



Agricultural Land Commission Staff Report

DATE: September 1, 2009
TO: Vice Chair and Commissioners - Okanagan Panel
FROM: Brandy Ridout

RE: Application # 50041
PROPOSAL: To dedicate a 1.2 ha portion of the 8.4 ha subject property as road for use as a dry detention pond in conjunction with Highway 33 Upgrade.

PROPOSAL INFORMATION

Background: The widening of Highway 33 was approved under application #G-37502.
Received Date: June 4, 2009
Applicant: City of Kelowna
Agent: N/A
Local Government: City of Kelowna

DESCRIPTION OF LAND

PID: 004-566-246
Legal Description: Lot B, Section 24, Township 26, Osoyoos Division of Yale District, Plan 28350
Civic Address: 712 Highway 33E, Kelowna
Area: 8.4 ha
ALR Area: 8.4 ha
Purchase Date: April 30, 1998
Owner: Toyoko Tamaki

Total Land Area: 8.4 ha
Total ALR Area: 8.4 ha
Current Land Use: Vacant (apple orchard removed in 2007)

PROPOSAL DETAILS

Non Farm Use

Area	Agricultural Capability	Agricultural Capability Source
1.2	Prime	BCLI

Surrounding Land Uses:

North ALR, pasture
East Non-ALR, residential subdivision
South Non-ALR, residential subdivision
West ALR, Highway 33, orchard

Official Community Plan

Bylaw Name: Kelowna 2020
Designation: Rural/Agricultural
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: No. 8000
Zoning Designation: A1-Agriculture
Minimum Lot Size: 4.0 ha
Zoning Compliance: Yes

RELEVANT APPLICATIONS

Application #: 44130
Applicant: Ministry of Transportation
Proposal: To widen Highway 33 to four lanes between Muir Road to Gallagher Road.

Fifteen properties, totalling 4.5 ha, are affected. The largest taking for road from a property is 0.88 ha - Lot B, Plan 33567. However, most of the affected farm properties will lose 0.2 - 0.4 ha.

**Decisions:
Resolution**

Resolution Number	Decision Date	Decision Description
481	September 20, 2007	Allow subject to: <ul style="list-style-type: none"> • The road widening be in substantial compliance with the plan submitted with the application. • Replacement of agricultural infrastructure, such as fencing and drainage systems, to the same or better standard upon completion of the project. • Maintenance of temporary fences, farm accesses and other farm facilities during construction to minimize disruption to farm operations. • Preparation of a soil salvage plan by a professional agrologist. • Installation of signs indicating that this is an active agricultural area.

STAFF COMMENTS

- The purpose of the pond is to attenuate peak flows from the Highway 33 upgrades and the existing Belgo/Toovey Road Sub-Basin as defined in the City's Rutland Area Drainage Plan.
- The pond is intended to be permanent.
- Alternate non-ALR sites are not available because the pond has to located between Springfield Road and Toovey Road to attenuate the flows coming from upstream of Toovey before entering the Springfield system.

- A pipe alternate would not be able to meet the City's required attenuation criteria.
- Soil excavated from the property would be used as common embankment on the Highway 33 Improvement project.
- The detention pond was initially identified in the Rutland Area Drainage Plan prepared by Urban Systems Ltd in 2001. This report indicated that a detention pond was required to attenuate peak flows from the future Highway 33 upgrades and the existing Belgo/Toovey Road Sub-Basin.

ATTACHMENTS

- 50041 - AirPhotoMap5k.pdf
- 50041 - ContextMap50k.pdf
- 50041 2006 air photo.pdf
- 50041 ag cap.pdf
- 50041 MoT plan.pdf
- 50041 Toovey Pond Drainage Report.pdf

END OF REPORT

Signature

Date