

Agricultural Land Commission Referral Application A-22-02

Regional District of Central Okanagan Board Meeting

September 26, 2022

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

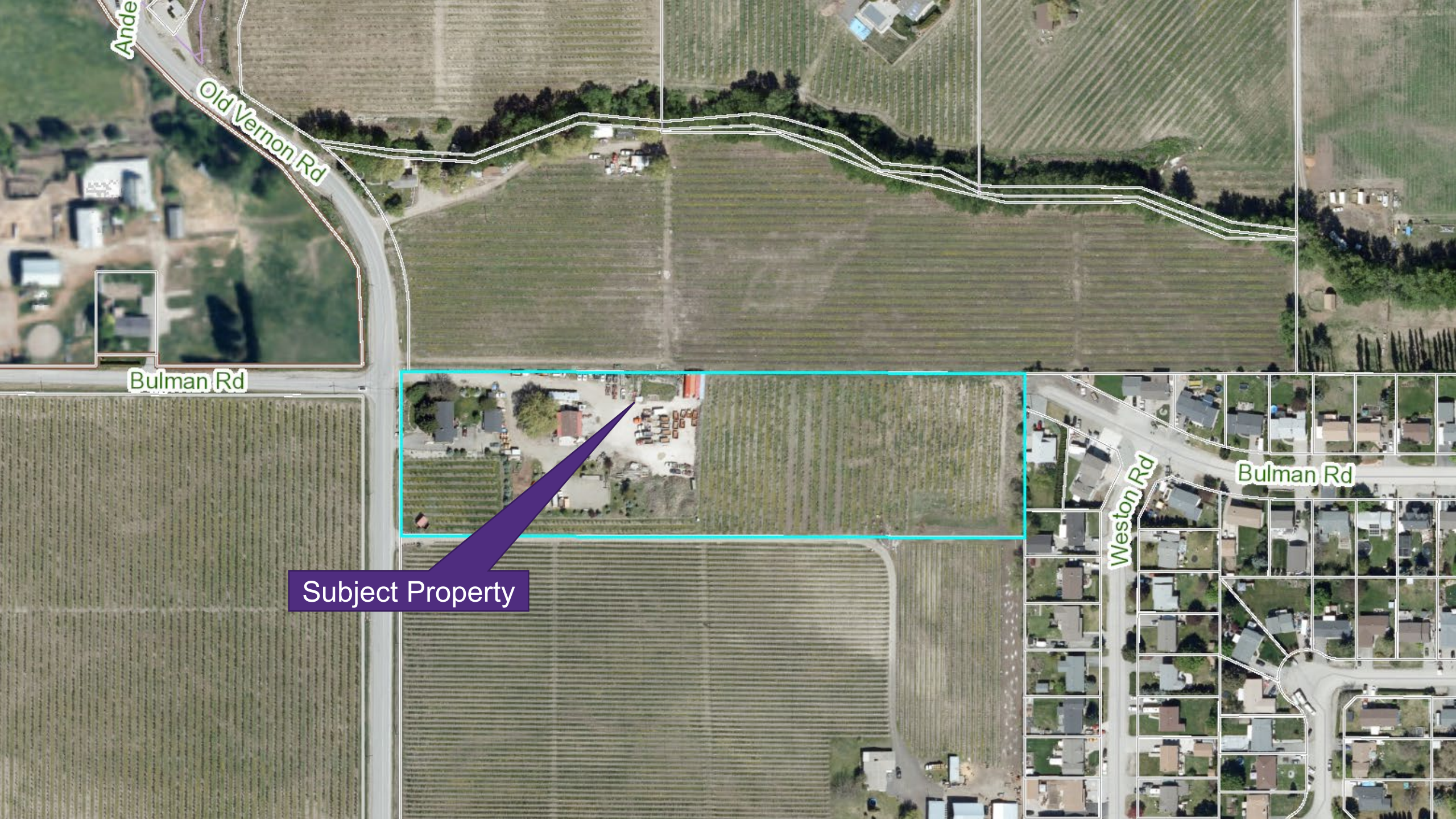


Purpose

To obtain ALC approval to allow a Non-Farm Use to occur on a portion of the property.



Subject Property



Ande

Old Vernon Rd

Bulman Rd

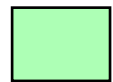
Subject Property

Weston Rd

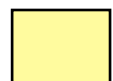
Bulman Rd



ALR

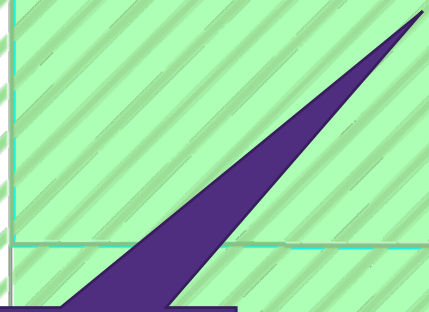


Agricultural Land Use



Residential Land Use

Subject Property



Background – 3811 Old Vernon Road

Developed with;

- A residence and garage (1981)
- An accessory building (2018)

Agricultural activities;

- Approximately 1.8 ha of cherry orchards (~75% on ALR)



Background - Royale Landscaping

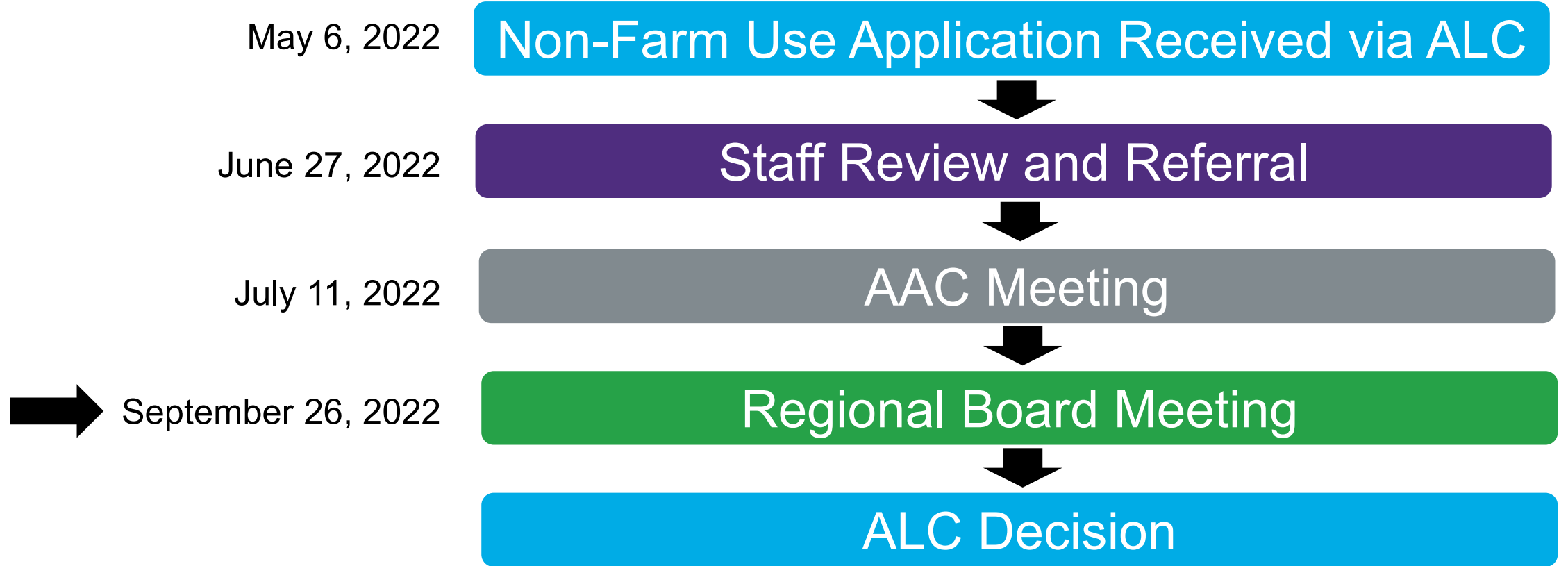
- Original RDCO business license cancelled in 2014 when scale of operations became noncompliant
- Business now licensed with City of Kelowna at 214 Adams Rd
- Vehicles, equipment and staff on site, and business advertising indicates ongoing operations at the property
- Non-Farm Use Application received on May 6th

Orthophotos

- 2009-2021



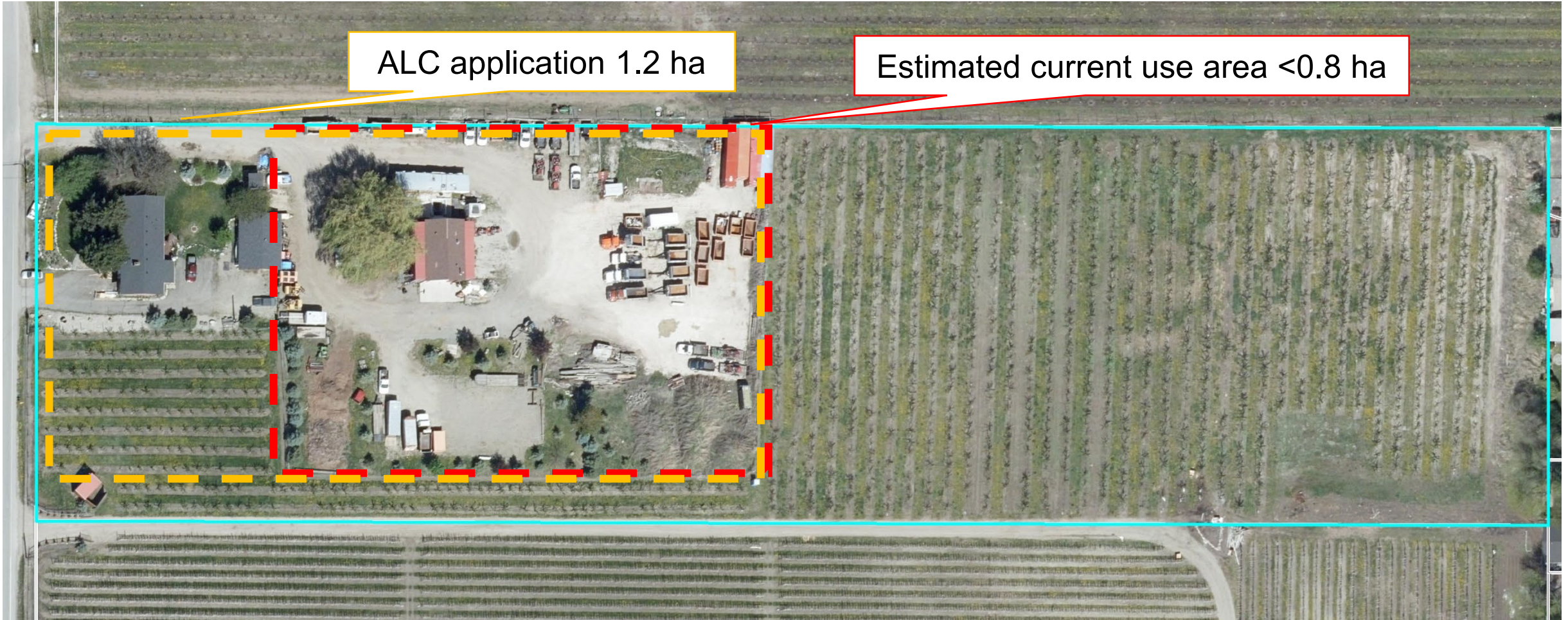
Process



Proposal

ALC application 1.2 ha

Estimated current use area <0.8 ha



RDCO Zoning Bylaw Regulations

Home Based Business in an Agricultural Zone

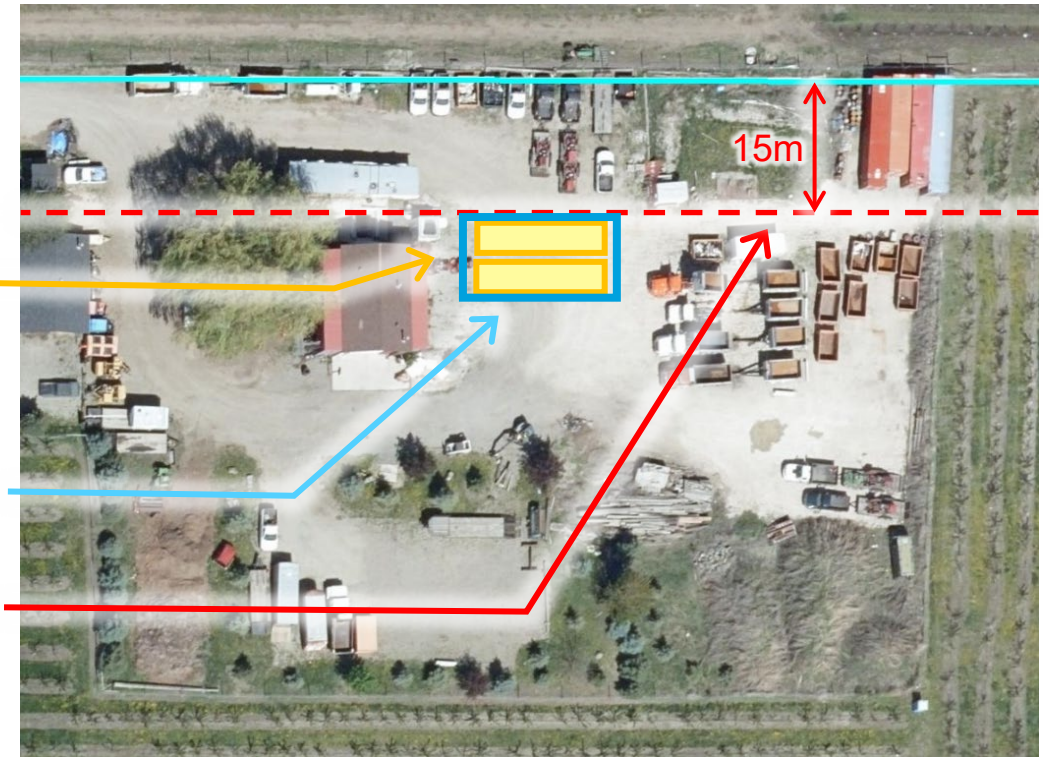
- Up to 100m² of floor area
- Plus, up to 50m² of indoor storage
- Parcels over 2ha may have up to 50m² of screened outdoor storage
- A maximum of 2 people (excl. residents) may work on site



RDCO Zoning Bylaw Regulations

Storage of Heavy Vehicles or Equipment

- A1 parcel 0.5 - 3.8 ha;
 - Maximum of 2 logging, industrial, commercial or construction vehicles or equipment permitted
 - Must cover less than 150m² of the lot
 - Must be 15m from the side parcel line



RDCO Zoning Bylaw Regulations

Additional permits may be needed if
Non Farm Use is approved:

- A Development Variance Permit, or
- A Temporary Use Permit, or
- A parcel specific Zoning text amendment

Regional Growth Strategy

Our Land, Our Economy, and Our Food

- Protect ALR land and supporting uses
- Promote employment and investment
- Support sustainable agricultural activities
- Enhance local agriculture and food systems

Low RGS policy alignment

Ellison Official Community Plan

Agricultural Lands

- Preserve the agricultural land base
- Support activities that contribute to farming income

Economic Development

- Support home based businesses that do not conflict with the predominant land uses

Low OCP policy alignment

Agricultural Plan

- Enhance the sector by addressing urbanization conflicts and competition for agricultural land

Low Agricultural Plan policy alignment

Referral Responses - Engineering Services

- The proposal will reduce the property's agricultural potential
- Orthophotos show sea-cans and vehicles upon a sewer ROW
- Obstructions of any kind are prohibited in this area



Referral Responses – Bylaw Enforcement

- Concerns raised over vehicle movements and land uses at the property over several years

Referral Responses – Shaw Cable

- Supports application provided utility conduits are installed to Shaw's specifications

Agricultural Advisory Committee

- Does not support the proposal
 - The commercial use, if approved, could be permanent
 - Not compatible with good agricultural land use practices

Ministry of Agriculture, Food and Fisheries

- May set a negative precedent for businesses in the ALR
- Despite the cherry plantings, the proposed use does not represent a benefit to agriculture

Summary

- Non-farm use proposed on 1.2 ha of ALR land
- 0.4 ha of non-ALR land planted with cherries to help offset impacts
- Poor alignment with Regional policy objectives
- Current operations appear non-compliant with Zoning
- If NFUA approved, additional permits or changes to operations may be required

Recommendation

THAT the Regional Board receives the report from the Director of Community Services, dated September 26, 2022, with respect to RDCO File: A-22-02 for the property located at 3811 Old Vernon Road and legally described as Lot A, Section 12, Township 23, ODYD, Plan 23162 (“the Subject Property”);

Recommendation

AND THAT the Regional Board **NOT** support Agricultural Land Commission Application A-22-02 for applicant Albert Stubbington, to allow a non-farm use to allow a commercial operation as outlined in the report dated September 26, 2022;

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

