

REPORT TO COUNCIL



Date: January 7, 2019

RIM No. 1210-10

To: City Manager

From: Community Planning Department (SS)

Application: A18-0013 **Owner:** University of British Columbia

Address: 2770 John Hindle Drive **Applicant:** A.Riley, Associate Director,
Campus Planning

Subject: Application to the ALC for Non-Farm Use in the ALR for the Placement of Fill

Existing OCP Designation: Resource Protection Area

Existing Zone: A1 - Agriculture

1.0 Recommendation

THAT Agricultural Land Reserve Appeal No. A18-0013 for Part of Lot 1 Section 10 TWP 23 ODYD Plan EPP60261, located at 2770 John Hindle Drive, Kelowna, for a Non-Farm Use in the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act, be supported by Council.

2.0 Purpose

To consider a Non-Farm Use application to place up to 412 cubic metres of fill on the property and to construct a greenhouse, under Section 20(3) of the Agricultural Land Commission Act.

3.0 Community Planning

Staff supports the application as proposed. The application proposes to place up to 412 cubic metres of fill, with the intent of constructing a greenhouse, on the property, which is in the Agricultural Land Reserve (ALR). Propagation and growth of plants in the greenhouse will support research that will take place on the main UBC Okanagan campus (outside of the ALR), and this work is expected to further advancement in BC's agricultural industry.

A greenhouse is a permitted use in the A1 – Agriculture 1 zone. The purpose of the placement of fill is to facilitate the proposed location for the greenhouse within the sloped area along the parcel's eastern boundary and the location was selected to minimize the impact on agriculture. The existing alfalfa production on the majority of the property will not be impacted by the placement of fill.

Should the Agricultural Land Commission (ALC) approve the Non-Farm Use, the applicant will be required to attain a Soil Permit from the City of Kelowna prior to placing fill on the property.

4.0 Proposal

4.1 Background

The subject property was purchased by the owner in 2010. The property was subsequently subdivided in 2016 as a result of the road dedication required for the extension of John Hindle Drive through the original parcel. Of the 37-hectare parcel approximately 26.2 hectares is farmed for alfalfa. Currently there are no existing structures on the site. The site area for the proposed greenhouse and outdoor growing space is not currently used for agricultural purposes.

The *Agricultural Land Commission Act*, Agricultural Land Reserve Use, Subdivision and Procedure Regulation (ALR Regulation) and ALC Bylaw No. 2 – Placement of Fill in the Agricultural Land Reserve define the legislation, procedures and thresholds for a non-farm use as it relates to placement of fill in the ALR, and it was determined this proposal requires a Non-Farm Use approval to proceed.

4.2 Project Description

The greenhouse proposal includes a 475 sq. m. greenhouse building, with a fenced outdoor growing area of 256 sq. m. as shown on the Attachment C – Site Plan. Additional outdoor growing activities will access part of the undisturbed native lands. Access to the greenhouse will be from the main UBC Okanagan campus to the east via an extension of a driveway from the Upper Campus Health Building. The proposed greenhouse design anticipates two possible future glasshouse additions, which could enable a further indoor growing area of 731 sq. m.

The greenhouse will be used for propagation and growth of research plants, and will not include any uses that would not be consistent with normal agricultural operations. All research analyses will take place in existing laboratories on the main UBC Okanagan campus. The greenhouse will not be used for classroom, lecture or teaching laboratory, and no scheduled classes or teaching activities will take place at the greenhouse facility. Further, neither the greenhouse nor the outdoor area to be filled will be used for cannabis production or research as this would not be consistent with section 2(2.5) of the ALR Regulation.

4.3 Site Context

The subject property is located in the McKinley, Sector of the City and is within the ALR. The Future Land Use of the property is Resource Protection Area (REP). It is zoned A1 – Agriculture 1 and is outside of the Permanent Growth Boundary. The property slopes downward from the northeast to southwest.

Parcel Size: 37 ha (91.67 acres)

Elevation: 476.0 to 435.0 metres above sea level (masl) (approx.)

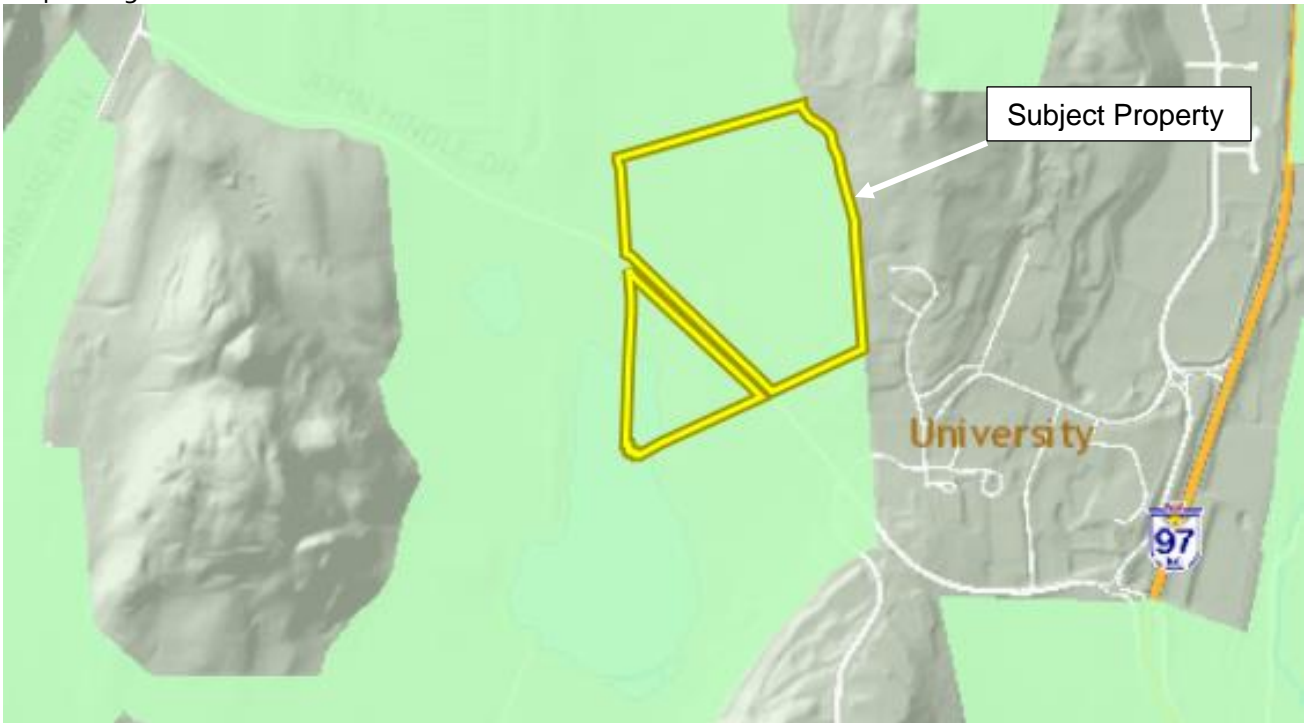
Adjacent land uses are as follows:

Orientation	Zoning	ALR	Land Use
North	A1 - Agricultural	Yes	Agriculture
East	CD20 – Comprehensive University Development Zone	No	Education and Research
South	A1 - Agricultural	Yes	Agriculture / Rural Residential
West	A1 - Agricultural	Yes	Agriculture

Map 1 – Subject Property



Map 2 – Agricultural Land Reserve



5.0 Current Development Policies

5.1 City of Kelowna Agriculture Plan (2017)

The recently adopted Agricultural Plan recommends several bylaw and policy changes meant to address concern over the non-farm use of ALR land. Specifically, the following updates to the Official Community Plan and Development Application Procedure Bylaw updates are recommended by the plan:

1. Restrict non-farm uses that do not directly benefit agriculture. Only support non-farm uses in farm areas that have a direct and ongoing benefit to agriculture or meet essential requirements of municipal government.

5.2 Kelowna Official Community Plan (OCP)

Goals for a Sustainable Future

One of the main goals of the OCP is to: Enable healthy and productive agriculture. Promote healthy and productive agriculture through diverse strategies that protect farmlands and food production.

Agricultural Land Use Policies

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.

Objective 5.33 Protect and enhance local agriculture Policy .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 operation

5.3 Agricultural Land Commission Act (ALCA)

Section 6 Purposes of the Commission

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.

6.0 Technical Comments

Comments from referral agencies and departments are in Attachment A.

7.0 Application Chronology

Date of Application Received: October 29, 2018

Agricultural Advisory Committee n/a

Report prepared by: Sergio Sartori, Development Technician

Reviewed by: Laura Bentley, Community Planning Supervisor

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Technical Circulation Comments

Attachment B: UBCO Letters of Rational

Attachment C: Site Plan & Conceptual Elevations