

REPORT TO COUNCIL



Date: March 22, 2021

To: Council

From: City Manager

Department: Development Planning Department

Application: A20-0010

Owner: Rosa Perretta

Address: 3755 Glenmore Road N

Applicant: Kent-Macpherson

Subject: Agricultural Land Reserve Application

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Agricultural Land Reserve Application No. A20-0010 for Parcel A (DD W18607) of the Southeast $\frac{1}{4}$ of Section 33 Township 23 ODYD, located at 3755 Glenmore Road North, Kelowna, BC for an exclusion of agricultural land in the Agricultural Land Reserve pursuant to Section 29(1) of the Agricultural Land Commission Act, NOT be supported by Council;

AND THAT Council directs Staff NOT to forward the subject application to the Agricultural Land Commission of consideration.

2.0 Purpose

To consider a Staff recommendation to NOT support an application to exclude the subject property from Agricultural Land Reserve (ALR).

3.0 Development Planning

Development Planning Staff does not support the proposed ALR exclusion for the subject property. The proposal does not meet a number of Official Community Plan (OCP) or Agricultural Plan objectives and policies in regards to protection of agricultural lands.

In a Staff review of agricultural lands within the north Glenmore area, there are three small ALR pockets including the one associated with the subject property. All the areas considered do have limitations on their agricultural capability which can include soil capability, topography, and waterbodies. In light of this, the subject property is still considered to have adequate size and capability for some agricultural purposes. OCP policy states that ALR exclusions should only be considered in extraordinary circumstances where such exclusions are consistent with the goals, objectives, and other policies of this OCP. Staff do not

consider this application to be consistent with the policy as it does not aim to achieve any other significant goals or objectives.

Staff acknowledges the challenges associated with developing the property and the complicated approval process necessary to allow for the construction of a single-family dwelling in this particular case. However, staff do not see the community or agricultural benefit to the exclusion and suggest that it is not the appropriate tool to achieve the best utilization of the property. Exclusion of the subject property from the ALR may also lead to increased land speculation and development pressure on similar properties within the north Glenmore area.

4.0 Proposal

4.1 Project Description

The applicant is seeking Council support to remove the property from the Agricultural Land Reserve. The property does not have any active agriculture and is currently vacant. Previously the northern portion of the property was farmed up until the 1990’s. The property consists of wetlands and steep slopes. As per the ALC submission 34% of the property is outside of the ALR, 34% is physically under water and 32% is land fragmented with poor farming viability (limited/no access and topography limitations). Satellite images dating back to 2000 show that the water level varies each year, however, there has been progressively more water annually since 2012. If the exclusion is successful, the applicant has indicated that owner would like to build a single-family home under the existing zone.

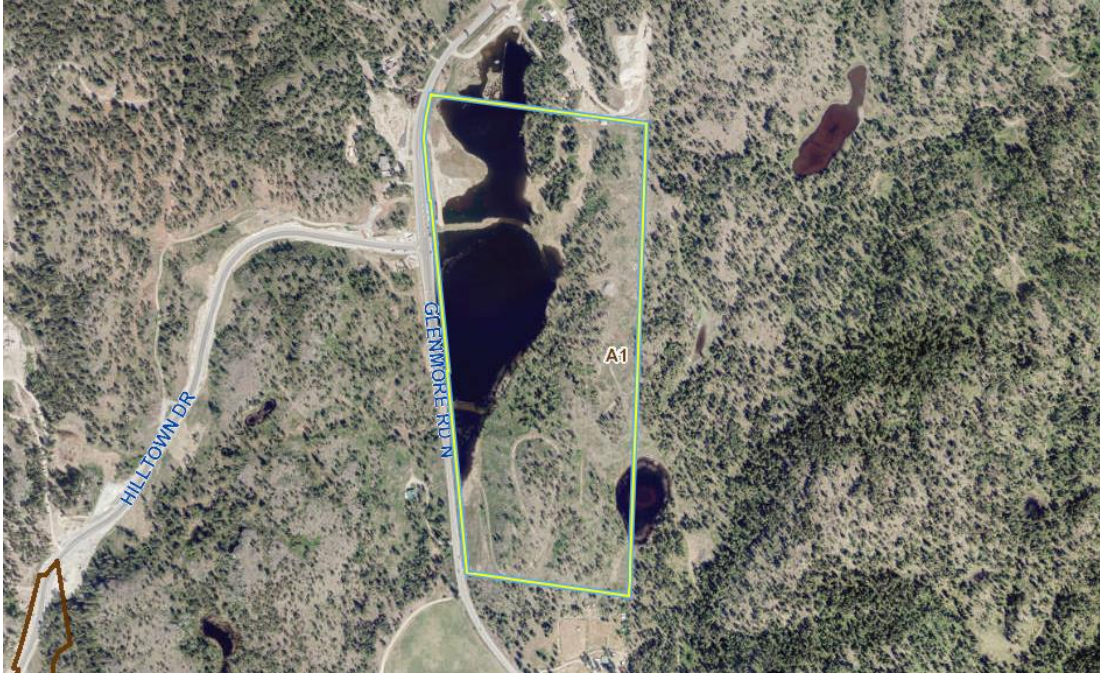
4.2 Site Context

The subject property lies within the McKinley OCP Sector and is partially within the ALR. It is outside of the Permanent Growth Boundary and is zoned A1 – Agriculture 1. The Future Land Use Designation is entirely REP – Resource Protection Area. The property is relatively flat on the western portion of the property, however, as of 2019, this part was flooded and remains a wetland. The eastern and southern portions of the property are steep and creates topographical issues. The property is vacant and there are no accessory structures or dwellings on the property.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1 (non-ALR)	Single-Family Home / Gravel Pit
East	A1 – Agriculture 1 (ALR)	Single-Family Home / Livestock
South	A1 – Agriculture 1 (ALR)	Vacant
West	A1 – Agriculture 1 (non-ALR)	Single-Family Home / Vacant

Subject Property Map: 3755 Glenmore Drive



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 .2 ALR Exclusions. The City of Kelowna will not support ALR exclusion applications to the ALC except in extraordinary circumstances where such exclusion is otherwise consistent with the goals, objectives, and other policies of this OCP. Soil capability alone should not be used as justification for exclusion.

6.0 Application Chronology

Date of Application Received:	September 2 nd , 2020
Agricultural Advisory Committee	February 25 th , 2021

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

THAT the Committee recommend Council not support the subject property being excluded from the ALR.

Anecdotal comments from the Agricultural Advisory Committee (AAC) are that they recognize the bureaucratic processes that the owner is facing, however, the Committee remains concerned with supporting the removal of the subject property from the ALR given there is no means to protect the lands afterwards. The Committee believes supporting the application for removal sets a precedent as a large property requesting exclusion from the ALR.

7.0 Alternate Recommendation

THAT Agricultural Land Reserve Application No. A20-0010 for Parcel A (DD W18607) of the Southeast ¼ of Section 33 Township 23 ODYD, located at 3755 Glenmore Road North, Kelowna, BC for an exclusion of agricultural land in the Agricultural Land Reserve pursuant to Section 29(1) 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.

Report prepared by: Tyler Caswell, Planner I
Wesley Miles, Planner Specialist

Reviewed by: Dean Strachan, Community Planning & Development Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A – Site Plan

Attachment B – ALC Application

Attachment C – Letter from Ministry of Agriculture

Attachment D – Agricultural Capability Assessment Report