

REPORT TO COUNCIL



Date: January 11, 2016
RIM No. 1250-30
To: City Manager
From: Community Planning Department (TY)
Application: Z15-0045 & TA15-0010 **Owner:** Eva Linttell
Address: 2075 KLO Road **Applicant:** Tyler Linttell
Subject: Rezoning Application & Text Amendment Application
Existing OCP Designation: REP - Resource Protection Area (ALR)
Existing Zone: A1 - Agriculture 1
Proposed Zone: A1t - Agriculture 1 with Agri-tourist Accommodation

1.0 Recommendation

THAT Rezoning Application No. Z15-0045 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B District Lot 131 ODYD Plan 39954, located at 2075 KLO Road, Kelowna, BC from the A1 - Agriculture 1 zone to the A1t - Agriculture 1 with Agri-tourist Accommodation zone NOT be considered by Council;

AND THAT Zoning Bylaw Text Amendment Application No. TA15-0010 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" in the Report from the Community Planning Department dated January 11, 2016 for Lot B District Lot 131 ODYD Plan 39954, located at 2075 KLO Road, Kelowna, BC NOT be considered by Council;

2.0 Purpose

To consider a Staff recommendation to NOT rezone the subject property to facilitate agri-tourist accommodations on the subject property and to consider a Staff recommendation to NOT amend the Zoning Bylaw to increase agri-tourist accommodation from the allowable five to a maximum of ten units.

3.0 Community Planning

3.1 Application

Agri-tourist accommodation is a *permitted non-farm use* in the Agricultural Land Reserve (ALR) according to the Agricultural Land Reserve Use, Subdivision and Procedure Regulation. While the use is a permitted non-farm use by the Agricultural Land Commission (ALC), the activity is not

designated as a "farm use" and therefore may be regulated or prohibited by a local government bylaw.

The City of Kelowna regulates this use by allowing agri-tourist accommodation as a secondary use if the accommodation is associated with an agri-tourism activity which is subordinate and secondary to the principal agriculture use. A number of other regulations apply to agri-tourism accommodation in Kelowna as outlined in this report. The intent of City of Kelowna's A1t zone is to provide assistance to bona fide farmers who wish to provide seasonal accommodation proven to be in aid of and directly associated with established farm operations that include an agri-tourism component. Accommodations temporary in nature may be operated on a seasonal basis subordinate to the agricultural operation.

The applicant is applying to rezone the subject property to the A1t - Agriculture 1 with Agri-tourist Accommodation Zone.

Community Planning does not support the rezoning as the subject parcel and proposed RV sites do not meet current City bylaws pertaining to agri-tourist accommodation. The subject parcel does not have an established agricultural operation that warrants agri-tourism. Staff do not see rational for allowing the "secondary use" of agri-tourist accommodation when the appropriate farming is not established. A1t zone is to assist bona fide farmers with their agri-tourism component of their agriculture.

The applicant is also applying for a site specific amendment to Zoning Bylaw No. 8000 to increase the allowable agri-tourist accommodations permitted on the subject property. The rezoning application would facilitate recreational vehicle (RV) sites on the subject property. While the text amendment application would allow ten RV sites on the property, the current A1t Zone permits a maximum of five units.

Community Planning does not support the text amendment as increasing the number of accommodation units encourages using valuable farm land for a non-farm use on parcels under 10 hectare in size. The A1t restrictions were put in place with a 2010 text amendment to Zoning Bylaw No. 8000. These restrictions in the new A1t zone are in place to ensure that agriculture stays the principal use on smaller parcels, helping to eliminate the possibility that the accommodation units could be the principal use on a small parcel. Determining the principal and secondary use could be measured by the number of visitors on the parcel for the accommodation units versus those who visit for agricultural purposes, or it could be measured by staff required to operate each use. On smaller parcels it is difficult to ensure the agri-tourist accommodation units are bringing in fewer visitors than the agriculture.

The applicant has also applied for a Development Variance Permit Application to vary the maximum distance the RV campsites may be from the principal residence from within 30.0 m to within 180.0 m.

Community Planning does not support the requested Variance as the existing non-agricultural footprint on the property exceeds the area set out in homeplating guidelines. The proposed variance would further increase this homeplate area. Staff note this application at this time is for rezoning and text amendment only.

3.2 A1 - Agriculture 1 Zone Background

In 2010, the City of Kelowna adopted the proposed amendment (BL10269) to the A1 Zone by adding Agri-tourist information and regulation including but not limited to:

- the “t” designation. Owners require a rezoning to A1t in order to develop agri-tourist accommodations.
- Definitions for Agri-tourism, Agri-tourist Accommodation, Agri-tourist Accommodation Unit.

Agri-tourist Accommodation¹: means the seasonal availability of short term accommodation for tourists on a farm, orchard, or vineyard in association with an agri-tourism activity which is subordinate and secondary to the principal agricultural use. Typical uses include but are not limited seasonal farm cabins, and campsites/recreational vehicle sites. Seasonal, in this instance, means the accommodation must be available for use only between April 1 and October 31 of each year.

- General regulations to better address community concerns including property line buffering, site coverage, number of units, dates of operation and homeplating principles for agri-tourist accommodation.
- *Maximum agri-tourist accommodations²*

Lot Size (hectares)	< 4.0	4.00 to 5.99	6.00 to 6.99	7.00 to 7.99	8.00 to 8.99	9.00 to 9.99	≥10.00
Agri-tourist Accommodation units	X	5 units	6 units	7 Units	8 units	9 units	10 units

The text amendments resulted in more stringent regulations that strive for consistency with the surrounding agriculture area in order to avoid further conversation of agriculture land and land uses that may:

- generate land use conflicts
- escalate land prices through speculation
- demand the extension of a variety of infrastructure
- set expectations of further non-farm land use change and/or subdivision.

Current

Staff continue to meet with and listen to passionate members of the public regarding the use and misuse of existing agri-tourist accommodation operations in the City. It is very clear that a good number of residents and legitimate farm operators have been negatively impacted by this use and eagerly await a resolution on this matter.

Today the Ministry of Agriculture, ALC and local governments in BC still face problems with the mixed use on ALR lands. MOA has identified agri-tourism accommodations as a use that is being taken advantage of. The most recent MOA concerns and recommendations for agri-tourists uses are outlined in the Current Development Policies section of this report. These recommendations are not adopted by ALC and are provided for discussion and information only.

¹ City of Kelowna Zoning Bylaw No. 8000 Section 2 - Interpretation

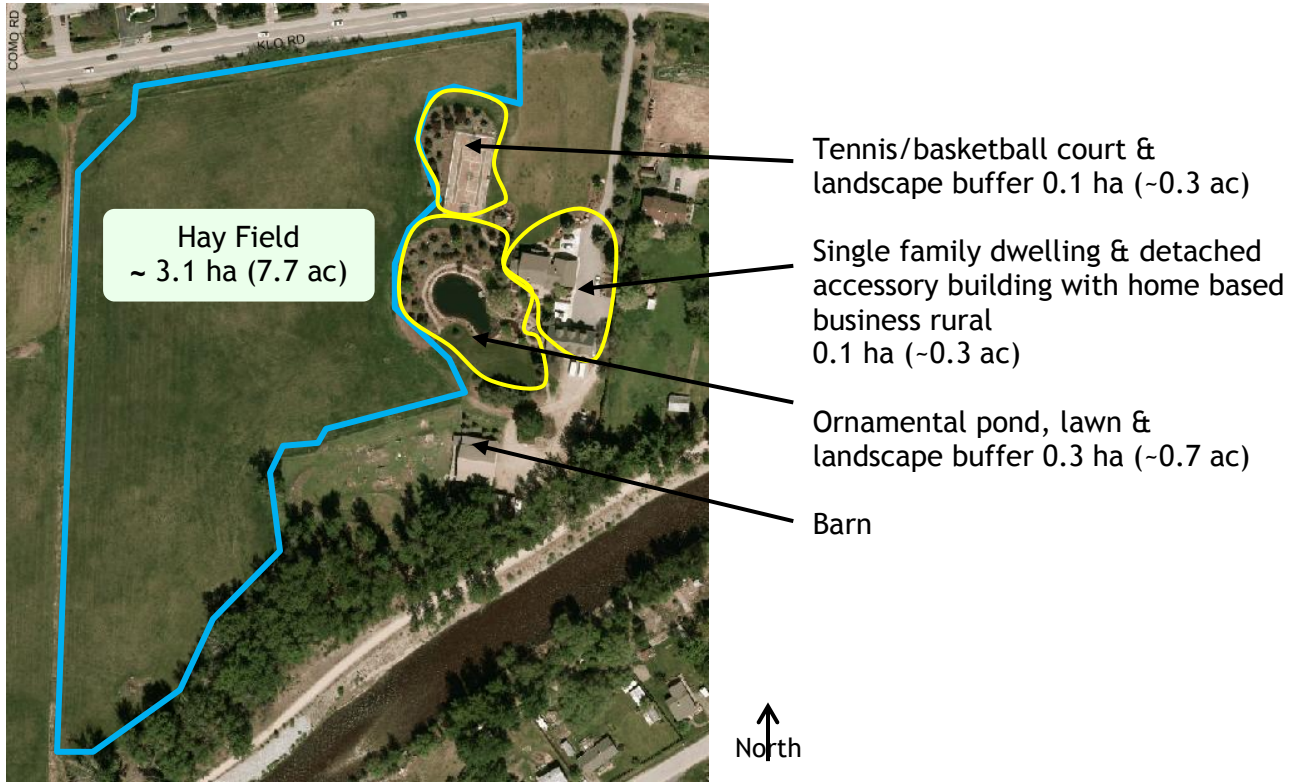
² City of Kelowna Zoning Bylaw No. 8000 Section 11 - Agricultural Zones 11.1.8(e) Other Regulations - Agri-tourist accommodation

3.3 Proposal

The applicant is applying to rezone their property and amend the A1 Zone in order to facilitate a 10 unit Agri-tourist RV site. The owners live on the property and are proposing to implement a farm plan and at the same time create agri-tourism for seasonal agri-tourist accommodation (RV Sites).

The subject parcel is 14.24 acres in size and currently has approximately 7.7 acres of hay production. A single family dwelling, detached two storey accessory structure, tennis court, ornamental pond water feature and barn exists on the property. The applicant is proposing 10 RV sites to be located in the rear of the property. The application requires rezoning in order to permit the agri-tourism accommodation use. The application also requires a text amendment as Zoning Bylaw No. 8000 only permits five agri-tourist accommodation units (RV sites). The proposed site plan attached to this report identifies the addition of ten RV sites and proposed agriculture. The proposed agriculture plan includes vegetable and berry gardens, laying and meat chickens and an apiary. Bathroom and shower facilities for the RV sites are proposed in an existing barn.

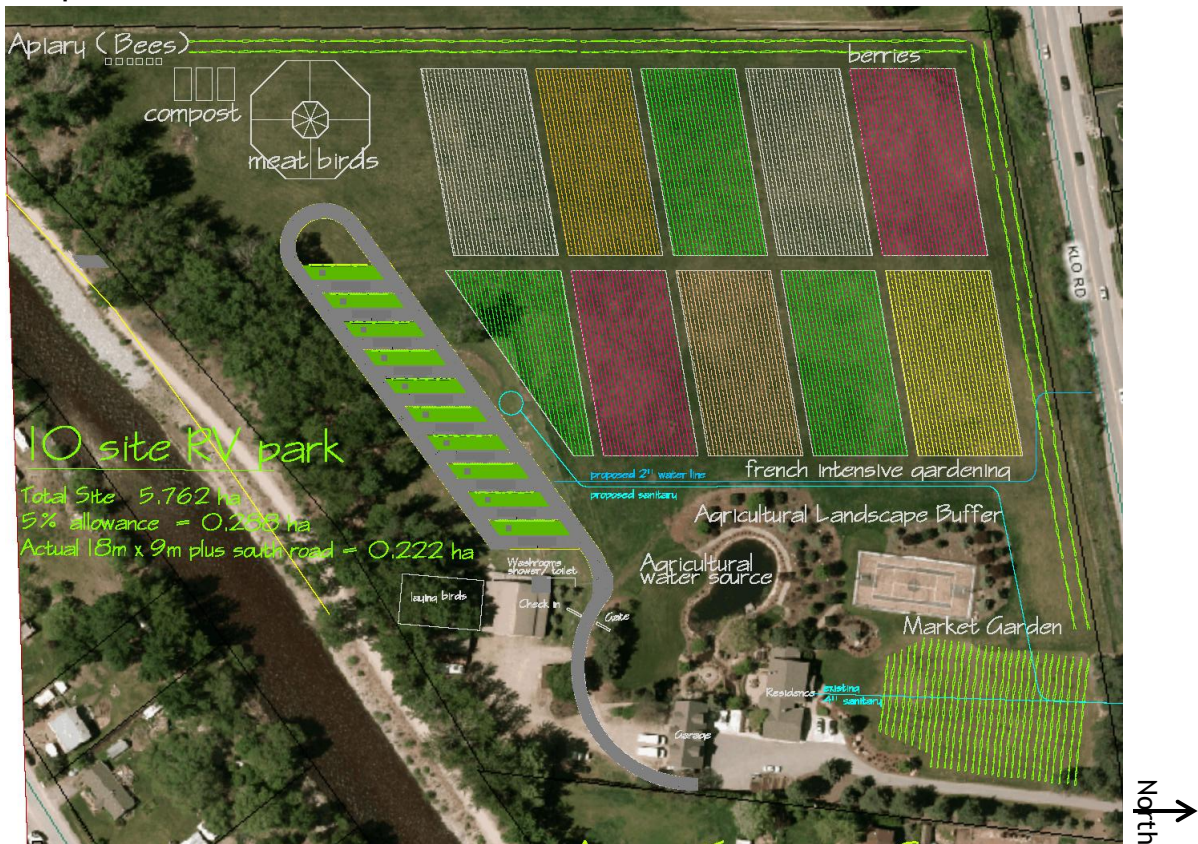
Existing Agriculture & Non-Agricultural Uses



The farm plan is proposed in stages as noted in an attached letter from a local farmer who intends to farm the vegetable and berry portion of the proposed agriculture. The berry planting is shown in green lines surrounding the west and north property lines, the vegetable garden is shown in multiple coloured rectangles in the centre of the property. The letter outlines that beginning in Spring 2016, berries may be planted. The seven acre parcel designated as vegetable garden will be ploughed, disked and rotated with soil enrichment and weed control for the 2016 season. The first crop for this seven acre parcel may be a mix of corn, winter squash and broccoli with the intention of growing the high density garden as shown on the proposed site plan in

future years. A letter is also attached from a local farmer intending to place eight colonies of bees in spring 2016.

Proposed Site Plan



The subject parcel does not currently have enough agriculture to warrant agri-tourism or agri-tourist accommodations, the proposed plan also exceeds the minimum number of allowable accommodation units and does not respect homeplating distances as permitted by Zoning Bylaw No. 8000.

Zoning Bylaw No. 8000 requires that the accommodations should be associated with an agri-tourism activity. Both the accommodations and agri-tourist activity should be subordinate and secondary to the principal farm use. The existing agriculture on the property, hay forage crop, is a valid agricultural operation but does not provide the interaction with local residents or visitors to Kelowna (agri-tourism). Should RV sites be developed today, the end use would not be a true agri-tourist accommodation, but rather an RV park. The use of 10 RV sites versus a 7.7 acre forage crop on a parcel this size would result in the RV park as the principal use rather than a secondary agri-tourist accommodation use.

A proposed farm plan in the future does not guarantee that agriculture will occur on the property. For this reason, farm practices (the principal use) need to precede the agri-tourism. An established, thriving farm is more likely to be maintained and operate at the same levels it does before an accessory use is introduced.

City Staff are certainly in support of expanding agriculture on the property that would warrant agri-tourism. Staff want to see agriculture implemented and thriving before permitting an

accessory use such as agri-tourism accommodation on the property. The creation of seasonal, temporary agri-tourist accommodations would be a welcome asset to Kelowna if the agriculture as proposed in this application were in place and thriving on the parcel.

This application was presented to the Agricultural Advisory Committee; their comments are in the Technical Comments of this section. A committee member was concerned about crop success as a soil analysis on an adjacent property identified the requirement for substantial amendments in order to bring the soil up to acceptable conditions which made it cost prohibitive to pursue vegetables on that property. At the time of the AAC meeting, the applicant had not undertaken a soil analysis on the subject property.

Further, existing non-farm structures and uses on the property do not adhere to homeplate principles. The applicants have submitted an application for a Farm Protection Development Permit and a Development Variance Permit which would allow the RV sites to be in a location more than 30.0 m from the principal residence, increasing the homeplate non conformity.

3.4 Possible Outcomes of Rezoning:

Rezoning on a property for agri-tourist accommodation where there is a promise to farm instead of an established farming practice will set the precedent that an A1 zone land owner only needs to submit a farm plan to create future agri-tourism. This practice may lead to exploitation of ALR land in order to operate a commercial operation as it is less expensive than commercially zoned land. The "t" designation may not be taken away if the proposed vegetable and berry garden, bees or chickens are not implemented.

3.5 Possible Outcomes of Amending Zoning Bylaw No. 8000 for the Subject Property:

Allowing ten sites on a parcel under six hectares in size eliminates the intention of regulating this accessory use and instead allows the agri-tourist accommodation units to be a principal use on smaller parcels. The restriction of accommodation units based on parcel size is directly related to keeping the use of the property as agriculture and deterring land owners from maximizing non farm uses on agricultural land. This would also negate the effectiveness of this provision in the zoning bylaw, which is to limit the risk of smaller sites having agri-tourism accommodation becoming a primary use. No unique attributes to distinguish the request for 5 additional sites from any other request, especially without a unique agri-tourism operating currently.

The text amendment also sets a precedent that A1 parcels in Kelowna do not need to adhere to the unit restrictions based on parcel size. This would open the door to ten RV sites on parcels such as the subject property in all areas of Kelowna. Currently there are 562 parcels zoned A1 between 4.0 ha and 9.9 ha in size. The attached Existing A1 Zone Property Map 1 identifies these parcels.

Existing A1 Zone Property Map 2 identifies A1 zoned properties that are 10.0 ha and higher in size. These properties are permitted to have 10 agri-tourist accommodation units should the use meet all the A1t zone requirements. There are 204 of these parcels in Kelowna.

The proposal brought forth by the applicant includes letters from farmers agreeing to operate the apiary, vegetable and berry agriculture on site. There is the potential dissolution of these agreements/partnerships with the farmers and property owners. The subject parcel being less than six hectares creates a challenge to keep ten agri-tourist accommodation units a secondary use versus a larger agriculture parcel. This was identified in 2010 when the A1 - Agriculture 1 zone was amended.

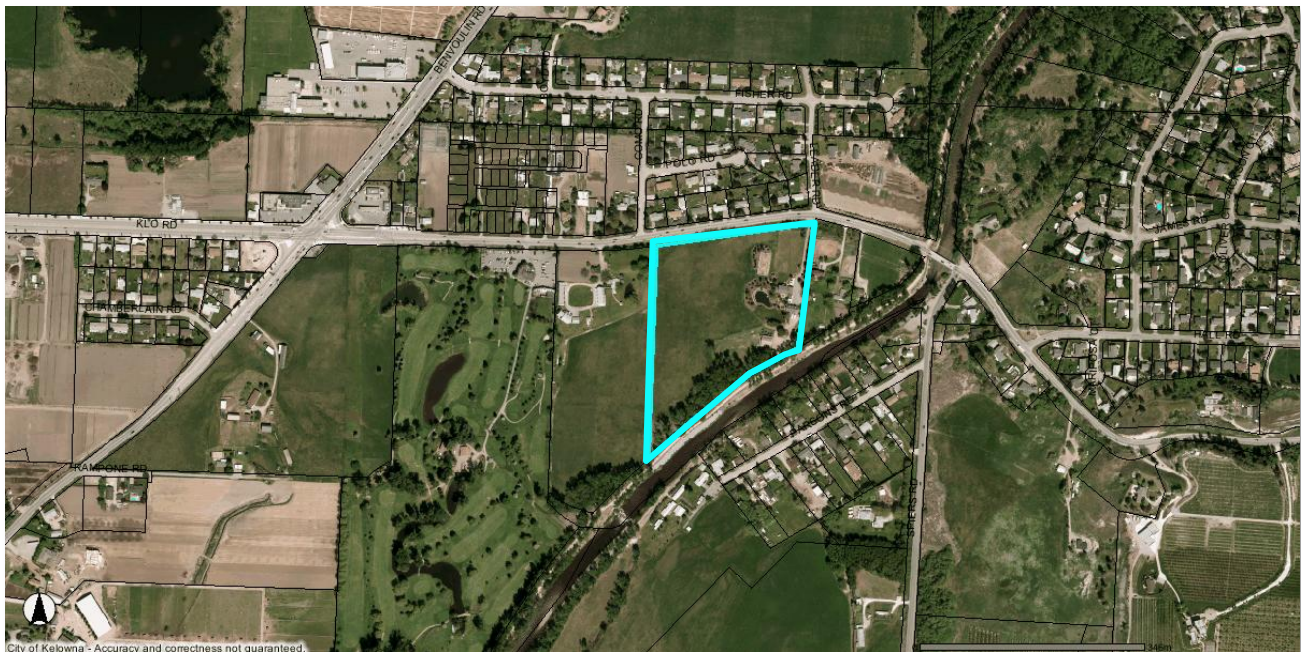
Staff do not support the rezoning as agriculture for agri-tourism is not in place. Staff do not support the text amendment as increasing the number of sites encourages using valuable farm land for a non-farm use on parcels under 10 hectare in size. Once the RV sites are in place, enforcement is time consuming and ineffective. The best way to reduce the occurrence of an accessory use becoming the principle use in this case is to reduce the number of accommodations on small parcels such as these. Staff encourage agriculture as shown on the proposed site plan be implemented and thriving for a minimum of one year, and apply for with the A1t rezoning application at that time.

4.0 Context

4.1 Neighbourhood Context

The subject property is located between KLO Road and Mission Creek in the South Pandosy / KLO Sector of Kelowna. The site area is 5.76 hectares (14.24 acres). The soils in this area are Class 4 with improved ratings of Class 2 according to the land inventory (see attached Canada Land Inventory information). Overall soil limitations include "excess water" and "fertility" in small areas. These soils are suitable for pasture, as well as forage and vegetable crops.

Neighbourhood Context Map



Mission Creek Greenway runs along the south property line of the subject parcel. Land on the subject parcel within the Mission Riparian Area is not able to be developed on as shown in the Riparian Management Area, Mission Creek Map in this report. 2075 KLO Road is in the Agricultural Land Reserve, designated REP Resource Protection Area in Kelowna's OCP and outside of the Permanent Growth Boundary.

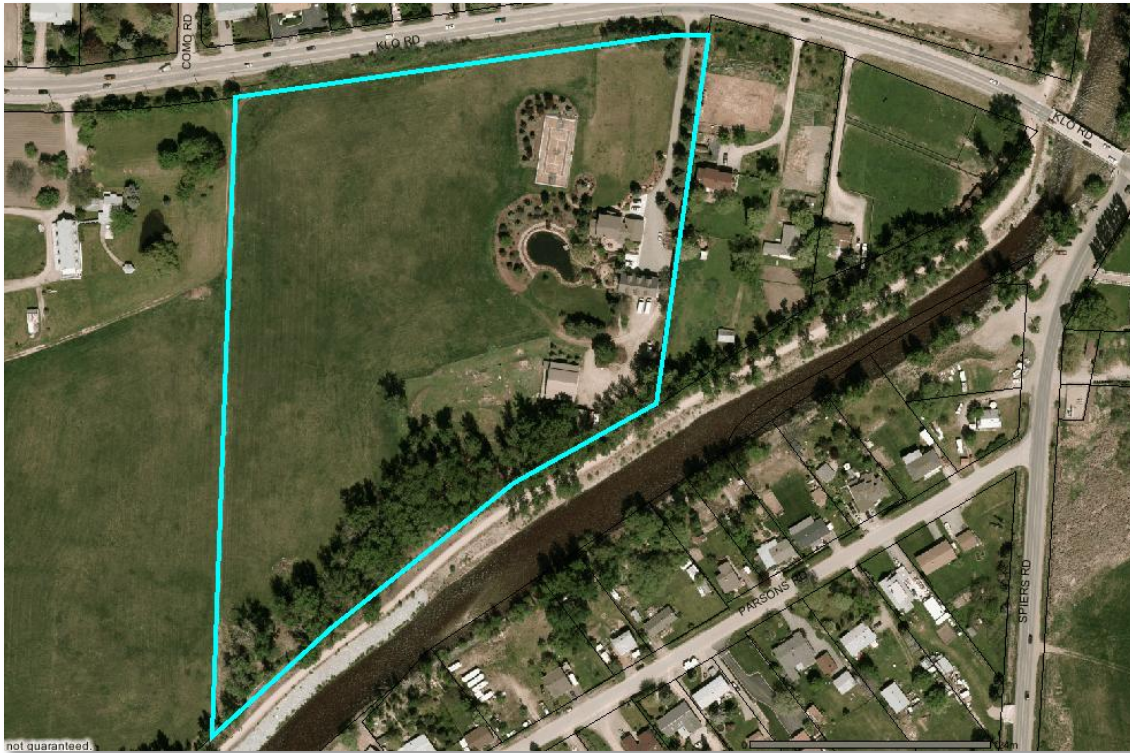
4.2 Site Context

The subject property is located on the south side of KLO Road, between Benvoulin Road and Spiers Road. Mission Creek including the Mission Creek Greenway runs along the south property line of the subject property.

4.3 Adjacent land uses are as follows:

Orientation	Zoning	Land Use	Future Land Use
North	A1	Single Family Dwelling Properties	S2RES
East	A1	Single Family Dwelling	REP
South	A1 RR3	Mission Creek Greenway Single Family Dwelling Properties Single Family Dwelling with Hay	PARK S2RES REP
West	A1	Single family Dwelling with Vegetable & Truck, Hay	REP

Parcel Summary: Parcel Size: 5.76 ha (14.24 ac), Elevation: 353.5 m to 355.0 m
Subject Property Map: 2075 KLO Road

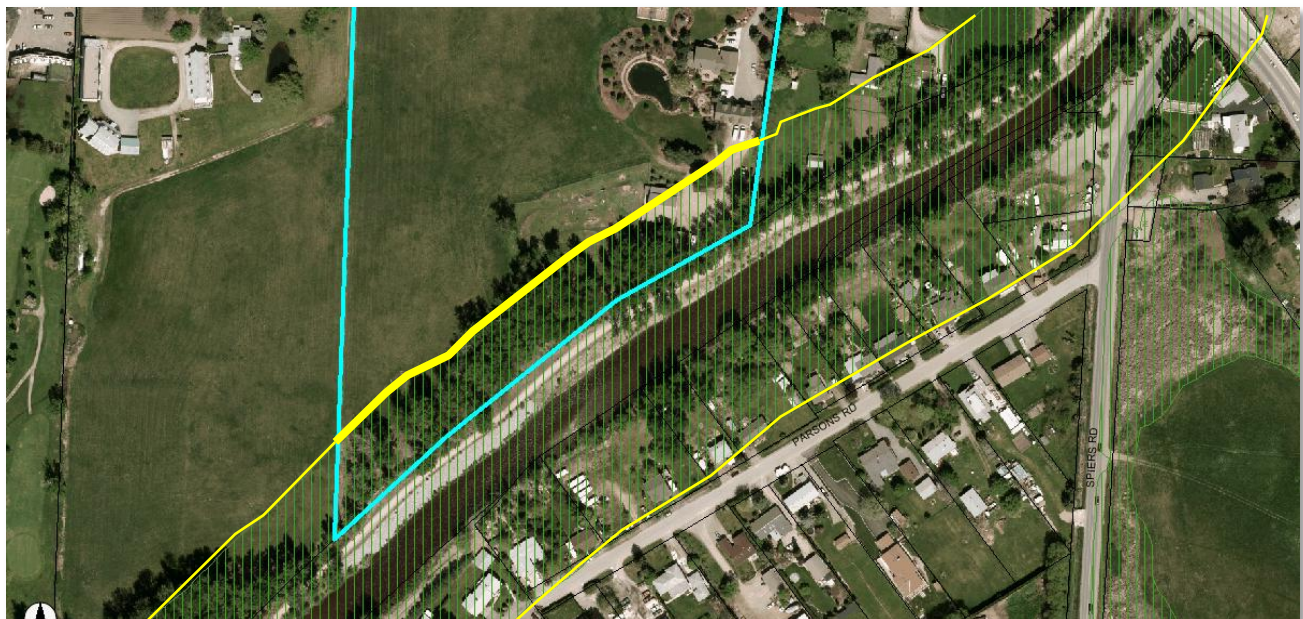


4.4 Zoning Analysis Table

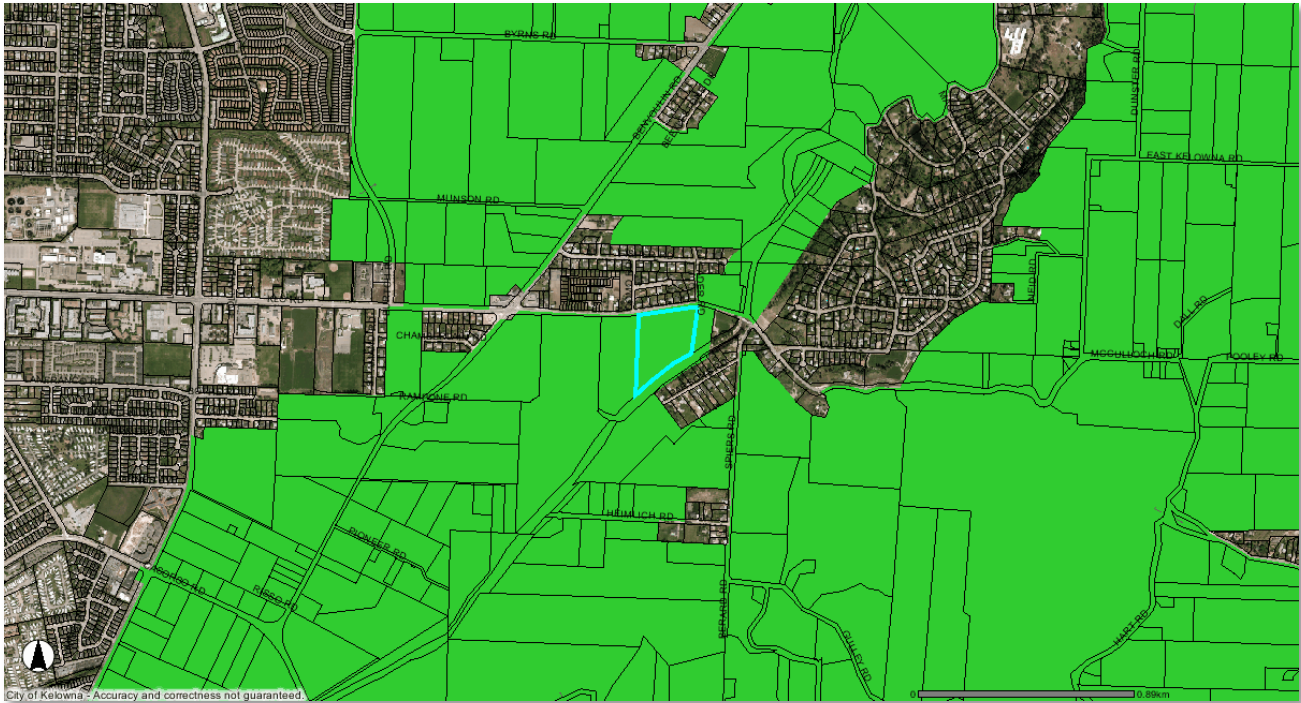
CRITERIA	A1t ZONE REQUIREMENTS	EXISTING	PROPOSED
Existing Lot/Subdivision Regulations			
Minimum Lot Area	2.0 ha / 20,000 m ²	5.76 ha / 57,627 m ²	5.76 ha / 57,627 m ²
Minimum Lot Width	40.0 m	246.0 m	246.0 m
Development Regulations			
Maximum Site Coverage	10%	1,370 m ² = 2%	1,370 m ² = 2%
Maximum Height	9.5 m / 2 ½ storeys	2 storeys	2 storeys
Minimum Front Yard	6.0 m	93.0 m	93.0 m
Minimum Side Yard (west)	3.0 m	> 150.0 m	> 150.0 m
Minimum Side Yard (east)	3.0 m	8.5 m	8.5 m
Minimum Rear Yard	10.0 m	22.0 m (barn)	22.0 m (office & washrooms)
Other Regulations			
Maximum setback from Mission Creek	50.0 m	~29.0 m (barn)	~29.0 m (office & washrooms)
Maximum Number of Agri-tourist Accommodations	5 units	na	10 units ❶
Agri-tourist Accommodation	WITHIN 30 m of principal residence	na	~ 170 m ❷
OCP Homeplating guidelines (non-agricultural use footprint maximum area)	60 m x 60 m = 3,600 m ² & Located adjacent to a property line	8,126 m ² & Adjacent to a property line	8,126 m ² (Existing) + ~ 2,920 m ² (RV Sites)
❶ Indicates a requested Text Amendment to the maximum number of agri-tourist accommodations. ❷ Indicates a requested Variance to the maximum distance from a principal residence.			

A Riparian Area Setback requirement for Mission Creek runs adjacent to the south property line of the subject parcel. As the parcel is upstream of Gordon Drive, the Minimum Riparian Management Area is 50 m, measured perpendicularly inland from the top of bank, top of ravine, or natural boundary of Mission Creek.

Mission Creek Riparian Management Area Map



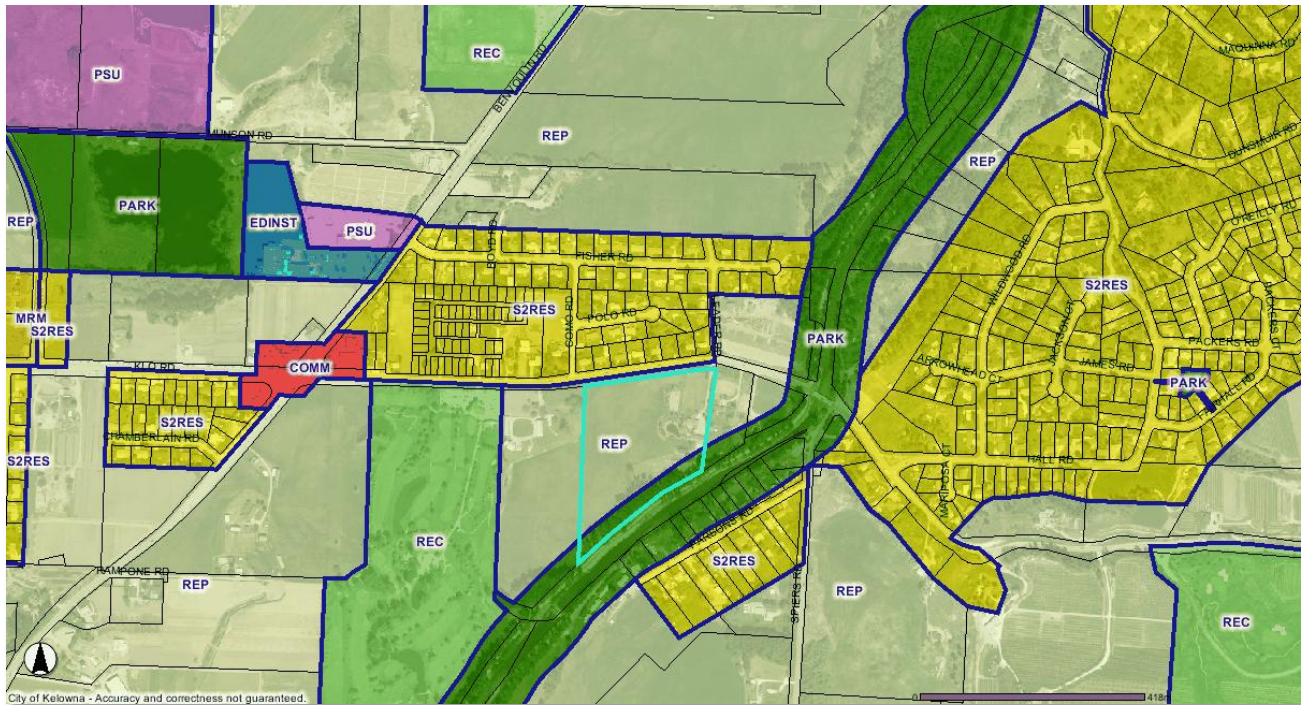
Agricultural Land Reserve Map



4.5 Future Land Use

The subject property has a future land use of REP - Resource Protection, which is adjacent on both sides. Park - Major Park / Open Space (Public) exists to the south and S2RES - Single / Two Unit Residential to the north.

Future Land Use Map



5.0 Agriculture

5.1 Current and Historical Land Use

The subject property has a current land use of an alfalfa “forage crop”. The owners purchased the property in 2003 and currently have a hay operation on approximately 2.9 ha (7.40 ac) of the property. The property has farm status with BC Assessment.

5.2 Agricultural Capability

Attached to this report is a full Agricultural Lands Capability map and breakdown for the subject property. The breakdown outlines the following: The majority of the land is Class 4W, with the remainder Class 5W with improvements to Class 2 and Class 3WF. This means that the land as it is now is between a Class 4 and 5 with excess water during the growing period. This may be improved by altering the soil and land to eliminate excess water which would improve the land to between Class 2 and Class 3.

Class 1 - 3 is considered prime agricultural land and relatively rare in Kelowna. Class 2 has minor limitations that require good ongoing management practices or slightly restrict the range of crops. They are deep, hold moisture well and can be managed with little difficulty.

5.3 Soil Capability

The soils on the property are 63% Guisachan, 30% Tanaka, 4% Dyke, and 2% Cameron Lake. Guisachan and Tanaka soils are common within the floodplain of Mission Creek, and often occur together, with Tanaka soils occurring in depressions. Guisachan soils are moderately coarse textured, stone free, typically 30 - 100 cm deep and overlay coarse fluvial fan deposits. The textures are silty and sandy loam. Groundwater is near the surface during the winter and decreases through the year, with the lowest during the autumn. The soils are suited to crops that are not sensitive to occasional high groundwater. These crops range from vegetable crops to hay and pasture.

Tanaka soils are moderately textured, gravel free fluvial fan deposits. The textures range from sandy loam to silty loam. They are poorly drained, and have a high water holding capacity. The water table fluctuates between the surface and 1.5 metre depth. Depressions are susceptible to flooding. They are limited to agricultural uses that can tolerate high groundwater. Suitable crops include pasture and hay, turf, field crops and vegetables.

6.0 Public Notification

As per Council Policy 367, the applicant completed Public Notification & Consultation in the form of neighbourhood circulation and a Public Information Session. Please note, the site plan circulated was the original site plan that indicated orchard trees in the place of the vegetable and berry garden.

- Circulated information to neighbours August 26, 2015
 - One letter of opposition
 - Lack of privacy for Parson Road Residents
 - Sound of diesel engines
- Held Public Information Session September 22, 2015. Approximately 13 people attended. Comments included:

Concerns

- (2) Concerns with traffic safety with the driveway access on KLO Road
- (2) Concerns of views of RV sites from Residential yards
- (1) Concerns with more than 10 RV sites being created after approvals
- (1) Concerns with lack of privacy from Parsons Road residents
- (1) Concerns of noise of RV engines and tourists

Support

- (3) Support for proposed RV site location
- (3) Support for application

7.0 Text Amendment Legal/Statutory Authority:

Agricultural Land Commission

The ALC permits agri-tourist accommodations provided that:

- Permitted on land that is classified as a farm under the Assessment Act.
- Accommodations are limited to 10 sleeping units in total, seasonal or short term.
- Total developed area for buildings, landscaping, and access for accommodation is less than 5% of the parcel.

The ALC permits local governments to prohibit or restrict this permitted non-farm use.

City of Kelowna

The following bylaw (BL10269) was adopted September 2010 which included the following;

- Addition of A1t - Agriculture 1 with Agri-tourist Accommodation designation
- Addition of Definitions: Agri-tourist, Agri-tourist Accommodation, Agri-tourist Accommodation Unit.
- Addition of Regulations that outline:
 - The agri-tourist accommodation shall be accessory to a legitimate agriculture operation.
 - Minimum lot size of 4.0 ha
 - Maximum number of agri-tourist accommodation units in relation to lot size.
(below 4.0 ha = 0 units, 4.0 - 5.99 ha = 5 units, 6.0 - 6.99 ha = 6 units, 7.0 - 7.99 ha = 7 units, 8.0 - 8.99 ha = 8 units, 9.00 - 9.99 ha = 9 units, 10.0 ha and over = 10 units)
 - Prohibiting RV storage
 - Location of agri-tourist accommodation units to within 30 m of principal dwelling. (homeplating principle)
 - Landscape buffer Level 5 requirements
 - Bathroom facility requirement for campsites

8.0 Current Development Policies

8.1 Kelowna Official Community Plan (OCP)

FARM PROTECTION DEVELOPMENT PERMIT

Objectives³ Protect farm land and farm operations; Minimize the conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

³ City of Kelowna Official Community Plan, (Farm Protection Development Permit Guidelines Chapter).

FARM PROTECTION GUIDELINES

Homeplate⁴ On agricultural lands, where appropriate, locate all buildings and structures, including farm help housing and farm retail sales, within a contiguous area (i.e. homeplate). Exceptions may be permitted where the buildings or structures are for farm use only;

Landscape buffer⁵ On agricultural and non-agricultural lands, establish and maintain a landscape buffer along the agricultural and/or property boundary, except where development is for a permitted farm use that will not encourage public attendance and does not concern additional residences (including secondary suites), in accordance with the following criteria:

AGRICULTURAL LAND USE POLICIES

Protect Agricultural Land⁶ Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Urban Uses⁷ Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Agri-tourism, Wineries, Cideries, Retail Sales⁸ Support agri-tourism uses that can be proven to be in aid of and directly associated with established farm operations. Permit wineries, cideries and farm retail sales (inside and outside the ALR) only where consistent with existing ALC policies and regulations.

Homeplating⁹ Locate buildings and structures, including farm help housing and farm retail sales area and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage. The goal should be to maximize use of existing infrastructure and reduce impacts on productive agricultural lands.

8.2 Ministry of Agriculture

REGULATING AGRI-TOURISM AND FARM RETAIL SALES IN THE AGRICULTURAL LAND RESERVE. DISCUSSION PAPER AND PROPOSED MINISTER'S BYLAW STANDARDS.¹⁰

Proposed definitions

Accessory (agri-tourism) means that the *agri-tourism* is subordinate to the active *farm operation* on the same lot. *Agri-tourism* uses and activities only augment a farmer's regular farm income, not exceed or replace it.

Agri-tourism is travel that combines agricultural or rural settings with products of agricultural operations - all within a tourism experience that is paid for by visitors. It is a tourist activity, service or facility which is *accessory* to a *farm operation*, as defined in the *Farm Practices*

⁴ City of Kelowna Official Community Plan, Policy 1.2 (Farm Protection Development Permit Guidelines Chapter).

⁵ City of Kelowna Official Community Plan, Policy 1.3 (Farm Protection Development Permit Guidelines Chapter).

⁶ City of Kelowna Official Community Plan, Policy 5.33.1 (Development Process Chapter).

⁷ City of Kelowna Official Community Plan, Policy 5.33.3 (Development Process Chapter).

⁸ City of Kelowna Official Community Plan, Policy 5.33.5 (Development Process Chapter).

⁹ City of Kelowna Official Community Plan, Policy 5.34.3 (Development Process Chapter).

¹⁰ Ministry of Agriculture, Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve, Discussion Paper and Proposed Minister's Bylaw Standards. September 14, 2015.

Protection (Right to Farm) Act, where the land is classified as a farm under the *Assessment Act*; and, where the farm is in active operation each year.

Accessory Farm Activity

Table 1. Examples of Agri-Tourism and Farm Incomes

COLUMN A	COLUMN B
AGRI-TOURISM INCOME	FARM INCOME
Entry or participation fees, tour fees	Primary agricultural production income
Fees for tours, services and workshops related to the farm operation	Value-added operations: processing of <i>own farm products</i>
Retail sales of <i>off-farm or non-farm products</i>	Retail sales of <i>own farm products</i>
Agri-tourism accommodation charges	

To be considered accessory, the annual income from agri-tourism [Column A] must be no more than the annual regular farm income [Column B]. The ALC may allow a larger proportion of agri-tourism activity on a farm, if the farmer applies for a non-farm use approval.

Examples include a farmer intending to regularly host special events such as commercial weddings, conferences or an annual music festival. A local government could decide whether to support those commercial activities in its zoning if it is authorized by the ALC.

Site Layout for Agri-tourism Activities

Site coverage and setbacks for agri-tourism structures must follow the standards for farm structures provided in Part 2 of the "Guide for Bylaw Development in Farming Areas".

8.3 Suburban and Rural Planning

The intent of the A1t zone is to provide assistance to bona fide farmers who wish to provide seasonal accommodation proven to be in aid of and directly associated with established farm operations. The proposed application does not have the background of an established farm that provides interaction with local residents or visitors to Kelowna.

The existing non-farm structures and uses on the property do not adhere to homeplate principles. The proposed 10 RV sites increase this non conformity.

Bonding has been a poor tool to encourage farming as the cost of holding bond can be worked into a business plan. The City is not in the business of farming, and does not have the Staff to initiate farming through cashing the bond should default of the agreement occur.

City Staff recommend a farming first approach, where agriculture including agri-tourism is well established and thriving before considering agri-tourist accommodation.

9.0 Technical Comments

The referral comments from external agencies and City departments are noted in the sections below.

9.1 Agricultural Land Commission (ALC)

Bonding for future agriculture is not an appropriate measure for ensuring agricultural development occurs on the site. Agricultural development must precede the request for agri-tourist accommodation.

9.2 Development Engineering Department

Water and sewer EDU's are required to be paid as well as increasing size of each connection as required. Only one water and one sewer connection is permitted. Safety is a concern with traffic sightlines from the current driveway on to KLO Road.

9.3 Fire Department

Emergency vehicle access review will be required at time of Building Permit, no wood burning fire pits are permitted.

9.4 FortisBC Inc - Electric

The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

10.0 Agricultural Advisory Committee

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on November 12, 2015 and the following recommendations were passed:

The Agricultural Advisory Committee did not support the application as it is contrary to the policies and bylaws of the City of Kelowna. Historically RV sites are not very compatible with agriculture. RV parks do not benefit agriculture.

The Members are pleased with the enthusiasm by the Applicant and admire the Applicant's plans; however the plan is contrary to City bylaws. The Members feel the proposal would be more comfortable if there was more agriculture on the site then envisioned as they believe that agriculture should come first and then agri-tourism.

11.0 Application Chronology

Date of Application Received:	August 14, 2015
Date Public Consultation Completed:	September 22, 2015
Date of Revised Site Plan:	November 12, 2015
Date of AAC Meeting:	November 12, 2015
Date of Revised Site Plan:	November 18, 2015

12.0 Alternate Recommendation

Should Council support the applicant's request to rezone the subject property from the A1 - Agricultural 1 zone to the A1t - Agricultural 1 with Agri-tourist Accommodation zone, the following alternate resolution is provided for consideration;

THAT Rezoning Application No. Z15-0045 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B District Lot 131 ODYD Plan 39954, located at 2075 KLO Road, Kelowna, BC from the A1 - Agriculture 1 zone to the A1t - Agriculture 1 with Agri-tourist Accommodation zone be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated January 11, 2016;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Section 219 Restrictive Covenant that will limit the area of the agri-tourist accommodation footprint, dates of operation, as well as prohibiting storage of RV's.

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Section 219 Restrictive Covenant that will prohibit individual water and sewer services to each agri-tourist accommodation units, permitting one water hookup and one sani-dump located at the front of the property.

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of an Agri-Tourist Accommodation Business Licence.

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Variance Permit for the subject property.

Should Council support the applicant's request for a site specific text amendment, the following alternate resolution is provided for consideration;

THAT Zoning Bylaw Text Amendment Application No. TA15-0010 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "B" in the Report from the Community Planning Department dated January 11, 2016 for Lot B District Lot 131 ODYD Plan 39954, located at 2075 KLO Road, Kelowna, BC be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Zoning Bylaw Text Amending Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated January 11, 2016.

Report prepared by:

Tracey Yuzik, Planner

Reviewed by: Todd Cashin, Suburban and Rural Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

- Subject Property Map
- Schedule A: City of Kelowna Memorandum
- Schedule B: Summary of Proposed Text Amendment
- Proposed Site Plan
- Soil Classification Table
- Agricultural Capability Table
- Applicant letter of rationale and supporting documents

SUMMARY OF PROPOSED TEXT AMENDMENT

January 11, 2016

Zoning Bylaw No. 8000

Existing Text

Section 11 - Agricultural Zones

11.1.8(e) Maximum number of agri-tourist accommodation units permitted

For lots larger than or equal to 4.0 ha in size, agri-tourist accommodation shall be permitted according to the following table:

Lot Size (hectares)	< 4.0	4.00 to 5.99	6.00 to 6.99	7.00 to 7.99	8.00 to 8.99	9.00 to 9.99	≥10.00
Agri-tourist accommodation units *	X	5 units	6 units	7 units	8 units	9 units	10 units
*See Section 11.1.8(g)							

Proposed Text

Section 11 - Agricultural Zones

11.1.8(e) Maximum number of agri-tourist accommodation units permitted

For lots larger than or equal to 4.0 ha in size, agri-tourist accommodation shall be permitted according to the following table:

Lot Size (hectares)	< 4.0	4.00 to 5.99	6.00 to 6.99	7.00 to 7.99	8.00 to 8.99	9.00 to 9.99	≥10.00
Agri-tourist accommodation units *	X	5 units	6 units	7 units	8 units	9 units	10 units
*See Section 11.1.8(g)							

This table 11.1.8(e) does not apply to Lot B District Lot 131 ODYD Plan 39954 (2075 KLO Rd), where a maximum of 10 agri-tourist accommodation units are permitted.

Soil Classification 2075 KLO Rd

The soil classification for the subject property is as defined below

Portion of site	Soil Type	Description
4.9 hectares are 70% GN & 30% TA		
70%	GN -	Land: nearly level to gently sloping fluvial deposits Texture: 30 - 100 cm depth of medium textured, stone free veneer, which overlies gravelly fluvial fan and deltaic deposits. Drainage: poorly drained, moderately pervious, and have high water storage capacity. Groundwater is near the surface during winter and spring and recedes by autumn. Classification: Orthic Humic Gleysols.
30%	TA -	Land: nearly level to gently sloping fluvial deposits. Texture: sandy loam to silt loam, with subsoil textures that are sandy loam or gravelly dandy loam. Drainage: poorly drained, moderately pervious, and have high water storage capacity. Groundwater fluctuates between the surface and 1.5 metre depth. Depressions are subject to flooding. Classification: Rego Humic Gleysols.
0.3 hectares are 100% MLD		
100%	TA -	Land: nearly level to gently sloping fluvial deposits. Texture: sandy loam to silt loam, with subsoil textures that are sandy loam or gravelly dandy loam. Drainage: poorly drained, moderately pervious, and have high water storage capacity. Groundwater fluctuates between the surface and 1.5 metre depth. Depressions are subject to flooding. Classification: Rego Humic Gleysols.
0.2 hectares are 80% GN & 20% TA		
80%	GN-	Land: nearly level to gently sloping fluvial deposits Texture: 30 - 100 cm depth of medium textured, stone free veneer, which overlies gravelly fluvial fan and deltaic deposits. Drainage: poorly drained, moderately pervious, and have high water storage capacity. Groundwater is near the surface during winter and spring and recedes by autumn. Classification: Orthic Humic Gleysols.
20%	TA -	Land: nearly level to gently sloping fluvial deposits. Texture: sandy loam to silt loam, with subsoil textures that are sandy loam or gravelly dandy loam. Drainage: poorly drained, moderately pervious, and have high water storage capacity. Groundwater fluctuates between the surface and 1.5 metre depth. Depressions are subject to flooding. Classification: Rego Humic Gleysols.
0.2 hectares are 100% MLD - Dykes		
100%	MLD -	Land: not considered to be "soil" Texture: gravel to large rock
0.1 hectares are 100% CN - Cameron Lake Soils		
100%	CN	Land: nearly level, very gentle sloping fluvial fan deposits. Texture: sandy loam or loamy sand textures. Drainage: imperfect to moderately pervious. Classification: Gleyed Regosol

BCLI Land Capability - Legend

1	Land in this Class has no or only very slight limitations that restrict its use for the production of common agricultural crops. Land in Class 1 is level or nearly level. The soils are deep, well to imperfectly drained under natural conditions, or have good artificial water table control, and hold moisture well. They can be managed and cropped without difficulty. Productivity is easily maintained for a wide range of filed crops.
2	Land in this Class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both. Land in Class 2 has limitations which constitute a continuous minor management problem or may cause lower crop yields compared to Class 1 land but which do not pose a threat of crop loss under good management. The soils in Class 2 are deep, hold moisture well and can be managed and cropped with little difficulty.
3	Land in this Class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both. The limitations are more severe than for Class 2 land and management practices are more difficult to apply and maintain. The limitations may restrict the choice of suitable crops or affect one or more of the following practices: timing and ease of tillage, planting and harvesting, and methods of soil conservation.
4	Land in this Class has limitations that require special management practices or severely restrict the range of crops, or both. Land in Class 4 has limitations which make it suitable for only a few crops, or the yield for a wide range of crops is low, or the risk of crop failure is high, or soil conditions are such that special development and management practices are required. The limitations may seriously affect one or more of the following practices: timing and ease of tillage, planting and harvesting, and methods of soil conservation.
5	Land in this Class has limitations which restricts its capability to producing perennial forage crops or other specially adapted crops. Land in Class 5 is generally limited to the production of perennial forage crops or other specially adapted crops. Productivity of these suited crops may be high. Class 5 lands can be cultivated and some may be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated filed crops may be grown on some Class 5 land where adverse climate is the main limitation, but crop failure can be expected under average conditions.
6	Land in this Class is non-arable but capable of producing native and/or uncultivated perennial forage crops. Land in Class 6 provides sustained natural grazing for domestic livestock and is not arable in its present condition. Land is placed in this class because of severe climate, or the terrain is unsuitable for cultivation or use of farm machinery, or the soils do not respond to intensive improvement practices. Some unimproved Class 6 land s can be improved by draining, diking and/or irrigation.
7	Land in this Class has no capability for arable agriculture or sustained natural grazing. All classified areas not included in Classes 1 to 6 inclusive are placed in this class. Class 7 land may have limitations equivalent to Class 6 land but does not provide natural sustained grazing for domestic livestock due to unsuited natural vegetation. Also included are rock land, other non-soil areas, and small water bodies not shown on the maps. Some unimproved Class 7 land can be improved by draining, diking, irrigation, and/or levelling.

BCLI Land Capability 2075 KLO Rd

Portion of Site	Land Capability Rating, Unimproved	Land Capability Rating, With Improvements
4.9 hectares are 70% Class 4W (Excess Water Limitations) and 30% Class 5W (Excess Water limitations)		
70%	<p>Class 4W are lands that require special management practices. The 'W' class indicates the occurrence of excess water during the growing period.</p> <p>Improvements are typically ditching to manage excess water.</p>	<p>Class 2 have minor limitations that require good ongoing management practices. The soils in Class 2 are deep, hold moisture well and can be managed and cropped with little difficulty.</p>
30%	<p>Class 5W are lands that require perennial forage crops or other specially adapted crops. The 'W' class indicates the occurrence of excess water during the growing period.</p> <p>Improvements are typically ditching to manage excess water.</p>	<p>Class 3WF are lands that require moderately intensive management practices.</p> <p>The 'W' class indicates occasional occurrence of excess water during the growing period causing minor crop damage, but no crop loss, or the occurrence of excess water during the winter months adversely affecting perennial crops.</p> <p>Improvements are typically ditching to manage excess water.</p> <p>The 'F' classification includes soils with moderate nutrient holding ability, high acidity or alkalinity and/or high levels of carbonates. Fertility status does not restrict the range of crops.</p> <p>Moderate, ongoing additions of fertilizer and/or other soil amendments are required to maintain productivity for a wide range of crops.</p>
0.3 hectares are 100% Class 5W (Excess Water limitations)		
100%	<p>Class 5W are lands that require perennial forage crops or other specially adapted crops. The 'W' class indicates the occurrence of excess water during the growing period.</p> <p>Improvements are typically ditching to manage excess water.</p>	<p>Class 3F are lands that require moderately intensive management practices.</p> <p>The 'F' classification includes soils with moderate nutrient holding ability, high acidity or alkalinity and/or high levels of carbonates. Fertility status does not restrict the range of crops.</p> <p>Moderate, ongoing additions of fertilizer and/or other soil amendments are required to maintain productivity for a wide range of crops.</p>
0.2 hectares are 80% class 4W (Excess Water Limitations) & 20% class 5W (Excess Water Limitations)		

80%	<p>Class 4W are lands that require special management practices. The 'W' class indicates the occurrence of excess water during the growing period.</p> <p>Improvements are typically ditching to manage excess water.</p>	<p>Class 2 have minor limitations that require good ongoing management practices. The soils in Class 2 are deep, hold moisture well and can be managed and cropped with little difficulty.</p>
20%	<p>Class 5W are lands that require perennial forage crops or other specially adapted crops. The 'W' class indicates the occurrence of excess water during the growing period.</p> <p>Improvements are typically ditching to manage excess water.</p>	<p>Class 3WF are lands that require moderately intensive management practices.</p> <p>The 'W' class indicates occasional occurrence of excess water during the growing period causing minor crop damage, but no crop loss, or the occurrence of excess water during the winter months adversely affecting perennial crops.</p> <p>Improvements are typically ditching to manage excess water.</p> <p>The 'F' classification includes soils with moderate nutrient holding ability, high acidity or alkalinity and/or high levels of carbonates. Fertility status does not restrict the range of crops.</p> <p>Moderate, ongoing additions of fertilizer and/or other soil amendments are required to maintain productivity for a wide range of crops.</p>
0.2 hectares are 100% X		
100%	<p>Class X are considered to be adversely affected by two or more limitations, unfavourable for any agriculture.</p>	No improvements
0.1 hectares are class 4A (Droughtiness Limitations)		
100%	<p>Class 4A are lands that require special management practices. The 'A' class indicates the insufficient precipitation or low water holding capacity of the soil.</p> <p>Improvements are typically irrigation to improve soil moisture.</p>	<p>Class 3 are lands that require moderately intensive management practices.</p>