

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: January 23, 2025
RE: Agricultural Land Commission Referral Non-Farm Use – Electoral Area “I” (I2024.006-ALC)

Administrative Recommendation:

THAT the RDOS Board “authorize” the application to move soil as a non-farm use on the parcel located at 2580 Green Lake Road, (Lot 1, Plan EPP1591, District Lot 34S, SDYD) to proceed to the Agricultural Land Commission.

Purpose: To move soil to accommodate a new tasting room facility Folio: I-01156.110

Civic: 2580 Green Lake Road Legal: Lot 1, Plan EPP1591, DL 34S, SDYD Zone: Agriculture Three (AG3)

Proposed Development:

An application has been submitted to the Agricultural Land Commission (ALC) under Section 20.3(5) of the *Agricultural Land Commission Act* (the Act), and referred to the Regional District, in order to allow for the removal of soil and placement of fill on land in the Agricultural Land Reserve (ALR).

Specifically, the applicant is seeking the Commission’s approval to remove approximately 120 m³ of soil and to then place approximately 120 m³ of new fill as part of the construction of a foundation (approx. 185.8 m² in area) for a new tasting room facility.

In support of this proposal, the applicant has indicated that this is required due to the significant deterioration of the existing tasting room, making the construction of a new facility a more practical and cost-effective solution than undertaking renovations.

Statutory Requirements:

Under Section 34.1(2) of the *Agricultural Land Commission Act*, the Regional District of Okanagan-Similkameen (RDOS) must “review the application, and ... forward to the commission the application together with [its] comments and recommendations”, unless Section 25(3) applies wherein the Board has the ability to refuse to “authorise” an application.

Under Section 25(3) of the Act, formal “authorization” by the Regional District Board is only required for applications that apply to land that is zoned by bylaw to permit farm use, or requires an amendment to an official community plan or a zoning bylaw.

In this instance, Section 25(3) is seen to apply as the property “is zoned by bylaw to permit [an] agricultural or farm use” and an amendment to the Electoral Area “I” Official Community Plan and Zoning Bylaw will be required in order for the development to proceed.

Site Context:

The subject property is approximately 68.4 ha in area and is situated approximately 4 km south of OK Falls Town Center, to the west of the Okanagan River, and approximately 14 km north of the Town of Oliver. It is understood that the parcel is comprised of a single detached dwelling, an accessory dwelling, a wineshop, and a barn.

The surrounding pattern of development is generally characterised by similarly land uses, including Agricultural Three (AG3), Resource Area (RA), and Parks and Recreation (PR) zones.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on August 26, 2009.

Available Regional District records indicate that building permits have previously been issued for an addition to patio deck (1997), addition of a patio and retaining wall to the wineshop (2012), construction of accessory building (2016), conversion of commercial kitchen (2019), demolition of mobile (2019) demolition of a winery building and patio (2024).

BC Assessment has classified the property as part “Residential” (Class 01), part “Light Industry” (Class 05) and part “Business and Other” (Class 06), and the property is within the ALR.

Under the Electoral Area “1” Official Community Plan (OCP) Bylaw No. 2683, 2016, the preferred future land use of the subject property has been designated as Agriculture (AG), an objective of which is to “protect the agricultural land base of the Plan Area and associated farming, ranching and general agricultural activities.”

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Agricultural Three (AG3) which permits, amongst other uses, for “alcohol production facility” as a principal use.

Analysis:

In considering this proposal, Administration notes that an objective of the Agriculture (AG) land use designation is to “protect the agricultural land base of the Plan Area ...”, and that this includes the soils used to undertake various types of farming.

Introducing foreign fill to an agricultural parcel can dilute or degrade fertility by altering the soil’s physical, chemical, or biological properties. Foreign fill may also contain contaminants or invasive species that can make land unsuitable for agriculture.

Similarly, removing agricultural soils from a farm can reduce the amount of land available for farming, and also result in subsoil layers that are less fertile, poorly structured, and more prone to erosion.

Accordingly, this is why the ALC regulates the removal and placement of soils and fill on farmland, as it is important for protecting agricultural resources and ensuring sustainable land uses in the Reserve.

In this instance, Administration recognizes that the area from which soil is to be removed and fill placed is currently occupied by an accessory structure (e.g. it is already disturbed and not used for cultivation purposes).

As a result, it is unclear what value the soil to be removed retains after years accommodating production related uses. In addition, by placing introduced fill within this same area will ensure that the new material is in an area that has already been disturbed and is associated with the “farm footprint” (e.g. non-farm developed area) of the property.

Alternative:

Conversely, Administration recognizes that the removal of soil that has been designated as having agricultural value from a farm parcel and its replacement with foreign fill is not considered to be good practice.

Other options may also be available to the property owner, such as using soils and/or fills from the property in order to facilitate the proposed development.

Summary:

In summary, Administration considers the proposed soil removal and fill placement to not be unreasonable and as unlikely to adversely impact the agricultural use of the property. For this reason, it is being recommended that this application be “authorized” to proceed to the ALC for its consideration.

Alternative:

- .1 THAT the RDOS Board not “authorize” the application to move soil on the parcel located at 2580 Green Lake Road (Lot 1, Plan EPP1591, District Lot 34S, SDYD) to proceed to the Agricultural Land Commission.

Respectfully submitted:

Mariane Frizzi

Mariane Frizzi, Planning Technician

Endorsed By:



C. Garrish, Senior Manager of Planning

Endorsed By:



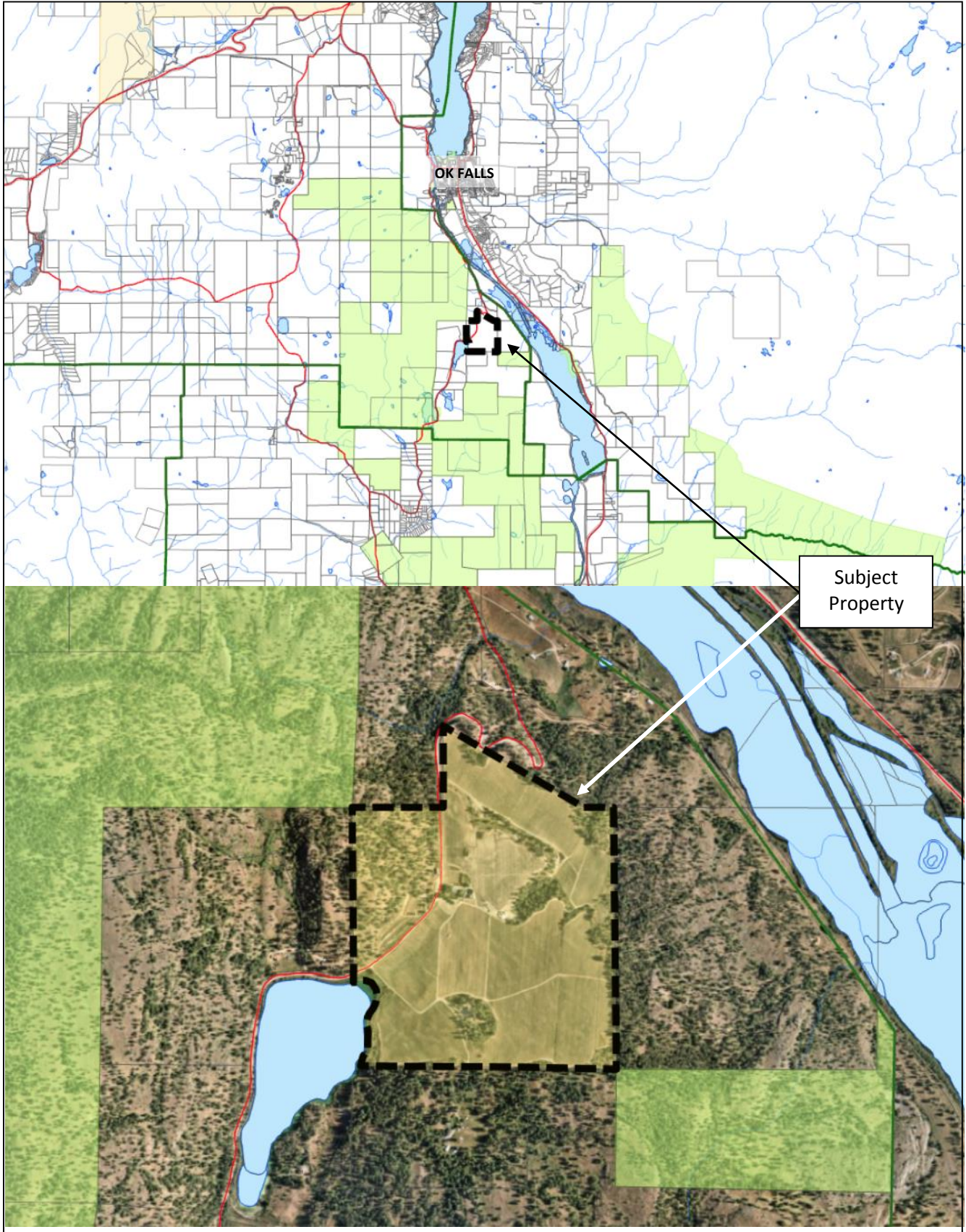
Allen Fillion, Managing Director Development & Infrastructure

Attachments: No. 1 – Context Maps

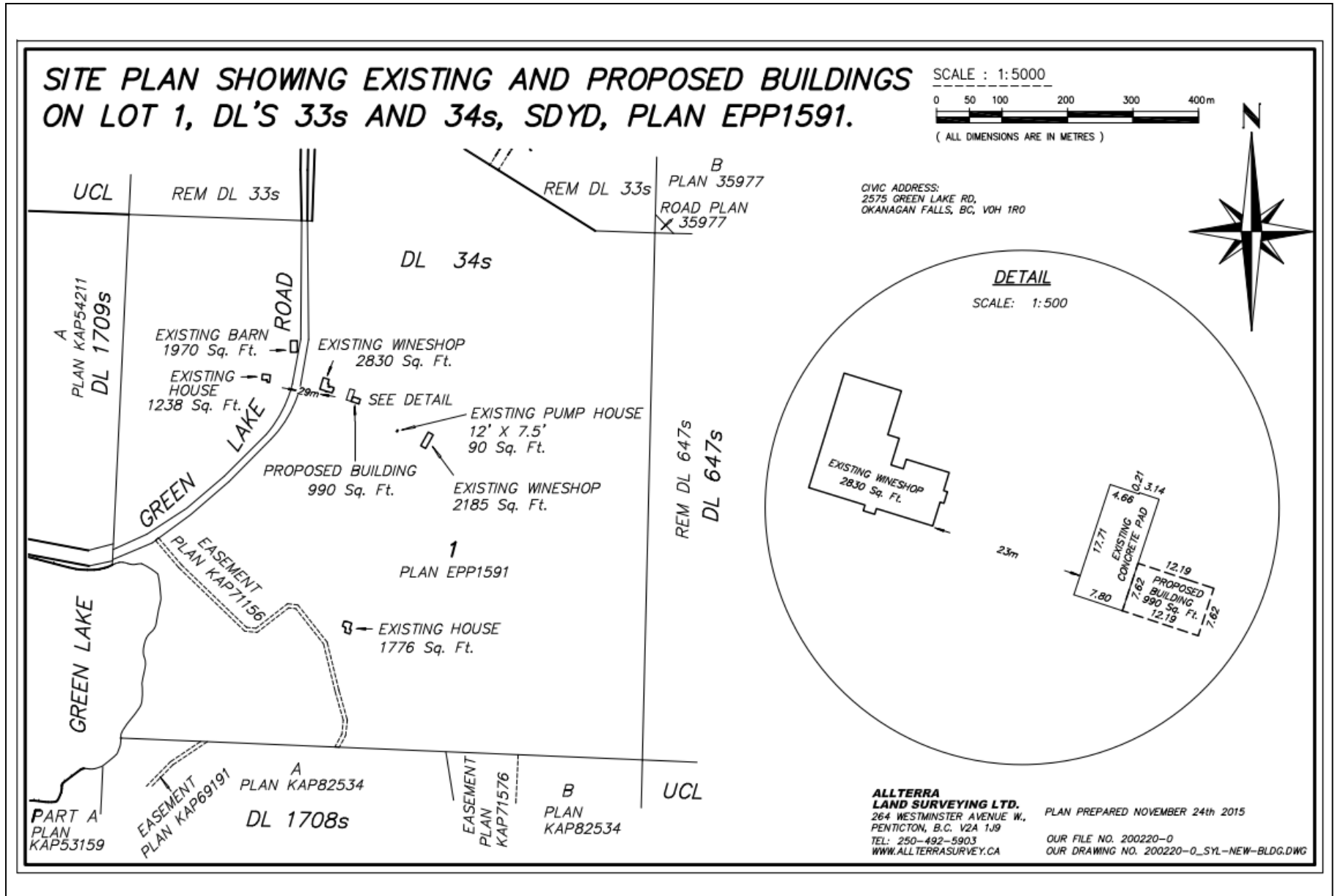
No. 2 – Applicant’s Site Plan

No. 3 – Aerial Photo

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 – Aerial photo

