

REPORT TO COUNCIL



Date: March 25, 2019

RIM No. 1210-10

To: City Manager

From: Community Planning Department (SS)

Application: A19-0002 **Owner:** Coral Beach Farms Ltd., Inc.No. BC0503463

Address: 2450 Joe Riche Rd **Applicant:** Jordan Hettinga, Kent-MacPherson

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

Existing OCP Designation: Resource Protection Area/Park

Existing Zone: A1 - Agriculture

1.0 Recommendation

THAT Agricultural Land Reserve Appeal No. A19-0002 for Part of Lot 7 Sections 18 and 19 TWP 27 ODYD Plan 1991 except (1) Parcel A (Plan A1441) (2) Plan 16599, located at 2450 Joe Riche Rd, 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.

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

2.0 Purpose

To support an application to the Agricultural Land Commission for a Non-Farm Use application for the placement of fill on the property for farm use purposes, under Section 20(3) of the Agricultural Land Commission Act.

3.0 Community Planning

Staff supports the application as proposed. The proposal to place suitable soil on an approximately a 2.5-acre portion of the 25-acre property will restore the land for agriculture to be planted as a cherry orchard. The 2.5-acre reclamation area is a heavily excavated and exhausted gravel pit. The placement of subsoil and topsoil will restore agricultural productivity of the land, encouraging farming and providing significant benefits to local agriculture.

Should the ALC approve the Non-Farm Use application, the applicant will be required to obtain a Soil Permit from the City of Kelowna prior to placing fill on the property.

4.0 Proposal

4.1 Project Description

The property was previously used for grazing and gravel extraction. The proposal includes placement of 41,600 cubic metres of suitable subsoil and topsoil on a 2.5 acre (1 hectare) gravel pit area of the 25 acre (10 hectare) subject property. Fill placement will be approximately 9 m deep at the high end (northeast), 6m deep at the low end (west) and tapering down to match surrounding grade to ensure appropriate drainage over a 4% slope. This will mimic the natural grade and allow farm machinery access. Placing the fill and raising the ground level will eliminate the existing low point where frost settles; therefore, frost will be directed or flow away from the property. A Natural Environment Development Permit will provide ensure environmental protection measures and appropriate grading for the site adjacent to Gopher Creek.

The ultimate plan for the entire property, with the area filled, is to prepare and plant the usable area of approximately 22 acres for a high density cherry orchard. The offsite fill material, considered to be local material, has been sourced from a number of current developments in the general area.

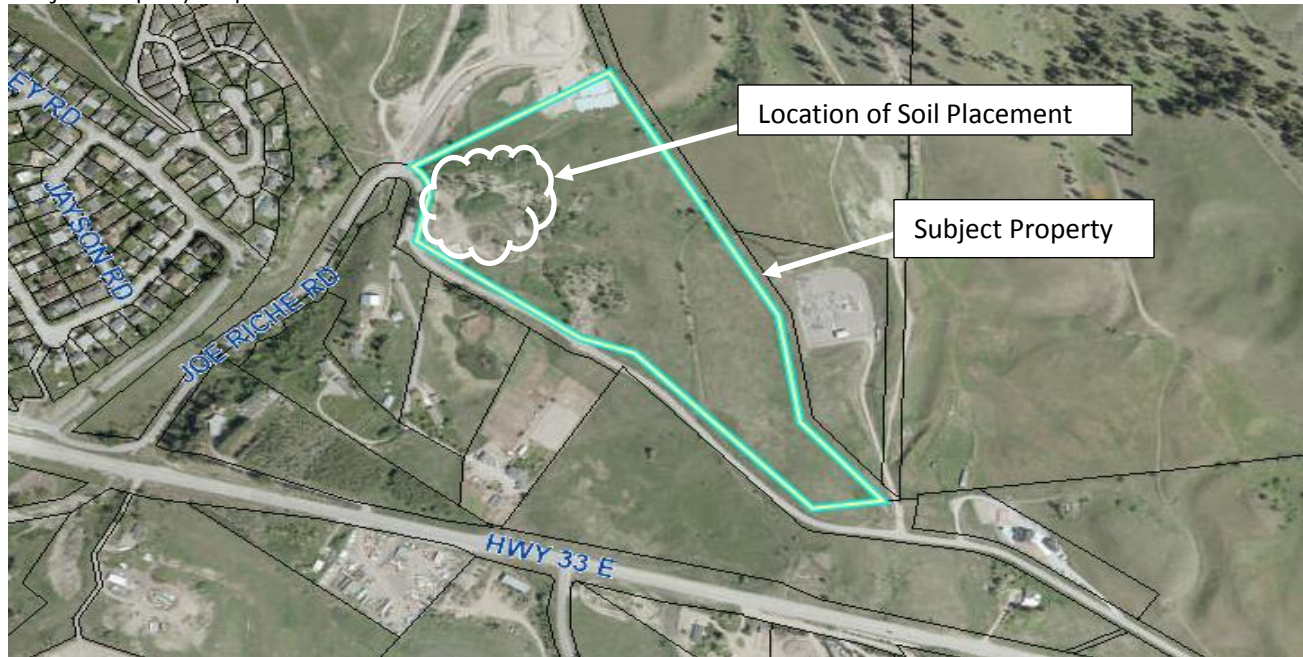
4.2 Site Context

The subject property is located in the Belgo – Black Mountain Sector of the City and is within the ALR. The Future Land Use is Resource Protection Area (REP). It is zoned A1 – Agriculture 1 and outside of the Permanent Growth Boundary. The properties slopes downward from the southeast to the northwest.

Adjacent land uses are as follows:

Orientation	Zoning	ALR	Land Use
North	A1 – Agricultural / P4 – Utilities	Partial	Utility
East	A1 – Agricultural / P4 – Utility	Yes	Agriculture / Utility
South	A1 – Agriculture	Yes	Rural Residential
West	A1 - Agricultural	Yes	Agriculture / Rural Residential

Subject Property Map:



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

6.0 Technical Comments

Comments from referral agencies and departments are in Attachment A.

7.0 Application Chronology

Date of Application Received: February 7, 2019
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: Site Plan