

SCHEDULE A – Technical Comments



Subject: 575-579 Rifle Road (A18-0010)



Aug 27, 2018

File: A18-0010

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

Re: ALC Non-Farm Use Application A18-0010 (575-579 Rifle Road) – Marlys Wolfe

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 579 Rifle Road, Kelowna. I have reviewed the documents you have provided. From an agricultural perspective I can provide the following comments for your consideration:

- The parcel is located within the ALR, a provincial zone in which agriculture is recognized as the priority use and where farming is encouraged and non-agricultural uses are restricted.
- In order to maximize the greatest long term potential for agriculture in the area, it is important to maintain the most optimal configuration of contiguous, productive land. Siting of the proposed structure should be undertaken in a way to maintain the greatest productive capacity of the parcel along with consideration of minimizing potential farm practice complaints.
- The location of the proposed structure appears to take advantage of the pre-existing gravel parking lot.

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 "CF", written over a faint circular stamp.

Christina Forbes, P.Ag
Regional Agrologist
B.C. Ministry of Agriculture – Kelowna
Office: (250) 861-7201
Cell: (250) 309-2478
E-mail: christina.forbes@gov.bc.ca
E-mail Copy: Celeste Barlow, ALC Land Use Planner, Celeste.Barlow@gov.bc.ca



September 7, 2018

Alex Kondor
City of Kelowna
1435 Water Street
Kelowna, BC V1T 6V7

Dear Alex Kondor:

RE: File Number: A18-0010

Thank you for the opportunity to provide comments for a non-farm use application to the ALC to allow for a cannabis production facility.

In regards to cannabis production facilities, the following comments are noted and should be given consideration:

1. **Water Supply:** The water supply system that services the facility may be subject to the approval and permitting requirements of the *BC Drinking Water Protection Act and Regulation*.
2. **Waste Water Disposal:** Waste water generated by these operations is not considered "domestic sewage." Domestic Sewage would include washroom, food preparation, dishwashing and showering waste. Interior Health enforces the *BC Sewerage System Regulation*.

Industrial Waste is managed by the Ministry of Environment, under the Environmental Waste Management Act, Municipal Sewage Regulation.

3. **Location:** Industrial operations are expected to follow best practices for protecting the environment and public health. Health Canada has advised, however, these best practices may not be adequate to contain all odors from the operation. As such, proximity and impact on adjacent land uses need to be considered in general:
 - proximity to residences and schools
 - The size and configuration of the property, including access to the property
 - Proposed scale of the production facility and accessory usage
 - Potential noise, glare and vibration issues
 - Air quality – prevailing winds, ventilation, odors

Interior Health strongly recommends cannabis production facilities be located away from residential areas.

From a food security perspective, the purpose built cannabis facility could limit the opportunity for future food related agriculture activities on the property. Additionally, the impact on food security from growing cannabis in the ALR is not known.

Please feel free to contact me directly if you have any further questions or comments.

Bus: 250-549-5758
janelle.rimell@interiorhealth.ca
www.interiorhealth.ca

POPULATION HEALTH
1440 14th Avenue
Vernon BC V1B 2T1

SCHEDULE B – Site Plan and Non-Farm Use Application



Subject: 575-579 Rifle Road (A18-0010)

579 Rifle Road

New 2 Story facility

Lot size:
11.19 acres = 45,284 sq.m.

Property Information		
Property Address:	575-579 Rifle Rd	
ESD:	00075 Plan #: 1249 Lot #: 0 Block #: 21	
Extra Legal Information:	Section 33&34	
SC Assessment Information		
Roll Number:	6518000 Jurisdiction:	217
Net Land Value:	592,294 A/R:	000-023-388
Net Imp. Value:	\$1,364,100 Lot Size:	11.19
Net Total Value:	\$1,956,394 Lot Size Unit:	ACRES
Actual Use:	130 TREE FRUITS	
Land Use Related Information		
Zoning Code:	A1 Inside A/R:	Yes
Future Land Use:	RPD Water Provider:	CCO
Land Use Contract:	No	

KID: 209775 Plan 1249 Lot 0 Block 21 Section 33 & 34

Development Permit - Not for Construction



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 57976

Application Status: In Progress

Applicant: Marlys Wolfe

Local Government: City of Kelowna

Local Government Date of Receipt: This application has not been submitted to local government yet.

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

Proposal Type: Non-Farm Use

Proposal: On July 13, 2018 the Agricultural Land Reserve Use, Subdivision and Procedures Regulation was amended by Order in Council No. 380 (the "Amendment"). The Amendment repealed subsection 2(p), which addressed cannabis production in the ALR, and added a new subsection 2.5, which stipulated that cannabis production within new buildings would only be deemed "farm use" where the structure had a base consisting entirely of soil. The applicant has permission from Health Canada to build a production building under application 10-0006, and that permission is based on a building which includes a concrete floor. Further, the applicant has been in discussion with the City of Kelowna since January, 2018 with respect to the planned construction of a 60' x 80' production building on the site of an existing parking lot (the "Building") That Building is intended for the future production or organic health products containing cannabis and the production of organic cannabis. The Amendment appears to have changed the regulatory framework that would apply to the Building, such that the applicant must now apply for a non farm use for the .9 ha area which currently serves as a gravel parking lot for equipment and machinery. The attached photographs show the area in issue, immediately behind the existing red shop, which is housing United Landscape until December, 2018. It would be the applicant's preference not to apply for a non farm use, but that appears to be the consequence of the Amendment.

Current Use of Parcels Under Application

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

This 11 acre farm is used to grow Echinacea, various herbs, garlic, various fruits and vegetables, lavender and perennials for resale. There is a site licensed kitchen producing various retail products from products grown on the farm and three health products that have their Natural Health Product numbers from Health Canada. The farm also has animals, animal pastures and shelters - chickens, turkeys, llamas, goats, ducks, sheep. The farm is certified organic with Pacific Agricultural Society under number 16-495. List of products produced on the farm: Jams, Jellies, Pancake syrups, preserves, salsas, flavoured vinegars, health products of Echinacea tincture, herbal throat spray, mouthwash, calendula hand cream; Blueberry Echinacea Mint Iced Tea, Minced Garlic, Thai Dipping Sauce, Pickled Garlic, Garlic Rosemary Wine Jelly, spice blends using various herbs and garlic, honey from bees that are raised on the farm.

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

Since purchasing the property in 2003, the back 6 acres has been totally transformed from bare land to the following:

Perimeter and cross fencing, irrigation, planting Echinacea, lavender, garlic, vegetable gardens, various herbs, and small fruit and nut trees. Bees and honey have been introduced - 25 hives. Buildings built were our residence, a small farm store, outbuildings for animals, shop for crop processing, feed storage, machinery repairs and maintenance; three storey garage which houses a floor for packaging storage for the farm's value added products; a floor for the Site Licenced kitchen where processing occurs for the value added and natural health products Packaging and labelling designed; site licence acquired, certificate organic status obtained, NHP numbers from Health Canada obtained.

On the front 5 acres cherry trees have been planted and perennials have been added. The front red shop will be vacated by United Landscape in December, 2018 and Falcon Ridge will continue to supply perennials to the landscape company for their use. The red shop now houses shade perennials and that will increase as well as the area used for sun perennials. Additional apple trees and landscape trees for resale will increase if space is available.

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

*Our primary residence and the first floor of the garage
Secondary residence located at the front of the farm which is occupied by farm help in exchange for labour
Small cabin that was erected in lieu of a manufactured home permitted by the City of Kelowna
Driveways that are shared residential/farm use
Parking lot for equipment storage behind front red shop*

Adjacent Land Uses

North

Applicant: Marlys Wolfe

Land Use Type: Agricultural/Farm
Specify Activity: Apple orchards

East

Land Use Type: Unused
Specify Activity: Bare land

South

Land Use Type: Unused
Specify Activity: Bare land

West

Land Use Type: Agricultural/Farm
Specify Activity: Apple orchards

Proposal

1. How many hectares are proposed for non-farm use?

0.9 ha

2. What is the purpose of the proposal?

On July 13, 2018 the Agricultural Land Reserve Use, Subdivision and Procedures Regulation was amended by Order in Council No. 380 (the "Amendment"). The Amendment repealed subsection 2(p), which addressed cannabis production in the ALR, and added a new subsection 2.5, which stipulated that cannabis production within new buildings would only be deemed "farm use" where the structure had a base consisting entirely of soil. The applicant has permission from Health Canada to build a production building under application 10-0006, and that permission is based on a building which includes a concrete floor. Further, the applicant has been in discussion with the City of Kelowna since January, 2018 with respect to the planned construction of a 60' x 80' production building on the site of an existing parking lot (the "Building") That Building is intended for the future production of organic health products containing cannabis and the production of organic cannabis. The Amendment appears to have changed the regulatory framework that would apply to the Building, such that the applicant must now apply for a non farm use for the .9 ha area which currently serves as a gravel parking lot for equipment and machinery. The attached photographs show the area in issue, immediately behind the existing red shop, which is housing United Landscape until December, 2018. It would be the applicant's preference not to apply for a non farm use, but that appears to be the consequence of the Amendment.

3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

The federal permission received for medical cannabis from Health Canada was received only for my farm land location. The Building as proposed with a concrete floor will be more secure and will meet Health Canada's guidelines for a production facility. I was the 6th person in Canada to have applied to Health Canada for a production licence for cannabis. It was based on wanting to add more health products to our lineup that would be certified organic. We already have certified organic status on our farm, already have a website and market our products with the farm logo and appeal with products grown on our own farm, not elsewhere. Provincial regulations were in place up to July 13th that would have allowed the building on my land. The amendment of July 13th changed the provincial regulations so that I would require a non farm use for the building if I wanted a cement floor as opposed to an earth floor.

4. Does the proposal support agriculture in the short or long term? Please explain.

Yes. This would increase agriculture grown on our property - not only in the building that we are building but if we build the building on the parking lot we are using land that is not and would never be future agriculture. While it is selfevident that the parking lot has no value for food products, a site visit

Applicant: Marlys Wolfe

could be co-ordinated for anyone at the ALC or City of Kelowna involved in making this decision. In addition, we would have the land space available for increasing perennials and landscape trees that would not be added if we used that land for the cannabis production building (allowed if we did an earth floor) instead of using the redundant parking lot.

Applicant Attachments

- Site Photo - Red Shop & Parking Lot 1
- Site Photo - Red Shop & Parking Lot 2
- Site Photo - Red Shop & Parking Lot 3
- Proposal Sketch - 57976
- Site Photo - Red Shop Parking Lot
- Certificate of Title - 008-623-368

ALC Attachments

None.

Decisions

None.

Applicant: Marlys Wolfe