
CITY OF KELOWNA

MEMORANDUM

Date: April 5, 2001
File No.: File No. TA01-005
(3360-20)

To: City Manager

From: Planning & Development Services Department

Purpose: To amend the Zoning Bylaw and to establish a Farm Bylaw to regulate Intensive Agricultural Uses

Report Prepared by: Shelley Gambacort

1.0 RECOMMENDATION

THAT the City of Kelowna make application to the Lieutenant Governor in Council in accordance with Section 918 of the Local Government Act declaring that Sections 903(5) and 917 of the Local Government Act apply to the City of Kelowna Zoning Bylaw and the Farm Bylaw.

2.0 Background

The Planning and Development Services Department is proposing to amend the Zoning Bylaw to regulate intensive agricultural uses and to establish a farm bylaw. In order to accomplish this it is necessary to receive an Order in Council to proceed.

To initiate the required Order in Council, the City of Kelowna must apply to the Ministry of Agriculture and Food requesting that Sections 903(5) and 917 of the Local Government Act apply. Section 903(5) states that a local government must not prohibit or restrict the use of land for a farm business in a farming area unless the local government receives the approval of the minister responsible for the administration of the *Farm Practices Protection (Right to Farm) Act*. Section 917 states that a local government may make bylaws in relation to farming areas (i.e. Farm Bylaws), however, the bylaw may only be adopted with the approval of the minister.

Concurrent with this request the applicable zone amending bylaw and the Farm bylaw are being prepared for submission to Council for initial consideration, and to the Ministry of Agriculture and Food and the Land Reserve Commission for initial review. Upon favourable review by the Ministry of Agriculture and Food and the Land Reserve Commission, the Bylaws will be brought back to Council for First Reading. At the time of third reading the bylaws will then be forwarded to the Ministry of Agriculture and Foods for approval by the Minister. It is anticipated that these bylaws will be presented for initial consideration by Council at the Regular Council Meeting of April 23, 2001.

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

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