

## Agricultural Advisory Committee Minutes

Date: Monday, March 13, 2017  
Location: Knox Mountain Meeting Room (#4A)  
City Hall, 1435 Water Street

Committee Members Present: Yvonne Herbison (Vice-Chair), Domenic Rampone\*, Ed Schiller, Jeff Ricketts (Alternate), Keith Duhaime, Tarsem Goraya and Jill Worboys (Interior Health)

Committee Members Absent: John Janmaat (Chair) and Pete Spencer

Staff Present: Suburban & Rural Planning Manager, Todd Cashin; Planner, Melanie Steppuhn; Planner, Emily Williamson\* and Sustainability Coordinator Tracy Guidi

Guest: Uplands Consulting, Consultant, Ione Smith

(\* denotes partial attendance)

### 1. **Call to Order**

The Vice-Chair called the meeting to order at 5:06 p.m.

Opening remarks by the Vice-Chair regarding conduct of the meeting were read.

### 2. **Applications for Consideration**

#### 2.1 **4760 Lakeshore Road, DP17-0043 & DVP17-0044 - Ca'Solare Developments Inc.**

Staff:

- Displayed a PowerPoint presentation summarizing the application and the proposed agricultural buffer located along the northern parcel boundary.
- Noted that there are two resolutions coming from the Committee: one for the variance on height and one for the buffer.
- Future land use of property is Multiple Unit Residential (MRL) surrounded by resource protection area and the property is currently zoned RM<sub>3</sub>.
- An amendment in 2006 changed the zoning from A1 to RM<sub>3</sub>. Included in this change was a covenant on title outlining to owners that the property is in agricultural area.

- Landscape plan proposed has a buffer on the north 15-meter buffer. The south west corner buffer is interrupted with drive way for egress and for garbage/recycling pick up.
- Buffer created in conformance with ALC buffer recommendations.

#### AAC/Staff Discussion:

- RM 3 does permit low rise apartments. The variance requested is for the height of buildings, applicant is requesting an additional floor which is not permitted in the zone. Should be noted, the current zoning allows for the same structure one less floor.
- Anticipated height of the buffer is approximately 5 meters for the maples and 8-10 meters for Austrian Pine.
- The buffer is approximately half the height of the proposed building.
- At edge of ALR boundary, pines and shrubs are interspersed.
- Trees are spaced at 8 meters as per the guidelines. The canopies will not touch and there will be some air between the trees.
- The subject property is outside the permanent growth boundary.

#### Jesse Alexander, New Town Services, Applicant's Representative:

- Displayed a presentation summarizing the application.
- Site boundary is an interface between RM3 and A1 zoning and buffer design is required as part of development application.
- The ALC buffer standard is 15m and building height does not influence this standard.
- Same number of plantings as ALC standard, however the planting area is condensed due to a utility right of way for existing services on the property (there is a 375 mm sanitary main) where there can be no plantings.
- Discontinuous planting at south west corner because of access which has a 2-3-meter retaining wall.
- ALR Covenant requires owners to be aware that agricultural practices will occur on the adjacent property and remains on title to protect neighbouring farmers from any complaints related to farm activities.
- Lowest floor on building is parking floor, residential floors a bit higher up.

#### AAC/Applicant Discussion

- No vegetative buffer is proposed on the east side of the property as there is the full road right of way which exceeds the ALC buffer requirements. There will, however, be some street landscaping on that side.
- Height variance is being applied for as the property slopes.
- Parking is proposed for the lower floor.
- Concerns about spray drift because the buffer is only 10 meters high. Some of spray could be mitigated by parkade on ground level and each floor is stepped back further away from the agricultural property.
- The first row of trees is planted approximately 2 meters away from the neighbouring property.
- The covenant covers normal farming practices (including helicopters to dry cherries and loud sounds to scare birds away). This proposed building is masonry which will muffle sound more compared to wood frame building.

**Moved by Keith Duhaime/Seconded by Ed Schiller**

THAT the Agricultural Advisory Committee recommends that Council support Development Variance Permit Application No. DVP17-0044 for the property located at 4760 Lakeshore Road to:

- vary the number of storeys from 3 permitted to 4 proposed; and
- vary the height from 10m permitted to 17.2m proposed.

**Carried**

Tarsem Goraya – Opposed

**ANCEDTAL COMMENTS:**

The Agricultural Advisory Committee commented that the subject property is outside the permanent growth boundary and there are concerns about the impact of additional people and traffic in the agricultural area. The Agricultural Advisory Committee was encouraged that there was a covenant on title that informed future owners that the property is adjacent to farming practices and that these would be occurring in the area, and also that the covenant be kept on title in perpetuity.

**Moved by Jeff Ricketts/Seconded by Ed Schiller**

THAT the Agricultural Advisory Committee recommends that Council support Development Permit Application No. DP17-0043 for the property located at 4760 Lakeshore Road as it pertains to the proposed 15m buffer located along the northern parcel boundary abutting a cherry orchard.

**Defeated**

Keith Duhaime, Jeff Ricketts &amp; Yvonne Herbison – Opposed

**ANCEDTAL COMMENTS:**

The Agricultural Advisory Committee expressed an overall concern with spray drifts with this type of buffer. The Committee noted that development is upslope of the orchard, and prevailing winds from the lake will likely carry spays up and over the development, given this configuration.

Staff:

- Reviewed the existing covenant registered on title with respect to the subject property.

**2.2 2446 Harvard Road, Z17-0011 & DVP17-0027 - Wayne & Denise Henney**

Staff:

- Displayed a PowerPoint presentation summarizing the proposal to rezone the subject property from the A1 – Agriculture 1 zone to the A1c – Agriculture 1 with Carriage House zone in order to convert an existing accessory building to a Carriage House.
- Property not within the permanent growth boundary and not within the ALR but is adjacent to ALR property.
- Future land use is Resource Protection Area.
- Upper level converted to 400 square feet living space.
- Staff noted if approved, Interior Health requires an onsite septic

- Agricultural viability discussed.
- Displayed a PowerPoint presentation summarizing the requested variances for maximum overall footprint, maximum height relative to the primary dwelling and maximum distance from the primary dwelling.

AAC/Staff Discussion:

- Staff confirmed that no building is being physically moved and provided the rationale for the variance.
- Staff confirmed that the property is not in ALR and therefore a non-farm use application is not required.
- Staff advised that the A1 zone also allows suites and mobile home for family on property.
- Staff confirmed that a covenant could be registered on title restricting the number of suites and mobile homes on the property.

Wayne Henning, Applicant's Representative:

- The proposal does not increase footprint on the property.
- The is not on ALR.
- There are three properties neighbouring the subject property that are already zoned A1c.
- Have three horse shelters and board 2 shelters.
- When accessory building was built in 2001 there was a minimum 5-meter setback with no maximum footprint and the maximum height was 13 meter.

AAC/Applicant Discussion

- Confirmed that the top part of the existing outbuilding is being enclosed in order to reside in the structure.
- Not aware if the property has farm status through BC Assessment.
- Confirmed that there is no training or breeding, just boarding of horses.

**Moved by Keith Duhaime/Seconded by Tarsem Goraya**

THAT the Agricultural Advisory Committee recommends that Council support Rezoning Application No. Z17-0011 for the property located at 2446 Harvard Road, Kelowna, BC to rezone the subject property from the A1 - Agriculture 1 zone to the A1c - Agriculture 1 with Carriage House zone for the purposes of converting an existing accessory building to a carriage house;

AND THAT the Agricultural Advisory Committee recommends that Council support Development Variance Application No. DVP17-0027 for the property located at 2446 Harvard Road, Kelowna, BC to vary:

- the distance from primary dwelling;
- the height relative to peak of primary dwelling; and
- the maximum footprint of 118.9m<sup>2</sup> existing to 90m<sup>2</sup> required.

**Carried**

ANCEDENTAL COMMENTS:

The Agricultural Advisory Committee recommends that a covenant be registered on title to the subject property restricting any additional dwelling units on the property, including any potential additional suite or mobile home.

### 3. Reports

#### 3.1 Agriculture Plan Update - Draft Policy and Action Recommendations

Committee Member, Dominic Rampone, joined the meeting at 6:30 p.m.

Ione Smith, Consultant:

- Displayed a PowerPoint presentation entitled Agriculture Plan Update Final Policies and Actions, March 2017.
- Presentation reviewed the vision and goals of the project and highlighted the public engagement that took place Fall, 2016.
- Presentation highlighted the final theme areas and the associated recommended policies and actions for the Agricultural Plan Update:
  - o Strengthening local policies and regulations to protect agriculture (34 actions)
  - o Stewarding natural resources and the environment for food production (9 actions)
  - o Improving awareness of local agriculture and access to local food (9 actions)
  - o Fostering and sustaining farm businesses and farmland (1 action)
  - o Supporting role actions (10 actions).

AAC Discussion:

- Discussed sub-theme 1.1 and the recommended actions, including any possible changes.

**Moved By Yvonne Herbison/Seconded By Jeff Ricketts**

THAT the Agricultural Advisory Committee recommends that Council adopt sub-theme 1.1 – Official Community Plan Updates, with the following recommended actions:

- Restrict the expansion of residential development, and resulting potential edge conflicts, into farm areas by prohibiting additional density (e.g. carriage houses) outside the Permanent Growth Boundary.
- Restrict municipal sewer extension into agricultural areas.
- Restrict and/or prohibit non-farm uses that do not directly benefit agriculture. Only support non-farm uses in farm areas that have a direct and ongoing benefit to agriculture.
- Protect and support the continued designation of Natural Resource Protection Lands for agricultural purposes regardless of soil types and capabilities given potential for non-soil based agriculture, and the importance of reducing edge effects through farmland.
- Discourage uses of urban land adjacent to the Permanent Growth Boundary by vulnerable populations (e.g. hospitals, senior care facilities, daycares, after school programs).

- Adopt a new OCP Land Use Designation: *Transition to Agriculture* for parcels within and outside the Permanent Growth Boundary that are within 300 m of the farm land boundary.

**Carried**

AAC Discussion:

- Discussed sub-theme 1.2 and the recommended actions, including any possible changes.

**Moved By Domenic Rampone/Seconded By Yvonne Herbison**

THAT the Agricultural Advisory Committee recommends that Council adopt sub-theme 1.2 – Farm Protection Development Permit Guidelines Updates, with the following recommended actions:

- Adopt Residential Footprint policies as per the *Non-Farm Use White Paper* (see Appendix) in accordance with provincial standards including residential footprint size, building setbacks, and total floor area of dwelling units. This includes establishing a maximum specific floor area for the Residential Footprint of 2,000 m<sup>2</sup> (0.2ha or 0.5 acres) within the ALR / A<sub>1</sub> zone.
- Include underground services within the Residential Footprint as required for the structures within it.
- Require that only structures used exclusively for farm use may be located outside the Residential Footprint.
- On agricultural lands, where appropriate, locate farm retail sales, wineries, cideries, breweries, distilleries, and any other structures and services related to the public that are defined as farm uses under the ALC Act near the road entrance, in order to reduce the footprint and extent of services through the property.
- Ensure that the location of the Residential Footprint maximizes agricultural potential (e.g. soil, topography, etc.) and limits negative impacts of the farm, whether or not the parcel is currently farmed.
- Update OCP Chapter 15 Farm Protection DP guideline 1.7 to require statutory covenants on non-agricultural land through the development process to notify landowners that “normal farm practices” occur in close proximity as described in the Edge Planning White Paper (see Appendix).

**Carried**

AAC Discussion:

- Discussed sub-theme 1.3 and the recommended actions, including any possible changes.

**Moved By Yvonne Herbison/Seconded By Keith Duhaime**

THAT the Agricultural Advisory Committee recommends that Council adopt sub-theme 1.3 – Zoning Bylaw Updates, with the following recommended actions:

- Review and amend the A1 zone to ensure compliance with Provincial standards and objectives of the Agriculture Plan update.
- 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, that shall be no greater than:
  - 465 m<sup>2</sup> (5,005 sq ft) on lots greater than 8 ha
  - 300 m<sup>2</sup> (3,552 sq ft) on lots less than 8 ha
- Require that mobile homes on farmland be occupied by the owner's immediate family, be located on a non-permanent foundation without basement excavation, and be removed from the property within 90 days when no longer occupied. The site must be restored to a condition suitable for agricultural use following removal of the mobile home.
- Remove "carriage house" as a permitted use within the A1 zoning.
- Increase the minimum lot size in the ALR from 2.0 ha to 4.0 ha in order to create a consistent minimum lot size of 4.0 ha for all of the A1 zone.
- Update the Zoning Bylaw to reflect the vegetative buffer specifications as outlined in Edge Planning White Paper (see Appendix).
- Investigate parking limitations on agricultural lands including permeable surfacing, with the exception of the Residential Footprint.
- Create a clear definition in the Zoning Bylaw for local food retail opportunities outside of the ALR as described in the Increasing Local Food Access White Paper (see Appendix).
- Revise the definition of "urban agriculture" to include the sale of farm products as a seasonal retail operation that is temporary in nature.
- Designate specific sites and/or zones as suitable for "local produce stands" as per the Increasing Local Food Access White Paper (see Appendix). This may include farm gates of urban farms, existing public spaces and parks, commercially-zoned areas, transportation hubs, institutional lands, and/or parking lots.
- Provide regulation for commercial assembly events on farmland except where permitted by provincial regulation.
- Further define the allowable structures where retail sales of food are permitted.

**Carried**

AAC Discussion:

- Discussed sub-theme 1.4 and the recommended actions, including any possible changes.

**Moved By Domenic Rampone/Seconded By Keith Duhaime**

THAT the Agricultural Advisory Committee recommends that Council adopt sub-theme 1.4 – Actions Regarding Other Policies and Regulations, with the following recommended actions:

- Continue to enforce permitted uses using the City's Agricultural Enforcement & Compliance Strategy. Expand the current strategy and partner with ALC enforcement and compliance officers to maximize resource efficiencies. This may include meeting with the ALC to share data and information on enforcement efforts. Consider dedicating bylaw staff to issues outside the Permanent Growth Boundary.

- Establish procedures for zoning compliance review for business license applications on agricultural properties.
- Update the Development Applications Procedures Bylaw to allow for the Community Planning Manager to request an Agricultural Impact Assessment by a Professional Agrologist that quantifies the impacts of any proposed development that may affect agricultural activity, such as non-farm use on farmland, rezoning, temporary use permits, and subdivision on lands adjacent to farmland.
- Continue to work with other local government planners to discuss common agricultural and food security goals (e.g. Farm Bylaws; temporary farm worker housing).
- Explore opportunities to better match tax rates with land production activities (e.g. tax rates higher for under-utilized land instead of lower farm rates).
- Update the Noxious Insect Control Bylaw and Noxious Weeds & Grass Control Bylaw to include current noxious species and diseases. Work with the Invasive Species Council of BC and the Regional District of Central Okanagan on this action.
- Revise the City's Urban Tree Guide to limit the use of trees for aesthetic purposes which can spread pests and diseases into farming areas if not properly maintained.
- Update the Soil Deposit and Removal Bylaw to include reference to composting.
- Update the Business License Bylaw to include the new definition of local food sales (as per related actions in 1.3). A license should be required for these retail operations whether the stand is on public or private property.
- Require a business licence for commercial assembly events including conditions such as time parameters and parking requirements.
- Investigate opportunities to minimize impacts to agriculture during expansion of YLW as outlined in the 2045 Airport Masterplan.

**Carried**

**AAC Discussion:**

- Discussed theme 2 and the recommended actions, including any possible changes.

**Moved By Tarsem Goraya/Seconded By Keith Duhaime**

THAT the Agricultural Advisory Committee recommends that Council adopt Theme 2 – Stewarding nature resources and the environment for food production, with the following recommended actions:

- Maintain water pricing that is supportive of sustaining agriculture in the community.
- Include agriculture in municipal climate change strategies and plans.
- Implement the actions of the 2015 Central Okanagan Clean Air Strategy to reduce smoke from burning (e.g. expand agriculture wood waste chipping program, review, update and harmonize burning policies).
- Create consistent water restriction/drought level messaging within affected areas or watersheds to ensure highest compliance by users.
- Ensure that drought management and response plans are clear and consistent across existing and future water systems.



- Continue to work with the Regional District of Central Okanagan to enforce the Noxious Insect Control Bylaw and Noxious Weeds & Grass Control Bylaw. Consider communicating information to residents seasonally through a press release.
- Integrate agricultural water systems in order to create redundancy, resiliency, and water security for agricultural users through the 2017 Integrated Water Supply Plan.
- Develop emergency plans (i.e. wildfire, drought) that are inclusive of agriculture.
- Investigate creative approaches to providing existing neighbourhoods on the urban side of the Permanent Growth Boundary with vegetative buffers. Examples may include incentives to increase the number of trees planted in the community;

AND THAT the recommendation to “Integrate agricultural water systems in order to create redundancy, resiliency, and water security for agricultural users through the 2017 Integrated Water Supply Plan” be changed to high priority.

**Carried**

AAC Discussion:

- Discussed theme 3 and the recommended actions, including any possible changes.

**Moved By Yvonne Herbison/Seconded By Ed Schiller**

THAT the Agricultural Advisory Committee recommends that Council adopt Theme 3 – Improving awareness of local agriculture and access to local food, with the following recommended actions:

- Expand programs such as Farm to Flight at YLW to highlight local food and beverage products.
- Use existing communications channels (e.g. website, social media, printed signs) to raise the level of understanding about agriculture policies and activities. Options for consideration are outlined in the Farm Community Identity White Paper (see Appendix).
- Investigate and communicate opportunities for pop up markets to sell local produce as described in the Increasing Local Food Access White Paper (see Appendix).
- Develop a Healthy Food Strategy for Kelowna. The strategy would address issues such as food security that are not included within the scope of this Agriculture Plan Update. Ensure the strategy also includes, investigating options to update the Zoning Bylaw to allow for the keeping of bees and chickens by sub-urban and urban residents. Explore opportunities for establishing requirements and incentives for shared gardens in new multi-unit developments.
- Undertake an Agricultural Signage Program to raise awareness and appreciation for agricultural areas within the City. The signs should be placed along roads used by farm vehicles, along recreational trails, and in agricultural edge planning areas.
- Encourage opportunities to meet with community groups, including real estate groups to communicate existing land use policies and the impacts of non-farm use on agricultural land. The impacts of farmland speculation on the local agriculture sector should be highlighted.

- Establish regular farm tours for elected officials and staff. The City, in partnership with the agricultural industry, could create opportunities to tour agricultural properties and learn about the role agriculture plays within the city.
- Identify opportunities to increase YLW's air cargo service, which could potentially provide the opportunity to ship local agricultural products to additional markets.
- Develop a "Good Neighbours" pamphlet that provides landowners with information about normal farm practices.

**Carried**

AAC Discussion:

- Discussed theme 4 and the recommended actions, including any possible changes.

**Moved By Domenic Rampone/Seconded By Keith Duhaime**

THAT the Agricultural Advisory Committee recommends that Council adopt Theme 4 – Fostering and sustaining farm businesses and farmland, with the following recommended actions:

- Investigate and support opportunities for alternative ownership models for farmland for the purpose of increasing production levels on farmland. The alternative models may include:
  - Allotments (large garden leases);
  - Incubator farms for new farmers;
  - A Local or Regional Farmland trust;
  - Institutional partnerships to increase food production; and/or
  - Co-operative farming models;

AND THAT the timeframe for the recommended actions be changed from long to ongoing.

**Carried**

AAC Discussion:

- Discussed theme 5 and the recommended actions, including any possible changes.

**Moved By Domenic Rampone/Seconded By Yvonne Herbison**

THAT the Agricultural Advisory Committee recommends that Council adopt Theme 5 – Actions where the City of Kelowna plays a supportive role, with the following recommended actions:

- Support OK Sterile Insect Release program and advocate for similar initiatives for other pests.
- Support the agricultural economic development goals of the Central Okanagan Economic Development Commission (COEDC), Okanagan Indian Band and Westbank First Nation.
- Re-evaluate organic waste diversion opportunities and investigate changes to encourage improved waste diversion (including yard waste collection) as per the 2017 Solid Waste Management Plan.

- Support community groups on initiatives to determine infrastructure required for a permanent, year-round farmers market location.
- Support opportunities for addressing deer and other wildlife impacts on crop yields.
- Support an inventory of food storage, distribution, and processing capacity for small and medium-scale producers.
- Support initiatives for land linking and mentorship programs for farmers.
- Work with Agriculture and Agri-Food Canada Summerland Research Station and BC Ministry of Environment to determine opportunities for soil maps to be digitized and made available online.
- Support agriculture-related tourism through Enterprise Kelowna.
- Support the province in re-establishing agricultural liaison services

AND THAT the recommendation "Support the province in re-establishing agricultural liaison services" have a medium timeframe and be medium priority.

**Carried**

Staff:

- Advised of next steps in the Agricultural Plan update process.

#### **4. Next Meeting**

The next Committee meeting has been scheduled for April 13, 2017.

#### **5. Termination of Meeting**

The Chair declared the meeting terminated at 8:26 p.m.

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Yvonne Herbison, Vice-Chair

/tg/slh