

Agricultural Advisory Committee

AGENDA



Thursday, September 13, 2018
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE MEETING TO ORDER:

- (a) The purpose of this Meeting is to consider certain Development Applications as noted on this meeting Agenda.
- (b) The Reports to Committee concerning the subject development applications are available on the City's website at www.kelowna.ca.
- (c) All representations to the Agricultural Advisory Committee form part of the public record.
- (d) As an Advisory Committee of Council, the Agricultural Advisory Committee will make a recommendation of support or non-support for each application as part of the public process. City Council will consider the application at a future date and, depending on the nature of the file, will make a decision or a recommendation to the Agricultural Land Commission.

2. Applications for Consideration

2.1 Curtis Rd 950, A18-0011 - Garrett Ainsworth

3 - 16

The applicant is requesting permission in accordance with Section 20(3) of the Agricultural Land Commission Act to allow a non-farm use permit to place 4,000 cubic metres of clean fill on land within the Agricultural Land Reserve.

2.2 McCurdy Rd 2850, A18-0003 - Glen Auch & Gladys Crossley

17 - 33

The applicant is requesting permission from the ALC to exclude 6.2 ha (15.4 acres) of land, located at 2850 McCurdy Road, Kelowna, BC from the Agricultural Land Reserve under Section 30(1) of the Agricultural Land Commission Act.

2.3 Rifle Rd 575-579, A18-0010 - Marlys Wolfe

34 - 46

The applicant is requesting permission in accordance with Section 20(3) of the Agricultural Land Commission Act to allow for a non-farm use to produce cannabis.

3. Minutes

Approve Minutes of the Meeting of July 12, 2018.

4. ALC Decisions - Update

To provide the committee with an update on Agricultural Land Commission decisions.

5. New Business

5.1 End of Term Committee Review

Discussion with staff liaison.

6. Next Meeting

October 11, 2018

7. Termination of Meeting

COMMITTEE REPORT



Date: September 12, 2018

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (AK)

Application: A18-0011 **Owner:** Garrett Ainsworth

Address: 950 Curtis Road **Applicant:** Garrett Ainsworth

Subject: Application to the ALC for a Non-Farm Use to Allow Placement of Fill

1.0 Purpose

The applicant is requesting permission in accordance with Section 20(3) of the Agricultural Land Commission Act to allow a non-farm use permit to place 4,000 cubic metres of clean fill on land within the Agricultural Land Reserve.

2.0 Proposal

2.1 Background

The property is currently a hobby farm located at the end of Curtis Road adjacent to Robert Lake and Robert Lake Regional Park. The proposed fill is meant to mitigate seasonal flooding occurring from Robert Lake overflowing its boundaries and improve the land for agriculture. The property owner wishes to place the fill in the lower 'panhandle' portion of the lot in order to grow fruit trees and ensure the driveway located on the front portion of the property is protected from flooding.

A non-farm use application is required for the placement of fill. The ALC has adopted a new bylaw regarding placement of fill on April 26th 2018. This bylaw thresholds for the amount of fill and defines what types of approvals are required based on the amount and purpose of the proposed fill.

In accordance with the new ALC fill bylaw a maximum fill area of 0.2ha (0.5 acres) per 16ha (39.5 acres) of land is used as the threshold where approval from the ALC is required. In most cases for any lot less than 16ha, prior to placing any permanent fill for a farm use above the threshold area of 0.2ha property owners must submit a 'Notification of Fill Placement' to the ALC. Based on the information submitted in the notice ALC staff will determine if the proposed fill can proceed or if a non-farm use permit is required prior to placement of the fill.

The property owners are proposing to cover 0.4ha of land with 4,000 cubic metres of clean fill. The property owners submitted the required notification forms to the ALC in June 2018 and have been advised by ALC staff that a non-farm use application is required prior to placement of the fill.

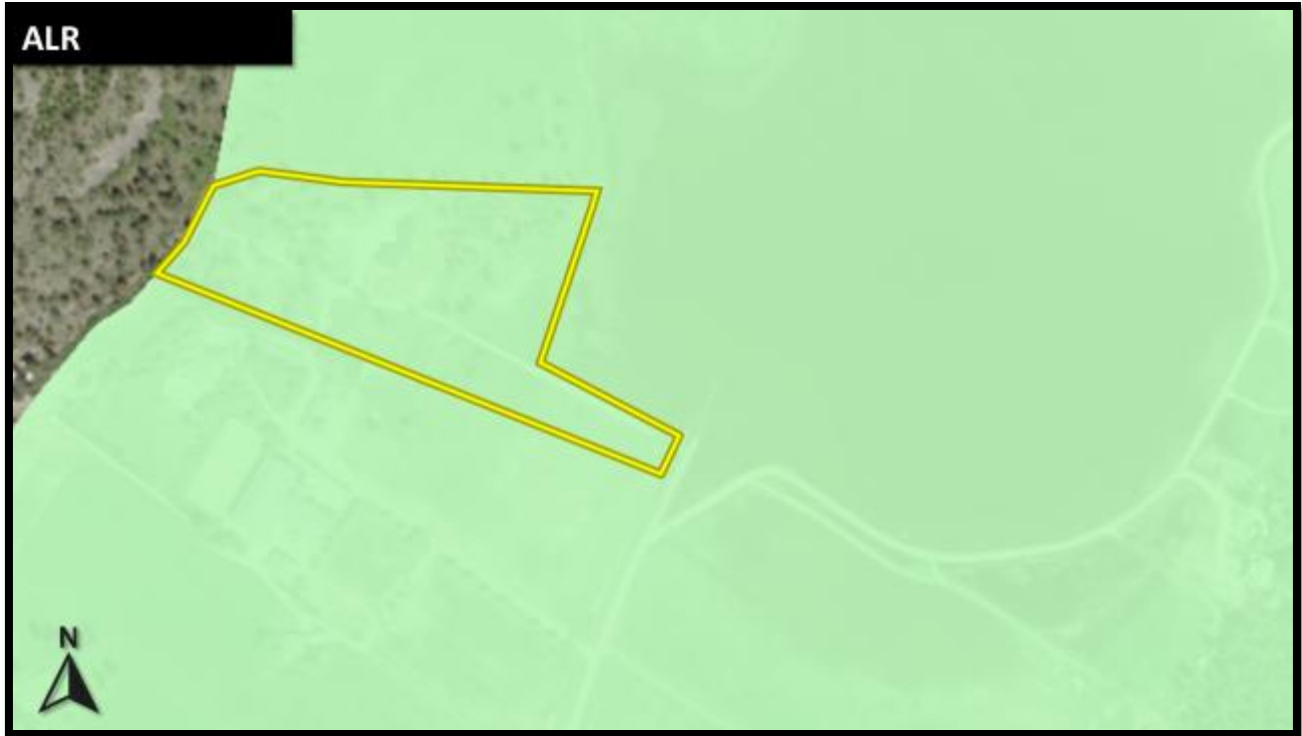
2.2 Site Context

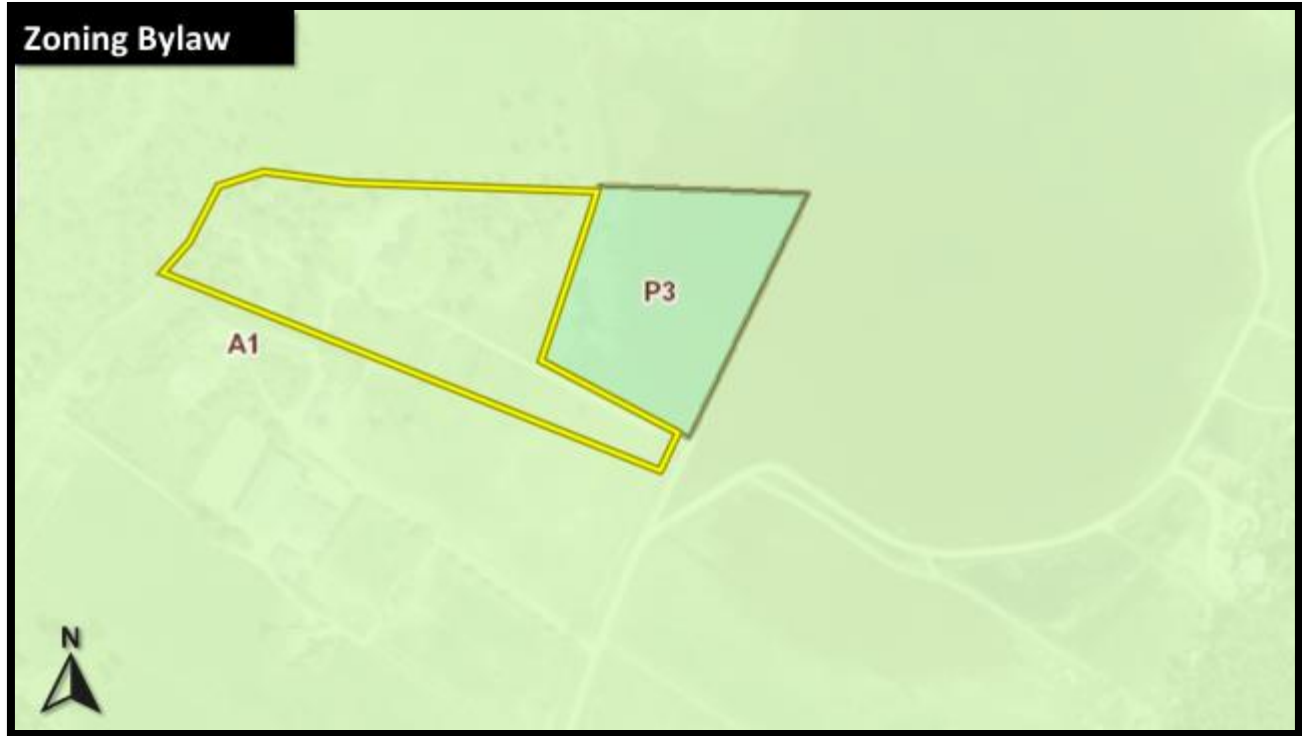
The property designated Resource Protection Area (REP) in the Official Community Plan. The site is zoned A1 and is located completely within the ALR.

Parcel Summary – 950 Curtis Road:

Parcel Size: 3.8 ha (9.5 acres)
Elevation: 450.0 436 metres above sea level (masl) (approx.)







2.3 Neighbourhood Context

The subject property lies within the McKinley City Sector. The area is characterized by large agricultural properties with single detached houses. Robert Lake and Robert Lake Regional Park are directly adjacent to the site. Zoning and land uses adjacent to the property are as follows:

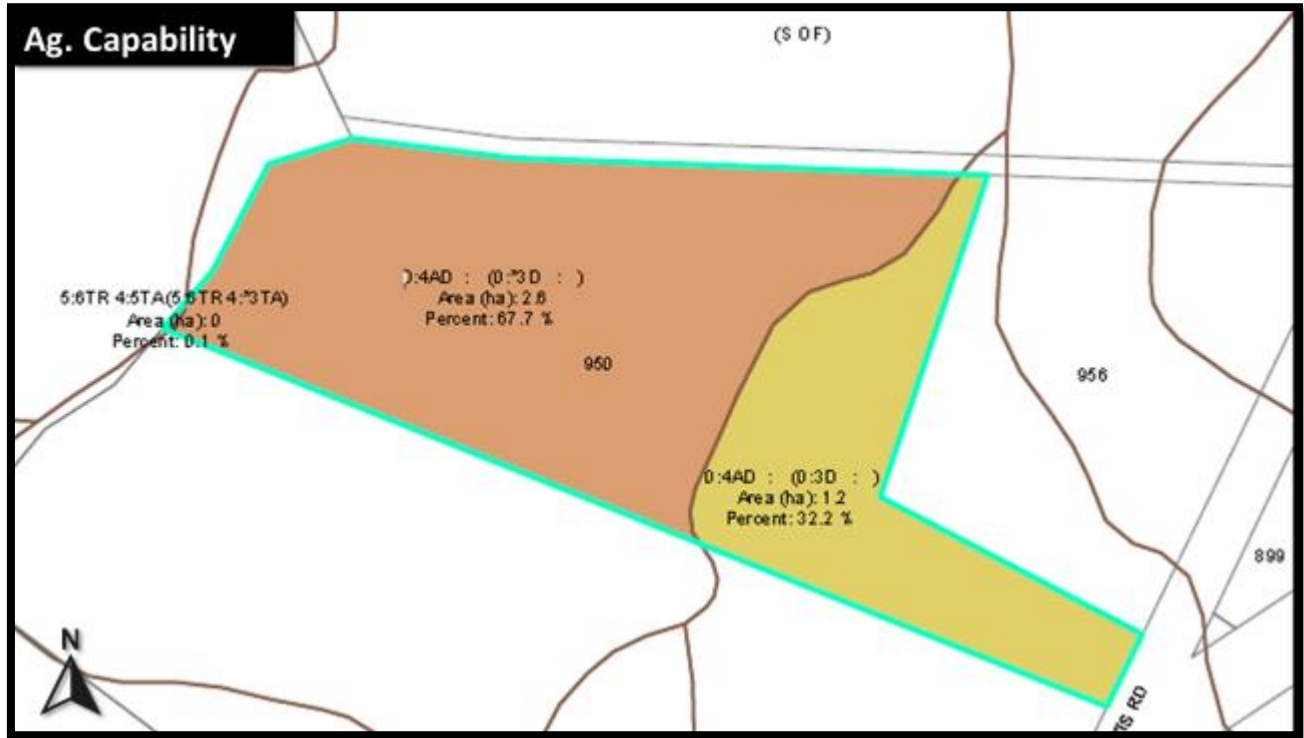
Table 1: Zoning and Land Use of Adjacent Property

Direction	Zoning	ALR	Land Use
North	A1 – Agriculture 1	Yes	Agriculture/Field
South	A1 – Agriculture 1	Yes	Agriculture/Single Detached Housing
East	P3 – Parks and Open Space	Yes	Park/Natural Area
West	A1 – Agriculture 1	No	Vacant / Natural Area

2.4 Agricultural Land Capability

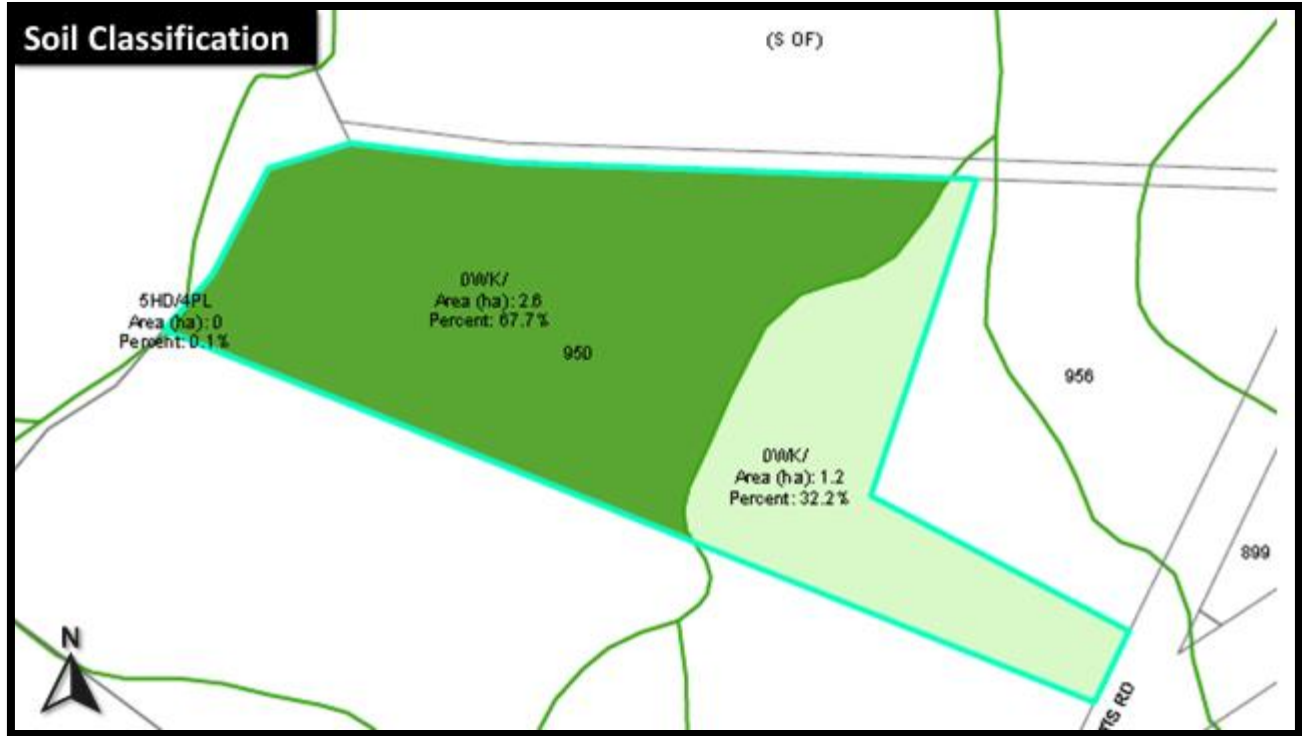
The Land Capability Classification for Agriculture in BC manual published by the Ministry of Agriculture which assesses the agricultural capability of land, identifies that the majority of the subject property has Class 4 agricultural land capability which could be improved to Class 3. Class 4 land has limitations which make it suitable for only a few crops, or the yield for a wide range of crops is low, or the risk of crop failure is high, or soil conditions are such that special development and management practices are required. Class 3 land has limitations that require moderately intensive management processes and the range of crops may be restricted. The limitations may restrict the choice of suitable crops or affect timing and ease of tillage, planting and harvesting; and methods of soil conservation.

B.C. Ministry of Agriculture staff has commented on this application clarifying that the agricultural capacity is class 4AD indicating soil moisture deficiencies and un-desirable soil structure. Ministry of Agriculture staff have also stated that the addition of good quality fill has the ability to be a positive benefit to agriculture should fruit or crops be grown as stated in the application.



2.5 Soil Capability

The Soil Management Handbook for the Okanagan and Similkameen Valley's published by the BC Ministry of Agriculture, which categorizes soils having similar agriculturally important characteristics into 'soil management groups' identifies that the vast majority of the property is comprised of Westbank (WK) soils, which are generally well-suited to alfalfa, vegetables, and drier sites can produce berries and tree fruits.



3.0 Community Planning

A non-farm use permit application is required due to the volume of the fill. The stated intended purpose of the fill is to protect the land from flooding and improve the soil in order to grow fruit trees.

The primary objective of the AAC is to advise on sustainable agricultural land use from a multiple bottom line (ie: cultural, economic, environmental and social) perspective. Staff are asking AAC to consider this application and provide a recommendation to Council.

Report prepared by: Alex Kondor, Planner Specialist

Reviewed by: Laura Bentley, Community Planning Supervisor

Attachments:

Schedule A – Policies

Schedule B – Letter from the Ministry of Agriculture

Schedule C – Non-Farm Use Permit Application

Schedule D – Information Bulletin Bylaw No. 2 Placement of Fill in the ALR

SCHEDULE A - Policies



Subject: 950 Curtis Rd, A18-0011 – Non-Farm Use Permit Application
For Placement of Fill

City of Kelowna Agriculture Plan (2017)

The recently adopted Agricultural Plan recommends several bylaw and policy changes meant to address concern over the non-farm use of ALR land. Specifically, the following updates to the Official Community Plan and Development Application Procedure Bylaw are recommended by the plan:

1. Restrict non-farm uses that do not directly benefit agriculture. Only support non-farm uses in farm areas that have a direct and ongoing benefit to agriculture or meet essential requirements of municipal government.
2. Allow for the Community Planning Manager to request an Agricultural Impact Assessment by a Professional Agrologist that quantifies the impacts of a non-farm use that may affect agricultural activity.

Kelowna Official Community Plan (OCP)

Goals for a Sustainable Future

One of the main goals of the OCP is to: Enable healthy and productive agriculture. Promote healthy and productive agriculture through diverse strategies that protect farmlands and food production(City of Kelowna 2030 Official Community Plan. Introduction Chapter. P. 1.4.).

Agricultural Land Use Policies

Objective 5.33 Protect and enhance local agriculture Policy .1 - Protect Agricultural Land.

Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size (City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35).

Objective 5.33 Protect and enhance local agriculture Policy .6 - Non-farm Uses.

Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- are consistent with the Zoning Bylaw and OCP;
- provide significant benefits to local agriculture;
- can be accommodated using existing municipal infrastructure;
- minimize impacts on productive agricultural lands;
- will not preclude future use of the lands for agriculture;
- will not harm adjacent farm operation

(City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35)

SCHEDULE B – Letter from the BC Ministry of Agriculture



Subject: 950 Curtis Rd, A18-0011 – Non-Farm Use Permit Application for Placement of Fill



Aug 27, 2018

File: A18-0011

City of Kelowna
1435 Water Street
Kelowna BC V1Y 1J4
E-mail: planning@kelowna.ca

Re: ALC Non-Farm Use Application – Placement of Fill at 950 Curtis Road

To the City of Kelowna,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the ALC non-farm use application for the property located at 950 Curtis Road, Kelowna. I have reviewed the documents you have provided. From an agricultural perspective I can provide the following comments for your consideration:

- In reviewing the Agricultural Capability Classes and Soil Surveys of the parcel the soil is considered silty clay. The Agricultural Capability is Class 4AD, indicating there are some limitations as to what can be produced on this land. Subclass A indicates a soil moisture deficiency and D indicates undesirable soil structure and/or low perviousness.
- The addition of good quality fill has the ability to be a positive benefit to agriculture should fruit or crops be grown here as stated in the application.
- Further information on the type of fill, including source and soil testing would be beneficial to the submission of a comprehensive application.
- Further information in the form of an agricultural plan would be enable persons reviewing the proposal to understand the planned agriculture, including types of crops and planned irrigation/ management of the area.

If you have any questions please contact me directly at christina.forbes@gov.bc.ca or 250-861-7201.

Sincerely,

A handwritten signature in black ink, appearing to read "Christina Forbes".

Christina Forbes, P.Ag
Regional Agrologist
B.C. Ministry of Agriculture – Kelowna

SCHEDULE C – Non-Farm Use Permit Application



Subject: 950 Curtis Rd, A18-0011 – Non-Farm Use Permit Application for Placement of Fill

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 57952
Application Status: Under LG Review
Applicant: Garrett Ainsworth
Local Government: City of Kelowna
Local Government Date of Receipt: 07/30/2018
ALC Date of Receipt: This application has not been submitted to ALC yet.
Proposal Type: Non-Farm Use (Placement of Fill)
Proposal: Placing clean fill will allow us to use the land to grow more fruit trees.

Mailing Address:
950 Curtis Road
Kelowna, BC
V1V 2C9
Canada



Parcel Information

Parcel(s) Under Application

- Ownership Type:** Fee Simple
Parcel Identifier: 004-362-373
Legal Description: Lot 2 Section 10 Township 23 ODYD (Osoyoos Div of Yale) Plan 29311
Parcel Area: 3.8 ha
Civic Address: 950 Curtis Road
Date of Purchase: 05/21/2018
Farm Classification: Yes

Owners

- Name:** Garrett Ainsworth
Address:
950 Curtis Road
Kelowna, BC
V1V 2C9
Canada



Current Use of Parcels Under Application

- Quantify and describe in detail all agriculture that currently takes place on the parcel(s).**
Hobby farm with 12 chickens, 4 dogs, 8 apple trees, 2 walnut trees, 1 crabapple tree, 1 pear tree, 1 peach

Applicant: Garrett Ainsworth

tree, and plans to get goats and El Pacas.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

House built in 2014, 3 row horse fencing installed around entire property with farm fencing to keep coyotes out. Hen house and run installed.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

None

Adjacent Land Uses

North

Land Use Type: Unused

Specify Activity: Rocky hill

East

Land Use Type: Agricultural/Farm

Specify Activity: hay field

South

Land Use Type: Agricultural/Farm

Specify Activity: horse pasture

West

Land Use Type: Agricultural/Farm

Specify Activity: horse pasture

Proposal

1. What is the purpose of the proposal? Describe any benefits to agriculture that the proposal provides.

Placing clean fill will allow us to use the land to grow more fruit trees.

2. Proposal dimensions

Total fill placement area (to one decimal place) *0.4 ha*

Maximum depth of material to be placed as fill *1 m*

Volume of material to be placed as fill *4050 m³*

Estimated duration of the project. *1 Months*

3. Has a Professional Agrolgist reviewed the project and provided a written report? If yes, please attach the Professional Agrolgist report in the "Upload Attachments" section.

No

4. What alternative measures have you considered or attempted before proposing to place fill?

None. The City of Kelowna has re-directed water away from the Glenmore landfill, which has made the water level of Robert Lake rise and flood our property. The City has tried to mitigate this by pumping water out of Robert Lake, but has not helped reduced the flooded nature of 0.405 ha of our property.

5. Describe the type of fill proposed to be placed.

Applicant: Garrett Ainsworth

Clean fill that is suitable for growing fruit trees on.

6. Briefly describe the origin and quality of fill. Has the fill been assessed by a qualified professional to verify its agricultural suitability? If yes, please attach the assessment report in the "Upload Attachments" section.

The fill will be screened as suitable for growing fruit trees, and it will be made sure that any and all contaminants are below agricultural concentration limits.

7. Describe the type of equipment to be used for the placement of fill. If applicable, describe any processing to take place on the parcel(s) and the equipment to be used.

Dump trucks and bulldozer, and maybe an excavator will be utilized.

8. What steps will be taken to reduce potential negative impacts on surrounding agricultural lands?

The initial fill layer will comprise boulders and gravel, so that any future flooding water will still be held in the subsurface, and not displace as much to surrounding lands. A storm drain will also be put in along the roadway, so that water may naturally pass back and forth.

9. Describe all proposed reclamation measures. If a reclamation plan from a qualified professional is available, please summarize the reclamation and attach the full plan in the "Upload Attachments" section.

The fill is deemed to be permanent for growing fruit trees, and to ensure access to our house on the property. There is no plan to remove the fill, however, the fill will be planted with fruit trees, and natural grass and shrubs.

Applicant Attachments

- Proposal Sketch - 57952
- Site Plan / Cross Section - 57952
- Certificate of Title - 004-362-373

ALC Attachments

None.

Decisions

None.



SCHEDULE D – Information Bulletin

Bylaw No. 2 Placement of Fill in the ALR



Subject: 950 Curtis Rd, A18-0011 – Non-Farm Use Permit Application
For Placement of Fill



INFORMATION BULLETIN

Bylaw No.2-Placement of Fill in the ALR

The following provides an overview of the Agricultural Land Commission's Bylaw No. 2 Placement of Fill (the "Bylaw") adopted by the Full Commission on April 26, 2018.

Purpose:

The purpose of the Bylaw is to:

- clearly define when the placement of fill is considered necessary and to what threshold;
- outline the process for notification and application to the ALC for the placement of fill; and,
- provide definitions regarding the types of materials that constitute fill and appropriate uses of fill for agriculture in the ALR.

Thresholds:

The Bylaw specifically provides thresholds for uses in the ALRUSP relating to:

- single family residences;
- permitted farm uses; and,
- permitted non-farm uses.

Notification and Approval:

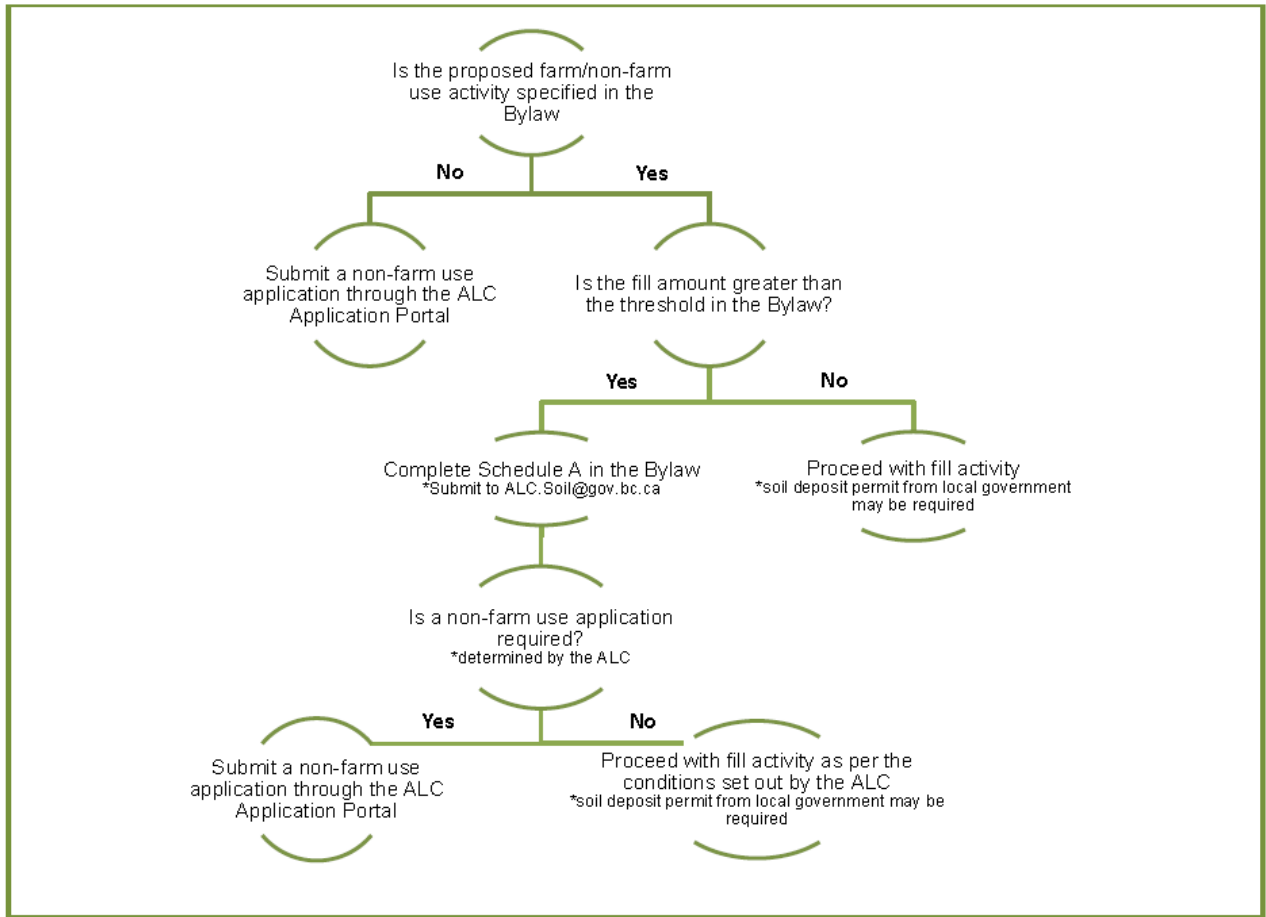
The process for notification and approval for the placement of fill will depend on the type of activity and the amount of fill proposed, with one of three possible outcomes:

1. permitted outright in the Bylaw without notification to the ALC;
2. notification to the ALC (Schedule A form in the Bylaw); or,
3. submission of a non-farm use application.

Based on the information submitted in the Schedule A form, the ALC will determine whether the information provided is adequate for the proposed fill placement activity or whether a non-farm use application is needed. Landowners must also ensure that they have obtained all necessary permits from the local government prior to placing any fill on a parcel in the ALR. Submit Schedule A forms to: ALC.Soil@gov.bc.ca

Use the flowchart provided on the following page to determine the appropriate process to follow for your proposed fill project.

Figure 1. How to use ALC Bylaw No.2 – Placement of Fill in the ALR



Parcel Summary – 2850 McCurdy Road:

Parcel Size: 6.2 ha (15.4 acres)

Elevation: 390 to 392 metres above sea level (masl) (approx.)

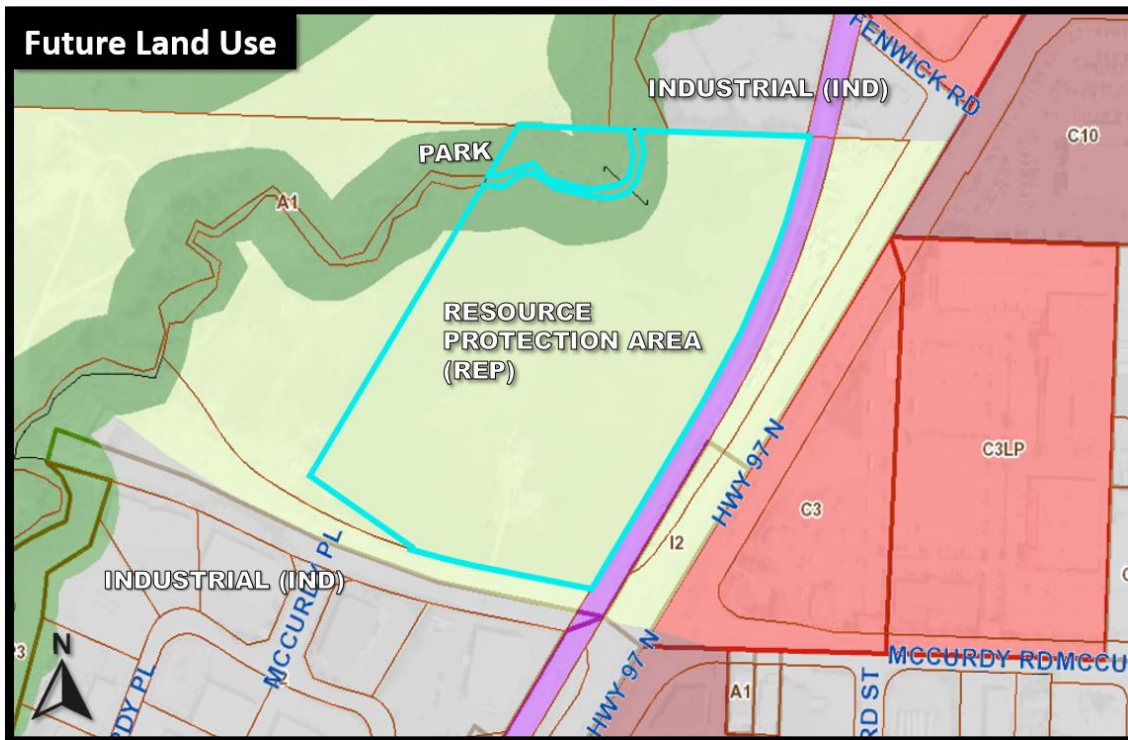
Map 1: Neighbourhood



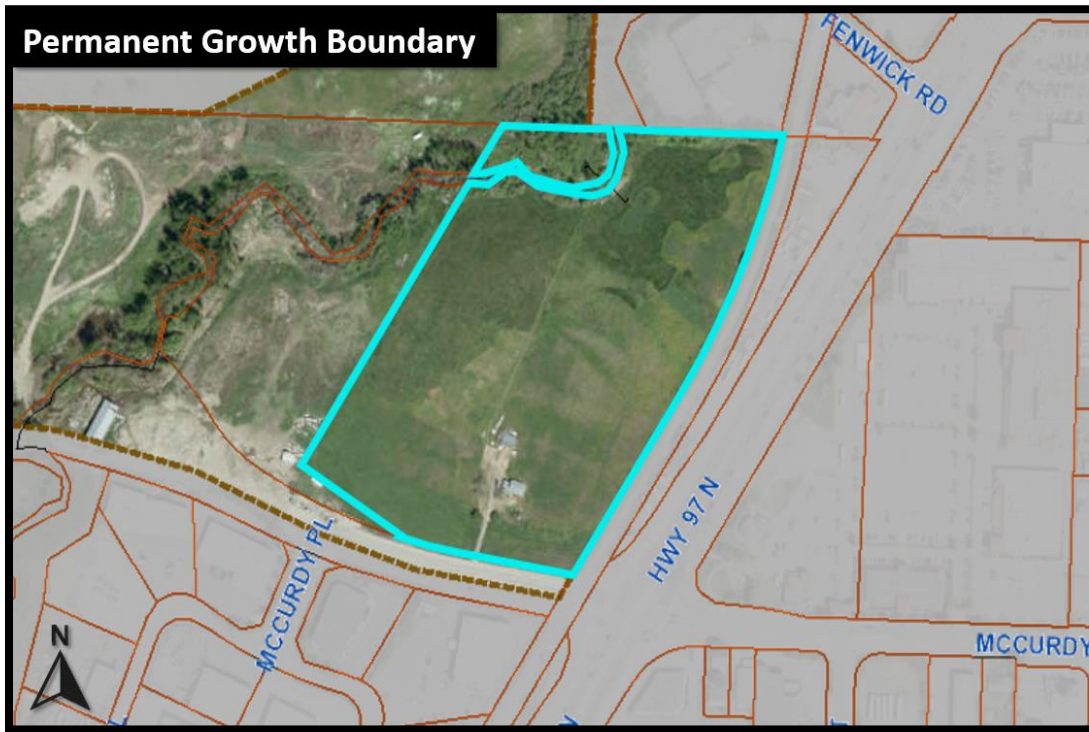
Map 2: Agricultural Land Reserve



Map 3: Future Land Use



Map 4: Permanent Growth Boundary



2.4 Neighbourhood Context

The subject property is near agricultural, natural open space and industrial areas. The properties to the north and south have an Industrial Future Land Use designation and the Okanagan Rail Trail runs along the east property line. The property to the east is within the ALR and Mill Creek runs through the northwest corner of the subject property.

Zoning and land uses adjacent to the property are as follows:

Direction	Zoning	ALR	Land Use
North	A1 – Agriculture 1	Yes / No	Open space / Mill Creek Industrial
East	A1 – Agriculture 1	No	Okanagan Rail Trail
South	I2 – General Industrial A1 – Agriculture 1	No / Yes	Industrial (Marshall Business Centre) Agriculture
West	A1 – Agriculture 1	Yes	Agriculture

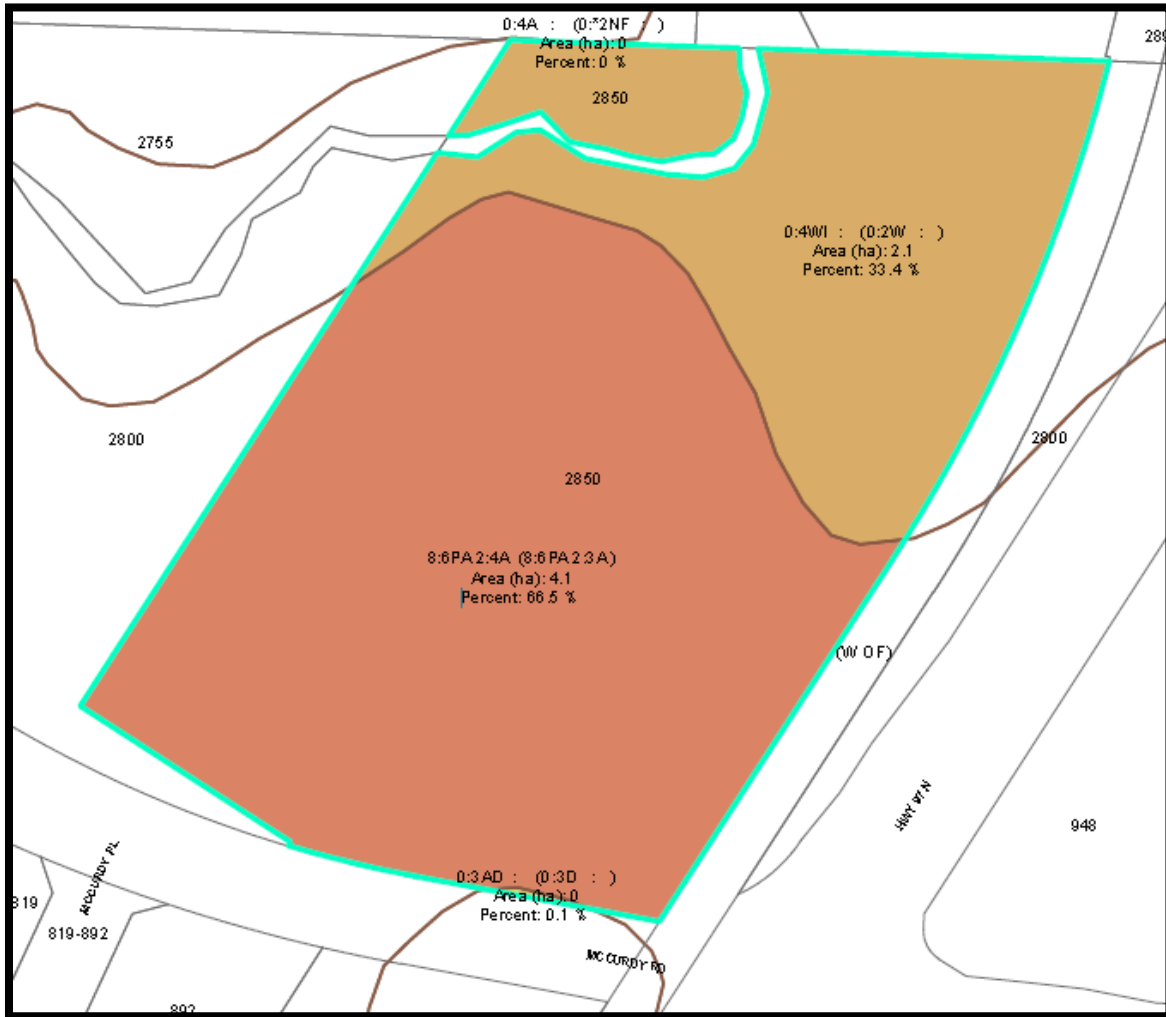
2.5 Agricultural Land Capability

The Land Capability Classification for Agriculture in BC manual published by the Ministry of Agriculture which assesses the agricultural capability of land identifies that approximately 66% of the subject property has a land capability ranging from Class 6 to Class 4. 33% of the land has an Agricultural Land Capacity ranging between Class 4 and could be Class 2 with improvements.

In 1974 the property owners commissioned appraisal reports to determine the property’s value and other potential uses. The reports include some information about the property’s soils, which at the time were

classified as 60% Class 2 and 40% Class 3, with irrigation. It should be noted the 1974 report is a land value Appraisal, not an Agrologist Report or agriculture assessment.

The applicants have commissioned a professional Agrologist Report which states: *There is an improved rating (that is, with irrigation) on this landform of 50% Class 2 limited by moisture and 50% Class 3 limited by moisture and stoniness. Even with irrigation, the stony substructure of the soils causes a moisture deficit.*



2.6 Soil Capability

The Soil Management Handbook for the Okanagan and Similkameen Valley's published by the BC Ministry of Agriculture which categorizes soils having similar agriculturally important characteristics into 'soil management groups' identifies 66% of the property is comprised of pandozy (PY) and Cameron Lake (CL) soils, which generally have gravelly, cobbly, stony and bouldery coarse to medium-textured fluvial fan deposits. The soils are well to rapidly drained and are not well suited for crops, though where soils are non-stony they may be suited for grassland crops. 33% of the property is Priest Creek (PT); generally these soils consist of stone-free, medium to moderately fine-textured overlays and are well suited for forage crops.

The site specific Agrologist Report commissioned by the applicants states: *The soil is stony and has poor water holding capacity. While the soils are limited in the range of crops that can be expected to be produced, they have produced a hay crop for some 70 years. Other crops such as fruit trees were attempted by the owners*

but were frozen out by killing frost. Given the expectation of frost drainage from the surrounding hillsides, this is not surprising.



3.0 Community Planning

Both the City's Agriculture Plan and the OCP recommend protecting agricultural land by not supporting exclusion of land from the ALR. The OCP states land areas within the Resource Protection Area will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations. The Official Community Plan also states lands outside the permanent growth boundary will not be supported for urban uses.

The primary objective of the AAC is to advise on sustainable agricultural land use from a multiple bottom line (ie: cultural, economic, environmental and social) perspective. Staff are asking AAC to consider this application and provide a recommendation to Council.

Report Prepared by: Alex Kondor , Planner Specialist

Reviewed by: Laura Bentley, Community Planning Supervisor

Attachments:

Schedule A: Policies

Schedule B: Technical Comments

Schedule C: Agrologist Report

Schedule D: ALC Applicant Submission

SCHEDULE A: Policies



Subject: 2850 McCurdy Road – ALR Exclusion Application

City of Kelowna Agriculture Plan (2017)

Theme 1: Strengthening local policies and regulations to protect agriculture.

Action 1.1d Protect and support the continued designation of Resource Protection lands for agricultural purposes regardless of soil types and capabilities assigned for potential for non-soil based agriculture, and the importance of reducing edge effects through farmland.

City of Kelowna Official Community Plan (OCP)

Chapter 4 – Future Land Use

Resource Protection Area

Generally land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses.

Permanent Growth Boundary

Lands within the permanent growth boundary may be considered for urban uses within the 20 year planning horizon ending 2030. Lands outside the permanent growth boundary will not be supported for urban uses.

Chapter 5 – Development Process

Objective 5.3 Focus development to designated growth areas.

Policy .1 Permanent Growth Boundary. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Support development of property outside the Permanent Growth Boundary for more intensive uses only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council’s specific amendment of this policy. Resource Protection Area designated properties not in the ALR and outside the Permanent Growth Boundary will not be supported for subdivision below parcel sizes of 4.0 ha (10 acres). The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

Industrial Land Use Policies

Objective 5.28 Focus industrial development to areas suitable for industrial use.

Policy .1 Rezoning to Industrial. Consider allowing land not currently designated as industrial to be supported for an Official Community Plan amendment and subsequent rezoning to allow industrial uses provided that such a rezoning would be consistent with other Official Community Plan policies, provided that available municipal infrastructure can support the use, and provided that the industrial use would be compatible with existing and proposed future surrounding uses. Compatibility issues to consider include, but are not limited to, visual impact, noise, odour, hours of operation, pollution and traffic.

Agricultural Land Use Policies

Objective 5.33 Protect and enhance local agriculture.

Policy .1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy .2 ALR Exclusions. The City of Kelowna will not support ALR exclusion applications to the ALC except in extraordinary circumstances where such exclusion is otherwise consistent with the goals, objectives and other policies of this OCP. Soil capability alone should not be used as justification for exclusion.

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

2.1 Agricultural Land Commission Act (ALCA)

Purposes of the commission – Section 6 of the ALCA

The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

SCHEDULE B: Technical Comments



Subject: 2850 McCurdy Road – ALR Exclusion Application

1.0 Development Engineering Department

Development Engineering has no comments at this point in time with regard to this application, however, a comprehensive report will be provided at the time of development application submission if the Agricultural Land Commission agrees to the proposed exclusion of the subject property.

2.0 Interior Health

Interior Health has an interest in the preservation of farmland to support local agricultural capacity now and in the future. Agricultural capacity is a key aspect of local healthy food systems, contributing to our community's food security. Food systems determine how we choose food and what food we have access to. The food we eat is critical to our health. Land use decisions can influence use of agricultural land which can thereby impact the accessibility, quality and variety of food available to us. Having access to healthy and safe food helps to protect the population from chronic disease and infectious illnesses. In the interest of food security, we suggest the consideration of the following:

- It appears that this application to exclude land from the ALR will not increase food security. Food security has been recognized as a key public health issue by the BC Ministry of Health. Interior Health ensures the delivery of key government priorities to increase and advance food security.
- Farmland preservation helps to maintain a level of food production that contributes to food self-sufficiency, and food self-sufficiency increases food security and supports healthy eating.
- Food self-sufficiency in BC is increasingly important, as extreme weather will affect food production in California and elsewhere. Currently, California supplies 40%-50% of BC's imported fruits and vegetables.
- City of Kelowna Bulletin Number 14A-05 highlights important information: Ministry of Agriculture data shows that 25% of all farm gate sales in British Columbia is not soil based. As such, the rationale of low agricultural suitability or soil capability is typically not accepted as a rationale for subdivision, or exclusion from the ALR.
 - There may be opportunity for non-soil based agriculture such as greenhouses, if soil classification does not support an economically viable crop.
- Agricultural capacity not only relies on preservation of farmland but also on supportive infrastructure for agricultural services, as well as packing, processing, storage, and distribution capabilities.
 - There may be opportunity for other non-soil based agriculture activities such as packing, processing and storage facilities.

3.0 Ministry of Agriculture

Ministry of Agriculture offers the following comments for consideration & review:

- It is not in Agriculture's interest to exclude land from ALR regardless of current use. Maintaining agricultural parcels at a size and configuration that will allow for economically viable farm operations supports agriculture.
- Note 1974 report is a land value Appraisal, not an Agrologist Report or agriculture assessment.
- The property is part of a larger tract of ALR to the west & northwest, fragmentation has potential to compromise agriculture use in adjacent parcels. Further development adjacent may reduce agriculture options.
- Values & benefits of ALR are not strictly economic, consider also riparian values in NW corner & a significant portion of the property along the west border functions to absorb & dissipate ground water.
- Agriculture exists & thrives adjacent to rail lines everywhere, uses associated with free ranging livestock or poultry would require appropriate infrastructure & setbacks but is not incompatible.
- Soils indicate moderate & low agricultural capability across the property. Two main types of soil [Pandozy & Cameron Lk] both sandy loams, are coarse textured soils & low in organic content requiring additional inputs/fertilizer & organics.

Consider potential agricultural uses:

- Suitable for forages or vegetables (not root crops).
- Greenhouses, vegetable or cannabis production.
- Facilities for processing, storage & value-added agriculture products in conjunction with other farm properties owned or operated as a farm business either by the same owner or a cooperative assoc to which the owner of the farm belongs.
- Poultry or other intensive agriculture – although these may not be as compatible with existing adjacent industrial uses.

4.0 Regional District of Central Okanagan

Kelowna staff may wish to review Regional Growth Strategy Bylaw No. 1336 and ensure that the proposal is in keeping with the vision, goals and policies of the RGS. Link:

<http://www.regionaldistrict.com/media/125810/bylaw1336.pdf>, specific to water resources and ecosystems.

The following RGS policies should be reviewed in accordance with the proposal:

- Consider the Our Food and Our Land sections of the RGS;
- Consider water resources in land use planning decisions;
- Manage growth to minimize disturbance to habitat, watershed and natural drainage areas and systems; and
- Avoid fragmentation of wildlife habitat corridors.

All natural riparian areas associated with Mill Creek should be maintained; limiting disturbance throughout this area. These areas are considered very high environmentally sensitive areas and all measures are to be taken to avoid disturbance of these lands.

SCHEDULE C: Agrologist Report



Subject: 2850 McCurdy Road – ALR Exclusion Application

REGENCY CONSULTANTS LTD. **R.G. (Bob) Holtby, MSc, PAg. Principal**

July 5, 2018

To: Whom it May Concern

Re: Application for Exclusion from the ALR - 2850 McCurdy Road, Kelowna, BC

1.0 Introduction

I understand that the above property is the subject of an application for exclusion from the Agricultural Land Reserve. The owners, Glen Auch and Gladys Crossley, have asked me to provide an opinion on the impact on agriculture from if removal is approved.

I wrote an opinion on this property on September 12, 2017 providing a prescription for renovation to increase productivity to allow the owners to regain Farm Status from the BC Assessment Authority.

During my onsite inspection of the property with Ms. Crossley's son, Allan, I questioned why the land remained in the Agriculture Land Reserve after the removal of the adjoining Marshall Feedlot and the subsequent development of an industrial park on the area. Apparently, there was some discussion of removing the land from the ALR at that time but no formal application was made. Apparently, there was an application prior to the Marshall application but it was not allowed.

After my writing of this report, I attended a meeting with the owners and members of the Planning Department at City Hall. No support was provided by staff members for an exclusion application.

The property is somewhat isolated from other farm properties after the removal, rezoning and development as shown in Figure 1.

The extent of the Agricultural Land Reserve is shown in Figure 2.

2.0 Qualifications

I am a licensed Agrologist and have been a full member of the B.C. Institute of Agrologists since 1971 (except 2001-2002). I am a graduate from the University of British Columbia with a Bachelor of Science degree in 1967, specializing in Agriculture Economics, and a Master of Science degree in 1972, specializing in Farm Management. My thesis for my Master's degree was entitled *Resource Allocation for the Median Peace River Farm in British Columbia*

I have been involved in the work of the Agricultural Land Commission since 1974 when the reserve boundaries were proclaimed. At that time, I was District Agriculturist for the British Columbia Ministry of Agriculture in Prince George. In October 1978 I entered private practice and have provided professional opinions for clients who have sought amendments to the Agricultural Land Reserve boundaries, subdivision within the ALR, or who have needed assistance in compliance with requests from the Commission.

Figure 1: Aerial Photograph of Subject Area



Figure 2: ALR Boundaries (green) of Subject Area



During my years in both public and private practice, Courts and Review Boards have accepted me as an expert regarding farming practices in British Columbia. Consequently, I feel qualified to provide an assessment of a proposal under the Agricultural Land Commission Act. My qualifications and experience allow me to comment on the value of agricultural land and the practices of farming on that land.

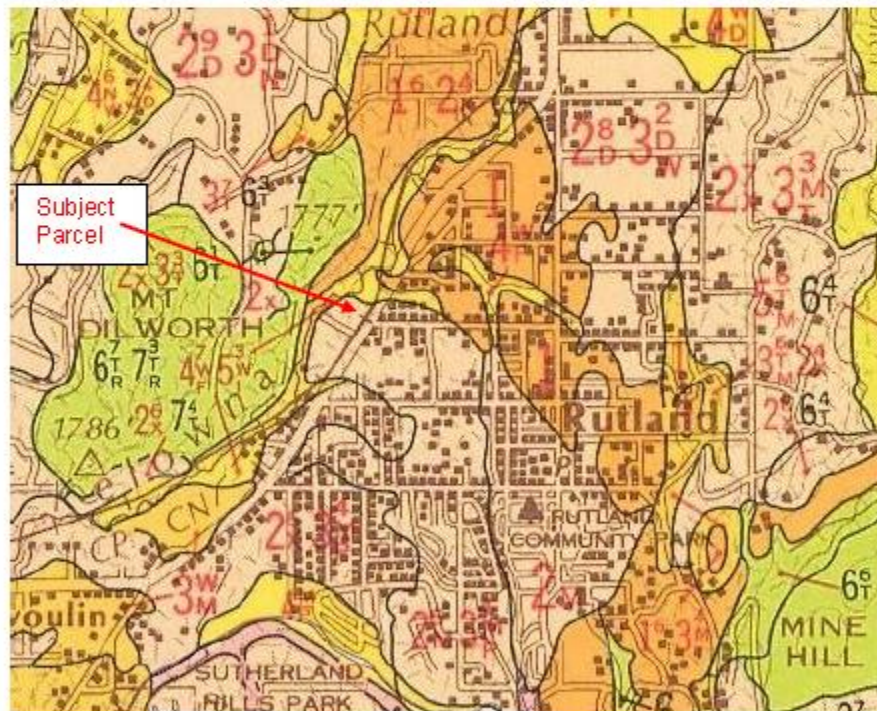
Consequently, I believe I am qualified to comment on the two main purposes of the Agricultural Land Commission. That is: to preserve agricultural land, and to encourage farming on agricultural land in collaboration with other communities of interest.

I am currently a member of the Environmental Appeal Board and the Forest Appeals Commission. Following these appointments, I have received training in Administrative Law and the Rules of Natural Justice.

3.0 Agricultural Capacity of Subject Parcel

I described the soils in my 2017 report as: “stony and has poor water holding capacity.” The Canada Land Inventory classifications are shown in Figure 3:

Figure 3: CLI Classification of Subject Area



There is an improved rating (that is, with irrigation) on this landform of 50% Class 2 limited by moisture and 50% Class 3 limited by moisture and stoniness. These classifications are consistent with my findings. Even with irrigation, the stony substructure of the soils causes a moisture deficit.

While the soils are limited in the range of crops that can be expected to be produced, they have produced a hay crop for some 70 years. Other crops such as fruit trees were

attempted by the owners but were frozen out by killing frost. Given the expectation of frost drainage from the surrounding hillsides, this is not surprising.

The CLI provides no classification as to the expected range of crops without irrigation. Given the soils and the climate, I would not expect a productive crop without water. Fortunately, the applicants have an irrigation water licence (F014292) for some 33 acre-feet of water. That licence should be sufficient for farm use.

The reader should also note that the land to the west of Mill (Kelowna) Creek is a hillside and is classed as either Class 6 for grazing or Class 7 as non-arable. Traditionally land which is considered capable of grazing was included in the ALR to accommodate cattle operations. An examination of the ALR boundaries in Figure 2 indicates that the hillside grazing lands west of Mill Creek were included, probably for that reason.

4.0 Summary and Conclusion

It is my opinion that the highest and best use for soil-based agriculture on this property is forage crops given the soils restrictions and danger of frost drainage.

However, the expansion of industrial and commercial property to the south and east of the subject property, plus the non-arable hillsides to the west, leave this property isolated. I do not believe that exclusion from the ALR and from active agriculture would have any significant effect on the agricultural industry in the City of Kelowna. When researching for this file, I read the *Agriculture Plan Background Report*. Table 1 on page 9 states that only some 45% of land in the ALR is being actively farmed. Consequently, I conclude that there is sufficient unused capacity within the City to take up the lost production from this farm.

The now aging owners of this farm have held it for some 70 years. It is unlikely that it can be sold as a farm or even a rural residential hobby farm given the surrounding non-farm activity. While I am not a Planner, it seems to me that expanding the adjacent commercial and industrial activity into this property is more orderly than seeking new lands away from the infrastructure of the present industrial land.

In addition to the subject parcel, once the Marshall Feedlot was excluded from the ALR, there seems to be little purpose in retaining the grazing lands to the west of Mill Creek in the ALR. With no local cattle operations to use it, it should be available for other uses.

I remain available to discuss my findings and opinions in this report.

Respectfully submitted,



R.G. (Bob) Holtby, P.Ag.

SCHEDULE D: ALC Applicant Submission



Subject: 2850 McCurdy Road – ALR Exclusion Application

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

PID 027-015-181

A) 6.229 ha (15.3940 acres) Hay Crop-Incredible amounts of fertilizer needed.

B) 1974 & 1971 soil test bore a Very Poorscore for viability.

C) Gravel/Rock Bed under 4 inches of loamy sandy/rocky soil as geographically depicted in iMap BC website.

D) Unable to cultivate or till, as land turns up the large rocks in it, below 4 inches of fibrous, poor water retention, topsoil. (Due to the spongy nature of the 4 inch topsoil the soil dries out and dedicates in a matter of a few hours in the heat of the Okanagan sun)

E) No cash crops can be ever reasonably sustained on land.

F) Large yearly carrying costs to irrigate, fertilize and cultivate (tilling soil will require incredible amounts of man hours (possibly 100s) to pick large rocks). Constant continuous water application and loads of fertilizer will sparsely produce hay, however data and research has proven that this exact location is not a place to grow any income crops by any stretch of the imagination and better suited for commercial and industrial uses. Much more money is needed to farm this ancient rock and gravel river bed than could ever be produced by Mother Nature or by human technological efforts by it for this precise location. This optimally located property is a absolute prime example for optimal use re-zoning. The surrounding business and land owners have nothing but positive support for its removal albeit.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

A) 15.3940 acres of land and approximately slightly under 14 acres of usable land (excluding riparian area around Mill Creek), with water rights

B) Irrigated with a pump house and main line underground, natural drainage into rocks, no ponds.

C) Well water to house.

D) Septic tank on north side of house and septic field extending 40 feet north.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

A) House is built in 1946 with 2 stories plus unfinished basement.

B) Detached garage 35 by 26ft.

C) Farm with single family residential improvement on land

Adjacent Land Uses

North

Land Use Type: Commercial / Retail

Specify Activity: Technological manufacturing/Motorbike retail repair shop

Applicant: Glen Auch, Gladys Crossley

East

Land Use Type: Commercial / Retail

Specify Activity: Car Sales/Moving Company/Pub/Theatre/Restaurant/House Furniture retail

South

Land Use Type: Industrial

Specify Activity: Motorsport Sales/ Repair/Manufacturing

West

Land Use Type: Residential

Specify Activity: Water/Winter sport Sales/R.MH3 re-zoning

Proposal

1. How many hectares are you proposing to exclude?

6.3 ha

2. What is the purpose of the proposal?

The purpose of this proposal is to sell the land with rezoning in place to allow commercial/industrial/for any other major development to use the land for its best possible, most productive purpose to accommodate the OCP in its development to benefit the citizens of Kelowna and surrounding areas.

3. Explain why you believe that the parcel(s) should be excluded from the ALR.

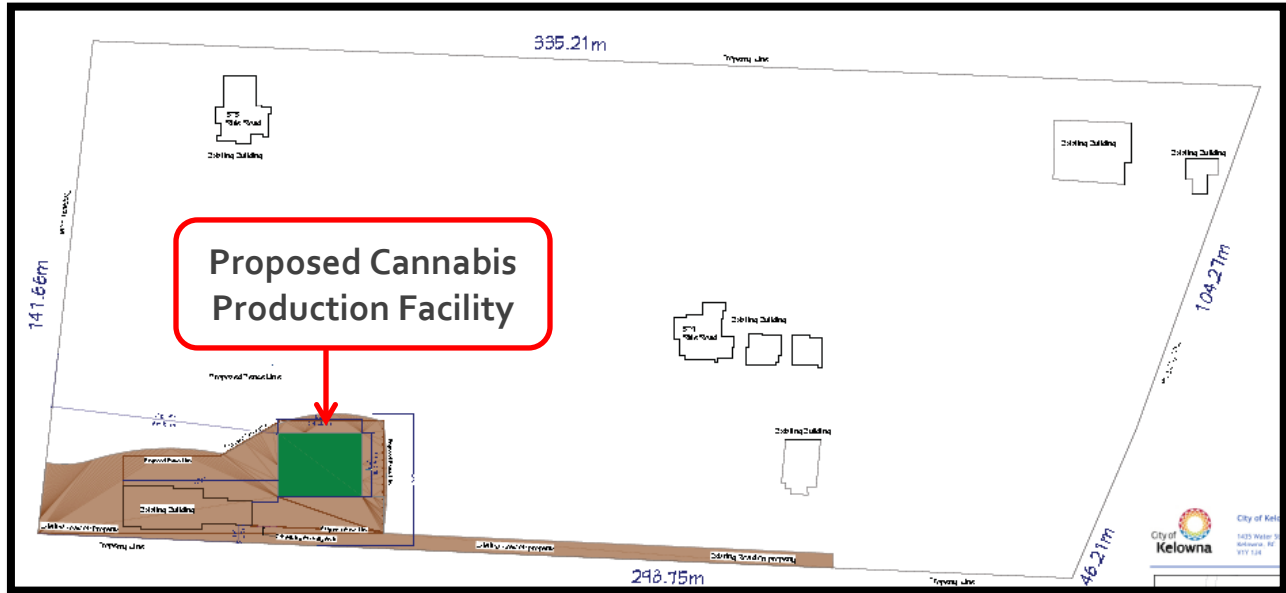
The parcel is optimally situated in the heart of a commercial/industrial/residential sector of the city. The demands of the city residents and business owners requiring highway visibility for retail stores and/or services is ever increasing. The prime locations close to City Centre are dwindling over time as city growth has taken hold of the vested interests of its resident population. With the approval of five major re-developments within the city limits of Kelowna's district will put demands on services and this property being situated in a optimal, One of a Kind, location screams re-zoning to benefit the public interests.

Applicant Attachments

- Agent Agreement - Jason Palmer
- Proof of Serving Notice - 57312
- Proof of Advertising - 57312
- Proposal Sketch - 57312
- Other correspondence or file information - Agent/Owner Authorization form City of Kelowna
- Other correspondence or file information - OCP Expansion of McCurdy rd (circa 2001)
- Professional Report - Appraisal/Consultant
- Proof of Signage - 57312
- Site Photo - Rocks and Gravel on surface of land
- Site Photo - Land West of house
- Certificate of Title - 027-015-181

ALC Attachments

None.



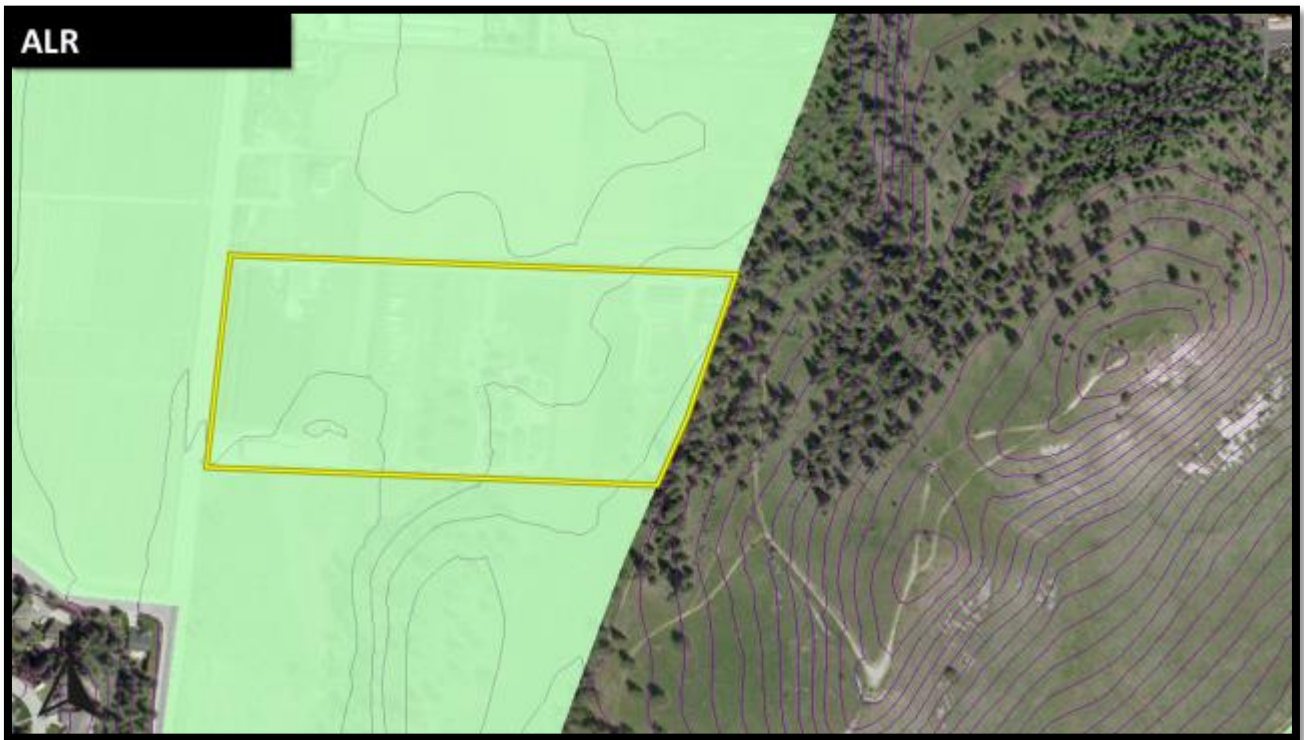
The property owner has also submitted a non-farm use application to legitimize existing additional dwellings on the property which will be processed by staff and presented to AAC for consideration at a future date.

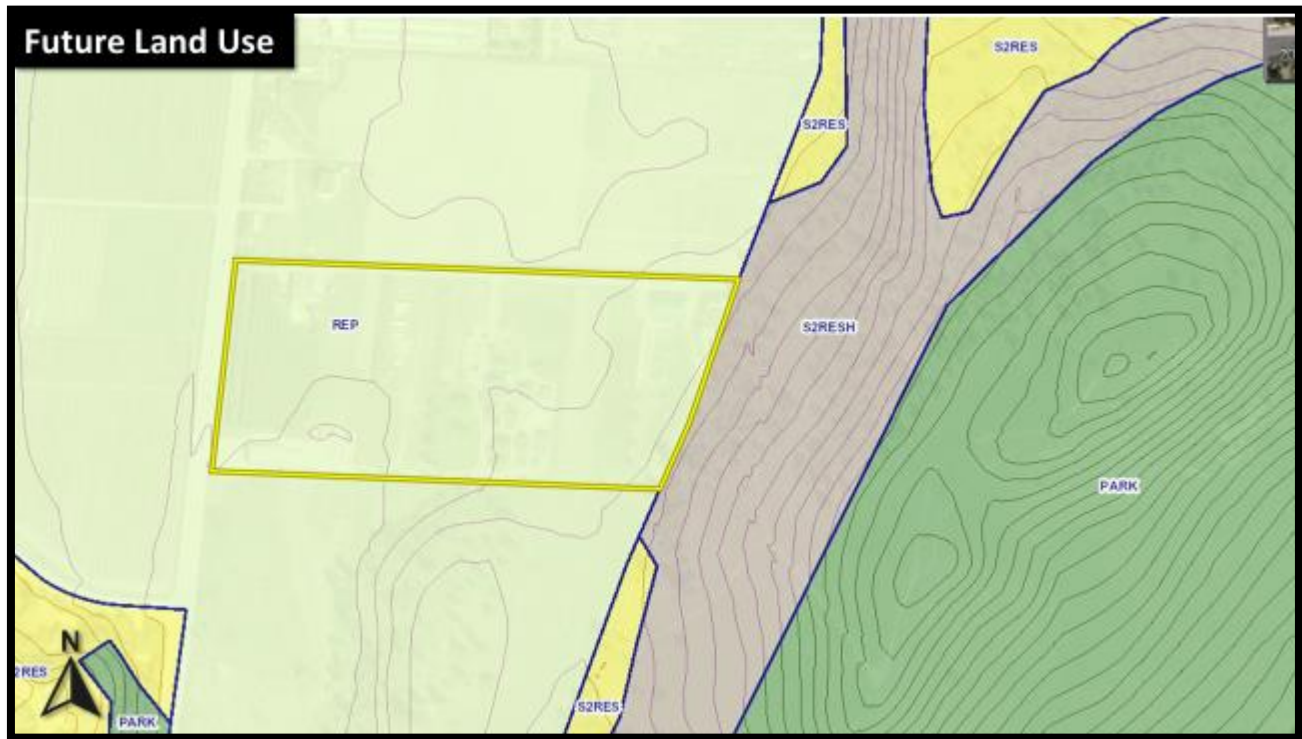
2.2 Site Context

The subject site is an 11 acre (4.5 ha) agricultural property located on the east side of Rifle Road near the intersection with Longhill Road. There is a wide range of agricultural activity on the property which includes the growing of various fruits and vegetables as well as echinacea and herbs and garlic. The farm also contains livestock such as chickens, turkeys, llamas, goats and sheep.

Parcel Summary – 579 Rifle Road:

Parcel Size: 4.5ha (11.19 acres)
 Elevation: 450-460 metres above sea level (masl) (approx.)





2.3 Neighbourhood Context

The subject property lies within the Glenmore – Clifton – Dilworth city sector. The property is in the ALR, zoned A1 – Agriculture 1, and designated Resource Protection Area (REP) in the Official Community Plan. Adjacent properties to the north, south and west are also located in the ALR, zoned A1 and designated Resource Protection Area (REP) in the OCP. The property adjacent to the east rear property line is an undeveloped parcel not located in the ALR but zoned A1 and designated a mix of Single/Two Unit Residential and Park.

Zoning and land uses adjacent to the property are as follows:

Table 1: Zoning and Land Use of Adjacent Property

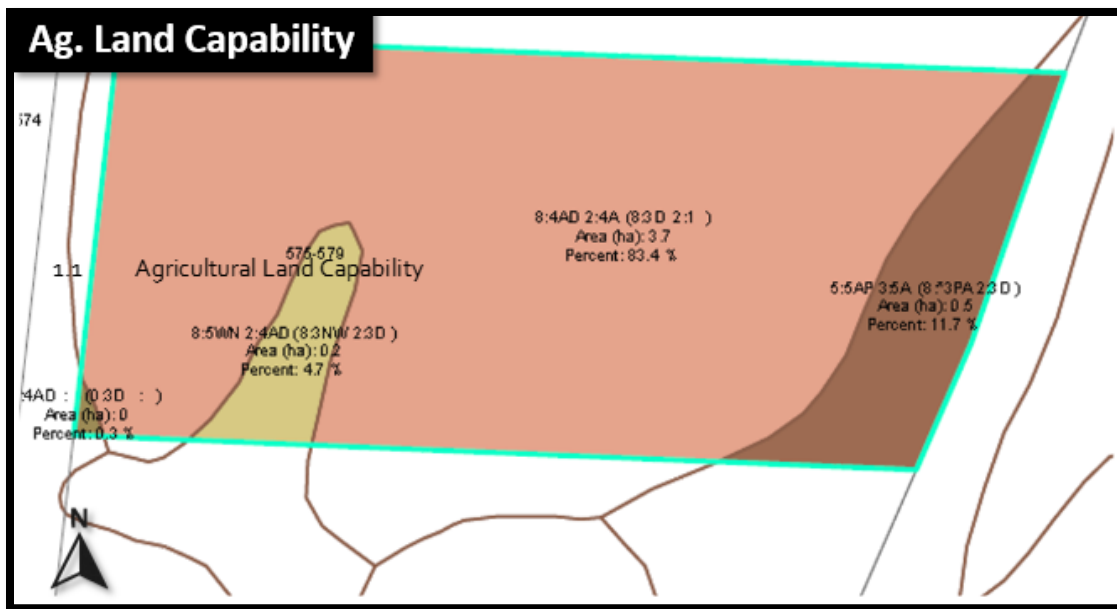
Direction	Zoning	ALR	Land Use
North	A1 – Agriculture 1	Yes	Agriculture
South	A1 – Agriculture 1	Yes	Undeveloped
West	A1 – Agriculture 1	Yes	Agriculture
East	A1 – Agriculture 1	No	Undeveloped

2.4 Agricultural Land Capability

The Land Capability Classification for Agriculture in BC manual published by the Ministry of Agriculture which assesses the agricultural capability of land, identifies that approximately 83% of the subject property has a Class 4 agricultural land capability, most of which can be improved to Class 3. The portion of the land on which the proposed cannabis facility is located is Class 5 and Class 4 and could be improved to Class 3.

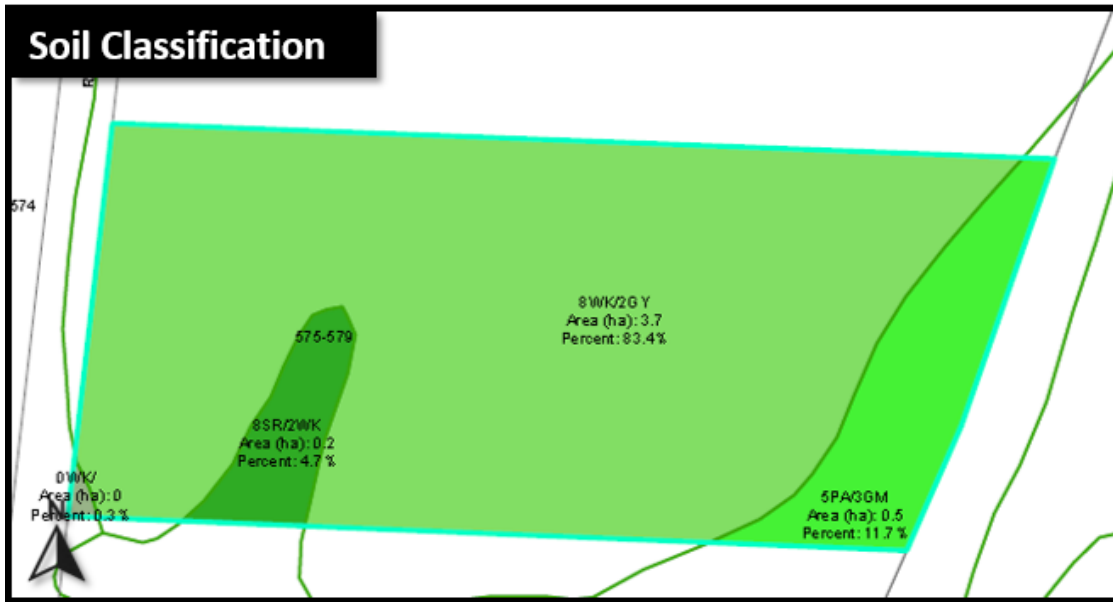
Generally, according to the Land Capability Classification for Agriculture in BC manual the land capability classes are defined as follows.

- Class 3 land has limitations that require moderately intensive management processes and the range of crops may be restricted. The limitations may restrict the choice of suitable crops or affect timing and ease of tillage, planting and harvesting; and methods of soil conservation.
- Class 4 land has limitations which make it suitable for only a few crops, or the yield for a wide range of crops is low, or the risk of crop failure is high, or soil conditions are such that special development and management practices are required.
- Class 5 land is generally limited to the production of perennial forage crops and specially adapted crops (crops such as cranberries suited to unique soil conditions not amenable to a wide range of common crops). Productivity of these suited crops may be high.



2.5 Soil Classification

The Soil Management Handbook for the Okanagan and Similkameen Valley's published by the BC Ministry of Agriculture, which categorizes soils having similar agriculturally important characteristics into 'soil management groups' identifies that the vast majority of the property (83%) is comprised of Gellatly (GY) and Westbank (WK) soils, which are generally well-suited to all climatically adapted crops. The portion of the land on which the proposed cannabis facility is proposed is near a portion of Summerland (SR) and Westbank (WB) soil which are generally not well suited for crops, as the soils within this group have developed in gravelly, cobbly, stony and bouldery coarse to medium-textured fluvial fan deposits. These sites are best suited to the grassland crop, however, where surface soils are non-stony suites crops include vegetables and various berries.



3.0 Community Planning

The application is a non-farm use application to allow for a cannabis production facility. A non-farm use application is required as recent amendments to the ALC regulations state lawful production of cannabis is designated as farm use for the purposes of the Act only if produced outdoors in a field or inside a structure that has a base consisting entirely of soil or that was built for crop production before the date on which the regulations came into force.

Amendments to the Zoning Bylaw related to non-medical cannabis are currently being considered by council. Staff are proposing updating the current Zoning Bylaw definition of medical marijuana production facilities to encompass both medical and non-medical cannabis production facilities within the same defined use. This use is currently allowed only in several industrial zones. Staff are not proposing to include cannabis production facilities as an allowable use in the A1 zone.

The primary objective of the AAC is to advise on sustainable agricultural land use from a multiple bottom line (ie: cultural, economic, environmental and social) perspective. Staff are asking AAC to consider this application and provide a recommendation to Council.

Report prepared by: Alex Kondor, Planner Specialist

Reviewed by: Laura Bentley, Community Planning Supervisor

Attachments:

Schedule A – Policies

Schedule B – Site Plan and Non-Farm Use Application

SCHEDULE A - Policies



Subject: 575-579 Rifle Road (A18-0010)

City of Kelowna Agriculture Plan (2017)

The recently adopted Agricultural Plan recommends several bylaw and policy changes meant to address concern over the non-farm use of ALR land. Specifically the following to the Official Community Plan and Development Application Procedure Bylaw updates are recommended by the plan:

1. Restrict non-farm uses that do not directly benefit agriculture. Only support non-farm uses in farm areas that have a direct and ongoing benefit to agriculture or meet essential requirements of municipal government.
2. Allow for the Community Planning Manager to request an Agricultural Impact Assessment by a Professional Agrologist that quantifies the impacts of a non-farm use that may affect agricultural activity.

Kelowna Official Community Plan (OCP)

Goals for a Sustainable Future

One of the main goals of the OCP is to: Enable healthy and productive agriculture. Promote healthy and productive agriculture through diverse strategies that protect farmlands and food production.

Agricultural Land Use Policies

Objective 5.33 Protect and enhance local agriculture Policy .1 - Protect Agricultural Land.

Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Objective 5.33 Protect and enhance local agriculture Policy .6 - Non-farm Uses.

Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- are consistent with the Zoning Bylaw and OCP;
- provide significant benefits to local agriculture;
- can be accommodated using existing municipal infrastructure;
- minimize impacts on productive agricultural lands;
- will not preclude future use of the lands for agriculture;
- will not harm adjacent farm operation

Agricultural Land Reserve Use, Subdivision and Procedure Regulation

Section 2.5 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg.171/2002, as amended:

The lawful production of cannabis is designated as farm use for the purposes of the Act if produced outdoors in a field or inside a structure

- (a) that has a base consisting entirely of soil, or
- (b) that was, before the date on which this section came into force,
 - (i) constructed for the purpose of growing crops inside it, including but not limited to the lawful production of cannabis, or
 - (ii) under construction for the purpose referred to in subparagraph (i), if that construction
 - (A) was being carried out in accordance with all applicable authorizations and enactments, and
 - (B) continues without interruption from the date it began to the date the structure is completed, other than work stoppages considered reasonable in the building industry, and that has not been altered since that date to increase the size of its base or to change the material used as its base.

SCHEDULE B – Site Plan and Non-Farm Use Application



Subject: 575-579 Rifle Road (A18-0010)

579 Rifle Road

New 2 Story facility

Lot size:
11.19 acres = 45,284 sq.m.

City of Kelowna Property Report

Report Produced on: Jun 22, 2018

Property Information	
Property Address:	575-579 Rifle Rd
ESD:	00075 Plan #: 1249 Lot #: 0 Block #: 21
Extra Legal Information:	
Section: 33&34	
SC Assessment Information	
Roll Number:	6518000 Jurisdiction:
Net Land Value:	952,294 A/R:
Net Imp. Value:	\$1,364,100 Lot Size:
Net Total Value:	\$1,456,394 Lot Size Unit:
Actual Use:	130 TREE FRUITS ACRES
Land Use Related Information	
Zoning Code:	A1 Inside A/R: Yes
Future Land Use:	RPD Water Provider: CDD
Land Use Contract:	No

Development Permit - Not for Construction

© 2018 Google. Square Scales and information is for informational purposes only. KID: 209775 Plan 1249 Lot 0 Block 21 Section 33 & 34



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 57976

Application Status: In Progress

Applicant: Marlys Wolfe

Local Government: City of Kelowna

Local Government Date of Receipt: This application has not been submitted to local government yet.

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Farm Use

Proposal: On July 13, 2018 the Agricultural Land Reserve Use, Subdivision and Procedures Regulation was amended by Order in Council No. 380 (the "Amendment"). The Amendment repealed subsection 2(p), which addressed cannabis production in the ALR, and added a new subsection 2.5, which stipulated that cannabis production within new buildings would only be deemed "farm use" where the structure had a base consisting entirely of soil. The applicant has permission from Health Canada to build a production building under application 10-0006, and that permission is based on a building which includes a concrete floor. Further, the applicant has been in discussion with the City of Kelowna since January, 2018 with respect to the planned construction of a 60' x 80' production building on the site of an existing parking lot (the "Building") That Building is intended for the future production or organic health products containing cannabis and the production of organic cannabis. The Amendment appears to have changed the regulatory framework that would apply to the Building, such that the applicant must now apply for a non farm use for the .9 ha area which currently serves as a gravel parking lot for equipment and machinery. The attached photographs show the area in issue, immediately behind the existing red shop, which is housing United Landscape until December, 2018. It would be the applicant's preference not to apply for a non farm use, but that appears to be the consequence of the Amendment.

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

This 11 acre farm is used to grow Echinacea, various herbs, garlic, various fruits and vegetables, lavender and perennials for resale. There is a site licensed kitchen producing various retail products from products grown on the farm and three health products that have their Natural Health Product numbers from Health Canada. The farm also has animals, animal pastures and shelters - chickens, turkeys, llamas, goats, ducks, sheep. The farm is certified organic with Pacific Agricultural Society under number 16-495. List of products produced on the farm: Jams, Jellies, Pancake syrups, preserves, salsas, flavoured vinegars, health products of Echinacea tincture, herbal throat spray, mouthwash, calendula hand cream; Blueberry Echinacea Mint Iced Tea, Minced Garlic, Thai Dipping Sauce, Pickled Garlic, Garlic Rosemary Wine Jelly, spice blends using various herbs and garlic, honey from bees that are raised on the farm.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

Since purchasing the property in 2003, the back 6 acres has been totally transformed from bare land to the following:

Perimeter and cross fencing, irrigation, planting Echinacea, lavender, garlic, vegetable gardens, various herbs, and small fruit and nut trees. Bees and honey have been introduced - 25 hives. Buildings built were our residence, a small farm store, outbuildings for animals, shop for crop processing, feed storage, machinery repairs and maintenance; three storey garage which houses a floor for packaging storage for the farm's value added products; a floor for the Site Licenced kitchen where processing occurs for the value added and natural health products Packaging and labelling designed; site licence acquired, certificate organic status obtained, NHP numbers from Health Canada obtained.

On the front 5 acres cherry trees have been planted and perennials have been added. The front red shop will be vacated by United Landscape in December, 2018 and Falcon Ridge will continue to supply perennials to the landscape company for their use. The red shop now houses shade perennials and that will increase as well as the area used for sun perennials. Additional apple trees and landscape trees for resale will increase if space is available.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

*Our primary residence and the first floor of the garage
Secondary residence located at the front of the farm which is occupied by farm help in exchange for labour
Small cabin that was erected in lieu of a manufactured home permitted by the City of Kelowna
Driveways that are shared residential/farm use
Parking lot for equipment storage behind front red shop*

Adjacent Land Uses

North

Applicant: Marlys Wolfe

Land Use Type: Agricultural/Farm
Specify Activity: Apple orchards

East

Land Use Type: Unused
Specify Activity: Bare land

South

Land Use Type: Unused
Specify Activity: Bare land

West

Land Use Type: Agricultural/Farm
Specify Activity: Apple orchards

Proposal

1. How many hectares are proposed for non-farm use?

0.9 ha

2. What is the purpose of the proposal?

On July 13, 2018 the Agricultural Land Reserve Use, Subdivision and Procedures Regulation was amended by Order in Council No. 380 (the "Amendment"). The Amendment repealed subsection 2(p), which addressed cannabis production in the ALR, and added a new subsection 2.5, which stipulated that cannabis production within new buildings would only be deemed "farm use" where the structure had a base consisting entirely of soil. The applicant has permission from Health Canada to build a production building under application 10-0006, and that permission is based on a building which includes a concrete floor. Further, the applicant has been in discussion with the City of Kelowna since January, 2018 with respect to the planned construction of a 60' x 80' production building on the site of an existing parking lot (the "Building") That Building is intended for the future production of organic health products containing cannabis and the production of organic cannabis. The Amendment appears to have changed the regulatory framework that would apply to the Building, such that the applicant must now apply for a non farm use for the .9 ha area which currently serves as a gravel parking lot for equipment and machinery. The attached photographs show the area in issue, immediately behind the existing red shop, which is housing United Landscape until December, 2018. It would be the applicant's preference not to apply for a non farm use, but that appears to be the consequence of the Amendment.

3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

The federal permission received for medical cannabis from Health Canada was received only for my farm land location. The Building as proposed with a concrete floor will be more secure and will meet Health Canada's guidelines for a production facility. I was the 6th person in Canada to have applied to Health Canada for a production licence for cannabis. It was based on wanting to add more health products to our lineup that would be certified organic. We already have certified organic status on our farm, already have a website and market our products with the farm logo and appeal with products grown on our own farm, not elsewhere. Provincial regulations were in place up to July 13th that would have allowed the building on my land. The amendment of July 13th changed the provincial regulations so that I would require a non farm use for the building if I wanted a cement floor as opposed to an earth floor.

4. Does the proposal support agriculture in the short or long term? Please explain.

Yes. This would increase agriculture grown on our property - not only in the building that we are building but if we build the building on the parking lot we are using land that is not and would never be future agriculture. While it is selfevident that the parking lot has no value for food products, a site visit

Applicant: Marlys Wolfe

could be co-ordinated for anyone at the ALC or City of Kelowna involved in making this decision. In addition, we would have the land space available for increasing perennials and landscape trees that would not be added if we used that land for the cannabis production building (allowed if we did an earth floor) instead of using the redundant parking lot.

Applicant Attachments

- Site Photo - Red Shop & Parking Lot 1
- Site Photo - Red Shop & Parking Lot 2
- Site Photo - Red Shop & Parking Lot 3
- Proposal Sketch - 57976
- Site Photo - Red Shop Parking Lot
- Certificate of Title - 008-623-368

ALC Attachments

None.

Decisions

None.

Applicant: Marlys Wolfe

Agricultural Advisory Committee

Minutes

Date:	Thursday, July 12, 2018
Time:	6:00 pm
Location:	Council Chamber City Hall, 1435 Water Street
Committee Members Present:	John Janmaat (Chair), Yvonne Herbison (Vice-Chair); Domenic Rampone, Ed Schiller; Keith Duhaime, and Tarsem Goraya
Committee Members Absent:	Pete Spencer, Jill Worboys (Interior Health) and Jeff Ricketts (Alternate)
Staff Present:	Community Planning Supervisor, Laura Bentley; Planner, Kim Brunet, Planner, Barbara Crawford; Property Officer Specialist, Alec Warrender*; FOI Legislative Coordinator, Sandi Horning; Legislative Coordinator (Confidential), Clint McKenzie

(*denotes partial attendance)

1. Call to Order

The Chair called the meeting to order at 6:02 p.m.

Opening remarks by the Chair regarding conduct of the meeting were read.

2. Applications for Consideration

2.1 Swainson Rd 1705, A18-0002 - Norman & Linnea Corbett

Staff:

- Displayed a PowerPoint presentation summarizing the application before the Committee.
- Confirmed the 20.9 acre lot was created in 1926 and no further subdivisions have occurred.
- In 1972 the owners became joint tenants and have provided documentation to prove continuous ownership.
- Confirmed the property meets eligibility requirements for home site severance as requested by the owner to facilitate their retirement.
- Staff are seeking a recommendation from the Committee regarding the proposed home site severance application.
- Responded to questions from the Committee members.

Jordan Hettinga, Kent Macpherson, Applicant:

Norman Corbett, Owner:

- Purchased in fall Sept 6, 1972. It started with apples in the early seventies to the late seventies. The property transitioned to hay in 1996 when it was converted to its current use as a tree farm.
- Advised that the owners' children have moved out of town and they are looking to spend less time actively on the farm but retire in the house they been in for forty-five years.

- Confirmed that the ravine area of about 8 acres of the 20 acres is steep hillside and unusable agricultural land.
- Confirmed that a no build covenant will be placed upon the ravine and wetland areas.
- Advised that the applicant has worked with City staff on an alignment that creates a viable agricultural chunk and allows the owners to remain in their house.
- Confirmed the roadway would have an easement to provide access to both properties with a maintenance contract between both owners.
- Confirmed road access to a new home on the farm parcel would be available from Swainson Road to the north as well as the easement.

ANEDOTAL COMMENTS:

The Agricultural Advisory Committee recommends that Council support the home site severance application; however, it is the high environmental resource and low agricultural value of the proposed home site property that allows support and the Committee would like to note this should be seen as a non-precedent setting recommendation.

Moved by Domenic Rampone/Seconded by Keith Duhaime

THAT the Agricultural Advisory Committee recommends that Council support Agricultural Land Reserve Application No. A18-0002 for the property located at 1705 Swainson Road to request permission from the Agricultural Land Commission for a "Subdivision of Agricultural Land Reserve" under Section 21 (2) of the *Agricultural Land Commission Act* for the purpose of a homesite severance.

Carried

2.2 McKenzie Rd 1251, A18-0004 - Albert & Elinor Van Beest

Staff:

- Displayed a PowerPoint presentation summarizing the application before the Committee.
- The applicant is requesting permission from the ALC for a subdivision under the ALR from one to three lots.
- Staff are seeking a recommendation from the AAC to provide to City Council of either support or non-support to include with Council consideration of the subdivision.
- Responded to questions from the Committee members.

Mark Cabain, Applicant:

- Advised that the family has put forth a sincere effort to support agriculture on the properties into the future. The family originally owned most of the property in the area. They wish to preserve the wetland area for future generations and have it separated from the three parcels.

ANEDOTAL COMMENTS:

The Agricultural Advisory Committee commended the applicant for protecting the environmental qualities and seeking to enhance the agricultural value of the properties, including the inclusion of land into the ALR, making it more practical to acquire and use the farmable portion of the property.

Moved by Yvonne Herbison/Seconded by Domenic Rampone

THAT the Agricultural Advisory Committee recommends that Council support Agricultural Land Reserve Application No. A18-0004 for the property located at 1251 McKenzie Road to request permission from the Agricultural Land Commission for a "Subdivision of Agricultural Land Reserve" under Section 21 (2) of the *Agricultural Land Commission Act*.

Carried

2.3 Ward Rd 1989 & 2087, A18-0005 - James Martin Walker

Staff:

- Displayed a PowerPoint presentation summarizing the application before the Committee.

- The applicant is requesting to subdivide to ALC to adjust the lot line between 1989 and 2087 Ward Road.
- Staff are seeking a recommendation from the AAC to provide to City Council of either support or non-support to include with Council consideration of the subdivision.
- Responded to questions from the Committee members.
- Confirmed that the subdivision would result in no dwelling on the larger parcel but that one could be built there and that both properties are owned by the applicant.
- Confirmed the farm structure would require a non-farm use application if it was ever considered for residential. The current bylaw would not allow it to be used for residential.

Birte Decloux, Urban Options Planning, Applicant:

- Advised the property was originally a very large 87 acre property that was subdivided in the 1930s.
- The owner is interested in moving the property line east to not create too large of a lot; as small as possible as they would like to have a buffer area.
- The one house on the property was built in the fifties and the intent is to fix it up. The requirements for the septic field is why the lot configuration is proposed.
- The owner would declare a residential footprint; there is no desire to take out trees or change any of the farming practices.
- There is still a perceived value in the existing house and use of farm shed.

Staff:

- Confirmed that the gravel road along the north of the property is City property and dedicated as road but does not currently function this way. It requires a corner rounding in the Development Engineering report.
- Ownership of the subject property was transferred since 1972. Staff confirmed the property would not be eligible for a home site severance in the future.

ANEDOTAL COMMENTS:

The Agricultural Advisory Committee recommended that Council support the subdivision of the subject property; however, it was given reluctantly as land is being taken out of a viable agricultural parcel to be added to a nonviable parcel with the boundary shape being an issue for future use of the agricultural parcel.

Moved by Domenic Rampone/Seconded by Keith Duhaime

THAT the Agricultural Advisory Committee recommends that Council support Agricultural Land Reserve Application No. A18-0005 for the properties located at 1989 & 2087 Ward Road to request permission from the Agricultural Land Commission for a "Subdivision of Agricultural Land Reserve" under Section 21 (2) of the *Agricultural Land Commission Act* for the purpose of a lot line adjustment.

Carried

3. Minutes

Moved by Domenic Rampone/Seconded by Tarsem Goraya

THAT the Minutes of the April 12, 2018 Agricultural Advisory Committee meeting be adopted.

Carried

4. ALC Decisions - Update

Staff:

- Advised that the AAC considered the application for 4638 Lakeshore Road. Council did not support the rezoning. The property is for sale again and future owners will be advised of the ALC buffer.
- Advised the non-farm use application at 3330-3340 Neid Road for 3 large events that exceeded what is permitted went to Council on June 25th. Council supported the non-farm use and the application is still being considered by ALC.

5. Next Meeting

The next Committee meeting has been scheduled for August 9, 2018. An end of term review will be conducted and committee members will be encouraged to provide their feedback to forward to Council in September.

6. Termination of Meeting

The Chair declared the meeting terminated at 7:30 p.m.

John Janmaat, Chair

/cm

DRAFT