COMMITTEE REPORT



Date: November 18, 2021

To: Agricultural Advisory Committee (AAC)

From: Development Planning Department

Application: A21-0008 **Owner:** Christine and Kevin Schmidt

Address: 3850 Swamp Road Applicant: Kevin Schmidt

Subject: Application to the ALC for Non-Farm Use in the ALR for the Placement of Fill

1.0 Purpose

The applicant is requesting permission from the Agricultural Land Commission (ALC) to allow for a Non-Farm Use to place up to 23,500 cubic meters of fill on the property to reclaim for agriculture, under Section 20(3) of the Agricultural Land Commission Act.

2.0 Development Planning

The applicant is seeking ALC approval to allow for placement of 23,500 cubic meters of fill with the intent of improving the farming capability on the subject property. The proposal is supported by a professional agrologist report to improve the site for agriculture. The purpose of the fill is to raise the land approximately 1 meter above the high water table and seasonal flooding prevalent on the site, which will ensure a competent root zone for future crops. Fill placement will also be guided via an Environmental Management Plan to ensure wetland features and groundwater diversion ditches surrounding the property are avoided. Should the ALC approve the Non-Farm Use, the applicant will be required to attain a Soil Deposit Permit from the City of Kelowna.

3.0 Proposal

3.1 Background

The subject property has been owned by the Casorso and Schmidt families (who are related), for over one hundred years. Due to the parcel's high water table the site has not been extensively farmed to date. Over the history of owning the parcel, the family has foraged a few pigs and leased the land for hay production. In 2018 the Schmidt family focused on raising the land level through filling to produce crops, such as hops or blueberries, and building a house to raise their family.

In January 2021 a Stop Work Order was issued by the Agricultural Land Commission for unauthorized fill placement on the subject property. Prior to the stop work order being issued, it is believed that 926 loads of fill material were placed on the property, which originated from a construction site at the corner of Cook and Truswell Roads in Kelowna.

3.2 Project Description

The purpose of the fill is to raise the land approximately 1 meter above the high water table and seasonal flooding prevalent on the site, which will ensure a competent root zone for future crops. Fill placement will be guided via an Agrologist's Prescription to ensure suitable agricultural soils and via an Environmental Management Plan to ensure wetland features and groundwater diversion ditches surrounding the property are avoided.

3.3 Site Context

The subject property is located in the North Okanagan Mission City Sector near the intersection of Casorso and Swamp roads adjacent to Mission Creek. The parcel is within the Agricultural Land Reserve with a Future Land Use of Resource Protection Area (REP) and is zoned A1 – Agriculture 1.

Parcel Summary – 3850 Swamp Road:

Parcel Size: 4.4 ha (10.8 acres)

Elevation: 346 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	Future Land Use
North	A1 — Agriculture 1	Yes	Park and Open Space;
			Resource Protection Area
South	A1 – Agriculture 1	Yes	Resource Protection Area
East	A1 – Agriculture 1	Yes	Resource Protection Area
West	A1 – Agriculture 1	Yes	Resource Protection Area

Subject Property Map: 3850 Swamp Road



3.4 Agricultural Land Capability

The Agricultural Land Capability of the subject property is Class 5, which is generally limited to the production of perennial forage crops and specifically adapted crops (crops such as cranberries suited to unique soil conditions not amenable to a wide range of common crops). Productivity of these suited crops may be high. Class 5 lands can be cultivated and some can be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated field crops may be grown on some Class 5 land where adverse climate is the main limitation, but crop failture can be expected under average conditions.

3.5 Soil Capability

The Soil Management Handbook for the Okanagan and Similkameen Valley (published by the BC Ministry of Agriculture) categorizes soils having similar agriculturally important characteristics into 'soil management groups' identifies that the vast majority of the property is comprised of Tanaka (TA) soils. Surface and subsurface textures range from sandy loam to silty clay loam, while subsoils are gravels and sand at approximately 50 centimeters and greater in some profiles. The soils are predominately poorly to very poorly drained with minor inclusions of imperfectly drained soils on slightly elevated locations. The topography varies from level and gently undulating.

Tanaka soils are well suited for forage crops. If soils are drained, suited crops would be alfalfa, annual vegetable crops, blueberries, cereals, corn, forage crops, nursery and Christmas trees, pears, raspberries and strawberries.

4.0 Current Development Policies

Kelowna Official Community Plan (OCP)

Protect and enhance local agriculture¹.

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.

Natural Environment Development Permit Areas²

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.

City of Kelowna Agriculture Plan (1998)

ALR Application Criteria³

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.

¹ City of Kelowna, 2012. 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.33.

² City of Kelowna, 2012., 2030 Official Community Plan; Chapter 12 - Natural Environment DP

³ City of Kelowna Agriculture Plan. 1998. P. 130.

Report prepared by: Corey Davis, Development Technician

Reviewed by: Dean Strachan, Community Planning and Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning and Development Services

Attachments:

Agrology Reports

Environmental Management Plan for Fill Placement – 3850 Swamp Road