



**Agricultural Land Commission**  
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July 12, 2006

Reply to the attention of Brandy Ridout  
ALC File #V-36523

John Boot  
Boot Enterprises  
12013 Morrow Ave  
Summerland, BC V0M 1Z8

Dear Mr. Boot:

Re: Application to locate a non-farm use in the Agriculture Land Reserve

Please find attached the Minutes of Resolution #330/2006 outlining the Commission's decision as it relates to the above noted application. As agent it is your responsibility to notify your clients accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a large, light-colored scribble or watermark.

Erik Karlsen, Chair

cc: District of Summerland

BR/lv/Encl.: Minutes  
36523d1



### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long-term goal of preserving agricultural land. It noted that the use of a 0.15 ha area for a fruit drying plant (0.8 ha including associated developments such as parking) would not significantly impair the agricultural capability of the remainder as the plant was proposed for the hillside/gulley area on the property's northerly edge. However, the Commission did note that the long-term intent of the applicant was to develop the entire property for agri-industrial uses. Should this occur, it would represent a loss of agricultural capacity in the area. In addition, if this property was converted to industrial uses, it could negatively impact agriculture in the area through traffic disruption.

The Commission believed the proponent's vision, if concluded, would significantly impact the farm community in north Summerland.

### **Assessment of Other Factors**

During the site visit, the Commission discussed with the applicant the potential to develop the remainder of the 3.6 ha lot for intensive agricultural uses. The applicant had noted that the footprint of the agri-food processing operation would be 0.8 ha and the remaining property will be farmed. However, in response to the Commission's request for a business plan for the agricultural development of the remainder, the applicant clarified that he purchased the property with the hope of establishing the whole site as a sustainable agri-food industrial site for Summerland.

The Commission recalled that the District of Summerland was undertaking a planning exercise to assess the availability of industrial land in the District. The Commission is not aware of the status of this project, but was concerned about the potential for this proposal to be inconsistent with local government planning direction for locating industrial activities in the community.

### **Conclusions**

The Commission concluded the following:

1. That the land under application has agricultural capability.
2. That the land under application is suitable for agricultural use.
3. The Commission believed that the development of an industrial facility on the property would remove land from possible agricultural production and was concerned that development could not be limited to agri-food related industry in the long-term.
4. The Commission believed that the introduction of industrial uses onto the property would negatively impact adjoining farmland in the long-term because of potential conflicts with farm operations.

**IT WAS**

**MOVED BY:** Commissioner McCoubrey

**SECONDED BY:** Commissioner Sidhu

THAT the application to develop an agri-food processing industrial facility on the property be refused as proposed on the grounds that the facility would remove farmland from possible agricultural production, create conflicts, and discourage farming of the remainder and nearby properties. Further the Commission did not consider the proposal to be consistent with local government planning direction, nor with previous Commission decisions regarding the designation of industrial land in the community.

**CARRIED**

**RESOLUTION #330/2006**



**Staff Report**  
**Application # V – 36423-0**  
**Applicant: Jozsef & Bonnie Lea Bordas**  
**Agent: Boot Enterprises**

**DATE RECEIVED:** March 6, 2006

**DATE PREPARED:** March 29, 2006

**TO:** Chair and Commissioners – Okanagan Panel

**FROM:** Simone Rivers, Regional Research Officer

**PROPOSAL:** To use a 0.15 ha portion of the 3.6 ha ALR portion of the property to build an agri-food processing building that will process fruit grown off the property.  
*(or 0.5 ha<sup>2</sup>)*

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The owner wishes to relocate the Kettle Valley Dried Fruit Ltd. fruit bar manufacturing plant from its current facility at 13415 Lakeshore Drive South to the southern portion of the lot at 10512 Jones Flat Road. The property currently housing the fruit bar manufacturing facility has been sold so this facility must relocate. A new 1500 m<sup>2</sup> (0.15 ha) manufacturing facility is to be created. The building is sited such that it is tucked into the base of the hill with little encroachment into the flat portion of the lot.

The Development Services Department offered the following comments about this proposal. The use proposed appears to be compatible with agriculture and would be permitted if the plant was primarily processing fruit grown on this site. This agricultural property satisfies the business requirements of this enterprise as it requires a clean site that is somewhat isolated from the normal fumes and dust associated with industrial uses. The property also has good highway access. While this development will impact the farmland under the building footprint and associated parking areas, it does support farming by producing a value added product, providing additional employment having direct ties with the agricultural sector in Summerland.

A previous Commission application has allowed subdivision roughly following the ALR boundary. This subdivision does not appear to have been finalized at this time.

It is noted by the local government that the developer has expressed an interest in eventually locating other similar food processing plants to this location. Any future expansion may require an extension of the District's sanitary sewer system and may require a zoning change depending on the nature of a future expansion. This application is limited to a non-farm use in the ALR application for a single crop drying and fruit bar manufacturing facility.

**Local Government:**

The Corporation of the District of Summerland

**Legal Description of Property:**

PID: 012-596-698

Lot 9, District Lot 472, Osoyoos Division Yale District, Plan 148, Except That part lying West of the Highway shown red on Plan B3577

**Location of Property:**

10512 Jones Flat Road, Summerland

**ALR portion of the Property:**

3.6 ha

**Area proposed for Non-Farm Use:**

0.15 ha

**Present use of the Property:**

Approximately 0.8 ha of apples and some peaches. The remainder of the property is not under cultivation. There are two buildings on the property, a mobile home and a storage barn.

**Surrounding Land Uses:**

- WEST:** Houses and Orchard (ALR)
- SOUTH:** Orchard (ALR)
- EAST:** Orchard (ALR)
- NORTH:** Orchard, home and vacant land (non-ALR)

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E.062  
The majority of the property is identified as having Mixed Prime and Secondary ratings.

**Official Community Plan and Designation:**

ALR portion zoned F-Farmland  
Non-ALR portion zoned RR-Rural Residential

**Zoning Bylaw and Designation:**

ALR portion zoned A1-Agriculture  
Non-ALR portion zoned CR2-Country Residential

**PREVIOUS APPLICATIONS:**

**Application #12341-0**

- Applicant:** Bordas, J
- Proposal:** To allow subdivision of the property along the base of the hill and an easement over the adjacent property onto Jones Flat Road.
- Decision:** Allowed.

**Application #26890-0**

**Applicant:** Bordas, Jozsef & Bonnie Lea  
**Proposal:** To subdivide the property along the ALR boundary  
**Decision:** Allowed

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**Application #26890-1**

**Applicant:** Bordas, Jozsef & Bonnie Lea  
**Decision Date:** September 06, 1996  
**Proposal:** To amend the past Commission decision to allow subdivision along the A.L.R. boundary and to allow a road reserve which would encroach slightly on to an adjacent property.  
**Decision:** Allowed subject to installation of fencing along the A.L.R. boundary.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**District of Summerland Municipal Council:** The Municipal Council passed the following resolution: That the application be supported and forwarded to the Agricultural Land Commission.

**Development Services Department:** Supports the application for the following reasons "This option allows the application to proceed to the Agricultural Land Commission for consideration and if supported would provide the Kettle Valley Dried Fruits Ltd. a place to relocated their facility. This would, as a bare minimum, protect the jobs of the people currently employed in this business.

**Agricultural Advisory Committee:** the AAC adopted the following resolution: That the application be supported and forwarded to the Agricultural Land Commission.

**STAFF COMMENTS:**

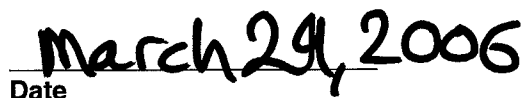
Staff also note that the application only states the size of the proposed building and does not include parking area, access roads or other aspects of the operation's total footprint on the parcel. The total area of ALR that would be alienated by this development should be determined before the Commission makes a decision.

Staff recommend a site visit to determine the impact of this use on the agricultural capability of the property and on surrounding properties.

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**END OF REPORT**

  
Signature

  
Date