

Agricultural Advisory Committee

AGENDA



Thursday, November 12, 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 1040 Old Vernon Road, A15-0010 - 0698329 BC Ltd. (Benson Law LLP)

3 - 56

The applicant is requesting permission from the Agricultural Land Commission (ALC) to exclude Lot 2, Plan KAP546, Section 1, TWP, ODYD at 1040 Old Vernon Road, Kelowna BC from the Agricultural Land Reserve (ALR).

2.2 2075 KLO Road, Rezoning Application No. Z15-0045 and Text Amendment No. TA15-0010- Tyler Linttell

57 - 91

The applicant is seeking to rezone the parcel from A1 to *A1t - Agriculture 1 with agri-tourist accommodation* in order to develop RV sites on the parcel.

The applicant is also seeking to amend the A1t zone to eliminate the minimum number of agri-tourist accommodation units based on parcel size. This would permit the applicant to develop 10 agri-tourist accommodation units, the current bylaw restricts the subject parcel to 5 accommodation units.

2.3 4275 Goodison Road, A15-0011 - Kristi Caldwell

92 - 114

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) to have a distillery, using primarily non-farm products, and hold wedding ceremonies.

2.4 3240 Pooley Road, A15-0012 - Wyn Lewis

115 - 130

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) to build a parking lot for the winery, for special events at the winery and for the proposed frisbee golf area.

3. Minutes

131 - 135

Approve Minutes of the Meeting of October 8, 2015.

4. Referrals

5. Old Business

5.1 Ministry of Agriculture - Discussion Paper on Agri-tourist Accommodation and Farm Retail Sales

Discussion and Comments

6. New Business

6.1 City of Kelowna Agriculture Plan

Renew Document - Policy and Planning

6.2 Agriculture Adaptation Workshop - Agriculture and Climate Change

7. Next Meeting

December 10, 2015

8. Termination of Meeting

COMMITTEE REPORT



Date: October 9, 2015

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (MS)

Application: A15-0010

Owner: 0698329 BC Ltd.

Address: 1040 Old Vernon Rd

Applicant: Benson Law LLP

Subject: Application to the ALC to exclude a property from the ALR

1.0 Purpose

The applicant is requesting permission from the Agricultural Land Commission (ALC) to exclude Lot 2, Plan KAP546, Section 1, TWP, ODYD at 1040 Old Vernon Road, Kelowna BC from the Agricultural Land Reserve (ALR).

2.0 Proposal

2.1 Project Description

The applicant is requesting an exclusion of their farm from the ALR. The site has history of use as a sawmill. In

The application proposes a future land use of Industrial for the parcel, specifically I2 - General Industrial or I3 - Heavy Industrial. Such a use would require an Official Community Plan amendment to the Permanent Growth Boundary, the Future Land Use, and a rezoning amendment, should the ALC approve the exclusion from the ALR.

2.2 Background

The site has a history of use as a sawmill. In 1972, at the creation of the ALR, the sawmill footprint was approximately 1.0 ha (2.47 acres).

In 1985, an application to the ALC was submitted to increase the area of the sawmill onto Lot 3, to the west. The expansion to Lot 3 had occurred, and the owners were seeking authorization for its continued use as a sawmill. Through Resolution # 993/85, authorization was granted, for a limited area of 1.7 ha, which was the current extent of the operation. (See attached Resolution #993/85).

From 1998 through 1999, a number of enforcement actions were taken by the ALC, due to the use of Lot 2, 3 and part of Lot 1 as a recycling wood and construction debris facility. These enforcement actions resulted in a Non-Farm Use application in 2000. In June of 2000, the ALC permitted the continued use of Lot 2 and Lot 3 in it's function as a wood and construction waste

and composting facility, subject to a number of conditions. (See attached ALC Staff Report and Resolution #437/2000.)

ALC Resolution #437/2000 - The ALC resolution allowed recycling as a use on the property. Specifically, the ALC:

- Considered the processing and recycling of wood, metal, concrete and trees to be largely consistent with the sawmill / wood recycling non-farm uses previously allowed.
- Allowed the installation of a fence on the west, east and north boundaries of the facility.
- Required the reclamation of Lot 1, Plan KAP546 (1124 Old Vernon Rd) to the east to agriculture.

McColman and Sons Demolition Ltd. currently functions as a construction waste recycling company. They purchased the property in 2005. They also own an industrial parcel on Neave Road, purchased in 2003, used for the operation.

2.3 Site Context

The subject property is located in the Rutland Sector of the City and is within the Agricultural Land Reserve. It is zoned A1 - Agriculture 1 (Maps 1 - 4, below) and is outside of the Permanent Growth Boundary.

Staff notes that 1040 Old Vernon Road is within the Intensive Agriculture Area according to the City of Kelowna Zoning Bylaw No. 8000. Therefore, intensive agriculture such as poultry, mushrooms, and other intensive livestock operations would be permitted in this location under the bylaw.

The property slopes gently from the southeast corner to the northwest, with less than 2.5% grade change, from 416 metres above sea level (masl) at the northwest corner up to 426 masl at the southeast corner.

Parcel Summary

Parcel Size: 4.04 ha (9.99 acres)
Elevation: 416 to 426 metres above sea level (masl) (approx.)

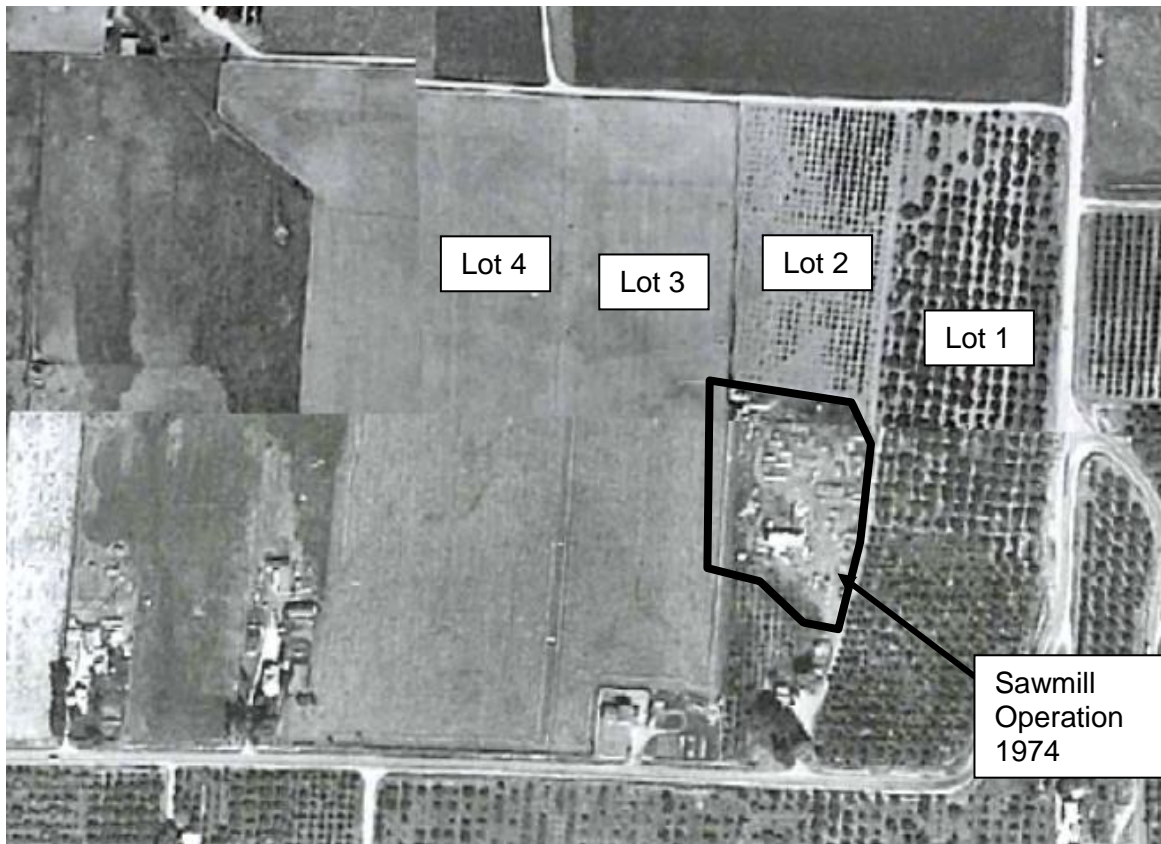
2.4 Land Use

The subject property lies within the Resource Protection Area for land use according to the Official Community Plan. The properties to the west, south and east are also within the Resource Protection Area Future Land Use. The properties to the north are outside Kelowna, within the Regional District of the Central Okanagan.

Table 1: Zoning and Land Use of Adjacent Property

| Direction | Zoning | ALR | Land Use |
|-----------|--------------------|-----|--|
| North | A1 - Agriculture 1 | Yes | Agriculture (RDCO) |
| South | A1 - Agriculture 1 | Yes | Agriculture / Fallow Fields / Agri-tourist Accommodation (RV Park) |
| East | A1 - Agriculture 1 | Yes | Agriculture |
| West | A1 - Agriculture 1 | Yes | Wood Waste Storage |

Map 1 - Air Photo 1974



Map 2 - Air Photo 2012



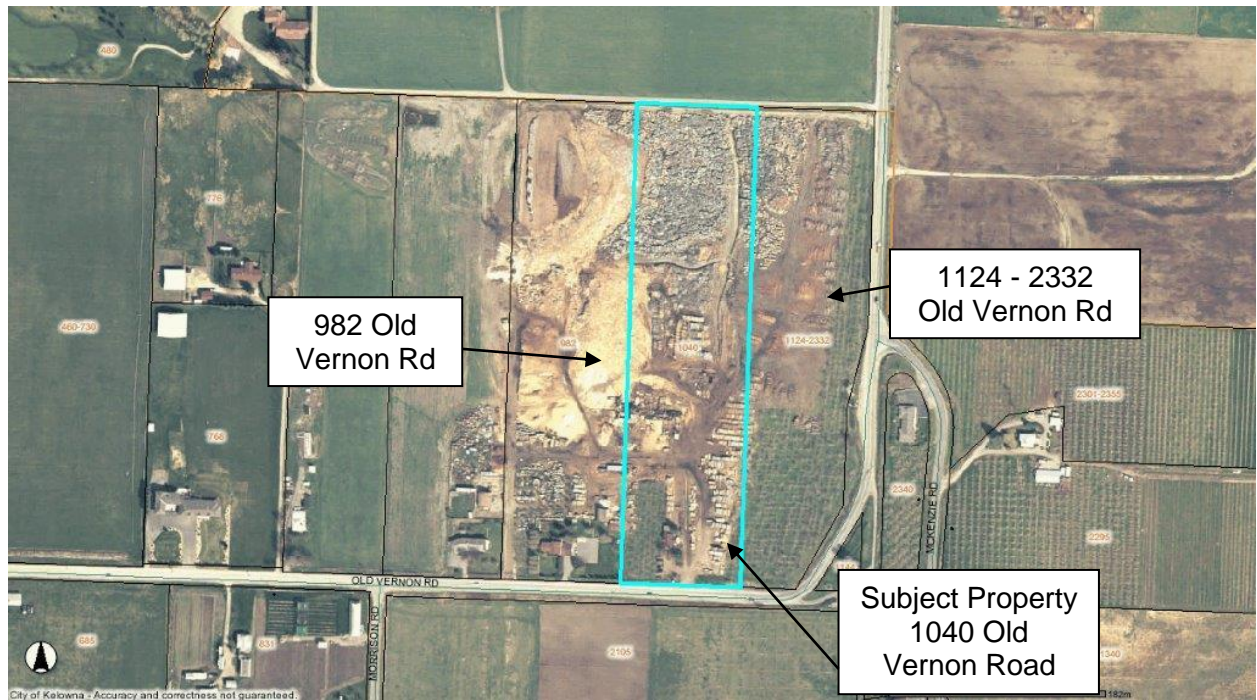
Map 3 - 1984 Air Photo



Map 4 - Air Photo 2006



Map 5 - Historic Land Use (2000)

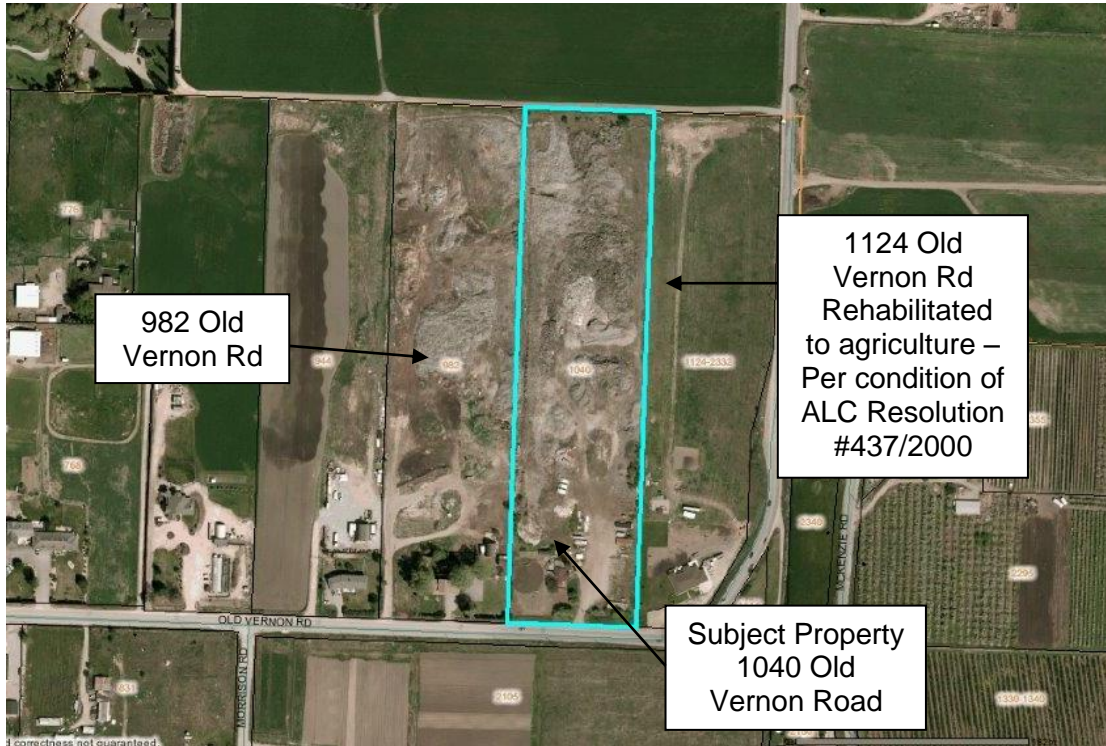


The property and that to the west, and part of the parcel to the east was used as a sawmill and wood waste site.

Map 6 - Air Photo 2009

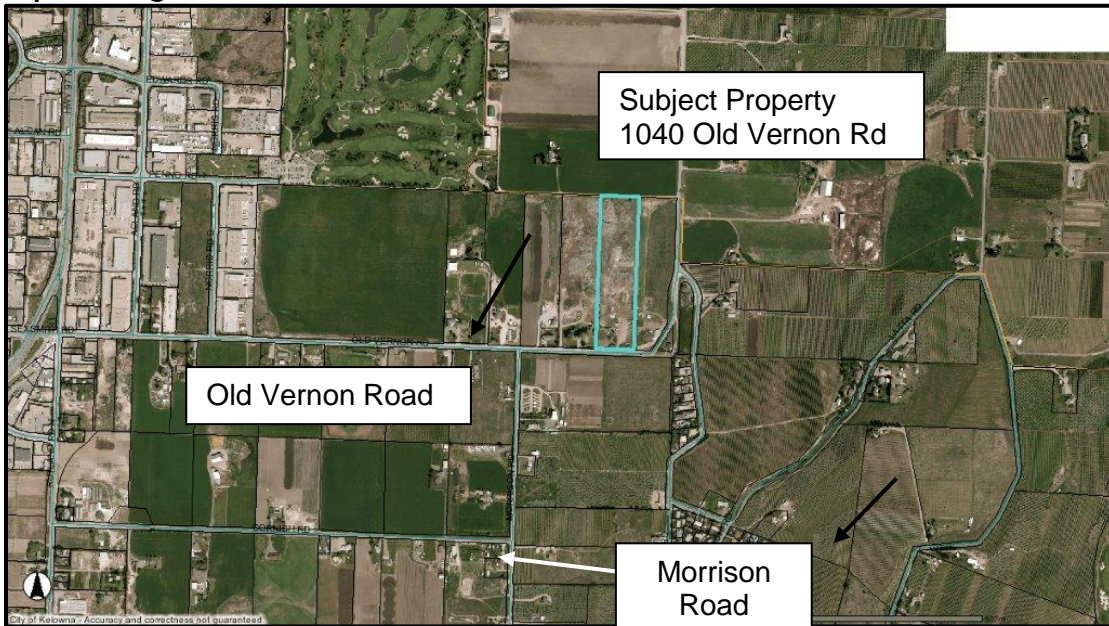


Map 7 - Existing Land Use (2012)

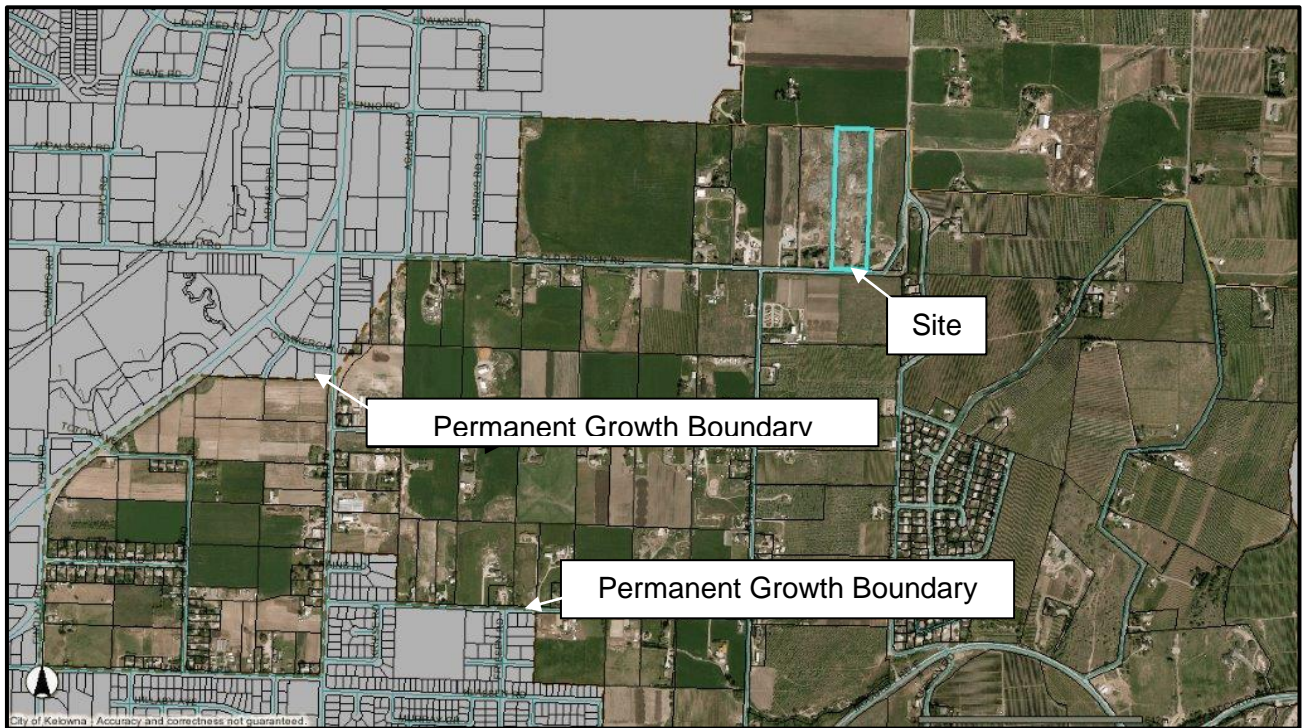


The land use shown in the 2012 ortho photo, showing 1124 Old Vernon Road (Lot 1, Plan KAP546), reclaimed for agriculture as required by the ALC Resolution #437/2000, as part of approval to allow the non-farm use of Lot 2 and Lot 3 (1040 and 982 Old Vernon Road) to allow the use of a recycling facility on the property.

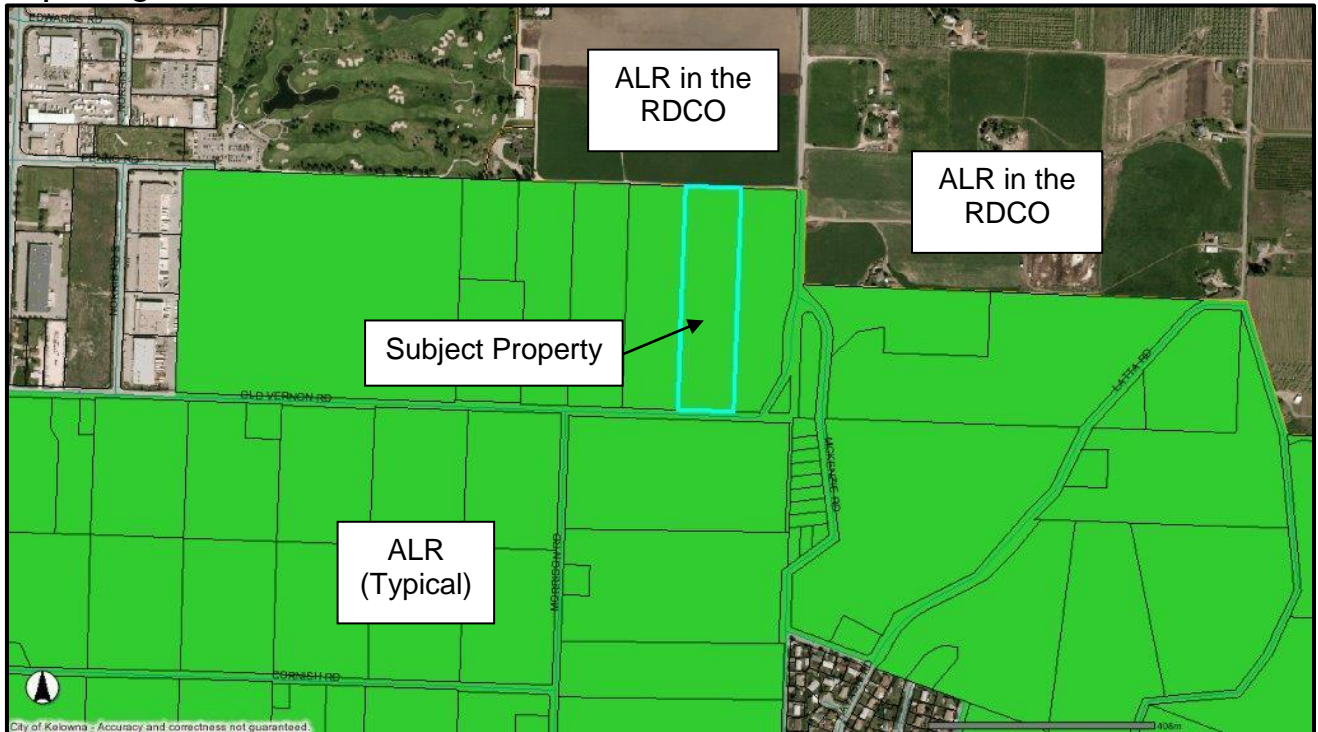
Map 7 - Neighbourhood Context



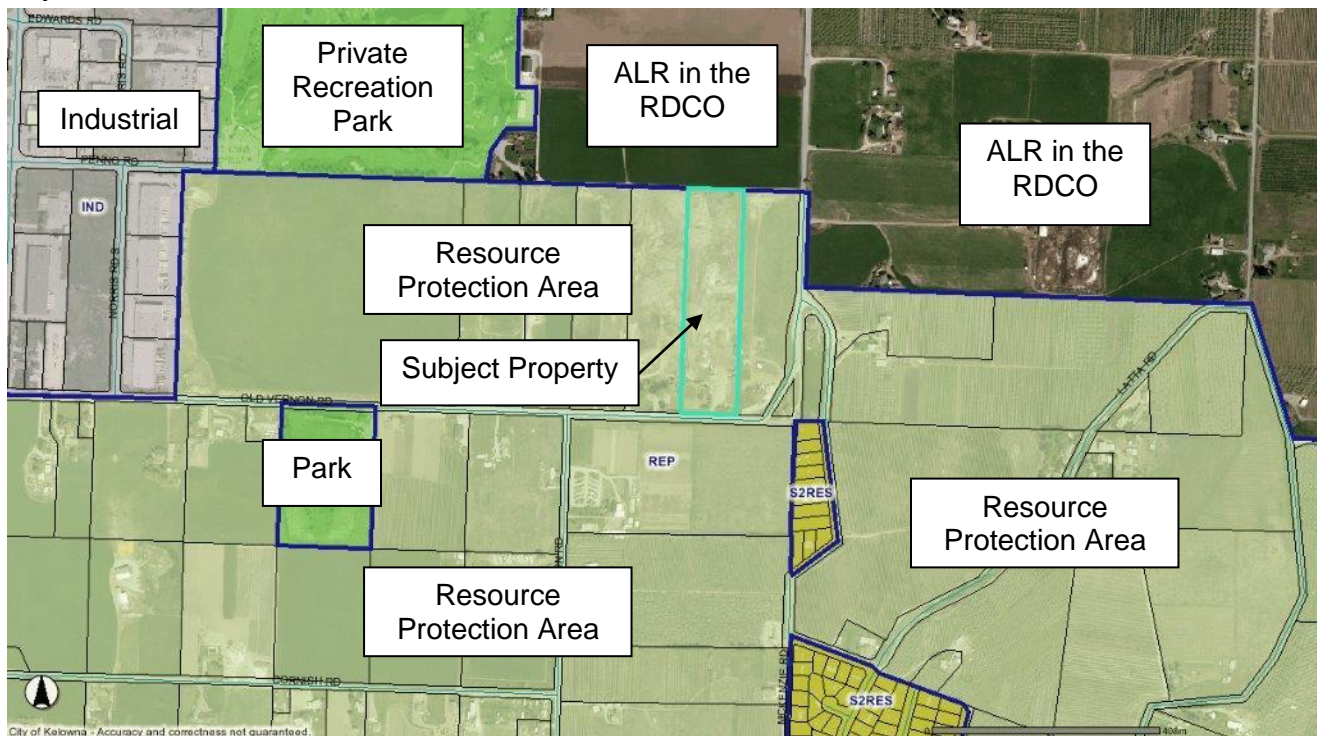
Map 8- Permanent Growth Boundary



Map 9 - Agricultural Land Reserve



Map 10 - Future Land Use



2.5 Agricultural Capability Assessment - 982 Old Vernon Road

An agrology report was submitted with the application. It was completed in 2013 for the parcel to the west (982 Old Vernon Road, Lot 3 Plan 546). The lot has a similar history, and an affidavit has been submitted stating this, signed by the property owner.

The agrology report indicates that 91% of 982 Old Vernon Road has an agricultural capability rating of Class 5, improvable to Class 3. Class 1 to 3 are considered prime agricultural land and relatively rare in the Okanagan. The required improvements include improved drainage (e.g. ditching) during high water months, particularly the spring, and the application of irrigation during the dry growing season months. The report considered the remaining 9% lost to agriculture due to a house and existing buildings. The report also noted a soil structure limitation, of a root restricting layer. However, this limitation was considered less severe than the soil moisture limitation, which is improvable with irrigation. The soil structure limitation could be improved with the removal of poor quality admixed fill, decompaction of an underlying clay layer, and replacement of topsoil to a depth of 0.75 m.

The report estimates the cost to rehabilitate the soil on 984 Old Vernon Road¹, to improve it to a point where it could support soil based agriculture. This cost included the following for this site:

- \$150,000 - Wood waste grinding
- \$711,698 - Import and spread clean topsoil (27,375 m³)
- \$178,941 - Trucking of soil

¹ Valhalla Environmental Consulting Inc., 2013. Land Capability Assessment – 982 Old Vernon Road, Kelowna, BC, January 2013.

The total estimated cost to improve the 984 Old Vernon Road to support soil based agriculture for 984 Old Vernon Road noted in the report is \$1,040,639. It cites that the soil rehabilitation costs prohibit soil based agriculture.

Agricultural Capability - 982 Old Vernon Road (2013)

The Assessment included a comparison with BC Government Capability Ratings². The difference in results between the agrology report and the provincial ratings were deemed to be a result of mapping scale differences. The provincial ratings were:

In general the site inspection finding showed that the climatic capability for this location corresponds with the provincial climatic capability mapping. Approximately 76% of the Subject Property was rated at Class 5 improvable to Class 1. Approximately 15% of the Subject Property was rated at Class 5 improvable to Class 3. The remaining 9% of the Subject Property was not assessed as it was deemed unavailable for agricultural use.

In addition, the Assessment concluded that from an Agricultural Capability perspective³:

The on-site agricultural capability ratings revealed a greater extent of excess water limitation ("W") on the property although it was not as severe as depicted by the MOE mapping. As well, the published mapping showed that all areas of the Subject Property had an unimproved rating of 3A to 4A. By contrast, the on-site assessment identified persistent soil moisture deficiencies with an unimproved rating of 5A across the property. The improved ratings increased to Class 1 (northwest corner) to 3A (south and central area) with irrigation.

Further, the additional cost to restore this land to an agricultural use is thought to represent a major barrier⁴:

Significant remaining rehabilitation is needed for the property to be suitable for agriculture. The cost of the remaining improvements and rehabilitation that are necessary to prepare this property for agricultural use are not likely to be feasible. Furthermore, the required improvements (i.e. Removal of wood waste material and replacement of the topsoil layer across 91% of the Subject Property) greatly exceed what would be considered "typical farm improvement practices", both in terms of the scope and costs for this work. The recovery of the improvement expenses by an agricultural production operation would be unlikely and is expected to be economically prohibitive.

Agricultural Suitability

The suitability of the subject property for various agricultural purposes was evaluated in terms of factors including: feasibility of improvements; availability of additional good quality topsoil; overall size; location and context; land use - historical, current and future plans; land use in surrounding area - historical, current and future plans; diversifications, innovations and improvements to date; agricultural capability ratings.

The report states the costs of rehabilitating 984 Old Vernon Road for soil bound livestock, those animals that rely on pasture to feed, would be prohibitive⁵.

The report indicates that intensive non-soil based agriculture, such as eggs or poultry production, would not be feasible for 984 Old Vernon Road due to the costs of required improvements, and the potential for neighbourhood complaints. The report did not specify the improvements needed for poultry or other intensive non-soil based agriculture.

² Ibid; p.9.

³ Ibid; p.12.

⁴ Ibid; p.13.

⁵ Ibid; p.15.

The report indicates that the use of the 984 Old Vernon Road for non-soil bound horticultural agriculture would not be feasible due to the cost of the required improvements. The report did not specify the improvements needed for horticultural agriculture.

The City received no confirmation from the author of the above report that the results are the same for 1040 Old Vernon Road, or if the costs or results would be the same for 2015.

Impact Analysis

Finally, the Assessment considered the impacts associated with the subject property as an industrially zoned parcel no longer in the ALR. The Assessment concluded that *"One of the advantages of having the Subject Property rehabilitated for industrial use would be the opportunity to install buffers between the site and surrounding properties that are being used for agricultural activities"*⁶. Further, the Assessment concluded that given that the subject property has not been used for agriculture since prior to the 1950s that no impact to local agricultural capacity will be incurred; and that while the exclusion of this property may serve as a precedent for the adjacent property (1040 Old Vernon Road), there should be no further impacts to surrounding lands as a result of excluding the subject property.

2.6 982 Old Vernon Road - Exclusion Application 2013

As noted, the property of 982 Old Vernon Road had been operated together with 1040 Old Vernon Road in its history as a sawmill and wood waste storage facility. An application for exclusion was submitted for 982 Old Vernon Road in 2013. The application was not supported by the Agricultural Advisory Committee or Council, and was refused by the ALC through Resolution #93/2014. Comments for this application are included below.

2.6.1 Agricultural Advisory Committee - A13-0004 - 2013-02-06

MOVED BY Gill Green/SECONDED BY Yvonne Herbison

THAT the Agricultural Advisory Committee NOT support Application No. A13-0004 for 982 Old Vernon Road, to obtain approval from the Agricultural Land Commission (ALC) to exclude approximately 4.04 ha (9.99 acres) from the Agricultural Land Reserve to facilitate a future rezoning of the subject property to an Industrial Use (i.e. I6 - Low Impact Transitional Industrial).

CARRIED

ANECDOTAL COMMENT:

The Agricultural Advisory Committee did not support the application for exclusion, however, encouraged the Applicant to bring back another application if they could demonstrate a net benefit to agriculture. The AAC is concerned that putting an industrial use into the area would result in increased traffic and pressure for urban services in an otherwise rural area. While the AAC is unclear as to viable agriculture opportunities on the property, the AAC recommends the Applicant explore incorporating manure from a nearby feedlot and other organic materials (i.e. nitrogen sources) with the existing wood waste (i.e. carbon source) to create a great compost product. Another option would be a greenhouse operation, or other activity that does not involve soil based agriculture.

2.6.2 Regional District of the Central Okanagan - A13-0004 - 2013-02-25

⁶ Ibid; p.15.

The subject property is located adjacent to lands located within the Regional District that are also within the ALR. These lands represent larger A1 Agricultural zoned parcels that are designated Agriculture in the Ellison Official Community Plan, Bylaw No. 1124. Agricultural policy of the Ellison OCP states, 'Support the retention of large continuous blocks of agricultural land and discourage fragmentation'.

While it is recognized that there has been a longstanding non-farm use of the property, Planning staff questions the need and rationale for excluding this parcel from the ALR. The proposal is not in keeping with the above noted policy of the Ellison OCP and RDCO staff is concerned that there will be serious adverse impacts on neighbouring farm operations over the long-term should the subject parcel be excluded from the ALR and subsequently rezoned to allow industrial use. We note that a similar ALR exclusion application recently considered by the RDCO was refused by the Agricultural Land Commission on the grounds that the long-standing non-farm use (as established prior to creation of the ALR) could simply continue on the site. The ALC also advised that agricultural potential of the site may be achieved upon reclamation in the future. Of final note, planning staff recommends that input from neighbouring landowners should be given careful consideration prior to City Council review of the ALR exclusion application.

2.6.2 Policy & Planning - City of Kelowna - A13-0004 - 2013-02-06

The subject property has a land use designation of Resource Protection Area (REP) in the current Official Community Plan (OCP) and is zoned for Agriculture (A1). The property is outside of the Permanent Growth Boundary but is within the ALR.

This application is for an exclusion from the ALR to allow for a Low Impact Transitional Industrial (I6) use. If the applicant is successful at removing the land from the ALR then they will require an OCP amendment as well as a rezoning to facilitate their proposed use for the property.

Goal 9 of the OCP (Enable Healthy and Productive Agriculture), speaks to protecting agricultural lands. In addition, this application is contrary to the following policies in the current OCP: Objective 5.33; Policy 1 (Protect Agricultural Land), is intended to retain the agricultural land base; Objective 5.33; Policy 2 (ALR Exclusions), says that the City will not support ALR exclusions except in extraordinary circumstances. Therefore, this application does not comply with the current OCP.

3.0 Public Notification

The applicant has complied with the requirements of the ALC regarding exclusion notification. They have:

- posted signage on their property of the application for exclusion;
- advertised the application in the Kelowna Capital News (July 17th and July 24th, 2015); and
- sent registered mail to all neighbours immediately adjacent their property.

4.0 Community Planning

Council and staff are seeking a recommendation from the AAC with respect to the request for an exclusion.

Both the City's Agriculture Plan and the OCP recommend general non-support with respect to exclusion. ALC policies state that consideration of any exclusion should be reviewed in the context of the overall agricultural integrity of the proposal.

Therefore, the AAC should consider this exclusion request with respect to the overall agricultural benefit with respect to potential crops grown, and climate capability. In addition, the AAC should consider this exclusion with respect to the area's future land use designation, and the City of Kelowna's Permanent Growth Boundary.

At this time City Staff and Council seek a recommendation on the proposal to exclude the subject property taking into account all relevant considerations. Relevant information includes, but is not limited to the nature of the subject property (including adjacent and surrounding land uses), the historic use of the subject property, the agricultural viability of the subject property, the potential impact on adjacent and nearby properties and existing City policies.

The AAC is also asked to consider and make recommendations which reflect the scenario as proposed. The AAC should consider the impacts of an industrial land use and suggest mitigation opportunities should the ALC choose to support the proposed exclusion.

Should the ALC allow the exclusion of a portion of the subject property, applications for OCP amendment (Resource Protection Area -> Industrial), rezoning (A1 - Agriculture -> I2 - General Industrial), and development permit with respect to farm protection will be required.

Report prepared by:

Melanie Steppuhn, Land Use Planner

Reviewed by:

☐

Todd Cashin, Community Planning Department Manager

Approved for Inclusion:

☐

Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Attachment A - Policies

Subject Property Map

ALC Summary Report - June 6, 2000 and Resolution #437/2000

Applicant ALC Act Application for Exclusion - Supplementary Information

SCHEDULE A - Policies



Subject: 1040 Old Vernon Rd - ALR Exclusion

1.1 City of Kelowna Agriculture Plan (1998)

ALR Application Criteria¹

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.

1.2 City of Kelowna Strategic Plan

Objective²: Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

Action towards this objective³: Evaluate the effectiveness of City policies and bylaws in preserving agricultural lands.

1.3 Kelowna Official Community Plan (OCP)

Land Use Designation Definitions

Resource Protection Area⁴

Generally land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses.

Permanent Growth boundary⁵

Lands within the permanent growth boundary may be considered for urban uses within the 20 year planning horizon ending 2030. Lands outside the permanent growth boundary will not be supported for urban uses.

Chapter 5 - Development Process

Objective 5.3 Focus development to designated growth areas.

Policy .1 Permanent Growth Boundary⁶. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Support development of property outside the Permanent Growth

¹ City of Kelowna Agriculture Plan. 1998. P. 130.

² City of Kelowna Strategic Plan. 2004. P. 7.

³ City of Kelowna Strategic Plan. 2004. P. 29.

⁴ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.2.

⁵ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.6.

⁶ City of Kelowna 2030 Official Community Plan. Development Process Chapter. P. 5.2.

Boundary for more intensive uses only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council's specific amendment of this policy. Resource Protection Area designated properties not in the ALR and outside the Permanent Growth Boundary will not be supported for subdivision below parcel sizes of 4.0 ha (10 acres). The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

Agricultural Land Use Policies

Objective 5.33 Protect and enhance local agriculture⁷.

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 .2 ALR Exclusions. The City of Kelowna will not forward ALR exclusion applications to the ALC except in extraordinary circumstances where such exclusion is otherwise consistent with the goals, objectives and other policies of this OCP. Soil capability alone should not be used as justification for exclusion.

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.

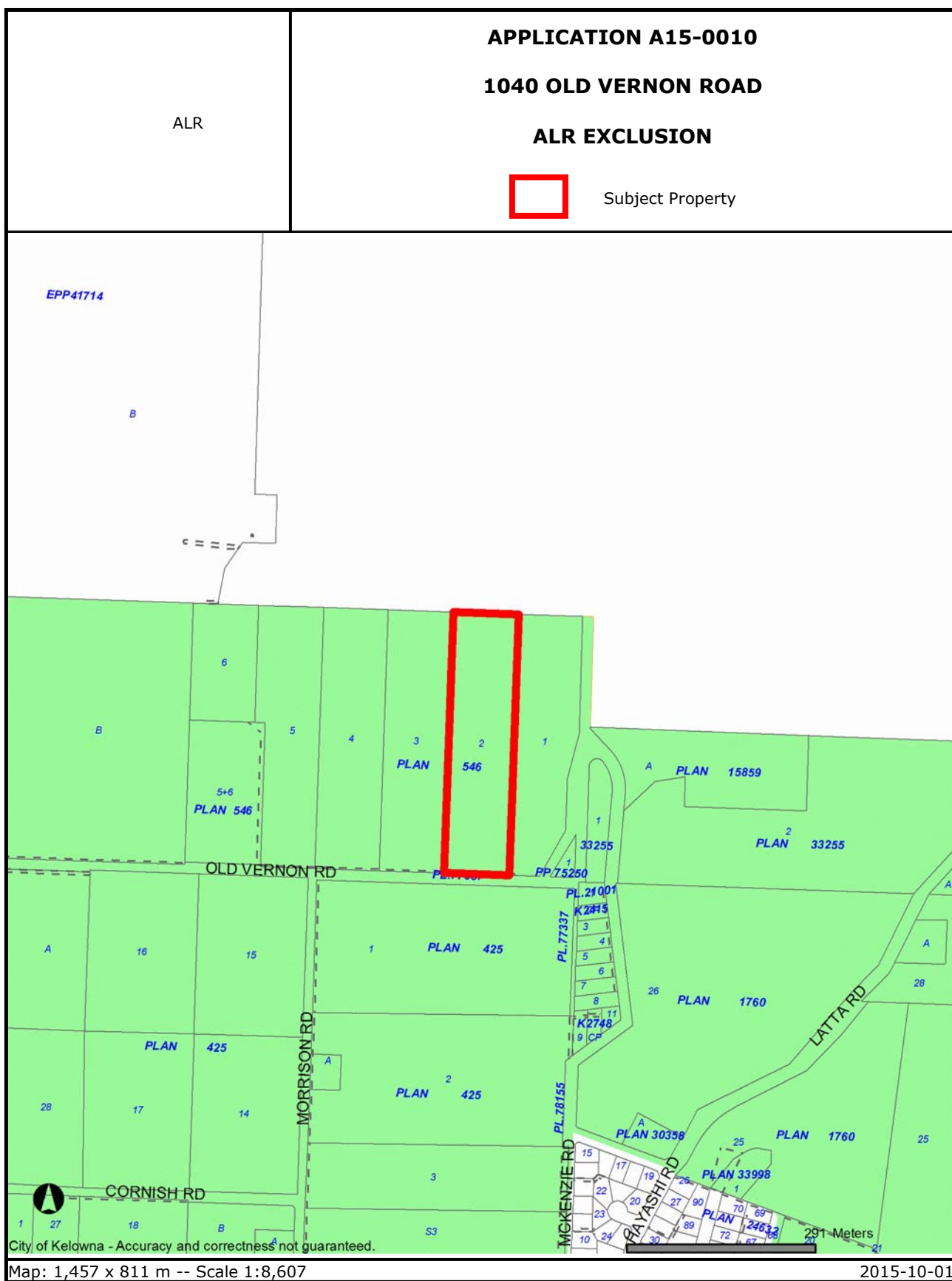
1.4 Agricultural Land Commission Act (ALCA)

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.

⁷ City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35.



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.



Land Reserve Commission
Working Farms, Working Forests

Staff Summary Report

Date of Report: 6 June 2000

Report Prepared By: Ross Blackwell

APPLICATION: #21-G-KELO-2000-33263-0

APPLICANT: Luigi & Marisa Russo

AGENT: Tom Smithwick, Q.C.

TYPE OF APPLICATION: Subdivision and/or Non-farm use

DATE RECEIVED: 04/27/2000

PROPOSAL: Applicant is requesting approval to use all of Lots 2 and 3 for the existing sawmill, wood waste recycling and pallet operation and will remove "a portion" of the sawmill operation from Lot 1 so as to make it available for agriculture. In addition, the applicant is proposing to reduce the stockpiled compost material by incrementally placing it on Lot 4 as soil replenishment in conjunction with a proposed turf farm operation. Finally, he proposes to sell the composted material from Lot 4.

PROPERTY LOCATION: Kelowna

LOCAL GOVERNMENT: City of Kelowna

SUBJECT PROPERTY SIZE (Ha): 15.7

NUMBER OF PARCELS: 4.0

AREA WITHIN ALR (Ha): 15.7

LEGAL DESCRIPTION:

- 1) Lot 1, Section 1, Township 23, Osoyoos Division Yale District, Plan 546, Except that Part Lying South and East of Government Road as shown on Plan 546
- 2) Lot 2, Section 1, Township 23, Osoyoos Division Yale District, Plan 546
- 3) Lot 3, Section 1, Township 23, Osoyoos Division Yale District, Plan 546
- 4) Lot 4, Section 1, Township 23, Osoyoos Division Yale District, Plan 546

...2

PRESENT USE: sawmill, wood waste recycling and pallet operation

SURROUNDING LAND USES:

NORTH: agriculture
SOUTH: agriculture
EAST: agriculture
WEST: agriculture

LAND CAPABILITY FOR AGRICULTURE: - As taken from Agricultural Capability Map #82E.094

| Unimproved Ratings | Improved Ratings | % of Unit |
|--------------------|------------------|-----------|
| 4AD | 3D | 40 |
| 3AD | 7:3D 3*3D | 30 |
| 8:4AD 2:6WN | 8:3D 2:4WD | 15 |
| 6:5A 4:4A | 6*3AP 4*1 | 15 |

COMMUNITY PLAN DESIGNATION: Rural/Agriculture

ZONING: Agriculture 1

LOCAL GOVERNMENT RECOMMENDATION: support

BACKGROUND INFORMATION: (regarding previous Application #19519)

- This application, submitted pursuant to subsection 20(1) of the *Agricultural Land Commission Act*, was considered by the Commission on October 15, 1985. The applicant requested permission to use 1.7 ha of Lot 3 for the storage of logs, lumber and sawdust. The Commission noted at the time of the application that the 1.7 ha area had already been used as proposed. The remainder of Lot 3 was orchard.

The proposed 1.7 ha area was to be used in conjunction with the sawmill operation located on Lot 2. A sawmill operation was established prior to the introduction of the *Agricultural Land Commission Act* and the 1.7 ha area was needed to store raw materials so the sawmill could operate year round.

At the time of the application, the previous owner of Lot 4, Mr. Rudy Janzen, submitted a letter opposing the proposal based on his claim that the operation was stunting the growth of fruit trees and alfalfa. Mr. Janzen had an agreement with the applicant whereby it was agreed the applicant would incorporate some changes to the operation to address Mr. Janzen's concerns. Mr. Janzen was to withdraw his objection to the proposal in return for these changes. According to Mr. Janzen, the applicant failed to fulfill his obligations, as per the agreement, and therefore Mr. Janzen's objection was lodged. The City resolved to forward the application with the support of municipal council. By Resolution #993/85, the Commission approved the application subject to the applicant complying with the terms of agreement established with Mr. Janzen.

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- On July 28, 1997 the Commission received a letter from Mr. Terry Bonneville who resides in the vicinity of the Russo operation. Mr. Bonneville expressed concern over alleged unauthorized non - farm uses being undertaken on the Russo properties. Mr. Bonneville wrote follow up letters on:
 - April 24, 1997
 - March 12, 1998
 - March 24, 1998
 - March 30, 1998
 - April 3, 1998 (2 letters)
 - April 8, 1998
 - April 20, 1998
 - April 22, 1998
- As a result of Mr. Bonneville's April 22, 1998 letter, the Chairman asked Mr. Colin Fry, Coordinator - Soil Conservation and Enforcement, to go to Kelowna and meet with Mr. Bonneville as soon as possible.
- Mr. Fry met with Mr. Bonneville and his neighbour, Mr. Bob Tymchuk, on Wednesday, April 29, 1998. The meeting was held at Mr. Bonneville's residence. Mr. Bonneville and Mr. Tymchuk indicated the primary concerns were expansion of the Russo infrastructure, the diversification of uses, noise and hours of operation.

Mr. Bonneville's home is situated south and slightly east of the Russo properties and at a higher elevation. The meeting was held on Mr. Bonneville's balcony which faces north providing a good vantage point to observe the Russo properties. The non - farm activities utilize a portion of Lot 1 and all of Lots 2 and 3. The current activities were not restricted to the sawmill and ancillary storage of logs, lumber and sawdust. The northern portions of Lot 1, Lot 2 and Lot 3 were being used to stockpile wooden pallets and to stockpile and process wood and vegetative debris.

Mr. Bonneville provided a copy of a City advertisement which appeared in the August 9, 1997 issue of the local newspaper. The advertisement announced that clean wood waste could be taken to the Clean Wood Drop Zone at the Russo sawmill where the wood waste would be recycled into new products, used for resale or chipped and ground for reuse. The advertisement further advised that waste wood, lumber, pallets, crates, tree prunings and branches were accepted.

The sound generated by the various machines was clearly audible from Mr. Bonneville's balcony. Mr. Bonneville indicated the machinery started up at approximately 4:15 a.m. that morning and that this start up time is not uncommon. Mr. Bonneville advised that normal start up time in the winter is approximately 6:00 a.m. According to Mr. Bonneville and Mr. Tymchuk, the activities operate six (6) days a week Monday to Saturday with some occasional work on Sundays.

Mr. Bonneville advised that since he moved into his house, the activities associated with the Russo properties have progressively diversified. Mr. Bonneville and Mr. Tymchuk speculated that other non - farm uses were introduced to offset a decline in the sawmill business.

- Following his meeting with Mr. Bonneville and Mr. Tymchuk, Mr. Fry went to the Russo properties where he met Mr. Manley McCorkell, Licensing and Bylaw Enforcement Supervisor, and Mr. Ted Komick, Bylaw Enforcement Officer, both with the City.

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Mr. McCorkell, Mr. Komick and Mr. Fry entered the properties at the main entrance, proceeded across the scale and headed towards the west boundary of Lot 3. While walking north along the driveway located on the west boundary of Lot 3 the participants noted four (4) small ponds had been dug immediately inside the east boundary of Lot 4. The ponds were connected to east/west cross ditches running through Lots 1, 2 and 3 and appeared to be designed to capture surface water and leachate discharge from the various stockpiles of sawdust and wood debris. The ponds were not visible from Mr. Bonneville's house.

At the north west corner of Lot 3 the participants proceeded east along the north boundaries of Lot 1, Lot 2 and Lot 3 to the north east corner of Lot 1. Substantial wood waste stockpiles, wood waste processing and stockpiled wooden pallets were observed. The participants then proceeded south through Lot 1. The soils on Lot 1 have been substantially disturbed. The area of Lot 1 not used in conjunction with the non - farm uses was a narrow strip along the east boundary and approximately the southern one-third where orchard trees remain.

- Mr. Fry's June 4, 1998 report was presented to the Commission for review.
- On June 9, 1998 Mr. Fry wrote to the City proposing a meeting to discuss the situation and to determine what action was needed to bring the activities into compliance with the *Agricultural Land Commission Act* and *Soil Conservation Act*.

The meeting was held at the City's municipal building on Wednesday, June 17, 1998 and was attended by :

- Colin Fry, Coordinator - Provincial Agricultural Land Commission
- David Taylor, Commissioner - Provincial Agricultural Land Commission
- Jim Dalgarno, Solid Waste Supervisor - City of Kelowna
- John Vos, Director of Utilities - City of Kelowna
- Keith Skinner, Inspection Services Manager - City of Kelowna
- Manley McCorkell, Supervisor of Licensing and By-Law Enforcement - City of Kelowna
- Brian Henderson, Solicitor - City of Kelowna
- Mr. and Mrs. Russo
- Tom Smithwick, Lawyer representing Mr. and Mrs. Russo

The participants were provided with a copy of Mr. Fry's June 4, 1998 report in advance of the meeting. At the meeting, Mr. Fry outlined the situation from the Commission's perspective and explained how he arrived at the conclusions contained in his report which were.

"Based on the provisions of section 21, I believe the non - farm uses have expanded and diversified without the necessary Commission approvals. Not only has the physical area increased to incorporate Lot 1, Lot 2, Lot 3 and Lot 4 but the types of activities have also change. From the Commission's perspective, the only authorized activity is the sawmill activity as it existed six (6) months before December 21, 1972 as amended by Resolution #993/85."

At the meeting, Mr. and Mrs. Russo were asked to submit their written comments with respect to the matters discussed at the meeting, Mr. Fry's report and any suggestions they may have to resolve the situation. It was agreed the written comments would be submitted on or before July 10, 1998.

- On July 9, 1998 Mr. Smithwick wrote to the Commission on behalf of his clients. Mr. Smithwick provided the following comments regarding the activities associated with the properties:
 - Our clients have operated a sawmill and wood storage facility on Lots 1 and 2 since the 1950's. The most intensive operation of the sawmill itself has been within Lot 2. Lot 1 has had more ancillary sawmill operations and wood storage on the property in addition to the operation of an orchard since the 1950's. Our position relating to these two said Lots is that there is a non - conforming but legal status for the operation of a sawmill and wood storage on these lands.
 - Our position as it relates to Lot 3 is that a special permit for the storage of logs, lumber and sawdust materials was granted by the Commission on October 15, 1985 and in that area of proposed storage outlined in the Exhibit attached to the said License for Operation. Our client continues to use Lot 3 in this fashion.

The representatives have expressed concern that some of the operations have expanded within the balance of Lot 3. Our client is prepared to ensure that the storage on Lot 3 is only limited to that area outlined in the approved plan pending an application for increased storage on Lot 3.

- With regard to Lot 4, the operation of this Lot is completely agricultural. A hayfield is being utilized within the property. In addition, holding ponds have been dug on the Lot in order to collect water to enable the operations on adjoining Lots to be more effective and, in addition, in order to gather water for the purposes of spray irrigation of the hayfield.

A copy of Mr. Smithwick's July 9, 1998 letter was given to the Commission for review.

- After receiving Mr. Smithwick's July 9, 1998 letter, Mr. Fry telephoned Mr. Smithwick to discuss the situation. Mr. Fry explained that the contents of the letter suggested Mr. and Mrs. Russo disagreed with his conclusion. Mr. Smithwick indicated this was his clients' position for the record but that he did not rule out further discussions to resolve the matter.
- On July 15, 1998 Mr. Smithwick wrote to the Commission on a "*Without Prejudice*" basis. Mr. Smithwick provided the following comments:
 - It is our client's intention to cooperate with the Agricultural Land Commission and restructure his site to use only Lots 2 and 3. However, he has some concerns respecting the use of Lots 2 and 3 which are as follows:
 - In order to relocate the existing log yard, a wholesale site restructuring will be necessary.
 - The new log yard will be smaller than the existing yard. In order for the operation to be successful, new logging procedures must be developed along with new log yard procedures. This will take both time and money. These new procedures will require specialized equipment and training.
 - The excessive run-off experienced on Lot 1 will have to be analyzed to determine what costs there will be in order to make this land agriculturally suitable. This analysis will determine what is the best crop to be planted.
 - The border of Lot 1 is currently in the middle of our clients lumber yard. What our client suggests is that the easternmost border of apple trees be considered the boundary and be extended through to Lot 1's northern boundary. Our client will then need assurance that this boundary will not be contested in the future.

A copy of Mr. Smithwick's July 15, 1998 letter was given to the Commission for review.

- On August 28, 1998 Mr. Smithwick wrote to the Commission advising that his clients have confirmed the use of both Lots 1 and 2 as a sawmill operation. Attached to said letter was part of a purchase agreement dated January 1, 1961.
- The Commission reviewed the file on September 22, 1998. The Commission agreed with Mr. Fry's conclusions and felt the situation must be brought into conformity with the *Agricultural Land Commission Act* and *Soil Conservation Act*. However, prior to any further consideration with respect to a restructuring proposal, the Commission believed the owners should remove or block the culverts located under the driveway along the west boundary of Lot 3 to stop water run-off from Lots 1, 2 and 3 to the small retention ponds located on Lot 4 and to then fill in the ponds.

Following completion of the above, the Commission was prepared to consider, on a "*Without Prejudice*" basis, a restructuring plan for the sawmill and related activities, the wood waste recycling facility and the pallet recycling operation, including an estimated time frame to complete said restructuring. Since the 1985 review identified an overall sawmill and storage area of 5.7 ha (i.e.: Lot 2 - 4.0 ha and Lot 3 - 1.7 ha), the maximum area the owners could use in developing their restructuring plan was 5.7 ha.

The Commission did not restrict the owners' creativity or options by confining the restructuring possibilities to the existing lot configurations and as such the proposed industrial site could be located anywhere within the combined 11.7 ha of Lots 1, 2 and 3. However, if the restructuring proposal involved a subdivision it must not result in an increased number of lots and the Commission would ultimately prefer less lots. For example, one possibility was to create a 5.7 ha sawmill lot and to

consolidate the balance of the Lots 1, 2 and 3 into a 6.0 ha lot which was reclaimed to an agricultural standard.

Furthermore, the restructuring proposal was to include buffering provisions such as fencing, vegetative screening, etc. to reduce, if not eliminate, impacts on adjacent agricultural lands. Since such a plan would require some time to prepare, the Commission gave the owners until January 15, 1999 to submit the restructuring plan.

- The Commission final decision on this application to date (currently held in abeyance pending receipt of the current application – 33262) reads as follows:

"That the Commission issue orders pursuant to section 52 of the *Agricultural Land Commission Act* and section 6 of the *Soil Conservation Act* as follows:

- 1) the Commission, pursuant to section 52(1)(b) and (c) of the *Agricultural Land Commission Act*, orders the owners and occupant to stop importing and processing waste material, to remove all machinery, structures, buildings and any other facilities associated with the waste processing activity and to remove all stockpiled waste material from the properties. Furthermore, the owners and occupant are to cease all other non - farm activities on the properties that exceed the level of non - farm use permitted by the Commission by Resolution #993/85. The only permitted use is the sawmill activity on Lot 2 and a 1.7 ha portion of Lot 3. Lot 1, the 1.3 ha portion of Lot 3 and the portion of Lot 4 used for unauthorized non - farm uses are to be reclaimed to an agricultural standard that is equal to or better than that which existed prior to the owner and occupant undertaking the unauthorized non - farm uses.

The owners and occupant must post an Irrevocable Letter of Credit in the amount of \$500,000 to ensure compliance. The Irrevocable Letter of Credit must be received within fourteen (14) days from the date of notification.

The removal of all machinery, structures, buildings and any other facilities associated with the waste processing activity, stockpiled waste material and the reclamation of the properties must be completed within sixty (60) days from the date of notification.

- 2) the Commission, acting pursuant to sections 6(f) and (g) of the *Soil Conservation Act*, orders the owner and operator to stop placing waste material on the properties and to remove all stockpiled waste material from the properties.

The removal of all stockpiled waste material must be completed within sixty (60) days from the date of notification.”

RELEVANT &/OR PREVIOUS APPLICATIONS

- 1) **Application #** 19519-1 **Applicant:** Luigi & Marisa Russo **Decision Date:** 09/22/1998
Proposal: To consider enforcement options as sawmill has expanded and diversified without Commission approval.
Decision:

-
- 2) **Application #** 19519-2 **Applicant:** Luigi & Marisa Russo **Decision Date:** 04/19/1999
Proposal: Enforcement. Unauthorized expansion of industrial facilities.
Decision: Issued order pursuant to section 52 of the Agricultural Land Commission Act.

-
- 3) **Application #** 19519-3 **Applicant:** Luigi & Marisa Russo **Decision Date:** 04/19/1999
Proposal: Enforcement. Unauthorized placement of fill.
Decision: Issued order pursuant to the Soil Conservation Act
-

STAFF COMMENT/RECOMMENDATION:

Allow industrial use on Lots 2 and 3 to consist of sawmilling, woodwaste recycling/composting, and pallet recycling only, provided:

1. all industrial use of Lot 1 to be discontinued within one year;
2. Lot 1 to be completely reclaimed to an agricultural standard acceptable to the Commission within three months following discontinuance of the industrial activity;
3. that the reclamation of Lot 1 be directed and monitored by a professional agrologist/reclamation specialist;
4. that the industrial area be fenced along the entire east, west and north boundaries

Furthermore, it is recommended that the use of compost and the turf farming aspect of the proposal be tabled pending receipt of the additional information. Staff also recommends that the Commission not endorse the use of the compost material in the ALR in the absence of the additional information.

MINUTES OF THE LAND RESERVE COMMISSION

Minutes of a meeting held by the Land Reserve Commission (the "Commission") held on July 27, 2000 at the Commission's offices at 4940 Canada Way, Burnaby, B.C.

| | | |
|----------|-------------|--------------|
| Present: | M. Thompson | Vice Chair |
| | J. Dukhia | Commissioner |
| | J. Ingram | Commissioner |

Absent: None

Staff Present: Vickie Shillington and Colin Fry

Consideration of Application #21-G-KELO-2000-33263-0 (Russo) - Application under section 22(1) of the *Agricultural Land Reserve Act*.

On-Site Inspection

On May 23, 2000 a site visit was conducted. In attendance were Commissioners Thompson and Ingram and staff members Vickie Shillington, Tony Pellett, Ross Blackwell and Julie Glover.

Staff Report - Luigi and Marisa Russo

Staff member Colin Fry presented Ross Blackwell's report dated June 6, 2000. The file material was reviewed.

Meeting Details

A meeting was held at the Ministry of Agriculture, Food and Fisheries office, Room 200 – 1690 Powick Road, Kelowna, on June 21, 2000. In attendance were:

- Commissioner Thompson
- Commissioner Ingram
- Commissioner Dukhia
- Mr. Tony Pellett, LRC Staff
- Mr. Ross Blackwell, LRC Staff
- Ms. Vickie Shillington, LRC Staff
- Mr. Stan Combs, Land Use Agrologist, Ministry of Agriculture, Food and Fisheries
- Mr. and Mrs. Russo
- Mr. Robert Russo, applicants' son
- Mr. Don Fraser, Executive – Interior Lumber Manufacturers' Association.
- Mr. Tom Smithwick, Lawyer – Porter Ramsay, Barristers and Solicitors, representing the Russos
- Mr. Dick Main, neighbour of the Russos
- Mr. Christopher Harvey, Lawyer – Fasken Martineau DuMoulin, Barristers and Solicitors, Representing Mr. Main

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Mr. Smithwick provided an overview of the history of his clients' use of the properties and the proposal. The Russos participated in a dialogue with the Commissioners. Mr. Harvey briefly outlined his client's concerns regarding the industrial use in proximity to his property.

Discussion:

The Commission repeated its earlier position that it believes the current industrial activities are inconsistent with the *Agricultural Land Reserve Act* and *Soil Conservation Act* and is satisfied that neither the existing facility nor the diversified uses were in place at least six (6) months prior to December 21, 1972. This being said, the Commission acknowledged the lengthy history of a sawmill activity and the fact that it granted permission in 1985 to expand the footprint of the sawmill facility. The Commission agreed with the staff recommendation to conditionally allow industrial use on Lots 2 and 3.

However, the Commission did express uncertainty with the level of knowledge about the feedstocks being used to create the compost, the quality of the compost and the turf farming aspect of the proposal. For example, the Commission does not support the use of construction / demolition debris (including wood products from such sources) as an appropriate feedstock in creating a soil amendment for use on ALR land, but the applicants indicate "Clean Wood" consists of material derived from construction sites. The Commission was also concerned that material coming from construction / demolition sites could quite possibly contain chemical constituents from glues, adhesives, preservatives and foreign matter such as nails, etc. The Commission noted that a magnet is used to extract nails.

Furthermore, while the Commission acknowledged some testing of the compost has been done it was not satisfied with the level of detail regarding the scientific/technical information of the end product. To properly assess the material it will be necessary for the applicants to retain the services of a qualified consultant to conduct a site inspection, develop the parameters for testing (including the sampling method based on the types and volume of material), conduct sampling and analysis of the material and to provide a detailed report on the sampling methodology and test results.

With regards to the turf farm the Commission feels a site assessment should be conducted by a professional agrologist specializing in soils for the purpose of determining baseline soils data. The agrologist report should then go on to describe how the mineral soils will be preserved, and replaced if necessary, and the need for organic material including suggested loading rates.

IT WAS

MOVED BY: Commissioner Ingram

SECONDED BY: Commissioner Duxhia

THAT the Staff Report be received and permission be granted to use Lots 2 and 3 for sawmilling, woodwaste recycling/composting, and pallet recycling provided:

- 1) all industrial use of Lot 1 is discontinued within one (1) year from the date of notification
- 2) the applicants submit a reclamation plan for Lot 1 prepared by a professional agrologist specializing in soils within three (3) months from the date of notification
- 3) Lot 1 is reclaimed to an agricultural standard acceptable to the Commission within three (3) months following discontinuance of the industrial activity
- 4) reclamation of Lot 1 is overseen and monitored by a professional agrologist specializing in soils.
- 5) a professional agrologist provides a closure report upon completion of reclamation
- 6) the industrial area is to be fenced with a Schedule D.6: chain link fence along the entire east, west and north boundaries. The west boundary (ie: the west boundary of Lot 3) is to be fenced, without gates, within three (3) months from the date of notification. The Commission will defer the balance of fencing until the industrial use of Lot 1 is discontinued.
- 7) no compost material is used in the ALR until sanctioned by the Commission.

Furthermore, that the Commission table further consideration on the turf farming aspect of the proposal and the use of the compost because of the uncertainty about the feedstocks being used and the quality of the compost. While the Commission acknowledged some testing of the compost had been done it was not satisfied with the level of detail regarding the scientific/technical information of the end product. The Commission requires the applicants to retain the services of a qualified consultant to conduct a site inspection, develop the parameters for testing (including the sampling method based on the types and volume of material), conduct sampling and analysis of the material and to provide a detailed report on the sampling methodology and test results.

Regarding the turf farm, the Commission requires a site assessment conducted by a professional agrologist, specializing in soils, to determine baseline soils data. The agrologist report must also address how the indigenous mineral soils will be preserved, or replaced if necessary, as well as the need for organic material including suggested loading rates.

The Commission will not consider the use of the compost on ALR lands or consider the turf proposal without the aforementioned information.

This approval is also subject to compliance with all other legislation.

Carried.

August 24, 2000

Reply to the attention of Colin Fry
Acting Director – Regional Operations

Luigi and Marisa Russo
982 Old Vernon Road,
Kelowna, B.C. V1X 6T8

Dear Mr. and Mrs. Russo:

Re: Application #G-33263

Property Descriptions:

- 1) Lot 1, Section 1, Township 23, Osoyoos Division Yale District, Plan 546, Except that Part Lying South and East of Government Road as shown on Plan 546**
- 2) Lot 2, Section 1, Township 23, Osoyoos Division Yale District, Plan 546**
- 3) Lot 3, Section 1, Township 23, Osoyoos Division Yale District, Plan 546**
- 4) Lot 4, Section 1, Township 23, Osoyoos Division Yale District, Plan 546**

As you may be aware, pursuant to the *Land Reserve Commission Act*, as of April 1, 2000, the Land Reserve Commission replaced the Provincial Agricultural Land Commission and the Forest Land Commission and, under the *Agricultural Land Reserve Act*, *Soil Conservation Act* and *Forest Land Reserve Act*, is carrying out the powers and duties formerly carried out by the Provincial Agricultural Land Commission and Forest Land Commission.

After thoroughly reviewing the file material the Commission once again concluded that the current industrial activities were inconsistent with the *Agricultural Land Reserve Act* and *Soil Conservation Act* and was satisfied that neither the existing facility nor the diversified uses were in place at least six (6) months prior to December 21, 1972. This being said, the Commission acknowledged the lengthy history of a sawmill activity and the fact that it granted permission in 1985 to expand the footprint of the sawmill facility.

With this in mind, the Commission advises that pursuant to section 22(1) of the *Agricultural Land Reserve Act*, by Resolution #437/2000, it has granted permission to use all of Lots 2 and 3 for sawmilling, woodwaste recycling/composting, and pallet recycling. The approval is subject to the following conditions:

- 1)** All industrial use of Lot 1 is to be discontinued within one (1) year from the date of this letter.
- 2)** You must submit a reclamation plan for Lot 1 prepared by a professional agrologist, specializing in soils, within three (3) months from the date of this letter.
- 3)** Lot 1 is to be reclaimed to an agricultural standard acceptable to the Commission within three (3) months following discontinuance of the industrial activity.
- 4)** Reclamation of Lot 1 is to be overseen and monitored by a professional agrologist specializing in soils. The agrologist is required to submit a closure report upon completion of reclamation.
- 6)** The industrial area is to be fenced with a Schedule D.6: chain - link fence along the entire east, west and north boundaries. The west boundary (ie: the west boundary of Lot 3) is to be fenced, without gates, within three (3) months from the date of this letter. The Commission will defer the balance of fencing until the industrial use of Lot 1 is discontinued. **(Schedule D.6 Fencing Specifications are attached)**
- 7)** No compost material is to be used in the ALR until sanctioned by the Commission.

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The Commission tabled further consideration on the turf farming aspect of the proposal pending receipt of a site assessment conducted by a professional agrologist, specializing in soils, to determine baseline soils data. The agrologist's report must also address how the indigenous mineral soils will be preserved, or replaced if necessary, as well as the need for organic material, including suggested loading rates.

The Commission also tabled further consideration on the use of the compost in the ALR because of the uncertainty about the feedstocks being used and the quality of the compost. For example, the Commission does not support the use of construction / demolition debris (including wood products from such sources) as an appropriate feedstock in creating a soil amendment for use on ALR land. However you indicated "Clean Wood" consists of material derived from construction sites. The Commission believed material coming from construction / demolition sites could quite possibly contain chemical constituents from glues, adhesives, preservatives and foreign matter such as nails, etc. The Commission noted that a magnet is being used to extract nails.

While the Commission acknowledged some testing of the compost had been done it was not satisfied with the level of detail regarding the scientific/technical information of the compost. If you wish to use the compost in the ALR you must retain the services of a qualified consultant to conduct a site inspection, develop the parameters for testing (including the sampling method based on the types and volume of material), conduct sampling and analysis of the material and to provide a detailed report on the results.

The approval granted herein in no way relieves the owner or occupier of the responsibility of adhering to any other enactment or legislation which applies to the lands including zoning, subdivision, or other land use bylaws, and decisions of authorities having jurisdiction. The Commission suggests you to check with the City of Kelowna in this regard.

Please quote the above application number in any future correspondence.

Yours truly,

LAND RESERVE COMMISSION

per:

A. Chambers, Chair

cc: Ministry of Environment, Lands and Parks – Penticton
Attention: Mr. Peter Jarman
Ministry of Agriculture, Food and Fish – Kelowna
Attention: Mr. Helmut Arndt, District Agrologist
City of Kelowna, Planning and Development Services
Attention: Ms. Shelley Gambacort, Planning and Development Officer
Porter Ramsay (File: 57183-1-44)
#200 – 1465 Ellis Street, Kelowna, B.C. V1Y 2A3
Attention: Mr. Tom Smithwick
Fasken Martineau DuMoulin (File: MAI00054)
2100 – 1075 West Georgia Street, Vancouver, B.C. V6E 3G2
Attention: Mr. Christopher Harvey
LRC File #G-19519

CANADA
PROVINCE OF
BRITISH COLUMBIA

TO WIT:

) IN THE MATTER OF:
)
) s. 30(1) Application for Exclusion from Agricultural
) Land Reserve
)

I, ALAN McCOLMAN, of 1040 Old Vernon Road, in the City of Kelowna, in the Province of British Columbia, do solemnly declare that:

1. On or about January 9, 2013, the owners of 982 Old Vernon Road, Kelowna, British Columbia, had a Land Capability Assessment (the "Agrologist Report") completed by Matthew Davidson, senior environmental scientist with Valhalla Environmental Consulting Inc.
2. 982 Old Vernon Road is legally described as follows:

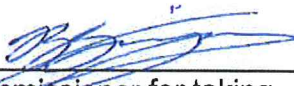
Lot 3, Plan KAP546, Section 1, Township 23, ODYD
3. 1040 Old Vernon Road is legally described as follows:

Lot 2, Plan KAP546, Section 1, Township 23, ODYD
4. 982 Old Vernon Road and 1040 Old Vernon Road are neighbouring properties which were the site of the same operating wood mill from the 1950's into the 2000's.
5. The current environmental state of 982 Old Vernon Road and 1040 Old Vernon Road is substantially the same, and is substantially the same as it was at the time the Agrologist Report was completed.
6. The conclusions reached in the Agrologist Report apply equally to both 1040 Old Vernon Road and 982 Old Vernon Road.

AND I make this solemn declaration, for no ill purpose, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED BEFORE ME at Kelowna,)
British Columbia, this ~~11th~~ day of)
~~May~~ 24th, 2015.)

August


A Commissioner for taking
Affidavits within British Columbia)

BRETT R. SANGUIN
Lawyer
Benson Law LLP
270 Highway 33 W
Kelowna, B.C. V1X 1X7


ALAN McCOLMAN

**Land Capability Assessment
982 Old Vernon Rd., Kelowna, BC
Lot 3, Plan 546, Section 1, Township 23, ODYD
PID 012-206-687**

**For: Kandola
982 Old Vernon Rd.,
Kelowna, BC V1X 6T8**

File: 12E043

January 9, 2013

Executive Summary

Valhalla Environmental Consulting Inc. (VEC) was retained by Manraj and Jeetender Kandola (Landowners) of 982 Old Vernon Rd., Kelowna, BC to complete a Land Capability Assessment for agriculture on a parcel in the City of Kelowna, BC. The purpose of this inspection was to assess the agricultural capability and suitability of the Subject Property. The Clients requested this inspection to explore their land use options on the Subject Property that is wholly within the Agricultural Land Reserve (ALR).

The Subject Property is 982 Old Vernon Rd., Kelowna, BC and is legally described as Lot 3, Plan 546, Section 1, Township 23, ODYD, PID 012-206-687. The site is a 4 hectare (10 acre) parcel and is entirely contained within the ALR. The site was used as a wood mill from the 1950s to the 2000s.

This assessment determined that +/-91% (3.65 ha) of the property area has an unimproved rating of Class 5 agricultural capability due to a soil moisture deficit in the summer, and excess water conditions in the spring, fall and winter. This area is improvable to Class 3 with the addition of irrigation in the warm months and water control such as ditching and/or artificial drainage for the spring, fall and winter months. A root restricting layer and low perviousness were consistent across the property and represented a soil structure limitation of Class 3. The soil structure limitation is less severe than the soil moisture limitations and may be improvable by an intensive and costly process of removal of poor quality admixed fill, decompaction of the underlying clay layer, and replacement of top soil to a depth of at least 0.75m.

The Subject Property was included in the ALR when the reserve was established (1974-1976), but apparently was permitted to continue with the industrial non-farm use (sawmill) that pre-dated the ALR. As the mill operated into the mid 2000's cumulative impacts have occurred over 35+ years since the inclusion of the Subject Property into the ALR. The Landowners report that to the best of their knowledge, the Subject Property has not been used for agricultural purposes since the 1950's. Site improvements have been done by the current Landowners to remediate some of the impacts of the historic use and rehabilitate the site. Though significant, these improvements have not been completed as they have proved to be economically non-feasible for an end-use of agricultural purposes. The recovery of the rehabilitation and improvement expenses by an agricultural production operation would be unlikely and may prove to be economically prohibitive.

While the landowners are exploring several options for future land uses of the Subject Property, they have not decided upon a specific activity at this time. However, due to the significant amount of site rehabilitation yet required, it may be difficult for them to recover their total investment costs.

The Subject Property does not contribute to regional and local Agricultural Capacity. The Subject Property has not been farmed since the 1950's, during which time it

appears that the agricultural capability has continued to deteriorate. Continued industrial use on the Subject Property will not adversely affect the local Agricultural Capacity.

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|----------|--|-----------|
| 1 | INTRODUCTION | 1 |
| 1.1 | Report Description | 1 |
| 1.2 | Proposed Land Use & Agricultural Development Plan | 1 |
| 1.3 | Statement of Qualifications | 1 |
| 2 | SITE CONDITIONS & LAND USE | 2 |
| 2.1 | Site Conditions..... | 2 |
| 2.2 | Land Use: Subject Property and Surrounding Area | 2 |
| 2.2.1 | Historic Land Use..... | 3 |
| 2.2.2 | Improvements to Date | 3 |
| 2.2.3 | Future Improvements | 4 |
| 2.2.4 | Brownfield Concerns..... | 4 |
| 3 | SOILS INFORMATION..... | 5 |
| 3.1 | Government of British Columbia – Soil survey..... | 5 |
| 3.2 | Soils on Site Inspection – Methods..... | 6 |
| 3.3 | Comparison to BC Government Soil Survey & Mapping | 7 |
| 4 | CLIMATIC CAPABILITY FOR AGRICULTURE..... | 8 |
| 4.1 | Government of British Columbia – Climatic Capability | 8 |
| 4.2 | Site Inspection | 8 |
| 4.3 | Comparison of BC Government and On-Site Inspection Ratings | 9 |
| 5 | AGRICULTURAL CAPABILITY | 10 |
| 5.1 | Government of British Columbia – Agricultural Capability | 10 |
| 5.2 | Soils on Site Inspection | 11 |
| 5.3 | Comparison of BC Government and On-Site Inspection Ratings | 12 |
| 5.4 | Feasibility of Improvements | 13 |
| 6 | AGRICULTURAL SUITABILITY | 14 |

| | | |
|-----------|---|-----------|
| 7 | IMPACT ANALYSIS | 16 |
| 8 | SUMMARY AND CONCLUSIONS | 17 |
| 8.1 | Subject Property..... | 17 |
| 8.2 | Soils and Agricultural Capability | 17 |
| 8.3 | Proposed Project | 18 |
| 8.4 | Conclusion..... | 18 |
| 9 | REFERENCES | 19 |
| 10 | LIMITATIONS | 20 |

APPENDICES

APPENDIX A: Maps & Figures – 982 Old Vernon Rd., Kelowna BC

APPENDIX B: Site & Soil Pit Photos - 982 Old Vernon Rd., Kelowna BC

APPENDIX C: Agricultural Capability Reference Documents (Excerpts)

APPENDIX D: Analytical Data - 982 Old Vernon Rd., Kelowna BC

1 Introduction

1.1 Report Description

Valhalla Environmental Consulting Inc. (VEC) was retained by Manraj and Jeetender Kandola, land owners of 982 Old Vernon Rd. Kelowna, BC, to complete a Land Capability Assessment for agriculture on a parcel in the City of Kelowna, BC. The purpose of this inspection was to assess the agricultural capability and suitability of the Subject Property. The Client requested this inspection to explore their land use options on the Subject Property that is wholly within the Agricultural Land Reserve (ALR).

1.2 Proposed Land Use & Agricultural Development Plan

The purpose of the assessment is to classify the land capability for agriculture of the site to explore land use options for the Subject Property. The proposed future land use is industrial.

1.3 Statement of Qualifications

Matthew Davidson, P.Ag., Senior Environmental Scientist, **Assessor**

Matthew is an Environmental Scientist and consulting Professional Agrologist with 11 years experience in environmental assessments, impact assessments, soil surveys, land remediation, reclamation and ecological restoration. Matthew has been a registered professional agrologist (PAg) in British Columbia since 2008.

Catherine Orban, P.Ag., Senior Agrologist, **Report Review**

Catherine Orban has a Master of Science Degree in Geography, specializing in Soil Science. She has been conducting soils assessments since 1985. She has been a registered professional agrologist (PAg) since 1999, first in Alberta, and later in British Columbia. Catherine has worked on a variety of soils assessment, management, remediation and reclamation projects in the agricultural, oil and gas, and environmental sectors in both provinces.

2 Site Conditions & Land Use

2.1 Site Conditions

The Subject Property is 982 Old Vernon Rd., Kelowna, BC and is legally described as Lot 3, Plan 546, Section 1, Township 23, ODYD, PID 012-206-687. The site is a 4 hectare (10 acre) parcel and is entirely contained within the ALR. The site is approximately level and was used as a wood mill from the 1950s to the 2000s. See Appendix A Figures 1 & 2 for more detail on site size and location.

2.2 Land Use: Subject Property and Surrounding Area

Approximately 0.36 ha of the property is built upon and used for the residential purposes at this location. Buildings on the Subject Property include one house and storage shed. Outside of the buildings is residential yard and parking area. The remaining area 3.64 ha has been used historically as the mill site. Wood waste, equipment parking and gravel roads encompass this area. Past agricultural uses were unknown to the landowner as the site has operated as a mill from the 1950's to 2005.

The zoning for the subject property is Agriculture 1 (A1) which permits 4 ha lots, except when in the ALR where 2 ha lots are permitted. A1 zoning also allows one detached home, one mobile home and one accessory building home per lot.

Adjacent properties to the south, east and west have Agriculture 1 (A1) zoning. Southeast of the property is a subdivision (outside of the ALR) that has been constructed with a combination of Rural Residential 3 (RR3) (this zoning permits 1 ha lots un-serviced and fully serviced lots at 0.16ha) and Two Dwelling Housing (RU6) (allowing lot sizes down to 0.04 ha). West southwest of the property is a property with Parks and Open Spaces (P3) zoning which remains in the ALR and is used as a golf driving range. The properties adjacent to north are cultivated fields and are in the RDCO.

Table 1: 982 Old Vernon Rd., Kelowna, BC – Surrounding Land Use

| Location | Land Use | ALR Status | Approximate Lot Size ha |
|--------------|-------------------------------------|------------|-------------------------|
| Subject Site | old mill / residential | In | 4 |
| North | residential / hay field | In | 8 |
| Northwest | golf course | Out | 43 |
| West | hayfield / commercial lot | In | 4 |
| South | hayfield / residential / RV parking | In | 8 |
| Southeast | subdivision | out | 18 |
| East | old mill / residential / commercial | In | 4 |

2.2.1 Historic Land Use

The Subject Property was included in the ALR when the reserve was established (1974-1976), but apparently was permitted to continue with the industrial non-farm use (sawmill) that pre-dated the ALR. As the mill operated into the mid 2000's cumulative impacts occurred over 35+ years from the inclusion of the Subject Property into the ALR. The Landowners report that to the best of their knowledge, the Subject Property has not been used for agricultural purposes since the 1950's. To date, a number of site improvements have been completed to remediate some of the impacts of the historic industrial use and rehabilitate the site. Though significant, these improvements and rehabilitation have not been completed as they have proved to be economically non-feasible for an end-use of agricultural purposes. A summary of the remediation work to date and estimated costs of remaining agricultural rehabilitation can be viewed in below, sections 2.2.2 and 2.2.3.

2.2.2 Improvements to Date

The current Landowners obtained the Subject Property in 2005. Since 2005 the Landowners have undertaken the following improvements to remediate some of the impacts from historic land uses. The information for improvements to date has been provided by the Landowner, Manraj Kandola through personal communication (pers.comm. – MK). All costs are approximate.

2005

- Land purchased by current owners 4.01 ha (10 acres) at 982 Old Vernon Rd *metric is generally used for volume and area calculations – eg. 0.75 m topsoil*
- Upon purchase Landowners shut the sawmill down, as it was outdated and hazardous.
- ~122,330 m³ (160,000 yards³) of wood waste was stockpiled on the Subject Property at this time

2006

- Controlled curtain burner set up for 3 months to eliminate wood waste
- Approximately \$100,000 was spent to reduce total wood waste volume

2007

- Numerous fires caused by spontaneous combustion of the wood waste
- City of Kelowna, Fire Department attended the site numerous times
- Largest fire attended by City of Kelowna fire department required them on site for 3 days to containing the fires, which cost the City of Kelowna approximately \$80,000.
- Private water tankers and excavators were employed full time by the Landowners to control the fires
- Landowners purchased fire equipment for the site at a cost of \$50,000

2008-2011

- Contractor hired to screen and truck the wood waste to a cogeneration plant in Armstrong, BC (Tolko)

- \$25,000 in additional costs incurred
- Wood waste screening (~75% of volume remaining) was done to mitigate fire risks and facilitate further site rehabilitation
- An oversized pile of wood waste remains which requires grinding
- As of 2012, approximately 100,000 m³ (130,000 yd³) of the original 122,330m³ (160,000 yd³) of wood waste have been processed and/or removed from Subject Property. Currently, approximately 23,000m³ (30,000 yd³) of wood waste remains on the Subject Property.

Approximate costs incurred to date for rehabilitation by property owners: **\$175,000**; and

Cost to City of Kelowna for Fire Protection: \$80,000

2.2.3 Future Improvements

To be suitable for intensive soil bound agriculture, the Subject Property requires additional rehabilitation and improvements including:

- Wood waste grinding of oversized materials, approximate costs provided by a grinding contractor **\$150,000** (pers.comm. – MK)
- Import and spread clean topsoil to a depth of 0.75m for 3.65 hectares (27,375m³ or 35,805 yd³)

Soil Cost Estimate

- 27,375m³ needed at \$26/m³ = **\$711,698**
- *Soil costs were determined by an average of quoted prices from 4 suppliers in the Kelowna area for large volume sales.*

Trucking Cost Estimate

- Assume trucking cost of \$ 119.5/hr
 - Assume 18m³ (24yd³) truck & pup = 1520 truck loads for
 - Assume 1hr trip per load = 1520 hrs
 - Trucking cost of 1520 x 117.66/hr = **\$ 178,941**
- Trucking costs were determined by an average of quoted prices from 4 service providers in the Kelowna area.*

**Costs for spreading and grading were not included in this estimate*

The estimated remaining cost for remediation of this site for agricultural purposes is approximately **\$1,040,639**

2.2.4 Brownfield Concerns

Due to the historic uses of the subject lot and current uses on neighbouring lots, there is potential for contamination of soils and, or groundwater on the Subject Property. Site investigations with respect to contamination and land remediation are outside the scope of this assessment, but may be required prior to returning this property to agricultural or alternative uses. The cost of such investigations and land remediation has not been included in this assessment but should not be overlooked in consideration of future uses on the Subject Property. Such assessments are costly

as are any soil or groundwater remediation projects. Site investigation costs may be required and would therefore add to the cost of total remediation before the site may be used for future purposes (for example: industrial, residential, agricultural).

3 Soils Information

Soil conditions are a key factor in determining the overall agricultural capability and suitability of any given site. The soil conditions on the Subject Property are described in this section including; published government survey information and a description of the existing soil conditions, based on the lab data and observations made during the on-site inspection, conducted on October 24, 2012.

3.1 Government of British Columbia – Soil survey

Baseline soils information was obtained from the BC Ministry of Environment (MOE) Soils of the Okanagan and Similkameen Valleys, which comprises Report No. 52 of the BC Soil Survey (1986); and the accompanying mapping at 1:20,000 scale. The Subject Property is found on Mapsheet 82E.094 (Appendix A, Figure 5), which indicates that three soil complexes are found on the parcel. The general characteristics of these soils are summarized in Table 2, below:

Table 2: 982 Old Vernon Rd. Kelowna BC – Surrounding Land Use

| Site Map Polygon | 80% Westbank (WK) / 20% Summerland (SR) | 100% Westbank (WK) | 100% Glenmore (GL) |
|--------------------------|---|--|--|
| Location | The northwestern corner | Northeast / Central portion | Southern Portion of the property |
| Landform | Nearly level to strongly sloping stratified glaciolacustrine sediments / Nearly level to moderately sloping stratified glaciolacustrine sediments | Nearly level to strongly sloping stratified glaciolacustrine sediments | Nearly level to moderately sloping stratified glaciolacustrine sediments |
| Description | 100 or more cm of clay, clay loam or silty clay / 100 cm or more of silt loam, silty clay loam or clay loam | 100 or more cm of clay, clay loam or silty clay | 100 cm or more of silt loam, silty clay loam or clay loam |
| Soil Profile Drainage | Moderately well / Well to Moderately Well | Moderately well | Well to moderately well |
| Stone Content | non-stoney | non-stoney | non-stoney |
| Agricultural Suitability | (WK) Tree fruits, Vineyards, Hay production, Pasture / (SK) Poorly suited for arable agriculture | (WK) Tree fruits, Vineyards, Hay production, Pasture | (GL) Pasture, Hay, Tree Fruits |
| Soils | Othic Grey Luvisol / Eluviated Dark Brown | Othic Grey Luvisol | Eluviated Dark Brown |

Source: MoE, Technical Report 52, Soils of the Okanagan and Similkameen Valleys, which comprises Report No. 52 of the BC Soil Survey (1986)

3.2 Soils on Site Inspection – Methods

Three soil test pits (TP1 to TP3) were excavated to depths of 130 cm by a small tracked excavator on October 24, 2012. All test pits were located on sites that represented variations in topography, vegetation, land use and, or mapped soil characteristics. The soil test pits and site features were mapped and photographed (Appendix A, Figures 7 & 8; and Appendix B). The soil profiles were examined and described according to conventions from the *Canadian System of Soil Classification, Third Edition* (Soil Classification Working Group, 1998). It was not within the scope of this assessment to examine the soils for the purposes of classification at the Series level. A total of 8 representative soil samples were taken from all of the test pits and submitted for laboratory analysis of one or more of the following parameters: various soil nutrients, pH, electrical conductivity, available water storage capacity, and soil particle sizes/textures. (Appendix D).

Four soil units were identified on the Subject Property (as indicated by Roman numerals I - IV) through the detailed soils assessment at a mapping scale intensity of +/- 1:3,000 (Appendix A, Figure 9; and Table 3, below). Information obtained

during the site inspection was combined with the lab results to provide site-specific details that were used to fine-tune the soils data presented in Soil Report No. 52 (1986), which was based on mapping at 1:20,000. The soil units were primarily defined by soil physical and morphological properties. The profiles at each test pit within each unit shared a number of similarities including horizon properties, depths and sequences. Detailed test pit logs and photographs have been included with this report (Appendix B, Photos 3-9). The soil units as mapped for the Subject Properties at a scale of +/- 1:3,000 are described in Table 3, below

TABLE 3: 982 Old Vernon Rd., Kelowna, BC - Site Inspection : Soil Unit Summary

| Soil Unit | Test Pits | Top Soil Depth (cm) / Colour | Soil Profile Texture ¹ | Stone Content ² | Soil Profile Drainage | Topography | Land Use | Area (ha) | %Total Area | Notes |
|-----------|-----------|------------------------------|-----------------------------------|------------------------------------|-----------------------|-----------------------|-------------------|-----------|-------------|---|
| I | 1 | 54 / Br | Sandy Loam / Clay / Heavy Clay | 10% / 0% / 0% | Poorly Drained | Nearly Level Slope 1% | Former Mill Yard | 0.59 | 15% | Mixed soil in top layer with wood waste |
| II | 2 | 15 / DkBr | Clay / Clay / Heavy Clay | 10% Gravel / 0% Gravel / 0% Gravel | Poorly Drained | Nearly Level Slope 1% | Former Mill Yard | 2.02 | 50% | Mixed soil in top layer with wood waste, rooting depth 30cm |
| III | 3 | 35 / Br | Loam / Heavy Clay / Heavy Clay | non-stoney | Poorly Drained | Nearly Level Slope 2% | Former Mill Yard | 1.04 | 26% | Mixed soil in top layer with wood waste, rooting depth 30cm |
| VI | NA | NA | NA | NA | NA | Gentle slope 5% | House, shed, yard | 0.36 | 9% | Residential portion of the lot |

¹ based by laboratory testing

² visual observation

3.3 Comparison to BC Government Soil Survey & Mapping

With the exception of the extensively disturbed upper, admixed fill-soil horizon, the distribution of soil types as identified in the site inspection was generally consistent with the information presented in Soil Survey Report No. 52. In general, the minor differences in soil mapping have been attributed to the different scale intensities as they applied to the site. The BC Soil Survey is based on generalized mapping at a scale of 1:20,000, which is too broad to capture all the subtle variations in site conditions that were identified during the site inspection which was conducted at a detailed mapping scale intensity of +/- 1:3,000.

4 Climatic Capability for Agriculture

Climatic capability for agriculture is based on the limitations associated with the combined influence of the climate and soil moisture regimes as well as the thermal limitations for any given location. Climatic capability is a modifying component used in determining the overall agricultural capability and suitability of a given site. The climatic capability for agriculture of the Subject Property is described in this section; beginning with published government information, followed by that obtained during the on-site inspection.

4.1 Government of British Columbia – Climatic Capability

General reference information as well as baseline climatic data for the Kelowna area was found in Climatic Capability for Agriculture (BC Ministry of Environment, 1981), and Land Capability Classification for Agriculture in British Columbia, Manual 1 (BC Ministry of Agriculture and Food and Ministry of Environment, 1983).

It is important to note that the climatic capability ratings are based entirely on climatic conditions (primarily precipitation and temperature) at a given site. Soil characteristics and other site conditions are not considered in these ratings. The overall agricultural capability of the Subject Property is addressed in Section 5 of this report.

The MOE Technical Paper 4; Climate Capability Classification for Agriculture in British Columbia and accompanying mapping 82E/NW indicates the area of the Subject Property sits on a boundary between Class 5 (west portion) or 6 (east portion) improvable to Class 1bF / 1cG respectively, which indicates an estimated annual climatic moisture deficit (CMD) of 350 mm (BC MOE, 1981, Table 1). Class 5 land has restricted use for perennial forage and specially adapted crops. Class 6 land is considered non-arable but capable of producing native or uncultivated perennial forage crops. Soil moisture deficiency (A) is indicated as a primary limitation. Areas in Class 1aF have occurrences of minimum temperature near freezing that adversely affect plant growth during the growing season. Areas in Class 1cG have insufficient heat units during the growing season. See Appendix A Figure 7 for more detail.

4.2 Site Inspection

Site-specific climatic capability for agriculture was determined using data from TP1-TP3 which are located in, and representative of, different soil units throughout the Subject Property. Lab data obtained for the soil samples was used in conjunction with published regional data to calculate the available water storage capacity (AWSC) and soil moisture deficit (SMD) values for the upper 50 cm of the soil profiles. The results were used to determine site-specific climatic and soil capability ratings for agriculture on the Subject Property which have been summarized in Table 4, below. A description of agricultural/climatic capability classifications is found in Appendix C.

TABLE 4: 982 Old Vernon Rd., Kelowna BC - Soil Moisture Balance & Climatic Capability Ratings

| | Soil Moisture Balance | | | | | | | | Climate Capability Rating | | | |
|---------------------|-----------------------|----------------|--------------------------|-----------------|------------------|---------------|---|--|---|---|-----------------------------|---------------------------|
| Site & Soil Horizon | Total Depth | Matrix Texture | Matrix AWSC ¹ | Matrix Fraction | CF Adjusted AWSC | Interval AWSC | Climate H ₂ O Deficit ² | Soil H ₂ O Balance ³ | Unimproved H ₂ O Subclass ⁴ | Improved H ₂ O Subclass ⁴ | Thermal Rating ² | Improved Overall Subclass |
| | cm | lab | mm/cm | lab | mm/cm | mm | mm | mm | | | | |
| TP1/SU-I | | | | | | | | | | | | |
| Fill* | 50 | SL | 0.75 | 0.89 | 0.67 | 33.53 | | | | | | |
| Interval | 50 | | | | | 33.53 | 350 | -316.48 | 5A | 3A | 1aF | 3A |
| TP2/SU-II | | | | | | | | | | | | |
| Fill | 15 | C | 2.22 | 0.89 | 1.98 | 29.77 | | | | | | |
| B | 20 | C | 1.33 | 1.00 | 1.33 | 26.57 | | | | | | |
| C** | 15 | HC | 1.37 | 1.00 | 1.37 | 20.53 | | | | | | |
| Interval | 50 | | | | | 76.87 | 350 | -273.13 | 5A | 1 | 1aF | 1 |
| TP3/SU-III | | | | | | | | | | | | |
| Fill | 35 | L | 1.99 | 0.79 | 1.58 | 55.16 | | | | | | |
| B | 15 | HC | 1.48 | 1.00 | 1.48 | 22.13 | | | | | | |
| Interval | 50 | | | | | 77.30 | 350 | -272.70 | 5A | 1 | 1aF | 1 |

* Used Ap data for TP2 as top horizon was similar in texture and coarse fragment content

** Used Ap data for TP1 as top horizon was similar in texture and coarse fragment content

¹ From Lab Data

² Technical Paper 4, 1981, MoE Climatic Capability Classification for Agriculture in British Columbia

³ (Interval AWSC) - (Climate H₂O Deficit) = Deficit (negative) or Surplus (positive)

⁴ Based on - MoE Manual 1 (BC Ministry of Environment, 1983)

4.3 Comparison of BC Government and On-Site Inspection Ratings

In general the site inspection finding showed that the climatic capability for this location corresponds with the provincial climatic capability mapping. Approximately 76% of the Subject Property was rated at Class 5 improvable to Class 1. Approximately 15% of the Subject Property was rated at Class 5 improvable to Class 3. The remaining 9% of the Subject Property was not assessed as it was deemed unavailable for agricultural use. The differences between the site inspection findings and provincial mapping are in part due to the different scale intensities as they applied to the Subject Property. The MOE ratings were based on mapping at a scales of 1:100,000, which are not intended to account for all the subtle variations in site-specific conditions (eg. soil texture, coarse fragment content, topography, slope angle and aspect) that were identified during the on-site inspection, at a detailed mapping scale intensity of +/- 1:3,000.

Please see Section 5.3 for a comparison between the overall agricultural capability mapping by MOE (including climatic capability) and the capability as determined by this assessment.

5 Agricultural Capability

Agricultural capability ratings are site-specific and based primarily on the influence of soils and climate, as modified by topography for any given location. The Canada Land Inventory (CLI) rating system uses a variety of measurable parameters (some of which are listed below) to provide objective classifications of agricultural capability:

- Slope angle and complexity;
- Depth to bedrock;
- Soil moisture deficits;
- Excess soil moisture;
- Coarse fragment content (stoniness);
- Soil texture;
- Depth to groundwater;
- Soil fertility; and
- Soil salinity

This interpretive system groups soils into seven classes according to potentials and limitations for agriculture (See Appendix C for capability class and limitation descriptions). Lands in Classes 1 to 4 inclusive are considered capable of sustained production of common cultivated field crops. Class 5 lands are capable of use only for producing perennial forage crops or specially adapted crops. Class 6 lands are capable of only providing sustained natural grazing for domestic livestock. Class 7 lands are incapable of use for either arable culture or grazing. (BC Ministry of Agriculture and Food, and Ministry of Environment, April 1983).

In most cases, both "unimproved" and "improved" agricultural capability ratings are determined for the area that is under consideration. The unimproved rating reflects the capability of the property in its natural or current state. The improved rating is theoretical and represents the anticipated agricultural capability of the property after improvements (eg. irrigation, enhanced drainage, soil amendments, fill placement, stone-picking, and/or subsoil decompaction) are made to mitigate the limitations. Some limitations, such as shallow bedrock, slope complexity and slope angle, are not considered to be improvable under "typical farming practices".

5.1 Government of British Columbia – Agricultural Capability

General reference information for agricultural capability was provided by Land Capability Classification for Agriculture in British Columbia, Manual 1 (BC Ministry of Agriculture and Food and Ministry of Environment, 1983; Appendix C). Site-specific agricultural capability mapping for the Subject Property was found on Mapsheet 82E.094 @1:20,000 (BC Ministry of Environment, 1987). (Appendix A, Figure 6).

The MOE agricultural capability polygons corresponded directly to the soil polygons mapped in Soil Survey Report No. 52, and are summarized in Table 5, below:

TABLE 5: 982 Old Vernon Rd., Kelowna BC- MOE Agricultural Capability Mapping @ 20,000

| Location | Agricultural Capability Rating | |
|-------------------------------|--------------------------------|------------|
| | Unimproved | Improved |
| Northwestern Area | 8:8AD 2:6WN | 8:3D 2:4WD |
| Northeastern and Central Area | 4AD | 3D |
| Southern Area | 3AD | 7:3D 3*3D |

A - Soil Moisture Deficit

D - Soil Structure

N - Salinity

W - Excess Water

Soils on Site Inspection

The overall agricultural capability ratings for the Subject Property were mapped and then compared to the soil unit polygons as defined by the site inspection (Section 3.2, above). In this case, the boundaries for the agricultural capability (AC) Units as determined by the field investigation (indicated by numbers 1-3) do not entirely correspond to those mapped for the soil units (Appendix A, Figures 9 and 10). AC unit 1 corresponds with SU 1. AC unit 2 is comprised of SU 2 and 3. Information obtained from the field inspection was combined with published soils, topography and climate data (as described in Sections 3.0 and 4.0) then applied to the criteria presented in MOE Manual 1 to determine the site-specific agricultural capability ratings at a mapping scale intensity of +/-1:3,000. The agricultural capability ratings for the Subject Property, based on the site inspection are summarized in Table 6, below:

TABLE 6: 982 Old Vernon Rd., Kelowna BC- Site Inspection: Agricultural Capability Ratings

| Soil Unit | Ag Capability Unit | TP | Unimproved Ag Capability ² | Improved Overall Ag Capability ² | Area (ha) | % Total Area ³ |
|-----------|--------------------|----|---------------------------------------|---|-----------|---------------------------|
| I | 1 | 1 | 5AW | 3WAD | 0.59 | 15% |
| II | 2 | 2 | 5AW | 3WD | 2.02 | 50% |
| III | | 3 | 5AW | 3WD | 1.04 | 26% |
| IV | 3 | NA | NA | NA | 0.36 | 9% |
| Total | | | | | 4.01 | 100% |

¹ Ratings based on lab results & field investigation. See Table 7 for class descriptions

² See appendix C for Capability descriptions

³ Estimates based on lab results, field investigations and aerial photography

Excess water during the wet months, and soil moisture deficits in the growing season were identified as the most extensive and severe limitations to agricultural capability on the Subject Property. Undesirable soil structure was considered to be an extensive, but less severe limitation.

AC Unit 1 (including Soil Unit I) accounts for +/- 15% (0.59 ha) of land on the Subject Property. This area was rated at Class 5 (unimproved) due to a soil

moisture deficit in the summer, and excess water conditions in the spring, fall and winter. This area is improvable to Class 3 with the addition of irrigation in the warm months and water control such as ditching and/or artificial drainage for the spring, fall and winter months. Irrigation is expected to raise the soil moisture deficit ("A") limitations to Class 1 throughout this agricultural capability unit. A root restricting layer and low perviousness were consistent across the property and represent a soil structure limitation of Class 3 that may be improvable by removal of poor quality admixed fill, decompaction of the underlying clay layer and replacement of top soil to a depth of at least 0.75m.

AC Unit 2 (including Soil Units II & III) accounts for +/-76% (3.06 ha) of land on the property. This area was rated at Class 5 (unimproved) due to a soil moisture deficit in the summer, and excess water conditions in the spring, fall and winter. This area is improvable to Class 3 with the addition of irrigation in the warm months and water control such as ditching and/or artificial drainage for the spring, fall and winter months. Because of the coarse texture of the soils in this agricultural capability unit, irrigation is only expected to raise the "A" limitation to Class 3

The remaining +/-9% (0.36 ha) of the Site, which has been mapped as AC Unit 3, occupies land in the southern area. This area has been rated at Class "AN" for anthropogenic alterations and is not considered to be available for agriculture due to the existence of a home, yard, driveway and outbuildings.

5.2 Comparison of BC Government and On-Site Inspection Ratings

The unimproved and improved agricultural capability ratings applied to the Subject Properties based on the on-site inspection were somewhat consistent with the ratings ascribed by the MOE mapping, as summarized below (See also Tables 5 and 6; and Appendix A, Figure 9).

The on-site agricultural capability ratings revealed a greater extent of excess water limitation ("W") on the property although it was not as severe as depicted by the MOE mapping. As well, the published mapping showed that all areas of the Subject Property had an unimproved rating of 3A to 4A. By contrast, the on-site assessment identified persistent soil moisture deficiencies with an unimproved rating of 5A across the property. The improved ratings increased to Class 1 (northwest corner) to 3A (south and central area) with irrigation.

In summary, the on-site inspection agricultural capability ratings were somewhat consistent with both MOE climatic and overall agricultural capability ratings. There was a greater variability in the unimproved ratings mapped by the MoE, while the on-site inspection results were more homogeneous ascribing the same unimproved and improved ratings to 76% of the Subject Property. The homogeneity noted is likely due to the significant modification that has occurred to the surface soils across the site.

5.3 Feasibility of Improvements

All improvements provided are theoretical in nature and based on best management practices as outlined the MOE Manual 1. These improvements are based on an assumption of land that is generally free of waste and contaminants. This assumed condition is not represented on the Subject Property.

The Subject Property has undergone historic improvements (see section 2.2.2). However, significant remaining rehabilitation is needed for the property to be suitable for agriculture (see section 2.2.3). The cost of the remaining improvements and rehabilitation that are necessary to prepare this property for agricultural use are not likely to be feasible. Furthermore, the required improvements (ie. Removal of wood waste material and replacement of the topsoil layer across 91% of the Subject Property) greatly exceed what would be considered "typical farm improvement practices", both in terms of the scope and costs for this work. The recovery of the improvement expenses by an agricultural production operation would be unlikely and is expected to be economically prohibitive.

The proposed future improvements based on MoE Manual 1 BMPs include supplemental moisture (irrigation) during the dry months and water control/drainage enhancements for excess moisture (ditching and/or artificial drainage). The results of this assessment suggest that these improvements would be feasible for AC Unit 1 and 2 which accounts for +/-91% (3.65 ha) of the Subject Property. The agricultural capability rating on AC 1 which accounts for +/-15% (0.59 ha) of the Subject Property is expected to improve from Class 5AW to Class 3WAD. The agricultural capability rating on AC 2 which accounts for +/-76% (3.06 ha) of the Subject Property is expected to improve from Class 5AW to Class 3WD. Improvements are not considered to be feasible for the remaining +/-6% (0.6 ha) of the Subject Property. This area is in AC Unit 3 which is unavailable due to existing residential structure and out buildings.

6 Agricultural Suitability

Agricultural suitability is related to agricultural capability, but involves the interpretation of a wider variety of factors as they relate to the potential for specific uses on a given property. While agricultural capability is based on physical features and measurable parameters, agricultural suitability assessments include a range of site conditions and external influences. The following factors were considered in assessing the agricultural suitability of the Subject Property:

- Feasibility of improvements;
- Availability of additional good quality topsoil;
- Overall size of the Subject Property;
- Location and context of the Subject Property (proximity to urban/suburban/rural land use and zoning);
- Land use on subject property – historical, current and future plans;
- Land use in surrounding area – historical, current and future plans;
- Diversifications, innovations and improvements to date;
- MoE agricultural capability ratings (at 1:20,000 mapping scale); and
- Agricultural capability ratings as determined by this assessment (at +/- 1:3,000 mapping scale).

The suitability of the Subject Property for various agricultural purposes has been evaluated In terms of the factors listed above and has been summarized in Table 7, below:

TABLE 7: 982 Old Vernon Rd., Kelowna BC – Site Inspection: Agricultural Suitability

| AC Unit | Area (ha) | % Total Area | Ag Capability Unimproved (Improved) | Suitability for Agriculture Activities |
|--|-----------|--------------|-------------------------------------|---|
| Soil Bound Agriculture | | | | |
| 1&2 | 3.65 | 91% | Class 5 (Class 3) | These Agricultural Capability Units represent all of the property outside of the home site. The topsoil layer on this portion of the property has been completely admixed by the mill practices and would require significant remediation to be used for soil bound agriculture (section 2.2.3 for more detail). If rehabilitation was feasible, this area would potentially be suitable for perennial forage and select crops. The nearby Kelowna Airport, Environment Canada weather station data indicates that this area of Kelowna is a frost pocket which has on average 34 more days per year with minimum temperatures below 0C, when compared with East Kelowna and Kelowna weather stations. The risk of crop damage or failure may be increased due to the excess water and fewer frost free days. However, it would not be feasible to rehabilitate this area for soil bound agriculture due to the prohibitive costs of such improvements. |
| 3 | 0.36 | 9% | NA | NA |
| Intensive Soil Bound Livestock - Operations which depend, in whole, or in part, on growing their own feed for livestock production (eg. Beef cattle (cow, calf or feeder), dairy cows, sheep, goats, and other livestock at a commercial scale) | | | | |
| 1&2 | 3.65 | 91% | Class 5 (Class 3) | These Agricultural Capability Units represent all of the property outside of the home site. The topsoil layer on this portion of the property has been completely admixed by the mill practices and would require significant remediation to be used for the production of livestock feed. If rehabilitation was feasible, this area would potentially be suitable for perennial forage. However, it would not be feasible to rehabilitate this area for livestock feed/production due to the prohibitive costs of such improvements. |
| 3 | 0.36 | 9% | NA | NA |
| Intensive Non-Soil Bound Livestock - Uses which do not rely on growing crops in soil to support the enterprise (eg. Beef feedlots, hog production and poultry ie. Eggs and meat birds) | | | | |
| 1&2 | 3.65 | 91% | Class 5 (Class 3) | The property is located in a rural/residential area and near to a residential subdivision. Conflicts regarding the odours, noise and traffic associated with an intensive feedlot operation may be an issue with neighbouring rural residential property owners. For access reasons and potential conflict with neighbouring property owners this site is not suitable for intensive non-soil bound livestock. However, it would not be feasible to rehabilitate this area for non-soil bound livestock due to the prohibitive costs of such improvements. |
| 3 | 0.36 | 9% | NA | NA |
| Intensive Non-soil bound Horticultural Agriculture (eg. green houses and container nursery) | | | | |
| 1&2 | 3.65 | 91% | Class 5 (Class 3) | The site is largely level. After remediation this property could be made suitable for Non-soil bound Horticultural Agriculture operation. However, it would not be feasible to rehabilitate this area for non-soil bound horticulture due to the prohibitive costs of such improvements. |
| 3 | 0.36 | 9% | NA | NA |

7 Impact Analysis

The potential impacts associated with the industrial land use on the Subject Property on the local and regional agricultural context have been summarized in Table 8, below. One of the advantages of having the Subject Property rehabilitated for industrial use would be the opportunity to install buffers between the site and surrounding properties that are being used for agricultural activities.

TABLE 8: 982 Old Vernon Rd., Kelowna BC – Potential Impacts of Continuing Industrial Land Use

| Area of Concern | Anticipated Impacts from Proposed Land Use | Comments |
|---|--|--|
| Industrial Land Use of Subject Property on Surrounding Lands | The Subject Property was the site of a saw mill operation for over 50 years (35+ years since inclusion in the ALR). Further industrial land use would require extensive rehabilitation and improvements to the property. Such improvements can be expected to have a positive impact on the surrounding properties. | The Subject Property is located in a rural/residential area and is generally surrounded by agricultural properties with apparent light commercial/industrial uses on the neighbouring property to the east. There is a nearby small lot residential subdivision. |
| Regional and Local Agricultural Capacity | The Subject Property is not contributing to regional or local Agricultural Capacity. The property has not been used for agriculture since the 1950's. A non agricultural use on this property will not negatively impact the local Agricultural Capacity. | The site has not been used for agricultural purposes for over 50 years. There will be no impacts on local capacity if non-agricultural uses are permitted at this site. |
| Surrounding Agricultural Operations | Nearby agricultural operations include intensive soil bound agriculture to the north and south and hay fields to the west. A remediated industrial site including perimeter buffers would be an improvement for all neighbouring properties. | The property operated as an industrial site for about 50 years (35+ years since inclusion in the ALR) at this location. Clean up and redevelopment for further industrial use will require removal of unsightly and potentially deleterious wood waste and allow for the inclusion of buffers to be added to the site to ALC specifications. The buffering measures to be implemented will mitigate the negative impacts of future land uses on the neighbouring agricultural operations and properties. |
| Precedent of Industrial Land Use for Triggering Future Applications | The Subject Property shares commonalities with the neighbouring site to the east, as both were part of the original sawmill operation. The Subject Property was included in the ALR as an operating mill and operated for another 30 years at this location. Permitted non-farm land-use on the subject property may serve as a precedent for application on the property directly adjacent to the east (the remainder of the mill site). Beyond those sites there is no clear, likely precedent as all remaining surrounding lands are apparently used primarily for agriculture, or are not in the ALR | |

8 Summary and Conclusions

8.1 Subject Property

The Subject Property has been used as a saw mill for over 50 years (35+ years since inclusion in the ALR). There has been no agricultural land use on the Subject Property in that time. Despite significant and costly rehabilitation efforts to the property, it remains in a state that is not suitable for agriculture. The estimated costs to complete the rehabilitation and make the Subject Property suitable for agricultural production are economically unfeasible when compared to the expected returns from an agricultural production business. In addition, such rehabilitation would fall well beyond the scope and cost of typical farm improvements.

Land use in the vicinity of the Subject Property is primarily rural / residential with agriculture being actively practised on the adjacent properties to the north, south and west of the property. The remainder of the original saw mill operation is located on the property directly adjacent to the east and is apparently being used for industrial activities, with no apparent agricultural use. While the majority of the property directly adjacent to the west is being used for hay, it is also being used to park heavy equipment. Across Old Vernon Rd. to the south is an agricultural property, approximately half of which is used to produce specialty market items (eg. Sauces, jams, pickled vegetables). The other half is not currently being used for any agricultural or industrial activities.

8.2 Soils and Agricultural Capability

This assessment rated the soil moisture deficiencies at Class 5A (unimproved) for the entire Subject Property. The improved ratings for soil moisture on +/-91% of the Subject Property, based on the addition of irrigation, ranged from Class 3A to 1. The remaining 9% of the lot is unavailable for agricultural use. Variations in the soil moisture deficiency across the Subject Property were related to site-specific soil conditions (eg. soil texture) and anticipated responses to supplemental moisture;

This assessment rated undesirable soil structure at Class 3D for +/-91% of the Subject Property and was found to be a minor limitation on throughout the site. The remaining 9% of the lot is unavailable for agricultural use;

This assessment found that excess water was a limitation with a 4W (unimproved) rating on 91% of the Subject Property. The improved ratings for this portion of the property are 3W, based on ditching and/or installing artificial drainage to control the water in wetter months. The remaining 9% of the lot is unavailable for agricultural use;

The proposed improvements on the Subject Property included supplemental moisture (irrigation) during the dry months, as well as enhanced surface and soil profile drainage for the wet months. The results of this assessment suggest that these

improvements would be feasible for +/-91% (3.65 ha) of the Subject Property, where the agricultural capability ratings are expected to improve from Class 5 to Class 3;

The proposed improvements are not considered to be feasible for the remaining +/-9% (0.36 ha) of the Subject Property. This area is unavailable for agriculture due to existing residential structures and out buildings;

Under the current circumstances, and considering the cost and scope of required improvements for the Subject Property, no suitable agricultural uses have been identified for the Subject Property. The investments to date, combined with the high cost of removing wood waste and completing further assessments preclude the possibility of non-soil bound uses such as horticultural agricultural or an intensive livestock operation.

8.3 Proposed Project

The landowners are exploring a variety of potential future land uses, including the possibility of returning to an industrial use on the Subject Property. A specific activity has not been designated at this time. However, due to the significant scope and onerous costs of site rehabilitation still required agricultural production is not considered to be a feasible option.

8.4 Conclusion

The Subject Property is located in a rural/residential area of the City of Kelowna; it was operated historically as a saw mill until 2005, and has little to no current use on 91% of the property. While significant site rehabilitation and improvements could theoretically make the Subject Property suitable for agricultural production; the scope and costs of this work are well beyond what is generally considered to be typical farm improvement practices. Therefore, the rehabilitation of Subject Property for any agricultural purposes is not considered to be economically or practically feasible.

Generally speaking, inclusion of land that is improvable to class 3 into the ALR would be considered good practice; however, due to the historic industrial use of the Subject Property, rehabilitation of the Subject Property for agricultural use at the time of creation of the ALR (1974-1976) may already have well exceeded the potential returns from an agricultural operation. These conditions have been compounded to present day further limiting the land use options available to the current Landowners.

9 References

BC Ministry of Agriculture and Food and Ministry of Environment, April 1983. *Land Capability for Agriculture in British Columbia*. MOE Manual 1. Surveys and Resource Mapping Branch and Soils Branch: Kelowna, BC

BC Ministry of Environment, 1981. *Climatic Capability Classification for Agriculture in British Columbia*. Climatology Unit - Air Studies Branch; Victoria, BC

City of Kelowna, 2003, *Consolidated Zoning Bylaw No. 8000*, Kelowna BC
<http://www.kelowna.ca/CM/page2561.aspx>

BC Ministry of Environment, 1985 *Soils of the Okanagan and Similkameen Valleys*, MoE, Victoria BC

BC Ministry of Environment, 1975. *Land Capability for Agriculture of the Okanagan and Similkameen Valleys*, Mapsheet 82L.094t 1:20,000. Thematic Mapping Unit, Surveys and Resource Mapping Branch: Victoria, British Columbia

City of Kelowna, *City of Kelowna Map Viewer (online)*,
http://www.kelowna.ca/website/ikelowna_map_viewer/viewer.cfm , Kelowna, BC

10 Limitations

I, Matthew Davidson certify that I supervised and carried out the work as described in this report. The report is based upon and limited by circumstances and conditions referred to throughout the report and upon information available at the time of the site investigation. I have exercised reasonable skill, care and diligence to assess the information acquired during the preparation of this report. I believe this information is accurate but cannot guarantee or warrant its accuracy or completeness. Information provided by others was believed to be accurate but cannot be guaranteed.

The information presented in this report was acquired, compiled and interpreted exclusively for the purposes described in this report. I do not accept any responsibility for the use of this report, in whole or in part, for any purpose other than intended or to any third party for any use whatsoever. This report is valid for one year only after the date of production.

Respectfully Submitted,



Matthew Davidson, P.Ag.
Senior Environmental Scientist
Valhalla Environmental Consulting Inc.

Minutes of the Provincial Agricultural Land Commission

Meeting held at the B.C. Agricultural Land Commission Office, 4940 Canada Way, Burnaby, British Columbia on the 15th day of October 1985.

| | | |
|----------|---------------|--------------|
| Present: | I. D. Paton | Chairman |
| | A. Claridge | Commissioner |
| | C. E. Framst | Commissioner |
| | R. P. Murdoch | Commissioner |

An application from Luigi Russo under Section 20(1) of the Agricultural Land Commission Act was considered for the property described as Lot 3, Plan 546, Section 1, Township 23, O.D.Y.D. (more particularly shown on plans submitted to the Commission) with the application requesting permission to use 1.7 hectares for the storage of logs, lumber and sawdust.

The subject property is 4 hectares in size, all of which is in the Agricultural Land Reserve and has an agricultural capability rating of Class 2 and 3. The forementioned 1.7 hectares are already being used for the purpose applied for, while the remainder is planted to orchard.

The 1.7 hectare area would be ancillary to the sawmill that presently exists on the adjacent Lot 2. This sawmill predates this Agricultural Land Reserve. The 1.7 hectare area is required for the storage of raw materials which will enable the sawmill to operate on a year round basis.

The Commission has received a letter from an adjacent property owner (Mr. Rudy Janzen) objecting to the proposal. It was noted in the letter that the applicant was placing gravel on the property and that the operation was stunting the growth of fruit trees and alfalfa. The objecting land owner also has an agreement with the applicant whereby it was agreed that Mr. Russo would incorporate some changes into his operation that would ally Mr. Janzen's concerns. In return, Mr. Janzen was to withdraw his objections to the proposal. Mr. Russo has apparently failed to live up to his end of the agreement, thus resulting in the objection being lodged.

IT WAS

MOVED BY: Commissioner Murdoch

SECONDED BY: Commissioner Framst

993/85

That the application be allowed subject to Mr. Russo complying with the terms of his agreement with Mr. Rudy Janzen.

Carried.

COMMITTEE REPORT



Date: November 12, 2015

RIM No. 1250-30

To: Agriculture Advisory Committee

From: Community Planning Department (TY)

Application: Z15-0045 & TA15-0010

Owner: Eva Linttell

Address: 2075 KLO Road

Applicant: Tyler Linttell

Subject: Rezoning Application

Existing OCP Designation: REP - Resource Protection Area (*ALR*)

Existing Zone: A1 - Agriculture 1

Proposed Zone: A1t - Agriculture 1 with Agri-tourist Accommodation

1.0 Purpose

The applicant is applying to rezone the subject property from the A1 - Agriculture 1 zone to the A1t - Agriculture 1 with Agri-tourist Accommodation zone to develop ten agri-tourist RV sites. The proposed application will require a Text Amendment to Zoning Bylaw No 8000 to amend the number of allowable RV sites on the property from five to ten, and a Development Variance Permit Application to vary the maximum distance the recreational vehicle (RV) campsites may be from the principal residence from 30.0 m to 180.0 m.

2.0 Proposal

The applicant is applying to rezone their property in order to facilitate a 10 unit Agri-tourist recreational vehicle (RV) site as noted in their letter of rational. The letter attached states:

- The agri-tourist accommodation would be accessory to future proposed agriculture as designed on the proposed Site Plan.
- The property currently has farm status.
- RV sites would be seasonal.
- The agri-tourist accommodation does not exceed 5% of the parcel.
- Bathroom facilities would be provided.
- A Level 5 landscape buffer would be provided.

Staff notes that this application at this time is for a rezoning only.

3.0 Context

3.1 Neighbourhood Context

The subject property is located between KLO Road and Mission Creek in the South Pandosy / KLO Sector of Kelowna. The subject parcel is 5.76 hectares (14.24 acres) and the site elevation varies between 353.5 m and 355.0 m. The soils in this area are Class 4 with improved ratings of Class 2 according to the land inventory (see attached Canada Land Inventory information). Overall soil limitations include “excess water” and fertility in small areas.

Neighbourhood Context Map



Mission Creek Greenway runs along the south property line of the subject parcel. Land on the subject parcel within the Mission Riparian Area is not able to be developed on as shown in the Riparian Management Area of the Mission Creek Map in this report. The existing driveway access off of KLO Road will serve as access to the proposed RV campsites.

2075 KLO Road is in the Agricultural Land Reserve, designated REP Resource Protection Area in Kelowna's OCP and outside of the Permanent Growth Boundary.

3.2 Site Context

The subject property is located on the south side of KLO Road, between Benvoulin and Spiers Road. Mission Creek including the Mission Creek Greenway runs along the south property line of the subject property.

3.3 Adjacent land uses are as follows:

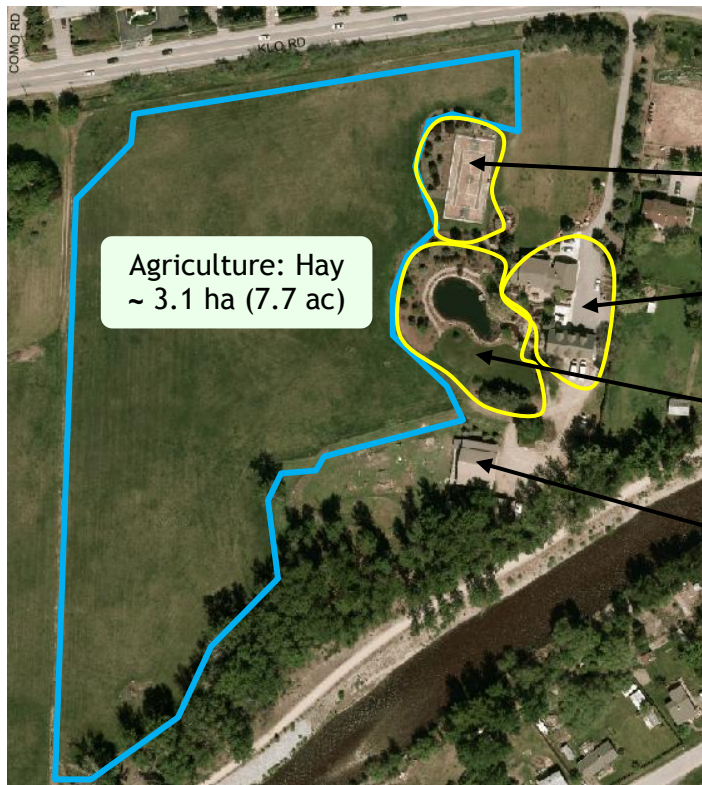
| Orientation | Zoning | Land Use | Future Land Use |
|-------------|-----------|--|----------------------|
| North | A1 | Single Family Dwelling Properties | S2RES |
| East | A1 | Single Family Dwelling | REP |
| South | A1 RR3 | Mission Creek Greenway Single Family Dwelling Properties Single Family Dwelling with Hay | PARK S2RES REP |
| West | A1 | Single Family Dwelling with Vegetable & Truck, Hay | REP |

Parcel Summary: Parcel Size: 5.76 ha (14.24 ac), Elevation: 353.5 m to 355.0 m

Subject Property Map: 2075 KLO Road



Existing Agricultural & Non-agricultural Use Map



Tennis Court & landscape buffer
0.1 ha (0.3 ac)

Single family dwelling & detached
accessory building with office. 0.1
ha (0.3 ac)

Ornamental pond, lawn &
landscape buffer 0.3 ha (0.7 ac)

Barn

3.4 Zoning Analysis Table

| CRITERIA | A1t ZONE REQUIREMENTS | EXISTING | PROPOSED |
|--|---|---|---------------------------------|
| Existing Lot/Subdivision Regulations | | | |
| Minimum Lot Area | 2.0 ha / 20,000 m ² | 5.76 ha / 57,627 m ² | 5.76 ha / 57,627 m ² |
| Minimum Lot Width | 40.0 m | 246.0 m | 246.0 m |
| Development Regulations | | | |
| Maximum Site Coverage | 10% | 1,370 m ² = 2% | 1,370 m ² = 2% |
| Maximum Height | 9.5 m / 2 ½ storeys | 2 storeys | 2 storeys |
| Minimum Front Yard | 6.0 m | 93.0 m | 93.0 m |
| Minimum Side Yard (west) | 3.0 m | > 150.0 m | > 150.0 m |
| Minimum Side Yard (east) | 3.0 m | 8.5 m | 8.5 m |
| Minimum Rear Yard | 10.0 m | 22.0 m (barn) | 22.0 m (office & washrooms) |
| Other Regulations | | | |
| Maximum setback from Mission Creek | 50.0 m | ~29.0 m (barn) | ~29.0 m (office & washrooms) |
| Homeplating requirements Non-agricultural footprint maximum area | 60 m x 60 m = 3,600 m ² Located adjacent to a property line | 8,126 m ² Adjacent to a property line | 11,726 m ² |
| Maximum Number of Agri-tourist Accommodations | 5 units | na | 10 units ❶ |
| Agri-tourist Accommodation | Within 30 m of principal residence | na | ~ 180 m ❷ |
| ❶ Indicates a requested text amendment to the maximum number of agri-tourist accommodations. | | | |
| ❷ Indicates a requested variance to the maximum distance from a principal residence. | | | |

A Riparian Area Setback requirement for Mission Creek runs adjacent to the south property line of the subject parcel. As the parcel is upstream of Gordon Drive, the Minimum Riparian Management Area is 50 m, measured perpendicularly inland from the top of bank, top of ravine, or natural boundary of Mission Creek.

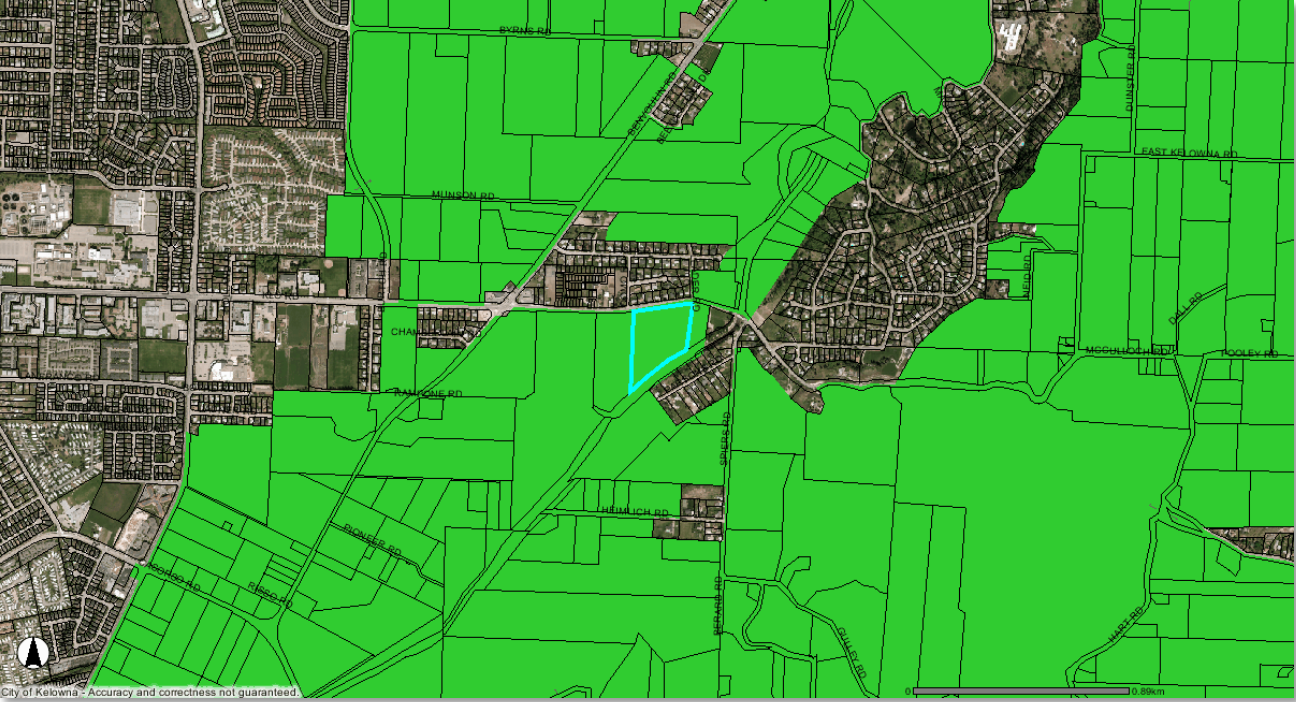
Mission Creek Riparian Management Area Map



Topography Map



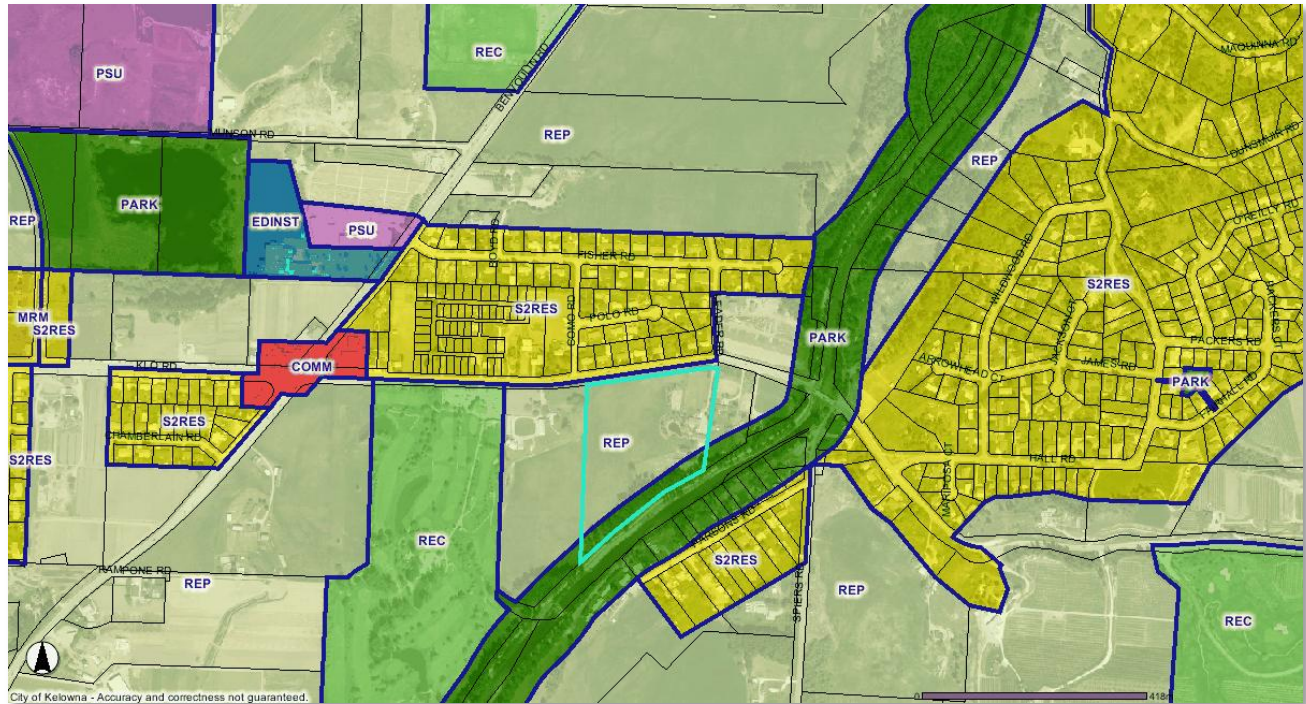
ALR Properties Map



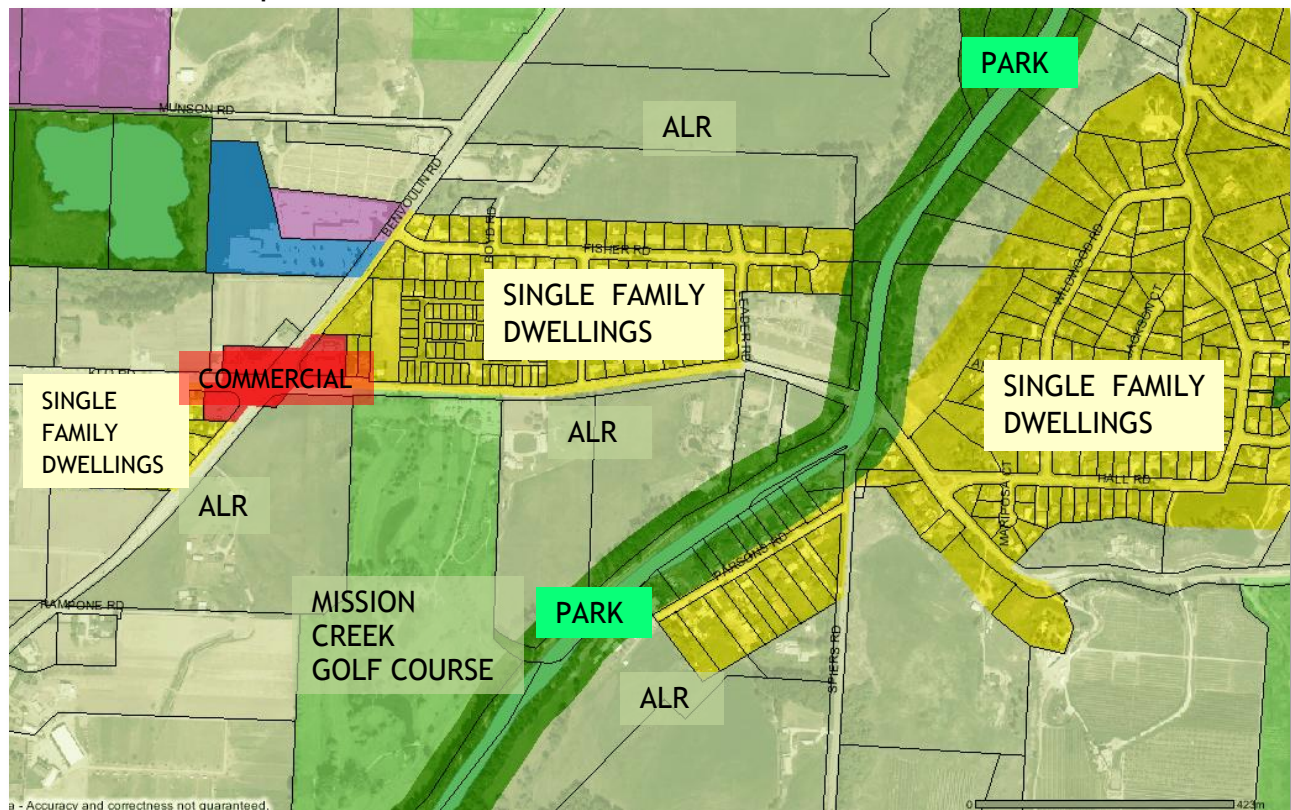
3.5 Future Land Use

The subject property has a future land use of REP - Resource Protection, which is adjacent on both sides. Park - Major Park / Open Space (Public) exists to the south and S2RES - Single / Tow Unit Residential to the north.

Future Land Use Map



Current Land Use Map



4.0 Agriculture

4.1 Current and Historical Land Use

The subject property has a current land use of an alfalfa “forage crop”. The owners purchased the property in 2003 and currently lease the hay operation on approximately 2.9 ha (7.40 ac) of the property. The property has farm status.

4.2 Agricultural Capability

The Agricultural Land Capability of the subject property is rated at a Class 4W for 63% of the property, and Class 5W for 32% of the property. The classification ‘W’ indicates that there is a limitation due to the occurrence of excess water during the growing period. The remaining 5% of the property is a mix of Class 4A and ‘X’. The classification ‘A’ indicates that there is a limitation due to soil moisture deficiency where crops are adversely affected by droughtiness. The ‘X’ classification indicates that there are limitations due to two or more adverse soil characteristics.

The improved rating for the property is 62% Class 2, 26% Class 3WF, 5% Class 3F, 5% Class X, and 2% Class 3. Class 1 - 3 is considered prime agricultural land and relatively rare in Kelowna. Class 2 has minor limitations that require good ongoing management practices or slightly restrict the range of crops. They are deep, hold moisture well and can be managed with little difficulty.

Class ‘3WF’ indicates occasional occurrence of excess water during the growing period causing minor crop damage, but no crop loss, or the occurrence of excess water during the winter months, adversely affecting perennial crops.

Class ‘3F’ includes soils with moderate nutrient holding ability, high acidity or alkalinity and/or high levels of carbonates. Fertility status does not restrict the range of crops.

Class ‘X’ includes soils with two or more unfavorable growing characteristics.

4.3 Soil Capability

The soils on the property are 63% Guisachan, 30% Tanaka, 4% Dyke, and 2% Cameron Lake. Guisachan and Tanaka soils are common within the floodplain of Mission Creek, and often occur together, with Tanaka soils occurring in depressions. Guisachan soils are moderately coarse textured, stone free, typically 30 - 100 cm deep and overlay coarse fluvial fan deposits. The textures are silty and sandy loam. Groundwater is near the surface during the winter and decreases through the year, with the lowest during the autumn. The soils are suited to crops that are not sensitive to occasional high groundwater. These crops range from vegetable crops to hay and pasture.

Tanaka soils are moderately textured, gravel free fluvial fan deposits. The textures range from sandy loam to silty loam. They are poorly drained, and have a high water holding capacity. The water table fluctuates between the surface and 1.5 metre depth. Depressions are susceptible to flooding. They are limited to agricultural uses that can tolerate high groundwater. Suitable crops include pasture and hay, turf, field crops and vegetables.

5.0 Public Notification

The applicant has complied with Council Policy 367, Public Notification & Consultation in the form of neighbourhood circulation and a Public Information Session.

- Circulated information to neighbours August 26, 2015
- Held Public Information Session September 22, 2015

6.0 Current Development Policies

6.1 Kelowna Official Community Plan (OCP)

Farm Protection Development Permit

Justification.¹ Agriculture is a prominent land use in Kelowna and a vital component of the local economy. As growth continues in the City, the potential for land use conflicts within and adjacent to agricultural areas increases, necessitating the application of guidelines with respect to subdivision design, site layout, landscaping, and buffering.

Objectives² Protect farm land and farm operations;

Minimize the conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

Farm Protection Guidelines

Homeplate³ On agricultural lands, where appropriate, locate all buildings and structures, including farm help housing and farm retail sales, within a contiguous area (i.e. homeplate). Exceptions may be permitted where the buildings or structures are for farm use only;

Landscape buffer⁴ On agricultural and non-agricultural lands, establish and maintain a landscape buffer along the agricultural and/or property boundary, except where development is for a permitted farm use that will not encourage public attendance and does not concern additional residences (including secondary suites), in accordance with the following criteria:

Agricultural Land Use Policies

Protect Agricultural Land⁵ 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.**

Urban Uses⁶ 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.

¹ City of Kelowna Official Community Plan, (Farm Protection Development Permit Guidelines Chapter).

² City of Kelowna Official Community Plan, (Farm Protection Development Permit Guidelines Chapter).

³ City of Kelowna Official Community Plan, Policy 1.2 (Farm Protection Development Permit Guidelines Chapter).

⁴ City of Kelowna Official Community Plan, Policy 1.3 (Farm Protection Development Permit Guidelines Chapter).

⁵ City of Kelowna Official Community Plan, Policy 5.33.1 (Development Process Chapter).

⁶ City of Kelowna Official Community Plan, Policy 5.33.3 (Development Process Chapter).

Agri-tourism, Wineries, Cideries, Retail Sales ⁷

Support agri-tourism uses that can be proven to be in aid of and directly associated with established farm operations. Permit wineries, cideries and farm retail sales (inside and outside the ALR) only where consistent with existing ALC policies and regulations.

Homeplating ⁸ Locate buildings and structures, including farm help housing and farm retail sales area and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage. The goal should be to maximize use of existing infrastructure and reduce impacts on productive agricultural lands.

Land Use Definitions

Resource Protection Area ⁹ Rural land preserved for agricultural, environmental and recreational purposes, including the ALR, other resource lands with environmental value and protected natural open spaces, including private open space, steeply sloped lands, Natural Environment/Hazardous Condition DP Areas, and other natural features such as watercourses, water bodies, wetlands, plant and wildlife habitat, and significant aesthetic value. Allowable uses would be agriculture / resource use including farming, forestry, wood lots and silviculture as well as public or private open space on lands considered environmentally sensitive or hazardous (steep slopes). Generally land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses. Minimum parcel size for ALR land is 2.0 ha and non-ALR land is 4.0 ha as indicated in the A1 Agricultural Zone of Zoning Bylaw 8000.

Permanent Growth boundary ¹⁰ Lands within the permanent growth boundary may be considered for urban uses within the 20 year planning horizon ending 2030. Lands designated as Future Urban Reserve within the permanent growth boundary may be considered for urban uses beyond 2030. Lands outside the permanent growth boundary will not be supported for urban uses.

Chapter 5 - Development Process

Focus development to designated growth areas ¹¹. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Support development of property outside the Permanent Growth Boundary for more intensive uses only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council's specific amendment of this policy. Resource Protection Area designated properties not in the ALR and outside the Permanent Growth Boundary will not be supported for subdivision below parcel sizes of 4.0 ha (10 acres). The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

⁷ City of Kelowna Official Community Plan, Policy 5.33.5 (Development Process Chapter).

⁸ City of Kelowna Official Community Plan, Policy 5.34.3 (Development Process Chapter).

⁹ City of Kelowna Official Community Plan, (Future Land Use Chapter).

¹⁰ City of Kelowna Official Community Plan, (Future Land Use Chapter).

¹¹ City of Kelowna Official Community Plan, Policy 5.3.1 (Development Process Chapter).

6.2 City of Kelowna Strategic Plan

Objective¹²: Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

Action towards this objective¹³: Evaluate the effectiveness of City policies and bylaws in preserving agricultural lands.

6.3 Ministry of Agriculture

Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve. Discussion Paper and Proposed Minister's Bylaw Standards. ¹⁴

The Criteria Development Process

This paper explores and proposes land use regulation and policy guidance for local governments to address agri-tourism and farm retail sales issues in their communities, while recognizing these uses are permitted (with exceptions) within the ALR.

Context

Sometimes there may be conflicting community views on what actually constitutes agri-tourism activities, and what 'accessory', 'seasonal', and 'temporary' within this context really mean.

Current Policy, Legislation and Regulation

The intent of this proposed Bylaw Standard is to provide greater clarity on what constitutes agri-tourism, agri-tourism accommodation, farm retail sales, and the definitions of temporary and seasonal.

Proposed Set of Criteria

Part three introduces a set of criteria in which local governments would be encouraged to consider when developing or amending their own bylaws on agri-tourism, agri-tourism accommodation and farm retail sales. A rationale is provided for why certain criteria provisions should be introduced and a proposed list is summarized of criteria and definitions.

Proposed Definitions

Accessory (agri-tourism)

means that the *agri-tourism* is subordinate to the active *farm operation* on the same lot. *Agri-tourism* uses and activities only augment a farmer's regular farm income, not exceed or replace it.

Agri-tourism

is travel that combines agricultural or rural settings with products of agricultural operations - all within a tourism experience that is paid for by visitors. It is a tourist activity, service or facility which is *accessory* to a *farm operation*, as defined in the *Farm Practices Protection (Right to Farm) Act*, where the land is classified as a farm under the *Assessment Act*; and, where the farm is in active operation each year.

¹² City of Kelowna Strategic Plan. 2004. P. 7.

¹³ City of Kelowna Strategic Plan. 2004. P. 29.

¹⁴ Ministry of Agriculture, Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve, Discussion Paper and Proposed Minister's Bylaw Standards. September 14, 2015.

Accessory Farm Activity

Table 1. Examples of Agri-Tourism and Farm Incomes

| Column A | Column B |
|--|--|
| Agri-tourism Income | Farm Income |
| Entry or participation fees, tour fees | Primary agricultural production income |
| Fees for tours, services and workshops related to the farm operation | Value-added operations: processing of <i>own farm products</i> |
| Retail sales of <i>off-farm or non-farm products</i> | Retail sales of <i>own farm products</i> |
| Agri-tourism accommodation charges | |

To be considered accessory, the annual income from agri-tourism [Column A] must be no more than the annual regular farm income [Column B]. The ALC may allow a larger proportion of agri-tourism activity on a farm, if the farmer applies for a non-farm use approval.

Examples include a farmer intending to regularly host special events such as commercial weddings, conferences or an annual music festival. A local government could decide whether to support those commercial activities in its zoning if it is authorized by the ALC.

Agri-tourism Temporary and Seasonal Use in the ALR

Local governments should regard agri-tourism uses as a temporary and seasonal use. See the definitions for guidance on defining these terms.

Agri-tourism Accommodation

On smaller lots, a local government may wish to set a lower number of allowed sleeping units;

Site Layout for Agri-tourism Activities

Site coverage and setbacks for agri-tourism structures must follow the standards for farm structures provided in Part 2 of the "Guide for Bylaw Development in Farming Areas".

6.4 Suburban and Rural Planning

The intent of the A1t is to provide assistance to bona fide farmers who wish to provide seasonal accommodation proven to be in aid of and directly associated with established farm operations. The proposed application does not have the background of an established farm that provides interaction with local residents or visitors to Kelowna.

The existing non-farm structures and uses on the property do not adhere to homeplate principles. The proposed 10 RV sites which do not meet homeplate principles or A1t zone regulations would increase the existing non-conformity.

The agricultural and soil capability of the subject property do not appear to be suitable for fruit trees that are the substantial portion of the agriculture proposed on the subject property.

7.0 Technical Comments

The referral comments from external agencies and City departments are noted in the sections below.

7.1 Agricultural Land Commission

Bonding for future agriculture is not an appropriate measure for ensuring agricultural development occurs on the site. Agricultural development must precede the request for agri-tourist accommodation.

7.2 Development Engineering Department

The proposed development will increase the demand on the existing water and sewer system. Water and sewer fees (Equivalent Dwelling Unit fees) are required to be paid as well as increasing size of each connection as required. Only one water and one sewer connection to City services are permitted. Safety is a concern with traffic sightlines from the current driveway on to KLO Road.

7.3 Fire Department

Emergency vehicle access review will be required at time of Building Permit, no wood burning fire pits are permitted.

7.4 FortisBC Inc - Electric

The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

8.0 Application Chronology

| | |
|-------------------------------------|--------------------|
| Date of Application Received: | August 14, 2015 |
| Date Public Consultation Completed: | September 22, 2015 |

Report prepared by:

Tracey Yuzik, Planner

Reviewed by:

☐

Todd Cashin, Suburban and Rural Planning Manager

Approved for Inclusion:

☐

Ryan Smith, Community Planning Department Manager

Attachments:

Subject Property Map
Proposed Site Plan
Soil Classification Table
Agricultural Capability Table

Soil Classification 2075 KLO Rd

The soil classification for the subject property is as defined below

| Portion of site | Soil Type | Description |
|--|-----------|--|
| 4.9 hectares are 70% GN & 30% TA | | |
| 70% | GN - | Land: nearly level to gently sloping fluvial deposits Texture: 30 - 100 cm depth of medium textured, stone free veneer, which overlies gravelly fluvial fan and deltaic deposits. Drainage: poorly drained, moderately pervious, and have high water storage capacity. Groundwater is near the surface during winter and spring and recedes by autumn. Classification: Orthic Humic Gleysols. |
| 30% | TA - | Land: nearly level to gently sloping fluvial deposits. Texture: sandy loam to silt loam, with subsoil textures that are sandy loam or gravelly sandy loam. Drainage: poorly drained, moderately pervious, and have high water storage capacity. Groundwater fluctuates between the surface and 1.5 metre depth. Depressions are subject to flooding. Classification: Rego Humic Gleysols. |
| 0.3 hectares are 100% MLD | | |
| 100% | TA - | Land: nearly level to gently sloping fluvial deposits. Texture: sandy loam to silt loam, with subsoil textures that are sandy loam or gravelly sandy loam. Drainage: poorly drained, moderately pervious, and have high water storage capacity. Groundwater fluctuates between the surface and 1.5 metre depth. Depressions are subject to flooding. Classification: Rego Humic Gleysols. |
| 0.2 hectares are 80% GN & 20% TA | | |
| 80% | GN- | Land: nearly level to gently sloping fluvial deposits Texture: 30 - 100 cm depth of medium textured, stone free veneer, which overlies gravelly fluvial fan and deltaic deposits. Drainage: poorly drained, moderately pervious, and have high water storage capacity. Groundwater is near the surface during winter and spring and recedes by autumn. Classification: Orthic Humic Gleysols. |
| 20% | TA - | Land: nearly level to gently sloping fluvial deposits. Texture: sandy loam to silt loam, with subsoil textures that are sandy loam or gravelly sandy loam. Drainage: poorly drained, moderately pervious, and have high water storage capacity. Groundwater fluctuates between the surface and 1.5 metre depth. Depressions are subject to flooding. Classification: Rego Humic Gleysols. |
| 0.2 hectares are 100% MLD - Dykes | | |
| 100% | MLD - | Land: not considered to be "soil" Texture: gravel to large rock |
| 0.1 hectares are 100% CN - Cameron Lake Soils | | |
| 100% | CN | Land: nearly level, very gentle sloping fluvial fan deposits. Texture: sandy loam or loamy sand textures. Drainage: imperfect to moderately pervious. Classification: Gleyed Regosol |

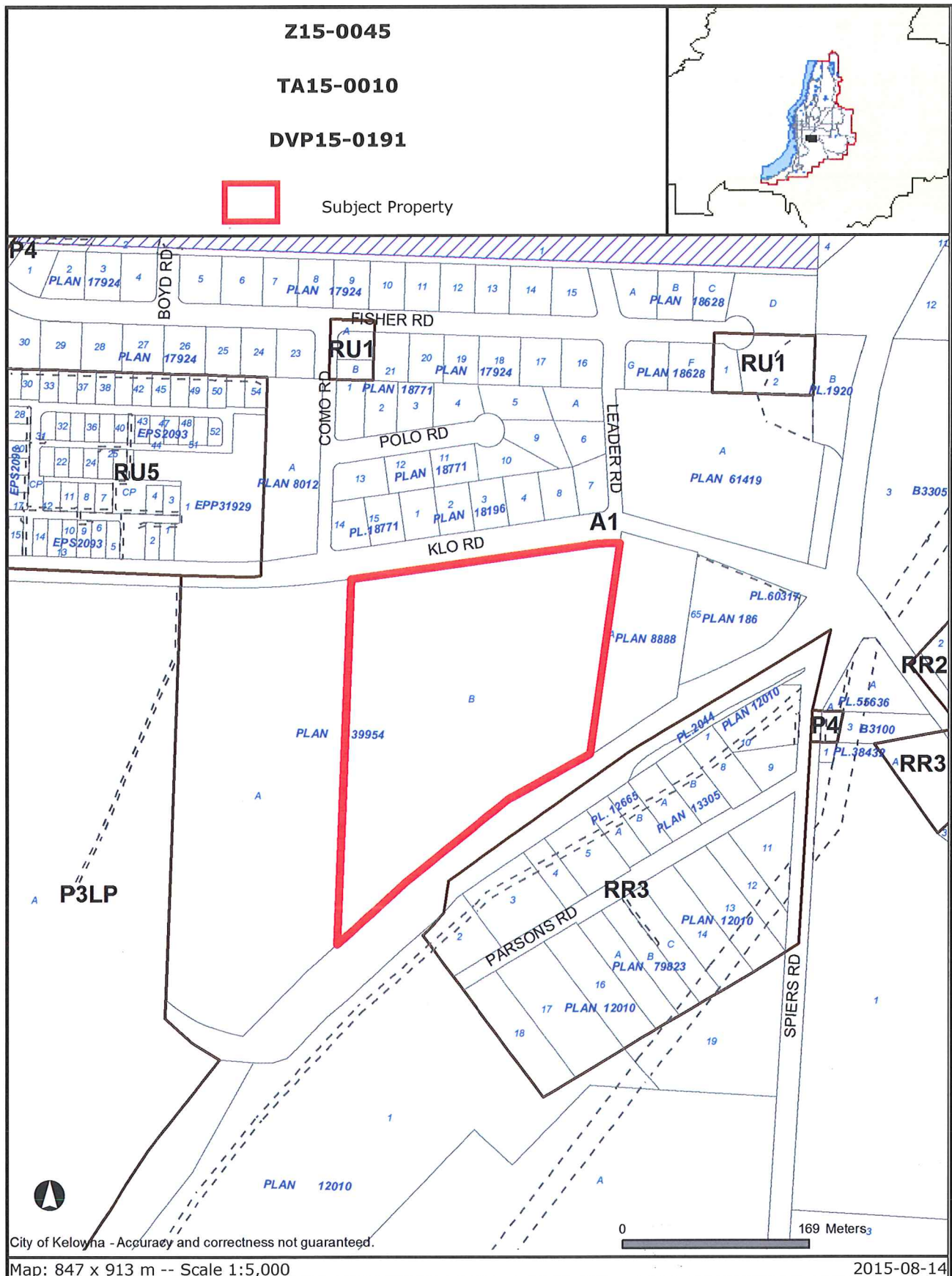
BCLI Land Capability - Legend

| | |
|---|---|
| 1 | Land in this Class has no or only very slight limitations that restrict its use for the production of common agricultural crops. Land in Class 1 is level or nearly level. The soils are deep, well to imperfectly drained under natural conditions, or have good artificial water table control, and hold moisture well. They can be managed and cropped without difficulty. Productivity is easily maintained for a wide range of filed crops. |
| 2 | Land in this Class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both. Land in Class 2 has limitations which constitute a continuous minor management problem or may cause lower crop yields compared to Class 1 land but which do not pose a threat of crop loss under good management. The soils in Class 2 are deep, hold moisture well and can be managed and cropped with little difficulty. |
| 3 | Land in this Class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both. The limitations are more severe than for Class 2 land and management practices are more difficult to apply and maintain. The limitations may restrict the choice of suitable crops or affect one or more of the following practices: timing and ease of tillage, planting and harvesting, and methods of soil conservation. |
| 4 | Land in this Class has limitations that require special management practices or severely restrict the range of crops, or both. Land in Class 4 has limitations which make it suitable for only a few crops, or the yield for a wide range of crops is low, or the risk of crop failure is high, or soil conditions are such that special development and management practices are required. The limitations may seriously affect one or more of the following practices: timing and ease of tillage, planting and harvesting, and methods of soil conservation. |
| 5 | Land in this Class has limitations which restricts its capability to producing perennial forage crops or other specially adapted crops. Land in Class 5 is generally limited to the production of perennial forage crops or other specially adapted crops. Productivity of these suited crops may be high. Class 5 lands can be cultivated and some may be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated filed crops may be grown on some Class 5 land where adverse climate is the main limitation, but crop failure can be expected under average conditions. |
| 6 | Land in this Class is non-arable but capable of producing native and/or uncultivated perennial forage crops. Land in Class 6 provides sustained natural grazing for domestic livestock and is not arable in its present condition. Land is placed in this class because of severe climate, or the terrain is unsuitable for cultivation or use of farm machinery, or the soils do not respond to intensive improvement practices. Some unimproved Class 6 land s can be improved by draining, diking and/or irrigation. |
| 7 | Land in this Class has no capability for arable agriculture or sustained natural grazing. All classified areas not included in Classes 1 to 6 inclusive are placed in this class. Class 7 land may have limitations equivalent to Class 6 land but does not provide natural sustained grazing for domestic livestock due to unsuited natural vegetation. Also included are rock land, other non-soil areas, and small water bodies not shown on the maps. Some unimproved Class 7 land can be improved by draining, diking, irrigation, and/or levelling. |

BCLI Land Capability 2075 KLO Rd

| Portion of Site | Land Capability Rating, Unimproved | Land Capability Rating, With Improvements |
|---|---|--|
| 4.9 hectares are 70% Class 4W (Excess Water Limitations) and 30% Class 5W (Excess Water limitations) | | |
| 70% | Class 4W are lands that require special management practices. The 'W' class indicates the occurrence of excess water during the growing period. Improvements are typically ditching to manage excess water. | Class 2 have minor limitations that require good ongoing management practices. The soils in Class 2 are deep, hold moisture well and can be managed and cropped with little difficulty. |
| 30% | Class 5W are lands that require perennial forage crops or other specially adapted crops. The 'W' class indicates the occurrence of excess water during the growing period. Improvements are typically ditching to manage excess water. | Class 3WF are lands that require moderately intensive management practices. The 'W' class indicates occasional occurrence of excess water during the growing period causing minor crop damage, but no crop loss, or the occurrence of excess water during the winter months adversely affecting perennial crops. Improvements are typically ditching to manage excess water. The 'F' classification includes soils with moderate nutrient holding ability, high acidity or alkalinity and/or high levels of carbonates. Fertility status does not restrict the range of crops. Moderate, ongoing additions of fertilizer and/or other soil amendments are required to maintain productivity for a wide range of crops. |
| 0.3 hectares are 100% Class 5W (Excess Water limitations) | | |
| 100% | Class 5W are lands that require perennial forage crops or other specially adapted crops. The 'W' class indicates the occurrence of excess water during the growing period. Improvements are typically ditching to manage excess water. | Class 3F are lands that require moderately intensive management practices. The 'F' classification includes soils with moderate nutrient holding ability, high acidity or alkalinity and/or high levels of carbonates. Fertility status does not restrict the range of crops. Moderate, ongoing additions of fertilizer and/or other soil amendments are required to maintain productivity for a wide range of crops. |

| | | |
|---|---|--|
| 0.2 hectares are 80% class 4W (Excess Water Limitations) & 20% class 5W (Excess Water Limitations) | | |
| 80% | Class 4W are lands that require special management practices. The 'W' class indicates the occurrence of excess water during the growing period. Improvements are typically ditching to manage excess water. | Class 2 have minor limitations that require good ongoing management practices. The soils in Class 2 are deep, hold moisture well and can be managed and cropped with little difficulty. |
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| 0.2 hectares are 100% X | | |
| 100% | Class X are considered to be adversely affected by two or more limitations, unfavourable for any agriculture. | No improvements |
| 0.1 hectares are class 4A (Droughtiness Limitations) | | |
| 100% | Class 4A are lands that require special management practices. The 'A' class indicates the insufficient precipitation or low water holding capacity of the soil. Improvements are typically irrigation to improve soil moisture. | Class 3 are lands that require moderately intensive management practices. |



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.

Soil Classification 2075 KLO Rd

The soil classification for the subject property is as defined below

| Portion of site | Soil Type | Description |
|--|-----------|--|
| 4.9 hectares are 70% GN & 30% TA | | |
| 70% | GN - | Land: nearly level to gently sloping fluvial deposits Texture: 30 - 100 cm depth of medium textured, stone free veneer, which overlies gravelly fluvial fan and deltaic deposits. Drainage: poorly drained, moderately pervious, and have high water storage capacity. Groundwater is near the surface during winter and spring and recedes by autumn. Classification: Orthic Humic Gleysols. |
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| 0.3 hectares are 100% MLD | | |
| 100% | TA - | Land: nearly level to gently sloping fluvial deposits. Texture: sandy loam to silt loam, with subsoil textures that are sandy loam or gravelly sandy loam. Drainage: poorly drained, moderately pervious, and have high water storage capacity. Groundwater fluctuates between the surface and 1.5 metre depth. Depressions are subject to flooding. Classification: Rego Humic Gleysols. |
| 0.2 hectares are 80% GN & 20% TA | | |
| 80% | GN- | Land: nearly level to gently sloping fluvial deposits Texture: 30 - 100 cm depth of medium textured, stone free veneer, which overlies gravelly fluvial fan and deltaic deposits. Drainage: poorly drained, moderately pervious, and have high water storage capacity. Groundwater is near the surface during winter and spring and recedes by autumn. Classification: Orthic Humic Gleysols. |
| 20% | TA - | Land: nearly level to gently sloping fluvial deposits. Texture: sandy loam to silt loam, with subsoil textures that are sandy loam or gravelly sandy loam. Drainage: poorly drained, moderately pervious, and have high water storage capacity. Groundwater fluctuates between the surface and 1.5 metre depth. Depressions are subject to flooding. Classification: Rego Humic Gleysols. |
| 0.2 hectares are 100% MLD - Dykes | | |
| 100% | MLD - | Land: not considered to be "soil" Texture: gravel to large rock |
| 0.1 hectares are 100% CN - Cameron Lake Soils | | |
| 100% | CN | Land: nearly level, very gentle sloping fluvial fan deposits. Texture: sandy loam or loamy sand textures. Drainage: imperfect to moderately pervious. Classification: Gleyed Regosol |

BCLI Land Capability - Legend

| | |
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| 5 | Land in this Class has limitations which restricts its capability to producing perennial forage crops or other specially adapted crops. Land in Class 5 is generally limited to the production of perennial forage crops or other specially adapted crops. Productivity of these suited crops may be high. Class 5 lands can be cultivated and some may be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated field crops may be grown on some Class 5 land where adverse climate is the main limitation, but crop failure can be expected under average conditions. |
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BCLI Land Capability 2075 KLO Rd

| Portion of Site | Land Capability Rating, Unimproved | Land Capability Rating, With Improvements |
|---|---|--|
| 4.9 hectares are 70% Class 4W (Excess Water Limitations) and 30% Class 5W (Excess Water limitations) | | |
| 70% | Class 4W are lands that require special management practices. The 'W' class indicates the occurrence of excess water during the growing period. Improvements are typically ditching to manage excess water. | Class 2 have minor limitations that require good ongoing management practices. The soils in Class 2 are deep, hold moisture well and can be managed and cropped with little difficulty. |
| 30% | Class 5W are lands that require perennial forage crops or other specially adapted crops. The 'W' class indicates the occurrence of excess water during the growing period. Improvements are typically ditching to manage excess water. | Class 3WF are lands that require moderately intensive management practices. The 'W' class indicates occasional occurrence of excess water during the growing period causing minor crop damage, but no crop loss, or the occurrence of excess water during the winter months adversely affecting perennial crops. Improvements are typically ditching to manage excess water. The 'F' classification includes soils with moderate nutrient holding ability, high acidity or alkalinity and/or high levels of carbonates. Fertility status does not restrict the range of crops. Moderate, ongoing additions of fertilizer and/or other soil amendments are required to maintain productivity for a wide range of crops. |
| 0.3 hectares are 100% Class 5W (Excess Water limitations) | | |
| 100% | Class 5W are lands that require perennial forage crops or other specially adapted crops. The 'W' class indicates the occurrence of excess water during the growing period. Improvements are typically ditching to manage excess water. | Class 3F are lands that require moderately intensive management practices. The 'F' classification includes soils with moderate nutrient holding ability, high acidity or alkalinity and/or high levels of carbonates. Fertility status does not restrict the range of crops. Moderate, ongoing additions of fertilizer and/or other soil amendments are required to maintain productivity for a wide range of crops. |

| | | |
|---|---|--|
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| 0.2 hectares are 100% X | | |
| 100% | Class X are considered to be adversely affected by two or more limitations, unfavourable for any agriculture. | No improvements |
| 0.1 hectares are class 4A (Droughtiness Limitations) | | |
| 100% | Class 4A are lands that require special management practices. The 'A' class indicates the insufficient precipitation or low water holding capacity of the soil. Improvements are typically irrigation to improve soil moisture. | Class 3 are lands that require moderately intensive management practices. |



EXISTING

NOTES / GENERAL

REVISIONS

| CHECKED | BY | DATE |
|--------------|----|------|
| FOR APPROVAL | | |
| TENDER | | |
| CONSTRUCTION | | |



**Cedarscape
Ltd.**

landscape designers, consultants
and contractors
2075 KLO Road
Kelowna, B.C. V1W 2H9
phone: 250.862.4606
fax: 250.860.0417

DRAWN & DESIGNED: SCOTT LINTLELL
DATE: June 2015

CLIENT:
Lintell Projects Inc.
ADDRESS:
2075 KLO Rd, Kelowna

SCALE:

PROJECT TITLE
Agri-tourism Concept

SHEET TITLE
SITE PLAN

PROJECT NO. SHEET NO.





NORTH

NOTES / GENERAL

REVISIONS

| CHECKED | BY | DATE |
|------------------|----|------|
| FOR APPROVAL | | |
| FOR CONSTRUCTION | | |



Cedarscape Ltd.
landscape designers, consultants and contractors

2075 KLO Road
Kelowna, B.C. V1W 2H9
phone: 250.862.4606
fax: 250.860.0447

DRAWN & DESIGNED: SCOTT LINTLETT
DATE: June 2015

CLIENT:
Linttett Projects Inc.

ADDRESS:
2075 KLO Rd, Kelowna

SCALE:

PROJECT TITLE
Agri-tourism Concept

SHEET TITLE
SITE PLAN

PROJECT NO. SHEET NO.

PROPOSED

Land Capability = Brown/ Soil Class = Green



Land Capability = Brown/ Soil Class = Green



Rezoning Application for Agri-tourist Accommodation

Applicant: Eva Lintell

Rezone: A1-Agriculture 1 Zone to the A1t- Agriculture with Agri-tourist Accommodation Zone for Lot B District Lot 131 ODYD Plan 39954, located at 2075 KLO Road, Kelowna. Parcel is 5.762 hectares.

This site, with its proximity to tourist amenities, its outdoor natural setting, the agri-tourist farm enhancements and the addition of ten much needed first-class RV sites to Kelowna, should qualify as an ideal A1t land parcel that demonstrates how RV Sites can be added with low impact to the land and increased farm production while making use of the poorest least arable soils.

The rezoning would be in compliance in all regards with two Variances:

- 1.) Add 5 more sites to be an economically viable operation within ALC regulations
- 2.) Allow the location of the RV site to be greater than 30m from main road and/or primary residence due to existing layout.

Considerations for Rezoning:

- Demand exceeds supply for RV sites in Kelowna area.
- RV sites would not exceed 5% of the total property as per ALC regulations.
- Development would be compatible with existing adjacent land use.
- Neighbours approve the Rezoning Application.
- Optimal location on a bus route, adjacent to the greenway and golf courses, with H₂O Center, market gardens, retail services, wineries and beach nearby.
- Exceeds buffering in all directions with no negative visual or noise impact.
- Secure, quiet, set back from traffic, surrounded by a natural and farm environment.
- Existing one point access off KLO Road. Existing farm road to be extended to RV site.
- City of Kelowna domestic water and sanitary sewer serve the parcel.
- Soil Class 5 has limited agricultural potential and will be used for RV sites.
- Add orchard, apiary, market garden and chicken farming to enhance and intensify the current extent of the farm production with more diverse agricultural use and to add Agri-tourism potential.
- A1t use is definitely subordinate and secondary to the primary agricultural use.
- Create a first class inspected Tourism BC Approved Accommodation.
- Target high-end RV motor home market. No tents.
- The proposed budget to create this first class RV tourist facility is approximately \$150,000 plus utility costs that cannot be ratified until all engineering is complete.
- Surrounded and encroached by development, the ALR landowner needs to be able to diversify with an acceptably approved agricultural and agri-tourism strategy.
- **To be economically viable, the ten approved sites are necessary.**

Rezoning Application for Agri-tourist Accommodation

A. Purpose:

Rezone: A1-Agriculture 1 Zone to the A1t- Agriculture with Agri-tourist Accommodation Zone.

To seek approval of City Council to amend the City of Kelowna Zoning Bylaw No. 8000, to allow for the permitted use of Agri-tourist Accommodation (A1t) within the Agriculture (A1) zoning for Lot B District Lot 131 ODYD Plan 39954, located at 2075 KLO Road, Kelowna.

The rezoning would facilitate the development and operation of ten (10) recreational vehicle (RV) sites, the maximum allowable number of units permitted by the Agricultural Land Commission (ALC) on this size parcel of ALR Land.

B. Land Use Management:

This land parcel has an OCP designation of Rural/Agricultural. Agri-tourist accommodation is a permitted use within the Agricultural Land Reserve (ALR) as clarified in Agriculture Land Commission Policy No. 5. Use Subdivision and Procedure Regulation Sect.5.5.

The Parcel meets the ALC Regulation Criteria as follows:

1. The Parcel is classified as a farm under the Assessment Act (Assessment Roll No. 217-331-10738.348).
2. The Application is for ten (10) accommodation units as allowed under Section 3(1) of the Regulation.
3. The total developed area for A1t use including buildings, and access is less than 5% of the total parcel.

The land area is 5.762 hectares.

The Application meets City of Kelowna Agriculture Plan for Agri-tourist. Accommodation pursuant to the Zoning Bylaw to include agri-tourist accommodation in conjunction with bona fide agricultural operation, consistent with conditions under the Land Commission Policy #375/97.

The Application is compliant to the City of Kelowna Bulletin No. 14A-04 as follows:

1. The proposed Agri-tourist accommodation would not become the principal use of the parcel and the proposed development overall would enhance the agricultural production.
2. The property is assessed as a farm.

3. The property size exceeds 4 ha. and the maximum units proposed is the allowable ten (10) units. **The Variance would be for more than one unit per hectare.**
4. Land would be rezoned from A1 to A1t.
5. The RV sites would be seasonal as prescribed.
6. Home plating principles are addressed.
7. There would be no campsites or cabins.
8. A1t Accommodation will not exceed 5% of parcel.
9. Adequate bathroom facilities would be provided.
10. Level 5 Landscape Buffer is in place and/or would be installed.
11. No RV storage would be allowed.

C. Rationale and Reasons to Support:

1. Need for RV Sites in Kelowna

The 2008 Minister of Tourism Report, **Recommendations for RV Park Development in BC** states: *"RV Tourism is a source of economic benefit and tourism revenue...that is expected to continue due to favorable trends...estimates for BC registered RVs by 2015 is 156,000 units [trends in USA and Canada- wide are to increased RV ownership]. Tourism destinations need a range of overnight accommodations to meet the diverse needs of the travelling public. There is insufficient capacity in high demand areas such as... the Okanagan during peak periods... 74 parks have closed or changed use... [the majority of which were in the Okanagan]...high demand destinations are often unable to provide adequate overnight accommodations to the RV sector."*

Further *"The majority of the RV parks [that closed in the high demand areas] were sold to Developers for the development of condominiums or other residential buildings. As land values continue to rise, it is expected that the trend of insufficient capacity in high demand areas will become more acute if barriers and challenges relating to the provision of overnight RV accommodations are not addressed...it is expected there will be long term implications for BC's competitiveness in the RV tourism sector..."*

"This is true for Kelowna with fewer sites... Land within Kelowna that is outside ALR designation is definitely more profitable when changed from private RV Park to condominium development. Pressure to develop waterfront land for activities other than RVing has led to a decline in available land for RV's. The constraint is ... the return on equity... that makes land prohibitively expensive for RV parks in an attractive location..."

"Purchasing fee simple land for the purpose of building a campground is becoming cost prohibitive. An average RV park has 25 sites per acre... and requires 100 or more sites to be profitable... [When land costs are part of the equation]"

As such the best opportunity for adding Private RV sites in the Kelowna area is to allow for their development on ALR land, which cannot be sold or developed for condos. It is a win-win benefit to the City of Kelowna, the tourism industry, the tourist and the ALR landowner who has few opportunities for an approved supplemental income.

The possibility therefore of more RV sites to meet the demand within Kelowna is remote unless sites are allowed on ALR land holdings.

Tourism Kelowna reports there are 13 private RV sites in Kelowna area (includes West Kelowna and Lake Country). The existing sites do not meet the demand in the summer months. A local RV Site operator within Kelowna reports turning away on average ten campers per day and most recently twenty-one in a single day.

It is our understanding, that in the five years since Council adopted the new A1t regulations for Agri-tourist Accommodations in September 2010 no A1t approvals have been granted.

2. Siting and Adjacent Uses:

The introduction of the RV sites should cause no disruption to neighboring properties.

The development would be compatible with existing adjacent land use. The adjacent ALR farmland to the west is hay land with a small vegetable market garden. This residence would be separated from the RV sites by approximately 170 meters and is 70 meters from their property line. The sites would be only partially visible from this property until the orchard is established. The ALR farmland to the east stables horses. This residence would be separated from the RV sites by approximately 125 meters (70 meters to property line) of existing trees, hedges and buildings and would not be visible. Both neighbors are aware of the proposal and have no objections.

The south- southeast boundaries are onto Mission Creek and the Greenway. The sites would be hidden from the Greenway by existing trees and the natural area. The northern boundary is KLO Road. The sites would be partially visible from some locations on the Road until the orchard is established.

The target market for the RV sites is luxury motor homes and RV pull units, which are owned primarily by an older, quieter demographic. Tent sites would not be allowed.

There is more than adequate buffering in all directions and as such, the development should have no negative visual or noise impact.

3. Buffering: Noise and Visual Impact:

City of Kelowna Bulletin No. 14A-04 states a Level 5 Landscape Buffer including fencing is required around Agri-tourist Accommodation.

The Level 5 Landscape Buffer indicates the buffer is required for land abutting ALR land where non-farm use exists, but refers to ALR land abutting urban property. This Parcel and the proposed A1t land would not abut urban use land. "This standard may be modified as a result of conditions of a decision by the Land Reserve Commission."

The City of Kelowna OCP Section 15 Farm Protection Guidelines references the buffering be in accordance with the ALC Landscape Buffer Specifications as follows:

- a.) Incorporate landscaping that reinforces the character of the agricultural lands...low maintenance indigenous vegetation.
- b.) Preserve healthy existing trees located within the buffer area.
- c.) Integrate double rows of trees, including coniferous trees and dense vegetation in the buffer.
- d.) Install and maintain a continuous fence along the edge of agricultural land. Use permeable fencing which allows the movement of wildlife...in combination with hedges. No impermeable fencing is permitted.
- e.) Use, where appropriate, roads, watercourses, topographical features, vegetated areas...as buffers from non-agricultural use.

The entire Parcel is fenced with permeable fencing as required.

The proposed layout makes use of existing trees as a buffer as required.

The roadway behind the RV sites and the existing fence, trees and natural area form the buffer to the Mission Greenway.

There is adequate buffering between the RV sites and neighboring residences. No Agri-tourist Accommodation would be within 10 m. of any lot line.

There is more than adequate buffering in all directions and as such, the development should have no negative visual or noise impact.

4. Site Coverage:

The ALC regulations allow on properties greater than four (4) hectares a maximum ten (10) RV units. The sites shall not exceed 5% of the total land parcel (5% x 5.762 hectares = 0.288 hectares).

Each RV stall would occupy an area of 18m long X 9m wide for a total of 162 sq. meters X ten stalls = 1620 sq. meters plus 600 sq. meters of road for a total RV Site area of 2220sq. meters (0.222 hectares) which is well within the 0.288 hectares allowance.

The road in front of the sites is farm road to serve the orchard, bees and chickens and connects to the existing entrance road. The road behind the sites would be created to serve the RV site.

The RV sites do not migrate into productive land.

5. Road Access / Transportation:

There is one point access off KLO Road, a main arterial road, onto a paved private lane for approximately 100 meters. The lane will be extended to serve the RV sites and the agri-tourism farming needs.

The entire parcel is fenced and a gate is proposed to be added at the barn location. The setback to the gate will be more than adequate to permit entering RV and farm traffic to stop for the gate well off the main road.

6. Appropriate Tourism Location:

The parcel is in a very central location, easily located, easily accessible and on level terrain. Mission Creek Greenway, The H₂O Centre; The Harvest and Mission Creek golf courses; retail stores, market gardens, gas service and wineries are nearby. The site is secure, quiet, setback from traffic, surrounded by a natural environment of trees and a creek and with the added benefit of an experiential farm operation. So as not to erode agricultural potential, amenity services such as stores, games and playgrounds are not proposed. The proximity to services and a target market of older adults makes these amenities inappropriate.

The site is on a bus route.

7. Site Services:

City of Kelowna domestic water and sanitary sewer serve the parcel. Extension of both services or an extension of water service only with an on-site dump station(s) to be finalized with City engineers. There is a fire hydrant at the gate to the main parcel. Fortis power will be extended as required. Internet service may be provided as an extension to existing services. All services will be underground.

8. Soil Classification:

The site is classified as Class 4 and Class 5 Soil.

That portion of the site proposed for RV sites is Class 5, which has agricultural limitations.

The Class 4 land is the portion of the site proposed to be converted to more productive agriculture.

The location of the RV sites is the best possible siting alternative.

9. Agri-tourism Agricultural Enhancement:

In an effort to address the disconnection between the rural and urban populations, to allow people to experience rural life and learn where and how their food is grown, we propose creating an Agri-tourism Farm complete with the RV sites. The Agri-tourist Accommodation would be complementary and secondary to the existing and enhanced farming operations.

Kelowna OCP Agricultural Policies 11.1.12 Sustained Agriculture. "Encourage the retention of diverse agricultural uses through limits on urban development and non-farm uses on lands of sustainable production capability."

In compliance with this City policy and the ALC policies for sustainable land use, it is proposed to enhance and intensify the current extent of the farm production with more diverse agricultural use. The agricultural use would be augmented with the Agri-tourist Accommodation, which is definitely subordinate and secondary to the primary agricultural use.

The proposal for RV Sites should be taken into consideration as part of a larger plan to re-organize the agricultural land to be more environmentally friendly, more productive and with a more efficient use of the arable land as it interfaces with the existing buildings, roads and Mission Creek.

The farm operation at present is hay production and a small family garden. The farm would be converted to a mixed farm operation with an agri-tourism focus, which is more in line with efficient Land Use Management.

To "minimize the impacts on arable land" and to "support agriculture and not replace it" the following is proposed:

- a.) Remove the current 0.2 hectares of non-agricultural lawn, which borders KLO ROAD, and plant this area to a vegetable market garden similar to the ones on the neighboring farms to the north and west, thereby, adding productive farmland.
- b.) Incorporate the unused dog pen into the RV sites.
- c.) Convert some currently unused land and a portion of hayfield to a small orchard. Exact fruit species yet to be determined.
The orchard would require start-up watering only. Once established no irrigation is required as the trees will be watered by the ground water. (The very productive existing hay field has never been irrigated.)
- d.) Convert the existing buildings/ barns to chicken houses. "*Chicken Tractor Farming*" throughout the orchard would be used to raise Free Range chickens. This is a very environmentally friendly organic type production which minimizes pesticide, herbicide and fertilizer use and would be an interesting Agri-tourist farm demonstration project. The chickens would be meat birds and egg-layers.

e.) Add beehives for bee pollination of the fruit trees and vegetables. Hive locations to be determined as advised by the Beekeeper. The existing pond is a natural water source for the bees. Raising Urban Bees is a very currently sustainable trend being adopted in many large cities.

10. Complementary Transition Usage:

Kelowna OCP Agricultural Policies 11.1.14 Transition Uses stipulates, "Consider complementary agricultural uses as transition between existing urban development and farm operations."

In compliance with this policy the RV site and the added Agri-tourism operations combined with the existing farm operation would provide an excellent transitional usage combining agricultural with non-agricultural land use.

The neighboring property, one site to the west is a golf course with a restaurant. Across the intersection and diagonally opposite are two small strip malls. On the other corner is a gas station. Across KLO Road and one property removed is a new multi-family residential development.

Surrounded and encroached by such development the ALR landowner needs to be able to diversify with an acceptably approved agricultural and agri-tourism strategy.

11. RV Site Location:

The RV sites would be sensitively integrated with the existing and proposed farming operations.

Locating the RV sites "within 30m. of the road frontage" on the busy, noisy KLO Road would not be desirable.

Locating the RV sites within 30m. of the principal dwelling would not be achievable without adding road and removing farmland from production. The sites are proposed to be located on the poorest soil and closer to other existing farm buildings with service from the existing road.

Locating the sites further back from the road and backing onto Mission Creek to preserve the maximum arable land and utilize the maximum natural environment is most effective and creates a more park-like setting.

Utilizing the existing private paved farm road/ lane that extends from KLO Road to the center of the property instead of adding a second road is most efficient. This road could be extended to serve the orchard, the bees, the chicken farm, the hay field and the RV sites. Adding more roadway wastes farmland and destroys the natural environment desirable for the RV sites.

12. RV Site Description:

We propose Overnight Private Campsites with full service 50 Amp power, water and sanitation (subject to engineering input) and plan to provide a high grade inspected Tourism BC Approved Accommodation.

The target market is larger RV motor homes and fifth wheel luxury units. Pull-through sites would be 18 m. X 9m. to accommodate these units with slide-outs. Easy-connect services will be provided on stantions on the driver side of each stall. Tent sites would not be included.

The sites would be well designed, landscaped for privacy and aesthetically pleasing with natural trees behind the units and a view across the orchard and into the hay field to the front. For a full Agri-tourism experience farm produce would be available for sale to the RV tourists.

The 2008 Minister of Tourism Report, **Recommendations for RV Park Development in BC** states: *"future RVers will look for larger, easily accessible sites that will accommodate newer RVs with full hook-ups...all the comforts of home... but with an outdoor camping experience."*

The proposed ten sites, as requested in the Variance, would create a more amenable camping experience with better camper security and interaction than would just five sites.

Washroom and laundry facilities would be provided, housed in renovations to an existing barn structure.

13. Economic Viability:

The proposed budget to create this first class RV tourist facility is approximately \$150,000 plus utility costs that cannot be ratified until all engineering requirements are determined. The agri-tourism improvements are an additional cost covered in farming operations and not part of this budget.

To be economically viable the ten approved sites are necessary. It may be that no new approved RV sites have been added in the Kelowna area since the 2010 new City Regulations were adopted simply because it is **not** economically feasible for the land owner to do so with the limitation of only five (5) sites.

This Application minimizes the impact on arable land Supporting Agriculture and actually increasing farm production.

Approval would be in support of agriculture, while adding value to agricultural production and addressing the need for RV tourism accommodation.

Approval of this Application should not set a dangerous precedent as each Application is evaluated on individual merits. This Parcel is a rather unique piece of property in a rather unique location. This site, with its proximity to tourist amenities, its outdoor natural setting, the agri-tourist farm enhancements and the addition of ten much needed first-class RV sites to Kelowna, should qualify as an ideal A1t land parcel that demonstrates how RV Sites can be added with low impact to the land and increased farm production while making use of the poorest least arable soils. The rezoning would be in compliance in all regards with the two Variances: 1.) to add 5 more sites to be economically viable and 2.) to allow the location of the site to be greater than 30m from main road or primary residence. Adding five units should not impact density. Density as we understand, is the number of housing units per hectare and applies to built, permanent dwellings. Adding five transportable short-stay RV units permitted on site April through October only, should have different density considerations.

COMMITTEE REPORT



Date: November 12, 2015

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (MS)

Application: A15-0011

Owner: Kristi Caldwell
James Caldwell

Address: 4275 Goodison Road

Applicant: Kristi Caldwell

Subject: Application to the ALC for a Non-Farm Use (Distillery and Wedding Ceremonies)

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) to have a distillery, using primarily non-farm products, and hold wedding ceremonies.

2.0 Proposal

2.1 Background

In 2014, the owners inherited the 4275 Goodison Road from their parents, who purchased the property in 1990. They produce a variety of farm products, and would like to add to their farm income through this request for two non-farm uses. The request is for a distillery, using flavours from their juniper and lavender, and primarily grains from other BC farms. As well, they would like to have the ability to hold wedding ceremonies on the property.

2.2 Project Description

The applicants are requesting a Non-Farm Use to allow 0.1 acre (0.04 ha) for non-farm uses, including a distillery, described above, and wedding ceremonies. (See attached Applicant's Proposal Package). Since taking over the property in 2014, agricultural activities, including plantings of 0.5 acre (0.2 ha), are:

- 55 free range chickens;
- Vegetable production;
- Herb production; and
- Berry production.

In 2015, juniper was planted to provide for the proposed distillery. The distillery will include 26 gallon mini-still to be located in an existing outbuilding. The grains are to be sourced from BC producers. Herb and berry flavourings, including lavender, strawberries, basil, mint, and juniper, will be produced on the farm.

The applicants would also like to hold wedding ceremonies on the property, to be held on the existing lawn of 0.1 acre (0.04 ha).

The applicants intend to broaden their agricultural activities with the inclusion of cattle farming in the spring of 2016, which was previously done by their parents. In addition, they intend to add an apiary in the winter of 2016, and floriculture in the spring of 2016.

The property has an extensive collection of farm equipment, industrial tools and antiques, which includes a small blacksmith shop, a tool museum and three farm equipment sheds.

The applicants conducted a neighbourhood open house on April 1, 2015, to outline their proposal and request support. (See attached 'Neighbourhood Support' in the Applicant's Proposal Package).

When the applicant's parents owned and operated the farm, farm status was achieved with their cattle operation. The applicants are starting their operation, with primarily egg sales this year. To date, the income for 2015 has been just over \$1,000, with \$2,200 expected by the end of the year.

Projected income for 2016, through a combination of egg sales, vegetables, herbs, floriculture, cattle and honey is \$11,800. As both the farm weddings and craft farm distillery would be in their start-up phases in 2016, the projected income from these is \$8,000, including:

Farm Wedding Ceremonies: \$6,000 (4 weddings @ \$1,500)
Craft Farm Distillery: \$2,000 (100 bottles @ \$20 net profit per bottle)

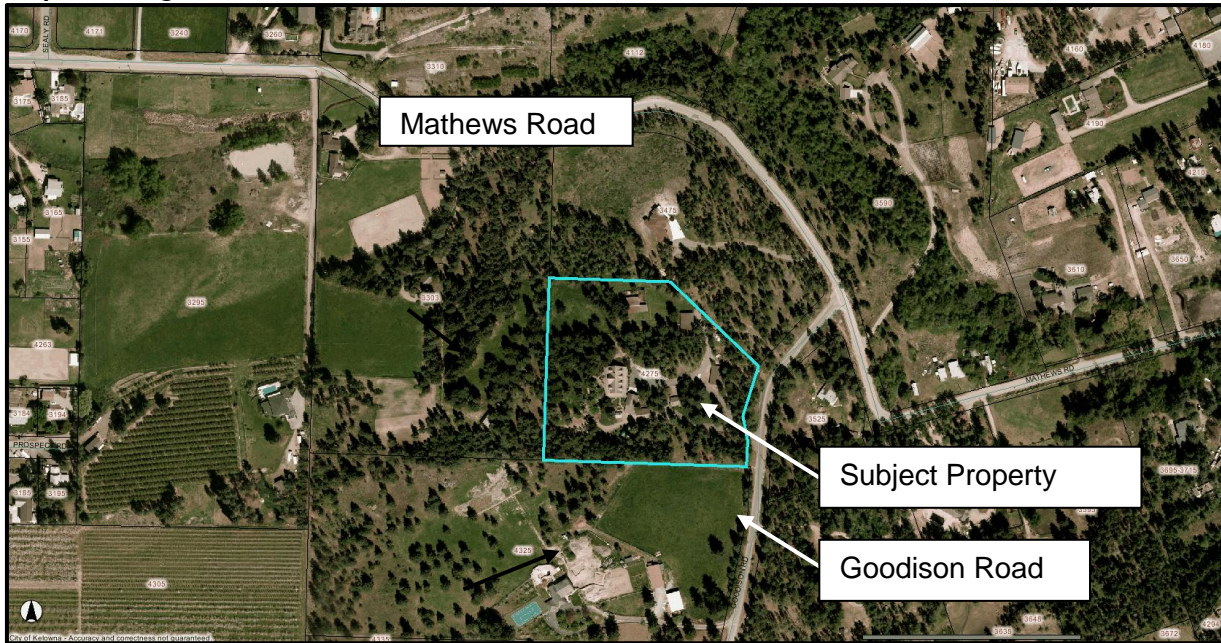
2.3 Site Context

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 (REP). It is zoned A1 - Agriculture 1 (Maps 1 - 4, below) and is outside of the Permanent Growth Boundary. The property varies in elevation from 554 metres above sea level (masl) at Goodison Road, to 552 masl at the west property line, with a knoll rising to 569 masl in the northeast quadrant of the property.

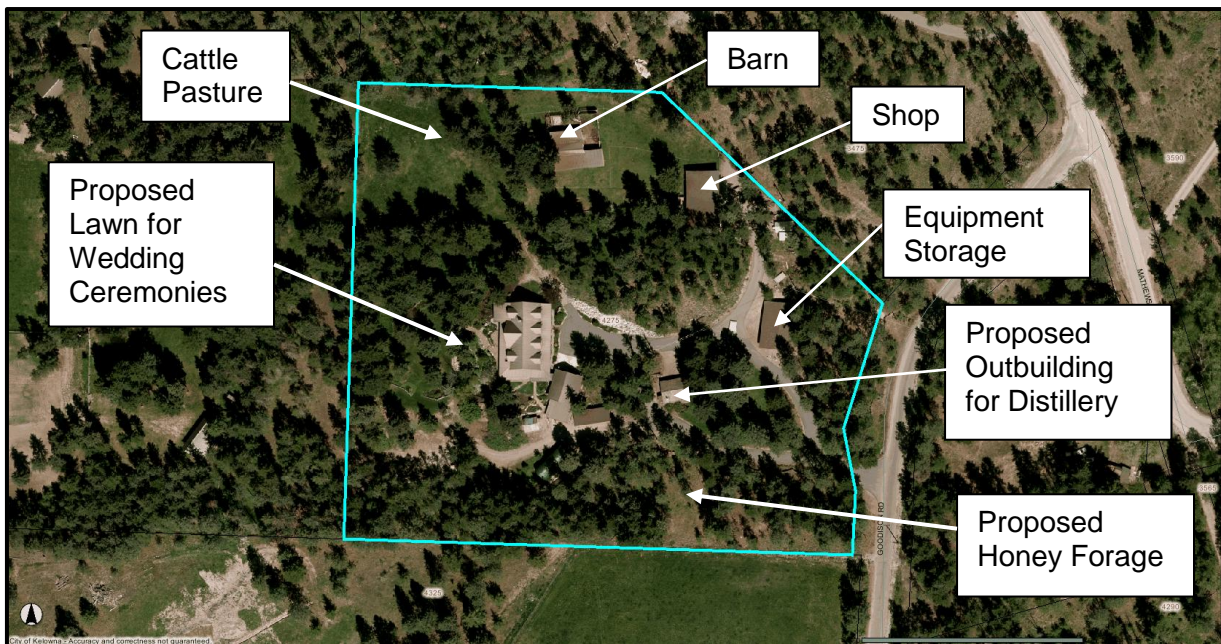
Parcel Summary - 4275 Goodison Road:

Parcel Size: 2.5 ha (6.09 acres)
Elevation: 552 to 569 metres above sea level (masl)

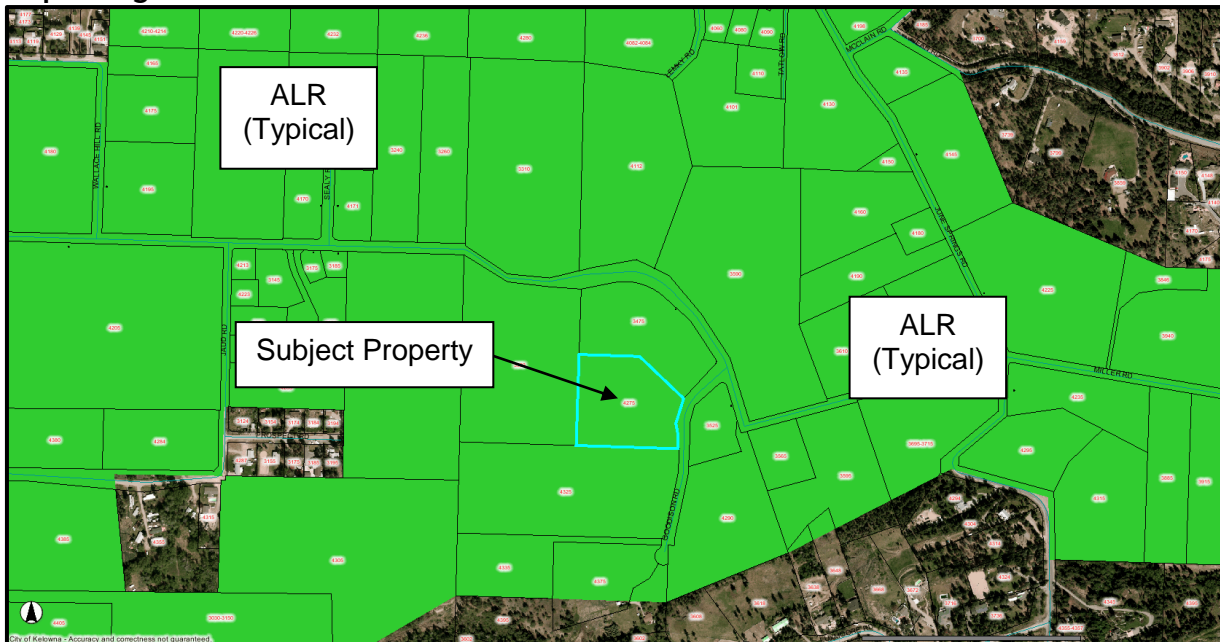
Map 1 - Neighbourhood



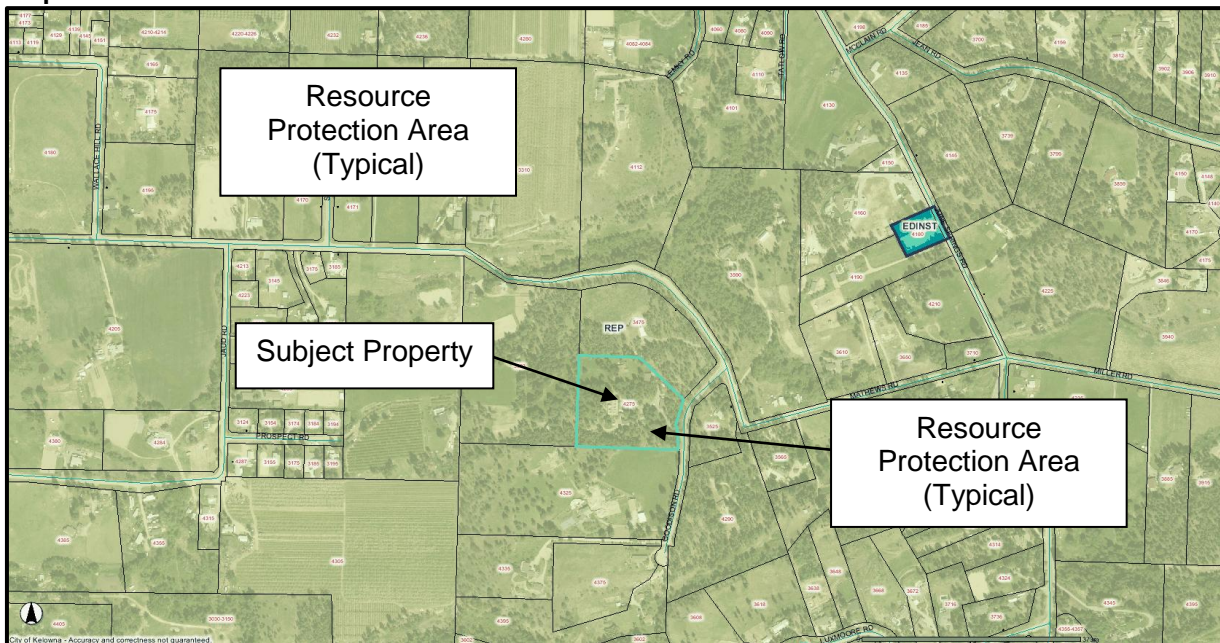
Map 2 - Subject Property



Map 3 - Agricultural Land Reserve



Map 4 - Future Land Use



Map 5 - Site Plan - Proposed Site Uses



4275 Goodison Road (PID: 016-211-219)

Blue: Proposal Area A - Wedding ceremony location (See Photo 3)

Blau: Proposal Area 8 - Digillary location. (See Photo 3)

Green: Agriculture - Current

Purple: Agriculture - Spring 2016 and beyond

Grown: Fencing around pasture and vegetable garden.

Red shaded: Non-irrigated areas (remainder of property is fully irrigated)

Victor Parking: All dark grey shaded areas (combination of paved & gravel)

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 | A1 - Agriculture 1 | Yes | Agriculture / Rural Residential |
| South | A1 - Agriculture 1 | Yes | Agriculture / Rural Residential |
| East | A1 - Agriculture 1 | Yes | Rural Residential |
| West | A1 - Agriculture 1 | No | Agriculture / Rural Residential |

2.4 Agricultural Capability / Soil Types

According to the Canada Land Inventory (CLI), the subject property contains primarily Class 4A and Class 5A Agriculture Capability. The subclass 'A' indicates soil moisture deficits, and is considered improvable with irrigation. The subclass 'T' indicates challenges with topography, which is crop dependent, but not considered improvable. With improvements (irrigation), the agricultural capability of the property could be improved to 60% Class *2T and 40% Class *3T capability. This refers to capability with respect to tree fruit and grapes, with *2T indicating simple slopes of 11 to 15% or complex slopes from 6 to 10%. Class *3T capability indicates 16 to 30% simple slopes or complex slopes from 11 to 30%, with some limitations due to topography and aridity (see attachment). Class 1 through Class 3 is considered prime agricultural land, and is relatively rare in the Okanagan.

According to the Soils Classification of BC, the soils on the property are 80% Harrland soils, and 20% Paradise soils, which are both Eluviated Eutric Brunisols. Harrland soils are moderately coarse textured glacial till, typically capped with 10 to 30 cm of sandy eolian material. The textures are sandy loam, and are well drained, and have a moderate to low water holding capacity. They are generally moderately well suited to agricultural crops but can be constrained by topography in some locations. Usual uses are forage and tree fruits.

Paradise soils have developed a sandy veneer between 25 and 60 cm thick, overlying gravelly fluvialglacial deposits. They tend to be moderately to coarse textured and well drained. They are generally farmed for tree fruits and vineyards, or intensive vegetable production.

3.0 Subdivision, Agriculture & Environment Services

The AAC should consider:

- City of Kelowna agriculture policy
- Potential impacts to agriculture, both on the subject property and to neighbouring farms

Report prepared by:

Melanie Steppuhn, Land Use Planner

Reviewed by: ☐ Todd Cashin, Suburban and Rural Planning Manager

Approved for Inclusion: ☐ Ryan Smith, Community Planning Manager

Attachments:

Attachment A - Policies

Attachment B - Technical Comments

Subject Property Map

Agricultural Land Capability Map

Soil Capability Map

Agricultural Capability Legend

Applicant ALC Act Application for Non-Farm Use Supplementary Information

SCHEDULE A - Policies



Subject: 4275 Goodison Road (Non-Farm Use)

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



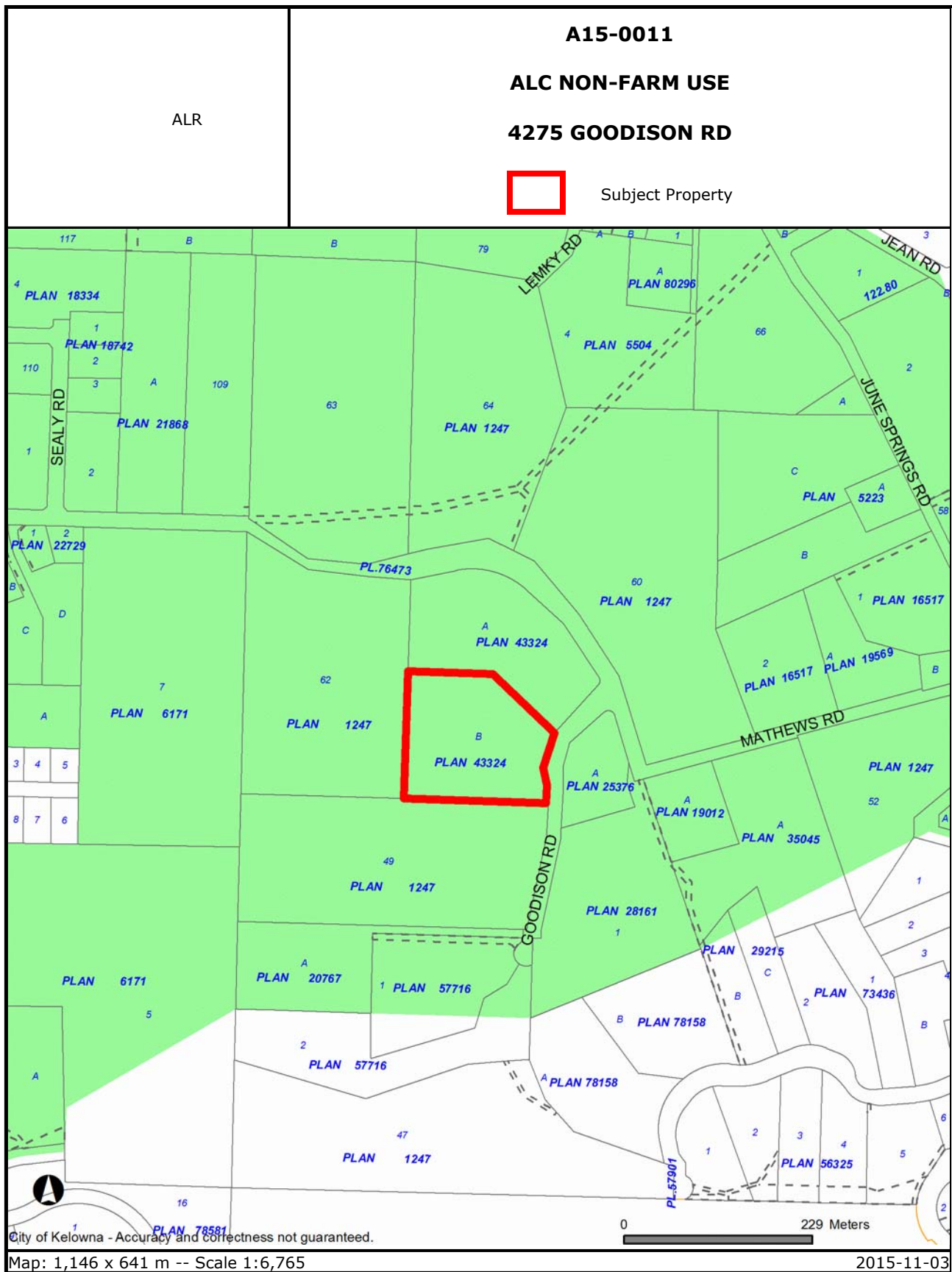
Subject: A15-0011 - 4275 Goodison Road - Non-Farm Use Application

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.

1.2 Southeast Kelowna Irrigation District (SEKID)

SEKID has no comments or objections to the above referenced file.



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.

Land Capability = Brown/ Soil Class = Green



Land Capability = Brown/ Soil Class = Green



BCLI Land Capability - Legend

| | |
|---|---|
| 1 | Land in this Class has no or only very slight limitations that restrict its use for the production of common agricultural crops. Land in Class 1 is level or nearly level. The soils are deep, well to imperfectly drained under natural conditions, or have good artificial water table control, and hold moisture well. They can be managed and cropped without difficulty. Productivity is easily maintained for a wide range of field crops. |
| 2 | Land in this Class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both. Land in Class 2 has limitations which constitute a continuous minor management problem or may cause lower crop yields compared to Class 1 land but which do not pose a threat of crop loss under good management. The soils in Class 2 are deep, hold moisture well and can be managed and cropped with little difficulty. |
| 3 | Land in this Class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both. The limitations are more severe than for Class 2 land and management practices are more difficult to apply and maintain. The limitations may restrict the choice of suitable crops or affect one or more of the following practices: timing and ease of tillage, planting and harvesting, and methods of soil conservation. |
| 4 | Land in this Class has limitations that require special management practices or severely restrict the range of crops, or both. Land in Class 4 has limitations which make it suitable for only a few crops, or the yield for a wide range of crops is low, or the risk of crop failure is high, or soil conditions are such that special development and management practices are required. The limitations may seriously affect one or more of the following practices: timing and ease of tillage, planting and harvesting, and methods of soil conservation. |
| 5 | Land in this Class has limitations which restricts its capability to producing perennial forage crops or other specially adapted crops. Land in Class 5 is generally limited to the production of perennial forage crops or other specially adapted crops. Productivity of these suited crops may be high. Class 5 lands can be cultivated and some may be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated field crops may be grown on some Class 5 land where adverse climate is the main limitation, but crop failure can be expected under average conditions. |
| 6 | Land in this Class is non-arable but capable of producing native and/or uncultivated perennial forage crops. Land in Class 6 provides sustained natural grazing for domestic livestock and is not arable in its present condition. Land is placed in this class because of severe climate, or the terrain is unsuitable for cultivation or use of farm machinery, or the soils do not respond to intensive improvement practices. Some unimproved Class 6 land s can be improved by draining, diking and/or irrigation. |
| 7 | Land in this Class has no capability for arable agriculture or sustained natural grazing. All classified areas not included in Classes 1 to 6 inclusive are placed in this class. Class 7 land may have limitations equivalent to Class 6 land but does not provide natural sustained grazing for domestic livestock due to unsuited natural vegetation. Also included are rock land, other non-soil areas, and small water bodies not shown on the maps. Some unimproved Class 7 land can be improved by draining, diking, irrigation, and/or levelling. |

Visitor Parking: All dark grey shaded areas (combination of paved & gravel)



Business Concept Summary

Prepared August 10, 2015

Caldwell Heritage Farm - Business Concept

History of the Property

Caldwell Heritage Farm is situated in southeast Kelowna at 4275 Goodison Road. It is a six-acre parcel located in the Agricultural Land Reserve and is zoned A-1. Just under two of the six acres are pasture.

The property was purchased in 1990 by Jake and Julie Warkentin who developed their 'labour of love' into a farmland paradise over 24 years. At the centre of the property is a 3,000 square foot log house surrounded by the rambling garden oasis evolved from Julie's passion for gardening - the property won 'Best Large Residential Garden' in the 2003 Communities in Bloom competition.



This setting is also the location of a large, unique collection of farm vehicles and antiques inspired by Jake's farm upbringing in the Fraser Valley. It includes more than 30 farm tractors, many of them fully restored, numerous vintage vehicles and hundreds of antique industrial tools. Jake presented his collection in various buildings and groupings, providing an informal "tour" enjoyed by friends and family over the years.



On Julie and Jake's passing, the property was left to their daughter Kristi, son-in-law James and their two young granddaughters.

Business Concept

Kristi and James are committed to carrying on Jake and Julie's legacies - at the same time, applying their values and goals for their own young family to a viable business venture.

Family Farm

Their first and primary focus has been to get the farm itself up and running. Since January 2015 they have undertaken a number of developments contributing to their goal of operating a well-rounded family farm:

- **Free Range Chickens (layers)** - 55 Sex-Sal-Link's arrived in May, and should come into lay by Sept-Oct. A mobile coop is under construction, to allow the

chickens to feed on and fertilize the full pasture.

- **Vegetable garden** - constructed and planted this spring, and now in full production. All produce is grown using organic practices.
- **Berry & herb production** - first plantings of juniper and lavender complete, more to be added spring 2016.
- **Apiary** - bee hive ordered, scheduled to arrive in Feb 2016.
- **Bee forage** - dutch white clover to be planted spring 2016.
- **Floriculture** - large wildflower (cutting) garden to be planted spring 2016.
- **Cattle** - plan to acquire three head in fall 2015; likely Angus / Hereford cross. The goal is to carry on Jake's practice of raising free range, primarily grass-fed cattle, receiving no hormones, steroids or antibiotics while raised on the farm.

The expectation is that the activities above will generate the minimum \$2,500 annual net profit required for the property to retain its farm status.



One of the primary inspirations behind the Caldwells' desire to operate a farm is the opportunity to raise their children within this lifestyle. Educating the next generation about 'where food really comes from' is something both James and Kristi feel very passionate about. The prospect of sharing this with others beyond their own family is what brought the Caldwells to consider delving into agri-tourism.

Agri-tourism Initiatives

The layout and topography of the property lend well to a number of agri-tourism opportunities which draw attention to the agricultural history of the area, respect the agricultural integrity of the land and would contribute to local economic development through a world-class tourism product.

The Caldwells are currently conducting in-depth market research to validate and refine their concept and develop a phased plan for implementation. The following activities and timelines are subject to clarification of land use allowances and other requirements.

That said, there are three main agri-tourism activities the Caldwells hope to embark upon, as follows.

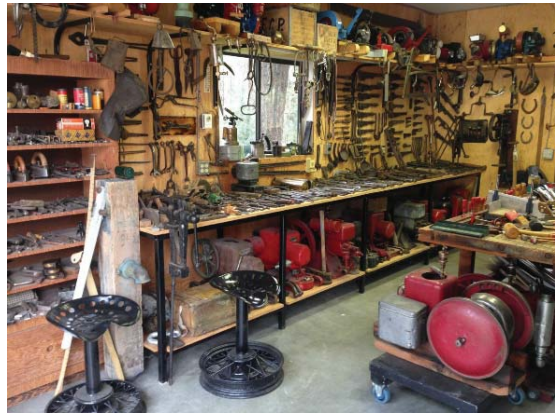
1. Agricultural Heritage Exhibit

The collection of farm equipment and antiques form an informal museum, housed in various structures, over 5,800 square feet throughout the property. Guests would be encouraged to stroll the grounds, and see and read about the various pieces and how they were used when 'in service'. Interpretive signage will accompany key pieces, and research is underway to ensure the descriptions and displays are accurate and relevant to visitors' overall experience of the farm.



Points of interest include a small blacksmith shop, a tool museum, and three purpose-built garages that house the various tractors and vehicles. Numerous pieces in the collection have a specific connection to the agricultural or business heritage of the Okanagan or British Columbia, including:

- **1952 Massey-Harris 55 farm tractor** - formerly used at Douglas Lake Ranch
- **1947 Fargo 1 ¾ ton flatbed truck** - used locally by Jenkins Cartage
- **1940 Dodge ½ ton pick-up** - 40 yrs in Cranbrook, 30+ yrs in Kelowna used by Robertson's Clothing
- **Horse-drawn doctor's buggy** - used in BC (exact area to be researched) as doctor's transportation for house calls until the 1950's



- **1919 National Buk** - used as a logging truck in the Carmi & Beaverdell areas in the 1940's and 50's
- **1905 International Harvester Hay Press** - used in the North Okanagan as a contract / mobile hay bailer, at various farms in the area.

2. Craft Farm Distillery - On-site Demonstrations, Tastings & Sales

The second key piece of the Caldwells' agri-tourism plan is a small batch craft distillery, to be housed in one of the existing outbuildings. Efforts would be directed at growing juniper and other botanicals/flavourings on-site at the farm, and sourcing



the grains and other key ingredients exclusively from BC farm producers. The desire is to provide demonstrations of various portions of the distillation process using a 26-gallon copper still system. The 'mash' would be cooked on an existing cast-iron antique wood burning stove, fermented, and then run through the still.

The intimate nature of such a compact and unique demonstration set-up would allow visitors to see and understand the fascinating distillation process, even when done on such a small scale. The use of ingredients grown on site would make this a true 'farm to bottle' offering.



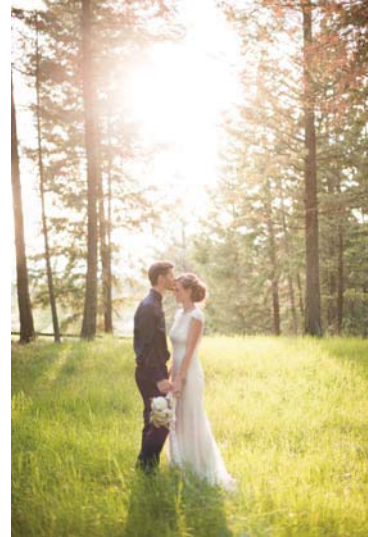
3. Farm Weddings - Ceremony Venue

Kelowna is one of the top destinations for weddings in Canada and research by the Caldwells to date clearly shows a shortage of local wedding venues to meet demand. There is a strong trend to couples choosing locations that are less formal and traditional than in the past, including settings that are rustic, historically interesting and authentic.



The backyard area located off the west veranda of the Caldwell property has already proven an ideal location for wedding ceremonies. For those slightly more 'adventurous', there is the possibility for the ceremony to be held in the pasture, in or near a small barn on the property. Arriving wedding guests would be warned to watch for cow pies from the field's usual residents...

One of the unique benefits of holding a wedding ceremony at the property is the opportunity for guests, before and after the ceremony, to meander through the gardens that surround the wedding ceremony site, as well as explore the agricultural heritage exhibit buildings and displays.



Key Timeline Targets

Jan - Sept 2015

- Farm infrastructure development including acquisition of chickens, construction and planting of vegetable garden, juniper and herb plantings, egg sales begin.

Oct 2015 - April 2016

- Research / confirm history of key display pieces for creation of interpretive signage for agricultural heritage exhibit.
- Complete required improvements and reorganization of display buildings and their contents, including distillery set-up.
- Completion and implementation of marketing plan for farm and agri-tourism offerings; including website, collateral, advertising and social media strategies.

May - Aug 2016 and subsequent summer seasons

- Begin business operations as follows:
 - Wed - Fri, 10 am - 4pm:
Self / lightly guided tours of the farm and agricultural heritage exhibits. If interest warrants, consideration will be given to bringing on additional staff for scheduled demonstrations of the blacksmith shop, craft farm distillery and hay press.
 - Saturdays, 12:00 pm - 6:00 pm:
Available for wedding ceremony bookings.

Management

James and Kristi Caldwell will function as sole proprietors of the business. James has led various crews and trades in his career as a self-employed building contractor, specializing in home renovations and landscaping. His previous experience is in restaurant management in Vancouver, including the Queen Elizabeth Theatre. His education includes a Fine Arts Degree from Emily Carr University, and he also has a history in the performing arts.

Kristi's expertise lies in marketing and communications. Her education includes a diploma in Tourism Marketing Management from BCIT, and the last 6 years of her career were spent as Production Manager for the Vancouver Aquarium Marine Science Centre.

James and Kristi's combined business experience will serve them well as they continue to cultivate relationships in the local tourism community, identify strategic marketing opportunities for the farm and begin to welcome visitors to their property.

Project Financing

Funding for all phases of the business would come from cash reserves, eliminating the need for financing at start-up. Comprehensive cost analyses for all phases of the business concept are underway to ensure the efficient, well-planned and successful business venture.

The Value of Community

The Caldwells are eager to follow in Julie and Jake's footsteps in giving back to the community through their business ventures. They plan to donate a portion of the proceeds from the agri-tourism activities to the Okanagan Historical Society and Okanagan Antique Power Club, both organizations near and dear to Julie and Jake's hearts.

James and Kristi also place great value on being 'good neighbours', and serving their surrounding farm community well. They held a neighbourhood get-together on April 1, where they shared their plans for the farm and agri-tourism initiatives as described above. All residents of Goodison Rd, as well as additional residents from surrounding properties, confirmed their unanimous support of the Caldwells' proposed business endeavours (see next pg). James and Kristi value these relationships greatly, and are committed to contributing to their neighbourhood only in the most positive of ways.

Caldwell Heritage Farm: Neighborhood support

On April 1, 2015, a neighborhood get-together was held at 4275 Goodison Rd, in southeast Kelowna. At this meeting the Caldwell family shared their plans for a home-based farm business, Caldwell Heritage Farm, which would include the following activities:

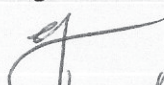

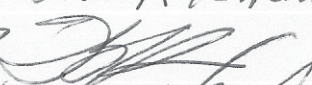



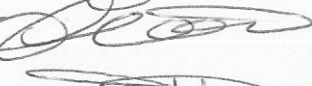
Farm product sales (all grown on-site):

- free range eggs
- vegetables & herbs
- honey
- grass-fed, free range beef

Agritourism experiences:

- agricultural heritage exhibit walking tours
- farm weddings
- small batch craft distillery demonstrations and sales

I understand and support these business plans of the Caldwell Family for Caldwell Heritage Farm, and have no concerns or opposition to their endeavors.

| Name | Address | Phone Number | Signature |
|---------------|-------------------|--------------|---|
| SARA GRADY | 4375 GOODISON RD | 764 3134 |  |
| LANA LAMB | 4325 GOODISON RD | 718-477-5528 |  |
| PAT Hooker | 4395 GOODISON RD | 250-764-7845 | Pat Hooker |
| BRIAN HOOKER | ✓ | ✓ | Brian Hooker |
| TERRY RUMPEL | 4325 Goodison Rd | 250-764-4717 |  |
| Al Kempf | 3295 Mathews Rd | 250 317 464 |  |
| Robert | 3303 MATHEWS RD | 250 764 4424 |  |
| Gino Dalonte | 4335 Goodison Rd. | 250 317 2707 |  |
| Dewey Lotoski | 4290 Goodison Rd | 764 7804 |  |

COMMITTEE REPORT



Date: November 12, 2015

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (MS)

Application: A15-0012

Owner: Wyn Lewis
Marion Lewis

Address: 3240 Pooley Road

Applicant: Wyn Lewis

Subject: Application to the ALC for Non-Farm Use (Parking, Frisbee Golf and Special Events)

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) to build a parking lot for the winery, for special events at the winery and for the proposed frisbee golf area.

2.0 Proposal

2.1 Background

Okanaganvilla Estate Winery was established in 2008, with 6 acres of grapes planted, and the Vibrant Vine Tasting Room was opened in 2010.

2.2 Project Description

The applicant is requesting a Non-Farm Use from the ALC to allow approximately 0.5 acre (0.2 ha) for non-farm uses including a parking lot, frisbee golf and to hold special events at the winery. The intent of the parking lot is to avoid clients parking on nearby roads and on surrounding farm properties, particularly during special events. The plan will reduce the size of the existing parking lot (now 20 car capacity) down to 10 handicapped parking spaces, while building another parking lot near Pooley Road (attached).

The existing parking area, currently 900 square metres, will replace 500 square metres of existing crush with asphalt, and plant grass on 400 square metres of the remaining area. The new parking area near Pooley Road will be 1500 square metres of crush. A 'Frisbee Golf' area is also shown on the site plan (attached). The existing hedges will remain along Pooley Road, the west property line and the access road, except where access is required. The applicant notes that the parking is planned in an area where the existing vines have been damaged by frost, where no crop was harvested in 2014 or 2015.

The proposal includes interplanting the existing vines on the south portion of the property with additional vines, doubling the yield of this area. This will be done by adding an extra row of vines between the current 12 ft spaced vines. This spacing of 6 foot vines has been done successfully on the north planting on the property. (See Applicant's Package, attached).

2.3 Site Context

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 (REP). It is zoned A1 - Agriculture 1 (Maps 1 - 4, below) and is outside of the Permanent Growth Boundary.

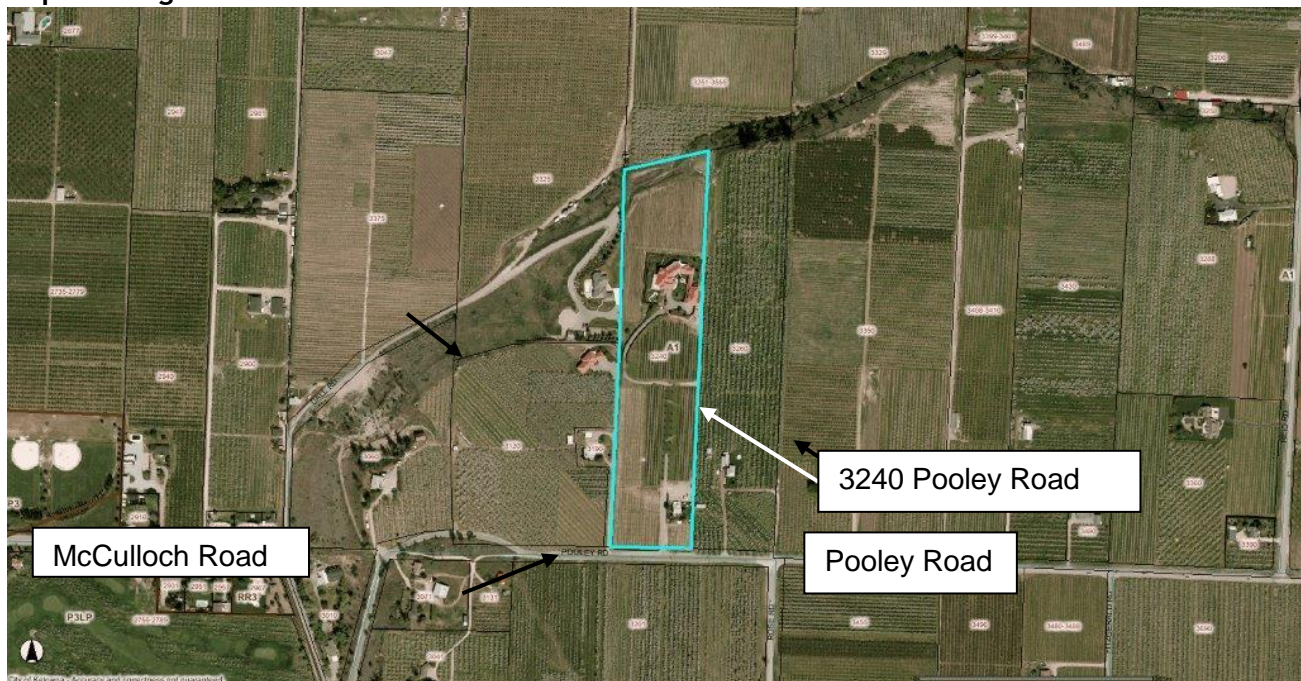
The property currently has 6 acres of grapes, 2 acres of apples 2 acres for the Farm Residential Footprint, 1 acre for the winery, and 0.5 acres of roads and parking. (See Applicant's Package, attached). The grades are fairly level near Pooley Road, but the property slopes steeply to the north.

Parcel Summary - 3240 Pooley Road:

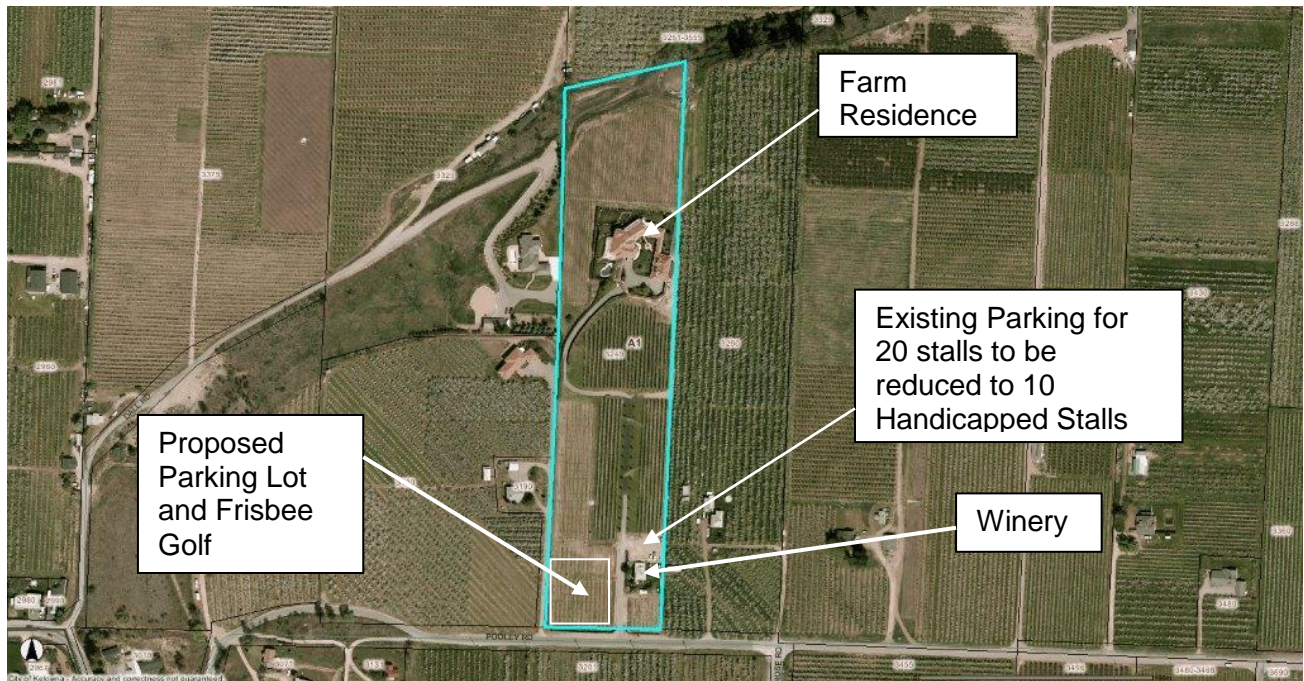
Parcel Size: 4.6 ha (11.3 acres)

Elevation: 445 to 472 metres above sea level (masl)

Map 1 - Neighbourhood

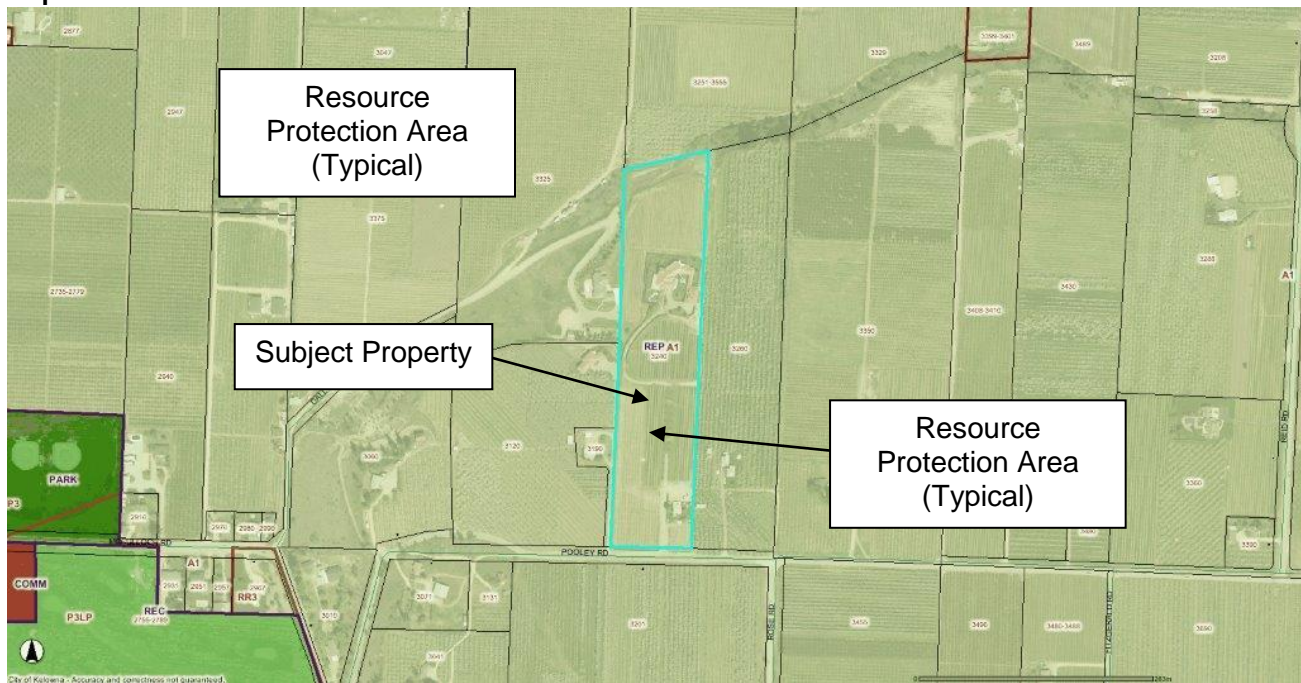


Map 2 - Subject Property



Map 3 - Agricultural Land Reserve



Map 4 - Future Land Use

2.4 Agricultural Capability / Soil Types

According to the Canada Land Inventory (CLI), 88,7% of the subject property contains primarily Class 5A Agriculture Capability. Class 5A has limitations to crops based on aridity, due to either soil permeability or climate or both, and is considered improvable with the addition of irrigation. With improvements, this area can be improved to Class *3 capability, which refers to specific capability with respect to grapes and tree fruits. Class 1 to Class 3 is considered prime agricultural land and relatively rare in the Okanagan.

The north portion of the property has a similar rating, of Class 5A and Class 4A. However, this area is improvable to Class 3 with a limitation due to topography, with steeper slopes.

Rutland Soils are dominant on the property. These are gently to moderately sloping glaciofluvial deposits, which typically have 10 to 25 cm of sandy loam over gravelly loam or very gravelly sand. Drainage is rapid. Tree fruits and grapes are typically grown on Rutland soils.

Map 4 - Site Plan - Proposed Site Uses



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 | A1 - Agriculture 1 | Yes | Agriculture / Apples & Cherries |
| South | A1 - Agriculture 1 | Yes | Agriculture / Apples |
| East | A1 - Agriculture 1 | Yes | Agriculture / Apples |
| West | A1 - Agriculture 1 | No | Agriculture / Apples |

3.0 Subdivision, Agriculture & Environment Services

With respect to the application for a Non-Farm Use, the AAC should consider:

- City of Kelowna agriculture policy
- Potential impacts to agriculture, both on the subject property in the present and in the long term and to neighbouring farms

Report prepared by:

Melanie Steppuhn, Land Use Planner

Reviewed by:

☐

Todd Cashin, Suburban and Rural Planning Manager

Approved for Inclusion:

☐

Ryan Smith, Community Planning Manager

Attachments:

Attachment A - Policies
 Attachment B - Technical Comments
 Subject Property Map
 Land Capability Map
 Soil Capability Map
 Applicant Proposal Package

SCHEDULE A - Policies



Subject: 3240 Pooley Rd - Non-Farm Use Application to ALC
(Parking Lot and Special Events)

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

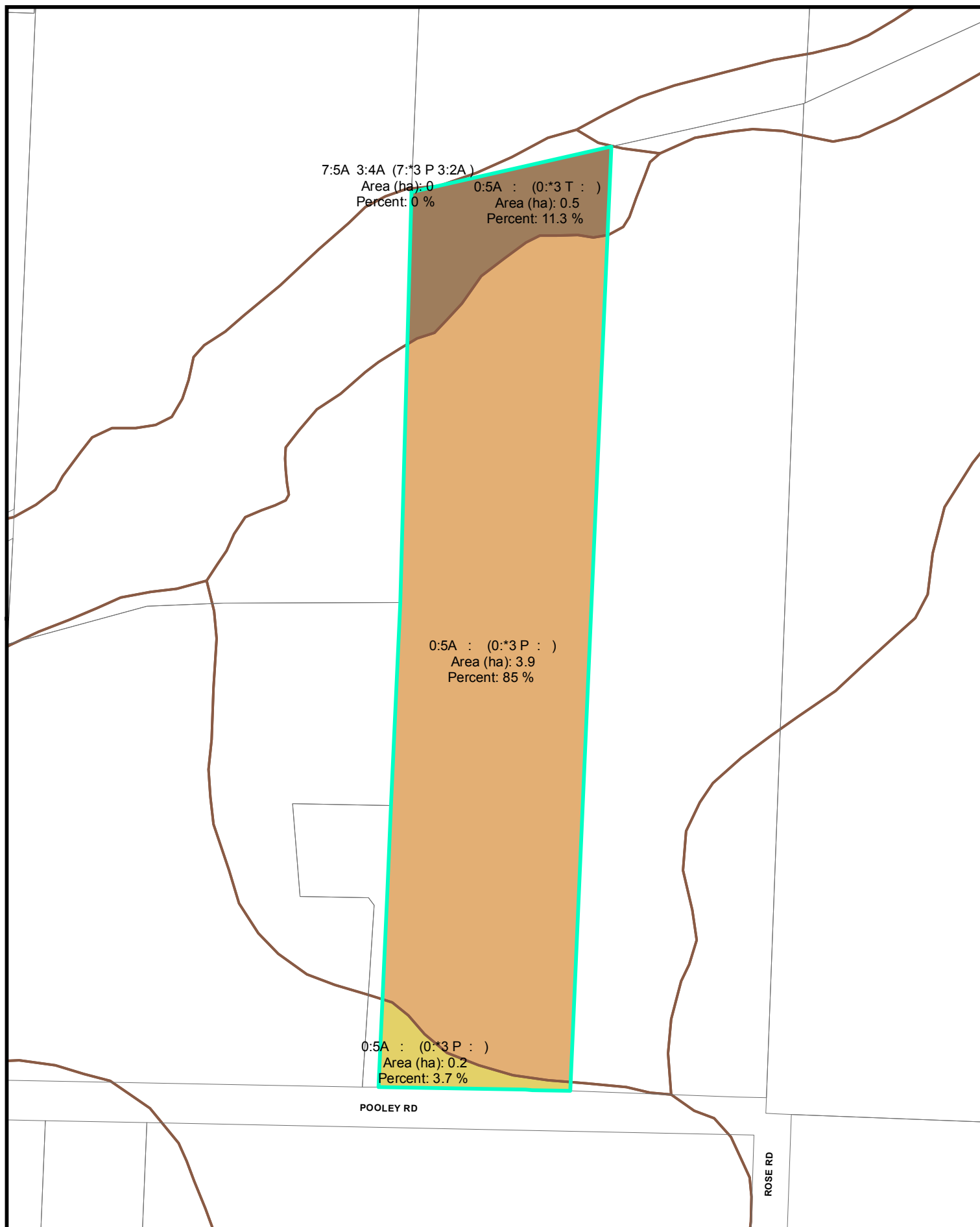


Subject: A15-0012 - 3240 Pooley Road - Non-Farm Use Application

1.1 Building Department

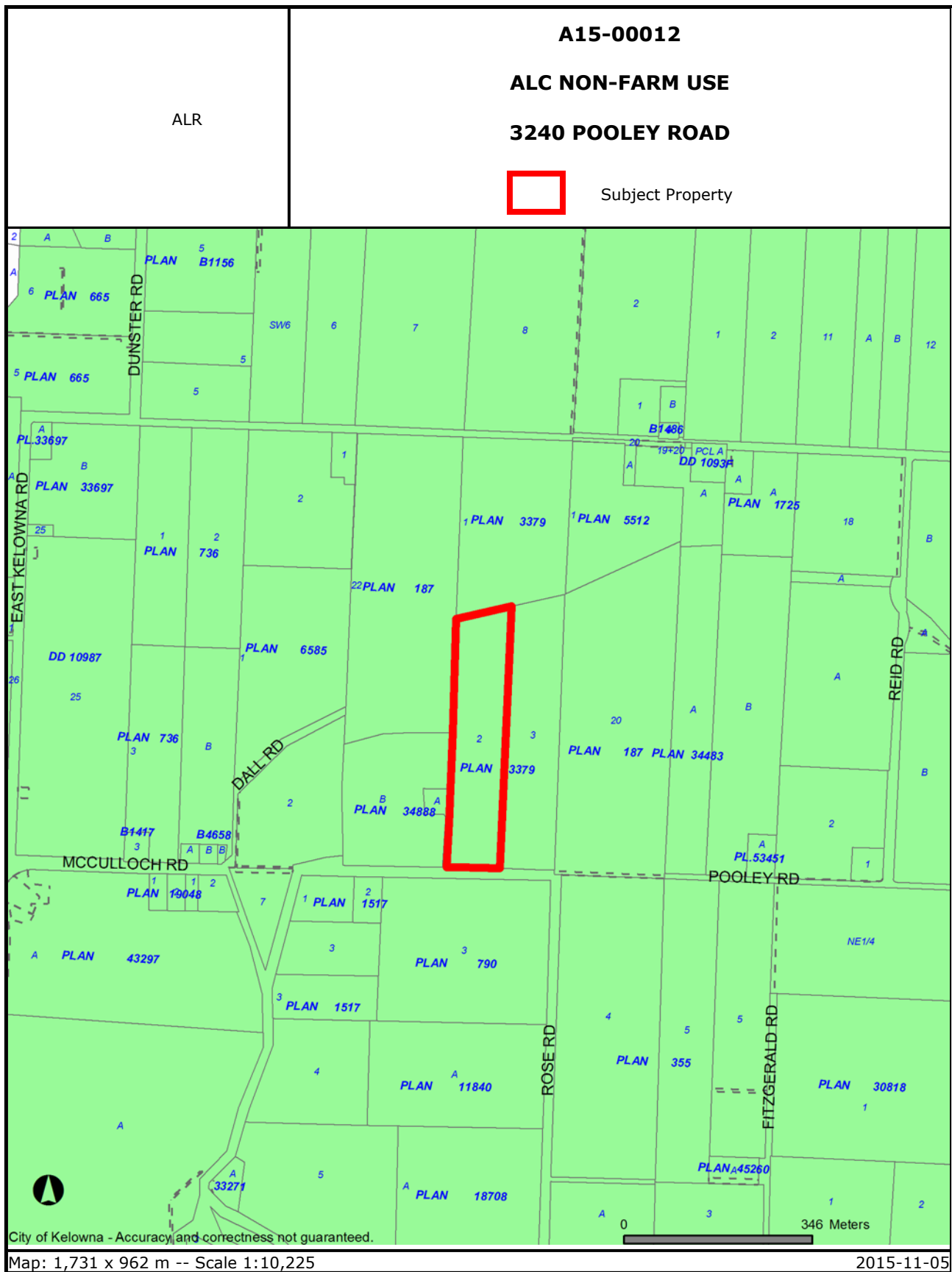
A Building Permit required for any parking lot areas that are paved, to ensure that surface drainage has been addressed.

Land Capability = Brown/ Soil Class = Green



Land Capability = Brown/ Soil Class = Green





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.

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

6 acres of grapes, 2 acres of apples, 2 acres home, 1 acre winery. 0.5 acres roads and parking

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

Planted six acres of grapes 2008

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

Okanaganvilla Estate Winery was established in 2008 and the Vibrant Vine Tasting Room was opened in 2010.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: Apples/Cherries

East

Land Use Type: Agricultural/Farm

Specify Activity: Apples

South

Land Use Type: Agricultural/Farm

Specify Activity: Apples

West

Land Use Type: Agricultural/Farm

Specify Activity: Apples

Proposal

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

1 ha

2. What is the purpose of the proposal?

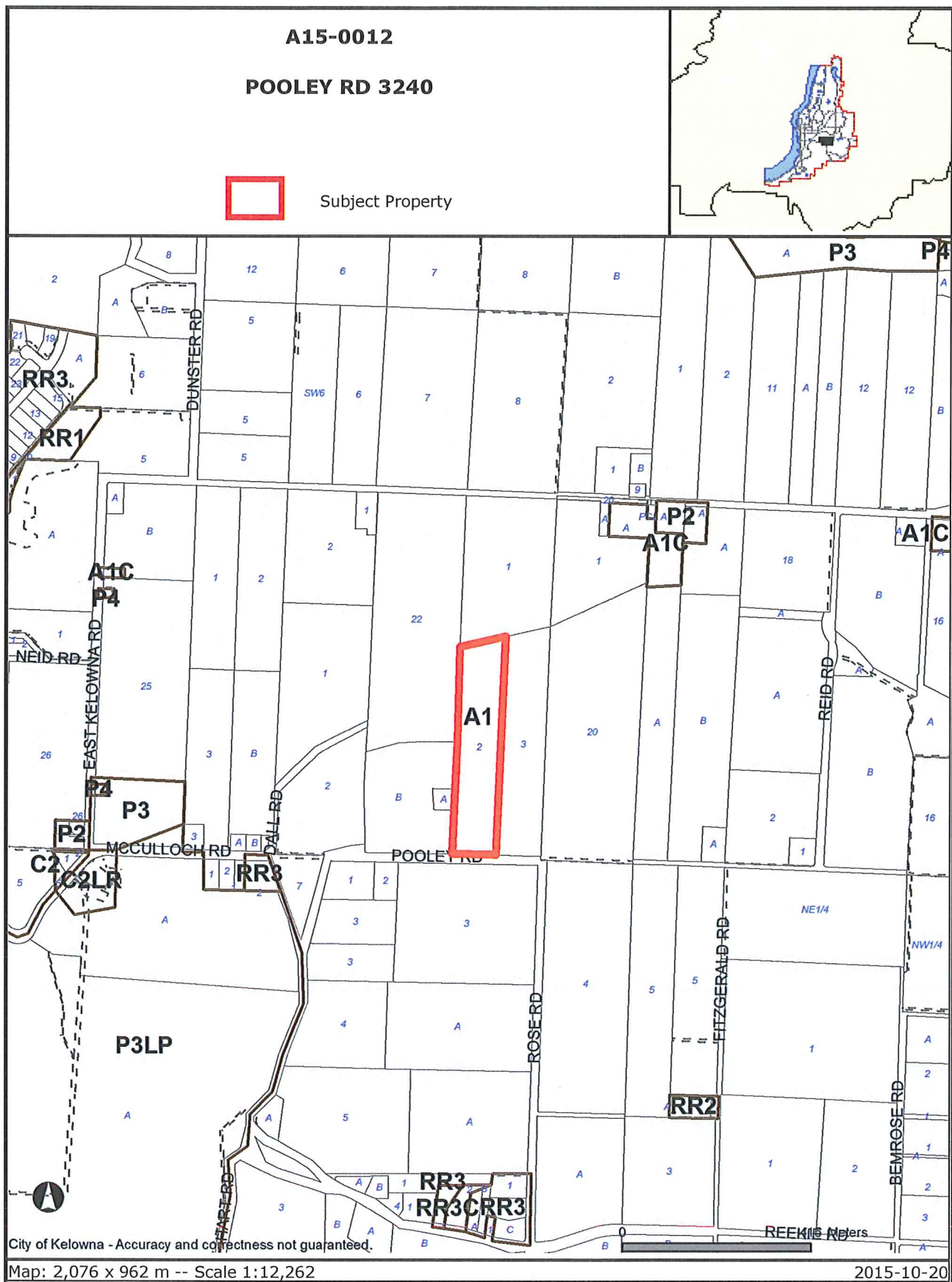
Our success as a winery has resulted in significant parking along the nearby roads and on surrounding farm properties. We wish to pull out less than one acre of grapes for on site parking. At the same time we will reduce in size and asphalt our existing parking (for 20 cars) down to 10 handicapped parking spaces. We will also double the yield of our existing vineyard by adding an extra row of vines between the current 12 ft spaced vines.

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.

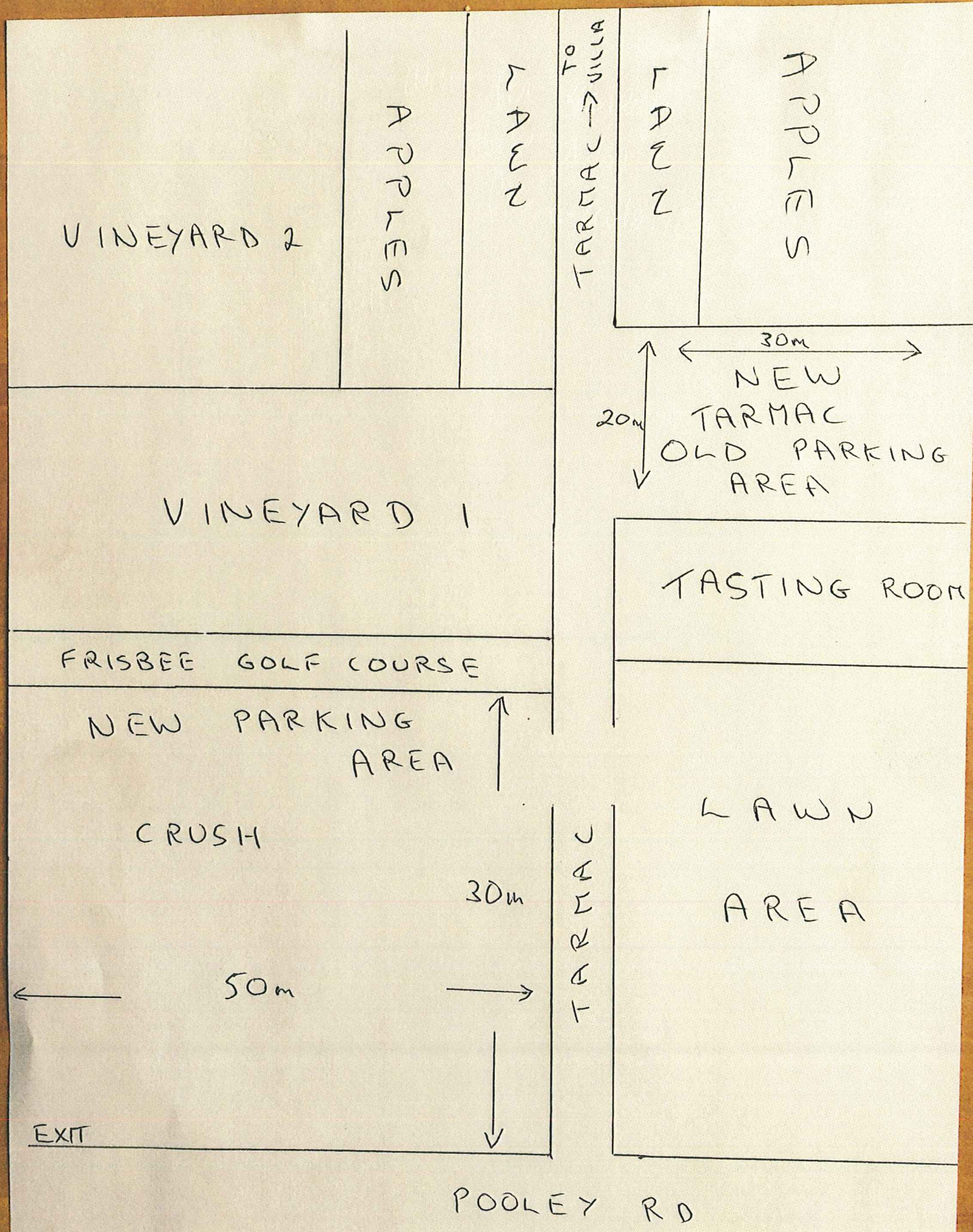
All land within five kilometers in all directions is ALR. Using parking outside that area would be unacceptable for our customers.

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

Yes. We employ seasonal workers to maintain and harvest our apples and grapes. The viability of our small acreage of grapes is totally dependent on our ability to sell the wine we manufacture on site. Most of that wine is purchased in our tasting room by tourists who love the rural ambiance of our winery. The improved parking will improve their experience and ensure our winery remains viable.



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.



3240 POOLEY RD KELOWNA V1W 4G7

1) Replace existing crush parking (900 Sq.m) with
- asphalt surface (500 Sq.m)
- grass (400 Sq.m)

2) Replace existing vines (damaged by frost - no crop in 2014 or 2015) with crush parking (1500 Sq.m)

3) New planting in existing vineyard will double crop (12ft spaces → 6ft spaces)

Summary

- Onsite parking will replace offsite (road) parking. Dedicated handicap parking.

- New crop yield up by 75% after replantings

6ft spacing

3)

Add extra row of vines between each existing row
12ft space → 6ft)
Doubles existing yield

2)

Retain hedge

New Hedge

Replace damaged vines (frost) with crush for parking (1500 Sq.m)

30m

Entrance
Fruit

PARKING (Crush)

1)

Replace Crush with grass

30m

Handicapped parking
Replace Crush with Tarmac

Retain Hedge



Agricultural Advisory Committee Minutes

Date: Thursday, October 8, 2015
 Location: Council Chamber
 City Hall, 1435 Water Street

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

Members Absent Ed Schiller

Staff Present Agriculture, Subdivision & Environment Services 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 6:03 p.m.

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

2. Applications for Consideration

2.1 1789 Munson Road, A15-0009 - Gabriel and Linda Coupal

Staff:

- Displayed a PowerPoint presentation summarizing the application.
- The Applicant is requesting permission from the ALC for an "Exclusion" from the ALR under Section 30 of the ALC Act.
- The subject property is located in the Benvoulin/KLO Sector of the City, west of Benvoulin Road and north of KLO Road.
- The property is within the Agricultural Land reserve and is zoned A1.
- According to the OCP, the future land use designation is Resource Protection Area. To the north and east, are properties also in the Resource Protection Area Future Land Use designation. To the south, Fortis BC has a public services utilities site, and the Kelowna Christian School is designated Education / Institutional.
- Some of the adjacent land is not in the ALR with some of the uses pre-dating its inception. This includes the commercial properties at the corner of Benvoulin and KLO as well as some of the residential properties in the area.
- The subject property is 2.49 ha (6.15 acres in area, which includes: (1) farm residential footprint (including yard, house and driveway) (2) recently farmed land and (3) parking area and retail sales area).
- The subject property is outside the Permanent Growth Boundary which lies to the west. The Applicant has outlined the difficulties that are present with farming in this area being:
 - (a) Ingress and egress from Benvoulin;

- (b) The median on Benvoulin restrict left turns;
- (c) Dust from adjacent activities;
- (d) Concern about spraying times near school
- (e) Diesel trucks and noise
- The Agricultural Capability of 70% of the subject property is rated at Class 4, 30% Class 5 with limitations due to excess water during the growing period. With improvements, primarily ditching, 70% of the property improves to Class 2, with 30% improvable to Class 3 with limitations due to excess wetness and fertility.
- The soils are 70% Guisachan and 30% Tanaka. These soils are common in the floodplain of Mission Creek. Guisachan soils are moderately coarse textured, and silty or sandy loam. Tanaka soils are gravel free soils with range from sandy to silty loam. They are poorly drained with depressions susceptible to flooding. Suitable crops for these soils are hay, pasture, vegetables, and other ground crops.
- The applicant has posted signs for the application, placed advertising in the newspapers and notified neighbouring properties as required by the ALC.
- 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. Consideration should be given to agricultural capability, as well as the potential impacts to agriculture, both on this property and any potential impacts to surrounding agricultural parcels.
- Responded to questions from the Committee members.

Gabe and Linda Coupal, Applicants:

- Displayed a map of the area on the overhead.
- Displayed coloured photos of the surrounding area that depict the uses surrounding the subject property.
- Advised of the large diesel trucks that operate in close proximity and the loud noises that emanate. The enjoyment of nature and picking in this area for customers is diminished.
- Advised that there are many undesirable noxious weeds throughout the field.
- Advised of the typically heavy traffic on Benvoulin Road during peak hours. Many vehicular accidents have occurred during these peak hours and their property was not accessible.
- Advised that traffic is an issue and now there is a median in front of their property, as of May of this year, without any consultation the applicant. This median hinders access to the parking lot.
- Advised that their property shares two common fronts with the Christian School. The playing fields are in very close proximity to the crops. There is a regular spray program that needs to be adhered to strictly due to the nature of the crop. The applicants have to adjust spray application in accordance with the use of the school fields. Displayed a photo of the hedge that separates the crop and the school field.
- Advised of the illegal activity occurring on the adjacent Munson Pond site including parties and disturbance of the peace.
- Advised that the land uses across from their home has been non-conforming for many years. End gates on dump trucks slam and the activity is extremely loud when dumping snow on the property. As well, pruning and wood products are burned at this location.
- Advised that the decision to allow the Fortis building and Christian School has drastically changed the composition of this neighbourhood.
- Advised that an exclusion of their property would not affect the surrounding neighbourhood as they are the last ones farming in the area.
- Acknowledged that it is important to preserve farm land however the safety issues and land conflicts make that extremely difficult. They have tried to farm on this land with all the negative going on all around. They have been committed to the farming industry many years.
- Confirmed that if the property is excluded it will go on the market. Either way, the plan is to sell the farm.
- Responded to questions from the Committee Members.

AAC/Staff Discussion:

- Staff confirmed that in 1997 there was a rezoning with a development permit attached to it and an Official Community Plan amendment with respect to the Christian School.
- Staff advised that the location of the Christian School and Fortis building were ALC's decisions.
- Staff confirmed that the ALC Decision to allow the Kelowna Christian School was made in 1988.
- The Fortis BC expansion was permitted through an ALC Resolution in 2001.
- The history of the area is:
 - 1972: Property purchased by parents
 - 1988: ALC Resolution - Kelowna Christian School
 - 2001: ALC Resolution - Fortis BC Expansion of Use
 - 2003: Applicant purchased property from parents
 - 2006: Application - 1789 Munson - for exclusion
 - 2007: ALC refused exclusion - 1789 Munson
- Staff confirmed that there is a Regional District Bylaw regarding noxious weeds.
- AAC suggested proper buffering be placed between the farm, Fortis and School. A three metre wide buffer was required between the Kelowna Christian School and the subject property.
- Staff confirmed that there are several bylaw complaint files open in this particular area. These complaints are being researched.
- Staff advised that they have communicated with the Christian School and Fortis that they would not support expansion of either buildings at their current locations.

A motion by Keith Duhaime to recommend that Council support an application to the Agricultural Land Commission under Section 30(1) of the *Agricultural Land Commission Act* for an "exclusion" from the Agricultural Land Reserve was lost due to a lack of a seconder.

AAC/Applicant Discussion:

- Applicant was asked why they would not sell it as farm land. The applicant had been advised by ALC staff to make an exclusion application, and they see it in as a better land use to harmonize the land uses in this area.
- AAC Interior Health member advised that it was important to consider preserving land for the future, with consideration to climate change and focus on food production.
- AAC suggested that the City work with the Kelowna Christian School and Fortis to ensure the buffers are still in place and functioning.
- AAC suggested that the Kelowna Christian School be approached to coordinate recess and outside activity times with spraying schedules.

Moved By Jeff Ricketts/Seconded By Tarsem Goraya

THAT the Agricultural Advisory Committee recommends that Council NOT support an application to the Agricultural Land Commission under Section 30(1) of the *Agricultural Land Commission Act* for an "exclusion" from the Agricultural Land Reserve on the subject property at 1789 Munson Road.

Carried

ANECTODOTAL COMMENT:

The Agricultural Advisory Committee expressed empathy for what the Applicant is going through due to previous decisions made to encroach on ALR land that has affected their personal life and caused hardship. Encouraged Council to look at operations going on around this property and to ensure they can find bylaw regulations to look at ways that such properties can be supported and encouraged to have food production.

3. Minutes

Moved By Yvonne Herbison/Seconded By Tarsem Goraya

THAT the Minutes of the July 9, 2015 Agricultural Advisory Committee meeting be adopted.

Carried

4. Referrals - Nil

5. Old Business

Staff provided an update on the following Agricultural Land Commission applications:

5.1. Update of Agricultural Land Commission Decisions

1. A14-0010 - 1301 Glenmore Rd - Non-Farm Use - Carriage House
 - Not supported by the Committee
 - Not supported by Council
 - Refused by the Agricultural Land Commission
2. A14-0011 - 499 Valley Rd - Non-Farm Use - Tree Service Company
 - No Committee quorum available for comment.
 - Not supported by Council
 - Refused by the Agricultural Land Commission

Staff advised that ALC has given the business up to 1 year to vacate the property.

3. A15-0012 - 1085 Lexington Drive - Non-Farm Use - 37 RV Site
 - No Committee quorum available for comment.
 - Supported by Council
 - Refused by the Agricultural Land Commission
4. A15-0001 - 3990 Swamp Road - Subdivision - Mission Creek
 - Supported by Council
 - Approved by the Agricultural Land Commission
5. A13-0003 - 2025 Springfield Road - Exclusion
 - Not supported by the Committee
 - Supported by Council
 - Refused by the Agricultural Land Commission

5.1. Update - Temporary Farm Worker Housing

Staff:

- Provided an update on Temporary Farm Worker Housing Application A15-0001 - 1090 McKenzie Road and discussed Council's concerns and decision.
- Advised they are working with the Applicant for an alternate proposal for 2016.

6. New Business

6.1 Discussion Paper and Proposed Minister's Bylaw Standards - Minister of Agriculture - September 14, 2015

Staff:

- Displayed a PowerPoint presentation and provided an overview of the Proposed Minister's Bylaw Standards for Agri-tourism and Farm Retail Sales.
- Will send Committee Members an electronic version of the document for review. Members were asked to provide their comments to be discussed at the November 12th meeting.

6.2 Housekeeping Item

Staff:

- Reminded Committee Members that it is imperative that they respond advising whether they are able or not to attend a meeting, by Tuesday at 10:00 AM prior to the meeting date, in order to call the alternates and have them available. Members were made aware that if an alternate was called to take their place, they would be able to participate in the meeting but their vote would be taken by the alternate.

7. Next Meeting

The next Committee meeting has been scheduled for November 12, 2015.

8. Termination of Meeting

The Chair declared the meeting terminated at 8:27 p.m.

/acm

John Janmaat, Chair