

REPORT TO COUNCIL



Date: March 26, 2018

RIM No. 1210-21

To: City Manager

From: Community Planning Department (LB)

Application: A17-0011 **Owner:** Lawrence Neid

Address: 3060 Pooley Road **Applicant:** City of Kelowna

Subject: ALR Application

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Agricultural Land Reserve Appeal No. A17-0011 for Lot 2 Section 15 Township 26 ODYD Plan 6585, located at 3060 Pooley Road, Kelowna, BC for a non-farm use of agricultural land in the Agricultural Land Reserve pursuant to Section 20(3) of the *Agricultural Land Commission Act*, be supported by Council;

AND THAT Agricultural Land Reserve Appeal No. A17-0011 for Lot 2 Section 15 Township 26 ODYD Plan 6585, located at 3060 Pooley Road, Kelowna, BC for a subdivision of agricultural land in the Agricultural Land Reserve pursuant to Section 21(2) of the *Agricultural Land Commission Act*, be supported by Council;

AND THAT Council directs Staff to forward the subject application to the Agricultural Land Commission for consideration.

2.0 Purpose

To consider an application for a non-farm use for a water reservoir and pump station, and for subdivision in the Agricultural Land Reserve.

3.0 Community Planning

Staff support the request for a non-farm use and subdivision of the subject property to facilitate a water reservoir and pump station facility as part of Phase 1 of the City's Integrated Water Supply Plan. City policies generally protect agricultural land and only support non-farm uses and subdivision on agricultural land where a benefit to agriculture can be demonstrated. The project as a whole benefits agricultural interests by separating agricultural and domestic water infrastructure in South East Kelowna, and the specific site limits impacts on agricultural land. Site development and grading may improve the productive capability of the existing farm.

The Agricultural Land Use Inventory identifies the portion of the property proposed for the reservoir as having limited potential for farming due to site limitations. The site has steep slopes and was previously used for gravel extraction. It is the most appropriate site for the reservoir based on site context, location, elevation, and connection to the broader infrastructure. The reservoir will not negatively impact adjacent farm operations, including those on the subject property.

The site will be used as a water reservoir and pump station in the long term and the proposed 0.5 ha lot includes sufficient space for the reservoir, parking and access without impacting any land that is currently farmed. The remaining 3.6 ha includes the existing orchards and house on the higher portion of the property.

Improvements to agricultural land may be achieved through placement of clean fill generated from the project, providing additional planting area and better access to the existing orchard. Furthermore, reducing the grade of the slope below the farmed land will allow farming activities to extend closer to the slope without the risk of erosion.

Process

Should Council choose to support the application, it would be sent to the Agricultural Land Commission (ALC) for consideration. If the ALC decides to allow the non-farm use and subdivision, the non-farm use could proceed under the existing A1 – Agriculture 1 zone as a utility services, minor impact use. Once the final design is determined, a Development Variance Permit may be required to address non-compliant development regulations (e.g. site coverage, setbacks).

4.0 Proposal

4.1 Background

The City of Kelowna Integrated Water Supply Plan calls for a city-wide integrated water system to: provide drinking water that meets Canadian Drinking Water Quality Standards; achieve the best, lowest cost city-wide solution that provides administrative and operational flexibility; and maintain agricultural interests. Phase 1 of the Plan focuses on separating agricultural and domestic systems in Southeast Kelowna, specifically to:

- Provide treated water from Okanagan Lake to South East Kelowna Irrigation District (SEKID) users on a separate mainline system;
- Supply water to the South Okanagan Mission Irrigation District (SOMID); and
- Complete upgrades to City infrastructure in the South Mission to meet new supply requirements.

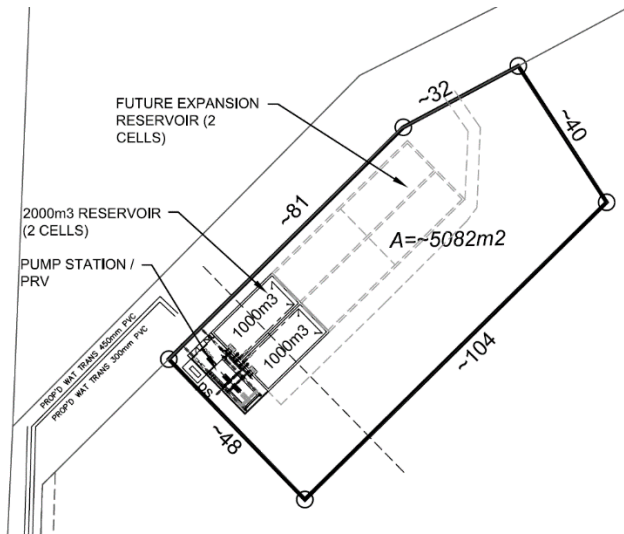
Domestic water will be supplied through a new line connecting to the City's water distribution system from Okanagan Lake, while agricultural water in the SEKID area will continue to be supplied from Hydraulic Creek. The provincial and federal governments approved a grant for \$43.9 million for Phase 1, which is expected to be complete by January 2020.

The project involves substantial infrastructure requirements, including upgrades to existing infrastructure and significant new infrastructure, such as pump stations, expansion of reservoir capacity, and water distribution mains.

4.2 Project Description

The subject property has been identified as the location of the Dall Road reservoir and pump station – infrastructure that is necessary in this location as part of the larger infrastructure plan. The reservoir would

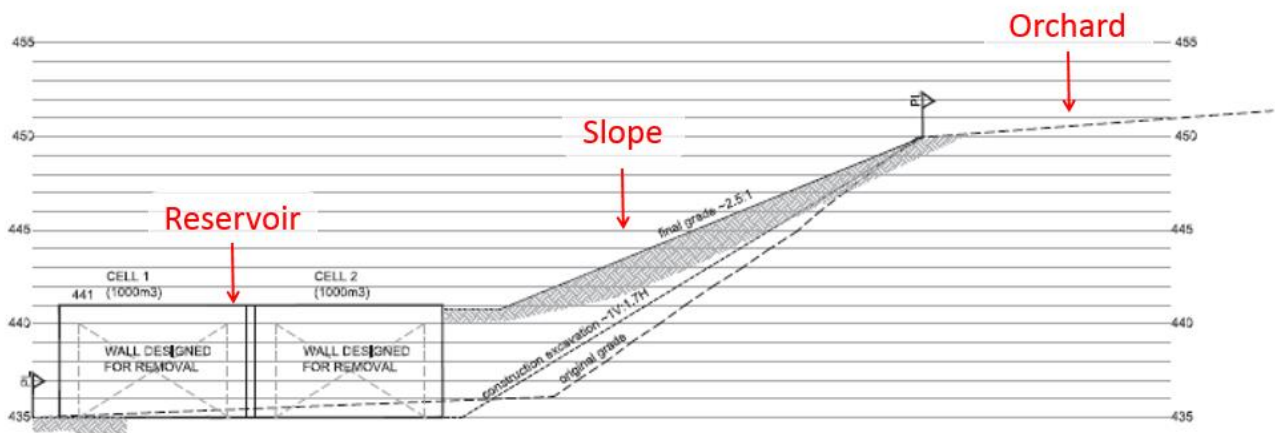
be designed to meet City of Kelowna bylaw standards, with two reservoir cells and a pump station initially and future capacity to add more reservoir cells. The cells would be 5 m to 7 m in height, with a footprint of 277 m² to 387 m² for the two cells.



For administrative and operations purposes, the City is proposing subdivision of the property to create a separate lot for the reservoir area. The proposed lot is 0.5 ha in area to allow sufficient space for maintenance and reservoir expansion, with the remaining 3.6 ha for the existing farming operations.

The proposed water reservoir is considered utility services, minor impact under the Zoning Bylaw, which is a permitted use in the A1 – Agriculture 1 zone. The Agricultural Land Reserve Use, Subdivision and Procedure Regulation (B.C. Reg. 171/2002) allows water lines within dedicated right-of-ways as a permitted non-farm use; however, a water reservoir requires a specific non-farm use application.

The Water Project team is investigating the potential for using excess clean fill generated from the project to fill a portion of a gully on the property. The gully currently creates a divide between orchard rows, and filling would create additional planting area and improve access to the orchard. The project team's Professional Agrologist would provide further recommendations on soil placement prior to construction. The previous gravel extraction operation created a very steep slope where the reservoir is proposed. The reservoir will act as a retaining wall, reducing the grade of the slope below the existing orchard. The slope will be revegetated to improve stability and reduce the spread of noxious weeds.



4.3 Site Context

The subject property is zoned A₁ – Agriculture 1, has a Future Land Use designation of REP – Resource Protection Area and is within the Agricultural Land Reserve. The property lies outside of the Permanent Growth Boundary.

The 4.1 ha (10.1 ac) site has a significant slope across the north and western portions, which is identified in the Agricultural Land Use Inventory as having limited potential for farming due to site limitations. The reservoir is proposed in the northern portion of the property at the bottom of the steep slope in an area previously used as a gravel pit. The site was not reclaimed or improved since operations ended several decades ago. The plateau in the southeast area is currently planted with an orchard, and a single family dwelling is at the top of the slope, adjacent to the orchard.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A ₁ – Agriculture 1	Agriculture
East	A ₁ – Agriculture 1	Agriculture / Rural Residential
South	A ₁ – Agriculture 1	Agriculture / Rural Residential
West	A ₁ – Agriculture 1	Agriculture

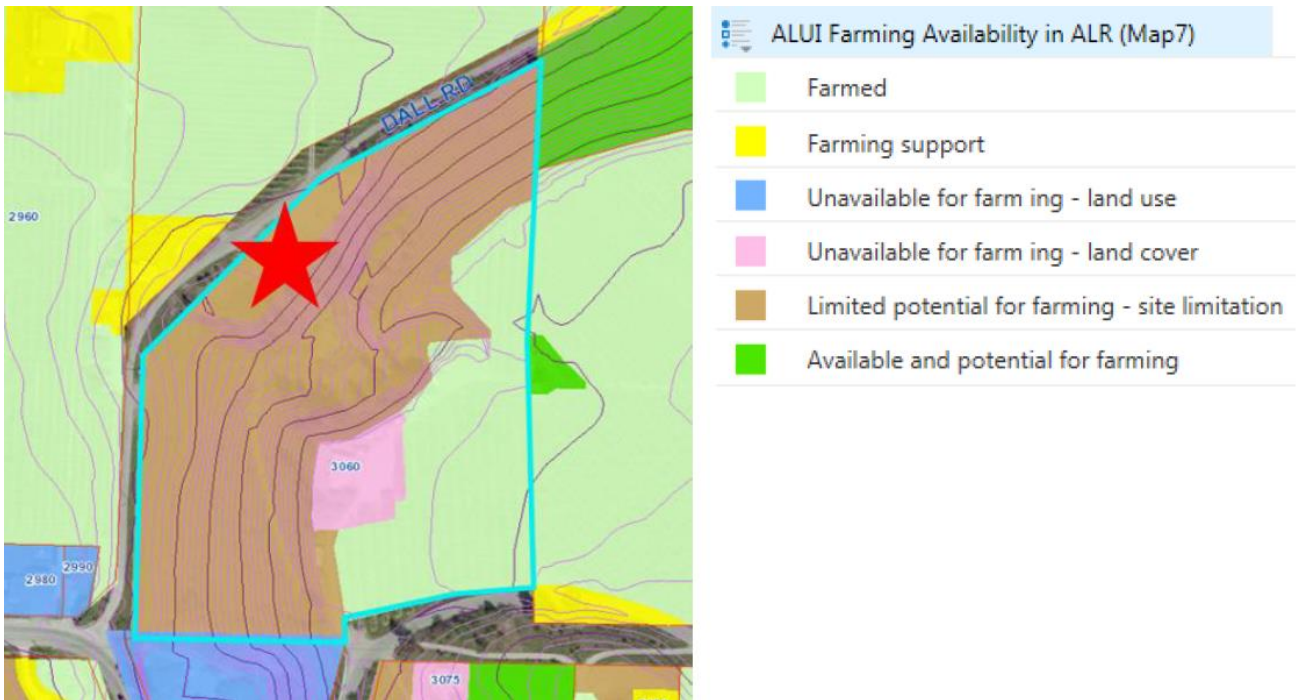
Map 1: Subject Property & Surrounding Neighbourhood



Map 2: Agricultural Land Reserve



Map 3: Agricultural Land Use Inventory Farming Availability & Site Topography



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 4: Future Land Use

Resource Protection Area (REP)

Rural land preserved for agricultural, environmental and recreational purposes, including the ALR, other resource lands with environmental value and protected natural open spaces, including private open space, steeply sloped lands, Natural Environment/Hazardous Condition DP Areas, and other natural features such as watercourses, water bodies, wetlands, plant and wildlife habitat, and significant aesthetic value. Allowable uses would be agriculture / resource use including farming, forestry, wood lots and silviculture as well as public or private open space on lands considered environmentally sensitive or hazardous (steep slopes). 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. Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization.

Chapter 5: Development Process

Objective 5.33 Protect and enhance local agriculture.

Policy 5.33.1 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 5.33.6 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.

Policy 5.33.7 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.

Chapter 7: Infrastructure

Objective 7.20 Ensure an adequate supply of high quality water.

Policy 7.20.1 Water Availability for Agriculture. Work with stakeholders to ensure the continued delivery of sufficient quantities of water as per best practices for water conservation to ensure continued agricultural productivity.

5.2 Agriculture Plan (2017)

Theme 1: Strengthening Local Policies and Actions to Protect Agriculture

Action 1.1c: Restrict non-farm uses that do not directly benefit agriculture.

6.o Application Chronology

Date of Application Received: October 19, 2017

Agricultural Advisory Committee January 25, 2018

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on January 25, 2018 and the following recommendations were passed:

THAT the Agricultural Advisory Committee recommends that Council support Agricultural Land Reserve Application No. A17-0011 for the property located at 3060 Pooley Road to request permission from the Agricultural Land Commission under Section 20(3) of the *Agricultural Land Commission Act* for a non-farm use to construct a water reservoir on a portion of the subject property.

THAT the Agricultural Advisory Committee recommends that Council support Agricultural Land Reserve Application No. A17-0011 for the property located at 3060 Pooley Road to request permission from the Agricultural Land Commission under Section 21(2) of the *Agricultural Land Commission Act* for the subdivision of the portion of property for the water reservoir.

Anecdotal Comments:

The Agricultural Advisory Committee recommended that Council support the application as the Committee felt that non-farm use was acceptable and as part of the City's Integrated Water Supply Plan. The Committee also recommended that the City examine options to increase the agricultural capability of the surrounding property.

Prepared by: Laura Bentley, Planner Specialist

Reviewed by: Ryan Smith, Community Planning Department Manager

Approved for Inclusion: Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Attachment A: Site Plan & Concept Facility Plan

Attachment B: Phase 1 Map

Attachment C: Site Photos