

COMMITTEE REPORT



Date: May 9, 2024
To: Agricultural Advisory Committee
From: Development Planning Department
Address: 2786 KLO Road
File No.: A24-0008
Zone: C1 – Local & Neighborhood Commercial

1.0 Purpose

To consider a Non-Farm Use application to the Agricultural Land Commission (ALC) to develop a gas bar.

2.0 Development Planning

The subject property is a 0.38 acres (0.15 ha) site located at the intersection of KLO Road, East Kelowna Road and McCulloch Roads. The small property is currently and has historically been used as a post office since the 1940's with no active agriculture. The owners purchased the property in 2020.

A Non-Farm Use application is required to construct a gas bar on the property since it is within the Agricultural Land Reserve (ALR) and not exempt under the legislation. The current use is not permitted within the ALR however has been operating as such from prior to establishment of the ALR. The proposed new gas bar would include a two-pump island and canopy located between the existing store and KLO Road.

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:

- Are consistent with the Zoning Bylaw and the 2040 OCP;
- Provides significant benefits to local agriculture;
- Do not require the extension of municipal services;
- Will not utilize the productive agricultural lands;
- Will not preclude future use of lands for agriculture; and
- Will not harm adjacent farm operations.

The primary objective of the Agriculture Advisory Committee is to advise Council on sustainable agricultural land use from a multiple bottom line (i.e. cultural, economic, environmental, and social perspective). Staff are asking the AAC to consider this application and provide a recommendation to Council.

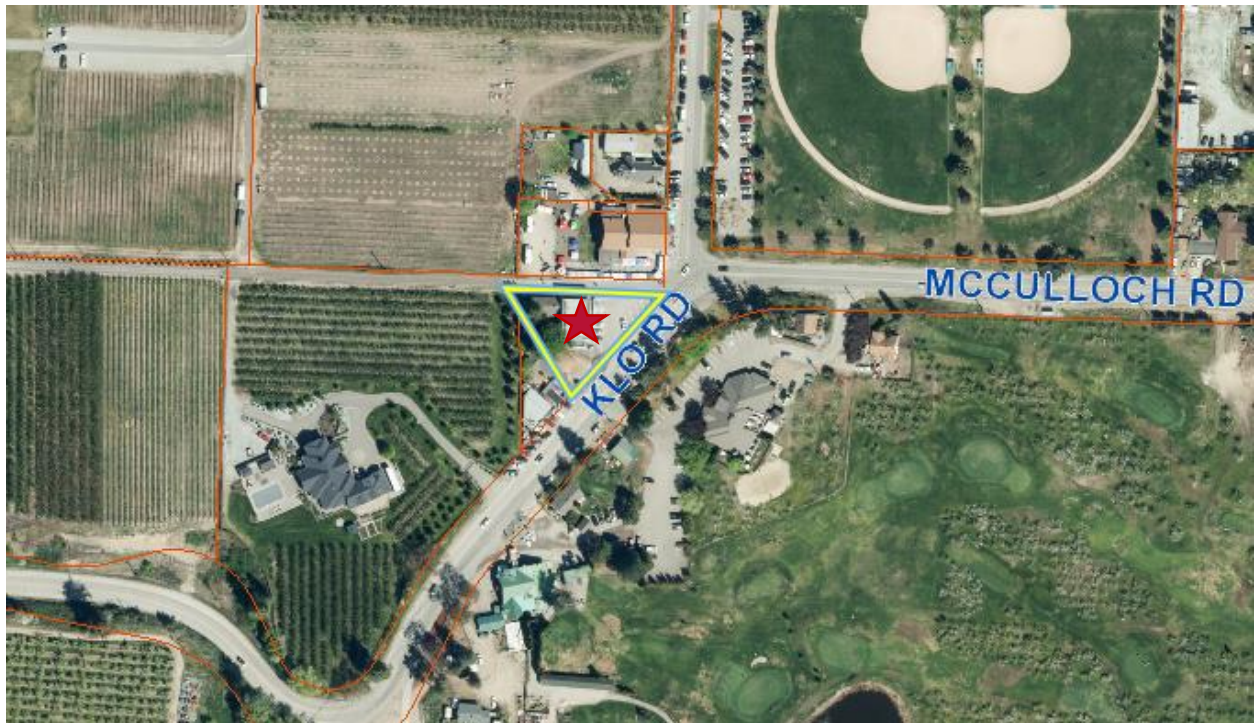
3.0 Subject Property & Background

3.1 Site Context

The site is located in the South East Kelowna in a predominately agricultural area with some historic commercial uses around the road intersection. Zoning and land uses adjacent are as follows:

Orientation	Zoning	ALR	Land Use
North	P2 – Educational and Minor Institutional	Yes	Institutional (East Kelowna Community Hall)
South	C1 – Local & Neighbourhood Commercial	Yes	Automotive Mechanics (Hillcrest Garage)
East	C1 – Local & Neighbourhood Commercial	Yes	Commercial (McCulloch Station Pub, Orchard Greens Golf)
West	A1 – Agriculture 1	Yes	Agriculture

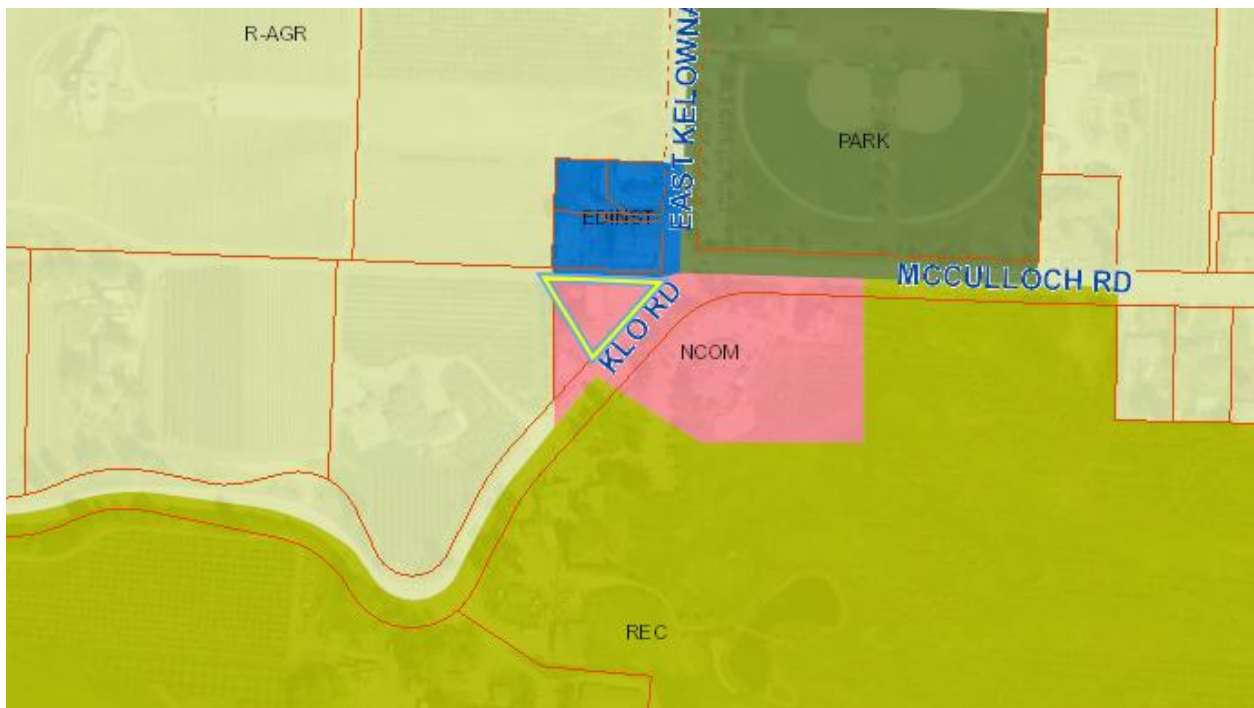
Subject Property Map



ALR Map



Future Land Use Map



4.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

Objective 8.1. Protect and preserve agricultural land and its capability.	
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. <p><i>The application is not considered to directly benefit agriculture or provide consistency with OCP policies.</i></p>
Policy 8.1.4. Urban Uses.	<p>Direct urban uses to lands within the Permanent Growth Boundary, to minimize development and speculative pressure on agricultural lands.</p> <p><i>The property is located outside of the PGB.</i></p>
Policy 8.4.1. Intensification of Rural Lands.	<p>Do not support urban uses on lands outside the Permanent Growth Boundary except for as permitted by the 2040 OCP Future Land Use Designations in place as of initial adoption of the 2040 OCP Bylaw.</p> <p><i>The existing NCU designation recognizes the historic land use on the subject property however expansion of additional uses is generally not supported due to the overall location and specific site constraints.</i></p>

Report prepared by: Wesley Miles, Planner Specialist
Reviewed by: Dean Strachan, Community Planning and Development Manager
Approved for Inclusion: Nola Kilmartin, Development Planning Department Manager

Attachments:

Attachment A – ALC Application File No: 69392 (A24-0008)
 Attachment B – Site Plan
 Attachment C – Applicant Rationale
 Attachment D – Ministry of Agriculture Memo