

these guidelines for the past few years to evaluate requests for additional dwellings for farm employee in an effort to enhance fairness, consistency and good land use planning.

The criteria suggest that a minimum established operation of 10 ha for apples and 6 ha for cherries be used as a threshold to warrant an additional dwelling. The plantable area of the subject property (minus areas of steep slopes and developed areas) is estimated at 5.3 ha. The subject property is a mix of apples and cherries.

The Ministry document further questions if alternative accommodation is available within 20km of the operation and if not, if circumstances require the employee to live onsite (e.g. split shifts or extended hours). With respect to the subject property and agricultural operation, alternative housing is available within reasonably close proximity and the orchard operation does not have special circumstances that warrant onsite workers.

Furthermore, if an additional dwelling were to be approved as a non-farm use, consideration should be given to the impact on arable land. Homeplating policy which exists in Kelowna's Official Community Plan, in addition to specific considerations put forward by the Ministry of Agriculture recommend that farm worker housing be placed in close proximity to the principal dwelling and close to a roadway to minimize impact on arable land.

The owner/applicant proposes to develop the additional dwelling in a location that is not consistent with homeplating principles and in an area that would impact both the current and future agricultural viability. Given the size of the operation, the existing farm worker housing and that the proposal does not conform with homeplating principles, Land Use Management does not support this request.

4.0 Proposal

4.1 Project Background/Description

The applicant is seeking to construct a new single family dwelling (principal dwelling) on the subject property for his own use. The owner operates an orchard consisting of apples and cherries and notes that he is moving to increased cherry operations. The owner wishes to keep the existing dwelling for full time, year round farm help.

In 2008 a Building Permit was issued for construction of an accessory building following a request from the current owner for farm help accommodation. The farm help accommodation consists of a 2,500ft² structure configured as a fourplex with each unit designed to be fully self-contained with two bedrooms, a kitchen and washroom. The accommodation was intended for use by seasonal agricultural workers only.

The existing structures are located in the northwest corner of the subject property within a size and configuration that largely reflects homeplating principles as suggested by the Ministry of Agriculture's Discussion Paper and Minister's Bylaw Standard (i.e. within ~70 m of the road and an area of approximately 0.2 ha) see attached. The location of the new proposed dwelling would be accessed from the eastern edge and approximately half way between the front and rear property lines among the orchard.

The established orchard is approximately 5.3 ha in size, though the owner has provided evidence that he also co-leases land elsewhere (~10 ha through to 2016 and 8 ha through to 2018).

4.2 Site Context

The subject property is located between Dunster and Reid Roads on the southeast side of East Kelowna Road in the Southeast Kelowna Sector. The surroundings are exclusively rural/agricultural and the property is designated as a Hazardous Condition Development Permit

Area given the steep slope along the southern boundary and Natural Environment due to the presence of a vulnerable aquifer. The site area is ~6.2 hectares (15.2 acres) and the site elevation varies between 442 m and 462 m. The soils in this area are quite good reflecting an improved Class 2 and 3 rating over 96% of the subject property according to the land inventory (see attached CLI).

Parcel Summary: 3251 - 3555 East Kelowna Rd
 Parcel Size: 6.2 ha (15.2 ac)
 Elevation: 442 - 462 masl

Subject Property Map: 3251 - 3555 East Kelowna Road



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

Direction	Zoning	ALR	Land Use
North	A1 - Agriculture 1	Yes	Rural/agricultural
South	A1 - Agriculture 1	Yes	Rural/agricultural
East	A1 - Agriculture 1	Yes	Rural/agricultural
West	A1 - Agriculture 1	Yes	Rural/agricultural

5.0 Current Development Policies

5.1 2030 Official Community Plan: Greening Our Future

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 agriculture¹.

¹ City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.33.

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 land².

Policy .2 Farm Help Housing. Accommodation for farm help on the same agricultural parcel will be considered only where:

- agriculture is the principal use on the parcel, and
- the applicant demonstrates that the additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall operation of the farm. The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary.

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.

5.2 City of Kelowna Agriculture Plan

ALR Application Criteria³

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.

6.0 Technical Comments

6.1 Development Engineering Department

This application does not trigger any Development Engineering Services at this point in time, however, a comprehensive report will be provided at the time of development application if and when the Agricultural Land Commission agrees to the proposed non-farm use in the ALR.

7.0 Application Chronology

² City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.34.

³ City of Kelowna Agriculture Plan (1998); p. 130.

Date of Application Received: June 21, 2012

Agricultural Advisory Committee August 9, 2012

The above noted application was reviewed by the AAC and the following recommendation was passed:

THAT the Agricultural Advisory Committee NOT support Agricultural Land Reserve Application No. A12-0011 for 3251 - 3555 East Kelowna Road, by Surinder Shergill, to obtain approval from the Agricultural Land Commission under Section 20(3) of the Agricultural Land Commission Act for a non-farm use within the Agricultural Land Reserve to allow an additional dwelling.

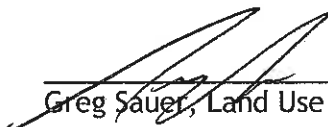
Anecdotal Comment:

The Agricultural Advisory Committee did not support the application however; AAC commented that they would support a revised proposal to replace the existing dwelling with a new dwelling that adheres more closely to City and Provincial policies with respect to residential uses on agricultural land.

8.0 Alternate Recommendation

THAT Agricultural Land Reserve appeal A12-0011 for Lot 1, Section 15, Township 26, Osoyoos Division Yale District Plan 3379, located at 3251 - 3555 East Kelowna Road for a "Non-Farm Use" under Section 20(3) of the Agricultural Land Commission Act, be supported by Municipal Council; AND THAT Council forward the subject application to the Agricultural Land Commission (ALC).

Report prepared by:



Greg Sauer, Land Use Planner

Reviewed By:



Todd Cashin, Manager, Environment & Land Use

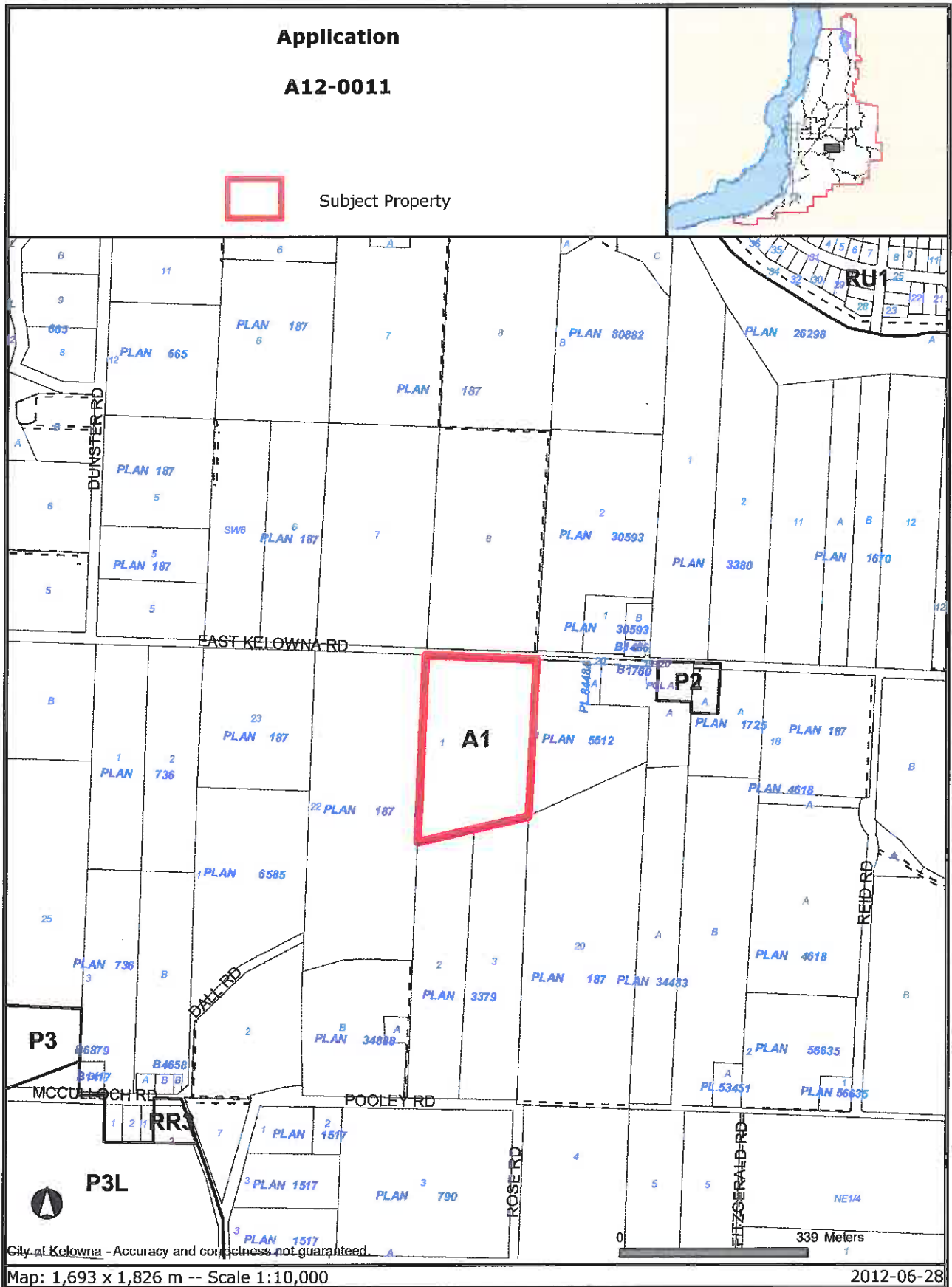
Approved for Inclusion:



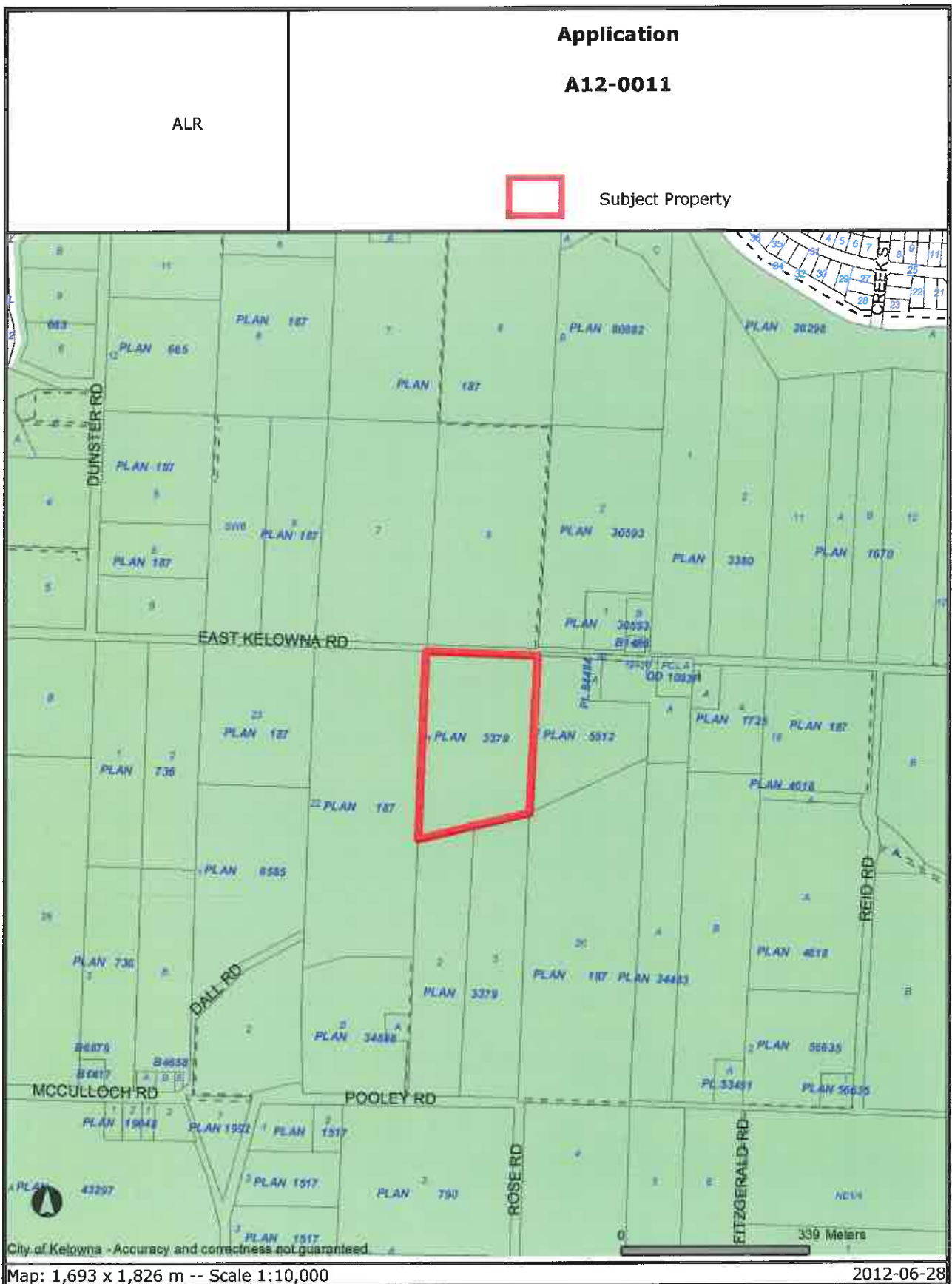
Shelley Gambacort, Director, Land Use Management

Attachments:

- Subject property/zoning map & ALR Map (2 pages)
- BC Land Inventory - Land Capability and Soil Classification (5 pages)
- Fourplex Floorplan and Elevation Drawings (2 pages)
- ALC application by landowner (4 pages)

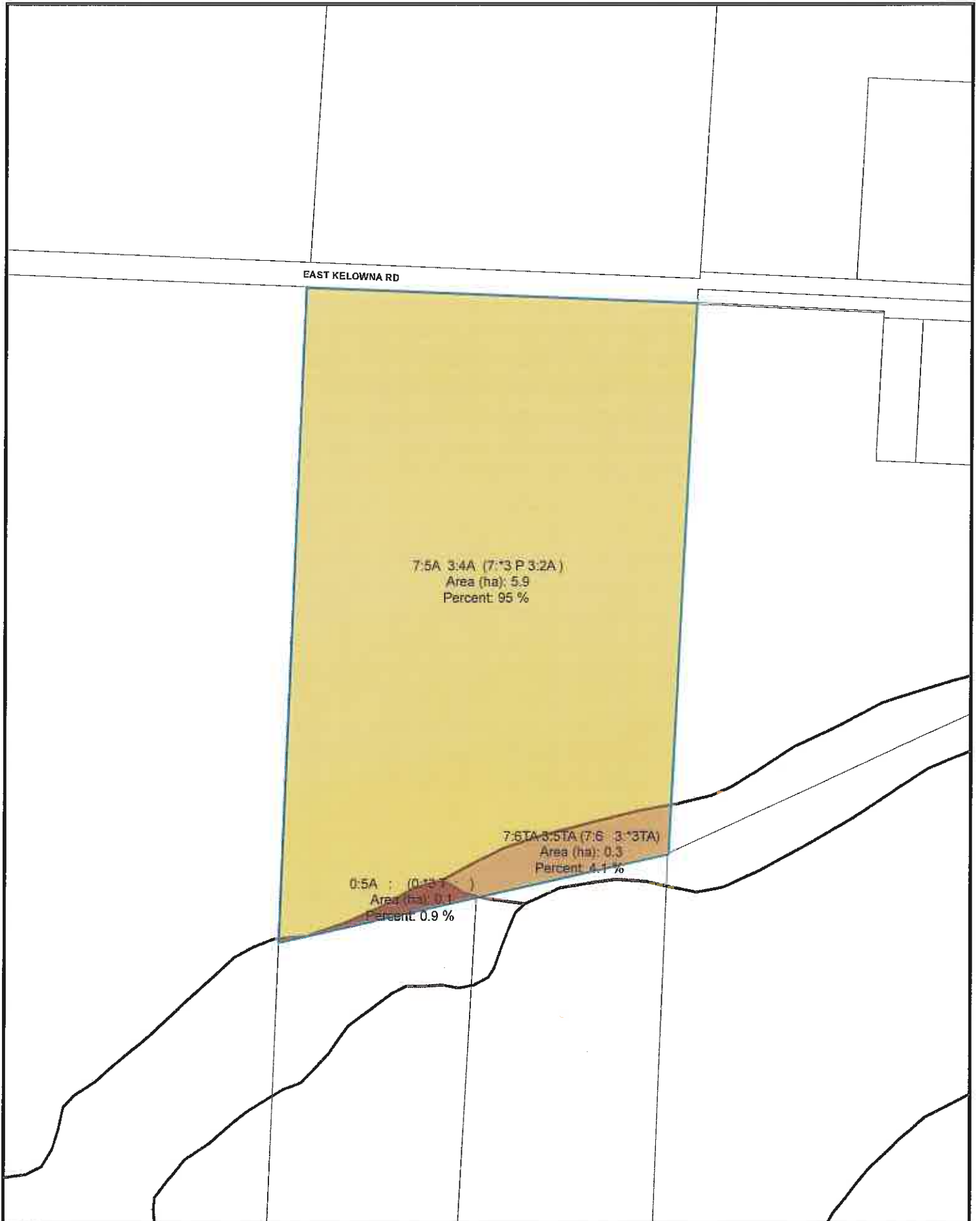


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



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Land Capability = Brown/ Soil Class = Green



BCLI Land Capability

Legend

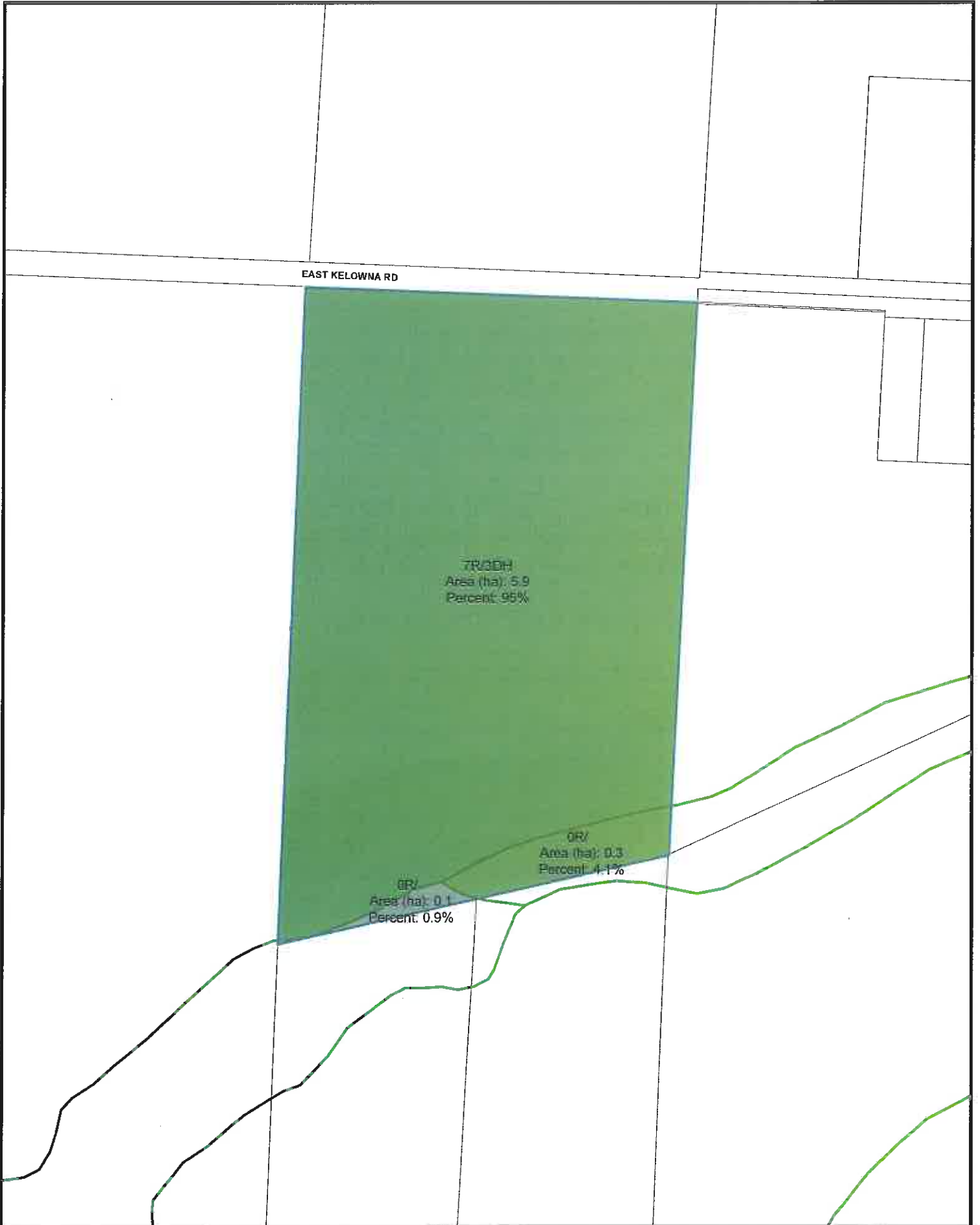
1	Land in this Class has no or only very slight limitations that restrict its use for the production of common agricultural crops. Land in Class 1 is level or nearly level. The soils are deep, well to imperfectly drained under natural conditions, or have good artificial water table control, and hold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

Subject Property Land Capability

Portion of Site	Land Capability Rating, Unimproved	Land Capability Rating, Improved
Northern (5.9 ha/ 95%)	<p>70% Class 5 with crops affected by droughtiness caused low soil water holding capacity or insufficient precipitation.</p> <p>30% Class 4 with crops affected by droughtiness caused low soil water holding capacity or insufficient precipitation.</p>	<p>70% Class 3 with soils limited by the presence of coarse fragments which significantly hinder tillage, planting and/or harvesting.</p> <p>30% Class 2 with crops affected by droughtiness caused low soil water holding capacity or insufficient precipitation.</p>
SW (0.1 ha/ 0.9%)	100% Class 5 with crops affected by droughtiness caused low soil water holding capacity or insufficient precipitation.	100% Class 2 with soils limited by steepness or pattern of slopes which hinders the use of farm machinery, decreases uniformity of growth and maturity of crops, and/or increases the potential for water erosion.

Portion of Site	Land Capability Rating, Unimproved	Land Capability Rating, Improved
SE (0.3 ha / 4.1%)	<p>70% Class 6 with soils limited by steepness or pattern of slopes which hinders the use of farm machinery, decreases uniformity of growth and maturity or crops, and/or increases the potential for water erosion and crops affected by droughtiness caused low soil water holding capacity or insufficient precipitation.</p> <p>30% Class 5 with soils limited by steepness or pattern of slopes which hinders the use of farm machinery, decreases uniformity of growth and maturity or crops, and/or increases the potential for water erosion and crops affected by droughtiness caused low soil water holding capacity or insufficient precipitation.</p>	<p>70% Class 6</p> <p>30% Class 3 with soils limited by steepness or pattern of slopes which hinders the use of farm machinery, decreases uniformity of growth and maturity or crops, and/or increases the potential for water erosion and crops affected by droughtiness caused low soil water holding capacity or insufficient precipitation.</p>

Land Capability = Brown/ Soil Class = Green



Soil Classification

The soil classification for the subject property is as defined below.

Portion of Site / %	Soil Type	Description
Northern / 95% (5.9 ha) 70%	R - Rutland	<u>Land:</u> very gently to strongly sloping fluvioglacial deposits. <u>Texture:</u> 10 to 25cm of sandy loam or loamy sand over gravelly loamy sand or very gravelly sand. <u>Drainage:</u> rapid. <u>Classification:</u> Orthic Dark Brown.
30%	DH - Dartmouth	<u>Land:</u> nearly level to very steeply sloping fluvioglacial deposits. <u>Texture:</u> 25 to 60 cm of sandy loam or loam over gravelly sandy loam or gravelly loamy sand. <u>Drainage:</u> well to rapid. <u>Classification:</u> Orthic Dark Brown.
Southern/ 5% (0.4 ha) 100%	R - Rutland	<u>Land:</u> very gently to strongly sloping fluvioglacial deposits. <u>Texture:</u> 10 to 25cm of sandy loam or loamy sand over gravelly loamy sand or very gravelly sand. <u>Drainage:</u> rapid. <u>Classification:</u> Orthic Dark Brown.

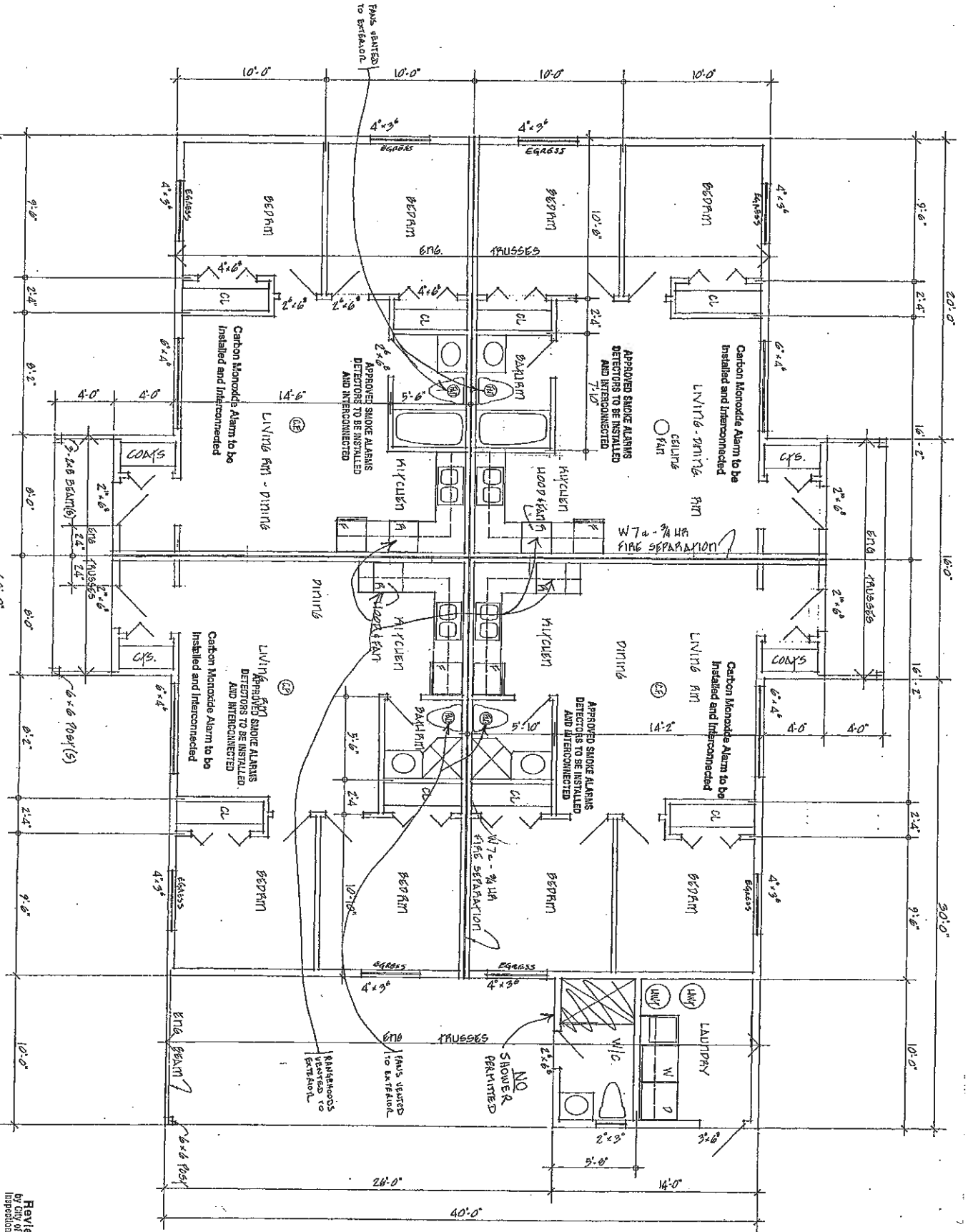
Project:

FLOOR PLAN
 Z17168 (944' / DMV)

Scale: 1/4" = 1'-0"
 Date: JAN 08
 Drawn by:

NOTE: All dimensions to be checked on job by builder.

Sheet: 3 of 6
 Plan: 110642(a)



Reviewed
 by City of Koloana
 Inspection Services

Project:

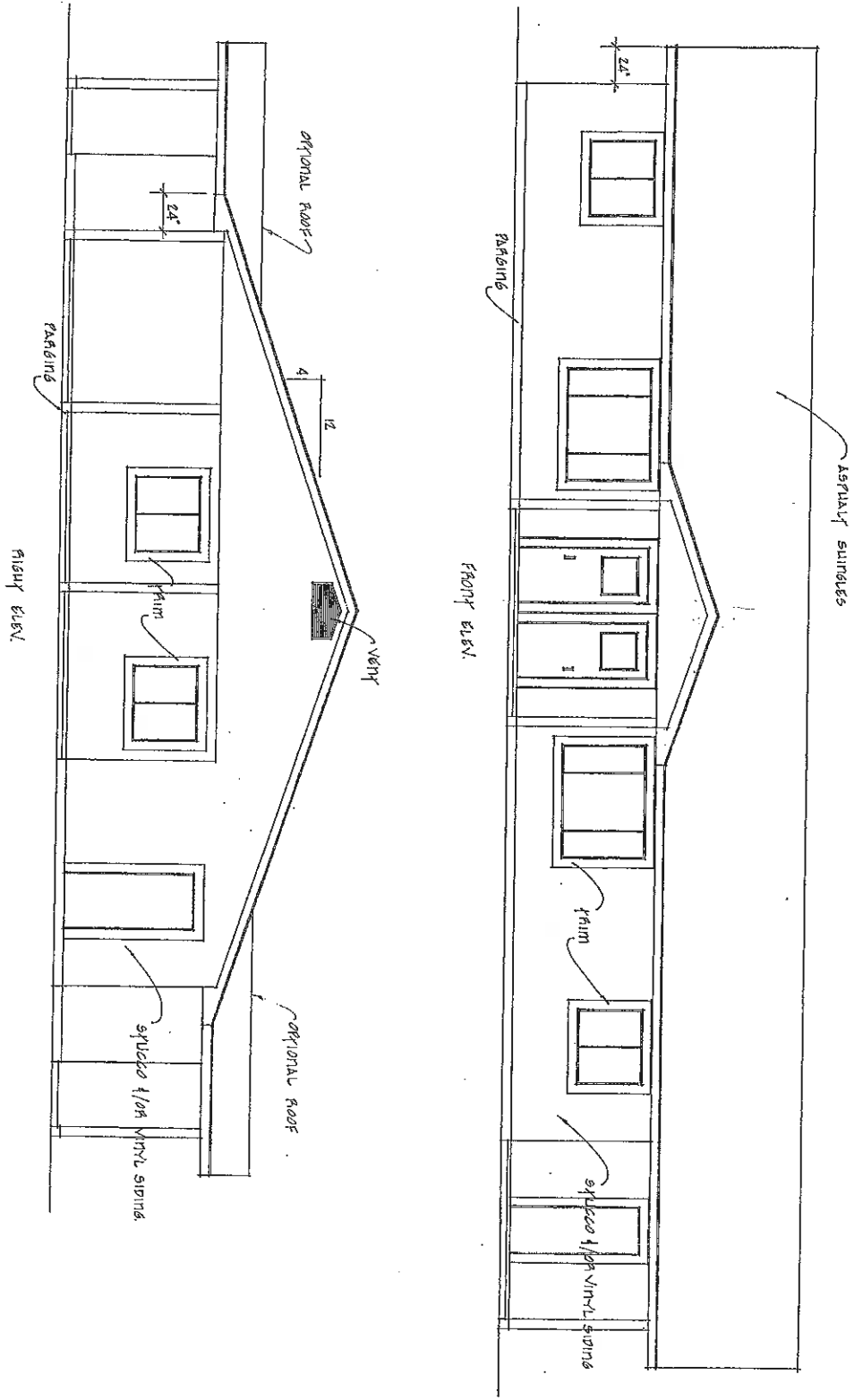
ELEVATIONS

Scale: 1/4" = 1'-0"
 Date: DEC. 06
 Drawn by: A.L.I.

NOTE: All dimensions to be checked on job by builder.

Sheet: 4 of 6
 Plan: 11-06-12

Reviewed
 By City of Kalamazoo
 Inspection Services



June 18, 2012

Details of proposal for "non farm use" application:

I am applying for permission to construct a single family detached home to be occupied by myself and my family as our principle residence. I am a full time orchardist living in Kelowna since the late 1990's. I purchased the orchard in 2003 with full intentions of operating the orchard myself as well as leasing other suitable orchards in the area.

I am applying for non farm use and prefer a specific siting for my home on the orchard that best suits the profitability of the orchard. Where I wish to construct the home is in the current block of Macintosh apples. I intend to remove this block of trees in 2013 when I take delivery of cherry trees to be planted there. I prefer to not situate the home at the road as I have highly productive Ambrosia apples there. In addition the block behind is planted to modern cherry orchard so I prefer not to disturb that portion of the orchard. There is a driveway in place on the eastern boundary so I would not need to remove any orchard to gain access to the new home site. This site best suits the profitability and production of the orchard. I have drawn the approximate site on the aerial image included with the application.

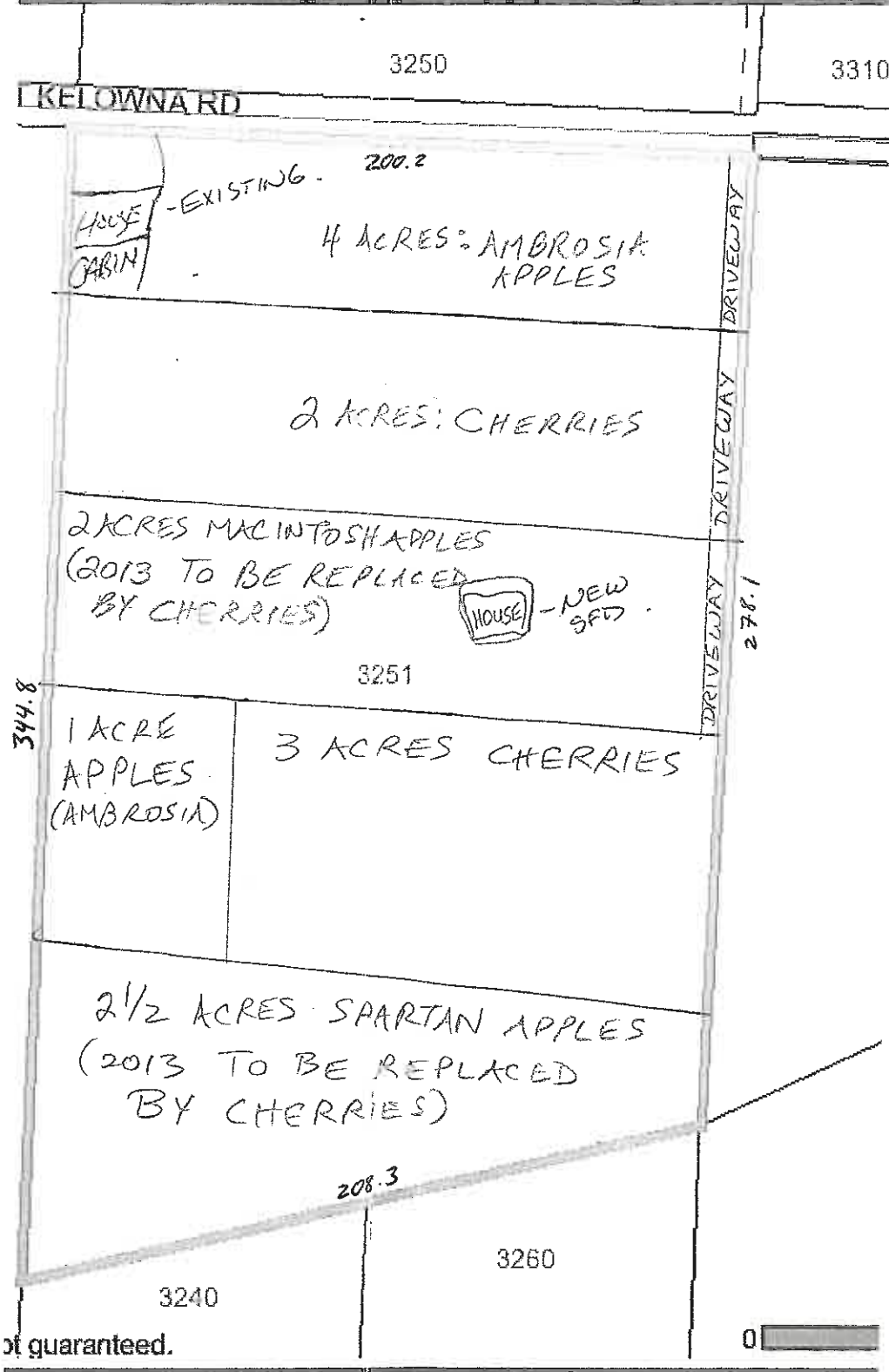
As far as permission to construct a new single family home I offer the following information:

- Orchard is 6.273 hectares with all but the a small sloped portion on the southern boundary fully planted
- I am in the process of creating a plan to remove all the apples trees (except the profitable modern Ambrosia block by the road) and replace with late harvest cherries.
- The existing 2 bedroom home is far too small for my family and ideally suited for full time farm help.
- The existing fourplex was built for seasonal farm help. As reliable labour has become an increasing problem in the Okanagan we are relying on labour from Mexico. With that comes certain criteria for caliber of housing required by the Federal Government
- I also hold long term leases on 2 other large orchards in the area where I have no access to farm help housing. Together these titles provide an additional 20.2 hectares of orchard. The leases and titles are included with this application. Essentially the existing home and fourplex need to provide housing for labour for over 26 hectares of orchard in total.
- I am willing to sign affidavits with the City of Kelowna that the existing small home and fourplex are only for the uses stated above.

Thank you for considering my application. Please feel free to contact me with any questions.

Surinder S. Shergill

City of Kelowna



ly. The City of Kelowna does not guarantee its accuracy. All info



COTTAGE
FOURPLEX

PROPOSED
HOMESITE
X-1-1

LOT 1, SECTION 15
TOWNSHIP 26 RANGE 3379
ODTD

PLAN 3379

3355

PLAN 187

3375



by of Kellowna - Accuracy and correctness not guaranteed.