

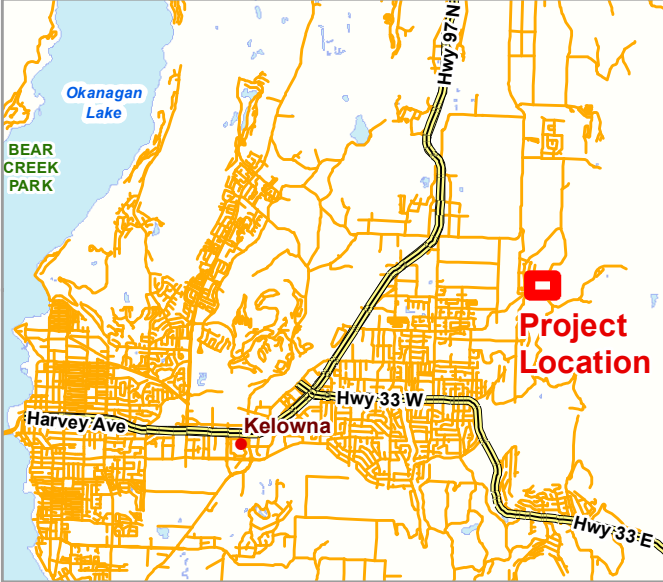


**NON-FARM USE ON  
ALR APPLICATION  
1425 MCCURDY ROAD  
KELOWNA, BC**

**Legend**

- City of Kelowna 1m Contours
- City of Kelowna Roads
- City of Kelowna Legal Parcels
- Area Proposed For Non-Farm Use
- Existing Residential Dwelling
- Landowner Improvements
- Property Boundary

**LOCATION MAP**



1:1,600



Project No.: NK-18-277-SUN  
Client: Sunlogics Power Fund

Date: 2018/07/27  
Drawn: JS Check: DT

NAD 1983 UTM Zone 11N

**Figure 1.0**



**ATTACHMENT A**  
 This forms part of application # A18-0001  
 Planner Initials AF  

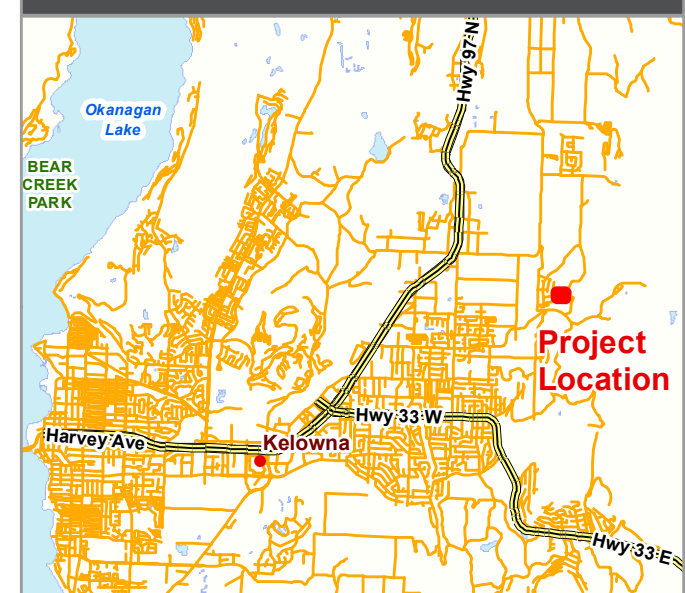
 City of Kelowna  
 COMMUNITY PLANNING

**NON-FARM USE ON  
 ALR APPLICATION  
 1425 MCCURDY ROAD  
 KELOWNA, BC**

### Legend

- City of Kelowna 1m Contours
- City of Kelowna Roads
- City of Kelowna Legal Parcels
- Area Proposed For Non-Farm Use
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- Property Boundary

### LOCATION MAP



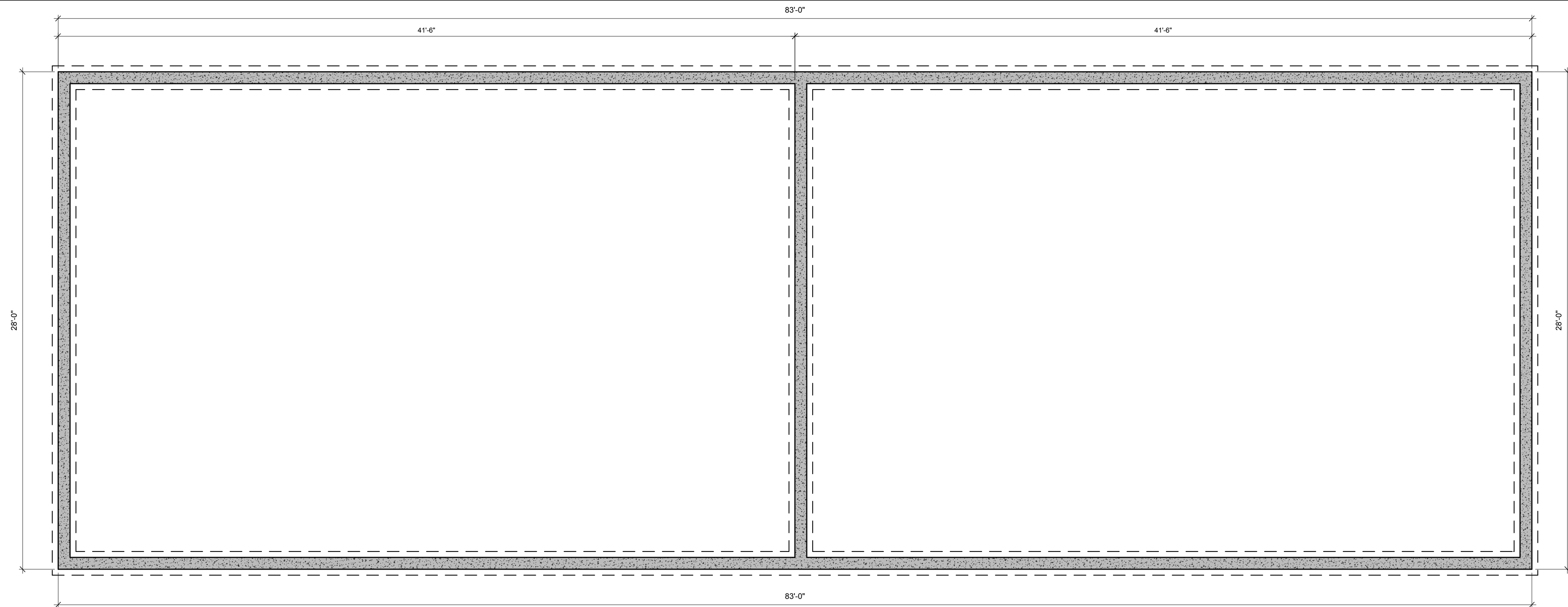
Project No.: NK-18-277-SUN      Date: 2018/07/27  
 Client: Sunlogics Power Fund      Drawn: JS Check: DT

NAD 1983 UTM Zone 11N **Figure 2.0**

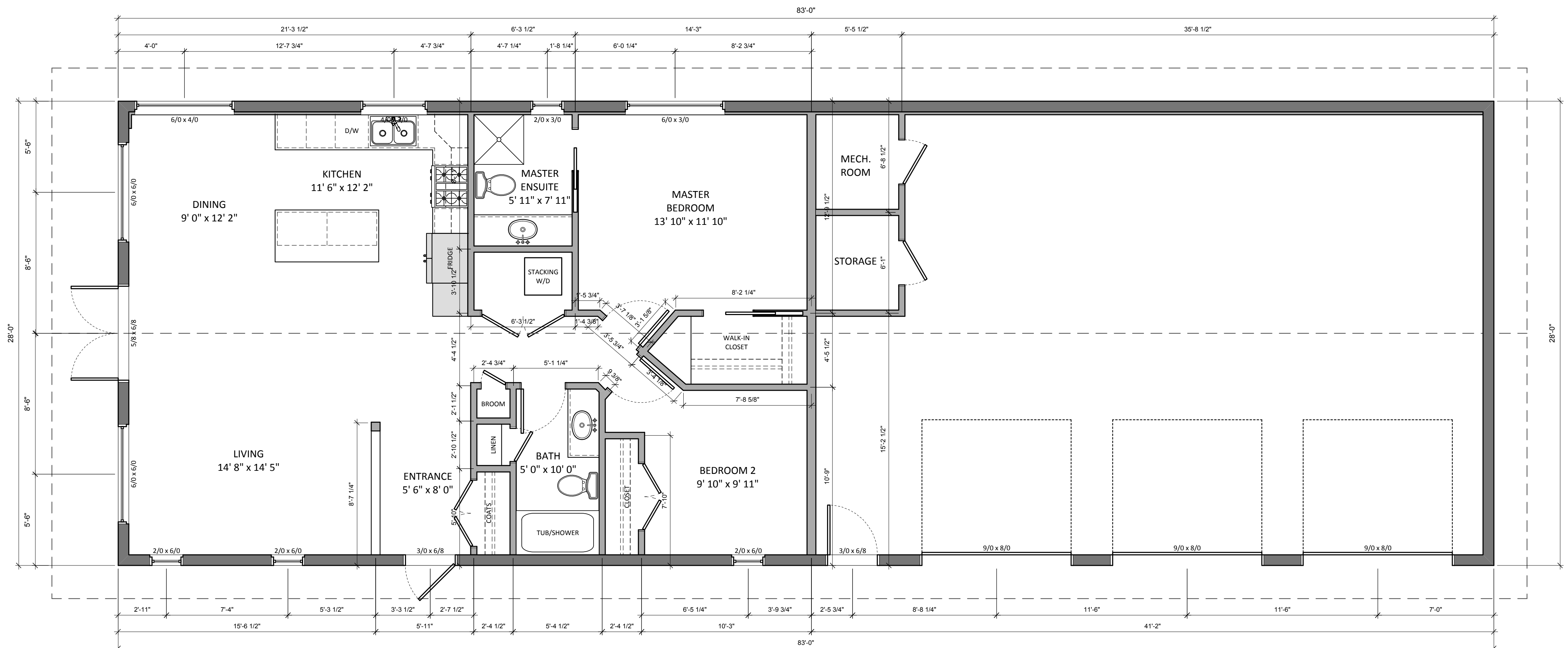
**ATTACHMENT B**  
 This forms part of application  
 # A18-0001

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**FOUNDATION PLAN**  
 SCALE: 1/4" = 1'-0"



CARRIAGE HOUSE FINISHED FLOOR AREA: 1,086 SQ.FT.  
**MAIN FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

**GENERAL NOTES:**  
 -DRAWINGS ARE AS-BUILTS AND ALL DIMENSION ARE APPROXIMATE AND TO THE BEST KNOWLEDGE OF RK STUDIO  
 -CONFIRM ALL DIMENSIONS BEFORE ANY WORK  
 -EXTERIOR DIMENSIONS TAKEN FROM OUTSIDE FACE OF STUD AND EXTERIOR FACE OF CONCRETE (U.N.O.)  
 -INTERIOR DIMENSIONS TAKEN FROM CENTER LINE OF STUD (U.N.O.)  
 -RK STUDIO IS NOT RESPONSIBLE FOR ANY ERRORS AND EMISSIONS THAT MAY ALTER THE OVERALL CONSTRUCTION

**SITE STATISTICS**  
 ZONING: A1 - AGRICULTURAL

**LEGAL DESCRIPTION:**  
 1425 MCCURDY RD.  
 KELOWNA, BC  
 LOT 2, PLAN 23935 ODYD

**RK|STUDIO**  
 RESIDENTIAL DESIGN AND DRAFTING  
 1760 KLOPPENBURG RD. KELOWNA, BC V1P 1G2  
 (250)-317-6875 ryan.rkstudio@gmail.com

PROJECT NAME: <b>1425 MCCURDY RD CARRIAGE HOUSE</b>
DRAWN BY: <b>RK</b>
NOTES:

SHEET TITLE: <b>MAIN FLOOR PLAN</b>
ISSUED FOR: <b>AS-BUILT DRAWINGS</b>

DATE: YYYY-MM-DD <b>2018-07-20</b>
SCALE: <b>1/4" = 1'-0"</b>
LEGAL DESCRIPTION: <b>LOT 2, PLAN 23935 ODYD</b>

**A1**

THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF RK STUDIO AND ARE NOT TO BE REPRODUCED OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF RK STUDIO



<b>ATTACHMENT C</b>	
This forms part of application # A18-0001	
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City of <b>Kelowna</b> COMMUNITY PLANNING	

Oct 12, 2018

File: A18-0001

City of Kelowna  
1435 Water Street  
Kelowna BC V1Y 1J4  
E-mail: [planninginfo@kelowna.ca](mailto:planninginfo@kelowna.ca)

Re: ALC Non-Farm Use Application A18-0001 Application McCurdy Road 1425

To the City of Kelowna,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the Agricultural Land Commission (ALC) non-farm use application for the property located at 1425 McCurdy Road. I have reviewed the documents you have provided.

- Ministry staff recognize the potential benefits of this specific residential conversion to a portion of the pre-existing garage, including its size and siting, however, Ministry staff nevertheless encourage the applicant to pursue either the development a secondary suite in the existing single family dwelling, or a manufactured home as per Agricultural Land Reserve Use, Subdivision and Procedures Regulation (3)(1)(b) including compliance with City of Kelowna bylaws.
- This is primarily because of the associated potential negative impacts of additional residential use on long-term agricultural potential on the ALR - found throughout the province both on the specific lot and neighbouring parcels.
- Further, while the application also references the use of the residential unit for either a care taker or seasonal farm worker in the longer term, a recommendation for additional documentation to support this, along with a possible requirement to decommission the unit if not used for farm help, may also be a potential option if forwarded to the ALC.

If you have any questions please contact me directly at [christina.forbes@gov.bc.ca](mailto:christina.forbes@gov.bc.ca) or 250-861-7201.

Sincerely,

Christina Forbes, P.Ag  
Regional Agrologist  
B.C. Ministry of Agriculture – Kelowna  
Office: (250) 861-7201  
E-mail: [christina.forbes@gov.bc.ca](mailto:christina.forbes@gov.bc.ca)  
Email copy: ALC Planner, [ALC.Okanagan@gov.bc.ca](mailto:ALC.Okanagan@gov.bc.ca)

December 18, 2018

Andrew Ferguson, Planner  
City of Kelowna – Planning & Development  
1435 Water Street  
Kelowna, BC V1Y 1J4  
[aferguson@kelowna.ca](mailto:aferguson@kelowna.ca)

Re: File No. A18-0001  
1425 McCurdy Road, Kelowna

On behalf of Interior Health's Healthy Communities portfolio, I appreciate the opportunity to provide comment to the City of Kelowna on consideration of the application for non-farm use in the ALR. It is our understanding the applicant is proposing for 100m<sup>2</sup> to be allowed as an immediate family residence for an ailing parent. This application has been reviewed from a healthy food systems perspective and is provided to you for consideration.

Interior Health has an interest in the preservation of farmland to support local agricultural capacity now and in the future. Agricultural capacity is a key aspect of local healthy food systems, contributing to our community's food security. Food systems determine how we choose food and what food we have access to. The food we eat is critical to our health. Land use decisions can influence use of agricultural land which can thereby impact the accessibility, quality and variety of food available to us. Having access to healthy and safe food helps to protect the population from chronic disease and infectious illnesses.

In the interest of food security, and the ability of our citizens to access healthy and safe food, we suggest consideration of the following:

- From a food security perspective, it is ideal that land in the ALR be used for its intended purpose. Any changes made to land within the ALR should support agricultural capacity and provide significant benefit to agriculture, including non-farm use. This non-farm use application for a residence does not appear to contribute to a healthy food system nor support agricultural capacity.
- Farmland preservation helps to maintain a level of food production that contributes to food self-sufficiency for the community. Food self-sufficiency increases food security and supports healthy eating. Food self-sufficiency in BC is increasingly important, as extreme weather will affect food production in California and elsewhere. Currently, California supplies 40%-50% of BC's imported fruits and vegetables. Greater availability of locally produced fruits and vegetables may increase their consumption.



**ATTACHMENT D**

This forms part of application  
# A18-0001

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On behalf of the Healthy Communities portfolio, I appreciate the opportunity to provide comment on this application.

Regards,

A handwritten signature in cursive script that reads "Katrina Lehenbauer".

Katrina Lehenbauer, MPH  
Healthy Communities  
Population Health

KL/kl

**Bus:** (250) 469-7070 ext 12289  
**Fax:** (250) 868-7809  
**Email:** [katrina.lehenbauer@interiorhealth.ca](mailto:katrina.lehenbauer@interiorhealth.ca)  
**Web:** [www.interiorhealth.ca](http://www.interiorhealth.ca)

INTERIOR HEALTH  
POPULATION HEALTH  
505 Doyle Avenue  
Kelowna, BC V1Y0C5



# Agrologist Report re: ALC Non-Farm Use Application – 1425 McCurdy Rd, Kelowna, BC

Presented To: Shari & Michael Matvieshen

Dated: August 23, 2018

Ecora File No.: NK-18-277-SUN

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**ATTACHMENT E**

This forms part of application  
# **A18-0001**

Planner Initials **AF**

City of **Kelowna**  
COMMUNITY PLANNING





## Presented To:

Shari & Michael Matviessen  
1425 McCurdy Road  
Kelowna, BC V1X 4W1

Prepared by:



A handwritten signature in black ink that reads 'J. Kitteridge'.

August 23, 2018

Jesse Kitteridge, LL.B.  
Environmental Scientist  
jesse.kitteridge@ecora.ca

Date

Reviewed by:

A handwritten signature in black ink that reads 'C. Piedt'.

August 23, 2018

Catherine Piedt, P.Ag.  
Environmental Sciences Manager  
catherine.piedt@ecora.ca

Date

**ATTACHMENT E**  
This forms part of application  
# A18-0001  
Planner Initials   
City of Kelowna  
COMMUNITY PLANNING



## Limitations of Report

This report and its contents are intended for the sole use of Shari & Michael Matvieshen and the applicable regulatory authorities. Ecora Engineering & Resource Group Ltd. (Ecora) does not accept any responsibility for the accuracy of any data, analyses, or recommendations contained or referenced in the report when the report is used or relied upon by any Party other than Shari & Michael Matvieshen and the applicable regulatory authorities or for any Project other than that described in this report. Any such unauthorized use of this report is at the sole risk of the user.

Where Ecora submits both electronic file and hard copy versions of reports, drawings and other project-related documents, only the signed and/or sealed versions shall be considered final and legally binding. The original signed and/or sealed version archived by Ecora shall be deemed to be the original for the Project. Both electronic file and hard copy versions of Ecora's deliverables shall not, under any circumstances, no matter who owns or uses them, be altered by any party except Ecora.



# Table of Contents

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  - 1.1 Objective ..... 1
- 2. Site Description ..... 1
  - 2.1 Adjacent Land Uses ..... 2
  - 2.2 Non-Farm Use ..... 2
  - 2.3 Improvements ..... 5
- 3. Future Farm Plans ..... 5
  - 3.1 Vineyard ..... 5
- 4. Closure ..... 6

## Photographs

## Appendices

- Appendix A Field Maps
- Appendix B Land Title
- Appendix C Kelowna Municipal Council Letter of Support



# 1. Introduction

Ecora Engineering & Resource Group Ltd. (Ecora) was retained by Shari & Michael Matvieshen (the Client) to complete a comprehensive agrologist report to supplement an application to the Agricultural Land Commission (ALC) for a non-farm use of a property, in accordance with s.20(3) of the *Agricultural Land Commission Act*.

This report includes a record of all work/improvements undertaken by the property owners, a site plan showing existing property conditions, dimensions, layout and spacing of existing buildings, floor plans for the non-farm use building, future farm plan description, as well as elevation drawings and site photos for contextual purposes.

## 1.1 Objective

The objectives of this report are to:

- Describe any improvements made to the land, demonstrating an increase in agricultural capability of the property. The improvements are a result of converting approximately 88.4m<sup>2</sup> of a 250m<sup>2</sup> garage into a suite, to house the ailing parents of the property owners; and
- Satisfy the requirements of the ALC application.

# 2. Site Description

Ecora visited the site on May 7, 2018. The legal description of the property is as follows:

- Plan KAP23935, Lot 2, Section 36, Township 26, EXCEPT Plan KAP53090 & KAP84358

The property, located on the north side of McCurdy Road East, 3 km east of Highway 97, is within the Agricultural Land Reserve, and zoned Agricultural A1. The 3.62 ha (8.96 acres) property has the following characteristics:

- A southward sloping aspect, approximately 10% grade, at 517m ASL;
- 14,650 m<sup>2</sup> of land cleared for future agriculture (2,900 m<sup>2</sup> recently improved by the Client)
- 5,350 m<sup>2</sup> of roadway and/or parking area;
- 3,050 m<sup>2</sup> of landscaped lawn;
- 1,300m<sup>2</sup> of mature orchard;
- 1,150 m<sup>2</sup> of vineyard (grape);
- 130 m<sup>2</sup> of raised beds (vegetables);
- Three Beehives;
- A two-story residential home, approximately 575m<sup>2</sup>;

- Three-car garage, part of which is in use as a residential suite, approximately 250m<sup>2</sup>. This 88.4m<sup>2</sup> suite was built as part of the garage in 2010, after city council resolution in 2010 (Appendix C), and the parents have lived in the suite since that time (November 2010);
- One accessory building currently in use as a staff room/first aid building, approximately 75m<sup>2</sup>;
- One greenhouse/workshop, approximately 25m<sup>2</sup>;
- Additional small sheds and storage containers;

**ATTACHMENT E**

This forms part of application  
# A18-0001

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## 2.1 Adjacent Land Uses

The surrounding area is mostly agricultural in character with the exception of a small subdivision west of site. More specifically, the surrounding uses are as follows:

<b>North</b>	A1	Agricultural	ALR
<b>East</b>	RR2	Rural Residential	ALR
<b>South</b>	A1	Agricultural	ALR
<b>West</b>	A1	Agricultural	ALR

## 2.2 Non-Farm Use

The Client indicated that 88.42 m<sup>2</sup> of space within the three-car garage in the NW corner of the property is currently in use as living quarters to accommodate the parents of the Client while they recover from an illness. The total area of the garage is 225m<sup>2</sup>, while 88.42m<sup>2</sup> is considered non-farm use. (Figure 1.0) The suite currently has 2 bedrooms; however there are tentative plans to convert the second bedroom into a storage space, accessible from the garage. The suite was built in 2010, and the Client’s parents have lived in the suite since November of 2010 (approx. 8 years). The application for the suite was supported by city council resolution in 2010 (Appendix C).

The Client has indicated that in the future, they wish to utilize the suite inside the garage to house agricultural workers for the vineyard which is being planted.



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Figure 1.0 – Location of non-farm use on property. Southern section of garage has been converted to non-farm use.

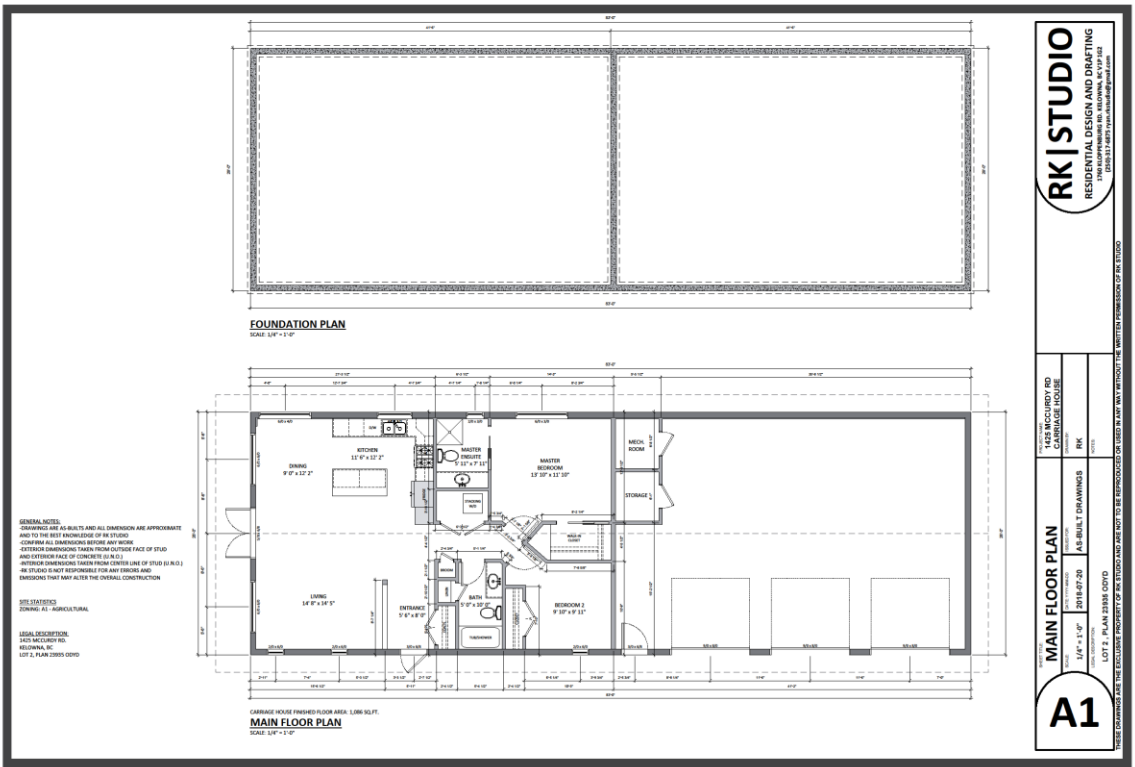


Figure 2.0 – Current floor plan of non-farm use building.

**ATTACHMENT E**

This forms part of application  
# A18-0001

City of Kelowna  
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Planner Initials **AF**

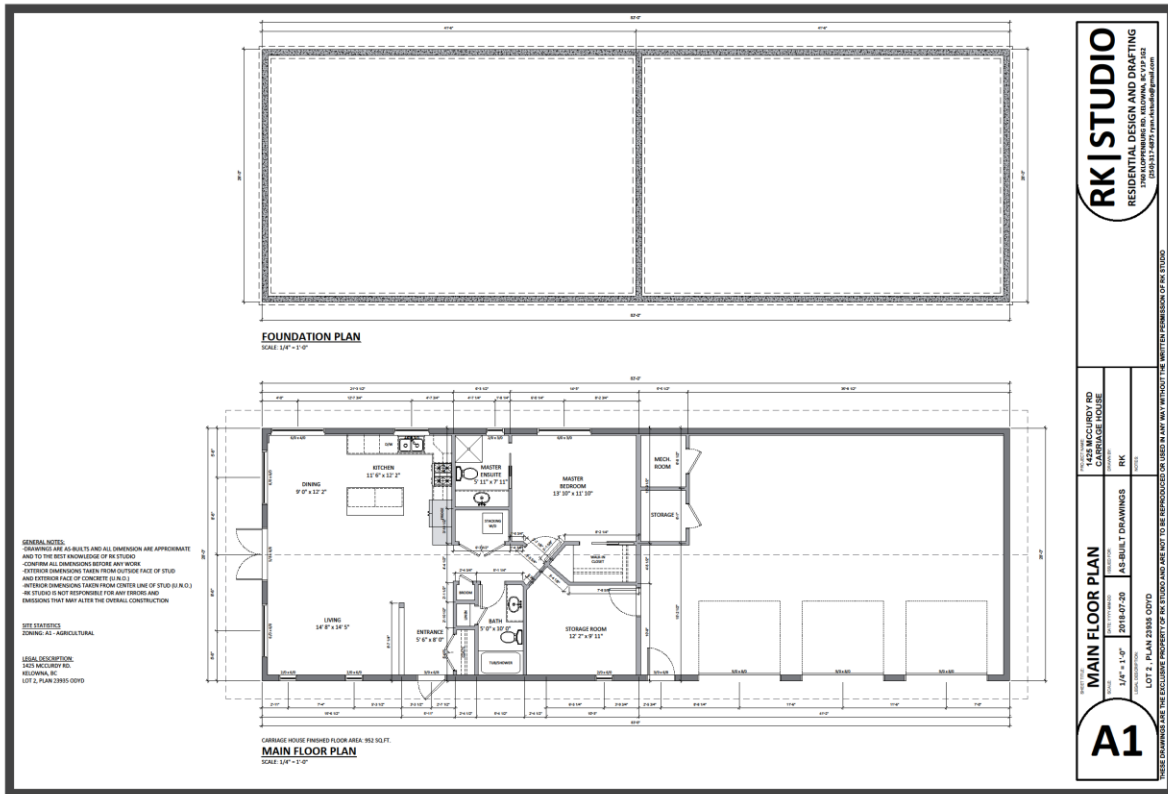


Figure 3.0 – Tentative floor plan of non-farm use building. Access to storage area will be from both the suite and the garage.

## 2.3 Improvements

The Client, based on discussions with the ALC, has made improvements to approx. 2,900m<sup>2</sup> of the property, including terracing, grading, and clearing, in order to increase the agricultural capability of the property. The improved areas are identified in Figure 4.0. These improvements were made to areas that were either too steep, contained vegetation, or were otherwise unfit for agriculture, in order to offset the non-farm use elsewhere on site.

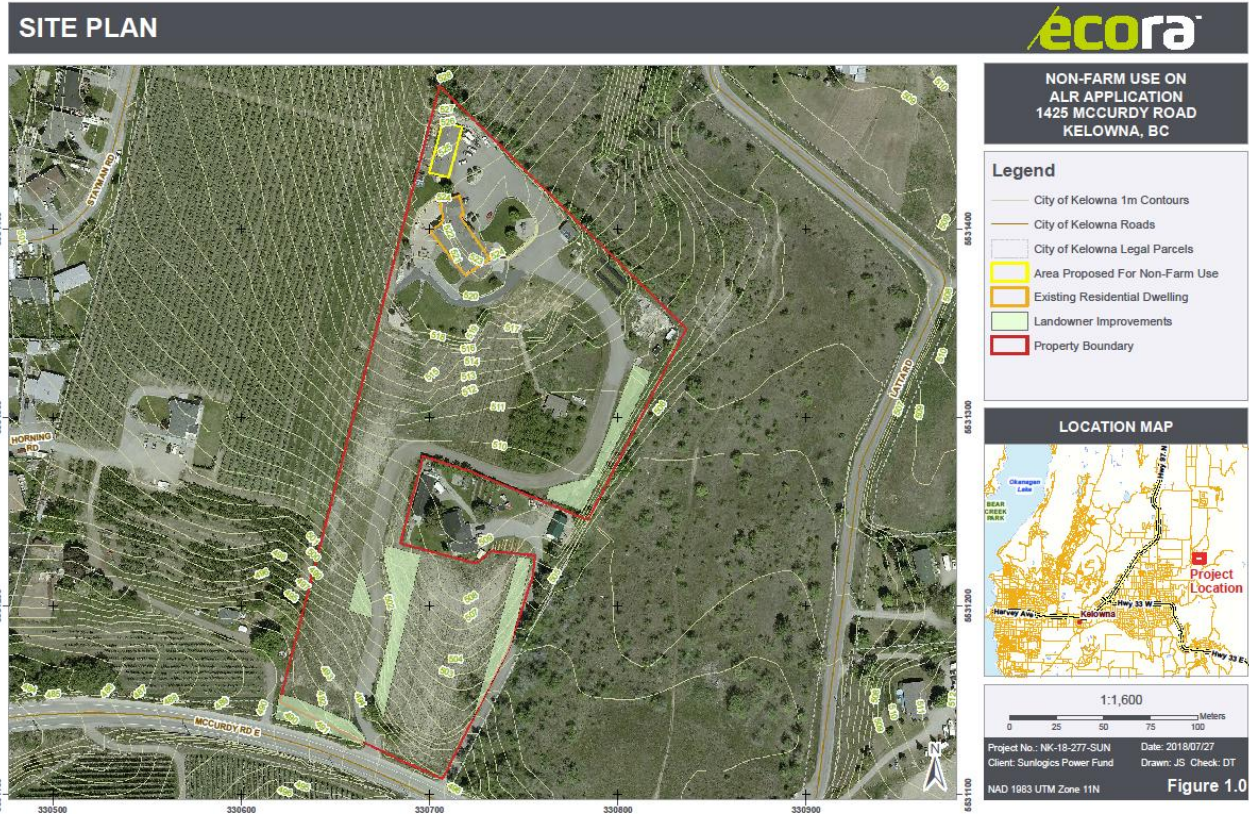


Figure 4.0 – Location of improvements made to property by the Client

## 3. Future Farm Plans

### 3.1 Vineyard

The Client has indicated that they intend to develop a vineyard on the 14,650 m<sup>2</sup> (1.465 ha) of cleared land available on the property, representing approximately 40% of the 3.62 ha Property. The Client has indicated that planting of the vineyard is scheduled to begin in 2019. Planting will occur on land that previously supported a vineyard, in addition to the 2,900 m<sup>2</sup> (0.29 ha) that was recently improved by the Client.



**ATTACHMENT E**

This forms part of application  
# A18-0001

Planner Initials **AF**



**City of Kelowna**  
COMMUNITY PLANNING

## 4. Closure

We trust this report/proposal meets your present requirements. If you have any questions or comments, please contact the undersigned.

Sincerely

**Ecora Engineering & Resource Group Ltd.**

Prepared by:

Reviewed by:



Jesse Kitteridge, LL.B  
Jr. Environmental Scientist  
Direct Line: 250.469.9757 x1085  
jesse.kitteridge@ecora.ca



Catherine Piedt, P.Ag.  
Environmental Scientist  
Direct Line: 250.469.9757 x1013  
catherine.piedt@ecora.ca



### Version Control and Revision History

Version	Date	Prepared By	Reviewed By	Notes/Revisions
0	June 26, 2018	JHK	SH	
A	August 7, 2018	JHK		
B	August 23, 2018	JHK	CP	

# Photographs



**Photo 1** - Looking northwest at garage. Non-farm use is on southern end of building, on left of frame.



**Photo 2** – Looking northwest at property subject to non-farm use application. Total building dimensions are 9m x 26m, however area converted to residential is approx. 9m x 11m



**Photo 3** – Looking south across property. Mature fruit tree orchard (1300m<sup>2</sup>) is visible on left, and vineyard (1150m<sup>2</sup>) is visible on right.



**Photo 4** – Looking southeast across property. Mature fruit tree orchard (1300m<sup>2</sup>) is visible on left, and vineyard (1150m<sup>2</sup>) is visible on right. Accessory building (75m<sup>2</sup>) is behind fruit tree orchard.



**Photo 5** - Looking south across property. Vineyard (1150m<sup>2</sup>) is visible on left.



**Photo 6** – Looking southwest across property. Area has been cleared, and is ready to be planted.



**Photo 7** – Looking south at southern end of property. Client has improved area immediately adjacent to McCurdy Rd. by clearing and grading land, which has increased the agricultural capability of the property.



**Photo 8** – Looking north at main residence



**Photo 9** – Raised vegetable beds behind garage.



**Photo 10** – Beehives in north-eastern corner of Site



**Photo 11** – Looking south at accessory building on property. Building is used as a lunch-room and first-aid room.



**Photo 12** – Looking west into mature fruit tree orchard



**Photo 13** – Looking north across property. Area has been cleared, with planting scheduled for 2019.



# Appendix A

## Field Maps



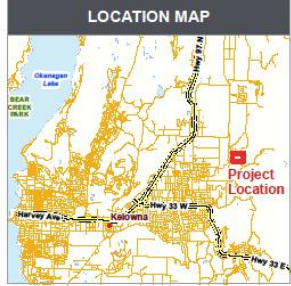
# SITE PLAN



**NON-FARM USE ON ALR APPLICATION  
1425 MCCURDY ROAD  
KELOWNA, BC**

**Legend**


- City of Kelowna 1m Contours
- City of Kelowna Roads
- City of Kelowna Legal Parcels
- Area Proposed For Non-Farm Use
- Existing Residential Dwelling
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- Property Boundary



1:1,600  
0 25 50 75 100 Meters

Project No.: NK-18-277-SUN Date: 2018/07/27  
Client: Sunlogics Power Fund Drawn: JS Check: DT  
NAD 1983 UTM Zone 11N

**Figure 1.0**

<b>ATTACHMENT E</b>	
This forms part of application # <b>A18-0001</b>	
Planner Initials	AF
 City of <b>Kelowna</b> COMMUNITY PLANNING	

# Appendix B

## Land Title

**TITLE SEARCH PRINT**

2018-06-26, 16:07:07

File Reference:

Requestor: Jamie Kouwenhoven

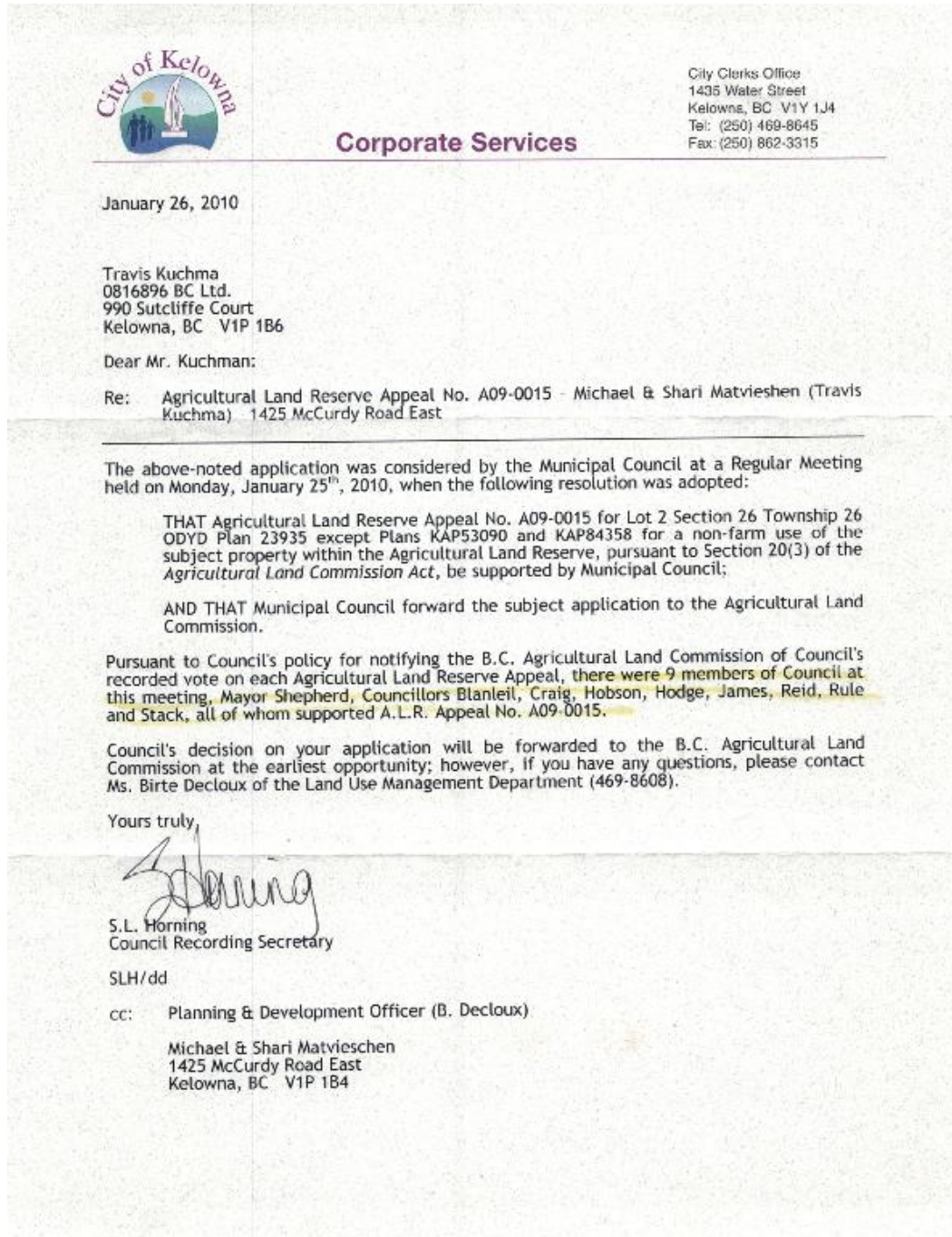
Declared Value \$ 2000000

**\*\*CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN\*\***

<b>Land Title District</b>	KAMLOOPS
Land Title Office	KAMLOOPS
<b>Title Number</b>	CA2222737
From Title Number	CA1228885
<b>Application Received</b>	2011-10-06
<b>Application Entered</b>	2011-10-13
<b>Registered Owner in Fee Simple</b>	
Registered Owner/Mailing Address:	SHARI LYNN MATVIESHEN, BUSINESSWOMAN 1425 MCCURDY ROAD KELOWNA, BC V1X 2B4
<b>Taxation Authority</b>	Kelowna, City of Black Mountain Irrigation District
<b>Description of Land</b>	
Parcel Identifier:	006-181-406
Legal Description:	LOT 2 SECTION 36 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 23935 EXCEPT PLANS KAP53090 AND KAP84358
<b>Legal Notations</b>	
	THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND COMMISSION ACT, SEE PLAN M11328
	THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE LB520630
<b>Charges, Liens and Interests</b>	
Nature:	STATUTORY RIGHT OF WAY
Registration Number:	LB54718
Registration Date and Time:	2007-05-15 11:36
Registered Owner:	FORTISBC INC.
Remarks:	INTER ALIA

# Appendix C

## Kelowna Municipal Council Letter of Support



September 21, 2018

- On January 25, 2010 the City of Kelowna approved unanimously our Appeal to the ALC for rezoning for a suite.
- I'm not sure when the recommendation from the city was sent to the ALC but we didn't receive any correspondence on this matter until May 11, 2010.
- On June 9, 2010, 3 people from the ALC came out to inspect our property. I explained to them that my parents were aging and not in good health. I wanted them to come and live with us from Manitoba.
- There was a letter sent from the ALC on June 25, 2010 refusing our application. They commented on the extensive access (our driveway) to the new house. The new driveway needing to be built was the fault of the City of Kelowna because they did not include an easement for using the existing driveway when they approved to the subdividing of the property and the neighbor was very unreasonable and wouldn't let us use his driveway and they put a gate in to ensure we didn't use the driveway. So we had to pay to get our own driveway access. The city also did not include access to the power lines from the neighbor so we had to pay him to let us use his lines so we didn't have to put more poles through our property. The city did not do their due diligence, in my opinion when they subdivided the land.
  - The ALC's "Conclusions" did not make any sense for the refusal of a secondary suite particularly because it stated: "That the proposal will have a negative impact on agriculture." And yet all the buildings and the driveway are already in place and that isn't going to change and the amount of available ALR land isn't going to change.
- My parents were moving from Manitoba and because of their health we decided to proceed with building them a suite in our detached garage. At the beginning of December 2010 my parents moved into the suite.
- At the beginning of 2011 we decided to build a chicken coop so we could have organic eggs and chickens. I spoke with someone from the city, I believe it was Larry, and my understanding was that we did not need a permit to build a chicken coop because of the size.
- June 2011 we got 230 baby chicks, with no antibiotics or vaccinations, and we fenced in a large area of the land for free ranging the chickens.
- October 2011, my dad had a heart attack which required surgery of 2 stents being implanted and a lot of medication to be administered. He was not allowed to drive.
- In January 2012, just a few months after my dad's heart attack, my mom was diagnosed with breast cancer and had to go through 2 surgeries, a lumpectomy and mastectomy. She had to go through chemotherapy and radiation over a 1 ½ year period. I was the primary caregiver to both of my parents and having them live with us was essential. Our four children were all still living at home so we didn't have room for them in our home.

We have had to hire people to help us manage our property throughout the years.

- When my parents moved on our property my dad took on a great deal of the farm/ acreage responsibilities. He did pruning of the trees, planted a large vegetable and fruit garden and took care of the chickens. He picked several bins of apples every year for juicing and to take to the Food Bank. He changed a lot of the irrigation pipes in the orchard, replaced some waterlines and put in new valves. He's always fixing and repairing the endless things that need to be done on a farm.
- In 2015 we had to take out all of our apple trees due to codling moth. This was a huge undertaking. We hired people to get this done.

- We arranged for the city to chip all of the trees, which took a long time for someone to actually come to get the work done, as opposed to how long the city said it would take to get it done. The chipping program was through the city of Kelowna. It was done too close to winter so nothing else could be done to the property.
- In 2016 we graded the property and put in all new water lines throughout the agriculture land. We hired people to do this.
- We now need to decide what we should replant where the apples were. We will be hiring people to help get this done.

As far as my parent's health, they still have a lot of health issues. My dad is 78 years old and my mom will be 73. My mom had a severe stroke in December 2017 and she has not fully recovered, and probably never will. As I am their only daughter it is crucial at their age for them to remain living with my husband and I so we can continue to care for them and so they can have the quality of life without going into a care facility.

As far as the decommissioning of the chicken coop, it makes no sense at all to decommission everything and then have to pay someone to come in and put it all back in??? Our lawyer, Robert Tonsoo, is away until next week so I couldn't get his conclusion or anything from him on the decommissioning. As Michael mentioned in his meeting with you, that there are several properties, actually most farming properties around us, with extra units on their properties so we don't understand why we are being discriminated against. I think we should meet again to discuss the chicken coop.

Sincerely,

Shari Matvieshen