

Agricultural Land Commission Referral Application A-21-03

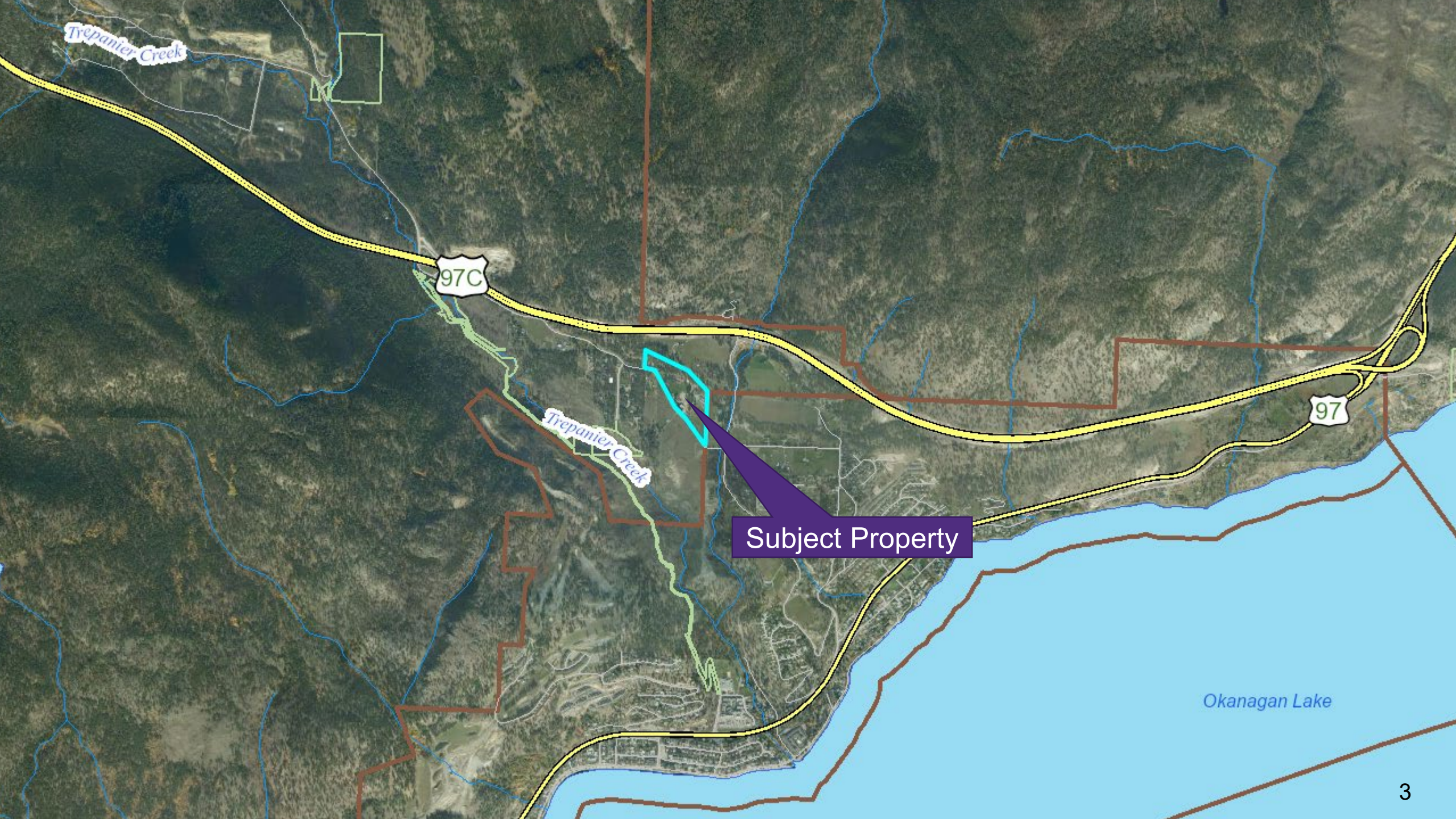
Regional District of Central Okanagan Board Meeting
November 22, 2021

1450 K.L.O. Road
Kelowna, BC, V1W 3Z4
rdco.com



Purpose

- To obtain Agricultural Land Commission (ALC) approval to allow a non-farm use to allow for commercial operation on a portion of the subject property.



Trepanier Creek

97C

Trepanier Creek

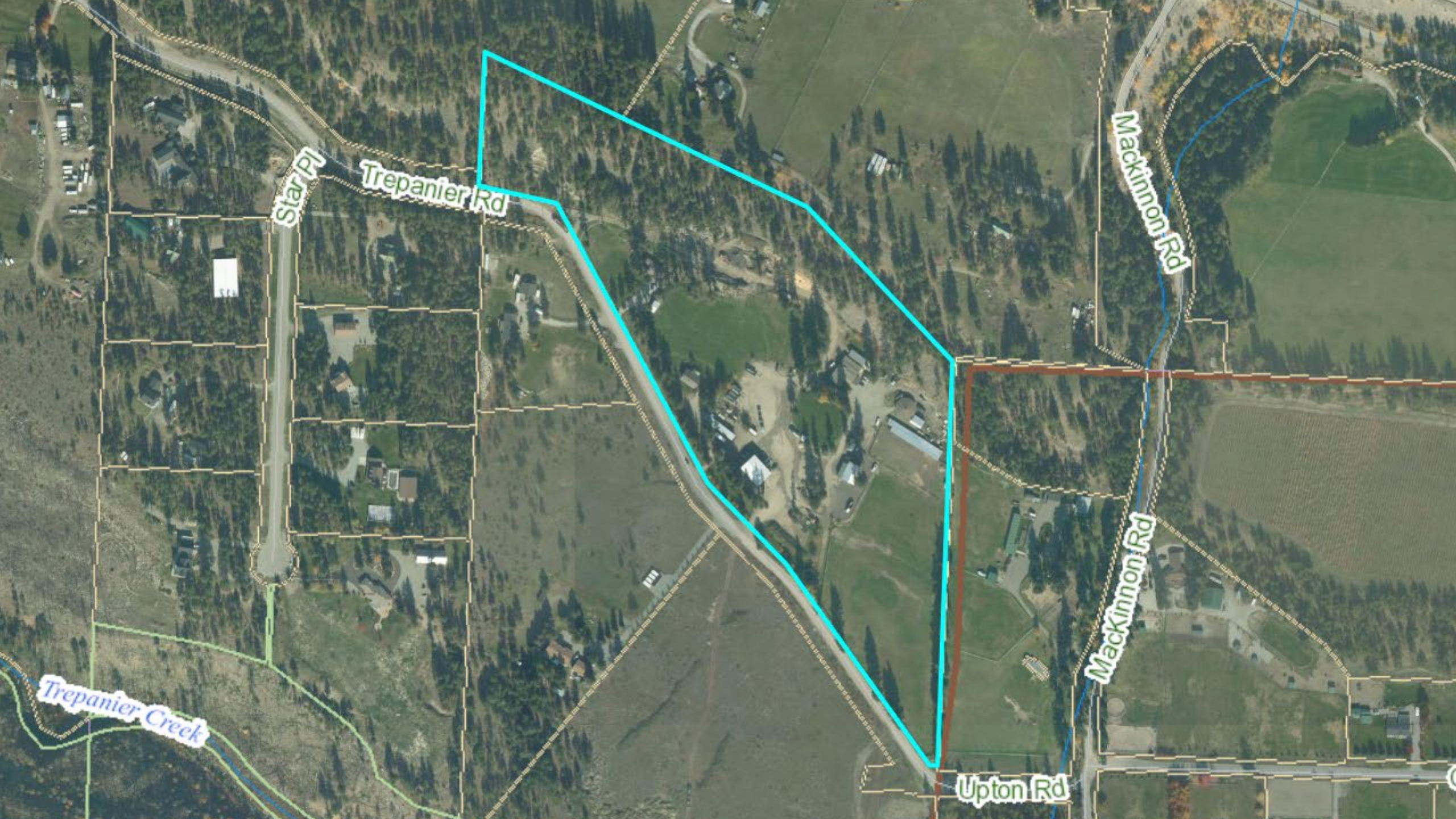
Subject Property

97

Okanagan Lake



Subject Property



Star Pl

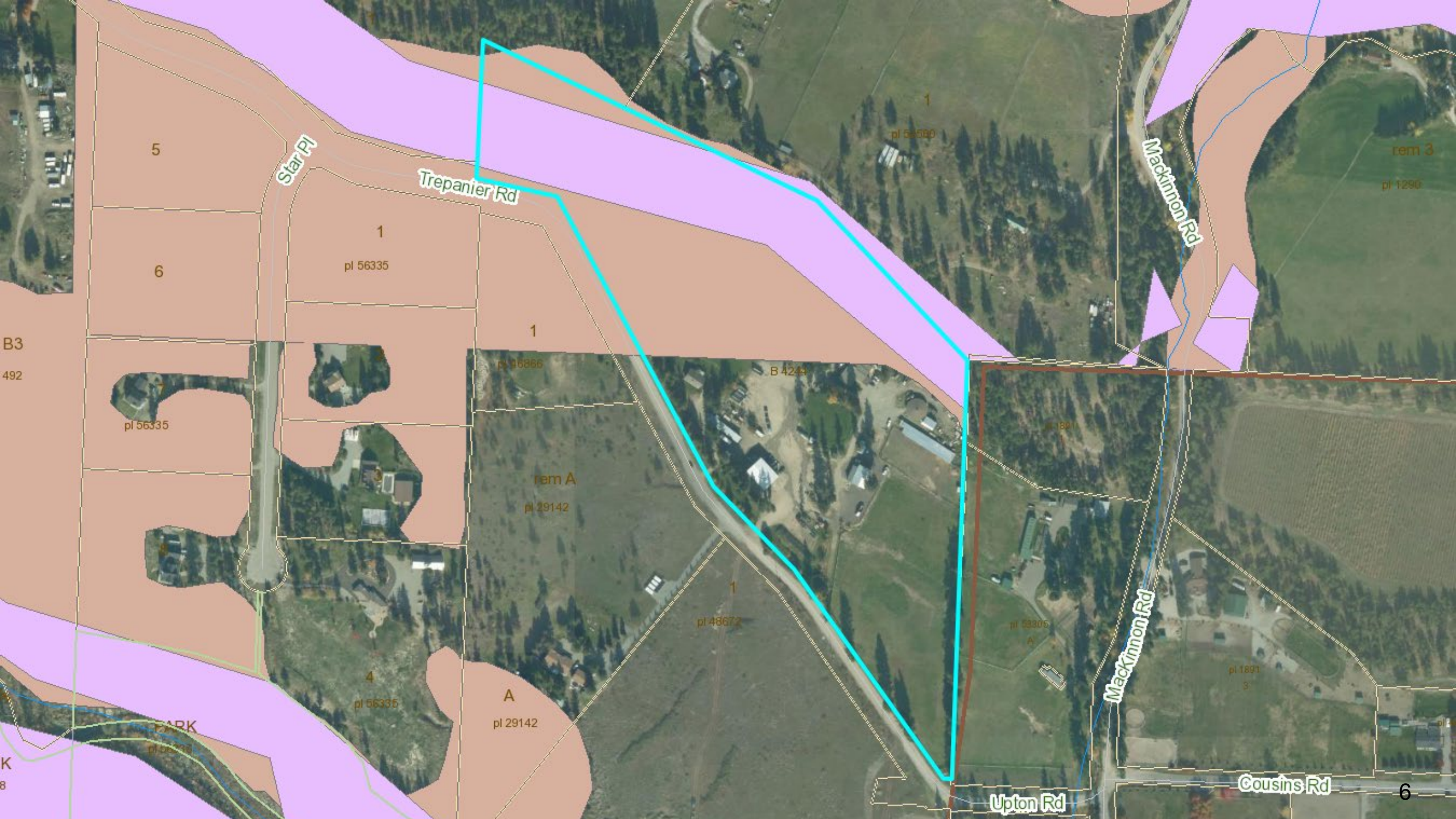
Trepanier Rd

Mackinnon Rd

Mackinnon Rd

Upton Rd

Trepanier Creek





Background

The subject property is developed with:

- Three residences (red)
- Two workshops (blue)
- Equestrian facilities (yellow)
- Accessory buildings (green)

History

- Previous business – Gil Barry Contracting
- New ownership - Civil-X Contracting in 2019

History

- Complaints regarding fill and commercial activity
- Business License:
 - Cancelled in 2020
 - Not issued in 2021
- ALC Application received April 2021

Proposal

- To use an existing building as an office/shop for a commercial use. The building has a floor area of 306.5 m²
- The applicant is also proposing to lease their land to plant 4.07 hectares of grapes.



LAND DESIGNATION

- TOTAL LOT AREA=8.22 ha
- EQUESTRIAN AREA=0.88 ha
- VINEYARD AREA=4.07 ha
- NON-FARM USE WORK YARD=.67 ha
- WORKERS RESIDENCE=0.26 ha
- OWNERS HOME=0.46 ha
- SLOPE: HAND PICK & PLANT=1.86 ha

NO.	DATE	BY	REVISION	CHKD

DRAWN	Zach Rudinsky
DESIGN	Zach Rudinsky
APPROVED	
DATE	FBI 18, 2021
SCALE	Scale Bar
HORIZ.	
VERT.	

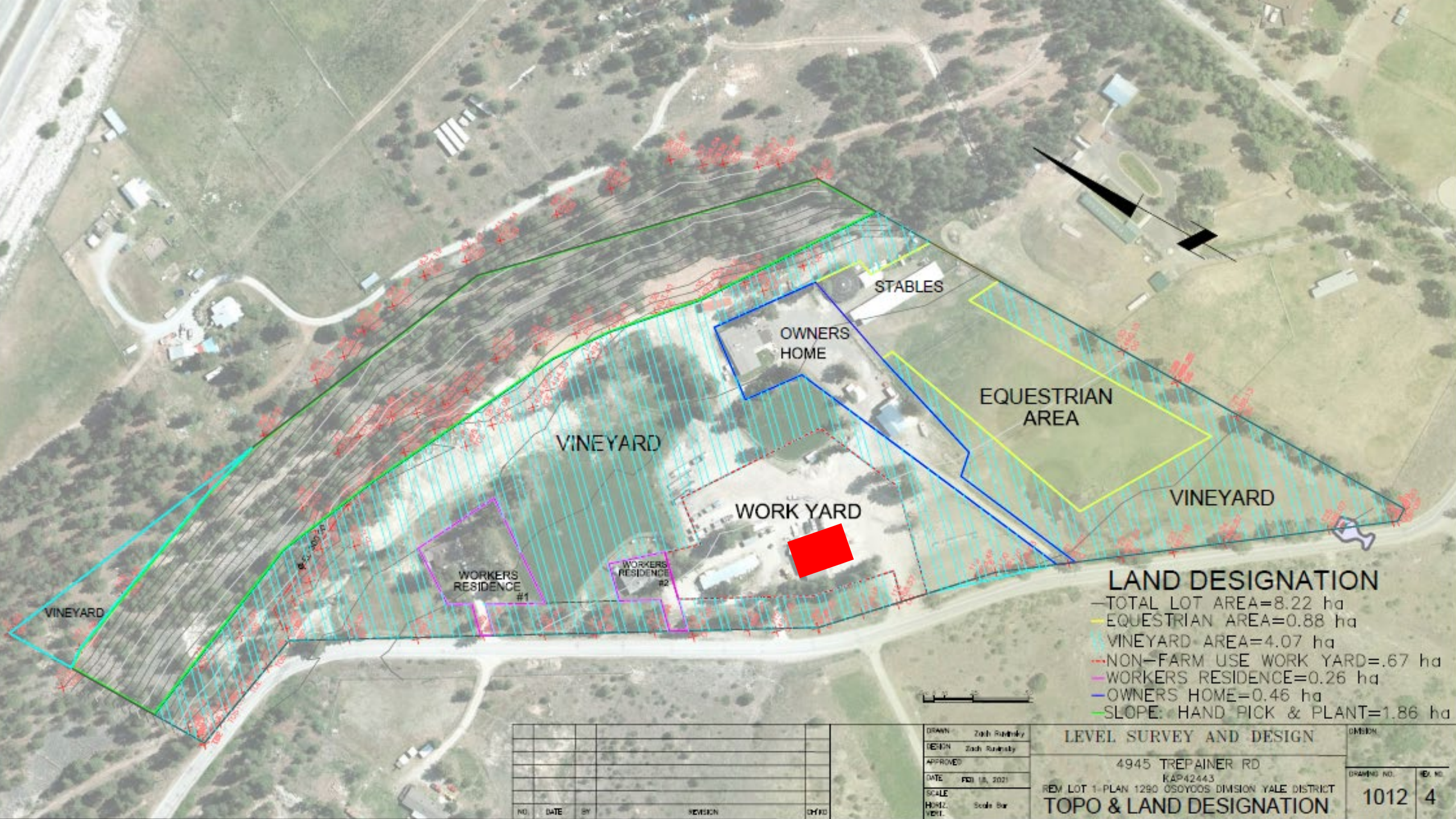
LEVEL SURVEY AND DESIGN

4945 TREPAINER RD
KAP42443

REM LOT 1-PLAN 1290 OSOYOOS DIVISION YALE DISTRICT

TOPO & LAND DESIGNATION

DRAWING NO.	1012
REV. NO.	4



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Professional Reports

- Agrologist Report
 - Supports the plantings
 - Additional irrigation and topsoil required to support plantings
 - Notice of Intent
- Geotechnical Report
 - The site is suitable for agricultural uses without compromising site drainage

Servicing

- Conditional Water License authorizes connection for:
 - One dwelling
 - 1.934 hectares for irrigation
- New Water License application will be required
- Site is serviced by septic systems

Agricultural Land Commission

- Agricultural Land Reserve Use Regulations (ALRUR)
 - Proposal does not meet floor area requirements for home occupation use
- Agricultural Land Commission Act (ALCA)
 - Commercial uses are not permitted on land within the ALR

The ALRUR does not support the application

Agricultural Plan

- Supports the protection of farmland and agricultural uses
- Discourages the intrusion of non-farm uses in rural areas
- Promotes the separation of agricultural and urban uses

The application does not align with the Agricultural Plan

Brent Road & Trepanier Official Community Plan

- Agricultural Land Use Designation
 - Supports agricultural uses
 - Supports non-conflicting uses

The policies of the OCP do not support the non-farm use

Zoning Bylaw

- A1 Agricultural zoning does not permit commercial uses
- Proposal exceed floor area regulations
- Limit of 4 commercial vehicles onsite

- Zoning Bylaw Amendment will be required to permit commercial use

Proposal does not comply with the Zoning Bylaw

Business Licensing Bylaw

- Civil-X Contracting holds a business license with the City of West Kelowna
- A Business License with the RDCO will be required if applications are successful

Agricultural Advisory Commission

- Recommends non-support

Advisory Planning Commission

- Recommends non-support

Environmental Advisory Commission

- Recommends non-support



Inspections Services

- Building Permit application for a change of class of occupancy
- Notice on Title

Fire Services

- Not within a Fire Protection Area
- Fire Protection Plan should be developed

Ministry of Agriculture, Food and Fisheries

- Commercial uses on ALR properties do not benefit agriculture
- An approved non-farm use may raise expectations for similar non-farm uses

District of Peachland

- Roads should not be used for transport of heavy equipment, machinery or materials.

Interior Health Authority

- Does not support food security
- Permitting use can impact local food systems

Summary

- Proposal:
 - Use an existing building for a commercial use
 - Plant 4.07 hectares of grapes
- Staff have received:
 - Bylaw complaints
 - Concerns from agencies

Summary

- Commissions do not support the application
- Not aligned with:
 - ALR Use Regulations
 - Agricultural Plan
 - Brent Road & Trepanier OCP
 - Zoning Bylaw
 - Business Licensing Bylaw

Recommendation

- **THAT** the Regional Board **NOT** support Agricultural Land Commission Application A-21-03 for applicant S. Kingsnorth, to allow a non-farm use to allow a commercial operation as outlined in the report dated November 22, 2021;
- **AND THAT** the Regional Board directs staff to **NOT** forward the application to the Agricultural Land Commission.