

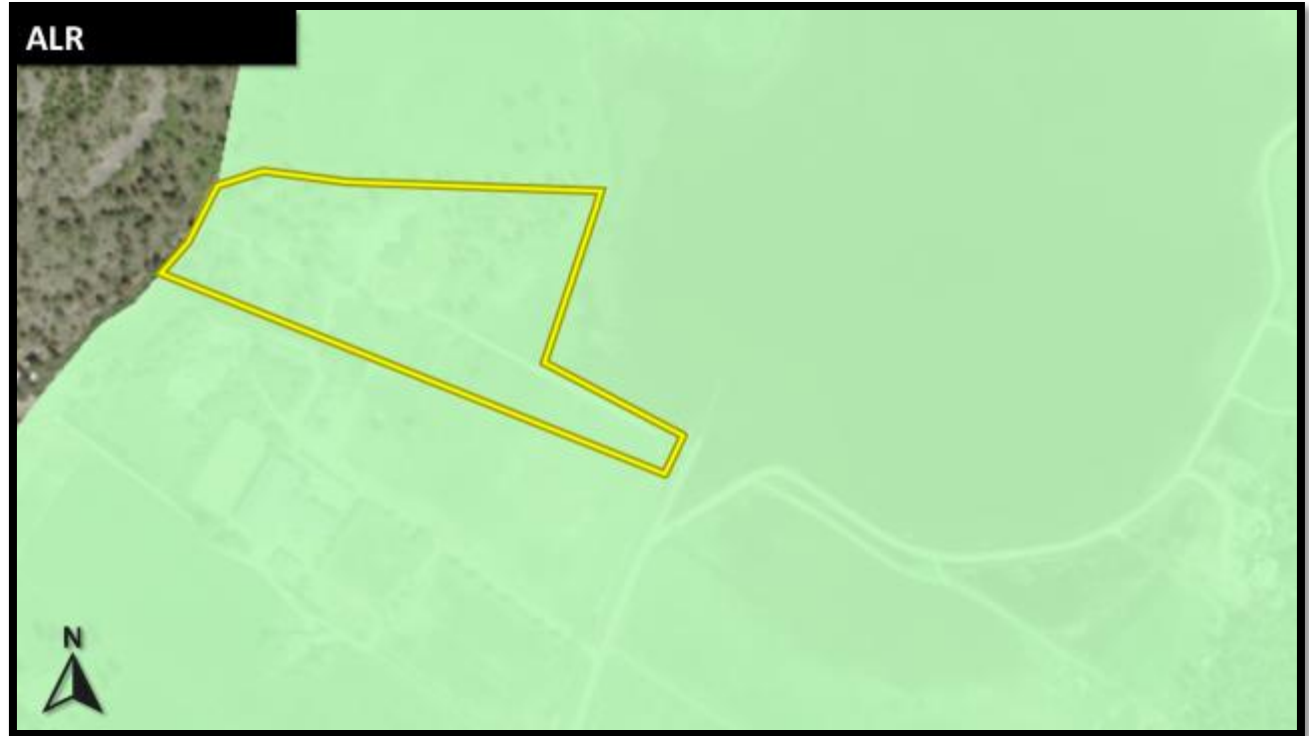
2.2 Site Context

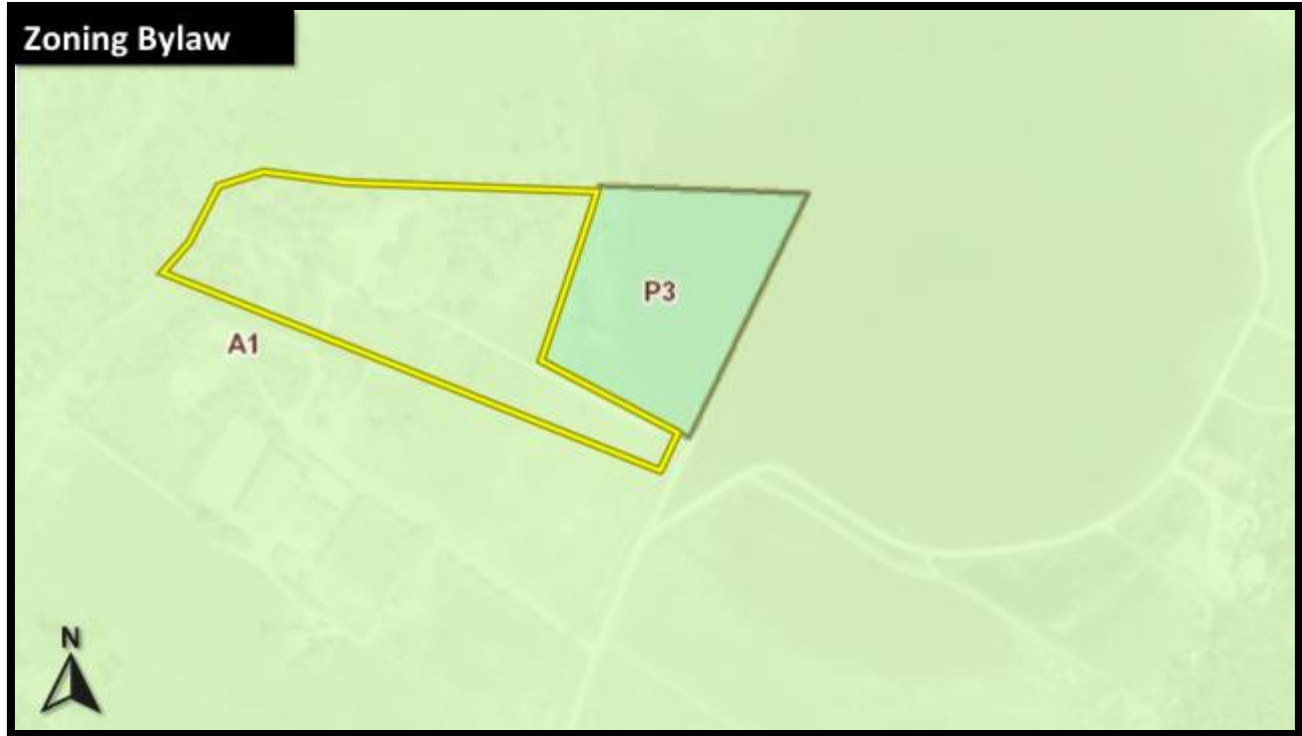
The property designated Resource Protection Area (REP) in the Official Community Plan. The site is zoned A1 and is located completely within the ALR.

Parcel Summary – 950 Curtis Road:

Parcel Size: 3.8 ha (9.5 acres)
Elevation: 450.0 436 metres above sea level (masl) (approx.)







2.3 Neighbourhood Context

The subject property lies within the McKinley City Sector. The area is characterized by large agricultural properties with single detached houses. Robert Lake and Robert Lake Regional Park are directly adjacent to the site. Zoning and land uses adjacent to the property are as follows:

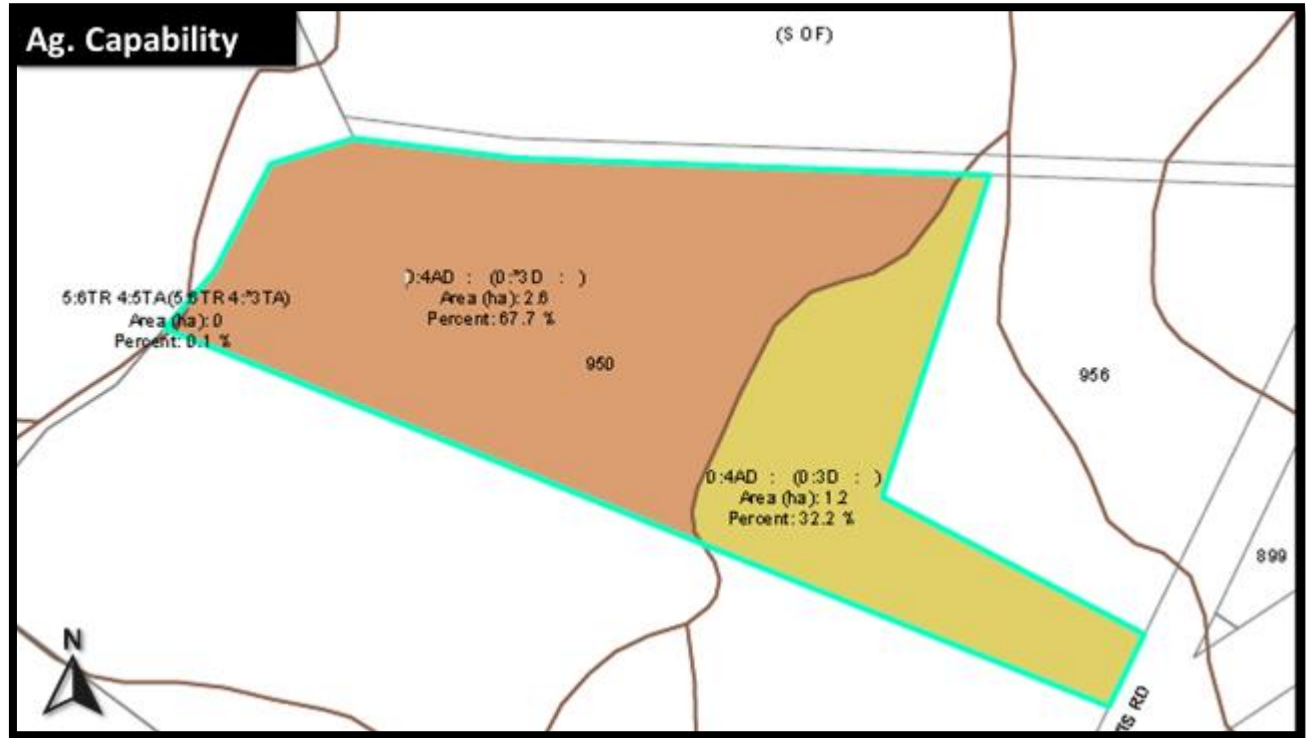
Table 1: Zoning and Land Use of Adjacent Property

Direction	Zoning	ALR	Land Use
North	A1 – Agriculture 1	Yes	Agriculture/Field
South	A1 – Agriculture 1	Yes	Agriculture/Single Detached Housing
East	P3 – Parks and Open Space	Yes	Park/Natural Area
West	A1 – Agriculture 1	No	Vacant / Natural Area

2.4 Agricultural Land Capability

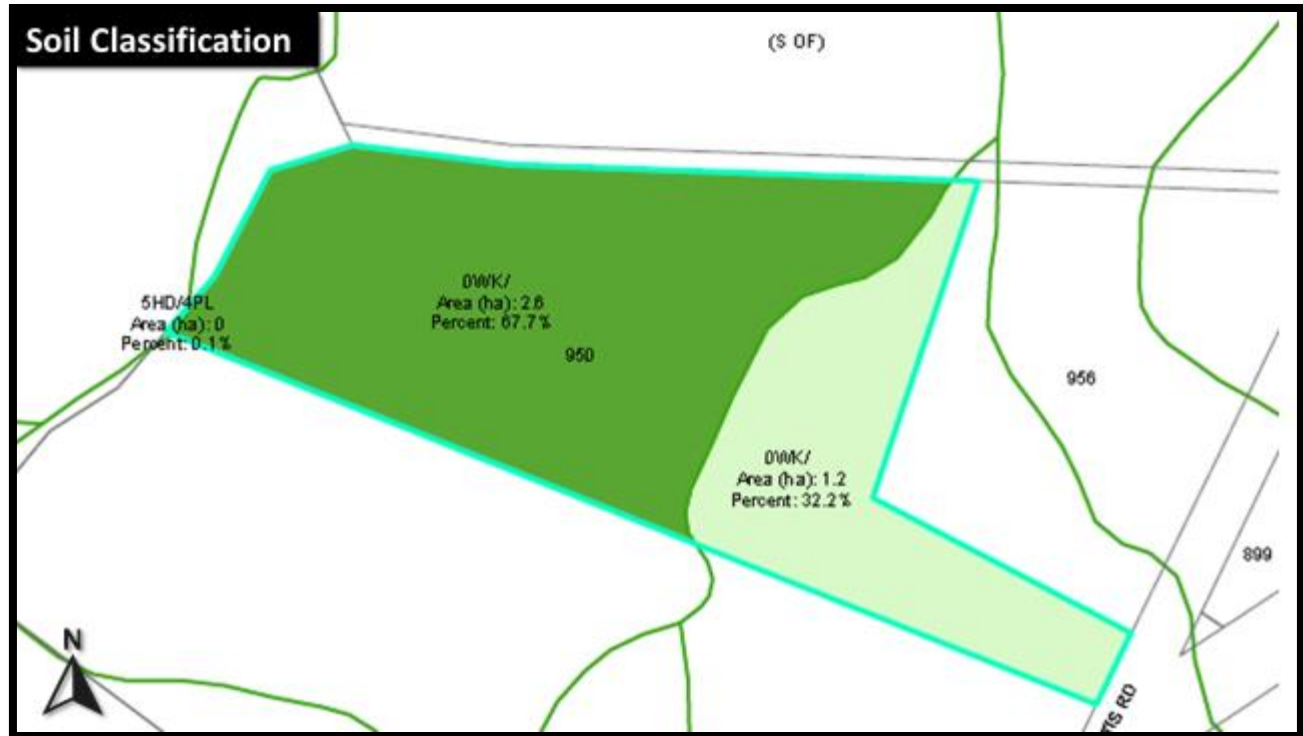
The Land Capability Classification for Agriculture in BC manual published by the Ministry of Agriculture which assesses the agricultural capability of land, identifies that the majority of the subject property has Class 4 agricultural land capability which could be improved to Class 3. Class 4 land has limitations which make it suitable for only a few crops, or the yield for a wide range of crops is low, or the risk of crop failure is high, or soil conditions are such that special development and management practices are required. Class 3 land has limitations that require moderately intensive management processes and the range of crops may be restricted. The limitations may restrict the choice of suitable crops or affect timing and ease of tillage, planting and harvesting; and methods of soil conservation.

B.C. Ministry of Agriculture staff has commented on this application clarifying that the agricultural capacity is class 4AD indicating soil moisture deficiencies and un-desirable soil structure. Ministry of Agriculture staff have also stated that the addition of good quality fill has the ability to be a positive benefit to agriculture should fruit or crops be grown as stated in the application.



2.5 Soil Capability

The Soil Management Handbook for the Okanagan and Similkameen Valley's published by the BC Ministry of Agriculture, which categorizes soils having similar agriculturally important characteristics into 'soil management groups' identifies that the vast majority of the property is comprised of Westbank (WK) soils, which are generally well-suited to alfalfa, vegetables, and drier sites can produce berries and tree fruits.



3.0 Community Planning

A non-farm use permit application is required due to the volume of the fill. The stated intended purpose of the fill is to protect the land from flooding and improve the soil in order to grow fruit trees.

The primary objective of the AAC is to advise on sustainable agricultural land use from a multiple bottom line (ie: cultural, economic, environmental and social) perspective. Staff are asking AAC to consider this application and provide a recommendation to Council.

Report prepared by: Alex Kondor, Planner Specialist

Reviewed by: Laura Bentley, Community Planning Supervisor

Attachments:

Schedule A – Policies

Schedule B – Letter from the Ministry of Agriculture

Schedule C – Non-Farm Use Permit Application

Schedule D – Information Bulletin Bylaw No. 2 Placement of Fill in the ALR

SCHEDULE A - Policies



Subject: 950 Curtis Rd, A18-0011 – Non-Farm Use Permit Application
For Placement of Fill

City of Kelowna Agriculture Plan (2017)

The recently adopted Agricultural Plan recommends several bylaw and policy changes meant to address concern over the non-farm use of ALR land. Specifically, the following updates to the Official Community Plan and Development Application Procedure Bylaw are recommended by the plan:

1. 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.
2. Allow for the Community Planning Manager to request an Agricultural Impact Assessment by a Professional Agrologist that quantifies the impacts of a non-farm use that may affect agricultural activity.

Kelowna Official Community Plan (OCP)

Goals for a Sustainable Future

One of the main goals of the OCP is to: Enable healthy and productive agriculture. Promote healthy and productive agriculture through diverse strategies that protect farmlands and food production(City of Kelowna 2030 Official Community Plan. Introduction Chapter. P. 1.4.).

Agricultural Land Use Policies

Objective 5.33 Protect and enhance local agriculture 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 (City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35).

Objective 5.33 Protect and enhance local agriculture Policy .6 - 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;
- will not harm adjacent farm operation

(City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35)

SCHEDULE B – Letter from the BC Ministry of Agriculture



Subject: 950 Curtis Rd, A18-0011 – Non-Farm Use Permit Application for Placement of Fill



Aug 27, 2018

File: A18-0011

City of Kelowna
1435 Water Street
Kelowna BC V1Y 1J4
E-mail: planning@kelowna.ca

Re: ALC Non-Farm Use Application – Placement of Fill at 950 Curtis Road

To the City of Kelowna,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the ALC non-farm use application for the property located at 950 Curtis Road, Kelowna. I have reviewed the documents you have provided. From an agricultural perspective I can provide the following comments for your consideration:

- In reviewing the Agricultural Capability Classes and Soil Surveys of the parcel the soil is considered silty clay. The Agricultural Capability is Class 4AD, indicating there are some limitations as to what can be produced on this land. Subclass A indicates a soil moisture deficiency and D indicates undesirable soil structure and/or low perviousness.
- The addition of good quality fill has the ability to be a positive benefit to agriculture should fruit or crops be grown here as stated in the application.
- Further information on the type of fill, including source and soil testing would be beneficial to the submission of a comprehensive application.
- Further information in the form of an agricultural plan would be enable persons reviewing the proposal to understand the planned agriculture, including types of crops and planned irrigation/ management of the area.

If you have any questions please contact me directly at christina.forbes@gov.bc.ca or 250-861-7201.

Sincerely,

A handwritten signature in black ink, appearing to read "Christina Forbes".

Christina Forbes, P.Ag
Regional Agrologist
B.C. Ministry of Agriculture – Kelowna

SCHEDULE C – Non-Farm Use Permit Application



Subject: 950 Curtis Rd, A18-0011 – Non-Farm Use Permit Application for Placement of Fill

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 57952
Application Status: Under LG Review
Applicant: Garrett Ainsworth
Local Government: City of Kelowna
Local Government Date of Receipt: 07/30/2018
ALC Date of Receipt: This application has not been submitted to ALC yet.
Proposal Type: Non-Farm Use (Placement of Fill)
Proposal: Placing clean fill will allow us to use the land to grow more fruit trees.

Mailing Address:
950 Curtis Road
Kelowna, BC
V1V 2C9
Canada

Parcel Information

Parcel(s) Under Application

- Ownership Type:** Fee Simple
Parcel Identifier: 004-362-373
Legal Description: Lot 2 Section 10 Township 23 ODYD (Osoyoos Div of Yale) Plan 29311
Parcel Area: 3.8 ha
Civic Address: 950 Curtis Road
Date of Purchase: 05/21/2018
Farm Classification: Yes

Owners

- Name:** Garrett Ainsworth
Address:
950 Curtis Road
Kelowna, BC
V1V 2C9
Canada

Current Use of Parcels Under Application

- Quantify and describe in detail all agriculture that currently takes place on the parcel(s).**
Hobby farm with 12 chickens, 4 dogs, 8 apple trees, 2 walnut trees, 1 crabapple tree, 1 pear tree, 1 peach

Applicant: Garrett Ainsworth

tree, and plans to get goats and El Pacas.

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

House built in 2014, 3 row horse fencing installed around entire property with farm fencing to keep coyotes out. Hen house and run installed.

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

None

Adjacent Land Uses

North

Land Use Type: Unused

Specify Activity: Rocky hill

East

Land Use Type: Agricultural/Farm

Specify Activity: hay field

South

Land Use Type: Agricultural/Farm

Specify Activity: horse pasture

West

Land Use Type: Agricultural/Farm

Specify Activity: horse pasture

Proposal

1. What is the purpose of the proposal? Describe any benefits to agriculture that the proposal provides.

Placing clean fill will allow us to use the land to grow more fruit trees.

2. Proposal dimensions

Total fill placement area (to one decimal place) *0.4 ha*

Maximum depth of material to be placed as fill *1 m*

Volume of material to be placed as fill *4050 m³*

Estimated duration of the project. *1 Months*

3. Has a Professional Agrolgist reviewed the project and provided a written report? If yes, please attach the Professional Agrolgist report in the "Upload Attachments" section.

No

4. What alternative measures have you considered or attempted before proposing to place fill?

None. The City of Kelowna has re-directed water away from the Glenmore landfill, which has made the water level of Robert Lake rise and flood our property. The City has tried to mitigate this by pumping water out of Robert Lake, but has not helped reduced the flooded nature of 0.405 ha of our property.

5. Describe the type of fill proposed to be placed.

Applicant: Garrett Ainsworth

Clean fill that is suitable for growing fruit trees on.

6. Briefly describe the origin and quality of fill. Has the fill been assessed by a qualified professional to verify its agricultural suitability? If yes, please attach the assessment report in the "Upload Attachments" section.

The fill will be screened as suitable for growing fruit trees, and it will be made sure that any and all contaminants are below agricultural concentration limits.

7. Describe the type of equipment to be used for the placement of fill. If applicable, describe any processing to take place on the parcel(s) and the equipment to be used.

Dump trucks and bulldozer, and maybe an excavator will be utilized.

8. What steps will be taken to reduce potential negative impacts on surrounding agricultural lands?

The initial fill layer will comprise boulders and gravel, so that any future flooding water will still be held in the subsurface, and not displace as much to surrounding lands. A storm drain will also be put in along the roadway, so that water may naturally pass back and forth.

9. Describe all proposed reclamation measures. If a reclamation plan from a qualified professional is available, please summarize the reclamation and attach the full plan in the "Upload Attachments" section.

The fill is deemed to be permanent for growing fruit trees, and to ensure access to our house on the property. There is no plan to remove the fill, however, the fill will be planted with fruit trees, and natural grass and shrubs.

Applicant Attachments

- Proposal Sketch - 57952
- Site Plan / Cross Section - 57952
- Certificate of Title - 004-362-373

ALC Attachments

None.

Decisions

None.



SCHEDULE D – Information Bulletin

Bylaw No. 2 Placement of Fill in the ALR



Subject: 950 Curtis Rd, A18-0011 – Non-Farm Use Permit Application
For Placement of Fill



INFORMATION BULLETIN

Bylaw No.2-Placement of Fill in the ALR

The following provides an overview of the Agricultural Land Commission's Bylaw No. 2 Placement of Fill (the "Bylaw") adopted by the Full Commission on April 26, 2018.

Purpose:

The purpose of the Bylaw is to:

- clearly define when the placement of fill is considered necessary and to what threshold;
- outline the process for notification and application to the ALC for the placement of fill; and,
- provide definitions regarding the types of materials that constitute fill and appropriate uses of fill for agriculture in the ALR.

Thresholds:

The Bylaw specifically provides thresholds for uses in the ALRUSP relating to:

- single family residences;
- permitted farm uses; and,
- permitted non-farm uses.

Notification and Approval:

The process for notification and approval for the placement of fill will depend on the type of activity and the amount of fill proposed, with one of three possible outcomes:

1. permitted outright in the Bylaw without notification to the ALC;
2. notification to the ALC (Schedule A form in the Bylaw); or,
3. submission of a non-farm use application.

Based on the information submitted in the Schedule A form, the ALC will determine whether the information provided is adequate for the proposed fill placement activity or whether a non-farm use application is needed. Landowners must also ensure that they have obtained all necessary permits from the local government prior to placing any fill on a parcel in the ALR. Submit Schedule A forms to: ALC.Soil@gov.bc.ca

Use the flowchart provided on the following page to determine the appropriate process to follow for your proposed fill project.

Figure 1. How to use ALC Bylaw No.2 – Placement of Fill in the ALR

