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Dear Tracy Guidi:

**Re: City of Kelowna Draft OCP version Fall 2020**

Thank you for providing B.C. Ministry of Agriculture staff the opportunity to comment on the City of Kelowna's draft Official Community Plan. Overall ministry staff consider the objectives and policies affecting agriculture to be positive given the emphasis on protecting agricultural land and minimizing conflict. We offer the following comments that may help to provide increased clarity and suggestions for wording or additional objectives or policies that may support agriculture in the City:

Chapter 8 – Rural Lands

**8.1 Objectives** – The objectives in this section are very strongly in support of agriculture. The one area of note is Policy 8.1.11 – Conservation Tools. In this section, it may be beneficial to note that conservation covenants in the ALR need to be approved by the Agricultural Land Commission (ALC) before they are valid.

Chapter 22 Farm Protection Development Permit Area

**A. Farm Protection DP for development on lands adjacent to ALR**

**Properties Affected** – this should apply to all residential, commercial and industrial properties within 300m of the ALR as described in the [Guide to Edge Planning](#), although only certain guidelines will apply to those that are not immediately adjacent. Also, in s. 1(b), you may want to check that local governments have the authority to require a DP on rezoning, as it is my understanding that the requirement for a DP for this category is only for subdivision or construction or alteration of buildings.

**Objectives** – “Minimize the impact of urban encroachment on ALR land” makes it sound like there is support for encroachment into the ALR. This might be better if it read “To minimize the impact of urban development on ALR lands” or similar. The rest of the objectives are good; however, it may be beneficial to add “to provide greater definition of

the boundary of the ALR". In addition, it may be valuable to include an objective regarding stormwater management, and to include some guidelines regarding this further down, particularly in the buffer design sections as stormwater retention features may be incorporated into buffer areas.

**Exemptions** – "A lot is separated from agricultural uses due to a slope greater than 30%" – we have a large number of complaints in the Okanagan Valley where residents are upslope from agricultural operations, particularly noise complaints. While buffering may not be overly effective in these instances, there are still some guidelines which should apply, including requiring a notice on title that specifies the lots are near a farming area and that disturbance may be an issue. Stormwater retention may also be beneficial to include for these properties. I recommend removing this exemption and instead exempt these lots from needing to follow all the guidelines.

**A. Guidelines for New Subdivisions** – Figure 1 appears to be missing. In any case s. 2.1 is the opposite of what is specified in the ministry's Guide to Edge Planning. We typically would like to see a policy that avoids large suburban residential lots along the ALR boundary as our experience has shown that owners of these lots are most likely to complain about farm practices. I understand that the experience in the Okanagan may be somewhat different, with strata developments also being a large source of complaints; however, I think it is still worth specifying that a gradual reduction in density does not mean an end result of large suburban residential lots abutting the edge. Agrologists with the required expertise to comment on the potential for residents to be aggrieved by farm practices are few and far between.

**Section A 2.2** – 1<sup>st</sup> bullet: "A modified separation distance may be considered based on the recommendations of a professional agrologist report". It is unclear what the professional agrologist would need to be looking at and reporting on. Is this to determine what types of agriculture could potentially be located in the ALR in the future? This could be rather challenging for an agrologist to report on. They would typically be able to determine capability of the land and what types of agriculture might be suitable for a site, but may have limited capacity to be able to predict what could happen in the future. If this guideline remains, it would be useful to spell out exactly what should be in the report. In addition, the 30 m setback area should be viewed as a minimum for mitigating impacts, not a maximum that can be lessened.

2<sup>nd</sup> bullet: "as described in section 2.0" – should this read "section 3.0", i.e. is this referring to the Vegetated Buffer section below?

**Section A 3.1** – 1<sup>st</sup> bullet: the minimum 8 metre vegetative buffer only applies to industrial and commercial areas that abut the ALR. For residential areas, the minimum is 15 metres. This is the minimum buffer that has been shown to mitigate a wide range of impacts along areas of the edge with highly incompatible uses such as residential. In areas where a 15 metre buffer is not possible, additional guidelines should apply, including attention to the height of the buffer, requirements to have a mature screen in place prior to occupation, species selection to reduce spray drift, etc.

**Section A 3.2** – It may be beneficial to include a guideline recommending that species selection include consideration of those that are more deer resistant.

**Section A 3.3** – Although drought tolerant planting material is mentioned, many species, including those that are drought tolerant benefit from irrigation to become established and healthy. We recommend including guidelines requiring irrigation for the first 2 years after planting, and that the City require a letter of credit equal to 150% of the cost of the landscaping and installation work that will only be returned after 2 years if the landscaping has survived.

**Guidelines for Development on an Existing Lot** – the Figure numbers appear to be off in this section.

**Section B 1.1** – While we recognize that the reduced setbacks mentioned in this section are due to the many smaller lots already developed along the edge that may not be able to meet the 30 metre recommended setback in the Guide to Edge Planning, allowing this reduced setback for every property that is already developed along the edge regardless of whether or not there is room for the full 30 metres or not, seems like a missed opportunity to get fully effective edge planning in place for those lots that can support it. Therefore, we recommend that the default position be the 30 metre setback, with guidelines outlining the circumstances under which this could be reduced or a variance issued.

**Section B 1.5** – Recommend changing “Consider designing” to “Design”.

**Section B 3.1** – As in sections A 3.1 and B 1.1, the reduced buffer should not be the default and there should be other guidelines stipulating the circumstances under which it could be reduced and extra guidelines put in place for a reduced buffer as mentioned above.

**Sections B 3.2 and 3.3** – As above for sections A 3.2 and 3.3.

B. Farm Protection DP for Development on Agricultural Lands

**Properties Affected** – This section needs to be amended. The DPA should apply only to parcels that are within 300 m of the Urban/ALR boundary and are adjacent to an Urban or Suburban designation. It should not apply to all land considered agriculture as this will not be readily accepted by the farming community and represents unnecessary red tape for industry if a permit is required even though most of the guidelines may not apply to someone further than 300 m from the edge.

**Justification** – The justification in the urban-side DPA is stronger. Something similar here, but which emphasizes that this is implementation of a farm bylaw for farm-side edge planning in order to promote shared responsibility for reducing conflict along the edge would make this section stronger. The impacts in this case would be those felt by urban residents, i.e. noise, odour, dust, pests, etc.

**Objectives** – Include in the objective regarding conflicts a statement about shared responsibility for reducing conflict along the edge.

**Exemptions** – “intensive impact agriculture” does not appear to be defined, and it would be helpful to do so. Does this include structures for manure and compost storage, for instance? A further exemption that may fit here after the Properties Affected section is

amended is to exempt any construction that is greater than 300 m from the Urban/ALR boundary. This would provide clarity and incentive for owners of parcels with land that is further than 300 m to build further from the edge and not have to apply for a DP.

**Guidelines**

**Section 1.4** – “Locate new manure and compost storage and operations...” It is unclear what is meant by “and operations”. Is this referring to all farm operations? If so, this is overly restrictive. Replacing “and operations” with “structures” may make more sense.

**Section 2.1** – Parking pads may be constructed from permeable materials; however, loading bays and high traffic access area may benefit from being paved in order to reduce dust that would impact neighbours and dust and mud being tracked onto the roads.

**Section 3.1** – landscaped buffers consistent with the Guide to Edge Planning may not be appropriate or beneficial in all cases on farms. Farmers may wish to have a view of the farm yard or livestock areas from the house for security and animal welfare reasons. It is unclear what “offensive agricultural activities” may consist of and this seems to be something that could be rather subjective. It would be better to specifically mention which operations and activities should be screened. For instance, a vegetative buffer may be useful to help mitigate the impacts of dust.

C. Farm Help Housing Permit

This section appears to be consistent with the Temporary Farm Worker Housing Bylaw that was previously approved by the Minister as a farm bylaw.

Thank you again for the opportunity to review the draft OCP. We look forward to continued engagement as you move this project to completion. If you have any questions, please contact us directly at the email addresses or numbers below.

Sincerely,



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