

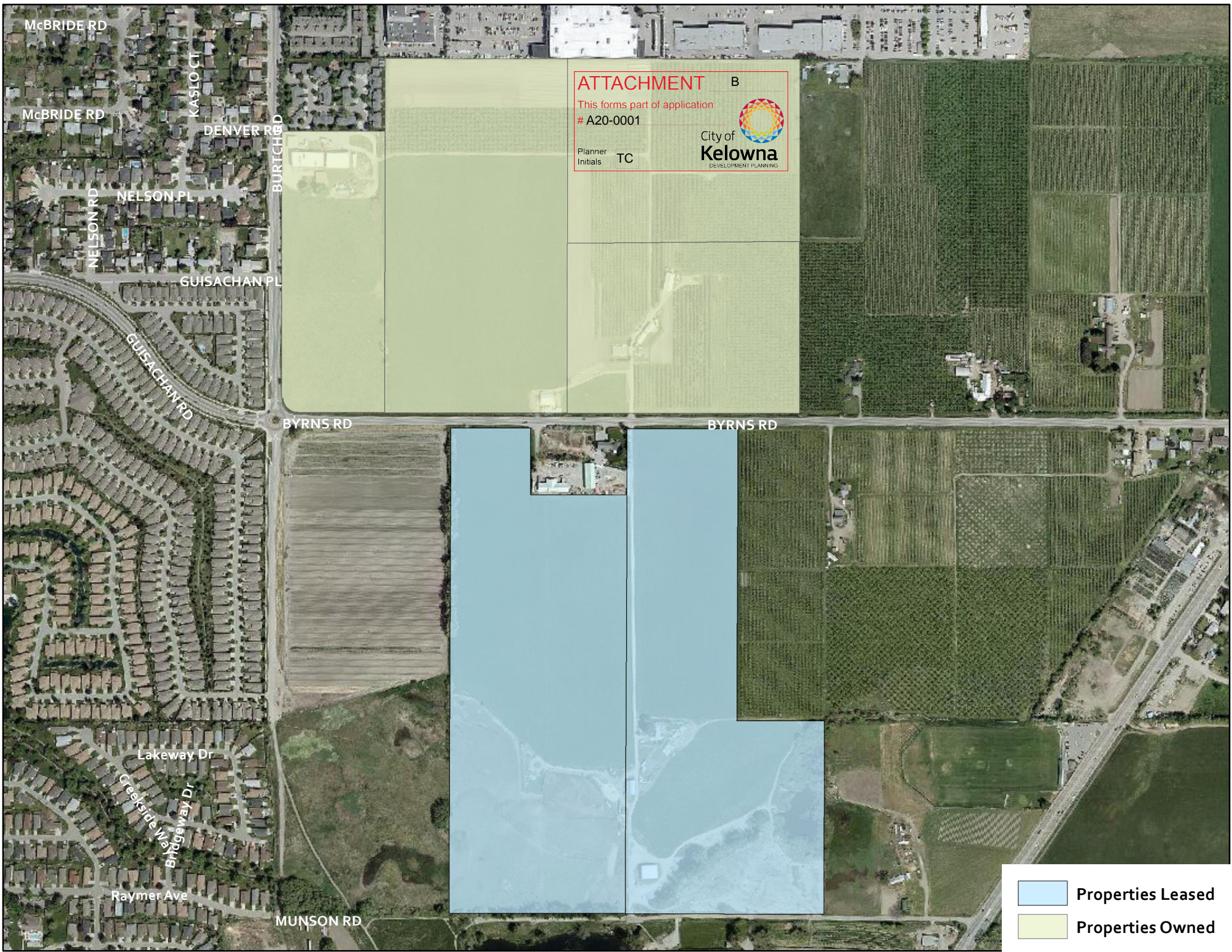
Building Inventory:

- #1 – Proposed Residence of Erin Day-Johnson and Family (145m²)
- #2 – Karen Day's Residence (143m²)
- #3 – Ernie Day's Residence (89m²)
- #4 – TFW Housing #1 (71m²)
- #5 – Kevin Day's Residence (145m²)
- #6 – TFW Housing #2 (134m²)

ATTACHMENT A

This forms part of application
A20-0001

Planner Initials **TC**



McBRIDE RD

McBRIDE RD

DENVER RD

NELSON PL

GUISACHAN PL

GUISACHAN RD

BYRNS RD

BYRNS RD

Lakeway Dr

Greekside Way

Bridgeway Dr

Raymer Ave

MUNSON RD

KASLO CT

BURTRICH RD

ATTACHMENT B

This forms part of application # A20-0001

Planner Initials TC



- Properties Leased
- Properties Owned

**A Land Use Report to Support Farm Family Housing:
Byrns' Farms Ltd.
(DBA Day's Century Growers)**

May 8, 2020



**Report Prepared by Carl Withler P.Ag.
DBA "Green Spark Consulting"
Kelowna B.C.**

This report has been prepared by a Professional Agrologist at the request of City of Kelowna staff to give them confidence that for a period of time three residences are required on the subject property to ensure on site labour is available and more importantly, to complete succession planning on a successful mixed farm and vertically integrated storage, packing and fruit shipping facility.

Report outline:

1. Statement of Qualifications
2. Farm Location/Production/Context
3. Farm Future
4. Recommendations
5. General Commentary

Statement of Qualifications: the author of this report is a Professional Agrologist (#695) registered and in good standing in the province of British Columbia and has been so for over 30 years. Because of this registration he is bound by a code of ethics, guided by standard and normal practices and uses scientific and field information to come to logical and rational recommendations and decisions.

Specific to this report Mr. Withler has spent 40 years in production agriculture working in every commodity from animal husbandry to tree fruit horticulture in Canada and abroad. During his working career Mr. Withler worked very closely with the Agricultural Land Commission (ALC), Ministry of Agriculture Strengthening Farming program staff and Local Government planners to create and review bylaws related to agricultural production. As well, Mr. Withler is relied on by Farm Industry Review board hearings as a "Knowledgeable Person" and allowed to offer opinion regarding normalized farming practices. Recently, the author retired from the provincial civil service as the Industry Specialist for the Tree fruit and Grape industries and is working as an Environmental Farm planner and replant inspector for the Treefruit Replant program. Mr. Withler is now the lead Agrologist for Green Spark Consulting

Farm Outline: The Day family has been in the Kelowna area farming for over 125 years and George Ernest Day bought the current farm location in 1952 and still lives on the property subject to this application and report. Mr. Day Sr. is now "retired", but provides input into production, historical land management and assists in moving equipment to support the family in it's various farming activities.

Currently, the farm is comprised of four separate land titles that form the North East corner of Burtch and Byrns roads in Kelowna. Between all four parcels there is a total of approximately



75 acres which is farmed and managed well above the industry standard. Added to these holdings the farm also leases property from the City of Kelowna to produce forage for the farm beef herd and local horse owners and trainers. This leased property is approximately 66 acres in size and the lease is in good standing currently. To complete the farm activity and holdings they also own 1/2 Section of land (640 acres) on Goudie road which is the appurtenant base to the Woodlot licenced issued by the Province of B.C.

Byrn's farms is one of the very truly "mixed" farms with a balance of animal husbandry and horticultural production. The focus of horticulture production is on top end pear production and direct marketing of vegetables to the citizens of Kelowna at the Bryn's road farm market. Added to this, the farm

The farm is near residential development and commercial retailers like Rona and Bubbles car wash. The farm enjoys a good working relationship with these entities and is respectful to balance farming and processing with their neighbours right to peaceful enjoyment of their properties.

In order to run a mixed farm and fruit storage and packing facility, there is a year-round need for labour. The majority of labour currently is family lead, with Kevin Day (son of George Day) and Karen Day (daughter of George Day) who work cooperatively to grow, harvest and sell the farms produce. With the development of on site packing seasonal farm workers (both local and foreign) work through the fall, winter and early spring months to ensure this happens. Keeping the plant running, staff organized and shipping on time is full time employment for Erin (Kevin's daughter) and husband Riley who currently live off farm and now need to move "on farm" to continue to take on responsibilities of family members like George, Kevin and Karen. Added to this, "in family" labour force, is Sam (Karen's son) who keeps equipment running as a licenced mechanic and is similarly integrated into the succession plan for this farm. He is currently living in the "double wide" which is slated for removal once newer houses are built and the long-term succession plan for the farm and Day family is initiated.

Added to all this family labour the Day's Century growers also employs full time farm help, part time help and temporary foreign workers. They are a significant, steady, employer who annually contribute to the economy of Kelowna and the Province of B.C. This contribution becomes more challenging if the ability of family members to move onto the farm is impeded and the proposed succession plan and farm knowledge transfer is not completed. Skills learned on the farm and are transferable to other industries and locations putting the 125-year history of Day family members farming successfully in Kelowna at risk.

ATTACHMENT C

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Photo 1: Overview of Owned Farm properties at N.E. corner of Burtch and Byrns roads Kelowna.



Photo 2: high yielding pear production pruned and ready for the 2020 production season. This level of management is well above industry standards.

Farm Future: Should the application in question, be successful, specifically, to build a 1600 sq. ft house for Riley and Erin to live in and stabilize the farm labour supply, ensure the continued operation of the packing plant and learn the annualized cycle of running a mixed farm and woodlot, they should live on the farm. This would mean, for some period of time, there would be three residences at the Byrn's road site:

1. Erin and Riley's house
2. Sam's double wide mobile home (to be removed at future date)
3. George's original residence (to be ultimately resided in by Karen)

As the exact date of vacancy of George's house would be (as patriarch of the family) this proposal allows for construction of Erin and Riley's house in 2021 and continued knowledge transfer from senior Day family members to younger members and reduces farm economic risk by building in a planned and organized manner. As well, on the larger lot (approximately 25 acres) the family wishes to build a principal farm residence which will house Sam (the farm mechanic) and his family. This allows for Sam's smooth transition from the "double wide" to a principal farm residence on its own, already existing, lot.



Photo 3: showing final layout of Primary residences on each lot, and a shared farm family residence (note: all residences proximate to roads, in proximity to fruit stands or packing facilities and no loss of productive farmland)

Into the foreseeable future, the farm will house and employ Kevin and family, Karen and family, Erin and Riley and Sam. Other Day family members may return to the farm should economic opportunities be created, specifically Katie (Kevin's daughter). This would be planned and managed in similar fashion to how the Day family wishes to proceed with Riley and Erin's return to the farm to work and live on the land they will ultimately manage.

ATTACHMENT C

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A20-0001



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Initials **TC**

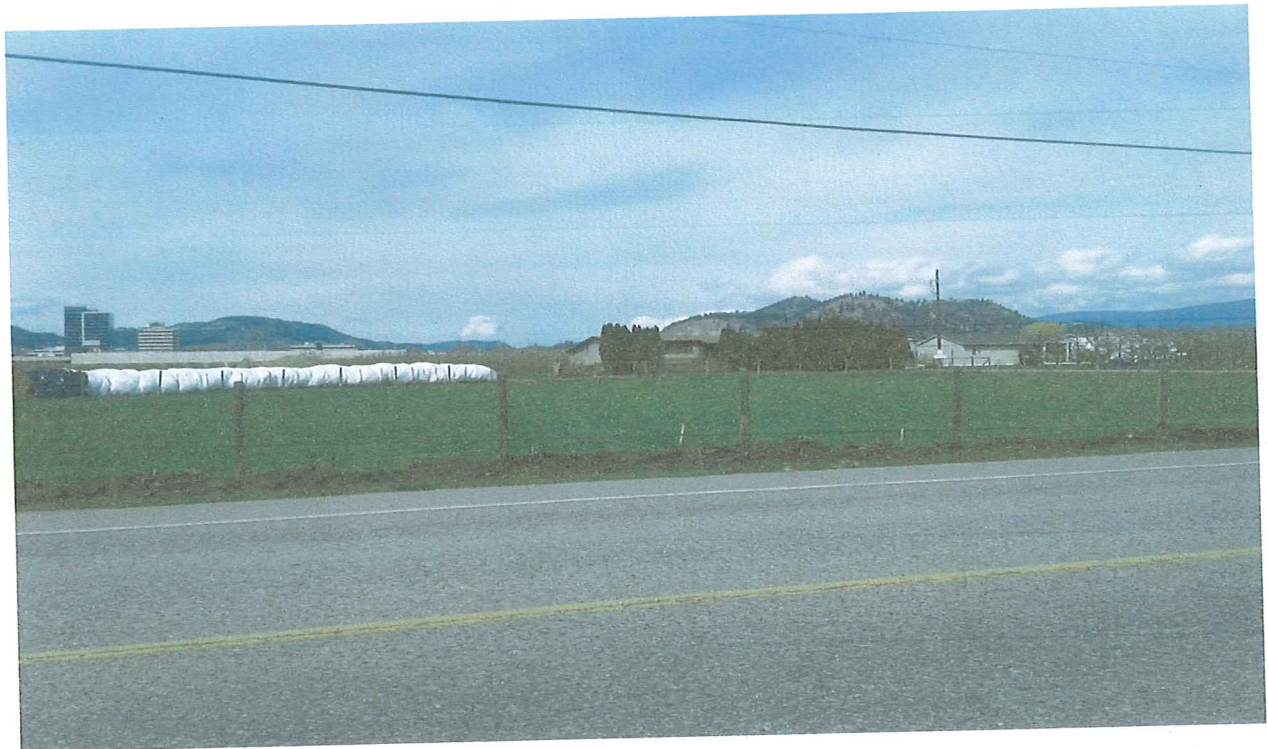


Photo 4: from Byrns road showing approximate location of proposed housing (white silage bags), trailer for removal (cedar hedges) and house to remain (far right).



Photo 5: the patriarch's house to be renovated once vacated. Approximate size 800 ft. sq.



Photo 5; the “double wide” to be removed once farm family housing is constructed.

Recommendations: In reviewing the farming and packing facilities, interviewing family members, walking the farm and reviewing documents such as the City of Kelowna agriculture plan, the Agricultural Land Commission website I have confidence that the construction of a house for Erin and Riley at the location proposed minimizes loss of agricultural land, meets the requirements of the ALC Act, encourages a smooth farm family succession plan, respects the efforts of senior Day family members in building a successful, vertically integrated, resilient farm and allows people to age in place.

As well, construction of a house on the 25 acre parcel facing Byrn’s road near “the barn” is in the best interest of the farm as it allows family labour (Sam and family) to move smoothly from the double wide to an upgraded, updated home location.

In order to give the City confidence in carrying out this transition, it may be in their best interest to place basic conditions on building permit issuance and they may include:

1. Security deposit for removal of “double wide” trailer after transition has taken place from George’s house to Karen’s residence.
2. Time commitments for removal of trailer upon Riley and Erin’s house completion.

General Commentary: It is acknowledged by the author that this proposal is challenging for City staff as it is an additional residence without strict adherence to timelines, but it is worth noting that this property would be eligible for a Homesite Severance under the ALC policy suite.

The family has chosen not to exercise this option as it potentially alienates land from the farm unit, increases lot number and complexity and makes a fragmented farm when larger farm parcels are encouraged.

In reviewing very quickly the approximate total footage of house footing on this farm if the recommendations above are accepted there would be a residential footprint on three lots of:

- Kevin and Tracey's house: approx. 1300 ft.sq. (existing on lot 1)
- Sam and family's house: approx. 1600 ft.sq. (proposed on Lot 2)
- George's/Karen's house: approx. 800 ft.sq. (existing on Lot 3)
- Erin and Riley's house: approx. 1600 ft.sq. (proposed on Lot 4)

In total, these residences would be family occupied, located on gravel soils (less productive than other soils generally for soil based agriculture), close to roads (minimizing loss of land through driveways), and be just over the maximum foot print for a single residence outlined in earlier ALC housing documentation. These are not estate homes, but reasonable farm family homes which are close to roads, small and close to the farm activity they support.

The Day family, (starting with Ephriam Arthur Day in the 1890s), has farmed the subject property for over 125 years as it is the original property farmed by the family. Subsequent generations have created farms throughout the central Okanagan. However, the family of third generation, George Ernest Day, have been, and will continue to, farm the original Day Family Farm.

Added to this, the Day family are very active in the community donating food to the food bank, creating and managing the Benvoulin Water Users community, hosting agriculture "tours" to show world class packing and grading equipment, coaching soccer, assisting the Okanagan Basin Water Board regarding water management and supporting the growth and development of independent fruit growers and shippers of fruit domestically and around the world.

I have known Day family members for over 30 years, and they have lived and farmed locally as a family for over 125 years. They are committed to agricultural production, good land management and Kelowna generally. This transition plan is merely "the next phase" of a family farm who has been and will be here to contribute to our community.

The author remains available to City staff or project proponents to discuss this report at their request.

ATTACHMENT C

This forms part of application
A20-0001



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Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Carl Withler'.

Carl Withler P.Ag. (#695)

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Provincial Agricultural Land Commission - Applicant Submission

Application ID: 56989

Application Status: Under LG Review

Applicant: Byrnes Farms Ltd.

Agent: Kevin Day

Local Government: City of Kelowna

Local Government Date of Receipt: 06/22/2020

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

Proposal Type: Non-Adhering Residential Use - Additional Residence for Farm Use

Proposal: To build a residence to house Erin Day-Johnson, daughter of Kevin Day, and her husband, Riley Johnson. They both work on the farm on a full time basis- the 5th generation to do so, (refer to appendix #1). A successful proposal will result in an orderly transfer of the daily farming duties in addition to the assumption of management duties by the next generation to continue the legacy of this highly productive family farm. As the managing team of Kevin Day and sibling, Karen Day, near retirement age, (57 and 59 years of age respectively), the need for an on site team to ensure succession.

Agent Information

Agent: Kevin Day

Mailing Address:

2225 Burtch Road

Kelowna, BC

V1Y 7Z5

Canada

Primary Phone: (250) 862-0962

Mobile Phone: (250) 470-8880

Email: kevinday44@hotmail.com

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 001-822-047

Legal Description: L 23 DL 129 OSOYOOS DIVISION YALE DISTRICT PL 415 EXC THE E 414 CHS

Parcel Area: 7.6 ha

Civic Address: 1756 Byrnes Road

Date of Purchase: 05/22/1986

Farm Classification: Yes

Owners

1. **Name:** Byrnes Farms Ltd.

Address:

2225 Burtch Road

Kelowna, BC

V1Y 7Z5

Applicant: Byrnes Farms Ltd.

Canada
Phone: (250) 862-0962
Cell: (250) 470-8880
Email: kevinday44@hotmail.com

ATTACHMENT		D
This forms part of application # A20-0001		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING

Ownership or Interest in Other Lands Within This Community

- Ownership Type:** Fee Simple
Parcel Identifier: 026-382-822
Owner with Parcel Interest: Byrnes Farms Ltd.
Parcel Area: 12.2 ha
Land Use Type: Agricultural/Farm
Interest Type: Full Ownership

- Ownership Type:** Fee Simple
Parcel Identifier: 026-382-814
Owner with Parcel Interest: Byrnes Farms Ltd.
Parcel Area: 5.5 ha
Land Use Type: Agricultural/Farm
Interest Type: Full Ownership

- Ownership Type:** Fee Simple
Parcel Identifier: 004-160-886
Owner with Parcel Interest: Byrnes Farms Ltd.
Parcel Area: 8.1 ha
Land Use Type: Agricultural/Farm
Interest Type: Full Ownership

Current Use of Parcels Under Application

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

5.3H Pear Orchard

.4H Market Garden

.4H Pasture

1.3 H Sweet Corn

equals 7.4H in full production

Total lot size 7.6H

Currently Less Than 4% of subject property consisting of farm buildings and infrastructure leaving more than 96% in full agricultural production.

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

5.3H High Producing Pear Orchard c/w underground irrigation supply and related irrigation equipment.

.4H Market Garden for direct sales to local consumers c/w irrigation

.4H Fenced pasture c/w Irrigation

1.3H Sweet Corn c/w Irrigation

Farm Accessory Buildings consisting of hay storage, equipment sheds and shop, employee shower and kitchen facilities, and TFWH (Temporary Foreign Worker Housing) facilities.

Mobile Home on Crawl Space occupied by Karen Day Financial Manager and Market Garden Manager

One Bedroom Stick Frame House on Crawl Space home of Ernest Day, Patriarch

Applicant: Byrnes Farms Ltd.

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

No non-agricultural activity

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: Market Garden, Pear Orchard

East

Land Use Type: Agricultural/Farm

Specify Activity: Pear Orchard

South

Land Use Type: Agricultural/Farm

Specify Activity: Alfalfa Hay farming

West

Land Use Type: Agricultural/Farm

Specify Activity: Livestock Barn and yard, Alfalfa field, Grass mix hay field/pasture.

Proposal

1. What is the purpose of the proposal?

To build a residence to house Erin Day-Johnson, daughter of Kevin Day, and her husband, Riley Johnson. They both work on the farm on a full time basis- the 5th generation to do so, (refer to appendix #1). A successful proposal will result in an orderly transfer of the daily farming duties in addition to the assumption of management duties by the next generation to continue the legacy of this highly productive family farm. As the managing team of Kevin Day and sibling, Karen Day, near retirement age, (57 and 59 years of age respectively), the need for an on site team to ensure succession.

2. Describe the necessity for an additional residence for farm use and how it will support agriculture in the short or long term.

This proposal supports local agriculture in as much as it is the intention of the applicant that this farm remain intact and managed in the same way well into the future. This is only possible with an orderly transfer of responsibilities to the next generation. In order for this to happen, Erin and her husband need to live on the farm where it is their intention to raise their family. The location of the build site is on a surface gravel seam that runs through the farm. This gravel seam, although a very small percentage of the overall farm acreage, is an extremely unproductive area and is where all of the buildings located on the lot of this application are located in an effort to maintain the highest productivity possible by having the least impact on the very fertile land that makes up our farm. The remainder of the buildings on our family farm unit consisting of our fruit packing and storage facility, the residence of Kevin Day, and a shop/storage Quonset hut, are tucked into the corner of 2225 Burtch Road, (PID 026-382-814). The majority of this building site is also placed on a gravel seam, therefore, also very unproductive. Our goal has always been to have the least detrimental impact on the productivity of this 57 hectare family farm unit, of which the subject lot is one of four lots owned by the applicant and two leased lots, by very thoughtful placement of infrastructure.

3. Describe the size, type and number, as well as occupancy of all residential structures currently



Applicant: Byrnes Farms Ltd.

located on the property.

24X40, (960 square feet) stick frame house on crawl space occupied by patriarch, George Ernest Day, 87.

24X60, (1440 square feet) mobile home on crawl space occupied by Financial and Market Garden Manager, Karen Day. It is the applicants intention to remove the mobile home residence permanently in the foreseeable future as Karen Day intends to reside in the one bedroom stick frame residence when it becomes available.

(54X12)+15X8, (768 square feet) TFWH, occupied Temporary Foreign Workers employed by Byrnes Farms

4. What is the total floor area of the proposed additional residence in square metres?

145 m²

5. Describe the rationale for the proposed location of the additional residence.

The purpose of this proposal is to facilitate the intergenerational transfer of responsibilities of the daily operation of this mixed farm. It would be unduly difficult to accomplish that task if they lived off farm. This location is desirable as it, as well as all other buildings on this lot, will be located on a very low producing surface gravel ridge that runs from surface to very deep. The vast majority of the subject lot and the other three lots fully owned and the unregistered lease lots are highly productive clay/loam soil type. All buildings on this family farm unit have been located to have the least impact possible on the production potential. This highlights the philosophy of preservation that is nurtured within the multiple generations of the Day Family. This location is also in close proximity to a city of Kelowna sewer hook up, as yet unused, installed and located on the subject lot near Byrnes Road. This eliminates the need for a septic system and all related infrastructure. Access driveways and extra parking are also already in place to accommodate this proposal. We realize there are adjacent lots which remain empty and are used strictly for agricultural purposes. As stated above, this is due to our goal to maintain the highest productivity of our land by placing all buildings on the gravel seam that runs through the parcel under application. We are willing to agree to assign a covenant to Parcel #3 (ID-004-160-886) to help formalize our promise to remove the mobile home residence permanently. This is in the foreseeable future as Karen intends to reside in the one-bedroom stick frame residence when it becomes available. We will agree to this covenant as long as it is understood that said covenant will be lifted once the mobile home residence is permanently removed.

6. What is the total area of infrastructure necessary to support the additional residence?

The existing driveway and parking are more than sufficient to accommodate this residence. The double garage and its approach, 1550 square foot rancher and the related landscaping will be well under 4000 square feet in total. There is no need for an accessory building as the existing family farm unit will easily fulfill this need.

7. Do you need to import any fill to construct the additional residence or infrastructure?

No

Applicant Attachments

- Agent Agreement - Byrnes Farms Ltd.
- Proposal Sketch - 56989
- Other correspondence or file information - Supporting Letter From Carl Withler
- Other correspondence or file information - Corporate Search
- Other correspondence or file information - Appendix #2
- Other correspondence or file information - Appendix #1
- Certificate of Title - 001-822-047

ATTACHMENT		D
This forms part of application # A20-0001		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING

Applicant: Byrnes Farms Ltd.

ALC Attachments

None.

Decisions

None.

ATTACHMENT	D
This forms part of application # A20-0001	
Planner Initials	TC
 City of Kelowna DEVELOPMENT PLANNING	