

Agricultural Advisory Committee

AGENDA



Thursday, January 16, 2020
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 4060 Todd Road, A19-0022 - Application to the ALC for a Non-Adhering Residential Use - Brian Sherie Fehr

3 - 18

To consider a non-adhering residential use permit application to allow for a new single detached house to be constructed on the subject property prior to the decommissioning of the existing single detached house to an accessory building to for a rural home-based business use.

3. Minutes

19 - 22

Approve Minutes of the Meeting of December 12, 2019.

4. ALC Decisions - Update

5. New Business

6. Next Meeting

Thursday, February 13, 2020

7. Termination of Meeting

COMMITTEE REPORT



Date: January 16th, 2020

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Development Planning Department (HR)

Application: A19-0022 **Owner:** Brian and Sherie Fehr

Address: 4060 Todd Rd **Applicant:** Kynoch Builders Inc.

Subject: Application to the ALC for a Non-Adhering Residential Use

1.0 Purpose

The applicant is requesting permission from the Agricultural Land Commission to allow for a new single detached house to be constructed on the subject property prior to the decommissioning of the existing single detached house to an accessory building to for a rural home-based business use.

2.0 Proposal

2.1 Background

In 2008, the Agricultural Land Commission provided approval for the extraction and removal of 35,000 m³ of aggregate from the subject property through the operation of a gravel pit. A Mines Permit for the operation of a gravel pit was also issued for the subject property. The ALC approval was extended in 2010 and expired in November of 2011.

The subject property is currently being used for agriculture, storing of farm equipment, a rural home-based business, and residential uses. Efforts have taken place on the subject property to reclaim the former gravel pit by the owners to level slopes and increase the farmable area. In 2019, an area in the south east corner of the property was prepared and irrigated for growing garlic and land in the north east corner of the property has planted with hay and irrigated. Wildlife fencing has also been installed along the north, east and south property lines.

The subject property currently has an 89.2 m² single detached dwelling with an adjoining shop. This dwelling is the principle residence of the owners and is also used to operate a rural home-based landscaping business. There are four additional accessory buildings used for the storage of farm equipment and for storing equipment related to the home-based business from time to time.

2.2 Site Context

The subject property is 5.35 ha (13.22 acres) in size and is located off Todd Road. As per Maps 2 – 4 below, the subject property is zoned A1 – Agriculture, is located within the Agricultural Land Reserve (ALR), is located outside of the Permanent Growth Boundary, and has a Future Land Use Designation of REP – Resource Protection Area.

Map 1 – Subject Property



2.3 Neighbourhood Context

The subject property lies within the Southeast City Sector of Kelowna. The area is predominantly comprised of agricultural lands and all the surrounding properties are within the ALR. There are a few Rural Residential parcels nearby as well as a parcel zoned Parks and Open Space which is currently used by the Kelowna Fish & Game Club as a shooting range.

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

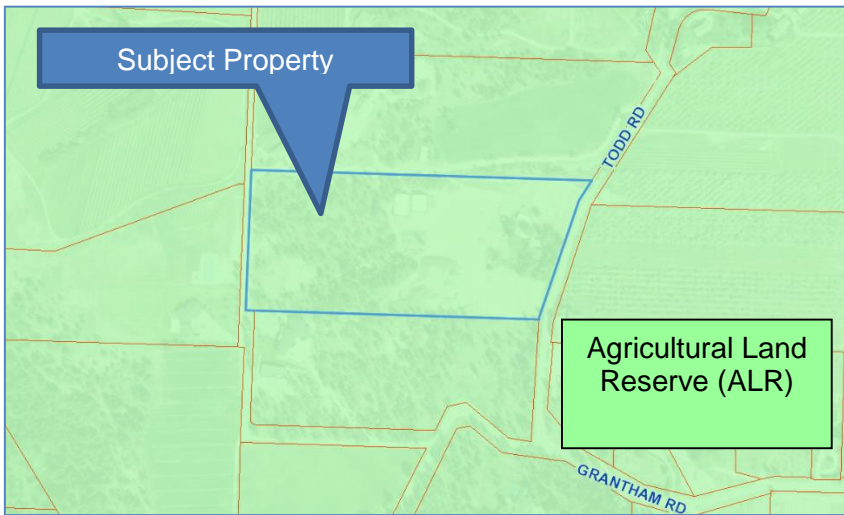
Table 1: Zoning and Land Use of Adjacent Property

Direction	Zoning	ALR	Land Use
North	A1 – Agriculture 1	Yes	Agricultural (Grain) / Residential
South	A1 – Agriculture 1	Yes	Residential
East	A1 – Agriculture 1	Yes	Agriculture (Tree Fruits) / Residential
West	A1 – Agriculture 1	Yes	Agricultural (Grain, Tree Fruits) / Residential

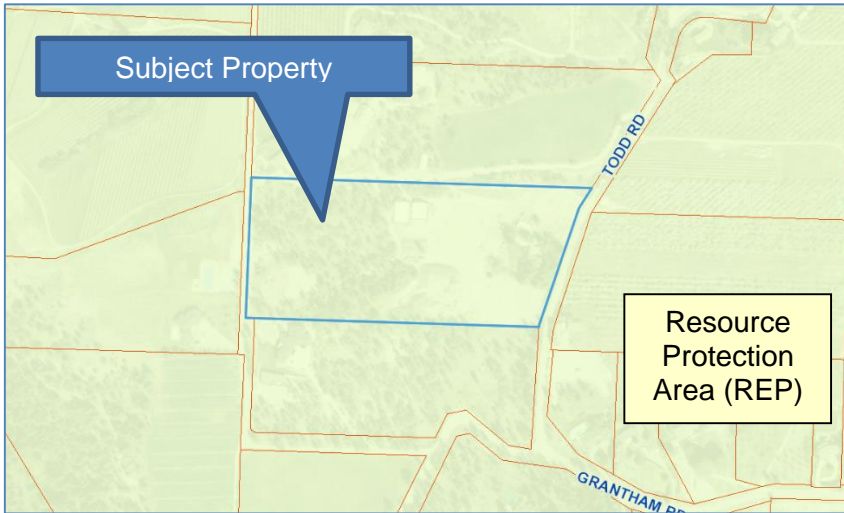
Map 2 – Neighbourhood Context



Map 3 – Agricultural Land Reserve



Map 4 – Future Land Use



2.4 Agricultural Land Use

The subject property currently has approximately 1.54 ha (3.81 acres) of land in use for agricultural activities including:

- 0.62 ha Hay
- 0.29 ha planted in Garlic
- 0.63 ha prepared for Garlic planting
- 0.10 ha storage and maintenance of farm equipment

2.5 Project Description

The proposal aims to allow for the owners to remain living in the existing single detached dwelling located on the East side of the subject property while they construct a new single detached dwelling in the South-West corner of the property. Once the new dwelling is constructed, the applicant plans to decommission the old dwelling into an accessory building which will be used as offices for the farm and for a rural home-based landscaping business. The proposed new dwelling will have a Total Floor Area of 497m².

The applicant feels that allowing the owners to continue living in the existing dwelling during construction will ensure farming activities can continue uninterrupted as well as avoid a burden on the owners' financial resources if they are required to decommission the existing dwelling and secure alternate housing during the construction of the proposed new dwelling.

2.6 Decommissioning of a Dwelling

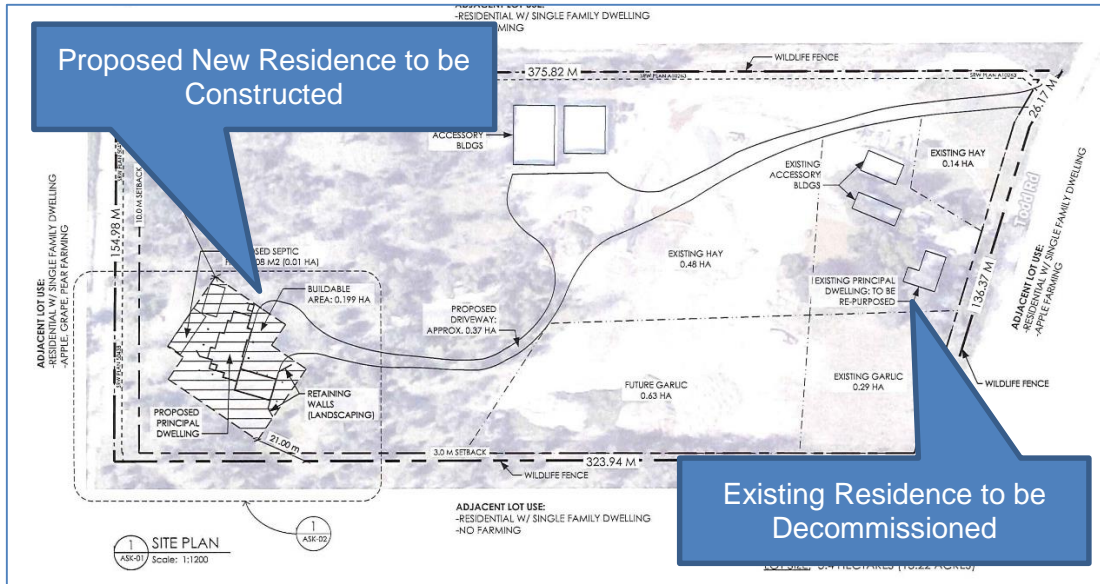
Where an owner wishes to continue to use an existing dwelling as a residence while constructing another dwelling on same parcel as a replacement, the owner shall pay a security deposit to the City the sum of \$20,000.00 for each building or structure to be decommissioned.

Prior to issuance of the building permit for the new dwelling, the owner shall enter into an agreement with the City undertaking upon completion of the new dwelling to convert the existing dwelling into a non-residential use to the satisfaction of the Building Inspector. A 21g restrictive covenant will be placed on the property by the registered owner's legal counsel stipulating the structure will not be used for any purpose other than storage or an allowable converted use.

At a minimum decommissioning of a dwelling will consist of removal of the following;

- *all bathrooms including tubs, showers, sinks, toilets, waterlines and associated drain lines
- the kitchen exhaust fan and applicable exhaust venting and wiring
- 220-volt wiring from the stove outlet to the electrical panel (an electrician may be necessary), and/or natural gas rough-in (a licensed contractor may be necessary)
- washroom exhaust fans and wiring
- all upper kitchen cabinets and washroom vanities
- all non load bearing walls necessary to leave the space in an open free flowing condition

Map 5 – Site Plan



3.0 Development Planning

If the proposal is approved a Farm Residential Footprint Covenant will be required to be registered for the new dwelling and the accessory building, with a combined area, including driveways, not exceeding 2,000 m² (0.2 ha). Chapter 15 of the City’s Official Community Plan includes guidelines for all buildings and structures to be located within a contiguous area and exceptions to this are only permitted where the buildings or structures are for farm use only. In addition, the guidelines require the design of the residential footprint is to be located within 60 meters of the road or located to maximize agricultural potential. While, the current site plan has proposed the new dwelling approximately 300 m from the road access, there is an unnamed road right-of-way to the West side of the property that neighbouring properties use for access. There is also a water service within this road right-of-way that will be connected to by the proposed new dwelling.

Currently, the proposal indicates the proposed driveway and septic area of 3,794 m² (0.37 ha) and a buildable area of 1,990 m² (0.199 ha) for the new dwelling, totaling 5,784 m² (0.58 ha) which is over double the maximum allowable Farm Residential Footprint and does not include the area for the existing dwelling or access to the existing dwelling. Revisions to the proposed site plan will be required in order to meet the maximum area.

Report prepared by: Hailey Rilkoﬀ, Planner I

Reviewed / Approved for Inclusion by: Alex Kondor, Acting Approving Officer/Agricultural Planning Manager

Attachments:

- Attachment A – ALC Non-Adhering Residential Use Application
- Attachment B – Site Plan
- Attachment C – Applicant Package



ATTACHMENT A
This forms part of application
A19-0022
Planner Initials **HR**
City of Kelowna
DEVELOPMENT PLANNING

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 59984

Application Status: Under LG Review

Applicant: Brian Fehr , Sharie Fehr

Agent: Kynoch Builders Inc.

Local Government: City of Kelowna

Local Government Date of Receipt: 12/06/2019

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

Proposal Type: Non-Adhering Residential Use - Non-Adhering Accommodation

Proposal: See attached.

Agent Information

Agent: Kynoch Builders Inc.

Mailing Address:

561 Curlew Dr

Kelowna, BC

V1W 4M2

Canada

Primary Phone: (250) 808-9524

Email: steve@kynochbuilders.com

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 011-703-598

Legal Description: LOT 161 SECTION 4 TOWNSHIP 26 AND SECTIONS 32 AND 33 TOWNSHIP 29 OSOYOOSDIVISION YALE DISTRICT PLAN 1247

Parcel Area: 5.4 ha

Civic Address: 4060 Todd Rd V1W 4B3

Date of Purchase: 05/17/2006

Farm Classification: No

Owners

1. **Name:** Brian Fehr

Address:

4060 Todd Rd

Kelowna, BC

V1W 4B3

Canada

Phone: (250) 808-3469

Email: dunwell@telus.net

2. **Name:** Sharie Fehr

Address:

4060 Todd Rd

Kelowna, BC
V1W 4B3
Canada
Phone: (250) 860-0260
Email: thefehrrs@telus.net

Current Use of Parcels Under Application

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

See attached.

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

See attached.

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

See attached.

Adjacent Land Uses

North

Land Use Type: Residential

Specify Activity: Single-family dwelling + hay

East

Land Use Type: Residential

Specify Activity: Single-family dwelling + apples

South

Land Use Type: Residential

Specify Activity: Single-family dwelling

West

Land Use Type: Residential

Specify Activity: Single-family dwelling + apples, grapes, pears

Proposal

1. What is the purpose of the proposal?

See attached.

2. Describe any agri-tourism that is currently taking place on the property.

See attached.

3. What is the total floor area of the proposed accommodation in square metres?

497 m²

4. How many "sleeping units" in total are proposed?

5. Describe the rationale for the proposed location of the accommodation.

See attached.

6. Describe the size, type and number, as well as occupancy of all residential structures currently located on the property.

See attached.

7. Describe any agri-tourism accommodation or tourist accommodation currently located on the property.

See attached.

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

See attached.

9. What is the total area of infrastructure necessary to support the proposed accommodation?

See attached.

10. Do you need to import any fill be required to construct the accommodation?

No

Applicant Attachments

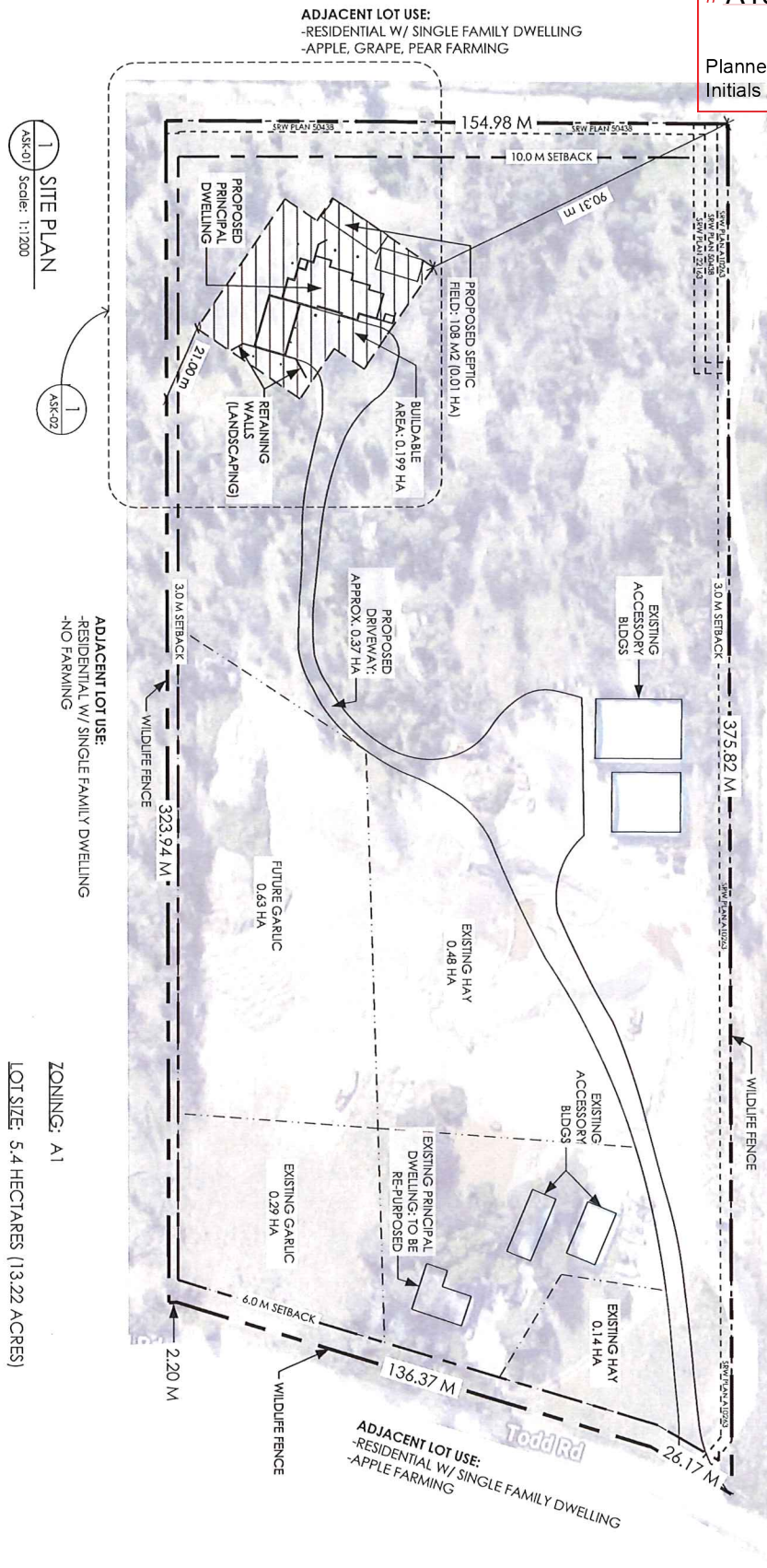
- Agent Agreement - Kynoch Builders Inc.
- Proposal Sketch - 59984
- Other correspondence or file information - ALC Application
- Other correspondence or file information - Plan EPP95031
- Certificate of Title - 011-703-598

ALC Attachments

None.

Decisions

None.



1 SITE PLAN
ASK-01 Scale: 1:1200

ZONING: A1
LOT SIZE: 5.4 HECTARES (13.22 ACRES)

SHEET:
ASK-01

FEHR RESIDENCE

4060 TODD RD, KELOWNA BC
PID 011-703-598, KID 255479, LOT 161, PLAN 1247

SITE STUDY

ISSUED FOR:	YY-MM-DD
REVIEW	19-08-22
REVIEW	19-11-22
REVIEW	19-11-29
REVIEW	19-12-04



steve@kynochbuilders.com (250) 808-9524



APPLICATION FOR
NON-ADHERING USE WITHIN THE ALR

Application ID: 59984

Date Created: 10/30/2019

Owners:

Brian Fehr &
Sharie Fehr

Address:

4060 Todd Rd
Kelowna, BC V1W 4B3

1. Application Type

- Conduct a Non-Adhering Residential Use within the ALR
- Non-Adhering Accommodation

2. Primary Contact

Agent: Steve Bank
Organization: Kynoch Builders Inc.

Address: 561 Curlew Dr
Kelowna, BC V1W 4M2

Phone: (250) 808-9524
Email: steve@kynochbuilders.com

3. Identity of Parcel Under Application

Parcel ID and Legal Description

Ownership: Fee Simple
PID: 011-703-598

Legal: LOT 161 SECTION 4 TOWNSHIP 26 AND SECTIONS 32 AND 33 TOWNSHIP
29 OSOYOOS DIVISION YALE DISTRICT PLAN 1247

Civic: 4060 Todd Rd
Kelowna, BC V1W 4B3

Area

5.4 hectares

Purchase Date

May 17th, 2006

Farm Classification

No farm classification.

Owner Info

Name: Brian Kenneth Fehr
Address: 4060 Todd Rd
Kelowna, BC V1W 4B3
Phone: (250) 808-3469
Email: dunwell@telus.net

Name: Sharie Marlene Fehr
Address: 4060 Todd Rd
Kelowna, BC V1W 4B3
Phone: (250) 860-0260
Email: thefehrrs@telus.net

4. Land Use

The land under application is currently being used for agriculture, storing of farm equipment, home-based business, and residential use.

Land Use of Parcel under Application

I. Current Agriculture

There are currently 1.54 hectares of land prepared and in preparation of farming. There are 0.62 hectares of hay, and 0.29 hectares of garlic being grown. Additionally, there are plans for 0.63 hectares of garlic to be planted in 2020.

There are also approximately 0.1 hectares of land used for the storage and maintenance of farm equipment, and other farm supporting requirements.

II. Agricultural Improvements

Land clearing, levelling, and land preparation on the east side of the property has continued to increase the farmable area since purchasing the land. In 2010-2011 approximately 20,000 cubic meters of gravel were extracted from an embankment that ran north-south down the centre of the property (approximately). The embankment was too steep to farm and was creating frost pockets on adjacent level land to the east. In 2019 the land in the south east corner was prepped and irrigated for growing garlic, and the land in the north east corner was planted with hay and irrigated. A wildlife deterring fence has also been erected along the north, east, and south borders of the property.

III. Non-Agricultural Uses

There is currently an 89.2 square meter home with adjoining shop existing on the land. The home is occupied by the owners as their principle and only residence.

The owners also own and operate a business from their home, and store equipment on the land from time to time as required to operate the business.

Land Use of Adjacent Parcels

I. Land Uses Surrounding the Parcel Under Application

North

Residential with single family dwelling and farming of hay.

East

Residential with single family dwelling and farming of apples.

South

Residential with single family dwelling and no farming.

West

Residential with single family dwelling and farming of apples, grapes, and pears.

5. Other Parcels of Interest

The owners do not own or lease any other lands within the community.

6. Local Government

City of Kelowna

7. Proposal

Purpose of the Proposal

The purpose of this proposal is to ask for permission construct a new single family dwelling on the property while the owners continue to live in the existing single family dwelling during construction. It is proposed that upon completion of the new single family dwelling, and prior to occupancy and/or issuance of the occupancy permit, the existing dwelling will be decommissioned and repurposed into office spaces for the operation of the farm and home-based business. This stipulation to be enforced by a covenant registered on the property with the Land Titles Office.

Allowing the owners to continue to live in the existing dwelling during construction will ensure farming will continue uninterrupted and encourage future farming. It will also achieve security of the current farm operations, home-based business, new dwelling in construction, and the land itself. Conversely, if the owners were required to vacate the land and decommission the existing dwelling during construction it would result in an unreasonable burden on their financial resources which could otherwise be allocated to the farm and future farming efforts.

Agri-Tourism

There are no Agri-tourism activities currently taking place on the property.

Proposed Accommodation Total Floor Area

	497 m²	Total
	107 m ²	<i>Basement above grade</i>
+	296 m ²	<i>Main Level living</i>
+	128 m ²	<i>Main Garage</i>
	=====	
=	539 m ²	<i>Total</i>
-	42 m ²	<i>Garage allowance</i>
	=====	
=	497 m ²	

Proposed Number of “Sleeping Units”

4 bedroom new single family dwelling

The existing sleeping units within the existing single family dwelling will be repurposed into office spaces once the new single family dwelling has been completed, and prior to issuance of the occupancy permit.

Proposed Accommodation Location (New Residence)

The proposed location, as indicated on the proposed Farm Residential Footprint covenant plan, is the best location for a residence on the property because it takes the most advantage of the farmable land and is the least disruptive to the land in terms of access to the property and utilities installation and maintenance.

The Farm Residential Footprint is located on the west side of the property. It is on a hillside which is currently not being farmed, and due to the contours of the land and existing natural trees, would be difficult to farm. It would be more favourable in terms of agricultural potential to locate the residence on the west side of the property and reserve the east side for farming and related activities. The east side of the property is relatively flat due to recent improvements to the land and is currently being farmed for hay. It also has more area planned to be farmed for hay and garlic in the future.

Disruption to the land during construction and later for access will be lessened by locating the house in the proposed Farm Residential Footprint. The proposed location is strategically located to take advantage of the existing un-named road running along the west border of the property. This road provides pedestrian and vehicle access to the property, as well as convenient access to utilities: water, gas, and power which run along the road.

Current Residential Structures

There is currently one, 89.2 m², single family dwelling located on the property and occupied by the Fehr family.

Current Agri-Tourism or Tourism Accommodations

There are currently no Agri-Tourism or Tourism accommodations located on the property.

Agriculture Support

This proposal supports agriculture both short and long term. In the short term it will facilitate continuous, uninterrupted operations of the farm. In the long term it will save on financial resources required to invest in and maintain more farmable area.

Supporting Infrastructure for Proposed Accommodation

Supporting infrastructure includes a new septic field and driveway which total approximately 3794 m² total land area. The septic field will require approximately 108m², and the driveway will require approximately 3686 m².

Additional Fill Required?

No fill is required to be imported to construct the proposed accommodation.

8. Upload Attachments

- Agent Authorization Letter
- Certificate of Title
- Covenant survey
- Proposal Sketch

9. Review and Submit



Agricultural Advisory Committee

Minutes

Date: Thursday, December 12, 2019
 Time: 6:00 pm
 Location: Council Chamber
 City Hall, 1435 Water Street

Committee Members Present: Keith Duhaime, Avi Gill, Yvonne Herbison (Vice Chair), Domenic Rampone* and Aura Rose

Committee Members Absent: Derek Brown (Alternate), John Janmatt (Chair), Jeff Ricketts, Pete Spencer (Alternate) and Jill Worboys

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

* denotes partial attendance

1. Call to Order

The Chair called the meeting to order at 6:04 p.m.

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

2. Minutes

Moved By Domenic Rampone/Seconded By Keith Duhaime

THAT the Minutes of the November 14, 2019 Agricultural Advisory Committee meeting be revised by adding the following on page 2 and be adopted:

"- Points to exemplify include the maintenance of reasonable rates and water security for farming."

Carried

3. Applications for Consideration

3.1 Morrison Rd 1425, A19-0012 & FH19-0003, Application for a Non-Adhering Residential Use Permit for Temporary Farm Worker Housing - Surinder K. Boparai & Avtar S. Boparai

Staff:

- Presented a PowerPoint presentation providing an overview of the application and responded to questions from the Committee.

- Confirmed if this application is approved, the applicant will be at the allowable limit for number of temporary farm workers being housed on the property.
- Confirmed the ancillary buildings are storage sheds.
- Reviewed the services to the unit.

Surinder Boparai - Treetop Rd, Applicant:

- Confirmed they chose the middle of the orchard for worker housing as it was already cleared, and they did not want to cut any fruit trees down to accommodate the dwelling.
- Confirmed the cabins that are currently on their other farm properties were already there at the time they purchased the properties.
- Confirmed the area being proposed for housing has been cleared for at least 4 years.

Staff confirmed a bond is required for the landscaping buffer as part of the application.

Moved By Domenic Rampone/Seconded By Keith Duhaime

THAT the Agricultural Advisory Committee recommends to Council that the non-adhering residential use permit application to allow temporary farm worker housing to accommodate up to 14 workers on the property located at 1425 Morrison Road be approved.

Carried

3.2 Dunster Rd 3183, A19-0013, Application to the ALC for Non-Adhering Residential Use Permit - Gian & Kuldip Jaswal

Staff:

Presented a PowerPoint presentation providing an overview of the application and responded to questions from the Committee.

- Confirmed that basements and garages are not included in the ALC floor area calculation.
- Confirmed demolition will need to be completed before the final occupancy permit is granted on the newly constructed house.
- Discussion ensued regarding final occupancy permit approval and what control it provides the City to prevent occupancy.

Ramsay Jaswal, Dunster Rd, Applicant's son:

- Provided history of their family farming in the community - 53 acres, apples and cherries. Their farming operations involve all members of the household.
- They are moving towards their fourth generation of farming in the community.
- Provided a background on their extended family and their care.
- There are 8 members in the household today. As younger families move forward to have children the existing house will be too small.
- Requesting delayed demolition of the existing house in order to reside in it during construction of the new house given the economic condition of the crops.
- Reviewed multi-generational family ALC applications that were supported in other communities.
- The family would agree to a covenant requiring them to demolish the existing dwelling and provide a bond to ensure the demolition.
- Would also agree to a farm covenant on the property.
- Requested that the Committee consider the request for delayed demolition and the request for a new larger residence as separate requests.
- Responded to questions from the Committee.
- Confirmed the requested house size is what is needed for the family today and not just future growth.
- Reviewed the landscape buffer.
- Commented on the privacy the new floor plan would accommodate.

Moved By Domenic Rampone/Seconded By Aura Rose

THAT the Agricultural Advisory Committee recommends that Council not support the application to allow for a 650 sq. m. single detached house on the subject property.

Carried
Avi Gill - Opposed

Anedotal Comments:

The AAC respects the farming practices of the multigenerational family and encourages the development of a house size that fits within the 500 sq. m. limit set by the Agricultural Land Commission.

The AAC supports what multigenerational families bring to agriculture in the community.

Moved By Domenic Rampone/Seconded By Keith Duhaime

THAT the Agricultural Advisory Committee recommends that Council support the delayed demolition of the existing single detached house to allow for the existing single detached house to be occupied during construction;

AND THAT a restrictive covenant and bond be completed to define the terms of the delayed demolition.

Carried

3.3 Gallagher Road 2975, A19-0017 - David Geen

Committee member Domenic Rampone declared a conflict of interest and left the meeting as he works with the applicant.

Staff:

- Presented a PowerPoint outlining the application and responded to questions from the Committee.
- Confirmed there are no complaints on the existing temporary housing structures.
- Confirmed with the applicant that they are requesting an additional 70 beds.

David Geen, Parkland Rd, Applicant:

- Confirmed their plans for the agriculture property they own on Pooley Rd is to house 44 temporary farm workers.
- Presented a PowerPoint presentation outlining the family's farming operations in the Okanagan.
- The proposed site was chosen as it is at the bottom of the property and most accessible. It uses the poorest farmland as it is also in a frost pocket.
- Spoke to the capacity of the dorms for temporary workers during each season.
- Responded to questions from the Committee.
- Confirmed no fruit trees will be removed to accommodate the new temporary structures.
- Confirmed site is fully planted with 100 acres in cherries requiring 60 workers. Once the crops are fully matured and in production it is estimated it will require 100 workers to manage fruit production.
- Confirmed they work with a busing contractor to provide worker transportation for shopping, appointments, etc.

Staff:

- Responded to questions from the Committee.
- Confirmed if the application is approved it would allow for a maximum of 130 farm workers accommodated for up to 10 months of the year.

Moved By Keith Duhaime/Seconded By Avi Gill

THAT The Agricultural Advisory Committee recommends that Council support temporary farm worker housing for up to 70 additional farm workers on the subject property, which would result in a total of up to 130 temporary farm workers for a single farm unit located within the same City Sector.

Carried

Anedotal Comments

- The AAC emphasizes the need for substantial buffering around the proposed dorms considering the future residential development on Kirshner Mountain.
- The AAC encourages the consolidation of labour that makes sense for agricultural land use – allowing for one property to accommodate workers for more than one farming operation in the same City Sector.

Committee member Domenic Rampone returned to the meeting.

4. ALC Decisions – Update

No updates at this time.

5. New Business

Discussion ensued regarding the development of a policy/evaluation for dwellings larger than 500 sq. m. meeting farming criteria.

6. Next Meeting

The next Committee meeting has been scheduled for January 16, 2019.

7. Termination of Meeting

The Chair declared the meeting terminated at 7:56 p.m.

Chair