

REPORT TO COUNCIL



Date: November 20, 2017
RIM No. 1210-10
To: City Manager
From: Community Planning Department (SS)
Application: A17-0007
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
Existing OCP Designation: Resource Protection Area
Existing Zone: A1 - Agriculture

1.0 Recommendation

THAT Agricultural Land Reserve Appeal No. A17-0007 for Part of Lot 11 Shown on Plan B16248 Block 15 Section 3&10 TWP 23 ODYD Plan 1068, located at 841 Curtis Road, Kelowna, for a Non-Farm Use in the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act, be supported by Council.

2.0 Purpose

To support an application to the Agricultural Land Commission (ALC) for a Non-Farm Use to place up to 1372 cubic metres of fill to the property and reclaim to agriculture, under Section 20(3) of the Agricultural Land Commission Act.

3.0 Community Planning

Staff supports the application as proposed. The application proposes to place up to 1372 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 and professional drainage design 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 complete with the recommended French drain system, followed by layers of topsoil placed above the gravel fill to ensure a drained seed bed.

Should the ALC approve the Non-Farm Use, the applicant will be required to attain a Soil Permit from the City of Kelowna.

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. These areas will then be covered with fill and topsoil, disked and prepared for planting. They plan to restore a healthy pasture.

4.2 Project Description

The proposal is to place fill, drainage system 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. Flushing these salts through proper drainage is the only way to improve the productivity of the land, and ensure that the new cover soil does not become contaminated with the alkaline properties. 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 and agricultural drainage plan is attached.

4.3 Site Context

The subject property is located in the North Glenmore, Kelowna 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)

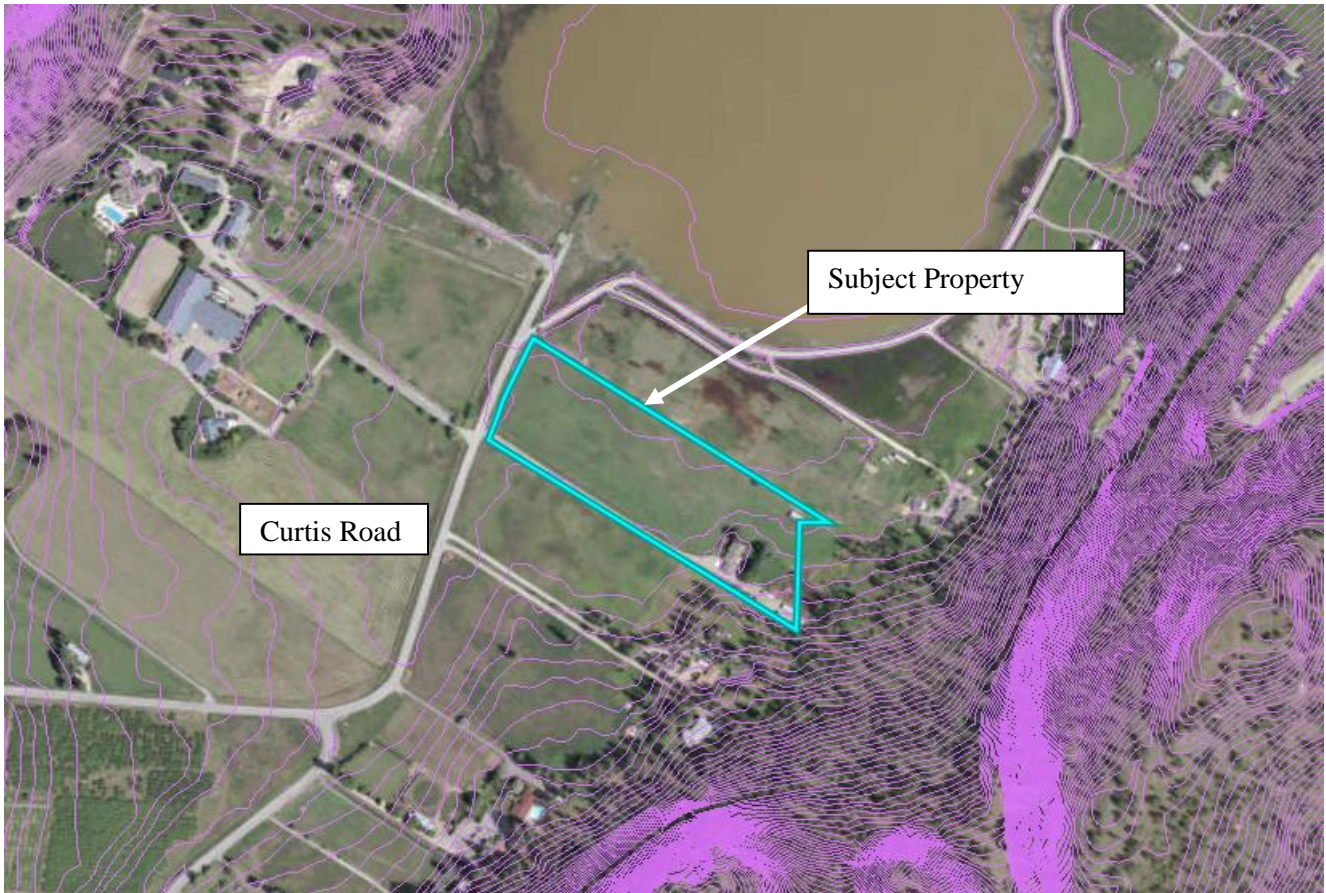
Elevation: 436.0 to 435.0 metres above sea level (masl) (approx.)

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

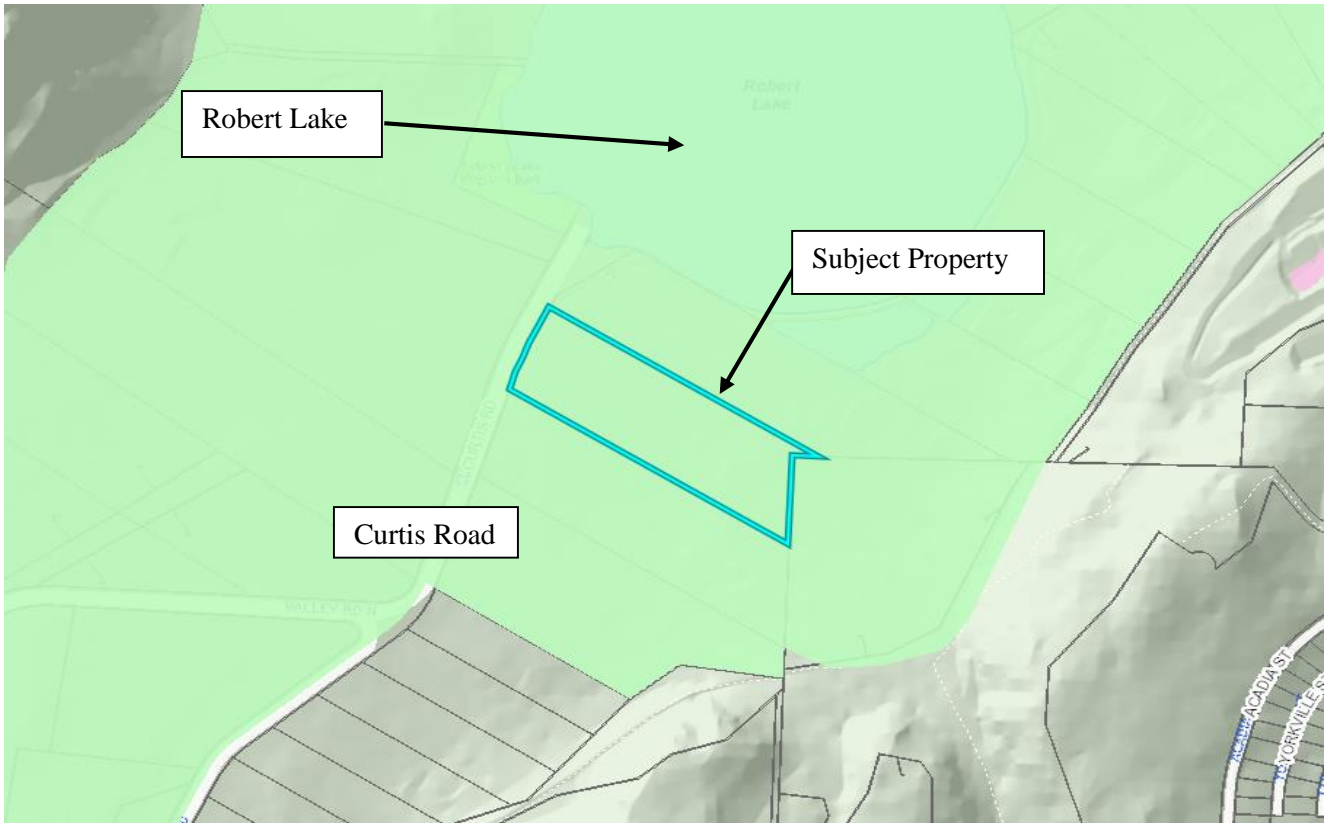
Table 1: Zoning and Land Use of Adjacent Property

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

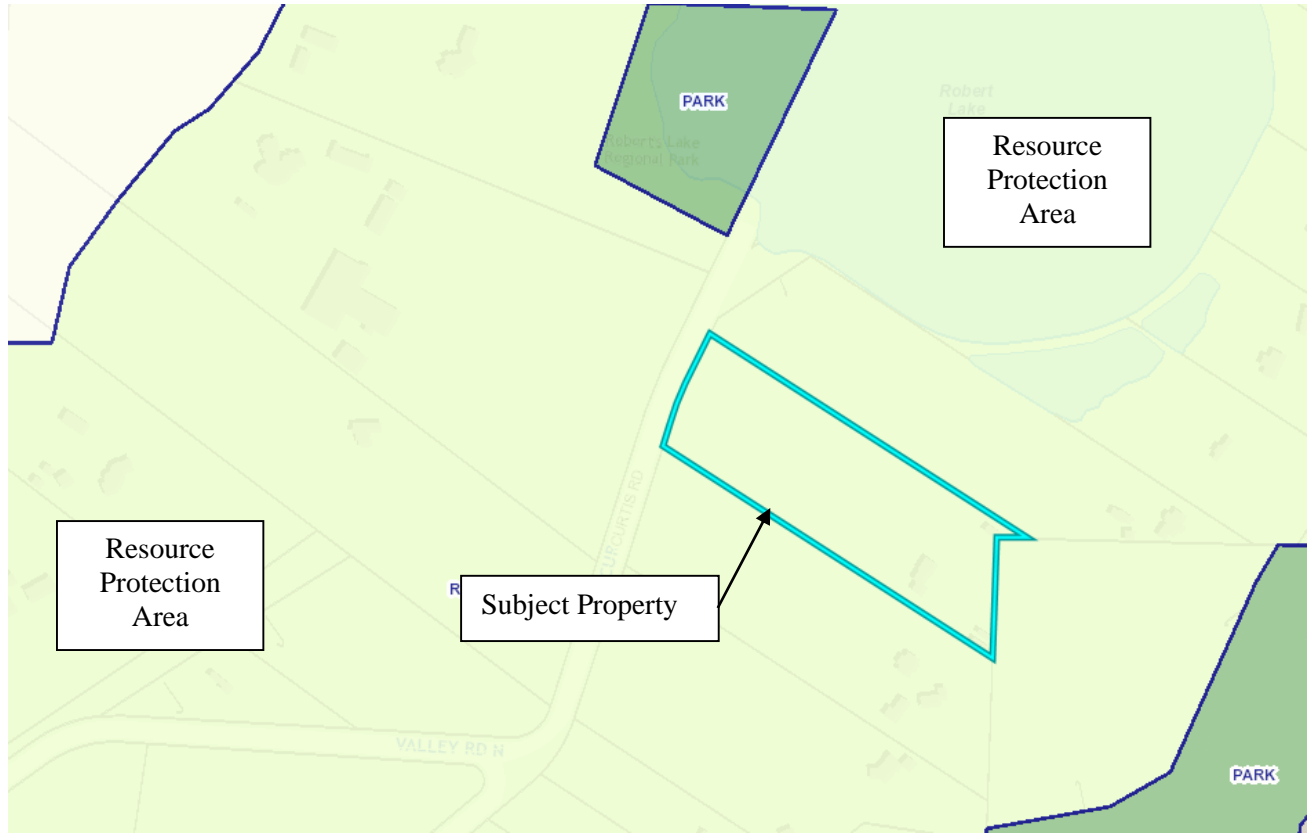
Map 1 - Neighbourhood



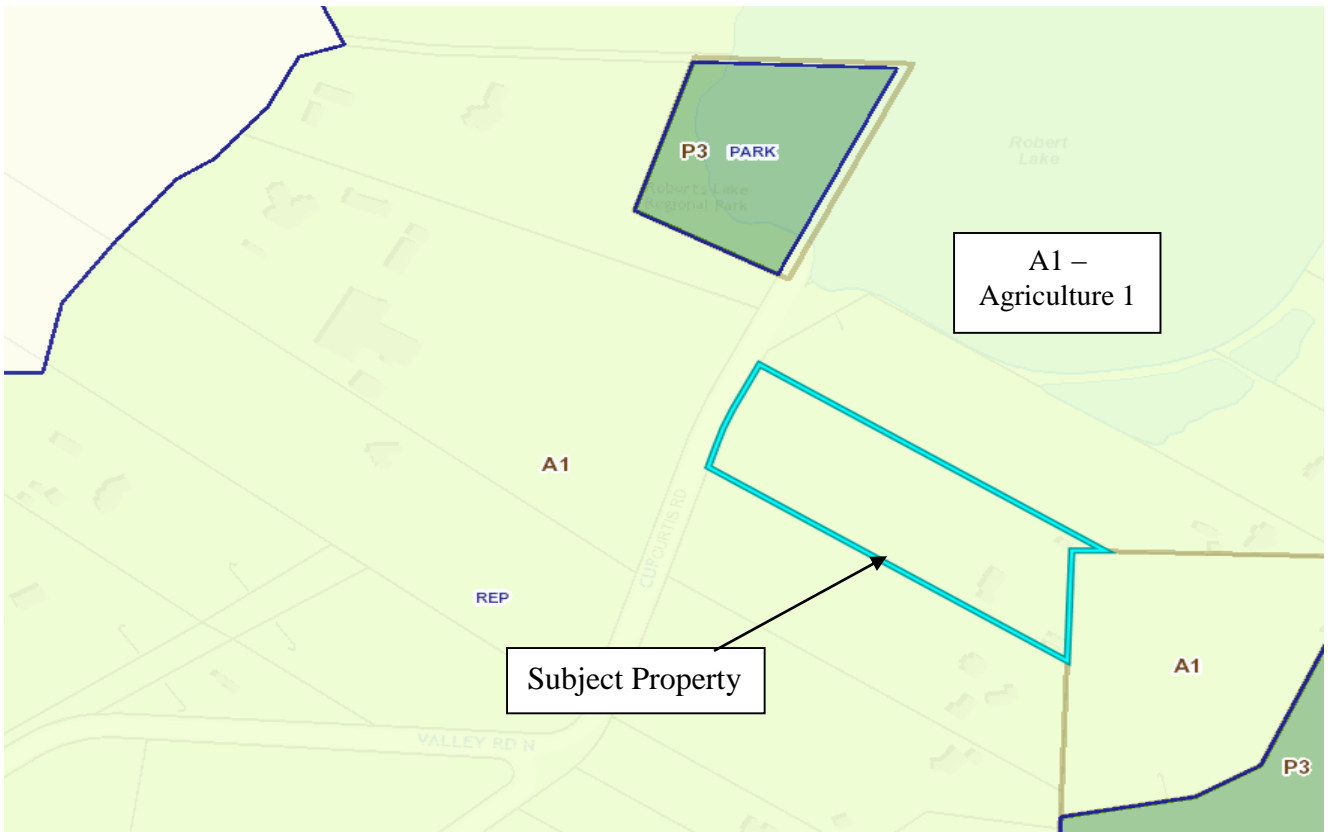
Map 2 - Agricultural Land Reserve



Map 3 - Future Land Use



Map 4 - Zoning



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Protect and enhance local agriculture¹.

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.

5.2 Natural Environment Development Permit Areas²

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.

5.3 City of Kelowna Agriculture Plan (1998)

ALR Application Criteria³

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.

5.4 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.

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

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

³ City of Kelowna Agriculture Plan. 1998. P. 130.

6.0 Technical Comments

6.1 Development Engineering Department

The Development Engineering comments regarding this application for the placement of fill within the Agricultural Land Reserve are as follows:

- This soil deposit application is obtained to help enhance the agricultural capability of the property.
- Development Engineering has no requirements with regard to this application provided that the general grading to the property, as well as drainage to the adjacent property, is not affected.
- Efforts must be made to ensure that tracking of materials onto City roads is kept to a minimum. Street sweeping, sediment and dust control will be the responsibility of the applicant.

7.0 Application Chronology

Date of Application Received: July 18, 2017

Agricultural Advisory Committee October 12, 2017

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on October 12, 2017 and the following recommendations were passed:

Moved By Pete Spencer /Seconded By Tarsam Singh

THAT the Agricultural Advisory Committee recommends that Council support Agricultural Land Reserve Appeal Application No. A17-0007 for the property located at 841 Curtis Road to allow for a Non-Farm Use to place up to 1372 cubic metres of fill on the subject property and reclaim to agriculture pursuant to Section 20(3) of the *Agricultural Land Commission Act*.

Carried

ANEDOTAL COMMENTS:

The Agricultural Advisory Committee recommends support but the project needs to be engineered by a drainage professional and installed correctly to ensure it continues to work over time, to ensure that the objective of improving agricultural land is achieved, as well as the protection of adjacent agricultural lands from impact. The AAC supports the applicant in trying to improve the agricultural viability of the lands. Changing drainage can present risk of flooding other ditches in the area and sound engineering should be engaged to ensure that other properties are not impacted.

In addition, a professional agrologist should be consulted to ensure that the soil being added will improve the viability of the soil, that the soil is clean and free of contamination, and that the objectives of the project are being achieved.

Report prepared by:

Sergio Sartori

Reviewed by: Todd Cashin, Subdivision, Suburban and Rural Planning Manager

**Reviewed by
Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

Approved for Inclusion: Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Attachment A: Agrology Report

Attachment B: Agricultural Drainage Plan

Attachment C: Site Photos