

Agricultural Advisory Committee

AGENDA



Thursday, August 12, 2021
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.
- (e) In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, a maximum of 67 members of the public is permitted to attend Council meetings in-person. Members of the public must remain seated unless invited to address Council. Thank you for your co-operation.

We appreciate your cooperation in meeting this requirement.

2. Minutes

3 - 5

Approve Minutes of the Meeting of June 10, 2021.

3. Applications for Consideration

3.1. Curtis Rd 841 - A21-0005 - Art Scheffler 6 - 21

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.

3.2. East Kelowna Rd, 2981 A21-0009 - Theresa Ross 22 - 38

To consider permission from the ALC for a Non-Farm Use Permit to allow a year-round apple and peach bin storage station and seasonal fruit receiving station.

4. ALC Decisions - Update

5. New Business

6. Next Meeting

September 9, 2021

7. Termination of Meeting

Agricultural Advisory Committee Minutes

Date: Thursday, June 10, 2021
Time: 6:00 pm
Location: Virtual Meeting - Teams

Members Attending Virtually John Janmaat (Chair), Yvonne Herbison (Vice Chair); Aura Rose, Domenic Rampone

Members Absent Keith Duhaime, Avi Gill, Jill Worboys, Peter Spencer (Alternate), Derek Brown (Alternate)

Staff Present Tyler Caswell, Planner; Wesley Miles, Planner Specialist

Staff Attending Virtually Arlene McClelland, Legislative Coordinator (Confidential)

* Denotes partial attendance

1. Call to Order

The Chair called the meeting to order at 6:18 p.m.

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

2. Minutes

Moved By Domenic Rampone/Seconded By Aura Rose

THAT the Minutes of the May 13, 2021 Agricultural Advisory Committee meeting be adopted.

Carried

3. Applications for Consideration

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

Staff:

- Displayed a PowerPoint presentation providing an overview of the application.
- Responded to questions from the Committee.

Andrea and David McFadden, Applicant

- The basis of the application is that there are currently two families living in the main residence that also help with farm operations.
- Had considered building a modular home on the property.
- Commented that in 2018 they had begun to transition to an e-commerce operation, due to the adverse impacts to the farm by recent fires, which was initially planned to occur in 2021.
- Spoke to the farm operating for many years as onsite agri-tourism and the accelerated transition to online operations due to Covid-19.
- Without retail in the existing farm building, one option would be to convert the upper level for a residence and continue operations on the lower level; this option would not require any land to be removed from production and is the least costly.

- With using the upper level of the existing farm building as a residence it could easily be returned to its original purpose of on-site farm sales if the farm was sold.
- Spoke to the error regarding dimensions of the farm building on the ALC portal and confirmed the building is 2040 sq. ft per floor.
- Responded to questions from the Committee.

Committee Members:

- Discussed the option of placing a restrictive covenant on title and confirmed with the Applicant that it would be acceptable if a covenant is required.

Staff:

- Advised that any Restrictive Covenant can be discharged from the title at the discretion of staff if something changes.

Moved by Yvonne Herbison/Seconded by Domenic Rampone

THAT the Agricultural Advisory Committee recommend to Council that Application No. A21-0006 for the non-adhering residential use permit for the conversion of an existing accessory building into a secondary dwelling for farm help, located at 4380 Takla Road, Kelowna, B.C., be supported.

Carried

Anecdotal Comments

The Committee likes that this application is conserving land by using an existing building. The Committee raised concern that in the future and under new ownership another residence may be added and recommended a Restrictive Covenant be put in place to limit any potential future residence.

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

Staff:

- Displayed a PowerPoint presentation providing an overview of the application.
- Responded to questions from the Committee.

Committee Members:

- Discussed the history of this property and commented on the uncertainty of what the committee is actually supporting or not supporting this evening.
- Would be beneficial for the Applicant to be present to answer questions from the Committee.

Staff:

- Confirmed there are regulations to ensure that fill will be clean fill and not waste; there is a list of prohibited products. Any inappropriate fill would have to be removed.
- Uncertain of the reasons that the application was pulled at the ALC level.
- Spoke to drainage concerns in the entire area.

Moved by Domenic Rampone/Seconded by Yvonne Herbison

THAT the Agricultural Advisory Committee defer consideration of Application No. A21-0005 for non-farm use to place up to 2000 cubic meters of fill to the subject property, located at 841 Curtis Road, Kelowna, B.C., until further information is received.

Carried

Anecdotal Comments

The Committee would like an explanation of what work has occurred on this property. The Committee would also like to know how much fill is currently on this property and the work that will be done going forward to have a clearer understanding in order to make an informed decision of support or non-support.

4. ALC Decisions - Update

There were no updates.

5. New Business

Committee Members:

- Raised concern with Committee members not attending meetings and that the same four committee members tend to be in attendance; quorum may be difficult to attain.

Staff:

- Will look into filling the vacant position on the Committee and report back.

6. Next Meeting

The next Committee meeting has been scheduled for July 8, 2021.

7. Termination of Meeting

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

John Janmaat, Chair

DRAFT

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:

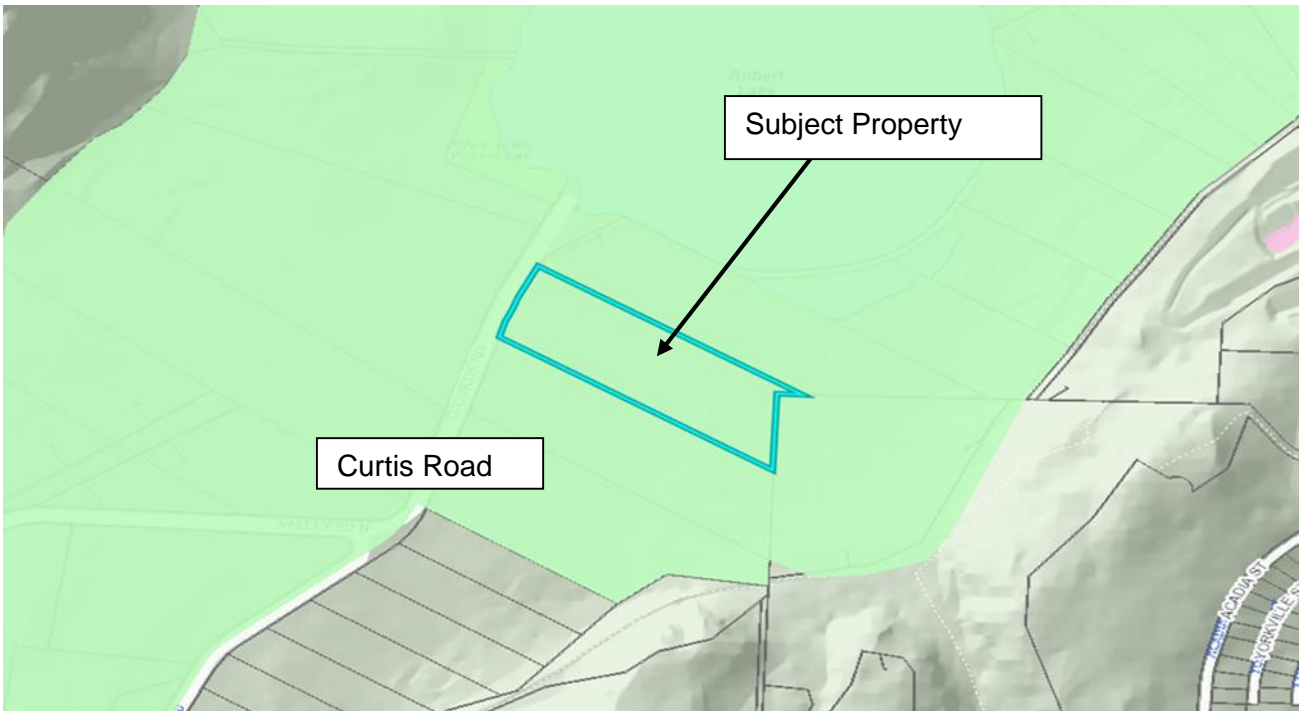
Table 1: Zoning and Land Use of Adjacent Property

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

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.

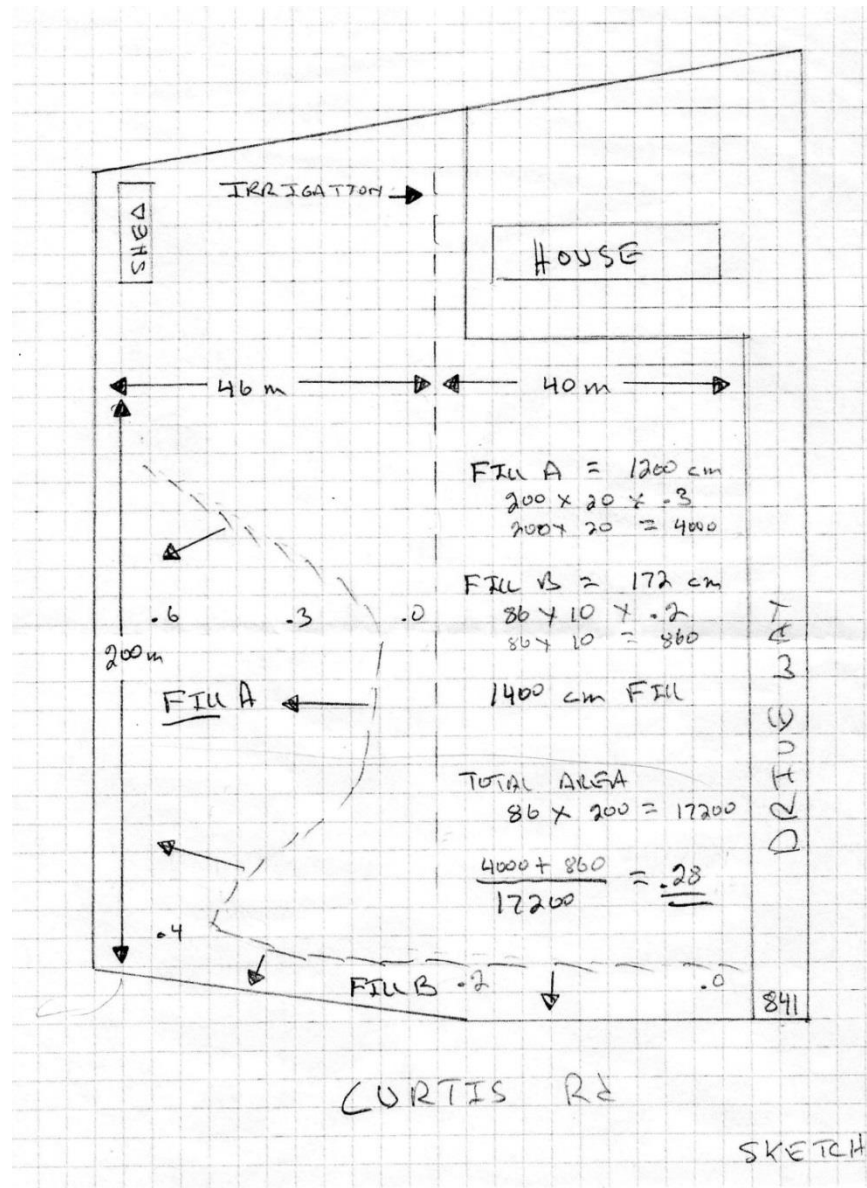
Flushing the salts over time is the known remedy for this action. Normally, the farmer uses tile drainage to remove the salts which are dissolved in the irrigation water. While effective, tile drainage is also expensive. In addition, the Scheffler property contains heavy clays (see Photograph 1) and 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, meets 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

COMMITTEE REPORT



Date: August 12th, 2021

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Development Planning Department

Application: A21-0009 **Owner:** David Albert Ross & Edith Kathlien Ross

Address: 2981 East Kelowna Road **Applicant:** Theresa Ross

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

Existing OCP Designation: REP – Resource Protection

Existing Zone: A1 – Agriculture 1

Agricultural Land Reserve: Yes

1.0 Purpose

The applicant is requesting permission from the ALC for a Non-Farm Use Permit to allow a year-round apple and peach bin storage station and seasonal fruit receiving station

2.0 Proposal

2.1 Background

The subject property is 10 acres (4.047ha) in size and is located on East Kelowna Road. The property is currently used to farm apples (gala, spartan, golden delicious, ambrosia, McIntosh and red delicious) and peaches (harrow diamond, Canadian harmony and suncreast). There is currently two single-family homes and a pickers cabin on site.

2.2 Project Description

The non-farm use application is to allow for a year-round apple and peach bin storage, as well as a seasonal fruit receiving station. The owners will be working with Consolidated Fruit Packers (CFP), where they ship the fruit to Osoyoos. This proposed receiving station will be used by 15 other farms in the area, which will be used from September – November. The bin storage will be used year-round, and the application also includes the placement of an ATCO trailer, which will be used as an office, so that bin tags can be printed to track the fruit. The proposal will require roughly 0.75 acre of current orchard land to be removed and gravel

to be placed. The fill placement will be roughly 0.1m in depth and have roughly 616m³ in fill. This will be roughly 30 to 40 truckloads.

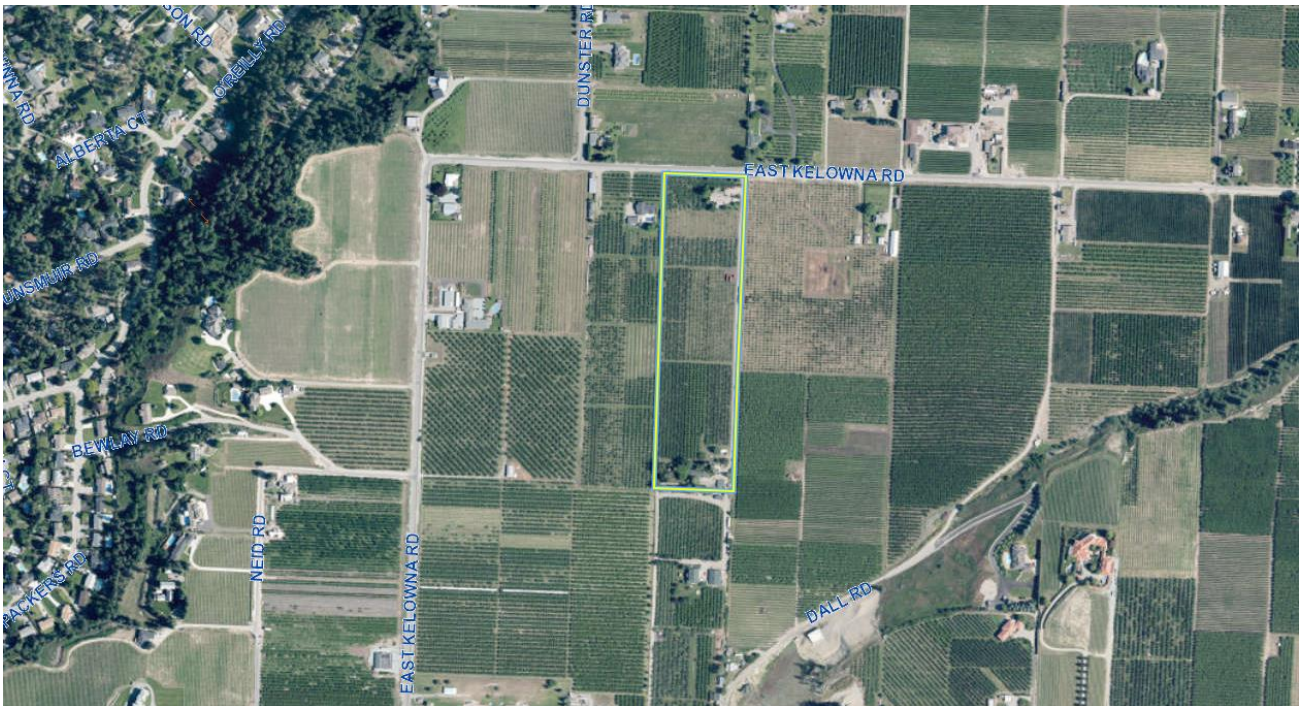
The ALC allows farm product processing/packing/storing, however, S. 11(2) of the ALR Use Regulation has specific parameters:

11 (2) – The use of agricultural land for storing, packing, preparing, and processing farm products is designated as a farm use and may not be prohibited in section 4 if at least 50% of the farm products is:

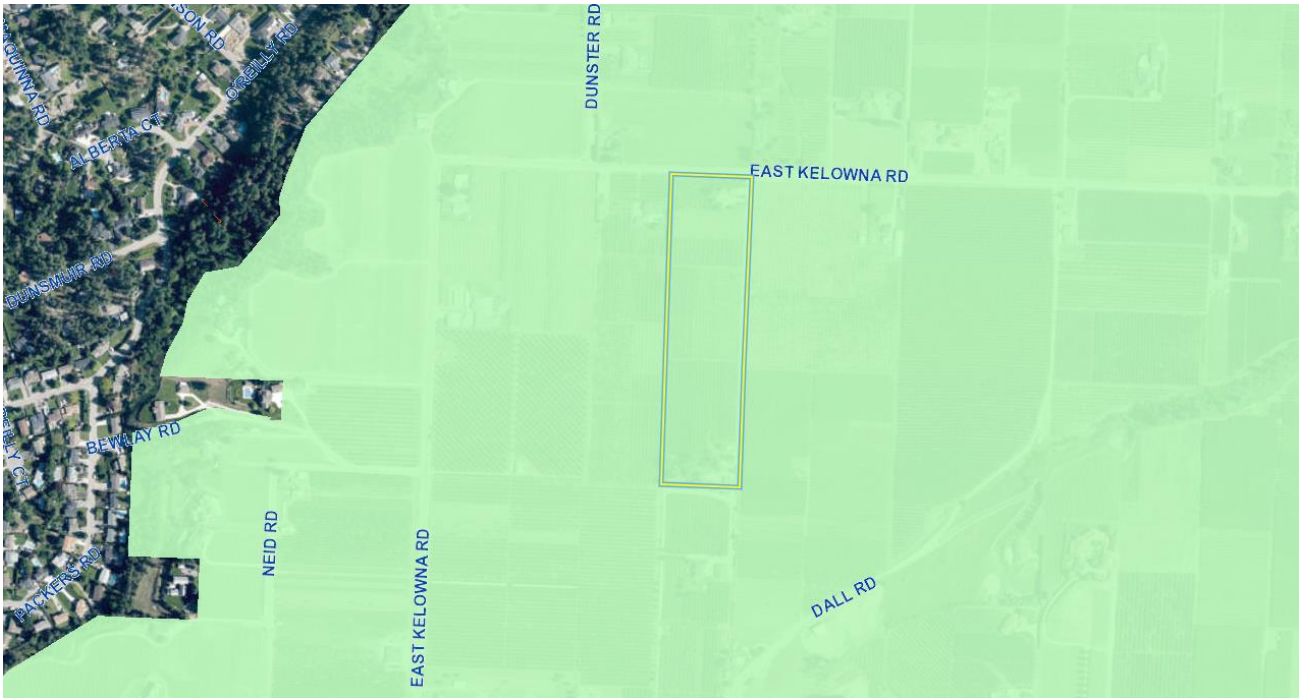
- a) produced either on that agricultural land or by an associate to which the owner of the agricultural land belongs, or
- b) feed required for farm use on that agricultural land

Since the proposal is involving 15 other growers, this wouldn't meet the 50% requirement. The application is agricultural-related, but still requires a non-farm use application from the ALC to construct the receiving station and bin storage.

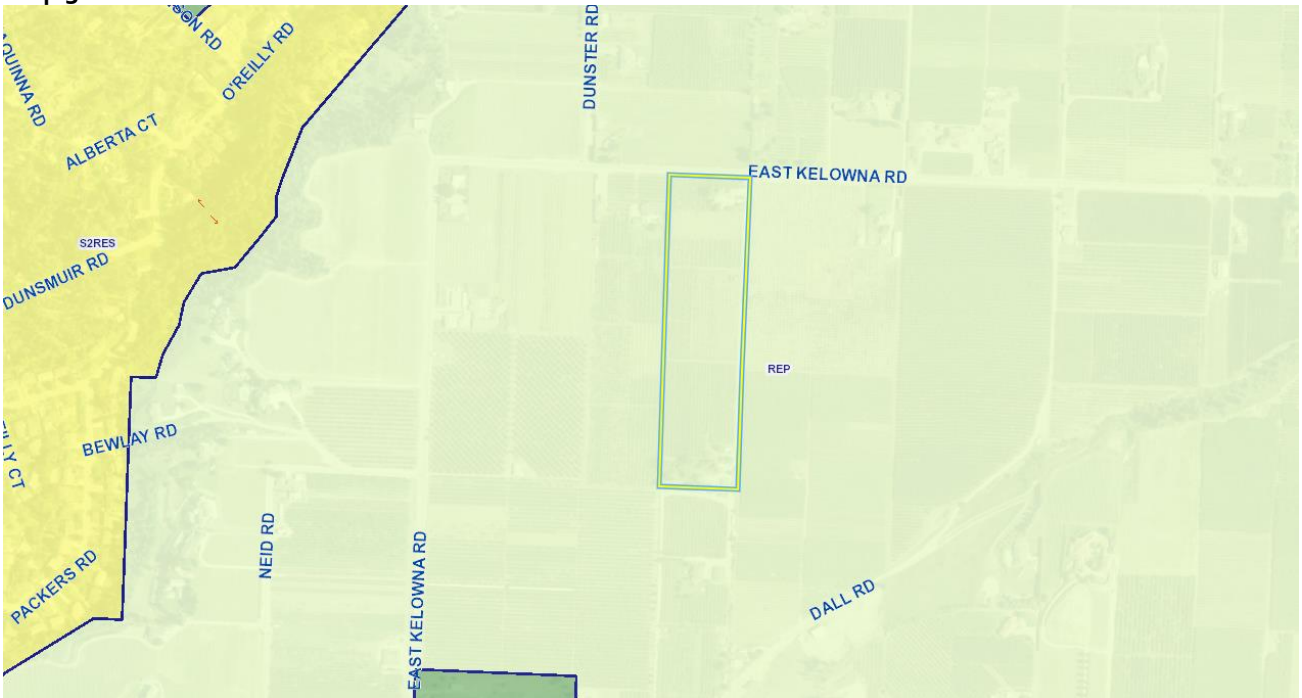
Map 1 - Neighbourhood



Map 2 – Agricultural Land Reserve



Map 3 – Future Land Use



2.3 Neighbourhood Context

The subject property lies within the Southeast Kelowna OCP Sector. The surrounding area is predominately agricultural lands, all within the Agricultural Land Reserve.

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
West	A1 – Agriculture 1	Yes	Agriculture

3.0 Development Planning

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

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

The primary object of the Agricultural Advisory Committee is to advise agricultural land use from a multi bottom line (i.e. Cultural, economic, environmental, and social) perspective. Staff are asking the AAC to consider this application and provide a recommendation to Council.

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Attachments:

Attachment A – ALC Non-Farm Use Application

Attachment B – Agrologist Report

Attachment C – Ministry of Agriculture

ATTACHMENT **A**
This forms part of application
A21-0009
Planner Initials **TC**
City of 
Kelowna
DEVELOPMENT PLANNING

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 63027
Application Status: Under LG Review
Applicant: Edithe Ross
Agent: Theresa Ross
Local Government: City of Kelowna
Local Government Date of Receipt: 04/26/2021
ALC Date of Receipt: This application has not been submitted to ALC yet.
Proposal Type: Non-Farm Use

Proposal: site proposal, to use one acre for year round apple and peach bin storage and seasonal fruit receiving station. We will be working with Consolidated Fruit Packers (CFP), based in Osoyoos. They are the packing house we ship our fruit to. We are in need of a receiving station for us and 15 other farmers who also ship their fruit to CFP. The site will be in use from September to November for receiving fruit to be hauled via B-train highway trucks to Osoyoos packing plant. we will need to have 4 to 6 inches of soil taken away and crush put down to facilitate loading the trucks. The Bin Storage will be used year round. We will also need an atco trailer for an office so that bin tags can be printed to track the fruit.

Agent Information

Agent: Theresa Ross
Mailing Address:
2960, McCulloch Road
Kelowna, BC
V1W 4A5
Canada
Primary Phone: (778) 363-3610
Email: kelcider@telus.net

Parcel Information

Parcel(s) Under Application

- Ownership Type:** Fee Simple
Parcel Identifier: 001-249-627
Legal Description: lot 2, section 15, township 26, osoyoss division of yale, plan 736
Parcel Area: 4 ha
Civic Address: 2981 East Kelowna Rd
Date of Purchase: 03/24/1943
Farm Classification: Yes
Owners
 - Name:**
Address:

Current Use of Parcels Under Application

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

currently farming Apples: gala, spartan, golden delicious, ambrosia, Macintosh, red delicious. Peaches: harrow diamond, canadian harmony, suncrest.

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

In 2003 irrigation was upgraded from aluminum pipe to poly urethane pipe with sprinklers and computerized time clock.

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

1 main house, 1 secondary house, pickers accommodation, detached garage/workshop, storage building and tractor shed.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: peach farming, hay farming, apple farming

East

Land Use Type: Agricultural/Farm

Specify Activity: Cherry farming

South

Land Use Type: Agricultural/Farm

Specify Activity: apple and peach farming

West

Land Use Type: Agricultural/Farm

Specify Activity: apple and grape farming

Proposal

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

0.4 ha

We will also need an atco trailer for an office so that bin tags can be printed to track the fruit.

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.

our property is centrally located, which makes a shorter round trip for farmers hauling fruit to be shipped to the packing plant. This means less bruising and damaged to fruit. Gives growers better returns and is more efficient.

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

This proposal will allow us and other farmers working with CFP to ship our fruit to the packing house with greater success. A centralized location allows farmers a faster turn around to get fruit to the market in the best condition for a top quality product.

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

Yes

Proposal dimensions

Total fill placement area (0.01 ha is 100 m²) 0.1 ha
Maximum depth of material to be placed as fill 0.1 m
Volume of material to be placed as fill 616 m³
Estimated duration of the project. 10 Years

Describe the type and amount of fill proposed to be placed.

crush 30 to 40 truck loads

Briefly describe the origin and quality of fill.

clean crush haul by Apex Sand and Gravel

Applicant Attachments

- Agent Agreement-Theresa Ross
- Proposal Sketch-63027
- Site Photo-surrounding area
- Certificate of Title-001-249-627

ALC Attachments

None.

Decisions

None.

ATTACHMENT		A
This forms part of application		
# A21-0009		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING

Map 26/116



Google earth

feet
meters

1000

400




APP 3

- Block # 9 Reds
- # 10 Peaches
- # 11 Gala
- # 12 Ambrosia
- # 13 Goldens
- Gala
- # 14
- # 15 Medium Spartan
- # 16 Ambrosia
- # 17 Big Spartan
- # 18 toilet

ATTACHMENT A

This forms part of application
A21-0009

Planner Initials **TC**



City of Kelowna
DEVELOPMENT PLANNING

Google earth
app 4

- 2960 McCulloch Rd 8.95 acres
- 2981 East Kelowna Rd 10 acres

feet
meters



ATTACHMENT A

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A21-0009

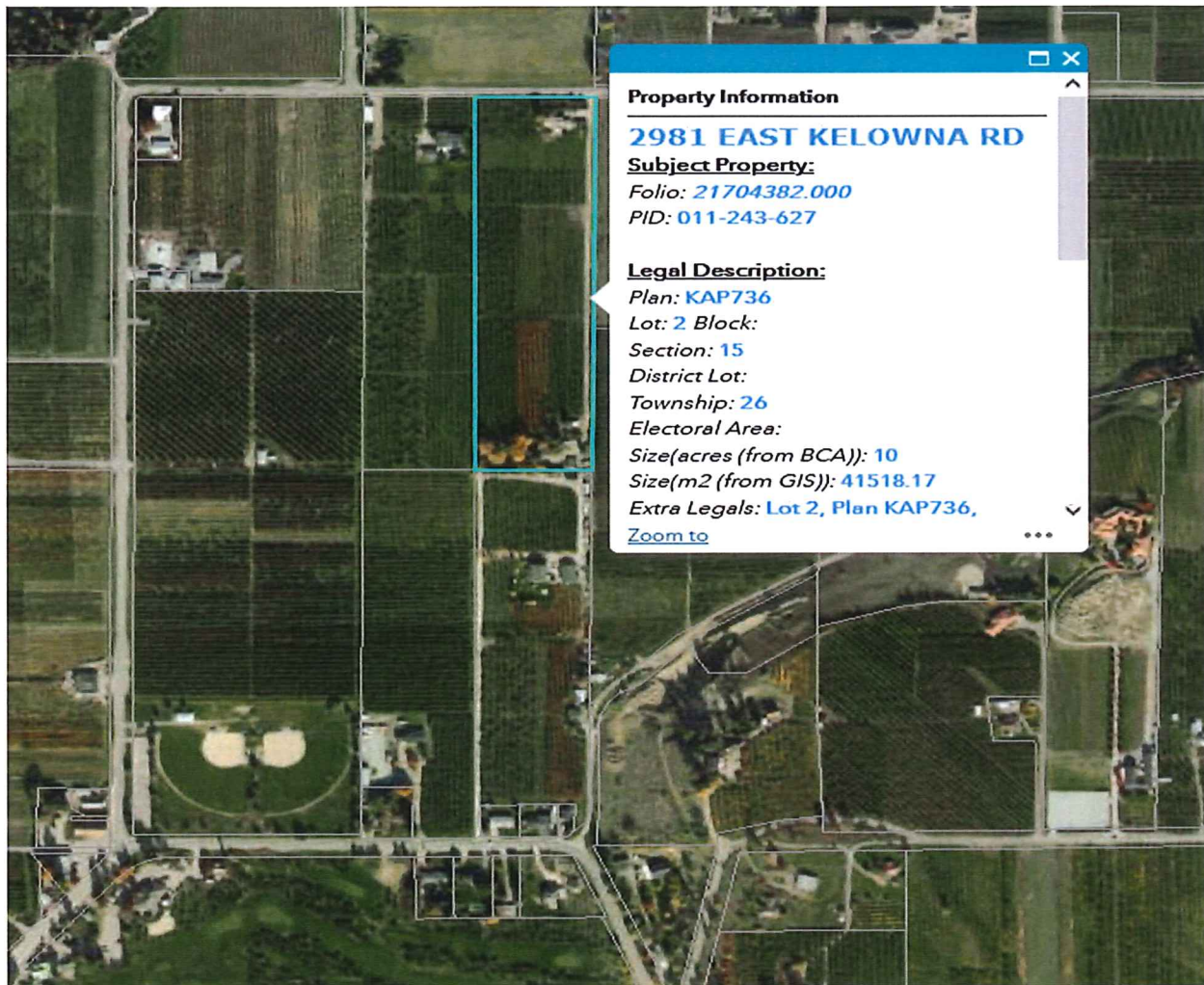
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A Report to Support Non-Farm Use: bin drop.
Dave and Therressa Ross
2960 McCullough Rd and 2981 East Kelowna Road Kelowna, BC

June 7, 2021



Report Prepared by Carl Withler P.Ag.

DBA "Green Spark Consulting"

Kelowna B.C.

ATTACHMENT B

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This report has been prepared by a Professional Agrologist at the request of Dave and Therressa Ross in support of their Non-farm use application to the ALC (#63027). Specifically, this request is to remove trees and top soil from approximately .75 acre of current orchard land and place gravel and a small, removable, scale shack on the cleared area to pool loaded bins in a central location prior to loading onto a semi for shipment to the fruit grading and packing facility of Consolidated Fruit Packers (CFP) located in Osoyoos B.C. This proposal creates significant efficiency as it allows one large commercial vehicle to transport fruit rather than multiple smaller owner run trucks on a four hour round trip delivery. Efficiencies are gained through reduced emissions of multiple vehicles making multiple trips and keeps owners on their lands harvesting crops rather than delivering small batches of fruit.

Report outline:

1. Statement of Qualifications.
2. Impact on agricultural lands.
3. Recommendations
4. General Commentary

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Statement of Qualifications: as required by the Professional Governance Act of British Columbia, I confirm the following to be a true statement of my qualifications with respect to the information in this report.

The author of this report is a Professional Agrologist (#695) registered and in good standing in the province of British Columbia and has been so for over 30 years. Because of this registration he is bound by a code of ethics, guided by standard and normal practices and uses scientific and field information to come to logical and rational recommendations and decisions.

Specific to this report Mr. Withler has spent 40 years in production agriculture working in every commodity from animal husbandry to tree fruit horticulture in Canada and abroad. During his working career Mr. Withler worked very closely with the Agricultural Land Commission (ALC), Ministry of Agriculture Strengthening Farming program staff and Local Government planners to create and review bylaws related to agricultural production. As well, Mr. Withler is relied on by Farm Industry Review board hearings as a “Knowledgeable Person” and allowed to offer opinion regarding normalized farming practices. Recently, the author retired from the provincial civil service as the Industry Specialist for the Tree fruit and Grape industries and is working as an Environmental Farm planner and replant inspector for the Treefruit Replant program. Mr. Withler is now the lead Agrologist for Green Spark Consulting

Impact on Agricultural Lands: in order to determine the potential impact on agricultural lands a site review in the company of the owner was carried out on May 27, 2021 to review works to date, confirm existing land practices and review basic documentation.

From this review it was confirmed that the area in question is approximately .75 acre in size, allows for easy access to and from the site in large and small vehicles, is secure and flat for easy movement of forklifts, bins and other farm equipment. It is also central to the approximately 15 growers that will pool their bins here for mass shipment to the grading and packing facility.

At the time of review, the site was cleared of topsoil, which remains on site currently and waiting for approval prior to hard surface (crush) fill placement and final grading. No evidence of topsoil removal was noted at time of inspection.

Although this is a “loss” of productive agricultural land, the “loss” is time bound, can be rehabilitated cheaply and easily and most importantly, provides a significant net benefit by marshalling fruit outside the City of Kelowna core, on safe, level ground and within reasonable trucking distance of a grading and packing facility. Any “loss” of productive land is surpassed by the gross benefit to agricultural producers in the South East Kelowna area.



Photo 1: Google Earth image of 2981 East Kelowna road location with application area outlined in yellow.

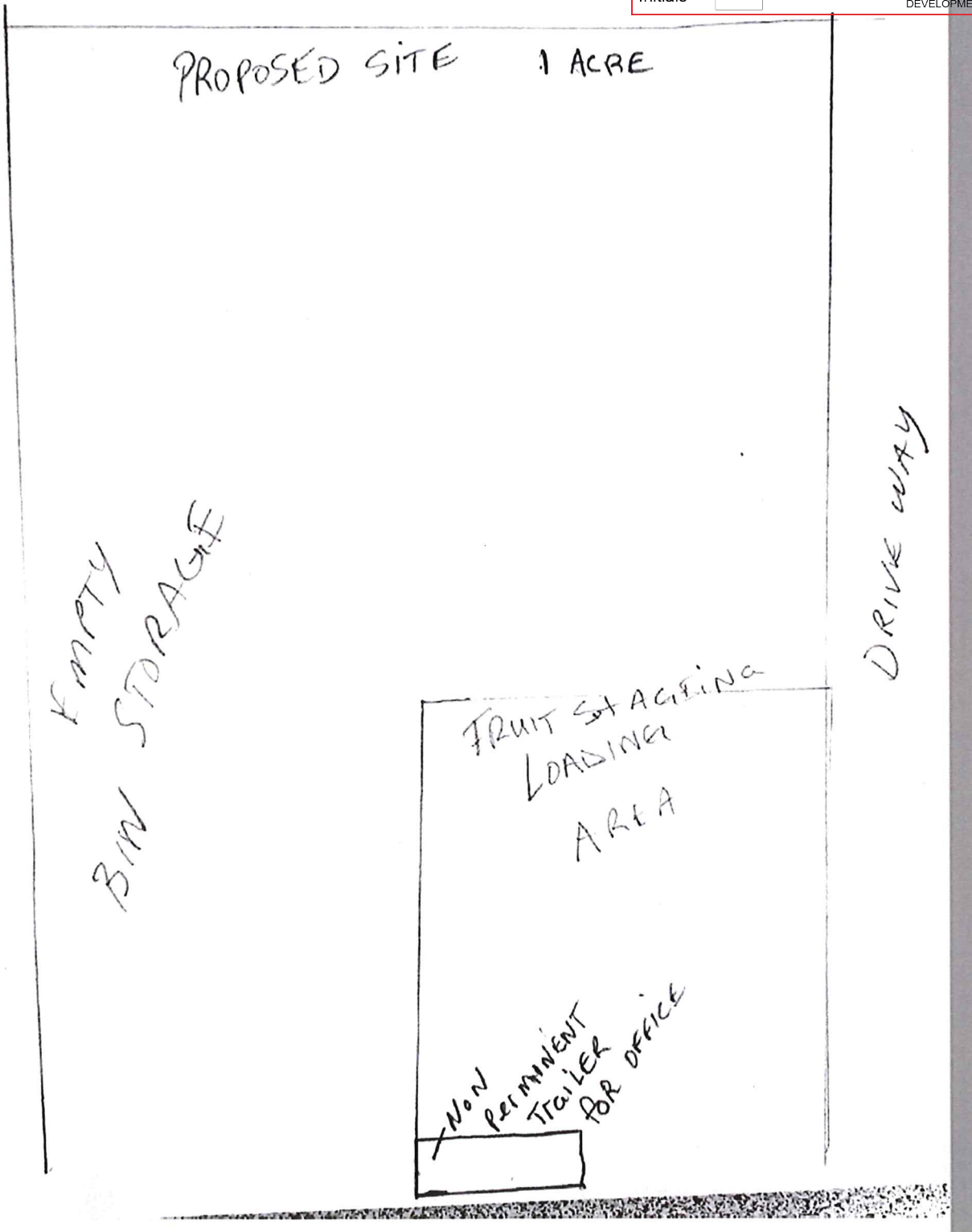


Figure 1; Site map produced by project proponent showing specific layout of scale shack, loading area and bin storage.



Photo 2: area in question looking North; note topsoil surrounding area remains in place. The scale shack will sit approximately where the Cat is now.

Recommendations; In preparing this report, I interviewed the land owners and staff from CFP as well as reviewed lease agreements in place between the two parties. In doing so, I am confident that there is a long term intent by both parties to efficiently and effectively pool and transport fruit for the benefit of approximately 15 growers in the South East Kelowna quadrant. Added, there are provisions in place for breach of lease by either party and specifically, rehabilitation requirements if, and when the lease terminates. The lease is evergreen and it is the intention of both parties for this to continue as part of the farming legacy of the Ross family.

The Ross family are long time orchardists in the Kelowna area having been in the farming community from the early 1900's onwards. They intend to keep farming into the foreseeable future with children, now of succession age and skills, to take over.

Because of this document review, interview process and my specific knowledge of the business model of CFP I would recommend that this application be supported by the City of Kelowna, the

ALC and only generalized conditions (i.e. simple bonding) regarding bonding for site rehabilitation be placed at time of approval. As the intention of this agreement is to be everlasting, the proponent should be allowed to remove the stock piled topsoil currently on site and replace it, if and when, needed.

General Commentary: CFP has made great gains in the last 10 year period in Kelowna and around the world in marketing high quality fruit and produce. With it's business roots in Kelowna, it has built a reputation of treating it's growers fairly and treating them, and their land fairly in exchange for high quality fruit delivered for processing. This agreement between the Ross family and CFP confirms both parties commitment to continued fruit production in the Central Okanagan.

The author of this report remains committed to finalizing a decision regarding this application and should any party require further information he may be reached at 250 870 2137.

Respectfully submitted,



Carl Withler P.Ag. (#695)

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ATTACHMENT C

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Planner Initials **TC**

City of **Kelowna**
DEVELOPMENT PLANNING

June 23, 2021

File No: 0280-30

Local Government File No: A21-0009

Planning Staff
City of Kelowna
Via E-mail: planninginfo@kelowna.ca

Dear City of Kelowna planning staff:

Re: Non-Farm Use, 2981 East Kelowna Road, Parcel Identifier: 001-249-627

Thank you for providing B.C. Ministry of Agriculture, Food and Fisheries staff the opportunity to comment on the subject application. From an agricultural perspective, we offer the following comments on the materials provided:

- The project would utilize approximately one acre of farmland to provide bin storage and a seasonal fruit receiving station.
- No permanent structures are proposed as part of the project.
- Approximately 15 other fruit growers would benefit from the project through efficiencies gained in using the location to pool bins and ship fruit.
- As outlined in the Agrologist's Report future site rehabilitation, if needed, would be relatively simple.
- This use would be beneficial for agriculture and Ministry staff have no objections.

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

Sincerely,

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

Chris Zabek, P.Ag.
Regional Agrologist
B.C. Ministry of Agriculture,
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Chris.Zabek@gov.bc.ca
250 861-7680

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ATTACHMENT **C**

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City of **Kelowna**
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cc. Sara Huber, Regional Planner, ALC, Sara.Huber@gov.bc.ca