

REPORT TO COUNCIL



Date: September 11, 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (MS)

Application: DP17-0130 **Owners:** 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

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: A1t – Agriculture 1 with Agri-tourism Accommodation

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP17-0130 for Lot 4, Section 25, Township 26, ODYD Plan 1760 Except Plan KAP60715, located at 1160 McKenzie Rd, Kelowna, BC subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) Landscaping to be provided on the land be in accordance with Schedule "B"; and
- c) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To consider a Farm Protection Development Permit for buffering and placement of a recreational vehicle (RV) site for nine RV sites in an A1t – Agriculture 1 with Agri-tourist Accommodation Zone.

3.0 Community Planning

This property is unique in the City, in that it is one of two that has received A1t – Agriculture 1 with Agri-tourist Accommodation zoning from Council. It was the first in the City that received this designation in 2015. However, the agri-tourism site has not been built to date.

A brief history of agri-tourism accommodation in the ALR within the City follows in Table 1, below.

Table 1: History of Agri-tourism Accommodation in the ALR

Year	Agency	Action	Result
2003	Province of BC	Included agri-tourist accommodation as a permitted non-farm use in the ALC Regulation, one that can be regulated or prohibited by local government.	13 Agri-tourist Accommodation operations built through this regulation.
2010	City of Kelowna	Approved the A1t – Agriculture 1 with Agri-tourist Accommodation zone, in order to conform with Provincial regulations, which outlined requirements for agri-tourist operations in the City .	2 properties, including the subject property, received the A1t zone between 2010 and 2016.
2016	City of Kelowna	Removed the A1-t – Agriculture 1 with Agri-tourist Accommodation zone as a permitted use in the A1 zone.	No additional agri-tourist operations since 2017.

In 2015 Council approved a zone amendment for the property of A1t- Agriculture with Agritourist Accommodation for the subject property. At this time, a Development Permit (DP) was issued for nine RV units. However, the site cannot be constructed as proposed in the previous DP, and it has since lapsed. The previous plan did not adequately accommodate the turning radius for the RVs. The new DP accommodates the required turning radius.

As the zoning was approved by Council in 2015, the land use is not under consideration in this application; only development permit considerations such as siting and landscape buffering.

Community Planning supports the Development Permit as proposed. The applicant has provided a landscape plan which addresses the required vegetation buffers. In addition, vegetation screening has been proposed to hide a retaining wall that faces Gibson Road.

Community Planning notes the following regarding the development permit application:

- The use is permitted in the existing zone authorized by Council in 2015;
- The property had an expired Development Permit that can no longer be constructed as proposed; and
- The property is in the Agricultural Land Reserve.

4.0 Proposal

4.1 Background

In 2015, the applicant received a rezoning amendment for the subject property for A1t - Agriculture 1 with Agri-tourist Accommodation. 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 was initiated in 2016. A Development Permit (DP14-0028) was issued for the project. During construction of the house and the fruit

stand, revisions were required and subsequently the previous site plan could not be constructed as proposed. Subsequently, DP14-0028 expired. This Development Permit proposed a new plan that adequately accommodates the required turning radius of the RVs, as well as the grades of the property.

4.2 Project Description

The proposed layout is for nine RV sites which includes a landscape buffer and deer fencing. Retaining walls are required to support the access road. Landscape screening has been proposed to hide the wall that that faces Gibson Road. The access to the RV Park will be from McKenzie Road, and this location has been approved by the Development Engineering Department. Accommodation for a septic field has been made in the plan. Details of the layout, grading plan and landscape buffer are attached.

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

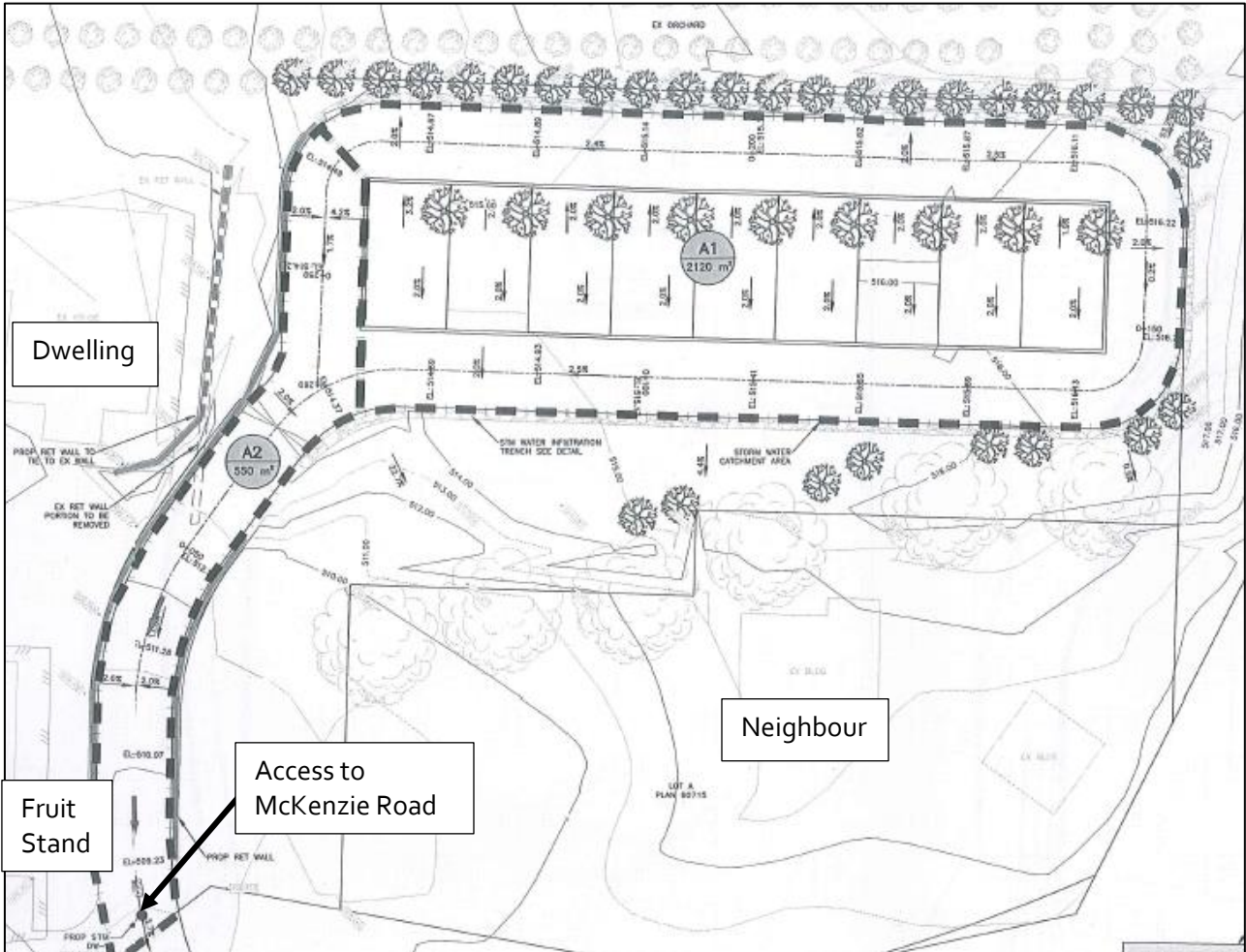
The expired development permit that has since expired is shown below.

Previous RV Layout (Expired DP): 1160 McKenzie Rd

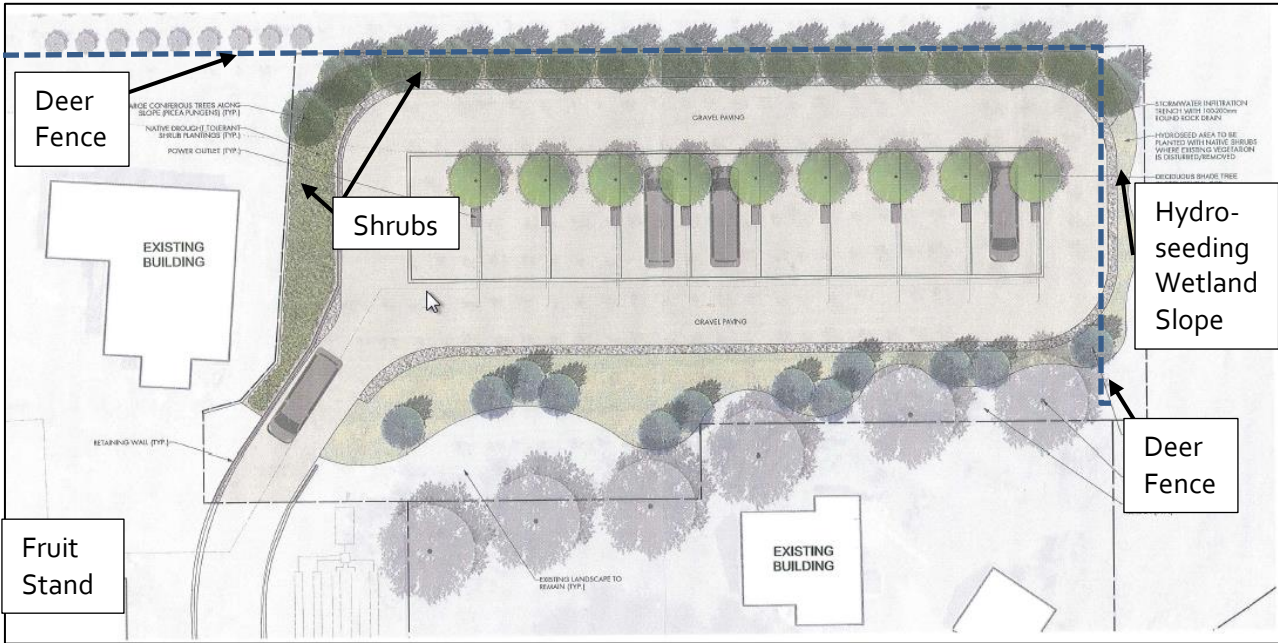


The current proposed layout is shown below.

Current Proposed RV Layout: 1160 McKenzie Rd



Landscape Plan: 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

4.3 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.

The property has a residence, fruit stand and a small farm help dwelling at the northwest corner of the property. The remainder of the site is intensively planted in apples.

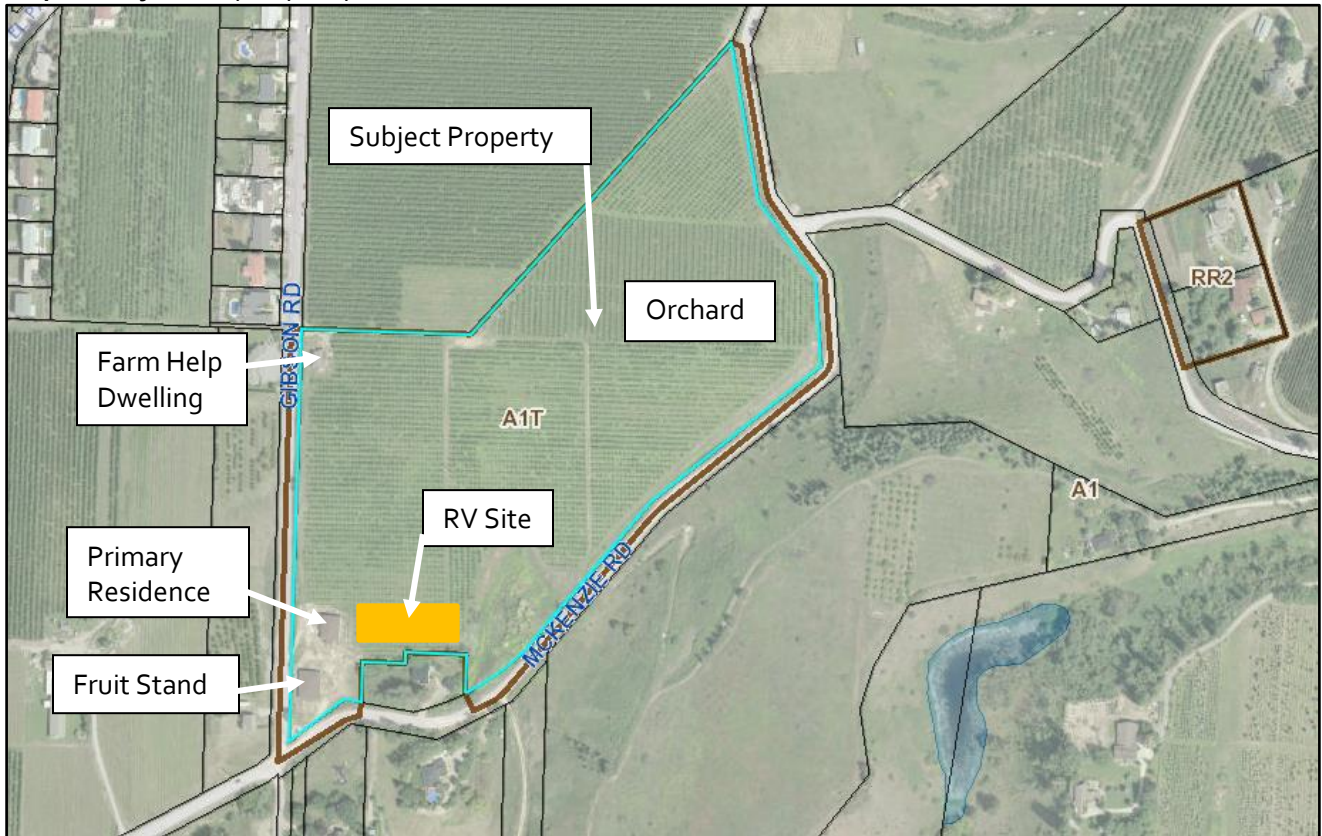
Parcel Summary – 1160 McKenzie Rd Road:

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

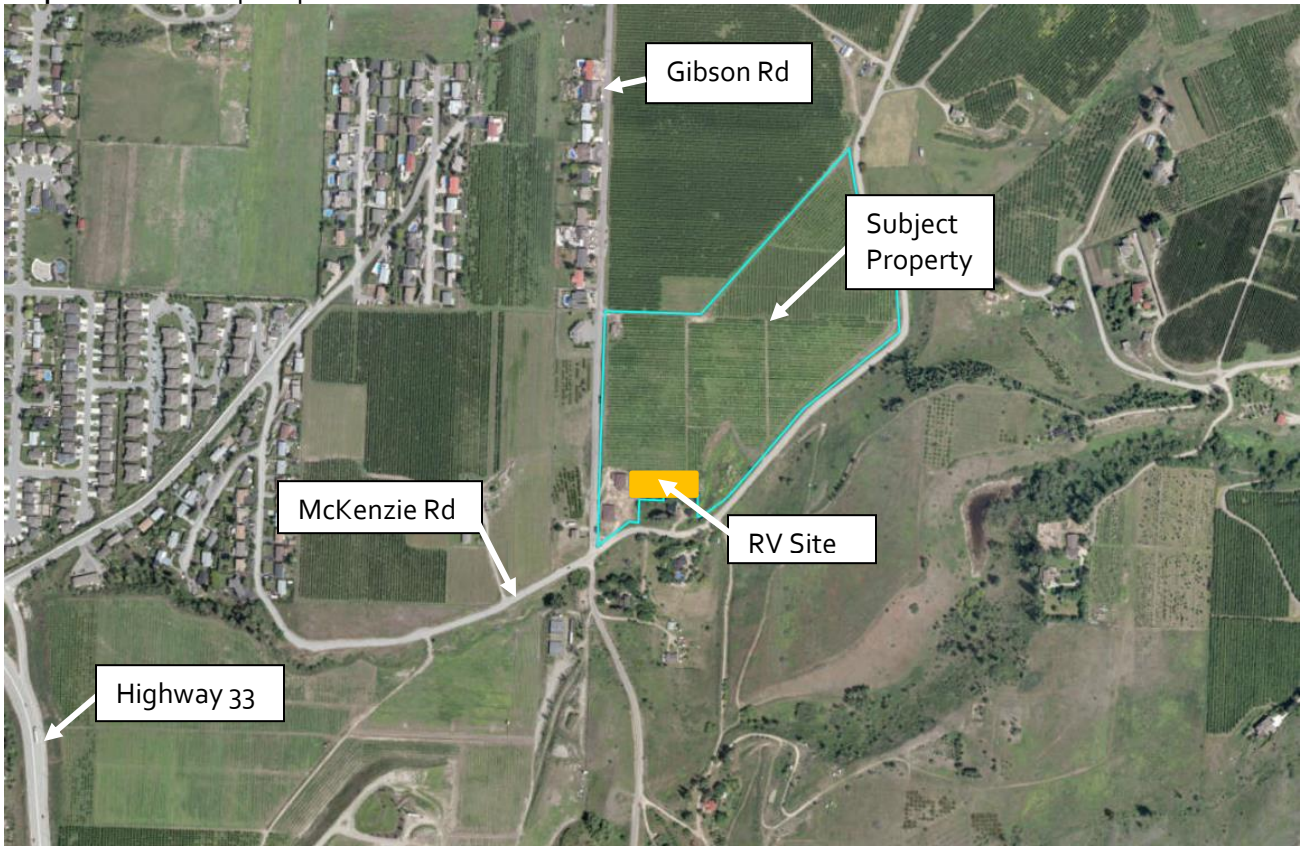
Specifically, adjacent land uses are as follows:

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

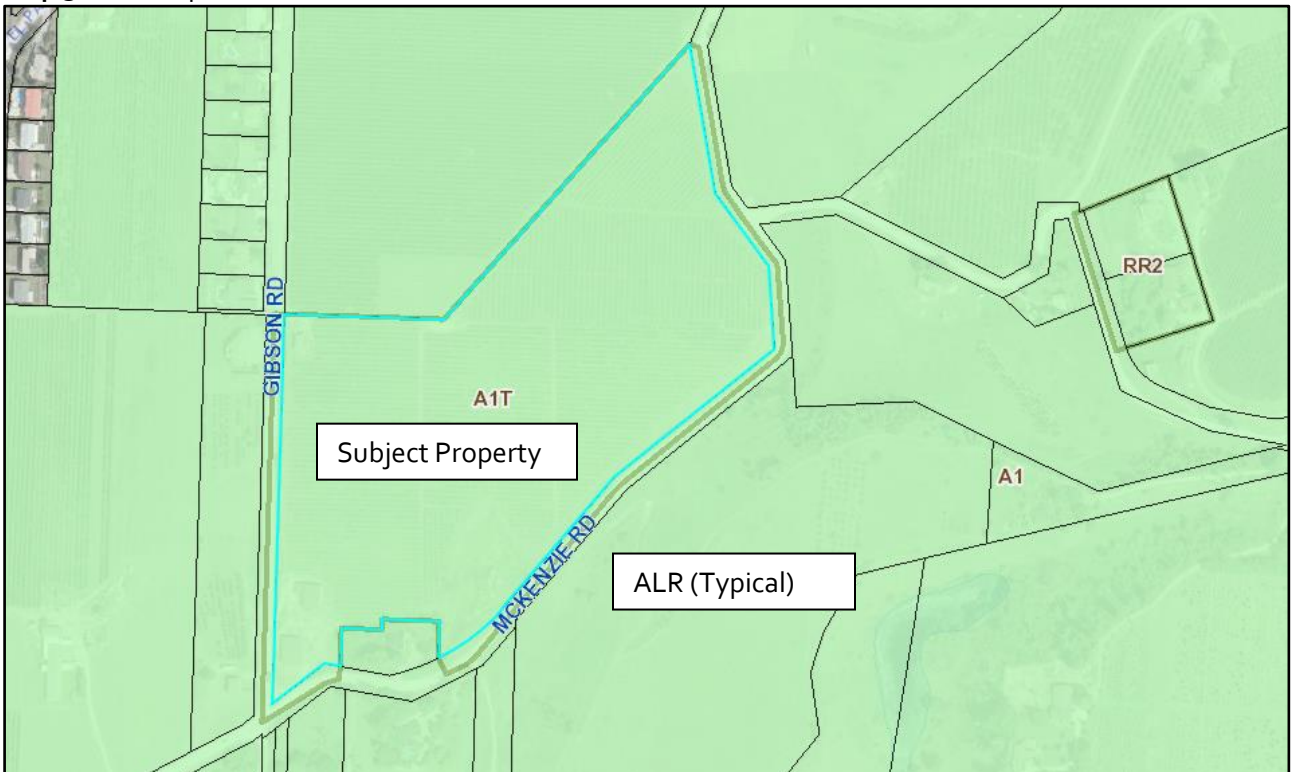
Map 1: Subject Property Map - 1160 McKenzie Rd



Map 2: Context Map Map - 1160 McKenzie Rd



Map 3: ALR Map - 1160 McKenzie Rd



4.4 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
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).		

5.0 Current Development Policies

5.1 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.

6.0 Technical Comments

6.1 Building & Permitting Department

- Any retaining walls or slope stability to platform the building sites are required to be designed by a geotechnical engineer and the work done as part of the subdivision.
- Locations of rock pits to clearly determined on site grading plans and comment for design should be provided in the geotechnical report.
- Any sloped areas above the building platform should have a drainage swale system before the property line to deal with potential overland water flows issues.
- Fire department should provide comment on the required turn a rounds or hammer heads required for phased road construction.

6.2 Development Engineering Department

- The requirements for setbacks, buffers and landscaping must be considered. Development Engineering will defer comment on those and other issues to the City Suburban and Rural Planning Manager.
- This application has no impact on existing municipal infrastructure.
- This property is limited to one access on McKenzie Road, paved, maximum 6m.
- Demonstrate safe sight line distances at access.
- The short cut across the SW corner of 1160 McKenzie Rd at Gibson Rd poses safety issues. Provide 6m corner rounding and close the shortcut route to vehicles. Alternatively, the applicant may dedicate this area to the City for future intersection improvements.

6.3 Fire Department

The Building Inspections Department Manager has reviewed the plans for access to a fire hydrant. There is one within 45 metres of the property along McKenzie Road. While this satisfies the City's requirements for fire hydrant access, the applicant may want to inquire with their insurance provider to see if a private hydrant is required for their coverage.

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.

7.0 Application Chronology

Date of Application Received: May 16, 2017

Date Landscape Plan Completed: August 1, 2017

Agricultural Advisory Committee June 8, 2017

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on June 8, 2017 and the following recommendations were passed:

Moved by Ed Schiller/Seconded by Tarsem Goraya

THAT the Agricultural Advisory Committee recommends that Council support Development Permit Application No. DP17-0130 for the property located at 1160 McKenzie Road for buffering of a recreational vehicle site for nine (9) RV sites in the A1t - Agriculture 1 with Agri-tourist Accommodation zone;

AND THAT Agricultural Advisory Committee recommends that Council put in place measures to ensure that the buffering as proposed be completed.

Carried

Report prepared by:

Melanie Steppuhn, Land Use Planner

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:

- Draft Development Permit
- Schedule A - Site and Grading Plans
- Schedule B - Landscape Plan
- Site Photos