

COMMITTEE REPORT



Date: May 9, 2024
To: Agricultural Advisory Committee (AAC)
From: Development Planning Department
Address: 2062 Morrison Road
File No.: A24-0001
Zone: A1 - Agriculture

1.0 Purpose

To consider a Non-Farm Use application to the Agricultural Land Commission (ALC) to operate an existing seasonal agri-tourism RV park year-round.

2.0 Development Planning

The subject property is a 10.0 acres (4.0 ha) parcel in the Rutland area off Morrison Rd. The property currently has an existing single family dwelling, various accessory buildings and an 8 stall agri-tourism RV Park operating under an active Business License (Farm Country RV). Approximately 5.35 acres of the property is in productive apple orchard. The owners purchased the property in December 2023.

A Non-Farm Use application is required to extend the RV to year-round use as it is within the Agricultural Land Reserve (ALR) and only permitted to be seasonal.

To protect and enhance local agriculture the policy of the Official Community Plan provides support for non-farm use applications only where the proposed use meets the following criteria:

- Are consistent with the Zoning Bylaw and the 2040 OCP;
- Provides significant benefits to local agriculture;
- Do not require the extension of municipal services;
- Will not utilize the productive agricultural lands;
- Will not preclude future use of lands for agriculture; and
- Will not harm adjacent farm operations.

The primary objective of the Agriculture Advisory Committee is to advise Council on sustainable agricultural land use from a multiple bottom line (i.e. cultural, economic, environmental, and social perspective). Staff are asking the AAC to consider this application and provide a recommendation to Council.

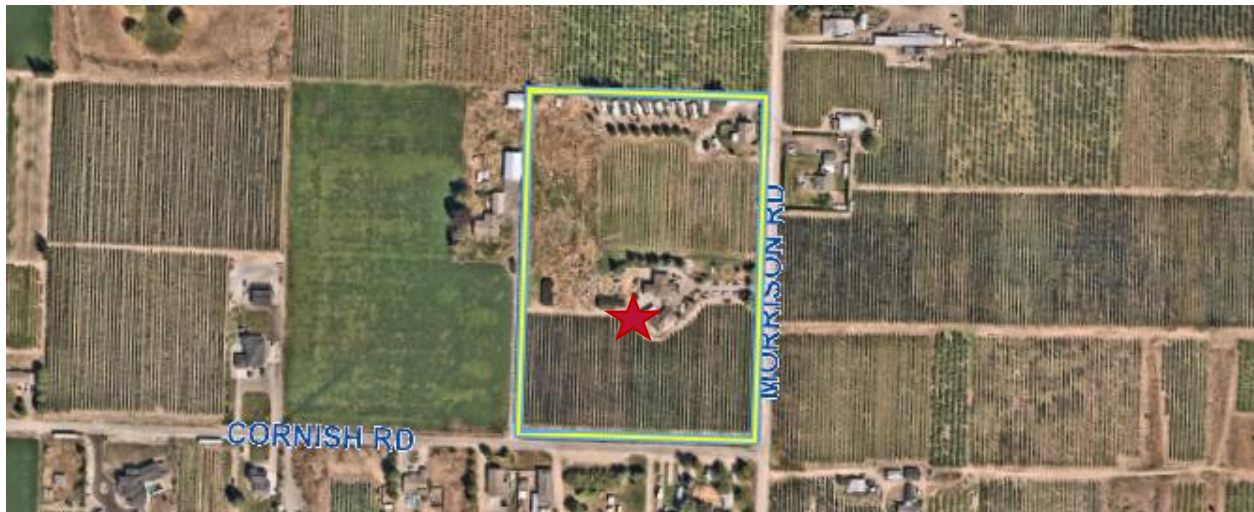
3.0 Subject Property & Background

3.1 Site Context

The site is located in the Rutland area and surrounded by predominately agricultural uses. The zoning and land uses adjacent are as follows:

Orientation	Zoning	ALR	Land Use
North	A1 – Agriculture 1	Yes	Agriculture
South	A1 – Agriculture 1	Yes	Rural Residential
East	A1 – Agriculture 1	Yes	Agriculture / Rural Residential
West	A1 – Agriculture 1	Yes	Agriculture / Rural Residential

Subject Property Map



ALR Map



3.2 Background

The RV park was established in 2016, at that time the use was permitted by the City of Kelowna through the subzone A1t and by the ALR Regulations provided that specific provisions were met including operating on a seasonal basis. Subsequently, both the City of Kelowna Zoning Bylaw and ALC legislation for tourist accommodations have been modified and changed. In 2018, the City of Kelowna Zoning Bylaw was amended to no longer include RV accommodations as a permitted use on agricultural properties and the subzone A1t was removed. Therefore, the operation on 2062 Morrison Rd is considered to be non-conforming. It is only permitted to operate under the same conditions in which they were originally approved.

Further, If the proposal was to proceed, year-round occupancy of the RV's would be considered as dwellings. This conflicts with BC Building Code as any recreational vehicles and specifically CSA-Z241 Series Park model trailers are not recognized as dwelling units as per BCBC.

4.0 **Current Development Policies**

4.1 Kelowna Official Community Plan (OCP)

Objective 8.1. Protect and preserve agricultural land and its capability.	
Policy 8.1.1.1. Protect Agricultural Land.	<p>Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.</p> <p><i>Approximately half of the parcel is used for agricultural purposes and active apple production.</i></p>
Policy 8.1.5. Agri-tourism, Alcohol Production Facilities, Farm Retail Sales.	<p>Support agri-tourism uses that are directly associated with and supportive of established farm operations as a primary use. Permit alcohol production facilities and farm retail sales on ALR lands where consistent with ALC policies and regulations.</p> <p><i>RV Park agritourism is no longer permitted in the City of Kelowna, however the business is considered non-conforming.</i></p>
Policy 8.1.6. Non-farm Uses.	<p>Restrict non-farm uses that do not directly benefit agriculture except where such non-farm uses are otherwise consistent with the goals, objectives and other policies of this OCP. Support non-farm use applications only where approved by the ALC and where the proposed uses:</p> <ul style="list-style-type: none"> • Are consistent with the Zoning Bylaw and the 2040 OCP; • Provide significant benefits to local agriculture; • Do not require the extension of municipal services; • Will not utilize productive agricultural lands; • Will not preclude future use of the lands for agriculture; and • Will not harm adjacent farm operations. <p><i>The proposal to extend the RV Park to year-round use is not considered consistent with the OCP or a number of the criteria listed.</i></p>

Report prepared by: Wesley Miles, Planner Specialist
Reviewed by: Dean Strachan, Community Planning and Development Manager
Approved for Inclusion: Nola Kilmartin, Development Planning Department Manager

Attachments:

Attachment A – ALC Application File No: 69789

Attachment B – Ministry of Agriculture Memo