

Agricultural Advisory Committee

AGENDA



Thursday, June 11, 2015
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE COMMITTEE 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. Appointment of Chair and Vice Chair

To appoint a Chair and Vice Chair for the Agricultural Advisory Committee for a two (2) year period ending December 2016.

3. Applications for Consideration

3.1 2570 Saucier Road, A15-0003 - Laura & Larrie Carr

3 - 35

The applicant is seeking 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 allow for a second dwelling (i.e. carriage house) on the subject property.

3.2 1838 Heimlich Road, A15-0004 - Don & Diane Hickey

36 - 55

The applicant is seeking 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 allow for a second dwelling

(i.e. carriage house) on the subject property.

3.3 1090 McKenzie Road, FH15-0001 - GP Sandher Holdings Ltd.

56 - 73

To consider a request for a Farm Help Permit for proposed residences to accommodate 80 temporary agricultural workers in addition to accommodations for 48 temporary agricultural workers already approved for the property.

3.4 2015 Belgo Road, A15-0005 - Misao Koga

74 - 90

The applicant is requesting permission from the Agricultural Land Commission (ALC) for a “*Subdivision of Agricultural Land Reserve*” under Section 21(2) of the Agricultural Land Commission Act. The subdivision is more specifically a “Homesite Severance” request as per Policy #11 - Homesite Severance on Agricultural Land Reserve (ALR) Lands.

4. Minutes

91 - 97

Approve Minutes of the Meeting of August 26, 2014.

5. Referrals

There are no referrals.

6. Old Business

There is no old business to consider.

7. New Business

There is no new business to consider.

8. Next Meeting

July 9, 2015

9. Termination of Meeting

COMMITTEE REPORT



Date: June 11, 2015

To: Agricultural Advisory Committee

From: Subdivision, Agriculture & Environment Services (MS)

Application: A15-0003 **Owners:** Laura Carr
Larrie Carr

Address: 2570 Saucier Road **Applicants:** Laura Carr
Larrie Carr

Subject: Non-Farm Use Application to the Agricultural Land Reserve (Carriage House)

1.0 Purpose

The applicant is seeking 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 allow for a second dwelling (i.e. carriage house) on the subject property.

2.0 Proposal

2.1 Background

In 2014, the owners, who had recently purchased the property, came to the City with a plan to undertake the following:

- Construct a new single-family dwelling on the Property.
- Bring the property back into compliance with the City of Kelowna zoning bylaw by removing four non-conforming structures (illegal dwellings).
- Upgrade the existing farm structures to current building codes (barn/shop).
- Restore more land to agricultural use, through the removal/relocation of structures and return to hayfield.

As part of this plan, the owners wanted to legitimize the last remaining original dwelling through an application to the ALC for a Non-farm Use of the dwelling, shown in plans as 'Unit A' as a carriage house. Photos and plans are attached.

2.2 Project Description

The owners have removed four of the five dwellings present on the property in 2014, and have initiated construction on their new residence. Plans also include the removal of an existing barn, and the upgrading of a barn and a shop at the southwest of the property. This application is to appeal to the ALC to use 'Unit A' as a carriage house as a Non-Farm Use. Unit A has an approximate area of 120 metres square, and may have a second level. This exceeds what is permitted in the Zoning Bylaw 8000 for carriage houses, and would need to be addressed to comply, should the ALC resolve to allow the use.

Should the ALC resolve to allow the use, the application would need to rezone to A1c - Agriculture 1 with Carriage House, in order to be compliant with the City of Kelowna Zoning Bylaw No. 8000.

2.3 Site Context

The subject property is located on Saucier Road east of Grantham Road and west of South Kelowna School. The parcel is 4.04 hectares (9.98 acres). It is zoned A1 - Agriculture, in the ALR and is surrounded by parcels also in the ALR and zoned A1 - Agriculture.

Agricultural Capability

According to the Canada Land Inventory (CLI), the subject property contains primarily Class 5A and Class 5A Agriculture Capability. The modifier 'A' indicates soil moisture deficits, and is considered improvable with irrigation. With improvements (irrigation), the agricultural capability of the property could be improved to predominately Class 3 with some Class 2 at the southwest and southeast corners (see attachment). Class 1 through 3 is considered prime agricultural land with minimum restrictions on crop capability.

According to the Soils Classification of BC, the soils on the property are predominately Parkhill soils, which are Eluviated Eutric Brunisols. These are fluvioglacial deposits which tend to be moderately to coarse textured and well drained. They are generally farmed for tree fruits and vineyards.

Agricultural Production

Current agricultural production includes approximately 2.8 hectares (6.9 acres) in hay and approximately 0.58 hectares (1.4 acres) in orchard.

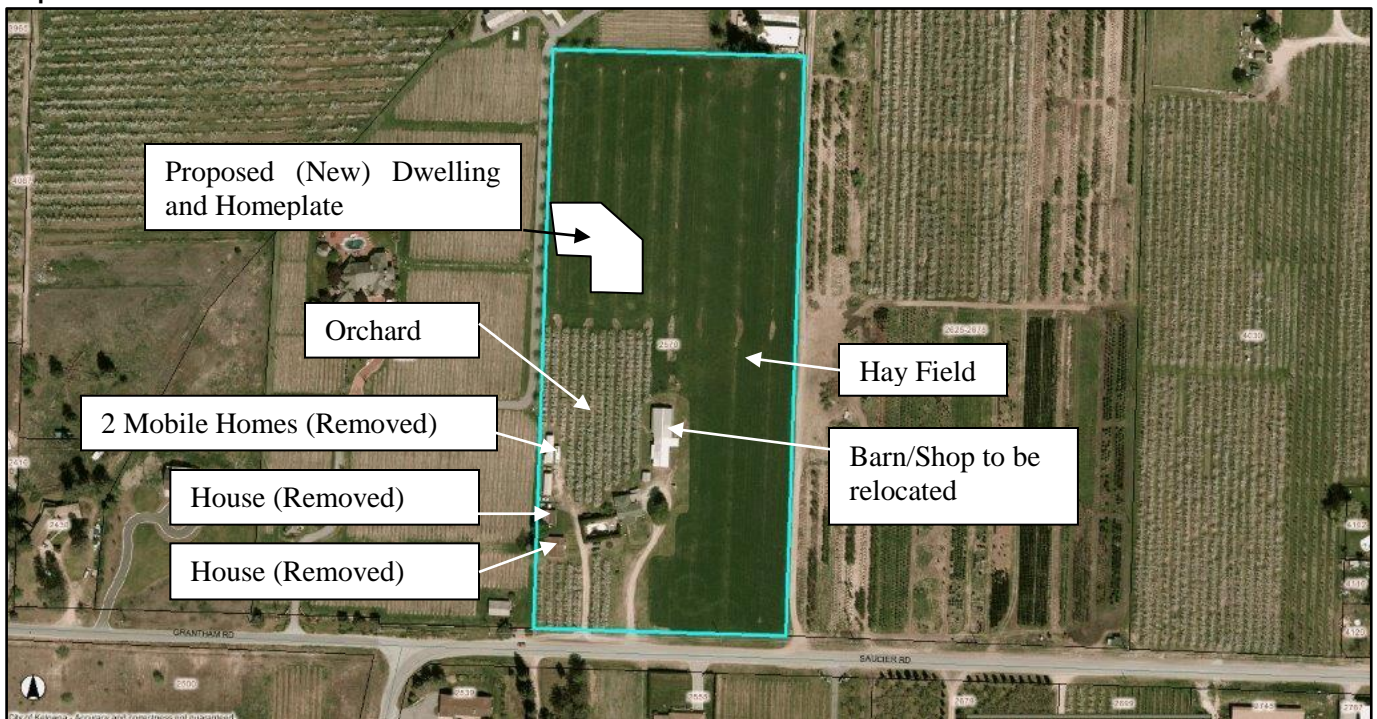
The property is within the ALR and surrounded by agricultural uses. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture / ALR	Agriculture (vineyard)
East	A1 - Agriculture / ALR	Agriculture (orchard)
South	A1 - Agriculture / ALR	Agriculture (vineyard)
West	A1 - Agriculture / ALR	Agriculture (vineyard)

Map1: Neighbourhood Context



Map 2: 2570 Saucier Rd





This application is requesting authorization from the ALC to permit an existing carriage house in the ALR. The objectives of the Official Community Plan's 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.

In addition, in 2014, the Agricultural Land Reserve was split into 2 zones based on geographic area through Bill 24 - *Agricultural Land Commission Amendment Act*¹. The Okanagan Valley is within Zone 1 of the ALR. The guiding rationale for land use decisions within *the Act* remains unchanged from before Bill 24. The primary principles of the ALC are to preserve agricultural land, encourage farming on ALC land, and to encourage local governments to adopt policies that support farming. The ALC does not support carriage houses on ALR land (see attached). As such, the decision making lens that is applied to land use requests is 'does it result in a net benefit to farming?'.

There are concerns about additional dwellings within properties of the Agricultural Land Reserve. The City Bylaw and Ministry of Agriculture offices, the vast majority of complaints regarding normal farming practices is by persons living in agricultural areas that are not farmers.

Staff acknowledges that the current owners and applicants have removed 4 other dwellings from the property in the last year (two mobile homes and two other small dwellings, all that had previous tenants illegally). The removal of these dwellings was a condition of a Farm Protection

¹ RSBC, 2014, Bill 24 – 2014 – Agricultural Land Commission Amendment Act. https://www.leg.bc.ca/40th2nd/1st_read/gov24-1.htm

Development Permit in advance of a Building Permit for the owner's new house (see site plans, attached). The owners would like to keep this last additional dwelling, which was, at one time, the farm house. The farming operation does not warrant farm help under Ministry of Agriculture guidelines².

Report prepared by:

Melanie Steppuhn

Reviewed by:

☐

Todd Cashin, Subdivision, Agriculture & Environment Services Manager

**Reviewed by
Approved for Inclusion:**

☐

Shelley Gambacort, Subdivision, Agriculture & Environment Services Director

Approved for Inclusion:

☐

Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Schedule A - Policies
Schedule B - Technical Comments
ALC Letter to DWK re: Carriage Houses
Subject Property Map
Site Plan
House Plans and Elevations
Site Photos
BCLI Land Capability Map
Soil Classification Map

² Ministry of Agriculture, 2001. Draft Guidelines for Additional Dwellings for a Farm Employee.

SCHEDULE A - Policies



Subject: 2570 Saucier Road - Non-Farm Use (Carriage House)

1.0 Current Development Policies

1.1 Kelowna Official Community Plan (OCP)

Future Land Use¹

With respect to lands outside the Permanent Growth Boundary, Chapter 4 of the OCP states:

- Lands outside the permanent growth boundary will not be supported for urban uses.

Farm Protection Development Permit Guidelines²

Farm Protection Development Permit Guidelines include:

- Protect farm land and farm operations;
- Minimize the impact of urban encroachment and land use conflicts on agricultural land;
- Minimize conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

The subject property has a future land use designation of Resource Protection Area and relevant policies are included below:

Objective 5.33 Protect and enhance local agriculture³.

Policy. 1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Policy .7 Non-farm Uses. Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- are consistent with the Zoning Bylaw and OCP;
- provide significant benefits to local agriculture;
- can be accommodated using existing municipal infrastructure;
- minimize impacts on productive agricultural lands;
- will not preclude future use of the lands for agriculture;
- will not harm adjacent farm operations.

Objective 5.34 Preserve productive agricultural land⁴.

¹ City of Kelowna Official Community Plan, Chapter 4.7 (Future Land Use).

² City of Kelowna Official Community Plan, Chapter 15.2 (Farm Protection DP Guidelines).

³ City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.33.

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.

⁴ City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.34.

⁵ City of Kelowna Agriculture Plan (1998); p. 130.

SCHEDULE B - Technical Comments



Subject: A15-0003 - 2570 Saucier Road - Non-Farm Use Application (Carriage House)

1.1 Building & Permitting Department

Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits if applicable. Full Plan check for Building Code related issues will be done at time of Building Permit applications.

1.2 Development Engineering Department

On-site servicing including the utilisation of existing or proposed services will be reviewed by Building & Permitting.

With respect to sanitary sewer, this subject parcel is currently not within the City service area. Sanitary sewage is presently handled by an on-site sewage disposal system.

Existing and proposed on-site servicing will be reviewed by the Interior Health Authority and Building & Permitting.

1.3 Ministry of Agriculture

Approval Not Recommended Due to Reasons Outlined Below:

This application appears to be a second dwelling on ALR lands application. The Ministry does not support second dwelling applications generally, but does defer to the decision making authority of the ALC.

1.4 Interior Health Authority

The application appears to not support local food security. Retaining the original residence as a carriage house and the addition of a new home plate takes away land that could produce food.

1.5 Southeast Kelowna Irrigation District

To comply with current district standards both the proposed carriage house and the new house must pay a \$450.00 application fee. This fee includes the cost to provide a water meter to both dwellings. It is the applicant's responsibility to install the water meters and to contact the district to arrange for pick up at the district office.

If the proposed out buildings (shop and barn) require water, then the applicant is permitted to service the buildings from one or both of the domestic services on the property, with the requirement that the buildings are serviced downstream of the domestic water meter. Neither of the out-buildings are to be lived in or used for domestic purposes.



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

January 6, 2015

Reply to the attention of Martin Collins
File: 33621

Jaleen Rousseau, Planner II
District of West Kelowna
2760 Cameron Road
West Kelowna, BC
V1Z 2T6

Re: Carriage Homes within the Agricultural Land Reserve (draft Bylaw No. 0154.14)

Your File: 3360-45

Thank you for the referral received December 18th, 2014 which requested the Agricultural Land Commission's (the ALC's) comments on proposed bylaw amendments that permit carriage homes in several residential and rural zones in West Kelowna.

A carriage home is defined in draft Bylaw No. 0154.14 "as a secondary dwelling which is subordinate to the principal single detached dwelling of a parcel and is located in a secondary structure". The draft bylaw also specifies that a carriage home cannot be constructed if the principal residence is a B & B, or already has a secondary suite, or if the parcel already has a home for farm help.

The ALC advises that it does not support the bylaw amendment to permit carriage homes on parcels in the ALR (essentially the A1 Agriculture Zone). The ALC Act and regulation do not specifically permit carriage homes as an additional dwelling. The ALC believes that carriage homes represent an additional and unnecessary residential intrusion onto farm parcels, and have the effect of increasing the size of the residential footprint on a farm property, eroding farm capability and raising expectations of residential uses on parcels which have been identified and preserved for agricultural uses.

The ALC believes that a carriage home should be determined through an application process and that a zoning amendment should accompany a permitted carriage home. The requirement for an ALR "non-farm use" application and potential rezoning may discourage the development of carriage homes and reduce the overall pressure to increase residential development on ALR parcels.

If you have any further questions about this matter, please contact Martin Collins at 604-660-7021.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Martin Collins, Regional Planner



5 89 43' 435.6

2570 SAUCIER ROAD

FINAL SITE PLAN AT COMPLETION OF
DEVELOPMENT PLAN BP 14-0216
PROPOSED CARRIAGE HOUSE

ORCHARD

NEW HOMEPLATE

POOL

FAMILY
GARDEN

VINEYARD

NEW SHOP

NEW BARN

PROPOSED CARRIAGE HOUSE
EXISTING UNIT A

NORTH
000.0

NURSERY

5 89 43' 435.6

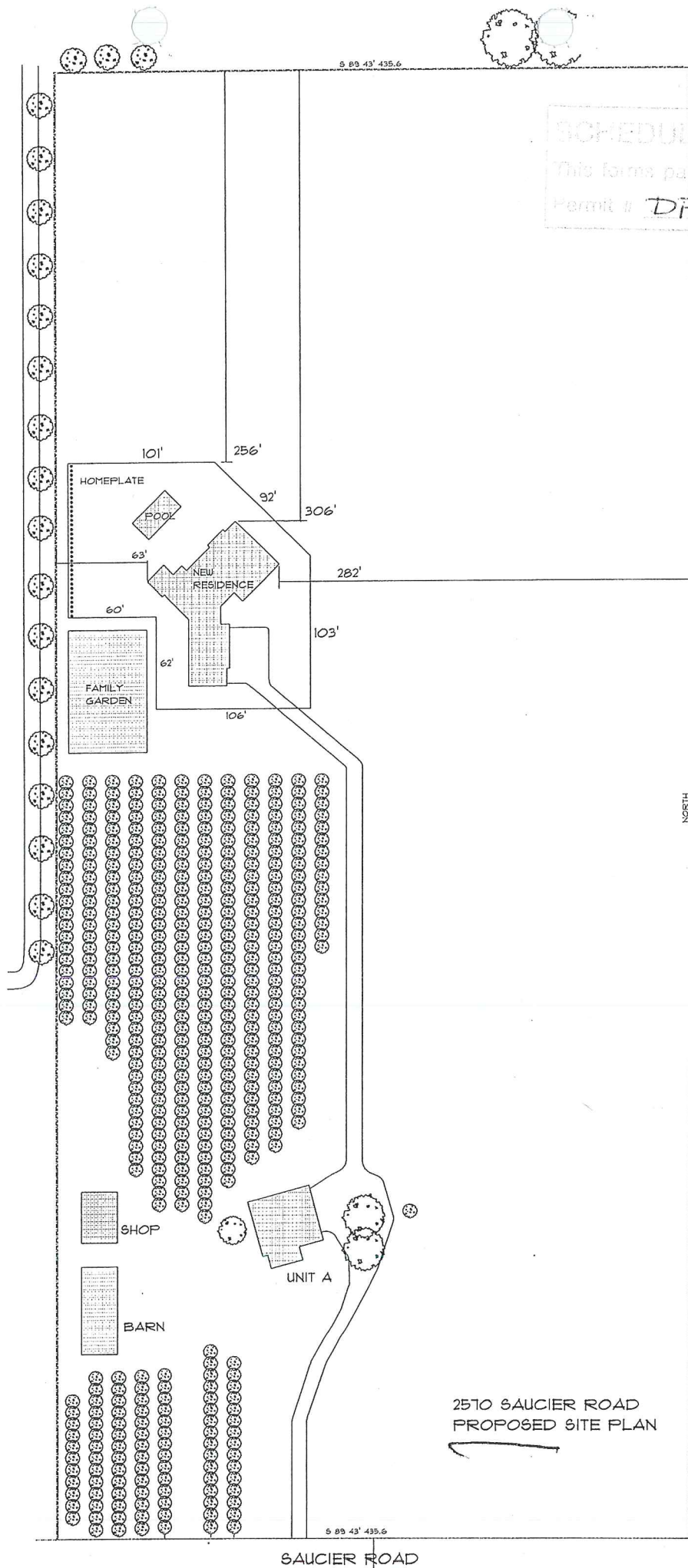
SAUCIER ROAD



Photo #2 - Aerial View Facing North/West of the entire property. Saucier road in the foreground.



Photo #3 - Aerial View Facing South. Saucer road in background.



2570 Saucier Road
Application for Non-Farm Use



Photo #1 - Top view of Property South end (Saucier Road). Unit A residence proposed for Carriage House (non-farm use) identified by arrow. Saucier Road (south edge of property) at bottom of screen

SCHEDULE A-1
This forms part of development
Permit # DP14-0218

1. Property

2570 Saucier Road
Kelowna, BC V1W 2Z6

Parcel A of Lot 1, Plan 1656, S/O PL B6018 (DD127007F), Section 4, Township 26, ODYD
Roll 217.3981000, PID 005-532-311

2. Purpose and Rational

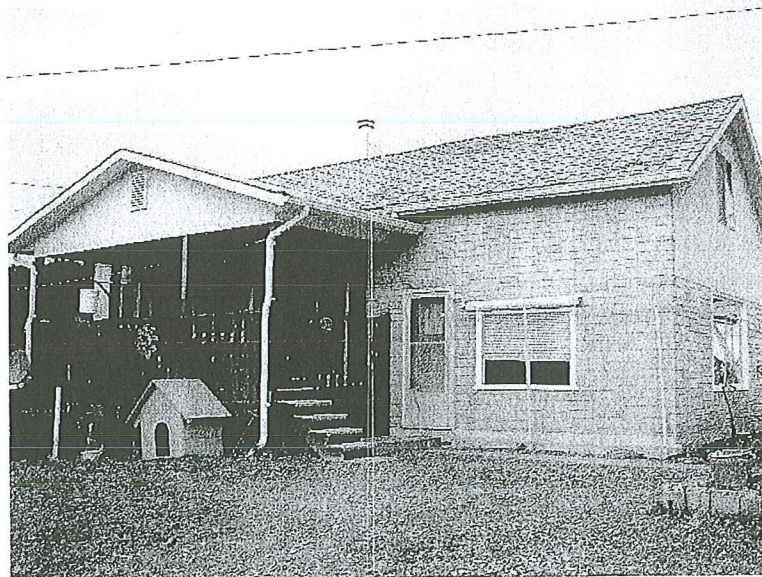
The goals of the development are:

1. Construct a new single-family dwelling on the Property consistent with homeplate principals.
2. Bring the Property back into compliance with the Kelowna bylaws and zoning by removing non-conforming structures.
3. Upgrade the existing farm structures to current building codes.
4. Restore more land to agricultural use.

3. Description of Existing Structures

3.1. Unit A is a two-bedroom single-story wood-framed residence with a carport, partial basement and loft. The unit is approximately 1300 square feet in size and 70 years old. The residence is currently rented to farm labourer help.

The associated in-ground pool is in poor condition with a severely damaged liner and cannot be used in its current condition.



Unit A

SCHEDULE B
 This forms part of development
 Permit # DP14-0218

Larrie & Laura Carr
 687 Pimlico Road
 Kelowna, BC V1W 2Z6

Melanie Steppuhn
 Land Use Planner
 City of Kelowna
 1435 Water Street
 Kelowna, BC V1Y 1J4

Re: Farm Protection Development Permit DP14-0218

Dear Ms. Steppuhn,

Further to our email conversations, I am writing to confirm the assurances which we have given you in the relation to the matters of the existing residential building on 2570 Saucier Road and upon which you sought our written and unequivocal undertakings.

We, Larrie Carr and Laura Carr, certify that:

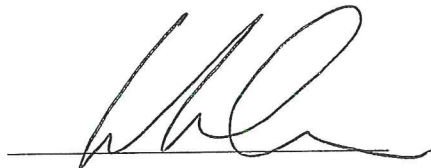
1. An application to the British Columbia Agriculture Land Commission for the Non-farm Use of the existing residential building known as Unit A will be submitted to the City of Kelowna by January 16, 2015.
2. Should the British Columbia Agricultural Land Commission resolve not to permit the Non-farm Use of Unit A after all determinations and appeals, we will demolish or decommission Unit A within:

1. 90 days of the final decision, or

2. when the New Residence under construction is inspected as described in City of Kelowna Bylaw 1993, No. 7245, Part 5.1.1 (f),

whichever occurs later.

If we fail to perform these tasks as required, the City of Kelowna will withhold granting the Occupancy Permit for the New Residence until the required undertakings are completed.



Larrie Carr



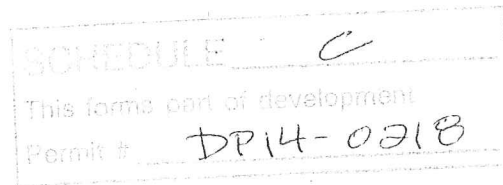
Laura Carr

Declared before me in the City of Kelowna,
 Province of British Columbia, this 8th
 Day of December 20 14


 Tom Anderson #103-1912 Enterprise Way, Kelowna BC V1Y 9S9
 NOTARY PUBLIC IN AND FOR THE PROVINCE OF BRITISH COLUMBIA

TOM ANDERSON
 Notary Public
 #103-1912 Enterprise Way
 Kelowna, BC V1Y 9S9
 250-763-1923
 PERMANENT COMMISSION

November 25, 2014



Larrie & Laura Carr

687 Pimlico Road
Kelowna, BC V1W 2Z6

Melanie Steppuhn

Land Use Planner
City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4

Re: Farm Protection Development Permit DP14-0218

Dear Ms. Steppuhn,

As originally discussed over email, we would like to make the following declaration.

We understand that we plan to live within an active agricultural area with normal farm practices, such as spraying with pesticides and fertilizers, farm cannons, equipment noises and odors. We also recognize that surrounding farming practices and their effects on our property may change at any time.

We request with this understanding that the landscape requirement for buffer zones be waived from the development permit.

Sincerely yours,

A handwritten signature in black ink, appearing to be "Larrie Carr".

Larrie Carr

A handwritten signature in black ink, appearing to be "Laura Carr".

Laura Carr

REFERENCE PLAN.

**PARCEL 10.00 ACRES: OF
LOT 1; MAP 1656; LOT
Osoyoos Division of Yale District.**

Scale: 100 Feet to 1 Inch.

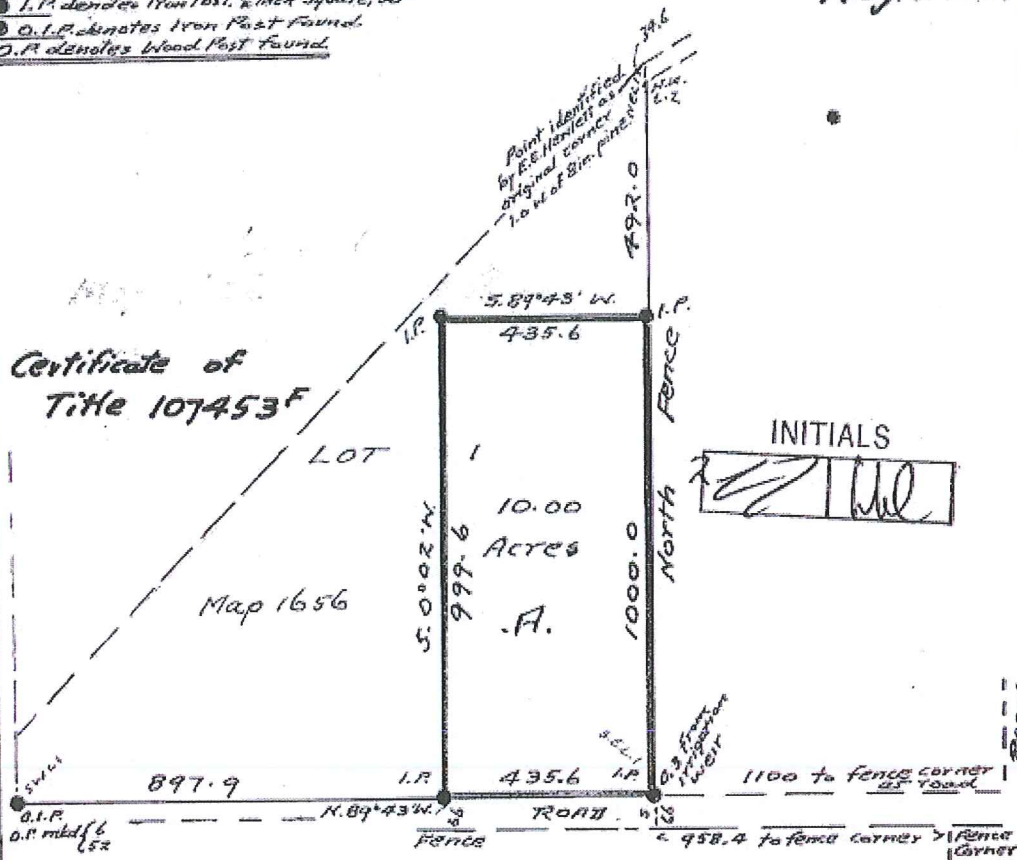
*Bearings derived from Solar Observation.
● I.P. denotes Iron Post, 6 inch square, set
○ O.I.P. denotes Iron Post found.
○ O.P. denotes Wood Post found.*

PLAN NO. "B" 6018.

**Deposited under the "Land
Registry Act" this 30 day of
June 1948.**

Registrar.

**Certificate of
Title 107453^F**



INITIALS

[Handwritten initials]

I, Robert Williams Haggan, of Kelowna, B.C.,
British Columbia Land Surveyor, make oath and
say that I was present at and did personally
superintend the survey represented by this
plan and that the survey and plan are
correct. This said survey was completed
on the 31st day of May, 1948.

Sworn before me at
Kelowna, B.C. this 1st
day of June, 1948.

[Signature]
Commissioner

E. E. Hewlett

Signature of Registered Owner

R. W. Haggan
Witness



Photo #4 - Residence Unit A – North facing. View from Saucier Road. Two-bedroom single-story wood-framed residence with a carport, partial basement and loft.



Photo #5 - Residence Unit A – West facing. Showing covered carport area



Photo #6 - Residence Unit A – South facing.



Photo #8 - Unit B – Demolished November 2014. Single bedroom residence was approximately 1000 square feet and 40 years old.

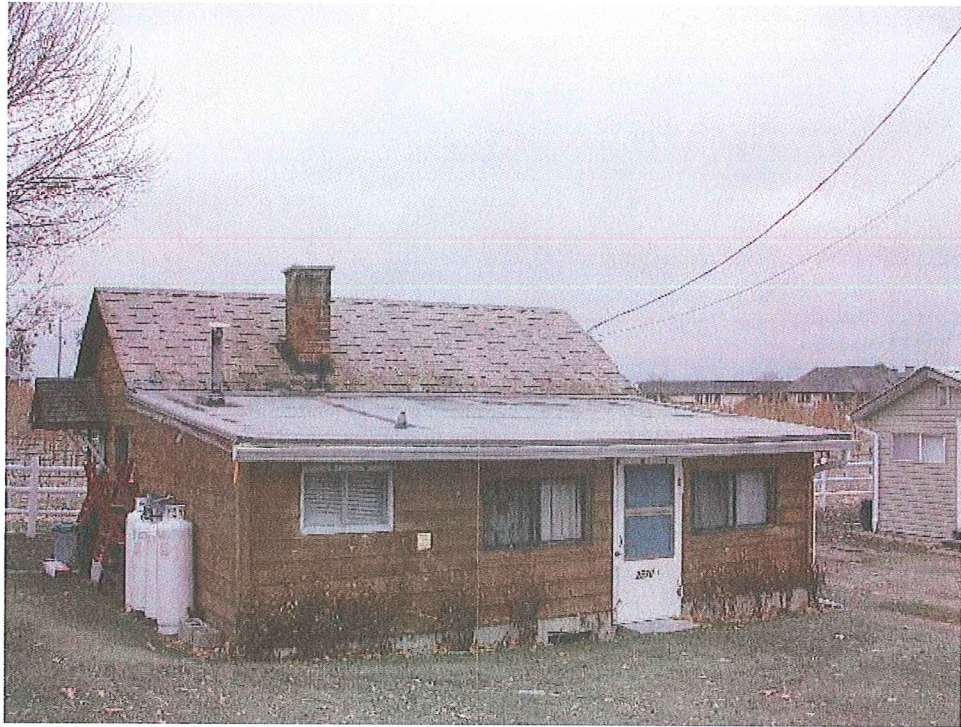


Photo #9 - Unit C – Demolished November 2014. Single-bedroom single-story wood-framed residence. The 600 square foot unit was the original farm homestead with an undetermined age



Photo #10 - Unit D – Demolished November 2014. Mobile home styled single-bedroom residence was originally constructed from a converted 400 square foot work trailer



Photo #11 - Unit E - Demolished November 2014. Residence was a two-bedroom 450 square foot mobile home residence



Photo #12 – Shop/Barn facing East. The building is two structures sharing a common wall sitting on concrete pads. The 1200 square foot shop has stucco and wood exterior, a roof as well as concrete, dirt and wood flooring. The 1800 square foot hay barn sits on buried treated posts and beams with a shared metal roof. A small chicken coop on skids is also abutted into the center of the building.

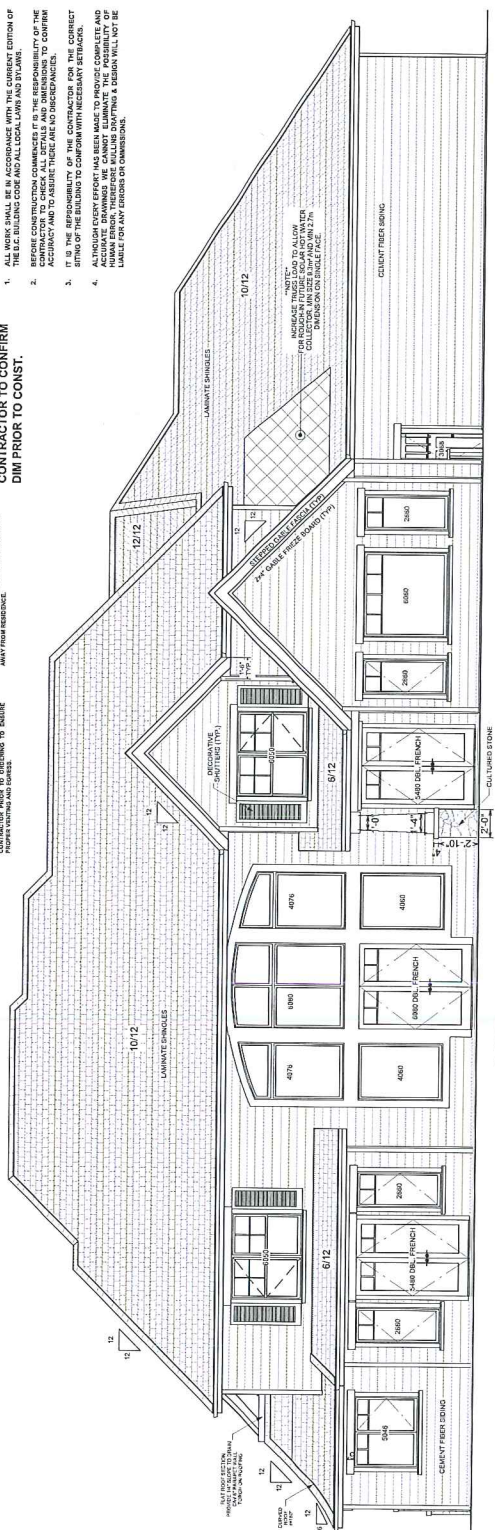
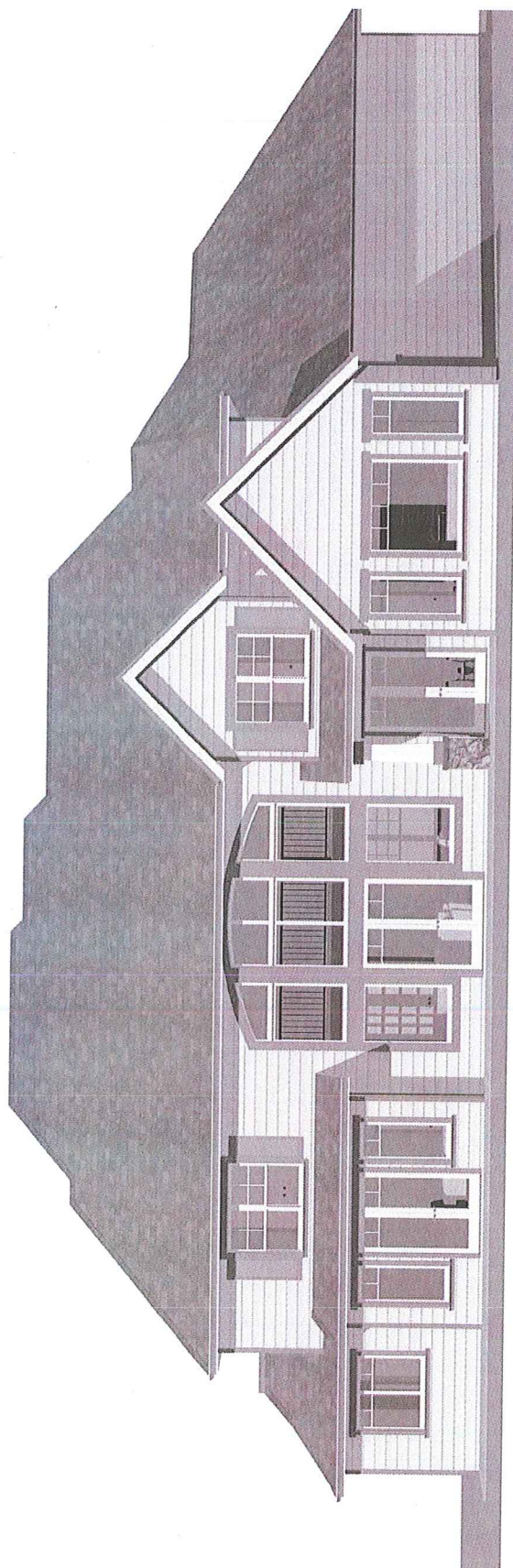
GENERAL NOTES

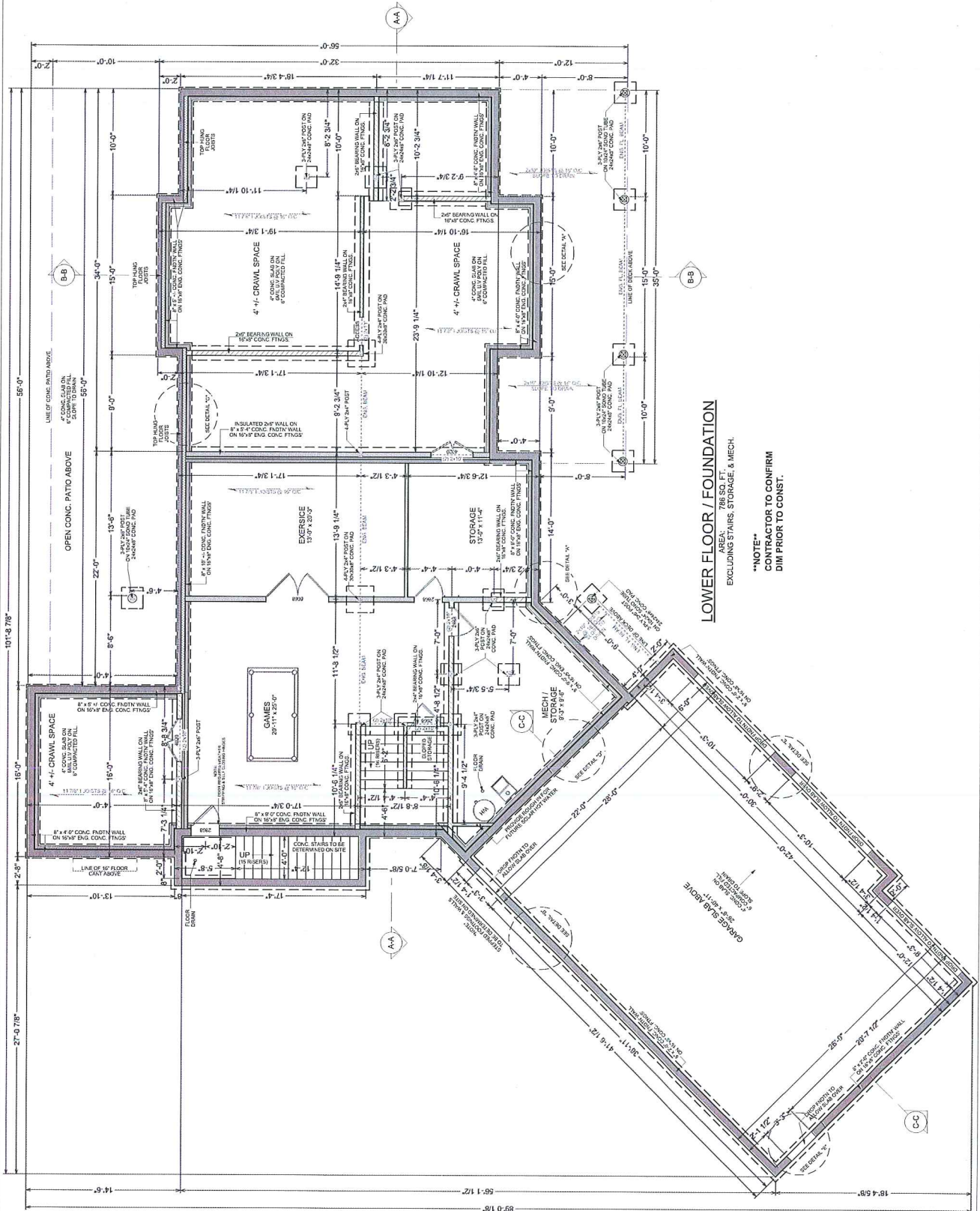
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE S.C. BUILDING CODE AND ALL LOCAL LAWS AND STATUTE.
2. BEFORE CONSTRUCTION COMMENCES IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CHECK ALL DETAILS AND DIMENSIONS TO CONFIRM ACCURACY AND TO ASSURE THERE ARE NO DISCREPANCIES.
3. IT IS THE RESPONSIBILITY OF THE CONTRACTOR FOR THE CORRECT SITING OF THE BUILDING TO CONFORM WITH NECESSARY SETBACKS.
4. ALTHOUGH EVERY EFFORT HAS BEEN MADE TO PROVIDE COMPLETE AND ACCURATE DESIGN, THERE IS THE POSSIBILITY OF A MISTAKE OR HUMAN ERROR, THEREFORE KULLINS DRAFTING & DESIGN WILL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.

****NOTE****
CONTRACTOR TO CONFIRM
DIM PRIOR TO CONST.

***NOTE**
PROVIDE PROPER SLOPE TO ALLOW DRAINAGE
AWAY FROM RESIDENCE.

NOTE
WINDOW SPECS TO BE CONFIRMED BY OWNER/
CONTRACTOR PRIOR TO ORDERING TO ENSURE
PROPER VENTING AND EXHAUST

REAR ELEVATION



5/9
SHEET NUMBER

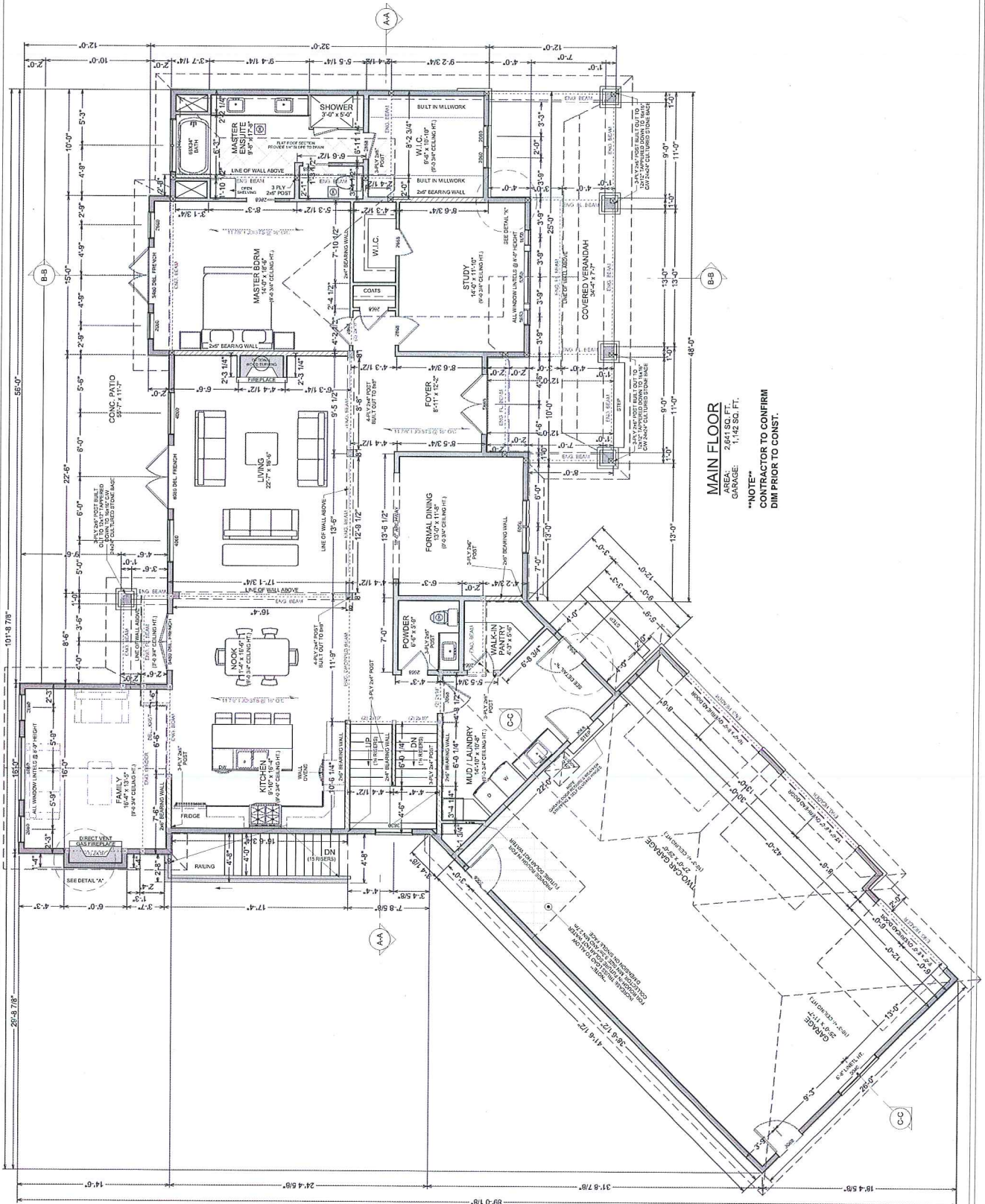
DATE: OCT-16-2014
SCALE: 1/4" = 1'

Richard Reuter
862-0958
Custom Choice
General Contracting • Planning • Estimating

PROPOSED PROJECT FOR
CARR RESIDENCE
2570 SAUCIER ROAD
KELOWNA B.C.

1964 Dayton Street
Kelowna BC V1Y 7W6
Bus: (250) 717-3415
Cell: (250) 258-7819
e-mail: mullinsdrafting@shaw.ca

MULLINS
DRAFTING & DESIGN



MAIN FLOOR
AREA: 2,641 SQ. FT.
GARAGE: 1,142 SQ. FT.
NOTE
CONTRACTOR TO CONFIRM
DIM PRIOR TO CONST.

6/9

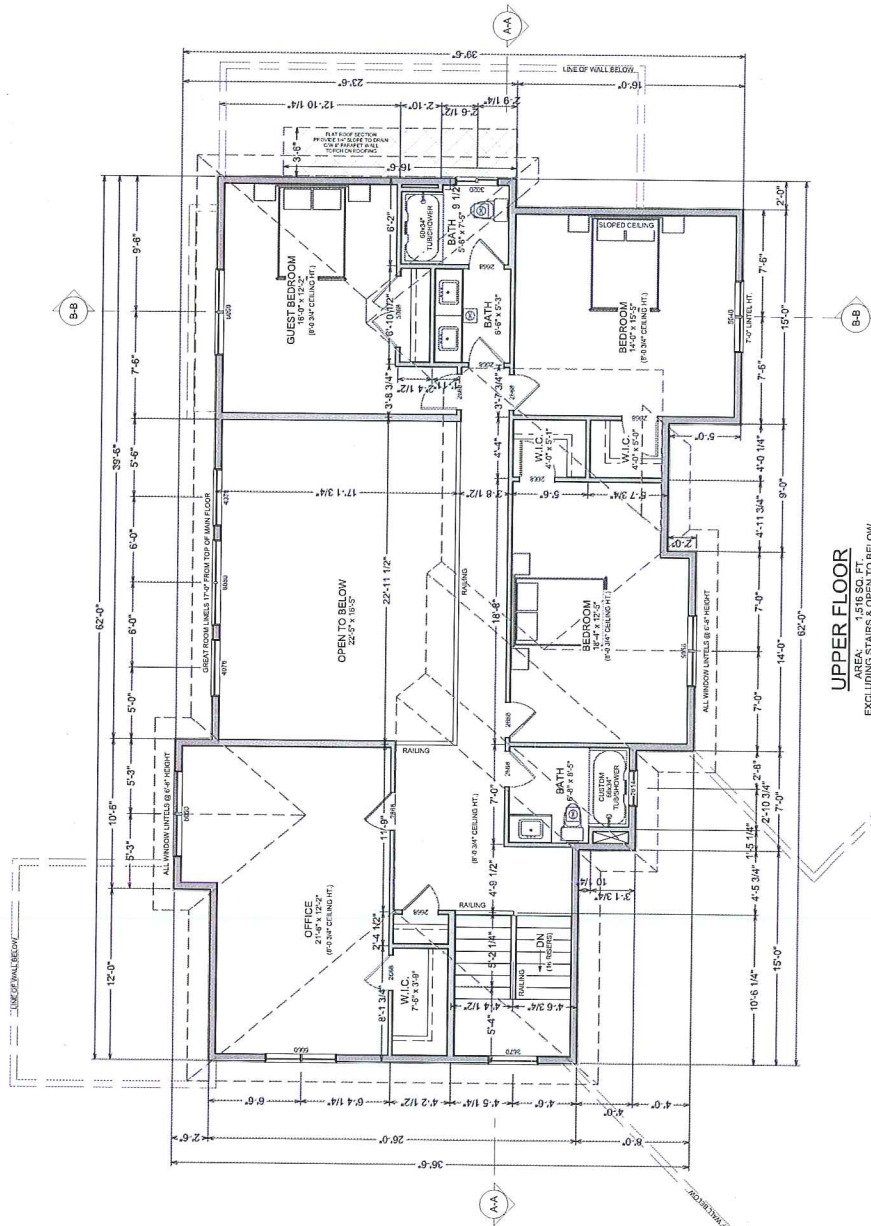
SHEET NUMBER

SCALE: 1/4" = 1'
DATE: OCT-16-2014

Custom Choice
Richard Drahtler
862-0958
General Contracting • Framing • Finishing

PROPOSED PROJECT FOR
CARR RESIDENCE
KELOWNA B.C.
2570 SAUCIER ROAD

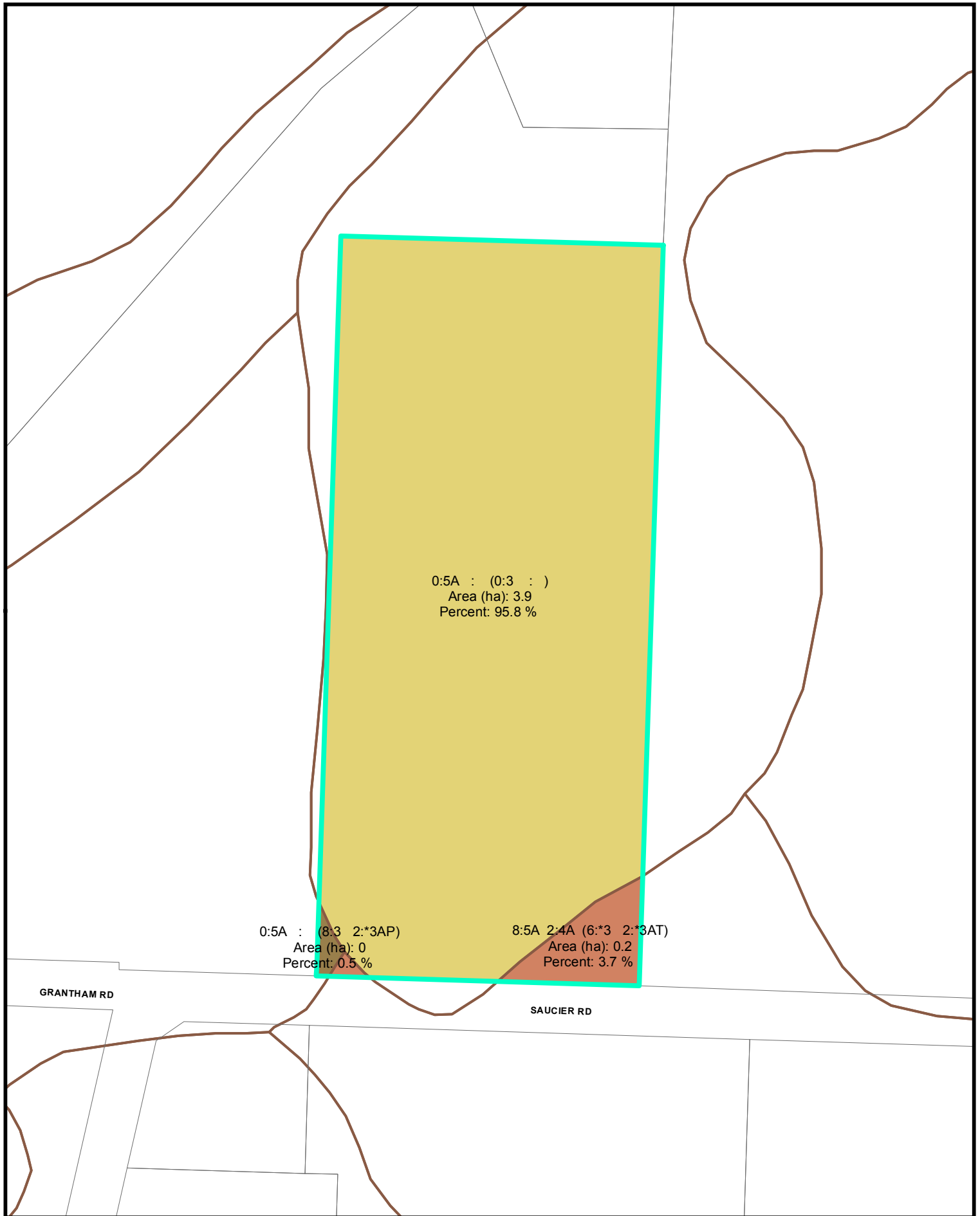
1964 Dayton Street
Kelowna BC V1Y 7W6
Bus: (250) 717-3415
Cell: (250) 258-7819
e-mail: mullinsdrafting@shaw.ca



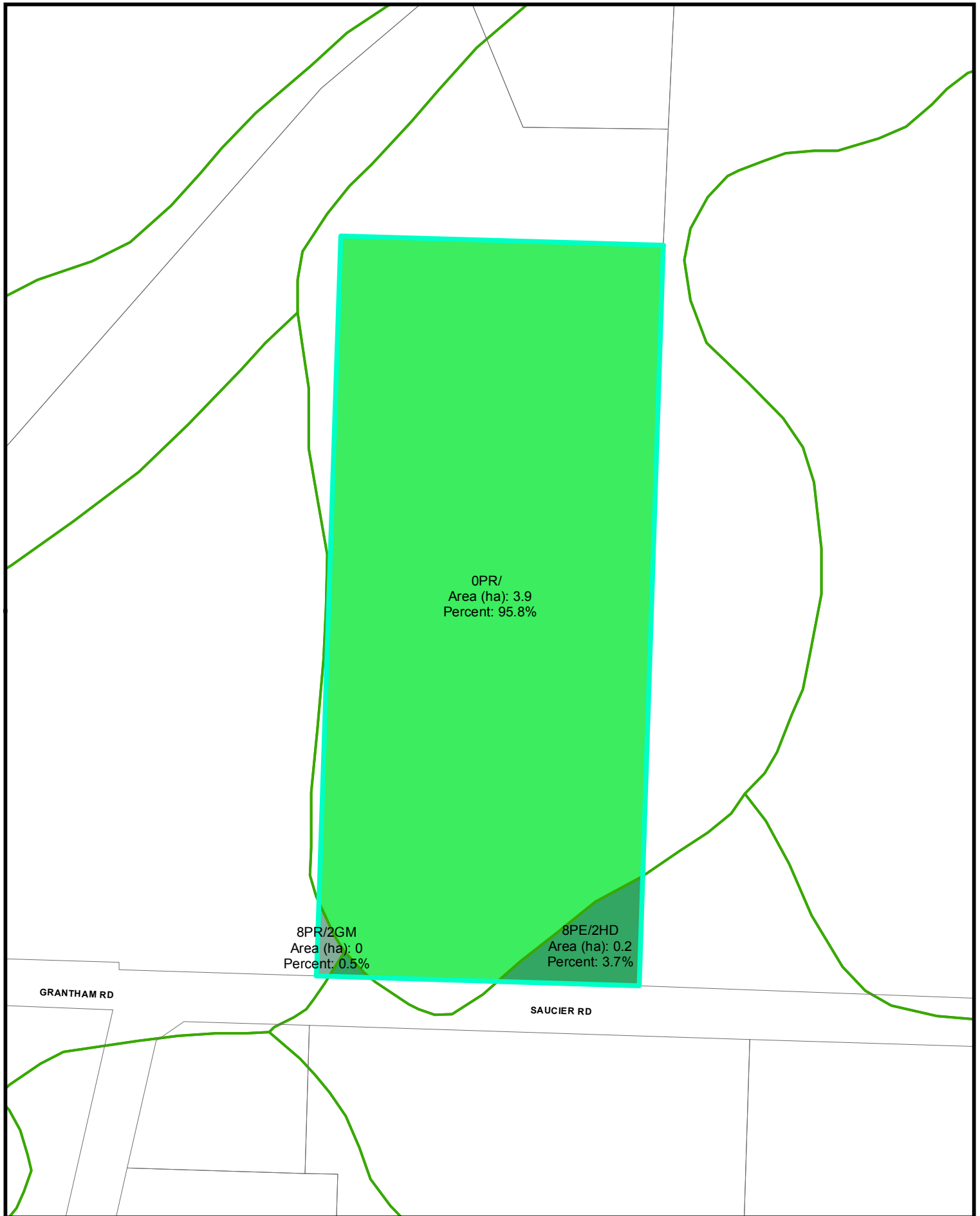
UPPER FLOOR
AREA: 1,145 SQ. FT.
EXCLUDING STAIRS & OPEN TO BELOW

NOTE:
CONTRACTOR TO CONFIRM
DIM PRIOR TO CONST.

Land Capability = Brown/ Soil Class = Green



Land Capability = Brown/ Soil Class = Green



COMMITTEE REPORT



Date: June 11, 2015

RIM No. 1210-21

To: Agricultural Advisory Committee

From: Subdivision, Agriculture & Environment Services (MS)

Application: A15-0004 **Owner:** Don Hickey
Diane Hickey

Address: 1838 Heimlich Rd **Applicant:** Don Hickey
Diane Hickey

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The applicant is seeking 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 allow for a second dwelling (i.e. carriage house) on the subject property.

2.0 Proposal

2.1 Background

The existing carriage house was identified through Bylaw Services as unauthorized use of a portion of an accessory building as a carriage house.

Should the ALC resolve to allow the use, the application would need to rezone to A1c - Agriculture 1 with Carriage House, in order to be compliant with the City of Kelowna Zoning Bylaw No. 8000.

2.2 Site Context

The subject property is located on Heimlich Road west of Spiers Road and southeast of Mission Creek. The parcel is 0.8 hectares (2 acres). It is zoned A1 - Agriculture, in the ALR and is surrounded by parcels also in the ALR and zoned A1 - Agriculture.

Agricultural Capability

According to the Canada Land Inventory (CLI), the subject property contains primarily Class 5A and Class 4A Agriculture Capability. The modifier 'A' indicates soil moisture deficits, and is considered improvable with irrigation. With improvements (irrigation), the agricultural capability of the property could be improved to predominately Class 3 with some Class 4 at the southeast corner, with a limitation due to wet conditions (see attachment). Class 1 through 3 is considered prime agricultural land with minimum restrictions on crop capability.

According to the Soils Classification of BC, the soils on the property are predominately Carlin soils. These are fluvial or fluvioglacial deposits which tend to be silty, medium to moderately fine textured soils. They are suitable for alfalfa, annual vegetable crops, asparagus, cereals, corn and forage crops.

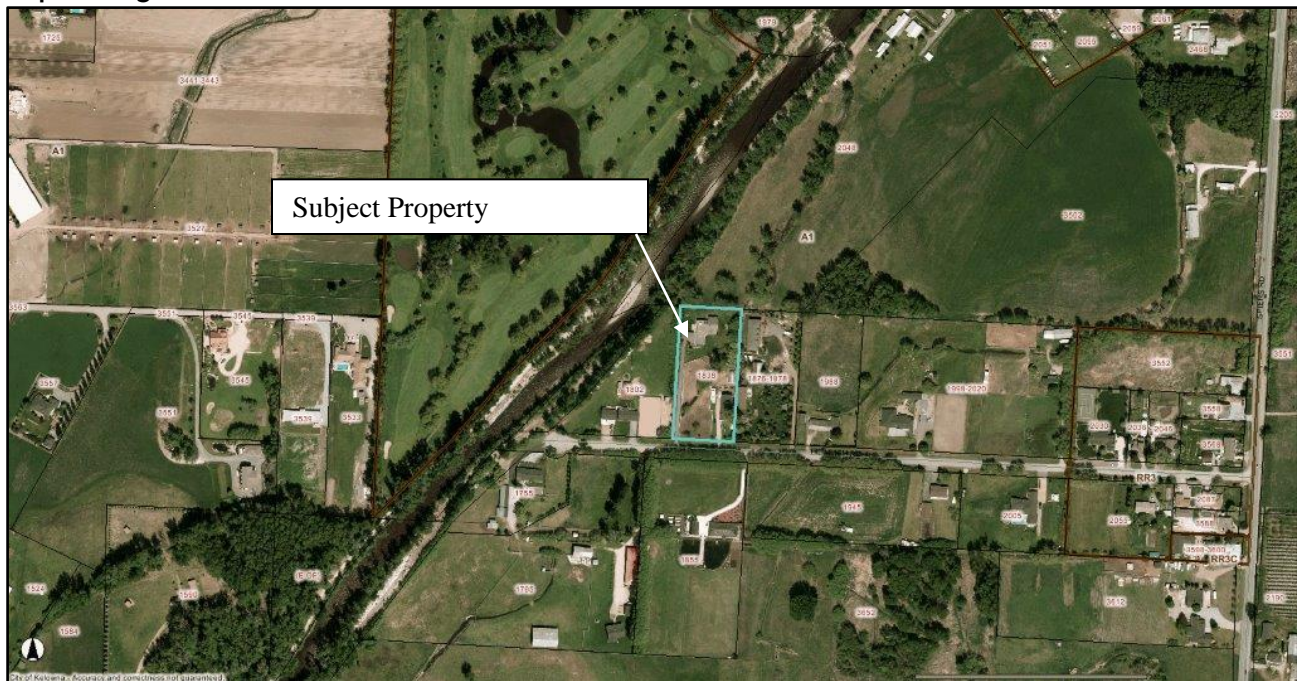
Agricultural Production

Current agricultural production includes approximately .27 hectares (0.6 acres) in horses.

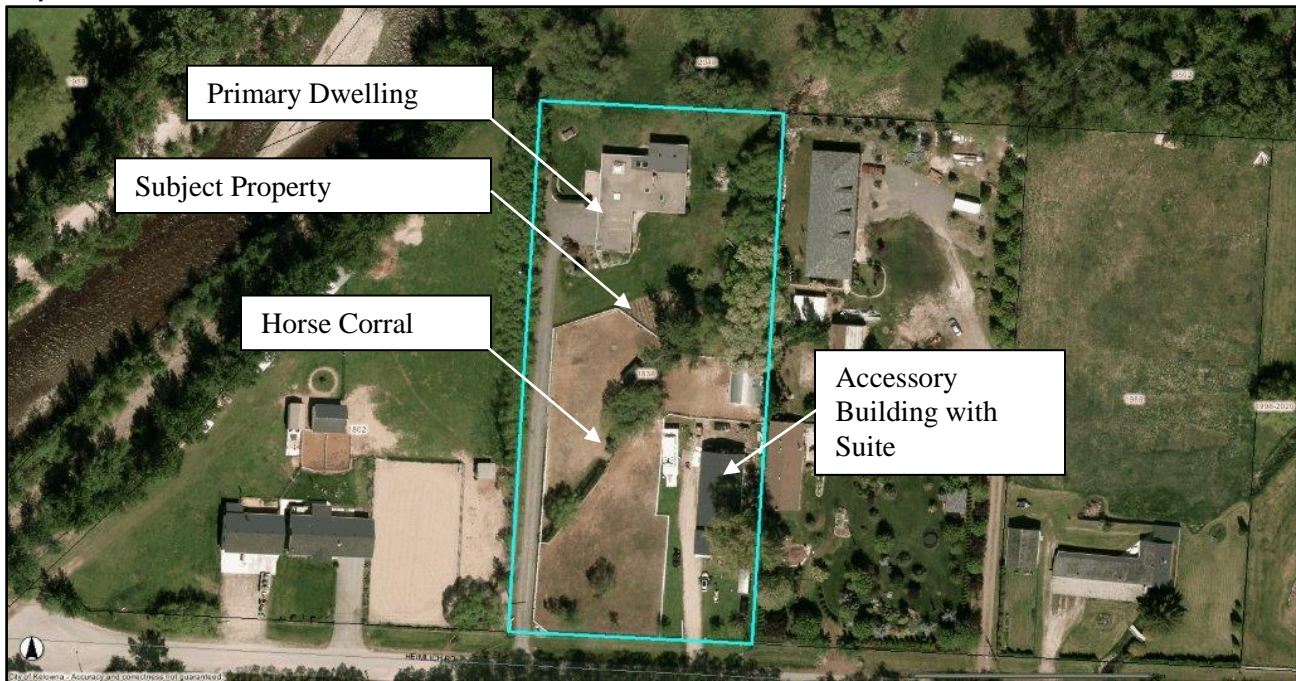
The property is in the ALR surrounded by properties in the ALR. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture / ALR	Agriculture (hay field)
East	A1 - Agriculture / ALR	Agriculture / Rural Residential
South	A1 - Agriculture / ALR	Agriculture (hayfield)
West	A1 - Agriculture / ALR	Agriculture / Rural Residential

Map 1: Neighbourhood Context



Map 2: 1838 Heimlich Road



Map 3: Agricultural Land Reserve



3.0 Subdivision, Agriculture & Environment Services

This application is requesting authorization from the ALC to permit an existing carriage house in the ALR. The objectives of the Official Community Plan's 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.

In addition, in 2014, the Agricultural Land Reserve was split into 2 zones based on geographic area through Bill 24 - *Agricultural Land Commission Amendment Act*¹. The Okanagan Valley is within Zone 1 of the ALR. The guiding rationale for land use decisions within *the Act* remains unchanged from before Bill 24. The primary principles of the ALC are to preserve agricultural land, encourage farming on ALC land, and to encourage local governments to adopt policies that support farming. The ALC does not support carriage houses on ALR land (see attached). As such, the decision making lens that is applied to land use requests is 'does it result in a net benefit to farming?'.

There are concerns about additional dwellings within properties of the Agricultural Land Reserve. The City Bylaw and Ministry of Agriculture offices, the vast majority of complaints regarding normal farming practices is by persons living in agricultural areas that are not farmers.

Report prepared by:

Melanie Steppuhn, Land Use Planner

Reviewed by: ☐ Todd Cashin, Subdivision, Agriculture & Environment Services Manager

**Reviewed by
Approved for Inclusion:** ☐ Shelley Gambacort, Subdivision, Agriculture & Environment Services Director

Approved for Inclusion: ☐ Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Schedule A - Policies
 Schedule B - Technical Comments
 ALC Letter to DWK re: Carriage Houses
 Interior Health Letter
 Subject Property Map
 Site Plan
 House Plans and Elevations
 Site Photos
 BCLI Land Capability Map
 Soil Classification Map

¹ RSBC, 2014. Bill 24 – 2014 – Agricultural Land Commission Amendment Act. https://www.leg.bc.ca/40th2nd/1st_read/gov24-1.htm

SCHEDULE A - Policies



Subject: A15-0003 Heimlich Rd 1838 AAC - Schedule A.docx

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.

SCHEDULE B - Technical Comments



Subject: A15-0003 Heimlich Rd 1838 AAC Schedule B.docx

1.1 Agricultural Land Commission

The ALC Act and Regulation do not specifically permit carriage homes as an additional dwelling (see attached letter).

1.2 Bylaw Services

Bylaw complaint received relating to the illegal suite over the shop, SR 257676.

1.3 Ministry of Agriculture

The Ministry of Agriculture does not support the development of carriage houses on ALR lands.

1.4 Building & Permitting Department

The Building & Permitting Department have the following comments:

- Bylaw file should be attached for reference
- Full Plan check for Building Code related issues will be done at time of Building Permit applications. Development Engineering Department

1.5 Development Engineering

The Development Engineering comments regarding this non-farm use within the Agricultural Land Reserve are as follows:

Domestic water and fire protection

- On-site servicing including the use of existing or proposed wells will be reviewed by the Interior Health Authority and Building & Permitting.

Sanitary Sewer

- This subject parcel is currently not within the City service area. Sanitary sewage is presently handled by an on-site sewage disposal system.
- Existing and proposed on-site servicing will be reviewed by the Interior Health Authority and Building & Permitting.

1.6 Fire Department

Requirements of section 9.10.19 Smoke Alarms of the BCBC 2012 are to be met for this residence. A visible address will be required to be posted from Heimlich.

1.7 Interior Health

Interior Health has noted that food security is not supported by the application (see attached letter).



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

January 6, 2015

Reply to the attention of Martin Collins
File: 33621

Jaleen Rousseau, Planner II
District of West Kelowna
2760 Cameron Road
West Kelowna, BC
V1Z 2T6

Re: Carriage Homes within the Agricultural Land Reserve (draft Bylaw No. 0154.14)

Your File: 3360-45

Thank you for the referral received December 18th, 2014 which requested the Agricultural Land Commission's (the ALC's) comments on proposed bylaw amendments that permit carriage homes in several residential and rural zones in West Kelowna.

A carriage home is defined in draft Bylaw No. 0154.14 "as a secondary dwelling which is subordinate to the principal single detached dwelling of a parcel and is located in a secondary structure". The draft bylaw also specifies that a carriage home cannot be constructed if the principal residence is a B & B, or already has a secondary suite, or if the parcel already has a home for farm help.

The ALC advises that it does not support the bylaw amendment to permit carriage homes on parcels in the ALR (essentially the A1 Agriculture Zone). The ALC Act and regulation do not specifically permit carriage homes as an additional dwelling. The ALC believes that carriage homes represent an additional and unnecessary residential intrusion onto farm parcels, and have the effect of increasing the size of the residential footprint on a farm property, eroding farm capability and raising expectations of residential uses on parcels which have been identified and preserved for agricultural uses.

The ALC believes that a carriage home should be determined through an application process and that a zoning amendment should accompany a permitted carriage home. The requirement for an ALR "non-farm use" application and potential rezoning may discourage the development of carriage homes and reduce the overall pressure to increase residential development on ALR parcels.

If you have any further questions about this matter, please contact Martin Collins at 604-660-7021.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Martin Collins, Regional Planner



Interior Health

March 12, 2015

Melanie Steppuhn, BES, BCLA
Land Use Planner
1435 Water Street
Kelowna, BC V1Y 1J4

Dear Ms. Steppuhn,

RE: Application for ALR Exclusion: file #A15-0004, 1838 Heimlich Rd, Kelowna, BC

This is a letter of comment re: Kelowna City Council's consideration of Application for Non-Farm use in the ALR.

Interior Health has an interest in community design and planning as the built environment can support access to healthy food and promote food security. There are many positive health outcomes for a community that is food secure. Healthy eating can prevent and control a number of chronic health conditions, including type 2 diabetes, heart disease, and some forms of cancer. In the interest of food security, and the ability of our citizens to access nutritious and safe food, we suggest the consideration of the following:

- This application does not appear to support food security. The area where the shed and suite are located is on land that could be used to produce food.

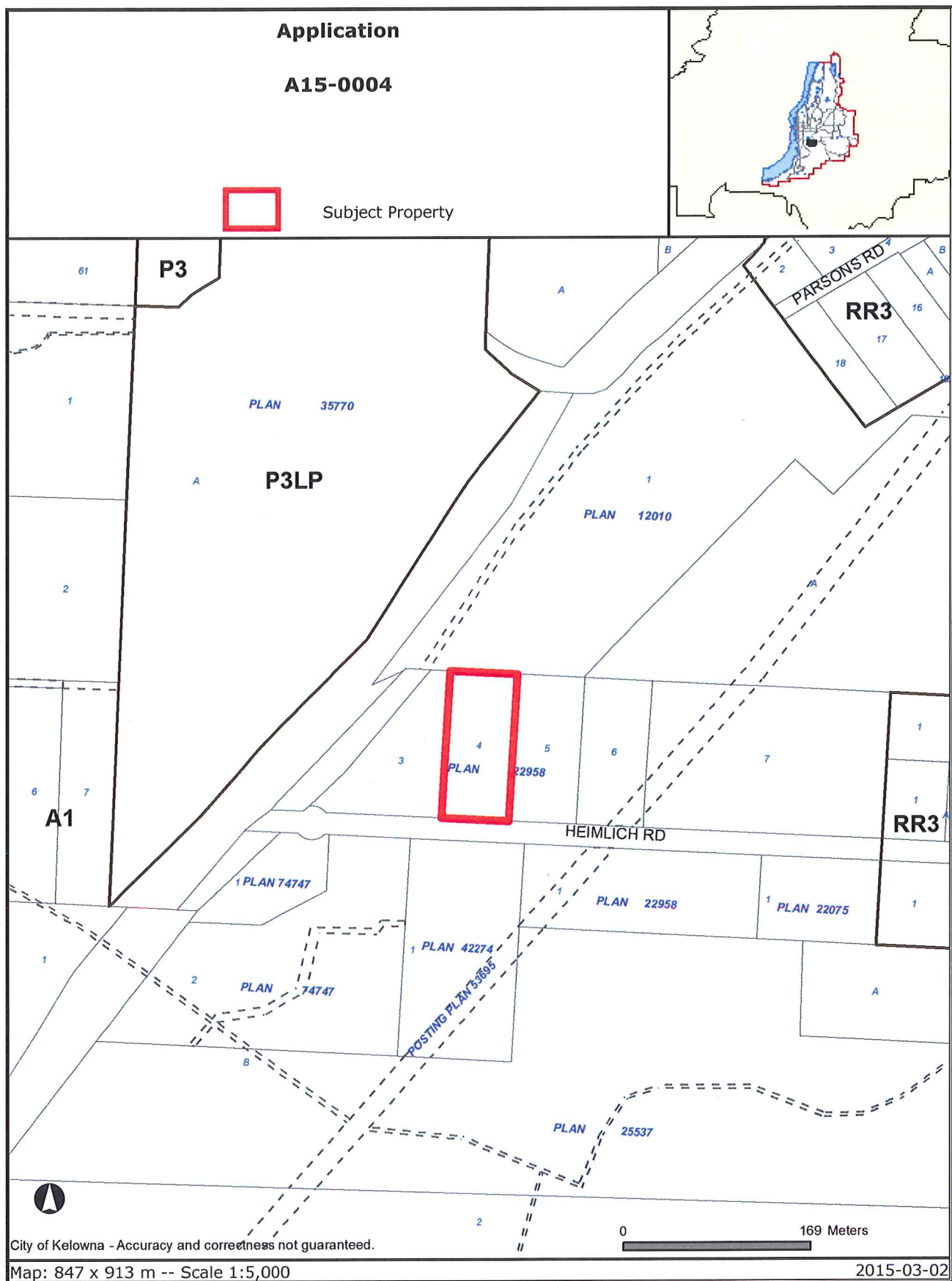
On behalf of the Food Security and Community Nutrition Program, I appreciate the opportunity to provide comment on the aforementioned application.

Kind regards,

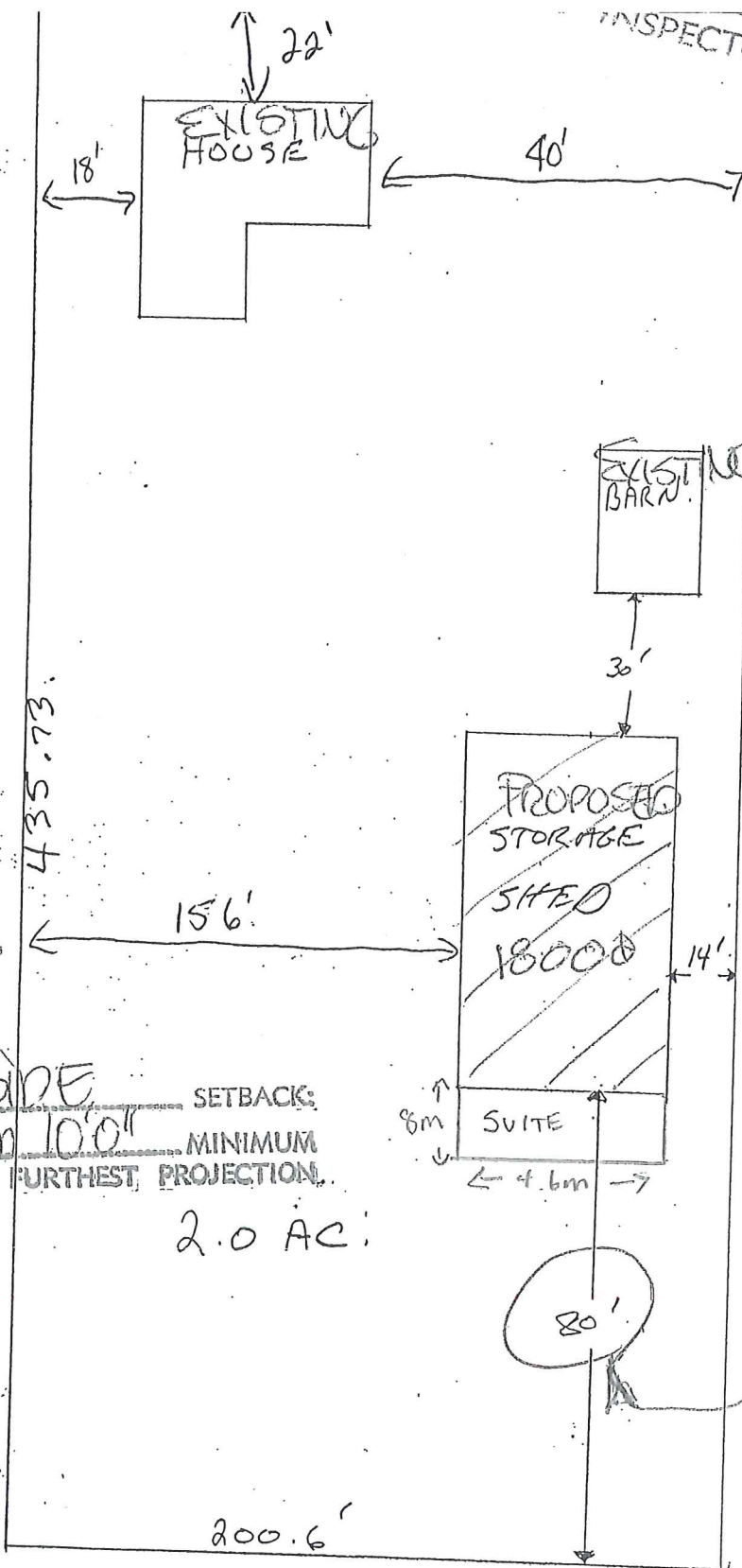
Jill Worboys, RD
Community Nutritionist
Community Integrated Health Services

Bus: (250) 868-7733
Fax: (250) 868-7809
Email: jill.worboys@interiorhealth.ca
Web: interiorhealth.ca

INTERIOR HEALTH
Promotion and Prevention, CIHS
1340 Ellis Street
Kelowna, BC, V1Y 9N1



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.



REAR SETBACK:
3m 10'0" MINIMUM
 TO FURTHEST PROJECTION

SIDE SETBACK:
3m 10'0" MINIMUM
 TO FURTHEST PROJECTION

LOT
 PLAN.

SIDE SETBACK:
3m 10'0" MINIMUM
 TO FURTHEST PROJECTION.

2.0 AC.

FRONT SETBACK:
6m 20'0" MINIMUM
 TO FURTHEST PROJECTION

HEIMLICH ROAD.



MAIN FLOOR.

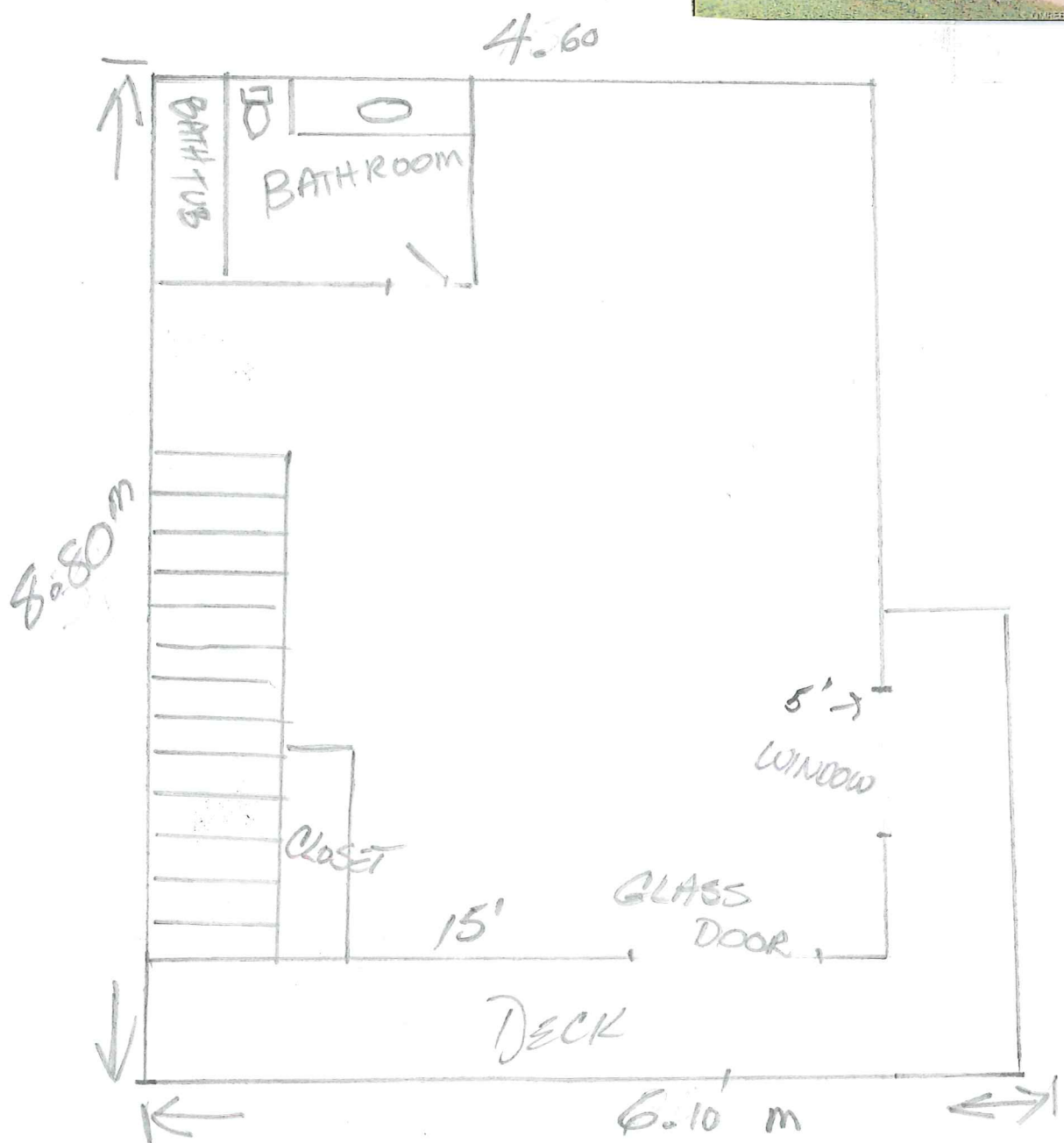
(15')

4.6 m

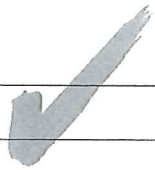


MAIN FLOOR

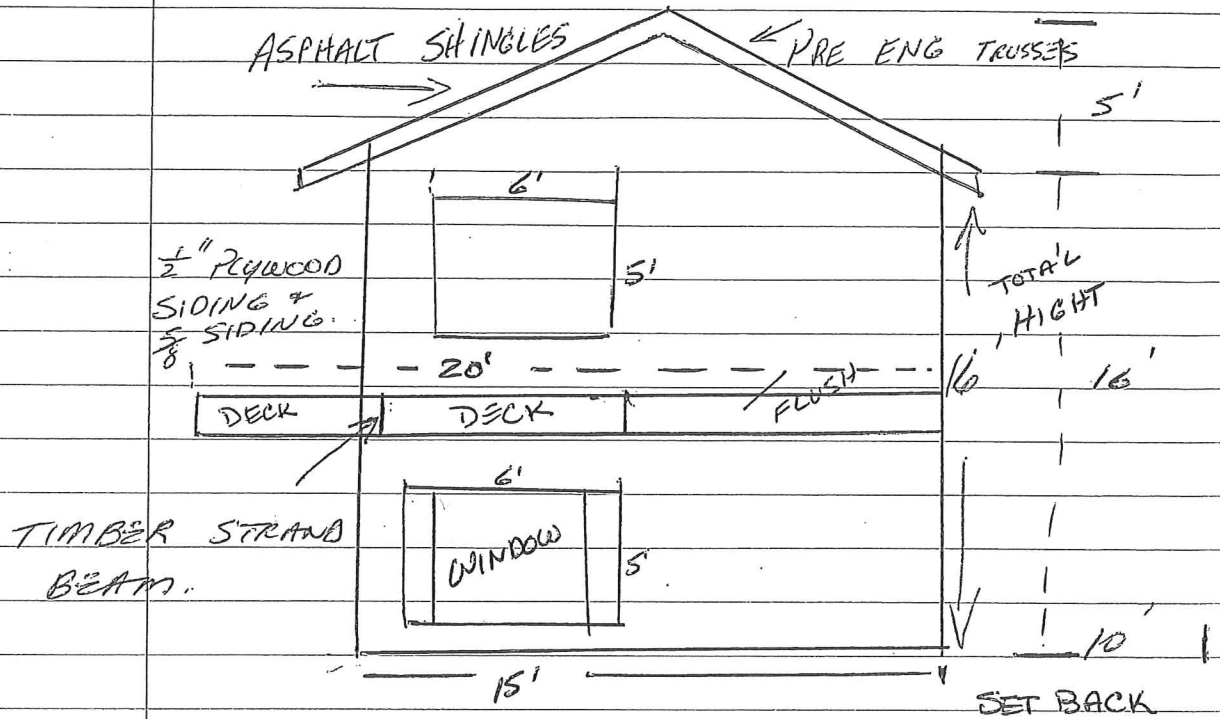
2ND FLOOR



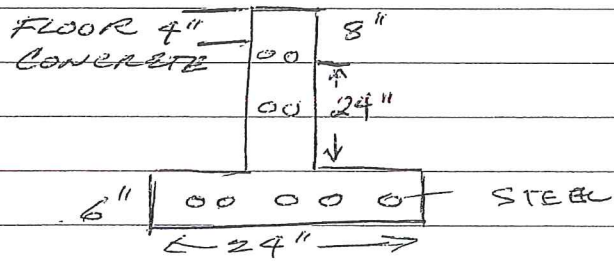


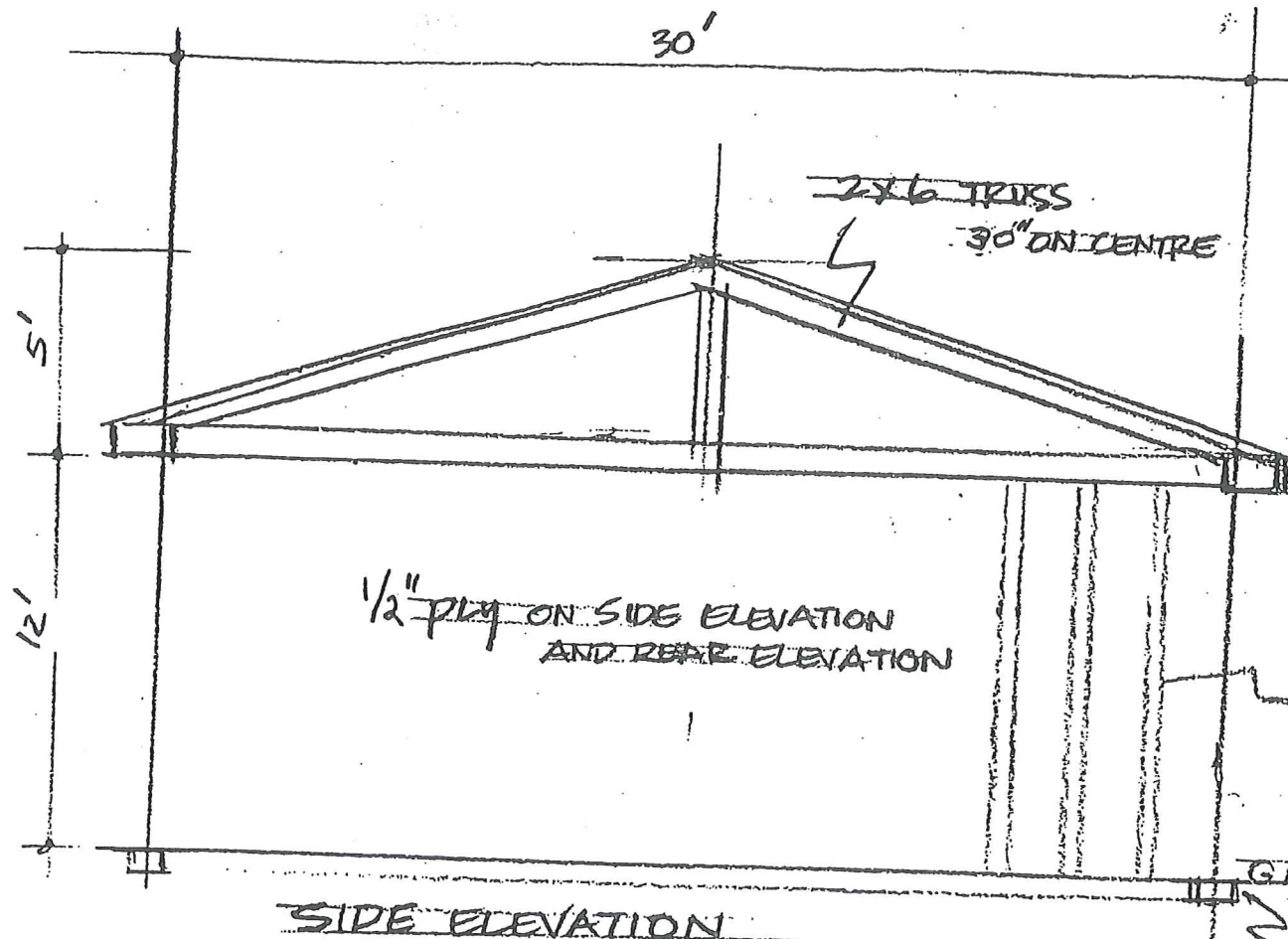


SIDE VIEW

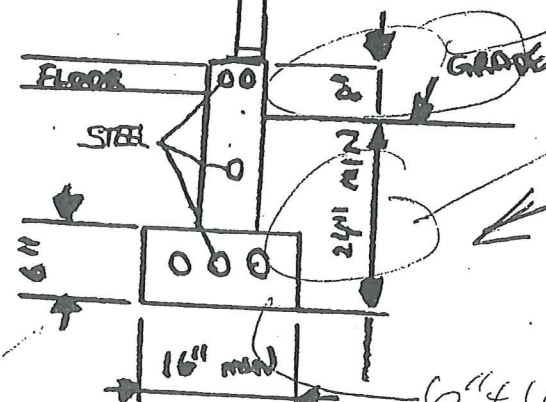


FOOTING.





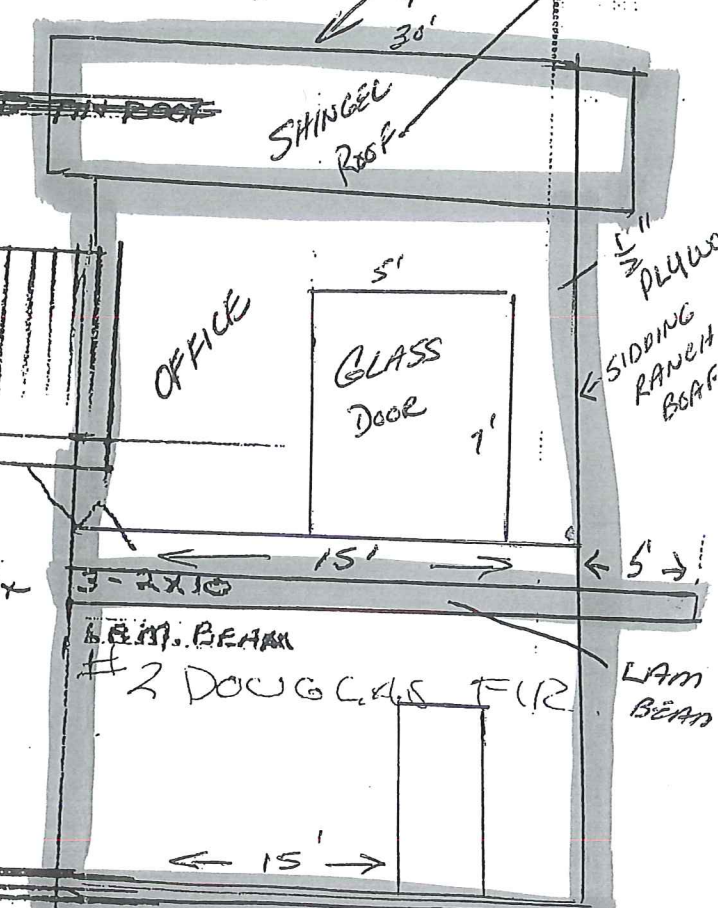
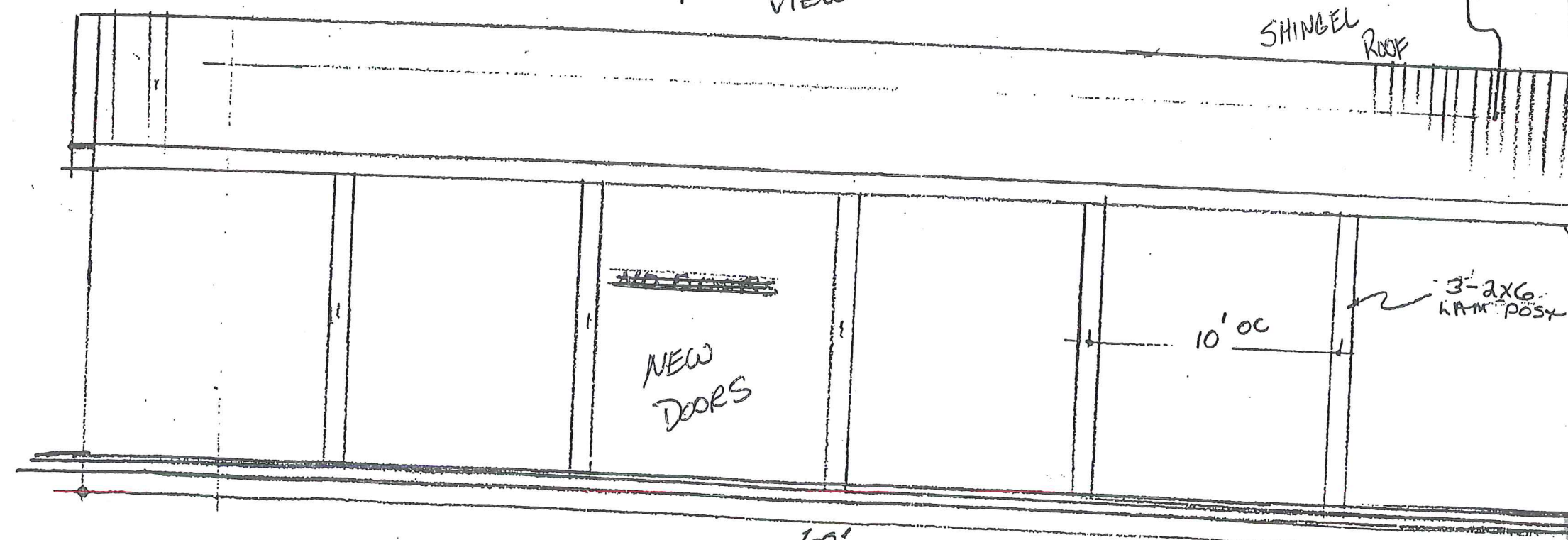
STORAGE SHED



FRONT VIEW

8" FOOTING

SHINGLE ROOF

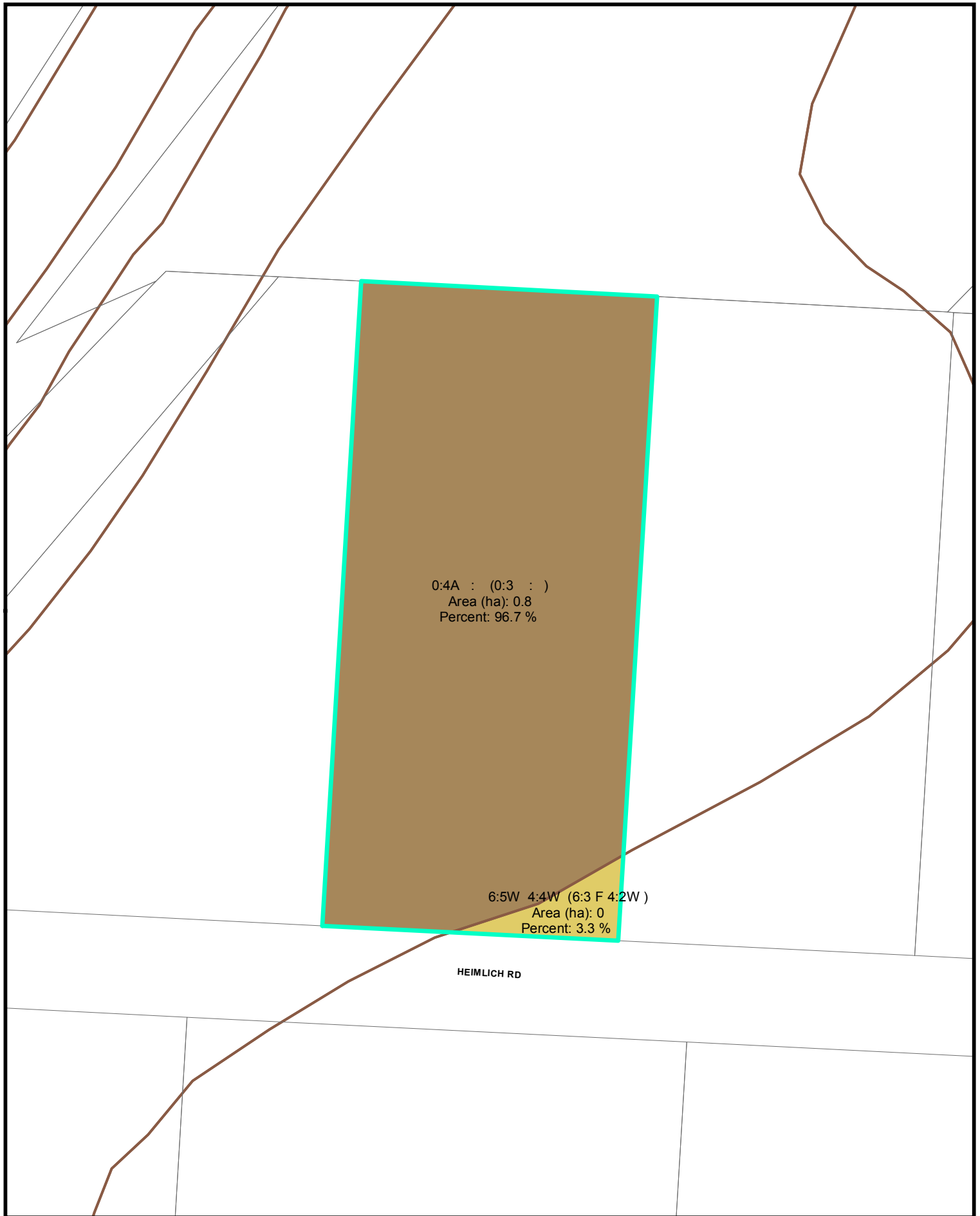


SCALE 3/16" TO 1' 0"

FRONT ELEVATION

SAME FOOTING 53

Land Capability = Brown/ Soil Class = Green



Land Capability = Brown/ Soil Class = Green



COMMITTEE REPORT



Date: June 11, 2015

RIM No. 1201-24

To: Agricultural Advisory Committee (AAC)

From: Subdivision, Agriculture & Environment Services (MS)

Application: FH15-0001

Owner: GP Sandher Holdings Ltd.

Address: 1090 McKenzie Road

Applicant: Biri Sandher
Sukhwinderjit Sandher

Subject: Farm Help Permit

1.0 Purpose

To consider a request for a Farm Help Permit for proposed residences to accommodate 80 temporary agricultural workers in addition to accommodations for 48 temporary agricultural workers already approved for the property.

2.0 Proposal

2.1 Background

The Federal Government has recognized that there is a shortage of farm workers throughout Canada. As part of the Seasonal Agricultural Workers Program (SAWP) the owner must provide accommodation for their foreign workers. Seasonal dwellings for farm help are considered a 'farm use' by the Agricultural Land Commission. According to the Ministry of Agriculture, seasonal worker housing should be communal and temporary in nature, with shared kitchens, and conform to SAWP / BC Agriculture Council standards.

The subject property is an agricultural property of approximately 12.9 hectares (31.8 acres) in the Rutland Bench Sector and is in the Agricultural Land Reserve (ALR). The subject property is one of over 93 hectares (230 acres) farmed by the applicant in the Kelowna area. The subject property is fully planted in apples.

In 2014, Council approved the renovations / addition for an existing dwelling to accommodate up to 48 temporary farm workers at 1090 McKenzie Road. The applicants own / operate 22 orchards within the Central Okanagan, and see their requirements for temporary farm workers increasing over the next few years as their crops mature. The property currently has a Section 219 Restrictive Covenant on the property permitting a maximum of 48 temporary farm workers. The floor area of the existing TFWH is 395 m² (4250 sq. ft) in size.

2.2 Project Description

To meet the needs of their operation, the applicants are proposing to build housing to accommodate an additional 80 temporary farm workers on 1090 McKenzie Road, for a total of 128 to be housed on the property throughout the growing season.

The applicants own (partially or wholly) other orchards with dwellings on it. However, they see the efficiency in housing many workers on one site, in terms of transportation for their operation, as opposed to having them housed on multiple sites.

Staff understands that some of their other holdings house temporary workers as well. In 2014, Council approved a Farm Help Housing Permit to house 21 temporary workers at 1240 Latta Road. In 2007, staff approved a fourplex for farm worker housing at 2775 Dunster Road.

2.3 Legislative Context and Agricultural Land Commission

According to Section 18 of the Agricultural Land Commission Act (2002)¹, a local government may not approve more than one residence on a parcel within the ALR unless the additional residences are necessary for farm use.

Staff at the Agricultural Land Commission was consulted, and their suggestion was that temporary farm workers should be housed in temporary or reused housing, but not permanent structures. ALC provided the direction that permanent structures would require a non-farm use application to the Agricultural Land Commission. (See attached email).

2.4 Foreign Farm Workers in Canada

The SAWP Program, together with the BC Agriculture Council, establishes standards for housing foreign farm workers. The housing is required to be inspected twice per year by an accredited inspector for the SAWP program, once prior to arrival of the workers, and once during the season. A condition of this Farm Help Permit is that the housing complies with SAWP / BC Agriculture Council standards.

2.5 Ministry of Agriculture - Regulating Temporary Farm Worker Housing in the ALR²

The Ministry of Agriculture - Regulating Temporary Farm Worker Housing in the ALR - Discussion Paper and Standards³ indicates that a municipality is able to limit the number of temporary farm workers on a single site to 40 workers.

Other municipalities within the province regulate the number of farm workers per farm operation, maximum floor area of Temporary Farm Worker Housing (TFWH), minimum farm size, minimum lot size, minimum setbacks, time occupancy limits, and a combination of these regulations. For example, Delta stipulates a minimum lot size of 4.0 ha, (10 acres), a maximum of 42 workers per lot, and a maximum area of 420 m². Langley has a maximum of 10 workers/4 ha, to a maximum of 40 persons on site, and a maximum of 400m², from April 1st to November 30th. Richmond regulates TFWH to a minimum lot size of 8.09 ha (20 acres), 30 workers maximum and a

¹ RSBC, 2002. Agricultural Land Commission Act, 2002, Section 18.

² Min. Of Ag., 2009. Regulating Temporary Farm Worker Housing in the ALR – Discussion Paper and Standards, Sustainable Agriculture Management Branch. http://www2.gov.bc.ca/gov/DownloadAsset?assetId=5351C7B431F4418985DFC0C6036E1128&filename=800221-1_temp_farm_worker_housing_mar09.pdf

³ Min. Of Ag., 2009. Regulating Temporary Farm Worker Housing in the ALR – Discussion Paper and Standards, Sustainable Agriculture Management Branch. http://www2.gov.bc.ca/gov/DownloadAsset?assetId=5351C7B431F4418985DFC0C6036E1128&filename=800221-1_temp_farm_worker_housing_mar09.pdf

maximum of 300 m² floor area. Abbotsford limits floor area to a maximum of 200 m² if the farm is less than 40 ha (98.8 acres), and 300 if the farm is greater than 40 ha (98.8 acres). The existing TFWH at 1090 McKenzie Road is 395 m² (4250 sq. ft) in size and has a maximum of 48 temporary farm workers.

According to the Summary of Local Government Regulations for TFWH, the municipalities of Abbotsford, Delta, Langley Township, Maple Ridge, Pitt Meadows and Richmond regulate either the number of farm workers on a single site, have a maximum floor area, have a minimum lot and farm operation size, or a combination of these regulations (Table attached).

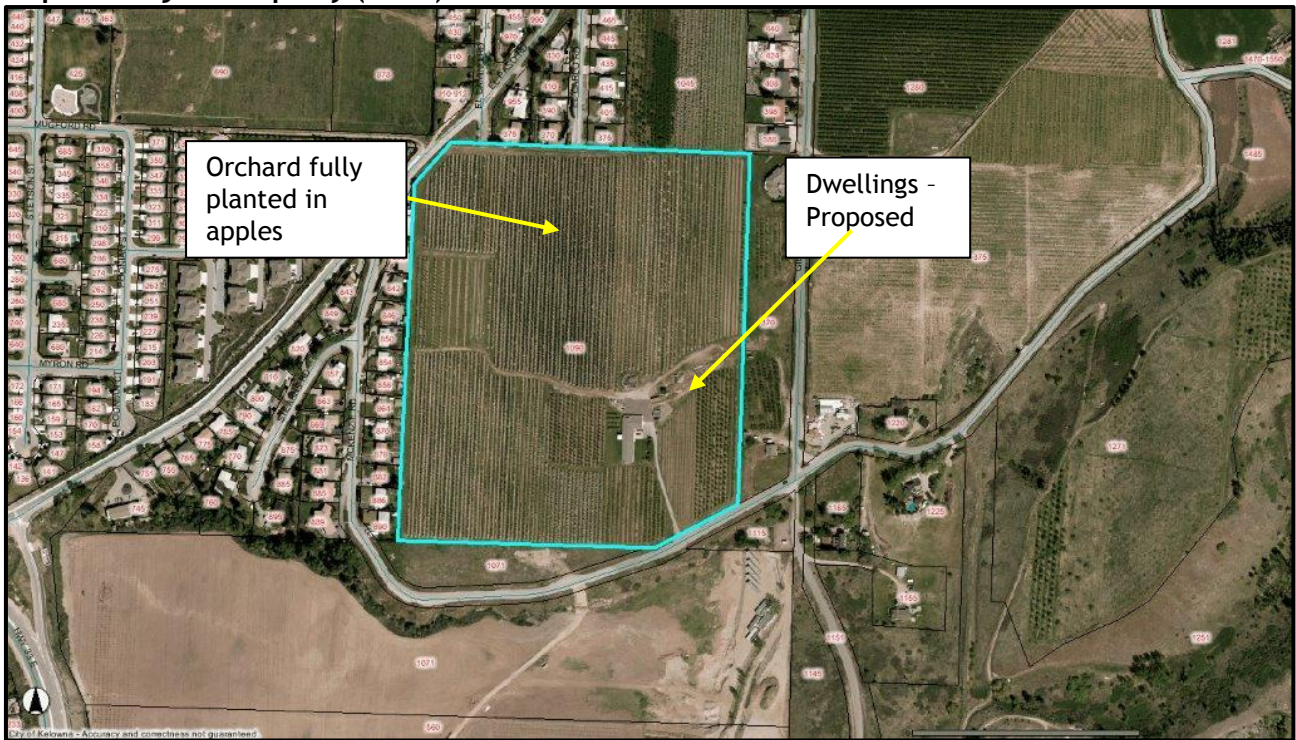
2.6 Site Context

The subject property zoning and land uses are shown in table and maps below.

Table 1: Zoning and Land Use of Adjacent Property

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>	<i>ALR</i>
North	A1 - Agriculture 1 / RU6 - Two Dwelling Housing	Agricultural / Residential	Yes / No
West	A1 - Agriculture 1 / RU1 - Residential / RU4 Low Density Cluster Housing	Rural Residential / Residential	No
South	A1 - Agriculture 1	Agricultural / Public Service Utilities	Yes
East	A1 - Agriculture 1	Agricultural	Yes

Map 1 - Subject Property (2012)



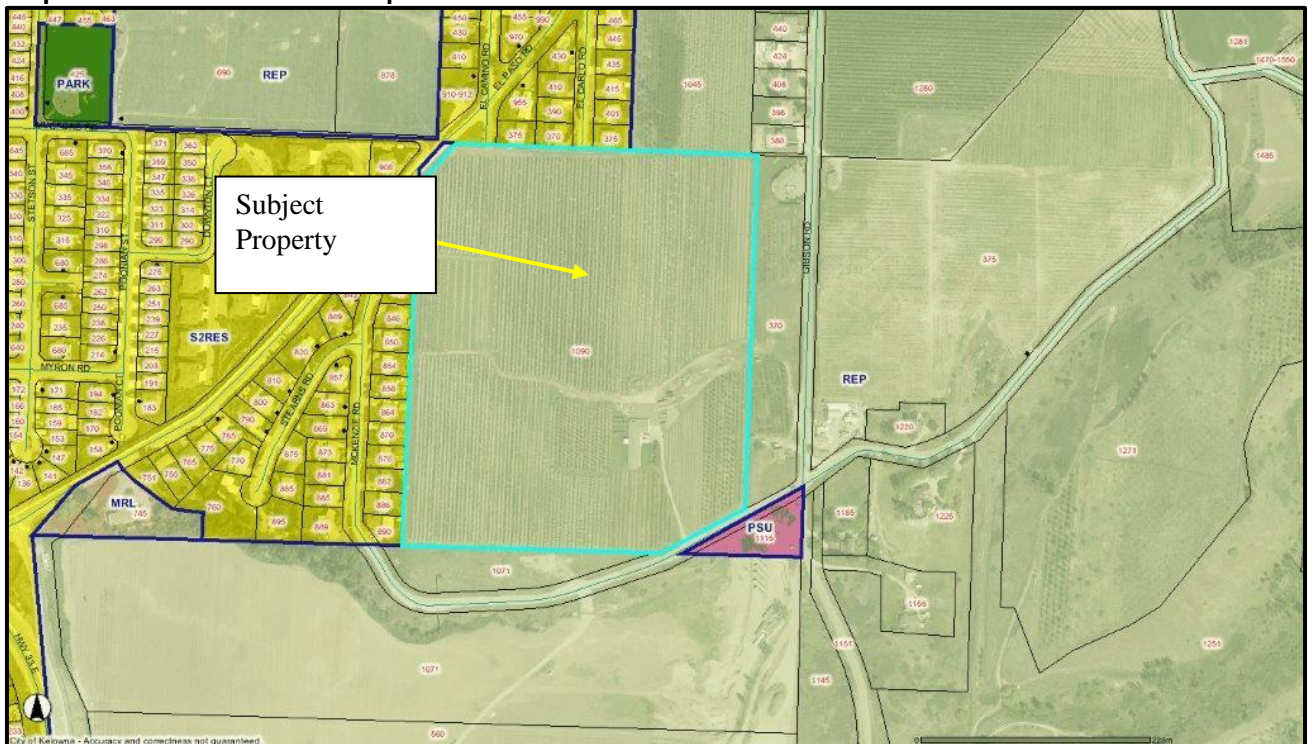
Map 2 - ALR Map



Map 3 - Neighbourhood Context



Map 4 - Future Land Use Map



3.0 Subdivision, Agriculture & Environment Services

The AAC should consider:

- The impacts of 128 people accommodated on a single property;
- The impacts of permanent structures on foundations on the land;
- Regulations of other municipalities for comparable conditions;
- Potential to house workers in existing dwellings on other owned properties;
- Potential impacts to neighbours (e.g. noise); and
- Challenge of structure reuse, should the land be sold and the structures no longer required for farm worker housing to support multiple farms.

Ministry of Agriculture guidelines for *Regulating Temporary Farm Worker Housing in the ALR*⁴ states that a maximum number of 40 workers per farm for orchards and vineyards is permissible.

Report prepared by:

Melanie Steppuhn, Land Use Planner

Reviewed by:

☐

Todd Cashin, Subdivision, Agriculture & Environment Services Manager

Reviewed by:

☐

Shelley Gambacort, Subdivision, Agriculture & Environment Services Director

Approved for Inclusion:

☐

Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Attachment A - Policies

Attachment B - Technical Comments

Agricultural Land Commission Email (M. Collins, April, 2015)

Table 2 - Summary of Local Government Regulations for TFHW⁵

Subject Property Map

Site Plans and Elevations

⁴ Min. Of Ag., 2009. Regulating Temporary Farm Worker Housing in the ALR – Discussion Paper and Standards, Sustainable Agriculture Management Branch.
http://www2.gov.bc.ca/gov/DownloadAsset?assetId=5351C7B431F4418985DFC0C6036E1128&filename=800221-1_temp_farm_worker_housing_mar09.pdf

⁵ Min. Of Ag., 2009. Regulating Temporary Farm Worker Housing in the ALR – Discussion Paper and Standards, Sustainable Agriculture Management Branch.
http://www2.gov.bc.ca/gov/DownloadAsset?assetId=5351C7B431F4418985DFC0C6036E1128&filename=800221-1_temp_farm_worker_housing_mar09.pdf

SCHEDULE A - Policies



Subject: 1090 McKenzie Rd - Farm Help Housing

1.1 Ministry of Agriculture - Temporary Foreign Worker Housing¹

Purpose & Goals

The purpose of establishing the criteria is to meet the agriculture industry's need for temporary farm worker housing in a manner that minimizes the loss of agricultural land and addresses local government concerns. These criteria will:

- meet the needs of the agriculture industry;
- minimize the residential impact of TFWH in the agricultural area;
- minimize loss and/or fragmentation of agricultural land due to TFWH; and
- minimize the risk of TFWH being used for non-farm purposes.

Minimum Farm Unit Size

The minimum farm unit size on which *TFWH* can be located is 4 hectares.

¹ Min. Of Ag., 2009. Regulating Temporary Farm Worker Housing in the ALR - Discussion Paper and Standards, Sustainable Agriculture Management Branch. http://www2.gov.bc.ca/gov/DownloadAsset?assetId=5351C7B431F4418985DFC0C6036E1128&filename=800221-1_temp_farm_worker_housing_mar09.pdf

SCHEDULE B - Technical Comments



Subject: 1090 McKenzie Rd - Farm Help Housing

1.1 Agricultural Land Commission (ALC)

ALC staff recommend that temporary farm workers should be housed in temporary or existing housing, but not new permanent structures. Their direction was that permanent structures would require a Non-Farm Use Application to the ALC. (Email attached).

1.2 Building & Permitting Department

Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure(s).

Spatial calculations are required at time of permit application to ensure that the unprotected opening between the two buildings meet minimum code requirements.

1.3 Development Engineering Department

The Development Engineering comments regarding this application to permit additional accommodations to ultimately house 128 seasonal workers on the subject property are as follows:

General

This application does not trigger any off-site infrastructure upgrades.

Wastewater

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

A gravity wastewater connection to the Municipal Sewer collection system appears to be physically possible with a potential service off El Paso Road. The El Paso frontage is estimated at 450 m across the property from the proposed accommodations.

A connection to the Municipal Sewer collection system would be subject to the cost of installing a service to the property line on El Paso and the cost of the connection area #21 (McKenzie Bench) charge which would have to be determined based on the potential load generated by the development.

1.4 RCMP

The RCMP's only concern with this application is safe pedestrian accessibility to and from local amenities to this location given the large numbers of farm workers expected to reside at this property.

1.5 Fire Department

The following will be required:

- A fire alarm shall be installed, as per BCBC 2012 Division B section 3.2.4.1(j) in a residential occupancy with sleeping accommodation for more than 10 persons. Requirements of Section 9.10.19 - Smoke Alarms of the BCBC 2012 are to be met in smaller trailers accommodating 8 people each.
- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. Should a hydrant be required on this property, it shall be private.
- A visible address must be posted as per City of Kelowna By-Laws.
- A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD or DVD to facilitate Fire Department pre-planning for this structure. The fire safety plan should clearly detail the unique requirements for this structure, including turn around/radius.
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- Contact Fire Prevention Branch for fire extinguisher requirements and placement.

1.6 Fortis BC Inc. Electric

There are primary distribution facilities within McKenzie Road. There is currently an overhead extension within the boundaries of the subject property providing service to the existing structures, however these facilities are not presently protected by adequate land rights.

The applicant is responsible for costs associated with any change to the existing service, if any, as well as the provision of appropriate land rights where required. Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

Melanie Steppuhn

From: Collins, Martin J ALC:EX [Martin.Collins@gov.bc.ca]
Sent: Wednesday, March 11, 2015 9:41 AM
To: Melanie Steppuhn
Subject: RE: 1090 McKenzie Road - Farm Help Dwelling

Melanie

This is to confirm that the ALC does not support the development of two 40 unit structures at 1090 Makenzie Road for temporary farm worker housing.

Although the farm workers may be employed on the "larger farm" consisting of multiple parcels, it is suggested that other parcel(s) be considered for this facility. The reason why the ALC does not support the proposal is because there is no certainty that the "larger farm", as it is currently configured (comprising multiple parcels) will continue to be owned by a single entity, and that the farm worker housing will be necessary in the future on the subject parcel. In addition, potentially cultivable land will be utilized on the property, reducing its agricultural potential.

As suggested it may be more appropriate that another parcel of the "larger farm" accommodate the farm worker housing, preferably on a portion of a property which is already debilitated for agriculture. If the applicant believes that there are no other viable options for a farm worker housing facility, the City might explore other options that limit housing on other parcels comprising the "larger farm", or which seek to bind titles (by covenant) or consolidate properties to ensure that the "larger farm" entity is retained in its current configuration.

Finally, if the City is uncertain about the necessity of the farm worker housing units, then a non-farm use application may be submitted to the ALC for its review.

Regards,

Martin Collins
Regional Planner
Agricultural Land Commission
#133 4940 Canada Way
Burnaby, BC, V5G 4K6
martin.collins@gov.bc.ca
604-660-7021

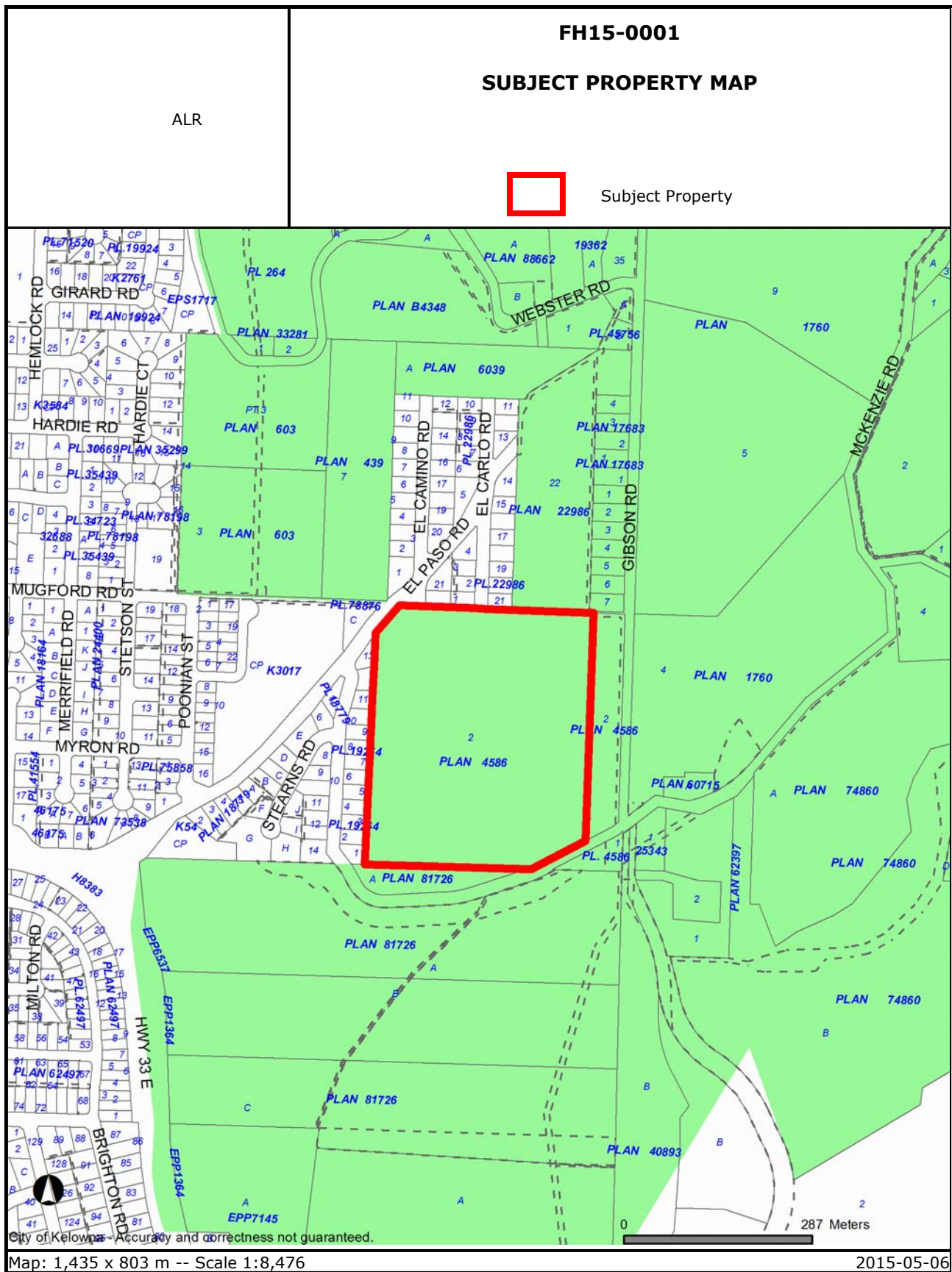
From: Melanie Steppuhn [<mailto:MSteppuhn@kelowna.ca>]
Sent: Tuesday, March 10, 2015 4:08 PM
To: Collins, Martin J ALC:EX
Subject: 1090 McKenzie Road - Farm Help Dwelling

Hi Martin,

A few weeks ago in a phone call you gave me some feedback regarding a request for temporary farm worker housing for 80 people, on top of an additional permanent dwellings for 48 workers, already approved by Council last year.

TABLE 2: Summary of Local Government Regulations for TFWH

Local Government	Minimum Farm Size	Minimum Lot Size	Maximum Workers per Farm Operation	Maximum Floor Area per Farm Operation	Minimum Setbacks	Occupancy Time Limits	Other Conditions
Abbotsford Zoning Bylaw S.210.10 <i>Accessory Seasonal Employee Residential Use</i>	3.8 ha = A1 8 ha = A2	3.8 ha	Not specified	200 m ² (2153 ft ²) if farm <40 ha 300 m ² (3,229 ft ²) if farm >40 ha	9 m from exterior II 3 m from interior II 15 m from watercourse	Specified on statutory declaration	<ul style="list-style-type: none"> Lot classified as “farm” under <i>B.C. Assessment Act</i> Berry or vegetable only TFWH must be on same lot as owner’s home Adult member of owner’s immediate family works full-time on the farm Remove if no longer needed
Delta Zoning Bylaw, 2750 Ap. 2008 <i>(Migrant Farm Worker Housing)</i> Bylaw No. 6600 S.501-510	8 ha	4 ha	42 max	420 m ²	6 m from front & ext lot lines 15 m from other lot lines 30 m from dwelling on adjacent lot	Specified on statutory declaration	<ul style="list-style-type: none"> Lot classified as “farm” under <i>B.C. Assessment Act</i> Workers must be hired through HRSDC foreign worker program Restrictive covenant Homeplate
Langley Township Zoning Bylaw 2500 S.201.3 <i>Temporary Farm Accommodation</i>	4 ha	4 ha	10 persons /4 ha 40 max	400 m ²		April 1 – Nov. 30	<ul style="list-style-type: none"> Lot is operated as a bona fide farm Must be occupied by an employee of the owner
Maple Ridge <i>Accessory Employee Residential Use</i>	1.7 – 2 ha	1.7 – 2 ha	Not specified	279 m ² or 10% lot area, whichever is less	3 m from any residence	Not specified	<ul style="list-style-type: none"> Restrictive covenant
Pitt Meadows Zoning Bylaw 1250 S. 7.1.14 <i>Seasonal Farm Accommodation</i>	2 ha	2 ha	10 persons/4 ha 40 workers max	400 m ² (10 m ² per employee)	30 m from residences on adjacent lots ¹	April 1 – Nov. 30	<ul style="list-style-type: none"> Lot classified as “farm” under <i>B.C. Assessment Act</i>
<i>Accessory Seasonal Employee Residential Use</i>	8 ha based (cumulative area of all lots provided lots are contiguous)	4.05 ha	10 persons/4 ha 40 workers max’ up to 40 ha 150 workers max on agl holding of 40.5+ ha 250 workers max on agl holding of 405+ ha 60 persons max per building 1 building / lot	400 m ² (13.01 m ² per employee)	500 m from any other TFWH	Specified on statutory declaration	<ul style="list-style-type: none"> Lot classified as “farm” under <i>B.C. Assessment Act</i> Berry or horticulture only Restrictive covenant \$25,000 deposit TFWH on same lot as owner’s home and a member of the owner’s immediate family is employed full time on farm Owner enters into housing agreement with PM
Richmond OCP Bylaw 7100 & Zoning Bylaw 5300 <i>Seasonal Farm Labour Accommodation</i>	8.09 ha (20 ac)	8.09 ha (20 ac)	30 max	300 m ² (3,229 ft ²)	Same as other farm dwellings	10 months in any 12 month period	<ul style="list-style-type: none"> Lot classified as ‘farm’ under <i>BC Assessment Act</i> Rezoning required 1 building/ farm operation Manufactured dwelling only, remove if not needed

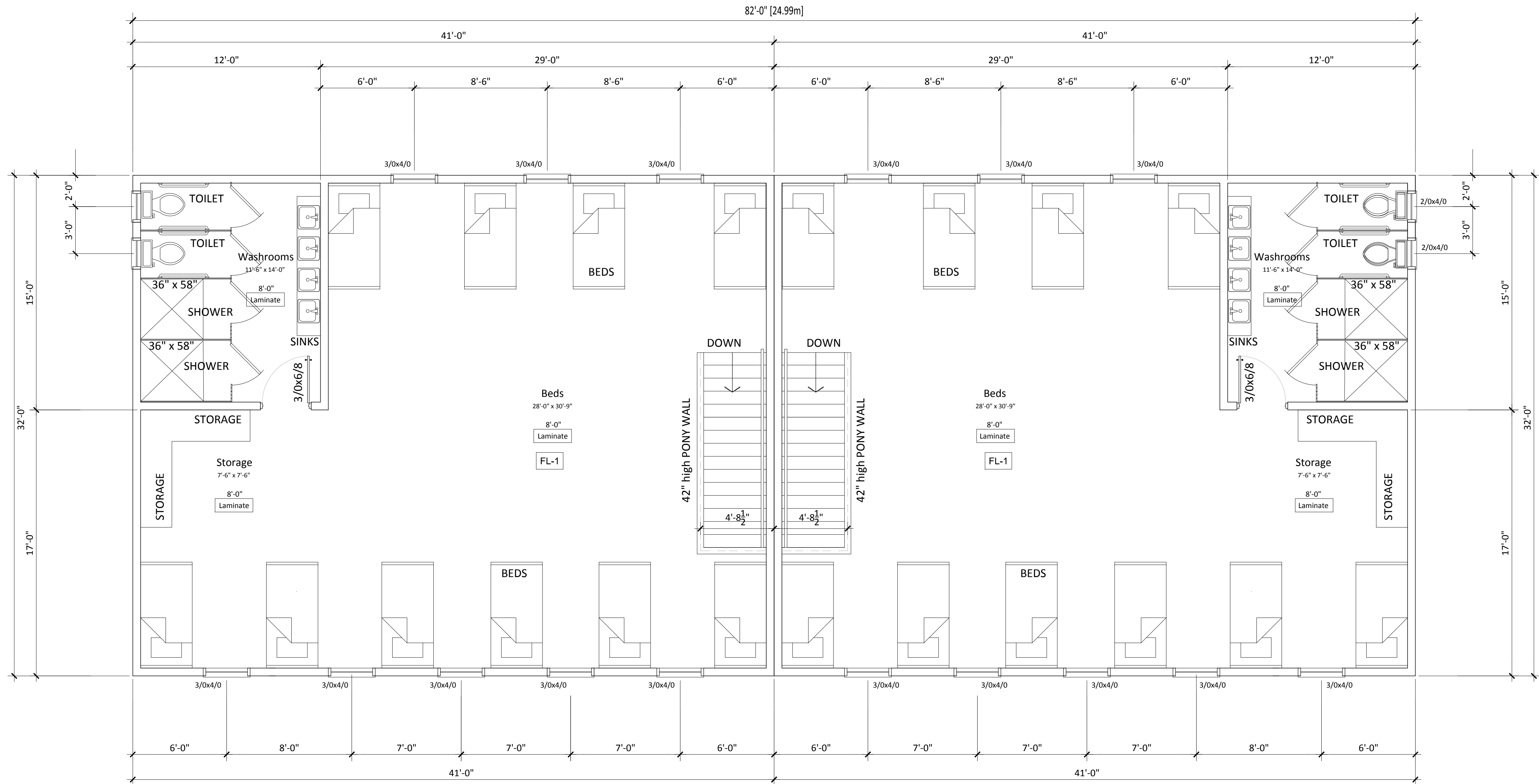


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



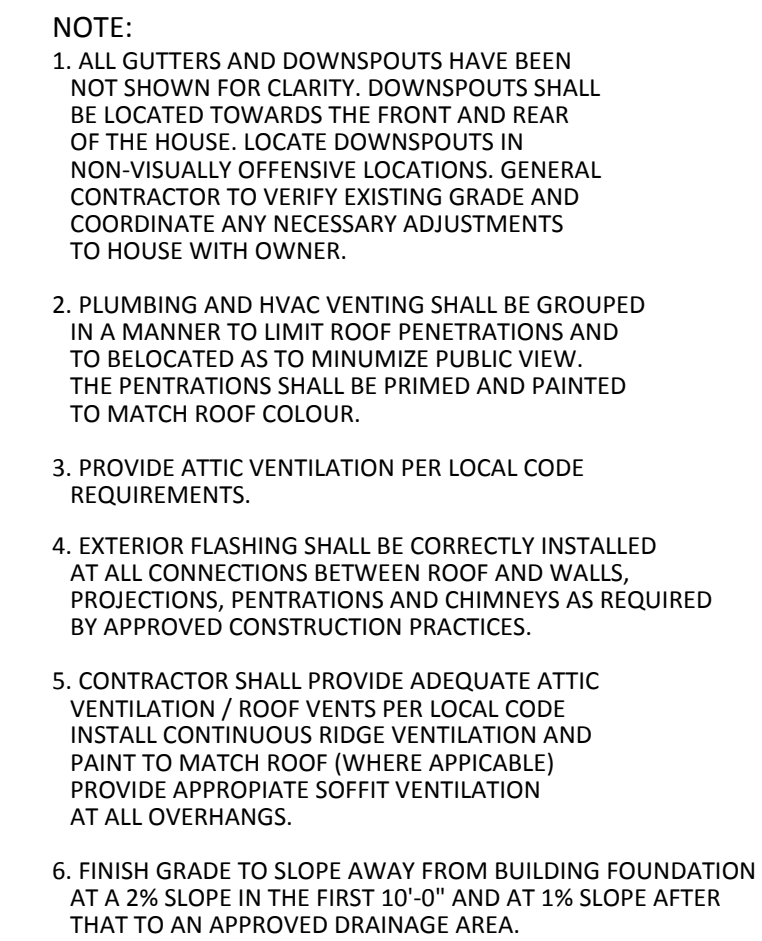


15. FRAME WALLS TO 16" o.c. INCLUDING FROST WALLS



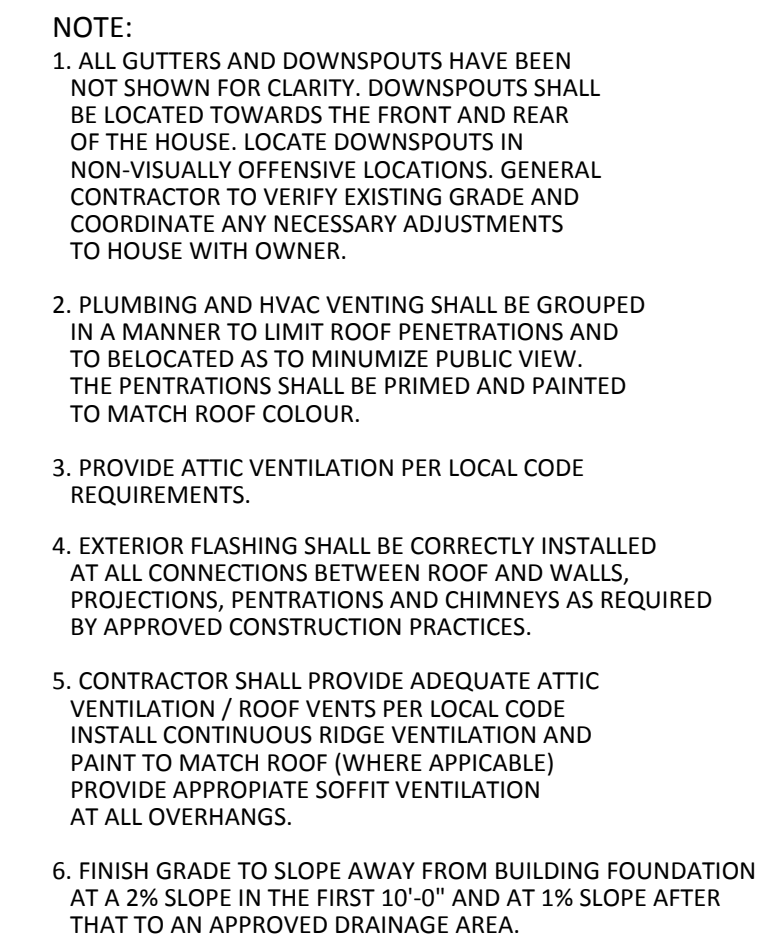
1
A2
UPPER FLOOR PLAN
1/4" = 1'-0"

DATE	NO.	BY	REVISION
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HOLDEN'S DRAUGHTING & DESIGN 832 SAUCIER AVENUE KELOWNA, B.C. V1Y-6A3 Phone: 250.868.0962 Fax: 250.868.0962 Email: r-holden@shaw.ca			
PROJECT J.P.SANDHERS 1090 MCKENZIE ROAD TERRACE, B.C.			
SHEET TITLE UPPER FLOOR PLAN			
DRAWN RAH	SHEET NO. A2		
CHECKED J.P.S.	Rev. 0		
SCALE 1/4"=1'-0"			
DATE 02.20.2015			

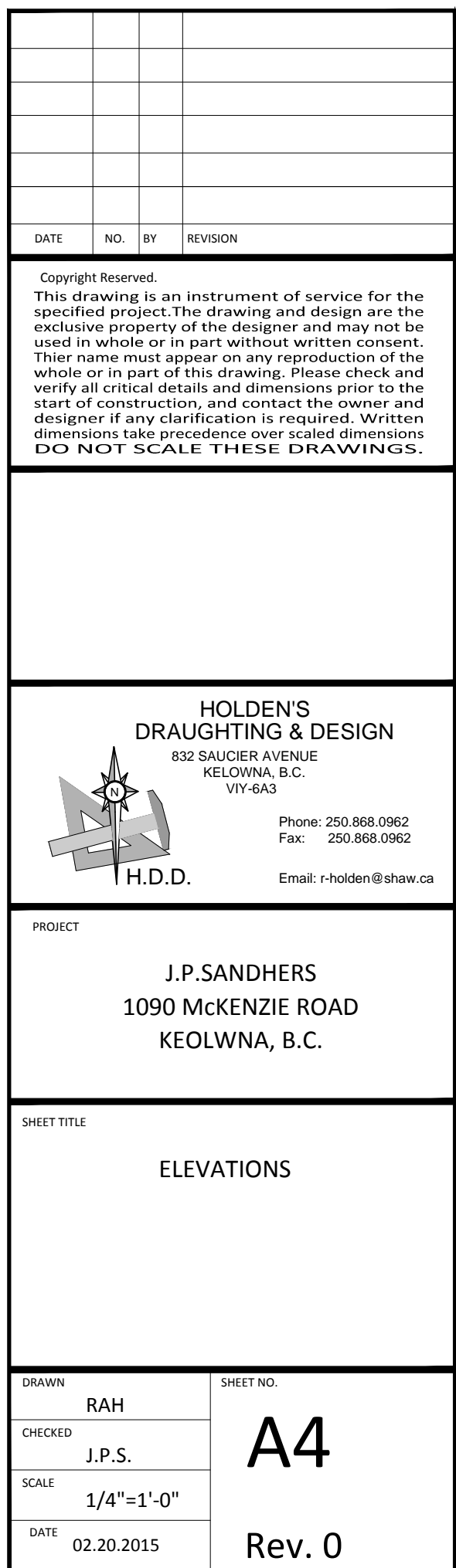


2 RIGHT ELEVATION
A3 $1/4" = 1'-0"$

[illegible]



NOTE:
ALL DOORS AND WINDOWS SHOWN
ON THE ELEVATIONS ARE FOR
SUGGESTION ONLY.
EXACT DOORS ARE TO BE SELECTED
BY THE OWNER.



LEGEND

CONCRETE FOUNDATION WALL

FDR REQ'D:	FDR RTG:	REF. #	SOURCE:
STC REQ'D:	STC RTG:	REF. #	SOURCE:
PARING ABOVE GRADE WATERPROOF DAMP PROOFING BELOW GRADE Min. WALL HEIGHT 2'-0" BELOW - FROST LINE 8" CONCRETE FOUNDATION WALL c/w REINFORCING 2" RIGID INSULATION 24"x10" CONCRETE STRIP FOOTING c/w REINFORCING			
NOTE: PROVIDE CONCRETE SEALER WHERE FORM TIES EXTEND THROUGH WALL			

CONCRETE SLAB

FDR REQ'D:	FDR RTG:	REF. #	SOURCE:
STC REQ'D:	STC RTG:	REF. #	SOURCE:
4" CONCRETE FLOOR SLAB (25 Mpa) REINFORCED w/ 10 M BARS 18" o.c. / e.w. 6 Mil Poly VAPOUR BARRIER 4" RIGID POLYSTYRENE INSULATION 4" COMPACTED SAND SETTING BED ON UNDISTURBED SOIL			
NOTE: SAW CUT AT MIDPOINTS AND / OR 20'-0" o.c.			

EXTERIOR CONCRETE SLAB - PATIO

FDR REQ'D:	FDR RTG:	REF. #	SOURCE:
STC REQ'D:	STC RTG:	REF. #	SOURCE:
4" CONCRETE FLOOR SLAB (25 Mpa) 4" COMPACTED SAND SETTING BED ON UNDISTURBED SOIL			
NOTE: CONCRETE DOWNTURN ON EDGES			

TYPICAL EXTERIOR WALL

FDR REQ'D:	FDR RTG:	REF. #	SOURCE:
STC REQ'D:	STC RTG:	REF. #	SOURCE:
VINYL SIDING - as specified by OWNER BUILDING PAPER 1/2" PLYWOOD SHEATHING 2"x6" WOOD STUDS @ 24" o.c. R-22 BATT INSULATION 6 Mil POLY VAPOUR BARRIER (U.V. Resistant) 1/2" GYPSUM WALL BOARD (taped, sanded & primed) WALL FINISH AS SELECTED BY OWNER			

TYPICAL BEARING WALL

FDR REQ'D:	FDR RTG:	REF. #	SOURCE:
STC REQ'D:	STC RTG:	REF. #	SOURCE:
INTERIOR WALL FINISH TO BE DETERMINED BY OWNER 1/2" GYPSUM WALL BOARD (taped, sanded & primed) 2"x6" WOOD STUDS @ 16" o.c. R-22 BATT INSULATION 6 Mil POLY VAPOUR BARRIER (U.V. Resistant) 1/2" GYPSUM WALL BOARD (taped, sanded & primed) INTERIOR WALL FINISH TO BE DETERMINED BY OWNER			
Note: USE water resistant gypsum wall board around all wet areas.			

TYPICAL INTERIOR WALL

FDR REQ'D:	FDR RTG:	REF. #	SOURCE:
STC REQ'D:	STC RTG:	REF. #	SOURCE:
INTERIOR WALL FINISH TO BE DETERMINED BY OWNER 1/2" GYPSUM WALL BOARD (taped, sanded & primed) 2"x6" WOOD STUDS @ 16" o.c. R-22 BATT INSULATION 6 Mil POLY VAPOUR BARRIER (U.V. Resistant) 1/2" GYPSUM WALL BOARD (taped, sanded & primed) INTERIOR WALL FINISH TO BE DETERMINED BY OWNER			
Note: USE water resistant gypsum wall board around all wet areas.			

FIRE RATED DEMISING WALL

FDR REQ'D:	FDR RTG:	REF. #	SOURCE:
STC REQ'D:	STC RTG:	REF. #	SOURCE:
INTERIOR WALL FINISH TO BE DETERMINED BY OWNER 5/8" TYPE 'X' GYPSUM WALL BOARD (taped and sanded) 3/8" DONNA CONNA 2"x6" WOOD STUDS @ 16" o.c. R-20 BATT INSULATION 6 Mil POLY VAPOUR BARRIER (UV Resistant) 1/2" AIR SPACE 2"x6" WOOD STUDS @ 16" o.c. 5/8" TYPE 'X' GYPSUM WALL BOARD (taped and sanded) INTERIOR WALL FINISH TO BE DETERMINED BY OWNER			
Note: USE water resistant gypsum wall board around all wet areas.			

TYPICAL FLOOR SYSTEM

FDR REQ'D:	FDR RTG:	REF. #	SOURCE:
STC REQ'D:	STC RTG:	REF. #	SOURCE:
SELECTED FINISH FLOOR 5/8" T & G PLYWOOD SHEATHING WOOD JOIST FLOOR SYSTEM - REFER TO STRUCTURAL R-22 BATT INSULATION 6 Mil POLY VAPOUR BARRIER (U.V. Resistant) 1/2" GYPSUM WALL BOARD (taped, sanded, & primed) CEILING FINISH AS DETERMINED BY OWNER			
Note: Install insulation stops at every truss space along exterior wall perimeter.			

TYPICAL ROOF (412 ROOF SLOPE)

FDR REQ'D:	FDR RTG:	REF. #	SOURCE:
STC REQ'D:	STC RTG:	REF. #	SOURCE:
ASPHALT SHINGLES BUILDING PAPER 1/2" PLYWOOD SHEATHING ENGINEERED ROOF TRUSSES @ 24" o.c. R-44 BATT INSULATION or R-44 BLOWN INSULATION 6 Mil POLY VAPOUR BARRIER (U.V. Resistant) 1/2" GYPSUM WALL BOARD (taped, sanded & primed) CEILING FINISH - AS SELECTED BY OWNER			

NOTE:
FLOOR JOISTS: Engineered joist manufacturer
to design and submit joist package as shown.
Provide eng. lintels, beams etc. as required for a
complete job. Provide engineered drawings for
erection and for the authority having jurisdiction.

ROOF TRUSSES: Engineered truss manufacturer
to design roof to hips, valleys, and ridges as shown.
Provide eng. girders, beams etc. as required for a
complete job. Provide engineered drawings for
erection and for the authority having jurisdiction.

1 1/4" TO 2" 1 1/2" MIN.

34" TO 36" A.F.F.

HANDRAIL DETAIL

NOT TO SCALE

1" 5 1/2"

8" 8"

DEMISING PLAN

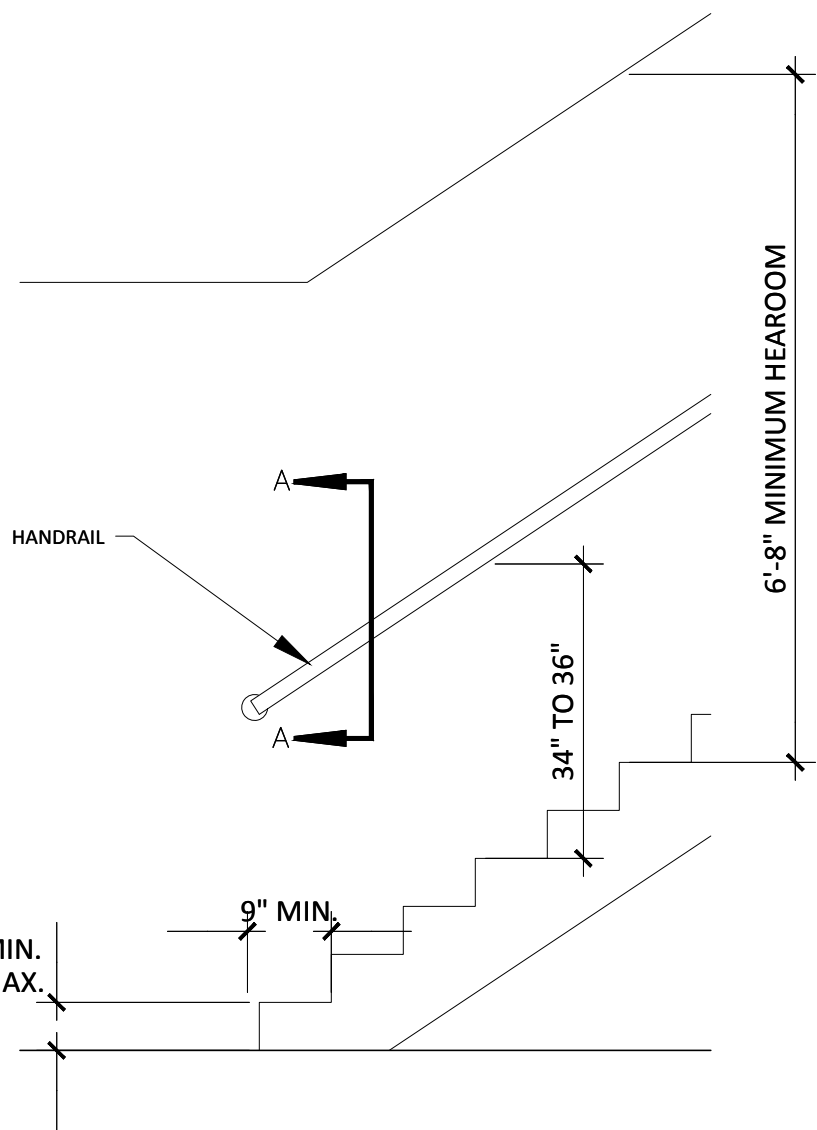
3/4" = 1'-0"

DEMISING WALL SECTION

3/4" = 1'-0"

EAVE DETAIL

1/4" = 1'-0"

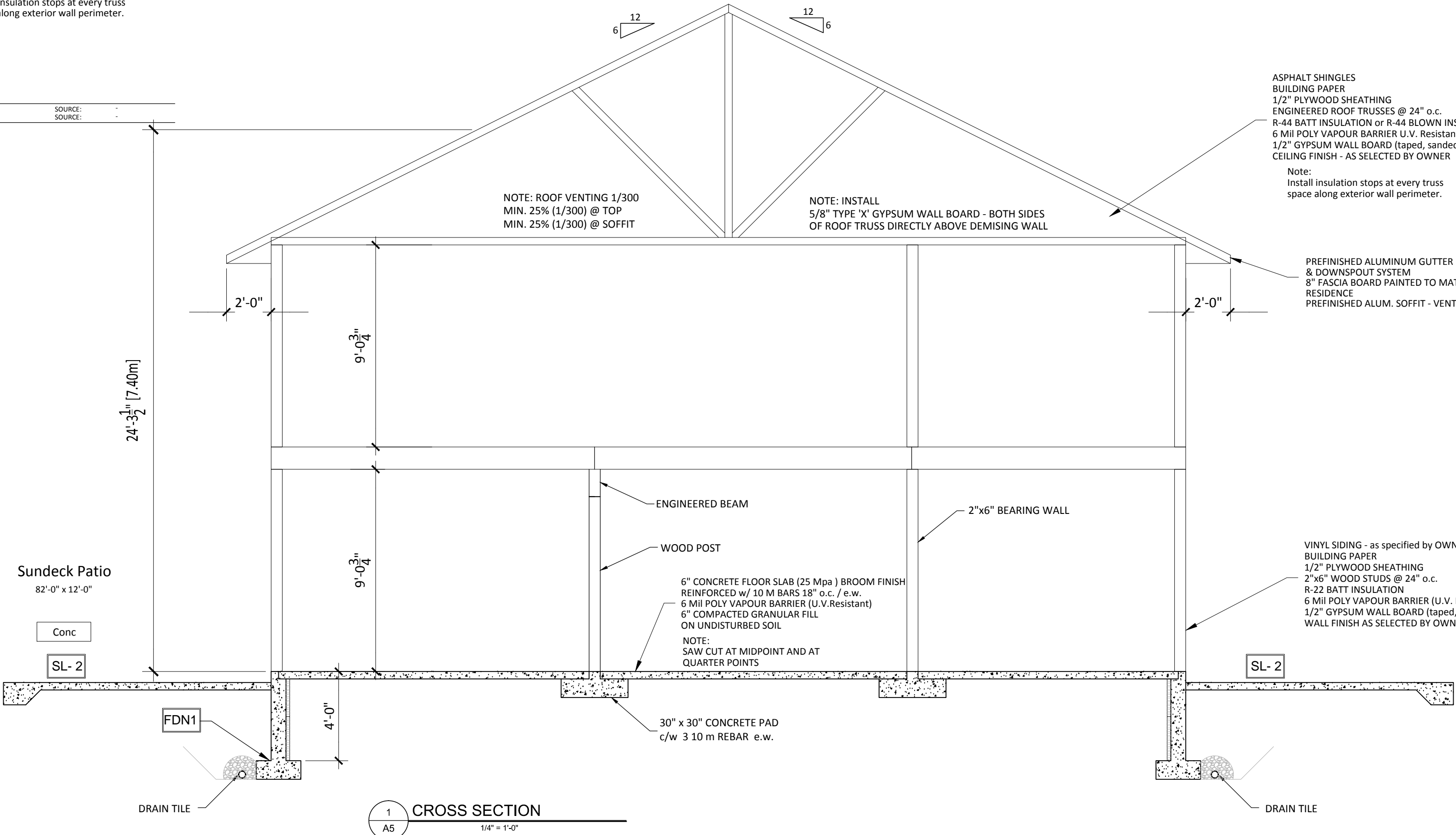
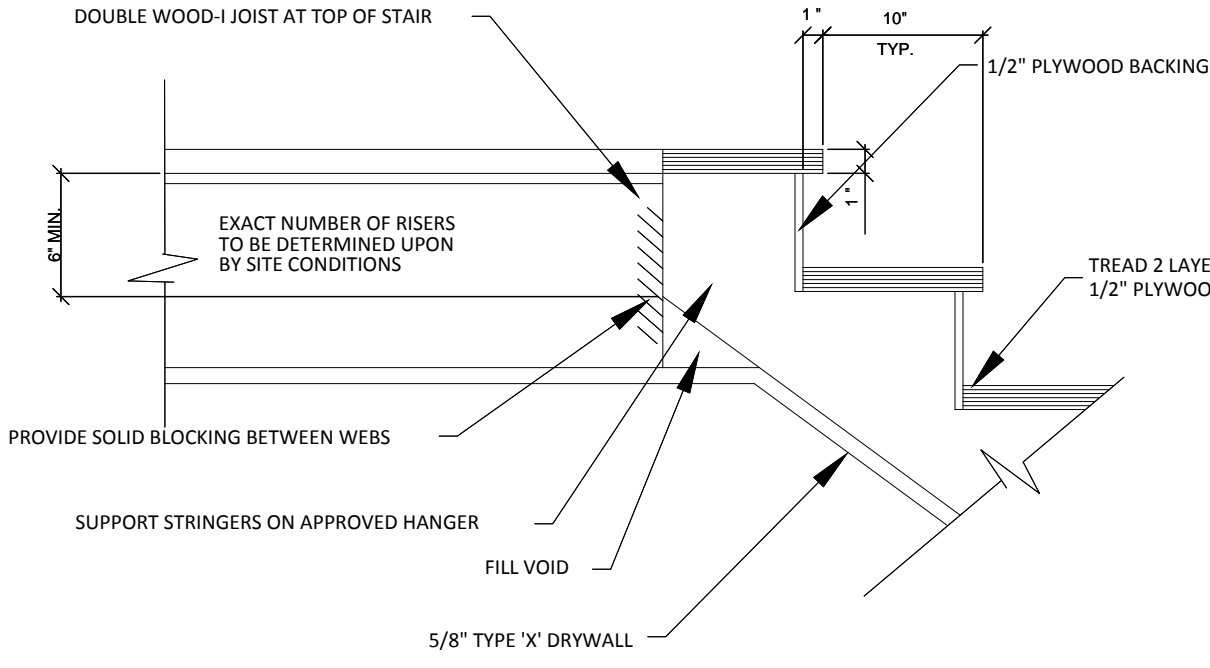


STAIR DETAIL

1/2" = 1'-0"

STAIR LANDING DETAIL

1/2" = 1'-0"



CROSS SECTION

1/4" = 1'-0"

TYPICAL WALL SECTION

1/4" = 1'-0"

2 A5

DATE	NO.	BY	REVISION
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PROJECT J.P.SANDHERS 1090 MCKENZIE ROAD KELOWNA, B.C.			
SHEET TITLE CROSS SECTION, NOTATION & DETAILS			
DRAWN RAH	SHEET NO. A5		
CHECKED J.P.S.	Rev. 0		
SCALE AS NOTED			
DATE 02.20.2015			

COMMITTEE REPORT



Date: June 11, 2015
To: Agricultural Advisory Committee (AAC)
From: Subdivision, Agriculture & Environment Services (MS)
Application: A15-0005 **Owner:** Misao Koga
Address: 2015 Belgo Road **Applicant:** Misao Koga
Subject: Subdivision in the Agricultural Land Reserve - Homesite Severance

1.0 PURPOSE

The applicant is requesting permission from the Agricultural Land Commission (ALC) for a "*Subdivision of Agricultural Land Reserve*" under Section 21(2) of the Agricultural Land Commission Act. The subdivision is more specifically a "Homesite Severance" request as per Policy #11 - Homesite Severance on Agricultural Land Reserve (ALR) Lands.

2.0 PROPOSAL

2.1 Project Description

The applicants are seeking a two lot subdivision for the purpose of a homesite severance. The owner purchased the subject property in 1969 and therefore qualifies for consideration of a homesite severance.

The proposal is to subdivide the existing homesite which is located near the east property line. A second dwelling on the property will be included in the proposed farm remainder. The applicant is seeking a 0.4 ha (0.98 ac) subdivision for the homesite (plans attached).

The remainder of the property is currently farmed as an orchard. The remainder parcel would be 5.2 ha (12.86 ac) if the subdivision is permitted as proposed. Of the remainder, 0.42 ha (1 acre) is steep, unfarmed bench lands at the west of the property.

The *Ministry of Agriculture's Guide for Bylaw Development in Farming Areas*¹ cites a maximum area of 0.2 ha (0.5 acre) as a standard farm residential footprint. (See attached, Minister's Bylaw Standards excerpt).

2.2 Site Context

The subject property is located in the Belgo - Black Mountain Sector of the City. It is surrounded by agricultural land in the ALR. To the west, across from Hollywood Road South and 25 metres below the main portion of the property, is a rural residential property. It is outside the Permanent Growth Boundary according to the Official Community Plan.

¹ Ministry of Agriculture, 2015. Guide for Bylaw Development in Farming Areas.
http://www2.gov.bc.ca/gov/DownloadAsset?assetId=E5EF85D8EF2D4C939D51C472DC0C4A51&filename=840000-1_guide_for_bylaw_development_in_farming_areas_april24_2015.pdf

Parcel Summary:

Parcel Size: 5.2 ha (13.84 ac)

Elevation: 482 metres above sea level (masl) to 479 masl, with a bench falling to 454 masl over the last 50 metres of the property at the west, down to Hollywood Road South

2.3 Zoning of Adjacent Property

Direction	Zoning Designation	Land Use
North	A1 - Agriculture 1	Agriculture
East	A1 - Agriculture 1	Agriculture
South	A1 - Agriculture 1	Agriculture
West	RR2 - Rural Residential 2	Rural Residential

Figure 1 - Neighbourhood Context

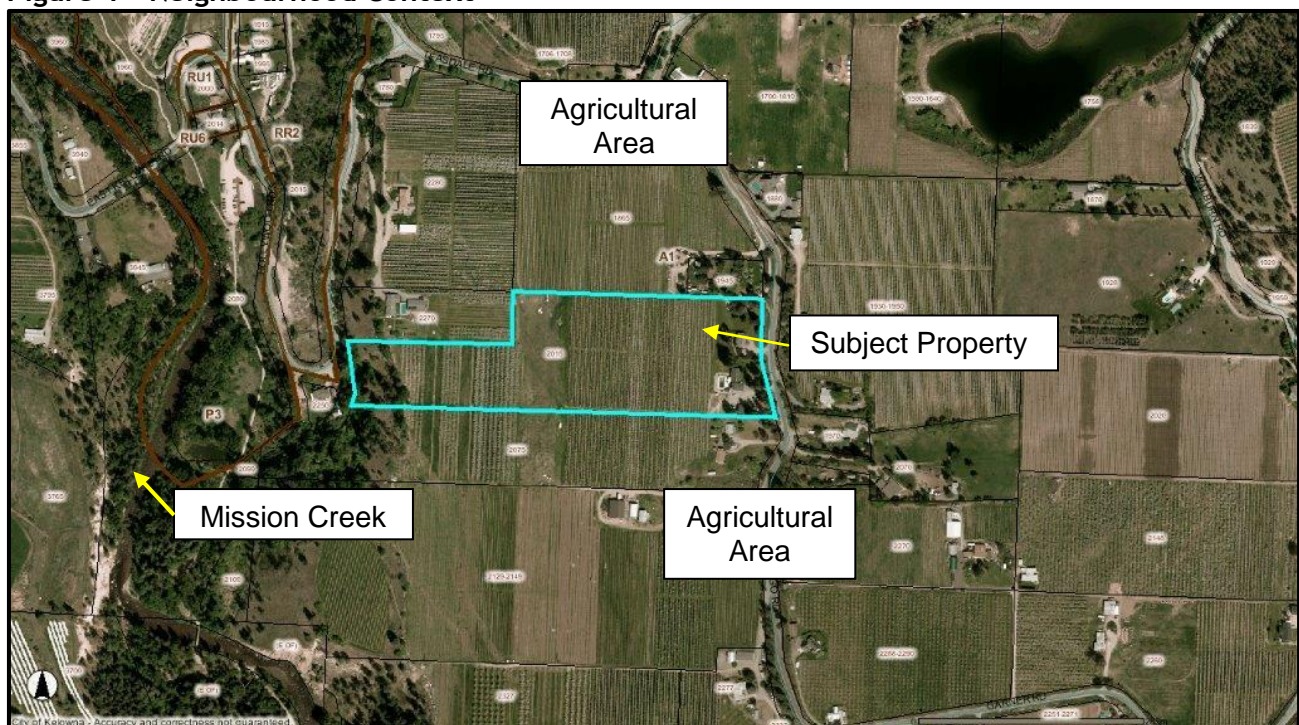


Figure 2 - Agricultural Land Reserve

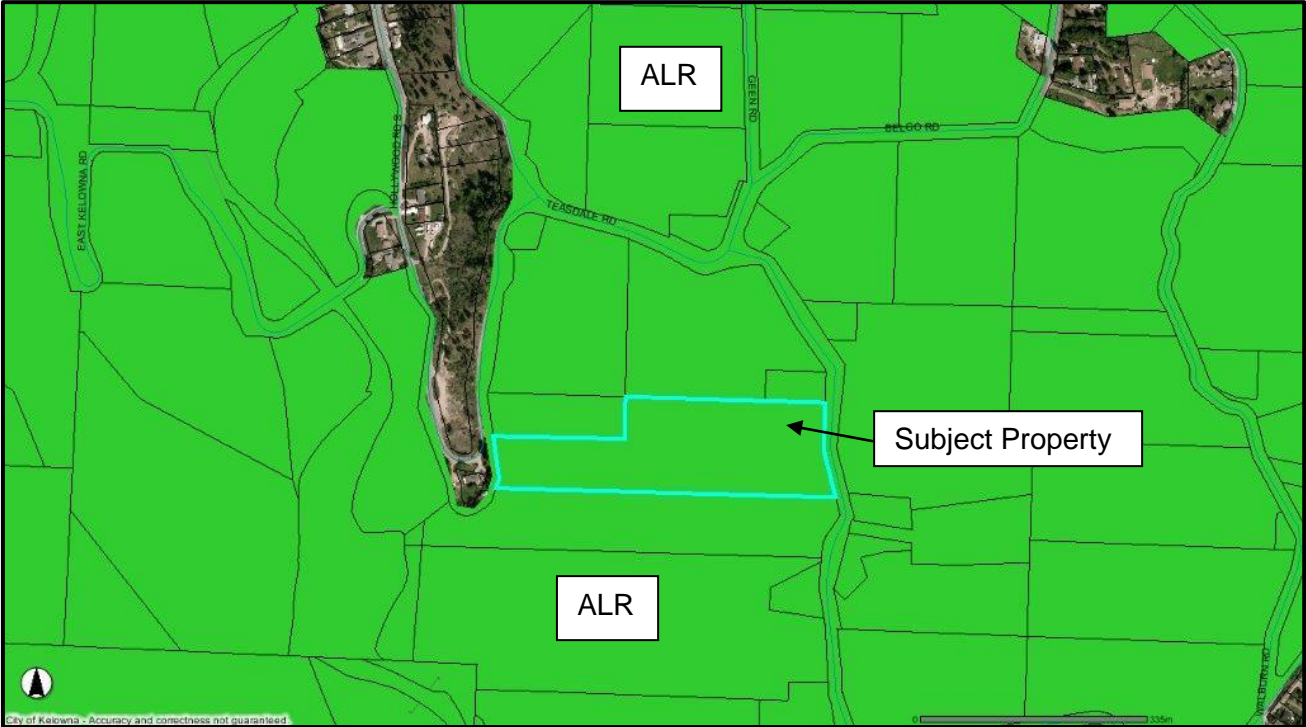


Figure 3 - Slopes

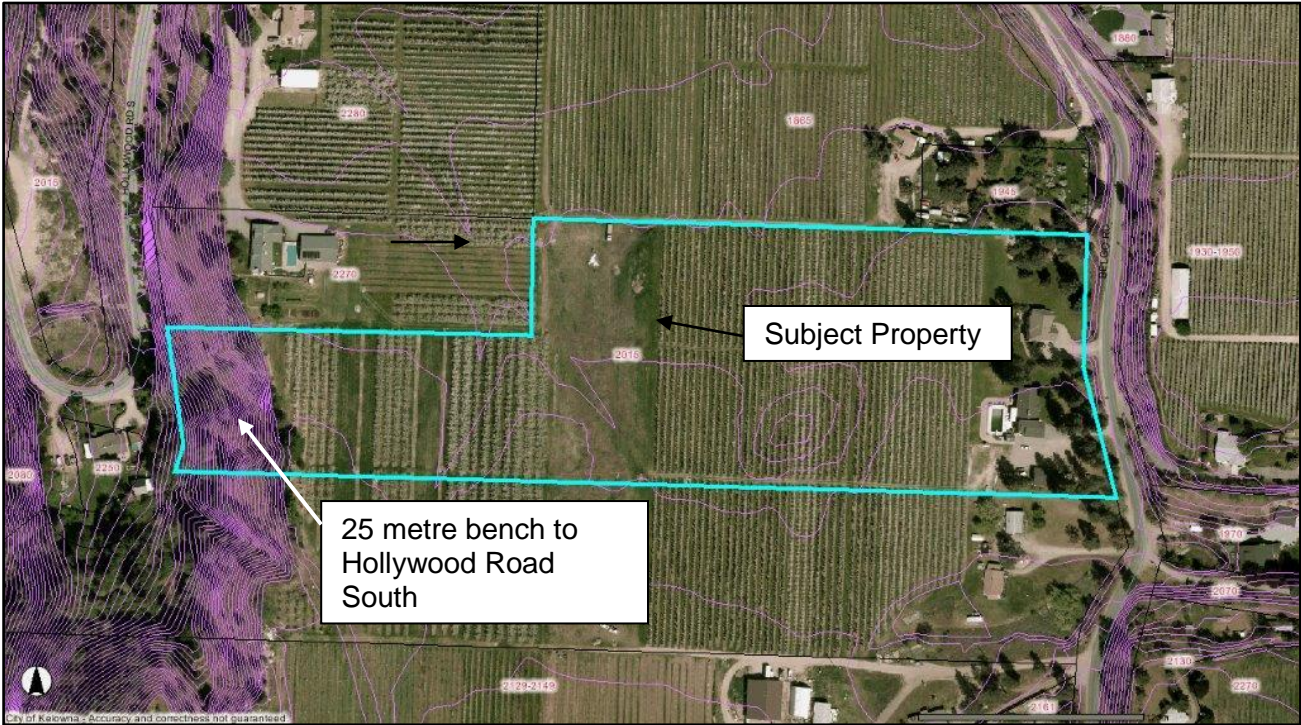


Figure 4 - Proposed Homesite Severance



Figure 5 - Proposed Homesite



Figure 6 - Proposed Lot



2.4 Agricultural Land and Soil Capability

According to the BC Land Classification Inventory (Land Capability Map, attached), the land capability of the majority of the property is Class 5 land with limitations due to soil moisture deficits (A). Soil moisture deficits are generally considered improvable with the addition of irrigation. With irrigation improvements, the property is classified as Class 3 land with some limitations due to soil moisture and stoniness (P). Class 1 to Class 3 agricultural capability land is considered to be relatively rare in the Okanagan.

Soil Capability of the property (Map - Soil Capability, attached) indicates that the soils are Rutland soils (R). They are typically moderately coarse textured veneer over a stony, very coarse glaciofluvial deposit. Surface and subsurface textures are dominantly sandy loam to loamy sand. Subsoil textures are gravelly sand or gravelly loamy sand. Rutland soils are classified as Orthic Dark Brown. They are rapidly drained, pervious, have slow surface runoff and low water holding capacity. Most land with Rutland soils are farmed for tree fruits or vineyards².

² MOE, 1983. Soils of the Okanagan and Similkameen Valleys – MOE Technical Report 18.
http://sis.agr.gc.ca/cansis/publications/surveys/bc/bc52/bc52_report.pdf

3.0 Subdivision, Agriculture & Environment Services

The City's Agriculture Plan recommends continued support for homesite severance applications consistent with ALC Policy #11, which allows farmers to retire or sell the property while retaining the homesite. ALC policies state that consideration of any homesite severance should be reviewed in the context of the overall agricultural integrity of the parcel, where the size and configuration will, in the Commission's opinion, constitute a viable agricultural remainder. To this end, homesite severance parcels should be minimized in size to help ensure the remainder is viable. This is particularly important in Kelowna where parcel sizes are already small.

Report prepared by:

Melanie Steppuhn, Land Use Planner

Approved for inclusion:

Todd Cashin
Manager, Subdivision, Agriculture & Environment Services

Attachments:

Schedule A - Policies
Schedule B - Technical Comments
Ministry of Agriculture - Guide for Bylaw Development in Farming Areas - Residential Footprint Excerpt
Subject Property / ALR Map
Proposed Homesite Severance Plans
Soil Classification Map
BCLI Land Capability Map

SCHEDULE A - Policies



Subject: 2015 Belgo Road - Homesite Severance

1.0 Current Development Policies

1.1 Kelowna 2030 Official Community Plan (OCP)

Protect and enhance local agriculture¹.

Policy 5.33.8 Subdivision. Maximize potential for the use of farmland by not allowing the subdivision of agricultural land into smaller parcels (with the exception of Homesite Severances approved by the ALC) except where significant positive benefits to agriculture can be demonstrated.

Policy 5.33.9 Housing in Agricultural Areas. Discourage residential development (both expansions and new developments) in areas isolated within agricultural environments (both ALR and non-ALR).

Preserve productive agricultural land².

Policy 5.34.3 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 Criteria³

Urban - Rural/Agricultural Boundary Policies⁴

Homesite Severance - Continue to support the concept of homesite severance, consistent with Agricultural Land Commission Policy #025/78 [11]⁵.

1.3 Agricultural Land Commission Policy #11- Homesite Severance on ALR Lands

Persons making use of this policy should understand clearly that⁶:

- a. no one has an automatic right to a "homesite severance";*
- b. the Commission shall be the final arbiter as to whether a particular "homesite severance" meets good land use criteria;*
- c. a prime concern of the Commission will always be to ensure that the "remainder" will constitute a suitable agricultural parcel.*

¹ City of Kelowna Official Community Plan - Chapter 5 - Development Process; pp. 5.33 & 5.34.

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.

⁴ City of Kelowna Agriculture Plan (1998); p. 131.

⁵ City of Kelowna Agriculture Plan (1998); p. 85.

⁶ Agricultural Land Commission - Policy #11 - Homesite Severance on ALR Lands (http://www.alc.gov.bc.ca/legislation/policies/Pol11-03_homesite-severance.htm)

4. *There will be cases where the Commission considers that good land use criteria rule out any subdivision of the land because subdivision would compromise the agricultural integrity of the area, and the Commission must therefore exercise its discretion to refuse the "homesite severance".*

Where the Commission decides to allow a "homesite severance", there are two options:

- a) the existing homesite may be created as a separate parcel where it is of a minimum size compatible with the character of the property (plus a reasonable area, where required, for legal access purposes); or*
- b) where the location of the existing homesite is such that the creation of a parcel encompassing the homesite would, in the Commission's opinion, create potential difficulty for the agricultural operation or management of the "remainder", the Commission may, as it deems appropriate, approve the creation of a parcel elsewhere on the subject property.*

5. *The remainder of the subject property after severance of the homesite must be of a size and configuration that will, in the Commission's opinion, constitute a suitable agricultural parcel. Where, in the Commission's opinion, the "remainder" is of an unacceptable size or configuration from an agricultural perspective, there are three options:*

- a) the Commission may deny the "homesite severance";*
- b) the Commission may require that the "remainder" be consolidated with an adjacent parcel; or*
- c) the Commission may require the registration of a covenant against the title of the "remainder" and such a covenant may prohibit the construction of dwellings.*

SCHEDULE B - Technical Comments



Subject: A15-0005 2015 Belgo Road - Homesite Severance

1.1 Building & Permitting Department

No Comment.

1.2 Development Engineering Department

Development Engineering has no comments or requirements at this point in time with regard to this application. A report will be provided at the time of development application submission when the Agricultural Land Commission agrees to the Homesite severance.

1. The maximum setback from the *front lot line* to the rear or opposite side of the *farm residential footprint* is 60 metres, and
2. The maximum setback from the *front lot line* to the rear of the *principal farm residence* or *additional farm residence* is 50 metres to allow for a 10 metre deep back yard.
3. Lots narrower than 33 metres are exempted from the 60 metre maximum setback (for the *farm residential footprint*) from the *front lot line*, however, the footprint must fill the front of the lot to a maximum of 2000 m² (refer to Figure 2). There is no exemption for the 50 metre maximum setback for the *residence*.
4. Lots greater than 60 hectares⁴ are exempted from the maximum road setbacks for the *residence* and the *farm residential footprint*.

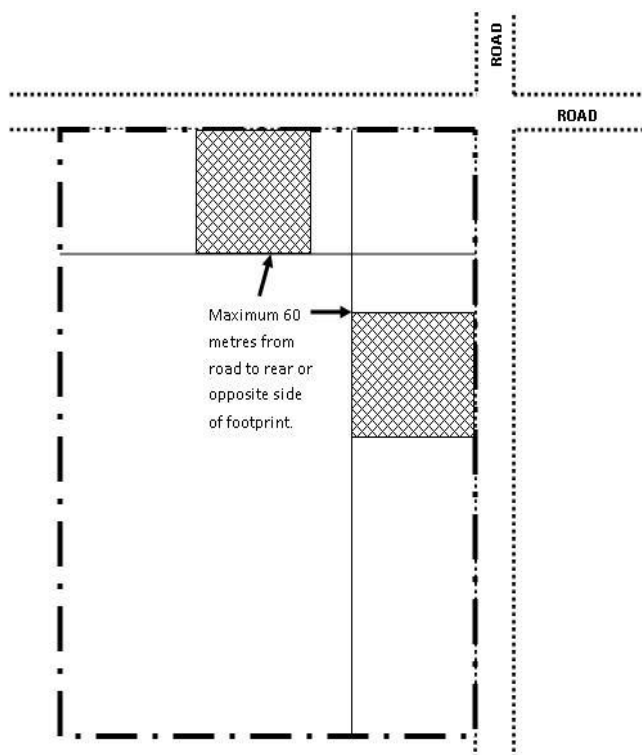


Figure 1 Maximum Road Setbacks

⁴ This exemption recognizes that large lot sizes minimize farm practice issues and the area is likely to be very rural.

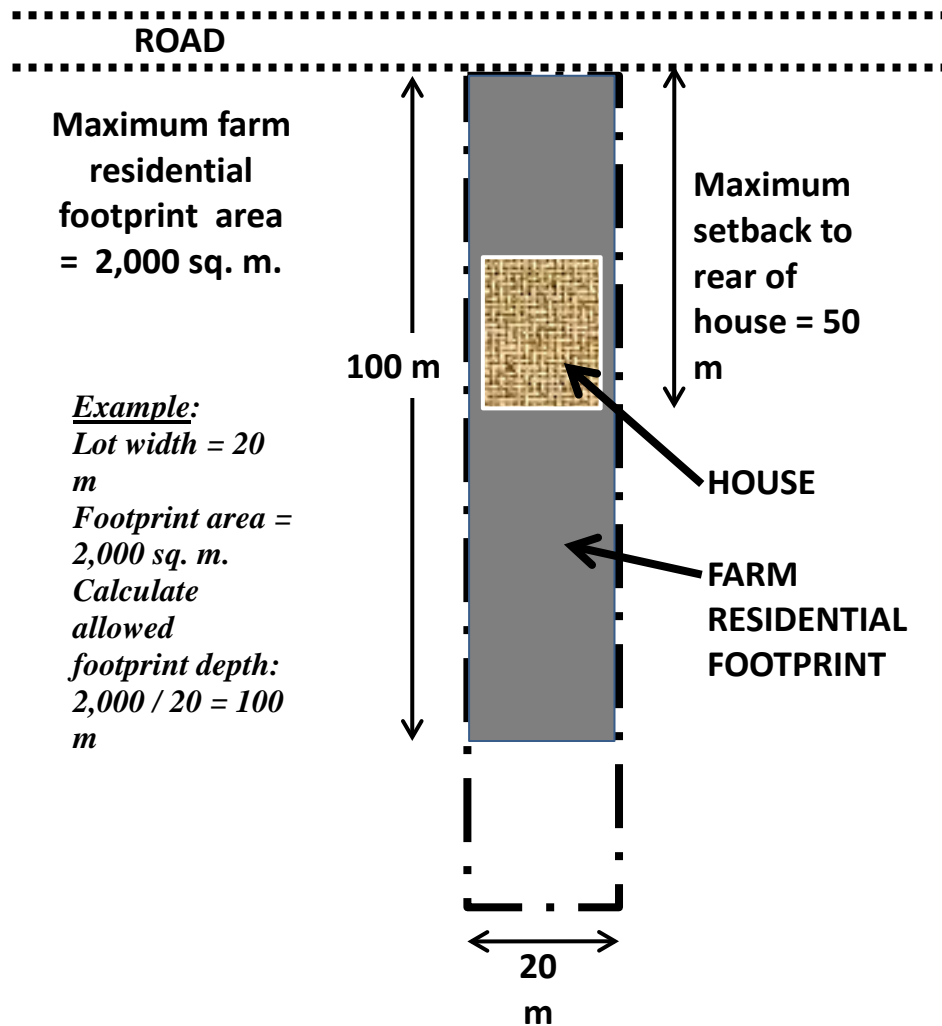


Figure 2 Footprint on a Narrow Lot

2.4.6.5.2 Farm Residential Footprint Size⁵

The maximum size of the *farm residential footprint* is:

- a) the lesser of a footprint commensurate with *urban areas*; or
- b) 2,000 m²; plus
 - a. 1000 m² for each *additional farm residence* where permitted; plus
 - b. 35 m² for each *temporary farm worker housing space* where permitted.

2.4.6.5.3 Maximum Floor Area-Farm Residences

The Minister's Bylaw Standard does not include size restrictions for the *floor area-farm residences*. However, the following is offered as a suggestion where local governments wish to include these restrictions in their bylaws.

The maximum *floor area-farm residence(s)* is the lesser of a floor area commensurate with *urban areas* or:

- a) 500 m² for *principal farm residence*;
- b) 300 m² for each *additional farm residence* where permitted; and
- c) 15 m² for each *temporary farm worker housing space* where permitted⁶.

2.4.7 Height Limitations

Local governments are encouraged to exclude farm buildings from restrictions on height. Crop protection and support *structures* such as deer fencing, netting supports and trellises must be excluded from height requirements. If a local government wishes to restrict height of farm structures then the maximum building heights should be no less than:

Grain bins (including delivery equipment)	46 metres
Silos	34 metres
Combination Silo and Grain Storages	41 metres
Principal <i>livestock buildings</i>	15 metres
All other agricultural <i>buildings</i>	15 metres

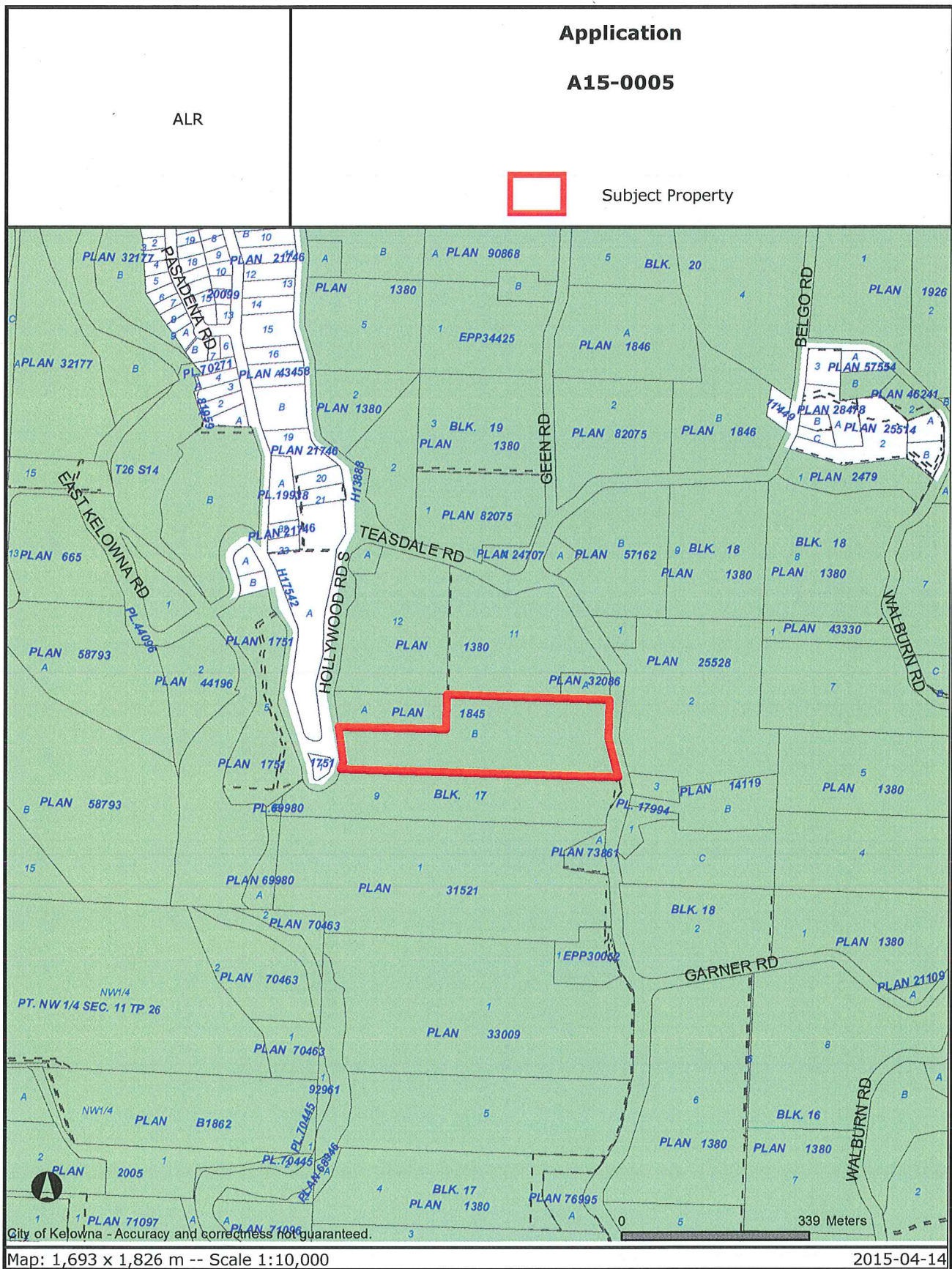
These height limitations should be the minimum height restriction placed on *farm buildings* in a zoning bylaw. If a local government wishes to allow *buildings* higher than these or wishes to exempt these *buildings* from the height restrictions, then the zoning bylaw will still be considered in accordance with this section.

2.4.8 Setbacks

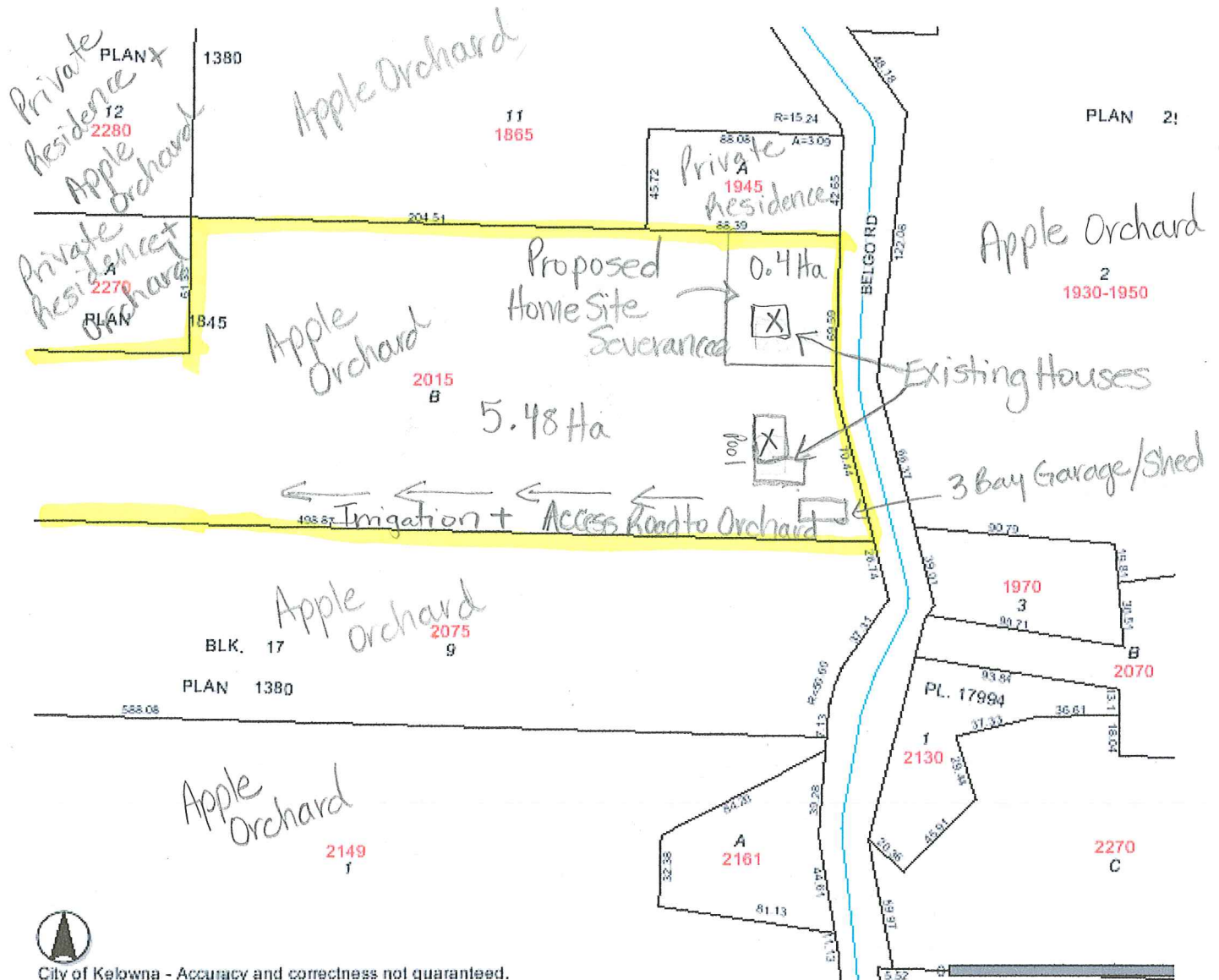
Appropriate setback distances can help prevent nuisance conflicts, protect natural resources, and safeguard human health. On the other hand, excessive setbacks can present serious challenges to farming operations. The standards in this section seek to strike a balance by recommending setbacks that are large enough to reduce conflict

⁵ The *farm residential footprint size* is considered density and would require a rezoning application to vary.

⁶ Federal programs allow 10 m² of useable floor area which excludes washrooms, laundry, mechanical and storage rooms.



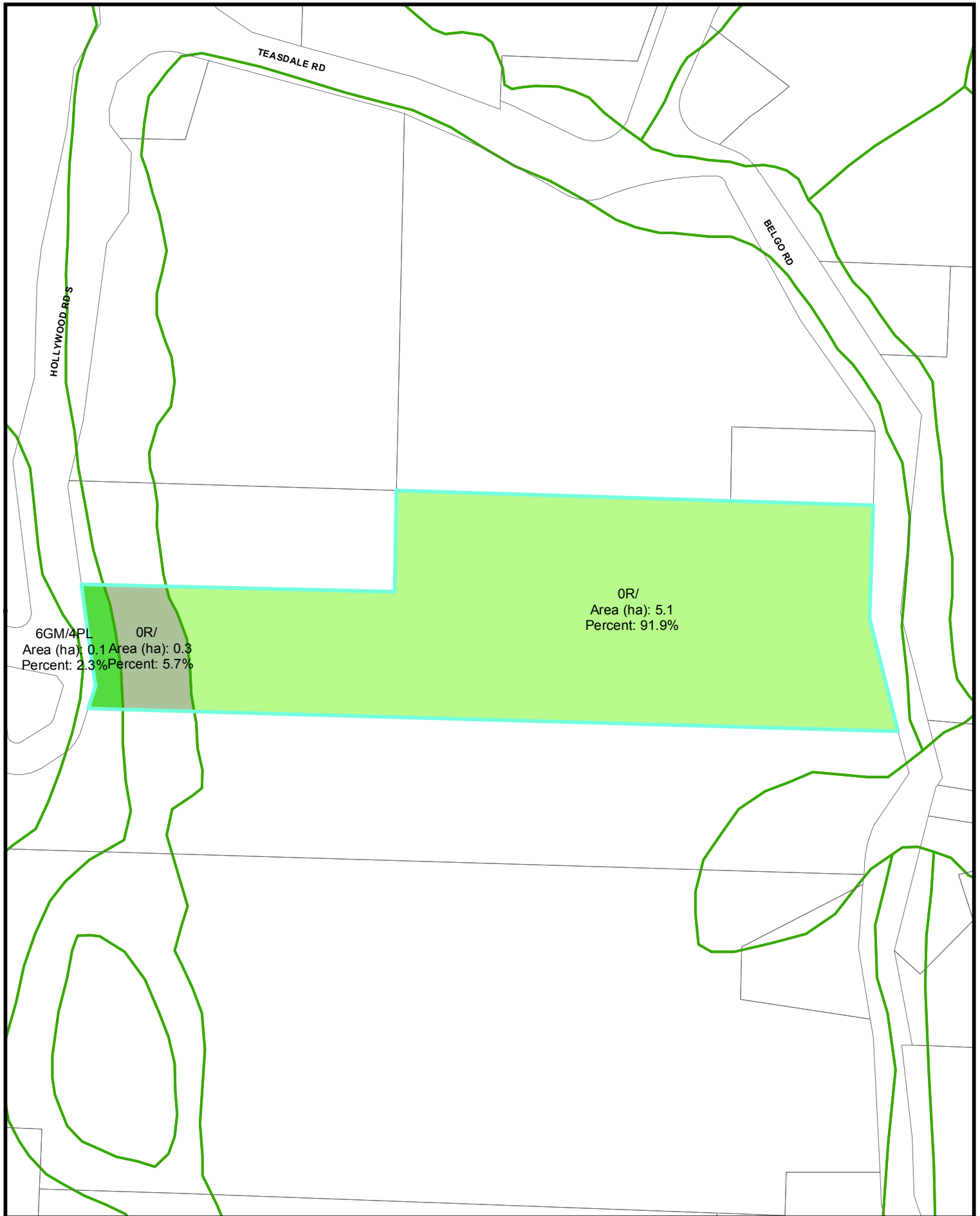
*Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.*



1995-2015 Hollywood Rd S
Kelowna, BC V1P
49.863420, -119.384810



Land Capability = Brown/ Soil Class = Green



Land Capability = Brown/ Soil Class = Green



AGRICULTURAL ADVISORY COMMITTEE

Minutes of the Open Meeting

Date: Thursday, August 28, 2014
Location: Council Chambers, City Hall, Kelowna

Voting Members in Attendance:

Bob Hrasko (Chair), Leo Gebert, John Janmaat, Ed Schiller (A) and Pete Spencer (A)

Regrets:

Yvonne Herbison (Vice Chair), Pierre Calissi and Arthur (Gill) Green

Staff:

Planner II, Subdivision, Agriculture & Environmental Services, Melanie Steppuhn

Recording Secretary:

Sandi Horning

(*denotes partial attendance)

I. CALL TO ORDER

The Chair called the meeting to order at 6:01 p.m.

Opening Remarks by the Chairperson regarding Conduct of the Meeting were read.

II. APPLICATIONS FOR CONSIDERATION

ITEM 1

A14-0007

1185 McKenzie Road

Exclusion from the Agricultural Land Reserve

Applicant/Owner: Dave & Cynthia Sollosy

Staff:

- Displayed a PowerPoint Presentation.
- The Applicant is request permission from the Agricultural Land Commission for an 'exclusion' from the Agricultural Land Reserve under Section 30 of the *Agricultural Land Commission Act*.
- The subject property is located south of McKenzie Road on the 'McKenzie Bench' in the Belgo-Black Mountain Sector of the City, south of Gibson Road.
- The property is within the Agricultural Land Reserve and is zoned A1.
- According to the Official Community Plan, the future land use designation is Resource Protection Area. It is surrounded by other parcels also in the Resource Protection Area Future Land Use designation.
- The subject property is 0.39 ha in size.
- The subject property does have road frontage on McKenzie Road, however, the physical access is achieved from the west from a road south of McKenzie.
- The subject property is outside the Permanent Growth Boundary.
- The site area is 0.38 ha, with the site elevation varying between 506m and 509m. Contours indicate that the slope rises from the west to the east at a consistent 11% through the property. Adjacent to McKenzie Road, a culvert runs under the road from

approximately 68m to the east, bypasses the property and emerges across the road to the west.

- The subject property is encumbered by a utility right of way in favour of Black Mountain Irrigation District, which provides the east/west connection of a pressurized water pipeline through it. The easement predates the subdivision in 1974.
- The agricultural capability of the subject property is rated at Class 6 with limitations due to droughtiness as a result of low water holding capability or low precipitation. With improvements, primarily to irrigation, the capability can be improved to Class 3 with limitations due to droughtiness and stoniness.
- Rutland soils are present 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.
- The subject property has a current land use of rural residential. The owners purchased the property in 1993 and have had chickens, geese, ducks and pot bellied pigs in the past. No significant farming activity has occurred on the property since 1995. The property does not have farm status.
- The property was previously subdivided in 1974 by the Day family in order to give members of the family homesites from their property.
- The Applicant has provided a rationale for exclusion including:
 - The farm is too small and rocky to farm;
 - A gully was filled in due to a water line installed through the property; and
 - The neighbourhood character is changing.
- It is noted that this application, at this time, is for an exclusion from the Agricultural Land Reserve only.
- Interior Health provided a referral which expressed items for consideration, including:
 - Potential future food production for food security;
 - BC Interior projected population growth;
 - Concern on reliance of food outside Canada;
 - Small parcels being successfully farmed; and
 - Suggests an agrology assessment to determine agricultural capabilities.
- Kelowna City Council is asking the Agricultural Advisory Committee for a recommendation for this application taking into account the both the City of Kelowna's and the Agricultural Land Commission's regulations and policies. Consideration should be given to impacts to surrounding agricultural parcels.

Dave Sollosy, 1185 McKenzie Road, Applicant:

- The property is .96 of an acre. If you exclude the area that consists of the house and the yard, the property is only 0.5 of an acre.
- Believes that the Class 6 soil classification is a very kind.
- Advised that he never purchased the property to farm it and that he only wanted it so that his children could experience how a small farm may operate.
- Advised that he spoke to the Assessment Authority in 1995 about having the property removed from the Agricultural Land Reserve. At the time, it was agreed that the property was too small to be included; however, he decided not to pursue the matter then and would revisit it at a later date.
- Believes that the neighbourhood is changing due to foreign workers and a proposed RV site in the area.
- The property does have irrigation, but there is no point in watering it. He only used the water when he was raising chickens.
- There is no farming on the property as it is too rocky. There is no sand, it's all rock.
- Believes that the lands do not have any agricultural value.
- The property is not productive agricultural land which is supported by staff from the Ministry of Agriculture and BC Assessment.
- He is trying to increase the value of his property.

AAC/Applicant Discussion:

- A Committee Member asked what the benefit to agriculture would be if the property was excluded from the Agricultural Land Reserve. The Applicant advised that, according to a local realtor, exclusion would increase the value of the property.

Sukh Bal, 1795 McCurdy Road East:

- Advised that his family farms a lot of properties in the area and believes that the area is rich in agriculture.
- Advised that many properties in the area with similar sized lots remain in the Agricultural Land Reserve.
- Believes that farming is more active in the area now and that the parcels that had previously been left unfarmed are now being farmed.
- Taking parcels, no matter how small they are, out of the Agricultural Land Reserve will cause problems in the future as a result of smaller lots with higher density.
- Responded to questions from the Committee.
- Advised that his family grows mostly cherries and that they intend to plant approximately 45 acres of cherries.
- Agreed that the soil in the area is not the best, but his family is still able to use the lands for agricultural purposes. His family has done well growing cherries in the area over the past 10 years.

Dave Sollosy, 1185 McKenzie Road, Applicant:

- Reiterated that he wants to increase the value of his property.
- Reiterated that he has never farmed the property. Believes that if he was made to the farm the property, he could not make a living.
- Responded to questions from the Committee.
- Advised that he wants to have the property removed from the Agricultural Land Reserve so that there could be a potential financial benefit to him.

RECOMMENDATION (ITEM 1)

MOVED BY Leo Gebert/SECONDED BY Pete Spencer

THAT the Agricultural Advisory Committee recommends that Council NOT support an application to the Agricultural Land Commission to exclude 1185 McKenzie Road, with an area of 0.39 ha (.96 ac) from the Agricultural Land Reserve.

CARRIED

ANECDOTAL COMMENT:

The Agricultural Advisory Committee did not support the application for exclusion from the Agricultural Land Reserve as the Committee Members expressed a concern that there is no benefit to agriculture. The Committee does not have a mandate to support applications that could result in financial assistance for the sole benefit of one (1) property owner. The Committee Members did not feel the arguments presented were strong enough to support exclusion.

ITEM 2

A14-0008

1670 Dehart Road

Subdivision and Non-farm Use within the Agricultural Land Reserve

Owner: Topiary Holdings Inc.

Applicant: Jane Hatch

Staff:

- Displayed a PowerPoint Presentation.
- The Applicant is requesting permission from the Agricultural Land Commission for a 'Subdivision and Non-farm Use' from the Agricultural Land Reserve under Sections 21(2) and 20(3) of the *Agricultural Land Commission Act*. Specifically, the Applicant is applying for permission to subdivide 283.5 m² from 1670 Dehart Road to consolidate it with 4050 Casorso Road for the purpose of adding a columbarium to the existing Immaculate Conception Church cemetery.
- The subject property is located along Casorso and Dehart Roads in the Southeast Kelowna Sector of the City.
- The Applicant, and property owner, is Topiary Holdings Inc., who runs a Tantalus vineyard and winery on the subject property. It is fully planted in wine grapes with the exception of gullies that run through the centre of the property, the footprint of the winery and farm buildings. The cemetery at 4050 Casorso Road is 0.4 ha.
- The Applicant is seeking to subdivide 283.5 m² off of their property at 1670 Dehart Road for the purpose of selling the land to the Immaculate Conception Church who owns 4050 Casorso Road to the south. The Immaculate Conception Church wishes to consolidate this land with its cemetery to the south in order to establish a columbarium. The function of the columbarium would be to inter remains for the members of the parish, expanding the capacity of the cemetery. This would enable family members to be interred at the same cemetery as family members from previous generations.
- The Applicant has noted that the Immaculate Conception Church has recently upgraded the cemetery, including removing an old shed, weeding and spreading rock crush on pathways.
- The area proposed for subdivision is currently not planted by Tantalus Winery. The long and narrow configuration makes it difficult to cultivate.
- The land is not currently used for farming activities and is of a width and configuration that does not facilitate farming. The Immaculate Conception Church has agreed to register a Restrictive Covenant on the area that would prohibit structure over 1.8m in height and provide landscape screening to mitigate sight lines from Casorso Road and the adjacent driveway.
- The property is within the Agricultural Land Reserve and is zoned A1.
- According to the Official Community Plan, the future land use for 1670 Dehart Road is Resource Protection Area.
- The Immaculate Conception Church Cemetery was first used in approximately 1906 by the early settlers of Kelowna. The expansion of the cemetery through a columbarium would provide an opportunity for parish members to be interred in a Catholic cemetery. It would also provide revenue to offset the cost of ongoing site maintenance for the Church. The Diocese of Nelson has provided a letter of support.
- The Applicant has noted that the Immaculate Conception Church has recently upgraded the cemetery.
- The City of Kelowna holds a 5.49m width of road reserve along the east side of the cemetery property. The road reserve dedication would be required as part of this subdivision.
- Kelowna City Council is asking the Agricultural Advisory Committee for a recommendation for this application taking into account the both the City of Kelowna's and the Agricultural Land Commission's regulations and policies. Consideration should be given to the potential impacts to agriculture, both on this property and surrounding agricultural parcels.
- Responded to questions from the Committee.
- Confirmed that the current non-farm use of the subject property pre-dates the Agricultural Land Reserve.

Ted Matte, on behalf of the Immaculate Conception Church:

- Advised that he used to live next door to the subject property.
- Believes that the property is too small to farm.
- The parcel being added to the cemetery makes sense. Right now it is in no-man's land.
- The congregation would like to upgrade the property in a responsible manner.
- Advised that fencing will be erected and landscaping done to ensure that the property is complimentary to the neighbourhood.

AAC/Applicant Discussion:

- A Committee Member inquired as to when the road dedication was done. Mr. Matte advised that the road on the north side was dedicated back to the subsequent property owner in 1991 and a road easement was required for access to the neighbouring property.

AAC Discussion:

- The Committee Members agreed that it would be very difficult to farm the parcel and that the parcel should have been included with the cemetery property originally.

RECOMMENDATION (ITEM 2)

MOVED BY John Janmaat/SECONDED BY Leo Gebert

THAT the Agricultural Advisory Committee recommends that Council support an application to the Agricultural Land Commission for a subdivision under Section 21(2) of the *Agricultural Land Commission Act*, and a 'non-farm use' under Section 20(3) of the *Agricultural Land Commission Act*, to allow for the subdivision of 283.5 m² of 1670 Dehart Road for the use of a columbarium for the Immaculate Conception Church Cemetery.

CARRIED

III. MINUTES

Moved by Ed Schiller/Seconded by Bob Hrasko

THAT the Minutes of the June 26, 2014 Agricultural Advisory Committee Meeting be adopted.

CARRIED

IV. REFERRALS

There were no referrals.

V. OLD BUSINESS

1. ALC Resolutions

- 1454 Teasdale Road - Non-farm Use 2nd Dwelling - Refused

Staff displayed the property on the map view and provided the rationale given by the Agricultural Land Commission for refusing the application.

- 3030 Balldock Road - Subdivision - Refused

Staff displayed the property on the map view and provided the rationale given by the Agricultural Land Commission for refusing the application.

- Black Road - Subdivision (Homesite Severance) - Refused

Staff provided the rationale given by the Agricultural Land Commission for refusing the application.

2. Update - Ministry of Agriculture Consultation - Bill 24

Staff:

- Provided an update regarding the Ministry of Agriculture's consultation process.
- Distributed a copy of the Regional Board's 'draft' Report regarding the Ministry of Agriculture Consultation - *Agricultural Land Commission Act: Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.
- Reviewed the 'draft' Report with the Committee Members and provided the rationale for the responses.

AAC Discussion:

- The Committee Members provided their comments with respect to the 'draft' Report.
- The Committee Members expressed a concern with respect to the powers bestowed upon the Subdivision Approving Officer.

3. Update - Ministry of Agriculture Progress - Medical Marihuana Production Facilities Bylaw Recommendations

Staff:

- Advised that the conference call was held with the Ministry of Agriculture with respect to Medical Marihuana Production Facilities.
- Provided background information regarding the City's proposed A1m zone.
- Advised that the Ministry has drafted Bylaw standards for Medical Marihuana Production Facilities, which is expected to be circulated to external agencies in September with responses back to the Ministry by end of 2014.
- The following standards are being considered by the Ministry:
 - Site coverage - 35% maximum;
 - Height of buildings - 15 m;
 - 15-30m maximum setback from property line;
 - 30m setback from watercourses;
 - Business Licence required (under consideration);
 - Possible 100m from Agriculture Land Reserve boundary; and
 - Urban side buffers - 15m vegetation/30m to dwelling.

AAC Discussion:

- The Committee Members provided comment regarding the proposed regulations.

VI. NEW BUSINESS

There was no new business.

VII. NEXT MEETING

September 25, 2014

VIII. TERMINATION OF MEETING

The Chair declared the meeting terminated at 7:42 p.m.

/slh

Bob Hrasko, Chair

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