

REPORT TO COUNCIL



Date: October 1, 2018

RIM No. 1210-21

To: City Manager

From: Community Planning Department (LB)

Application: A17-0011 **Owner:** Michael 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, as amended, 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, as amended, 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 FURTHER THAT Council directs Staff to forward the amended subject application to the Agricultural Land Commission for consideration.

2.0 Purpose

To consider an amended 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. This use may also offer an opportunity to increase farmable land on the property.

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 part of the area was previously used for gravel extraction. The reservoir is not expected to 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 0.63 ha lot includes sufficient space for the reservoir, parking and access without impacting any land that is currently farmed. The remaining 3.47 ha includes the existing orchards and house on the higher portion of the property.

Improvements to agricultural land may be achieved through moving clean fill from the reservoir site to the former gravel extraction site. Some of this material needs to be removed as part of the reservoir construction and the site re-graded to ensure the existing orchard is maintained. The property owner is interested in improving and grading the land to create additional farmable area, and an Agrologist has been involved to review the proposed site changes.

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

Council originally considered and supported the proposed non-farm use and subdivision under A17-0011 on March 26, 2018 and the application was forwarded to the ALC. The previous property owner passed away while the property agreements were being discussed, and the family member who inherited the property is interested in restoring a portion of the former gravel pit back to agricultural use. This is in the location where the reservoir was originally proposed. Staff worked with the new property owner to identify a reservoir location that both meets the City's infrastructure needs and allows for part of the site to be reclaimed for farming.

4.2 Project Description

The subject property was identified as the location of the Dall Road reservoir and pump station – infrastructure that is necessary in this location as part of the larger plan for Phase 1 of the Integrated Water Supply Plan. The reservoir would be designed to meet City of Kelowna bylaw standards, with a single cell concrete structure constructed in Phase 1. The design and property will make provision for future capacity to add more reservoir cells and a pump station. The Phase 1 reservoir will be 5 m to 7 m in height, with a footprint of approximately 230 m². Future expansion would allow for an additional 1,000 m² of pump station and reservoir footprint. Expansion would be driven by increased water demands and infrastructure needs.

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 0.63 ha in area to allow sufficient space for

maintenance and future reservoir expansion, with the remaining 3.47 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 intent is to use excess clean fill generated from the project to restore a portion of the former gravel extraction operation in the northern part of the property, west of the reservoir location. The project team’s Professional Agrologist would provide further recommendations on soil placement prior to construction to best support the addition of viable farm land. The cut and fill slopes on the reservoir site 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 northeast portion of the property and would be built into the base of the slope. The area immediately to the west was used for gravel extraction and 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.

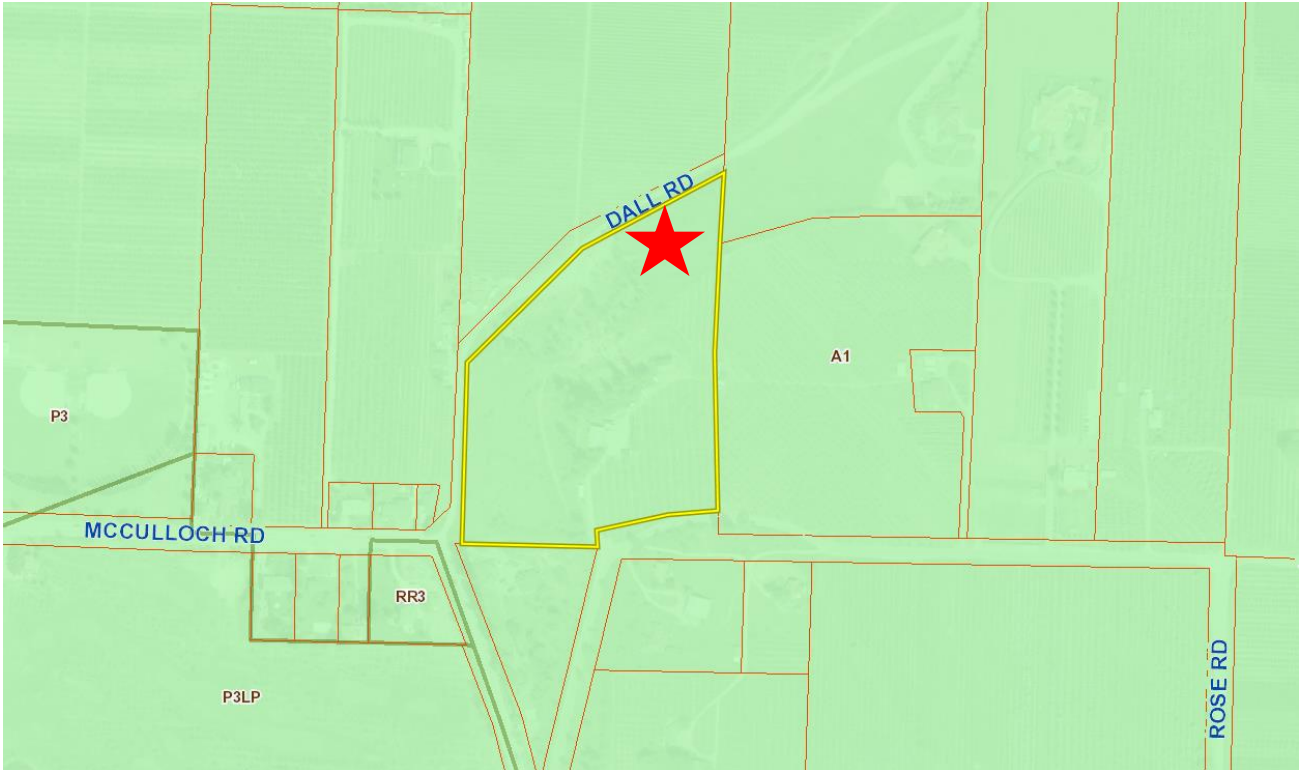
Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Agriculture
East	A1 – Agriculture 1	Agriculture / Rural Residential
South	A1 – Agriculture 1	Agriculture / Rural Residential
West	A1 – Agriculture 1	Agriculture

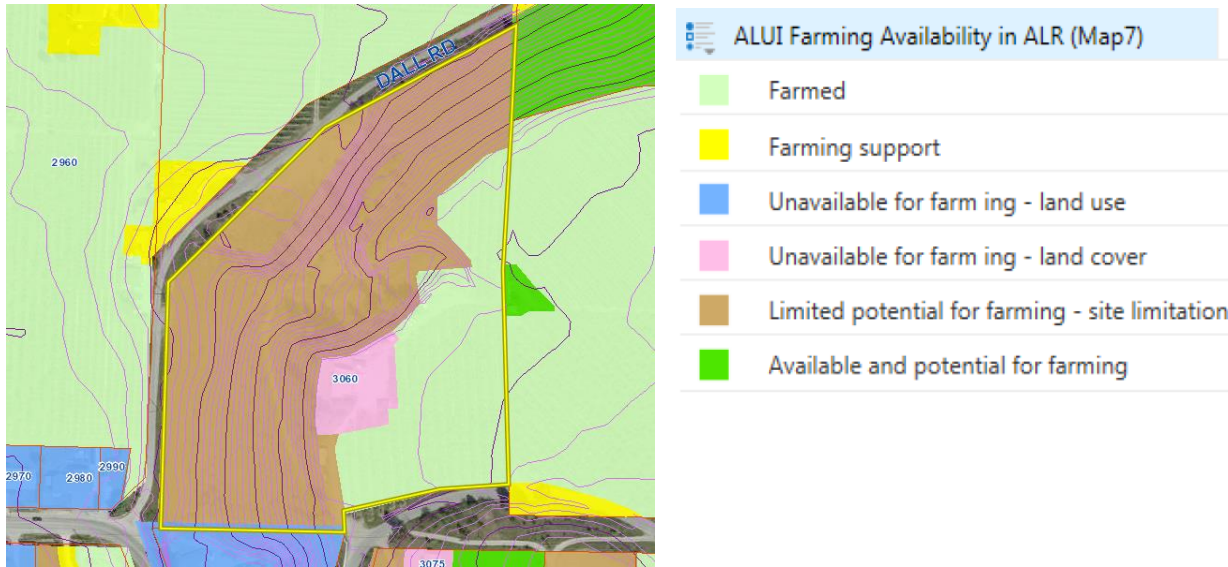
Map 1: Subject Property & Surrounding Neighbourhood



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.

Note: *The Agricultural Advisory Committee's consideration and recommendation was based on the original design, which showed the reservoir and subdivision to the west of the amended proposal. Due to timing constraints, the application was not directed back to the Agricultural Advisory Committee for further consideration.*

Council Consideration: March 26, 2018

Prepared by: Laura Bentley, Community Planning Supervisor

Reviewed by: Ryan Smith, Community Planning Department Manager

Approved for Inclusion: Derek Edstrom, Acting Divisional Director, Community Planning & Strategic Investments

Attachments:

Attachment A: Site Plan & Concept Facility Plan