

COMMITTEE REPORT



Date: June 8, 2017

RIM No. 0940-00

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (MS)

Application: DP17-0130

Owner: Karmjit S. Gill
Balvir K. Gill
Avineet S. Gill

Address: 1160 McKenzie Rd

Applicants: Karmjit S. Gill
Avineet S. Gill

Subject: Application for a Development Permit for Nine Agri-tourism Recreational Vehicle Trailers in an A1t- Agriculture 1 with Agri-tourist Accommodation Zone

1.0 Purpose

To review a development permit application of the subject property for buffering of a recreational vehicle site for nine RV sites in an A1t – Agriculture 1 with Agri-tourist Accommodation Zone.

2.0 Community Planning

Community Planning notes the following regarding the development permit application:

- The use is permitted in the existing zone;
- The property had an expired Development Permit (DP14-0028) that can no longer be constructed as proposed; and
- The property is in the Agricultural Land Reserve.

In 2015 Council approved a zone amendment for the property of A1t- Agriculture with Agritourist Accommodation. In addition, a Development Permit (DP) was issued for nine RV units. However, the site can no longer be constructed as proposed. The new DP is in response to a reconfiguration of the revised RV site layout.

With respect to this application, Council is looking to the AAC to provide a recommendation with respect to how to reduce impacts to agriculture both on the property and surrounding properties. For example, with respect to how the proposed vegetative buffer and fencing will function for the Recreational Vehicle (RV) site, the farm itself, and surrounding agricultural operations.

3.0 Proposal

3.1 Background

In 2015, the applicant received a rezoning amendment for the subject property for A1t - Agriculture 1 with Agri-tourist Accommodation. The proposal was for nine recreational vehicle sites. The RV sites were to complement a fruit stand with proposed agriculture tours on the property. Construction for the fruit stand and a single family dwelling were initiated in 2016. A Development Permit (DP14-0028) was issued for the project that included a RV Park layout.

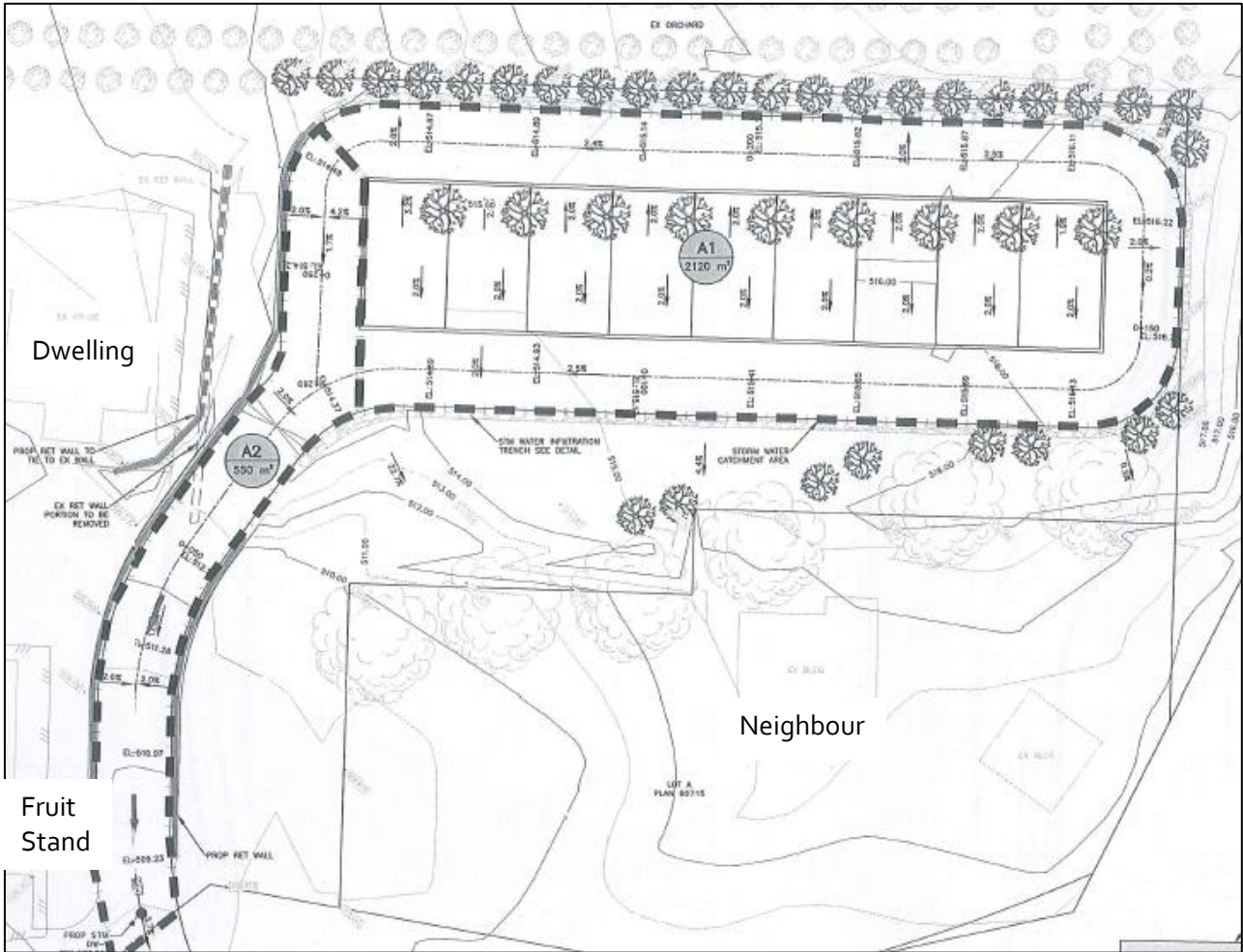
During construction, the location of the single family dwelling resulted in required revisions to the driveway for the RV Park and subsequently that the proposed site plan (DP14-0028) could not be constructed as originally proposed. This application proposes a revised site plan in response to the new configuration of structures on site.

3.2 Project Description

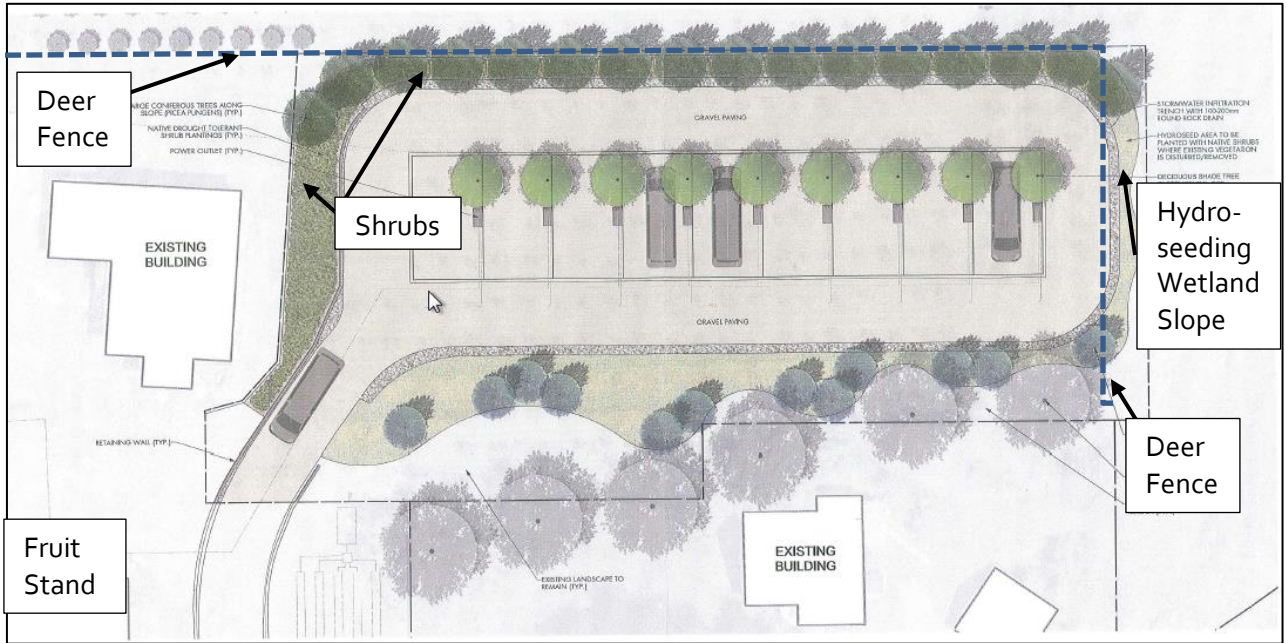
The applicant is requesting a development permit for constructing a recreational vehicle site for nine RV sites in an A1t- Agriculture 1 with Agri-tourist Accommodation Zone on the property. The proposal includes a landscape buffer and deer fencing along the orchard to the north and wetland to the east. Retaining walls are required to support the access road .

During site work, soils and vegetation adjacent the protected wetland on the property to the east of the RV Park was disturbed. The landscape plan has outlined erosion control measures to protect the wetland during construction and a seed mix for hydroseeding the sensitive areas as part of the DP.

Proposed RV Layout: 1160 McKenzie Rd



Landscape Plan: 1160 McKenzie Rd



Plant List: 1160 McKenzie Rd

PLANT LIST

BOTANICAL NAME	COMMON NAME	QTY	SIZE/SPACING & REMARKS
PICEA PUNGENS	COLORADO SPRUCE	16	2.0m HT.
PICEA PUNGENS 'BACKERI'	BAKERI SPRUCE	12	1.5m HT.
ULMUS AMERICANA 'BRANDON'	BRANDON ELM	9	6cm CAL.
SHRUBS			
CHRYSOTHAMNUS NAUSEOSUS	RABBIT BUSH	18	#01 CONT. /1.8M O.C. SPACING
CORNUS SERICEA	RED OSIER DOGWOOD	7	#01 CONT. /3.0M O.C. SPACING
MAHONIA AQUIFOLIUM	OREGON GRAPE HOLLY	18	#01 CONT. /1.5M O.C. SPACING
RIBES ALPINUM	ALPINE CURRANT	18	#01 CONT. /1.8M O.C. SPACING
ROSA WOODSII	WOOD'S ROSE	19	#01 CONT. /1.5M O.C. SPACING
SYMPHORICARPOS ALBUS	SNOWBERRY	18	#01 CONT. /1.5M O.C. SPACING

3.3 Site Context

The subject property is located at 1160 McKenzie Rd along the upper Rutland Bench in the eastern part of the City. Twelve rural residential lots are near the subject property to the northwest, while several rural residential lots are directly to the south. The property underwent a homesite severance subdivision in 1997, which lies to the south of the proposed RV Park.

The subject property is in the ALR. Land use to the north, east, south and southeast is zoned agricultural and is surrounded completely by properties in the ALR. The subject property is within the Black Mountain Irrigation District (BMID) water supply area.

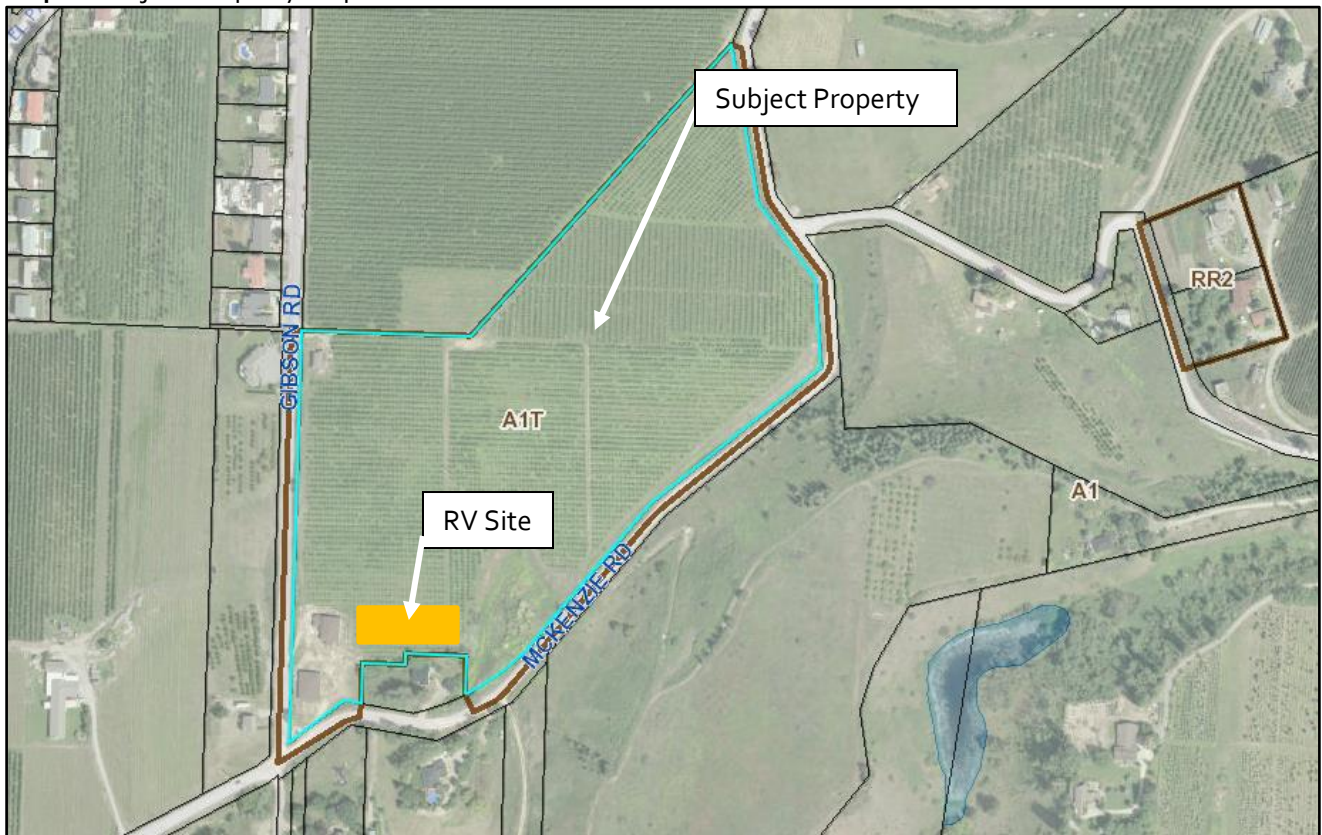
Parcel Summary – 1160 McKenzie Rd Road:

Parcel Size: 9.76 hectares (24.12 acres)
 Elevation: 506.0 to 520.0 metres above sea level (masl)

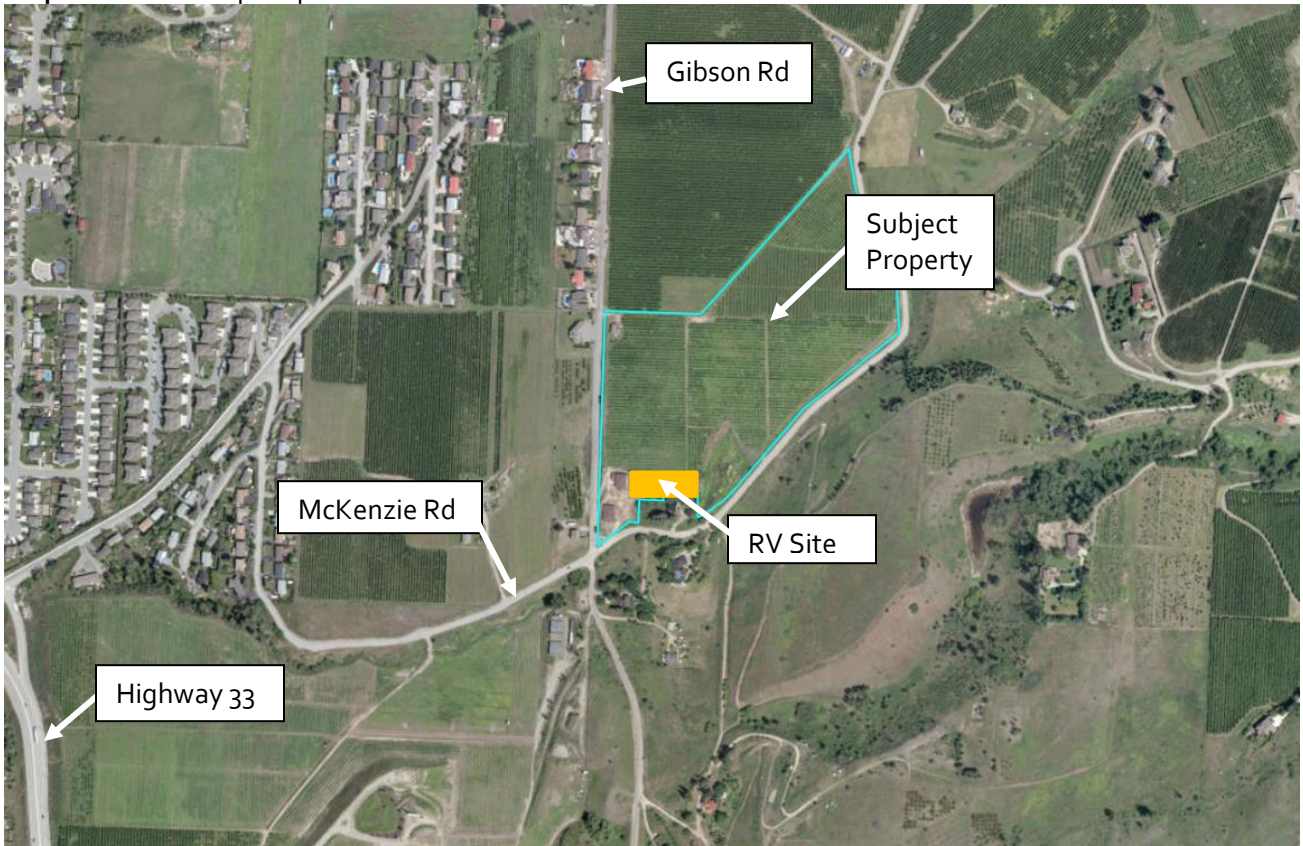
Specifically, adjacent land uses are as follows:

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

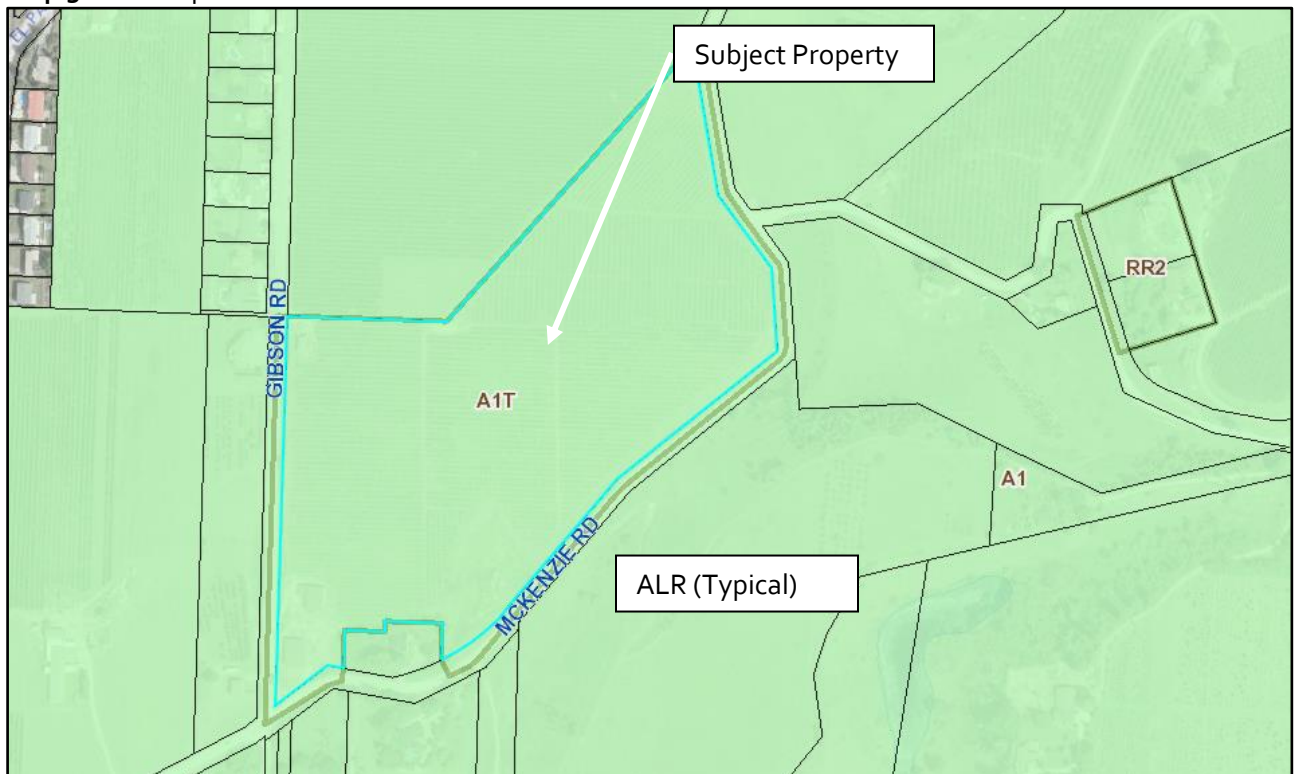
Map 1: Subject Property Map - 1160 McKenzie Rd



Map 2: Context Map Map - 1160 McKenzie Rd



Map 3: ALR Map - 1160 McKenzie Rd



3.4 Zoning Analysis Table

Applicable zoning requirements as it relates to the subject property for the A1t – Agriculture 1 with Agri-tourist Accommodation zone is outlined below.

Zoning Analysis Table		
CRITERIA	A1t ZONE REQUIREMENTS	PROPOSAL
Regulations Bylaw No. 8000 Section 11.8 – Agri-tourist Accommodation ¹		
Minimum Lot Size	4.0 ha	9.76 ha
Maximum Units Per hectare	1 unit per hectare	9 units
Site Coverage	5%	3.16%
Setback to any lot line	10 m	14 m or greater
Surfacing	Permeable Surfacing	Permeable Surfacing (Crushed Gravel)
Landscape Buffer	Level 5 Landscape Buffer (including fencing) around the perimeter of the agri-tourist accommodation and abutting properties	Fencing along the orchard, wetland and property to the south.
Sanitary	Sanitary Dump provided	Sanitary Dump provided
Regulations Bylaw No. 8000 Section 7.5.9 – Agri-tourist Accommodation		
Retaining Wall Height	not to exceed 1.2m in height	2.0 m height 1
¹ Per Bylaw 8000, Section 11.8 (Note the property received zoning prior to this section being deleted from bylaw, but the section applies to the property). 1 Indicates a requested variance to Bylaw 8000, Section 11.8 a Level 5 Landscape Buffer (incl. fencing) is required around the perimeter of the agri-tourist accommodation. 1 Indicates a requested variance to Bylaw 8000, Section 7.5.9 7.5.9 Retaining walls on all residential lots must not exceed a height of 1.2 m measured from grade on the lower side.		

4.0 Current Development Policies

4.1 Kelowna 2030 Official Community Plan: Greening Our Future (OCP)

Farm Protection DP Guidelines¹

The objectives of the Farm Protection DP Guidelines are to:

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

Guidelines²

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.

¹ City of Kelowna 2030 Official Community Plan (2011) - Farm Protection Development Permit Chapter; p. 15.2 - 15.4.

² City of Kelowna 2030 Official Community Plan (2011) - Farm Protection Development Permit Chapter; p. 15.3

Objectives

Objective 5.33 Protect and enhance local agriculture³.

Policy. 1 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.

Objective 5.34 Preserve productive agricultural land⁴.

Policy. 3 Homeplating. 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.

4.2 Ministry of Agriculture (MOA)

Regulating Agri-Tourism and Farm Retail Sales in the Agricultural Land Reserve. Discussion Paper and Proposed Minister's Bylaw Standards.⁵

Proposed Definition: *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.

Proposed Definition: *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 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.

Report prepared by:

Melanie Steppuhn, Land Use Planner

**Reviewed by
Approved for Inclusion:**



Todd Cashin, Suburban and Rural Planning Manager

Attachments:

Site and Grading Plans
Landscape Plan
Site Photos

³ City of Kelowna 2030 Official Community Plan (2011) - Development Process Chapter; p. 5.35.

⁴ City of Kelowna 2030 Official Community Plan (2011) – Development Process Chapter; p. 5.36.

⁵ Ministry of Agriculture, Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve, Discussion Paper and Proposed Minister's Bylaw Standards. September 13, 2015