

# REPORT TO COUNCIL



**Date:** December 12, 2016

**RIM No.** 1210-10

**To:** City Manager

**From:** Community Planning Department (MS)

**Application:** A15-0007 **Owner:** Brenda Dureault

**Address:** 395 Hereron Road **Applicant:** New Town Services Inc.

**Subject:** Application to the ALC for a Non-farm use of RV Site Trailers with permanent hookups to services

**Existing OCP Designation:** Resource Protection Area

**Existing Zone:** A1 – Agriculture 1

**Proposed Zone:** A1t – Agriculture 1 – Agriculture 1 with Agritourist Accommodation

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## 1.0 Recommendation

THAT Agricultural Land Reserve Appeal No. A15-0007 for *Lot 14 Plan KAP68009 District Lot 123 ODYD*, located at 395 Hereron Road, Kelowna for a non-farm use of agricultural land in the Agricultural Land Reserve pursuant to Section 20(3) 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 consider a Staff recommendation NOT to support an application to the Agricultural Land Commission for a non-farm use application for a ten unit recreational vehicle trailer park with permanent hookups to services.

## 3.0 Community Planning

Staff does not support the application to establish an Recreational Vehicle (RV) site for 10 RV units. The intent of the application does not meet the objectives of the Resource Protection Area (REP), nor the agricultural objectives in the Official Community Plan (OCP). The commercial use of RVs requires the extension of municipal services outside the Permanent Growth Boundary, and can pose limitations to agriculture in the future and potential conflicts with neighbouring agricultural operations.

The objectives of the Resource Protection Area (REP) and the Permanent Growth Boundary include:

- preserve the Resource Protection Area (REP) for agriculture as well as environmental objectives<sup>1</sup>; and
- lands outside the permanent growth boundary will not be supported for urban uses<sup>2</sup>.

The OCP's objectives for agriculture include:

- Protect Agricultural Land<sup>3</sup>; and
- Direct urban uses to lands within the urban portion of the PGB, in the interest of reducing development and speculative pressure on agricultural lands<sup>4</sup>.

### **Farm Protection DP Guidelines<sup>5</sup>**

#### *Objectives*

- Protect farm land and farm operations; and
- Minimize the impact of urban encroachment and land use conflicts on agricultural land;

#### *Guidelines*

- Design any subdivision or urban development of land to reduce densities and the intensity of uses gradually towards the boundary of agricultural lands.

Outside the Permanent Growth Boundary, commercial, industrial and other non-farm uses pose a challenge for land use planning, given their individual and cumulative demand for urban services, including water, sewer, roads and street amenities. In addition, non-farm uses create the potential for conflict with adjacent property owners, in this case, with both agricultural as well as industrial neighbours.

Both the direct and cumulative demand on services for non-farm uses have long term implications for water supply and municipal infrastructure. In many cases, the rural water system is designed for agricultural ratepayers, without the infrastructure to support urban uses or their associated fire flow demands. Cumulatively, the water demand of non-farm uses conflicts with that of agriculture. While the costs of servicing a project may be borne by the applicant, ultimately the greater costs of the overall development and maintenance of the system are borne by fewer ratepayers over the area. For this reason services and road standards are typically reduced outside the Permanent Growth Boundary. This can result in competing interest for water capacity, and result in agricultural customers supporting non-farm uses for the system as a whole. Similarly, for access, the requirement of paving Heron Road is a requirement of the Fire Department in this case. While this initial cost will be borne by the proponent, there is not a mechanism for maintenance costs to be recaptured, resulting in a long term cost to the public that would be unlikely result from a farm use.

In October, 2016, the Agricultural Land Commission (ALC) brought forth a policy bulletin to provide clarity regarding Agri-tourist Accommodation in the Agricultural Land Reserve (ALR). This clarification stipulated that when permanent services are proposed for agri-tourist accommodation RV units, a non-farm use application is required. As such, an approval from the ALC is required to permit the permanent servicing of these RVs on the subject property.

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<sup>1</sup> City of Kelowna, 2016. Official Community Plan Chapter 4, p. 4.2

<sup>2</sup> City of Kelowna, 2016. Official Community Plan Chapter 4, p. 4.7

<sup>3</sup> City of Kelowna, 2016. Official Community Plan, Objective 5.33.1, Chapter 5 page 35

<sup>4</sup> City of Kelowna, 2016. Official Community Plan, Objective 5.33.3, Chapter 5 page 35

<sup>5</sup> City of Kelowna 2030 Official Community Plan (2011) - Farm Protection Development Permit Chapter; p. 15.2 - 15.4.

Therefore, Staff does not support the application, due to the lack of supporting City of Kelowna policy, as well as the requirements for the extension of services.

#### **4.0 Proposal**

##### **4.1 Project Description**

The application is being considered by Council as it was in process at the time Council resolved that a moratorium be placed on new applications for agritourist accommodation in the summer of 2016. This file is the sole application that was in process at the time of the moratorium.

The applicant is proposing ten (10) agri-tourist accommodation units in the form of a Recreational Vehicle (RV) park. It is proposed for the northeast corner of the property, and would take up 0.4 ha (1 acre) of the 10.3 ha (25 acre) property.

Direct hookups of electricity, water and sewer are also proposed for the RV site, as well as a separate washroom building. The applicant's engineer has proposed a pump to provide adequate scouring velocity for the sewer connection, and, together with the loads calculated, has deemed it sufficient to service the 10 sites. The Black Mountain Irrigation District (BMID) has provided a letter outlining requirements for water (see attached). In summary, BMID requires that the water system be upgraded to service the site and provide adequate fire protection.

For fire flow protection, a dry stand pipe system is proposed. This requires an extension of a 150mm (6" main) to a new hydrant at the northwest corner of the property. From there, a stand pipe will be laid through the property to reach the site. It will remain uncharged until required, providing the conduit for the fire fighters. The Fire Department also requests that Hereron Road is paved.

As for buffering, there is a line of willows and cottonwood trees along the east property line that would provide a vegetative buffer. A vegetative buffer is proposed to be planted along the south and west edge of the RV sites.

Map 1 – Proposed Recreational Vehicle Campsite with 10 Units



Map 2 – Proposed Site Plan





#### 4.2 Background

The property was obtained by the current owner in 2008. Before 2000, the agricultural parcel was approximately double the current size, before the western portion being excluded and subdivided into industrial lots. These lots are now serviced along Acland Road.

The farming operation on the site has historically been hay. However, due to the high water table and drainage issues, the owner decided to develop an agri-forestry operation. To date, over 1500 trees (nut, fruit, Christmas, and native) have been planted. Crops such as garlic, edamame beans, melons, broccoli, cucumber, herbs, tomatoes, strawberries, and flowers have been added for farm gate sales in addition to the existing egg sales. Public tours, workshops and children's summer camps are ongoing. The camps include both agricultural and environmental elements, tying in learning about wetlands and Duggan Brook.

Since 2008, the farm production has evolved from hay to a mixed farm. The operation includes a egg laying chickens, honey bees and agri-forestry. Trees planted include black and English walnut, hazelnut, yellowhorn, Christmas trees, mulberry shrubs as well as paw paw trees. The trees provide a number of products including nuts and seeds, fruit, as well as seedlings. Willow is harvested from those occurring naturally on the property and secondary craft products are made from them, and pickled walnuts are produced as well. The property has developing farm status through BC Assessment, as the nut trees and other trees take time to come into full productivity.

Duggan Brook (a tributary to Mill Creek) runs through this property and expands into Simpsons Pond. The wetland is identified by the City of Kelowna Wetland Inventory. The applicant hosts summer camps for children to learn about wetlands and the environment.

There is currently use of the property by a trucking company at the southwest corner of the property. As staff understands it, the trucking company has agreement to use this portion of the property and pays rent to the owner. Staff understands that the trucking company has been given notice to vacate the property within three months.



**Image 1: Photo of Agroforestry**



**Image 2: Photo of Duggan Creek, adjacent hay field and two dwellings.**

### 4.3 Site Context

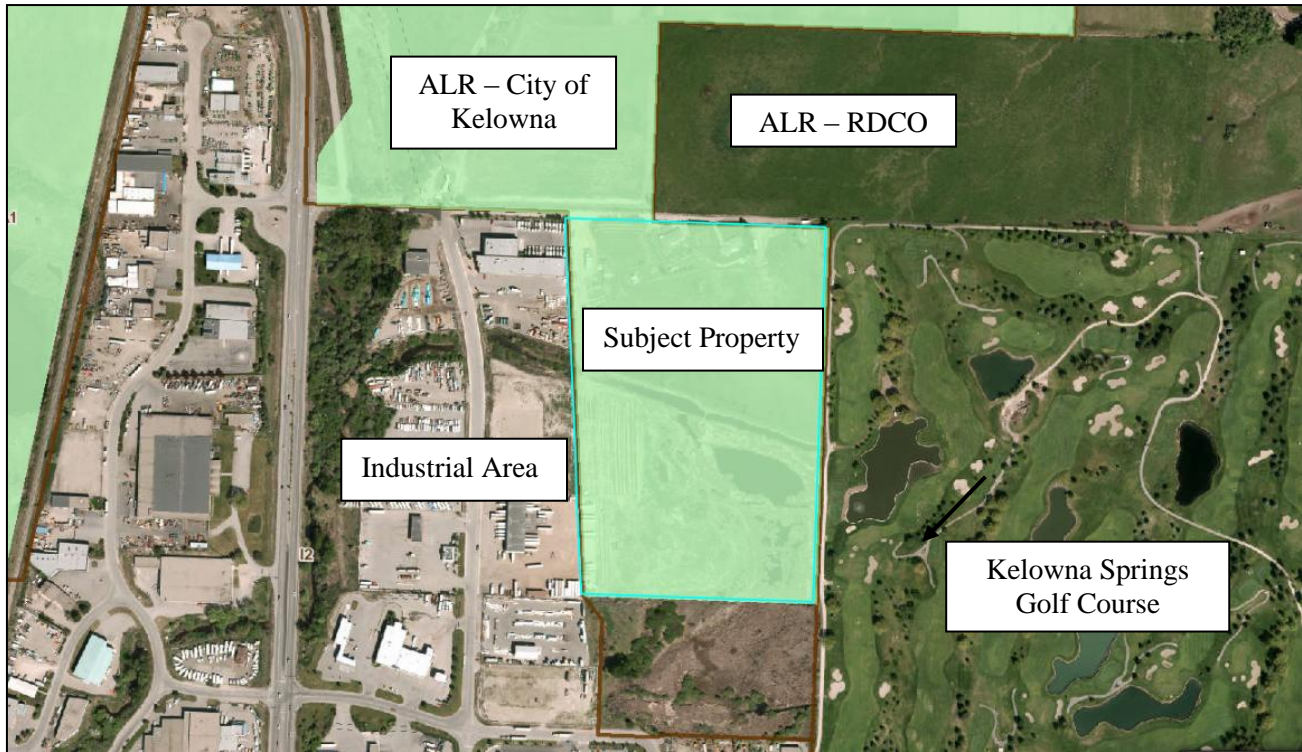
The subject property is located: within the Agricultural Land Reserve, adjacent to the municipal boundary with the Regional District of the Central Okanagan and adjacent to the Kelowna Springs Golf Course. The Future Land Use of the property is Resource Protection Area (REP), it is zoned A1 – Agriculture 1, and it is outside of the Permanent Growth Boundary.

Parcel Summary – 395 Hereron Road:

Parcel Size: 10.3 ha (25.45 acres)

Elevation: 402 metres to 405 metres above sea level (masl) (approx.)

### Map 3 – Neighbourhood



Zoning and land uses adjacent to the property are as follows:

**Table 1: Zoning and Land Use of Adjacent Property**

Direction	Zoning	ALR	Land Use
North	A1 – Agriculture / A1 – Agriculture	Yes	Sod Farm / Hay and Cattle
South	A1 – Agriculture 1 & I2 – General Industrial	No	Wetland and Industrial
East	Parcel is split zoned between P3- Parks and Open Space & Unzoned portions	No	Golf Course
West	I2 – General Industrial	No	Industrial

#### 4.4 Zoning Analysis Table

The zoning requirements, per the A1t zone, in place at the time of application, are below.

Zoning Analysis Table		
CRITERIA	ATt ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Front Yard	10 m	10 m
Side Yard (west)	10 m	m
Side Yard (east)	10 m	10 m
Rear Yard	10 m	m
Other Regulations		
Within X of primary residence	30 m	18 m

#### 5.0 Current Development Policies

##### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 4. Future Land Use

##### Resource Protection Area<sup>6</sup>

Rural land preserved for agricultural, environmental and recreational purposes, including the ALR, other resource lands with environmental value and protected natural open spaces.

##### Permanent Growth Boundary

Lands outside the permanent growth boundary will not be supported for urban uses.<sup>7</sup>

#### Chapter 5. Development

##### Focus development to designated growth areas<sup>8</sup>.

**Compact Urban Form.** Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns.

##### Protect and enhance local agriculture<sup>9</sup>.

**Protect Agricultural Land.** 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 Uses.** 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.

<sup>6</sup> City of Kelowna, 2016. Official Community Plan Chapter 4, p. 4.2

<sup>7</sup> City of Kelowna, 2016. Official Community Plan Chapter 4, p. 4.7

<sup>8</sup> City of Kelowna 2030 Official Community Plan (2011) - Farm Protection Development Permit Chapter; p. 15.2 - 15.4.

<sup>9</sup> City of Kelowna 2030 Official Community Plan (2011) - Development Process Chapter; p. 5.35.



## Chapter 15. Farm Protection DP Guidelines<sup>10</sup>

### Objectives

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

### Guidelines

- On properties located adjacent to agricultural lands, design buildings to reduce impact from activities associated with farm operations.
- 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).
- Design any subdivision or urban development of land to reduce densities and the intensity of uses gradually towards the boundary of agricultural lands.

## 5.2 Agriculture Plan

### Transportation Policies<sup>11</sup>

**New Growth Areas.** Discourage the establishment of new growth areas within or beyond agricultural areas that create additional traffic pressure on the local rural road network.

### Urban-Rural/Agricultural Boundary Policies<sup>12</sup>

**Farmland Preservation.** Direct urban uses to land within the urban portion of the defined urban – rural / agricultural boundary, in the interest of reducing development and speculative pressure, toward the preservation of agricultural lands and discourage further extension of existing urban areas into agricultural lands.

**Urban Buffers.** Require new development, adjacent to agricultural areas, to establish setbacks, fencing and landscape buffers on the urban side of the defined urban – rural/agricultural boundary.

**Parcel Size.** Non - Agricultural Land. Discourage subdivision to smaller parcel sizes on lands beyond agricultural areas in order to reduce negative impacts on the farming community and encourage the Central Okanagan Regional District and the Ministry of Environment, Land and Parks to consider maintaining larger minimum parcel sizes for Crown Lands within and adjacent to the City in recognition of the provincial interest in retaining farming.

**Isolated Development.** In general, not support extensions to existing development or new development isolated within agricultural areas, regardless of ALR status.

## 5.3 Agricultural Land Commission

<sup>10</sup> City of Kelowna 2030 Official Community Plan (2011) - Farm Protection Development Permit Chapter; p. 15.2 - 15.4.

<sup>11</sup> City of Kelowna Agriculture Plan (1998); p. 99.

<sup>12</sup> City of Kelowna Agriculture Plan (1998); p. 131 & 132.

## ALC Policy - Agri-tourism Accommodation in the ALR<sup>13</sup>

### Seasonal Campsites:

Campsites are undeveloped outdoor sites where tents and recreational vehicles (RV) may be temporarily located and where no individual sewage disposal, water and electrical hook-ups are provided. Recreational vehicles must be on wheels and transportable. Communal sanitary and washing facilities may be provided, however no other permanent facilities including administration offices, supply stores or laundry facilities are permitted. There may not be any permanent structures (patios, porches, decks, covered or enclosed rooms, partial walls or screened rooms with windows) or hard surfaces (pavement or concrete pads). No storage of RVs is permitted for any length of time.

Location and site considerations include:

- locating the accommodation on poorer agriculture capability lands
- access that avoids conflicts with agricultural uses on the farm and adjacent farms
- accommodation located near existing farm and ranch buildings
- mitigating possible negative impacts using landscape buffers

A local government may have additional requirements related to maximum floor area, parking, signage, setbacks, fire and emergency servicing, etc.

Agri-tourism accommodations are temporary and must not be constructed in such a way that there is a potential for them to become permanent accommodations or year round rentals on agricultural land. This means there should be no extension of municipal servicing including sewer and water for agri-tourism accommodation uses unless local governments or health officials determine it is necessary.

Other types of permanent accommodation including lodges, motels, inns, resorts, resort based campgrounds and ***RV parks with full servicing*** and amenities and bare land strata ownership ***require a non-farm use application and approval of the Commission***. (See attached).

## 6.0 Technical Comments

### 6.1 Development Engineering Department

A Summary of Development Engineering comments includes:

- Domestic water and fire flow protection is required and to be coordinated with the Black Mountain Irrigation District.
- The existing sewer main is substandard and cannot support additional loading.
- The hydro-geotechnical conditions in this area are not favourable for onsite sewage disposal.
- Vegetation at the corner of Acland and Hereron Roads impede sight lines and may pose a hazard for slow moving large vehicles moving in and out of the project site.

See attached memo for a full description of comments and requirements.

### 6.2 Fire Department

It is recommended that there is a closer hydrant for firefighting purposes. The applicant is to ensure an appropriate paved access off of Acland Rd to the project site.

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<sup>13</sup> Agricultural Land Commission; Agri-tourism Accommodation in the ALR, Policy L-05, alc.gov.bc.ca

### 6.3 Kelowna International Airport

There are no operational risks from YLW's point of view other than the noise exposure. The subject property is within the 25 NEF contour as laid out in the YLW 2025 Master Plan and the City of Kelowna 2030 OCP. As such the City will want to ensure the use abides by the OCP requirements with regards to activity within the NEF. The proponent should be formally made aware of this and the fact that there will be aviation noise related.

### 6.4 Interior Health Authority

This rezoning application will allow for up to a 12 bay camping sites including a Sani-station and washroom facility.

From the HBE team perspective this application does not create a health impact. The environmental Health Officer for this area should be contacted regarding the sani-station and washroom facility.

### 6.5 Black Mountain Irrigation District

The water servicing requirements for the project are below. (Refer to Black Mountain Irrigation District (BMID) letter attached.)

- Capital Charges will be \$1,440 per RV pad as per BMID Capital Expenditure Charge bylaw 678. (See web page [www.bmid.ca](http://www.bmid.ca) )
- Engineered servicing drawings and FUS fire flow calculations for the water distribution system are required to be submitted for the site for review by BMID, signed and sealed by a professional engineer.
- Fire flow capacities will be verified by our computer model at the time of detailed design of the subdivision.
- A new fire hydrant is to be installed on Hereron Rd. Currently, there is inadequate hydrant coverage for fire protection. Hydrant coverage must be within 100m from the new hydrant to last RV pad. The closest hydrant located near the proposed RV lot is greater than 200m (60m south of Acland Rd/Hereron Rd intersection).
- The current water main along Hereron Rd is only a 50mm in diameter. Therefore, the 50mm main will have to be upgraded to 150mm from Acland Rd to the proposed hydrant. It might be possible to keep the remaining portion of the 50mm water main after the hydrant.
- RV water service to come off of hydrant lead (before hydrant isolation valve) so that there is no stagnant water in service or hydrant lead.
- There is limited capacity of the existing 50mm main that might result in residual pressures lower than the minimum required during PHD.
- Service is to enter site and go to meter house within building structure (in secure and heated building).
- Meter is required and spec is on BMID web page in forms and development section
- Single testable Double check valve (DCV) is required for water service line going to individual trailer pads. DCV to go in same meter room if possible.
- On site development is by owner.
- Connection from BMID mains to property line to be carried out by BMID staff, paid by owner.

### 6.6 Ministry of Agriculture

- The subject property is adjacent to a 60 acre cattle farm. The pasture is fenced around the perimeter with a page-wire, which functions adequately to keep the cattle in. However, the farmer has concerns that the page wire fence is not sufficiently robust to keep dogs or people out of the field if they are camping along Hereron Rd.
- Cattle are in the field at various times throughout the year after haying & in the spring for calving.
- Trespass is a concern at any time of year but safety issue is high particularly in spring when calves are born because people like to look at them may want to pet then. However, mother cows can be quite aggressive when the calves are small especially with strangers. Dogs that are not familiar with livestock need to be kept out, they could easily be injured or cause injury to cattle if chased.
- Private property signs could also help although they are not an adequate barrier for pets or children.
- A chain link fence on the north side of Hereron Rd would be adequate. It is ~ 180 meters (< 600 ft). On the east end it would tie into the golf course fence & on the west end it would tie into the fence running north/south along the creek.

#### 6.7 Ministry of Transportation and Infrastructure

Preliminary Approval is granted for the rezoning for one year pursuant to Section 52(3)(a) of the Transportation Act.

#### 6.8 Regional District of the Central Okanagan

RDCO staff has reviewed the above mentioned City of Kelowna zoning amendment referral and advises that the RDCO's interests are unaffected.

### 7.0 Application Chronology

Date of Application Received:	June 24, 2015
Date Developing Farm Status Received:	December 10, 2015
Date Fire Flow Strategy Received:	November 1, 2016
Date Public Consultation Completed:	November 3, 2016
Date Circulation Comments Received:	December 2, 2016

Agricultural Advisory Committee	December 10, 2015
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The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on December 15, 2015 and the following recommendations were passed:

Moved By Keith Duhaime /Seconded By Ed Schiller

THAT the Agriculture Advisory Committee recommends that Council support an application to the Agricultural Land Commission under Section 20 (3) of the Agricultural Land Commission Act for a "non-farm use" on the subject property at 395 Hereron Road for ten (10) agri-tourist accommodation units in the form of a Recreational Vehicle (RV) Park.

Carried  
Domenic Rampone - Opposed

#### ANECTODOTAL COMMENT:

The Agricultural Advisory Committee is supportive of the Applicant due to the innovative and diversity of the products and also supportive of a young farmer restoring agricultural land. However, the Agricultural Advisory Committee raised concern with the RV Park turning into a year round and longer term use. Should the requirements of trees require spraying, they may have to spray when visitors are present.



**8.o Alternate Recommendation**

THAT Agricultural Land Reserve Appeal No. A15-0000 for *Lot 14 Plan KAP68009 District Lot 123 ODYD*, located at 395 Hereron Road, Kelowna for a non-farm use of agricultural land in the Agricultural Land Reserve pursuant to Section 20(3) of the *Agricultural Land Commission Act*, be supported by Council;

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

**Report prepared by:**

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Melanie Steppuhn, Planner Specialist

**Reviewed by:**

☐

Todd Cashin, Subdivision, Suburban and Rural Planning Manager

**Reviewed by  
Approved for Inclusion:**

☐

Ryan Smith, Community Planning Department Manager

**Approved for Inclusion:**

☐

Doug Gilchrist, Divisional Director, Community Planning & Real Estate

**Attachments:**

Site Photos

RV Site Plans

Development Engineering Services Memo

Black Mountain Irrigation District Letter

ALC Policy No. L-05 – Agri-tourism Accommodation in the ALR

## PHOTOS

**Photo 1. Agri-forestry – Black and English Walnut, Paw Paw and Evergreens**



**Photo 2. Laying Chickens**



**Photo 3. Raised Berms for Future Planting Beds**



**Photo 4: Honey Bees**





**Photo 5: Duggan Brook Looking East**

