

Agricultural Advisory Committee

AGENDA



Thursday, July 14, 2022
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 Order of the Provincial Health Officer on Gatherings and Events, the City is required to collect the first and last name and telephone number or email address of everyone attending a Council meeting, public hearing, or Council Committee meeting. this information will be kept by the City for 30 days in case there is a need for contact tracing on the part of the medical health officer. If the information is not required for that purpose it will be destroyed after 30 days.

We appreciate your cooperation in meeting this requirement.

2. Minutes

3 - 5

Approve Minutes of the Meeting of April 14, 2022

3. Applications for Consideration

To consider a Non-Adhering Residential Use Permit to allow the replacement of a second dwelling that is no longer a suitable residence.

4. ALC Decisions - Update

5. New Business

6. Next Meeting

August 11, 2022

7. Termination of Meeting

Agricultural Advisory Committee

Minutes

Date: Thursday, April 14, 2022
Time: 6:00 pm
Location: Virtual Meeting - Teams

Members Present John Janmaat (Chair), Yvonne Herbison (Vice Chair), Domenic Rampone, Aura Rose, Chris Zabek

Members Absent Derek Brown, Jill Worboys, Avi Gill

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

1. Call to Order

The Chair called the meeting to order at 6:06 p.m.

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

2. Minutes

Moved By Domenic Rampone/Seconded By Yvonne Herbison

THAT the Minutes of the March 10, 2022 Agricultural Advisory Committee meeting be adopted.

Carried

3. Applications for Consideration

3.1 East Kelowna Road 2830 - A22-0001 - William & Maria Kitsch

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

Applicant, Maria Kitsch:

- Proposing a move of the existing house to a more efficient place on the property.
- Responded to questions from the Committee.
- Indicated that ALC had suggested the nonarable location for the winery.
- Will improve sound issues and bordering the residential area.

Moved by Domenic Rampone/Seconded by Yvonne Herbison

THAT the Committee recommend that Council approve the application to move an existing house and construct an addition to accommodate 2 seasonal farm workers on the subject property be supported.

Carried

Anedotal Comments:

- The Committee recommends that appropriate noise mitigation and buffering be required to protect the neighbours from any issues associated with winery and wine production.
- Strongly encourage the City to consider alternative locations on the property for the winery.
- Applicant if the house moves it is better for sound buffering and protection for the winery.

3.2 Gallagher Rd 2570 - A22-0002 - Parmjeet Singh Gurm & Gurjit Kaur Gurm

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

Confirmed the structure is onsite today and would need to be removed if the application is not considered.

Carl Withler, Applicant:

- Displayed a PowerPoint presentation outlining the application.
- No utilities will be hooked up until approvals are met.
- The target date for completion is the 2023 season, not 2022.
- Reviewed the consultation process with neighbours.
- Responded to questions from the Committee.
- Shade clothing on the fence, blending in the exterior paint and landscape buffering.
- Staff confirmed the application was processed due to a bylaw complaint.
- The worker accommodations will be federally inspected to the ag worker program before workers can move in.
- Separate area to comply to the gathering place requirements for farm worker gatherings.

Gurjit Kaur Gurm, Owner:

- Spoke to the cherry production and the residents in the immediate area.
- Confirmed buffer landscaping will be a priority around the temporary housing.

Staff:

- Responded to questions from the Committee.
- A landscape plan of the perimeter will be required.

Anedotal Comments

- Competition for trailer units from the oil field and its impact on the ag industry is a concern for temporary farm worker accommodations.
- Committee appreciates the effort to ensure the impact on agricultural land has been minimized.
- Concern that the project moved forward before the approval took place and this is an ongoing problem with compliance where applicants are asking for forgiveness with little consequence.
- Concerned by the precedent that approvals like this set and the Committee encourages the City to consider ways to sanction applications that do not stick to the process.
- Ensure that the applicants adhere to the required landscape buffering.

Moved By Aura Rose/Seconded By Domenic Rampone

THAT the Committee recommends to Council to consider a non-adhering residential use permit to allow temporary farm help housing to accommodate 35 seasonal farm workers on the subject property.

Carried

4. ALC Decisions - Update

- Staff updated the Committee on the City's application for an ALC exclusion application on the transit station for a 16.2 HA for future transportation facility.
- ALC has supported it with enhanced agricultural buffering and an agricultural planning/enforcement position with a reclamation fund in the future.

- Staff confirmed Carney Pond will remain the ALR.

5. New Business

Request to staff to inquire into the following:

- parking for Committee members during meetings.
- mileage to complete site visits for applications being considered.
- return of light meal for committee meetings.

6. Next Meeting

The next Committee meeting has been scheduled for May 12, 2022.

7. Termination of Meeting

The Chair declared the meeting terminated at 7:28 p.m.

_____ Chair

DRAFT

COMMITTEE REPORT



Date: July 14th, 2022

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Development Planning Department

Application: A22-0003 **Owner:** Northview Orchards Ltd., Inc.No. 221199

Address: 1368 Teasdale Road **Applicant:** Brian Witzke

Subject: Application to the ALC for Non-Adhering Residential Use Permit to allow the replacement of a second dwelling.

Existing OCP Designation: R-AGR – Rural – Agricultural and Resource & NAT – Natural Area

Existing Zone: A1 – Agriculture 1

Agricultural Land Reserve: Yes

1.0 Purpose

The applicant is requesting permission from the ALC for a Non-Adhering Residential Use Permit to allow the replacement of a second dwelling that is no longer suitable residence.

2.0 Proposal

2.1 Background

The subject is 32.47 acres (13.14ha) in size and is located on Teasdale Road within the Belgo-Black Mountain OCP Sector. The applicant is seeking permission to replace a dwelling on the property that is no longer livable. There are currently two dwellings on the property, this application would be the removal of one and allow a new home to be built.

The family has owned the property since 1946 and the parcel currently produces several varieties of apples including royal gala, pacific gala, honey crisp, ambrosia, and Spartan's. There are 27.73 acres of Grade A land, 4.74 acres of Grade D, equally 32.47 acres.

2.2 Project Description

The subject property has two single-family dwellings on site, the first is 176.5m² in size and the second is 74m². The application is to remove the second dwelling (74m²) and construct a new dwelling, which is proposed to be 227.89m² in size. The application has indicated that the existing second dwelling was built in 1956, and it is now infested with ants, termites as well as signs of mold, so it is no longer suitable to live

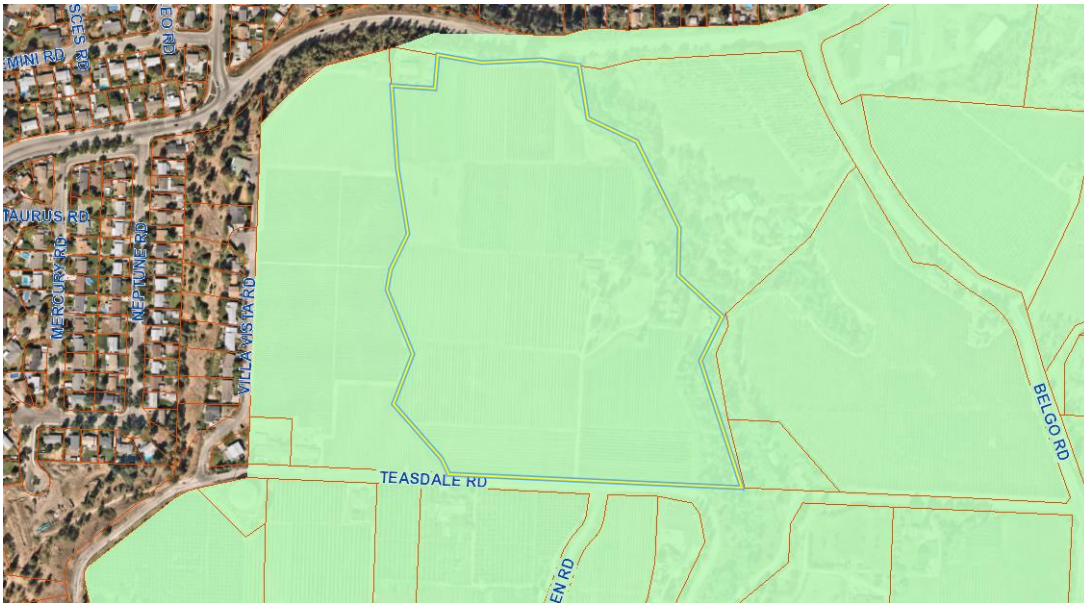
in. Both dwellings on-site are occupied by the two owners full-time and are not rented. The location of the proposed dwelling has been chosen to be limit the impact on existing agriculture and the location and driveway sits on the grade D land. The subject property also has three temporary farm worker cabins, which have active contracts through the Seasonal Agricultural Workers Program (SAWP).

The Agricultural Land Commission now allows second residences, which are permitted to be maximum of 900m², however, due to the size (227.89m²) a Non-Adhering Residential Use Permit Application is required.

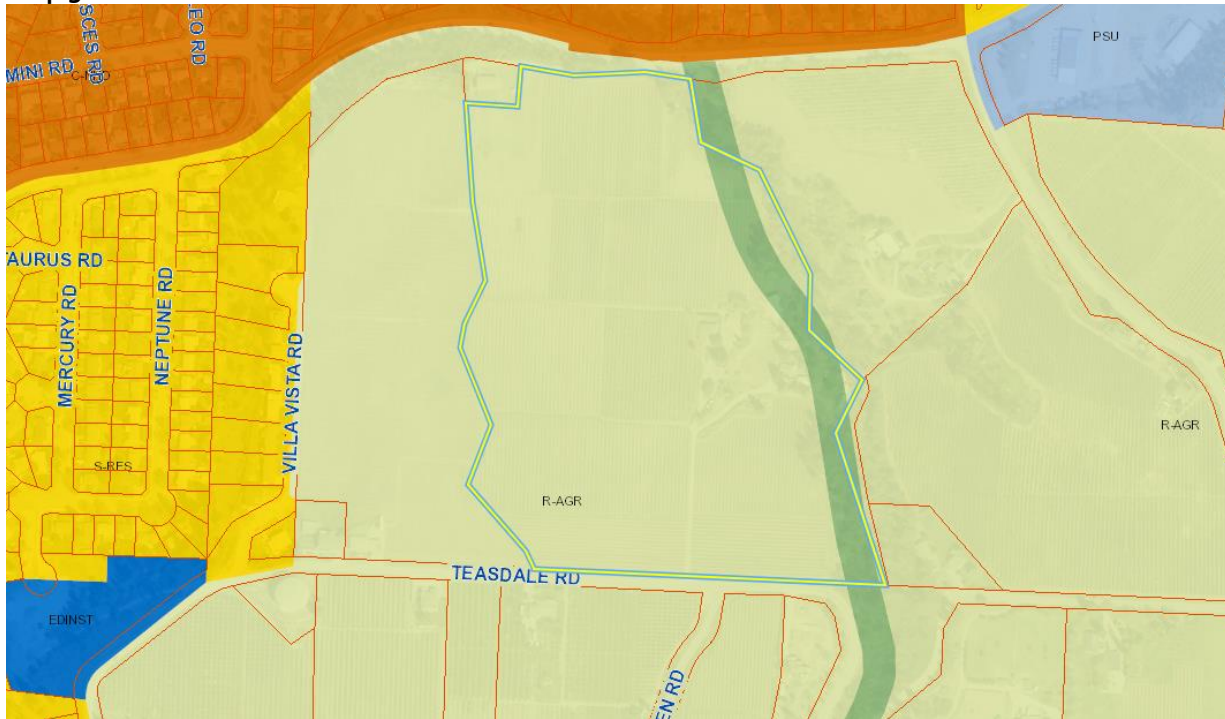
Map 1 - Neighbourhood



Map 2 – Agricultural Land Reserve



Map 3 – Future Land Use



2.3 Neighbourhood Context

The subject property lies within the Belgo-Black Mountain OCP Sector. The surrounding area is primarily agricultural lands within the ALR.

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	RU1 – Large Lot Housing and RM3 – Low Density Multiple Housing	No	Springfield Road – (Multi-Family / Single-Family Dwellings)
South	A1 – Agriculture 1	Yes	Agriculture
East	A1 – Agriculture 1	Yes	Agriculture
West	A1 – Agriculture 1	Yes	Agriculture

3.0 Development Planning

If the proposal is approved by Council and the Agricultural Land Commission, a Farm Residential Footprint covenant is required to be registered on Title. The covenant area would Homeplate the residential uses including both dwellings, and all residential accessory buildings. The contiguous area would help with preserving agricultural throughout the site.

The City of Kelowna Council endorsed a Staff recommendation to allow secondary residences, up to 90m², if the property is over 2.0ha in size and currently does not have a secondary suite. This has been proposed in the new Zoning Bylaw no. 12375, which hasn't been adopted by Council. Before this, the bylaws did not

allow any secondary residence. The proposal before us does not meet the new legislature in the ALC Act, and a Non-Adhering Residential Use Permit application would be required regardless of Council's official adoption of the proposed changes to the secondary residences.

Report prepared by: Tyler Caswell, Planner

Reviewed by: Dean Strachan, Community Planning & Development Manager

Attachments:

Attachment A – ALC Non-Adhering Residential Use Application

Attachment B – Site Plan

Attachment C – Conceptual Drawing Package

Attachment D – Ministry of Agriculture Memo



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 65230

Application Status: Under LG Review

Applicant: Brian Witzke

Local Government: City of Kelowna

Local Government Date of Receipt: 04/05/2022

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

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

Proposal: To replace a house that is no longer livable and provide a suitable residence for future family farming needs on this parcel.

Mailing Address:

1368 Teasdale Rd

Kelowna, BC

V1P 1C7

Canada

Primary Phone:

Mobile Phone:

Email:

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 011-041-781

Legal Description: LOT 3 SECTION 23 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 2329 EXCEPT PLANS 4697, 34964 AND H12752

Parcel Area: 13.7 ha

Civic Address: 1368 Teasdale Road

Date of Purchase: 11/26/1980

Farm Classification: Yes

Owners

1. **Name:** Brian Witzke

Address:

1368 Teasdale Rd

Kelowna, BC

V1P 1C7

Canada

Phone:

Cell:

Email:

ATTACHMENT		A
This forms part of application		
# A22-0003		
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Current Use of Parcels Under Application

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

On this parcel High Quality Apple production currently consisting of varieties Royal gala, Pacific gala, Honey crisp, Ambrosia and Spartans. There is 27.73 acres of Grade A land and 4.74 acres of grade D land equaling a total of 32.47 acres. This 3rd generation farm was started in 1946 and as won multiple awards over the years for innovation and quality of apples produced. As well as being a leading example for the apple growing sector in B.C. hosting numerous international and domestic industry farm tours. The farm is currently in a stage of renewal with more apple blocks planned to be replanted as soon as trees become available. The parcel is farmed to its maximum land use potential and all structures are utilized for farming practices. Final note on the parcel current usage, this is not a agritourism business. This is a full scale 100% modern industrial orchard operating on the very edge of a ever growing city.

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

Over the past 50+ years this orchard has been constantly modernized as new training systems and new varieties became known and available to the local growing industry. Fully automated irrigation systems have been customized for this particular parcel given it's unique soil blends. Deer fencing has been installed in recent years to help mitigate animal and public trespassing. All housing is only used for temporary farm works or the two owners. Other buildings on this parcel are used for storage of farm equipment and seasonal supplies as well as maintenance and repair facilities.

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

"No non-agricultural activity".

Adjacent Land Uses

North

Land Use Type: Residential

Specify Activity: Subdivision of Rutland

East

Land Use Type: Industrial

Specify Activity: 2 cherry orchards and a Grow op

South

Land Use Type: Agricultural/Farm

Specify Activity: U-pick cherry operation / apple orchard

West

Land Use Type: Agricultural/Farm

Specify Activity: Vineyard

Proposal

1. What is the purpose of the proposal?

To replace a house that is no longer livable and provide a suitable residence for future family farming needs on this parcel.

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

The house being replaced was built in 1956 using building techniques of the time. Consisting of sawdust

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for insulation in the walls, wood shavings in the attic and home poured concrete basement. The house is now infested with ants, termites as well as showing signs of mold and the foundation is crumbling. As this house was built before the ALR and is used as the second primary residence. The need to replace this structure is necessary to maintain appropriate housing for the parcel owners and their families. This not adding a residence but maintaining current numbers of residences on this parcel.

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

There are two houses which are occupied year round by the owners. The first house is 176.52sq meters plus full basement. The second is 74 sq meters with a full basement. There are also three temporary farm worker houses. These only have workers present as seasonal work requirements demand. Cabin 1 is 41.62 sq meters, cabin 2 is 33.8 sq meters, cabin 3 is 33.8 sq meters and these cabins only have crawl spaces.

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

227.89 m²

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

The location was chosen due to minimize its impact on current farmed areas on the parcel. The residence and its driveway will sit on a portion of the parcels grade D land. As well as give opportunity to better utilize the limited flat areas on the farm. Easier access for land working equipment and farm supplies that do not require covered storage. The new location comes with the benefit of close proximity to utilities. The small field the house will back onto is planned to be planted into soft fruits for the families personal needs. So there will be no negative impact on the overall farm operation.

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

The total area utilized for this house, driveway, zero scape landscaping, parking and septic will be a proximately a 1/4 acre or .101 hectare

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

No

Applicant Attachments

- Proposal Sketch-65230
- Site Photo-Build site
- Site Photo-Overall farm view
- Certificate of Title-011-041-781

ALC Attachments

None.

Decisions

None.

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Untitled Map

Write a description for your map.

Legend



Google Earth
Image Landsat / Copernicus

ATTACHMENT B
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ATTACHMENT C

This forms part of application
A22-0003



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Planner Initials **TC**

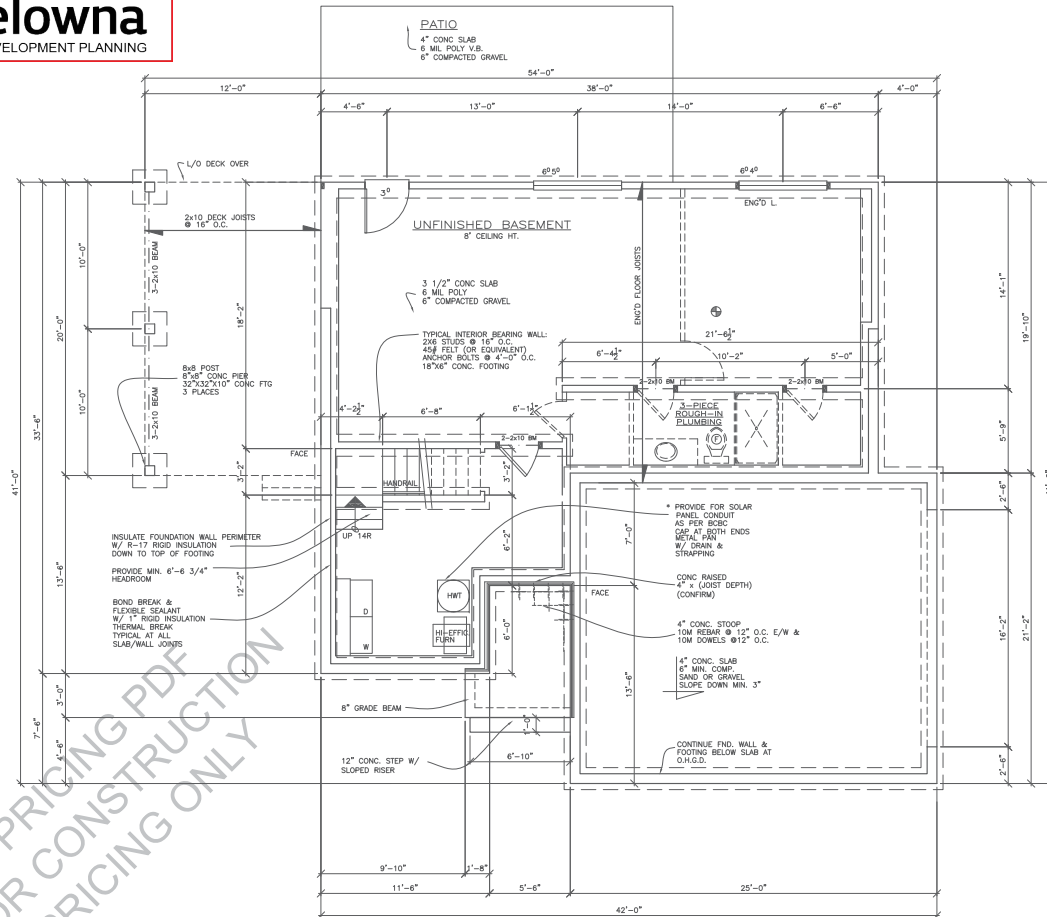
HEAD OFFICE: SUITE 101, 1000 W. BAYVIEW AVE. KELLOWNA, B.C. V1Y 8M8
1000 W. BAYVIEW AVE. SUITE 101 KELLOWNA, B.C. V1Y 8M8

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REFERENCE:	CUSTOM
DRAWN:	TB
CHECKED:	DJ
DATE:	MARCH 2022
SCALE:	1/4" = 1'-0"
SHEET:	1 OF 5
PLAN NUMBER:	5-2-885



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BASEMENT/FOUNDATION PLAN

FINISHED AREA = 232 SQ. FT.
UNFINISHED AREA = 739 SQ. FT.
SCALE: 1/4" = 1'-0"

PROVIDE ROUGHIN SUBFLOOR DEPRESSURIZATION SYSTEM,
4" GRANULAR FILL BELOW SLAB AND PROVIDE 4" PIPE WITH
CONNECTION FOR FUTURE DEPRESSURIZATION EQUIPMENT AND AIRTIGHT CAP
TO BE PASSIVELY VENTED TO EXTERIOR, TO BE TERMINATED OUTSIDE

ATTACHMENT C

This forms part of application

A22-0003

Planner Initials **TC**



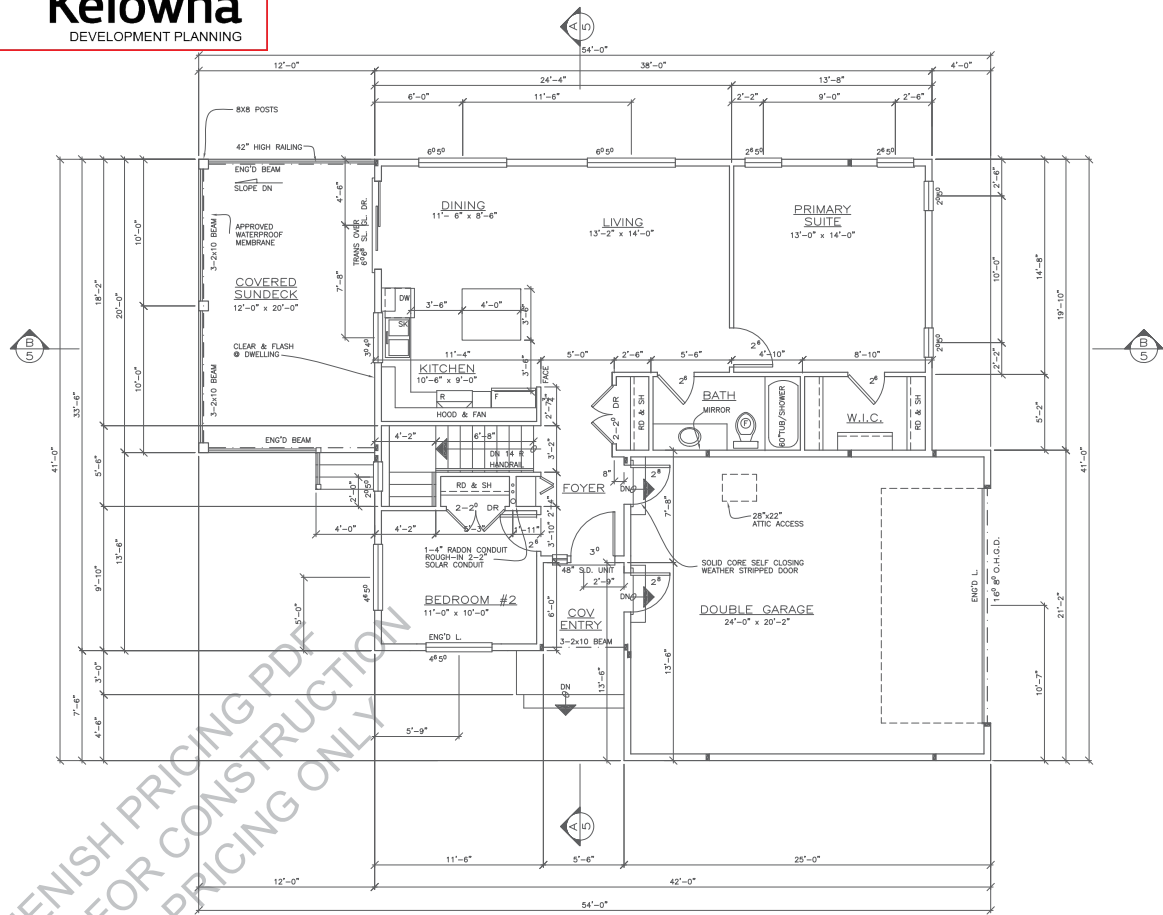
HEAD OFFICE:
CITY OF KELLOWNA, B.C.
1000 WATERLOO STREET
KELLOWNA, B.C. V1Y 1M6
TEL: 250.860.1188 FAX: 250.860.4056

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DATE:	MARCH 2022
SCALE:	1/4" = 1'-0"
SHEET:	2 OF 5
PLAN NUMBER:	5-2-665



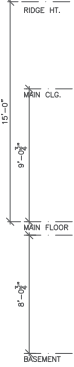
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MAIN FLOOR PLAN
FINISHED AREA = 966 SQ. FT.
GARAGE AREA = 516 SQ. FT.
9'-0 3/4" CEILING HEIGHT

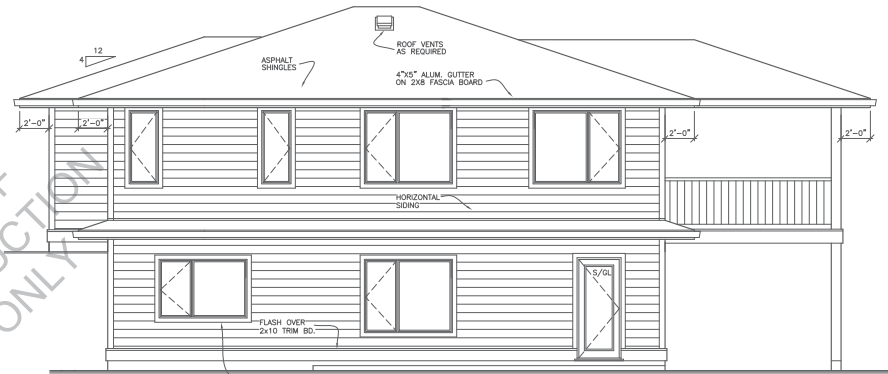
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A22-0003

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FRONT ELEVATION



REAR ELEVATION

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HEAD OFFICE: SUITE 101, 1010
KELLOWNA, B.C., V1Y 8A8
TEL: 250.860.1400 FAX: 250.860.1401

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SHEET:	3 OF 5
PLAN NUMBER:	5-2-885

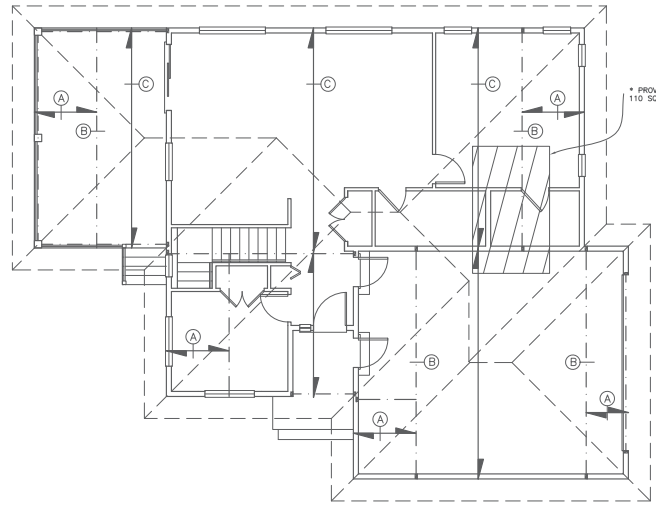
HEAD OFFICE: SUITE 101, 1010
 KELLOWAY, B.C., V1Y 8A8
 TEL: (250) 862-1488 FAX: (250) 862-1489

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DATE:	MARCH 2022
SCALE:	AS NOTED
SHEET:	4 OF 5
PLAN NUMBER:	5-2-885



ROOF FRAME PLAN

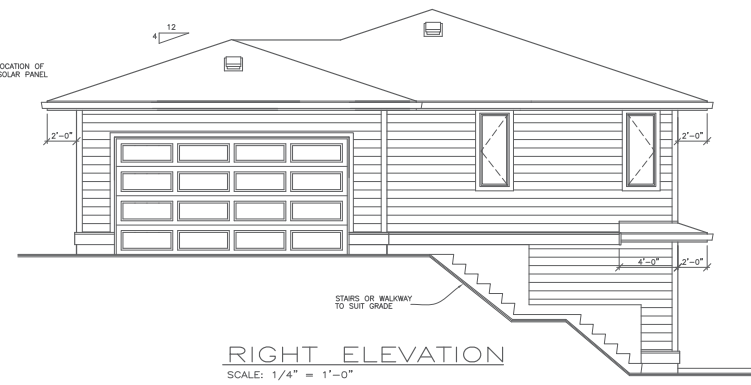
SCALE: 3/16" = 1'-0"

* TRUSS LAYOUT TO BE CHECKED, VERIFIED & ENGINEERED BY TRUSS MANUFACTURER

* PROVIDE FOR FUTURE LOCATION OF 110 SQ. FT. HOT WATER SOLAR PANEL

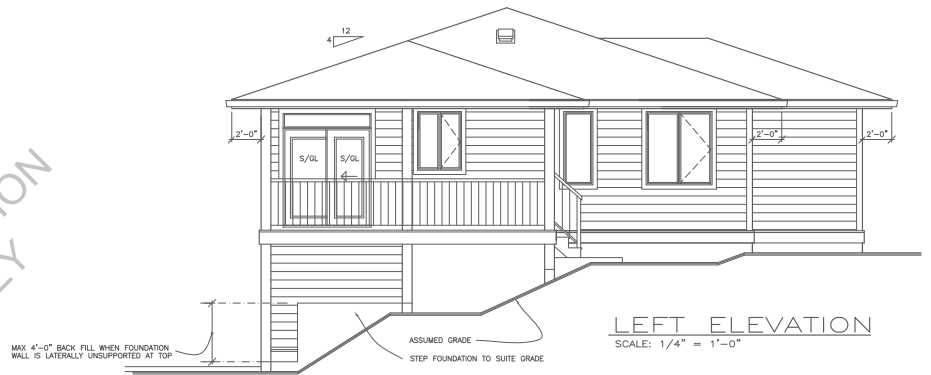
- Ⓐ— JACKS @ 24" O.C.
- Ⓑ— LAST TRUSS
- Ⓒ— TRUSSES @ 24" O.C.
- Ⓓ— BOBTAIL LAST TRUSS
- Ⓔ— SPECIAL LAST TRUSS (3 POINT BRG)
- Ⓕ— SPECIAL TRUSSES @ 24" O.C. (3 POINT BRG.)
- Ⓖ— BOBTAILLED TRUSSES @ 24" O.C.
- Ⓗ— SPECIAL TRUSSES @ 24" O.C.

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RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



LEFT ELEVATION

SCALE: 1/4" = 1'-0"

ATTACHMENT C

This forms part of application
A22-0003

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June 13, 2022

ATTACHMENT **D**

This forms part of application
A22-0003

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City of **Kelowna**
DEVELOPMENT PLANNING

Local Government File: A22-0003

Tyler Caswell
City of Kelowna
1435 Water Street
Kelowna, B.C. V1Y 4J4
planninginfo@kelowna.ca

RE: Non-Adhering Residential Use, 1368 Teasdale Rd, PID 011-041-781

Dear Tyler Caswell,

Thank you for providing Ministry of Agriculture and Food (Ministry) staff the opportunity to comment on the referenced application. We have reviewed the documents provided and offer the following comments:

- Ministry staff understand that there are currently two dwellings (176.52 m² and 74 m², respectively) on the property; both are owner occupied. This application proposes that one of the houses remain and a new, larger dwelling is built. The application notes that the smaller dwelling that is proposed for replacement is unliveable, citing a cracked foundation. Ministry staff assume that this house will be demolished following construction of the new house, although this was not explicitly stated in the application materials.
- The agricultural capability of the property is mapped as a mix of improved classes 2 and 3. The dominant limitations are soil moisture deficiency and topography.
- Ministry staff note a reasonably large-scale apple orchard and Temporary Farm Worker accommodation, consisting of small cabins, on the parcel.
- The new dwelling will not be located on the same footprint as the one it is replacing, but will be located closer to the existing dwelling that will remain. This will result in the two dwellings being sited on a contiguous residential footprint, consistent with the ministry's [Guide for Bylaw Development in Farming Areas](#).
- Assuming that the older dwelling will be demolished following construction, ministry staff have no objection to the application proceeding to the Agricultural Land Commission (ALC) for decision.

ATTACHMENT **D**

This forms part of application
A22-0003

Planner Initials TC

City of **Kelowna**
DEVELOPMENT PLANNING 

If you have any questions, please contact us directly.

Sincerely,



Alison Fox
Land Use Agrologist
Ministry of Agriculture and Food
Office: (778) 666-0566
Alison.Fox@gov.bc.ca



Chris Zabek
Regional Agrologist
Ministry of Agriculture and Food
Office: (236) 766-7056
Chris.Zabek@gov.bc.ca



City of
Kelowna

A22-0003

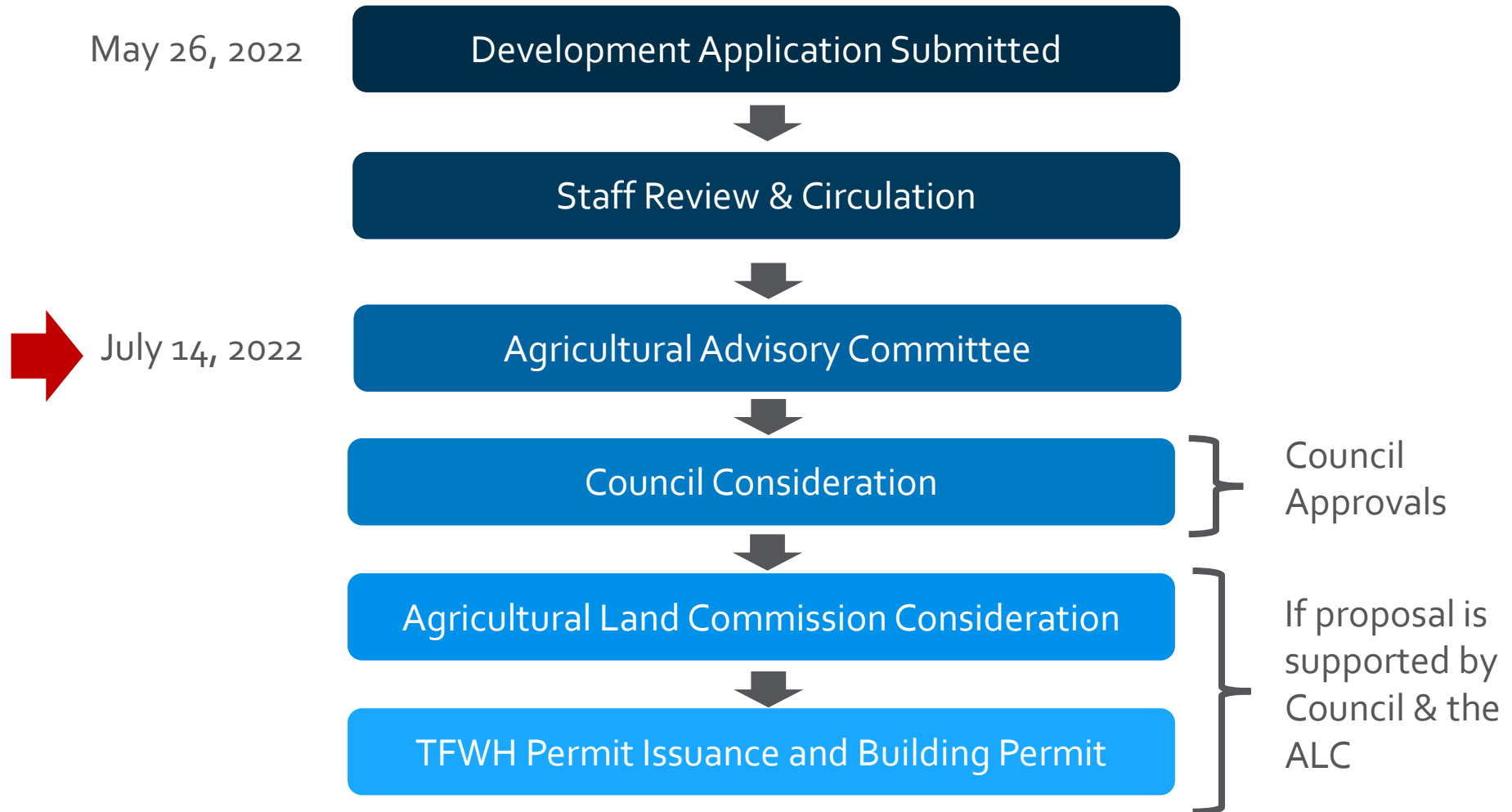
1368 Teasdale Road

ALR Application for Non-Adhering Residential Use Permit

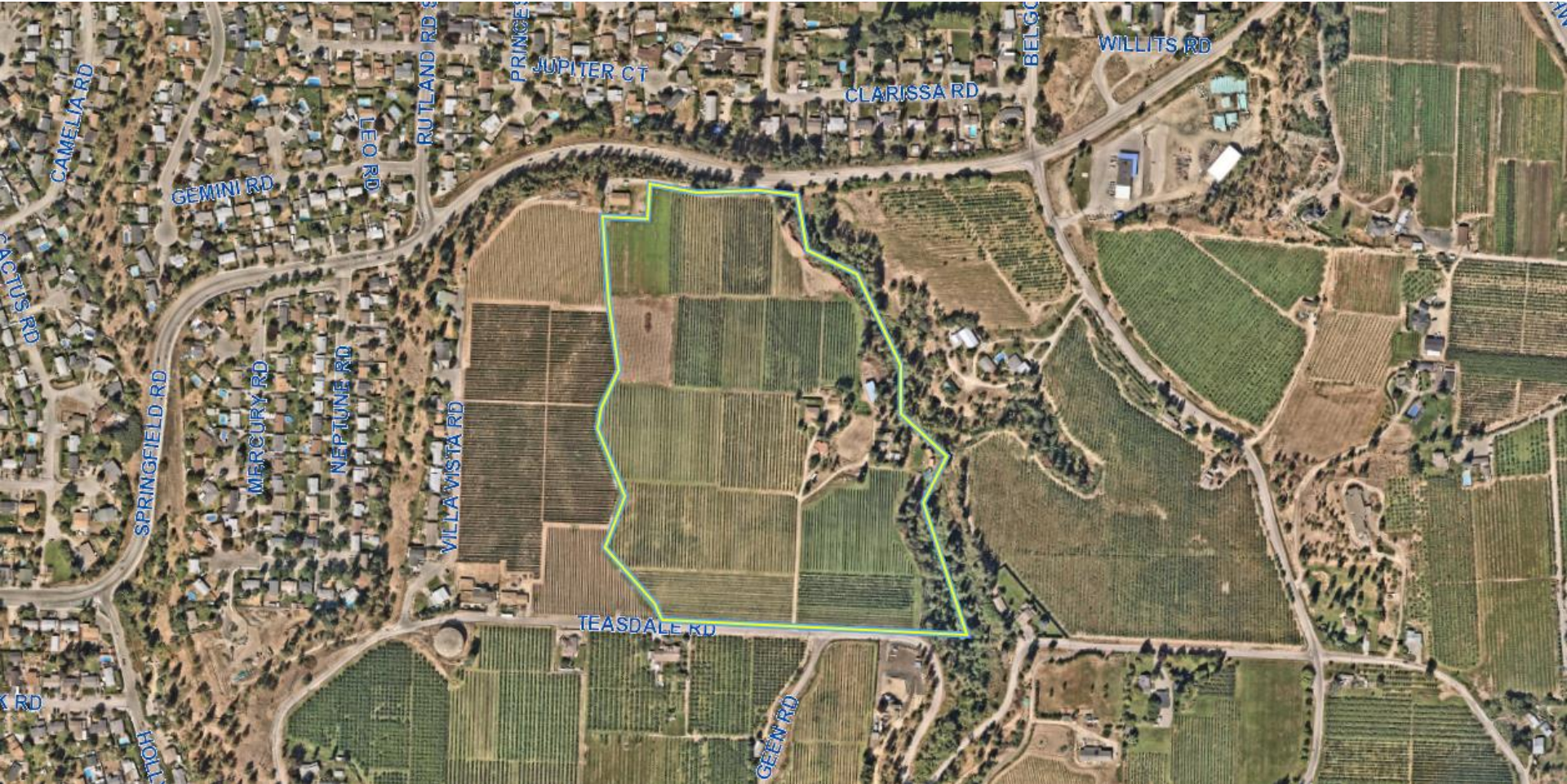
Proposal

- ▶ To consider a non-adhering residential use permit to allow the replacement of a second dwelling that is no longer a suitable residence.

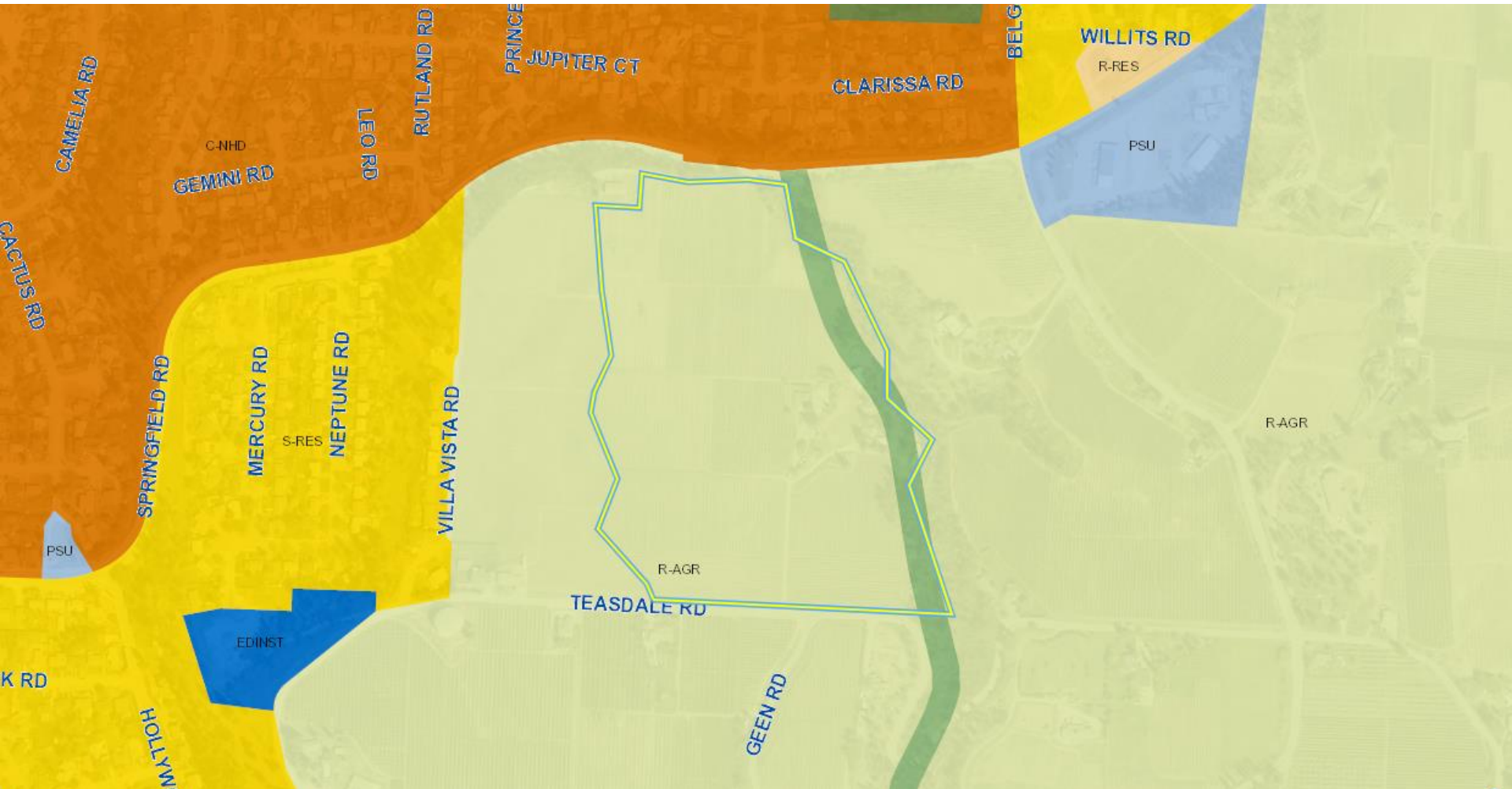
Development Process



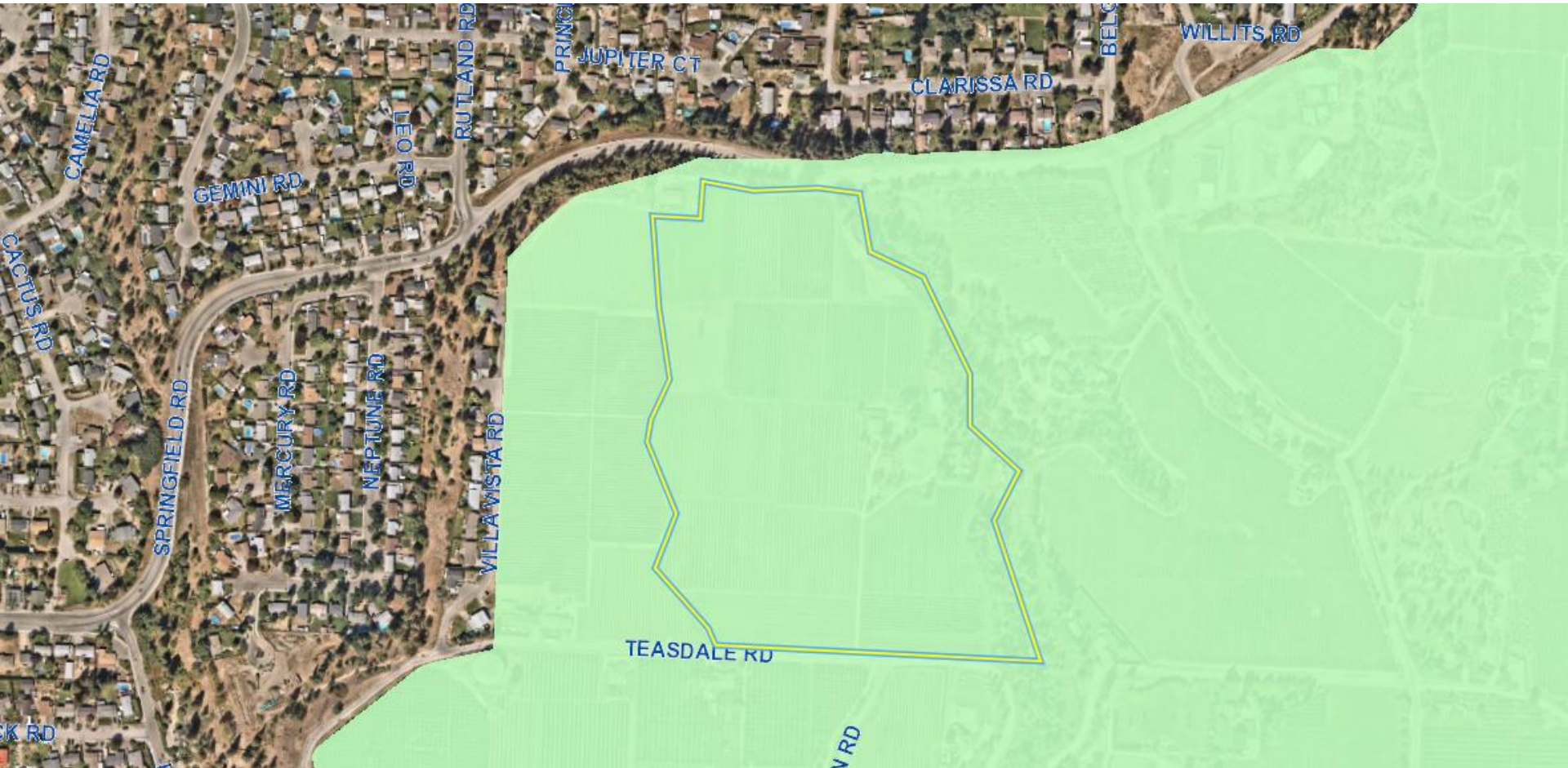
Context Map



OCP Future Land Use / Zoning



Agricultural Land Reserve



Aerial View



Project Details

- ▶ The applicant is seeking approvals to allow for the replacement of a second single-family dwelling.
 - ▶ The proposed dwelling would be 227.89m² in size.
 - ▶ Property currently has two dwellings on it.
- ▶ The application has indicated that the home was built in 1956 and is now infested with ants, termites and mold.
- ▶ The location would be in Grade D soil and closer to the existing residence.
- ▶ Property also has cabins that are using for TFWH.

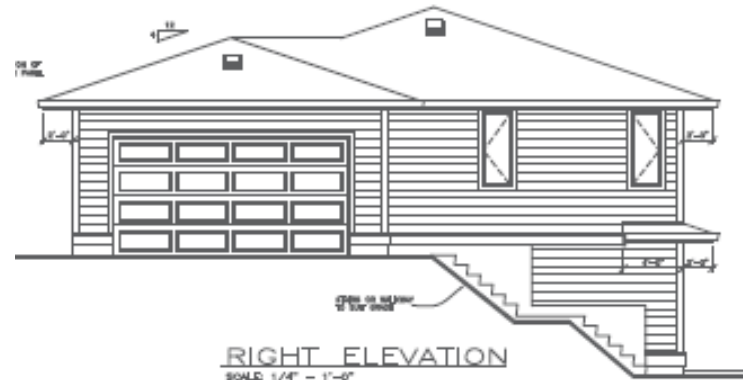
Site Plan



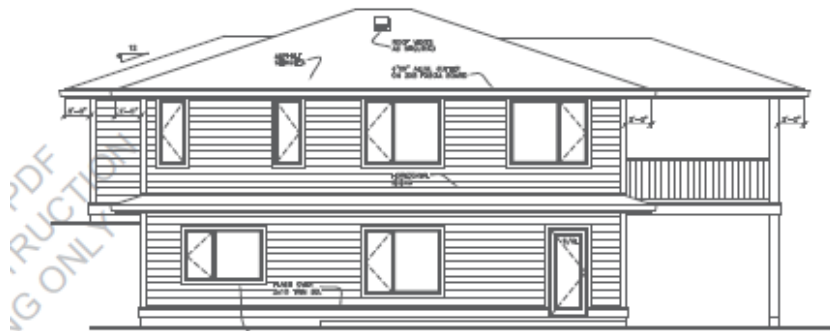
Elevation Drawings



FRONT ELEVATION



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION



LEFT ELEVATION
SCALE: 1/4" = 1'-0"

PDF
INSTRUCTIONS
FOR PRINTING ONLY

AAC Recommendation

- ▶ Request for AAC to provide a recommendation for Council of either support or non-support.
- ▶ Application will be forwarded to ALC should Council support it.

Development Planning

- ▶ Staff brought forward a proposal to allow secondary residences, however, this would still require a Non-Adhering Residential Use Permit.
- ▶ Farm Residential Footprint covenant required.



Conclusion of Staff Remarks