

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 4, 2022

RE: Development Variance Permit Application — Electoral Area “C” (C2022.026-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. C2022.026-DVP, to allow for the construction of an addition to a farm product processing and packaging warehouse at 577 Road 2, be denied.

Owners: Surinder & Mohinder Mann Agent: Surinder Mann Folio: C-05459.000

Legal: Lot 1, District Lot 2450S, SDYD, Plan 22963, Except Plans 36559 and 41947

Proposed Development:

This application is seeking a variance to the maximum parcel coverage allowance that applies to the subject property in order to facilitate the construction of a 1,858 m² addition to a fruit and vegetable processing and packaging warehouse.

Specifically, it is being proposed to increase the maximum parcel coverage for buildings on the subject property from 10% to 15.96%.

In support of this request, the applicant has stated:

- *[the applicants] need to expand [the] existing processing facility as [the] current size [makes] it difficult to process and package fruits and vegetables. We only package and market our own, grown produce;*
- *with the addition of the 20,000 sq ft expansion [the] total warehouse space would be 33,722 sq ft. It would make little sense to build an entirely new 33,722 sq ft facility on a different property in the RDOS as there would be larger environmental and economical impacts from this, along with more ALR land being used;*
- *the addition would not be blocking any nearby properties nor adversely [affecting] them. The addition is also planned for the back of the current warehouse, away from any public roads;*
- *[the] larger facility is required to process and package our produce which is grown in the south Okanagan. The current limit on farm coverage is not enough to sustain our agriculture activities;*
- *Other options would include more waste of materials and land, and would leave us with a redundant warehouse; and*
- *The [proposed] area where the expansion would occur, already has very few trees [and] the rest of the orchard would not be impacted by the warehouse.*

Site Context:

The subject property is approximately 2.3 ha in area and is situated on the southwest side of Road 2, approximately 300 m south of the boundary with of the Town of Oliver.

The property is understood to contain one 265.9 m² single detached dwelling, a 201.69 m² employee break building (former dwelling), a 136 m² chemical, fertilizer and tool storage building, a 1,275 m² farm product processing and packing facility/warehouse, and four greenhouses (582 m² in size, cumulatively).

The surrounding pattern of development is generally characterised by agricultural production and some residential uses, with the exception of two industrial parcels to the southeast along Highway 97.

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 25, 1972, while available Regional District records indicate that building permits have been issued for a carport (1978), cold storage and small tool shop (2000), a single detached dwelling (2003 & 2004), and the addition of a deck and extension of a dining room in a single detached dwelling (2015).

Several farm buildings on the property including an equipment storage building, additions to a farm equipment storage building, and the addition of a loading dock to a farm building, have also been approved for farm building exemptions from the RDOS Building Bylaw No. 2333.

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is currently designated Agriculture (AG1).

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Agriculture One (AG1) which permits “packing, processing, and storage of farm products” as a principal use.

The property is within the Agricultural Land Reserve (ALR) and BC Assessment has classified the property as part “Residential” (Class 01) part “Farm” (Class 09).

Public Process:

In accordance with Section 2.4 of Schedule 4 (Application for a Development Variance Permit) of the Regional District’s Development Procedures Bylaw No. 2500, 2011, adjacent residents and property owners were notified of this DVP application on June 24, 2022, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of July 15, 2022, being 15 working days from the date of notification, approximately five (5) representations have been received electronically or by submission at the Regional District office and are included in the Board’s Agenda.

Analysis:

As it relates to agricultural lands, the purpose of establishing maximum parcel coverage regulations is to restrict the size of building footprints on a parcel as the encroachment of non-agricultural uses may have deleterious impacts on the agricultural capability of the property as well as on the ability to utilize such lands for agricultural production in the future.

Maximum parcel coverage is, however, an imperfect tool in this regard as it does not properly account for additional clearing and alienation of agricultural land that likely results from the need to

provide vehicle access and parking to buildings as well as the surrounding storage of materials (e.g. bins, irrigation equipment, tractors and sprayers, etc.).

By way of example, the *current* developed area of the subject property that includes structures as well as paved and storage areas is seen to represent approximately 25% of the total parcel area. Adding an additional warehouse with a floor area of 1,858 m² is likely to increase the alienated area of this farm beyond the 743 m² of existing orchard that is anticipated to be lost to construction.

ALC Policy L-24 (Development of Farm Structures for Farm-Related Commercial and Farm-Related Industrial Uses in the ALR) provides that the amount of land taken out of agricultural production for farm-related commercial and farm-related industrial uses, such as farm product processing facilities, should be minimized to ensure the balance between farmland protection and economic opportunities for farmers. For parcels 4 ha or less, the policy recommends that lot coverage be limited to 0.2 ha for such uses.

The proposed expansion will result in a farm product packing and processing facility/warehouse which would be approximately 0.31 ha in size and require the removal of approximately 743 m² of existing orchard to facilitate its construction. The resultant warehouse would exceed the 0.2 ha lot coverage recommendation set by the ALC.

Other options are available to the applicant to reduce the building footprint and removal of agricultural lands under active production, including siting the addition on top of the existing warehouse (i.e., constructing the addition as a second storey to the warehouse).

The provincial *Guide for Bylaw Development in Farming Areas* (Ministry of Agriculture, Food and Fisheries, 2020) does recommend a parcel coverage of no less than 35% for buildings and structures for farm use on the basis of consolidation of the farm-related commercial/industrial use on one parcel, but the proposed use must be supplemental to the agricultural operation run by the applicant, which would be supportive of the local agricultural economy.

Alternative:


THAT Development Variance Permit No. C2022.026-DVP, to allow for the construction of an addition to a farm product processing and packaging warehouse at 577 Road 2, be approved.

Respectfully submitted



Shannon Duong, Planner II

Endorsed by:



C. Garrish, Planning Manager

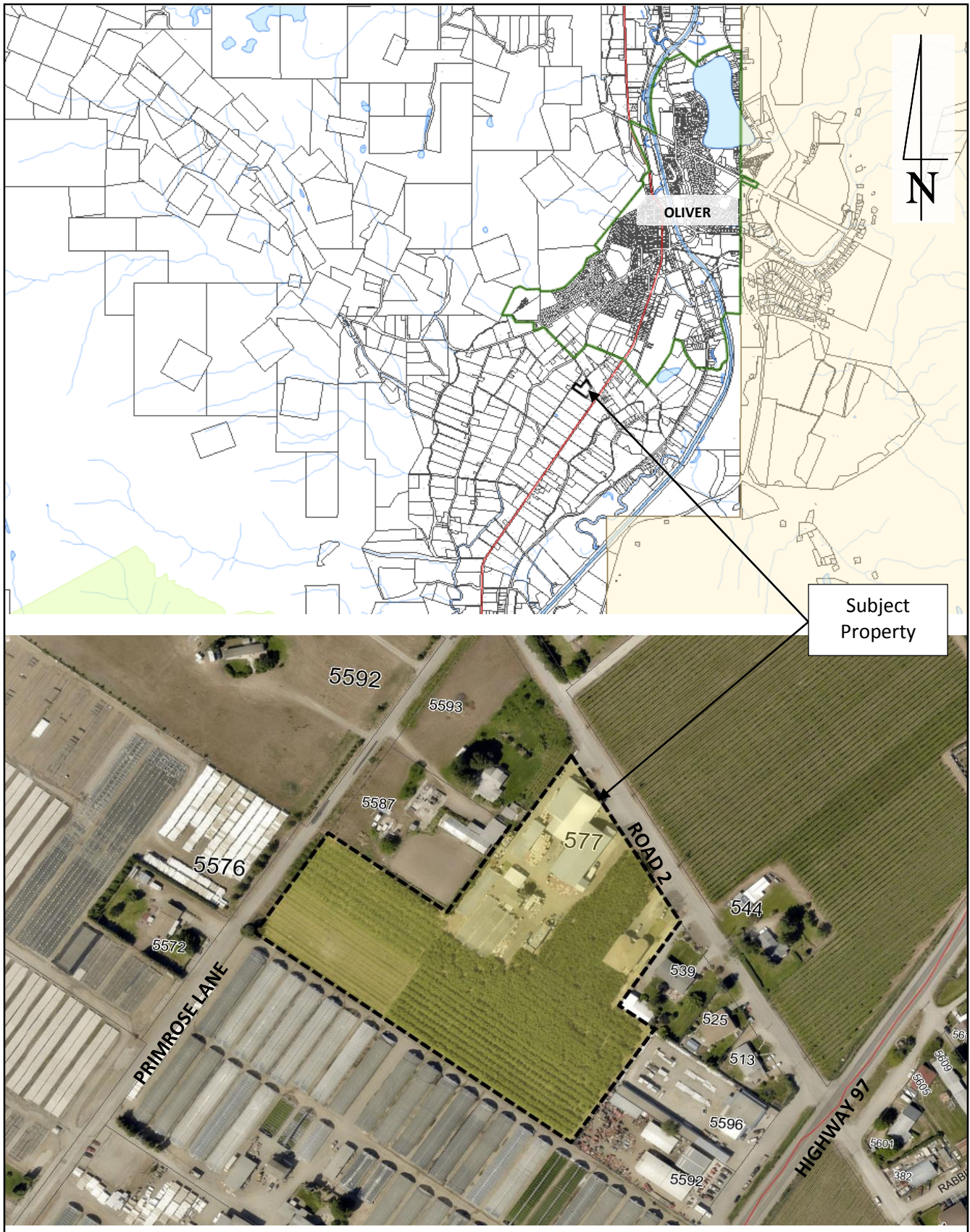
Attachments:

No. 1 — Context Maps

No. 2 – Overview of Site Development

No. 3 – Site Photo; Existing Warehouse from Road 2 (Google Streetview– 2012)

Attachment No. 1 – Context Maps



Attachment No. 2 – Overview of Site Development



