

AAC REPORT



Date: April 8th 2021

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Development Planning Department (AK)

Application: A21-0003 **Owner:** Gurmail Dhillon and Manjit Dhillon

Address: 3652 East Kelowna Road **Applicant:** Gurmail Dhillon

Subject: Application to the ALC for Non-Farm Use – Retail Sales

1.0 Purpose

To consider a non-farm use permit to allow for retail sales on the subject property.

2.0 Proposal

2.1 Background

The subject site is currently being used for agriculture and farm retail sales to sell fruits and vegetables produced by the farm. Specifically the property is planted to a mix of cherries, soft fruit such as peaches and nectarines, apples, and miscellaneous vegetables. Regarding farm retail sales to comply with ALC and City of Kelowna regulations at least 50 per cent of the retail sales area must be for the sale of farm products produced on the farm. The proposal is to operate for 12 months a year to sell at least 50% of farm product between April to November, and then in the winter months sell less than 50% of farm product when produce is scarce. The Non-Farm Use application is attached to this report as 'Attachment A'.

2.2 Neighbourhood Context

The subject property lies within the Southeast Kelowna City Sector. The property and surrounding area is Zoned A1 – Agriculture 1 and designated REP – Resource Protection Area in the Official Community Plan (OCP). The property is outside of the City's Permanent Growth Boundary.

3.0 Technical Comments

The Ministry of Agriculture has provided a letter (Attachment C) raising concerns that it is unclear from the application submitted if there are other parcels that are part of this farm and that the farm retail stand could become a primary use of the property. The applicants state in addition to the subject site they are farming a 5 acre parcel in the South Okanagan currently planted to a mix of vegetables and peaches.

4.0 Community Planning

A non-farm use permit application is required to allow retail sales on the property as the proposal to sell less than 50% farm product does not qualify as farm retail sales. The use of the property for retail sales is not permitted by the City's Zoning Bylaw and is not consistent with Official Community Plan Policy to direct urban uses such as retail sales to urban areas of the City.

In order to protect and enhance local agriculture policy of the Official Community Plan provides support for non-farm use applications only where the proposed use meets the following criteria:

- i. Consistent with the Zoning Bylaw and OCP;
- ii. provides significant benefits to local agriculture;
- iii. can be accommodated using existing municipal infrastructure;
- iv. minimizes impacts on productive agricultural lands;
- v. will not preclude future use of the lands for agriculture;
- vi. will not harm adjacent farm operations

In the context of the Official Community Plan (OCP) the subject property is outside of the permanent growth boundary and is designated 'REP - Resource Protection Area' in the OCP which means this area is intended to be rural land preserved for agriculture. Generally within this designation more intensive land uses than those allowed under current zoning regulations are not be supported. Specifically, the OCP states that lands outside the permanent growth boundary will not be supported for urban uses. More specifically the OCP states to 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.

Prepared by: Alex Kondor , Planner Specialist

Approved for Inclusion: Dean Strachan, Community Planning & Development Manager

Attachments:

- Attachment A – ALC Non-Farm Use Application
- Attachment B – Site Plan
- Attachment C – Ministry of Agriculture Letter