



# Agricultural Land Commission Staff Report

**DATE:** July 5, 2010  
**TO:** Vice Chair and Commissioners - Okanagan Panel  
**FROM:** Martin Collins

**RE:** Application # 51788  
**PROPOSAL:** To subdivide the 2.4 ha subject property into three lots (two of 0.7 ha and one of 1 ha).  
 The applicant would remain in her home and provide lots for her two children

## PROPOSAL INFORMATION

**Background:** No previous subdivision or exclusion applications. The application materials indicate that the property is 2.2 ha and that the applicant is requesting two 0.6 ha lots and a 0.8 ha lot. However, none of these parcel sizes are consistent with the B.C. Assessment information which indicates that the parcel is 2.46 ha.

**Received Date:** June 23, 2010  
**Applicant:** Beverly Hazzard  
**Agent:** Tom Smithwick  
**Local Government:** City of Kelowna

## DESCRIPTION OF LAND

**PID:** 010-563-270  
**Legal Description:** Lot 3 Section 13 Township 26 Osoyoos Division Yale District Plan 4283 Except Plans H16654, H8393 and KAP85622  
**Civic Address:** 1565 Lewis Road  
**Area:** 2.4 ha  
**ALR Area:** 2.4 ha  
**Purchase Date:** December 20, 2007  
**Owner:** Beverly Hazzard

**Total Land Area:** 2.4 ha  
**Total ALR Area:** 2.4 ha  
**Current Land Use:** Rural residence with home and barn.

## PROPOSAL DETAILS

Subdivision	Agricultural Capability	Agricultural Capability Source
2.4		

Prime

BCLI

Number of Lots	Lot Size (ha)
2	0.7
1	1.0

**Surrounding Land Uses:**

- North Rural residential, recently subdivided into 2 lots of 1 ha
- East Highway 33, then non ALR urban residential
- South Several small lots 0.2 - 0.5 ha. approved by the City of Kelowna and the ALC, within the last 5 years
- West Lewis Road, then large farm/orchard parcels.

**Official Community Plan**

**Bylaw Name:** City of Kelowna OCP  
**Designation:** Agriculture  
**OCP Compliance:** Yes

**Zoning**

**Zoning Bylaw Name:** Bylaw #8000  
**Zoning Designation:** Agriculture 1  
**Minimum Lot Size:** 2.0 ha  
**Zoning Compliance:** No

**RELEVANT APPLICATIONS**

**Application #:** 44249

**Applicant:** Tommy & Sandra Josiassen

**Proposal:** To subdivide the 2.36 ha subject property into create three (3) lots at 0.4 ha and one (1) lot at 0.7 ha (0.35 ha would be required for road access)

**Decisions:**

**Resolution**

Number	Decision Date	Decision Description
558	November 9, 2007	The Commission refused the four lot subdivision on the grounds of impact, but did allow a two lot subdivision of the 2.4 ha property, on the grounds of limited agricultural capability.

**Note:** This application lies to the north of the current subject property.

**Application #:** 17766

**Applicant:** Double Day Development Corp

**Proposal:** To exclude a 1.6 ha lot from the ALR in order to subdivide into two or more rural residential lots

**Decisions:**

**Resolution  
Number**

38

**Decision Date**

February 6, 2002

**Decision Description**

The Commission refused this application to exclude a 1.6 ha lot from the ALR, but allowed the subdivision of this lot to the extent determined by the City of Kelowna.

**Note:** This application lies to the south of the current subject property.

**Committee Recommendations**

**Type**

Planning Staff

**Recommendation**

Refuse

**Description**

City of Kelowna Planning staff recommended that the application be refused as proposed on the grounds the subdivision would not benefit agriculture.

Board/Council

Approve

City of Kelowna Council forwarded the subdivision application with a recommendation of support.

Agricultural Advisory  
Committee

Refuse

The City of Kelowna Agricultural Advisory Committee recommended that the application be refused because there is no benefit to agriculture.

**STAFF COMMENTS**

Staff suggests that the Commission consider the following:

- 1) The best available information indicates that the property has good capability for agricultural development. Furthermore in its consideration of the subdivision application for the property to the north, the Commission noted that "the westerly slopes of the southerly parcel appear to be less severe than those of the subject property, suggesting greater agricultural potential, and increased potential for small lot subdivision to negatively affect adjoining farmland to the west".
- 2) The adjoining parcel to the north was approved for subdivision into two 1 ha lots in 2007 on the grounds the land had little, if any potential for agricultural development. An on-site soil analysis undertaken by H. Luttmerding indicated that more than half of the 2.2 ha property was uncultivable due to steep topography and homesite development.
- 3) The subdivision proposal is not supported by Kelowna Planning staff and the Kelowna AAC. The City of Kelowna Council forwarded the application with a recommendation of support.
- 4) If the subdivision is permitted, agricultural potential of the property would be virtually eliminated due to the small parcel sizes and homesite development. As such the proposed subdivision is not supported by the Kelowna OCP or the Kelowna Agriculture Plan.
- 5) The addition of two non farm residents will increase the number of rural residences in the area, increasing the potential for negative affects on cultivated farmlands to the west. (such as noise and spraying complaints, and trespass).

**ATTACHMENTS**

- 51788\_AirphotoMap5k.pdf
- 51788\_ContextMap20k.pdf
- 51788\_proposal map.pdf

**END OF REPORT**

**Signature**

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**Date**

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