

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: April 3, 2025

RE: Agricultural Land Commission Referral (Non-Farm Use) – Electoral Area “I” (C2025.006-ALC)

Administrative Recommendation:

THAT the RDOS Board “authorize” the application to allow a “washroom facility” as a non-farm use on the parcel located at 317 Linden Avenue (Lot 2, Plan EPP87092, District Lot 105S, SDYD) to proceed to the Agricultural Land Commission.

Purpose: To allow an accessory building (washroom facility) to be constructed within the ALR.

Civic: 317 Linden Avenue, Kaleden Legal: Lot 2, Plan EPP87092, District Lot 105S, SDYD

Folio: C-01502.140 Zone: Agriculture One Site Specific (AG1s)

Proposed Development:

An application has been submitted to the Agricultural Land Commission (ALC) under Section 20 of the *Agricultural Land Commission Act* (the Act), and referred to the Regional District, in order to allow for an accessory building to be operated as a non-farm use within the Agricultural Land Reserve (ALR).

In support of this proposal, the applicant has stated that “(the washroom facilities used for patrons of the property) have in the past relied on restrooms in the cafe on the adjoining property, 315 Linden Ave, or portable washrooms beside the (existing, seasonal) tent. Both options have limitations as the café washrooms are 400 plus metres (from the tent) and the portables are not wheelchair accessible.”

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.”

Site Context:

The subject property is approximately 1.2 ha in area and is situated on the north-east side of Linden Avenue. It is understood that the parcel is comprised of a botanical garden, along with a large, seasonal banquet tent.

The surrounding pattern of development is generally characterised by similarly sized agricultural parcels to the North, South, and West, and residential parcels to the East.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on October 4, 2018, while available Regional District records indicate that building permit(s) have not previously been issued for this property.

Under the Electoral Area “I” Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Agriculture (AG), an objective of which is to “encourage the agricultural sector’s improvement”. The property is not subject to any Development Permit Area designations.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Agriculture One Site Specific (AG1s), with the site specific zoning regulation allowing for “botanical garden”, “banquet facilities” and “eating and drinking establishment” (e.g. restaurant) as principal permitted uses.

The property is located within the Agricultural Land Reserve (ALR) and BC Assessment has classified the property as “Residential” (Class 01). (NOTE: “Linden Gardens” comprises the subject parcel as well as an adjacent parcel to the east which has been classified as “Business and Other”. Neither parcel has been assessed as “Farm”).

Analysis:

In considering this proposal, Administration notes that an objective of the Agriculture (AG) designation includes support for the agricultural and rural economy by encouraging secondary, value-added uses such as limited forms tourist tourism.

In this instance, however, the subject property no longer appears to be used for agricultural purposes, as evidenced by its assessment, and is principally being used as a private event facility (e.g. for commercial purposes) – which is consistent with a previous decision by the ALC and site-specific zoning approved by the Board in 2010.

While Administration is aware of the ALC’s policy in relation to “Gathering for an event in the ALR”, which limits the maximum number of events in a calendar year to no more than ten (10) and prohibits the development of permanent facilities to support such events (e.g. washroom facilities), the applicant’s proposal is seen to be consistent with the current zoning of the property.

Further, the proposed accessory use is not anticipated to increase the level of traffic, noise, or other potential negative factors that could hamper adjacent landowners, which is consistent with the OCP objective to “minimize conflicts between agriculture and other land uses.”

While the washroom facility represents an intensification of a non-farm use that would occur on farm land, the size of the washroom facility, relative to the size of the subject parcel, is seen to have a negligible risk on potential farming opportunities in the future, and nor is it seen to detract from a level of agricultural output currently absent on the property.

Alternative:

Conversely, Administration considers that other options are available to the applicant, such as constructing additional washroom facilities within, or as an addition to existing structures supporting the private event facility use (e.g. as part of the banquet / café facilities).

In addition, the OCP seeks to preserve land capable of agricultural production from non-farm uses and the construction of additional facilities for private events such as weddings is seen as potentially forestalling the eventual return of the subject property to agricultural use.

For proposals involving the expansion and establishment of “value added” uses on Agricultural lands, consideration should also be made with respect to the cumulative impacts of non-agricultural uses such as parking and permanent non-farm structures on the agricultural land base and potential land use conflicts between farming and non-farming interests.

Summary:

In summary, the proposed use is seen to be a reasonable accessory use and Administration is supportive of this application proceeding to the ALC for its consideration.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

No communication strategy is proposed as the Regional District has been referred this application by the Agricultural Land Commission (ALC), and the Commission is seeking the Regional District’s input on compliance with applicable land use bylaws. Administration considers any communication required in relation to this proposal to be within the purview and responsibility of the ALC.

Alternative:

1. THAT the RDOS Board not “authorize” the application to allow a “washroom facility” as a non-farm use on the parcel located at 317 Linden Avenue (Lot 2, Plan EPP87092, District Lot 1, SDYD) to proceed to the Agricultural Land Commission.

Respectfully submitted:

Jerritt Cloney

Jerritt Cloney
Planner I

Endorsed By:



C. Garrish
Senior Manager of Planning

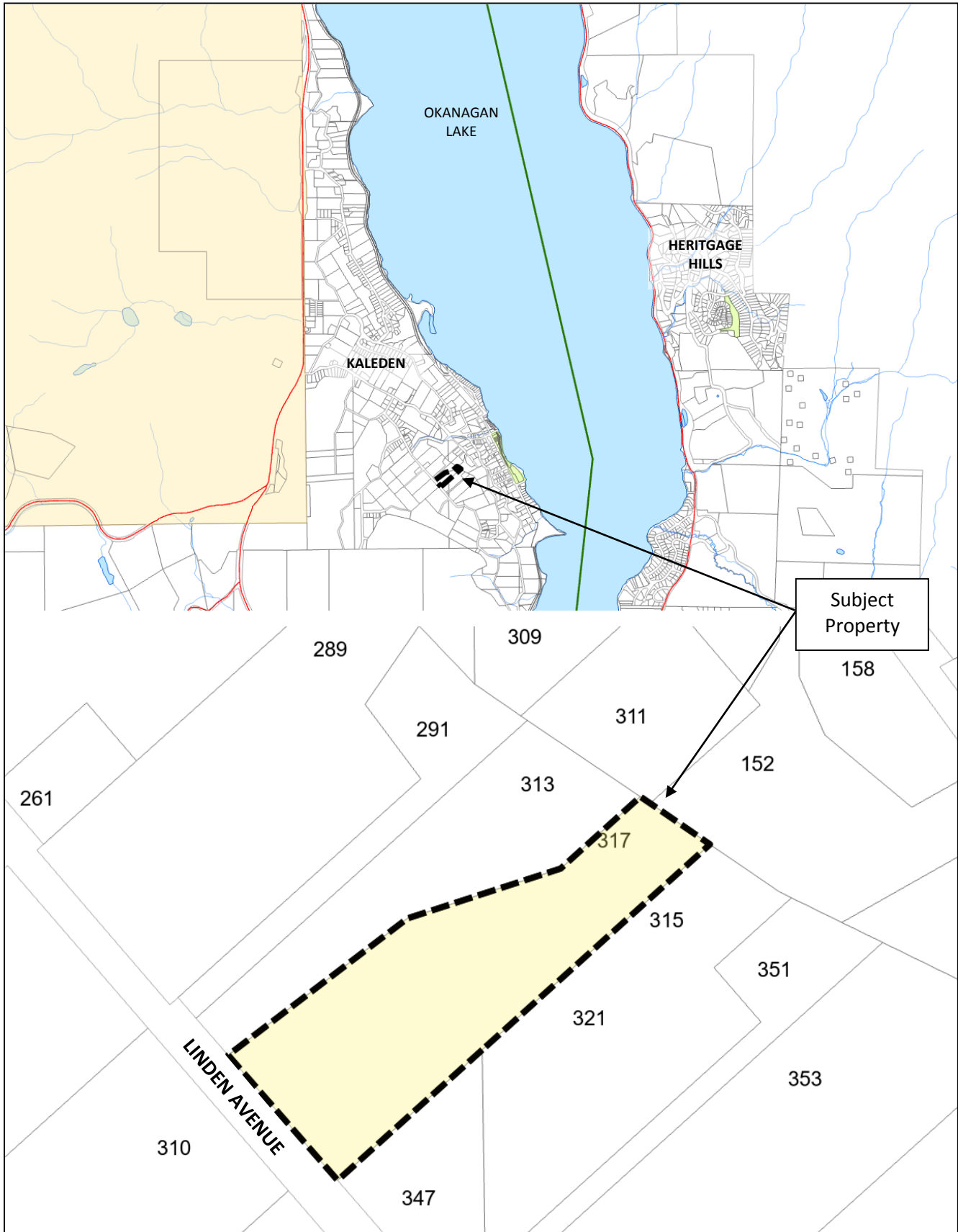
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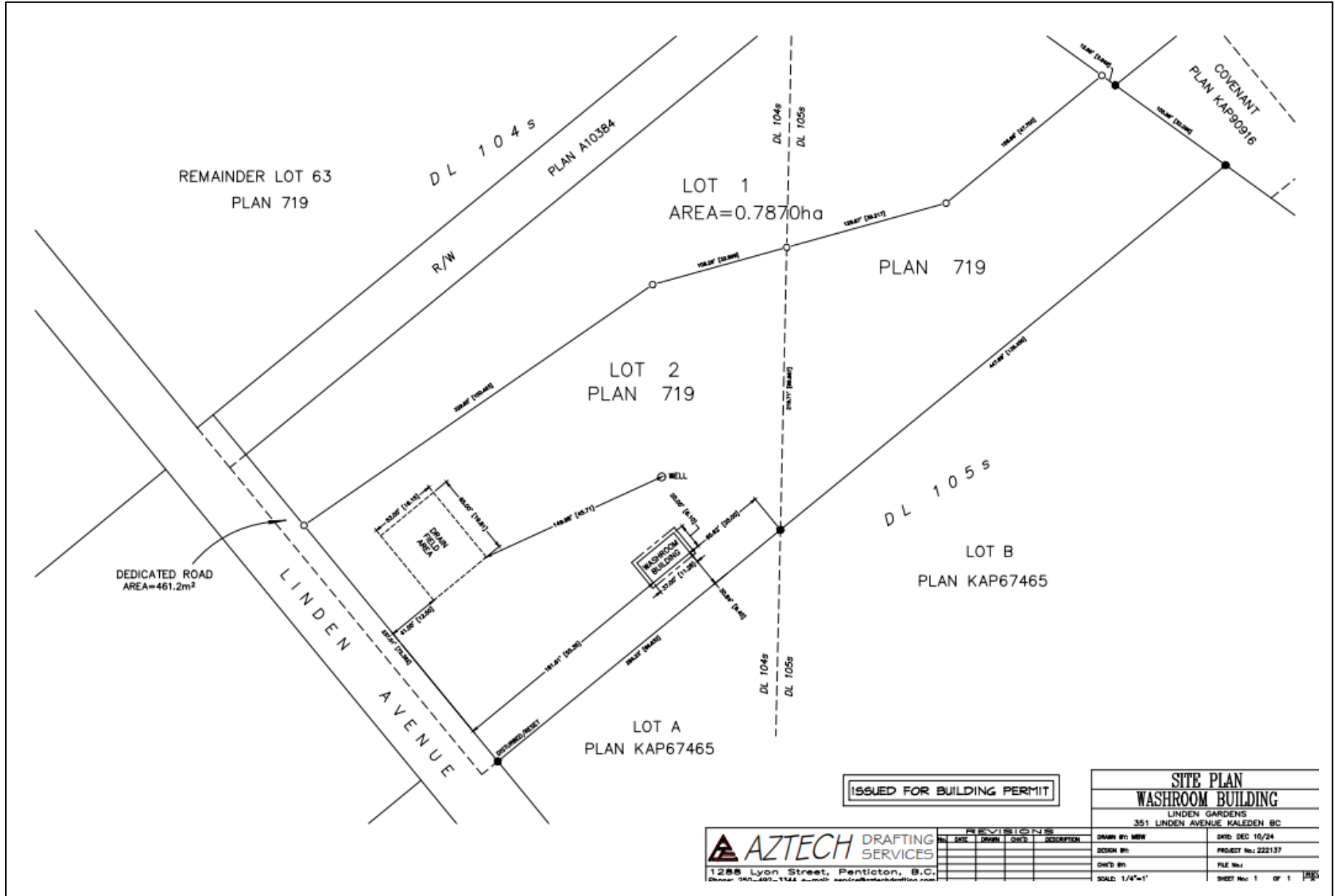
A. Fillion
Managing Director, Dev. & Infrastructure

Attachments: No. 1 – Context Maps
No. 2 – Applicant’s Site Plan
No. 3 – Site Photo (2022)

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant’s Site Plan



ISSUED FOR BUILDING PERMIT

SITE PLAN	
WASHROOM BUILDING	
LINDEN GARDENS	
351 LINDEN AVENUE, KALEDEN BC	
DESIGN BY: MHW	DATE: DEC 10/24
CHECK BY:	PROJECT No.: 222137
	FILE No.:
SCALE: 1/4"=1'	SHEET No: 1 OF 1

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REVISIONS				
No.	DATE	BY	CHKD	DESCRIPTION

Attachment No. 3 – Site Photo (2022)

