
CITY OF KELOWNA
MEMORANDUM

Date: October 31, 2006
File No.: A06-0019
To: City Manager
From: Planning & Corporate Services Department
Purpose: To obtain approval from the Agricultural Land Commission for a non-farm use within the Agricultural Land Reserve to allow for an expansion of FortisBC's operations on Benvoulin Road.

OWNER: Gabe Coupal **APPLICANT:** New Town Planning Services Ltd.
(Contact: Lisa Fraser)

AT: 1789 Munson Road

EXISTING ZONE: A1 Agriculture 1
REPORT PREPARED BY: Nelson Wight

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A06-0019 for Parcel B on Plan B6522 Amended Lot 7, District Lot 130, O.D.Y.D., Plan 415 Except Plans 18843 and KAP64190, located on Munson Road, Kelowna, B.C. for a non-farm use within the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act, NOT be supported by Municipal Council.

2.0 HISTORY

- circa 1969 – West Kootenay Power (WKP) began operations on the property immediately south of the subject property (2850 Benvoulin Road) as a private utility;
- 1972 to 1973 – Office building was constructed on this site;
- May 2001 – WCP initiated a non-farm use application to the Agricultural Land Commission (ALC) in order to legalize the legally non-conforming use and pursue a redevelopment of the site, which involved the construction of a new building (A01-0105);
- October 2001 – the Agricultural Land Commission approved the application to allow the expansion to occur. UtiliCorp Networks Canada (formerly WKP) invested ± \$3 million in the construction of a new office building, a maintenance services warehouse and a vehicle repair building. The vehicle storage garage existing at that time remained as well.

3.0 SUMMARY

The existing FortisBC site, which lies southerly adjacent to the subject property, is zoned P4 – Utilities. This site accommodates some of the FortisBC operations, but not all (see Preliminary Site Plan). FortisBC leases at least three other sites throughout the City for materials handling and storage. If successful in this application, FortisBC could pursue the necessary approvals required to allow a consolidation of their activities to this one location within the City of Kelowna.

Please refer to the attached "Proposal for Non-Farm Use for Expansion of Operations Facilities", which further explains the rationale for this application.

4.0 AGRICULTURAL ADVISORY COMMITTEE

At a meeting held on September 28, 2006, the Agricultural Advisory Committee made the following recommendation:

THAT the Agricultural Advisory Committee NOT SUPPORT Application A06-0019 submitted by New Town Planning on behalf of FortisBC and the current property owner (Coupal) to obtain approval under Section 20(3) of the Agricultural Land Commission Act for a non-farm use within the Agricultural Land Reserve to allow for an expansion of FortisBC's operations on property located at 1789 Munson Road and legally described as Lot B, Plan 86522, Sec. 17, Twp. 26, ODYD because it is taking valuable farmland out of production.

Graeme James abstained.

CARRIED

(For additional comment from the AAC, please refer to the draft minutes of the September 28, 2006 AAC meeting, attached to this report)

5.0 SITE CONTEXT

The subject property is located southwest of the intersection of Munson Road and Benvoulin Road. the Kelowna Christian Middle/High School and the current FortisBC operations lie to the south, and the Benvoulin Golf Centre is across Munson Road to the north. The property is flat, with very little change in elevation.

Although the surrounding area is predominantly in the Agricultural Land Reserve (ALR) and used for agricultural purposes, there are other non-farm uses (e.g.: Benvoulin Golf Centre, Kelowna Christian School), as well as single family subdivisions created prior to the ALR coming into effect. In particular there is the Fischer Road subdivision south and east, across Benvoulin Road, as well as the Beetlestone subdivision north and east across Benvoulin Road.

The subject property is presently used for a u-pick strawberry farm and fruit stand. There is one single-family residence, along with various buildings used for storage and a workshop on the subject property.

Parcel Size: 2.7 ha (6.55 ac)

Elevation: 350 m – 352 m

BCLI Land Capability

The unimproved land classification for the subject area falls primarily into Class 4 ($\pm 70\%$), with some Class 5 ($\pm 30\%$) as well. The predominant limiting factor for unimproved land is "excess water". With improvements, primarily through better drainage, the land capability rating increases mostly to Class 2 (70%) and Class 3 (30%), although "fertility" is identified as a limiting factor (see attached Land Capability Map copied from map 82E.083).

Soil Classification

The soil classification for the subject property includes the following (information summarized from Soils Map 82E.083):

%	Soil Type	Description
70%	GN – Guisachan	<u>Land</u> : nearly level and very gently sloping fluvial fan deposits. <u>Texture</u> : 10 to 100 cm of silt loam, loam or sandy loam over loamy sand or very gravely loamy sand <u>Drainage</u> : poor, fluctuating groundwater table.
30%	TA - Tanaka	<u>Land</u> : nearly level and very gently sloping fluvial fan deposits. <u>Texture</u> : 20 to 100 cm of sandy loam, silt loam

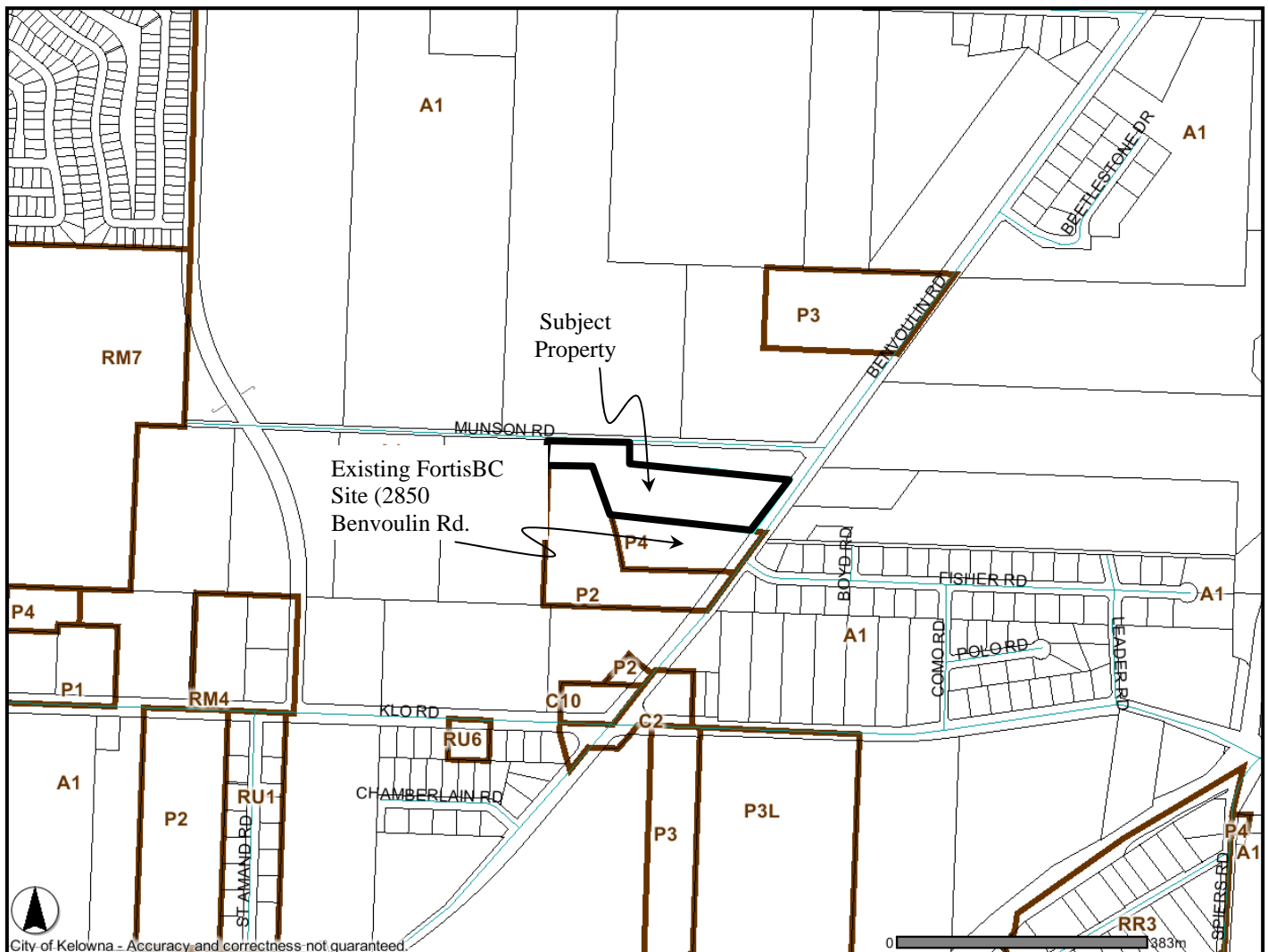
		or silty clay loam over sandy loam or minor gravely sandy loam. <u>Drainage</u> : poor to very poor, high water table, subject to flooding.
--	--	---

Zoning and Uses of Adjacent Property

North	A1 – Agriculture 1
East	A1 – Agriculture 1
South	P4 – Utilities P2 - Education and Minor Institutional
West	A1 – Agriculture 1 P2 - Education and Minor Institutional

6.0 SITE MAP

Subject Property: 1789 Munson Road



7.0 POLICY AND REGULATION

7.1.1 City of Kelowna Strategic Plan

A Primary Goal of the Strategic Plan is to preserve viable agricultural holdings as an integral part of our community.

7.1.2 Kelowna 2020 – Official Community Plan

The current Official Community Plan has designated the subject property as Rural / Agricultural.

Agricultural Policies:

- **11.1.12 Sustained Agriculture.** Encourage the retention of diverse agricultural uses through limits on urban development and non-farm use on lands of sustainable production capability;
- **11.1.14 Transition Uses.** Consider complementary agricultural uses as a transition between existing urban development and farm operations. Consideration of such uses should not be construed as support for subdivision to smaller parcels;
- **11.1.20 Buffering.** Require that new developments adjacent to or abutting agricultural areas provide sufficient setbacks, on-site fencing and vegetative buffering to mitigate potential conflicts. (please refer to Zoning Bylaw and appropriate provincial ministry or agency specifications for information on minimum landscape buffers);

8.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

The Agriculture Plan identifies this area as moderately suited to tree fruits, but also suited to production of vegetable, forage / hay, berry and nursery crops as well as livestock. Both the OCP and the Agriculture Plan express support for the ALR and the preservation of farmland in a productive capacity.

In 2001, when FortisBC (formerly WKP, Utilicorp Networks, and Aquilla Networks) expanded their operations at 2850 Benvoulin Road, Staff recommended that they not invest in this site, but pursue a larger and more suitable location for their industrial activities. This recommendation was based on the rationale that (a) expansion of the industrial use would consume land that should be preserved for agricultural use, and (b) that expansion of the industrial use could present conflicts with surrounding agricultural properties.

This current application by FortisBC proposes an expansion of their industrial activity from their existing 1.3 ha (3.37 ac) lot to include the 2.7 ha (6.55 ac) subject property. Staff recognizes that there are certain benefits that could be seen from this development, such as:

- consolidation of the FortisBC activity to one site, achieving efficiencies in their operations;
- improvement to vehicle circulation to the FortisBC site, and adjacent school property, through a signalized intersection at Munson Road, and removal of accesses from Benvoulin Road.

Unfortunately, Staff believes that there is a greater threat to the public interest through the loss of this agricultural land. The pattern of incremental loss of agricultural land can be seen in the growth of industrial activity on the neighbouring FortisBC site: beginning as a legal non-conforming use, legalizing that use, then intensifying the industrial use. Allowing this 2.7 ha subject property as a storage yard today sets a precedent for future decisions for this particular operation as well as for the other non-agricultural uses in the area.

Staff further discourages support of this application because of the direct and indirect impacts to the surrounding agricultural area. Direct impacts could be seen through the intensification of non-agricultural uses in this agricultural area (see OCP Policy 11.1.12). Indirectly, the transition to “higher order” uses for those properties in the immediate area (industrial use of FortisBC site, private education services of Kelowna Christian School site) generally work against the agriculture industry, particularly through the inflation of land value.

Over the past three decades, Staff has maintained a consistent position regarding the FortisBC development in this area. That is, although it has been recognized that the use was in existence prior to these lands falling under the jurisdiction of the City of Kelowna, the non-agricultural activity has been discouraged from remaining or expanding. Staff upholds that position in recommending that the application to expand FortisBC operations to the neighbouring 2.7 ha property to the north NOT be supported. (Should Council wish to support the application, an alternate recommendation is provided below.)

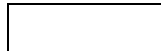
If the Applicant is successful in this application with the ALC, the property would require an OCP amendment and rezoning applications in order to allow the desired “utilities” uses.

9.0 ALTERNATE RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A06-0019 for Parcel B on Plan B6522 Amended Lot 7, District Lot 130, O.D.Y.D., Plan 415 Except Plans 18843 and KAP64190, located on Munson Road, Kelowna, B.C. for non-farm use within the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act, be supported by Municipal Council.

Bob Shaughnessy
Subdivision Approving Officer

Approved for inclusion



Mary Pynenburg, MRAIC MCIP
Manager, Policy, Research & Strategic Planning
Acting Director Planning and Development Services

NW/nw

Attachments:

- Location of subject property
- ALR Map
- Application by Landowner (2 pages)
- Proposal for Non-Farm Use for Expansion of Operations Facilities (2 pages)
- Preliminary Site Plan
- Land Capability Map

Item 4.1 - A06-0019 - Coupal - 1789 Munson Rd- Page 6

- Soils Map
- Draft Minutes of September 28, 2006 AAC Meeting