

build a log cabin in lieu of a mobile home. Ultimately no building permit was issued for this structure.

The non-farm use application was made in July of 2018 prior to recent changes to the ALC Act. In February of 2019 the ALC Act and regulation were amended; one of the key changes is that properties in the ALR may have no more than one residence per parcel unless authorized by a 'non-adhering residential use permit'. This application was made prior to these changes therefore City staff are continuing to processing this application as a 'non-farm use application' per previous direction from ALC staff.

Another key change to the ALC Act and regulation is that ALC legislation previously contained provisions allowing the construction of additional dwellings for farm help and manufactured homes for immediate family members. These provisions are no longer found in the ALC Act and the ALR Use Regulation.

2.2 Proposal

The purpose of this application is to reconcile the use of the existing buildings on the site and bring the property into compliance. There are no additional dwellings proposed. The proposal is that:

- The dwelling currently occupied by the property owners be designated as the principal residence on the property.
- The second dwelling currently occupied by the farm manager be designated as an additional dwelling for farm help.
- The third dwelling (cabin) be approved as dwelling to be occupied by an immediate family member.

The dwellings are an outstanding compliance item noted during bylaw enforcement action related to RV storage and a landscaping business operating on the property. This was resolved 2018 with the property owner entering into a compliance agreement stipulating that the building will be vacated by December 1st 2018.

2.3 Site Context

The subject site is an 11 acre (4.5 ha) agricultural property located on the east side of Rifle Road near the intersection with Longhill Road that operates as 'Falcon Ridge Farms'. There is a wide range of agricultural activity on the property which includes the growing of various fruits and vegetables as well as echinacea and herbs and garlic. The farm also contains livestock such as chickens, turkeys, llamas, goats and sheep.

2.4 Neighbourhood Context

The subject property lies within the Glenmore – Clifton – Dilworth city sector. The property is in the ALR, zoned A1 – Agricultural 1, and designated Resource Protection Area (REP) in the Official Community Plan. Adjacent properties to the north, south and west are also located in the ALR, zoned A1 and designated Resource Protection Area (REP) in the OCP. The property adjacent to the east rear property line is an undeveloped parcel not located in the ALR but zoned A1 and designated a mix of Single/Two Unit Residential and Park.

3.0 Community Planning

To meet the objective of preserving productive agricultural land the City's Official Community Plan includes policy on Farm Help Housing that states:

Accommodation for farm help on the same agricultural parcel will be considered only where:

- Agriculture is the principal use on the parcel, and
- The applicant demonstrates that the additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall operation of the farm.
- The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary. Temporary farm worker housing (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.

Report prepared by: Alex Kondor, Planner Specialist

Reviewed by: Laura Bentley, Community Planning Supervisor

Attachments:

Attachment A – Site Plan

Attachment B – ALR Application

Attachment A – Site Plan



Attachment B – ALR Application



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 57885

Application Status: Under LG Review

Applicant: Marlys Wolfe

Agent: Quantum Law

Local Government: City of Kelowna

Local Government Date of Receipt: 07/16/2018

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

Proposal Type: Non-Farm Use

Proposal: The purpose of this proposal is to reconcile the use of certain existing buildings on the site and bring the property into compliance. There will be no additional footprint created or any reduction of agricultural activity. The 0.8 ha measurement above is an approximation and includes both residences, surrounding landscaping of the homes, the cabin, and driveways. The driveways are also used for farm purposes.

There are two houses located on the site, both of which were built with the approval of the City of Kelowna. The first house, located by the road, was the original primary residence. It is currently occupied by a couple that help manage the farm for the Wolfes. A second home was built on the property for the Wolfes when Mrs. Wolfe co-owned the parcel with her brother, and is currently occupied by Mr. and Mrs. Wolfe, and Mrs. Wolfe's elderly parents.

There is also a small 350 s.f. cabin located at the back of the property. The cabin does not have a foundation, but does have a 200 s.f. concrete pad underneath a portion of it. The cabin is occupied by Mrs. Wolfe's adult daughter. The cabin was built in 2004. The Wolfes originally obtained permission from City of Kelowna to put a mobile home on the property in 2003 and Mrs. Wolfe advises that the City later agreed to allow the Wolfes to build the log cabin in lieu of a mobile home.

We are requesting as follows:

1. The Wolfes' residence be designated as the primary residence on the property.
2. The ALC approve as a non-farm use the occupation of the second residence by the farm manager. Mrs. Wolfe is willing to provide a covenant to the ALC to decommission the house in the event that the property is sold or the Wolfes are no longer farming the parcel.
3. The ALC approve as a non-farm use the occupation of the cabin by immediate family. This would essentially be in lieu of a manufactured home as permitted under Regulation 3(1)(b)(ii)(A).

Agent Information

Agent: Quantum Law

Mailing Address:

206-3500 Carrington Road
Westbank, BC

Applicant: Marlys Wolfe

Current Use of Parcels Under Application

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

The owner conducts a variety of agricultural activities on site:

- 1 acre is planted with *Echinacea* and garlic;
- 3/4 acre is planted with lavender and vegetables;
- 2 acres are used for animals and pasture areas (turkeys, ducks, chickens, sheep);
- 2 acres are planted with cherries and chokecherry trees;
- 1 acre is to be planted with apple trees in Fall 2018 or Spring 2019;
- 3/4 acre is planted with perennials for resale;
- 1 acre is fallow for future agricultural use.

This makes up 8.5 acres, approximately 75% of the parcel area.

In addition to the foregoing activities, there is a small farm store (12 x 12ft), a three-storey garage that houses a floor for packaging storage of the farm's value-added products; a floor for the Site Licenced kitchen (where the Wolfes process their small fruits and vegetables as well as the herbs that are grown on site into food products and natural health products), and two shops (both approx. 75 x 35 ft.).

*The upper shop is used for drying and curing *Echinacea* and garlic, and storing and repairing equipment.*

Applicant: Marlys Wolfe

The second shop is occupied by United Landscapes, who will be vacating the premises December 1, 2018, as requested by the ALC. This shop was previously used for the cherry orchard needs and when United Landscapes vacates, it will be put to some other agricultural use.

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

This parcel has been owned by members of the Wolfe family for many years. Mrs. Wolfe and her brother owned the property as tenants-in-common from 2003 to 2014. Mrs. Wolfe became the sole registered owner in 2014. Mrs. Wolfe has been farming on site since 2003.

When the property was originally purchased, it was bare land. The Gagnon/Wolfe family has made every improvement on this property, including perimeter and cross fencing, irrigation, every farm building, and planting of the cherry orchard, 10,000 Echinacea plants, perennials, garlic, lavender, vegetables, chokecherry trees and other small fruit trees, raspberries, and hazelnut trees. Mrs. Wolfe has obtained certified organic status for the farm, created an extensive list of value-added products produced using the farm products grown on site, and obtained a Site License from Health Canada to produce Natural Health Products.

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

As noted above, United Landscapes currently occupies one of the shops for the purpose of operating their landscaping business, which is considered non-farm use. This activity will cease by December 1, 2018.

Other non-agricultural uses are limited to:

- 1) The Wolfes' residence and the first floor of the garage;*
- 2) The 2nd residence located at the front of the parcel, which is occupied by a couple that work on the farm in exchange for use of this home;*
- 3) A small cabin that was erected in lieu of a manufactured home;*
- 4) Driveways that are shared residential/farm use.*

Inclusive of the landscaping around the two homes, the total area not used for agricultural purposes is 2 acres, or approximately 18% of the total acreage.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: Apple orchards

East

Land Use Type: Unused

Specify Activity: Bare land

South

Land Use Type: Unused

Applicant: Marlys Wolfe

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?

0.8 ha

2. What is the purpose of the proposal?

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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.

This proposal could not be achieved on another parcel outside of the ALR as the buildings and circumstances are unique to this family farm. All of the structures are already in place and were built with the approval of the City of Kelowna.

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

The Wolfes are of retirement age, but are in good health and actively farm the property. With the support of their farm manager, who continues to take on more responsibilities, they will be able to expand operations and continue to farm the property well into the future. The Wolfes wish to remain on the family farm until the end of their lives and actively farm with assistance for as long as possible.

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The second residence allows the Wolfes to afford this extra help, as the manager provides services in lieu of paying rent. If the non-farm use is not approved for the second residence, the Wolfes will not be able to continue the current and planned future operations and would likely scale back the farming activity. Over the longer term, the farming would be reduced significantly if the Wolfes are not able to afford external assistance, particularly when they are of advanced age and no longer able to farm themselves.

Similarly, if the non-farm use of the cabin is not approved, the Wolfes may need to relocate. Their daughter has disabilities as a result of a car accident and has other health issues. The Wolfes wish to have her remain on the property with the rest of the family so that they can assist her. If the property were sold, it is unclear whether prospective buyers would continue farm activities to the extent that the Wolfes do. This may result in diminished agricultural activity on the parcel, or the farming ceasing altogether.

5. Do you need to import any fill to construct or conduct the proposed Non-farm use?

Applicant Attachments

- Agent Agreement - Quantum Law
- Proposal Sketch - 57885
- Site Photo - Cabin
- Site Photo - Cabin step
- Site Photo - Farm Help House
- Site Photo - Wolfe Home & Garage with Kitchen
- Certificate of Title - 008-623-368

ALC Attachments

None.

Decisions

None.

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