



Agricultural Land Commission Staff Report

DATE: May 14, 2010
TO: Vice Chair and Commissioners - Okanagan Panel
FROM: Martin Collins

RE: Application # 51707

PROPOSAL: To adjust the boundaries between three lots (0.8 ha, 5 ha and 5.7 ha) to create a 4.8 ha, a 3.4 ha and a 3.3 ha lot. Currently only the two larger parcels have lakeshore access. The proposed boundary amendment would result in three lots with lakeshore access and more equitable sizes. Each of the proposed lots would contain a portion of arable land over which a covenant would be registered to ensure the preservation of lands for agricultural use.

PROPOSAL INFORMATION

Background: No previous applications have been considered on the properties. The City of Kelowna has recommended that the proposed new lots be restricted to a 0.4 ha envelope for residential uses.

Received Date: April 26, 2010
Applicant: Larry & Ynez Kates
Agent: Site360 Consulting Inc
Local Government: City of Kelowna

DESCRIPTION OF LAND

PID: 010-552-456
Legal Description: Lot B Section 16 Township 28 Similkameen Division Yale District Plan 4438
Civic Address: 180 Swick Road
Area: 5.7 ha
ALR Area: 4.9 ha
Purchase Date: February 28, 1984
Owner: Larry & Ynez Kates

PID: 008-341-125
Legal Description: Lot 1 Section 16 Township 28 Similkameen Division Yale District Plan 17902
Civic Address: 5790 Lakeshore Road
Area: .8 ha
ALR Area: .8 ha
Purchase Date: February 28, 1984
Owner: Larry & Ynez Kates

PID: 004-942-493
Legal Description: Lot 1 Sections 16 & 17 Township 28 Similkameen Division Yale District Plan 26911
Civic Address: 5880 Lakeshore Road
Area: 5 ha
ALR Area: 5 ha
Purchase Date: February 28, 1984
Owner: Larry & Ynez Kates

Total Land Area: 11.5 ha
Total ALR Area: 10.7 ha
Current Land Use: The three properties are currently used as a single residential parcel with one main residence and one secondary residence. No agricultural activity is occurring on the property.

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
10.7	Mixed Prime and Secondary	CLI

Number of Lots	Lot Size (ha)
2	3.3
1	4.1

Surrounding Land Uses:

North	Okanagan Lake
East	Large lot non ALR rural residential
South	Small lot non ALR rural residential
West	Nature Trust of BC - not in the ALR

Official Community Plan

Bylaw Name: City of Kelowna OCP
Designation: Future Urban Reserve
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: Kelowna Zoning Bylaw
Zoning Designation: A1 Agriculture 1
Minimum Lot Size: 2.0 ha
Zoning Compliance: Yes

Committee Recommendations

Type	Recommendation	Description
Planning Staff	Approve	City of Kelowna staff recommended that the application be approved with conditions; maximum residential envelope of 0.4 ha, shared driveways; covenants to protect foreshore and other natural features.
Board/Council	Approve	City of Kelowna Council forwarded the application with support subject to the following conditions: 1) the reduction in size of the proposed Residential Activity Envelopes to a maximum of 1 acre each. 2) Registration of a covenant that preserves the subject properties for agricultural use and provides for a Residential Activity Envelope for each proposed lot (to be shown on a reference planforming part of the covenant) inside which all of the residential/non-agricultural activities are restricted to take place, in general accordance with proposed locations and wording as noted in the report of the Community Sustainability Division dated March 5, 2010. The applicant, the City of Kelowna and the ALC are to be parties to the covenant.

STAFF COMMENTS

- 1) The properties make up a small outlier of ALR, unconnected with other ALR blocks or cultivated lands.
- 2) Parcel B contains the largest amount of arable land which is not debilitated by residential uses.
- 3) The proposed lakeshore homesites would occupy approx 0.8 ha of the best land on the properties.
- 4) The revised boundaries appear to be drawn with a view to maximizing shorefront value and ensuring that each parcel contains some agriculturally capable land. However, it is uncertain whether the proposed boundaries will result in any agricultural development. There may be merit in requesting that the applicant submit a revised subdivision plan which retains the largest amount of the best capability land in a single parcel, and which proposes to develop the ALR land as a vineyard or some other agricultural operation. In this vein there may be options to subdivide more than three parcels, particularly on land that has more limited agricultural capability.
- 5) The City of Kelowna supports the application subject to covenants being registered against the titles of the new properties restricting the homesites to a 0.4 ha footprint on the lakeshore.

ATTACHMENTS

- 51707 proposal.pdf
- 51707_ContextMap20k.pdf
- 51707 proposal summary.pdf
- 51707 Luttmending report.pdf
- 51707 sktech plans.pdf
- 51707 ag capability on site.pdf

END OF REPORT

Signature

Date