



## Provincial Agricultural Land Commission - Staff Report Application: 52646

**Applicant:** A2 Outdoor Adventures Inc  
**Agent:** New Town Planning Services  
**Local Government:** Central Okanagan EA

**Proposal:** Non-farm Use - Wildplay Outdoor Adventures. The intent is to register a sub-lease on title over the western portion of Lot A for use as an outdoor adventure facility ("Element Park") that features a series of zip-lines, an aerial adventure course and a pendulum tandem swing.

The applicant claims the addition of the proposed adventure facility will help cross-market the ranching and trail ride experience with a customer already in tune with outdoor activities. The complementary uses offer improved viability by connecting adventure tourists with agri-tourism and promoting both of these activities.

The proposed holder of the sub-lease is a business called Wildplay which is based in Victoria and currently operates four adventure parks within the Lower Mainland with a fifth park in the Yukon. The proposed Wildplay Kelowna park concept, as noted above, would be within the forested valley of Davis creek along the westerly part of the subject property as outlined in green on the attached plan.

### BACKGROUND INFORMATION

The Commission has considered several previous applications on the subject property including #22599, 33307, 34838 and 38865. The following is a brief summary of each of the previous applications:

- 22599: A proposal to develop a campsite and restaurant on the subject property, Lot A (41 ha). The proposal was allowed subject to the applicant being advised that fencing to prevent cattle straying onto his property was his responsibility.
- 33307: A proposal to expand the "agri-tourism" guest ranch uses on the subject property (Lot A) 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. The Commission approved the request to expand the agri-tourism operation subject to the preparation of a detailed site development plan.
- 34838: A proposal to expand 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. The proposal was approved as it is consistent with the ALC's policy to encourage agri-tourism.
- 38865: As noted above the proposal is to use a 5.6 ha portion of the two adjoining properties for a concert site. The Commission approved the application subject to a number of conditions; the minutes of this decision are attached as background information.

These uses were subsequently permitted within Joe Rich Rural Land Use Bylaw No. 1195 via the Rural Tourist Commercial (RTC) land use designation which was specifically created for the Heartland Ranch parcel. The existing RTC designation of the Rural Land Use Bylaw would allow the element park with no amendments to the bylaw being required (i.e. RTC designation allows 'Agriculture and open land recreational uses').

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

## PROPERTY INFORMATION

**PID:** 006-714-501  
**Legal Description:** Lot A Sections 10 and 15 Township 27 Osoyoos Division Yale District Plan 22826 Except Plans 29949, KAP67506 and KAP89944  
**Property Area:** 39.1 ha  
**ALR Area:** 39.1 ha  
**Purchase Date:** October 30, 2009  
**Location:** 5983 Highway 33 East - Central Okanagan East  
**Owner:** Wilfred Rometsch

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**PID:** 013-582-674  
**Legal Description:** The North East 1/4 of Section 10, Township 27, Osoyoos Division of Yale District, EXCEPT (1) Parcel A (Plan B10213) (2) Plan 23539  
**Property Area:** 25.5 ha  
**ALR Area:** 23.3 ha

**Location:** Highway #33, east of Kelowna  
**Owner:**

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**Total Land Area:** 64.6 ha  
**Total ALR Area:** 62.4 ha

## LAND USE

### Current Land Use:

Pasture, indoor/outdoor stables, corrals, single family residence, 24 campsites, 24 RV sites, lodge with licensed restaurant, general store, gift shop, office, shower house, 3 pump houses, maintenance building, 2 storage buildings, petting zoo (vacant).

### Surrounding Land Uses:

North: Undeveloped acreage, Hwy 33  
East: Undeveloped acreage  
South: Mission Creek, Water Treatment Facility  
West: Acreage

## PROPOSAL DETAILS

**Non- Farm Use Area:** 12.7 ha  
**Non- Farm Use Type:** Commercial / Retail: Commercial - other

### Agricultural Capability:

The majority of the area under application is rated as: Mixed Prime and Secondary

**Source:** BCLI

**Mapsheet:** 82E.084

## PREVIOUS APPLICATIONS

**Application ID:** 45818

**Legacy #:** 38865

**Applicant:** Deborah J Cameron Productions

**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 concern season. A total of 12 concert events is being requested between May and October.

**Decision:**

Resolution #	Decision Date	Decision Description
238/2009	June 17, 2009	<p>Allowed with the following conditions:</p> <ul style="list-style-type: none"> <li>• The binding of the titles of the two properties (PID: 006-714-501 &amp; PID: 013-582-674) by a covenant preventing their separate sale. Confirmation of the registered covenant must be provided to the Commission by November 1, 2009.</li> <li>• The rescission of that portion of Resolution #343/2003 that allowed 25 cabins and a lodge (dining, conference, spa) along the top of the bank.</li> <li>• The approval is granted for 1 year. At the end of the 1 year period, if the Commission is satisfied that the approval has not had a negative impact on agriculture, the approval may be extended for a 3 year term, upon the request of the applicant.</li> <li>• The use of the site is limited to 12 special events per year. The Commission considers a "special event" to be the gathering of a large group of people, regardless if tickets are sold, and includes events ranging from a public concert to a church picnic.</li> <li>• The only permanent structure permitted on the site is the main stage, which is planned to be 60' x 40' (18.3 m x 12.2 m) with 20' (6.1 m) wide wings on either side for the sound equipment.</li> <li>• That a "no footprint" approach be adopted (with the exception of the main stage). Every structure brought on site for a specific event must be removed after that event. Structures that are considered temporary (i.e. portable outhouses) are not to be left onsite between events. The site is to be restored to its pre-event state when each event is finished.</li> <li>• The submission of an report on November 1, 2009 by an independent agent describing the concert events and the property clean-up. This report must include photographs of the site (before the first event of the year and after the last event of the year), information on the agricultural use of the 5.6 ha area (i.e. was one cut of hay removed before the concert season began), a list of materials brought onsite, and any other pertinent information.</li> <li>• The proposed uses are restricted to the areas outlined in the application. Satellite parking facilities and other amenities associated with the events are prohibited on other ALR lands.</li> <li>• The development of a transportation strategy to minimize use of private vehicles being used to access the site and work towards limiting parking requirements on the ALR portion of the properties.</li> <li>• The concert site be fenced and portable wastewater collection facilities be provided to concertgoers.</li> <li>• Approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.</li> </ul>

**Application ID:** 39791

**Legacy #:** 34838

**Applicant:** KMCS Ventures Ltd

**Proposal:** The owners are requesting approval to allow expansion of the previously approved non-farm uses on the Eight Mile Ranch property and to allow the development of guest cabins on a portion of the adjoining property to the east.

**Decision:**

Resolution #	Decision Date	Decision Description
343/2003	July 16, 2003	Application approved as it is consistant with the ALC's policy to encourage agri-tourism.

**Application ID:** 16172

**Legacy #:** 22599

**Applicant:** Wilfred Rometsch

## PREVIOUS APPLICATIONS

**Proposal:** Proposed to develop a campsite and restaurant on the 41 ha property.

**Decision:**

Resolution #	Decision Date	Decision Description
1270/1988	December 13, 1988	Allowed subject to the applicant being aware that fencing to prevent cattle straying onto his lands being his responsibility.

**Application ID:** 15797

**Legacy #:** 33307

**Applicant:** Wilfred Rometsch

**Proposal:** Propose to expand the "agri-tourism" uses on the 41 ha property to include a fully operational guest ranch with a 16 room lodge, 5 guest cabins, campsite and restaurant, childrens camp and petting zoo, general store, curio shop and equestrian facilities

**Decision:**

Resolution #	Decision Date	Decision Description
510/2000	September 28, 2000	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.

## LOCAL GOVERNMENT INFORMATION

**Official Community Plan:**

**Bylaw Name:** Joe Rich Rural Land use Bylaw  
**Designation:** Rural Tourist Commercial (RTC)  
**OCP Compliance:** Yes

**Zoning:**

**Zoning Bylaw Name:** Joe Rich Rural Land Use Bylaw  
**Zoning Designation:** RTC  
**Minimum Lot Size:** 30.0 ha  
**Zoning Compliance:** Yes

**Comments and Recommendations:**

**Agricultural Advisory Committee**

The AAC reviewed the application and while a quorum was not reached, the members in attendance indicated that the proposed adventure park will be located on a portion of the Heartland site that is not viable from a farming perspective and situated within an area that was previously approved for non-farm uses by the ALC. In addition, the proposal will assist in promoting agri-tourism and will provide spin-off benefits to complement the existing guest ranch at Heartland.

**Board/Council**

The Regional Board supports the proposal to register a sub-lease and allow development of an outdoor adventure facility on an approximately 12.7 ha portion of the 39.1 ha property.

**Planning Staff**

The proposal does not conflict with the Regional District Agricultural Plan and is considered to be in compliance with the Rural Tourist Commercial (RTC) land use designation of Joe Rich Rural Land Use Bylaw No. 1195 to allow a complementary mix of agri-tourism and guest ranch accommodation uses in association with a working ranch.

The Development Services Department recommends that the Regional Board support the application to register a sub-lease and to permit development of an outdoor adventure park on a portion of the Heartland property.

## **ALC STAFF COMMENTS**

The proposal is to register a sub-lease within the forested valley of Davis Creek along the westerly part of the subject property (Lot A). The agricultural capability of this portion of the subject property is very limited for agricultural use due to steep and rocky topography. The proposed use would have very little impact at the ground level and all the structures would be located within the ravine and not on the flat more farmable areas of the property. Given the ALC's previous approval for non-farm uses on the property, that the existing RTC designation of the Rural Land Use Bylaw would allow the element park with no amendments to the bylaw being required and that the proposed use is on the portion of the subject property with no capability for agriculture, staff recommends that the ALC consider approval for the proposed use.

Development Services Planning Staff for the Regional District of Central Okanagan note that all issues identified as part of the referral process will be considered and addressed in conjunction with the Development Permit provisions of the Joe Rich Rural Land Use Bylaw and with the Building Permit/Business License processes of the Regional District.

## **ATTACHMENTS**

52646GovReport.pdf  
52646\_AgCapabilityMap.pdf  
52646\_AirphotoMap15k.pdf  
52646App.pdf

## **END OF REPORT**

Prepared by: Ron Wallace, March 20, 2012