

Agricultural Advisory Committee

AGENDA



Thursday, October 10, 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 Hwy 33E 3215, A19-0010 Application to the ALC for a Homesite Severance - William Winter 3 - 13

To consider an application to the ALC for a homesite severance.

- 2.2 East Kelowna Road 2830, A19-0016 - Non-Farm Use Application – Winery and Covenant - Maria and Trent Kirsch 14 - 28

To consider an appeal to the ALC to build an alcohol production facility (Winery) on a parcel that is currently in the process of converting to a vineyard and to remove a 'no-disturb' covenant on the subject land.

3. Minutes 29 - 31

Approve Minutes of the Meeting of August 8, 2019.

4. ALC Decisions - Update

5. **New Business**

6. **Next Meeting**

November 14, 2019

7. **Termination of Meeting**

COMMITTEE REPORT



Date: October 10, 2019
RIM No. 1210-21
To: Agricultural Advisory Committee (AAC)
From: Development Planning Department (SS)
Application: A19-0010 **Owner:** William Winter
Address: 3215 Hwy 33 E **Applicant:** Wendy Whelan
Subject: Application to the ALC for Homesite Severance

1.0 Purpose

The applicant is requesting permission from the Agricultural Land Commission (ALC) for a Subdivision of Agricultural Land Reserve under Section 21(2) of the Agricultural Land Commission Act. The subdivision is more specifically a Homesite Severance request as per Policy #11 – Homesite Severance on Agricultural Land Reserve (ALR) Lands.

2.0 Proposal

2.1 Background

The applicant is seeking a two-lot subdivision for the purpose of a homesite severance. The owner purchased the subject property in 1967 and therefore qualifies for consideration of a homesite severance.

The proposal is to subdivide the subject property, which is a total of 36.7 ha (90.83 acres) in size, to create a new homesite near the north and east property lines abutting Hwy 33 E. The applicant is seeking a 0.7 ha (1.73 acres) subdivision for the homesite. If the proposed 0.7 ha subdivision was to be permitted, the remaining parcel would be 36 ha (88.96 acres) in size.

Approximately 10 ha (24.7 acres) of the property is currently utilized for pasture with an additional 0.7 ha (1.73 acres) used for foraging and paddock. Approximately 24.3 ha (60 acres) of land located at the southern portion of the property is unfarmed due to a significant slope and is not within the Agricultural Land Reserve (ALR).

Existing buildings located on the subject property include; a primary single detached dwelling, former Black Mountain Pro Rodeo (1960s to 2008) arena & outbuildings, a secondary cabin dwelling, tractor and feed shed and a barn for horses located in the northeast corner and the western boundary of the property.

The *Ministry of Agriculture's Guide for Bylaw Development in Farming Areas*¹ cites a maximum area of 0.2 ha (0.5 acre) as a standard farm residential footprint, where all residential uses are contained.

2.2 Site Context

The subject property is located in the Belgo – Black Mountain Sector of the City. There are a number of adjacent rural residential properties located to the west and north of the subject property.

Parcel Summary – 3215 Hwy 33 E:

Parcel Size: 44.6 ha (110.2 acres)
Elevation: 529 meters above sea level (masl) to 720 masl.

2.3 Zoning of Adjacent Property

Orientation	Zoning	Land Use
North	I2 - Industrial	Industrial
East	City Limit	City Limit
South	FNR – First Nations Reserve	Rural Residential
West	A1 – Agriculture 1	Previous Gravel Pit

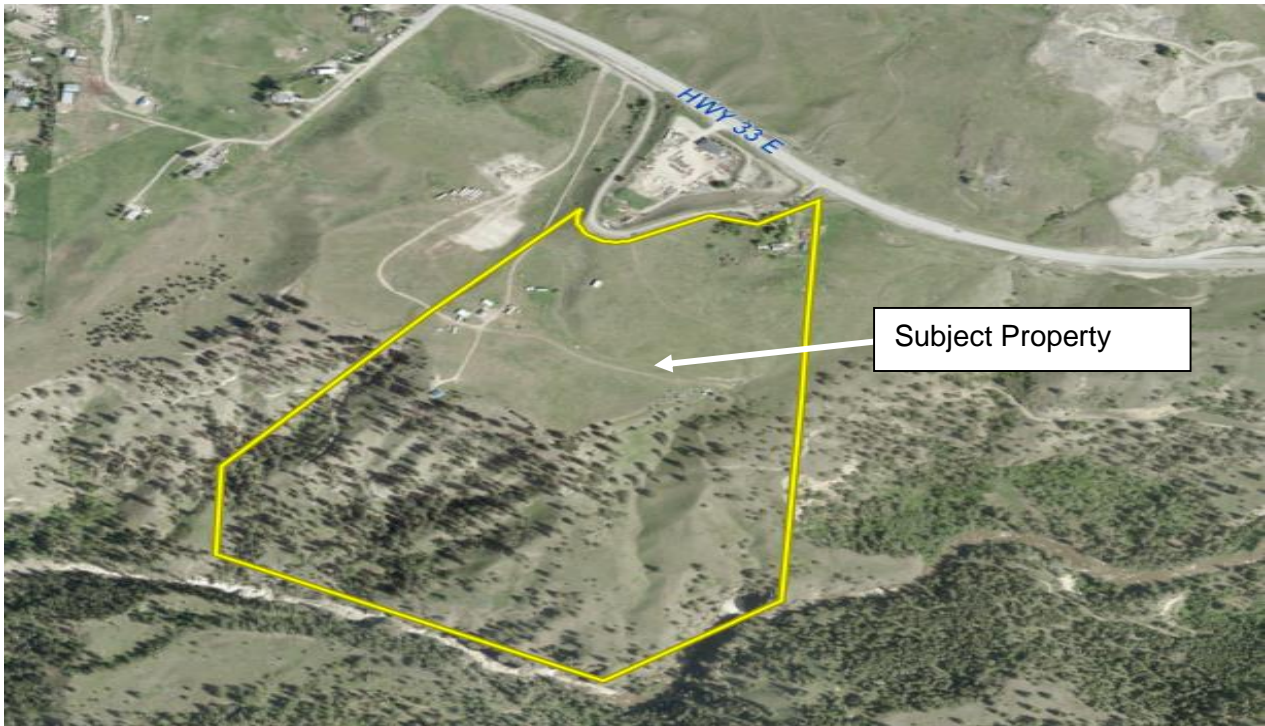
2.4 Application Details

The 0.7 ha (1.73 acre) homesite severance area proposed by the applicant as shown in *figure 2* is located in the north east corner of the property. Homesite severances are encouraged to be located along front and side property lines to reduce the impact to farming.

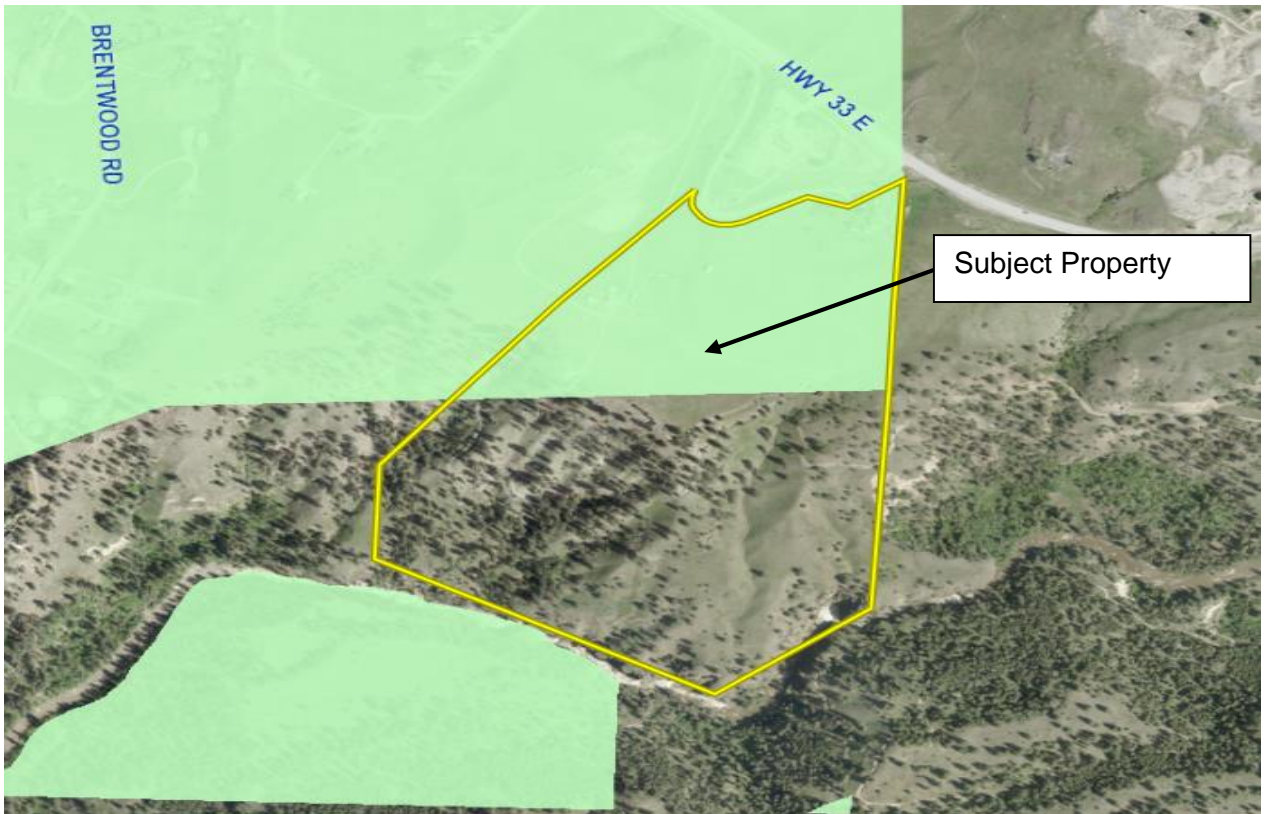
¹ Ministry of Agriculture, 2015. Guide for Bylaw Development in Farming Areas.

https://www.alc.gov.bc.ca/assets/alc/assets/library/land-use-planning/guide_for_bylaw_development_in_farming_areas_2015.pdf

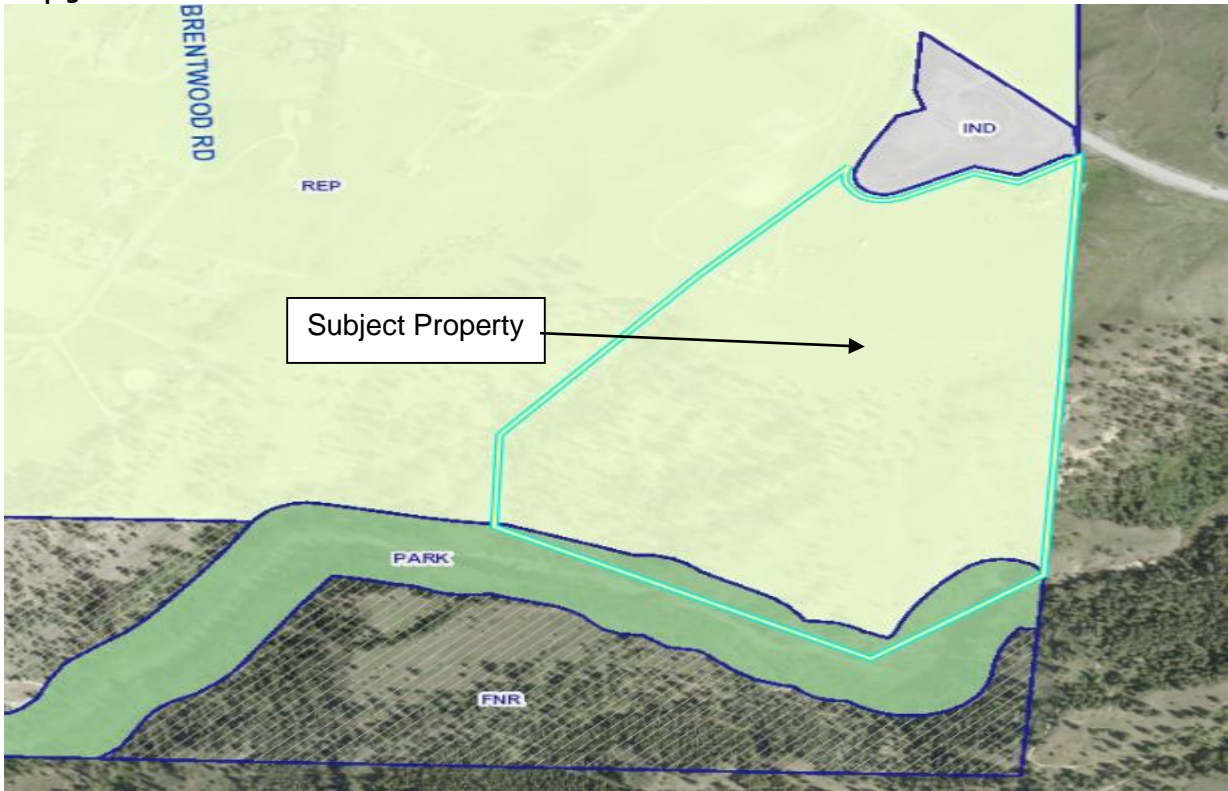
Map 1 - Neighbourhood



Map 2 - Agricultural Land Reserve



Map 3 – Future Land Use



Map 4 – Zoning

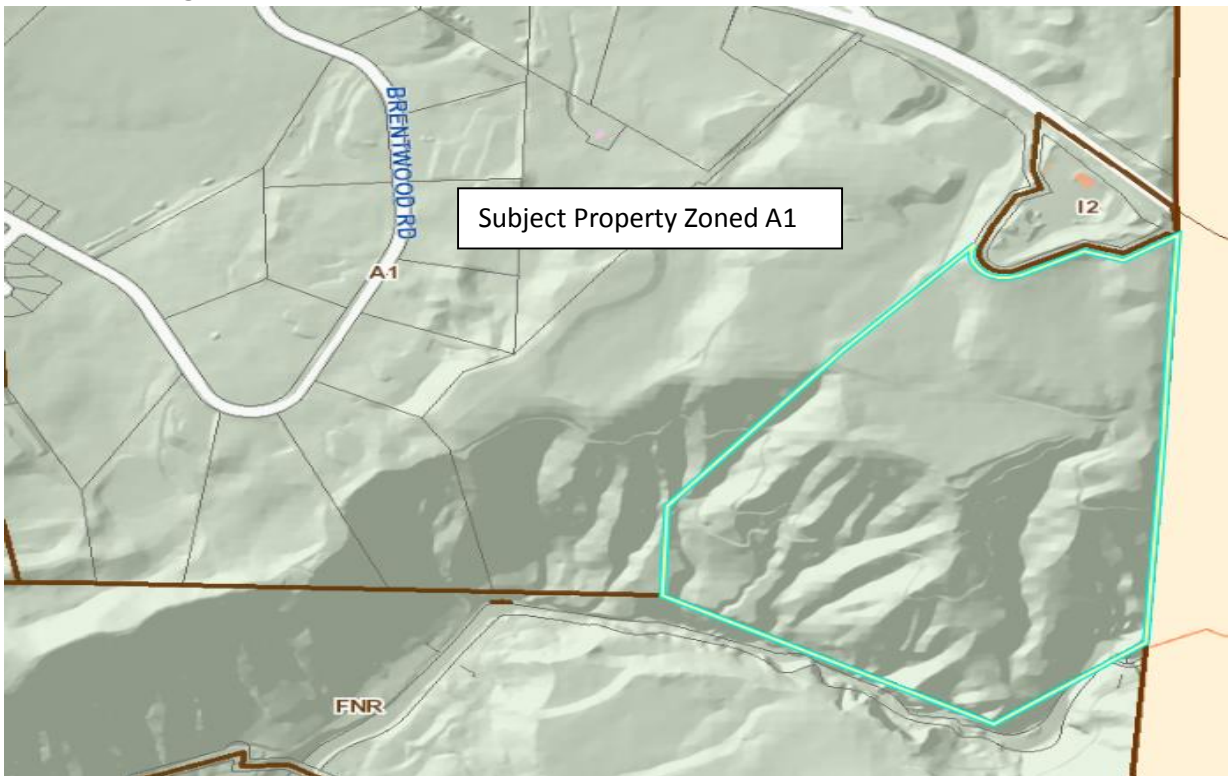


Figure 1 – Slopes

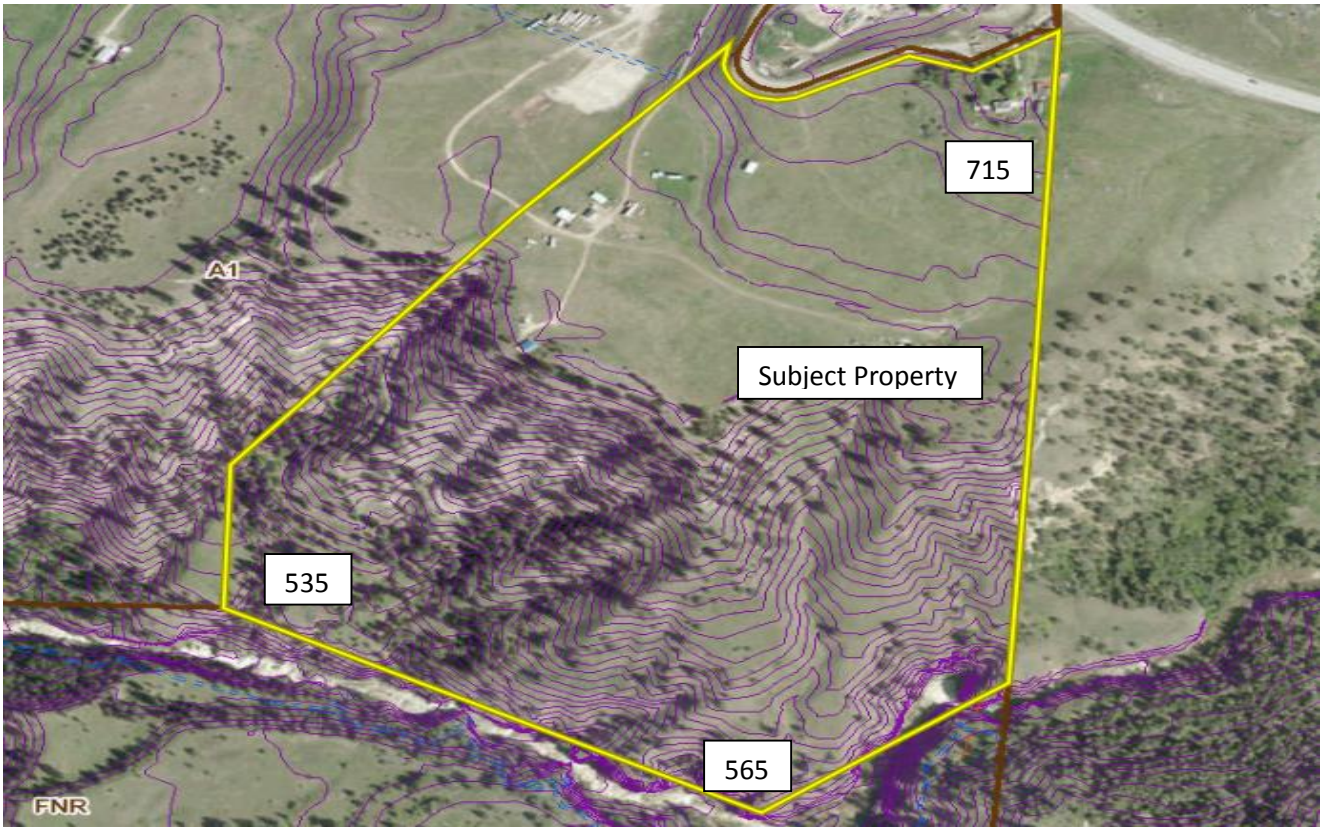


Figure 2 – Proposed Homesite Severance

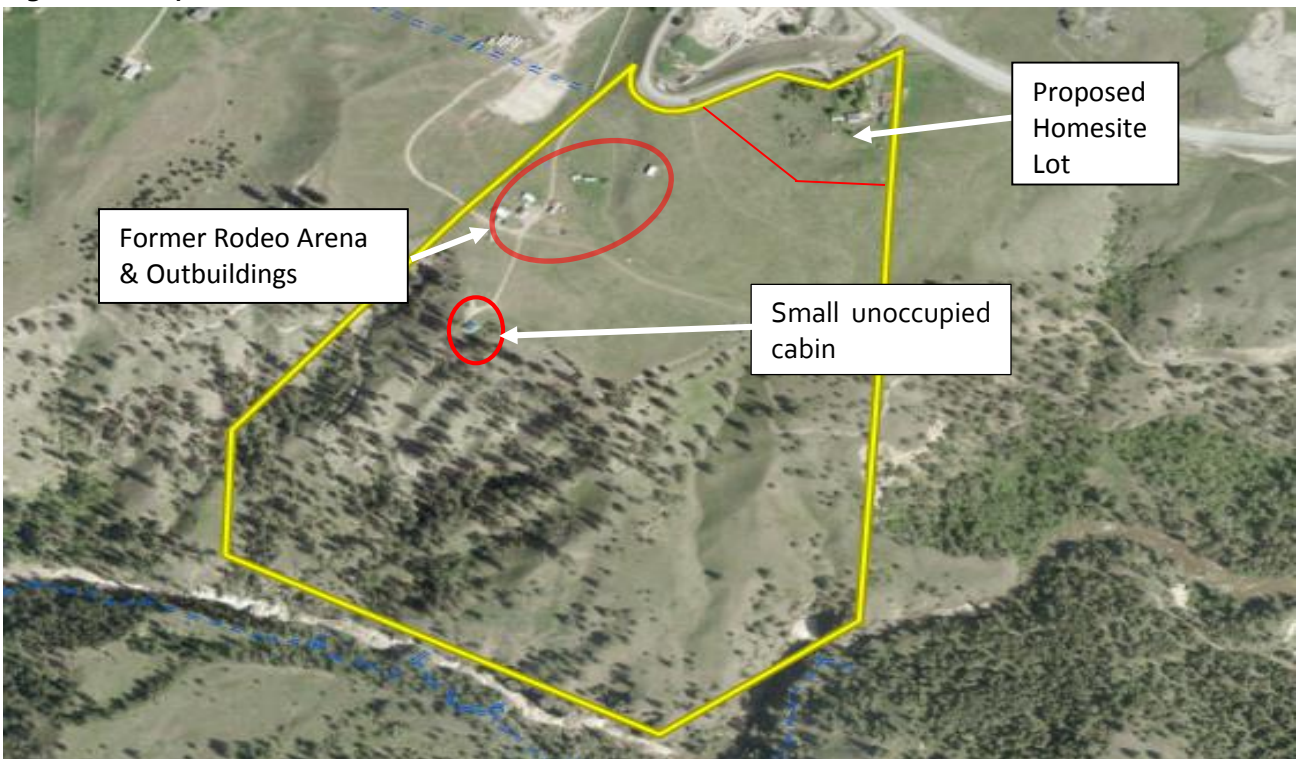


Figure 3 – Proposed Lot



3.0 Community Planning

The City's Agriculture Plan recommends continued support for homesite severance applications consistent with ALC Policy #11, which allows farmers to retire or sell the property while retaining the homesite. ALC policies state that consideration of any homesite severance should be reviewed in the context of the overall agriculture integrity of the parcel, where the size and configuration will, in the Commission's opinion, constitute a viable agriculture remainder. To this end, homesite severance parcels should be minimized in size to help ensure the remainder is viable. This is particularly important in Kelowna where parcel sizes are already small. The applicants meet all the eligibility criteria for a homesite severance. Based on having safe site access and facilitating the lowest impact on farmable land, Community Planning supports locating the homesite severance on the northeast corner of the property.

Report prepared by: Sergio Sartori, Development Technician

Approved by: Dean Strachan, Community Planning Manager

Attachments:

Schedule A: Policies

Schedule B: Technical Comments

SCHEDULE A - Policies



Subject: Homesite Severance

Address: 3215 Hwy 33 E

Kelowna Official Community Plan (OCP)

Land Use Designation Definitions

Resource Protection Area³

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 Boundary⁴

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 Boundary⁵. 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.

Agricultural Land Use Policies

Objective 5.33 Protect and enhance local agriculture⁶.

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 .7 Subdivision. Maximize potential for the use of farmland by not allowing the subdivision of agricultural land into smaller parcels (with the exception of Homesite Severances approved by the ALC) except where significant positive benefits to agriculture can be demonstrated.

³ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.2.

⁴ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.6.

⁵ City of Kelowna 2030 Official Community Plan. Development Process Chapter. P. 5.2.

⁶ City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.33

Objective 5.34 Preserve Productive Agricultural Areas²

Policy .3 Homeplating. Locate buildings and structures, including farm help housing and farm retail sales area and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage. The goal should be to maximize use of existing infrastructure and reduce impacts on productive agricultural lands.

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.

Home Site Severance on ALR Lands

Persons making use of this homesite severance policy (the “Homesite Severance Policy”) must understand the following:

- a. there is no automatic right to a homesite severance;
- b. the Agricultural Land Commission (the “Commission”) shall be the final arbiter as to whether a particular homesite severance meets good land use criteria;
- c. a prime concern of the Commission will always be to ensure that the “remainder” will constitute a suitable agricultural parcel.

The remainder of the subject property after severance of the homesite must be of a size and configuration that will, in the Commissions opinion, constitute a suitable agricultural parcel. Where, in the Commissions opinion, the remainder is of an unacceptable size or configuration from an agricultural perspective, there may be three options:

- a. the Commission may deny the homesite severance;
- b. the Commission may require that the remainder be consolidated with an adjacent parcel; or

² City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.34

c. the Commission may require the registration of a covenant against the title of the remainder and such a covenant may prohibit the construction of dwellings.

SCHEDULE B – Technical Comments



Subject: Homesite Severance

Address: 3215 Hwy 33 E

Development Engineering Department

No comments at this point. Land Capability Assessment Report will be assessed at time of development application when the ALC agrees to proposed activity on property.

Building and Permitting

Building and Permitting has no comments at this point in time with regard to this application.

Black Mountain Irrigation District (BMID)

BMID has no comments to the above referenced file.

COMMITTEE REPORT



Date: October 10th 2019
RIM No. 1210-21
To: Agricultural Advisory Committee (AAC)
From: Community Planning Department (AK)
Application: Non-Farm Use **Owner:** Ria and Trent Kitsch
Address: 2830 East Kelowna **Applicant:** Ria and Trent Kitsch
Subject: Non-Farm Use Application A19-0016 – Winery and Covenant

1.0 Purpose

To consider an appeal to the ALC to build an alcohol production facility (Winery) on a parcel that is currently in the process of converting to a vineyard and to remove a 'no-disturb' covenant on the subject land.

2.0 Proposal

2.1 Background

The subject site is a 20 acre (8.1ha) agricultural parcel. There is an existing single detached house and an existing dwelling being used for farm help on the property. Previously, the parcel was planted to cherries, currently approximately 4.6ha (11.4acres) of the property are in the process of being converted to grapes. The proposal is to demolish the existing dwelling for farm help and build a purpose built winery building. The amount of grapes currently planted on the subject parcel do not meet the ALC threshold regulations to allow for a winery to be constructed on the lot therefore a non-farm use application has been submitted for consideration.

The parcel is encumbered by a no-disturb covenant area that was required to be registered on the title of the lot as a condition of a previous ALR exclusion application. Part of this non-farm use application is to remove or amend this covenant to allow the property owners to potentially farm or place agricultural structures within this covenant area.

The ALR Use, Subdivision and Procedure Regulation permits alcohol production facilities, such as wineries, as 'farm use' provided they meet the prescribed thresholds and are of appropriate scale and scope as per the intent of ALR regulations. An alcohol production facility does not qualify as a designated farm use if located on a parcel that is not actively producing the required Primary Farm Product. Primary Farm Product (PFP) means the farm product that is the primary ingredient used in a fermentation process to make an alcohol product, generally grapes, grain or honey.

There must be a robust relationship between the primary farm product (PFP) and the farm in order for the alcohol production facility and its ancillary uses to qualify as a designated farm use. At least 50% of the PFP must be grown on the facility parcel, or a minimum of 2 ha of the PFP must be in production on the facility parcel.

2.2 Project Description

The proposed winery is approximately 950sqm (10,200sqft) this includes a crush pad, barrel storage, and tasting area. A non-farm use permit is required as the winery does not meet the ALC threshold for having 50% or a minimum of 2ha of grapes in production on the subject lot.

As noted in the attached ALC application the property owners are in the process of converting the subject site to approximately 14 acres of grapes. The applicants are already operating a winery and own vineyards near the subject site. Specifically, the applicants own two adjacent parcels totaling approximately 24 acres with 12.7 acres planted with grapes.

Regarding the proposed covenant removal. The covenant was placed on the property as a condition to allow 1.2ha of land to be excluded from the ALR in 1993. Specifically, the approval was subject to the following conditions:

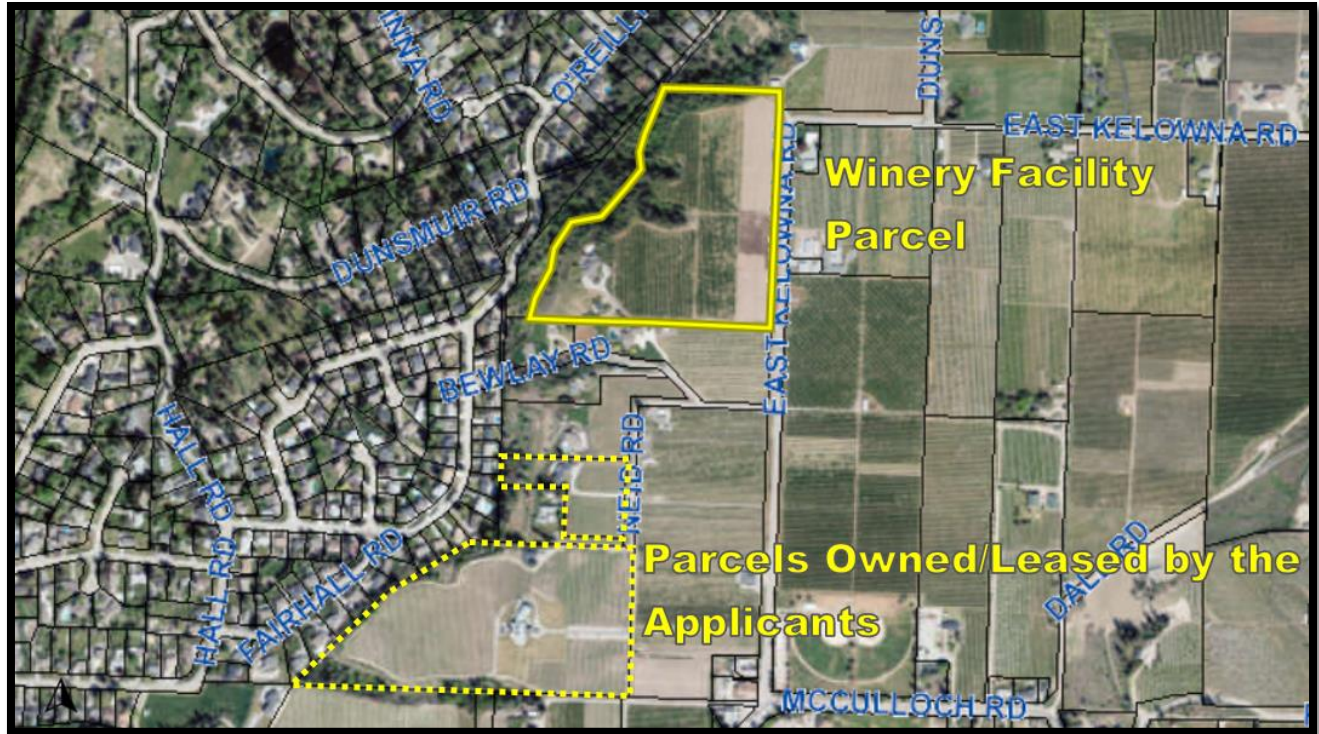
1. The retention of the escarpment above the 410 meter contour line as a natural vegetative buffer.
2. The registration of a covenant over this area preventing the disturbance of vegetation or the construction of structures in this area.
3. The construction of a chain link fence on the downslope side of the buffer.

The main reason for the request to remove the covenant is to increase agricultural activity within the covenant area. The applicant state that a portion of the covenant area may be suitable for a cellar for the winery (barrel and case storage) as the area has a void which in the future would be subterranean providing natural insulation to get the cellar at 12 degrees. The area above the potential cellar could then go into production of vines. Concern has also been raised from the applicants that: Shade created by the tall trees is negatively effecting the sun exposure and relating many positive effects for the vineyard – moisture, frost, ripening. Root System, windfall, needles, all raise the PH of the soil. Fruit, vine, and grape loss to pests and animals is also an issue due to the fact that the perimeter fence is in need of repair.

The covenant area includes land that is 30% slope and this area is part of the City's 'High Hazard' and 'Natural Environmental' Development Permit areas. This means a geotechnical report and an environmental assessment would be required prior to any the development to confirm what is proposed is safe and not disturbing a highly environmentally sensitive area.

Site Context

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



2.3 Neighborhood Context

The property is within the Southeast Kelowna City Sector. The properties to the North, East, and South are predominantly designated REP – Resource Protection Area in the Official Community Plan, zoned A1 – Agriculture 1 and located within the Agricultural Land Reserve. The area to the West of the site is designated Single/Two Unit Residential in the Official Community Plan and Zoned RR3 -Rural Residential 3 and is being used for single detached housing.

3.0 Community Planning

Section 15 of the OCP includes policy to locate wineries near the road entrance or in a location that minimizes road construction to reduce the footprint and extent of services through the lot with the goal of reducing impact on the agriculture potential. The proposed winery is not located near the road, but is in an area meant to minimize impact to productive agricultural land. Specifically the building is near the existing single detached house, at a corner of the property, where an existing dwelling (to be demolished) is located, and utilizes the existing driveway/services that run along the south property line.

The Zoning Bylaw allows for alcohol production facilities such as wineries provided they meet minimum setback requirements and are the lesser of 9.5m or 2 ½ storeys.

The ALR Use, Subdivision and Procedure Regulation states:

(2.1) A winery or cidery, and ancillary uses, are designated as farm uses for the purposes of the Act if

(a) at least 50% of the farm product used to make the wine or cider produced each year is grown on the farm on which the winery or cidery is located, or

(b) the farm on which the winery or cidery is located is more than 2 ha in area and at least 50% of the farm product used to make the wine or cider produced each year is grown

(i) on the farm, or

(ii) both on the farm and on another farm located in British Columbia that provides that farm product to the winery or cidery under a contract having a term of at least 3 years.

Report prepared by: Alex Kondor, Planner Specialist

Reviewed/Approved for Inclusion : Dean Strachan, Community Planning Supervisor

Attachments:

Attachment A – ALC Application

Attachment B – Development Plans

Attachment C – ALR Exclusion/Covenant Sketch Plan (A93-108)



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 59612

Application Status: Under LG Review

Applicant: Maria Kitsch , Trent Kitsch

Agent: Kitsch Wines

Local Government: City of Kelowna

Local Government Date of Receipt: 08/15/2019

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

Proposal Type: Non-Farm Use

Proposal: The proposal has two related parts.

1: To build a purpose-built winery on a farm that is currently converting to vineyard.

2: Remove or amend legacy ALR covenant

1. We are requesting 3-year relief from the requirement that our property be harvesting 25% of the PFP on the basis that we are already an operating winery and own a parcel 100m away but the current location is not sufficient for the following reasons: no drainage, insufficient power, insufficient water, insufficient heating and cooling, no public restrooms and not owned directly by Trent and Ria Kitsch (it is Kitsch family-owned and Kitsch Wines has a lease on the farm and rental of the garage with winery license). When we purchased the proposed property in November the language of the harvest requirement was "farm" and could include the neighbouring farms that we own and lease to be part of the 25% PFP, now the terminology is "property" and although we have cleared 8.7 acres of cherries and are increasing the planted area to 11.42 acres of Pinot Noir this spring, we will not be able to attribute the 12.7 acres we already farm and own/lease on the bench on Neid Rd (listed in properties of interest) as part of our total farmed PFP. Those farmed properties of interest currently make up over 80% of our PFP. Importantly, the area where we are proposing to build is not able to be farmed as it is a geothermal field that heats the primary residence and future winery. Attached will be vineyard plan, first order for vines, a long term forecast and current business plan, as well as a document showing that we had an offer to purchase the property in Feb of 2018 so that we could remove trees and work on a vineyard and building plan however. Although we didn't feel 100% confident that we would have the funds to close in October as we were waiting on another business to sell to finance the purchase of the property but this shows intent. Our agricultural proximity, investment and intent as well as the stage of our business (not just start-up or idea) should all be considered towards exempting the property harvest requirement for a period of 3 years.

2. For this proposal we are also asking that a legacy covenant be amended or removed - it is a remnant of Hall Rd/O'Rielly Rd subdivision below us and it doesn't allow us to do anything in an area where we would be interested in potentially planting, creating a natural cellar, and or placing a farm equipment building. The Area is perfect for a cellar for the winery (barrel and case storage) as it has a void which in future could be subterranean providing natural insulation to get the cellar at 12 degrees. Area above cellar could then go into production of vines. Also shade created by the current tall pine trees intervenes with sun and breeze exposure and negatively affects the vineyard (moisture, frost, ripening). The needles also significantly raise the PH of the soil and the roots and fruit at our vineyard at 3370 Neid Road that are near pine trees are all the weakest performers and have yet to generate strong fruit sets. The current perimeter fence is in need of repair in many areas due to the animals which border the vineyard and penetrate the protection making us concerned about losing new plantings and harvests. Overall, removing or amending the covenant would allow for increased plantings, improved yields, utility corridor and equipment areas. On the recommendation of ALC Land Planner, we have begun discussion with the City of Kelowna in regards to the covenant to understand their position at this time compared to when it was originally adopted.

Agent Information

Agent: Kitsch Wines

Mailing Address:

2830 East Kelowna Rd

Kelowna, BC

V1W 4H5

Canada

Primary Phone: (778) 821-1955

Email: ria@kitschwines.ca

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 003-268-993

Legal Description: L A SEC 16 TP 26 OSOYOOS DIVISION YALE DISTRICT PL 32982 EXC
PL KAP71228

Parcel Area: 8.1 ha

Civic Address: 2830 East Kelowna Rd

Date of Purchase: 11/05/2018

Farm Classification: Yes

Owners

1. **Name:** Maria Kitsch

Address:

2830 East Kelowna Rd

Kelowna, BC

V1W 4H5

Canada

Phone: (778) 821-1955

Email: ria@kitschwines.ca

2. **Name:** Trent Kitsch

Address:

2830 East Kelowna Rd

Kelowna, BC

V1W 4H5

Canada

Phone: (250) 317-5140

Email: trent@kitschwines.ca

Ownership or Interest in Other Lands Within This Community

1. **Ownership Type:** Fee Simple

Parcel Identifier: 012-149-217

Owner with Parcel Interest: Trent Kitsch

Parcel Area: 1.3 ha

Land Use Type: Agricultural/Farm

Interest Type: Full Ownership

2. Ownership Type: Fee Simple
Parcel Identifier: 005-266-980
Owner with Parcel Interest: Maria Kitsch
Parcel Area: 7.6 ha
Land Use Type: Agricultural/Farm
Interest Type: Unregistered Lease

Current Use of Parcels Under Application

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

This summer 8.15 acres of cherries were harvested and then removed. Soil turnover and land prep clean up is currently taking place for 11.42 acres of Pinot Noir grapes to be planted in spring of 2020. 3.15 acres of land is 100% ready.

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

Increasing crop coverage by 3.27 acres. Invested in improvements to perimeter fence (there were many needed). 100% completed prep for 3.15 acres of grapes.

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

Our family of 4 lives in the main residence.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm
Specify Activity: Wine grape vineyards

East

Land Use Type: Agricultural/Farm
Specify Activity: Cherry orchard

South

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

West

Land Use Type: Unused
Specify Activity: Vacant RR1 large forested lot

Proposal

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

0.1 ha

2. What is the purpose of the proposal?

The proposal has two related parts.

1: To build a purpose-built winery on a farm that is currently converting to vineyard.

2: Remove or amend legacy ALR covenant

1. We are requesting 3-year relief from the requirement that our property be harvesting 25% of the PFP on the basis that we are already an operating winery and own a parcel 100m away but the current location is not sufficient for the following reasons: no drainage, insufficient power, insufficient water, insufficient heating and cooling, no public restrooms and not owned directly by Trent and Ria Kitsch (it is Kitsch family-owned and Kitsch Wines has a lease on the farm and rental of the garage with winery license). When we purchased the proposed property in November the language of the harvest requirement was "farm" and could include the neighbouring farms that we own and lease to be part of the 25% PFP, now the terminology is "property" and although we have cleared 8.7 acres of cherries and are increasing the planted area to 11.42 acres of Pinot Noir this spring, we will not be able to attribute the 12.7 acres we already farm and own/lease on the bench on Neid Rd (listed in properties of interest) as part of our total farmed PFP. Those farmed properties of interest currently make up over 80% of our PFP. Importantly, the area where we are proposing to build is not able to be farmed as it is a geothermal field that heats the primary residence and future winery. Attached will be vineyard plan, first order for vines, a long term forecast and current business plan, as well as a document showing that we had an offer to purchase the property in Feb of 2018 so that we could remove trees and work on a vineyard and building plan however. Although we didn't feel 100% confident that we would have the funds to close in October as we were waiting on another business to sell to finance the purchase of the property but this shows intent. Our agricultural proximity, investment and intent as well as the stage of our business (not just start-up or idea) should all be considered towards exempting the property harvest requirement for a period of 3 years.

2. For this proposal we are also asking that a legacy covenant be amended or removed - it is a remnant of Hall Rd/O'Rielly Rd subdivision below us and it doesn't allow us to do anything in an area where we would be interested in potentially planting, creating a natural cellar, and or placing a farm equipment building. The Area is perfect for a cellar for the winery (barrel and case storage) as it has a void which in future could be subterranean providing natural insulation to get the cellar at 12 degrees. Area above cellar could then go into production of vines. Also shade created by the current tall pine trees intervenes with sun and breeze exposure and negatively affects the vineyard (moisture, frost, ripening). The needles also significantly raise the PH of the soil and the roots and fruit at our vineyard at 3370 Neid Road that are near pine trees are all the weakest performers and have yet to generate strong fruit sets. The current perimeter fence is in need of repair in many areas due to the animals which border the vineyard and penetrate the protection making us concerned about losing new plantings and harvests. Overall, removing or amending the covenant would allow for increased plantings, improved yields, utility corridor and equipment areas. On the recommendation of ALC Land Planner, we have begun discussion with the City of Kelowna in regards to the covenant to understand their position at this time compared to when it was originally adopted.

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.

Having a land-based winery license is required to be on ALR land. We cannot build on property of interest 1 (3370 Neid Rd) because it does not have enough planted for ALR requirements nor enough land to build the building without removing vines. We cannot build on property of interest 2 (3330 Neid Road) as we do not own it and it houses a family that does not wish to have a purpose-built winery building on their property.

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

Yes. The new vineyards are being held to organic levels (steel posts, low intervention, natural spray and weed management program). Our participation in agriculture via the winery has demonstrated land improvements and successful agri-tourism and agricultural product sales. The vines we plant are meant to last generations and the proximity to the lands we currently own and farm make it more economical and environmentally friendly as they are only 2 parcels from one another. We are also increasing the jobs in agriculture.

The removal or amendment of the covenant would improve size and quality of plantable area.

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

No

Applicant Attachments

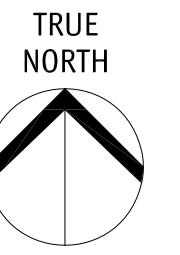
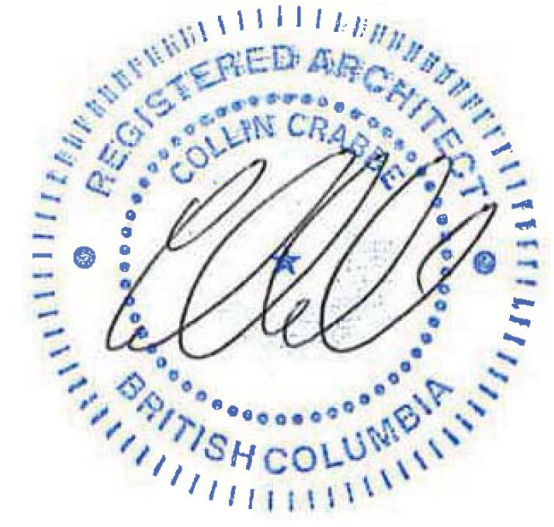
- Agent Agreement - Kitsch Wines
- Proposal Sketch - 59612
- Other correspondence or file information - Initial Vine order
- Other correspondence or file information - Vineyard Plan
- Other correspondence or file information - Original purchase agreement
- Other correspondence or file information - Proposed Winery building location and design
- Other correspondence or file information - Proposed Winery Floorplan
- Other correspondence or file information - Long Term Financial Forecast & Plan
- Other correspondence or file information - 2019 Business Plan
- Certificate of Title - 003-268-993

ALC Attachments

None.

Decisions

None.



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No.	Date	Revision
01	2019.03.29	Issued for development permit

Project Title
KITSCH WINES

KELOWNA BC
 Drawing Number

A0.00

DRAWINGS ARE NOT TO BE SCALED.
 ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title
PROPOSED SITE PLAN

1/64" = 1'-0"

Date	
Job No.	m+m 18-....
Scale	AS SHOWN
Drawn	
Checked	CC

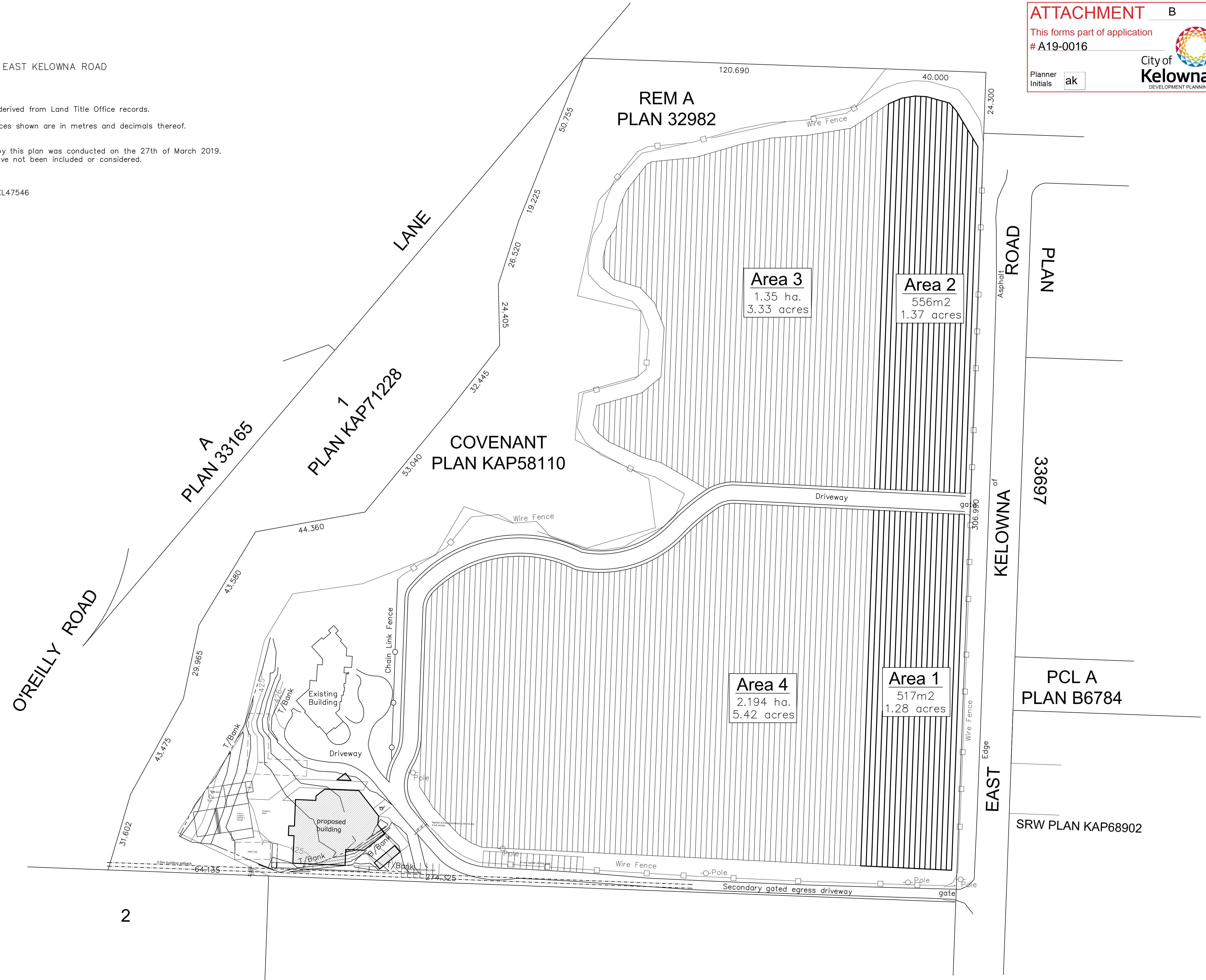
ATTACHMENT B
 This forms part of application # A19-0016
 Planner Initials **ak**
 City of Kelowna DEVELOPMENT PLANNING

CIVIC ADDRESS: 2830 EAST KELOWNA ROAD

Lot dimensions shown are derived from Land Title Office records.
 Scale 1:1000 Metric. Distances shown are in metres and decimals thereof.

Notes:
 - The survey represented by this plan was conducted on the 27th of March 2019.
 - Unregistered interests have not been included or considered.

Charges on Title:
 - Covenant KK102845
 - Statutory Right of Way KL47546

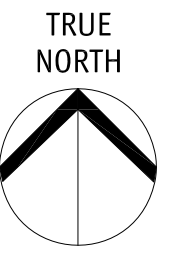
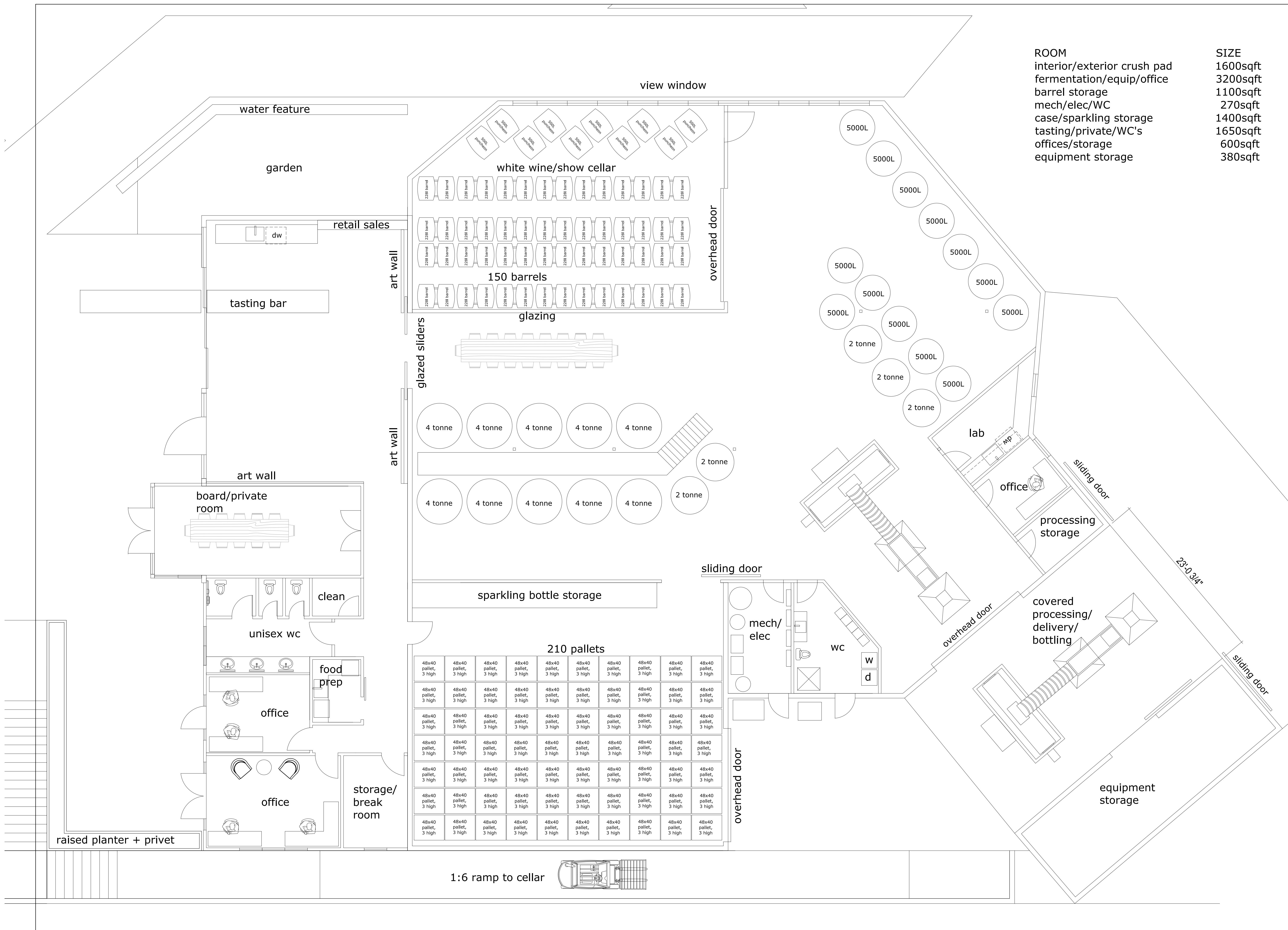


PARKING
 tasting(retail liquor)
 production(general industrial)

REQ'S
 3.0 per 100sqm/215sqm
 2.0 per 100sqm/672sqm

TOTAL
 6.45
 13.44
 20

ROOM	SIZE
interior/exterior crush pad	1600sqft
fermentation/equip/office	3200sqft
barrel storage	1100sqft
mech/elec/WC	270sqft
case/sparkling storage	1400sqft
tasting/private/WC's	1650sqft
offices/storage	600sqft
equipment storage	380sqft



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No.	Date	Revision
01	2019.03.29	issued for development permit

Project Title
KITSCH WINES

KELOWNA BC
 Drawing Number

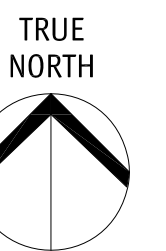
A0.01

DRAWINGS ARE NOT TO BE SCALED.
 ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title
UPPER LEVEL FLOOR PLAN

3/16" = 1'-0"

Date	
Job No.	m+m 18-....
Scale	AS SHOWN
Drawn	
Checked	CC



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No.	Date	Revision
01	2019.03.29	issued for development permit

Project Title
KITSCH WINES

KELOWNA BC

Drawing Number

A0.02

DRAWINGS ARE NOT TO BE SCALED.
 ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title
**CELLAR
 FLOOR PLAN**

3/16" = 1'-0"

Date	
Job No.	m+m 18-....
Scale	AS SHOWN
Drawn	
Checked	CC

main roof apex
27'-1"
 main ridge processing roof
23'-0"
 apex of tasting roof
18'-4"
 low point of main roof
12'-8"
 ffl 0'-0"



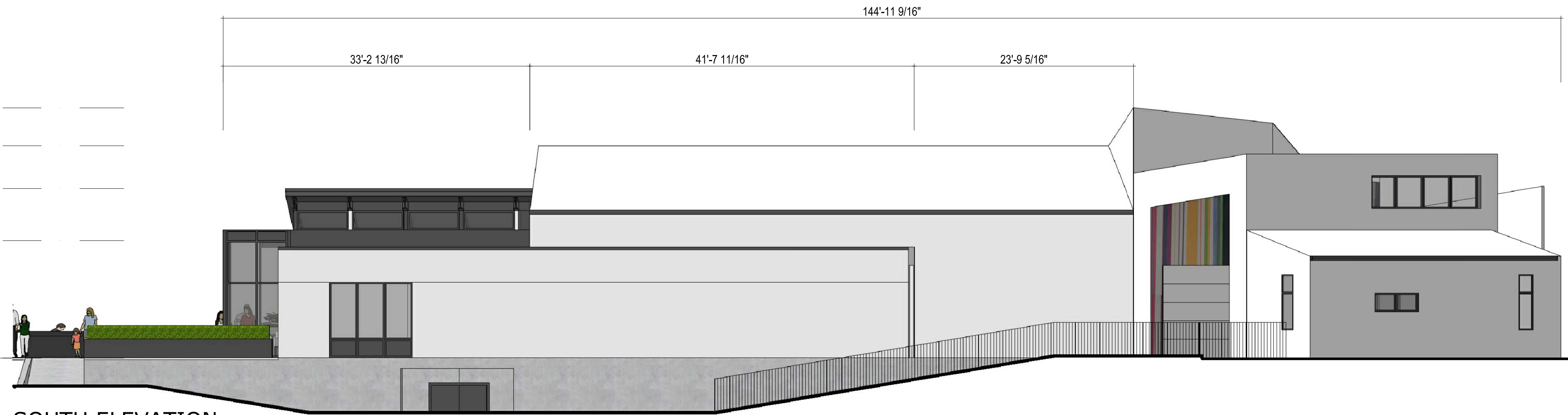
NORTH ELEVATION

main roof apex
27'-1"
 main ridge processing roof
23'-0"
 apex of tasting roof
18'-4"
 low point of main roof
12'-8"
 ffl 0'-0"



WEST ELEVATION

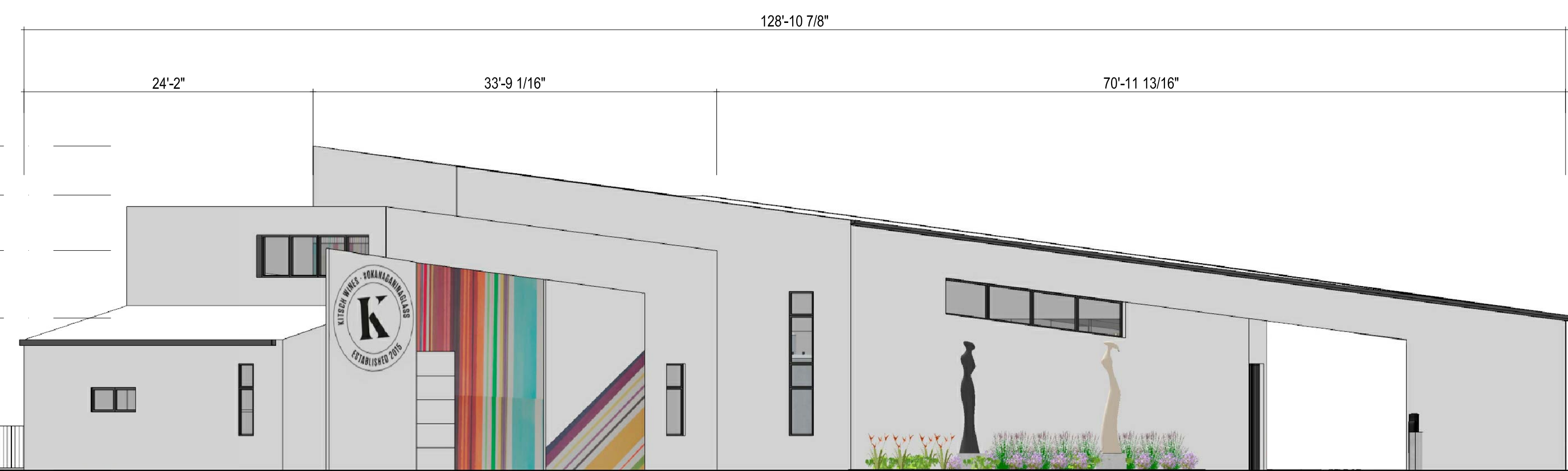
main roof apex
27'-1"
 main ridge processing roof
23'-0"
 apex of tasting roof
18'-4"
 low point of main roof
12'-8"
 ffl 0'-0"



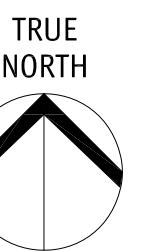
SOUTH ELEVATION

cellar ffl -10'-0"

main roof apex
27'-1"
 main ridge processing roof
23'-0"
 apex of tasting roof
18'-4"
 low point of main roof
12'-8"
 ffl 0'-0"



EAST ELEVATION



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No.	Date	Revision
01	2019.03.29	Issued for development permit

Project Title
KITSCH WINES

KELOWNA BC

Drawing Number

A0.03

DRAWINGS ARE NOT TO BE SCALED.
 ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title
PROPOSED ELEVATIONS

3/32" = 1'-0"

Date	
Job No.	m+m 18-....
Scale	AS SHOWN
Drawn	
Checked	CC



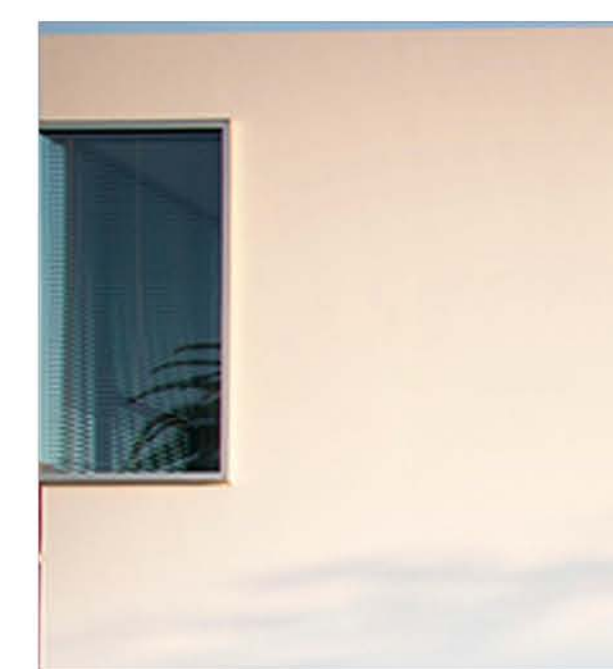
smooth white insulated
aluminum panels



dark gray
steel beams



curtain wall
glazing



fine finish stucco



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No.	Date	Revision
01	2019.03.29	Issued for development permit

Project Title
KITSCH WINES

KELOWNA BC
 Drawing Number

A0.05

DRAWINGS ARE NOT TO BE SCALED.
 ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title
PROPOSED MATERIALS

NTS

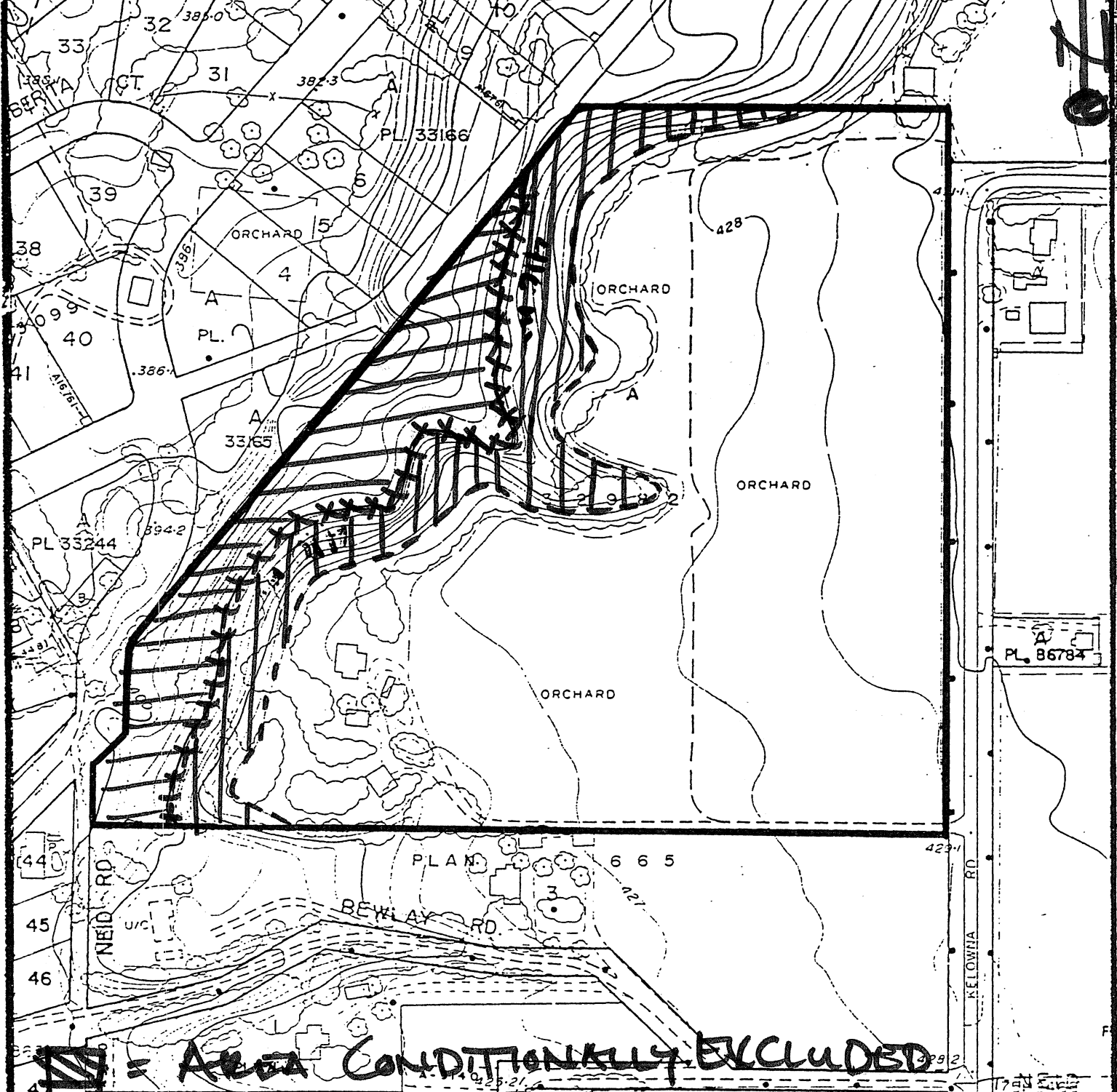
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Job No.	m+m 18-....
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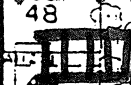
SKETCH PLAN (CONDITIONAL) DISCUSSION APPROVAL #02-Ct Kelo-93-28303

ATTACHMENT

This forms part of application # A19-0016

Planner Initials ak



-  = AREA CONDITIONALLY EXCLUDED
-  = SCHEDULE D-6 FENCE
-  = NATURAL VEGETATIVE BUFFER @ COVENANT

APPLICATION: A93-108
SCALE: 1:2500

29

**Agricultural Advisory Committee
Minutes**

Date: Thursday, August 8, 2019
Time: 6:00 pm
Location: Council Chamber
City Hall, 1435 Water Street

Committee Members Present: Derek Brown (Alternate), Jeff Ricketts, Yvonne Herbison (Vice Chair), Domenic Rampone and Jill Worboys

Committee Members Absent: John Janmatt, Keith Duhaime, Avi Gill, Aura Rose, and Pete Spencer (Alternate)

Staff Present: Planner Specialist, Alex Kondor; Planner Arlene Janousek; Legislative Coordinator (Confidential), Clint McKenzie

1. Call to Order

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

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

2. Minutes

Moved By Domenic Rampone/Seconded By Jeff Ricketts

THAT the Minutes of the June 13, 2019 Agricultural Advisory Committee meeting be adopted.

Carried

3. Applications for Consideration

3.1 A19-0004, 4145 June Springs Rd - Application to the ALC for Subdivision of Agricultural Land Reserve

Staff displayed a PowerPoint presentation providing a background of the application.

Peter Klimuk, 10-2070 Harvey Avenue, Applicant's Agent:

- Noted that the date of ownership on the certificate of title is 2009 but ownership passed from the late Mr. Nicholas to solely his wife Ms. Nicolas at that time. The property has been in the family since the 1950's.

- The report for the onsite sewer/septic system was approved and submitted on May 22, 2019.

- The property has never been farmed – the natural trees and vegetation remain on the property.

- Reviewed zoning of adjacent properties. Proposed subdivision is consistent with adjacent zonings.

- Responded to questions from the Committee.

Staff:

- Responded to questions from the Committee.

- Confirmed the site is outside the intensive agriculture zone.

Moved By Jeff Ricketts/Seconded By Dominec Rampone

THAT the Agricultural Advisory Committee recommends that Council not support Agricultural Land Reserve Application No. A19-0004 for the property located at 4145 June Springs Road to allow for a "Subdivision of Agricultural Land Reserve" under Section 21(2) of the Agricultural Land Commission Act.

Carried

ANEDOTAL COMMENTS

- The Agricultural Advisory Committee would like to see the consideration of a home site severance application to ensure the remainder is used for a viable agriculture operation.
- The Committee does not see any benefit to agriculture by approving the subdivision.

3.2 A19-0009, 298 Cornish Rd - Application to the ALC for a Non-Adhering Residential Use - principal residence area greater than 500m².

Staff displayed a PowerPoint presentation providing the background to the application.

Responded to questions from the Committee.

Kam Sidhu, Agent's Applicant

- The family has shown they are active farmers and all fruit and vegetables are being sold in the Okanagan Valley. There is 6 acres of peaches, 2 acres of plums as well as additional field crops.
- The limitation of 500 square meters for their principal residence is too small for the size of their multi-generational farming family. They are not building a mansion but a size that is needed for their farming family.
- Responded to questions from the Committee.
- Confirmed there is no plan to build a basement as construction would cost more than the proposed two-storey construction. It would also be a less desirable floor plan for a multifamily residence.

Moved By Jeff Ricketts/Seconded By Dominec Rampone

THAT the Agricultural Advisory Committee recommends that Council not support Agricultural Land Reserve Application No. A19-0009 for the property located at 298 Cornish Road to allow for a principal residence with an area greater than 500 square metres.

Carried

ANEDOTAL COMMENTS

- The Committee supports other building options to achieve the requested size of residence including a separate garage or a basement construction in order to conform to the regulated size. A multifamily residence to house a farming family is supported but it can be achieved within the regulated size.
- The property owners are commended for planting crops other than hay and for selling the produce locally.

3.3 A19-0011, 2568 KLO Rd - Application to the ALC for Non-Adhering Residential Use – Additional Residence for Farm Use

Staff displayed a PowerPoint presentation providing a background to the application.

Responded to questions from the Committee.

Provided background to the enforcement of temporary farm worker housing versus dwellings becoming a year round residence.

Anna Sadht, Lawyer, Benson Law, Applicant's Agent:

- Provided a history of the use of the three dwellings on the property.
- Noted that since taking ownership of the property the Sidhu family has cleaned it up significantly and planted cherries.

- Another residence is required on the property or the owner would be facing hardship. They would like to hire 6 additional workers to live on and farm this property as well as farm an additional property that is owned by the applicant.
- The Owners are also applying federally for temporary foreign workers which requires them to provide housing.
- Noted the preservation of agricultural land needs to be considered; if the residence is demolished it will not affect the agricultural capabilities of the property.
- Responded to questions from the Committee.

Moved By Dominec Rampone/Seconded By Derek Brown

THAT the Agricultural Advisory Committee recommends that Council support Agricultural Land Reserve Application No. A19-0011 for the property located at 2568 KLO Road to allow for an existing secondary dwelling on the subject property as temporary farm worker housing to accommodate six (6) temporary farm workers.

Carried
Jeff Ricketts - Opposed

ANEDOTAL COMMENTS

- The Committee recommends that part of the process when being required to decommission a property, needs to include the demolition of the building and planting of the area.
- The Committee recommends that enforcement oversight of the property conforming with the regulations be followed through when a building is being decommissioned. Specifically, to ensure the dwelling use be enforced as per the regulations to only be used 10 months of the year.
- The Committee recognizes that in supporting this application, there is a risk of setting a precedent with future applications with regards to allowing rental housing and farm worker housing to exist on the same site.

4. ALC Decisions - Update

2975 Gallager's Road – 60 unit Temporary Farm Worker Housing application:

- Was not presented to the Committee.
- Received support from Council and the ALC.

1251 McKenzie Road - proposed 3 lot subdivision:

- Supported by the Committee on July 12, 2018.
- Received support from Council and was denied by the ALC. Overall the ALC found the subdivision would negatively impact the agriculture activity on the property.

Staff and the Committee discussed applications adjacent to agriculturally zoned properties and if they will come forward to the AAC for consideration.

5. New Business

There was no new business.

6. Next Meeting

The next Committee meeting has been scheduled for September 12, 2019.

7. Termination of Meeting

The Vice Chair declared the meeting terminated at 8:14 p.m.

Vice Chair