

REPORT TO COUNCIL

ALR APPLICATION



Date: August 12, 2024
To: Council
From: City Manager
Address: 2062 Morrison Rd
File No.: A24-0001
Zone: A1 – Agriculture

1.0 Recommendation

THAT Agricultural Land Reserve Application No. A24-0001 for Lot 14 Section 36 Township 26 ODYD Plan 425, located at 2062 Morrison Road, Kelowna, BC for a non-farm use application in the Agricultural Land Reserve pursuant to Section 20(2) of the Agricultural Land Commission Act, NOT be supported by Council; AND THAT Council directs Staff NOT to forward the subject application to the Agricultural Land Commission for consideration.

2.0 Purpose

To review a staff recommendation NOT to support a non-farm use application to the Agricultural Land Commission to allow an existing seasonal agri-tourism RV park to operate year-round.

3.0 Development Planning

Staff do not support the proposal to allow for the existing seasonal agri-tourism RV park to operate year-round on the subject property as it is inconsistent with the objectives of the Official Community Plan (OCP) and the City's Agricultural Plan. To protect and enhance local agriculture, the policy direction provides support for non-farm use applications only where the proposed use meets the following criteria:

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

The proposal to have year-round agri-tourism accommodation does not meet the criteria for Non-Farm Use Application as outlined above. It fails to align with the intent of the Zoning Bylaw or the OCP, which prohibit both seasonal and full-time accommodation in the A1 zone. Therefore, if approved by both Council and the Agricultural Land Commission (ALC), a site-specific Text Amendment Application would be necessary to introduce this new use. Furthermore, the OCP directs urban development within the Permanent Growth Boundary (PGB) to minimize development on agricultural lands.

While the subject property has an active agricultural operation, the inclusion of full-time residential units does not benefit local agriculture. It would preclude future use of agricultural lands, as it would permanently convert agricultural land for non-agricultural use.

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

4.0 Subject Property & Background

Orientation	Zoning	Land Use
North	A1 – Agriculture	Agriculture
East	A1 – Agriculture	Agriculture
South	A1 – Agriculture	Agriculture and Agri-Tourist Accommodation
West	A1 – Agriculture	Agriculture

4.1 Subject Property Map



The subject property is located on the corner of Morrison Rd and Cornish Rd, has the Future Land Use Designation of R-AGR – Rural Agriculture and Resource, is zoned A1 – Agriculture and is in the Agricultural Land Reserve (ALR). The surrounding area is zoned A1 – Agriculture and P3 – Parks and Open Space and is entirely in the ALR.

4.2 Background

The RV Park was established in 2010 when it was permitted by the City of Kelowna under the A1t – Agri-tourist Accommodation subzone, as well as by the ALR Regulations, provided that specific provisions were met, including seasonal operation. Since then, both the City of Kelowna Zoning Bylaw and ALC legislation regarding tourist accommodations have been modified.

In 2016, the City of Kelowna initiated a Text Amendment Application (TA16-0006) to eliminate the A1t subzone from the Zoning Bylaw. This change aimed to address challenges in maintaining compliance with a secondary use tied to agriculture, as agricultural production on a property can change annually. Additional enforcement difficulties arose due to seasonal requirements, a 30-day maximum stay, and a focus on tourist

activities. The City's enforcement resources struggled to oversee existing operations. While some were compliant, it was anticipated that additional operations would strain enforcement efforts. Consequently, the Text Amendment was adopted by Council in October 2016, rendering all existing agri-tourism businesses non-conforming, including 2062 Morrison Rd., which is restricted to its original approved conditions.

A similar Non-Farm Use Application (A17-0006) was forwarded to Council in 2017 to allow for year-round recreational vehicle use which was not supported by Staff and not forwarded to the ALC by Council.

5.0 Project Description

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 detached dwelling, various accessory buildings, an RV Park and approximately 5.35 acres of the property is a productive apple orchard. The owners purchased the property in December 2023.

The 10 stall agri-tourism RV Park has an active Business License (Farm Country RV), which is allowed to operate between April 1st and October 31st. 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.

6.0 Current Development Policies

Kelowna Official Community Plan (OCP)

Objective 8.1. Protect and preserve agricultural land and its capability.	
Policy 8.1.1. Protect Agricultural Land.	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. <i>Approximately half of the parcel is used for agricultural purposes and is an active apple orchard.</i>
Policy 8.1.5. Agri-tourism, Alcohol Production Facilities, Farm Retail Sales	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. <i>RV Park agri-tourism is no longer permitted in the City of Kelowna; however the business is considered non-conforming.</i>
Policy 8.1.6. Non-farm Uses.	Restrict non-farm uses that do not directly benefit agriculture except where such non-farm uses are otherwise consistent with the goals, objects, and other policies of this OCP. Support non-farm use applications only where approved by the ALC and where the proposed uses: <ul style="list-style-type: none"> i. Are consistent with the Zoning Bylaw and the 2040 OCP; ii. Provide significant benefits to local agriculture; iii. Do not require the extension of municipal services; iv. Will not utilize productive agricultural lands; v. Will not preclude future use of lands for agriculture; and vi. Will not harm adjacent farm operations. <i>The proposal to extend the RV Park to year-round use is not considered consistent with the criteria listed above</i>

Objective 8.4. Stop urban sprawl into Rural Lands.	
Policy 8.4.3. Housing in Agricultural Areas	Discourage additional residential development (both expansions and new developments) in areas surrounded by ALR and non-ALR agricultural lands. Secondary suites may be permitted in a permitted primary dwelling. Carriage houses may be considered on Rural Residential lands where the property is 1.0 hectares or greater and where proposal is consistent with the Farm Protection Guidelines outlined in Chapter 22: Farm Protection Development Permit Area.
	<i>The addition of residential uses above and beyond what is permitted by the ALC, is discouraged.</i>

7.0 Application Chronology

Application Accepted: January 8, 2024
 Neighbour Notification Received: N/A

8.0 Agricultural Advisory Committee

Agricultural Advisory Committee May 9, 2024

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on May 9, 2024, and the following recommendations were passed:

THAT the Committee recommends that Council not support the application for the subject property to consider an application to the Agricultural Land Commission (ALC) to consider a Non-Farm Use application to the Agricultural Land Commission (ALC) to operate an existing seasonal agri-tourism RV park year-round.

Anecdotal comments include that the Committee acknowledges that the financial viability of the enterprise is not one of the decision or criteria of the AAC to consider. The Committee also needs more clarity on what the rules are for rental units on agricultural properties.

9.0 Alternate Recommendation

THAT Agricultural Land Reserve Application No. A24-0001 for Lot 14 Section 36 Township 26 ODYD Plan 425, located at 2062 Morrison Road, Kelowna, BC for a non-farm use application in the Agricultural Land Reserve pursuant to Section 20(2) of the Agricultural Land Commission Act, be supported by Council;

AND THAT Council directs Staff to forward the subject application to the Agricultural Land Commission for consideration.

Report prepared by: Tyler Caswell, Planner II
Reviewed by: Dean Strachan, Community Planning & Development Manager
Reviewed by: Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning, Climate Action & Development Services

Attachments:

Attachment A – ALC Application File No. 69789
Attachment B – Ministry of Agriculture Memo

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.