



**Staff Report**  
**Application # G – 38708**  
**Applicant: John and Henriette Faber**  
**Location: Kelowna**

**DATE RECEIVED:** December 8, 2008

**DATE PREPARED:** March 2, 2009

**TO:** Chair and Commissioners – Okanagan Panel

**FROM:** Brandy Ridout, Land Use Planner

**PROPOSAL:** To convert a 1,900 m<sup>2</sup> (0.19 ha) portion of the existing greenhouse space to RV and boat storage.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

Of the four existing greenhouse bays, three are proposed to be converted for storage use while the remaining bay will continue in its use as a garden centre and store. A new rollup door is proposed at the rear of the greenhouses to accommodate the proposed storage use. In addition, various overhead pipes and conduits may need to be reconfigured in recognition of the changing heating requirements.

**Local Government:**

City of Kelowna

**Legal Description of Property:**

PID: 008-258-961

Lot 2, Section 35, Township 26, Osoyoos Division Yale District, Plan 18313

**Purchase Date:**

September 1997

**Location of Property:**

1779 Rutland Road, Kelowna

**Size of Property:**

1.2 ha (The entire property is in the ALR).

**Present use of the Property:**

2,600 m<sup>2</sup> (0.26 ha) greenhouse, residence

**BACKGROUND INFORMATION (continued):**

**Surrounding Land Uses:**

**WEST:** ALR  
**SOUTH:** ALR, fresh fruit packer/shipper  
**EAST:** ALR  
**NORTH:** ALR, residential

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E/14  
The majority of the property is identified as having Prime Dominant ratings.

**Official Community Plan and Designation:**

Kelowna 2020 Official Community Plan  
Designation: Rural/Agricultural

**Zoning Bylaw and Designation:**

Zoning Bylaw No. 8000  
Designation: Agriculture 1 Zone (A1)  
Minimum lot size: 2 ha

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**City of Kelowna Council:** Supported the appeal for a temporary non-farm use within the ALR.

**City of Kelowna Agriculture Advisory Committee (AAC):** Recommend that the request to convert greenhouse space to RV and boat storage be approved subject to a Temporary Use Permit (maximum of 4 years) being obtained and that the buildings on site be maintained.

**City of Kelowna Planning Staff:** Recommend that the application not be supported.

**STAFF COMMENTS:**

- Using 75% of the greenhouse for boat storage for a number of years would remove the potential to use the area for agriculture over that period.
- The applicants indicate that the greenhouse could be converted back to agricultural use if/when the storage use is discontinued. If the storage use is successful, staff is concerned with the likelihood of the greenhouses returning to agricultural use.
- There is commercial and industrial land lying just north along Rutland Road that is outside the ALR and may be more appropriate for boat/RV storage.

**ATTACHMENTS:**

- ALC Context Map (1:50,000 & 1:20,000)
- Provincial Orthophoto (2007)
- Letter from applicant
- Page 5 of City of Kelowna staff report
- AAC Minutes from October 9, 2008 meeting

**END OF REPORT**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

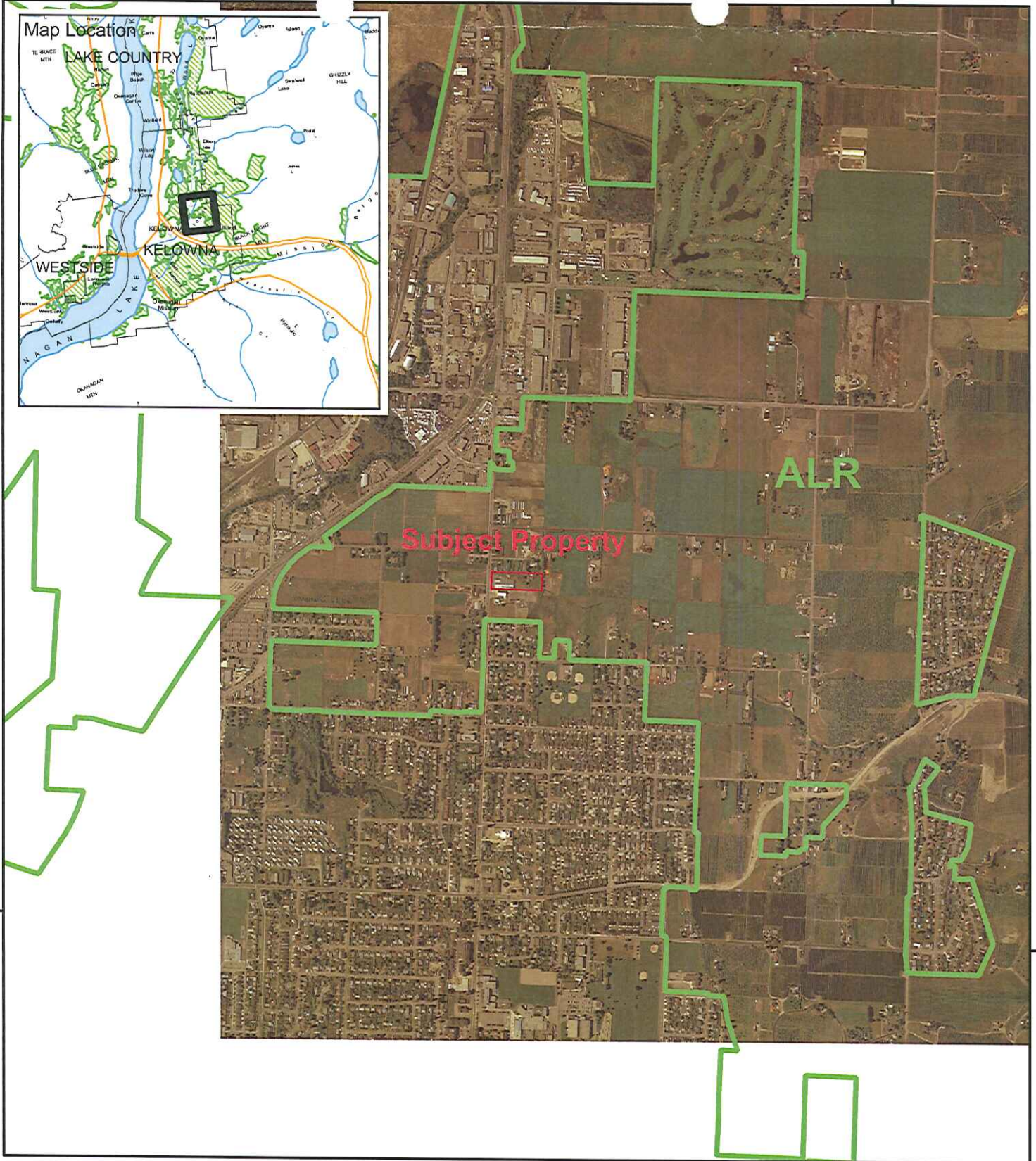
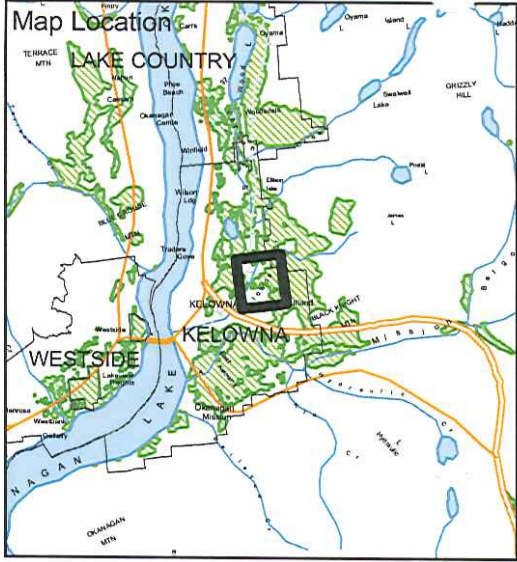
*[Handwritten Signature]*

*March 3, 2009*



119°24'0"W

119°22'0"W



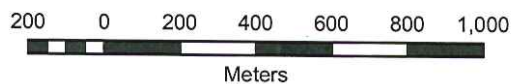
49°54'0"N

49°54'0"N



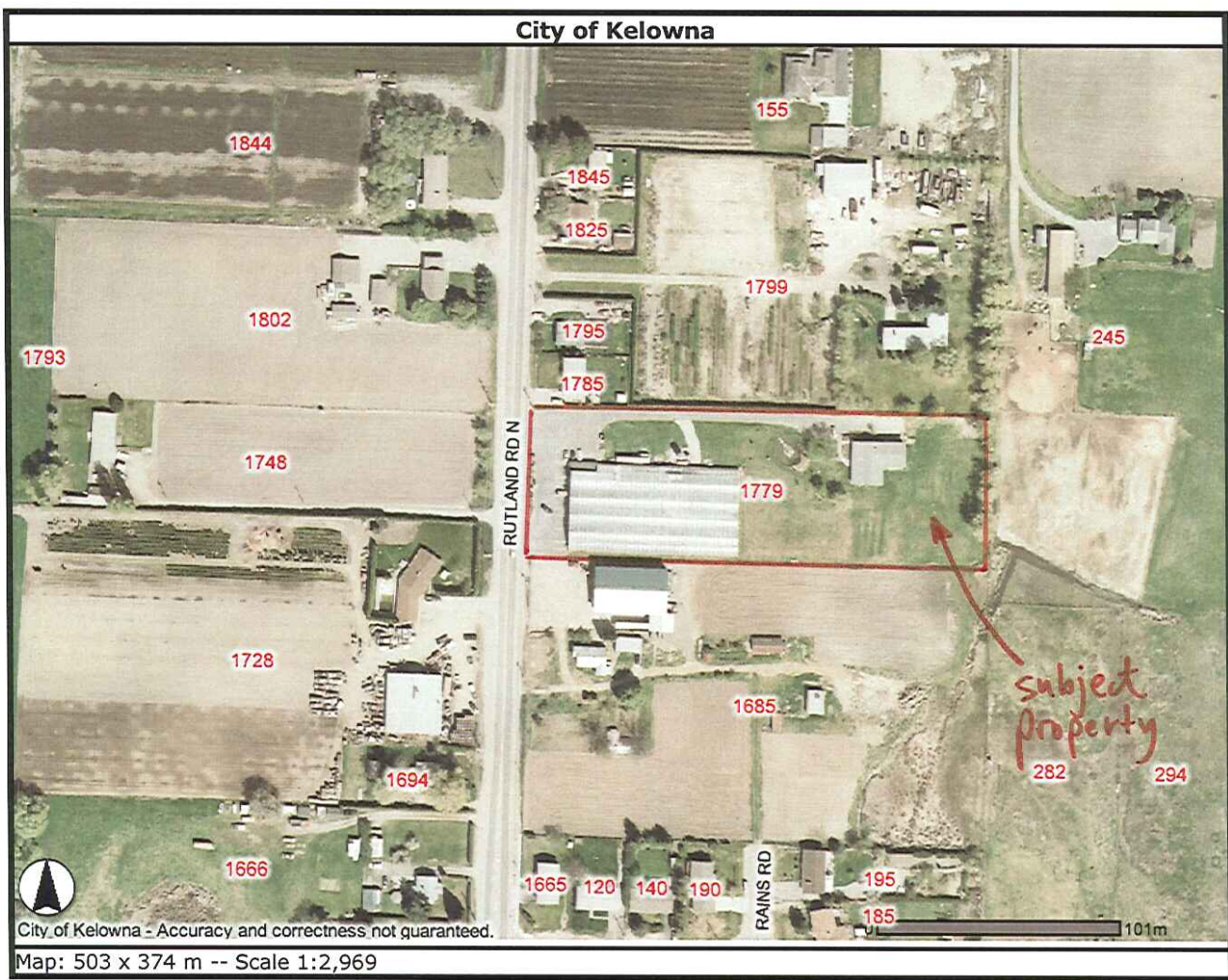
Provincial Orthophoto  
( 2007 )

Map Scale: 1:20,000



ALC File #:	21-08-38708
Mapsheet #:	82E.094
Map Produced:	Dec 11, 2008
Regional District:	Central Okanagan



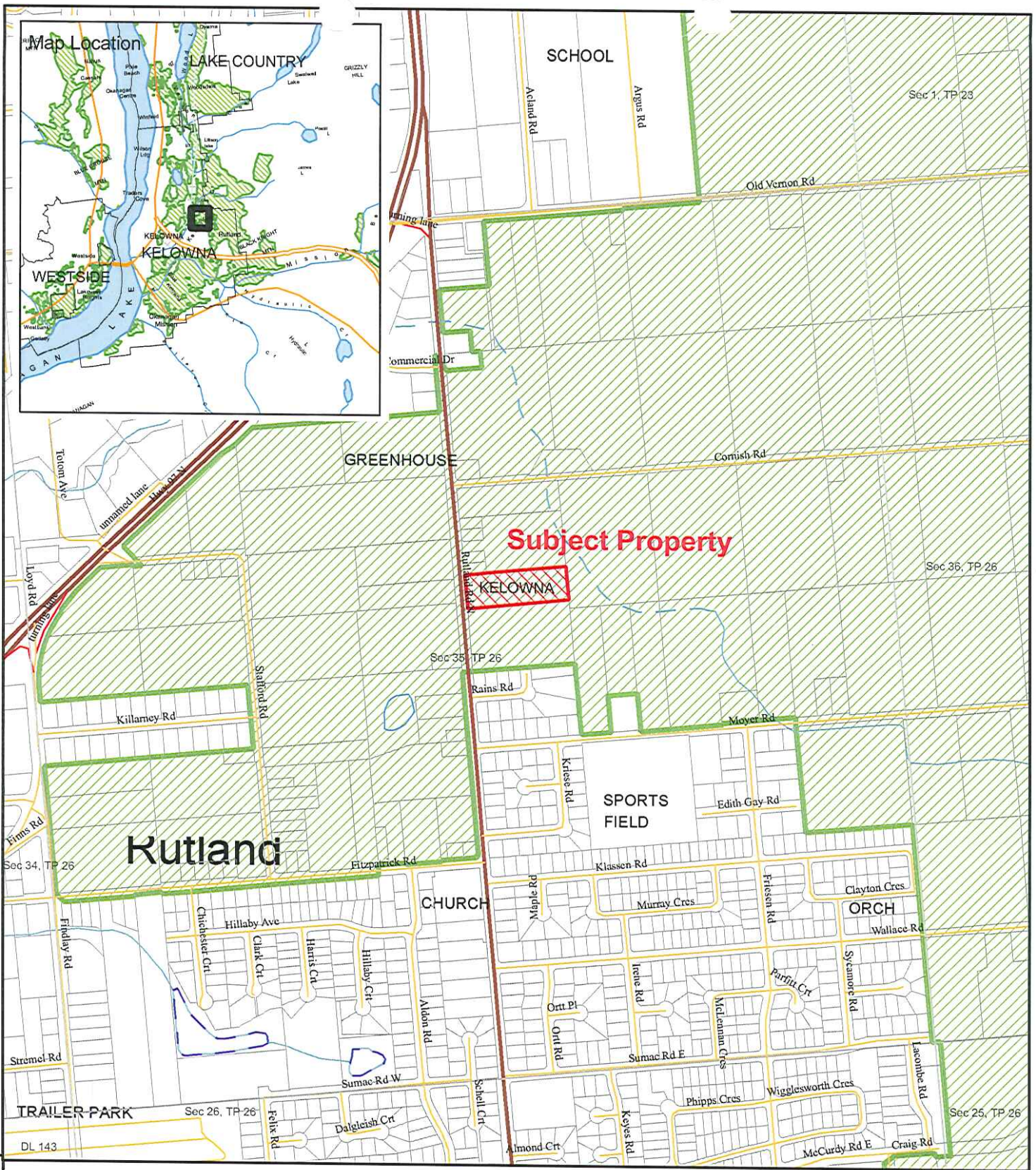


*This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.*

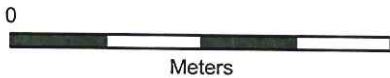








**Context Map**  
Map Scale: 1:10,000



ALC File #:	21-08-38708
Mapsheets #:	82E.094
Map Produced:	Dec 11, 2008
Regional District:	Central Okanagan





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PROV. AGRICULTURAL  
LAND COMMISSION DEC 8 2008

John & Henriette Faber  
- and Family -

1779 Rutland Road, N. • Kelowna, BC V1X 4Z8

September 5, 2008.

Our property consists of 3 acres (1.2 ha), 2 of which are usable.

In 1997-1998 we built a greenhouse on the property. In 2000 we doubled it in size. It now is approx. 27,000 sq.ft. in size. When we built, our niche in the market was fresh cut roses. Approx. 60% of our sales were wholesale and 40% on-site retail.

Over the past 3-4 years, we began losing our wholesale sales to lower cost imports (mainly Equador & Columbia, see attached article).

By 2006 the wholesale side of the business was all but gone, as we went slowly from 35 weekly accounts down to 5.

In the Fall of 2006 we removed 60% of our fresh cut rose production. In 2007 we added bedding plants and hanging baskets. This is a very seasonal Mid April to Mid June business. Our niche was lost, as with this side of the business we now compete with every box & grocery store in the city.

As is; our company is no longer profitable. Last year we had considerable losses. At present we are doing the best we can by eliminating our ongoing advertising budget (such as with CHBC) and restructuring our financing with Farm Credit.

We have had the company listed for sale (on MLS both with ReMax and Royal LePage) for nearly 2 years. No interest, no showings and of course no offers. We have been advised that the greenhouse is almost a negative for a sale.

Our last option seems to be to remove the greenhouse and piecemeal it out for whatever we can.

But that would be a shame. 10 Years of hard work and a \$ 400,000. investment wasted.

I am 60 years old. We still owe Farm Credit \$ 500,000. My wife and I would like to retire. As is, we can not. There appears to be a shortage of boat and r.v. storage in Kelowna. We would like to use our greenhouse for same. This would enable us to stay in our home, slowly pay off our debts and provide us with a source of income.

Your serious consideration to our application would be greatly appreciated.

Sincerely,  
John Faber  
Kelowna Rose & Garden Centre

**7.0 TECHNICAL COMMENTS**

**7.1 Works & Utilities Department**

Works and Utilities has no comments at this point in time with regard to this application, however, should the owner be required to rezone or subdivide the subject property, a comprehensive report addressing the necessary upgrades, will be provided at the time when an application is made.

The City of Kelowna is currently negotiating with the owners the relocation of a drainage system crossing the property. It is anticipated that the relocation of the drainage infrastructure and amendment to the utilities right of way be resolved within the next year.

**8.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS**

The subject property has a variety of land capability and soil classification conditions across the site and has the potential for land capability to increase through improvements such as expanded irrigation and enhanced drainage. However, even with improvements the site continues to be of small size for farming, aside from agriculture activities that can be performed on limited site areas.

The City of Kelowna Official Community Plan and Agriculture Plan both express concern that the permitted expansion of urban uses into what is otherwise an agricultural landscape will serve to diminish the viability of agricultural practice. Increased speculative pressure on land and conflict between land uses should be avoided, particularly in agricultural areas under development pressure. Current policy does not support this application for a non-farm use within the ALR.

No significant, irreversible changes are proposed to the greenhouse and the applicant notes that conversion back to full greenhouse use will be possible.

Should the ALC favourably consider this non-farm use application, a TUP application and OCP amendment application will need to be applied for and would have a time limitation if approved.

  
Shelley Gambacort  
Director of Land Use Management

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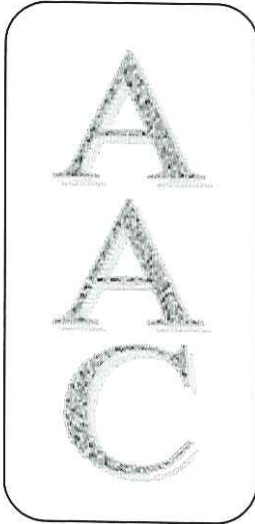
**ATTACHMENTS**

Location map of subject property  
ALR map  
ALC Application form (2 pages + letter from applicant)  
Land capability map  
Soil classification map



## AGRICULTURAL ADVISORY COMMITTEE

### Minutes of the Open Meeting



**Date:** Thursday, October 9, 2008  
**Time:** 7:00 p.m.  
**Location:** Council Chambers, City Hall, Kelowna

**In attendance:**

Ed Henkel (Chair), Domenic Rampone, Lorne Antle  
Leo Gebert (Acting Chair), Graeme James

**Absent:**

Pierre Calissi

**Staff:**

Planner, Nelson Wight

**Recording Secretary:**

Arlene McClelland

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LAND COMMISSION

(\*Denotes partial attendance)

### **I. CALL TO ORDER**

The Chair called the meeting to order at 7:00 pm.

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

### **II. DEVELOPMENT APPLICATIONS**

ITEM 1. Location/Legal: 3265 McCulloch Rd  
Application No: A08-0009  
Applicant/Owner: Jason Sowinski  
Purpose: To obtain approval from the Agricultural Land Commission under Section 21(2) of the Agricultural Land Commission Act to facilitate a homesite severance subdivision.

**Staff:**

- This is a straight forward home site severance wherein the owner qualifies for consideration given that he has owned the land since 1969. There are two options provided but the preferred option is to subdivide the existing lot in half creating two 0.9 hectare parcels from the 1.8 hectare parent parcel. The applicant has put together a thorough package and will speak to some of their objectives to demonstrate a "benefit to agriculture". The only concern at staff level is the land being divided into smaller parcels. The parent parcel is already limited as a viable agricultural unit, given its limited area and any subdivision would further reduce that viability for the remainder parcel.
- The subject property is located on the west side of McCulloch Road, approximately 1/2-mile east of the Harvest Golf Course.



There is an existing single-family dwelling and accessory building, serviced with water by SEKID, and a private sewage disposal system. Approximately two-thirds of the arable land outside the farm yard is in orchard production, and the remaining one-third is currently not being used for agriculture.

**Applicant:**

Jason Sowinski

- I am representing my father on this application and helping him through the process. My parents purchased this property in 1969. Both of my parents would like to remain on their property for as long as they can.
- My family would prefer to subdivide the existing lot in half so my father would still be able to farm his portion and my brothers could help with the heavy work. The second option would be a more typical homesite severance but this would totally eliminate my father from farming.
- We would commit to a no build covenant on the property to ensure that the long term focus for this property would be used for agriculture production.
- As noted by staff we had provided Members with a thorough package of our goals. We are trying to make this beneficial to the Agricultural Community and City staff.

**AAC/Applicant Discussion:**

- Members commend the Applicant on all the work that went into this application.
- AAC questioned whether this land would turn into some form of development. Staff noted that in their report the concern is that it will dissolve and become a residential estate if the land were subdivided.
- AAC questioned whether it was necessary to register covenants. Staff noted that if this option was put forward the Land Commission may be more favorable to the application. This option would show the Land Commission that the Applicant is making every effort to protect the agricultural land.
- AAC commented that the homesite severance would be the best option without affecting the agricultural land.

**RECOMMENDATION**

**Moved by Graeme James/Seconded by Leo Gebert**

THAT the Agricultural Advisory Committee support Application No. A08-0006, , for 3265 McCulloch Rd, Lot B, Plan 19769, by Jason Sowinski to obtain approval from the Agricultural Land Commission under Section 21(2) of the Agricultural Land Commission Act to facilitate a homesite severance subdivision. The AAC favors the proposed parcel configuration labeled "Least Preferred Option" because this creates a more economical parcel for farming.

**CARRIED**

**ITEM 2.** Location/Legal: 1779 Rutland Rd N  
Application No: A08-0011  
Applicant/Owner: John & Henriette Faber  
Purpose: An application to the ALC for non-farm use to convert greenhouse space to RV and boat storage.



Staff:

- The Applicant is seeking a non farm use of the site to convert the greenhouse space to RV and boat storage.
- The subject property is located on the east side of Rutland Road North, approximately 800 m south along Rutland Rd N from Highway 97. The front half of the property contains a large greenhouse operating as Kelowna Rose & Garden Centre, while the rear half of the property contains a residence and a sizable yard not used for agriculture. There are no crops grown on-site outside of the greenhouse.
- Both the City of Kelowna Official Community Plan and Agriculture Plan express concern that the permitted expansion of urban uses into what is otherwise an agricultural landscape will serve to diminish the viability of agricultural practice. Increased speculative pressure on land and conflict between land uses should be avoided, particularly in agricultural areas under development pressure.
- Should the ALC look favorably on this non-farm use application, a Temporary Use Permit (TUP) application and OCP amendment application will need to be applied for and would have a time limitation if approved.

Applicant:

John & Henriette Faber

- Our property is so small that we are very confined as to what we can do with the land. We are excluded from subdividing due to the size. Our intention is to keep the green house there but have a different use for the interior of the building. We want to utilize what we already have. A positive effect would be the decrease of traffic. We are trying to make a living and thought this was the best solution.

AAC/Applicant/Staff Discussion:

- AAC commended the Applicant on their operation and commented that that it is most unfortunate that it is not very profitable at this time. Members also acknowledged that the Applicant is going through the appropriate process with this application.
- AAC confirmed that the parking lot could not be used for another purpose. Staff confirmed that this land is within the ALR and would still need to seek the Land Commission's approval.
- AAC inquired as to the life span of the greenhouse. The Applicant noted that the life span of the greenhouse is quite long but the poly should be replaced every five years and is due to be replaced next year.
- AAC confirmed the green house and parking lot only would be used for temporary storage not the entire property.
- Staff noted that—should the ALC approve this non-farm use—the municipality can regulate that use through either an outright zoning change (e.g. to an industrial zone), or through a Temporary Use Permit. A Temporary Use Permit can be approved for up to a maximum of four years.
- AAC commented that the TUP would be there for at least four years and that it's possible the industry may turn around in that time frame. This production facility would is still be there and could be viable in the future.