

REPORT TO COUNCIL



Date: February 7, 2022

To: Council

From: City Manager

Department: Development Planning Department

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

Address: 3850 Swamp Road **Applicant:** Kevin Schmidt

Subject: Application to the Agricultural Land Commission for Non-Farm Use in the Agricultural Land Reserve for the Placement of Fill

Existing OCP Designation: (R-AGR) Rural - Agricultural and Resource, NAT – Natural Areas

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Agricultural Land Reserve Application No. A21-0008 for Lot K District Lot 168 ODYD Plan 1829 Except Plan EPP21089, located at 3850 Swamp Road, Kelowna, BC for a Non-Farm Use in the Agricultural Land Reserve pursuant to Section 20.1 (2) of the Agricultural Land Commission Act, be supported by Council.

2.0 Purpose

To support an application to the Agricultural Land Commission (ALC) to allow for a Non-Farm Use to place up to 23,500 cubic meters of fill on the subject property to reclaim for agriculture, under Section 20.1 (2) of the Agricultural Land Commission Act.

3.0 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 1.0 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.

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on November 18, 2021. The Committee recommends that Council request 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 20.1 (2) of the Agricultural Land Commission Act.

4.0 Proposal

4.1 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.

4.2 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.

4.3 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 Rural - Agricultural and Resource (R-AGR) 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:

Orientation	Zoning	ALR	Future Land Use
North	A1 – Agriculture 1	Yes	Parks; Rural Agricultural and Resource
South	A1 – Agriculture 1	Yes	Rural Agricultural and Resource
East	A1 – Agriculture 1	Yes	Rural Agricultural and Resource
West	A1 – Agriculture 1	Yes	Rural Agricultural and Resource

Subject Property Map: 3850 Swamp Road**4.4 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 failure can be expected under average conditions.

4.5 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.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 8.1 Protect and preserve agricultural land and its capability.	
Policy 8.1.1 Protect Agricultural Land	Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.
Policy 8.1.6 Non Farm Uses	<p>Restrict non-farm uses that do not directly benefit agriculture except where such non-farm uses are otherwise consistent with the goals, objectives and other policies of this OCP. Support non-farm use applications only where approved by the ALC and where the proposed uses:</p> <ul style="list-style-type: none"> • Are consistent with the Zoning Bylaw and the 2040 OCP; • Provide significant benefits to local agriculture; • Do not require the extension of municipal services; • Will not utilize productive agricultural lands; • Will not preclude future use of the lands for agriculture; and • Will not harm adjacent farm operations.

6.0 Application Chronology

Date of Application Received: August 31, 2021
 Agricultural Advisory Committee: November 18, 2021

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on November 18, 2021 and the following recommendations were passed:

THAT the Committee recommends that Council request 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 20.1 (2) of the Agricultural Land Commission Act.

Report prepared by: Corey Davis, Development Technician - Engineering
Reviewed by: Dean Strachan, Community Planning & Development Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Agrology Reports

Environmental Management Plan for Fill Placement – 3850 Swamp Road