



COMMUNITY DEVELOPMENT COUNCIL REPORT

To: Mayor and Council

Date: June 10, 2025

From: Ron Bowles, Chief Administrative Officer

File No: TUP 25-01

Subject: **TUP 25-01; Temporary Use Permit; 3303 Boucherie Road**

Report Prepared By: Chris Oliver, Planning Manager

Report Reviewed By: Brent Magnan, General Manager of Community Development

RECOMMENDATION:

THAT Council authorizes the issuance of a temporary use permit to allow agri-tourism accommodation on Lot 2, DL 581, ODYD, Plan EPP 140679 (3303 Boucherie Road), subject to the conditions outlined in the permit, including:

- A tour of the agricultural land, an educational activity or demonstration in respect of all or part of the farm operation conducted on the farm unit, and activities be provided as part of each stay;
- That agri-tourism accommodation be allowed in the entirety of both the existing single detached dwelling and carriage house;
- A total of seven agri-tourism accommodation guest rooms be permitted on the property up to a maximum of 300 m² gross floor area;
- A local contact will be available to interact with guests and respond to any nuisance complaints;
- That the property or overall farm unit must be classified as a farm under the *Assessment Act*;
- Accommodation stays must be for a minimum of three nights;
- That the permit is issued for a period of 3 years;

AND THAT Council authorize staff to discharge section 219 covenant LB480152 from Lot 2, DL 581, ODYD, Plan EPP 140679.

STRATEGIC AREA(S) OF FOCUS

Pursue Economic Growth and Prosperity – We will work with stakeholders throughout the region to advocate for and support efforts aimed at helping West Kelowna businesses prosper. With a focus on the future, we will advance opportunities to expand our economy, increase employment, and develop the community in ways that contribute towards prosperity for all.

BACKGROUND

The subject property at 3033 Boucherie Road, owned by Quails' Gate Vineyard Estate Winery, and is in the South Boucherie neighbourhood. The subject property is 16 acres, and includes vineyards, a single detached dwelling and carriage house outside of the ALR (accessed off Sunnybrae Road). The proposal focuses on the single detached dwelling and carriage house. The overall Quails' Gate Winery operation includes additional properties, including the adjacent parcel that includes the main winery operation, all of which is in the Agricultural Land Reserve.

PROPERTY DETAILS			
Address	3303 Boucherie Road		
PID	032-467-044		
Folio	36413138.200		
Lot Size	6.47 ha (16 acres)		
Owner	Quails' Gate Vinyards Estate Winery Ltd	Agent	Shannon Tartaglia
Current Zoning	A1 – Agricultural Zone	Proposed Zoning	A1 – Agricultural Zone
Current OCP	Agriculture	Proposed OCP	Agriculture
Current Use	Agriculture	Proposed Use	Agriculture
Development Permit Areas	No		
Hazards	No		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES		
North	^	A1 – Agricultural Zone
East	>	R1 – Single Detached & Duplex Residential Zone
West	<	R1 – Single Detached & Duplex Residential Zone
South	v	W1 – Recreational Water Use Zone

PROPERTY MAP



Legislative Requirements -Temporary Use Permit (TUP)

Council has the authority under s.493 of the *Local Government Act* to issue a TUP. The permit may allow a use not permitted by a zoning bylaw, specify conditions under which the temporary use may be carried on, and allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. Council also has the authority under s.497 of the *Local Government Act* to set the term of the permit, which can be up to three years after the issuance of the permit.

Proposal

The application is for a Temporary Use Permit (TUP) for agri-tourism accommodation to be allowed in the entirety of both the existing single detached dwelling and the carriage house accessed from Sunnybrae Road. There will be a total of seven agri-tourism accommodation guest bedrooms on the property, up to a maximum 300m². The applicant has identified that the requested TUP is part of a broader future development vision for this property that includes agri-tourism accommodation, employee housing and additional opportunities to enhance West Kelowna's agri-tourism offerings (Schedule A of Attachment 1).



Figure 1. Existing Single Family Dwelling



Figure 2. Existing Carriage House

The application also includes a request the discharge of a Section 219 Covenant that was registered as part of the requirements from the District of Westside Zoning Bylaw No. 871. This covenant was required to be registered on title to restrict the use of the “carriage house” as an agricultural worker dwelling, as these dwellings pre-dated the City's carriage house regulations. These covenants are no longer necessary as carriage homes are now regulated and permitted in the Zoning Bylaw.

DISCUSSION

Policy and Bylaw Review

Official Community Plan Bylaw No. 0300

The entire City of West Kelowna is designated as an area where Temporary Use Permits may be considered based upon the following guidelines:

- a) The use must be clearly temporary or seasonal in nature;
- b) The use should not create an unacceptable level of negative impact on surrounding permanent uses;
- c) An applicant must submit an outline detailing when and how the use in that location will be ended, the buildings to be used, the area of use, the hours of use, appearance, landscaping and buffering, and site rehabilitation. The City may require security to ensure compliance;
- d) Temporary use permits for industrial uses will be discouraged for sites located within any of the Urban Centre, Neighbourhood Centre, Residential or Natural Areas and Public Parks Land Use Designations.
- e) Temporary use permit may not exceed three years and may only be renewed as per the *Local Government Act*.

The applicant has indicated the proposal will be temporary until a long-term development proposal is prepared. The applicant has also stated it is not anticipated that there will be negative impacts on surrounding permanent uses, as the winery has maintained a positive relationship with neighbours, the owners and Director of Operations live in the immediate area and will be able to interact with guests and respond to any complaints.

The proposal also aligns well with the OCP's Section 3.6.6.2 Food Security and Agriculture Policies, which support secondary and tertiary agricultural activities that contribute to diversification of farming income (farmers' markets, agri-tourism, secondary processing, and others). These activities are ancillary to primary farming activities and do not impact the agricultural capability of farmland.

Zoning Bylaw No.0320

The subject property is zoned Agricultural Zone (A1). The purpose of the A1 Zones is to accommodate agricultural operations and related activities located on parcels that are typically within the Agricultural Land Reserve (ALR), where uses may be subject to additional restrictions or requirements under the Agricultural Land Commission Act. Agri-tourism is a permitted secondary use in A1 Zones and is defined as:

AGRI-TOURISM means a tourist activity, service or facility secondary to the agricultural use of land that is classified as a farm under the *Assessment Act*.

With the subject property featuring principal agricultural uses and the larger farm unit comprising various agricultural uses, the proposed use aligns with the uses permitted under the A1 – Agricultural Zone.

Agri-Tourism Accommodation Requirements

Section 3.22 of the Zoning Bylaw outlines specific regulations for agri-tourism accommodation. These regulations generally restrict agri-tourism accommodations to being located within a single-family dwelling and limit the number of guest rooms available for guests based on the parcel size:

Table 1. Agri-Tourism Bedroom and Area Restrictions

Parcel Size	Maximum # of Guest Rooms	Total Gross Floor Area (GFA) of Guest Rooms
Parcels Less than 2.0 ha (4.9 ac)	0	0
Parcels equal to or greater than 2.0 ha (4.9 ac) and less than 7.6 ha (18.8 ac)	4	120 m ² (1,292 ft ²)
Parcels greater than 7.6 ha (18.8 ac)	10	300m ² (3,230 ft ²)

The subject property is 6.47 ha (16 ac) and is restricted to 4 guest rooms and 120m². Despite this, the subject property is part of a much larger farm unit that includes an adjacent parcel to the north and includes the winery's main operations (Figure 3). These operations meet the Zoning Bylaws "Farm Unit" definition:

FARM UNIT means one or more contiguous or non-contiguous parcels, that may be owned, rented or leased, within City limits, which forms and is managed as a single agricultural operation as demonstrated through a farm plan, farm receipts or other documentation to the satisfaction of the Director of Development Approvals.



Figure 3. Farm Unit (Five Parcels)

The proposal includes using seven guest rooms to a maximum of 300m², which closely aligns with the larger Bylaw requirement and is commensurate with the overall size of the farm unit.

In addition to exceeding the number and size of the guest rooms, this proposal includes using not just the guest rooms (similar to a Bed and Breakfast) but instead would be the entirety of both dwellings on the property. As part of these operating the existing dwellings as stand-alone agri-tourism accommodations, a number of conditions have been proposed to ensure that the use operates as intended in the Bylaw and include:

- A tour of the agricultural land, an educational activity or demonstration in respect of all or part of the farm operation conducted on the property, and activities be provided as part of each stay
- A total of seven agri-tourism accommodation guest rooms be permitted on the property up to a maximum of 300 m² gross floor area
- A local contact will be available to interact with guests and respond to any nuisance complaints

- That the property or overall farm unit must be classified as a farm under the Assessment Act

These proposed conditions more closely reflect typical requirements from the Agricultural Land Commission, as well as the Short-term Rental requirements, to ensure that the proposed accommodations more closely match existing regulations. Historically, these dwellings have been used for accommodations, and staff have confirmed that no complaints have been received as part of the previous accommodation use.

Public Notification

A notification sign has been posted on the subject property in accordance with Development Application Procedures Bylaw No. 0260. Additionally, per the Development Applications Procedures Bylaw No. 0260, notification was sent to all property owners and their tenants within 100 m of the subject property, advertised in the local newspaper, and posted on the City's website as per the *Local Government Act*.

CONCLUSION

The proposed TUP aligns with policy guidelines in the OCP and closely aligns with the Zoning Bylaw's requirements for agri-tourism accommodation. The proposed conditions of the TUP help ensure that the agri-tourism accommodation meets the City's expectations for accommodations with an operator responsible for overseeing the guests and aligns with agricultural best practices for conducting activities that showcase the farm operations. This proposal will provide the operator a valuable source of income as part of their ongoing efforts to replant their damaged crops, contribute to the growth of West Kelowna's agri-tourism offerings and provide staff with valuable insight that can be considered as part of the future development plans for the area.

Alternate Recommendation:

1. **THAT** Council postpone the issuance of Temporary Use Permit (TUP 25-01)

Should Council wish to postpone issuance of the TUP, it is requested that direction be provided to address any changes to the application.

2. **THAT** Council deny the issuance of Temporary Use Permit (TUP 25-01); and
THAT Council direct staff to close the file.

If Council chooses this option, the file would be closed, and the applicant would not be able to apply for a similar application for a period of six months.

PowerPoint: Yes ☒ No ☐

Attachments:

1. Temporary Use Permit, 3303 Boucherie Road (TUP 25-01)