

Agricultural Advisory Committee

AGENDA



Thursday, November 18, 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.

In accordance with the most recent Public Health restrictions regarding gatherings and events, seating is limited in Council Chambers. Members of the public must remain seated. Thank you for your co-operation.

2. Minutes

3 - 4

Approve Minutes of the Meeting of October 14, 2021.

3. Applications for Consideration

3.1. 3850 Swamp Rd, A21-0008 - Christine and Kevin Schmidt

5 - 55

To consider a Non-Farm Use to place up to 23,500 cubic meters of fill on the property to reclaim for agriculture, under Section 20(3) of the Agricultural Land Commission Act.

4. ALC Decisions - Update

5. New Business

6. Next Meeting

December 16, 2021

7. Termination of Meeting

Agricultural Advisory Committee Minutes

Date: Thursday, October 14, 2021
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Domenic Rampone*, Derek Brown (Alternate)

Members Attending John Janmaat(Chair)*, Yvonne Herbison (Vice Chair), Aura Rose
Virtually

Members Absent Yvonne Herbison, Avi Gill, Pete Spencer (Alternate), Jill Worboys

Staff Present Wesley Miles, Planner Specialist; Tyler Caswell, Planner I; Clint McKenzie,
Legislative Coordinator (Confidential)

(* Denotes partial attendance.)

1. Call to Order

The Chair called the meeting to order at 6:02 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 September 9, 2021 Agricultural Advisory Committee meeting be adopted.

Carried

Chairman John Janmaat and Committee member Domenic Rampone left the meeting at 6:10 p.m. due to conflicts of interest.

Committee member Aura Rose took over as Chair of the meeting.

Staff advised that quorum is no longer met and a resolution on the application cannot be passed with two members leaving the meeting due to conflicts of interest.

The Committee proceeded with staff and applicant presentations.

3. Applications for Consideration

3.1 Pooley Road 3700, A21-0012 - Jealous Fruits Ltd. Inc. No. 1282068

Staff displayed a PowerPoint presentation outlining the application and responded to questions from the Committee.

Jordan Hettinga, Kent MacPherson, Applicant's Agent:

- Provided an overview of the application.
- Responded to questions from the Committee.
- Cabin is being kept for storage in the short term.

- Responded to questions from the Committee.
- The Manager of farm operations is living in the farmhouse.
- The topography of the land is impacting where the housing will go.
- Packing plant is not in operation at this time.

Staff responded to questions from the Committee.

Anedotal Comments:

- The Committee is concerned with the intent for more housing as other exiting building use is uncertain in relation to nonagricultural purposes.
- Any use of the other buildings should be a maximum of 60 foreign workers on the subject property.
- Request further review by staff of what future use these structures could be used for as there are two other housing units available already that could house potentially 14 workers.
- The proposal is taking away agricultural land for temporary farm worker housing with existing dwellings onsite. There are 2 habitable units on the property that could be used for some of the temporary farm worker housing.
- The Committee is in general support as to the intent of the application but has concern with where the farm workers are going to go.

The Chairman John Janmatt and committee member Domenic Rampone returned to the meeting at 6:55 p.m.

4. ALC Decisions - Update

Staff provided an update on the following applications:

5. New Business

Staff provided an overview of the changes to the Council Procedures Bylaw that will impact Committees of Council:

The Committee requested an update on recommending to Council regarding a nonvoting representative be requested to the Committee from the Ministry of Agriculture.

Staff have completed a report to Council that will go forward requesting the position.

The Committee requested that each meeting start with the acknowledgement that we are gathered on the traditional, ancestral, unceded territory of the sylix/Okanagan people.

Staff confirmed that a report will be presented to the Committee in November regarding changes and options to consider related to second residences on agricultural property.

6. Next Meeting

The next Committee meeting has been scheduled for November 18, 2021.

7. Termination of Meeting

The Chair declared the meeting terminated at 7:05 p.m.

Chair

COMMITTEE REPORT



Date: November 18, 2021
To: Agricultural Advisory Committee (AAC)
From: Development Planning Department
Application: A21-0008 **Owner:** Christine and Kevin Schmidt
Address: 3850 Swamp Road **Applicant:** Kevin Schmidt
Subject: Application to the ALC for Non-Farm Use in the ALR for the Placement of Fill

1.0 Purpose

The applicant is requesting permission from the Agricultural Land Commission (ALC) to allow for a Non-Farm Use to place up to 23,500 cubic meters of fill on the property to reclaim for agriculture, under Section 20(3) of the Agricultural Land Commission Act.

2.0 Development Planning

The applicant is seeking ALC approval to allow for placement of 23,500 cubic meters of fill with the intent of improving the farming capability on the subject property. The proposal is supported by a professional agrologist report to improve the site for agriculture. The purpose of the fill is to raise the land approximately 1 meter above the high water table and seasonal flooding prevalent on the site, which will ensure a competent root zone for future crops. Fill placement will also be guided via an Environmental Management Plan to ensure wetland features and groundwater diversion ditches surrounding the property are avoided. Should the ALC approve the Non-Farm Use, the applicant will be required to attain a Soil Deposit Permit from the City of Kelowna.

3.0 Proposal

3.1 Background

The subject property has been owned by the Casorso and Schmidt families (who are related), for over one hundred years. Due to the parcel's high water table the site has not been extensively farmed to date. Over the history of owning the parcel, the family has foraged a few pigs and leased the land for hay production. In 2018 the Schmidt family focused on raising the land level through filling to produce crops, such as hops or blueberries, and building a house to raise their family.

In January 2021 a Stop Work Order was issued by the Agricultural Land Commission for unauthorized fill placement on the subject property. Prior to the stop work order being issued, it is believed that 926 loads of fill material were placed on the property, which originated from a construction site at the corner of Cook and Truswell Roads in Kelowna.

3.2 Project Description

The purpose of the fill is to raise the land approximately 1 meter above the high water table and seasonal flooding prevalent on the site, which will ensure a competent root zone for future crops. Fill placement will be guided via an Agrologist’s Prescription to ensure suitable agricultural soils and via an Environmental Management Plan to ensure wetland features and groundwater diversion ditches surrounding the property are avoided.

3.3 Site Context

The subject property is located in the North Okanagan Mission City Sector near the intersection of Casorso and Swamp roads adjacent to Mission Creek. The parcel is within the Agricultural Land Reserve with a Future Land Use of Resource Protection Area (REP) and is zoned A1 – Agriculture 1.

Parcel Summary – 3850 Swamp Road:

Parcel Size: 4.4 ha (10.8 acres)
 Elevation: 346 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	Future Land Use
North	A1 – Agriculture 1	Yes	Park and Open Space; Resource Protection Area
South	A1 – Agriculture 1	Yes	Resource Protection Area
East	A1 – Agriculture 1	Yes	Resource Protection Area
West	A1 – Agriculture 1	Yes	Resource Protection Area

Subject Property Map: 3850 Swamp Road**3.4 Agricultural Land Capability**

The Agricultural Land Capability of the subject property is Class 5, which is generally limited to the production of perennial forage crops and specifically adapted crops (crops such as cranberries suited to unique soil conditions not amenable to a wide range of common crops). Productivity of these suited crops may be high. Class 5 lands can be cultivated and some can be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated field crops may be grown on some Class 5 land where adverse climate is the main limitation, but crop failure can be expected under average conditions.

3.5 Soil Capability

The Soil Management Handbook for the Okanagan and Similkameen Valley (published by the BC Ministry of Agriculture) categorizes soils having similar agriculturally important characteristics into 'soil management groups' identifies that the vast majority of the property is comprised of Tanaka (TA) soils. Surface and subsurface textures range from sandy loam to silty clay loam, while subsoils are gravels and sand at approximately 50 centimeters and greater in some profiles. The soils are predominately poorly to very poorly drained with minor inclusions of imperfectly drained soils on slightly elevated locations. The topography varies from level and gently undulating.

Tanaka soils are well suited for forage crops. If soils are drained, suited crops would be alfalfa, annual vegetable crops, blueberries, cereals, corn, forage crops, nursery and Christmas trees, pears, raspberries and strawberries.

4.0 Current Development Policies

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.

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.

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.

Report prepared by: Corey Davis, Development Technician

Reviewed by: Dean Strachan, Community Planning and Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning and Development Services

Attachments:

Agrology Reports

Environmental Management Plan for Fill Placement – 3850 Swamp Road

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE

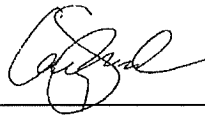
Certificate Number: STSR2501270

File Reference: 13874-001/sp

TOUCHSTONE LAW GROUP LLP
208 - 1664 RICHTER STREET
KELOWNA BC V1Y 8N3

A copy of this State of Title Certificate held by the land title office can be viewed for a period of one year at <https://apps.ltsa.ca/cert> (access code 143032).

I certify this to be an accurate reproduction of title number **CA6567820** at 10:54 this 14th day of March, 2018.


REGISTRAR OF LAND TITLES



Land Title District
Land Title Office

KAMLOOPS
KAMLOOPS

Title Number
From Title Number

CA6567820
LB541325

Application Received

2018-01-15

Application Entered

2018-01-25

Registered Owner in Fee Simple

Registered Owner/Mailing Address:

CHRISTINE FLORENCE SCHMIDT, HOMEMAKER
2409 BENVOLIN RD.
KELOWNA, BC
V1W 2C9
AS TO AN UNDIVIDED 1/3 INTEREST

Registered Owner/Mailing Address:

KEVIN VINCENT AUGUST SCHMIDT, BUSINESSMAN
JOELLE ANGELE MARIE SCHMIDT, BUSINESSWOMAN
22 2210 HORIZON DRIVE
WEST KELOWNA, BC
V1Z 3L4
AS TO AN UNDIVIDED 2/3 INTEREST AS JOINT TENANTS

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE

Certificate Number: STSR2501270

Taxation Authority Kelowna, City of

Description of Land

Parcel Identifier: 011-099-895

Legal Description:

LOT K DISTRICT LOT 168 OSOYOOS DIVISION YALE DISTRICT PLAN 1829 EXCEPT PLAN
EPP21089

Legal Notations NONE

Charges, Liens and Interests

Nature: MORTGAGE
Registration Number: CA6568043
Registration Date and Time: 2018-01-15 14:44
Registered Owner: ROYAL BANK OF CANADA

Duplicate Indefeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

This certificate is to be read subject to the provisions of section 23(2) of the Land Title Act(R.S.B.C. 1996 Chapter 250) and may be affected by sections 50 and 55-58 of the Land Act (R.S.B.C. 1996 Chapter 245).

Initial Report Regarding Soils and Fill Placed at 3850 Swamp Road

Owner: Kevin Schmidt

March 12, 2021



Report Prepared by Dr. Scott Smith P.Ag. and Carl Withler P.Ag.

Kelowna B.C.

This report has been prepared by Professional Agrologists at the request of the land owner, Mr. Kevin Schmidt, to assist him in confirming that soils placed on his property currently are suitable for fill material in farm development and to support his application to the Agricultural Land Commission (ALC) for permission to retain these soils on site and ultimately continue filling and top dressing his land for farming purpose.

This initial report shall follow the following outline to provide the audience with all site specific information gathered by the authors and recommend a path forward for the land owners.

Report outline:

1. Site history and context
2. Assessment of fill to date
3. Recommended actions
4. General Commentary
5. Statement of Qualifications.

Site history and Context: the property in question has been owned by Casorso/Schmidt family members for over 100 years and because of it's swampy nature and seasonal flooding has not been developed as an intensively farmed parcel to date. Over the history of owning the parcel, the family has foraged a few pigs on the property occasionally and most recently leased the property to an adjacent land owner who wished to cut hay on it. This lease was terminated in 2018 and from that point forward Mr. and Mrs. Schmidt (Casorso family members) have focussed on raising the land level through filling to produce crops, possibly hops or blueberries, and building a house to raise their young family.

It is worth noting that during this historical review, of the property that the fill currently placed without permission on the property is not the first fill to be placed on the property. Ortho image and Google Earth images reviews have confirmed that fill material from the development of the traffic circle and Swamp road drainage improvements have been placed on the property as early as 2009 and possibly earlier. (Refer to photo 1 below)



Photo 1: City of Kelowna ortho image dated 2012 showing fill placed on site after development of traffic circle and Swamp road drainage improvement.

As well, it is known by the authors of this report that works carried out by the Mission Creek restoration Initiative and City of Kelowna starting in 2010 had the dykes set back from Mission Creek along the North Western edge of this property with the permission of the ALC. Once the dyke setback project was completed the land was returned to market as improved agricultural lands seeking fill to raise the rooting zone out of the water table. This is the activity that the Schmidt family were undertaking when the current Stop Work order was placed.

Assessment of Fill to Date: starting on March 4, 2021 Dr. Scott Smith began investigations into the fill on site attempting to determine its suitability as fill material. This investigation included composite, randomized soil sampling for texturing as well as parent material origin. Added to these basic soil tests literature reviews were completed on previously submitted soil analysis from the stated excavation site as well as on site review at the corner of Cook and Truswell road in Kelowna. Lastly, basic conversations were held with excavation staff, on site at the Cook and Truswell excavation.

After thorough review of the above stated information, it is believed that 926 loads of fill material were placed on 3850 Swamp road from the Truswell excavation and mixed with pre-existing fill material from City of Kelowna road works (traffic circle/Swamp road drainage) creating an approximately 1 m fill on approximately 1/3 of the property. Filling stopped at the placement of the Stop Work orders.

At the writing of this report, investigations into salinity of the placed soils are underway and will be available on March 15th, 2021, but from all testing this fill is suitable for agricultural fill. Refer to Appendix 1 for specific commentary. Also attached is the lab results confirming lack of hydrocarbons in the soil placed at 3850 Swamp road.

Recommended Actions: assuming soil test results due March 15 do not show salinity problems and the fill on site is suitable for its intended purpose the following actions should be undertaken:

- The owners, or agent, of 3850 Swamp road should make formal application to place fill to the ALC prior to April 1, 2021 as outlined in compliance documentation from ALC staff. This report should be appended to the application with a finalized version of this report based on ALC and City of Kelowna feedback.
- Culverts should be placed at current driveway entrances to prepare for water movement during freshet. This should be done after seeking permission to work on site is granted by ALC staff.
- Should approval be granted from the ALC for existing material to remain on site and further fill material to be added to finish filling clean, tested fill should be secured and

site monitoring applied by a third party to confirm fill limits to February 4, 2021 plans developed by Ferguson Surveying and currently in possession of ALC staff.

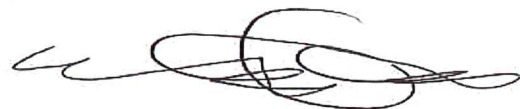
- Once filling is complete, top soil should be secured, not more than two texture classes different than the place fill and incorporated to a 6' depth and then top dressed with 4' of soil to initiate framing.
- Upon completion of filling and top dressing the landowner should apply to the city to build a primary farm residence and declare a farm footprint.

General Commentary: the author of this report has known the Casorso/Schmidt families for over 17 years and watched the development of Swamp road and various facilities along Swamp road for that same period of time. It is my opinion that the fill placed on 3850 Swamp road was not placed for financial benefit of the land owner or a disregard for ALC and City legal requirements. It is my opinion that this activity took place based on a lack of understanding of the time and administrative efforts required to legally place fill on agricultural properties.

I am of the opinion that if ALC permission to continue filling is granted that there will be fairly rapid farm development and that this land intended for agricultural production will be a contributing part of B.C.'s food sustainability and agricultural gross domestic product.

The authors remain committed to assisting the land owner and ALC staff come to resolution on this issue of mutual concern and are available at eith parties request to answer questions or provide follow up information.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Carl Withler', with a stylized flourish at the end.

Carl Withler P.Ag. (#695)

Appendix 1: Initial Findings of Dr. Scott Smith based on March 4, 2021 site review, soil texturing work and document review.

To: Carl Withler, P.Ag.

From: Scott Smith, P.Ag.

Date: March 10, 2021

Re: 3850 Swamp Rd fill inspection

On March 4, 2021 I visited the subject parcel at 3850 Swamp Rd. The site has been partially filled with approximately one meter depth of mixed fill. Based on Google imagery, initial filling occurred on the eastern end of the property prior to 2009 and has continued intermittently since that time.

The majority of the most recent fill on the site is of a sandy loam texture with 25 % gravel content. There are also areas of fill that are much finer in texture, likely clay loam with 15 to 20 % gravel content. I sampled both types for laboratory analyses. Both of these materials were calcareous, i.e. they contained free lime as detected in the field by reaction with HCl. As such, both fill materials are alkaline in reaction with pH probably >8.0. This is typical of most unweathered, unconsolidated, soil parent materials in the Okanagan Valley.

I also visited the site of road work along Lakeshore Dr adjacent to the El Dorado resort where the recent fill is thought to have been sourced. It was not possible to determine the exact nature of the source materials, whether they were native to the construction site or had been transported and/or mixed at some point in the past. No one working at the site was able to confirm that they represented the fill material used at Swamp Rd. There was very limited exposure of these materials at the construction site, but two samples were collected. The first was of a very sandy and gravelly material, much coarser than anything observed at the Swamp Rd property, and a second finer material (silty clay loam) that was much more like that observed at Swamp Rd. As with the fill materials observed at the Swamp Rd site, both of these materials were moderately calcareous and alkaline in their reaction.

I have read the laboratory report from CARO labs (Project number 2020-045-2000) with respect to samples submitted by Keltech Environmental from a stockpile of fill at 550 Truswell Rd that was reportedly the source of recent fill for Swamp Rd. The results of analyses indicate that the material was free of any significant contaminants. To my knowledge, no contaminant assessment has been made from the various fill materials *in-situ* at 3850 Swamp Rd.

My observations of soil texture, pH and calcareousness will be confirmed following lab determinations of these properties. One additional property, soil salinity, which was not determined in the field will be tested in the lab. I don't anticipate that any of the samples will be saline, but it is important to check this as even small amounts of salts in the material would negatively affect its suitability as an agricultural subsoil.

Based on my observations on March 9th of routine physical and chemical properties of the fill materials deposited at 3850 Swamp Rd, I see nothing that would render these materials unsuitable as agricultural subsoils. I will confirm my conclusions in a final report follow receipt of laboratory results.

Statements of Qualifications as Required by the Professional Governance Act of B.C.

C.A. Scott Smith M.Sc. P. Ag. Statement of Qualifications

Scott Smith is a Professional Agrologist registered and in good standing in the province of British Columbia. Because of this registration he is bound by a code of ethics and guided by standard and normal practices of agrology. His work draws on knowledge and experience gained from working over 45 years in soil science in agricultural and forested environments.

Scott worked for the Research Branch of Agriculture and Agri-Food Canada for 35 years as a soil scientist. During that time, he worked in both Yukon and British Columbia conducting soil surveys and eventually becoming the National Program lead for the Canadian Soil Information Service. He also worked internationally conducting inventory and research in many countries including Russia, Finland, USA, China (Tibet), Argentina as well as the Canadian arctic. He is a member in good standing of the Canadian Society of Soil Science.

During his career Scott authored or co-authored more than 70 research reports and over 100 technical reports. He retired from Agriculture and Agri-Food Canada in 2017 and since that time has provided soil consulting services throughout the Okanagan Valley primarily to the wine industry.

C.E. Withler B.Sc. P.Ag-Statement of Qualifications.

Carl Ernest Withler, 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

**Inspection of Soil Fill
3850 Swamp Road, Kelowna, BC**

Report Prepared for: Carl Withler P.Ag.

Prepared by: Scott Smith P.Ag.

March 15, 2021

Background

On March 3, 2021, I visited the subject parcel at 3850 Swamp Rd at the request of, and accompanied by, Carl Withler. The site has been partially filled with approximately one meter depth of mixed fill. Based on Google imagery, initial filling occurred on the eastern end of the property prior to 2009 and has continued intermittently since that time.

Two composite soil samples were collected from the Swamp Rd property and two samples were collected from a road construction site approximately 1.5 km due south along Lakeshore Dr adjacent to the El Dorado resort where the recent fill is thought to have been sourced. This report contains analytical results for soil texture, pH, CaCO₃ equivalent concentration and soil salinity for the four soils sampled and revises slightly the assessment of soil properties given in an earlier interim report.

Results

The results from laboratory analyses are presented in Table 1. The majority of the most recent fill on the site is of a sandy loam texture (sample BC21-02) with a field estimate of 25 % gravel content. There are also areas of fill that are much finer in texture (BC21-01), sandy clay loam with 15 to 20 % estimated gravel content. Both of these materials were calcareous, i.e. they contain free lime as CaCO₃ which had also been detected in the field by reaction with HCl. As such, both fill materials are weakly alkaline in reaction with pH just above neutral. This is typical of most unweathered, unconsolidated, soil parent materials in the Okanagan Valley. Both samples were very weakly saline, probably not enough to affect most field crops if this fill is to act as a subsoil.

Table 1. Soil properties as determined by laboratory analyses for the four soil samples collected. Soil particle size determined by the hydrometer method. Methods for the other analyses available from the report author.

Sample	Description	pH (CaCl ₂)	Texture				CaCO ₃ equiv		Salinity (EC)	
			% sand	% silt	% clay	Class	%	Rating	dm/m	Rating
BC21-01	Fine textured fill, Swamp Rd	7.3	46	25	29	Sandy clay loam	8.5	moderately calcareous	2.7	very weakly saline
BC21-02	Composite sample of all fill, Swamp Rd	7.4	57	26	17	Sandy loam	5.5	weakly calcareous	2.3	very weakly saline
B21-03	Grab sample #2, Lakeshore Rd construction site	7.4	68	24	8	Sandy loam	4.5	weakly calcareous	0.5	non saline
BC21-04	Grab sample #1, Lakeshore Rd construction site	7.6	67	24	9	Sandy loam	5	weakly calcareous	0.6	non saline

At the Lakeshore Rd construction site, it was not possible to determine if these suspected source materials were native to the site or had been transported and/or mixed at some point in the past. No one working at the site was able to confirm that they represented the fill material used at Swamp Rd. There was very limited exposure of these materials, but two samples were collected. Both were gravelly, sandy loam texture and somewhat coarser than the fill observed at the Swamp Rd property. The samples (BC21-03, BC21-04) of these materials collected at Lakeshore Rd were moderately calcareous, alkaline in their reaction and completely non-saline.

Conclusions

I have read the laboratory report from CARO labs (Project number 2020-045-2000) with respect to samples submitted by Keltech Environmental from a stockpile of fill at 550 Truswell Rd that was reportedly the source of recent fill for Swamp Rd. The results of analyses indicate that the material was free of any significant contaminants. To my knowledge, no contaminant assessment has been made from the various fill materials *in-situ* at 3850 Swamp Rd.

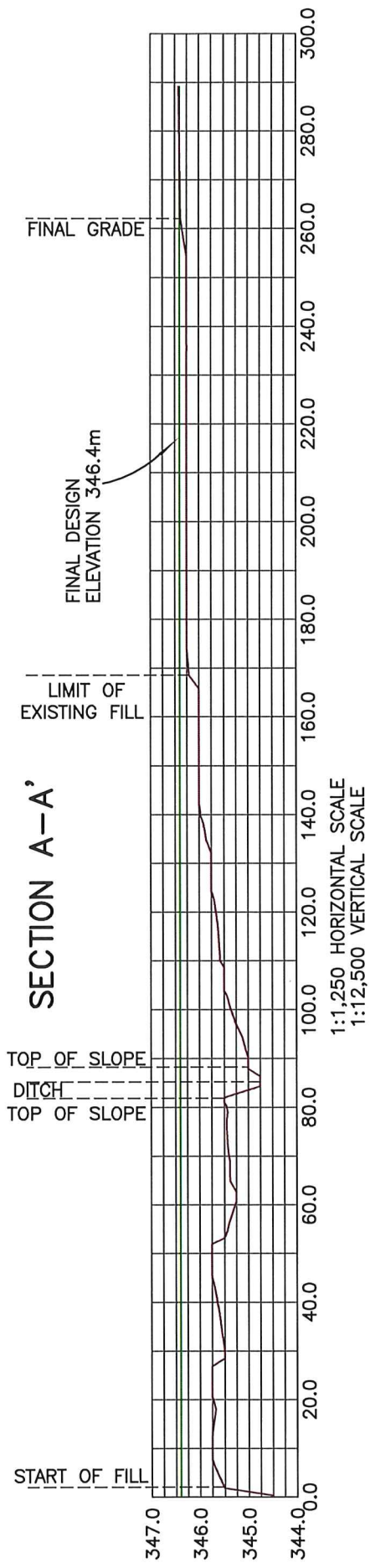
Based on my field observations on March 9th and subsequent laboratory analyses of routine physical and chemical properties of the fill materials deposited at 3850 Swamp Rd, I see nothing that would render these materials unsuitable as agricultural subsoils.

Respectfully submitted,



C.A. Scott Smith M.Sc., P. Ag.





NOTE: ELEVATIONS ARE GEODETIC
— REFERENCED TO CGVD28 DATUM.

PROPOSED GRADE IS APPROXIMATE AND WAS CALCULATED USING THE ELEVATION OF THE EXISTING FILL AT THE SOUTH WEST CORNER

CLIENT: SCHMIDT, KEVIN	DATE: FEBRUARY 4, 2021	
SCALE: AS SHOWN	FILE: 22470	DRAWN BY: RD
Ferguson Land Surveying & Geomatics Ltd.		
BC AND CANADA LAND SURVEYORS 404-1630 PANDOSY STREET, KELOWNA, BC		
PHONE: (250) 763-3115 FAX: (250) 763-0321		
© Ferguson Land Surveying & Geomatics Ltd., ALL RIGHTS RESERVED.		



August 30, 2021

Project No: 21-3915

3850 Swamp Rd,
Kelowna, BC
V1W 4M9

Attn: Kevin Schmidt

Subject: Environmental Management Plan for Fill Placement at 3850 Swamp Road in Kelowna, BC.

1.0 INTRODUCTION

Ecoscope Environmental Consultants Ltd. (Ecoscape) has been retained by Kevin Schmidt to prepare an Environmental Management Plan (EMP) for the proposed fill placement for erosion control work at 3850 Swamp Road in Kelowna, BC, legally described as Plan KAP1829 Lot K District Lot 168 Except Plan EPP21089 (study area) (**Figure 1**). The study area is zoned as Agriculture 1 (A1) and is found within the Agricultural Land Reserve (ALR). A notice of Unauthorized Removal of Soil or Placement of Fill (File: 160595) was submitted to the client January 14, 2021 (**Appendix A**).

The purpose of this report is to address potential environmental impacts of the proposed work, outline the existing conditions of the study area and provide mitigation measures in accordance with the Agricultural Land Commission (ALC) guidelines for fill placement. This report is to be included with the submission package for Notice of Intent (NOI) for fill placement with the ALC, as well as a Development Permit (DP) with the City of Kelowna (COK) for the proposed work. Because of historical agricultural activity within the study area, the City is willing to allow fill placement with the appropriate permitting in place (as per personal communication with COK Planner, Corey Davis).

This report also provides an assessment of potentially existing terrestrial resource values, the potential for rare and/or endangered species and habitats, and recommendations where appropriate to maintain and/or improve the natural integrity of existing ecological communities.

2.0 PROPOSED WORKS

The proposed works entail the following (**Figure 2**):

- Placement of approximately 23,500 m³ of fill material, up to 1 m in depth throughout the study area, excepting:
 - A 5m buffer from ditch and wetland features; and



- Within the 50m Riparian Management Area (RMA) of Mission Creek.
 - Re seeding of any disturbed area using an agricultural pasture mix.

The focus of this document is to provide an Environmental Management Plan (EMP) to be followed during proposed work, and for submission for a DP with the COK. If the mitigation measures and best management practices presented here are adhered to, this work presents a low risk to aquatic, riparian and terrestrial resource values.

3.0 ECOSYSTEMS

Ecoscope Natural Resource Biologist Benjamin Butz, B.Sc., BIT., conducted a visit to the study area on July 20, 2021 to document the existing study area conditions and identify sensitive environmental features. The study area is a series of modified wetlands/ditches and constructed basins under the local name Michaelbrook. The study area is bordered by Mission Creek to the north and west, Swamp Rd to the east, and neighbouring agricultural fields to the south.

The majority of the study area could best be described as a seasonally-flooded field. Located around the area's perimeter are several ditches constructed to divert groundwater, including one such ditch cutting north-to-south through the middle of the study area. The study area shows evidence of historical agricultural activity, including more recent placement of fill within the southeastern portion of the study area.

3.1 Vegetation

Within the portions of the study area that had seen less recent disturbance, vegetation was characterized by *Carex spp.* (sedges) and assorted high-moisture grass species, such as *Phalaris arundinacea* var. *arundinacea* (reed canary grass) (**Photo 1**). Within portions that had seen more recent disturbance in the form of fill placement, vegetation was composed entirely of invasive plant species such as *Chenopodium album* (common lamb's-quarters) (**Photos 2 and 3**). Tall shrubs grow along the study area's ditches.

No plant species-at-risk were observed within the study area; however, a comprehensive floristic survey was not within the scope of this report. While ideally two study area visits would be made for such a survey (one in the spring and one in the summer), due to project timing, only a single study area visit occurred during the summer. Consequently, neither a full species list nor the presence or absence of species-at-risk could be confirmed.

3.2 Wildlife

No wildlife species-at-risk were observed within the study area; however, due to the scope of this assessment, a comprehensive wildlife survey was not possible. Consequently, the presence or absence of species-at-risk could not be confirmed.

4.0 IMPACT ASSESSMENT

Ecoscape has not completed a formal impact statement for this project. It is acknowledged that numerous wildlife species use habitats adjacent to Mission Creek, such as seasonally-flooded fields. However, because this report is focused more specifically on placement of suitable materials for agriculture, a search of the Conservation Data Center (CDC) or BC Species & Ecosystem Explorer is not within its scope.

The proposed works is to occur within the vicinity of Mission Creek. A portion of the property that has been used for agriculture is within the creek's 50 m Riparian Management Area (RMA). Fill placement should take place outside of this RMA. Any encroachment into this RMA must be approved by the City of Kelowna prior to implementation.

It is anticipated that the potential impacts from the proposed works would be considered minimal. Ecoscape anticipates that, with due diligence and the appropriate mitigation measures in place, the risks for adverse environmental impacts to Mission Creek can be appropriately mitigated. Appropriate mitigation and restoration measures should be adhered to in order to protect potential aquatic and terrestrial life.

Ecoscape recognizes that the proposed works could result in the following potential impacts:

- Potential for the establishment of invasive plant species within the environment during disturbance of land within the study area.
- Potential for the release of deleterious substances (e.g., fuel, oil, concrete, hydraulic fluid) to the environment during the proposed works or as a result of improper storage, equipment re-fueling, and/or poorly maintained equipment.
- Disturbance beyond the proposed footprint if not clearly marked or identified before and during construction.

5.0 MITIGATION MEASURES

Recommendations to avoid or minimize the potential impacts that may arise during the proposed construction works are summarized below and based on Best Management Practices (BMPs). BMPs must be adhered to throughout construction. The most relevant best management practices that should be adhered to during the proposed work include:

- Best Management Practices for Amphibian and Reptile Salvages in British Columbia (MFLNRORD 2016).
- Develop with Care Environmental Guidelines for Urban and Rural Land Development (BC MoE 2014a).
- Guidelines for Amphibian and Reptile Conservation during Urban and Rural Land Development in British Columbia (BC MoE 2014b).

5.1 Work Timing Windows

5.1.1 Nesting Bird Work Windows

Avian nesting periods should be considered to protect nesting birds within and adjacent to the proposed work area.

- Section 6 of the Federal *Migratory Birds Convention Regulation* protects both the nests and eggs of migratory birds. Section 34(a) of the BC *Wildlife Act* protects all birds and their eggs, Section 34(b) protects the nests of eagles, peregrine falcons, gyrfalcons, ospreys, herons or burrowing owls, and Section 34(c) protects the nests of other bird species while they are occupied by a bird or egg. The project area falls within the Northern Okanagan Basin ecodistrict. The avian nesting period for all birds within this ecodistrict is **February 18th to September 12th** (Birds Canada 2021).
- If vegetation clearing activities are required during the identified avian nesting period, pre-clearing nesting surveys may be required by an Environmental Monitor (EM) to identify active nests.
- If active nests are found within the clearing limits, a buffer will be established around the nest until such time that the EM can determine that nest has become inactive. The size of the buffer will depend on the species and nature of the surrounding habitat. Buffer sizes will generally follow provincial BMP guidelines or other accepted protocol (e.g., Environment Canada). In general, a minimum 30 m buffer will be established around songbird nests or other non-sensitive (i.e., not at risk) species.
- Clearing and other construction activities must be conducted within 72 hours following the completion of the pre-clearing nesting surveys. If works are not conducted in that time, the nesting surveys are considered to have expired and a follow-up survey will be completed to ensure that no new nests have been constructed.
- Best management practices relating to raptors and their nests can be found in Guidelines for Raptor Conservation during Urban and Rural Land Development in BC (2013).

5.2 Fill Placement

- Fill placement must not occur within 5 m of constructed ditches or any other water features.
- Disturbance beyond the identified fill placement footprint must not occur without further assessment.
- Native vegetation, including trees, shrubs, and groundcover, must be retained as much as possible to mitigate the establishment of invasive plants and to maintain the existing ecological value within the study area.

- In the event that land and/or natural vegetation is disturbed or damaged beyond the development footprint area, these areas must be restored and/or replanted with plant material indigenous to the area under the direction of the EM.
- Whenever possible, equipment/machinery used must not be operated or stored within the drip line of trees and equipment must not come into contact with trees outside of the marked limits of disturbance, which could result in physical damage to the bark or limbs.

5.3 Erosion and Sediment Control

The following section details the mitigations and recommendations related to erosion and sediment control (ESC) that must be adhered to throughout the duration of the project.

- It is the contractor's responsibility to inspect all mitigation measures daily and additional measures will be installed, maintained, and repaired or replaced as required using a field-fit, adaptive approach.
- Road surfaces adjacent to the project area must be kept clean and free of fine materials. Sediment accumulation upon the road surfaces must be removed (i.e., swept or scraped) on a regular basis and disposed of appropriately.
- The release of silt, sediment, sediment-laden water, or any other deleterious substance into any ditch, watercourse (creek, river, lake, wetland), ravine, or other drainage feature must be prevented at all times. Similarly, there is to be no sediment release into areas of vegetation growth or sensitive areas in levels that would adversely alter growing or hydraulic conditions.
- It is the contractor's responsibility to regularly monitor weather forecasts and adjust ESC measures or proposed construction activities as required based upon the existing conditions of the study area.

5.4 Dust Management

Dust generating activities include dust from wheels of vehicles and machinery and stockpiling and movement of soil.

Avoidance, containment, and suppression of dust and dusty processes must be ensured by the following measures:

- Road sweeping/cleaning of entrance and access;
- All material leaving the study area in fully enclosed trailers (tarpred);
- Wetting of material prior to disturbance (if appropriate);
- Reduction of speed by vehicles onsite;
- Closing down various or all operations during severe wind events;

- Operator procedures i.e., good housekeeping to keep clean and tidy site;
- Transport management; and
- Additional measures may include cleaning, dampening of haul roads and limiting site speeds, and further onsite restrictions as required.

At all times during operation dust will be monitored by visual assessments.

The site manager is responsible for the operation of the dust management plan and all site operatives will be trained and required to take necessary mitigation action. They will also be required to take preventative action to avoid dust.

5.5 Emergency Spill/Response

- Construction debris and stockpiled material must be removed from the site regularly and disposed of appropriately.
- All potential wildlife attractants, including food, beverages, and other strong smelling or perfumed materials must be removed from the site daily.
- Spills of deleterious substances can be prevented through awareness of the potential for negative impact on aquatic habitats and with responsible housekeeping practices onsite. Maintenance of a clean site and the proper use, storage and disposal of deleterious liquids and their containers are important to mitigate the potentially harmful effects of spills and/or leaks.
- Ensure equipment and machinery are in good operating condition, free of leaks, excess oil, and grease. Equipment needs to be pressure/steam-washed prior to use within close proximity of a watercourse.
- Spills occurring on dry land will be contained, scraped and disposed of appropriately. Contaminated material will be stored on tarps and covered to prevent mobilization and will be disposed of in accordance with the *Environmental Management Act*.
- Copies of contact phone numbers for notification of all of the required authorities in the event of a spill/emergency response should be posted and clearly visible at the site.
- Spill containment kits must be kept readily available onsite during construction in case of the accidental release of a deleterious substance to the environment. Any spills of a toxic substance should be immediately reported to the Emergency Management BC 24-hour hotline at **1-800-663-3456**, as well as Ecoscape at **1-250-491-7337**.

5.6 Site Cleanup and Restoration

Site cleanup and restoration refers to activities used to return disturbed areas within the study area to a state resembling the original habitat characteristics. Note that protection of existing ecosystems is generally much more efficient than ecosystem enhancement and

restoration following construction. The following recommendations apply to the site cleanup efforts:

- Silt fencing, snow fence and other temporary mitigation features must be removed upon substantial completion of works when the risk of surface erosion and sediment transport has been adequately mitigated with other permanent measures.
- All equipment, supplies, waste, concrete, and other non-biodegradable materials must be removed from the site following the substantial completion of construction activities.
- Weed management and erosion control must occur in all areas of the disturbance footprint.
- Impacts from invasive species include the displacement or competitive exclusion of native species. Prevention of the establishment of invasive species can be achieved by limiting disturbance to soils and native vegetation where possible.
- Ecoscape understands that currently no major restoration has been proposed for the project besides reseeding of any disturbed area with an agricultural grass seed mix. Should further restoration be required, plant species selected should be native to the area and suitable to the growing conditions where the plantings have been proposed.
- The timing of grass seeding is critical to optimize success and it is recommended that seeding should occur in spring **between April and June** or fall **between September and October**. Over-seeding may be required in concurrent growing seasons to obtain adequate coverage and reduce competition by invasive plant species.

6.0 ENVIRONMENTAL MONITORING

An environmental monitor (EM) should be retained to document compliance with proposed mitigation measures and to provide guidance during construction works. In the event that greater disturbance occurs due to unforeseen circumstances, the EM should recommend further measures to protect/restore the natural integrity of the site. The EM should be an appropriately Qualified Environmental Professional (QEP).

A pre-construction meeting should be held between the EM and the contractor(s) undertaking the work onsite to ensure a common understanding of the ALC guidelines, mitigation measures and best practices required for the project. The EM will attend other routine meetings, as required.

- It is the contractor's responsibility to provide the EM with a detailed construction schedule and inform the EM of any changes to that schedule.
- The EM will be an approved Qualified Environmental Professional (QEP) authorized to halt construction activities should an incident arise that is causing undue harm (unforeseen or from lack of due care) to terrestrial, aquatic, or riparian resource values.

- A copy of this EMP report describing mitigation measures and BMPs will be kept readily available at the site for reference while the work is being conducted.
- Monitoring reports will be submitted to the COK and ALC in accordance with permitting requirements. A final report will be generated upon the substantial completion of construction works summarizing the project activities and listing any deficiencies noted throughout the works.

7.0 CLOSURE

This report has been prepared for the exclusive use of the client and solely for the purpose for which it has been provided with the understanding that all available information on the past, present, and proposed conditions of the site have been disclosed. The client has acknowledged that in order for Ecoscape to properly provide the professional service, Ecoscape is relying upon full disclosure and accuracy of this information. This report should not be interpreted as an endorsement of the proposed works, but as a municipal tool for decision making.

If you have any questions or comments, please contact the undersigned at your convenience.

Respectfully Submitted,
ECOSCAPE Environmental Consultants Ltd.

Reviewed by:



Benjamin Butz, B.Sc., BIT
Natural Resource Biologist
Direct Line: (250) 491-7337 ext.202



Theresa Loewen, M.Sc., P.Ag.
Agroecologist
Direct Line: (250) 491-7337 ext.217

Attachments: Photographs
 Figures
 Appendix A: Letter from Agricultural Land Commission

8.0 REFERENCES

British Columbia Ministry of Environment (BC MoE). 2014a. Develop with Care Environmental Guidelines for Urban and Rural Land Development. Available: Accessed online: June 23, 2020.

<https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/laws-policies-standards-guidance/best-management-practices/develop-with-care>.

British Columbia Ministry of Environment (BC MoE). 2014b. Guidelines for Amphibian and Reptile Conservation during Urban and Rural Land Development in British Columbia. Available: Accessed online: June 23, 2020.

http://www.env.gov.bc.ca/wld/documents/bmp/HerptileBMP_complete.pdf.

British Columbia Ministry of Forests, Lands, Natural Resources and Rural Development (MFLNRORD) 2016. Best Management Practices for Amphibian and Reptile Salvages in British Columbia. Available: Accessed online: June 23, 2020

<http://a100.gov.bc.ca/pub/eirs/finishDownloadDocument.do?subdocumentId=10351>.



Photo 1. View of the study area. Photo facing north. Photo taken July 20, 2021



Photo 2. View of the study area and location of previous fill placement. Photo facing northwest. Photo taken July 20, 2021

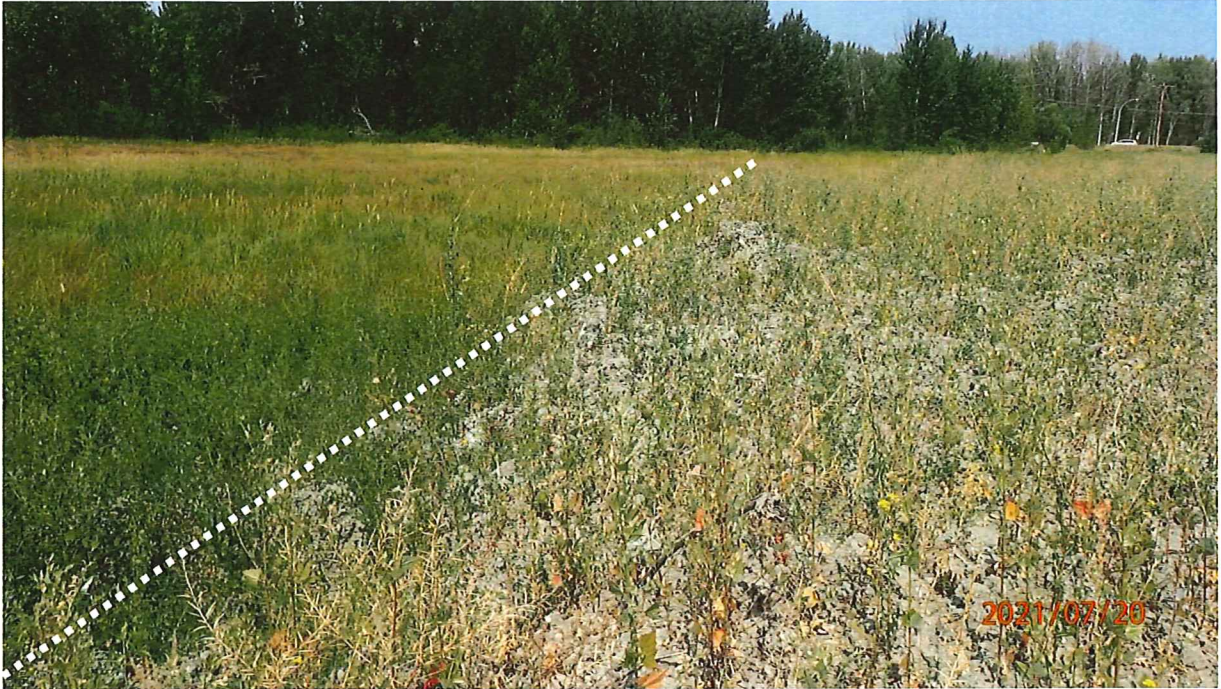


Photo 3. View of the study area and the edge of previous fill placement. The dotted white line indicates where the two vegetation communities meet. Photo facing northeast. Photo taken July 20, 2021

Figures

FIGURE 1 Site Location and Species at Risk Occurrences

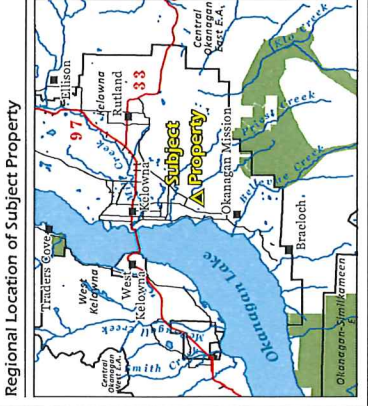
Project: Environmental Assessment
 Location: City of Kelowna
 Project No.: 21-3915
 Prepared for: Kevin Schmidt
 Dan Austin, GIS Specialist
 Ecoscape Environmental Consultants Ltd.
 Coordinate System: NAD83-UTM Zone 11
 Image: RDGO 2019
 Field Visit: N/A
 Map Date: August 20, 2021

LEGEND

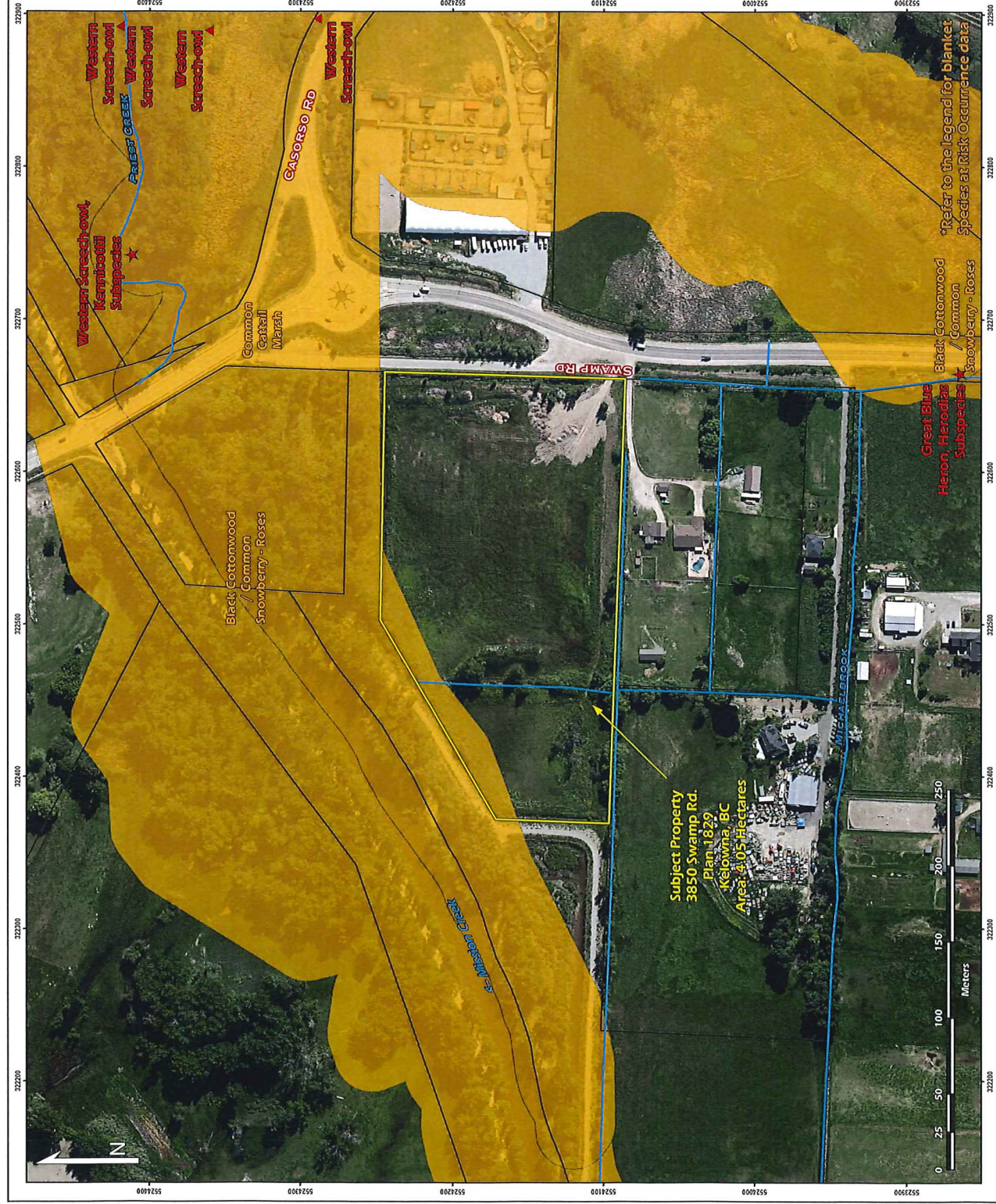
- ★ WSI Incidental
- ▲ WSI Survey
- Streams and Rivers
- BC Conservation Data Center (CDC) polygons*
- Subject Property
- Cadastre

*A large Okanagan Critical Habitat polygon covers the entire map and subject property area representing the following wildlife species but is not shown on this figure:

- Western Hattentail (*Crotalus oreganus*)
- Desert Nightingale (*Hypsiglena chlorophaea*)
- Great Basin Gophersnake (*Pituophis catenifer-desertiicola*)
- Large Conservation Data Center (CDC) polygons include:
 - Western Screech Owl (*Megascops kemmerlii macfarlanei*)



EPC IMAGES
 The data employed is for conceptual purposes only and should not be interpreted as a legal survey or for legal purposes. If discrepancies are found between the data presented and the actual field conditions, the legal survey will supersede any data presented herein.



*Refer to the legend for blanket Species at Risk Occurrence data

Black Cottonwood / Common Snowberry - Roses
 ★ Kenyvitotii Subspecies









Great Blue Heron, Herodias Subspecies

FIGURE 2

Proposed Works

Project: Environmental Assessment
 Location: City of Kioiwna
 Project No.: 21-3915
 Prepared by: Kevin Schmidt
 Dan Austin, GIS Specialist
 Ecoscape Environmental Consultants Ltd.
 Coordinates System: NAD83-UTM Zone 11
 Imagery: RDCO 2019
 Field Visit: N/A
 Map Date: August 30, 2021

LEGEND

-  Mission Creek RMA Setback (50m)
-  Ditch
-  Mission Creek Top of Bank
-  Streams and Rivers
-  No Disturb Area and 5m Buffer
-  Fill Placement Area
-  Subject Property
-  Cadastre



THIS MAP/SURVEY IS FOR CONCEPTUAL PURPOSES ONLY AND SHOULD NOT BE INTERPRETED AS A LEGAL SURVEY OR FOR LEGAL PURPOSES. IF DISCREPANCIES ARE FOUND BETWEEN THE DATA PROVIDED AND THE LEGAL SURVEY, THE LEGAL SURVEY WILL SUPERSEDE ANY DATA PRESENTED HEREIN.



APPENDIX A
Letter from Agricultural Land Commission



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

January 14, 2021

ALC C&E File: 160595

REGISTERED MAIL

CHRISTINE SCHMIDT
2409 BENVOLIN RD.
KELOWNA, BC
V1W 2C9

KEVIN SCHMIDT & JOELLE SCHMIDT
22 2210 HORIZON DRIVE
WEST KELOWNA, BC
V1Z 3L4

Dear Property Owners,

RE: Unauthorized Removal of Soil or Placement of Fill

CIVIC ADDRESS: 3850 Swamp Road Kelowna BC, V1W 2C9
LEGAL: LOT K DISTRICT LOT 168 OSOYOOS DIVISION YALE DISTRICT PLAN 1829
EXCEPT PLAN EPP21089
PID: 011-099-895
(the “Property”)

This letter serves to inform you that the Agricultural Land Commission (the “ALC”) has recently received information that activity is taking place on the Property. The ALC understands that the City of Kelowna has either amended their Stop Work Order that was placed or given permission for the test digs to occur that are necessary to complete reports to the City of Kelowna and the ALC.

On January 14, 2021 an on-site meeting was held by ALC Compliance and Enforcement Supervisor Dave Birchmore with Kris Tasci of Stonewater Environmental. The current activities on the Property were reviewed. The ALC will allow the test digs that are occurring to continue.

The Stop Work Order that was issued by the ALC is still in effect. No further material is to be deposited on the Property at this time. Prohibited materials that have been placed on the Property such as cement and construction waste are allowed to be removed. We understand that asphalt has been removed from the Property.

Commission records indicate that the Property is within the Agricultural Land Reserve (“ALR”) and therefore is subject to the *Agricultural Land Commission Act* (the “ALCA”) and the *Agricultural Land Reserve Use Regulation* (the “Use Regulation”).

Be advised that pursuant to s.20.3 of the *Agricultural Land Commission Act* (the “ALCA”):

Schmidt – File #160595

20.3 (1) A person must not remove soil from or place fill on agricultural land unless one of the following applies:

(a) the removal or placement is permitted under section 25 or 45 and the removal or placement is done in accordance with the permission;

(b) the removal or placement is permitted under the regulations and the removal or placement is done in accordance with the regulations;

(c) the person

(i) is an owner of the agricultural land, or has a right of entry, granted under an enactment, to the agricultural land,

(ii) first submits to the chief executive officer the prescribed fee and notice of the person's intent, in the form and manner required by the chief executive officer, and

(iii) receives approval under subsection (2) (b) and removes the soil or places the fill in accordance with the approval, or is a person to whom subsection (4) applies.

Be advised that pursuant to s.36(1) of the *Agricultural Land Commission Act*

36 (1) Except as permitted under subsection (2), the following must not be used as fill on agricultural land:

(a) construction or demolition waste, including masonry rubble, concrete, cement, rebar, drywall and wood waste;

(b) asphalt;

(c) glass;

(d) synthetic polymers;

(e) treated wood;

(f) unchipped lumber.

In order to bring the Property into compliance you are required to make an application and apply for a Removal of Soil from ALR land for a non-farm use activity. You have until February 1, 2021 to complete this application.

A lack of timely response to this letter may result in further action which may include the recommendation of a monetary penalty under Section 54 and/or an order to remediate the Property to a suitable agricultural standard under section 52 (1) of the ALCA.

If you have any questions regarding this letter, please contact me at sara-hart.sodomsy@gov.bc.ca. I look forward to hearing from you to resolve this matter in a timely fashion.

This letter does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

Schmidt – File #160595

Sincerely,

A handwritten signature in black ink, appearing to read "Sara Sodomsky". The signature is written in a cursive style with a large initial "S" and a loop at the end.

Sara Sodomsky
ALC Compliance and Enforcement Officer

Cc: Alex Kondor, Planner Specialist, City of Kelowna



A21-0008

3850 Swamp Rd

ALC Non-Farm Use to Place Fill on the Property



Proposal

- ▶ Requesting approval from the ALC for a Non-farm Use application to place up to 23,500 cubic meters of fill to enhance agriculture.

Development Process



Aug. 31, 2021

Development Application Submitted



Aug. 31, 2021

Staff Review & Circulation



Nov. 18, 2021

Agricultural Advisory Committee



Council Consideration



Agricultural Land Commission



Soil Placement Permit (City of Kelowna)

Context Map



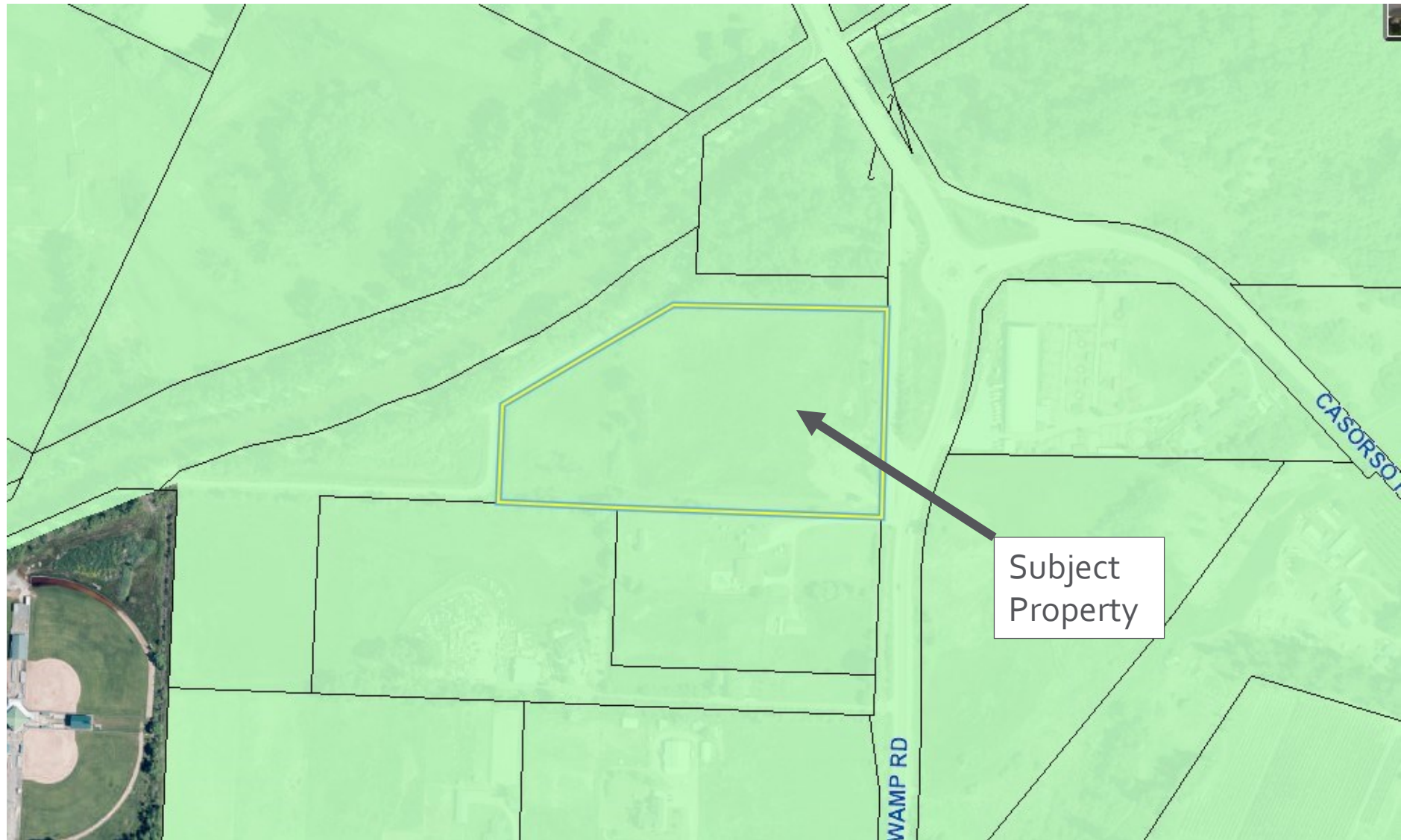
Subject Property Map



OCP Future Land Use / Zoning



Agricultural Land Reserve



Background

- ▶ Casorso/Schmidt families have owned the property for over a hundred years.
- ▶ Due to the parcel's high-water table the land has not been extensively farmed to date.
- ▶ The land has been used for pigs and hay production in the past.
- ▶ In January 2021 a Stop Work Order was issued by the ALC for unauthorized fill placement.

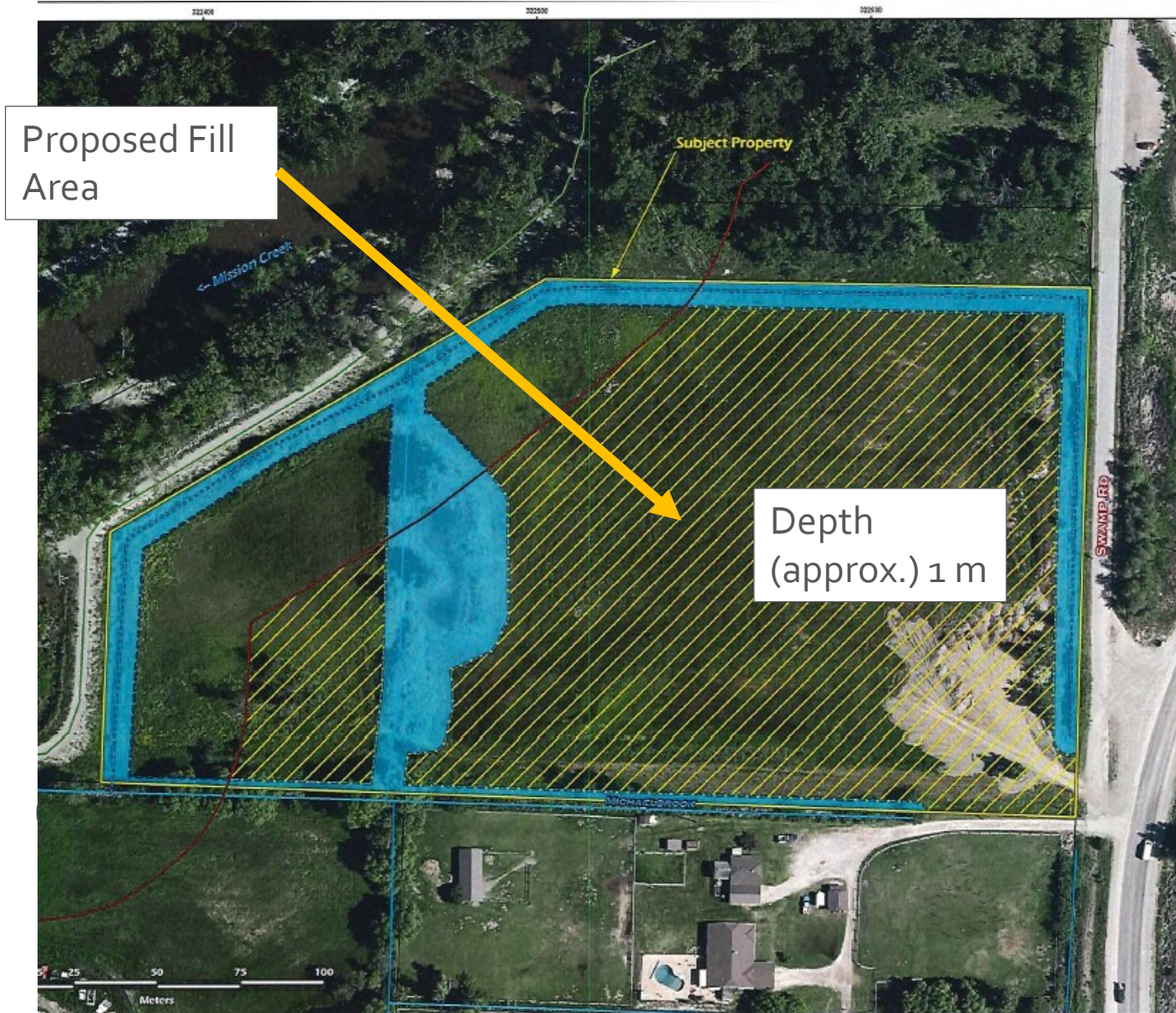
Agricultural Land and Soil Capability

- ▶ The Agricultural Land Capability is Class 5, which is generally limited to perennial forage crops and specifically adapted crops.
- ▶ The Soil Capability of the site comprises of Tanaka soils, which are poorly drained soils well suited for forage crops. If soils are drained, suited crops would be alfalfa, annual vegetable crops, blueberries, cereals, corn, forage crops, nursery and Christmas trees, pears, raspberries and strawberries.

Project/technical details

- ▶ Add 23,500 cubic metres of fill to raise the land approximately 1 meter above the high-water table and seasonal flooding.
- ▶ The purpose of the fill is to ensure a competent root zone for future crops.
- ▶ Fill placement to be guided via an Agrologist's prescription.
- ▶ Fill placement to be guided by an Environmental Management Plan to avoid filling groundwater diversion ditches and the wetland on the property.
- ▶ Fill placement to be guided by a City of Kelowna Natural Environment Development Permit.

Site Plan



Site Photo – Southeast Corner Looking West



OCP Policy

- ▶ Support for Non-Farm Uses only where:
 - ▶ consistent with Zoning Bylaw and OCP;
 - ▶ provide significant benefits to agriculture;
 - ▶ accommodated using existing infrastructure;
 - ▶ minimize impacts on agricultural lands;
 - ▶ will not preclude future use for agriculture; and
 - ▶ will not harm adjacent farm operations.



Conclusion of Staff Remarks