

Memo



Date: December 1, 2009

To: City Manager

From: Community Sustainability Division

File No: TA09-0006

Applicant: City of Kelowna (Andrew Browne)

Purpose: Housekeeping amendments to the Zoning Bylaw No. 8000 with respect to general definitions, agri-tourist accommodation, and the A1 - Agriculture 1 zone.

Report Prepared by: Andrew Browne

1.0 RECOMMENDATION

THAT Text Amendment No. TA09-0006 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" and Schedule "B" of the report of the Land Use Management Department dated December 1, 2009 be considered by Council;

AND THAT Text Amendment No. TA09-0006 be forwarded to a Public Hearing for further consideration.

AND FURTHER THAT Council direct staff to withhold support for agri-tourist accommodation uses and related licensing and approvals until final adoption of the text amendment application.

2.0 SUMMARY

Housekeeping amendments to the City of Kelowna Zoning Bylaw No. 8000 are proposed with respect to general definitions, agri-tourist accommodation, and the A1 - Agriculture 1 zone.

3.0 AGRICULTURAL ADVISORY COMMITTEE

At a meeting held on August 13, 2009, the Agricultural Advisory Committee passed the following recommendation:

THAT the Agricultural Advisory Committee support Application No. TA09-0006 for various housekeeping amendments to the A1 - Agriculture 1 zone of the Zoning Bylaw No. 8000 with respect to permitted uses and other regulations, by the City of Kelowna.

AAC comments from the meeting and over the past year were as follows:

- The proposed text amendments are consistent with discussions over the past few years and reflect persistent issues and concerns with agri-tourist accommodation.
- A number of pressing items/issues should be solved with these text amendments.
- The control of agri-tourist accommodation will be complaint based and that a permit process in the future may be considered.
- That RV sites were never appropriate for agri-tourist accommodation, and commonly they represent an abuse to the privilege of agri-tourist accommodation meant to be secondary and complimentary to the on-site agricultural activities.

A handwritten signature in the bottom right corner of the page.

4.0 TECHNICAL COMMENTS

The Agricultural Land Commission (ALC), Ministry of Agriculture and Lands (MAL), Interior Health Authority, Building and Permitting Branch, and Policy & Planning Department all advised they have no objections to the proposed amendments.

Furthermore, it was noted that both the ALC and MAL encourage progressive approaches by local government to implement customized regulations that provide clarity and integrity to allowable agricultural uses. Providing this clarity is the responsibility of local government.

5.0 BACKGROUND

The MAL and ALC jointly authored the report '*The Agricultural Land Reserve and its Influence on Agriculture in the City of Kelowna*', excerpts of which are included here for background.

Agriculture is BC's third largest primary industry, generating \$2.4 billion annually in farm cash receipts and providing for approximately half of BC's food requirements.

By maintaining the ALR boundary and by regulating non-farm uses and subdivisions within its boundaries, the Agricultural Land Commission plays a key role in preserving farmland for agricultural development and enabling future agricultural expansion throughout British Columbia. Providing a stable land base ultimately leads to increased food security for the province's rising population.

Sustaining the best of the local farmland and supporting the activities of farming and ranching in the face of rapid population growth and associated urbanization has been a constant challenge. Even within active agricultural areas there is a diverse range of human and natural activities taking place which tend only to heighten the land use conflicts facing agriculture.

6.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

Land Use Management staff are proposing housekeeping amendments to the City of Kelowna Zoning Bylaw No. 8000 with respect to general definitions, agri-tourist accommodation, and the A1 - Agriculture 1 zone. The proposed amendments and their purposes are outlined briefly below. For the exact wording changes proposed, refer to Schedules "A" and "B," attached.

6.1 Greenhouses and plant nurseries

The definition for this use has been clarified and expanded to address the allowable uses and the scope of their operation to allow a higher degree of consistency.

6.2 Agri-tourist accommodation

Existing regulation for agri-tourist accommodation is minimal and outdated and does not work to adequately achieve the goals of the City, the Agricultural Advisory Committee, the agri-business community, the Ministry of Agriculture and Land, or the Agricultural Land Commission to preserve agricultural land and to preserve options for future agricultural opportunities.

Recent inquiries for and examples of this use have been overwhelmingly not consistent with the intended spirit of the agri-tourist accommodation use, as created by the ALC. A number of impacts and issues arise from illegitimate instances of this use, including: conflict of uses between RV users and practicing farmers, the conversion of RV campsites to permanent dwellings, and the dumping of untreated sewage in ditches and on-site, creating severe environmental and water contamination for abutting properties and City-owned property. Agri-tourist accommodation is intended by the ALC to compliment bona fide agricultural operations and promote on-farm products and activities.

The ALC permits municipalities to regulate or prohibit this use outright. These proposed amendments seek to preserve agri-tourist accommodation for legitimate farm operators while

restricting the more questionable instances of this use (particularly those occurring on smaller lots). Concerns previously expressed by the AAC have been incorporated into these proposed amendments.


Proposed changes of note include:

- Establishing a minimum lot size for agri-tourist accommodation (previously the minimum was the same minimum as for the subdivision requirements of the A1 zone)
- The number of agri-tourist accommodation units is proposed to be proportional to lot area. Previously this proportionality was not a requirement, but has been utilized with success in other municipalities.
- Site coverage to be brought in line with ALC regulations.
- Setbacks and siting criteria have been established.
- Buffering and landscaping requirements have been established.
- Establishment of 'agri-tourist accommodation unit' definition for clarity.
- Restriction on number of recreational vehicles.
- Establishment of servicing criteria, with flexibility.

Considerable discussion and coordination has taken place over the past year between local municipalities, the RDCO, the Ministry of Agriculture and Lands, the Regional Resource Stewardship Agrolgist, and other external agencies such as the Interior Health Authority and the Agricultural Land Commission.

Staff have recently established a permit process for agri-tourist accommodation in order to screen for existing criteria, and this process will be adjusted pending the outcome of these text amendments. An accompanying checklist and information brochure are in production.

The recent increased interest by property owners in developing portions of their agricultural land as 10 stall RV campsites and the (currently) limited regulation surrounding these have necessitated improvements to the Zoning Bylaw in order to adequately protect agricultural land for future generations and to ensure compatibility with abutting land uses.

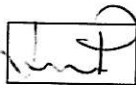


Danielle Noble
Manager, Urban Land Use

Approved for inclusion:

Jim Paterson

General Manager, Community Sustainability



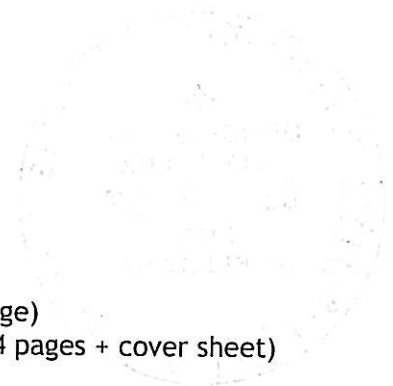
Attachment

Revised A1 - Agriculture 1 zone with changes shown

Schedules

Schedule "A" - Proposed Text Amendments to General Definitions (1 page)

Schedule "B" - Proposed Text Amendments to A1 - Agriculture 1 zone (4 pages + cover sheet)



Section 11 – Agricultural Zones

11.1 A1 – Agriculture 1 A1s – Agriculture 1 with Secondary Suite

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. A maximum of one single dwelling house is permitted. In addition a secondary suite may be permitted when in accordance with relevant provisions of this bylaw including subsection 6.5 and 9.5

11.1.2 Principal Uses

The principal uses in this zone are:

- (a) agriculture
- (b) animal clinics, major where in existence prior to July 1st, 1998
- (c) aquaculture
- (d) greenhouses and plant nurseries
- (e) intensive agriculture
- (g) single dwelling housing
- (f) utility services, minor impact

11.1.3 Secondary Uses

The secondary uses in this zone are:

- (a) agricultural dwellings, additional
- (b) agri-tourist accommodation (for lots larger than or equal to 5.0 ha)
- (c) animal clinics, major
- (d) animal clinics, minor
- (e) bed and breakfast homes
- (f) care centres, intermediate
- (g) forestry
- (h) group homes, minor
- (i) home based businesses, major
- (j) home based businesses, minor
- (k) home based businesses, rural
- (l) kennels and stables
- (m) wineries and cideries
- (n) secondary suite (A1s only)

Comment [AB1]: New wording.

11.1.4 Buildings and Structures Permitted

- (a) one single detached house (which may contain a secondary suite in the A1s zone);
- (b) one mobile home;
- (c) permitted accessory buildings or structures (which may contain a secondary suite in the A1s zone).

11.1.5 Subdivision Regulations

- (a) The minimum lot width is 40.0 m.
- (b) The minimum lot area is 4.0 ha except the minimum lot area is 2.0 ha when located within the **Agricultural Land Reserve**. That Lot B, Section 34, Township 29, ODYD, Plan KAP66973 be exempted from the minimum lot area requirements of this zone for a period of 3 years, effective July 30, 2002

11.1.6 Development Regulations

- (a) The maximum site coverage is 10% for residential development (inclusive of agri-tourist accommodation), and it is 35% for agricultural structures except it may be increased to 75% for greenhouses with closed wastewater and storm water management systems. Comment [AB2]: New wording.
- (b) The maximum height is the lesser of 9.5 m or 2½ storeys, except it is 13.0 m for accessory buildings and 16.0 m for agricultural structures.
- (c) The minimum front yard is 6.0 m.
- (d) The minimum side yard is 3.0 m, except it is 4.0 m from a flanking street.
- (e) The minimum rear yard is 10.0 m, except it is 3.0 m for accessory buildings.
- (f) Notwithstanding subsections 11.1.6(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.

11.1.7 Other Regulations

- (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.
- (b) Major animal clinics or kennels and stables shall not be located on parcels less than 2.0 ha.
- (c) **Agricultural and garden stands** selling only produce grown on the site or another site operated by the same producer do not have a maximum area. The maximum gross floor area of stands selling produce that is produced off-site shall be 50.0 m². For sites within the **Agricultural Land Reserve**, the maximum gross floor area of agricultural and garden sales for produce produced off-site or off-farm products shall be the lesser of one-third of the total floor area of the agricultural and garden sales stand or 100.0 m².
- (d) In addition to the regulations listed above, other regulations may apply, including, but not limited to, other sections of this Zoning Bylaw, and any applicable regulations or requirements of the **Land Reserve Commission**.

- (e) An "s" notation shown on Schedule "A" as part of the identified zone classification indicates that a **secondary use** in the form of a **secondary suite** is permitted on the properties so designated, subject to meeting the conditions of use of the zone. An "s" zoning classification on a property shall be established by rezoning the subject property to the "s" version of parent zone.
- (f) A **secondary suite**, in accordance with Section 9.5, may only be located within a single detached **dwelling** or an **accessory building** to a single detached **dwelling** which is no closer than 5.0 m to the principal **building**.
- (g) **Intensive Agriculture** uses shall be located only within those areas designated for Intensive Agricultural Use in accordance with Schedule "A" attached to this Bylaw.
- (h) A **mobile home** may be considered a **secondary suite** within an **accessory building** only in an A1s – Agricultural 1 with Secondary Suite zone, provided that if the lot is in the **Agricultural Land Reserve**, the mobile home is for use only by immediate family as defined by the **Agricultural Land Commission**.

Comment [AB3]: New wording.

11.1.8 Other Regulations – Agri-tourist accommodation

- a) **Purpose**
Agri-tourist accommodation shall be **accessory** and subordinate to a legitimate agriculture operation. The intent is to augment or subsidize and not to replace or exceed farm income.
- b) **Farm status**
As per *Agricultural Land Commission* regulation, all or part of the lot on which the use is located must be classified as a farm under the *Assessment Act*.
- c) **Site coverage**
Site coverage for **agri-tourist accommodation** shall not exceed 5% inclusive of buildings, landscaping, access, and servicing/sanitary facilities.
- d) **Minimum lot size**
Agri-tourist accommodation shall not be located on lots smaller than 5.0 ha in size.
- e) **Maximum number of agri-tourist accommodation units permitted**
For lots larger than or equal to 5.0 ha in size, **agri-tourist accommodation** shall be permitted according to this formula: 1 **agri-tourist accommodation unit** per hectare, rounded down to the nearest whole hectare, to a maximum of 10 units.

(For example, a lot 7.9 ha in size would be permitted 7 **agri-tourist accommodation units**.)

f) Recreational vehicles

Of the permitted number of agri-tourist accommodation units, no more than 5 shall be recreational vehicle sites or campsites. No structures are permitted at recreational vehicle sites or at campsites.

g) Bed & breakfasts

When a bed and breakfast is present on the lot, the number of agri-tourist accommodation units permitted shall be inclusive of the bed and breakfast use.

h) Location

Agri-tourist accommodation shall be located so as to minimize the impacts on arable land, recognizing that the use is intended to support agriculture and not replace it. All agri-tourist accommodation units shall be located within 30.0 m of the road frontage for the lot, or within 30.0 m of the principal dwelling, or a location acceptable to the Director of Land Use Management. No agri-tourist accommodation shall be permitted to be located within 10.0 m of any lot line other than the front lot line.

i) Buffering and landscaping

Access driveways for agri-tourist accommodation shall be water permeable (i.e. not asphalt or concrete) and a Level 5 Landscape Buffer is required at an affected property line to mitigate the impact of agri-tourist accommodation on abutting properties.

j) Servicing

Agri-tourist accommodation shall be serviced according to the requirements of the City of Kelowna, the Health Authority, and the water purveyor or Irrigation District having authority, including but not limited to the following:

- i. A sanitary dump facility is to be provided on the property if the agri-tourist accommodation includes recreational vehicles.
- ii. Water and sewer connections are not permitted for individual recreational vehicle sites.
- iii. Adequate bathroom facilities with hot and cold running water are required for agri-tourist accommodation campsites.

Comment [AB4]: New subsection organizing agri-tourist accommodation regulation.

Schedule "A"
Text Amendment No. TA09-0006 – Proposed Text Amendments

Zoning Bylaw No. 8000		
No.	Section	Proposed Text
1	§2.3.3 General Definitions	<p>GREENHOUSES AND PLANT NURSERIES means development used primarily for the raising and sale of produce, bedding, household, ornamental plants and related materials such as tools, soil, and fertilizers.</p> <p>GREENHOUSES AND PLANT NURSERIES means development used primarily for the raising, storage and sale of produce, bedding, household and ornamental plants, and trees, bushes, sod and related materials and may include the accessory sale of landscaping and gardening products and materials such as tools, soil, and fertilizers, provided that this accessory use is limited to 400 m² on the lot. This use does not include landscaping, excavating or soil processing businesses or operations.</p>
2	§2.3.3 General Definitions	<p>nil</p> <p>AGRI-TOURISM means any agri-tourism activity defined under the <i>Agricultural Land Commission Act</i> and related regulation or policy, as amended from time to time.</p>
3	§2.3.3 General Definitions	<p>AGRI-TOURIST ACCOMMODATION means the accommodation for tourists on a farm, orchard, or ranch which is subordinate and secondary to the main use. Typical uses include but are not limited to guest ranches, farm inns, bed and breakfasts, and campsites/recreational vehicle pads.</p> <p>AGRI-TOURIST ACCOMMODATION means the seasonal availability of short term accommodation for tourists on a farm, orchard, or ranch vineyard in association with an agri-tourism activity which is subordinate and secondary to the main principal agricultural use. Typical uses include but are not limited to guest ranches; seasonal farm cabins inns, bed and breakfasts, and campsites/recreational vehicle pads-sites. Short term, in this instance, means the use of the accommodation by a tourist for not more than 30 days in a calendar year. Seasonal, in this instance, means the accommodation must not be available for use year-round (with the exception of bed and breakfasts within a principal dwelling).</p>
4	§2.3.3 General Definitions	<p>nil</p> <p>AGRI-TOURIST ACCOMMODATION UNIT means 1 recreational vehicle site, 1 campsite suitable for 1 camping party, 1 bedroom within a seasonal farm cabin, or 1 bedroom within a dwelling (including bed and breakfasts).</p>
5	§2.3.3 General Definitions	<p>nil</p> <p>SEASONAL FARM CABIN means a small (maximum 2 bedroom) accessory structure providing bathroom(s) and sleeping accommodation for tourists as a permitted agri-tourist accommodation unit. A seasonal farm cabin is not permitted to contain a kitchen or to be used as a residence or dwelling.</p>

SCHEDULE "B"

Proposed Text Amendments

A1 – Agriculture 1 zone

(4 pages + cover sheet)

Section 11 – Agricultural Zones

11.1 A1 – Agriculture 1

A1s – Agriculture 1 with Secondary Suite

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. A maximum of one single dwelling house is permitted. In addition a secondary suite may be permitted when in accordance with relevant provisions of this bylaw including subsection 6.5 and 9.5

11.1.2 Principal Uses

The principal uses in this zone are:

- (a) agriculture
- (b) animal clinics, major where in existence prior to July 1st, 1998
- (c) aquaculture
- (d) greenhouses and plant nurseries
- (e) intensive agriculture
- (g) single dwelling housing
- (f) utility services, minor impact

11.1.3 Secondary Uses

The secondary uses in this zone are:

- (a) agricultural dwellings, additional
- (b) agri-tourist accommodation (for lots larger than or equal to 5.0 ha)
- (c) animal clinics, major
- (d) animal clinics, minor
- (e) bed and breakfast homes
- (f) care centres, intermediate
- (g) forestry
- (h) group homes, minor
- (i) home based businesses, major
- (j) home based businesses, minor
- (k) home based businesses, rural
- (l) kennels and stables
- (m) wineries and cideries
- (n) secondary suite (A1s only)

11.1.4 Buildings and Structures Permitted

- (a) one single detached house (which may contain a secondary suite in the A1s zone);
- (b) one mobile home;
- (c) permitted accessory buildings or structures (which may contain a secondary suite in the A1s zone).

11.1.5 Subdivision Regulations

- (a) The minimum **lot width** is 40.0 m.
- (b) The minimum **lot area** is 4.0 ha except the minimum **lot area** is 2.0 ha when located within the **Agricultural Land Reserve**. That Lot B, Section 34, Township 29, ODYD, Plan KAP66973 be exempted from the minimum lot area requirements of this zone for a period of 3 years, effective July 30, 2002

11.1.6 Development Regulations

- (a) The maximum **site coverage** is 10% for residential **development** (inclusive of **agri-tourist accommodation**), and it is 35% for **agricultural structures** except it may be increased to 75% for greenhouses with closed wastewater and storm water management systems.
- (b) The maximum **height** is the lesser of 9.5 m or 2½ **storeys**, except it is 13.0 m for accessory **buildings** and 16.0 m for **agricultural structures**.
- (c) The minimum **front yard** is 6.0 m.
- (d) The minimum **side yard** is 3.0 m, except it is 4.0 m from a **flanking street**.
- (e) The minimum **rear yard** is 10.0 m, except it is 3.0 m for accessory **buildings**.
- (f) Notwithstanding subsections 11.1.6(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**.

11.1.7 Other Regulations

- (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.
- (b) Major animal clinics or **kennels and stables** shall not be located on parcels less than 2.0 ha.
- (c) **Agricultural and garden stands** selling only produce grown on the **site** or another **site** operated by the same producer do not have a maximum area. The maximum **gross floor area** of stands selling produce that is produced off-site shall be 50.0 m². For **sites** within the **Agricultural Land Reserve**, the maximum **gross floor area** of agricultural and garden sales for produce produced off-site or off-farm products shall be the lesser of one-third of the total floor area of the agricultural and garden sales stand or 100.0 m².
- (d) In addition to the regulations listed above, other regulations may apply, including, but not limited to, other sections of this Zoning Bylaw, and any applicable regulations or requirements of the **Land Reserve Commission**.

- (e) An "s" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a **secondary suite** is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. An "s" zoning classification on a property shall be established by rezoning the subject property to the "s" version of parent **zone**.
- (f) A **secondary suite**, in accordance with Section 9.5, may only be located within a single detached **dwelling** or an accessory **building** to a single detached **dwelling** which is no closer than 5.0 m to the principal **building**.
- (g) **Intensive Agriculture** uses shall be located only within those areas designated for Intensive Agricultural Use in accordance with Schedule "A" attached to this Bylaw.
- (h) A **mobile home** may be considered a **secondary suite** within an **accessory building** only in an A1s – Agricultural 1 with Secondary Suite zone, provided that if the **lot** is in the **Agricultural Land Reserve**, the mobile home is for use only by immediate family as defined by the **Agricultural Land Commission**.

11.1.8 Other Regulations – Agri-tourist accommodation

- a) Purpose
Agri-tourist accommodation shall be **accessory** and subordinate to a legitimate **agriculture** operation. The intent is to augment or subsidize and not to replace or exceed farm income.
- b) Farm status
As per *Agricultural Land Commission* regulation, all or part of the **lot** on which the **use** is located must be classified as a farm under the *Assessment Act*.
- c) Site coverage
Site coverage for **agri-tourist accommodation** shall not exceed 5% inclusive of buildings, landscaping, access, and servicing/sanitary facilities.
- d) Minimum lot size
Agri-tourist accommodation shall not be located on **lots** smaller than 5.0 ha in size.
- e) Maximum number of agri-tourist accommodation units permitted
For **lots** larger than or equal to 5.0 ha in size, **agri-tourist accommodation** shall be permitted according to this formula: 1 **agri-tourist accommodation unit** per hectare, rounded down to the nearest whole hectare, to a maximum of 10 units.

(For example, a lot 7.9 ha in size would be permitted 7 **agri-tourist accommodation units**.)

f) Recreational vehicles

Of the permitted number of **agri-tourist accommodation units**, no more than 5 shall be **recreational vehicle** sites or campsites. No structures are permitted at **recreational vehicle** sites or at campsites.

g) Bed & breakfasts

When a **bed and breakfast** is present on the **lot**, the number of **agri-tourist accommodation units** permitted shall be inclusive of the **bed and breakfast** use.

h) Location

Agri-tourist accommodation shall be located so as to minimize the impacts on arable land, recognizing that the use is intended to support **agriculture** and not replace it. All **agri-tourist accommodation units** shall be located within 30.0 m of the road frontage for the **lot**, or within 30.0 m of the principal dwelling, or a location acceptable to the Director of Land Use Management. No **agri-tourist accommodation** shall be permitted to be located within 10.0 m of any lot line other than the front lot line.

i) Buffering and landscaping

Access driveways for agri-tourist accommodation shall be water permeable (i.e. not asphalt or concrete) and a Level 5 Landscape Buffer is required at an affected property line to mitigate the impact of agri-tourist accommodation on abutting properties.

j) Servicing

Agri-tourist accommodation shall be serviced according to the requirements of the City of Kelowna, the Health Authority, and the water purveyor or Irrigation District having authority, including but not limited to the following:

- i. A sanitary dump facility is to be provided on the property if the agri-tourist accommodation includes recreational vehicles.
- ii. Water and sewer connections are not permitted for individual recreational vehicle sites.
- iii. Adequate bathroom facilities with hot and cold running water are required for agri-tourist accommodation campsites.

Memo



Date: December 18, 2009
To: City Manager
From: Community Sustainability Division
Purpose: Supplemental Report for TA09-0006
Report Prepared by: Andrew Browne

1.0 RECOMMENDATION

THAT Council receives for information the Supplemental Report of the Community Sustainability Division dated December 18, 2009 with respect to the information requested from Staff for TA09-0006;

AND THAT Bylaw No. 10269 (TA09-0006) receives initial consideration;

AND FURTHER THAT Bylaw No. 10269 (TA09-0006) be forwarded to a Public Hearing for further consideration.

2.0 COUNCIL DIRECTION

At the December 14, 2009 regular meeting of Council, the following resolutions were adopted:

THAT Council directs staff to provide further clarity regarding Text Amendment No. TA09-0006 to amend City of Kelowna Zoning Bylaw No. 8000 so that the requested changes to the Zoning Bylaw are more clearly defined;

AND THAT a supplemental report be forwarded to Council for further consideration.

3.0 SUPPLEMENTAL INFORMATION

Clarification and/or additional information is provided below to address the specific concerns that were expressed by Council.

3.1 Bed & Breakfasts

Bed and breakfasts are a permitted use in a wide variety of zones, including most residential zones and the A1 - Agriculture 1 zone. This proposed text amendment does not propose to change this in any way.

As per ALC regulation, however, where both agri-tourist accommodation and bed and breakfast uses are established, bed and breakfast bedrooms must be included when determining the unit count of agri-tourist accommodation.

For the sake of clarity, the proposed change to the definition of 'agri-tourist accommodation' has been revised to delete reference to the bed and breakfast use, and the proposed change to the definition of 'agri-tourist accommodation unit' has been reworded. A revised "Schedule A" can be found attached to this report.

3.2 Nonconforming agri-tourist accommodation

The City Clerk has advised that for existing agri-tourist accommodation uses, the cessation of operation over the winter for longer than 6 months would not result in a loss of non-conforming use protection provided that this is normal practice for the business. An active business license

A handwritten signature in the bottom right corner of the page.

must be maintained, and grandfathered operators must meet the currently existing requirements established by the Agricultural Land Commission.

3.3 Clarification of uses permitted for a given lot size

A table has been provided to indicate what uses are permitted given a particular lot size. Note that this table is not exhaustive and only refers to uses that are associated with the proposed text amendment. For convenience, both hectares and acre conversions are provided; however, the Zoning Bylaw text will only refer to metric units.

This table has also been incorporated into the draft body of the A1 - Agriculture 1 zone.

Lot size, hectares (acres)	< 5.0 (< 12.4)	5.00 to 5.99 (12.4 to 14.8)	6.00 to 6.99 (14.8 to 17.3)	7.00 to 7.99 (17.3 to 19.7)	8.00 to 8.99 (19.7 to 22.2)	9.00 to 9.99 (22.2 to 24.7)	≥ 10.00 (≥ 24.7)
Bed and breakfast	✓	✓	✓	✓	✓	✓	✓
Agri-tourism	✓	✓	✓	✓	✓	✓	✓
Agri-tourist accommodation units *	✗	5 units	6 units	7 units	8 units	9 units	10 units
Recreational vehicle sites	✗	5 units	5 units	5 units	5 units	5 units	5 units

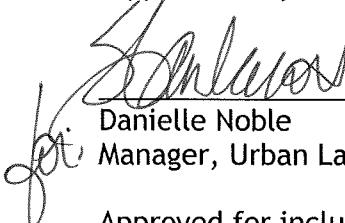
* Inclusive of recreational vehicle sites and bed and breakfast sleeping units, if present.

3.4 Clarification of changes / clearer formatting


Recognizing that Council does not receive colour copies, the proposed text changes have been more clearly identified with underlining for black-and-white legibility (attached).

3.5 Attachments from the presentation by the Regional Resource Stewardship Agrologist

In his presentation to Council on December 14, 2009, the Regional Resource Stewardship Agrologist from the Ministry of Agriculture and Lands provided handouts to Council as supplementary information and rationale, and they are attached for ease of reference.



 Danielle Noble
 Manager, Urban Land Use

Approved for inclusion: 
 Shelley Gambacort
 Director, Land Use Management

- Attachments**
 Revised Schedule "A"
 Revised Schedule "B"
 Clarification of changes / clearer formatting (4 pages)
 Handouts from the Regional Resource Stewardship Agrologist (7 pages)

Schedule "A" (as amended December 18, 2009)
Text Amendment No. TA09-0006 – Proposed Text Amendments

Zoning Bylaw No. 8000	
No.	Section
1	<p>GREENHOUSES AND PLANT NURSERIES means development used primarily for the raising and sale of produce, bedding, ornamental plants and related materials such as tools, soil, and fertilizers.</p>
2	<p>GREENHOUSES AND PLANT NURSERIES means development used primarily for the raising and sale of produce, bedding, ornamental plants and related materials such as tools, soil, and fertilizers.</p>
3	<p>AGRI-TOURIST ACCOMMODATION means the seasonal availability of short term accommodation for tourists on a farm, orchard, or ranch which is subordinate and secondary to the main use. Typical uses include but are not limited to guest ranches, farm inns, bed and breakfasts, and campsites/recreational vehicle pads.</p>
4	<p>AGRI-TOURIST ACCOMMODATION UNIT means 1 recreational vehicle site, 1 campsite suitable for 1 camping party, 1 bedroom within a seasonal farm cabin, or 1 bedroom within a dwelling (including bed and breakfast sleeping units, if present).</p>
5	<p>SEASONAL FARM CABIN means a small (maximum 2 bedroom) accessory structure providing bathroom(s) and sleeping accommodation for tourists as a permitted agri-tourist accommodation unit. A seasonal farm cabin is not permitted to contain a kitchen or to be used as a residence or dwelling.</p>

SCHEDULE "B" (*Revised*)

Proposed Text Amendments

A1 – Agriculture 1 zone

(4 pages + cover sheet)

Section 11 – Agricultural Zones

11.1 A1 – Agriculture 1 A1s – Agriculture 1 with Secondary Suite

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. A maximum of one single dwelling house is permitted. In addition a secondary suite may be permitted when in accordance with relevant provisions of this bylaw including subsection 6.5 and 9.5

11.1.2 Principal Uses

The **principal uses** in this zone are:

- (a) **agriculture**
- (b) **animal clinics, major** where in existence prior to July 1st, 1998
- (c) **aquaculture**
- (d) **greenhouses and plant nurseries**
- (e) **intensive agriculture**
- (g) **single dwelling housing**
- (f) **utility services, minor impact**

11.1.3 Secondary Uses

The **secondary uses** in this zone are:

- (a) **agricultural dwellings, additional**
- (b) **agri-tourist accommodation** (for lots larger than or equal to 5.0 ha)
- (c) **animal clinics, major**
- (d) **animal clinics, minor**
- (e) **bed and breakfast homes**
- (f) **care centres, intermediate**
- (g) **forestry**
- (h) **group homes, minor**
- (i) **home based businesses, major**
- (j) **home based businesses, minor**
- (k) **home based businesses, rural**
- (l) **kennels and stables**
- (m) **wineries and cideries**
- (n) **secondary suite (A1s only)**

11.1.4 Buildings and Structures Permitted

- (a) one **single detached house** (which may contain a **secondary suite** in the A1s zone);
- (b) one **mobile home**;
- (c) permitted **accessory buildings** or **structures** (which may contain a **secondary suite** in the A1s zone).

11.1.5 Subdivision Regulations

- (a) The minimum **lot width** is 40.0 m.
- (b) The minimum **lot area** is 4.0 ha except the minimum **lot area** is 2.0 ha when located within the **Agricultural Land Reserve**. That Lot B, Section 34, Township 29, ODYD, Plan KAP66973 be exempted from the minimum lot area requirements of this zone for a period of 3 years, effective July 30, 2002

11.1.6 Development Regulations

- (a) The maximum **site coverage** is 10% for residential **development** (inclusive of **agri-tourist accommodation**), and it is 35% for **agricultural structures** except it may be increased to 75% for greenhouses with closed wastewater and storm water management systems.
- (b) The maximum **height** is the lesser of 9.5 m or 2½ **storeys**, except it is 13.0 m for accessory **buildings** and 16.0 m for **agricultural structures**.
- (c) The minimum **front yard** is 6.0 m.
- (d) The minimum **side yard** is 3.0 m, except it is 4.0 m from a **flanking street**.
- (e) The minimum **rear yard** is 10.0 m, except it is 3.0 m for accessory **buildings**.
- (f) Notwithstanding subsections 11.1.6(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**.

11.1.7 Other Regulations

- (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.
- (b) Major animal clinics or **kennels and stables** shall not be located on parcels less than 2.0 ha.
- (c) **Agricultural and garden stands** selling only produce grown on the **site** or another **site** operated by the same producer do not have a maximum area. The maximum **gross floor area** of stands selling produce that is produced off-site shall be 50.0 m². For **sites** within the **Agricultural Land Reserve**, the maximum **gross floor area** of agricultural and garden sales for produce produced off-site or off-farm products shall be the lesser of one-third of the total floor area of the agricultural and garden sales stand or 100.0 m².
- (d) In addition to the regulations listed above, other regulations may apply, including, but not limited to, other sections of this Zoning Bylaw, and any applicable regulations or requirements of the **Land Reserve Commission**.

- (e) An "s" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a **secondary suite** is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. An "s" zoning classification on a property shall be established by rezoning the subject property to the "s" version of parent **zone**.
- (f) A **secondary suite**, in accordance with Section 9.5, may only be located within a single detached **dwelling** or an accessory **building** to a single detached **dwelling** which is no closer than 5.0 m to the principal **building**.
- (g) **Intensive Agriculture** uses shall be located only within those areas designated for Intensive Agricultural Use in accordance with Schedule "A" attached to this Bylaw.
- (h) A **mobile home** may be considered a **secondary suite** within an **accessory building** only in an A1s – Agricultural 1 with Secondary Suite zone, provided that if the **lot** is in the **Agricultural Land Reserve**, the mobile home is for use only by immediate family as defined by the **Agricultural Land Commission**.

11.1.8 Other Regulations – Agri-tourist accommodation

- a) Purpose

Agri-tourist accommodation shall be **accessory** and subordinate to a legitimate **agriculture** operation. The intent is to augment or subsidize and not to replace or exceed farm income.

- b) Farm status

As per *Agricultural Land Commission* regulation, all or part of the **lot** on which the **use** is located must be classified as a farm under the *Assessment Act*.

- c) Site coverage

Site coverage for **agri-tourist accommodation** shall not exceed 5% inclusive of buildings, landscaping, access, and servicing/sanitary facilities.

- d) Minimum lot size

Agri-tourist accommodation shall not be located on **lots** smaller than 5.0 ha in size.

- e) Maximum number of agri-tourist accommodation units permitted

For **lots** larger than or equal to 5.0 ha in size, **agri-tourist accommodation** shall be permitted according to this formula: 1 **agri-tourist accommodation unit** per hectare, rounded down to the nearest whole hectare, to a maximum of 10 units. A table is provided below for clarity.

Lot size (hectares)	< 5.0	5.00 to 5.99	6.00 to 6.99	7.00 to 7.99	8.00 to 8.99	9.00 to 9.99	≥ 10.00
Bed and breakfast	✓	✓	✓	✓	✓	✓	✓
Agri-tourism	✓	✓	✓	✓	✓	✓	✓
Agri-tourist accommodation units *	✗	5 units	6 units	7 units	8 units	9 units	10 units
Recreational vehicle sites	✗	5 units	5 units	5 units	5 units	5 units	5 units

* Inclusive of recreational vehicle sites and bed and breakfast sleeping units, if present.

f) Recreational vehicles

Of the permitted number of **agri-tourist accommodation units**, no more than 5 shall be **recreational vehicle** sites or campsites. No structures are permitted at **recreational vehicle** sites or at campsites.

g) Bed & breakfasts

When a **bed and breakfast** is present on the **lot**, the number of **agri-tourist accommodation units** permitted shall be inclusive of the sleeping units of the **bed and breakfast** use.

h) Location

Agri-tourist accommodation shall be located so as to minimize the impacts on arable land, recognizing that the use is intended to support **agriculture** and not replace it. All **agri-tourist accommodation units** shall be located within 30.0 m of the road frontage for the **lot**, or within 30.0 m of the principal dwelling, or a location acceptable to the Director of Land Use Management. No **agri-tourist accommodation** shall be permitted to be located within 10.0 m of any lot line other than the front lot line.

i) Buffering and landscaping

Access driveways for agri-tourist accommodation shall be water permeable (i.e. not asphalt or concrete) and a Level 5 Landscape Buffer is required at an affected property line to mitigate the impact of agri-tourist accommodation on abutting properties.

j) Servicing

Agri-tourist accommodation shall be serviced according to the requirements of the City of Kelowna, the Health Authority, and the water purveyor or Irrigation District having authority, including but not limited to the following:

- i. A sanitary dump facility is to be provided on the property if the agri-tourist accommodation includes recreational vehicles.
- ii. Water and sewer connections are not permitted for individual recreational vehicle sites.
- iii. Adequate bathroom facilities with hot and cold running water are required for agri-tourist accommodation campsites.

Section 11 – Agricultural Zones

11.1 A1 – Agriculture 1 A1s – Agriculture 1 with Secondary Suite

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. A maximum of one single dwelling house is permitted. In addition a secondary suite may permitted when in accordance with relevant provisions of this bylaw including subsection 6.5 and 9.5

11.1.2 Principal Uses

The principal uses in this zone are:

- (a) agriculture
- (b) animal clinics, major where in existence prior to July 1st, 1998
- (c) aquaculture
- (d) greenhouses and plant nurseries
- (e) intensive agriculture
- (g) single dwelling housing
- (f) utility services, minor impact

11.1.3 Secondary Uses

The secondary uses in this zone are:

- (a) agricultural dwellings, additional
- (b) agri-tourist accommodation (for lots larger larger than or equal to 5.0 ha)
- (c) animal clinics, major
- (d) animal clinics, minor
- (e) bed and breakfast homes
- (f) care centres, intermediate
- (g) forestry
- (h) group homes, minor
- (i) home based businesses, major
- (j) home based businesses, minor
- (k) home based businesses, rural
- (l) kennels and stables
- (m) wineries and cideries
- (n) secondary suite (A1s only)

Comment [AB1]: New wording.

11.1.4 Buildings and Structures Permitted

- (a) one single detached house (which may contain a secondary suite in the A1s zone);
- (b) one mobile home;
- (c) permitted accessory buildings or structures (which may contain a secondary suite in the A1s zone).

11.1.5 Subdivision Regulations

- (a) The minimum **lot width** is 40.0 m.
- (b) The minimum **lot area** is 4.0 ha except the minimum **lot area** is 2.0 ha when located within the **Agricultural Land Reserve**. That Lot B, Section 34, Township 29, ODYD, Plan KAP66973 be exempted from the minimum lot area requirements of this zone for a period of 3 years, effective July 30, 2002

11.1.6 Development Regulations

- (a) The maximum **site coverage** is 10% for residential **development (inclusive of agri-tourist accommodation)**, and it is 35% for **agricultural structures** except it may be increased to 75% for greenhouses with closed wastewater and storm water management systems. Comment [AB2]: New wording.
- (b) The maximum **height** is the lesser of 9.5 m or 2½ **storeys**, except it is 13.0 m for accessory **buildings** and 16.0 m for **agricultural structures**.
- (c) The minimum **front yard** is 6.0 m.
- (d) The minimum **side yard** is 3.0 m, except it is 4.0 m from a **flanking street**.
- (e) The minimum **rear yard** is 10.0 m, except it is 3.0 m for accessory **buildings**.
- (f) Notwithstanding subsections 11.1.6(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**.

11.1.7 Other Regulations

- (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.
- (b) Major animal clinics or **kennels and stables** shall not be located on parcels less than 2.0 ha.
- (c) **Agricultural and garden stands** selling only produce grown on the **site** or another **site** operated by the same producer do not have a maximum area. The maximum **gross floor area** of stands selling produce that is produced off-site shall be 50.0 m². For **sites** within the **Agricultural Land Reserve**, the maximum **gross floor area** of agricultural and garden sales for produce produced off-site or off-farm products shall be the lesser of one-third of the total floor area of the agricultural and garden sales stand or 100.0 m².
- (d) In addition to the regulations listed above, other regulations may apply, including, but not limited to, other sections of this Zoning Bylaw, and any applicable regulations or requirements of the **Land Reserve Commission**.

- (e) An "s" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a **secondary suite** is permitted on the properties so designated, subject to meeting the conditions of **use of the zone**. An "s" zoning classification on a property shall be established by rezoning the subject property to the "s" version of parent **zone**.
- (f) A **secondary suite**, in accordance with Section 9.5, may only be located within a single detached **dwelling** or an accessory **building** to a single detached **dwelling** which is no closer than 5.0 m to the principal **building**.
- (g) **Intensive Agriculture** uses shall be located only within those areas designated for Intensive Agricultural Use in accordance with Schedule "A" attached to this Bylaw.
- (h) A **mobile home** may be considered a **secondary suite** within an **accessory building** only in an A1s – Agricultural 1 with Secondary Suite zone, provided that if the **lot** is in the **Agricultural Land Reserve**, the mobile home is for use only by immediate family as defined by the **Agricultural Land Commission**.

Comment [AB3]: New wording.

11.1.8 Other Regulations – Agri-tourist accommodation

Comment [AB4]: New subsection organizing agri-tourist accommodation regulation.

- a) Purpose

Agri-tourist accommodation shall be accessory and subordinate to a legitimate agriculture operation. The intent is to augment or subsidize and not to replace or exceed farm income.

Comment [AB5]: Purpose statement to clarify intent of the use.

- b) Farm status

As per Agricultural Land Commission regulation, all or part of the lot on which the use is located must be classified as a farm under the Assessment Act.

Comment [AB6]: Repeated from ALC regulation for convenience of public.

- c) Site coverage

Site coverage for agri-tourist accommodation shall not exceed 5% inclusive of buildings, landscaping, access, and servicing/sanitary facilities.

Comment [AB7]: Repeated from ALC regulation for convenience of public.

- d) Minimum lot size

Agri-tourist accommodation shall not be located on lots smaller than 5.0 ha in size.

Comment [AB8]: New minimum lot size for the use.

- e) Maximum number of agri-tourist accommodation units permitted

For lots larger than or equal to 5.0 ha in size, agri-tourist accommodation shall be permitted according to this formula: 1 agri-tourist accommodation unit per hectare, rounded down to the nearest whole hectare, to a maximum of 10 units. A table is provided below for clarity.

Comment [AB9]: Establishes proportionality formula to link lot size and number of permitted units in a meaningful way.

Lot size (hectares)	< 5.0	5.00 to 5.99	6.00 to 6.99	7.00 to 7.99	8.00 to 8.99	9.00 to 9.99	≥ 10.00
Bed and breakfast	✓	✓	✓	✓	✓	✓	✓
Agri-tourism	✓	✓	✓	✓	✓	✓	✓
Agri-tourist accommodation units *	✗	5 units	6 units	7 units	8 units	9 units	10 units
Recreational vehicle sites	✗	5 units	5 units	5 units	5 units	5 units	5 units

* Inclusive of recreational vehicle sites and bed and breakfast sleeping units, if present.

f) Recreational vehicles

Of the permitted number of agri-tourist accommodation units, no more than 5 shall be recreational vehicle sites or campsites. No structures are permitted at recreational vehicle sites or at campsites.

Comment [AB10]: Establishes specific limit on the number of recreational vehicles.

g) Bed & breakfasts

When a bed and breakfast is present on the lot, the number of agri-tourist accommodation units permitted shall be inclusive of the sleeping units of the bed and breakfast use.

Comment [AB11]: Repeated from ALC regulation for convenience of public.

h) Location

Agri-tourist accommodation shall be located so as to minimize the impacts on arable land, recognizing that the use is intended to support agriculture and not replace it. All agri-tourist accommodation units shall be located within 30.0 m of the road frontage for the lot, or within 30.0 m of the principal dwelling, or a location acceptable to the Director of Land Use Management. No agri-tourist accommodation shall be permitted to be located within 10.0 m of any lot line other than the front lot line.

Comment [AB12]: Establishes siting criteria to limit the impact of the use on agricultural land.

i) Buffering and landscaping

Access driveways for agri-tourist accommodation shall be water permeable (i.e. not asphalt or concrete) and a Level 5 Landscape Buffer is required at an affected property line to mitigate the impact of agri-tourist accommodation on abutting properties.

Comment [AB13]: Establishes buffering and landscaping requirements to ameliorate potential impacts on neighbours.

j) Servicing

Agri-tourist accommodation shall be serviced according to the requirements of the City of Kelowna, the Health Authority, and the water purveyor or Irrigation District having authority, including but not limited to the following:

- i. A sanitary dump facility is to be provided on the property if the agri-tourist accommodation includes recreational vehicles.
- ii. Water and sewer connections are not permitted for individual recreational vehicle sites.
- iii. Adequate bathroom facilities with hot and cold running water are required for agri-tourist accommodation campsites.

Comment [AB14]: Flexible servicing criteria established in consultation with related departments and external agencies.