

# COMMITTEE REPORT



**Date:** August 12, 2021

**RIM No.** 1210-21

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

**From:** Development Planning Department (SS)

**Application:** A21-0005      **Owner:** Art Scheffler  
Linda Scheffler

**Address:** 841 Curtis Road      **Applicant:** Art Scheffler

**Subject:** Application to the ALC for Non-Farm Use in the ALR for the Placement of Fill

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## 1.0 Purpose

The applicant is requesting permission from the Agricultural Advisory Committee (AAC) to allow for a Non-Farm Use to place up to 2000 cubic metres of fill to the property and reclaim to agriculture, under Section 20(3) of the Agricultural Land Commission Act.

## 2.0 Community Planning

Staff supports the application as proposed. The application proposes to place up to 2000 cubic metres of fill, with the intent of enhancing the existing pasture, to the property. The proposal is supported by a professional agrologist's report, with a placement plan to improve the site for agriculture. The purpose of the placement of gravel fill is to facilitate "flushing" of salts from the soils in their pasture. The plan is to layer the gravel fill material above the existing low-lying areas followed by layers of topsoil placed above the gravel fill to ensure a drained seed bed. (This application is a re-submission of the same application from 2017 file # A17-0007 which was approved by the AAC and prior to the ALC approval the applicant cancelled the application process in error.)

Community Planning Staff are requesting the AAC provide a recommendation for Council of support for the placement of fill. Should the ALC approve the Non-Farm Use, the applicant will be required to attain a Soil Permit from the City of Kelowna.

## 3.0 Proposal

### 3.1 Background

The subject property was purchased by the owners in 1984. It is currently largely pasture. A dwelling, shop and small accessory buildings are on the southeast corner of the site. The applicants have previously cultivated the pasture resulting in poor plant growth due to high levels of Potassium, Magnesium, Sodium and Sulfate. These areas will then be covered with fill and topsoil, disked and prepared for planting. They plan to restore a healthy pasture.

### 3.2 Project Description

The proposal is to place fill and topsoil over a 3-year period. The soil placement would be used to fill in low spots and be cultivated reseeded to enhance the present usage of the land. The goal is to regrade the property to a continuous gradual slope from the existing driveway to the north limit of the property. The agrologist's report is attached.

### 3.3 Site Context

The subject property is in the North Glenmore, Sector of the City and is within the Agricultural Land Reserve. The Future Land Use of the property is Resource Protection Area (REP). It is zoned A1 – Agriculture 1 (Maps 1 – 4, below) and is outside of the Permanent Growth Boundary. The property slopes from the south to the north, with a height of land at the south property line of 436.0 metres, sloping to the north property line at 435.0 metres, with a slope over the property which averages approximately 1%.

Parcel Summary – 841 Curtis Rd:

Parcel Size: 2.62 ha (6.47 acres)

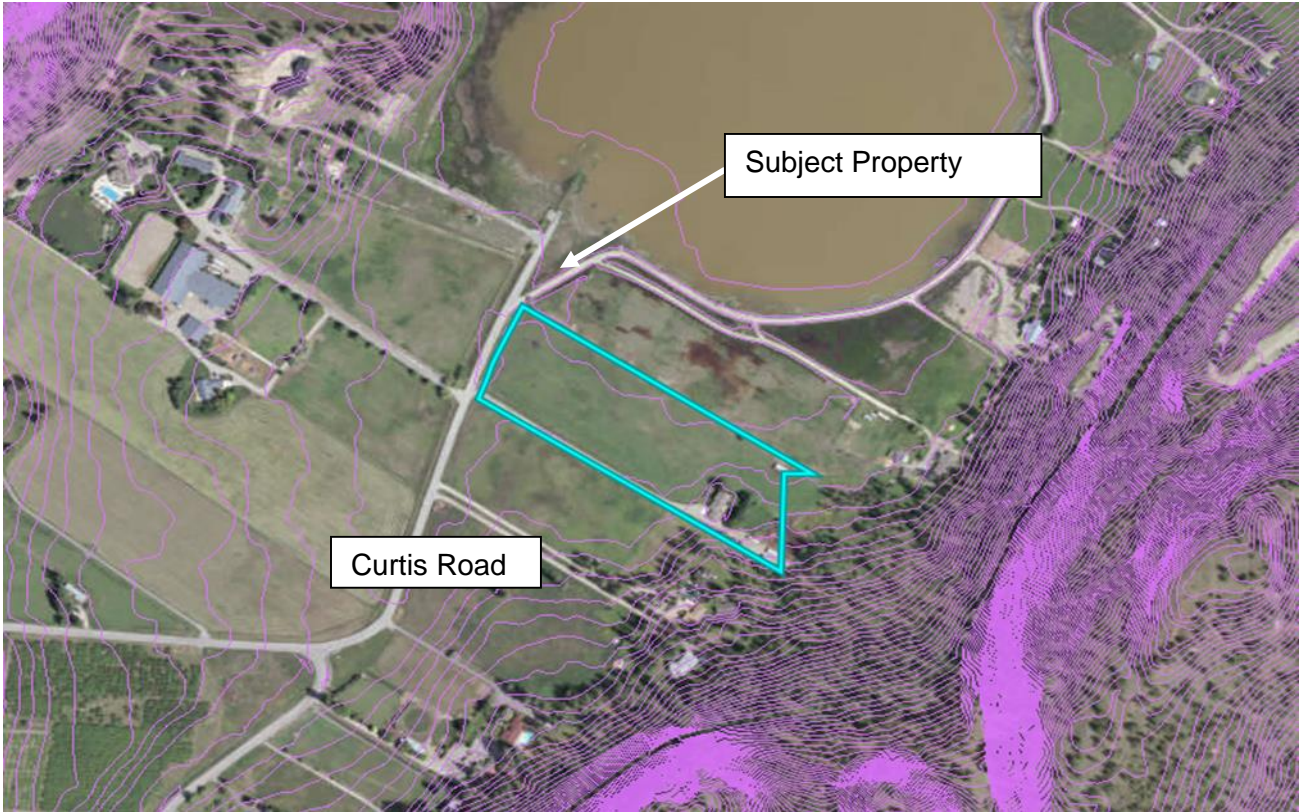
Elevation: 436.0 to 435.0 metres above sea level (masl) (approx.)

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

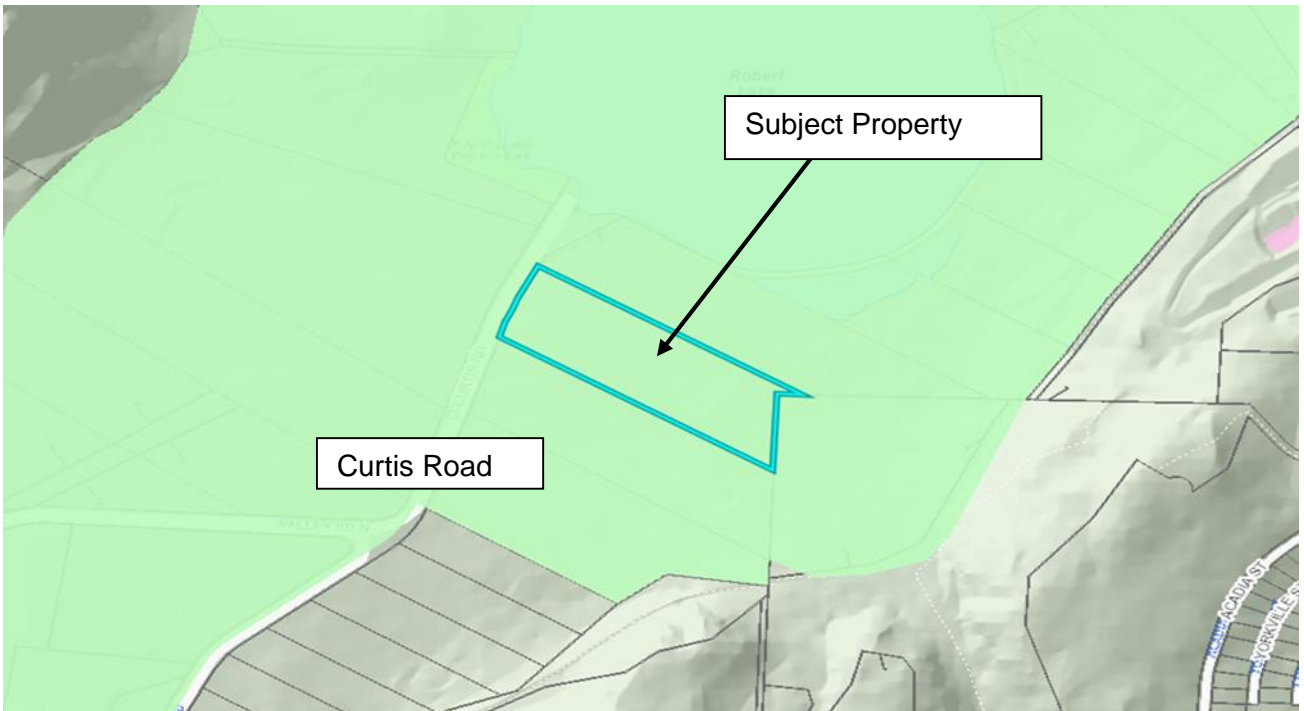
**Table 1: Zoning and Land Use of Adjacent Property**

Direction	Zoning	ALR	Land Use
North	A1 – Agriculture 1	Yes	Agriculture / Rural Residential
South	A1 – Agriculture 1	Yes	Agriculture / Rural Residential
East	A1 – Agriculture 1	Yes	Agriculture
West	A1 – Agriculture 1	Yes	Agriculture / Rural Residential

Map 1 - Neighbourhood



Map 2 – Agricultural Land Reserve



Map 3 – Future Land Use



Map 4 - Zoning



#### 4.0 Current Development Policies

##### 4.1 Kelowna Official Community Plan (OCP)

###### **Protect and enhance local agriculture<sup>1</sup>.**

**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.

**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; and
- will not harm adjacent farm operations.

##### 4.2 Natural Environment Development Permit Areas<sup>2</sup>

Unless exempted, a development permit addressing natural environment and water conservation guidelines must be approved before:

- Subdivision of land;
- Alternation of land, including but not limited to clearing, grading, blasting, preparation for or construction of services, and roads and trails;
- Drilling a well for consumptive or geothermal purposes; and/or
- Construction of, addition to, or alteration of a building or structure;

For those properties shown as Natural Environment Development Permit Areas.

##### 4.3 City of Kelowna Agriculture Plan (1998)

###### **ALR Application Criteria<sup>3</sup>**

Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.

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<sup>1</sup> City of Kelowna, 2012. 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.33.

<sup>2</sup> City of Kelowna, 2012., 2030 Official Community Plan; Chapter 12 - Natural Environment DP

<sup>3</sup> City of Kelowna Agriculture Plan. 1998. P. 130.

4.4 Agricultural Land Commission Act (ALCA)

**Section 6 Purposes of the Commission**

The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

**Report prepared by:** Sergio Sartori, Development Technician

**Approved for Inclusion:** Dean Strachan, Manager, Planning & Development Services

**Attachments:**

Attachment "A" Agrology Report & Photos

# SCHEDULE A - Policies



Subject: Address

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## 4.5 City of Kelowna Agriculture Plan (1998)

### ALR Application Criteria<sup>4</sup>

Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.

### 1.1 City of Kelowna Strategic Plan

**Objective<sup>5</sup>: Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.**

Action towards this objective<sup>6</sup>: Evaluate the effectiveness of City policies and bylaws in preserving agricultural lands.

### 1.3 Kelowna Official Community Plan (OCP)

#### Land Use Designation Definitions

#### **Resource Protection Area<sup>7</sup>**

Generally land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses.

#### **Permanent Growth boundary<sup>8</sup>**

Lands within the permanent growth boundary may be considered for urban uses within the 20 year planning horizon ending 2030. Lands outside the permanent growth boundary will not be supported for urban uses.

## Chapter 5 – Development Process

**Objective 5.3 Focus development to designated growth areas.**

**Policy .1 Permanent Growth Boundary<sup>9</sup>.** Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Support development of property outside the Permanent Growth Boundary for more

<sup>4</sup> City of Kelowna Agriculture Plan. 1998. P. 130.

<sup>5</sup> City of Kelowna Strategic Plan. 2004. P. 7.

<sup>6</sup> City of Kelowna Strategic Plan. 2004. P. 29.

<sup>7</sup> City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.2.

<sup>8</sup> City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.6.

intensive uses **only** to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council's specific amendment of this policy. Resource Protection Area designated properties not in the ALR and outside the Permanent Growth Boundary will not be supported for subdivision below parcel sizes of 4.0 ha (10 acres). The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

### **Agricultural Land Use Policies**

**Objective 5.33 Protect and enhance local agriculture<sup>10</sup>.**

**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.

**Policy .2 ALR Exclusions.** The City of Kelowna will not forward 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.

**Policy .3 Urban Uses.** Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

#### **1.4 Agricultural Land Commission Act (ALCA)**

Purposes of the commission – Section 6 of the ALCA

The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

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<sup>9</sup> City of Kelowna 2030 Official Community Plan. Development Process Chapter. P. 5.2.

<sup>10</sup> City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35.



# SCHEDULE B – Technical Comments



**Subject:** 841 Curtis Rd – A21-0005

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## 4.6 Development Engineering Department

Development Engineering has no comments at this point in time with regard to this application, however, a comprehensive report will be provided at the time of development application submission when the Agricultural Land Commission agrees to the proposed activity on the subject property.

## 4.7 Glenmore Ellison Irrigation District

GEID has no comments or objections to the above referenced file.