

Agricultural Advisory Committee

AGENDA



Thursday, October 12, 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.
- (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 1085 Lexington Drive, A17-0009 - Tom Stanbrook (Aspen Grove Golf Ltd.)

3 - 17

The applicant is requesting permission from the Agricultural Advisory Committee (AAC) to allow for Non-Farm Use on 1.4 ha (3.4 ac) area of a larger 21.46 ha (53.03 ac) parcel of land (Michaelbrook Ranch Golf Course). The land is within the Agricultural Land Reserve (ALR). The non-farm use is to allow a Recreational Vehicle (RV) Campsite on the property, proposed to contain 30-40 sites. The subject property is adjacent to Mission Recreation Park and Thomson Marsh Park.

2.2 841 Curtis Road, A17-0007 - Art & Linda Scheffler

18 - 31

The applicant is requesting permission from the Agricultural Advisory Committee (AAC) to allow for a Non-Farm Use to place up to 1372 cubic metres of fill to the property and reclaim to agriculture, under Section 20(3) of the Agricultural Land Commission Act.

2.3 Community Engagement Process – Agricultural Water Rate Design

32 - 34

To inform the Committee of the engagement strategy to inform consideration of a new water rate design for agricultural water customers with which to update the Water Regulation Bylaw No. 10550.

3. ALC Decisions - Update

To provide the Committee with an update on Agricultural Land Commission decisions.

4. Minutes

35 - 40

Approve Minutes of the Meeting of August 10, 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

November 9, 2017

7. Termination of Meeting

COMMITTEE REPORT



Date: October 12, 2017

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (KB)

Application: A17-0009 **Owner:** Tom Stanbrook (Aspen Grove Golf Ltd.)

Address: 1085 Lexington Drive **Applicant:** Dale Pilling (D.E. Pilling & Assoc.)

Subject: Application to the AAC for the Development of an Recreational Vehicle Campsite

Existing OCP Designation: REC – Private Recreation

Existing Zone: P3 – Parks and Open Space

1.0 Purpose

The applicant is requesting permission from the Agricultural Advisory Committee (AAC) to allow for Non-Farm Use on 1.4 ha (3.4 ac) area of a larger 21.46 ha (53.03 ac) parcel of land (Michaelbrook Ranch Golf Course). The land is within the Agricultural Land Reserve (ALR). The non-farm use is to allow a Recreational Vehicle (RV) Campsite on the property, proposed to contain 30-40 sites. The subject property is adjacent to Mission Recreation Park and Thomson Marsh Park.

2.0 Community Planning

The Official Community Plan (OCP) recommends general non-support for non-farm uses in the ALR, unless there is a direct and significant benefit to agriculture. In addition, Council has taken the step of prohibiting the use of agri-tourist accommodation in the A1 – Agriculture 1 zone.

The OCP states the objective to 'Protect and enhance local agriculture'^[1]. To this end, it lays out multiple policies, including Policy 5.33.6 regarding non-farm uses, whereby it states:

that there should be support of non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- *are consistent with the Zoning Bylaw and OCP;*
- *provide significant benefits to local agriculture;*
- *can be accommodated using existing municipal infrastructure;*
- *minimize impacts on productive agricultural lands;*
- *will not preclude future use of the lands for agriculture;*

^[1] City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35.

- *will not harm adjacent farm operations.*

Community Planning Staff are requesting for the AAC to provide a recommendation for Council (or either support or non-support) for the application for the development of a RV Campsite at Michaelbrook Ranch Golf Course.

3.0 Proposal

3.1 Background

The Michaelbrook Ranch Golf Course is an 18 hole golf course which has been an allowable Non-Farm use since 1990. The 21.3 ha (52.73 ac) parcel incorporates a clubhouse/restaurant, operations building, owners residence, parking area and a former 'pitch and putt' area. The 1.4 ha (3.4 ac) former putting course is the proposed location of the RV Campsite. The site currently sits idle.

Michaelbrook Ranch Golf Course is accessed by Lexington Drive through the adjacent Mission Recreation Park. The Park is home to numerous facilities including community gardens, softball and soccer fields, a playground, dog park and trails. At the nearby H2O Adventure & Fitness Centre and Capital News Centre, the associated swimming pools, arenas and indoor and outdoor fields host numerous tournaments and camps for various sports including hockey, soccer, track, lacrosse, rugby, figure skating and speed skating. It is proposed that the RV campsites would offer an alternate accommodation choice that is not currently available within the immediate area.

Under the ALC regulation, agri-tourist accommodation may be regulated or prohibited by local government bylaw. In 2010, the City of Kelowna adopted Bylaw 10269, regulated the siting and number of units permitted on a property based on size of property. In 2016, City Council approved Bylaw 11265, which prohibited any further agri-tourism accommodation operations in the City. If approved, the subject property would require either a text amendment, or a rezoning to a zone which allows for tourist campsites, in which a registered covenant restricting use on the property would be required.

A brief history of agri-tourism accommodation in the ALR within the City follows in Table 1, below.

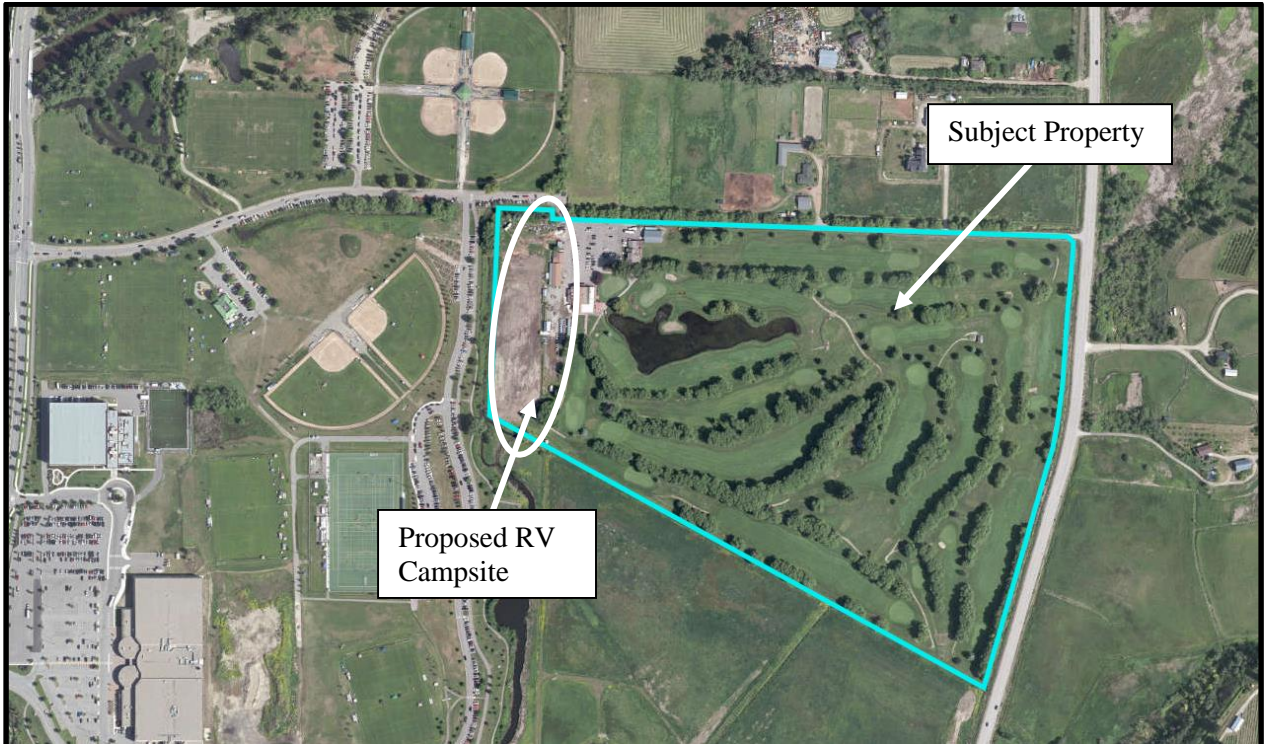
Table 1: History of Agri-tourism Accommodation in the ALR

Year	Agency	Action	Result
2003	Province of BC	Included agri-tourist accommodation as a permitted non-farm use in the ALC Regulation, one that can be regulated or prohibited by local government.	13 Agri-tourist Accommodation operations built through this regulation.
2010	City of Kelowna	Approved the A1t – Agriculture 1 with Agri-tourist Accommodation zone, which outlined specific regulations for agri-tourist operations in the City .	2 properties received the A1t zone between 2010 and 2016.
2016	City of Kelowna	Removed the A1-t – Agriculture 1 with Agri-tourist Accommodation zone as a permitted use in the A1 zone.	No additional agri-tourist operations since 2017.

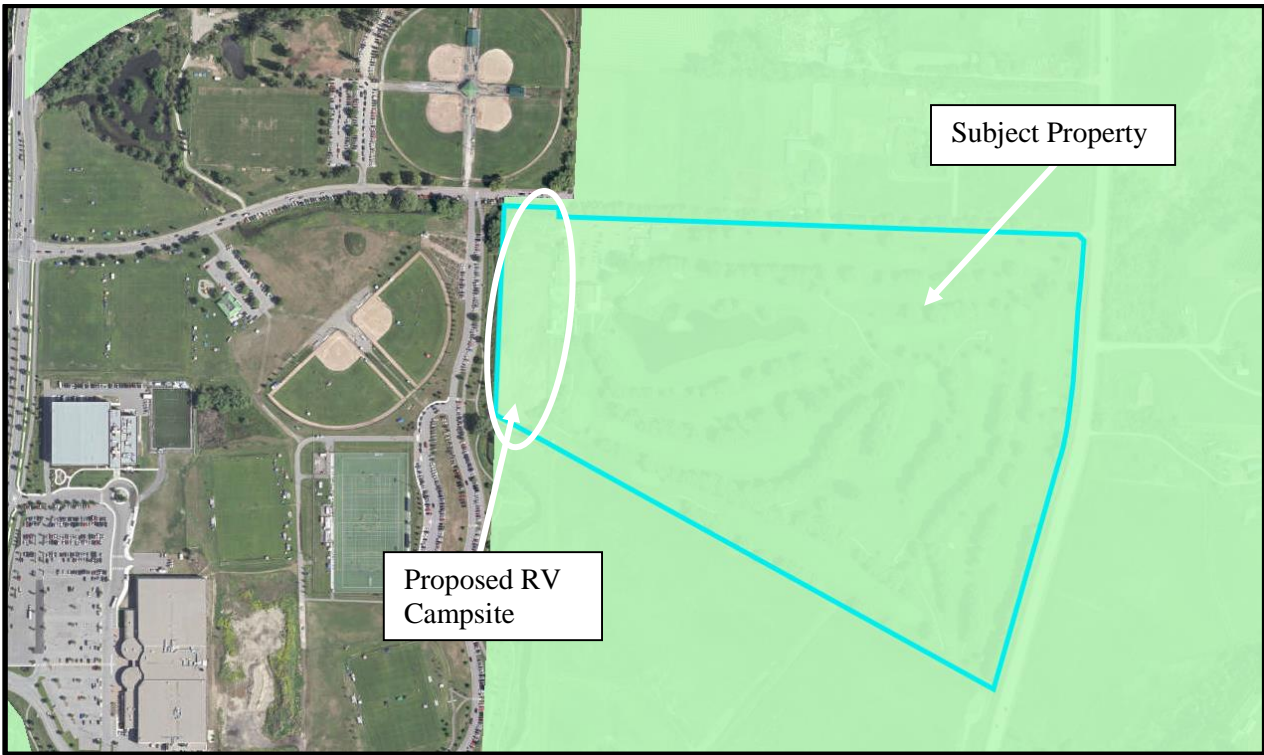
3.2 Site Context

The location of the area to be redeveloped is the most westerly portion of the Michaelbrook Ranch Golf Course parcel and adjacent to both Mission Recreation Park and Thomson Marsh Park. The golf course was permitted as a Non-Farm Use in 1990. The subject area was developed as putting greens, which is no longer in use, and is separated from the 18 hole golf course by the clubhouse and parking lot.

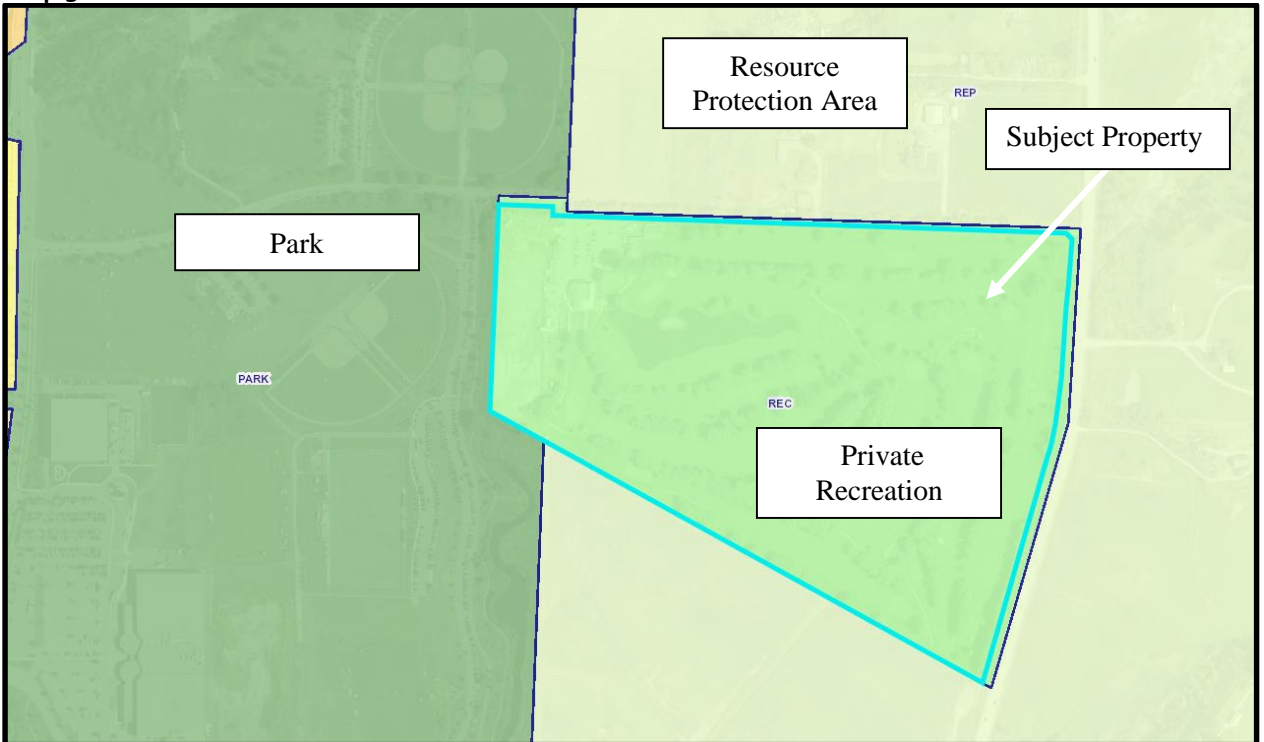
Map 1 – Neighbourhood



Map 2 – Agricultural Land Reserve



Map 3 – Future Land Use



3.3 Neighbourhood Context

The subject property lies within the Agricultural Land Reserve. It is zoned P₃ – Parks and Open Space and the Future Land Use is Private Recreation. It is located outside of the Permanent Growth Boundary.

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

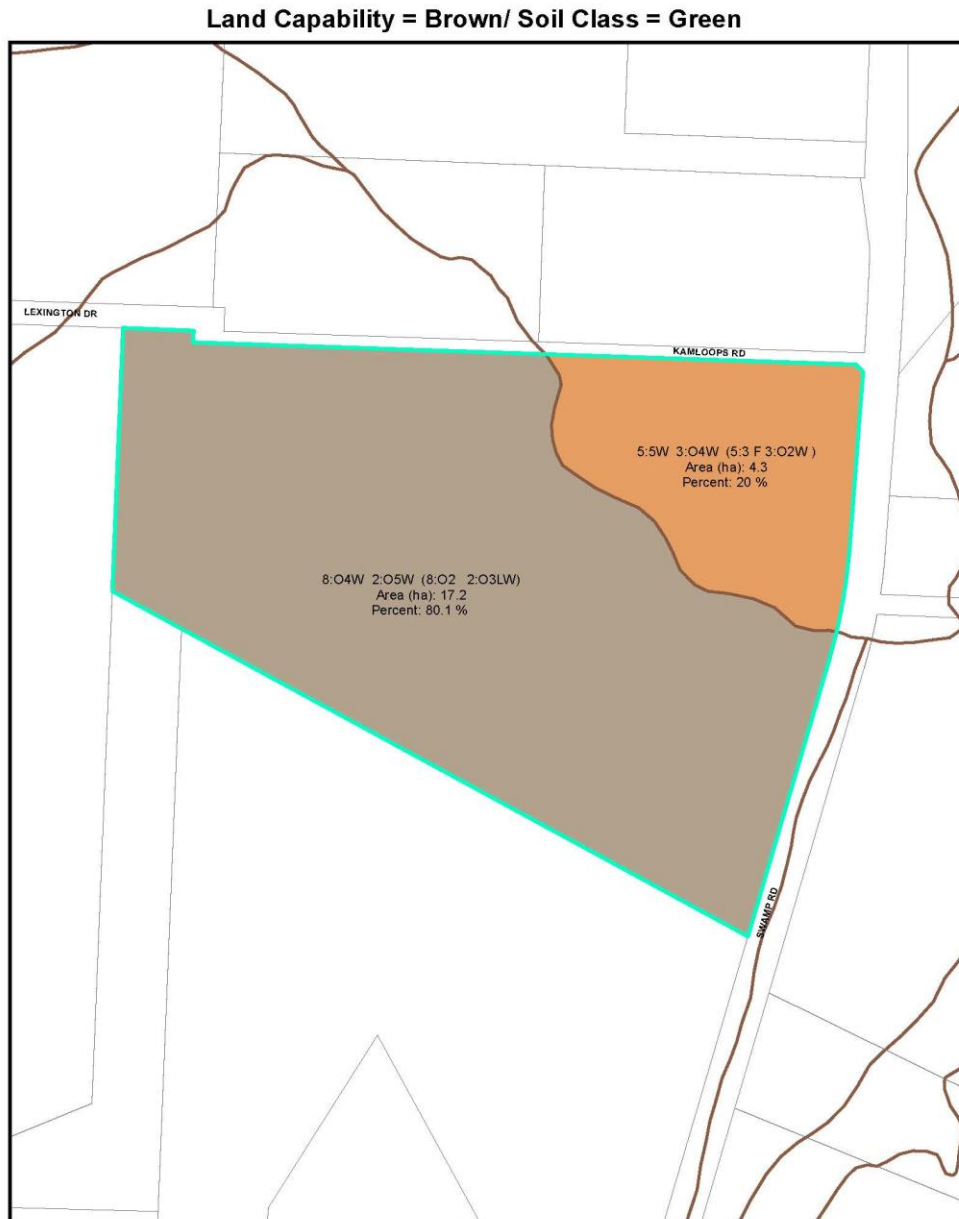
Table 2: Zoning and Land Use of Adjacent Property

Direction	Zoning	ALR	Land Use
North	A ₁ – Agriculture 1	Yes	Agriculture
South	A ₁ – Agriculture 1	Yes	Agriculture
East	A ₁ – Agriculture 1	Yes	Agriculture
West	P ₅ LP – Municipal District Park (Liquor Primary)	No	Park / Natural Area / Recreation

3.4 Agricultural Land Capability

The Agricultural Land Capability of the subject property is primarily Class 4 with some Class 5 occurring. It has a high organic content with limitations due to wetness (high water table). With improvements (e.g. drainage works such as ditching), the capability can be improved to Class 2 with some Class 3 occurring. Class 1 – 3 are considered to be the best land for most crops and are relatively rare in the Okanagan.

Map 4 – Land Capabilities Map



2.5 Soil Capability

The soils on the property are primarily (80%) Rumohr soils, which have 20 – 60 cm of decomposed organics overlaying up to 50 cm of marl. These typically have a high water table but, with drainage improvements, are typically used for vegetable or hay production.

A minor portion (20%) of the soils is Kendall soils. These soils are comprised with a well decomposed organic layer that is 40-160 cm thick, underlain by sand or loamy sand. These soils are usually cleared for hay production.

Map 5 – Soil Capabilities Map



Report prepared by: Kimberly Brunet, Planner

Approved for Inclusion: Todd Cashin, Suburban and Rural Planning Manager

Attachments:
Schedule A – Policies
Proposed Site Map

SCHEDULE A - Policies



Subject: 1085 Lexington Drive

Agriculture Plan (2017)

Appendix D Table 1 – Recommended Official Community Plan Updates^[1]

Action 1.1c Restrict 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 or meet essential requirements of municipal government.

City of Kelowna Strategic Plan

Objective¹: Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

Action towards this objective²: Evaluate the effectiveness of City policies and bylaws in preserving agricultural lands.

Kelowna Official Community Plan (OCP)

Chapter 04 - Land Use Designation Definitions

Resource Protection Area (REP)³

Generally land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses.

Major Park/Open Space (public) (PARK)⁴

City, District, Community, Neighbourhood and Linear parks. Not all parks required over the next 20 years are indicated on the map, as Neighbourhood parks will be provided at City standards as integral components of new and redevelopment initiatives. A major Recreation Park will be provided in the Glenmore Valley area. Open space indicated at the south end of Ellison Lake is intended as wildlife habitat preservation subject to approval of the appropriate provincial ministry or agency.

^[1] City of Kelowna, 2017. Agriculture Plan - Appendix D Table 1 – Recommended Official Community Plan Updates P. 44

¹ City of Kelowna Strategic Plan. 2004. P. 7.

² City of Kelowna Strategic Plan. 2004. P. 29.

³ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.2.

⁴ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.6.

Private Recreation (REC)⁵

Large-scale recreation uses such as golf courses, driving ranges, and rifle ranges, operating as commercial ventures or clubs.

Permanent Growth boundary⁶

Lands within the permanent growth boundary may be considered for urban uses within the 20 year planning horizon ending 2030. Lands outside the permanent growth boundary will not be supported for urban uses.

Chapter 05 – Development Process

Objective 5.3 Focus development to designated growth areas.

Policy .1 Permanent Growth Boundary⁷. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Support development of property outside the Permanent Growth Boundary for more intensive uses only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council’s specific amendment of this policy. Resource Protection Area designated properties not in the ALR and outside the Permanent Growth Boundary will not be supported for subdivision below parcel sizes of 4.0 ha (10 acres). The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

Agricultural Land Use Policies

Objective 5.33 Protect and enhance local agriculture⁸.

Policy .1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy .2 ALR Exclusions. The City of Kelowna will not forward ALR exclusion applications to the ALC except in extraordinary circumstances where such exclusion is otherwise consistent with the goals, objectives and other policies of this OCP. Soil capability alone should not be used as justification for exclusion.

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Agricultural Land Commission Act (ALCA)

Purposes of the commission – Section 6 of the ALCA

The following are the purposes of the commission:

- (a) to preserve agricultural land;

⁵ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.6.

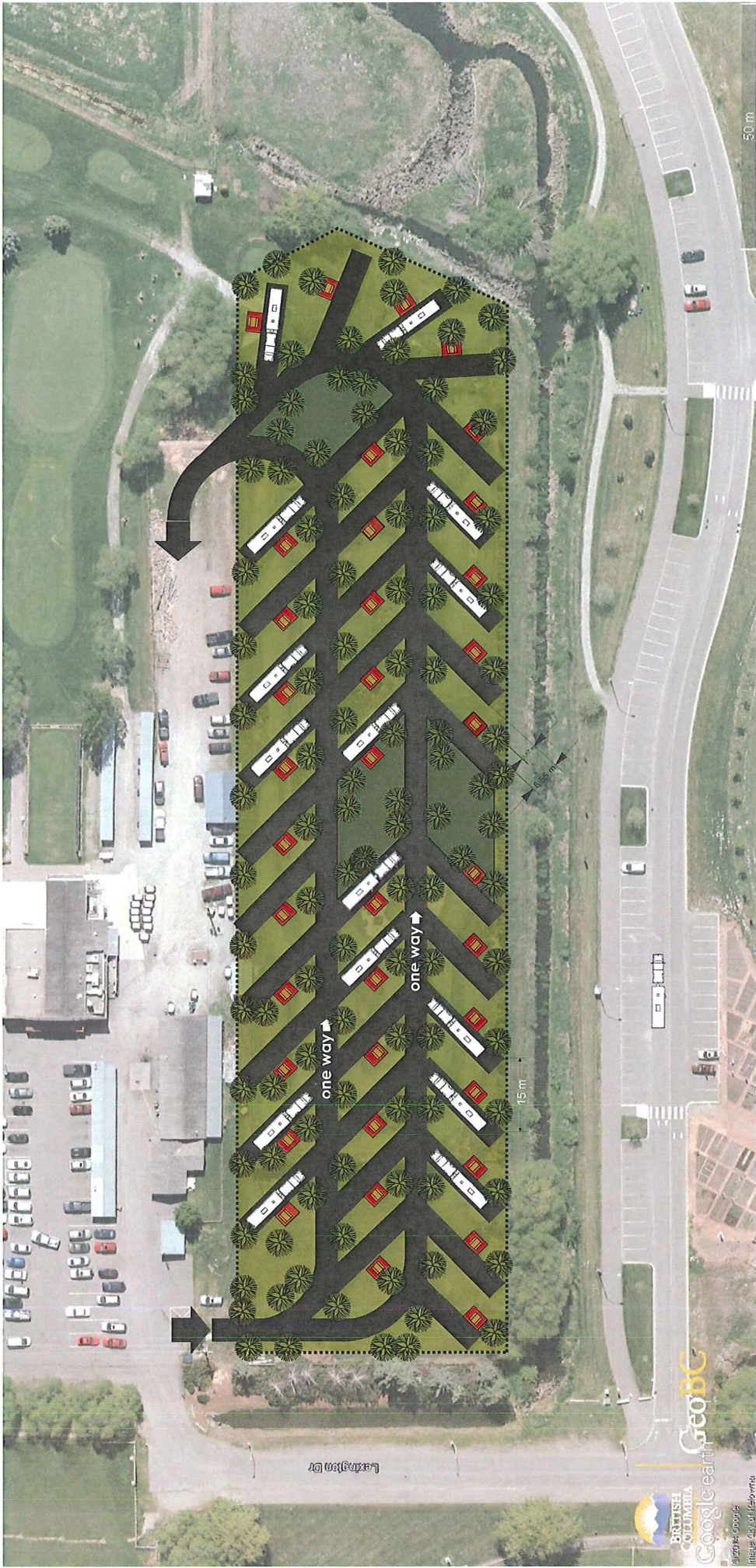
⁶ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.6.

⁷ City of Kelowna 2030 Official Community Plan. Development Process Chapter. P. 5.2.

⁸ City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5:35.

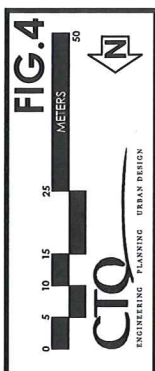
(b) to encourage farming on agricultural land in collaboration with other communities of interest;

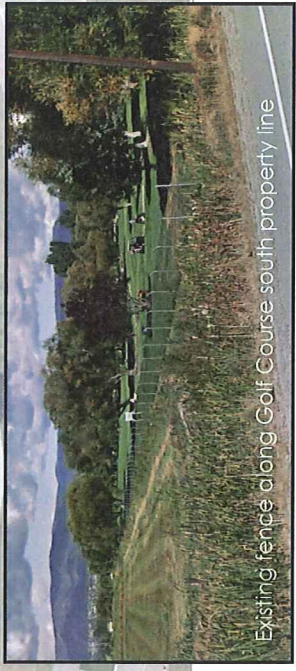
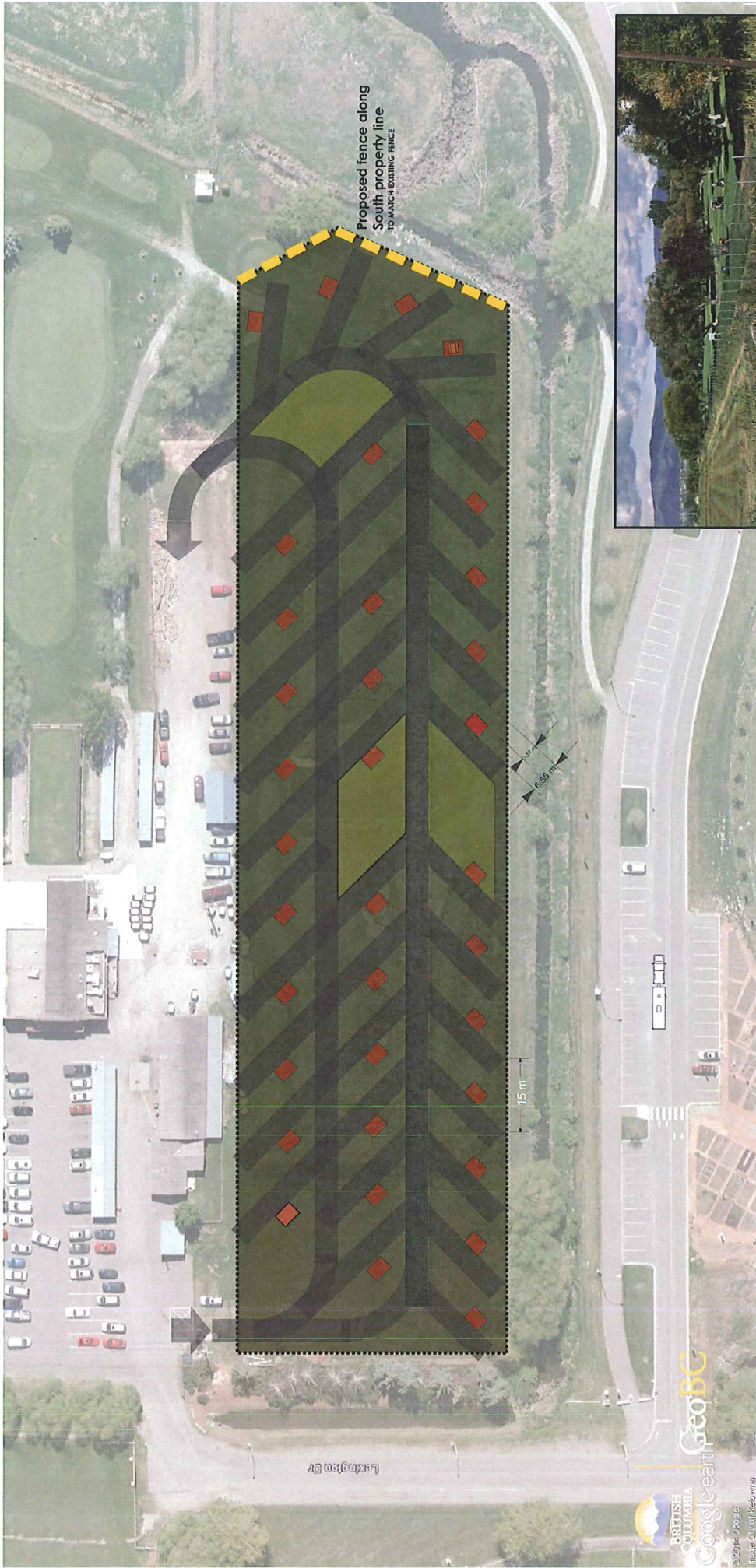
(c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.



CONCEPT PLAN 30 - 40 SITES

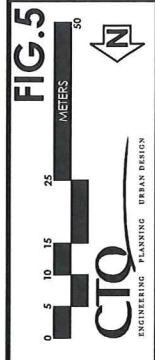
NON FARM USE - PROPOSED RV PARK ON MICHAELBROOK GOLF COURSE





FENCING

NON FARM USE - PROPOSED RV PARK ON MICHAELBROOK GOLF COURSE





GOLF COURSE FACILITIES/OPERATIONS AREA

NON FARM USE - PROPOSED RV PARK ON MICHAELBROOK GOLF COURSE

FIG.6





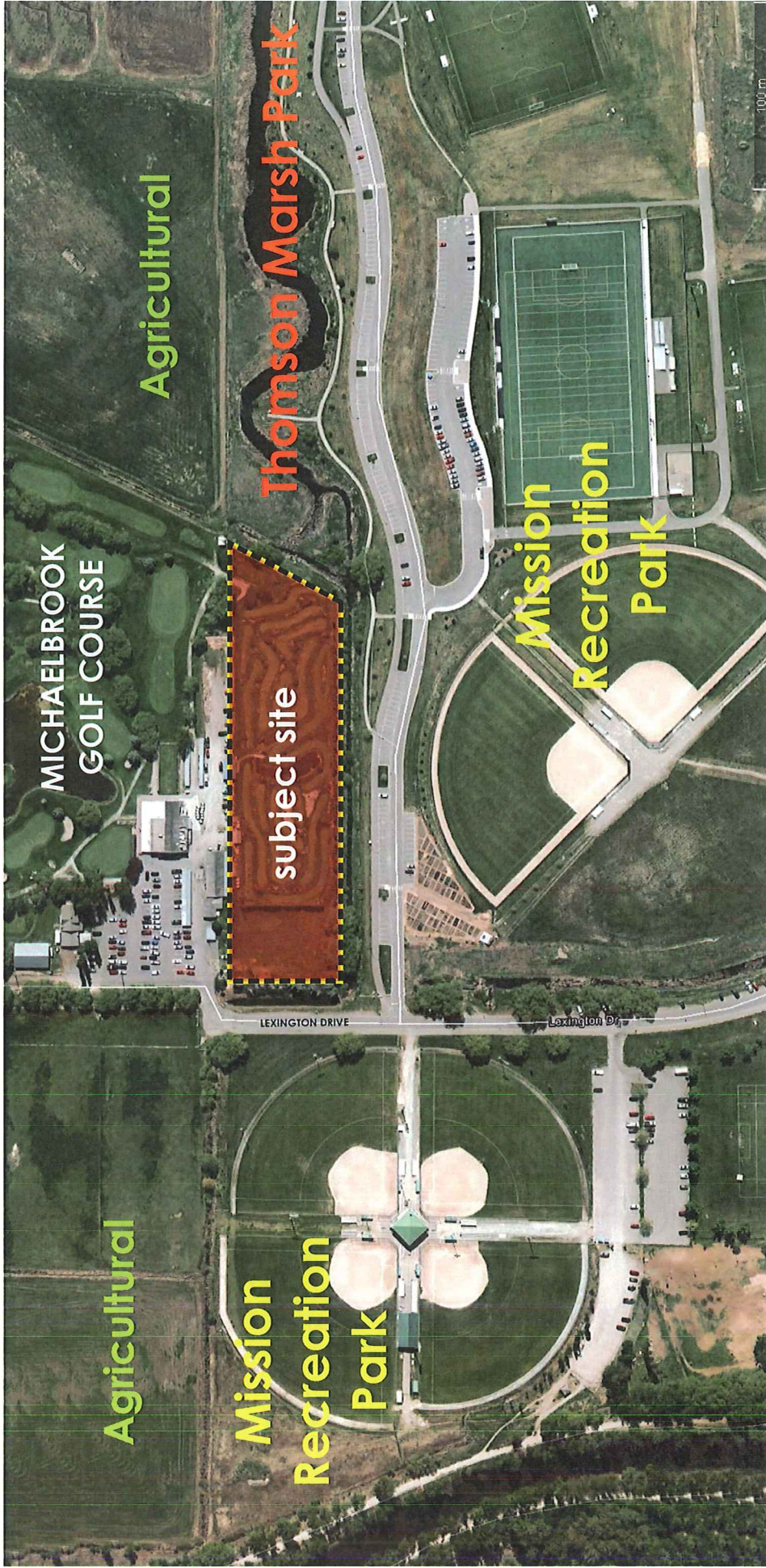
EXISTING CONDITIONS

Oct 29, 2014

NON FARM USE - PROPOSED RV PARK ON MICHAELBROOK GOLF COURSE

FIG.7





SURROUNDING USES

NON FARM USE - PROPOSED RV PARK ON MICHAELBROOK GOLF COURSE

FIG.10



3.2 Project Description

The proposal is to place fill and topsoil over a 3-year period. The soil placement would be used to fill in low spots and be cultivated reseeded to enhance the present usage of the land. The goal is to regrade the property to a continuous gradual slope from the existing driveway to the north limit of the property. The agrologist's report is attached.

3.3 Site Context

The subject property is located in the North Glenmore, Sector of the City and is within the Agricultural Land Reserve. The Future Land Use of the property is Resource Protection Area (REP). It is zoned A1 – Agriculture 1 (Maps 1 – 4, below) and is outside of the Permanent Growth Boundary. The property slopes from the south to the north, with a height of land at the south property line of 436.0 metres, sloping to the north property line at 435.0 metres, with a slope over the property which averages approximately 1%.

Parcel Summary – 841 Curtis Rd:

Parcel Size: 2.62 ha (6.47 acres)

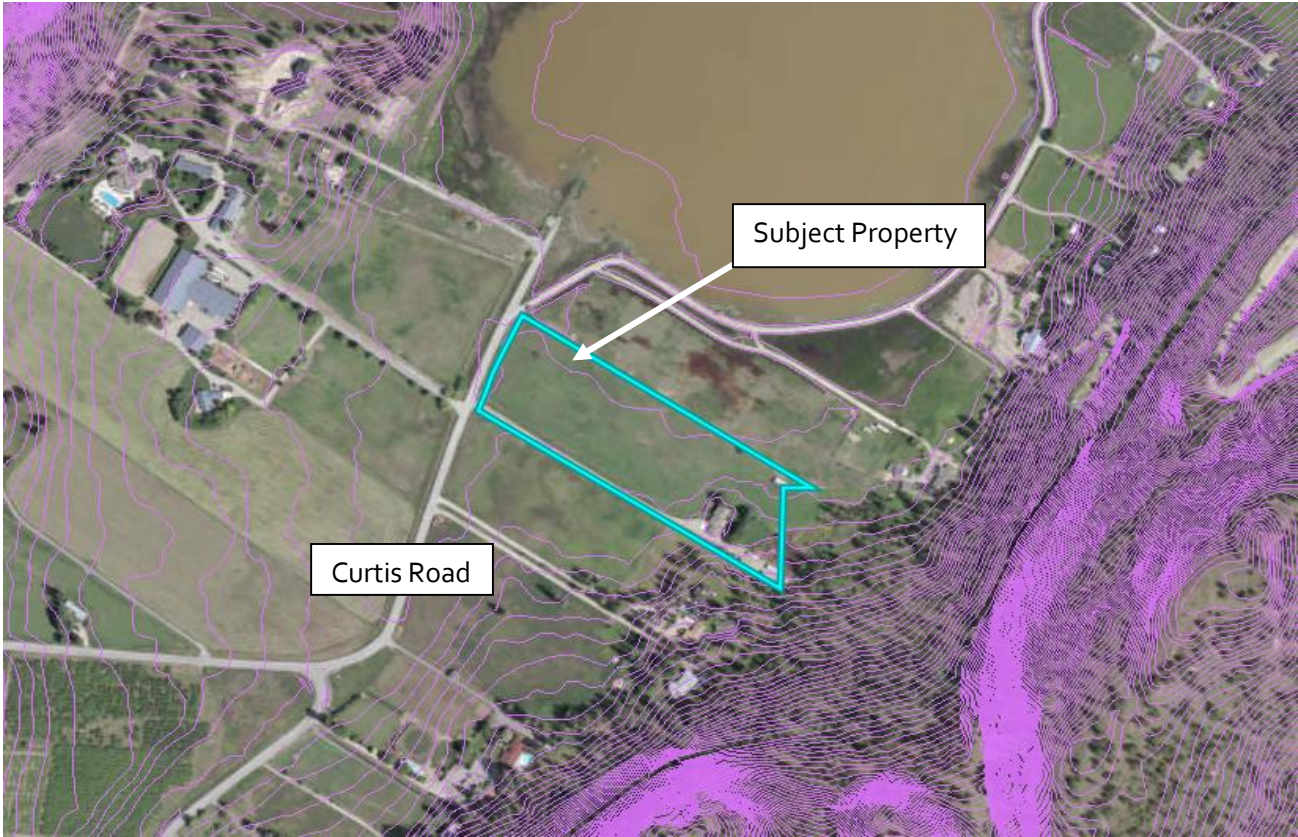
Elevation: 436.0 to 435.0 metres above sea level (masl) (approx.)

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

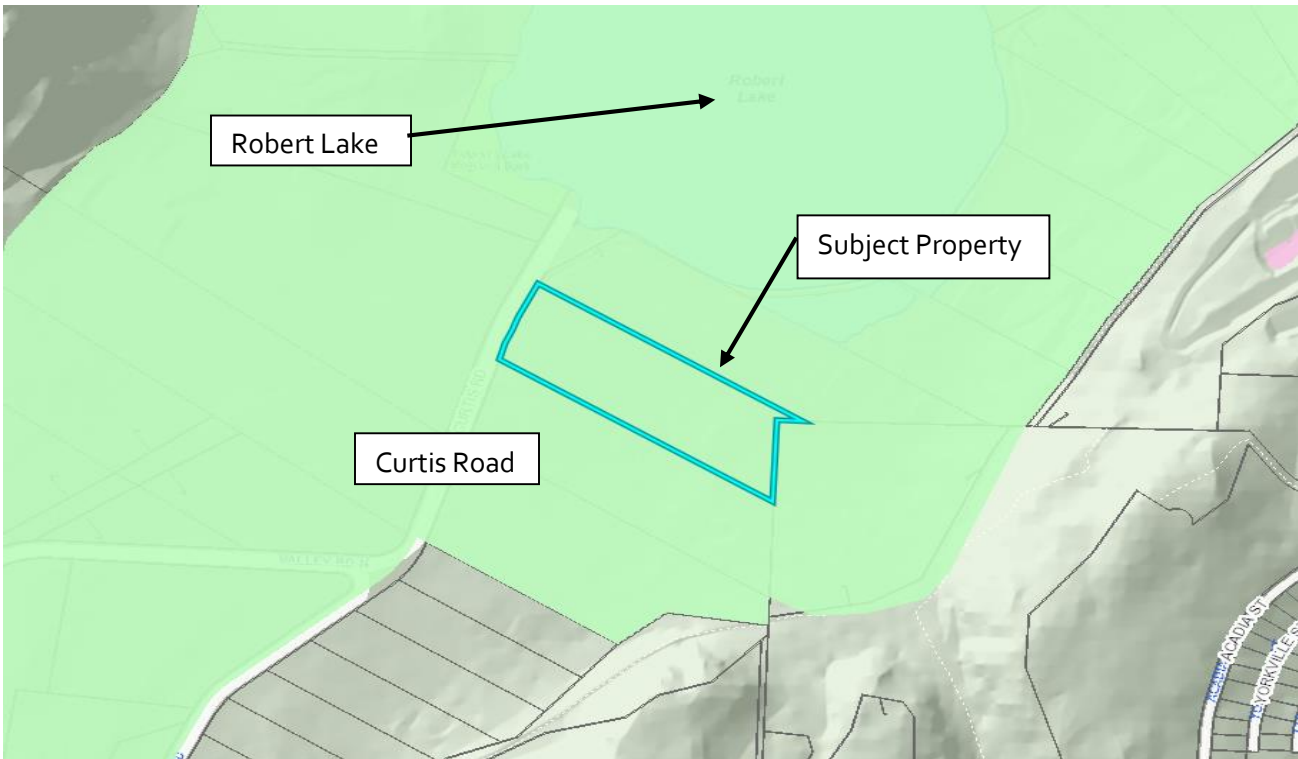
Table 1: Zoning and Land Use of Adjacent Property

Direction	Zoning	ALR	Land Use
North	A1 – Agriculture 1	Yes	Agriculture / Rural Residential
South	A1 – Agriculture 1	Yes	Agriculture / Rural Residential
East	A1 – Agriculture 1	Yes	Agriculture
West	A1 – Agriculture 1	Yes	Agriculture / Rural Residential

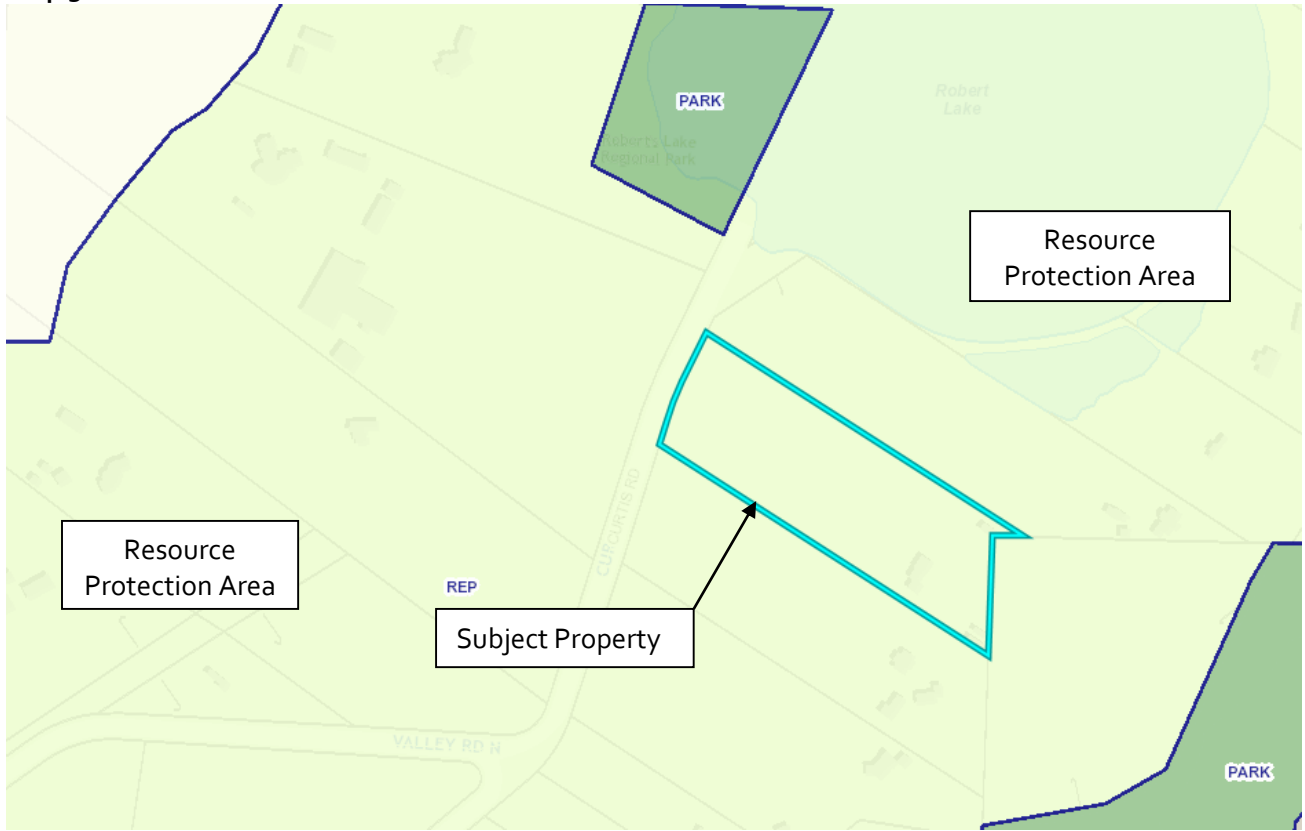
Map 1 - Neighbourhood



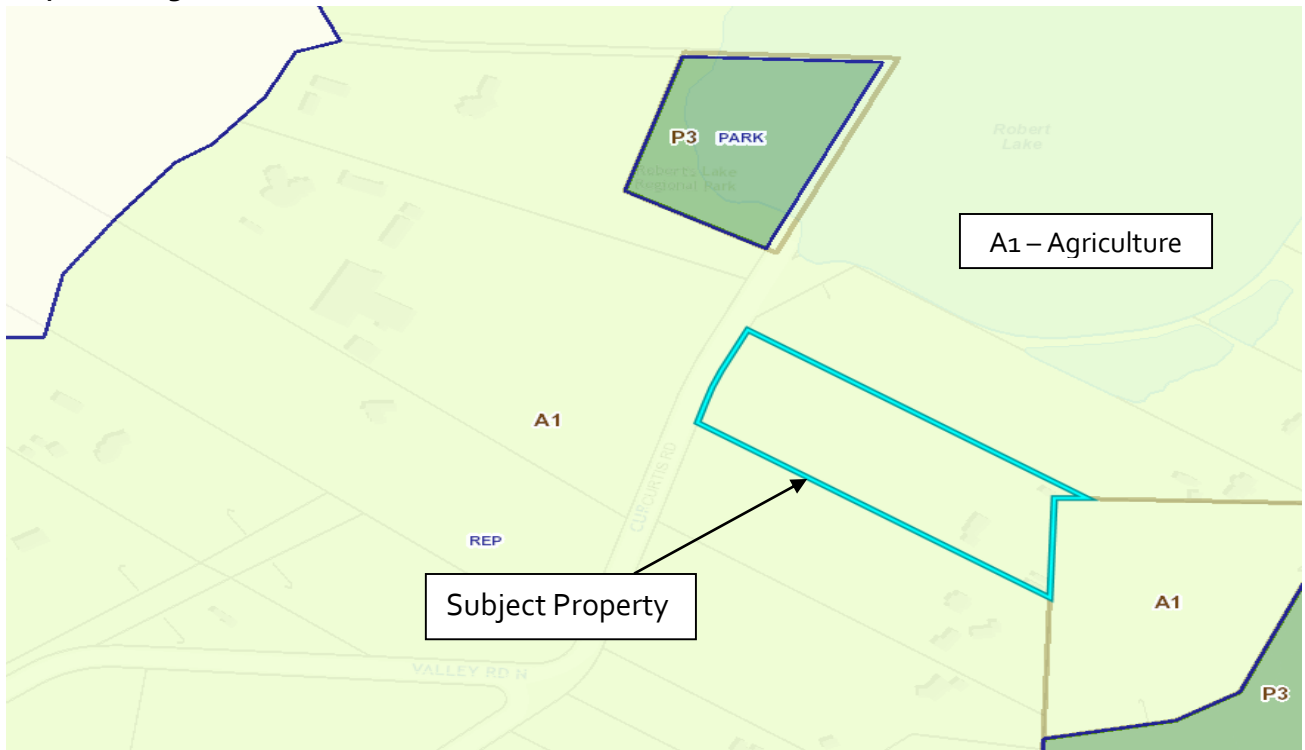
Map 2 – Agricultural Land Reserve



Map 3 – Future Land Use



Map 4-Zoning



4.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

Protect and enhance local agriculture¹.

Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Non-farm Uses. Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- are consistent with the Zoning Bylaw and OCP;
- provide significant benefits to local agriculture;
- can be accommodated using existing municipal infrastructure;
- minimize impacts on productive agricultural lands;
- will not preclude future use of the lands for agriculture; and
- will not harm adjacent farm operations.

4.2 Natural Environment Development Permit Areas²

Unless exempted, a development permit addressing natural environment and water conservation guidelines must be approved before:

- Subdivision of land;
- Alternation of land, including but not limited to clearing, grading, blasting, preparation for or construction of services, and roads and trails;
- Drilling a well for consumptive or geothermal purposes; and/or
- Construction of, addition to, or alteration of a building or structure;

For those properties shown as Natural Environment Development Permit Areas.

4.3 City of Kelowna Agriculture Plan (1998)

ALR Application Criteria³

Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.

4.4 Agricultural Land Commission Act (ALCA)

Section 6 Purposes of the Commission

The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;

¹ City of Kelowna, 2012. 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.33.

² City of Kelowna, 2012., 2030 Official Community Plan; Chapter 12 - Natural Environment DP

³ City of Kelowna Agriculture Plan. 1998. P. 130.

(c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Report prepared by: Sergio Sartori, Development Technician

Approved for Inclusion: Todd Cashin, Community Planning Department Manager

Attachments:

Photos

Agrology Report

August 29, 2017

To: Whom it may concern

RE: Gravel Placement

1.0 Introduction

Art and Linda Scheffler have asked me to provide a professional report in support of their application to apply gravel fill on their property known as:

That Part of Lot 11, Shown on Plan B16248, Block 15, Sections 3 and 10, Township 23, Osoyoos Division, Yale District, Plan 1068, PID 008-590-834, at 841 Curtis Road, Kelowna, BC.

The location of the property is shown in Figure 1:

Figure 1: Location of the Scheffler Property



2.0 Qualifications

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

2533 Copper Ridge Drive, West Kelowna, BC, V4T 2X6,

Phone: 250-707-4664, Cell: 250-804-1798, email: bholtby@shaw.ca

During my years in both public and private practice, Courts and Review Boards have accepted me as an expert regarding farming practices in British Columbia.

I am currently a member of the Environmental Appeal Board and the Forest Appeals Commission. Following these appointments, I have received training in Administrative Law and the Rules of Natural Justice.

The reader should note that I do not act as an agent in the normal use of the term. That is, I have no fiduciary responsibility to the applicant.

Section 3 of the Code of Ethics of the BC Institute of Agrologists includes the paragraph:

- ensure that they provide an objective expert opinion and not an opinion that advocates for their client or employer or a particular partisan position.

3.0 The Proposal

The purpose of the placement of gravel fill is to facilitate “flushing” of salts from the soils in their pasture. Specifically, the low lying area to the North West of the parcel have been identified as containing high levels of Potassium, Magnesium, Sodium and Sulfate. In addition, the pH of the soils as a result of the salts is 8.3, clearly alkaline and not conducive to good plant growth.

These levels were identified in a soils report from Griffin Laboratories Inc. in May, 2002. I know of no remedial action having been taken in the intervening years and therefore feel confident in assuming that these levels still exist.

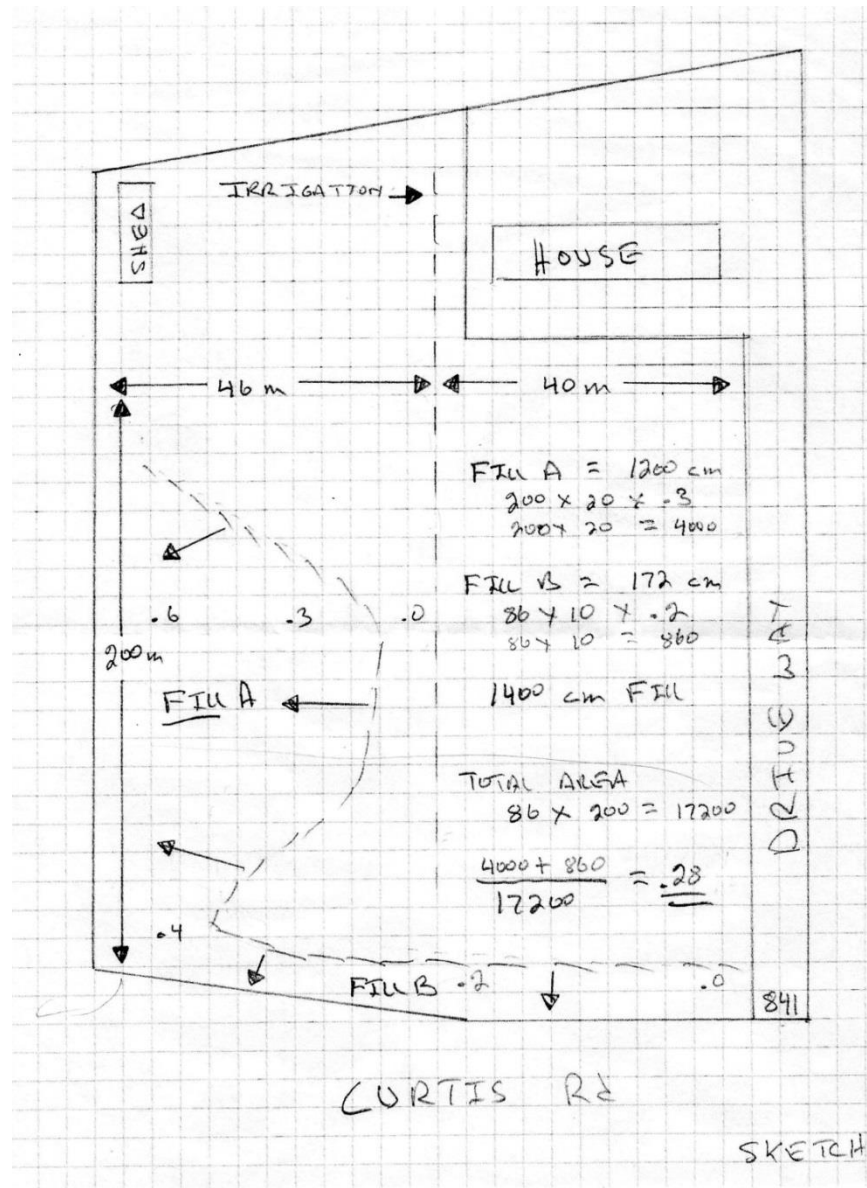
Flushing the salts over time is the known remedy for this action. Normally, the farmer uses tile drainage to remove the salts which are dissolved in the irrigation water. While effective, tile drainage is also expensive. In addition, the Scheffler property contains heavy clays (see Photograph 1) and the ability for water to drain through the clays is suspect. The higher knolls on the property on the south along the driveway do not exhibit the same effect of alkalinity or salt saturation. Water from these knolls will drain along the surface to the lower part of the pasture which is the subject of this proposal.



Photograph 1: Soil Pit in Area to be Drained

Mr. Scheffler has provided a sketch map for his property that identifies the area to be drained. These are identified as Fill A or Fill B. This map is shown in Figure 2:

Figure 2: Sketch Map for the Drainage Plan



In this case, there are two proposals which, depending on the nature of the gravel fill to be imported, can be effectively and economically used, in my opinion.

If the gravels to be brought into the land contain a large amount of fine material, the best approach in my opinion is to layer the material above the existing low lying area. Layers of topsoil can then be placed above the gravels to ensure a drained seedbed.

This process will allow the flushed water to drain through the now higher ground and will connect to the existing drainage ditch on the property boundary on the north side of the property. This drained water will follow the normal course through the ditch to the lake.

If the gravel material is relatively clean, I would recommend trenching the land in a herring bone pattern with a plow at about a one foot depth and filling the trench with the clean material. This process would be much cheaper to perform since less material is handled. The trenches are best described as “French drains” which are commonly used for water management.

Again, the water will flow to the existing ditch (see Photograph 2) and follow the normal path to the lake.



Photograph 2: Interception Ditch on North of Parcel

Improving drainage on a property is considered a “normal farm practice” according to the Farm Industry Review Board.¹

"normal farm practice" means a practice that is conducted by a farm business in a manner consistent with

(a) proper and accepted customs and standards as established and followed by similar farm businesses under similar circumstances, and

¹ Section 1, *Farm Practices Protection (Right to Farm) Act*, RSBC 1996,

(b) any standards prescribed by the Lieutenant Governor in Council, and includes a practice that makes use of innovative technology in a manner consistent with proper advanced farm management practices and with any standards prescribed under paragraph (b).

In the decision in *Hall vs Rohrer*, the Panel of FIRB declared that:²

We accept that a landowner has the right to improve drainage, subject to any applicable land use regulation, to more effectively use his property and maximize the profitability of his land.

This decision is contingent on no adverse effect of the drainage improvements on neighbouring properties. Given the use of existing ditches, I know of no such adverse effects on neighbouring properties.

The plan of Mr. and Mrs. Scheffler can in my opinion, meet the criteria of “normal farm practice.”

I will be pleased to answer any questions that may have been raised by my opinion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R.G. Holtby', with a long horizontal flourish extending to the right.

R.G. (Bob) Holtby, P.Ag.

² *Hall vs Rohrer*, FIRB Decision, August 26, 2010



05/09/2017



05/09/2017

COMMITTEE REPORT



Date: October 12, 2017
RIM No. 1210-21
To: Agricultural Advisory Committee (AAC)
From: Kevin Van Vliet, Utility Services Manager
Subject: Community Engagement Process – Agricultural Water Rate Design

1.0 Purpose

To inform the Committee of the engagement strategy to inform consideration of a new water rate design for agricultural water customers with which to update the Water Regulation Bylaw No. 10550.

2.0 Background

With more than 12,000 hectares of the City's land base zoned agriculture, agriculture is integral to the history and identity of Kelowna and is a key consideration in the City's community planning, economic development and sustainability. During the engagement process for the recently endorsed Agriculture Plan, water was identified as a concern by growers and residents. To that end the Agriculture Plan identified two actions for ongoing and long-term implementation which the upcoming engagement is also consistent with, namely:

- 2a: Evaluate and monitor City of Kelowna water pricing with the goal of sustaining agriculture and;
- 2f: Continue to work towards ensuring sustainable, redundant and secure water for all agriculture.

The pending transition of Southeast Kelowna customers into the City system and the separation of the irrigation and domestic water supplies has resulted in the need for the City to review its agriculture rate and rate design to ensure that necessary Water Regulation Bylaw updates result in fair rates that encourage conservation and support farming operations.

The City of Kelowna water utility currently has sixteen customers (as of January 2017) that are in the "Agricultural" customer class. City agricultural customers pay a fee of \$0.114 per cubic metre for all water consumed on the property. There is no additional fee for a residence. In contrast, South East Kelowna Irrigation District (SEKID) currently charges a fixed fee per acre of land that has been allocated water. Residences pay a separate, additional water fee. This rate design provides more stability to the farmer in predicting costs but little incentive to use less than their given allocation. On a spectrum of charging for water, the City and SEKID rate models are at opposite ends. In the middle are many options that combine a fixed component with a variable component based on water use, such as the system used for City of Kelowna residential and commercial customer classes.

Incorporation of SEKID's and the South Okanagan Mission Irrigation Districts's (SOMID) agricultural customers into the City of Kelowna water utility necessitates that the City's current agricultural rate design

be changed. The City has committed to consulting with the agricultural community and reporting back to Council on what might be a more appropriate rate design. While SEKID will continue to set the irrigation rates for customers in 2018 and 2019, we hope to give customers assurance and advance notice of any changes to the rate design that may affect them and are therefore planning consultation to occur this fall and winter.

Engagement Process:

The communication and engagement process seeks to outline options for an agriculture rate design and provide Council with recommendations on a preferred option moving forward after 2019.

In all forms of consultation, emphasis will be placed on considering both collective and individual needs, ensuring all voices are heard and analyzing the range of issues. Guided by an engagement plan reflecting the City's Public Engagement Guiding Principles and Engagement Policy staff will facilitate meaningful dialogue amongst stakeholders across the community, not just SEKID customers, as any current or potential City agriculture customers will also be affected by any rate design adopted. Opportunities for a broader discussion by all members of the community will also be available.

The goals of the engagement process include:

- To inform customers and stakeholders with balanced and objective information
- To engage customers and stakeholders in the rate design process
- To create opportunities for customer and stakeholder input on rate design, billing cycle preferences and agricultural customer classifications
- To create broader understanding of the value of the water utility and investment of customers in water resource stewardship
- To create understanding of the value of water use efficiency and water conservation

A variety of direct in-person and online public consultation techniques will be used to reach a variety of stakeholders, identify issues and gather input for the plan.

The engagement process will start in mid-September and will be conducted as below. The consultation will focus on engaging the directly impacted agricultural customers but will provide opportunities for broader community and stakeholder input.

The following stakeholders have been identified as having either direct or indirect interest in the subject:

Direct interest:

SEKID Board of Trustees
Agricultural Advisory Committee (AAC)
SEKID Agricultural Customers
Current City Agricultural Customers
SOMID Agricultural Customers
City Council

Indirect interest:

Industry Groups
Other Water Improvement Districts/Communities
Summerland Research and Development Centre
Regional District of Central Okanagan
First Nations

Activity:

Phase 1: Inform about plan and process

- Face- to- face Meetings (including SEKID Board, Agricultural Advisory Committee (AAC))
- Website Update
- Mail-out to stakeholders (including SEKID customers, current City customers, SOMID Customers)

Phase 2: Collect input

- Face- to- face Meetings (including SEKID Board, AAC)
- Online Engagement
- Stakeholder workshop by invitation
- Public Open House

Phase 3: Review and Report

- Council Workshop
- Report out of engagement results

Phase 4: Council Consideration

- Review 2018 engagement outcomes
- Recommendation and rationale for preferred rate design option
- Council to adopt rate design and set rates for 2020



Next Steps:

Information on the project, background and on upcoming engagement opportunities will be available on the Kelowna Integrated Water – Phase 1 webpage at kelowna.ca/water.

Staff anticipates reporting back to Council with a summary of the engagement and will gather Council’s input on the draft rate design arising from public and stakeholder feedback.

Changes to Water Regulation Bylaw No. 10550 will be proposed in Spring 2019 prior to official transition of agricultural customers to the City utility in 2020.

Report prepared by:

Kevin Van Vliet, Utility Services Manager

Approved for Inclusion:



Joe Creron, Deputy City Manager

Agricultural Advisory Committee Minutes

Date: Thursday, August 10, 2017
Location: Council Chamber
City Hall, 1435 Water Street

Committee Members Present: John Janmaat (Chair), Yvonne Herbison (Vice Chair), Domenic Rampone, Keith Duhaime and Jill Worboys (Interior Health))

Committee Members Absent: Ed Schiller, Pete Spencer and Tarsem Goraya,

Staff Present: Planner Specialist, Melanie Stepphun; and Legislative Coordinator (Confidential), Arlene McClelland

(* denotes partial attendance)

1. Call to Order

The Chair called the meeting to order at 6:03 p.m.

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

2. Applications for Consideration

2.1 3317 McCulloch Road, A17-0006 - Calvin Kuipers & 7 Kuiper's Holding Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the application before the Committee.
- Staff advised that:
 - o the proposal is for a non-farm use to permit long term, year round rentals of recreational vehicles specifically for low cost housing on the subject property.
 - o the OCP Policy states non-farm use support where:
 - are consistent with the Zoning Bylaw and OCP;
 - provide significant benefits to local agriculture;
 - can be accommodated using existing municipal infrastructure;
 - minimize impacts on productive agricultural lands;
 - will not preclude future use of the lands for agriculture;
 - will not harm adjacent farm operations.
- Staff advised of the public notification for the original Application for Exclusion in 2015.
- Staff advised of the following Ministry of Agriculture Comments:
 - Non-farm uses intended for ultimate reclamation to agriculture
 - Farming requires access to land in farming areas, while industrial uses can occur elsewhere
 - Potential impacts adjacent agriculture – noise, dust or contamination
 - Buffers should be addressed
 - Potential of property for non-soil based agriculture
 - Temporary non-farm uses are preferred.

AAC/Staff Discussion:

- A Committee Member inquired if some RV's that had been placed on this property had remained there since that time.

- Staff confirmed that some existing RV's have stayed year round and that the applicant would be able to provide background history of RV status.

Calvin Kuipers, Applicant

- Provided a brief background of the usage of RV's on the subject property since 2009.
- Confirmed that currently some RV's have been on the property for 3 years.
- Asking for a non-farm use for a portion of the property and noted that the low income individuals residing on the property depend on this housing.
- Advised that due to the high water table in this area grape plantings were severely damaged and have been unsuccessful replanting around this area.
- Advised that this non-farm use will provide a year round income that will help with significant replanting and noted that this RV site is only using a small portion of the property which has never been able to grow anything.
- Advised that the high water table also affects the RV Park and that large RV units are unable to be placed as they have sunk into the ground in this area.
- Confirmed that they currently farm 13 acres and supply a winery with their grapes.
- Advised that they have a full shower and bathroom facility for their farm workers and the workers are also allowed to stay in the RV Park as well.
- Believes that having year round tenants is less disruptive and is quieter than having seasonal tenants coming and going.
- Believes they are providing value to the community.
- Confirmed they will not and cannot expand the RV site.

AAC/ Applicant Discussion:

- Applicant confirmed that there were no RV's on the property in 2009.

AAC/ Staff Discussion:

- Staff clarified that covenant that allowed RV site; states that the use should be temporary and seasonal only.

Moved by Keith Duhaime/ Seconded by

THAT the Agricultural Advisory Committee recommends that Council support Agricultural Land Reserve Application No. A17-0006 for the property located at 3317 McCulloch Road, Kelowna, BC to request permission from the Agricultural Land Commission for a Non-Farm Use to permit long term, year round rentals of recreational vehicles on the subject property.

The motion failed as there was not a Secunder.

Moved by Yvonne Herbison/ Seconded by Domenic Rampone

THAT the Agricultural Advisory Committee recommends that Council NOT support Agricultural Land Reserve Application No. A17-0006 for the property located at 3317 McCulloch Road, Kelowna, BC to request permission from the Agricultural Land Commission for a Non-Farm Use to permit long term, year round rentals of recreational vehicles on the subject property.

Carried

ANEDOTAL COMMENTS:

The Agricultural Advisory Committee expressed concerns with setting a precedence that ALR land be the solution for low cost housing in Kelowna. The Committee also expressed concerns that other RV site applications could come forward suggesting that sections of their farm land was not suitable for farming and suggested this land could be used for other agricultural activities. The Committee noted that this application does not support agriculture or the preservation of Agricultural land.

2.2 1040 Old Vernon Road, A16-0011 - 0698329 BC Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the application for non-farm use.
- Noted that the proposal is to operate a recycling facility for construction and demolition waste, specifically concrete and wood on the subject property.
- Displayed the Development Application process.
- Displayed a context map and provided the background history of the subject property.
- Noted that the Land Capability for a majority of the subject property is Class, improvable to Class 3.
- Confirmed the existing wood debris is too old and degraded for use in cogeneration or compost.
- Displayed the proposed recycling facility site plan.
- Staff advised of the following Ministry of Agriculture Comments:
 - Non-farm uses intended for ultimate reclamation to agriculture
 - Farming requires access to land in farming areas, while industrial uses can occur elsewhere
 - Long term access to ALR lands is in the interest of food security.
 - Potential impacts to adjacent agriculture – noise, dust or contamination.
 - Potential of property for non-soil based agriculture
- Staff advised of the Official Community Plan Policy.
- Responded to questions from the Committee.

Bret Sangren Counsel Representative for Applicant:

- Displayed a PowerPoint Presentation, re: 1040 Old Vernon Road – Non Farm Use Application
- Advised that the Applicant is out of town.
- Provided historical information regarding the land use of the subject property and correspondence between city staff and the owner dating back to 2006.
- Provided remediation attempts from 2006 to 2017.
- Noted the “potential” for non-soil based agriculture and asked who would want to eat anything grown on that land.
- The Committee Report states that 91% of the Kandola’s property has an agricultural capability rating of Class 5 improvable to Class 3 (prime agricultural land) -this is at an expense of over \$1,000,000.00, based on the assumption that the land is generally free of waste and contamination which is not the case.
The proposed operation is for a recycling facility for wood, concrete and trees; some metal as by-product or concrete (rebar) and construction materials.
Metal recycling not intended to be a significant part of the operation; all metal to be collected in on-site containers and removed to scrap metal dealers.
- It has always been the owner’s intention to rehabilitate the property but in order to do so the recycling operation is needed. This allows an income stream to be created at the same time of remediation.
- The proposal allows for reclamation of property to a state where agriculture will be possible in the future and does not need to be a permanent venture.
- Reference impact analysis report on Industrial Uses and noted that required buffering measures such as fence or greenery will mitigate the negative impacts of future land uses on the neighbouring agricultural operations and properties; a remediated industrial site including perimeter buffers would be an improvement for all neighbouring properties.
- Believes this is an opportunity for all involved to clean up what is one of the worst sites in Kelowna.

AAC/ Applicant Discussion:

- Applicant confirmed that discussions with the applicant to remove wood has not occurred.
- Applicant confirmed that there is no succession plan for the property.
- A Committee Member raised concern with spreading concrete and creating an issue with agricultural use of farm land and inquired why a concrete operation.
- The Applicant noted that concrete will clean up the property and stated that the wood has been on the property for 17 years and is contaminating the land further. Concrete goes hand in hand with wood and is part of the recycling facility.

Moved by Keith Duhaime/ Seconded by Domenic Rampone

THAT the Agricultural Advisory Committee recommends that Council support Agricultural Land Reserve Application No. A16-0011 for the property located at 1040 Old Vernon Road, Kelowna, BC to request permission from the Agricultural Land Commission for a Non-Farm Use to operate a recycling facility for construction and demolition waste on the subject property.

Defeated

ANEDOTAL COMMENTS:

The Agricultural Advisory Committee expressed concern that the application is not consistent with Policies and preservation of agricultural land and negatively impacts surrounding agriculture. The Committee also expressed concern that this places undo-strain on existing utilities not resourced for industrial use and opens industrial activity in a large ALR area and places negative impact on maintenance of ALR land.

The Agricultural Advisory Committee commented that should the city move forward with this application a Temporary Use with no extension from 3 years to 6 years unless there is progress on the subject property is recommended; ensure concrete can be kept to a minimum; and request ALC receive sufficient bonding to clean the mess if the owner walks away.

2.3 982 Old Vernon Road, A17-0003 - Jeetender & Manraf Kandola

Staff:

- Displayed a PowerPoint presentation summarizing the application for non-farm use.
- Noted that the proposal is to operate a storage facility for boats and recreational vehicles, composting and storage for a tree service company on specific areas of the property.
- Provided an overview of the development process.
- Provided an overview of the background of the subject property.
- Reviewed previous and current land capability of the subject property.
- Confirmed with the Landfill Manager and City Ogogrow Specialist that the existing wood debris is too old and degraded for use in cogeneration or compost.
- Displayed photos of the proposed Non-Farm Use Plan
- Made reference to the Ministry of Agriculture comments.
- Provided an overview of the Official Community Plan Policy.
- Responded to questions from Committee Members.

Manraf and Jeetender Kandola, Owners

- Purchased the property in 2005 and noted the Sawmill was not operable.
- Spoke to contemplation of wood waste removal and remediation and noted trench burn used as efforts to take care of the significant amount of wood, however, this was expensive to do and shut down after 3 months.
- Confirmed that 150,000 yards of wood has been removed from their property with 30,000 yards of wood remaining.
- Commented on the three separate non-farm uses and noted that landscaping and tree services will only take place on the south side of the property; from 1 to 15 acres; the rest of it would be used for composting and remediation of the land.
- Confirmed that other materials are not accepted on the land.
- Spoke to Egrologist and Planners and there is no good plan to get rid of the wood waste, however, a good portion of the land has already been reclaimed.
- Asking for a Temporary Use Permit to provide income to offset costs of remediation.

AAC/Applicant Discussion

- Confirmed that the Tree Service is not the Applicant's business.
- Confirmed that there currently is no agriculture production and that the 30,000 yards of wood waste has to be dealt with first then ground will need to be screened. Will take some time to return to agriculture.
- Confirmed the owner's intention is to return the land to agriculture.

- Seeking City help to resolve bylaw issue with non-compliance of the tree service.
- Applicant advised that only 8 to 10 RV's would fit in storage and would not create a lot of income.

AAC/Staff

- Confirmed that washrooms are not provided for RV storage area.

Moved by Yvonne Herbison/ Seconded by Keith Duhaime

THAT the Agricultural Advisory Committee recommends that Council support Agricultural Land Reserve Application No. A17-0003 for the property located at 982 Old Vernon Road, Kelowna, BC to request permission from the Agricultural Land Commission for a Non-Farm Use to operate a storage facility for boats and recreational vehicles, composting and storage for a tree service company on a portion of the subject property.

Carried
Domenic Rampone - Opposed

ANEDOTAL COMMENTS:

The Agricultural Advisory Committee recommended support for this application and acknowledged that the owners have been working diligently on remediation and therefore recommend a 3-year Temporary Use Permit with an extension if there is continued progress. The Committee would expect non-farm use activities to cease when the remediation is completed. The Committee recommended visual screening for the purpose of respecting the neighbourhood. The Committee does not want the support of this application to set a precedence for other farmers and support is only being considered due to the history of this particular property and the clear goal of remediation on this property.

3. Minutes

Moved by Domenic Rampone/ Seconded by Keith Duhaime

THAT the Minutes of the May 11, 2017 and June 8, 2017 Agricultural Advisory Committee meetings be adopted.

Carried

4. Next Meeting

The next Committee meeting has been scheduled for September 14, 2017.

5. Termination of Meeting

The Chair declared the meeting terminated at 8:27 p.m.

John Janmaat, Chair

/acm

