



Agricultural Advisory Committee

Minutes

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| Date: | Thursday, April 14, 2016 |
| Location: | Council Chamber City Hall, 1435 Water Street |
| Members Present | Domenic Rampone, Ed Schiller, Jeff Ricketts (Alternate), John Janmaat, Keith Duhaime, Tarsem Goraya, Yvonne Herbison, Jill Worboys (Interior Health) |
| Members Absent | Pete Spencer |
| Staff Present | Suburban & Rural Planning Manager, Todd Cashin*, Planner, Melanie Steppuhn, Planner, Trisa Brandt*, Council Recording Secretary, Arlene McClelland |

(* 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 3754 East Kelowna Road, A16-0003 - Balwinder Singh Khun Khun

Staff:

- Displayed a PowerPoint Presentation summarizing the application.
- The subject property is in the ALR; surrounding land uses are agricultural and completely surrounded by properties in the ALR.
- The subject property is in the Resource Protection Area.
- The subject property is 13 acres in size with active agriculture which includes 8 acres of apples and 4 acres of cherries. One single family dwelling, one mobile dwelling, an agri-accessory building and concrete foundation proposed permanent dwelling location are also located on the property.
- Staff and Council are able to approve, without sending to ALC,
 - o Temporary Farm Worker Housing
 - Bunkhouse or minimal in nature
 - In existing building, or manufactured home easily moveable from one location to another
 - Temporary foundation (no concrete)
 - Located within a declared farm yard footprint.
- The application does not meet Temporary or Seasonal conditions; exceeds 8 months and the additional dwelling is permanent.
- The ALC determined 20 km is considered an acceptable distance to travel for work; this application is within 20 km.
- Non-Farm Uses on ALR Land
 - o Agricultural land use conflict
 - o Farmers require temporary farm help to operate their farm
 - o ALC mandate is to protect ALR land for agricultural uses

- o Farmers are seeking large, permanent buildings for “temporary farm help”
- The proposed dwelling is a two storey structure; first floor is common living space with a covered outdoor kitchen area; second floor is the open sleeping area with bathroom and storage area.
- Noted Federal Government requirements of living space required per worker.
- The proposed design can accommodate 27 workers, to accommodate all 40 workers approve through the SAWP, larger or additional buildings are required.
- Advised that a concrete footing has been poured without proper permits.
- Noted the Land Capability; 70% 5A Class 5: limited to production of perennial forage crops and specially adopted crops, and; 30% 4A Class 4.
- Noted Soil Class; 70% R Rutland Soils and 30% DH Dartmouth Soils.
- 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.

Andy Sandhu, Applicant Representative and Balwinder Singh Khun Khun, Applicant

- Believes it is the farmer’s responsibility to provide accommodation for farm help. Rental accommodation as well as Hotels in Kelowna are highly priced and workers cannot afford that; the best place for farm help to reside is on farm land.
- The storage barn and trailer currently on the property are almost tear down buildings and not safe to live in.
- Believes it is also the farmer’s responsibility to ensure farm help has access to shopping for groceries and necessities. The farmer also has to drive farm help from farm to farm.
- Available for questions.

AAC/Applicant Discussion:

- Applicant confirmed the one building is to accommodate 27 workers on this particular site. Have applied for 40 workers but has accommodation on a different farm as well.
- Applicant stated that farm workers cannot drive as they do not have driver’s licenses, therefore, the owner would have to pick up the farm help from various locations and drive them; it is easier to house the farm help at one location.
- Applicant confirmed that Immigration requires a certain type of living condition for farm help and that it is checked by agents to ensure it is acceptable.

AAC/Staff Discussion:

- Staff confirmed that all permanent dwelling applications will be forwarded to ALC.
- Staff confirmed that the ALC Act allows for one primary dwelling to be used year round and one mobile home for the family of the principle owners without being tied to agriculture.
- A Member raised concern with increasing number of permanent structures on agricultural land as noted by staff.
- Staff noted that a trailer can easily be removed if the operation changes as well temporary structures do not add value to the land as does a permanent structure.
- A Member commented that there should be some separation between workers in their sleeping accommodation in order for personal space.

Moved By Domenic Rampne/Seconded By Tarsem Goraya

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 "non-farm use" on the subject property at 3754 East Kelowna Road for a permanent dwelling to accommodate 27 farm workers.

Carried
Yvonne Herbison, Jeff Ricketts and John Janmaat- Opposed

ANECTDOTAL COMMENT:

The Agricultural Advisory Committee supported this application for "non-farm use" on this property realizing that farmers require farm help and recognize that this particular proposal presents a small footprint and could be smaller than a trailer type of arrangement. The Agricultural Committee raised concerns with the number of people in the farm area which raised a broader issue of farm worker housing in general; suggested the City find ways to accommodate farmer's objective of having workers closer to shopping and transit and not residing on agricultural land. The Agricultural Committee raised concerns with the building design and the lack of privacy. Suggested some form of condition be placed on the property ensuring utilities and water are turned off during the non-farm work period of the year. The Agricultural Committee suggested the mobile home on the property be researched for any bylaw issues.

2.2 3240 Pooley Road, A16-0007 - Wyn Lewis

Staff:

- Displayed a PowerPoint Presentation summarizing the application.
- The applicant is requesting a Non-Farm Use to allow up to 12 theatre related commercial assemblies per year in the courtyard of their home, and weekend live music events in their picnic area on weekends through the summer.
- Okanaganville Estate Winery was established in 2008 and planted 6 acres of grapes.
 - o 2009 - Building Permit issued to turn farm house into Wine Shop; wine tasting licence
 - o 2011 - Received Winery Special Event Endorsement Liquor Licence
 - o 2016 - Seeking ALC non-farm use - commercial assembly and Wine Lounge Endorsement.
- Commercial Assemblies consist of
 - o Theatre Events (10-12 per year in summer)
 - o Live Music - Picnic Area
 - o Private Events
- 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). It is zoned A1 - Agriculture 1 and is outside of the Permanent Growth Boundary.
- Displayed the weekend concert schedule at the Vibrant Vine from 1:30 to 4:30 p.m. from June 18th to September 11th.
- Noted land and soil capabilities.
- The Official Community Plan states:
 - o Lands outside permanent growth boundary not supported for urban uses
 - o Protect Agricultural land
 - o Minimize land use conflicts on farm land
 - o Direct urban uses to within the permanent growth boundary.
- Policy 5.33.7 Non-Farm Uses - support Non-farm uses where:
 - o Consistent with Zoning Bylaw and OCP
 - o Benefit to agriculture
 - o Use existing infrastructure
 - o Not preclude future use of lands for farming
 - o No harm adjacent farms
- 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.

AAC/Staff Discussion:

- Confirmed this application is pertaining to events and not parking.

- Confirmed the total parcel is 11.3 acres of which 6 acres including southern portion is in the vineyard.

Wyn Lewis, Applicant

- Owner of Vibrant Vine.
- Commented that he is a great supporter of ALR. All land owned and 50 acres that are leased is all within the ALR.
- The ALC stated many times their support for agri-tourism as long as it supports farming. Financially it is essential for our farm to have agri-tourism or it is not a viable operation.
- Believes in tying the value of the land into the product.
- We advertise all over Canada to promote our vineyard. To promote connection to our wine we host wine maker dinners. There are hundreds of visitors from throughout the world.
- Received Best White Wine in the World award in 2013.
- Members of our Wine Club want to feel connected to the winery and they look forward to coming and seeing one of our evening plays.
- Many visitors book their vacations around one of these events.
- The plays are vital to our financial success and key to the livelihood of our employees.
- With what is proposed there will be no loss of farm land or creation of buildings; farm production is on-going. Investment will increase and will preserve 100% of agricultural land.
- Responded to questions from Committee Members.

AAC/Applicant Discussion:

- AAC Member commented that there is a traffic safety issue on Pooley Road.
- Applicant noted they have checked with RCMP and neighbours if this is an issue.
- AAC raised concern with patrons being subjected to spray from neighbouring farms.
- The applicant confirmed that staff are part time employees and they work on everything from farming, chemistry production, manufacturing sales and whole sales; moves employees all around so they are part of all of it.
- Applicant advised that all neighbours are understanding of spray times and there are no issues if we ask them to not spray at certain times due to an event. Other farms are not impacting us with spraying.

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 "non-farm use" on the subject property at 3240 Pooley Road to hold commercial assembly activities such as Shakespeare plays and music.

Carried
Jeff Ricketts - Opposed

ANECTDOTAL COMMENT:

The Agricultural Advisory Committee supported this application for "non-farm use" on this property; however, commented that this is an example of tourism on agricultural land as opposed to agri-tourism as there is no learning component with this application. Raised concern with any kind of gravel parking lot placed on agricultural land.

2.3 560 Highway 33, A16-0001 - Chancal Bal

Staff:

- Displayed a PowerPoint Presentation summarizing the application.
- The Applicant is requesting a non-farm use to hold commercial assemblies including weddings, anniversaries, reunions, festivals and concerts.
- Provided background pertaining to Hillcrest Farms:

- Family has farmed in Kelowna for 100 years
- Currently farms 140 acres in Kelowna
- Fruit and Vegetable Retail Sales (2010)
- Bed and Breakfast (2010)
- Farm Café (ALC approval 2015)
- Cherry Packing Facility (2015)
- The subject property is located in the Rutland Sector of the City and is within the Agricultural Land Reserve. The Future Land Use of the property is Resource Protection Area. The subject properties are accessed by Highway 33 E at the Springfield Road intersection.
- The Applicant proposes:
 - Location - re-contoured unfarmed land with soils from Highway widening
 - Additional soils - 10 acres into production
 - Event venue knoll and structure 3% of land
 - Parking area at fruit loading site
 - Vegetation buffer proposed at east property line
- Customers must secure a special events liquor license.
- No additional services are proposed; portable toilets.
- No permanent structure proposed. Tents will be used for events.
- Event season from March 15 to November 30th.
- 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.

AAC/Staff Discussion:

- Confirmed that for large events twice a year with up to a 1000 people would need to conform to the zoning bylaw. A Text Amendment would be required, as it was for the Café, and presented to Council.

Sukhpaul Bal, McCurdy Road, Applicant Representative

- Displayed a PowerPoint Presentation.
- The Bal family owns and operates Hillcrest Farm Market
- Proposing to establish a special events site in order to host events such as weddings, family gatherings, retreats, luncheons, festivals and concerts.
- To promote farm-growth products emphasizing farm-to-table offerings without the use of a permanent kitchen.
- Farming 140 acres within Kelowna.
- Family farm has been in existence for over 100 years.
- Struggle to maintain viable farming operations. In 2010, diversified into agri-tourism to ensure self-sufficiency in farming including Farm Café, Fruit Stand, Bed and Breakfast.
- Advised that 20,000 cherry trees in nursery to be planted in 2017.
- In 1998 began planting new cherry varieties.
- In 2006 began packing cherries on the farm.
- In 2014 upgraded to a new 8 ton per hour optical cherry sizer.
- Majority of cherries exported to Asia.
- Noted ALC Policy #4, acceptable farm-use activities.
- Believes they are promoting farming by blending agriculture, tourism and education.
- Hosted a School District Leadership Luncheon with approximately 1000 students.
- This site is surrounded by property the family owns; the closest neighbour is 300 meters from this site.

AAC/Applicant Discussion:

- Applicant confirmed that for large events patrons will be shuttled to the site as well there will be parking attendants to ensure there is damage to trees.
- Applicant advised that their commercial kitchen is a semi-trailer that has been outfitted with commercial appliances; has past fire codes and health department requirements. The semi-trailer can be moved if need be.
- Applicant confirmed this is not a wetland area.
- Applicant confirmed that table grapes are in close proximity to the site.
- Applicant advised that from the farm market to the site there is a main road we use to go through our farm; no one would be walking through the Orchard.
- Applicant confirmed that the road through the orchard would be blocked with signage directing patrons to avoid having customers exposed to pesticides.
- AAC stressed that the education component be fulfilled.

Moved By Ed Schiller/Seconded By Domenic Rampone

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 "non-farm use" on the subject property at 560 Highway 33 to hold commercial assembly activities including weddings, anniversaries, reunions, festivals and concerts.

Carried
Jeff Ricketts - Opposed

ANECTDOTAL COMMENT:

The Agricultural Advisory Committee supported the "non farm use" on this property, however, recognizing that this is a working cherry orchard, strongly suggest that patrons of an event are warned that pesticides have been used upon entry. That patrons have limited access to the surrounding Orchard to eliminate exposure to chemicals. The Agricultural Advisory Committee recognize and support the education component but raised concern on how success that will be. Recommended that a covenant be placed to ensure that if the property is sold, the use not be sold as a business, and that it be only for the current owner. The Agricultural Advisory Committee acknowledged the non-farm-use criteria being consistent with OCP Policy with respect to a non-farm use that uses existing infrastructure; not preclude future use of land for farming and not harm adjacent farms.

3. Minutes

Moved By Keith Duhaime /Seconded By Ed Schiller

THAT the Minutes of the March 10, 2016 Agricultural Advisory Committee meeting be adopted.

Carried

4. Old Business

ALC Decisions:

1629 KLO Road - Better Earth Garden Products - Non Farm Use Application.
Rutland Road Alignment - Old Vernon Road Exclusion

Staff:

- Advised that the Agricultural Land Commission supported the Non-Farm Use Application for 1629 KLO Road.
- Advised that the Agricultural Land Commission supported the exclusion of a portion of Old Vernon Road without conditions.

5. **Next Meeting**

The next Committee meeting has been scheduled for May 12, 2016.

6. **Termination of Meeting**

The Chair declared the meeting terminated at 9:14 p.m.

John Janmaat, Chair

/acm