



Agricultural Land Commission Staff Report

DATE: May 18, 2010
TO: Vice Chair and Commissioners - Okanagan Panel
FROM: Brandy Ridout

RE: Application # 51655

PROPOSAL: To exclude the 12.3 ha ALR portion of the 20.4 ha subject property.

PROPOSAL INFORMATION

Background: The original property was 40.4 ha and was jointly owned by the Duncan brothers since 1952. In the 1960' s, they cultivated 3.2 ha for an orchard on what is now Lot 2, Plan KAP62978. In 1989, Frank Duncan retired and subdivided the 20.4 ha subject property to build a retirement home.

Received Date: March 22, 2010

Applicant: Francis Duncan

Agent: Protech Consultants Ltd

Local Government: City of Kelowna

DESCRIPTION OF LAND

PID: 024-277-894

Legal Description: Lot 1 Sections 12 and 13 Township 26 Osoyoos Division Yale District Plan KAP62978

Civic Address: 2293 Charleswood Drive

Area: 20.4 ha

ALR Area: 12.3 ha

Purchase Date: October 15, 1998

Owner: Francis Duncan

Total Land Area: 20.4 ha
Total ALR Area: 12.3 ha
Current Land Use: Residence

PROPOSAL DETAILS

Exclusion

Area	Agricultural Capability	Agricultural Capability Source
12.3	Mixed Prime and Secondary	On-Site

Surrounding Land Uses:

North ALR, orchard - separated by Garner Road
East Non-ALR, Kirchner Mountain single family residential development
South Part ALR, part non-ALR
West ALR, original 3.2 ha orchard on 20.5 ha lot created when the subject property was created

Official Community Plan

Bylaw Name: City of Kelowna 2020 OCP

Designation: Agriculture

OCP Compliance: Yes

Zoning

Zoning Bylaw Name: City of Kelowna Zoning Bylaw No. 8000

Zoning Designation: Agriculture 1 Zone

Minimum Lot Size: 2.0 ha

Zoning Compliance: No

PREVIOUS APPLICATIONS

Application #: 6868

Applicant: Frank & Gloria Duncan

Proposal: To subdivide the lot into two equally size parcels in order to facilitate the dissolving of a orchard partnership between two brothers such that each will have an existing residence on its own title.

Decisions:

Resolution Number	Decision Date	Decision Description
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Note: The pursuit of this approval created the subject property.

Application #: 1578

Applicant: Duncan Bros. Orchards Ltd.

Proposal: To subdivide the property into three lots - 2 x 1.0 ha and 1 x 35.5 ha.

Decisions:

Resolution Number	Decision Date	Decision Description
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Note: This conditional approval was never pursued.

RELEVANT APPLICATIONS

Application #: 51656

Applicant: High Farms Ltd

Proposal: To exclude the 6.58 ha subject property from the ALR to allow the owners to sell the property as a potential development property and move the horse breeding and

training operation to a more conducive area to continue the operation.

**Decisions:
Resolution
Number**

Decision Date

Decision Description

Note: This application is currently under consideration. The property lies on the other side of Kirschner Mountain.

Committee Recommendations

Type

Recommendation

Description

Planning Staff

Refuse

City of Kelowna Community Sustainability Division recommended that the application NOT be supported by Council and that the application be forwarded to the ALC.

Board/Council

No Comment

City of Kelowna Council: Forward without comment.

Agricultural Advisory
Committee

Refuse

City of Kelowna AAC: Do NOT support because both the City of Kelowna OCP and Agriculture Plan express concern that the permitted expansion of urban uses into what is otherwise an agricultural landscape will serve to diminish the viability of agricultural practice. Increased speculative pressure on land and conflict between land uses should be avoided, particularly in agricultural areas under development pressure. Existing development in the surrounding areas has already placed pressure on the historically agricultural Belgo/Garner Road area and further development would only add to this strain on the identified "Urban-Rural Agriculture Boundary".

STAFF COMMENTS

- A report entitled "Agricultural Capability Assessment" prepared by Catherine Orban, MSc, PAg, dated April 28, 2009 was submitted with the application. It indicates that based on information during the field inspection and document review, the subject property has more in common, in terms of topography and agricultural capability, with the uplands to the east than with the orchards to the west. Therefore a more appropriate location for the ALR boundary may be generally along the west boundary of the property, following the top of the steep slopes above the orchards on the relatively gentle slopes below. In terms of agricultural suitability, the property is not considered to be suitable for any commercial agricultural purposes. Intensive livestock operations (using imported feed) are not permitted under the current City of Kelowna zoning bylaws. The most suitable agricultural use would be as acreage(s) or hobby farm(s). However, the acreage owners may have issues with water supply in the dry season and a lack of forage.

- Although no agricultural activity currently takes place on the property, a limited amount of cattle grazing has occurred on the property in the past several years (12 cattle can graze for up to three weeks). The ALR portions of the property are identified in the Atlas of Suitable Grape Growing Locations as Class 2 and 3.

- Approximately half of the property is already outside the ALR. During the review of the Black Mountain Sector Plan, the Commission suggested that the non-ALR portion of the property be included into the ALR.

- Kirschner Mountain is being developed for housing and will eventually include approximately 750 residential units. If the properties are supplied with utilities, irrigation water may also be made available to the subject property.

- Properties on the edge of the ALR can serve the purpose of acting as buffers between intensely farmed ALR properties and intensely subdivided non-ALR properties.
- The property is identified in the City of Kelowna's Agriculture Plan for agricultural use.

ATTACHMENTS

- 51655 Kelowna Planning comments.pdf
- 51655 Agricultural Capability Assessment excerpt.pdf
- 51655_ContextMap50k.pdf
- 51655 air photo.pdf

END OF REPORT

Signature

Date
