

Schedule E: Comments and feedback from referral



Tracy Guidi, Sustainability Coordinator, and
Melanie Steppuhn, Planner
Policy and Planning
City of Kelowna
tguidi@kelowna.ca
msteppuhn@kelowna.ca

April 6, 2018

Dear Tracy Guidi and Melanie Steppuhn:

Re: Referral of proposed OCP18-003 and Zoning Bylaw TA18-0002 amendments

Thank you for the opportunity for the Ministry of Agriculture to provide comments on Kelowna's draft OCP18-003 and Zoning Bylaw TA18-0002 amendments (Package 1 and 2, March 1, 2018 Memos). We commend the City for exploring a set of bylaw amendments that pursue clarity on a number of important agricultural land use planning issues.

We would like to provide the following comments which could make these bylaw amendments even stronger:

Package 1:

- The proposed OCP s1.9.2 provision states that 'all underground residential services are located with the residential footprint', is unclear regarding septic fields. The Residential Uses in the Agricultural Land Reserve (ALR) (Size and Siting) 2011 Discussion Paper (p.22) states that farm residential footprints do not include septic fields. However, ALC Policy L-18, while for residential uses in ALR Zone 2, provides the term 'other residential structures as including septic fields. Consider providing greater clarity regarding septic fields in the residential footprint definition.
- The Minister's Bylaw Standard on height limitations (Ministry's Guide to Bylaw Development in Farming Areas (Bylaw Guide) p.19) states:
 - "Local government are encouraged to exclude farm buildings from restrictions on height.", and, "If a local government wishes to restrict height of farm structures then the maximum building heights should be no less than:
 - Grain bins (including delivery equipment) 46 metres
 - Silos 34 metres
 - Combination Silo and Grain Storages 41 metres
 - Principal livestock buildings 15 metres
 - All other agricultural buildings 15 metres"
 - Ministry staff acknowledge the proposed maximum height of 16m for 'agricultural structures'. However, as a 'Right to Farm regulated' community, Ministry staff also expect the City of Kelowna to amend its zoning bylaw for clarity to reference, and be consistent, with the remaining Bylaw Standard criteria.
- Ministry staff would typically anticipate farm residential footprint provisions to be located in a local government zoning bylaw not a Development Permit OCP amendment.

Package 2:

- Ministry staff encourage landscape buffers and minimum setbacks adjacent to the ALR to be consistent with the urban-side criteria of the Edge Planning Guide Bylaw Standard.
- The Edge Planning Guide is silent with regards to a farm-side landscape buffer around residential and non-farm uses within the ALR or farming area. Section 527 of the *Local Government Act* states that a local government may require, set standards for, and regulate the provision of screening for masking or separating uses and a 3m landscape buffer such as proposed would appear to be within the parameters of this provision. With that said, it is important for a local government to ensure they are not unduly impinging on a farmer's ability to farm a given property.
- Consider confirming with the ALC regarding the definitions of child care centres and minor group homes are non-farm uses allowed on the ALR. Given that they are described in the proposed bylaw amendments as secondary uses, are they considered a home occupation as defined by the ALR Use, Subdivision, and Procedures Regulation s3(1)(c)? Or are there pre-existing sites that the ALC has already approved? The proposed amendments imply that the zoning provisions will permit these types of non-farm uses without ALC approval. Providing further clarity is strongly suggested.
- It appears that the draft Appendix C Table 11.1 lists the minimum setback distances from 'Front Yard and Flanking Street', 'Side Yard', and 'Rear Yard' lot lines for a number of agricultural uses. Consider explicitly noting these are the minimum distance setbacks from lot lines.
- The Minister's Bylaw Standard list a number of maximum setback distances from front, exterior side, interior side and rear lot lines including distances for agricultural structures, greenhouse, direct farm marketing facilities, stables and winery and cider processing facilities. Maximum setback distances can significantly help reduce 'excessive setbacks that might present serious challenges to farming operations'. Ministry staff encourage Kelowna review and adopt these Bylaw Standard provisions as found in s2.4.8 of the Bylaw Guide (pp19-22).

If you have any questions about these comments, please feel free to get contact the Ministry.

Sincerely,



Gregory Bartle, Land Use Planner
BC Ministry of Agriculture
Gregory.Bartle@gov.bc.ca
(250) 387-9687

pc: Anne Skinner, Regional Agrologist, AGRI
Tony Pellett, Regional Planner, ALC

**Agricultural Land Commission**

201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

Melanie Steppuhn, BES, BCLA
Land Use Planner, Policy & Planning
City of Kelowna

ALC May 11, 2018

Re: ALC Response to Kelowna Agriculture Plan Implementation Packages

Package 1 Goal

With regard to the goal to preserve agricultural land, doubling the minimum subdivision lot size in the ALR from 2.0 ha to 4.0 ha should be regarded as only a good first step. Depending on the locale, many parts of Kelowna should be reviewed to determine whether a much larger lot size would be more appropriate, with a view to maintaining a suite of large farms..

Agriculture Plan and Zoning Bylaw amendments

The Agriculture Plan recommendation for a maximum farm residential footprint of 2,000 m² is appropriate. The proposal to increase the footprint to 3,000 m² where there is to be a mobile home for immediate family may require ALC approval depending on the circumstances. It is not immediately clear how the Agriculture Plan recommendation will mesh with the Zoning Bylaw amendment introducing a 500 m² maximum gross floor area (or 800 m² where there is to be a mobile home for immediate family).

Proposed buffer policy

The proposal to produce a table for adoption of landscape buffer policies into the zoning bylaw is highly appropriate.

Proposed secondary use changes

Proposed zoning amendments distinguishing secondary uses permitted in the ALR from those permitted outside the ALR appear very useful.

Miscellaneous

For clarity, any references to land “abutting the ALR” should be changed to “adjoining the ALR”, as the definition of “abutting” technically refers to “adjoining at the narrow end”.

In general the proposed OCP amendments appear fully consistent with ALC policies.

K.A. Pellett

Tony Pellett RPP, MCIP, Regional Planner
Provincial Agricultural Land Commission
201 - 4940 Canada Way
BURNABY BC V5G 4K6
604 660-7019 FAX 660-7033

web site: www.alc.gov.bc.ca

Tracy Guidi

From: Tracy Guidi
Sent: Thursday, May 10, 2018 12:44 PM
To: Tracy Guidi
Subject: FW: RDCO Circulation Response - City of Kelowna Agricultural Plan Implementation

From: Mimi Miller [<mailto:mimi.miller@cord.bc.ca>]
Sent: Friday, April 06, 2018 9:30 AM
To: Melanie Steppuhn
Subject: FW: MISC-18-14 - City of Kelowna Agricultural Plan Implementation

Good afternoon:

Thank you for the opportunity to comment on the above noted file. RDCO staff has reviewed the subject referral and notes the following:

- The implementation of the City of Kelowna's Agricultural Plan meets a number of goals and policies of the Regional Growth Strategy, including those found within the Our Land and Our Food Sections. Link to RGS: <https://www.regionaldistrict.com/media/125810/bylaw1336.pdf>
- In an effort to preserve agricultural land throughout the region, it may be beneficial to review Kelowna's proposed amendments during a Regional Planning Lab. Link to RGS Priority Projects Plan for more info on the Labs: https://www.regionaldistrict.com/media/229502/RDCO_RGS_Priority_Projects_Plan_FINAL.PDF
- Central Okanagan EDC

Thank you for enabling me to review the proposed documents/changes. While I am new to BC, having moved only in Sept., I continue to learn more and more about agriculture issues and regulations. However, given my tenure, I feel a bit challenged to provide meaningful feedback except to say that I like the direction and feel it aligns with what I have heard local producers talk about, particularly around home sizes on ALR land and urbanization close to ALR land.

I did wonder about the sewer construction limitations and if that will help or impede different types of agriculture - some of which require more water than others. For sure access to sewer is necessary if a producer is considering agri-tourism. But again, I don't know much about the local situation so trust the recommendation is something producers were asking for.

I have one very small recommendation for the benefit of all agriculture. In the opening letter, you write "healthy food". I think it's important to change our language to say "safe food". All food in Canada is required to meet certain standards of safety. Healthy is a matter of opinion. I may believe that only organic is healthy but that doesn't mean that non-organic isn't safe. This is a small suggestion that will benefit all food producers, because no matter how they produce, we are blessed with many safe food options.

If I can be of further help, feel free to reach back to me. And, I continue to be inspired to learn more about local agriculture and how the city can foster the belief that growing food is as sexy as high-tech and as necessary - or maybe, that growing food can be high-tech too.

Have a great day!
Warm regards,
Myrna
Agriculture Consultant, COEDC
306-536-5691

Kind regards,

Mimi Roth-Miller, Administrative Assistant
Planning Section, Community Services | planning@cord.bc.ca
Regional District of Central Okanagan | www.regionaldistrict.com | www.rdcogis.com
Ph.: 250-469-6227 | Fax: 250-762-7011

This email and any files transmitted are confidential and may contain privileged information. Any unauthorized dissemination or copying is strictly prohibited. If you have received this email in error, please delete it and notify the sender.



Central Okanagan Food Policy Council

April 6, 2018

Melanie Stepphun
Planner
City of Kelowna

Tracy Guidi
Sustainability Coordinator
City of Kelowna

Dear Ms. Stepphun & Ms. Guidi,

Thank you for the opportunity to provide comments regarding the City Kelowna's proposed OCP and Zoning amendments as part of the Agriculture Plan implementation. It is our understanding that the intention of the amendments is to help achieve Council's priority in addition to promoting and celebrating the vital role of agriculture in Kelowna today, and for decades to come.

The Central Okanagan Food Policy Council (COFPC) applauds City of Kelowna Staff and Council for taking the initiative and allocating resource to the implementation of the agriculture plan.

Overall the proposed OCP and zoning amendments support the protection of agricultural land and also helps to reduce conflict and other negative impacts on agriculture land. The COFPC agrees with and supports all the proposed amendments.

We will provide comment in more detail on one of the proposed amendments, maximum home size on A1 Properties:

The COFPC has heard from farmers that they do not like the idea of regulating house size of farmland. While we do respect these the views of these farmers, the COFPC recognizes that many of those who are building estate size homes on farmland may not be farmers. There are some farmers that raise the question of why do they have to be regulated when it's mostly non farmers who are building estate size homes. Again, while the COFPC respects the views of farmers, we do support the proposed amendments to have a maximum house size on A1. Very large houses on farmland increases the value of the land and makes it almost impossible for new farmers to buy their own land. Farmland should be for farming, not for building mansions. Ultimately, while regulating house size may not been seen as a fair solution by some farmers, it will be best for agriculture in the long term.

In closing, the Central Okanagan Food Policy Council is pleased to have been given the opportunity to comment on the City of Kelowna's Agriculture Plan implementation OCP and Zoning amendments.

Regards,

Linda Trepanier
Chairperson
Central Okanagan Food Policy Council.
cofpcs@gmail.com



Interior Health
Every person matters

April 6, 2018

Melanie Stepphun
Planner
City of Kelowna

Tracy Guidi
Sustainability Coordinator
City of Kelowna

Dear Ms. Stepphun & Ms. Guidi,

RE: Agriculture Plan Implementation – Packages 1 and 2 – Amendments OCP18-0003 & TA18-0002

Thank you for the opportunity to provide comments for City of Kelowna Staff and Council consideration of Agriculture Plan Implementation Packages 1 and 2. This referral has been reviewed from Healthy Food Systems perspectives. The following information is provided for your consideration.

Healthy Food System

Interior Health has an interest in the preservation of farmland to support local agricultural capacity now and in the future. Agricultural capacity is a key aspect of local healthy food systems, contributing to our community's food security. Food systems determine how we choose food and what food we have access to. The food we eat is critical to our health. Land use decisions can influence use of agricultural land which can thereby impact the accessibility, quality and variety of food available to us. Having access to healthy and safe food helps to protect the population from chronic disease and infectious illnesses.

Overall the proposed OCP and Zoning amendments appear to support our community's food security by preserving agriculture land and reducing potential negative impacts on agriculture.

Food security has been recognized as a key public health issue by the BC Ministry of Health. Interior Health ensures the delivery of key government priorities to increase and advance food security.

Package 1:

Goal	Proposed Amendments	Proposed Policy/ Section	Health Evidence
Preserve agricultural land	<p>OCP Amendments:</p> <ul style="list-style-type: none">• Restrict expansion of residential development and density outside the Permanent Growth Boundary• Protect and support the continued designation and use of agricultural land for agricultural purposes regardless of soil capabilities <p>OCP Farm Protection DP Amendments:</p> <ul style="list-style-type: none">• Design residential footprints to maximize agriculture potential and limit negative impacts on the farm.• Locate structures for services related to the public near the road to reduce impact on the agriculture potential.	<p>Policy 5.3.1</p> <p>Policy 5.33.6</p> <p>Chapter 15 Guideline 1.9</p> <p>Chapter 15 Guideline 1.10</p>	<p>Local policies that support the ALR help to protect and preserve agricultural land.</p> <p>Farmland preservation helps to maintain a level of food production that contributes to food self-sufficiency, and food self-sufficiency supports healthy eating.</p> <p>Food self-sufficiency in BC is increasingly important as extreme weather will affect production in California, which is currently where 40%–50% of BC's supply of fruits and vegetables comes from.</p> <p>Greater availability of locally produced fruits and vegetables may increase their consumption.</p>

Bus: (250) 469-7070 ext 12292
Fax: (250) 868-7809
Email: Jill.Worboys@interiorhealth.ca
Web: www.interiorhealth.ca

INTERIOR HEALTH
POPULATION HEALTH
505 Doyle Avenue
Kelowna, BC V1Y 0C5

	<p>Zoning Bylaw Amendments:</p> <ul style="list-style-type: none"> Require that mobile homes on farmland be occupied by the owner's immediate family and located on non-permanent foundations. Remove carriage house as a permitted use. Increase minimum subdivision lot size in the ALR from 2.0 ha to 4.0 ha. Establish a maximum farm residential footprint size of 2,000 m². 	<p>Section 2.3.3 & Section 11.1.4</p> <p>Section 9.5.b & Section 11.1.3 Section 11.1.5 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"> Restrict the expansion of sewer into agricultural areas 	Policy 7.22.2	
Limit conflicts with agriculture	<p>OCP Amendments:</p> <ul style="list-style-type: none"> Avoid uses of urban land adjacent to agricultural land by vulnerable populations (e.g. seniors, children) <p>OCP Farm Protection DP Amendments</p> <ul style="list-style-type: none"> Require statutory covenants on non-agricultural land through the development process 	<p>Policy 5.33.9 Chapter 15 Guideline 1.7</p>	<p>Agriculture can negatively affect air quality though contributions to particulate matter, odours, and volatile compounds.</p> <p>Pesticides are associated with both negative and positive health impacts.</p> <p>Buffers can benefit residents by reducing noise, dust, and odours, and buffers provide environmental benefits such as improving water quality.</p>
Food system resiliency	<p>OCP Amendments</p> <ul style="list-style-type: none"> Expand urban agricultural opportunities 	Policy 5.13.5	<p>Increased opportunity to access healthy food for all community members & improved health from eating locally grown produce.</p> <p>Heightened sense of community. Increased social opportunities in the form of community gardening, mentoring programs.</p> <p>Increased physical activity and recreational opportunities.</p> <p>Urban agriculture builds safe, healthy, and green environments in neighborhoods, schools, and abandoned areas.</p>

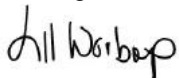
Package 2:

Goal	Proposed Amendments	Proposed Policy/Section	Health Evidence
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 Alcohol Production Facilities • Update Greenhouses and Plant Nurseries accessory use size requirements (from 400 m2 maximum to 150 m2 maximum as required by ALR regulations) • 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>	<p>Ensuring consistency between City of Kelowna zoning and provincial standards has the potential to support agriculture capacity long term. Agricultural capacity is a key aspect of local healthy food systems, contributing to our community's food security.</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 residential 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>	<p>During engagement for Kelowna's Agriculture Plan Stakeholders raised the following issues:</p> <ul style="list-style-type: none"> - <i>There are concerns regarding accessing farm land due to high cost, due to speculation and capital inputs.</i> - <i>Competing non-farm uses (including estate homes) are a challenge and prevalent.</i> - <i>Farmland tax relief for estate homes needs to be addressed.</i> <p>Also, City staff highlight that the value of farmland increases exponentially with the presence of estate homes.</p> <p>Actions that aim to address the above concerns (ie. regulating floor area) may support agriculture capacity. Agricultural capacity is a key aspect of local healthy</p>

			<p>food systems, contributing to our community's food security</p> <p>In addition, estate size houses and residential footprints use land that could support agriculture activities. Farmland preservation helps to maintain a level of food production that contributes to food self-sufficiency, and food self-sufficiency supports healthy eating.</p> <p>Food self-sufficiency in BC is increasingly important as extreme weather will affect production in California, which is currently where 40%–50% of BC's supply of fruits and vegetables comes from.</p>
Provide clarity on existing regulations			No comment
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>	<p>Agriculture can negatively affect surface and ground water quality through nutrient, sediment, bacteria, and pesticide contamination.</p> <p>Agriculture can negatively affect air quality through contributions to particulate matter, odours, and volatile compounds.</p> <p>Pesticides are associated with both negative and positive health impacts.</p> <p>Buffers can benefit residents by reducing noise, dust, and odours, and buffers provide environmental benefits such as improving water quality.</p>
Ensure consistency with proposed amendments in Package 1			No comment

On behalf of the Healthy Communities portfolio, I appreciate the opportunity to provide comment on the City of Kelowna's Agriculture Plan Implementation Packages 1 & 2.

Kind regards,



Jill Worboys, RD
Public Health Dietitian



URBAN DEVELOPMENT INSTITUTE- OKANAGAN CHAPTER

210 – 1460 Pandosy Street
Kelowna, BC V1Y 1P3 Canada
T. 778.478.9649 F. 778.478.0393

udiokanagan@udi.org

www.udiokanagan.ca

April 3, 2018

City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4

Attention: Tracy Guidi, Melanie Steppuhn, Ryan Smith

Subject: Agriculture Plan Implementation

The Urban Development Institute (UDI) is a national association (with international affiliations) of the development industry and its related professions. The corporate members of the UDI - Okanagan Chapter represent hundreds of individuals involved in all facets of land development and planning, including: developers, property managers, financial lenders, lawyers, engineers, planners, architects, appraisers, real estate professionals, local governments and government agencies.

As a Partner in Community Building, the UDI Okanagan Chapter is committed to working with communities and governments to create and achieve the vision of balanced, well-planned, sustainable and affordable communities.

The UDI Okanagan applauds the City of Kelowna's efforts to create an Agricultural Plan. However, we have concerns with many of the items stated in this plan, as well as the short turnaround time expected for feedback and the lack of prior consultation. We believe that these are major policy changes, which may have unintended consequences and must be examined in the larger context of the Official Community Plan (OCP) Update.

We do not believe that the quick turnaround time is sufficient to provide adequate feedback on the significant changes proposed. For this reason, we are requesting that the City delay bringing this forward to Council until an adequate consultation process with the appropriate stakeholders can be undertaken.

Although we cannot fully elaborate at this time on all of the concerns we have with this plan, below is a short initial list of some of the key items that we would like to discuss further with the City before it moves forward to Council.

Some of the key concerns include:

- The current plan may harm agri-tourism and economic development, rather than help to support it. Pure agricultural businesses, as opposed to hybrid models, are virtually impossible to start in

today's fruit market, and accordingly these bylaws go a long way toward damaging and building challenges to agri-tourist business models.

- This plan would make it difficult for multi-generational families to operate as it would make it financially unfeasible in many cases. It could also be perceived as discriminatory as many multi-generational families that currently operate on farmland in Kelowna are from the Indo-Canadian community and have been farming lands in Kelowna over generations.
- The stipulation that says 'regardless of soil quality' is a major concern. Protecting A1 even if there is no agricultural suitability does not make sense and does not protect agriculture. This will effectively act as a secondary land freeze beyond the ALR, and to enact such a wide sweeping regulation should require massive public consultation, if not a full referendum. Such significant changes to property rights, done through a simple bylaw change, is not an appropriate method of regulation, as it does not sufficiently notify the many thousands of landowners it affects.
- Limiting greenhouses to 75 per cent of the land, before consideration of any buffers is prohibitive.
- The condition that the residential footprint must within 60 meters of the road is flawed and could lead to sites having no view, and less ability to attract customers to the agriculture as well as other concerns.
- If the goal is to protect agriculture, there should be more of a focus on the economic ability of a farmland. For example, if a winery owner can generate more income with their building deeper within his or her property, that should be encouraged rather than discouraged as it is now. These policies should enhance and improve the business viability of agricultural practices, however as presently formed, they reduce it.
- With land costs ranging from \$150,000-\$200,000 an acre and a long payback period, it is very difficult for new farmers to get started in this industry. In many cases, agri-tourism is the only way that new farmers have the ability to be economically viable. This can be demonstrated by the fact that the price per pound for different agricultural goods has been decreasing as the price per square foot for rental accommodations has been increasing. For this reason, the City of Kelowna should be supporting agri-tourism, and not discouraging it as this plan now does.
- It appears as though there has not been sufficient consultation locally and that much of these proposed changes could be influenced by what has been happening in the Lower Mainland. These changes make sense for the Lower Mainland but not for Kelowna. This needs to be examined from a local context because utilizing examples from other communities which have different challenges and different economic climates is not suitable.
- The City needs to develop the tools necessary to properly evaluate site specific situations. Currently, there does not appear to be this type of needed flexibility in the bylaw. If it is intended to have large scale agricultural developments reviewed on an individual basis, that should be prominently designed into these bylaws.
- There should be a Development Permit waive out allowance in order to exclude some properties. An agrologist report should be required outlining the soil classifications and 'farmable lands'. Lands not deemed farmable should then be able to be used and/or rezoned for non-agricultural purposes. Guidelines could identify best practices, which would provide the City with the tools needed to properly evaluate applications.

- UDI requests further clarification on how these new regulations will impact on potential investment opportunities in wineries, breweries, etc. The new regulations should help to promote these opportunities, not limit the experience.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'K' followed by a long horizontal stroke.

URBAN DEVELOPMENT INSTITUTE OKANAGAN CHAPTER

Per: Kevin Edgecombe, Chair of City of UDI Okanagan