



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: June 13, 2023

From: Paul Gipps, CAO

File No: A 23-02

Subject: **A 23-02; Non-Farm Use Application; 1221 Hudson Road and 3044 Sandstone Drive**

Report Prepared By: Yvonne Mitchell, Planner II

RECOMMENDATION to Consider and Resolve:

THAT Council support the Non-Farm Use Application to allow for all school district-related uses at 1221 Hudson Road and 3044 Sandstone Drive for as long as the properties are owned and operated by the School District; and

THAT Council direct staff to forward the application to the Agricultural Land Commission for consideration.

STRATEGIC AREA(S) OF FOCUS

Pursue Economic Growth and Prosperity – We will work with stakeholders throughout the region to advocate for and support efforts aimed at helping West Kelowna businesses prosper. With a focus on the future, we will advance opportunities to expand our economy, increase employment, and develop the community in ways that contribute towards prosperity for all.

BACKGROUND

This application involves two properties. The first property, located at 1221 Hudson Road, is within the Lakeview Heights neighbourhood, and is occupied by Hudson Road Elementary School. A building permit has been issued for a childcare facility in the northwestern corner of this property but has not been constructed at this time. The second property, located at 3044 Sandstone Drive, is within the Shannon Lake neighbourhood, and is occupied by Shannon Lake Elementary School. Hudson Road Elementary School was constructed in 1974, and Shannon Lake Elementary was constructed in 1993. Both properties are within the Agricultural Land Reserve (ALR).

Given their long-term institutional use, an application was made to exclude these properties from the ALR in 2019. The application was supported by City Council but denied by the Agricultural Land Commission. The Commission's decision included that

although the properties are utilized for institutional uses, the properties are relatively large, have agricultural capability, and only a portion of the properties is covered in institutional uses. Hence the properties could serve an agricultural purpose in the future. For these reasons, exclusion from the ALR was refused.

PROPERTY DETAILS			
Address	1221 Hudson Road and 3044 Sandstone Drive		
PID	010-346-961 and 004-771-133		
Folio	36412732.000 and 36414114.442		
Lot Size	19.51 acres (78954.2m2) and 7.14 acres (28894.6m2)		
Owner	The Board of School Trustees of School District No 23 (Central Okanagan)	Agent	Shannon Tartaglia (Tartaglia Planning Consulting)
Current Zoning	Institutional and Assembly Zone (P2)	Proposed Zoning	N/A
Current OCP	Institutional	Proposed OCP	N/A
Current Use	Educational Facility	Proposed Use	N/A
Development Permit Areas	N/A		
Hazards	None		
Agricultural Land Reserve	Yes		

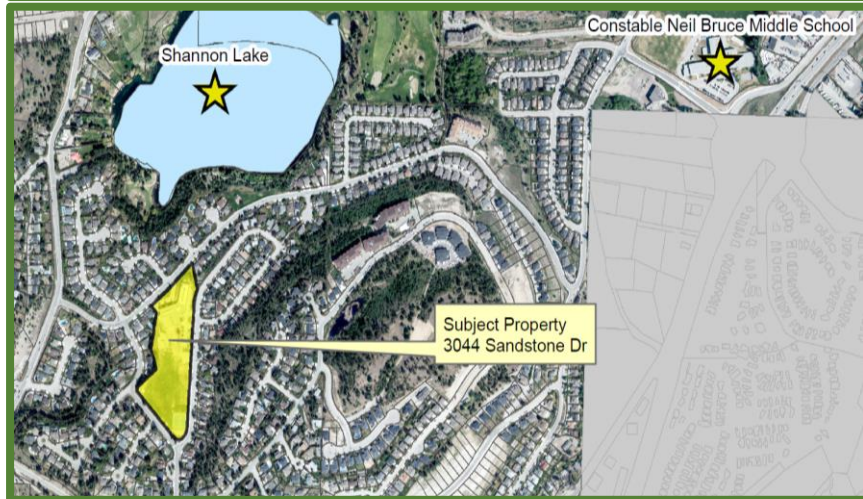
ADJACENT ZONING & LAND USES - 1221 Hudson Road

North	^	Gasoline Service Station Commercial Zone (C3)
East	>	Single Detached Residential Zone (R1)
West	<	Single Detached Residential Zone (R1), Institutional and Assembly Zone (P2), and Parks and Open Space Zone (P1)
South	v	Parks And Open Space Zone (P1)

ADJACENT ZONING & LAND USES - 3044 Sandstone Drive

North	^	Single Detached Residential Zone (R1)
East	>	Single Detached Residential Zone (R1)
West	<	Single Detached Residential Zone (R1)
South	v	Single Detached Residential Zone (R1)

NEIGHBOURHOOD MAPS



PROPERTY MAPS



Legislative Requirements

Under Section 20 of the *Agricultural Land Commission Act* (ALCA) an owner may apply to the Agricultural Land Commission (ALC) for a non-farm use. Under Section 34.1 of the ALCA such application must not proceed to the ALC for consideration unless authorized by a resolution of the local government.

Proposal

This application is for a non-farm use in the Agricultural Land Reserve. The proposal is to allow for all school district-related uses, including but not limited to changes/additions to school-related buildings and structures, playgrounds, parking areas and driveways within the school footprint areas shown in Figure 1 below. The School District requests that the school-related non-farm uses within the school-related footprints be approved for as long as the properties are owned and operated by the School District.

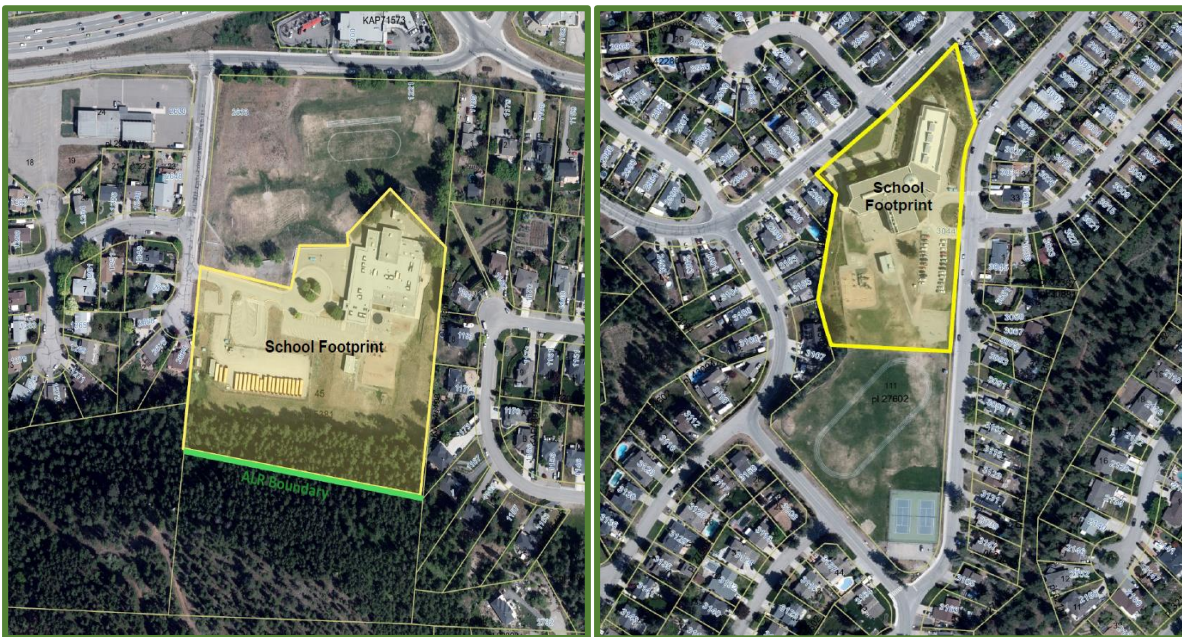


Figure 1: School footprint areas outlined in yellow. Hudson Road Elementary School on the left and Shannon Lake Elementary School on the right.

Applicant's Rationale

This non-farm use application is a way to solve the continued critical educational capacity challenges the School District is facing, while still protecting the opportunities for agriculture on the two subject properties in the future. The intent of the school footprint areas is to provide certainty for the Ministry of Education during their budget deliberations for school improvement funding requests, and certainty for the ALC that the undeveloped portions of the properties remain available for agricultural purposes in the future. For more

detail, please see the applicant's application to the Agricultural Land Commission, Elementary School Checklist, and Proposal Summary (Attachments 1-3).

DISCUSSION

Policy and Bylaw Review

Official Community Plan Bylaw No. 0100

Land Use Designation

The Land Use Designation for the subject properties are Institutional. The built form/land use for the Institutional Land Use Designation is schools, community centres, fire halls, health centres and other associated uses. The purpose of the Institutional Land Use Designation is to provide for institutional uses that support governance, health, culture, and learning. The proposal is consistent with the Institutional Land Use Designation.

Zoning Bylaw No. 0265

The subject properties are zoned Institutional and Assembly Zone (P2). The P2 Zone permits principal uses, including education facility. The proposal is consistent with the uses permitted in the P2 Zone.

If this non-farm use application is approved, future uses will need to meet the permitted uses in the P2 Zone, as well as other requirements such as height and setbacks.

Agricultural Plan

One of the recommendations in the Agricultural Plan is Recommendation 11: "Protection of Agricultural Land". The plan includes a variety of policies to achieve this recommendation, including the following:

"The City of West Kelowna supports limiting of the amount of land used by residences and buildings on agricultural land to ensure a maximum amount of the land is available for agricultural production."

The proposal aligns with the Plan by limiting the non-farm uses proposed to specified school footprint areas and leaving the remaining land available for agricultural production.

Agricultural Land Commission Act and Agricultural Land Reserve Use Regulation

As per s.20 of the *Agricultural Land Commission Act*, a person must not use land within the Agricultural Land Reserve (ALR) for a non-farm use unless permitted under the *Agricultural Land Reserve Use Regulation*. The proposed use is not a non-farm use permitted in the Agriculture Land Reserve, and as such the applicant has applied to the ALC for permission.

Referral Comments

The application was referred to various external agencies and internal departments. The referral comments received did not include any objections to the application.

Agricultural Advisory Commission (AAC)

The AAC considered the application on May 3, 2023, and carried the following motion:

“THAT the Agricultural Advisory Committee support application A 23-02; Non-Farm Use Application; 1221 Hudson Road and 3044 Sandstone Drive.”

CONCLUSION

The proposed non-farm use application is consistent with the Land Use Designation in the Official Community Plan, and the proposed uses align with the permitted uses in the Institutional and Assembly Zone (P2). The application aligns with the Agricultural Plan by limiting the non-farm uses proposed to specified school footprint areas and leaving the remaining land available for agricultural production. The application was supported by the City’s Agricultural Advisory Committee.

Alternate Recommendation to Consider and Resolve:

1. **THAT** Council direct staff to forward the application to the Agricultural Land Commission for formal consideration.

Should Council choose this motion, a local government report will be sent to the ALC advising that Council does not wish to support or deny the application. By forwarding the application, Council is deferring to the ALC for a formal decision.

2. **THAT** Council not support the Non-Farm Use Application to allow for all school district related uses at 1221 Hudson Road and 3044 Sandstone Drive for as long as the properties are owned and operated by the School District; and

THAT Council direct staff to close the file.

REVIEWED BY

Chris Oliver, Planning Manager

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. ALC Application
2. Elementary School Checklist
3. Proposal Summary