

# 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

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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

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**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:**

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**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

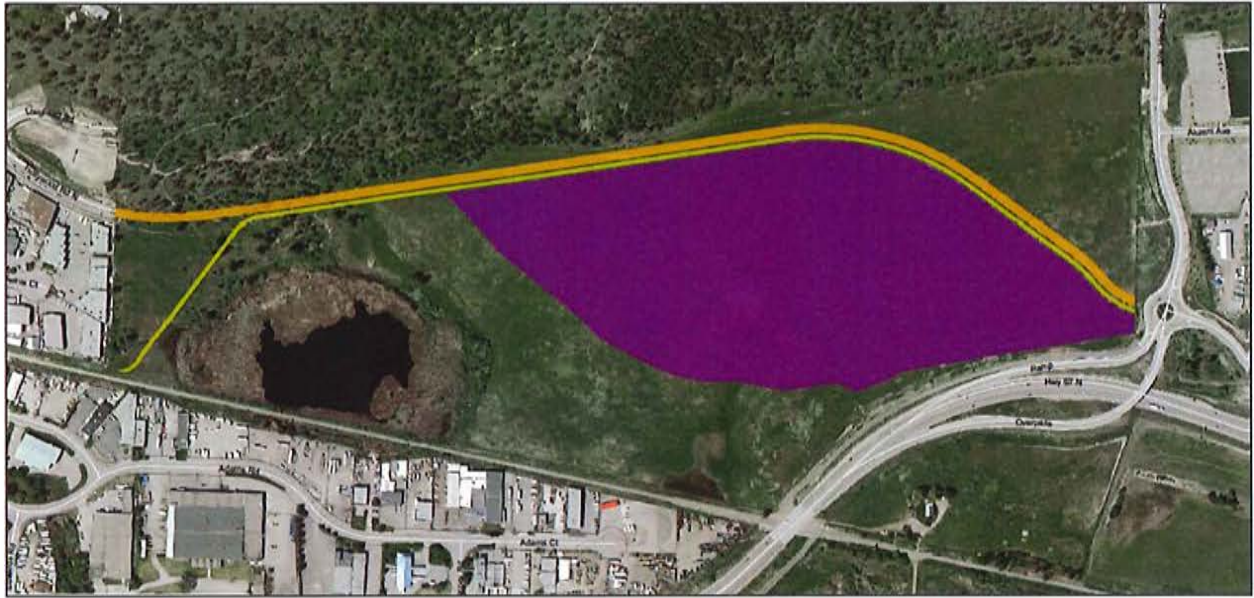
## **ALC Attachments**

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).**

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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.

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 ± 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 ( $\pm 30$  ha with full servicing), Acland Road area ( $\pm 10$  ha readily available to full servicing) and Beaver Lake Road ( $\pm 50$  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,  $\pm 10$  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.

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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.**

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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



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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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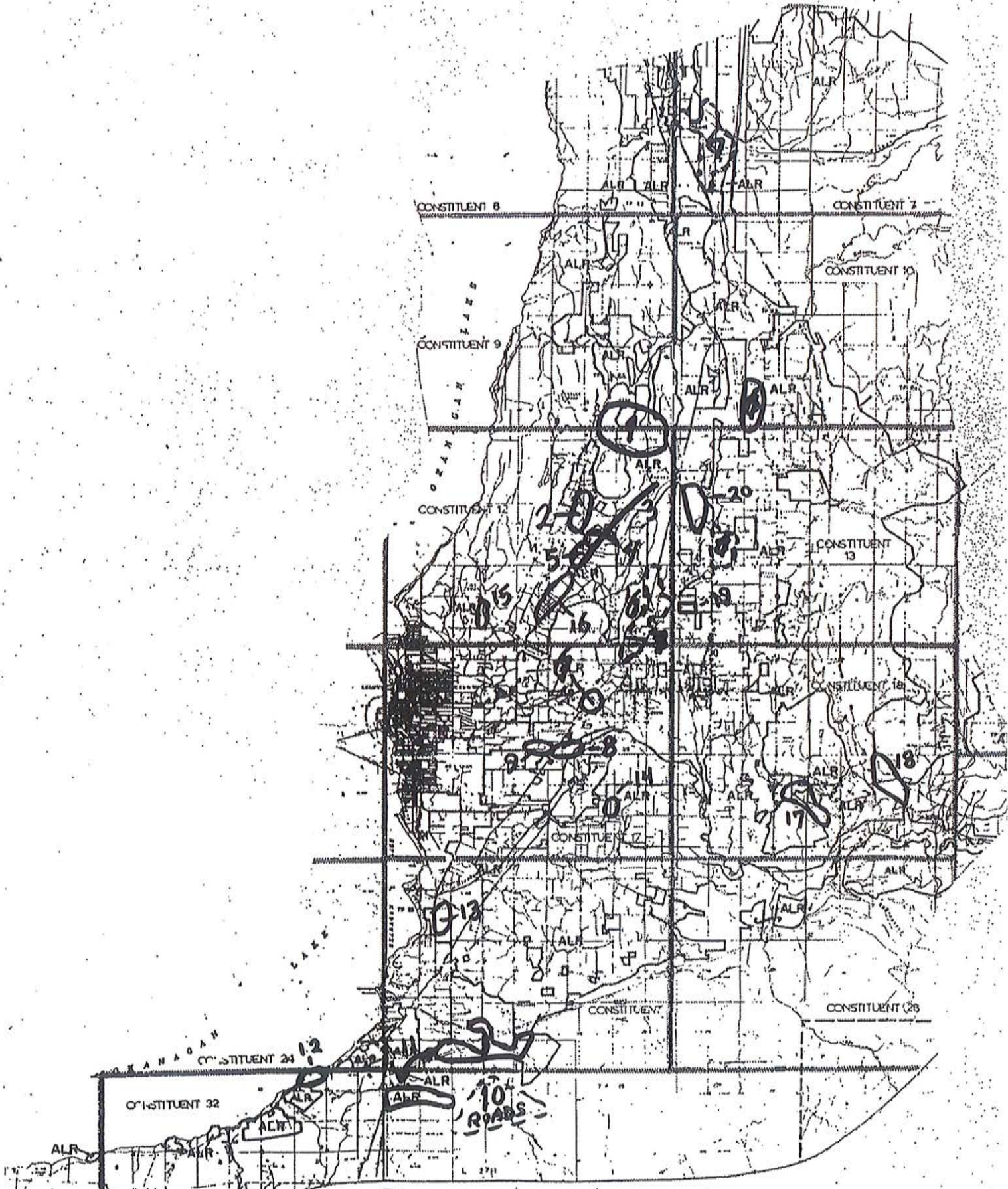
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K. B. Miller, General Manager

TP/lv

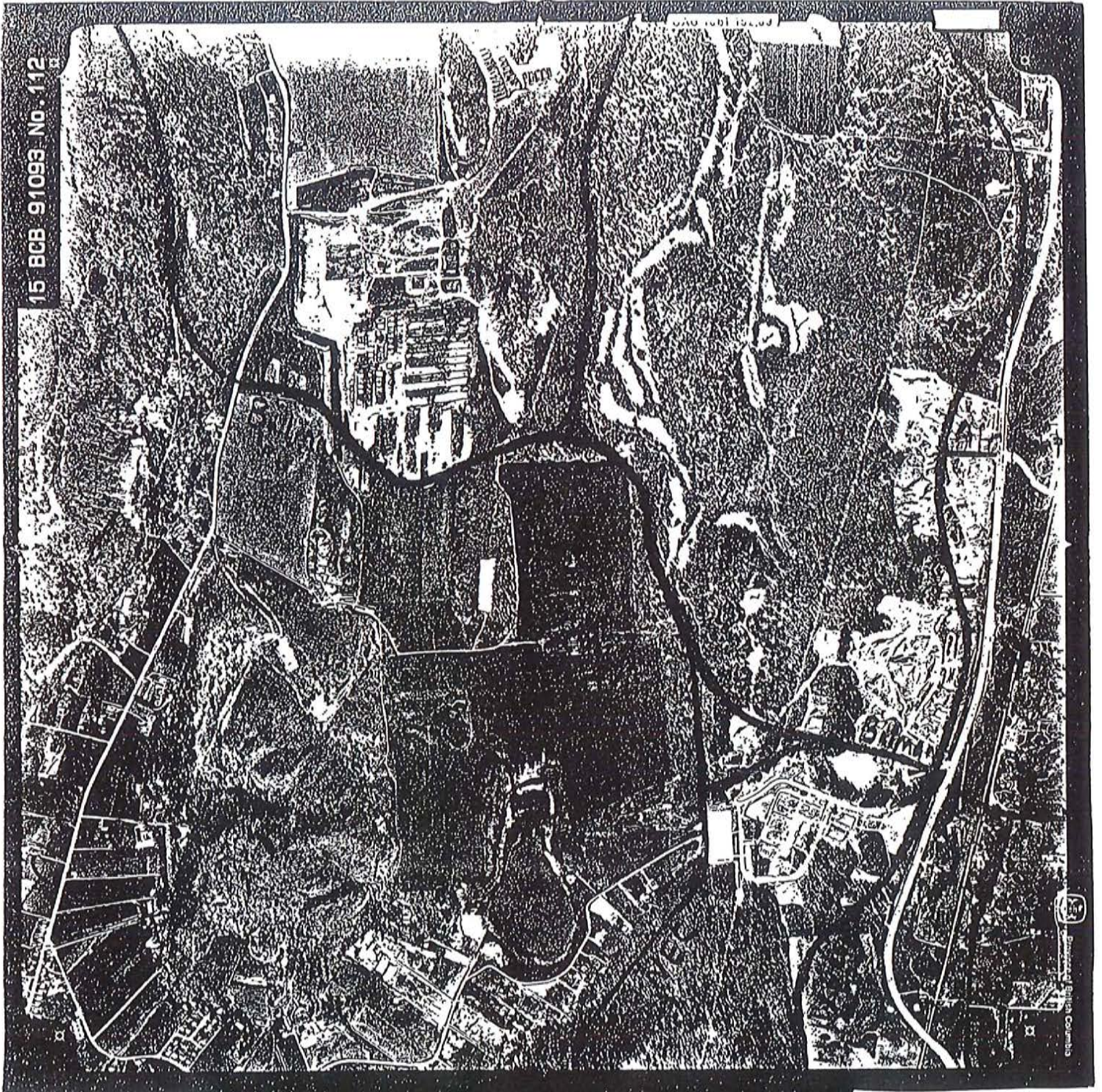
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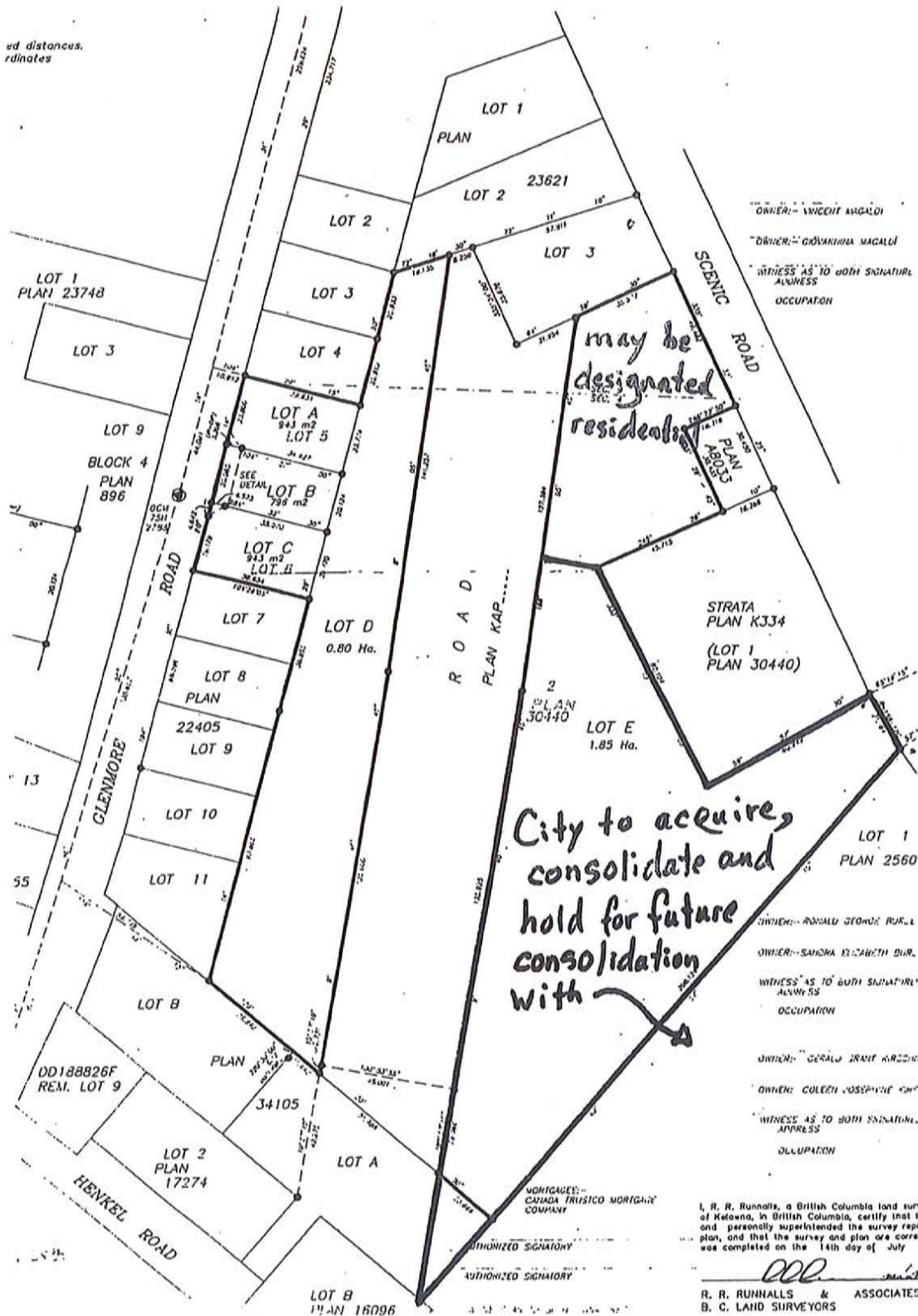
Drawing 1 - Key Map

15 BCB 91093 No. 112

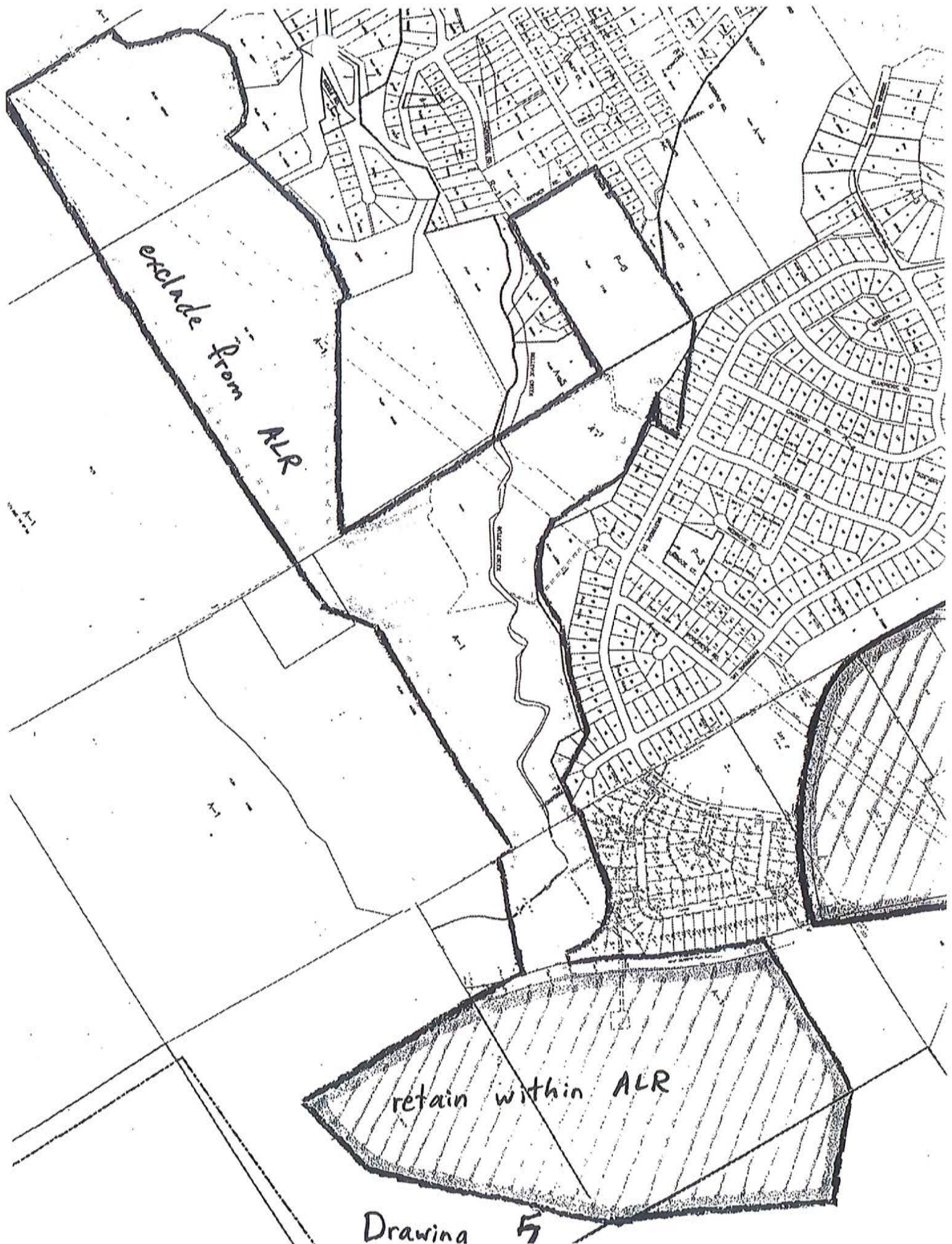


Drawing 2.

# Drawing 3







Drawina 5





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.

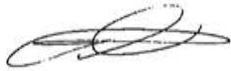
After securing a suitable location for this facility, BC Transit and the local government partners can commence preparing an application for provincial and federal funding under the *Investing in Canada Infrastructure Program* for the construction of this new facility. BC Transit supports the City of 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.



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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