

# REPORT TO COUNCIL

## ALR APPLICATION



**Date:** November 6<sup>th</sup>, 2023  
**To:** Council  
**From:** City Manager  
**Address:** 127 Valley Rd  
**File No.:** A23-0009  
**Zone:** A1 – Agriculture

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### 1.0 Recommendation

THAT Agricultural Land Reserve Application No. A23-0009 for Lot 6 Block 17 Section 4 Township 23 ODYD Plan 1068, located at 127 Valley Road, Kelowna, BC 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 for a subdivision for the purpose of a homesite severance.

### 3.0 Development Planning

Staff support the proposed subdivision application for a homesite severance as it complies with the City's Official Community Plan (OCP) Policy for subdivision of agricultural land. The OCP Policy supports homesite severances that are approved by the Agricultural Land Commission (ALC). The ALC outlines the provisions for a homesite severance in ALC Policy L-11: Homesite Severance on ALR Lands and staff consider the proposal to meet the intent of the ALC's policy.

The primary land use criteria of the ALC's policy are that:

1. the owner has continuously owned and occupied the property since December 21, 1972;
2. the remainder parcel will constitute a suitable agricultural parcel;
3. the applicant has not previously subdivided the property; and
4. the existing homesite may be created as a separate parcel where it is of a minimum size compatible with the character of the property and has reasonable access.

While the Title of the subject property was not transferred to the current owner until April 10, 1980, the owner first had an Offer to Purchase on April 19, 1967, and has actively farmed and resided on the property since 1967. Staff believe this meets the intent of the ALC's requirement for a homesite severance.

While the proposed homesite severance does not include the original residence of the owner, the configuration minimizes the site of the homesite lot and maximize the size of the remainder lot which contains an active apple orchard. The proposed lot would not impact the active agriculture and would allow it to continue to function as an agricultural unit. The parcel has not previously been subdivided by the current owner.

## 4.0 Subject Property & Background

### 4.1 Subject Property Map



The subject property has the Future Land Use Designation of R-AGR – Rural – Agricultural and Resource and is zoned A1 – Agriculture and is in the Agricultural Land Reserve (ALR). The surrounding area is a mix of agriculture and single-detached dwellings. Dr Knox Middle School is also located across the street from the subject property.

## 5.0 Zoning Bylaw Regulations Summary

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 5.75 ha (14.2 acres) in size, to create a new homesite at the southwest corner of the property abutting Valley Road. The applicant is seeking a 0.45 ha (1.1 acre) subdivision for the homesite, while the remaining parcel would be 5.28 ha (13.05 acres) in size.

There are currently three dwellings on the subject property. The first dwelling and a detached garage are located at the centre of the property. The second dwelling is at the northwest corner of the property, and the final dwelling, home based business (salon) and two sheds are the located at the southwest corner of the property. The proposed subdivision would subdivide the southwest residence from the rest of the property. The remainder lot is proposed to be purchased by the lessee and remain as an apple orchard. If the application is successful, no additional residences would be permitted on either lot.

A reciprocal access agreement would be required between the proposed lot and the neighbouring property to the South (143-147 Valley Road). This is required because they currently share an access onto Valley Road, and additional accesses are discouraged on Minor Arterial roads. The reciprocal access would also help protect Brandt Creek as it would remove the need to add additional fill.

**6.0 Current Development Policies**

<b>Objective 8.1. Protect and preserve agricultural land and its capability</b>	
Policy 8.1.7. Subdivision of Agricultural Land.	Maximize the potential for agricultural land to be used for agriculture by not allowing it to be subdivided into smaller parcels, except where significant positive benefits to agriculture can be demonstrated or in the case of homesite severances approved by the ALC.
	<i>The proposed application generally complies with the ALC policies for homesite severances.</i>

**7.0 Application Chronology**

Application Accepted: August 9<sup>th</sup>, 2023.

**Report prepared by:** Tyler Caswell, Planner II  
**Reviewed by:** Lydia Korolchuk, Acting Urban Planning Supervisor  
**Reviewed by:** Dean Strachan, Community Planning & Development Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

**Attachments:**

- Attachment A – ALC Non-Adhering Residential Use Application
- Attachment B – Site Plan
- Attachment C – Applicant’s Rationale

For additional information, please visit our Current Developments online at [www.kelowna.ca/currentdevelopments](http://www.kelowna.ca/currentdevelopments).