



COUNCIL REPORT

To: Paul Gipps, CAO

Date: February 23, 2021

From: Chris Oliver, Senior Planner

File No: A 21-02

Subject: A 21-02, ALC Non-Farm Use Application, 3743 Old Okanagan Highway

RECOMMENDATIONS

THAT Council support the request to permit a non-farm use in the Agricultural Land Reserve (File: A 21-02) for Block A DL 506 ODYD (3743 Old Okanagan Highway) in accordance with the information contained in this report; and

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

STRATEGIC AREAS OF FOCUS

- **Invest in Infrastructure** – to invest in building, improving and maintaining quality infrastructure to meet the needs of, and to provide a high quality of life for, current and future generations.
- **Strengthen Our Community** – to 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

On January 26, 2021 the City announced the construction of its first City Hall located at 3731 Old Okanagan Highway (Figure 1). To accommodate the project, the City will need to transform an existing skate park on the City-owned land.

The City has submitted a Non-Farm Use Application to accommodate the skate park's relocation onto a portion of the abutting parcel that is located in the ALR (Memorial Park). The Non-Farm Use Application would allow for

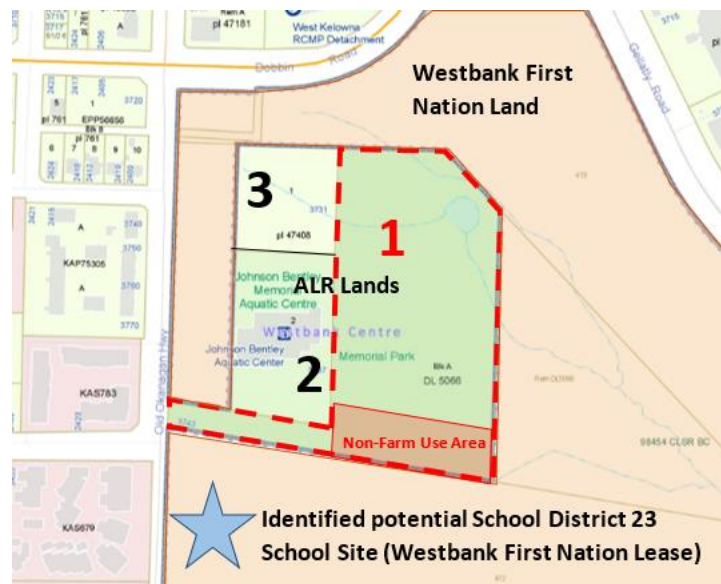


Figure 1. Non-Farm Use Location and Surrounding Context

the relocation of the existing skate park and ancillary uses associated (e.g., parking) to a 1.2 ac, portion of Memorial Park (Figure 2).

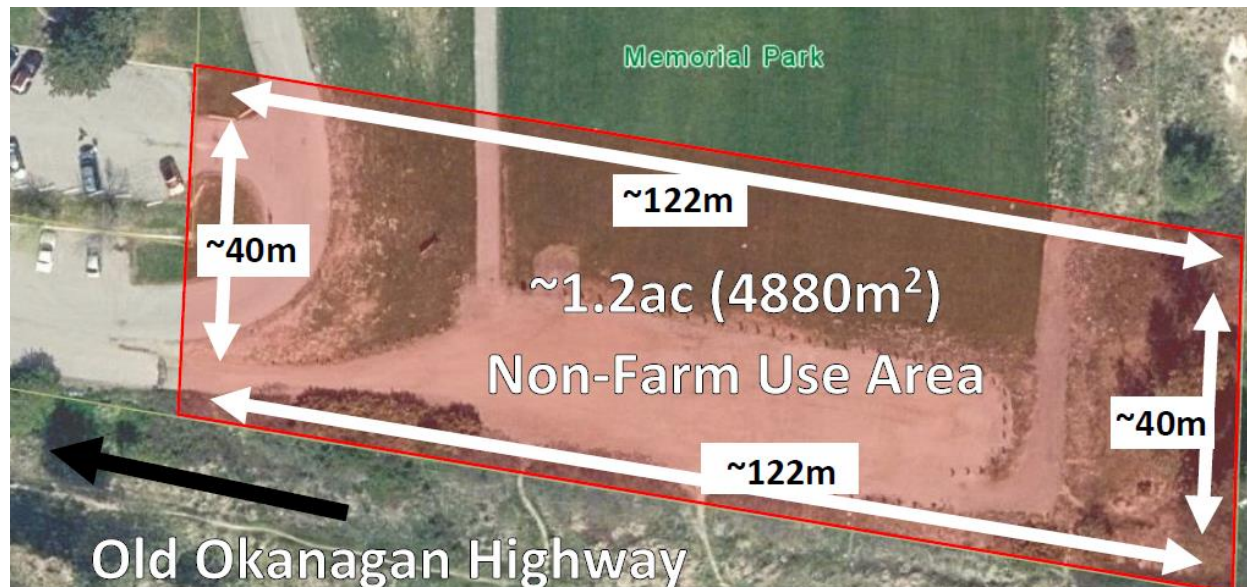


Figure 2. Non-Farm Use Area and Dimensions

Non-Farm Use approvals are required to allow for unauthorized uses to occur on properties in the ALR. The application process requires consideration by Council before it can be advanced and considered by the Agricultural Land Commission.

PROPERTY DETAILS			
Address	3743 Old Okanagan Highway		
PID	008-929-891		
Folio	36415507.101		
Lot Size	7.57 acres (30634.7 sqm)		
Owner	City of West Kelowna	Agent	City of West Kelowna
Current Zoning	P1 – Parks and Open Space	Proposed Zoning	P1 – Parks and Open Space
Current OCP	Parks and Natural Areas	Proposed OCP	Parks and Natural Areas
Current Use	Park	Proposed Use	Park
Development Permit Areas	Hillside, Terrestrial, and Aquatic		
Agricultural Land Reserve	Yes		

ADJACENT ZONING & LAND USES			
North	^	Vacant – Westbank First Nation Community Land	
East	>	Vacant – Westbank First Nation Community Land	
West	<	P1 – Parks and Open Space Zoned Lands (JBMAC)	
South	v	Vacant – Westbank First Nation Community Land (Potential SD 23 site)	

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

As this is a City-led application, staff have prepared an application package for consideration by the ALC, outlining four key areas including:

1. History and Context

- The surrounding Westbank First Nation lands isolate the subject property;
- A Non-Farm Use application aligns with both Westbank First Nation and School District 23's identified and potential surrounding uses;
- The property was used as part of an early model for wastewater treatment and may not be suitable for agriculture. The treatment area may have been constructed prior to the establishment of the ALR (to be confirmed by staff); and
- The subject property is identified as having Class 5A soil capability that restricts its capability to producing perennial forage crops.

2. Recreational and Cultural Significance

- JBMAC, Memorial Park, the Annette Beaudreau Memorial Amphitheatre, and skate park represent the most significant recreational and cultural amenities in West Kelowna;
- The existing skate park is a destination for local families, youth, and athletes. If approved, the City is committed to completing consultation with the community and will strive to ensure there is no gap in services; and
- The imminent development of City Hall and library, as well as a potential SD 23 high school adjacent to the subject property, will ensure this area continues to remain an integral part of the City's core area;

3. Policy Review and Conformance

- West Kelowna's plans, policies, bylaws, and overall guiding framework all align with the current and intended future recreational and cultural use of the property;
- OCP policies support similar ALC applications in extraordinary circumstances where they are consistent with other goals, objectives, and policies;
- The adjacent JBMAC property (3737 Old Okanagan Highway) benefits from an existing Non-Farm Use approval (#19967), and the requested non-farm use is a natural extension of that approval; and
- Previous OCP review comments by the Agricultural Land Commission did not identify the parks and natural area use of this property as an issue.

4. Advancing Agricultural Practices in the Community

- West Kelowna has continuously supported agricultural operators and the preservation of agricultural land through various initiatives and capital investments; and
- The City is committed to advancing other projects identified in the Agricultural Plan moving forward.

REFERRAL RESPONSES

Agricultural Advisory Committee (AAC) – The AAC considered the application on February 11, 2021 and provided the following recommendation:

***THAT** the AAC recommends support for file A 21-02, Non-Farm Use Application for 3743 Old Okanagan Highway as presented.*

In the discussion, 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. In addition, there was a suggestion to consider other locations outside of the ALR if possible, and specific comments related to the soil classifications identified in the report. Staff have addressed the soil classification in the ALC reporting and confirmed with the Ministry of Agriculture that the information presented is correct.

CONCLUSION

Memorial Park has played an essential role in West Kelowna's recreational and cultural identity prior to and since the City's incorporation. Moving forward with the future home of West Kelowna's first new City Hall, an Okanagan Regional Library and a potential high school on the adjacent Westbank First Nation property will continue to ensure this area of Westbank Centre remains the core of our community.

Through the various plans, bylaws, and strategies identified in the attached report, the long-term vision for the site has been clearly established and is in line with the historical use of the subject and surrounding properties. As a Provincial partner, the City is requesting that the Commission consider the various initiatives and commitments that are ongoing regarding the advancement of agriculture in West Kelowna as part of this application.

ALTERNATE MOTION

THAT Council postpone consideration of the request to permit a non-farm use in the Agricultural Land Reserve (File: A 21-02) for Block A DL 506 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

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐