

Agricultural Advisory Committee

AGENDA



Thursday, June 10, 2021

6:00 pm

Virtual Meeting - Teams

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.

(e) In accordance with the Order of the Provincial Health Officer on Gatherings and Events, applicants and the public are not permitted to attend in person. Participation by applicants and the public will be by electronic means only. Thank-you for your co-operation.

2. Minutes

3 - 5

Approve Minutes of the Meeting of May 13, 2021.

3. Applications for Consideration

3.1. Takla Rd 4380, A21-0006 - Non-Adhering Residential Use Permit

6 - 20

To consider a non-adhering residential use permit for the conversion of an existing accessory building into a secondary dwelling for farm help.

3.2. Curtis Rd 841, A21-0005 - Non Farm Use in the ALR Placement of Fill

21 - 36

To consider an application for Non-Farm Use to place up to 2000 cubic metres of fill to the subject property and reclaim to agriculture.

4. ALC Decisions - Update

5. New Business

6. Next Meeting

July 8, 2021

7. Termination of Meeting



City of
Kelowna
Agricultural Advisory Committee
Minutes

Date: Thursday, May 13, 2021
Time: 6:00 pm
Location: Virtual Meeting - Teams

Members Attending Virtually John Janmaat (Chair), Aura Rose, Keith Duhaime, Domenic Rampone, Avi Gill*

Members Absent Yvonne Herbison (Vice Chair); Jill Worboys, Peter Spencer (Alternate), Derek Brown (Alternate)

Staff Present Alex Kondor, Planner Specialist; Tyler Caswell, Planner; Wesley Miles, Planner Specialist; Clint McKenzie, Legislative Coordinator (Confidential)
Staff Attending Virtually Tracy Guidi, Sustainability Coordinator; Adam Cseke, Planner Specialist; Barb Crawford, Planner II

* Denotes partial attendance

1. Call to Order

The Chair called the meeting to order at 6:07 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 April 8, 2021 Agricultural Advisory Committee meeting be adopted.

Carried

3. Applications for Consideration

3.1 Latta Rd 1466, A21-0007 - Johnson Vandakathil & Lucy Varghese

Staff displayed a PowerPoint presentation providing an overview of the application. Responded to questions from the Committee.

Lynn Welder, Edgehill Ave, Applicant's Agent:

- The applicant has owned the property since 2015.
- They are relocating from Vancouver.
- Reviewed the buffering to adjacent properties that will be required.
- Confirmed the farm workers will be using the housing on a seasonal basis.
- Responded to questions from the committee.
- Confirmed the applicant has previously had temporary workers.
- Believes the total number of workers being applied for via the Temporary Farm Workers program will be 9 seasonal workers.
- Discussion ensued regarding restrictions on the number of workers that would be needed to work the land given its size.

Committee member Avi Gill joined the meeting at 6:20 p.m.

Staff:

- Responded to questions from the Committee.
- Confirmed that there are guidelines around acres per workers. Staff will be following up with the applicant on more specific numbers of workers prior to going to City Council with a recommendation.
- Confirmed that decommissioning a portion of the house is not part of the application.

Moved By Keith Duhaime/Seconded By Domenic Rampone

THAT consideration of the application to support the non-adhering residential use permit for the conversion of an existing single-family dwelling into temporary farm worker housing be deferred to a later date due to insufficient information.

Carried

Anedotal Comments

- The Committee recommends that the applicant commissions an agrologist report to provide more information, including how many temporary workers would be needed to work the type of crops proposed for the property size.

3.2 Zoning Bylaw No. 8000 - Proposed Update – Agriculture and Rural Residential Zones

- Staff displayed a PowerPoint presentation outlining the amendments to the City of Kelowna proposed Zoning bylaw update in relation to the Agriculture zones, and rural residential zones as outlined in the report.

Moved By Domenic Rampone/Seconded By Aura Rose

THAT the Committee supports the updates to the Agriculture related definitions as outlined in Schedule 'A' of the report *City of Kelowna Draft Zoning Bylaw Updates* presented by City staff.

Carried

Staff:

- Reviewed the sections of the Zoning bylaw that will not be undergoing any proposed changes including RV prohibitions and riparian area setbacks and temporary farm worker housing.
 - Reviewed the updated agriculture and rural residential interpretations and definitions.
 - Responded to questions from the committee.
 - Reviewed the proposed updates to Agriculture and Rural Residential Zones.
 - Confirmed that carriage houses are being proposed as a new allowance in the A2 zone.
 - Confirmed farm retail sales are being proposed to be removed from the non ALR A1 zone.
 - Confirmed public engagement in the Zoning bylaw review will continue to be actively pursued through several mediums including social media, website, and local newspaper.
 - Confirmed existing nonconforming status would apply to an I2 zoned property if a change to zoning to A1 was triggered.
 - Discussion ensued regarding several properties that are in the ALR but are not A1 due to several decades of inconsistent policy.
- Staff confirmed that there are no significant use changes in RR zones. Animal Clinics is the difference between RR1 and RR2 zones.

Moved By Keith Duhaime/Seconded By Domenic Rampone

THAT the Committee supports the updates to the Agriculture and Rural Residential zones as outlined in Schedule 'B' of the report *City of Kelowna Draft Zoning Bylaw Updates* presented by City staff.

Carried

Staff:

- Reviewed the proposed new setbacks for the urban rural interfaces outlined in Schedule C of the report.

- Responded to questions from the Committee.
- Confirmed most of the setbacks were reviewed and adjusted to conform with the existing provincial regulations as outlined in the *Guide to Edge Planning Promoting Compatibility Along Agricultural- Urban Edges*.
- Confirmed that the proposed site coverage of 8000m squared or greater having a maximum percentage of site coverage for structures at 35% is an existing zoning requirement.
- Discussion ensued regarding impermeable surfaces.

Moved By Aura Rose/Seconded By Avi Gill

THAT the Committee supports the updates to Agriculture development regulations as outlined in Schedule 'C' of the report *City of Kelowna Draft Zoning Bylaw Updates* presented by City staff.

Carried

Anedotal Comments

Thirty-five percent site coverage on A1 zoned land is too high for a building structure. The Committee requests that the City review this percentage and consider reducing it.

Staff confirmed the next steps of the Zoning Bylaw review and proposed update will be a workshop with Council and then further public consultation.

Staff and external stakeholders were thanked for their input on developing the proposed changes.

4. ALC Decisions - Update

Staff provided an update on the following applications:

Pooley Road – the application for 60 temporary farm workers was supported by Council and submitted to the Agriculture Land Commission (ALC) for consideration.

Teasdale Road – the application for temporary farm worker housing was supported by Council and submitted to the ALC for consideration. The applicant is also actively trying to organize soccer in the community with other temporary farm workers to help create a sense of community as the COVID restrictions relax.

Hilltop Market – the application for year-round retail was withdrawn by the applicant.

5. New Business

There was no new business.

6. Next Meeting

The next Committee meeting is scheduled for June 10, 2021.

7. Termination of Meeting

The Chair declared the meeting terminated at 7:55 p.m.

John Janmaat, Chair

COMMITTEE REPORT



Date: June 10, 2021

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Development Planning Department

Application: A21-0006 **Owner:** Lark Farms Inc.

Address: 4380 Takla Road **Applicant:** Lark Farms Inc., Andrea McFadden

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

Existing OCP Designation: REP – Resource Protection

Existing Zone: A1 – Agriculture 1

Agricultural Land Reserve: Yes

1.0 Purpose

To consider a non-adhering residential use permit for the conversion of an existing accessory building into a secondary dwelling for farm help.

2.0 Proposal

2.1 Project Description

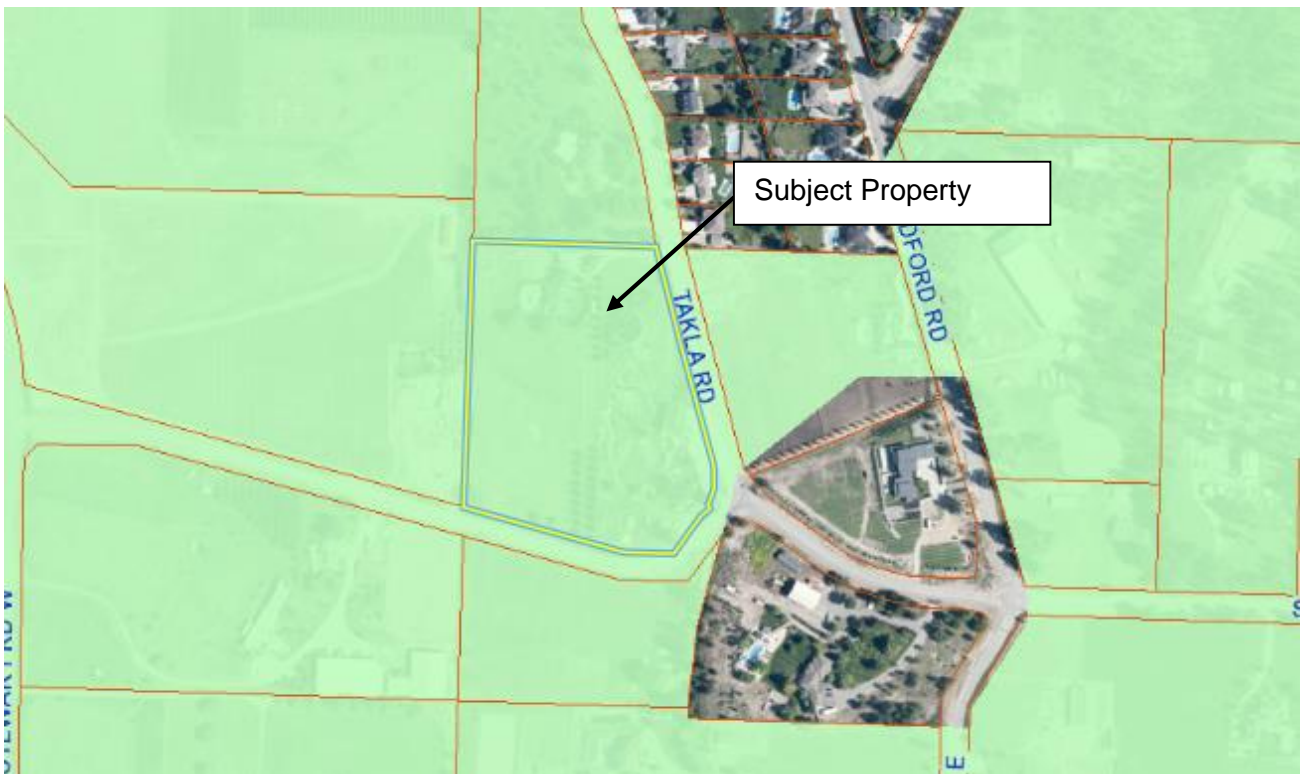
The subject property is 3.35 ha in size, is located on Takla Road, near the intersection Saucier Road and in the Southeast Kelowna City Sector. The property is currently being used for the growing and processing of culinary herbs, medicinal and aromatic plants. The current farm building has two floors with the lower level containing the drying room, staff kitchen, office space and storage. Prior to Covid the farm operated an on-site retail store, tours, and workshops. Due the changing circumstances they operation has switched primarily to online commerce and does not require the use of the upper level.

The McFadden family has owned and farmed the property since the 1950's. The proposal is to convert the upper floor of the existing building to a second dwelling to allow the extended family to continue to farm the property, while maintaining the operational use to the bottom floor.

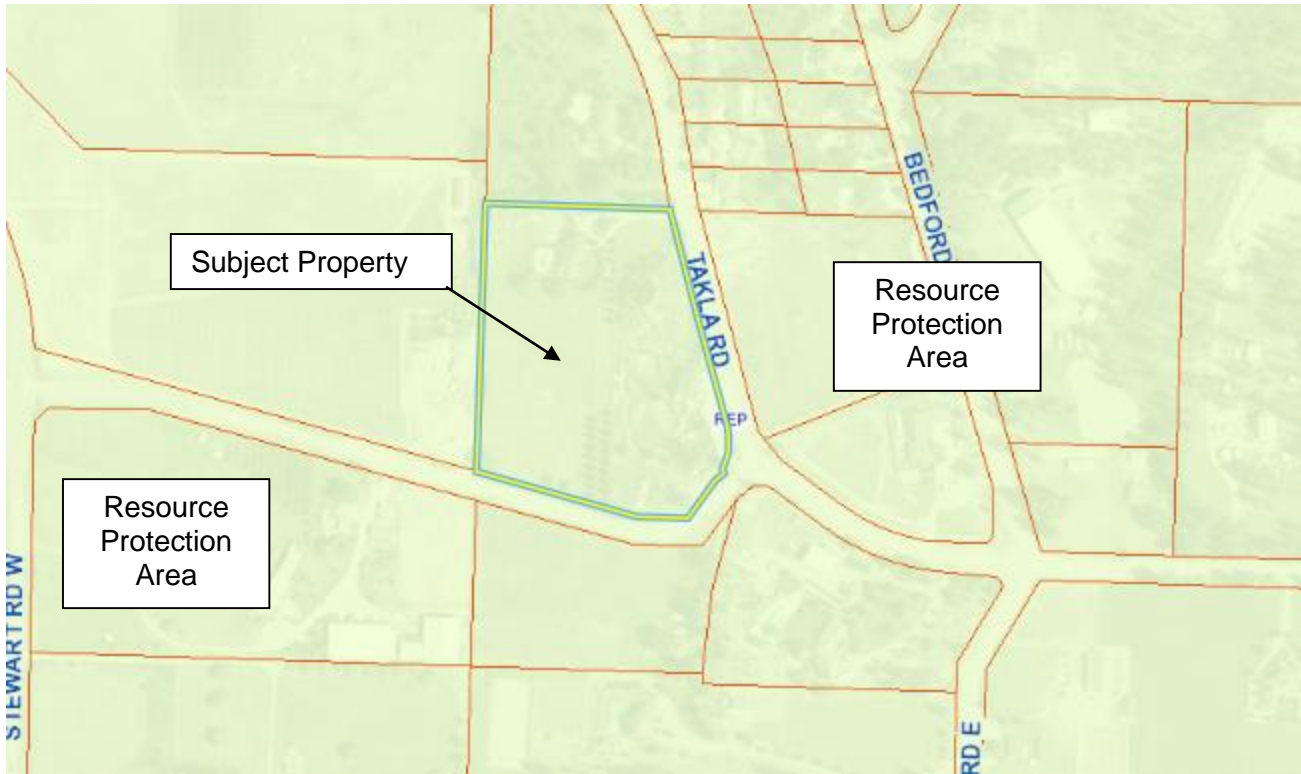
Map 1 - Neighbourhood



Map 2 - Agricultural Land Reserve



Map 3 – Future Land Use



2.2 Neighbourhood Context

The subject property lies within the Southeast Kelowna City Sector. The surrounding area is predominately agricultural and in the Agricultural Land Reserve with some rural residential properties.

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

Table 1: Zoning and Land Use of Adjacent Property

Direction	Zoning	ALR	Land Use
North	A1 – Agriculture 1	Yes	Agriculture
South	A1 – Agriculture 1	Yes	Agriculture
East	A1 – Agriculture 1	Yes	Agriculture / Rural Residential
West	A1 – Agriculture 1	Yes	Agriculture

3.0 Community Planning

The City’s Agriculture Plan, the Official Community Plan and Zoning Bylaw support the conversion of existing dwellings into Temporary Farm Worker Housing if agriculture is the principal use and the owner demonstrates the need for farm employees. However, in this case the proposal is for an additional residence for farm use.

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.
- 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; and,
- TFWH (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.

Report prepared by: Wesley Miles, Planner Specialist

Reviewed by: Dean Strachan, Community Planning & Development Manager

Attachments:

Attachment A – Rationale Letter and ALC Non-Adhering Residential Use Application

Attachment B – Site Plan

Attachment C – Development Engineering Memo

Attachment D – Ministry of Agriculture

June 3rd, 2021

City of Kelowna Agriculture Committee

Application to convert an existing two storey farm building from a farm building with two levels to a farm building with a residence on the upper level (for immediate family working on the farm) and the lower level to remain for farm use exclusively.

The farm operation has altered since Covid and transitioned to online rather than an on-site agri-tourism operation. Although Covid accelerated this change in the business, it was a planned modification to the business operations as the farm has been adversely impacted by recent fires several times, and in 2018 had begun preparing for the transition to an e-commerce operation – initially planned to occur in 2022.

Currently two families are living in the main residence. The McFaddens are now in their 60's and their daughter and her husband help with the farm operation. There are 3 options available to make this transition and allow this family to continue farming land that has been in their family since the 1950's.

1. Renovate the existing home to accommodate two families.
2. Convert the existing farm building to have a residence on the upper level and continue operations on the lower level.
3. Build a modular home on the property.

Option 2 is the preferred option as it does not require any land to be removed from production and is the least costly of the 3 options. It is on one level and can allow the McFaddens to 'Age-in-Place' in their senior years. It is also a solution that can easily be returned to its original purpose if the farm was sold and another operator wanted to reinstate on-site farm sales.

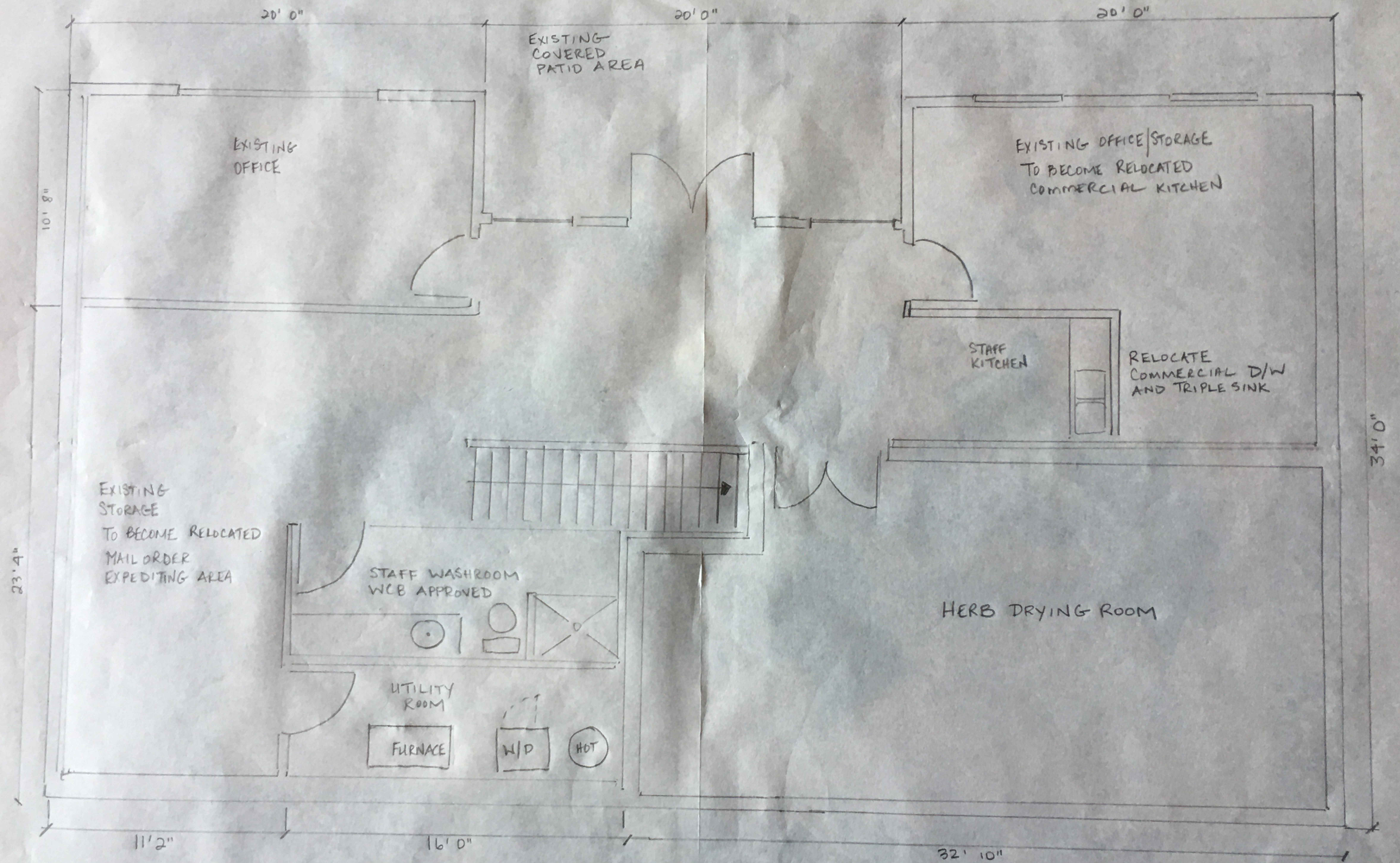
The application submitted via the ALC portal supplies the information requested by the ALC, in our opinion, this request adheres to the guidelines and requirements of the ALC for family members working on the farm to be permitted a second residence.

I am supplying drawings of the conversion here for the City of Kelowna Agriculture Committee to review.

Please Note: there is an error on the dimensions of the building on the ALC portal (they have been contacted to allow this to be corrected). This existing building size is 60' x 34' - 2040 square feet (on each level) or 189.5 square metres (not 622 square metres as on the ALC portal)

Respectfully submitted,

Andrea & David McFadden



GROUND LEVEL OF
EXISTING FARM BUILDING

$$60' \times 34' = 2040 \text{ ft}^2$$

19'6"

21'0"

19'6"

10'0"

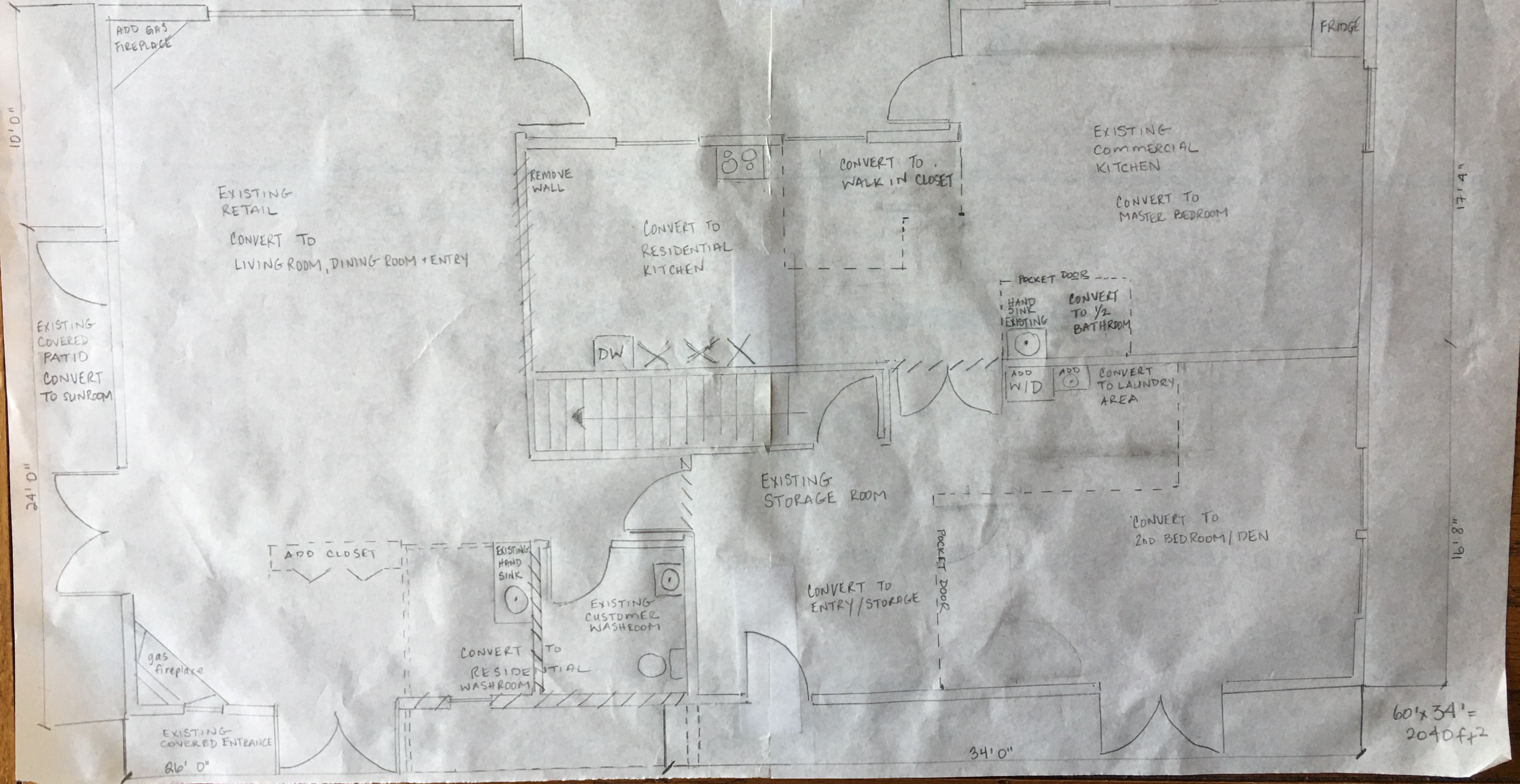
14'11"

16'8"

--- NEW WALLS
WALLS TO BE REMOVED

UPPER (MAIN) LEVEL
OF EXISTING FARM
BUILDING 60' x 34'
2040ft²

EXISTING
COVERED DECK



ADD GAS FIREPLACE

FRIDGE

EXISTING RETAIL
CONVERT TO
LIVING ROOM, DINING ROOM + ENTRY

REMOVE WALL

CONVERT TO
RESIDENTIAL
KITCHEN

CONVERT TO
WALK IN CLOSET

EXISTING
COMMERCIAL
KITCHEN

CONVERT TO
MASTER BEDROOM

POCKET DOOR
HAND SINK
EXISTING

CONVERT
TO 1/2
BATHROOM

DW X X X

ADD WID ADD
CONVERT TO LAUNDRY
AREA

EXISTING
COVERED
PATIO
CONVERT
TO SUNROOM

EXISTING
STORAGE ROOM

CONVERT TO
2ND BEDROOM/DEN

ADD CLOSET

EXISTING
HAND
SINK

EXISTING
CUSTOMER
WASHROOM

CONVERT TO
ENTRY/STORAGE

POCKET DOOR

CONVERT
TO
RESIDENTIAL
WASHROOM

gas
fireplace

EXISTING
COVERED ENTRANCE

26' 0"

34' 0"

60' x 34' =
2040ft²

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 62670

Application Status: Under LG Review

Applicant: Lark Farms Inc.

Agent: Lark Farms Inc.

Local Government: City of Kelowna

Local Government Date of Receipt: 03/22/2021

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

Proposal Type: Non-Adhering Residential Use - Additional Residence for Farm Use

Proposal: The purpose of the proposal is to allow for our farm to continue to operate into the next generation by converting the upper level of an existing farm building into living space for immediate family who work on the farm. The continued operation of the farm business will occur in the lower level of the existing farm building.

The farm building has two levels; currently the upper level contains a commercial kitchen, storage and retail space. The lower level contains a drying room, staff kitchen, office and storage.

Before Covid, our vertically integrated farm operated an on-site retail store, tours and workshops from May-December, and an on-line store year-round.

We have permanently changed to an E-commerce operation. The E-commerce operation does not require the same physical space as an on-site store and the lower level of the building is easily adapted to allow for the business to continue without interruption, while the upper level is converted into a single floor residence for family.

Agent Information

Agent: Lark Farms Inc.

Mailing Address:

4380 Takla Road

Kelowna, BC

V1W 3C4

Canada

Primary Phone: (250) 764-7795

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 025-842-366

Legal Description: L 1 SEC 32 TP 29 OSOYOOS DIVISION YALE DISTRICT PL KAP74909

Parcel Area: 3.3 ha

Civic Address: 4380 Takla Road, Kelowna, BC V1W 3C4

Current Use of Parcels Under Application

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

We grow culinary herbs, medicinal and aromatic plants including the following: lavender, roses, mint, melissa, linden, red cedar, echinacea, calendula, chamomile, oregano, savory, thyme, iris, chamomile, lemon verbena, lemon grass, rose geranium, viola, sage. Approximately 80% of our land is planted out. We raise and keep chickens.

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

The property has peripheral cage wire fencing and some cross fencing.

Overhead irrigation system over entire property.

The farm specializes in the cultivation of herbs and aromatic plants, including linden and red cedar trees situated throughout the entire 3.347 hectare property.

There is a purpose built facility with a herb drying room, a commercial kitchen to craft value added products, retail sales space for selling, office and storage space.

Two greenhouses for plant propagation and one cold storage building for winter plant storage.

On site composting which supplies the needs of the farm.

The farm rotates annual plantings through fallow areas and follows principles of regenerative agriculture.

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

Family home is the only non-agricultural activity on the farm.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: fallow land, apples

East

Land Use Type: Residential

Specify Activity: single family dwelling subdivision

South

Land Use Type: Agricultural/Farm

Specify Activity: fallow land, horse pasture

West

Land Use Type: Agricultural/Farm

Specify Activity: vineyard

Proposal

1. What is the purpose of the proposal?

The purpose of the proposal is to allow for our farm to continue to operate into the next generation by converting the upper level of an existing farm building into living space for immediate family who work on the farm. The continued operation of the farm business will occur in the lower level of the existing farm building.

The farm building has two levels; currently the upper level contains a commercial kitchen, storage and retail space. The lower level contains a drying room, staff kitchen, office and storage.

Before Covid, our vertically integrated farm operated an on-site retail store, tours and workshops from May-December, and an on-line store year-round.

We have permanently changed to an E-commerce operation. The E-commerce operation does not require the same physical space as an on-site store and the lower level of the building is easily adapted to allow for the business to continue without interruption, while the upper level is converted into a single floor residence for family.

2. Describe the necessity for an additional residence for farm use and how it will support agriculture in the short or long term.

Currently the owners live in the family home with their daughters family. The two families work together to operate the farm. With the arrival of grandchildren, this has become a challenging living arrangement, and additional living space is necessary for both families to remain on the property.

As the owners age and the physical demands of the farm become increasingly difficult, it is not possible for the daily maintenance and operation of the farm to continue without the younger family members working and living onsite.

This farm has been continually operated by the family since the 1950s. Initially as part of a larger holding that cultivated apples. When the McFaddens built their family home in 1991, the parcel was 7.78 acres and the apples were in decline.

Considerable research was done on alternative crops for small holdings. The Ministry of Agriculture was encouraging farmers to look at value added options to help farms remain economically viable. A ministry workshop on growing Herbs and Medicinal Plants presented a good choice for the property's size, location and soils.

Test blocks of lavender were planted in 1994. In 1998, ½ acre of lavender and 6 acres of vinifera grapes were planted. In 1999 an existing pickers cabin on farm was converted into a small commercial kitchen and retail space.

In 2004 a piece of property severed by Takla Road from the parcel across the road was purchased and realigned to the existing farm, increasing the parcel size to 8.27 acres.

The winter of 2008 decimated the vineyard, and a replant was done in 2010; the farm moved completely into the cultivation of herbs and aromatic plants. An accessory building was constructed to house the operation. The lower level has a staff kitchen, herb drying room, storage and office space. The upper floor has a commercial kitchen, storage space and retail space.

The McFadden family is committed to preserving and restoring this property's natural environment as well as operating the farm business to its greatest potential. This is evidenced by the award-winning lavender essential oils grown and distilled onsite and the many accolades the farm has received over the years; from the 2017 Canadian Garden Tourism Destination of the Year Award to a Top 5 Finalist for Social Responsibility in the 2019 Canada Post E-Commerce Innovation Awards. The family has also experienced considerable success improving the farm's biodiversity and reintroducing wildlife habitat, illustrated by the return of the Great Basin Spadefoot Toad to the pond on the property.

The rippling and ongoing impact of Covid-19 has now forced the family to pivot the farm's business model

from an agri-tourism operation to one of e-commerce, reducing the need of onsite space for visitors. However, the day-to-day physical operation of the farm itself has not changed. To preserve the family farm and transfer it to the next generation, it has become necessary for the two families to live and work together and converting part of the existing farm building into living space will allow this arrangement to continue.

The McFaddens are transferring invaluable knowledge and traditional know-how to their children while their children are engaged in the heavy physical labour and the modernization of the e-commerce side of the business.

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

One single family residential home.

Occupants: family

Total floor area: 956 square metres

4. What is the total floor area of the proposed additional residence in square metres?

622 m²

5. Describe the rationale for the proposed location of the additional residence.

Locating an additional residence in an existing farm building will permit Andrea & David McFadden to remain active and engaged in the farm operation. It will allow for the continuation of a family farm, originally purchased by Andreas grandfather and in existence for 70 years. It also provides the opportunity for young people to actively farm the property. This concurs with the City of Kelownas goal of encouraging a younger demographic to undertake farming as a career choice.

It will neither impact nor increase the current building footprints on the farm. It will ensure the integrity of the land base is preserved and allow the continuation of a Canadian family farm into the 4th generation.

This location is aligned with the City of Kelowna's OCP Farm Protection Guidelines which "directs the design of the structures on farmland to occur within a contiguous 'Farm Residential Footprint' ", and is preferred over the mobile home option currently available to farms.

6. What is the total area of infrastructure necessary to support the additional residence?

This proposal preserves the existing land base. The conversion does not remove any land from production, requires no exterior additions, does not alter the operation of the business and does not require a septic field.

7. Do you need to import any fill to construct the additional residence or infrastructure?

No

Applicant Attachments

- Agent Agreement-Lark Farms Inc.
- Proposal Sketch-62670
- Site Photo-Property Realignment_2004
- Certificate of Title-025-842-366

ALC Attachments

None.

Decisions

ATTACHMENT B

This forms part of application

A21-0006



City of
Kelowna
COMMUNITY PLANNING

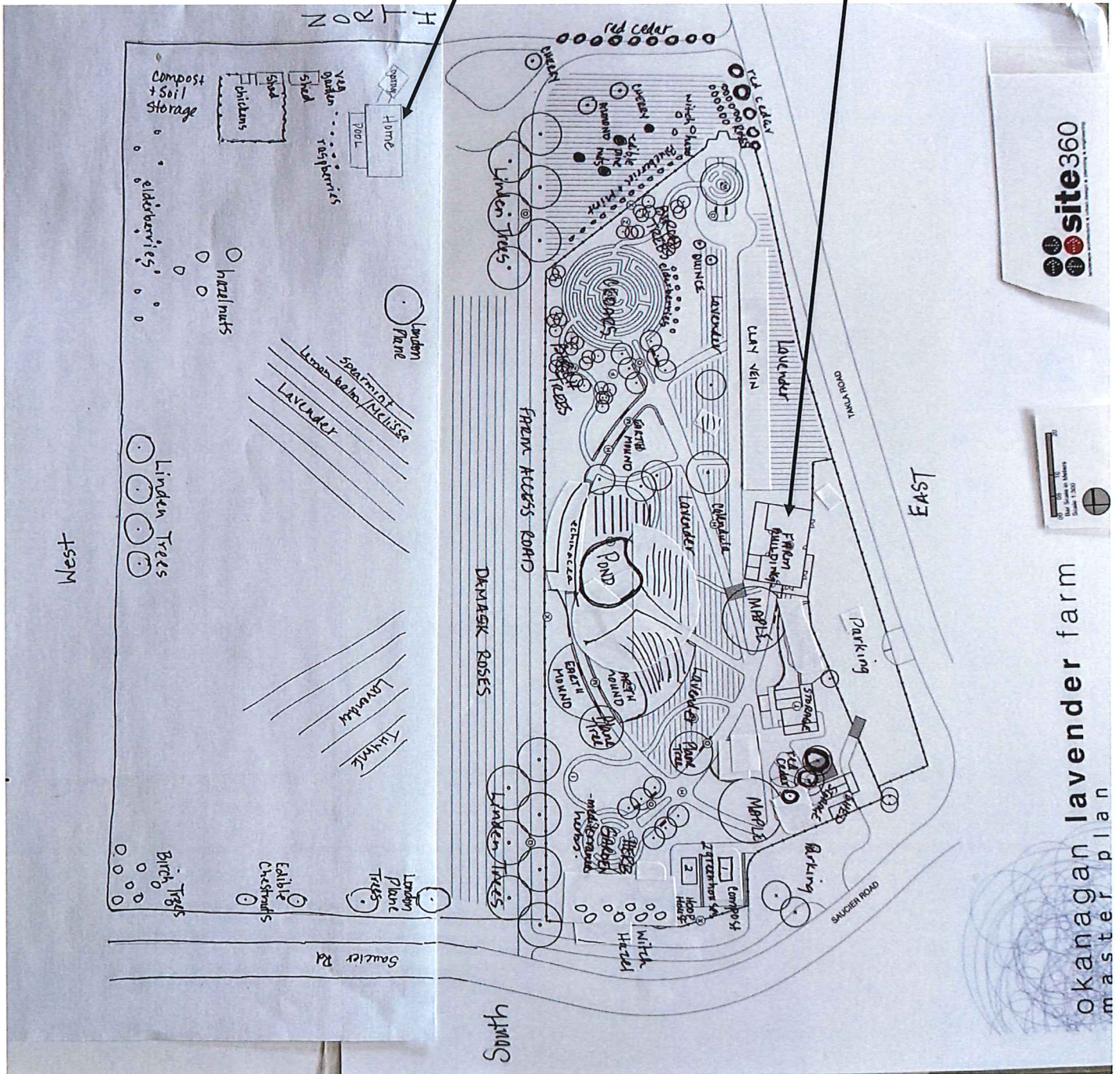
Planner
Initials

WM

McFadden Farm Map
4380 Takla Road, Kelowna, BC

Existing family home

Existing farm building for proposed
additional residence conversion.





CITY OF KELOWNA

MEMORANDUM

Date: May 3, 2021

File No.: A21-0006

To: Land Use Planning Manager (AK)

From: Development Engineering Manager (JK)

Subject: 4380 `Takla Rd Plan KAP74909 Lot 1 Non-Adhering Residential Use

Development Engineering has the following comments at this point in time with regard to this Application for the proposed Additional Residence for Farm Use.

Potential requirements are provided for information only and are subject to the policies in effect at the time when a formal application is made by the owners.

The requirements for setback and Building Code related issues must be considered. Development Engineering will defer comment on those and other issues to Building & Permitting.

Domestic water and fire protection.

The subject property is within the former service area of South East Kelowna. On-site servicing including the utilisation of existing or proposed services as well as fire protection requirements will be reviewed by Building & Permitting.

Sanitary Sewer.

This subject property is currently not within the City service area. Sanitary sewage is handled by on-site wastewater disposal system(s). The existing on-site system(s) are not shown on the submitted Site Plan. The application will be reviewed by a Licenced Wastewater Practitioner and Building & Permitting.

Access and Parking

Adequate on-site parking shall be provided with an area that will allow vehicles to turn-around and exit the property in a forward direction. The current access driveway at the intersection of Saucier Rd and Takla Rd is contrary to Bylaw 7900 and therefore must be removed.

A handwritten signature in blue ink that reads "Ryan O'Sullivan".

Ryan O'Sullivan
 Development Engineering Manager
 JF



April 16, 2021

File No: 0280-30

Local Government File No: A21-0006

City of Kelowna

1435 Water St

Kelowna BC V1Y 1J4

Via E-mail: planninginfo@kelowna.ca

Dear City of Kelowna:

Re: Non-adhering residential use application for 4380 Takla Road (PID: 025-842-366)

Thank you for providing B.C. Ministry of Agriculture, Food and Fisheries (ministry) staff the opportunity to comment on the proposed non-adhering residential use application in the Agricultural Land Reserve (ALR) for an additional residence. We note that the property is a 3.3 ha (8.15 acre) herb and lavender farm with an existing 956 m² principal residence, and that the applicants are requesting a 622 m² second dwelling that will be located within an existing farm building that is no longer necessary for farm use due to the business shifting to online sales.

Although the proposed new dwelling would be in an existing building and will not remove land from production, ministry staff have the following concerns about the proposal:

- The existing residential floor area of the principal dwelling is nearly double that currently allowed by the *Agricultural Land Commission Act (ALCA)*, which is 500m². The proposed dwelling will result in more than triple the amount of residential floor area currently allowed by the ALCA.
- The amount of residential floor area and scale of the housing requested does not appear to be commensurate with the size, intensity, and type of operation. Herb and lavender farms typically do not require someone to be on site at all times, particularly if the operation will be moving away from farm gate sales and agritourism to online sales. This shift in operations will also likely reduce, rather than increase, the amount of labour required for the farm.

- The proposed second residence will not be located on a residential footprint contiguous with the principal residence, which could increase the potential for future subdivision requests.
- The proposed second residence will be on a permanent foundation, which means it will be less likely to be removed if no longer required. If this residence is used as a rental unit in the future, it could increase the potential for farm practice complaints in the area.
- Although the applicant states that succession planning is the reason for the additional housing request, there was no information provided in the application materials about the farm succession plan and how many years the transition is likely to require. Good succession planning does not typically involve placing more additional housing on agricultural land than will likely be sustained by the size of the operation into the future.
- Allowing a large amount of permanent residential floor area to accommodate what is could be a relatively short-term need would be unlikely to be to the benefit of agriculture in the long term. Having two large residences on the property could preclude a farmer from purchasing the farm in the future should the applicants' children decide not to continue with the farm operation.

If you have any questions, please contact us directly by email or phone.

Sincerely,



Alison Fox, P.Ag.
Land Use Agrologist
BC Ministry of Agriculture, Food and
Fisheries
Alison.Fox@gov.bc.ca
(778) 666-0566



Chris Zabek, P.Ag.
Regional Agrologist
BC Ministry of Agriculture, Food and
Fisheries
Chris.Zabek@gov.bc.ca
(250) 861-7680

Email copy: Sara Huber, Regional Planner, ALC Sara.Huber@gov.bc.ca

3.2 Project Description

The proposal is to place fill and topsoil over a 3-year period. The soil placement would be used to fill in low spots and be cultivated reseeded to enhance the present usage of the land. The goal is to regrade the property to a continuous gradual slope from the existing driveway to the north limit of the property. The agrologist's report is attached.

3.3 Site Context

The subject property is in the North Glenmore, Sector of the City and is within the Agricultural Land Reserve. The Future Land Use of the property is Resource Protection Area (REP). It is zoned A1 – Agriculture 1 (Maps 1 – 4, below) and is outside of the Permanent Growth Boundary. The property slopes from the south to the north, with a height of land at the south property line of 436.0 metres, sloping to the north property line at 435.0 metres, with a slope over the property which averages approximately 1%.

Parcel Summary – 841 Curtis Rd:

Parcel Size: 2.62 ha (6.47 acres)

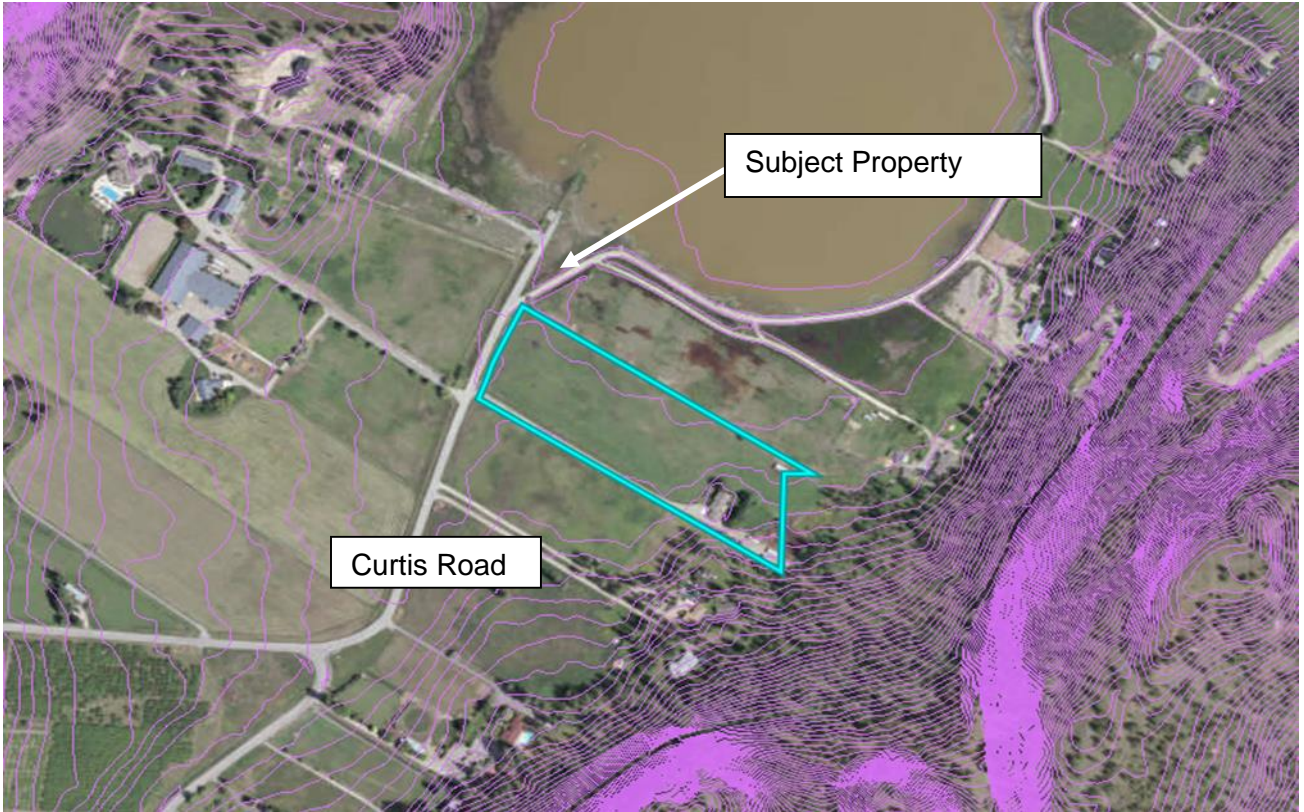
Elevation: 436.0 to 435.0 metres above sea level (masl) (approx.)

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

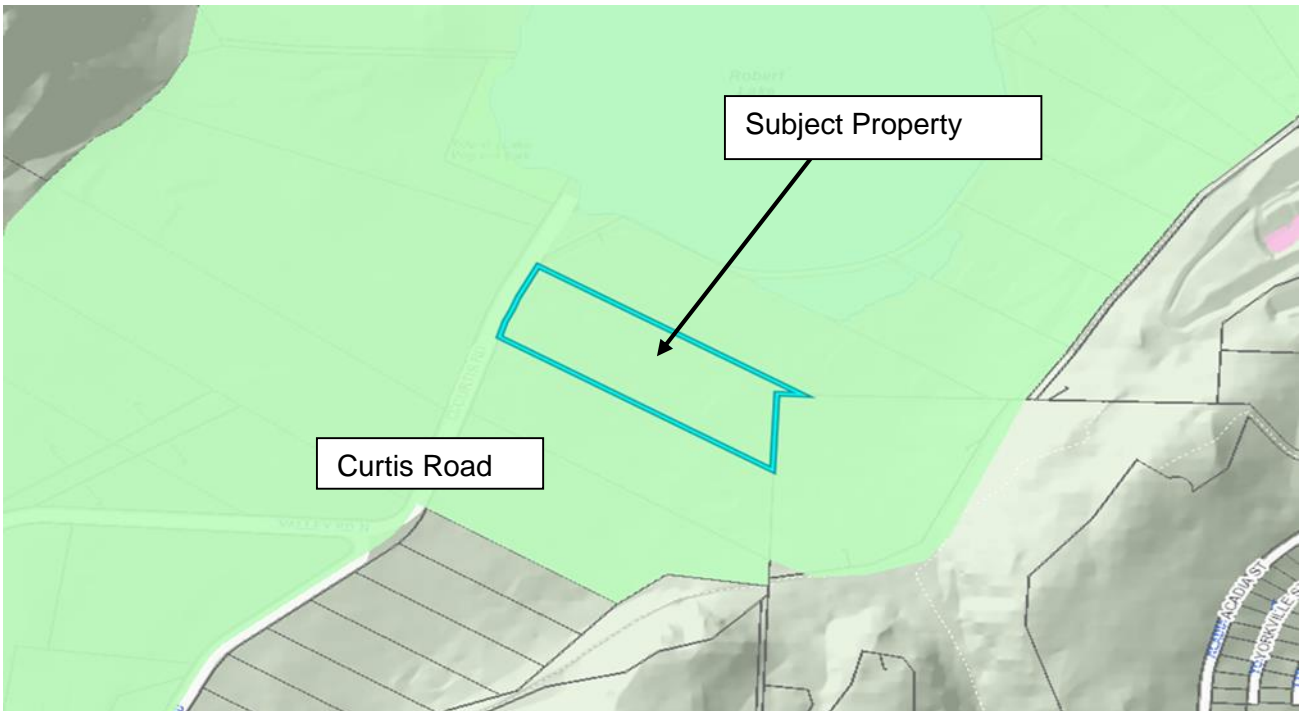
Table 1: Zoning and Land Use of Adjacent Property

Direction	Zoning	ALR	Land Use
North	A1 – Agriculture 1	Yes	Agriculture / Rural Residential
South	A1 – Agriculture 1	Yes	Agriculture / Rural Residential
East	A1 – Agriculture 1	Yes	Agriculture
West	A1 – Agriculture 1	Yes	Agriculture / Rural Residential

Map 1 - Neighbourhood



Map 2 – Agricultural Land Reserve



Map 3 – Future Land Use



Map 4-Zoning



4.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

Protect and enhance local agriculture¹.

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.

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

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

4.2 Natural Environment Development Permit Areas²

Unless exempted, a development permit addressing natural environment and water conservation guidelines must be approved before:

- Subdivision of land;
- Alternation of land, including but not limited to clearing, grading, blasting, preparation for or construction of services, and roads and trails;
- Drilling a well for consumptive or geothermal purposes; and/or
- Construction of, addition to, or alteration of a building or structure;

For those properties shown as Natural Environment Development Permit Areas.

4.3 City of Kelowna Agriculture Plan (1998)

ALR Application Criteria³

Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.

¹ City of Kelowna, 2012. 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.33.

² City of Kelowna, 2012., 2030 Official Community Plan; Chapter 12 - Natural Environment DP

³ City of Kelowna Agriculture Plan. 1998. P. 130.

4.4 Agricultural Land Commission Act (ALCA)

Section 6 Purposes of the Commission

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.

Report prepared by: Sergio Sartori, Development Technician

Approved for Inclusion: Dean Strachan, Manager, Planning & Development Services

Attachments:

Attachment "A" Agrology Report & Photos

SCHEDULE A - Policies



Subject: Address

4.5 City of Kelowna Agriculture Plan (1998)

ALR Application Criteria⁴

Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.

1.1 City of Kelowna Strategic Plan

Objective⁵: Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

Action towards this objective⁶: Evaluate the effectiveness of City policies and bylaws in preserving agricultural lands.

1.3 Kelowna Official Community Plan (OCP)

Land Use Designation Definitions

Resource Protection Area⁷

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 boundary⁸

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 Boundary⁹. 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

⁴ City of Kelowna Agriculture Plan. 1998. P. 130.

⁵ City of Kelowna Strategic Plan. 2004. P. 7.

⁶ City of Kelowna Strategic Plan. 2004. P. 29.

⁷ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.2.

⁸ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.6.

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 agriculture¹⁰.

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

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

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

1.4 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.

⁹ City of Kelowna 2030 Official Community Plan. Development Process Chapter. P. 5.2.

¹⁰ City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35.

SCHEDULE B – Technical Comments



Subject: 841 Curtis Rd – A21-0005

4.6 Development Engineering Department

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

4.7 Glenmore Ellison Irrigation District

GEID has no comments or objections to the above referenced file.

ATTACHMENT A
This forms part of application
A21-0005
Planner Initials **SS**
City of Kelowna
DEVELOPMENT PLANNING

August 29, 2017

To: Whom it may concern

RE: Gravel Placement

1.0 Introduction

Art and Linda Scheffler have asked me to provide a professional report in support of their application to apply gravel fill on their property known as:

That Part of Lot 11, Shown on Plan B16248, Block 15, Sections 3 and 10, Township 23, Osoyoos Division, Yale District, Plan 1068, PID 008-590-834, at 841 Curtis Road, Kelowna, BC.

The location of the property is shown in Figure 1:

Figure 1: Location of the Scheffler Property



2.0 Qualifications

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

2533 Copper Ridge Drive, West Kelowna, BC, V4T 2X6,

Phone: 250-707-4664, Cell: 250-804-1798, email: bholtby@shaw.ca

During my years in both public and private practice, Courts and Review Boards have accepted me as an expert regarding farming practices in British Columbia.

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

The reader should note that I do not act as an agent in the normal use of the term. That is, I have no fiduciary responsibility to the applicant.

Section 3 of the Code of Ethics of the BC Institute of Agrologists includes the paragraph:

- ensure that they provide an objective expert opinion and not an opinion that advocates for their client or employer or a particular partisan position.

3.0 The Proposal

The purpose of the placement of gravel fill is to facilitate “flushing” of salts from the soils in their pasture. Specifically, the low lying area to the North West of the parcel have been identified as containing high levels of Potassium, Magnesium, Sodium and Sulfate. In addition, the pH of the soils as a result of the salts is 8.3, clearly alkaline and not conducive to good plant growth.

These levels were identified in a soils report from Griffin Laboratories Inc. in May, 2002. I know of no remedial action having been taken in the intervening years and therefore feel confident in assuming that these levels still exist.

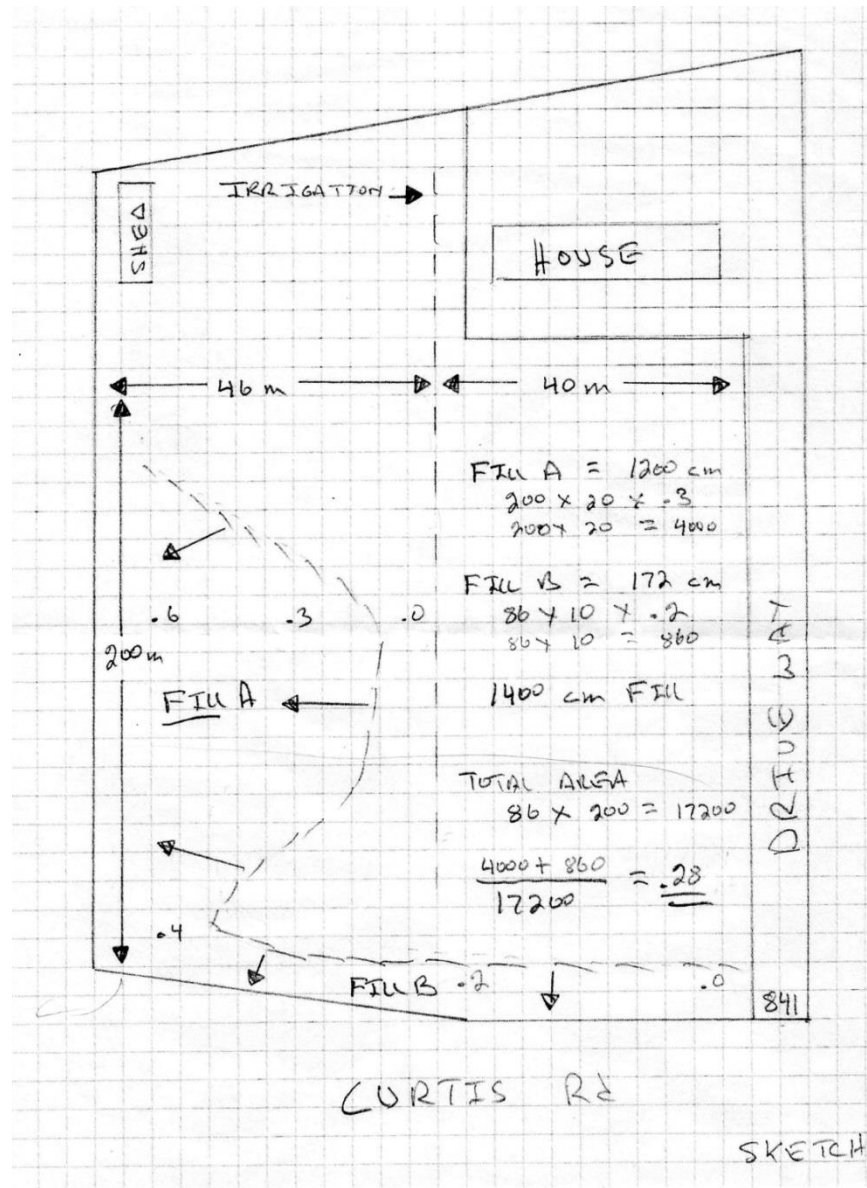
Flushing the salts over time is the known remedy for this action. Normally, the farmer uses tile drainage to remove the salts which are dissolved in the irrigation water. While effective, tile drainage is also expensive. In addition, the Scheffler property contains heavy clays (see Photograph 1) and the ability for water to drain through the clays is suspect. The higher knolls on the property on the south along the driveway do not exhibit the same effect of alkalinity or salt saturation. Water from these knolls will drain along the surface to the lower part of the pasture which is the subject of this proposal.



Photograph 1: Soil Pit in Area to be Drained

Mr. Scheffler has provided a sketch map for his property that identifies the area to be drained. These are identified as Fill A or Fill B. This map is shown in Figure 2:

Figure 2: Sketch Map for the Drainage Plan



In this case, there are two proposals which, depending on the nature of the gravel fill to be imported, can be effectively and economically used, in my opinion.

If the gravels to be brought into the land contain a large amount of fine material, the best approach in my opinion is to layer the material above the existing low lying area. Layers of topsoil can then be placed above the gravels to ensure a drained seedbed.

This process will allow the flushed water to drain through the now higher ground and will connect to the existing drainage ditch on the property boundary on the north side of the property. This drained water will follow the normal course through the ditch to the lake.

If the gravel material is relatively clean, I would recommend trenching the land in a herring bone pattern with a plow at about a one foot depth and filling the trench with the clean material. This process would be much cheaper to perform since less material is handled. The trenches are best described as “French drains” which are commonly used for water management.

Again, the water will flow to the existing ditch (see Photograph 2) and follow the normal path to the lake.



Photograph 2: Interception Ditch on North of Parcel

Improving drainage on a property is considered a “normal farm practice” according to the Farm Industry Review Board.¹

"normal farm practice" means a practice that is conducted by a farm business in a manner consistent with

(a) proper and accepted customs and standards as established and followed by similar farm businesses under similar circumstances, and

¹ Section 1, *Farm Practices Protection (Right to Farm) Act*, RSBC 1996,

(b) any standards prescribed by the Lieutenant Governor in Council, and includes a practice that makes use of innovative technology in a manner consistent with proper advanced farm management practices and with any standards prescribed under paragraph (b).

In the decision in *Hall vs Rohrer*, the Panel of FIRB declared that:²

We accept that a landowner has the right to improve drainage, subject to any applicable land use regulation, to more effectively use his property and maximize the profitability of his land.

This decision is contingent on no adverse effect of the drainage improvements on neighbouring properties. Given the use of existing ditches, I know of no such adverse effects on neighbouring properties.

The plan of Mr. and Mrs. Scheffler can in my opinion, meet the criteria of “normal farm practice.”

I will be pleased to answer any questions that may have been raised by my opinion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R.G. Holtby', with a long horizontal flourish extending to the right.

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

² *Hall vs Rohrer*, FIRB Decision, August 26, 2010



10/09/2017



05/09/2017