



Provincial Agricultural Land Commission - Staff Report

Application: 51964

Applicant: Canada West Tree Fruits
Agent: Tony Markoff
Local Government: City of Kelowna

Proposal: SUBDIVISION - Boundary Adjustments - The applicant proposes to subdivide to achieve estate planning objectives and create more viable farm parcel size. Three parcels of vastly different sizes are proposed to be reconfigured as follows:
 Existing lot sizes and proposed lots sizes:
 1. Lot B - 35.9 ha to become 11.0 ha
 2. Lot 157 - 5.4 ha to become 10.6 ha
 3. Parcel B - 0.8 ha to become 20.8 ha

BACKGROUND INFORMATION

Three lots currently exist - one lot was created in 1937 as a result of a road cancellation (0.8 ha), one lot is of moderate size (5.4 ha) and one lot is of relatively large size (35.9 ha).

PROPERTY INFORMATION

PID: 011-703-563
Legal Description: Lot 157 Section 4 Township 26 Osoyoos Division Yale District Plan 1247 Except Plans KAP78689 and KAP88849
Property Area: 5.4 ha
ALR Area: 5.4 ha
Purchase Date: April 7, 2009
Location: 2177 & 2187 Ward Road
Owner:

PID: 011-704-381
Legal Description: Parcel B (See 72162F) Section 4 Township 26 Osoyoos Division Yale District Plan 1247 Except Plans KAP78689 and KAP88849
Property Area: 0.8 ha
ALR Area: 0.8 ha
Purchase Date: April 7, 2009
Location: 2177 & 2187 Ward Road
Owner: Canada West Tree Fruits

PID: 023-373-009
Legal Description: Lot B Section 4 Township 26 Osoyoos Division Yale District Plan DAP78689 Except Plan KAP88849
Property Area: 35.9 ha
ALR Area: 35.9 ha
Purchase Date: April 7, 2009
Location: 2177 & 2287 Ward Road
Owner: Canada West Tree Fruits

Total Land Area: 42.1 ha
Total ALR Area: 42.1 ha

LAND USE

Current Land Use:

The three subject properties are owned by the applicant and used for tree fruit production. In addition the lands contain a former packinghouse now used as a cidery, pickers's cabins, wine storage, telecommunications tower, and three residences.

Surrounding Land Uses:

North: Orchard
East: Orchard and residences
South: Misc. Agriculture
West: Orchard

PROPOSAL DETAILS

Subdivision - ALR Area: 42.1 ha

Number of Lots	ALR Area of Lot (ha)
1	10.7
1	20.8
1	10.6

Agricultural Capability:

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

Source: BCL

Mapsheet: 82E.083

PREVIOUS APPLICATIONS

Application ID: 20608

Legacy #: 34592

Applicant: Ernest Broome

Proposal: The City of Kelowna intends to close and consolidate 5, 050 sq meters of Todd Rd. right of way, in exchange for the dedication of 10, 280 sq meters for road, storm and sanitary sewer right of way along the west boundary of Lot 1, Plan 37359 and Lot 158, plan 1247.

Decision:

Resolution #	Decision Date	Decision Description
652/2002	December 9, 2002	The Commission approved this application to dedicate 10,280 square meters for road, storm and sanitary right-of-way in exchange for the closure of a different right-of-way which contains irrigations lines important to the operation of the orchard.

Note: To close and consolidate 0.5 ha of existing road right of way and concurrently dedicate approximately 1 ha of new right of way be approved.

Application ID: 3118

Legacy #: 22451

Applicant: L.O.R.A.

Proposal: Exclude 186 parcels of land totalling 1220 ha in area.

Decision:

Resolution #	Decision Date	Decision Description
737/1988	August 24, 1988	Refused. Decision to refuse upheld by ELUC.

Note: To exclude 186 parcels of land totalling 1220 ha. Refused and upheld by ELUC.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Kelowna 2020 - OCP Bylaw No. 7600
Designation: Rural/Agricultural
OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: City of Kelowna Zoning Bylaw No. 8000
Zoning Designation: Agriculture 1
Minimum Lot Size: 2.0 ha
Zoning Compliance: Yes

Comments and Recommendations:

Agricultural Advisory Committee

Non-support for the original application to create four lots for estate planning. The AAC did not consider the proposal for three lot subdivision.

Board/Council

That Council recommends support for the boundary line adjustment subject to the following:

a) As a condition of subdivision approval a Sec. 219 covenant be registered on the lands serving to establish Building Envelopes for residential and non-agricultural structures, and to inventory, identify, and restrict residences and pickers cabins to only what currently exists on the properties, while allowing for replacement of structures.

Planning Staff

Non-support for original application (4 lots). Support for revised application (3 lots), with the same conditions recommended by Council.

ALC STAFF COMMENTS

Staff has the following comments:

- the subject properties are owed by the applicant and are used together predominately as a tree fruit farm. The majority of the farm is comprised one one parcel (35.9 ha).
- the proposed subdivision would create three seperate farm parcels for the purpose of estate planning.

ATTACHMENTS

51964_AgCapabilityMap.pdf
51964_ContextMap20k.pdf
51964_AirphotoMap10k.pdf
51964plan.pdf

END OF REPORT

Prepared by: Ron Wallace, Land Use Planner