



# Provincial Agricultural Land Commission - Staff Report

## Application: 52936

**Applicant:** H-12 Enterprises Ltd  
**Agent:** New Town Planning Services Inc.  
**Local Government:** City of Kelowna

**Proposal:** To exclude 3.3 ha of the 6.6 ha subject property for an auto dealership. The remainder will be used for community gardens (0.7 ha) and parkland adjacent to Mill Creek.

The applicant has also proposed to include a 44.5 ha parcel into the ALR (located on Highway #97 - used for cattle and hayland), and to utilize the 13,000 cubic meters of soil from the 3.3 ha exclusion area to upgrade a 4.2 ha property of limited agricultural capability located at 581 Valley Road in Kelowna.

## BACKGROUND INFORMATION

Three previous applications have been considered on the subject property. See below for details.

## PROPERTY INFORMATION

**PID:** 002-021-544

**Legal Description:**

**Property Area:** 6.6 ha

**ALR Area:** 6.6 ha

**Location:**

**Owner:**

**Total ALR Area:**

## LAND USE

**Current Land Use:**

Hayfield and unimproved, uncleared areas adjacent to Mill Creek.

**Surrounding Land Uses:**

North: Urban commercial, not in the ALR

East: Highway #97, non ALR urban commercial beyond.

South: Non ALR, recreational park (Skandia)

West: Mill Creek, ALR hillside.

## PROPOSAL DETAILS

**Exclusion Area:** 3.3 ha

**Agricultural Capability:**

The majority of the area under application is rated as: Prime

**Source:** BCL

**Mapsheet:** 82 E.093

## PREVIOUS APPLICATIONS

**Application ID:** 7351

**Legacy #:** 14904

**Applicant:** Shigezo Tamaki

**Proposal:** To exclude the 6 ha property from the ALR for a commercial recreational development. The applicant indicates that salt washing off the highway is detrimental to his vegetable growing operation.

**Note:** Refuse as proposed.

**Application ID:** 3119

**Legacy #:** 29761

**Applicant:** Bob Swanson Holdings Ltd

**Proposal:** To subdivide the 47 ha subject property into either 1) Eleven lots of approximately 4 ha in size; 2) Nine lots of 1.2 ha, one 1.9 ha lot, and four 8 ha parcels; or 3) Seven 2 ha lots, and four lots of approximately 8 ha in size.

**Decision:**

Resolution #	Decision Date	Decision Description
509/1995	June 21, 1995	Refuse as proposed on the grounds of agricultural potential and impact.

**Note:** Refused - part of large scale L.O.R.A. application.

**Application ID:** 3118

**Legacy #:** 22451

**Applicant:** L.O.R.A.

**Proposal:** Exclude 186 parcels of land totalling 1220 ha in area.

**Decision:**

Resolution #	Decision Date	Decision Description
737/1988	August 24, 1988	Refused. Decision to refuse upheld by ELUC.

## LOCAL GOVERNMENT INFORMATION

### Official Community Plan:

**Bylaw Name:** City of Kelowna 2030 OCP

**Designation:** Resource Protection Area

**OCP Compliance:** No

### Zoning:

**Zoning Bylaw Name:** City of Kelowna Bylaw 8000

**Zoning Designation:** Agriculture 1

**Minimum Lot Size:** 2.0 ha

**Zoning Compliance:** No

### Comments and Recommendations:

#### **Agricultural Advisory Committee**

The City of Kelowna AAC did not support the application.

#### **Board/Council**

The City of Kelowna Council forwarded the application with a recommendation of support.

#### **Planning Staff**

City of Kelowna staff did not support the application because it is inconsistent with the OCP.

## **ALC STAFF COMMENTS**

Staff suggests that the Commission consider the following:

- 1) The 3.3 ha area proposed for exclusion has a long history of agricultural use and very good agricultural capability (CLI class 2A).
- 2) The property has been subject to four unsuccessful exclusion applications (one of which was a block exclusion application).
- 3) The benefits offered in support of agriculture include; topsoil preservation and dispersal; inclusion of non ALR farmland, and community gardens.
- 4) If exclusion is permitted, adjoining ALR lands to the north and nearby lands to the south within the ALR which adjoin and lie west of the highway will come under pressure to be excluded as well.
- 5) The City of Kelowna OCP, City of Kelowna Staff and the City of Kelowna AAC do not support the application. However, City of Kelowna Council supports the application.

## **ATTACHMENTS**

52936Applic.pdf  
52936\_AirphotoMap10k.pdf  
52936\_AgCapabilityMap.pdf  
52936 - kml - SubjectProperty.kml

## **END OF REPORT**

**Prepared by:** Martin Collins, January 24th, 2013