

Memo



Date: February 24, 2010

To: City Manager

From: Community Sustainability Division

File No: TA10-0002

Applicant: City of Kelowna (Land Use Management)

Purpose: An amendment to Zoning Bylaw No. 8000 with respect to general definitions, specific use regulations, and the residential, commercial and industrial zones in support of urban agriculture and a housekeeping amendment to the Rural Residential 1 zone.

Report Prepared by: Greg Sauer

1.0 RECOMMENDATION

THAT Text Amendment No. TA10-0002 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" of the report of the Land Use Management Department dated February 24, 2010 be considered by Council;

AND THAT Text Amendment No. TA10-0002 be forwarded to a Public Hearing for further consideration.

2.0 SUMMARY

This report summarizes the reasons for a City initiated amendment to Zoning Bylaw No. 8000 with respect to general definitions, specific use regulations, and the residential, commercial and industrial zones in support of urban agriculture and a housekeeping amendment in the Rural Residential 1 (RR1) zone.

3.0 BACKGROUND

The text amendment is a response to an identified need to support local production of food. Gardening and agricultural food production has extensive roots in the lives of many residents here in Kelowna. The past few decades have however, seen a shift away from agrarian roots where owners and occupants used gardens and greenhouses to produce a portion of the goods which were later consumed. The result is what is often referred to as the "5,000 mile diet" and which represents the large distances that food products travel before reaching consumers plates. With local food production giving way to an era of heavy reliance on commercial (i.e. large-scale) production, an extensive transportation network and the supermarket as a distribution hub, land use policy in support of local production has not responded.

Recent research and trends in the realm of "sustainability" have highlighted the potential pitfalls related to large-scale production in locations far removed from the consumer. In contrast, local food production is regarded as a relatively simple response to food safety and security concerns. There are indications that local production for human consumption is, and will continue to see an upsurge in interest globally, but of greater importance, right here in Kelowna.

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Such interest has resulted in a request to erect and operate a greenhouse on an urban residential parcel with no existing principal use (i.e. single dwelling housing). Unfortunately, urban agriculture, also known as gardening for personal or commercial purposes, is a use which is not specifically permitted in zones outside of the agricultural (A1) zone and two of the three rural residential (RR1 & RR2) zones. As a result, without a principle use City staff are not in a position to permit a secondary use such as food production at present.

The objective of this text amendment is to acknowledge and respond to this need. In doing so the desire to produce locally must be balanced by the need to ensure that it does not occur at the expense of other public goods.

4.0 ADVISORY PLANNING COMMISSION

At a meeting held on February 2, 2010, the Advisory Planning Commission passed the following recommendation:

THAT the Advisory Planning Commission support Text Amendment Application No. TA10-0002, to Zoning Bylaw No. 8000, to allow Urban Agriculture as a specific use.

APC questioned the limitation of two vehicular trips per day which was inserted to limit the impacts of vehicular traffic on the surrounding neighbourhood. Staff further confirmed that a building permit would be required to erect a greenhouse larger than 10m².

5.0 TECHNICAL COMMENTS

The Ministry of Agriculture and Lands (MAL) has noted that they are “supportive of activities which encourage land based, plant oriented agricultural production as a form of localized food security”. The MAL further notes that this text amendment would not trigger Farm Practices Protection Act (FPPA) protection and that the normal by-law services with ministry support compliance and enforcement regime would be applied should noise, odour and dust become concerns.

Interior Health Authority (IHA) notes that the text amendment “addresses the burgeoning issue of food insecurity in the population. Populations at greatest risk for food insecurity include people with low incomes, children, the elderly, Aboriginal people, new immigrants and refugees and single parent families”. The author further notes that “Interior Health supports this text amendment and would encourage both planners and council to enhance and expand the existing land use bylaws for urban agriculture (see attachment for full comments).

6.0 CURRENT DEVELOPMENT POLICY

6.1 Official Community Plan

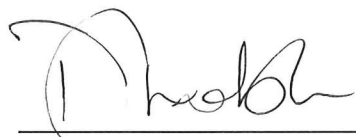
Section 17.3 - Community Development Policies: Sustainable Development. Continue to promote social well being and quality of life by including and implementing policies and actions that are environmentally sound and sustainable for development and re-development within the City.

7.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

In response to the above noted need, and as a result of a desire to ensure a future land use scenario which supports local production of food products for human consumption, Land Use Management staff have drafted a definition for urban agriculture. The proposed urban agriculture definition is an amendment to the City of Kelowna Zoning Bylaw. The urban agriculture definition is supported by "Specific Use Regulations" which would apply to urban agriculture as a use, and which would ensure that the City's land use objectives are not compromised in doing so.

The Specific Use Regulations being proposed are distinguished as to whether the food production is for personal consumption; or for sale, trade, or distribution offsite. Food production for personal consumption is proposed as a principal use in a number of residential, public and institutional zones and as a secondary use (i.e. in conjunction with a principal use) in others and with minimal regulations. Alternatively, food production for sale, trade, or distribution offsite is proposed with a number of Specific Use Regulations which are designed to ensure that adjacent owners/occupiers and neighbourhoods are not negatively and/or inadvertently affected by urban agriculture as a permitted land use. A summary of the proposed amendments is provided in attached Schedule "A".

A final small change is a housekeeping amendment to Section 12.1.6 of the zoning bylaw pertaining to Development Regulations in the Rural Residential 1 zone (RR1). The text amendment clarifies the height restriction for accessory buildings and structures which are being proposed for agricultural purposes.



Danielle Noble
Manager, Urban Land Use

Approved for inclusion:
Shelley Gambacort



Director, Land Use Management

Attachments

Interior Health comments (4 pages)

Schedules

Schedule "A" - Proposed Text Amendments to Zoning Bylaw - (3 pages)

Schedule "A"
Text Amendment No. TA10-0002 - Proposed Text Amendments

Zoning Bylaw No. 8000			
No.	Section	Existing Text	Proposed Text
1.	§2.3.3 General Definitions	nil	<p>AGRICULTURE, URBAN means the cultivation of a portion of a parcel for the production of food including fruits, vegetables, nuts and herbs for human consumption only. This use is limited to production activities which are not deemed to be noxious or offensive to adjacent properties or the general public. Activities that produce or emit hazards, odour, dust, smoke, noise, effluent, light pollution, glare, or other emission are prohibited. This definition does not include poultry and/or livestock.</p>
2.	§9.10 Agriculture, Urban	nil	<p>9.10 - Agriculture, Urban</p> <p>9.10.1 Where food is produced for consumption by residents of the subject parcel only, and is in association with an existing principal use - single family dwelling, urban agriculture must comply with the following:</p> <ol style="list-style-type: none"> greenhouses are permitted to a maximum of 30m² in total floor area; greenhouses or accessory structures associated with urban agriculture must conform to the applicable zoning requirements for accessory buildings or structures and the relevant zone. A greenhouse is not included in the calculation of lot coverage for accessory buildings or structures; greenhouses, accessory buildings or accessory structures 10m² or larger require a building permit; construction of greenhouses, accessory buildings or accessory structures 10m² or larger must conform to BC Building Code regulations; greenhouses, accessory buildings or accessory structures cannot be heated using a wood heat source (i.e. wood stove); height of greenhouses, accessory buildings or structures, and agricultural structures for food production purposes must not exceed 3.5m; and a minimum Level 2 landscape buffer for all affected property lines must be achieved and maintained during food production. <p>9.10.2 Where food is produced for the purpose of commercial sale, trade, or distribution offsite, or where no single family dwelling exists, urban agriculture must comply with the following:</p> <ol style="list-style-type: none"> greenhouses are permitted to a maximum of 30m² in total floor area; greenhouses are not included in the calculation of lot coverage for accessory buildings or structures; greenhouses, accessory buildings or accessory structures 10m² or larger require a building permit; construction of greenhouses, accessory buildings or accessory structures 10m² or larger must conform to BC Building Code regulations; height of greenhouses, accessory buildings or structures, and agricultural structures for food production purposes must not exceed 3.5m; greenhouses, accessory buildings or accessory structures for food production must meet minimum accessory building setbacks for applicable zones; greenhouses, accessory buildings or accessory structures cannot be heated using a wood heat source (i.e. wood stove); pedestrian or vehicular traffic or parking must not exceed that which is generally characteristic of the neighbourhood within which it is located; signs for the purpose of advertising the use or business is prohibited, unless in

			<p>conjunction with an authorized home based business;</p> <p>secondary processing of food products produced on site in all urban/rural residential zones is prohibited unless in conjunction with an authorized home based business;</p> <p>a) a minimum Level 2 landscape buffer for all affected property lines must be achieved and maintained during food production;</p> <p>b) herbicide and pesticide use in accordance with the City's Pesticide Use Regulation Bylaw No. 9920 and provincial regulations;</p> <p>c) former contaminated sites must obtain a Certificate of Compliance prior to food production onsite;</p> <p>d) no outdoor storage of related equipment and materials;</p> <p>e) organic materials produced onsite must be composted on site in accordance with accepted practices and must not produce odours, or must be transported to a composting facility by an appropriate means such as the yard waste collection program administered by the City of Kelowna; and</p> <p>f) operator(s) of the commercial production must obtain and maintain a valid business license to operate in the City of Kelowna.</p>
3.	§12.1.6 Development Regulations (RR1)	The maximum height is the lesser of 9.5 m or 2½ storeys, except it is 6.0 m for accessory buildings and 13.0 m for accessory structures.	<p>The maximum height is the lesser of 9.5 m or 2½ storeys, except it is 6.0 m for accessory buildings and 13.0 m for accessory structures.</p>
4.	§12.3.2 Principal Uses (RR3)	nil	agriculture, urban
5.	§13.1.2 Principal Uses (RU1)	nil	agriculture, urban
6.	§13.2.2 Principal Uses (RU2)	nil	agriculture, urban
7.	§13.3.2 Principal Uses (RU3)	nil	agriculture, urban
8.	§13.4.2 Principal Uses (RU4)	nil	agriculture, urban
9.	§13.5.2 Principal Uses (RU5)	nil	agriculture, urban
10.	§13.6.2 Principal Uses (RU6)	nil	agriculture, urban
11.	§13.7.3 Secondary Uses (RM1)	nil	agriculture, urban
12.	§13.8.3 Secondary Uses (RM2)	nil	agriculture, urban
13.	§13.9.3 Secondary Uses (RM3)	nil	agriculture, urban
14.	§13.10.3 Secondary Uses (RM4)	nil	agriculture, urban
15.	§13.11.3 Secondary Uses (RM5)	nil	agriculture, urban
16.	§13.12.3 Secondary Uses (RM6)	nil	agriculture, urban
17.	§13.13.3 Secondary Uses (RM7)	nil	agriculture, urban
18.	§14.1.3 Secondary Uses (C1)	nil	agriculture, urban
19.	§14.2.3 Secondary Uses (C2)	nil	agriculture, urban
20.	§14.3.3 Secondary Uses (C3)	nil	agriculture, urban
21.	§14.4.3 Secondary Uses (C4)	nil	agriculture, urban
22.	§14.5.3 Secondary Uses (C5)	nil	agriculture, urban
23.	§14.6.3 Secondary Uses (C6)	nil	agriculture, urban
24.	§14.7.3 Secondary Uses (C7)	nil	agriculture, urban
25.	§14.8.3 Secondary Uses (C8)	nil	agriculture, urban
26.	§14.9.3 Secondary Uses (C9)	nil	agriculture, urban
27.	§14.10.3 Secondary Uses (C10)	nil	agriculture, urban
28.	§15.1.3 Secondary Uses (I1)	nil	agriculture, urban
29.	§15.2.3 Secondary Uses (I2)	nil	agriculture, urban

30.	§15.3.3 Secondary Uses (I3)	nil	agriculture, urban
31.	§15.4.3 Secondary Uses (I4)	nil	agriculture, urban
32.	§15.5.3 Secondary Uses (I5)	nil	agriculture, urban
33.	§16.1.2 Principal Uses (P1)	nil	agriculture, urban
34.	§16.2.2 Principal Uses (P2)	nil	agriculture, urban
35.	§16.3.2 Principal Uses (P3)	nil	agriculture, urban
36.	§16.4.2 Principal Uses (P4)	nil	agriculture, urban
37.	§16.5.2 Principal Uses (P5)	nil	agriculture, urban



Interior Health

February 10, 2010

Land Use Management Department
Community Sustainability
City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4

Attention: Greg Sauer

Dear Greg,

RE: Text Amendment No. TA10-0002

Thank you for the opportunity to respond to this text amendment that defines urban agriculture and would allow food production in zones other than Agriculture (A1) and Rural Residential (RR1 & RR2).

The food we eat is connected to many aspects of our lives from our culture to our health and our families, to our income and to our neighbourhoods and businesses. Because food touches on so many aspects of our lives, it can be complex to tease apart all the ways a local food system can be supported. Food security is a relatively new field that addresses the systematic aspects of the food we eat.

With the growing epidemics of obesity and chronic disease, there is great interest in the food we eat. Healthy eating can prevent and control a number of chronic health conditions, including Type 2 diabetes, heart disease and some forms of cancer. In addition, making healthy food choices can lead to a healthy body weight.

Educating the public about making healthy food choices is only one aspect of supporting healthy eating. Social, economic and global conditions also enable or impede people's ability to choose healthy foods. If healthy foods are not affordable, available, sustainable or familiar, it is very difficult for people to consistently choose foods that support their health.

Canada ranks as one of the richest countries in the world (UN Human Development Index). Despite that, food security is a growing concern.

The definition of food security is:

Community food security exists when "...all community residents obtain a safe, personally acceptable, nutritious diet through a sustainable food system that maximizes health choices, community self-reliance and equal access for everyone" (Hamm and Bellows, 2003). This implies:

- people can be sure they can get food and the acquisition of food is equitable
- food is safe
- food is personally and culturally acceptable
- people can obtain food in a manner that upholds their dignity
- food is sufficient in quality and quantity to sustain healthy growth and development and prevent illness and disease
- food is produced, processed and distributed in a manner that does not compromise the land, air or water for future generations

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HEALTH PROTECTION

Kelowna Health Centre

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Less Risk ~ Better Health

1340 Ellis Street

Web: www.interiorhealth.ca

Kelowna, BC V1Y 9N1

- food is produced and distributed in a way which supports community self-reliance

This text amendment addresses the burgeoning issue of food insecurity in the population. Populations at greatest risk for food insecurity include people with low incomes, children, the elderly, Aboriginal people, new immigrants and refugees and single parent families.

The affordability of healthy and appropriate food is exacerbated by high housing costs, low social assistance rates, increased prevalence of homelessness and low minimum wage^(Provincial Healthy Officer's Report 2005). British Columbians who live on low incomes cannot afford both shelter and a healthy diet^(The Cost of Eating in BC, 2007). According to the 2005 Canadian Community Health Survey, 25.9% of BC residents with an income below \$15,000 were food insecure. Of those on welfare, 59.2% were food insecure. Aboriginal people living off reserve in BC as well as single parent families were three times more likely to be food insecure than the general population^(Kerstetter and Goldberg, 2007). No matter where people live, recent research has demonstrated that calorie for calorie, it is generally less expensive to buy highly processed, low nutrient, high calorie foods compared to unprocessed vegetables.

Individuals living in food insecure households experience a range of health issues, including chronic illnesses like type 2 diabetes, heart disease, high blood pressure, depression and obesity^(Terasuk, 2002). Healthy eating can prevent and control chronic conditions. Living in poverty and a low social status increase the risk of obesity and are associated with a 58% increase in chronic conditions. Food insecure adults are 2.5 times more likely to suffer from heart disease and 1.6 times more likely to have high blood pressure.

There are many tools municipalities can use to support food security through a healthy built environment. These include:

Planning – Planning is an important first step in supporting local food security. Food security concepts and issues can be included in a community's/municipality's/regional district's growth strategy and included in their official and/or sustainable community plan. By considering food security in the planning process, community food security made an important matter. Interior Health has previously made comments and recommendations for inclusion to the draft OCP Section 10 Local Food Production and a copy is attached.

Policy – Policy can be a powerful tool for implementing plans to support food security and the healthy built environment.

Through municipal internal policies, an effort can be made to support local food systems and the local economy through the procurement of locally produced foods for events, meetings and municipally run food outlets. Policies can also be created to support a healthy built environment, through the healthy food environment by ensuring that healthy choices are available for sale at municipal food outlets. A healthy food environment supports citizens in making choices that are better for their health.

Land Use/Zoning – Conditions around how land is used can support food security and the healthy built environment. Specifications on land use and zoning can be used to support: farmers markets, community gardens, green spaces and parks that include edible landscaping, rooftop gardens, local food production, processing and distribution, pocket markets, neighbourhood planning with respect to walking distance to grocery stores and other retail food outlets, space for an urban farm demonstration, mix land use to create more liveable/walkable communities, etc.

Education/Promotion – Cities can hold public awareness campaigns around supporting local food growers, artisans, processors, distributors and the local food system as a whole. They can promote food security and healthy built environment through information placed on their web pages, pamphlets

available to public, or through any public forums and events. They can support their local food system through posting links on their website to groups that are active in their community such as links to the farmer's market, community gardens, and local food coalition/council websites.

Support/Resources – Cities can support food security through the donation of resources such as land and water. They can support events by supplying resources such as traffic control, and other assistance. They can also support through their use of land and zoning, policies, and practices.

It should be noted that it is difficult to locate information on the City of Kelowna website that pertained to food production other than a link to the Central Okanagan Community Garden Association.

Collaboration/Partnerships – Municipalities do not have to work alone. Collaborating and creating partnerships to work on local/regional food security and the healthy built environment would help pull the community together to work on topics that effect everyone. Municipalities can work with non-profits, other levels of government, the health sector, the business sector, the school districts, universities, and other community groups. Through these partnerships, planning becomes action, resources are shared and the capacity of all involved is increased. Furthermore, working in partnerships shares the workload and allows all involved to continue to work in their area of expertise, while at the same time including the perspectives of others.

Resources

Municipalities have resources available to them when considering food security and the healthy built environment.

1. A Seat at the Table: A resource guide for local governments to promote food secure communities.

A resource by the Provincial Health Services Authority that explains in more details specific actions communities can take towards a more food secure community.

2. Growth strategies/Official Community Plans/Sustainability Plans of other communities. Specific examples of what municipalities/regional districts can do to support food security can be found by asking/reading about what other communities are doing. Resources such as pamphlets, videos, and social marketing campaigns from other communities can also be used as examples in the creation of a community's own resources.

3. Community Nutritionists/Population Health Program/Pam Moore, Healthy Community Environment within Interior Health. Employees in this area can act as a resource for information, ideas, and assistance. They are open to potential collaborations and opportunities to work with municipalities and regional districts. Interior Health's Manager of Food Security and Community Nutrition is Heather Deegan and she can be reached for more information at heather.deegan@interiorhealth.ca

4. Food Coalitions/Councils. Often considered a hub where those interested in food security come together to share resources, information, and work on projects together. An example within the Central Okanagan is the Central Okanagan Healthy Food Council (COHFC) made up of representatives from Kelowna Food Bank, School District 23, Central Okanagan Community Gardens (<http://www.centralokanagancommunitygardens.ca/>) Peachland Wellness Centre, Kelowna Farmer's Market, Central Okanagan Economic Development Commission, and UBCO. Included in this response is the Community Food Action Plan for COHFC and Community Food Charter.

Interior Health supports this text amendment and would encourage both planners and council to enhance and expand the existing land use bylaws for urban agriculture. Interior Health would welcome the opportunity to discuss this in more detail with the Land Use Management – Community Sustainability program.

If you have any questions or comments, please contact Pam Moore at pam.moore@interiorhealth.ca.

Sincerely,

A handwritten signature in black ink that reads "Pam Moore". The signature is written in a cursive, slightly slanted style.

Pam Moore CPHI (C)
Healthy Community Environment
Health Protection
Interior Health Authority

Glossary

Pocket markets: Small farmers markets, known as “Pocket Markets”, bring fresh fruits and vegetables as well as a wide array of other processed food products to neighborhoods, communities, and events.

Urban farms: A farm that grows food within the city and does not need to be large in size.