

CITY OF KELOWNA

BYLAW NO. 8694

City of Kelowna Farm Bylaw

WHEREAS, pursuant to Section 918 of the *Local Government Act*, the Lieutenant Governor in Council has declared by regulation that Sections 903(5) and 917 of the *Act* apply to the City of Kelowna, on and after August 3, 2001;

AND WHEREAS, pursuant to Section 903(5) of the *Local Government Act*, the City of Kelowna has received approval of the Minister responsible for the administration of the *Farm Practices Protection (Right to Farm) Act* to, through its zoning bylaw, prohibit or restrict the use of land for a farm business in a farming area;

AND WHEREAS, under Section 917 of the *Local Government Act*, a local government may make bylaws in relation to farming areas respecting the conduct of farm operations as part of a farm business, the type of buildings, structures, facilities, machinery and equipment that are prerequisite to the farm operations, the siting of stored materials, waste facilities and stationary equipment and prohibiting specified farm operations;

AND WHEREAS, pursuant to Section 917 of the *Local Government Act* the approval of the Minister of Agriculture, Food & Fisheries has been received for this bylaw;

NOW THEREFORE, the City Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. TITLE

1.1 This Bylaw may be cited as "Farm Bylaw No. 8694".

2. APPLICABILITY

2.1 This Bylaw applies to all lands within the City of Kelowna.

2.2 Nothing in this Bylaw shall preclude anyone from complying with the provisions of any other local, provincial, or federal regulations or enactment.

2.3 Any enactment referred to herein is a reference to an enactment of British Columbia, and the regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the **Council** of the City of Kelowna, as amended, revised, consolidated, or replaced from time to time.

3. DEFINITIONS

3.1 In this Bylaw, unless the context otherwise requires:

AGRICULTURAL WASTE means a by-product of agriculture and includes manure, used mushroom medium and agricultural vegetation waste.

AGRICULTURAL WASTE MANAGEMENT PLAN means a management plan prepared by a professional agrologist licensed with the BC Institute of Agrologists.

COUNCIL means the Municipal **Council** of the City of Kelowna.

ON-FARM COMPOSTING means the composting of **agricultural wastes** originating on or transported to a agriculture operation site, where a minimum of 20% of the finished compost is produced and used on the same legal parcel where the agriculture operation is located.

ON-FARM COMPOSTING FACILITY means all buildings or areas used to compost, mix, store or otherwise use or keep materials, not including non-manure based raw materials, before, during or after the process of **on-farm composting**.

LOT means a parcel of land, including Crown Land, which is legally defined either by registered plan or description.

LOT LINE means the legally defined boundary of any **lot**.

4. **AGRICULTURAL WASTE MANAGEMENT PLAN**

- 4.1 Intensive Agricultural uses must submit an **Agricultural Waste Management Plan** to the Director of Planning & Development Services Department for approval prior to commencing operation. The **Agricultural Waste Management Plan** must address the size of operation and the methods of odour control to be implemented.

5. **SETBACKS**

- 5.1 An **on-farm composting facility** shall be located in accordance with the following minimum setbacks:

- (a) 30 metres from all **lot lines**
- (b) 30 metres from any domestic water supply
- (c) 15 metres from any natural water course or constructed ditch

- 5.2 Non-manure based raw materials shall be located in accordance with the following minimum setbacks:

- (a) 15 metres from all **lot lines**
- (b) 15 metres from any domestic water supply
- (c) 15 metres from any natural water course or constructed ditch

6. **STORAGE OF RAW MATERIALS FOR ON-FARM COMPOSTING**

- 6.1 Raw materials, except for pure straw, for **on-farm composting** shall be stored on an impervious surface and covered by a roof to prevent exposure to precipitation
- 6.2 Pure straw shall be stored on an impervious surface, but may be stored uncovered, provided any run-off from the storage area is sufficiently dealt with pursuant to a waste management plan, so as not to impact ground water, or the surrounding environment

7. **BLENDING, GRINDING AND MIXING FOR ON-FARM COMPOSTING**

- 7.1 The blending, grinding and mixing of raw materials shall take place on an impervious surface, which may be in an uncovered outside area.
- 7.2 All blended, ground or mixed materials shall be transferred to an enclosed building within the same calendar day as the commencement of the blending, grinding or mixing of those materials.

8. ODOUR CONTROL FOR ON-FARM COMPOSTING

- 8.1 The **on-farm composting** process, not including blending, grinding or mixing of raw materials, must occur in an enclosed building(s) with an impervious floor and an aeration system, including a negative pressure differential between the inside atmosphere of the building and the outside atmosphere. Exhaust from the building must be collected and treated through a wet scrubber and a biofilter that is designed by a professional engineer, licensed in the Province of British Columbia, to remove 90% of the odours related to the operation.

9. APPLICATION FOR COMMENCEMENT OF OPERATIONS OF ON-FARM COMPOSTING

- 9.1 Prior to commencing an **on-farm composting** operation, a detailed maintenance and air quality monitoring program plan, including a system with a wet scrubber and biofilter as noted in section 7, designed by a professional engineer, licensed in the Province of British Columbia, for that particular operation must be provided to the City of Kelowna.

10. MAINTENANCE AND AIR QUALITY MONITORING PROGRAM FOR ON-FARM COMPOSTING

- 10.1 The maintenance and air quality monitoring program shall include provisions to enable easy verification that the air quality system, including a wet scrubber and biofilter as noted in section 5, is operating as designed, and is removing 90% of the odours related to the operation.

- 10.2 The program shall include monitoring at least once every twelve months after the commencement of operations.

- 10.3 Each time monitoring is conducted pursuant to subsection 9.2, a report shall be prepared by a professional engineer, licensed in the Province of British Columbia, and submitted to the City of Kelowna, containing the following information:

- (a) The name, address, telephone and fax numbers of the owner and the operator **on-farm composting** operation;
- (b) The civic address of the **on-farm composting facility**;
- (b) A description of the **on-farm composting** operation including a description of waste treatment and odour control works and all activities pertinent to the maintenance and air quality monitoring program, and a plan of the **on-farm composting facility**;
- (d) As statement as to whether the air quality system is operating as designed to remove 90% of the odours related to the operation; and
- (e) The designed annual production of compost, and the actual moisture content.

11. OFFENCE AND PENALTIES

- 11.1 Every person who contravenes any provision of this Bylaw, or who suffers or permits anything to be done in contravention of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence and shall be liable upon summary conviction, to a penalty not exceeding ten thousand dollars (\$10,000.00) and the costs of prosecution. Where the offence is a continuing one, each day that the offence continues shall be a separate offence.

12. EFFECTIVE DATE

12.1 This bylaw comes into force and takes effect on the date of adoption.

Read a first time by the Municipal Council this

Read a second and third time by the Municipal Council this

Received the Approval of the Minister of Agriculture, Food and Fisheries this

(Approving Officer - Ministry of Agriculture, Food and Fisheries)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk