

REPORT TO COUNCIL



Date: February 7, 2022

To: Council

From: City Manager

Department: Development Planning

Application: A21-0005

Owner: Art and 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

Existing OCP Designation: (R-AGR) Rural - Agricultural and Resource

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Agricultural Land Reserve Application No. A21-0005 for That Part of Lot 11 Shown on Plan B16248 Block 15 Section 3 and 10 Township 23 ODYD Plan 1068, located at 841 Curtis Road, Kelowna, BC for a Non-Farm Use in the Agricultural Land Reserve pursuant to Section 20.1 (2) of the Agricultural Land Commission Act, be supported by Council.

2.0 Purpose

To support an application to the Agricultural Land Commission (ALC) to allow for a Non-Farm Use to allow up to 2,000 cubic meters of fill on the subject property to reclaim for agriculture, under Section 20.1 (2) of the Agricultural Land Commission Act.

3.0 Development Planning

Staff recommend support to allow for the previously placed fill to be retained on the subject property. The application proposes to allow for 2000 cubic metres of fill which was placed on the property in 2017, with the intent of enhancing the existing pasture. The fill is supported by a professional agrologist's report and is functioning as productive pasture today. The purpose of the placement of gravel fill was to facilitate "flushing" of salts from the soils in their pasture. 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 City Council, prior to be cancelled prior to ALC decision. This application is required through continued ALC and City enforcement.

4.0 Proposal

4.1 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.

Project Description

The proposal is to allow for fill and topsoil to remain that was placed in 2017. The soil placement was used to fill in low spots with the goal to regrading and providing better pasture. The agrologist’s report is attached.

4.2 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%. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture	Agriculture/Rural Residential
East	A1 – Agriculture	Agriculture/Rural Residential
South	A1 – Agriculture	Agriculture/Rural Residential
West	A1 - Agriculture	Agriculture/Rural Residential

Subject Property Map: 841 Curtis Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 8.1 Protect and preserve agricultural land and its capability.	
Policy 8.1.1 Protect Agricultural Land	Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.
Policy 8.1.6 Non Farm Uses	<p>Restrict non-farm uses that do not directly benefit agriculture except where such non-farm uses are otherwise consistent with the goals, objectives and other policies of this OCP. Support non-farm use applications only where approved by the ALC and where the proposed uses:</p> <ul style="list-style-type: none"> • Are consistent with the Zoning Bylaw and the 2040 OCP; • Provide significant benefits to local agriculture; • Do not require the extension of municipal services; • Will not utilize productive agricultural lands; • Will not preclude future use of the lands for agriculture; and • Will not harm adjacent farm operations.

6.0 Application Chronology

Date of Application Received: April 12, 2021
 Agricultural Advisory Committee: August 12, 2021

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on August 12, 2021 and the following recommendation was passed:

THAT the Agricultural Advisory Committee recommend to Council that Application No. A21-0005 for non-farm use to place up to 2000 cubic meters of fill to the subject property, located at 841 Curtis Road, Kelowna, B.C., be supported.

Report prepared by: Wesley Miles, Planner Specialist
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: Agrologist Report