



City of West Kelowna
2760 Cameron Road, West Kelowna, British Columbia V1Z 2T6
Tel (778)797.1000 Fax (778)797.1001

January 25, 2021

RE: City of West Kelowna, Non-Farm Use Application, 3743 Old Okanagan Highway

Dear ALC Staff,

This report has been prepared in support of the City of West Kelowna's Non-Farm Use Application for 3743 Old Okanagan Highway in West Kelowna. The City is pursuing a Non-Farm Use Application to relocate an existing skate park to facilitate the recently announced construction of West Kelowna's new City Hall.

This report will highlight the specific Non-Farm Uses that are being requested and their relationship with the broader long-term objectives of the City. As part of the consideration of the application four key areas for consideration have been identified including:

1. History and Context
2. Recreational and Cultural Significance
3. Policy Review and Conformance
4. Advancing Agricultural Practices in the Community

In addition to outlining the intent of the request, and supporting considerations, this report also highlights the various commitments that the City has previously made to support agricultural operations in the area as well as future commitments we are willing to make as part of the advancement of this application.

I look forward to the opportunity to discuss our rationale for the application and address any questions the ALC staff or commission may have.

Kind Regards,

Paul Gipps, CAO

Attachments:

1. Non-Farm Use Application Report – 3743 Old Okanagan Highway

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1. ALC Application #19967 Summary
2. ALC Executive Director Comments Bylaw No. 0100 Review
3. ALC Minutes June 28th, 2011 (Bylaw No.0100 Review)

Proposal Overview

The subject property included in the requested Non-Farm Use Application is located at 3743 Old Okanagan Highway in the Westbank Centre neighbourhood in West Kelowna (Figure 1):

Property	Address	PID	Size	Current Use(s)
1	3743 Old Okanagan Highway	008-929-891	7.57 acres (30634.7 m²)	Memorial Park and Annette Beaudreau Amphitheatre
2	3737 Old Okanagan Highway	017-816-700	2.35 acres (9510.12 sqm)	Johnson Bentley Aquatic Centre
3	3731 Old Okanagan Highway	017-816-696	1.5 acres (6070.29 sqm)	Skate Park

These properties generally operate as one contiguous 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.



Figure 1. Subject Property

Surrounding Uses

The parcel to the northeast is 3731 Old Okanagan Hwy (2) and is a former Westbank Irrigation District (WID) property that is now owned by the City of West Kelowna and is not located in the ALR (Figure 2). 3737 Old Okanagan Hwy (3) directly to the east is City-owned and include the Johnson Bentley Aquatic Centre that benefits from an existing Non-Farm Use application¹. The remainder of the area surrounding the property is Westbank First Nation land (Figure 2).

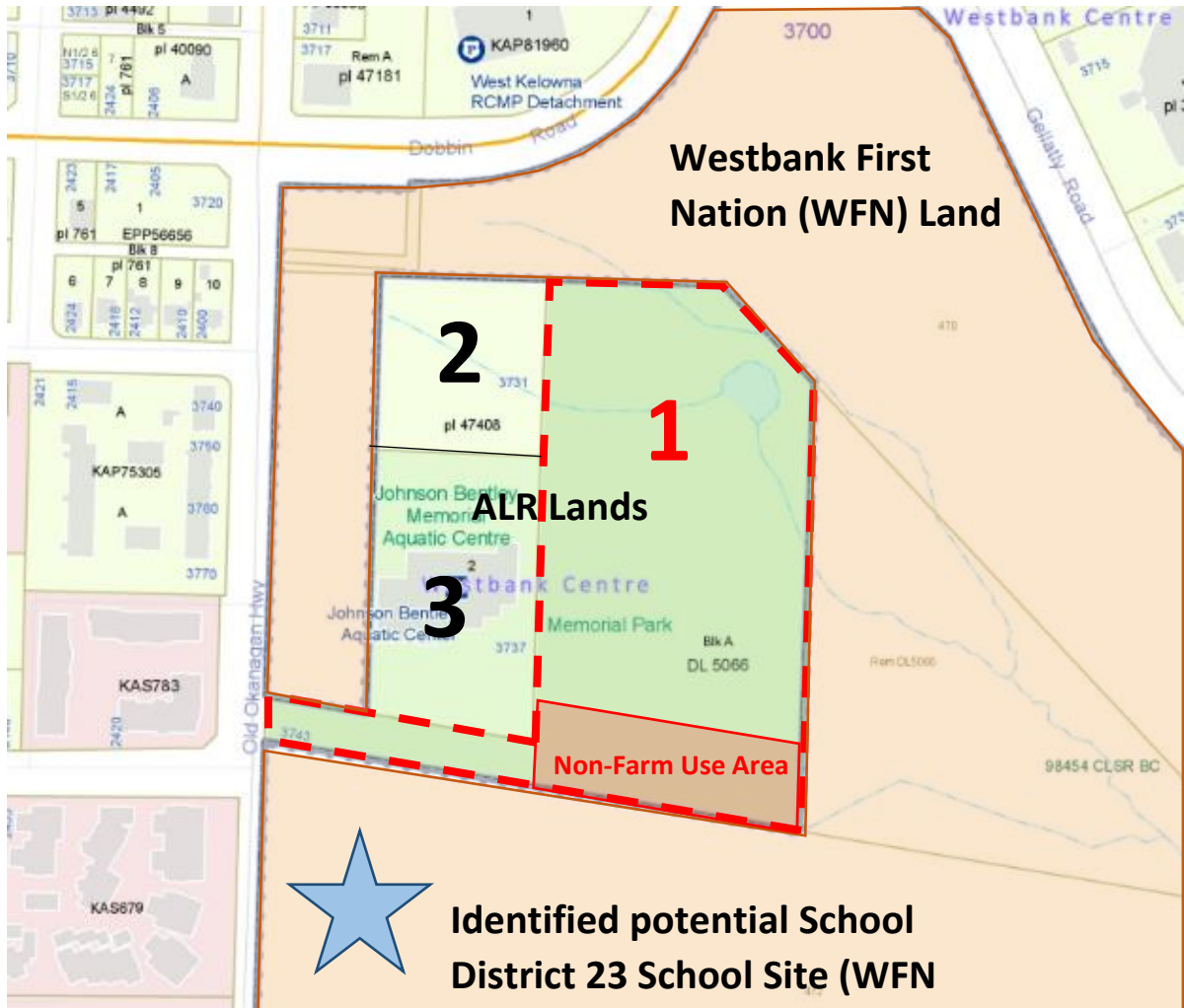


Figure 2. Subject Property and Surrounding Context

Current Uses

Currently, the property has remained generally undeveloped with two main uses on the subject property. The first use is the Annette Beaudreau Memorial Amphitheatre that is built into the existing hillside on the northerly portion of the property that operates as a cultural gathering place for residents and victors of West Kelowna. The second operation is the various passive recreational uses as part of West Kelowna’s parks programming activities that include field activities, and hosting events including Westside Daze, bike races, and Music in the Park.

¹ ALC Resolution #466/86.

Intended Future Uses

As West Kelowna continues to grow and expand, the City is looking to more fully utilize the existing City-owned land inventory. To accommodate growth-related infrastructure including the recently announced City Hall that is located entirely outside the ALR on the adjacent property (3731 Old Okanagan Highway), the City is requesting to relocate a small recreational amenity on the subject property. Currently, 3731 Old Okanagan Highway (future City Hall site) has a well-utilized skate park and ancillary access that will need to be relocated as part of the construction of City Hall. The City has identified that based on the existing uses in the area as well as adjacent future uses (City Hall, potential School District 23 School site, and expansion of JBMAC) the ideal location for the relocation of the skate park is on the subject property. Locating the skate park in close proximity to its existing location and the other identified uses will ensure it continues to be well utilized by the community.

Identified Non-Farm Uses

As part of the City Hall site selection process, the necessity for a Non-Farm Use Application for the skate park and ancillary parking has been identified. The application intends to address not only the proposed structure and use of a portion of the property, but also ensure that the current and future recreational and cultural amenities that serve the residents of West Kelowna and the greater Westside are maintained.

The following Non-Farm Use is proposed in a 1.2ac (4880m²) area of the subject property to address the current and anticipated use of 3743 Old Okanagan Highway (Figure 3) including:

- The construction and programming for passive recreational amenities (e.g., skate park); and
- Ancillary paved or gravel parking areas and accesses.

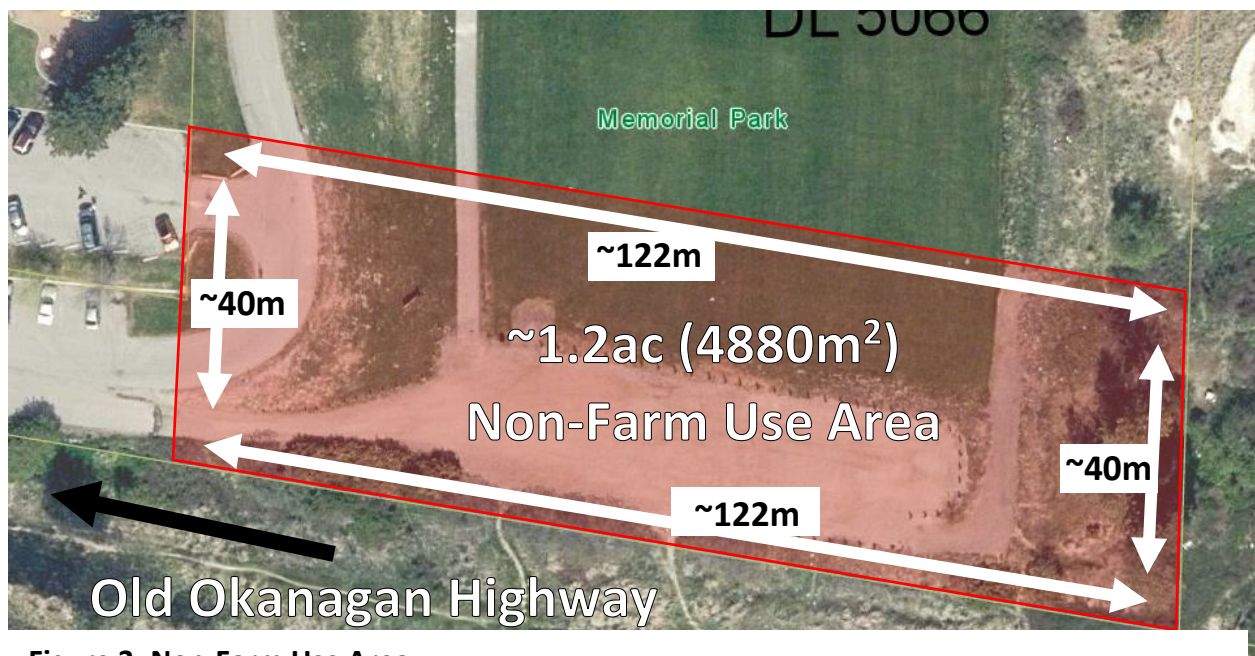


Figure 3. Non-Farm Use Area

History and Context

Adjacent Uses and Agricultural Context

The subject property is not located adjacent to any of the existing agricultural operations in Westbank Centre (Figure 4). In addition to the lack of contiguous agricultural operations, the property is surrounded by WFN community lands (designated as mixed-use development lands²). The limited access, surrounding topography, and context of the property do not support the viability of the agricultural use of the lands.



Figure 4. Agricultural Context

Historic Uses

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 1976 air photo is a settling pond that was used as part of an early model of wastewater treatment from Westbank Centre. The pond is identifiable and is generally located under the area that is currently used as a large open space area (Figure 5). Through a review of the early building permits for Johnson Bentley, it appears as the pond was still located on the property in 1987, but has since been decommissioned. The use of the area under the field area for agricultural purposes would likely be limited or require some form of testing or remediation before being considered for agricultural uses.



Figure 5. Left Image – 1976, Right Image - 2019

² <https://www.wfn.ca/docs/land-use-law-schedule-a-land-use-plan.pdf>

The most prominent use that has occurred in this area is the Johnson Bentley Memorial Aquatic Centre (JBMAC). In 1987, JBMAC was built by the community of Westbank as a memorial to the Johnson and Bentley families who tragically lost their lives. Following the original construction, various additions and other ancillary activities have been introduced which are outlined later in this report.

Since the establishment of recreational uses on the subject property and adjacent JBMAC site, Memorial Park has remained as the City’s main community gathering space and is one of two community park spaces in Westbank Centre where people can gather.

Easement Area

There is an existing easement that is registered on the subject property benefiting the adjacent parcels (3737 and 3731 Old Okanagan Hwy). The easement would have been required at time of subdivision to ensure those two properties benefited from access to Old Okanagan Highway and the easement covers a ~620m² area on the subject property. The requested Non-Farm Use area is partially covered by the existing easement (Figure 6).



Figure 6. Easement Overlap

Potential for Agricultural Impact
Agricultural Capability and Soils Mapping (Class 4w/f)

Based on the most accessible information available, the Canadian Land Inventory Soil Capability for Agriculture classifies the property as Class 4 W/F (Figure 7).

Class 4: land in this class has limitations that require special management practices or severely restrict the range of crops or both.



Figure 7. CLI Agricultural Capability Mapping

Land in Class 4 has limitations, which make it suitable for only a few crops, the yield for a wide range of crops is low, the risk of crop failure is high, or soil conditions are such that special development and management practices are required. The limitations may seriously affect one or more of the following practices: timing and ease of tillage, planting and harvesting, and methods of soil conservation.

In addition to the general classification, the information available also indicates that the soils are subject to both Subclass W and F:

Subclass W (Excess Water): Excess water other than from flooding limits use for agriculture. The excess water may be due to poor drainage, a high water table, seepage, or runoff from surrounding areas. Subclass F (Fertility): Low natural fertility due to lack of available nutrients, high acidity alkalinity, low exchange capacity, high levels of calcium carbonate, or presence of toxic compounds.

Part of the background regarding the previously identified settling pond area may also contribute to the soil classification as it appears to have previously been identified in earlier classification mapping exercises (Figure 8).

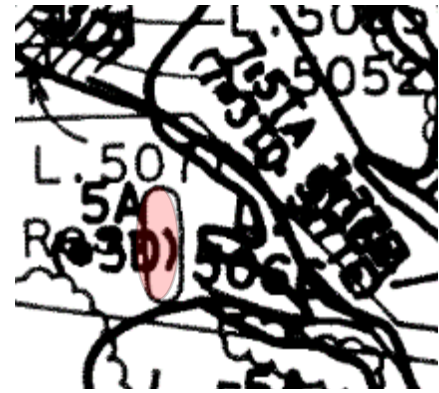


Figure 8. 1987 Agricultural Capability Mapping (pond area)

Previous Agricultural Land Commission Consideration

In 1986, ALC Application #19967 was submitted to the Commission to develop a 1.55ha parcel (now 3731 and 3737 Old Okanagan Hwy) for recreation or institution uses as allowed by the proposed P2 zoning. The Commission permitted the use of the property as proposed by Resolution #466/86 (Attachment 1). The property was later subdivided by ALC Resolution #266/92 into 3731 and 3737 Old Okanagan Hwy. It is unclear, but 3731 Old Okanagan Hwy was also excluded from the ALR and the ALC has confirmed the approved uses now remain valid on the 0.951 ha property containing the Johnson Bentley Memorial Aquatic Centre. While the requested Non-Farm use application does not benefit from this previous approval, the intent of the application is consistent with the approval for the adjacent parcel.

Recreational and Cultural Significance

Johnson Bentley Memorial Aquatic Centre (JBMAC)

JBMAC is a community gathering space where people of all ages come together to play, build strength, heal, have fun, and pursue a healthy lifestyle (Figure 9). While the main pool area is a key area of focus for the services offered at this facility other key programs are also offered to supplement the use of the facility including:



Figure 9. JBMAC Pool Area

- Fitness and gym facilities
- Spin classes
- Weekly land and aqua fitness classes
- Personal training
- Aquatic Wheelchairs
- Red Cross programs
- Advanced aquatic courses
- Early childhood, child and adult recreations programs
- Martial Arts
- Yoga
- Guitar Lessons

Memorial Park and Annette Beaudreau Memorial Amphitheatre

Memorial Park and the Annette Beaudreau Memorial Amphitheatre have historically formed West Kelowna’s largest, central gathering spaces for many of the City’s annual events and celebrations. Two of the most notable celebrations that occur in the open spaces and amphitheatre are the Westside Daze and Music in the Park Concert Series. Both of these events draw thousands of attendees and for many become a highlight for community events in the summer (Figure 10).



Figure 10. Memorial Park Events (Westside Daze, Music in the Park, and Canada Day)

Skate Park

Located north of JBMAC, the Memorial Park Skate park is a destination for local families, youth, and athletes on the greater Westside. The skate park was a community initiative and a result of the efforts of the Westside Skate Park Society and local community members who raised funds and awareness to go towards the park’s construction. Derived from a thorough community consultation process, the skate park design integrates traditional bowl flow with modern street elements. The park features a large combi-bowl with pool coping and imprinted tile, compact mini bowl, multiple stairs sets, and open tech area. The goal for this skate park was to ensure it can accommodate a range of ages and interests, and skill levels.



Figure 11. Skate Park

Policy Review and Conformance

City of West Kelowna Official Community Plan Bylaw

The subject property has been consistently identified as being used as Parkland since the first OCP³ that applied to City lands in 1997 (Figure 12).



Figure 12. RDCO OCP Bylaw No. 686 Land Use

The City’s current OCP Bylaw No. 0100 still designates the property as Parks and Natural Areas and identifies the purpose of this designation as to preserves significant natural areas and provide diverse recreation opportunities (Figure 13). The identified land use designation contrasts the City’s Agricultural Land Use Designation which is intended to support the community’s agricultural heritage and foster a local food system for greater self-sufficiency, economic development, and local food security.

It is important to highlight that as part of meeting S.477(3)(b) of the *Local Government Act* where the City is required to refer the draft OCP to the ALC following first reading, the Commission did not identify the identified Parks and Natural Areas designation of this property as a concern (Attachments 2 & 3).

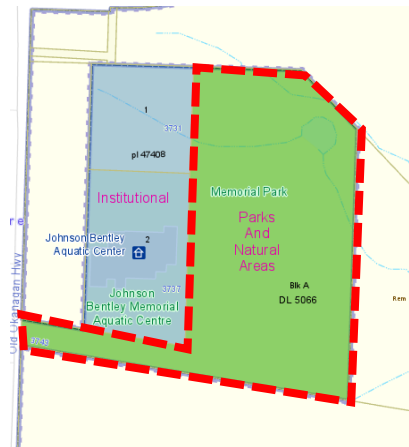


Figure 13. Land Use

The OCP also identifies Growth Management Designations (GMD) that further supplement key areas for growth in the community.

As an example, the City has identified an Agricultural Precinct which is illustrated in Figure 14. As highlighted, the subject property is not located in the Agricultural Precinct, which is intended to:

- Recognize existing areas of unique & important land-use patterns involving residential areas & working agricultural landscapes;
- To preserve & enhance the economic, tourism, food system, aesthetic & livability values of these areas; and
- To support financially viable models of local agriculture.

The City’s long-term objectives are well aligned with the OCP as well as other guiding plans outlined in this report.

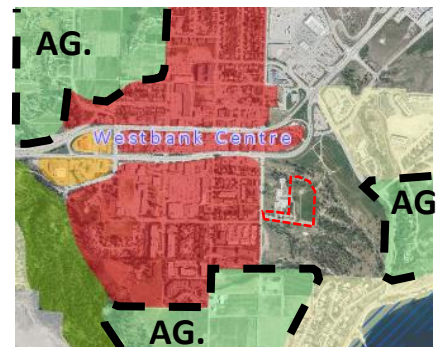


Figure 14. Identified GMD

³ Official Community Plan Bylaw No. 686, Regional District of Central Okanagan, Adopted January 27, 1997

City of West Kelowna Westbank Centre Revitalization Plan

The Westbank Centre Revitalization Plan provides a long-term vision for Westbank Centre supported by action-oriented policies and guidelines for implementation. This plan is founded on a strong base of community and stakeholder involvement that occurred throughout the planning process for Westbank Centre. The plan is broadly premised on expanding the economic base, improving the quality of both private and public realm development, and enhancing the cultural and heritage aspects that are ingrained within this community.

The plan provides a comprehensive planning framework based on a 25 year planning horizon to accommodate an estimated maximum future population of approximately 8,380 residents through the creation of a more sustainable and livable town centre.

The Future Land Use Map (Figure 15) identifies both existing and preferred future locations for institutional, community, and civic uses to acknowledge the City’s commitment to the revitalization of Westbank Centre and support the growing health and civic land uses that have recently been established or zoned within Westbank Centre. The Future Land Use Map identifies the subject property as public open space uses including formal and natural parks and greenways, community amenities such as recreation and play spaces, and other social gathering and activity spaces.



Figure 15. Westbank Centre Revitalization Plan Land Use Map

The requested non-farm uses are well aligned with the Westbank Centre Revitalization Plan.

City of West Kelowna Zoning Bylaw No. 0154

The City’s Zoning Bylaw identifies the subject property as Parks and Open Space (P1 Zone) and the adjacent future City Hall and JBMAC property as Institutional and Assembly (P2) Zone (Figure 16). These are the only two Zones in the Zoning Bylaw that are categorized in Part 13 - Parks and Institutional Zones. Generally, these two zones encompass a variety of uses including:

- Interpretive and Recreational Centres
- Community or Assembly Halls
- Library, museum, or art gallery
- Offices and other similar uses

The current and anticipated future uses are well aligned with the Zoning Bylaw.

Memorial Park Plan

As part of the development of the Memorial Park Plan, it was suggested that a key component to the revitalization of the Park was to redevelop the existing skate park. As part of advancing capital projects, the existing skate park was revitalized in 2016. Since that time, the City has been working diligently to determine and if necessary acquire lands for a City Hall site. Due to a lack of available lands in West Kelowna the existing skate park site is the only viable location for a City Hall. To ensure the skate park remains an integral part of Memorial Park, the relocation of the skate park is vital to advancing the City Hall construction proposal.

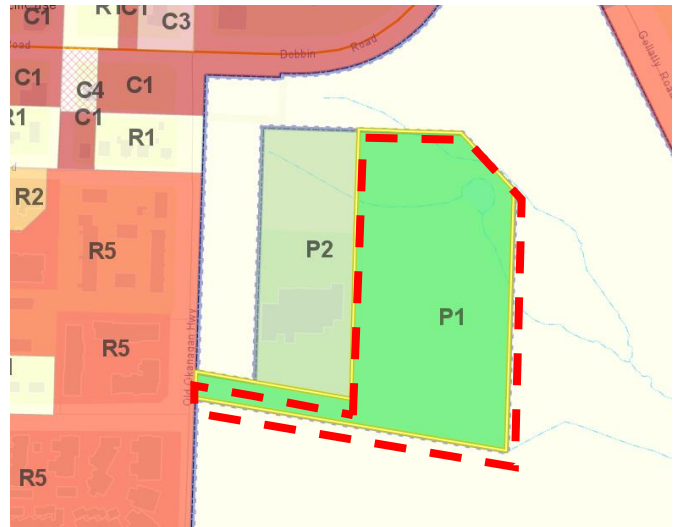


Figure 16. Subject Property Zoning

Advancing Agricultural Practices in the Community

Agricultural Plan

The purpose of the Agricultural Plan is to define the City’s role with respect to agriculture and identify actions to support the viability of farming. To make longer-term investment decisions in agriculture instead of placing their energies and money elsewhere, farmers need assurance that land will be available for the long term. The Agricultural Plan identifies the need for the City to continue to protect its existing agricultural land, to encourage agricultural development, where appropriate, on other land zoned to accommodate agriculture.

As part of the development of the vision for the enhancement of agriculture in the plan, three goals were developed:

1. Expand community knowledge and understanding of agriculture.
2. Pursue diversification and expansion of the agricultural industry.
3. Create a viable and sustainable community by encouraging conservation and environmentally sound practices

The final outcome of the development of the vision and goals was the identification of three strategies and twenty-four recommendations. As part of the ongoing implementation of the Agricultural Plan recommendations, the City has made excellent progress in not only implementing the broader strategies into multiple aspects of City processes but also completing many of the recommendations:

Knowledge of Normal Farm Practices

Due to West Kelowna’s land use fabric, there are interface areas where agricultural operators are adjacent to residential areas. Recognizing the challenges that operators face with residents adjacent to their operations, the City actively tries to ensure residents understand farming activities and what they can expect at different times. One method of communicating this information is through print and web materials that highlight the important factors to healthy rural living (Figure 17).

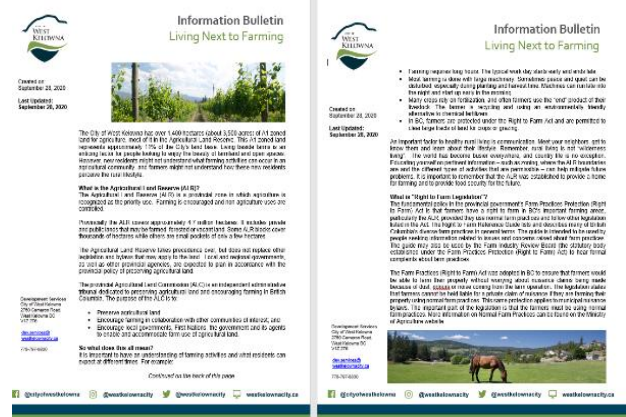


Figure 17. Information Bulletin

City of West Kelowna Good Neighbour Bylaw No. 0.154

Another key resource that has been designed to ensure the rights of agricultural operators are not infringed upon and that agricultural operators have the ability to conduct their necessary operations is the City’s Good Neighbour Bylaw. The Bylaw has specific exemptions designed to avoid limiting farm operations and prompt the acceptance of normal farm practices:

s.7.4 Exemptions Notwithstanding anything contained herein, no person shall be guilty of an infraction of this Bylaw while:

(e) conducting farm operations conducted in accordance with normal farm practices under the Farm Practices Protection (Right to Farm) Act;

s.8.2 (a): Section 8 of this Bylaw (private property maintenance) does not apply to farm operations conducted in accordance with normal farm practices under the Farm Practices Protection (Right to Farm) Act.

City of West Kelowna Restrictive Covenant for Residential Parcels Abutting Agricultural Land

As part of rezoning applications that abut agricultural land, the City requires that a restrictive covenant be registered as part of the application. The intent of the covenant is to limit the types of planting that can occur on the property to avoid conflicts with agricultural operations as well as serve as a form of notice to future property owners. The standard phrasing included in the covenant is:

The Transferor acknowledges, understands, and agrees that the Lands are adjacent to lands within the agricultural land reserve and may be adversely affected by normal farm practices carried out by the owners of the farm land (including, without restriction, noise from farm operations including propane cannons and other devices used to deter birds and pests, farm smells and chemical sprays, aesthetic appearance of fields including unkempt areas, materials storage, and light from greenhouses).

Establishment and Support of AAC

Established in 2009, the Agricultural Advisory Committee (AAC) assists staff and Council in protecting, enhancing, and promoting agriculture within the City of West Kelowna. The AAC’s mandate has been consistent and continues to apply to various applications that are brought

forward to the AAC consideration on a monthly basis. Staff and Council utilize comments from the AAC as part of application processing and policy development. As a valuable component to the City's ongoing agricultural efforts and applications that may affect agricultural operators in West Kelowna the City has and will continue to support the AAC through financial means and the allocation of staff time.

Protection of Agricultural Land

The City has developed a strong regulatory framework that is applied to applications pertaining to property zoned for agricultural uses and those included in the ALR. Often in conjunction with ALC staff, direction regarding agricultural proposals must adhere to the framework outlined in the OCP. The OCP identifies the following as the key objectives related to agricultural land uses:

1. Support the preservation and enhancement of the agricultural land base through land use decisions consistent with identified agricultural policies, Agricultural Land Commission policies and decisions where applicable, and the Agricultural Plan when completed.
2. Promote and support innovative community agricultural activities and their connection to local and regional markets.
3. Support consultation with the Agricultural Land Commission regarding the use of ALR land for community land use needs, as described in the Agricultural Land Commission Act and the Subdivision and Development Act.

The impact of these objectives has led to the continued success of existing operators, as well as the establishment of new operators in West Kelowna.

Agri-Tourism, Heritage, and Cultural Tourism Support

Agriculture holds a significant place in the history, identity, and future sustainability of West Kelowna. Agriculture has contributed to the creation of land use patterns, transportation routes, community identity, and the economy. Agriculture has also been identified as two of four of the City's key pillars for tourism:

- | | |
|----------------------------|--------------------------------------|
| 1. Westside Wine Trail | 3. Westside Farm Loop |
| 2. Westside Trails & Parks | 4. Westbank First Nation Experiences |

Throughout the City's marketing materials, visitor guides (<https://www.visitwestside.com/wp-content/uploads/2019/05/2019visitor-guide-web.pdf>), brochures, etc., there is a very strong presence for agriculture as it is a key component to the sense of place for West Kelowna. Residents and visitors across Canada, the United States, and abroad know our area because of our agricultural roots and it is one of the reasons they come to visit. Many visitors to the Okanagan choose to come to West Kelowna to visit wineries, farms, pick fruit, meeting the farmers, and learn about where their food comes from.

The City's tourism and marketing surrounding agricultural experiences is not only a key aspect of the materials that the City produces but is generally incorporated into every aspect of discussions about our community. Key examples are the promotional video featuring Mayor Milsom and other PSAs:



1. Visit Westside Advertisement (<https://www.facebook.com/watch/?v=1760209007487755>)



2. Farms, Markets & Wineries (<https://www.youtube.com/watch?v=HuaTa2qWPds>)

Community Gardens

Shannon Woods

The Shannon Woods Community Garden is located at 2490 Shannon Woods Drive and is part of the new Shannon Woods Park Rejuvenation Project led by the City of West Kelowna (Figure 18). This garden was built in the spring of 2011 with the help of the Lincoln Ford Group, subscribed gardeners and residents. There are 29 plots in total, all plots have wood surrounds with premium topsoil including Glenmore Grow on top as a mulch. Additional amenities at this garden include a shed, tools, water access, and compost bins.



Figure 18. Shannon Woods Garden

Town Centre

The Town Centre Community Garden is located in Westbank Centre and this garden was built as a community partnership with the Regional District of Central Okanagan (Figure 19).



Figure 19. Town Centre Garden

Funding was contributed by RDCO through a Provincial Spirit Grant and by Interior Health with a Community Action for Health Grant in 2007. This garden is the biggest of all the community gardens located in the Central Okanagan with 56 plots. In addition to the community use of the gardens, George Pringle Elementary School has a designated garden area that is delineated by a fence.

Labour Availability and Housing Options

Since 2015, the City of West Kelowna has participated with the Regional District of Central Okanagan, City of Kelowna, and District of Lake Country to create a regional standard (with specific community variations) with regard to zoning regulations for agricultural worker dwellings.

In addition to the participation in the development of a regional standard, a community delegation to West Kelowna Council in August 2017 requested that the City of West Kelowna review the City's regulations regarding temporary agricultural worker dwellings citing recent bylaw infractions and illegal occurrences on agricultural lands in the community. Following this delegation, a review of the City's Agricultural Worker Dwellings was initiated in November 2017 and included consultation with property owners, agricultural operators, BC Tree Fruits, Central Okanagan Food Council, BC Cherry Association, and the ALC. The resulting zoning bylaw amendments updated the City's regulations for agricultural worker dwellings and temporary agricultural worker dwellings to ensure there are better standards of living for workers living in these dwellings (i.e. with the inclusion of washroom, shower, and kitchen facilities for workers accommodated in tents and recreational vehicles).

Wine Trail

In 2010, there were eight wineries in West Kelowna – seven located along the Boucherie Road corridor and one located on Glencoe Road. In 2011, the City of West Kelowna completed a major upgrade of Boucherie Road from the corner of Hayman Road through to Stuart Road as a result of water utility and sewer upgrades. At the time of these utility upgrades, Council decided to include the installation of bike lanes, curb,



Figure 20. Wine Trail Standard

gutter, sidewalks, streetlights, and landscaping upgrades (Figure 20). Upon completion, 54 banners were added to the street lights posts and that featured generic area branding of "Wine Trail" along with wine-related illustrations.

Between 2012 and 2020, seven new wineries have opened in the community, with two of those wineries opening on Glencoe Road. Looking ahead, there are anticipated to be at least eight future wineries in the coming years, with the potential of two more wineries along the Glencoe & Elliot Roads corridor.

In addition to the general road improvements, two roundabouts were installed to help improve traffic safety for the Hudson Road and Anders Road intersections. Within these roundabouts, barrel stacks were installed as a feature in addition to the planned landscaping (Figure 21). Those barrels featured the Westside Wine Trail Association's logo and the logos of all of the wineries in West Kelowna.



Figure 21. Barrel Display

Those barrels featured the Westside Wine Trail Association's logo and the logos of all of the wineries in West Kelowna.

Overall, the investment in the Westside Wine Trail is one of the largest capital projects the City has undertaken, illustrating the significant investment in agricultural tourism.

Commitment as Part of Non-Farm Use Application Consideration

Understanding that the continued use of the subject property as West Kelowna's most prominent gathering spaces for residents, visitors, and community partners such as Westbank First Nation, the City recognizes the need to further promote agriculture on the subject property and adjacent City Hall site. As part of the City's commitment to supporting and advancing agriculture, the City is willing to advancing the following projects as part of the future use of the subject property:

Permanent Farmer's Market Site

A permanent farmers' market site can encourage year-round availability of local agricultural products, particularly those provided through local processing facilities. Farmers' markets often attract consumers to the community creating economic activity for local farmers as well as for other local businesses. It has been identified that median incomes of households in West Kelowna are higher than for BC⁴ and those who purchase local food products tend to consider price the least important factor drawing them to farmers' markets⁵. A permanent location for a farmers' market on the subject property would be convenient for local consumers and provide greater economic security for local farmers and be supplemented by the improvements proposed as part of this application (e.g, parking area). As part of this application, the City is committed to ensuring space is made available to any community organizations interested in operating a farmers market site.

⁴ Central Okanagan Economic Development Commission. District of West Kelowna 2009 Demographic Profile, page 15

⁵ Agriculture and Agri-Food Canada. The National Farmers' Market Impact Study, 2008.

Agricultural Learning Centre

A sustainable food system is enhanced by facilities for education 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. Part of the learning centre could also be through passive activities such as presentation board, ongoing project materials, etc. (Figure 22). 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 (Figure 23). In the summer and fall of 2020, additional Ministry of Transportation style wayfinding signs were added along the corridor and driveway signs were installed to support this request. Costs for these additional signs have been covered by existing 2020 Roads and Tourism budgets.

In addition to the signage that has been previously identified for installation, the City is also committed to advancing a larger comprehensive sign program as part of the requested Non-Farm Use application. Through the implementation of a Wine Trail and Farm Loop Wayfinding program, the City hopes to have a consistent level of exposure for all of the agricultural operators in West Kelowna.

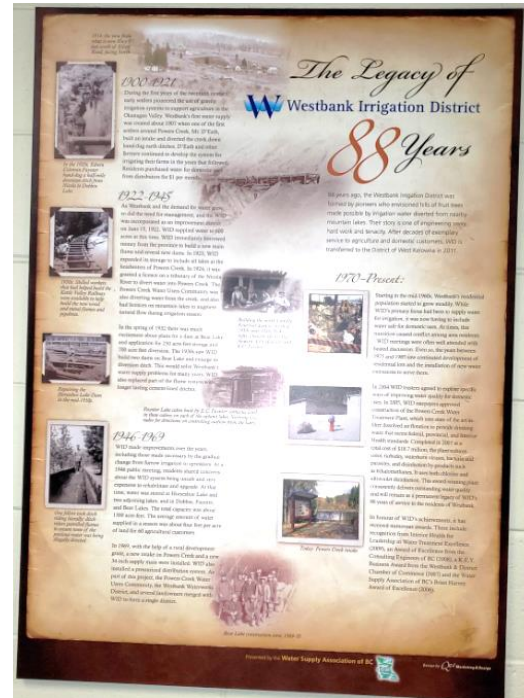


Figure 22. Westbank Irrigation Display



Figure 23. Wayfinding Standard

Organizational Alignment

Westbank First Nation

West Kelowna and Westbank First Nation (WFN) both identify as community partners in ensuring the success of the greater Westside. As illustrated in the cross-promotional materials earlier in this report, both the City and WFN are supporters of the strong agricultural operators on the Westside. In the specific context of the subject property and adjacent City-owned lands, these properties are surrounded by WFN band member lands. Similar to the use of the subject property, the adjacent WFN lands have not historically been used for agricultural purposes. As mentioned earlier in this report, WFN has identified these lands as being mixed-use development lands⁶. The land-locked nature of the subject property with surrounding WFN lands that are identified for mixed-use development limit the viability for contiguous agricultural operations.

School District 23

SD 23 recently announced that the adjacent WFN owned parcel to the south is being considered for a potential high school. WFN membership will be holding a referendum so the membership can provide input into the land lease process. The proposed area is directly adjacent to the Johnson Bentley Aquatic Centre and subject property (Figure 24). The proposed skate park would be a natural benefit to the potential school site and the relationship between existing recreational, civic, and educational uses.



Figure 24. Lease Boundary Area

Conclusion

3743 Old Okanagan Highway has played an important role in West Kelowna's recreational and cultural identity prior to and since the City's incorporation. Moving forward with the construction of West Kelowna's first new City Hall, and a potential high school on the adjacent WFN 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 this report, the long-term vision for the site has been clearly established and is in line with the historic 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.

In addition to the proposal being well aligned with the City's long-term vision, and greater Westside context, the application aligns with the purposes of the Commission:

6(1)(a) to preserve the agricultural land reserve;

The Non-Farm Use Application will ensure that the overall preservation of the ALR is maintained. While the proposal does include the potential for limited structural additions and surfacing of parking areas, generally the uses proposed are not structurally intensive and would not overly

⁶ <https://www.wfn.ca/docs/land-use-law-schedule-a-land-use-plan.pdf>

inhibit the ability to use these lands for other agricultural uses in the future. The proposed uses also generally align with the other agricultural initiatives that the City is committed to advancing as part of the application (e.g., Farmer’s Market Space).

6(1)(b) to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest;

As illustrated earlier in this report, the City is a champion for agricultural operators, not only directly supporting operators through marketing and capital investments but also many ancillary initiatives including the support of the AAC, labour and housing availability related Zoning Bylaw amendments, and many other ongoing endeavors. The site-specific considerations presented as part of this application are intended to build on these successes while also making a strong consideration for the other community interests.

6(1)(c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.

The City has taken a strong stance regarding the support for agricultural industries in and out of the ALR. A primary example includes the exemptions applied in the Good Neighbour Bylaw, the “Living Next to Farming” messaging that the City promotes, and the covenants that are required as part of developments in agricultural interface areas. Another key consideration as part of this application is that the proposed non-farm uses are compatible with the adjacent uses that are currently existing in the area and the planned future uses.

In summary, the key considerations that have presented in this report are outlined below:

- The subject property has a limited soil classification, historic use that jeopardizes the viability of agricultural operations, and is not supported by the vision for the area;
- JBMAC, Memorial Park, and the Annette Beaudreau Memorial Amphitheatre represent the most significant recreational, and cultural amenities in West Kelowna;
- The imminent development of City Hall and potential SD 23 high school adjacent to the subject property are well aligned to supplement the requested non-farm use and will ensure this area continues to remain as an integral part of the City’s core area;
- The City’s non-farm use request aligns with both Westbank First Nation and School District 23’s identified and potential surrounding uses;
- The City’s plans, policies, bylaws, and overall guiding framework all align with the current and intended future recreational and cultural use of the property;
- West Kelowna has continuously supported agricultural operators and the preservation of agricultural land through various initiatives and capital investments;
- The adjacent Non-Farm Use approval (#19967) and previous OCP review comments by the Commission support recreational uses in this area; and
- The City is committed to allocating space in City Hall to support agricultural operators, providing an area for a permanent farmers market, and advancing a wayfinding as part of the consideration for the requested Non-Farm Use Application.



December 8, 2020

Chris Oliver
City of West Kelowna
DELIVERED ELECTRONICALLY

Dear Chris Oliver:

Re: 3737 Old Okanagan Highway, West Kelowna, BC (PID: 017-816-700)

The Agricultural Land Commission (the "Commission") is in receipt of your November 20th, 2020 email that describes a possible expansion of the Johnson Bentley Memorial Aquatic Centre at 3737 Old Okanagan Highway (the "Property"). Based on your correspondence, the Johnson Bentley Memorial Aquatic Centre is proposing to add parking spaces, change access to the site, and potentially relocate a skate park to the Property.

ALC staff have reviewed the previous application history on the Property. In 1986, ALC Application 19967 was submitted to the Commission to develop the 1.55 ha property for recreation or institution as allowed by the proposed P2 zoning, proposed at the time. to the Commission allowed the use of the property as proposed by Resolution #466/86. The Property was later subdivided by ALC Resolution #266/92 but the approved uses remain valid on the 0.951 ha property containing the Johnson Bentley Memorial Aquatic Centre.

In your email you indicate the Property is zoned P2 (City of West Kelowna Zoning Bylaw No. 0154). ALC Staff have reviewed the current zoning, and previous application history and confirm that the proposal to expand the Johnson Bentley Memorial Aquatic Centre, add additional parking spaces, revise the access to the site, and in the future, potentially relocate the skate park, is consistent with ALC Resolution #466/86.

The Property remains within the ALR and as such, this letter does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. Any development of the property that is not in compliance with the ALCA and its regulations, will require approval of the Commission.

Please direct further correspondence with respect to this inquiry to ALC.Okanagan@gov.bc.ca.

Yours truly,

A handwritten signature in black ink that reads 'Claire Buchanan'. The signature is written in a cursive, flowing style.

Claire Buchanan, Land Use Planner

Enclosure: ALC Resolution #466/86
19967m1

May 27, 1986

Reply to the attention of
Martin Hilmer

Westbank Irrigation District
Box 228
Westbank, B.C.
VOH 2A0

Dear Sir/Madam:

Re: Application # 21-G-86-19967

This is to advise that the Provincial Agricultural Land Commission has considered your application regarding land described as Block B of D.L. 5066, O.D.Y.D.

Pursuant to Section 20(1) of the Agricultural Land Commission Act, the Commission, by Resolution # 466/86 allowed your application to develop the subject 1.55 ha for recreational or other institutional purposes, as described under the proposed P2 zoning.

The land referred to in the application will continue to be subject to the provisions of the Agricultural Land Commission Act and regulations except as provided by this approval.

This approval in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, subdivision and other land use bylaws of a municipality or regional district and decisions of responsible authorities which may apply to the land.

Before your development can proceed, other requirements such as public road dedication, highway access permits, sewage disposal permits, etc. may be required and we urge you to check with the responsible authorities.

Where the land is located in a municipality, please contact the Approving Officer of the municipality. For other areas, contact the District Office of the Ministry of Transportation and Highways.

Please quote Application # 21-G-86-19967 in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Per: R. P. Murdoch, General Manager

MH/lv

cc: Regional District - Central Okanagan R.D. (#A-86-6)
B.C. Assessment Authority - Kelowna
Min. of Agri. & Food - Craig Brownlee, Kelowna

86

Minutes of the Provincial Agricultural Land Commission

Meeting held at the B.C. Agricultural Land Commission Office, 4940 Canada Way, Burnaby, British Columbia on the 24th day of April 1986.

Present:	I. D. Paton	Chairman
	A. Claridge	Commissioner
	J. Collins	Commissioner
	J. Lauder	Commissioner
	R. P. Murdoch	Commissioner

An application from Westbank Irrigation District under Section 20(1) of the Agricultural Land Commission Act was considered for the property described as Block 5 of D.L. 5066, O.D.Y.D. (more particularly shown on plans submitted to the Commission) with the application requesting permission to develop 1.55 ha for recreational or institutional uses as allowed for under a proposed P2 zoning.

It should be noted that the property is currently undeveloped grassland.

Adjacent land use is Indian Reserve.

The agricultural capability is rated as 100% class 2.

The Irrigation District has indicated the land may be used for a swimming pool but may consider other institutional uses for the site as well in that the property is isolated due to the Indian Reserve which is slated for commercial development.

The Regional District supported this application.

IT WAS

MOVED BY: Commissioner R. P. Murdoch

SECONDED BY: Commissioner J. Lauder

466/86

That the application be allowed.

Carried.



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

July 5th, 2011

Reply to the attention of Martin Collins
File: 46415

Carla Eaton, Planner
District of West Kelowna
2760 Cameron Road
District of West Kelowna
B.C. V1Z 2T6

Dear Madam

Re: Draft District of West Kelowna Official Community Plan

The Agricultural Land Commission has now had an opportunity to review the second draft of the District of West Kelowna Official Community Plan (received June 17th, 2011) to ascertain its consistency with the *Agricultural Land Commission Act* (as per Section 46 of the Act). The following comments are offered for Council's consideration to ensure that its bylaws are consistent with the *ALC Act*, the regulations and the orders of the commission (as per Section 46 of the Act).

Schedule 1, Land Use Plan

The Commission remains concerned about the designation of 60 ha of ALR in Raymer for "Comprehensive Development" (CD) on the Schedule 1 Land Use Plan (see map #1). The ALR land has generally good capability for agricultural development and a history of tree fruit uses. The Commission's experience is that a CD designation of the 60 ha area will raise expectations of land use change and could dampen potential for agricultural redevelopment.

The Commission also notes that the District identifies all other ALR areas in the District as "Agricultural" on the Schedule 1 map and that there is no substantive difference between these lands and the Raymer ALR lands. The Schedule 1 map must be amended to ensure consistency of the bylaw with the *ALC Act*.

Schedule 7 Future Road Network

The Commission noted that a proposed collector road realigns Elliot Road and bisects several ALR parcels (please note the attached map #2). No rationale has been provided for the road collector, which appears to replace the existing Elliot Road. Since the proposed road collector affects arable land and has potential to negatively affect ALR farm parcels the Commission advises that it does not support the collector road's retention on the Schedule 7 map.

Page 53 Raymer CD Area Policies

The Commission notes that although there is a significant potential for an extensive ALR/urban boundary in Raymer, there are no OCP policies which address the urban rural edge. It is the Commission's experience that sensitive urban design against the ALR boundary, with respect to setbacks, density and buffering can mitigate negative impacts of urban development on the farmland resource and help ensure that agricultural investment occurs.

The following language is offered for insertion into the policy section:

"Part of the CD evaluation will assess the necessity of buffering and setbacks between urban uses and ALR lands to help manage expectations of residents adjacent to working farmlands (with regard to odor, noise and spraying). The District will reference the Ministry of Agriculture's "Guide to Edge Planning", and the ALC's "Landscaped Buffer Specifications."

The Commission would appreciate confirmation that the above noted amendments have been undertaken. In all other respects, with the exception of the portions noted above, the Commission finds the draft OCP to be consistent with the purposes and intents of the ALC Act and Regulation. If you have any questions about the above noted comments please contact this office.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:



Brian Underhill, Executive Director

Enclosure: Map #1 and Map #2

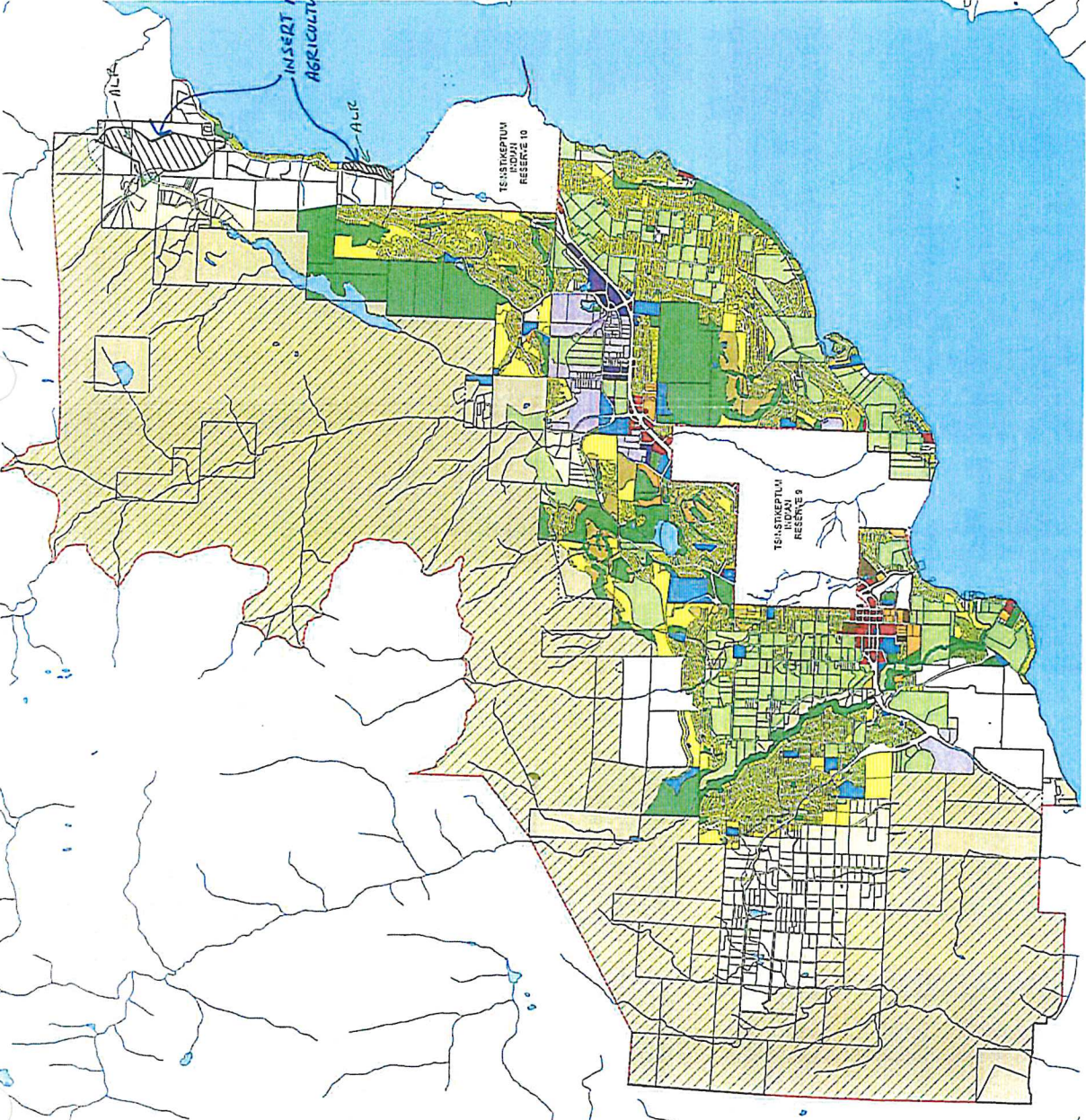


DISTRICT OF WEST KELOWNA
OFFICIAL COMMUNITY PLAN
BYLAW 0100

Schedule 1
LAND USE PLAN

Legend	PERCENTAGE	LAND USE DESIGNATION
[Light Green Box]	5.81%	RURAL RESIDENTIAL
[Yellow Box]	11.65%	SINGLE FAMILY RESIDENTIAL
[Light Yellow Box]	0.51%	LOW DENSITY MULTIPLE FAMILY
[Light Green Box]	0.31%	MEDIUM DENSITY MULTIPLE FAMILY
[Dark Green Box]	0.31%	CORE CENTRE MULTIPLE FAMILY
[Light Green Box]	0.65%	MIXED USE
[Red Box]	0.81%	COMMERCIAL
[Orange Box]	1.65%	TOURIST COMMERCIAL
[Light Blue Box]	1.41%	INDUSTRIAL
[Dark Blue Box]	1.41%	BUSINESS PARK
[Light Blue Box]	1.41%	INSTITUTIONAL
[Green Box]	5.81%	PARKS AND NATURAL AREAS
[Light Green Box]	7.74%	AGRICULTURAL
[Light Green Box]	51.55%	RESOURCE LAND
[Light Green Box]	5.92%	COMPREHENSIVE DEVELOPMENT AREAS
[Red Box]		WEST KELOWNA MUNICIPAL BOUNDARY
[Hatched Box]		WEST BAY FIRST NATION COMMUNITY FOREST

NOTE:
LAND USE PERCENTAGES FOR THE DESIGNATIONS NOTED IN THE LEGEND ABOVE ARE BASED ON A TOTAL DWRK AREA OF 12,143 HA. PER THE MUNICIPAL LETTERS ROAD ALLOWANCES AND LAND LAKES MAKE UP FOR THE MISSING AREA NOT INCLUDED IN THE LEGEND FOR A TOTAL OF 100%.



DRAFT JUNE 15, 2011



ALL FILE 46415
RES. #15 N/2011
MAP # 1

SCHEDULE 7
 FUTURE ROAD NETWORK

ALC FILE 46415
 RES # 15N/2011
 MAP #2

TO BE UPDATED UPON COMPLETION
 OF THE MASTER TRANSPORTATION PLAN

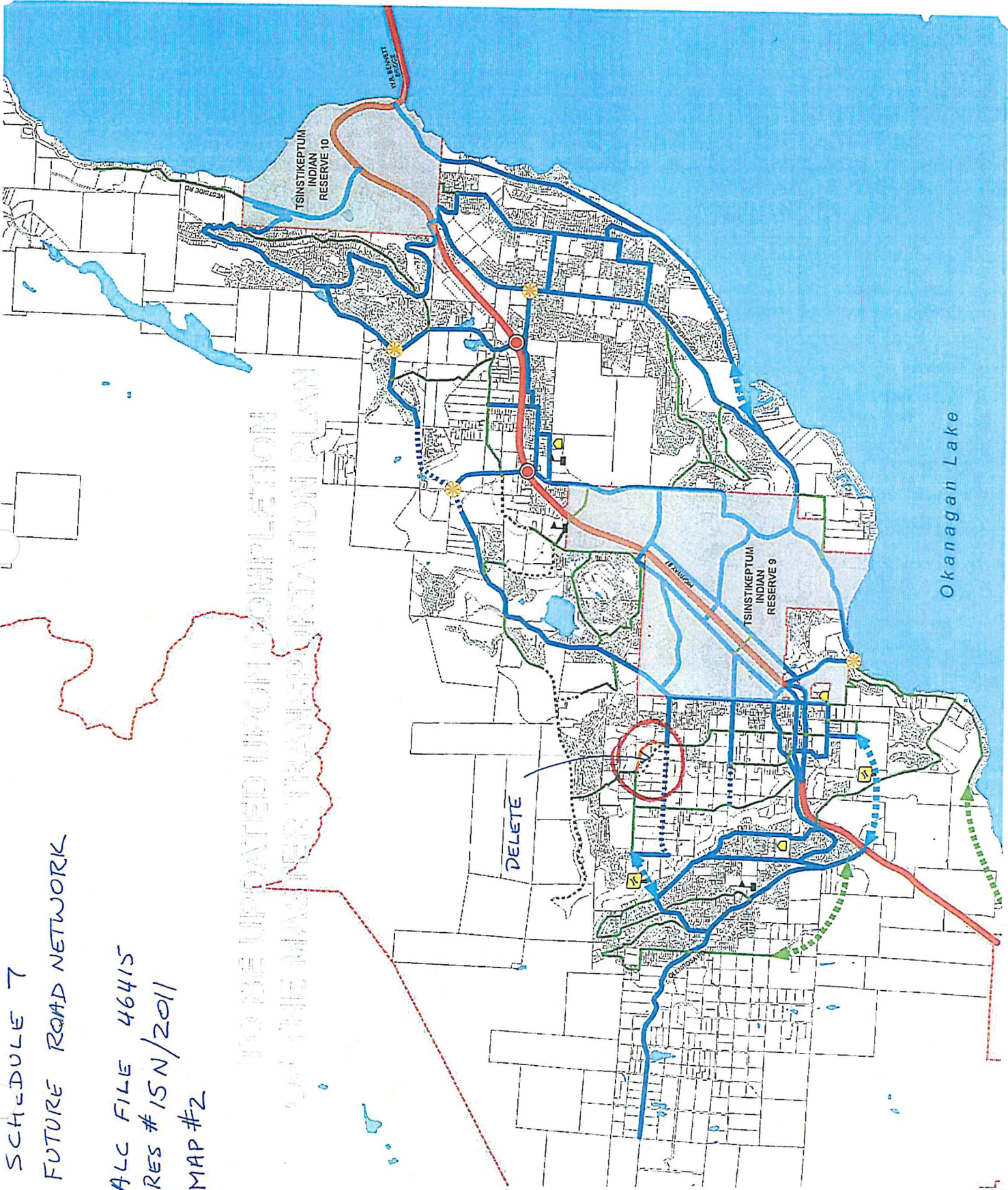
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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 28th, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Roger Mayer	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Martin Collins	Regional Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

File ID: #46415

PROPOSAL: To review draft District of West Kelowna Official Community Plan to ascertain consistency with the ALC Act (as per section 46 of the *Agricultural Land Commission Act*). Specifically the draft OCP:

- Designates ~60 ha of ALR in Raymer for “Comprehensive Development” on the Schedule 1 Land Use Plan.
- Designates a revised alignment for Eliot Road through cultivated ALR parcels
- Does not reference urban buffering and setbacks adjacent to the ALR boundary in the Raymer CD policies

COMMISSION CONSIDERATION:

Context

Section 46 of the *Agricultural Land Commission Act* requires that local government bylaws be consistent with the purposes of the Commission and the ALC Act.

Section 46(2) states:

A local government in respect of its bylaws and a first nation government in respect of its laws must ensure consistency with this Act, the regulations and the orders of the commission.

Section 46(4) states:

A local government bylaw or a first nation government law that is inconsistent with this Act, the regulations or an order of the commission has, to the extent of the inconsistency, no force or effect.

Agricultural Capability and Suitability

Based on the British Columbia Canada Land Inventory (CLI), 'Land Capability Classification' system, the agricultural capability ratings for the Raymur CD areas are:

Class and Subclass Descriptions

The majority of the land has BCLI class capability of:

- Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

A very small portion of the ALR in Raymer has BCLI class capability of:

- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

The primary limiting subclasses for the identified areas are: stoniness and seasonal moisture deficiency.

On balance the majority of the land has good capability for agricultural development and has a history of tree fruit uses

Assessment of Potential Impact on Agriculture

The Commission assessed the impact of the proposed CD designation on the potential for agricultural development. It is concerned that retaining the CD designation will have the effect of raising expectations of land use change in the ALR and dampen, or eliminate agricultural development.

Other Factors

The Commission also recalled its January 31, 2011 correspondence to the District requesting that all the Raymer ALR be identified in the Land Use Map as "Agricultural" and that text policies reference the protection of agriculture. The Commission was not satisfied with the District's explanation that since all of the ALR is shown on the ALR map, and that text policies for the CD zone "work toward the preservation of ALR", that amending the Land Use Map was unnecessary.

The Commission's experience is that designating ALR for land uses other than agriculture clouds the land's future and results in less, rather than more agricultural development.

Other Issues

The Commission also expressed concern about the proposed re-alignment of Elliot Road for 0.53 km as shown on the Future Road Network map (Schedule 7). No rationale is provided for the proposed re-alignment which would alienate approximately 1.5 ha for right of way, and bisect several agricultural parcels, significantly reducing their size and agricultural potential.

In addition, no provision is made in the Raymer CD policies for setbacks or buffering against the ALR boundary. The Commission requires that text amendments referencing the protection of agricultural land through suitable buffering and setbacks as per the Ministry of Agriculture publication "*Guide to Edge Planning*" and the Commission's "*Landscaped Buffer Specifications*" be inserted into the Raymer CD policy section on Page 52/53.

CONCLUSIONS:

That the draft OCP is inconsistent with the purposes of the ALC Act in the following aspects:

1. The proposed designation of ~60 ha of ALR in Raymer as Comprehensive Development on the Schedule 1 Land Use Map.
2. The Raymer CD zone text does not establish suitable setbacks and buffering at the urban/ALR boundary.
3. The proposed Eliot Road connector traversing 0.53 km of ALR shown on the Schedule 7 "Future Road Network" map has potential to negatively affect ALR farm parcels.

IT WAS

MOVED BY: Commissioner Jennifer Dyson

SECONDED BY: Commissioner Roger Mayer

THAT the District of West Kelowna be advised that the following aspects of the draft OCP are inconsistent with the ALC Act:

- The "Comprehensive Development" (CD) designation of ~60 ha of ALR in Raymer
- The Elliot Road collector shown on Schedule 7 "Future Road Network"

The Commission also requests that the Raymer CD zone reference appropriate ALR/urban edge setbacks and buffering as per the Ministry of Agriculture's "*Guide to edge planning*" and the ALC's "*Landscaped Buffer Specifications*".

CARRIED

Resolution # 15N/2011