

**Bylaw 55-2017 Text Amendment to Land Use Bylaw 6-2015 - Agriculture, Intensive Horticulture****Report Purpose**

To provide information to Council to consider three readings of a bylaw that proposes to move agriculture, intensive horticulture to a discretionary use in those zoning districts where it is currently listed as a permitted use.

**Recommendations**

1. THAT Bylaw 55-2017, a bylaw that proposes to move agriculture, intensive horticulture to a discretionary use in those zoning districts where it is currently listed as a permitted use, be given first reading.
2. THAT Bylaw 55-2017 be given second reading.
3. THAT Bylaw 55-2017 be considered for third reading.
4. THAT Bylaw 55-2017 be given third reading.

**Council History**

August 14, 2017 – Council approved “THAT Administration prepare an Amending Bylaw to the Land Use Bylaw 6-2015 that will move “intensive horticulture” from a permitted use to a discretionary use; and that this Amending Bylaw be brought to Council for consideration at the September 12, 2017 Council meeting.”

March 10, 2017 – Council adopted Land Use Bylaw (LUB) 6-2015, with an effective date of May 11, 2015.

**Strategic Plan Priority Areas**

**Economy:** n/a

**Governance:** n/a

**Social:** n/a

**Culture:** n/a

**Environment:** n/a

**Other Impacts**

**Policy:** n/a

**Legislative/Legal:** The *Municipal Government Act* provides that Council may, by bylaw, amend the Land Use Bylaw. The proposed amending bylaw requires a Public Hearing.

**Interdepartmental:** n/a

**Summary**

Administration is bringing forth a recommendation to amend LUB 6-2015 with regard to agriculture, intensive horticulture. The purpose of Bylaw 55-2017 is to move agriculture, intensive horticulture to a discretionary use in those zoning districts where it is currently a permitted use.

Currently, agriculture, intensive horticulture is listed as a permitted use in the following zoning districts:

- A – Airport
- AG – Agriculture: General
- AGI – Agri-Industrial
- AR – Agriculture: River Valley
- RA – Rural Residential/Agriculture
- IA – Agri-Business
- DC 58 Direct Control District
- DC 60 Direct Control District
- DC 70 Direct Control District
- DC 71 Direct Control District in Area “A” and “B”
- DC 77 Direct Control District in Area “A”

and as a discretionary use in the following zoning districts:

- AD – Agriculture: Future Development
- RS – Small Holdings
- DC 77 Direct Control District in Area “B”

Agriculture, intensive horticulture as defined in the LUB “means the primary and basic production and processing (i.e. cleaning, sorting, separating, grading or packing) of horticultural products such as vegetables, herbs and orchards, for sale on or off site. Typical uses include berry farms, tree farms, sod farms, plant nurseries and market garden operations. This does not include minor or intensive livestock agriculture, an agricultural product stands, or a greenhouse.”

A permitted use is defined in the LUB as “those uses of land, buildings, or structures for which a development permit shall be approved by the Development Officer, if the development meets all applicable regulations of this Bylaw.” In this regard, if listed as a permitted use, where an application meets the requirements of the LUB, the Development Officer must issue the permit.

A discretionary use is defined in the LUB as “those uses of land, buildings or structures for which a development permit may be approved or refused at the discretion of the Development Officer.” As a discretionary use, the Development Officer may issue an approval with or without conditions, with or without changes in the development, or with or without the imposition of regulations that are more restrictive than those in the Zoning District, the General Regulations found in Part 3 of the LUB, or the Specific Use Regulations found in Part 6 of the LUB. A permitted use does not allow for this flexibility when issuing a development permit.

Therefore, moving agriculture, intensive horticulture from a permitted use in the zoning districts listed above to a discretionary use provides the opportunity for discretion. This gives a Development Officer an opportunity to consider if what is being proposed is appropriate and compatible at the location to which it is being proposed. A discretionary use also allows a Development Officer additional flexibility to condition a development permit approval and apply appropriate land-use conditions that will assist in addressing compatibility and scale.

Further, although public consultation is not required for development permit applications, the County encourages applicants to talk to adjacent landowners about the proposal. This gives adjacent landowners an opportunity to hear first-hand about the proposal and is an opportunity for the applicant to learn more about the area and possibly mitigate concerns.

When listed as a permitted use, there is no requirement for notification of the approval. However, as a discretionary use, notification of the decision is provided by regular mail to adjacent landowners as identified on the County's Assessment Roll and by placing a notice on the County's website. Within the notification letter the adjacent landowner is advised of their right of appeal if they consider themselves to be affected by the decision.

Adjacent is defined in the LUB as "land that abuts a lot or site, and land that would abut a lot or site if not for a road, lane, walkway, watercourse, utility lot, pipeline right-of-way, power line, railway, or similar feature."

In summary, by moving agriculture, intensive horticulture from a permitted use to a discretionary use in the above-noted zoning districts, the Development Officer would have more discretion when considering applications. It also provides a mechanism for adjacent landowners to be notified of the decision and their right of appeal if they consider themselves to be affected by the decision.

### **Communication Plan**

If the bylaw receives approval, the LUB on the County website will be updated to reflect the approval.

### **Enclosures**

- 1 Bylaw 55-2017
- 2 Strikethrough and shaded versions of affected zoning districts
- 3 Direct Control District Overall Location Map
- 4 Direct Control District Notification Maps