

removal, surface and groundwater considerations, would be addressed through a City of Kelowna Natural Areas Development Permit, should the ALC approve the Non-Farm Use. The bonding for the reclamation can be held either by the MEM, ALC or City of Kelowna. The City will await direction from the ALC and MEM on which agency should hold the bond. If the ALC or MEM does not hold the bond for reclamation, the City of Kelowna could hold the bond through the Development Permit process.

4.0 Proposal

4.1 Background

The subject property was purchased by the owners in 2003. It is currently largely covered by pine/fir forest. A dwelling, shop and garage are on the southeast corner of the site. Approximately 0.6 ha (1.5 acres) has been cleared.

The applicants intend to remove the sand and gravel from the site to reduce undulation in topography, and replace the coarse materials with finer soils. These will then be covered with topsoil, disked and prepared for planting. They plan to plant apples for cider, which will be then processed locally in the family's cider processing facility.

In the summer of 2015, the applicants made an application to the BC Ministry of Energy and Mines for a Notice of Work to extract sand and gravel from the site. The Agricultural Land Commission directed the applicants to concurrently apply for a Non-Farm Use for the proposal, supported by an agrology report that assesses the impacts to agriculture, and presents a plan to reclaim the site to a farm use.

4.2 Project Description

The proposal is to extract the gravel in three distinct phases. The applicants intend to partner with a suitable construction project that requires pit run gravel, and has excess fine soils to exchange in return. The intent is to swap the gravel for fine soils, which will be brought back to the farm to improve the agricultural capability on the site. The trucks that take out the gravel would bring back fine soils to the site. This would be done in three distinct phases, when opportunities for an exchange of materials arise. Each phase is expected to take approximately one to two months to complete. Progressive reclamation would occur at each phase, with topsoil replaced and cider trees planted after each phase is graded to completion. The goal is to regrade the property to a continuous gradual slope that is free of undulations that can trap frost. The project plan and agrologist's report are attached.

The plan includes:

- 5 metre distance from property line to excavation¹;
- 3 metre wide landscape buffer along three property lines, retaining existing tree cover;
- Removal of gravel in three phases, (not a continuous removal over an extended time);
- Noise control by operating only during City of Kelowna construction hours (7AM to 7PM);
- Berm along the west property line to reduce noise impact to neighbours;
- Dust control with the use of a water truck;
- Erosion control by compacting soils after each phase of excavation;
- Drainage control through a sedimentation / infiltration pond at the lower end of the property;
- Reclamation with the incorporation of fine soils to improve soil quality on the site; and
- Salvage of topsoil and replacement onsite prior to planting.

A restoration plan and cost estimate has been submitted as part of the agrology report. The estimated cost for reclamation is \$125,000². The plan includes spreading fine soils, and ripping and

¹ July 2016. Notice of Work Application, submitted to BC Ministry of Energy and Mines – 3110 Mathews Rd.

discing these in prior to planting. Subsurface irrigation will be installed, and then the salvaged topsoil from the site will be spread prior to planting.

4.3 Site Context

The subject property is located in the Southeast Kelowna 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 516.5 metres, sloping to the northeast corner at 506.5 metres, with an undulating slope over the property which averages approximately 3%.

The forested area on the property has been identified in the Sensitive Ecosystems Inventory³ as Coniferous Woodlands. This area has been captured within the Official Community Plan as a Natural Environment DP Area. Considerations regarding the excavation, including forest removal, surface and groundwater considerations, would be addressed through a City of Kelowna Natural Areas Development Permit, should the ALC approve the Non-Farm Use. If the ALC does not hold the bonding for reclamation, the City of Kelowna could hold the bonding through the Development Permit process.

Parcel Summary - 3110 Mathews Rd:

Parcel Size: 4.93 ha (12.2 acres)

Elevation: 516.5 to 506.5 metres above sea level (masl) (approx.)

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

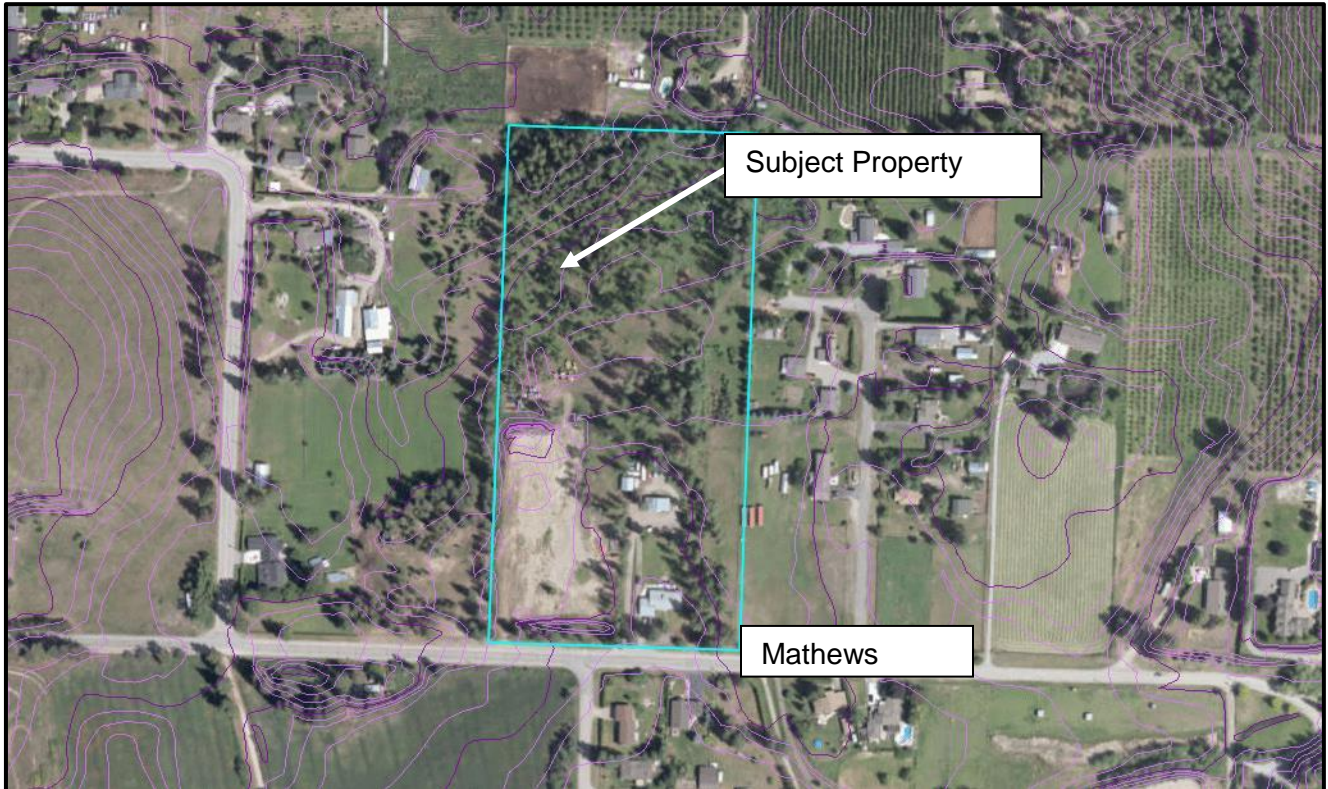
Table 1: Zoning and Land Use of Adjacent Property

Direction	Zoning	ALR	Land Use
North	A1 - Agriculture 1	Yes	Agriculture
South	A1 - Agriculture 1 / RR3 - Rural Residential 3	Yes	Agriculture / Rural Residential
East	A1 - Agriculture 1 / A1c - Agriculture 1 with Carriage House	Yes	Agriculture / Rural Residential
West	A1 - Agriculture 1 / A1c - Agriculture 1 with Carriage House	Yes	Agriculture / Rural Residential

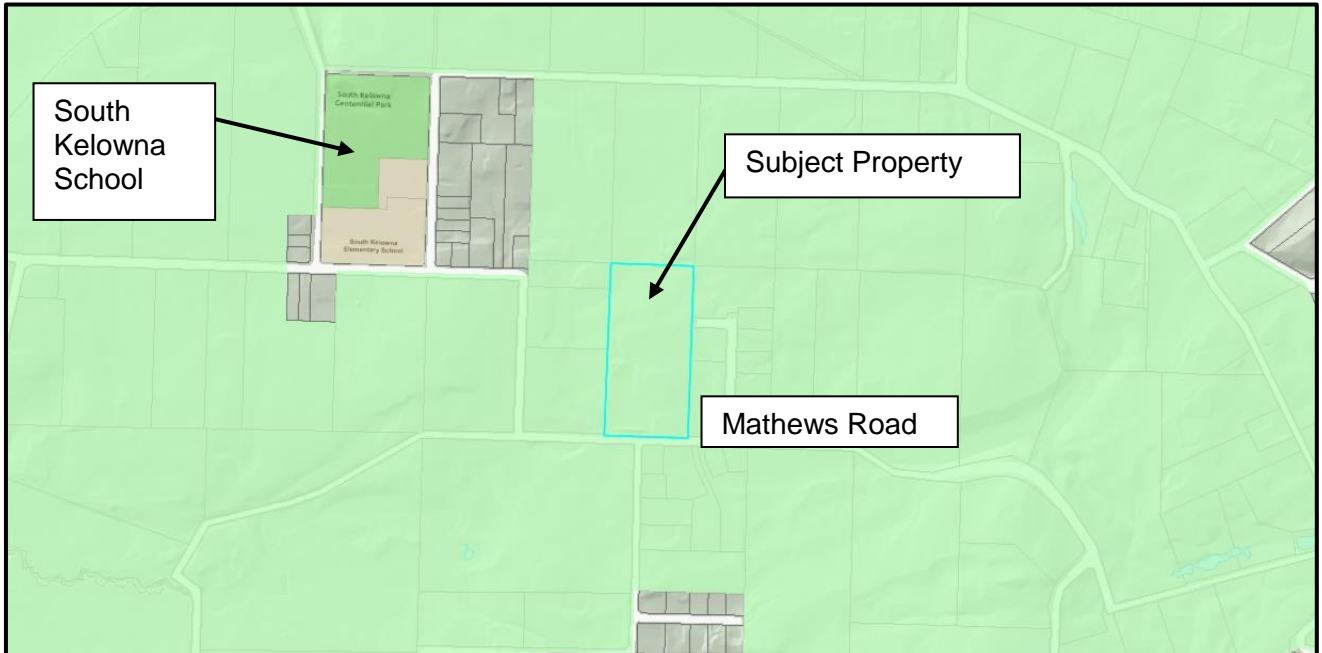
² July 2016. Notice of Work Application, submitted to BC Ministry of Energy and Mines – 3110 Mathews Rd.

³ REFBC, City of Kelowna, BC MFLNRO, 2008. Sensitive Ecosystem Inventory.

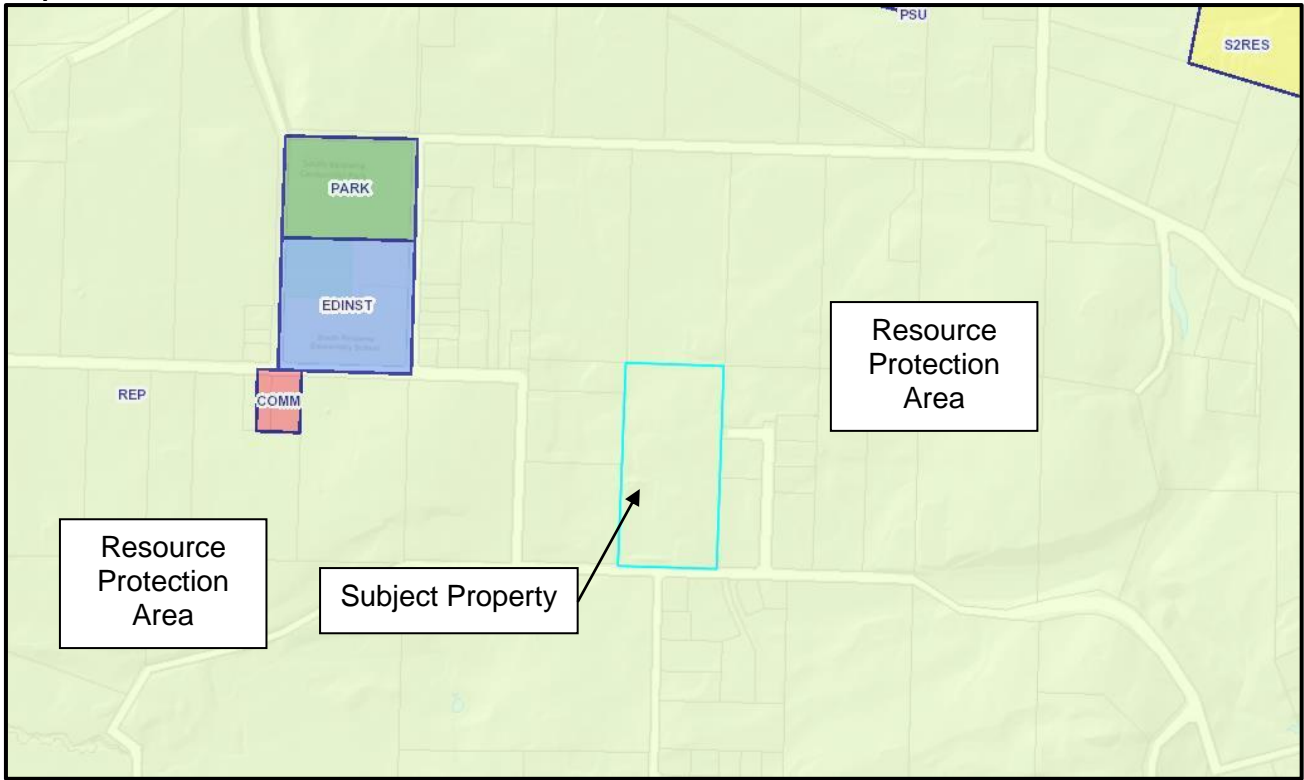
Map 1 - Neighbourhood



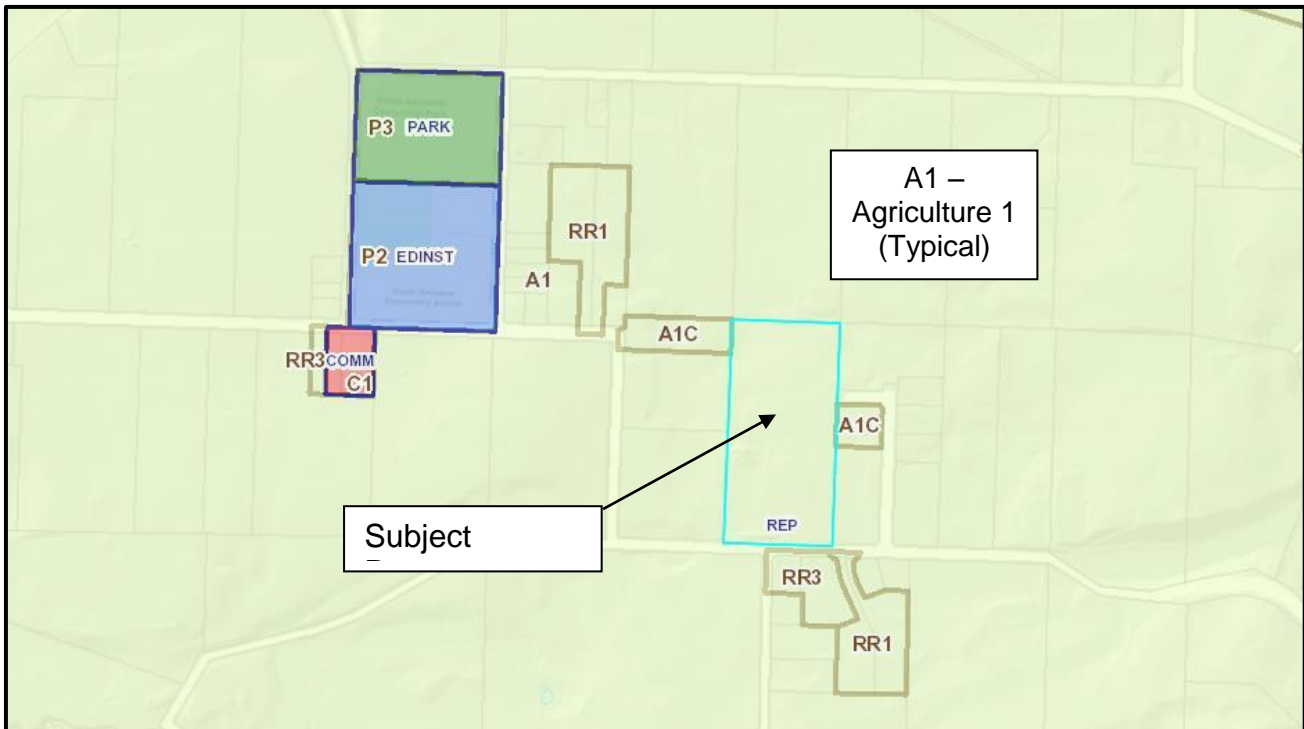
Map 2 - Agricultural Land Reserve



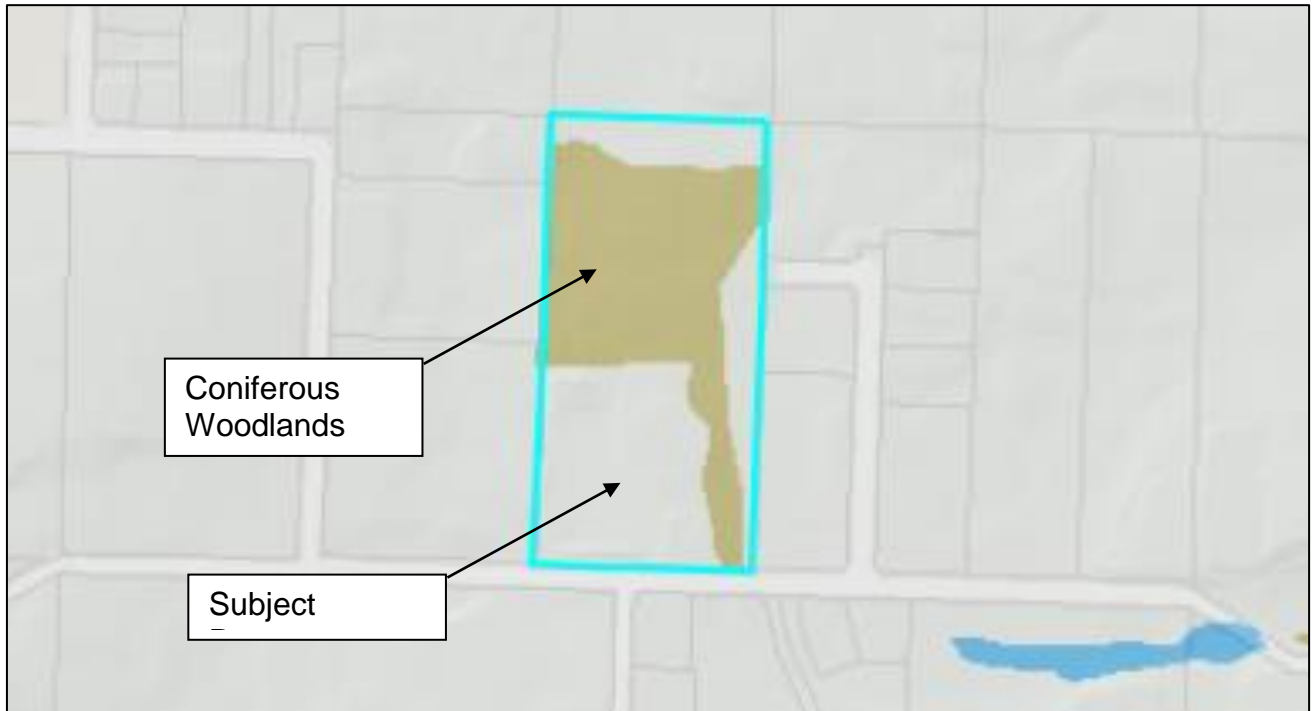
Map 3 - Future Land Use



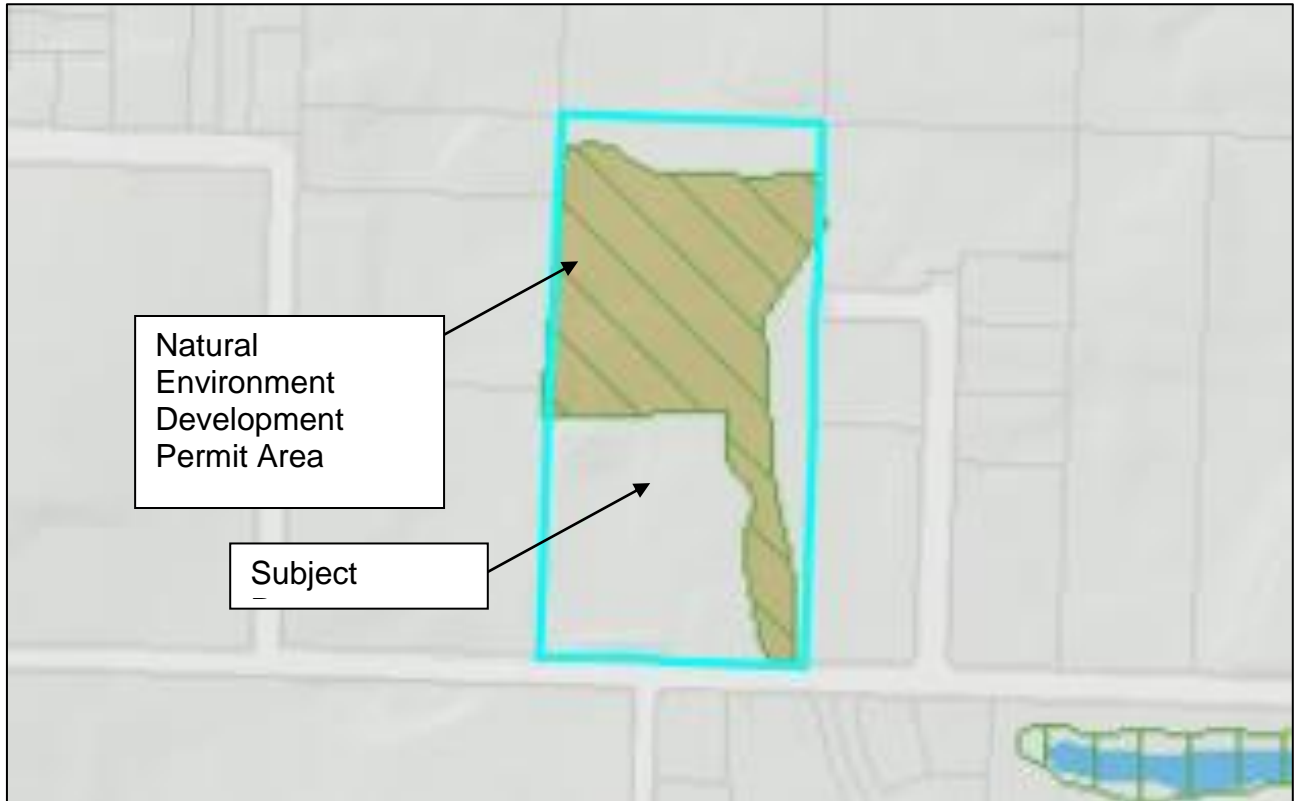
Map 4 - Zoning



Map 5 - Sensitive Ecosystems Inventory Mapping



Map 6 - Natural Environment Development Permit Area



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Protect and enhance local agriculture⁴.

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.

5.2 Natural Environment Development Permit Areas⁵

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.

5.3 City of Kelowna Agriculture Plan (1998)

ALR Application Criteria⁶

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.

5.4 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;

⁴ City of Kelowna, 2012. 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.33.

⁵ City of Kelowna, 2012., 2030 Official Community Plan; Chapter 12 - Natural Environment DP

⁶ 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.

6.0 Technical Comments

6.1 Development Engineering Department

The Development Engineering comments regarding this application for the removal and placement of fill within the Agricultural Land Reserve are as follows:

- This soil deposit application is obtained to help enhance the agricultural capability of the property.
- Development Engineering has no requirements with regard to this application provided that the general grading to the property, as well as drainage to the adjacent property, is not affected.
- Efforts must be made to ensure that tracking of materials onto City roads is kept to a minimum. Street sweeping, sediment and dust control will be the responsibility of the applicant.

7.0 Application Chronology

Date of Application Received: July 16, 2015

Date Public Consultation Completed: December 18, 2015

Agricultural Advisory Committee February 11, 2016

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on February 11, 2016 and the following recommendations were passed:

Moved By Keith Duhaime /Seconded By Tarsem Goraya

THAT the Agriculture Advisory Committee recommends that Council support an application to the Agricultural Land Commission under Section 20 (3) of the Agricultural Land Commission Act for a "non-farm use" on the subject property at 3110 Mathews Road to remove up to 40,000 metric tonnes of sand and gravel from the property and reclaim to agriculture.

Carried

ANECTODOTAL COMMENT:

The Agricultural Advisory Committee supports the "non-farm use" on this property and acknowledged the clear benefits to agriculture. However, the Agricultural Advisory Committee raised concern with the timeframe of the project. The AAC appreciates that the applicant is willing to undertake bonding of \$125,000, according to the Agrology Report, to return the property to cider apple production.

Report prepared by:

Melanie Steppuhn

Reviewed by:

Todd Cashin, Subdivision, Suburban and Rural Planning
Manager

Reviewed by

Approved for Inclusion:

Ryan Smith, Community Planning Department Manager

Attachments:

Subject Property Map

Photos

Agrology Report and Applicant Package