



## Agricultural Land Commission Staff Report

**DATE:** May 17, 2010  
**TO:** Vice Chair and Commissioners - Okanagan Panel  
**FROM:** Brandy Ridout

**RE:** Application # 51656  
**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.

### PROPOSAL INFORMATION

**Background:** The applicants indicate that challenges to farming the property include neighbourhood dogs harassing horses, trespassers, horses being fed inappropriate food, congestion on neighbouring streets from parked cars, and soil erosion and slopewash from recent clearing for Kirschner Mountain development.

**Received Date:** March 22, 2010  
**Applicant:** High Farms Ltd  
**Agent:** Protech Consultants Ltd  
**Local Government:** City of Kelowna

### DESCRIPTION OF LAND

**PID:** 010-334-351  
**Legal Description:** Lot A Section 7 Township 27 Osoyoos Division Yale District Plan 5157 Except Plan 24270  
**Civic Address:** 2350 Verde Vista Road  
**Area:** 6.6 ha  
**ALR Area:** 6.6 ha  
**Purchase Date:** May 1, 1998  
**Owner:** High Farms Ltd

**Total Land Area:** 6.6 ha  
**Total ALR Area:** 6.6 ha  
**Current Land Use:** Fenced pasture lands, riding rings, training barn, owners' residence, mobile home.

## PROPOSAL DETAILS

### Exclusion

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

### Surrounding Land Uses:

North	Non-ALR, small lot residential subdivision (Lynrick and Verde Vista Road)
East	ALR, sour cherry orchard
South	ALR, small acre farms (hobby)
West	Non-ALR, Kirschner Mountain (future residential - 750+ lots)

### Official Community Plan

<b>Bylaw Name:</b>	City of Kelowna 2020 OCP
<b>Designation:</b>	Agriculture
<b>OCP Compliance:</b>	Yes

### Zoning

<b>Zoning Bylaw Name:</b>	City of Kelowna Zoning Bylaw No. 8000
<b>Zoning Designation:</b>	Agriculture 1 Zone
<b>Minimum Lot Size:</b>	2.0 ha
<b>Zoning Compliance:</b>	No

## PREVIOUS APPLICATIONS

**Application #:** 3731

**Applicant:** George & Lorna Phillips

**Proposal:** To subdivide the 6.6 ha subject property into one 2 ha lot and a 4.6 ha remainder.

### Decisions:

Resolution Number	Decision Date	Decision Description
8118	January 31, 1978	Allowed as submitted.

**Note:** Legacy Application #G-05541. Subdivision has not been pursued.

## RELEVANT APPLICATIONS

**Application #:** 9343

**Applicant:** Provincial Agricultural Land Commission

**Proposal:** Block Application - To exclude approximately 213 ha from the ALR. The lands are a mixture of urban residential, parkland and lands with marginal agricultural capability.

### Decisions:

Resolution Number	Decision Date	Decision Description
331	May 27, 1998	The Commission allowed the majority of the proposal as per the staff recommendation which retained the Mission Creek Regional Park in the ALR, and properties on Chute Lake Rd, and Lakeshore properties. The deletions from the proposal total 67 ha.

**Note:** This block exclusion application excluded the small lot residential subdivision to the north of the subject property that was created in 1974 without ALC permission.

**Application #:** 3109

**Applicant:** Fay E. van Hees

**Proposal:** To subdivide the 24 ha property into 11 lots of approximately 2 ha in size.

**Decisions:**  
**Resolution  
Number**

**Decision Date**  
September 12, 1995

**Decision Description**  
Not in ATS

**Note:** Resolution #790/1995 refused the application on the grounds of good agricultural potential and impact. The applicants subsequently submitted a reconsideration request to subdivide the property in half, which was refused by Resolution #851/1999.

**Application #:** 613

**Applicant:** Kelowna Sun Valley Homes Ltd.

**Proposal:** To further subdivide the two existing residential lots of 0.14 ha and 0.09 ha into two lots of 0.07 ha and two lots of 0.045 ha.

**Decisions:**  
**Resolution  
Number**

**Decision Date**

**Decision Description**

**Note:** Refused the subdivision of two of the small lots bordering the subject property to the north by Resolution #219/1993 based on impact. However, the Commission indicated that the Commission would give consideration to the exclusion of this residential subdivision subject to the registration of a restrictive covenant preventing subdivision upon the lots located along the south and east perimeter of the subdivision and closure of the road spur on the east side of the subdivision.

#### **Committee Recommendations**

<b>Type</b>	<b>Recommendation</b>	<b>Description</b>
Planning Staff	Refuse	City of Kelowna Community Sustainability Division recommends that application NOT be supported by Council but that the application be forwarded to the ALC.
Board/Council	Refuse	City of Kelowna Council Resolution that the application NOT be supported and that Council forward the application to the ALC.
Agricultural Advisory Committee	Refuse	Does NOT support application.

#### **STAFF COMMENTS**

- A report entitled "Agricultural Capability Assessment" prepared by Catherine Orban, MSc, PAg, dated May 1, 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 west than with the orchard to the east. Therefore a more appropriate location for the ALR boundary may be along the east boundary (~610 contour) at the foot of the slopes adjacent to the orchard. In terms of agricultural suitability, the subject property is not considered to be suitable for any commercial agricultural purposes because it is located above 600m ASL with a generally northeast aspect, which is too high and shady for the production of most local

crops, including tree fruits and grapes and the City of Kelowna' s bylaws do not permit intensive soil bound or non-soil bound livestock operations. In terms of impact, if the property was excluded, a buffer would be established along the east property line to reduce impacts to the orchard of residential development. See attached summary and conclusions and file for complete report.

- The Commission has refused the exclusion of properties in the past on the grounds that problems that arise at the agricultural/urban edges can decrease by proper management techniques and are not grounds for exclusion. However, in this case, the argument has been made that the property is not suitable for agricultural production.
- Properties on the edge of the ALR can serve the purpose of acting as buffers between intensively farmed ALR properties and intensively subdivided non-ALR properties.
- The property is identified in the City of Kelowna' s Agricultural Plan for agricultural use.
- A petition, signed by 49 neighbours, opposes the exclusion of the property (page 1 and 2 attached).

## **ATTACHMENTS**

51656 air photo.pdf  
51656 Agricultural Capability Assessment excerpt.pdf  
51656 applicant's letter.pdf  
51656 Kelowna Planning comments.pdf  
51656 neighbour opposition.pdf  
51656\_ContextMap50k.pdf  
05541d1.pdf

## **END OF REPORT**

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**Signature**

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**Date**