



Agricultural Land Commission
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August 1, 2007

Reply to the attention of Brandy Ridout
ALC File: # G - 37484

Larry and Wendy Simla
1300 Latta Road
Kelowna, BC V1P 1A5

Dear Mr. and Mrs. Simla:

Re: Application to Exclude land from/Subdivide within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 358/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: City of Kelowna (#A07-0005)

Enclosure: Minutes

BR/lv
37484d1

Discussion

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the majority of the soil of the subject property is Class 3 (limitations that require moderately intensive management practices or moderately restrict the range of crops, or both).

Assessment of Agricultural Suitability

The Commission assessed whether factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. In this analysis, the Commission considered that the property was adjacent to a row of residential lots to the south and was small in size. However, it noted that the property was separated from the residential lots by a road which could act as a partial buffer to rural/residential conflict. It also noted that as the subject property had been created through a homesite severance subdivision, its size was irrelevant in a discussion on suitability. As such, the Commission did not believe there were factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long-term goal of preserving agricultural land. During this assessment, the Commission considered both the proposal to exclude the property from the ALR and the alternate proposal to subdivide the property into two lots in the ALR.

As the property has agricultural capability and suitability, the Commission did not believe it should be excluded from the ALR.

With regard to the proposed subdivision, the Commission believes subdivision of small lots in the ALR to be deleterious to agriculture and is not eager to allow their creation. Dividing the 0.4 ha lot into two 0.2 ha lots would eliminate any possibility of undertaking agriculture on the property and simply create two residential lots. In addition, the Commission believes that the lot is a good buffer between the residential subdivision to the south and the agricultural parcel to the north. The proposed subdivision would represent an intrusion into the agricultural area north of Latta Road.

The Commission is also cautious about allowing the subdivision of lots that have previously been subdivided under the *Homesite Severance Policy*. While it accepts that the *Policy* is in place and often benefits retiring farmers, it does not wish to exacerbate the proliferation of small lots in the ALR by allowing further subdivision of homesite lots.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Irvine
SECONDED BY: Commissioner Marshall

THAT the application to exclude the 0.4 ha subject property from the ALR or subdivide into two (2) lots in the ALR be refused.

CARRIED

Resolution # 358/2007



Staff Report
Application # G – 37484
Applicant: Larry and Wendy Simla
Location: Kelowna

DATE RECEIVED: May 25, 2007

DATE PREPARED: July 6, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To exclude the 0.4 ha subject property from the ALR in order to subdivide into two (2) lots. One lot would be used for their son to build a home on.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission subdivided the 0.4 ha lot in the mid 1970's as an early Homesite Severance. Therefore the property is subject to the restrictions of the ALC Act. The Commission has refused several previous applications for exclusion and subdivision of the adjoining large (parent) property to the north.

Local Government:

City of Kelowna

Legal Description of Property:

PID: 003-427-226
Lot A, Section 36, Township 26, Osoyoos Division Yale District, Plan 30358

Purchase Date:

October 1987

Location of Property:

1300 Latta Road, Kelowna

Size of Property:

0.4 ha (The entire property is in the ALR).

BACKGROUND INFORMATION (continued):

Present use of the Property:

Residence, garage, implement shed, chicken coop

Surrounding Land Uses:

WEST: Large vacant ALR parcel
SOUTH: urban residential subdivision outside the ALR
EAST: cultivated orchard in the ALR
NORTH: Large vacant ALR parcel.

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.084
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

OCP: Bylaw No. 2020 Kelowna
Designation: Rural/Agricultural

Zoning Bylaw and Designation:

Zoning: Bylaw No. 8000
Designation: Zoned A1 - Agriculture 1
Minimum Lot Size: 2.0 ha

PREVIOUS APPLICATIONS:

Application #75-0840-2

Applicant: Walter & Marjorie Simla
Decision Date: July 4, 1979
Proposal: To subdivide a 0.4 ha lot from the subject property.
Decision: Allowed as proposed as the Simla's qualified for consideration under *Homesite Severance Policy*.

RELEVANT APPLICATIONS:

Application #16512-0

Applicant: Lenarcic Orchard Enterprises Ltd
Decision Date: 1983
Proposal: To subdivide the 13 ha property into three lots (0.5 ha, 4 ha and 8 ha)
Decision: Refused as proposed on the grounds of reduced agricultural capability.

Application #22451-0

Applicant: L.O.R.A.
Decision Date: August 24, 1988
Proposal: Exclude 186 parcels of land totaling 1220 ha in area.
Decision: Refused. Decision to refuse upheld by ELUC.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

City of Kelowna Council: Forwarded the application with a recommendation of support

City of Kelowna Agricultural Advisory Committee: Does not support exclusion of the property but does support subdivision into two lots.

City of Kelowna Planning Staff: Do not support the exclusion application.


STAFF COMMENTS:

- Exclusion of the property could result in high density residential development, which might have significant negative impacts on adjoining farmland.
- Many small properties exist throughout the Okanagan as a result of approved homesite severance subdivisions.
- If retained in its present size, the parcel provides an appropriate buffer/transition between urban residential and farmland.
- The applicants have indicated that they applied for exclusion because they thought it was necessary in order to be able to subdivide the property. However, their main purpose for the application is to subdivide the property into two lots.

ATTACHMENTS:

- ALC Context map (1:20,000)
- Kelowna's cadastral map

END OF REPORT



Signature



Date