

# Agricultural Advisory Committee

## AGENDA



Thursday, June 9, 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](http://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 1640 Ward Road & 3690 Berard Road, A16-0008 - Wilma, Ron & James McMillan 3 - 16

The applicant is requesting permission from the Agricultural Land Commission under Section 20(3) of the Agricultural Land Commission Act for a Non-farm Use to hold up to 10 weddings / events per year.

#### 2.2 1380 Latta Road, FH16-0002 - Hardeep Khela 17 - 27

The applicant is requesting permission to issue a Farm Help Development Permit No. FH16-0002 for Lot 1 Section 31 TWP 27 ODYD Plan KAP91485 Except Plan KAP9299, located at 1380 Latta Road, for Temporary Farm Worker Housing (TFWH) for 40 Temporary Farm Workers.

### 3. Minutes 28 - 35

Approve Minutes of the Meeting of May 12, 2016.

**4. New Business**

Agriculture Plan Update - Public Engagement Process - Ione Smith

**5. Next Meeting**

July 14, 2016.

**6. Termination of Meeting**

# COMMITTEE REPORT



**Date:** June 9, 2016

**RIM No.** 1210-21

**To:** Agricultural Advisory Committee (AAC)

**From:** Community Planning Department (MS)

**Application:** A16-0008

**Owners:** R.J. McMillan  
J.R. McMillan  
W.E. McMillan

**Address:** 1640 Ward Rd & 3690 Berard Rd

**Applicant:** Wilma McMillan  
Ron McMillan  
James McMillan

**Subject:** Application to the ALC for a Non-Farm Use to hold up to 10 weddings per year

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## 1.0 Purpose

The applicant is requesting permission from the Agricultural Land Commission under Section 20(3) of the Agricultural Land Commission Act for a Non-farm Use to hold up to 10 weddings / events per year.

## 2.0 Proposal

### 2.1 Background

The farm was purchased by the owner's grandparents in 1950. Since then, it has been farmed for hay and vegetables. Until 1950 the applicant's grandparents and father ran one of the largest dairy farms in Kelowna. At the time, they grew corn silage as part of the dairy operations and the farm still has one of Kelowna's last remaining corn silos. The current hayfield has been in production from 1972 until today. Cattle was raised from late 90's until about 2010. Today they have several horses that graze on the farm and they make use of the pasture areas that once supported the dairy herd.

In 2004, the applicants started selling pumpkins to their neighbours to gauge the interest and to expand their crop diversity. They have continually expanded since that time and they are currently one of the larger pumpkin farms in Kelowna, drawing visitors from not just Kelowna, but across the southern Interior and even internationally (China, Japan, Australia). They have run a successful agritourist operation on the farm including hay rides, the pumpkin patch, corn maze and other farm activities. In 2008, they added a 3 acre corn maze to their agri-tourism operation. At the end of the season when the corn maze is no longer used, they provide it to their neighbor to feed their sheep over the winter months. They also have egg laying chickens, and have recently invested in a mobile coop. The pasture adjacent to Mission Creek is typically too wet to produce hay.

This year, they have started a test plot of 21 hop plants and about 200 strawberry plants and hope that these too will allow the farm to diversify. They also have plans to expand their egg and corn production.

Staff notes that agritourism activities such as hay rides and pumpkin patches are identified as a 'farm use' in the Agricultural Land Reserve Regulation, and cannot be prohibited or regulated by local government.

In September, 2015, the Ministry of Agriculture issued a *Discussion Paper and Proposed Minister's Bylaw Standards on Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve*<sup>1</sup> regarding agri-tourism and related activities. Staff notes that the standards are proposed and have not been adopted by the Minister of Agriculture. However, the document identifies commercial weddings and assemblies are a 'Tier 2' agri-tourism activity and require ALC approval as a Non-Farm Use.

## 2.2 Project Description

The owners seek the ALC's approval to allow up to 10 weddings (or other events) per year on their farm. Other details on the proposal are:

- No structures are proposed;
- For parking, there is capacity for 100 cars using the edges of the existing hay field;
- The existing farm road is used for access;
- Ceremonies are to be held under a willow tree in the lower field, guests sit on benches and hay bales;
- Tents are used for shelter;
- Portable toilets are rented;
- The maximum capacity proposed is 200 people;
- The season will run from July 1<sup>st</sup> to October 31<sup>st</sup>;
- No grading or site changes are proposed;
- The area to be used for weddings is approximately 0.2 ha (0.5 acre) of existing pasture;
- The owners will not provide catering or food service for the events, but they allow their guests to self-cater if desired (for example, picnics or barbeques, or the services of a mobile vendor);
- Liquor service is the responsibility of the customers if they so choose; and
- No permanent services are proposed as part of the application.

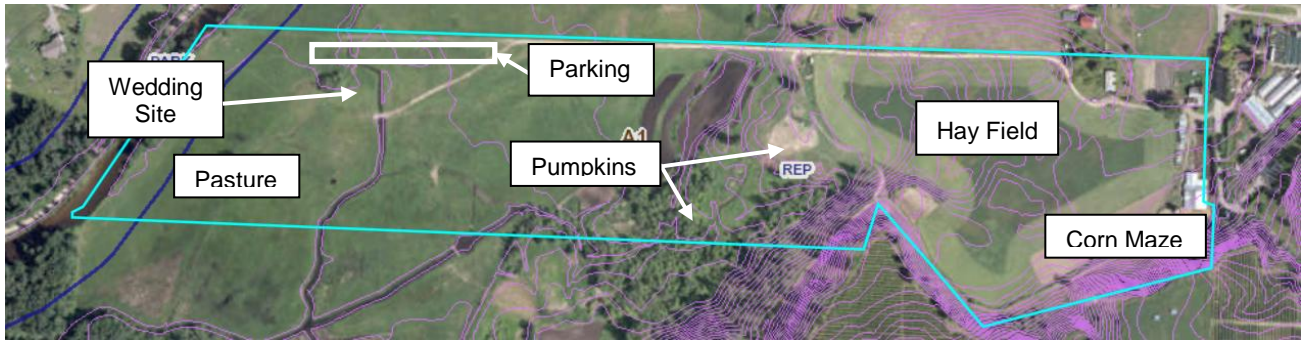
The applicants will supply a generator for music or refrigeration if requested. There are picnic tables available. Water will be provided in portable jugs. No changes will be made to the pasture, and the animals are brought back into the area for grazing.

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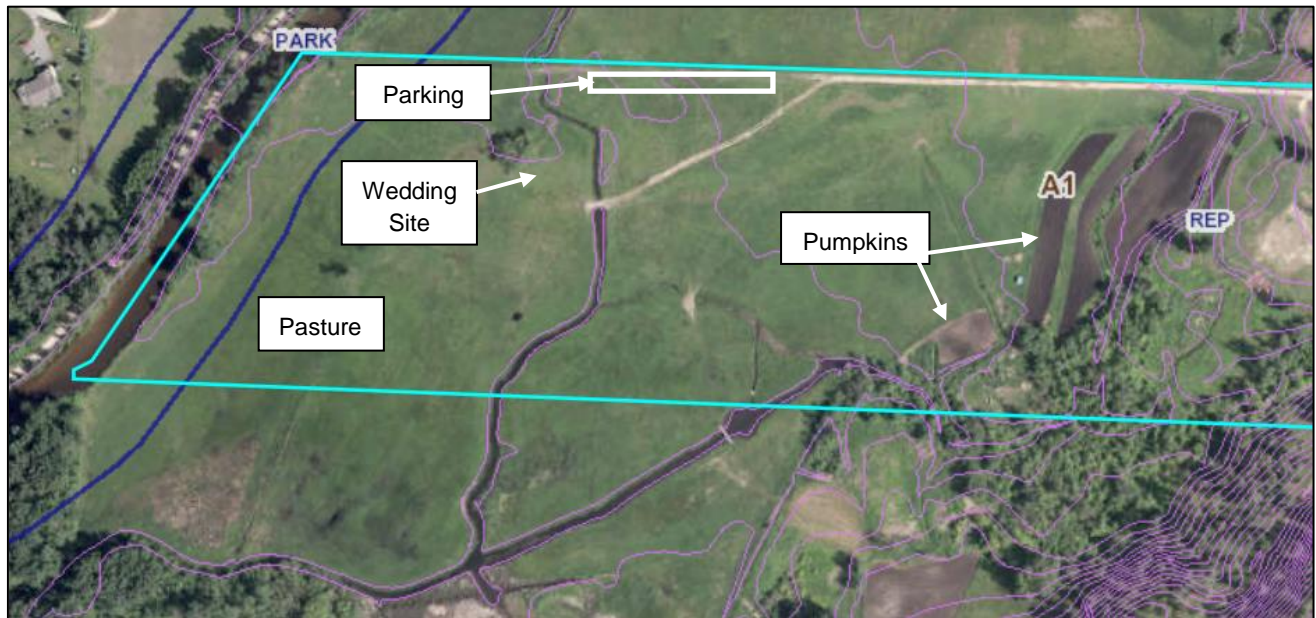
<sup>1</sup> Ministry of Agriculture, Sept. 14, 2015. Discussion Paper and Proposed Minister's Bylaw Standards. [http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/agricultural-land-and-environment/strengthening-farming/local-government-bylaw-standards/2015\\_09\\_14\\_agri-tourism\\_discussion\\_paper.pdf](http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/agricultural-land-and-environment/strengthening-farming/local-government-bylaw-standards/2015_09_14_agri-tourism_discussion_paper.pdf)



**Map 1 - Subject Property**



**Map 2 - Proposed Wedding Site**



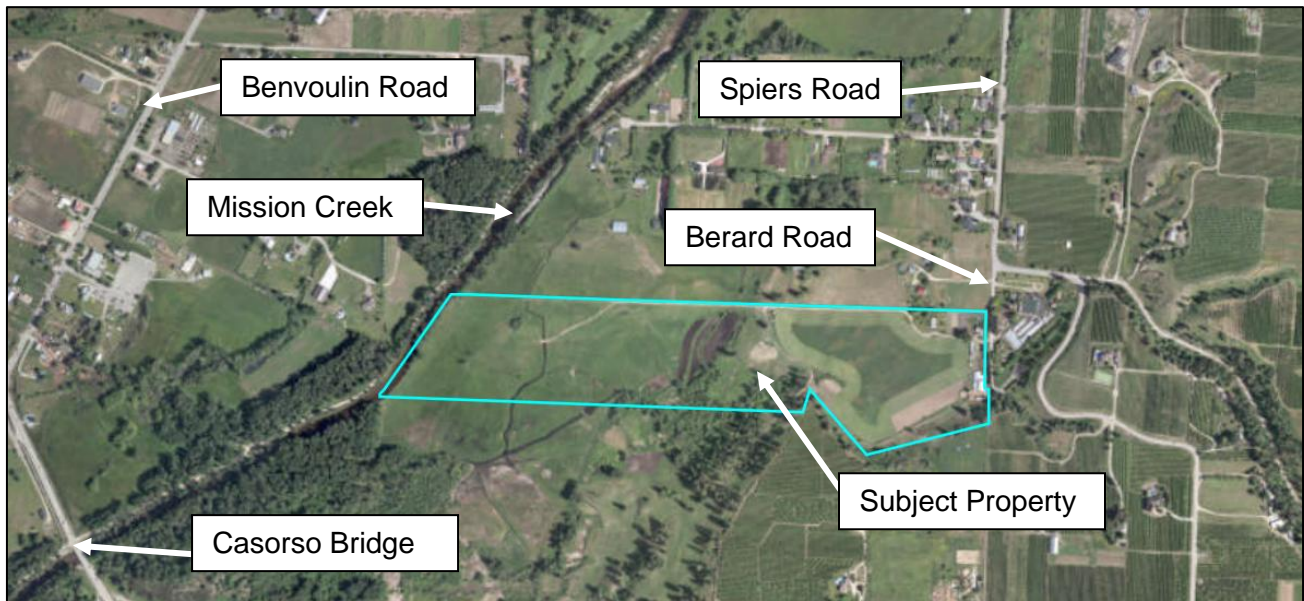
### 2.3 Site Context

The subject property lies within 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 3 - 5, below) and is outside of the Permanent Growth Boundary. The property varies in elevation from 349 to 362 metres above sea level.

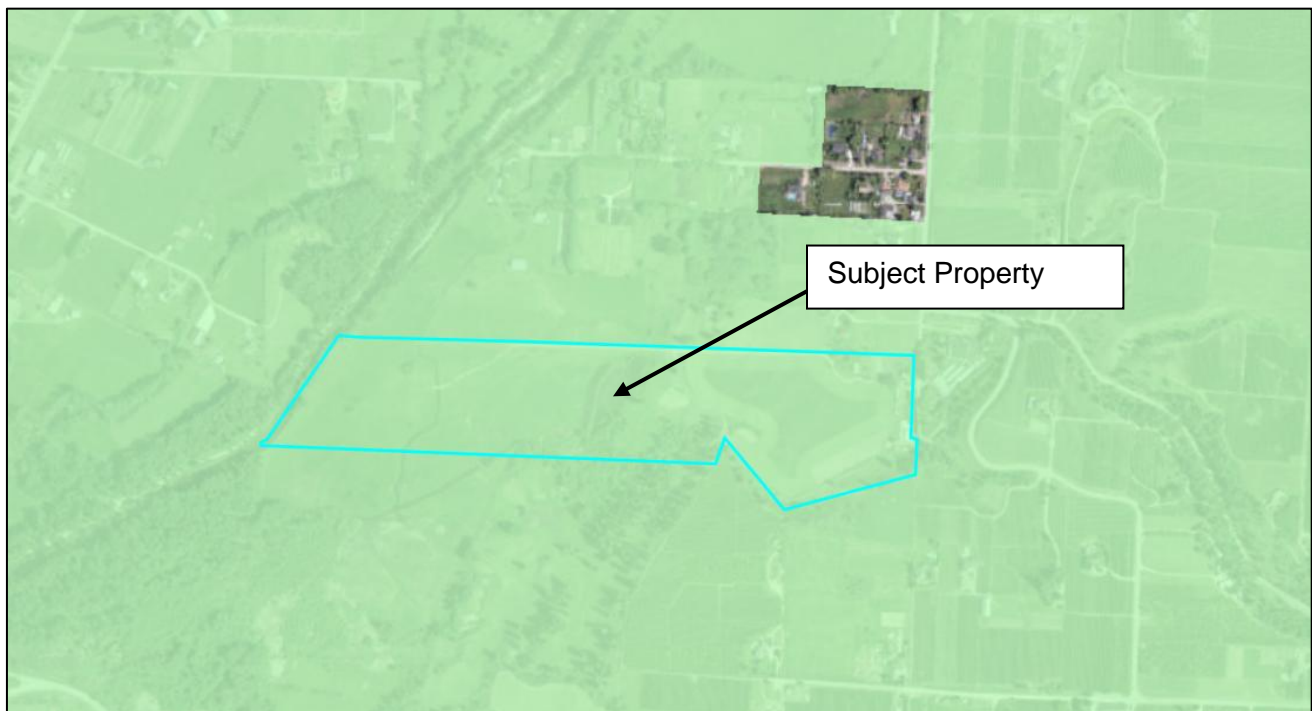
Parcel Summary - 1640 Ward Rd / 3690 Berard Rd 3690:

Parcel Size: 22.45 ha (55.49 22.45 acres)  
 Elevation: 349 to 362 metres above sea level (masl) (approx.)

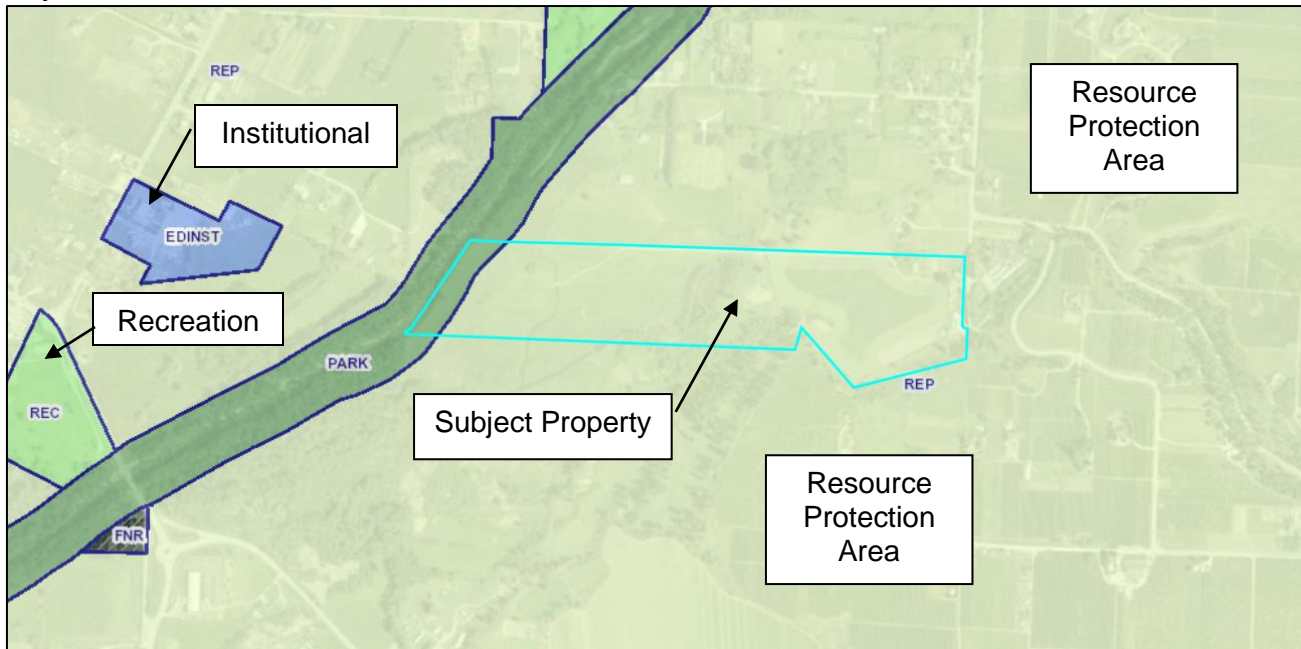
**Map 3 - Neighbourhood**



**Map 4 - Agricultural Land Reserve**



### Map 5 - Future Land Use



### 2.4 Neighbourhood Context

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	Yes	Agriculture
East	A1 - Agriculture 1	Yes	Agriculture
West	A1 - Agriculture 1	Yes	A1 - Agriculture 1 / Park / Natural Area



### 3.0 Community Planning

Council and staff are seeking a recommendation from the AAC with respect to the proposed non-farm use of 10 weddings / commercial assemblies per year on the subject property. The AAC should pay particular attention to City and ALC policies and regulations with respect to non-farm uses and potential demands for a greater level of services in the way of washrooms, kitchens and parking should the venture become successful.

In addition, the AAC should consider potential impacts to agricultural land City-wide should this precedent be established. That is to say, the AAC should consider the impact of allowing for commercial assemblies, either wholly, or as accessory to farming and other agri-tourism efforts. Recommendations for safeguards to ensure farming is maintained may be considered. If this use is deemed to be appropriate, but only in select locations, the AAC may wish to recommend criteria in establishing appropriate locations along with any constraints that would be appropriate.

Regardless of whether or not the AAC supports the proposed use, AAC members should consider recommendations in terms of limiting or mitigating impacts of the use to agriculture, either on site or for neighbouring farms, in the event that the ALC and City Council approve the use.

**Report prepared by:**

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Melanie Steppuhn, Land Use Planner

**Reviewed by:**

☐

Todd Cashin, Community Planning Department Manager

**Approved for Inclusion:**

☐

Doug Gilchrist, Divisional Director, Community Planning & Real Estate

**Attachments:**

Attachment A - Policies

Photos

Applicant Package

# SCHEDULE A - Policies



**Subject:** 3690 Berard Road / 1640 Ward Road  
Non-Farm Use (Weddings)

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## **1.0 Current Development Policies**

### **1.1 Kelowna Official Community Plan (OCP)**

#### **Future Land Use<sup>2</sup>**

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 Guidelines<sup>3</sup>**

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 agriculture<sup>4</sup>.

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 land<sup>5</sup>.

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<sup>2</sup> City of Kelowna Official Community Plan, Chapter 4.7 (Future Land Use).

<sup>3</sup> City of Kelowna Official Community Plan, Chapter 15.2 (Farm Protection DP Guidelines).

## 1.2 City of Kelowna Agriculture Plan

### ALR Application Criteria<sup>6</sup>

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.

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<sup>4</sup> City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.33.

<sup>5</sup> City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.34.

<sup>6</sup> City of Kelowna Agriculture Plan (1998); p. 130.

## PHOTOS

Photo 1. Proposed Wedding Ceremony Site



Photo 2. Wedding Site - Benches and Willow





Photo 3. Farmgate General Store



Photo 4: Farm Tour





Photo 5: Hay Rides



Photo 6: Farm Workers





**Photo 7: Pumpkins**



**Photo 8: Extent of Flooding in 2013**



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

Current uses of the farm include: -approximately 16 acres of hayfield, 3 acres of corn maze, 3 acres of pumpkins and pasture for grazing horses and other animals - Some areas are unusable as it contains swamp and streams. - Lowlying areas near Mission Creek occasionally used to harvest summer hay. This is becoming less usable as it is being flooded year round by Mission Creek, due to no gravel removal by Province of BC. Approximately 16 ha flooded in 2013. - Steep hillsides (East Kelowna Escarpment) only suitable for minor grazing. - Operate agr-tourism in September/October consisting of corn maze, hay maze, pumpkin patch and hayride

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

- With increased popularity of agri-tourism activities in fall pumpkin production has increased by adding additional fields. in 2016, we plan on increasing the fields under pumpkin production from 3 to 4 acres. - we are currently investigating the ability to operate a strawberry pick and to grow hops. Perhaps 1/4 to 1/2 of an acre to be brought into production start. - we started with a small patch of sweet corn in 2015, selling to co-workers and family. Would like to see this increased in 2016 to 1/4 to 1/2 an acre. - For past 3 years we have invested in equipment to grow pumpkins with technique called plasticulture, which allows use of drip lines on all pumpkin fields. - have built additional chicken coops for up to 25 egg laying chickens. Most recent coop built as a chicken tractor so that it can be moved around in pasture. If testing goes ok, will build additional chicken tractors and get additional egg laying chickens. - have invested in new tractor, 2 trailers, disc's, seed planters, plastic mulch layer.

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

in 2013, we applied for and received, permission from the ALC to operate Farm & golf on the farm. Unfortunately we didn't proceed with it, as we were approached by individuals for weddings. Since 2013, we have conducted about 15 weddings on the farm.

## **Adjacent Land Uses**

### **North**

**Land Use Type:** Agricultural/Farm

**Specify Activity:** Sheep farm and abattoir

### **East**

**Land Use Type:** Agricultural/Farm

**Specify Activity:** Greenhouses

### **South**

**Land Use Type:** Agricultural/Farm

**Specify Activity:** Orchard and hayfields

### **West**

**Land Use Type:** Agricultural/Farm

**Specify Activity:** Mission Creek

## **Proposal**

### **1. How many hectares are proposed for nonfarm use?**

0.3 ha

### **2. What is the purpose of the proposal?**

The purpose of the proposal is to request the ability to hold up to 10 weddings on the farm per year. The

weddings would be setup in the early morning, using benches and haybales for seating, props setup such as old apple boxes, wine barrels and the farm's original milk cans. Pumpkins, when in season, are available for decorating as well. After the wedding has concluded, everything is put away and the site is available for animals to graze on again. No permanent structures would be used or built. Temporary tents are also put up and taken down the same day to provide shelter. In addition, a portable washroom will be used on site.

**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.**

A wedding can be held anywhere. However, when we host a wedding on the farm it is an opportunity to use the wedding as a platform to help promote the farm and agriculture in our community. The wedding uses farm props that are part of its history, uses farm produce when in season for decorating, the bridal party has an opportunity to use the hayride and it's a chance to network with potential customers. Guests are made aware that the farm exists and what it offers and they return.

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

Yes, this proposal supports short and long term agriculture. Weddings are held for only a few hours during a day, leaving the site for grazing horses the remainder of the time. This would occur no more than 10 times a year. This results in minimal impact to agricultural activities. This proposal supports agriculture in showcasing our agricultural products (hay, pumpkins, corn, etc.) which guests see on display and can purchase when in season. When crops are not in season, weddings provide a marketing opportunity to promote the farm and its agricultural history. In fact, many guests return in the fall to purchase pumpkins and participate in our other activities. One reason we hold weddings on the farm, is that our summer hayfields have been severely impacted by continuous Mission Creek flooding and a rising water table. This reduces the supply of hay that we have for the fall agri-tourism activities and feed for the animals on the farm. This reduces our ability to be self-sufficient and creates an expense because we have to source hay elsewhere. Weddings provide additional income that can be used to purchase hay, upgrade equipment, pay for fuel, farm and equipment maintenance and pay for staff wages in September when we are picking pumpkins and we ramp up for our fall activities.

**Applicant Attachments**

- Other correspondence or file information - MP - Current use
- Other correspondence or file information - MP - Adjacent Use
- Proposal Sketch - 55099
- Certificate of Title -011-713-381
- Certificate of Title -011-713-372

**ALC Attachments**

None.

**Decisions**

None.



# COMMITTEE REPORT



**Date:** June 9, 2016  
**RIM No.** 1210-21  
**To:** Agricultural Advisory Committee (AAC)  
**From:** Community Planning Department (MS)  
**Application:** FH16-0002  
**Owner:** Manjinder Khela  
Hardeep Khela  
**Address:** 1380 Latta Road  
**Applicant:** Hardeep Khela  
**Subject:** Farm Help Development Permit Application to Council for Temporary Farm Worker Housing for 40 Temporary Farm Workers

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## 1.0 Purpose

The applicant is requesting permission from Council to issue a Farm Help Development Permit No. FH16-0002 for Lot 1 Section 31 TWP 27 ODYD Plan KAP91485 Except Plan KAP9299, located at 1380 Latta Road, for Temporary Farm Worker Housing (TFWH) for 40 Temporary Farm Workers.

## 2.0 Proposal

### 2.1 Background

The applicants are orchardists that farm 16 parcels, owned and leased, from Oliver to Lake Country. The farm operation includes seven parcels within the City of Kelowna, with an area of over 50 ha (125 acres). The request is for 40 Temporary Farm Workers to be housed in temporary structures on non-permanent foundations (trailers). The location on the site is not currently planted. See attached plan.

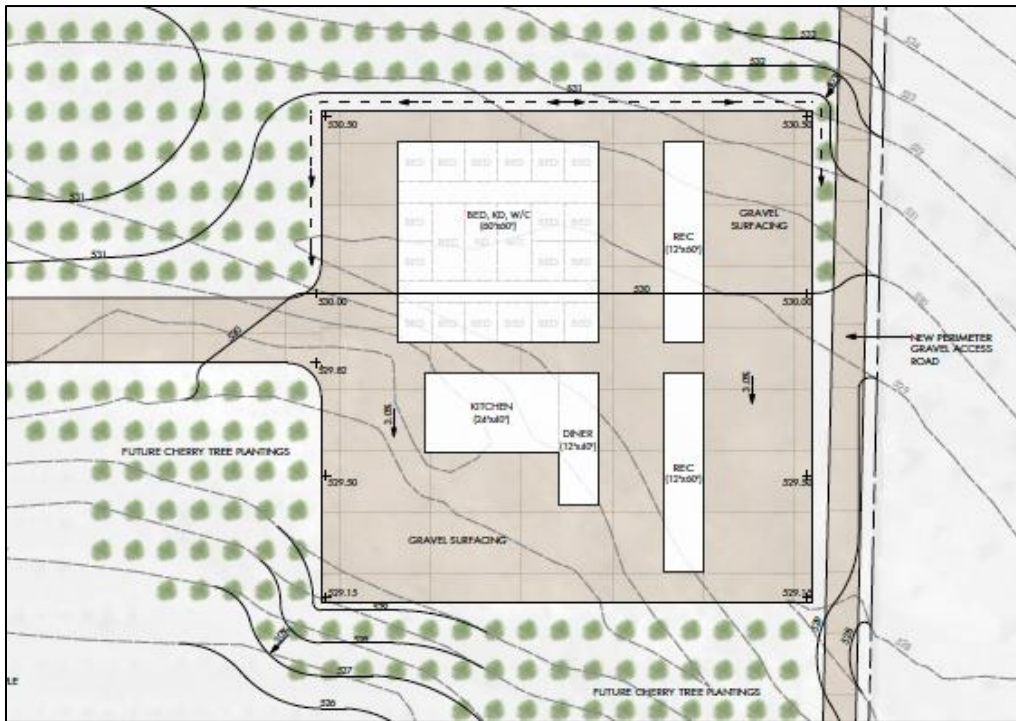
### 2.2 Project Description

The proposed trailer accommodation for 40 workers is to be placed on an unfarmed portion of the subject property. (See below, and attached Layout Plan). The proposal includes:

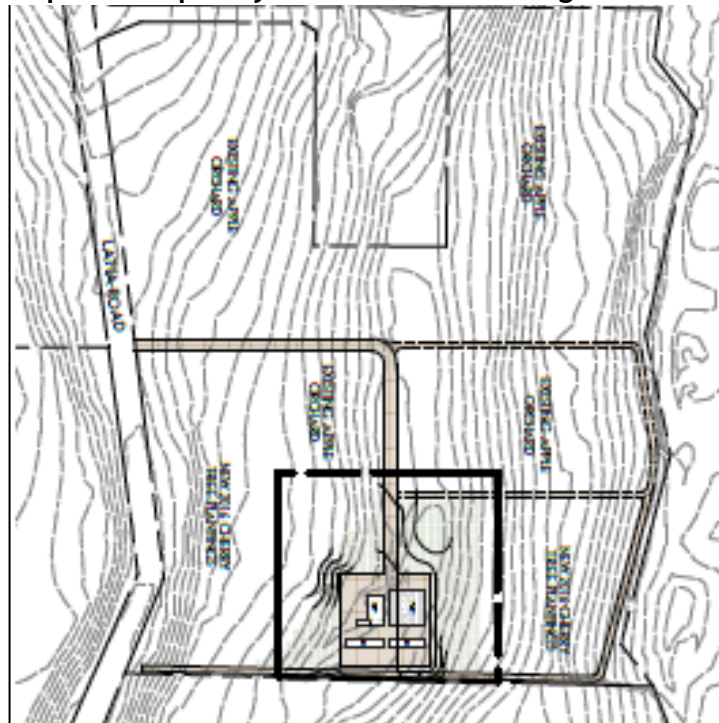
- one sleeper / washroom trailer;
- one kitchen / dining trailer; and
- two recreation room trailers.

The plan includes a three metre wide landscape buffer, with proposed cherry tree plantings to the south property line and all around the TFWH.

Map 1 - Temporary Farm Worker Housing Layout



Map 2 - Temporary Farm Worker Housing Site Plan



## 2.3 Federal and Provincial Standards and Bylaw Guide

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

The Agricultural Land Commission, as well as the Ministry of Agriculture's Guide to Bylaw Development in Farming Areas<sup>1</sup>, advises that temporary farm workers should be housed in temporary structures. This application complies with these standards.

Ministry of Agriculture guidelines for *Regulating Temporary Farm Worker Housing in the ALR*<sup>2</sup> states that a maximum number of 40 workers per farm for orchards and vineyards is permissible.

In addition, the application complies with the provincial standards for Temporary Farm Worker Housing (TFWH) in that it:

- a) *Meets the needs of the agriculture industry;*
- b) *Minimizes the residential impact of TFWH in the agricultural area;*
- c) *Minimizes the loss and/or fragmentation of agricultural land due to TFWH; and*
- d) *Minimizes the risk of TFWH being used for non-farm purposes.*

The Bylaw Guide states that a local government may require the following:

- A Restrictive Covenant that states:
  - the TFWH shall be used for temporary farm workers only;
  - the owner will remove the TFWH if the farm operation changes such that it is no longer required; and
  - the TFWH will only be used for farm workers for a specified limited number of months during the year (typically a maximum of eight months).
- A deposit sufficient to remove the TFWH *or* the cost of removal can be recovered by local government through taxes applied to the property.

## 2.4 Site Context

Parcel Summary - 1789 Munson Road:

Parcel Size: 761 ha (18.81 acres)

Elevation: 512 to 550 metres above sea level (masl) (approx.)

<sup>1</sup> BC Min. Of Ag., 2015. Guide for Bylaw Development in Farming Areas, (Revised 2015).

[http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/agricultural-land-and-environment/strengthening-farming/local-government-bylaw-standards/840000-1\\_guide\\_for\\_bylaw\\_development\\_in\\_farming\\_areas.pdf](http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/agricultural-land-and-environment/strengthening-farming/local-government-bylaw-standards/840000-1_guide_for_bylaw_development_in_farming_areas.pdf)

<sup>2</sup> Min. Of Ag., 2009. Regulating Temporary Farm Worker Housing in the ALR – Discussion Paper and Standards, Sustainable Agriculture Management Branch.

[http://www2.gov.bc.ca/gov/DownloadAsset?assetId=5351C7B431F4418985DFC0C6036E1128&filename=800221-1\\_temp\\_farm\\_worker\\_housing\\_mar09.pdf](http://www2.gov.bc.ca/gov/DownloadAsset?assetId=5351C7B431F4418985DFC0C6036E1128&filename=800221-1_temp_farm_worker_housing_mar09.pdf)

**Map 3 - Neighbourhood**

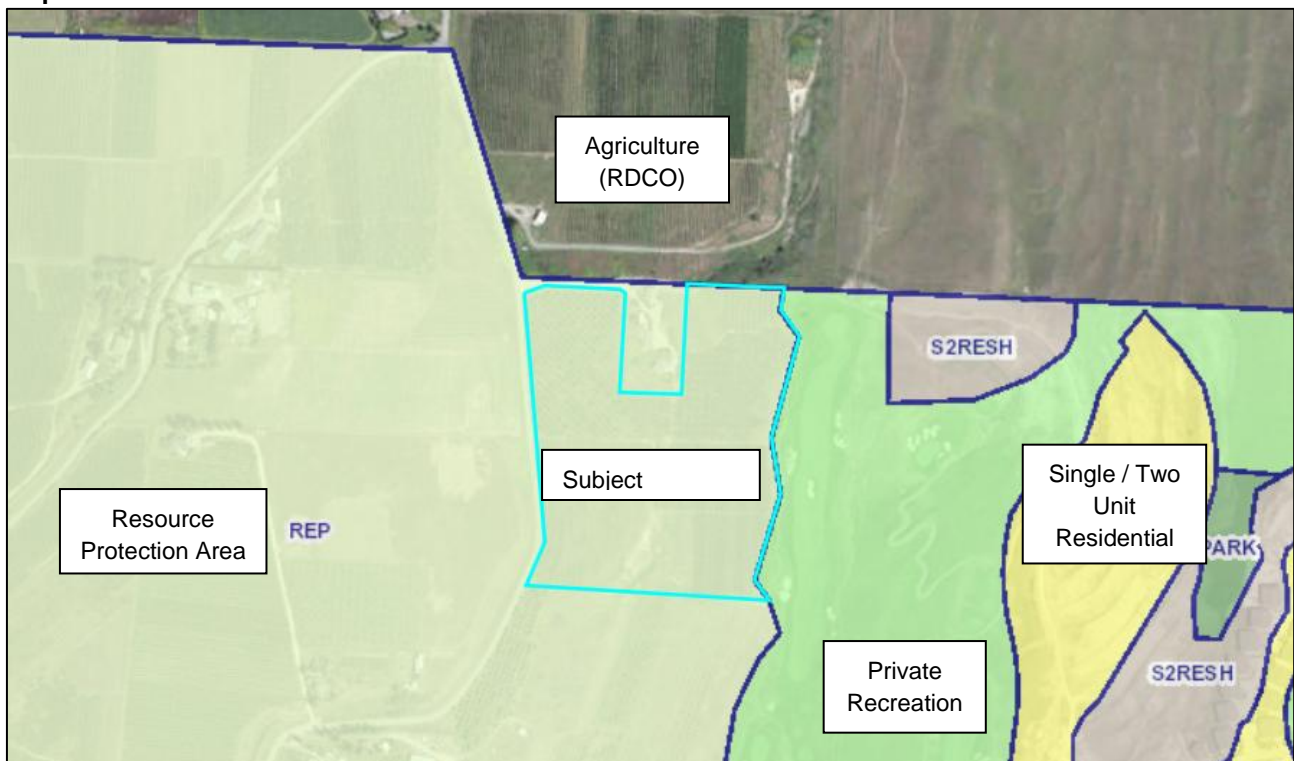


**Map 4 - Agricultural Land Reserve**





Map 5 - Future Land Use



## 2.5 Neighbourhood Context

The subject property lies within the Rutland Sector of the City.

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	Agriculture (RDCO)	Yes	Agriculture
South	A1 - Agriculture 1	Yes	Agriculture
East	CD6 - Comprehensive Residential Golf Course	Yes	Golf Course
West	A1 - Agriculture 1	Yes	Park / Natural Area

### 3.0 Planning

The AAC should consider:

- Homeplating guidelines from the OCP and the Ministry Bylaw Guide Standards;
- Potential impacts on this farm and on other farm operations.
- Potential measures to ensure the structures are continually used for farm workers through time.

Council and staff are seeking a recommendation from the AAC with respect to the proposed TFWH for 40 temporary farm workers per on the subject property. The AAC should pay particular attention to City and Ministry standards and regulations with respect to Temporary Farm Worker Housing and long term potential changes to the farm operation.

In addition, the AAC should consider potential impacts to agricultural land should this proposal be established. If this use is deemed to be appropriate, the AAC may wish to recommend criteria with respect to any constraints that would be appropriate.

Regardless of whether or not the AAC supports the proposed use, AAC members should consider recommendations in terms of limiting or mitigating impacts of the use to agriculture, either on site or for neighbouring farms, in the event that the ALC and City Council approve the use.

**Report prepared by:**

\_\_\_\_\_  
Melanie Steppuhn, Land Use Planner

**Reviewed by:**



Todd Cashin, Community Planning Department Manager

#### **Attachments:**

Attachment A - Policies  
Site and Grading Plan

# SCHEDULE A - Policies



**Subject:** 1380 Latta Road - Temporary Farm Worker Housing

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## 3.1 City of Kelowna Agriculture Plan (1998)

### ALR Application Criteria<sup>3</sup>

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.

### 1.1 City of Kelowna Strategic Plan

**Objective<sup>4</sup>:** Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

**Action towards this objective<sup>5</sup>:** Evaluate the effectiveness of City policies and bylaws in preserving agricultural lands.

### 1.3 Kelowna Official Community Plan (OCP)

#### Land Use Designation Definitions

#### Resource Protection Area<sup>6</sup>

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

#### Permanent Growth boundary<sup>7</sup>

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

## Chapter 5 - Development Process

### **Objective 5.3 Focus development to designated growth areas.**

<sup>3</sup> City of Kelowna Agriculture Plan. 1998. P. 130.

<sup>4</sup> City of Kelowna Strategic Plan. 2004. P. 7.

<sup>5</sup> City of Kelowna Strategic Plan. 2004. P. 29.

<sup>6</sup> City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.2.

<sup>7</sup> City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.6.

**Policy .1 Permanent Growth Boundary<sup>8</sup>.** Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Support development of property outside the Permanent Growth Boundary for more intensive uses only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council's specific amendment of this policy. Resource Protection Area designated properties not in the ALR and outside the Permanent Growth Boundary will not be supported for subdivision below parcel sizes of 4.0 ha (10 acres). The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

### **Agricultural Land Use Policies**

#### **Objective 5.33 Protect and enhance local agriculture<sup>9</sup>.**

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

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

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

## **1.4 Agricultural Land Commission Act (ALCA)**

Purposes of the commission - Section 6 of the ALCA

The following are the purposes of the commission:

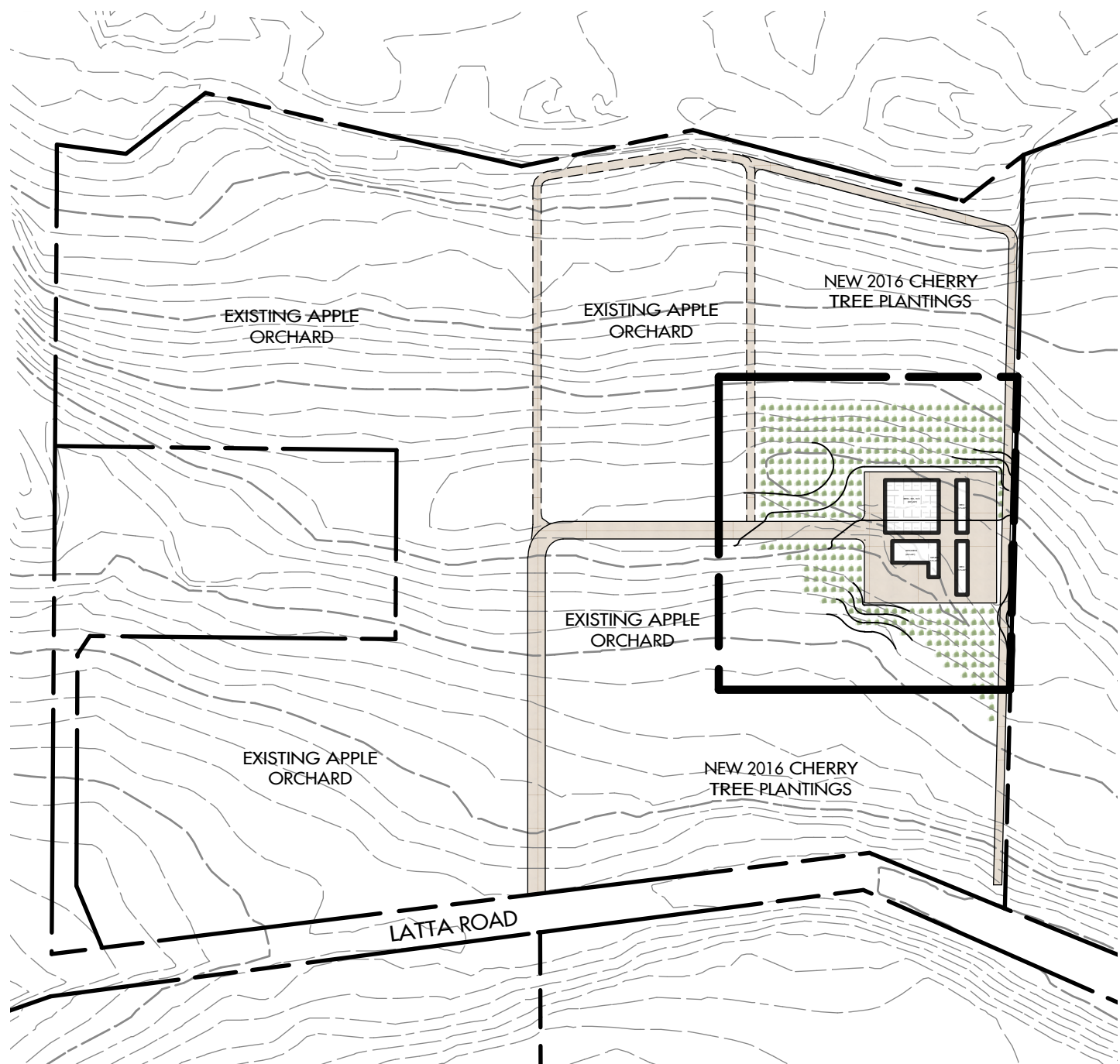
- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with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

<sup>8</sup> City of Kelowna 2030 Official Community Plan. Development Process Chapter. P. 5.2.

<sup>9</sup> City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35.







KEY MAP  
SCALE: 1:2000

GRADING & DRAINAGE LEGEND

280.0

EXISTING CONTOURS

+ 279.55

PROPOSED SPOT ELEVATION

1.0%

PROPOSED SLOPE

SWALE

SWALE

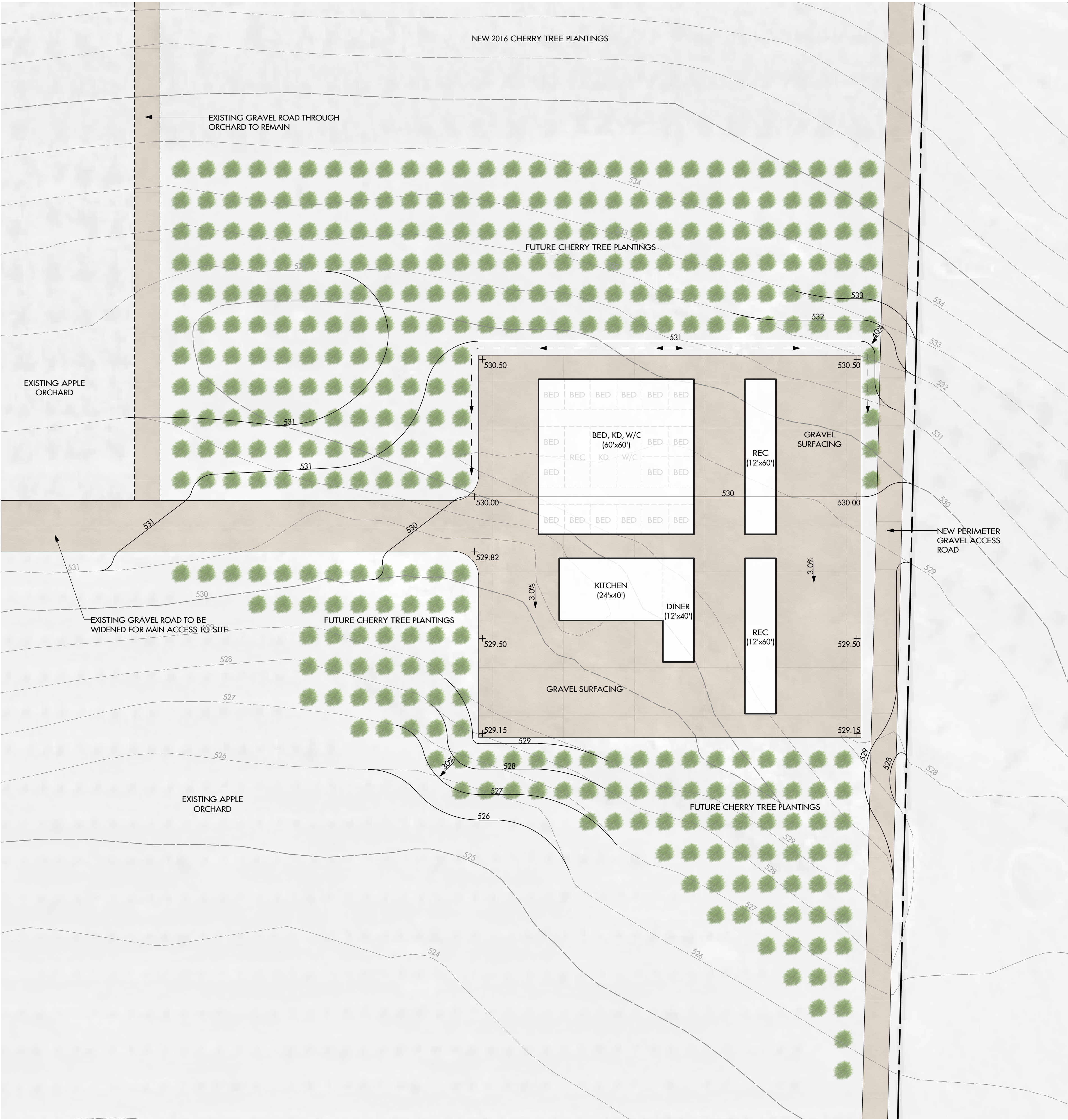
GRADING & DRAINAGE NOTES

1. BRITISH COLUMBIA LANDSCAPE STANDARD

ALL WORK OF THE CONTRACTOR SHALL MEET OR EXCEED ALL STANDARDS OR SPECIFICATIONS ESTABLISHED IN THE LATEST EDITION OF THE BC LANDSCAPE STANDARD, PUBLISHED JOINTLY BY THE BC LANDSCAPE & NURSERY ASSOCIATION (BCLNA) AND THE BRITISH COLUMBIA SOCIETY OF LANDSCAPE ARCHITECTS (BCSLA).

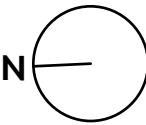
2. POSITIVE DRAINAGE

ALL PROPOSED PAVING, TURF AREAS & PLANTING AREAS SHALL SMOOTHLY CONFORM TO EXISTING ADJACENT FEATURES. PROVIDE POSITIVE DRAINAGE ON ALL PAVING & THROUGHOUT ALL PLANTING AREAS.



OUTLAND DESIGN  
LANDSCAPE ARCHITECTURE

206 - 1889 Spall Road  
Kelowna, BC V1Y 4R2  
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www.outlanddesign.ca



PROJECT TITLE

1380 LATTA ROAD

Kelowna, BC

DRAWING TITLE

CONCEPTUAL GRADING  
PLAN

ISSUED FOR / REVISION

1	16.05.05	Review
2		
3		
4		
5		

PROJECT NO

DESIGN BY	FB
DRAWN BY	KG
CHECKED BY	FB
DATE	MAY 5, 2016
SCALE	1:250

SEAL



DRAWING NUMBER

L1/1

ISSUED FOR REVIEW ONLY  
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## Agricultural Advisory Committee

### Minutes

Date: Thursday, May 12, 2016  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Members Present: Domenic Rampone, Ed Schiller, Jeff Ricketts (Alternate), John Janmaat, Keith Duhaime, Kevin Daniels (Alternate), Tarsem Goraya, Yvonne Herbison, Jill Worboys (Interior Health)

Members Absent: Pete Spencer

Staff Present: Suburban & Rural Planning Manager, Todd Cashin  
 Planner, Melanie Steppuhn  
 Planner, Tracey Yuzik\*  
 Planner Specialist, Graham March\*  
 Policy & Planning Dept. Manager, James Moore\*  
 Sr. Airport Finance & Corporate Service Manager, Shayne Dyrdal\*  
 Airport Director, Sam Samaddar\*  
 Council Recording Secretary, Arlene McClelland

(\* Denotes partial attendance)

#### 1. Call to Order

The Chair called the meeting to order at 6:07 p.m.

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

#### 2. Applications for Consideration

##### 2.1 3665 and 3671 Hart Road, A16-0006 - Roger Borrett

Staff:

- Displayed a PowerPoint Presentation summarizing the application.
- The applicant is requesting permission from the Agricultural Land Commission (ALC) for a "Subdivision of Agricultural Land Reserve" under Section 21(2) of the Agricultural Land Commission Act. The subdivision is more specifically a Lot Line Adjustment.
- The subject property is located in the Southeast Kelowna Sector of the City. It is surrounded by land in the ALR. To the west is a golf course with an agricultural component, to the north, east and south is actively farmed land. It is outside the Permanent Growth Boundary according to the Official.
- The site is in the ALR surrounded by ALR properties.
- The family has farmed in the area for four generations. On the two properties they farm apples, sour cherries, grapes, have a garden nursery and vegetables.
- The proposal as noted:
  - Move east lot line 98 m east;
  - Homeplate (.5 ha) covenant for existing farmplate;
  - Homeplate (0.2 ha) on 3665 Hart Road;
  - Access easement for 3681 Hart Road.
- The property at 3671 has an existing homeplate covenant registered on the property, which was a requirement when the homesite severance of 3681 was subdivided from the



property. The proposal would remove this covenant, and replace a farmplate covenant on the existing farmplate on the south edge. This farmplate includes the applicant's dwelling, his implement shed, and a bunkhouse which he currently uses to house his temporary workers. A No-build covenant would be placed on the remainder of 3671 Hart Road.

- In addition, the proposal includes the registration of a 0.2ha homeplate covenant along McCulloch Road. The size of this covenant is the same as that which would be removed from Hart Road. This size and location, being within 60 metres of the road, is consistent with Ministry of Agriculture bylaw standards.
- 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.
- The proposal would include the registration of an access easement through 3671 Hart Road, to access 3681 Hart Road, which is the lot of the homesite severance from 2010.
- Responded to questions from Committee members.

#### AAC/Staff Discussion:

- Staff clarified that the by moving the lot line 98 m east would negate the requirement of the current access agreement.
- AAC confirmed there would be no net loss in farmland due to this application.
- AAC confirmed with staff that the combined two properties totals 28.7 acres.
- The Chair clarified the history of ALC decisions on the subject property. Staff clarified that no additional houses have been built since homesite severance.

Roger Borrett, Applicant

- Present and available for questions.

Moved By Yvonne Herbison/Seconded By Domenic Rampone

THAT the Agricultural Advisory Committee recommends that Council support an application to the Agricultural Land Commission under Section 21(2) of the Agricultural Land Commission Act for a "Subdivision of Agriculture Land Reserve at 3665 and 3671 Hart Road for a lot line adjustment.

Carried

#### ANECTDOTAL COMMENT:

The Agricultural Advisory Committee supported this application for "Subdivision of Agriculture Land" on this property and commented that there is no net loss of agricultural land and the farm is currently in operation.

## 2.2 3740 Casorso Road, A16-0002 - Urban Options Planning & Permits

Staff:

- Displayed a PowerPoint Presentation summarizing the application.
- Located in South Pandosy
- Outside of Permanent Growth Boundary
- Responded to questions from AAC Members
- Get PP from Tracey Yuzik

#### AAC/Staff Discussion:

- AAC confirmed that Neway Nursery & Landscaping leases the land and that approval has been provided by the land owners

- Staff advised that the creek does not encroach the property; this land is not identified as an official wetland area.
- AAC confirmed that there is compacted gravel in the north area of the property.

#### Birte Decloux, Urban Option Applicant's Representative

- Displayed a PowerPoint Presentation summarizing the application.
- Landscape business has been licensed on the site since 2003.
- No complaints about the uses, or anything else, ever generated on the site.
- There is a symbiotic relationship between the nursery and the landscape business
- Over the 13 years that Neway has been located on the site many improvements have been made including; planting the boulevard with large trees; creating a ditch to collect the excessive water; naturalizing wetland areas and removing weeds.
- As well, gradual expansion of the nursery area as follows:
  - o 2006 increased nursery area to 1,500m<sup>2</sup> (11% of the parcel) with some soil bins for wholesale sales;
  - o 2009 nursery expanded to 2,140m<sup>2</sup> (16% of the parcel) Rock bins were added to the site for wholesale sales;
  - o 2012 the main nursery area was expanded to include a larger sawdust area to heel in plants.
- The overall area of the nursery increased to 2,340 m<sup>2</sup> or 17.5% of the land.
- In 2016 changes have been ongoing; displayed photos of the property.
- Advised that gravel had been brought in due to the high water table.
- The applicant has worked hard to clean up the area and unsightly materials.
- The applicant is following recommendation from staff to place trees and landscape materials in mulch baskets and not in the soil.
- Displayed photos of nursery area showing soil storage and up potting.
- Supports agriculture with wholesales of nursery accounting for 21% of farm gate sales in 2004;
  - Site is close to urban area and easy for customer to purchase gardening needs. Approximately 83% of a garden centres customers come from 8-24km radius;
  - Employees are local that have an aptitude for plants and agriculture;
  - Independent local business that has operated here for over 13 years;
  - Utilizes local sources materials such as Glenmore grow and Ogogrow;
  - A viable compliant business on the land reduces development pressure for other uses;
  - BC is the second largest producers of nursery stock in Canada and account for 31% of the national trade.

#### Glen Chora, Owner Neway Landscape & Irrigation Ltd., Gordon Drive

- Confirmed that most areas of the property being put into use and that there has been a major clean up on the property.
- Advised that the nursery and landscape business are both required for each to survive and to move forward.

#### AAC/Applicant Discussion:

- Applicant believes the benefit to agriculture is the expansion of the nursery function.
- Applicant commented that the intent was always to expand the nursery and propagate.
- Applicant advised that no work had been done on the drainage ditch as it is on city property.
- Applicant confirmed that that there had not been an application to ALC to bring soil on site.
- Applicant advised that the first greenhouse is set up however needs power and heat to the building. Future plan is to set up another greenhouse.
- Applicant confirmed the area is 100% cleaned and trailers have been removed.
- Applicant confirmed that landscape and nursery equipment is stored on this property.
- Applicant confirmed Business License states landscaping, gardening including sale shrubs.



Staff/Applicant Discussion:

- AAC raised concerns with other surrounding properties being non-compliant without proper permits for many years.
- Staff advised that the city has been aware of non-compliant activities in the Benvoulin / Casorso Corridor and Council directed staff to correct this. A Strategy Plan has been underway for one year and it has been quite successful.

Moved By Keith Duhaime /Seconded By Ed Schiller

THAT the Agricultural Advisory Committee recommends that Council support an application to the Agricultural Land Commission under Section 25 of the Agricultural Land Commission Act for "non-farm use" on the subject property at 3740 Casorso Road legalize an existing non-conforming nursery and landscape company and proposed nursery expansion.

Defeated

Domenic Rampone, Jeff Ricketts, John Janmaat, Kevin Daniels Tarsem Goraya, Yvonne Herbison - Opposed

ANECTDOTAL COMMENT:

The Agricultural Advisory Committee did not support the request to legalize an existing non-conforming nursery and landscape company and proposed nursery expansion on this property, however, acknowledge that the applicant has done a lot to enhance the property. The Agricultural Advisory Committee raised concern with setting a precedent for others in the area that are non-compliant. The Agricultural Advisory Committee strongly encourages the Applicant to relook at the site and reconfigure in order to increase farmland; suggested the gravel operation be moved to the front of the property to increase the agriculture footprint.

The Agricultural Advisory Committee recommend more resources be put towards compliance enforcement.

**2.3 1555 Glenmore Road, 855 Packinghouse Road, 2250 & 2285 Galiano Road, ASP12-0001 - Troika Developments**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.
- The purpose is to consider the merits of the draft Diamond Mountain Area Structure Plan (ASP), submitted by the applicant for review and comment.
- Seeking anecdotal comments, specifically regarding urban/agricultural interface; Stormwater management and second road access.
- Described the purpose of an Area Structure Plan.
- As part of the OCP 2030 update, Diamond Mountain designated as ASP area. On April 15, 2016 Troika submitted a draft ASP for review and comment.
- The ASP area is generally bounded by:
  - City of Kelowna Glenmore Landfill to the north;
  - Roberts Lake to the east;
  - Glenmore Road to the west and Scenic Road to the south
  - University of British Columbia, Okanagan (UBCO) is approximately 1.5 km to the east of Diamond Mountain
- The Diamond Mountain ASP lands is made up of four properties totaling 88.80 hectares (219.42 acres) zoned A1 - Agriculture; primarily undeveloped hillside site.
- Described the development concept as mixed-use neighbourhood with limited commercial and office areas. Multi-phase buildout with a total population of 2,000 people. Over 50% of site to remain as natural area.

- Diamond Mountain is a hillside development outside of the ALR. There are potential negative impacts to both agriculture and to Diamond Mountain resident (ie. noise, spray, general farm practices).
- Storm water management needs to meet City requirements; proposing a system of catch basins and pipes.
- Initially only one access into development off John Hindle Drive; second access to be required if additional development above ~400 units.
- Responded to questions from AAC Members.

#### AAC Comments:

- AAC confirmed that there are no details or decision made at this moment regarding the type of buffering.
- AAC suggested the Developer put up a bond for buffering.
- AAC suggested contacting the City of Abbotsford as they good documentation on how to incorporate corridors to separate development and agriculture. There could be nice public space separating development and agriculture.
- Raised concern regarding farmers burning every season; could pose a risk to have isolated development surrounded by agriculture.
- Suggested weed line along fence buffering be maintained.
- Shuttling large amounts of traffic is disruptive and congestive and suggested access off of Glenmore. Suggested an interchange or light to coordinate second road access plan.
- Consider road design to minimize slope as there will be cyclists.
- Suggested the proposed roadway be thought out with least impact to agriculture.
- Pleased that a garden space is being incorporated into the development.
- Recommended that a program be put in place to support farmers in return for the value the development receives from being surrounded by agriculture.

#### Renee Wasylyk, Troika Developments

- Displayed photo of farms around the area.
- The landscape is quite steep; wherever it is not steep a buffer will be created. Want to enhance the area with buffering.
- There is 16 acres of agricultural uses; a blueberry farm and maple tree farm. Created 4 acres of community gardens. Also proposing a fruit stand.
- Creating a trail system for people to walk to UBCO or the Airport.
- There will always be a fence line when interfacing agricultural land with a berm in some areas. The goal is to enhance the interface with agricultural neighbours.
- Home sites will be long and narrow in size and will allow for a natural buffer. There are many evergreen trees along the edge and want to keep as many as possible.
- Working with the Tonn Family to expose the historical value of the area.

#### AAC/Applicant Discussion:

- Applicant confirmed there is bonding in place now with the City for buffering.
- Applicant confirmed servicing assessment done by CTQ Consultants. Power will be coming from Glenmore Road and John Hindle but mostly from John Hindle for most of the infrastructure. This will be in place prior to development.
- Applicant commented that they would like all roads under 10% grade; roads onto the site must be good for walking, hiking, cycling, strollers, etc.
- Applicant advised the architectural guidelines will contemplate solar power for every single rooftop.
- Applicant confirmed there is no proposal for a cell tower as there is already cell service all over the mountain.
- AAC inquired about storm sewers and if storm water is treated on site. The Applicant advised that there are 7 ponds on site; outside of 100-year storm that will drain into catch basins.

**2.4 5269 Hwy 97, 4310, 4210 and 4130 Old Vernon Road, A16-0009 - City of Kelowna (YLW)**



## Staff:

- Displayed a PowerPoint Presentation summarizing the application.
- The applicant is requesting permission from the Agricultural Land Commission under Section 30(1) of the Agricultural Land Commission Act for an exclusion within the ALR of the subject properties for airside commercial development to support airport services. The City of Kelowna property is actually under Section 29(1) of the ALC Act.
- The airport is within the Highway 97 Official Community Plan Sector of the City. The sites are within the ALR.
- There are ALR parcels predominantly to the east and south; to the north lies the airport, and the west across Highway 97 is the Airport Industrial Park, with some commercial uses.
- According to the Official Community Plan the future land uses of the subject property within the City of Kelowna is Public Service Utilities.
- According to the Regional District of Central Okanagan's (RDCO) Future Land Use Map the future and use of the subject properties within the RDCO is Agriculture.
- The City of Kelowna property has been identified in the 2025 Airport Master Plan as having a land use of Terminal Services.
- 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 AAC Members.

## AAC/Staff Discussion:

- AAC inquired if the City could engage the old sawmill site and turn back into agriculture in lieu of removing productive farm land. Would like city to improve agriculture at their own expense and not taxpayers.
- Staff noted the Agrology report speaks to saving and salvaging topsoil from the site and providing to other ALR properties.

Shayne Dyrdale, Sr. Airport Finance & Corporate Service Manager

- Displayed a PowerPoint Presentation summarizing the application.
- Kelowna International Airport is requesting that four key pieces of airport land be excluded from the ALR for necessary aeronautical airside development.
- The Airport intends to use the ALR exempt properties for necessary future airside development and services that will support anticipated growth.
- Property to the east of the runway will create opportunity for additional airside infrastructure including fueling, maintenance and cargo.
- Property to the south of the terminal building will be used for the airport terminal complex expansion.
- Spoke to the Airport's support of Agriculture;
  - Okanagan Estate Wine Cellar is located in the departure area and offers a broad selection of wines, exclusively from Okanagan wineries with complimentary carry-on packages; future development plans for the departure area is a wine, craft beer and distillery bar; gifts of the Okanagan including valley artists displaying artworks, many of which are agriculture related.
  - The Airport has partnered with De Simone Farms to provide passengers with fresh, local in-season produce that they can take home with them; packaged in specially designed boxes that will fit easily under airplane seats or in overhead compartments.
  - As the Airport develops land, it intends to have all soil tested to determine whether it's of agricultural quality with the intent to transfer it to a local farm to improve its agricultural ability.
- The Airport provides advertising opportunities to agricultural-based businesses with signage positions throughout the airport.
- The Airport has a history of leasing Airport owned lands eligible for agriculture to farmers at a very reasonable rate for the production of hay and alfalfa.
- The Airport Connection Magazine is a free quarterly publication; past issues have featured agriculture related content and all issues provide a platform for agriculture-based businesses to purchase advertising space to target potential tourism customers.



- The Airport regularly sponsors and advertises in various local wine publications and events.
- Responded to questions from AAC Members

#### AAC/Applicant Discussion:

- AAC commented that it appears the Airport mostly supports the wine industry with its advertising.
- The Applicant noted that the advertising is free and would definitely consider making other signs that highlight diversity in the community including both wineries and farmers.
- The Applicant noted that they're hoping the Farm to Flight program becomes something very unique and will be providing produce/fruit from a variety of local farms.
- The Applicant advised that the Airport also has the ability to bring in seasonal farm workers in a more direct route.
- AAC commented that it is a huge help to Orchards to have the farm help workers flown direct to Kelowna.
- The Applicant advised that with the potential for larger planes in the future, the opportunity for direct overseas flights will exist. Direct cargo can also cut the time of produce/fruits being transported by ground transportation.
- The Applicant advised that the runway end safety area has to be extended to the south due to new regulations.
- The Applicant advised that the landing instruments will be moved further to the south, the system has to have an area free to transmit the signal and the signal will not clear the mountains.
- AAC commented that airports are a critical part of transportation infrastructure and that there is a great link between airport and ground transportation. Linkage from the Airport to Downtown would be a benefit to agriculture and reduce the pressure of traffic.

Moved By Keith Duhaime/Seconded By Domenic Rampone

THAT the Agricultural Advisory Committee recommends that Council support the exclusion from the Agricultural Land Reserve under Section 30(1), 29(1) of the ALC Act of the subject properties 5269 Highway 97 N, 4310, 3210 and 4130 Old Vernon Road in order to provide airside commercial development to support airport services.

Carried

#### ANECTDOTAL COMMENT:

The Agricultural Advisory Committee supported the "Exclusion of Agriculture Land" on this property, however, encourage the Airport branding activities, including for example, art installations or advertising opportunities, to recognize full diversity of agriculture in Kelowna. The Agricultural Advisory Committee recommend that the soil recovered to help sites that are degraded and not just assist one individual farmer.

The AAC also recommends that the City of Kelowna prepare an overall mitigation plan for infrastructure and public service projects that require ALR land, that provides a benefit to agriculture off site and to the broader agricultural community as a whole. This could include replacing land to benefit of agriculture, water improvements, soil improvement initiatives, weed control and research collaborations.

### 3. Minutes

Moved By Domenic Rampone/Seconded By Yvonne Herbison

THAT the Minutes of the April 14,2016 Agricultural Advisory Committee meeting be adopted.

Carried

4. **Next Meeting**

The next Committee meeting has been scheduled for June 9, 2016.

5. **Termination of Meeting**

The Chair declared the meeting terminated at 9:02 p.m.

\_\_\_\_\_  
John Janmaat, Chair

/acm

DRAFT