REPORT TO COUNCIL

Date:	March 15th, 2021		
To:	Council		
From:	City Manager		
Department:	Development Planning Department		
Application:	A19-0014	**Owner:**	Carol Grassmick
Address:	2825 Longhill Road	**Applicant:**	Associated Environmental - Melanie Piorecky
Subject:	Agricultural Land Reserve Application		
Existing OCP Designation:	REP – Resource Protection		
Existing Zone:	A1 – Agriculture 1 and RR2 – Rural Residential 2		

1.0 Recommendation

THAT Agricultural Land Reserve Appeal No. A19-0014 for Lot A Section 34 Township 26 ODYD Plan 36168 Except Plan 36259, located at 2825 Longhill Road, Kelowna, BC, for a non-farm use in the Agricultural Land Reserve pursuant to Section 20(2)(a) of the Agricultural Land Commission Act, NOT be supported by Council;

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

2.0 Purpose

To consider a Staff recommendation to NOT support an application to the ALC for a Non-Farm Use Permit to allow a soil storage and fabrication business to operate on the subject property.

3.0 Development Planning

Staff do not support the proposal for a soil storage and fabrication business to operate on the subject property located within the Agricultural Land Reserve (ALR) as it is not consistent with the objectives of the Official Community Plan and Agricultural Plan. In order to protect and enhance local agriculture, the policy of the Official Community Plan provides support for non-farm use applications only where the proposed use meets the following criteria:

i. Consistent with the Zoning Bylaw and Official Community Plan;

ii. Provides significant benefits to local agriculture;

iii. Can be accommodated using existing municipal infrastructure;

iv. Minimizes impacts on productive agricultural lands;

v. Will not preclude future use of the lands for agriculture; and,

vi. Will not harm adjacent farm operations.

The proposal does not demonstrate how the business would enhance or protect the lands, but largely does the opposite and Staff have not been able to quanitify any significant benefit to agriculture. Reflective of this land use conflict, soil fabrication businesses are not an allowable use within the A1 – Agricultural 1 zone.

The proposal has no impact on municipal infrastructure; however, the Development Engineering Memo indicates that this property has two entrances onto Longhill Road, which doesn't meet Bylaw 7900 – Subdivision, Development and Servicing Bylaw. More specifically in Section 4.6 – Curb and Gutter, Sidewalk and Bike Lanes, which only allows one driveway access per road frontage. The second driveway will have to be removed to meet the bylaw.

Part of the protection of ALR land is to maintain long-term access to agriculture and help with food security. Soil fabrication and storage doesn't help with either agriculture or with food security. There is potential to preclude future use of the land for agricultural purposes. The Land Capability Classification for Agriculture in BC manual published by the Ministry of Agriculture which assesses the agricultural capability of land, identifies that the agricultural land capability is both Class 4 and Class 5. Class 4 and 5 have limitations, which only make it suitable for a few crops, however, this is appropriate for fruit trees or grapes and adapted crops like cranberries. This soil can also be improved to both Class3NW and Class 3D soil, which is more suitable for a wide range or crops. The soil storage and fabrication does not benefit the existing agricultural land and can be improved to a plant many crops suitable to the Central Okanagan climate. There is limited agricultural activity adjacent to the property, however, the runoff from the soil storage may impact neighbouring soil conditions as well as the neighbouring wetland.

4.0 Proposal

4.1 Project Description

The subject property is a 3.71-acre (1.5 ha) property located near the intersection of Longhill Road and Sexsmith Road. There is an existing single-family dwelling on the subject property. There is no agriculture on the property and the site is being used for a commercial business that stores and fabricates soils for resale to businesses.

This non-farm use application came forward due to compliance and enforcement activity by the ALC. They required the operator to stop the use or apply for a non-farm use application, as the uses on-site are not a permitted use in the ALR. The property has been in possession of the owners since 1991, an excavation company started in 1995 and the soil fabrication business started in 2007. The business was operating under a nursery license, but as of October 2019 it wasn't renewed because it was determined that the business did not meet the definition of a nursery. As part of the business operation, a mini excavator, a large excavator, and a large backhoe are stored on site.

The soil fabrication business requires several types of soil and amendments to be imported and stored on the property, which consist of the following materials:

- Topsoil, which is excavated and hauled to the property from excavation jobs;

- Manure and animal bedding mixture from a nearby cattle feedlot;
- OgoGrow, Class A compost mixture that is sold by the City of Kelowna;
- GlenGrow, compose that is created by the City Of Kelowna green waste;
- Fly ash from Tolkos bioenergy burner;
- Crushed gravel that is brought on site from local quarries.

These materials are screened and sold by the owner, none of which remains on the property full-time. The file area measures 0.9ha, with a depth of 6m and the estimated volume of fill is 6000m^3.

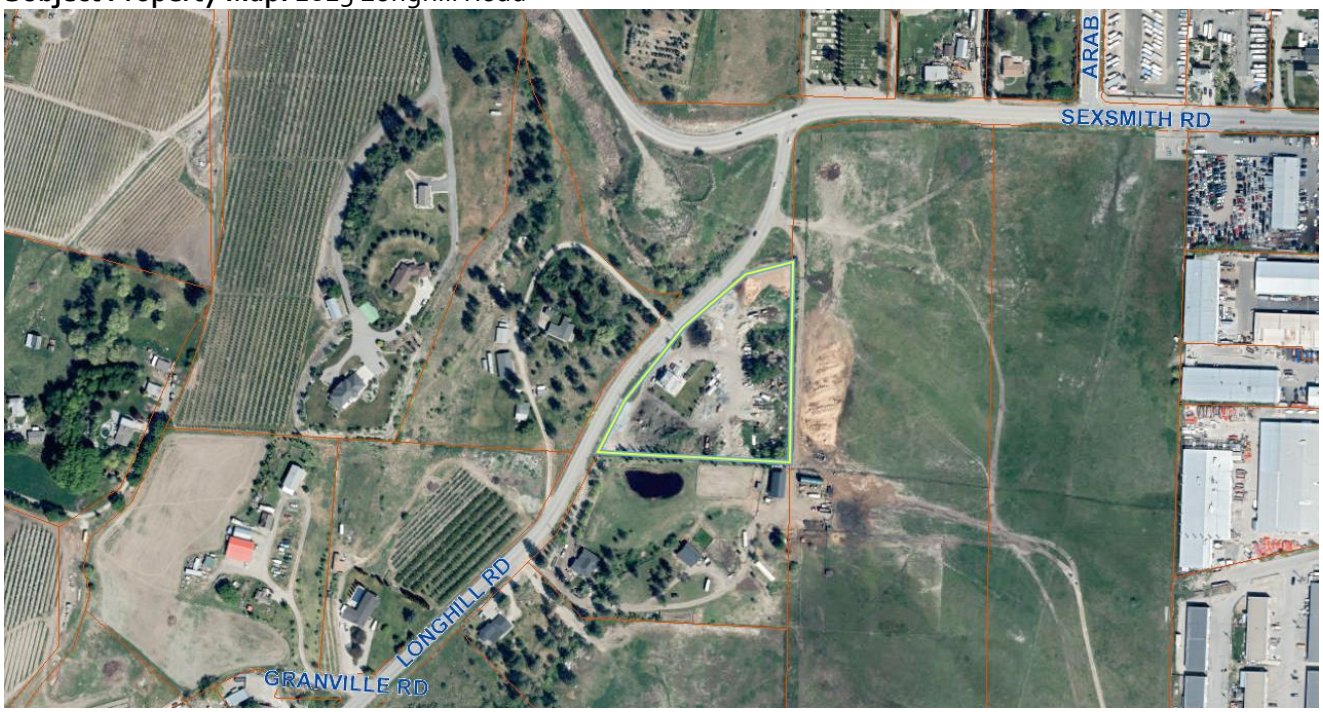
4.2 Site Context

The subject property has the Future Land Use Designation of REP – Resource Protection Area within the City's Official Community Plan (OCP). The property is zoned both A1 – Agriculture 1 and RR2 – Rural Residential 2 and is within the Agricultural Land Reserve (ALR). The subject property lies within the Glenmore – Clifton – Dilworth OCP Sector. Much of the surrounding area is within the ALR and has a Future Land Use Designation of REP – Resource Protection.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1 (ALR)	Vacant City-Owned Parcel / Wetland
East	A1 – Agriculture 1 (ALR)	Cattle / Vacant
South	A1 – Agriculture 1 / RR2 – Rural Residential 2 (Partially in ALR)	Rural Residential / Minimal Agriculture
West	A1 – Agriculture 1 (ALR)	Rural Residential

Subject Property Map: 2825 Longhill 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.

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

5.2 **Kelowna Agriculture Plan**

Official Community Plan recommendations

- **Prohibit non-farm use.** Support non-farm uses in farm areas only that have a direct and ongoing benefit to agriculture. Restrict and/or prohibit non-farm uses that do not directly benefit agriculture.

6.0 Technical Comments

6.1 Development Engineering Department

- Development Engineering Memo Attached

6.2 Ministry of Agriculture

- See Attached Letter

6.3 Interior Health

- See Attached Letter

7.0 Application Chronology

Date of Application Received: September 5th, 2019
Agricultural Advisory Committee February 25th, 2021

The above note application as reviewed by the Agricultural Advisory Committee at the meeting held at February 25th, 2021 and the following recommendations were defeated:

> THAT the Committee recommend Council the permission of a non-farm use permit to allow for a soil fabrication business to operate on the subject property.

Anecdotal comments from the Agricultural Advisory Committee (AAC) are that a length of time for the non-farm use should be established. The applicant should work with the City to see if there are other avenues to pursue that would allow for a non-farm use. In general, fabricating soil does not support agricultural use. The Committee recognizes it is a non-farm use and is not comfortable providing a permanent recommendation for this kind of use on the property. It sets a precedent for other small ALR properties in Kelowna.

8.0 Alternate Recommendation

THAT Agricultural Land Reserve Appeal No. A19-0014 for Lot A Section 34 Township 26 ODYD Plan 36168 Except Plan 36259, located at 2825 Longhill Road, Kelowna, BC, for a non-farm use in the Agricultural Land Reserve pursuant to Section 20(2)(a) 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

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Attachment A: ALC Non-Farm Use Application

Attachment B: Site Plan

Attachment C: Letter from Ministry of Agriculture

Attachment D: Letter from Interior Health

Attachment E: Development Engineering Memo