

# Agricultural Advisory Committee

## AGENDA



Thursday, May 11, 2017  
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](http://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.

### 2. Applications for Consideration

#### 2.1 2270 Garner Road, LL17-0002 - Aura Rose & Wouter Van der Hall (House of Rose Vineyards Ltd)

3 - 18

To consider an application for a Special Events Area Endorsement to an existing Manufacturing and Tasting Liquor License in the A1 - Agriculture 1 zone with an occupant load of 150 persons maximum for no more than 10 music events per year, in addition to several harvest/seasonal events per year.

### 3. ALC Decisions - Update

### 4. Minutes

19 - 33

Approve Minutes of the Meetings of March 13, 2017 and April 13, 2017.

**5. Old Business**

**5.1 Report to Council Discussion**

To discuss the items the Committee would like to include in the Annual Report to City Council.

**6. Next Meeting**

June 8, 2017

**7. Termination of Meeting**

# COMMITTEE REPORT



**Date:** May 11, 2017

**RIM No.** 1210-21

**To:** Agricultural Advisory Committee (AAC)

**From:** Community Planning Department (MS)

**Application:** LL17-0002      **Owner:** Aura Rose  
Wouter Van der Hall

**Address:** 2270 Garner Road      **Applicant:** House of Rose Vineyards Ltd.

**Subject:** Liquor License Application for a Special Event Areas Endorsement

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## 1.0 Purpose

The application is for a Special Events Area Endorsement to an existing Manufacturing and Tasting Liquor License in an A1 – Agriculture 1 zone with an occupant load of 150 persons maximum for no more than 10 music events per year, in addition to several harvest / seasonal events per year.

## 2.0 Proposal

### 2.1 Background

In the fall of 2016, the LCLB made changes to the *Liquor Control and Licensing Regulation*<sup>1</sup> that prohibits amplified sound in Picnic Areas, but permits them in Special Events Areas. In addition, it placed a limit on the capacity of Picnic Areas to 30.

The request is to respond to changes made by the Liquor Control and Licensing Board (LCLB). For five years, the applicant has held events in their Picnic Endorsement Area. They wish to continue to have 10 events per year, in addition to 2 harvest festivals and one seasonal Christmas festival, at their winery with amplified sound, no later than 9:30 pm.

In addition, in 2016, the Ministry of Agriculture now allows for up to 10 events per year in the Agricultural Land Reserve. ALC staff have confirmed that through the ALC Regulation, a maximum of 10 gatherings per year are permitted outside of a designated winery lounge area<sup>2</sup>. Harvest festivals are permitted in addition to these 10 events. The proposed conditions of the business license will conform to the ALC Regulation.

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<sup>1</sup> Queen's Printer. Dec. 7, 2016. Liquor Control and Licensing Regulation.  
[http://www.bclaws.ca/civix/document/id/complete/statreg/241\\_2016](http://www.bclaws.ca/civix/document/id/complete/statreg/241_2016)

<sup>2</sup> S. Runka, Dec. 14, 2016. Agricultural Land Commission, Policy Planner. Personal Communication.

2.2 Proposal

The request is to add a Special Events Area Endorsement to the House of Rose Winery. The winery currently has a Manufacturing License, a Tasting License and a Picnic Areas Endorsement.

The applicant seeks support for the a Special Events Area Endorsement in order to hold up to 10 music events and several harvest/seasonal event per year to no later than 9:30 pm. This will allow amplified sound and an occupant load of 150 person maximum for the events.

The applicant has agreed to include the condition of a maximum 10 music events per year, in addition to several harvest or seasonal events, into their annual business license.

The person capacity and hours of liquor service of the establishment: 150 persons during the hours noted below:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM
6:00 PM	6:00 PM	6:00 PM	9:30 PM	9:30 PM	9:30 PM	6:00 PM

The impact of traffic will be that of 150 people, with minors permitted when accompanied with adults, attending 13 events per year as proposed, in the early evening and leaving before 9:30 PM.

The noise on the community in the immediate vicinity will be due to amplified sound during the special events to the hours noted. The ALC has provided correspondence that special events, not including harvest and seasonal festivals, are limited to 10 events per year outside the winery licensed area. The noise impact will be for this number of events to the times stated in the application, a maximum of 9:30 pm. The noise is not expected to be additional to what has been conducted over the last several years under the Picnic Area Endorsement. In addition, the City of Kelowna Noise and Disturbances Control Bylaw No. 6647 will apply.

Parking will be provided on site in grassed areas and along internal roadways. Permanent hard surfacing is not proposed.

Zoning of A1 – Agriculture permits wineries and cideries within the zone.

2.3 Site Context

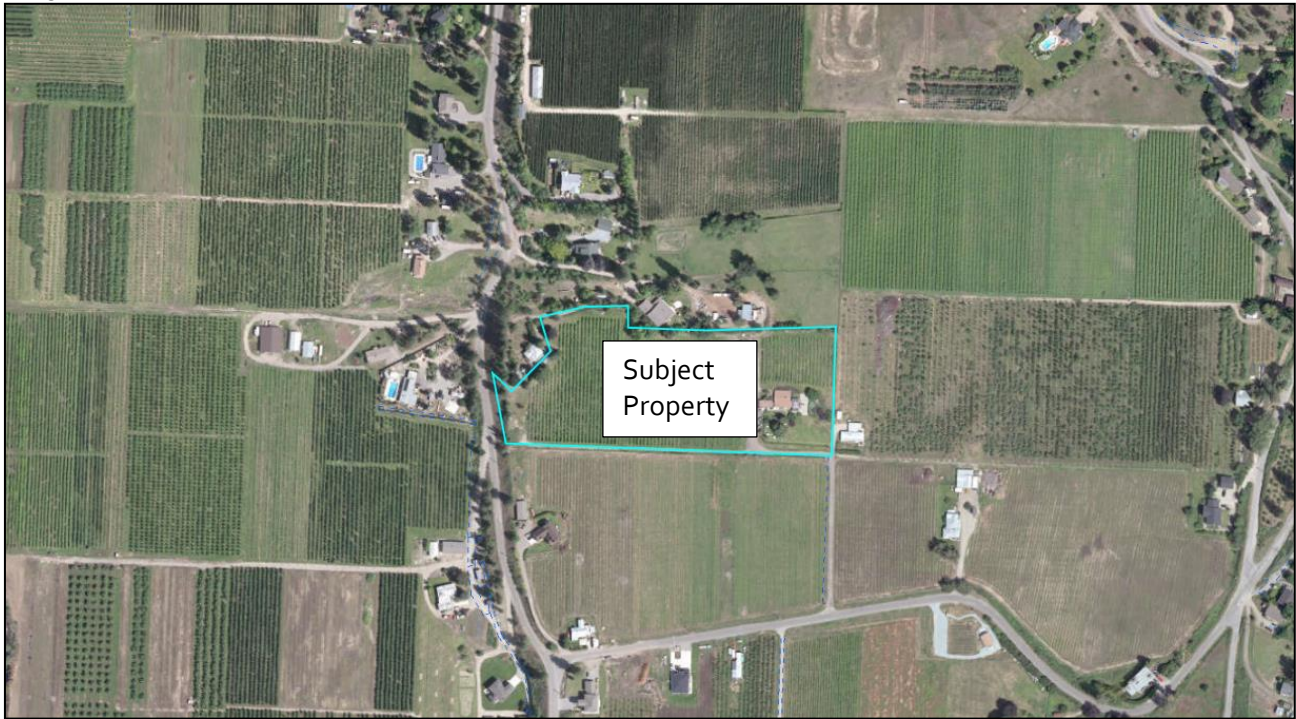
The House of Rose Winery is located at 2270 Garner Road. It is within the Belgo / Black Mountain Sector of the City. The property is zoned A1 – Agriculture 1 and is within the Resource Protection Area Future Land Use designation. The property is 2.78 hectares (6.87 acres).

Access is provided to the property through an easement via 2288 Garner Road. Staff have reviewed the easement document which states that 2288 Garner Road shall give unimpeded access without restriction to the subject property.

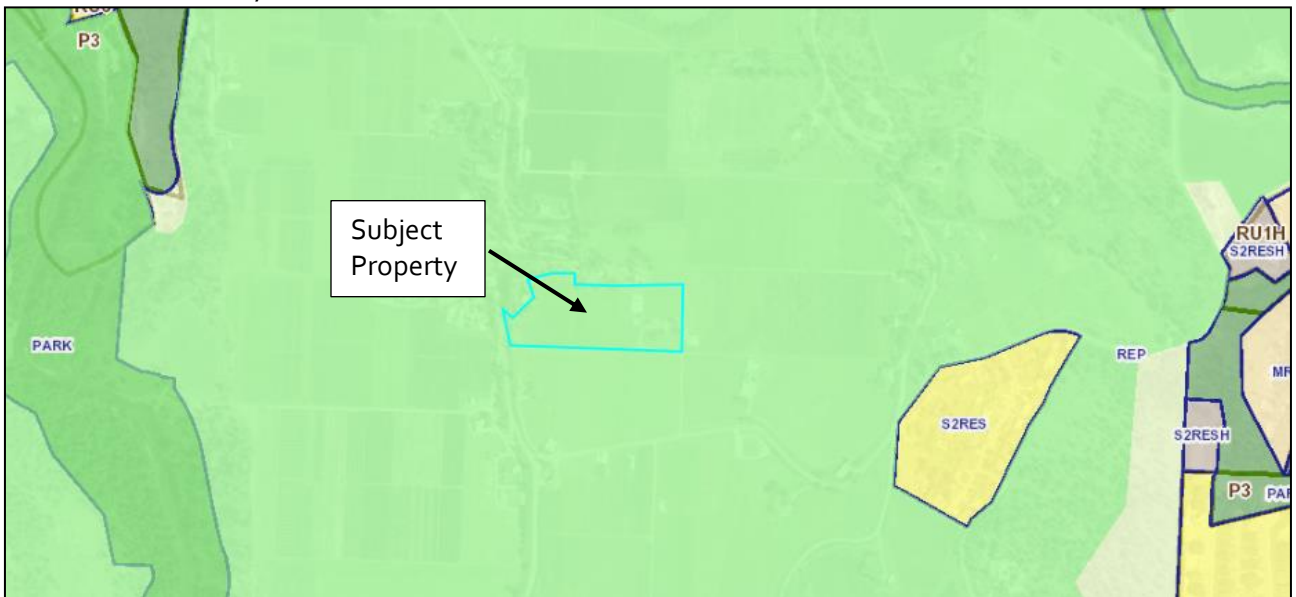
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture 1 / ALR	Agriculture / Rural Residential
East	A1 - Agriculture 1 / ALR	Agriculture
South	A1 - Agriculture 1 / ALR	Agriculture
West	A1 - Agriculture 1 / ALR	Agriculture / Rural Residential

**Subject Property Map: 2270 Garner Road**



**Future Land Use: 2270 Garner Road**



**Special Events Area: 2270 Garner Road**



**3.0 Current Development Policies**

**3.1 Kelowna Official Community Plan (OCP)**

Agri-tourism, Wineries, Cideries, Retail Sales.<sup>3</sup> Support agritourism uses that can be proven to be in aid of and directly associated with established farm operations. Permit wineries, cideries and farm retail sales (inside and outside the ALR) only where consistent with existing ALC policies and regulations.

**3.2 Council Policy #359 – Liquor Licensing Policy & Procedures**

New patios associated with liquor establishments should be located and designed to limit potential impacts on surrounding property owners.

**3.3 Noise and Disturbances Control Bylaw No. 6647 Section 3.3**

No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or any person in the vicinity.

<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.33.5 (Development Process Chapter).

3.4 Agricultural Land Commission Regulation - Section 3(4)<sup>4</sup>

The following non-farm uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by a law of the applicable treaty first nation government:

(k) gathering for an event, if all of the following conditions are met:

(i) the farm must be located on land classified as a farm under the [Assessment Act](#);

(ii) permanent facilities must not be constructed or erected in connection with the event;

(iii) parking for those attending the event must be available on the farm, but must not be permanent nor interfere with the farm's agricultural productivity;

(iv) no more than 150 people, excluding residents and employees of the farm, may be gathered on the farm at one time for the purpose of attending the event;

(v) the event must be of no more than 24 hours duration;

(vi) no more than 10 gatherings for an event of any type may occur on the farm within a single calendar year.

4.0 Community Planning

Council and staff are seeking a recommendation from the AAC with respect to the proposed liquor license Special Events Areas Endorsement in the ALR. The AAC should pay particular attention to potential impacts to agriculture on site and also how the activities may impact adjacent farming operations.

In addition, the AAC should consider potential impacts to agricultural land City-wide should this precedent be established. Recommendations for safeguards to ensure farming is maintained should be considered.

Regardless of whether or not the AAC recommendation that Council supports the application, AAC members should consider measures to protect agriculture on site and surrounding farm operations should City Council provide a recommendation of support for the Special Events Area Endorsement.

**Report prepared by:**

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Melanie Steppuhn, Land Use Planner

**Approved for Inclusion:**



Ryan Smith, Community Planning Manager

**Attachments:**

Applicant Package

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<sup>4</sup> ALC, Jan. 23, 2017. ALR Use, Subdivision and Procedure Regulation - Section 3(4)(k) Gathering for an Event

**Letter of Intent**  
**House of Rose Winery**  
2270 Garner Road, Kelowna  
License #300143

**Re: Special Event Area Endorsement Application**

We are applying for a Special Event Area Endorsement in order to continue to hold the various community and tourist orientated events we have been holding for the past 5 years. With the changes to the number of people allowed in a winery's picnic area (limiting it to 30) and to the removal of the ability to have amplified sound in the picnic area, both coming into force on the 23<sup>rd</sup> January 2017, we need this endorsement to continue to hold our Summer Music Series, our Summer Customer Appreciation Party and our Grape Stomps held during Fall Wine Festival. All of these events are held in what is presently our picnic area and we are asking for this area (plus a bit larger) to be approved as a Special Event Area. As explained below, these are all events that have been going on for a number of years without any issues to date.

A copy of our 2016 events guide is attached for more information.

Our target market for all of these events is both locals and tourists. For all the events listed here "locals" means our neighbours, rural, suburban and urban locals. We see our regular patrons attending these events, bringing visiting friends and family. We have tourists coming especially for these events, or simply hearing about it while visiting our wine shop and coming back for the event. All our events are family friendly, and all are free; a big draw for everyone. As a community orientated winery, we use some of our events (our Grape Stomping parties and our Christmas Light Up) to raise funds for local charities. Past events included the Diva Days for the Kelowna Women's Shelter and the Okanagan Team Stomp for the Canadian Cancer Society.

Our neighbourhood is generally rural, ALR land. The one exception to that is the mountainside east of us (Kirschner Mountain) which is being developed into a subdivision with large houses on small housing lots. Please see the maps included with this application for a more detailed perspective.

Each of our present events which are affected either by the limitation to the number of people or the inability to have amplified sound (or both) are listed below.

**Summer Music Series**

We started our Summer Music series during our 20<sup>th</sup> anniversary celebrations in 2013 and bring it back each year by popular demand. On Thursday evenings in July and August we have live, local music (normally a three piece band) play



*Summer Music Series, taken from behind the musicians looking at the crowd.*



from either 7 to 9 pm (in July) or from 6:30 to 8:30 pm (in August). It is free and families are welcome. We encourage people to bring their own food. As you will see in the pictures included here, we have families, people bringing big spreads of food, and everyone simply enjoying the music in the beautiful rural setting.

We typically see 100 to 150 people each evening which includes both locals and tourists. It is completely weather dependent as it is outside and each summer we usually cancel one or two due to rain or incremental weather.



*Summer Music Series, looking towards the musicians.*

We receive a lot of positive feedback and in the 4 years of holding the Summer Music Series have received only one complaint (from a neighbour when the band went beyond 9 pm). That was three years ago and we have received no complaints since that time. The owners, Wouter and Aura, attend these events and circulate around to people during the event. The musicians love it too, and we now have more interested musicians than we have evenings - they love playing outside, like the behaviour of the crowd (listening, not yelling as in a bar) and enjoy having a venue to play at.

This event provides several benefits to the community:

- ✓ It provides locals and tourists with a free, family friendly event to attend;
- ✓ Locals who live in the urban area of Kelowna can spend an evening outside in the farming area of town;
- ✓ It promotes the whole concept of local – local wine; local appetizers are available for purchase and local music;
- ✓ It benefits local musicians, as many live music locations have closed in Kelowna over the last 5 years.

Impacts on the Community:

Noise – as mentioned above, we have received only one complaint in the last 4 years. The easy listening style music is not loud, and many of our neighbours join us for the evenings. Music ends no later than 9 pm; all patrons are gone by 9:30. In fact 95% are gone by 9:10. Patrons come to listen to the music and enjoy a ‘picnic in the vineyard’ with friends.

### **Customer Appreciation Party**

We held our first Customer Application Party during our 20<sup>th</sup> anniversary celebrations in 2013 and brought it back as an annual activity in 2015. It is held on either a Saturday or Sunday in the summer, ending by 5 pm. It is free and families are welcome. Each year we have different entertainment, including music. This year The Blue City Trio played; we had a magician moving around doing tricks and a photo booth as well. We also had a couple of artists holding a kids corner where kids could paint and make



*Monte doing caricatures at the Customer Appreciation Party*

crafts. The year previous we had Monte, a local artist doing free caricatures.



*Blue City Trio playing at the Customer Appreciation Party*

During the course of the day, we can see up to 250 people. But they come and go, and at the most we will have 100 patrons in the area. Again, these are both locals and tourists. This event is also completely weather dependent; fortunately we have not had to cancel it yet!

This event provides several benefits to the community:

- ✓ It provides locals and tourists with a free, family friendly event to attend;
- ✓ It promotes the whole concept of local – local wine; local appetizers are available for purchase and local music;
- ✓ It benefits local musicians, other local entrepreneurs and local artists.

Impacts on the Community:

Noise –The music is not loud, and many of our neighbours join us at some point during the day. The music ends at 4:30 pm and most patrons are gone by 5:00 pm.

### **Grape Stomping Party**



*Kids in the Barrel at the Grape Stomp*

We held our first Grape Stomp in 2010 during the fall Okanagan Wine Festival and have been holding two grape stomps during the Fall Festival each year since that time. It is held on the two Saturdays of Wine Fest, the first and second Saturdays in October from 1 to 4:30 pm. There is no music or amplified sound at this event, but on a beautiful day we could have more than 30 people in the picnic area. It is free and families are welcome. In fact, as you will see in the photos, we have had babies to people in their 90's get into the barrel. We had an 'I Love Lucy' type barrel made for us a couple of years ago.

It is a very popular event as it is fun, free, and family orientated; there are few events like this during wine festival. It is also a fundraiser for the food bank. Because it is free, we invite people to bring a donation for the food bank and usually collect over

1000 pounds of food over the two events. During the course of the day, we can see up to 300 people. But they come and go, as the stomps are held at 1, 2, 3 and 4 pm. Many people do the stomp then leave; or hang out for a short period and then leave. As such, at the most we will have 75 people in the area. Again, these are both locals and tourists. In fact, we have had several tourists come out to Kelowna on one of those weekends specifically to attend our Grape Stomping Party. This event is also affected by the weather; if we do have rain, we cover the stomping barrel with a tent, and folks still do come but attendance is more limited. If it is a beautiful day people may hang out and watch others enjoying themselves in the stomping barrel (and this is when we could have more than 30 people in the area).

This event provides several benefits to the community:

- ✓ It provides locals and tourists with a free, family friendly event to attend;
- ✓ It promotes agri- tourism – bringing locals and tourists onto a farm to do a traditional activity in the history of wine making;
- ✓ It promotes the whole concept of local.



*A family in the barrel at the Grape Stomp*

Impacts on the Community:

The only impact to the community for this event is the traffic, as this is our largest event and we do see many people over the course of the day. We have two people helping with the traffic flow – one at the end of our driveway and one closer in to show them where the empty parking spots are (as people come and go so spots open up that they may not see).

### **Other Events**

On the application we have set times for Friday and Saturday up until 9:30 pm. While we have no current plans for these evenings, the recommendation provided to us was to request times that might be used in the future as well.

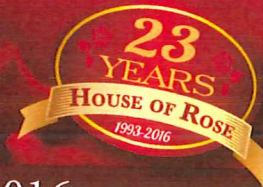
Being community orientated, we will never do an event that creates noise late into the evening. We want to, and strive to, be good neighbours. Hence our request for 9:30 pm Thursdays thru Saturdays.

Kind regards,

Aura Rose  
Owner, House of Rose Winery

# House of Rose

WINERY



## EVENTS 2016

23 years of wonderful wine and fantastic events.  
Check out [www.houseofrose.ca](http://www.houseofrose.ca) for full event details

Add us to your calendar! Join us for one (or all!) of our wonderful, free events, set in our gorgeous picnic area. Bring your own food, or purchase a picnic basket in our wine shop. Wine available by the glass (\$6.00) or by the bottle (no outside alcohol allowed).  
*Note: All Summer Music Series Events are weather dependent.*



### June **Dads Day**

Sunday June 19 • 12 to 5 pm  
*Complimentary appetizers, something special for all Dads and tastings of a one-time only special wine of the day for Dad!*

### **Summer Music Series**

Thursday June 30 • 7 pm to 9 pm  
*Free, local, live music: le mo nay (Julie Masi & Steve Soucy)*

### July **Summer Music Series**

Thursday July 7 • 7 pm to 9 pm  
*Free, local, live music: MASK (Musical Actors and Singers Kelowna)*

### **Summer Music Series**

Thursday July 14 • 7 pm to 9 pm  
*Free, local, live music: Blue City Trio*

- **Summer Music Series**

Thursday July 21 • 7 pm to 9 pm  
*Free, local, live music: Accidentally Coordinated*

### **Customer Appreciation Party**

- Sunday July 24 • 12 to 5 pm  
*Live music, great food, surprise entertainment, wine specials and super discounts. Lots of wonderful surprises to thank you - our customer! Come spend the afternoon with us!*

### **Summer Music Series**

Thursday July 28 • 7 pm to 9 pm  
*Free, local, live music: Whose Your Daddy with Niki Martinus*



2270 Garner Road, Kelowna, B.C. TF 1 877 765 0802

GPS address: 49.85924, -119.376

[www.houseofrose.ca](http://www.houseofrose.ca)

23 years of wonderful wine and fantastic events.  
Check out [www.houseofrose.ca](http://www.houseofrose.ca) for full event details

**August Summer Music Series**

Thursday August 4 • 6:30 pm to 8:30 pm  
Free, live music: Darlene Ketchum Quartet

**Summer Music Series**

Thursday August 11 • 6:30 pm to 8:30 pm  
Free, local, live music: The Kinga Heming Trio

**Summer Music Series**

Thursday August 18 • 6:30 pm to 8:30 pm  
Free, local, live music: Whose Your Daddy with Niki Martinus

**Sept. Okanagan Stomp | FUNdraiser for the Canadian Cancer Society**

Saturday September 17 • 11 am to 3 pm  
Come out and cheer on the teams - they need your support!  
Sign up a team at <http://cancer.ca/okanaganstomp>.  
Call 1 800 403 8222 for more info.  
Proudly sponsored by BDO Kelowna.



**October Grape Stomping Party**

Saturday October 1 • Stomps at 1, 2, 3 & 4 pm  
Get this off your bucket list. Everyone welcome,  
from babies to eighties! No reservations required.  
Please bring a donation for the Food Bank.

**Grape Stomping Party**

Saturday October 8 • Stomps at 1, 2, 3 & 4 pm  
No reservations required.  
Please bring a donation for the Food Bank.

**Dec. Christmas Light Up**

Dates to Be Announced  
A Christmas wonderland. Bring the kids.  
Hot chocolate and mulled wine available for purchase.

**Christmas Sale**

Saturday December 10 • 12 to 7 pm  
Amazing specials, mulled wine, case specials,  
stock up for Christmas and beyond!

2270 Garner Road, Kelowna, B.C. TF 1 877 765 0802  
GPS address: 49.85924, -119.376  
[www.houseofrose.ca](http://www.houseofrose.ca)

House of Rose Winery Aerial View

18.04

65.11

108.78

137.16

273.34

278.86

Parking  
106.98

Parking

Parking

Parking

Parking

Proposed  
Endorsement  
Area



## Map information

### House of Rose Winery

#### Using: 3 km radius

1. House of Rose Winery
2. Montessori Elementary School
3. Black Mountain Elementary School & Rutland Parent Participation Preschool
4. Treasure Box Daycare and After School Care and Ridgeview Evangelical Missionary Church
5. Lil Wildings Daycare
6. RCMP and Fire hall Station #3 (Rutland Rd and Hwy 33)
7. Camelot Winery
8. Double Cross Cidery
9. Mountainview Modified Montessori Preschool
10. Mission Creek Regional Park
11. Mountain Bik Skills Park
12. Scenic Canyon Regional Park
13. Bella Vista Park
14. Gopher Creek Linear Park
15. Loseth Park
16. Lund Park

House of Rose Winery 2 Km radius

(1/2 Km off map)



East Kelowna

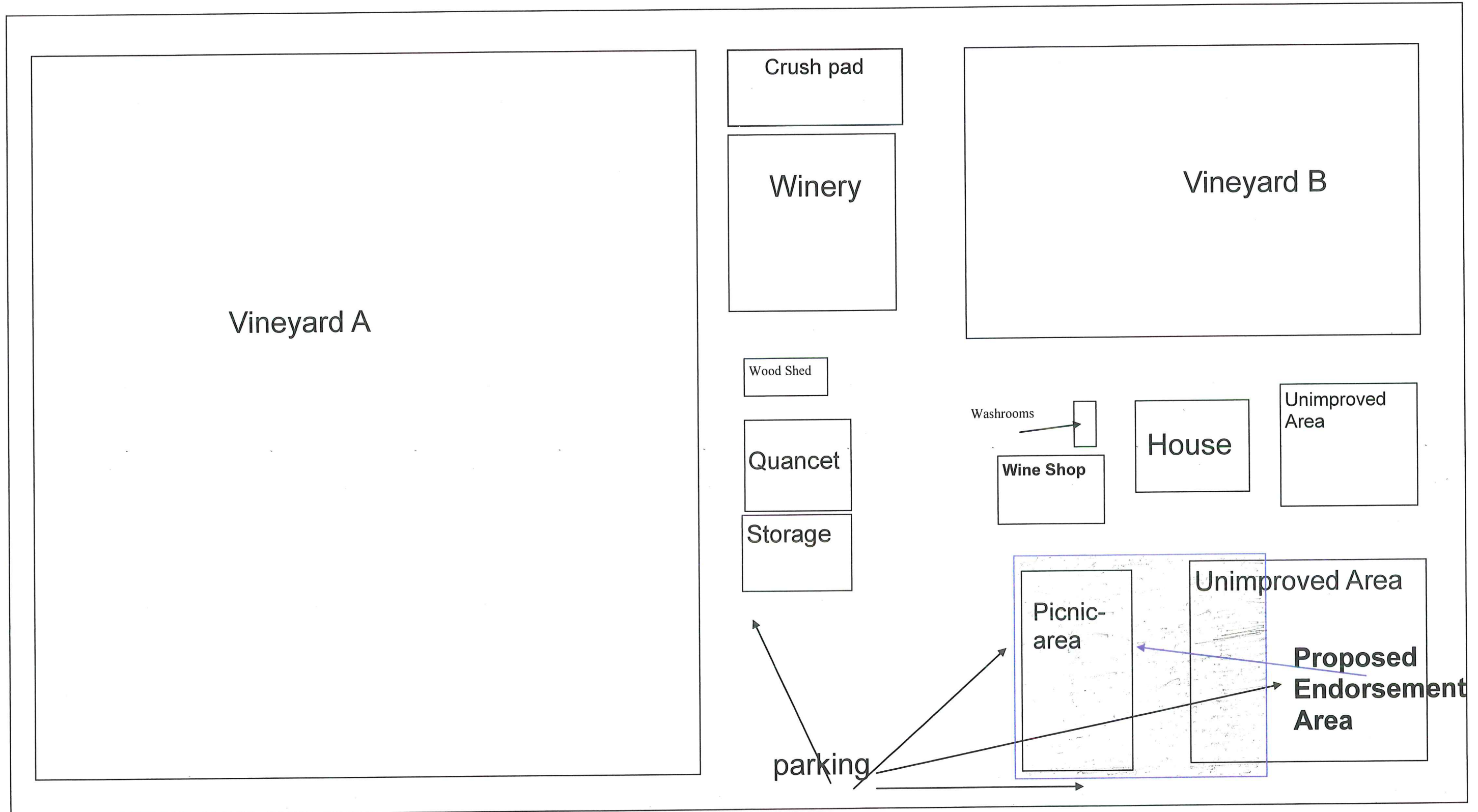
Black Mountain Sub-Division

~~Black~~ Black Mountain Sub-Division

To Big White 45 min.



Site Plan House of Rose Winery



Roadway into area Entrance

< 90 Feet >

Picnic Table  
indicated by:



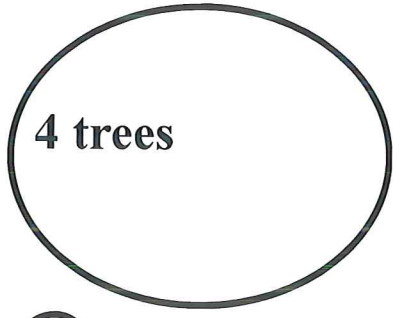
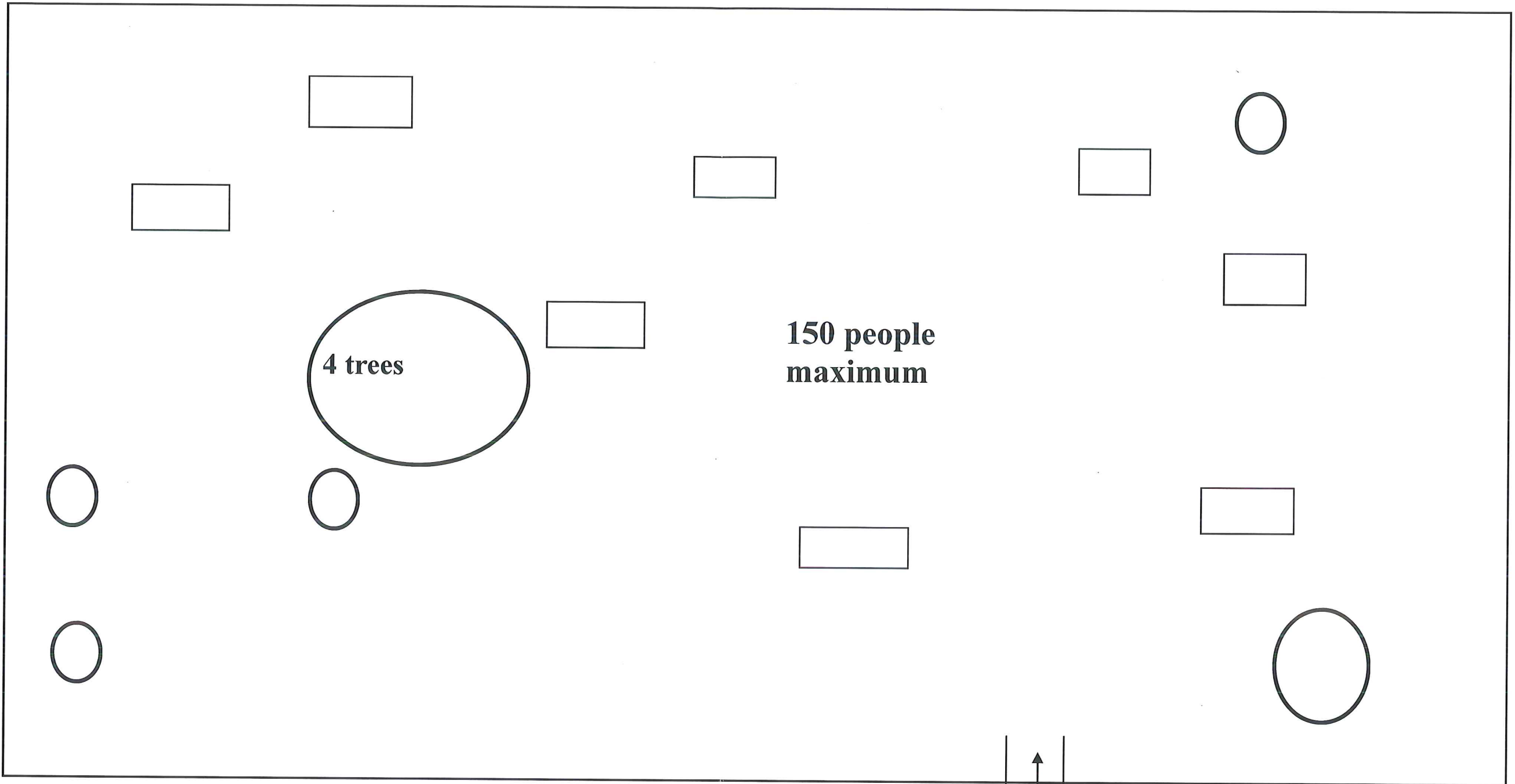
Trees  
indicated by:



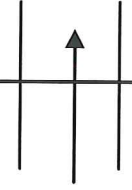
Chairs  
indicated by:



65 Feet



150 people  
maximum



Entrance



Wine Shop

## Agricultural Advisory Committee Minutes

Date: Monday, March 13, 2017  
Location: Knox Mountain Meeting Room (#4A)  
City Hall, 1435 Water Street

Committee Members Present: Yvonne Herbison (Vice-Chair), Domenic Rampone\*, Ed Schiller, Jeff Ricketts (Alternate), Keith Duhaime, Tarsem Goraya and Jill Worboys (Interior Health)

Committee Members Absent: John Janmaat (Chair) and Pete Spencer

Staff Present: Suburban & Rural Planning Manager, Todd Cashin; Planner, Melanie Steppuhn; Planner, Emily Williamson\* and Sustainability Coordinator Tracy Guidi

Guest: Uplands Consulting, Consultant, Ione Smith

(\* denotes partial attendance)

### 1. **Call to Order**

The Vice-Chair called the meeting to order at 5:06 p.m.

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

### 2. **Applications for Consideration**

#### 2.1 **4760 Lakeshore Road, DP17-0043 & DVP17-0044 - Ca'Solare Developments Inc.**

Staff:

- Displayed a PowerPoint presentation summarizing the application and the proposed agricultural buffer located along the northern parcel boundary.
- Noted that there are two resolutions coming from the Committee: one for the variance on height and one for the buffer.
- Future land use of property is Multiple Unit Residential (MRL) surrounded by resource protection area and the property is currently zoned RM<sub>3</sub>.
- An amendment in 2006 changed the zoning from A1 to RM<sub>3</sub>. Included in this change was a covenant on title outlining to owners that the property is in agricultural area.

- Landscape plan proposed has a buffer on the north 15-meter buffer. The south west corner buffer is interrupted with drive way for egress and for garbage/recycling pick up.
- Buffer created in conformance with ALC buffer recommendations.

#### AAC/Staff Discussion:

- RM 3 does permit low rise apartments. The variance requested is for the height of buildings, applicant is requesting an additional floor which is not permitted in the zone. Should be noted, the current zoning allows for the same structure one less floor.
- Anticipated height of the buffer is approximately 5 meters for the maples and 8-10 meters for Austrian Pine.
- The buffer is approximately half the height of the proposed building.
- At edge of ALR boundary, pines and shrubs are interspersed.
- Trees are spaced at 8 meters as per the guidelines. The canopies will not touch and there will be some air between the trees.
- The subject property is outside the permanent growth boundary.

#### Jesse Alexander, New Town Services, Applicant's Representative:

- Displayed a presentation summarizing the application.
- Site boundary is an interface between RM3 and A1 zoning and buffer design is required as part of development application.
- The ALC buffer standard is 15m and building height does not influence this standard.
- Same number of plantings as ALC standard, however the planting area is condensed due to a utility right of way for existing services on the property (there is a 375 mm sanitary main) where there can be no plantings.
- Discontinuous planting at south west corner because of access which has a 2-3-meter retaining wall.
- ALR Covenant requires owners to be aware that agricultural practices will occur on the adjacent property and remains on title to protect neighbouring farmers from any complaints related to farm activities.
- Lowest floor on building is parking floor, residential floors a bit higher up.

#### AAC/Applicant Discussion

- No vegetative buffer is proposed on the east side of the property as there is the full road right of way which exceeds the ALC buffer requirements. There will, however, be some street landscaping on that side.
- Height variance is being applied for as the property slopes.
- Parking is proposed for the lower floor.
- Concerns about spray drift because the buffer is only 10 meters high. Some of spray could be mitigated by parkade on ground level and each floor is stepped back further away from the agricultural property.
- The first row of trees is planted approximately 2 meters away from the neighbouring property.
- The covenant covers normal farming practices (including helicopters to dry cherries and loud sounds to scare birds away). This proposed building is masonry which will muffle sound more compared to wood frame building.

**Moved by Keith Duhaime/Seconded by Ed Schiller**

THAT the Agricultural Advisory Committee recommends that Council support Development Variance Permit Application No. DVP17-0044 for the property located at 4760 Lakeshore Road to:

- vary the number of storeys from 3 permitted to 4 proposed; and
- vary the height from 10m permitted to 17.2m proposed.

**Carried**

Tarsem Goraya – Opposed

**ANCEDTAL COMMENTS:**

The Agricultural Advisory Committee commented that the subject property is outside the permanent growth boundary and there are concerns about the impact of additional people and traffic in the agricultural area. The Agricultural Advisory Committee was encouraged that there was a covenant on title that informed future owners that the property is adjacent to farming practices and that these would be occurring in the area, and also that the covenant be kept on title in perpetuity.

**Moved by Jeff Ricketts/Seconded by Ed Schiller**

THAT the Agricultural Advisory Committee recommends that Council support Development Permit Application No. DP17-0043 for the property located at 4760 Lakeshore Road as it pertains to the proposed 15m buffer located along the northern parcel boundary abutting a cherry orchard.

**Defeated**

Keith Duhaime, Jeff Ricketts &amp; Yvonne Herbison – Opposed

**ANCEDTAL COMMENTS:**

The Agricultural Advisory Committee expressed an overall concern with spray drifts with this type of buffer. The Committee noted that development is upslope of the orchard, and prevailing winds from the lake will likely carry spays up and over the development, given this configuration.

Staff:

- Reviewed the existing covenant registered on title with respect to the subject property.

**2.2 2446 Harvard Road, Z17-0011 & DVP17-0027 - Wayne & Denise Henney**

Staff:

- Displayed a PowerPoint presentation summarizing the proposal to rezone the subject property from the A1 – Agriculture 1 zone to the A1c – Agriculture 1 with Carriage House zone in order to convert an existing accessory building to a Carriage House.
- Property not within the permanent growth boundary and not within the ALR but is adjacent to ALR property.
- Future land use is Resource Protection Area.
- Upper level converted to 400 square feet living space.
- Staff noted if approved, Interior Health requires an onsite septic

- Agricultural viability discussed.
- Displayed a PowerPoint presentation summarizing the requested variances for maximum overall footprint, maximum height relative to the primary dwelling and maximum distance from the primary dwelling.

AAC/Staff Discussion:

- Staff confirmed that no building is being physically moved and provided the rationale for the variance.
- Staff confirmed that the property is not in ALR and therefore a non-farm use application is not required.
- Staff advised that the A1 zone also allows suites and mobile home for family on property.
- Staff confirmed that a covenant could be registered on title restricting the number of suites and mobile homes on the property.

Wayne Henning, Applicant's Representative:

- The proposal does not increase footprint on the property.
- The is not on ALR.
- There are three properties neighbouring the subject property that are already zoned A1c.
- Have three horse shelters and board 2 shelters.
- When accessory building was built in 2001 there was a minimum 5-meter setback with no maximum footprint and the maximum height was 13 meter.

AAC/Applicant Discussion

- Confirmed that the top part of the existing outbuilding is being enclosed in order to reside in the structure.
- Not aware if the property has farm status through BC Assessment.
- Confirmed that there is no training or breeding, just boarding of horses.

**Moved by Keith Duhaime/Seconded by Tarsem Goraya**

THAT the Agricultural Advisory Committee recommends that Council support Rezoning Application No. Z17-0011 for the property located at 2446 Harvard Road, Kelowna, BC to rezone the subject property from the A1 - Agriculture 1 zone to the A1c - Agriculture 1 with Carriage House zone for the purposes of converting an existing accessory building to a carriage house;

AND THAT the Agricultural Advisory Committee recommends that Council support Development Variance Application No. DVP17-0027 for the property located at 2446 Harvard Road, Kelowna, BC to vary:

- the distance from primary dwelling;
- the height relative to peak of primary dwelling; and
- the maximum footprint of 118.9m<sup>2</sup> existing to 90m<sup>2</sup> required.

**Carried**

ANCELTAL COMMENTS:

The Agricultural Advisory Committee recommends that a covenant be registered on title to the subject property restricting any additional dwelling units on the property, including any potential additional suite or mobile home.

**3. Reports****3.1 Agriculture Plan Update - Draft Policy and Action Recommendations**

Committee Member, Dominic Rampone, joined the meeting at 6:30 p.m.

Ione Smith, Consultant:

- Displayed a PowerPoint presentation entitled Agriculture Plan Update Final Policies and Actions, March 2017.
- Presentation reviewed the vision and goals of the project and highlighted the public engagement that took place Fall, 2016.
- Presentation highlighted the final theme areas and the associated recommended policies and actions for the Agricultural Plan Update:
  - o Strengthening local policies and regulations to protect agriculture (34 actions)
  - o Stewarding natural resources and the environment for food production (9 actions)
  - o Improving awareness of local agriculture and access to local food (9 actions)
  - o Fostering and sustaining farm businesses and farmland (1 action)
  - o Supporting role actions (10 actions).

AAC Discussion:

- Discussed sub-theme 1.1 and the recommended actions, including any possible changes.

**Moved By Yvonne Herbison/Seconded By Jeff Ricketts**

THAT the Agricultural Advisory Committee recommends that Council adopt sub-theme 1.1 – Official Community Plan Updates, with the following recommended actions:

- Restrict the expansion of residential development, and resulting potential edge conflicts, into farm areas by prohibiting additional density (e.g. carriage houses) outside the Permanent Growth Boundary.
- Restrict municipal sewer extension into agricultural areas.
- Restrict and/or prohibit non-farm uses that do not directly benefit agriculture. Only support non-farm uses in farm areas that have a direct and ongoing benefit to agriculture.
- Protect and support the continued designation of Natural Resource Protection Lands for agricultural purposes regardless of soil types and capabilities given potential for non-soil based agriculture, and the importance of reducing edge effects through farmland.
- Discourage uses of urban land adjacent to the Permanent Growth Boundary by vulnerable populations (e.g. hospitals, senior care facilities, daycares, after school programs).

- Adopt a new OCP Land Use Designation: *Transition to Agriculture* for parcels within and outside the Permanent Growth Boundary that are within 300 m of the farm land boundary.

**Carried**

AAC Discussion:

- Discussed sub-theme 1.2 and the recommended actions, including any possible changes.

**Moved By Domenic Rampone/Seconded By Yvonne Herbison**

THAT the Agricultural Advisory Committee recommends that Council adopt sub-theme 1.2 – Farm Protection Development Permit Guidelines Updates, with the following recommended actions:

- Adopt Residential Footprint policies as per the *Non-Farm Use White Paper* (see Appendix) in accordance with provincial standards including residential footprint size, building setbacks, and total floor area of dwelling units. This includes establishing a maximum specific floor area for the Residential Footprint of 2,000 m<sup>2</sup> (0.2ha or 0.5 acres) within the ALR / A<sub>1</sub> zone.
- Include underground services within the Residential Footprint as required for the structures within it.
- Require that only structures used exclusively for farm use may be located outside the Residential Footprint.
- On agricultural lands, where appropriate, locate farm retail sales, wineries, cideries, breweries, distilleries, and any other structures and services related to the public that are defined as farm uses under the ALC Act near the road entrance, in order to reduce the footprint and extent of services through the property.
- Ensure that the location of the Residential Footprint maximizes agricultural potential (e.g. soil, topography, etc.) and limits negative impacts of the farm, whether or not the parcel is currently farmed.
- Update OCP Chapter 15 Farm Protection DP guideline 1.7 to require statutory covenants on non-agricultural land through the development process to notify landowners that “normal farm practices” occur in close proximity as described in the Edge Planning White Paper (see Appendix).

**Carried**

AAC Discussion:

- Discussed sub-theme 1.3 and the recommended actions, including any possible changes.

**Moved By Yvonne Herbison/Seconded By Keith Duhaime**

THAT the Agricultural Advisory Committee recommends that Council adopt sub-theme 1.3 – Zoning Bylaw Updates, with the following recommended actions:



- Review and amend the A1 zone to ensure compliance with Provincial standards and objectives of the Agriculture Plan update.
- Investigate adopting a maximum home (principal dwelling) total floor area within the A1 zone based on Ministry of Agriculture guidelines, and other zones that may also be in the ALR, that shall be no greater than:
  - 465 m<sup>2</sup> (5,005 sq ft) on lots greater than 8 ha
  - 300 m<sup>2</sup> (3,552 sq ft) on lots less than 8 ha
- Require that mobile homes on farmland be occupied by the owner's immediate family, be located on a non-permanent foundation without basement excavation, and be removed from the property within 90 days when no longer occupied. The site must be restored to a condition suitable for agricultural use following removal of the mobile home.
- Remove "carriage house" as a permitted use within the A1 zoning.
- Increase the minimum lot size in the ALR from 2.0 ha to 4.0 ha in order to create a consistent minimum lot size of 4.0 ha for all of the A1 zone.
- Update the Zoning Bylaw to reflect the vegetative buffer specifications as outlined in Edge Planning White Paper (see Appendix).
- Investigate parking limitations on agricultural lands including permeable surfacing, with the exception of the Residential Footprint.
- Create a clear definition in the Zoning Bylaw for local food retail opportunities outside of the ALR as described in the Increasing Local Food Access White Paper (see Appendix).
- Revise the definition of "urban agriculture" to include the sale of farm products as a seasonal retail operation that is temporary in nature.
- Designate specific sites and/or zones as suitable for "local produce stands" as per the Increasing Local Food Access White Paper (see Appendix). This may include farm gates of urban farms, existing public spaces and parks, commercially-zoned areas, transportation hubs, institutional lands, and/or parking lots.
- Provide regulation for commercial assembly events on farmland except where permitted by provincial regulation.
- Further define the allowable structures where retail sales of food are permitted.

**Carried**

AAC Discussion:

- Discussed sub-theme 1.4 and the recommended actions, including any possible changes.

**Moved By Domenic Rampone/Seconded By Keith Duhaime**

THAT the Agricultural Advisory Committee recommends that Council adopt sub-theme 1.4 – Actions Regarding Other Policies and Regulations, with the following recommended actions:

- Continue to enforce permitted uses using the City's Agricultural Enforcement & Compliance Strategy. Expand the current strategy and partner with ALC enforcement and compliance officers to maximize resource efficiencies. This may include meeting with the ALC to share data and information on enforcement efforts. Consider dedicating bylaw staff to issues outside the Permanent Growth Boundary.

- Establish procedures for zoning compliance review for business license applications on agricultural properties.
- Update the Development Applications Procedures Bylaw to allow for the Community Planning Manager to request an Agricultural Impact Assessment by a Professional Agrologist that quantifies the impacts of any proposed development that may affect agricultural activity, such as non-farm use on farmland, rezoning, temporary use permits, and subdivision on lands adjacent to farmland.
- Continue to work with other local government planners to discuss common agricultural and food security goals (e.g. Farm Bylaws; temporary farm worker housing).
- Explore opportunities to better match tax rates with land production activities (e.g. tax rates higher for under-utilized land instead of lower farm rates).
- Update the Noxious Insect Control Bylaw and Noxious Weeds & Grass Control Bylaw to include current noxious species and diseases. Work with the Invasive Species Council of BC and the Regional District of Central Okanagan on this action.
- Revise the City's Urban Tree Guide to limit the use of trees for aesthetic purposes which can spread pests and diseases into farming areas if not properly maintained.
- Update the Soil Deposit and Removal Bylaw to include reference to composting.
- Update the Business License Bylaw to include the new definition of local food sales (as per related actions in 1.3). A license should be required for these retail operations whether the stand is on public or private property.
- Require a business licence for commercial assembly events including conditions such as time parameters and parking requirements.
- Investigate opportunities to minimize impacts to agriculture during expansion of YLW as outlined in the 2045 Airport Masterplan.

**Carried**

**AAC Discussion:**

- Discussed theme 2 and the recommended actions, including any possible changes.

**Moved By Tarsem Goraya/Seconded By Keith Duhaime**

THAT the Agricultural Advisory Committee recommends that Council adopt Theme 2 – Stewarding nature resources and the environment for food production, with the following recommended actions:

- Maintain water pricing that is supportive of sustaining agriculture in the community.
- Include agriculture in municipal climate change strategies and plans.
- Implement the actions of the 2015 Central Okanagan Clean Air Strategy to reduce smoke from burning (e.g. expand agriculture wood waste chipping program, review, update and harmonize burning policies).
- Create consistent water restriction/drought level messaging within affected areas or watersheds to ensure highest compliance by users.
- Ensure that drought management and response plans are clear and consistent across existing and future water systems.

- Continue to work with the Regional District of Central Okanagan to enforce the Noxious Insect Control Bylaw and Noxious Weeds & Grass Control Bylaw. Consider communicating information to residents seasonally through a press release.
- Integrate agricultural water systems in order to create redundancy, resiliency, and water security for agricultural users through the 2017 Integrated Water Supply Plan.
- Develop emergency plans (i.e. wildfire, drought) that are inclusive of agriculture.
- Investigate creative approaches to providing existing neighbourhoods on the urban side of the Permanent Growth Boundary with vegetative buffers. Examples may include incentives to increase the number of trees planted in the community;

AND THAT the recommendation to “Integrate agricultural water systems in order to create redundancy, resiliency, and water security for agricultural users through the 2017 Integrated Water Supply Plan” be changed to high priority.

**Carried**

AAC Discussion:

- Discussed theme 3 and the recommended actions, including any possible changes.

**Moved By Yvonne Herbison/Seconded By Ed Schiller**

THAT the Agricultural Advisory Committee recommends that Council adopt Theme 3 – Improving awareness of local agriculture and access to local food, with the following recommended actions:

- Expand programs such as Farm to Flight at YLW to highlight local food and beverage products.
- Use existing communications channels (e.g. website, social media, printed signs) to raise the level of understanding about agriculture policies and activities. Options for consideration are outlined in the Farm Community Identity White Paper (see Appendix).
- Investigate and communicate opportunities for pop up markets to sell local produce as described in the Increasing Local Food Access White Paper (see Appendix).
- Develop a Healthy Food Strategy for Kelowna. The strategy would address issues such as food security that are not included within the scope of this Agriculture Plan Update. Ensure the strategy also includes, investigating options to update the Zoning Bylaw to allow for the keeping of bees and chickens by sub-urban and urban residents. Explore opportunities for establishing requirements and incentives for shared gardens in new multi-unit developments.
- Undertake an Agricultural Signage Program to raise awareness and appreciation for agricultural areas within the City. The signs should be placed along roads used by farm vehicles, along recreational trails, and in agricultural edge planning areas.
- Encourage opportunities to meet with community groups, including real estate groups to communicate existing land use policies and the impacts of non-farm use on agricultural land. The impacts of farmland speculation on the local agriculture sector should be highlighted.

- Establish regular farm tours for elected officials and staff. The City, in partnership with the agricultural industry, could create opportunities to tour agricultural properties and learn about the role agriculture plays within the city.
- Identify opportunities to increase YLW's air cargo service, which could potentially provide the opportunity to ship local agricultural products to additional markets.
- Develop a "Good Neighbours" pamphlet that provides landowners with information about normal farm practices.

**Carried**

AAC Discussion:

- Discussed theme 4 and the recommended actions, including any possible changes.

**Moved By Domenic Rampone/Seconded By Keith Duhaime**

THAT the Agricultural Advisory Committee recommends that Council adopt Theme 4 – Fostering and sustaining farm businesses and farmland, with the following recommended actions:

- Investigate and support opportunities for alternative ownership models for farmland for the purpose of increasing production levels on farmland. The alternative models may include:
  - Allotments (large garden leases);
  - Incubator farms for new farmers;
  - A Local or Regional Farmland trust;
  - Institutional partnerships to increase food production; and/or
  - Co-operative farming models;

AND THAT the timeframe for the recommended actions be changed from long to ongoing.

**Carried**

AAC Discussion:

- Discussed theme 5 and the recommended actions, including any possible changes.

**Moved By Domenic Rampone/Seconded By Yvonne Herbison**

THAT the Agricultural Advisory Committee recommends that Council adopt Theme 5 – Actions where the City of Kelowna plays a supportive role, with the following recommended actions:

- Support OK Sterile Insect Release program and advocate for similar initiatives for other pests.
- Support the agricultural economic development goals of the Central Okanagan Economic Development Commission (COEDC), Okanagan Indian Band and Westbank First Nation.
- Re-evaluate organic waste diversion opportunities and investigate changes to encourage improved waste diversion (including yard waste collection) as per the 2017 Solid Waste Management Plan.

- Support community groups on initiatives to determine infrastructure required for a permanent, year-round farmers market location.
- Support opportunities for addressing deer and other wildlife impacts on crop yields.
- Support an inventory of food storage, distribution, and processing capacity for small and medium-scale producers.
- Support initiatives for land linking and mentorship programs for farmers.
- Work with Agriculture and Agri-Food Canada Summerland Research Station and BC Ministry of Environment to determine opportunities for soil maps to be digitized and made available online.
- Support agriculture-related tourism through Enterprise Kelowna.
- Support the province in re-establishing agricultural liaison services

AND THAT the recommendation "Support the province in re-establishing agricultural liaison services" have a medium timeframe and be medium priority.

**Carried**

Staff:

- Advised of next steps in the Agricultural Plan update process.

#### **4. Next Meeting**

The next Committee meeting has been scheduled for April 13, 2017.

#### **5. Termination of Meeting**

The Chair declared the meeting terminated at 8:26 p.m.

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Yvonne Herbison, Vice-Chair

/tg/slh

## **Agricultural Advisory Committee**

### **Minutes**

Date: Thursday, April 13, 2017  
Location: Council Chamber  
City Hall, 1435 Water Street

Committee Members Present: John Janmaat (Chair), Yvonne Herbison (Vice Chair), Keith Duhaime, Tarsem Goraya, Jeff Ricketts (Alternate)

Committee Members Absent: Domenic Rampone, Ed Schiller, Pete Spencer and Jill Worboys (Interior Health)

Staff Present: Suburban & Rural Planning Manager, Todd Cashin; Planner, Melanie Stepphun; Sustainability Coordinator, Tracy Guidi; and FOI-Legislative Coordinator, Sandi Horning

(\* denotes partial attendance)

#### **1. Call to Order**

The Chair called the meeting to order at 6:04 p.m.

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

#### **2. Chair and Vice-Chair for 2017**

##### **2.1 Appointment of Chair and Vice-Chair**

Staff:

- Reviewed Council's expectations with respect to the Members of the Committee and confirmed that the Chair is the spokesperson for the Committee.
- Reviewed the Committee's Terms of Reference and highlighted the annual report to Council process.

**Moved by Yvonne Herbison/Seconded by Tarsem Goraya**

THAT John Janmaat be appointed Chair of the Agricultural Advisory Committee for 2017.

**Carried**

**Moved by Keith Duhaime/Seconded by Tarsem Goraya**

THAT Yvonne Herbison be appointed Vice-Chair of the Agricultural Advisory Committee for 2017.

**Carried**

**3. Applications for Consideration****3.1 Agriculture Plan Update Draft Implementation Strategy**

Staff:

- Circulated a re-formatted document entitled "Ongoing Actions (Continuous Timeframe) to the Committee.
- Displayed a PowerPoint Presentation entitled "Agriculture Plan Update Implementation Strategy.
- Provided an overview of the following Implementation Phases:
  - Ongoing Actions;
  - Phase 1 – Years 1 and 2;
  - Phase 2 – Years 3 to 5;
  - Phase 3 – Years 5 to 10;
  - Supporting Role Actions.
- Provided an overview of the additional staff support required for the implementation of the Plan.
- Provided an overview of the additional financial support required for the implementation of the Plan.
- Responded to questions from the Committee members.

**Moved by Jeff Ricketts/Seconded by Keith Duhaime**

THAT the Agricultural Advisory Committee recommends that Council support the phasing of the draft Implementation Strategy for the City of Kelowna Agriculture Plan Update with the following amendments:

- Action ID 3f under Phase 2 being "Encourage opportunities to meet with community groups, including real estate groups to communicate existing land use policies and impacts of non-farm use on agricultural land. The impacts of farmland speculation on the local agriculture sector should be highlighted." be moved to ongoing and noted as high priority; and
- Action ID 4a under Phase 3 being "Investigate and support opportunities for alternative ownership models for farmland for the purposes of increasing production levels on

farmland. The alternative model may include: Allotments (large garden leases); Incubator farms for new farmers; A Local or Regional Farmland trust; Institutional partnerships to increase food production; and/or Co-operative farming models.” be moved to high priority and the word “ownership” be replaced with the word “tenure”.

**Carried**

Staff:

- Provided an overview of the proposed additional staffing and financial support for the draft Implementation Strategy.

**Moved by Yvonne Herbison/Seconded by Jeff Ricketts**

THAT the Agricultural Advisory Committee recommends that Council support the additional financial and staffing implications of the draft implantation strategy for the City of Kelowna Agriculture Plan Update as presented by staff at the April 13, 2017 Agricultural Advisory Committee meeting.

**Carried**

**Anecdotal Comments:**

The Agricultural Advisory Committee recommends, and strongly supports, the idea of a staff member being dedicated to supporting agriculture with the necessary expertise and training. The Committee also recommends, and strongly supports, the requirement for additional enforcement staff dedicated to agricultural areas and emphasized lack of enforcement as an ongoing issue that needs to be addressed. The Committee emphasized that in order to increase the chances of the Agricultural Plan being successful, additional staffing and financial resources are required.

#### **4. ALC Decision**

Staff:

- Provided an update regarding the 1980/1982 Union Road properties application that the Committee considered back in 2014. The alternate recommendation was supported by Council, which would allow the exclusion of the lands south of the proposed Union Road Realignment, and their redevelopment to single/two unit residential. However, the Agricultural Land Commission did not support the options. The applicant was subsequently not allowed an ALR exclusion and the entire application package was refused by the Commission. The Commission also did not support the reconsideration of the application.

#### **5. Minutes**

**Moved by Jeff Ricketts/Seconded by Tarsam Goraya**

THAT the Minutes of the March 9, 2017 Agricultural Advisory Committee meeting be adopted.

**Carried**



## 6. New Business

### 6.1 Report to Council Discussion

Staff:

- Provided an overview of the annual Report to Council process.

Heritage Advisory Committee:

- Had a discussion regarding how to proceed with the annual Report.
- Agreed that all of the Committee Members should be present during the presentation to Council.
- Agreed that all of the Committee Members should provide input prior to finalizing the Report and Presentation to Council.

Staff:

- Will initiate a list of the Committee's accomplishments so far and will circulate the list to the Members for comment through the Chair.

## 7. Next Meeting

The next Committee meeting has been scheduled for May 11, 2017.

## 8. Termination of Meeting

The Chair declared the meeting terminated at 7:12 p.m.

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John Janmaat, Chair

/slh