



Agricultural Advisory Committee Minutes

Date:	Thursday, February 11, 2016
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Domenic Rampone, Ed Schiller, John Janmaat, Keith Duhaime, Tarsem Goraya, Yvonne Herbison, Jill Worboys (Interior Health)
Members Absent	Pete Spencer
Staff Present	Suburban & Rural Planning Manager, Todd Cashin; Planner, Melanie Steppuhn; Council Recording Secretary, Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

The Chair called the meeting to order at 6:00 p.m.

Opening remarks by the Chair regarding conduct of the meeting were read.

2. Applications for Consideration

2.1 4491 Stewart Road West, A15-0014 - David Pihl

Staff:

- Displayed a PowerPoint presentation summarizing the application before the Committee.
- The Applicant is requesting permission from the ALC for a "non-farm use" within the Agricultural Land Reserve under Section 20(3) of the Agricultural Land Commission Act to construct a permanent dwelling for full time farm help.
- Displayed a map of the neighbourhood context and subject properties.
- The property is in the ALR and is surrounded by properties also in the ALR.
- Future Land Use for this property and adjacent properties is Resource Protection Area.
- The subject property and the property to the north are both owned by the applicant.
- The farm has 5 breeding mares. At any given time there may be between 1 and 3 foals, the same amount of yearling and two year old horses as typically over the first two years the foals born on the property return for training and boarding between new homes. Training of other horses also occurs on the farm.
- The subject property has one single family dwelling, two horse barns and one agriculture accessory building. The remainder of the property is grazing pens with small horse shelters and training areas.
- The ALC proposal for a Non-Farm Use is to allow a permanent full time farm help dwelling for the farm. As per Council Policy 03, full time farm help dwellings are referred to the ALC as a Non-Farm Use application.
- A driveway runs between the two properties. It begins at Stewart Road West on the north property (4471) and runs past the agriculture buildings on the subject property, along the south and back up the east property line. Portions of this driveway are gravel, with the

- remaining being a dirt track. The owners propose to gravel the existing dirt track portion of the driveway to access the proposed dwelling.
- The building is shown here with a covered porch and a carport. The dwelling is a single bedroom detached suite that meets the size and height requirements of a Carriage House in the A1 zone.
 - Staff notes a correction to the report. The report states the dwelling is 120 sq.m. However, it is 120 sq. metres overall, including carport and covered patio. The living space is only 90 sq.m.
 - Since purchasing the property in 1997, the owners have removed and brought in soils to expand grazing areas for their thoroughbred horse operation. The soil removal and fill were completed with the appropriate permits. Today, horse pasture extends to almost the entire property.
 - The Land Capability on the majority of the property are Class 4A and 5A.
 - The City of Kelowna's Official Community Plan's outlines policies for agricultural land:
 - o Kelowna's OCP seeks to Protect Farm Land & Farm Operations;
 - o Minimize the impact of urban uses and conflicts on agricultural land;
 - o minimize conflicts of farm use and non-farm uses in agricultural areas.
 - Should this Non-Farm Use application be approved by the ALC, the following would need to occur to bring the additional dwelling to compliance with the City of Kelowna; The property would need to be Rezoned to A1(c), and the dwelling would need to meet BC Building Code.
 - The property does have Farm Status and one additional person other than the owner is employed in the farming operation. However, as this property is within the City of Kelowna, alternative accommodation is available within 20 km and the subject parcel on its own is not a minimum of 8 ha. Together with the parcel to the north that shares the thoroughbred breeding does equal 9.8 ha.
 - The existing dwelling and agricultural buildings are located approximately 50 m from the front property line. The proposed dwelling is located 150 m from the front property line, 15 m from the side property line.
 - City Council is asking the Agricultural Advisory Committee for your recommendation for this application with respect to the City of Kelowna and ALC regulations and policies. Considerations should be given to agriculture impacts as well as the potential impacts to surrounding agricultural parcels.
 - Responded to questions from Committee members.

David Pihl, Applicant

- Owners of the property since 1997.
- Originally when the property was purchased it was automatically permitted if you required a second residence but at the time we didn't want a second residence as we thought we could manage without it. Circumstances have changed and so have the rules regarding second residences.
- Advised that all other breeding businesses in the area have a second residence for a full time worker.
- Advised that the entire farm area was redone with underground irrigation and proper fencing. This truly is an agricultural use of the property. We grow organic vegetables for personal use as well as donations to the Gospel Mission. No spray is used to ensure safety of the foals when born.
- Described thoroughbred training practices and program.
- Advised that thoroughbred horses require 24/7 real time monitoring. These horses are high energy and always active and need to be monitored continuously. If we are absent for any length of time we need to have a full time worker and need proper accommodation.
- The dwelling would be located on the property in a very specific location. This is not a family residence and is only meant for one person or two as it's only 850 sq feet. It is minimum but is proper. The person residing in the residence would not pay rent but is there to fulfill their job.
- The location of the second dwelling would provide a clear view of the property.

- Advised that the current barn is in excess of 50 years old and have permission to take it down and replace with a new one. Every stall will have a TV monitor.
- Advised that having a worker 20 KM away is not too good as health issues and birthing of foals can occur in the middle of the night.
- Advised that workers do come in during the day but they do leave the property. When we are away we do need that constant supervision.
- Believes they are in keeping with agriculture use and want to maintain agricultural use of the property.

AAC/Applicant Discussion:

- Responded to questions from the Committee members.
- Confirmed existing structure is used for hay storage and vehicle coverage.
- Confirmed willingness to sign a covenant that the second dwelling only be used for purposes intended.
- Applicant was advised that the existing barn could not have a resident.
- Confirmed his son and family reside in a single family home adjacent to their property and that property has a separate title.
- Confirmed that they already had the second residence designed before they realized it was no longer permitted. The surrounding properties are high end and a removable trailer would not fit with the character of the neighbourhood.
- Confirmed the service road was there when the property was built.

AAC/Staff Discussion:

- Confirmed that a permanent second dwelling would have been permitted when the property was originally bought.
- Clarified use of carriages houses and secondary suites.
- Provided temporary housing clarification.

Moved By Keith Duhaime /Seconded By Ed Schiller

THAT the Agriculture Advisory Committee recommends that Council support an application to the Agricultural Land Commission under Section 20 (3) of the Agricultural Land Commission Act for a "non-farm use" on the subject property at 4491 Stewart Road West to construct a permanent dwelling for full time farm help.

Defeated

John Janmaat, Keith Duhaime, Yvonne Herbison & Domenic Rampone - Opposed

ANECTODOTAL COMMENT:

The Agricultural Advisory Committee did not support the "non-farm use" on this property and raised concern that the use of the permanent structure could change and its impact on land value. The second dwelling is outside of the homeplate area and concerned it could become a rental property. The Agricultural Advisory Committee appreciates the need for a worker due to the nature of the operation, however, the structure is not consistent with ALC and City Policies.

2.2 3110 Mathews Road, A15-0008 - Victoria Turton

Staff:

- Displayed a PowerPoint presentation summarizing the application before the Committee.
- The Applicant is requesting permission from the ALC for a non-farm use under Section 20(3) of the Agricultural Land Commission Act to remove up to 40,000 metric tonnes of sand and gravel in order to reclaim agriculture.
- The subject property is located in the Southeast Kelowna Sector of the City and is within the Agricultural Land Reserve. The Future Land Use of the property is Resource Protection Area. It is zoned A1 - Agriculture 1 and is outside of the Permanent Growth Boundary.

- The property has an existing dwelling, a shop and a garage at the southeast corner of the property. There is approximately 1.5 acres of cleared area in the southwest quadrant of the property.
- The property is located in the ALR surrounded by ALR properties. To the northeast there is an area of rural residential properties with South Kelowna Elementary School to the west of Wallace Hill Road.
- As a part of the process the applicants have initiated a Notice of Work for gravel extraction through the BC Ministry of Energy and Mines
- In addition, they have applied for a Soil Removal Permit from the City of Kelowna, which will await a decision of approval from the ALC prior to issuance. As a part of these applications, they have commissioned an agrology study to assess the current and proposed capability for agriculture, and prepare a reclamation plan for agricultural use.
- The plan is to remove the soil **in three phases**; ideally bringing back fine soils for later replacement on the final rough graded slope.
- The native topsoil will be stored and replaced in preparation for planting.
- The target crop is cider apples, with the crop to be processed at their family cidery here in Kelowna.
- The details of the plan include a 5 metre distance between the property line and the excavation. There will be a 3 metre band of vegetation left around the edge of excavation.
- A detention pond at the lower end of the property, to the north, will catch and slow surface runoff.
- A berm on the west property line will remain to buffer noise.
- A water truck will be on site to control dust.
- The reclamation plan includes the exchange of the gravels with fine soils, ideally with an exchange, whereby the pit run gravel is hauled out, and replaced with fine soils on the return trip.
- The excavation will be done in phases, such that the work is not drawn out over a long period of time
- Phase I will be the existing cleared area, working northward to phases II and III.
- City Council is asking the Agricultural Advisory Committee for your recommendation for this application with respect to the City of Kelowna and ALC regulations and policies. Considerations should be given to agriculture impacts as well as the potential impacts to surrounding agricultural parcels.
- Responded to questions from Committee members.

AAC/Staff Discussion:

- Confirmed that the ALC and City of Kelowna can take bonding.
- Confirmed that the City of Kelowna Bylaw Enforcement ensures road are kept clean including dust. ALC has ability to enforce impacts to adjacent agricultural lands.

Troy Turton, Applicant

- Commented that they want to make this a viable piece of agricultural land. It goes hand in hand with our fourth generation family business.
- Believes vineyards and wineries enhance the agriculture property.

AAC/Applicant Discussion:

- The Applicant responded to questions from Committee members.
- The Applicant noted that the total amount taken out will be 80,000 metric tonnes (not 40,000).
- Confirmed the first phase could happen in one to two years.
- Confirmed that noise and dust would be mitigated and that their intention is to be a good neighbour.
- Confirmed willingness to have a bond in place.

AAC/Staff Discussion:

- Confirmed that the transfer of soil is highly regulated by the Ministry of Environment which has a soil permit process so that soil is tracked from site to site.

Moved By Keith Duhaime /Seconded By Tarsem Goraya

THAT the Agriculture Advisory Committee recommends that Council support an application to the Agricultural Land Commission under Section 20 (3) of the Agricultural Land Commission Act for a "non-farm use" on the subject property at 3110 Mathews Road to remove up to 40,000 metric tonnes of sand and gravel from the property and reclaim to agriculture.

Carried

ANECTODOTAL COMMENT:

The Agricultural Advisory Committee supports the "non-farm use" on this property and acknowledged the clear benefits to agriculture. However, the Agricultural Advisory Committee raised concern with the timeframe of the project. The Agricultural Advisory Committee appreciates that the Applicant is willing to undertake bonding of \$125,000, according to the Agrology Report, to return the property to cider apple production.

3. Minutes

Moved By Domenic Rampone/Seconded By Yvonne Herbison

THAT the Minutes of the December 10, 2015 Agricultural Advisory Committee meeting be adopted.

Carried

4. Referrals - Nil.

5. Other Business

Staff

- Provided an update regarding the Ministry of Agriculture - Discussion Paper Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve.
- Ministry of Agriculture was pleased with Kelowna's feedback.
- Will keep Committee members updated on the status of the Discussion Paper.

Staff:

- Provided an update regarding the Okanagan Agricultural Adaptation Strategy Workshop.
- Once a report of the strategy is complete staff will forward to Committee members.

Staff:

- Provided an updated regarding Agri-tourism Accommodation Enforcement.
- Provided a Workshop to Council.
- Council asked the ALC for a presentation to review issues.

Staff:

- Provided an update regarding Landscape/Contracting Companies on ALR Enforcement

6. New Business

Staff:

- Advised of the Okanagan Agricultural Adaptation Strategy Workshop.
- Advised of the Council Agricultural Workshop on January 11, 2016.
- Advised of the ALC Staff Meeting that took place February 2, 2016.
- Advised of the Planning Institute of BC Conference - Kelowna May 11th and 12th - Agricultural Mobile Tour
 - o The Tour will take place in the afternoon and there will be two stops.

7. Next Meeting

The next Committee meeting has been scheduled for March 10, 2016.

8. Termination of Meeting

The Chair declared the meeting terminated at 7:52 p.m.

John Janmaat, Chair

/acm