

Agricultural Advisory Committee

AGENDA



Thursday, July 9, 2015
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

- (a) The purpose of this Meeting is to consider certain Development Applications as noted on this meeting Agenda.
- (b) The Reports to Committee concerning the subject development applications are available on the City's website at www.kelowna.ca.
- (c) All representations to the Agricultural Advisory Committee form part of the public record.
- (d) As an Advisory Committee of Council, the Agricultural Advisory Committee will make a recommendation of support or non-support for each application as part of the public process. City Council will consider the application at a future date and, depending on the nature of the file, will make a decision or a recommendation to the Agricultural Land Commission.

2. Applications for Consideration

2.1 1629-1649 KLO Road, A15-0006 - Western Global Enterprises Ltd.

3 - 30

To obtain approval from the Agricultural Land Commission (ALC) under Section 20(3) of the Agricultural Land Commission Act for a "non-farm use" within the Agricultural Land Reserve (ALR) for a portion of the property to operate as a landscape centre.

3. Minutes

31 - 37

Approve Minutes of the Meeting of June 11, 2015.

4. Referrals

There are no referrals.

5. Old Business

5.1 Update of Agricultural Land Commission Decisions

6. New Business

6.1 Agricultural Planning Overview

7. Next Meeting

August 13, 2015

8. Termination of Meeting

COMMITTEE REPORT



Date: July 9, 2015
RIM No. 1210-21
To: Agricultural Advisory Committee (AAC)
From: Community Planning Department (MS)
Application: A15-0006 **Owner:** Western Global Enterprises Inc.
Address: 1629-1649 KLO Road **Applicant:** Better Earth Garden Centre
Subject: Application to the ALC for a Non-Farm Use (Landscaping Centre)

1.0 Purpose

To obtain approval from the Agricultural Land Commission (ALC) under Section 20(3) of the *Agricultural Land Commission Act* for a “non-farm use” within the Agricultural Land Reserve (ALR) for a portion of the property to operate as a landscape centre.

2.0 Proposal

2.1 Background

Since 2000, the subject property has been farmed in ground based crops including alfalfa, strawberries, corn and potatoes.

In 2012, the property had been farmed by Better Earth Products, who farmed the property in primarily corn and potatoes. Subsequently, the current owners, Better Earth Garden Centre, took over the lease and initiated a nursery and landscape supply centre. In addition, they sub-leased portions of the property to three other tenants, including other landscaping businesses and a soil screening operation (see attached submission).

In 2014, City of Kelowna Bylaw enforcement received complaints from neighbours regarding dust and noise from the activities on the property.

On July 15th 2014, ALC Enforcement staff issued a letter to the owners of the property to alert the tenants to cease operations as the non-farm use was unauthorized by the ALC.

The owners of Better Earth Garden Centre (the applicants) met with Community Planning staff in the summer of 2014 to better understand the requirements of the ALC Act and Regulation, and to establish a plan to undertake compliance.

With this understanding, the applicants terminated the leases of the other tenants, and began to remove berms and debris that were brought in as part of these operations. The applicants removed 1944 cubic metres of material left on the property by previous tenants. They are currently rehabilitating the land to return it to growing alfalfa.

The majority of the site is now used to grow alfalfa. There is also an area for shrub and tree growing and sales, as well as a greenhouse for shrubs and vegetable production at the south of the property.

On March 15, 2015, the ALC rescinded the stop work order due to the efforts of Better Earth Garden Centre to bring the property into compliance.

The applicants have been communicating with neighbours about the changes of the property, including noise, dust and weed control. (See letter, attached).

In the spring of 2015, the applicants met with planning staff to determine if their operation could comply completely within the ALC Act and Regulation. In terms of addressing the ALC Policy #2¹ - Farm Retail Sales in the ALR, the applicants determined that they required more area for non-farm product than was allowed under the Regulation. The policy restricts the area of non-farm retail product to 50% of 300 square metres (i.e. 150 square metres). The applicants were not able to fit their landscaping products into this area, and as such have submitted this non-farm use application.

As such, the applicants are requesting a Non-Farm Use to allow 700m² of the 7.31 ha (18.06 acres), to be used to sell landscaping products.

2.2 Project Description

The applicants are requesting a Non-Farm Use to allow 700m² of the 7.31 ha (18.06 acres), to be used to sell landscaping products. This represents an increase over the 150 m² that is permitted in association with Farm Retail Sales. The landscaping products are proposed to include:

- Soil products
- Soil additives
- Mulches
- Landscape rock

Note that all the above products would be brought in from off-site. No composting would be sold that is produced on site. The applicants produce a small amount of compost, of which 100% is used to amend their soil for alfalfa production.

2.3 Site Context

The subject property is located in the South Pandosy / KLO Sector of the City and is within the Agricultural Land Reserve. The Future Land Use of the property is Resource Protection Area (REP). It is zoned A1 - Agriculture 1 (Maps 1 - 4, below) and is outside of the Permanent Growth Boundary.

Note that the applicant leases two other properties that are contiguous to the subject property. These are 3350 Benvoulin Road and 3400 Benvoulin Road. These are also shown in the maps below.

Parcel Summary - 1629 - 1649 KLO Road:

Parcel Size: 5.03 ha (12.4 acres)

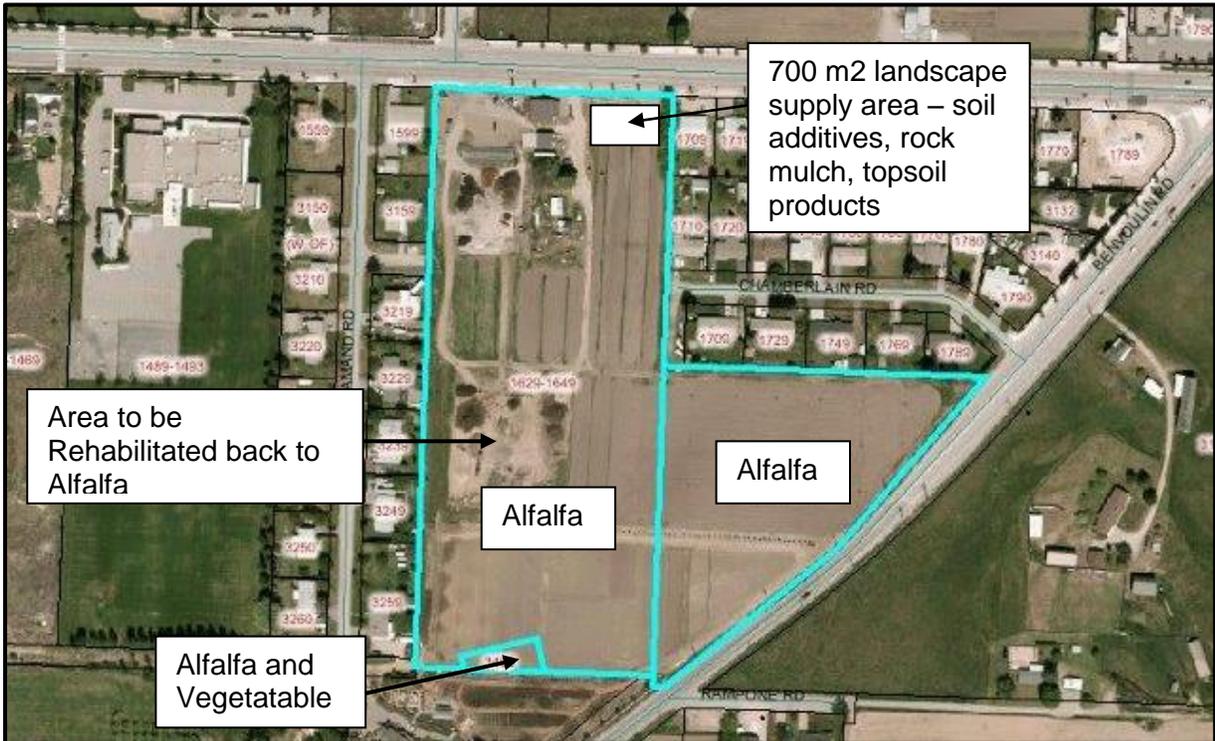
Elevation: 348.5 to 349.85 metres above sea level (masl)

¹ ALC, 2003. Activities Designated as Farm Use – Farm Retail Sales in the ALR.
http://www.alc.gov.bc.ca/alc/DownloadAsset?assetId=8CCC181D8D864EE1956A235F975B7C42&filename=policy_2_farm_retail_sales.pdf

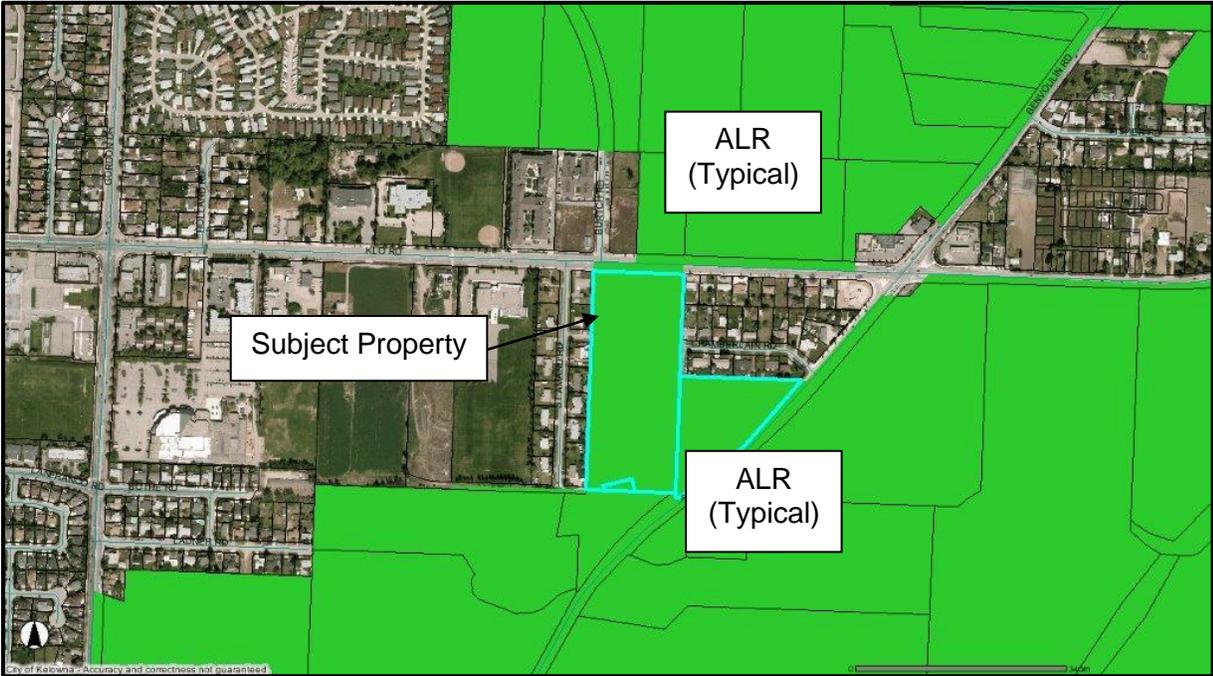
Map 1 - Neighbourhood



Map 2 - Subject Property and Leased Properties



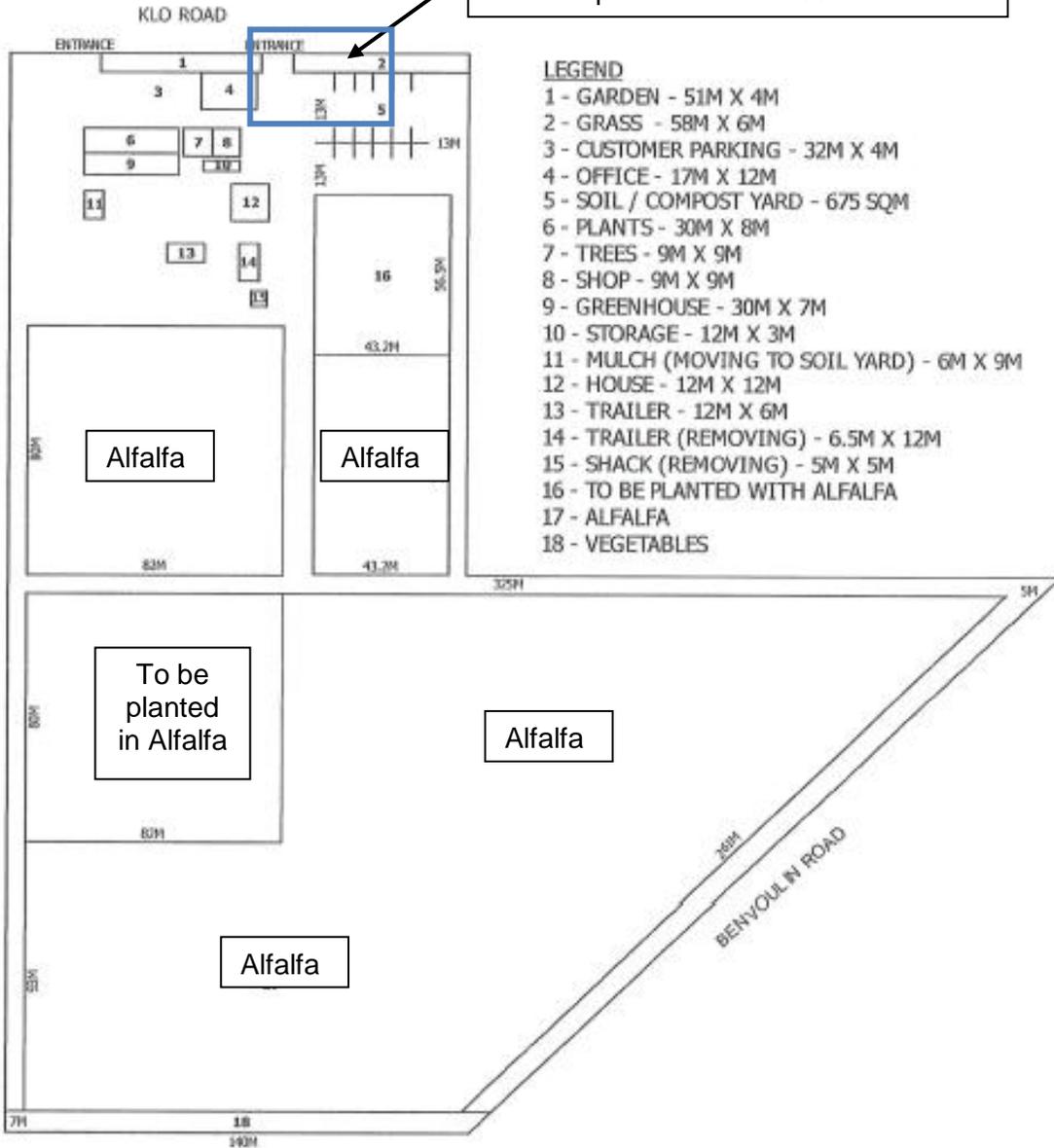
Map 3 - Agricultural Land Reserve



Map 4 - Site Plan - Proposed Site Uses

BETTER EARTH GARDEN CENTRE SITE PLAN

Non-Farm Use Area Request – to sell
Landscape Materials – 700 m²



Zoning and land uses adjacent to the property are as follows:

Table 1: Zoning and Land Use of Adjacent Property

Direction	Zoning	ALR	Land Use
North	RU2 - Urban Residential 3 / RR1 - Rural Residential 1	Yes	Vacant
South	A1 - Agriculture 1	Yes	Agriculture / Rural Residential
East	A1 - Agriculture 1	No / Yes	Rural Residential Agriculture
West	RU1 - Urban Residential 1	No	Urban Residential

3.0 Subdivision, Agriculture & Environment Services

The applicants have responded to both the ALC and City of Kelowna enforcement actions and the concerns of neighbours through efforts to bring the properties into compliance and through a management program for dust, noise and weed control.

The AAC should consider:

- The potential benefit to agriculture of the non-farm use.

Report prepared by:

Melanie Steppuhn, Land Use Planner

Reviewed by: Ryan Smith, Community Planning Department Manager

Approved for Inclusion: Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Attachment A - Policies

Attachment B - Technical Comments

Subject Property Map

Applicant ALC Act Application for Non-Farm Use Supplementary Information

SCHEDULE A - Policies



Subject: 1629 - 1649 KLO Rd - Non-Farm Use (Landscaping)

1.0 Current Development Policies

1.1 Kelowna Official Community Plan (OCP)

Future Land Use¹

With respect to lands outside the Permanent Growth Boundary, Chapter 4 of the OCP states:

- Lands outside the permanent growth boundary will not be supported for urban uses.

Farm Protection Development Permit Guidelines²

Farm Protection Development Permit Guidelines include:

- Protect farm land and farm operations;
- Minimize the impact of urban encroachment and land use conflicts on agricultural land;
- Minimize conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

The subject property has a future land use designation of Resource Protection Area and relevant policies are included below:

Objective 5.33 Protect and enhance local agriculture³.

Policy. 1 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.

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Policy .7 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;
- will not harm adjacent farm operations.

Objective 5.34 Preserve productive agricultural land⁴.

¹ City of Kelowna Official Community Plan, Chapter 4.7 (Future Land Use).

² City of Kelowna Official Community Plan, Chapter 15.2 (Farm Protection DP Guidelines).

³ City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.33.

⁴ City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.34.

1.2 City of Kelowna Agriculture Plan

ALR Application Criteria⁵

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.

1.3 Agricultural Land Commission Act (ALCA)

Purposes of the commission - Section 6 of the ALCA

The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

⁵ City of Kelowna Agriculture Plan (1998); p. 130.

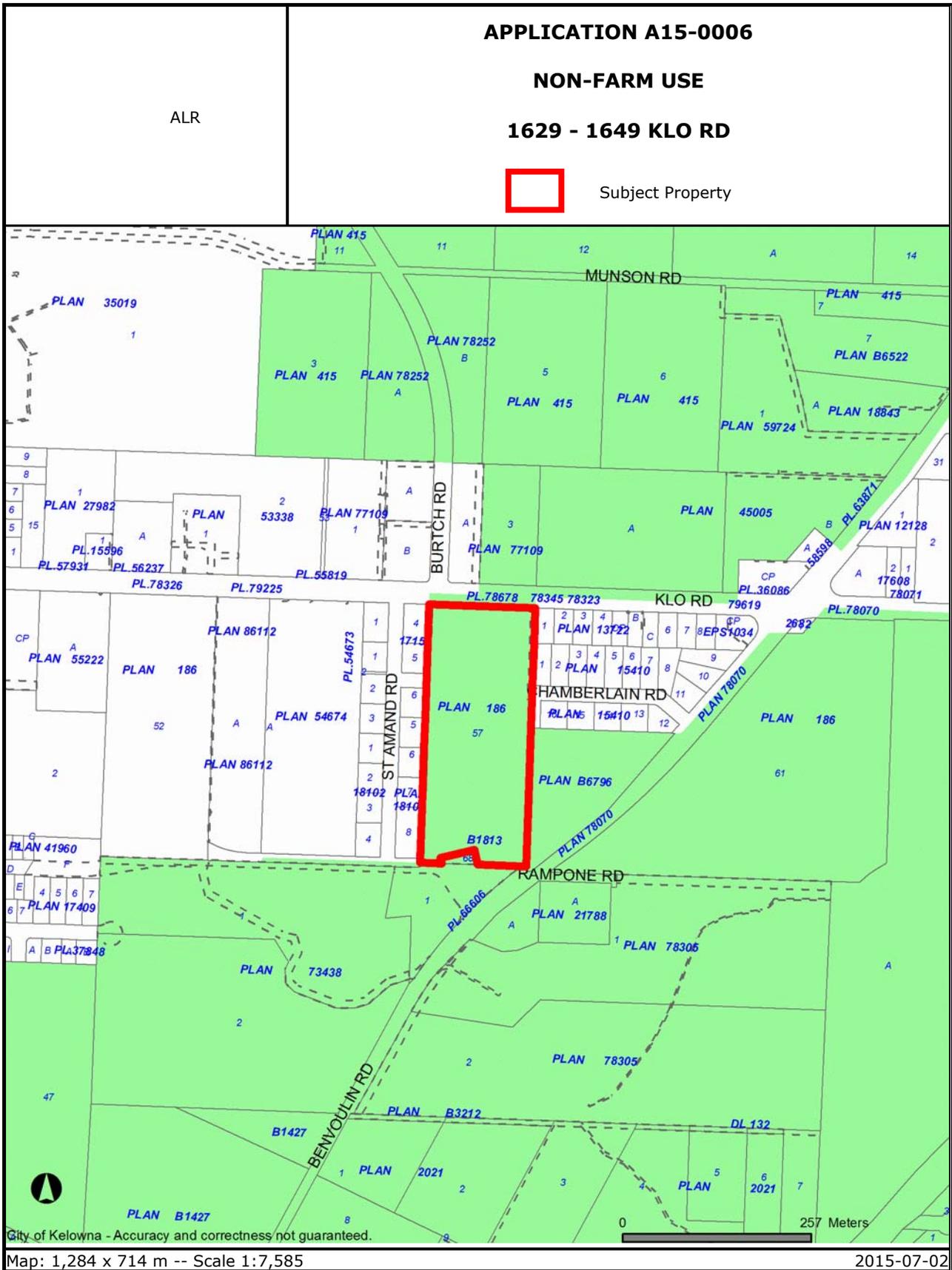
SCHEDULE B - Technical Comments



Subject: A15-0006 - 1629 - 1649 KLO Road - Non-Farm Use Application

1.1 Development Engineering Department

Development Engineering has no comments at this point in time with regard to this application, however, a comprehensive report will be provided at the time of development application submission when the Agricultural Land Commission agrees to the proposed activity on the subject property.



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
 The City of Kelowna does not guarantee its accuracy. All information should be verified.



Agricultural Land Commission Act
Application for Non-Farm Use
Supplementary Information

Alexander Luymes

Krystal Luymes

1629 KLO Rd,

Kelowna, BC

V1W 3P3

P: (250) 861-1881

F: (250) 861-4881

betterearthgardencentre@outlook.com

www.betterearthgardencentre.com

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Back Ground on Better Earth Garden Centre

Better Earth in 2014

At this time there was a soil yard, minimal plant selection and a screening operation on the back end of the property (16 on the site plan). The soil screening operation was terminated immediately. In order to help with leasing costs parts of the property were sub-leased to three other tenants. These tenants had large equipment, trucks and sea cans on site for storage (16 on the site plan).

Throughout the 2014 season, the City of Kelowna and the Agricultural Land Commission received numerous complaints regarding noise and dust coming from the property.

In order to help rectify these issues we asked all three tenants to vacate the property along with their equipment, trucks and sea cans. This completely eliminated traffic on the back half of the property, reducing dust and noise.

As instructed by The City of Kelowna we cleaned the property of garbage and scrap steel that had been left on the property by previous lessees of the property.

In an effort to convert section 16 on the site plan back to agricultural land, we hauled 1944 cubic yards of material left by previous lessees.

Better Earth Current Stage of 2015

The season is scheduled to run from April 1 – October 1 2015. At the beginning of March we ordered a large garbage bin to clean the property even further. This garbage bin was filled with items left on the property by previous tenants and previous lessees. The trash came from underneath a storage trailer (marked 10 on site plan), beside a shack on site (marked 15 on site plan), the back area of the property where tenants were previously (marked as 16 on the site plan) and beside the mobile home (marked as 13 on the site plan) where tenants were previously (not marked on the site plan as it is currently cleaned up and is just dirt.)

We reduced the size of the soil yard as well as reducing the aggregate products we carry. We have also increased the amount of plants on site (see inventory attached). These plants are currently for sale and in the greenhouse marked as 6 & 9 on the site plan. There will be more plants purchased to grow within the greenhouse. There is also an area where trees are for sale as marked by 7 on the site plan.

During the second weekend of March Alex Luymes went around to the neighbours on Saint Amand Rd, K.L.O. Rd and Chamberlain Rd with a letter introducing ourselves and our plans for the property. We also mentioned in the letter that we were intending to clean up the property and as a result a large garbage bin and heavy equipment would be on site. Attached to the letter was a copy of Alex's business card in the event they have any questions or concerns. The back of the business card also offers 10% off any landscape products they need in order to build rapport with

the neighbours. (Please see attached) Alex received positive feedback from most of the neighbours, except one who was worried about the dust. Alex did his best to let the neighbour know we will be reducing the size of the soil yard and there will be no traffic along any of the dirt roads heading to the back of the property. The neighbour did not seem satisfied with this and will continue to be a concern going forward. Many of the neighbours expressed gratitude for the 10% discount as they will need plants and soil for their yards.

Once the cleanup was complete we had numerous neighbours come over to Alex while he was working and state how pleased they were with the condition of the property.

Better Earth Plans for 2015 and beyond

Clean up of property

In order to continue cleaning up the property we will be demolishing a mobile home and wooden shack on site as they are no longer needed and are in poor condition. They are listed as 14 & 15 on the site plan and it does state on the plan that these are to be demolished.

The back of the property listed on the site plan as 16 has been reverted back to agricultural land to be used for more alfalfa production. In the last two months since beginning this process we have removed all remaining concrete, wood and excess soil to prepare the area for planting. Irrigation will need to be piped in to this area and then we will be spreading seed.

Business Intent

We are hoping to take Better Earth Garden Centre to a level that matches Art Knapp or Byland's Garden Centre. Our purpose is to provide products for homeowners and landscapers to fully complete their projects. In order for our customers to do this we plan to carry a variety of plants, trees, shrubs, soils, mulches and landscape rock.

Noise

The back of the property listed on the site plan as 16 was used for lessees to store equipment and products for their businesses and as mentioned previously it has been returned to its original state for alfalfa growth. This will greatly reduce noise as trucks will not be heading to the back of the property at any given time.

We have also reduced store hours from Monday to Sunday 8am – 5pm to Monday to Saturday 8am – 4pm which reduces noise for the neighbours during dinner and on Sundays.

Costs

Costs we are incurring in the near future:

- Remove a trailer and small shack on site:
 - Excavator rental: \$125 per hour
 - Dump fees: \$65 per tonne
 - Truck Rental: \$110 per hour
- Alfalfa re-seed of bare dirt areas listed on site plan
 - Alfalfa seed: \$249.99 + taxes
 - Irrigation: \$7,344 + taxes
 - materials: \$1,500 per acre, 2.22 acres to be irrigated = \$3,330 + taxes
 - labour: 40 hours per acre, 2.22 acres to be irrigated = 88.8 hours @ \$30 per hour = \$2,664 + taxes
 - Equipment: bobcat trencher attachment \$450 per week or \$150 per day. 88.8 hours = 2 weeks, 3 days = \$1,350 + taxes

Costs we will incur in the event this application is approved:

- Place crush on the roadway in between products in soil/mulch yard
 - Crush: 130 yards @ \$11 per yard = \$1,430 + taxes
 - Trucking: 6 truck & pups carry 22 yards @ \$130 per hour for 1.5 hour trips = \$1,170 + taxes
- Place concrete bins in soil/mulch yard
 - Concrete blocks: 180 blocks @ \$90 each = \$16,200 + taxes
 - Trucking: 30 loads (6 blocks per truck) @ \$110 per hour for 1.5 hour trips = \$4,950 + taxes
- Remove alfalfa to plant trees and shrubs
 - Approximate cost: \$20,000 per acre. We received this estimate from a local farmer. This cost would include removing the existing alfalfa, rototilling the soil, adding nutrient rich soil to existing soil to facilitate tree and shrub growth, review/repair existing irrigation and purchase and plant trees and shrubs.

Uses on Adjacent Lots

Please see Map of Surrounding Areas Attached

North

Directly north of the property is vacant land that is currently for sale.

East

East of the property is a residential area on Chamberlain Rd.

South

South of the property is more agricultural land.

West

West of the property is a residential area on St. Amand St.

Attachments

Receipt from BFI for Garbage Removal from site

4-150 CAMPION STREET
 KELOWNA, BC V1X7S8
 ATTN: CUSTOMER SERVICE DEPT.
 (250) 765-0565

634-0000475951 03/31/15 634-009904-0000

ONLINE/PHONE/OVER THE COUNTER PAYMENTS ARE
 ACCEPTED AT MOST MAJOR BANKS. SEARCH FOR BFI
 CANADA INC & USE YOUR 13 DIGIT ACCT#.
 QUESTIONS? CALL 1-855-765-0565

008093 000000986

BETTER EARTH LANDSCAPE
 PO BOX 25035 MISSION PARK
 KELOWNA, BC V1W 3Y7



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(0001) BETTER EARTH LANDSCAPE - TEMP

1629 KLO ROAD KELOWNA, BC

SERVICE GROUP 001 QTY 1.00 Roll Off Temporary 40.00YD Waste

03/13/15 RO Delivery W/O #:89490	1.00	160.00	160.00
03/21/15 RO Dump & Remove W/O #:90063	1.00	180.00	180.00
03/21/15 Waste 1154810			293.02
03/31/15 Basic Container Charge 3/19/2015-3/21/2015	3.00	10.00	30.00
03/31/15 BC GST 866808298RT0007 on \$663.02			33.15
			696.17

SITE TOTAL

BC GST 866808298RT0007

TOTAL TAXES

33.15
33.15

PAID M/C 3/31 - \$696.17
 4/13 - \$196.17

CURRENT	30 DAYS	60 DAYS	90+ DAYS
196.17	0.00	0.00	0.00

UPON RECEIPT

696.17

634-0000475951 03/31/15
 634-009904-0000 196.17

4-150 CAMPION STREET
 KELOWNA, BC V1X7S8

BETTER EARTH LANDSCAPE
 PO BOX 25035 MISSION PARK
 KELOWNA, BC V1W3Y7

BFI CANADA INC
 4-150 CAMPION STREET
 KELOWNA, BC V1X7S8

DTP16340102 1-855-765-0565

Plant Inventory

Name	# Plants	Size
Maiden Grass	50	1 Gallon
Flame Grass	50	1 Gallon
Karl Foerster Grass	334	1 Gallon
Fountain Grass	169	2 Gallon
Red Switch Grass	106	1 Gallon
Fountain Grass - Karley Rose	49	1 Gallon
Corkscrew Rush	49	2 Gallon
Day Lillies	114	1 Gallon
Lavender	54	1 Gallon
Geranium	71	1 Gallon
Amethyst in Snow	52	1 Gallon
Seedums - Autumn Joy	118	2 Gallon
Seedums - Purple Emperor	62	2 Gallon
Seedums - Dragon Blood	161	2 Gallon
Bee Balms	50	2 Gallon
Echinacea	15	2 Gallon
Campsis - Trumpet Vine	26	3 Gallon
Astilbe - False Spire	25	2 Gallon
Wooly Thyme	129	1 Gallon
Royal Candles	20	2 Gallon
Phlox	26	2 Gallon
Butterfly Bush	14	2 Gallon
Diablo Nine Bark	35	3 Gallon
Purple Smoke Bush	12	3 Gallon
Weigela - Variegated	15	3 Gallon
Weigela - Red Prince	26	3 Gallon
Snow Mound Spirea	25	3 Gallon
Rose Glow Barberry	50	1 Gallon
Miscellaneous (50% off)	98	1 Gallon
	68	2 Gallon
	20	3 Gallon
Miscellaneous Evergreens		20
Plant Totals		2113
	Trees	
Emeralds		30
Excelsa		14
Yews		30
Japanese Maples		20
Boxwood		59
Tree Totals		153
Grand Total		2266

Letter to Neighbours

Better Earth Garden Centre
1629 KLO Rd
Kelowna, BC V1W 3P3
(250) 861-1881

March 14, 2015

Dear Neighbours,

We are writing to inform you of our intentions on the neighbouring property. We are aware there were some concerns last year and would like to remain transparent this year with regards to the property and business located on said property. Better Earth Landscape Supply will run from the front of the property with a small landscape supply yard and a greenhouse. Our goal this year is to reduce traffic on the property, therefore reducing dust and noise. We will also not be partaking in composting activities this year and will actively be managing overgrowth and weeds on the property. We will actively be planting trees, plants and shrubs on the agricultural land to be sold in the store in the future.

We will be cleaning up the property this weekend and throughout next week and wanted to inform you as there will be a large garbage dumpster and excavator on site to assist in this clean up. We will also be spreading compost on the agricultural land to assist with growth and will be tearing down dirt berms in the back to restore the property to agricultural status.

We welcome any suggestions, comments or concerns you may have and look forward to getting to know all of you. Please find attached a business card with a 10% discount on any product you purchase from Better Earth Landscape Supply.

Thank you,

ALuymes

Alex Luymes
Owner
(250) 826-3175

KLuymes

Krystal Luymes
Owner
(250) 826-3176

CC: Agricultural Land Commission: Ron MacLeod, Compliance and Enforcement Officer
Ministry of Agriculture: Carl Withler, Regional Agrologist
City of Kelowna: Todd Cashin, Manager/Deputy Approving Officer
City of Kelowna: Laurie Lundman, Bylaw Officer
City of Kelowna: Melanie Stepphun, Land use planner
Regional District of Central Okanagan: Kim Mussenden, Bylaw Enforcement Officer

Current Photos of Better Earth Garden Centre



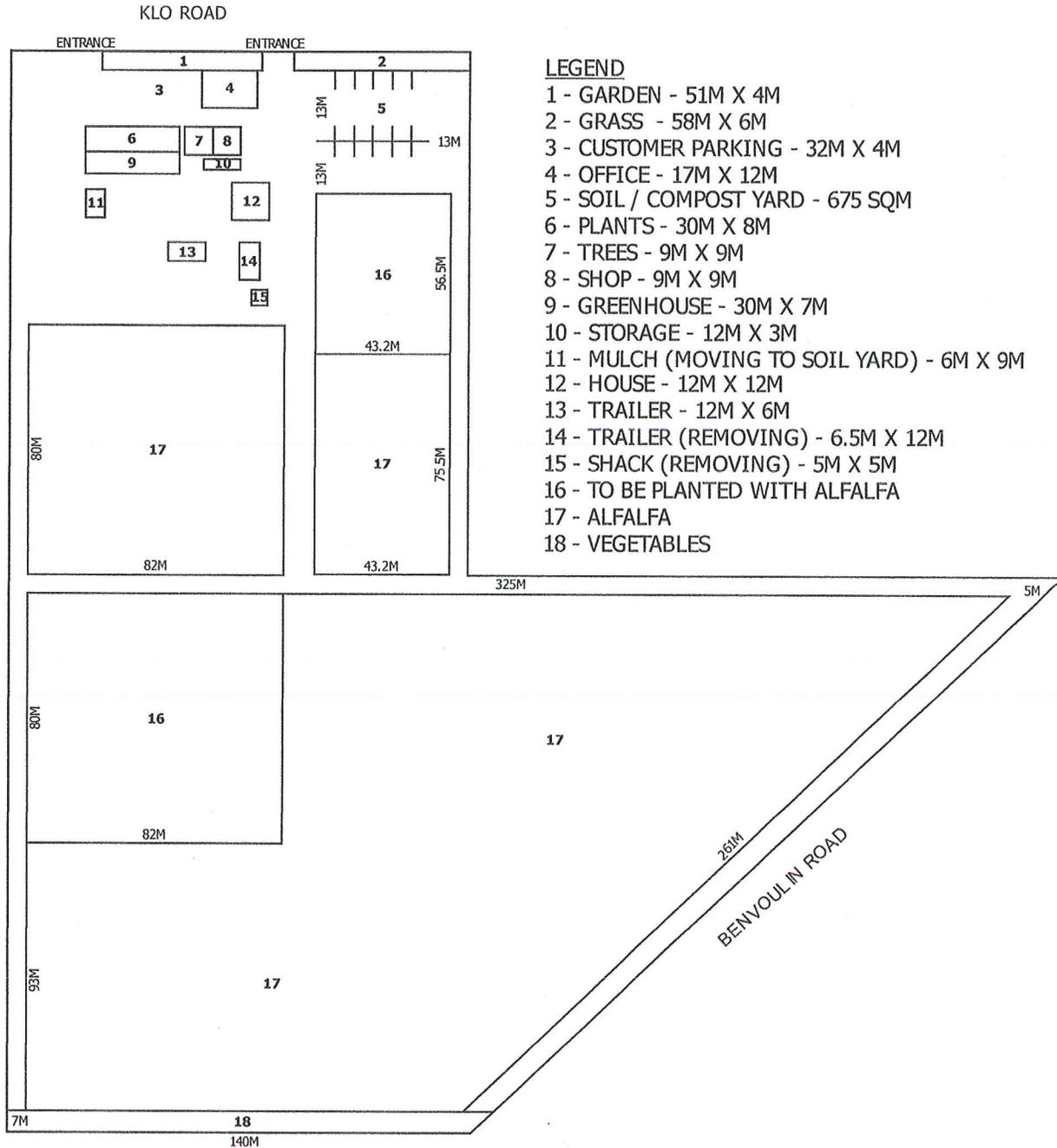








BETTER EARTH GARDEN CENTRE SITE PLAN



Map of Surrounding Areas

Aerial View 2012

(Most recent photo available - The property looks much different now)



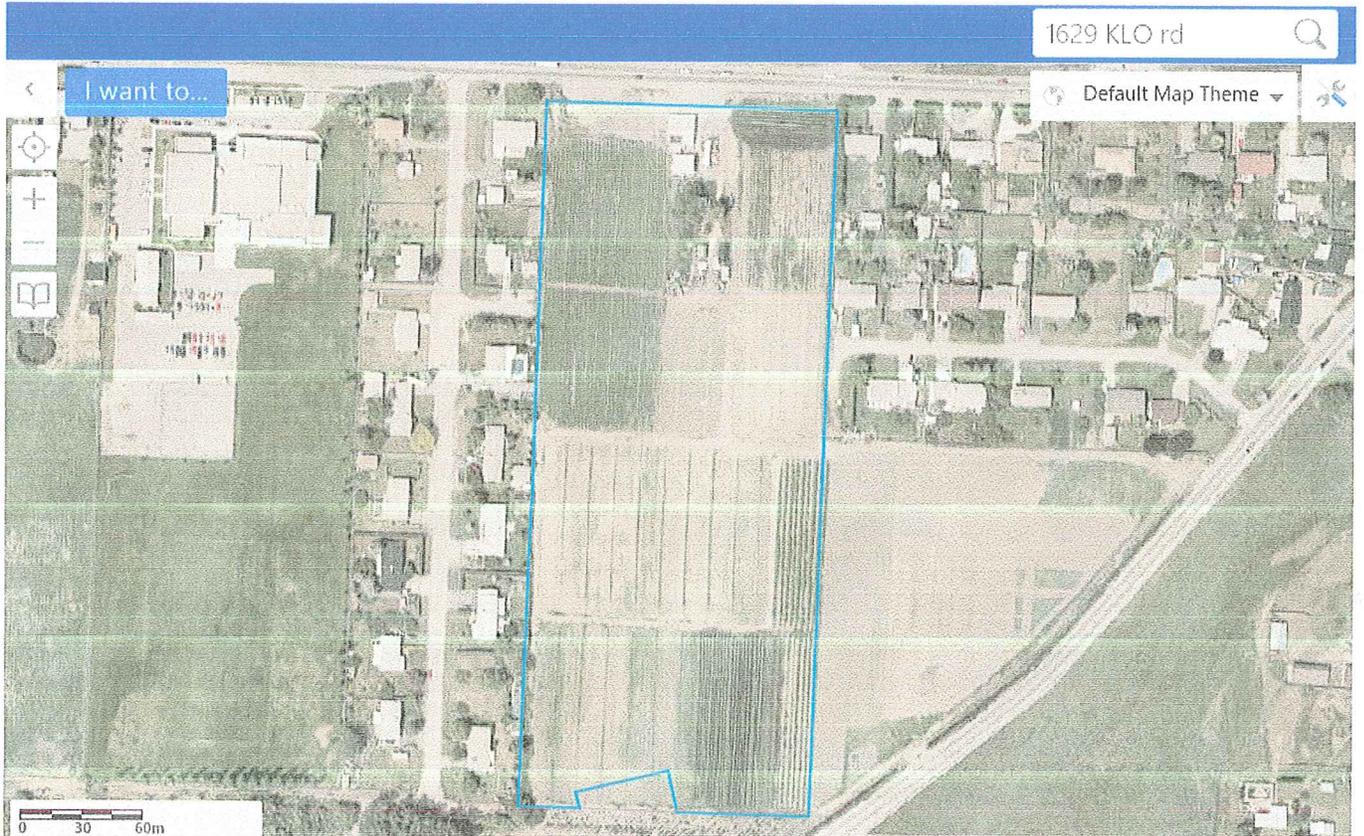
Street Map



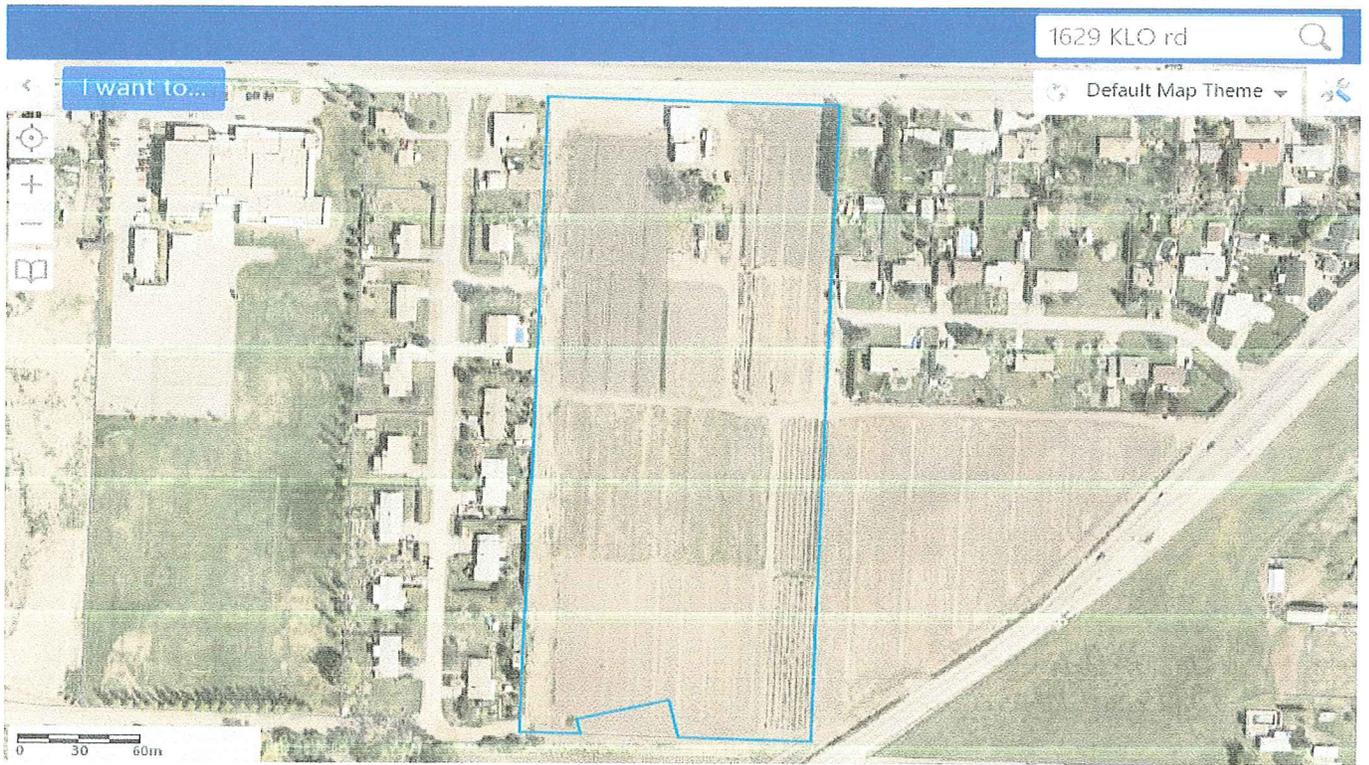
Aerial Maps of Property 2000-2009
2000



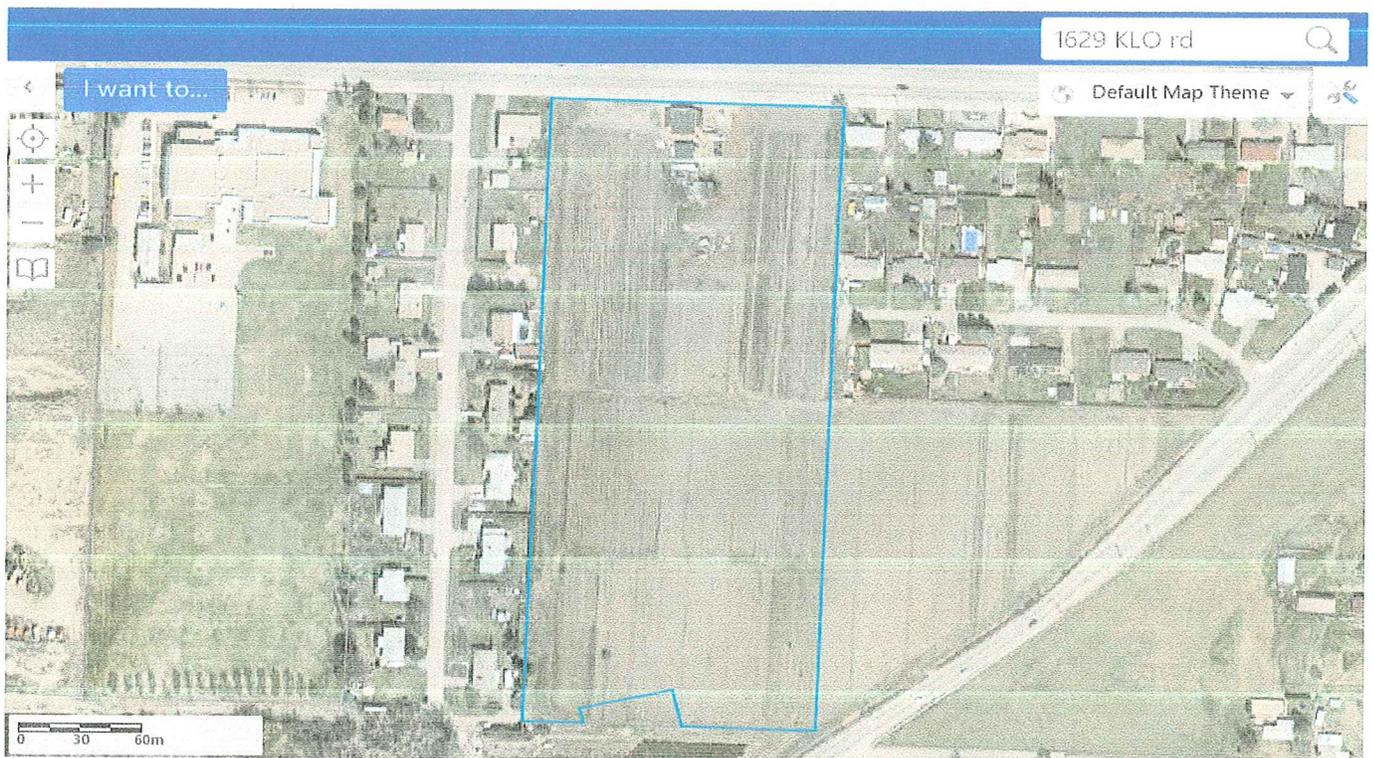
2003



2006



2009




 City of
Kelowna
Agricultural Advisory Committee
Minutes

Date: Thursday, June 11, 2015
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Domenic Rampone, Ed Schiller, Jeff Ricketts (Alternate), John Janmaat, Keith Duhaime, Kevin Daniels (Alternate), Pete Spencer, Tarsem Goraya, Yvonne Herbison, Jill Worboys (Interior Health)

Staff Present Agriculture, Subdivision & Environment Services Manager, Todd Cashin; Planner, Melanie Stepphun; Council Recording Secretary, Arlene McClelland; City Clerk, Stephen Fleming

(* Denotes partial attendance)

1. Call to Order

The staff liaison called the meeting to order at 6:01 p.m.

Opening remarks by the Staff Liaison regarding conduct of the meeting were read.

2. Appointment of Chair and Vice Chair

MOVED BY Ed Schiller/SECONDED By Tarsem Goraya

THAT the Agricultural Advisory Committee elects John Janmaat as Chair for 2015 and 2016;

AND THAT the Agricultural Advisory Committee elects Yvonne Herbison as Vice Chair for 2015 and 2016.

CARRIED

3. Applications for Consideration

3.1 2570 Saucier Road, A15-0003 - Laura & Larrie Carr

Staff:

- Displayed a PowerPoint Presentation summarizing the application.
- The applicant is seeking approval from the Agricultural Land Commission for a “non-farm use” to allow for a second dwelling on the subject property.
- The subject property is approximately 2.8 ha (6.9 acres) and is located along Saucier Road in Southeast Kelowna, just west of South Kelowna School.
- The subject property is within the Resource Protection Area Future Land Use designation.
- The applicants wished to build a new home. To comply with the ALC Act and Regulation, they removed 2 mobile homes and two small dwellings from the property. A \$20,000 delayed demolition bond was placed on Unit A. This application seeks to receive a resolution from the ALC to keep this dwelling as a carriage home on the property.

- Unit A lies in the south central portion of the property. With the new dwelling on the northwest portion of the property. Keeping the house would result in two farm residential footprints.
- The Barn / Workshop will be moved to the west, where the previous mobile homes were located approximately. The pool for the carriage house has been removed.
- Unit A is oversized for a carriage house, which must be no more than 90 square metres to comply with Zoning Bylaw No. 8000. Should the ALC resolve to allow the carriage house, the property would need to be rezoned from A1 to A1c - Agriculture 1 with Carriage House. In addition, modifications would need to be made to the dwelling for compliance with the zoning bylaw.
- Unit A lies in the south central portion of the property. With the new dwelling on the northwest portion of the property, keeping the house would result in two farm residential footprints.
- The Barn/Workshop will be moved to the west side of the property, to in the place where the farm worker dwellings were, to provide more contiguous arable land.
- The property contains primarily Class 5A and Class 5A Agriculture Capability with soil moisture deficits. With irrigation, the agricultural capability of the property could be improved to predominately Class 3. Class 1 through 3 is considered prime agricultural land with minimum restrictions on crop capability.
- The City of Kelowna Farm Protection DP guidelines outline policies to protect farm land and farm operations, limit urban encroachment, and reduce land use conflicts.
- The Agriculture Plan supports non-farm uses when a benefit to agriculture is present.
- ALC's position on carriage homes is that they impose an additional residential intrusion on farm parcels.
- In order for the carriage home to comply with regulation, the following is required:
 - o A resolution by the ALC to allow the Non-farm Use;
 - o A rezoning supported by City Council;
 - o A reduction of the living space of the dwelling to 90 square metres;
 - o Confirmation through the Building Department that life safety requirements are consistent with the current BC Building Code.
- Kelowna City Council is asking the Agriculture Advisory Committee for a recommendation for this application taking into account both the City of Kelowna's and the Agricultural Land Commission's regulations and policies. Consideration should be given to impacts to surrounding agricultural parcels.
- Responded to questions from AAC Members.

Larrie Carr, Applicant:

- Present and available for questions.

AAC/Applicant Discussion:

- The Applicant confirmed he does not live on the property due to the home being too small for his family.
- The Applicant advised that the current tenant is a family member of the previous owner. The tenant helps with the orchard.
- The Applicant commented that they will convert what was residential into farm, therefore, will be bringing more land back into agriculture.
- A Committee Member asked if there were any plans to change the crop from hay to something else. The applicant advised that they produce high quality hay that is bought up every year by Christmas time.
- A Committee Member asked the intentions of the carriage house. The applicant indicated that the long term vision is to have in-laws or parents there for a period of time. I am not interested in renting or being a landlord.
- A Committee Member asked what the net benefit to agriculture was. The applicant commented that the area that is residential is being turned back into agricultural use.
- A Committee Member confirmed with the Applicant that farming was not his primary employment.

AAC Discussion:

- The Committee Members agreed that the footprint of this application needs to be minimized in order to make the farmland more viable for farming.

MOVED BY Yvonne Herbison/SECONDED By Ed Schiller

THAT the Agricultural Advisory Committee recommends that Council NOT support an application to the Agricultural Land Commission under Section 20(3) of the Agricultural Land Commission Act for a 'Non-Farm Use' within the Agricultural Land Reserve (ALR) to allow for a second dwelling on the subject property at 2570 Saucier Road.

CARRIED

Tarsem Goraya - Opposed

ANECDOTAL COMMENT:

The Agricultural Advisory Committee did not support the application for a "Non-Farm Use" within the Agricultural Land Reserve as the Committee Members expressed concern that there is no benefit to agriculture. The Committee suggested that by moving the driveway to the edge of the property and farm closer to the homesite would make a better farm footprint.

3.2 1838 Heimlich Road, A15-0004 - Don & Diane Hickey

Staff:

- Displayed a PowerPoint Presentation summarizing the application.
- The applicant is seeking approval from the Agricultural Land Commission for a "non-farm use" to allow for a second dwelling on the subject property.
- The subject property is approximately 2.8 ha (6.9 acres) and is located along Heimlich Road, south of Mission Creek and west of Spiers Road.
- The property is located in the ALR, surrounded by ALR properties.
- The property has several riding corrals, single family dwelling, and a shop. The shop has a two level suite addition at the south end.
- The property contains primarily Class 5A and Class 4A Agriculture Capability, with limitations due to soil moisture deficits, which are considered improvable with irrigation. Class 1 through 3 are considered prime agricultural land.
- The soils on the property are predominately Carlin soils. These are fluvial which tend to be silty, medium to finely textured soils. They are suitable for alfalfa, annual vegetable crops, asparagus, cereals, corn and forage crops.
- The City of Kelowna Farm Protection DP guidelines outline policies to protect farm land and farm operations, limit urban encroachment, and reduce land use conflicts.
- In order for the carriage home to comply with regulation, the following is required:
 - o A resolution by the ALC to allow the Non-farm Use;
 - o A rezoning supported by City Council;
 - o Confirmation through the Building Department that life safety requirements are consistent with the current BC Building Code.
- Kelowna City Council is asking the Agriculture Advisory Committee for a recommendation for this application taking into account both the City of Kelowna's and the Agricultural Land Commission's regulations and policies. Consideration should be given to impacts to surrounding agricultural parcels.
- Responded to questions from AAC Members.

AAC/Staff Discussion:

- A Committee Member confirmed with staff that the use in which the original building permit was attained had changed.

Don Hickey, 1838 Heimlich Road, Applicant:

- Advised that originally the space was used as an office and had attained a building permit to build.
- Relocated to Edmonton and rented out the home in Kelowna.

- Was unable to secure a tenant that would also look after the maintenance of the property. Returned to Kelowna and used the office space as an apartment.
- Originally the land housed two horses. Currently there is no agriculture on the land and it is just grass.

AAC/Applicant Discussion:

- A Committee Member asked if there was any type of agriculture on the land. The Applicant advised that there is not and that there is a creek running through the property and there isn't a lot of land. It's always been grass which is also difficult to grow. The land is in the flood plain and only 90 feet from Mission Creek. Would be surprised if anything could be grown.
- A Committee Member commented that the staff report indicates agriculture capabilities. The Applicant advised that the land is not large enough for anything but a garden.
- The Applicant advised that the office was no longer needed and turned it into a suite in order to have a place to stay short term in order to maintain his property .
- The Applicant confirmed that no one is currently living in the main structure due to damage caused by the previous tenant. Currently living in the apartment until renovations are completed on the main house.
- The Applicant confirmed that he will continue to reside in the carriage if a tenant can be found for the main house. Otherwise the Applicant will move to the main house and leave the carriage house vacant.

MOVED BY Pete Spencer/SECONDED By Domenic Rampone

THAT the Agricultural Advisory Committee recommends that Council NOT support an application to the Agricultural Land Commission under Section 20(3) of the Agricultural Land Commission Act for a 'Non-Farm Use' within the Agricultural Land Reserve (ALR) to allow for a second dwelling located on the subject property of 1838 Hemlich Road.

CARRIED
Ed Schiller - Opposed

ANECTDOTAL COMMENT:

The Agricultural Advisory Committee did not support the application for a "Non-Farm Use" within the Agricultural Land Reserve as the Committee Members expressed concern that there is no benefit to agriculture.

3.3 1090 McKenzie Road, FH15-0001 - GP Sandher Holdings Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.
- The Applicant is requesting permission from the Agricultural Land Commission for a Farm Help Permit for proposed residences to accommodate 80 temporary agricultural workers in addition to accommodations for 48 temporary agricultural workers already approved for the property.
- The subject property is located at 1090 McKenzie Road just west of Gibson Road and South of El Paso and El Carlo Roads in the Rutland Bench area.
- The property is 12.9 ha in size and is one of over 93 ha (or 230 acres) currently farmed by the applicant in the Kelowna area. The subject property is fully planted in apples.
- Through the Seasonal Agricultural Workers Program the applicant has received approval for over 100 foreign agricultural workers.
- SAWP and the BC Agriculture Council, establishes standards for housing foreign farm workers and the housing is inspected twice per year by an accredited inspector for the SAWP program.
- The existing Farm Worker housing is held in the existing dwelling, and an addition built this year. The request today is for 2 structures to accommodate 40 additional workers each, for a total of 128 workers to be housed on the site. They will go on the slope at the east side of the property.

- The plans are for two bunkhouse style dwellings.
- Farm work housing concerns:
 - o Potential misuse of farm worker housing / reuse in future
 - o Loss of agricultural land
 - o Increased demands on infrastructure
 - o Increased value of farm properties
 - o Change to agricultural landscape
 - o Neighbourhood impacts (e.g. noise, traffic)
- According to the Summary of Local Government Regulations for Temporary Farm Worker Housing, the municipalities of Abbotsford, Delta, Langley Township, Maple Ridge, Pitt Meadows and Richmond regulate one or more of:
 - o the number of farm workers on a single site,
 - o maximum floor area,
 - o minimum lot and
 - o farm operation size
- ALC provided comments of Non Support of the 80 additional farm worker dwelling units.
- Existing policy states that where additional farm worker housing can be justified, the provision of temporary farm worker housing is preferred and further, that the accommodation can be easily removed if and when the need no longer exists.
- Kelowna City Council is asking the Agriculture Advisory Committee for a recommendation for this application taking into account both the City of Kelowna's and the Agricultural Land Commission's regulations and policies. Consideration should be given to potential short and long term impacts of farm worker housing for 128 workers on a single parcel and potential reuse for the structures if the farming operation was reduced in size.
- Responded to questions from AAC Members.

Sukhi Sandher, Applicant:

- Confirmed he owns several properties in Rutland and harvests 50% apples and 50% cherries.
- Confirmed he currently employs 200 workers; majority of workers are only needed for 2 months and the rest of the year require 70 to 80 workers.
- Confirmed his business is still growing.

AAC/Applicant Discussion

- The Applicant believes he would not require any more buildings for workers. Trying to keep everything in one area. Feels that putting buildings on each property would not be financially feasible.
- A Committee Member asked if current equipment storage could be used for accommodation. The Applicant noted that accommodation is only for workers and that they already have storage for equipment.

MOVED BY Keith Duhaime/SECONDED By Ed Schiller

THAT the Agricultural Advisory Committee recommends that Council support an application to the Agricultural Land Commission for a Farm Help Permit for proposed residences to accommodate 80 temporary agricultural workers in addition to accommodations for 48 temporary agricultural workers already approved for the property located at 1090 McKenzie Road.

CARRIED

ANECTDOTAL COMMENT:

The Agricultural Advisory Committee supported the application for a Farm Help Permit for proposed residences as this format centralizes sewer and water in one area and will accommodate many workers in one place. Will provide for better planning resources.

3.4 2015 Belgo Road, A15-0005 - Misao Koga

Staff:

- Displayed a PowerPoint Presentation summarizing the application.
- The Applicant is requesting permission from the ALC for a "Subdivision of agricultural land reserve". Specifically, the applicant is applying for a homesite severance under Policy #11 of the ALC
- The proposed subdivision complies with the ALC Policy #11 which states that owners may apply to subdivide their home from the farm remainder if the principal residence has been owner occupied since December 21, 1972. In this case, the applicant has owned and lived continually at the property since 1968
- The property is within the Belgo/Black Mountain Sector of the City, along Belgo Road, and east of Hollywood South.
- The property is within the Agricultural Land Reserve and is zoned A1.
- The property is within the Agricultural Land Reserve and is zoned A1
- The proposed homesite is at the northeast corner of the property, along Belgo Road and is approximately 0.4 hectares, or 0.98 acre in size. There are currently two dwellings on the property. The other dwelling will stay with the farm remainder.
- The Ministry of Agriculture's Guide for Bylaw Development in Farming Areas outlines standards for farm residential footprints. They outline the lesser of a footprint similar to residences in urban areas or 2000 square metres (1/2 acre).
- The Ministry Guidelines state that the footprint should be within 20 metres of a road, and preferably 2000 square metres or less.
- Kelowna City Council is asking the Agricultural Advisory Committee for your recommendation for this homesite severance, with respect to City of Kelowna, Ministry of Agriculture and ALC regulations and policies.

Bob Koga, Belgo Road, Applicant:

- Advised that he and his wife currently live in the house and the plan is for a homesite severance and have his mother move in.

AAC Discussion:

- Commented that this application is a good example of how a homesite severance can be achieved with the least amount of impact to agriculture.

MOVED BY Ed Schiller /SECONDED By Keith Duhaime

THAT the Agricultural Advisory Committee recommends that Council support an application to the Agricultural Land Commission for a "Subdivision of Agricultural Land Reserve" under Section 21(2) of the Agricultural Land Commission Act for a Homesite Severance on Agricultural Land Reserve (ALR) Lands located at 2015 Belgo Road.

Carried

4. Minutes

MOVED BY Ed Schiller /SECONDED By Pete Spencer

THAT the Minutes of the August 26, 2014 Agricultural Advisory Committee meeting be adopted.

Carried

5. Referrals

There were no referrals.

6. Old Business

There was no old business to consider.

7. New Business

A Committee Member suggested the Committee participate in an agricultural tour in 2016 with local politicians.

A Committee Member suggested meeting with Council to discuss agricultural issues and ALC enforcement on non-agricultural uses on agricultural land.

A Committee Member suggested sending a Member from this Committee to the Agricultural Advisory Committee Workshop held in Richmond, B.C.

A Committee Member suggested the Committee meet with ALC.

MOVED BY Domenic Rampone/SECONDED By Ed Schiller

THAT the Agricultural Advisory Committee requests Council approval to attend an Agricultural Advisory Committee Workshop to be held in 2016;

AND THAT the Agricultural Advisory Committee requests Council approval to participate in a Central Okanagan Agricultural Tour in 2016;

AND FURTHER THAT the Agricultural Advisory Committee requests Council approval to meet with ALC.

Carried

8. Next Meeting

The next Committee meeting has been scheduled for July 9, 2015.

9. Termination of Meeting

The Chair declared the meeting terminated at 8:34 p.m.

John Janmaat, Chair

/acm