
CITY OF KELOWNA

MEMORANDUM

Date: March 13, 2001
File No.: A01-101

To: City Manager

From: Planning & Development Services Department

Subject: APPLICATION NO. A01-101

OWNER: Canada Lands Company CLC Limited

APPLICANT: Kent – Macpherson, R. S. Cook

AT: 5000 Block of Highway 97 N

PURPOSE: To obtain permission from the Land Reserve Commission to exclude That Part of the NE ¼ Section 11, township 23, Plan 2086D from the Agricultural Land Reserve.

EXISTING ZONES: A1 – Agriculture 1

REPORT PREPARED BY: Josephine Duquette

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A01-101 That Part of the N.E. ¼, Sec. 11, Twp. 23, O.D.Y.D. shown on Plan 2086D, located on Highway 97, Kelowna, B.C., for exclusion from the Agricultural Land Reserve pursuant to Section 12(1) of the Agricultural Land Commission Act be supported by the Municipal Council subject to the following condition;

1. to preserve the wetland feature on the site.

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

2.0 SUMMARY

The application is proposing to exclude Part of the NE ¼, Section 11, Township 23, Plan 2086D from the Agricultural Land Reserve. The applicant has had numerous on-site inspections and meetings with City of Kelowna staff, Land Reserve Commission personnel and an agrologist. The respective parties have concluded that the subject property has no agricultural capability and its exclusion from the Agricultural Land Reserve will have no negative impact on Kelowna's agricultural land base as set out in the City's Agriculture Plan.

3.0 AGRICULTURAL ADVISORY COMMITTEE

The Agricultural Advisory Committee, at their meeting of March 1, 2001, reviewed the subject application, and the following recommendation was passed:

THAT the Agricultural Advisory Committee supports Application No. A01-101 to Exclude That Part of the North East ¼ of Section 11, Township 23, ODYD, shown on Plan 2086D except Plan KAP55166 by Kent – Macpherson (R. S. Cook) be supported subject to the preservation of the wetlands.

4.0 SITE CONTEXT

The subject property is located east of Highway 97, south of the Kelowna airport, and west of the Okanagan University College north campus. The site is 2.6 ha (6.24 acres) in size and ranges in elevation from 409 meters to 416 meters. The site slopes downward from the northwest corner of the site adjacent to the Highway 97 to the south east corner of the site.

CLI Land Capability:

The improved Land Capability rating for the site is Class 2 and 3 with capability subclass of Excess Water and Degree of Decomposition – Permeability.

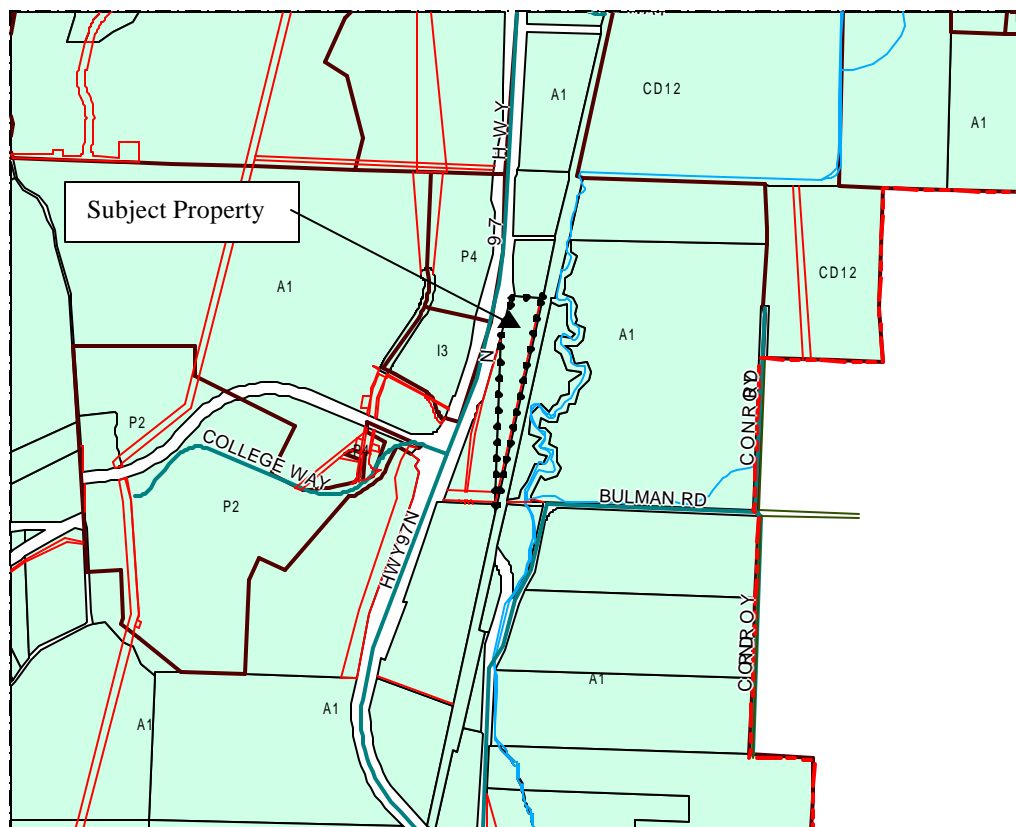
Soil Classification: GL:23 and GL:34

The soil classification is primarily Rumohr Soil which is Rego Gleysol: peaty and calcareous phases with very poor, high ground-water table, subject to flooding with 20 to 60 cm of partially decomposed (mesic) organic material and up to 50 cm of silt loam (marl) over loamy sand or fine sand texture. The land characteristics associated with Rumohr Soil is organic veneer and marl over nearly level depressional fluvial fan deposits

ZONING AND USES OF ADJACENT PROPERTY:

North	- A1 – Agriculture 1; vacant land
East	- A1 – Agriculture 1; Golf Course
South	- A1 – Agriculture 1; vacant land
West	- A1 – Agriculture 1, I3 – Heavy Industrial, P4 - Utilities; Gravel Pit, Concrete Business, Okanagan University College

The site is located in the Highway 97 Sector of the city and is indicated on the map below.



5.0 CURRENT DEVELOPMENT POLICY

5.1 City of Kelowna Strategic Plan (1992)

A policy of the Strategic Plan is for the protection of productive agricultural land.

5.2 Kelowna Official Community Plan (1994 – 2014)

The site is identified on the Future Land Use map as Rural / Agricultural. Two policies pertain to the current application, they are as follows:

1. to support, when Council deems it to be in the public interest, applications for Agricultural Land Reserve land exclusion and / or exemption: where lands are isolated by surrounding urban development; to promote orderly urban development and minimize urban rural conflict; or where clear municipal growth needs warrant such support; and
2. to define an urban – rural / agricultural boundary, utilizing existing roads, topographic features, or watercourses wherever possible

5.3 Highway 97 Sector Plan (1994)

The plan identifies the existing land use of the site as Rural / Vacant on Map A of the document. The site is not identified within the report as an area to be

removed from the Agricultural Land Reserve. One of the objectives of the plan is to retain the lands along the east side of Highway 97 between the Ellison overhead and Airport Way in a natural state primarily as a view corridor over the east side of the City to the Ellison, East Rutland and Black Mountain areas. The Highway 97 Sector Plan also sought to reduce the extension of commercial strip uses along the entire length of the corridor

5.4 City of Kelowna Agriculture Plan (1998)

The site is identified on the Urban – Rural / Agricultural Boundary map as Agricultural Land Reserve (ALR) Lands Proposed for Non-Farm Use. Lands with this designation would not necessarily be excluded from the ALR but would be supported for non-farm uses. This designation was based on the site size, site conditions, and lack of continuity with other farmland

Applicants requesting exclusion from the Agricultural Land Reserve are required to substantiate the marginal nature of farming (for a full range of cropping options) based on soil capability, climate, topography (slope), elevation, and / or drainage / wetland conditions.

6.0 PLANNING COMMENTS

The Planning & Development Services Department supports the exclusion of this parcel from the Agricultural Land Reserve due to the limited agricultural potential of the site. The applicant has submitted an agrologist's report with evidence that the land is not arable due to the severe topographic and surficial water constraints. The Agriculture Plan adopted in 1998 by City Council indicates that the site is suitable for non-farm uses. The Agricultural Plan was also approved in principle by the Land Reserve Commission. Support for exclusion from the Agricultural Land Reserve does not include consideration of future urban use of or access to the site. These issues would be considered at the time of a subsequent development application(s).

R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

RGS/JD/jd
Attachments

FACT SHEET

1. **APPLICATION NO.:** A01 - 101
2. **APPLICATION TYPE:** Exclusion
3. **OWNER:** Canada Lands Company CLC Ltd.
 - **ADDRESS** 260 Harvey Avenue suite 102
 - **CITY** Kelowna, BC
 - **POSTAL CODE** V1Y 7S5
4. **APPLICANT/CONTACT PERSON:** Kent-Macpherson / Rod Cook
 - **ADDRESS** 3-4 – 1708 Dolphin Avenue
 - **CITY** Kelowna, BC
 - **POSTAL CODE** V1Y 9S4
 - **TELEPHONE/FAX NO.:** 763-2236
5. **APPLICATION PROGRESS:**
 - Date of Application:** January 22, 2001
 - Date Application Complete:** January 23, 2001
 - Staff report to AAC:** March 1, 2001
 - Staff Report to Council:**
6. **LEGAL DESCRIPTION:** That Part of the North East ¼ of Section 11 Township 23 ODYD shown on Plan 2086D except Plan KAP55166.
7. **SITE LOCATION:** East of Highway 97
8. **CIVIC ADDRESS:** (E of) Highway 97
9. **AREA OF SUBJECT PROPERTY:** 2.53 ha
10. **EXISTING ZONE CATEGORY:** A1 – Agriculture 1
11. **PURPOSE OF THE APPLICATION:** To obtain approval from the Land Reserve Commission to exclude Part of NE ¼, Section 11, Township 23, Plan 2086D from the Agricultural Land Reserve.
12. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS**
 - (a) General Commercial / Industrial DP area Site located adjacent to Highway 97. Further applications will be required if the LRC approves the exclusion application.