



## AGRICULTURAL ADVISORY COMMITTEE REPORT

To: Agricultural Advisory Committee Members

Date: March 29, 2023

From: Cam Graham, Planner I

File No: A 21 - 06

Subject: **A 21-06, Fill and Soil Use Application on ALR, 2402 Hayman Road**

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### BACKGROUND

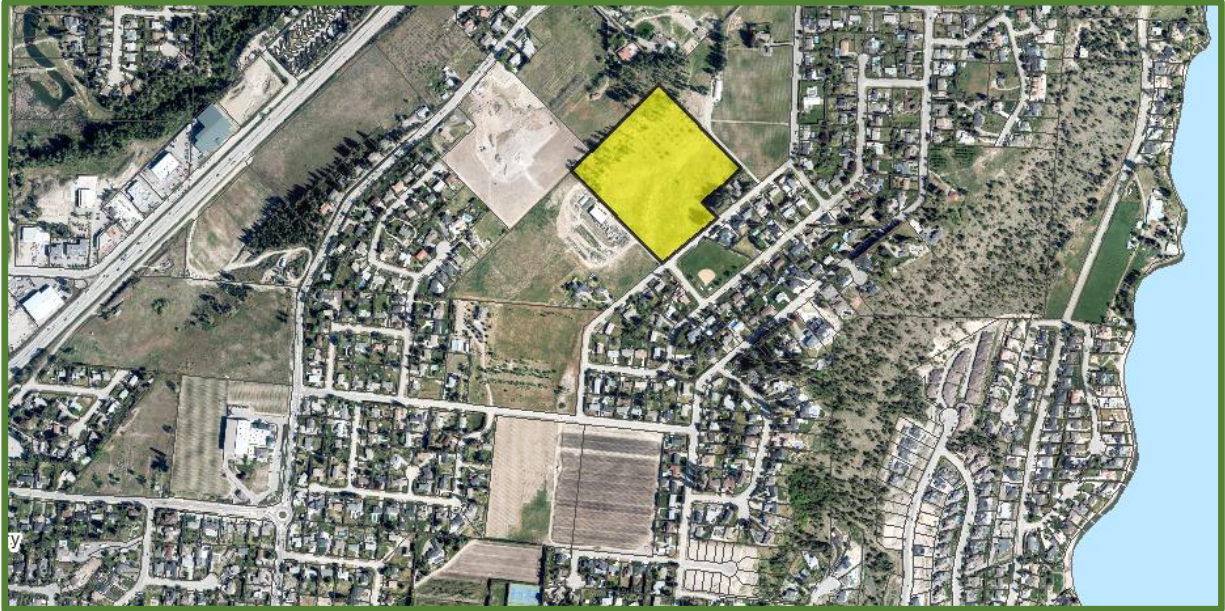
The subject property is located in the Lakeview Heights neighbourhood adjacent to Rollingdale Winery. The subject property is zoned Agricultural (A1) and is within the Agricultural Land Reserve and is surrounded almost entirely by vineyards and winery operations and is located near the Westside Wine Trail.

Since 2021, the applicant has submitted two Notice of Intent (NOI) applications to the Agricultural Land Commission (ALC) for fill placement. An initial application was submitted that proposed ~150,000m<sup>3</sup> of fill (application #62880) which was later revised to meet the ALC's requirements for a delegated application. The ALC denied the revised application and directed the applicant to follow the original approval process that requires authorization from the City.

PROPERTY DETAILS			
<b>Address</b>		2402 Hayman Road	
<b>PID</b>		010-346-635	
<b>Folio</b>		36413409.000	
<b>Lot Size</b>		13.223 Acres	
<b>Owner</b>	Parneet & Manjinder Dhaliwal	<b>Agent</b>	N/A
<b>Current Zoning</b>	A1- Agricultural Zone	<b>Proposed Zoning</b>	N/A
<b>Current OCP</b>	Ag – Agricultural	<b>Proposed OCP</b>	N/A
<b>Current Use</b>	Ag – Agricultural	<b>Proposed Use</b>	N/A
<b>Development Permit Areas</b>		Terrestrial, Hillside	

ADJACENT ZONING & LAND USES			
<b>North</b>	^	A1 – Agricultural Zone	
<b>East</b>	>	A1 – Agricultural Zone	
<b>West</b>	<	A1 – Agricultural Zone	
<b>South</b>	v	P1 – Parks and Open Space, R1 – Single Detached	

## NEIGHBOURHOOD MAP



## PROPERTY MAP



## DISCUSSION

### Proposal

The applicant is proposing to deposit ~85,000 m<sup>3</sup> of fill over a ~34,000 m<sup>2</sup> area of the subject property with a maximum depth of ~6.5m. The proposed duration of the project is anticipated to be one year and six months. The purpose of the fill is to raise the land to a uniform grade and reduce topographic limitations, including frost pockets and draws, to aid in grape growing operations (Figure 1).





Figure 1: Topographic View of Property.

The applicant proposes to cultivate ~12 acres, with the remaining area planned for a single-family dwelling, wine shop, cellar, and processing facilities as future development (Figure 2). The fill is proposed to be transported by 13-yard dump trucks with access from Hayman Road (~8,500 truckloads). The topsoil will be retained on-site, and disturbed areas will be restored. Silt fencing and dust mitigation measures are proposed and discussed in detail below. A grading plan has also been provided (Attachment 1). The City of West Kelowna has requested an updated grading plan that shows the covenant area and sensitive grading along the Rollingdale winery driveway - this update has not been submitted at the time of writing this report.



Figure 2: Site Plan of Proposed Works.

## Policy and Bylaw Review

## Official Community Plan No.0100

The proposal is generally consistent with the agricultural objectives in the City's Official Community Plan. The application does not align with our DPA – 4 Hillside Guidelines.

### DPA – 4 Hillside Guidelines:

The purpose of this DPA is to ensure that development is safe from hazardous conditions and does not adversely affect the natural environment or surrounding people or property.

4.3.5 15. Development should occur in cooperation with natural drainage patterns and associated vegetation where possible. Modifications must not cause adverse impacts on adjacent lands.

4.3.5 18. The creation of manufactured slopes should occur only where necessary and in consideration of the following: Where manufactured slopes are adjacent to existing developments, mitigative measures may be required by the City to prevent potential impacts to adjacent properties as a result of site grading. These measures include increasing setbacks between parcels, installation of landscaping and the re-naturalization of slopes should occur as soon as possible to minimize the potential for erosion and/or slope failure.

### Manufactured Slope along Rollingdale Winery Driveway:

The location where these objectives are a concern is shown below (Figure 3). During review, staff noted concerns with potential impacts to the neighboring property. The solution proposed by the City is a 3(H):1(V) slope over the width of 15 m from the parcel boundary toward the centre of the parcel.



Figure 3: Manufactured Slope along Rollingdale Winery



## Zoning Bylaw No.0265

The subject property is zoned A1 – Agricultural. It is understood that the property will be used in grape growing operations and will include a future single-family dwelling. General agriculture and single detached dwelling are permitted uses within the A1 zone.

### **Technical Review**

An Agricultural Assessment was completed by Ecoscape Environmental Consultants Ltd. on the property May 2022, (Attachment 2). The report outlines the existing conditions and provides recommendations for fill placement to minimize negative impacts. Key sections are discussed below:

#### *Erosion and Sediment Control:*

The Agricultural Assessment details the mitigations and recommendations on erosion and sediment control (ESC), including that silt fencing and other ESC measures should be installed prior to the start of construction, that ESC related recommendations must be implemented within 24 hours, and that road surfaces adjacent to project area must be kept clean and free of fine materials.

A recommended condition for approval of this application is that a Soil Deposition Permit from the City will be required. This will regulate the placement of fill in accordance with Bylaw No.127 for the removal and deposition of the soil on the property. The Soil Permit will include conditions related to ESC and stormwater management.

#### *Fill Placement and Air Quality Control:*

Dust will be monitored during fill placement by site operators. Site operators will be trained and required to take preventative action to avoid dust. These measures are outlined in the Agricultural Assessment. Existing topsoil will be retained where possible and will be replaced after the fill placement is completed. Ecoscape states, “The property is well suited for agricultural development, specifically a vineyard and winery operation” and that “with due diligence and the appropriate mitigation measures in place, the risk for adverse impacts to the agricultural capability and the environment can be appropriately mitigated” (Attachment 2).

#### *Stormwater Management*

As part of the referral process, it was identified that additional information regarding stormwater management would be required. Due to the cost associated with the development of that plan and the uncertainty regarding the ALC approval, it has been recommended that Council require a stormwater management plan as part of the future Soil Deposition Permit.

To safely convey the major system 1:100-year storm event through the drainage corridor, the applicant would be required to complete a Drainage/Storm Water Management Plan with their Soils Permit Application. This will include the engineered design of either an overland swale route or underground system and would need to be completed in accordance with the City’s Works & Services Bylaw Schedule 5 and Storm Water

Management Best Practices. The plan will also need to ensure that post-development flows aren't greater than pre-development flows and do not negatively affect adjacent properties; and, that downstream detrimental impacts shall not be increased (as per the W&S Bylaw 5.2.3).

### *Agricultural Capability*

The agricultural capability of the property was assessed in the agricultural assessment. The majority of the property was mapped with the agricultural capability of 6 with sections identified as class 5 (Attachment 2). With irrigation, fill placement in low-lying areas, removing stones/screening of material, and adding topsoil classes may be improved from classes 5 and 6 to classes 2 and 3. Ecoscape believes that with these amendments the subject property could support a range of soil-bound horticultural crops, including grapes.

### Covenant LA37464

A restrictive covenant is registered bordering the home on the southeast portion of the property (Figures 4&5). The covenant states that the natural grade of the ground surface within the covenant area will not be altered. Fill cannot be placed within the identified covenant area unless discharged by the applicant.



Figures 4 and 5: No Disturb Covenant Area

The applicant has been made aware of the covenant area and is open to altering his plans to avoid the placement of fill-in the covenant area. New plans will likely be submitted before this AAC meeting or slightly after, along with an updated grading plan.

### **KEY CONSIDERATIONS**

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

- If the Agricultural capability of the parcel is strong enough to be able to support the fill placement.
- Concerns with covenant area and impacts on neighboring properties.
- Concerns with mitigation measures of neighbouring properties involving placement of the fill.

Specific comments would be appreciated should the AAC have any concerns with the proposed A 21-06 Fill and Soil 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,

Cam Graham, Planner I

Powerpoint: Yes ☒ No ☐

Attachments:

- 1. Grading Plan and Cross Sections
- 2. Agricultural Assessment