

Agricultural Advisory Committee

AGENDA



Thursday, February 11, 2016

6:00 pm

Council Chamber

City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

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

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

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

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

2. Applications for Consideration

2.1 4491 Stewart Road West, A15-0014 - David Pihl

3 - 26

To obtain approval from the Agricultural Land Commission (ALC) under Section 20(3) of the Agricultural Land Commission Act for a "Non-Farm Use" within the Agricultural Land Reserve (ALR) to construct a permanent dwelling for full time farm help.

2.2 3110 Mathews Road, A15-0008 - Victoria Turton

27 - 61

The applicant is requesting permission from the Agricultural Land Commission (ALC) for a Non- Farm Use on Lot 111 Section 3 TWP 26 ODYD Plan 1247, to remove up to 40,000 metric tonnes of sand and gravel from the property and reclaim to agriculture, from the Agricultural Land Reserve (ALR), under Section 20(3) of the Agricultural Land Commission Act.

3. Minutes

62 - 67

Approve Minutes of the Meeting of December 10, 2015.

4. Referrals

Nil

5. Other Business

1. Update - Ministry of Agriculture - Discussion Paper Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve
2. Update - Okanagan Agricultural Adaptation Strategy Workshop
3. Update - Agri-tourism Accommodation Enforcement
4. Update - Landscape/Contracting Companies on ALR Enforcement

6. New Business

1. Okanagan Agricultural Adaptation Strategy Workshop
2. Council Agricultural Workshop (January 11, 2016)
3. ALC Staff Meeting (February 2, 2016)
4. Planning Institute of BC Conference - Kelowna May 11th and 12th - Agricultural Mobile Tour

7. Next Meeting

March 10, 2016

8. Termination of Meeting

COMMITTEE REPORT



Date: February 11, 2016

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (TY)

Application: A15-0014

Owner: Delauralyn M. Pihl

Address: 4491 Stewart Road West

Applicant: David Pihl

Subject: Application to the ALC for a Non-Farm Use (Permanent Farm Help Dwelling)

1.0 Purpose

To obtain approval from the Agricultural Land Commission (ALC) under Section 20(3) of the Agricultural Land Commission Act for a "Non-Farm Use" within the Agricultural Land Reserve (ALR) to construct a permanent dwelling for full time farm help.

2.0 Proposal

2.1 Background

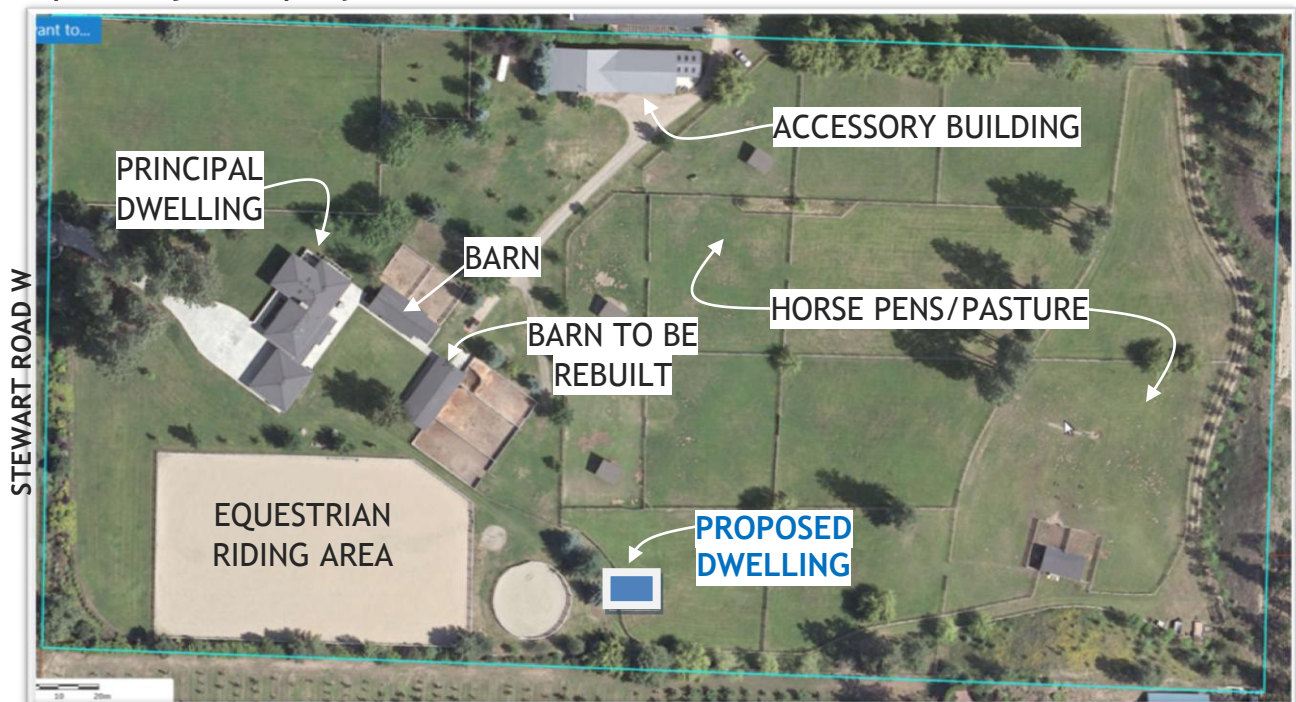
The subject property is 12.0 Acres/4.9 Hectares in size, located in the Southeast Sector of Kelowna. The current owners purchased the subject property in 1997 and operate a breeding operation for thoroughbred horses. The owners have applied for a Non-Farm Use application through the Agricultural Land Commission (ALC) for a permanent single family dwelling for full time farm help. Should the ALC resolve to allow the use, the application would require a Farm Protection Development Permit in order to proceed.

The operation currently includes five breeding mares. At any given time there may be between 1 to 3 foals and the same amount of yearling and two year old thoroughbred horses. Typically, over the first two years foals born on the property return for training and boarding between new homes. The owners also undertake training horses not born on their farm.

In October of 2015 the owners received a Farm Protection (DP15-0193) permitting an existing horse barn to be replaced on the property. The new agriculture building includes a tack room, feed storage room, wash bay along with indoor horse stalls. A staff kitchen and meeting room is located on the first storey with a viewing turret designed on the second storey of the barn with a 360° view of the property.

The owners are currently applying for a non-farm use through the ALC to allow a secondary detached dwelling to accommodate full time permanent farm help. A single storey dwelling is proposed 120 m² with an attached carport and covered deck. The dwelling is proposed to be located along the south property line, approximately 60 m from the newly constructed barn and approximately 90 m from the principal dwelling.

Map 1 - Subject Property



The following buildings and uses exist on the property:

- One single family dwelling with attached garage and lawn area (4,300 m²)
- 350 m² Agricultural Accessory Building
 - A three sided shelter, housing farm implements and hay. The eastern portion is an enclosed greenhouse.
- 110 m² Horse Barn
- 293 m² Horse Barn - *To be constructed Building Permit has been issued*
- 6 individual horse shelters in pasture areas
- Outdoor fenced training areas
- On-site manure and garden composting
- Vegetable & fruit garden (organic)

The only vehicle access to existing agricultural outbuildings on the subject property is a driveway that originates from the neighbouring property to the north. This property, 4471 Stewart Rd W is owned by the applicants, their son and daughter in law.

2.2 Project Description

The proposed dwelling is 7.3 m x 16.5 m in size (120 m²) and is proposed with a permanent water source from South East Kelowna Irrigation District (SEKID) and an on-site septic system. The owner wishes to extend the existing drive to access the new dwelling from 4471 Stewart Rd W.

This Non-Farm Use would allow 0.1 acre (0.04 ha) for non-farm uses, for the detached dwelling described above.

The applicants would like to accommodate a full time employee to ensure 24 hour care of the livestock on their property. This care to date has been undertaken by the owner and multiple full and part time staff. As the owners are aging they would like to ensure the full time work of caring for the horses is looked after by a person living on-site. They have experienced difficulty finding qualified full time, 24 Hour care without an on-site dwelling.

The full time farm help workers are to provide care for all horses on the property. Duties for the thoroughbred horses range from:

Daily

Feeding Of Livestock, Cleaning Of Stalls and Shelters, Pasture Fence & Outbuilding Maintenance, On-Site Manure And Garden Compost.

Recurring (24 hours)

Monitoring Pregnancy, Aiding In Birth of Foals, Caring For Foals Colts & Fillies.

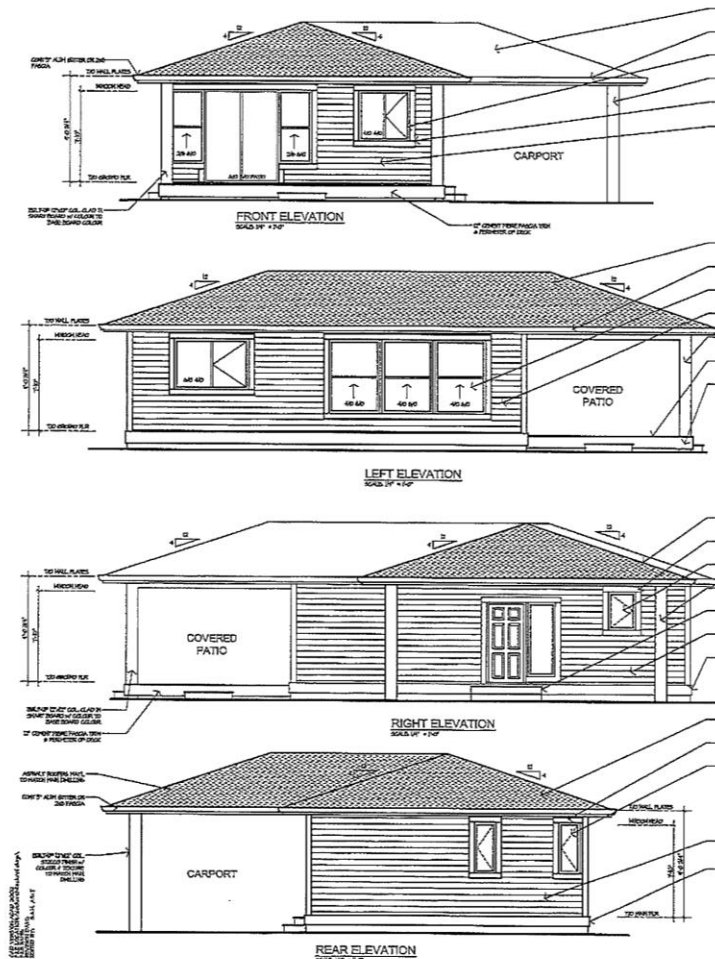
Recurring

Horse Training, Basic Equestrian Medical Needs.

The applicant is not wishing to broaden their agricultural activities but rather continue existing agricultural operation with assistance from full time staff. The owners have considered the following in selecting a detached dwelling in the proposed location:

- Privacy and quality of living arrangements for professionals that will be working full time on their farm.
- Ease of vehicle movement and parking in relation to visitors and grandchildren near the principal dwelling.
- Visibility of pasture area from the proposed dwelling.

Map 2 - Proposed Dwelling



2.3 Site Context

The subject property is located in the Southeast Kelowna Sector of the City and is within the Agricultural Land Reserve. The Future Land Use of the property is Resource Protection Area (REP). It is zoned A1 - Agriculture 1 and is outside of the Permanent Growth Boundary. The property slopes gently from 499 metres above sea level (masl) at Stewart Road West, to 495 masl at the east property line, with a depression of 492 masl in the northeast quadrant of the property.

Parcel Summary: Parcel Size 4.9 ha (12.07 acres) Elevation 499 to 492 (masl)

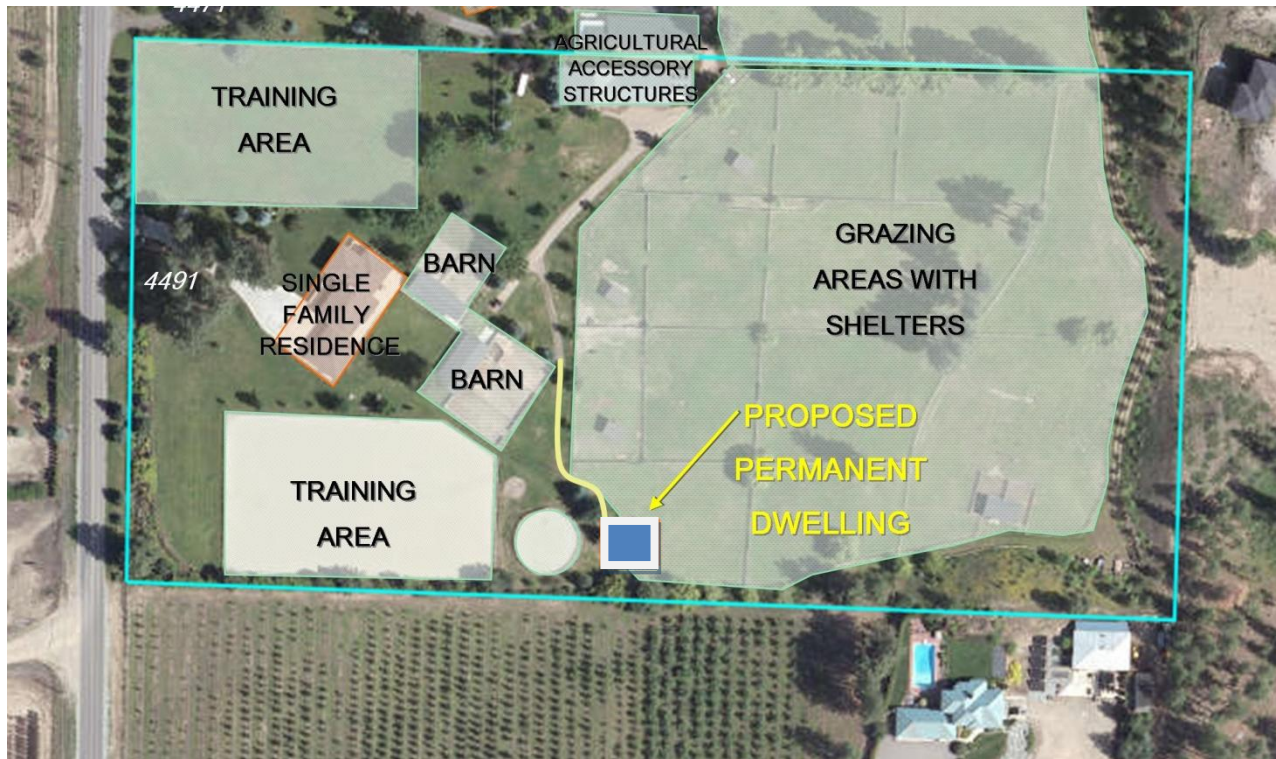
Map 3 - Neighbourhood



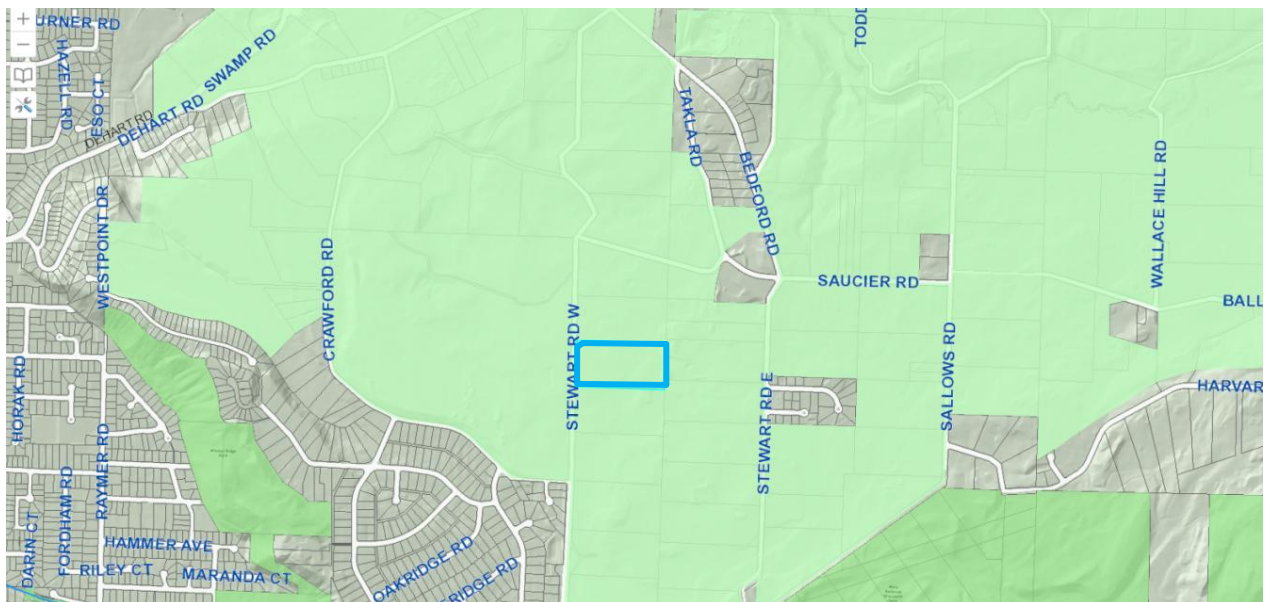
Map 4 - 4471 & 4491 Stewart Rd W - Existing Joint Farm operation, Owned by Pihl Family



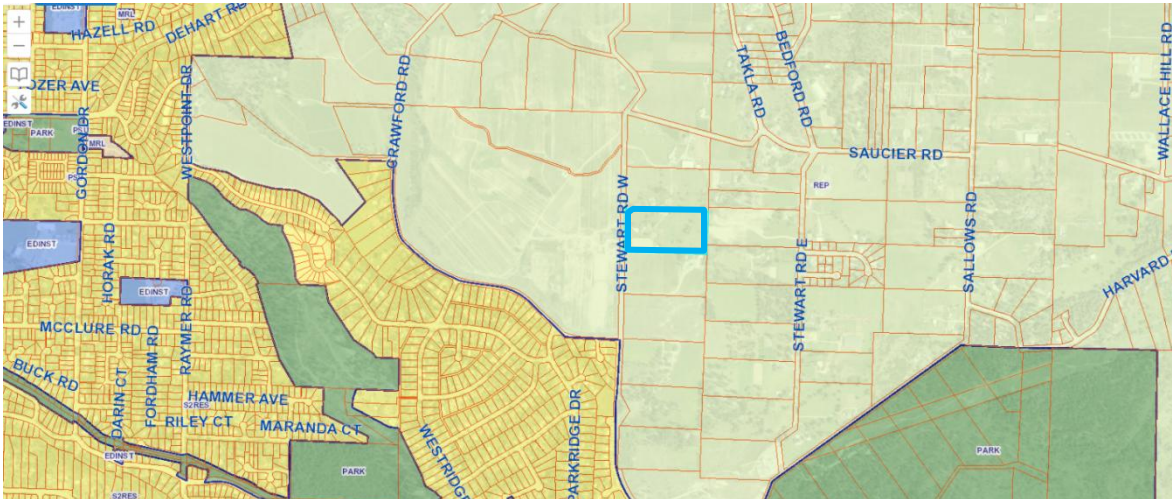
Map 5 - Farm Operation - 4491 Stewart Rd W



Map 6 - Agricultural Land Reserve



Map 7 - Future Land Use



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 / Rural Residential
South	A1 - Agriculture 1	Yes	Agriculture / Rural Residential
East	A1 - Agriculture 1	Yes	Agriculture / Rural Residential
West	A1 - Agriculture 1	No	Agriculture

2.4 Agricultural Capability / Soil Types

According to the Canada Land Inventory (CLI), the subject property contains primarily Class 4A and Class 5A Agriculture Capability. The subclass 'A' indicates soil moisture deficits, and is considered improvable with irrigation. A portion of the property has the limitation of subclass 'T' which indicates challenges with topography, which is crop dependent, but not considered improvable. With improvements (irrigation), the agricultural capability of the property could be improved to 18% Class *2A and 63% Class *3 and 19% *3T capability. Class *3T capability indicates 16 to 30% simple slopes or complex slopes from 11 to 30%, with some limitations due to topography and aridity (see attachment). Class 1 through Class 3 is considered prime agricultural land, and is relatively rare in the Okanagan.

According to the Soils Classification of BC, the soils on the property are 52% Parkill soils, and 16% Paradise soils, 17% Trout Creek soils, 15% Gammil soils (along the west steep slopes).

Parkill, Paradise and Trout Creek soils are often closely associated with one another. They are generally sandy characteristic with low water holding capacity. These soils are mostly utilized for fruit trees and vineyards, natural grazing or hay production. Raw land with these soils consist of Ponderosa Pine, Douglas-fir and various grasses in the understory.

Parkill soils are Sand or loamy sand texture with overlying sand and very occasional gravelly sand deposits. The soils are rapidly drained, pervious and have low water holding capacity and slow surface runoff. Well suited for agriculture with limitations of low water holding capacity. Raw land consists of Ponderosa Pine, Douglas-fir and grass in the understory. The soils are well suited for orchards and vineyards.

Paradise soils have developed a sandy veneer between 25 and 60 cm thick, overlying gravelly fluvialglacial deposits. They tend to be moderately to coarse textured and well drained. They are generally farmed for tree fruits and vineyards, or intensive vegetable production.

Trout Creek soils are sandy loam which change abruptly in the subsoil to very gravelly sand. Textured fluvial veneer between 60 and 100 cm thick overlying gravelly, very coarse textured fluvialglacial deposits. The soils are rapidly drained and pervious, low water storage capacity and slow surface runoff. The soils are well suited for most climatically adapted crops with limitations of water holding capacity and adverse topography.

Gammil soils typically in gently to extremely sloping topography. 10 to 25 cm of sandy materials overly coarse-textured, stony and gravelly fluvialglacial deposits. Gammil soils are limited for agricultural uses due to the stoniness, low water holding capacity and adverse topography. Where possible, these soils are utilized as tree fruits, vineyards or hay production.

3.0 Rural and Suburban Planning

The AAC should consider:

- City of Kelowna agriculture policy; and
- Potential impacts to agriculture, both on the subject property and to neighbouring farms.

Report prepared by:

Tracey Yuzik, Planner

Approved for Inclusion: ☐ Todd Cashin, Suburban and Rural Planning Manager

Attachments:

Site Photos

Attachment A - Policies

Attachment B - Technical Comments

Subject Property Map

Agricultural Land Capability Map

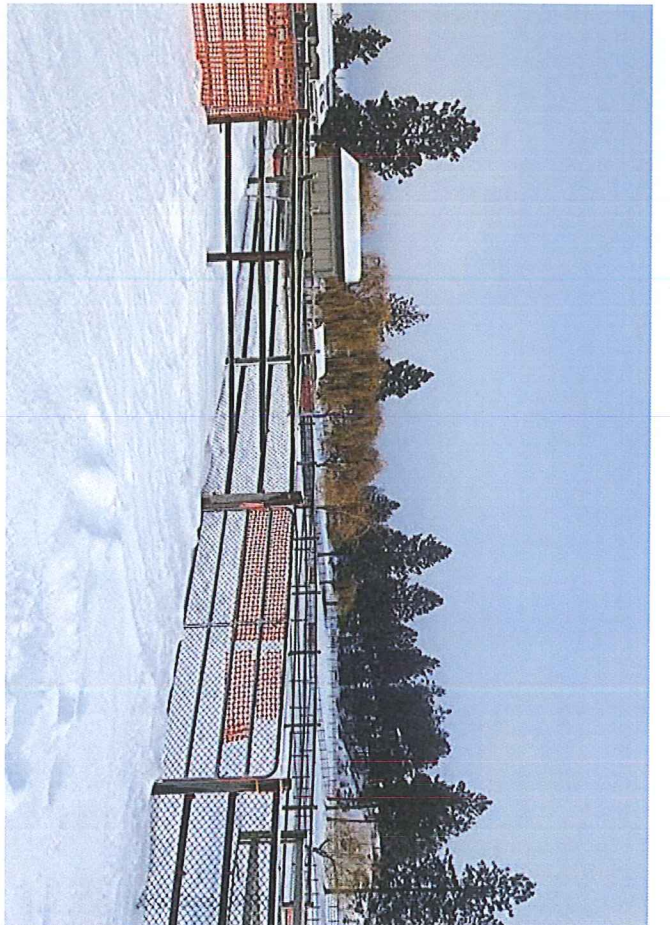
Soil Capability Map

BCLI Land Capability Legend

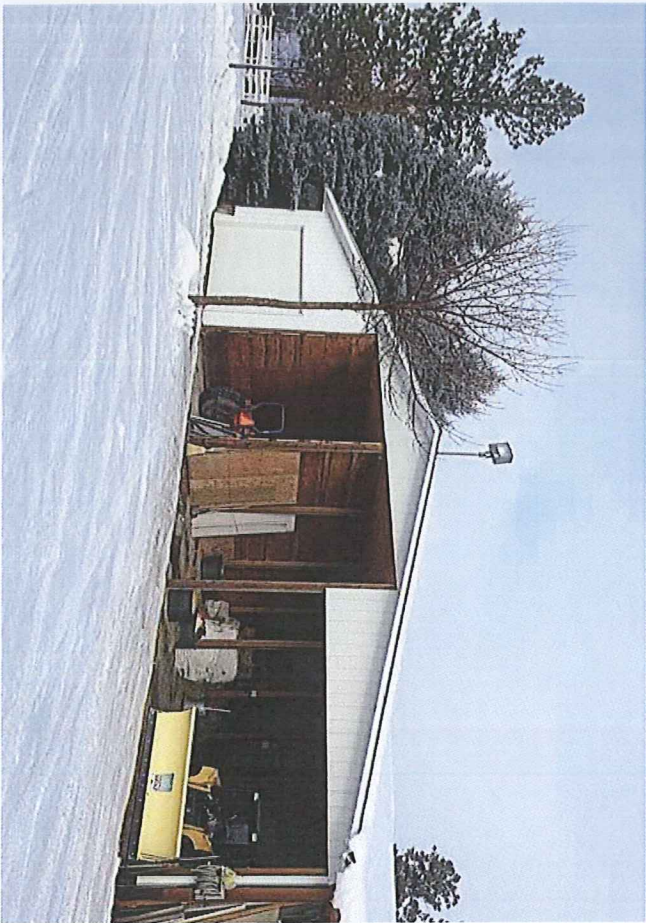
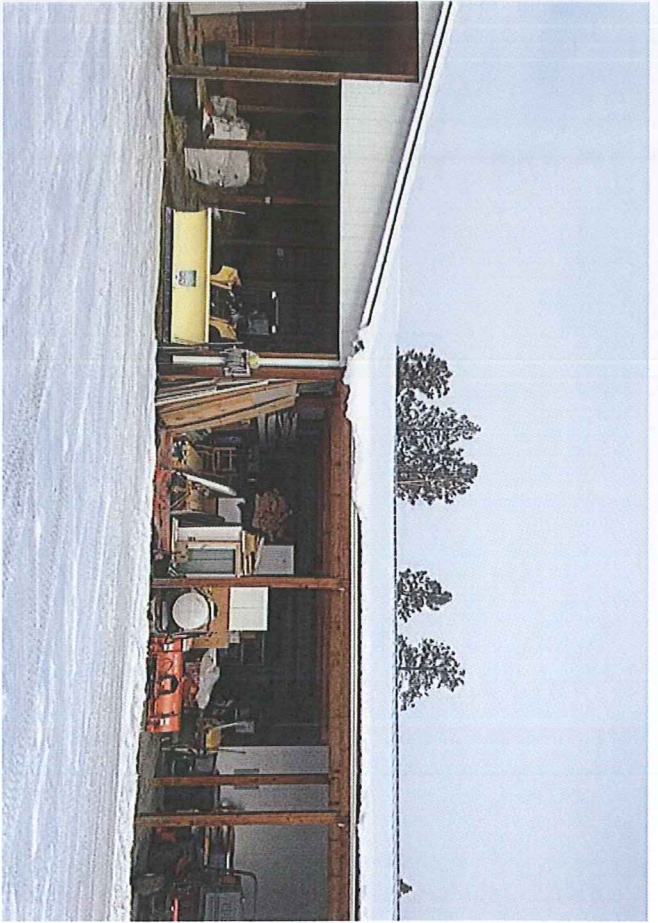
Applicant ALC Application for Non-Farm Use (Supplementary Information)

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.







ATTACHMENT A - Policies



Subject: Non-Farm Use Application to the ALC (Permanent Farm Help Dwelling)
4491 Stewart Road W

1.1 Kelowna Official Community Plan (OCP)

Future Land Use¹

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

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

Farm Protection Development Permit Guidelines²

Farm Protection Development Permit Guidelines include:

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

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

Objective 5.33 Protect and enhance local agriculture³.

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

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

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

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

Objective 5.34 Preserve productive agricultural land⁴.

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

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

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

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

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

Policy .3 Homeplating. Locate buildings and structures, including farm help housing and farm retail sales area and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage. The goal should be to maximize use of existing infrastructure and reduce impacts on productive agricultural lands.

1.2 City of Kelowna Agriculture Plan

ALR Application Criteria⁵. Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported.

General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.

1.3 Agricultural Land Commission Act (ALCA)

Purposes of the commission - Section 6 of the ALCA

The following are the purposes of the commission:

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

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

ATTACHMENT B - Technical Comments



Subject: Non-Farm Use Application to the ALC (Permanent Farm Help Dwelling)
4491 Stewart Road W

1.1 Community Planning

Staff recommend looking into alternative options such as suite in the principal dwelling or new agricultural structure to be constructed.

The applicants have completed appropriate permits and application processes for all improvements to the land.

1.2 Bylaw Services

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

1.3 Building & Permitting Department

Full Plan check for Building Code related issues will be done at time of Building Permit applications.

1.4 Development Engineering

The Development Engineering Department has no comments at this point in time with regard to this application, however, a comprehensive report will be provided at the time of development application submission when the Agricultural Land Commission agrees to the proposed activity on the subject property.

1.5 Irrigation District- Southeast Kelowna Irrigation District

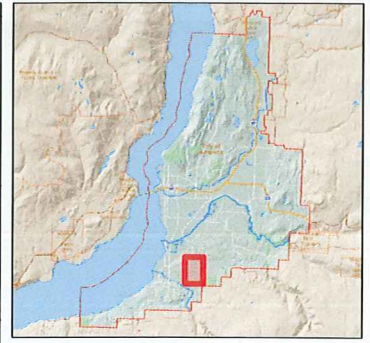
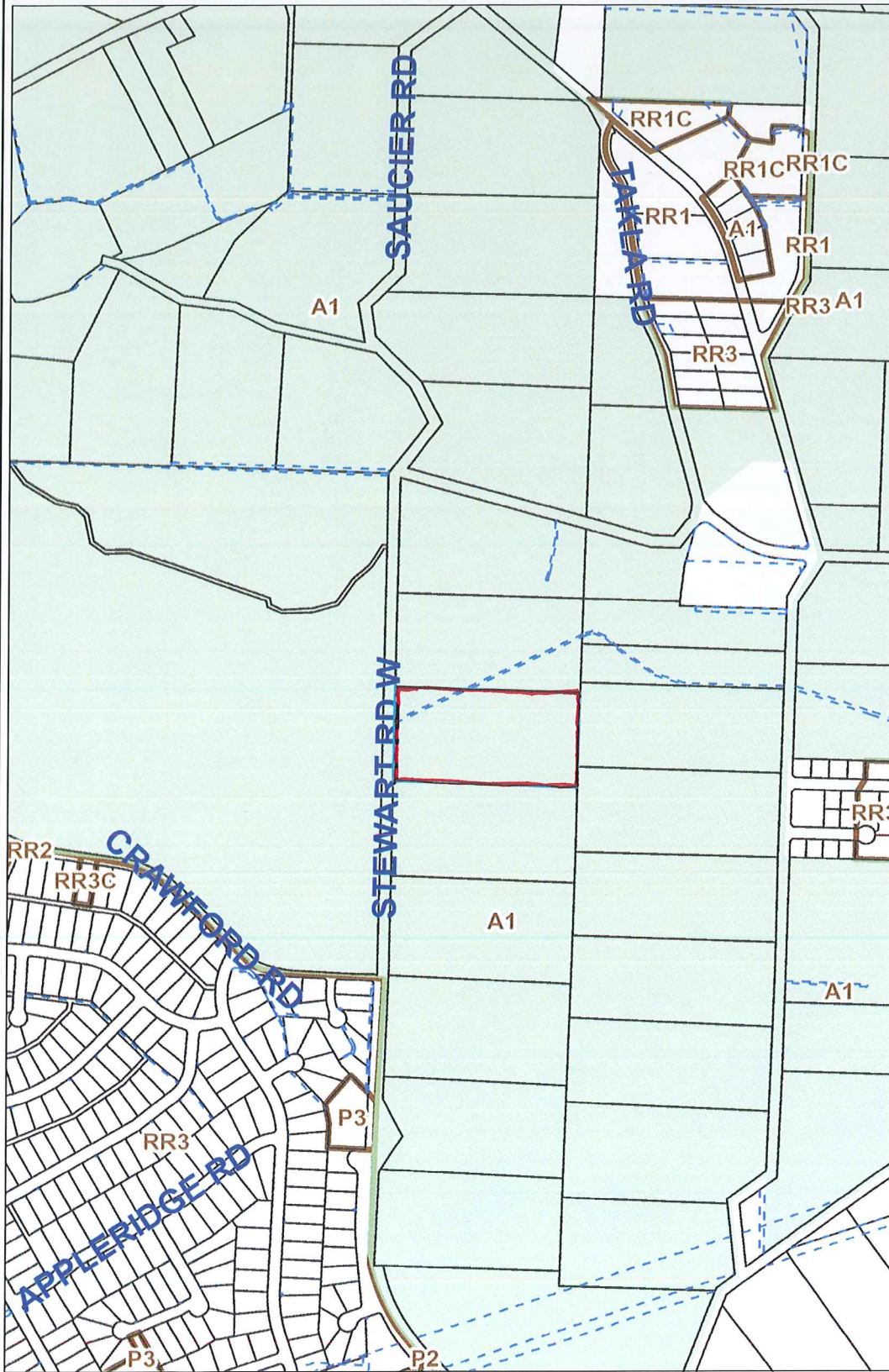
Should this dwelling be approved:

Fees to cover Capital Expenditure Charges (CEC), Metering of the water service fee, providing domestic water service and a new account fee are to be paid totalling \$7,270.00.

A 19mm domestic water service is required to be installed along the frontage of the lot along Stewart Rd W.

1.6 Ministry of Agriculture

No comments received.

**Legend**

- Easements
- Lot Lines
- ALR
- Zoning

**Notes**

0 255 510Meters

February 2, 2016

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

Land Capability = Brown/ Soil Class = Green



Land Capability = Brown/ Soil Class = Green



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Provincial Agricultural Land Commission - Applicant Submission

Application ID: 54563

Application Status: Under LG Review

Applicant: Delauralyn Pihl

Local Government: City of Kelowna

Local Government Date of Receipt: 11/03/2015

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

Proposal Type: Non-Farm Use

Proposal: The proposal purpose is to make use of 900sq ft (equivalent to 0.008 hectares) of ALR land to construct a farmworker accommodation, to be used for agricultural use only.

Mailing Address:

300-1465 Ellis Street

Kelowna, BC

V1Y 2A3

Canada

Primary Phone: (250) 762-5434

Email: david.pihl@pihl.ca

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 011-704-179

Legal Description: Lot 221 Section 32 Township 29 Osoyoos Division Yale District Plan 1247

Parcel Area: 4.9 ha

Date of Purchase: 05/01/1997

Farm Classification: Yes

Owners

1. **Name:** Delauralyn Pihl

Address:

300-1465 Ellis Street

Kelowna, BC

V1Y 2A3

Canada

Phone: (250) 762-5434

Email: david.pihl@pihl.ca

Ownership or Interest in Other Lands Within This Community

1. **Ownership Type:** Fee Simple

Parcel Identifier: 007-963-262

Owner with Parcel Interest: Delauralyn Pihl

Parcel Area: 4.9 ha
Land Use Type: Agricultural/Farm
Interest Type: Partial Ownership

Current Use of Parcels Under Application

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

our agricultural use is horse breeding and training, as well as our personal use organic garden

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

hay storage barn to accommodate 1000+ hay bales, equipment shed, 3-double and 4 single horse shelters; fenced fields; underground irrigation for pastures and underground heated waterers for the horses in the fields and in the double shelters. Double shelters accommodate 4-6 horses, single shelters accommodate 2 horses per shelter; greenhouse for flowers, and starting vegetables each spring and wintering the plants; foaling barn to accommodate three mares (new barn will accommodate four pregnant mares); large riding arena and large round training arena; concrete style bins to store manure for composting, breaking down and re-application to fields; 3-ton Silo for complex grain feed. Virtually all of the land save and except for the immediate area surrounding the existing residence and the riding arena and round pen has been seeded with pasture grass and now consist of irrigated pasture for the horses.

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

No non-agricultural activity. Covenant on property confirming that buildings/structures will be used for agricultural purposes.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: horse breeding and training, personal organic garden

East

Land Use Type: Residential

Specify Activity: development on hold

South

Land Use Type: Agricultural/Farm

Specify Activity: fruit orchard (apples)

West

Land Use Type: Agricultural/Farm

Specify Activity: Previously Nursery, now purchased by Quail's Gate Winery to be used for grape growing and wine production

Proposal

1. How many hectares are proposed for non-farm use?

0.1 ha

2. What is the purpose of the proposal?

The proposal purpose is to make use of 900sq ft (equivalent to 0.008 hectares) of ALR land to construct a farmworker accommodation, to be used for agricultural use only.

3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

As thoroughbred breeding and training is a high risk activity, it is imperative there be constant supervision and monitoring of the pregnant mares, foals, weanlings and yearlings. As we the owners are aging, it is imperative that onsite assistance be present. Also, we travel to mare in foal auctions in the eastern U.S. to purchase stock, onsite workers are required to be constantly present in our absence.

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

The proposal supports agriculture in the short and long term, in that our breeding and training program will continue and be expanded only if the proposal is permitted to go forward. We remediated approximately three acres of non agricultural used land within the title such that the agricultural useable land was increased by that much. We are asking to use only 900 sq ft to construct an agricultural worker living accommodation.

Applicant Attachments

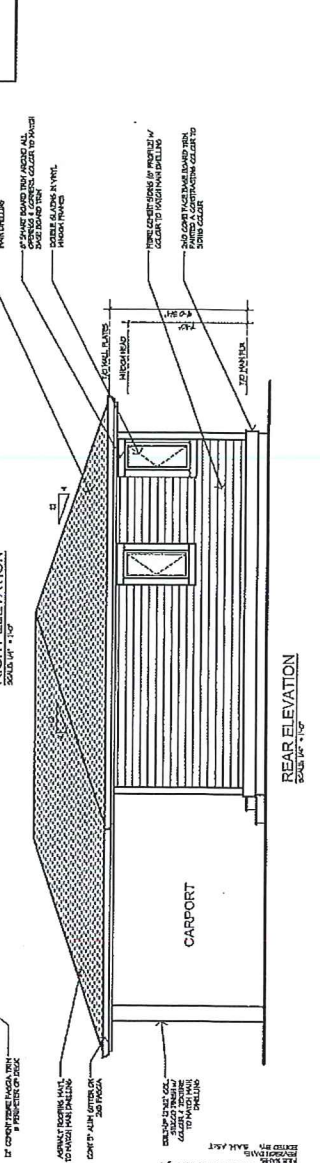
- Proposal Sketch - 54563
- Site Photo - Remediated area
- Other correspondence or file information - Subdivision Plan
- Other correspondence or file information - Historical and Current Aerial View
- Other correspondence or file information - Title- Lot 224
- Other correspondence or file information - BC Assessment Roll Report
- Certificate of Title - 011-704-179

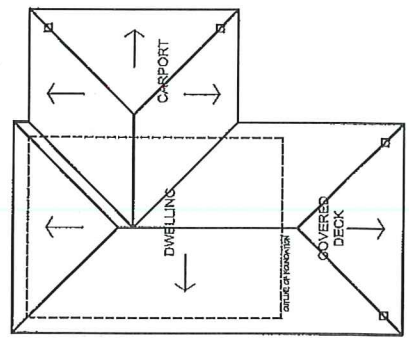
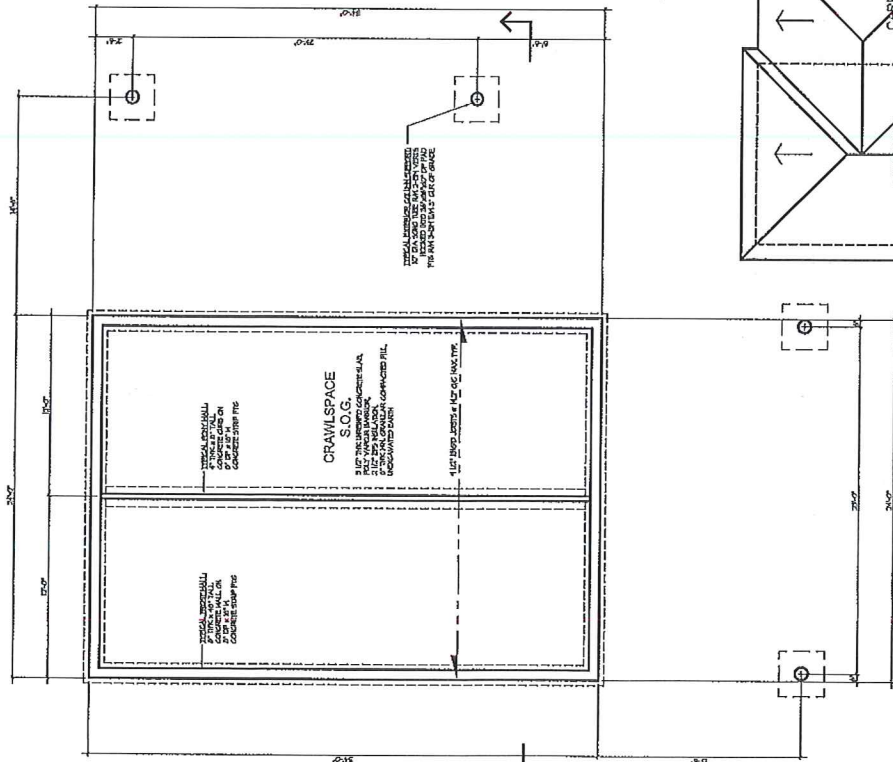
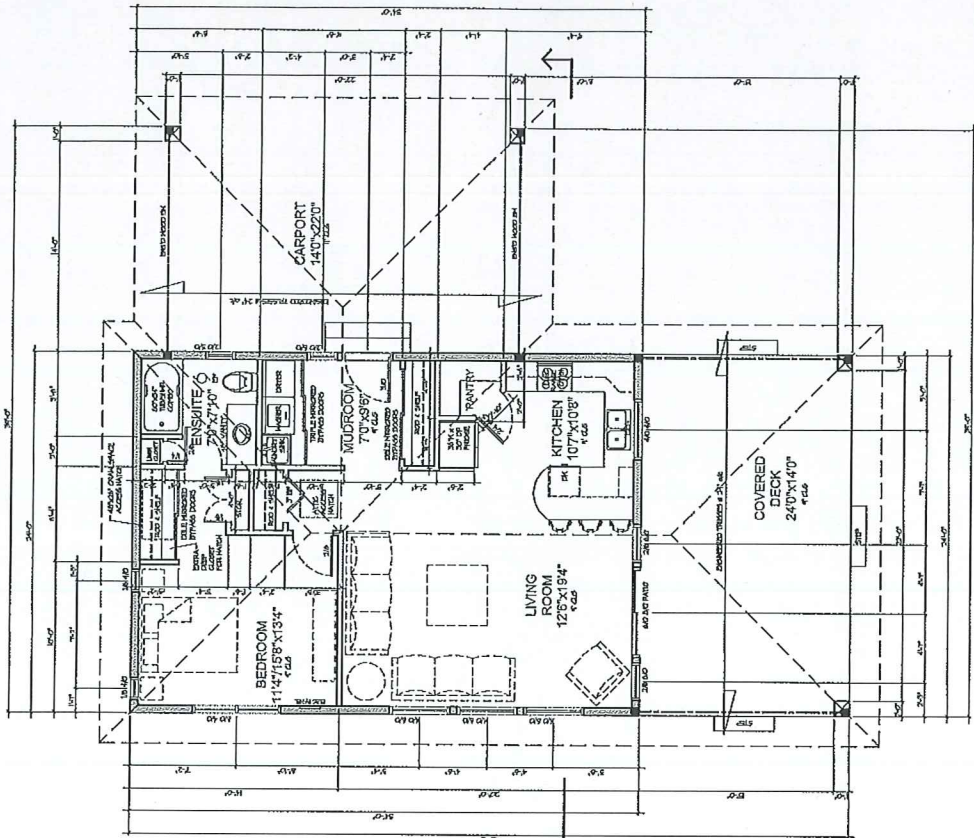
ALC Attachments

None.

Decisions

None.

[illegible]



COMMITTEE REPORT



Date: February 11, 2016

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (MS)

Application: A15-0008 **Owner:** L.H. Turton
F.T. Turton

Address: 3110 Mathews Rd **Applicant:** Victoria E. Turton

Subject: Application to the ALC for a Non-Farm Use in the ALR for gravel extraction

1.0 Purpose

The applicant is requesting permission from the Agricultural Land Commission (ALC) for a Non-Farm Use on Lot 111 Section 3 TWP 26 ODYD Plan 1247, to remove up to 40,000 metric tonnes of sand and gravel from the property and reclaim to agriculture, from the Agricultural Land Reserve (ALR), under Section 20(3) of the Agricultural Land Commission Act.

2.0 Proposal

The applicants propose to remove approximately 40,000 metric tonnes of sand and gravel from approximately 2.8 ha (7 acres) of their property, with the intent of creating a continuous slope, topping the slope with finer soils and topsoil, and planting the property with apple trees. Three phases are planned for the extraction (see applicant package, attached). There will be no direct sales of gravel from the site. The applicants intend to exchange the pit run gravel for fine soils, such that the gravel would be exchanged for fine soils, and these would return to the site using the same trucks. These fine soils would be later disked into the substrate, and topped with salvaged topsoil.

The proposal is to remove irregular topography that is prone to frost, and make a continuous slope northward that will allow better air flow (see attached agrology report).

As part of the process, the applicants have initiated the following applications:

- Notice of Work (to Remove Sand and Gravel) to BC Ministry of Energy and Mines; and an
- Application for Soil Removal and Deposit with the City of Kelowna.

2.1 Background

The subject property was purchased by the applicants in 2003. The majority of the site is currently largely covered by pine / fir forest. A dwelling, a shop and a garage are located at the southeast corner of the site. Approximately 0.6 ha (1.5 acres) has been cleared.

The applicants intend to remove the sand and gravel from the site to reduce undulation in topography and replace the coarse materials with finer soils. The site will then be covered with topsoil, disked and prepared for planting. They intend to plant apples for cider, which will be then locally processed in the family's cider processing facility.

In the summer of 2015, the applicants made an application to the BC Ministry of Energy and Mines for a Notice of Work to extract sand and gravel from the site. The Agricultural Land Commission directed the applicants to concurrently apply for a Non-Farm Use for the proposal, supported by an agrology report that assesses the impacts to agriculture. The agrology report is attached, and presents a plan to reclaim the site to agriculture.

The plan includes:

- 5 metre distance from property line to excavation¹;
- 3 metre wide landscape buffer along three property lines;
- Removal of gravel in three phases, (not a continuous removal over an extended time);
- Noise control by operating only during City of Kelowna construction hours (7AM to 7PM);
- Berm along the west property line to reduce noise impact to neighbours;
- Dust control with the use of a water truck;
- Erosion control by compacting soils after each phase of excavation;
- Drainage control through a sedimentation pond at the lower end of the property;
- Reclamation with the incorporation of fine soils to improve soil quality on the site; and
- Salvage of topsoil and replacement onsite prior to planting.

A restoration plan and cost estimate has been submitted as part of the agrology report. The estimated cost for reclamation is \$125,000². The plan includes spreading finer imported soils, and ripping and discing these in prior to planting. Subsurface irrigation will be installed, and then the salvaged topsoil from the site will be spread prior to planting.

2.2 Site Context

The subject property is located in the Southeast Kelowna Sector of the City and is within the Agricultural Land Reserve. The Future Land Use of the property is Resource Protection Area (REP). It is zoned A1 - Agriculture 1 (Maps 1 - 4, below) and is outside of the Permanent Growth Boundary. The property slopes from the south to the north, with a height of land at the south property line of 516.5 metres, sloping to the northeast corner at 506.5 metres, with an undulating slope over the property which averages approximately 3%.

Parcel Summary - 3110 Mathews Rd:

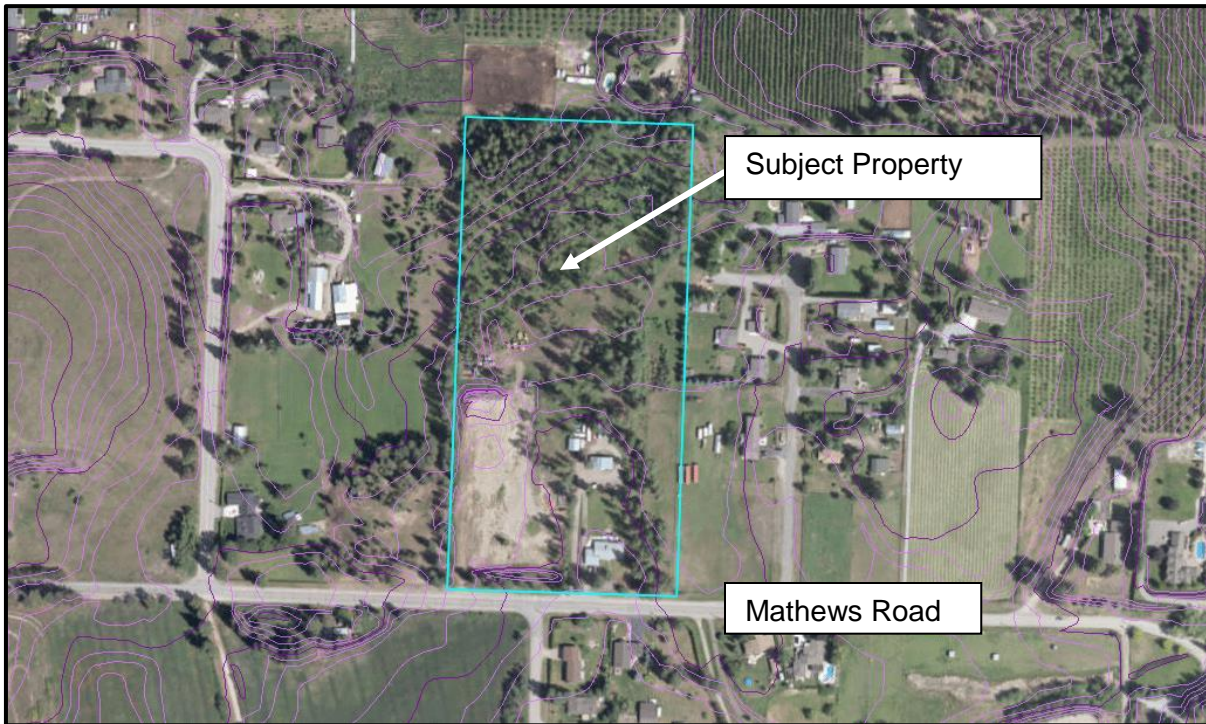
Parcel Size: 4.93 ha (12.2 acres)

Elevation: 516.5 to 506.5 metres above sea level (masl) (approx.)

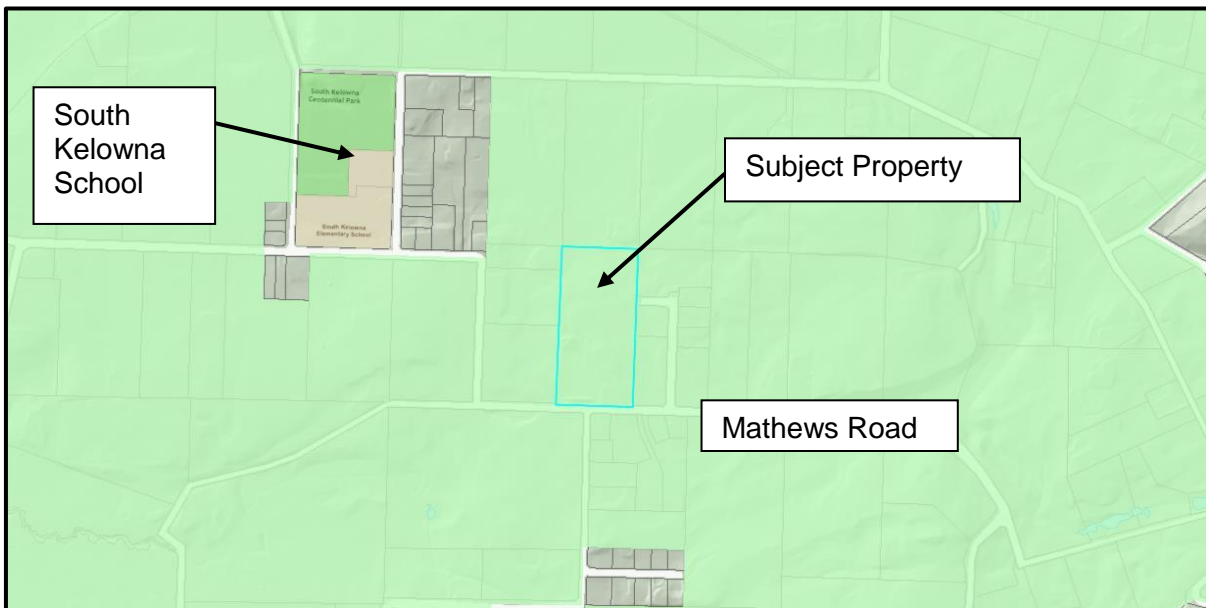
¹ July 2016. Notice of Work Application, submitted to BC Ministry of Energy and Mines – 3110 Mathews Rd.

² July 2016. Notice of Work Application, submitted to BC Ministry of Energy and Mines – 3110 Mathews Rd.

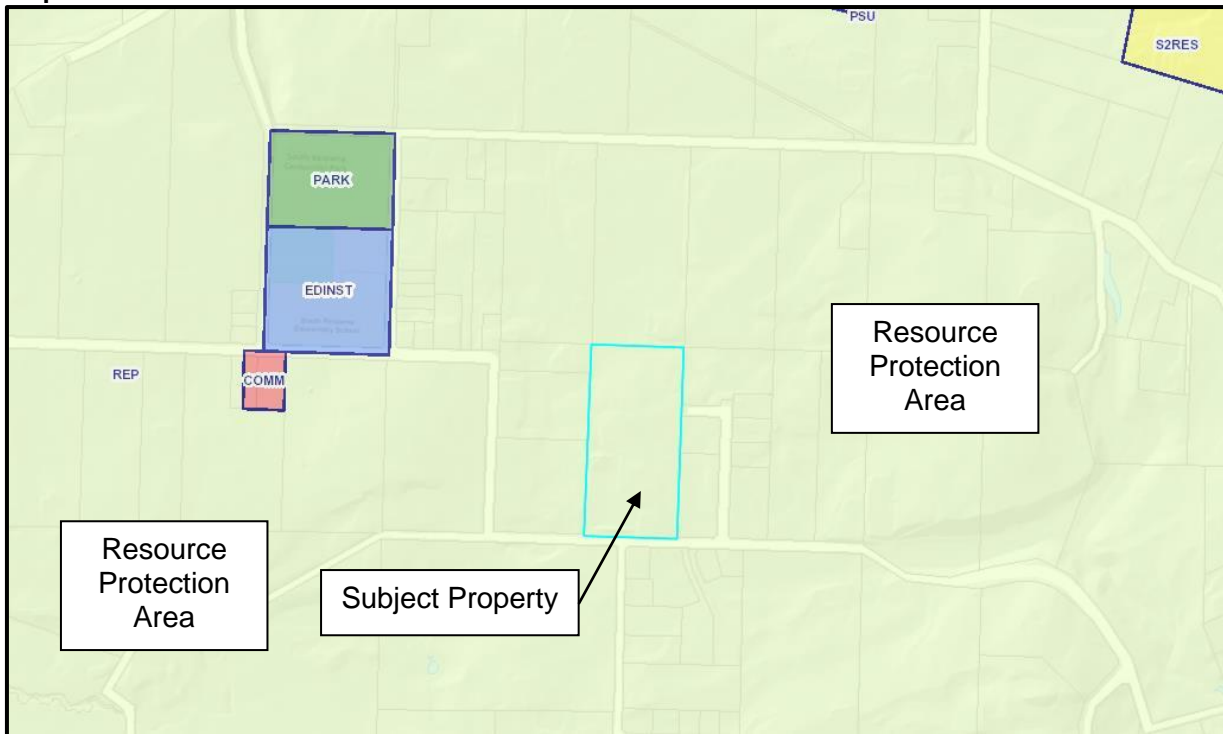
Map 1 - Neighbourhood



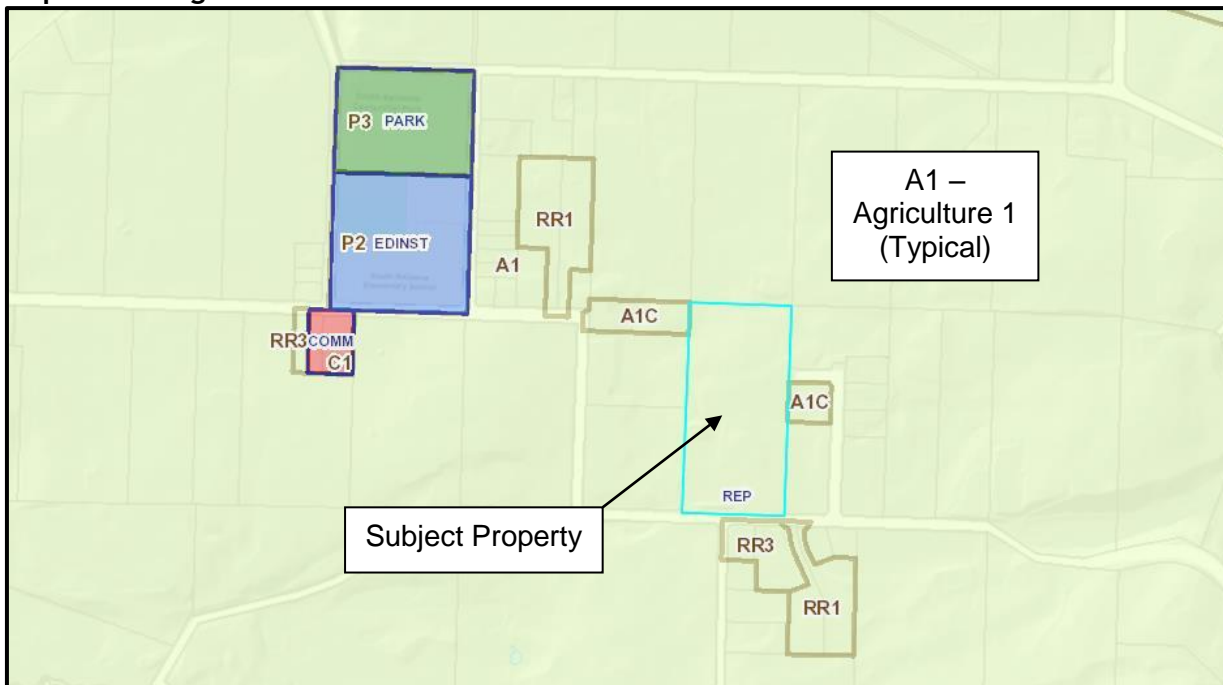
Map 2 - Agricultural Land Reserve



Map 3 - Future Land Use



Map 4 - Zoning



2.3 Neighbourhood Context

The subject property lies within the Resource Protection Area for land use according to the Official Community Plan. The surrounding properties are also within the Resource Protection Area Future Land Use. Zoning surrounding the property is also A1 - Agriculture 1 with the exception of three properties, two which are A1c - Agriculture 1 with Carriage House, and one which is RR3 - Rural Residential 3.

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
South	A1 - Agriculture 1 / RR3 - Rural Residential 3	Yes	Agriculture / Rural Residential
East	A1 - Agriculture 1 / A1c - Agriculture 1 with Carriage House	Yes	Agriculture / Rural Residential
West	A1 - Agriculture 1 / A1c - Agriculture 1 with Carriage House	Yes	Agriculture / Rural Residential

2.4 Agricultural Land Capability

According to the *Report on the Agricultural Capability of 3110 Mathews Road, Kelowna BC*³ attached, the unimproved land capability for the property is 80% Class 5A / 20% Class 4A. The modifier 'A' indicates that the site is limited by aridity. With improvements, primarily irrigation, the site has a land capability rating of 40% Class 3 / 40% Class 3AP / 20% Class 2A. Classes 1 to 3 are considered prime agricultural land and relatively rare in the Okanagan. The modifier 'P' indicates that the site has a limitation of stoniness, which may prohibit cultivation.

2.5 Soil Capability

According to the Soils Classification of BC, the soils on the property are 50% Gammil soils, 30% Paradise soils and 20% Haerland soils, which are all Eluviated Eutric Brunisols. These are fluvioglacial deposits which tend to be moderately to coarse textured and well drained. These types of soils are generally farmed for tree fruits and vineyards.

³ Molloy, M. Dec. 16, 2015. Report on the Agricultural Capability of 3110 Mathews Road, Kelowna BC

3.0 Community Planning

The AAC should consider this Non-Farm Use request with respect to the overall agricultural benefit with respect to potential crops grown and climate capability. In addition, the AAC should consider this Non-Farm Use with respect to the area's future land use designation, the Resource Protection Area.

The AAC is also asked to consider and make recommendations which reflect the scenario as proposed. The AAC should consider the impacts of the proposal and suggest mitigation opportunities should the ALC choose to support the proposed Non-Farm Use.

Report prepared by:

Melanie Steppuhn, Land Use Planner

Reviewed by:



Todd Cashin, Community Planning Department Manager

Attachments:

Attachment A - Policies

Subject Property Map

Photos

Agrology Report and Applicant Package

Report on the Agricultural Capability of 3110 Mathews Road, Kelowna, BC

Prepared for: Mr. Troy Turton
Trojan Contracting Ltd.
3110 Mathews Road
Kelowna BC

Prepared by: Mr. Michael Molloy
BCIA Registered Professional Agrologist #2544
6127 Aitkens Road
Peachland BC V0H1X7

December 16th, 2015

[1] OVERVIEW

This report establishes the agricultural capability of the property at 3110 Mathews Road. This report is limited in scope to assessing to what degree the site fulfills the broad minimum requirements for soil, slope, drainage and the site attributes for agricultural production.

Consideration has also been given to neighbouring land use, road frontage, the Kelowna OCP and ALR regulations, landscape buffers, and dust mitigation measures.

[2] LEGAL DESCRIPTION

Lot III, Section 3, Township 26, Osoyoos Division Of Yale District, Plan 1247

[3] CIVIC ADDRESS

3110 Mathews Road Kelowna BC

[4] LAND OWNERSHIP AND AREA

Troy and Laurie Turton purchased this property in 2003.

Area: 12.6 ac

Zoned: A1 within the ALR

[5] BACKGROUND

Three generations of the Turton family have been actively involved in agriculture in this part of Kelowna. They have made a significant contribution to the industry and acquired a substantial amount of expertise. Trojan Contracting Ltd. is owned and operated by Troy Turton and is well recognized as a leading exponent of contouring land and enhancing its agricultural capability.

The applicant proposes the extraction of up to 40,000 cubic meters of gravel from portions of the property totaling 7 acres as identified in this report. The applicant proposes to remove the material in three phases (Attachment #1), and would like to import heavier, more arable soils to compliment the existing topsoil. In its natural condition, the land slopes to the north and east, and the contours (Attachment #2) are broken by a series of transverse ridges. These ridges are sufficient, if left unaltered, to disrupt cold air drainage and precipitate severe localized frost pockets. In the spring and fall frost pockets can cause injury and death to sensitive plant tissue and adversely affect the viability of some crops. The alternative might involve the installation of a wind machine and its attendant problems.

[6] SITE CONTEXT

The subject property is located on Mathews Road in East Kelowna. It is lightly forested, has some pasture improvement, but is not currently farmed. The surrounding area is predominantly in the Agricultural Land Reserve (ALR) and is used for agricultural purposes. There is one single family dwelling on the property and two accessory buildings. Water services to the property are supplied by the South East Kelowna Irrigation District (SEKID).

[7] AGRICULTURAL CAPABILITY

With reference to the BCLI Land Capability Classification, the unimproved land classification for the subject area is 8:5A - 2:4A. With improvements, primarily through irrigation, topsoil amendment, slope and air drainage the land capability rating increases to 4:3 - 4:3AP - 2:2A (Land Capability Map and Classification, Attachment #3).

[8] SOIL CLASSIFICATION

%	Soil Type	Description
50	GAMMIL	Glacial fluvial eluviated entric brunisol
30	PARADISE	As for Gammil but leached with limited buffering capacity
20	HAERLAND	Aeolian over till, same soil type from different parent material

[9] LAND USE ON ADJACENT PROPERTIES

Direction	Primary Land Use Type	Specific Activity
North	Agriculture/Farm	Cultivated pasture and irrigated orchard
South	Agriculture/Farm Lot and Rural residential	Irrigated pasture livestock grazing
East	Agricultural	Several houses and large pasture
West	Agricultural	Several houses, some with pasture

(Google Earth image Attachment #4)

[10] CONCLUSION

The applicant is aware of, and in compliance with, the relevant provincial regulations. A Notice Of Work (Attachment #5) has been submitted to the BC Ministry of Energy and Mines. A Farm Protection Development Permit submission has been made to the City Of Kelowna (Attachment #6). A Notice Of Intent to Remove Soil and Place Fill For A Specified Farm Use was submitted to the Agricultural Land Commission in 2015 (Attachment #7, ALC reply June 11, 2015).

The applicant also recognizes that the City of Kelowna has a soil movement bylaw and an application permit for soil deposit or removal will be filed (Attachment #8). The development of land within the ALR and the City of Kelowna that involves the extraction of gravel as a component that improves agricultural capability has been, and continues to be, a quite common practice. The removal of up to 40,000 cubic meters of gravel from this property will contribute to the local economy and enhance the agricultural potential of the property.

In preparing this report, consideration was also given to the following issues:

- Activities ancillary to the extraction of gravel
- Land use on the surrounding properties
- Mitigation measures for dust control
- The impact on traffic flow on Mathews Road
- Drainage and the local water table
- Buffer requirement on frontages
- The City of Kelowna OCP

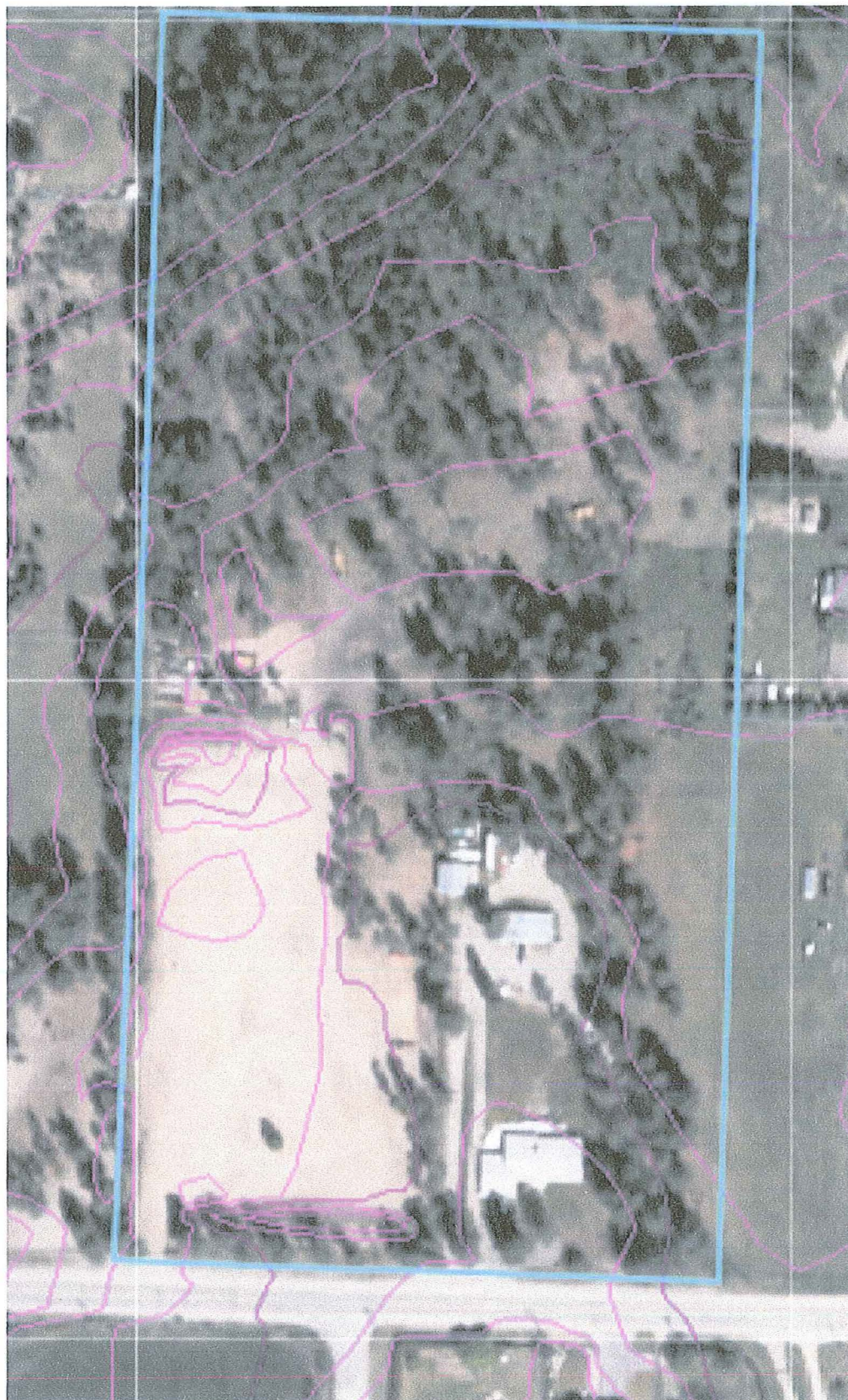
[11] ATTACHMENTS

1. Site Plan
2. Contour Map
3. Land Capability Map and Classification
4. Google Earth Image
5. Notice Of Work
6. Farm Protection Development Permit
7. ALC Letter, June 11, 2015
8. Application permit for soil deposit/removal
9. ALC Report Landscape Buffer Specifications, ALC 1993
 - a. Schedule A: Buffer Types
10. Advanced Surveying Ltd. Cross Section Plans, 6 images

Site Plan:

Shown below is a topographic picture of the purposed site plan. Out lined in blue is the area of the property that we wish to remove soil from. The proposed area is also spilt into sections for the purpose of doing the soil removal in phases. The first phase will be the lower section of the property that is already cleared of trees.







3
+ Map

AGRICULTURAL CAPABILITY CLASSIFICATION IN BC

LAND CAPABILITY CLASSES FOR MINERAL SOILS

The seven land capability classes for mineral soils are defined and described as follows:

CLASS 1 LAND IN THIS CLASS EITHER 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.

CLASS 2 LAND IN THIS CLASS HAS MINOR LIMITATIONS THAT REQUIRE GOOD ONGOING MANAGEMENT PRACTISES 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 does 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.

CLASS 3 LAND IN THIS CLASS HAS LIMITATIONS THAT REQUIRE MODERATELY INTENSIVE MANAGEMENT PRACTISES OR MODERATELY RESTRICT THE RANGE OF CROPS, OR BOTH.

The limitations are more severe than for Class 2 land and management practises are more difficult to apply and maintain. The limitations may restrict the choice of suitable crops or affect one or more of the following practises: timing and ease of tillage, planting and harvesting, and methods of soil conservation.

CLASS 4 LAND IN THIS CLASS HAS LIMITATIONS THAT REQUIRE SPECIAL MANAGEMENT PRACTISES 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 practises are required. The limitations may seriously affect one or more of the following practises: timing and ease of tillage, planting and harvesting, and methods of soil conservation.

CLASS 5 LAND IN THIS CLASS HAS LIMITATIONS THAT RESTRICT ITS CAPABILITY TO PRODUCING PERENNIAL FORAGE CROPS OR OTHER SPECIALLY ADAPTED CROPS.

Land in Class 5 is generally limited to the production of perennial 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. Note that in areas which are climatically suitable for growing tree fruits and grapes the limitations of stoniness and/or topography on some Class 5 lands are not significant limitations to these crops.

CLASS 6 LAND IN THIS CLASS IS NONARABLE BUT IS 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



AGRICULTURAL CAPABILITY CLASSIFICATION IN BC

cultivation or use of farm machinery, or the soils do not respond to intensive improvement practises. Some unimproved Class 6 lands can be improved by draining and/or diking.

CLASS 7 LAND IN THIS CLASS HAS NO CAPABILITY FOR ARABLE 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 they do not provide natural sustained grazing by domestic livestock due to climate and resulting unsuitable natural vegetation. Also included are rockland, other nonsoil areas, and small water-bodies not shown on maps. Some unimproved Class 7 land can be improved by draining or diking.

Agriculture Capability Subclasses

The subclass indicates lands with similar kinds but varying intensities of limitations and hazards. It provides information on the kind of management problem or use limitation. Except for Class 1 lands, which have no significant limitations, the capability classes are divided by subclasses on the basis of type of limitation to agricultural use. Each class can include many different kinds of soil, similar with respect to degree of limitation: but soils in any class may require unlike management and treatment as indicated by the subclasses shown.

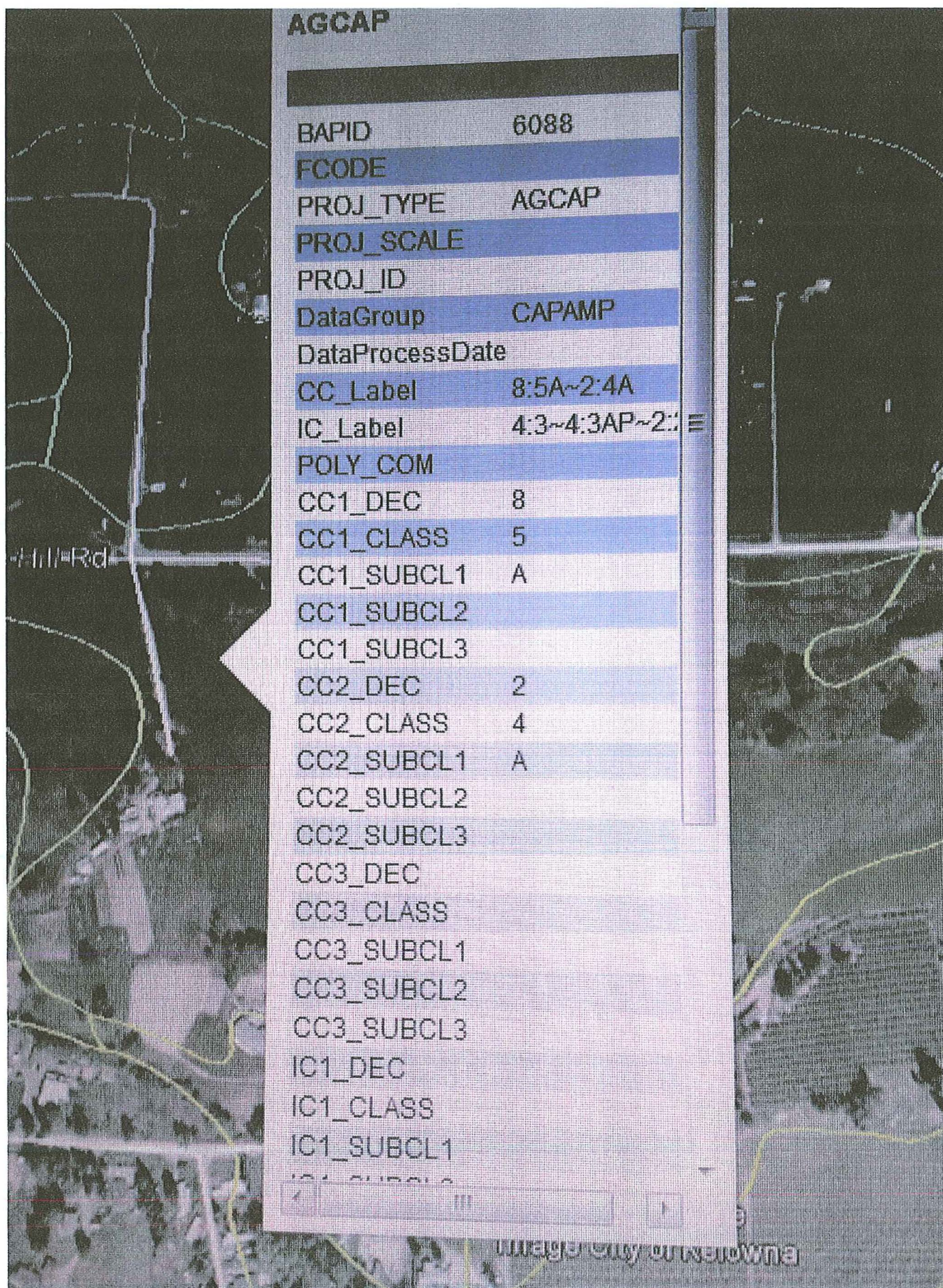
A & M	Soil moisture deficiency	N	Salinity
C	Adverse climate (excluding precipitation)	P	Stoniness
D	Undesirable soil structure	R	Shallow soil over bedrock and/or bedrock outcroppings
E	Erosion	T	Topography
F	Low fertility	W	Excess water (groundwater)
I	Inundation (flooding by streams, etc.)	S & X	Cumulative and minor adverse conditions



Google earth

feet
meters

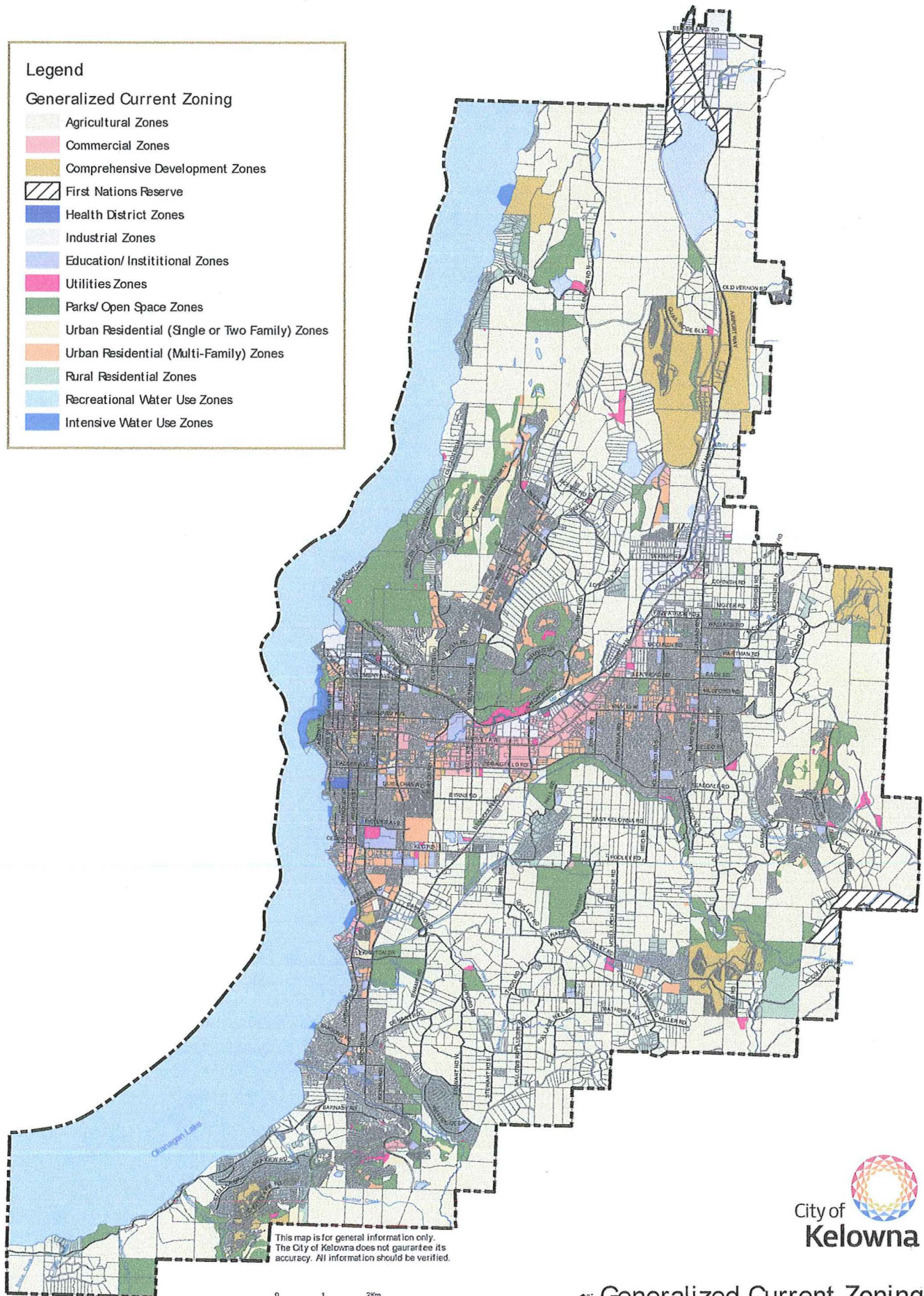




Legend

Generalized Current Zoning

-  Agricultural Zones
-  Commercial Zones
-  Comprehensive Development Zones
-  First Nations Reserve
-  Health District Zones
-  Industrial Zones
-  Education/ Institutional Zones
-  Utilities Zones
-  Parks/ Open Space Zones
-  Urban Residential (Single or Two Family) Zones
-  Urban Residential (Multi-Family) Zones
-  Rural Residential Zones
-  Recreational Water Use Zones
-  Intensive Water Use Zones





Google earth

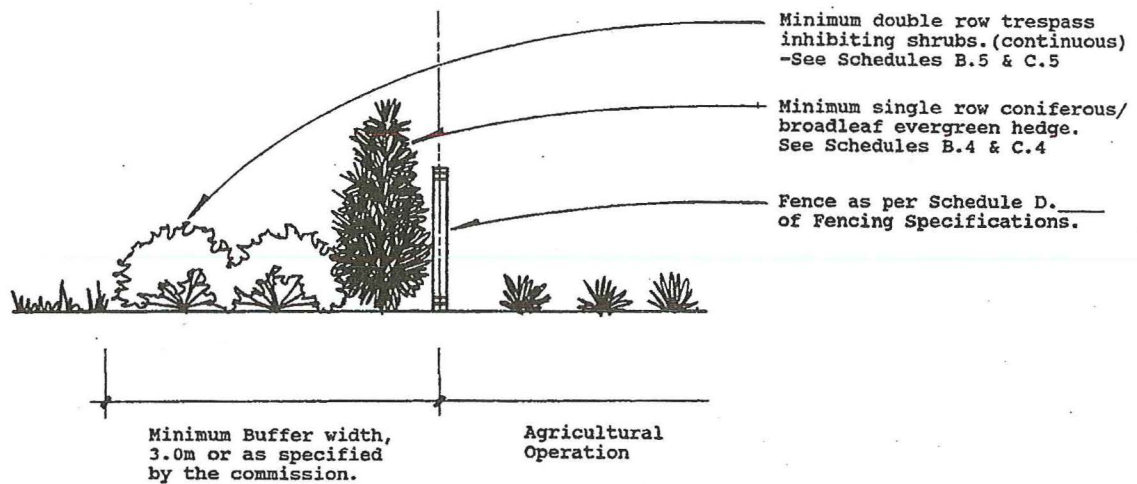


#9

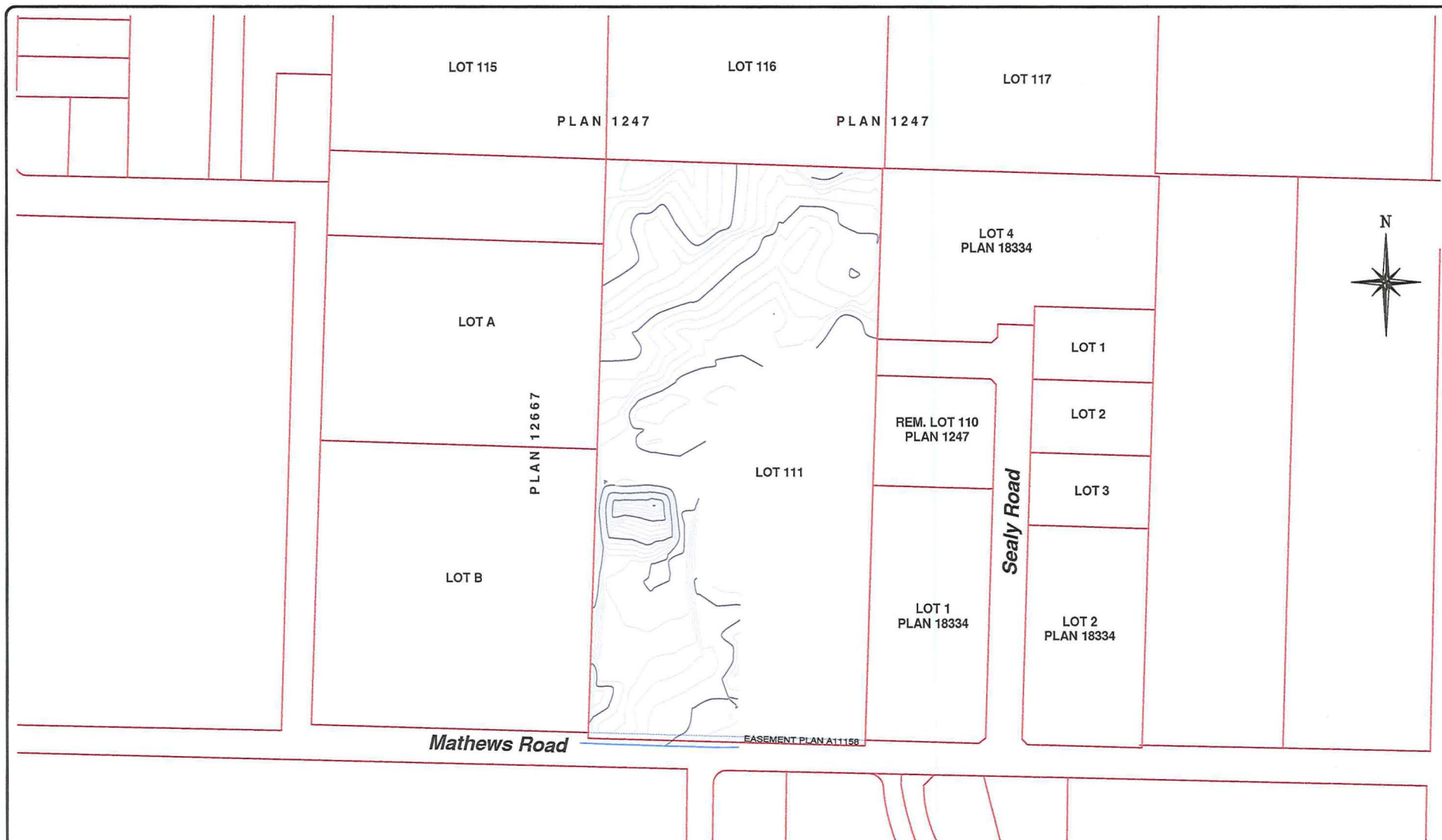
SCHEDULE A: BUFFER TYPES

A.1: Minimum Vegetative Screen (Evergreen Hedge)

Minimum visual screening and protection of farmland from trespass and vandalism.

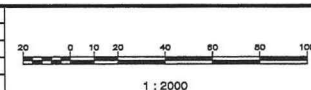


Not to Scale



LEGEND	
—○— CHK. TV	—○— SAN. # SANITARY MH (EXISTING OR FUTURE)
—○— CATCH BASIN	—○— SAN. # SANITARY MH (PROPOSED)
—○— ELECTRICAL BOX	—○— STORM # STORM MH (EXISTING OR FUTURE)
—○— HYDRANT	—○— STORM # STORM MH (PROPOSED)
—○— VALVE	—○— TRANSFORMER
—○— LAMP STANDARD	—○— UTILITY JUNCTION BOX

No.	DATE	BY	REVISION	CHK'd
01	11/02/15	BMC	REVISED SITE BOUNDARIES	
00	06/19/15	BMC	ISSUED TO CLIENT	

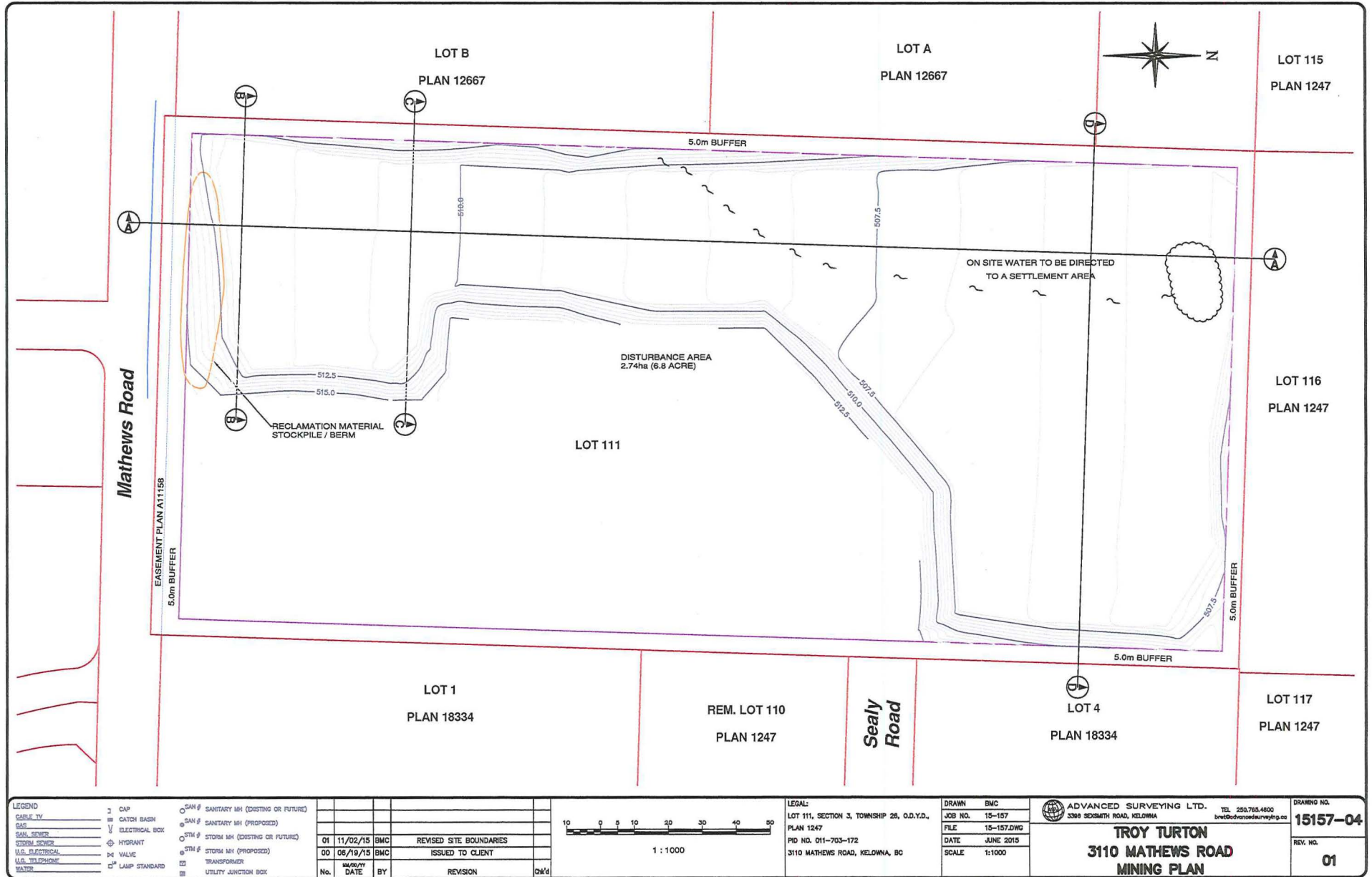


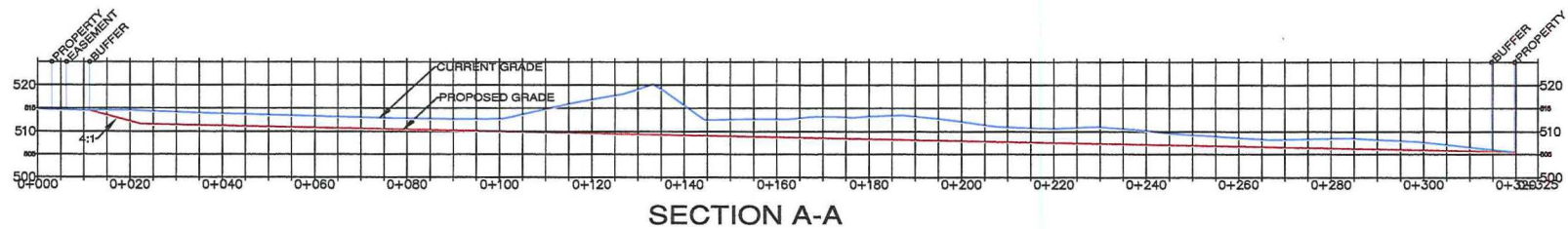
LEGAL:
 LOT 111, SECTION 3, TOWNSHIP 28, O.D.Y.D.,
 PLAN 1247
 PID NO. 011-703-172
 3110 MATHEWS ROAD, KELOWNA, BC


DRAWN	BMC
JOB NO.	15-157
FILE	15-157.DWG
DATE	JUNE 2015
SCALE	1:2000

ADVANCED SURVEYING LTD. TEL. 250.755.4800
 3300 SECKMITH ROAD, KELOWNA
TROY TURTON
3110 MATHEWS ROAD
LEGAL

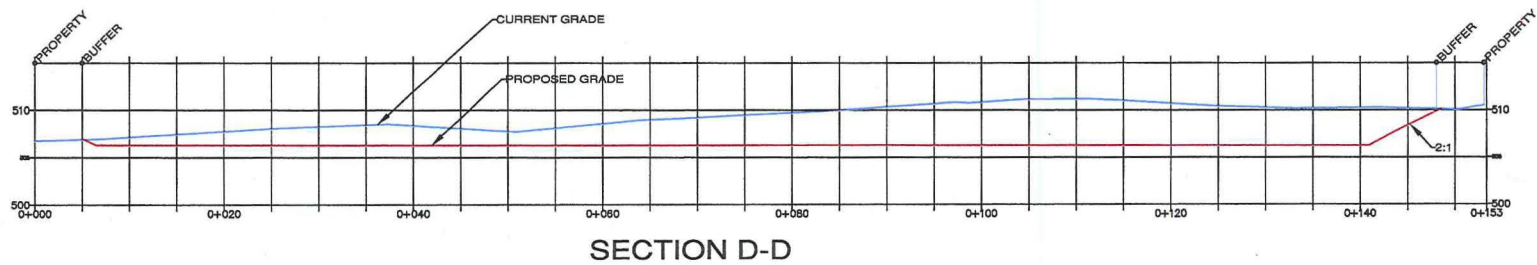
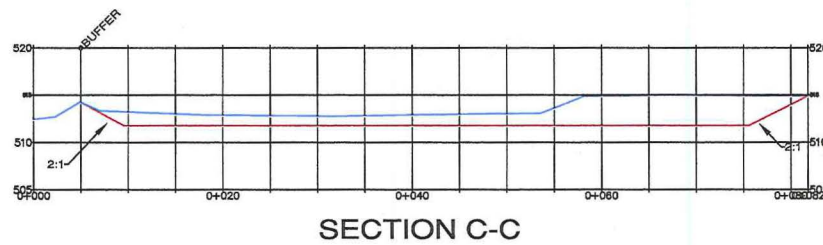
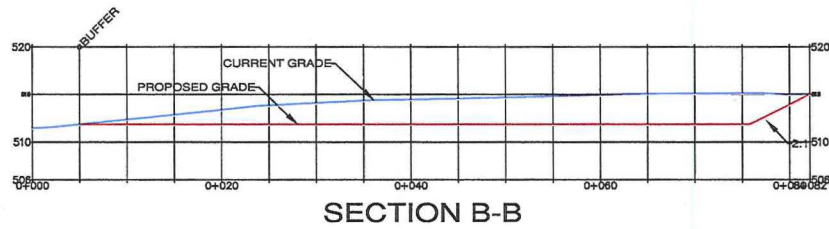
DRAWING NO. **15157-03**
 REV. NO. **01**





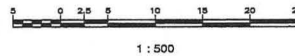
LEGEND										LEGAL:		DRAWN BMC		 ADVANCED SURVEYING LTD.		TEL: 250.765.4800 tsm@advancedsurveying.ca		DRAWING NO.	
CABLE TV		CAP		SAN ϕ SANITARY MH (EXISTING OR FUTURE)						LOT 111, SECTION 3, TOWNSHIP 26, O.D.Y.D.,		JOB NO. 15-157		3366 SEYMOUR ROAD, KELOWNA				15157-05	
GAS		CATCH BASIN		SAN ϕ SANITARY MH (PROPOSED)						PLAN 1247		FILE 15-157.DWG							
SAN SEWER		ELECTRICAL BOX		STM ϕ STORM MH (EXISTING OR FUTURE)		01 11/02/15 BMC		REVISED SITE BOUNDARIES		PID NO. 011-703-172		DATE JUNE 2015							
STORM SEWER		HYDRANT		STM ϕ STORM MH (PROPOSED)		00 06/19/15 BMC		ISSUED TO CLIENT		3110 MATHEWS ROAD, KELOWNA, BC		SCALE 1:1000							
U.S. ELECTRICAL		VALVE																	
U.S. TELEPHONE		LAMP STANDARD		TRANSFORMER															
WATER				UTILITY JUNCTION BOX															
						No. 11/02/15		BY										REV. NO.	
						DATE		REVISION										01	

TROY TURTON
3110 MATHEWS ROAD
SECTIONS



LEGEND	
—	CAP
—	CATCH BASIN
—	ELECTRICAL BOX
—	SAN. SEWER
—	STORM SEWER
—	U.S. ELECTRICAL
—	U.S. TELEPHONE
—	WATER
—	VALVE
—	LAMP STANDARD
—	UTILITY JUNCTION BOX
—	SAN. SEWER (EXISTING OR FUTURE)
—	SAN. SEWER (PROPOSED)
—	STORM SEWER (EXISTING OR FUTURE)
—	STORM SEWER (PROPOSED)
—	TRANSFORMER
—	UTILITY JUNCTION BOX

No.	DATE	BY	REVISION	DATE
01	11/02/15	BMC	REVISED SITE BOUNDARIES	
00	06/19/15	BMC	ISSUED TO CLIENT	



LEGAL:
 LOT 111, SECTION 3, TOWNSHIP 26, Q.D.Y.D.,
 PLAN 1247
 PID NO. 011-703-172
 3110 MATHEWS ROAD, KELOWNA, BC

DRAWN: BMC
 JOB NO. 15-157
 FILE: 15-157.DWG
 DATE: JUNE 2015
 SCALE: 1:500

ADVANCED SURVEYING LTD.
 3308 BEDFORD ROAD, KELOWNA
 TEL: 250.765.4600
 breth@advancedsurveying.ca
TROY TURTON
3110 MATHEWS ROAD
SECTIONS

DRAWING NO. **15157-06**
 REV. NO. **01**

Application for Non Farm Use Development

Justification:

I am submitting this application for the removal of soil in order to enhance our lands agricultural ability. As the property sits the land is unusable due to an undulating surface. The removal of the soil will diminish the undulating surface as well as get rid of frost pockets for both our property and the neighboring properties. The estimated amount of soil to be removed is between 30,000-40,000 cubic meters. As the gravel is removed, we would like to import heavier, more arable soils.

Site Plan:

Shown below is a topographic picture of the purposed site plan. Out lined in blue is the area of the property that we wish to remove soil from. The proposed area is also spilt into sections for the purpose of doing the soil removal in phases. The first phase will be the lower section of the property that is already cleared of trees.



The below picture is a smaller section of the property to be able to properly show the pertinent structures:

- A – House
- B – Shop/Garage
- C – Barn



There are no watercourses that run through the proposed area. The only road that the property is adjacent to is Mathews Road, which is along the front of the property, as well Regina Road ends at the edge of our property. There are several trees that line the proposed area including:

1. Neighbors property to the west, section (1) – see figure
2. Row of trees on the south side of the area along the road, section (6)
3. Few trees along section (3) of the area
4. Row of trees along section (5) of the proposed area

As is shown in the larger scale picture there are many trees in the back half of the property that are within the proposed area. Many of these trees will have to be removed not only because they are in the proposed area but as well because a vast amount of the trees are dead due to Pine Beetle Kill.

Proposed methods of access to the site during removal:



The proposed method of access to the site during the removal of the soil is shown by the two lines connecting with section (6) and the road, which already has an access gate and road way.

Proposed methods of noise and dust control during the removal operation:

The method of noise control during the removal operation will be to operate during city bylaw construction operational hours: 7 am to 7 pm (BYLAW 6674, 2012). Also there will be an Earth berm along section (1) to reduce noise of our neighbors. To avoid major dust creation there will be a water truck to reduce dust on the driving paths and machine routes in the area.

Methods proposed for drainage and erosion control:

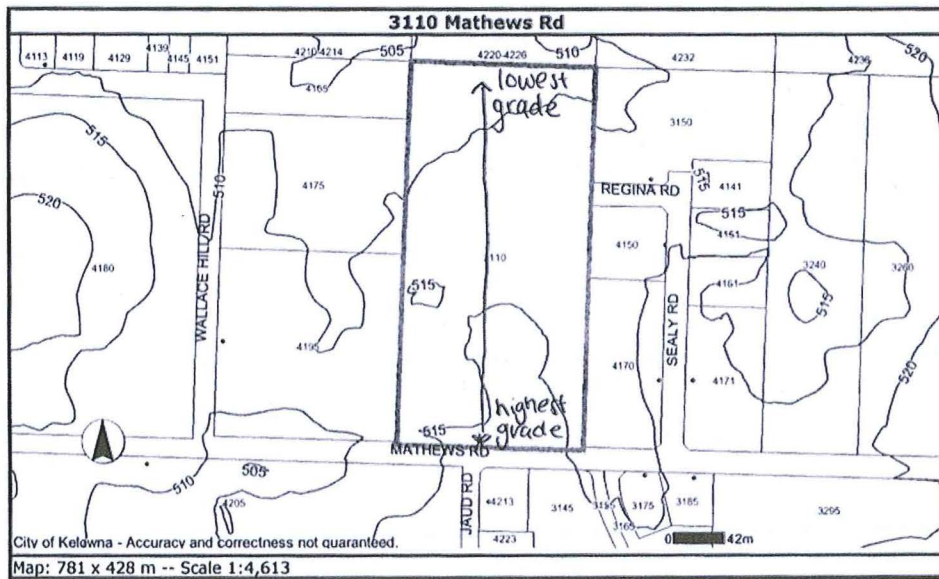
The proposed methods for drainage will be contained by earth berms, and containing it to our own property. For erosion control, during each phase of the gravel extraction there will be compaction work done to ensure there is no erosion in the future.

Site grading plan:

As shown in the picture below our proposed site grade plan is to go from the highest elevation of the property from Mathews Road to the lowest elevation of the property. It will be a consistent grade.

Map Output

Page 1 of 1



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

Conclusion:

Our plan for this development is to enhance both our property and neighboring properties. By removing the excess gravel from the proposed areas it will allow shaping to be done to remove undulating surfaces and frost pockets. Once the property is to grade we will spread the heavier imported materials, the area will be ripped and disced in preparation for planting. Subgrade irrigation pipes will then be installed. The original stockpiled topsoil will be spread. We will then plant cider apple trees on the property. Trickle irrigation will be used to water the trees. When we harvest the apples they will shipped to our existing family cidery.

Heather Benmore

RECEIVED

From: Forbes, Jim AGRI:EX [Jim.Forbes@gov.bc.ca]
Sent: Wednesday, July 22, 2015 10:09 AM
To: Current Developments
Cc: Trisa Brandt
Subject: FW: A15-0008 3110 Matthews Rd

Cosey

JUL 22 2015

City of Kelowna
Subdivision, Agriculture, & Environment

Howdy!

I have been asked to comment on this referral on behalf of the Ministry of Agriculture. After reading through the application and looking at aerial photos I note that:

- From aerial photos it appears that this is an existing gravel pit that has yet to be properly reclaimed. From the available pictures of the topsoil berm it appears that the A and B soil horizons were admixed and some of the original topsoil was lost {or perhaps sold}.
- The application does not specify what crop(s) the proponents intend to plant. {The intended crop(s) can affect the optimum choices for reclamation activities}.
- The extensive disturbance of soils in gravel pits creates a high potential for the introduction and spread of invasive plants (noxious weeds). This is a concern even if it is not ALR/agricultural land as any established reservoirs of these invasive plants increases the likelihood of further infestations as people, animals, wind and flowing water will unintentionally spread the seeds around from that site. The B.C. Weed Control Act imposes a duty on all land occupiers to control designated noxious plants. This concern can be addressed through an effective "Invasive Plant Prevention and Control Plan" that outlines simple prevention actions like steam cleaning all machinery before it is transported to the site (includes the transport truck) as well as control actions in the case that the prevention activities were unsuccessful. Other potential actions can be found at: <http://www.weedsbc.ca/resources.html>

Provided that:

- a) the proposed gravel extraction is accomplished according to the surveyor's drawings,
- b) sufficient weed prevention and control measures are in place & effective,
- c) the subsoil is properly prepared prior to replacing topsoil (e.g. subsoil ripped prior to replacing topsoil in order to reduce compaction and prevent creation of a barrier to rooting and water infiltration), and
- d) the topsoil (horizons A & B) is properly replaced & augmented to an adequate depth,

the project has the potential to return the site to a productivity level similar to the soils nearby. While it may be simple to get a bit of grass to grow on the site, the restoration of the agricultural capability is significantly more complex. Consultation with a Professional Agrologist with a soils background to develop a reclamation plan prior to further gravel extraction would assist in achieving the proposed benefits in a cost effective manner.

Failure to follow the provisions above will decrease the likelihood of success and are likely to increase the costs to return this ALR land to an acceptable agricultural capability as required by the Agricultural Land Commission.

Sincerely,

Jim Forbes

Regional Agrologist

Ministry of Agriculture | 441 Columbia St. | Kamloops, BC, V2C 2T3
Ph: 250-828-4513 | Cell: 250-319-3774 | Fax: 250-828-4516
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SCHEDULE A - Policies



Subject: 3110 Mathews Road - Non-Farm Use - Gravel Extraction

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.

1.3 Kelowna Official Community Plan (OCP)

Land Use Designation Definitions

Resource Protection Area²

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.

Agricultural Land Use Policies

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.

1.4 Agricultural Land Commission Act (ALCA) - Section 6 Purposes of the Commission

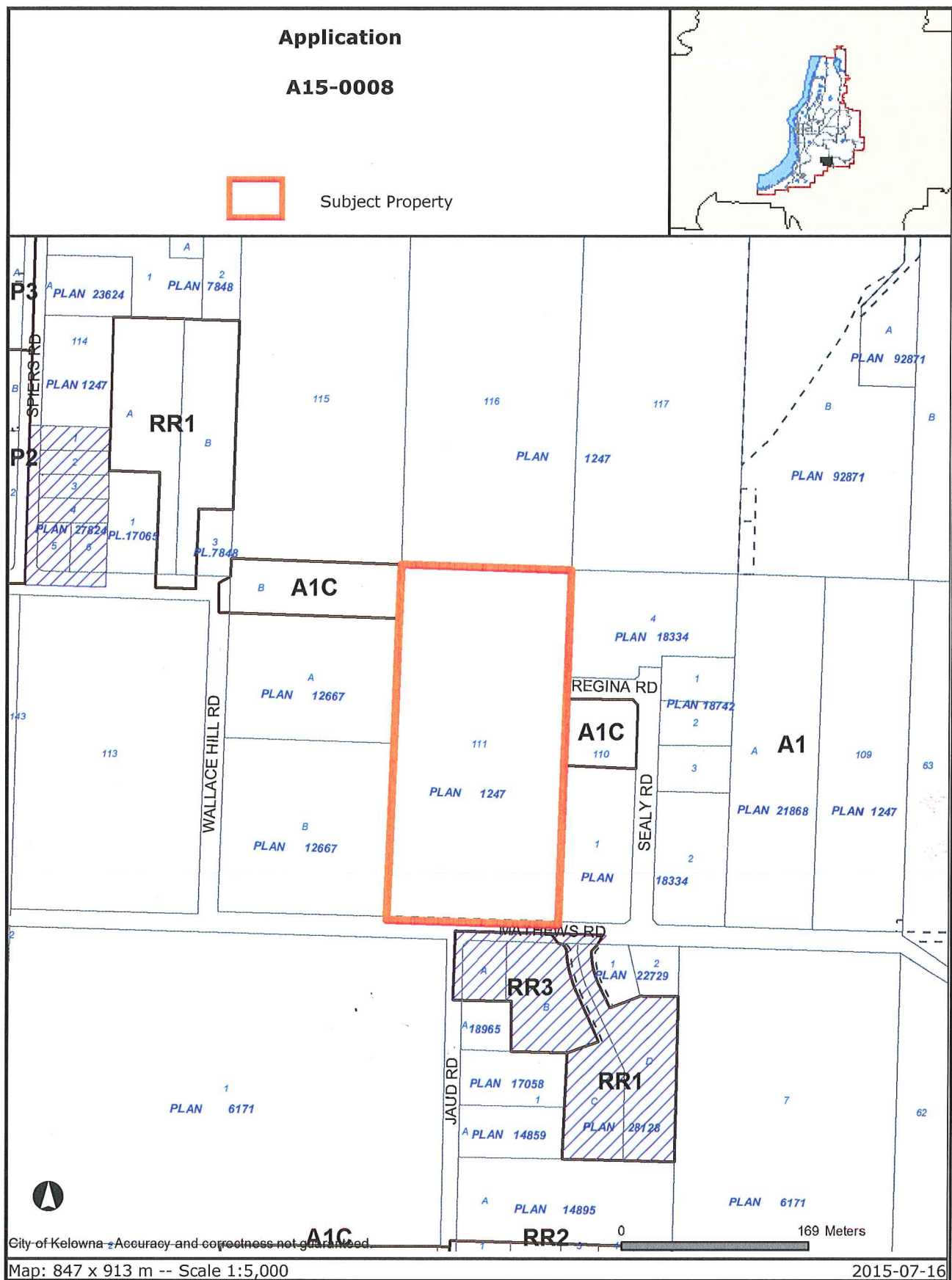
The following are the purposes of the commission:

- (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.

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

² City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.2.

³ City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35.



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.

PHOTOS

Subject: 3110 Mathews Road - Non-Farm Use - Gravel Extraction

Photo 1. Cleared Area of Site from Road



Photo 2. Existing Security Gate from Road



Photo 3. Existing Stockpile of Topsoil along Front Property Line



Photo 4: Vegetation Buffer along West Property Line





Agricultural Advisory Committee Minutes

Date: Thursday, December 10, 2015
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present: Domenic Rampone, Ed Schiller, John Janmaat, Keith Duhaime, Tarsem Goraya, Jill Worboys (Interior Health) and Yvonne Herbison

Members Absent: Pete Spencer

Staff Present: Suburban and Rural Planning Manager, Todd Cashin; Planner, Melanie Steppuhn; Council Recording Secretary, Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

The Chair called the meeting to order at 6:04 p.m.

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

2. Applications for Consideration

2.1 2115 Rutland Road, A15-0013 - Kent-Macpherson (Bikar Johal/City of Kelowna)

Staff:

- Displayed a PowerPoint presentation summarizing the application before the Committee.
- The Applicant is requesting permission from the ALC to remove portions of 2115 Rutland Road North, 175 Old Vernon Road and 219 Old Vernon Road from the Agricultural Land Reserve (ALR) under Section 30 (1) of the ALC Act.
- Displayed a map of the neighbourhood context and subject properties.
- Displayed a map of the properties in the Agricultural Land Reserve.
- Spoke to the future land use and 20 Year Transportation Plan.
- The Application is seeking to exclude properties from the ALR that are orphaned by the Rutland Road realignment.
- Spoke to the land capability; Class 3AD, improvable Class 3 with soil structure limitations.
- **Public Notification:**
 - signage posted and neighbours notified as per ALC notification policy for exclusions.
- Spoke to the Agrology Report - Talisman 2014
 - Topsoil salvage for farms (landowner to facilitate);
 - Weed control;
 - Fence remaining ALR lands;
 - Replace irrigation;
 - Consolidate remaining properties (if possible)
- City Council is asking the Agricultural Advisory Committee for your recommendation for this application with respect to the City of Kelowna and ALC regulations and policies. Considerations should be given to agriculture impacts as well as the potential impacts to surrounding agricultural parcels.
- Responded to questions from Committee members.

Jordan Hettinga, Applicant's Representative

- Commented that staff's summary was well done.
- Advised that in 1992 the City started this road network plan. It was noted that the orphaned side would not be as viable for farming.
- Advised that the Ministry of Transportation approached the property owner to bisect the property which would leave a small orphaned piece that could be consolidated with the City's property. Through that there is an agreement with the Ministry of Transportation, Mr. Johal and the City of Kelowna.

AAC/Applicant Discussion:

- The Applicant responded to questions from the Committee members.

The Applicant noted that the intention is to start securing the land component from now until Spring 2016 and the road construction following that.

AAC/Staff Discussion:

- Advised that the orphaned property has not been identified as park or green space.
- Advised that the diversion from Rutland Road North will go along Commercial Drive where an intersection will be formed and Rutland Road will become a cul de sac.
- Advised there is very little stacking distance between Highway 97 and Old Vernon Road and this realignment will increase that.
- Confirmed there will be no light at Commercial Drive and will remain right in and right out.
- Advised that the Official Community Plan indicates support for exclusions where they satisfy civic objectives. The future land use of Service Commercial is supported on the lands that will be orphaned by the Rutland Road extension.
- Advised that Council is looking for mitigation opportunities of adjacent agricultural lands should ALC support the proposed exclusion.

Moved By Keith Duhaime /Seconded By Ed Schiller

THAT the Agriculture Advisory Committee recommends that Council support an application to the Agricultural Land Commission under Section 30 (1) of the Agricultural Land Commission Act for an exclusion of a portion of three properties from the Agricultural Land Reserve on the subject property at 2115 Rutland Road.

Defeated
Ed Schiller - Opposed

ANECTODOTAL COMMENT:

The Agriculture Advisory Committee did not support the exclusion and believes the orphaned properties can be used for agricultural with adjacent properties and that vegetative buffers should be explored. The Committee recognized the benefit to the community, however felt that:

- an agricultural plan needs to be in place for these types of infrastructure projects across the City;
- a clear benefit to agriculture to clear mitigation / compensation plan should be put in place; and the
- overall benefit to agriculture needs to be demonstrated.

One example of mitigation / compensation included providing City water to agricultural properties along Burtch Road, in order to return them to agriculture, instead of the water licenses along Mission Creek, and that this may be one way to compensate for the loss of these lands to agriculture.

The Committee believes that there is no clear benefit to agriculture. However, the Committee does recognize the transportation benefits of this project.

2.2 395 Hereron Road, A15-0007 - Brenda Dureault

Staff:

- Displayed a PowerPoint presentation summarizing the application before the Committee.
- The Applicant is requesting permission from the Agricultural Land Commission to permit a non-farm use consisting of ten agri-tourist accommodation units in the form of a Recreational Vehicle park.
- The subject property is located within the Agricultural Land Reserve
- Displayed a map of the subject property and ALR lands.
- Spoke to the future land use and site background.
- Displayed a photo of the site plan.
- Advised that Agri-tourist accommodation is a permitted non-farm use by ALC.
- Advised that the use is not designated Farm Use and may be restricted or prohibited by local governments.
- Advised that current farming consists of:
 - o Agri-forestry - fruit, nut, Christmas and native;
 - o Ground crops such as garlic, edamame, melons, berries, vegetables and herbs;
 - o Flowers;
 - o Eggs;
 - o Hay; and
 - o Public tours and children's camps.
- Noted a summary of ALC Regulations for the proposed A1T zone:
 - Farm status
 - Accessory to established agriculture
 - Maximum of 10 accommodation units
 - Temporary and seasonal
- Advised that the City restricts Agri-tourism accommodation and noted previous issues on other RV sites in the ALR:
 - Year round and long term rentals;
 - Principal use on a property (farming is neglected or minimal);
 - Conflicts with both adjacent agriculture and residential lands;
 - Septic failures;
 - Land value speculation jeopardizing future farmers; and
 - Illegally storing RV's
- Noted a summary of City of Kelowna Regulations for the proposed A1T zone:
 - Rezoning requirement;
 - Agri-tourism accommodation accessory to Agri-tourism;
 - Number of accommodations based on parcel size;
 - Homeplating;
 - Landscape buffering around the agri-tourism accommodation
- Rezoning and Public Consultation:
 - The Applicant will require a rezoning to the A1t zone if the ALC supports the Applicant's non-farm use.
 - At the rezoning stage, the applicant will undertake neighbourhood consultation as per Council Policy No. 367.
- City Council is asking the Agricultural Advisory Committee for your recommendation for this application with respect to the City of Kelowna and ALC regulations and policies. Considerations should be given to agriculture impacts on site as well as the potential impacts adjacent sites.
- Responded to questions from Committee members.

AAC/Staff Discussion:

- Clarified permitted and non permitted uses.
- Confirmed that the ALC has no neighbourhood consultation requirement. Through the A1t rezoning process, public consultation is required by the City of Kelowna, through Policy 367.
- AAC Member inquired about a covenant on the property.

- Two covenants are on the property. The first is in favour of the ALC that restricts placing or removing fill on the property. The second is a No Disturb Covenant for Duggan Brook and Simpsons Pond.

Keith Funk, Newtown Planning, Applicant Representative

- Advised that Developing Farm Status has been granted until 2018 to allow for growth in intensified crops and nuts trees.
- Displayed a PowerPoint presentation, re: Curlyfrog Farm
- Noted the mixed intensity farming:
 - Broilers and eggs (85 hens)
 - Forage Hay
 - English Walnut trees (260 trees - 5 variables)
 - Black Walnut trees (450 trees - 2018 first harvest)
 - Pawpaw trees (450 trees - 2020 first harvest)
 - Mulberry trees (600 trees - 2017 first harvest)
 - Christmas trees (600 trees - 2017 first harvest)
 - Willow trees (products/workshops/cutting/floral)
 - 10 RV Agri-tourism Sites (proposed)
- Noted agri-tourism Policy Restrictions
 - Not to exceed 5% of the farmland
 - Represent a secondary source of income
 - Restricted to temporary use
 - Locate accommodation close to the front road
 - Comply with local regulations
- Noted agri-tourism Approved ALR Use
 - Public food awareness
 - On-farm education
 - Farm income supplement
 - Minimal agriculture impact
 - Raise agriculture industry awareness
 - Owner trained
- Advised of the Applicant's forecast and present income.
- Advised that the Applicant graduated from the 2014 COEDC Agri-Tourism Planning Program.
- Confirmed the Applicant is not exceeding 5% of the farmland. This represents a secondary source of income that is restricted to temporary use. Will locate accommodation close to the front road.
- Confirmed septic is not an issue. They intend to hook up to City sewer and water services.

Brenda Dureault, Owner

- Advised that the Covenant on the property relates to the creek and the pond and that no permanent structures are to be within that area.

AAC/Applicant Discussion

- Responded to questions from the Committee members.
- Confirmed that developing farm status is given through of BC Assessment.
- Advised that developing farm status given to 2018 as that is an approximate time that the Christmas trees will be ready to be sold.
- Advised that the City has had issues with water saturation in the easterly location and we are in discussions regarding more detention in that area.
- Confirmed that buffering requirement have to be maintained.
- Spoke to the vision the owner has of the farm and referenced the Gellatly Farm in West Kelowna.
- Confirmed that the existing non-conforming use of house had been relocated as an authorized improvement and does not contravene city bylaws; as long as the home is not unoccupied for 6 months at a time it can stay in the current location permanently.
- Confirmed the owner's son and two children live in the house year round.

AAC/Staff Discussion:

- Confirmed the RV Park would not trigger DCC's when hooked up to sanitary sewer as it is not a structure.
- Confirmed there would only be a sewer connection fee.
- Confirmed there must be at least 5 hectares to qualify for an A1t zone; this farm would qualify.

Keith Funk, Newtown Planning, Applicant Representative

- Advised that the Applicant agreed to a Restrictive Covenant that would guarantee there be no long term rentals with a short term of no more than 30 days. The season would be from April 1 to October 31st.

Moved By Keith Duhaime /Seconded By Ed Schiller

THAT the Agriculture 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" on the subject property at 395 Hereron Road for ten (10) agri-tourist accommodation units in the form of a Recreational Vehicle (RV) Park.

Carried
Domenic Rampone - Opposed

ANECTODOTAL COMMENT:

The Agricultural Advisory Committee is supportive of the Applicant due to the innovative and diversity of the products and also supportive of a young farmer restoring agricultural land. However, the Agricultural Advisory Committee raised concern with the RV Park turning into a year round and longer term use. Should the requirements of trees require spraying, they may have to spray when visitors are present

3. Minutes

Moved By Domenic Rampone/Seconded By Yvonne Herbison

THAT the Minutes of the November 12, 2015 Agricultural Advisory Committee meeting be adopted.

Carried

4. Referrals - Nil.

5. Old Business

Staff:

- Provided an update regarding the Ministry of Agriculture - Regulating Agri-tourism and Farm Retail Sales in the ALR and advised the deadline for input has been extended to January 15, 2016.
- Will email discussion paper and November meeting minutes to Members to review and for Members to note any further feedback.

President of BC Fruit Growers Association

- Asked if the Committee would hold off on providing further comments until BCFGA discusses their resolutions with City Council.

AAC:

- Discussed the merits of a Public Hearing process to hear concerns of businesses who are affected.

Staff:

- Reminded the Committee that they take direction from Council not other organizations.
- The Committee's feedback on the discussion paper will be brought forward to Council. If Council chooses to make changes within the zoning bylaw there would be a public consultation process at that time.

Mr. Bahl, Member of the Public

- Believes there was a lack of consultation with the Ministry of Agriculture discussion paper.
- Believes farmers in the agri-tourism industry were not consulted.
- Raised concern with creating a lot of red tape in order to hold commercial events.

AAC:

- Believes a consultation process is important in order to gather as much input as possible.

Staff:

- Advised that any group or individual can contact City Council to voice their concerns.

6. New Business

Staff:

- Provided an update regarding the Okanagan Agricultural Adaption Strategies Workshop.
- Encouraged Members to attend the next Workshop on February 10th and 11th 2016.
- Will email Members detailed information regarding the next Workshop.

7. Next Meeting

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

8. Termination of Meeting

The Chair declared the meeting terminated at 8:08 p.m.

John Janmaat, Chair

/acm