Chapter 15:
Farm Protection DP Guidelines
CATEGORY
Sec. 488 (1) (c) of the Local Government Act for the protection of farming.

PROPERTIES AFFECTED
Unless exempted (See Exemptions section below) a development permit addressing protection of farming guidelines (See Guidelines section below) must be approved for all properties:

1) Any development located on Agricultural Lands before:
   a. Subdivision of land;
   b. A Building Permit, Soil Permit, or alteration of land unless listed in exemptions below

2) Any development located adjacent Agricultural Lands before:
   a. A Building Permit adjacent to an urban/rural interface;
   b. Subdivision of land adjacent to an urban/rural interface.

JUSTIFICATION
Agriculture is a prominent land use in Kelowna and a vital component of the local economy. As growth continues in the City, the potential for land use conflicts within and adjacent to agricultural areas increases, necessitating the application of guidelines with respect to subdivision design, site layout, landscaping, and buffering.
OBJECTIVES

- Protect farm land and farm operations;
- Minimize the impact of urban encroachment and land use conflicts on agricultural land;
- Minimize conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

EXEMPTIONS

An Agricultural Development Permit will not be required for:

- Greenhouses and plant nurseries where all of the farm products offered for sale are produced on the farm on which the retail sales are taking place; or
- Farm retail sales stands where all of the farm products offered for sale are produced on the farm on which the retail sales are taking place; or
- Agricultural structures used exclusively for agriculture or intensive impact agriculture; or
- Wineries and cideries that do not provide ancillary uses or access to the public, such as retail sales, tours, food and beverage services, and/or other uses which have the potential to impact surrounding agriculture; or
- The subdivision of land that already provides the prescribed agricultural buffer (see Guidelines) for all impacted property lines; or
- Replacement, alteration or addition to a building such as new siding, roofing, doors, building trim, awnings, and/or windows where it does not adversely impact agriculture or potential agricultural use of land; or
- Replacement of a building that has been destroyed by natural causes, in cases where the replacement building is identical to the original in location, floor area and height; or
- Interior / exterior building alterations that do not expand the existing building foundation; or
- Construction, addition or alteration not exceeding 30 m² (323 ft²) where no variance(s) of the Zoning Bylaw is (are) required; or
- Farm activities considered normal farm practice.

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GUIDELINES

1.1 On properties located adjacent to agricultural lands, design buildings to reduce impact from activities associated with farm operations. Design considerations include, but are not limited to maximizing the setback between agricultural land and buildings and structures, and reducing the number of doors, windows, and outdoor patios facing agricultural land;

1.2 On agricultural lands, where appropriate, locate all buildings and structures, including farm help housing and farm retail sales, within a contiguous area (i.e. homeplate). Exceptions may be permitted where the buildings or structures are for farm use only;

1.3 Establish landscape buffers around residential and non-farm uses within and adjacent to agricultural lands consistent with guidelines provided by Ministry of Agriculture “Guide to Edge Planning.”

1.4 On non-agricultural lands, design developments to protect the required landscape buffer from potential negative impacts related to on-site activities (i.e. drainage, recreational pathways, driveways);

1.5 Design any subdivision or urban development of land to reduce densities and the intensity of uses gradually towards the boundary of agricultural lands;

1.6 Incorporate subdivision design that minimizes potential negative impacts that may occur between farm and non-farm users (i.e., avoid road endings or road frontage next to agricultural land);

1.7 Require statutory covenants on non-agricultural land through the development process. The covenant shall:
   • notify landowners that “normal farm practices” occur in close proximity;
   • require the ongoing maintenance of the landscape buffer; and
   • restrict the planting of species that potentially host pests.
1.8 Design temporary farm working housing such that:

- Temporary farm worker housing should use all existing dwellings within the farm unit, prior to building new temporary farm worker housing, unless the existing dwellings are used for a use consistent with the Agriculture Land Commission Act. Alternatively, the existing dwellings on the farm unit must be removed, decommissioned to an approved use or demolished including decommissioning the existing septic system, prior to the authorization of a new temporary farm worker housing structure.

- Temporary farm worker housing footprint should be contiguous with the residential footprint (i.e. homeplate) and/or within 50 metres of the road and/or located to maximize agricultural potential and limit negative impacts on the farm parcel.

- Temporary farm worker housing should have a minimum 3 metre wide vegetated buffer for screening to adjacent property lines and between the temporary farm worker housing and active farming areas.

1.9 On agricultural lands, design the residential footprint such that:

1.9.1 The residential footprint is located within 60 meters of the road and/or located to maximize agricultural potential and limit negative impacts on the farm, whether or not the parcel is currently farmed;

1.9.2 All underground residential services are located within the residential footprint;

1.9.3 Only agricultural structures, structures exclusively used for agriculture, including greenhouses, farm retail sales stands, and those structures associated with crop storage, on-farm processing, stables, winery, cidery, brewery, distillery, meadery, processing and tasting facility or lounge, and temporary farm worker housing may be located outside the residential footprint.

1.10 On agricultural lands, locate farm retail sales, wineries, cideries, breweries, distilleries, and any other structures and services related to the public that are defined as farm uses under the ALC Act near the road entrance or in a location that minimizes road construction to reduce the footprint and extent of services through the lot with the goal of reducing impact on the agriculture potential.