



AGRICULTURAL ADVISORY COMMITTEE REPORT

To: Agricultural Advisory Committee Members

Date: April 6, 2021

From: Jayden Riley, Planner II

File No: A 21-03

Subject: **A 21-03; Non-Farm Use Application; 3992 Pritchard Drive North**

BACKGROUND

This application is proposing a non-farm use on a portion of the subject property in the form of a community garden with seasonal vehicle parking and refuse container storage for the benefit of the adjacent property, Barona Beach Resort, and community garden users. The area proposed for non-farm use is located at the south-west corner of the property, known as “Row F” – see *Figure 1*. A similar application proposing parking was presented to the AAC in 2019, which was not supported, however it was authorized by City Council to proceed to the ALC for consideration. The ALR ultimately rejected the proposed non-farm use at that time. The revised proposal now includes a community garden and outdoor refuse container storage elements in addition to parking, and does not include any landfill.

PROPERTY DETAILS

Address	3992 Pritchard Drive North		
PID	003-428-494		
Folio	36412356.235		
Lot Size	36,300 m ²		
Owner	Donnie and Jeffrey Naka	Agent	Barona Beach Strata Council
Current Zoning	Agriculture (A1)	Proposed Zoning	N/A
Current OCP	Agriculture	Proposed OCP	N/A
Current Use	Agriculture	Proposed Use	Agriculture with community garden, parking, refuse storage
Development Permit Areas	None		
Hazards	Impacts to agricultural lands		
Agricultural Land Reserve	Yes		

ADJACENT ZONING & LAND USES

North	^	Agriculture (A1/ALR)
East	>	Single Family Residential (R1)
West	<	Country Residential (RU1)
South	v	Tourist and Resort Commercial (R6)

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

Background

The subject property is located at 3992 Pritchard Drive North, directly adjacent (north) to Barona Beach Resort, and is within the Agricultural Land Reserve (ALR). Historically, the property was used for RV camping as well as boat and vehicle storage. The portion of the subject property proposed for non-farm use, “Row F”, is intended as a buffer between the subject agricultural property and the adjacent development, Barona Beach Resort (“Lot B”). Maintaining this buffer between the properties was a condition of Lot B’s exclusion from the ALR in 2005, as well as subsequent OCP and Zoning Amendments in 2005 and 2006.

Since 2005, the property has informally been used by Barona Beach Resort as a dog park, smoking area, and garbage and recycling storage.



Figure 1: subject property and non-farm use area (“Row F”)

Proposal

The applicant is proposing to use a 0.3 ha portion of the subject property, “Row F”, for a vehicle parking area, refuse container storage area and a community garden for the benefit of Barona Beach Resort and community garden users. No permanent structures or no land fill are proposed.

Historical File Review

Historical decisions made by the Regional District of the Central Okanagan (RDCO) and the ALC have attempted to maintain the area as a buffer between the subject agricultural land and the adjacent resort apartment property. These decisions, in chronological order, include:

- ALC Resolution No. 525/2004 (2004)
 - The ALC resolved to exclude Lot B, Plan 32484, DL 434, ODYD (“Lot B”)¹, from the ALR, and stated they had no objection to the proposed condominium development, subject to the following conditions:
 - i.* The continued lease of “Row F” for buffering purposes
 - ii.* The development of a 3 m wide buffer on the boundary between the

¹ “Lot B” refers to the adjacent tourist commercial property, Barona Beach Resort – see Figure 4

subject property and “Lot B”, consisting of a 1-2 m high berm and a vegetative planting and fencing as required by the ALC.

- OCP Amendment, File: Z 04-14 (2004)
 - The RDCO approved an amendment to the OCP designation of “Lot B” subject to the registration of a lease agreement regarding the buffering strip, “Row F”.
- Lease Agreement between Donnie Naka (Lessor), Ermanno Barone (Lessee), ALC, and RDCO (2004)
 - A lease agreement was entered into between the owner of the subject property, Donnie Naka (lessee), Ermanno Barone (lessor), the ALC, and the RDCO, to use a 0.272 ha portion of the subject property “for purposes of providing a green space buffer strip between the Lessee’s lands and the remainder of the Lessor’s lands.”
 - The terms of the lease agreement was in consecutive 5-year terms. The reference plan attached to the agreement includes the area known as “Row F”, the area proposed for the subject non-farm of use of a vehicle parking area.
- Development Permit, File: DP 05-08 (2005)
 - Development Permit No. 05-08 was issued for “Lot B” on a number of conditions, including the completion of the berm, planting, and fencing, as required by the ALC resolution No. 525-2005.
 - No variance to parking was required at time of development permit.
- Development Permit, File DP 06-23 (2006)
 - DP 06-23 amended the total number of units at Barona Beach Resort from 144 to 158. The report to the Chair and Members of the Regional Board stated that 188 parking spaces were proposed and approved, with 158 required.
 - No variance to parking was required for the increase in units.
- Non-Farm Use Application, File: A 19-04 (2019)
 - To permit parking on ALR lands for the benefit of Barona Beach Resort to alleviate parking issues.
 - This application was not supported by the AAC (meeting date: September 5, 2019), but was authorized by City Council to proceed to the ALC for consideration.
- ALC Resolution No. 188/2020
 - The panel refused the proposal to construct a 0.3 ha parking lot for Barona Beach Resort.

Policy and Bylaw Review

Official Community Plan Bylaw No. 0100

The subject property has a Land Use Designation of Agriculture. The purpose of the Agricultural 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*.
- Discourage the proliferation of non-farm residential development or use, except as provided for by the Homesite Severance Policy within the ALR.

Zoning Bylaw No. 0154

Outdoor vehicle and refuse storage is not a permitted use in the Agriculture (A1) zone if not accessory to the principal use of the agricultural lands. The applicant would therefore require a subsequent rezoning application to permit outdoor storage and vehicle parking on the subject property, should the non-farm use application be approved by the ALC.

Agricultural Plan

Strategy Three in the Agricultural Plan, “Conservation and Environmental Sensitivity”, outlines actions that can assist farmers to be effective land stewards. The plan includes a variety of policies to achieve this strategy, including the following that aim to preserve agricultural land:

- Support limiting the amount of land used by residences and buildings on agricultural land to ensure a maximum amount of the land is available for agricultural production.
- Continue to consider edge planning strategies that do not interfere with farming operations, as one option for supporting existing farm operations and mitigating potential land use conflict.
- Encourage sound environmental practices that are consistent with best management practices approved by the BC Ministry of Environment.

A key consideration of these policies is the intent to ensure that valuable agricultural lands that could otherwise be utilized for the production of farm products are preserved.

Referrals

This application has been referred to various external agencies and internal department for review and comments. The referral period ends April 28, 2021.

KEY CONSIDERATIONS

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

- The proposal does include a community garden, which is consistent with the A1 Zone and ALR land uses, however the inclusion of parking and refuse storage does not – therefore a non-farm use application is required;
- A similar application was presented to the AAC on September 5, 2019, where the AAC did not give support; however, this application has been modified to include community garden space and does not include the deposit of land fill;
- The subject area is currently under lease to ensure a buffer is maintained between the agricultural lands and the resort development;
- The ALC rejected the previous non-farm use application that proposed parking in the identical area (Row F).

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,

Jayden Riley, Planner II

Powerpoint: Yes No

Attachments:

1. ALC Application (non-farm use)
2. Site Plan