

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 and Housekeeping – Package 2 Draft
Comprehensive Amendments to the Official Community Plan and Zoning Bylaw

1.0 Purpose

To obtain the Agricultural Advisory Committee's recommendation on the proposed amendments and corresponding public engagement for updates to Bylaw No. 10500, Kelowna 2030 Official Community Plan and Bylaw No. 8000, Zoning Bylaw as per the recommendations that required further investigation 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.¹ 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 proposes amendments to address the Agriculture Plan recommendations of ensuring "compliance with provincial standards", "investigate adopting an a maximum home total floor area," as well as a number of housekeeping amendments recommendations. This package is being

¹ 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.

proposed concurrently to another package of amendments that are based on Agriculture Plan policy recommendations that provided clear, concise direction.

2.2 Propopsed Amendments:

In addition to some general housekeeping amendments, the series of proposed policy changes presented in this package are based primarily on three recommendations of the 2017 Agriculture Plan:

Ag Plan Reference ID	Recommendation
1.3a	Review and amend the A1 zone to ensure compliance with Provincial standards and objectives of the Agriculture Plan update.
1.3b	Investigate adopting a maximum home (principal dwelling) total floor area within the A1 zone based on Ministry of Agriculture guidelines, and other zones that may also be in the ALR.
1.3f	Update the Zoning Bylaw to reflect the vegetative buffer specifications as outlined in <i>Edge Planning White Paper</i> (see Appendix F).

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	Policy
Ensure compliance between the A1 zone and provincial standards	<p>Zoning Bylaw Amendments</p> <ul style="list-style-type: none"> New land use definitions to align with the ALC including: Farm Retail Sales Stands (replacing Agricultural and Garden Stands), Immediate Family and Meaderies. Update Greenhouses and Plant Nurseries accessory use size requirements (from 400 m² maximum to 150 m² maximum) Replace the single Kennels and Stables definition with two separate definitions as the first is a permitted non-farm use and the second is a permitted farm use. Addition of stables as a principal use in the A1 zone, as they are a permitted farm use. Revised secondary uses for ALR properties to align with ALC approved uses, and introduce language for secondary uses for non-ALR properties. Introduce a table of development regulations to provide clarity and to update requirements to align with provincial regulations. 	<p>Section 2.3.3</p> <p>Section 11.1.7</p> <p>Section 2.3.3</p> <p>Section 11.1.2</p> <p>Section 11.2.3</p> <p>Section 11.1.6</p>
Address challenge of increasing farm land due to high capital inputs	<p>Zoning Bylaw Amendment</p> <ul style="list-style-type: none"> Introduce a maximum gross floor area (500 m²) based on Ministry of Agriculture Guide for Bylaw Development in Farming Areas (plus additional 300 m² for mobile home for immediate family). 	<p>Section 11.1.6</p>

Provide clarity on existing regulations	<p>OCP Farm Protection DP Guidelines</p> <ul style="list-style-type: none"> • Provide clarity when a Farm Protection DP is required. <p>Zoning Bylaw Amendments</p> <ul style="list-style-type: none"> • Revised definition for Agriculture, agricultural structures, farm retail sales stands, greenhouses and plant nurseries, and immediate family. 	<p>Chapter 15.1</p> <p>Section 2.3.3</p>
Limit conflicts with agriculture	<p>OCP Farm Protection DP Amendments</p> <ul style="list-style-type: none"> • Updates to landscape buffer requirements to align with proposed Zoning Bylaw landscape amendments. <p>Zoning Bylaw Amendments</p> <ul style="list-style-type: none"> • Revise landscape buffer requirements for land abutting ALR in accordance with Ministry of Agriculture Edge Planning Guidelines. 	<p>Chapter 15 Guideline 1.3</p> <p>Section 7.6.1 Table 7.1 Table 7.2</p>
Ensure consistency with proposed amendments in Package 1	<p>OCP Farm Protection DP Amendments</p> <ul style="list-style-type: none"> • Replace “agricultural and garden stands” with “farm retail sales stands” <p>Zoning Bylaw Amendments</p> <ul style="list-style-type: none"> • Revise 1.8.3 for home site severance lots to align with proposed footprint policies (30 % site coverage for lots under 0.4 ha). 	<p>Chapter 15.2</p> <p>Section 1.8.3</p>

Notably, two of the proposed amendments, house size and landscape buffers, address issues that many communities have been grappling with across the province. They address common challenges of increasing costs of farmland due to high cost capital inputs and urban-rural interface conflicts with agriculture. Both proposed amendments are discussed further below.

1. Home Size

Housing plays an important role on agriculture land, allowing farmers and their families to live on the farm and conveniently manage the farm operation. It has been found that house size has an impact on the overall value of a farm property, and the larger more expensive dwellings can increase the per acre value of farmland, increasing the costs for farmers as illustrated in sample real estate listings from fall, 2017:

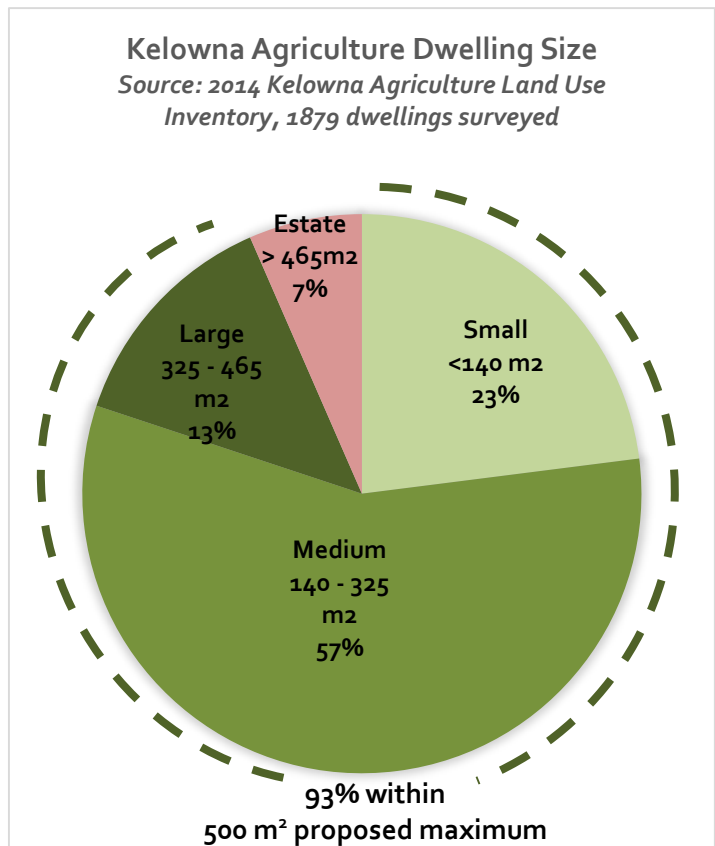
Property	Parcel Size	Existing Home Size (proposed 500 m ²)	MLS Price
Hart Road	11.3 acres (4.5 ha)	858 m ² (9,238 ft ²)	\$5,500,000
Belgo Road	17.9 acres (7.2 ha)	662 m ² (7,127 ft ²)	\$2,995,000
Lakeshore Rd.	17.8 acres (7.2 ha)	1021 m ² (11,000ft ²)	\$13,995,000
East Kelowna Rd.	20 acres (8.1 ha)	606 m ² (6,533 ft ²)	\$4,650,000
Water Rd.	14.5 acres (5.9 ha)	929 m ² (10,000 ft ²)	\$5,585,000
KLO Rd	35 acres (14.2 ha)	552 m ² (5,940 ft ²)	\$6,800,000
Casorso Rd	9.2 acres (3.7 ha)	929 m ² (10,000 ft ²)	\$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.

Gross floor area is defined as the total floor area of the **building** or **structure** contained within the exterior and **basement** walls. The Agriculture Plan recommends investigating adopting a maximum gross floor area consistent with the provincial “Guide for Bylaw Development in Farming Areas” of 500m² for each principal residence plus 300m² for a mobile home for immediate family where permitted.

The 2014 provincial Agriculture Land Use Inventory for Kelowna, showed that of the 1879 residences surveyed on ALR parcels, 93 per cent are within the 500m² proposed maximum. The trend between 2007 and 2014, is for a larger portion of homes to be built to “estate size” (i.e. greater than 500m²). During this period, 31 per cent of dwellings constructed on ALR land were greater than 500m² (5380 square feet).

To satisfy some of the desire for building an estate type home in a pastoral setting, it is being proposed that gross floor area does not apply on A1 lots less than 0.4ha (1 acre). Examining the Agriculture Land Use Inventory found that of the 296 ALR properties less than 1 acre, only seven per cent (21 properties) are farmed. Further, with allowances for site coverage for the residence, very little of most of these properties would be available for farming.



Of ten BC municipalities surveyed (See Appendix C: Agriculture Home Size Policies in BC), six have maximum home size regulations within their zoning bylaws, and two are in discussions with the Ministry of Agriculture on the topic. When comparing the six communities to the Ministry of Agriculture guidelines of 500m², one aligns (Port Coquitlam), three communities are more restrictive (Delta, Kent, Squamish-Lillooet) and 2 allow for a larger house size (Maple Ridge allows up to 650m² and Richmond allows up to 1,000m² on properties over 0.2ha).

2. Landscape Buffers

With urban land uses intensifying, the urban-rural interface is an area of possible land use conflict if not effectively managed, potentially straining relationships between farm and non-farm neighbours. A landscape buffer minimizes the effects of normal farm practices on urban activities through visual and spatial separation. The buffer provides benefits to non-agricultural parcels by

protecting from dust and noise while also creating a barrier from agricultural spray practices. The landscape buffer also provides protection to the agricultural parcel by creating a physical barrier to agricultural practices as well as providing an appropriate transition between urban and farming areas.

The Agriculture Plan recommended to “update the Zoning Bylaw to reflect the vegetative buffer specifications as outlined in the Edge Planning White Paper.” The buffer specifications presented in the Agriculture Plan have been refined in response to the Ministry of Agriculture’s Guide to Edge Planning and in response to potential scenarios on agricultural lands in and outside of the ALR.

Different amendments are proposed in the OCP Farm Protection DP Guidelines and the Zoning Bylaw Landscape Buffer Treatment Levels to address buffers both on the urban-side of agriculture as well as on the farm-side, where residences and non-farm uses exist.

a) Urban-Side Buffers

Updating the landscape buffers for those urban properties adjacent to agricultural land helps to minimize conflict, protect farmland from urban encroachment, and promotes more sustainable urban design.

The Zoning Bylaw currently requires a Level 5 landscape buffer for all land abutting the ALR on the urban side of the property. The current requirement is for a 3.0 meter wide vegetated buffer and a fence, in addition to the required setback of the zone. Taking guidance from the Ministry of Agriculture’s Edge Planning Guidelines, the proposed amendments for properties adjacent to ALR land include wider buffers (except for existing residential lots) plus the existing required setback of the zone . Further, this also specifies a minimum distance that a structure may be to the ALR boundary.

b) Farm-side buffers

Updating buffers on farmland (specifically for residential and non-farm uses) provides a barrier from agricultural sprays and practices for those residing on or visiting the farm. A 3.0 meter buffer is proposed around the residential or non-farm uses only. Farm uses and farm buildings would be unaffected.

2.3 Next Steps

The next steps towards adopting the proposed amendments will be influenced by the discussion with the Agricultural Advisory Committee. It is anticipated that the following will be undertaken:

- 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.
- Engagement could include things such as a survey, farmer conversation and/or open house.
- 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.

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, and ease of understanding of development regulations, 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: Draft Package 2 – Proposed Agriculture Zone – Phase II Comprehensive Amendments
- Appendix B: Agriculture Plan Implementation Proposed Official Community Plan Amendments
- Appendix C: Agriculture Plan Implementation Proposed Zoning Bylaw Amendments
- Appendix D: House Examples from BC