



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 67004

Application Status: Under LG Review

Applicant: Jeffrey Polovick

Agent: Urban Options Planning Corp.

Local Government: City of Kelowna

Local Government Date of Receipt: 11/24/2022

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

Proposal Type: Non-Farm Use

Proposal: The intention is to bring the property into compliance with zoning, ALR and business license requirements through applications to both the City and the Agricultural Land Commission. The purpose is to obtain approval from the ALC under Section 20(3) of the ALC Act for a Non-Farm Use within the ALR to allow 570sq.m. of the 3.98 ha. (9.857ac) farm to sell landscaping products including bagged soil products, soil additives, mulches and landscape rock which will be brought in from off-site. The Kel-Lake Garden Centre Site Development Plan - 4351 Shanks Road forms part of the applications.

The current property owner took possession of the property on September 1, 2020 and has been engaged in the process of developing a garden centre and nursery business and reclaiming the land for agriculture since. No additional retail space is proposed beyond that which currently exists. A Non-Farm Use Application to the ALC and a variance application to the City of Kelowna are required to legitimize operations as part of evolving the agricultural business.

Agent Information

Agent : Urban Options Planning Corp.

Mailing Address :

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Kelowna, BC

V1Y 2E6

Canada

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Email : birte@urbanoptions.ca

Parcel Information

Parcel(s) Under Application

- Ownership Type :** Fee Simple
Parcel Identifier : 012-296-562

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This forms part of application # A22-0006	
Planner Initials	TC
 City of Kelowna DEVELOPMENT PLANNING	

Applicant:

Legal Description : LOT 14 SECTION 34 TOWNSHIP 23 AND SECTION 3 TOWNSHIP 20
OSOYOOS DIVISION YALE DISTRICT PLAN 500 EXCEPT PLAN 44031

Parcel Area : 3.9 ha

Civic Address : 4351 Shanks Road, Kelowna BC V1W 1M3

Date of Purchase : 09/01/2020

Farm Classification : Yes

Owners

1. **Name :**

Address :

4351 Shanks Road

Kelowna, BC

V1V 1M3

Canada

Phone :

Email :



Ownership or Interest in Other Lands Within This Community

1. **Ownership Type :** Fee Simple

Parcel Identifier : 012-296-473

Owner with Parcel Interest :

Parcel Area : 3.97 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).

See Kel-Lake Garden Centre Site Development Plan for additional detail, especially Site Context; Site Conditions & Facilities; Table 1: Summary of Site Development as of October 2022 and Figure 5: Existing Site Conditions Graphic.

Residential buildings and landscaping near Shanks Road; Garden Centre and nursery greenhouses in the central area including an aggregate and bagged soil amendment sales area and soils mixing for on-site use only to the rear of the greenhouses; planting areas between greenhouses and Highway 97 under development.

Residential: Approximately 19%

Greenhouses & Garden Centre Operations: 38%

Agriculture (under development): 43%

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

See Site Development History in the Kel-Lake Garden Centre Site Development Plan for additional information (pages 15-21).

Fall 2020:

- Since purchasing the property on September 1, 2020, the applicant has worked with City of Kelowna staff and ALC Bylaw Enforcement Officer, Dave Birchmore to bring the uses on the property into compliance with

Applicant:

all applicable regulations. Previous soils issues have been resolved. It is understood that hardscape products remaining from the previous owner will continue to be removed as they are able to be sold and they will not be replaced. Kel-Lake Garden Centre operations no longer include any soil processing activities beyond those for the immediate use in the greenhouses and agricultural activities conducted on-site. The business will focus on nursery, plants and complimentary sales of begged products and pots.

- Agricultural improvements are ongoing on the subject property to take advantage of the property's capabilities. Both greenhouse operations (non-soil bound) and open-field soil bound production form part of the short-term plans for operations. Products available on-site currently include garden accessories & supplies; indoor & outdoor plans; landscaping materials; seasonal items and trees & shrubs.

- New fence and gate installed along the north property boundary adjacent to limit uninvited access/trespass onto the property from Highway 97

- Eastern half of the property contoured to remediate historical soil-making activity

- Aggregate bins relocated and improved to reduce footprint and make additional area available for future farming

- Built a new 2,500sqft (25ft x 100ft) greenhouse for growing vegetables

- Planted numerous trees around the property

- Power poll installed at Highway 97 gated access to provide 200-amp electrical service for future farm use

- Ongoing cleanup of junk material left on the property by the previous owner

2021:

- Additional landscaping completed to further enhance the natural aspects of the property

- Ongoing cleanup of junk material on the property

2022:

- Aggregate sales area reconfigured to reduce footprint of the retail sales activities, improve function and create a buffer between the operations and the orchard to the north

- Bulk sales of soil from the corral area to the rear of the greenhouses have been eliminated; only bagged soil products will be available from pallets arranged along the greenhouse adjacent to the parking area.

- Former Contractor sales area adjacent to Highway 97 decommissioned as shown in Photo 5 of the Site Development Plan.

- Contractor completed weed cutting on the lower part of the property

- Additional work is underway in Fall 2022 to reshape the land in preparation for farming. Improvements to the former access to Highway 97 are expected to reduce slope and drainage issues.

- The slope from the rear of the greenhouses to the Highway 97 frontage has been tilled and will be planted to a cover crop such as rye with the goal of improving soil quality and restoring nutrients to the soil.

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

See Table 1: Summary of Site Development as of October 2022, Kel-Lake Garden Centre Site Development Plan - 4351 Shanks Road for detailed information.

Building or Use: Dimensions from Survey; Area (square meters)

Garage: 6.8m x 17.7 + 1.3m x 1.3m; 150.27sq.m.

Shed: 7.5m x 11.1m; 83.25sq.m.

Cellar: ~6m x 3m; 18.00sq.m.

Poly Shed: 7.4m x 11.1m; 82.14sq.m.

House: ~9.7m x 12.2m + 17m x 14.5m + 25.5m x 18.7m; 841.69sq.m.

Greenhouse 1: 30.9m x 7.6m; 234.84sq.m.

Greenhouse 2: 30.6m x 9.4m; 287.64sq.m.

Greenhouse 3: 30.5m x 9.4m; 286.70sq.m.

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Greenhouse 4: 32.2m x 33m + 15.5m x 25.7m + 7.3m x 8.4m; 1522.27sq.m.
Greenhouse 5: 29.3m x 13.4m; 392.62sq.m.
Gazebo: 13.0m x 9.4m; 122.20sq.m.
Office - Retail: 182.28sq.m.
Total Buildings: 4,203.90sq.m.

Site Area: 39,889.86m² (3.98 ha or 9.857ac)
Building Site Coverage: 10.5%

Soils Corral: 12.9m x 28m (On-site operations only); 361.20sq.m.
Aggregate Corral: 5.4m x 55.6m (Available for sale); 300.24sq.m.
Bagged Product: Sales 26m x 3.4m (Bags stored on pallets next to greenhouse); 88.4sq.m.
Office - Retail (Existing building); 182.28sq.m.
Total Retail Area: Aggregate/Bagged Product & General Retail; 570.92sq.m.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm
Specify Activity : Orchard

East

Land Use Type: Transportation/Utilities
Specify Activity : Highway 97 & OKIB

South

Land Use Type: Agricultural/Farm
Specify Activity : Orchard

West

Land Use Type: Unused
Specify Activity : Undeveloped; slopes significantly up to the west

Proposal

1. How many hectares are proposed for non-farm use?

0.06 ha

2. What is the purpose of the proposal?

The intention is to bring the property into compliance with zoning, ALR and business license requirements through applications to both the City and the Agricultural Land Commission. The purpose is to obtain approval from the ALC under Section 20(3) of the ALC Act for a Non-Farm Use within the ALR to allow 570sq.m. of the 3.98 ha. (9.857ac) farm to sell landscaping products including bagged soil products, soil additives, mulches and landscape rock which will be brought in from off-site. The Kel-Lake Garden Centre Site Development Plan - 4351 Shanks Road forms part of the applications.

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The current property owner took possession of the property on September 1, 2020 and has been engaged in the process of developing a garden centre and nursery business and reclaiming the land for agriculture since. No additional retail space is proposed beyond that which currently exists. A Non-Farm Use Application to the ALC and a variance application to the City of Kelowna are required to legitimize operations as part of evolving the agricultural business.

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.

No, this proposal cannot be accommodated on lands outside of the ALR as the proposed use is consistent with both Official Community Plan and Zoning Bylaw regulations for this type of use. The operation of the nursery and greenhouses is also consistent with the goals and objectives of the City of Kelowna's Agricultural Plan. Areas appropriate for these uses are generally also designated as ALR.

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

Yes, the proposal supports agriculture in both the short and long term. The operation of the nursery and greenhouses is consistent with the goals and objectives of the City of Kelowna's Agricultural Plan. The property owner has committed to a plan to further develop the agricultural capability of the land through a staged development process. Site development will minimize land use conflicts with surrounding agricultural operations. The proposed activities are either agricultural or directly benefit agriculture, especially urban agriculture in the surrounding area. These plans do not increase the existing residential footprint. As such, the proposal is consistent with Agricultural Plan Objective 5.33 to protect and enhance local agriculture.

The property is located in area of good agricultural capability and owners plans value these conditions; the intention is to increase production over time. Site development continues to respect adjacent agricultural operations including buffering the adjacent orchard from the retail sales uses by careful design. The size and siting of operations minimize the impact on adjacent properties. The aggregate sales corrals have been relocated to make better use of the site in a previously disturbed area along the northern property line conveniently providing a buffer between the parking and operations area and the adjacent orchard.

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

No


Applicant Attachments

- Agent Agreement - Urban Options Planning Corp.
- Proposal Sketch - 67004
- Professional Report - Kel-Lake Garden Centre Site Development Plan
- Other correspondence or file information - Subject Property Map with Contours
- Other correspondence or file information - Orthophoto Map
- Other correspondence or file information - Site Survey Plan
- Site Photo - Inside Greenhouse
- Site Photo - Inside Greenhouse 2
- Certificate of Title - 012-296-562

ALC Attachments

None.

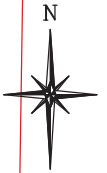
Applicant: .

ATTACHMENT A	
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ATTACHMENT B

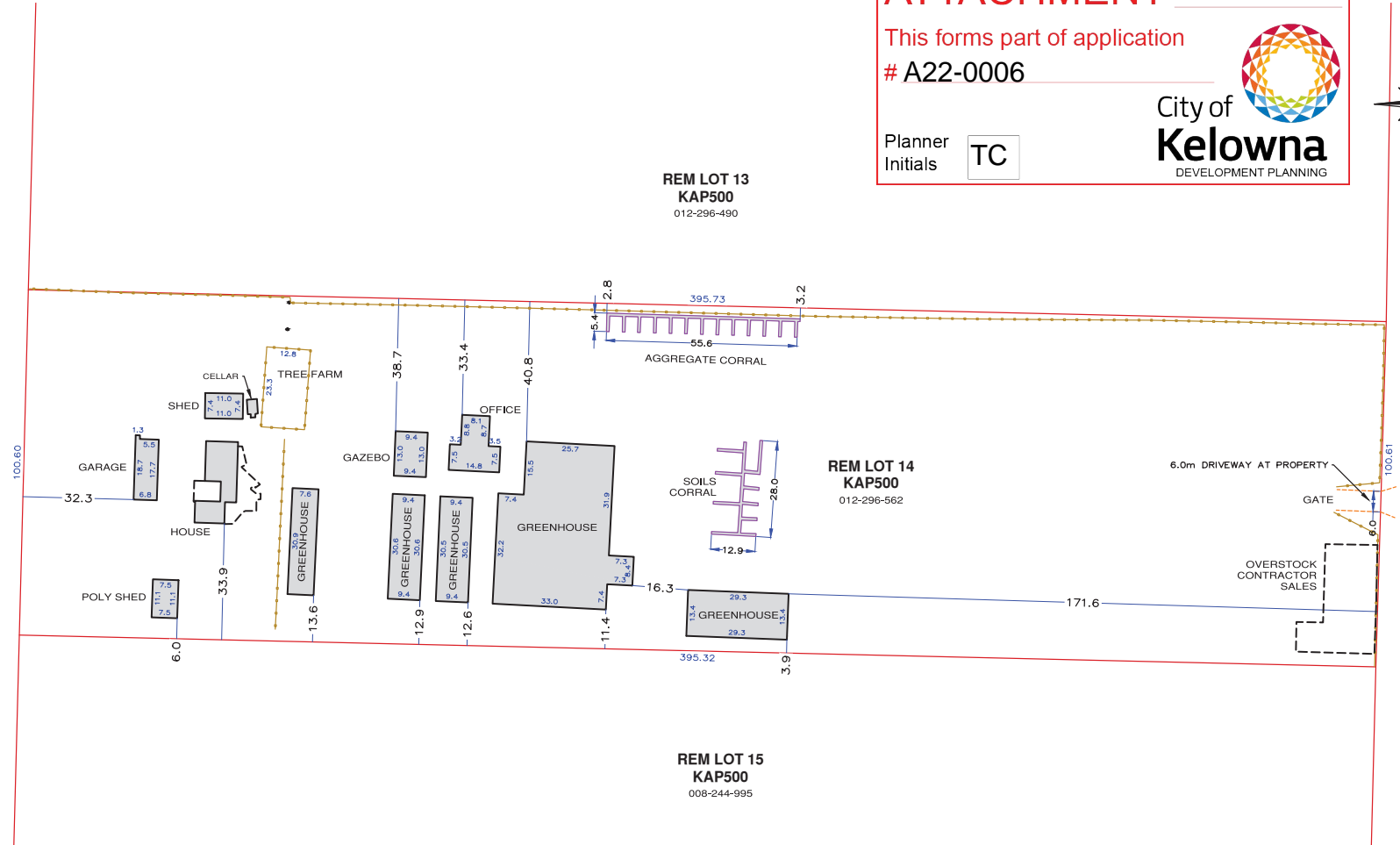
This forms part of application
A22-0006

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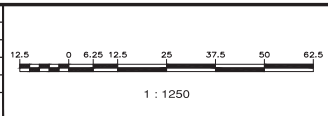
Shanks Road

Highway 97



LEGEND	
CABLE TV	CATCH BASIN
GAS	HYDRANT
SEWER	WATER VALVE
STORM SEWER	LAMP STANDARD
U.S. ELECTRICAL	
U.S. TELEPHONE	
MANHOLE	
POWER POLE	
CURB STOP - WATER SHUT OFF	
SANITARY INSPECTION CHAMBER	

No.	DATE	BY	REVISION	CHK'd
03	08/27/21	BMC	SHOWING HIGHWAY ACCESS	
02	12/04/20	BMC	MORE DIMENSIONS	
01	12/03/20	BMC	ADDITIONAL FEATURES ADDED	
00	10/21/20	BMC	ISSUED TO CLIENT	



LEGAL:
LOT 14, SECTION 34, TOWNSHIP 23 &
SECTION 3, TOWNSHIP 20, O.D.Y.D.,
PLAN 500 EXCEPT PLAN 44031.
PID NO. 012-296-562

DRAWN	BMC
JOB NO.	20-289
FILE	20-289C3D
DATE	OCT 2020
SCALE	1:1250

ADVANCED SURVEYING LTD. TEL 250.765.4600
3396 SEXSMITH ROAD, KELOWNA
bret@advancedsurveying.ca

**4351 SHANKS ROAD
LAKE COUNTRY BC
SITE PLAN**

DRAWING NO.	20289-01
REV. NO.	03

4351 Shanks Road

SITE DEVELOPMENT PLAN

In support of Non-Farm Use Application

October 2022



GARDEN ACCESSORIES & SUPPLIES



INDOOR & OUTDOOR PLANTS



LANDSCAPE MATERIALS



SEASONAL



TREES & SHRUBS

ATTACHMENT C

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A22-0006



City of
Kelowna
DEVELOPMENT PLANNING

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SITE DEVELOPMENT PLAN

In support of Non-Farm Use Application
4351 Shanks Road, Kelowna, BC

2020-2024

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EXECUTIVE SUMMARY

The purpose of this Plan is to outline how agriculture is expected to evolve on the subject property from property purchase in 2020 to 2025. The plan will also demonstrate how the proposed development responds to the purposes of the Agricultural Land Commission under s. 6 of the *Agricultural Land Commission Act (ALC Act)* and describe how the agricultural business will continue to achieve objectives that are consistent with ALC objectives for agricultural land protection and development. The plan may also be utilized as a tool to gauge how well the farm is doing in the future compared to the initial goals and to keep progress on target.

SITE CONTEXT

Location

The subject property is located on the east side of Shanks Road, at the northern extent of the City of Kelowna. Property to the north is located in the District of Lake Country and land to the east across Highway 97 is located in the OKIB First Nation Reserve (IR#7). The City of Kelowna OCP and zoning designations reflect the fact that the land is located within the Provincial Agricultural Land Reserve (ALR). The neighbourhood is generally comprised of agricultural operations on similarly sized lots, with the exception of the undeveloped land to the west of Shanks Road which slopes up significantly to the west. The intention is to bring the property into compliance with zoning, ALR and business license requirements through applications to both the City and the Agricultural Land Commission as may be necessary. This Site Development Plan will form part of those applications.

Figure 1: Location & Contour Map

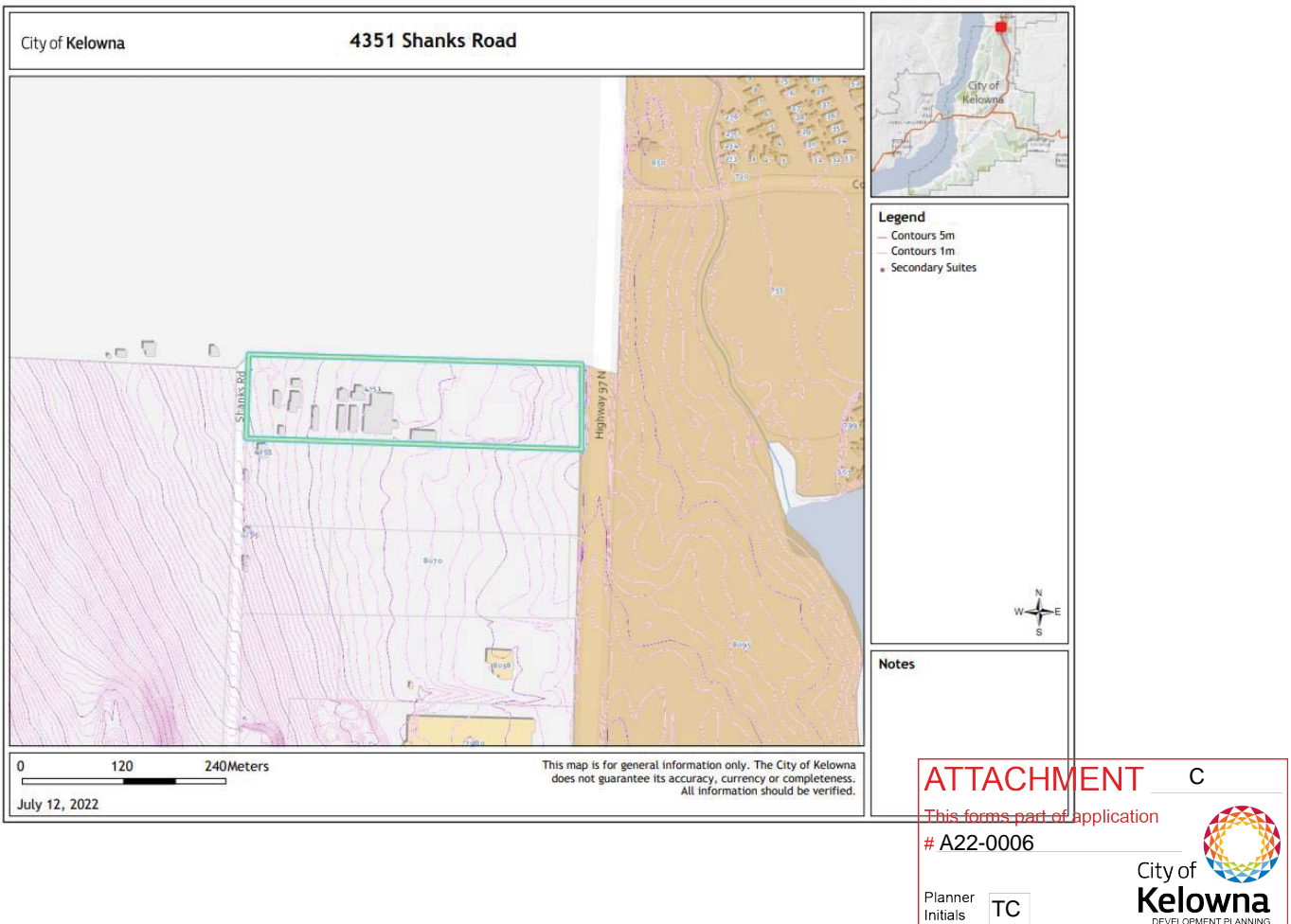


Figure 2: Location Map with Orthophoto

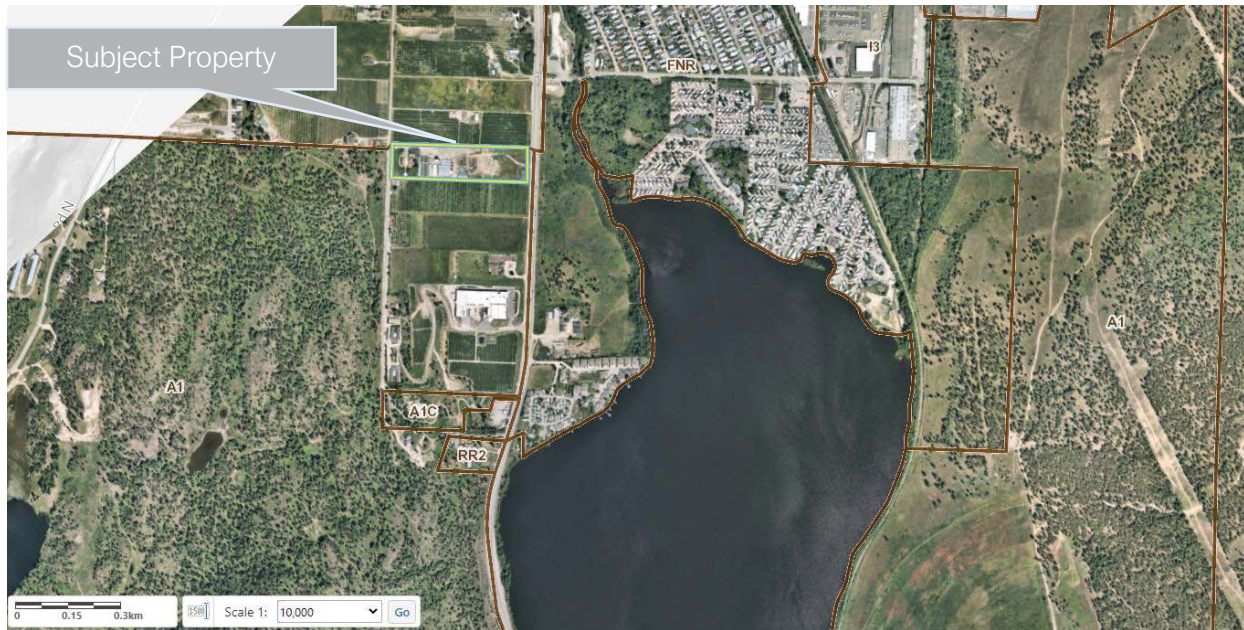


Figure 3: ALR Map



SITE CONDITIONS & FACILITIES

The current property owners took possession of the property on September 1, 2020 and have been engaged in the process of developing a garden centre and nursery business and reclaiming the land for agriculture since. No additional retail space is proposed beyond that which currently exists. It is anticipated that planned activities will not trigger a need for a Development Permit application but a Non-Farm Use Application to the ALC and a variance application to the City of Kelowna are required to legitimize operations as part of evolving the agricultural business.

Figure 4: Existing Site Conditions Orthophoto - August 17, 2022



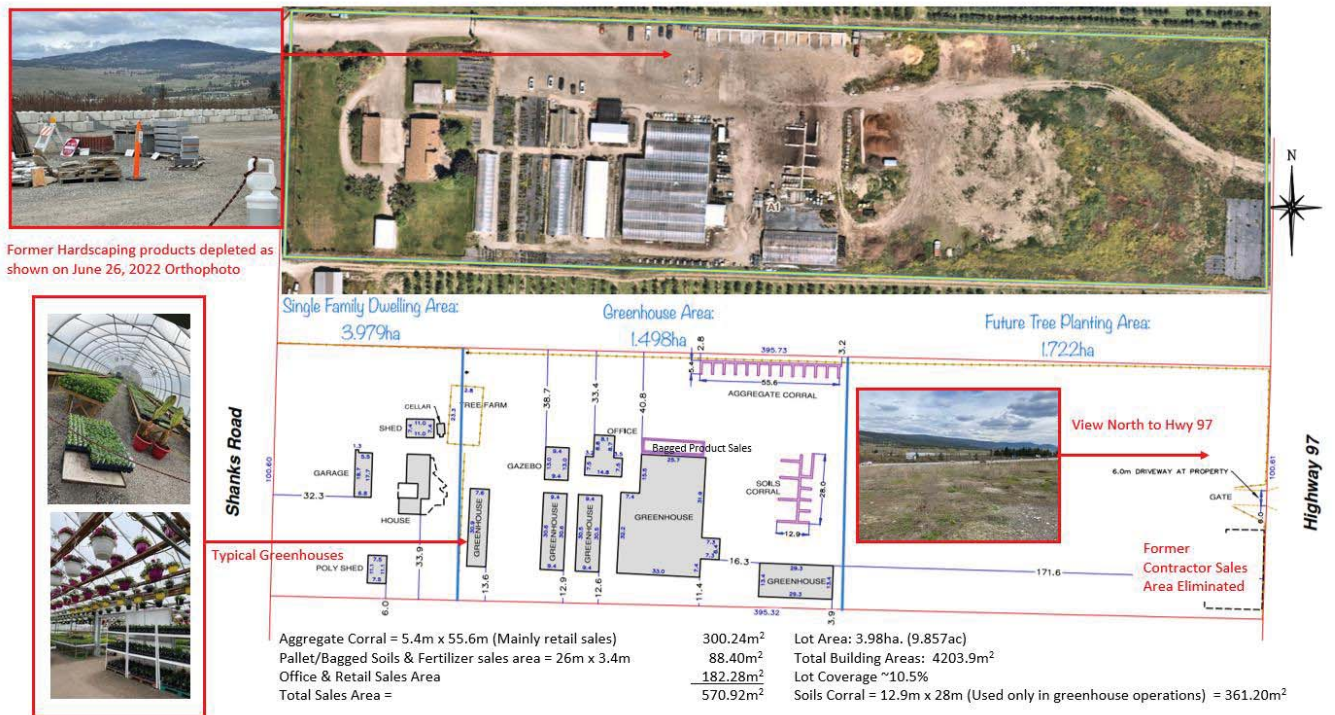
Buildings:	Single-family dwelling, accessory buildings and greenhouses
Site Improvements:	Residential buildings and landscaping near Shanks Road; Garden Centre and nursery greenhouses in the central area including an aggregate and bagged soil amendment sales area and soils mixing for on-site use only to the rear of the greenhouses; planting areas between greenhouses and Highway 97 under development
Property Area:	3.98 ha (9.857ac)
Lot Dimensions:	Shanks Road frontage: 100.6m Lot depth: 395.32m
Topography:	Relatively flat, sloping up from Highway 97 to Shanks Road
Elevation:	435 to 455m above sea level

Table 1: Summary of Site Development as of October 2022

Building or Use	Dimensions from Survey	Area (m ²)
Garage	6.8m x 17.7 + 1.3m x 1.3m	150.27
Shed	7.5m x 11.1m	83.25
Cellar	~6m x 3m	18.00
Poly Shed	7.4m x 11.1m	82.14
House	~9.7m x 12.2m + 17m x 14.5 x 14.5m + 25.5m x 18.7m	841.69
Greenhouse 1	30.9m x 7.6m	234.84
Greenhouse 2	30.6m x 9.4m	287.64

Greenhouse 3	30.5m x 9.4m	286.70
Greenhouse 4	32.2m x 33m + 15.5m x 25.7m + 7.3m x 8.4m	1522.27
Greenhouse 5	29.3m x 13.4m	392.62
Gazebo	13.0m x 9.4m	122.20
Office - Retail		182.28
Total Buildings:		4,203.90m ²
Site Area:	39,889.86m ² (3.98 ha or 9.857ac)	
Building Site Coverage:		10.5%
Soils Corral	12.9m x 28m (On-site operations only)	361.20m ²
Aggregate Corral	5.4m x 55.6m (Available for sale)	300.24m ²
Bagged Product Sales	26m x 3.4m (Bags stored on pallets next to greenhouse)	88.4m ²
Office - Retail	Existing building	182.28m ²
Total Retail Area:	Aggregate/Bagged Product & General Retail	570.92m ²

Figure 5: Existing Site Conditions Graphic



Photo(s) 1: Looking south through the potted plants between Greenhouses 1 & 2



ATTACHMENT C

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LAND CAPABILITY INFORMATION

Soil Survey

Figure 6: BC Soil Information Finder Tool Map, Soil Survey Polygon Information

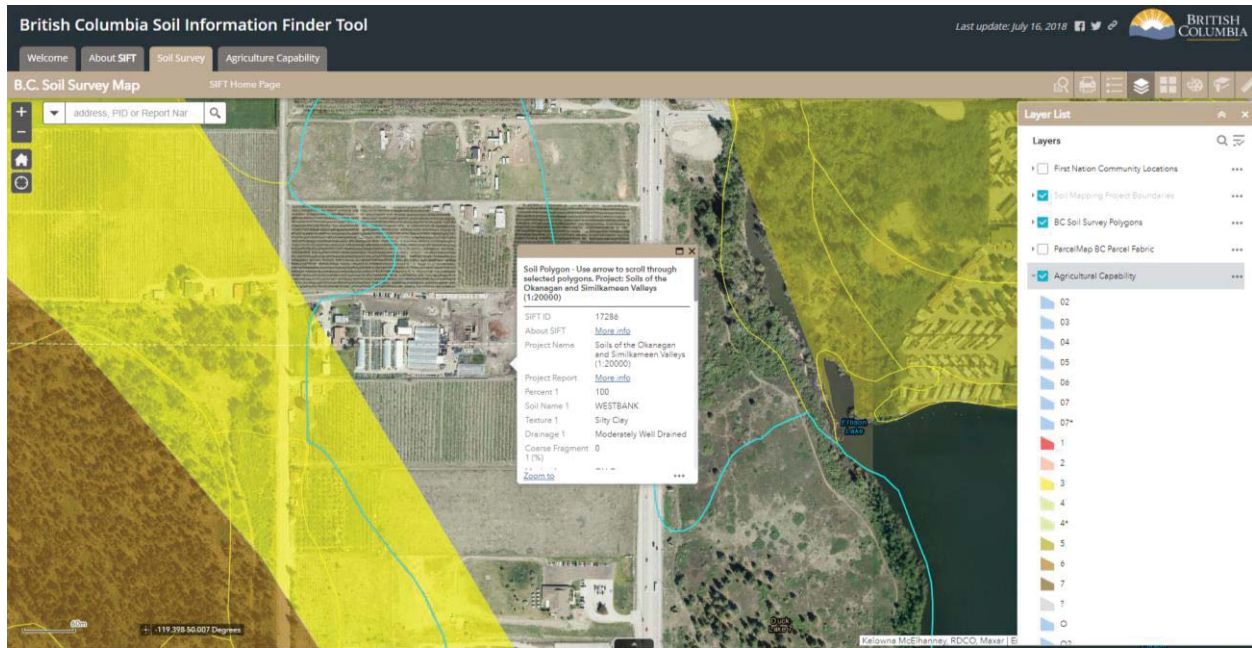
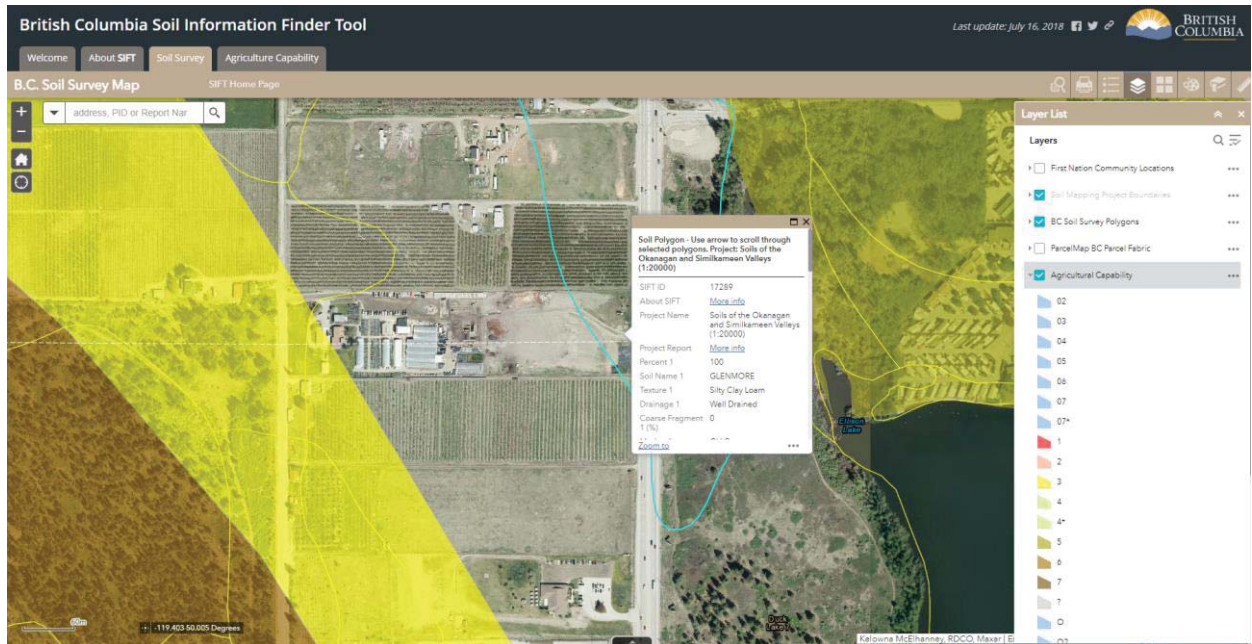


Figure 7: BC Soil Information Finder Tool Map, Soil Survey Polygon Information

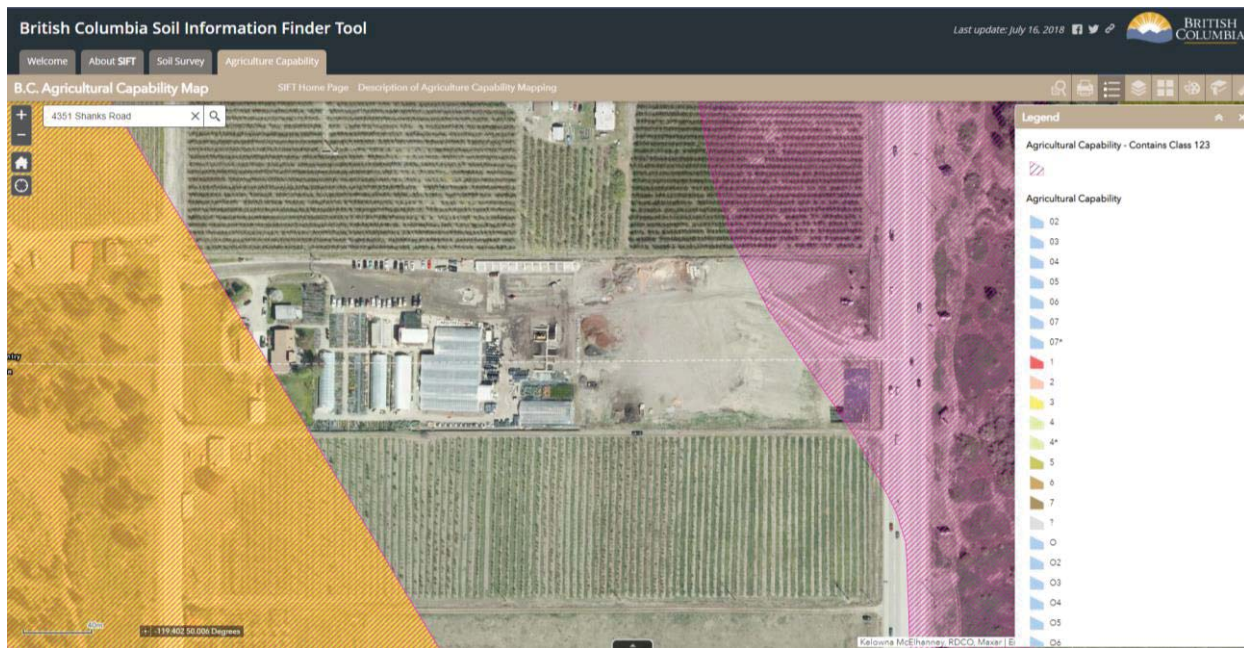


According to British Columbia Soil Information Finder Tool Soil Survey the predominant soil types on site are Westbank (Polygon 17286) and Glenmore (Polygon 17289) adjacent to Highway 97. BC Ministry of Environment Technical Report 18, Soils of the Okanagan and Similkameen Valleys, Report No. 52, British Columbia Soil Survey, describes “Westbank” and “Glenmore” soils as: “fine to moderately fine textured glaciolacustrine deposits” with “surface and subsurface textures of silty clay loam, clay loam or clay (Westbank) and silty clay loam (Glenmore)”; moderately well-drained,

slowly pervious; have high water holding capacity; and moderate surface runoff. Glenmore soils are moderately well suited for most agricultural crops as they are stone-free and relatively fertile. Westbank soils are “moderately suited for agricultural crops although dense, clay subsoils inhibit root growth and water movement” and “may be limited by low bearing strengths and subsoil salinity”.

Agricultural Capability

Figure 8: BC Soil Finder Information Finder Tool Map, Agricultural Capability Polygon Information



According to the tool, agricultural capability on the subject property is “3TM” adjacent to Shanks Road and “3TAD” adjacent to Highway 97. No rating is available for the central portion of the property. However, Class 3 soils in general are characterized by moderately severe limitations restricting the range of viable crops, or requiring special conservation practices to be employed.

CITY OF KELOWNA PLANNING REGULATIONS & FACTS:


2040 Future Land Use: R-AGR (Agricultural and Resource)
 Zoning Designation: A1 - Agriculture the purpose of which is to provide a zone for Agricultural Land Reserve parcels that permit agricultural uses and other complementary uses suitable in an agricultural setting.

Relevant Permitted Uses

- Principal: Agriculture; Greenhouses and Plant Nurseries (may include the accessory sale of landscaping and gardening non-farm products provided that the accessory use is limited to 150m² on the lot); Single Detached Housing
- Secondary: Accessory Buildings or Structures; Farm Retail Sales Stands (maximum area of 300m² with 50% produced on-site); On-Farm processing

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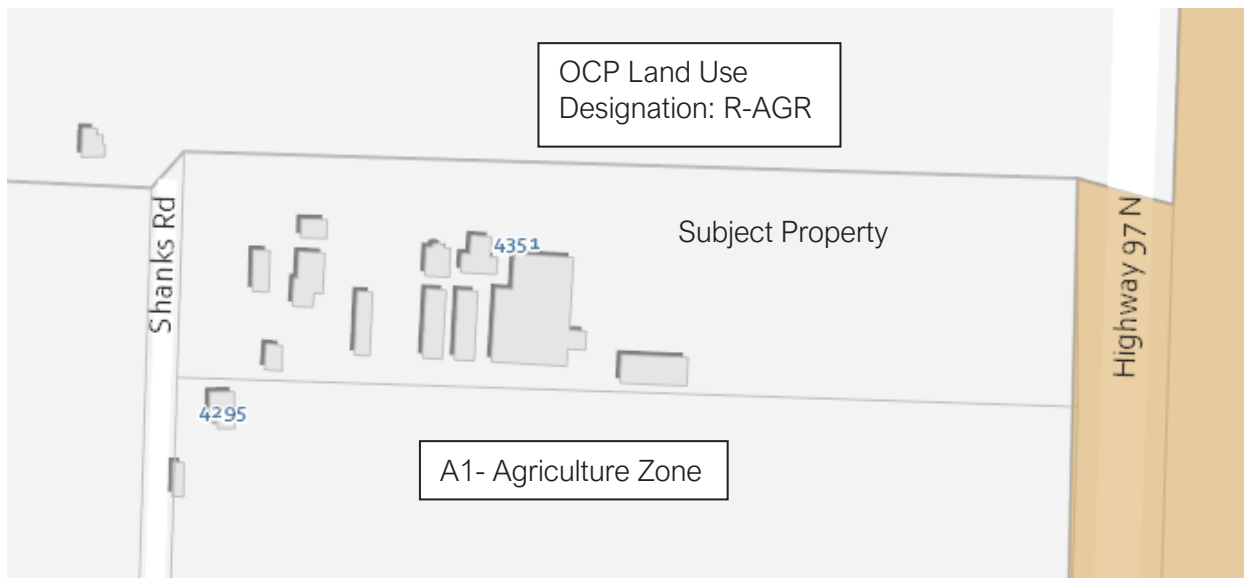
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Maximum Site Coverage: 35% (Including buildings, structures and impermeable surfaces)
 Maximum Residential Footprint for lots greater than 8,000m² is 2,000m² (Estimated at 1,860m²)
 Sewer Connection: No
 Water Service: District of Lake Country
 Development Permit Areas: Hazardous Condition (Note: No hazard clearly apparent on the subject property); Sand and Gravel; Wildland Fire Hazard
 Landscaping Regulations: Properties zoned A1 must meet landscaping standards as outlined in the Farm Protection DP Guidelines as outlined in the Official Community Plan.

Figure 9: Subject Property Map showing 2040 Future Land Use & Zoning Designations



Neighbourhood Context:

	OCP Designation	Zoning Designation
North	Lake Country - Agriculture	Lake Country -
South	Agricultural and Resource	A1 - Agriculture
East	OKIB	OKIB
West	Agricultural and Resource	A1 - Agriculture

Official Community Plan (OCP) 2040

Under the 2040 OCP, adopted January 10, 2022, the subject property is designated “Agriculture and Resource”. Operation of the nursery and greenhouses is an agricultural use compatible with adjacent agricultural uses that also supports the local food system by making plants and gardening materials readily available to area residents. The continued expansion of the area devoted to tree planting is also consistent with the stated objectives for economic sustainability.

Official Community Plan Development Permit Layers

No additional retail space is proposed. It is anticipated that tree planting will not trigger a Development Permit application.

City of Kelowna Agricultural Plan

The operation of the nursery and greenhouses is consistent with the goals and objectives of the City of Kelowna’s Agricultural Plan. The property owner has committed to a plan to further develop the agricultural capability of the land through a staged development process. Site development will minimize land use conflicts with surrounding agricultural operations. The proposed activities are either agricultural or directly benefit agriculture, especially urban agriculture in the surrounding area. These plans do not increase the existing “residential footprint”. As such, the proposal is consistent with Objective 5.33 to protect and enhance local agriculture.

Zoning Bylaw

The A1 – Agriculture zoning provides the rules, regulations, and uses permitted on the land. This zone (s. 10.3 Permitted Land Uses Table) allows for Greenhouses and Plant Nurseries which may include the accessory sale of landscaping and gardening non-farm products provided that the accessory use is limited to 150m² on the lot (Footnote 4). The existing Aggregate Corral has an area of approximately 300m². The Soils Corral is approximately 360m² in size; however, it will be used for on-site operations only. Bagged soil products will be available from the retail sales area located along the parking lot edge of the greenhouse where it is stored on pallets. Either the area devoted to aggregate product sales must be reduced to meet the 150m² maximum or a Development Variance Permit to the City to vary the maximum will be required to achieve compliance.

Relevant Zoning Bylaw Use Definitions:


AGRICULTURAL STRUCTURES are those buildings or structures used for agriculture or agriculture, intensive. Section 10.3 Permitted Land Uses for agricultural and rural residential zones outlines different agricultural related land uses and Section 10.5 – A1 Agricultural and Development Regulations outlines various setbacks, heights, site coverage, and gross floor area limits for agricultural structures and various agricultural related structures.

AGRICULTURE means development or use of land for the growing of crops or the production of farm products. Parcels within the ALR shall be inclusive of any farm use as identified by the ALC.

FARM RETAIL SALES STANDS means those accessory buildings and structures for retailing agricultural products on a farm.

GREENHOUSE means a structure covered with translucent material, used for the purpose of growing plants, and is of sufficient size for persons to work within the structure.

GREENHOUSES AND PLANT NURSERIES means development used primarily for the cultivation and storage of produce, bedding, household and ornamental plants, trees, bushes, sod and related materials. This use does not include landscaping, excavating or soil processing businesses or operations.

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ON-FARM PROCESSING means the undertaking of processes, including grading, packing, mixing, drying, canning, size reduction, fermentation, heat treatments, cold treatments, chemical treatments, and biological treatments on a farm unit to:

- (a) prepare value added products from farm products to sell,
- (b) prepare feed for livestock, poultry, farmed game, located on the farm, or
- (c) process and slaughter animals.

But excludes on-farm cannabis processing, on-farm composting, on-farm soil preparation, and on-farm soilless medium production.

Zoning Bylaw Parking Requirements

Table 8.3.3 Agriculture		
Land Use / Type of Development	Parking Requirement	
	Minimum	Maximum
Greenhouses and Plant Nurseries	6.7 spaces per 100 m ² GFA of retail sales	n/a
Farm Retail Sales	5.0 spaces per 100 m ² GFA, minimum 4	n/a

Table 8.3.1a Other Residential Parking			
Land Use / Type of Development	Base Parking Requirement		Visitor Parking Requirement ¹
	Minimum	Maximum	
Agriculture & Rural Zones and Single Family Zones	2.0 spaces per dwelling unit	n/a	0.0 spaces or Min 0.14 spaces & Max 0.2 spaces per dwelling unit ³

Note: While asphalt is not required, the parking area should consist of a dust-free surface (chemically treated or washed gravel having a minimum particle size of 100% 2.5ml gradation).

The existing 570.92m² retail sales area results in a parking requirement of 29 spaces based on the Farm Retail Sales use or 38 parking spaces based on the Greenhouses and Plant Nurseries use. The large open gravel parking area accessed from Shanks Road provides adequate parking to serve the business as shown in the photographs below and as estimated in Figure 10. The existing gravel parking area is large enough to accommodate a number of parking layouts using regular parking space and drive aisle sizes as prescribed in the Zoning Bylaw. It appears that, based on regular size parking spaces with a single drive aisle up, to 56 vehicles could be accommodated along the length of the approximately 4200m² (30m x 140m) parking area from the rear of the entrance feature to the back of the soils mixing area, resulting in the ability to accommodate over 112 vehicles on site at a minimum. There is also ample space available to accommodate all loading functions within this informal parking area. As uses transition on the property it is anticipated that use and configuration of the parking area will also transition to suit the current needs of the operation.

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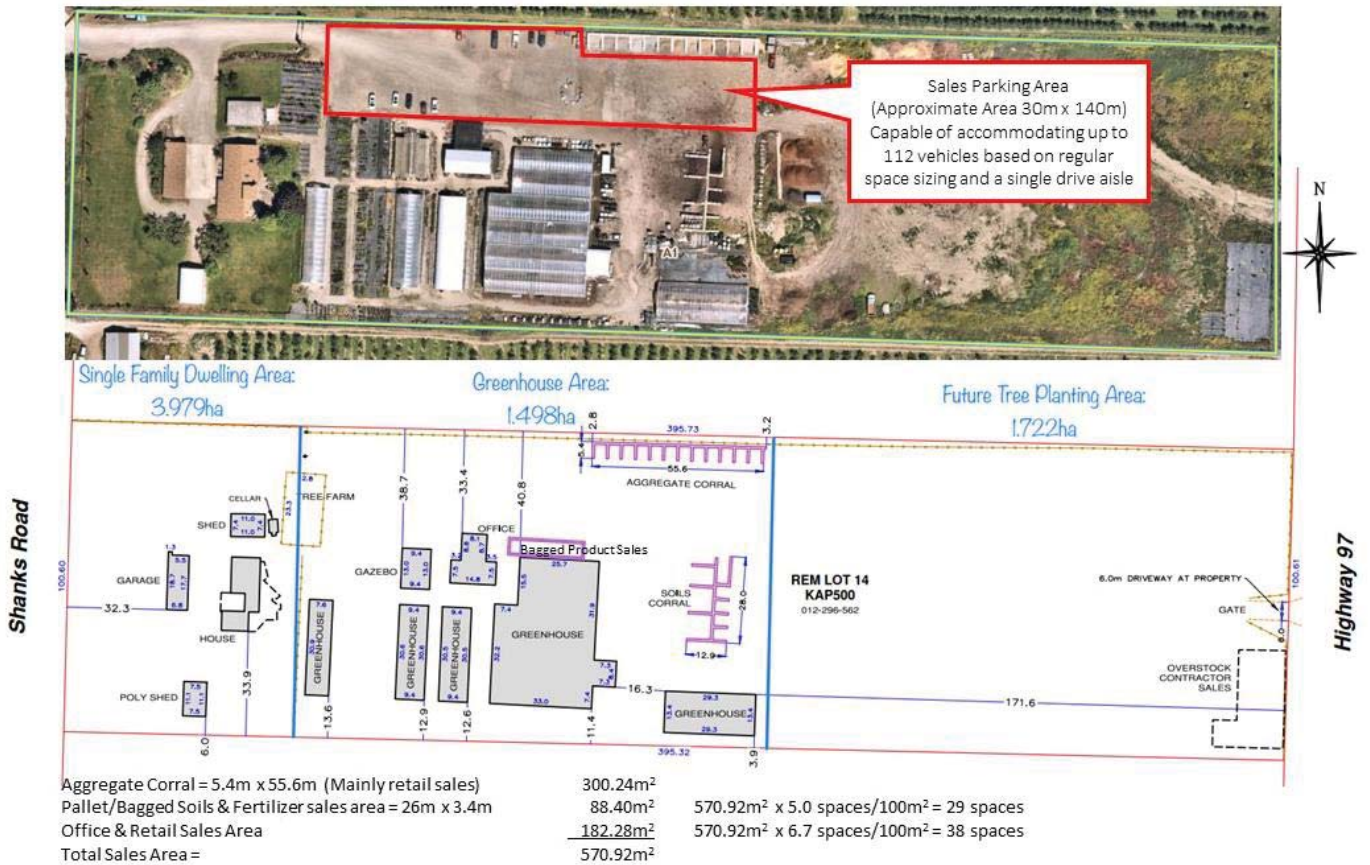


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Photo(s) 2: Access driveway and parking area from east to west



Figure 10: Parking Sketch



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AGRICULTURAL LAND RESERVE ACT & REGULATIONS

Pursuant to ALC Policy L-02:

The Use Regulation designates, as farm use, farm retail sales in the ALR if the conditions of section 11(3) are met. Section 11(3) states:

The use of agricultural land for conducting farm retail sales is designated as a farm use and may not be prohibited as described in section 4 if

(a) all of the farm product offered for sale are produced on that agricultural land, or

(b) the area used for all retail sales meets both of the following conditions:

(i) the total area, both indoors and outdoors, does not exceed 300 m²;

(ii) at least 50% of that area is limited to the sale of farm products produced either on that agricultural land or by an association to which the owner of the agricultural land belongs.

Agricultural Land Commission Policy L-02 provides additional guidance with respect to “Activities Designated as Farm Use and Farm Retail Sales in the ALR”. If all products originate or are produced on the farm on which the sales are taking place, there is no limitation for the retail sales area (the floor area or dedicated outside area on which the farm retail sales are taking place and includes areas used for retail purposes inside buildings and areas outside buildings). However, where products not originating from the farm are also sold (such as the aggregates that originate from off-site) at least 50% of the retail sales area must be used for the sale of farm product produced on that farm and that area must not exceed 300m². The existing Aggregate Corral has an area of approximately 300m². While it does not exceed the 1,000m² threshold of s. 35 of the Use Regulation requiring a Notice of Intent or a ALC permit for soil placement or removal, it does exceed the retail sales area limitation.

Subject to the placement of fill thresholds, the use of agricultural land to construct, maintain or operate a structure, other than a residential structure, that is necessary for a farm use and a driveway or utility that is necessary for that farm use, is permitted as per section 5(1) of the Use Regulation. Therefore, the area devoted to parking, driveways, washrooms or areas for processing or farm product storage are not counted in the 300m². Similarly, according to the ALC definition of “retail sales area” the portion of the office building used for retail sales does not have to be included in the calculation of the 300m² area. It is understood that none of the greenhouse area needs to be included in the retail sales area calculation. While it may be possible to delineate a specific and smaller retail areas in order to meet the ALC regulations and bring the business into compliance the operator has indicated a desire to continue using current sales areas (aggregate and bagged product sales). To ensure transparency, the internal sales area in the “office” has been included in the application to ensure that it is clear that the space is being used for that purpose.

This Site Development Plan forms part of a Non-Farm Use application to legitimize the existing operations as estimated from the June 2022 orthophotography and confirmed on site visit. The purpose is to obtain approval from the ALC under Section 20(3) of the ALC Act for a ‘Non-Farm

Use' within the ALR to allow 570m² of the 3.98 ha. (9.857ac) farm to sell landscaping products including bagged soil products, soil additives, mulches and landscape rock which will be brought in from off-site.

SITE DEVELOPMENT HISTORY

2019

Figure 11: 2019 Aerial Photo



Fall 2020

- ✓ The current owner took possession of the subject property on September 1, 2020. Redevelopment of the site was commenced shortly thereafter. The site continues to evolve and the blueprint for that evolution has now been defined.
- ✓ Since purchasing the property on September 1, 2020, the applicant has worked with City of Kelowna staff and ALC Bylaw Enforcement Officer, Dave Birchmore, to bring the uses on the property into compliance with all applicable regulations. Previous soils issues have been resolved. It is understood that hardscape products remaining from the previous owner will continue to be removed as they are able to be sold and they will not be replaced. Kel-Lake Garden Centre operations no longer include any soil processing activities beyond those for the immediate use in the greenhouses and agricultural activities conducted on-site. The business will focus on nursery, plants and complimentary sales of bagged products and pots.
- ✓ Agricultural improvements are ongoing on the subject property to take advantage of the property's capabilities. Both greenhouse operations (non-soil bound) and open-field soil bound production form part of the short-term plans for operations. Products available on-site currently include garden accessories & supplies; indoor & outdoor plants; landscaping materials; seasonal items and trees & shrubs.
- ✓ New fence and gate installed along the north property boundary adjacent to limit uninvited access/trespass onto the property from Highway 97
- ✓ Eastern half of the property contoured to remediate historical soil-making activity
- ✓ Aggregate bins relocated and improved to reduce footprint and make additional area available for future farming
- ✓ Built a new 2,500ft² (25ft x 100ft) greenhouse for growing vegetables
- ✓ Planted numerous trees around the property

- ✓ Power poll installed at Highway 97 gated access to provide 200-amp electrical service for future farm use
- ✓ Ongoing cleanup of junk material left on the property by the previous owner

Figure 12: 2020 Aerial Photo



The property is located in area of good agricultural capability and owners' plans value these conditions; the intention is to increase production over time. Site development continues to respect adjacent agricultural operations including buffering the adjacent orchard from the retail sales uses by careful design. The size and siting of operations minimize the impact on adjacent properties. The aggregate sales corrals have been relocated to make better use of the site in a previously disturbed area along the northern property line conveniently providing a buffer between the parking and operations area and the adjacent orchard.

2021

- ✓ Additional landscaping completed to further enhance the natural aspects of the property
- ✓ Ongoing cleanup of junk material on the property
- ✓ Aggregate sales area reconfigured to reduce footprint of the retail sales activities, improve function and create a buffer between the operations and the orchard to the north.

Figure 13: August 28, 2021 Aerial Photo



2022

Photo(s) 3: Looking northeast at the renovated landscape materials corrals located along the northern property boundary in Spring 2022



Photo(s) 4: Spring 2022 plant production in the greenhouses



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Figure 14: June 26, 2022 Aerial Photo



- ✓ Bulk sales of soil from the corral area to the rear of the greenhouses have been eliminated; only bagged soil products will be available from pallets arranged along the greenhouse adjacent to the parking area.
- ✓ Former Contractor sales area adjacent to Highway 97 decommissioned as shown in Photo 5.

Photo(s) 5: Looking east/southeast to Highway 97 (See star on August 17th Aerial photo)



- ✓ An additional greenhouse will be added to the production facilities to increase growing capabilities of annual products.
- ✓ Applications to the City of Kelowna and the ALC will be submitted in October 2022
- ✓ The property owner will continue to work with the Ministry of Transportation and the District of Lake Country to address access issues; a decision is expected late in 2022

Figure 15: August 17, 2022 Aerial Photo



While the primary use of the property is for agriculture, combining growing and retail activities provides the opportunity for a successful agricultural enterprise that supports the ongoing use of valuable agricultural lands. Both short and long-term plans for the property return the property to a more suitable use in comparison with historical uses; agricultural productivity will be enhanced. The proposed uses are permitted by zoning; provide benefit to local agriculture by making products available in the local area; can be accommodated using existing municipal infrastructure; minimize impacts on productive agricultural lands through thoughtful site design; increase agricultural productivity in both the short and long-term; and do not harm adjacent farm operations. An application to vary the maximum area devoted to retail sales as described in the zoning bylaw (Footnote 4) may be needed concurrent support.

One of the key facets of the Site Development Plan is the application is to bring the business into compliance with the ALC Act and City of Kelowna regulations with respect to ongoing operations which include sale of landscaping products that do not originate on-site. Given the desire to continue with aggregate sales within existing facilities and after review with Dave Birchmore, ALC Compliance Officer, it has been determined that a Non-Farm Use application to vary the maximum area used for retail sales from 50% of 300m² to a total of 570m² as discussed on site August 10, 2022 is required.

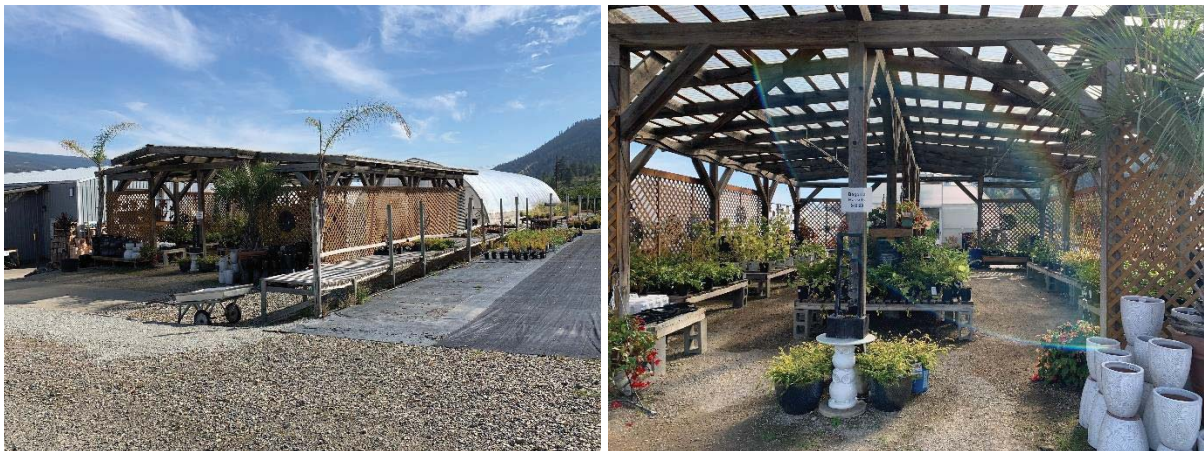
The garden centre is currently accessed via a driveway from Shanks Road. That portion of the site directly adjacent to Shanks Road includes residential uses in a single detached dwelling and three accessory buildings. Directly behind the existing house are five greenhouses, a gazebo and office used for propagation, sales and storage uses associated with the Kel Lake Garden Centre. This area is described as the “Greenhouse Area”. The remaining portion of the property north to

Highway 97 is currently being prepared for planting in a cover crop until it can be converted to growing trees, plants and flowers to be sold in the retail operations.

Photo(s) 6: Tree Farm Area adjacent to Parking Area & area between Greenhouses and Office



Photo(s) 7: Gazebo from parking area and inside the Gazebo/Shade plant sales area



Photo(s) 8: Greenhouses, rear of Gazebo and Bagged Soils Area adjacent to parking area



Permission to use an existing access to Highway 97 is being sought; however, the outcome will be impacted by ongoing discussions between the Provincial Ministry of Transportation and the District of Lake Country for a new signalized intersection in the vicinity. If an agreement is reached between the various parties, the owner's property at 4497 Shanks Road located to the north in the

District of Lake Country, may in future (once road frontage and direct access from Highway 97 can be established) become the focus of the retail portion of the operations. If a new intersection is established on or directly adjacent to the property at 4497 Shanks Road, the owners' long-term plan will shift the current retail operations from 4351 Shanks Road to 4497 Shanks Road. In any case, agricultural use of the subject property will continue to increase over time. The current application is to allow the retail activity to occur at 4351 Shanks Road. Future considerations are provided for context and information only.

FUTURE DEVELOPMENT

2023

- Improve and develop irrigation system to the eastern half of the property for future growing needs.
- Grow, cut and harvest rye for sale.

2024 (and future years)

- Further improve property by planting tree's and improving green-scaping.
- Grow, cut and harvest rye for sale.
- Explore other commodities to grow and harvest and consider future farming practices, i.e. cut flowers grown on-site, wholesale sales of perennials and/or alfalfa production and sale.





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City of
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DEVELOPMENT PLANNING

December 22, 2022

Planning Department
City of Kelowna
Sent by email

Dear Planning Department:

Re: A22-0006 – Non-Farm Use Application at 4351 Shanks Rd (PID: 012-296-562)

Thank you for providing the opportunity for the Ministry of Agriculture and Food (Ministry) to comment on the referenced file. Ministry staff have reviewed the provided materials and offer the following comments:

- Based on the application, the current property owner appears to be attempting to resolve some historical site issues and bring the property into compliance with requirements of both the Agricultural Land Commission (ALC) and the City.
- We understand that hardscape products will not be re-stocked on the site and will ultimately no longer be sold.
- Soil processing activities will only be for use by on-site agricultural production. Bulk soil sale has been eliminated.
- Bagged soil products, soil additives, mulch and landscape rock are proposed to be brought in and sold from a 570 m² area as part of the garden centre and nursery business.
- The proposed non-farm use will support the nursery operation and disturbance from the bulk soil processing and sales is in the process of being rectified.
- As the site is being rehabilitated and the off-site products that will be brought in for sale are typical of a nursery operation, we have no objection to this application proceeding to the ALC for decision.

Please contact us if you have any questions regarding the above comments.

Sincerely,

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B.C. Ministry of Agriculture and Food
Alison.Fox@gov.bc.ca
(778) 666-0566

Chris Zabek, P.Ag.
Regional Agrologist
B.C. Ministry of Agriculture and Food
Chris.Zabek@gov.bc.ca
(236) 766-7056

ATTACHMENT _____ **D**

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