



# Provincial Agricultural Land Commission - Staff Report

## Application: 52437

**Applicant:** Robert & Katherine Stearns  
**Local Government:** City of Kelowna

**Proposal:** To subdivide the subject property into roughly two equal parcels.

### BACKGROUND INFORMATION

The current parcel configuration is the result of an approximately 0.24 ha homesite severance granted to the then owner (Chiba), and a concurrent lot line removal. The homesite severance and lot line removal reflect a 1980 ALC decision (Resolution #1978/80, see previous applications). The applicant (Chiba) in 1980 is the father of the current owner/applicant. It is the current owner/applicant's contention that this resolution was unfair and unjustified.

### PROPERTY INFORMATION

**PID:** 003-269-451  
**Legal Description:** Lot 1 Section 11 Township 26 Osoyoos Division Yale District Plan 33009 Except Plan H17537  
**Property Area:** 12.8 ha  
**ALR Area:** 12.8 ha  
**Purchase Date:** June 28, 1983  
**Location:** 2327 Belgo Road, Kelowna  
**Owner:** Robert & Katherine Stearns

**Total ALR Area:**

### LAND USE

**Current Land Use:**

The subject property is used as an orchard. There is one dwelling on the property.

**Surrounding Land Uses:**

North: Agriculture  
 East: Agriculture  
 South: Agriculture  
 West: Park

### PROPOSAL DETAILS

**Subdivision - ALR Area:** 12.8 ha

Number of Lots	ALR Area of Lot (ha)
2	6.4

**Agricultural Capability:**

The majority of the area under application is rated as: Secondary

**Source:** BCLI

**Mapsheet:** 82E/14

## PREVIOUS APPLICATIONS

**Application ID:** 3766

**Legacy #:** 11253

**Applicant:** Harry Chiba

**Proposal:** Subdivide a homesite of 0.25 ha from the 6.5 ha property and the consolidation of a 1.2 ha portion to the lot to the north and the consolidation of the 5 ha remainder to the lot to the south.

**Decision:**

Resolution #	Decision Date	Decision Description
1978/1980	October 22, 1980	Allowed as requested.

**Note:** This application was made by the current owners father for a homesite severance granted in 1980. A condition of the homesite severance was the consolidation of two parcels into a single title.

## LOCAL GOVERNMENT INFORMATION

### Official Community Plan:

**Bylaw Name:** Agriculture  
**Designation:** Rural/Agricultural  
**OCP Compliance:** Yes

### Zoning:

**Zoning Bylaw Name:** Bylaw 8000  
**Zoning Designation:** Agriculture 1  
**Minimum Lot Size:** 2.0 ha  
**Zoning Compliance:** Yes

### Comments and Recommendations:

#### **Agricultural Advisory Committee**

The AAC not support the proposed application for subdivision due to there being no net benefit to agriculture proposed. The AAC noted that smaller parcels are typically more difficult to farm and more economically challenged.

#### **Board/Council**

That the application be forwarded to the ALC without comment and that Council would prefer that the subject property's lot line be reconfigured to reflect the original lot line of the subject property prior to the homesite severance application that occurred in 1980.

#### **Planning Staff**

That the proposed subdivision application not be supported by Municipal Council and that Council forward the subject application to the ALC.

## ALC STAFF COMMENTS

Staff comments:

- The subject property is located in an agricultural area and is currently a productive apple orchard.
- The current parcel configuration is the result of a 0.24 ha homesite severance granted to the then owner (Chiba) in 1980, and a concurrent lot line cancellation. The homesite severance allowed the former owner to continue to live on the land and enable the sale of the remainder. The applicant in 1980 is the father of the current applicant's.
- It is the current owner/applicant's contention that the 1980 decision was unfair and unjustified and that the lot line consolidation as a condition of the approval was punitive.
- The Agricultural Advisory Committee did not support the application for subdivision due to their being no net benefit to agriculture proposed. The AAC noted that smaller parcels as proposed are typically more difficult to farm and more economically challenged.
- Both the Official Community Plan and Agriculture Plan do not support parcelization of agricultural land.
- Municipal Council would prefer that the subject property's lot line be reconfigured to reflect the original lot line of the subject property prior to the homesite severance application that occurred in 1980.

## **ATTACHMENTS**

52437\_ContextMap20k.pdf  
52437\_AgCapabilityMap.pdf  
52437\_AirphotoMap20k.pdf  
52437plan.pdf

## **END OF REPORT**

**Prepared by:** Ron Wallace, Land Use Planner