

COMMITTEE REPORT



Date: August 8th, 2024
To: Agricultural Advisory Committee
From: Development Planning
Address: 1629 - 1649 KLO Rd
File No.: A24-0003
Zone: A1 – Agriculture

1.0 Purpose

To consider an application to the Agricultural Land Commission (ALC) for a non-farm use to allow for the sale of landscaping and non-farm products.

2.0 Development Planning

The subject property is 4.9 ha (12.11 acre) in size and is located on KLO Rd. The applicant is seeking permission to allow for the sale of soil, soil amendments, and decorative rock in 179 m² concrete corrals located in the parking lot. Additionally, the applicant proposes to sell non-farm products in the retail sales area located inside of the nursery garden centre. A Non-Farm Use Application is required for the applicant to continue to sell products that are not produced by the farm operation and that exceed the 150 m² area allotted for the sale of these products identified in the Zoning Bylaw and Agricultural Land Reserve (ALR) Use Regulation.

The current nurse garden centre is a 1.4 ha area, and includes gutter connected polyhouses and outdoor irrigated growing beds. The area includes a gravel parking lot and retail sales building as part of their operation. The farming operation includes three properties (3350 Benvoulin Rd, 3400 Benvoulin Rd and 1629-1649 KLO), which consists of 7.1 ha of land. The active agriculture consists of 3.6 ha of hay production and 2.0 ha for cut flower growing.

To protect and enhance local agriculture, the policy direction provides support for non-farm use applications only where the proposed use meets the following criteria:

- i. Are consistent with the Zoning Bylaw and the 2040 OCP;
- ii. Provide significant benefits to local agriculture;
- iii. Do not require the extension of municipal services;
- iv. Will not utilize productive agricultural lands;
- v. Will not preclude future use of lands for agriculture; and
- vi. Will not harm adjacent farm operations.

If the application is endorsed by Council and approved by the Agricultural Land Commission (ALC), a site-specific Text Amendment Application is required for the operation to conform with the Zoning Bylaw. The Text Amendment Application would be for an increase in the size of the greenhouse and plant nursery sale area selling non-farm products, as the maximum permitted area is 150 m². This will include

all areas currently being used for sales including staff areas, indoor and outdoor planting growing areas, flower prep and coolers and bulk landscaping sales.

3.0 Subject Property & Background

3.1 Site Context

The subject property is located on KLO Rd near the intersection with Benvoulin Rd. The surrounding area is a mix of agricultural land, commercial, and residential.

Zoning and land use adjacent to the property are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture	Park
East	A1 – Agriculture	Agriculture
South	RU1 – Large Lot Housing	Single-Detached Dwelling(s)
West	A1 – Agriculture	Rural Residential

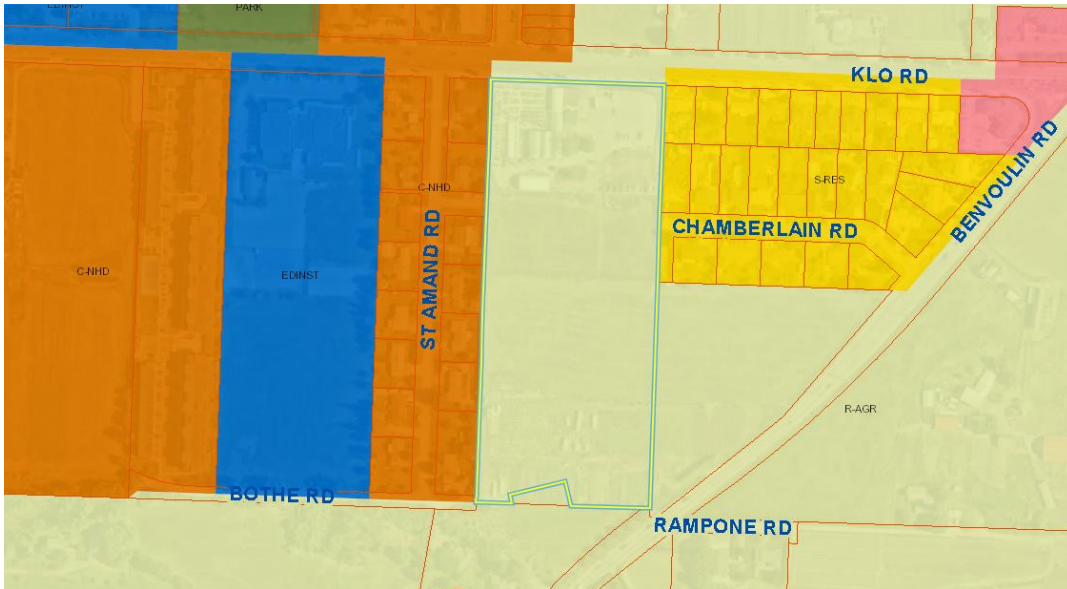
Subject Property Map



ALR Map



Future Land Use Map



4.0 Background

The subject property had a previous non-farm use application (A15-0006) that was forwarded to the ALC in 2015. The purpose of the original application was to bring the previous garden nursery business, Better Earth Garden Centre, into compliance with the City's bylaws and ALC legislation. The non-compliance uses of the land included retail sales of non-farm products in the garden centre and the sale of landscaping products in the outdoor concrete corrals. In February 2016, the ALC approved the non-farm use to the sole benefit of Better Earth Garden Centre for three-years. A Temporary Use Permit Application (TUP16-0001) was approved by Council in July 2016 and was issued for a three-year period. This permit lapsed in 2019, with no opportunity to extend.

In August of 2023, a new Business Licence application for farm retail sales was received by the City and staff assessed the subject property and farm operation for compliance with the Zoning Bylaw and ALC legislation. Based on conversations with the licensee (Bylands Garden Centre) and the farm use of the property, staff approved a new business licence for farm retail sales on the condition that only farm products produced on the farm can be sold on the property.

On April 30, 2024, the City issued a letter that Bylands Garden Centre was operating contrary to the Business Licence conditions and that the removal of all non-farm products was required. The letter stated that a site visit to the subject property showed soil corrals, bagged soil and compost, and a variety of gardening products available for sale. Subsequently, on May 5, 2024, ALC Compliance and Enforcement issued a Notice of Contravention letter identifying the unauthorized placement of fill for a parking lot and non-farm activity. The letter directed Bylands Garden Centre to remediate the subject property and remove the non-farm uses or submit ALC applications.

This application is to address the identified non-farm uses on the property. A follow-up ALC application may be submitted by the applicant to address the unauthorized placement of fill for the parking lot that has been identified by the applicant as approximately 3,000 m².

5.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

Objective 8.1. Protect and preserve agricultural land and its capability	
Policy 8.1.1. Protect Agricultural Land.	Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.
	<i>The application proposes bringing on landscaping materials including mulches and landscape rock, which isn't typically associated with agricultural activities.</i>
Policy 8.1.6. Non-farm Uses.	Restrict non-farm uses that do not directly benefit agriculture except where such non-farm uses are otherwise consistent with the goals, objects, and other policies of this OCP. Support non-farm use applications only where approved by the ALC and where the proposed uses: <ul style="list-style-type: none"> i. Are consistent with the Zoning Bylaw and the 2040 OCP; ii. Provide significant benefits to local agriculture; iii. Do not require the extension of municipal services; iv. Will not utilize productive agricultural lands; v. Will not preclude future use of lands for agriculture; and vi. Will not harm adjacent farm operations.
	<i>Most of the property and operation conform with the OCP and Zoning Bylaw, the inclusion of landscape products brought from off-site does not conform with either.</i>

Report prepared by: Tyler Caswell, Planner II
Reviewed by: Dean Strachan, Community Planning and Development Manager
Approved for Inclusion: Nola Kilmartin, Development Planning Department Manager

Attachments:

Attachment A – ALC Application File No: 70204

Attachment B – Site Plan

Attachment C – Agrologist Report