

Agricultural Advisory Committee

AGENDA



Thursday, April 14, 2016
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 3754 East Kelowna Road, A16-0003 - Balwinder Singh Khun Khun

3 - 29

The applicant is requesting permission for a Non Farm Use application through the Agricultural Land Commission (ALC) for a permanent dwelling to accommodate 27 farm workers on the subject property.

2.2 3240 Pooley Road, A16-0007 - Wyn Lewis

30 - 48

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 hold commercial assembly activities such as Shakespeare plays and music.

2.3 560 Highway 33, A16-0001 - Chancal Bal

49 - 66

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 hold commercial assembly activities, including but not limited to weddings, anniversaries, reunions, festivals and concerts.

3. Minutes

67 - 70

Approve Minutes of the Meeting of March 10, 2016.

4. Old Business

ALC Decisions:

1629 KLO Road - Better Earth Garden Products

5. Next Meeting

May 12, 2016

6. Termination of Meeting

City of Kelowna Council Policy 03 - Agricultural Land Reserve (A.L.R.) Referrals:

All approvals for Agricultural Dwellings, Additional for full-time farm workers in the Agricultural Land Reserve require a “Non-Farm Use” application to the ALC. This Policy does not apply to Temporary Farm Worker Housing.

The City of Kelowna Community Planning Department has the authority through the ALC and Kelowna City Council to permit temporary farm worker housing, provided a development meets certain requirements. City Staff do not have the authority to approve development on ALR land that does not meet current guidelines.

Although the proposed employees are authorized through a TFW program, the applicant is seeking occupation of the proposed dwelling from March to November of each year, meaning the building would only be vacant for 3 months of the year. The applicant is also proposing to build a new structure, with a permanent foundation.

As the proposed development does not meet the City of Kelowna’s requirements for Temporary Farm Worker housing, it must be sent to the ALC as a Non-farm Use Application. See below a table identifying where the proposed development does and does not meet Kelowna guidelines.

Table 1: Temporary Farm Worker Housing Criteria (TFWH) Proposed Development Checklist

Requirement (Federal regulations & City of Kelowna agriculture goals)	Meet	Does Not Meet	Explanation
Workers are required for a temporary, seasonal basis only.		X	The proposed application is for three terms of workers ranging from 4 - 7 months for a total span of 9 months of a year.
Housing should be provided as a “bunkhouse” style accommodation, very minimalist in nature	✓		The overall design of this structure is a very simple, minimalist design. The two storey design does take up less of a footprint on the land
Housing should be in an existing building or a manufactured home		X	The proposed design does not utilize either of two existing dwellings on the subject parcel. It is not a mobile/manufactured home, rather a stick build.
Housing is to be provided on a temporary foundation (no concrete footings) and no basement		X	The applicant proposes to construct the dwelling on a permanent concrete footing. The applicant has poured a concrete footing for the proposed dwelling without the proper permits.
Housing located on a declared home plate. Consideration given where topography or agricultural viability demonstrated	✓		The proposed location does not interfere with current or future farming & is in close proximity to an existing building & service road.
Living space to be 7 m ² per person. (does not include washrooms, laundry, storage)	✓		Proposed 189 m ² of living space which equals 27 workers. Federal regulations also require: 1 shower per 10 workers 1 toilet per 10 workers The applicant is proposing a total of 4 toilets and 4 showers. This would accommodate 40 workers; however, the size of living space limits the dwelling to 27 workers.

2.3 Site Context

The subject property is located at 3754 East Kelowna Road, in the Southeast Sector of Kelowna. The property is located on the north side of the East Kelowna Road switchback that leads to Hollywood Road South.

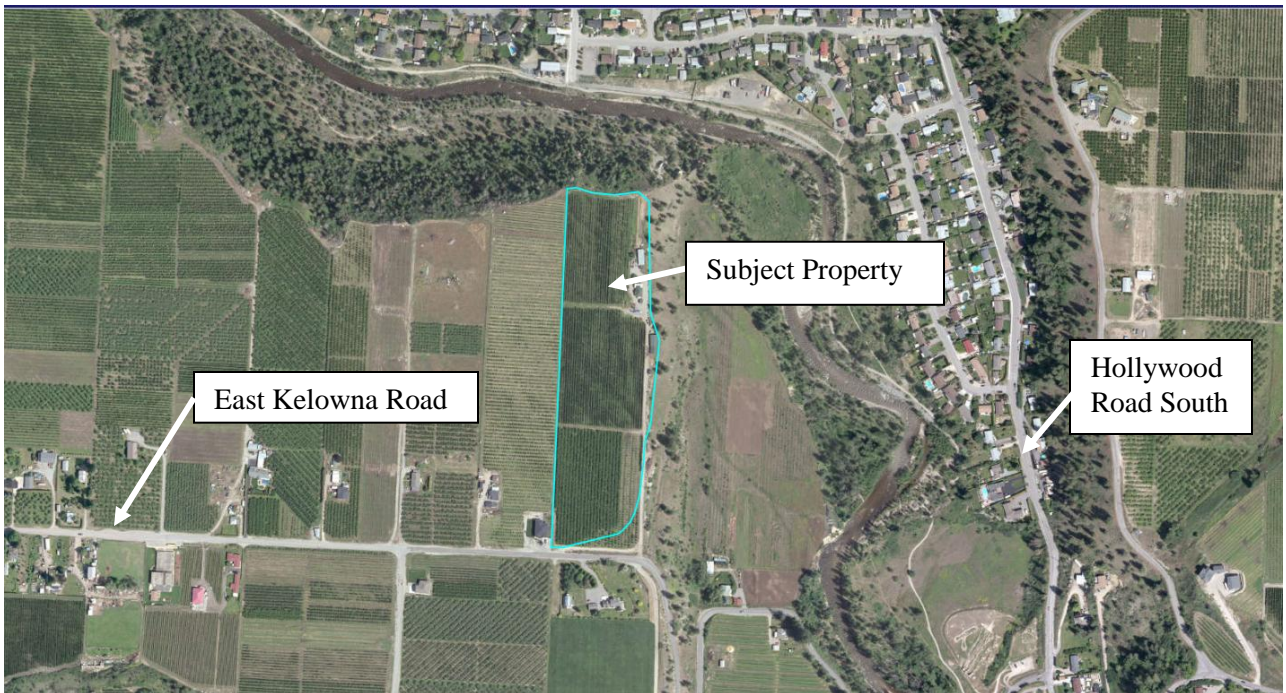
The subject property is in the ALR: land use to the east, west, southwest and south is agricultural and is surrounded completely by properties in the ALR (see Map 3). The subject property is also within the South East Kelowna Irrigation District (SEKID) water supply area.

Parcel Summary - 3754 East Kelowna Road:

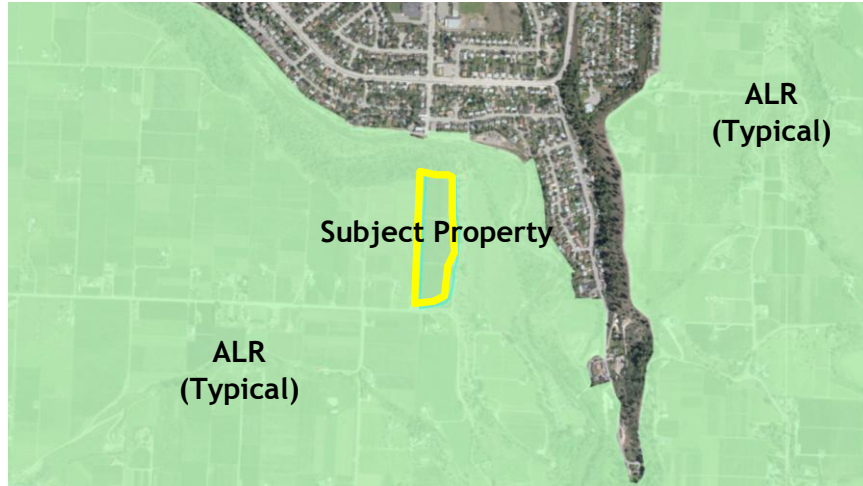
Parcel Size: 5.5 ha (13.07 acres)

Elevation: 448.0 to 456.0 metres above sea level (masl) (approx.)

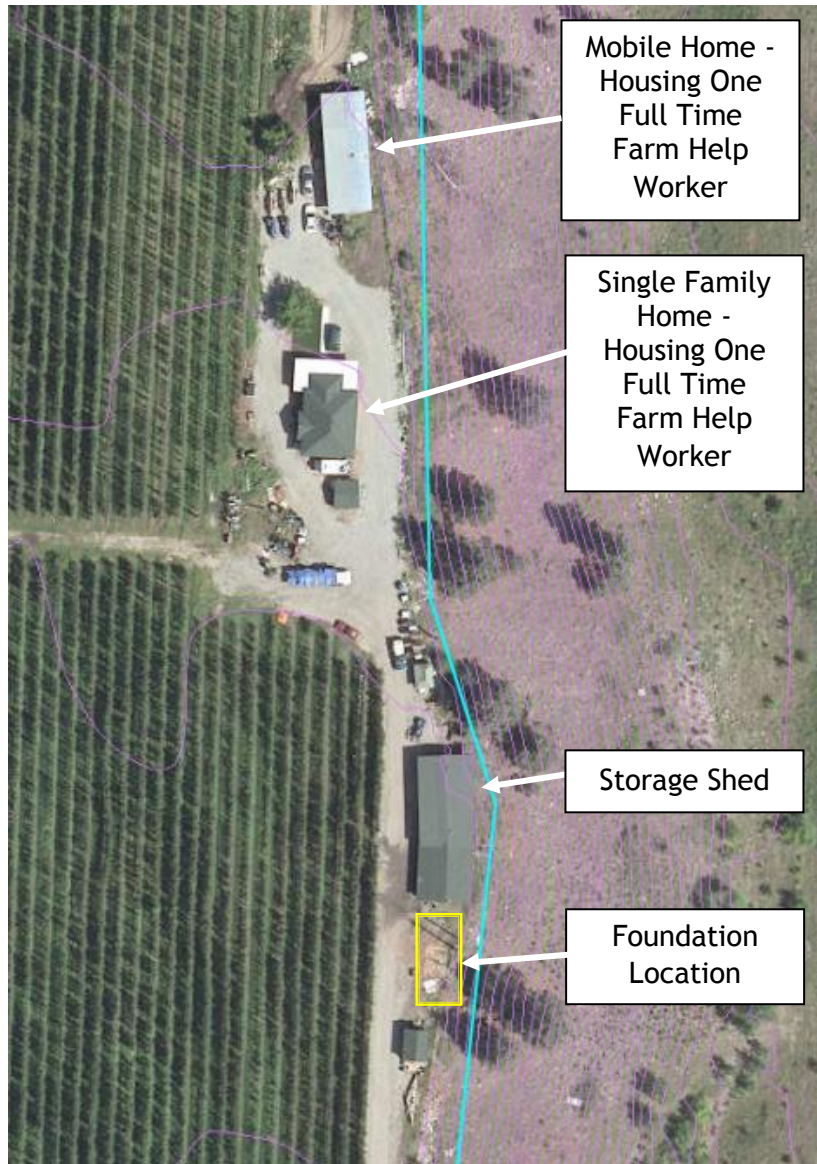
Map 1 - Neighbourhood



Map 2 - Agricultural Land Reserve



Map 3 - Site Conditions



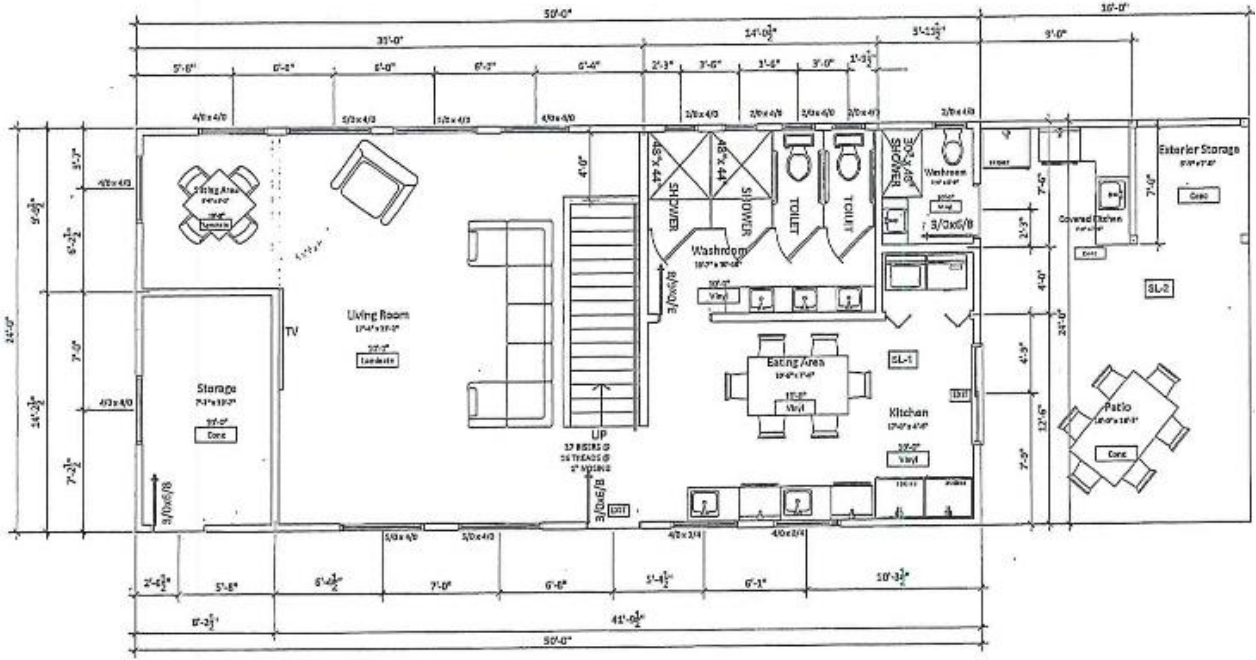
2.4 Proposed Farm Worker Housing Use

The applicant is proposing to construct a permanent, two storey structure for the purposes of housing employees through the Temporary Farm Worker programs. The applicant farms a total of 168 acres (34 owned, 134 leased). The attached SAWP contract (Attachment C) shows that a total of 40 different individuals will be employed in the farm operation in 2016. The proposed permanent dwelling, under federal regulations has the potential to accommodate 27 workers.

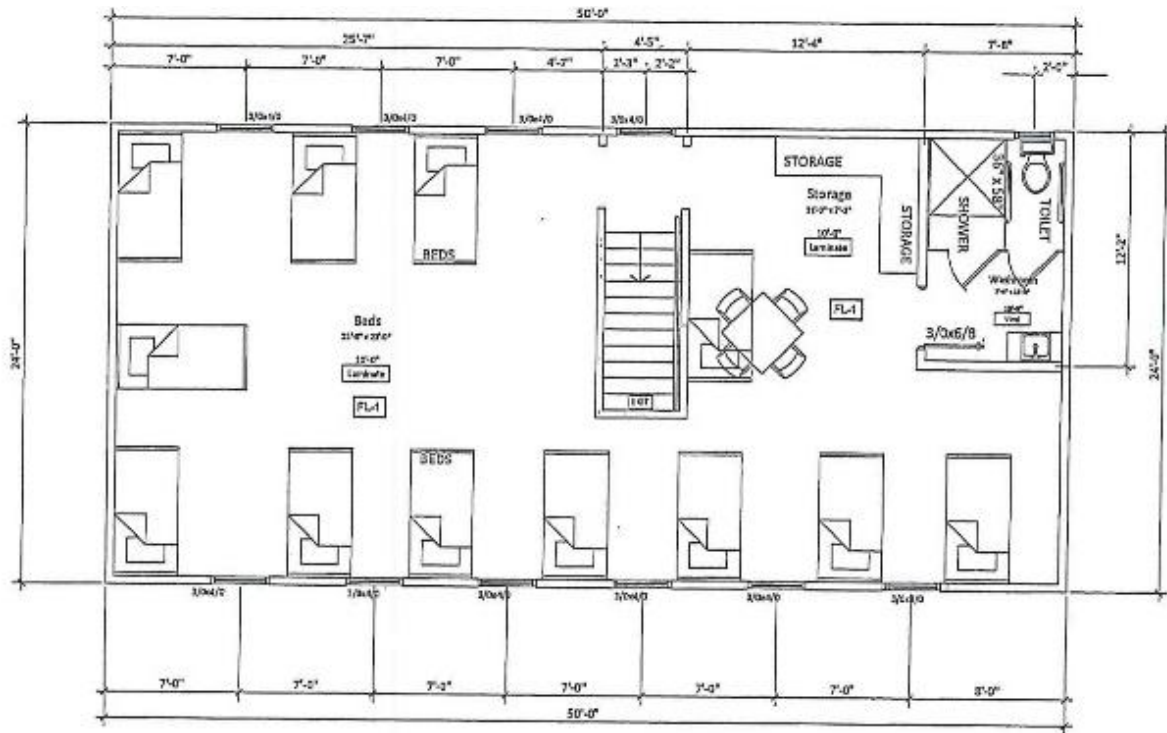
Specific to the subject parcel:

- A foundation has been poured by the applicant without the proper permits in 2016.
- The property currently contains one single family dwelling & one mobile home

Figure 2. Proposed Floor Plans

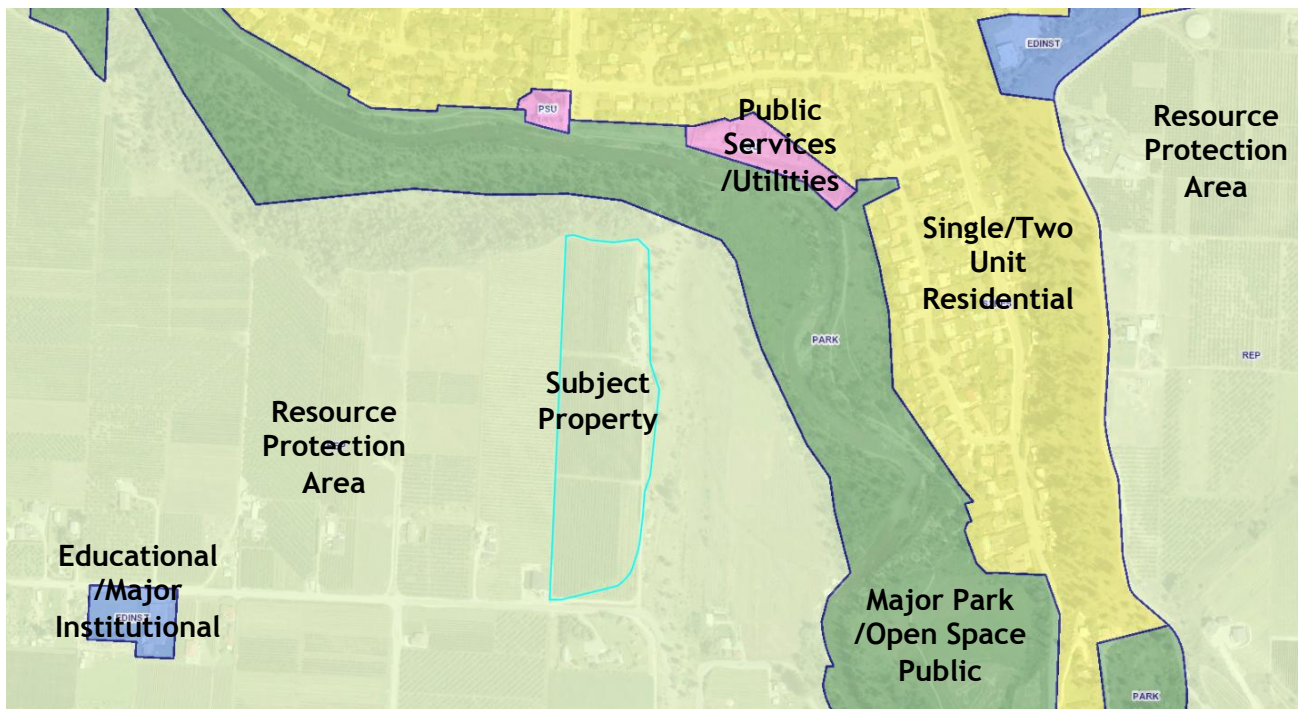


Main Floor Plan



Second Floor Plan

Map 4 - Future Land Use



2.5 Zoning of Adjacent Property

The zoning of adjacent properties is outlined below.

Table 1: Zoning of Adjacent Property

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>	<i>Future Land Use</i>	<i>ALR</i>
North	A1 - Agriculture 1	CoK Naturalized Bank	REP & PARK	Yes
East	A1 - Agriculture 1	Agricultural / Rural Residential	REP	Yes
South	A1c - Agriculture 1 with Carriage House	Rural Residential	REP	Yes
West	A1 - Agriculture 1	CoK Vacant Land (Future Road Reserve)	REP	Yes

2.6 Development Criteria

Development criteria for the Agricultural A1t zone include the requirements as noted in the table below.

Table 2: Development Criteria

CRITERIA	A1 (Agricultural) ZONE REQUIREMENTS
Development Regulations	
Front Yard Setbacks	6.0 m
Side Yard Setbacks	3.0 m *
Maximum Site Coverage	10%
Maximum height	9.5 m or 2.5 storeys
<ul style="list-style-type: none"> <i>It is unknown if a variance would be required for the foundation that was poured without permits.</i> 	

3.0 Community Planning

Council is seeking a recommendation from the AAC with respect to the requested Non-Farm Use Application and possible Development Variance Permit in the ALR. The AAC should consider the proposed form of the use of the land and the potential positive and negative impacts of these operations on agriculture. The AAC should consider these requests relative to City policies identified above in Schedule A.

The AAC may also wish to recommend mitigation measures or requirements to the proposed operation to ensure that the impacts to agriculture are minimized as appropriate. Conditions may be stipulated both through the Non Farm Use Application and Farm Protection Development Permit and also on an annual basis as a part of a business license renewal.

Report prepared by:

Tracey Yuzik, Planner

Reviewed by:

Todd Cashin, Suburban and Rural Planning Manager

Attachments:

- Attachment A - Policies
- Attachment B - Comments
- Attachment C - SAWP Contract
- Proposed Plans and Elevations
- Inventory of land owned & leased by the applicant
- Agricultural Land Capability & Soil Class maps

ATTACHMENT A - Policies



Subject: Non-Farm Use Application to the ALC (Permanent Farm Help Dwelling)
3754 East Kelowna Road

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.

Policy .1 Secondary Suites. Encourage secondary suites on agricultural land to be located within a permitted principal dwelling.

Policy .3 Homeplating. 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.

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.

ATTACHMENT B - Technical Comments



Subject: Non-Farm Use Application to the ALC (Permanent Farm Help Dwelling)
3754 East Kelowna Road

1.1 Community Planning

Staff recommend looking into alternative options such as temporary dwellings or an appropriate renovation to the existing principal dwelling. This renovation/addition could accommodate the kitchen and bathroom requirements for additional temporary sleeping bunk houses to be placed temporarily on the property.

1.2 Bylaw Services

No Bylaw complaints have been generated from this property or other properties owned by the applicant.

1.3 Building & Permitting Department

A Stop Work Order has been placed on the property with regards to a concrete foundation that is underway. Development Cost Charges (DCCs) are required to be paid prior to issuance of any Building Permits for new construction. Full Plan check for Building Code related issues will be done at time of Building Permit applications. Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.

1.4 Development Engineering

On-site treatment and disposal of wastewater is under the jurisdiction of the Public Health Officer.

1.5 Irrigation District- Southeast Kelowna Irrigation District

Comments Forthcoming.

1.6 Ministry of Agriculture

No comments received.

ATTACHMENT C



SAWP OPINION # 1396360

4775 & 4655 Postill Drive, Kelowna, BC
 3375 Dall Road, Kelowna, BC
 3754 East Kelowna Road, Kelowna, BC

Housing Location(s): 3350 Pooley Road
 Kelowna
 BC

3370 Old Vernon Road
 Kelowna
 BC

3350 Pooley Road
 Kelowna
 BC

Supply Country: Jamaica

Visa Fee: \$6,200.00

Receipt #: 4489457

SAWP Arrivals for 8187616

<u># of workers</u>	<u>Requested Arrival Date</u>	<u>Anticipated Departure Date</u>
17	2016-06-18	2016-11-15
18	2016-07-15	2016-11-15
5	2016-03-05	2016-10-15

Named FWs for 8187616

<u>Family Name</u>	<u>Given Name(s)</u>	<u>M/F</u>	<u>SAWP Worker ID (if applicable)</u>
Barnes	Denroy	M	
Burton	Jermin	M	
Colquhoun	Adrian	M	
Farguharson	Paul	M	
Griffiths	Oneal	M	
Hall	Christopher	M	
James	Kemmarlie	M	
Johnson	Dhwayne	M	
Morrison	Clifton	M	
Muirhead	Fitzroy	M	
Richards	Lionel	M	
Stephens	Keneik	M	
Stewart	Shakar	M	
Watson	Jeffrey	M	
Williams	Enroy	M	
Wizzard	Delroy	M	

Important Notes:

- Workers hired according to the 2016 Seasonal Agricultural Worker Program regulations.
- Employer will ensure that the accommodations are approved by the Ministry of Health prior to the arrival of the workers.
- It is the responsibility of the employer to sign a copy of the current Agreement for the employment in Canada of commonwealth Caribbean seasonal agricultural workers contract.
- Employer agrees to accept substitute workers if named workers are not available.

Additional officer comments:



SAWP OPINION # 1396360

Service Canada Centre: 3361 - Simcoe
 Opinion number: 1396360
 Type: SAWP - New requests

Employer Information

Employer ID#: 229719 CRA Business #: 895534956
 Employer name: Balwinder Khun Khun
 Business phone: (250) 317-4843
 Employer address: 432 Wigglesworth Cres Kelowna, BC, V1X 7N1
 Primary Contact name: Balwinder KhunKhun Primary Contact Phone: (250) 317-4843
 Alternate Phone: N/A Fax: (250) 769-5919
 NAICS: 1113 - Fruit and Tree Nut Farming
 Website: N/A
 Total Visa Fee to be collected from Employer: \$6,200.00

Commodities

<u>Crop</u>	<u>Acreage</u>	<u>Method Harvested</u>
Fruits field	99	Hand harvested

Job Description

System file #: 8187616
 NOC code - title: 8431 - Orchard Worker
 Number of positions: 40 (16 named and 24 unnamed), see attached summary
 Substitutions accepted: Yes
 Wage: \$10.59 / Hourly
 Decision: Confirmed Decision date: 2016-02-23 by Lori Roloson
 Decision reasons: Wages consistent with Canadian standards
 Working conditions consistent with Canadian standards
 Filling a labour shortage
 Retention of current employees
 Reasonable efforts to hire Canadians/Permanent residents
 Job offer is genuine

Duties: thinning, pruning, and hand harvesting tree fruits
 Requirements: none
 Language Requirements:

Oral: The offer of employment does not require the ability to communicate in any specific language.
 Written: The offer of employment does not require the ability to communicate in any specific language.

Hours of work: Per day: N/A Per week: N/A Per month: N/A

Location(s): 4831 Scotty Creek Road, Kelowna, BC
 6030 Posiill Lake Road, Kelowna, BC
 2452 Gullay Road, Kelowna, BC
 3370 Old Vernon Road, Kelowna, BC

Khun Khun Orchards

Locations of our orchards where workers will work:

Owned farm properties:

Name on Title: Balwinder Khun Khun & Harbax Khun Khun

3754 East Kelowna Road, Kelowna, BC (8 acres apples & 4 acres cherries)
Lot B, Plan KAP84170, Section 13, Township 25 ODYLD
Location of worker accommodation - building to be constructed

3370 Old Vernon Road, Kelowna, BC (13 acres apples)
Lot 2, Plan KAP19835, Section 12, Township 23 ODYLD)

1650 Geen Road, Kelowna, BC (1 acre apples & 8 acres cherries)
Lot 3, Block 19, Plan KAP1380 Section 14, Township 26 ODYLD)

Leased properties that are a part of the operation:

3375 Dall Road, Kelowna, BC (4 acres apples & 10 acres cherries)
Lot 1, Plan KAP6585, Section 15, Township 26 ODYLD)

4775 & 4655 Postill Drive, Kelowna, BC (30 acres apples)

4831 Scotty Creek Road, Kelowna, BC (23 acres apples)

6030 Postill Lake Road, Kelowna, BC (9 acres apples)

2389 Longhill Road, Kelowna, BC (6.5 acres apples)
Lot 13, Block 9, Plan KAP1068 Section 4, Township 23 ODYLD)

2452 Gulley Road, Kelowna, BC (25 acres apples & 4 acres cherries)

3350 Pooley Road, Kelowna, BC (5 acres apples & 18 acres cherries)

Number of foreign workers under contract currently: 22

Additional foreign workers required due to increased production: 25
(Replanted trees beginning to produce / increase in cherry crop yield)

If you require anything else, please call me at 250-317-4843.

Thank you.

Balwinder Khun Khun

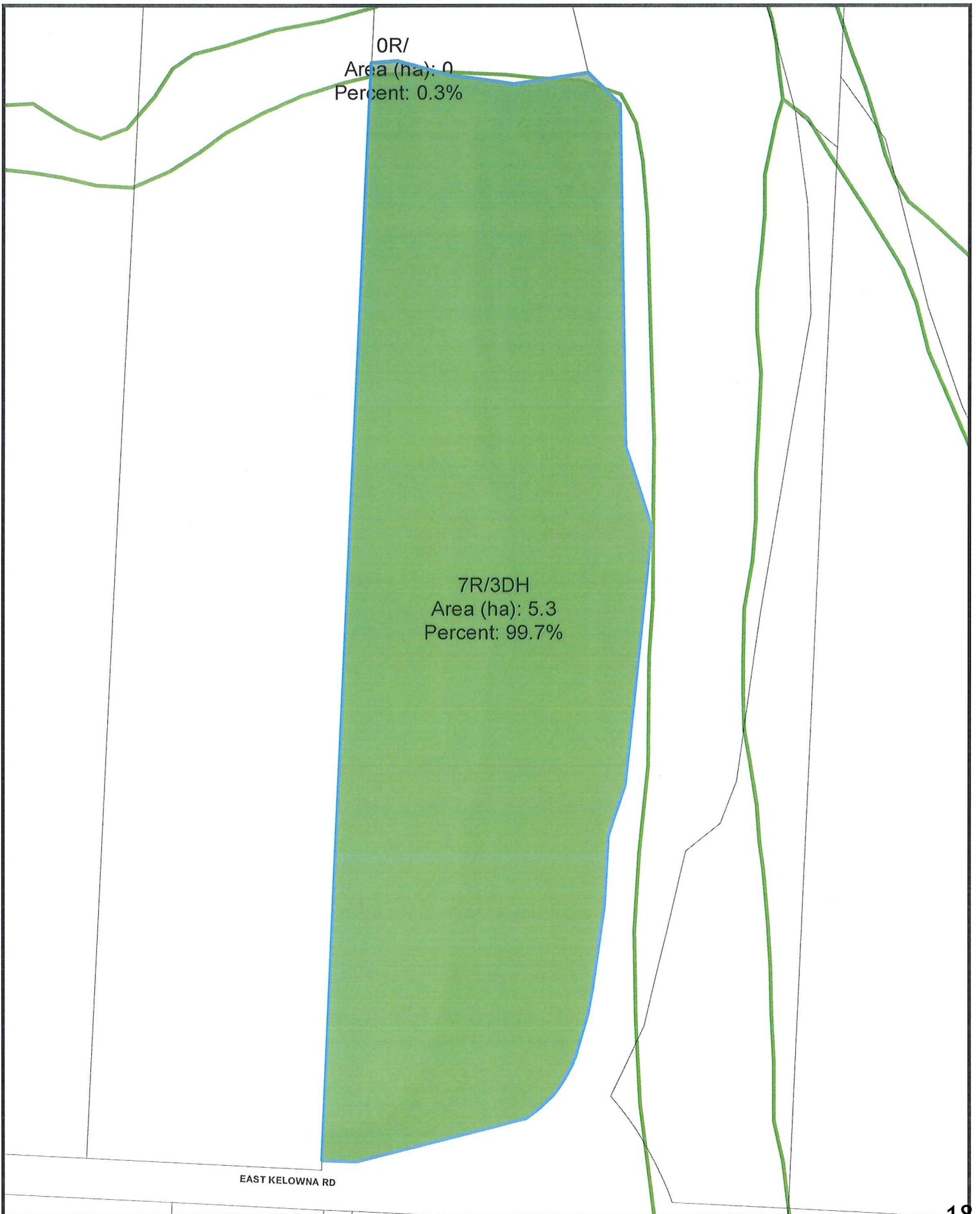
432 Wigglesworth Crescent Kelowna, BC V1X 7N1
Tel: (250) 317-4843 Fax: (250) 451-9267 bizmax@telus.net

Land Capability = Brown/ Soil Class = Green

0R/
Area (ha): 0
Percent: 0.3%

7R/3DH
Area (ha): 5.3
Percent: 99.7%

EAST KELOWNA RD



Land Capability = Brown/ Soil Class = Green

0:6TA : (0:6T :)
Area (ha): 0
Percent: 0.3 %

7:5A 3:4A (7:*3AP 3:2A)
Area (ha): 5.3
Percent: 99.7 %

EAST KELOWNA RD

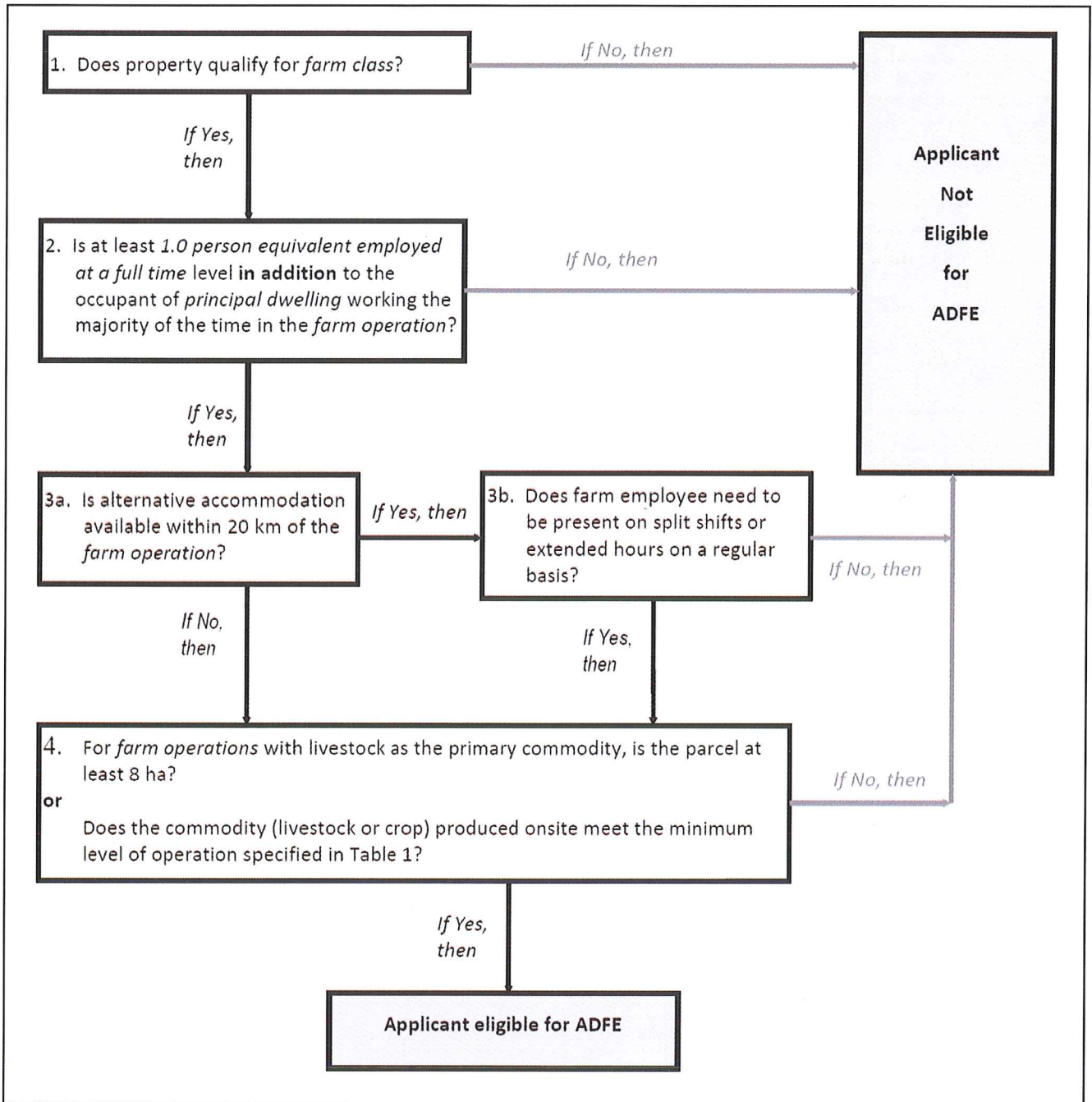
Appendix 6: Temporary Farm Worker Housing Criteria (TFWH)

1. TFWH should be provided as “bunkhouse” style accommodation which is very minimalist in nature.
2. New TFWH should be in an existing building, or a manufactured home. Housing should be constructed or manufactured in a manner that makes it easily movable from one location to another for residential use or offsite if the housing is no longer required.
3. Housing is to be provided on a temporary foundation (no concrete footings) and no basement permitted.
4. Housing must be located on a declared home plate. A home plate must be contained within a contiguous area no greater than 3,600 m² including those portions of existing farmhouses and their associated ancillary farm residential that are located more than 60 metres from the front, interior, rear or exterior property lines. Consideration will be given where a hardship (e.g. topography or agricultural viability) can be demonstrated.
5. Total useable floor area should be in the range of 7.44 m² minimum and 10 m² maximum. Total useable floor area does not include washrooms, laundry rooms, mechanical rooms, or storage rooms.
6. Sleeping areas must be a minimum of 8.5 m³ per person.

The following recommendations are consistent with the Federal Seasonal Agricultural Worker Program (SAWP):

1. One washbasin for every seven occupants.
2. One shower for every ten occupants.
3. One toilet facility for every ten occupants.
4. At least one laundering machine in good working order for every fifteen bunks or the equivalent.
5. One unit (2 burners) stove or hot plate for every four workers.
6. One refrigerator unit for every six workers.

Appendix 5: Process for Determining the Need for an Additional Dwelling for Farm Employees

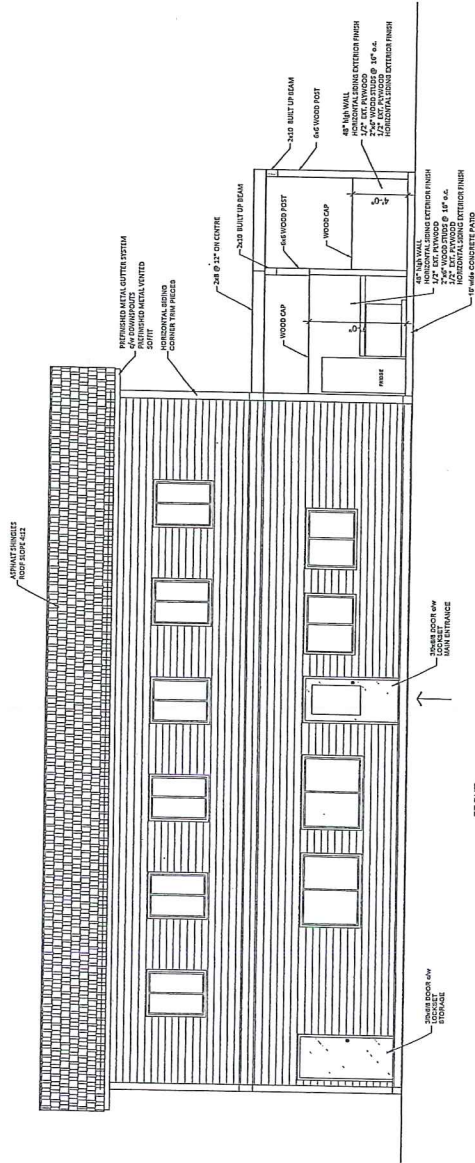


Appendix 4: City of Kelowna Guidelines for Approval of an Additional Dwelling for Farm Employee

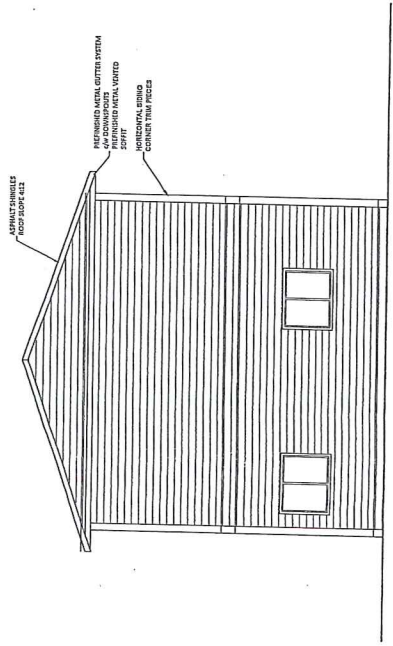
Farm Type		Minimum Established Level of Operation
Crops		
Berries	blueberries, raspberries, etc.	16 hectares harvestable
Forage	hay - irrigated hay - dryland	60 hectares 160 hectares
Grapes		10 hectares harvestable
Mushrooms		3,200 m ² of bed area
Nursery	propagating house container stock field grown	4,000 m ² 2 hectares in production 8 hectares in production
Ornamentals	field grown greenhouse grown	8 hectares in production 6,000 m ²
Tree Fruits	apples/pears/peaches/nectarines cherries	10 hectares 6 hectares
Vegetables	Field grown potatoes Other field crops Greenhouse grown	20 hectares in production 16 hectares in production 20,000 m ²
Livestock		
Beef	Cow-calf or grazing	150
Dairy		80
Farmed game	bison deer/elk	150
Goats		300
Horses	breeding non-breeding	20 brood mares and 3 standing stallions 40 horses
Llama/Alpaca		60
Pork	farrow to wean farrow to finish finishing	210 150 5000
Poultry	chicken broiler chicken broiler/breeder chicken layer turkeys game birds	100,000 per cycle 35,000 per cycle 40,000 per cycle 40,000 per cycle 20,000 per cycle
Sheep	meat dairy	400 300

- NOTE:**
1. ALL ROOFING AND FINISHES TO BE SHOWN ON CLARITY. DOWNSPOUT SHALL BE LOCATED TO DRAIN TO THE SIDE OF THE HOUSE. LOCATE DOWNSPOUT IN A LOCATION THAT DOES NOT CAUSE WATER TO BE DIRECTED TO VERTICALLY EXISTING GRASS AND TREES. DOWNSPOUT SHALL BE FINISHED TO MATCH WITH GUTTERS.
 2. FINISHES AND SPACE FINISHES SHALL BE SPECIFIED TO MATCH THE FINISHES SHOWN ON THE ARCHITECTURAL DRAWINGS AND TO BE FINISHED TO MATCH THE FINISHES SHOWN ON THE ARCHITECTURAL DRAWINGS.
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 4. EXTERIOR FINISHES SHALL BE SPECIFIED TO MATCH THE FINISHES SHOWN ON THE ARCHITECTURAL DRAWINGS AND TO BE FINISHED TO MATCH THE FINISHES SHOWN ON THE ARCHITECTURAL DRAWINGS.
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NOTE:
ALL DOORS AND WINDOWS SHOWN ON THE ELEVATIONS ARE FOR INFORMATION ONLY. EXACT DOORS AND WINDOWS TO BE SELECTED BY THE OWNER.



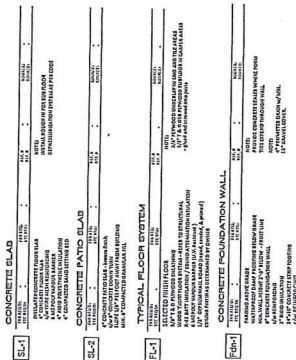
1. FRONT WEST ELEVATION
10'-11/2\"/>



2. NORTH ELEVATION
10'-11/2\"/>

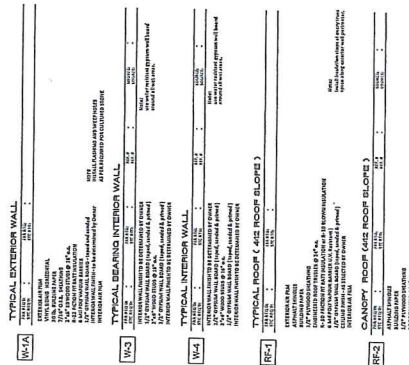
<p>HOLDEN'S DRAUGHTING & DESIGN ARCHITECTS 3754 EAST KELOWNA ROAD KELOWNA, B.C. V1Y 1K7 TEL: 250-860-1111 WWW.HOLDENS.COM</p>	
<p>DATE: 10/10/10 SCALE: 1/4\"/> </p>	<p>PROJECT: 1010101010 DRAWN BY: JLD CHECKED BY: JLD DATE: 10/10/10</p>
<p>NO. 1010101010 REV. 0</p>	<p>DATE: 10/10/10 SCALE: 1/4\"/> </p>

LEGEND



NOTE: CONCRETE FLOOR FINISH SHALL BE POLISHED CONCRETE FLOOR WITH POLYURETHANE PROTECTANT. FINISH SHALL BE POLISHED CONCRETE FLOOR WITH POLYURETHANE PROTECTANT. FINISH SHALL BE POLISHED CONCRETE FLOOR WITH POLYURETHANE PROTECTANT.

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Construction Assemblies

Roof Assembly Below Attic

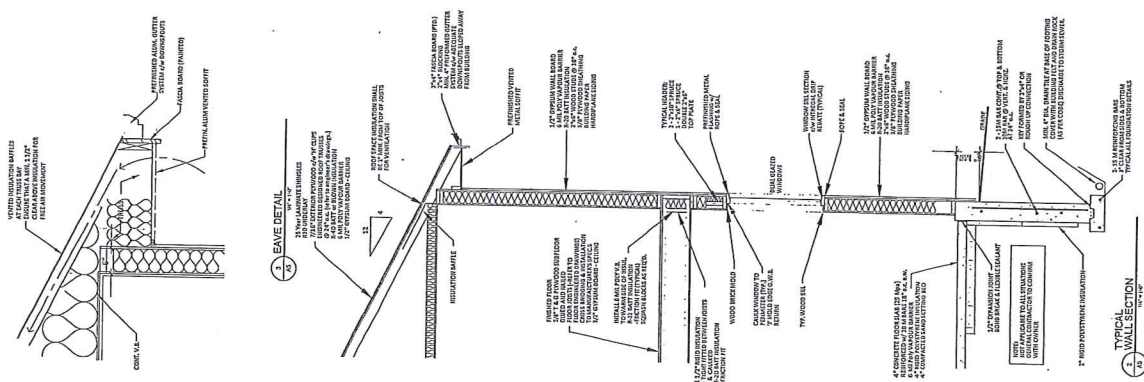
No.	Component	RSI	R
1	AIR FILM INTERIOR	0.11	0.62
2	3/4" GYPSUM WALL BOARD	0.08	0.45
3	POLYETHYLENE BARRIER	0.00	0.00
4	2" x 4" BOTTOM CHORD	1.96	11.13
5	R50 BLOWN CELLULOSE	8.82	50
6	AIR FILM INTERIOR	0.03	0.17
Effective Thermal Resistance		10.97	39.74
Required w/o HRV		8.67	62.29

Exterior Wall Assembly

No.	Component	RSI	R
1	AIR FILM EXTERIOR	0.03	0.17
2	HARDIPLANK SIDING	0.11	0.63
3	ASPHALT IMPREGNATED PAPER	0.00	0.00
4	3/8" OSB SHEATHING	0.11	0.63
5	2"x8" FRAMING @ 16' o.c.	2.67	15.16
6	R22 BATT INSULATION	0.00	0.00
7	POLYETHYLENE	0.08	0.45
8	3/4" GYPSUM WALL BOARD	0.00	0.00
9	WALL FINISH (PAINT)	0.00	0.00
10	INTERIOR AIR FILM	0.12	0.68
Effective Thermal Resistance		3.12	17.72
Required w/o HRV		3.08	17.49

Foundation Wall Assembly

No.	Component	RSI	R
1	AIR FILM EXTERIOR	0.03	0.17
2	2 LAYERS DAMPROOFING	0.02	0.11
3	8" CONCRETE	0.80	4.55
4	2"x8" FRAMING @ 24" o.c.	2.67	15.16
5	R22 BATT INSULATION	0.00	0.00
6	POLYETHYLENE	0.00	0.00
7	3/4" GYPSUM WALL BOARD	0.08	0.45
8	WALL FINISH (PAINT)	0.00	0.00
9	INTERIOR AIR FILM	0.12	0.68
Effective Thermal Resistance		3.72	21.12
Required w/o HRV		2.98	16.92



Scale	1/4" = 1'-0"
Drawn by	J.P. SANDIERS
Checked by	J.P. SANDIERS
Date	02/20/2015
Rev.	0

PROJECT
 CROSS SECTION, NOTATION & DETAILS

CLIENT
 J.P. SANDIERS
 1990 AGENCIE ROAD
 KEOUWA, I.C.

DESIGNER
 J.P. SANDIERS
 1990 AGENCIE ROAD
 KEOUWA, I.C.

REVISIONS

NO.	DATE	DESCRIPTION
1	02/20/2015	ISSUED FOR PERMIT

TITLE SEARCH PRINT

2016-01-22, 13:40:25

File Reference:

Requestor: Esther Devries

****CURRENT AND CANCELLED INFORMATION SHOWN****

Land Title District

Land Title Office

KAMLOOPS

KAMLOOPS

Title Number

From Title Number

CA729660

LB76608

Application Entered

2008-03-31

Application Received

2008-03-20

Registered Owner in Fee Simple

Registered Owner/Mailing Address:

BALWINDER SINGH KHUN KHUN, BUSINESSMAN
HARBAX KAUR KHUN KHUN, BUSINESSWOMAN
432 WIGGLESWORTH CRESCENT
KELOWNA, BC
V1X 7N1
AS JOINT TENANTS

Taxation Authority

CITY OF KELOWNA
SOUTH EAST KELOWNA IRRIGATION DISTRICT

Description of Land

Parcel Identifier:

027-110-451

Legal Description:

LOT B SECTION 14 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN KAP84170

Legal Notations

THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND
COMMISSION ACT, SEE AGRICULTURAL LAND RESERVE PLAN NO. M11328

Charges, Liens and Interests

Nature:

MORTGAGE

Registration Number:

KX12164

Registration Date and Time:

2005-01-31 14:50

Registered Owner:

BANK OF MONTREAL

Remarks:

INTER ALIA

Cancelled By:

CA3633589

Cancelled Date:

2014-03-17

TITLE SEARCH PRINT

2016-01-22, 13:40:25
Requestor: Esther Devries

File Reference:

Nature: ASSIGNMENT OF RENTS
Registration Number: KX12165
Registration Date and Time: 2005-01-31 14:50
Registered Owner: BANK OF MONTREAL
Remarks: INTER ALIA
Cancelled By: CA3633590
Cancelled Date: 2014-03-17

Nature: MORTGAGE
Registration Number: KX12166
Registration Date and Time: 2005-01-31 14:50
Registered Owner: BANK OF MONTREAL
Remarks: INTER ALIA
Cancelled By: CA3893673
Cancelled Date: 2014-08-11

Nature: ASSIGNMENT OF RENTS
Registration Number: KX12167
Registration Date and Time: 2005-01-31 14:50
Registered Owner: BANK OF MONTREAL
Remarks: INTER ALIA

Nature: MORTGAGE
Registration Number: CA729661
Registration Date and Time: 2008-03-20 13:17
Registered Owner: BANK OF MONTREAL
Remarks: INTER ALIA
Cancelled By: CA3893674
Cancelled Date: 2014-08-11

Nature: MORTGAGE
Registration Number: CA3157197
Registration Date and Time: 2013-05-31 11:48
Registered Owner: BANK OF MONTREAL
Remarks: INTER ALIA

Nature: ASSIGNMENT OF RENTS
Registration Number: CA3157198
Registration Date and Time: 2013-05-31 11:48
Registered Owner: BANK OF MONTREAL
Remarks: INTER ALIA

Duplicate Infeasible Title NONE OUTSTANDING

Transfers NONE

TITLE SEARCH PRINT

File Reference:

2016-01-22, 13:40:25
Requestor: Esther Devries

Pending Applications

NONE

Corrections

NONE

COMMITTEE REPORT



Date: April 14, 2015

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (MS)

Application: A16-0007

Owner: Wyn Lewis
Marion Lewis

Address: 3240 Pooley Road

Applicant: Wyn Lewis

Subject: Application to the ALC for a Non-Farm Use (Parking Lot 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 hold commercial assembly activities such as Shakespeare plays and music.

2.0 Proposal

2.1 Background

Okanaganvilla Estate Winery was established in 2008, with 6 acres of grapes planted. The development of the property to date has included:

- 2009 - Building Permit issued to turn existing farm house (main floor only) to a wine shop;
- 2011 - Received a 'Winery Special Event Endorsement' liquor license to Council, for the Courtyard of their house for theatre events; and
- Currently - a concurrent liquor license application to extend their liquor license to the upstairs and balcony of their tasting room, and to upgrade to a lounge license.

The Ministry of Agriculture's *Discussion Paper and Proposed Minister's Bylaw Standards - Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve*¹ indicates that commercial assembly activities require ALC approval as a Non-farm use in the ALR. Notwithstanding that the Discussion Paper has not been yet adopted as a Minister's Standard, this application is requesting approval to hold theatre and music events in the courtyard of their home. The events, including Shakespeare plays and the Phantom of the Opera, are held for audiences of 200 people up to ten times a year in the summer. Wine from the vineyard is sold during the intermission. In addition, they hold live music events are held in their picnic area for guests during the weekends through the summer. The application seeks to authorize the land use through the ALC, to work in concert with the liquor license endorsement approval for special events already received in 2011.

¹ Ministry of Agriculture, Strengthening Farming Program Innovation and Adaptation Services Branch, Sept. 14, 2015. *Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve.*

2.2 Project Description

The applicant is requesting a Non-Farm Use to allow up to 12 theatre related commercial assemblies per year in the courtyard of their home, and weekend live music events in their picnic area on weekends through the summer. The theatre events have been occurring on the property since 2011, when a Winery Special Event Liquor License Endorsement was approved by Council². In order to establish authorization for the land use that corresponds to the liquor license endorsement.

In order to further support the success of the special events to date, an onsite parking lot will be built along the front of the property (see below). The parking proposal includes:

- Build a 0.5 acre (0.2 ha) parking lot along the front of the property;
- surface the new parking area with gravel;
- keep existing hedges along the west and south property lines; and
- reduce existing parking near the tasting room from 20 to 10 paved handicapped stalls.

The parking is planned where the existing vines have been damaged by frost, and no crop was grown in 2014 or 2015. To compensate for the vines removed for parking, the applicant will interplant their existing vineyards, doubling the yield of a portion of the vineyard. This spacing has been used at the north end of the property.

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. 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)

² City of Kelowna, May 31, 2011. Minutes of Council Meeting, May 31, 2011.

Map 1 - Courtyard Area

Courtyard – Special Events Liquor License – Council approved 2011 with ALC bulletin (2010) that special events are permitted with a winery (see bulletin). (1175 square metres approximately)



Single Family Dwelling

Phantom of the Opera (2x per summer)

Shakespeare Plays (10 per summer)

Wine Processing Area

Map 2 - Wine Tasting Facility

Wine Tasting Lounge License – Current Application –
less than 125 m2 inside and outside



Proposed
Parking
Lot -
Gravel

Stage for Live
Music – every
Saturday in the
summer

Picnic Area
Endorsement
Area – wine
bottle sales –
no table
service

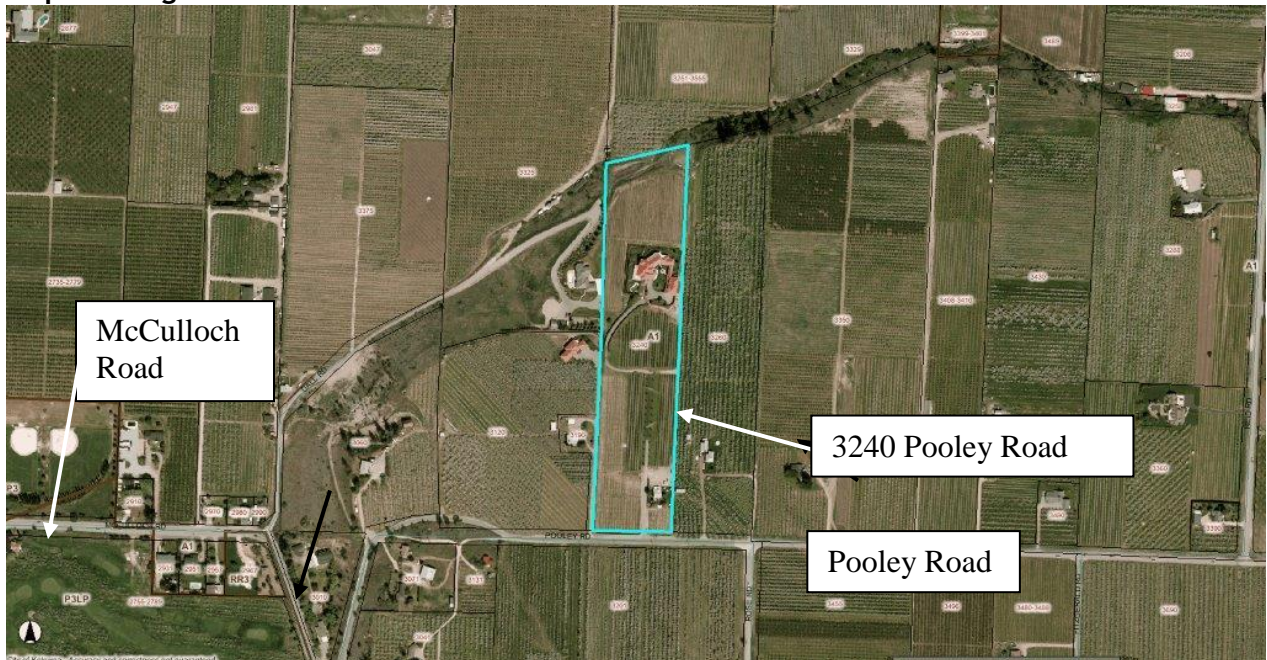
Proposed -
Reduce
parking area
to 10
Handicapped
Stalls

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

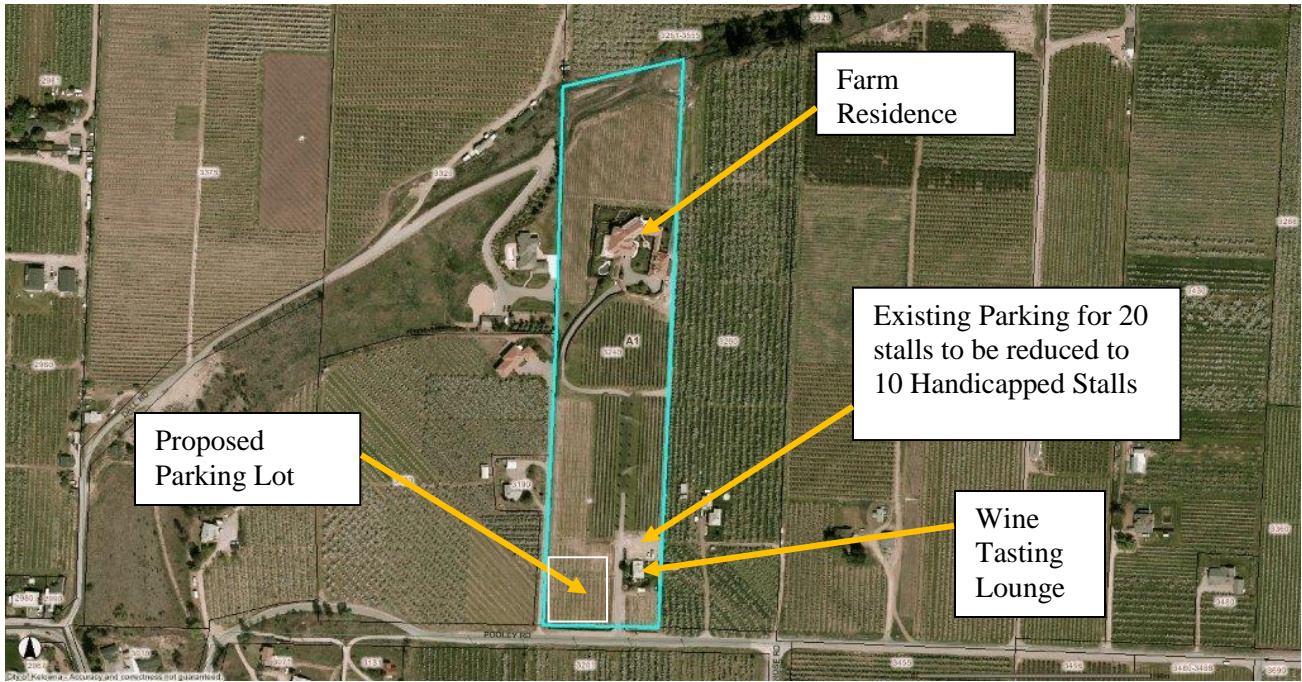
Table 1: Zoning and Land Use of Adjacent Property

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

Map 3 - Neighbourhood



Map 4 - Subject Property



Map 5 - Agricultural Land Reserve



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.

3.0 Community Planning

Council and staff are seeking a recommendation from the AAC with respect to the proposed non-farm use of commercial assemblies in the ALR. The AAC should pay particular attention to City and ALC policies and regulations with respect to non-farm uses and potential demands for a greater level of services should the venture become successful.

In addition, the AAC should consider potential impacts to agricultural land City-wide should this precedent be established. That is to say, the AAC should consider the impact of allowing for Commercial Assemblies, either wholly, or as accessory to farming and other agri-tourism efforts. Recommendations for safeguards to ensure farming is maintained may be considered. If this use is deemed to be appropriate, but only in select locations, the AAC may wish to recommend criteria in establishing appropriate locations along with any constraints that would be appropriate.

Regardless of whether or not the AAC supports the proposed use, AAC members should make recommendations in terms of limiting or mitigating undesirable impacts of the use in the event that the ALC and City Council approve the use.

Report prepared by:

Melanie Steppuhn, Land Use Planner

Reviewed by: Todd Cashin, Suburban and Rural Planning Manager

Attachments:

- Attachment A - Policies
- Applicant's Package
- Agricultural Land Capability Map
- Soil Capability Map

SCHEDULE A - Policies



Subject: 3240 Pooley Rd - Non-Farm Use Application to ALC
(Commercial Assemblies)

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.

1.2 City of Kelowna Agriculture Plan

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.

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.

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 55064

Application Status: Under LG Review

Applicant: wyn lewis

Local Government: City of Kelowna

Local Government Date of Receipt: 03/05/2016

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Farm Use

Proposal: For several years we have performed Shakespeare Plays and Phantom of The Opera in front of about 200 guests up to ten times a year in the summer. The performances take place within the courtyard of our home which is on the property. The performances are very popular locally and usually sell out in a day. The performers come from the UK (Phantom) and locally (Shakespeare) We also are applying to the BC Liquor Licensing Branch for a lounge license covering our existing Tasting Room area plus a small (40 square Meters) balcony that opens out from the Tasting Room. The inside area of the Lounge License is the same footprint as our existing Tasting Room License but the balcony area is new.

Current Use of Parcels Under Application

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

6 acres of Vines and 2 acres of Apples. Product sold through Tasting Room on site.

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

6 acres of Apples were replaced with vines in 2008.

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

Okanaganville Estate Winery (Winery and Tasting Room)

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: Apples

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?

For several years we have performed Shakespeare Plays and Phantom of The Opera in front of about 200 guests up to ten times a year in the summer. The performances take place within the courtyard of our home which is on the property. The performances are very popular locally and usually sell out in a day. The performers come from the UK (Phantom) and locally (Shakespeare) We also are applying to the BC Liquor Licensing Branch for a lounge license covering our existing Tasting Room area plus a small (40 square Meters) balcony that opens out from the Tasting Room. The inside area of the Lounge License is the same footprint as our existing Tasting Room License but the balcony area is new.

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.

A great part of the draw for our guests is the open air ambiance within the courtyard on a warm summer evening. During the interval, we sell our wine which is made in our winery which forms one of the walls of the courtyard i.e. within twenty feet of their seats, and the grapes are grown in the vineyards that are outside the courtyard.

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

Our winery has achieved significant success (winning "The Best White Wine in The World" in The World Wine Competition in Geneva, Switzerland in 2013) and has been rated the #1 Winery Experience in BC (out of 214 wineries rated) by Trip Advisor in 2013, 2014 and 2015. A large part of our popularity comes from the reviews written by visitors to our property either to visit the Tasting Room/Winery or to attend the evening events referred to above. About a third of the attendees to these events come to Kelowna from out of Province and plan their trip to Kelowna around the dates of our events.

Applicant Attachments

- Other correspondence or file information - Upstairs Plan
- Other correspondence or file information - Downstairs Plan
- Other correspondence or file information - Area Calculation
- Proposal Sketch - 55064
- Certificate of Title - 440-300-000

ALC Attachments

None.

Decisions

None.

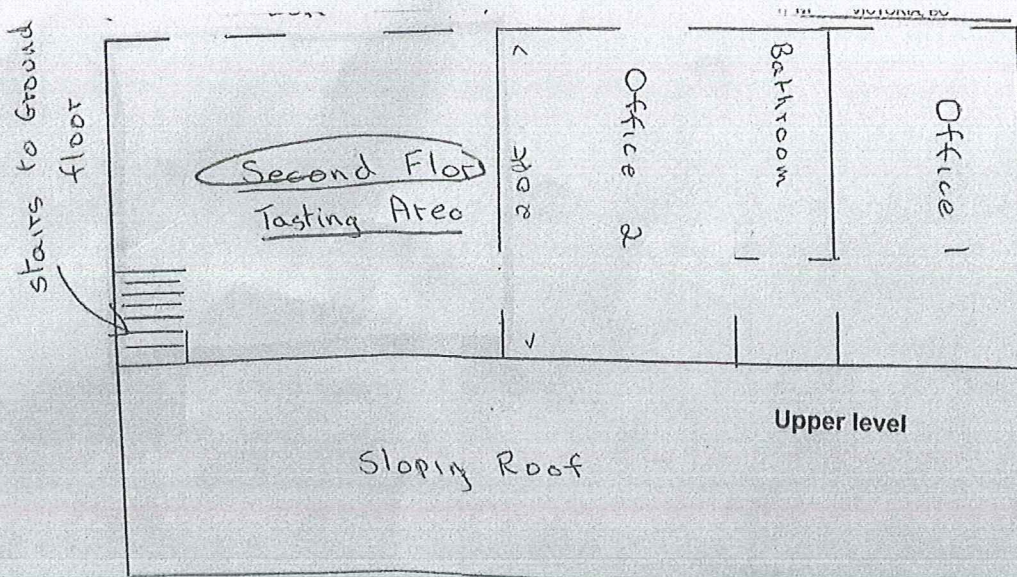
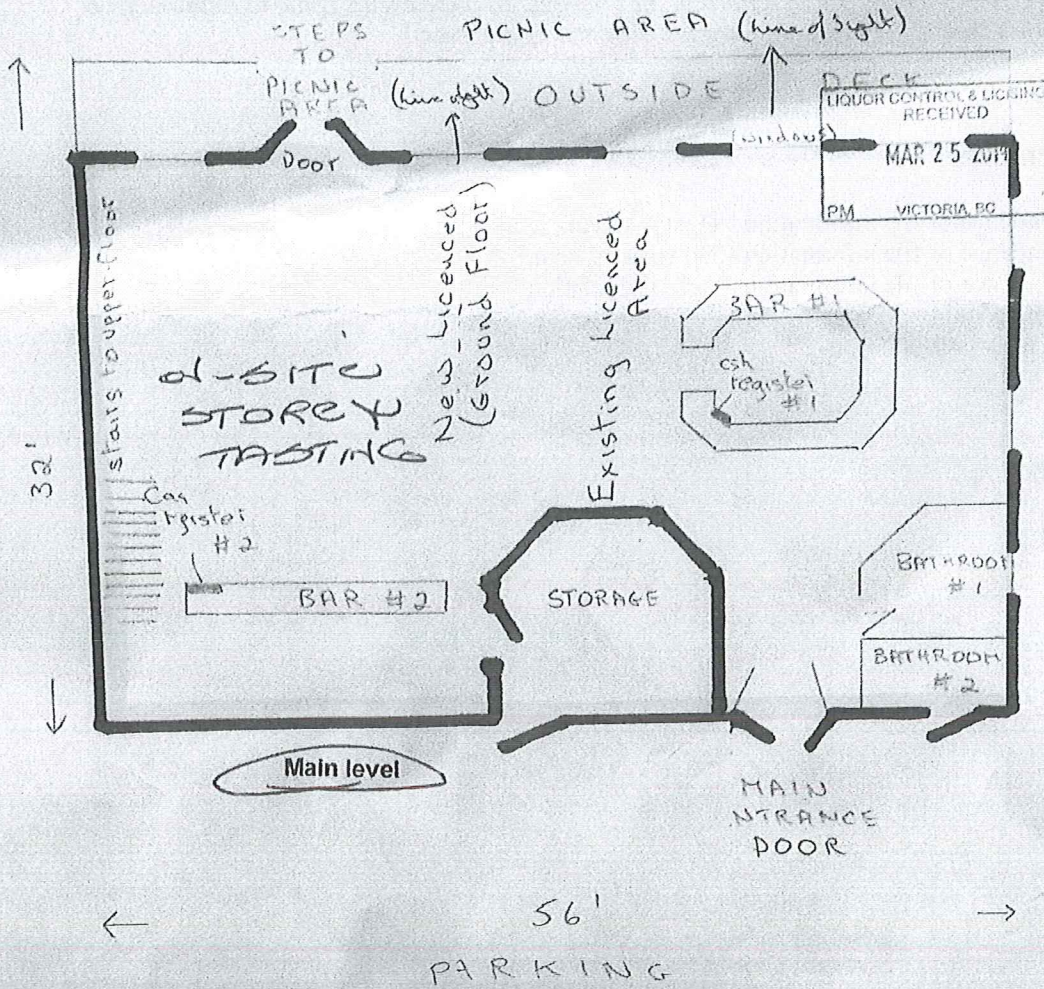
APPROVED, IN PRINCIPLE

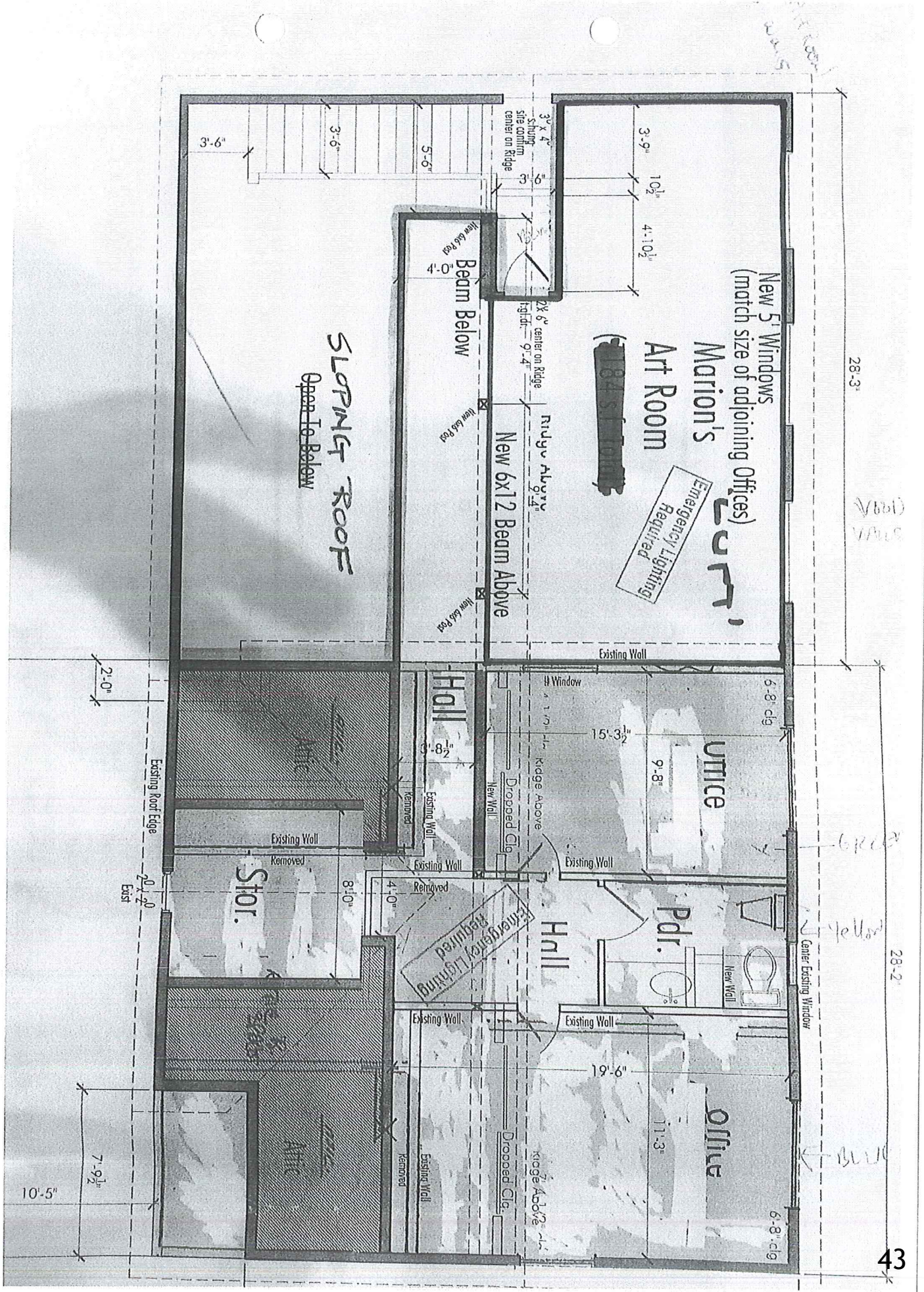
Subject to the terms and/or conditions specified in the approval

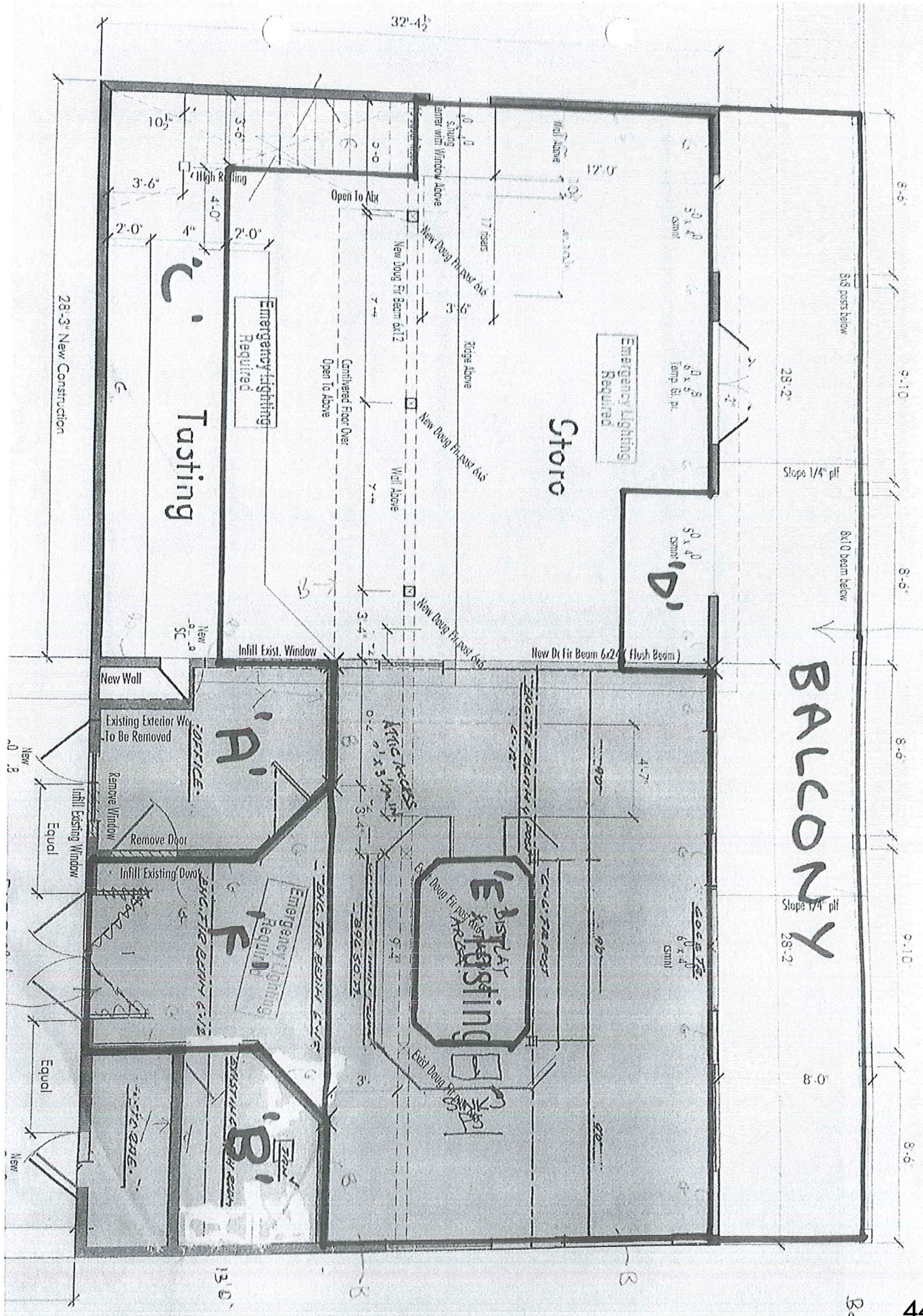
in principle letter(s) dated: April 15/14

Authority: ann

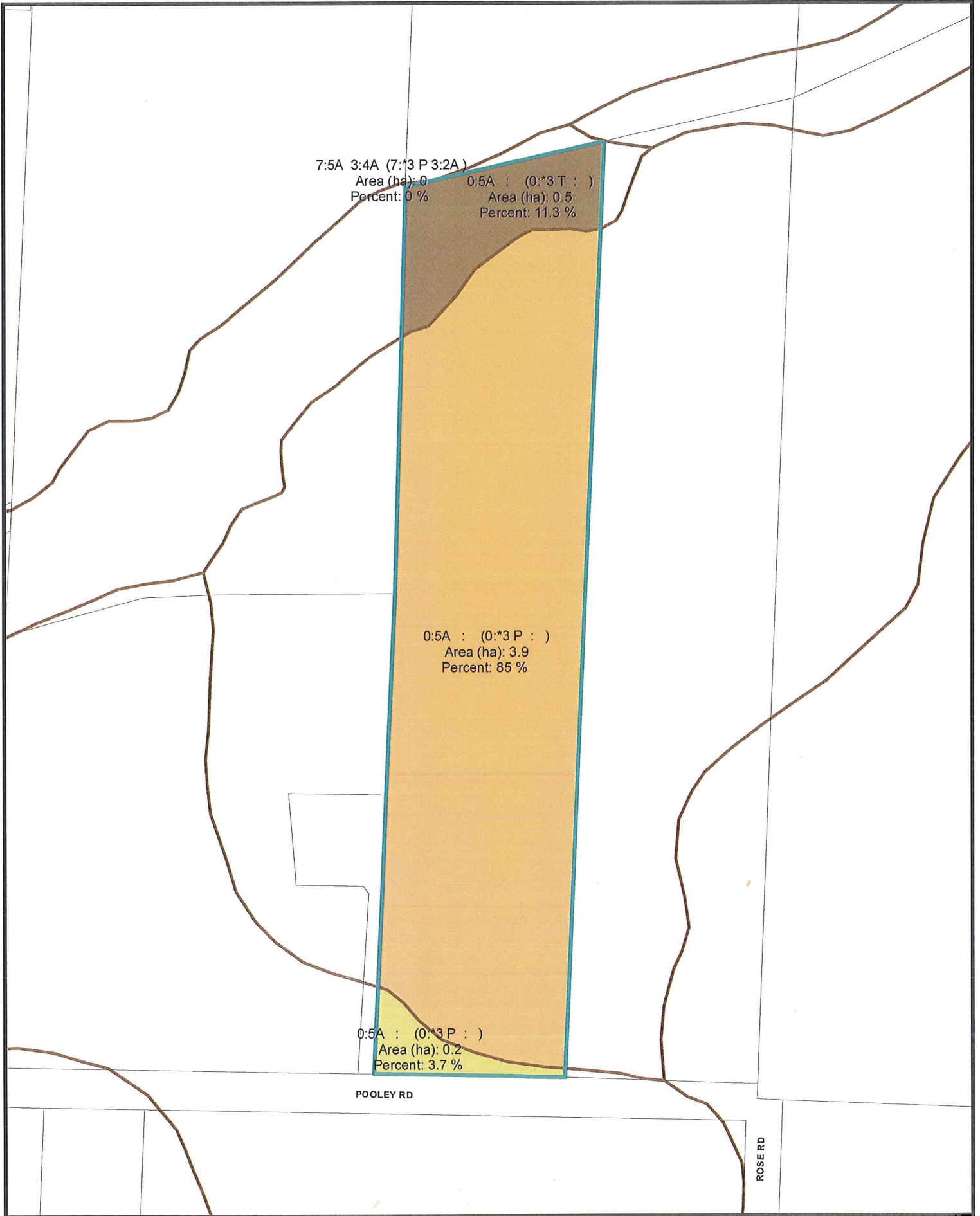
Maximum Person Capacity: N/A 1st + 2nd level







Land Capability = Brown/ Soil Class = Green



POOLEY RD

ROSE RD

Land Capability = Brown/ Soil Class = Green



The Ministry of Agriculture's *Discussion Paper and Proposed Minister's Bylaw Standards - Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve*² indicates that commercial assembly activities require ALC approval as a Non-farm use in the ALR. Notwithstanding that the Discussion Paper has not been yet adopted as a Minister's Standard, this application is requesting approval to hold commercial assemblies on the property.

2.2 Project Description

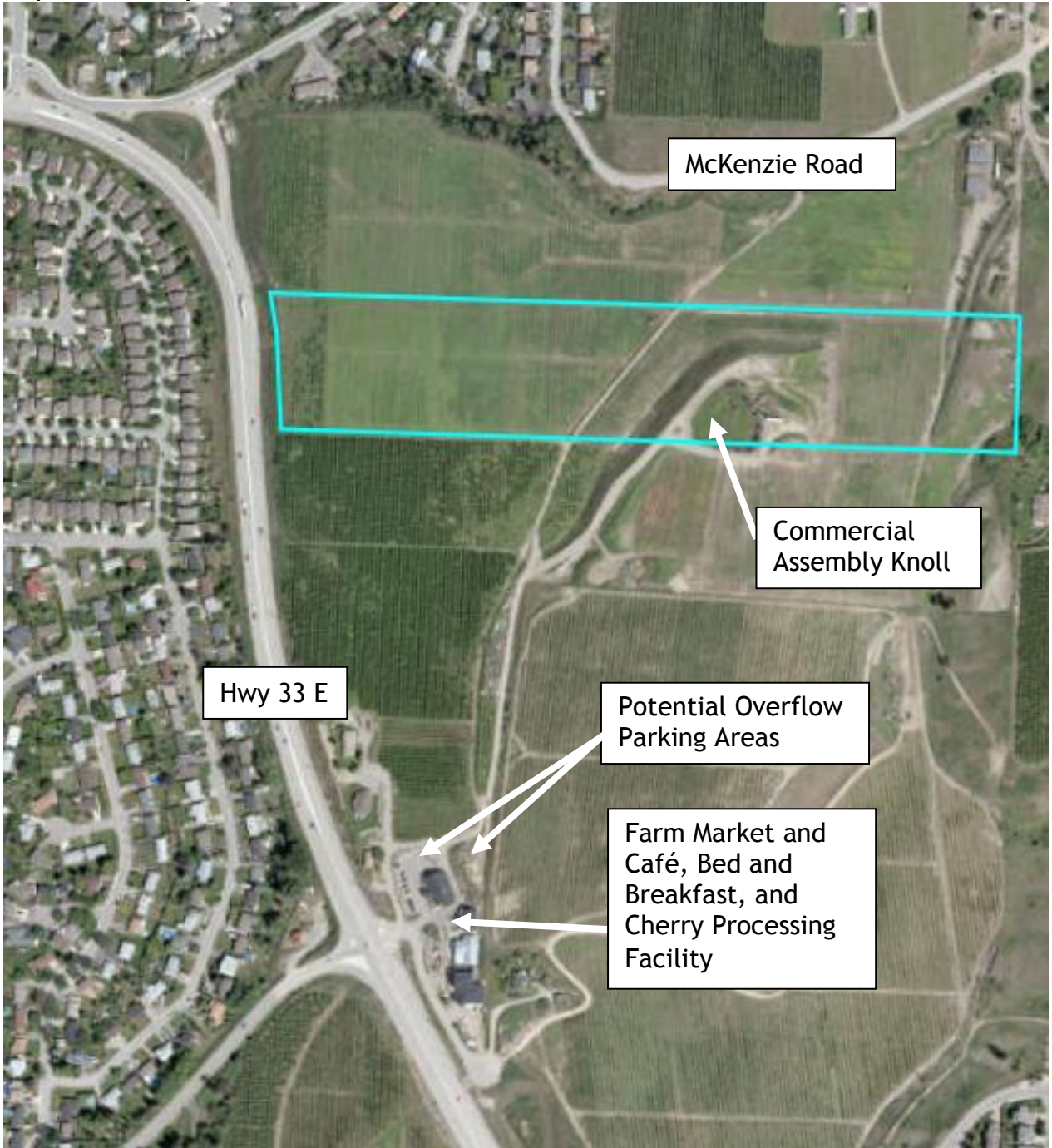
The applicant is requesting approval to hold special events on the property, including but not limited to weddings, anniversaries, reunions, festivals and concerts. Many of the activities will be agri-tourism activities, such as educational school tours, fundraisers, as a sightseeing location for tourists, and small farm to table functions to promote our fruits and vegetables. See attached for the applicant's package and Map 1. Other details include:

- Location and Grading
 - No additional grading of land form changes is proposed as part of this application.
- Parking
 - The upper parking area proposed for the special events is also used for loading cherries (not at the same time).
 - Parking areas proposed are two gravel areas near the portable kitchen, and one below the turf area. There is a one way driving loop around the site.
 - If required, overflow parking can be accommodated also by:
 - Parking along the access to the Proposed Special Events area; and
 - Parking at the Fruit Stand parking lot and being transported to site by bin-trailer or shuttle van.
 - All driving lanes and parking lots will remain as gravel. No resurfacing to asphalt or concrete is proposed.
- Kitchen and Food Service
 - Full food service is supplied for events. The intent is to provide a 'Farm to Table' experience, using fresh fruit and vegetables grown from the farm.
 - Much of the food is prepared in the existing commercial kitchen at the Farm Retail Sales building, with some of it being prepared and finished in the portable kitchen at the Special Events area.
 - The Special Events kitchen is portable, and is proposed as part of the application. It is self-contained regarding services.
 - Buffet service is provided.
- Liquor Service
 - Liquor Service is not proposed to be served by the applicant. The applicant requires that their customers secure a special events liquor license for the event they are holding.
- Services

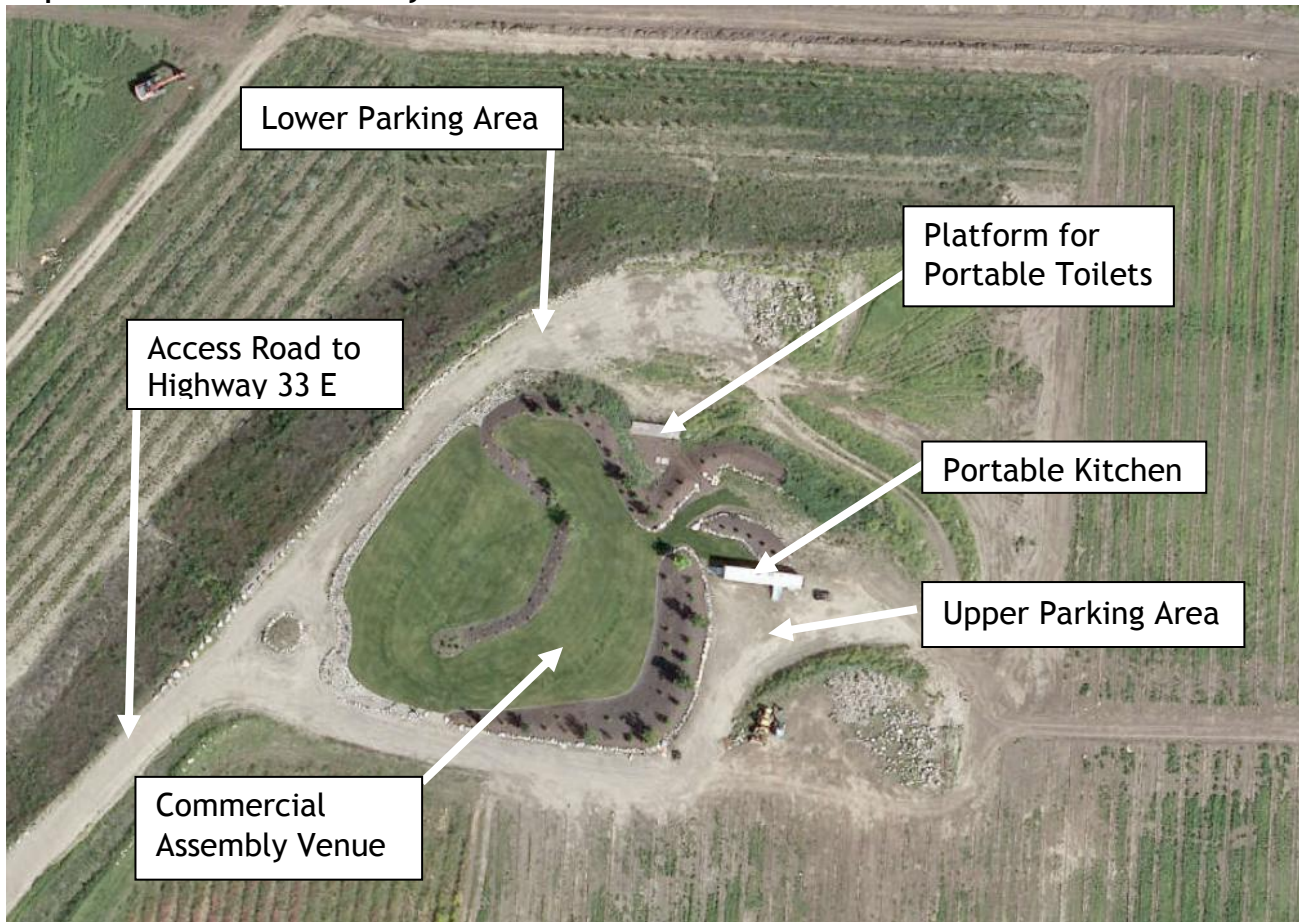
² Ministry of Agriculture, Strengthening Farming Program Innovation and Adaptation Services Branch, Sept. 14, 2015. *Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve*.

- No additional services (including power, water or septic hookups) are proposed as part of the application.
- Only portable toilets are proposed. These will only be located in the current location of a platform, where they are dropped off and picked up after each event. No additional permanent septic facilities are proposed as part of the application.
- Structures
 - No permanent structures are proposed as part of the application.
 - Temporary structures (tents) are proposed for the special events.
 - No other spaces are proposed for the special events other than the area shown in the plan, including the lunchroom above the processing facility.
- Capacity:
 - Most events will range from 30 - 100 people.
 - The proposed maximum capacity for most events proposed is 500 people (with the exception of below).
 - The proposed maximum capacity for a maximum of twice annually is 1000 people.

Map 1 - Farm Operation



Map 2 - Commercial Assembly Venue



2.3 Site Context

The subject property is located in the Rutland 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 subject properties are accessed by Highway 33 E at the Springfield Road intersection.

The contiguous farm operation for this application includes 4 properties:

- 1071 McKenzie Road
- 560 Hwy 33 E
- 570 Hwy 33 E
- 700 Hwy 33 E

Parcel Summary - Combined four properties:

Parcel Size: 35 ha (86.7 acres)
 Elevation: 421 to 493 metres above sea level (masl)

The subject property is at an urban/rural interface area with the Permanent Growth Boundary for urban uses ending at Highway 33. The large road cross section (averaging approximately 50 metres) does however provide extensive buffering from farm practices.

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

Direction	Zoning	ALR	Land Use
North	A1 - Agriculture 1	Yes	Orchard
South	A1 - Agriculture 1 Roadway	No No	Rural Residential Highway
East	A1 - Agriculture 1	Yes	Rural/agricultural
West	A1 - Agriculture 1 RU1 - Large Lot Housing	Yes Yes/No	Rural/agricultural Residential

Map 3 - Agricultural Land Reserve



2.4 Agricultural Capability / Soil Types

According to the Canada Land Inventory (CLI), the majority of the unimproved agricultural capability of the subject properties is Class 5A, with the primary limitation being aridity. There are some areas of Class 6 at the eastern side of the property with limitations of topography and aridity. With improvements, notably irrigation, the capability range for the majority of the site range from Class 1 to Class 3, which is considered prime agricultural land. (See Land Capability Map, attached).

The majority of the soils on the property are Kelowna Soils, which consist of a sandy to loamy veneer, between 10 and 30 cm thick, over glacial till. Surface textures are sandy loam or loam overlaying gravelly sand or gravelly loam. The soils are Orthic Dark Brown soils are well drained, with a moderate water holding capacity. They are well suited for most agricultural crops, and are often planted with tree fruits and vineyards. (See Soil Capability Map, attached).

Oyama soils are present in a lesser amount over the subject properties. These are deep, gravel-free sandy glaciofluvial deposits. The surface textures are sandy loam with subsoils of sand or loamy sand. They are well suited to agriculture but can have low water holding capacities. These soils are typically planted to tree fruits and vineyards.

3.0 Community Planning

Council and staff are seeking a recommendation from the AAC with respect to the proposed non-farm use of commercial assemblies in the ALR. The AAC should pay particular attention to City and ALC policies and regulations with respect to non-farm uses and potential demands for a greater level of services in the way of washrooms, kitchens and parking should the venture become successful.

In addition, the AAC should consider potential impacts to agricultural land City-wide should this precedent be established. That is to say, the AAC should consider the impact of allowing for Commercial Assemblies, either wholly, or as accessory to farming and other agri-tourism efforts. Recommendations for safeguards to ensure farming is maintained may be considered. If this use is deemed to be appropriate, but only in select locations, the AAC may wish to recommend criteria in establishing appropriate locations along with any constraints that would be appropriate.

Regardless of whether or not the AAC supports the proposed use, AAC members should consider recommendations in terms of limiting or mitigating undesirable impacts of the use in the event that the ALC and City Council approve the use.

Report prepared by:

Melanie Steppuhn, Land Use Planner

Reviewed by:



Todd Cashin, Suburban and Rural Planning Manager

Attachments:

- Attachment A - Policies
- Applicant Package
- Agricultural Capability Map
- Agricultural Soils Map

SCHEDULE A - Policies



Subject: 560 Hwy 33 E - Non-Farm Use Application to ALC
(Commercial Assemblies)

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.

1.2 City of Kelowna Agriculture Plan

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.

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.



HILLCREST Farm Market

January 21, 2016

Provincial Agricultural Land Commission
133-4940 Canada Way
Burnaby, BC, Canada
V5G 4K6

Re: Non-Farm Use Application (Special Events)

To Whom It May Concern:

Proposal: To establish a special events site in order to host events such as, but not limited to, weddings, anniversaries, reunions, festivals and concerts. All events will promote farm products in the way of a farm to table offering. This will be achieved without the use of a permanent commercial kitchen at the site. The proposed activities are in line with the offerings already provided by wineries in our area.

Background History

Hillcrest Farm Market Inc. currently owns and operates approximately 140 acres within the City of Kelowna. Our family has been part of the agricultural landscape of Kelowna for over 100 years. Over that time, family members have struggled to maintain a viable farming operation and for years the land lay fallow. In present day, the focus has been to vertically integrate and diversify, with a main focus of growing, packing, and exporting cherries. Of the 5 parcels owned, approximately 100 acres are currently farmed, with the majority of that acreage being planted in late season cherries. Other commodities grown include: apples, peaches, plums, table grapes and a variety of vegetable ground crops. 20,000 cherry trees are currently in our nursery and will be available to plant in the 2017 season.

In 2010, our family moved towards adding several agri-tourism components to our farm in order to diversify and ensure the viability of our operation. To date we have added a Farm Café, Fruit Stand, and Bed and Breakfast. As our farm grows, we plan to expand our agri-tourism offerings by engaging in several of the permitted activities as outlined in Policy #4 of the ALC Act titled Activities Designated as Farm Use: Agri-Tourism in the ALR. Some examples are:

- Agricultural heritage exhibit
- Farm tours and farm demonstrations
- Hay, tractor and sleigh rides
- Pumpkin patch tours and related activities

- Picnicking
- Farm related educational activities including cooking classes using farm products from the farm
- Seasonal promotional events (e.g. harvest and Christmas fairs and activities)
- Special promotional events (e.g. private or public special occasion events for the promotion of farm products)
- Charity fund-raising events where farm products from the farm are offered for sale or by contribution and the majority of net proceeds are donated to a registered charity
- **Catered food and beverage service special events where farm products from the farm are promoted, but not a service requiring the use of a permanent commercial kitchen**
- Corn mazes

One of the permitted uses listed above, catered food and beverage service special events was viewed by our family as a promising way in which we could promote our farm products in a larger group setting.

At the same time that we were planning to add agri tourism components to our farm, the Ministry of Transportation was in the process of 4-laning Highway 33. In order to expand the highway, land was needed from our farm. One thing that we were able to accomplish through our negotiations with the ministry was the salvaging of the soil that was lost to the highway expansion. Topsoil and subsoil was moved to the back of our farm where a steep and low spot was filled. This soil allowed us to bring approximately 10 acres of land into production. The remaining soil was used to fill a hole in the top of the hill of our property where the events site now sits. This area had never been farmed in the past due to the terrain.

Reduce Impact on Farmland

- The special event site is located in area that is not conducive to farming because of lay of the land.
- The site is at a distance from neighbouring properties. Closest home is over 300 meters away.
- Consolidating Agri-Tourism to specific areas and not on every parcel owned.
- Events site, Farm Café, Fruit Stand, Bed and Breakfast, and Cherry Packinghouse occupy less than 3% of total area farmed by Hillcrest Farm Market Inc.

- No additional road network needed, same roads used for farming activities
- Cherry trees planted in the vicinity will create a noise buffer
- Crop loading/Bin storage areas are used for parking.
- Vegetation Buffer Proposed along Eastern property line to reduce the impact of any noise on neighbouring property.

Benefits to Agriculture

- Ability to bring larger number of visitors to the farm to enjoy a farm to table experience.
- Bring awareness to farming to the younger generation. Site will be used in conjunction with educational school tours.
- Events site will generate revenue that will be invested back into the farm. In 2015, 40 acres were planted into cherries and there will be no revenue from this planting for the first 4 years.
- Diversified operation can better deal with the volatile nature of the agriculture industry.
- Events site will generate repeat customers that will return to our Farm Market to purchase fruits and vegetables.

In our overall business plan, the Events Site is an important component as it allows us the ability to leverage our existing farming activities and infrastructure, by adding more value and direct sales. This value added process is a key feature of successful farms today.

Sincerely,

Chanchal Bal
President, Hillcrest Farm Market Inc.

Proposal Sketch



- Legend**
- Properties
 - City Boundary



Notes

This map is for general information only. The City of Kelowna does not guarantee its accuracy, currency or completeness. All information should be verified.

0 50 100Meters

January 24, 2016



0 25 50Meters



January 24, 2016

This map is for general information only. The City of Kelowna does not guarantee its accuracy, currency or completeness. All information should be verified.



Legend

- Properties
- City Boundary

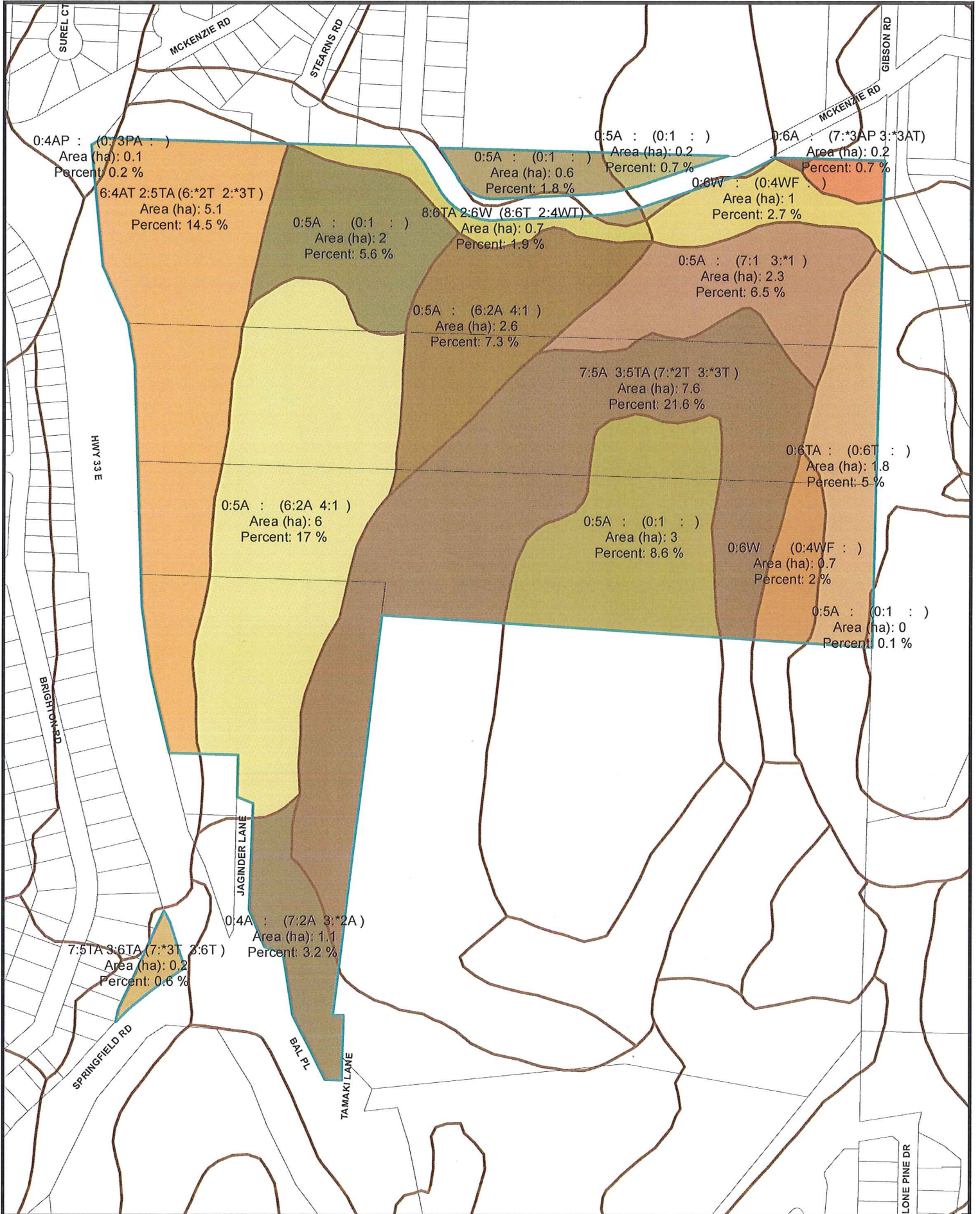


Notes

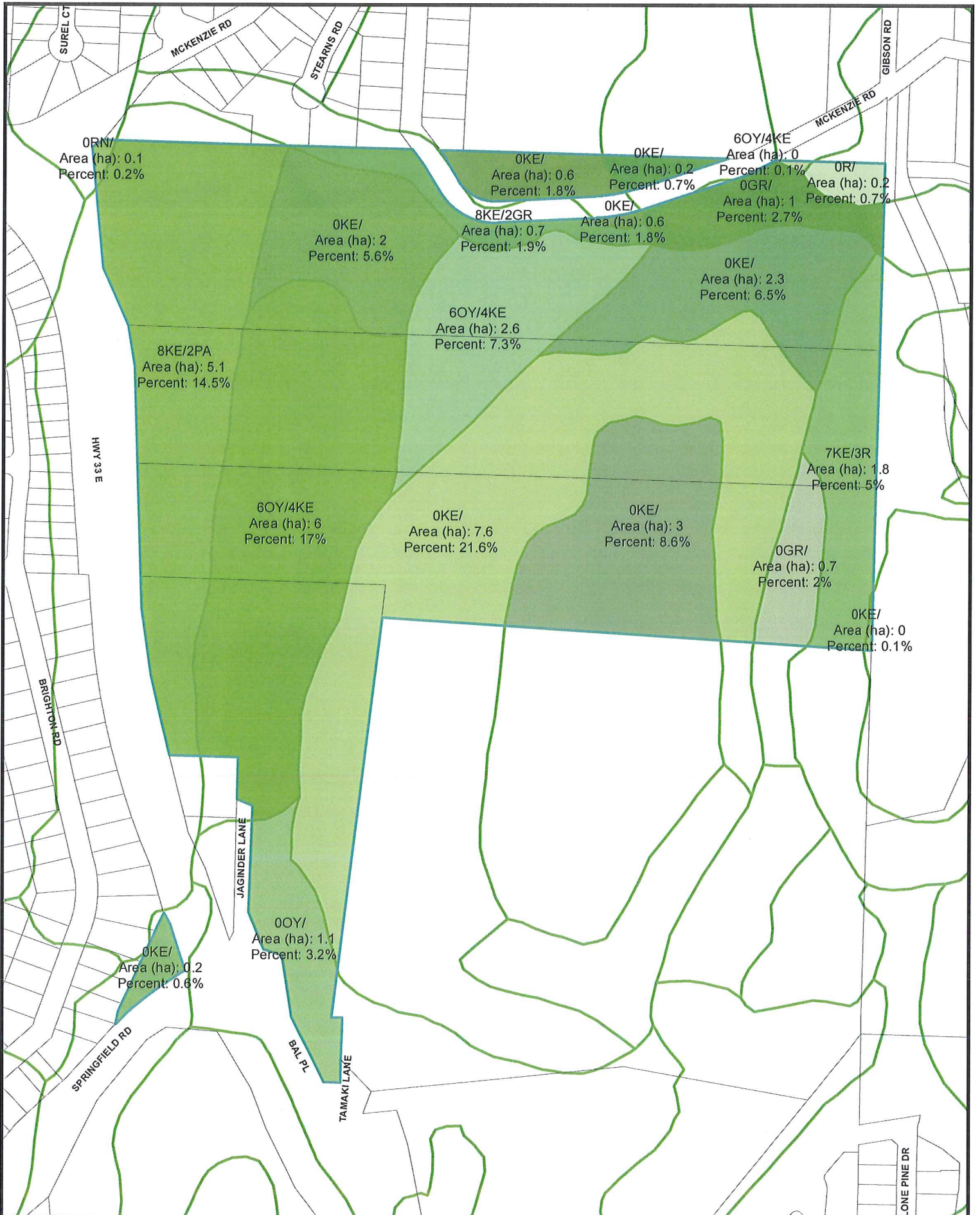




Land Capability = Brown/ Soil Class = Green



Land Capability = Brown/ Soil Class = Green





Agricultural Advisory Committee Minutes

Date: Thursday, March 10, 2016
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present: Domenic Rampone, Jeff Ricketts (Alternate), John Janmaat, Tarsem Goraya, Yvonne Herbison, Jill Worboys (Interior Health)

Members Absent: Ed Schiller, Pete Spencer, Keith Duhaime

Staff Present: 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 DP16-0044 / DVP16-0045 - 375 Gibson Road - Robert Holden

- Staff:
- Displayed a PowerPoint Presentation summarizing the application.
- The applicant is requesting permission for a Development Permit for nine agri-tourist accommodation "villa" bedroom units and a Development Variance Permit to vary the setback from the villas to the adjacent property line from a permitted 10.0 m to 7.3 m proposed.
- In 2014 the applicant received a rezoning amendment for the subject property from A1t - Agriculture 1 with Agri-tourist accommodation for 9 RV units on the subject property in the same location.
- The proposed site plan for 9 units are to the east of the fruit stand and just off of McKenzie Road.
- Displayed drawings of the upper and lower floor; 5 units on the upper floor and 4 on the lower floor.
- There are no kitchens in the units and each unit has a balcony facing west.
- Displayed diagrams of the front elevation facing Gibson Road and rear elevation facing East.
- 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.

AAC/Staff Discussion:

- Confirmed the property is outside the permanent growth boundary.
- Confirmed the footprint would be 50% of the original request.

Karmjit Gill, Applicant

- Have farmed in Kelowna for 25 years and farm 72 acres.
- Currently had been approved to have an RV site to compliment a fruit stand and agricultural tours and an education room.
- Believes many people have never seen how an orchard operates.

Avineet Gill

- I am the Applicant's son.
- Believes this is a great opportunity to show tourists what agriculture is all about.
- Believes many people do not see orchards due to a lack of accommodation.
- Believes this is a good way to show case and educate people about the attributes of an orchard.

AAC/Applicant Discussion:

- Applicant confirmed the approved RV site would have a sani-dump station and full water hook ups.

AAC/Staff Discussion:

- Members recommended that if the farming operation ceases the nine units be decommissioned.
- Members recommended that the City ensures the power and water be turned off during the off season.
- Concerns were raised regarding a permanent structure being erected as opposed to removable RV sites.
- Concerns were raised that by adding structures the land value will be increased and may make land unaffordable and unattainable for future farmers.
- Raised concerns that the units could be used for farm work helpers. Staff confirmed that through the Development Permit a covenant would be placed on the property stating the use and term of the use.

ANECTDOTAL COMMENT:

The Agricultural Advisory Committee supported the application, however, suggested there be a covenant placed on the property stating that if farming ceases the building be decommissioned. Suggested some form of condition be placed on the business license to ensure utilities are turned off during the non-tourist time as this structure is strictly for agri-tourism purposes. The Agricultural Committee is concerned with the permanence of the structure which effects land values and is long term unlike an RV Park. The Committee also raised concerns with added traffic volume in a rural area. The Agricultural Advisory Committee is supporting this special case recognizing it is a smaller footprint and the proposed area would be difficult to farm. The Agricultural Committee are not supportive in general rule of permanent structures.

Moved By Tarsem Goraya/Seconded By Domenic Rampone

THAT the Agricultural Advisory Committee recommends that Council support Development Permit Application No. DP16-0044 for nine agri-tourist accommodation "villa" bedroom units and Development Variance Permit Application No. DVP16-0045 to vary the setback from the villas to the adjacent property line from a permitted 10.0 m to 7.3 m proposed on 375 Gibson Road, Kelowna, B.C.

Carried
Yvonne Herbison and Jeff Ricketts - Opposed

3. MinutesMoved By Tarsem Goraya/Seconded By Domenic Rampone

THAT the Minutes of the February 11, 2016 Agricultural Advisory Committee meeting be adopted.

Carried

4. Old Business

Staff:

- Inquired if Members had any feedback regarding the Okanagan Adaptation Strategies Workshop No. 2.
- A Member suggested that future planning or funding should be provided to mitigate waterway issues.
- Advised Members there will be one more Strategies Workshop to narrow down next steps.
- Will email Members detailed information regarding the next Workshop.

5. Other Business

Staff:

- Advised that the Policy and Planning Division has been given approval by Council to update the Agricultural Plan. A Consultant has been retained to provide this update. The Consultant wants feedback from the Committee with respect to setting priorities as well as review the document and provide direction.
- Displayed a PowerPoint Presentation summarizing the Agricultural Plan as follows:

Kelowna has 11,996 hectares with Agriculture zoning (55% of land base) and 8,621 hectares in ALR (40% of land base).

Changes since the 1998 Agriculture Plan:

- Two major OCP updates
- Introduction of Permanent Growth Boundary
- Regional Growth Strategy
- Changes to provincial agricultural regulations
- Develop clear prescriptive policies;
- Identify opportunities to strengthen farming and develop agriculture as an economic driver;
- Increase the amount of and access to locally grown food; and
- Build resilience against rising food costs and climate change.
- Phase 1 - background scoping and agricultural profile - May 2016
- Phase 2 - public consultation and identified issues - Spring 2017
- Phase 3 - plan development - Spring 2017
- Vision, goals and priority areas;
- Updated agricultural mapping;
- Local government market opportunities;
- Recommended policy and actions:
 - protection strategies
 - policy directions
 - climate change adaptation and mitigation
 - bridging gaps in local food system
- Implementation strategy and monitoring framework

The value of a new Agriculture Plan provides tools to review development applications. Establishes baseline profile of agricultural activity. Inform upcoming 2040 OCP update and inform the "Healthy Food Systems" chapter of the Healthy City Strategy and guide policy regulations in A1 zone updates.

The Plan will be funded as follows:

Real Estate Foundation of BC (approved)	\$20,000
Investment Agriculture Foundation	\$20,000

(decision to be made April 2016)
 Policy & Planning Existing Budget
 Total

\$20,000
\$60,000

AAC/Staff Discussion:

- Members suggested the Ministry of Agriculture provide accurate stats of how much acreage the city has in ground crop production as well the cattle industry should be included.
- Staff advised that the Ministry of Agricultural has just completed a thorough land use inventory in Kelowna. Feedback from staff was submitted by January 31st.
- Members suggested more integration with tech and farm community.
- Members suggested there needs to be more cycling paths in the agricultural areas to enable people to be more connected with the landscape.
- Members suggested investigating strategies on how the tax system could better benefit farmers.
- Staff will send Members a link to the ALU1, if it is ready for distribution, from the Ministry of Agriculture

6. Next Meeting

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

7. Termination of Meeting

The Chair declared the meeting terminated at 7:26 p.m.

 John Janmaat, Chair

/acm

DRAFT