

REPORT TO COUNCIL

ALR APPLICATION



Date: November 18, 2024
To: Council
From: City Manager
Address: 426 Fitzpatrick Rd
File No.: A24-0009
Zone: A1 – Agriculture

1.0 Recommendation

THAT Agricultural Land Reserve Application No. A24-0009 for Lot 3 Section 35 Township 26 ODYD Plan 20374, located at 426 Fitzpatrick Rd, Kelowna, BC for a subdivision of Agricultural Land Reserve under Section 21(2) of the *Agricultural Land Commission Act*, NOT be supported by Council;

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

2.0 Purpose

To review a Staff recommendation NOT to support a subdivision application to the Agricultural Land Commission.

3.0 Development Planning

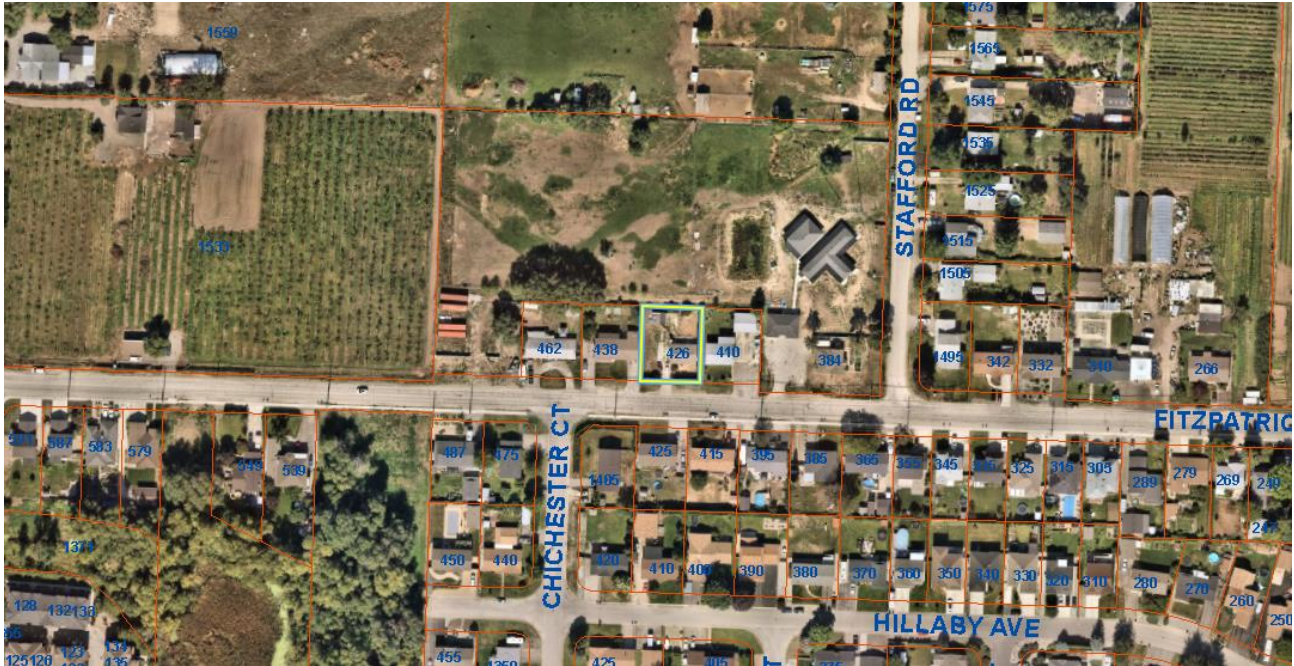
Staff do not support the proposal to subdivide the subject property as it is inconsistent with the objectives of the Official Community Plan (OCP) and the City’s Agricultural Plan. To stop urban sprawl into rural lands, the policy direction is to discourage subdivisions for properties located outside of the Permanent Growth Boundary (PGB), when the proposed zone does not align with the Future Land Use Designation and when the subject property abuts or is in the Agricultural Land Reserve (ALR). Given the subject property is located outside the PGB, designated R-RES (Rural Residential), and situated within the ALR, staff recommend against the proposal.

If the application is endorsed by Council and approved by the Agricultural Land Commission (ALC), a Rezoning Application from the A1 – Agriculture zone to the RU2 – Medium Lot Housing zone and an OCP Amendment from R-RES – Rural Residential to the S-RES – Suburban Residential would be required. In addition, if the Rezoning and OCP Amendment applications are successful, a Subdivision – PLR Application and a Farm Development Permit to establish a landscape buffer, would be required to complete the subdivision.

4.0 Subject Property & Background

Orientation	Zoning	ALR	Land Use
North	A1 – Agriculture	Yes	Kennel
East	A1 – Agriculture	Yes	Single-Detached Dwelling
South	RU1 – Large Lot Housing	No	Single-Detached Dwelling(s)
West	A1 – Agriculture	Yes	Single-Detached Dwelling

4.1 Subject Property Map



The subject property is located on Fitzpatrick Rd near the intersection with Chichester Ct. The surrounding area is a mix of agriculture, low-density residential, and park land.

5.0 **Project Description**

The subject property is zoned A1 – Agriculture, is approximately 0.22 acres (890 m²) in size and is located on Fitzpatrick Rd. The property is in the ALR and is outside of the PGB. The applicant is seeking a two-lot subdivision, which would result in the existing dwelling being removed. The subject property does not have any active agriculture. The property is connected to City sanitary services and water services through Black Mountain Irrigation District (BMID).

6.0 **Current Development Policies**

Objective 8.4. Stop urban sprawl into Rural Lands	
Policy 8.4.1. Intensification of Rural Lands	Do not support urban uses on lands outside of the Permanent Growth Boundary except for a permitted by the 2040 OCP Future Land Use Designations in place as of initial adoption of the 2040 OCP Bylaw. <i>The subject property is outside of the Permanent Growth Boundary (PGB) and the proposed zone does not align with the Future Land Use Designation.</i>
Policy 8.4.2. Discourage Subdivision	Discourage further subdivision of properties outside of the Permanent Growth Boundary (PGB) <i>The subject property is located outside of the PGB.</i>
Policy 8.4.3. Housing in Agricultural Areas	Discourage additional residential development (both expansions and new developments) in areas surrounded by ALR and non-ALR agricultural lands. Secondary suites may be permitted in a permitted primary dwelling. Carriage houses may be considered on Rural Residential lands where the property is 1.0 hectares or greater and where proposal is consistent with the Farm

	Protection Guidelines outlined in Chapter 22: Farm Protection Development Permit Area.
	<i>The subject property is located within the ALR, and it abuts active agriculture uses.</i>

7.0 Application Chronology

Application Accepted: July 17, 2024
 Neighbour Notification Received: N/A

8.0 Agricultural Advisory Committee

Agricultural Advisory Committee Oct 10, 2024

THAT the Committee recommends that Council not support an application (A24-0009) to the Agricultural Land Commission (ALC) for a subdivision at 426 Fitzpatrick Rd.

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on October 10th, and the following recommendations were passed:

Anecdotal comments include that the Committee wants to ensure if the application is approved to create enough room for a vegetative buffer on the north side of the property.

9.0 Alternate Recommendation

THAT Agricultural Land Reserve Application No. A24-0009 for Lot 3 Section 35 Township 26 ODYD Plan 20374, located at 426 Fitzpatrick Rd, Kelowna, BC for a subdivision of Agricultural Land Reserve under 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: Tyler Caswell, Planner II
Reviewed by: Dean Strachan, Development Planning Manager
Reviewed by: Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning, Climate Sustainability & Development Services

Attachments:

- Attachment A – ALC Application File No: 100998
- Attachment B – Site Plan
- Attachment C – Development Engineering Memo
- Attachment D – Ministry of Agriculture Memo

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.