



REQUEST FOR DECISION

To: Development & Planning Services Committee

Title: ALC Non-Farm Use File No.427 / ALC Application ID: 101858

Legal: Lot 2, Section 19, Township 20, Range 9, W6M KDYD, Plan EPP95531

Civic: 3181 11 Avenue NE

Owner: 1424762 BC Ltd./Brad DeMille and Harpal Sidhu

Agent: Brad DeMille

Date: March 3, 2025

Executive Summary/Purpose:

The Agricultural Land Commission (ALC) is seeking a Council resolution with regard to the owner's request to operate a Non-Farm Use activity in on the subject property.

Motion for Consideration:

THAT: Agricultural Land Commission Application No. 427 be authorized for submission to the Agricultural Land Commission for consideration.

Staff Recommendation:

THAT: Agricultural Land Commission Application No. 427 be authorized for submission to the Agricultural Land Commission, including the following comments:

- the current A2 (Rural Holding Zone) does not permit the proposed use; however, rezoning of a portion of the subject property is being considered by Council;
- adoption of the rezoning bylaw is required prior to the construction of the proposed development.

Proposal:

The owners of 3181 11 Avenue NE are requesting ALC Non-Farm Use approval in order to operate a commercial business at a larger scale on the subject property. ALC approval is required in order to operate the proposed scale of commercial business on land within the Agricultural Land Reserve (ALR). The ALC application is attached as Appendix 1.

Background:

The subject property is located at 3181 11 Avenue NE (as shown in Appendix 2). The parcel is approximately 11.6 ha (28.6 ac) and contains a single family dwelling, one additional dwelling unit and accessory farm buildings (Appendix 3). The Official Community Plan (OCP) designation for the subject property is Acreage Reserve, and is zoned A-2 (Rural Holding Zone) (Appendix 4 & 5). The property is entirely within the ALR, as shown on Appendix 6.

The subject property has unimproved soil capability of 70% Class 4, and 30% Class 5 in the northern region, affected by topography. The south portion of the property has unimproved soil capability of 80% Class 3, and 20% Class 2, also being effected by topography. The improved soil has the capability of 70% Class 4, and 30% Class 5 in the northern region, affected by topography. The south portion of the property has unimproved soil capability of 80% Class 3, and 20% Class 2, being effected by topography. A copy of both the Unimproved Soil Classes and Improved Soil Classes can be seen in maps attached as Appendix 7.

Adjacent zoning and land uses include the following:

North:	Residential Properties	R-10 (Residential Zone)
South:	Trans Canada Highway	C-5 (Commercial Highway Service/Tourist)
East:	Single Family Dwelling/Residential	A-2 (Rural Holding Zone)
West:	Restaurant/Commercial	C-5 (Commercial Highway Service/Tourist)

The ALC allows for farm-related commercial uses in the ALR, limited to no more than 5% lot coverage limit for parcels greater than 4 ha (9.8 ac) in area. The proposed site plan and scope of the proposed operations are described in the ALC application attached as Appendix 8 and site photos are attached as Appendix 9. An excerpt from the ALC Policy L-24 regarding the types of farm related commercial uses is attached as Appendix 10.

An ALC Non-Farm Use refers to any activity or structure that is not classified or defined as a farm use in the ALC regulations. Common Non-Farm Use applications include commercial retail operations, agri-tourism accommodations, and home occupations. Farm-related retail is considered a permitted Non-Farm Use within the ALR. At least 50% of the retail space must be for the sale of farm products produced on the farm or by the association. The total retail area for all products, including off-farm items, can not be exceed 300 m². The proposal is requested a commercial operation of a scale that exceeds the allowable area on ALR land (see Appendix 11).

Relevant Policy(ies):

OCP sections:

7.2.4: Support agri-business opportunities in rural and agricultural areas that complement local agriculture, including agri-tourism and agri-food businesses.

7.3.17: Encourage and support the development and expansion of alternative, smaller-scale agricultural businesses, including the production and marketing of locally grown foods, organic farms, and on-site sales of locally grown food.

Policy L-24 from the Agricultural Land Commission Act limits the amount of land for farm-related commercial and farm related industrial uses. For parcels larger than 4 hectares (10 acres), the lot coverage limit is 5% of the lot.

Policy L-02 from the Agricultural Land Commission Act limits the retail sales area for products not from the subject parcel to 300m².

Referral Comments:

Fire Department

No concerns

Building Department

No concerns

Engineering Department

No concerns. Comments concerning future development are attached as Appendix 12.

Planning Department

Staff are supportive of the Non-Farm Use as proposed by the applicant and support the application being forwarded to the ALC for a decision. Staff note that the concurrent rezoning application (ZON1301/Bylaw No.4696 and Bylaw No.4697) has not been adopted at the time of writing this report. However, the proposed rezoning is supported by staff and is subject to the ALC approving the proposed Non-Farm Use. Should the ALC not support the proposed Non-Farm Use application, the rezoning would not proceed.

Table 1: Proposed Development and ALC Regulations Compared

	Proposed Use	ALC regulations
Retail Sales area selling products not produced on the farm	1114.8 m ²	300 m ²
Farm-related commercial lot Coverage Limit	Approximately 4%	5% of the lot

Zoning amendment application No.1301 was submitted in concurrence with the subject Non-Farm Use application. This proposal is to rezone the south 1.2 ha (3 acre) portion of the subject parcel from A-2 (Rural Holding Zone) to CD--24 (Comprehensive Development Zone) to permit relocating the DeMille's Farm Market to the subject parcel. The proposed CD-24 zoning regulations are attached as Appendix 13. Staff are supportive of the permitted uses proposed in the CD-24 Zone for this subject property.

Financial Considerations:

N/A

Committee Recommendations:

Agricultural Advisory Committee

The Agricultural Advisory Committee reviewed the application at their November 13, 2024 meeting and passed the following resolution:

THAT: The Agricultural Advisory Committee supports ALC Application No. 427.

Public Consultation:

N/A

Alternatives & Implications:

- 1) Council may authorize the application for submission to the ALC and wish to include comments. The following motion could be amended to include those comments.

THAT: Agricultural Land Commission Application No. ALC 427 be authorized for submission to the Agricultural Land Commission and provides the following comments to the ALC:

(i.e. Council may wish not add comments of support for the application or provide other comments)

2) Should Council not support the submission of the application to the ALC the application will not advance.

Prepared by: Planner I

Reviewed by: Manager of Planning & Building

Reviewed by: Director of Planning and Community Services

Approved by: Chief Administrative Officer

Attachments:

- Appendix 1 – ALC Application
- Appendix 2 – Subject Property Map
- Appendix 3 – Ortho Maps
- Appendix 4 – OCP Map
- Appendix 5 – Zoning Maps
- Appendix 6 – ALR Map
- Appendix 7 – Soil Maps
- Appendix 8 – Site Plan
- Appendix 9 – Site Photos
- Appendix 10 - Policy L-24
- Appendix 11 – Letter of Proposal
- Appendix 12 – Engineering Comments
- Appendix 13 – Draft CD-24