



## REQUEST FOR DECISION

To: Development & Planning Services Committee

Title: Subject Zoning Bylaw Amendment Application No. 1301

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:**

This proposal is to rezone the south 1.2 ha (3 ac) portion of the subject parcel from A-2 (Rural Holding Zone) to CD-24 (Comprehensive Development Zone) to allow for the relocation of the DeMilles Farm Market to the subject parcel.

### **Motion for Consideration:**

THAT: a bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 to add Section 62 – CD-24 – Comprehensive Development Zone 24 as presented in Appendix 13 in the staff report dated March 3, 2025;

AND THAT: a bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning the south portion (3 ac) of Lot 2, Section 19, Township 20, Range 9, W6M, KDYD, Plan EPP95531 (3181 11 Avenue NE), from A-2 (Rural Holding Zone) to CD-24 (Comprehensive Development Zone) as shown in Appendix 7 in the staff report dated March 3, 2025, subject to:

- i. Approval of the Agricultural Land Commission Non-Farm Use application No.427/ID: 101858;
- ii. Ministry of Transportation and Transit approval.

### **Staff Recommendation:**

THAT: the motion for consideration be adopted.

### **Proposal:**

This proposal is to rezone the south 1.2 ha (3 ac) 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 proposal letter submitted by the applicant is attached as Appendix 1.

**Background:**

The subject property is located at 3181 11 Avenue NE. The property is designated in the Official Community Plan (OCP) as Acreage Reserve and is entirely in the Agricultural Land Reserve (ALR). The subject property is currently zoned A-2 and adoption of the rezoning would result in the split zoning of the subject property (see Appendices 2 to 5). The applicant is proposing to rezone a portion of the subject property from A-2 to CD-24 in order to move an existing commercial farm market to the subject property as shown in the site plan attached as Appendices 6 and 7. The subject property is approximately 11.6 ha (28.6 ac), the area of the proposed rezoning is 1.2 ha (3 ac). A map indicating the area proposed for rezoning is attached as Appendix 7.

Currently, the property is used as an orchard and cidery. Buildings on the subject property include:

- storage building;
- buildings used for the operation of the cidery;
- farm shed; and
- single family dwelling and a detached dwelling.

The 10.4 ha (25.6 ac) portion of the parcel is proposed to remain A-2 and is intended to be used for agriculture. Site photos are attached as Appendix 8.

It should be noted that the house and eastern most 4 ha of the subject property is identified in the City of Salmon Arm Heritage Register as Site #47: Dodd/Hanna House. This area of the orchard was established in 1907. A map showing the extent of the heritage significance is attached as Appendix 9 and the Statement of Significance is attached as Appendix 10. Staff have reviewed the Statement of Significance and are of the opinion that the proposed rezoning and intended uses do not negatively impact the heritage values identified in the Statement of Significance. The Community Heritage Commission reviewed this proposal at their January 6, 2025 meeting and have no concerns with the proposal.

Of the 1.2 ha (3 ac) proposed to be rezoned, an agricultural commercial operation would be 1,114.8 m<sup>2</sup> (12,000 ft<sup>2</sup>) in size. The proposed retail building would be two (2) storeys, with the retail floor area being on the second floor, and cold storage on the lower floor. Due to the topography of the site the building the applicant is proposing to construct the building into the landscape to avoid retaining walls; therefore, the building may not appear as two storeys along all elevations. Details will be reviewed during the Development Permit stage. The CD-24 zone allows for 1,200 m<sup>2</sup> (12, 916 ft<sup>2</sup>) for sales floor area.

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 DeMilles Farm Market currently operates at 3710 10 Avenue SW. The owners of that site have indicated that they would like to continue operating a commercial retail establishment in that location. A change in operation would require a separate approval through the ALC for Non-Farm Use. Rezoning of the current location on the east end of the City is not being considered in conjunction with this application.

**Relevant Policy(ies):**

This rezoning proposal aligns with the following policies outlined in the OCP:

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, on-site sales of locally grown food.

**Referral Comments:**Fire Department

No concerns.

Building Department

The proposed to new building (store) would require a building permit.

Engineering Department

Engineering Department does not have any concerns related to the Rezoning. Comments concerning future development are attached as Appendix 11.

In the report it is noted that at a later stage of development a 2.5m statutory right of way along the 30 Street NE frontage would be required for the installation of a Multi Use Path. Additional road dedication would also be required at the intersection of 30 Street NE and 11 Avenue NE for the construction of a roundabout.

Ministry of Transportation and Transit (MoTT)

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the Transportation Act. The referral response of MoTT is enclosed as Appendix 12.

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.

Planning Department

The OCP designation, Acreage Reserve, supports agri-tourism. Agri-tourism is a commercial venture that integrates agricultural production and/or processing with tourism. It aims to attract visitors to farms, ranches, or other agricultural enterprises, offering opportunities for education, while simultaneously generating income for the farm, or business owner. The proposal generally aligns with the activity considered agri-tourism. The OCP and ALC polices support agri-tourism as a secondary activity that is compatible with agricultural production. Agri-tourism activities on the property are directly related to agriculture. Staff note that the partial or split zoning of the property effectively limit any proposed commercial uses to that area zoned CD-24.

It should be noted that the applicant's proposal differs slightly from the proposed zoning with regard to proposed areas for commercial uses and parking areas. This is intended to allow for some flexibility in the final design of the buildings. Table 1 below outlines these differences.

Table 1: Comparison CD-24 and Proposed Development

	<b>Proposed</b>	<b>Permitted</b>
Total Area CD-24 (combined parking areas and buildings)	12,140 m <sup>2</sup>	Minimum <i>parcel</i> size - 1,000.0 m <sup>2</sup> (10,764 ft <sup>2</sup> ).
New Commercial Building – sales floor	1,114.8 m <sup>2</sup>	1,200 m <sup>2</sup>
New Commercial Building - storage	1,114.8 m <sup>2</sup>	n/a
Parking area	3,716.12 m <sup>2</sup> Approximately 47 parking stalls	1 per 24 m <sup>2</sup>

The C-8 Zone was originally intended for the current location of the DeMilles Farm Market on the west end of the City. The scale proposed for the new location on the subject property exceeds the size not only with the retail floor area, but with the cold storage. Some of the permitted uses, such as “Licensee Retail Store”, in the C-8 zone are not applicable to the proposed operation and location.

The proposed CD-24 zoning regulations are attached as Appendix 13. The CD-24 Zone has been drafted based on the C-8 Zone with changes that better fit the proposed operation and site. The purpose of the CD-24 zone is to provide for the year-round retail sale of farm produce on land within the Agricultural Land Reserve. The proposed CD-24 zone allows for a maximum of 1,200 m<sup>2</sup> of retail sale floor area. This is to allow for a larger sized retail store than permitted under the ALC regulation; however could be allowable with the approval of an ALC Non-Farm Use application. Agricultural uses in accordance with the ALC has been added as a permitted principle use. Retail storage of produce has been added as an accessory use to allow for the proposed cold storage.

In the OCP Acreage Reserve polices, commercial for limited farm retail is supported. The proposal aligns with this purpose. Given that the proposed rezoning is generally consistent with the OCP, staff are supportive of the proposed CD-24 Zone.

The Non-Farm Use Application No.427 has been submitted to the Agricultural Land Commission (ALC) because the proposed operation exceeds the threshold for the scale of retail permitted on the property within the Agricultural Land Reserve (ALR). The proposed commercial area is in a location that the applicant has stated has limited agricultural production value, reserving the highest production areas for the orchard.

Since taking possession of the subject property on April 10, 2024, the owner has made improvements to the agricultural capabilities of the property, including necessary maintenance to repair the orchard. Staff acknowledge that the owner has made significant strides in improving the property’s agricultural potential and supporting local agriculture through cold storage and distribution activities. The DeMille’s Farm Market currently plays a significant role in the local agri-tourism industry. As the proposal aims to enhance the agri-tourism in the community, Staff are supportive of the permitted uses proposed in the CD-24 Zone for this subject property.

**Financial Considerations:**

N/A

**Committee Recommendations:**

The Community Heritage Commission (CHC) discussed the proposed rezoning at their January 6, 2025 meeting. The CHC members expressed appreciation for being informed of development proposals on Heritage Register properties. The CHC was generally satisfied that the intention for the site would be to continue agricultural uses. Members suggested that something such as a sign be placed on the property acknowledging the history of the site.

**Public Consultation:**

Pursuant to the Local Government Act and City of Salmon Arm Development Permit Procedures Bylaw notices are mailed to land owners within a 30m radius of the application. The notices outline the proposal and advises those with an interest in the proposal to provide written submission prior to the Hearing and information regarding attending the Hearing. The applicant will be required to post a Notice sign in advance of the Statutory Public Hearing. It is expected that the Statutory Public Hearing for this application will be held on April 14, 2025.

**Alternatives & Implications:**

N/A

Prepared by: Planner I

Reviewed by: Manager of Planning & Building

Reviewed by: Director of Planning & Community Services

Approved by: Chief Administrative Officer

**Attachments:**

- Appendix 1 – Letter of Proposal
- Appendix 2 – Subject Property Map
- Appendix 3 – Ortho Maps
- Appendix 4 – OCP Map
- Appendix 5 – Zoning Map
- Appendix 6 – Site Plan
- Appendix 7 – Proposed CD-24 zone
- Appendix 8 – Site Photos
- Appendix 9 – Heritage Map
- Appendix 10 – Statement of Significance
- Appendix 11 – Engineering Comments
- Appendix 12 – MOTT Referral Response
- Appendix 13 – Draft CD-24 Regulations