



# AGRICULTURAL ADVISORY COMMITTEE REPORT

To: Agricultural Advisory Committee Members

Date: February 8, 2023

From: Yvonne Mitchell, Planner II

File No: A 23-01

Subject: **A 23-01; Non-Farm Use Application; 2901 Boucherie Road**

## BACKGROUND

The subject property is in the Lakeview Heights neighbourhood. It is approximately 0.2 hectares and was subdivided in 2002 as part of a home site severance application. The remaining farm is addressed as 2910 Britt Road and is approximately 4 hectares. The subject property is currently developed with a single detached dwelling and detached garage. No agricultural use is currently operated on the parcel, and evidence has not been found that previous agricultural use occurred on the parcel.

PROPERTY DETAILS			
<b>Address</b>	2901 Boucherie Road		
<b>PID</b>	025-540-050		
<b>Folio</b>	36414167.131		
<b>Lot Size</b>	0.474 acres (1918.21m <sup>2</sup> )		
<b>Owner</b>	James Reimer and April Reimer	<b>Agent</b>	April Reimer
<b>Current Zoning</b>	Agricultural Zone (A1)	<b>Proposed Zoning</b>	Commercial Zone <i>(separate application required)</i>
<b>Current OCP</b>	Agricultural	<b>Proposed OCP</b>	Commercial <i>(separate application required)</i>
<b>Current Use</b>	Single Detached Dwelling	<b>Proposed Use</b>	Restaurant
<b>Development Permit Areas</b>	Commercial <i>(separate application required)</i>		
<b>Hazards</b>	Impacts to agricultural lands		
<b>Agricultural Land Reserve</b>	Yes		

ADJACENT ZONING & LAND USES			
<b>North</b>	^	Agricultural Zone (A1)	
<b>East</b>	>	Agricultural Zone (A1)	
<b>West</b>	<	Agricultural Zone (A1)	
<b>South</b>	v	Agricultural Zone (A1)	

## NEIGHBOURHOOD MAP



## PROPERTY MAP



## **DISCUSSION**

### Proposal

This application is for a non-farm use in the agricultural land reserve. The proposal is to demolish the existing single detached dwelling and detached garage and build a tea house on the subject property. The tea house is proposed to be two storeys and 2,708 ft<sup>2</sup>. In addition to the building, a parking area would be required to support this use, and a pergola, garden, and green house are proposed to be placed on the subject property.

### *Applicant's Rationale*

Please see the applicant's application to the Agricultural Land Commission for a rationale for the application (Attachment 1).

### Zoning and Policy Review

#### *Official Community Plan Bylaw No. 0100*

The Land Use Designation for the subject property is Agricultural. The built form/land use for the Agricultural Land Use Designation is a range of farming, crop cultivation, and other food-related production activities, and other agricultural uses. The purpose of the Agricultural Land Use Designation is to support the community's agricultural heritage and foster a local food system for greater self-sufficiency, economic development, and local food security.

The OCP identifies key objectives for parcels within the Agricultural Land Use Designation (LUD), including:

- Support the preservation and enhancement of the agricultural land base through land use decisions consistent with identified agricultural policies, Agricultural Land Commission policies and decisions where applicable, and the Agricultural Plan when completed.

The proposal is not consistent with the Agricultural Land Use Designation in the Official Community Plan. If the non-farm use application is approved, an Official Community Plan amendment would be required to change the Land Use Designation to Commercial.

### Development Permit Areas

No Development Permit Areas are currently applicable to the subject property. If a tea house is to be constructed on the subject property a Commercial Development Permit would be required for this commercial use.

### *Zoning Bylaw No. 0265*

The subject property is zoned Agricultural (A1). The A1 Zone permits principal uses, including but not limited to, agriculture, alcohol production facility, kennels, greenhouse or plant nursery, mobile or modular home, riding stable, and single detached dwelling. As well as secondary uses, including but not limited to, agricultural worker dwelling, agritourism, and bed and breakfast (see Attachment 2 for A1 Zone). The proposal is for

restaurant as the principal use which is not permitted in the A1 Zone. If the non-farm use application is approved, a zoning bylaw amendment application to a commercial zone would be required.

It should be noted that a full zoning bylaw review would be done if this proposal progresses further, which may identify further zoning bylaw amendment or variance requirements. For example, as per s.3.25 of the Zoning Bylaw a 15-metre setback with a six metre landscape buffer is to be maintained from a non-farm use to land within the ALR or A1 Zone. A variance would therefore be required to reduce the agricultural buffer for the tea house.

### *Agricultural Plan*

One of the recommendations in the Agricultural Plan is Recommendation 11: “Protection of Agricultural Land”. The plan includes a variety of policies to achieve this recommendation, including the following:

- The District of West Kelowna supports the protection of agricultural land in the District by ensuring that removal of land from the Agricultural Land Reserve or land zoned A1, or boundary adjustments result in no net loss of agricultural land within the District and the same agricultural value of land is maintained in accordance with the provisions of the *Agricultural Land Commission Act*.
- The District of West Kelowna encourages the valuation of agricultural land based on farm capability and value for agricultural use.

A key consideration of these policies is the intent to ensure that agricultural land is protected from other uses.

Another recommendation is Recommendation 16: “Agritourism and Culinary Tourism”. The plan includes a variety of policies to achieve this recommendation, including the following:

- The District of West Kelowna encourage activities that contribute to farming income such as agritourism and culinary tourism.

A key consideration of this policy is the intent that agritourism and culinary tourism can assist the agricultural sector with further diversity and expansion. However, these policies do not apply to the current proposal. Although the applicant has indicated they plan to produce some items for the tea menu onsite (see Attachment 1), the principal use proposed is a commercial restaurant and as such is not agritourism.

### **Referrals**

This application has been referred to various external agencies and internal department for review and comments. The referral period ends February 27, 2023.

## KEY CONSIDERATIONS

In providing recommendations to City staff and Council, the AAC may wish to consider the following:

- The Zoning Bylaw does not permit a restaurant as the principal use in the A1 Zone, as such a Zoning Bylaw Amendment would be required if this non-farm use application is approved.
- The proposal is not consistent with the Agricultural Land Use Designation in the Official Community Plan, as such an Official Community Plan amendment to the Commercial Land Use Designation would be required if this non-farm use application is approved.
- The proposal is not consistent with the City's Agricultural Plan.
- The proposal does not qualify as agri-tourism.

Specific comments would be appreciated should the AAC have any concerns with the proposed non-farm use application, so that they may be further investigated or considered prior to staff providing a recommendation to Council as part of consideration of the application.

Respectfully submitted,

Yvonne Mitchell, Planner II

Powerpoint: Yes  No

### Attachments:

1. ALC Application
2. Agricultural (A1) Zone
3. Development Plans
4. Photos of current site conditions