



# Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 100998  
**Application Type:** Subdivide Land in the ALR  
**Status:** Submitted to L/FNG  
**Name:** Sandher  
**Local/First Nation Government:** City of Kelowna

## 1. Parcel(s) Under Application

### Parcel #1

**Parcel Type** Fee Simple  
**Legal Description** LOT 3 SECTION 35 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 20374  
**Approx. Map Area** 0.09 ha  
**PID** 007-900-708  
**Purchase Date** Aug 6, 2023  
**Farm Classification** No  
**Civic Address** 426 Fitzpatrick RD. Kelowna (BC)  
**Certificate Of Title** search.pdf

Land Owner(s)	Organization	Phone	Email	Corporate Summary
Kamaljeet Singh Sandher	Not Applicable		k	Not Applicable

**ATTACHMENT** A

This forms part of application # A24-0009

Planner Initials **TC**



City of Kelowna  
DEVELOPMENT PLANNING

## 2. Other Owned Parcels

Do any of the land owners added previously own or lease other parcels that might inform this application process? No

## 3. Primary Contact

Type	Land Owner
First Name	Kamaljeet Singh
Last Name	Sandher
Organization (If Applicable)	No Data
Phone	
Email	

## 4. Government

Local or First Nation Government: City of Kelowna

## 5. Land Use

### Land Use of Parcel(s) under Application

Describe all agriculture that currently takes place on the parcel(s).	PID 007-900-708: .09 HA NOT AN AGRICULTURE LAND. THERE IS ONLY ONE HOUSE, NO SPACE OF THE AGRICULTURE.
Describe all agricultural improvements made to the parcel(s).	"No Agricultural Improvements"
Describe all other uses that currently take place on the parcel(s).	RESIDENTIAL - ONE HOUSE 75.80 SQ.M.

### Land Use of Adjacent Parcels

ATTACHMENT A

This forms part of application # A24-0009

Planner Initials TC



**City of Kelowna**  
DEVELOPMENT PLANNING

	Main Land Use Type	Specific Activity
North	Agricultural / Farm	AGRICULTURE LAND
East	Residential	HOUSE
South	Transportation / Utilities	ROAD
West	Residential	HOUSE

## 6. Proposal

### Proposed Lot Areas

#	Type	Size
1	Lot	0.045
2	Lot	0.045

**What is the purpose of the proposal?** I am applying for two separate full-size houses.

**Why do you believe this parcel is suitable for subdivision?** There are several factors that need to be considered:- 1. Zoning regulation: The parcel complies with local zoning regulations. Minimum lot size, setback requirements, and surrounding properties. 2. Physical Characteristics: A rectangular or square-shaped parcel is generally easier to subdivide into regular lots, whereas irregular shapes might require creative solutions or variances. 3. Infrastructure: The availability of utilities such as water, sewer, electricity, and roads plays a crucial role. Subdivided lots should ideally have access to these utilities without significant additional infrastructure costs. 4. Market Demand: Understanding the market demand for smaller lots versus larger ones in the area is important. This can influence the decision on how many lots to create and their size.

**Does the proposal support agriculture in the short or long term? Please explain.** Not Applicable.

**Proposal Map / Site Plan** Preliminary Design-426 Fitzpatrick.05152024.pdf

**Are you applying for subdivision pursuant to the ALC Homesite Severance Policy?** No

**ATTACHMENT** A

This forms part of application  
# A24-0009

Planner  
Initials

TC



City of  
**Kelowna**  
DEVELOPMENT PLANNING

# 7. Optional Documents

Type	Description	File Name
------	-------------	-----------

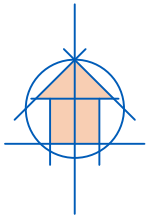
**ATTACHMENT**     A    

This forms part of application  
# A24-0009

Planner Initials TC



City of  
**Kelowna**  
DEVELOPMENT PLANNING



# PROPOSED TWO SINGLE DETACHED HOUSE

## 426 FITZPATRICK RD. KELOWNA (BC)

**CURRENT ZONE A1**  
**PROPOSED ZONE RU2**

**PROJECT DATA:**

ADDRESS : 426 FITZPATRICK RD, KELOWNA  
 LEGAL : PLAN KAP20374 LOT 3, SECTION 35  
 TOWNSHIP 26  
 PID : 007-900-708

CURRENT ZONING: A1  
 PROPOSED ZONING:RU2

LOT SIZE: = 890.00 m<sup>2</sup> = 9579.88 ft<sup>2</sup>  
 PERMITTED 40% = 356.00 m<sup>2</sup> = 3831.95 ft<sup>2</sup>  
 WITH DRIVEWAY 70% = 623.00 m<sup>2</sup> = 6705.91 ft<sup>2</sup>

**PROPOSED AREA (UNIT A#B)**

MAIN FLOOR = 708.32 ft<sup>2</sup> (65.80 SQM.)  
 UPPER FLOOR = 3190.9 ft<sup>2</sup> (296.44 SQM.)  
 SUITE = 1910.22 ft<sup>2</sup> (177.46 SQM.)  
 GARAGE AREA = 967.56 ft<sup>2</sup> (89.88 SQM.)  
 TOTAL = 6777.00 ft<sup>2</sup> (629.58 SQM)

**LOT COVERAGE:**

PRINCIPLE BUILDING (A#B) = 3586.1 ft<sup>2</sup> (333.15 SQM)  
 FRONT PORCH (A#B) = 142.26 ft<sup>2</sup> (13.21 SQM.)  
 COVERED DECK (A#B) = 159.18 ft<sup>2</sup> (14.78 SQM.)  
 DRIVEWAY/WALKWAY (A#B) = 1068.22 ft<sup>2</sup> (99.24 SQM.)  
 TOTAL (A # B) = 4955.76 ft<sup>2</sup> (460.38 SQM.)



**SITE PLAN**  
SCALE: 1/16" = 1'-0"

**ATTACHMENT B**

This forms part of application

# A24-0009

Planner Initials **TC**



NO.	REV.
2024-05-15	B REVISION AREA
2024-03-04	A EP APPLICATION
1	ISSUED

**MARWAHA DESIGN INC.**

778-318-4874  
 creative.marwaha@gmail.com  
 www.marwahadesigns.com

PROJECT:

PROPOSED DUPLEX  
 426 FITZPATRICK RD.  
 KELOWNA, BC

CLIENT:

KAMALJEET SINGH SANDHER

DRAWN:	HS
CHECKED:	HS
SCALE:	1/16" = 1'-0"
JOB No.:	KEL-KAM-430
DATE:	03-04-2024
SHEET TITLE:	

SITE PLAN

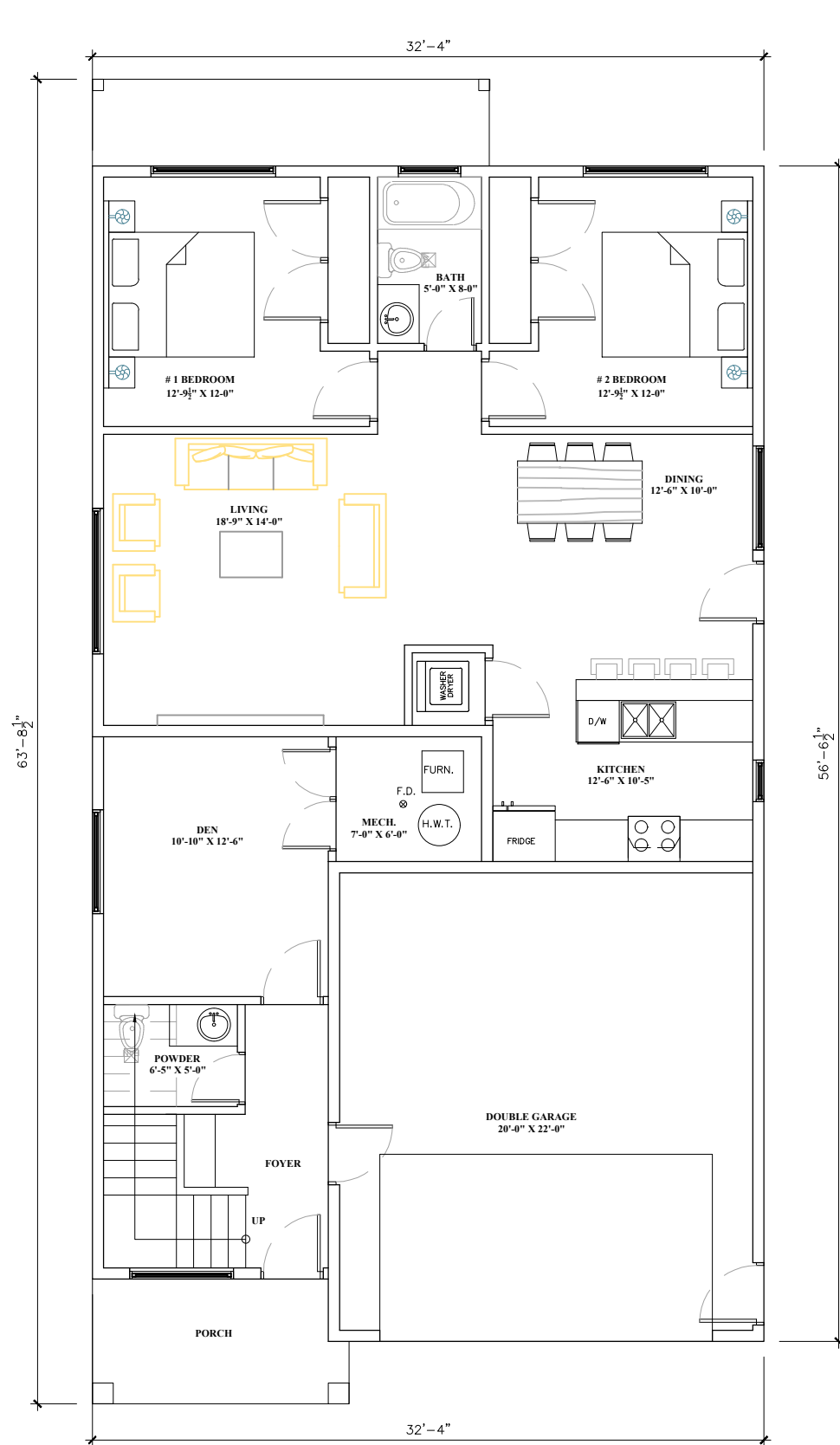
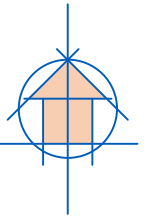
THE CONTRACTOR IS TO CONFIRM ALL MEASUREMENTS AND REPORT ANY ERRORS OR OMISSIONS BACK TO MARWAHA DESIGNS INC. BEFORE COMMENCING WORK. MARWAHA DESIGNS INC WILL NOT BE LIABLE FOR ANY ERRORS OR OMISSIONS. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CURRENT PART 9 OF THE BCBC. LOADS NOT COVERED IN THE BUILDING CODE WILL REQUIRE AN ENGINEER AND IS THE RESPONSIBILITY OF THE CONTRACTOR TO SECURE. THIS PLAN IS EXCLUSIVE PROPERTY OF MARWAHA DESIGNS INC. AND MAY NOT BE REPRODUCED WITH OUT WRITTEN CONSENT.

DRAWING NO.:

A-101

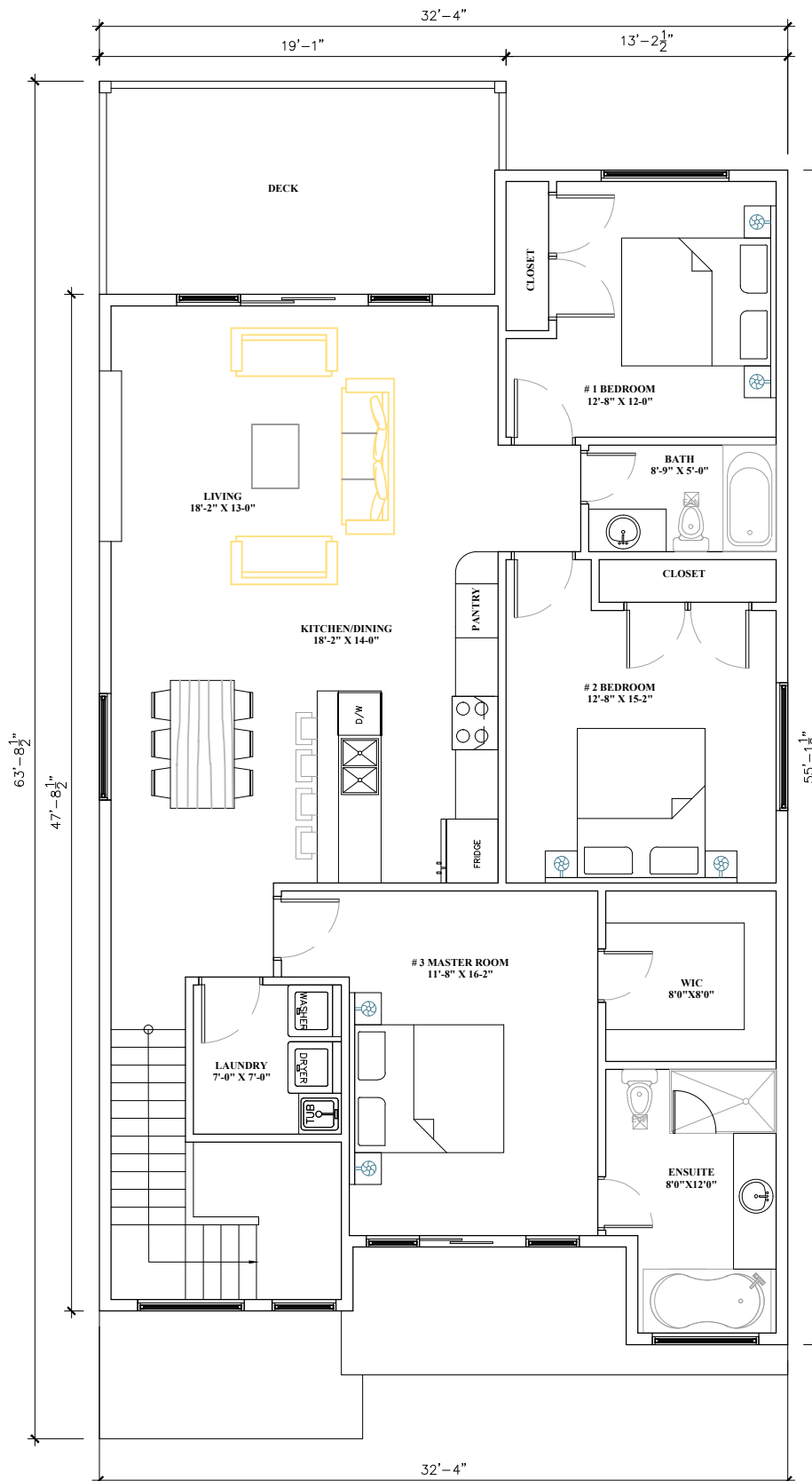
1 OF 2

NOTES:



**MAIN FLOOR PLAN (UNIT A & B)**

SCALE: 1/8" = 1'-0"  
 MAIN FLOOR: 354.16 SQ.FT.  
 SUITE: 955.11 SQ.FT.  
 GARAGE: 483.78 SQ.FT.  
 TOTAL FLOOR AREA: 1793.05 SQ.FT.



**UPPER FLOOR PLAN (UNIT - A & B)**

SCALE: 1/8" = 1'-0"  
 TOTAL FLOOR AREA: 1595.45 SQ.FT.

**ATTACHMENT B**  
 This forms part of application  
 # A24-0009  
 Planner Initials **TC**  
 City of Kelowna  
 DEVELOPMENT PLANNING

2024-03-04	A	DP APPLICATION

**MARWAHA DESIGN INC.**  
 778-318-4874  
 creative.marwaha@gmail.com  
 www.marwahadesigns.com

PROJECT:  
**PROPOSED DUPLEX  
 426 FITZPATRICK RD.  
 KELOWNA, BC**  
 CLIENT:  
**KAMALJEET SINGH SANDHER**

DRAWN:	HS
CHECKED:	HS
SCALE:	1/8" = 1'-0"
JOB No.:	KEL-KAM-430
DATE:	03-04-2024
SHEET TITLE:	

FLOOR PLANS

THE CONTRACTOR IS TO CONFIRM ALL MEASUREMENTS AND REPORT ANY ERRORS OR OMISSIONS BACK TO MARWAHA DESIGNS INC. BEFORE COMMENCING WORK. MARWAHA DESIGNS INC WILL NOT BE LIABLE FOR ANY ERRORS OR OMISSIONS. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CURRENT PART 9 OF THE B.C.B.C. LOADS NOT COVERED IN THE BUILDING CODE WILL REQUIRE AN ENGINEER AND IS THE RESPONSIBILITY OF THE CONTRACTOR TO SECURE. THIS PLAN IS EXCLUSIVE PROPERTY OF MARWAHA DESIGNS INC. AND MAY NOT BE REPRODUCED WITH OUT WRITTEN CONSENT.

---

**CITY OF KELOWNA**

**MEMORANDUM**

---

**Date:** August 9, 2024  
**File No.:** A24-0009  
**To:** Urban Planning (TC)  
**From:** Development Engineering Branch (MH)  
**Subject:** 426 Fitzpatrick Rd 2 Lot Subdivision

---


The Development Engineering Department has the following comments associated with this application for a 2-lot subdivision. The following Works and Services will be required of this development prior to final subdivision approval. The Development Engineering Technologist for this file is Michael James-Davies ([mjames-davies@kelowna.ca](mailto:mjames-davies@kelowna.ca)).

**1. GENERAL**

- a. The following comments and requirements are valid for a period of one (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to modify some or all items in this memo if an application for Building Permit is not made within this time.
- b. This proposed development may require the installation or modification of centralized mail delivery equipment. Please contact Arif Bhatia, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0, (250) 859-0198, [arif.bhatia@canadapost.ca](mailto:arif.bhatia@canadapost.ca) to obtain further information and determine requirements.
- c. All City Trees must be protected as per Bylaw 8042 Schedule C – Tree Barrier and Installation Policy requirements. Removal of City Trees will require prior approval of the City’s Urban Forestry Supervisor and may be subject to replacement, at a minimum two for one ratio, and compensation payment as per the City of Kelowna Equitable Compensation as defined in Section 8.2 of Bylaw 8042.

**2. DOMESTIC WATER AND FIRE PROTECTION**

- a. The subject property is located within the Black Mountain Irrigation District (BMID) Water Supply Area. The Developer’s Consulting Engineer will determine the servicing and fire protection requirements of this proposed development. The Developer is required to make satisfactory arrangements with BMID for all water servicing and fire protection requirements.
- b. All fire flow calculations are to be provided to the City’s Development Engineering Department upon submittal of Building Permit application or off-site civil engineering drawings, as the case may be. Confirmation of adequate servicing and fire protection from BMID must be provided to the City Engineer prior to issuance of Building Permit.

<b>ATTACHMENT</b> <u>    </u> C	
This forms part of application # A24-0009	
Planner Initials	TC
 City of <b>Kelowna</b> DEVELOPMENT PLANNING	

### 3. **SANITARY SEWER SYSTEM**

- a. Our records indicate that this property is currently serviced with a 100 mm diameter sanitary service off Fitzpatrick Rd. Only one service connection will be permitted per lot.
- b. The Developer's Licensed Residential Builder or Plumbing Contractor will determine the sanitary sewer servicing requirements of this development. If upgrades are determined to be necessary to achieve adequate servicing, the Developer must complete any such upgrades at their cost. At a minimum, one service per lot will be required. New service connections are to be completed as per SS-S7 with an inspection chamber and Brooks Box. Any obsolete services must be fully decommissioned at the main.
- c. In this case, the Developer, can choose to either engage a Consulting Engineer and a qualified Contractor to design and construct the service upgrades or they can choose to have the works completed by City forces at the Developer's expense. If the Developer chooses to have the works completed by City forces, they will be required to sign a Third-Party Work Order and pre-pay for the cost of the work. For estimate inquiries please contact the Development Engineering Technician assigned to the file.

### 4. **STORM DRAINAGE**

- a. The subject property is located within the City of Kelowna drainage service area. The City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b. The Developer must engage a Consulting Engineer to provide a combined Lot Grading Plan, Stormwater Management Plan, and Erosion and Sediment Control Plan to meet the requirements of Bylaw 7900. Indicate on the plan the building elevations, finished grade slopes and elevations throughout the site, perimeter grades to match existing grades, overland flow routes, onsite stormwater retention if required, and erosion and sediment control measures.

### 5. **ROADWAY AND STREETScape**

- a. Approximately 1 m road dedication along the entire frontage of Fitzpatrick Rd is required to achieve a ROW width of 22 m in accordance with OCP Functional Road Classification objectives and Bylaw 7900 Typical Road Sections.
- b. Fitzpatrick Rd is classified in the 2040 OCP as a Suburban Minor Arterial and must be upgraded to an urban XS-R65 standard along the full frontage of the subject property to facilitate additional corridor density associated with this development. Required upgrades to include sidewalk, curb and gutter, LED street lighting, landscaped and irrigated boulevard, pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- c. Only utility upgrades must be completed at this time as the City wishes to defer the frontage upgrades on Fitzpatrick Rd.
  - i. A cash payment in lieu of construction in the amount of 125% of the estimated construction cost is required in accordance with Section 8.1.(b) of Bylaw 7900.




- ii. The City Engineer's estimated cost of construction for the roadway and laneway works is outlined in the *Costs, Fees, and Securities* section of this memo.

## 6. **POWER AND TELECOMMUNICATION SERVICES**

- a. All proposed service connections are to be installed underground. It is the Developer's responsibility to make a servicing application with the respective electric power, telephone, and cable transmission companies to arrange for these services. Utility companies are required to obtain the City's approval before commencing construction.
- b. Provide all necessary Statutory Rights-of-Ways for any utility corridors as may be required.

## 7. **GEOTECHNICAL STUDY**

- a. Provide a Geotechnical Report prepared by a Professional Engineer competent in the field of geotechnical or hydrogeological engineering as applicable. The Geotechnical Report must be submitted to the Development Services Department as part of the Building Permit submission and prior to the City's review of Engineering drawings. Geotechnical Report to address, at a minimum, any of the applicable items below:
  - i. Site suitability for development;
  - ii. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property, as well as any monitoring required;
  - iii. Site soil characteristics (i.e., soil types and depths, fill areas, infiltration rate, unsuitable soils such as organic material, etc);
  - iv. Any special requirements for construction of roads, utilities, and building structures;
  - v. Recommendations for items that should be included in a Restrictive Covenant;
  - vi. Recommendations for erosion and sedimentation controls for water and wind;
  - vii. Any items required in other sections of this memo;
  - viii. Recommendations for roof drains, perimeter drains, and septic tank effluent on the site;

<b>ATTACHMENT</b>		<b>C</b>
This forms part of application # A24-0009		
Planner Initials	TC	 City of <b>Kelowna</b> DEVELOPMENT PLANNING

**8. CHARGES, FEES, AND SECURITIES**

## a. Cash-in-Lieu of Construction Payment:

Fitzpatrick Rd	\$	84,226.07
<b>TOTAL</b>	<b>\$</b>	<b>84,226.07</b>

## b. Engineering and Inspection Fee:

3.5% of Construction Value	\$	2,105.65
5% GST	\$	105.28
<b>TOTAL</b>	<b>\$</b>	<b>2,210.93</b>


## c. Survey Monument Fee:

Survey Monument Fee for 2 lots at \$60.00 per lot	\$	120.00
<b>TOTAL</b>	<b>\$</b>	<b>120.00</b>

*M Hobbs*

Melissa Hobbs, P.Eng., PMP  
Development Engineer

MJD

<b>ATTACHMENT</b>		<b>C</b>
This forms part of application		
# A24-0009		
Planner Initials	TC	 <b>City of Kelowna</b> <small>DEVELOPMENT PLANNING</small>



**ATTACHMENT** D

This forms part of application  
# A24-0009

Planner Initials TC



City of  
**Kelowna**  
DEVELOPMENT PLANNING

October 20, 2023

File: 0280-30  
Ref: 201422

Dear Local Government Planning Staff:

Ministry of Agriculture and Food (the Ministry) staff have noted that there has been a marked increase in Agricultural Land Commission (ALC) subdivision applications over the past few years, resulting in increased referral workload for local government, the Ministry and ALC staff.

A recent referral impact review project conducted by the Ministry, which reviewed 148 referrals from 26 local governments over a six-month period, showed that 80 percent of ALC subdivision applications were assessed by Ministry staff as “not beneficial to agriculture”; however, local government councils and boards opted to send these applications to the ALC for decision in nearly every instance. While local government decisions to forward these applications to the ALC are inconsistent with Ministry staff input, 92 percent of ALC decisions are consistent with Ministry staff’s assessment (i.e., applications identified as not beneficial to agriculture are refused).

Given the similar input provided by Ministry staff on most subdivision applications, the limited impact that Ministry referral responses have on local government decisions, and current staff workload pressures, the Ministry will be discontinuing parcel-specific review of ALC subdivision applications for a 12-month trial period. Instead, Ministry staff will focus on developing alternative outreach and education mechanisms to support land use decisions that benefit agriculture.

In the absence of a parcel-specific review, local government planning staff and decision makers are encouraged to consider the following when reviewing ALC applications for subdivision on the Agricultural Land Reserve (ALR).

- Subdivision in the ALR frequently results in each parcel having diminished agricultural potential and an increase in land cost per hectare due to increased residential and accessory structures. Smaller lots and increased residential structures can also increase conflict between adjacent land uses.
- Ministry data, through Agricultural Land Use Inventories (ALUI), shows that smaller agricultural lots are less likely to be farmed.

.../2

- A [2022 Kwantlen Polytechnic University study](#) exploring the impact of non-farm uses and subdivision on agricultural land found that in regions of British Columbia (B.C.) reviewed, “30 percent of all new parcels created as a result of subdivision ceased to have a farm class status”, and “64 percent of all the parcels had their ownerships transferred within three years after non-farm use and subdivision applications were approved. This percentage becomes higher for subdivided parcels” (Summary Results, p.1-2).
- To advance viable long-term agricultural opportunities on the ALR, Ministry staff encourage ALR landowners to pursue alternative land access and tenure options, other than subdivision, (such as the leasing of portions of the property) as part of a coordinated succession plan. For more information on [B.C.’s Land Matching Program](#), please visit the [Agrarians Foundation](#) organization website.
- The Ministry also provides resources to producers to support successful farm transition, including support through the [B.C. Agri-Business Planning Program](#), as well as succession planning workshops and webinars to familiarize farmers with the steps and practices required for a successful farm transition.
- Ministry staff are available to discuss viable agricultural opportunities with the landowners considering pursuing farming activities on ALR land. For more information or to contact Ministry staff, please visit the Ministry [AgriService BC webpage](#) or email [AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca).

While the Ministry will not be providing a detailed review and response to this parcel-specific referral, please feel free to reach out to Ministry staff with specific questions or for advice on this referral or land use planning for agriculture in general.

Sincerely,

**Arlene Anderson**

Executive Director

Corporate Policy and Priorities Branch

Ministry of Agriculture and Food

Phone: (778) 698-5170

Email: [Arlene.Anderson@gov.bc.ca](mailto:Arlene.Anderson@gov.bc.ca)

