



**Agricultural Land Commission**

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Reply to the attention of Sara Huber  
ALC Planning Review: 46687

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**Re: City of Kelowna 2040 Official Community Plan (Draft Version, Fall 2020)**

Thank you for forwarding a draft copy of City of Kelowna's (the "City") 2040 Official Community Plan (the "2040 OCP") for review and comment by the Agricultural Land Commission (ALC).

The 2040 OCP proposes an update to the previous 2030 OCP, reviewed by the ALC and adopted by City Council in 2011 (Planning Review File 45731). While portions of the 2040 OCP are undergoing review by the ALC's Executive Committee, this letter serves as ALC staff's review of the remainder of the 2040 OCP with suggestions to ensure the 2040 OCP is consistent with the ALC Act, the ALR General Regulation, and the ALR Use Regulation.

**Chapter 1 – The Big Picture**

This Chapter includes the City's community vision for 2040 which is:

*"In 2040, Kelowna is a thriving mid-sized city that welcomes people from all backgrounds. We want to build a successful community that honours our rich heritage and also respects the natural wonders that contribute to our identity. As a place with deep agricultural roots, Kelowna understands the need to protect our environment, manage growth and be resilient as our future unfolds."*

ALC staff appreciate the City's acknowledgement of its agricultural roots and need to protect its environment and manage growth.

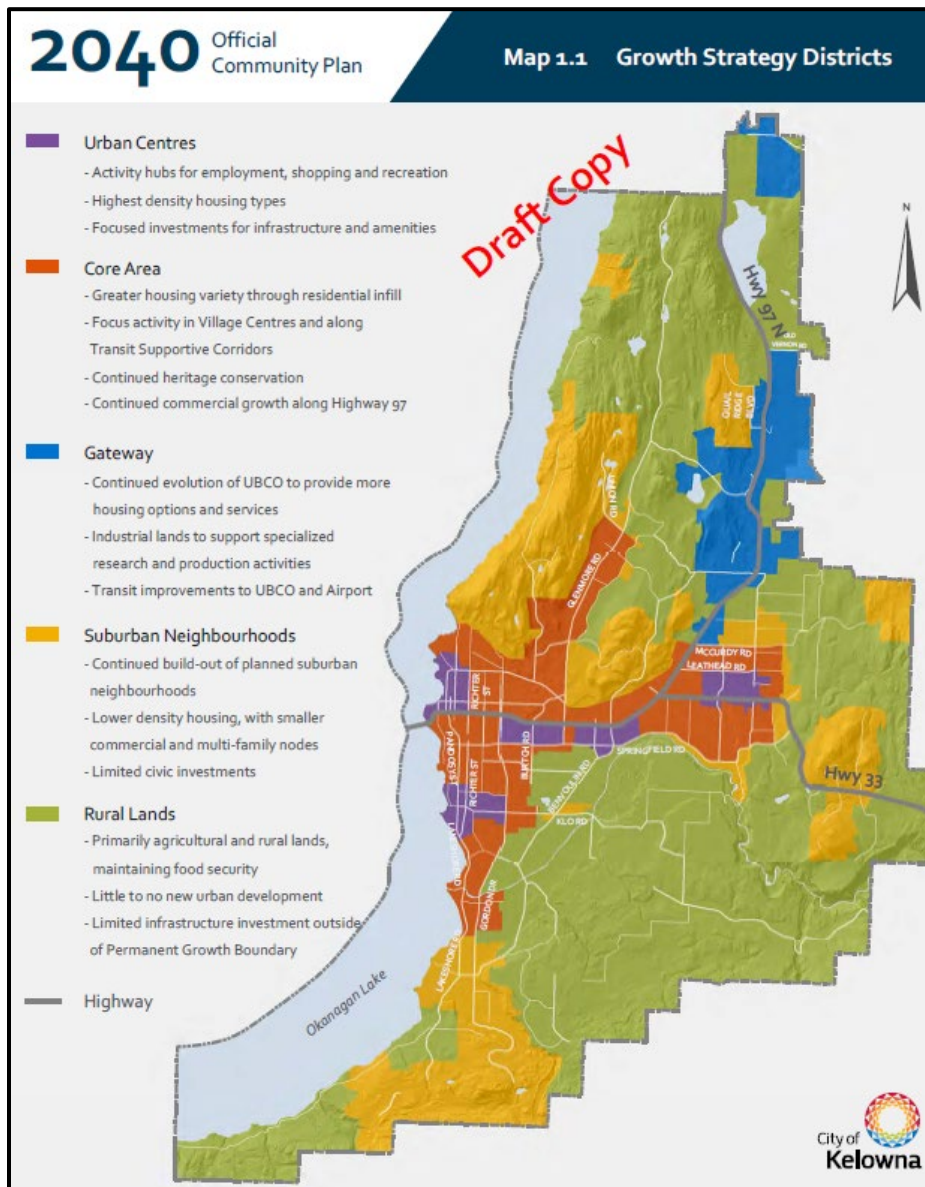
The OCP establishes 10 pillars to realize its community vision, including the following:

Focus Investment in Urban Centres	Stop Planning New Suburban Neighbourhoods
Target Growth Along Transit Corridors	Promote More Housing Diversity
Incorporate Equity into City Building	Strengthen Kelowna as the Region's Economic Hub
Protect Agriculture	Prioritize Sustainable Transportation and Share Mobility
Protect and Restore our Environment	Take Action on Climate

Under the pillar to "Protect Agriculture", the 2040 OCP recognizes the scarcity of agricultural land and the role that it has played in the local economy. The 2040 OCP supports the ALR and avoids further intrusion of urban development into the ALR. To that end, the 2040 OCP outlines

how development is to occur in the five Growth Strategy Districts of the City: Urban Centres, Core Area, Gateway, Suburban Neighbourhoods, and Rural Lands.

### ***Growth Districts:***



This section also states that rural lands are located outside of the Permanent Growth Boundary and are not to be supported for further urban development beyond areas already zoned and designated in the 2030 OCP (further comments regarding ALR lands within the Permanent Growth Boundary are provided later). ALC staff support the goals articulated in Chapter 1 noting that the “rural lands” with some minor exceptions, include, but are not limited to ALR.

## **Chapter 2 – Planning Context**

The housing and population projections in the 2040 OCP project an average growth rate of 1.43% each year, resulting in approximately 45,000 new residents by 2040, for a total population of 180,000. The 2040 OCP further specifies that the majority of new housing units

are expected to be accommodated in Urban Centres and the Core Area (roughly 73%), preserving rural lands outside of the Permanent Growth Boundary. The majority of new housing units (approximately 76%) are also expected to be multi-family.

The Industrial Land Projections note that 85 to 95 ha of land will be needed for industrial use over the next 20 years. However, the OCP does not specifically indicate that sufficient lands are already identified in the OCP, or whether additional lands need to be identified. ALC staff note that there may be desire for industrial uses on flat, relatively undeveloped ALR land, but staff encourage the City to look elsewhere.

### **Chapter 3 – Future Land Use**

The City has identified Future Land Use (FLU) designations for properties within its jurisdiction. These designations establish a general land use vision, but the City's Zoning Bylaw regulates specific uses and densities.

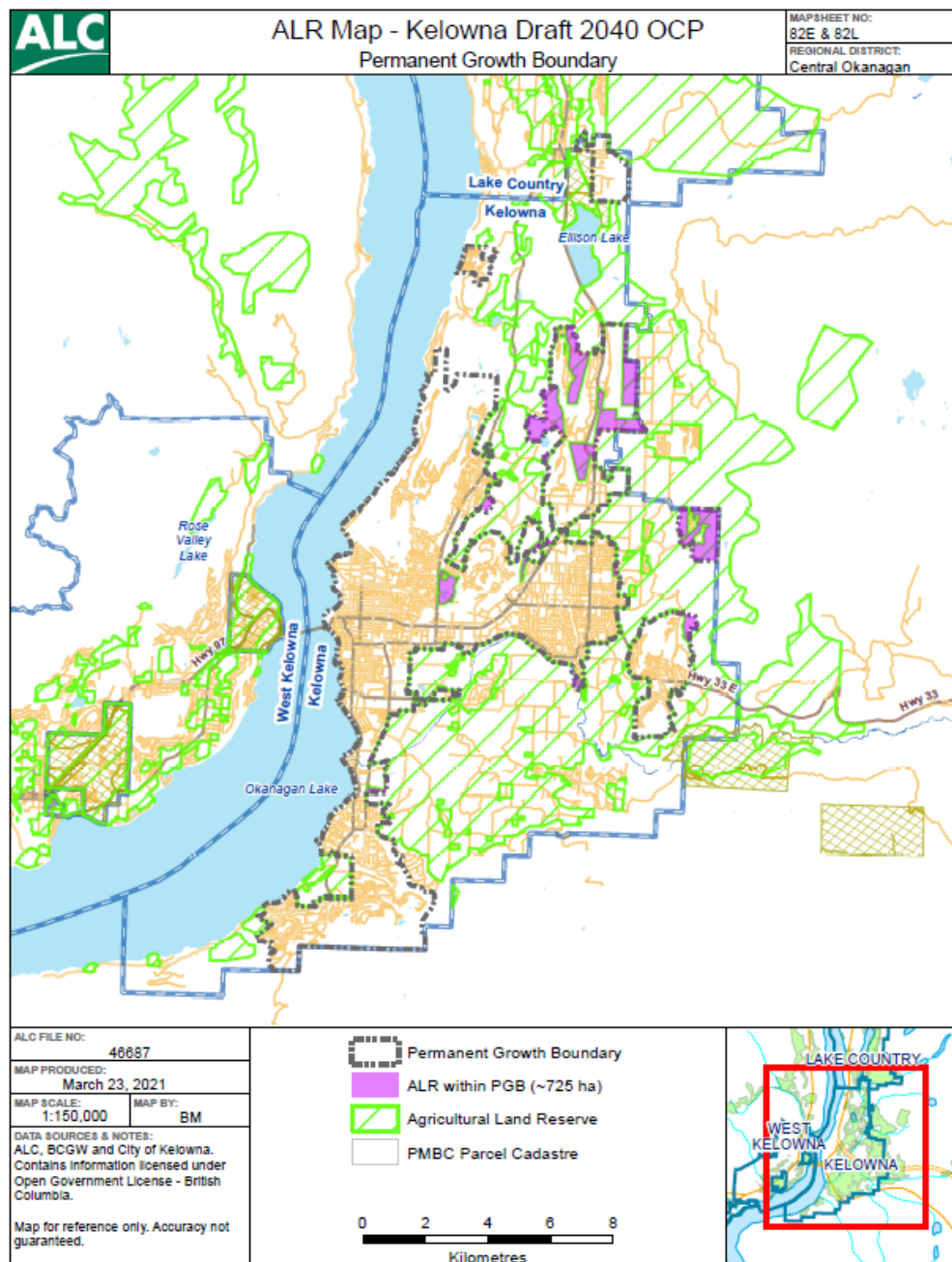
The OCP FLU designations include the following:

- Urban Centres (i.e. Downtown, Pandosy, Capri Landmark, Midtown, and Rutland)
- Village Centre
- Core Area – Neighbourhood
- Core Area – Health District
- Suburban – Residential
- Suburban – Multi Unit
- Regional Commercial
- Neighbourhood Commercial
- Industrial
- Educational / Institutional
- Rural – Residential
- Rural – Agricultural and Resource
- Parks
- Natural Areas
- Private Recreation
- Public Services / Utilities
- Transportation Corridor
- First Nations Reserve

The 2040 OCP also includes a Permanent Growth Boundary. Lands within the Permanent Growth Boundary may be considered for urban uses within the 20-year planning horizon, while lands outside of this boundary, will not be considered.

The 2040 OCP also specifies that lands outside of this boundary, and not within the ALR, will not be supported for any further parcelization. The City may wish to consider extending this policy to ALR lands to not support parcelization/subdivision of lands outside of the Permanent Growth Boundary and within the ALR (unless there is an agricultural reason for the subdivision) to strengthen Council decision-making when ALC subdivision applications are submitted.

ALC staff note there are approximately **725 ha** of ALR land within the City's Permanent Growth Boundary. The majority of these ALR properties are located near YLW Airport and UBC-O, and some of which are being addressed by the ALC's Executive Committee. Generally speaking, ALR lands should not be included within the Permanent Growth Boundary, unless previously supported by a resolution of the Commission.

**Permanent Growth Boundary – Context Map:**

This section also addresses Temporary Use Permits (TUPs), noting that TUPs may be considered on lands outside of the Permanent Growth Boundary, designated Rural – Agricultural and Resource, for a period of “considerably less” than the three year maximum, and identifies that requirement to receive approval from the ALC in order to do so. ALC support the reference to ALC approval for such TUPs.

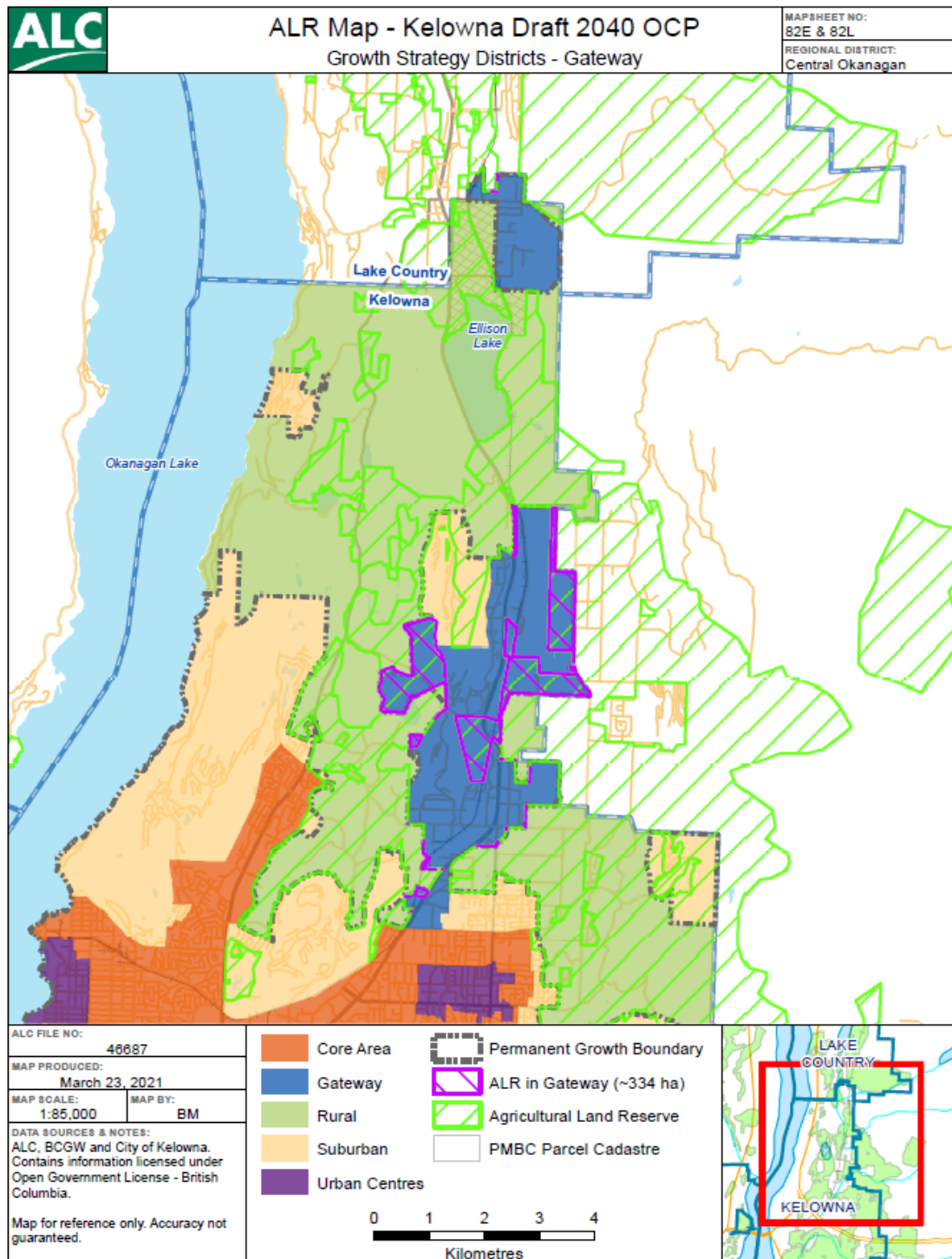
**Chapter 6 – The Gateway**

The Gateway District includes the Kelowna International Airport (YLW) and the University of British Columbia-Okanagan (UBC-O). Land use directions generally focus on rapidly diversifying



UBC-O and associated commercial/residential uses, YLW airport, and industrial lands along Highway 97 and the North Kelowna Industrial Park.

**Gateway – Context Map:**



The Gateway District includes approximately 334 ha of ALR, approximately **129.1 ha** of which is currently under review by the ALC's Executive Committee (equivalent to approximately 38% of

the ALR lands within the Gateway District). Depending on the outcome of the ALC Executive Committee's review, some policies under this section may require amendment.

For example, Policy 6.1.1 includes the City's support for the expansion of university facilities on Educational and Institutional lands (some of which fall in the ALR). As well, Policy 6.3.5 supports the exclusion of ALR lands at YLW, as identified in the YLW Airport Master Plan 2045 to allow for airport expansion and development.

The Gateway District also includes objectives and policies which are intended to support agriculture, including the following:

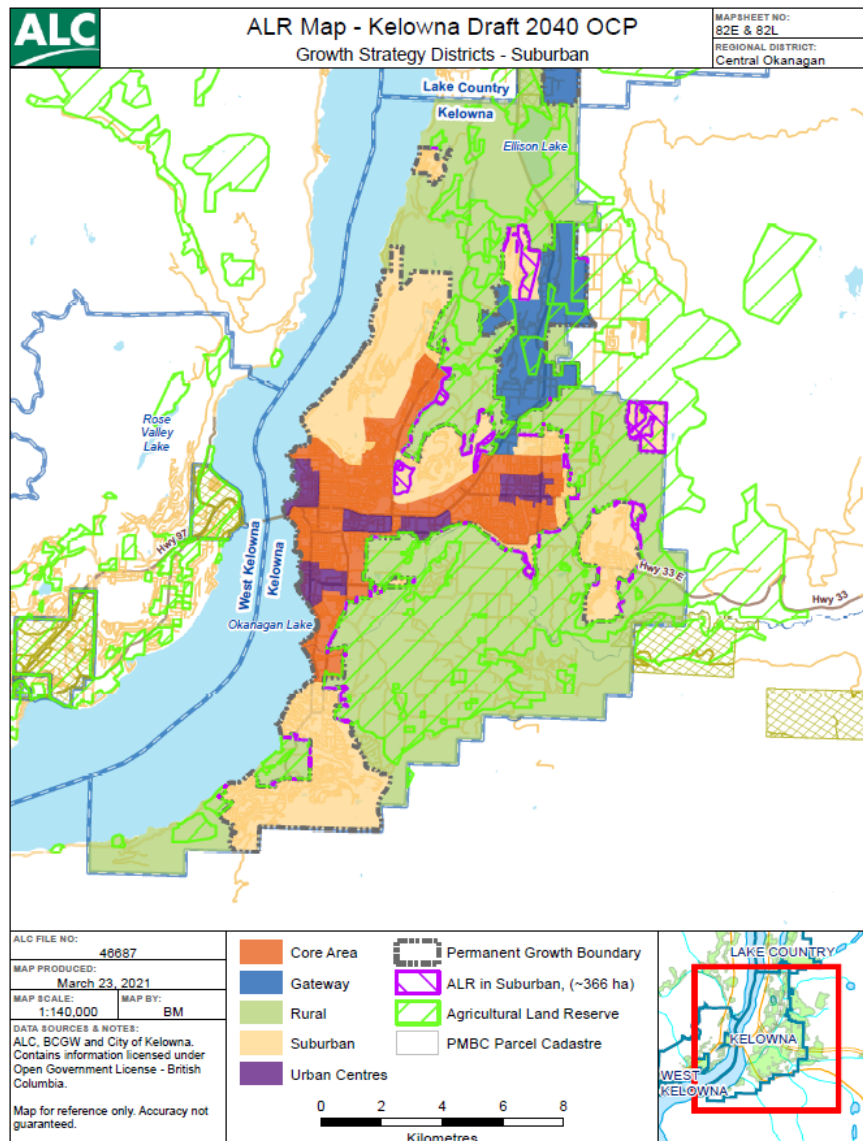
- Objective 6.5 to strengthen the local food system to increase food security, equitable access to healthy food and social connections.
- Objective 6.7 to protect and preserve agricultural land and its capacity.
- Objective 6.8 to ensure a compatible urban-rural interface.
- Objective 6.18 to maintain roads that support agricultural uses.

Under Objective 6.7, there are several policies which affect the ALR, including policies regarding exclusion, subdivision, non-farm uses, agri-tourism, secondary suites, farm help housing, homeplating, conservation tools, and alternative energy. Generally, these policies do not support future exclusion or subdivision of the ALR, and restrict non-farm uses unless the proposal is beneficial to agriculture.

However, Policy 6.7.10 also promotes the use of conservation covenants on agricultural land in order to protect species and environmentally sensitive areas. Under s. 22(2) of the ALC Act, a covenant that restricts or prohibits the use of agricultural land for farm purposes has no effect until approved by the Commission. Given this, the City may wish to clarify that any conservation covenant that would preclude agriculture, requires the approval of the Commission.

## **Chapter 7 – Suburban Neighbourhoods**

The OCP notes that suburban neighborhoods are generally comprised of low-density, single-family homes which are expected to continue to accommodate growth but are not prioritized for further growth beyond what is identified in local area plans.

**Suburban – Context Map:**

There are approximately **366 ha** of ALR in the Suburban Neighbourhoods District, including the Tower Ranch subdivision, Black Mountain subdivision (partially within ALR), and Kelowna Golf and Country Club as well as some of the ALR periphery. Generally, these areas have existing residential development and/or have been approved by the ALC.

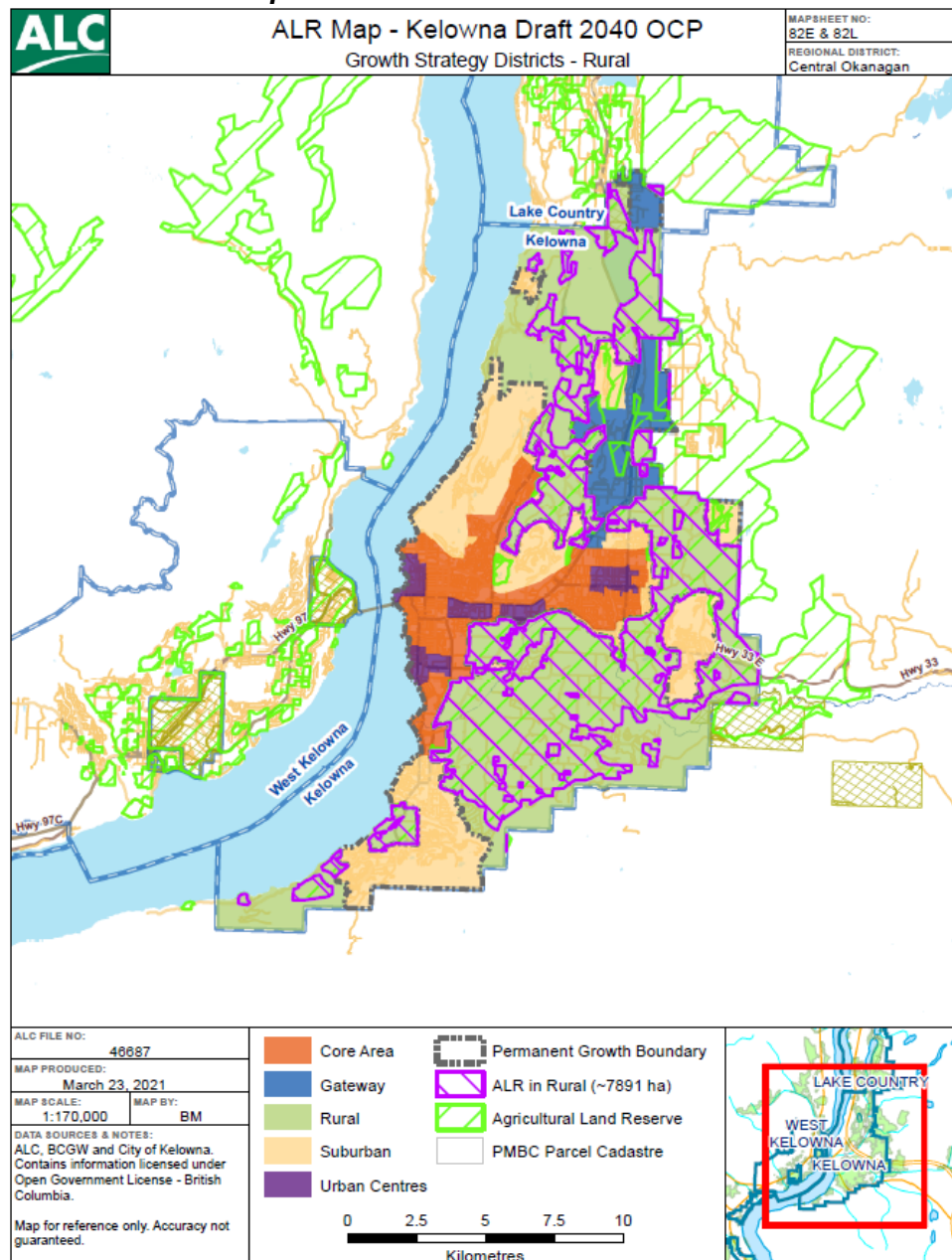
This section includes Objective 7.4 to ensure a compatible urban-rural interface that protects agricultural uses by encouraging compatible uses adjacent to the ALR and requiring buffering. ALC staff support this objective, recognizing that compatible uses and adequate buffering will help alleviate potential farm/suburban conflicts and permit farming to occur without interference adjacent to the ALR boundary.

**Chapter 8 – Rural Lands**

Over 55% of the City's land base is dedicated to agriculture and rural uses, equating to approximately **7891 ha** of ALR in the Rural Lands District. The OCP's approach is to contain

urban growth to existing “urban” districts within the Permanent Growth Boundary to preserve the rural lands for agricultural and rural purposes.

**Rural – Context Map:**



This section includes various objectives and policies to preserve the rural lands for agricultural and rural purposes, including the following:

- Objective 8.1 to protect and preserve agricultural land and its capability.
- Objective 8.2 to ensure a compatible urban-rural interface that protects agricultural uses.
- Objective 8.3 to strengthen the local food system to increase food security and social connections.
- Objective 8.4 to stop urban sprawl into Rural lands.



- Objective 8.5 to ensure the long-term viable use of the Glenmore Landfill.
- Objective 8.6 to minimize impacts of transportation infrastructure on agricultural and Rural lands.
- Objective 8.7 to support artistic and cultural expression in Rural lands.

Policy 8.1.9 requires farm help housing, as a first option, to be located within the Permanent Growth Boundary. ALC staff note that the majority of the Rural Lands are located outside of Permanent Growth Boundary. However, there may be circumstances where farm help housing is proposed for and permitted (by the ALC) on Rural Lands. For example, temporary farm worker housing. There may be merit in identifying this possibility in the OCP bylaw.

Policy 8.1.11 promotes the use of conservation covenants on agricultural land in order to protect species and environmentally sensitive areas. As previously mentioned, under s. 22(2) of the ALC Act, a covenant that restricts or prohibits the use of agricultural land for farm purposes has no effect until approved by the Commission. Given this, the City must clarify that any conservation covenant that would preclude agriculture, requires the approval of the Commission.

## **Chapter 10 – Parks**

There are some ALR lands that are designated as park in the OCP which are not yet developed as park, and other lands permitted by the ALC for park purposes. ALC staff confirm there are provisions in the ALR Use Regulation for specific park uses (i.e. s. 16 and 22). Moreover, ALC staff advises that the Executive Committee is currently reviewing an OCP request which involves the conversion of 23.6 ha of ALR land for active recreational park use, (e.g. Mission Recreational Park, Rutland Recreational Park, and Belgo Pond). Depending on the outcome of this review, amendments may be required to the Future Land Use Map for parks should the Executive Committee not support such requests.

## **Chapter 13 – Infrastructure**

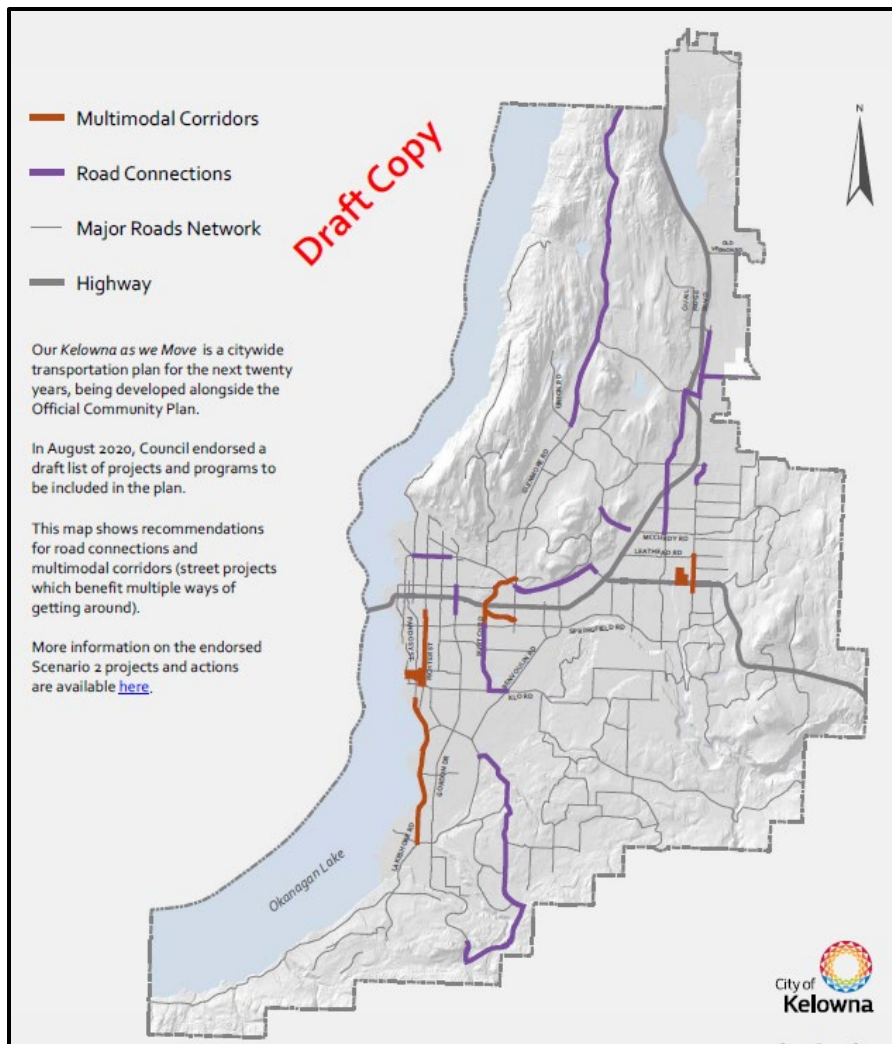
This section outlines the City's plans for managing growing infrastructure challenges. Specifically, the City aims to focus new development in Urban Centres and the Core Area to reduce long-term maintenance and costs.

Policies under this section include Policy 13.3.4 to ensure water availability for agriculture. ALC staff support the inclusion of this policy, recognizing the water scarcity issues in the region and the importance of water supply to agriculture.

Policy 13.6.3 also proposes to restrict expansion of sewer to rural lands unless needed to address public health issues or for the protection of natural assets. ALC staff support this policy

Map 13.1 outlines the road priority projects, some of which are under review by the ALC's Executive Committee. Based on the outcome of the ALC Executive Committee's decision, this map may require amendments.

### ***Map 13.1 – Road Priority Projects:***



## **Chapter 17 – Definitions**

This section provides definitions for key words within the 2040 OCP.

For the “ALC” definition, it specifies that the ALC is responsible for administering policies and regulations related to the preservation of the ALR. ALC staff note that the ALC is actually responsible for administering the ALC Act and its associated regulations. The definition also doesn’t specify that the ALC is an administrative tribunal. For this reason, the City may wish to revise this definition to the following:

*An autonomous **provincial agency administrative tribunal**, independent of the provincial government, that is responsible for administering **policies the ALC Act** and **its** regulations with its goals as the preservation of agricultural land and the encouragement of farming in the ALR.*

## **Chapter 22 – Farm Protection Development Permit Areas**

Three different farm protection development permit (DP) areas are proposed, as described below:

## **A. For Development on Lands Adjacent to ALR**

This DP applies to development (i.e. subdivision, rezoning, or building permit) which abut, are contiguous to the ALR, or would be contiguous if not for a street, lane, walkway, stream, utility lot, underground pipeline, power line, etc.

The DP provides guidelines for subdivision design, buildings, site layout, landscaping and buffering and is intended to promote compatibility between land uses.

As identified by Ministry of Agriculture, Food and Fisheries (AFF) staff, the objective to “minimize the impact of urban encroachment on ALR land” does sound misleading, and ALC staff concur with AFF’s suggestion of “To minimize the impact of urban development on ALR lands”.

Many of the comments raised by AFF staff in their response, dated March 26, 2021, are shared by ALC staff with respect to the DP’s consistency with the Minister’s Bylaw Standards, specifically:

### **(A) Guidelines for New Subdivisions:**

- DP should apply to all residential, commercial, and industrial properties within 300 m of the ALR, with only certain guidelines applying to lands that are not immediately adjacent to ALR.
- DP should avoid recommending suburban lots adjacent to the ALR.
- The 30 m setback should be viewed as a minimum for mitigating impacts, not a maximum to be lessened based on agrologist opinion.
- DP minimum vegetative buffer should be 15 m or 8 m, depending on proposed activity and should include alternatives where full buffer may not be possible.

### **(B) Guidelines for Development on an Existing Lot**

- Default position should require 30 m setback for residential uses and a 15 m wide vegetative buffer, and outline circumstances under which this could be reduced.

## **B. For Development on Agricultural Lands**

Development Permits must also be issued for farm, building permits, soil permits, or alteration of land, on lands classified as farm by the BC Assessment Authority; land less than 30% slope, designated Rural Agricultural and Resource in the 2040 OCP, and zoned A1 in the Zoning Bylaw; and lands that are within the ALR.

ALC staff echo AFF’s concerns and the farming community’s perspective of the DP being unnecessary red tape and thus would concur that the DP could be limited to agricultural areas near the urban/suburban edge.

The DP does not apply to:

- Agricultural structures (not including alcohol production facilities, farm retail sales, intensive impact agriculture, facilities for storing, packing, preparing, and processing farm products).

- Building permits for a single-family dwelling or accessory structure if a Farm Residential Footprint covenant has been registered and meets the prescribed residential footprint guidelines.
- Construction, addition or alteration not exceeding 50 m<sup>2</sup> where no variance of the Zoning Bylaw is required.

The DP includes siting and building design guidelines (e.g. keep residential structures in contiguous area), parking (e.g. parking must be permeable), and landscape buffers (e.g. requires buffer which protects from sprays and dust).

ALC staff generally do not object to the guidelines of the DP but note the concerns highlighted by AFF.

### **C. Farm Help Housing**

Development Permits are required for farm help housing (both temporary and permanent) with the intention to minimize development impacts on agricultural neighbours.

In order for a Development Permit for Temporary Farm Help Housing (TFHH) to be issued, all existing dwellings on the farm unit should be utilized prior to new construction (or should be removed, decommissioned, etc.), the TFHH footprint should be contiguous with the residential footprint and adjacent to the road, and should include a 3 m wide vegetated buffer for screening adjacent property lines.

For permanent farm worker housing, a covenant must be registered restricting use of the housing for farm workers only that shall be removed if no longer needed, housing must be located on same lot as the principal dwelling, should be contiguous with farm residential footprint (i.e. up to 1000 m<sup>2</sup> and be registered on title, and all underground services are located within the residential footprint), and should include a 3 m wide vegetated buffer for screening adjacent property lines.

ALC staff have no objection to the criteria (noted above) for the issuance of the development permit for Farm Help Housing.

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The ALC strives to provide a detailed response to all referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any decisions of the Commission.

This response does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

If you have any questions about the above comments, please contact the undersigned at 236-468-3258 or by e-mail ([Sara.Huber@gov.bc.ca](mailto:Sara.Huber@gov.bc.ca)).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Sara Huber, Regional Planner

Enclosure: Referral of City of Kelowna 2040 OCP

CC: Ministry of Agriculture – Attention: Alison Fox ([Alison.Fox@gov.bc.ca](mailto:Alison.Fox@gov.bc.ca))

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