

Temporary Use Permit Application (TUP-18-01) Renewal

Regional District of Central Okanagan Board Meeting

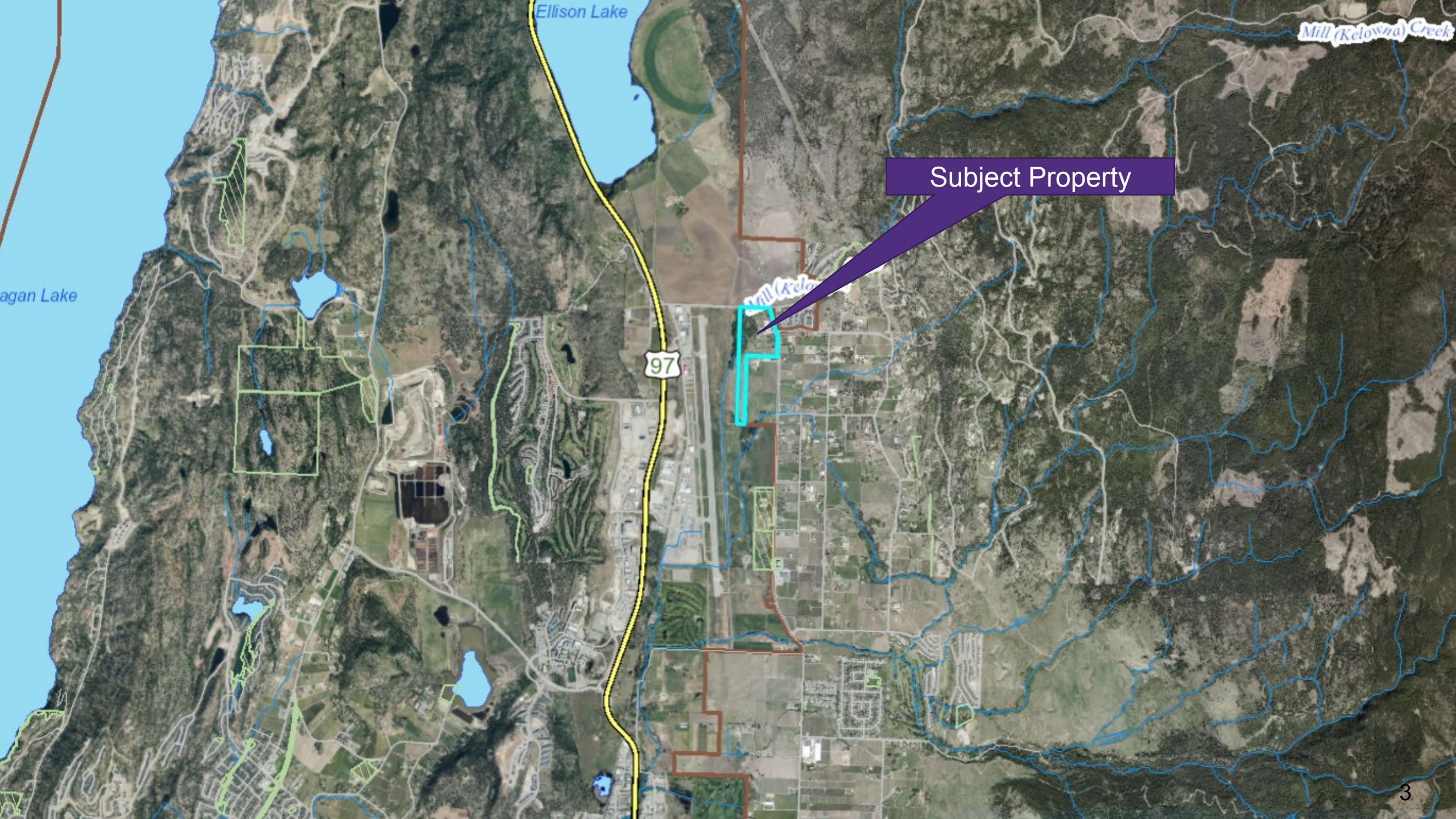
April 25, 2022

1450 K.L.O. Road
Kelowna, BC, V1W 3Z4
rdco.com



Purpose

To consider the renewal of a Temporary Use Permit to operate an outdoor petting zoo business on a portion of the subject property (Kangaroo Creek Farm)



Ellison Lake

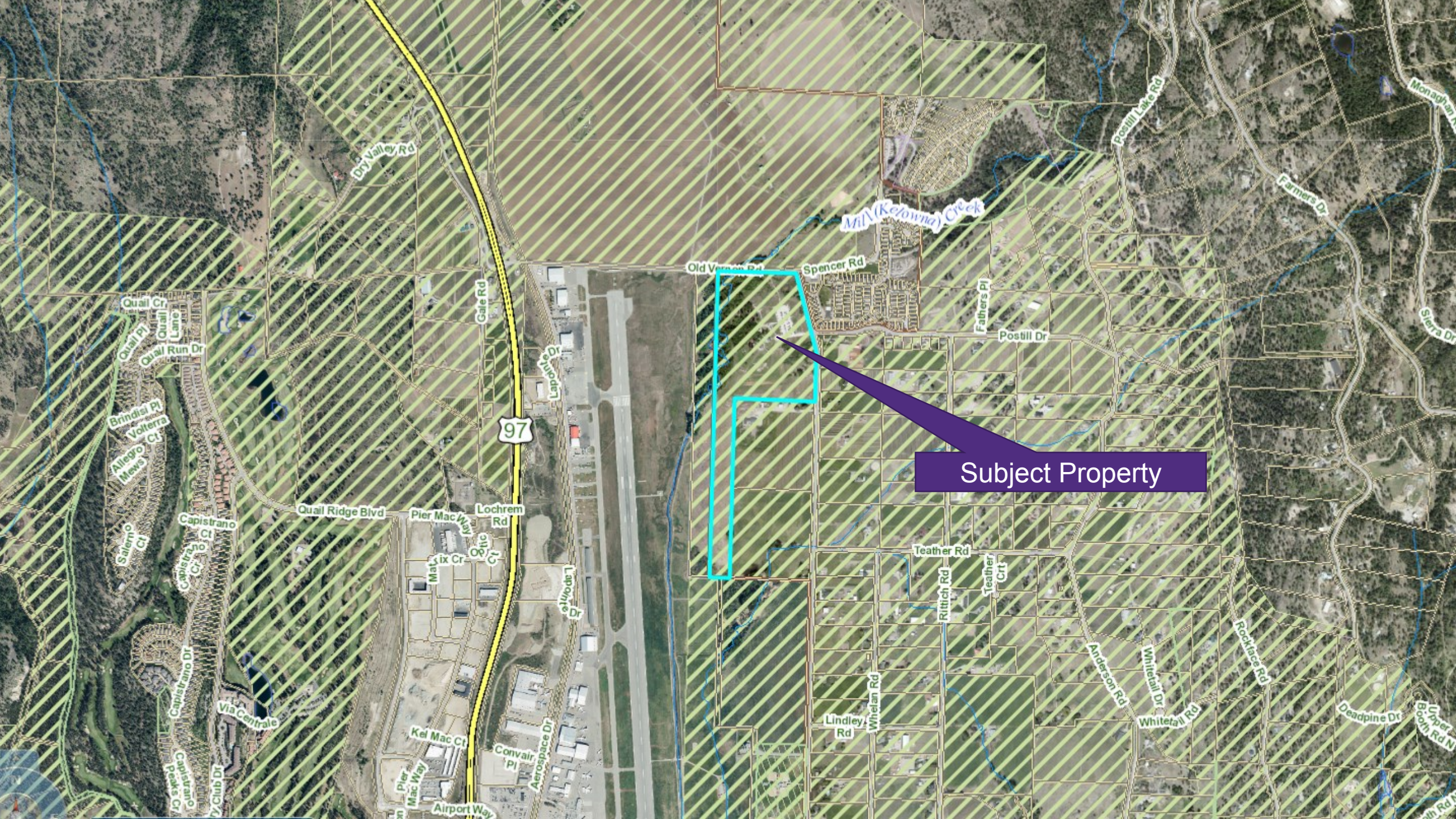
Mill (Kelowna) Creek

Subject Property

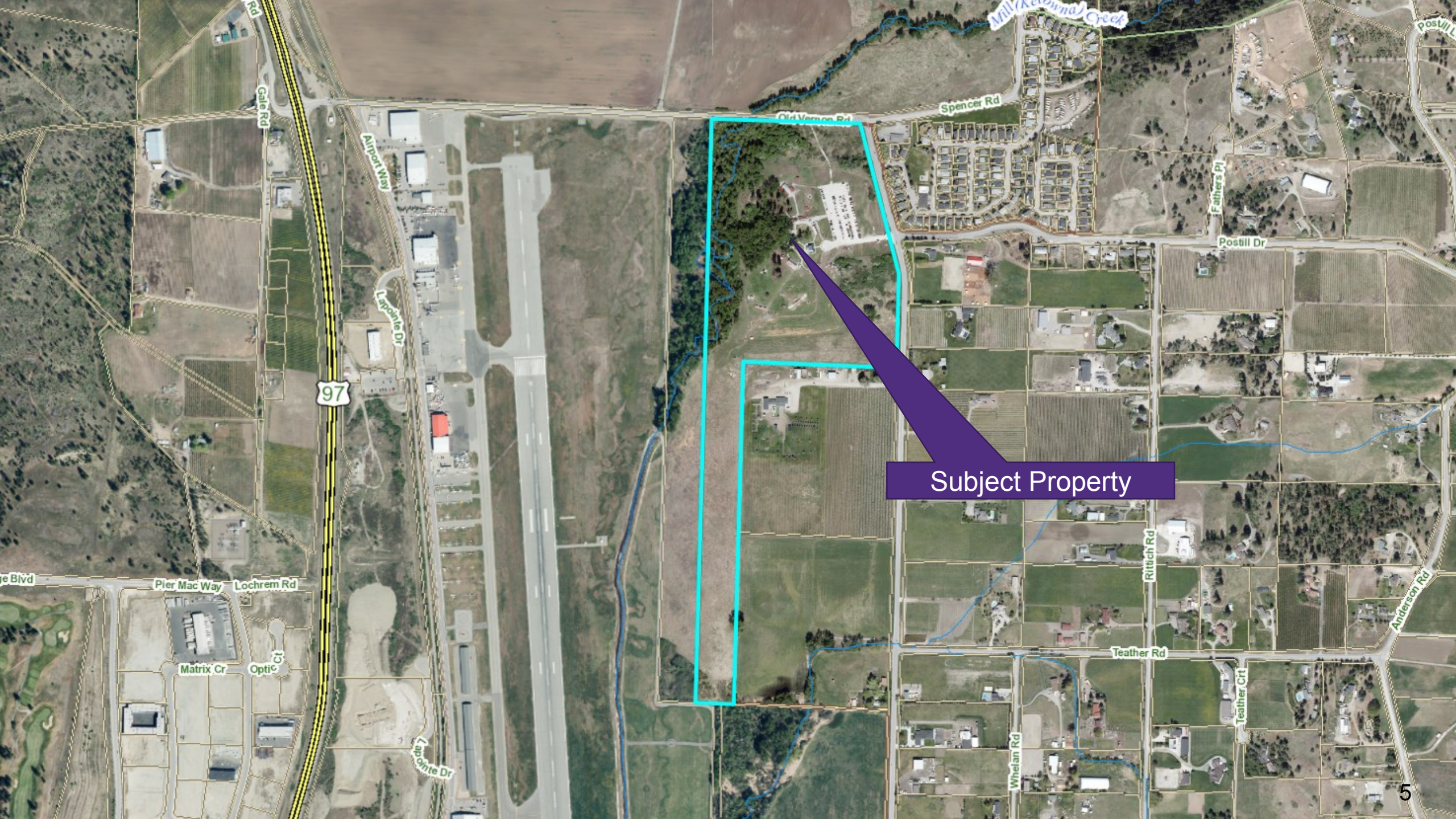
agan Lake

Mill (Kelowna)

97



Subject Property

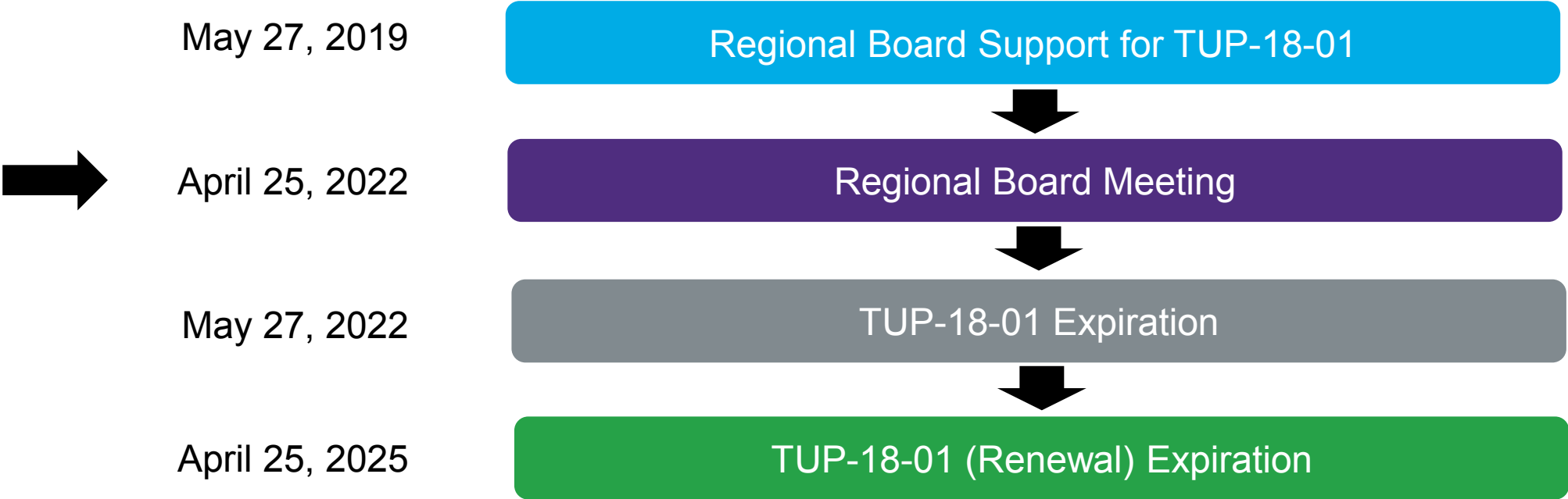


Subject Property

Background

- Outdoor petting zoo
- Operates between March and October
- Permitted under TUP-18-01
- Permit to expire May 27, 2022

Background



Background

- The site contains:
 - Unpaved parking area for 288 vehicles
 - Portable toilets
 - Two pastures (fenced area for animal grazing)
 - Portable accessory buildings

ALC Application

- ALC Permit granted in 2019 for the use
- Conditions:
 - No permanent structures
 - Fence to confine the use
 - Parking area and driveway must be permeable

Proposal

- To renew the Temporary Use Permit for Kangaroo Creek Farm

Proposal

- Renewal of previous permit for an additional three years
- Addition of a food truck:
 - Permitted by IHA
 - Approval from Fire Services
- Addition of washroom facilities in temporary structure
 - Permitted by RDCO building permit and IHA
- No other proposed changes

FIGURE 4
Development and Land Use Plan

Project: Environmental Land Use Plan
 Location: Regional District of Central Okanagan
 Project No.: 19-2847
 Prepared for: Caroline MacPherson
 Prepared by: Ecoscape Environmental Consultants Ltd.
 Robert Wagner, GIS Specialist
 Coordinate System: NAD83-UTM Zone 11
 Imagery: ESRI World Imagery
 Survey Date: March 19, 2019
 Map Date: January 26, 2022

LEGEND

-  Food_Truck_Location
-  SHIM HWL/TOB
-  30 Metre Riparian Setback
-  Existing Fence
-  Proposed Pasture Fence
-  Proposed Security Fence
-  Subject Property
-  Sensitive Habitat and Protection Area (SPEA)
-  Cadastre
-  Palisade
-  Restoration Area
- Proposed Development Areas**
 -  Access
 -  Parking
 -  Pasture
 -  Picnic/Recreation Area
 -  Tree Reserve

DISCLAIMER
 The data displayed is for conceptual purposes only and should not be interpreted as a legal survey or for legal purposes. If discrepancies are found between the data portrayed in this report and that of a legal survey, the legal survey will supersede any data presented herein.



Professional Reports

- Environmental Assessment
- Substantial Completion Report received
 - TUP condition satisfied

Servicing

- Water:
 - Water license amended to reflect business use
 - Approved by Province
- Wastewater:
 - Septic system
 - Approved by IHA

Local Government Act

- Permits issuance of a TUP that does not align with the zoning
- 3-year period
 - Potential for one renewal for an additional 3 years

Regional Growth Strategy

- Supporting and applicable policies:
 - Support the protection of rural areas
 - Support the protection of ALR land
 - Protect natural environments and water systems
 - Support efforts to build a strong regional economy
- Policies from the RGS support the application

Ellison Official Community Plan

- Supporting and applicable policies:
 - Reduce the negative effects at the agricultural/urban interface
 - Support the integrity of suitable agricultural land
 - Support the retention of large continuous blocks of land

Ellison Official Community Plan

- The OCP considers TUPs that:
 - Temporary or seasonal in nature
 - No negative impact on surrounding uses
 - Plan for the conclusion of the use
- Policies from the OCP support the application

Zoning Bylaw

- A1 – Agricultural zoning
- Use not permitted by A1 zone
- Use permitted by TUP

Development Permit Areas

- Aquatic Ecosystem DPA
- Environmental Assessment addressed the DPA
- Completion report concludes that recommendations have been met



Inspections Services

- All proposed buildings require Building Permits

Fire Services

- Staff approved the applicants evacuation plan
- All original fire services requirement remain

Agricultural Advisory Committee

- AAC supports the application

Ministry of Agriculture, Food and Fisheries

- No permanent structures
- Food truck must be removed when business is closed for the season
- Encourage engagement with neighbours to minimize traffic conflicts
- Parking area removal when use ceases
- Financial security provided to ensure rehabilitation

Ministry of Transportation and Infrastructure

- No concerns and no complaints received
- Access permit to be renewed when TUP is approved

Kelowna International Airport

- No concerns with the proposal

Public Input

- Planning staff have received:
 - 3 letters of support

Summary

- Applicant seeking renewal of the TUP
- No new additions except for:
 - Permitted temporary washrooms
 - Permitted food truck
- All previous TUP conditions met
- RGS and Ellison OCP support the application
- No concern received from external agencies

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, be renewed for an additional three years subject to the following conditions:

Recommendation (continued)

- There be no changes to the proposed site plan or site footprint prepared by Ecoscape Environmental Consultants Ltd. dated January 26, 2022;
- Operate the business only between the month of March through October;
- Adherence to the evacuation plan approved by the RDCO Manager of Fire Services;
- 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;

Recommendation (continued)

- 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 the Interior Health Authority 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 10m² to the satisfaction of RDCO Inspection Services Staff;
- All parking to be contained on site in accordance with the parking plan prepared by Jade Bay Constructions Ltd. dated May 8, 2019;

Recommendation (continued)

- In accordance with 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 plants 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;
- The landowner shall obtain the services of an Environmental Monitor to ensure the recommendations of the Temporary Use Permit are implemented; 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 April 25, 2025, and all uses temporarily authorized by the Permit shall cease upon expiry of the Permit, unless otherwise authorized.