



## Agricultural Advisory Committee Minutes

Date:	Thursday, December 10, 2015
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Domenic Rampone, Ed Schiller, John Janmaat, Keith Duhaime, Tarsem Goraya, Jill Worboys (Interior Health) and Yvonne Herbison
Members Absent	Pete Spencer
Staff Present	Suburban and Rural Planning Manager, Todd Cashin; Planner, Melanie Steppuhn; Council Recording Secretary, Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

The Chair called the meeting to order at 6:04 p.m.

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

### 2. Applications for Consideration

#### 2.1 2115 Rutland Road, A15-0013 - Kent-Macpherson (Bikar Johal/City of Kelowna)

Staff:

- Displayed a PowerPoint presentation summarizing the application before the Committee.
- The Applicant is requesting permission from the ALC to remove portions of 2115 Rutland Road North, 175 Old Vernon Road and 219 Old Vernon Road from the Agricultural Land Reserve (ALR) under Section 30 (1) of the ALC Act.
- Displayed a map of the neighbourhood context and subject properties.
- Displayed a map of the properties in the Agricultural Land Reserve.
- Spoke to the future land use and 20 Year Transportation Plan.
- The Application is seeking to exclude properties from the ALR that are orphaned by the Rutland Road realignment.
- Spoke to the land capability; Class 3AD, improvable Class 3 with soil structure limitations.
- **Public Notification:**
  - signage posted and neighbours notified as per ALC notification policy for exclusions.
- Spoke to the Agrology Report - Talisman 2014
  - Topsoil salvage for farms (landowner to facilitate);
  - Weed control;
  - Fence remaining ALR lands;
  - Replace irrigation;
  - Consolidate remaining properties (if possible)
- City Council is asking the Agricultural Advisory Committee for your recommendation for this application with respect to the City of Kelowna and ALC regulations and policies. Considerations should be given to agriculture impacts as well as the potential impacts to surrounding agricultural parcels.
- Responded to questions from Committee members.

Jordan Hettinga, Applicant's Representative

- Commented that staff's summary was well done.
- Advised that in 1992 the City started this road network plan. It was noted that the orphaned side would not be as viable for farming.
- Advised that the Ministry of Transportation approached the property owner to bisect the property which would leave a small orphaned piece that could be consolidated with the City's property. Through that there is an agreement with the Ministry of Transportation, Mr. Johal and the City of Kelowna.

AAC/Applicant Discussion:

- The Applicant responded to questions from the Committee members.

The Applicant noted that the intention is to start securing the land component from now until Spring 2016 and the road construction following that.

AAC/Staff Discussion:

- Advised that the orphaned property has not been identified as park or green space.
- Advised that the diversion from Rutland Road North will go along Commercial Drive where an intersection will be formed and Rutland Road will become a cul de sac.
- Advised there is very little stacking distance between Highway 97 and Old Vernon Road and this realignment will increase that.
- Confirmed there will be no light at Commercial Drive and will remain right in and right out.
- Advised that the Official Community Plan indicates support for exclusions where they satisfy civic objectives. The future land use of Service Commercial is supported on the lands that will be orphaned by the Rutland Road extension.
- Advised that Council is looking for mitigation opportunities of adjacent agricultural lands should ALC support the proposed exclusion.

Moved By Keith Duhaime /Seconded By Ed Schiller

THAT the Agriculture Advisory Committee recommends that Council support an application to the Agricultural Land Commission under Section 30 (1) of the Agricultural Land Commission Act for an exclusion of a portion of three properties from the Agricultural Land Reserve on the subject property at 2115 Rutland Road.

Defeated  
Ed Schiller - Opposed

ANECTODOTAL COMMENT:

The Agricultural Advisory Committee did not support the exclusion and believes the orphaned properties can be used for agricultural with adjacent properties and that vegetative buffers should be explored. The Committee recognized the benefit to the community, however felt that:

- an agricultural plan needs to be in place for these types of infrastructure projects across the City;
- a clear benefit to agriculture to clear mitigation / compensation plan should be put in place; and the
- overall benefit to agriculture needs to be demonstrated.

One example of mitigation / compensation included providing City water to agricultural properties along Burtch Road, in order to return them to agriculture, instead of the water licenses along Mission Creek, and that this may be one way to compensate for the loss of these lands to agriculture.

The Committee believes that there is no clear benefit to agriculture. However, the Committee does recognize the transportation benefits of this project.

## 2.2 395 Hereron Road, A15-0007 - Brenda Dureault

### Staff:

- Displayed a PowerPoint presentation summarizing the application before the Committee.
- The Applicant is requesting permission from the Agricultural Land Commission to permit a non-farm use consisting of ten agri-tourist accommodation units in the form of a Recreational Vehicle park.
- The subject property is located within the Agricultural Land Reserve
- Displayed a map of the subject property and ALR lands.
- Spoke to the future land use and site background.
- Displayed a photo of the site plan.
- Advised that Agri-tourist accommodation is a permitted non-farm use by ALC.
- Advised that the use is not designated Farm Use and may be restricted or prohibited by local governments.
- Advised that current farming consists of:
  - o Agri-forestry - fruit, nut, Christmas and native;
  - o Ground crops such as garlic, edamame, melons, berries, vegetables and herbs;
  - o Flowers;
  - o Eggs;
  - o Hay; and
  - o Public tours and children's camps.
- Noted a summary of ALC Regulations for the proposed A1T zone:
  - Farm status
  - Accessory to established agriculture
  - Maximum of 10 accommodation units
  - Temporary and seasonal
- Advised that the City restricts Agri-tourism accommodation and noted previous issues on other RV sites in the ALR:
  - Year round and long term rentals;
  - Principal use on a property (farming is neglected or minimal);
  - Conflicts with both adjacent agriculture and residential lands;
  - Septic failures;
  - Land value speculation jeopardizing future farmers; and
  - Illegally storing RV's
- Noted a summary of City of Kelowna Regulations for the proposed A1T zone:
  - Rezoning requirement;
  - Agri-tourism accommodation accessory to Agri-tourism;
  - Number of accommodations based on parcel size;
  - Homeplating;
  - Landscape buffering around the agri-tourism accommodation
- Rezoning and Public Consultation:
  - The Applicant will require a rezoning to the A1t zone if the ALC supports the Applicant's non-farm use.
  - At the rezoning stage, the applicant will undertake neighbourhood consultation as per Council Policy No. 367.
- City Council is asking the Agricultural Advisory Committee for your recommendation for this application with respect to the City of Kelowna and ALC regulations and policies. Considerations should be given to agriculture impacts on site as well as the potential impacts adjacent sites.
- Responded to questions from Committee members.

### AAC/Staff Discussion:

- Clarified permitted and non permitted uses.
- Confirmed that the ALC has no neighbourhood consultation requirement. Through the A1t rezoning process, public consultation is required by the City of Kelowna, through Policy 367.
- AAC Member inquired about a covenant on the property.

- Two covenants are on the property. The first is in favour of the ALC that restricts placing or removing fill on the property. The second is a No Disturb Covenant for Duggan Brook and Simpsons Pond.

#### Keith Funk, Newtown Planning, Applicant Representative

- Advised that Developing Farm Status has been granted until 2018 to allow for growth in intensified crops and nuts trees.
- Displayed a PowerPoint presentation, re: Curlyfrog Farm
- Noted the mixed intensity farming:
  - Broilers and eggs (85 hens)
  - Forage Hay
  - English Walnut trees (260 trees - 5 variables)
  - Black Walnut trees (450 trees - 2018 first harvest)
  - Pawpaw trees (450 trees - 2020 first harvest)
  - Mulberry trees (600 trees - 2017 first harvest)
  - Christmas trees (600 trees - 2017 first harvest)
  - Willow trees (products/workshops/cutting/floral)
  - 10 RV Agri-tourism Sites (proposed)
- Noted agri-tourism Policy Restrictions
  - Not to exceed 5% of the farmland
  - Represent a secondary source of income
  - Restricted to temporary use
  - Locate accommodation close to the front road
  - Comply with local regulations
- Noted agri-tourism Approved ALR Use
  - Public food awareness
  - On-farm education
  - Farm income supplement
  - Minimal agriculture impact
  - Raise agriculture industry awareness
  - Owner trained
- Advised of the Applicant's forecast and present income.
- Advised that the Applicant graduated from the 2014 COEDC Agri-Tourism Planning Program.
- Confirmed the Applicant is not exceeding 5% of the farmland. This represents a secondary source of income that is restricted to temporary use. Will locate accommodation close to the front road.
- Confirmed septic is not an issue. They intend to hook up to City sewer and water services.

#### Brenda Dureault, Owner

- Advised that the Covenant on the property relates to the creek and the pond and that no permanent structures are to be within that area.

#### AAC/Applicant Discussion

- Responded to questions from the Committee members.
- Confirmed that developing farm status is given through of BC Assessment.
- Advised that developing farm status given to 2018 as that is an approximate time that the Christmas trees will be ready to be sold.
- Advised that the City has had issues with water saturation in the easterly location and we are in discussions regarding more detention in that area.
- Confirmed that buffering requirement have to be maintained.
- Spoke to the vision the owner has of the farm and referenced the Gellatly Farm in West Kelowna.
- Confirmed that the existing non-conforming use of house had been relocated as an authorized improvement and does not contravene city bylaws; as long as the home is not unoccupied for 6 months at a time it can stay in the current location permanently.
- Confirmed the owner's son and two children live in the house year round.

AAC/Staff Discussion:

- Confirmed the RV Park would not trigger DCC's when hooked up to sanitary sewer as it is not a structure.
- Confirmed there would only be a sewer connection fee.
- Confirmed there must be at least 5 hectares to qualify for an A1t zone; this farm would qualify.

Keith Funk, Newtown Planning, Applicant Representative

- Advised that the Applicant agreed to a Restrictive Covenant that would guarantee there be no long term rentals with a short term of no more than 30 days. The season would be from April 1 to October 31<sup>st</sup>.

Moved By Keith Duhaime /Seconded By Ed Schiller

THAT the Agriculture Advisory Committee recommends that Council support an application to the Agricultural Land Commission under Section 20 (3) of the Agricultural Land Commission Act for a "non-farm use" on the subject property at 395 Hereron Road for ten (10) agri-tourist accommodation units in the form of a Recreational Vehicle (RV) Park.

Carried  
Domenic Rampone - Opposed

ANECTODOTAL COMMENT:

The Agricultural Advisory Committee is supportive of the Applicant due to the innovative and diversity of the products and also supportive of a young farmer restoring agricultural land. However, the Agricultural Advisory Committee raised concern with the RV Park turning into a year round and longer term use. Should the requirements of trees require spraying, they may have to spray when visitors are present

**3. Minutes**

Moved By Domenic Rampone/Seconded By Yvonne Herbison

THAT the Minutes of the November 12, 2015 Agricultural Advisory Committee meeting be adopted.

Carried

**4. Referrals - Nil.**

**5. Old Business**

Staff:

- Provided an update regarding the Ministry of Agriculture - Regulating Agri-tourism and Farm Retail Sales in the ALR and advised the deadline for input has been extended to January 15, 2016.
- Will email discussion paper and November meeting minutes to Members to review and for Members to note any further feedback.

President of BC Fruit Growers Association

- Asked if the Committee would hold off on providing further comments until BCFGA discusses their resolutions with City Council.

AAC:

- Discussed the merits of a Public Hearing process to hear concerns of businesses who are affected.

Staff:

- Reminded the Committee that they take direction from Council not other organizations.
- The Committee's feedback on the discussion paper will be brought forward to Council. If Council chooses to make changes within the zoning bylaw there would be a public consultation process at that time.

Mr. Bahl, Member of the Public

- Believes there was a lack of consultation with the Ministry of Agriculture discussion paper.
- Believes farmers in the agri-tourism industry were not consulted.
- Raised concern with creating a lot of red tape in order to hold commercial events.

AAC:

- Believes a consultation process is important in order to gather as much input as possible.

Staff:

- Advised that any group or individual can contact City Council to voice their concerns.

## 6. New Business

Staff:

- Provided an update regarding the Okanagan Agricultural Adaption Strategies Workshop.
- Encouraged Members to attend the next Workshop on February 10<sup>th</sup> and 11<sup>th</sup> 2016.
- Will email Members detailed information regarding the next Workshop.

## 7. Next Meeting

The next Committee meeting has been scheduled for January 14, 2016.

## 8. Termination of Meeting

The Chair declared the meeting terminated at 8:08 p.m.

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John Janmaat, Chair

/acm