

REPORT TO COUNCIL



Date: September 28, 2020

To: Council

From: City Manager

Department: Development Planning

Application: A19-0004

Owner: Donna Nicholas

Address: 4145 June Springs Road

Applicant: Peter Klimuk

Subject: Application to the ALC for "Subdivision of Agricultural Land Reserve"

Existing OCP Designation: REP – Resource Protection

Existing Zone: RR1 – Rural Residential 1

1.0 Recommendation

THAT Agricultural Land Reserve Application No. A19-0004 for Lot 2, Sections 2 and 3, Township 26, ODYD, Plan KAP88080 located at 4145 June Springs Road, Kelowna, BC to subdivide land within the Agricultural Land Reserve, pursuant Section 21(2) of the Agricultural Land Commission Act, NOT be supported by Council;

AND THAT Council NOT direct Staff to forward the subject application to the Agricultural Land Commission for consideration.

2.0 Purpose

To consider a Staff recommendation to NOT support an application to the Agricultural Land Commission for a "Subdivision of Agricultural Land Reserve" under Section 21(2) of the Agricultural Land Commission Act.

3.0 Development Planning

Development Planning does not support the application for subdivision within the Agricultural Land Reserve. The subject property is outside of the Permanent Growth Boundary and designated REP – Resource Protection in the Official Community Plan (OCP). The parent parcel has been somewhat recently subdivided in 2008 under the same ownership. The proposal is not considered to benefit agriculture and has already been subdivided once for a family member under the current ownership.

4.0 Proposal

4.1 Background

The application is to subdivide the property into two lots, 2.0 ha in size including the existing single-family dwelling and a vacant 1.0 ha lot. The property has been owned by the family since the 1950's and has gone through two subdivisions, one in 1983 and more recently in 2008. Both subdivision applications were approved by ALC resolution and were for family members. The subdivision would likely not meet the general criteria for Homesite Severances on ALR lands due to the previously approvals. The applicant has decided to proceed with the application as submitted for general subdivision.

There is currently no agricultural activity or improvements on the subject property. The property is 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.

Parcel Summary – 4145 June Springs Road:

Parcel Size: 3.0 ha ha (7.41 acres)
Elevation: 546.0 to 549.0 metres above sea level (masl) (approx.)

Table 1: Zoning and Land Use of Adjacent Property

Direction	Zoning	ALR	Land Use
North	RR1 – Rural Residential 1	Yes	Agriculture / Residential
South	A1 – Agriculture 1	Yes	Agriculture / Residential
East	RR1 – Rural Residential 1	No	Residential
West	A1 – Agriculture 1	Yes	Agriculture / Residential

Subject Property Map: 4145 June Springs Road



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 near 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

7.0 Application Chronology

Date of Application Received: February 22, 2019

Date of Application Received: April 17, 2018

Agricultural Advisory Committee August 8, 2019

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on August 8, 2019 and the following recommendations were passed:

THAT the Agricultural Advisory Committee recommends that Council not support Agricultural Land Reserve Application No. A19-0004 for the property located at 4145 June Springs Road to allow for a "Subdivision of Agricultural Land Reserve" under Section 21(2) of the Agricultural Land Commission Act.

Anecdotal comments were that the Agricultural Advisory Committee would like to see the consideration of a home site severance application to ensure the remainder would be used for viable agriculture operation and that the Committee does not see any benefit to agriculture by approving the subdivision.

8.o Alternate Recommendation

THAT Agricultural Land Reserve Application No. A19-0004 for Lot 2, Sections 2 and 3, Township 26, ODYD, Plan KAP88080 located at 4145 June Springs Road, Kelowna, BC to subdivide land within the Agricultural Land Reserve, pursuant 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.

Report prepared by:

Wesley Miles, Planner Specialist

Approved for Inclusion:

Dean Strachan, Community Planning and Development Manager

Approved for Inclusion:

Terry Barton, Development Planning Department Manager

Attachments:

Schedule A – Preliminary Site Plan