



**CITY OF WEST KELOWNA  
AGRICULTURAL ADVISORY COMMITTEE AGENDA**

Wednesday, May 5, 2021, 5:00 P.M.

COUNCIL CHAMBERS

2760 CAMERON ROAD, WEST KELOWNA, BC

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**Pages**

- 1. CALL THE AGRICULTURAL ADVISORY COMMITTEE MEETING TO ORDER**

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, the public is currently not permitted to attend Agricultural Advisory Committee meetings in person. As an open meeting, it will be webcast live and will be archived on the City's website.
- 2. INTRODUCTION OF LATE ITEMS**
- 3. ADOPTION OF AGENDA**
- 4. ADOPTION OF MINUTES**
  - 4.1. Minutes of the Agricultural Advisory Committee meeting held April 7, 2021 in the City of West Kelowna Council Chambers** 2
- 5. PRESENTATIONS**
- 6. DELEGATIONS**
- 7. UNFINISHED BUSINESS**
- 8. REFERRALS**
  - 8.1. A 21-04; ALR Non-Farm Use Application; 1221 Hudson Road** 9
- 9. CORRESPONDENCE AND INFORMATION ITEMS**
- 10. OTHER BUSINESS**
- 11. ADJOURNMENT OF THE MEETING**

The next Agricultural Advisory Committee meeting is scheduled for Wednesday, June 2, 2021 at 5:00 p.m.



**CITY OF WEST KELOWNA**  
**MINUTES OF THE AGRICULTURAL ADVISORY COMMITTEE MEETING**

Wednesday, April 7, 2021  
COUNCIL CHAMBERS  
2760 CAMERON ROAD, WEST KELOWNA, BC

MEMBERS PRESENT: Jan Bath, Chair  
Philip Gyug  
Geoffrey Oliver  
Anton Schori  
Nikko Shankman

MEMBER ABSENT: Serina Penner, Vice Chair

Staff Present: Chris Oliver, Senior Planner  
Natasha Patricelli, Recording Secretary  
Jayden Riley, Planner II

Others Present: Christina Forbes, Beef & Livestock Industry Specialist, Ministry of Agriculture, food and Fisheries

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**1. CALL THE AGRICULTURAL ADVISORY COMMITTEE MEETING TO ORDER**

The meeting was called to order at 5:02 p.m.

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, the public was not permitted to attend the Agricultural Advisory Committee meeting in-person. As an open meeting, it was webcast live and archived on the City's website.

**2. INTRODUCTION OF LATE ITEMS**

**3. ADOPTION OF AGENDA**

It was moved and seconded

**THAT** the agenda be adopted as presented.

CARRIED UNANIMOUSLY

#### 4. **ADOPTION OF MINUTES**

##### 4.1 **Minutes of the Agricultural Advisory Committee meeting held February 11, 2021 in the City of West Kelowna Council Chambers**

It was moved and seconded

**THAT** the minutes of the Agricultural Advisory Committee meeting held February 11, 2021 in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

#### 5. **PRESENTATIONS**

##### 5.1 **Christina Forbes, Beef & Livestock Industry Specialist, Ministry of Agriculture, Food and Fisheries**

Highlights of the presentation include:

- Most farming is concentrated in the Okanagan and Fraser Valley;
- 101 farm practice complaints in the South and Central Okanagan region;
- Majority of complaints in City of West Kelowna are winery complaints regarding noise (propane cannons, night time spraying, equipment and helicopters);
- The Ministry's Strengthening Farming Program initiated to draw agriculture into local government land use planning, address conflicts in farming areas and encourage policies and bylaws supportive of farming;
- Role of Ministry's Regional Agrologist is facilitation and conflict resolution, assist Ministry land use planners, provide information and education to farmers and neighbours about farm practices;
- *Farm Practices Protection Act (FPPA)*:
  - Protects farmers from nuisance lawsuits, nuisance bylaws and prohibitive injunctions when they are using 'normal farm practices';
  - B.C. Farm Industry Review Board is the body to deal with formal complaints about farm practices - investigate and resolve disputes, and has the ability to order a farmer to improve or stop poor farming practices;

- *Local Government Act* and *Land Title Act* integrate agriculture into local government land use planning and subdivision processes;
- Tools to promote farming: Official Community Plan, Regional Growth Strategies, Ag Area Plans, Development Permit Areas;
- Restrictive Covenants are a disclosure statement saying the land is close to an agriculture area where acceptable farm practices may result in noise, dust, odour and or other impacts during certain times of the year;
- Edge planning is for the urban and agricultural areas along the ALR boundary. Non-farm residents who live within 300 meters can be significantly impacted by farming activities;
- Potential Challenges along the 'Edge': land use pressures, urban-rural conflict, lower agricultural activity, dispute resolution resources;
- Potential benefits of 'Edge' planning: greater urban-rural compatibility, land uses optimized, shared responsibility;
- Edge planning design examples: Avoid road stubs and half roads, direct urban traffic away from farms, use buffer setbacks along the ALR edge;
- Issues with Implementation: many local governments haven't implemented edge planning, buffers may have been watered down to a level where they are not effective, developers don't want to give up land, farmers may not want trees shading crops, noise from helicopters and wind machines;
- Farm bylaws allow the City to put more restrictions on farms however requires approval from the Minister of Agriculture. Currently only 4 regulated communities in the province: Langley, Abbotsford, Delta and Kelowna.

Question on the presentation:

- Edge planning works well with new developments but what about existing communities? It is challenging for established communities however the Ministry of Agriculture can provide guidance for rezoning.

## 6. DELEGATIONS

## 7. UNFINISHED BUSINESS

## 8. REFERRALS

## **8.1 A 21-03; Non-Farm Use Application; 3992 Pritchard Drive North**

Highlights of the presentation include:

Property Details:

- Located in South Boucherie Neighbourhood;
- Adjacent to Barona Beach Resort;
- Surrounding Land uses:
  - North: Agriculture (A1);
  - East: Single Detached Residential (R1);
  - South: Tourist Commercial (C6);
  - West: Country Residential (RU1). Agriculture (A1);
- 36,300 sq. m. parcel area;
- 3,000 sq. m. of parcel proposed for non-farm use - "Row F";
- Zoning: Agriculture (A1);
- OCP: Agriculture;
- Located within Agricultural Land Reserve;

Proposal:

- Non-farm use application to use "Row F" for outdoor vehicle parking, refuse storage, accommodate Barona Beach Resort visitors and community garden;
- No fill or permanent improvements;
- Existing dog park proposed to remain;
- Unclear how community garden would be managed;

Background:

- "Row F" historically used for motorhome and RV camping;
- Recently has been used as parking and smoking area;
- ALC Exclusion application for Lot B in 2004;
- Non Farm Use Application to permit parking on "Row F" in 2019;
- ALC refused proposal to construct parking lot in 2020;

#### Legislative Requirements:

- Agricultural Land Commission Act Section 20 and Section 25 (3);
- Official Community Plan Bylaw Section 2.5.1 and Section 3.3.8;
- Zoning Bylaw: A1 zone does not permit refuse storage and outdoor vehicle parking that is not accessory to a permitted principal use; ALR regulations are more restrictive;
- Agricultural Plan: Limiting the amount of land used by residences and buildings to ensure land is for agricultural purposes; commitment to the protection and enhancement of land within the ALR and land zoned A1;

#### Referrals:

- Application referred to multiple external agencies and internal departments;
- No comments have been received at this time. Referral period ends April 28, 2021;

#### Key Considerations:

- Proposal includes a community garden consistent with A1 Zone and ALR land uses however the inclusion of parking and refuse does not - therefore non-farm use application is required;
- Similar application presented to AAC in 2019 to permit outdoor vehicle parking. The AAC did not support the application as proposed;
- "Row F" is currently under lease to ensure a buffer is maintained between agricultural lands and resort development, which was a condition of the ALC's approval of the ALR exclusion application for Barona Beach Resort lands;
- ALC rejected the previous non-farm use application that proposed parking in the same area, "Row F".

#### Questions on the presentation:

- Property is currently in non-compliance? Yes;
- If the previous application was rejected why is there still non-compliance? There is a history of enforcement on the property;
- Application proposed for community garden with benefit for the resort, why do they need parking? It would be for the greater community and they feel a need for more parking for residents and guests;

- Has interest been expressed from the community for a community garden? Unclear if there was interest expressed - application was put forward by the Barona Beach Strata Council;
- Where is the next closest community garden? City of West Kelowna has several community gardens - Town Centre Community Garden, and Shannon Woods Community Garden;
- Concern that nothing will change if this application does not go through? City bylaw enforcement is triggered on a complaint basis. There is also a ALC Compliance Officer who could provide enforcement on agricultural lands;
- Not allowed to pave on ALR land? ALR restricts the amount of coverage on parcels, subject property has a current base of gravel;
- Non-farm use permit have a term length or based on conditions? Terms established by the ALC, non farm use could be approved indefinitely and based on the conditions established by the Council and ALC on the application;
- Clarification on the parcel as a parking lot and want to bring it back into production would there be a soil assessment? Those should occur early in the ALC process.

Highlights of the discussion include:

- Difficult to imagine raised beds in a parking lot full of cars;
- Agricultural Plan strategy states to maximize land available for agricultural production. Application states 567 sq. ft. is 1.7% of 3 hectares of gardens. Agricultural land use nominal in comparison to the total land area;
- Parking along ALR land limits the amount of farm use;
- Land use has not been satisfied for a community garden;
- Application mirrors previously rejected proposal;
- A community garden would limit the amount of parking used on the remaining portion of the property;
- Space shown for parking is not enough space to turn a car;
- Inaccuracies in submission regarding current uses;
- Community gardens to protect the agricultural land it should be at least 50% of the property;

- Insufficient detail on dimensions. Suggestion is to include specific drawings and dimensions for garden plots, green space and parking area and routes;
- Showing non-compliance for existing regulations;
- Are residents interested in the community garden?;
- Lack of community garden management plan;
- Possible opportunity for Okanagan Xeriscape Association to be involved;
- Lot does not currently uphold existing use.

It was moved and seconded

**THAT** the AAC not support file A 21-03, Non-Farm Use Application, 3992 Pritchard Drive North due to a lack of farm use versus non farm use in the proposal.

CARRIED UNANIMOUSLY

**9. CORRESPONDENCE AND INFORMATION ITEMS**

**10. OTHER BUSINESS**

**10.1 Agricultural Advisory Committee Revised Meeting Schedule 2021**

It was moved and seconded

**THAT** the AAC adopt the revised 2021 AAC Meeting Schedule.

CARRIED UNANIMOUSLY

**11. ADJOURNMENT OF THE MEETING**

The meeting adjourned at 6:15 p.m.

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CHAIR

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RECORDING SECRETARY



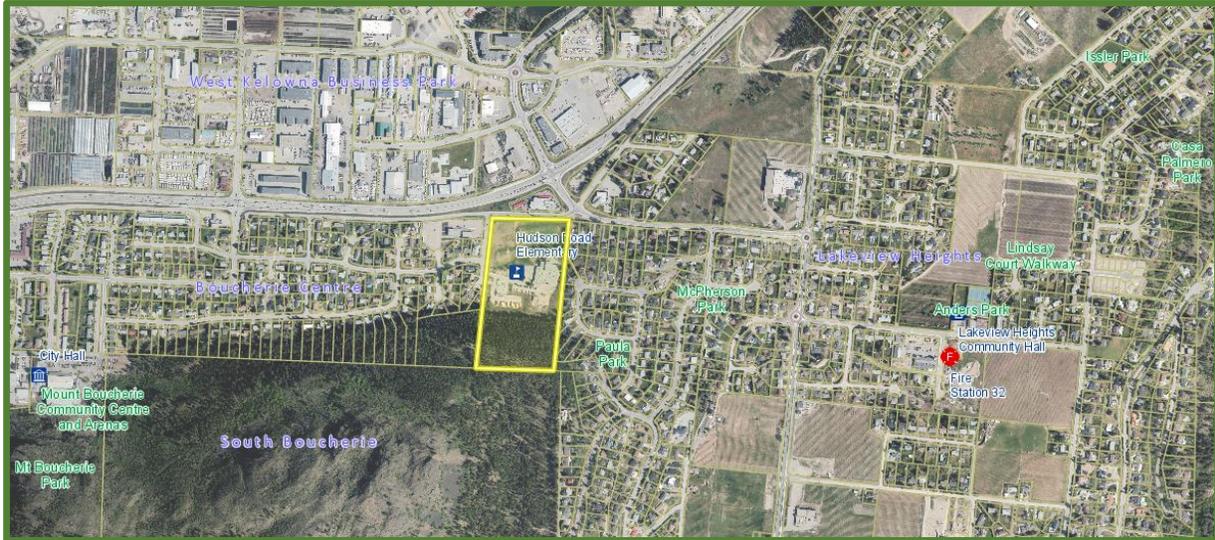
R1 – Single Detached Residential Zone

South

v

P1 – Parks and Open Space (Mt Boucherie Park)

### NEIGHBOURHOOD MAP



### PROPERTY MAP



## DISCUSSION

### Subject Property

The Subject Property (1221 Hudson Road) is located within the Boucherie Centre Neighbourhood and is currently used for an elementary school. Hudson Road Elementary is within School District #23 and has been located on this property for over 40 years and construction of the school took place between 1974 and 1976, shortly after the Agricultural Land Commission (ALC) and Agricultural Land Reserve (ALR) was established. While only a portion of the property is within the ALR, the entirety of the school buildings and ancillary uses such as parking and sports fields are located on the portion of the property within the ALR.

## Background

In 2018, an Exclusion Application was submitted for three ALR properties in West Kelowna owned by School District #23, two operating as elementary schools (Hudson Road Elementary at 1221 Hudson Road and Shannon Lake Elementary at 3044 Sandstone Drive) and one operating as a community centre (Webber Road Community Centre at 2829 Inverness Road). In November of 2018, Council supported the application be forwarded to the ALC for consideration of exclusion of 14.4 ha of land from the ALR.

Ultimately, the ALC did not approve the exclusion application to remove 14.4 ha on the three school district sites from the ALR, however they did support a Non-Farm Use request for the addition of portables to accommodate student growth and also approved that a school could be constructed on the Webber Road site.

## Proposal

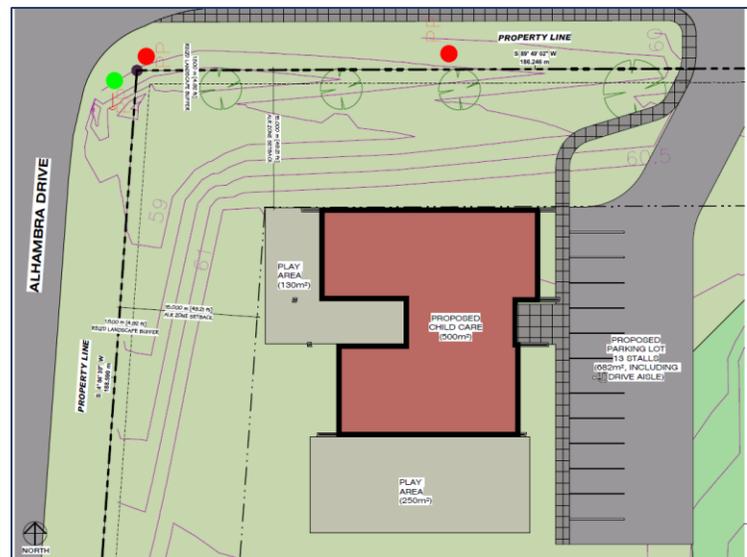
The current proposal is a Non-Farm Use application to construct an Early Learning Program Facility on the Hudson Road Elementary school property (1221 Hudson Road). The facility will be ~500 m<sup>2</sup> and create 92 new child care spaces for the community. There are currently 30 existing before/after school child care spaces provided out of Hudson Road Elementary.

The child care facility will be operated by the Okanagan Boys and Girls Club and will provide the following types of category spaces:

- Group Child Care (Under 36 Months) – 8 spaces
- Group Child Care (30 Months to School Age) – 16 spaces
- Preschool - 20 spaces
- Group Child Care (School Age) - 48 spaces
- **Total Spaces – 92 new child care spaces**

The proposed child care facility has an approximate development footprint of 1,562 m<sup>2</sup> including the building, play areas, parking lot and access which is *Figure 1 - Site Plan of proposed Facility* approximately 2% of the subject property (*Figure 1*). It is proposed that approximately 1,600 m<sup>2</sup> of imported fill material may be required for the development.

School District #23 has applied for provincial funding for the creation of new child care facilities at six schools in the Central Okanagan, including the subject property. Funding decisions should be announced this Spring, and if successful the School District would anticipate construction to begin in 2022.



## Policy & Bylaw Review

### *Official Community Plan Bylaw No. 0100*

The subject property has a future Land Use Designation of *Institutional*. The intent of the *Institutional* Land Use Designation is to provide for institutional uses that support governance, health, culture and learning<sup>1</sup>. Schools, community centres, fire halls, health centres and other associated uses are envisioned for lands with the Institutional designation. The OCP's Institutional objective is to support institutional uses which are accessible to the broader community and complement neighbouring uses<sup>2</sup>. The OCP also speaks to healthy child development being one of the determinants of community health<sup>3</sup>.

### *Agricultural Plan*

The purpose of the City's Agricultural Plan is to define the City's role with respect to agriculture and identify actions to support the viability of farming. The Plan does not speak to ALR lands with existing school operations on them and the three strategies within the plan relate to Education & Promotion, Diversity & Expansion and Conservation & Environmental Sensitivity. Recommendation 11 speaks to the protection of Agricultural Land, however primarily addresses the impacts on agriculturally zoned parcels.

### *Zoning Bylaw No. 0154*

The subject property maintains a non-agricultural zoning designation of *Institutional and Assembly Zone (P2)*. The purpose of this zone is to accommodate institutional, administrative and associated uses and permits Care Facility, Major and Education Facility as permitted principal uses.

The proposed Early Learning Education Facility would meet the City's Zoning Bylaw regulations for development within the P2 Zone, including maximum parcel coverage, building height and required siting regulations.

Uses within the P2 Zone with floor areas greater than 100m<sup>2</sup> require 2.5 parking spaces per 100m<sup>2</sup>. Based on the proposed floor area of the Facility, 13 parking stalls are required. The proposal meets the required off-street parking regulations.

### *Agricultural Land Commission (ALC) Act*

Under Section 20 of the ALC Act, an owner may apply to the ALC for permission under Section 25 for a non-farm use. An application for non-farm use must not proceed to the ALC for consideration unless authorized by a resolution of the local government.

### *Child Care Planning & Needs Assessment*

The City of West Kelowna has recently participated in a co-operative regional Child Care Planning & Needs Assessment for the Central Okanagan with the City of Kelowna, District of Peachland and District of Lake Country. This report provided excellent data on the current state of child care within the region and also provided a detailed needs assessment which identified that a multi-dimensional, community approach is required to improve child care in the region. West Kelowna's annual space creation target over the

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<sup>1</sup> OCP Section 3.3, Table 4 Land Use Designation Summary

<sup>2</sup> OCP Section 3.3.6, Institutional Objective 1.

<sup>3</sup> OCP Section 3.8.5 Public Health and Safety

next 10 years is 306 spaces (23 spaces for ages 0-5 and 283 spaces for ages 6-12), based on population projections and the City's current child care inventory.

### REFERRAL COMMENTS

No referral comments have been received at the time of writing this report. This application has been referred to both internal and external agencies and the comment deadline is Monday May 20, 2021.

### **KEY CONSIDERATIONS**

In providing recommendations to City staff and Council, the AAC may wish to consider the following:

- The subject property has been used as a school by the School District for over 40 years;
- The property has an Institutional designation within the City's Official Community Plan and is zoned for Institutional land uses;
- The ALC has previously approved non-farm uses to expand education related uses on the subject property (ie. Portable classrooms);
- The proposed child care facility would supply needed spaces to meet the identified space creation targets from the Child Care Planning & Needs Assessment.

Specific comments would be appreciated should the AAC have any concerns with the proposed Non-Farm Use Application, so that they may be further investigated or considered prior to staff providing a recommendation to Council as part of consideration of the application.

Respectfully submitted,

Hailey Rilkoﬀ, Planner II

Powerpoint: Yes  No

Attachments:

1. Site Plan
2. Proposal Summary



# ALC Non-Farm Use Application: Proposal Summary

ATTACHMENT: 2

Applicant: The Board of School Trustees of School District No. 23 (Central Okanagan)

FILE NO.: A 21-04

This is an application to allow for the construction of a School District early learning program facility on an existing elementary school property located in the ALR. This request is being submitted in line with ALC Decision #348/2019 (ALC file # 57814, CWK File # A 18-05). The proposed new development area covers 2% of the subject property.

## PROPERTY INFORMATION:

- Parcel Identifier: 010-346-961
- Legal Description: Lot 45, District Lot 506, Osoyoos Division Yale District, Plan 5381
- Civic: 1221 Hudson Road, West Kelowna, BC
- Property Area: 7.9 ha (5.8 ha located in the ALR)

The subject property has been used for institutional uses as Hudson Road Elementary School for over 40 years. The school was constructed in 1974 and has been operating continuously as an elementary school since that date. The property is zoned for institutional and assembly (P2) uses by the City of West Kelowna and the City's Official Community Plan designates the property for future institutional and assembly uses. A property map and site photos are attached to this summary.

## Surrounding Land Uses:

- North: Commercial – Sonic Car Wash
- East: Residential / single family homes
- South: Regional Park – Mt. Boucherie
- West: Residential / single family homes

## PROPOSAL:

The proposal is to allow the School District to construction of a 500m<sup>2</sup> (5,382 sq.ft) early learning program facility on the northwestern corner of the elementary school property. The facility will create 30 new childcare spaces and will accommodate both daycare and pre- and after-school programs. In keeping with other School District owned childcare facilities, this facility will be run in partnership with the Okanagan Boys and Girl's Club.



Figure 1. Context Map



Figure 2a. Photo taken from Hudson Rd looking towards the intersection of Hudson Rd & Alhambra Dr.



Figure 2b. Site Plan (yellow arrow depicts photo location/angle). Detailed site plan(s) are attached.

# ALC Non-Farm Use Application: Proposal Summary

Applicant: The Board of School Trustees of School District No. 23 (Central Okanagan)

## Development Footprint:

While still in the early planning stages, the total combined development footprint is 1,562m<sup>2</sup>, including the proposed childcare facility (500m<sup>2</sup>), two play areas (combined 380m<sup>2</sup>), and a proposed parking lot and access road (682m<sup>2</sup>). The proposed new development footprint covers 2% of the total property. The property has easy access from Hudson Road and the proposed location requires a small access road and limited grading of the property allowing for a reduced development footprint. The access road is proposed at the same location as the existing operations access off Hudson Road.

## Proposed Fill:

The parking lot and access road will be paved and the play areas will be a mix of gravel, bark mulch or rubberized surface for a safer play area. It is anticipated that a maximum of 1,600m<sup>2</sup> of imported material (structural fill, concrete/asphalt and/or gravel) will be required to accommodate the proposed footprint. Exact fill depths and materials have not yet been determined at this time.

## Timing of Project:

In October 2020, the School District applied for provincial funding to create new childcare facilities at six school sites throughout the Central Okanagan, including the Hudson Road property. The provincial funding application decision is anticipated in spring 2021. If approved, the School District would begin the planning process immediately, with target construction to begin in Spring 2022.

## Justification for the proposed use:

In 2020, a licensed childcare inventory was developed for the Central Okanagan to understand the current childcare supply and determine the necessary childcare space targets needed for the Central Okanagan's growing population. The results of this report<sup>1</sup> showed that the Central Okanagan is an area where families have difficulty finding childcare and that there is not enough childcare space to meet demand. The majority of existing childcare providers carry a waitlist and care for school-aged children was identified as an area of high need. As can be seen in the below tables, West Kelowna requires a significant number of childcare spaces to be constructed to meet the growing demand.

Table 11. City of West Kelowna space creation targets: Ages 0 to 5

Year	Projected Child Population	Total Spaces Needed to Maintain Current Access Rate (19.7)	Total Spaces Needed to Maintain Target Access Rate (30)
2019	2005	395	602
2020	2020	398	606
2022	2036	401	611
2025	2052	404	616
2030	2068	407	620

To meet at target of 620 spaces for children ages 0 – 5 by 2030, West Kelowna will need an average of 23 new spaces per year over the next 10 years.

Figure Source: *The Care for Our Kids Report: dated July 2020.*

Table 15. City of West Kelowna space creation targets: Ages 6 to 12

Year	Projected Child Population	Total Spaces Needed to Maintain Current Access Rate (22.1)	Total Spaces Needed to Maintain Target Access Rate (30)
2019	4620	1022	3696
2020	4664	1119	3731
2022	4677	1123	3742
2025	4662	1119	3729
2030	4817	1156	3854

To meet at target of 3854 spaces for children ages 6 – 12 by 2030, West Kelowna will need an average of 283 new spaces per year over the next 10 years.

The report further found that West Kelowna families face logistical challenges with existing childcare locations and many indicated that their preference was to have their childcare centre near a school. One of the key recommendations from the report was to consider joint-use agreements between public institutions and non-

<sup>1</sup> *The Care for Our Kids Report: Community Childcare Planning, Central Okanagan, prepared by Urban Matters CCC, draft dated July 2020.*

# ALC Non-Farm Use Application: Proposal Summary

Applicant: The Board of School Trustees of School District No. 23 (Central Okanagan)

profit childcare providers to help facilitate the creation of additional childcare spaces in the community; and continue to advocate for childcare to be integrated with elementary schools.

## Rationale for Hudson Road Elementary School Location:

Currently there are several childcare facilities operating out of existing elementary schools in West Kelowna, including an afterschool care facility at Hudson Road Elementary School. When tasked with finding a location for a new childcare facility in one of the West Kelowna elementary school sites, the School District looked at land availability, access to major corridors and the location of the property in relation to other childcare facilities and anticipated population growth.

With these factors in mind, the Hudson Road Elementary School location was identified as a central location within the city, with good access from the highway and limited impact of

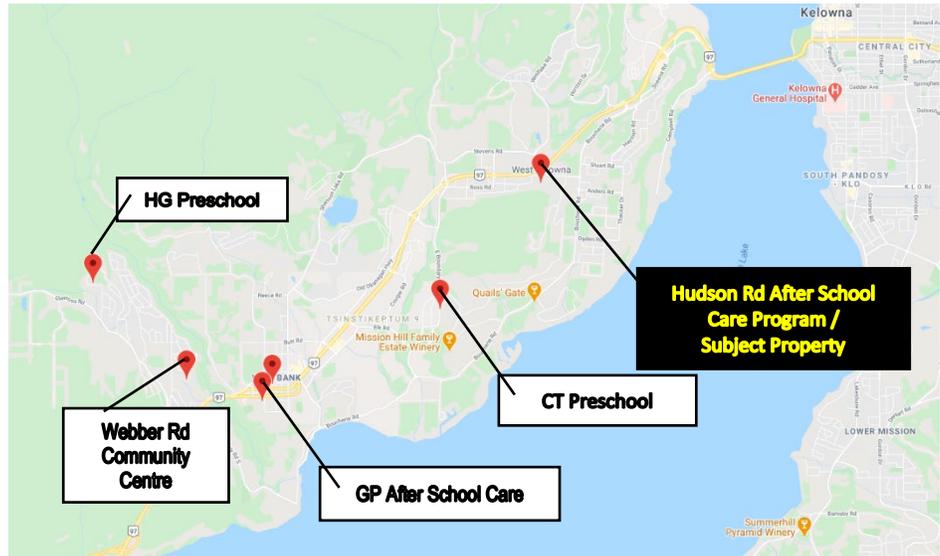


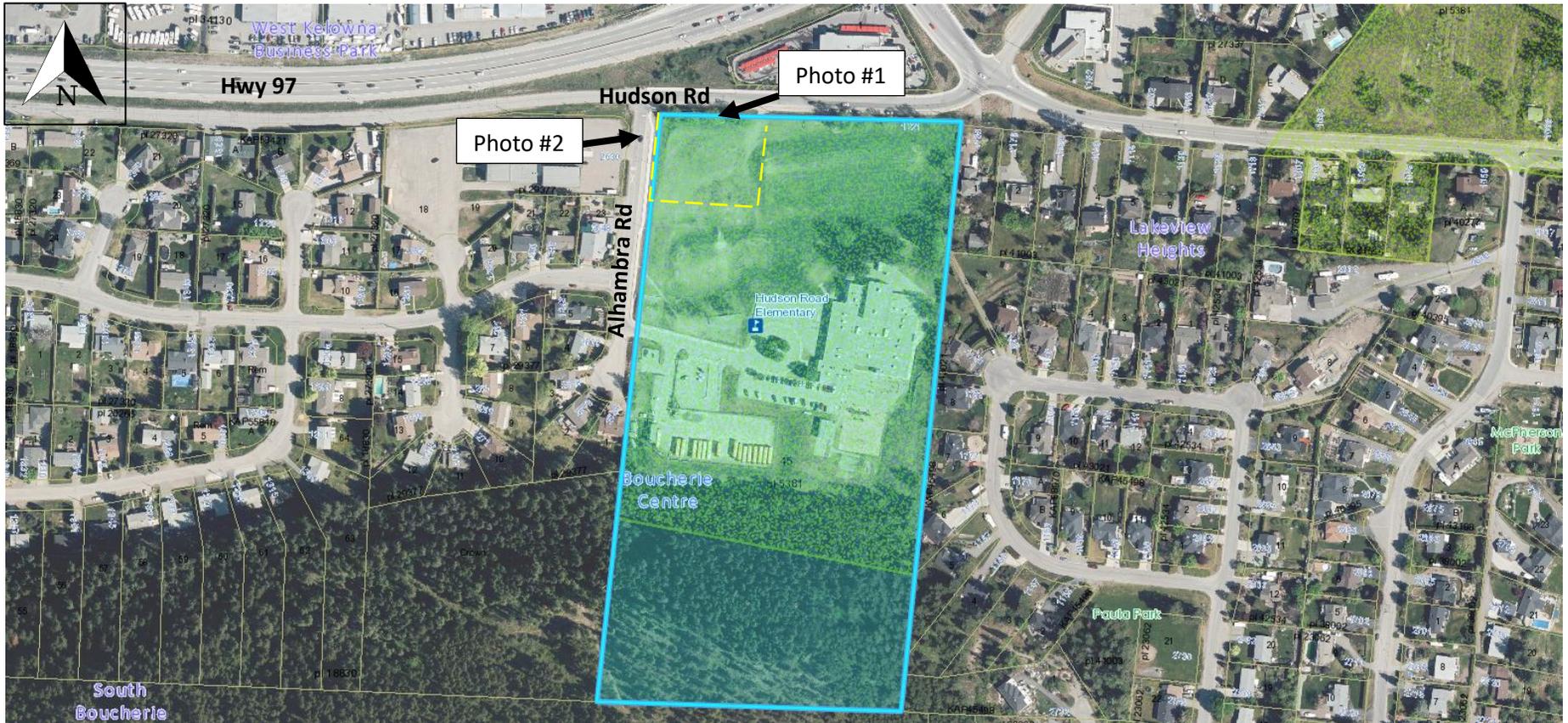
Figure 3. School District Early Learning Program Centres

increased traffic on existing residential areas. Having the childcare facility located on the elementary school property provides administrative efficiency's that have been proven in other elementary school locations, especially with the existing after school program at this location.

# ALC Non-Farm Use Application: Proposal Summary

Applicant: The Board of School Trustees of School District No. 23 (Central Okanagan)

## OVERALL PROPERTY MAP SHOWING ALR BOUNDARY



# ALC Non-Farm Use Application: Proposal Summary

Applicant: The Board of School Trustees of School District No. 23 (Central Okanagan)

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## SITE PHOTOS



Photo 1 taken from Hudson Rd looking towards intersection of Hudson Rd and Alhambra Rd.



Photo 2 taken from Alhambra Rd looking east towards proposed early learning centre location.

[https://d.docs.live.net/84d84eb720f89652/Work/CONTRACT-CONSULTING WORK/SD23/HUDSON/Application Submission Docs/Application Proposal - final.docx](https://d.docs.live.net/84d84eb720f89652/Work/CONTRACT-CONSULTING%20WORK/SD23/HUDSON/Application%20Submission%20Docs/Application%20Proposal%20-%20final.docx)