

Agricultural Advisory Committee

AGENDA



Thursday, May 9, 2019
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 Hartman Rd 839, A19-0006 - Bill and Sukhi Sander

3 - 8

The applicant is requesting a non-adhering residential use permit application to allow Temporary Farm Worker Housing to accommodate up to 60 workers on the subject property.

2.2 Leader Rd 3019, A19-0003 - Trine & Ryan Markewich

9 - 17

The applicant is requesting permission from the ALC for a Non-Farm Use Permit to allow a commercial landscaping business to operate on the subject property for up to a maximum of five (5) years. The property owner also applied for a Temporary Use Permit.

2.3 Rifle Road, 575-579, A18-0009 - Marlys Wolfe

18 - 26

The applicant is requesting permission from the ALC to allow for a second existing dwelling to be used for a farm manager and a third existing dwelling to be used to house immediate family.

3. ALC Decisions - Update

4. New Business

5. Next Meeting

June 13, 2019

6. Termination of Meeting

COMMITTEE REPORT



Date: May 9th 2019

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (AK)

Application: A19-0006 **Owner:** Bill and Sukhi Sander

Address: 839 Hartman Road **Applicant:** Bill and Sukhi Sander

Subject: Application for a Non-Adhering Residential Use Permit for Temporary Farm Worker Housing

1.0 Purpose

To consider a non-adhering residential use permit application to allow Temporary Farm Worker Housing to accommodate up to 60 workers on the property located at 839 Hartman Road.

2.0 Proposal

2.1 Background

The proposal is to place mobile trailers on the subject site to house up to 60 temporary farm workers. There are several approvals required for this proposal:

1. Non-Adhering Residential Use Permit (A19-0006) – Owners of land within the Agricultural Land Reserve are required to obtain approval from the Agricultural Land Commission for dwellings for Temporary Farm Help.
2. Zoning Bylaw Amendment (TA19-0001) - The property owners previously obtained approval to house up to 60 workers at a property located at 1610 Swainson Road (File FH15-0004). Both of these properties are located in the Rutland City Sector. The Zoning Bylaw restricts temporary farm worker accommodation to a maximum of 60 workers per City Sector for each. A text amendment to the Zoning Bylaw is required to be approved by Council as the proposal would result in 120 workers located the same City Sector.
3. Farm Worker Housing Permit (FH19-002) – A Farm Worker Housing permit must be approved by Council confirming the proposal meets the City of Kelowna regulations related to temporary farm worker housing.

Agriculture is the principal use on the parcel. The proposed accommodation is on non-permanent foundations which is the preferred solution where the need for farm worker housing is justified. The proposed housing meets the needs of the farming operation and is located in an area of the property that minimizes the residential impact to agriculture.

In accordance with the City of Kelowna Farm Protection Development Permit Guidelines a 3m wide landscape buffer will be required for screening to adjacent properties liens and between the temporary farm working housing and active farming areas.

2.2 Project Description

The proposal is to place a cluster of 11 mobile trailers in a work-camp configuration near Gibson Road. The housing located is meant to minimize impact to the existing cherry orchard. A detailed site plan is attached showing the layout of the proposed housing. The housing is needed to provide accommodation for workers employed in various cherry orchards owned by the applicants.

2.3 Site Context

The subject is an 19 acre (7.8 ha parcel) of land that fronts both Hartman Road and Gibson Road. The property is currently vacant and planted to cherries. The property is designated Resource Protection Area (REP) in the City's Official Community Plan (OCP) and zoned A1 – Agriculture 1. The property is located within the ALR. There is a sanitary sewer main along the frontage of the property therefore the dwellings would be able to connect to the sanitary sewer system and will not require a private septic system.

2.4 Neighborhood Context

The subject property lies within the Rutland City Sector. The adjacent properties are zoned A1 and within the ALR. Across the street east of the site is a pocket of residential lots with single detached houses.

3.0 Community Planning

The proposed temporary farm worker accommodation meets the regulations of the Zoning Bylaw with the exception of the number of workers exceeding the amount of workers allowed per City Sector. The proposal is also consistent with Ministry of Agriculture standards for temporary farm worker accommodation.

The City of Kelowna Official Community Plan (OCP) policy on Farm Help Housing states accommodation for farm help on the same agricultural parcel will be considered only where:

- Agriculture is the principal use on the parcel; and
- The applicant demonstrates that the additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall operation of the farm. The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary.
- Temporary farm worker housing (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.

The Farm Protection Development Permit Guidelines state to design temporary farm working housing such that:

- Temporary farm worker housing should use all existing dwellings within the farm unit, prior to building new temporary farm worker housing, unless the existing dwellings are used for a use consistent with the Agriculture Land Commission Act. Alternatively, the existing dwellings on the farm unit must be removed, decommissioned to an approved use or demolished including

decommissioning the existing septic system, prior to the authorization of a new temporary farm worker housing structure.

- Temporary farm worker housing footprint should be contiguous with the residential footprint (i.e. homeplate) and / or within 50 metres of the road and/or located to maximize agricultural potential and limit negative impacts on the farm parcel.
- Temporary farm worker housing should have a minimum 3 metre wide vegetated buffer for screening to adjacent property lines and between the temporary farm worker housing and active farming areas.

The City of Kelowna Agriculture Plan recommends to:

- Allow Temporary Farm Worker Housing, as permitted by City of Kelowna bylaw. Temporary Farm Worker Housing, as permitted by the City of Kelowna, should be allowed. The TFWH footprint means the portion of a lot that includes all structures, driveways and parking areas associated with the temporary farm worker housing, including but not limited to structures.

Report prepared by: Alex Kondor, Planner Specialist

Reviewed/Improved for Inclusion : Laura Bentley , Community Planning Supervisor

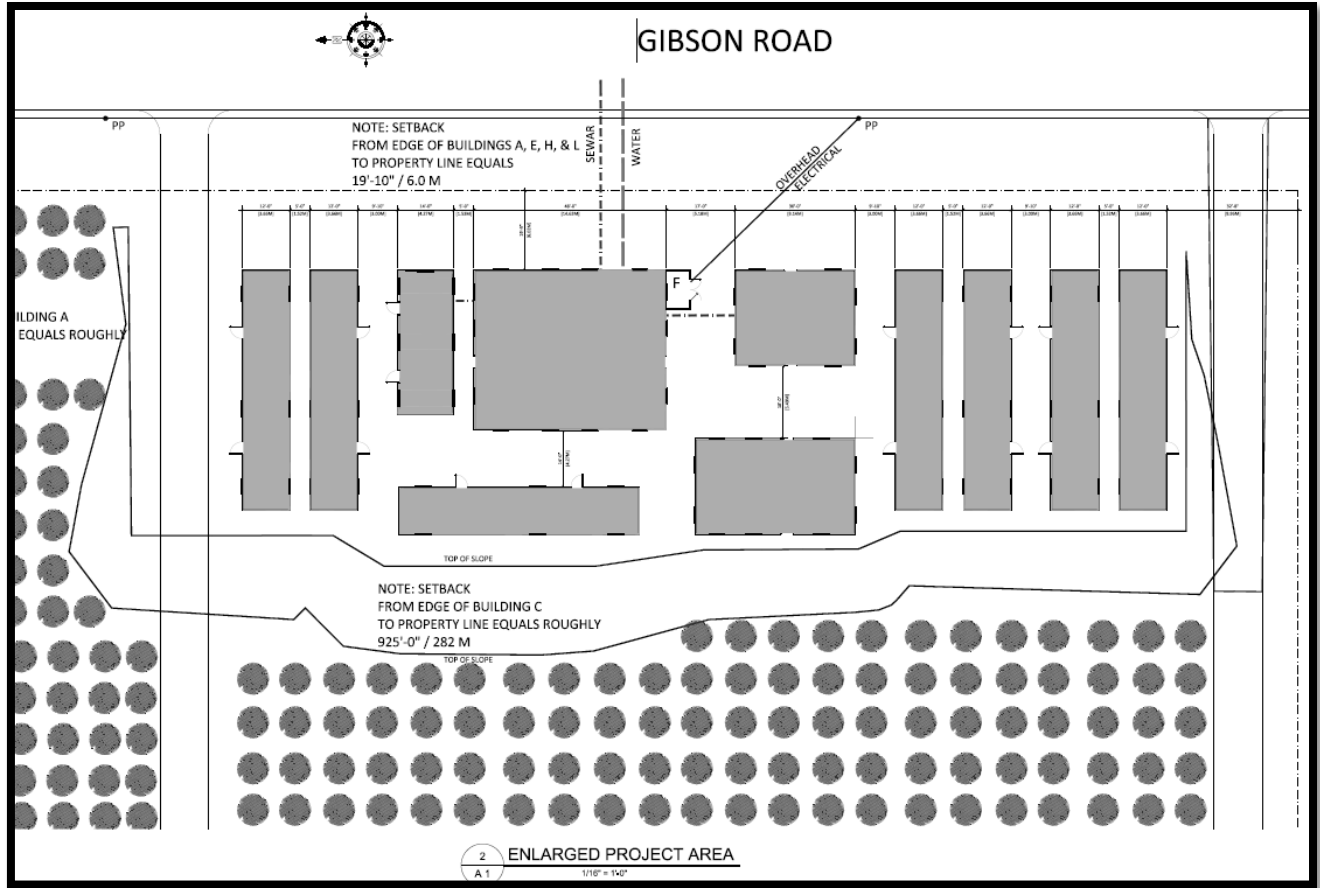
Attachments:

Attachment A – Site Plan

Attachment B – Letter from the Ministry of Agriculture

Attachment A – Site Plan





Attachment B – Letter from Ministry of Agriculture



January 25/19

File: FH19-0002

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

Re: FH19-0002 Temporary Farm Worker Accommodation 839 Hartman Road

To the City of Kelowna,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the application to allow temporary farm worker housing (TFWH) accommodation for the property located at 839 Hartman Road. I have reviewed the documents you have provided and can provide the following comments:

- Ministry staff support the development of seasonal farm worker accommodation appropriate to the farm operation's agricultural activity, and consistent with the Agricultural Land Commission's (ALC) Policy L-09 Additional Residences for Farm Help Accommodation.
- The City of Kelowna's TFWH criteria refer to the requirements for the physical accommodations. This application would benefit from a detailed description of the nature of the proposed buildings, including their adherence to the criteria such as that:
 - the accommodation style should be provided as "bunkhouse" which is very minimalist in nature;
 - new TFWH should be in an existing building or a mobile home; and
 - housing is to be provided on a temporary foundation and no basement is permitted.
- As you are aware, more information on the federal Seasonal Farm Worker Program (SAWP) can be located online here: <https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/seasonal-agricultural.html>

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

Sincerely,



Christina Forbes, P.Ag
Regional Agrologist
B.C. Ministry of Agriculture – Kelowna
Office: (250) 861-7201
E-mail: christina.forbes@gov.bc.ca
Email copy: ALC Planner, ALC.Okanagan@gov.bc.ca

COMMITTEE REPORT



Date: May 9th 2019

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (AK)

Application: A19-0003 (Non-Farm Use Application) **Owner:** Trine and Ryan Markewich

Address: 3019 Leader Road **Applicant:** OTG Development Concepts

Subject: Application to the ALC for a Non-Farm Use Permit for Commercial Use

1.0 Purpose

The applicant is requesting permission from the ALC for a Non-Farm Use Permit to allow a commercial landscaping business to operate on the subject property for up to a maximum of five (5) years. The property owner also applied for a Temporary Use Permit.

2.0 Proposal

2.1 Background

The subject property is a 5.7 acre (2.3 ha) property located at the intersection of Leader Road and KLO Road. There is an existing single detached house and two agri-accessory structures on the property. Approximately 3.3 acres of the property is being farmed to grow perennials, shrubs, trees and organic vegetables. Approximately 2 acres of the property comprises of a residential area, vehicle access, accessory structures and a composting area. A landscaping company is currently operating on the subject site and the owners have applied for a Non-Farm Use Permit and Temporary Use Permit to allow the business to continue to operate for a maximum of 5 years.

A Non-Farm Use permit must be approved by Agricultural Land Commission. If approved the property owners would be required to also obtain a Temporary Use Permit approved by the City of Kelowna. Temporary Use Permits are intended to apply to operations that are temporary in nature and the do not fit into the specific uses permitted by the Zoning Bylaw for a property. Council may, by resolution, issue a Temporary Use Permit and specify the conditions under which the temporary use be carried on. Upon the expiration of a Temporary Use Permit, the permitted uses revert to those outlined in the City of Kelowna Zoning Bylaw. Conditions such as appropriate landscaping, screening and buffering can be included as conditions of the permit to protect adjacent land uses.

2.2 Proposal

The application is to allow a landscaping business to operate on the subject property on temporary basis up to a maximum of five (5) years. The applicants are proposing to apply for a time-specific approval in order to bring the property into compliance over the next five years. The application notes that the owner is in the process of selling the business but is not including the sale of the subject property in an effort to facilitate that the business relocate to a more suitable property if it transfers to new owners. The owner is proposing to limit the footprint of the business to 100 sq m which is comparable to the same size that is allowed by the ALC and City of Kelowna for home occupations. The applicants are proposing to ensure the storage of any landscaping equipment and material is stored within the designated 100sqm area on the subject property.

2.3 Site Context

The majority of the subject property is designated REP – Resource Protection Area in the City’s Official Community Plan. The property is zoned A₁ – Agriculture 1 and is located within the Agricultural Land Reserve.

2.4 Neighbourhood Context

The subject property lies within the South Pandosy – KLO City Sector. The property is adjacent to Mission Creek to the East this area is designated as Park in the Official Community Plan. The land to the south of the property is designated Recourse Protection Area, Zoned A₁, and within the ALR. The area to the north and west of the property is designated Single/Two Unit Residential - S₂RES, Zoned A₁, and being used predominantly for single detached housing.

3.0 Community Planning

In order to protect and enhance local agriculture the policy of the Official Community Plan provides support for non-farm use applications only where the proposed use meets the following criteria:

- i. Consistent with the Zoning Bylaw and OCP;
- ii. provides significant benefits to local agriculture;
- iii. can be accommodated using existing municipal infrastructure;
- iv. minimizes impacts on productive agricultural lands;
- v. will not preclude future use of the lands for agriculture; and,
- vi. will not harm adjacent farm operations

The Official Community Plan states that Temporary Use Permits outside the Permanent Growth Boundary may be considered on lands designated Resource Protection Area, with a stated time period considerably less than the maximum three (3) year time limit.

The Agriculture Plan recommends using Temporary Use Permits for non-farm use applications within the ALR/A₁ zones if the proposed development is temporary in nature. Examples may include commercial use of a portion of the ALR that is ancillary to farming. The Agriculture Plan also recommends support for non-farm uses in farm areas only that have a direct and ongoing benefit to agriculture and restrict and/or prohibit non-farm uses that do not directly benefit agriculture.

Report prepared by: Alex Kondor, Planning Specialist

Reviewed by: Laura Bentley, Community Planning Supervisor

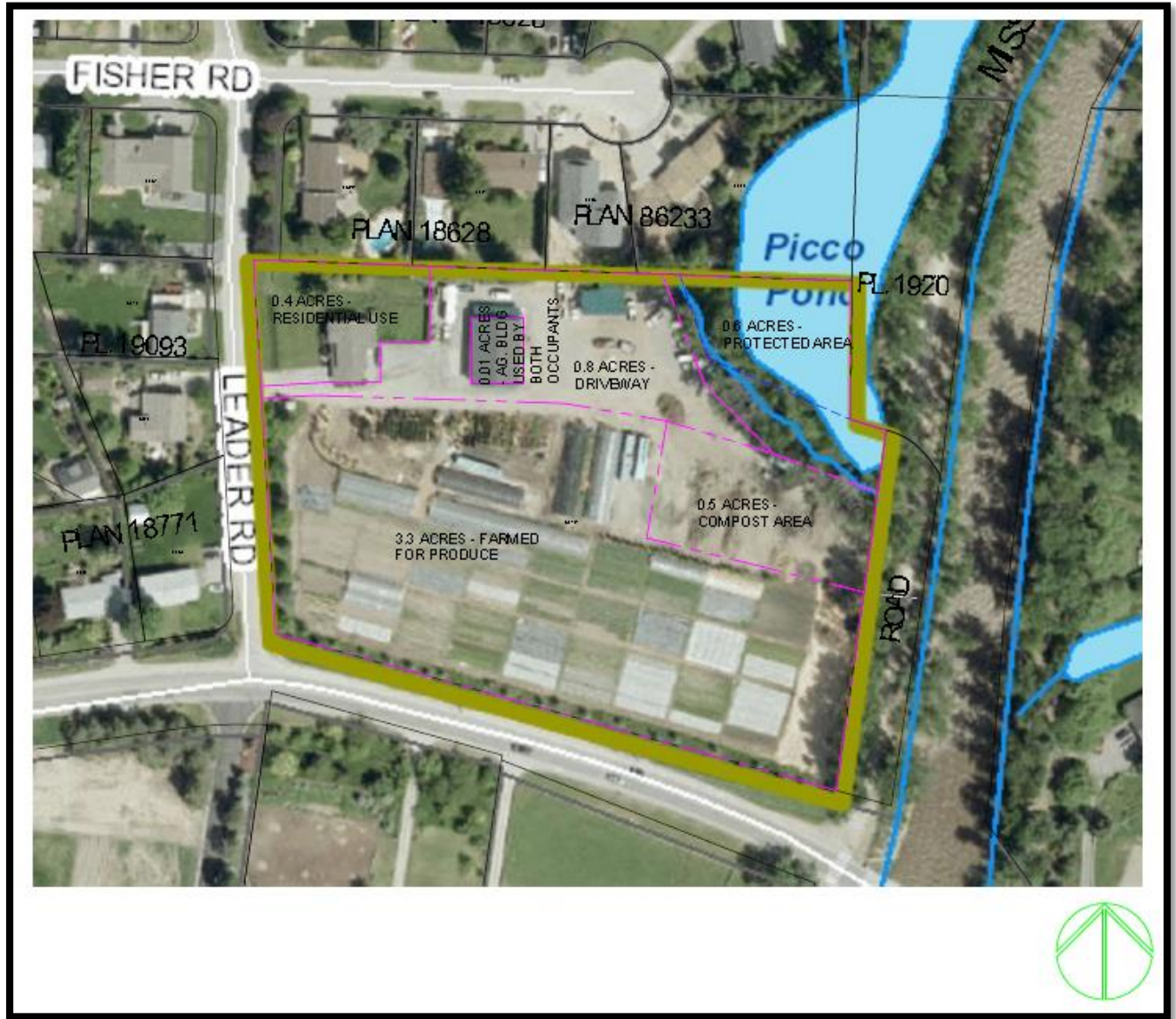
Attachments:

Attachment A – Site Plan

Attachment B – Temporary use Permit and Non-Farm Use Application Letter

Attachment C – Letter from Ministry of Agriculture

Attachment A – Site Plan



Attachment B – Application Letter



Via Electronic Delivery

File No.: 18-021

October 18, 2018

City of Kelowna
1435 Water Street
Kelowna, BC
V1Y 1J4

Attention: Ryan Smith, BA, RPP, MCIP, Department Manager, Community Planning - City of Kelowna

Re: 3019 Leader Rd – Kelowna BC – Temporary Use Permit and Non-Farm Use Application

Mr. Smith,

Please accept this letter as a supplement to the above noted Temporary Use Permit Application (TUP) and Non-Farm Use to bring the subject property into compliance for a time duration of 5 years. It is understood that this application, if approved, would be for three (3) years, and would need to be renewed for an additional two (2) years.

Temporary Use Permit

As noted above, we are proposing to apply for a time specific Non-Farm Use Application in the ALR which would be supplemented by a Temporary Use Permit (TUP). This would bring the property into compliance during the specified time period.

The City of Kelowna OCP allows for a TUP for time periods less than three years. Additionally, the *Local Government Act* allows for a TUP to be renewed once.

Timeframe

As discussed at the meeting on March 16, 2018, the owner is in the process of selling the business to its employees. It is important to note that the pending sale does not include the sale of the land (3019 Leader Road). As the business transitions to the new ownership, the business will relocate to a more suitable property. This process is expected to take no more than 5 years.

Non-Farm Use

The owner will start limiting the non-farm uses to the permitted footprint. ALC Policy L-07 – Activities Designated as a permitted Non-Farm use: Home Occupation Use in the ALR allows for a non-farm use on a legal parcel in the ALR, to be a maximum area of 100m² (1,076 square feet).

During the transition stage of Creative Roots will ensure that storage of any landscaping equipment and material is stored within the designated 100m² on the subject property. There is a lean-to on the subject property that is about 90m² that can house this equipment temporarily.

Site Description

The subject property is 5.78 acres and is zoned Agricultural 1(A1). There is a Single-family home, lean-to, four greenhouses, and a farm accessory building located on the subject property. The greenhouses are used by Wise Earth Farms who lease approximately 3 acres to grow produce.

Picco Pond is in the North East of the subject property and to the East is Mission Creek. There is a no disturbance covenant on title of the subject property to protect the natural environment of Picco Pond.

Background Information

Historical Increase to Agricultural Activity

When the owner purchased the property essentially none of the land was used for agricultural purposes. The previous owners grazed horses followed by many years of no farm use, and then leased the land for fruit tree production and strawberry farming. These ventures were unsuccessful due to a high infestation of wire-worm in the soil.

Immediately after purchasing the property the owner began working the land, installing irrigation, and planting and tilling in cover crops to replenish soil nutrients and structure and to control weeds. Since then, there has been perennial propagation, ornamental shrub and tree growing and a well-known certified organic vegetable operation owned by John Hofer of Wise Earth Farms. Mr. Hofer provides many of the top end restaurants like Raudz Round Table, Mission Hill and Quails' Gate Winery to name a few. In addition, they have a Community Supported Agriculture (CSA) program and a regular spot at the local farmers market.

It has taken a considerable amount of work to get the land to the stage it is at now. The philosophy of Wise Earth is not traditional, nor will it ever be. Of the 5.75 acres of land there are approximately 3 acres being used for agricultural purposes (vegetable and ornamental plant nursery), and 2 acres for driveways, the residence and surroundings, the farm accessory building (in which 1/3 is dedicated to vegetable production - cleaning, sorting, and packaging), 500 linear feet of irrigation ditch, a pump house, and a composting area. Approximately two years later, Mr. Hofer began leasing the land.

Proposed Increase to Agricultural Activity

In order to expand onto the remaining 0.75 – 1.0 acres of land to maximize agricultural use, Mr. Markewich has been researching various options. Using the actual soil on this remaining area is

not an option. Thoughts of doing year round production of vegetables and mushrooms in shipping containers is sitting at the top of his list as 100% of Kelowna produce comes from foreign countries during the winter. Also of interest is a small but very focused business to produce the high biological life compost which would be used to increase the fertility of the soil. This, is in sharp contrast to other available composts which are void of and quantity of biological diversity are simply used to amend soil. This is something that is not done anywhere else in the Okanagan and is the key to unlocking a far more safe, sustainable and nutrient rich food source (Mr. Hofer has done extensive research on this subject).

Last, but not least, will be the expansion of the ornamental plant nursery that will focus primarily on deer resistant and native plants.

The "Trickle Effect" of Immediate Compliance

Creative Roots and their owners have a great respect for the opinions of others. The City of Kelowna is certainly no exception. The owner was born, raised, and still lives with his family on the property directly to the North. His father built the house located on the farm for the original owner in 1970 and he, knowing that this will be a farm land for generations to come, invested a lot of time and capital into turning it into a place he and the community are proud of.

It has taken years to get to this point of agricultural use and it would not have been possible without the support from the landscape business. It will take another 5 years to ensure the new and expanded ventures will be successful in a sustainable way. If there is a reputation attached to either Wise Earth or Creative Roots it is one of accuracy, high quality, community and the betterment of all persons associated with every dealing.

If the land is not able to continue as is for the years it will take to properly expand agricultural use there is a very real threat of not expanding and losing what has been created here. It is imperative that the properties operations contribute and cover the cost of operation. Expansion will take further capital and more time. If the owner is not given adequate time to see these goals to their end, the reality is that he will most likely be forced to sell the land and give no guarantee to Wise Earth nor Creative Roots.

Land for commercial use to rent or purchase has become unattainable in Kelowna. There is little hope the farmer could purchase the property and would be put out of business. The good people of Creative Roots would also have a massive cultural shift. A comparative space to operate this small business will cost in the neighbourhood of 2-3 times what it cost where it is. It will add to more traffic congestion in areas where the zoning is.

For 10 years Creative Roots has taken the position that to create a truly amazing culture within its organization it would have to grow internally, create a business of business minded people by including all involved in the all aspects of running the business. They have purposely and strategically built a culture of high involvement and transparency based on the operating principle of Open Book Management. This style has all staff involved in planning; budgeting, creating, meeting and sharing in the outcome win or lose with a proven profit share program that is discussed and updated on a weekly basis. Every Thursday at 4:30 for the past 8 years the team at Creative Roots meets for 1 hour to discuss the company's health, do financial literacy training and discuss actions that will keep them on target with all aspects of their annual plan to be profitable and build strong relationships with each other, their clients, sub-contractors, suppliers,



community, etc... During this time every staff member has chosen to donate the 1-hour meeting time to the company and in turn the company then donates to those who are less fortunate in our community. Through cash and the value time donated during yearly in-kind events they have given back in excess of \$125,000 to charities like the KGH Foundation, HOPE Outreach, Okanagan Boys and Girls Club, BC Easter Seals, Arion Farms and about 40 others. Recently they have created an amazing give back initiative called Yard Angels. The effort that this company goes to be an active part of bettering others is truly outstanding. I encourage you to have a look for yourself at what they are doing.

<http://www.creativerootslandscaping.com/giveback>

Creative Roots is able to make such efforts for many reasons, which will not be possible if the business is forced to move, or shut down, in the short term. These reasons include:

- 1) Creative Roots keeps overhead expenses in check and in turn spend money where it is better used - to build the strongest relationships possible within their team and every person they come into contact with. Increasing overhead during this stage of business and their long-term planning will have a trickle effect that will affect many negatively; and
- 2) Spending many years of profit to purchase or lease a comparative property will only benefit the owner of such land and in turn result in decreased profit share compensation for the staff, reduced ability to remain as generous with local charities and the needed capital to invest into the expansion of agriculture.

Application Package

Please find the following documents submitted with this letter:

- Temporary Use Permit Application
- Title and Two Covenants
- Letter of authorization
- Application fee
- Site Profile
- Site Concept Plan
- Photos and Site Maps (4)

Thank you for your time and consideration. If you have any questions, please do not hesitate to contact the undersigned.

Regards,

A handwritten signature in blue ink, appearing to read 'Ryan Anderson'.

Ryan Anderson, Project Manager
OTG Development Concepts
Phone: 604-217-7953
Email: ryan.anderson@otgdevelopments.com

Attachment C – Letter from the Ministry of Agriculture



March 7, 2019

File: A19-0003

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

Re: ALC Non-Farm Use Application A19-0003 Temporary Use Permit (TUP)

To the City of Kelowna,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the Agricultural Land Commission non-farm use application at 3019 Leader Road. I have reviewed the documents you have provided. From an agricultural perspective I can provide the following comments for your consideration:

- The parcel is located within the Agricultural Land Reserve (ALR), a provincial zone in which agriculture is recognized as the priority use; where farming is encouraged and non-agricultural uses are restricted.
- Ministry staff note that the property owners appear to have undertaken significant and positive efforts to bring the lands at this location into agricultural productivity within the last few years.
- The application details describing how the landscape business' proposed extension may be advantageous are acknowledged. Ministry staff however have concerns regarding this businesses' proposed temporary nature to continue operating, required duration on the site, and potential impact on the parcel's agricultural viability.

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

Sincerely,



Christina Forbes, P.Ag
Regional Agrologist
B.C. Ministry of Agriculture – Kelowna
Office: (250) 861-7201
E-mail: christina.forbes@gov.bc.ca
Email copy: ALC Planner, ALC.Okanagan@gov.bc.ca

COMMITTEE REPORT



Date: May 9th 2019

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (AK)

Application: A18-0009 **Owner:** Marlys Wolfe

Address: 575-579 Rifle Road **Applicant:** Marlys Wolfe

Subject: Application to the ALC for Non-Farm Use Permit

1.0 Purpose

The applicant is requesting permission from the ALC to allow for a second existing dwelling to be used for a farm manager and a third existing dwelling to be used to house immediate family.

2.0 Proposal

2.1 Background

There are three dwellings in total on the subject property. The two single detached homes located on the site were both built with the approval of the City of Kelowna. One house is currently occupied by a couple that help manage the farm. A second home is occupied by the property owners. There is a 350 sqft dwelling (cabin) located at the back of the property. The cabin is occupied by an immediate family member (daughter) of the property owner.

- In 2001 a building permit was approved by the City of Kelowna for a house moved onto the property (this is the house currently being occupied by the farm managers).
- In 2004 a building permit was granted by the City of Kelowna for a second residence on property (this is the house occupied by the property owners). Correspondence from the City of Kelowna notes that the second residence is to be occupied by farm help and that a notarized affidavit is required stating the type of and amount of farming taking place on the property and the need for farm help for this type of farm activity. The property owner complied with this request and provided an affidavit stating that they are applying for a permit for a second home to live in and carry out their agricultural venture.
- In 2004 a third dwelling (cabin) was constructed. Correspondence from the City of Kelowna noted based on the farming operation outlined by the owners the City of Kelowna would issue a Building Permit for the placement of a mobile home on the property. No building permit was issued for a mobile home. The applicant states that City staff at the time were agreeable with her proposal to

build a log cabin in lieu of a mobile home. Ultimately no building permit was issued for this structure.

The non-farm use application was made in July of 2018 prior to recent changes to the ALC Act. In February of 2019 the ALC Act and regulation were amended; one of the key changes is that properties in the ALR may have no more than one residence per parcel unless authorized by a 'non-adhering residential use permit'. This application was made prior to these changes therefore City staff are continuing to processing this application as a 'non-farm use application' per previous direction from ALC staff.

Another key change to the ALC Act and regulation is that ALC legislation previously contained provisions allowing the construction of additional dwellings for farm help and manufactured homes for immediate family members. These provisions are no longer found in the ALC Act and the ALR Use Regulation.

2.2 Proposal

The purpose of this application is to reconcile the use of the existing buildings on the site and bring the property into compliance. There are no additional dwellings proposed. The proposal is that:

- The dwelling currently occupied by the property owners be designated as the principal residence on the property.
- The second dwelling currently occupied by the farm manager be designated as an additional dwelling for farm help.
- The third dwelling (cabin) be approved as dwelling to be occupied by an immediate family member.

The dwellings are an outstanding compliance item noted during bylaw enforcement action related to RV storage and a landscaping business operating on the property. This was resolved 2018 with the property owner entering into a compliance agreement stipulating that the building will be vacated by December 1st 2018.

2.3 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 that operates as 'Falcon Ridge Farms'. 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.

2.4 Neighbourhood Context

The subject property lies within the Glenmore – Clifton – Dilworth city sector. The property is in the ALR, zoned A1 – Agricultural 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.

3.0 Community Planning

To meet the objective of preserving productive agricultural land the City's Official Community Plan includes policy on Farm Help Housing that states:

Accommodation for farm help on the same agricultural parcel will be considered only where:

- Agriculture is the principal use on the parcel, and
- The applicant demonstrates that the additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall operation of the farm.
- The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary. Temporary farm worker housing (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.

Report prepared by: Alex Kondor, Planner Specialist

Reviewed by: Laura Bentley, Community Planning Supervisor

Attachments:

Attachment A – Site Plan

Attachment B – ALR Application

Attachment A – Site Plan



Attachment B – ALR Application



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 57885

Application Status: Under LG Review

Applicant: Marlys Wolfe

Agent: Quantum Law

Local Government: City of Kelowna

Local Government Date of Receipt: 07/16/2018

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

Proposal Type: Non-Farm Use

Proposal: The purpose of this proposal is to reconcile the use of certain existing buildings on the site and bring the property into compliance. There will be no additional footprint created or any reduction of agricultural activity. The 0.8 ha measurement above is an approximation and includes both residences, surrounding landscaping of the homes, the cabin, and driveways. The driveways are also used for farm purposes.

There are two houses located on the site, both of which were built with the approval of the City of Kelowna. The first house, located by the road, was the original primary residence. It is currently occupied by a couple that help manage the farm for the Wolfes. A second home was built on the property for the Wolfes when Mrs. Wolfe co-owned the parcel with her brother, and is currently occupied by Mr. and Mrs. Wolfe, and Mrs. Wolfe's elderly parents.

There is also a small 350 s.f. cabin located at the back of the property. The cabin does not have a foundation, but does have a 200 s.f. concrete pad underneath a portion of it. The cabin is occupied by Mrs. Wolfe's adult daughter. The cabin was built in 2004. The Wolfes originally obtained permission from City of Kelowna to put a mobile home on the property in 2003 and Mrs. Wolfe advises that the City later agreed to allow the Wolfes to build the log cabin in lieu of a mobile home.

We are requesting as follows:

1. The Wolfes' residence be designated as the primary residence on the property.
2. The ALC approve as a non-farm use the occupation of the second residence by the farm manager. Mrs. Wolfe is willing to provide a covenant to the ALC to decommission the house in the event that the property is sold or the Wolfes are no longer farming the parcel.
3. The ALC approve as a non-farm use the occupation of the cabin by immediate family. This would essentially be in lieu of a manufactured home as permitted under Regulation 3(1)(b)(ii)(A).

Agent Information

Agent: Quantum Law

Mailing Address:

206-3500 Carrington Road
Westbank, BC

Applicant: Marlys Wolfe

Current Use of Parcels Under Application

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

The owner conducts a variety of agricultural activities on site:

- 1 acre is planted with *Echinacea* and garlic;
- 3/4 acre is planted with lavender and vegetables;
- 2 acres are used for animals and pasture areas (turkeys, ducks, chickens, sheep);
- 2 acres are planted with cherries and chokecherry trees;
- 1 acre is to be planted with apple trees in Fall 2018 or Spring 2019;
- 3/4 acre is planted with perennials for resale;
- 1 acre is fallow for future agricultural use.

This makes up 8.5 acres, approximately 75% of the parcel area.

In addition to the foregoing activities, there is a small farm store (12 x 12ft), a three-storey garage that houses a floor for packaging storage of the farm's value-added products; a floor for the Site Licenced kitchen (where the Wolfes process their small fruits and vegetables as well as the herbs that are grown on site into food products and natural health products), and two shops (both approx. 75 x 35 ft.).

*The upper shop is used for drying and curing *Echinacea* and garlic, and storing and repairing equipment.*

Applicant: Marlys Wolfe

The second shop is occupied by United Landscapes, who will be vacating the premises December 1, 2018, as requested by the ALC. This shop was previously used for the cherry orchard needs and when United Landscapes vacates, it will be put to some other agricultural use.

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

This parcel has been owned by members of the Wolfe family for many years. Mrs. Wolfe and her brother owned the property as tenants-in-common from 2003 to 2014. Mrs. Wolfe became the sole registered owner in 2014. Mrs. Wolfe has been farming on site since 2003.

When the property was originally purchased, it was bare land. The Gagnon/Wolfe family has made every improvement on this property, including perimeter and cross fencing, irrigation, every farm building, and planting of the cherry orchard, 10,000 Echinacea plants, perennials, garlic, lavender, vegetables, chokecherry trees and other small fruit trees, raspberries, and hazelnut trees. Mrs. Wolfe has obtained certified organic status for the farm, created an extensive list of value-added products produced using the farm products grown on site, and obtained a Site License from Health Canada to produce Natural Health Products.

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

As noted above, United Landscapes currently occupies one of the shops for the purpose of operating their landscaping business, which is considered non-farm use. This activity will cease by December 1, 2018.

Other non-agricultural uses are limited to:

- 1) The Wolfes' residence and the first floor of the garage;*
- 2) The 2nd residence located at the front of the parcel, which is occupied by a couple that work on the farm in exchange for use of this home;*
- 3) A small cabin that was erected in lieu of a manufactured home;*
- 4) Driveways that are shared residential/farm use.*

Inclusive of the landscaping around the two homes, the total area not used for agricultural purposes is 2 acres, or approximately 18% of the total acreage.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: Apple orchards

East

Land Use Type: Unused

Specify Activity: Bare land

South

Land Use Type: Unused

Applicant: Marlys Wolfe

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?

0.8 ha

2. What is the purpose of the proposal?

The purpose of this proposal is to reconcile the use of certain existing buildings on the site and bring the property into compliance. There will be no additional footprint created or any reduction of agricultural activity. The 0.8 ha measurement above is an approximation and includes both residences, surrounding landscaping of the homes, the cabin, and driveways. The driveways are also used for farm purposes.

There are two houses located on the site, both of which were built with the approval of the City of Kelowna. The first house, located by the road, was the original primary residence. It is currently occupied by a couple that help manage the farm for the Wolfes. A second home was built on the property for the Wolfes when Mrs. Wolfe co-owned the parcel with her brother, and is currently occupied by Mr. and Mrs. Wolfe, and Mrs. Wolfe's elderly parents.

There is also a small 350 s.f. cabin located at the back of the property. The cabin does not have a foundation, but does have a 200 s.f. concrete pad underneath a portion of it. The cabin is occupied by Mrs. Wolfe's adult daughter. The cabin was built in 2004. The Wolfes originally obtained permission from City of Kelowna to put a mobile home on the property in 2003 and Mrs. Wolfe advises that the City later agreed to allow the Wolfes to build the log cabin in lieu of a mobile home.

We are requesting as follows:

- 1. The Wolfes' residence be designated as the primary residence on the property.*
- 2. The ALC approve as a non-farm use the occupation of the second residence by the farm manager. Mrs. Wolfe is willing to provide a covenant to the ALC to decommission the house in the event that the property is sold or the Wolfes are no longer farming the parcel.*
- 3. The ALC approve as a non-farm use the occupation of the cabin by immediate family. This would essentially be in lieu of a manufactured home as permitted under Regulation 3(1)(b)(ii)(A).*

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.

This proposal could not be achieved on another parcel outside of the ALR as the buildings and circumstances are unique to this family farm. All of the structures are already in place and were built with the approval of the City of Kelowna.

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

The Wolfes are of retirement age, but are in good health and actively farm the property. With the support of their farm manager, who continues to take on more responsibilities, they will be able to expand operations and continue to farm the property well into the future. The Wolfes wish to remain on the family farm until the end of their lives and actively farm with assistance for as long as possible.

Applicant: Marlys Wolfe

The second residence allows the Wolfes to afford this extra help, as the manager provides services in lieu of paying rent. If the non-farm use is not approved for the second residence, the Wolfes will not be able to continue the current and planned future operations and would likely scale back the farming activity. Over the longer term, the farming would be reduced significantly if the Wolfes are not able to afford external assistance, particularly when they are of advanced age and no longer able to farm themselves.

Similarly, if the non-farm use of the cabin is not approved, the Wolfes may need to relocate. Their daughter has disabilities as a result of a car accident and has other health issues. The Wolfes wish to have her remain on the property with the rest of the family so that they can assist her. If the property were sold, it is unclear whether prospective buyers would continue farm activities to the extent that the Wolfes do. This may result in diminished agricultural activity on the parcel, or the farming ceasing altogether.

5. Do you need to import any fill to construct or conduct the proposed Non-farm use?

Applicant Attachments

- Agent Agreement - Quantum Law
- Proposal Sketch - 57885
- Site Photo - Cabin
- Site Photo - Cabin step
- Site Photo - Farm Help House
- Site Photo - Wolfe Home & Garage with Kitchen
- Certificate of Title - 008-623-368

ALC Attachments

None.

Decisions

None.

Applicant: Marlys Wolfe