



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: July 11, 2023

From: Paul Gipps, CAO

Subject: **ALC Standing Resolution; 1221 Hudson Road, 3044 Sandstone Drive, and 2829 Inverness Road**

Report Prepared By: Yvonne Mitchell, Planner II

RECOMMENDATION to Consider and Resolve:

THAT Council, pursuant to the *Agricultural Land Commission Act*, authorize the Director of Development Approvals, to directly forward to the Agricultural Land Commission with support, the following Non-Farm Use Applications:

For all school and childcare related uses at Hudson Road Elementary (1221 Hudson Road), Shannon Lake Elementary (3044 Sandstone Drive), and Webber Road Community Centre (2829 Inverness Road) where:

- a. the proposal complies with the City of West Kelowna's Zoning Bylaw as amended or replaced from time to time;
- b. the proposal complies with the City of West Kelowna's Official Community Plan as amended or replaced from time to time; and
- c. the property is owned by the Board of School Trustees of School District No. 23 (Central Okanagan)

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

1221 Hudson Road, is within the Lakeview Heights neighbourhood, and is occupied by Hudson Road Elementary School and an early learning facility currently under construction. 3044 Sandstone Drive, is within the Shannon Lake neighbourhood, and is occupied by Shannon Lake Elementary School. 2829 Inverness Road, is within the Glenrosa neighbourhood, and is occupied by Webber Road Community Centre. All three

properties have a long history of institutional use with Hudson Road Elementary constructed in 1974, Shannon Lake Elementary in 1993, and the Weber Road Community Centre in 1983. All three properties are surrounded by residential neighbourhoods and are located 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 Council, but denied by the Agricultural Land Commission (ALC). As the exclusion request was denied, any school or childcare-related uses on the properties must continue to be approved by means of a non-farm use application considered by Council and then forwarded to the ALC.

In addition to the previous exclusion, Council has supported all previous non-farm use applications for these properties. These applications include an application in 2021 to construct an early learning facility at Hudson Road Elementary (File No. 21-04), and more recently to permit school related activities in dedicated school footprint areas at Hudson Road and Shannon Lake Elementary (File No. A 23-02).

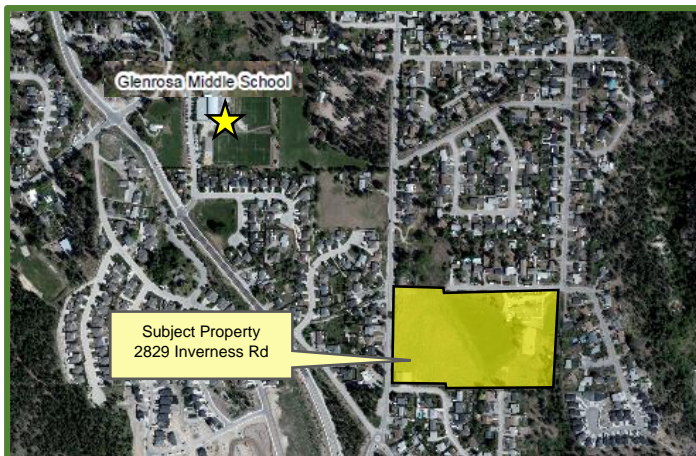
PROPERTY DETAILS			
Address	1221 Hudson Road, 3044 Sandstone Drive, 2829 Inverness Road		
PID	010-346-961 and 004-771-133 and 007-928-190		
Folio	36412732.000 and 36414114.442 and 36414732.099		
Lot Size	19.5 acres (78,954m ²) and 7.1 acres (28,895m ²) and 13.8 acres (56,041m ²)		
Owner	The Board of School Trustees of School District No 23 (Central Okanagan)		
Current Zoning	Institutional and Assembly Zone (P2)	Proposed Zoning	N/A
Current OCP	Educational/Institutional	Proposed OCP	N/A
Current Use	Education facility, care facility, major, and community hall	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)

ADJACENT ZONING & LAND USES – 2829 Inverness Road

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) and Rural Residential Small Parcel Zone (RU2)

NEIGHBOURHOOD MAPS



DISCUSSION

Under Section 20 of the *Agricultural Land Commission Act (ALCA)* an owner may apply to the ALC for a non-farm use application. 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. By passing a standing resolution, applications would be automatically forwarded to the ALC for consideration. A new standing resolution is required after each municipal election or if there are significant changes to the ALC regulations.

Given the consistency of Council decisions to forward previous non-farm use applications to the ALC with support, staff recommend Council consider a standing resolution for these three school district properties. If the standing resolution is passed, non-farm use applications for school and childcare related uses will be automatically forwarded with support to the ALC if the following requirements are met:

- the proposal complies with the City of West Kelowna's Zoning Bylaw as amended or replaced from time to time;
- the proposal complies with the City of West Kelowna's Official Community Plan as amended or replaced from time to time; and
- the property is owned by the Board of School Trustees of School District No. 23 (Central Okanagan)

The City of West Kelowna continues to grow and with it, the demand for school and childcare facilities. Westside schools are facing significant capacity challenges and childcare spaces are hard to find. Any School District capital project is contingent on receiving funding from the Ministry of Education and Child Care. To complete capital projects on the three properties, the School District must also submit non-farm use applications to the ALC, no matter the size of the project or the possibility of receiving funding. This standing resolution for non-farm use applications on the three properties will allow school and childcare facility challenges in the City to be addressed more quickly.

Impact on Application Timelines

Current application process requires all non-farm use applications to be prepared for and approved by Council; approval of a blanket resolution for these 3 sites will reduce non-farm use application timelines AND reduce the additional burden on planning staff workload, which results in increased application timelines in other priority areas.

Policy and Bylaw Review

Official Community Plan Bylaw No. 0300

The land use designation in the Official Community Plan for the three properties is Educational/Institutional. The Educational/Institutional designation recognizes the importance of providing land for these uses in a growing City, and the areas under the

designation are selected in co-ordination with relevant jurisdictions to foster locations that are suitable to effective service delivery across the entire City.

Zoning Bylaw No. 0265

The three properties are Institutional and Assembly Zone (P2) in the Zoning Bylaw. The P2 Zone permits the proposed school and childcare related uses. If a non-farm use application is approved, the use would be required to meet other regulations in the Zoning Bylaw such as setbacks, height, and parking.

Agricultural Plan

The City's Agricultural Plan includes Recommendation 11: Protection of Agricultural Land. The Recommendation includes the following objective: To protect agricultural land in the City of West Kelowna for agricultural purposes.

The Plan does not speak to ALR Lands with existing school or community centre operations on them.

CONCLUSION

If passed, the standing resolution will support Council's commitment to institutional and childcare related uses on SD 23 lands and increase application timelines.

Alternate Recommendation to Consider and Resolve:

1. **THAT** Council postpone consideration of the standing resolution.

If Council chooses to postpone, further direction is requested by staff.

2. **THAT** Council deny consideration of the standing resolution.

REVIEWED BY

Chris Oliver, Planning Manager

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

APPROVED FOR THE AGENDA BY

Trevor Seibel, Deputy CAO

Powerpoint: Yes No