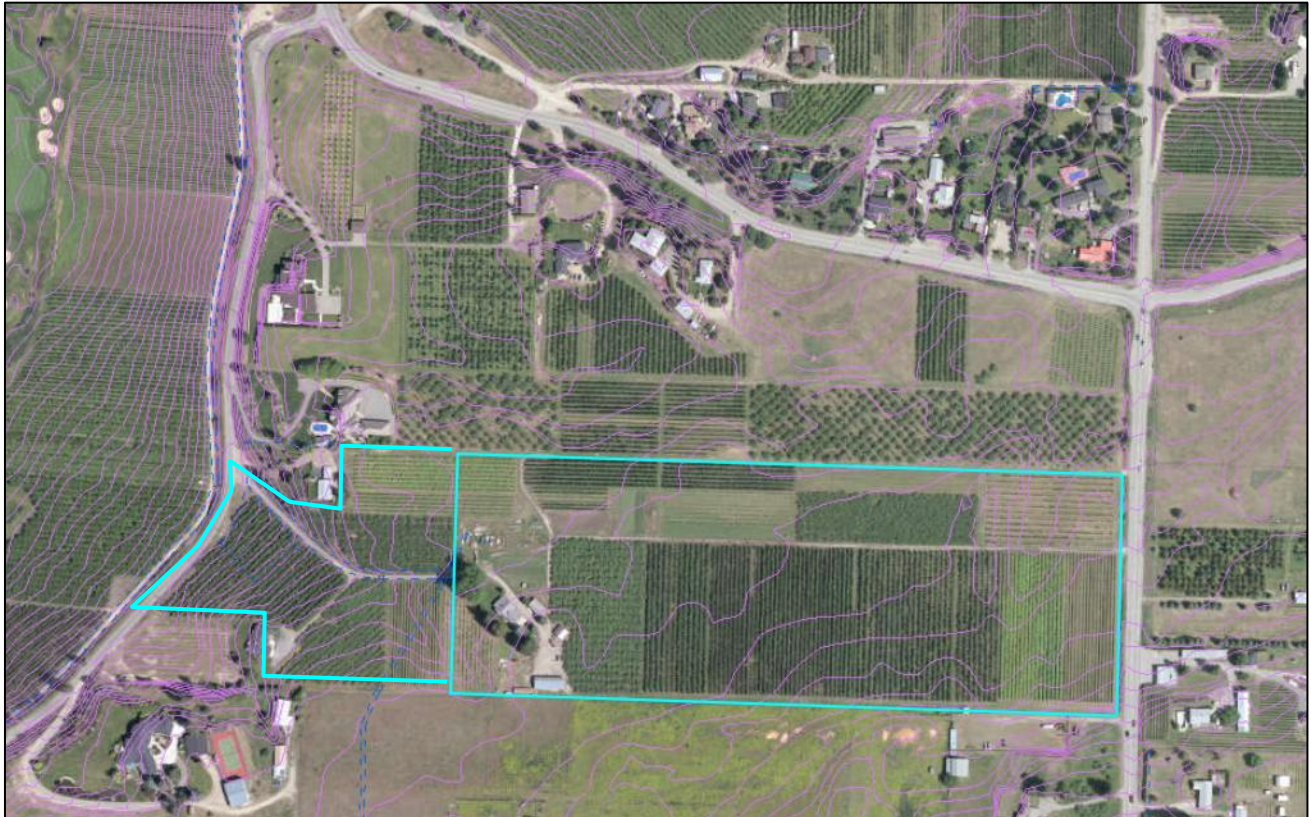
Parcel Summary 3665 Hart Road:

Parcel Size: 8.98 ha (22.2 ac)
Elevation: 477 at west to 486 (metres above sea level) at east

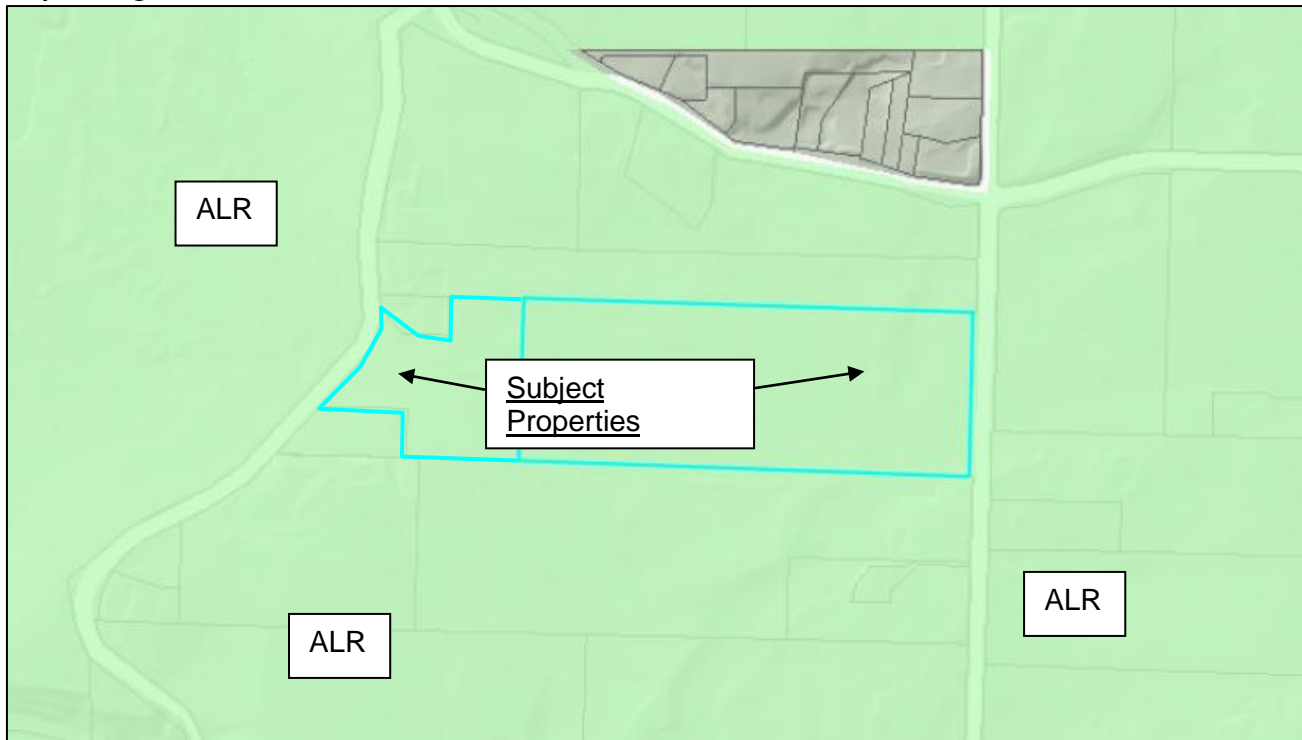
4.4 Zoning of Adjacent Property

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	A1 - Agriculture 1	Agriculture
East	A1 - Agriculture 1	Agriculture
South	A1 - Agriculture 1	Agriculture
West	P3LP - Private Recreation / Liquor Primary	Golf Course

Map 7 - Neighbourhood Context



Map 8 - Agricultural Land Reserve



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 5.33 Protect and enhance local agriculture¹.

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.

5.2 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.

¹ City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35.

6.0 Technical Comments

6.1 Development Engineering Department

Development Engineering has the following comments at this point in time with regard to this application, a comprehensive report will be provided at the time of subdivision application submission if and when the Agricultural Land Commission agrees to this proposal.

The proposed Lot Line Adjustment does not compromise Municipal Servicing Requirements.

6.2 Southeast Kelowna Irrigation District (SEKID)

Water service is available subject to compliance with all applicable district bylaws. The applicant is encouraged to arrange to meet with the district to review in detail the purpose of the lot line adjustment and the implications on water servicing.

7.0 Application Chronology

Date of Application Received: February 22, 2016

Agricultural Advisory Committee: May 12, 2016

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on May 12, 2016 and the following recommendations were passed:

Moved By Yvonne Herbison/Seconded By Domenic Rampone

THAT the Agricultural Advisory Committee recommends that Council support an application to the Agricultural Land Commission under Section 21(2) of the Agricultural Land Commission Act for a "Subdivision of Agriculture Land Reserve at 3665 and 3671 Hart Road for a lot line adjustment.

Carried

ANECTDOTAL COMMENT:

The Agricultural Advisory Committee supported this application for "Subdivision of Agriculture Land" on this property and commented that there is no net loss of agricultural land and the farm is currently in operation.

Report prepared by:

Melanie Steppuhn, Land Use Planner

Reviewed by:

☐

Todd Cashin, Subdivision, Suburban and Rural Planning Manager

**Reviewed by
Approved for Inclusion:**

☐

Ryan Smith, Community Planning Department Manager

Approved for Inclusion:

☐

Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Development Engineering Services Memo
Proposed Homesite Severance Plans