

# REPORT TO COUNCIL



**Date:** September 13<sup>th</sup>, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** A21-0009

**Owner:** Edithe Kathlien Ross

**Address:** 2981 East Kelowna Road

**Applicant:** Theresa Ross

**Subject:** Non-Farm Use Application

**Existing OCP Designation:** REP – Resource Protection Area

**Existing Zone:** A1 – Agriculture 1

---

## 1.0 Recommendation

THAT Agriculture Land Reserve Appeal No. A21-0009 for Lot 2 Section 15 Township 26 ODYD Plan 736 located at 2981 East Kelowna Road, Kelowna, BC for a Non-Farm Use in the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act, be supported by Council;

AND THAT Council directs Staff to forward the subject application to the Agricultural Land Commission for consideration.

## 2.0 Purpose

To consider a staff recommendation to support an application to the Agricultural Land Commission for a Non-Farm Use application to permit a year-round apple and peach bin storage station and a seasonal fruit receiving station.

## 3.0 Development Planning

Staff support the proposed Non-Farm Use application for a year-round apple and peach bin storage station and a seasonal fruit receiving station. The proposal meets the intent of the Zoning Bylaw and the Official Community Plan, and Staff do not anticipate any negative impacts to the neighbouring agricultural properties. The overall proposal will help 15 other growers, and will allow for a centralized location for bin storage and limit the need for other farmers to dedicate spaces for storage to be shipped. Staff believe this is a net benefit for agriculture and food security in the community.

Should the application be supported by Council and approved by the ALC, the applicant will be required to apply for a Building Permit, which would allow for the permanent ATCO trailer, which will be used for an office.

**4.0 Proposal**

**4.1 Project Description**

The subject property is 10 acres (4.047ha) in size and is located on East Kelowna Road. The property is currently used to farm apples (gala, spartan, golden delicious, ambrosia, McIntosh and red delicious) and peaches (harrow diamond, Canadian harmony and suncreast). There is currently two single-family homes and a pickers cabin on site.

The non-farm use application is to allow for a year-round apple and peach bin storage, as well as a seasonal fruit receiving station. The owners will be working with Consolidated Fruit Packers (CFP), where they ship the fruit to Osoyoos. This proposed receiving station will be used by 15 other farms in the area, which will be used from September – November. The bin storage will be used year-round, and the application also includes the placement of an ATCO trailer, which will be used as an office, so that bin tags can be printed to track the fruit. The proposal will require roughly 0.75 acre of current orchard land to be removed and gravel to be placed. The fill placement will be roughly 0.1m in depth and have roughly 616m<sup>3</sup> in fill. This will be roughly 30 to 40 truckloads.

The ALC allows farm product processing/packing/storing, however, S. 11(2) of the ALR Use Regulation has specific parameters:

- 11 (2) – The use of agricultural land for storing, packing, preparing, and processing farm products is designated as a farm use and may not be prohibited in section 4 if at least 50% of the farm products is:
  - a) produced either on that agricultural land or by an associate to which the owner of the agricultural land belongs, or
  - b) feed required for farm use on that agricultural land

Since the proposal is involving 15 other growers, this wouldn't meet the 50% requirement. The application is agricultural-related, but still requires a non-farm use application from the ALC to construct the receiving station and bin storage.

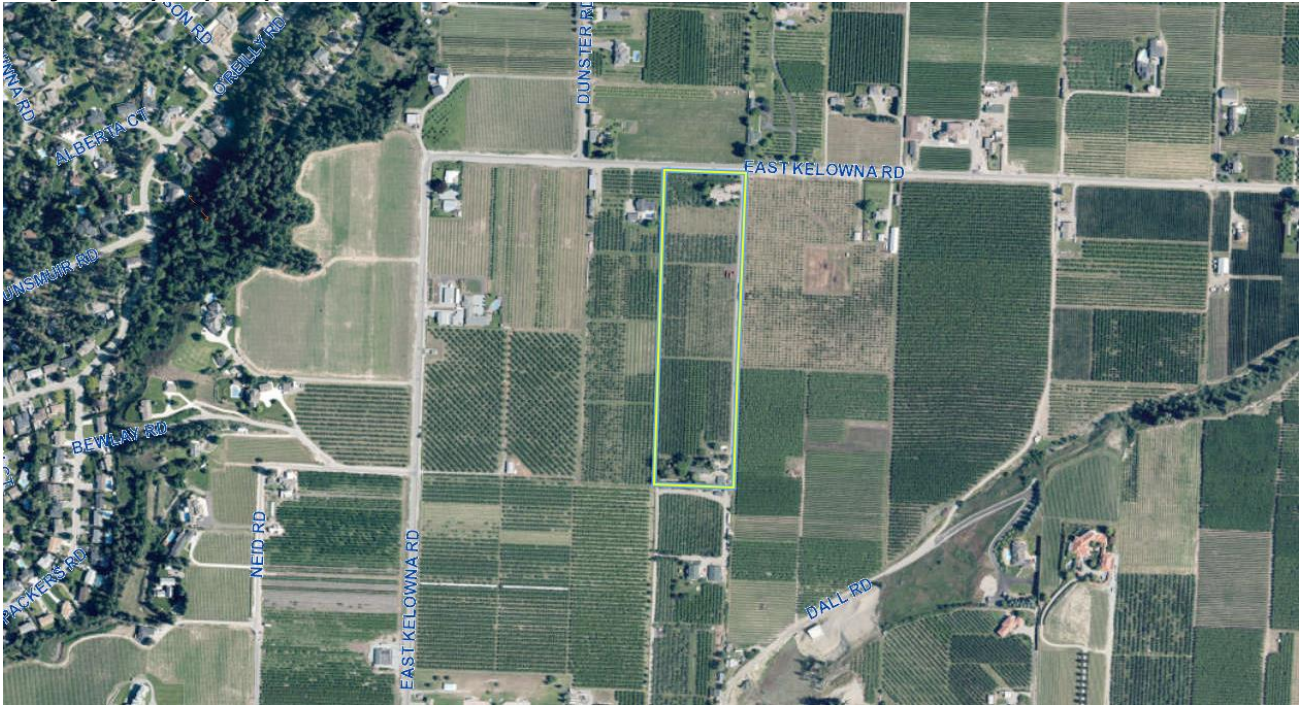
**4.2 Site Context**

The subject property lies within the Southeast Kelowna OCP Sector. The surrounding area is predominately agricultural lands, all within the Agricultural Land Reserve.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Agriculture
East	A1 – Agriculture 1	Agriculture
South	A1 – Agriculture 1	Agriculture
West	A1 – Agriculture 1	Agriculture

**Subject Property Map: 2981 East Kelowna Road**



**5.0 Current Development Policies**

**5.1 Kelowna Official Community Plan (OCP)**

Chapter 5: Development Process

**Objective 5.33 Protect and enhance local agriculture Policy .1 Protect Agricultural Land.**

Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- Are consistent with Zoning Bylaw and OCP;
- Provide significant benefits to the local agriculture;
- Can be accommodated using existing municipal infrastructure;
- Minimize impacts on productive agriculture;
- Will not preclude future use of the lands for agriculture;
- Will not harm adjacent farm operation.

**6.0 Application Chronology**

Date of Application Received: June 14, 2021

Agricultural Advisory Committee: August 12, 2021

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on August 12<sup>th</sup>, 2021 and the following recommendations were passed:

THAT the Agricultural Advisory Committee recommend to Council that Application No. A21-0009 for non-farm use to allow a year round apple and peach bin storage station and seasonal fruit receiving station, located at 2981 East Kelowna Road, Kelowna, B.C., be supported.

Anecdotal comments from the Agricultural Advisory Committee (AAC) are that they have concerns in regard to the future use of the property and would like some kind of safeguard put on this file that if this operation ceases that it reverts back to agriculture production with no housing permitted. The Committee would also want this requirement attached to the property and not ownership in the future.

**Report prepared by:** Tyler Caswell, Planner I

**Reviewed by:** Dean Strachan, Community Planning & Development Manager

**Reviewed by:** Terry Barton, Development Planning Department Manager

**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

**Attachments:**

Attachment A – ALC Non-Farm Use Application  
Attachment B – Agrologist Report  
Attachment C – Ministry of Agriculture