

Agricultural Advisory Committee

AGENDA



Thursday, August 13, 2020
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE MEETING TO ORDER:

- (a) The purpose of this Meeting is to consider certain Development Applications as noted on this meeting Agenda.
- (b) The Reports to Committee concerning the subject development applications are available on the City's website at www.kelowna.ca.
- (c) All representations to the Agricultural Advisory Committee form part of the public record.
- (d) As an Advisory Committee of Council, the Agricultural Advisory Committee will make a recommendation of support or non-support for each application as part of the public process. City Council will consider the application at a future date and, depending on the nature of the file, will make a decision or a recommendation to the Agricultural Land Commission.

2. Applications for Consideration

- 2.1 4870 Chute Lake Road - A20-0003 - Stephen Cipes** 3 - 31
To consider a "Non-Farm Use" under Section 20(2) of the Agricultural Land Commission Act.
- 2.2 4213 Gordon Drive - A20-0006 - Dorothy Thomson** 32 - 38
To consider an application to subdivide land within the ALR to allow a homesite severance subdivision or subdivision in lieu of a homesite severance.
- 2.3 4690 Hwy 97 N - A20-0008 - City of Kelowna** 39 - 116
To consider an "Exclusion" under Section 29(1) of the Agricultural Land Commission Act.

3. Minutes 117 - 118

Approve Minutes of the Meeting of July 9, 2020.

4. **New Business**

5. **Next Meeting**

September 10, 2020

6. **Termination of Meeting**

COMMITTEE REPORT



Date: August 14, 2020

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Development Services

Application: A20-0003

Owner: Stephen Cipes

Address: 4870 Chute Lake Road

Applicant: CTQ Consultants Ltd., Ed Grifone

Subject: Application to the ALC for "Non-Farm Use"

1.0 Purpose

The applicant is requesting permission from the Agricultural Land Commission for a "Non-Farm Use" under Section 20(2) of the Agricultural Land Commission Act.

2.0 Proposal

2.1 Background

The subject property has been owned and operated as Summerhill Pyramid Winery since 1995 when the original winery building was constructed. The site currently has the main building, tasting room, offices, restaurant, outdoor events area and the pyramid wine cellar. It is accessed from Chute Lake road and has a variety of surface parking to service the winery and agricultural operation. The current owner also owns a number of directly adjacent parcels which make up the farm unit and have a mix of agricultural and residential uses. Approximately 48.6 acres are utilized for active vineyard production.

2.2 Site Context

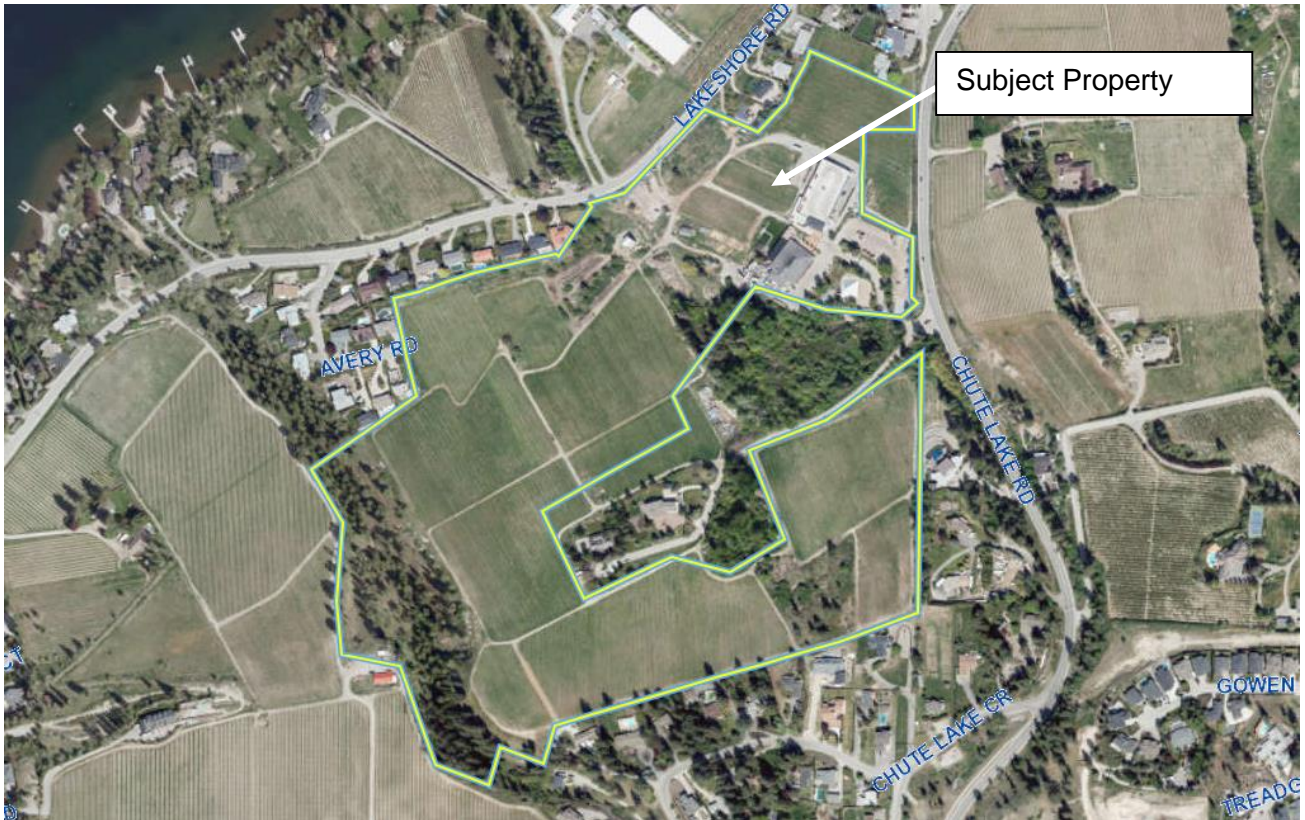
The subject property is located in the City's South Okanagan Mission Sector. The Future Land Use is REP – Resource Protection is zoned A1 – Agriculture and it is within the Agricultural Land Reserve. It is located outside of the Permanent Growth Boundary (PGB) however has available City services (sanitary and water) and is a small agricultural block surrounded by the PGB. The property is approximately 62.3 acres in size with its primary access being Chute Lake Road. It has a variety of agricultural and agri-tourism uses including a winery, restaurant & ballroom, agricultural storage and existing parking

Parcel Summary – 4870 Chute Lake Road:

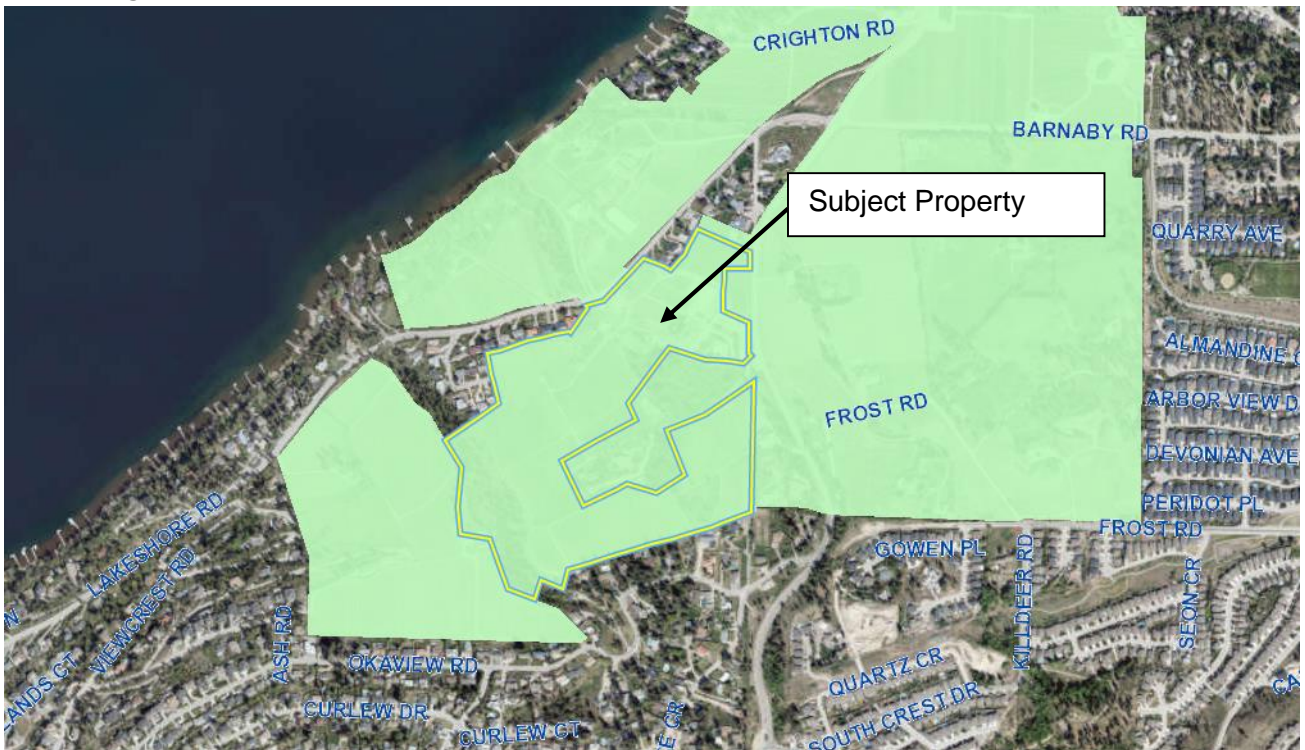
Parcel Size: 25.2 ha (62.3 acres)

Elevation: 352.0 to 350.25 metres above sea level (masl) (approx.)

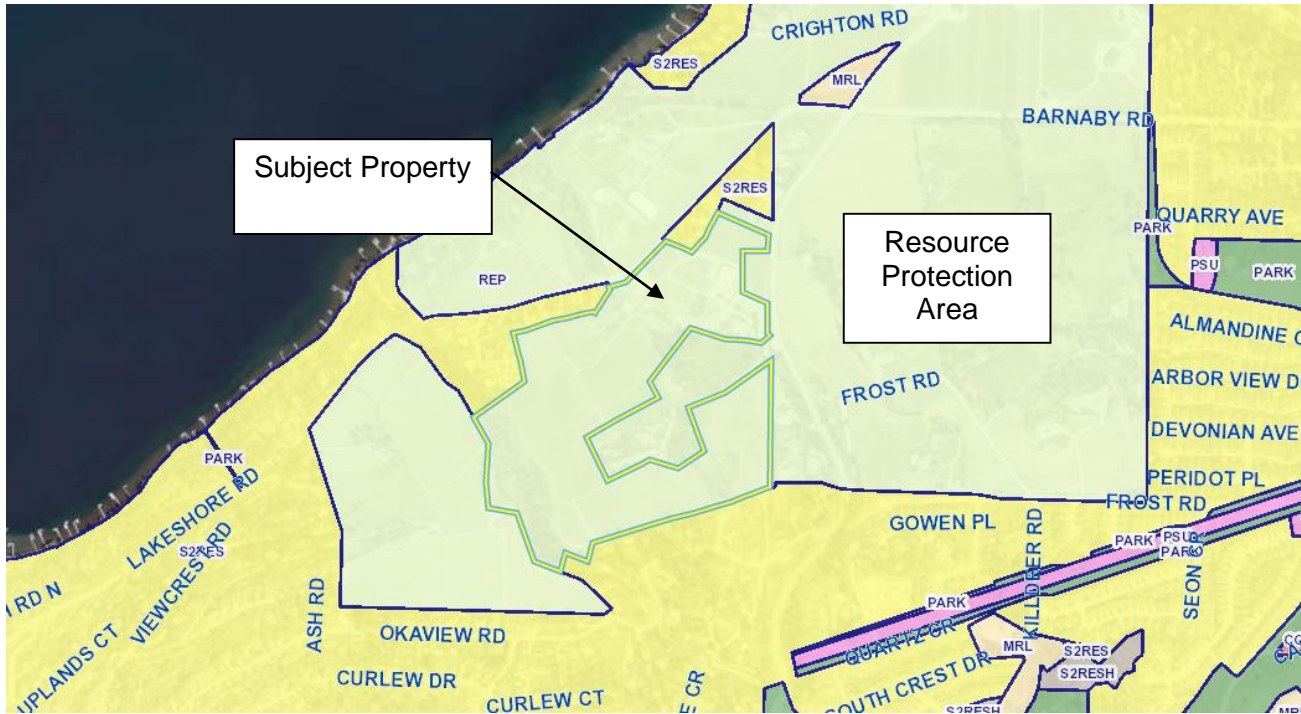
Map 1 - Neighbourhood



Map 2 – Agricultural Land Reserve



Map 3 – Future Land Use



Zoning and land uses adjacent to the property are as follows:

Table 1: Zoning and Land Use of Adjacent Property

Orientation	Zoning	Land Use
North	RR2 – Rural Residential 2	Residential
East	A1 – Agriculture 1 & RR1 – Rural Residential 1	Agriculture/Residential
South	RR2 – Rural Residential 2	Residential
West	A1 - Agriculture	Agriculture/Residential

2.3 Project Description

The proposed development is for a culinary education facility at the existing Summerhill Pyramid Winery location. The “Culinary College for Humanity” at Summerhill consists of several stated uses including culinary facility, educational stays, wine tasting, food producing gardens, and parking. These uses would be accommodated in a six-storey structure designed specifically for the unique nature of the proposal.

Proposed Structure & Non-Farm Use

The siting of the proposed structure is located in the north west corner of the property next to the Summerhill Pyramid Winery. It would utilize the same access and be primarily within already disturbed land that is not currently being used for crop production.

The proposed six storey structure is to be constructed on top of the existing wine production and warehousing building. The existing buildings footprint is approximately 20,000 ft² with a proposed 14,000 ft² addition to support the remaining floors. The at grade and parkade level would consist of a wine production and 130-150 stall parkade. The culinary school facilities including large kitchen and classrooms are located on the main floor along with the administrative offices and wine tasting rooms. In addition, a

large atrium and First Nations cultural space in the centre of the building would extend three floors and provide a seating capacity of approximately 200-300 people. A total of 150 rooms ranging from 220-350ft² in size for accommodation of students and faculty are located in various configurations on floors 2, 3, 4 and 5. The rooms would be restricted to registered students and faculty only and used for accommodation based on the program curriculum. In addition, rooftop gardens aimed at producing biodiverse food are incorporated to every level of the proposed structure.

Soil Capability

The soils on the property are 4A (CLI) as per latest BC Agricultural Capability Map (Updated July 2018). The property is currently being utilized for grape production and would potentially support a number of agricultural crops.

3.0 Community Planning

Policy Considerations

The proposed development is reviewed primarily against the OCP's Agricultural Policies and recommendations of the City's Agricultural Plan (2017), and secondly against overall city-wide policies and objectives. The overall scope and scale of the proposal is considered unique with few local comparables in the province or nationally. In analysis of the policy framework the project is not considered to meet a number of objectives in preserving agricultural lands, however, is considered to meet some overall policies and objectives which are considered in more detail later in the report.

The primary use of the property is being retained as agriculture through the 48 acres of vineyard and winery which a permitted farm use or directly associated with agriculture. Vineyards and wineries are a permitted farm uses that can be restricted but not prohibited by local government under the ALC Act and Regulations. The proposed culinary facility is considered an urban scale project and therefore would not meet policy objectives given its scope and scale. Policy aimed at urban scale uses directs this form of development away from agricultural lands to better suited properties within the Permanent Growth Boundary. Eventhough the existing vineyard and winery would be maintained the proposal could shift the primary use of the property to the facility itself.

In review of all Non-Farm Use applications the most directly applicable OCP policy is 5.33.6 which lists several criteria to help evaluate the proposal. A general analysis using the criteria is listed below:

Is it consistent with the Zoning and OCP? The zoning and land use of the subject property does not currently support the use or type of structure proposed in this application. A rezoning text amendment would be required subsequently to approval of the Non-Farm Use application if Council and the ALC chose to do so.

Does it provide significant benefits to local agriculture? Regarding use of land directly for food production, either through livestock or crops, the proposal is not considered to provide direct benefit to local agriculture or food security. However it could be considered to help promote local agriculture through research and education purposes including local foods and agricultural products.

Can it be accommodated using existing municipal infrastructure? Connection to City services would be required for a proposal of this scale. Water and Sewer mains are available on Chute Lake Road however

further confirmation of capacity and upgrades would be required to be proven out by the applicant's consultants.

Does it minimize impacts on productive agricultural lands? The proposed structure is to be constructed primarily on the footprint of the existing winery storage building and its surrounding area not currently used for agricultural production. Some expansion of the building footprint is proposed however no additional vineyard is to be removed at this time. In this regard the proposal does minimize the impact on productive agricultural lands. Indirect impacts such as increased speculative pressures and interface conflicts could result from development of this type of facility.

Will it preclude future use of the lands for agriculture? Given the nature of the proposal it would likely preclude a number of potential agricultural uses for the property. Traditional types of agriculture would likely not be viable or desirable adjacent to the proposal. Given the sites current use as a vineyard, the proposal would not likely preclude any use of the existing agricultural operation.

Will it harm adjacent farm operations? The proposed building is in the north portion of the subject property. The properties directly adjacent to the north are residential and the east and west sides of the property is buffered by Chute Lake Road and Lakeshore Road. To the east and across Chute Lake Road there is a large apple orchard currently in production. Potential impacts to the adjacent agricultural operation could result from increased traffic and result in further agricultural interface conflicts.

Report prepared by: Wesley Miles, Planner Specialist
Reviewed by: Dean Strachan, Community Planning & Development Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A – Policies
Schedule B -Technical Comments
Applicant Package



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 60352

Application Status: Under LG Review

Applicant: Stephen Cipes

Agent: CTQ Consultants

Local Government: City of Kelowna

Local Government Date of Receipt: 01/28/2020

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Farm Use

Proposal: It is a culinary facility, educational stays, wine tasting, food producing gardens, and parking.

Agent Information

Agent: CTQ Consultants

Mailing Address:

1334 St. Paul Street

Kelowna, BC

V1Y 2E1

Canada

Primary Phone: (250) 979-1221

Mobile Phone: (250) 212-6763

Email: egrifone@ctqconsultants.ca

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 026-350-807

Legal Description: Lot 1 Sections 24 and 25 Township 28 Similkameen Division Yale District
Plan KAP78562

Parcel Area: 62.3 ha

Civic Address: 4870 Chute Lake Road

Date of Purchase: 01/01/1987

Farm Classification: No

Owners

1. **Name:** Stephen Cipes

Address:

4870 Chute Lake Road

Kelowna, BC

V1W 4M3

Canada

Phone: (778) 480-4345

Email: stephen@summerhill.bc.ca

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

Building Footprint - 1.30 acres

Protected Area - 18.95 acres

Vineyards and other - 48.6 acres

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

Perimeter fencing

Minor outbuildings

Improvements to soils

Use of perma-culture practices

High Quality Vinefera production and cultivation

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

Winery

Storage

Restaurant & Ballroom

Parking

Houses (separate lots)

Adjacent Land Uses

North

Land Use Type: Residential

Specify Activity: Single Family Residential

East

Land Use Type: Residential

Specify Activity: Single Family Residential and some ALR

South

Land Use Type: Residential

Specify Activity: Single Family Residential and Small Farm

West

Land Use Type: Agricultural/Farm

Specify Activity: Vineyards

Proposal

1. How many hectares are proposed for non-farm use?

0.3 ha

2. What is the purpose of the proposal?

It is a culinary facility, educational stays, wine tasting, food producing gardens, and parking.

3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

Please see attached professional report.

4. Does the proposal support agriculture in the short or long term? Please explain.

Please see attached professional report.

5. Do you need to import any fill to construct or conduct the proposed Non-farm use?

No

Applicant Attachments

- Agent Agreement - CTQ Consultants
- Proposal Sketch - 60352
- Professional Report - Summerhill Culinary College for Humanity
- Certificate of Title - 026-350-807

ALC Attachments

None.

Decisions

None.

CULINARY COLLEGE for HUMANITY

WHERE GREAT FOOD BEGINS



Kelowna, BC

A Sustainable Model for the Next Dimension of Agriculture

Submission of a Non-Farm Use Application Pursuant to:

Section 20 (2), ALC Act, BC

PROVINCIAL AGRICULTURAL LAND COMMISSION

January, 2020

For: 4870 Chute Lake Road, Kelowna, BC

CTQ Consultants
Agent

Summerhill Pyramid Winery

Stephen Cipes (Proprietor)

1334 St. Paul Street
Kelowna BC, V1Y 2E1

250 - 979 - 1221

Executive Summary

"IN MY LIFETIME, THE POPULATION OF THE PLANET HAS GROWN FROM 2.5 BILLION TO 7.7 BILLION. HOW DO WE FEED OURSELVES? OUR FOOD SYSTEM IS ONE OF THE MAIN CAUSES OF CLIMATE CHANGE AND ENVIRONMENTAL DEGRADATION. LET'S STOP TALKING ABOUT IT; LET'S OPEN A WORLD FORUM ON SUSTAINABLE FOOD PRODUCTION IN THIS PRISTINE CULINARY PARADISE!"

-STEPHEN CIPES, APPLICANT

Kelowna is THE ideal location for the Culinary College for Humanity, as it is the breadbasket of BC's interior, with local produce, meats, fruits, wine, and dairy, and with fresh fish from inland lakes and farms and from the nearby coast. As a model to the world of organic and local, the entire world will be inspired. We envision an international gathering place in this ideal setting, to develop sustainable food culture for the future of humanity. A headquarters for world food production education with a holistic immersive concept to entice food production entrepreneurs, activists, and executives from around the world to enroll.

Change does not start with governments. Change comes from individual leadership. The Culinary College for Humanity is a place for leaders from around the world to gather and to learn the technology of regenerative agriculture which will restore nutrient levels. The setting and concepts are designed for participants to develop and share knowledge, and to network with each other.

The Culinary College for Humanity will be programmed with a series of retreats and workshops focusing on bringing together culinary and agricultural change-makers and learners from around the world. Both professional and consumer designed courses will be offered to support sustainable, localized food systems, including in subjects as varied as nose-to-tail preparation of animals, urban farming, food preservation, vegetable forward meal preparation, eliminating food waste, and regenerative and organic agricultural systems.

At Summerhill Vineyard the farm is the classroom, with Permaculture style, no-till vegetable gardens, diverse perennial food forests, nature-preserves for wild harvesting native edibles, beehives, chickens, insectary gardens, large scale composting, and famous for highest quality Demeter certified biodynamic vineyards.

Designed with the guidance of the Sparking Hill Swarovski Management Team, this beacon of light to the world, the Culinary College for Humanity will not displace a single square foot of arable land and will be built atop Summerhill's already existing concrete wine cellar and its production area. The new building will feature architecturally integrated food production to increase the arable acreage of Summerhill Vineyard and demonstrate the potential of urban agriculture. A teaching kitchen, four storey mini conference centre, and educational stays are important concept ingredients of the vision.

The concept for the Culinary College for Humanity is based on the premise of our Mission Statement: **To impact major change to the planet by building a model of growing and eating organic food and wine with a focus to include all climates, and inviting food production executives and farmers to attend world food production conferences in the four story First Nations lecture theatre.**

We have drawn from other examples of culinary facilities and schools around the world as a foundation for programming, but the Culinary College for Humanity has a specific focus which is to build a program based on a fully regionalized, zero waste, organic food system. This opens the opportunity for this local growing region to flourish, with the utilization of the many unproductive ALR acres, as well as opening a model to inspire 21st century sustainable food systems for all of humanity. We have the ideal pristine model of how food production can be in harmony with nature. This model is vital for the food industry to adopt. Some of, but not all, the highlights follow:

- ❖ Fostering responsible stewardship of our lands and oceans, encouraging ethical animal husbandry, and supporting pollinators (responsible for roughly 88% of flowering plants), the Culinary College for Humanity (CCH) strives for the ultimate health and well-being of our planet and humanity. CCH strives to be a driver for change by providing an education of sustainable agriculture, and organic growing practices.
- ❖ Large scale industrial farming as well as globalized transportation of food commodities is responsible for significant environmental degradation and greenhouse gas emissions. CCH will demonstrate a model of a regionalized food system with regenerative agricultural practices that aid in soil carbon sequestration and fertility and reduce long distance transportation.
- ❖ Offering a curriculum that combines culinary techniques for food preparation relying on 100% regionalized ingredients that are grown in harmony with the environment, CCH is the ultimate culinary school that connects the dots between the field and the plate for a sustainable future. The curriculum includes seasonal menu planning, food preservation, zero waste food preparation, and butchering and using the whole animal, alongside courses around sustainable food production, including in Permaculture design principles and techniques, animal integration and regenerative agriculture, urban agriculture, and encouragement of pollinators.
- ❖ Great food and great taste extend beyond the walls of a classroom. They extend to the sea, farm, market, vineyard, and beyond. The chefs of the 21st Century need to know more than culinary techniques and management. They need to have knowledge of where raw ingredients come from, what it means to be organic and sustainable, and gain an understanding of true farm to table cuisine. The importance of animal husbandry and responsible stewardship of our lands and oceans must be conveyed to the next generation to secure sustainable agriculture practices that will in turn continue to nurture our nation for decades to come.
- ❖ The CCH will be an innovative school and think tank located on an urban mixed use farm featuring a biodynamic vineyard, annual vegetable gardens, perennial food producing “Food forest”, large scale biodynamic composting, apiary, pollinator sanctuaries, and small scale animal husbandry, with a four-season architecturally integrated food producing garden.

- ❖ A variety of programs, from short courses to semester long professional courses, will take place on the farm rather than in a traditional college/university setting. Students will learn about the life of a farmer with hands-on participation in harvesting and planting. The extraordinary experience will be a catalyst for humanity to realize the importance of good nutrition and sustainable agriculture on the planet.
- ❖ The dramatic First Nations inspired four story atrium lecture theatre is the ideal setting for presentations of innovative changes in food production technology and food systems. Based in an inspiring comfortable year-round setting where leaders from all over the world come together in Kelowna, the Culinary Capitol of Canada.
- ❖ The programs offer participants a forward-thinking approach to the best practices in agriculture and culinary techniques, providing an opportunity to develop lifelong understanding of food and agriculture. The latest innovations and research from the world's top culinary, sustainability, and agricultural leaders in this spectacular college paves the way to catapult the new trends and new commercial models that are already replacing today's unsustainable systems.



Site Plan for the Proposed Culinary College for Humanity



A Sustainable Model for the Next Dimension of Agriculture

Land Use



Reinforced Lamin Wall Element



Wood Panel Element

3xPanel Inlay/0_CLT - Open Luminesce Timber Construction

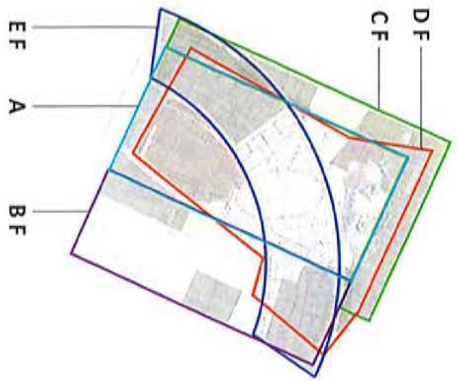


- A Tasting Room
- B Elliptical Shaped Atrium - First Nations Cultural Space
- C Rammed Earth Concrete Exterior Walls Level 1
- D Food Producing Gardens on Roof Decks
- E CLT Timber Construction
- F Open Pond + Spas
- G Tasting & Learning Centre
- H Culinary Kitchens
- I Path to Sunnenshill Winery and Pyramid
- J Outdoor Decks Seating
- K Existing Wine Production and Storage
- L Existing Equipment Storage
- M New Parkade

+



Conceptual Renderings for the Proposed Culinary College for Humanity



Key Plan

Culinary College for Humanity
2020.01.22

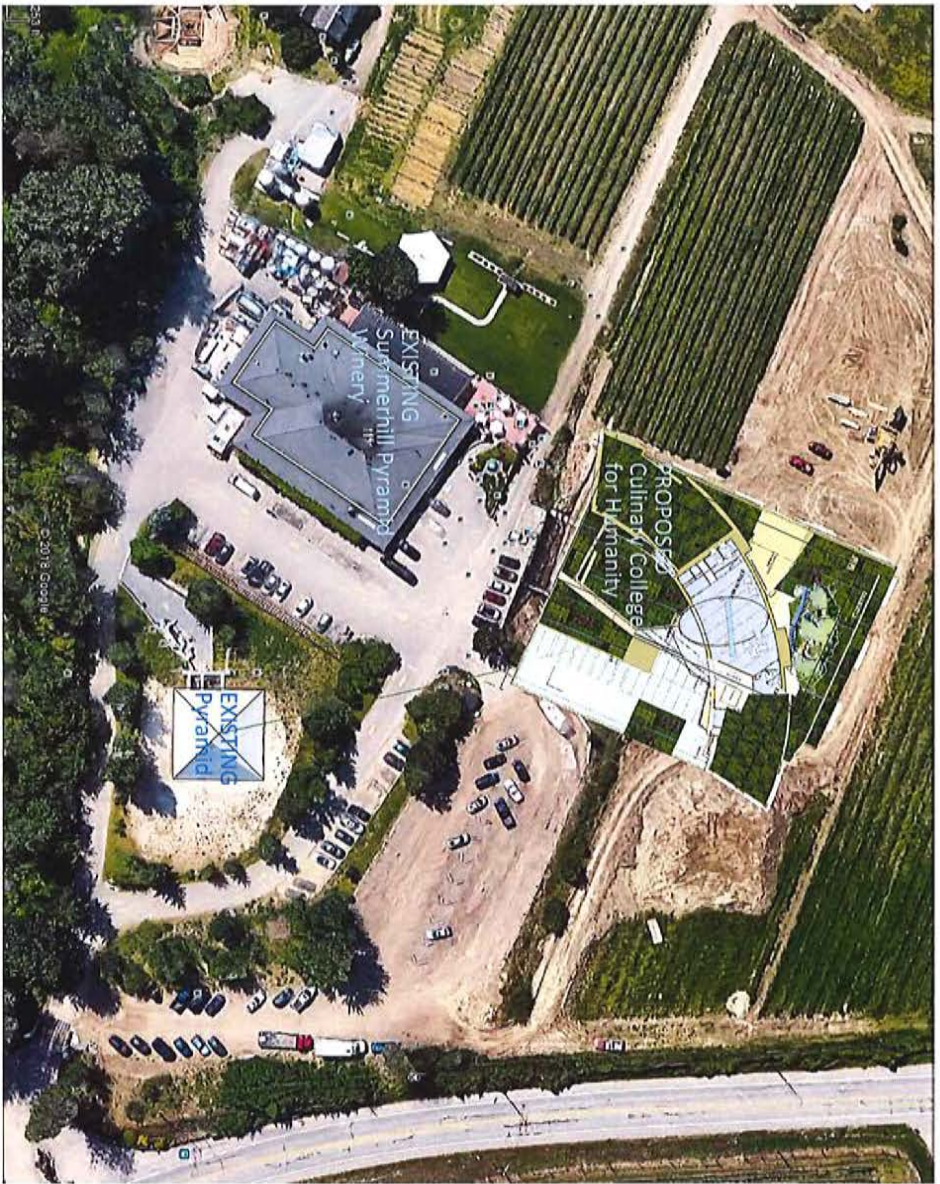
Program	Level	Area
A	Existing	20,000sf
B	W.R.P	14,000sf
C	New	14,000sf
D	W.R.P	14,000sf
E	New	14,000sf
F	New	14,000sf

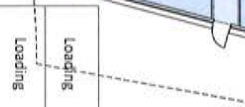
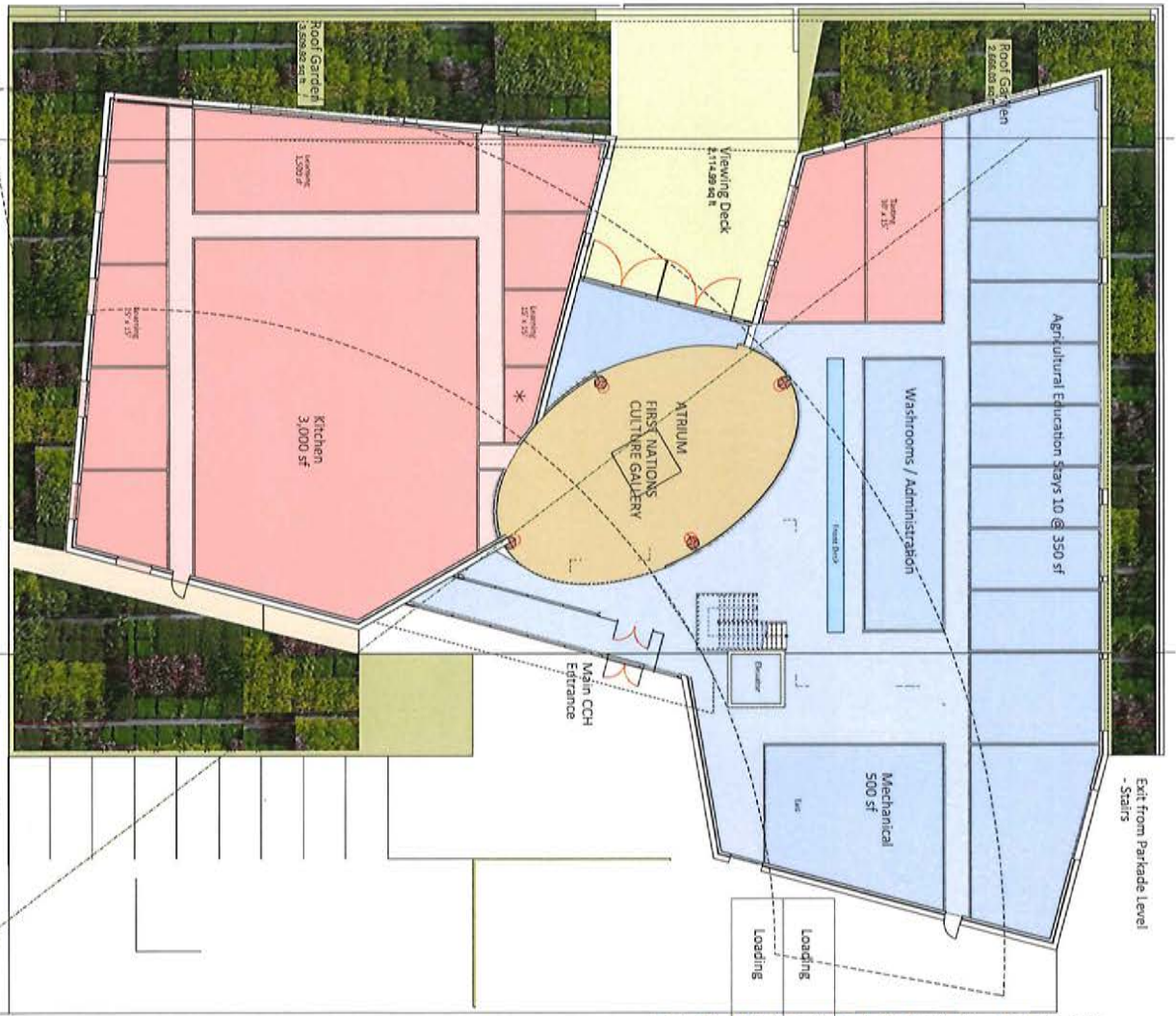
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C	New	14,000sf
D	W.R.P	14,000sf
E	New	14,000sf
F	New	14,000sf

Level	Area
1	20,000sf
2	14,000sf
3	14,000sf
4	14,000sf
5	14,000sf

Legend:

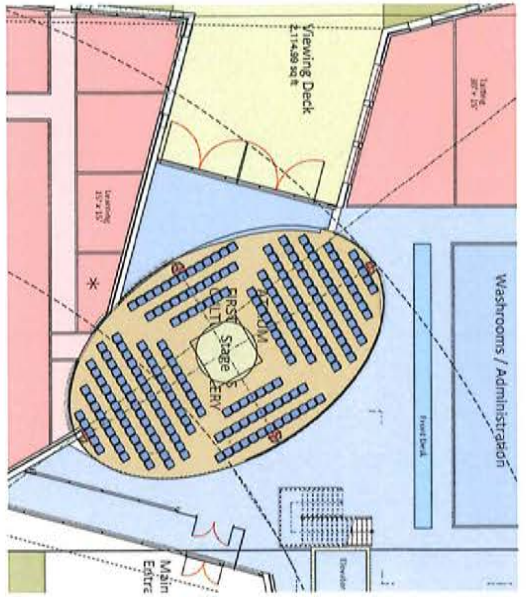
- W.R.P. - Warehouse at grade with ramps
- V - Warehouse (over-shedding, elevated)
- P - parking
- 1 - main entry level at reception
- 2, 3, 4 - steps & gardens
- 5 - roof & gardens, greenhouse tasting room



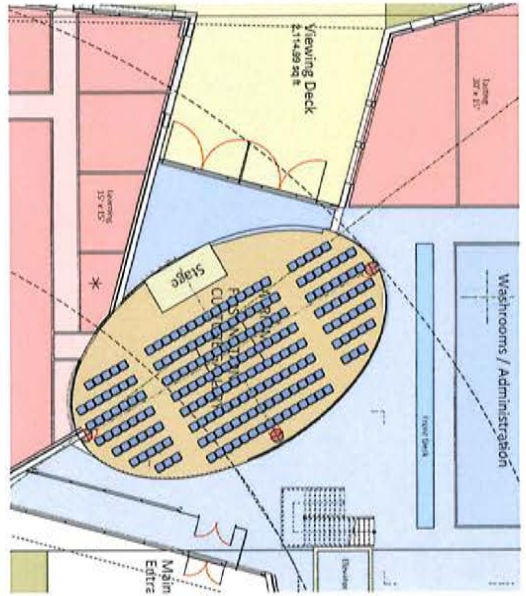


Quantity (Comp) for Humanity

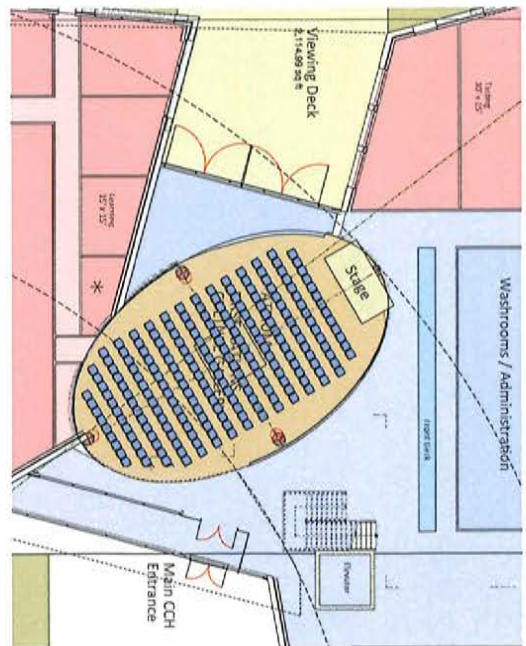
Project	Area
Level 1 1st Floor	10,500.00 sq ft
Level 1 2nd Floor	10,500.00 sq ft
Level 1 3rd Floor	10,500.00 sq ft
Level 1 4th Floor	10,500.00 sq ft
Level 1 5th Floor	10,500.00 sq ft
Level 1 6th Floor	10,500.00 sq ft
Level 1 7th Floor	10,500.00 sq ft
Level 1 8th Floor	10,500.00 sq ft
Level 1 9th Floor	10,500.00 sq ft
Level 1 10th Floor	10,500.00 sq ft
Level 1 11th Floor	10,500.00 sq ft
Level 1 12th Floor	10,500.00 sq ft
Level 1 13th Floor	10,500.00 sq ft
Level 1 14th Floor	10,500.00 sq ft
Level 1 15th Floor	10,500.00 sq ft
Level 1 16th Floor	10,500.00 sq ft
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Level 1 21st Floor	10,500.00 sq ft
Level 1 22nd Floor	10,500.00 sq ft
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Level 1 24th Floor	10,500.00 sq ft
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Level 1 90th Floor	10,500.00 sq ft
Level 1 91st Floor	10,500.00 sq ft
Level 1 92nd Floor	10,500.00 sq ft
Level 1 93rd Floor	10,500.00 sq ft
Level 1 94th Floor	10,500.00 sq ft
Level 1 95th Floor	10,500.00 sq ft
Level 1 96th Floor	10,500.00 sq ft
Level 1 97th Floor	10,500.00 sq ft
Level 1 98th Floor	10,500.00 sq ft
Level 1 99th Floor	10,500.00 sq ft
Level 1 100th Floor	10,500.00 sq ft



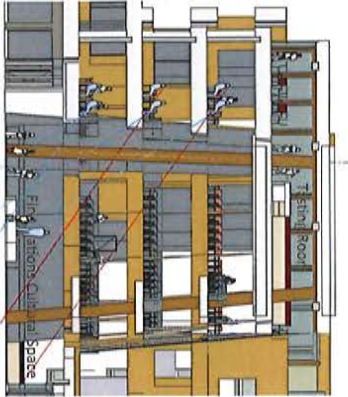
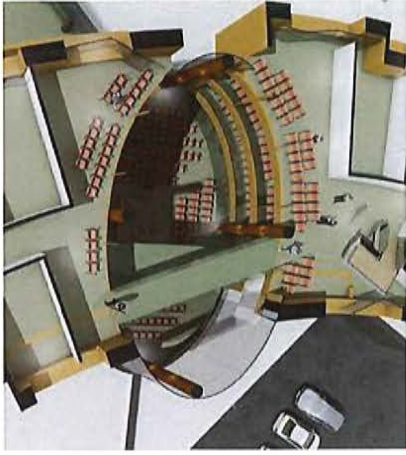
Option 1
Atrium Seating Layout
Stage: 100 sf
Seating Capacity: 206 Chairs



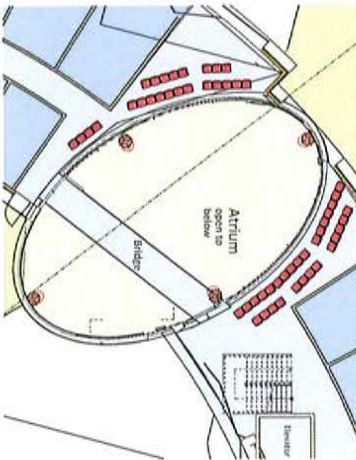
Option 2
Atrium Seating Layout
Stage: 100 sf
Seating Capacity: 200 Chairs



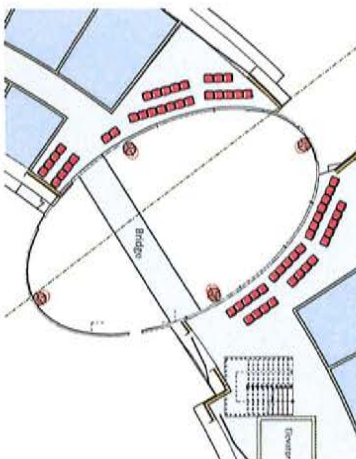
Option 3
Atrium Seating Layout
Stage: 100 sf
Seating Capacity: 215 Chairs



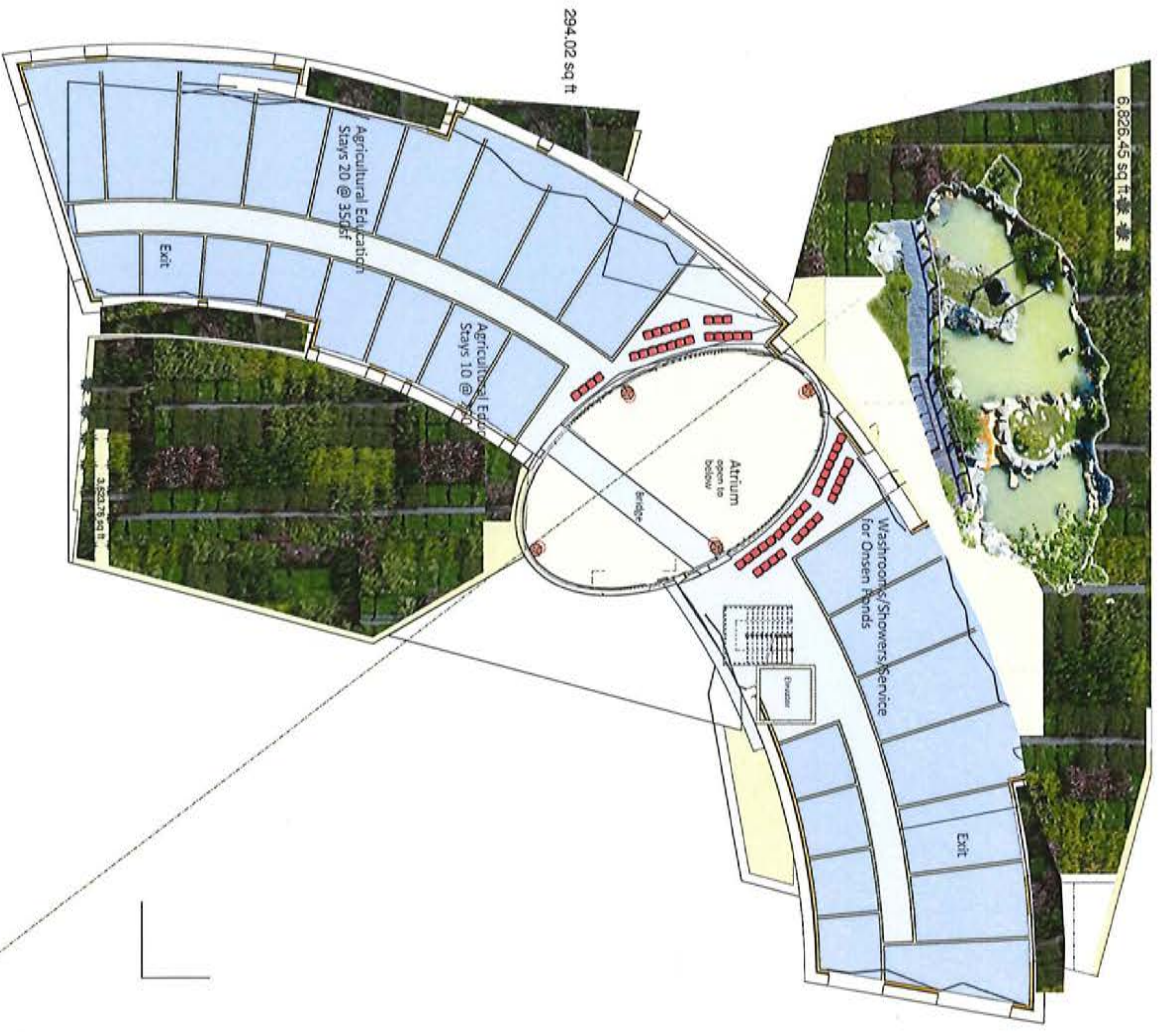
Sightlines Sample

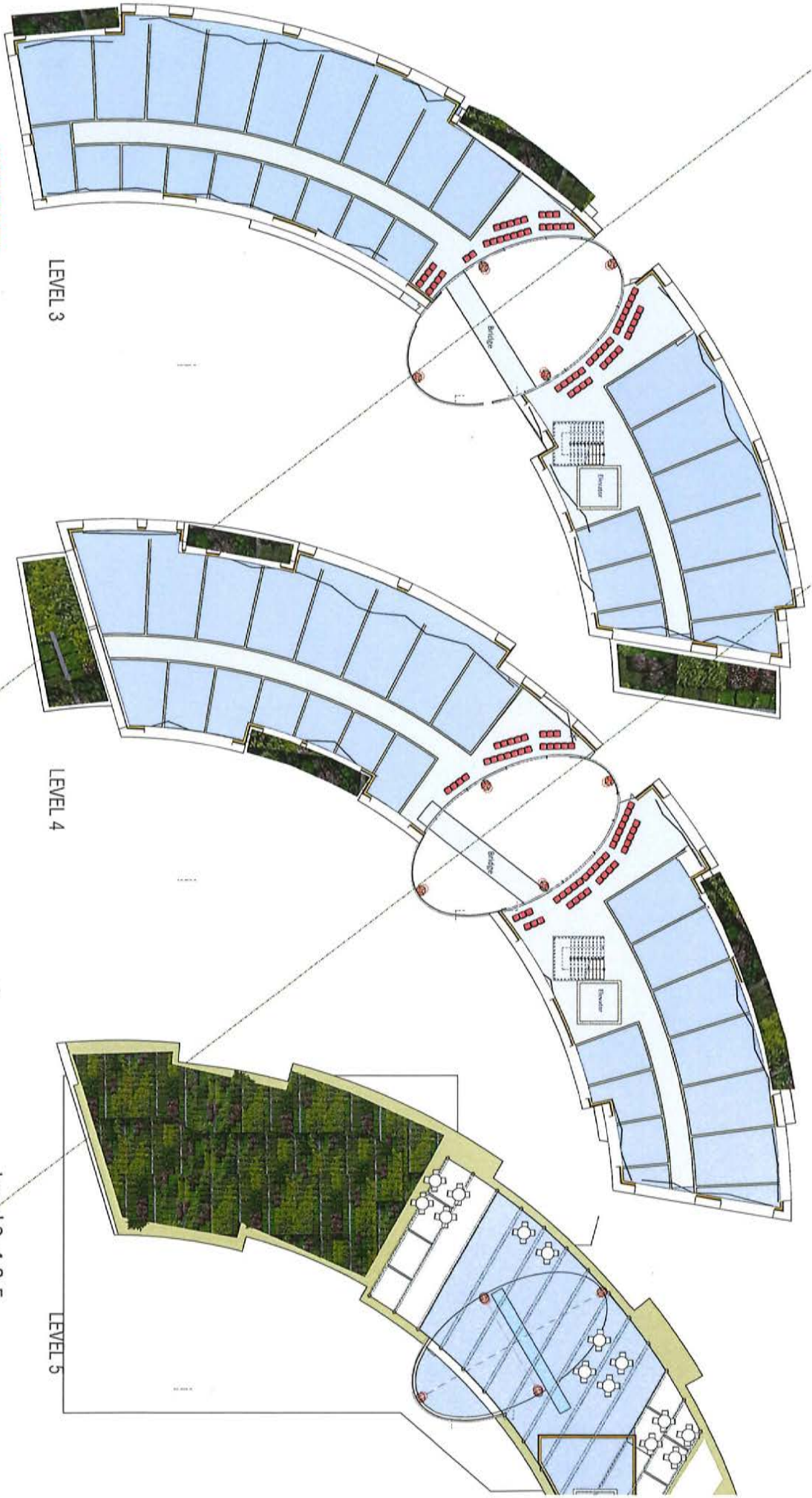


Atrium Mezzanine Seating - Level 2 (Level 4 similar)
Seating Capacity: 40-50 Chairs



Atrium Mezzanine Seating - Level 3
Seating Capacity: 40-50 Chairs





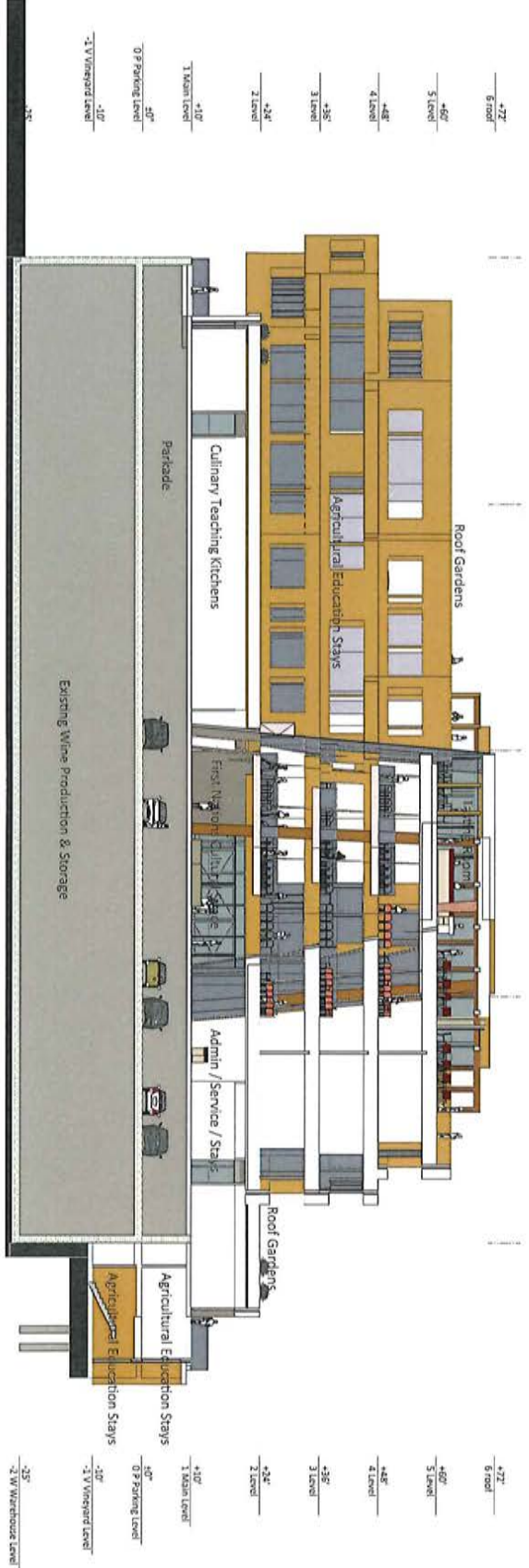
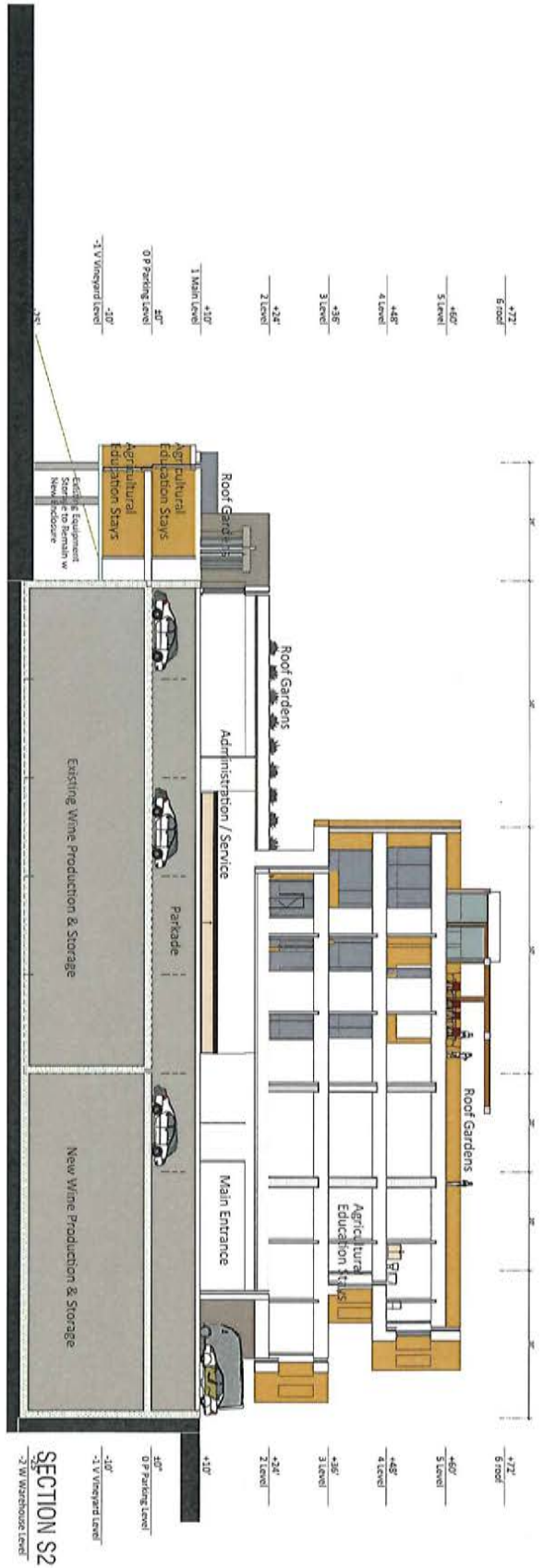
Project Architect
 Project Address: 4870 Chute Lake Road Kelowna BC

Culinary College for Humanity

Drawing By: SMH
 Houselink
 Residential Artist Developer

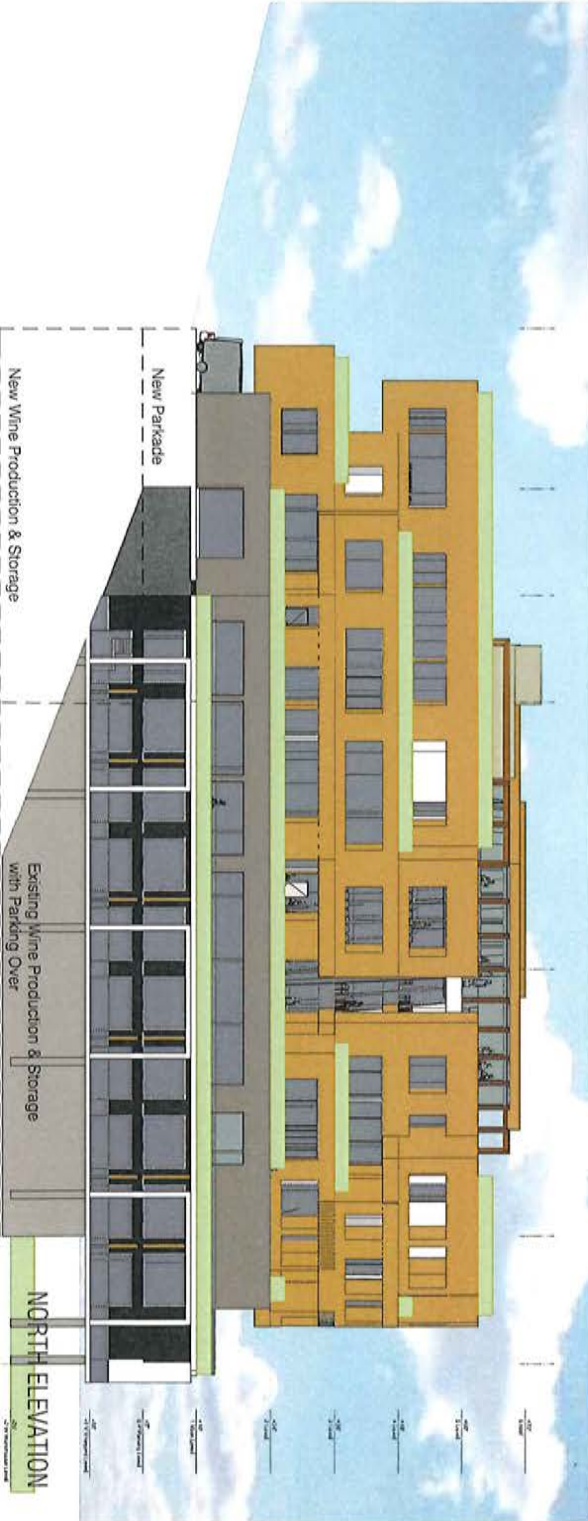
Drawing Title: Level 3, 4 & 5
 Date: 2020 01 22
 File Name: Bud CCH 2020 01 22.dwg

Drawing No.: A5





EAST ELEVATION
View from Parking Lot & Courte Lake Road



NORTH ELEVATION



Project Architect

Project

Culinary College for Humanity

Drawing By



Drawing Title

Elevations N&E

Drawing No.

A9

Project Address

4870 Chute Lake Road Kelowna BC

Date

2020 01 22

File Name

Bud C01 2020 01 22.dgn



Summerhill Pyramid Winery

WEST ELEVATION

New Iron Vineyard



SOUTH ELEVATION

View from Summerhill Pyramid Winery



Project Architect

Project Culinary College for Humanity
Project Address 4870 Chute Lake Road Kelowna BC

Drawing By SNH



Drawing Title Elevations S&W
Date 2020 01 23
File Name Bndr_CCI_2020 01 22.dgn

Drawing No. A10

SCHEDULE A - Policies



Subject: 4870 Chute Lake Road – Application for Non-Farm Use in the ALR

1.1 City of Kelowna Agriculture Plan (2017)

Overall goals:

1. Develop clear policies that serve to protect and promote agriculture;
2. Identify opportunities to strengthen farming as an economic driver;
3. Increase the amount of, and access to, locally grown and produced food;
4. Promote and celebrate the agricultural character of Kelowna; and
5. Build resilience in communities against rising costs of food and risks from climate change.

1.2 Kelowna Official Community Plan (OCP)

Chapter 4: Future Land Use

Resource Protection Area

Generally, land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses.

Permanent Growth Boundary

Lands within the permanent growth boundary may be considered for urban uses within the 20 year planning horizon ending 2030. Lands outside the permanent growth boundary will not be supported for urban uses.

Agricultural Land Use Policies

Objective 5.33 Protect and enhance local agriculture.

Objective 5.33 Protect and Enhance Local Agriculture

Policy .1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Policy .5 Agri-tourism, Wineries, Cideries, Retail Sales. Support agri-tourism uses that can be proven to be in aid of and directly associated with established farm operations. Permit wineries, cideries and farm retail sales (inside and outside the ALR) only where consistent with existing ALC policies and regulations.

Policy .6 Non-Farm Uses. Restrict non-farm uses that do not directly benefit agriculture. Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- 1.0 are consistent with the Zoning Bylaw and OCP;
- 2.0 provide significant benefits to local agriculture;
- 3.0 can be accommodate using existing municipal infrastructure;
- 4.0 minimize impacts on productive agricultural lands;
- 5.0 will not preclude future use of the lands for agriculture;
- 6.0 will no harm adjacent farm operations.

6.3 Agricultural Land Commission Act (ALCA)

Purposes of the commission – Section 6 of the ALCA

The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

SCHEDULE B – Technical Comments



Subject: 4870 Chute Lake Road – Application for Non-Farm Use in the ALR

1.1 Interior Health

No comments provided at time of writing.

1.2 Ministry of Agriculture

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the ALC Non-Farm Use application at 4870 Chute Lake Road. I have reviewed the documents you have provided. From an agricultural perspective I can provide the following comments for your consideration:

- Ministry of Agriculture staff have concerns regarding this application. The size and scope of the proposed development and its associated conference centre, sleeping units, atrium/gallery, onsen pond/spas, parking and administrative area appear disproportionate to the primary agricultural activity taking place on this ALR parcel. While Ministry staff recognize the proposal's educational component and appreciation for agriculture, the beneficial improvement for agricultural production, when the proposed non-agricultural uses could be developed outside of the ALR, is uncertain.
- If this development as proposed were to proceed, the potential for conflict between existing agricultural and non-agricultural land uses and users could also increase and become problematic as the existing agricultural practices may not be compatible with the planned commercial accommodation/event enterprise. In particular, the large number of accommodation units could greatly impact the primary activity on the farm and become in itself the parcel's primary activity.
- The experience of Ministry staff is that developing additional infrastructure of this type on wineries could dramatically change the nature of the business away from the intent of any agri-tourism or educational activity as permitted by the Agricultural Land Commission Act and its regulations. Ministry staff note there may also be tax differences in locating this type of business on the ALR compared to a similar business in another zone.

1.3 Regional District of Central Okanagan

RDCO has reviewed the referral and provides the following comments on this proposal with a recommendation of non-support for this application:

It is noted that the proposed culinary facility, educational stays, wine tasting, food producing gardens and parking includes space not associated with agriculture (non-farm use) and as such does not achieve the goal or policies of the Regional Growth Strategy Bylaw No. 1336's (e.g. 'Our Food' Issue Area, such as Policy No. 3.2.5.7 "Protect the supply of agricultural land and promote agricultural viability.")

The Central Okanagan has strong agricultural roots and this sector has been important in defining the region and its growth pattern. With changes in population, pressures of development, increased climate impacts, water pressures, and more focus on local food production for sustainability, these changes have raised more awareness on food systems.

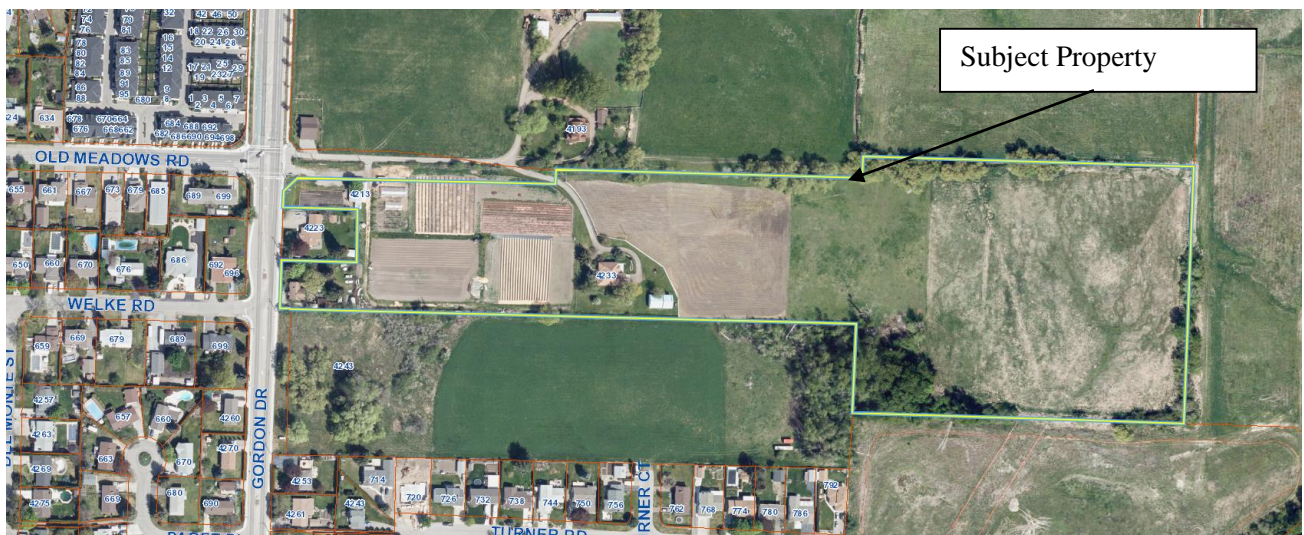
RDCO supports the preservation of the agricultural land base and the retention of large continuous blocks of agricultural land and discourages fragmentation.

property is currently over 18.7 acres and the parcel proposed to be subdivided is approximately 1,700m² (0.42 acres). The remaining parcel would be 18.28 acres in size. The new parcel would be a rectangular shape and will consist of the southern portion that abuts Gordon Drive. The portion that would be subdivided off contains the old house, built in the 1940s, a derelict garage and a small shed.

The proposed subdivision meets all City of Kelowna policies surrounding homesite severances outlined in the City's Agricultural Plan, including the size and location, as it does not hamper the operation of farm. The subject property is actively farmed by the family and the proposed subdivision will not impact the organic farm or the cattle pasture.

The current lot contains two-single family homes, a fruit stand and a customer parking area. If the application is successful, one of the homes will be in the area that will be subdivided from the subject property. The buildings aren't clustered together, as they are spread across the property, but the agriculture uses have been built around the dwellings and they don't impact the farm production. The remainder of the lot is being used for organic fruits and vegetables and a cattle pasture.

Map 1 - Neighbourhood



2.3 Neighbourhood Context

The subject property lies within the North Mission – Crawford OCP Sector. The subject property has a future land use of REP – Resource Protection and is outside of the City’s Permanent Growth Boundary. The surrounding area is primarily agriculture and single-family dwellings, with H2O Adventure + Fitness Centre and Thomson Marsh Park to the North. The area immediately surrounding the subject property has seen little change over the past decade, except for an RM4 – Transitional Low-Density Housing development across the street on Gordon and the new Orchard in the Mission, an RU2 – Medium Lot Housing subdivision to the South.

Zoning and land uses adjacent to the property are as follows:

Table 1: Zoning and Land Use of Adjacent Property

Direction	Zoning	ALR	Land Use
North	A1 – Agriculture 1	Yes	Grain
South	A1 – Agriculture 1 & RU2 – Medium Lot Housing	Yes/No	Cattle Pasture & Vacant – Future Subdivision
East	A1 – Agriculture 1	Yes	Vacant
West	RU6 – Two Dwelling Housing	No	Duplex Housing

Report prepared by:

Tyler Caswell, Planner I

Reviewed / Approved for Inclusion by:

Dean Strachan, Community Planning & Development Manager

Attachments:

Attachment A: Site Plan

Attachment B: ALC Application

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 56129

Application Status: Under LG Review

Applicant: Dorothy Thomson

Local Government: City of Kelowna

Local Government Date of Receipt: 03/29/2017

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Subdivision

Proposal: The application is to subdivide off a piece of property that has no farming use and applicant no longer wants to maintain the buildings.

Mailing Address:

4213 Gordon Drive
Kelowna, BC
V1W 1S4
Canada

Primary Phone: (250) 764-4600

Email: dorothy_1935@hotmail.com

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 011-046-929

Legal Description: L A DL 358 & OF SEC 6 TP 26 OSOYOOS DIVISION YALE DISTRICT PL
2284 EXC PLS 7297 KAP46025 & H17715

Parcel Area: 7.7 ha

Civic Address: 4213 Gordon Drive, Kelowna, BC, V1W 1S4

Date of Purchase: 06/30/1956

Farm Classification: Yes

Owners

1. **Name:** Dorothy Thomson

Address:

4213 Gordon Drive
Kelowna, BC
V1W 1S4
Canada

Phone: (250) 764-4600

Email: dorothy_1935@hotmail.com

Ownership or Interest in Other Lands Within This Community

1. **Ownership Type:** Fee Simple

Parcel Identifier: 028-357-442
Owner with Parcel Interest: Dorothy Thomson
Parcel Area: 0.4 ha
Land Use Type: Recreational
Interest Type: Full Ownership

ATTACHMENT **B**

This forms part of application
A20-0006

Planner Initials AK


City of Kelowna
DEVELOPMENT PLANNING

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

This application is to subdivide off an orphaned piece of the property with an old house (originally built in the 40's), a derelict garage, a small derelict shed and the yard land that naturally goes with it. None of this piece has contributed in any way to farming. The remaining land has 7 acres of organic fruits and vegetables plus a vegetable stand and customer parking - all located at the Gordon Drive end of the property - and the land is leased to the operator of the farm. The rest of the farming property is located at the back of the property - beyond the organic farm and the applicants home. Here the neighbour (a family member) gets hay off and pastures beef cattle (roughly 50 head for brief periods as the cattle are moved around).

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

5 acres of organic farm was deer fenced in 2016. The organic farm builds a drip irrigation system every year. A pole fence was built to close off 4 acres for pasture in 2012. None of this took place on the piece of property that I wish to subdivide off.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

Two residences, a vegetable stand and customer parking area.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm
Specify Activity: Beef cattle and hay

East

Land Use Type: Agricultural/Farm
Specify Activity: Hay

South

Land Use Type: Agricultural/Farm
Specify Activity: Hay

West

Land Use Type: Residential
Specify Activity: Housing

Proposal

1. Enter the total number of lots proposed for your property.

0.2 ha

7.5 ha

2. What is the purpose of the proposal?

The application is to subdivide off a piece of property that has no farming use and applicant no longer wants to maintain the buildings.

3. Why do you believe this parcel is suitable for subdivision?

This corner is orphaned from the main farm and is not suitable for agriculture with multiple derelict buildings and a decommissioned concrete pond.

4. Does the proposal support agriculture in the short or long term? Please explain.

In no way does it change the status of agriculture as the small piece was never farmed and will never be farmed. The remaining main piece of property will continue to support agriculture with an organic farm, beef cattle and hay for the foreseeable future.

5. Are you applying for subdivision pursuant to the ALC Homesite Severance Policy? If yes, please submit proof of property ownership prior to December 21, 1972 and proof of continued occupancy in the "Upload Attachments" section.

No

Applicant Attachments

- Proposal Sketch - 56129
- Other correspondence or file information - Second Sketch
- Certificate of Title - 011-046-929

ALC Attachments

None.

Decisions

None.

COMMITTEE REPORT



Date: August 13, 2020
RIM No. 1210-21
To: Agricultural Advisory Committee (AAC)
From: Development Planning Department
Application: A20-0008 **Owner:** City of Kelowna
Address: 4690 Hwy 97N **Applicant:** City of Kelowna
Subject: Application to the ALC for "Exclusion"

1.0 Purpose

The applicant is requesting permission from the Agricultural Land Commission for an "Exclusion" under Section 29(1) of the Agricultural Land Commission Act.

2.0 Proposal

2.1 Site Context

The subject properties are located in the Highway 97 City Sector. The Future Land Use is REP – Resource Protection is zoned A1 – Agriculture, is within the Agricultural Land Reserve however is within the Permanent Growth Boundary (PGB). The properties are a total of 72.8 ha in size with the northern property having a portion hooked across Highway 97 and the Okanagan Rail Trail (ORT). The property does not currently have any agricultural activity.

4690 Highway 97 N:

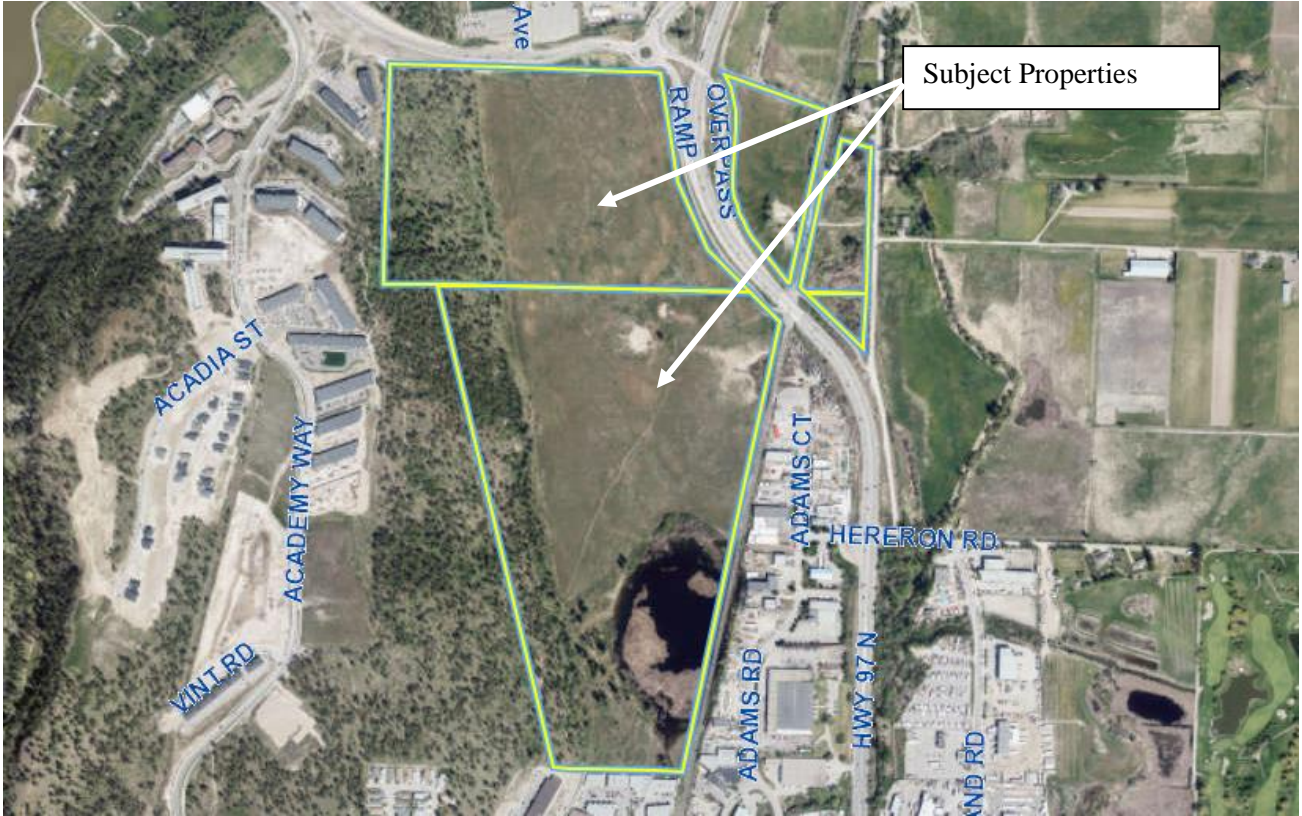
Parcel Size: 72.8 ha (total)
 Elevation: 352.0 to 350.25 metres above sea level (masl) (approx.)

Zoning and land uses adjacent to the property are as follows:

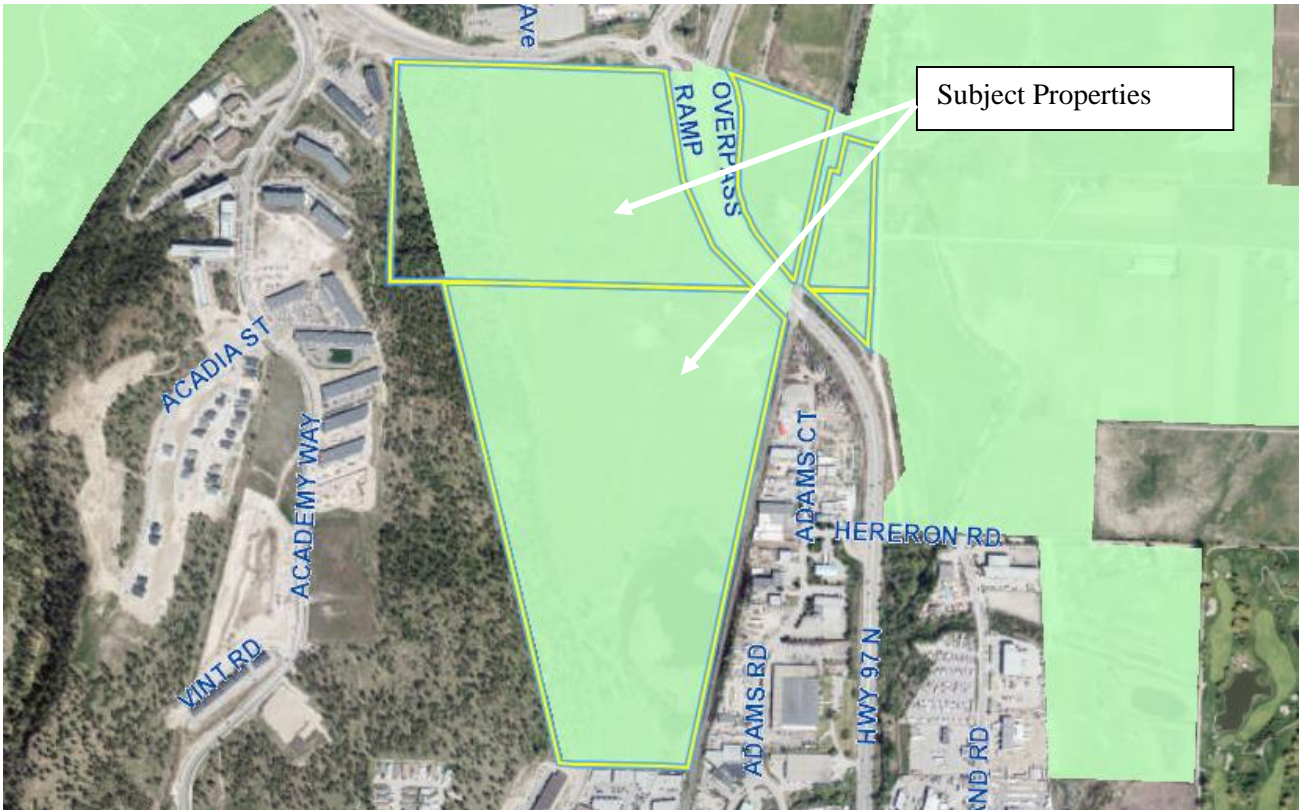
Table 1: Zoning and Land Use of Adjacent Property

Orientation	Zoning	Land Use
North	CD20 – Comprehensive University Development Zone	John Hindle Drive/UBCO
East	A1 – Agriculture 1 & I2 – General Industrial	Hwy 97/Agriculture/Industrial
South	I2 – General Industrial	Industrial
West	C3L, RM4, RM5, P3, A1	Commercial/Agriculture/Residential

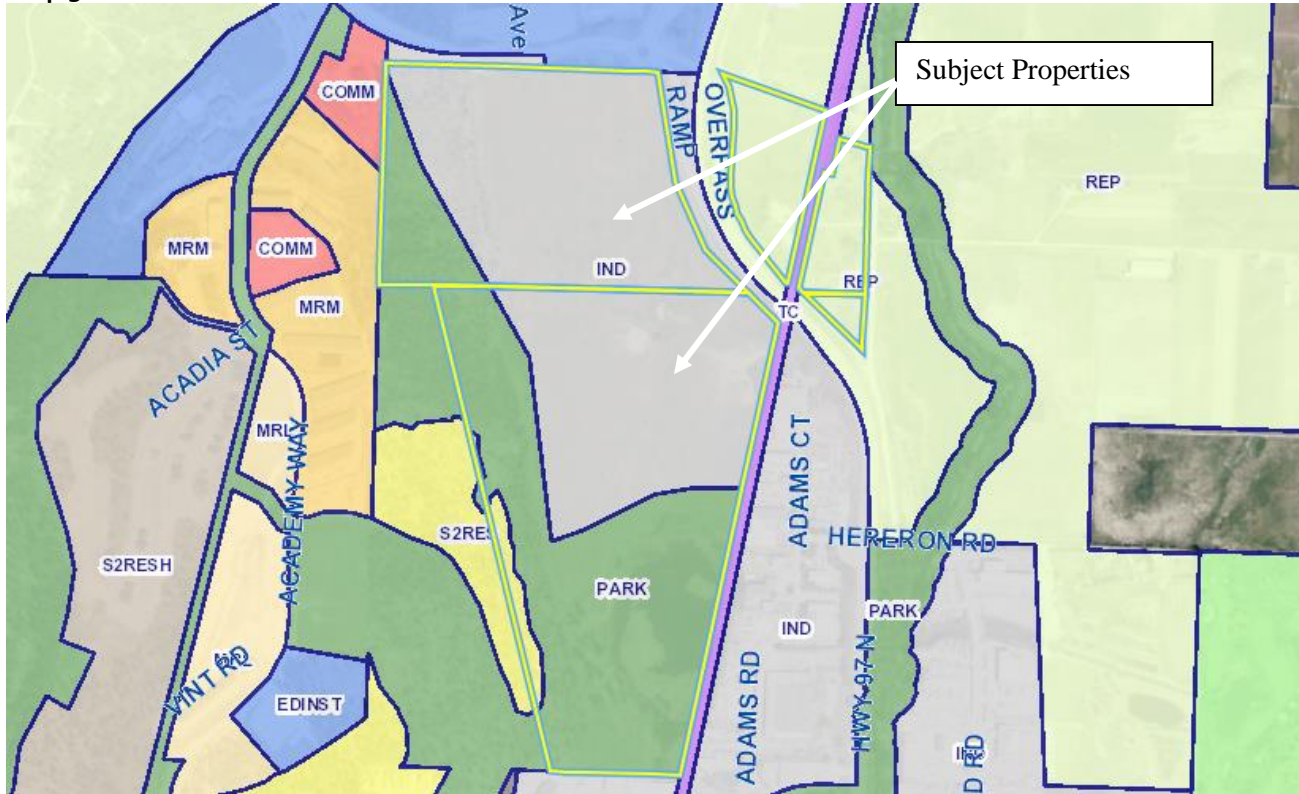
Map 1 - Neighbourhood



Map 2 – Agricultural Land Reserve



Map 3 – Future Land Use



2.2 Background

The subject properties have been considered for non-agricultural purposes dating back to the University South Area Structure Plan and the City's Official Community Plan (OCP) adopted in 1995. In communication with the ALC a portion of the lands has been identified as challenging for long term agriculture uses and subsequently designated as future industrial. Continued discussions between City and ALC staff have occurred periodically over time which led to the land being purchased by the City in July of 2017.

Carney Pond is also located on the south portion of the property is identified as future park land and is intended on being conserved for environmental considerations. In addition, a portion of the property, which is hooked across Highway 97 and the ORT, has a large wetland area. It is in close proximity to Mill Creek and has significant environmental value.

Public Notification

For an exclusion application under Section 29(1) of the Agricultural Land Commission Act., public notification is required prior to making a formal application with the ALC. The required public notification was conducted in June and July of 2020 which included posting of signage, advertisements in local newspapers, and direct notification of adjacent landowners. Public input and feedback have been collected and will form part of the application.

2.3 Project Description

The proposal is to exclude 16.2 ha of land from the Agricultural Land Reserve for the purposes of a future transportation corridor (Hollywood Road North) and relocation of the BC Transit Regional Transit Facility. The extension of Hollywood Road north is identified as a two lane arterial road in the OCP and is proposed to ultimately connect with John Hindle Drive directly to the north.

Regional Transportation

Public transportation service delivery for the City of Kelowna is provided in partnership with BC Transit, the City and other local governments. The existing transit facility is located on Hardy Road and does not have the necessary land area to increase transit service to meet rising needs of the community. Suitable locations have been explored by City staff, in coordination with BC Transit, both locally and regionally for a number of years. However none have been found which met the criteria or business needs of BC Transit. The subject properties have been identified as a suitable location which could meet the requirements of future transit expansion. Further information and a letter of support from BC Transit is provided and attached as part of this report.

Soil and Agricultural Land Capability

The soil classification within the proposed exclusion area is Wesbank (3D – Improved) and Trout Creek (4WD – Improved). Further detailed soil classification information is provided in the AIA conducted by Associated Engineering, dated February 2020 and attached as part of this report.

3.0 Community Planning

The proposed exclusion is reviewed primarily against the OCP's Agricultural Policies, Transportation Policies and recommendations of the City's Agricultural Plan (2017), and secondly against overall city-wide policies and objectives. The proposal is considered to meet a number of the overall policies and objectives of the Transportation Initiatives of the OCP and provide mitigation measures on the impact to loss of agricultural land.

Policy Considerations

General agricultural policies of the OCP are aimed at protection of agricultural land and supporting the ALR. However, the proposed area has been identified for over two decades for industrial development and helps achieve significant transportation objectives and strategic priorities. As identified in Policy 5.33.2, it states that the City of Kelowna will not support ALR exclusion applications to the ALC except in extraordinary circumstances where such exclusions are otherwise consistent with the goals, objectives and other policies of this OCP. Soil capability alone should not be used as justification for exclusion. Staff consider the proposal to meet the criteria of this policy as it has been identified in long range planning initiatives and it ensures efficient and effective transit infrastructure and facilities which is noted in Objectives 7.9 and Policies 7.9.2, 3 and 4 of the OCP.

Mitigation Measures

Even though the proposal is considered to meet the policy threshold for exclusion consideration there is ultimately some impact to agriculture. In 2019 City staff engaged a consultant to complete an Agricultural Impact Assessment (AIA) for the proposal to help determine and quantify those impacts. As part of the assessment mitigation and offset strategies have been outlined to help moderate losses and provide

compensation. The mitigation measures are outlined in detail in the AIA and include topsoil management/salvage, collaboration with the Young Agrarians on other City owned properties to support agriculture and providing improvements on those properties. The City also provides indirect support of agriculture by implementing initiatives such as the 2017 Agricultural Plan through OCP and Zoning changes, as well as ongoing compliance and enforcement on agricultural lands.

Report prepared by: Wesley Miles, Planner Specialist
Reviewed by: Dean Strachan, Community Planning & Development Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A – Policies
Schedule B -Technical Comments
Agricultural Impact Assessment / Applicant Package

SCHEDULE A - Policies



Subject: 4690 Highway 97 N – Application for Exclusion from the ALR

1.1 City of Kelowna Agriculture Plan (2017)

Overall goals:

1. Develop clear policies that serve to protect and promote agriculture;
2. Identify opportunities to strengthen farming as an economic driver;
3. Increase the amount of, and access to, locally grown and produced food;
4. Promote and celebrate the agricultural character of Kelowna; and
5. Build resilience in communities against rising costs of food and risks from climate change.

1.2 Kelowna Official Community Plan (OCP)

Chapter 4: Future Land Use

Resource Protection Area

Generally, land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses.

Permanent Growth Boundary

Lands within the permanent growth boundary may be considered for urban uses within the 20 year planning horizon ending 2030. Lands outside the permanent growth boundary will not be supported for urban uses.

Agricultural Land Use Policies

Objective 5.33 Protect and enhance local agriculture.

Objective 5.33 Protect and Enhance Local Agriculture

Policy .1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy .2 ALR Exclusions. The City of Kelowna will not support ALR exclusion applications to the ALC except in extraordinary circumstances where such exclusions are otherwise consistent with the goals, objectives and other policies of this OCP. Soil capability alone should not be used as justification for exclusion.

Transportation Policies

Objective 7.9 Ensure efficient and effective transit infrastructure and facilities.

Policy 2. Transit Expansions. Prioritize future transit expansions in accordance with Map 7.2 – Transit Plan

Policy 3. Transit Service. Implement a Primary Transit Network of high-frequency and convenient (including late night service) transit routes to connect Urban Centres and surrounding urbanized central areas as well as institutional and community services such as the hospital, university, college, and recreational facilities.

Policy 4. Base Level Transit Service. Provide a base level of transit service (every 30 minutes) to facilitate convenient access to transit in areas with sufficient population and employment intensity to achieve acceptable performance standards and return on investment.

1.3 Agricultural Land Commission Act (ALCA)

Purposes of the commission – Section 6 of the ALCA

The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

SCHEDULE B – Technical Comments



Subject: 4690 Highway 97 N – Application for Exclusion from the ALR

1.1 Interior Health

Thank you for the opportunity to provide comments on this application. It is our understanding the applicant is requesting to exclude land in the ARL to extend Hollywood Road and relocate BC Transit Regional Transit Facility. The following comments are from a population health perspective for your consideration.

This application for exclusion does not appear to support our local food system or our community's food security. The exclusion will result in the loss of agricultural land and the ability to support food related agriculture. However, Interior Health's Healthy Community program recognizes the historical context for the development of this ALR parcel, and the use of the land aligns with OCP policy which has ALC endorsement. In addition, this application appears to support public transit. Public transit is an integral component of a healthy transportation network and a new transit facility would build capacity of the current transit system increasing the availability and quality of public transit in the Central Okanagan. Actions to mitigate the loss of agriculture land are suggested.

Interior Health is committed to improving the health and wellness of all by working collaboratively with local governments and community partners to create policies and environments that support good health. Please do not hesitate to reach out if you require clarification or have questions.

1.2 Ministry of Agriculture

Thank you for providing B.C. Ministry of Agriculture staff the opportunity to comment on the proposed exclusion application for the above noted property. We note that the subject property is proposed for a transit exchange and that, the City has discussed the proposed use with the Agricultural Land Commission (ALC) on a number of occasions since 1995; however, the subject property has not been excluded to date from the Agricultural Land Reserve (ALR), and that is the purpose of the current application.

The subject property has agricultural capability, as noted in the Agricultural Impact Assessment report, to support a wide range of crops, particularly with improvements made to the land. We note that a number of mitigation strategies are proposed to compensate for the loss of productive land. We have a concern that the valuation strategy used to determine the value of production lost and therefore the value of the mitigation that should occur may have been based on some broad assumptions that have resulted in an under valuation of the lost production.

First, the value has been based on the current use of the property which is for a single cut of hay. This is a relatively low value use given the soils and capability data suggest that the site could be used for much more intensive forms of agriculture and higher value crops. It is possible that effort to produce higher value crops has not been made precisely because the site has been earmarked for a transit exchange for more than 2 decades. The value of production lost should be based on the potential of the site if it were developed appropriately for agriculture, not based on the result of neglect and lack of effort.

Second, even if the valuation was done for one cut per year of hay production, the methodology used for valuation of the crop appears to have been based a Canadian average, rather than the actual production for this parcel. The Canadian average used does not appear capture the true production and value that would be expected for a hay crop in this region. Based on a realistic average of 2.0 tons for a single cut of non-irrigated hay in the region and a conservative price of

\$200/ton, the value of production for this property is double what was stated in the agrologist report. If there is local information that would suggest that the production for this site is lower than the expected average for the region, it would have been helpful to have that discussed in the report.

If the exclusion proceeds and if the mitigation strategies that are being proposed are based on the valuation of lost production provided in the agrologist report, we recommend reviewing those strategies in light of the additional information we have provided to determine if more or higher value mitigation strategies may be warranted.

Ministry staff also have concerns around the land speculation that often happens around transit exchanges. We recommend that some additional measures such as urban side edge planning and covenanting of the remaining agricultural lands to ensure they remain available for farming be included as part of the planning strategy for the transit exchange should the exclusion be approved.

1.3 Regional District of Central Okanagan

RDCO staff has reviewed the proposal and provides the following, consider transportation and agricultural policies of the Regional Growth Strategy Bylaw No. 1336 such as:

- Support the protection of ALR lands and land uses which are supportive and/or complimentary to agricultural use; and
- Policy 3.2.9.1 of the RGS supports the Sustainable Transportation Partnership of the Central Okanagan as a means of administering, governing and coordinating the delivery of regional transportation planning and services.

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 61070

Application Status: N/A

Applicant: City of Kelowna

Local Government: City of Kelowna

Local Government Date of Receipt: This application has not been submitted to local government yet.

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Exclusion

Proposal: Extension of Hollywood Road and relocation of BC Transit Regional Transit Facility.

Mailing Address:

1435 Water Street

Kelowna, BC

V1Y 1J4

Canada

Primary Phone: (250) 469-8469

Email: ghood@kelowna.ca

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 007-399-871

Legal Description: NW 1/4 Sec 2 TP 23 ODYD Except: 1) Those Parts Shown on Plan Attached to DD 1953D 2) Part Described in DD 169668F 3) Plans 12349, H764, H16596 and KAP83101

Parcel Area: 49 ha

Civic Address: 3340/3350 Bulman Rd

Date of Purchase: 07/17/2017

Farm Classification: Yes

Owners

1. **Name:** City of Kelowna

Address:

1435 Water Street

Kelowna, BC

V1Y 1J4

Canada

Phone: (250) 469-8469

Email: ghood@kelowna.ca

2. **Ownership Type:** Fee Simple

Parcel Identifier: 007-399-766

Legal Description: The South West 1/4 of, Section 11, Township 23, Osoyoos Division of Yale District, EXCEPT 1) Those parts shown on Plan attached to DD1953D 2) Plans 10273, 18883, H764 and H16596 3) Parcels A (E10197)

Parcel Area: 23.8 ha

Civic Address: 4690 Highway 97 North, Kelowna, BC

Applicant: City of Kelowna

Date of Purchase: 07/17/2017

Farm Classification: Yes

Owners

1. **Name:** City of Kelowna

Address:

1435 Water Street

Kelowna, BC

V1Y 1J4

Canada

Phone: (250) 469-8469

Email: ghood@kelowna.ca

Ownership or Interest in Other Lands Within This Community

1. **Ownership Type:**

Parcel Identifier:

Owner with Parcel Interest:

Parcel Area:

Land Use Type:

Interest Type:

Current Use of Parcels Under Application

1. **Quantify and describe in detail all agriculture that currently takes place on the parcel(s).**

Not currently farmed. Please see attached Agricultural Impact Assessment report for further detail.

2. **Quantify and describe in detail all agricultural improvements made to the parcel(s).**

Please see attached Agricultural Impact Assessment report.

3. **Quantify and describe all non-agricultural uses that currently take place on the parcel(s).**

N/A

Adjacent Land Uses

North

Land Use Type: Civic/Institutional

Specify Activity: University of British Columbia

East

Land Use Type: Industrial

Specify Activity: Multiple Industrial properties

South

Land Use Type: Industrial

Specify Activity: Industrial Park

West

Land Use Type: Residential

Specify Activity: Apartment buildings (multiple)

Proposal

1. How many hectares are you proposing to exclude?

16.2 ha

2. What is the purpose of the proposal?

Extension of Hollywood Road and relocation of BC Transit Regional Transit Facility.

3. Explain why you believe that the parcel(s) should be excluded from the ALR.

The University South Area Structure Plan and the City's Official Community Plan identify significant industrial use on these lands based on historical communication with the ALC. In 1995 The ALC acknowledged the site to be seriously compromised for long term agricultural use based on the isolation of the property and proximity of the university lands to the north.

Also in 2019, Staff engaged a consultant (Associated Engineering) to determine the agricultural impact associated with the contemplated removal of this property from the ALR (report attached).

The consultant report confirms the challenges associated with future agricultural use on the property and further outlines mitigation strategies being undertaken by the City to offset the removal of this land from the ALR. The City intends to lease remnant parcels of 4690 Highway 97 North through the Young Agrarians matching program to promote local farming. The City will also attempt wherever feasible to salvage soil from the redevelopment of the parcel to facilitate further agricultural use. In addition, the City is committed to the promotion of agriculture in the region through the implementation of the City's Agricultural Plan.

City staff met with ALC staff in March to discuss the status of the application and historical communication regarding the exclusion application. ALC staff indicated that the City has performed thorough due diligence and were in a position to move forward with the application.

Applicant Attachments


- Proposal Sketch - 61070
- Other correspondence or file information - ALC Letter
- Professional Report - Agricultural Impact Assessment
- Other correspondence or file information - BC Transit Letter

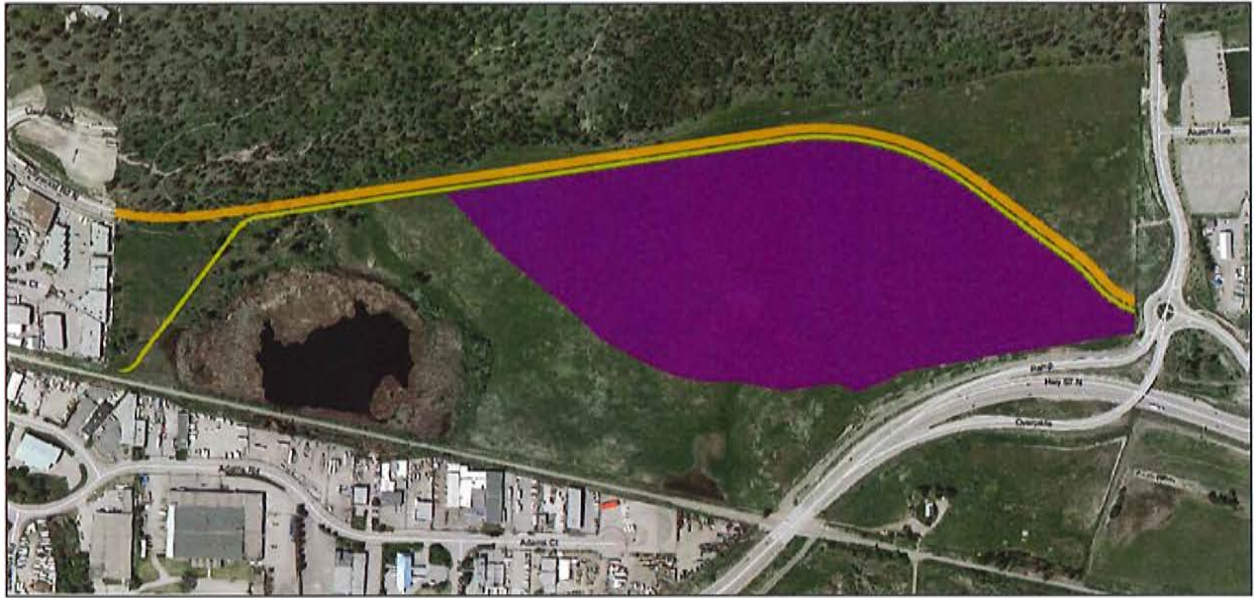
ALC Attachments

None.

Decisions

None.

Proposed exclusion area: 





Provincial Agricultural Land Commission

133 - 4940 Canada Way, Burnaby, B.C. V5G 4K6

Telephone: (604) 660-7000 Faxcom: (604) 660-7033



13 January 1995

Please reply to the attention of Tony Pellett

City of Kelowna
1435 Water Street
Kelowna BC V1Y 1J4

Attention: Harald Hall, Director of Corporate Services

Re: **Kelowna Official Community Plan, 1995 - our file #50-G-KELO-94-29379**

Following the workshop between the City and the Agricultural Land Commission 15 September 1994 and subsequent communications, the Commission's position on current issues related to formulation of a new Official Community Plan (OCP) for the City of Kelowna is set forth below. We had previously been asked to forward such communications to Peter Vana, then Director of Planning and Development Services. Since Mr. Vana's departure and until Council appoints a new Director of Planning, we understand we should direct these communications to yourself. If it would be more appropriate for us to communicate directly with another individual, please forward this letter to the individual in question and let us know the name of the appropriate contact person.

The following comments deal with matters requiring a decision of the Commission and do not cover issues (such as the K.L.O. Road straightening issue) which have already been agreed in principle by the Commission. The attached Drawing 1 is a key map indicating the general location of each matter under review.

The boldface sentences below are intended to indicate Commission decisions pertaining to matters where it is necessary in respect of the proposed *City of Kelowna Official Community Plan 1995* and Sections 31(2) and 31(4) of the *Agricultural Land Commission Act* to consider relief from possible inconsistency with the *Act*, the regulations under the *Act* and other orders of the Commission to the extent specified:

1. **Bulman Road extension west of University campus (through Tutt Ranch)**

This route formed part of the first Network Plan, forwarded to the Commission for comment with the Ministry of Highways letter of 10 October 1974. The Commission opposed this route from the outset, and by letter of 06 March 1980 questioned the need for such an arterial, which "would sever through the middle of the block of ALR in the Roberts Lake area". This route was still shown in the Ward report of 1992. By Resolution #1373/92, the Commission recommended that the route skirt the eastern and northern edges of the fields within the Tutt Ranch and form the boundary between the Ranch and the Kelowna Landfill site.

The Commission is concerned that its recommendation does not appear to have been given serious study or consideration. The Tutt Ranch is very heavily parcelized, and a road through the middle not only would interrupt farm use but also could lead to pressure for sale of individual parcels not now accessible by constructed roads.

By Resolution #959/94, relief is granted provided the route is illustrated approximately as recommended by Resolution #1373/92 (illustrated on attached Drawing 2).

...2

13 January 1995

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2. Glenmore Bypass

This bypass (diverting Glenmore Road to the east from just north of Scenic Road to a point south of Cross Road) was illustrated on the 1985 OCP and was subsequently allowed by Resolution #313/78 in response to Application #25-G-KELO-91-26101, subject to terms of consolidation and ALR inclusion. Subsequently, by Resolution #432/93 in response to Application #21-G-KELO-92-27327, the Commission withdrew one of the consolidation requirements. The City is now asking for postponement of the requirement that "Lot 1, Plan 25603" be consolidated with lands to the west; the City would acquire and hold the lands to the west until such time as it can acquire "Lot 1, Plan 25603", complete the required consolidation and market the consolidated parcel for agriculture.

In discussion, the Commissioners noted that the northerly part of "Lot 2, Plan 30440" (north of the west corner of "Lot 1, Plan 30440") is not well suited to agriculture, given its configuration and the Commission's earlier withdrawal of a requirement for inclusion of the non-ALR portion of this area.

Resolution #959/94 provides that the requested route may be illustrated on the OCP map provided an agricultural designation is applied to adjoining ALR lands and to all lands required (by Resolution #949/92 and Resolution #432/93) to be included into the ALR except for lands within "Lot 2, Plan 30440" lying to the north of a straight line drawn at $\pm 280^\circ$ from the most westerly point of "Lot 1, Plan 30440", all or part of which may be illustrated for a low-density residential land use.

More specifically, Resolution #959/94 alters the terms of Resolutions #948/92, #949/92 and #432/93

- to require that the eastern part of "Lot A, Plan 34105" be consolidated with the southern part of "Lot 2, Plan 30440" (rather than with "Lot 1, Plan 25603" as specified in previous orders),
- to allow subdivision of the northerly part of "Lot 2, Plan 30440 east of the Glenmore bypass" to extend south to the narrowest point between the bypass and the western corner of "Lot 1, Plan 30440" (that is, to a line drawn at $\pm 280^\circ$ from the most westerly point of "Lot 1, Plan 30440"), and
- to postpone the requirement that "Lot 1, Plan 25603" be consolidated with adjoining lands to the west provided Kelowna Council formally undertakes to acquire and hold those lands to the west free of all non-farm buildings until such time as the City can acquire "Lot 1, Plan 25603" and thereupon effect the required consolidation, and in the meantime to make the held lands available (by lease, rental or otherwise) for agricultural use.

The foregoing points are illustrated on the attached Drawing 3.

3. Valley Road realignment and extension

This route would extend and reroute Valley Road from the Glenmore/Mountain intersection to the west side of the Okanagan University College campus. The alignment is still under design as a new element of the Major Street Network (similar to an element in the 1974 Network but not otherwise proposed for consideration by the Commission) and has not yet been identified in the Roberts Lake area. Elsewhere it would follow the existing Valley Road alignment except between Sexsmith and Longhill Roads, where City staff have provided a drawing showing it cutting through the Bonn family orchards and other established farms in order to avoid a "double T" situation where the Union/Sexsmith arterial follows the existing Valley Road alignment between Union and Sexsmith Roads.

...3

City staff have advised informally that the Valley Road route is intended to reduce traffic in the bottleneck between Dilworth Mountain and Mission Creek by allowing University traffic to move directly toward the City centre through the Glenmore Valley, thus eliminating the need for the North End Connector north of McCurdy Road at least for the time being. The Commission has not been involved in the development of a transportation plan affecting the ALR and has not received proof that a Valley Road element would necessarily eliminate the northern part of the North End Connector. Further study would also be necessary to determine the best way to ensure preservation of long term agricultural options at the Tutt Ranch.

By Resolution #959/94, the Commission does not consent to the illustration of the Valley Road realignment and extension on the OCP land use maps.

4. Sexsmith Road realignment (vicinity of Valley Road)

The City proposes to designate the Sexsmith Road arterial to the south of the row of residential lots in Plan 21431, rather than along the present alignment, where driveways in the residential enclave would make upgrading very difficult. The 1974 Network proposed a realignment of this leg of Sexsmith Road through farmland well to the south of the existing route. The Commission's 1980 response declined consent for such a major realignment. The current proposal would utilize the East Brandts Creek ravine immediately behind the residential enclave, but would have to remove \pm 1 ha of land (including the homesite) from the corner of one orchard.

By Resolution #959/94, the Commission consents to the illustration of the Sexsmith Road arterial through East Brandts Creek ravine to the rear of the row of residential lots in Plan 21431. The Commission will still be involved in approval of the specifics of the route, on application by the City.

5. Glenmore District Park

The City proposes to acquire an ALR area directly across the present alignment of Valley Road from the high school site proposed for land on the northwest corner of Valley and Cross Roads, then effect a resubdivision to achieve a better configuration for the high school and for an adjoining District park extending east to the Valley Road realignment proposed under item 3 above. The existing Valley Road pavement and sub-base would be removed.

The Commissioners noted that the area proposed for acquisition is primarily rated improvable to 3D with about one quarter of the site (at the south end) rated improvable to 8:4NW 2:3D.

The Commissioners also noted that Glenmore is somewhat smaller than other City districts in which a District park is proposed, and Glenmore is closer than any other District to the existing 15 ha District park at Parkinson Recreation Centre.

By Resolution #959/94, the Commission does not consent to the proposed ALR location for a Glenmore District Park. The Commission would be prepared to look at a relatively minor adjustment of the existing Valley Road (as distinct from the major rerouting proposed by the City) in order to accommodate a limited reconfiguration of the proposed high school site. The actual details of road and lot reconfiguration would still require and an application Commission approval.

6. Industrial Land [also see item 20]

The City proposes industrial designation of several areas of prime farmland, notably

- a. the entire strip of ALR land west of Highway 97 south of Sexsmith Road and east of Mount Baldy, for general industrial use, and
- b. City-owned lands on the east side of the Airport runway, for airport-industrial use.

Since the inception of the ALR, the City has argued it needs level lands near Highway 97 for industrial use and the Commission has asked for conclusive evidence as to long term need and availability of industrial land. The Commission has previously excluded land now available for that purpose at Central Park, east of Highway 97 around McCurdy Road, west of Highway 97 near Totom Road, north of Old Vernon Road near Acland Road and west of the Airport Runway (the latter to be covenanted to ensure it is preserved for airport-industrial rather than general industrial use).

a. General Industrial

The City and a private developer of industrial parks have supplied studies quantifying and qualifying the industrial land needs of the Central Okanagan. From these studies, it is clear that level, non-ALR lands near Highway 97 are available for general industrial use at Central Park (± 30 ha with full servicing), Acland Road area (± 10 ha readily available to full servicing) and Beaver Lake Road (± 50 ha with very limited servicing). The City has not calculated these lands into its industrial land availability. Most of these lands are owned by the private developer, who has written to the Commission and the City explaining that he is prepared to develop them for industrial purposes. In addition, ± 10 ha of land previously excluded from the ALR east of Highway 97 near McCurdy Road stands substantially vacant notwithstanding a variety of service commercial and industrial zones.

City staff have advised informally that they are working with the Urban Development Institute on a proposed "Industrial/Business" zone, combining some features of the City's Light Industrial and Service Commercial zones for use in areas where the City expects "high-tech" industries. At the 15 September workshop, Mayor Stuart had spoken of the need to identify sites for this type of industry.

The City has argued that the strip of ALR land west of Highway 97 south of Sexsmith Road and east of Mount Baldy and Dilworth Mountain is necessary for the region's long term industrial expansion. Within that area (as a separate but related issue), the City has also hoped to effect the relocation of the Kelowna Packers Ltd. (Marshall's) feed lot, which is deemed unsightly and malodorous. The City considers the prospect of industrial redevelopment to be the surest way to induce the owner to remove the feed lot. The CNR is also interested in possible rail relocation to maximize future industrial use of the area south of Fenwick Road and the City has proposed an arterial street across the feed lot property (see item 7 below).

The Commission notes that the ALR in this area comprises over 100 ha of prime farmland. Marshall's Feed Lot and the adjacent Crossley property are suited to virtually any agricultural endeavour except tree fruits, grapes and intensive livestock production. Adjacent hillsides have improved ratings as high as Class 1 for tree fruits.

After detailed consideration of the long term general industrial needs of the region, the Commission has concluded that most of these needs could be met in areas already identified for exclusion. The Commission expects that it should prove possible to provide servicing to regional industrial centres at Glenrosa (already excluded from the ALR) and in the area soon to become the District of Lake Country, including some ALR areas adjacent to City lands in the Hiram Walker area along Beaver Lake Road. The Commission suggests that if the City and the Regional District remain convinced that additional ALR lands are required in the short to medium term, they should seek lower capability lands rather than high capability lands such as those at Marshall's Feed Lot, and should cooperate towards full servicing of the aforementioned alternate lands.

With respect to lands suited to agriculture in the area of land west of Highway 97 and south of Sexsmith Road, the Commission does not consent to Industrial designation and requires they be designated for agriculture. By Resolution #959/94, the Commission defines ALR lands north of Fenwick Road and west of the CNR right-of-way as being suited to agriculture. By Resolution #1012/94, the Commission has found the Marshall / Kelowna Packers lands suited to agriculture and has refused application #02-G-KELO-91-25680. By Resolution #1013/94, the Commission has found the Crossley/Auch parcel suited to agriculture and has refused Application #02-G-KELO-91-26057.

The Commission has not completed its review of agricultural suitability of lands east of the CNR right-of-way, being studied in relation to Application #02-G-KELO-91-26059 (Tamaki); that review will also involve study of the City's proposal to acquire part of the area in question for use as a passive park and a "rest stop".

By Resolution #959/94, the Commission has decided that with respect to Central Park (excluded from the ALR by Resolution #2410/81 subject to a covenant restricting its use to industrial only), it will, upon petition of the landowner, discharge the covenant in respect of a defined area to consist at least of that part of the subject land lying north of the CNR right-of-way and (subject to agreement on a surveyed boundary) of that part of the subject land lying within and to the north of a narrow leave strip along Mill Creek, and will amend the current wording of the covenant to better reflect the original intent of Resolution #2410/81. By Resolution #959/94, the Commission recommends that the OCP designate the north part of the Central Park site (north of the proposed North End Connector) as residential and the south part of the Central Park site (south of Mill Creek) for business/industrial use to be determined following Commission review of any proposed new zoning designation for the site and Commission determination of whether such zoning adequately reflects the need to ensure that the region's industrial land requirements are not being directed unnecessarily toward the ALR. This matter is the subject of our letter of 19 December 1994 to the landowners, copied to the City.

By Resolution #959/94, the Commission recommends that the OCP indicate a long-term designation of all non-ALR land lying northeast of Reid's Corners [south of Hereron Road] as industrial. In this regard, the Commission [by separate letter] is notifying the applicant and the City that it wishes to reconsider its decision on Application #02-G-KELO-91-25722 with a view to allowing exclusion of that part of the site lying within and to the west of the Acland Road northern extension agreed to in principle by Resolution #1373/92, whereupon the Commission's recommendation for industrial designation should be considered to apply to the area west of the said road extension.

b. Airport Industrial

The Commission reviewed the City's request for consent to an airport-industrial designation on the east side of the Airport runway. The Commissioners recalled that Kelowna had wanted all its Airport lands excluded to allow small-scale airport-industrial use of the west side and large-scale airport-industrial use of the east side. Although the City claimed that there was no other option for a major development like the proposed Piper Aircraft relocation, the Commission refused to exclude the east side on the grounds that the land in question is located within a valuable agricultural area and that a significant portion of the property possessed prime agricultural capability ratings under the Canada Land Inventory mapping system.

By Resolution #959/94, the Commission does not consent to the proposed industrial designation of farmland east of the Airport runway.

7. McCurdy Road extension west to North End Connector

The City proposes to extend McCurdy Road west through the ALR, crossing the North End Connector *en route* to Mount Baldy Drive at Dilworth Drive. It was noted that the ALR block in question is also under study for possible exclusion to allow for industrial development (per item 6 above) and that the McCurdy Road extension is an issue of interest to the Commission as long as this block remains in the ALR. As noted above and as the City has already learned from copies of our letters of 16 December 1994 on Applications #02-G-KELO-91-25680 and #02-G-KELO-91-26057, the Commission has now finally determined that this block will remain a permanent part of British Columbia's farmland base.

The 1974 Network Plan showed an extension of Leathead Road up the hill to the east side of Dilworth Mountain. This would have been a substantially non-ALR route but was precluded under a land use contract registered by the City 11 January 1979.

The 1979 Network Plan then showed an extension of McCurdy Road across the ALR as well as a route now called the North End Connector. By letter of 06 March 1980, the Commission concurred with a North End Connector route skirting the west side of the ALR block but expressed concern over the proposed McCurdy Road westward extension. The Commission now understands that the McCurdy extension to the North End connector is intended to allow traffic to cross Highway 97 so as to reduce the amount of local traffic otherwise clogging the highway itself. The connection to Dilworth Drive *via* Mount Baldy Drive is a local collector rather than an essential arterial.

After deciding that farmland should be preserved in the affected ALR block, the Commission reviewed ways to minimize the effect of any arterial route on the ALR. The Commission noted that by far the least impact would be generated by a route through the narrow neck of ALR land near Fenwick Road. The Commission expressed disagreement with a reported comment that City staff felt such a route would be unworkable.

By Resolution #959/94, the Commission would consent to an arterial crossing of the ALR near Fenwick Road, but will not consider other options for an arterial route across that ALR block. This option is illustrated on the attached Drawing 4.

8. Dilworth Drive extension (via Mayer Road) to Benvoulin Road

The City proposes to designate a new major street alignment extending Dilworth Drive to Mayer Road, thence west to join Benvoulin Road at Cooper Road.

The 1974 major street network showed an extension of Dilworth Drive to Byrnes Road and an extension of Cooper Road to Spiers Road. In 1980, the Commission consented to a single route extending due south from the junction of Benvoulin and Springfield provided it followed Mission Creek as closely as possible. In conjunction with its review of the SE Kelowna Sector Plan, Commission staff questioned the alignment of Dilworth Drive, which points at the ALR without Commission agreement to an extension at that location. The Commission then advised the City it preferred that any route extending Dilworth Road to Spiers Road utilize the left bank of Mission Creek.

....7.

The City has recently advised the Commission of its conclusion that it will never need to construct the Dilworth/Spiers connector through the ALR and has asked for permission to connect Dilworth Drive along Mayer Road to Benvoulin Road. Such a road would traverse three parcels (two @ 2.0 ha, one @ 3.5 ha) and occupy ± 1 ha of land rated improvable to 8:2W 2:3WF. Between the new route and the ALR boundary at Benvoulin Road, it would enclose all or parts of 6 parcels totalling ± 8 ha also improvable to 8:2W 2:3WF. Between the new route and existing major parks to the east, the route would enclose all or parts of 5 parcels totalling ± 6 ha. The City has indicated it would prefer to use the land to the west as multi-family residential sites and the land to the east in conjunction with an extension to the existing system of parks. Two of the 8 parcels affected are not subject to the Act. One parcel subject to the Act contains a "non-conforming" non-farm use. Two parcels are used as rural-residential. The remaining three parcels (the three which would be traversed by the road) are farmed.

By Resolution #959/94, the Commission very reluctantly consents to the designation on the OCP map of a major street extending Dilworth Drive via Mayer Road to Benvoulin Road, but points out that the Commission does not intend to cooperate in routing relocations through the ALR to correct problems resulting in part from lack of prior consultation with the Commission. This consent is subject to routing which avoids Plan B5784. The Commission also consents to park designation on ALR lands lying east of the route (north and east of Plan B5784) and to the requested residential designation on ALR lands lying immediately west and north of the route. When the Commission considers an application to allow these uses, the Commission intends to insist on buffering and setbacks to protect farmland east and south of the route and to allow a suitable transition between urban and agricultural uses.

9. ALR lands fronting Springfield and Cooper Roads

The City proposes to designate "Lot 1, D.L. 128 ODYD, Plan 18971 except Plan 43996" and "Lot B, D.L. 128 ODYD, Plan 970 except Plans 36410, 41244, KAP47295 and H12895" for residential development as part of the development of a community focus for the Orchard Park area.

The Commission notes that these two parcels are the only ALR land fronting the south side of Springfield Road in the heavily developed area west of Benvoulin Road. The more northerly of the two parcels was earlier proposed for exclusion but the application was refused by the Commission and was refused leave to appeal by the Minister. The two parcels are vacant but are improvable to 8:2W 2:3WF. The City argues that exclusion would result in a straight, readily identifiable ALR boundary on the south side of the Orchard Park neighbourhood. For its part, the Commission sees no agricultural reason why these two parcels could not be put to agricultural use.

By Resolution #959/94, the Commission does not consent to a residential designation for "Lot 1, D.L. 128 ODYD, Plan 18971 except Plan 43996" and "Lot B, D.L. 128 ODYD, Plan 970 except Plans 36410, 41244, KAP47295 and H12895". The Commission recommends that these two ALR parcels be included in the Benvoulin Flats agricultural plan for preparation in accordance with Resolution #686/93, conveyed by our letter of 30 June 1993 on File #59-G-KELO-24730.

10. SW Mission road network and construction of South Connector to Stewart Road West.

The City has requested Commission consent to the proposed Southwest Mission road network. In 1980, the Commission concurred with all SW Mission routes proposed at that time. The City has now added Frost Road to the proposed SW Mission road network as a local collector street and has proposed its realignment so that it would remain above the tree fruit line.

With relation to the South Connector, the Commission had asked that the South Connector route be identified for protection before completing exclusion of land for the south extension to the Crawford Estates subdivision.

By Resolution #959/94, the Commission consents to the proposed road network southwest of Bellevue Creek plus the South Connector route east to the Crawford Estates subdivision. ...8

11. SW Mission lands above 480 m GSC

The City proposes to designate all Southwest Mission lands above 480 m GSC for non-farm uses.

The Commission notes that much of the area in question is heavily underlain by gravel, but most of it is too high above the lake for secure grape or tree fruit production. The Commission has never refused any individual exclusion application in this area. The City wishes to reflect this trend in the new OCP.

The Commission believes there may be some lands with broad agricultural potential above the 480 m contour, notably in Section 25, Township 28 (near the intersection of Frost Road and Chute Lake Road) where judicious removal of underlying gravel deposits could conceivably improve agricultural capability and lower at least part of the land below the 480 m contour.

By Resolution #959/94, the Commission consents to non-farm designation of Southwest Mission lands above 480 m GSC except for lands in Section 25, Township 28; the latter may be identified for gravel extraction within the ALR (subject to the *Soil Conservation Act*). The Commission recommends that the OCP also identify other gravel deposits in non-farm lands in the area and encourage gravel extraction prior to urban use (lest other ALR lands be identified for gravel extraction by default). The Commission recommends that the City of Kelowna proceed with a block application to exclude the agreed lands above 480 m GSC along with nearby lands unsuited to agriculture, notably Woodhaven Park and other lands in the Bellevue Creek ravine. With reference to lands on the Okanagan Lake front between "Lot A, Plan 6187" and "Lot A, Plan 37707", the Commission also wishes to draw to your attention its earlier consideration by Resolution #658/86 (your file #A-85.118) of a 1985 recommendation of the Ministry of Agriculture and Food that exclusion of this area for residential use be allowed only in the area below the escarpment and to the area west of the extension of Fuller Road. In its initial (informal) response to your consultants referral of preliminary material respecting the Southwest Mission Sector Plan the Commission commented that exclusion and residential use of this area will be subject to conditions aimed at protecting the agricultural potential of lands to the east.

The proposed exclusions, together with the gravel area in Sec. 25 are illustrated on the attached Drawings 6 and 7.

12. Hughes Park

The City proposes to designate "Lot 1, Sec. 23, Twp. 28 SDYD, Plan 2647" as park in view of its situation as 5.8 ha of Okanagan Lake beachfront below an escarpment and disused farmland above the escarpment.

Previous Commission decisions in the area to the east have allowed non-farm use (or exclusion) of land below the escarpment, but land above the escarpment has usually been retained in the ALR for farm use. On the adjoining parcel to the east, the Commission has deferred a decision on Application #02-G-KELO-94-28755 pending clarification of the future of the proposed park, given that the two parcels are effectively isolated from other farmland, although the extreme west end of the City parcel is across Lakeshore Road from active farmland. The Commission considers that its decision on the City property will influence the decision on the adjoining parcel (the owner of which tells us he has contributed cash toward formulation of the City's "concept plan" for park use of its property).

By Resolution #959/94, the Commission consents to a park designation of the northern fringe on and below the escarpment, but will not decide whether to consent to park designation of the balance of the property or residential designation of all or part of the adjoining ALR land to the east until it has had an opportunity for thorough review of the City's draft "concept plan" for the subject park in conjunction with review of the City's intentions for Southwest Mission parks (including existing and potential park sites) and their relationship with nearby Provincial and regional park sites.

13. Mission Sports Fields

At the 15 September workshop, the City advanced the proposal that its lands south of the Mission Sports Fields be identified not only for additional sports fields but also for a District Park including recreation and community buildings. In a subsequent discussion with the Commission chair, Mayor Stuart advised that the City's needs could be met if the Commission would authorize recreational use of at least 8 ha of these City lands.

The Commission undertook a thorough review of its dealings with the Mission Flats since the inception of the ALR. The key events have been approval of the Gordon Drive extension through the Mission Flats, agreement to allow conversion to urban uses in the ±67 ha of original ALR land north of Fairway Par 3 golf course on the west side of Gordon Drive and consistent Commission opposition to urban uses on the east side of Gordon Drive, including the 1978 decision to refuse a major recreation complex, the 1989 decision to refuse the Okanagan University College campus and the 1992 decision to refuse expansion of park facilities from ±20 ha to ±55 ha. In the last 20 years, the only significant non-farm development in the Mission Flats east of Gordon Drive has been a golf course / driving range and the existing Mission Sports Fields.

The Commission also reviewed file information pertaining to the agricultural characteristics of the Mission Flats south of Mission Creek. The subject property consists of mostly organic soils improvable to Ø2W and Ø3LW. A narrow strip of pasture near Gordon Drive is improvable to 3WF. Test hole logs (from 15 m borings done as part of the OUC campus proposal) demonstrate that many of these organic soils extend to some depth and in some areas contain intervening silt layers. These deep organic soils and class 1 regional climate create a land unit of high agricultural value not only when viewed regionally but from a provincial perspective as well. Filling of such soils is unlikely to produce net agricultural benefits when compared to the potential damage to the soils, drainage and hydrostatic pressures affecting surrounding farmland. We do not know the extent of any damage from filling done to create the present sports fields but we have a letter on file from one of the "upstream" farmers expressing grave concerns over potential damming of both surface streams and natural underground water flow.

By Resolution #959/94, the Commission suggested the City investigate the possible acquisition of a District Park site at the Risso farm property in the Mission Flats west of Gordon Drive. By letter of 15 November 1994, Mayor Stuart explained that Council had considered this option but believes the City currently to be financially unable to acquire and develop the Risso property as a District Park.

Following receipt of this information, the Commission reconsidered Application #25-G-KELO-92-26891 (expansion of playing fields) *per* the City's letter of 14 July 1993 and gave very serious consideration to the more recent proposal to designate the subject property in the OCP for a District Park. As the Commission studied the proposal, it became even more concerned over the impact of allowing a major urban facility on the east side of Gordon Drive, notwithstanding the possible difficulty of finding a site west of Gordon Drive or in other parts of the Mission area.

By Resolution #1159/94, the Commission consents to designation in the proposed Official Community Plan of the 3.5 ha area of "Lot 1, Plan KAP46027" lying immediately east of "Lot B, Plan 33324" for additional sports fields, but the Commission does not consent to the designation of ALR land east of Gordon Drive for the Mission District Park. Resolution #1159/94 also deals with the reconsideration of Application #25-G-KELO-92-26891 as detailed in our companion letter on that file.

14. East Kelowna Ball Fields

The City has requested authorization to designate the entire area of "That part of Lot 25 shown on plan attached to DD 10987, Sec. 16, Twp. 26 ODYD, Plan 187" (at the East Kelowna intersection) for park use with the intention of extending the existing 2.9 ha sports fields over the balance of the 8.9 ha parcel to serve the community park needs of Southeast Kelowna.

In 1988, Cabinet allowed a City application under Section 11(2) of the *Agricultural Land Commission Act* for approval of sports fields on the 2.9 ha vacant portion of an 8.9 ha orchard property on the northeast corner of the East Kelowna intersection. Cabinet approved use of this area for "ball diamonds, soccer pitches, washrooms and parking area". The Commission notes that while the existing sports fields are in the centre of the rural hamlet of East Kelowna (next to the school, store, historic church etc.), the proposed extension would intrude into an extremely active orchard area.

By Resolution #959/94, the Commission does not consent to extension of the East Kelowna park to the northerly 6 ha of "That part of Lot 25 shown on plan attached to DD 10987, Sec. 16, Twp. 26 ODYD, Plan 187".

15. Residential use of Clifton Road ALR enclave

The Commission reviewed the City's request for clarification of its intention regarding the ALR portion of "SE¼ Sec. 31, Twp. 26 ODYD Except Plans 362 and 10238", an isolated block of ±16 ha on Clifton Road. The Commission consented to a residential designation in the City's 1985 OCP, but this fact was not drawn to the attention of the Commissioners prior to Resolution #330/91 refusing exclusion of the 16 ha parcel per Application #02-G-KELO-91-25376. In discussion, the Commission agreed that the decision may have been wrong and that under such circumstances it would be appropriate for the Commission to undertake reconsideration.

By Resolution #959/94, the Commission instructed its staff to notify the applicant and the City that it wishes to reconsider its decision on Application #02-G-KELO-91-25376 with a view to allowing exclusion of the ALR portion of "SE¼ Sec. 31, Twp. 26 ODYD except Plans 362 and 10238". This action effectively confirms the Commission's consent to continuation of the residential designation to which the Commission consented in the 1985 OCP. A separate letter was sent to the applicant 29 December 1994, with a copy to the City.

16. East side of Valley Road south of Longhill Road.

The City has requested authorization to designate the "frost risk" area on the east side of Valley Road south of Longhill Road in a manner which would accommodate some residential development, preferably like that on the west side of Valley Road.

The Commission has never accepted that the frost and drainage problems render these properties unsuited to all crops. Except for the "salt pan" at the southeast corner of Longhill and Valley Roads, the land is rated improvable to 3D for all crops, and a farm just north of the salt pan (in a supposedly heavy frost risk area) is growing and marketing peppers.

By Resolution #959/94, the Commission does not consent to non-farm designation of the east side of Valley Road north of the proposed Summit Drive extension.

17. Land between Gopher Creek and Gallagher Ridge.

The Commission reviewed the City's request to assign a residential designation to the ALR portion of "Lot A, Sec. 13, Twp. 26 ODYD, Plan KAP48770", which is an isolated ALR block not requested for non-farm use in the original Black Mountain Sector Plan. At the time of consideration of the Black Mountain Sector Plan, the Commissioners had questioned why this property was not also being proposed for residential use.

By Resolution #959/94, the Commission consents to the residential designation of the ALR portion of "Lot A, Sec. 13, Twp. 26 ODYD, Plan KAP48770", along with nearby lands identified for residential use in the Black Mountain Sector Plan, notably "Lot 2, Sec. 13, Twp. 26 ODYD, Plan 18629" and the entire area of "Plan 24728" (including the area later resubdivided by Plan 26410) within Sec. 18, Twp. 27 ODYD. Please note that such a designation would not automatically allow further development of the Lydwick Road subdivision except after compliance with the terms of our letter of 01 April 1993 on our file #21-G-KELO-26775 - your file #A92-101.

18. Former Racetrack Property.

The City has requested consent to assign a non-farm (Concept Development Plan) designation to a property (formerly approved for racetrack purposes) on Highway 33 at the eastern boundary of the City. The Commission initially misunderstood that this request referred to the racetrack approval of Application #21-G-82-14739 but we now understand it was intended to refer to Application #21-G-87-21603, made by the same individual with respect to a property directly across the highway. We apologize for our confusion.

The property in question is currently described as "Lot 9, Sec. 17, Twp. 27 ODYD, Plan 1991" and "Lot A, Sec. 17, Twp. 27 ODYD, Plan 39110". It has been serviced by sanitary sewer at the expense of the owner, following a circumstance where a servicing decision had to be made almost instantly in conjunction with sewer construction and highway shoulder reconstruction. The owner and consultants have outlined to the Commission a concept under which the property would be subdivided under the *Bare Land Strata Regulations*, smaller residential parcels would be clustered in mainly low-capability draws and the more arable land would be held in common for equestrian use. Some high-capability land has been identified outside the ALR boundary, and the proponents would include it into the ALR in conjunction with approval of the proposed development. Commission staff have also received a similar presentation from the proponent of a similar development proposed for a site interposed between the subject property and the residential area of Black Mountain.

By Resolution #1038/94, with respect to the proposed OCP designation to allow clustered residential/equestrian development in the ALR, the Commission hereby advises the City of its concern over the long term effect dispersed development could have on agriculture both inside and outside the City boundary, especially in the absence of any proposed OCP policy direction. If the City deems it desirable to make provision for clustered equestrian communities in a rural setting, the Commission would be prepared to participate in the process of determining whether there is a location not detrimental to agriculture. In the absence of such direction, the Commission is not convinced that the area in question can be developed for the proposed use without detriment to agriculture; therefore the Commission is not prepared to consent to a non-agricultural OCP designation for this site.

...12

19. Fitzpatrick/Findlay Road area

The Commission reviewed the City's proposal for a Residential designation of the ± 8 ha ALR block south of Killarney Road, surrounded on three sides by non-ALR land and on the fourth side by 11 residential lots within the ALR. The area consists of three 2 ha parcels, one 1.5 ha parcel and four residential lots. The capability is improvable to 2A.

The Commission notes that previous exclusion applications have been refused on the grounds that the land is highly suited to vegetables and other crop production and that the area in question forms part of a larger block of ALR (notwithstanding the presence of some residential parcels within the block).

The Commission does not consent to a non-agricultural designation of the ALR parcels lying between Fitzpatrick and Killarney Roads, west of Stafford Road.

20. Western Canadian Ranching Company Ltd. lands

The City proposes to designate the ALR block west of the Ellison Overhead as a "Concept Development Plan" (CDP) area. The area is part of two parcels, "NW ¼ of Sec. 2, Twp. 23 ODYD except those parts shown on plan attached to DD1953D, part described in DD 169668F, and Plans 12349, H764 and H16596" and "SW ¼ of Sec. 11, Twp. 23 ODYD except those parts shown on plan attached to DD1953D, Plans 10273, 18883, H764 and H16596, and Parcel A (E10197)". The total area of the property includes lands west of Highway 97, lands between Highway 97 and the CNR right-of-way and lands east of the CNR right-of-way, but the proposed CDP area consists only of that part of the property lying west of Highway 97. The property is the entire holdings of Western Canadian Ranching Company Ltd. and has been used for hay production. There is an active *Soil Conservation Act* file related to storage of earth fill on the subject property. The total area of the ALR block west of Highway 97 is 80 ha, of which 13 ha is actually wetlands at Carney Pond; the area available for agriculture is 67 ha.

The Commission notes that this 67 ha area was seriously compromised for long term agriculture when the Commission consented to University campus development of the property immediately to the north. The block is isolated, so that its exclusion would not be a precedent to other exclusion.

The Commission further notes that if agriculture is abandoned on this property, the site has potential for more than residential use. For example, it could be used for playfields associated with the University. Some parts of the site could be suited to industrial development.

The Commission consents to the proposed "Concept Development Plan" designation provided the OCP text clearly identifies a broad range of uses and specifically encourages uses which might otherwise be targeted to productive farmland in the ALR.

As Commission staff have noted in discussion with City staff, the foregoing has not covered all the issues of interest in the preparation of an Official Community Plan. Many other issues have been resolved separately and there are undoubtedly other issues which will arise as the OCP nears completion. Some issues (e.g. the Hollywood Road South extension to East Kelowna Road) will probably be resolved only in the context of Commission participation in the City's transportation planning. We look forward to working further with City staff on these issues

13 January 1995

Page 13

We believe the decisions given on the foregoing pages and illustrated on the attached drawings should be reasonably clear. The Commission believes it has met the City part way while on the one hand maintaining the integrity of the *Agricultural Land Commission Act* mandate and on the other hand leaving the City able to meet its own needs subject to some constraints. If City staff or Council members feel the need for further clarification of the Commission's rationale, please do not hesitate to contact us.

Yours truly,

AGRICULTURAL LAND COMMISSION

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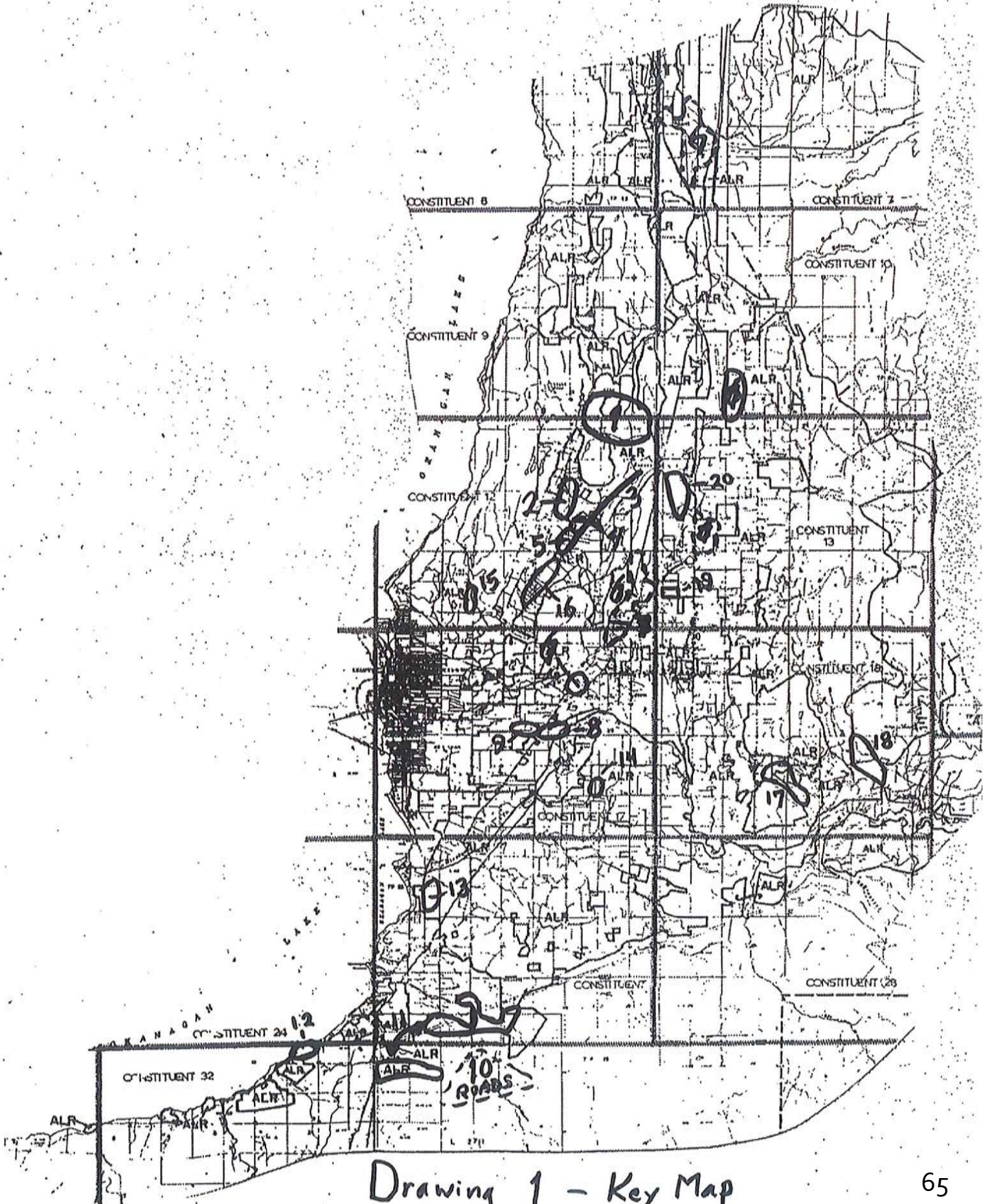


K. B. Miller, General Manager

TP/lv

Encl.

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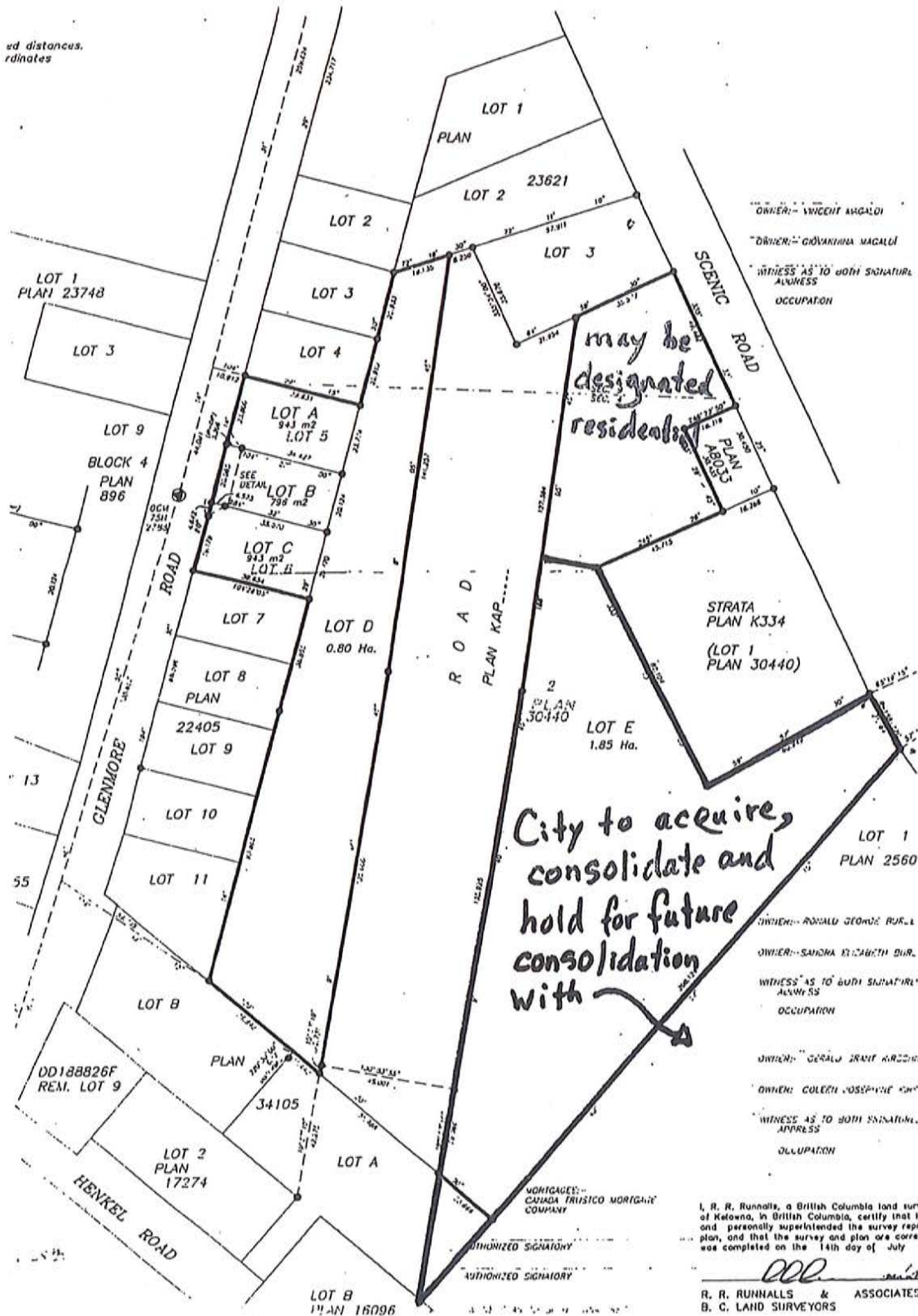
Drawing 1 - Key Map

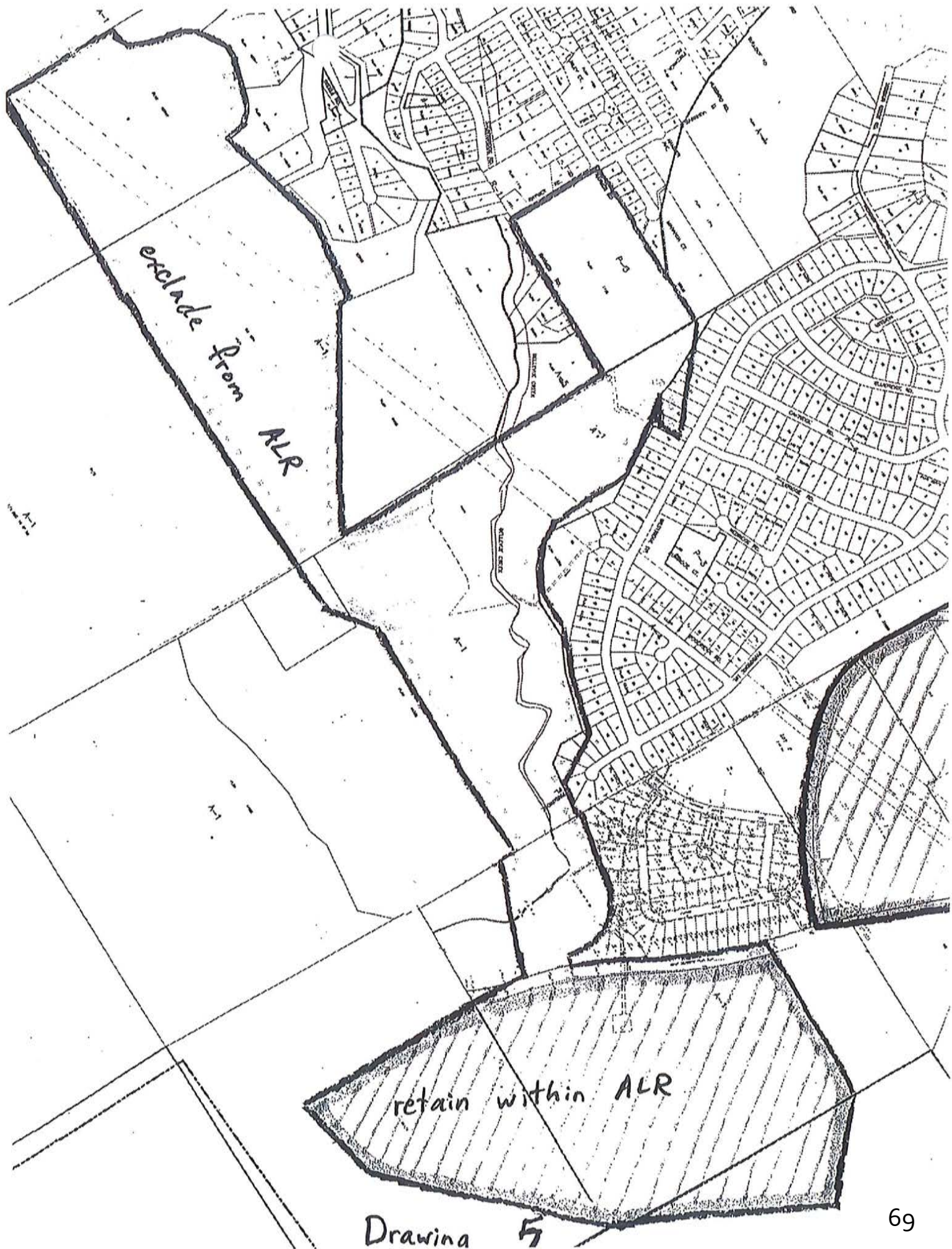
15 BCB 91093 No. 112



Drawing 2.

Drawing 3







April 14, 2020

Re: Letter of Support for City of Kelowna Application to Agricultural Land Commission (4690 Hwy 97)

Dear Sir/Madame

BC Transit, the City of Kelowna, and other local governments are partners in the delivery of public transit in the Kelowna region. The existing leased transit facility on Hardy Rd. in Kelowna is past its capacity and is beyond its useful life. Additionally, buses are parked off-site and maintenance facilities are used beyond their maximum design utilization levels. At this time, the Kelowna Transit System cannot increase transit service to meet community needs.

Recently, the Provincial and Federal governments have announced an unprecedented amount of funding toward transit infrastructure projects and the Province has also confirmed that transit is an essential service in response to COVID-19. This new funding and reaffirmed priority for transit services has created an opportunity for BC Transit and its local government partners to invest in significant transit infrastructure projects, including new transit operations and maintenance facilities.

With support from the BC Transit, the City of Kelowna has undertaken a property search for new facility locations over for the last two years. Outside of property a 4690 Hwy 97, no other properties have become available that meet BC Transit's business needs. For example, a location in West Kelowna was considered and it was an excessive distance between a property and the service delivery area. The cost of "deadhead" would exceed any benefit.

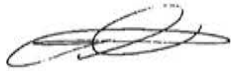
Due to the challenge of securing a suitable location, the City of Kelowna identified an alternate location on 4690 Hwy 97. With forecasted growth in regional transit services, this site is capable of housing an operations and maintenance facility that can service up to 225 buses. This location is adjacent to Highway 97 between downtown Kelowna and UBCO, provides good access to local transit service areas and supports the cost effective delivery transit service.

A new facility will also enable BC Transit to transition the local transit fleet to a new low carbon fleet, with infrastructure that make possible the deployment of battery electric buses and/or other low carbon technologies, thereby further reducing transit's carbon footprint, contributing to improved air quality and reducing bus noise impacts. This type of investment is in alignment with CleanBC's greenhouse gas reduction targets and BC Transit's Low Carbon Fleet Program.

After securing a suitable location for this facility, BC Transit and the local government partners can commence preparing an application for provincial and federal funding under the *Investing in Canada Infrastructure Program* for the construction of this new facility. BC Transit supports the City of Kelowna's application to the Agricultural Land Commission to request a change of "non-farm" use to use the land for public purpose, namely a transit operations and maintenance facility.

BC Transit's support for the City of Kelowna's application is a very high priority for BC Transit as it will significantly enable expansion of transit as well as be integral to BC Transit in transition to a lower carbon fleet. We would be pleased to address any questions you may have related to our support of this application.

Regards,



Levi Timmermans
Director, Infrastructure Management

cc: James Wadsworth, Manager Project Development

REPORT

City of Kelowna

Agricultural Impact Assessment
Serwa Lands



FEBRUARY 2020

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EXECUTIVE SUMMARY

The City of Kelowna is growing and requires additional transit systems and facilities to move people in environmentally responsible ways, planning to both accommodate growth and preserve agriculture. The City has explored numerous options to accommodate a new transit facility and, based on historical considerations and feasibility, has selected a site located in the Agricultural Land Reserve (ALR). The City is proposing exclusion of the site from the ALR with efforts to mitigate overall impacts on agricultural production in the City to compensate for the exclusion. To fulfill ALR exclusion application requirements, an assessment of agricultural effects and development of mitigation measures for offsetting any negative effects on agriculture are required.

This Agricultural Impact Assessment (AIA) is a review of the proposed facility land and the impacts of the land development as industrial use, as well as a review of the broader area to outline the effective approach to City agricultural planning. The area proposed for exclusion from the ALR is 40 acres (16.2 ha; including access) and currently vacant. The area was previously used for hay production but has been identified by the ALC as an isolated site that is compromised for long-term agriculture because of the UBC Okanagan expansion to the north (Provincial Agricultural Land Commission 1995). The land has minor agricultural capability limitations related to drainage and aridity. The impetus for the exclusion is to accommodate a facility that is not feasible in other areas. The City has reviewed all options at existing transit sites and other industrial sites, and the exclusion cannot be avoided based on the facility design and location. According to the City of Kelowna's Agricultural Plan (2017), approximately 38% (8,600 ha) of the City of Kelowna land area is within the ALR.

The City plans to offset these effects by expanding use and improving production on ALR and non-ALR land in the City boundaries. This will be through soil salvage and placement on existing parcels, and leasing City agricultural property to Young Agrarians and other farmers. Affordable leases of agricultural land promote local farming by acting as incubator farms, i.e. new farmers learning farming practices with reduced financial investment and building capital towards their own land or larger-scale farming.

By expanding the available transit and to facilitate commuter use of transit, the City is working towards reducing traffic congestion on key local and regional transportation corridors. Congestion leads to the need or demand for more and wider roads, which has future potential to impact more viable agricultural land in other areas of the City.

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1 INTRODUCTION

Associated Environmental Consultants Inc. (Associated) was retained by the City of Kelowna (the City) to complete an Agricultural Impact Assessment (AIA) for a proposed transit maintenance and operations facility, and associated access. The facility is proposed to be located in the Agricultural Land Reserve (ALR), which is a portion of the Serwa Properties at 4690 Highway 97 North (Rem NW 1/4 Sec. 2 TP 23 and Rem. SW 1/4 Sec. 11 TP 23; PID 007-399-766 and 007-399-871; Figure 1-1). From a Provincial regulatory perspective, the City must apply for an exclusion from the ALR through the Agricultural Land Commission (ALC). To fulfill ALR exclusion application requirements, an assessment of agricultural effects as well as mitigation measures for offsetting any negative effects on agriculture are required for projects of this scale. The Agricultural Impact Assessment (AIA) will be used to support an application to the ALC for exclusion of the lands. The entire property is also within the City of Kelowna's Farm Protection Development Permit Area. This requires a Development Permit application to include an AIA. This AIA was completed following the City of Kelowna Agricultural Impact Assessment Terms of Reference published by the City of Kelowna (Appendix A) and the Agricultural Land Commission Act (S.B.C. 2002, c. 36).

1.1 Background Information

There have been discussions about the Serwa Property between the ALC and the City in the past. In 1994 the two parties had a workshop to gain ALC input on an Official Community Plan, and the Serwa Property was discussed (previously Western Canadian Ranching Company Lands, referred to as the "ALR block"). The ALC noted that the 67 hectares of farmable area was seriously compromised for long-term agriculture when the ALC consented to the UBC Okanagan campus development to the north. "The [ALR] block is isolated, so that its exclusion would not be a precedent to other exclusions." They also note that if agriculture is abandoned, the block has potential for more than residential use. For example, playfields could be developed or some parts of the site to industrial development. In the letter response, the ALC consents to the proposed "Concept Development Plan" that designated the Serwa Property for a broad range of uses in the 1994 Official Community Plan, and "specifically encourages uses [of the ALR block] that might otherwise be targeted to productive farmland in the ALR" (Provincial Agricultural Land Commission 1995).

The City plans to expand its public transit network and capacity, with a goal to increase ridership from 4.3 million rides to 16 million rides by 2035. This expansion is to accommodate the projected growth of the City, while reducing road congestion (see Appendix B Potential Future Transportation Network by Associated Engineering 2019). For the City's transit network to expand, a new primary operations and maintenance facility is required (the Project). The existing operation and maintenance facility is beyond capacity, housing 95 or more vehicles on average, when it is intended to hold no more than 70. Due to lack of facility space, many of these vehicles are stored on public right-of-way. The exclusion area has been identified as the most suitable option for the proposed transit operation and maintenance facility based a comprehensive search of potential properties (City-owned and private) by the City's Real Estate Department. Parameters considered include cost, location, property size, and future expansion capability. Expansion of the current facility is not considered feasible and no other viable locations were identified. The Serwa Property was broadly part of the City's infrastructure development planning since OCP planning in the 1990s, and input from the ALC in 1995. In their letter the ALC states that playfields may be suitable for development or some parts of the site for industrial development (Provincial Agricultural Land Commission 1995).

The objective of the AIA is to evaluate the effects of the Project on agricultural lands within and surrounding the Serwa Property, and to identify mitigation options. The assessment includes a high-level review of cumulative effects on agricultural land use in the City of Kelowna. This report provides a summary of the baseline information and an

overview the potential effects on agriculture as a result of ALR exclusion and facility development, the mitigation measures to minimize effects on agriculture, and any residual and cumulative effects.

1.2 Agricultural Impact Assessment Objectives

The requirements for completing an AIA in Kelowna are outlined in the City of Kelowna's Agricultural Impact Assessment Terms of Reference (TOR, Appendix A). The TOR is intended as a general guide for conducting AIAs in the City of Kelowna and does not provide a comprehensive list of requirements. The TOR advises the Qualified Professional completing the AIA to work with City staff to review and confirm a site-specific TOR prior to commencing work. In September 2019, Associated consulted with City staff to discuss AIA requirements. Based on discussions and the TOR, the AIA should:

- Summarize the baseline agricultural conditions;
- Assess the potential effects of the exclusion on agricultural resources in the vicinity;
- Develop a mitigation strategy to avoid or reduce any detrimental effects;
- Determine any residual effects that cannot be reasonably mitigated;
- Identify any cumulative effects of the exclusion; and
- Identify alternatives to the exclusion.

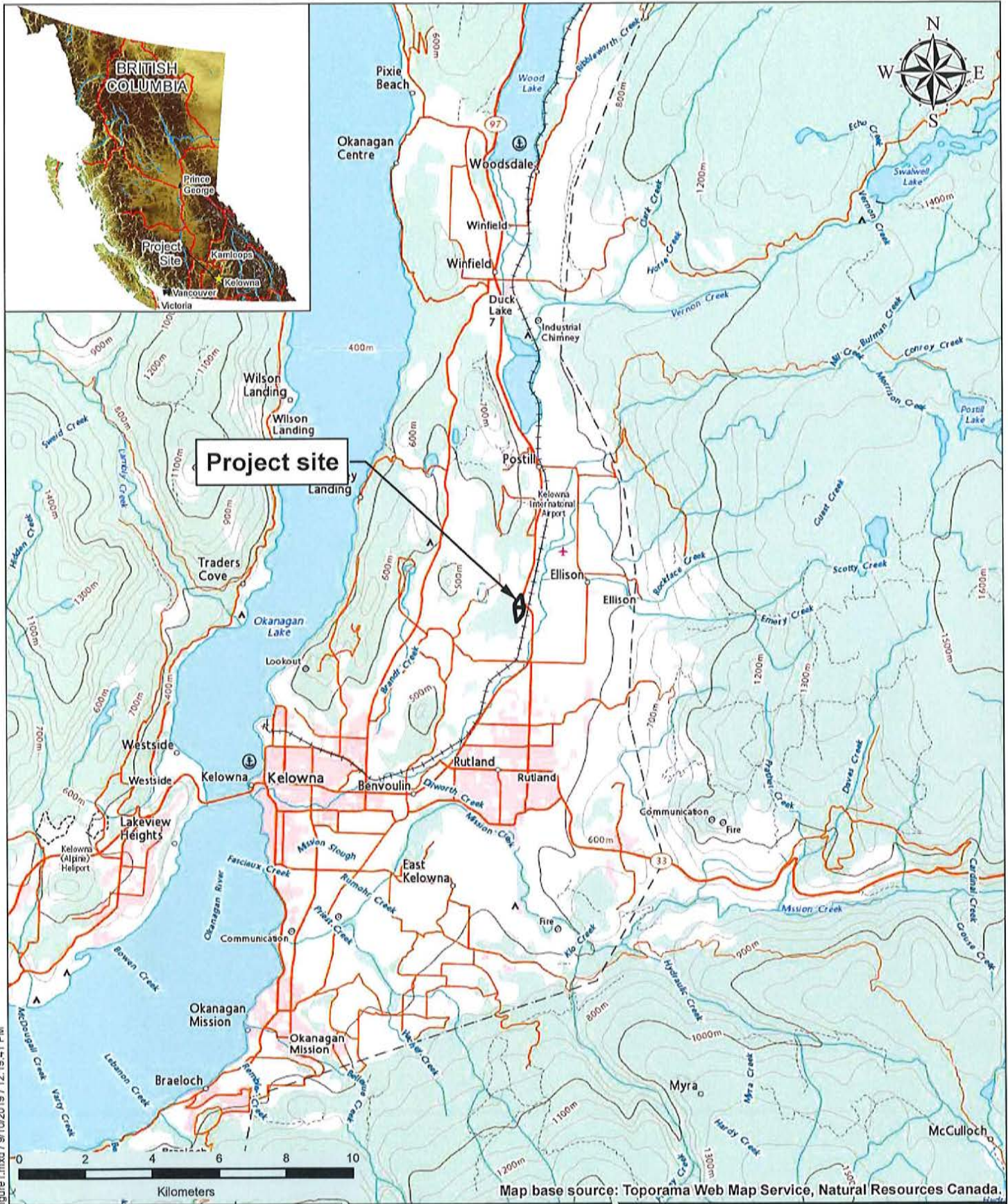


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Map base source: Toporama Web Map Service, Natural Resources Canada.



PROJECT NO.: 2019-8444
 DATE: September 2019
 DRAWN BY: BdJ

FIGURE 1: LOCATION PLAN

City of Kelowna
 Agricultural Impact Assessment for Serwa Lands

2 METHODS

The methods used to complete the AIA were based on the City of Kelowna Agricultural Impact Assessment TOR (Appendix A), which included the following tasks:

- Review of existing information, including: aerial photographs; soil and land capability maps and reports; City of Kelowna Official Community Plan; City of Kelowna Agricultural Plan; Facts in Focus – 2018 Agricultural and Rural Areas Summary; land use maps and reports; survey and engineering drawings; and agricultural statistics;
- A site visit conducted by Melanie Piorecky, P.Ag. and Megan Ludwig, M.Sc., A.Ag. on September 26, 2019 to verify mapping and gain a better understanding of the propose exclusion area;
- Meetings with City of Kelowna project manager, Graham Hood, planning manager, Laura Bentley, and planning manager, Dean Strachan to discuss the approach to the AIA, potential effects, and mitigation measures;
- Assessment of potential Project effects on agricultural;
- Development of mitigation measures to offset potential effects; and
- Preparation of this report.

An additional site investigation was completed on November 7, 2019, by Megan Ludwig, M.Sc., Soil Scientist with Associated. The second site investigation was to review the soil characteristics for salvageability. This entailed sampling in a grid formation across the entire property, advancing auger test pits every 100m. If a change in soil was observed, then Ms. Ludwig stepped out 3m from the auger hole until the transition was defined. The soil was textured and composite samples taken of areas with suitable characteristics for agricultural use (i.e. not clay). The different soil textures were delineated with a GPS. The samples were submitted to Pacific Soil Analysis Inc. for detailed fertility analysis.

3 EXCLUSION AREA

The proposed exclusion area is located within the ALR on the Serwa Property to the west of Highway 97 in Kelowna, approximately 10 km northeast of downtown and at an elevation of 415 metres above sea level (masl). The Serwa Property is two parcels totalling 57 ha (141 acres). The proposed exclusion area is 16.2 hectares (40 acres; Figure 3-1), which would be for a transit Maintenance and Operations Facility and associated access roads. A portion of the area remaining on the Serwa Property will be left, but potential use is to be determined.

The assessment of cumulative effects on agricultural land focussed on the whole of the City of Kelowna. A wider regional area was also considered, which includes the Central Okanagan.

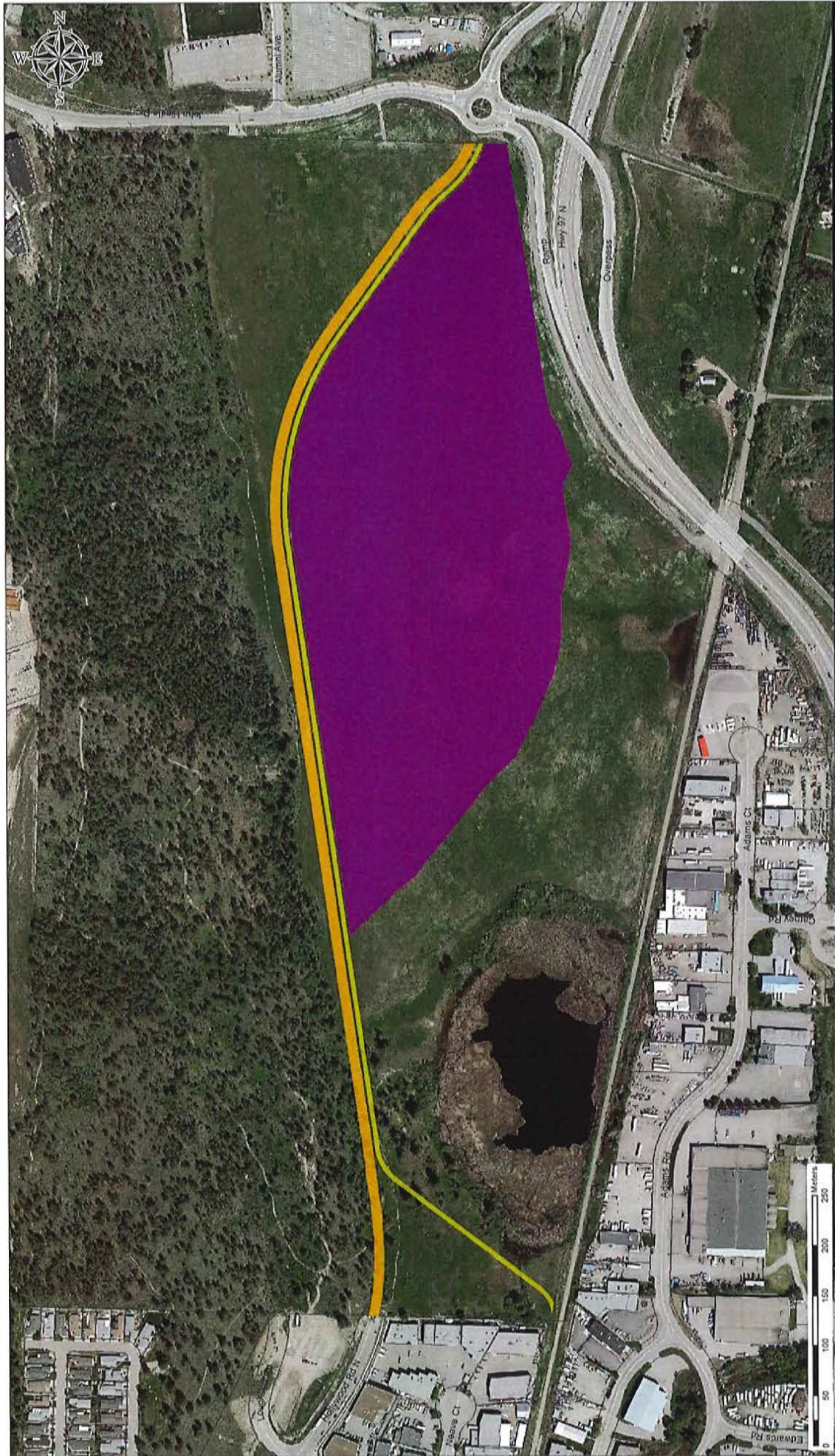


FIGURE 3-1: PROPOSED EXCLUSION AREA

PROJECT NO.: 2019-8444
 DATE: December 2019
 DRAWN BY: Bdl

City of Kelowna
 Agricultural Impact Assessment for Serwa Lands

Impact Areas

- Exclusion Area (14.3 ha.)
- Hollywood Road (1.3 ha.)
- Multi-use pathway (0.6 ha.)

Associated Environmental

4 BASELINE CONDITIONS

Following the TOR and discussions, the AIA outlines the existing agricultural conditions in the exclusion area and the Property, specifically of the following:

- Land use
- Agricultural land use and zoning
- Agricultural socio-economic profile
- Climate
- Soil mapping
- Land capability for agriculture
- Drainage, irrigation and water quality
- Farm access and transportation
- Farm infrastructure (farming)

4.1 Land Use

The Serwa Property was purchased by the City of Kelowna in 2017. It comprises vacant parcels that were previously used to produce hay, as well as Carney Pond and surrounding wetland areas. None of the parcels are currently cultivated or used for grazing. The Property is partially fenced, with access from the north along John Hindle Drive.

The Property is bordered by a mix of agricultural, commercial, wildlands, and urban areas. Adjacent land use includes:

- North – UBC Okanagan
- West – undeveloped lands
- South – industrial land
- East – Okanagan Rail Trail, commercial land, and forage pasture

Surrounding land use (not directly adjacent) includes residences for UBC Okanagan, single family homes and lots, and agriculture. Agricultural lands in the immediate area are typically small rural residential properties with hobby farms. Large, more extensive agricultural holdings are located southeast of the Property.

4.2 Agricultural Land Reserve and Zoning

The ALR is a provincial zone in which agriculture is recognized as the priority use, where farming is encouraged and non-agricultural uses are controlled. According to the City of Kelowna's Agricultural Plan (2017), approximately 38% (8,600 ha) of the City of Kelowna land area is within the ALR. The proposed exclusion area amounts to less than 0.2% of the total ALR land within the City.

The proposed exclusion area is zoned by the City as A1 Agricultural. A1 zoning allows general agricultural uses; however, not all land in this zone is actively used for agricultural purposes. Areas zoned as A1 have a minimum parcel size of 9.9 acres (4 ha) under the City of Kelowna Zoning Bylaw 8000. Approximately 55% of the city is zoned for agriculture-A1 (City of Kelowna 2017).

4.3 Agricultural Socio-Economic Profile

The soil, topography, and warm climate in the Okanagan Valley make the Central Okanagan one of the most important agricultural centres in the province. In 2016, the total gross farm receipts for the Central Okanagan was \$120 million

with a total gross income of \$100 million (Statistics Canada 2016). Total gross farm receipts increased by approximately 24% between 2011 and 2016. This is primarily due to the growth of the wine industry and cherry exports, as well as the Okanagan's reputation as a world class agri-tourism destination.

Approximately 23,000 ha is farmed in the Central Okanagan (Statistics Canada 2016). Farms in the region produce a variety of crops with apples, cherries, and grapes among the most important commercial crops. Fruits, particularly cherries, are important agricultural exports that provide significant contributions to the agricultural economy in BC.

However, significant population growth and urbanization throughout the Central Okanagan is contributing to increased pressure on agricultural land and availability of water for irrigation. In turn, the increased pressure to urbanize agricultural land is contributing to high land costs, which can act as a deterrent to prospective entrants into the farming industry and long-time farmers from staying in farming. One of the City's main objectives is to protect and enhance agriculture within city limits. Some of the ways the City plans to improve agriculture, as outlined in the Official Community Plan (OCP, City of Kelowna 2011), include:

- Increase the total area zoned as agricultural-rural from 8,592 ha in 2010 to 9,896 ha by 2030;
- Protect ALR land from development and not support exclusions, except in extreme cases;
- Limit development within a Permanent Growth Boundary as to not encroach on agricultural lands;
- Restrict non-farm use activities on agricultural lands that do not benefit surrounding agricultural uses;
- Support inclusions of lands into the ALR;
- Protect farm and farm operations and minimize the impact of urban encroachment, supported by recently adopted bylaws pertaining to farm protection.

4.4 Climate

The closest Environment Canada climate station to the exclusion area is the Kelowna A Station (Climate ID 1123970). This station is located at the Kelowna International Airport, 2 km north of the exclusion area, at an elevation of 430 masl. The climate in Kelowna is characterized by warm, dry summers and mild winters. The normal daily mean January temperatures are -0.2°C (maximum) and -7.4°C (minimum) and daily mean July temperatures are 27.6°C (maximum) and 10.5°C (minimum) (Environment Canada 2015). Mean annual precipitation is 380.5 mm, with 101.8 mm (water equivalent) falling as snow. However, these precipitation volumes are highly variable as a result of climate change implications. In the Okanagan, warmer overall temperatures (annual average temperature increases of 1.6°C by 2020s and 3.1°C by the 2050s) less summer precipitation (an average of 9% less seasonal summer precipitation by 2020s and 14% less by 2050s) is anticipated, which would exacerbate the shortage of water and crop demands (Okanagan Basin Water Board 2019).

Figure 4-1 shows the monthly normal precipitation compared to the estimated potential evapotranspiration (PET), as estimated using the Priestley-Taylor equation (Shuttleworth 1993). Between May and September, the region is characterized by a soil moisture deficit. Therefore, most agricultural operations in Kelowna rely heavily on irrigation during the summer.

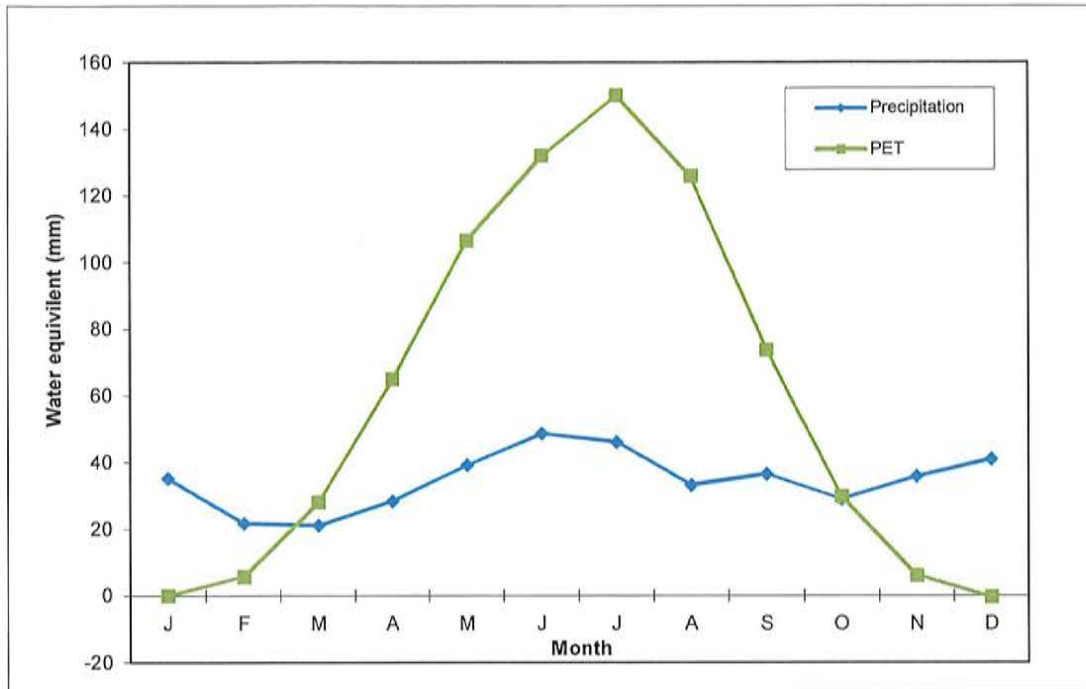


Figure 4-1 Precipitation and Potential Evapotranspiration (PET) at Kelowna International Airport

4.5 Soil Mapping

Soils in the exclusion area and on the Serwa Property have developed on a combination of glaciofluvial and glaciolacustrine surficial materials with a small amount of organic material. Published soil mapping indicates that two soil types (soil series) corresponding to these surficial materials occur in the exclusion area (Province of BC 2019). Soils are mostly composed of Westbank soil series, but also include a small amount of Trout Creek soil series (Table 4-1).

The mapped agricultural capability of the site and soils is described in detail in Section 4.6, and their value for salvage and use on other ALR land is reviewed in Section 6.2. Generally, Trout Creek and Westbank soil series limit crop growth due to their high erodibility and low organic matter content. Both soils series found on the Serwa properties are also described as being poorly drained, which is due to high clay content.

These soils and their locations were verified during the field investigation of the whole Serwa Property. The Westbank soils were classified as a heavy clay, somewhat different from the published mapping, and observed as heavily compacted and altered from previous farming efforts. There is a small area of loamy soils (Trout Creek) near Carney Pond, south of the proposed exclusion area. This is within the riparian setback of the pond (actual setback from pond to be determined based on City of Kelowna guidance).



Table 4-1 Soil Series within the Exclusion Area

Soil Series	Soil Material	Drainage	Classification	Soil Management Group	Approximate Area in Footprint (ha/%)
Westbank	Surface: silty clay loam, clay loam, and clay Subsoils: clay or heavy clay but may become sandy Parent material: fine to mod. fine glaciolacustrine deposits	Mod. well drained, slowly pervious, high water holding capacity	Orthic Gray Luvisol	Glenmore	14.9 / 91%
Trout Creek	Surface: sandy loam Subsoils: sandy or loamy sandy Parent material: coarse glaciofluvial deposits	Well drained, readily pervious, intermediate water holding capacity	Eluviated Eutric Brunisol	Skaha	1.3 / 9%

4.6 Land Capability for Agriculture

In BC, agricultural capability is rated through a classification system known as the Land Capability Classification for Agriculture in British Columbia (Kenk and Cotic 1983). The system describes seven land capability classes for agriculture (Class 1 to Class 7) and is consistent with the system of the Canadian Land Inventory. The highest classification soil (Class 1) has very slight limitations for agriculture; the lowest class (Class 7) has no capability for agriculture (Table 4-2). Along with these classes, the ALC assigns limitations to soils (Table 4-3). In most agricultural regions of BC, two ratings are assigned to a piece of land to reflect the current condition of soils and the condition after management improvements to limitations are implemented (ALC 2013). Improvements typically include drainage systems, irrigation, stone picking, and amendments.

Table 4-2 BC Land Capability Classes for Agriculture

Class	Description
Class 1	Land either has no or only very slight limitations that restrict its use for the production of common agricultural crops.
Class 2	Land has minor limitations that require good ongoing management practices or slightly restricts the range of crops, or both.
Class 3	Land has limitations that require moderately intensive management practices or moderately restricts the range of crops, or both.
Class 4	Land has limitations that require special management practices or severely restricts the range of crops, or both.
Class 5	Land has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
Class 6	Land is non-arable but is capable of producing native and/or uncultivated perennial forage crops.
Class 7	Land has no capability for arable or sustained natural grazing.

Source: ALC 2013

Table 4-3 BC Land Capability Limitations to Agriculture

Symbol	Limitation	Major Improvement
W	Water	Drainage Systems
L	Permeability (organic soils)	Unimprovable
D	Soil Structure/permeability	Organic matter additions
N	Salinity	Unimprovable
I	Inundation	Diking
A	Moisture	Irrigation
F	Fertility	Fertilizer addition
T	Topography	Unimprovable

Source: ALC 2013

Based on the review of published agricultural capability and the field investigation, the proposed exclusion area is primarily improved Class 3, with a small portion of Class 6 (Table 4-4; Figure 4-2). The improved land capability is the appropriate indicator of land quality because most of the proposed exclusion area could be irrigated if proper infrastructure was available, and organic matter could be added to the soils to increase drainage. Soils are primarily limited by soil structure (D), but a small portion is also limited by the water table being present within the soil column (W).

Table 4-4 Mapped Agricultural Capability of Proposed Exclusion Area

Soil Type	Unimproved	Improved
Westbank	4AD	3D
Trout Creek	6WD	4WD

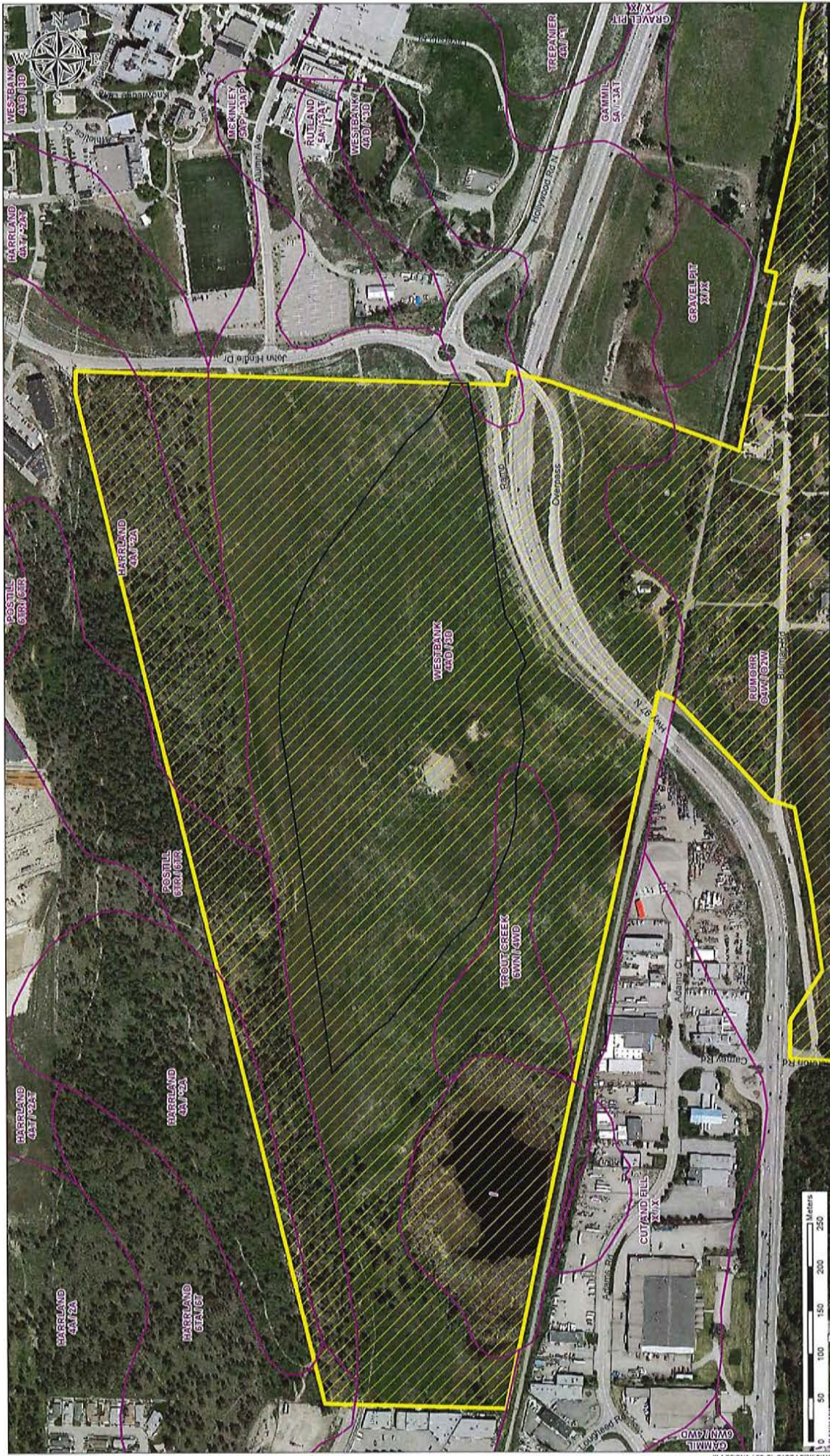


FIGURE 4-2: MAPPED SOIL AND AGRICULTURAL CAPABILITY
 City of Kelowna
 Agricultural Impact Assessment for Serwa Lands

PROJECT NO.: 2019-8444
 DATE: December 2019
 DRAWN BY: B&J

Soil polygons
 Decile and dominant agricultural class (normal) with limitations
 Decile and dominant agricultural class (normal) with limitations

Soil types - 7.3 AT 1:1A
 GAMMIL

Exclusion area
 ALR boundary

Associated Environmental

4.7 Drainage, Irrigation and Water Quality

The exclusion area is located within the Mill Creek watershed. The creek is approximately 36 km long and about two-thirds of the total watershed area is located north/upstream of the exclusion area. Mill Creek starts north of the Serwa Property boundaries, flowing through the Kelowna Airport to the northeast and into the eastern edge of the properties, across the highway from the exclusion area.

The western portion of the Property contains Carney Pond. A portion of the runoff on the property drains directly into Carney Pond, which overflows into a drainage channel that parallels the Rail Trail. This drainage channel ultimately drains into Mill Creek, south of the Property boundaries. The runoff not entering Carney Pond drains directly into the drainage channel.

Groundwater discharge is not an issue in the exclusion area but does occur in the east of the Property, across the highway. This area is a low valley, where the combination of groundwater discharge from the hillside and a high-water table creates drainage difficulties. Difficulties include seasonal flooding and inundation of the soils with water and have been detrimental to agricultural areas around Bulman Road, making them prone to seasonal flooding.

Within the exclusion area, the soils are a combination of well to poorly draining due to a combination of coarse and clay textures. Soils on the eastern portion of the Property, across the highway, are very poorly drained due to saturation from the water table.

Due to the soil moisture deficit between April and October, irrigation is required during the summer. There are currently no water licences issued to the property for irrigation use or irrigation infrastructure.

4.8 Farm Access and Transportation

The transit facility will be accessed by Hollywood Road North. The road will be extended from the southern portion of the Property, where it currently ends, to meet Highway 97 on the northeastern portion of the Property. Hollywood Road will be a two-lane arterial road maintained by the City. Pending approval for exclusion, the road is slated for completion in around 2030.

Until the completion of Hollywood Road, temporary access to the transit facility will be via John Hindle Drive, on the north end of the property. John Hindle Drive is a two-lane arterial road and is maintained by the City.

4.9 Farm Infrastructure (Fencing)

The entire perimeter of the Property has wooden fence posts, but in many places the wire is missing. There is a vehicle gate at the northern end of the Property, with access to John Hindle Drive. No other farm infrastructure is in place.

5 ASSESSMENT OF EFFECTS ON AGRICULTURE

The following effects were assessed as part of the AIA:

- Loss of agricultural land
- Loss of agricultural revenue
- Disruption of drainage, irrigation and water quality
- Farm access and transportation
- Compatibility and property speculation
- Severance or isolation
- Degradation of soils on agricultural land
- Temporary loss of infrastructure

5.1 Loss of Agricultural Land

The Project will result in a loss of 16 hectares of ALR land. The land that would be removed is predominantly rated as Class 4 unimproved land capability ratings, and Class 3 if improved (i.e., land has limitations that require moderately intensive management practices or moderately restricts the range of crops, or both).

No parcels within the proposed exclusion area are currently used for agricultural purposes, although they have been used to produce hay in the past. The City of Kelowna has indicated that these lands have not been farmed since the purchase in 2017.

Any loss of agricultural land is considered an adverse effect on agricultural use because of the importance of preserving high capability agricultural lands within the ALR. It is the mandate of both the City of Kelowna and the RDCO to preserve agricultural land in the ALR to support agricultural viability (City of Kelowna 2011). The ALC, along with municipal governments, generally discourage removal of land from the ALR unless there is a demonstrated net benefit to agriculture through compensation or improvements as a result of non-agricultural development in the ALR.

There will be loss of agricultural land. The mitigation measures to offset the loss of agricultural land are described in Section 6.1.

5.2 Loss of Agricultural Revenue

Where there is permanent land loss and/or soil degradation, farmers may experience lost or reduced revenue due to their smaller land base and/or lower crop yields. Although the exclusion area is no longer farmed, the area was previously farmed for hay; therefore, the area has a permanent loss of potential agricultural revenue. Based on available estimates for Canadian climates, no irrigation, and some soil water retention issues (i.e. clay soils), 100 bales of hay could be cropped from each acre of land. Assuming bales sell for between \$2.00 and \$4.50 each, there is an estimated yearly loss of approximately \$8,000 at minimum, if the land is not farmed (this does not account for capital costs for equipment or fertilizer costs). Due to the lack of irrigation infrastructure, only one annual hay crop is expected in the exclusion area.

There will be loss of agricultural revenue. The mitigation measures to offset the loss of agricultural revenue are described in Section 6.2.

5.3 Disruption of Drainage and Irrigation, and Water Quality Degradation

Development within the exclusion area has the potential to affect drainage in surrounding agricultural areas by disrupting drainage patterns (i.e., reducing infiltration and increasing surface runoff). This has the potential to incrementally increase flooding and saturated soils in adjacent, downslope agricultural areas, which can result in reduced yields, delayed planting in the spring, and harvesting problems. Any changes to drainage patterns or water quality due to development in the exclusion area are not expected to significantly increase flooding or saturated soil conditions, particularly if stormwater best management practices are implemented.

There is no anticipated disruption to existing irrigation from project construction and operation.

There is potential for Project impacts on drainage, irrigation and water quality, but not relative to other farming operations. The mitigation measures are best management practices, listed in Section 6.3.

5.4 Farm Access and Transportation

With the new facility, traffic in the area is expected to increase due to the increase in employee and transit vehicles. This is not anticipated to affect farming access because facility traffic will use main roads and will not block or change access.

There will be no impacts on farm access or transportation to nearby farmed areas; therefore, mitigation measures are not required. For the proposed exclusion area, access to the remaining farmable areas is to be determined and will be facilitated by the City.

5.5 Compatibility and Property Speculation

From an agricultural perspective, the Serwa Property has not been farmed in recent years, and in the meantime the UBC Okanagan campus and roads have expanded to the north and east of the site. There is no machinery storage area or infrastructure; therefore, farm equipment would need to be driven to the site as needed. This is possible but less compatible with the surrounding road use. In a 1995 report, the ALC noted that the farmable area on this property (formerly the Western Canadian Ranching Company Lands) was seriously compromised for long-term agriculture when the ALC consented to the UBC Okanagan campus development to the north. A transit facility is compatible with the busy UBC Okanagan campus and John Hindle Drive, and as discussed in Section 9, the location was only proposed after considerable review.

5.6 Severance or Isolation

The Serwa Property is not connected with other agricultural land, so the exclusion would not result in isolation of the area relative to other properties. "The [ALR] block is isolated, so that its exclusion would not be a precedent to other exclusions" (Provincial Agricultural Commission 1995). The proposed exclusion would isolate the pockets of agricultural land remaining on the Serwa Property. There would be a small area to the north west and larger areas to the east and south. The remaining areas equal approximately 41 ha, but a portion of this would be in the Carney Pond and riparian area. The pond cannot be altered to accommodate farming under the Water Sustainability Act and the riparian area would have regulatory and ecological implications.

5.7 Degradation of Soils on Agricultural Land

There are no plans to use adjacent agricultural lands as temporary work or laydown areas during Project construction, because there is adequate space for these activities within the proposed exclusion area (Figure 3-1). There will be no effects on agricultural soils outside the exclusion area. Within the exclusion area, topsoil will be stripped and stockpiled, and the subsoil will be graded to ensure appropriate drainage and limit impacts to the adjacent areas.

Degradation could occur from stripping and stockpiling. The mitigation measures to reduce the potential for degradation of agricultural soils are described in Section 6.4.

5.8 Temporary Loss of Farm Infrastructure (Fencing)

During construction, some of the remaining fences around the exclusion area may need to be removed. Because much of fencing does not have barbed wire anymore, and there are no agricultural lands adjacent to the exclusion area, removal of fencing will not negatively affect agriculture.

There will be no loss of farm infrastructure as the fencing is outside of the Project footprint and in disrepair. However, to offset impacts from the Project on agricultural land, mitigation measures could include installation of fencing on other properties, as described in Section 6.5.



6 MITIGATION STRATEGIES

The following mitigation measures are intended to offset and potentially reduce the effects on agriculture in the proposed exclusion area, as described in Section 5. Because the exclusion area would be completely out of agricultural production, the mitigation measures are to offset or compensate for effects. The effects and mitigation/offset strategies are summarized in Table 6-1.

Table 6-1 Potential effects and mitigation measures

Potential Effects	Mitigation/Offset Strategies
Loss of Agricultural Land	<ul style="list-style-type: none"> • Develop a Topsoil Management and Enhancement Plan to salvage topsoil and direct its use. • Salvage the topsoil that is acceptable by ALC standards for application to other properties in the ALR, or for improvement and sale by local soil producers (see Section 6.2). • Collaborate with the Young Agrarians to cultivate other City-owned properties.
Loss of Agricultural Revenue	<ul style="list-style-type: none"> • Improve the agricultural capability of ALR properties across the highway, and facilitate affordable leases for Young Agrarians and other entry farmers. • Fulfill the newly updated Agricultural Plan which highlights: <ul style="list-style-type: none"> • Ongoing action on compliance and enforcement, agricultural water infrastructure improvements and pricing to sustain agriculture. • Revised A1 zone to better align with ALC regulations and policies. • New OCP policies to strengthen protection of agricultural land.
Disruption of Drainage and Irrigation, Water Quality Degradation	<ul style="list-style-type: none"> • Develop and implement Stormwater Management Plan, Sediment and Erosion Control Plan, and Spill Management Plan • Limit water main construction to off-peak irrigation season
Compatibility and Property Speculation / Fencing	<ul style="list-style-type: none"> • Install/maintain fencing along perimeter of other agricultural properties that could benefit from fencing to keep farm animals in, or deer and people out.
Degradation of Soils on Agricultural Land	<ul style="list-style-type: none"> • Prohibit laydown or temporary work in agricultural zones • Implement erosion and sedimentation control during development • Implement Spill Management Plan

6.1 Loss of Agricultural Land

Agricultural land loss is typically compensated for by adding the same amount of similar or better capacity land into the ALR or improving existing agricultural land. These are both proposed here: lands to be improved to the east of Highway 97. But 1:1 compensation is considered challenging because of the lack of available suitable non-ALR land in Kelowna. Mitigation strategies address offsets to potential losses, including loss of agricultural revenue (Section 6.2); however, as the land is not currently farmed, no farm revenues are being generated.

The City of Kelowna is working to offset the losses of agricultural land and is currently working with the Kelowna Young Agrarians, a group of young and new ecological and organic farmers, to cultivate City-owned lands around

Kelowna. Three sites are currently being proposed to be leased to the Young Agrarians to compensate for the losses from the proposed exclusion:

- 1710 Stafford Road – The 2.4 ha parcel was previously used to grow dry alfalfa. The soils are mapped as Oyama soils, with an agricultural capability of 4A suggesting some limitations in crop production due to aridity (land capability definitions in Table 4-2). Oyama soils are well suited for agricultural crops and are limited only by low soil water and nutrient holding capacities (Wittneben 1986). The Young Agrarians are proposing to convert the land into a productive vegetable garden.
- 1751 Findlay Road – This 2.1 ha parcel is currently naturalized wildlands that could be cleared, tilled, and irrigated to grow crops. It is directly adjacent to 1710 Stafford Road, and is mapped as Oyama soils with an agricultural capability of 4A.
- A portion of the remainder of the Serwa Property parcels, east of Highway 97 on Bullman Road – This land could be used for grazing small livestock, as it is fenced and has hilly terrain.

The City of Kelowna is currently exploring leasing options and how to support the Young Agrarians to create viable agriculture on these lands. The Findlay and Stafford Road properties, totalling 4.5 ha, would benefit from soil and compost placement, and an irrigation source. These and the Bullman Road properties could be leased to the Young Agrarians at a low cost to function as incubator farms.

6.2 Topsoil Salvage

To further offset loss of agricultural land, topsoil will be salvaged in the exclusion area and used to enhance local soil on nearby agricultural lands. Salvaged topsoil would be directed to the compensation sites (1710 Stafford Road, 1751 Findlay Road) and other ALR land in the Central Okanagan. Topsoil from the exclusion area can be used to improve soil fertility on sites with shallow topsoil and poor nutrient status and to improve drainage by lowering the water table (in imperfectly drained areas), thereby increasing crop yields and revenue.

A detailed Topsoil Salvage and Enhancement Strategy can be developed to ensure that topsoils are used with the ALR to enhance low fertility soils. The strategy will include the following requirements:

- Handling of topsoils will be minimal to avoid potential soil degradation and should be delivered to agricultural lands as soon as possible (avoid stockpiling if possible).
- Gravelly and non-gravelly salvaged soils will be managed separately.
- Farmers in the vicinity of the exclusion area will be given priority over farmers in other agricultural areas of Kelowna.

Estimates of topsoil salvage volumes are based on the field investigation and soil mapping data. The majority of the soils on the Serwa properties are clay soils, which are considered poor for agricultural capability because of high clay content (ALC 2019). Potential salvage areas are limited to areas where the soils were identified as non-clay material. The total salvageable soil within the proposed exclusion area is approximately 4,800 m³ and does not include a 0.65 ha area of sandy material that was previously placed on the property (Table 6-2, Figure 6-1). The sandy area varies in depth from 3 to 6m deep based a side profile, with an estimated salvage volume of 20,000 m³. This material could be salvaged and used for building substrate or mixed in with the soils that have high clay content for better drainage.



Table 6-2 Soil Salvage Estimates

Soil Quality	Soil Texture	Total Area (Ha)	Area within footprint (ha)	Estimated Volume in footprint (m ³)
Good	Clay Loam, Sandy Clay Loam	0.62	0.4	1,600
Medium	Clay Loam, Sandy Clay	1.91	1.26	3,200
Poor	Clay	54.02	14.34	35,900

Fertility analysis was done on the soils that could potentially be salvaged (Appendix C). These soils are sandy clay loam and sandy clay and clay loam. They generally have low organic matter content and low nitrogen, moderate to low macro and micro nutrients. This will be appropriate for use on agricultural lands, provided it fertility is managed through addition of soil amendments and/or fertilizer.



FIGURE 6-1: SOIL SALVAGE MAPPING
 City of Kelowna
 Agricultural Impact Assessment for Serwa
 Lands

PROJECT NO.: 2019-8444
 DATE: December 2019
 DRAWN BY: BdJ

Soil salvage areas
 Good
 Medium
 Poor

Exclusion area
 Soil test pit
 Stockpiled sand

**Associated
 Environmental**

6.3 Loss of Agricultural Revenue

Economic losses can be partly mitigated or offset by improving the agricultural productivity and/or viability of existing farm parcels that are currently underutilized. This includes salvaging topsoil from permanent disturbance areas to be used in areas and working with the Kelowna Young Agrarians to farm other unused properties owned by the City as described in Section 6.1.

In addition, the City of Kelowna has a long history of supporting and promoting agricultural initiatives. Some existing initiatives include:

- Increasing the total area zoned as agricultural-rural;
- Protecting ALR lands from development by not supporting exclusions and limiting urban growth to the Permanent Growth Boundary;
- Protecting ALR lands from urban uses by implementing the Guide to Edge Planning through urban-side Farm Protection Development Permit requirements;
- Promoting local agriculture around the City through advertising; and
- Working closely with ALC staff on compliance and enforcement initiatives.

Continued proactive management to protect and enhance agriculture in the Kelowna area are expected to mitigate losses that result will from the proposed exclusion and have the potential to contribute significantly to agricultural revenue in the Central Okanagan.

6.4 Drainage, Irrigation and Water Quality

To minimize potential effects on drainage, stormwater best management practices will be implemented during and after construction in the exclusion area to ensure that the Project does not adversely affect drainage in the surrounding agricultural area (i.e., result in ponding or standing water or impede flow of water into Carney Pond or Mill Creek). Any water main construction will take into consideration the peak irrigation season to avoid disruption of irrigation. A Stormwater Management Plan will be developed prior to construction.

Additionally, the City of Kelowna will develop an Erosion and Sedimentation Control Plan to ensure that water quality is not affected during construction. In general, standard sediment and erosion control measure will be implemented to reduce the risk of sediments entering watercourses that may be used for irrigation purposes.

As part of facility development, the City of Kelowna will apply a spill and environmental emergency response plan to reflect the planned development on the exclusion area lands.

If best management practices are implemented and followed through construction and operation, no negative effects on water quality as it pertains to agriculture are expected.

6.5 Degradation of Soils on Agricultural Land

The following mitigation measures are intended to reduce the potential for degradation of agricultural soils during construction:

- Temporary laydown areas must not occur on agricultural lands. All temporary laydown areas will be located on non-ALR land or land slated for development.

- Topsoil should be salvaged in construction areas and used in other areas of the ALR, according to the Topsoil Salvage and Enhancement Strategy described in Section 6.1.
- Erosion and sedimentation control strategies should be implemented to avoid or reduce wind and water erosion.
- The City of Kelowna will update their spill and environmental emergency response plans to prevent accidental spills and contamination.
- A qualified professional should be responsible for monitoring soil salvaging activities or any earthworks on agricultural lands to prevent residual disturbance.

If these mitigation measures are implemented, residual adverse effects on soils are not expected.

6.6 Temporary Loss of Farm Infrastructure (Fencing)

The City of Kelowna will replace any fencing that may be impacted as a result of Project construction. Due to the lack of fencing and no adjacent farmlands, mitigation measures will be minimal, as agricultural is not expected to be affected.

7 RESIDUAL AND CUMULATIVE EFFECTS

Residual effects for ALR land loss will remain despite the mitigation strategies outlined in Section 6. Net losses of proposed will total to about 16 ha. However, the mitigation strategies outlined in Section 6 would help to reduce the effects of the lost ALR land. The Findlay and Stafford Road properties proposed for improvement total 4.5 ha.

Cumulative effects measure the potential effects of a project (primarily ALR exclusions) in combination with other past, present and future projects. Cumulative effects assessment considers the effects due to other projects and the thresholds where negative effects outweigh positive effects or create a negative feedback loop.

Exclusion applications in the Okanagan Region, specifically in Kelowna, are not very common, although pressures for non-farm use are on the increase. According to the City of Kelowna website, there are 30 ALR applications within the boundaries of the City. The ALC also reports all applications as part of their annual reporting. A review of the annual reports over the last five years indicates that an average of 9.8 ha (net of inclusions) of land are removed from the ALR annually in the Okanagan Region, which amounts to less than 1/1000th of a percent of the 224,745 ha of ALR land in the Okanagan Region (ALC 2014-2019, Table 7-1).

Table 7-1 Inclusion/Exclusion application approvals by the ALC

Fiscal Year	Inclusion (ha)	Exclusion (ha)	Net (ha)
2014-2015	2	1	1
2015-2016	4	23	-19
2016-2017	3	33	-30
2017-2018	20	0	+20
2018-2019	2	23	-21
Average	6.2	16	-9.8

In addition to the building of the Maintenance and Operation Facility, the City of Kelowna is proposing to develop access up to and around the proposed transit facility. This would be to include future road alignment options for a multi-modal corridor. It would be dependant on ALC approval under a future application. Note that the portion of the Serwa Properties on Bulman Road, east of Highway 97, will be preserved for agriculture as stated in Section 6.1.

Apart from this project, the project team is only aware of one other large-scale exclusion proposed in the Central Okanagan Region. The 6.2 ha parcel located at 2850 McCurdy Road is currently in exclusion application review, but are considering withdrawing their application, removing pressure on the ALR.

Although 16.2 ha is more than the average net loss of 9.8 ha (annually from the ALR), the cumulative effects of the Project are negligible because the exclusion area is not being farmed and there are no water rights and minimal farm infrastructure. The City of Kelowna recognizes that the planned reduction in ALR land to enable development is a concern and commits to the implementation of the mitigation measures and agricultural enhancement strategies described in this report.

8 ALTERNATIVES

The exclusion area (Serwa Property) has been identified as the most suitable option for the proposed transit operation and maintenance facility based a comprehensive search of potential properties (City-owned and private) by the City's Real Estate Department. Parameters considered include cost, location, property size, and future expansion capability. Expansion of the current facility is not considered feasible. A 2013 Facilities Study commissioned by BC Transit concluded, "The facility on Hardy Street will be unable to sustain continued growth of the transit system in this region [...] as there is no opportunity to expand the site due to adjacent property restrictions, consideration should be made to the eventual construction of either a secondary site, or a single consolidated facility to replace the existing one." BC Transit has reviewed the proposed site and endorsed its size and location. BC transit's long-term vision incorporates the full use of the 35 acres proposed for exclusion. Based on the long-term requirements identified by BC Transit, no other potential locations were identified by City Staff because they did not meet those requirements. The Serwa Property was broadly part of the City's infrastructure development planning since OCP planning in the 1990s, and input from the ALC in 1995. In their report the ALC states that playfields may be suitable for development or some parts of the site for industrial development (Provincial Agricultural Land Commission 1995).

Transit has tremendous potential to contribute to stronger, more sustainable communities. The need to realize this potential in the Central Okanagan is increasingly important because of factors such as climate change, population growth, increasing traffic congestion, and an aging demographic. For example, today there are over 120,000 registered vehicles in the region, and 90 % of residents commute to work by car. With the regional population increasing from 210,000 today to a forecast 277,000, in 2040, the number of automobile trips will increase in a constrained road network. Transit oriented development supported by a strong multi-modal network and transit demand management measures will reduce the rate at which congestion grows.

Meeting the demands of the forecasted population and traffic growth in the Central Okanagan requires a shift in focus from moving vehicles to moving people. In the past, government at all levels has attempted to build its way out of traffic congestion by expanding the road network, but this has only provided temporary relief. Major investments in expanding the road network to accommodate the private automobile do not align with local, regional and provincial planning aspirations. Without a significant increase in the use of transit and other sustainable modes (e.g., walking and cycling) the increase in daily trips will result in increased congestion on key local and regional transportation corridors. Congestion has negative environmental, social and economic impacts on the community and contributes to higher transit costs.

BC Transit have made a new transit Operations and Maintenance facility in Kelowna a top priority for capital projects under an Investing in Canada Infrastructure Program. A new facility is required because of rapid growth in transit ridership and significant recent expansions including Rapid Bus. The new facility is critical not only to meet today's demand but to accommodate growth over the next 25 years. Federal funding depends upon BC Transit and partner communities having certainty that projects can be successfully delivered within the horizon of the funding program - projects must be substantially completed by Fall 2027.

9 CONCLUSIONS

The City of Kelowna commissioned Associated to complete an Agricultural Impact Assessment (AIA) for the proposed development of an Operations and Maintenance Facility for public transit on the Serwa Property located in the ALR, focussing on a proposed exclusion area. The results of the AIA indicate that the exclusion of ALR land will result in the

loss of approximately 16 ha of Class 3 agricultural lands (improved rating). This land is currently not being farmed and has not been farmed since its purchase in 2017. Any ALR loss is typically compensated for by adding the same amount of similar or better capacity land to the ALR. This compensation is considered challenging because of the lack of suitable non-ALR land. Therefore, other mitigation measures such as topsoil enhancement, farming of other City-owned lands by the young Agrarians, and other initiatives set forth by the City to protect and enhance agriculture will offset the negative effects on agriculture. Furthermore, management practices and careful planning and monitoring during design, construction and operations will ensure that potential negative effects on surrounding agriculture pockets are minimized.

If all of the mitigation measures and strategies, as described in Section 6, are implemented, the residual adverse effects on agriculture are likely to be small. Cumulative effects of the exclusion, in combination with other potential exclusion applications (including the exclusion of the remainder of the Serwa Properties), are negligible because the exclusion area is not being farmed and there is low probability that it will be because it is City-owned, the City does not plan to lease it for farming, and it is not compatible with the adjacent land use (UBC Okanagan, John Hindle Drive, and Highway 97).

The next step will be meetings with the ALC prior to a formal application for exclusion.

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APPENDIX A - KELOWNA AGRICULTURAL IMPACT ASSESSMENT TERMS OF REFERENCE

1. Introduction

The City of Kelowna [Development Application Procedures Bylaw](#) (Bylaw No. 10540) establishes that the Director, Land Use Management may require the applicant to provide information on, and a systematic detailed assessment of, the proposal to assist the City's decision making. As such, an Agricultural Impact Assessment (herein after referred to as the "Assessment") will be required to determine if a development proposal will adversely affect existing and future agricultural activities onsite and/or in the area surrounding the proposed development or change in land use.

An Assessment is not a soils assessment. An Assessment is a comprehensive consideration of the potential for agricultural production in all of its forms; along with a prediction of likely outcomes (both positive and negative) as a result of the proposed development. An Assessment typically includes a soils analysis.

Assessments will normally accompany applications under the [Agricultural Land Commission Act](#) (i.e. exclusion, subdivision, or non-farm use) in addition to applications to amend the City's [Official Community Plan](#) or [Zoning Bylaw](#) where the land is presently zoned for agriculture. Assessments may also be required when seeking approval for residential uses (e.g. Additional Dwelling for Farm Employee or Temporary Farm Worker Housing) on land zoned for agriculture.

2. Selection of Personnel

Assessments are to be prepared and/or coordinated by one or more "Qualified Professionals (QPs)" as necessary. The number and qualifications of individuals involved will be site/context dependent. For this purpose, a "Qualified Professional" is typically a Professional Agrologist (P.Ag.) registered in British Columbia.

Assessments will be prepared, signed and sealed by the QP(s), unless otherwise approved by the Director of Land Use Management. Where information or expertise are required outside of an individuals professional competencies, additional QP(s) will be required. In these cases, the submission must be signed and sealed by each contributor.

Consistent with the BCIA [Code of Ethics](#), QPs must only provide service in areas of their professional competence, and practice within the limits of their training, ability, and experience.

3. Consultation with City Staff

The information contained within these TOR is intended as a general guide only and is not a comprehensive list of requirements. Each Assessment should be site specific and is likely to be unique in the information required. **The QP is therefore advised to work with City staff to review and confirm a site specific TOR prior to commencing work on the Assessment.** In some instances (i.e. smaller developments, or those with little or no perceived impact) it may only be necessary to assess a few of the issues contained herein. In larger or more complex proposals, the applicant may be required to address considerations not identified herein.

Every effort will be made to clarify the requirements in the early phases of each development application. **It is the responsibility of the applicant to confirm the TOR for the Assessment prior to undertaking the Assessment.**

4. Key Policy Considerations

In preparing an Assessment, the QP should consider how the proposal meets or does not meet City policy including, but not limited to the Official Community Plan as follows:

- **Protect Agricultural Land.** Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.
- **ALR Exclusions.** The City of Kelowna will not forward ALR exclusion applications to the ALC except in extraordinary circumstances where such exclusions are otherwise consistent with the goals, objectives and other policies of this OCP. Soil capability alone should not be used as justification for exclusion.
- **Urban Uses.** Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.
- **Agri-tourist Accommodation.** Agri-tourist accommodation will only be approved and operated in a manner that supports agricultural production and which limits the impact on agricultural land, City services and the surrounding community.
- **Non-farm Uses.** Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:
 - are consistent with the Zoning Bylaw and OCP;
 - provide significant benefits to local agriculture;
 - can be accommodated using existing municipal infrastructure;
 - minimize impacts on productive agricultural lands;
 - will not preclude future use of the lands for agriculture;
 - will not harm adjacent farm operations.
- **Subdivision.** Maximize potential for the use of farmland by not allowing the subdivision of agricultural land into smaller parcels (with the exception of Homesite Severances approved by the ALC) except where significant positive benefits to agriculture can be demonstrated.
- **Housing in Agricultural Areas.** Discourage residential development (both expansions and new developments) in areas isolated within agricultural environments (both ALR and non-ALR).
- **Farm Help Housing.** Accommodation for farm help on the same agricultural parcel will be considered only where:
 - agriculture is the principal use on the parcel, and
 - the applicant demonstrates that the additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall operation of the farm. The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary.Temporary farm worker housing (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.
- **Homeplating.** Locate buildings and structures, including farm help housing and farm retail sales area and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage. The goal should be to maximize use of existing infrastructure and reduce impacts on productive agricultural lands.
- **Public Use.** Discourage the use of agricultural lands for public or institutional uses such as schools, parks and churches except as identified in the OCP.
- **Service Corridors.** Minimize the impact of penetration of road and utility corridors through agricultural lands, utilizing only those lands necessary and to the maximum capacity prior to seeking new corridors. Provision should be made for farm traffic to cross major roads.

5. Professional Standards

- 5.1. One (1) original signed and sealed Assessment must be retained on file (a photocopy signature and seal will not be accepted). The person or corporation who prepared the Assessment must be identified along with the person or corporation who requested and funded the Assessment.
- 5.2. The Assessment must include the following information:

- All personnel working on the project and their contributions.
 - A 1-page biography or C.V. of each professional and technical staff contributing to the results, interpretations and recommendations as an addendum.
 - The level of effort in terms of personnel and time spent on site evaluations must be clearly stated including the time of year and length of site evaluations.
- 5.3. The Assessment must conform to all municipal bylaws and plans, provincial and federal legislation, regulations, standards and best practices.
 - 5.4. Site conditions likely to be absent during the period of evaluation need to be documented and assessed by appropriate alternative methods.
 - 5.5. The Assessment must reflect the site conditions prior to the proposed disturbance and the anticipated site conditions post-development.
 - 5.6. The Assessment must acknowledge off-site developments (both existing and those permitted by current regulations) and the impact these developments may have on the subject property.
 - 5.7. The Assessment should reflect an “Avoid - Mitigate - Compensate” approach to negative impacts. Mitigation should be considered where it has been determined that negative impacts cannot be avoided. Where impacts can neither be avoided or mitigated, QPs should identify appropriate compensation measures to ensure no negative net impacts and ideally a positive net impact.
 - 5.8. The Assessment should account for “cumulative effects”. Cumulative effects are changes that are caused by an action in combination with other past, present and future actions. Cumulative effects assessment considers the effects due to other projects and the thresholds where negative effects outweigh positive effects, or create a feedback loop.
 - 5.9. Methods used in the Assessment must be repeatable and based on agency and/or scientific standards appropriate the landscape being assessed. All data and non-standard methods contributing to the results, interpretations and recommendations contained in the Assessment must be included as appendices.
 - 5.10. Any past Assessments for the subject property or a portion thereof must be identified and their relevance/usefulness in completing this Assessment noted.

6. Basic Assessment Requirements

- 6.1. Briefly outline the history, type and extent of agricultural operations on the subject property (vegetative & crop cover, agricultural buildings, etc.), including recent changes.
- 6.2. Describe the soil types and agricultural capability of the land using best available secondary data (e.g. Canada Land Inventory, Terrestrial Ecosystem Modeling, etc.) for the subject property.
- 6.3. Describe adjacent land uses including the location and description of the type and intensity of surrounding agricultural and non-agricultural land uses.
- 6.4. Describe any non-agricultural land uses and indicate conflicts with existing and potential on-site agriculture. If agriculture is no longer taking place on the subject property and/or area, outline the limiting factor(s) and provide an estimate of barriers, if any, to re-establishing farming on the subject property and/or portion of the subject property under consideration. Current commodity prices and/or input costs should not be used as a barrier to production.

- 6.5. Describe the proposed use and its compatibility, or incompatibility within an agricultural area and potential to cause secondary impacts. A determination of the types and extents of potential impacts that may result from the proposed development should be identified.
- 6.6. Where the principal justification for the proposal is based on soil or land limitations, primary investigation of soils is required. In this case, the QP will ensure that the sample locations and number of pits/samples provides for a representative understanding of the subject property or area being considered.
- 6.7. Identify and describe site and soil improvements completed in the past (e.g. drainage, irrigation, contouring).
- 6.8. Identify and describe future site and soil improvements that are, or may be possible. Provide an estimate of the costs to undertake the improvements and a cost/benefit analysis of each.
- 6.9. Examine possible alternative sites for the intended use that would avoid or lessen agricultural impacts (i.e. urban areas/industrial areas). If no alternative sites can be identified, the Assessment should include a determination of mitigative actions that would be required if the proposal were to proceed (i.e. confining the development to areas with the least productive soils and/or terrain).
- 6.10. Estimate the value in the long term, of the loss of any agricultural production and mitigative measures to offset the loss.
- 6.11. Assess the flexibility of the site for different types of agricultural operations (alternatives). A feasibility & capacity assessment must consider each available opportunity for the following at a minimum:
 - anticipated barriers or constraints;
 - the area potentially affected;
 - the estimated development (capital) costs; and
 - the estimated annual return.
- 6.12. Assess the degree to which the proposal will sever or fragment agricultural land and describe/quantify the impact.
- 6.13. Consider the impact of the proposed use on drainage (on site and neighbouring properties).
- 6.14. Consider the impact of traffic (vehicular, pedestrian and cycling) of the proposed use to determine if proposed traffic volumes will impede farmers moving vehicles between fields and if recreational traffic will be kept out of agricultural land.
- 6.15. Examine and report on what it would take to develop the site for:
 - Crops and by-products that would be new to the site and area;
 - Non-soil based agricultural options (i.e. vegetable or nursery greenhouse, etc.); and
 - Accessory farm uses (i.e. B&B, agri-tourism, on-farm processing, on-farm retail).
- 6.16. Examine and report on alternative financial models for farming and their appropriateness to this site such as:
 - Leasing to other farmers;
 - Joint ownership by two or more farmers;
 - Community supported agriculture;
 - Leased garden plots for urban residents; and
 - Other.

- 6.17. Farm Home Plate - Assessments triggered by site development for residential uses on A1 zoned land should include a recommendation for the suitable location for the farm home plate. The farm home plate must be sited so as not to have a negative effect on the existing agricultural operation or potential for future agricultural operations.
- 6.18. Agricultural Worker Dwellings - Assessments triggered by site development of Agricultural Worker Dwellings (including temporary) should indicate the “need” for the additional dwelling onsite and why farm help cannot be accommodated offsite, along with the net benefit to agriculture.

7. Data Deliverables

- 7.1. Site description including legal description (i.e. lot & plan number, etc.), OCP designation, Zoning category, and Agricultural Land Reserve (ALR) status should be illustrated on the location map or stated at the outset of the assessment. For large parcels, UTM coordinates of the site location where specific works will occur may be required.
- 7.2. Location Map at an appropriate scale (1:20,000) indicating the regional setting. This information should be overlaid on the most current cadastral map.
- 7.3. Site Map(s) at an appropriate scale (minimum 1:200 and maximum 1:5,000) indicating the layout of the project components and activities. This information should be overlaid on the most current cadastral map outlining surrounding property boundaries. Map legends should show clear descriptions of all symbols used as per provincial standards.
- 7.4. Cross sections in sufficient number to demonstrate terrain conditions prior to the proposed site disturbance and intended conditions post-development. A topographic survey must show natural slope contours (at appropriate contour levels e.g. 1 or 5 m) and the post-development contours.
- 7.5. Site Plans/sketches/colour photographs indicating the project location, site features and activities should be indicated with relation to easily identifiable landmarks such as those found on accompanying maps.
- 7.6. Appropriate referencing of all image and data sources, with a clear indication of the date of when the information was obtained.
- 7.7. Final Submission - shall include the following at a minimum:
 - 1 colour hard copies.
 - 1 digital copy in .pdf format and unprotected.
 - Maps should be printed on 8-1/2 x 11 or 11 x 17” paper as appropriate and to scale.
 - Where available, digital copies of supporting information should be provided in a format compatible with the ESRI platform (shapefiles) in NAD83 UTM Zone 11.

8. Incomplete or Deficient Assessments

If it is determined by the Director, Land Use Management, that an Assessment is incomplete or deficient, the applicant will be notified in writing the nature of deficiencies.

9. Third Party Review

The City of Kelowna reserves the right to seek a third party review of the Assessment submitted. If necessary, the third party reviewer will be a mutually acceptable QP and the cost of the review shared equally among the applicant and municipality.

APPENDIX B - POTENTIAL FUTURE TRANSPORTATION NETWORK

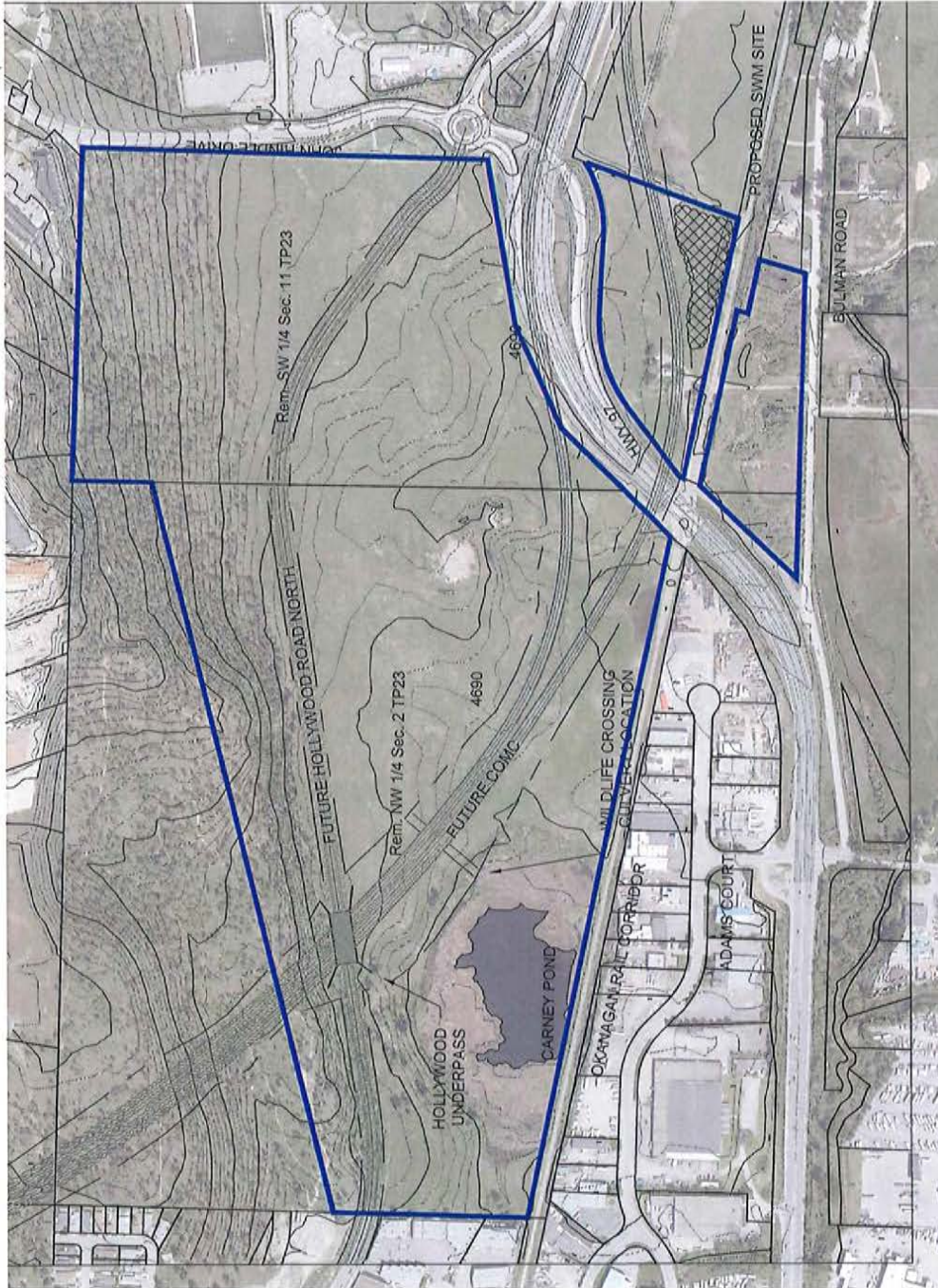


FIGURE No. B-1
CITY OF KELOWNA
FUTURE TRANSPORTATION NETWORK

AE PROJECT No.	SCALE	
20182664-00	1:5000	
APPROVED DATE	REV	DESCRIPTION
2018DEC20	0	ISSUED FOR INFORMATION

FOR INFORMATION ONLY



DATE: 13:20:09 07/27/2018
DRAWN BY: SAJ/STP
CHECKED BY: SAJ/STP
SCALE: 1:5000
PROJECT: 20182664-00

APPENDIX C - SOIL FERTILITY

PSAI

December 2, 2019

Associated Environmental

②

Sample	pH	Est E.C. mmhos cm	Lime Rqmt lbs 1000 sq ft	Total O.M. %	Total N %	C/N	Bray Avall P ppm	Avall K ppm	Avall Ca ppm	Avall Mg ppm	Avall Na ppm	Avall Cu ppm	Avall Zn ppm	Avall Fe ppm	Avall Mn ppm	Avall B ppm
Serwa SCL	7.5	0.44		6.9	0.24	16.7	60	1050	3350	525	39	0.2	5.5	3.5	85	0.2
Serwa SC/CL	6.8	0.18		3.0	0.10	17.4	23	360	1050	205	12	1.4	2.4	12	75	0.1

Nutrient Legend VL= Very Low L= Low M= Moderate (✓) = Adequate SH= Slightly High H= High
Unit # 5 - 11720 Voyager Way, Richmond, B. C. V8X 3G9 604-273-8226

Agricultural Advisory Committee Minutes

Date: Thursday, July 9, 2020
Time: 6:00 pm
Location: Council Chamber
City Hall, 1435 Water Street

Committee Members Present: John Janmatt (Chair), Keith Duhaime, Yvonne Herbison (Vice Chair), Domenic Rampone, Pete Spencer (Alternate), Jeff Ricketts (Alternate), Kevin Daniels (Alternate)

Committee Members Absent: Avi Gill, Aura Rose, Derek Brown (Alternate), Jill Worboys,

Staff Present: Planner Specialist, Alex Kondor; Legislative Coordinator (Confidential), Clint McKenzie, Utility Services Manager, Kevin Van Vliet

1. Call to Order

The Chair called the meeting to order at 6:09 p.m.

Opening remarks by the Chair regarding conduct of the meeting were read.

2. Minutes

Moved by Domenic Rampone/Seconded by Keith Duhaime

THAT the Minutes of the February 13, 2020 Agricultural Advisory Committee meeting be adopted.

Carried

3. Applications for Consideration

3.1 2021 Agricultural Water Rates

Staff provided a PowerPoint presentation outlining the proposed water rates for agriculture in 2021.

- Provided an overview of Council Direction.
- Provided an overview of some of the main drivers regarding the water utility rate.
- 25% increase being proposed from \$96.30 to \$120 per acre for Farm Agricultural Rate.
- Reviewed revenues generated from farms.
- Reviewed the overall allotment rates (rates per cubic metre)

- Reviewed the meter renewal and leak detection technology. Will be valuable for agricultural users. Staff responded to questions from the Committee.

Moved by Jeff Ricketts seconded by Yvonne Herbison

THAT after consultation with staff the ACC supports the proposed agricultural water rate of \$120 acre;

AND THAT This rate should be implemented progressively over three years starting in 2021.

Carried

4. New Business

ALC decisions were reviewed by staff since meeting in February 2020.

5. Next Meeting

The next Committee meeting has been scheduled for August 13, 2020.

6. Termination of Meeting

The Chair declared the meeting terminated at 7:40pm.

DRAFT

Chair