
**CITY OF KELOWNA
MEMORANDUM**

Date: September 30, 2009
File No.: A09-0010
To: City Manager
From: Community Sustainability Division
Purpose: To obtain approval from the Agricultural Land Commission under Section 30(1) of the *Agricultural Land Commission Act* to exclude the subject property from the Agricultural Land Reserve.
Owner: High Farms Ltd. **Applicant:** Protech Consultants Ltd. (G. Maddock)
At: 2580 Gallagher Road (2350 Verde Vista Road)
Existing Zone: A1 – Agriculture 1
Report Prepared By: Luke Turri

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A09-0010 for Lot A Section 7 Township 27 ODYD Plan 5157, located at 2350 Verde Vista Road, Kelowna, B.C. for exclusion from the Agricultural Land Reserve, pursuant to Section 30(1) of the Agricultural Land Commission Act not be supported by Municipal Council;

AND FURTHER THAT Municipal Council forward the subject application to the Agricultural Land Commission.

2.0 AGRICULTURAL ADVISORY COMMITTEE

At a meeting held on August 13, 2009, the Agricultural Advisory Committee passed the following recommendation:

THAT the Agricultural Advisory Committee not support Agriculture Application No. A09-0010, for 2580 Gallagher Road by Protech Consultants Ltd. which seeks obtain approval from the Agricultural Land Commission under Section 30(1) of the ALC Act to exclude the subject property from the ALR.

In addition, the following anecdotal comments were recorded in the minutes:

The Agricultural Advisory Committee recommend non support as it removes agricultural land from agricultural land base and recommend the City of Kelowna review the situation with Bylaw Enforcement, Farm Practices Review Board and Ministry of Agriculture to assess the extremely negative impact on this farming operation from encroachment of urban sprawl without buffering. The City could consider purchasing the property.

3.0 SUMMARY

The applicant is requesting permission from the Agricultural Land Commission (ALC) to allow the subject property to be excluded from the Agricultural Land Reserve (ALR).



4.0 SITE CONTEXT

The subject property is located east of the future Kirschner Mountain subdivision in the Black Mountain area, accessed via Verde Vista Road. The total site area is 6.55 hectares (16.18 acres) and the elevation for the majority of the site varies between 610 m and 635 m (with the panhandle portion sloping down to 604 m.

4.1 BCLI Land Capability (Map 82E.094)

Portion of Site	Land Capability Rating, Unimproved	Land Capability Rating, with Improvements
Central/ Southwest	70% Class 4 with soil moisture deficiency and topography constraints 30% Class 5 with soil moisture deficiency and topography constraints	70% Class 2 with soil moisture deficiency and topography constraints 30% Class 3 with topography constraints and soil moisture deficiency
East	80% Class 4 with soil moisture deficiency 20% Class 5 with soil moisture deficiency and stoniness	80% Class 2 with soil moisture deficiency 20% Class 3 with stoniness and soil moisture deficiency
Northwest Corner	50% Class 5 with topography and soil moisture deficiency 30% Class 6 with topography and depth to solid bedrock and/or rockiness 20% Class 6 with topography and soil moisture deficiency	50% Class 3 with topography and soil moisture deficiency 30% Class 6 with topography and depth to solid bedrock and/or rockiness 20% Class 6 with topography

4.2 Soil Classification (Map 82E.094)

Portion of Site	%	Soil Type	Description
Central/ Southwest	100%	HD - Harrland	<u>Land</u> : eolian veneer over gently to very steeply sloping glacial till. <u>Texture</u> : 10 to 30 cm of sandy loam or loamy sand over gravely sandy loam or gravely loamy sand. <u>Drainage</u> : Well.
East	80%	HD - Harrland	<u>Land</u> : eolian veneer over gently to very steeply sloping glacial till. <u>Texture</u> : 10 to 30 cm of sandy loam or loamy sand over gravely sandy loam or gravely loamy sand. <u>Drainage</u> : Well.

	20%	PA - Peachland	<u>Land</u> : hummocky, pitted fluvioglacial deposits (kame) often over gently to very steeply sloping glacial till. <u>Texture</u> : 100cm or more of gravelly silt loam, gravelly sand loam or gravelly loamy sand. <u>Drainage</u> : Well.
Northwest Corner	70%	HD - Harrland	<u>Land</u> : eolian veneer over gently to very steeply sloping glacial till. <u>Texture</u> : 10 to 30 cm of sandy loam or loamy sand over gravelly sandy loam or gravelly loamy sand. <u>Drainage</u> : Well.
	20%	PA - Peachland	<u>Land</u> : hummocky, pitted fluvioglacial deposits (kame) often over gently to very steeply sloping glacial till. <u>Texture</u> : 100cm or more of gravelly silt loam, gravelly sand loam or gravelly loamy sand. <u>Drainage</u> : Well.
	10%	MLC – Misc.	Exposed bedrock or rock areas covered by less than 10cm of mineral soil.

4.3 Zoning of Adjacent Property

North A1 – Agriculture 1 & RU6 – Two Dwelling Housing
 South A1 – Agriculture 1
 East A1 – Agriculture 1
 West A1 – Agriculture 1 (Identified Future Residential Development)

5.0 BACKGROUND & PROPOSAL

The applicant proposes to exclude the subject property from the ALR. The property was purchased by the current owner in 1998, and horse breeding and training activities have occurred since that time. The majority of the structures on-site are located near the western property boundary including the main residence, stables and an indoor riding arena. An outdoor riding ring sits below and to the east of these structures. While the property has frontage along Gallagher Road through a long panhandle, the main driveway is located at Verde Vista Road. The applicant has stated that the placement of a double-wide trailer to the immediate east of this panhandle (on a neighbouring property) has eliminated the ability to provide vehicular access from this side of the property.

Supporting documentation claims that the land is not suitable for continuing horse breeding activities or for 'commercial' agriculture. A detailed letter of intent outlining current site/logistical constraints for horse breeding on the subject property is attached. The applicant has also provided an Agricultural Capability Assessment for the property from a Professional Agrologist, excerpts of which are attached. If successful, the owners intend to sell the property as a potential development parcel, and move their horse breeding operation elsewhere.

6.0 CURRENT DEVELOPMENT POLICY

6.1 Kelowna 2020 – Official Community Plan

The subject property is designated as Rural / Agricultural for future land use.

Agriculture Policies:

Agricultural Land Reserve. Confirm support for the Agricultural Land Reserve.

Sustained Agriculture. Encourage the retention of diverse agricultural uses through limits on urban development and non-farm use on lands of sustainable production capability.

Subdivision. Discourage the subdivision of agricultural land into smaller parcels, except where positive benefits to agriculture can be demonstrated.

Buffers. Provide for distinct boundaries that separate urban and rural uses by utilizing, where appropriate, roads, topographic features, watercourses, ditching, fencing, or small lot rural transition areas, as buffers to preserve larger farm units and areas.

6.2 City of Kelowna Agriculture Plan

Defined Urban – Rural/Agricultural Boundary. Confirm support for the Agricultural Land Reserve and establish a defined urban – rural/agricultural boundary, as indicated on Map 14 – Urban – Rural/Agricultural Boundary (an excerpt of this map is attached), utilizing existing roads, topographic features, or watercourses wherever possible.

Farmland Preservation. Direct urban uses to land within the urban portion of the defined urban – rural/agricultural boundary, in the interest of reducing development and speculative pressure, toward the preservation of agricultural lands and discourage further extension of existing urban areas into agricultural lands.

7.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

The subject property has a variety of land capability and soil classification conditions across the site and has the potential for soil productivity and land capability to increase through improvements such as expanded irrigation. The majority of the subject property could achieve some form of agricultural viability according to Provincial mapping (Class 2 & 3 land capability), based on irrigation improvements. It is noted that the improved land would still be impacted by some soil moisture deficiencies and topographical constraints. A detailed analysis of soil classification and land capability was completed for the owner through the attached Agricultural Capability Assessment.

Both the City of Kelowna Official Community Plan and Agriculture Plan express concern that the permitted expansion of urban uses into what is otherwise an agricultural landscape will serve to diminish the viability of agricultural practice. Increased speculative pressure on land and conflict between land uses should be avoided, particularly in agricultural areas under development pressure. It is the policy of the City to not permit the expansion of existing non-ALR, residential enclaves located in rural surroundings. Further development would only add to the strain on the identified “Urban-Rural Agriculture Boundary” outlined in the OCP, which parallels the ALR boundary surrounding the parcel.

While the current owners have noted continued struggles to successfully breed and train horses on-site, there are a variety of different land uses and agricultural activities that could be considered in the interests of maintaining the land within the ALR. Development potential should not be extended into areas identified as rural/agricultural within the OCP, as ample development land is already provided for within existing land use designations.

It is important that farm issues are considered in a way that recognizes agriculture as the highest and best use of our farmland resource. The Agricultural Plan strives to provide a working land base conducive to agricultural production to enable the largest possible number of agricultural opportunities over the broadest possible extent of agricultural land base.

Should Council choose to support the application, an alternate recommendation is provided below:

8.0 ALTERNATE RECOMMENDATION

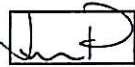
THAT Agricultural Land Reserve Appeal No. A09-0010 for Lot A Section 7 Township 27 ODYD Plan 5157, located at 2350 Verde Vista Road, Kelowna, B.C. for exclusion from the Agricultural Land Reserve, pursuant to Section 30(1) of the Agricultural Land Commission Act be supported by Municipal Council;

AND FURTHER THAT Municipal Council forward the subject application to the Agricultural Land Commission.



Shelley Gambacort
Director of Land Use Management

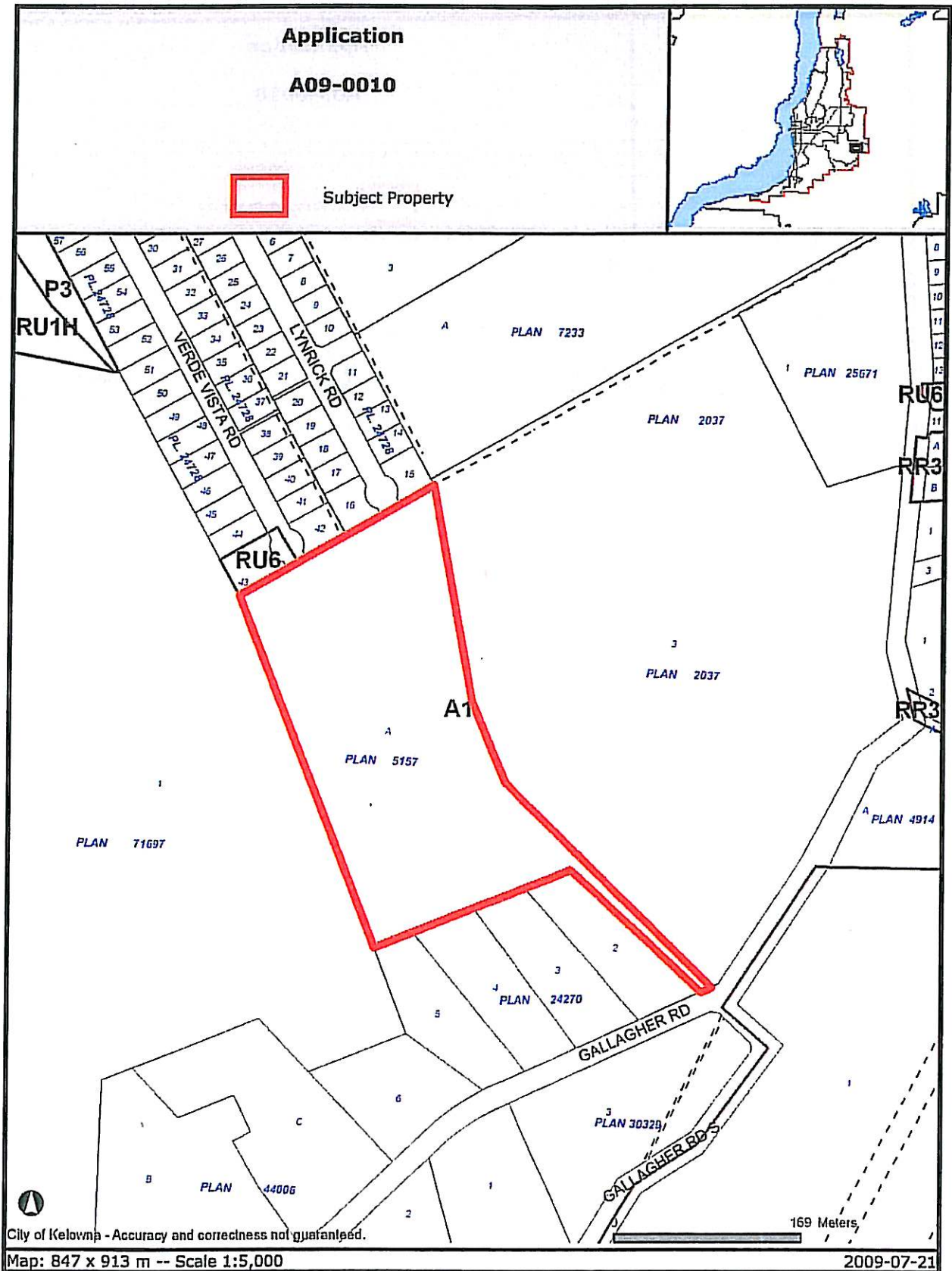
Approved for inclusion:



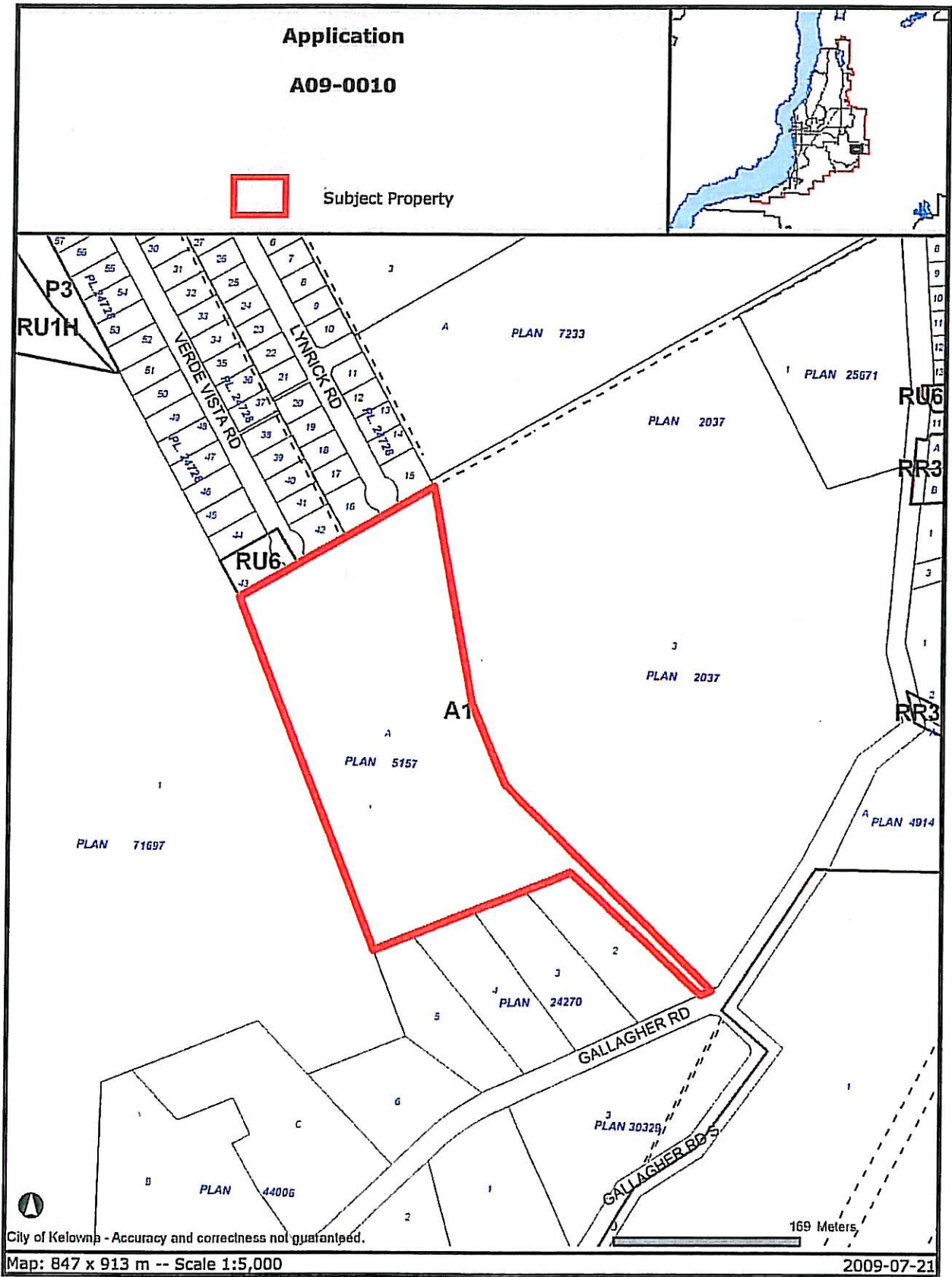
Jim Paterson
General Manager, Community Sustainability

ATTACHMENTS

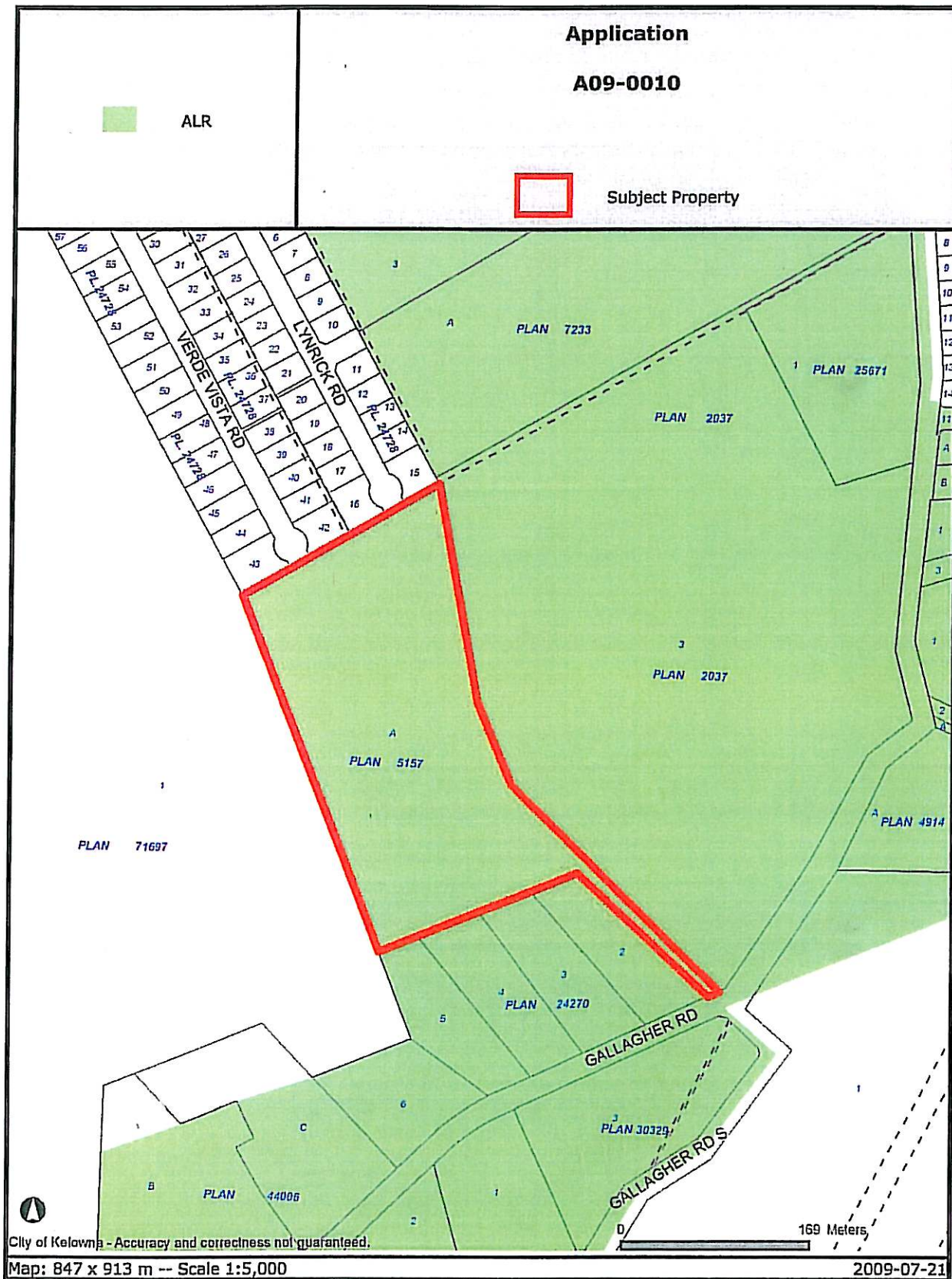
- Location map of subject property
- Agricultural Land Reserve map of subject property
- Topographical Mapping of subject property
- Air photo of subject property
- ALC Application by applicant (2 pages)
- Agricultural Capability Assessment, including site photos (excerpt, 9 pages)
- Applicant's Letter of Proposal/Intent (7 pages)
- Land Capability and Soil Classification maps (2 pages)



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.

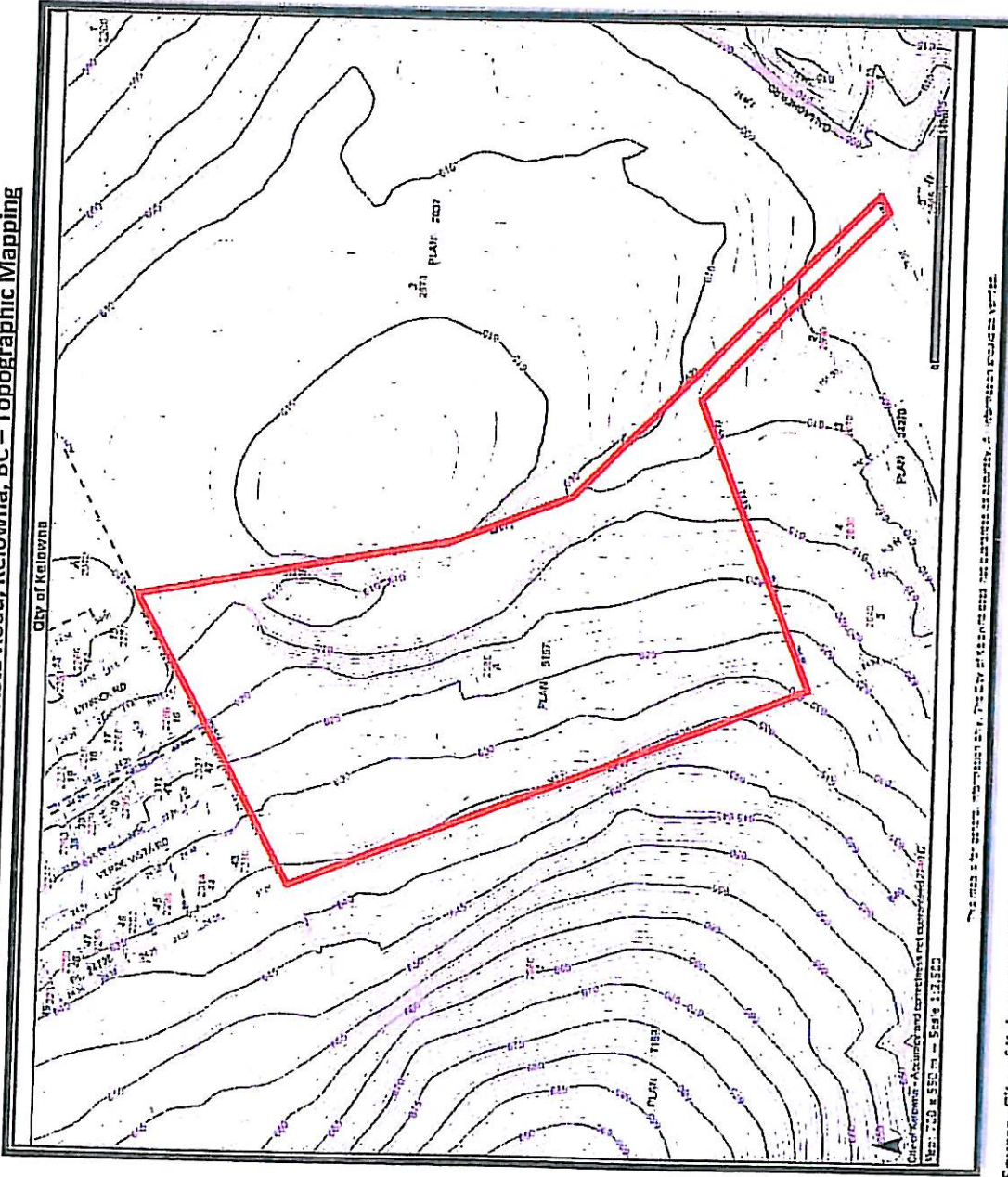


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Figure 3 - 2350 Verde Vista Road, Kelowna, BC – Topographic Mapping

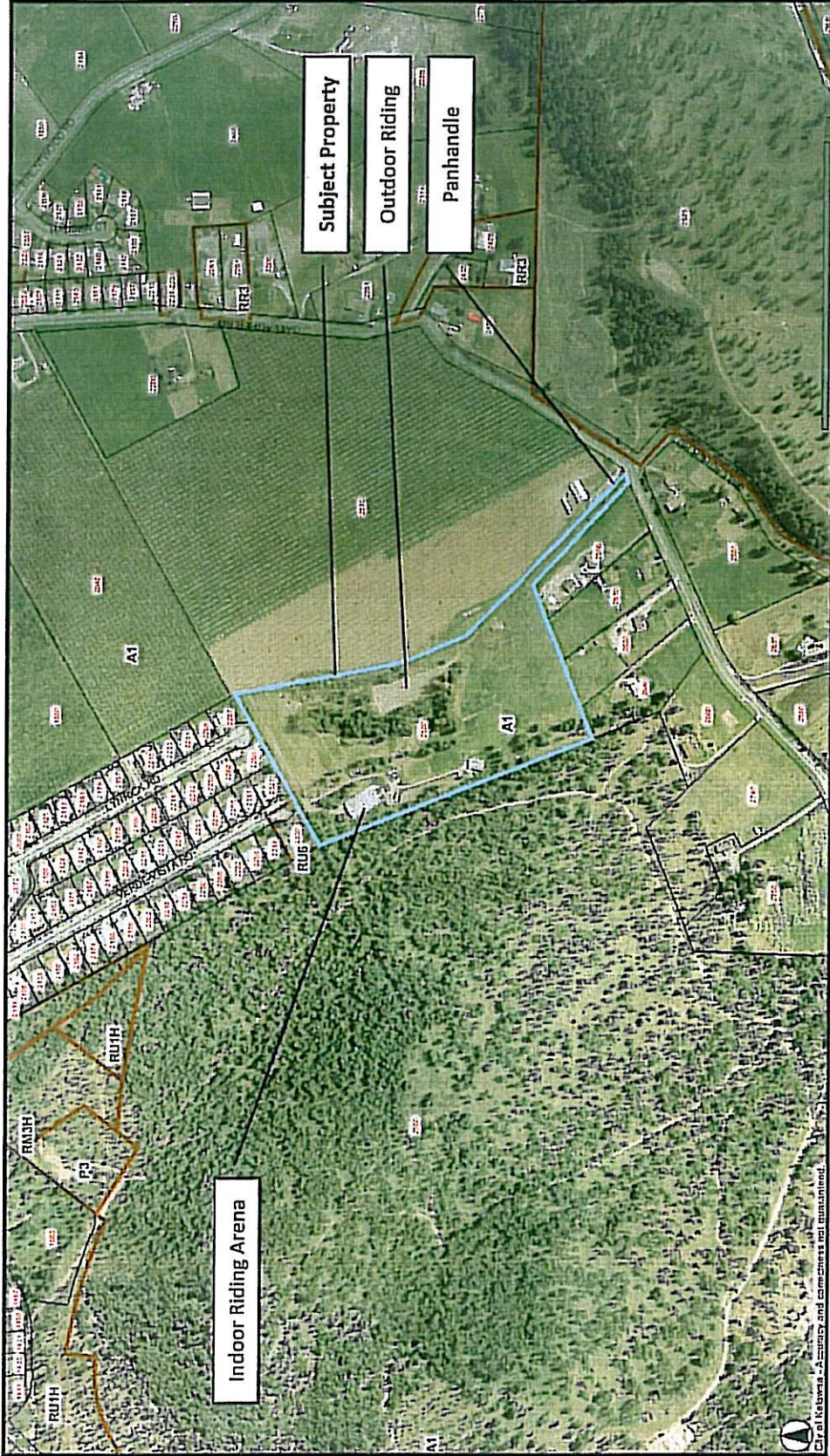


Source: City of Kelowna Website



Subject Property

Date: 2003



A09-0010
2350 Verde Vista Road
Ortho photo of surrounding area.

AGRICULTURAL CAPABILITY ASSESSMENT

for

2350 Verde Vista Road,

Kelowna, BC

Lot A, Plan 5157

Prepared for: MS. BRENDA BRADLEY
HIGH FARMS LTD.
2350 Verde Vista Road
Kelowna, BC, V1P 1E4

Prepared by: CATHERINE ORBAN, MSc, PAg
1977 Harlequin Cres.
Nanoose Bay, BC, V9P 9J2

Version: FINAL

Report Date: May 1, 2009

Project: 134-1001

1.0 INTRODUCTION

1.1 Project Description

As requested by Mr. Grant Maddock of Protech Consultants Ltd., agent for Ms. Brenda Bradley of High Farms Ltd. (the Landowner) a detailed Soils on Site Inspection of the property at 2350 Verde Vista Road, Kelowna, BC (the Subject Property) was carried out by Catherine Orban, MSc, PAg on September 9, 2008. The purpose of this inspection was to assess the agricultural capability of the Subject Property. The Landowner requested this inspection as a component of her application to the Agricultural Land Commission (ALC) to exclude the Subject Property from the Agricultural Land Reserve (ALR).

This report begins with a description of the site conditions of the Subject Property and surrounding area. The following three sections describe the soils, climatic capability for agriculture and overall agricultural capability of the Subject Property. Each of these sections presents information both from published government sources (eg. soil surveys) as well as the results from the site inspection carried out on September 9, 2008. These are followed by a summary of the agricultural suitability of the Subject Property, and an impact analysis of the proposed exclusion. The assessment summary and conclusions are presented at the end of the report.

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. She has worked on a variety of soils assessment, management, remediation and reclamation projects in the agricultural and environmental sectors in both provinces. Her resume is included with this report (Appendix E).

2.0 LOCATION, HISTORY AND LAND USE

2.1 Subject Property

The Subject Property covers 6.58 ha (+/-50 ac) and is located at 2350 Verde Vista Road, on the east side of Kelowna, approximately 5.5 km east of Highway 97, and 1.5 km south of Highway 33 (Appendix A, Figure 1). The entire Subject Property is located in the ALR and is zoned as Agriculture 1 (A1) (Appendix A, Figure 2). According to the City of Kelowna Zoning Bylaw 8000, Section 11, most agricultural uses are permitted in this zone, with the exception of intensive agriculture which *...means the use of a confined livestock area, buildings or structures by a commercial enterprise or an institution for:*

- (a) the confinement of poultry, livestock (excluding horses) or fur bearing animals;*
- (b) on-farm composting or more than five cubic metres of material;*
- (c) production of mushroom medium.*

The Subject Property is approximately rectangular (+/- 350 m x 200 m), with primary frontage and access off Verde Vista Road (north side) and additional frontage on Gallagher Road at the end of a long, very narrow panhandle (south side). There is a double-wide mobile home (trailer) at the south end of the panhandle, the location of which effectively prevents vehicle and equipment access to the primary house and stables which are located upslope in the northwest corner of the Subject Property. Corrals and pastures of various sizes are located in both the south and north areas of the Subject Property. There is an outdoor riding ring in the east central area and an older indoor arena with stables in the northwest corner (Appendix A, Figures 3 and 4).

The Subject Property is located in a transitional area on the edge of the ALR between very steep, rocky uplands that are too rugged for agricultural or grazing activities (out of the ALR and site of the Kirschner Mountain development); and sour cherry orchards on the gentle slopes below. It is characterized by variable topography; including a very strongly to extremely sloping forested hillside (35% - 50%) in the central area, a small level area (site of the outdoor riding ring) on the east side, and moderate to strong rolling slopes throughout the rest of the Subject Property. The elevation ranges from +/-604 m ASL at the south end of the panhandle to +/- 610m ASL on the east boundary to +/- 635 m ASL along the west boundary with a generally northeast to east aspect. (Appendix A, Figure 3).

The Subject Property originally was purchased in 1998 for the purpose of breeding and training high performance Holsteiner dressage and jumping horses. The Landowner and her family have been breeding and training horses for 4 generations. However, they have been increasingly plagued by the pressures of the increasing encroachment of their suburban neighbours. The Landowner has prepared a summary of the site history including the challenges she and her family have faced and the numerous attempts they have made to adapt to the pressures presented by the recent development of suburban communities to the north, west and south sides of the Subject Property. (The Site History summary document is included as a separate attachment to her application to the ALC to exclude the Subject Property from the ALR). In spite of their persistent and numerous attempts to mitigate the impacts of urbanization, they have become increasingly unsuccessful and have had to euthanize two of their valuable horses, as well as curtail the breeding and equestrian activities over the last several years, as a result of their suburban location. It is clear that the recent approval and initial development activities of the Kirschner Mountain subdivision (anticipated to include +/-750 new homes) which abuts the west boundary (+/-343m long) will dramatically increase urban pressures upon the agricultural/equine operation, probably to the point where they can no longer continue to operate their horse farm in its present location. The Landowners have a long family history breeding and training horses and plan to continue in this family business in another location. However, they do not consider that it would be appropriate to sell the Subject Property to anyone else who with plans to use it for raising or boarding horses, as any landowners would be faced with the same impacts from the adjacent suburban communities. Therefore, they are applying to have the Subject Property removed from the ALR, as it is no longer suitable for raising horses or for arable agriculture.

2.2 Surrounding Land Use

A variety of land uses are found in the area including horticultural and soil-bound agriculture, orchards, berries, hobby farms as well as non-ALR rural and suburban residential properties. Land uses adjacent to the Subject Property are primarily zoned A1, and include small lot rural residential to the north, a sour cherry orchard to the east, small acreages (<1.0 ha) to the south, and undeveloped forested land to the west. The property to the west is the site of the Kirschner Mountain subdivision, which is currently under development and will eventually include +/-750 residential properties). (Appendix A, Figures 2 and 4).

The adjacent properties on the west and north sides of the Subject Property are not in the ALR. Only the properties to the east and south of the Subject Property (occupied by an orchard, and small acreages, respectively) are in the ALR. The Subject Property is located on a strip of land that will soon be surrounded on three sides by residential properties. (Appendix A, Figures 2 and 4). The increasing suburban development on three sides of the Subject Property will exacerbate existing issues with the security and management of any livestock that is kept on this parcel.

issues of safety and security as a result of the close proximity, abundance and expansion of suburban residential neighbourhoods.

AC Unit 5 has been used for all of the stables, arenas, corrals, residential buildings and auxiliary buildings. This infrastructure could also be used for an acreage(s) or hobby farm(s).

7.0 IMPACT ANALYSIS

7.1 Potential Impacts of Agricultural Development of Subject Property on Surrounding Lands

The Subject Property has been used for breeding and training Holsteiner horses since the Landowners purchased it in 1998. The previous owners also used the Subject Property to breed and train horses. The primary impacts of the ongoing agricultural activities on the surrounding lands are associated with increased traffic (mostly trucks carrying hay and other feed), and perhaps odours from waste materials.

7.2 Potential Impacts of Residential Development of Surrounding Lands on Subject Property

The Landowners have noted a general increase in environmental, social and economic impacts on their horse breeding and training business since they purchased the Subject Property in 1998. (See the Site History summary document prepared by the Landowner and attached to the Exclusion Application). All of these impacts are related to the close proximity, abundance and increases of suburban neighbourhoods. There is an established small lot residential neighbourhood to the north; a group of 4 small (<1 ha) acreages adjacent to the south boundary; and the new Kirschner Mountain development (+/- 750 small lots residential units) adjacent to the west boundary (+/- 343 m long). The most persistent and serious impacts are associated with increases in the following activities and occurrences:

- Neighbourhood dogs on the Subject Property that harass and sometimes injure the horses. The Landowners have had to euthanize two very expensive horses in recent years due to injuries sustained while being chased (most likely) by dogs;
- Unauthorized pedestrians (adults and children) sometimes walking dogs, trespassing on the Subject Property and spooking the horses;
- Trespassers hunting and discharging weapons on the Subject Property (eg. firearms and high-powered compound bows);
- Neighbours feeding the horses inappropriate (sometimes dangerous) foods (eg. lawn clippings);
- Congestion on neighbouring streets from parked cars. This impedes and sometimes blocks access for trucks delivering feed and shavings, as well as transporting ill or injured horses to the vet; and
- Soil erosion and slopewash from recent clearing on the adjacent Kirschner Mountain development. This clearing has resulted in flash-flooding in the northwest corner of the Subject Property, including stables and arena in September 2008.

These impacts on the Subject Property will increase in frequency and intensity as the development of the Kirschner Mountain subdivision (+/-750 residences) continues.

7.3 Potential Impacts of Exclusion on Subject Property & Agricultural Productive Capacity

The results of this investigation indicate that there would be no impacts on local or regional agricultural productive capacity if the Subject Property was excluded from the ALR. The Subject Property is not currently being used to produce cultivated or processed agricultural goods. Most of the Holsteiner horses are shipped to national and international markets outside of the Okanagan region. After they sell the Subject Property, the Landowners plan to relocate their horse breeding and training facility to another location in southern BC, farther away from any suburban developments. Otherwise, there is practically no potential for the Subject Property to be developed for any commercially viable agricultural activities, so exclusion will not have an impact on productive capacity. The Subject Property could just as readily be developed for the uses described in Section 6.5 if it was excluded from the ALR and/or subdivided into smaller acreages.

7.4 Potential Impact of Exclusion on Surrounding Agricultural Operations

The only neighbouring agricultural operation is the sour cherry orchard, to the east of the Subject Property. There is no working relationship between the orchard and the horse farm. Therefore, the exclusion of the Subject Property from the ALR is not anticipated to have any impacts on surrounding agricultural operations.

If the Subject Property was excluded from the ALR, provisions would be made to ensure that a buffer was established along the east property line to reduce impacts from any residential development on the orchard. However, impacts from suburban development are not typically as severe for cultivated properties as they are for livestock operations. With cultivated properties (eg. orchards) impacts typically include increased frequency of trespassers and domestic pets, as well as general complaints about farming activities (eg. equipment noise). With livestock operations, the impacts tend to be more severe and difficult to mitigate. Such impacts often include issues with the health and safety of the livestock, in addition to increased trespassing of people and domestic pets as well as complaints about equipment operations.

The exclusion of the Subject Property may result in a loss of business for support services (eg. hay supplier, vet, farrier). However, these losses would be recovered when this horse breeding and training operation was relocated to another site.

7.5 Precedent of Exclusion for Triggering Future Applications

The combined environmental, political and social context of the Subject Property is very uncommon in the Kelowna area. The Subject Property is located in a transitional area on the edge of the ALR, between steep, rocky non-arable uplands, and an orchard on relatively gentle slopes below. In addition, small-lot residential subdivisions are located on both the north (existing) and west (under development) sides of the Subject Property. A group of small acreages (less than 1 ha) is located on the south side. The proximity of relatively high density housing combined with access through these neighbourhoods has created a variety of livestock management issues and land use conflicts. The Subject Property is not considered to be suitable for any commercial agricultural purposes, therefore the exclusion of this property from the ALR would only set a precedent for other properties with similar environmental, political and social conditions. Other properties with higher agricultural capability ratings that are surrounded by agricultural properties entirely within the ALR would not be in any way comparable to the Subject Property.

8.0 SUMMARY AND CONCLUSIONS

8.1 Agricultural Capability and Proposed Exclusion of the Subject Property

- The Landowners have been operating a specialized Holsteiner horse breeding and training operation on the Subject Property since they purchased it in 1998. Over the last several years, they have experienced an escalating increase in environmental, social and economic impacts as a result of the proximity and abundance of suburban residential developments (both existing and under development). The safety and security of their horses has been compromised to the point where they have determined that they can no longer continue to operate their business of raising and training horses on the Subject Property.
- The Landowners have therefore chosen to apply to have the Subject Property excluded from the ALR so that they can sell it and use the proceeds to purchase another property where they will relocate their Holsteiner breeding and training operation.
- The Subject Property has marginal agricultural capability and is located above +/-604m ASL on the edge of the ALR between steep, rocky uplands (not in the ALR) on the west and a sour cherry orchard in the valley bottom on the east. There is an existing small lot residential subdivision on the north side (not in the ALR), while the Kirschner Mountain development (with plans for +/- 750 residences) is under construction on the west side. There are four small (<1 ha) acreages on the south side of the Subject Property.
- Information obtained during the site inspection (Sept 9, 2008) indicated that the topography of the Subject Property is characterized by moderate rolling to extreme slopes (15% to 50%). Smaller nearly level to gently sloping areas have been cleared and used for the development of pastures, corrals, stables and riding arenas. The soils are prone to droughtiness, being medium to coarse-textured with relatively high coarse fragment fractions and low water storage capacities. This information was found to be in general agreement with soil survey information published by MOE.
- AC Units 1, 2 and 4 account for +/- 67% of the Subject Property. The unimproved agricultural capability ratings for this area range from Class 5 A, T, and/or P to Class 7 t, as determined by the field inspection (at a mapping scale of +/- 1:5,000). A small area (<5% of the Subject Property) rated at Class 4A by MOE mapping was not closely evaluated during the field inspection due to its small size, isolated location and site-specific conditions indicating marginal capability.
- The criteria for tree fruits and grapes were not used to determine the improved ratings for Subject Property as it is located above 600m ASL, and is generally considered to be too high for these crops. The "standard" improved ratings as determined by the field inspection, were similar to the unimproved ratings and ranged from Class 5 A, T and/or P to Class 7T. A small area (<5% of the Subject Property) rated at Class 2A by MOE mapping was not closely evaluated during the field inspection due to its small size, isolated location and site-specific conditions indicating marginal capability.
- AC Unit 5 accounts for +/-28% of the Subject Property area within the ALR and is rated Class AN due to the presence of residential structures, stables, arenas, corrals and underground utilities.
- The agricultural capability of the Subject Property is constrained by moderate to severe soil moisture deficiencies, high coarse fragment fractions in the upper soil profile, steep, rolling topography and, to a lesser extent, rockiness. The limitation of chronic water shortages in the area is compounded by the

relatively high elevation and low water storage capacity of the soils. There is practically no potential for the Subject Property to produce crops at a commercially viable scale.

- The agricultural suitability of the Subject Property is primarily constrained by environmental, social and economic impacts associated with existing and increasing suburban encroachment. In spite of the persistent and varied efforts of the Landowners to mitigate the impacts, the safety and security of the horses has been compromised to the point where they no longer consider the Subject Property to be a viable location for their horse breeding and training operation.
- The most suitable agricultural use of the proposed parcel would be as an acreage(s) or hobby farm(s). However, potential acreage owners will face the same issues associated with suburban encroachment as the current Landowners if they choose to have horses or other "hobby" livestock on the Subject Property.
- The Subject Property is not currently connected to any local or regional agricultural operations. Therefore, the exclusion of the Subject Property from the ALR is not anticipated to have adverse impacts on local or regional agricultural operations or productive capacity. Any potential loss of support services would be transferred to the new location for this horse breeding and training operation.
- The continued suburban development of lands adjacent to the Subject Property is anticipated to have increasingly severe impacts on all aspects of the existing horse breeding and training operation.
- The exclusion of the Subject Property from the ALR would only potentially set a precedent for other properties in the area that have similar conditions including a location on the edge of the ALR, marginal agricultural capability and demonstrated suburban encroachment issues from small lot residential neighbourhoods on at least 2 sides. Therefore, this exclusion is not expected to set a precedent for future applications by other properties with less severe limitations and more uniformly rural surrounding land use.

8.2 Conclusions

The suburban encroachment impacts will increase in frequency and intensity as the development of the Kirschner Mountain subdivision (+/- 750 residences) continues. The Landowners have attempted to mitigate these impacts through a variety of measures over the last 10 years, including increased fencing, signage, property patrols, contact with the local authorities and educational interactions with the neighbours. However, none of these measures have been successful as the neighbouring suburban population has continued to increase. The Landowners have realized that they can no longer continue to operate their horse breeding and training operation on the Subject Property. They intend to buy another parcel of land and continue raising horses where they are not so constrained and compromised by suburban encroachment issues. However, they realize that they cannot sell the Subject Property to anyone else who is intending to raise horses without fully informing them of the social, environmental and economic issues that eventually forced them to sell. Therefore, the Landowners have decided to apply to have the Subject Property excluded from the ALR to ensure that no future landowners are faced with the same issues related to keeping horses or "hobby" livestock on the Subject Property.



Photo 3 - 08.07.30 - High Farms - 2350 Verde Vista Road, Kelowna, BC
Looking S from main entrance to High Farms – NE slope runs from R down to L.



Photo 4 - 08.07.30 - High Farms - 2350 Verde Vista Road, Kelowna, BC
Looking S - Horse pasture near N property line – Note stones & cobbles at surface of thin topsoil.



Photo 5 - 08.07.30 - High Farms - 2350 Verde Vista Road, Kelowna, BC
Looking SE - Horse pasture near N property line – Note stones & cobbles at surface of thin topsoil.



Photo 6 - 08.09.09 – High Farms - 2350 Verde Vista Road, Kelowna, BC
Looking N – Dead & dying trees on 35-45% NE slope above riding ring - Note stones at surface of thin topsoil



Photo 7 - 08.09.09 - High Farms - 2350 Verde Vista Road, Kelowna, BC
Looking E - Horse pasture on 15-25% NE slope - Note cobbles & stones at surface of thin topsoil - Sour cherry orchard in background.

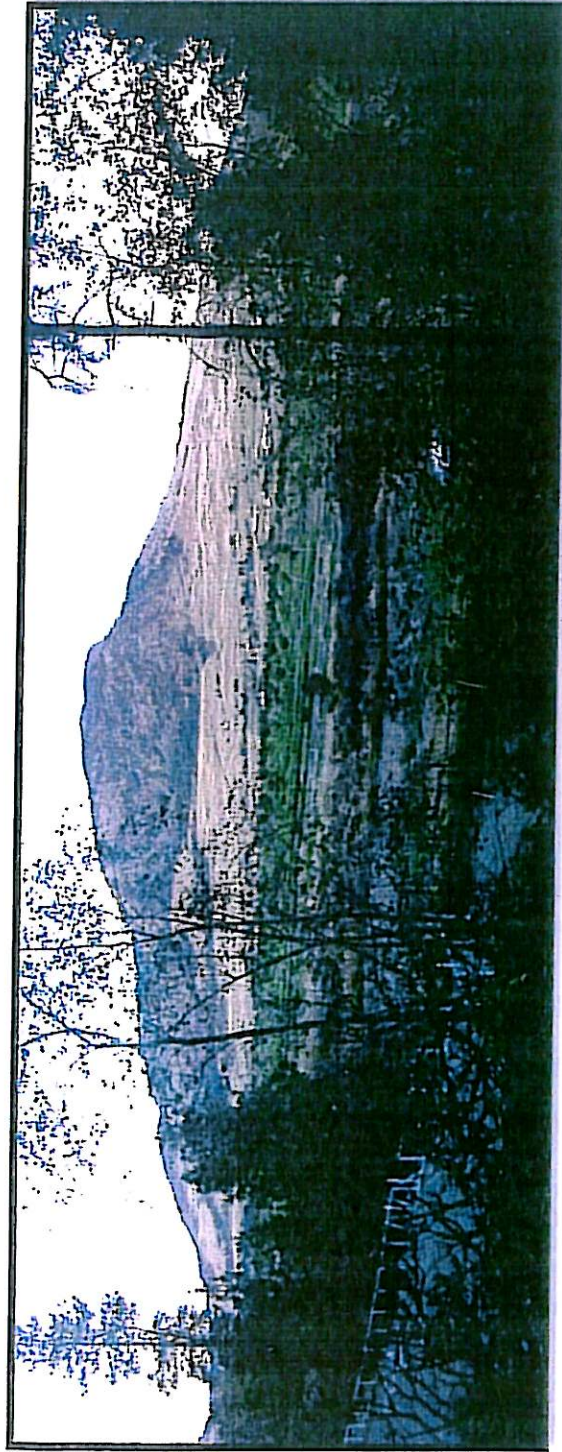


Photo 8 - 08.09.09 - High Farms - 2350 Verde Vista Road, Kelowna, BC
Looking NE - Dead & dying trees on 35-45% NE slope above outdoor riding ring.



Photo 9 - 08.09.09 - High Farms - 2350 Verde Vista Road, Kelowna, BC
Looking SE – Horse pastures on 10-15% NE slope – Hoe excavating TP5 – House in background on adjacent property.



Photo 10 - 08.09.09 - High Farms - 2350 Verde Vista Road, Kelowna, BC
Looking W – Horse pastures on 10-15% NE slope – Hoe excavating TP5 – Landowner's house in background on Subject Property.

APPLICANT'S LETTER of PROPOSAL / INTENT

May 29 2009

High Farms, in its current location, is not able to compete as a viable breeding facility. 35 years ago, when this breeding farm was first constructed there weren't any subdivisions bordering the property and the economic realities were very different from what they are today. The land itself is not suitable for any type of cultivations and livestock of any kind would face the same challenges our horse breeding farm faces.

Verde Vista Road and several of the roads leading to our address are narrow with severe corners and congested to the point that we cannot take advantage of single trucking costs and have to have deliveries come in smaller loads. Our hay trucks have to make two or more truck and small trailer trips to deliver our hay. With our current supplier our hay is delivered every two weeks. This is due to congested parking on streets leading up to and including Verde Vista Road. More than once semi-tractor trailer trucks have had to back down the entire length of Verde Vista (about half a mile) because of the narrow road and parking habits of some residents. Our grain supplier, and long distance horse hauling service provider have all tried to make it to our farm with their bigger units only to spend valuable time trying to track down vehicle owners in order to have them move their vehicles.

These companies, justifiably, will not allow their larger trucks to deliver to our farm. The smaller loads and more frequent deliveries impact our bottom line. We simply cannot take advantage of bulk feed costs and we are forced to pay more for trucking charges, particularly with the increase in fuel prices. High Farms has notified the City of Kelowna in regards to this and were told that as long as there was eight feet of clear road there was nothing they could do. Abandoned cars parked in front of our farm without license plates and blocking the cul du sack have also been an issue.

The driveways off of Verde Vista Road are very steep. In the winter most people cannot negotiate the grade and park on the side of the road. Snow removal machines have their work cut out for them due to this seasonal increase of curb side parking and as a result our road shrinks again in width. Deliveries to our farm have been postponed or re-packed and delivered with pick-up trucks. Our cost for deliveries (hay, shavings, grain, etc.) in winter increase at least 30 percent.

We have also been blocked by congested parking while trying to haul our horses to the veterinary clinic. These delays (finding the owner of the vehicle and begging them to move it) haven't hampered the long term health of the

horses it does put more pressure on us. We have our hands tied behind our backs at the worst possible moments. Breeding horses is more than just a business; we are responsible for real lives that count on us every day for their very survival. When we need hay—we need hay. The horses have to eat. When they need to get medical attention—we should be able to haul our horses off the property and hit the highway without delays. These are simple fundamentals that must be met.

The property does have land which borders Gallagher Road however there is a double wide trailer sitting in the middle of the panhandle. The trailer was already there when we bought the property and is not owned by High Farms. The owner of the trailer pays his own taxes and pays us a monthly pad rental. Even if we evicted the trailer and tenants (which would cost a small fortune) then there would be the matter of building a driveway to the barn and house. This driveway would render 5 pastures useless and maintaining such a long and sloped driveway in the winter and spring months would be costly. All of our drinking water and irrigation lines run through the panhandle and up to the buildings. Continually driving over these water pipes could damage hundreds of feet of line. A driveway from Gallagher Road would be approximately 500 meters long. We have weighed that option several times but it would destroy too much pasture, cost too much to build and re-route all the water lines, and would be too hard to maintain through the winter as well as the problems and costs associated with moving the double wide trailer that currently sits on that access.

In the last ten years, with increased residential development, we have experienced many difficulties. Our property is fenced, with a gate, and signs saying private property. With all of that we still have families walking down our driveway with their loose dogs. At times we allowed certain horses to be at liberty on the property; a loose horse charging down the driveway with children, adults, and pets who don't know the dangers is an unacceptable risk so we no longer allow our horses to freely graze outside of their pastures. As well, our horses have been spooked by strange dogs, bikes, and strollers. Increased veterinary bills have also impacted on our bottom line as well as adversely affecting the careers of the athletes we spend 4-5 years raising.

Over the last 3 years we have had to euthanize two horses that were mortally wounded. These injuries were and are still suspicious. We believe at least one of them, if not both, was run into and over fences by loose dogs on our property. Their injuries (broken shoulder & severed suspensory tendon) were from massive impact trauma with our fences. In both cases boards in

their pastures were broken which leads us to believe they were literally chased through the fencing. While we cannot prove this, or point to any one dog as the culprit we believe that our conclusions were soundly made given the evidence left behind. This impacts our bottom line as well as breaking our hearts. How can anyone be expected to continue to operate a business with losses like that? The average selling price for a 4 year old is 25,000.00 Canadian. We lost a potential of 50,000.00 of income off of these 2 horses.

The orchard to the east of us is a popular place for pet owners to let their dogs run free and we have had to increase our fencing to keep out these dogs. This has become a serious problem for us and we have had Dog Control involved. We once stopped a Golden Retriever from sending a nervous gelding over or through a fence by throwing rocks at the K-9 to which the owner actually threatened us with physical violence. While horses are large animals they will usually run blindly away from an aggressive or strange dog. It's been explained to us that we could shoot the dogs but that raises too many more dangers to our operation—retaliation from dog owners would put our horses in greater danger.

As we've increased our fencing and how it pertains to dogs being able to get onto our property another possibly more dangerous problem has occurred: once these dogs are on the property it's very difficult for them to escape. This has led to dogs running around the perimeter of the property and causing even more mayhem. The added chore of walking the property line and repairing spots where dogs dig through has become time consuming and expensive. With new born foals, pregnant mares, and young stock, we simply cannot have strange dogs running through our pastures so regular patrols are now necessary.

Occasionally, we are able to catch the dogs and we have been attacked by these nervous/aggressive/chase thrilled dogs while trying to extricate them from our pastures. Recently, we caught two dogs chasing our horses and while we were passing one of the dogs back to the owner it took the opportunity to grab my wrist and managed to leave an amazingly accurate dental impression on my arm. We understand that these dogs aren't properly socialized and they don't see the harm in chasing livestock however their owners should and when it is explained to them no one to date has ever apologized. The owners simply fail to see the threat their lovable dogs pose to us or our big horses.

In the summer of 2003 there was a neighbour on our land without permission who shot a high power compound hunting bow on our property at a

bear in one of our trees and killed it. The reckless discharging of such a lethal weapon could have killed horses or people. The police and conservation officers were called however no charges were laid. Another of our neighbours was using a rock on our property for target practice with a rifle. The sound of the ricochet was deafening and dangerous and this rock is in a horses pasture. The police were called and he was given a warning.

These are pastures we put our horses in and we should have a reasonable expectation that they are safe. Clearly, we are at the mercy of some seriously thoughtless people and we have again shifted our pasture usage. This has a negative impact on our bottom line. We know many horse breeders and when we get together and discuss issues impacting our business our colleagues are stunning and speechless at the challenges our location faces.

As an act of good faith and trying to foster friendly relations and understanding with our neighbours we have hosted two Open Barn days where we've invited the public/neighbours for a day at the farms to demonstrate what we do and how fragile horses really are. They were both well received and attended and it was connections developed from those Open Barn Days that aided us in many circumstances with the RCMP and their investigations. The down side to those events were a sharp increase in vandalism and theft: chain saws, weed whackers, drills, skill saws, air compressors & tools were stolen from the property within days of our events as well as minor damage to structures (broken windows/spray painting).

We have had teenage boys using our horses as target practice with sling shots (that cost us thousands of dollars in veterinary and re-training bills) and the RCMP were called in. That only seemed to escalate the situation and it was 4 years of constant hell: we used video surveillance cameras and motion detectors. Our neighbour caught these boys pelting our horses one night and managed to detain one of the young boys until police arrived. No charges were laid against the teens but our neighbour was warned by police not to touch the children on his property shooting our horses again and to wait until police arrived next time. As a result we no longer use those two pastures. That impacts our bottom line. In theory, people and horses sound like a great mix but the reality falls miles short of that ideal picture. We do have some fantastic neighbours who watch out for us but they shouldn't have to.

Another potentially deadly dilemma is people feeding our horses. We have found clippings from lawn mowers dumped in our pastures. This can kill a horse; it's called colic. No dumping signs have been placed along those

turnouts that border the residential properties and the roads. Even after this measure was implemented the lawn clippings continued. Most of the signs (No Dumping, Private Property, No Dogs) we've put up have been torn down. Twice in the spring of 09 we've stopped young children who were throwing plastic bags filled with kitchen waste (potato & carrot peels, melon rinds, etc.) over our fences. When asked why they were throwing plastic bags into our fields the kids explained that their parents had saved the leftovers for our horses so the kids could get them near the fence. We routinely pick plastic bags out of our pastures from well meaning neighbours. The plastic can kill a horse too: impaction colic. These are potentially life threatening dangers we deal with every day.

With more families in the area we have seen a marked increase in off-road motorcycle and ATV use on our streets. These unlicensed vehicles tear up and down the roads then through the orchard and head for the canyon (there are many large signs posted prohibiting any type of motorized vehicle) and beyond. The RCMP simply do not have the man power to be able to respond fast enough to catch them. In order to gain access to horseback riding in the canyon we have to ride on the paved road for a few meters. A young boy recently sent one of our horses and riders into the ditch. When the rider tried to explain to the biker that his reckless riding habits were dangerous the young boy revved his bike and surged towards the horse and rider sending them back into the ditch. Again we notified the RCMP but tracking those bikes is difficult at best.

Kirschner Mountain Estates hasn't even gotten to the phase that will border the length of our property yet but we already feel the impact. When that particular development is completed we will have even more traffic along still another property line. It won't matter if its houses or a walk way along that 340 meter property line as a few dozen houses or families from 750 houses will have access to our horses. 10 years ago we tried to keep an open mind about how the increase in residential development would impact us but the experience so far has shown us that the future for our horses is in jeopardy. To restrict use of even more precious pasture space again will impact our bottom line as well as the overall health of our horses. We rely on seasonal pasture for our horses to eat. The grazing is important for health, bones, teeth, and mental well being.

The land on High Farms is not suitable for any kind of crop cultivation as the soil is mostly hard packed clay with a North-eastern orientation. The land has never been used for any type of fruit or vegetable agriculture. It was

originally built specifically for horse breeding. While High Farms enjoys the morning sun it is in the deep shade by early afternoon. There simply aren't enough hours of sunlight to adequately grow and ripen a fruit crop. As well, any operation would face the same trucking limitations we currently experience. The land is and always has been grass pasture and used for seasonal grazing.

The infestation of Pine Beetle has also become a real problem. We've had various companies come out and remove trees that were infected and had to pay more for trucking as they aren't able to get full sized machinery to our location. Over the last 6 years we have spent almost 20 thousand dollars for tree removal. With proper access our cost would have been approximately 40 percent less. That has impacted on our bottom line. Additionally, the reduction of these established trees has made one slope on our property so unstable that we no longer use it for a horse pasture.

To shift the focus of High Farms from a breeding facility to a boarding facility would potentially make money however we would no longer qualify for farms status and our taxes would increase accordingly. And all the grain, hay, shavings, fencing material and other supply deliveries would still face the same challenge of accessibility; as well as facing the same lethal dangers as a breeding facility. When we bought High Farms we did so with the intention of breeding horses not boarding them. If we are successful in this proposal we will buy another farm and relocate our operation. It is our intention to continue to breed our horses in an environment that isn't as dangerous, restrictive and costly. To sell High Farms as a breeding facility with the current risks and restrictions would be morally and ethically wrong. We would disclose the dangers and therefore be less likely of actually selling the property.

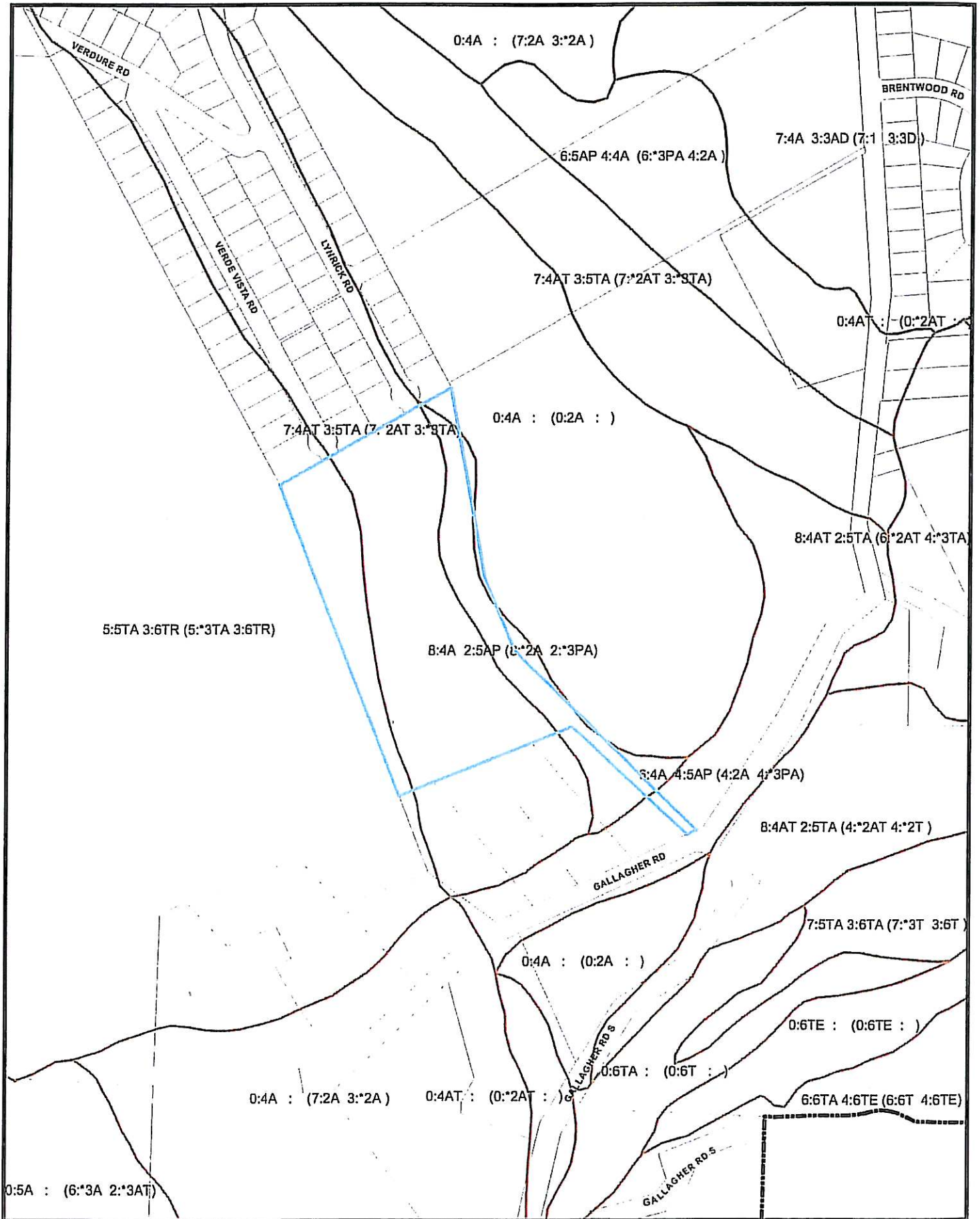
In the fall of 08 we had a rain storm. It didn't last long, about half an hour, but a fair amount of water hit the ground. Kirschner Mountain Estates had been logging all summer and ground that hadn't seen water for a couple of hundred years ran down the mountain. Residential properties on Verde Vista, Verdure, Sunrise, and Autumn Roads were flooded. The City of Kelowna spent over a month redoing all the ditches and culverts on all the affected roads. We had no less than 3 rivers running through our property. One went through our barn (our barn is over 100 feet long) and joined with the other two rivers. It took 3 weeks to clean up the barn. The water and all the soil and debris it could pick up were eventually deposited in our outdoor arena. We spent a month cleaning up that mess and continue to find debris in our footing. That

corner of our arena should have the footing and base replaced. It would cost about 3 thousand dollars. That impacts on our bottom line. While the City of Kelowna was quick to help prevent a repeat for our neighbours there's still nothing stopping another flash flood from running through our property. It seems pointless to fix our arena if another rain storm will only do the same damage again. All calls made to Kirschner Mountain Estates have always resulted in the same line: talk to your insurance company. We shouldn't have to make claims to our insurance company (our premiums increase-impacting our bottom line) for our neighbours drastic change of landscape with no immediate plan for bordering properties.

All anyone has to do is drive out to High Farms and walk around to see that it is obviously no longer capable of doing what it was originally designed to do: provide and safe and healthy environment for horses to give birth and raise foals. That is the absolute minimum criteria for any horse breeding facility and we no longer believe High Farms is capable of doing that. The restrictions, dangers, and additional pressure from the massive residential developments (Kirschner Mountain Estates, Black Mountain Estates,) surrounding High Farms is simply too much to peacefully and safely breed, raise, and train our horses. We have weighed all of our options and have pursued many avenues for resolution to these challenges but after several years, a great deal of thought, and some costly losses, we can only see the impact from residential development hampering us further.

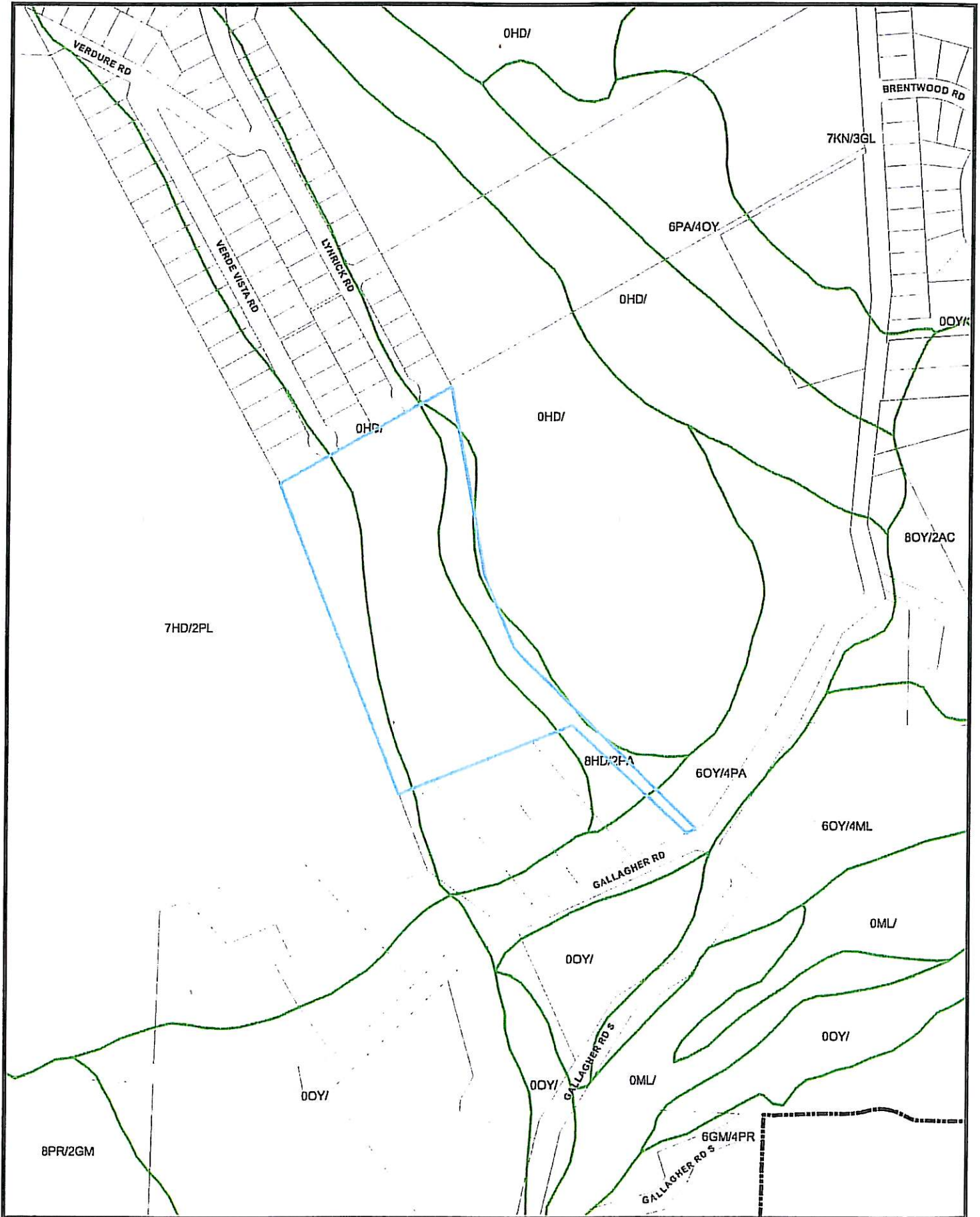
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Land Capability = Brown/ Soil Class = Green



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