Agricultural Advisory Committee AGENDA



Thursday, December 12, 2024 4:00 pm Meeting Room 5 (Ground Floor) 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 Comittee 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.

We appreciate your cooperation in meeting this requirement.

2. Minutes 3 - 4

October 10, 2024.

3. Applications for Consideration

3.1 Brentwood Rd 1850 - A24-0010 - 1311485 B.C. LTD., INC. NO. BC1311485

5 - 49

To consider an application to the Agricultural Land Commission (ALC) to allow a Soil and Fill Use application for placement of 35,000 cubic meters of topsoil to facilitate planting of a sweet cherry crop.

3.2		Saucier Rd 2360 - A24-0013 - Catspaw Management Co. Ltd. Inc.No. 155100				
		To consider an application to the Agricultural Land Commission (ALC) for a non-adhering residential use permit to allow for temporary farm help housing to accommodate eighteen (18) seasonal farm workers on the subject property.				
4.	ALC D	ecisions - Update				
5.	New E	Business				
	5.1	Bulletin - ALR Properties - Farm Retail Sales	85 - 87			
	5.2	Bulletin - ALR Properties - Gathering for an Event	88 - 89			
	5-3	Agricultural Signage Project	90 - 90			
6.	Next I	Next Meeting				
	Janua	ry 9, 2025				
7.	Termi	nation of Meeting				

Date:

Thursday, October 10, 2024

Time:

4:00 pm

Location:

Meeting Room 5

Members Present

John Janmaat (Chair), Domenic Rampone (Vice Chair), Barbara Hall, Chris

Zabek (non-voting)

Members Participating

Remotely

Nick Ibuki, Binny Boparai

Members Absent

Harsh Khela

Staff Present

Celeste Barlow, Planner Specialist, Tyler Caswell, Planner II; Dean Strachan, Community Planning & Development Manager Clint McKenzie, Legislative

Coordinator (Confidential)

* Denotes partial attendance

Call to Order 1.

The Chair called the meeting to order at 4:02 p.m. and reviewed the criteria of the Committee from the terms of reference.

Minutes 2.

Moved by Barbara Hall/Seconded by Binny Bopari

THAT the Minutes of the September 9, 2024 Agricultural Advisory Committee meeting be adopted.

Carried

Applications for Consideration 3.

Fitzpatrick Rd 426 - A24-0009 - Kamaljeet Singh Sandher

Staff:

Displayed a PowerPoint presentation outlining the application.

Kamaljeet Singh Sandher, Applicant

- Confirmed the existing house will be demolished and two buildings are being constructed.
- Confirmed that currently no agriculture is taking place on the property.

Moved By Barbara Hall /Seconded By Binny Boparai

THAT the Committee recommends that Council not support an application (A24-0009) to the Agricultural Land Commission (ALC) for a subdivision at 426 Fitpatrick Rd.

Carried

Binny Boparai - Opposed

Anedotal Comments:

 Ensure the applicant has enough room for a vegetative buffer on the north side of the subject property.

Nick Ibuki joined the meeting at 4:19 p.m.

3.2 KLO Rd 1629 - A24-0012 - Global Enterprises Inc., No. BC0679291

Staff:

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

Melanie Bylands, Applicant

- Provided an overview of the operations.
- Displayed pictures of the current operations on the property.
- Provided a site overview of the work completed since August 2023.
- Responded to questions from the Committee.

Moved By Barbara Hall /Seconded By Nick Ibuki

THAT the Committee recommends that Council supports an application (A24-0012) to the Agricultural Land Commission (ALC) for a Soil and Fill Use application.

Carried

Anedotal Comments:

Ensure the recommendations outlined by the Ministry of Agriculture are completed.

4. ALC Decisions – Update

There were no file updates.

New Business

Staff advised that the AAC staff liaison, Celeste Barlow will be leaving the City. The Committee wished Celeste well on her new position.

Discussion ensued regarding the organization of a Central Okanagan agricultural tour and getting other adjacent municipalities involved through their agricultural advisory committees.

Moved By Domenic Rampone /Seconded By Barbara Hall

THAT the Committee recommends that Council supports staff reviewing the possibility of a valley-wide agricultural tour in conjunction with the Ministry and other adjacent municipalities.

Carried

Next Meeting

The next Committee meeting has been scheduled for November 14, 2024.

Termination of Meeting

The Chair declared the meeting terminated at 4:53 p.m.

John Janmaat,	Chair

COMMITTEE REPORT



Date: December 12, 2024

To: Agricultural Advisory Committee

From: Development Planning Department

Address: 1850 Brentwood Road

 File No.:
 A24 - 0010

 Zone:
 A1 - Agriculture

1.0 Purpose

To consider an application to the Agricultural Land Commission (ALC) to allow a Soil and Fill Use application for placement of 35,000 cubic meters of topsoil to facilitate planting of a sweet cherry crop.

2.0 Development Planning

In an effort to improve the agricultural productivity of the subject property the owner imported a large volume of fill without authorization from the ALC and City of Kelowna. Subsequently the applicant is seeking a retroactive ALC approval via a Soil Fill Use application for placement of 35,000 cubic meters of topsoil (1.0 m depth) to facilitate planting of a sweet cherry crop. Approximately 13,000 cubic meters of topsoil has already been brought into the site and another 22,000 cubic meters is being proposed to enhance the root zone for a cherry crop. The unauthorized fill area currently covers 2.4 ha (5.9 acres) of the parcel.

The subject property is 17.1 ha (42.3 acres) in size and is located in the Black Mountain City Sector at the intersection of Highway 33 and Brentwood Road. The only farming on the property is 0.8 ha (2 acres) of cherries planted as a test crop.

The ALC has determined that Soil and Fill Use applications that are not expressly allowed under the Agricultural Land Reserve Regulation may not proceed to the ALC for permit review unless authorized by a resolution of the local government. There are several common reasons why the ALC will not accept fill applications without first obtaining consent from local government, which are as follows:

- Applicants were initially caught placing fill without permits from the ALC.
- The fill may not aid the farm/farming activity.
- Work is planned to extend beyond two years.
- A waterway may be fouled, obstructed, or impeded.
- The agricultural capability of the land may be degraded.

• Fill placement has not been demonstrated as the only means available to address implementation of standard agricultural best practices.

In this instance, the ALC will not accept this proposal directly, since the applicant placed fill without having ALC approvals in place. Subsequently, the applicant has hired a professional agrologist to prepare a plan to seek Council's authorization to forward this Soil and Fill Use application to the ALC for their consideration. As a result, staff request the Agricultural Advisory Committee (AAC) provide a recommendation for Council for either support or non-support of this Soil and Fill Use application proposal.

3.0 Subject Property & Background

3.1 Site Context

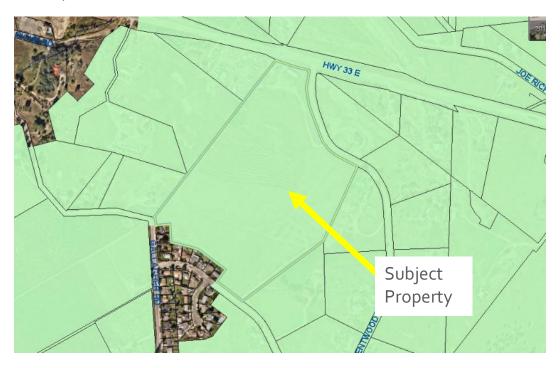
The subject property is located in the Belgo – Black Mountain City Sector at the intersection of Highway 33 and Brentwood Road. The parcel is within the Agricultural Land Reserve with a Future Land Use designation of Rural – Agricultural and Resource (R-AGR) and is zoned A1-Agriculture. The surrounding area is a mix of agricultural and single-family residential land uses.

Orientation	Zoning	ALR	Land Use	
North	A1 – Agriculture 1	Yes	Agriculture	
South RR2 – Small Lot Rural Residential		No	Rural Residential	
East	A1 – Agriculture 1	Yes	Agriculture	
West	A1 – Agriculture 1	Yes	Agriculture	

Subject Property Map



ALR Map



Unauthorized Fill Area Map



3.2 <u>Background</u>

Between the spring and summer of 2023, the owners of the subject property imported topsoil to the site without ALC authorization. As a result of ALC and City bylaw enforcement, the owner is required to apply for an ALC Soil and Fill Use application or remove the fill entirely.

The owners of the subject property, the McMeekens, are an existing cherry growing family. The McMeeken family currently farm cherries on Gallagher Road, which is directly across from the subject property. The goal of the family is to expand their cherry production land to include the subject property and to rehabilitate its soils due to past gravel mining activities. The McMeekens farm a total of 5 ha (12.5 acres) of high value cherries and pack them at Northern cherries in Glenmore and market with Global Fruit based in Creston.

Based on the Agrologist's agricultural capability assessment of the parcel, the soils beneath the area of unauthorized fill are rated as class 3AP and are considered suitable for tree fruits. The Agrologist report also states: 1) the imported fill would not change the agricultural capability class of the affected soil and it would remain as class 3AP based on the criteria within the Ministry of Environment (MOE) 1983 assessment framework. 2) The imported fill material, if stone picked and spread to a depth of 40 cm, would increase the thickness of the organic matter-rich topsoil in the affected area, which would enhance the water and nutrient holding capacity of the soil. 3) It is unlikely that spreading the imported fill would, in any way, be detrimental to the future productivity of the site.

4.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

Objective 8.1. Protect and preserve agricultural land and its capability						
Policy 8.1.1.	Retain the agricultural land base by supporting the ALR and by protecting					
Protect	agricultural lands from development. Ensure that the primary use of agricultural					
Agricultural Land.	land is agriculture, regardless of parcel size.					
	The applicant proposes to add topsoil to improve the root zone for a sweet cherry					
	crop. The Agrologist study for the subject property supports the topsoil import work					
	conducted so far.					
Policy 8.1.6. Non-	Restrict non-farm uses that do not directly benefit agriculture except where such					
farm Uses.	non-farm uses are otherwise consistent with the goals, objectives, and other					
	policies of this OCP. Support non-farm use applications only where approved by					
	the ALC and where the proposed uses:					
	i. Are consistent with the Zoning Bylaw and the 2040 OCP;					
	ii. Provide significant benefits to local agriculture;					
	iii. Do not require the extension of municipal services;					
	iv. Will not utilize productive agricultural lands;					
	v. Will not preclude future use of lands for agriculture; and					
	vi. Will not harm adjacent farm operations.					
The applicant proposes to add topsoil to improve the root zone for a s						
	crop. The Agrologist study for the subject property supports the topsoil import work					
	conducted so far.					

Report prepared by: Corey Davis, Development Engineering Technologist Reviewed by: Dean Strachan, Development Planning Manager

Approved for Inclusion: Nola Kilmartin, Development Planning Department Manager

Attachments:

Attachment A – ALC Application File No: 101256

Attachment B – Agrology Report – Agricultural Capability Assessment

Attachment C – Agrology Report - Supplemental Report



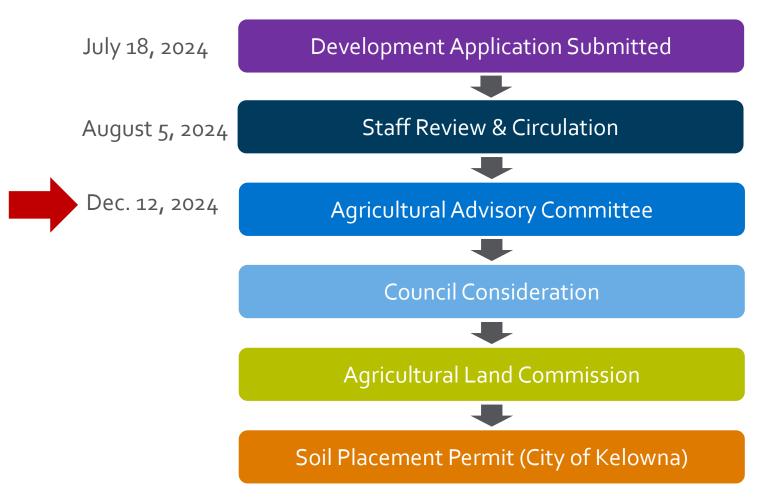


Proposal

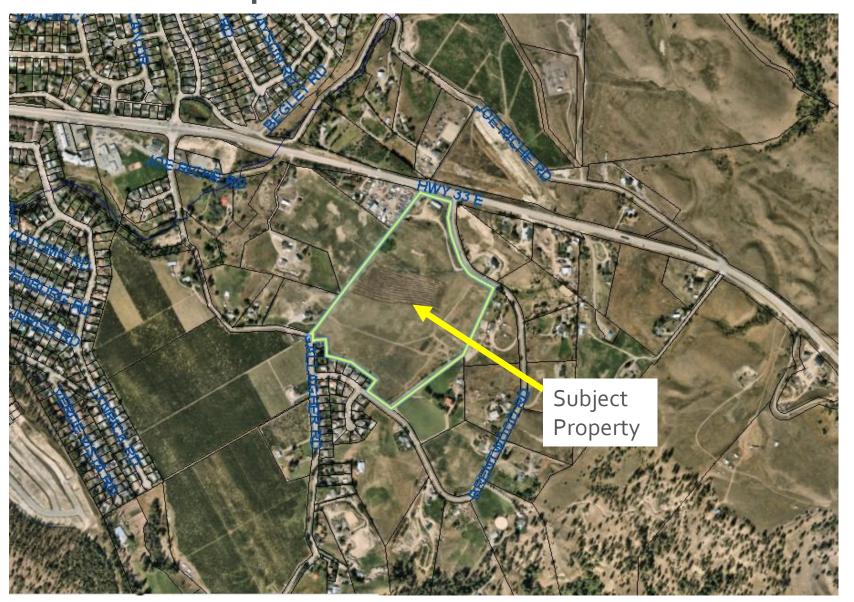
► The applicant is requesting retroactive approval from the ALC for a Soil and Fill Use application for placement of 35,000 cubic meters of topsoil fill to enhance soils for a cherry crop.

Development Process



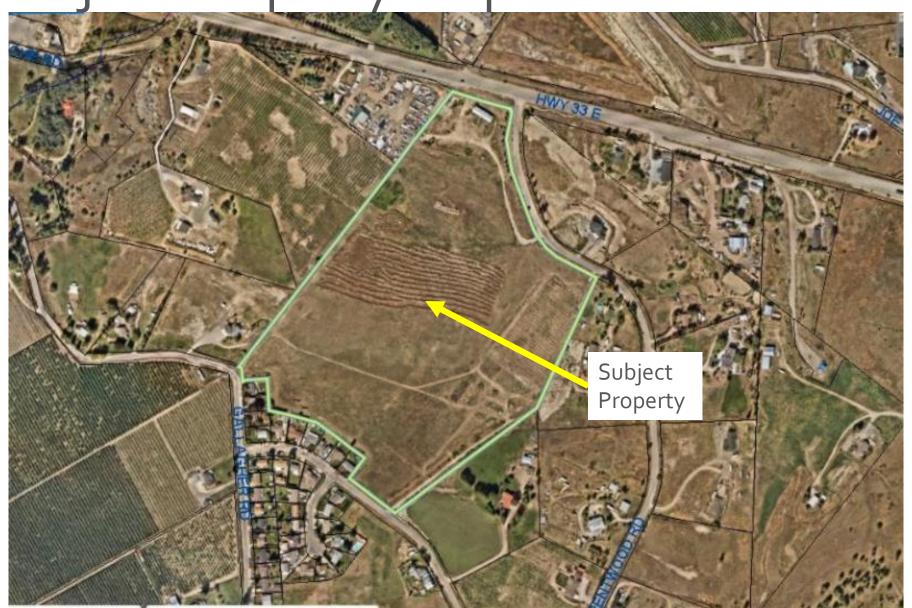


Context Map



City of Kelowna

Subject Property Map



City of Kelowna

Agricultural Land Reserve





Background

- ▶ Between the spring and summer of 2023, 13,000 m³ of topsoil was imported to the subject property without ALC authorization.
- ALC Enforcement required the owners to apply for an ALC Soil and Fill Use permit or remove the unauthorized fill.
- ► The owners of the property are trying to enhance the soils in order to grow cherries.
- ► The owners want to expand their cherry production land holdings to include the subject property.
- ► The owners currently farm 5 ha of cherries across the street from the subject property.

Agricultural Land and Soil Capability (Agrologist Report)

- ➤ The soils beneath the unauthorized fill are considered suitable for tree fruits.
- ► The imported fill will not change the agricultural capability class of the affected soils.
- ► The imported fill material would increase the thickness of the organic matter rich topsoil in the affected area.
- ➤ Spreading the imported fill would not be detrimental to the future productivity of the site.

Project/technical details



- ► The subject property size is 17.1 ha.
- ▶ 13,000 m³ of topsoil was imported to the subject property in 2023 without ALC Authorization.
- ▶ The unauthorized fill covers 2.4 ha of the parcel.
- ► The owners want to bring in an additional 22,000 m³ of topsoil to enhance the existing soils to plant a cherry crop.
- ► The topsoil would help rehabilitate a portion of the property impacted from historical gravel mining.
- ► The only crop currently on the property is 0.8 ha of cherries (test crop).

Site Plan – Unauthorized Fill Area





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.



AAC Recommendation

- ► Request that AAC provide a recommendation for Council of either support or non-support.
- ► Following the meeting the application will be forwarded to Council



Conclusion of Staff Remarks





Provincial Agricultural Land Commission - Applicant Submission

Application ID:

101256

Application Type:

Placement of Fill within the ALR

Status:

Submitted to L/FNG

Applicant:

Bacon et al.

Local/First Nation Government:

City of Kelowna

1. Parcel(s) Under Application

Parcel #1

Parcel Type

Fee Simple

Legal Description

LOT 1 SECTION 18 TOWNSHIP 27 OSOYOOS DIVISION YALE DISTRICT PLAN 32945

Approx. Map Area

17.13 ha

PID

003-270-386

Purchase Date

Jul 21, 2021

Farm Classification

No

Civic Address

1850 Brentwood Road, Kelowna B.C. V1P 1H2

Certificate Of Title

dehodsot.pdf

Land Owner(s)	Organization	Phone	Email	Corporate Summary
Allan Dehod	Not Applicable	2509797610	2sbacon@telus.n et	Not Applicable
Sadilyn Bacon	Not Applicable	2509797610	2sbacon@telus.n et	Not Applicable

2. Other Owned Parcels

Do any of the land owners added previously own or lease other parcels that might inform this application process?

No

ATTACHMENT Α This forms part of application # A24-0010 City of Kelowna Planner CD Initials

3. Primary Contact

Type Third-Party Agent

Carl **First Name**

Withler **Last Name**

Organization (If Applicable) No Data

Phone 2508702137

Email cwithler@gmail.com

4. Government

Local or First Nation Government: City of Kelowna

5. Land Use

Land Use of Parcel(s) under Application

Describe all agriculture that currently takes place on the parcel(s).

No agriculture currently takes place on this parcel. It has been vacant for years. The project proponent wishes to improve drainage, spread topsoil, plant cherries and grow them for the domestic and export markets.

Describe all agricultural improvements made to the parcel(s).

Approximately 13000 cubic meters of topsoil have been brought to site. Approximately 20000m more are needed to produce a rooting zone for cherries.

Describe all other uses that

currently take place on the parcel(s).

Weeds grow on this property currently.

Land Use of Adjacent Parcels

Main Land Use Type Specific Activity

North Commercial / Retail gravel movement

East Agricultural / Farm forage production

South Residential SFD

West Commercial / Retail trucking

6. Proposal

proposal?

Has the ALC previously received an No application or Notice of Intent for this proposal?

What is the purpose of the The proposal is to bring approximately 35000 cubic meters of topsoil to site

to spread and level and then to plant high value cherries on to provide to

the domestic and export market.

Placement of Fill Project Duration 1 month

Fill to be Placed

Volume 35000 m³

Area 20000 m²

Maximum Depth 1.5 m

Average Depth 1 m



Page 3 of 4

Fill already Placed

13000 m³ Volume

200 m² Area

Maximum Depth 2 m

Average Depth 1 m

Describe the type of soil proposed

to be removed.

Drain rock to support the drainage plan as there is subsurface water on this

property and topsoil to level and plant into.

What alternative measures have

you considered or attempted before proposing to place fill? Leaving the field vacant, fallow and full of weeds.

impacts to surrounding

agricultural land?

What steps will be taken to reduce Fill will be placed in non growing season and roads will be washed after fill

placement.

Proposal Map / Site Plan 10-1850 Brentwood Irrigation With Drain Tile & Drain Pipes.pdf

Cross Sections 10-1850 Brentwood Irrigation With Drain Tile & Drain Pipes.pdf

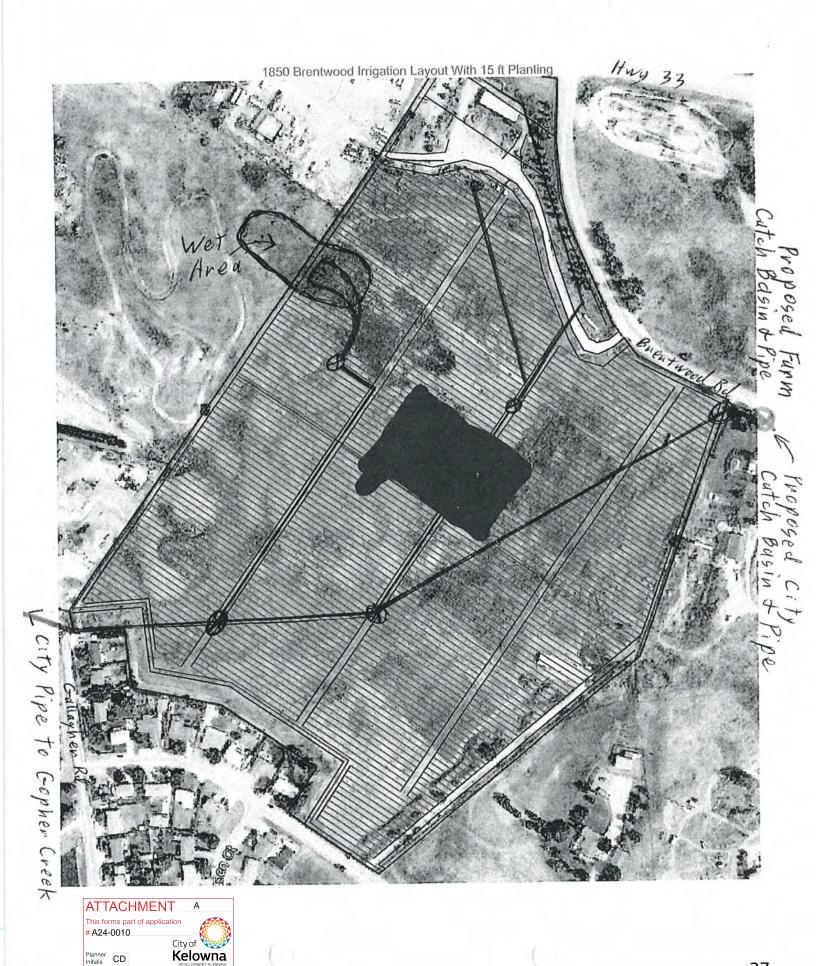
Reclamation Plan Reclamation plan for 1850 Brentwood Road.docx

7. Optional Documents

Туре	Description	File Name
Other files that are related	red box on property shows approximate location of preplaced fill and proposed irrigaiton layout for cherry production.	10-1850 Brentwood Irrigation With Drain Tile & Drain Pipes.pdf
Photo of the Application Site	vacant property in 2018 wiating for fill	1-20180325-Gallagher Flats 1850 Brentwood.jpg



Page 4 of 4



Planner Initials CD

27

Agricultural Capability Assessment 1850 Brentwood Road, Kelowna

Prepared by:

C A Scott Smith, MSc., P.Ag. Eterrna Consulting



Prepared for Collin McMeeken
October 23, 2024





Cover photograph: View looking west across the property showing the area of reclaimed gravel pit with mounds of fill lying on the soil surface.

Summary of Conclusions

Based on the field inspection and soil analytical properties, the agricultural capability assessment came to the following conclusions;

- 1. The soils beneath the area of fill (the study area) are rated as class 3AP and are considered suitable for tree fruits.
- 2. Spreading the imported fill would not change the agricultural capability class of the affected soil, it would remain as class 3AP based on the criteria within the Ministry of Environment (MOE) 1983 assessment framework.
- 3. The imported fill material, if stone picked and spread to a depth of 40 cm, would increase the thickness of the organic matter-rich topsoil in the affected area, and in so doing, enhance the water and nutrient holding capacity of the soil.
- 4. It is unlikely that spreading the imported fill would, in any way, be detrimental to the future productivity of the site.



Introduction

On September 26, 2024, I visited the property of Collin McMeeken at 1850 Brentwood Road (*PID 003-270-386*) in the Back Mountain area of Kelowna. The objective of the field visit was to complete an agricultural capability assessment of the central portion of the property that some 20 years previously been the site of a gravel pit. In an effort to improve the productivity of this reclaimed gravel pit, the client had imported a large volume of fill without the proper authorization from the Agricultural Land Commission. The agricultural land capability assessment was requested by the City of Kelowna.

The focus of this assessment was to 1) assess the condition of the soil in the reclaimed area that is now covered by imported fill (i.e. the study area) and 2) to evaluate the suitability of this imported fill as topsoil to potentially improve the agricultural capability of this land. According to the client, this fill came from a nearby housing development where the topsoil was removed in advance of infrastructure placements and home construction. The cultivated area of the property is approximately 15 ha (37 ac). The area covered by the fill is 2.4 ha (approximately 6 ac) (Figure 1).



Figure 1. The yellow line outlines the boundaries of the agricultural property at 1850 Brentwood Road. The dark area located in the centre of the lot marks the extent of fill placement.



Assessment Methods

Previously published information

The soils of the agricultural regions of the Okanagan Valley were mapped by the Ministry of Environment at a scale of 1:20,000 (Figure 2). This mapping provides relatively detailed information about the soils of the region (Wittneben 1986). The soil mappers then rated each map unit (polygon) with respect to its agricultural capability. The fill area is covered by three polygons. The soil series and the unimproved and improved capability ratings for each polygon are presented in Table 1. The dominant soil is the Rutland soil series which is formed on coarse-textured glaciofluvial parent material that has often been utilized as a gravel source.

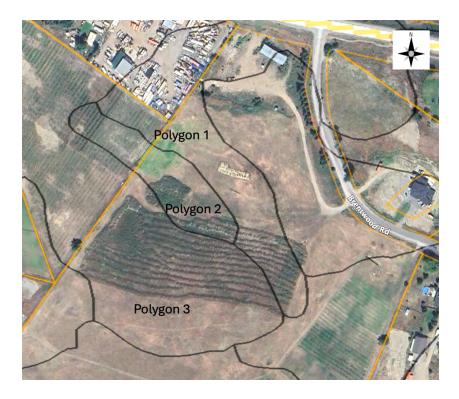


Figure 2. The boundaries of soil mapping polygons over the area of imported fill. Polygon numbers are listed in Table 3. The map information was gained from the provincial online Soil Information Finder Tool (SIFT 2018).

Class ratings are for tree fruits and grapes. The principal unimproved limitation of the soils for agricultural use relates to aridity. Irrigation can largely overcome aridity leaving stoniness as a moderate limitation (i.e. class 3AP) under improved conditions. The small area of Gartrell series with a limitation of wetness and poor fertility was not observed and was likely altered during gravel excavation and remediation.



Table 1. Soil series and agricultural capability as reported in regional mapping for the Okanagan Valley. The soil mapping was conducted some 40 years ago, long before the gravel was excavated from the site.

Soil Polygon	Area (ha)	Soil series		Capability Rating		
		Name	Attributes	Unimproved	Improved	
1	0.38	Rutland	Rapidly drained gravelly glaciofluvial	5A	3AP/3AT	
2	0.16	Gartrell	Poorly drained loam over gravelly glaciofluvial	6W	4WF	
3	1.82	Rutland	Rapidly drained gravelly glaciofluvial	5A	ЗАР	

The regional soil mapping and derived capability ratings give useful baseline but do not describe the current soil conditions in the study area, which have more recently undergone disruption and some degree of remediation.

Field Methods

The BC Agricultural Land Commission utilizes the *Land capability for agriculture in British Columbia* (Ministry of Environment 1983) for all its assessments of agricultural capability. To meet the requirements of ALC Policy 10, three soil pits were excavated to a depth of between 120 and 150 cm to allow for detailed profile descriptions. The soils were classified using the Canadian System of Soil Classification (SCWG1998) and for disturbed soils followed the framework of Naeth et al. (2023). The agricultural capability rating class of each profile was according to Ministry of Environment (1983).

The fill has been placed in rows over the area impacted by gravel extraction some 20 years ago (Figure 3). Two of the pits (pits 1 and 2) were located between the rows of fill. Pit 3 was in a small area where the fill material had been surface distributed. Pit 3 allowed the examination of how a potential profile might look if the fill material were to be spread to a depth of approximately one foot (30 to 40 cm).



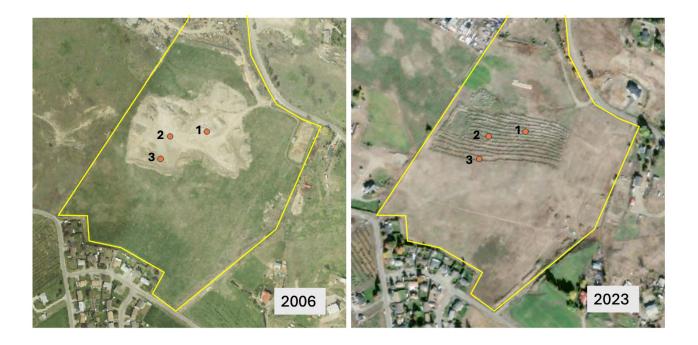


Figure 3. Aerial photographs showing the extent of the gravel excavations (2006) and current location of fill placement (2023). Soil pits examined and described in this report are shown as numbered points.

Results

Profile descriptions for the three pits examined are given in the appendix of the report. Each soil pit showed evidence of gravel pit remediation efforts as seen in a brownish surface horizon that represents the 'topsoil' that was presumably stockpiled then spread over the excavation site (Figure 4). The subsurface horizons are composed of sandy and gravelly glaciofluvial parent materials. The depth of disturbance within the profiles is variable but confined to less than 100 cm of the profile. Disturbed horizons were labeled according to the system of Naeth et al. (2023). The organic matter-rich surface layer is designated as a Dp horizon, subsurface disturbed layers as simply D horizons. Horizons below the level of disturbance are designated using conventional nomenclature. All three of the observed profiles in the study area are considered Anthroposols (human impacted soils). The topsoil layer beneath the imported fill is assumed to have been derived from the spreading of the original A horizon of the Rutland soil series which is classified as a Dark Brown Chernozem (Wittneben 1986). The imported fill is likely derived from the A horizon of the Kelowna soil series which is a Dark Brown Chernozem formed on till.

Within the underlying undisturbed portions of soil pits 2 and 3, thin layers of calcium carbonate accumulation were observed and designated as Cca horizons although, in general, the gravelly glaciofluvial parent materials are only very slightly to non-calcareous.



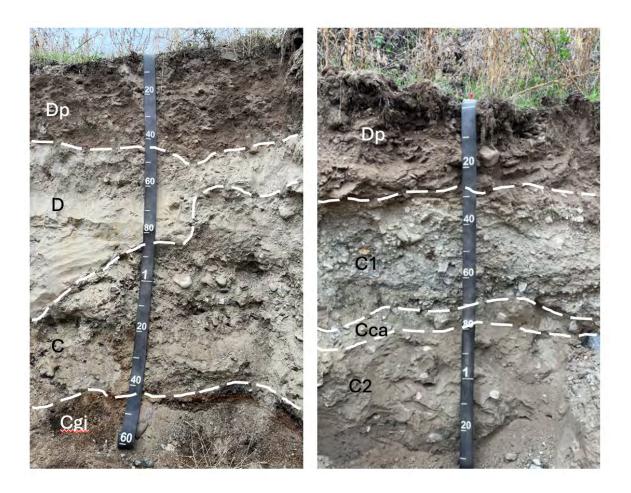


Figure 4. Soil and surface condition observed in soil pits 1 and 2. Some effects of groundwater saturation were observed below 140 cm depth in the Cgj horizon of pit 2.

The soil observed in pit 3 had a different surface condition composed of two distinct layers of disturbed topsoil placed over undisturbed glaciofluvial gravel (Figure 5). The two disturbed horizons in pit 3 (Dp1 and Dp2) extend to a depth of 80 cm and are both gravelly sandy loam texture. However, the Dp1 horizon composed of the imported fill is darker in colour and contains greater organic matter than the underlying Dp2 horizon. The undisturbed lower profile is composed of a BC, Cca and C horizon. These horizons represent the lower profile of the original Rutland soil.





Figure 5. Soil profile observed in pit 3.
There are two distinctive surface horizons labelled as Dp 1 and 2, composed of stockpiled topsoil materials that have been spread over the soil surface. The Dp1 horizon is composed of the relatively dark fill material recently imported to the site. The lighter-coloured Dp2 horizon is reclaimed topsoil derived from remediation efforts some 15 years ago.

The Classification of Anthroposols

Anthroposols (human disturbed soils) are not included in the existing Canadian System of Soil Classification but are proposed for inclusion in the next version of the System. All the profiles observed in this study are classified as Spolic Anthroposols. These are soils with surface deposits (Dp horizons) of imported soil fill or constructed mixtures of soil and organic material ≥30 cm thick and with <15% non-soil artefacts (plastics, concrete, metal) in any horizon. They are further classified into subgroups of Albo meaning the Dp horizon contains less than 2% carbon and Terro because undisturbed natural soil horizons exist within 100 cm of the soil surface. The classification of the three soils observed is Terro Albo Spolic Anthroposol. Full details of the classification system are presented in Naeth et al. (2023).



Agricultural Capability

Class and Subclass ratings

The BC Agricultural Land Commission utilizes the provincial seven class rating system for all its assessments of agricultural capability. Class 1 soils have no limitations to cultivated agriculture, class 7 soils are considered unsuited for agriculture. Soil classes 1 through 4 are considered suited for cultivated agriculture but with increasing limitations between class 2 and 4.

There are two factors which limit capability of the soils in the study area. Aridity (subclass A) is generated by the semi-arid climate and low available water holding capacity (AWHC) of the soils. Stoniness (subclass P) relates to the presence of stones >7.5 cm in diameter in the upper 25 cm of soil that can imped cultivation.

Table 4 outlines the capability classes and subclasses as they apply to the soils observed in the study area. The improved ratings assume irrigation (which overcomes the aridity limitation) and stone picking (which overcomes the stoniness limitation). The improved ratings are for tree fruits. Irrigation improves the ratings by two classes and stone picking can improve the stoniness limitation by one class where there is a sizable number of large stones present.

The reclaimed soil condition observed in the soil pits closely resembles the original character of the Rutland soils mapped on the property prior to the gravel extraction. These are rated as class 3AP for tree fruits and grapes. While these soils provide limitations to production, they are used widely in the Okanagan Valley for this purpose.

Table 4. Soil attributes and agricultural capability ratings for the soils observed in three soil pits beneath area of fill. Details of the rating system and class determinations are given in MOE (1983).

Soil Pit #	Estimated AWHC (upper 50 cm)	Estimated Stoniness (upper 25 cm)		Agriculture Capability				
		total cf >2.5 cm % vol	Cobbles and stones % vol	Ario		Stoni		Overall improved rating
				Ommproved	improved	Ommproved	IIIproved	rating
1	40	30	5	5A	3A	3P	3P	3AP
2	34	25	10	5A	3A	3P	2P	3AP
3	42	30	15	5A	3A	3P	2P	ЗАР



Impact of imported fill on agricultural capability and future productivity

Soil pit 3 provides insight into what impact spreading the imported fill would have on the agricultural capability of the property. While the imported fill spread to a depth of 40 cm would not impact the capability rating (overall rating of 3AP, same as pits 1 and 2), its chemical nature would potentially enhance overall future productivity due to the appreciable carbon content of this material (Table 5). Greater carbon content relates to increased organic matter, in this case well decomposed humus (as indicated by C:N ration of 10), which in turn enhances both water and nutrient holding capacity of the soil. The property owner plans to pick the cobbles and large stones from the fill before spreading. This should ensure that the fill material provides maximum benefit to the productive capacity of the property for sweet cherries, the intended crop.

Table 5. Analytical properties of topsoil and fill materials. Total carbon is a measure of soil organic matter. The C:N ratio is a measure of the degree of decomposition of the organic matter. Both materials have mildly alkaline reaction and belong to the sandy loam texture class.

# of samples in composite	Material	Attributes	Total C %	Total N %	C:N ratio	pH (CaCl2)	Texture Class
2	Reclaimed topsoil	This material was stockpiled then spread over the gravel extraction site some 15 years ago and today composes the surface soil horizon beneath the fill area.	1.28	0.15	8.533	7.4	Sandy Ioam
3	Imported fill	Topsoil stripped from nearby grassland soil as a result of housing development	1.73	0.16	10.81	7.7	Sandy Ioam

Conclusions

- 1. The soils beneath the area of fill (the study area) are rated as class 3AP and are considered suitable for tree fruits.
- 2. Spreading the imported fill would not change the agricultural capability class of the affected soil, it would remain as class 3AP based on the criteria within the Ministry of Environment (MOE) 1983 assessment framework.

 ATTACHMENT B

This forms part of application

Kelowna

A24-0010

Planner Initials CD

- 3. The imported fill material, if stone picked and spread to a depth of 40 cm, would increase the thickness of the organic matter-rich topsoil in the affected area, and in so doing, enhance the water and nutrient holding capacity of the soil.
- 4. It is unlikely that spreading the imported fill would, in any way, be detrimental to the future productivity of the site.

References

BC Agricultural Land Commission (BC ALC). 2017. Policy P-10, Criteria for Agricultural Capability Assessments. Amended in February 2024.

https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/policies/alc_-_policy_p-10_-criteria_for_agricultural_capability_assessments.pdf (accessed September 2024).

Ministry of Environment (MOE) 1983. Land capability for agriculture in British Columbia. MOE Manual 1. Kelowna, BC. 61 pp.

Naeth, M.A. et al. 2023. Revised proposed classification for human modified soils in Canada: Anthroposolic order. Canadian Journal of Soil Science 103: 81–102. http://dx.doi.org/10.1139/CJSS-2022-0033

Soil Classification Working Group (SCWG) 1998. The Canadian Soil Classification System 3rd edition. Agric. And Agri-Food Can. Publ. 1646 (Revised) 187 pp.

BC Soils Information Finder Tool (SIFT) 2018. Provincial Soils Working Group, BC Ministry of Environment and Climate Change Strategy and Ministry of Agriculture. https://governmentofbc.maps.arcgis.com/apps/MapSeries/index.html?appid=cc25e43525c5471ca7b13d639bbcd7aa, (accessed September 2024).



Appendix – Soil profile descriptions

Table A1. Soil profile description from pit 1. The soil is moderately well drained with gleying observed at 140 cm depth. The depth to undisturbed materials is 85 cm and the soil is classified as Terro Albo Spolic Anthroposol.

Horizon	Depth cm	Description
Dh	0 - 45	Brown (7.5YR 4/2 d); Dark Brown (7.5YR 3/2 m); Gravelly sandy loam; structureless; plentiful fine roots; 35% coarse fragments (5% cobbles and stones); slightly sticky, slightly plastic consistence: abrupt wavy boundary; 37 to 48 cm thick.
D1	45 - 85	Brown (7.5 YR 5/2m); loamy fine sand; single grain structure; few very fine to fine roots; 5% coarse fragments; non sticky, non plastic consistence; abrupt irregular boundary; 13 to 42 cm thick.
С	85 - 140	Light brown (7.5YR 6/3 m); very gravelly sand; single grain structure; very few fine roots; 65% coarse fragments; non sticky, non plastic consistence; abrupt wavy boundary; 50 to 60 cm thick.
Cgj	140+	Light brown (7.5YR 6/3 m); sand; single grain structure; 5 cm bands of Fe and Mn stains in upper portion of horizon, common faint mottles throughout; non sticky, non plastic consistence: 10% coarse fragments.

Table A-2. Soil profile description from pit 2. The soil is well drained. The depth to undisturbed material is 30 cm and the soil is classified as Terro Albo Spolic Anthroposol.

Horizon	Depth cm	Description
Dh	0 - 30	Brown (10YR 4/3 d); Dark Brown (7.5YR 3/2 m); Sandy loam; coarse platy pseudostructure; plentiful fine roots; 25% coarse fragments (10% cobbles and stones); slightly sticky, slightly plastic consistence: abrupt smooth boundary; 25 to 35 cm thick.
C1	30 -75	Dark grayish brown (10 YR 4/2m); Very gravelly loamy sand; single grain structure; very few fine roots; 65% coarse fragments; non sticky, non plastic consistence; gradual wavy boundary; 40 to 60 cm thick.
Cca	75 -80	Grayish brown (2.5Y 5/2 m); very gravelly loamy sand; single grain structure; very few fine roots; 65% coarse fragments; strongly effervecent; thin streaks of CaCO3 along lower boundary of horizon; non sticky, non plastic consistence; clear wavy boundary; 5 to 10 cm thick.
C2	80 - 120+	Brown (7.5YR 4/3 m); loam to sand loam; massive structure; no roots; slightly sticky, slightly plastic consistence; 20% coarse fragments.



Table A-3. Soil profile description from pit 3. The soil is well drained. The depth to undisturbed material is 80 cm and the soil is classified as Terro Albo Spolic Anthroposol.

Horizon	Depth cm	Description
Dh1	0-45	Very dark brown (7.5YR 2.5/2 d); very dark brown (7.5YR 2/2 m); Gravelly sandy loam; weak fine granular structure; no roots; 30% coarse fragments (15% cobbles and stones); slightly sticky, slightly plastic consistence; abrupt wavy boundary; 35 to 45 cm thick.
Dh2	45 -80	Dark brown (7.5 YR 3/2 m); gravelly sandy loam; weak, fine subangular blocky structure; plentiful fine and few medium roots; 30% coarse fragments; slightly sticky, slightly plastic consistence; clear wavy boundary; 30 to 48 cm thick.
ВС	80 - 130	Brown (10YR 4/3 m); gravelly loamy fine sand; single grain structure; no roots; non sticky non plastic consistence; 45% coarse fragments; clear smooth boundary; 35 to 50 cm thick.
Cca	130 - 140	Light olive brown (2.5 Y 5/3 m); loam; massive structure; no roots; strongly effervecent; slightly sticky, slightly plastic consistence; thin coarbonate streaks along interface with C2 horizon; 10% coarse fragments; clear wavy boundary; 5 to 12 cm thick.
С	140 - 160+	Grayish brown (2.5Y 5/2 m); loam; massive structure; no roots; slightly sticky, slightly plastic consistence; 15% coarse fragments.



Agrologist's Report Supporting Land the Placement of Topsoil 1850 Brentwood Road, Kelowna B.C. McMeeken Family

August 6, 2024



1850 Brentwood Road, Kelowna B.C.

Report Prepared by: Carl Withler P.Ag. DBA Greenspark Consulting.

A Context and Scope: this report is prepared at the request of City of Kelowna staff to provide relevant information to support the placement of topsoil and fill over the existing gravel pit at 1850 Brentwood Road. The importation of fill and topsoil is being proposed by an existing cherry growing family in the area (the McMeekens) to expand their cherry production land and rehabilitate a property that has been mined and ultimately neglected for over 15 years.

To assist City staff and ALC in adjudication of this application the following confirmation of commitment to agriculture and land management by the McMeeken family is provided.

Outline of the Report

- A. Context and Scope.
- B. History and context.
- C. Site review and mapping.
- D. General Commentary
- E. Conclusions and Recommendations.
- **B. History and context:** the project proponents for this project reside, and farm cherries, on Gallagher's Road directly across the street from the property in question. The McMeeken family have a long history of farming in the Kelowna area starting with picking cherries as a teenager to ultimately owning and running the family orchard. This has been a project overtaken over the last 60 years with succession planning in place for the McMeeken sons to inherit and continue to farm the home property as well as the property at 1850 Brentwood Road.

Currently the McMeeken family farm a total of 12.5 acres of high value cherries, transitioning from sour cherries to sweet, export quality cherries in 2015. They pack their fruit at Northern cherries in Glenmore and market with Global Fruit based in Creston and servicing the world. It is a good arrangement for the family, and they wish to continue on this path with production from 1850 Brentwood Road.



C. Site mapping and review; a site review was carried out on August 2, 2024, to confirm soil type and texture of the approximately 13,000 m of material that has been brought to site during the winter of 2023. The material in question was brought from Tower Ranch housing development and placed on the upper portion of the property to be spread downward after drainage infrastructure had been placed by the McMeeken's. The McMeeken's are currently working with a local engineering firm and the City of Kelowna to drain water from the lower portions of the property making it entirely arable and able to support cherry production.



Photo #1: December 2023 aerial image of soil and fill placed and ready to be spread from North (left) to South (right).

To confirm soil and fill texture and quality the Soil Information Finder Tool (SIFT) was used and assuming this soil came from the most recent excavations is likely a Ratnip or Kelowna soil. Either of which are sandy/loamy soils well drained and suitable for treefruit production as proposed by the McMeeken family. Once spread, they will reduce undulation, fill in remnant holes and swales from past gravel extraction and provide the medium for treefruit production.



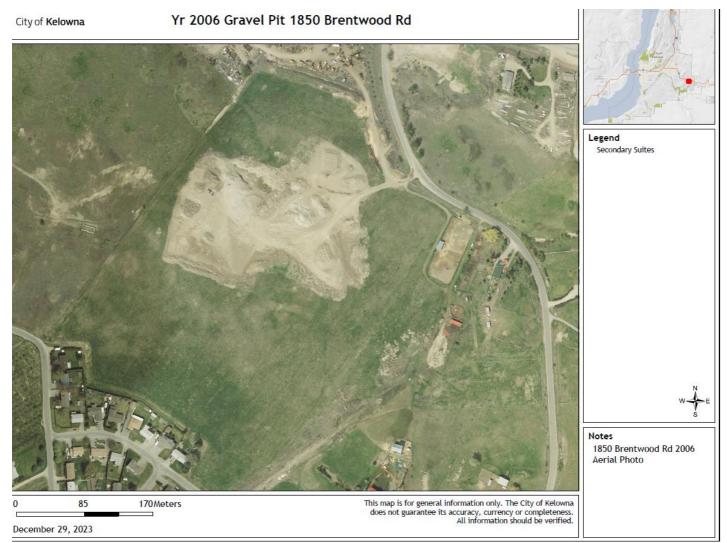


Image #1: aerial image of 1850 Brentwood Road showing gravel extraction in 2006.





Photo #2: average soil placed at 1850 Brentwood. Well drained with 30% stoniness.

Also, on site currently, the McMeeken's have started testing cherry variety success at this location with a 2-acre planting in the northeast corner of the property which does not require fill/soil placement. This planting is Rainier and BF-9 (Red Dragon Eye) which should be late enough onto the market to produce a price premium. At current planting, irrigation development and fencing costs this "test" planting on the property is an approximately \$70,000.00 investment in agricultural production. The wish is to fully plant out the property once drainage and soil placement have been approved and developed.





Photo #3: test planting of Ranier and BF-9 cherries.

- **D.** General Commentary: I have known, or known of, the McMeeken family for 20 years and followed their progress from sour cherry growers and chocolatier's (Black Knight Chocolate) to successful sweet cherry growers committed to the local fruit producing, packing and sales industry. They are family oriented and wish to pass on a farming legacy to their children and grand children. The placement of fill at 1850 Brentwood Road helps them achieve this by doubling their production, bringing a remnant gravel pit into agricultural production and helping manage drainage water that often challenges local residents and City of Kelowna staff as it exits the property unmanaged. The ultimate development of this orchard will be good for this land within the ALR.
- **E. Conclusions and Recommendations:** in order to assist the McMeeken family and City of Kelowna staff in supporting this fill application the following recommendations are made:
 - Drainage planning should be shared with City staff and approved prior to further land development and placement of fill.
 - Annual reporting of land management activities should be submitted to City staff annually by the McMeeken to ensure farm development remains on track.

The authour of this report remain committed to assisting the McMeeken's, City of Kelowna and ALC staff in coming to reasonable resolution of this current soil placement non-compliance.

ATTACHMENT C

Respectfully submitted,

Carl Withler P.Ag.(#695)





Appendix 1: Statement of Qualifications as required by the Professional Governance Act.

Statement of Qualifications: Carl Withler has worked for the Province of British Columbia since 1984 working for the Ministries of Forests, Environment and Agriculture in various roles. From 2003-2020, Mr. Withler was employed by the Ministry of Agriculture located in Kelowna. He started as the Regional Agrologist for the Central and South Okanagan Valley as well as Kettle and Similkameen drainages. Starting in 2014, Mr. Withler became the Tree Fruit and Grape Industry specialist making him the first point of contact for the Ministry for all grape and tree fruit production related information and programming.

Mr. Withler is also a Professional Agrologist, registered and in good standing, with the B.C. Institute of Agrologists (BCIA) and has been so for over 35 years. He is bound by a Code of Ethics and professional practice standards that guide his work and life. Mr. Withler has acted as Knowledgeable Person on several farm practices complaints related to livestock, orchard and vineyard production. He has also been deemed an expert witness in court proceedings related to livestock production.

Added to this, Mr. Withler has worked in the grape and tree fruit industries since 1992, having converted orchard properties to grape production and assisted in, or managed everything from vineyard design to harvest and grape sale contract negotiations. Mr. Withler also spent a brief period of time in the New Zealand wine industry assisting in harvest and vineyard layout.



References:

Soil Information Finder Tool (SIFT) reviews: 1850 Brentwood Road, Kelowna

Agriculture Capability Mapping: 1850 Brentwood Road, Kelowna

RDOS mapping site: 1850 Brentwood Road, Kelowna

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ATTACHMENT C
This forms part of application
A24-0010
City of
Planner Initials CD
Kelowna

COMMITTEE REPORT



Date: December 12, 2024

To: Agricultural Advisory Committee

From: Development Planning

Address: 2360 Saucier Rd

File No.: A24-0013 / FH24-0002

Zone: A1 – Agriculture

1.0 Purpose

To consider an application to the Agricultural Land Commission (ALC) for a non-adhering residential use permit to allow for temporary farm help housing to accommodate eighteen (18) seasonal farm workers on the subject property.

2.0 Development Planning

The subject property is 6.03 ha (14.9 acre) in size and is located on Saucier Rd. The applicant is seeking permission for eighteen (18) seasonal farm workers to work in the operations relating to the on-site nursery business. The applicant has indicated that there are high demands during the peak growing season, and rapid response times and flexibility are required to maintain plant health and productivity. As the workers are currently being housed in off-site locations, the centralized farm worker housing will allow for a more agricultural productivity. The nursery includes cultivation and sale of a wide variety of plants and trees.

The application is to sleep 18 seasonal farm workers in six portable trailers. These units will include bedrooms, storage, dining room, washrooms, laundry and a communal kitchen and will be in operation for between 7-9 months. These units are roughly 343 m² in size and are located in the SE corner of the property in an area of least impact to the agricultural operations. There are two dwellings on-site, the first is a residential home that is occupied by tenants and the second is a mobile home that is used for site management and wholesale operations.

The nursery includes the sale of landscaping products and non-farm use products that are brought from off-site location, which exceed the 150 m² area allotted for the sale of these products identified in the Zoning Bylaw and Agricultural Land Reserve (ALR) Use Regulation. The operation will be required to come into conformance with the ALC's regulations and the Zoning Bylaw or a non-farm use application is required to be submitted.

If the Non-Adhering Residential Use Permit Application is approved by Council and the Agricultural Land Commission, a covenant is required to be registered on title indicating that the unit can only be used for farm workers for a maximum of 10 (ten) months and the unit will be removed if the workers are no longer required. A vegetative buffer is required to be planted to separate the active agriculture from the workers' accommodation.

3.0 Subject Property & Background

3.1 Site Context

The subject property is located on Saucier Rd near the intersection with Wallace Hill Rd in Southeast Kelowna. The surrounding area is primarily agriculture and rural residential lots.

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

Orientation	Zoning	ALR	Land Use
North	A1 – Agriculture	Yes	Rural Residential
East	A1 – Agriculture	Yes	Agriculture
South	A1 – Agriculture	Yes	Agriculture
West	A1 – Agriculture	Yes	Rural Residential

Subject Property Map



ALR Map



Future Land Use Map



4.0 Current Development Policies

The proposed temporary farm worker accommodation meets the regulations of the Zoning Bylaw. The proposal is also consistent with the Ministry of Agriculture standards for temporary farm worker accommodation.

4.1 Kelowna Official Community Plan (OCP)

Objective 8.1. Protect and preserve agricultural land and its capability.

Policy 8.1.9. Farm Help Housing.

As a first option, encourage farm help housing to be located within the Permanent Growth Boundary, providing amenity for workers. As a second option, accommodation for farm help on agricultural land on the same farm unit, where approved by the ALC, will be considered only when:

- Agriculture is the principal use on the parcel; and
- The applicant demonstrates that on-site housing for farm workers is necessary for the overall operation of the farm. The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary.

Temporary farm worker housing, such as a bunkhouse accommodation on non-permanent foundations, is the preferred solution where farm worker housing is justified.

The property is not in the Permanent Growth Boundary, but the farm unit is to work on the subject property, which has agriculture as the principal use.

The OCP Farm Protection Development Permit Guidelines state to design TFWH such that:

- TFWH should use all existing dwellings within the farm unit, prior to building new temporary farm worker housing, unless the existing dwellings are used for a use consistent with the Agriculture Land Commission Act. Alternatively, the existing dwellings on the farm unit must be removed, decommissioned to an approved use, or demolished including decommissioning the existing septic system, prior to the authorization of a new temporary farm worker housing structure.
- TFWH footprint should be contiguous with the residential footprint (i.e., Homeplate) and / or within 50 metres of the road and/or located to maximize agricultural potential and limit negative impacts on the farm parcel.
- TFWH should have a minimum 3.0-metre-wide vegetated buffer for screening to adjacent property lines and between the TFWH and active farming areas.

4.2 The City of Kelowna Agriculture Plan:

Allow TFWH, as permitted by City of Kelowna Bylaw. TFWH, as permitted by the City of Kelowna, should be allowed. The TFWH footprint means the portion of a lot that includes all structures, driveways and parking areas associated with the temporary farm worker housing, including but not limited to structures.

4.3 <u>Ministry of Agriculture's Guide to Bylaw Development in Farming Areas:</u>
In keeping with the Ministry of Agriculture's Guide to Bylaw Development in Farming Areas and the City's policy for Temporary Farm Worker Housing, Development Planning Staff recommend the registration of Section 219 Restrictive Covenants which state:

- The TFWH shall be used for temporary farm workers only;
- The owner will remove the TFWH if the farm operation changes such that it is no longer required;
- The dwellings will only be used for farm workers for a maximum of ten (10) months of the year;
- The maximum number of accommodations permitted on this farm unit within this City sector is 60 workers; and,
- The TFWH building footprint is a maximum of o.3ha.

Report prepared by: Tyler Caswell, Planner Specialist

Reviewed by: Dean Strachan, Development Planning Manager, South Approved for Inclusion: Nola Kilmartin, Development Planning Department Manager

Attachments:

Attachment A – ALC Application File No. 102070 Attachment B – Conceptual Drawing Package Attachment C – Ministry of Agriculture Memo



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 102070

Application Type: Non-Adhering Residential Use within the ALR

Status: Submitted to L/FNG

Name: Mayers

Local/First Nation Government: City of Kelowna

1. Parcel(s) Under Application

Parcel #1

Parcel Type Fee Simple

Legal Description LOT 2 DISTRICT LOT 359 OSOYOOS DIVISION YALE DISTRICT PLAN 17157 EXCEPT

PLAN 39252

Approx. Map Area 6.03 ha

PID 008-441-961

Purchase Date Jul 26, 2001

Farm Classification Yes

Civic Address 2360 Saucier Rd.

Certificate Of Title 20240819 State of Title Certificate_Title - TFW Housing (Foxglove).pdf

Land Owner(s) Organization Phone Email Corporate
Summary

Lynda Mayers Not Applicable Not Applicable



2. Other Owned Parcels

Do any of the land owners added previously own or lease other parcels that might inform this application process?

No

3. Primary Contact

Type Third-Party Agent

First Name Derrick

Last Name Sobotka

Organization (If Applicable) United Irrigation & Landscaping Inc.

Phone 2503003127

Email derrick@unitedlandscapes.ca

4. Government

Local or First Nation Government: City of Kelowna

5. Land Use

Land Use of Parcel(s) under Application

Describe all agriculture that currently takes place on the parcel(s).

Our current land use involves operating a seasonal commercial nursery business, Foxglove Wholesale Nursery. The nursery is focused on the cultivation, care, and sale of a wide variety of plants and trees. The operations are in line with agricultural use, including the propagation of ornamental plants, shrubs, and trees, as well as other related activities that support nursery production. This business is active seasonally, adhering to agricultural best practices and contributing to the local agricultural economy.

Describe all agricultural improvements made to the parcel(s).

Several agricultural improvements have been made to the parcel. A previously installed irrigation system has been maintained to facilitate the efficient watering of various plant and tree products throughout the property. We have also installed and maintained multiple greenhouse structures to enhance the growing and maintenance conditions for our



nursery stock. Additionally, fencing was installed along the front and around various perimeters of the property prior to our purchase of the business and assumption of the rights to the property.

Describe all other uses that currently take place on the parcel(s).

206 m2 workshop at entrance of the site 60 m2 retail office at entrance of the site 141 m2 small home at the south edge

Land Use of Adjacent Parcels

	Main Land Use Type	Specific Activity
North	Residential	Residential House
East	Agricultural / Farm	Horse Boarding Organization / Private Residence
South	Other	Forested Land
West	Residential	Residential House

6. Proposal

Selected Subtype: Non-Adhering Tourism Accommodation

What is the purpose of the proposal?

The purpose of our proposal for a non-adhering residential use permit is to enhance and refine our Temporary Foreign Worker (TFW) program by creating a centralized, comfortable, safe, and well-equipped residential space for our workers. Our goal is to ensure that the temporary foreign workers we employ have a secure and healthy environment during their stay with us, which will significantly improve their overall experience and well-being.

We are applying for this permit to establish dedicated on-site housing that aligns with both our operational needs and the specific requirements of our workers. The proposed housing will consolidate our current accommodations into a single, centralized location, which is essential for ensuring the workers have easy access to amenities, support, and transportation.

This proposal will achieve several important objectives:



- 1. Improved Living Conditions for Workers: The creation of a centralized housing facility will provide our temporary foreign workers with a comfortable living space that includes adequate sleeping quarters, kitchen facilities, laundry services, and common areas for social interaction and relaxation. A single, purpose-built residential area will be safer, easier to maintain, and more conducive to fostering a sense of community and well-being among our workers.
- 2. Enhanced Safety and Welfare: By housing our workers on-site, we can better ensure their safety and well-being. The proposed accommodation will be built to meet or exceed all health and safety standards, including fire safety, sanitation, and emergency preparedness. Proximity to their place of work will minimize travel risks and ensure that our workers have quick access to medical care and other necessary services if needed.
- 3. Operational Efficiency: Centralized housing will also improve our operational efficiency. It allows us to better manage shift rotations, respond quickly to any operational needs, and ensure workers are rested and ready for their tasks. This helps maintain the productivity levels required for our seasonal commercial nursery operations.
- 4. Support for Agricultural Operations: The establishment of a centralized residential area for our TFW program will support our ongoing agricultural activities by ensuring a stable and reliable workforce. Given the seasonal nature of our nursery business, having a dependable and readily available workforce is critical to meeting production demands and maintaining the quality of our products. The proposal will also allow us to attract and retain skilled workers by providing them with a desirable living environment, directly benefiting our agricultural productivity.
- 5. Contributions to the Local Agricultural Economy: The improved residential facilities will enable us to continue to offer employment to temporary foreign workers who play a vital role in supporting our operations. This, in turn, helps sustain the local agricultural economy by ensuring that labor needs are met in a timely and efficient manner. By providing appropriate housing, we also contribute to the well-being of the broader agricultural workforce, promoting a sustainable and socially responsible approach to agricultural labor management.

In summary, our proposal for a non-adhering residential use permit aims to



enhance the quality of life for our temporary foreign workers by providing them with safe, comfortable, and well-equipped accommodation. This will not only benefit our workers but also contribute to the efficiency and sustainability of our agricultural operations, ensuring that we continue to play a positive role in the local agricultural community.

What is the total floor area (m²) of 343.37 the proposed accommodation?

How many "sleeping units" in total 15 are proposed?

Describe how the proposal for tourism accommodation will support agriculture in the short or long term.

We are applying for a non-adhering residential use permit to establish an additional residence that supports our Temporary Foreign Worker (TFW) program. The proposed residence will provide centralized, comfortable, safe, and well-equipped housing for our workers, enhancing their living conditions and overall experience while in our care. This improvement is essential to ensure their well-being, productivity, and retention, which are vital for our farm's success.

The additional residence is necessary to house workers on-site, allowing for better management of daily tasks, improved response to operational needs, and minimized travel-related risks. Centralized housing will ensure our workers are readily available, rested, and prepared to meet the high demands of our seasonal commercial nursery business, particularly during peak seasons when labor needs are at their highest. This proposal will enhance worker welfare, safety, and efficiency, directly supporting our agricultural activities.

In the short term, the new residence will enable us to accommodate more workers, increasing our labor capacity and ensuring we have the workforce needed to maintain productivity levels, meet market demands, and sustain our operations. In the long term, it will help us retain skilled workers, build a stable workforce, and provide a foundation for sustainable growth and expansion of our operations. The proposed housing will contribute to a more consistent, reliable labor force, essential for maintaining production standards and meeting the challenges of an ever-evolving agricultural market.



Our farm, Foxglove Wholesale Nurseries, operates on several acres with intensive, year-round activities, including planting, watering, pruning, pest control, and general maintenance of various plant and tree products. The scale of our operations requires a significant amount of manual labor, especially during peak growing seasons. We rely heavily on our TFW program to provide the necessary workforce to handle the high intensity of our operations, which involves both indoor and outdoor tasks across multiple greenhouses and planting areas. The additional residence will enable us to efficiently manage our labor force and maintain the quality and scale of our operations, ensuring continued productivity and economic contributions to the local agricultural sector.

By providing safe, adequate, and centralized housing, we will foster a healthier, more stable workforce, directly benefiting our agricultural productivity and sustainability in both the short and long term. This residence will also demonstrate our commitment to worker welfare, which is crucial for maintaining our reputation and attracting dedicated workers to our organization.

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

We are applying for a non-adhering residential use permit to establish a centralized, safe, and comfortable residence for our Temporary Foreign Worker (TFW) program. The proposed location for this residence is strategically chosen to enhance both worker well-being and operational efficiency. The new residence will be situated on-site, close to the main working areas of our farm operation, ensuring convenient access for our workers and streamlining daily activities.

Rationale for the Proposed Location:

The chosen location allows for the effective management of our seasonal nursery operations by minimizing travel time and transportation costs for workers. With housing located on-site, workers will have immediate access to the fields, greenhouses, and other essential work areas. This proximity is crucial for meeting the high demands of our operations, particularly during peak growing seasons, when rapid response times and flexibility are required to maintain plant health and productivity. The location also allows for better supervision and support, ensuring that workers are readily available for tasks and can quickly address any unexpected issues or emergencies.

Furthermore, placing the residence on-site allows us to create a cohesive living and working environment that fosters a sense of community among our workers. This contributes to a positive work culture and promotes overall job satisfaction and retention. By providing comfortable, safe, and centralized accommodations, we aim to attract and retain skilled workers, which is essential for maintaining a reliable and experienced workforce that meets our farm's needs.

Description of Farm Operation:

Scale, Intensity, and Labour Capacity

Foxglove Wholesale Nurseries operates on several acres, with high-intensity, year-round agricultural activities. Our operations focus on cultivating a diverse range of plants, including ornamental shrubs, trees, perennials, and seasonal flowers, which require specialized care throughout the year. The nursery involves multiple greenhouses, outdoor planting areas, and irrigation systems that demand constant attention and labor.

The scale and intensity of our operations necessitate a dedicated workforce capable of handling tasks such as planting, watering, pruning, pest management, and harvesting. We rely heavily on our TFW program to provide the labor required to maintain our operations, particularly during peak seasons when labor demands are highest. The proposed additional residence will allow us to accommodate a larger workforce, thereby increasing our labor capacity to sustain and expand our agricultural production.

The proposed location for the additional residence is integral to refining our TFW program and supporting the scale, intensity, and labor capacity of our farm operation. By situating the residence on-site, we ensure that our workers have immediate access to their workplace, enhancing both operational efficiency and worker well-being. This strategic placement will contribute to the continued success and sustainability of our agricultural activities, ensuring we can meet current and future demands while maintaining high standards of productivity and quality.

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

No Agri-Tourism activities will occur on this site.

Describe the total floor area (m²), type, number, and occupancy of all permanent mobile home residential unit 150 m2.



residential structures currently located on the property.

Proposal Map / Site Plan 20240904 Detailed Site Plans - TFW Housing (Foxglove).pdf

Do you need to import any fill to construct or conduct the proposed non-adhering residential use?

No

7. Optional Documents

Туре	Description	File Name
Photo of the Application Site	Site Photo	FW 7.jpg
Photo of the Application Site	Site Photo	FW 6.jpg
Photo of the Application Site	Site Photo	FW 5.jpg
Photo of the Application Site	Site Photo	FW 4.jpg
Photo of the Application Site	Site Photo	FW3.jpg
Photo of the Application Site	Site Photo	FW2.jpg
Photo of the Application Site	Site Photo	FW1.jpg
Other files that are related	Manufacturer Specifications 2	20240819 Manufacturer Spec Sheet - TFW Housing (Foxglove) 2.pdf
Other files that are related	Manufacturer Specifications 1	20240819 Manufacturer Spec Sheet - TFW Housing (Foxglove).pdf



FOXGLOVE NURSERIES 2360 Saucier Avenue Kelowna, BC scale date revision 2.54cm:1.219m November 27, 2024 REV004 drawn by checked by drawing # S.WEMPE D.SOBOTKA TFW-BUILD

LOT 2 DISTRICT LOT 359 OSOYOOS DIVISION YALE DISTRICT PLAN 17157 EXCEPT PLAN 39252

SCALE IS DEFINED AS APPROPRIATE FOR PLAN AS PRESENTED

PAGE 2 OF 2 PARTS







FOXGLOVE NURSERIES 2360 Saucier Avenue Kelowna, BC REV003 1":25 September 4, 2024 TFW-HOUSING UNITED

S.WEMPE





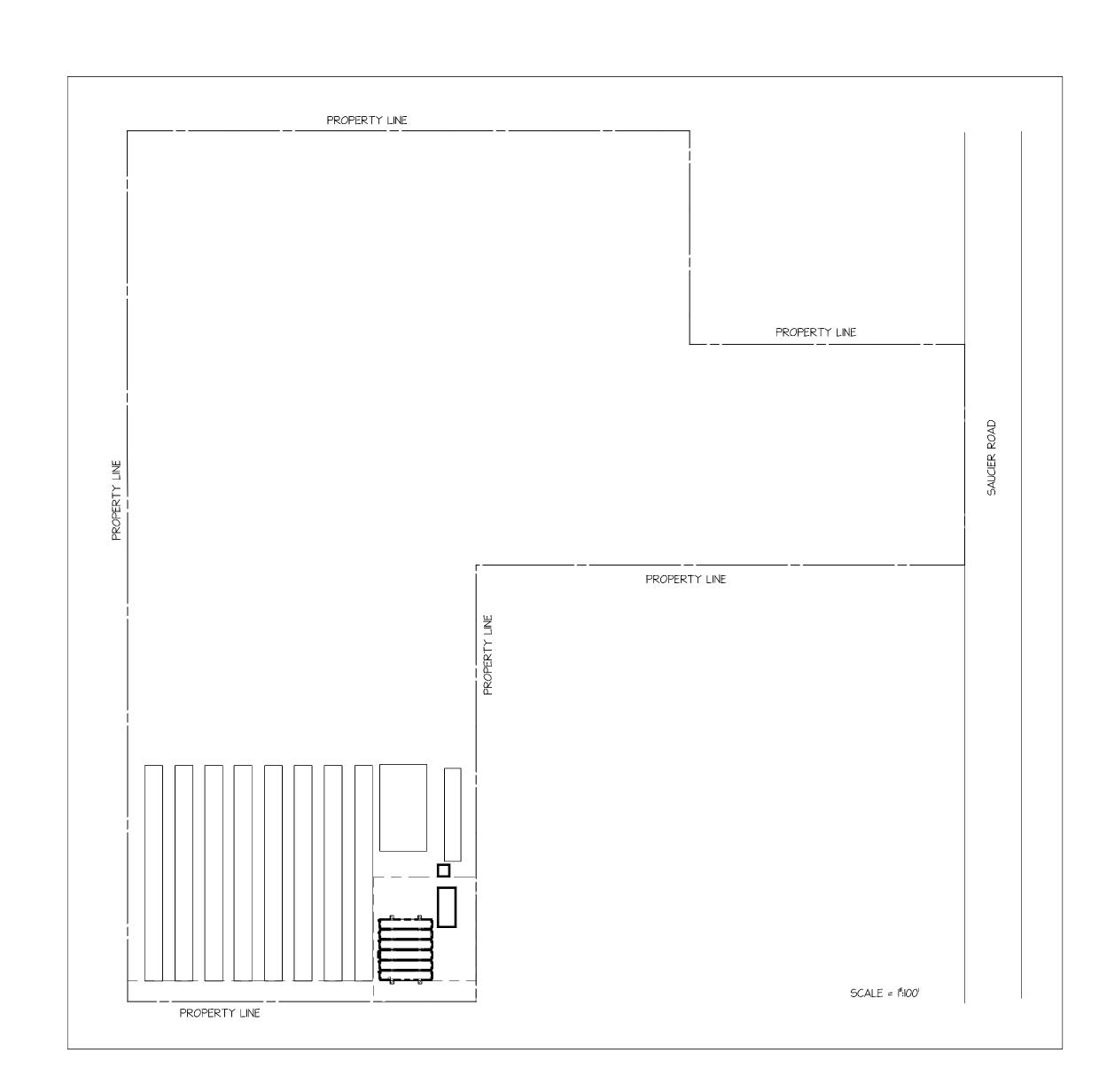
ALL MEASUREMENTS TO BE CONFIRMED AND SCALE NOT GUARANTEED ACCURATE. SURFACE UNDER ALTAFAB 6 UNIT CAMP TO BE LEVELED AND COMPACTED CRUSH ROCK. PLUMBING FOR ALTA FAB 6 UNIT CAMP TO BE PROVIDED BY EXISTING FUNCTIONAL PLUMBING. PLANTINGS TO BE INSTALLED TO PROVICE NOISE BARRIER AND PRIVACY AT PROPERTY LINES. UNDERGROUND TIME CONTROLLED IRRIGATION TO BE INSTALLED INCLUDING DRIP LINES FOR ALL PLANTINGS.

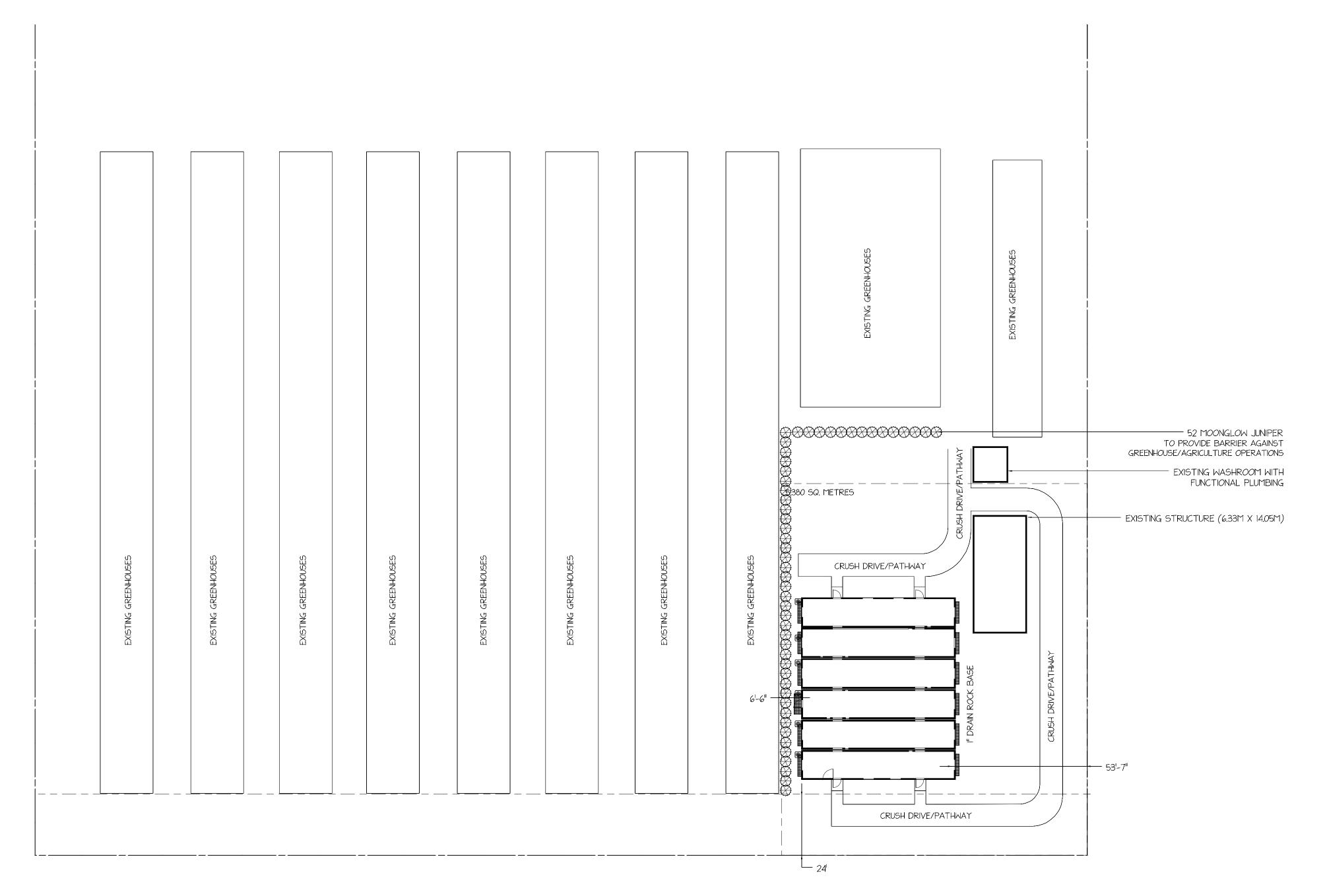
PLANTINGS TO BE INSTALLED AT SPACING RECOMMENDED FOR MATURE SIZE. ALL LANDSCAPING TO FOLLOW BCLNA GUIDELINES.

Qty	Botanical Name	Common Name	Size/Condition	Spacing
Tree	25			
52	Juniperus scopulorum 'Moonglow'	MOONGLOW JUNIPER	5 Gal	4-6 Feet











October 18, 2024

Lisa Schell Legal & Administrative Coordinator City of Kelowna

ATTACH	HMENT C
This forms par # A24-0013	
Planner Initials TC	City of Kelowna DEVELOPMENT PLANNING

Sent by email to planninginfo@kelowna.ca

Re: ALC File #102070; Local Government File #A24-0013 – Non-Adhering Residential Use within the ALR at 2360 Saucier Road (PID: 008-441-961) – The Subject Property

Dear Lisa Schell,

Thank you for providing the opportunity for Ministry of Agriculture and Food (Ministry) staff to comment on File #A24-0013, that proposes new housing for farm workers on the Subject Property in the form of a 6-unit side-by-side, 343.37 m², modular building. From a land use planning perspective, Ministry staff offer the following comments:

- Ministry staff are aware that the 6.03 ha Subject Property is located in the Agricultural Land Reserve and is an active nursery operated year-round with greenhouse and container production of a wide variety of plants and trees.
- The proposed housing unit is a prefabricated camp-style modular home that
 will be placed on the Subject Property without a permanent foundation.
 Housing located on skids, as opposed to permanent foundation such as
 asphalt, is recommended in the Temporary Farm Worker Housing Minister's
 Bylaw Standard in the Ministry's <u>Guide for Bylaw Development in Farming</u>
 <u>Areas</u>, given that it reduces the impact to the land base.
- The application states the new housing unit "will consolidate current
 accommodation into a single, centralized location" but does not state what
 accommodations are currently being used, whether they are located on the
 Subject Property, and what will happen to any current housing if this
 application is approved. There is mention of a 141 m² mobile home on the

Subject Property, but it is not clear if that home is being used for farm worker housing.

- Ministry staff find it positive that the proposed housing would be sited at the southeast corner of the Subject Property where it does not appear it will displace any current agricultural production. Ministry staff suggest the applicant includes vegetative screening to the east and south of the proposed housing unit to provide a buffer between it and the neighbouring properties.
- The proposed housing unit includes beds for 29 workers. Ministry staff find it challenging to accurately comment on the suitability of the housing unit's size without further information on the operation's employment specifics, such as number of workers currently employed, length of stay required, how many workers are currently housed on the Subject Property, etc. However, the proposed number of beds is equivalent to approximately 2 workers per acre and does not appear unreasonable or disproportionate for the nursery sector and its activities.
- Overall, Ministry staff support the proposed temporary farm worker housing on the Subject Property and anticipate it would benefit the existing agricultural operation.

Please contact Ministry staff if you have any questions regarding the above comments.

Sincerely,

Chelsey Andrews, MCP

Land Use Planner Strengthening Farming Program Ministry of Agriculture and Food

<u>chelsey.andrews@gov.bc.ca</u> Phone: 1 250-850-1854



CC: Agricultural Land Commission - ALC.Referrals@gov.bc.ca



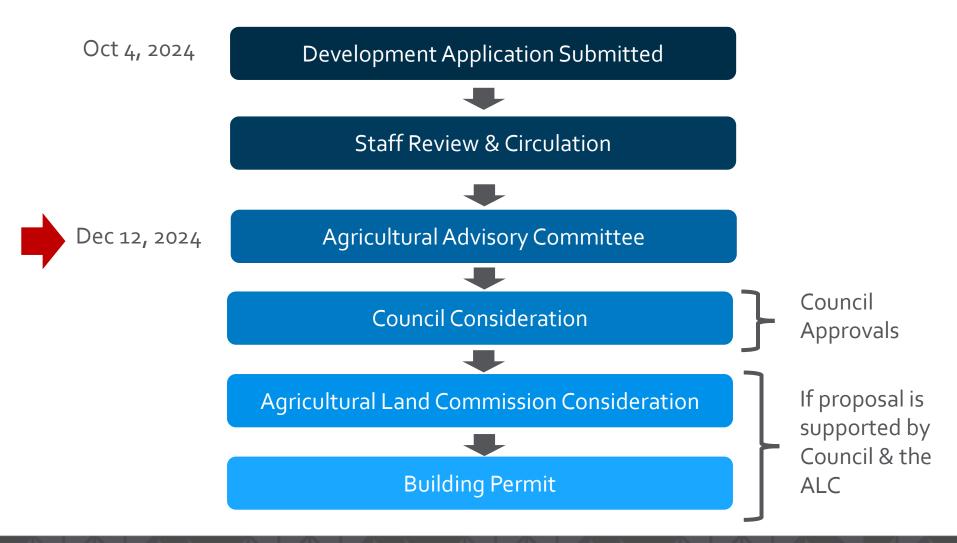


Proposal

➤ To consider an application to the Agricultural Land Commission (ALC) for a Non-Adhering Residential Use Permit to allow temporary farm help housing to accommodate 18 seasonal farm workers on the subject property.

Development Process

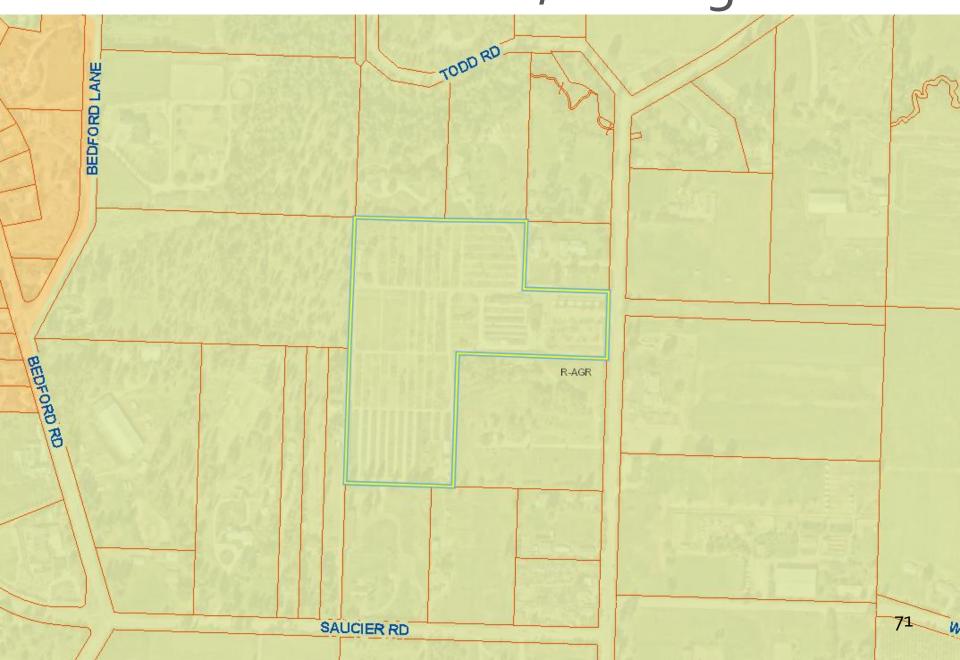




Context Map



OCP Future Land Use / Zoning



Agricultural Land Reserve



Aerial View



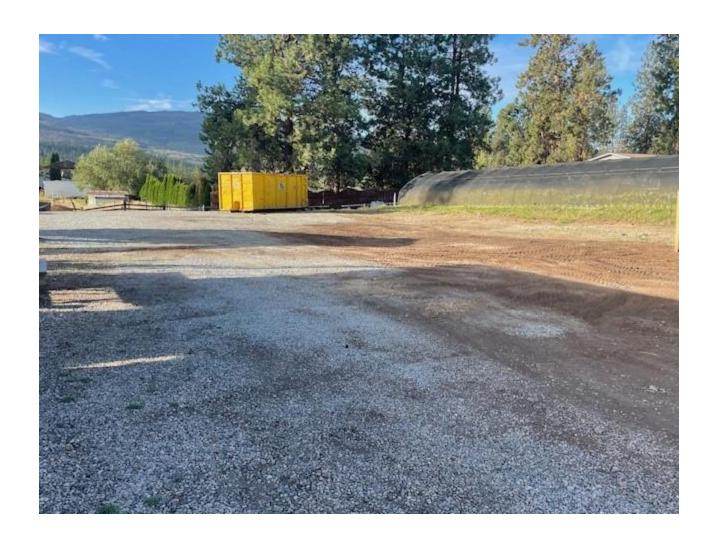
Site Photos



Site Photos



Site Photos



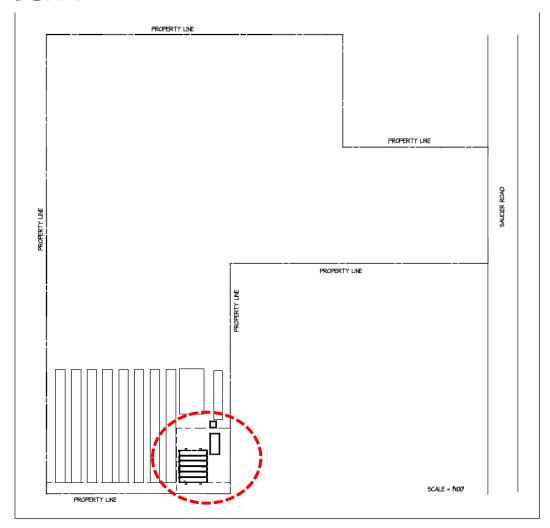


Project Details

- ► The applicant is seeking approvals to allow for eighteen (18) seasonal agriculture workers;
 - ► The worker accommodation will be in six (6) portable trailers;
 - > 343 m2 in size;
 - ▶ Includes bedrooms, dining room, and a communal kitchen.
- ▶ If approved, a covenant is required to be registered on title indicating that the residence can only be used for 10 months.
- ► A vegetative buffer is also required to be planted.

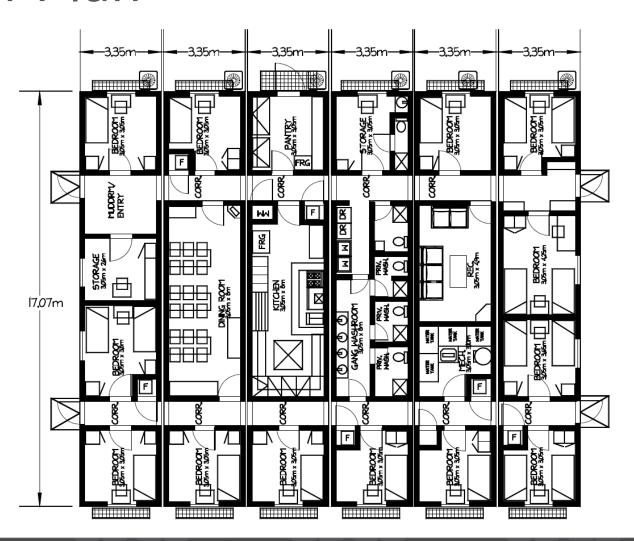


Site Plan



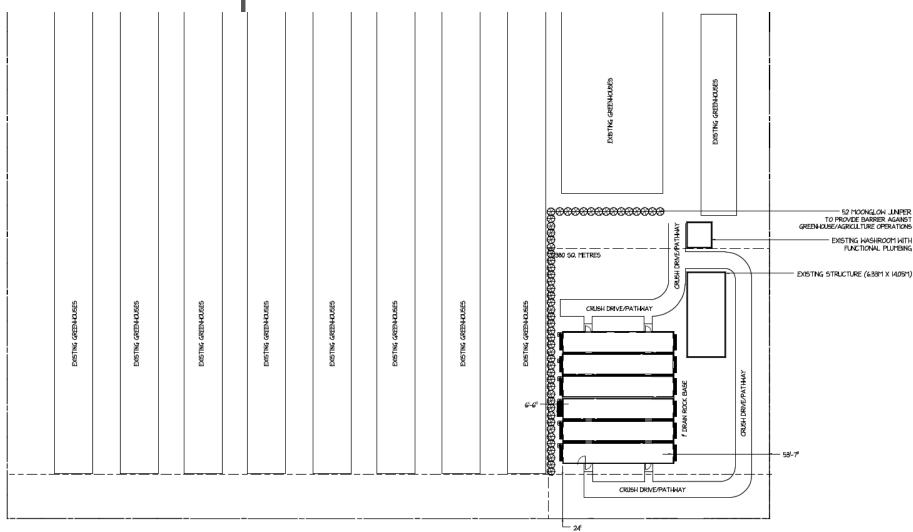


Floor Plan





Landscape Plan



Development Policy: Zoning Bylaw



Regulation	Meets
Minimum farm unit size: 3.8 ha	V
New TFWH structures must include a communal kitchen	
Only occupied during growing, harvesting and pruning periods	V
Occupied no more than 10 months of a calendar year	
Maximum TFWH footprint: 0.30 ha for maximum of 60 workers	7
Maximum temporary farm workers per city sector: 60	

Development Policy: OCP Policies & Permit Guideline Selowna

Policy / Guideline	Meets
Agriculture is the principal use on the parcel	V
Scale of farm operation is large enough that permanent help is deemed necessary	V
TFWH on non-permanent foundations where the need for farm worker housing is justified	V
Building footprint within 50 m of the road or located to maximize agricultural potential and limit negative impacts on the farm parcel	X
Minimum 3 m wide vegetated buffer for screening to adjacent property lines and between TFWH and active farming (In the process of being done)	V



AAC Recommendation

- ▶ Request for AAC to provide a recommendation for Council of either support or non-support.
- ► Following the meeting the application will be forwarded to Council.



Conclusion of Staff Remarks



Bulletin: ALR Properties – Farm Retail Sales

Bulletin # 24-0010

Created: October 28, 2024

This information is summarized for convenience. Please refer to the applicable ALR Use Regulation and/or City of Kelowna bylaws for the complete regulation.

Properties must satisfy all applicable Bylaws/ Regulations of the ALR and City of Kelowna and conform to the B.C. Building Code.

Purpose

To reference the conditions that must be met to sell farm products on **Agricultural Land Reserve (ALR)** properties under Section 11(3) of the ALR Use Regulation.

Can I have a retail store on my farm?

Farm retail sales are intended to support the primary farming activity as an ancillary use on an established farm operation. Prior to the City contemplating farm retail sales structures, the farming operation must be established and be producing/harvesting the farm product(s) on a continued seasonal basis.

Farm retail sales are permitted if at least 50% or more of the retail sales area (i.e. farm stand area) is solely dedicated to the farm products that originate or are produced on the farm that the sales are taking place.

What size of a farm retail store can I have?

Selling 100% of the farm's products

There is no limitation on the size of the farm retail sales area if 100% of the products sold originate or are produced on the farm that the sales are taking place. The size of the farm retail sales area must be commensurate with the amount of farm products produced on the farm.

Selling products not produced on the farm

If <u>any</u> products sold do not originate or are not produced on the farm (e.g. farm products from another farm or non-farm products) the maximum farm retail sales area, both indoor and outdoor, <u>may not exceed 300 m</u>². In this case, 50% or more of the retail sales area must be solely dedicated to the farm products that originate or are produced on the farm that the sales are taking place.

To construct a 300 m² farm retail sales building, the farm operation must produce enough farm products that clearly demonstrates that 150m² or more of the retail sales area can be stocked with these products for the duration that the farm retail sales is open. The remaining 150m² or less retail sales area can include, but is not limited to, the cashier area, public washrooms and a variety of off-farm or non-farm products.

Can I have food service at the farm retail store?

Café, bistros, restaurants and food trucks are not permitted in or in association with a farm retail sales store. Over the counter sale of food products (e.g. ice cream) for

Development Planning1435 Water Street
Kelowna, BC V1Y 1J4

CITY OF KELOWNA BULLETIN #24-010

immediate consumption may be permitted in a farm retail sales store and are required to be assessed on a case-by-case basis by the City or the ALC.

Do I need a Permit for a retail farm store?

Any structure permanent or temporary that exceeds 10m² requires a building permit issued through the City of Kelowna Building Department. Additionally, a Farm Protection Development Permit may be required to ensure the proposal meets the provision of the City of Kelowna Zoning Bylaw No. 12375 and ALR Use Regulation.

Do I need a Business License for a retail farm store?

Operating farm retail sales requires a valid license that has been issued under the City of Kelowna Business License & Regulation Bylaw No. 12585.

Soil or fill for farm retail sale construction

To construct a farm retail sale building or area and its ancillary services (e.g. parking, access driveway, landscaping) a maximum of 1000 m² of soil or fill is permitted to be removed or placed. This includes gravel for a parking lot and driveway access, and structural material for the farm retail sales building. A soil permit from the City may also be needed.

What Information may be Requested by the City?

To operate farm retail sales, staff assess:

- The established farm operation (the current volume of products being harvested from the farm and how the farm will continue producing/harvesting the farm product(s) throughout the year or on a continued seasonal basis).
- How the proposed size of the farm retail sales area/building is commensurate with the quantity of farm products harvested from the farm/property.

The following information or documentation may be requested to help city staff understand if the meet the provisions for farm retail sales:

Source of the farm products to be sold:

- 1. Provide an overview of the farm products produced on the property that the sales will be taking place.
 - a. Provide a list of the farm products that are produced on the property.
 - b. Provide the area (m₂) of each of the above noted farm product(s).
 - c. Provide justification on how the farm will continue producing/harvesting the farm product(s) throughout the year or on a continued seasonal basis.
 - d. Provide a sketch of the property detailing the areas currently harvesting farm product(s) (can provide this information as part of the site plan).
 - e. Provide photographs where helpful.

CITY OF KELOWNA BULLETIN #24-010

2. Are the farm products proposed to be sold sourced from multiple properties that are part of the farm operation? If yes,

- a. Provide an address list of properties that are part of the farm operation. For each property:
 - i. List of the farm products that are currently harvested from that property;
 - ii. Provide the area (m2) currently harvesting each of the above noted farm product(s) from each property;
 - iii. Provide justification on how the farm will continue producing/harvesting the farm product(s) throughout the year or on a continued seasonal basis; and
 - iv. Provide a sketch of the property detailing the areas currently harvesting farm product(s).
- 3. Provide an overview of the products that are not grown or sourced from the farm operation (non-farm products).

Size of the farm retail sales area and infrastructure (e.g. parking lot, cashier area, etc.):

4. Provide a site plan and explanation of the farm retails sales area (e.g. location, delineated size, permanent infrastructure included).

Where do I find more Information?

City of Kelowna

- Contact planninginfo@kelowna.ca with questions about the ALR and City processes
- Contact info@kelowna.ca with questions about requirements for a building permit
- Contact <u>businesslicences@kelowna.ca</u> with questions about requirements for a business license ALC
- ALC Policy Farm Retail Sales in the ALR
- ALC Information Bulletin Soil and Fill Use in the ALR



Bulletin: ALR Properties – Gathering for an Event

Bulletin # 24-0011

Created: October 28, 2024

This information is summarized for convenience. Please refer to the applicable bylaw for the complete regulation.

Properties must satisfy all applicable Bylaws/ Regulations of the City of Kelowna and conform to the B.C. Building Code.

Development

1435 Water Street Kelowna, BC V1Y 1J4

Planning

Purpose

To reference the types of events permitted on **Agricultural Land Reserve (ALR)** properties under Section 17 of the ALR Use Regulation. This bulletin is <u>NOT</u> applicable to events occurring at an alcohol production facility or as part of agri-tourism activities.

What conditions must be met to hold events?

A maximum of ten (10) events of up to 150 attendees are permitted per calendar year, provided the property is in the ALR and classified as a farm under the BC Assessment Act. Each event may last no longer than 24 hours and parking for the event must be accommodated on the property in an area that does not disturb the productive agricultural land. No materials (e.g. gravel for parking or temporary structures) can be brought onto the property in association with the event.

Can I have food service at the event?

Food service is permitted during an event provided that no permanent facilities are constructed or erected in connection with the food service. Food trucks are permitted during the duration of the event provided it does not interfere with the productivity of that agricultural land and that additional requirements to have a mobile food vendor in the City are met. Visit the City of Kelowna's website on mobile food vendors for more information: Mobile food vendors | City of Kelowna

Do I need a business license for events?

Each event requires a valid license that has been issued under the City of Kelowna Business License & Regulation Bylaw No. 12585.

Where on my property can I hold events?

Events can be held on an area of a property that does not disturb the productive agricultural land. Constructing, erecting or renovating permanent buildings or structures in connection with the event is <u>not</u> permitted.

Events are <u>not</u> permitted in existing farm buildings unless they have been issued Building Permits for assembly use and have approval from the ALC. Any upgrade to use or construction of buildings or structures in association with events requires ALC approval.

CITY OF KELOWNA BULLETIN #24-0011

Do I need a permit for temporary structures?

Temporary tent structures are permitted in association with an event and if they exceed 10 m x 10 m require a Building Permit issued through the City of Kelowna Building Department. In accordance with the ALC's policies, temporary structures must be removed within 90 days of the event end.

What information may be requested by the City?

The following information or documentation may be requested to help city staff understand if the event(s) meet the provisions for gathering for an event in the ALR:

- 1) Documentation confirming that the event is conducted on a property that is assessed as a farm under the Assessment Act.
- 2) Overview and summary of the event(s). Identify number of people attending the event(s), duration of the event(s), general activities, etc. The overview must include documentation confirming no more than 150 people will be attending the event(s) at any one time (e.g. guest list, ticket sale time slots, etc.) and that the event is no more than 24 hours in duration.
- 3) Sketch plan identifying where on the property the event(s) will take place. Identify permanent or non-permanent structures that the event will utilize or occur in. The sketch plan must outline and confirm that no permanent infrastructure or facilities will be constructed or erected in connection with the event. The conversion of existing buildings and the construction associated with bringing them up to public assembly building code is deemed as the construction or erection of a permanent facility and is <u>not</u> permitted in association with gathering for an event.
- 4) Parking plan and sketch that outlines the number and location of parking spaces on the parcel. The parking plan and sketch must clearly demonstrate how all parking will be accommodated on the property and that it will not interfere with the productivity of the agricultural land. Modifying or placing materials to accommodate parking is not permitted in association with the event(s).

Where do I find more information?

City of Kelowna

- Contact planninginfo@kelowna.ca with questions about the ALR and City processes
- Contact info@kelowna.ca with questions about requirements for a building permit
- Contact <u>businesslicences@kelowna.ca</u> with questions about requirements for a business license ALC
- ALC Policy for Gathering for an Event

CITY OF KELOWNA

MEMORANDUM

Date: November 6, 2024

To: Ryan Smith, Divisional Director, Planning, Climate Action & Development Services

From: Dean Strachan, Development Planning Manager

Subject: Agricultural Signage Project Completion Summary

Staff were directed to research and develop agricultural signage to deliver on one of the commitments made in the Agricultural Land Commission (ALC) application to exclude 16.2 ha of two properties from the ALR for a future transportation corridor and the relocation of the BC Transit Regional Transit Facility (ALC Application 61070; CoK Application A20-0008). As part of the application, the City committed to establishing an agricultural signage program.

Celeste Barlow, Planner II – Agriculture led the project, she undertook a high-level review of agricultural plans from local governments and First Nations in BC. Staff discussed the implementation of agricultural signage programs with staff from the ALC, local governments with agricultural signage and the Ministry of Agriculture and Food (MAF). Staff also consulted with internal staff from multiple City departments (e.g. Parks and Building Planning, Communications, Traffic Operations, Infrastructure Delivery, Long Range Planning) to identify standards for signage designs in the City and appropriate sign locations. Twenty locations throughout the agricultural areas of the community were selected.

The City's Sign Shop is printing the signs, and the Traffic Operations Department is installing the signs. 75 cm x 75 cm aluminum signs that are stocked by the City Sign Shop were chosen as the material align with City standards for road signage and the size creates the most flexibility for locating the signs within a right of way. Installation of the signs began in Oct, with most being completed this fall as weather allows, any remaining signs are to be installed in the Spring 2025.

