



Regional Board Report

TO: Regional Board

FROM: Todd Cashin
Director of Community Services

DATE: May 27, 2019

SUBJECT: Temporary Use Permit (TUP-18-01)
Eldorado Ranch Ltd. c/o C. MacPherson (agent)
5932 Old Vernon Road
Central Okanagan East Electoral Area

Voting Entitlement: *Custom Vote – Electoral Areas and Kelowna Fringe Areas – 1 Director, 1 Vote*

Purpose: To consider issuance of a Temporary Use Permit to operate an outdoor petting zoo business located at 5932 Old Vernon Road for a period of three years.

Executive Summary:

A Temporary Use Permit has been requested to operate an outdoor petting zoo business. It is anticipated that up to 2,000 people per day may attend, operating over a five-hour period throughout the high season in July and August. In regards to land-use approvals, the use is not a permitted use under the A1 Agriculture zone; therefore, a Temporary Use Permit is required.

In accordance with the *Local Government Act*, the applicant is requesting issuance of a three year permit. It is the intent of the applicant to obtain approval and establish the business at the proposed location under a temporary basis prior to a permanent remedy through submission of, and approval of an OCP amendment and rezoning application. The greatest potential for negative impacts to the surrounding area are increased traffic and parking as a result of the Kangaroo Creek Farm.

At time of writing this report, two letters of support and four letters of opposition have been received from neighbouring property owners, and numerous concerns have been identified by various agencies. The conditions listed in the recommendation are based on comments received to date, as well as previous approvals granted by the Regional Board for the operation of businesses under a Temporary Use Permit.

RECOMMENDATION:

THAT Temporary Use Permit TUP-18-01 for Eldorado Ranch Ltd. c/o C. MacPherson to operate an outdoor petting zoo business (Kangaroo Creek Farm) to take place on part of Lot 2, Plan 3497, District Lot 120, ODYD – 5932 Old Vernon Road be issued subject to the following conditions:

- There be no changes to the proposed site plan or site footprint prepared by Ecoscape Environmental Consultants Ltd. dated May 6, 2019;

- Operate the business only between the months of March through to October;
- Receipt of approval from the RDCO Manager of Fire Services regarding an evacuation plan;
- Receipt of approval from Interior Health regarding hand washing facilities;
- The applicant to obtain a commercial access permit from the Ministry of Transportation and Infrastructure;
- Obtain an annual RDCO Business License;
- No permanent structures are to be constructed or situated on the site;
- Use of water from Mill Creek is unauthorized;
- Parking area to be converted and restored after non-farm use ceases (e.g. gravel removal);
- Should the temporary use cease on the property, all materials related to the business are to be removed from the property to the satisfaction of the RDCO;
- Existing on-site services (water and sewer) will not be used to support the operation of the business unless authorized by Interior Health and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development;
- No impact to the operation and/or maintenance of Kelowna International Airport (YLW);
- The applicant is to apply for and receive building permits for all temporary buildings or structures over 10 m² to the satisfaction of the RDCO Building Inspection Services;
- All parking to be contained on site in accordance with the parking plan prepared by Jade Bay Constructions Ltd. dated May 8, 2019;
- Installation of appropriate fencing/landscape buffering as determined by the ALC;
- In accordance with the RDCO Noxious Weed Control Bylaw No. 179, the owner or occupier of the land shall prevent the infestation of noxious weeds and cut down or otherwise destroy and mulch or remove all noxious weeds and plant with native grasses or other native vegetation;
- No further buildings, structures, land clearing, vegetation removal, or activity related to the outdoor petting zoo business is permitted within 30 metres of the High Water Mark/Top of Bank of Mill Creek; other than that recognized and approved in this Permit;
- All riparian restoration and mitigation activities must be completed as per the recommendations contained in the April 4, 2019 Memorandum conducted by Ecoscape Environmental Consultants Ltd. to the original April 2018 Environmental Assessment conducted by Ecora Engineering and Resource Group Ltd.;
- The applicant shall post a Letter of Credit or bank draft in the amount of \$13,375.00 in order to ensure completion of riparian restoration works and the removal of the materials used for the parking lot, driveway, and other crushed gravel pads associated business after non-farm use ceases. Ninety per cent (90%) of this amount is refundable upon completion of said works and receipt of a substantial completion report signed by a registered professional. The remainder of the bond shall be held to the satisfaction of Regional District Community Services staff;
- The land owner shall obtain the services of an Environmental Monitor to ensure the recommendations of the Development Permit are implemented;
- Best Management Practices are to be used as a means to protect the riparian area;

- The Environmental Monitor shall submit monitoring reports as needed and shall prepare a substantial completion report upon completion of construction and restoration works indicating substantial completion of the conditions and requirements of the Development Permit have been carried out; and
- In the event that greater disturbance occurs due to unforeseen circumstances, the Environmental Monitor will recommend further measures to protect/restore the natural integrity of the site and report on these measures to the RDCO.

AND FURTHER THAT the Temporary Use Permit shall expire on May 27, 2022, and all uses temporarily authorized by the Permit shall cease upon expiry of the Permit, unless otherwise authorized.

Respectfully Submitted:



Todd Cashin
Director of Community Services

Approved for Board's Consideration



Brian Reardon, CAO

Prepared by: Danika Dudzik, Environmental Planner

Implications of Recommendation:

Strategic Plan:	Conditional Issuance of the Temporary Use Permit meets the 2015-2018 Strategic Priorities Plan <ul style="list-style-type: none"> • Strategic Priority #3: Promote and support economic opportunity • Strategic Priority #4: Promote responsible environmental protection
Policy:	Conditional Issuance of the Temporary Use Permit complies with <ul style="list-style-type: none"> • Regional Growth Strategy Bylaw No. 1336 • Ellison Official Community Plan Bylaw No. 1124
Legal/Statutory Authority:	Part 14, Division 8 of the <i>Local Government Act</i> states that a local government may issue a temporary use permit which may allow a use not permitted by a zoning bylaw, specify conditions under which the temporary use may be carried on, and/or allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. The permit may be issued for up to three years with the option of one renewal for an additional three years. Furthermore, a local government may require security to guarantee the performance of the terms of the permit.

Background:

History:

Historically, Temporary Use Permit (TUP) applications have been applied for to consider various businesses in the Central Okanagan East Electoral Area that are not permitted in respective zoning regulations.

At time of considering past TUP applications, the Regional Board has identified the temporary nature of these applications and the need for a subsequent permanent remedy upon expiry. The scope of operation associated with the current TUP application is unprecedented within the RDCO.

The applicant is requesting issuance of a TUP in order to operate an outdoor petting zoo business to facilitate the relocation of Kangaroo Creek Farm which has been operating in the District of Lake Country since the late 1980's; originally operating as a private hobby farm and in more recent years been open to the general public. The popularity of the business at the current location and associated impacts such as lack of on-site parking has contributed to the proposed relocation.

The subject property has been selected by the applicant as it is seen as ideal due to the availability of grazing areas, parcel size, viable access/egress, and would accommodate enough space to satisfy the parking requirements associated with the operation.

As the subject property is located within the Agricultural Land Reserve (ALR) and the proposed operation is not considered a farm-use under the *Agricultural Land Commission Act*, the applicant submitted an application to the Agricultural Land Commission (ALC) for non-farm use. The application to consider a non-farm use to occur within the ALR (A-18-02) was conditionally supported by the Regional Board on May 28, 2018. Subsequent to consideration by the Regional Board, the application was forwarded to the ALC for consideration. On February 1, 2019 planning staff received the decision by the ALC. Conditional approval was granted to conduct a non-farm use in the Agricultural Land Reserve as outlined in ALC Application 57354 Resolution #29/2019 (see attached). The current TUP proposal is in accordance with the conditions outlined in the ALC's approval.

Project Description:

The subject property is currently vacant and unoccupied and has not been operating as an active agricultural operation for many years. Planning Services staff are of the understanding that the applicant has entered in to a long term lease with the landowner for the proposed use.

The applicant is requesting issuance of a TUP in order to operate an outdoor petting zoo business on approximately 3.8 ha (9.5 acres) of the subject property. Kangaroo Creek Farm anticipates up to 2,000 people per day, operating over a five-hour period throughout the high season in July and August. Kangaroo Creek Farm anticipates only up to 400 people per day, operating over a five-hour period March through June and September through October. Extensive information regarding the current proposal is contained in the Kangaroo Creek Farm submission (see attached) including plans for management of the operation.

The operation is modelled after an Australian wildlife park where visitors are permitted to wander the site among the animals and interact with them under the supervision of trained guides. Kangaroo Creek Farm contains extensive educational material and best practices for interacting with the animals and is separated into two pasture areas and a picnic/historical interest area which offer varying experiences to visitors.

The outdoor petting zoo business contains a variety of animals and birds including, kangaroos, wallabies, emu, goats, mara capybara, pigs, llama, miniature ponies, fancy chickens, domestic ducks, and peacocks and are spread out throughout the pasture areas. These animals are currently permitted under RDCO bylaws (**Note:** However, under the Regional District's Prohibited Animal Bylaw No. 1028, marsupials (ie: kangaroos) are prohibited. Currently, Central Okanagan East Electoral Area does not participate in the service).

Further, the operation does not contain any controlled alien species listed under the Controlled Alien Species Regulation.

The proposal includes the construction of an unpaved parking area, a public picnic area with portable toilets, modest water features, and two distinguished pastures (fenced areas for animal grazing). Portable accessory buildings (e.g. Atco trailers and greenhouse) will be utilized for storage of equipment and supplies, shelter for the animals, and administrative purposes. These structures are subject to RDCO Building Permit requirements.

Parking/Access

The parking area will be 0.71 hectares (1.75 acres) in size. In accordance with the parking plan prepared by Jade Bay Constructions Ltd. the parking area will accommodate 288 parking spaces for varying vehicle sizes. The applicant has indicated that this is more than twice the amount of spaces available associated with their current location. As part of the proposal, the applicant will be screening the parking area from the adjacent residential neighbourhood, marking stalls and drive aisles, include one way traffic flow, ensure appropriate signage, and parking lot attendants will be utilized as necessary. All parking is to be contained on site in accordance with the parking plan. There is no current provision provided for off-site parking.

Kangaroo Creek Farm will utilize the existing access to the subject property from Old Vernon Road. This access will accommodate two-way traffic and is the only point of entry and exit proposed for the petting zoo business.

Environmental Impacts

The proposed disturbance footprint of Kangaroo Creek Farm results in minor encroachment along the fringe of the existing riparian community associated with Mill Creek and overlaps the RDCO Aquatic Development Permit Area (DPA). Ecora Engineering & Resource Group Ltd. (Ecora) was retained by the applicant to complete an environmental assessment at the subject property. Overall findings of the assessment included:

- High quality riparian woodland and shrub communities along Mill Creek;
- Proposed footprint generally avoids the high value Environmentally Sensitive Areas (ESA 1 and 2), although there is minor amount of encroachment along the outer edge of the riparian community;
- Majority of the proposed development occurs within Environmentally Sensitive Area 4 (not sensitive);
- The development as proposed will not result in the removal of trees or shrubs within the riparian community and exclusion fencing will be installed surrounding the development footprint; and
- The proposal does anticipate minimal impacts to the environment however, potential adverse environmental effects will be appropriately mitigated.

Since the April 2018 assessment prepared by Ecora, Ecoscape Environmental Consultants Ltd. (Ecoscape) was retained by the applicant to define the limits and depict the disturbance boundary of the operation which was included in the April 4, 2019 Memorandum appended to the original environmental assessment. The memo includes some modifications to ESA polygons, a change to the proposed fencing footprint to accommodate a larger wildlife corridor, and specific locations and prescriptions for revegetation/ riparian restoration.

Ecoscope concludes that the restoration efforts proposed within the SPEA of Mill Creek, including additional protection for existing riparian vegetation, will increase the environmental value of the riparian area beyond what was suggested in the original assessment, and allow a shaded area for animals kept on the property in areas designated as ESA. There will be no loss of ESA 1 vegetation communities.

All riparian restoration and mitigation activities must be completed as per the recommendations contained in the April 4, 2019 Memorandum conducted by Ecoscope Environmental Consultant Ltd. to the original April 2018 Environmental Assessment conducted by Ecora Engineering and Resource Group Ltd. No further construction of, addition to or alteration of a building or structure; or alteration or clearing of land is to occur within Development Permit Areas as outlined in the Ellison OCP without prior notification and approval by RDCO.

Portable Washrooms & Hand Wash Stations

Multiple self-contained portable washrooms and hand wash stations will be located on site. One of the portable washrooms can accommodate a wheelchair. These units do not connect to any onsite services and are serviced regularly by a private off-site company. During the high season the units are served daily. The portable washrooms and hand wash stations will be strategically placed throughout the operation with the washrooms screened for aesthetic purposes.

Regional Growth Strategy Bylaw No. 1336

- Policy No. 3.2.1.3 “Support the protection of the rural areas that offer a rural lifestyle choice”.
- Policy No. 3.2.1.8 “Support the protection of ALR lands and land uses which are supportive and/or complimentary to agricultural use”.
- Policy No. 3.2.2.9 “Support effectively managing and protecting the integrity of the Region’s critical assets such as the lakes, natural environment and agricultural lands that promote attraction of employment and investment”.
- Policy No. 3.2.5.6 “Promote the use of agriculture and ALR lands for food production and ancillary agriculture processing and retailing consistent with uses outlined in the Agricultural Land Commission Act and Regulation”.
- Policy No. 3.2.8.3 “Manage growth to minimize disturbance to habitat, watershed and natural drainage areas and systems”.
- Policy No. 3.2.8.7 “Protect natural environments, parks and water systems, as these systems are essential to the quality of life in the Okanagan that support active and healthy lifestyles”.

Ellison Official Community Plan Bylaw No. 1124

Section 14 - Agriculture and Rural Lands

- Policy No. 2.6 “Reduce the negative effects at the agriculture/urban interface. This will involve reviewing measures such as buffering requirements, reducing urban densities next to farms, developing setbacks, considering neighbouring farm practices when reviewing applications for land use, encouraging responsible farm practices, requiring a restrictive covenant for land adjacent to the ALR at the time of property development etc”.
- Policy No. 2.10 “Support the Agricultural Land Commission in maintaining the integrity of suitable agricultural land”.
- Policy No. 2.11 “Support the retention of large continuous blocks of agricultural land and discourage fragmentation”.

Section 17 - Temporary Use Permits are permits to allow specific land uses to occur for a short period of time, and may be considered by the Regional Board in any Ellison Official Community Plan designations. Conditions may be applied to the permit, such as the area of use, the hours of use, appearance, site rehabilitation and holding of security to ensure compliance.

Consideration of this permit is based upon the following general conditions:

- The use must be clearly temporary or seasonal in nature,
- The use should not create an unacceptable level of negative impact on surrounding permanent uses, and
- An outline provided of when and how the temporary use in that location will be concluded.

In this instance, the proposed use is temporary in nature as it is seasonal and for a period of three years. The applicant has confirmed that a permanent solution is desired. The level of negative impact on surrounding permanent uses has been discussed within the following sections of this report: Project Description, Site Context, Agency Referral Comments, and External Implications.

Section 18 - Development Permits

- The proposal must address the objectives and policies of the Aquatic Ecosystem Development Permit Area (DPA). Any further proposed development within the DPA will require the issuance of a Development Permit prior to any land disturbance or construction activities (including but not limited to land clearing). An environmental assessment and memorandum to the original assessment defining the limits of disturbance and riparian restoration and mitigation has been prepared for the proposal.
- Specific objectives of the Aquatic Ecosystem DPA applicable to this application include the protection, restoration, and enhancement of aquatic ecosystems and protection of vital wildlife functions such as water source and fish habitat.

Site Context:

The site is located in the community of Ellison, within Central Okanagan East Electoral Area and is located within an area of active agriculture operations as well as being directly adjacent to the Kelowna International Airport (YLW). The subject property is +/- 22.3 ha (55 acres) in size; of this total, approximately +/- 3.8 ha (9.5 acres) are proposed for the operation of the business.

A portion of the subject area, specifically Mill Creek and the adjacent riparian areas, is affected by the Ellison Official Community Plan Aquatic Ecosystems Development Permit Area. The parcel is in the ALR, zoned A1 Agriculture, and has a Future Land Use of Agriculture.

Additional Information:

Owner:	Eldorado Ranch Ltd.
Agent:	C. MacPherson
Address:	5932 Old Vernon Road
Legal Description:	Lot 2, Plan 3497, District Lot 120, ODYD
Lot Size:	+/- 22.3 ha (55 acres)
Area of Land Affected	+/- 3.8 ha (9.5 acres)
Zoning:	A1 Agricultural
OCP Designation:	Agriculture

Business Sewage Disposal:	Portable washrooms
Business Water Supply:	Self-contained portable hand wash stations Water bottles available for purchase
Existing Use:	Vacant and unoccupied
Surrounding Uses:	<p>North: Old Vernon Road and Mill Creek / Agriculture</p> <p>South: Agriculture (orchards) and kennel service (Bark n' Fly)</p> <p>East: Small lot country residential/local commercial (Country Roads Estates)</p> <p>West: Kelowna International Airport (YLW)</p>
ALR:	Within the ALR
Fire Protection:	Within Ellison Fire Protection Area

RDCO TECHNICAL COMMENTS:

Inspection Services staff advises that in accordance with Regional District of Central Okanagan Building Bylaw No. 835 any future proposed buildings or structures (temporary or permanent) over 10 m² will require Building Permits. In accordance with the submitted site plan the following will be required:

- Placement Permits for the Atco Trailers; and
- Building Permit for the Greenhouse.

Further, Building Permits may be required for the facades associated with the Atco trailers.

Fire Services staff advises that the applicant must provide an evacuation plan and subsequent approval to the satisfaction of the Manager of Fire Services. In the event of an emergency, concerns were noted regarding access as fences are proposed around the entire operation. Any proposed outbuildings associated with the business must meet or exceed the BC Fire Code. In the Description of Temporary Use Permit – Kangaroo Creek Farm Section 8.0 Emergency Preparedness there is reference to a “Fire Hose”. Should a hose be marked as such it must meet BC Fire Code Section 6.4 and must meet NFPA 25 and NFPA 1962. Further, the hose must be in good physical condition, have proper connection to a water supply, presence and operability of the appropriate water supply, and must be serviced annually.

Bylaw Enforcement staff advises that none of the respective Regional District of Central Okanagan animal bylaws apply to the proposed Temporary Use Permit application. Noise Bylaw No. 403 may apply under certain conditions; however, the noise from animals would be exempt as the animals would be permitted as part of the Temporary Use Permit.

Agriculture Advisory Commission (AAC) recommends that the application be supported on the condition that a qualified professional determine an appropriate bond for remediation.

Environmental Advisory Commission (EAC) recommends that the application be supported as presented.

Anecdotal comments:

- There shall be no runoff into the creek as a result of the proposed operation.
- In accordance with the Sensitive Ecosystem Inventory, the sensitive ecosystems such as riparian communities (cottonwoods and riparian vegetation) shall remain intact and undisturbed.

Unaffected RDCO Departments include Parks Services and Environmental Services.

AGENCY REFERRALS:

Ministry of Transportation and Infrastructure staff advises that there are no concerns with the proposed Temporary Use Permit for the relocation of “Kangaroo Creek Farm”, however staff wish to work with the applicant to ensure that the proposed access to Old Vernon Road will function safely for the type of traffic that will be using it (cars, buses, emergency vehicles, etc.).

The applicant will need to submit a *Provincial Public Highway Permit Application* for a Commercial Access along with a detailed site plan and subsequent approval.

Ministry of Forests, Lands, Natural Resource Operations and Rural Development Water Authorization staff advises that Mill Creek runs through the property. Use of water from Mill Creek is unauthorized. It is noted that there are wells on the property. Non-domestic use of water from a well would require a licence based on the purpose (irrigation, livestock and animals, etc.)

Ministry of Agriculture staff advises from an agricultural perspective, the following comments are included for consideration:

- There are concerns regarding the impact of traffic on neighbouring and adjacent Agricultural Land Reserve (ALR) properties and encourage the applicant to engage with its neighbours and explore how any negative impacts may be alleviated. Providing notification to surrounding agricultural properties may assist them in planning their activities to minimize any potential conflict. Further, appropriate roadside signage directing people to the site may help alleviate some of these concerns.
- As of February 22, 2019, the *Agricultural Land Commission (ALC) Act* provisions and its regulations regarding soil or fill use have changed. The applicant may be required under s.20.3 of the ALC Act to submit a Notice of Intent to the Agricultural Land Commission (ALC). The applicant is encouraged to contact ALC staff to confirm. ALC's March 22, 2019 Information Bulletin 07 - Soil or Fill Uses in the ALR, provides detail on the recent changes and requirements.
- While the conditions of the ALC decision state that the parking lot and driveway must be permeable, and that no permanent structures are to be constructed for non-farm use, the RDCO may wish to consider *Local Government Act (LGA) s.495* and as a condition of approval, introducing a requirement that the removal of the materials used for the parking lot and driveway, the proposed greenhouse' s crushed gravel pad and windmill concrete pad, be removed and the land returned to its original state if for some reason the TUP ends or no longer becomes valid.
- *Local Government Act s.496* describes security requirements a local government may require to guarantee performance of the terms of the permit. Ministry staff suggest RDCO consider this option and establish reasonable conditions as per LGA s.496(2).

Kelowna International Airport (YLW) staff advises YLW is an active airport (both airplanes and helicopters) and there is concern that the noise resulting from operations could have a negative effect on the animals and/or the operations of the Kangaroo Farm. Staff advises conditional support subject the following:

- During freshet Kelowna International Airport would require access to Mill Creek, in accordance with the procedures required for accessing privately owned land.
- Parking is prohibited within 3m of any YLW perimeter fencing. If cars were parked within 3m of the YLW perimeter fence, YLW would have to act accordingly to mitigate the security risk.
- If animals were to enter the YLW perimeter fencing and become a safety issue, YLW would have to act accordingly to mitigate the safety risk.

City of Kelowna Planning and Engineering staff advises conditional support subject to the following:

- Driveway location to remain opposite Postill Drive for safety and sight lines;
- Sufficient on-site parking be provided; and
- No off-site parking on Old Vernon Road.

General Comments:

- Concerned with the possibility of street parking.
- Periodically a very popular destination, advised to identify an over flow parking area or secondary parking area.
- Landscape buffer adjacent to east boundary.

Road/Transportation Impacts:

- Old Vernon Road through the City is accessed from Hwy 97, currently designated a 2-lane Arterial.
- Anticipate that Old Vernon Road's need and use will increase as the airport and adjacent development proceeds.
- Within the City Boundaries, staff are working with adjacent owners to acquire the necessary (up to 30m) right-of-ways and protect this crucial link.

District of Lake Country staff advises in regards to economic development, staff are pleased to see that the Kangaroo Creek Farm is remaining within the Central Okanagan, as the business has been a major tourism draw.

Anecdotal comments:

Kangaroo Creek Farm has been operating in District of Lake Country since 2015 under the provision of a Temporary Use Permit. Previous staff reports to Council in consideration of the Temporary Use Permit application continuously identified parking congestion as a concern due to the large number of visitors at the site.

Glenmore-Ellison Improvement District staff advises at present, the subject property is not in the GEID servicing area. If the applicant wishes to connect to the GEID community water system, a boundary inclusion application shall be made to GEID. If Kangaroo Creek Farm is not going to connect to the GEID water system, GEID will have no concerns regarding the proposal.

Agricultural Land Commission staff advises that conditional approval was granted to conduct a non-farm use in the Agricultural Land Reserve as outlined in ALC Application 57354 (Resolution #29/2019). Further, the 1.76 acre (0.71 ha) parking lot, as identified in the site plan dated May 6, 2019, is in substantial compliance with the parking lot requirements of the respective resolution.

Interior Health staff advises there is little concern from an overall healthy communities perspective in allowing a petting zoo to operate on a temporary basis on the subject property provided adequate sanitation (hand washing) facilities are provided. Petting zoos present an opportunity for transmission of zoonotic (animal source) diseases; in particular to young children, pregnant women and elderly (all considered vulnerable populations). Best practice for mitigating this risk is providing adequate hand washing facilities and signage and information to inform the public about the risk of disease transmission and the importance of hand washing.

Best practice for hand washing facilities include hot and cold (warm) running water, soap and single use towels, and the water service be from a water system with a permit to operate under the *Drinking Water Protection Regulation* and the wastewater system is either connected to community sewer system or be in compliance with the *Sewerage System Regulation*. In addition, the hand washing facilities should be located in close proximity to where patrons exit from visiting with animals. Given the large number of anticipated patrons it is strongly recommended that sanitation facilities as described above be a condition of approval for the temporary permit.

Depending on the final scenario of the operation the following legislation may apply. Approval prior to construction and operation of water systems, sewerage systems and food service establishments is required.

- *Regulation Activities Regulation*
 - Division 2 - Public Sanitary Facilities and Toilets
- *Drinking Water Protection Act and Drinking Water Protection Regulation*
 - Hand washing facilities
 - Worker lunch room facilities
- *Sewerage System Regulation*
 - To manage all domestic sewage
- *Food Premises Regulation*
 - Any food service to the public including providing coffee
- *Health Hazards Regulation*
 - Provision of potable water to tenants

Staff has an interest in the preservation of farmland to support local agricultural capacity now and in the future. Agricultural capacity is a key aspect of local healthy food systems, contributing to community food security. In the interest of food security, staff advise the following:

- From a food security perspective, it is ideal that land in the ALR be used for its intended purpose. However, while this application does not directly support food security and our communities' ability to access local food, Kangaroo Creek Farm is an asset and benefits many residents and tourists. If all other non-ALR locations have been considered for re-location, then this non-farm use may be a benefit the community.
- If this application is approved, ensure any development on the property is done in a way that minimally impacts farmland and can be easily converted back to land that supports agriculture activities. This would preserve farmland for future agriculture uses.

- Farmland preservation helps to maintain a level of food production that contributes to food self-sufficiency, and food self-sufficiency increases food security and supports healthy eating. Food self-sufficiency in BC is increasingly important, as extreme weather will affect food production in California and elsewhere. Currently, California supplies 40%-50% of BC's imported fruits and vegetables.
- Greater availability of locally produced fruits and vegetables may increase their consumption.

FortisBC indicates that there are primary/and or secondary distribution facilities along Old Vernon Road and within the boundary of the existing parcel servicing existing infrastructure. FortisBC Inc (Electric) request appropriate land rights to protect the existing infrastructure in order to ensure proper delivery and maintenance to the service. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required. Otherwise, FortisBC has no concerns.

Unaffected Agencies include Telus, Shaw Cable, BC Hydro, and the RCMP.

External Implications:

In accord with provision of the *Local Government Act*, notice of the application was published in the local newspaper. Furthermore, Notice of Application signs were posted and notification forwarded to all property owners located within 100 metres of the subject property in accordance with the Development Applications Procedures Bylaw No 944.

At the time of writing this report, two letters of support and four letters of opposition have been received from neighbouring property owners. RDCO Planning staff has not received telephone calls or counter inquiries regarding the proposal.

A summary of the concerns raised by the public include an increase in traffic in the area and associated safety concerns, potential increase in incidents at the uncontrolled intersection of Old Vernon Road, Highway 97, and Dry Valley Road, need for ample on-site parking to ensure there is no parking on Old Vernon Road, need for adequate fencing height, negative impact of YLW operation on the animals, and negative impact of noisy animals associated with Kangaroo Creek Farm on adjacent neighbouring residents.

Alternative Recommendation:

Should the Board choose not to support the staff position, the following alternate recommendation is provided:

THAT Temporary Use Permit TUP-18-01 for Eldorado Ranch Ltd. c/o C. MacPherson to operate an outdoor petting zoo business NOT be issued.

Considerations not applicable to this report:

- *General*
- *Financial Considerations*
- *Organizational Issues*

Attachment(s):

- RDCO Subject Property & Orthophoto Maps
- Site plan, received May 6, 2019
- Parking Plan, received May 8, 2019
- Description of Temporary Use Permit – Kangaroo Creek Farm
- ALC Decision Letter February 1, 2019
- Letters of Support
- Letters of Opposition