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City of Kelowna
Subdivision, Agriculture & Environment
1435 Water St.
Kelowna, B.C. V1Y 1J4
(ATTENTION: Todd Cashin)

APPLICATION FOR ALR EXCLUSION

Introduction

The following application for ALR exclusion pertains to the acreage identified by the civic address, 1789 Munson Rd., Kelowna, B.C. It is located along the Benvoulin Rd. corridor, between Munson Rd. and KLO Rd. It consists of 6.5 acres, of which approximately only 3.5 acres have been commercially cropped, since 1972. Parking, buildings and wasteland make up the balance of this acreage. In recent years, the land has been cultivated in strawberries.

This property was purchased in 1971 by my parents and is currently owned by myself, Gabe Coupal, and my wife, Linda Coupal. It is the only owner-operated farm along the Benvoulin Rd. corridor, between Munson Rd. and KLO Rd. We have farmed this site for over 40 years and throughout that time, have witnessed many changes within our immediate neighbourhood.

Our Concerns

During the past 5 years, we have presented our concerns regarding those changes to members of Kelowna's City Hall and the Agricultural Land Commission. We have done so because, incrementally, over several years, various decisions made at both the municipal and provincial levels have changed the composition of the area surrounding us and this has led to significant farming challenges. Please find enclosed an example (April 22, 2010) of the various documents/ conversations we have shared with them. This document presents a history and provides detailed descriptions of some of the negative external factors we have experienced, including heavy traffic and safety issues along the Benvoulin Rd. corridor, the consequences of incompatible non-farm use on surrounding lands and several other challenges. We ask that, *before* continuing to read this application, you take the time to review the enclosed document, in order to fully understand our concerns. To be frank, we now feel as if we are farming amidst the dynamics of "downtown" Kelowna.

Farming Challenges vs Land Potential

Past communication with the Agricultural Land Commission (Marty Collins: June 4, 2014) has indicated the Commission acknowledges that the farming challenges we have discussed can limit agricultural potential and activity. However, the Commission also suggests that these challenges may not eliminate our land's agricultural potential.

If concern for a land's agricultural potential is of significance, then we ask: Why was non-farm use approval given for the expansion of the Fortis Operations Centre and the construction of the Kelowna Christian School? To elaborate further: There are 3 properties, side by side. Ours, the Fortis property and the Kelowna Christian School property. *All three properties were former grazing pastures because of their inferior soil conditions, in comparison to superior fertility levels on sites nearby.* Neither the Fortis nor the Christian School properties were ever developed to demonstrate their full agricultural potential, but rather, left mainly in pasture. They are now in non-farm use. Conversely, over the past 40 years, we *have* attempted to maximize our land's potential. Unfortunately, in doing so, we have had to face not only the typical farming challenges that Mother Nature presents, but, in addition, those *ongoing*, negative external factors brought on by the development and changes that have occurred, immediately surrounding us. The long-term result of this difficult situation is that we feel "boxed in" and that the challenges have become excessive.

Clearly, in considering whether farming challenges may or may not eliminate a land's agricultural potential, one thing is clear: Land, on its own cannot farm or grow quality crops. That requires the work and dedication of a skilled farmer. And farmers, like everyone else, should only be required to work under reasonable conditions.

Furthermore, we also understand that these challenges are not going to go away - not for us or for any other farmer, in the future. Looking beyond the Munson Rd. and KLO Rd. boundary, one can find other small acreages, but for the most part, they are situated within larger, solid blocks of agricultural lands that are involved in a variety of farming activities, thus not being "squeezed out" as we are.

A final note in discussing land potential: *As those who have worked our property for 40 years*, we state the following (also found in enclosed document, April 22, 2010): Our 6.5 acre parcel has several soil types, ranging from stony to light sandy, to excessively heavy, wet soil within zones of moderate fertility. These various soil types were deposited in a meandering fashion, running diagonally through the field by creeks and streams that flowed through the area, at peak run-off season, prior to the diking of Mission Creek. These variations in soil consistency make farming our land a serious challenge, and consistency of crop quality throughout the field, an impossibility.

Negative Impacts of ALR Exclusion

Moving forward, we would like to explain why we believe that an ALR exclusion of our property would have a negligible impact on any agricultural activity *immediately surrounding* us. Kelowna City Council and the Agricultural Land Commission have already given non-farm use approval for the Kelowna Christian School (1997) and the expanded Fortis Operations Centre (2001). Most recently (2015), approval was given (biodiversity application) for the Munson Pond Park. The 4th property bordering our farm is currently being used by Unique Pools and Landscaping, with some cedars growing towards the back of the property. It is important to note that this small acreage consists of only 2.5 acres. Furthermore, we ask that you take a drive down Munson Rd. and look at the property directly across from our driveway. Then, you will understand why an ALR exclusion of our property would have a negligible (if any) impact on the activities over there.

Future of Farming In Our Immediate Area

We would also like to discuss another important aspect of this application for exclusion: *the future of farming on agricultural lands fronting the Benvoulin Rd. corridor, between Munson Rd. and KLO Rd.*

Clearly, the large urban growth and other developments that have occurred within the Kelowna area during the past 40 years have presented challenges for the decision makers. However, we do wonder where, in their long term vision, was the significance of future farming on the above mentioned lands? Where was the concern for the impact that the increase in traffic would bring (in an already badly-congested KLO Rd. - Benvoulin Rd. intersection area) when allowing for the expansion of the Fortis Operations Centre, construction of the Kelowna Christian School and Williams Plaza (housing a daycare/preschool, automotive repair centre, fast food outlets and more)? Further to that, the impact from an increase in the speed limit and most recently, the addition of 2 traffic medians (on Benvoulin Rd., near Munson Rd), one of which is directly across from the access to our customer parking lot. *These traffic and safety issues are of particular concern to us because of the short distance between the location of our property and the KLO Rd. - Benvoulin Rd. intersection.*

Furthermore, whatever the *needs and justifications* may have been, we believe the approval for the construction of the Kelowna Christian School, the expansion of the Fortis Operations Centre and the development of the nearby Munson Pond Park have sent a clear signal: *farming is not the top priority on agricultural lands, in our immediate neighbourhood.*

We would also point out that some of the *effects* of those approvals include significant fragmentation and land use conflicts for us, the farmers, and our neighbours. For example, sharing a common border with the Kelowna Christian School playing fields presents challenges for crop management scheduling, such as timely spray applications. Secondly, it is not uncommon for large diesel trucks, located on the Fortis site, and backed up against our property

line, to be left idling. When harvesting, there are clients who do not want to pick berries close to the Fortis property.

Further to the discussion of land use conflicts, we have been observing a variety of questionable farm use applications along Munson Rd. for several years and records will show that we have communicated these concerns to Kelowna City Hall and the Agricultural Land Commission. Some of these practices have ceased while new ones have emerged. *That such questionable farm use applications continue indicates, in our view, that the importance of future farming within our immediate area, is also questionable.* As a case in point, Unique Pools and Landscaping (previously mentioned, and located at the corner of Munson Rd. and Benvoulin Rd.) is adjacent to our field. The materials excavated for pool site preparation are hauled to and screened at this location, resulting in a considerable level of noise and dust generated, creating an unpleasant atmosphere for our strawberry pickers and ourselves, when working in the field.

In conclusion, we would like to mention that, when, in the past, we have informally presented our farming challenges to the decision makers, with the suggestion that our land be considered for ALR exclusion, we have received some verbal responses that show concern for the "domino" effect, the "tip of the iceberg" scenario and the OCP regulations. There was even a suggestion that if we were unhappy, we could always "sell it." Such comments are easily made but do not take on the responsibility of dealing with the *consequences* of past decisions. Rather, such responses perpetuate the responsibility on the shoulders of the farmer - *the person not responsible for making those decisions.*

If future farming within the previously discussed block of agricultural lands is not the top priority (and past approvals, ongoing, questionable farm use practices and non-farm use conflicts indicate this) - then, *so be it.* In our view, it has been demonstrated that greater community needs such as a private school, a private utility company and a green space have priority over farming. However, we believe it is time for those who are in the position to make change, to *acknowledge* that the resulting farming challenges and neighbourhood disharmony need to stop. It is time to consider our needs, just as you have, in the past, considered the needs of our neighbours. We ask that you reconsider the zoning of our property and allow our land to have ALR exclusion. That will take the responsibility of dealing with *chronic* farming challenges off of the farmer's shoulders and bring an improved measure of harmony to the area.

Thank you for your consideration.



Gabe Coupal



Linda Coupal

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ALC FILE #: G-37151

April 22, 2010

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Provincial Agricultural Land Commission

133 – 4940 Canada Way

Burnaby, B.C. V5G 4K6

Attention: Colin Fry (Executive Director) and Martin Collins (Regional Planner)

Thank you for your thoughts and time during our recent phone conversations. Please find enclosed copies of information discussed with Danielle Noble, Birte Decloux and Gary Stephen (City of Kelowna's Land Use Management) on Wednesday, April 21, 2010. Copies have also been forwarded to Kelowna Mayor Sharon Shepherd and Councillors.

Yours truly,



Linda Coupal

NEGATIVE EXTERNAL FACTORS AFFECTING OUR FARMGATE U-PICK STRAWBERRY OPERATION

1. TRAFFIC CONCERNS

As stated before, our strawberry farm fronts the Benvoulin Road Corridor, specifically between the busy Benvoulin - KLO Road Intersection and the busy Benvoulin - Cooper - Springfield Road intersections, which then lead to the Orchard Park and Highway 97 connections. This entire area generates a great deal of traffic, much of which passes by our farm. This has not always been the case. This traffic increase is another example of how we have witnessed the Benvoulin Road rural/farming area go through many changes. As Kelowna has grown, decisions made at the municipal (and possibly other?) level have led to a widening of Benvoulin Road, as well a recent speed limit increase from 60 kms an hour to 70 kms an hour. Along with accompanying urbanization and other non farm developments within this area, the Benvoulin Road Corridor is now one of the busiest travel routes within Kelowna.

Our harvest season occurs during June and part of July, lasting about 5 1/2 weeks. Because we operate mainly as a u-pick, and because strawberries are so perishable, a very brisk response from many customers is required, within a short period of time. Needless to say, this adds to the already busy traffic on Benvoulin Road.

In addition, we must work around the most intense periods of heat during the day, still allowing ample time for our perishable product to get picked and flexible hours within which customers can pick. Consequently, our hours of operation are generally from 6:45 am until 11:00 am and from 5:00 or 6:00 pm until 8:00 pm -coinciding with some of the most intense Benvoulin Corridor traffic periods, as people commute to and from work and students commute to the several schools within the Benvoulin - KLO area. In addition, there are many other Kelowna residents travelling to and from the many businesses located within this area, during these hours. At this time of year, tourists can be added to the mix. Traffic does get backed up, from KLO Road beyond Munson Road. Often, amidst all of this traffic flow, it has become an exercise in Russian roulette for our customers to enter and exit our site.

Our parking lot faces Benvoulin Road, at the front of our property, the logical location. For much of the u-pick season, it is simply too small to accommodate the number of customers who come out to pick. Often, all the parking spaces are filled within a short period of opening time, resulting in vehicles entering and circulating the small congested area, desperately trying to find a parking spot. Regrettably, they have to be directed back on to Benvoulin Road, by our parking attendants. The busy traffic on Benvoulin Road does not always allow for a quick exit off our property, which adds to the congestion within our parking lot.

Once their vehicles are back onto Benvoulin Road, potential customers often drive slowly, attempting to find parking within other parking lots along the same side of Benvoulin Road. (For example, the Fortis employee parking lot next door or the Christian School parking lot.) Since our last strawberry cultivation, a strip mall has been established, close by, on the corner of the Benvoulin – KLO intersection. We are concerned that our future customers may attempt to park there, causing a lack of parking for the tenants and customers of the strip mall.

Another alternative for rejected customers is to attempt to re-enter our site, by parking along the sides of the narrower Munson Road. This can create difficulties for residents living on this road.

Sometimes, our customers simply have to leave, disgruntled. We have heard comments like "I don't want to pick there anymore. It's a zoo over there."

It is obvious that this overall situation is problematic for our customers, ourselves and our non-farming neighbours. Regrettably, because we are such a small acreage, we simply do not have the space to increase our parking lot capacity, without compromising our already small 3.5 acre strawberry field. To add to the above mentioned problems, there are those drivers, who, seemingly within any given, well-signed parking lot, still attempt to enter through the exit and exit through the entrance. Again, we have parking attendants, because we are concerned for everyone's safety, while travelling along this busy Benvoulin Corridor.

There have been vehicle accidents over the years, as people attempt to exit our farm and get back onto busy Benvoulin Road. Given the amount of traffic now flowing along this stretch of road, along with the increased speed limit and all- too- frequent speeders, it is a concern that in the future, there will be a fatality, as customers attempt to enter and exit our farm gate operation.

On some occasions, due to sun exposure, we have required the assistance of an ambulance, in attending to customers. Due to the traffic congestion along Benvoulin Road and within our small parking lot, the ambulance drivers experienced some difficulty entering the site, delaying assistance to those in need.

2. NOISE FACTORS

In discussing traffic concerns along Benvoulin Road, it is important to acknowledge the amount of vehicular fumes emitted and the intensity of noise that we experience throughout our u-pick season, generated from traffic. Since our fruit stand is located close to Benvoulin

Road, the logical location, intense traffic noise makes communication between staff and customers difficult. Screeching tires, from applied brakes is not an uncommon sound, creating immediate concerns of a possible collision. Furthermore, the increasingly frequent sound of police cars, fire trucks and ambulances "rushing" past our site, adds to this unsavory atmosphere.

3. NEIGHBOURHOOD CONCERNS

There was a time when small parcels such as ours, coupled with another two or three of similar size, afforded financial viability, provided that expertise and great effort were part of the equation. The considerable number of land units that I have worked and cropped at the same time, during past years, support this claim. However, with changes in land ownership and demographics, opportunities to rent such parcels have become a challenge. Furthermore, moving farm machinery along the busy Benvoulin - KLO roadway has become too dangerous.

In recent years, we have concentrated on the need to grow specialty crops. This was done to maximize returns, due to the restrictive size of this site. However, repeated cultivation of the same crop, on the same site, in an effort to maximize returns, has generated a new set of challenges. These hurdles come in the form of tenacious weed varieties such as Morning Glory and various soil borne viruses that become established and render mono culture unfeasible. Also, crop site rotation and summer fallowing, two beneficial farming practices, are not practical or financially feasible, on such a small parcel of land.

In considering alternative practices such as greenhouses, nursery stock or landscaping operations, one only has to take a look at the numerous examples of these current practices within the Benvoulin - KLO area. The question that follows is "Have we reached the saturation point?"

4. VANDALISM

The location of our fruit stand - close to Benvoulin Road - has made this building a target of repeated vandalism. Expensive repair to our refrigeration unit has occurred more than once. Break ins into the storage area have occurred many times, along with graffiti, on the exterior of the building. Overnight "lodging", accompanied with body function deposits are all regular, disappointing occurrences. Vehicles have jumped the curb at night and driven through crops

and over irrigation lines. Some vandals enjoy the act of hand scattering sprinkler heads. These sprinkler heads cannot be located soon enough during the hot season, without having to purchase replacements.

Midnight harvesting is not unusual. Fencing off would further shrink the parking area, which needs to be open, early in the morning, to allow for the "early birds" to come in and off Benvoulin Road.

OTHER RELEVANT FACTORS

1. STAFFING ISSUES

One of the consequences of operating a strawberry patch on a small acreage is the inability to produce sufficient ripe berries for harvest, on a daily basis. This, coupled with unpredictable weather concerns, forces us to face the additional challenge of hiring adequate staff. Since we cannot provide applicants with a regular, daily work schedule, over an extended period of time, potential employees look elsewhere for more secure employment opportunities. Even worse, after the harvest season has begun, hired employees often leave us, when more suitable employment is found.

2. LAND CAPABILITY

Our farm property, as well as that of the neighbouring Fortis and Christian School sites, were former horse grazing pastures and never intensively farmed because of their inferior soil conditions, in comparison to superior fertility levels found on sites, nearby.

Our 6.5 acre parcel has several soil types, ranging from stony to light sandy, to excessively heavy, wet soil within zones of moderate fertility. These various soil types were deposited in a meandering fashion, running diagonally through the field by creeks and streams that flowed through the area, at peak run-off season, prior to the diking of Mission Creek. These variations in soil consistency make farming our land a serious challenge and consistency of crop quality throughout the field, an impossibility.

LOOKING AT THE BIG PICTURE

Linda and I have now expressed our concerns regarding the difficulties and dangers we now experience, in attempting to farm our small acreage. At the same time, we need to be cognizant of the needs and future needs of our combined farming and non-farming neighbourhood (within the boundaries of Munson Road and KLO Road.)

We recognize the importance for the City of Kelowna to maintain green space, for the overall well being of our community. As a case in point, we appreciate the City's intent to establish a park, sometime in the future, surrounding Munson's Pond, behind our property. Finally, we do understand the need and importance of the Agricultural Land Commission's mandate to ensure that if the Reserve is to be maintained, for the future, it cannot be eroded by endless deletion of land or by endless advancement of non-farm uses and subdivisions.

We ask the following question: Given everything discussed in the previous pages, what would be the more important, long term land use of our property?

Would it be to keep it within the existing zoning regulations, as a farm? Would exclusion from the Land Reserve of our property, for a greater community need, make a significant impact on our future bread basket concerns? Would more flexible zoning, allowing more uniformity and greater efficiency within our current neighbourhood (which includes public serving entities, such as a school, public utility and future park) be of a greater benefit?

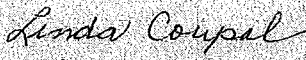
Is it realistic to expect (given the rate of development that Kelowna, and specifically, the Benvoulin Road area, has experienced since our family purchased this property in 1971), that the current dangers and difficulties that we now experience in farming our acreage would be reduced, in the future?

So again, we ask the question: How will our property better serve the long term needs of our neighbourhood and the community, at large?

We thank you for your consideration.

Yours truly,


Gabe Coupal


Linda Coupal

