



Regional Board Report

TO: Regional Board

FROM: Todd Cashin
Director of Community Services

DATE: March 23, 2020

SUBJECT: Agricultural Land Commission Application (A-19-04)
S. & P. Sandher (owner/applicant)
4381 Old Vernon Road, Central Okanagan East Electoral Area

Voting Entitlement: *All Directors – Unweighted Corporate Vote – Simple Majority - LGA 208.1*

Purpose: To obtain Agricultural Land Commission approval to construct a cold storage facility.

Executive Summary:

The applicants are expanding their existing cherry and apple production line and, under the current application, are proposing to construct one additional cold storage facility at the subject property.

The proposed location of the cold storage facility maintains the most optimal configurations of contiguous, productive farmland. In addition, the location of the proposed building is important to ensure that the fruit does not encounter drastic changes in temperature.

The Agricultural Land Commission has required the owner submit a non-farm use application prior to constructing the proposed building. No concerns have been identified at this time and the proposed site coverage is within the maximum permitted. If the ALC application is successful, the owners would be required to apply to the RDCO for a Building Permit.

RECOMMENDATION:

THAT the Regional Board support Agricultural Land Commission Application A-19-04, applicant S. & P. Sandher, to allow a non-farm use to occur within the Agricultural Land Reserve pursuant to Section 11.2 of the *Agricultural Land Commission Act*, on part of the following property: Lot C, District Lots 121 and 122, ODYD, Plan KAP63914.

AND FURTHER THAT staff be directed to forward the subject application to the Agricultural Land Commission for consideration.

Respectfully Submitted:



Todd Cashin
Director of Community Services

Approved for Board's Consideration



Brian Reardon, CAO

Prepared by: Brittany Lange, Environmental Planner

Implications of Recommendation:

Policy:	Support of the Agricultural Land Reserve non-farm use application complies with: <ul style="list-style-type: none">• Regional Growth Strategy Bylaw No. 1336• Ellison Official Community Plan Bylaw No. 1124• Zoning Bylaw No. 871
Legal/Statutory Authority:	Support of the Agricultural Land Reserve Application complies with Section 34 (4) of the <i>Agricultural Land Commission Act</i> .

Background:

History:

The subject property is developed with apple trees, a two-storey cherry processing plant (Royal Fruit Packers), temporary farm worker housing, a single detached house, and an accessory home. 4401 Old Vernon Road also accesses through the subject property.

The subject property forms part of a large agricultural operation specializing in apple and cherry production that spans just over 500 acres of owned and leased properties located in the North and Central Okanagan.

While the Regional District has no record of previous applications to the ALC regarding the subject property, the RDCO has processed land use applications pertaining to temporary farm worker housing on behalf of the applicant for the adjacent parcel, 4401 Old Vernon Road (Files: Z18/06, TUP-13-01).

Proposal:

As the proponents are expanding their existing cherry and apple production line, they are proposing to construct one additional cold storage facility at the subject property for increased fruit storage. The location of the proposed one-storey agricultural building is important to ensure that the fruit does not encounter drastic changes in temperature. If the ALC application is successful, the owners would be required to apply to the RDCO for a Building Permit.

ALR Use Regulation:

Section 11 (2) (a) outlines that the use of agricultural land for storing, packing, preparing and processing farm products is designated as a farm use and may not be prohibited by local government if at least 50% of the farm product is produced either on that agricultural land or by an association to which the owner of the agricultural land belongs.

The Agricultural Land Commission has required the owner submit a non-farm use application prior to constructing the proposed building.

Ellison Official Community Plan Bylaw No. 1124:

- Objective No. 14.1.2 Support the preservation of the agricultural land base.
- Objective No. 14.1.5 Support the development, improvement, and expansion of agricultural activities.

Regional Growth Strategy Bylaw No. 1336:

The Central Okanagan has strong agricultural roots and this sector has been important in defining the region and its growth pattern. With changes in population, pressures of development, increased climate impacts, water pressures, and more focus on local food production for sustainability, these changes have raised more awareness on food systems from cultivating and planting to consumption to the compost heap, and back again.

Today, food policies appear on the agenda of dozens of municipal governments across North America and beyond. Future planning can help ensure food systems are adequately addressed in growth management decisions.

- The goal of Our Food: To support a regional food system that is healthy, resilient and sustainable.
- Policy No. 3.2.5.7: Protect the supply of agricultural land and promote agricultural viability.

Site Coverage:

Should the proposed building be added, the total site coverage for the subject property would be less than the maximum site coverage permitted for parcels within the A1 Agricultural zone (35%).

Site Context:

The property is located within the Ellison Official Community Plan Bylaw No. 1124, and is unaffected by Development Permit Areas. The parcel is in the ALR, zoned A1 Agricultural, and is located within an area of active agriculture operations.

It is staffs understanding that at least 50% of the farm product is currently produced either on the subject agricultural land or by an association to which the owner of the agricultural land belongs, therefore, Section 11 of the ALR Use Regulation has been achieved.

Additional Information:

Owners/Applicants:	S. & P. Sandher
Legal Description:	Lot C, District Lots 121 and 122, ODYD, Plan KAP63914
Address:	4381 Old Vernon Road
Lot Size:	+/- 3.66 ha (9.04 acres)
Zoning:	A1 Agricultural
OCP Designation:	Agriculture
Water Purveyor:	Glenmore Ellison Improvement District
Existing Use:	Agriculture
Surrounding Uses:	North: Public Facilities & Agricultural South: Agricultural East: Agricultural West: Kelowna International Airport

A.L.R.:	Within the A.L.R.
Fire Protection:	Ellison Fire Protection Area

RDCO TECHNICAL COMMENTS:

Agricultural Advisory Commission conditionally supports the application subject to the Agricultural Land Commission's consideration that covenants be placed on the farm unit parcels to restrict future sale of individual parcels.

Anecdotal Comments:

The AAC would like to ensure that the significant infrastructure proposed for the parcel continues to be used in accordance with the ALR Use Regulation now and into the future (i.e. at least 50% of the farm product is produced either on that agricultural land or by an association to which the owner of the agricultural land belongs).

Inspections Services staff advise that should the ALC application be successful, a building permit for the proposed cold storage facility is required.

AGENCY REFERRAL COMMENTS:

Ministry of Transportation and Infrastructure advises that the agency has no objection to the proposal and advise that a revised commercial access permit was issued in December 2019 to account for the addition of the cold storage facility (MOTI Permit No. 2016-02053).

Ministry of Agriculture staff provides the following comments for consideration:

- The parcel is located within the Agricultural Land Reserve (ALR), a provincial zone in which agriculture is recognized as a priority use; where farming is encouraged, and non-agricultural uses are restricted.
- The ALR Use Regulation designates as farm use the storing, packing, preparing and/or processing of farm products in the ALR if the conditions of 11(2) are met. Under certain assumptions that the farm unit is larger than the 9.04 acres as indicated in the application, this facility may meet the size and scale of the farm unit.
- The applicant should provide in writing the number of hectares they will be processing more than 50% of their own product.
- MOA staff note that based on the site plan, it appears that the location of the cold storage facility maintains the most optimal configurations of contiguous, productive land.

Glenmore-Ellison Improvement District note that applications for new development proposing to utilize the GEID water system must proceed in compliance with GEID bylaws, regulations, and policy. GEID does not require fees and conditions prior to ALC approval, however, will have requirements that must be met prior to providing a Water Service Certificate to facilitate the issuance of building permit approval.

FortisBC advises that there are primary distribution facilities along Old Vernon Road and within the boundary of the subject property. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights were required. Otherwise, FortisBC has no concerns.

City of Kelowna staff acknowledge that the applicant has chosen a site that will minimize the impact of the proposed cold storage facility by utilizing an area of the property that has already

been impacted. This siting proposal will maximize the agricultural productivity of the remaining portion of the land.

Unaffected Agencies include District of Peachland, District of Lake Country, City of West Kelowna, Interior Health Authority, Shaw Cable, Telus, and BC Hydro.

Unaffected RDCO Departments include Fire Services, Parks Services, and Environmental Services.

External Implications:

Development Applications Procedures Bylaw No. 944 does not apply. The applicant is subject to meeting the notification requirements of the ALC; however, public notification is not required.

Alternative Recommendation:

THAT the Regional Board NOT support application A-19-04, applicant S. & P. Sandher, to allow a non-farm use to occur within the Agricultural Land Reserve;

AND THAT the Regional Board directs staff to NOT forward the subject application to the Agricultural Land Commission.

Considerations not applicable to this report:

- *Strategic Plan*
- *General*
- *Organizational*
- *Financial*

Attachment(s):

- RDCO Maps: Subject Property, Orthophoto, ALR
- ALC Application Site Plan - Received January 30, 2020