
CITY OF KELOWNA

MEMORANDUM

Date: January 9, 2002
File No.: File No. TA01-005
(3360-20)

To: City Manager

From: Planning & Development Services Department

Purpose: To amend the City of Kelowna Zoning Bylaw No. 8000 to consolidate the Agriculture Zones and miscellaneous related text amendments

Supplemental Report
Prepared by: Shelley Gambacort

1.0 RECOMMENDATIONS

THAT Text Amending Bylaw No. 8760 (TA01-005) be revised at first reading, as outlined in the report of the Planning & Development Services Department dated January 9, 2002;

AND THAT first reading of Farm Bylaw No. 8694, to regulate Intensive Agricultural Uses within the City of Kelowna, be rescinded by Council.

2.0 SUMMARY

At the Regular Meeting of Council, November 19, 2001, Council gave first reading to Text Amendment Bylaw No. 8760 (TA01-005) and Farm Bylaw No. 8694. However, concerns were raised regarding the future status of the existing equestrian facilities both within and outside the proposed buffer area and with the wording of the proposed definition of *Confined Livestock Area* and *Intensive Agriculture*.

Subsequently Planning Staff have met with the Ministry of Agriculture, Food and Fisheries staff to further review the proposed Farm Bylaw and Text Amendments. As a result of this latest meeting, the MAFF staff has recommended that the Farm Bylaw component be deferred and that we only proceed with the proposed text amendments at this time. This recommendation is a result of the current uncertainty within the Ministry of the future direction and staffing. Furthermore, they are unable to review the Farm Bylaw at this time and provide the necessary input until they have completed their own study to address the issues associated with the urban – rural interface. They anticipate that their work would be completed in 18 months and have requested that the City of Kelowna incorporate a clause in the zoning bylaw agreeing to a review of the Agriculture zone and related regulations within two years.

As a result of this latest review with the MAFF staff and a review of the concerns raised by Council, the following revisions to the initial text amendment submission are as follows.

It should be noted that the definitions proposed are based on the definitions provided by MAFF in their *Guide for Bylaw Development in Farming Areas*.

- Delete all references to the Farm Bylaw;
- Amend the Intensive Agriculture definition to read as follows:

INTENSIVE AGRICULTURE means the use of a confined livestock area, buildings or structures by a commercial enterprise or an institution for:

- (a) the confinement of poultry, livestock or fur bearing animals (excluding horses);
- (b) on-farm composting or more than five cubic metres of material;
- (c) production of mushroom medium

- Amend the definition of livestock, confined livestock area to read as follows:

LIVESTOCK means cattle, horses, sheep, goats, swine, rabbits, fish, farmed game and exotic animals as prescribed by the Minister responsible for the administration of the Farm Practices Protection (Right to Farm) Act.

CONFINED LIVESTOCK AREA means an outdoor, non-grazing area where livestock, poultry or farmed game is confined by fences, other structures or topography, and includes feedlots, paddocks, corrals, exercise yards, and holding areas, but does not include a seasonal feeding area.

- To add definitions for poultry, fur bearing animals, mushroom medium and seasonal feeding area as follows:

POULTRY means domesticated birds kept for eggs, meat, feathers, hide or cosmetic or medicinal purposes, and includes broilers, cornish, layers, breeding stock, replacement pullets, roasters, duck, geese, turkeys, game birds and ratites.

FUR BEARING ANIMAL means an animal that is wild by nature kept in captivity, and whose pelt is commonly used for commercial purposes, but does not include a species excluded by regulation under the Fur Farm Act.

MUSHROOM MEDIUM means a composted mixture that is used for growing mushrooms.

SEASONAL FEEDING AREA means an area:

- (a) used for forage or other crop production, and
- (b) used seasonally for feeding livestock or poultry.

- To define on-farm composting as follows:

ON-FARM COMPOSTING means the composting of agricultural waste or raw materials, which may include manure, straw, vegetative waste, woodwaste, ground paper, other sources of carbon and nitrogen and bulking agents.

- Add a definition for agricultural waste as follows:

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

- Add a clause in the General Administration section of the Zoning Bylaw advising that the City of Kelowna will initiate a review of the Agriculture zone (and related regulations) in conjunction with the Ministry of Agriculture, Food and Fisheries within two (2) years after the date of adoption of Text Amendment Bylaw No. 8760.

3.0 PLANNING COMMENTS

It is anticipated that as a result of the latest meeting with the MAFF staff that Text Amendment Bylaw No. 8760 should receive the approval of the Ministry in a timely manner. The MAFF staff has recognized that the City has diligently been trying to provide the necessary bylaws and they are prepared to defer the Farm Bylaw component until they have completed their studies, thus enabling us to proceed with the necessary approvals without any further delays. MAFF staff anticipates that in two years time they will have made sufficient progress with the Farm Bylaw issues to aid the City of Kelowna in developing a comprehensive Farm Bylaw.

It is also anticipated that the proposed text amendments should allow the Land Reserve Commission to resume processing the application for exclusion of the Marshall Feed Lot.

Andrew Bruce
Current Planning Manager

Approved for inclusion ☐

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

AB/SG/sg

CITY OF KELOWNA

BYLAW NO. 8760

Text Amendment No. TA01-005 – Miscellaneous Amendments

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that City of Kelowna Zoning Bylaw No. 8000 be amended as follows:

1. THAT **Section 1 – General Administration** be amended by:

(i) Adding the following subsection:

“1.11 REVIEW OF AGRICULTURE ZONE

1.11.1 The City of Kelowna will initiate a review of the Agriculture zone, and related regulations, in conjunction with the Ministry of Agriculture, Food and Fisheries by no later than December 31, 2003.”

2. AND THAT **Section 2 - Interpretation** be amended by:

(i) Replacing the definition of "**Agriculture**" in **Subsection 2.3 General Definitions** with the following:

“AGRICULTURE means **development** or **use** for the primary production of farm products such as dairy products, poultry products, cattle, hogs, sheep or other animals, wheat or other grains, and vegetables, orchards or other field crops. This **use** is limited to one **dwelling**, and the processing and marketing of the products of the farm and those off-farm products permitted by the **Land Reserve Commission**.”

(ii) Replacing the definition of "**Agricultural Land Commission (ALC)**" in **Subsection 2.3 General Definitions** with the following in the appropriate location:

“LAND RESERVE COMMISSION (LRC) means the provincial governing body assigned to administer regulations and policies which relate to the preservation of agricultural land. The LRC was previously referred to as the Agricultural Land Commission (ALC), and references as such in this Bylaw should be deemed to now refer to the **Land Reserve Commission (LRC)**, as applicable.”

(iii) Adding the following definitions of "Confined Livestock Area", "", "Intensive Agriculture", "On-Farm Composting", and "Livestock" in the appropriate location in **Subsection 2.3 General Definitions**:

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

CONFINED LIVESTOCK AREA means an outdoor, non-grazing area where livestock, poultry or farmed game is confined by fences, other structures or topography, and includes feedlots, paddocks, corrals, exercise yards, and holding areas, but does not include a **seasonal feeding area**.

FUR BEARING ANIMAL means an animal that is wild by nature kept in captivity, and whose pelt is commonly used for commercial purposes, but does not include a species excluded by regulation under the Fur Farm Act.

INTENSIVE AGRICULTURE means the use of a **confined livestock area**, buildings or structures by a commercial enterprise or an institution for:

- (a) the confinement of **poultry, livestock** (excluding horses) or **fur bearing animals**,
- (b) **on-farm composting** or more than five cubic metres of material;
- (c) production of mushroom medium.

MUSHROOM MEDIUM means a composted mixture that is used for growing mushrooms.

ON-FARM COMPOSTING means the composting of agricultural waste or raw materials, which may include manure, straw, vegetative waste, woodwaste, ground paper, other sources of carbon and nitrogen and bulking agents.

POULTRY means **domesticated birds kept for eggs, meat, feathers, hide or cosmetic or medicinal purposes, and includes broilers, cornish, layers, breeding stock, replacement pullets, roasters, duck, geese, turkeys, game birds and ratites.**

LIVESTOCK means cattle, horses, sheep, goats, swine, rabbits, fish farmed game and exotic animals as prescribed by the Minister responsible for the administration of the Farm Practices Protection (Right to Farm) Act.

SEASONAL FEEDING AREA means an area:

- (a) used for forage or other crop production, and
- (b) used seasonally for feeding **livestock** or **poultry**."

3. AND THAT **Subsection 7.6 – Minimum Landscape Buffers** of **Section 7 – Landscaping and Screening** be amended by replacing paragraph 7.6.1(e) with the following:

"7.6.1 (e) **Level 5:** a landscape buffer is required for all land **abutting ALR** land where non-farm **uses** exist. The minimum buffer shall be 3.0m wide and include an opaque barrier located on the **ALR** side of the buffer. This standard may be replaced or modified as a result of conditions of a decision by the **Agricultural Land Commission**. The buffer area shall not be included in the required setback for **Rural** and **Urban Residential zones**."

3. AND THAT **Section 11 - Agricultural Zones** be amended by:

- (i) Replacing **Subsection 11.1.1 Purpose** of the **A1 - Agriculture 1/A1s - Agriculture 1 with Secondary Suite** zone with the following:

"11.1.1 Purpose

The purpose is to provide a **zone** for rural areas and agricultural **uses** as well as other complementary **uses** suitable in an agricultural setting."

- (ii) Adding the following paragraph to **Subsection 11.1.2 Principal Uses** of the **A1 - Agriculture 1/A1s - Agriculture 1 with Secondary Suite** zone and renumbering the subsequent paragraphs:

"intensive agriculture"

- (iii) Adding the following of **Subsection 11.1.3 Secondary Uses** of the **A1 - Agriculture 1/A1s - Agriculture 1 with Secondary Suite** zone and renumbering the subsequent paragraphs:

"forestry"

- (iv) Replacing paragraph (f) of **Subsection 11.1.5 Development Regulations** of the **A1 - Agriculture 1/A1s - Agriculture 1 with Secondary Suite** zone with the following:

"(f) Notwithstanding subsections 11.1.5(c) to (e), **confined livestock areas** and/or **buildings** housing more than 4 animals, or used for the processing of animal products or for **agricultural and garden stands**, shall not be located any closer than 15.0 m from any **lot line**, except where the **lot line** borders a **residential zone**, in which case the area, building or stand shall not be located any closer than 30.0 m from the **lot line**."

- (v) Replacing paragraphs (a) and (g) of **Subsection 11.1.6 Other Regulations** of the **A1 - Agriculture 1/A1s - Agriculture 1 with Secondary Suite** zone with the following:

"(a) Notwithstanding subsection 11.1.4(b), when a **home based business, rural** involves the cutting and wrapping of wild game or any meat, the **lot** must have a minimum **lot area** greater than 0.33 ha.

(g) In addition to the regulations listed above, other regulations may apply, including, but not limited to, other sections of this Zoning Bylaw, any applicable regulations or requirements of the **Land Reserve Commission**."

- (vi) Adding the following paragraph (j) to **Subsection 11.1.6 Other Regulations** of the **A1 - Agriculture 1/A1s - Agriculture 1 with Secondary Suite** zone:

- “(j) **Intensive Agriculture** uses shall be located only within those areas designated for Intensive Agricultural Use in accordance with Schedule “A” attached to this Bylaw.”
- (vii) That **Section 11.2 A2 - Agriculture 2** zone be deleted in its entirety and that all references to the A2- Agriculture 2 zone throughout the Zoning Bylaw be deleted.
4. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 19th day of November, 2001.

Approved under The Highways Act this

(Approving Officer - Ministry of Transportation & Highways)

Considered at a Public Hearing on the

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 this

Mayor

City Clerk

Schedule "A"



