

# COMMITTEE REPORT

Planner  
Initials ak

**Date:** August 13, 2020

**RIM No.** 1210-21

**To:** Agricultural Advisory Committee (AAC)

**From:** Development Planning Department

**Application:** A20-0008 **Owner:** City of Kelowna

**Address:** 4690 Hwy 97N **Applicant:** City of Kelowna

**Subject:** Application to the ALC for "Exclusion"

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## 1.0 Purpose

The applicant is requesting permission from the Agricultural Land Commission for an "Exclusion" under Section 29(1) of the Agricultural Land Commission Act.

## 2.0 Proposal

### 2.1 Site Context

The subject properties are located in the Highway 97 City Sector. The Future Land Use is REP – Resource Protection is zoned A1 – Agriculture, is within the Agricultural Land Reserve however is within the Permanent Growth Boundary (PGB). The properties are a total of 72.8 ha in size with the northern property having a portion hooked across Highway 97 and the Okanagan Rail Trail (ORT). The property does not currently have any agricultural activity.

4690 Highway 97 N:

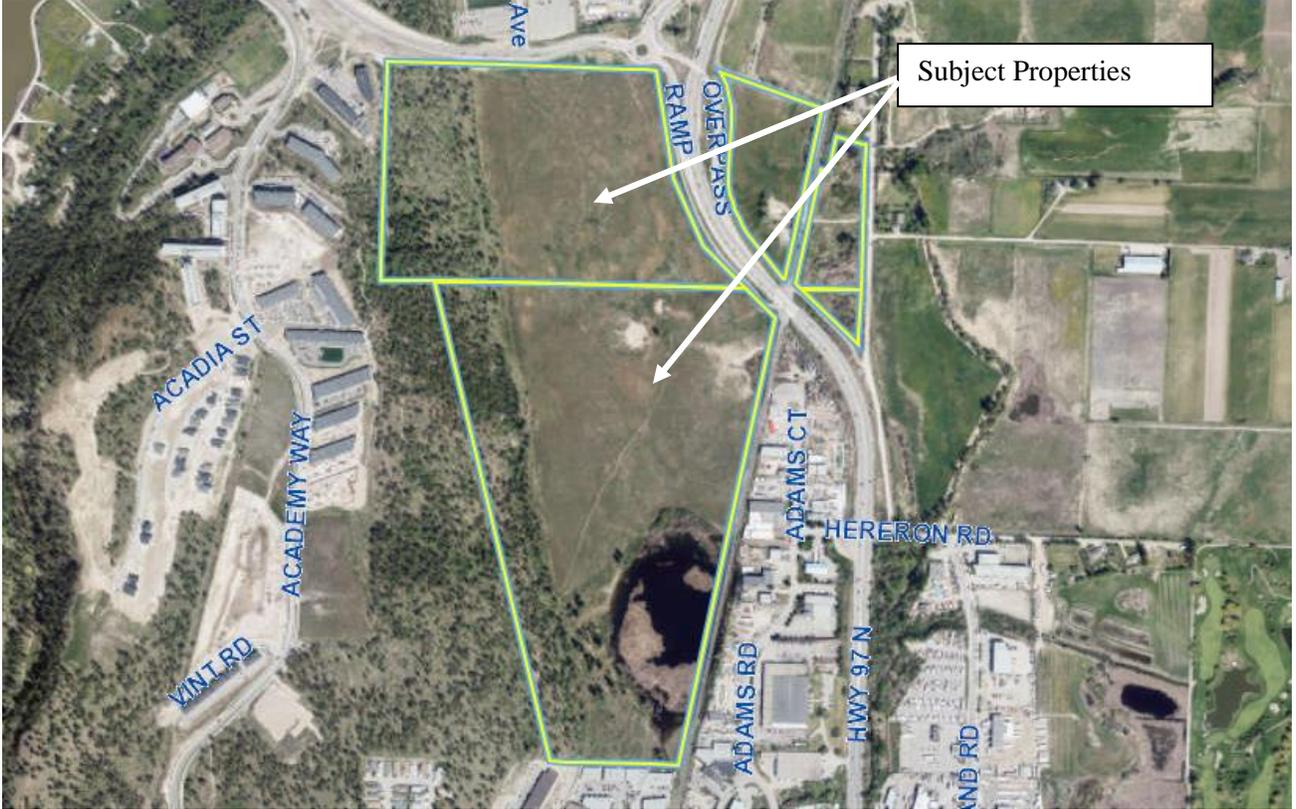
Parcel Size: 72.8 ha (total)  
Elevation: 352.0 to 350.25 metres above sea level (masl) (approx.)

Zoning and land uses adjacent to the property are as follows:

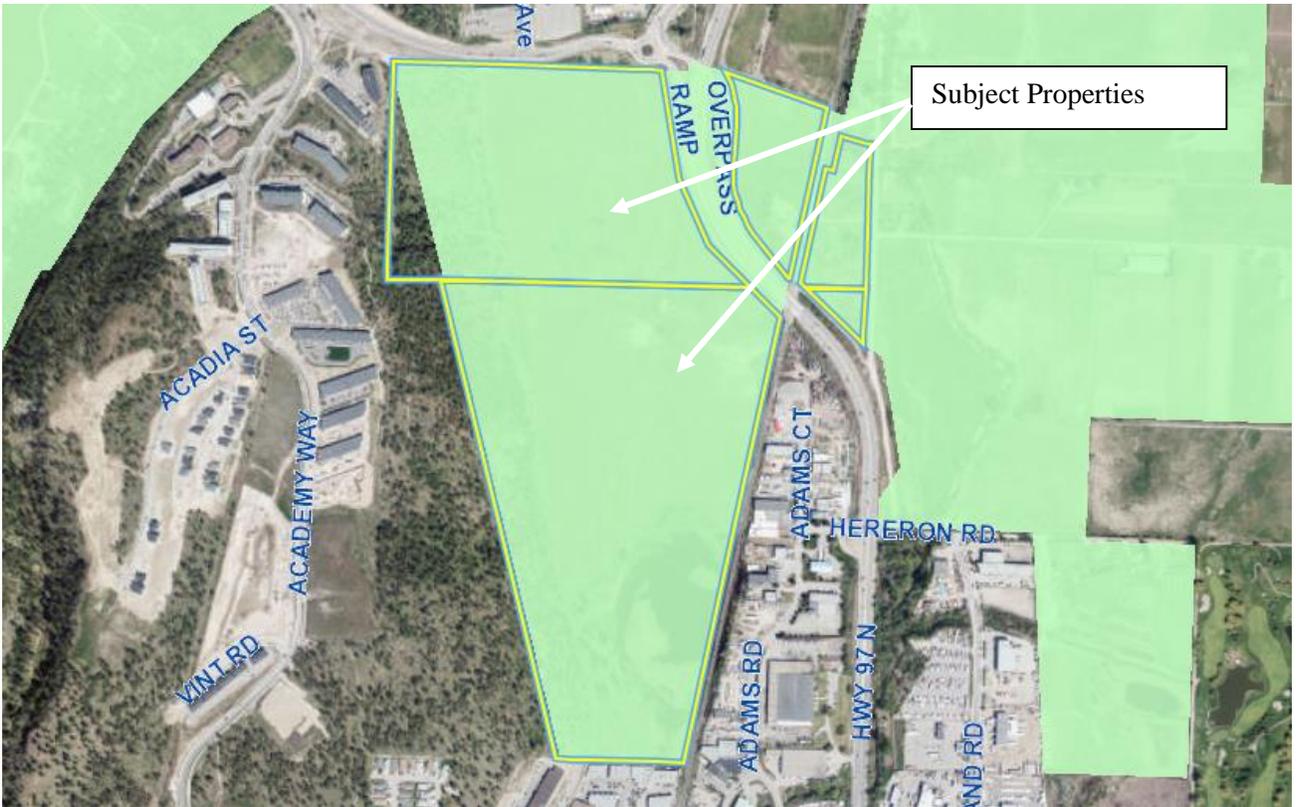
**Table 1: Zoning and Land Use of Adjacent Property**

Orientation	Zoning	Land Use
North	CD20 – Comprehensive University Development Zone	John Hindle Drive/UBCO
East	A1 – Agriculture 1 & I2 – General Industrial	Hwy 97/Agriculture/Industrial
South	I2 – General Industrial	Industrial
West	C3L, RM4, RM5, P3, A1	Commercial/Agriculture/Residential

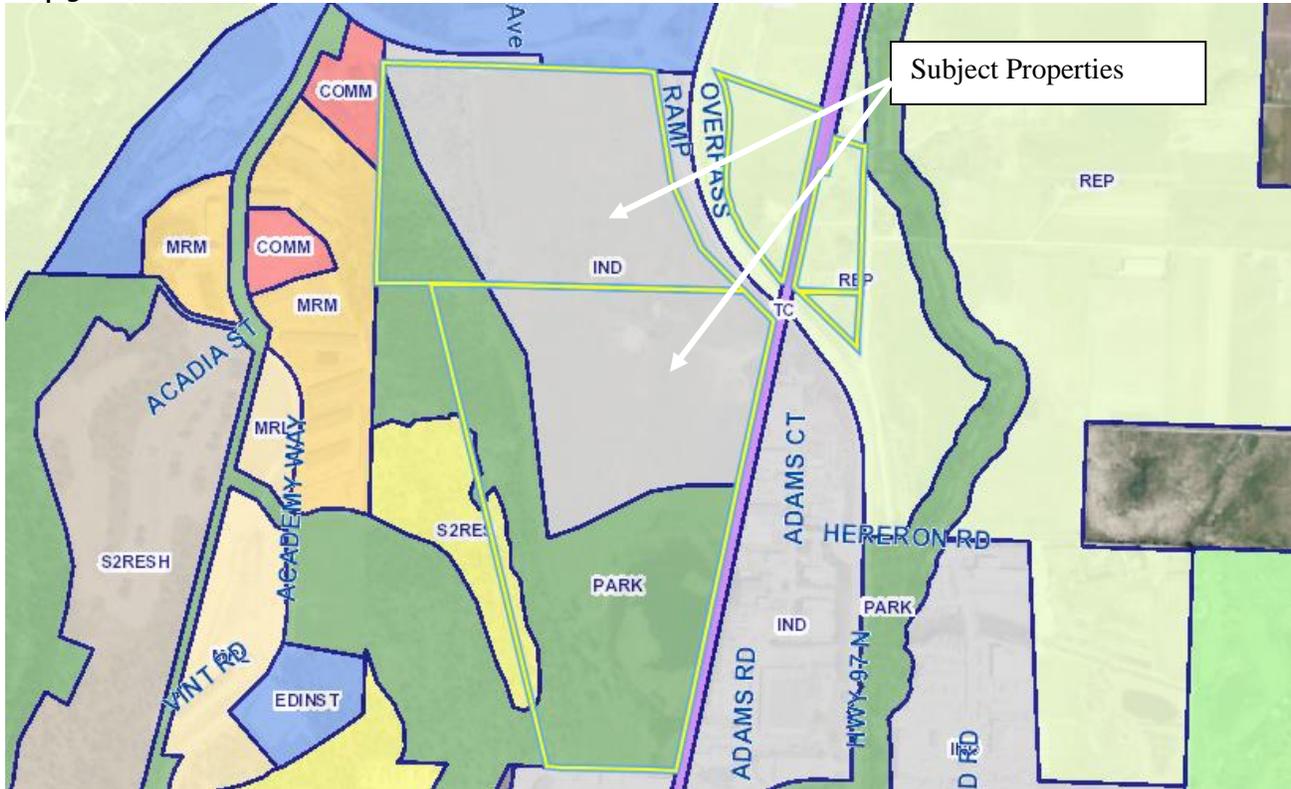
Map 1 - Neighbourhood



Map 2 – Agricultural Land Reserve



### Map 3 – Future Land Use



#### 2.2 Background

The subject properties have been considered for non-agricultural purposes dating back to the University South Area Structure Plan and the City's Official Community Plan (OCP) adopted in 1995. In communication with the ALC a portion of the lands has been identified as challenging for long term agriculture uses and subsequently designated as future industrial. Continued discussions between City and ALC staff have occurred periodically over time which led to the land being purchased by the City in July of 2017.

Carney Pond is also located on the south portion of the property is identified as future park land and is intended on being conserved for environmental considerations. In addition, a portion of the property, which is hooked across Highway 97 and the ORT, has a large wetland area. It is in close proximity to Mill Creek and has significant environmental value.

#### *Public Notification*

For an exclusion application under Section 29(1) of the Agricultural Land Commission Act., public notification is required prior to making a formal application with the ALC. The required public notification was conducted in June and July of 2020 which included posting of signage, advertisements in local newspapers, and direct notification of adjacent landowners. Public input and feedback have been collected and will form part of the application.

## 2.3 Project Description

The proposal is to exclude 16.2 ha of land from the Agricultural Land Reserve for the purposes of a future transportation corridor (Hollywood Road North) and relocation of the BC Transit Regional Transit Facility. The extension of Hollywood Road north is identified as a two lane arterial road in the OCP and is proposed to ultimately connect with John Hindle Drive directly to the north.

### *Regional Transportation*

Public transportation service delivery for the City of Kelowna is provided in partnership with BC Transit, the City and other local governments. The existing transit facility is located on Hardy Road and does not have the necessary land area to increase transit service to meet rising needs of the community. Suitable locations have been explored by City staff, in coordination with BC Transit, both locally and regionally for a number of years. However none have been found which met the criteria or business needs of BC Transit. The subject properties have been identified as a suitable location which could meet the requirements of future transit expansion. Further information and a letter of support from BC Transit is provided and attached as part of this report.

### *Soil and Agricultural Land Capability*

The soil classification within the proposed exclusion area is Wesbank (3D – Improved) and Trout Creek (4WD – Improved). Further detailed soil classification information is provided in the AIA conducted by Associated Engineering, dated February 2020 and attached as part of this report.

## 3.0 Community Planning

The proposed exclusion is reviewed primarily against the OCP's Agricultural Policies, Transportation Policies and recommendations of the City's Agricultural Plan (2017), and secondly against overall city-wide policies and objectives. The proposal is considered to meet a number of the overall policies and objectives of the Transportation Initiatives of the OCP and provide mitigation measures on the impact to loss of agricultural land.

### *Policy Considerations*

General agricultural policies of the OCP are aimed at protection of agricultural land and supporting the ALR. However, the proposed area has been identified for over two decades for industrial development and helps achieve significant transportation objectives and strategic priorities. As identified in Policy 5.33.2, it states that the City of Kelowna will not support ALR exclusion applications to the ALC except in extraordinary circumstances where such exclusions are otherwise consistent with the goals, objectives and other policies of this OCP. Soil capability alone should not be used as justification for exclusion. Staff consider the proposal to meet the criteria of this policy as it has been identified in long range planning initiatives and it ensures efficient and effective transit infrastructure and facilities which is noted in Objectives 7.9 and Policies 7.9.2, 3 and 4 of the OCP.

### *Mitigation Measures*

Even though the proposal is considered to meet the policy threshold for exclusion consideration there is ultimately some impact to agriculture. In 2019 City staff engaged a consultant to complete an Agricultural Impact Assessment (AIA) for the proposal to help determine and quantify those impacts. As part of the assessment mitigation and offset strategies have been outlined to help moderate losses and provide

compensation. The mitigation measures are outlined in detail in the AIA and include topsoil management/salvage, collaboration with the Young Agrarians on other City owned properties to support agriculture and providing improvements on those properties. The City also provides indirect support of agriculture by implementing initiatives such as the 2017 Agricultural Plan through OCP and Zoning changes, as well as ongoing compliance and enforcement on agricultural lands.

**Report prepared by:** Wesley Miles, Planner Specialist  
**Reviewed by:** Dean Strachan, Community Planning & Development Manager  
**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

**Attachments:**

Schedule A – Policies  
Schedule B -Technical Comments  
Agricultural Impact Assessment / Applicant Package