



DEVELOPMENT REVIEW REFERRAL		
REFERRAL TYPE:		City led ALR Exclusion Application
FILE NO:		
REFERRAL ISSUED:	10/06/2023	<input checked="" type="checkbox"/> ORIGINAL APPLICATION REFERRAL
COMMENTS DUE BY:	10/24/2023	<input type="checkbox"/> REVISED APPLICATION REFERRAL

THIS DEVELOPMENT APPLICATION HAS BEEN REFERRED TO THE FOLLOWING:

- Agricultural Advisory Committee
- Westbank First Nation
- Ministry of Agriculture

CWK OFFICE USE ONLY	File Manager: Shannon Tartaglia	Support/Technical Staff:	
DRC Meeting Date:	This application is scheduled for discussion at the Internal Development Review Committee meeting as noted:		
N/A	Applicant attending?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Background Information:

File No: 23-01	Property Size:	2 properties:	3 ha & 0.95ha
Location:	3743 and 3737 Old Okanagan Highway (Memorial Park and Johnson Bentley Aquatic Centre)		Current Zoning: P2 - Institutional and Assembly Zone, <u>and</u> P1 Parks and Open Space Zone.
Legal:	3743 Old Okanagan Hwy – PID: 008-929-891 3737 Old Okanagan Hwy – PID: 017-816-700 (see attached Proposal Summary for full legal description)		
Owner:	City of West Kelowna	OCP Designation:	Westbank Urban Centre: Commercial Core
Agent:	Shannon Tartaglia	Related Files:	
Subject:	This is a City led ALC application to exclude two City owned properties from the ALR. The two properties, totaling 3.95 ha in area, are currently operated as City recreation facilities in Westbank Centre.		

DESCRIPTION/OVERVIEW:

Background/Proposal:

The proposed 3.95 ha exclusion area is part of the City’s downtown civic and recreation hub, which includes the Johnson Bentley Aquatic Centre (JBMAC), the City amphitheatre, the community skate park, and the under-construction City Hall and public library.

This civic hub is made up of three properties, with two located in the ALR. The subject area is surrounded by Westbank First Nation Community Lands to the north, east and south, and established residential development across Old Okanagan Highway that is identified for high density mixed-use development in the City’s land use bylaws. In ALC Decision Resolution #236/2021, the Commission confirmed that the majority of the exclusion area is not suitable for



Figure 1. Proposed ALR Exclusion Area and surrounding land uses.

agriculture based on the historical use as wastewater treatment settling pond and the fill associated with the aquatic centre and associated roads and parking areas.

See attached Proposal Summary for further details.

Comments:

Should you require any further information, or are unable to provide comments prior to the aforementioned comments due date, please contact the undersigned.

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This is a City led application to exclude two City owned properties that are operated as City recreation facilities within the Westbank Centre downtown core (‘the exclusion area’ - see Table 1 and Figure 1). The proposed exclusion area is part of the City’s downtown civic and recreation hub, which includes the Johnson Bentley Aquatic Centre (JBMAC), the City amphitheatre, the community skate park, and the under construction City Hall and public library. While this civic hub is made up of three City owned properties, only two are located in the ALR¹.

The subject area is surrounded by Westbank First Nation Community Lands to the north, east and south, and established residential development across Old Okanagan Highway that is identified for high density mixed-use development in the City’s land use bylaws.



Figure 1. Proposed Exclusion Area and surrounding land uses.

Table 1. The Proposed Exclusion Properties (the ‘Exclusion Area’)

Property	Civic address	PID	Size	Existing Land Uses
1	3743 Old Okanagan Hwy	008-929-891	7.57 acres (3 ha)	Memorial Park, Annette Beaudreau Amphitheatre, and Skateboard Park.
2	3737 Old Okanagan Hwy	017-816-700	2.35 acres (0.95 ha)	Johnson Bentley Aquatic Centre
		Total Area	9.92 acres (3.95 ha)	

Note: Of the proposed 3.95 ha exclusion area, over 2 ha (50%) of the area has been developed with City recreation infrastructure (the aquatic centre, skateboard park, amphitheatre, and ancillary uses).



The ALC has approved several non-farm uses within the exclusion area, the most recent in 2021. As discussed during the recent non-farm use application, these parcels have played an essential role in West Kelowna’s recreational and cultural history and identity prior to and since the City’s incorporation. The vision for this site as a mixed use civic/recreation hub has long been established in both the City and WFN’s land use plans, and this vision has been further cemented with the partnership and construction of the new West Kelowna City Hall and Okanagan Regional Library.

As anticipated, the construction of City Hall and the library on the non-ALR lands next to the exclusion lands has been a catalyst for a variety of positive government and other community partnership discussions and has led to further expansion discussions. While these discussions are in their infancy, the positive social and economic benefit of a central Westbank Urban Centre civic hub has been established; however, the limited publicly owned, non-ALR lands within Westbank Centre has been identified as a critical constraint to the realization of this longstanding vision.

¹ See [Property Information Summary](#).

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The City has a long history of working collaboratively with the ALC, Ministry of Agriculture and the local farming community to protect agricultural lands and support the existing and future farmers in the community, and the City's decision to apply to exclude these remaining ALR lands was not entered into lightly. In ALC Decision Resolution #236/2021 (ALC File: 62186), the Commission confirmed that the majority of the exclusion area is not suitable for agriculture based on the historical use as wastewater treatment settling pond and the fill associated with the aquatic centre and associated roads and parking areas. This confirmation of the agricultural condition of the site combined with the expanded civic presence in the area and the recently adopted OCP spurred the proposed City led exclusion. This exclusion request is firmly supported by the City's land use management, Westbank Centre Revitalization and economic agritourism policies. Evidence to justify the proposed exclusion lies in the following:

City Policy Support:

Through the City's land use management plans, bylaws, and strategies, the long-term vision for the site as a civic, cultural and recreation hub has been clearly established and is in line with the historical use of the subject properties and surrounding properties. An excerpt from the background report presented to the Commission as part of the 2021 non-farm use application has been included as part of this application (see attached [Exclusion Application Overview](#)). This backgrounder provides the detailed existing City policy review and conformance.

Westbank Centre Agricultural Plan

The areas surrounding the Westbank Centre Revitalization area (to the south of the exclusion area) contain a significant amount of agriculturally viable land. The ALR and other agricultural lands in this area are viewed as an opportunity, not a constraint, and through the development of the 2010 Westbank Centre revitalization plan, exclusion applications for these southern ALR lands are not to be considered as part of the Westbank Centre Plan implementation. Even with the 2010 agricultural protection policies, the underutilized ALR lands south of Westbank Centre were under continued development pressure.

In 2016, the City developed the Westbank Centre Agricultural Plan. This study area included eight vacant agricultural parcels, seven of which are in the ALR. With policy to discourage non-agricultural development, this plan was developed to encourage agri-tourism and agricultural business in the area by developing an agricultural feasibility assessment and a market opportunity review for up to three crop scenarios on the underutilized parcels.

Since the completion of this plan in 2016, all but one of the previously fallow ALR parcels are now actively farmed (see Figure 2).

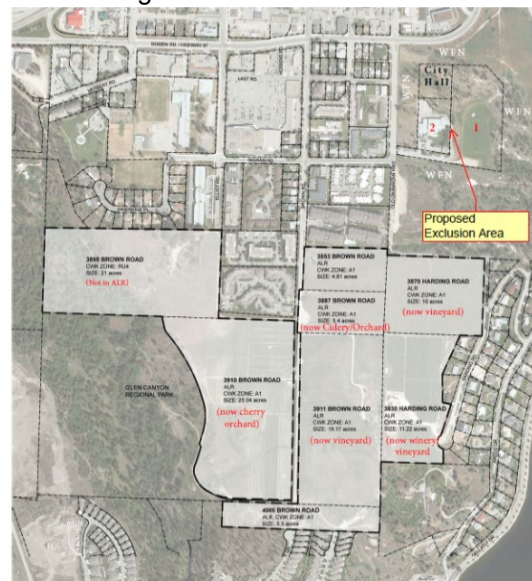
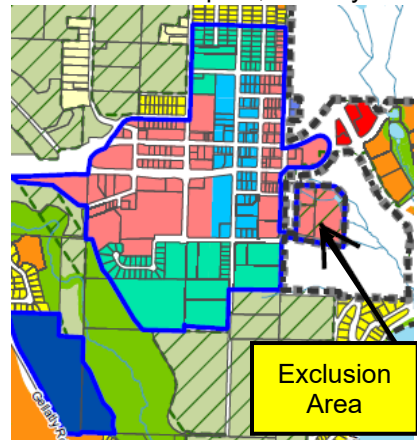


Figure 2. Study Area for Westbank Centre Agricultural Plan (larger plan attached)

New Official Community Plan:

Since the Commission’s 2021 non-farm use decision to allow the relocation of the skatepark, the City has recently adopted a new Official Community Plan (OCP) to guide the City for the next 20 years (adopted on September 12, 2023). The ALC was a key review partner in the development of the City’s new OCP and the 2010 Westbank Centre Revitalization Plan. The new OCP was developed following an extensive visioning exercise that reconfirmed that West Kelowna residents maintain a deep connection with their agricultural roots and celebrate the one-of-a-kind agricultural character of the community. West Kelowna residents understand that maintaining and celebrating West Kelowna’s agricultural roots is critical to the City’s prosperity. In line with the community vision, strong agricultural protection and enhancement policies continue to heavily influence the City’s new OCP policy framework.

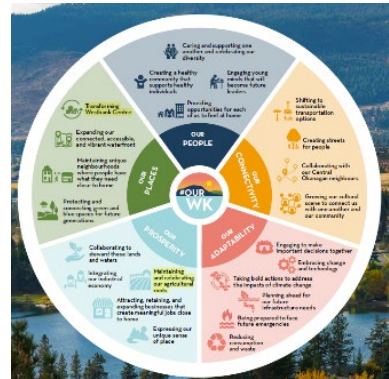


OCP Land Use Map

The new OCP has identified the proposed exclusion area for a *Westbank Urban Centre - Commercial Core* land use that will support and complement existing and planned institutional and civic functions within the Westbank Urban Centre including City Hall and other municipal facilities. The new OCP reaffirms the importance of the proposed exclusion area as a future civic and recreation hub within the Westbank Urban Centre’s commercial core. This shift in future land use reflects the recreation and civic uses that are currently on the site and the City’s vision for the Westbank Centre downtown.

Continued Agriculture Commitment as Part of this Exclusion Application

As discussed during the non-farm use application for the City’s skatepark, the continued use of the subject properties as West Kelowna’s most prominent gathering spaces for residents, visitors, and community partners such as Westbank First Nation provides an opportunity to promote agriculture within the community. As part of the City’s continued commitment to support and advance agriculture, the City still intends to advance the following projects as part of the future use of the subject property:



Permanent Farmers’ Market Site

A permanent farmers’ market site is anticipated to encourage year-round availability of local agricultural products, particularly those provided through local processing facilities. As part of this application, the City remains committed to ensuring space is made available to any community organizations interested in operating a farmers market site.

Agricultural Learning Centre

A sustainable food system is enhanced by education facilities for the farm community, public figures, and consumers of agricultural products. The subject property already includes community amenities and resources and as part of the future development of City Hall, space could be allocated to support the agricultural community by providing resources and presenting materials that illustrate the historical significance of agriculture in West Kelowna. Space allocated for use for agricultural learning could also lead to effective agricultural training and mentoring programs for beginning farmers.

Wayfinding Program

Since the two initial phases of the Wine Trail, the wineries in the Glencoe and Elliot Road corridor requested additional signs and upgrades (banners and barrels) similar to what was used along the Boucherie Road corridor to help improve awareness of the area as part of the community’s Wine Trail, promote more visitation amongst the wineries in the corridor, and make it easier for visitors to find their wineries.

Update:

In 2022, the City expanded its Wine Trail/Farm Loop Wayfinding Program to include new wine barrel stacks at two locations, along with new gateway/wayfinding street banners and directional/wayfinding signage that also supports agri-tourism along the Farm Loop portion of the Westside Wine Trail. This new signage was

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developed and installed in collaboration with the local businesses and residents along the wine trail/farm loop corridor. More specifically, new investments adjacent to and in the ALR in the Glencoe area in West Kelowna were implemented in 2022 including:

- Installation of twenty-three new single banner poles, with eleven on Elliott and twelve on Glencoe Roads
- Banner designs are being finalized with West Kelowna City Council that feature the Wine Trail, Wine Barrel, Farm Loop, and tree graphics, among other designs that celebrate our agricultural roots.
- Two-barrel stacks were installed showing the logos of local wine trail/farm loop in partnership with local wine trail/farm loop businesses.
- Directional/wayfinding signage installed at/near driveway entrances along agricultural business loop.

The City will continue to expand this program across the City in and adjacent to the ALR as we support, preserve, and celebrate our agriculture roots.



Exclusion Rationale:

- The City's OCP and Westbank Centre Revitalization Plan have identified the area as an important civic/recreation hub since 2010, and the Ministry of Agriculture, ALC and the City's AAC were all consulted extensively during the development of these plans.
- Over 50% of the proposed exclusion area is occupied by existing City owned recreation infrastructure approved by the ALC.
- In previous decisions, the ALC confirmed that due to the historical uses and surrounding non-farm use, that the agricultural potential of the subject property is limited and likely not suitable for agricultural use.
- The City has a limited inventory of City owned lands and has an identified need for an expanded civic/recreation presence in the City's urban core.

The City has a strong policy framework that protects, strengthens, and celebrates the agricultural lands within the City and has a proven record of supporting farming in the community and the Westbank Centre area.



With the new OCP confirming the future non-agricultural land use designation, and the construction of City Hall and the public library on the adjacent non-ALR sites, the City is requesting that the Commission exclude the two City owned ALR parcels within this area to allow for the realization of City's long standing vision for a civic/recreation hub in Westbank Centre.

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Property Information: Westbank Urban Centre Civic/Recreation Hub – City Owned Parcels

1. 3737 Old Okanagan Hwy: City owned Johnson Bentley Aquatic Centre

- Proposed Exclusion from the ALR

Jurisdiction: City of West Kelowna
LTO PID: 017-816-700
BCA Folio: 36415507.504
BCA Lot Size: 2.35 acres (9510.12 sqm)
Parcel Area: 9427.9348 sqm
Legal Desc.: PLAN KAP47408 LOT 2 DISTRICT LOT 5066 OSOYOOS DIV OF YALE DISTRICT
Actual Use: 600 - Recreational & Cultural Buildings
Zoning: P2 - Institutional and Assembly Zone
OCP Land Use Westbank Urban Centre: Commercial Core

2. 3743 Old Okanagan Highway: City owned, Memorial Park and Annette Beaudreau Amphitheatre

- Proposed Exclusion from the ALR

LTO PID: 008-929-891
BCA Folio: 36415507.101
BCA Lot Size: 7.57 acres (30634.7 sqm)
Parcel Area: 30727.1704 sqm
Legal Desc.: BLOCK A DISTRICT LOT 5066 OSOYOOS DIV OF YALE DISTRICT
Actual Use: 570 - Irrigation Systems (Vacant & Improved)
Zoning: P1 - Parks and Open Space Zone
OCP Land Use Westbank Urban Centre: Commercial Core

3. 3731 Old Okanagan Hwy: City owned City Hall /Regional Library Location

- Not in the ALR

Jurisdiction: City of West Kelowna
LTO PID: 017-816-696
BCA Folio: 36415507.502
BCA Lot Size: 1.5 acres (6070.29 sqm)
Parcel Area: 6049.9156 sqm
Legal Desc.: PLAN KAP47408 LOT 1 DISTRICT LOT 5066 OSOYOOS DIV OF YALE DISTRICT
Actual Use: 601 - Civic/Institutional/Recreational - Vacant
Zoning: P2 - Institutional and Assembly Zone
OCP Land Use Westbank Urban Centre: Commercial Core



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Exclusion Application Overview Table:

<p>Is the property currently used for agriculture?</p>	<p>These properties generally operate as one contiguous civic/recreation area as part of the ongoing operation of the Johnson Bentley Aquatic Centre (JBMAC), Memorial Park, and other ancillary civic and recreational uses for the City of West Kelowna.</p>
<p>Is the property suitable for agriculture?</p> <ul style="list-style-type: none"> ▪ What is the agricultural capability? 	<p>The subject property is identified as having Class 5A soil capability that restricts its capability to producing perennial forage crops. This has been confirmed by the Ministry of Agriculture. The property was used as part of an early model for wastewater treatment, which limits the suitability for agriculture. The treatment area may have been constructed prior to the establishment of the ALR.</p> <p>As part of decision #236/2021 (ALC File: 62186), the Commission stated that the proposed exclusion area:</p> <ul style="list-style-type: none"> • <i>“has been utilized for recreational uses (i.e., Johnson Bentley Aquatic Centre, community skate park and vehicle parking) and are either approved for non-farm use (via Resolution #466/86 or Resolution #266/92) or have been excluded from the ALR (via Resolution #790/96).</i> • <i>The lands to the north, east and south are federally administered First Nations land, and are designated for future residential and/or commercial use. The Panel finds that the Property is surrounded by non-farm uses approved by the Commission, land outside of the ALR slated for development or federally administered First Nations lands that are not subject to the ALC Act or its regulations.</i> • <i>The Panel finds that the majority of the Proposal area has been negatively impacted by historic use and fill placed on the Property to construct the parking lot and has resulted in this area having limited agriculture potential for the future. Given these circumstances, the Panel finds that the Proposal area is not suitable for agricultural use.”</i>
<p>Have there been any attempted agricultural improvements to the property?</p>	<p>Based on a review of the limited historical information available there has been no historical agricultural use of the property. The only identifiable use based on a 1967 air photo is a settling pond that was used as part of an early model of wastewater treatment from the Westbank area. This pond was established prior to 1972 and signifies that the subject property was used for community purposes prior to the establishment of the ALR. The most prominent use that has occurred in this area is the aquatic centre, which was constructed in 1987.</p>
<p>What types of land uses surround the property?</p>	<p>The surrounding Westbank First Nation lands isolate the subject property, and the City’s municipal hall and regional library are being constructed on the adjacent non-ALR Lands.</p>
<p>Could this proposal be accommodated on lands outside of the ALR, or on an alternative site within the ALR that is less capable or suitable for agriculture?</p>	<p>The City has a limited inventory of City owned lands and has an identified need for an expanded civic/recreation presence in the City’s urban core.</p> <p>The construction of the city hall, library, amphitheatre, and skateboard park has solidified the vision of this important recreation/cultural gathering area as the civic/recreation hub in Westbank Centre.</p>
<p>(A) How does the proposal relate to the local government’s Agricultural Plans, Official Community Plan, and bylaws?</p>	<p>Through the City’s existing land use management plans, bylaws, and strategies, the long-term vision for the site as a civic, cultural and recreation hub has been clearly established and is in line with the historical use of the exclusion area and surrounding properties. In the recently adopted OCP, ALR exclusion applications will generally not be supported, except at the discretion of the City consideration may be given to specific circumstances where there is significant community benefit consistent with the objectives and policies of the OCP and Community Vision. This may include the consideration of existing City owned lands historically and currently operated as parks within the ALR.</p>

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<p>(B) What are the recommendations from the Board/Council, Agricultural Advisory Committee, Advisory Planning Committee, and Planning Staff of the local government?</p>	<p><u>Agricultural Advisory Committee (AAC)</u> In their previous consideration of the non-farm use proposal on the site, the AAC noted that there were concerns regarding the ability for these lands to be used for agricultural purposes in the future, and questioned whether an exclusion application would be more appropriate.</p>
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[https://d.docs.live.net/84d84eb720f89652/Work/CONTRACT-CONSULTING WORK/CWK - ALC Applications/City Hall site/ALC Proposal Summary_CWK Civic Hub_2023-10-02.docx](https://d.docs.live.net/84d84eb720f89652/Work/CONTRACT-CONSULTING%20WORK/CWK%20-%20ALC%20Applications/City%20Hall%20site/ALC%20Proposal%20Summary_CWK%20Civic%20Hub_2023-10-02.docx)