



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: November 14, 2023

From: Paul Gipps, CAO

File No: P23-01

Subject: **ALR exclusion – 3737 and 3743 Old Okanagan Hwy**

Report Prepared By: Brent Magnan, Director of Development Approvals

RECOMMENDATION to Consider and Resolve:

THAT Council support the request to exclude City owned parcels, Lot 2, Plan KAP4740, DL5066, ODYD (3737 Old Okanagan Hwy) and Block A, DL 5066, ODYD (3743 Old Okanagan Highway), from the Agricultural Land Reserve (CWK File: P23-01); and

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

STRATEGIC AREA(S) OF FOCUS

Invest in Infrastructure – We will invest in building, improving, and maintaining infrastructure to meet the needs of, and to provide a high quality of life for, current and future generations.

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.

Strengthen Our Community – We will provide opportunities for the residents of West Kelowna to build connections, celebrate successes, embrace the community's strengths and diversity, address shared needs, and contribute to shaping the community's future.

BACKGROUND

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 Attachment 1). The proposed ALR exclusion area is part of the City’s downtown civic and recreational hub, which includes the Johnson Bentley Aquatic Centre (JBMAC), amphitheater, the community skate park, and the (under construction) City Hall and Regional library. While this civic hub is made up of three City owned properties, only two remain in the Agricultural Land Reserve.

Of the proposed 3.95 Ha (9.92 acre) ALR exclusion area, approximately 82% of the area has been developed with City recreation infrastructure (the aquatic centre, skateboard park, and ancillary uses) and historic non-agricultural uses (historic settling pond).

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.

PROPERTY DETAILS

Address	1 – 3743 Old Okanagan Hwy 2 – 3737 Old Okanagan Hwy	PID	1 – 008-929-891 2 – 017-816-700
Lot Size	1 – 3.0 ha (7.57 acres) 2 – 0.95 ha (2.35 acres)	Folio	1 –36415507.101 2 –36415507.504
Owner	City of West Kelowna	Agent	N/A
Current Zoning	1 – P2 Institutional & Assembly 2 – P1 Park & Open Space	Proposed Zoning	N/A
Current OCP	Westbank Urban Centre - Commercial Core	Proposed OCP	N/A
Current Use	1 – Johnson Bentley Aquatic Centre 2 – Memorial Park, Annette Beaudreau Amphitheatre, and the community skate park	Proposed Use	N/A
Development Permit Areas	None / DPA areas	Agricultural Land Reserve	Yes

ADJACENT ZONING & LAND USES

North	^	WFN Community Lands and the under-construction City Hall/Library
East	>	munity Lands
West	<	WFN Lands and residential zoned lands across Old Okanagan Hwy
South	v	WFN Community Lands

PROPERTY MAP



Figure 1: Proposed ALR exclusion area

DISCUSSION

Proposal

The proposed 3.95 Ha exclusion area consists of two City owned parcels (parcels 1 and 2 shown in Figure 1 and 2), and incorporates the two historical non-farm use areas (JBMAC and skateboard park) and the ALC approved access easement to the City Hall/Regional Library property.

These parcels have played an essential role in West Kelowna's recreational, cultural history, and identity prior to and since the City's incorporation.¹

The vision for this site as a mixed use civic/recreation hub has long been established in the City's land use plans (re-affirmed in the updated Official Community Plan), and this vision has been further cemented with the partnership and construction of the new West Kelowna City Hall and Okanagan Regional Library.



Figure 2. Proposed Exclusion Area and Agricultural Land Reserve

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 which includes the additional of government offices (MLA, MP) as well as potential for other government agencies. In addition, Council's strategic priorities have introduced the future expansion of Johnson Bentley Memorial Aquatic Centre (JBMAC) which puts additional emphasis on the growth of a central Westbank Urban Centre civic hub; 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.

The City has a long history of working collaboratively with the Agricultural Land Commission (ALC), Ministry of Agriculture and the local farming community to protect agricultural lands and support the existing and future farmers in the community. As part of the recent ALC skateboard park non-farm use approval decision, the Commission confirmed that the majority of the exclusion area is not suitable for agriculture based on the historical use as a 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.

¹ As presented during the 2021 non-farm use application for relocation of the City's skateboard park - CWK File: A21-02, Council resolution C090/21

Historic and Permitted Uses

The ALC has approved a number of non-farm uses/exclusions within/adjacent to the proposed exclusion area including:

- 1986 – non-farm use approved for JBMAC.
- 1992 - approval of easement to access future City Hall parcel.
- 1996 – exclusion approved for the future City Hall parcel.
- 2021 – recent non-farm use approval for the skateboard park (ALC Decision Resolution #236/2021).

It is noted that a portion of the lands were historically used as a settling pond for an early form of waste water treatment for Westbank Centre dating back prior to the establishment of the ALR. Given this, as well as the uses permitted through historic ALC applications (non-farm use for JBMAC, skatepark, easement and exclusion of new City Hall site), the remaining lands are limited in potential for agricultural production. Of the 3.95 Ha site, approximately 3.22 Ha have been impacted by permitted or historical uses in the ALR, resulting in approximately 0.73 Ha (18%) remaining.



Figure 3. Historical Wastewater Treatment Pond – Westbank Centre

City Policy Support:

This exclusion request is firmly supported by the City's land use management, Westbank Centre Revitalization and economic agritourism policies.

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 Council and the Commission as part of the 2021 non-farm use application has been included as part of this report (Attachment 2). The attached overview provides a detailed historical context and policy review up to 2021; relevant updates to City plans, policies, and land use since 2021 have been included below.

Official Community Plan Bylaw No. 300:

The City has recently adopted a new Official Community Plan to guide the City for the next 20 years². 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

² adopted on September 12, 2023

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.

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* (Figure 3). 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.

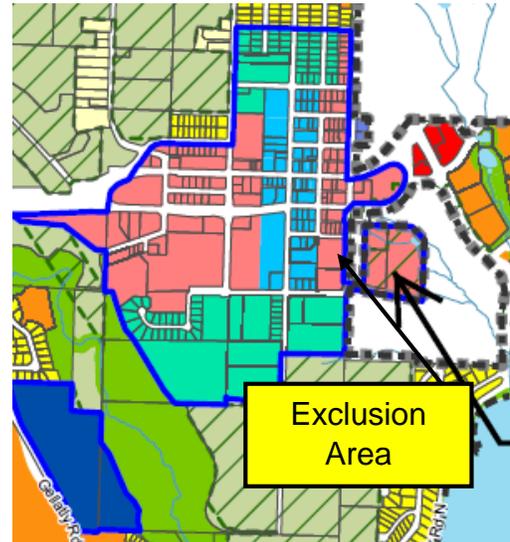


Figure 3. OCP Land Use Map (2023)

Westbank First Nation – Surrounding Land Uses

The proposed exclusion lands are surrounded by Westbank First Nation community lands which have been identified for significant growth in their Land Use Plan. This includes medium and low-density residential and commercial land use designations as outlined in Figure 4. This has in effect, resulted in a small island of agricultural lands surrounded by development lands.

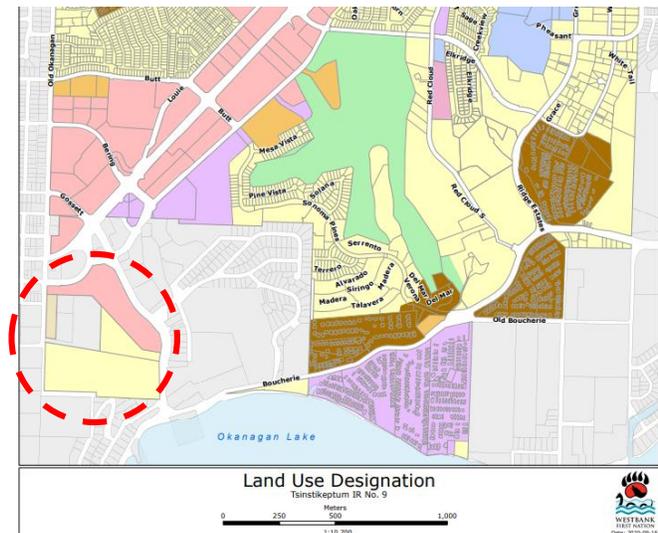


Figure 4. WFN Land Use Designations

Westbank Centre Agricultural Plan

The areas surrounding the Westbank Centre Revitalization area (to the south of the exclusion area – highlighted in grey in Figure 5) 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 5 – Attachment 3).



Figure 1. Study Area for Westbank Centre Agricultural Plan (Attachment 3)

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 (see Attachment 2). As part of the City’s continued commitment to support and advance agriculture, the City still intends to advance these projects as part of the future use of the subject property.



Figure 2. CWK Community Vision

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.

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 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.



Technical Review

This exclusion application was referred to the Ministry of Agriculture, Westbank First Nation, and the City's Agricultural Advisory Committee for comment on October 6, 2023. No comments have been received from the Ministry of Agriculture or Westbank First Nation to date.

CWK Agricultural Advisory Committee (AAC):

The AAC considered the application on November 1, 2023, and provided the following recommendation:

THAT the Agricultural Advisory Committee recommend support to proceed with file P 23-01, City Led ALR Exclusion Application, 3743 and 3737 Old Okanagan Highway.

In the discussion members of the AAC noted that typically, ALR exclusion applications are accompanied by additional lands to be included in the ALR to respect the no net loss policy, and that the lands do continue to have inherent agricultural value, notwithstanding the remaining size or historic uses.

Public Notification:

In line with the *Agricultural Land Commission Act (ALCA)* notification requirements (*ALCA* s. 29), a notice of exclusion sign has been posted on the property since October 18, 2023, a referral sent to Westbank First Nation on October 6, 2023, and the public hearing

notices have been completed in line with the *Local Government Act* public hearing requirements³ (LGA s. 465).

No comments have been received at the time of writing this report.

FINANCIAL IMPLICATIONS

The proposal will have no significant financial implications for the City of West Kelowna.

CONCLUSION

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. 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.

Support for this exclusion application includes:

- The ALC's recent confirmation that that the agricultural potential of the subject property is limited and likely not suitable for agricultural use.
- The City's limited inventory of City owned lands and the identified need for an expanded civic/recreation presence in the City's urban core.
- Over 80% of the proposed exclusion area is occupied by existing City owned recreation infrastructure approved by the ALC, or impacted by historic uses (i.e. settling pond).
- 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.

With the new OCP reconfirming the future non-agricultural land use designation, the ALC's recent confirmation of the limited agricultural potential of the property, 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.

³ The City is required to hold a public hearing, and provide notice with the last notice appearing not less than 3 days and not more than 10 days prior to the public hearing.

ALTERNATE RECOMMENDATION TO CONSIDER AND RESOLVE:

THAT Council postpone consideration of the request to exclude the City owned lands from the Agricultural Land Reserve (File: P 23-01) for Lot 2, Plan KAP4740, DL5066, ODYD (3737 Old Okanagan Hwy) and Block A, DL 5066, ODYD (3743 Old Okanagan Highway).

Should Council postpone consideration of the proposed application, further direction to staff on how to proceed is requested.

REVIEWED BY

Corinne Boback, Legislative Services Manager / Corporate Officer

Trevor Seibel, Deputy CAO

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

PowerPoint: Yes No

Attachments:

1. Subject Property Map: Proposed Exclusion Area
2. Policy/Land Use Backgrounder from 2021 Non-Farm Use Application (CWK File: A21-02)
3. Study Area – with updated farm use from WC Agricultural Plan.