

COMMITTEE REPORT



Date: May 13, 2021

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Development Planning Department

Application: City of Kelowna Draft Zoning Bylaw Update **Applicant** City of Kelowna

Subject: City of Kelowna's Draft Zoning Bylaw Update – Agriculture and Rural Residential Zones

1.0 Purpose

To obtain the Agricultural Advisory Committee's input and to consider amendments to the City of Kelowna's proposed Zoning Bylaw Update in relation to the Agriculture Zones and Rural Residential Zones as outlined in the report from the Development Planning Department, dated May 13, 2021.

2.0 Proposal

2.1 Background

As the Agricultural Advisory Committee (AAC) is aware, the City is in the process of updating its Official Community Plan (OCP) to 2040. As a zoning bylaw is a tool to implement land use planning visions expressed in OCPs and growth strategies¹, staff are concurrently working on a major update to Kelowna's Zoning Bylaw, which is proposed to be adopted shortly after the OCP as a way to follow through on many of the OCP's action items.

The proposed Zoning Bylaw is contemplating a more innovative approach with creative ideas that have been generated from various planning projects including the Healthy Housing Strategies, the Capri-Landmark Urban Centre Plan, the Transportation Master Plan, Imagine Kelowna, Kelowna's Agriculture Plan, Kelowna's Urban Centre Roadmap, and the OCP update. There are many new development trends that need to be incorporated into the Zoning Bylaw such as new parking regulations, social housing bonusing, inclusionary zoning, short-term rentals, car sharing, cannabis, etc. The intent is to update and to consolidate as many rules as possible to make it easier for each Kelowna citizen to understand the Zoning Bylaw and build a Zoning Base in which all the previous initiatives can be layered on.

¹ Province of BC, Zoning Bylaws. <https://www2.gov.bc.ca/gov/content/governments/local-governments/planning-land-use/land-use-regulation/zoning-bylaws>

3.0 Community Planning

3.1 Zoning Bylaw Update – Purpose and Objectives

The Bylaw Update is proposing to achieve six key objectives, as outlined in detail in Appendix A. The three key objectives that align with the Agriculture section consist of the following:

1. Consolidate Zones

- › Improve formatting and layout including the use of zoning tables.

2. Consolidate Land-Use Categories

- › Update old terminology and land use definitions.
- › Reduce overlap and redundancy between categories.

3. Provide a modernized Zoning Bylaw that will continue to be updated as new policies are adopted.

3.2 Agriculture and Rural Residential Zones

In addition to aligning with the new proposed 2040 OCP, the agriculture zones in the Agriculture and Rural Residential section were updated to implement the direction of the City's Agriculture Plan (2017) as well as were informed by the following documents:

- Ministry of Agriculture's Guide to Edge Planning;
- Local Government Bylaw Standards and Farm Bylaw
 - Minister's Bylaw Standards
 - Farm Bylaws, Farm Bylaw Standards and Regulated Communities
 - Guide for Bylaw Development in Farming Areas

The purpose of the AAC meeting is to gather feedback on the new agricultural content that is proposed to be included as part of the Zoning Bylaw Updates as outlined in Sections 3.2.1 to 3.2.3 of this report. It should be noted that no changes were made to the following sections, and therefore have not been included for discussion:

- Section 4.3 - RV Prohibition;
- Section 6.6 - Riparian Management Area (RMA) Setbacks – content remains the same, however *new illustrations have been included; and*
- Section 9.7 – Temporary Farm Worker Housing .

Proposed changes affecting agriculture can be broken into three key topics and are discussed further in this report.

1. Revised agricultural definitions (Schedule A);
2. Updated agriculture Zones (Schedule B); and,
3. Updated agriculture development regulations (Schedule C).

3.2.1 *Revise Agriculture related definitions*

In keeping with the Zoning Bylaw Update objectives, agriculture related interpretations and definitions were updated to reflect current land use objectives as well align with the key guiding documents, standards and regulations listed in Section 3.2 of this report.

Schedule A outlines the agriculture related definitions, many of which remain the same as the current Bylaw, and others have had minor updates. However, several definitions have had significant changes and/or new definitions have been introduced including:

- Agricultural animal unit (new definition) – introduced to align with and provide clarity for regulations around riparian areas.
- Agriculture (revised definition) – revised for greater clarity
- Alcohol production facilities (revised definition) – provides greater clarity and applicability across a variety of zones
- Cannabis cultivation (new definition) – introduced to align with what is permitted by the ALC, and to distinguish from other agricultural crops.
- On-farm cannabis processing (new definition) – introduced to distinguish between what is permitted for on-farm processing of cannabis versus a full cannabis production facility which is allowed in some industrial zones.

3.2.2 *Updates to the Agriculture and Rural Residential zones*

The major change to the agriculture zone in the Zoning Bylaw Update is splitting the current A₁ zone into two distinct zones however reducing the overall number of Rural Residential zones. These objectives were achieved in the Agriculture and Rural Residential section of the zoning bylaw as summarized in the following and detailed in Schedule B:

- *A₁ – Agriculture:* The purpose is to provide a zone for all Agriculture Land Reserve (ALR) parcels that permit agricultural uses and other complementary uses suitable in an agricultural setting. A benefit to rezoning these parcels is to allow for agriculture to be permitted use for all parcels that are located within the ALR.
- *A₂ – Agriculture and Rural Residential:* The purpose is to provide a zone that allows for rural residential and agricultural land uses outside the ALR. One benefit to this second agriculture zone is to avoid confusion for uses that are allowed in the ALR but not allowed on non-ALR agricultural properties. For example, as the *Agricultural Land Reserve Use Regulation* provides regulations ensuring farming occurs in conjunction with secondary uses such as on-farm processing and alcohol production facilities, these are allowed in the ALR. However, as no such regulations exist outside of the ALR, these types of uses are not permitted on A₂ properties.
- Existing Zoning Bylaw has three Rural Residential zones. New ZB propose to consolidate them into two:

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- RR1 – Large Lot Rural Residential: The purpose is to provide a zone for country residential development on larger lots that permit more rural land uses, minor agricultural, and a holding zone where future development could occur subject to the direction of the OCP.
- RR2 – Small Lot Rural Residential: The purpose is to provide a zone for country residential development on smaller lots, and complementary uses, in areas of high natural amenity and limited urban services
- Update Zoning Mapping boundaries including every property within the ALR proposed to be zoned A1 – Agriculture.

This split into two distinct agriculture zones builds off the work completed in 2018 as part of the implementation of the Agriculture Plan actions, when the secondary uses in the A1 zone were divided to illustrate the differences for ALR and non-ALR properties. By introducing a second A2 zone for non-ALR properties provides a clear and concise understanding of how ALR properties are distinct and have different allowable uses compared to other agricultural properties.

3.2.3 Updates to Agriculture development regulations

Schedule C outlines the draft development regulations for the proposed A1 and A2 zones. Many of the regulations remain consistent with the current Zoning Bylaw, but have been incorporated into table format for ease of use. Some of the more significant changes include:

- **Urban Rural Interface Map Eliminated.** In Section 11 – Agricultural Zones in the current Zoning Bylaw, Schedule A, Urban Rural Interface Map, outlines where intensive agriculture is permitted. Over the years, this map has not been kept current as new urban developments have been introduced. In addition, the shading on the map has been the source of confusion for some time. The new draft Zoning Bylaw proposes to remove the map and instead replace it with a column in the development regulations table (table 10.5) that prescribes a setback from the ALR interface. This new setback from the ALR interface varies from zero to 100 meters (currently 300 meters for intensive agricultural uses) depending on the use. Taking this approach eliminates the need for future mapping updates and provides clearer direction to Zoning Bylaw users.
- **New agriculture facilities and setbacks introduced.** The number of agriculture facilities listed in table 10.5 have been expanded compared to the current zoning bylaw to reflect a wider range of agricultural facilities. In addition to on-property setbacks for some of the agricultural facilities have been adjusted based on recommendations from Ministry of Agriculture staff, Agriculture Land Commission staff and the Guide for Bylaw Development in Farming Areas to align with recommend best practices.
- **Farm Residential Footprint.** Increase the minimum size of the a property to require a Farm Residential Footpring from 4000 m² to 8000 m²

4.0 Next Steps

Once the Zoning Bylaw has been fully drafted, the engagement phase will begin. While Ministry of Agriculture and the ALC have already had an opportunity to provide initial comments, the engagement phase will allow for other agricultural stakeholders and the community to provide their input.

Following, engagement, the draft will be refined and introduced to Council for consideration. It should be noted that once the Zoning Bylaw receives third reading (which would happen following a public hearing), the Minister of Agriculture must sign off on all new aspects of the bylaw that affect agriculture as Kelowna is a regulated farm bylaw community².

² A regulated farm bylaw community allows for local government to adopt Farm Bylaws and/or restrict or prohibit agriculture under Section 552 and/or 481(2) of the Local Government Act. Kelowna is one of four communities currently regulated in the province.

City of Kelowna's Draft Zoning Bylaw Update – Agriculture and Rural Residential Zones

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Attachments:

Schedule A - Agriculture and Rural Residential definitions
Schedule B - Agriculture and Rural Residential zones
Schedule C - Agriculture and Rural Residential development regulations
Appendix A - City of Kelowna Zoning Bylaw Update Objective