

# REPORT TO COUNCIL



**Date:** March 8, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** A20-0005

**Owner:** Kelowna Christian School,  
Inc.No. S14368

**Address:** 2870 Benvoulin Rd

**Applicant:** Kent-Macpherson

**Subject:** Non-Farm Use Application

**Existing OCP Designation:** EDINST – Educational / Major Institutional

**Existing Zone:** P2 – Education and Minor Institutional

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## 1.0 Recommendation

THAT Agricultural Land Reserve Appeal No. A20-0005 for Lot 1 District Lot 130 ODYD Plan KAP59724 located at 2870 Benvoulin Road, Kelowna, BC 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 to permit the construction of an addition onto the existing school.

## 3.0 Development Planning

Development Planning Staff support the proposed Non-Farm Use application for the addition to the existing school. The proposal meets the intent of the Zoning Bylaw and the Official Community Plan, and Staff do not anticipate any negative impacts to the neighbouring agricultural properties. The existing municipal infrastructure can support the increased the expansion, as well as the increased number of students. As Kelowna continues to grow, schools are required to keep up with the demand and this addition will give the school the ability to adequately house all students.

Should the application be supported by Council and approved by the ALC, the applicant will be required to apply for a Development Permit, which would address the form and character of the addition, as well as parking, landscaping and all relevant bylaws.

## 4.0 Proposal

### 4.1 Background

The subject property is a 7.49 acres (3.03ha) property located on Benvoulin Road, near the intersection with KLO Road. The Kelowna Christian School currently operates on the subject property. In 1988, Council supported an application for a non-farm use that was subsequently approved by the Agricultural Land Commission. Following the decision, the property went through Rezoning Application from A1 – Agriculture 1 to P2 – Education and Minor Institutional, an OCP Amendment from Rural/Agricultural to Education/Major Institutional, a Development Permit for the form and character of the school and a Development Variance Permit for the size of the sign. All of these applications were approved by Council in 1997. Ultimately, the school was issued a Building Permit (BP12062) in 1997 for the initial construction. This Building Permit indicated areas of potential expansion. There was another Building Permit (BP15811) issued for the addition of two classrooms and finally another Building Permit (BP21984) four classrooms on the western edge of the building in 2002.

Part of the 1997 application, the school hired consulting engineers who completed a traffic assessment and recommended two separate egresses: one to the north and one to south. This was to restrict two-way turning movements and only allow right turns onto Benvoulin Road. Today, the Development Engineering Department would not permit two accesses as per Bylaw 7900, however, a covenant (KM10315) was placed on Title allowing the two accesses. This covenant only allowed the right-only turn and the associated works were never formally completed. Today, the site still allows two-way turning onto Benvoulin Road. A build-out will be required to be finished, which would complete the covenant plan that would restrict the property to only right turns onto Benvoulin Road.

### 4.2 Project Description

The Kelowna Christian School is looking to amend the existing farm-use for an expansion to the existing school. The school is currently used for students from Grades 6-12 and they are looking for more space to adequately accommodate all current and future students. The full build-out will be an increase of roughly 3,540m<sup>2</sup> (38,104ft<sup>2</sup>) and will be to the North and West sides of the structure. The expansion will require a Level 5 Landscape Buffer to be planted on all borders with the ALR. If successful a Development Permit will be required following this application to address parking, fire access, form and character and landscaping of the proposed addition.

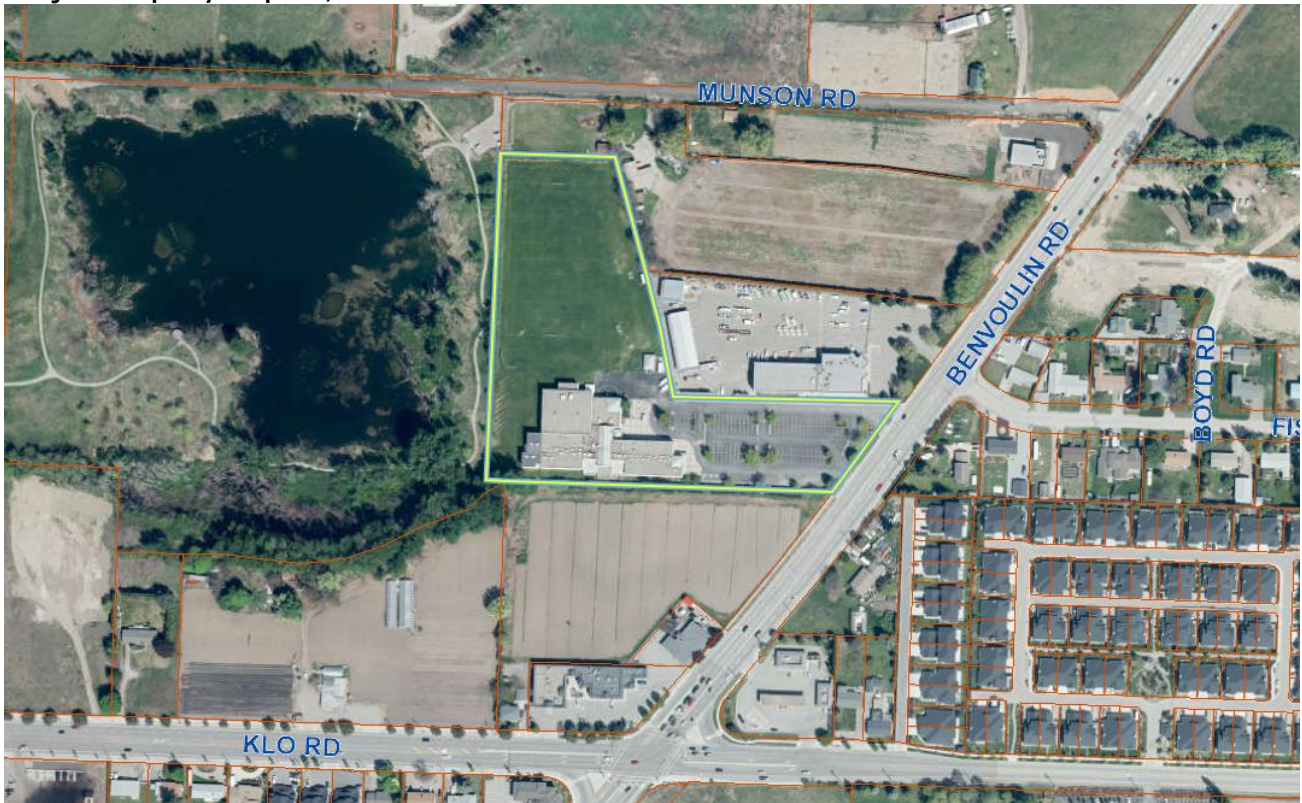
### 4.3 Site Context

The subject property lies within the South Pandosy – KLO OCP Sector. The area is characterized as agricultural, residential, park, commercial and public/institutional. Agricultural, public and park lands surround the site.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P4 – Utilities and A1 – Agriculture 1	Fortis BC Site / Agriculture
East	A1 – Agriculture 1	Agriculture
South	A1 – Agriculture 1 / RU1 – Large Lot Housing	A1 – Agriculture 1 / RU1 – Large Lot Housing
West	A1 – Agriculture 1	Munson Pond

**Subject Property Map: 2870 Benvoulin Road**



**5.0 Current Development Policies**

**5.1 Kelowna Official Community Plan (OCP)**

**Chapter 5: Development Process**

**Objective 5.33 Protect and enhance local agriculture Policy .1 Protect Agricultural Land.**

Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- Are consistent with Zoning Bylaw and OCP;
- Provide significant benefits to the local agriculture;
- Can be accommodated using existing municipal infrastructure;
- Minimize impacts on productive agriculture;
- Will not preclude future use of the lands for agriculture;
- Will not harm adjacent farm operation.

**6.0 Technical Comments**

**6.1 Development Engineering Department**

6.1.1 See attached memorandum dated April 4, 2020

## **7.0 Application Chronology**

Date of Application Received: March 27<sup>th</sup>, 2020

Agricultural Advisory Committee February 25<sup>th</sup>, 2021

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held at February 25<sup>th</sup>, 2021 and the following recommendations were passed:

THAT the Committee recommend Council support permission from the ALC to amend the existing non-farm use to permit the construction of an existing school.

Anecdotal comments from Agricultural Advisory Committee (AAC) are that they request that the applicant consider a rooftop garden and for them to use green building techniques. In addition, the applicant also considers incorporating curriculum and a scholarship related to agriculture for the students attending the school. The Committee also expressed their difficulty in supporting the application as they view it as a creep of nonfarm use on agricultural land. Concern was raised regarding the lack of long-term strategic plan for agriculture on the property. It is viewed as slow, gradual erosion of agricultural land. Finally, the Committee encouraged discussion with the City on partnering on an active transportation bike path in the immediate area for students to access the school given the traffic congestion in the area.

**Report prepared by:** Tyler Caswell, Planner I

**Reviewed by:** Dean Strachan, Community Planning & Development Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

### **Attachments:**

Attachment A: ALC Non-Farm Use Application

Attachment B: Development Engineering Memo

Attachment C: Conceptual Drawing Package

Attachment D: Landscape Plan