

# COMMITTEE REPORT



**Date:** January 25, 2018

**RIM No.** 1210-20

**To:** Agricultural Advisory Committee (AAC)

**From:** Policy and Planning Department (TG/MS)

**Application:** Agriculture Plan Policy Implementation      **Applicant:** City of Kelowna

**Subject:** Agriculture Plan Policy Implementation – Package 1 Directed Amendments to the Official Community Plan and Zoning Bylaw

---

## 1.0 Purpose

That the Agricultural Advisory Committee receives, for information, the report from the Policy and Planning Department, dated January 25, 2018, with respect to draft directed amendments to Bylaw No. 10500, Kelowna 2030 Official Community Plan and Bylaw No. 8000, Zoning Bylaw based on the recommendations presented in the Agriculture Plan, endorsed by Council in August, 2017.

## 2.0 Proposal

### 2.1 Background

Fifty-five percent of the Kelowna's land base is zoned for agriculture (38 per cent of the land base is in the Agriculture Land Reserve). This land is often at risk as it tends to be flat, affordable, geographically appealing and often well located, making it attractive for urban development.

Council has identified a priority to "preserve agricultural land", a sentiment that is echoed strongly by the public.<sup>1</sup> The updated Agriculture Plan, endorsed by Council in August 2017, has a vision that "*Kelowna is a resilient, diverse, and innovative agricultural community that celebrates farming and values farmland and food producers as integral to our healthy food system, economy and culture.*" The Agriculture Plan provides a series of policy recommendations, that when implemented will help achieve Council's priority in addition to promoting and celebrating the vital role of agriculture in Kelowna today, and for decades to come.

Two packages of bylaw amendments are being proposed that ensure the Agriculture Plan is influencing policy and regulations in a meaningful and impactful way that advances the vision of agriculture for our community. This package provides a series of proposed amendments to implement many of the Agriculture Plan policy recommendations that provided clear, concise direction. The second package (a separate file but proceeding concurrently with this package) addresses the Agriculture Plan

---

<sup>1</sup> A June 2016 survey, part of the development of Kelowna's Agriculture Plan, showed that 95% of 563 respondents felt that policies to preserve farmland were important or very important. Note: these results are qualitative in nature as the survey was not a statistically valid random sample of all Kelowna citizens.

recommendation of ensuring “compliance with provincial standards” as well as other general housekeeping updates.

## 2.2 Propopsed Amendments:

Appendix A lists 15 of the 34 Agriculture Plan policy recommendations in a summary table that are being proposed to implement as part of this package through amendments to the:

- Official Community Plan Policy and Farm Protection (DP) Amendments (Appendix B: OCP Amendments Draft Package 1 Ag Plan Recommendations)
- Zoning Bylaw (Appendix C: Zoning Amendments Draft Package 1 Ag Plan Recommendations)

The goals of the proposed amendments to the OCP and Zoning Bylaw are to strengthen the preservation of farmland, limit non-agricultural development, and minimize conflicts for farming areas. Further, the proposed amendments align with provincial standards, as Kelowna is one of four Farm Bylaw communities in the province and any amendments that may impact agriculture must be approved by the Minister of Agriculture prior to final adoption.

The proposed amendments seek to achieve:

Goal	Proposed Amendments	Proposed Policy/Section
Preserve agricultural land	<p>OCP Amendments:</p> <ul style="list-style-type: none"> <li>• Restrict expansion of residential development and density outside the Permanent Growth Boundary</li> <li>• Protect and support the continued designation and use of agricultural land for agricultural purposes regardless of soil capabilities</li> </ul> <p>OCP Farm Protection DP Amendments:</p> <ul style="list-style-type: none"> <li>• Design residential footprints to maximize agriculture potential and limit negative impacts on the farm.</li> <li>• Locate structures for services related to the public near the road to reduce impact on the agriculture potential.</li> </ul> <p>Zoning Bylaw Amendments:</p> <ul style="list-style-type: none"> <li>• Require that mobile homes on farmland be occupied by the owner’s immediate family and located on non-permanent foundations.</li> <li>• Remove carriage house as a permitted use.</li> <li>• Increase minimum subdivision lot size in the ALR from 2.0 ha to 4.0 ha.</li> <li>• Establish a maximum farm residential footprint size of 2,000 m<sup>2</sup>.</li> </ul>	<p>Policy 5.3.1</p> <p>Policy 5.33.6</p> <p>Chapter 15 Guideline 1.9 Chapter 15 Guideline 1.10</p> <p>Section 2.3.3 &amp; Section 11.1.4</p> <p>Section 9.5.b &amp; Section 11.1.3 Section 11.1.5</p> <p>Section 11.1.6</p>
Reduce speculation and address challenge of increasing farmland due to high cost capital inputs	<p>OCP Amendments:</p> <ul style="list-style-type: none"> <li>• Restrict the expansion of sewer into agricultural areas</li> </ul>	<p>Policy 7.22.2</p>

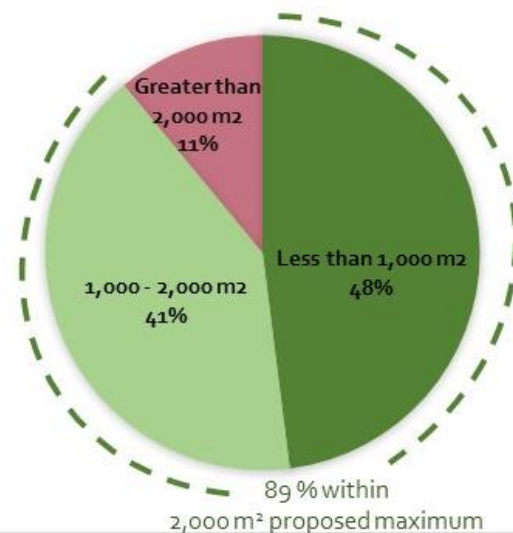
Goal	Proposed Amendments	Proposed Policy/Section
Limit conflicts with agriculture	<p>OCP Amendments:</p> <ul style="list-style-type: none"> <li>Avoid uses of urban land adjacent to agricultural land by vulnerable populations (e.g. seniors, children)</li> </ul> <p>OCP Farm Protection DP Amendments</p> <ul style="list-style-type: none"> <li>Require statutory covenants on non-agricultural land through the development process</li> </ul>	<p>Policy 5.33.9</p> <p>Chapter 15 Guideline 1.7</p>
Food system resiliency	<p>OCP Amendments</p> <ul style="list-style-type: none"> <li>Expand urban agricultural opportunities</li> </ul>	Policy 5.13.5

It is important to balance the residential needs of the agriculture. The expansion of residential footprints on many communities have been grappling with across estate use of farmland causing agriculture property prices

A 'farm residential footprint' is defined as "the portion of a lot that includes all structures, landscaping, driveways and parking areas associated with the principal dwelling."<sup>2</sup>

The 2014 provincial Agriculture Land Use Inventory for Kelowna, showed that of the 1887 residences surveyed on ALR parcels, 89 per cent are within the 2,000m<sup>2</sup> proposed maximum. In fact, nearly half of these dwellings (47.5 per cent) have a residential footprint less than 1,000m<sup>2</sup>. Between 2007 and 2014, however, the rate of construction of larger residential footprints increased, with 30 per cent of the 94 dwellings constructed on ALR land having a residential footprint greater than 2,000m<sup>2</sup>. With the larger footprints, higher prices are also being seen as shown in sample of real estate listings from fall, 2017:

**Residential Footprint Size of Kelowna ALR Properties**  
 Source: 2014 Kelowna Agriculture Land Use Inventory, Ministry of Agriculture, 1887 residences surveyed



Property	Parcel Size	Existing Residential Footprint (proposed 2,000 m <sup>2</sup> )	Price
Lakeshore Rd.	7.2 ha (17.8 acres)	17,200 m <sup>2</sup> (4.25 acres)	\$13,995,000
East Kelowna Rd.	8.1 ha (20 acres)	10,521 m <sup>2</sup> (2.6 acres)	\$4,650,000
Water Rd.	5.9 ha (14.5 acres)	9,712 m <sup>2</sup> (2.4 acres)	\$5,585,000
Todd Rd.	3.2 ha (7.85 acres)	8,094 m <sup>2</sup> (2 acres)	\$5,498,000
KLO Rd	14.2 ha (35 acres)	19,020 m <sup>2</sup> (4.7 acres)	\$6,800,000
Casorso Rd	3.7 ha (9.2 acres)	12,950 m <sup>2</sup> (3.2 acres)	\$12,998,000

Note: prices will be influenced by size and design of home on property as well as the residential footprint which includes landscaping, pools, tennis courts, and driveways.

<sup>2</sup> Bylaw No. 8000, Zoning Bylaw. Section 2.3 General Definitions.

The Ministry of Agriculture Guide for Bylaw Development in Farming Areas states that a maximum size for a farm residential footprint is to be 2,000m<sup>2</sup>, which was echoed in Kelowna's Agriculture Plan and is recommended for implementation as part of this package of amendments. For context, the proposed residential footprint size is equivalent to more than 3.5 large urban residential lots (RU1).<sup>3</sup> Further, the residential footprint size may be increased by up to 1,000m<sup>2</sup> for each mobile home for immediate family, where permitted (also consistent with the Guide for Bylaw Development). This also does not include the additional maximum 2,000 m<sup>2</sup> currently allowed in the Zoning Bylaw for a Temporary Farm Worker Housing footprint. (Note: residential footprints are being proposed for properties equal to or greater than 0.4 ha (1 acre), as for properties less than 0.4ha the residential footprint could take up over 50 per cent of the property, so for those smaller properties a 30 per cent maximum site coverage will apply.)

Of ten BC municipalities surveyed (See Appendix D: Residential Footprint Examples from BC), eight have established farm residential footprint regulations within their zoning bylaws, and the remaining two are in discussions with the Ministry of Agriculture on the topic. The majority (6 communities) align with the maximum set out in the Ministry of Agriculture Guide for Bylaw Development in Farming Areas (2,000m<sup>2</sup>), one is more restrictive (District of Summerland, maximum of 905 m<sup>2</sup>) and one is less restrictive (Corporation of Delta, 3,600 m<sup>2</sup>, implemented prior to development of the Ministry guidelines). With this in mind, the City of Kelowna's approach is balanced & defensible based on what is existing today & the development allowances in comparison with urban lots.

### 2.3 Next Steps

The next steps towards adopting the proposed amendments will be to circulate them through our standard referral process, including:

- Circulation of the proposed amendments to major stakeholders including BC Fruit Growers Association, Central Okanagan Food Policy Council, Ministry of Transportation and Infrastructure, Improvement Districts, Interior Health, and Urban Development Institute.
- Refinement of the proposed amendments based on input.

It is expected that the above will be completed and the draft amendments will be presented to Council for first reading this spring.

As the proposed amendments in this package are based on clear, concise direction from the Agriculture Plan, additional engagement is not proposed. The Agriculture Plan had extensive consultation with Council, the Agriculture Advisory Committee, stakeholder groups, agriculture industry group, farmers and the public. A public hearing, however, will still be required after Council reviews the package and provides first reading.

---

<sup>3</sup> Bylaw No. 8000, Zoning Bylaw. Section 13 Urban Residential Zones defines the minimum lot size for RU1, large lot housing as 550 m<sup>2</sup>.

## 2.4 Conclusion

Collectively, these policy recommendations express a commitment to the preservation and strengthening of farmland with the aim of:

- limiting non-agricultural development within the agricultural landscape and development controls that support the agricultural industry;
- Minimizing conflicts between producers and non-producers;
- Proactively using and managing farmland for agriculture; and
- Providing efficiency and transparency for City staff with the goal of reducing work load volume and bylaw infractions.

### Report prepared by:

---

Tracy Guidi, Sustainability Coordinator and Melanie Steppuhn, Planner 2

### Reviewed by:

Danielle Noble-Brandt, Policy and Planning Department Manager

### Approved for Inclusion:

Ryan Smith, Community Planning Department Manager

### Attachments:

- Appendix A: Agriculture Plan Policy Recommendations Summary Table
- Appendix B: TA18-00xx Draft Package 1 – Proposed A1 Agriculture Zone Phase I Directed Amendments
- Appendix C: Agriculture Plan Implementation Proposed Official Community Plan Amendments
- Appendix D: Agriculture Plan Implementation Proposed Zoning Bylaw Amendments
- Appendix E: Residential Footprint Examples from BC