



Staff Report
Application # G – 38865
Applicant: Deborah J Cameron Productions
Agent: New Town Planning Services

DATE RECEIVED: March 05, 2009

DATE PREPARED: March 19, 2009

TO: Chair and Commissioners – Okanagan Panel

FROM: Martin Collins, Land Use Planner

PROPOSAL: To use a 5.6 ha portion of the two adjoining properties for a concert site, consisting of the concert stage, parking and other temporary infrastructure that would be removed from the site upon completion of the concert season. A total of 12 concert events are planned between May and October. A maximum attendance of 10,000 is expected.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission has considered several previous applications on the subject property. See below for details. Three letters opposed to the application have been received, citing noise and traffic concerns. A 52 name petition in support of the application was also received.

Concern has been expressed about the application from the Black Mountain Irrigation District (BMID). In a letter dated May 13, 2008, BMID administrator R. Hrasko indicated that the concert had potential to contaminate the City of Kelowna drinking water reservoir lying at the base of the concert venue. Therefore BMID requested that the concert site be fenced and that portable wastewater collection facilities be provided to concertgoers. In addition BMID requested that a consideration be given to the potential impacts associated with slope loading. A slide occurred on a similar landform lying 1 km to the east, several years ago.

A recent letter provided by Golder and Associates dated July 14, 2008 addressing the slope loading issue indicates that previous geotechnical assessments have proved inconclusive because the recommended additional assessments were not completed. A 2004 geotechnical assessment based on potential cabin development near the lip of the slope suggested that more work be undertaken to assess septic effluent impacts on slope stability. This is not a consideration if portable, self contained facilities are provided for the concerts. However, there is uncertainty about the amount of loading to be expected if concerts are to occur (i.e. numbers of guests and automobiles might vary significantly).

Local Government:

Regional District of Central Okanagan

Legal Description of Property:

1. PID: 006-714-501
Lot A, Section 10 and 15, Township 27, Osoyoos Division of Yale District, Plan 22826, EXCEPT Plans 29949 and KAP67506
2. PID: 013-582-674
The North East 1/4 of Section 10, Township 27, Osoyoos Division of Yale District, EXCEPT (1) Parcel A (Plan B10213) (2) Plan 23539

Purchase Date:

Lot A, - 09/2000 41 ha
NE ¼ - 07/2002 30 ha

Location of Property:

Highway #33, east of Kelowna

Size of Property:

70 ha total (~68 ha is in the ALR).

Present use of the Property:

Guest ranch with cabins, camping and RV sites. The arable portion of the property is about 5-6 ha of pasture land straddling the properties. The remainder of the properties is comprised of steep hillsides and rolling forested topography.

Surrounding Land Uses:

WEST: Farmland in the ALR - grazing uses, large parcels
SOUTH: Black Mountain Irrigation District Reservoir on Mission Creek - not in ALR
EAST: Rural residential subdivision outside the ALR (~2 ha lots)
NORTH: Rural residential subdivision outside the ALR (~2 ha lots)

Agricultural Capability:

Data Source: Agricultural Capability Map # 82 E/14
The majority of the property is identified as having secondary ratings.

Official Community Plan and Zoning Designation:

The Joe Rich Rural Land Use bylaw designates this land as Rural Tourist Commercial. No bylaw amendments would be required to accommodate the concert uses.

PREVIOUS APPLICATIONS:

Application #33307-0

Applicant: Rometsch, Wilfred
Decision Date: September 28, 2000
Proposal: To expand the "agri-tourism" guest ranch uses on the 41 ha property to include a 16 room lodge, 5 guest cabins, campsite and restaurant, children's camp and petting zoo, general store, curio shop and equestrian facilities
Decision: The Commission approved the request to expand the agri-tourism operation subject to the preparation of a detailed site development plan with accurate dimensions showing the size and function of all proposed structures, including the facilities required for the children's camp and zoo, camping area, parking area

and an appropriately sited fence to minimize impacts on the property to the east.

Application #22599-0

Applicant: Rometsch, Wilfred
Decision Date: December 13, 1988
Proposal: Proposed to develop a campsite and restaurant on the 41 ha property.
Decision: Allowed subject to the applicant being advised that fencing to prevent cattle straying onto his lands was his responsibility.

Application #34838-0

Applicant: KMCS Ventures Ltd
Decision Date: July 16, 2003
Proposal: The applicant requests the expansion of the previously approved non-farm uses on the Eight Mile Ranch property; 25 guest cabins, 16 unit guest lodge, 24 campsites, 24 RV sites, and various horse riding facilities and to allow the development of guest cabins on a portion of the adjoining property to the east.
Decision: Approved as it is consistent with the ALC's policy to encourage agri-tourism.

RELEVANT APPLICATIONS:

Application #38597-0

Applicant: Village of Pemberton
Decision Date: November 18, 2008
Proposal: To hold an annual Pemberton Music Festival on land in the ALR for ten years.
Decision: Approved in principle subject to bonding and reclamation conditions.

Application #35986/37325

Applicant: Salmon Arm Roots and Blues Festival
Decision Date: April 2005 / June 2007
Proposal: To establish a temporary campground (~300 sites) on 3-4 ha of two adjoining 3 ha properties for use by campers attending the annual Roots and Blues Music Festival.
Decision: Approved for 10 days annually, subject to bonding and reclamation conditions.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The Regional District of Central Okanagan forwarded the application without a recommendation, indicating that the Commission's approval did not bind it to approve the use. A copy of the July 2008 Golder Report was also forwarded for the Commission's review.

The Regional District of Central Okanagan staff recommended that should the Commission approve the concert request, that the decision to allow the 25 cabins proposed for the outdoor concert site be rescinded.

STAFF COMMENTS:

Staff suggests that the Commission consider the following:

- The Commission has allowed all of the guest ranch uses proposed for the property to date, including a large scale cabin/campground proposal in 2003. This land has not yet been developed as proposed.
- The properties have very limited agricultural potential given their small area of flat arable land, poor soils, severe (arid) climate, and steep topography.

- Concert uses could be mitigated by annual bonding to ensure the soils are not compromised, and refusing to allow permanent concert facilities.
- In similar applications, the Commission has approved annual concert uses and camping for concertgoers on farmland subject to bonding to ensure reclamation to an agricultural standard.
- Consideration might be given to rescinding the approval provided for the 25 cabins, to provide a benefit for agriculture and to ensure that the maximum arable area is retained for agricultural uses.

ATTACHMENTS:

- 1:20,000 scale ALC Context Map
- 1:20,000 scale orthophoto
- Applicant's site map
- July 24, 2003 Commission decision letter

END OF REPORT

Signature

Date