

Agricultural Advisory Committee

AGENDA



Thursday, October 8, 2015
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

(a) The purpose of this Meeting is to consider certain Development Applications as noted on this meeting Agenda.

(b) The Reports to Committee concerning the subject development applications are available on the City's website at www.kelowna.ca.

(c) All representations to the Agricultural Advisory Committee form part of the public record.

(d) As an Advisory Committee of Council, the Agricultural Advisory Committee will make a recommendation of support or non-support for each application as part of the public process. City Council will consider the application at a future date and, depending on the nature of the file, will make a decision or a recommendation to the Agricultural Land Commission.

2. Applications for Consideration

2.1 1789 Munson Road, A15-0009 - Gabriel and Linda Coupal

3 - 38

The applicant is requesting permission from the Agricultural Land Commission (ALC) to exclude Parcel B on Plan B6522 Amended Lot 7 DL 130 ODYD Plan 415 except Plans 18843 and KAP64190, at 1789 Munson Road, Kelowna BC from the Agricultural Land Reserve (ALR).

3. Minutes

39 - 42

Approve Minutes of the Meeting of July 9, 2015.

4. Referrals

None

5. Old Business

1. A14-0010 - 1301 Glenmore Road - Non-Farm Use - Carriage House

2. A14-0011 - 499 Valley Road - Non-Farm Use - Tree Service Company
3. A14-0012 - 1085 Lexington Drive - Non-Farm Use - 37 RV Site
4. A15-0001 - 3990 Swamp Road - Subdivision - Mission Creek Restoration Initiative - Flood Protection and Biodiversity
5. A13-0003 - 2025 Springfield Road - Exclusion

6. New Business

1. Discussion Paper & Proposed Minister's Bylaw Standards - Ministry of Agriculture - September 14, 2015

7. Next Meeting

November 12, 2015

8. Termination of Meeting

COMMITTEE REPORT



Date: October 9, 2015

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (MS)

Application: A15-0009 **Owner:** Gabriel Arthur Coupal
Linda Anne Coupal

Address: 1789 Munson Rd **Applicant:** Gabriel Arthur Coupal

Subject: Application to the ALC to exclude a property from the ALR

1.0 Purpose

The applicant is requesting permission from the Agricultural Land Commission (ALC) to exclude Parcel B on Plan B6522 Amended Lot 7 DL 130 ODYD Plan 415 except Plans 18843 and KAP64190, at 1789 Munson Road, Kelowna BC from the Agricultural Land Reserve (ALR).

2.0 Proposal

The applicants wish to have their property excluded from the Agricultural Land Reserve. In recent years, they have run their farm as a "U-Pick" Strawberry Farm and retail sales operation. They have found the increasing urbanization surrounding their property has compromised their ability to farm the land. (See attached letter of rationale).

These concerns include:

- increased traffic on Benvoulin has become an impediment to entry and egress into their farm
- children playing on the soccer fields to the west present a restriction on spraying times
- diesel trucks running on the Fortis site to the south create unpleasant conditions for their customers during picking
- inconsistent soil conditions present challenges to soil based crops (see attached letter of rationale).

2.1 Background

The subject property was purchased by the applicant's parents in 1971. The applicants have owned the property for the last 10 years. Over the years, agriculture on the property has included pasture, vegetable crops and, more recently, strawberries. The property is approximately 2.49 ha (6.15 acres), which includes:

- farm residential footprint (including yard, house, and driveway)
- recently farmed land
- parking area, and retail sales building.

2.2 Site Context

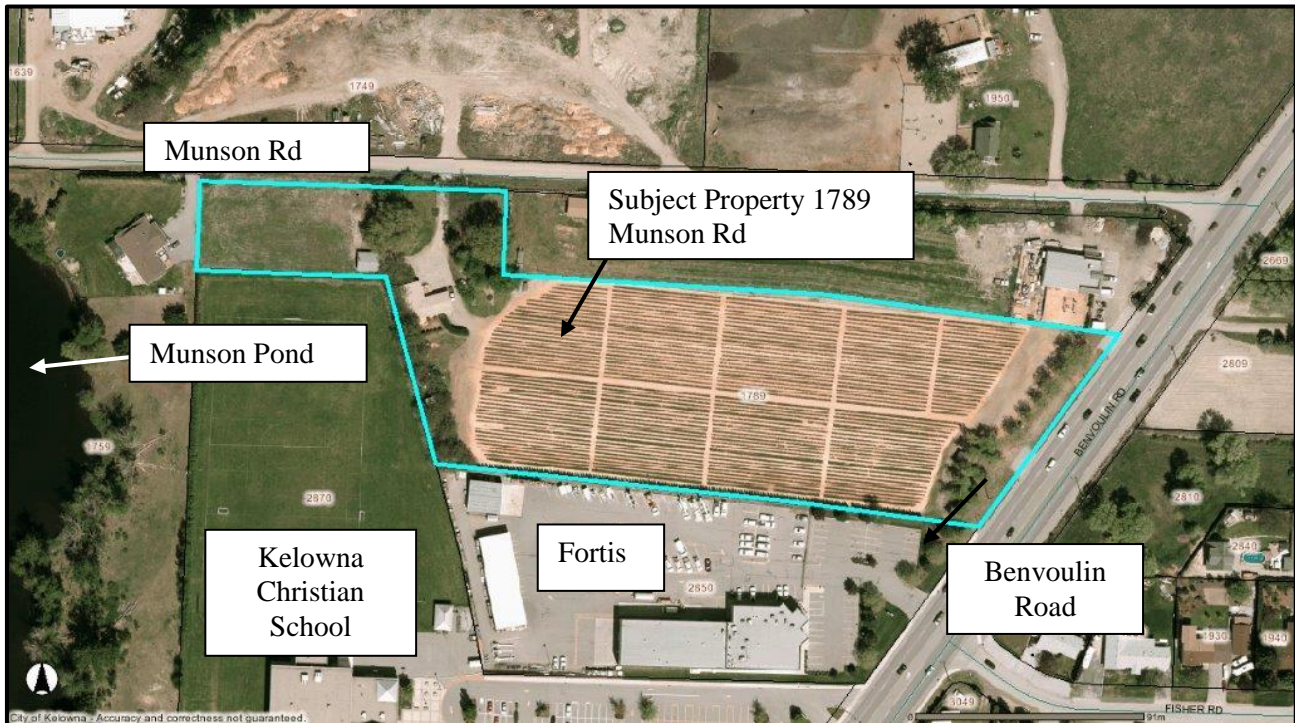
The subject property is located in the South Pandosy / KLO Sector of the City and is within the Agricultural Land Reserve. The Future Land Use of the property is Resource Protection Area (REP). It is zoned A1 - Agriculture 1 (Maps 1 - 4, below) and is outside of the Permanent Growth Boundary. The property is level with less than 1% grade change, with a grade of 352.0 at Benvoulin Road at the east to 350.25 at the west property line.

Parcel Summary - 1789 Munson Road:

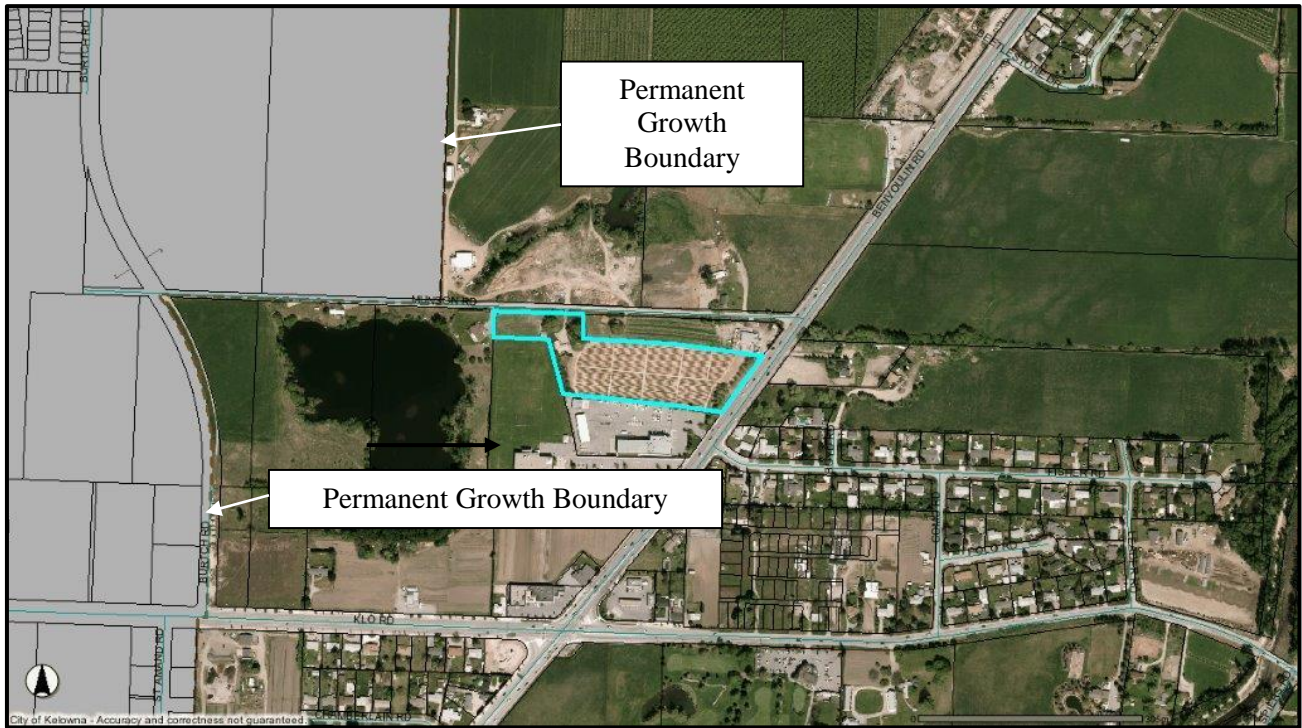
Parcel Size: 2.49 ha (6.15 acres)

Elevation: 352.0 to 350.25 metres above sea level (masl) (approx.)

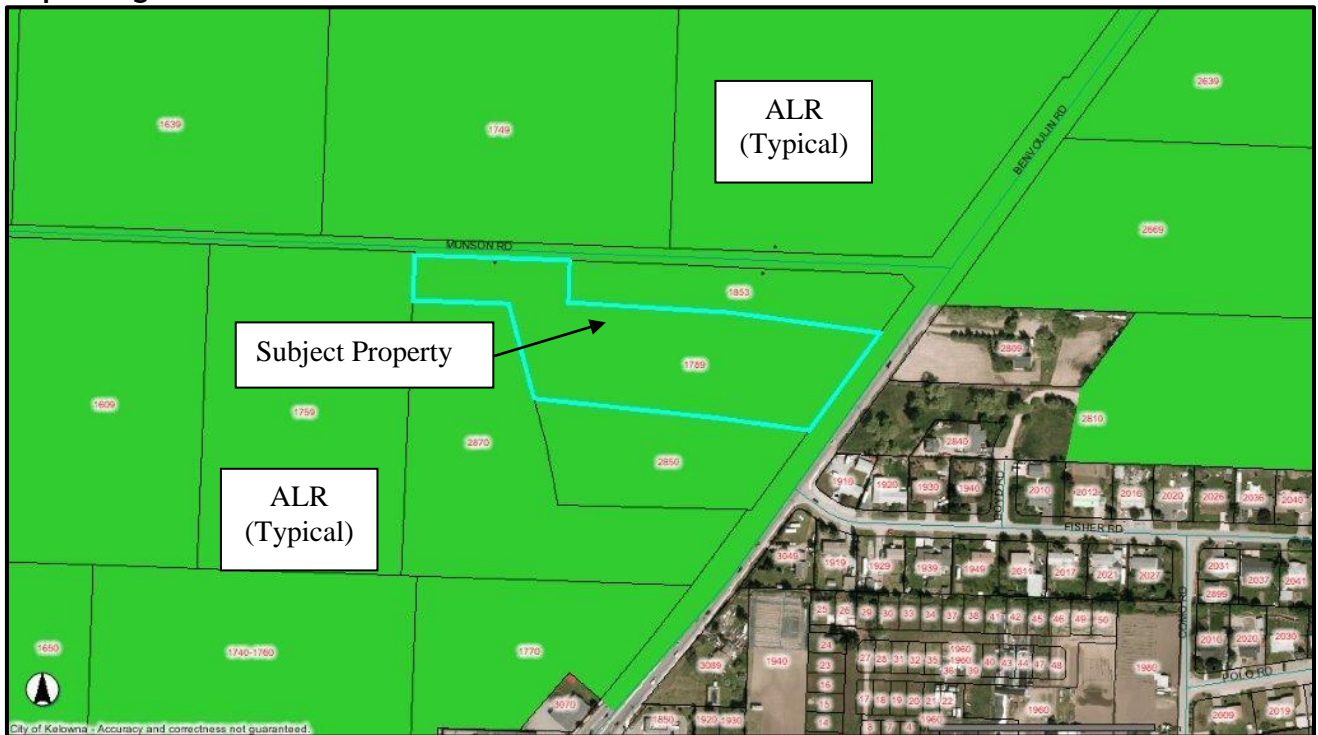
Map 1 - Neighbourhood



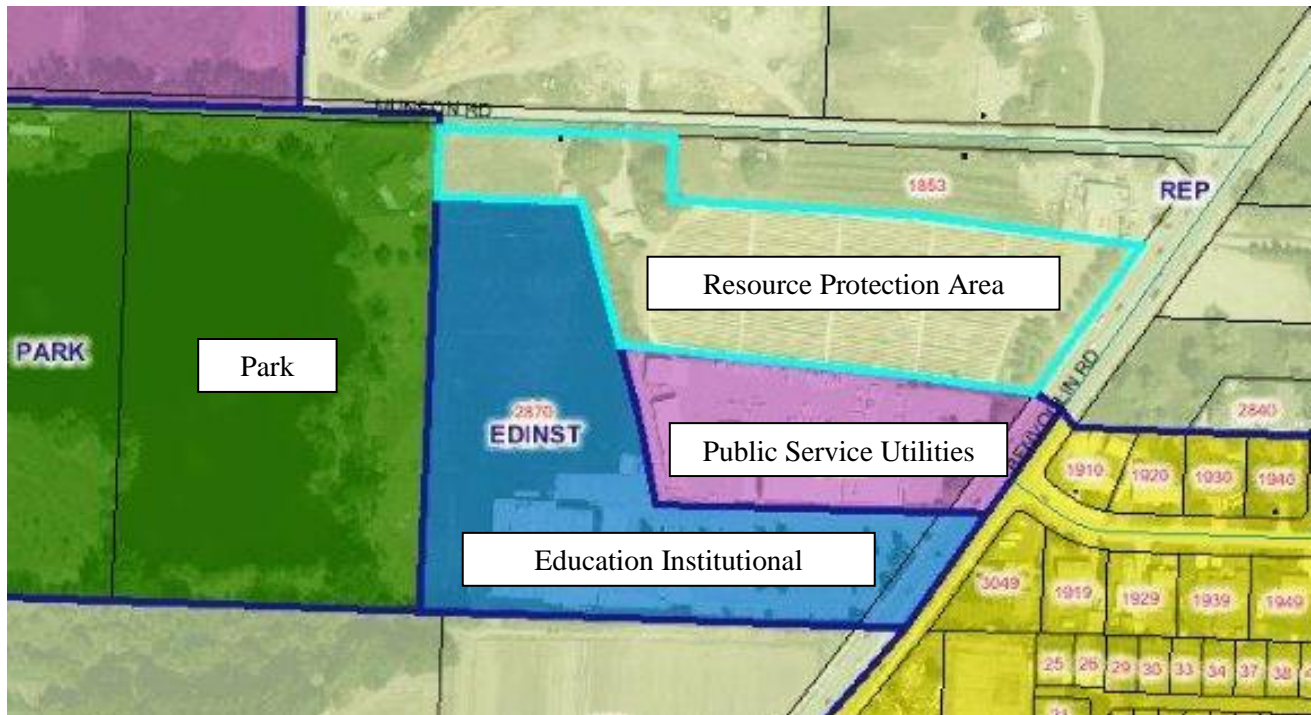
Map 2 - Permanent Growth Boundary



Map 3 - Agricultural Land Reserve



Map 4 - Future Land Use



2.3 Neighbourhood Context

The subject property lies within the Resource Protection Area for land use according to the Official Community Plan. The properties to the north and east are also within the Resource Protection Area Future Land Use. The properties to the southeast are not in the ALR. This area was developed into residential lots prior to its establishment in 1972.

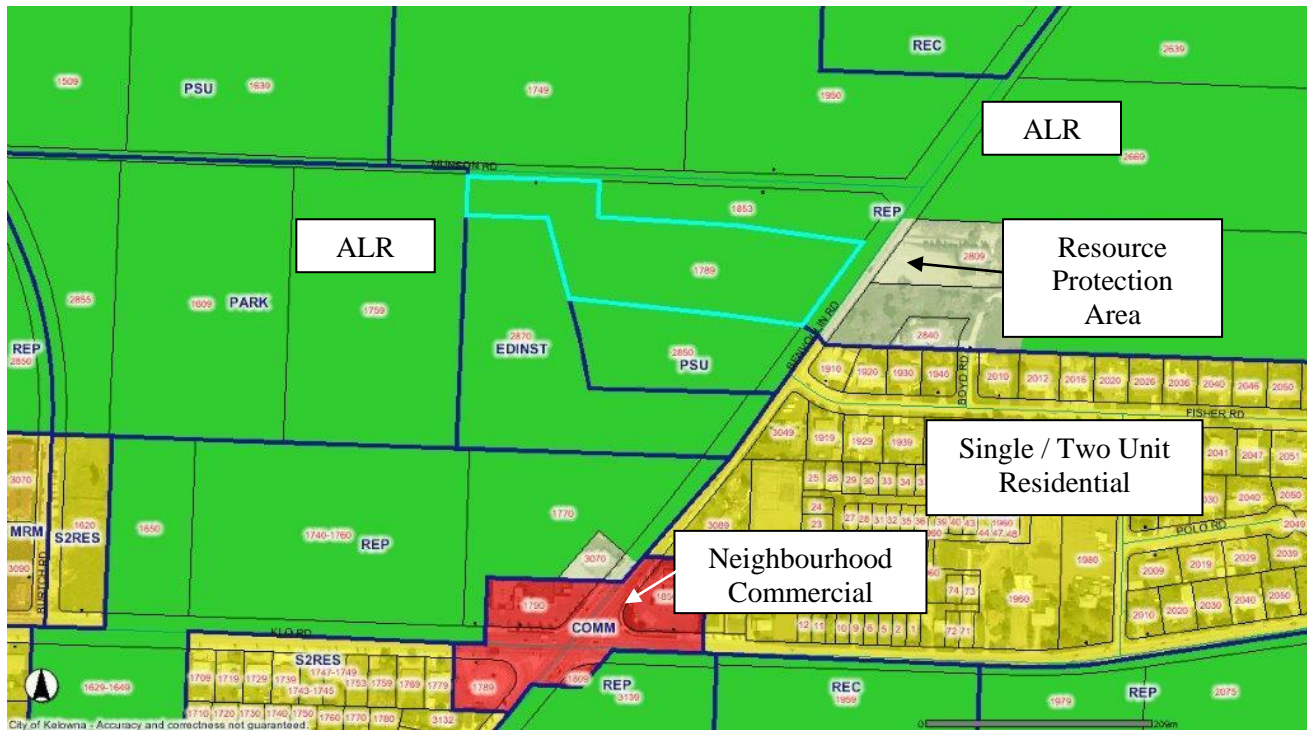
Fortis lies directly south of the property. This property has functioned as a public utility since 1969. In 2001, the utility applied to the ALC, and was granted a Non-Farm Use, in order to expand their facilities. To the west lies Munson Pond. This is owned by the City of Kelowna, for park and natural environment protection. The protection of land for biodiversity is a permitted use in the ALR. The Kelowna Christian School lies to the west and south.

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

Table 1: Zoning and Land Use of Adjacent Property

Direction	Zoning	ALR	Land Use
North	A1 - Agriculture 1	Yes	Agriculture / Fill Vacant
South	P4 - Utilities P2 - Education and Minor Institutional	Yes	Public Utility / School
East	A1 - Agriculture 1 / Land Use Contract	No / Yes	Agriculture / Rural Residential
West	A1 - Agriculture 1	Yes	Park / Natural Area

Map 5 - Land Use



2.4 Agricultural Land Capability

The Agricultural Land Capability of the subject property is rated at Class 4W for 70% of the property, and Class 5W for 30% of the property. The classification 'W' indicates that there is a limitation due to the occurrence of excess water during the growing period.

The improved rating for the property is 70% Class 2, and 30% Class 3WF. Class 1 - 3 is considered prime agricultural land and relatively rare in Kelowna. Class 2 has minor limitations that require good ongoing management practices or slightly restrict the range of crops. They are deep, hold moisture well and can be managed with little difficulty.

Class '3W' indicates occasional occurrence of excess water during the growing period causing minor crop damage, but no crop loss, or the occurrence of excess water during the winter months, adversely affecting perennial crops. Class '3F' includes soils with moderate nutrient holding ability, high acidity or alkalinity and/or high levels of carbonates. Fertility status does not restrict the range of crops.

1.1 Soil Capability

The soils on the property are 70% Guisachan and 30% Tanaka. These soils are common within the floodplain of Mission Creek, and often occur together, with Tanaka soils occurring in depressions. Guisachan soils are moderately coarse textured, stone free, typically 30 - 100 cm deep and overlay coarse fluvial fan deposits. The textures are silty or sandy loam. Groundwater is near the surface during the winter and recedes through the year, with the lowest during the autumn. The soils are suited to crops that are not sensitive to occasional high groundwater. These crops range from vegetable crops to hay and pasture.

Tanaka soils are moderately textured, gravel free fluvial fan deposits. The textures range from sandy loam to silty loam. They poorly drained, and have a high water holding capacity. The water table fluctuates between the surface and 1.5 metre depth. Depressions are susceptible to flooding. They are limited to agricultural uses that can tolerate high groundwater. Suitable crops include pasture and hay, turf, field crops and vegetables.

3.0 Public Notification

The applicant has complied with the requirements of the ALC regarding exclusion notification. They have:

- posted signage on their property of the application for exclusion;
- advertised the application in the Kelowna Capital News (July 8th and July 17th, 2015); and
- sent registered mail to all neighbours immediately adjacent their property.

4.0 Community Planning

Both the City's Agriculture Plan and the OCP recommend general non-support with respect to exclusion. ALC policies state that consideration of any exclusion should be reviewed in the context of the overall agricultural integrity of the proposal.

Therefore, the AAC should consider this exclusion request with respect to the overall agricultural benefit with respect to potential crops grown, and climate capability. In addition, the AAC should consider this exclusion with respect to the area's future land use designation, and the City of Kelowna's Permanent Growth Boundary.

At this time City Staff and Council seek a recommendation on the proposal to exclude the subject property taking into account all relevant considerations. Relevant information includes, but is not limited to the nature of the subject property (including adjacent and surrounding land uses), the historic use of the subject property, the agricultural viability of the subject property, the potential impact on adjacent and nearby properties and existing City policies.

The AAC is also asked to consider and make recommendations which reflect the scenario as proposed. The AAC should consider the impacts of a non-agricultural use and suggest mitigation opportunities should the ALC choose to support the proposed exclusion.

Report prepared by:

Melanie Steppuhn, Land Use Planner

Reviewed by:



Todd Cashin, Community Planning Department Manager

Approved for Inclusion:



Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Attachment A - Policies

Photos

Soils and Agricultural Capability Maps

Soils and Agricultural Capability Legends

Subject Property Map

Applicant ALC Act Application for Exclusion - Supplementary Information

SCHEDULE A - Policies



Subject: 1789 Munson Rd - ALR Exclusion

1.1 City of Kelowna Agriculture Plan (1998)

ALR Application Criteria¹

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.

1.2 City of Kelowna Strategic Plan

Objective²: Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

Action towards this objective³: Evaluate the effectiveness of City policies and bylaws in preserving agricultural lands.

1.3 Kelowna Official Community Plan (OCP)

Land Use Designation Definitions

Resource Protection Area⁴

Generally land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses.

Permanent Growth boundary⁵

Lands within the permanent growth boundary may be considered for urban uses within the 20 year planning horizon ending 2030. Lands outside the permanent growth boundary will not be supported for urban uses.

Chapter 5 - Development Process

Objective 5.3 Focus development to designated growth areas.

Policy .1 Permanent Growth Boundary⁶. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Support development of property outside the Permanent Growth

¹ City of Kelowna Agriculture Plan. 1998. P. 130.

² City of Kelowna Strategic Plan. 2004. P. 7.

³ City of Kelowna Strategic Plan. 2004. P. 29.

⁴ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.2.

⁵ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.6.

⁶ City of Kelowna 2030 Official Community Plan. Development Process Chapter. P. 5.2.

Boundary for more intensive uses **only** to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council's specific amendment of this policy. Resource Protection Area designated properties not in the ALR and outside the Permanent Growth Boundary will not be supported for subdivision below parcel sizes of 4.0 ha (10 acres). The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

Agricultural Land Use Policies

Objective 5.33 Protect and enhance local agriculture⁷.

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 .2 ALR Exclusions. The City of Kelowna will not forward ALR exclusion applications to the ALC except in extraordinary circumstances where such exclusion is otherwise consistent with the goals, objectives and other policies of this OCP. Soil capability alone should not be used as justification for exclusion.

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.

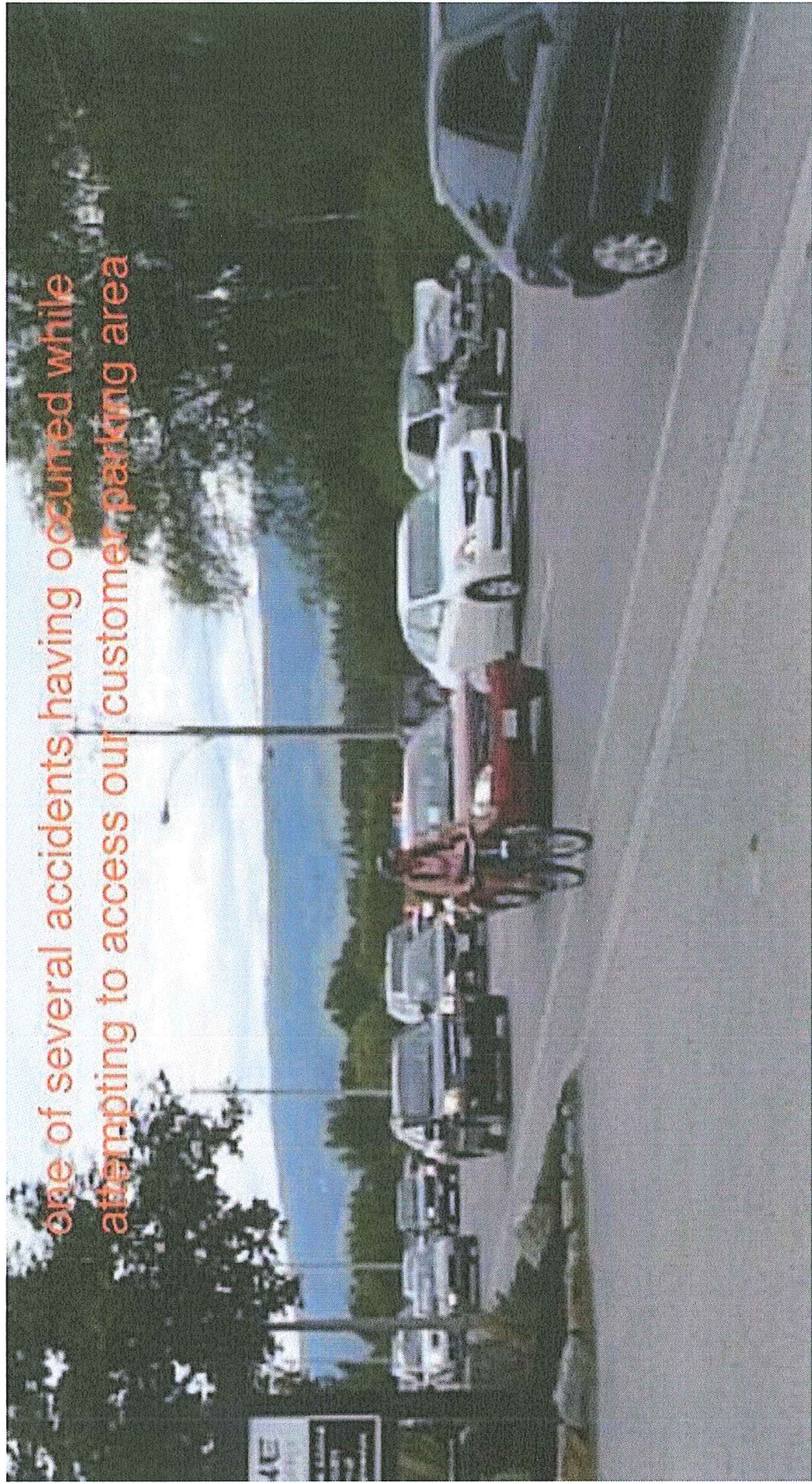
1.4 Agricultural Land Commission Act (ALCA)

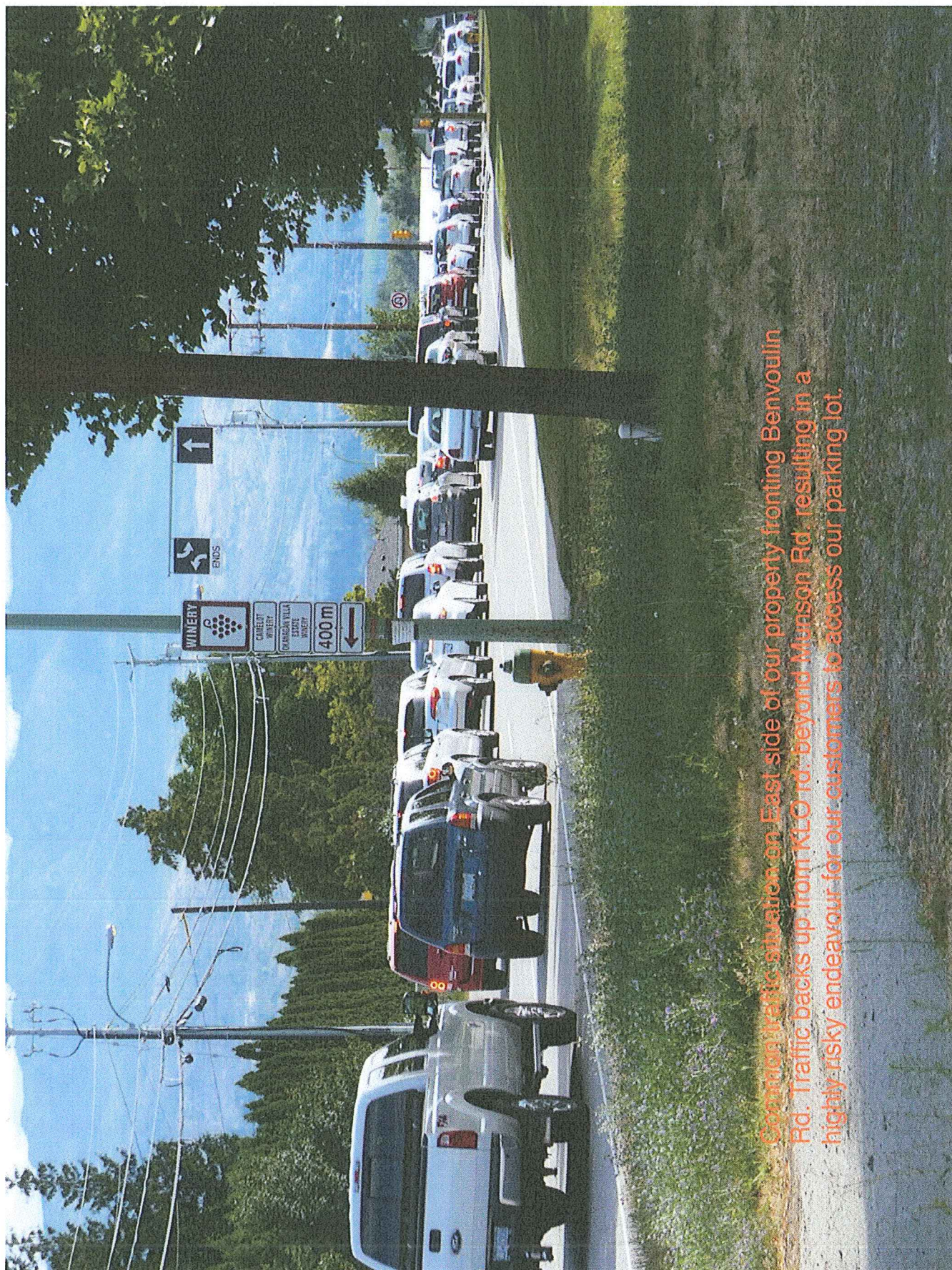
Purposes of the commission - Section 6 of the ALCA

The following are the purposes of the commission:

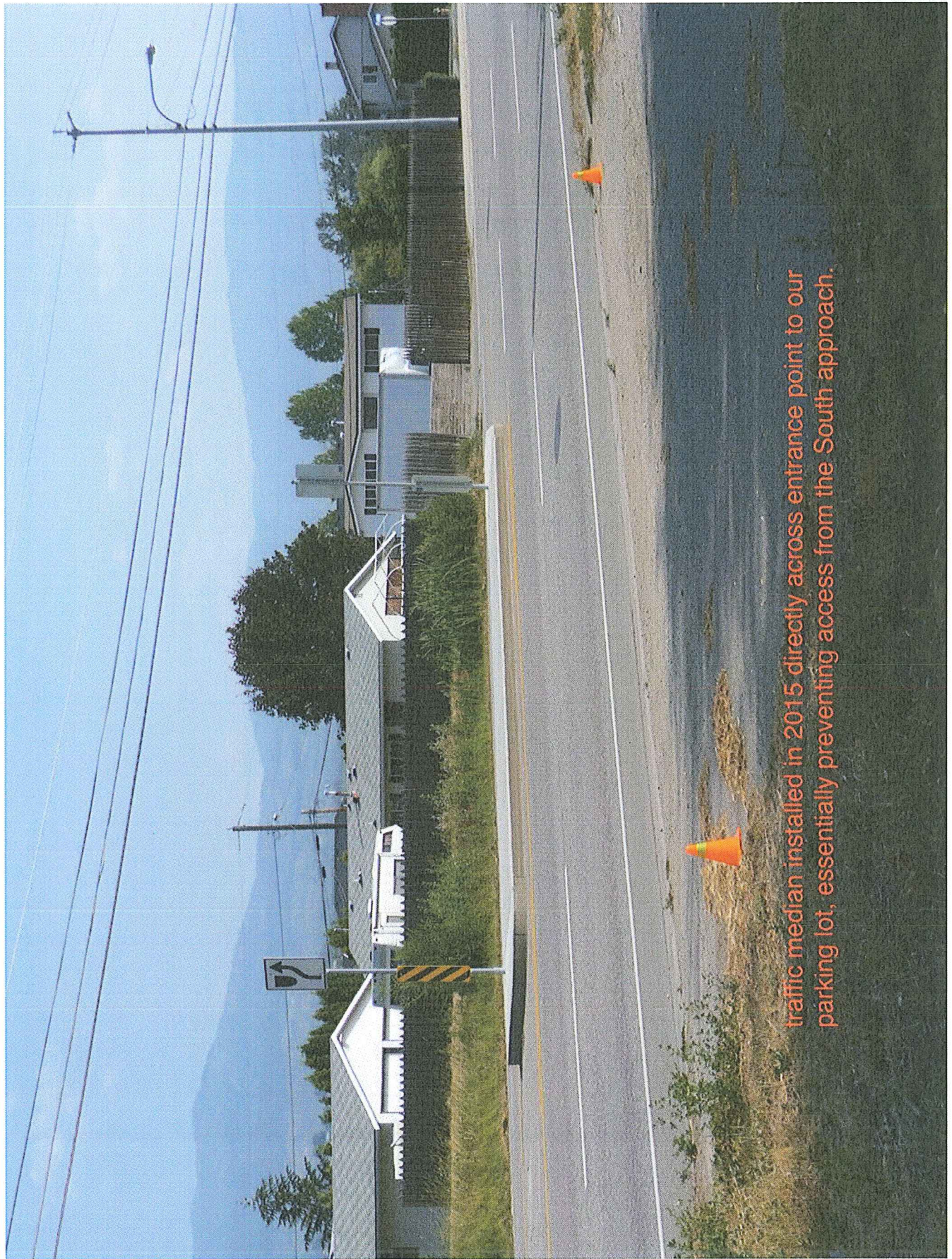
- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

⁷ City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35.





Common traffic situation on East side of our property fronting Benvoulin Rd. Traffic backs up from KLO rd beyond Munson Rd. resulting in a highly risky endeavour for our customers to access our parking lot.



traffic median installed in 2015 directly across entrance point to our parking lot, essentially preventing access from the South approach.



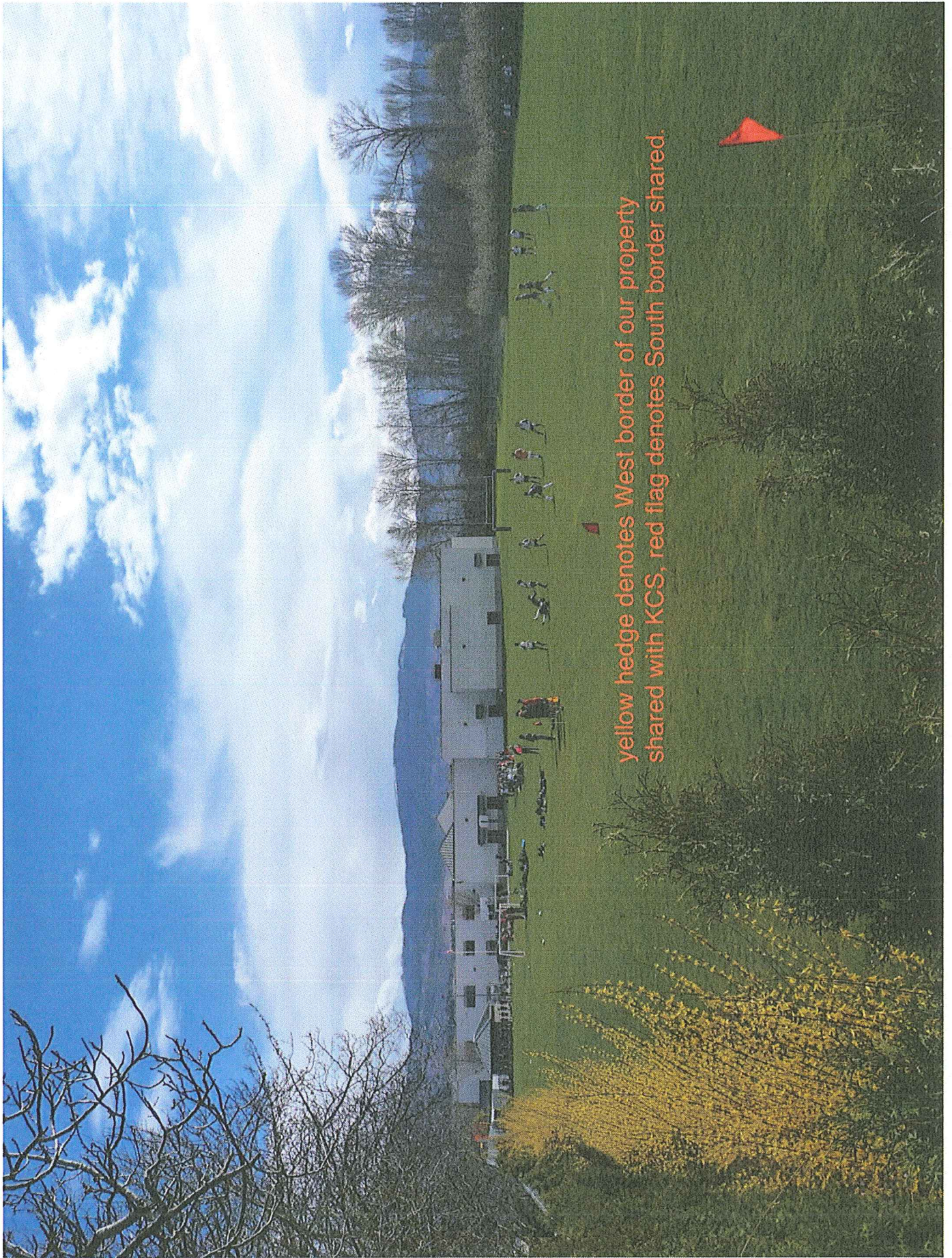


Fortis shares a common border with our property on the South side.

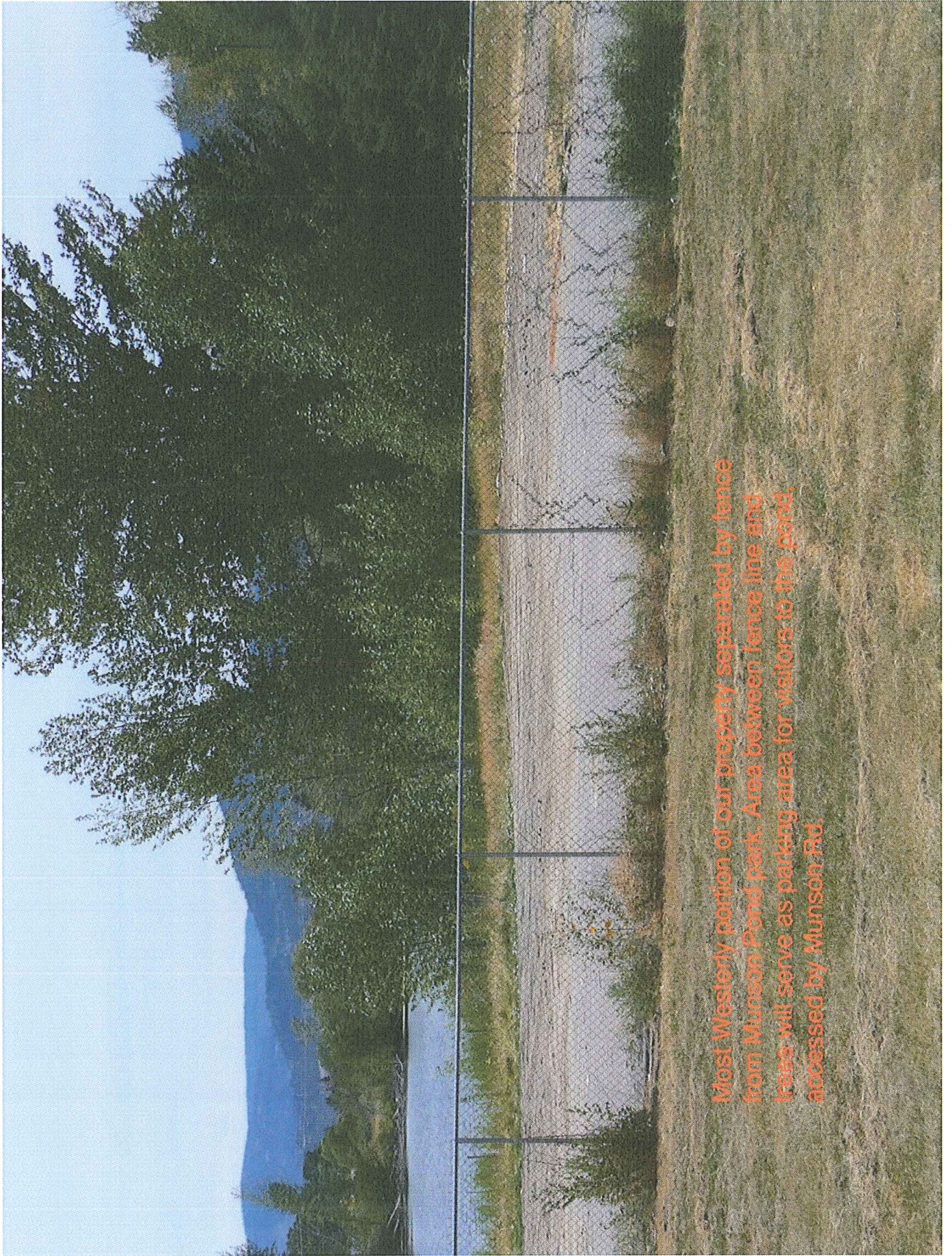
- Good corporate neighbour, however due to the nature of the operation, generates daily high level noise from
- > large diesel engines, back up alarms, crane activity,
- t maintenance shop noise and from other sources.



fence line separating their playing fields from our cropping field on the West side of our property.

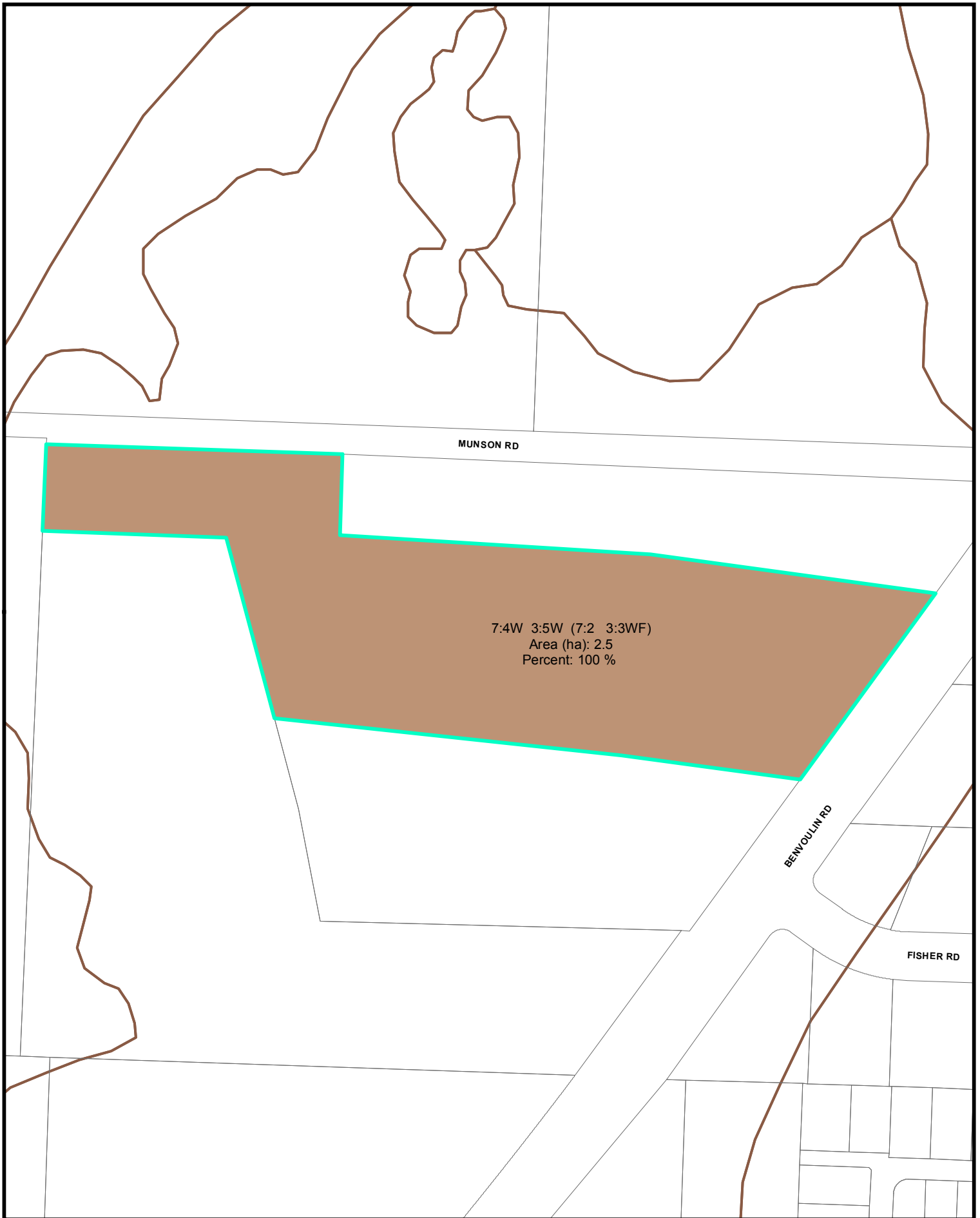


yellow hedge denotes West border of our property
shared with KCS, red flag denotes South border shared.

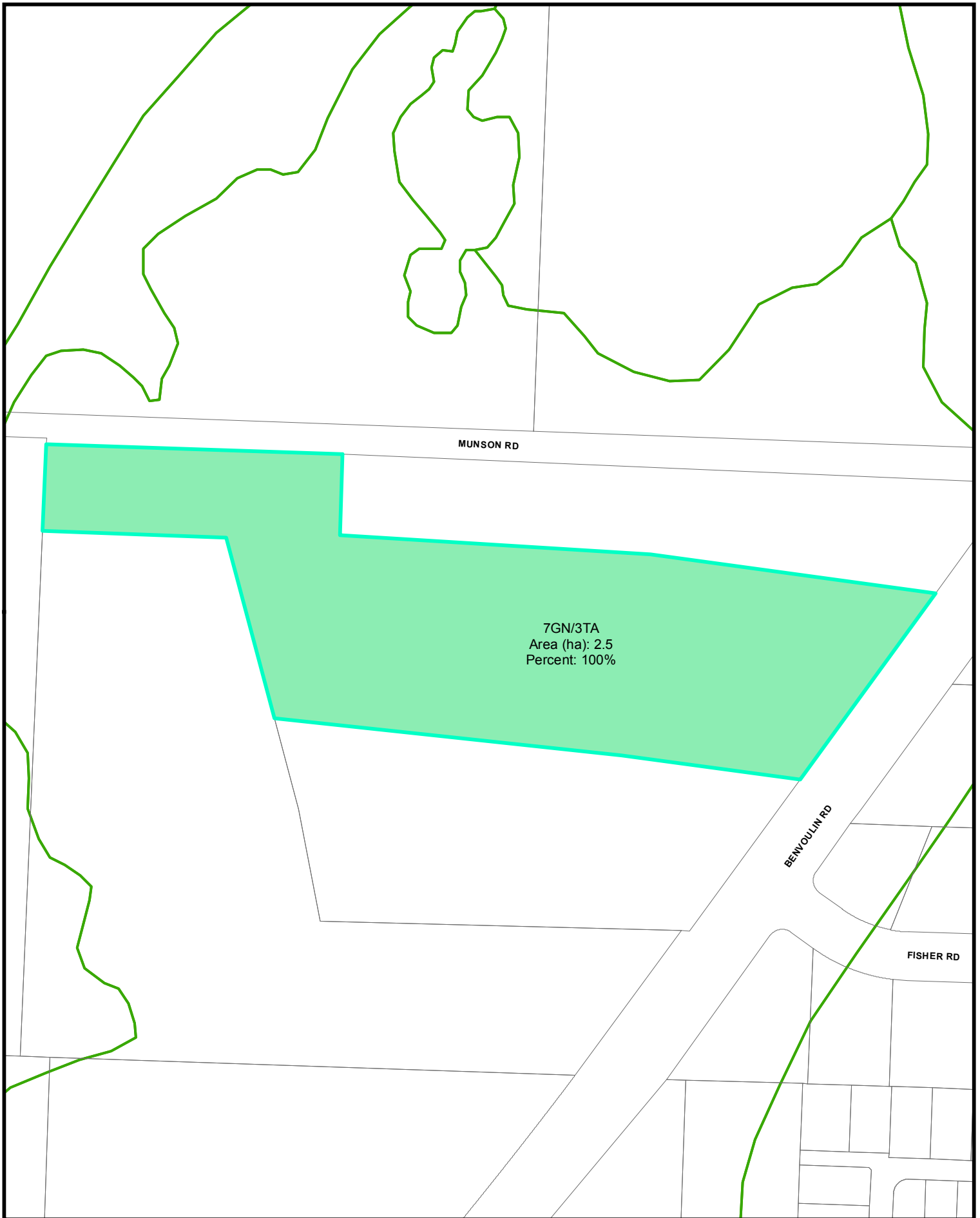


Most Westerly portion of our property separated by fence from Munson Pond park. Area between fence line and trees will serve as parking area for visitors to the pond, accessed by Munson Rd.

Land Capability = Brown/ Soil Class = Green



Land Capability = Brown/ Soil Class = Green



Soil Classification

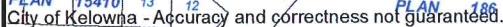
The soil classification for the subject property is as defined below.

Portion of Site / %	Soil Type	Description
70% GN	Guisachan	<u>Land</u> : nearly level to gently sloping fluvial deposits. <u>Texture</u> : 30 - 100 cm depth of medium textured, stone free veneer, which overlies gravelly fluvial fan and deltaic deposits. <u>Drainage</u> : poorly drained, moderately pervious, and have high water storage capacity. Groundwater is near the surface during winter and spring and recedes by autumn. <u>Classification</u> : Orthic Humic Gleysols.
30% TA	Tanaka	<u>Land</u> : nearly level to gently sloping fluvial deposits. <u>Texture</u> : sandy loam to silt loam, with subsoil textures that are sandy loam or gravelly sandy loam. <u>Drainage</u> : poorly drained, moderately pervious, and have high water storage capacity. Groundwater fluctuates between the surface and 1.5 metre depth. Depressions are subject to flooding. <u>Classification</u> : Rego Humic Gleysols.

BCLI Land Capability - Legend

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

Portion of Site	Land Capability Rating, Unimproved	Land Capability Rating, With Improvements
All	<p>70% Class 4W with are lands that require special management practices. The 'W' class indicates the occurrence of excess water during the growing period.</p> <p>Improvements are typically ditching to manage excess water.</p> <p>30% Class 5W with are lands that require perennial forage crops or other specially adapted crops. The 'W' class indicates the occurrence of excess water during the growing period.</p> <p>Improvements are typically ditching to manage excess water.</p>	<p>70% Class 2 have minor limitations that require good ongoing management practices. The soils in Class 2 are deep, hold moisture well and can be managed and cropped with little difficulty.</p> <p>30% Class 3WF are lands that require moderately intensive management practices.</p> <p>The 'W' class indicates occasional occurrence of excess water during the growing period causing minor crop damage, but no crop loss, or the occurrence of excess water during the winter months adversely affecting perennial crops.</p> <p>Improvements are typically ditching to manage excess water.</p> <p>The 'F' classification includes soils with moderate nutrient holding ability, high acidity or alkalinity and/or high levels of carbonates. Fertility status does not restrict the range of crops.</p> <p>Moderate, ongoing additions of fertilizer and/or other soil amendments are required to maintain productivity for a wide range of crops.</p>



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Gabe and Linda Coupal
1789 Munson Rd.
Kelowna, B.C. V1W 2G8
e-mail: gabecoupal@gmail.com

July 22, 2015

City of Kelowna
Subdivision, Agriculture & Environment
1435 Water St.
Kelowna, B.C. V1Y 1J4
(ATTENTION: Todd Cashin)

APPLICATION FOR ALR EXCLUSION

Introduction

The following application for ALR exclusion pertains to the acreage identified by the civic address, 1789 Munson Rd., Kelowna, B.C. It is located along the Benvoulin Rd. corridor, between Munson Rd. and KLO Rd. It consists of 6.5 acres, of which approximately only 3.5 acres have been commercially cropped, since 1972. Parking, buildings and wasteland make up the balance of this acreage. In recent years, the land has been cultivated in strawberries.

This property was purchased in 1971 by my parents and is currently owned by myself, Gabe Coupal, and my wife, Linda Coupal. It is the only owner-operated farm along the Benvoulin Rd. corridor, between Munson Rd. and KLO Rd. We have farmed this site for over 40 years and throughout that time, have witnessed many changes within our immediate neighbourhood.

Our Concerns

During the past 5 years, we have presented our concerns regarding those changes to members of Kelowna's City Hall and the Agricultural Land Commission. We have done so because, incrementally, over several years, various decisions made at both the municipal and provincial levels have changed the composition of the area surrounding us and this has led to significant farming challenges. Please find enclosed an example (April 22, 2010) of the various documents/ conversations we have shared with them. This document presents a history and provides detailed descriptions of some of the negative external factors we have experienced, including heavy traffic and safety issues along the Benvoulin Rd. corridor, the consequences of incompatible non-farm use on surrounding lands and several other challenges. We ask that, *before* continuing to read this application, you take the time to review the enclosed document, in order to fully understand our concerns. To be frank, we now feel as if we are farming amidst the dynamics of "downtown" Kelowna.

Farming Challenges vs Land Potential

Past communication with the Agricultural Land Commission (Marty Collins: June 4, 2014) has indicated the Commission acknowledges that the farming challenges we have discussed can limit agricultural potential and activity. However, the Commission also suggests that these challenges may not eliminate our land's agricultural potential.

If concern for a land's agricultural potential is of significance, then we ask: Why was non-farm use approval given for the expansion of the Fortis Operations Centre and the construction of the Kelowna Christian School? To elaborate further: There are 3 properties, side by side. Ours, the Fortis property and the Kelowna Christian School property. *All three properties were former grazing pastures because of their inferior soil conditions, in comparison to superior fertility levels on sites nearby.* Neither the Fortis nor the Christian School properties were ever developed to demonstrate their full agricultural potential, but rather, left mainly in pasture. They are now in non-farm use. Conversely, over the past 40 years, we *have* attempted to maximize our land's potential. Unfortunately, in doing so, we have had to face not only the typical farming challenges that Mother Nature presents, but, in addition, those *ongoing*, negative external factors brought on by the development and changes that have occurred, immediately surrounding us. The long-term result of this difficult situation is that we feel "boxed in" and that the challenges have become excessive.

Clearly, in considering whether farming challenges may or may not eliminate a land's agricultural potential, one thing is clear: Land, on its own cannot farm or grow quality crops. That requires the work and dedication of a skilled farmer. And farmers, like everyone else, should only be required to work under reasonable conditions.

Furthermore, we also understand that these challenges are not going to go away - not for us or for any other farmer, in the future. Looking beyond the Munson Rd. and KLO Rd. boundary, one can find other small acreages, but for the most part, they are situated within larger, solid blocks of agricultural lands that are involved in a variety of farming activities, thus not being "squeezed out" as we are.

A final note in discussing land potential: *As those who have worked our property for 40 years*, we state the following (also found in enclosed document, April 22, 2010): Our 6.5 acre parcel has several soil types, ranging from stony to light sandy, to excessively heavy, wet soil within zones of moderate fertility. These various soil types were deposited in a meandering fashion, running diagonally through the field by creeks and streams that flowed through the area, at peak run-off season, prior to the diking of Mission Creek. These variations in soil consistency make farming our land a serious challenge, and consistency of crop quality throughout the field, an impossibility.

Negative Impacts of ALR Exclusion

Moving forward, we would like to explain why we believe that an ALR exclusion of our property would have a negligible impact on any agricultural activity *immediately surrounding* us. Kelowna City Council and the Agricultural Land Commission have already given non-farm use approval for the Kelowna Christian School (1997) and the expanded Fortis Operations Centre (2001). Most recently (2015), approval was given (biodiversity application) for the Munson Pond Park. The 4th property bordering our farm is currently being used by Unique Pools and Landscaping, with some cedars growing towards the back of the property. It is important to note that this small acreage consists of only 2.5 acres. Furthermore, we ask that you take a drive down Munson Rd. and look at the property directly across from our driveway. Then, you will understand why an ALR exclusion of our property would have a negligible (if any) impact on the activities over there.

Future of Farming In Our Immediate Area

We would also like to discuss another important aspect of this application for exclusion: *the future of farming on agricultural lands fronting the Benvoulin Rd. corridor, between Munson Rd. and KLO Rd.*

Clearly, the large urban growth and other developments that have occurred within the Kelowna area during the past 40 years have presented challenges for the decision makers. However, we do wonder where, in their long term vision, was the significance of future farming on the above mentioned lands? Where was the concern for the impact that the increase in traffic would bring (in an already badly-congested KLO Rd. - Benvoulin Rd. intersection area) when allowing for the expansion of the Fortis Operations Centre, construction of the Kelowna Christian School and Williams Plaza (housing a daycare/preschool, automotive repair centre, fast food outlets and more)? Further to that, the impact from an increase in the speed limit and most recently, the addition of 2 traffic medians (on Benvoulin Rd., near Munson Rd), one of which is directly across from the access to our customer parking lot. *These traffic and safety issues are of particular concern to us because of the short distance between the location of our property and the KLO Rd. - Benvoulin Rd. intersection.*

Furthermore, whatever the *needs and justifications* may have been, we believe the approval for the construction of the Kelowna Christian School, the expansion of the Fortis Operations Centre and the development of the nearby Munson Pond Park have sent a clear signal: *farming is not the top priority on agricultural lands, in our immediate neighbourhood.*

We would also point out that some of the *effects* of those approvals include significant fragmentation and land use conflicts for us, the farmers, and our neighbours. For example, sharing a common border with the Kelowna Christian School playing fields presents challenges for crop management scheduling, such as timely spray applications. Secondly, it is not uncommon for large diesel trucks, located on the Fortis site, and backed up against our property

line, to be left idling. When harvesting, there are clients who do not want to pick berries close to the Fortis property.

Further to the discussion of land use conflicts, we have been observing a variety of questionable farm use applications along Munson Rd. for several years and records will show that we have communicated these concerns to Kelowna City Hall and the Agricultural Land Commission. Some of these practices have ceased while new ones have emerged. *That such questionable farm use applications continue indicates, in our view, that the importance of future farming within our immediate area, is also questionable.* As a case in point, Unique Pools and Landscaping (previously mentioned, and located at the corner of Munson Rd. and Benvoulin Rd.) is adjacent to our field. The materials excavated for pool site preparation are hauled to and screened at this location, resulting in a considerable level of noise and dust generated, creating an unpleasant atmosphere for our strawberry pickers and ourselves, when working in the field.

In conclusion, we would like to mention that, when, in the past, we have informally presented our farming challenges to the decision makers, with the suggestion that our land be considered for ALR exclusion, we have received some verbal responses that show concern for the "domino" effect, the "tip of the iceberg" scenario and the OCP regulations. There was even a suggestion that if we were unhappy, we could always "sell it." Such comments are easily made but do not take on the responsibility of dealing with the *consequences* of past decisions. Rather, such responses perpetuate the responsibility on the shoulders of the farmer - *the person not responsible for making those decisions.*

If future farming within the previously discussed block of agricultural lands is not the top priority (and past approvals, ongoing, questionable farm use practices and non-farm use conflicts indicate this) - then, *so be it.* In our view, it has been demonstrated that greater community needs such as a private school, a private utility company and a green space have priority over farming. However, we believe it is time for those who are in the position to make change, to *acknowledge* that the resulting farming challenges and neighbourhood disharmony need to stop. It is time to consider our needs, just as you have, in the past, considered the needs of our neighbours. We ask that you reconsider the zoning of our property and allow our land to have ALR exclusion. That will take the responsibility of dealing with *chronic* farming challenges off of the farmer's shoulders and bring an improved measure of harmony to the area.

Thank you for your consideration.



Gabe Coupal



Linda Coupal

Gabe and Linda Coupal

1789 Munson Road

Kelowna, B.C. V1W 2G8

e-mail: gabecoupal@shaw.ca

ALC FILE #: G-37151

April 22, 2010

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gabecoupal@gmail.com

Provincial Agricultural Land Commission

133 – 4940 Canada Way

Burnaby, B.C. V5G 4K6

Attention: Colin Fry (Executive Director) and Martin Collins (Regional Planner)

Thank you for your thoughts and time during our recent phone conversations. Please find enclosed copies of information discussed with Danielle Noble, Birte Decloux and Gary Stephen (City of Kelowna's Land Use Management) on Wednesday, April 21, 2010. Copies have also been forwarded to Kelowna Mayor Sharon Shepherd and Councillors.

Yours truly,



Linda Coupal

NEGATIVE EXTERNAL FACTORS AFFECTING OUR FARMGATE U-PICK STRAWBERRY OPERATION

1. TRAFFIC CONCERNS

As stated before, our strawberry farm fronts the Benvoulin Road Corridor, specifically between the busy Benvoulin - KLO Road Intersection and the busy Benvoulin - Cooper - Springfield Road intersections, which then lead to the Orchard Park and Highway 97 connections. This entire area generates a great deal of traffic, much of which passes by our farm. This has not always been the case. This traffic increase is another example of how we have witnessed the Benvoulin Road rural/farming area go through many changes. As Kelowna has grown, decisions made at the municipal (and possibly other?) level have led to a widening of Benvoulin Road, as well a recent speed limit increase from 60 kms an hour to 70 kms an hour. Along with accompanying urbanization and other non farm developments within this area, the Benvoulin Road Corridor is now one of the busiest travel routes within Kelowna.

Our harvest season occurs during June and part of July, lasting about 5 1/2 weeks. Because we operate mainly as a u-pick, and because strawberries are so perishable, a very brisk response from many customers is required, within a short period of time. Needless to say, this adds to the already busy traffic on Benvoulin Road.

In addition, we must work around the most intense periods of heat during the day, still allowing ample time for our perishable product to get picked and flexible hours within which customers can pick. Consequently, our hours of operation are generally from 6:45 am until 11:00 am and from 5:00 or 6:00 pm until 8:00 pm –coinciding with some of the most intense Benvoulin Corridor traffic periods, as people commute to and from work and students commute to the several schools within the Benvoulin – KLO area. In addition, there are many other Kelowna residents travelling to and from the many businesses located within this area, during these hours. At this time of year, tourists can be added to the mix. Traffic does get backed up, from KLO Road beyond Munson Road. Often, amidst all of this traffic flow, it has become an exercise in Russian roulette for our customers to enter and exit our site.

Our parking lot faces Benvoulin Road, at the front of our property, the logical location. For much of the u-pick season, it is simply too small to accommodate the number of customers who come out to pick. Often, all the parking spaces are filled within a short period of opening time, resulting in vehicles entering and circulating the small congested area, desperately trying to find a parking spot. Regrettably, they have to be directed back on to Benvoulin Road, by our parking attendants. The busy traffic on Benvoulin Road does not always allow for a quick exit off our property, which adds to the congestion within our parking lot.

Once their vehicles are back onto Benvoulin Road, potential customers often drive slowly, attempting to find parking within other parking lots along the same side of Benvoulin Road. (For example, the Fortis employee parking lot next door or the Christian School parking lot.) Since our last strawberry cultivation, a strip mall has been established, close by, on the corner of the Benvoulin – KLO intersection. We are concerned that our future customers may attempt to park there, causing a lack of parking for the tenants and customers of the strip mall.

Another alternative for rejected customers is to attempt to re-enter our site, by parking along the sides of the narrower Munson Road. This can create difficulties for residents living on this road.

Sometimes, our customers simply have to leave, disgruntled. We have heard comments like "I don't want to pick there anymore. It's a zoo over there."

It is obvious that this overall situation is problematic for our customers, ourselves and our non-farming neighbours. Regrettably, because we are such a small acreage, we simply do not have the space to increase our parking lot capacity, without compromising our already small 3.5 acre strawberry field. To add to the above mentioned problems, there are those drivers, who, seemingly within any given, well-signed parking lot, still attempt to enter through the exit and exit through the entrance. Again, we have parking attendants, because we are concerned for everyone's safety, while travelling along this busy Benvoulin Corridor.

There have been vehicle accidents over the years, as people attempt to exit our farm and get back onto busy Benvoulin Road. Given the amount of traffic now flowing along this stretch of road, along with the increased speed limit and all- too- frequent speeders, it is a concern that in the future, there will be a fatality, as customers attempt to enter and exit our farm gate operation.

On some occasions, due to sun exposure, we have required the assistance of an ambulance, in attending to customers. Due to the traffic congestion along Benvoulin Road and within our small parking lot, the ambulance drivers experienced some difficulty entering the site, delaying assistance to those in need.

2. NOISE FACTORS

In discussing traffic concerns along Benvoulin Road, it is important to acknowledge the amount of vehicular fumes emitted and the intensity of noise that we experience throughout our u-pick season, generated from traffic. Since our fruit stand is located close to Benvoulin

Road, the logical location, intense traffic noise makes communication between staff and customers difficult. Screeching tires, from applied brakes is not an uncommon sound, creating immediate concerns of a possible collision. Furthermore, the increasingly frequent sound of police cars, fire trucks and ambulances "rushing" past our site, adds to this unsavory atmosphere.

3. NEIGHBOURHOOD CONCERNS

There was a time when small parcels such as ours, coupled with another two or three of similar size, afforded financial viability, provided that expertise and great effort were part of the equation. The considerable number of land units that I have worked and cropped at the same time, during past years, support this claim. However, with changes in land ownership and demographics, opportunities to rent such parcels have become a challenge. Furthermore, moving farm machinery along the busy Benvoulin – KLO roadway has become too dangerous.

In recent years, we have concentrated on the need to grow specialty crops. This was done to maximize returns, due to the restrictive size of this site. However, repeated cultivation of the same crop, on the same site, in an effort to maximize returns, has generated a new set of challenges. These hurdles come in the form of tenacious weed varieties such as Morning Glory and various soil borne viruses that become established and render mono culture unfeasible. Also, crop site rotation and summer fallowing, two beneficial farming practices, are not practical or financially feasible, on such a small parcel of land.

In considering alternative practices such as greenhouses, nursery stock or landscaping operations, one only has to take a look at the numerous examples of these current practices within the Benvoulin – KLO area. The question that follows is "Have we reached the saturation point?"

4. VANDALISM

The location of our fruit stand - close to Benvoulin Road - has made this building a target of repeated vandalism. Expensive repair to our refrigeration unit has occurred more than once. Break ins into the storage area have occurred many times, along with graffiti, on the exterior of the building. Overnight "lodging", accompanied with body function deposits are all regular, disappointing occurrences. Vehicles have jumped the curb at night and driven through crops

and over irrigation lines. Some vandals enjoy the act of hand scattering sprinkler heads. These sprinkler heads cannot be located soon enough during the hot season, without having to purchase replacements.

Midnight harvesting is not unusual. Fencing off would further shrink the parking area, which needs to be open, early in the morning, to allow for the "early birds" to come in and off Benvoulin Road.

OTHER RELEVANT FACTORS

1. STAFFING ISSUES

One of the consequences of operating a strawberry patch on a small acreage is the inability to produce sufficient ripe berries for harvest, on a daily basis. This, coupled with unpredictable weather concerns, forces us to face the additional challenge of hiring adequate staff. Since we cannot provide applicants with a regular, daily work schedule, over an extended period of time, potential employees look elsewhere for more secure employment opportunities. Even worse, after the harvest season has begun, hired employees often leave us, when more suitable employment is found.

2. LAND CAPABILITY

Our farm property, as well as that of the neighbouring Fortis and Christian School sites, were former horse grazing pastures and never intensively farmed because of their inferior soil conditions, in comparison to superior fertility levels found on sites, nearby.

Our 6.5 acre parcel has several soil types, ranging from stony to light sandy, to excessively heavy, wet soil within zones of moderate fertility. These various soil types were deposited in a meandering fashion, running diagonally through the field by creeks and streams that flowed through the area, at peak run-off season, prior to the diking of Mission Creek. These variations in soil consistency make farming our land a serious challenge and consistency of crop quality throughout the field, an impossibility.

LOOKING AT THE BIG PICTURE

Linda and I have now expressed our concerns regarding the difficulties and dangers we now experience, in attempting to farm our small acreage. At the same time, we need to be cognizant of the needs and future needs of our combined farming and non-farming neighbourhood (within the boundaries of Munson Road and KLO Road.)

We recognize the importance for the City of Kelowna to maintain green space, for the overall well being of our community. As a case in point, we appreciate the City's intent to establish a park, sometime in the future, surrounding Munson's Pond, behind our property. Finally, we do understand the need and importance of the Agricultural Land Commission's mandate to ensure that if the Reserve is to be maintained, for the future, it cannot be eroded by endless deletion of land or by endless advancement of non-farm uses and subdivisions.

We ask the following question: Given everything discussed in the previous pages, what would be the more important, long term land use of our property?

Would it be to keep it within the existing zoning regulations, as a farm? Would exclusion from the Land Reserve of our property, for a greater community need, make a significant impact on our future bread basket concerns? Would more flexible zoning, allowing more uniformity and greater efficiency within our current neighbourhood (which includes public serving entities, such as a school, public utility and future park) be of a greater benefit?

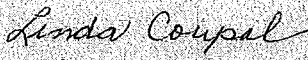
Is it realistic to expect (given the rate of development that Kelowna, and specifically, the Benvoulin Road area, has experienced since our family purchased this property in 1971), that the current dangers and difficulties that we now experience in farming our acreage would be reduced, in the future?

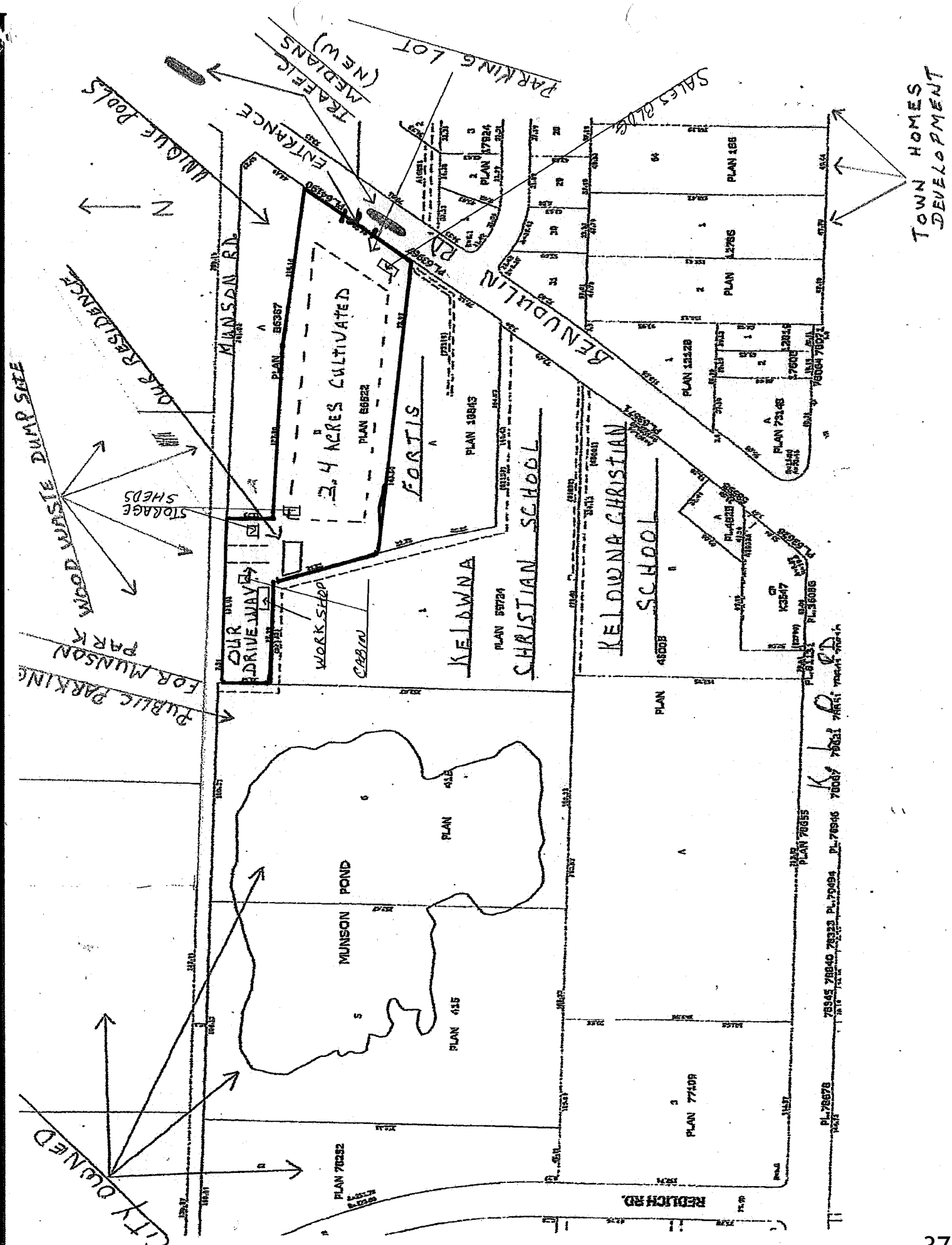
So again, we ask the question: How will our property better serve the long term needs of our neighbourhood and the community, at large?

We thank you for your consideration.

Yours truly,


Gabe Coupal


Linda Coupal







Agricultural Advisory Committee Minutes

Date: Thursday, July 9, 2015
 Location: Council Chamber
 City Hall, 1435 Water Street

Committee Members Present: John Janmaat (Chair), Yvonne Herbison (Vice Chair), Keith Duhaime, Tarsem Goraya, Jeff Ricketts (Alternate), Kevin Daniels (Alternate) and Jill Worboys (Interior Health)

Committee Members Absent: Domenic Rampone, Ed Schiller and Pete Spencer

Staff Present: City Clerk, Stephen Fleming; Planner, Melanie Stepphun and Legislative Systems Coordinator, Sandi Horning

(* denotes partial attendance)

1. Call to Order

The Chair called the meeting to order at 6:02 p.m.

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

2. Applications for Consideration

2.1 1629-1649 KLO Road, A15-0006 - Western Global Enterprises Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the application.
- The applicant is seeking approval from the Agricultural Land Commission under Section 20(3) of the *Agricultural Land Commission Act* for a "non-farm use" to allow for landscape supply sales.
- The property was previously farmed in corn and potatoes. In 2012, Better Earth Garden Centre leased the property for their landscape and garden centre business. Portions of the property were also sub-leased to three (3) other tenants, including another landscape company.
- In 2014, the City of Kelowna Bylaw Enforcement received complaints about dust and noise on the property. The Agricultural Land Commission also received complaints, and in July of 2014, a Stop Work Order was sent by Agricultural Land Commission Enforcement personnel.

- In the summer of 2014, the applicants met with planning staff to review options for compliance, and began to terminate the leases of the other sub-tenants, and to clean up the majority of the site and return it to agriculture.
- The applicants have worked since 2014 to bring the site into compliance, however, it has been decided that their business requires a larger non-farm retail sales area than is permitted under the Agricultural Land Commission's Regulations.
- This application is a request to the Agricultural Land Commission to allow the non-farm retail sales for their operation to be expanded to 700 meters square, from 150 meters permitted, to allow for landscape soil products, including topsoil, rock and wood mulches, compost products such as OgoGrow, and fertilizer.
- The subject property is approximately 5.03 hectares or 12.4 acres in size and is located in the South Pandosy/Mission Sector of the City along KLO Road, west of Benvoulin Road.
- The site is in the Agricultural Land Reserve, surrounded by Agricultural Land Reserve properties to the north and south. Residential neighbourhoods lie immediately east and west.
- The plans for the property include farming the majority of the parcel in alfalfa. The area immediately adjacent to KLO Road will be used for the garden centre, which will include a shop, customer parking, an office, a greenhouse, trees and shrub growing areas and retail sales, as well as landscape soil products (topsoil, rock, wood mulch, compost, fertilizer).
- The topsoil and compost products will not be taken from or produced on site, but will be brought in from off-site suppliers.
- If the Agricultural Land Commission approves the use, a site specific City of Kelowna Text Amendment will be required in order to allow the use in the A1 - Agriculture 1 Zone.
- Responded to questions from the Committee members.

Alexander & Krystal Luymes, Applicants:

- Advised that they were unaware of all the Agricultural Land Commission's Regulations when they first leased the property and are now trying to bring the site into compliance.
- Responded to questions from the Committee Members.
- Advised that they are requesting 700 square meters of non-farm use area in order enable their business to sell a variety landscape material. The allowable 150 square meters is not large enough for the number products they wish to sell.
- Confirmed that they farm the entire site.
- Advised that they do not cut the alfalfa themselves, they hire someone to do that for them.
- Advised that if the non-farm use is approved, they will be planting trees and plants to support the business.
- Confirmed that the trees and plants are currently brought in from off-site.
- Spoke to what they have done to ensure that the soil would not be contaminated. All the rock and concrete that was there when they first leased the property has been taken away.
- Advised that they have an on-site compost area.
- Advised that any soil that was brought in from off-site was there prior to them leasing the property.
- Advised that when they leased the property they were informed that the activities on the site were legal.
- Advised that soil testing has not been completed, however Agricultural Land Commission staff have been on site and did conduct an inspection. They were advised that the Agricultural Land Commission did not have any concerns with the soil.
- Advised that their intent is to ensure that the quality of soil remains at a high level.
- Advised that the pressure chips would be for the benefit of the non-farm use area of the site and would not necessarily benefit agriculture.
- Confirmed that they do not use herbicides as part of their weed control. The weeds are cut on a regular basis.
- Confirmed that if the business does well, the 700 square meters of non-farm use area will accommodate any potential future expansion.

AAC/Staff Discussion:

- Staff confirmed that the other businesses in the area are also located within the Agricultural Land Reserve.
- Staff confirmed that if the Agricultural Land Commission approves this non-farm use application and in the future, the Applicants wish to expand the area, another application to the Agricultural Land Commission would be required.

A motion by Jeff Ricketts not to recommend that Council support an application to the Agricultural Land Commission under Section 20(3) of the *Agricultural Land Commission Act* for a "non-farm use" within the Agricultural Land Reserve for a portion of the property to operate as a landscape centre was lost due to a lack of a seconder.

Moved By Keith Duhaime/Seconded By Yvonne Herbison

THAT the Agricultural Advisory Committee recommends that Council support an application to the Agricultural Land Commission under Section 20(3) of the *Agricultural Land Commission Act* for a "non-farm use" within the Agricultural Land Reserve for a portion of the property to operate as a landscape centre.

Carried
Jeff Ricketts - **Opposed**

3. Minutes

A Committee Member questioned the content of the June 11, 2015 Minutes with respect to the Farm Housing Application for the property located at 1090 McKenzie Road.

The City Clerk spoke to the minute-taking process and confirmed that the City of Kelowna does not take verbatim minutes.

Moved By Yvonne Herbison/Seconded By Tarsem Goraya

THAT the Minutes of the June 11, 2015 Agricultural Advisory Committee meeting be adopted with a note that the omission of the discussion regarding the Farm Housing Application for the property located at 1090 McKenzie Road be raised at the next Committee meeting.

Carried

The Committee Members had a discussion with respect to the process and procedure at meetings and how to deal with the discussion around support or non-support of motions. For the time being, the Committee Members agreed to have a discussion prior to a motion being put on the floor with a view to moving towards having a motion put on the floor first and then discussing it.

4. Referrals

There were no referrals.

5. Old Business

5.1 Update of Agricultural Land Commission Decisions

Staff provided an update on the following Agricultural Land Commission applications:

- 1) 3150 Balldock Road - Application for Subdivision
 - Supported by the Committee

- Supported by Council
 - Refused by the Agricultural Land Commission
- 2) 2105 Morrison Road - Application for Subdivision
- Not supported by the Committee
 - Supported by Council
 - Refused by the Agricultural Land Commission
- 3) 4410 Wallace Hill Road - Application for Non-Farm Use (Apple Vodka Distillery)
- Supported by the Committee
 - Supported by Council
 - Refused by the Agricultural Land Commission
- 4) 342 Valley Road - Home Site Severance Application
- Supported by the Committee
 - Supported by Council
 - Approved by the Agricultural Land Commission

6. New Business

6.1 Agricultural Planning Overview

Staff:

- Displayed a PowerPoint presentation and provided an overview of agricultural planning within the City of Kelowna, including:
 - Permitted Uses on agricultural lands;
 - Non-farm use applications for carriage houses;
 - Home-based businesses;
 - Retail sales;
 - Landscaping companies;
 - Farm help dwellings - Seasonal farm worker housing and Full-time farm help;
 - Weddings;
 - Farm Protection Development Permits;
 - Resource materials;
 - Legality of Rationale;
 - Strategy; and
 - Other municipalities;
- Responded to questions from the Committee Members.

7. Next Meeting

The next Committee meeting has been scheduled for August 13, 2015.

8. Termination of Meeting

The Chair declared the meeting terminated at 7:14 p.m.

John Janmaat, Chair

/slh