

Agricultural Advisory Committee

AGENDA



Thursday, February 9, 2017

6:00 pm

Council Chamber

City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE MEETING TO ORDER:

- (a) The purpose of this Meeting is to consider certain Development Applications as noted on this meeting Agenda.
- (b) The Reports to Committee concerning the subject development applications are available on the City's website at www.kelowna.ca.
- (c) All representations to the Agricultural Advisory Committee form part of the public record.
- (d) As an Advisory Committee of Council, the Agricultural Advisory Committee will make a recommendation of support or non-support for each application as part of the public process. City Council will consider the application at a future date and, depending on the nature of the file, will make a decision or a recommendation to the Agricultural Land Commission.

2. Appointment of Acting Chair

To appoint an Acting Chair for the February 9, 2017 Meeting as the Chair and Vice-Chair are both absent.

3. Applications for Consideration

3.1 2550 Benvoulin Road, A16-0015 - Antonio & Carella D'Anzica

3 - 16

To applicant is requesting permission from the Agricultural Land Commission for the Non-Farm Use of the subject property for retail sales of non-farm product in an area exceeding 150m².

4. Minutes

17 - 24

To approve the Minutes of the Meeting of December 8, 2016.

5. Referrals

There are no referrals.

6. Old Business

6.1 Temporary Farm Worker Housing (TFWH) – Text Amendment

25 - 48

To provide policy for temporary farm worker housing that meets the needs of farmers, which adheres to provincial standards, in conjunction with a consistent regional approach.

7. New Business

7.1 Proposed change to Notification Policy for properties outside the Permanent Growth Boundary

7.2 Request from Committee Member for a meeting with the Agricultural Land Commission's Regional Panel

7.3 Request from Committee Member for a meeting with other Agricultural Advisory Committees in the area

8. Next Meeting

March 9, 2017

9. Termination of Meeting

COMMITTEE REPORT



Date: February 9, 2017

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (TH)

Application: A16-0015 **Owner:** Antonio & Carella D'Anzica

Address: 2550 Benvoulin Road **Applicant:** Springfield Nurseries Ltd. / Art Knapp Plantland and Florists

Subject: Application to the ALC for Non-Farm Use

1.0 Purpose

The applicant is requesting permission from the Agricultural Land Commission for the Non-Farm Use of retail sales of non-farm product in an area exceeding 150 m².

2.0 Proposal

2.1 Background

The subject parcel is 10.0 acres in size. The applicant has operated Plant Nursery Sales on the subject property since 1999. Additional information collected from the City of Kelowna indicates that in 2003 the subject property uses included:

- Nursery stock on approximately 7.5 acres (30,350 m²); and
- Retail sales of non-farm product such as decorative rock, topsoil, mulch on approximately .24 acres (1,000 m²)

The City of Kelowna's Agriculture Compliance and Enforcement Strategy identifies any non-compliant uses on agricultural land within the City. The subject parcel has uses which are non-compliant to Zoning Bylaw No. 8000, and the Agricultural Land Commission land use regulations. As such, the land owner and business operator have been contacted by City Bylaw and Planning staff to address the non-compliant uses. Identified uses include:

- Nursery stock on approximately 3.1 acres (*Compliant*).
- Retail sales of non-farm product such as decorative rock, topsoil, mulch on approximately 1.0 acre (***Non-Compliant Use of the subject parcel***).
- In 2015 – 2016, City of Kelowna Bylaw worked with the applicant to remove outdoor storage of heavy equipment and stockpile materials from the southern portion of the subject parcel (*Compliant*).

Image 1 Subject Property in 2003

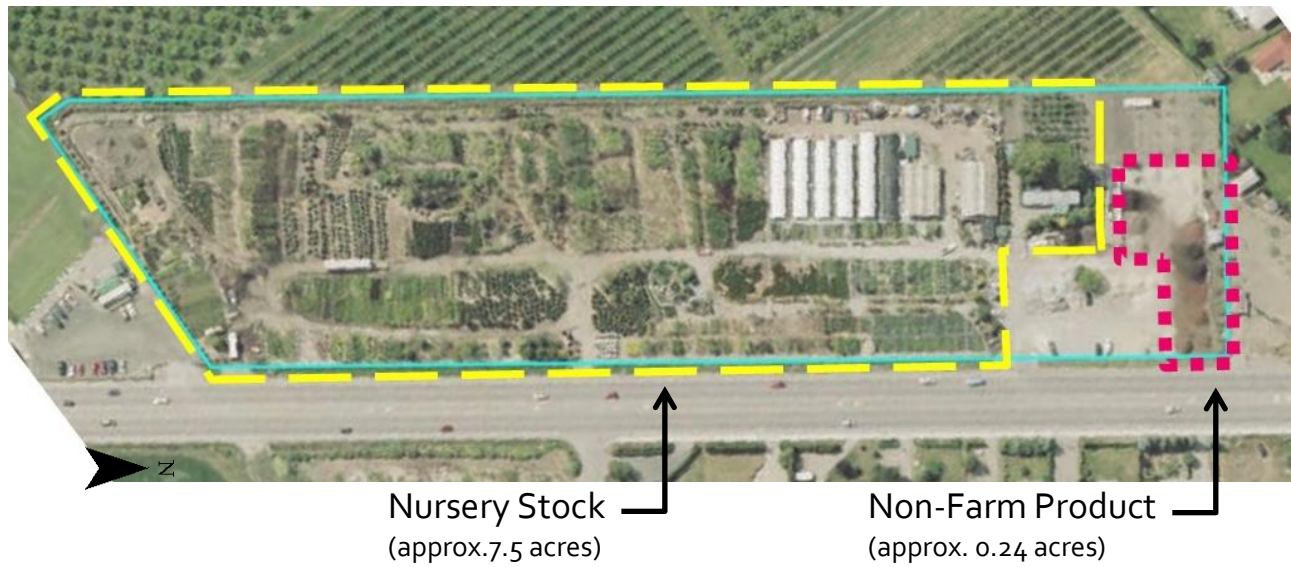


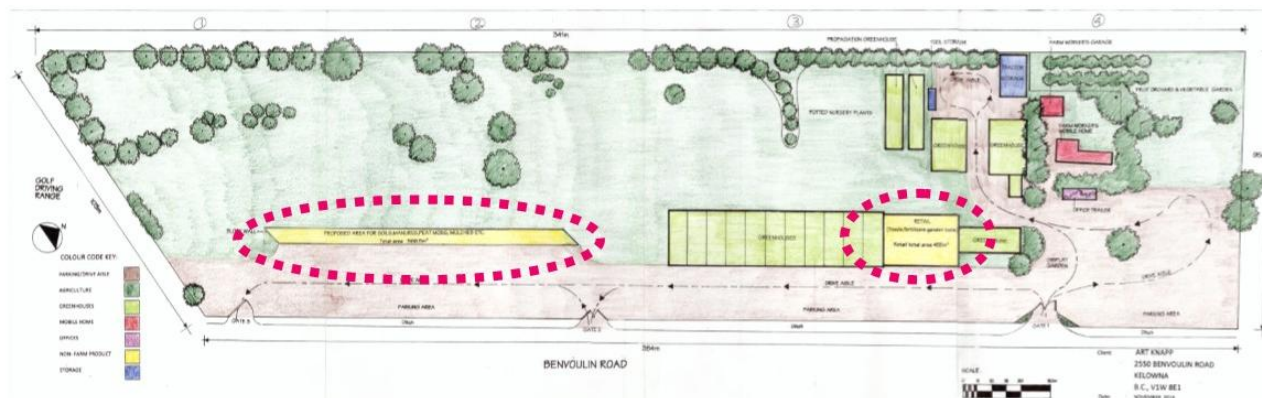
Image 2 Subject Property in 2015



2.2 Project Description

The applicant is proposing to reduce the non-farm retail sales on the property from the current 1.0 acre (4,040 m²) area to .25 acres (1,025 m²) in area. The proposal also increases the parking and drive aisle areas on the parcel to a total of 2.4 acres (9,715 m²). The two areas proposed for non-farm retail sales are highlighted in Image 3. The southern area shown in yellow indicates the area for stockpiling of soil, peat moss, and mulches. The northern area shown in yellow indicates the indoor area for retail sales of seeds, fertilizers, and garden tools.

Image 3 Proposed Site Plan (see Attachment B for enlargement)



Subject Property: 10.0 acres

Proposed Agriculture Activities: 7.35 acres (29,745 m²)

The proposed farm on the subject property includes:

- Increasing the current area of Ornamentals (floriculture, horticultural, nursery crops) from 3.1 acres to 7.35 acres
 - Greenhouses
 - Outdoor nursery stock

Proposed non-Farm Use Activities: 2.65 acres (10,725 m²)

- Reducing the current Farm Retail Sales of non-farm product from 1.0 acres to .25 acres
 - Proposed soils, mulches etc. 0.14 acres (570 m²)
 - Proposed seeds, fertilizers, garden tools 0.11 acres (455 m²)
 - Parking Lot/drive aisle 2.4 acres (9,715 m²)

The proposed site plan and land uses exceed the Agricultural Land Commission (ALC) allowable non-farm product retail sales area of 150 m², which requires the Non-Farm Use application through the ALC.

2.3 Site Context

The subject property is located at 2550 Benvoulin Road in the South Pandosy/KLO sector of Kelowna. Benvoulin Road runs along the east boundary of the parcel, with the northern property line adjacent to single family residential, ALR/ agricultural land exists to the west and south. The subject property is in the ALR. Adjacent land use to the east and south is agricultural and is also within the ALR. The subject property is not serviced with municipal water or sanitary.

Parcel Summary – 2550 Benvoulin Road

Parcel Size: 4.05 ha (10.0 acres)
 Elevation: 355.0 to 359.0 metres above sea level (masl) (approx.)

Image 4 Neighbourhood Map



Image 5 Agricultural Land Reserve Map

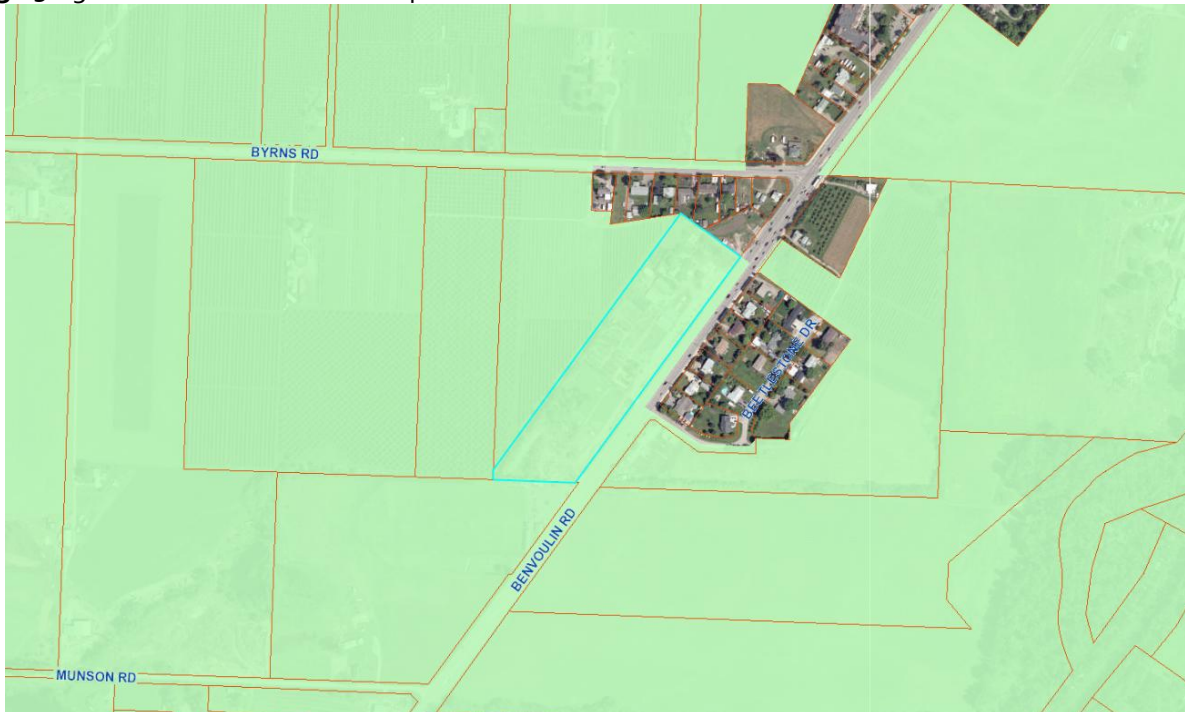
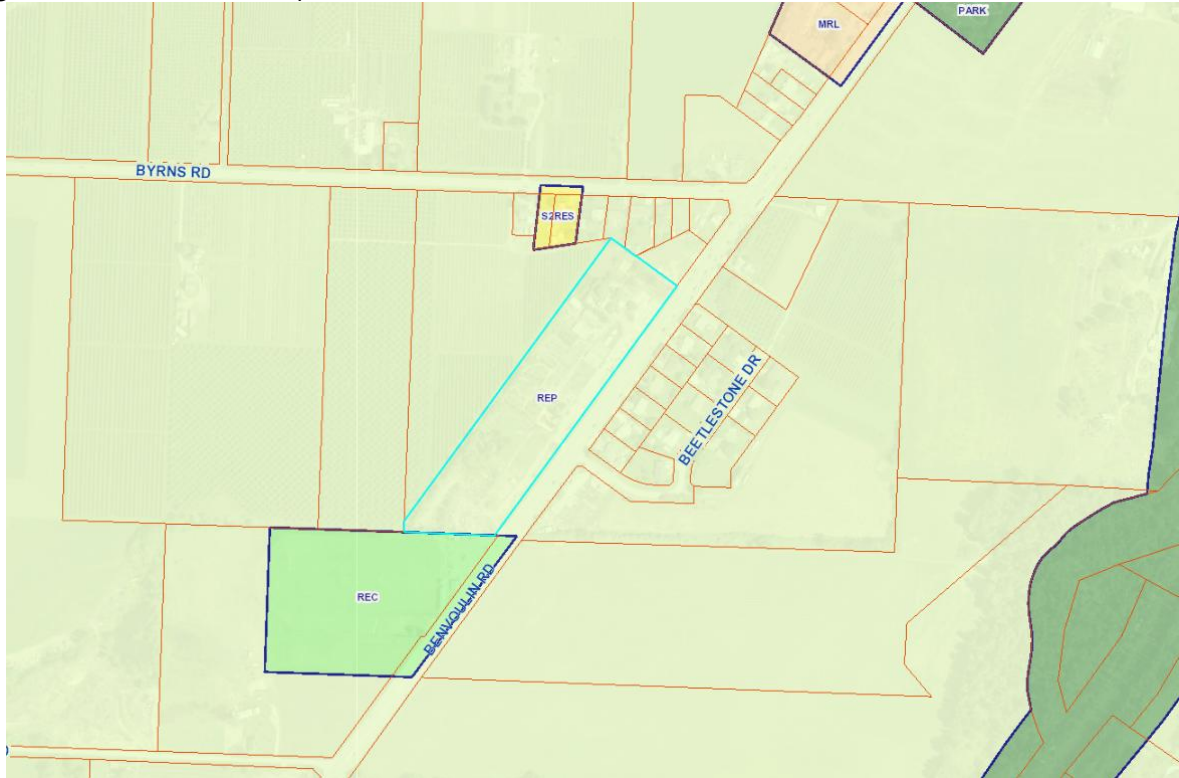


Image 6 Future Land Use Map



2.4 Zoning of Adjacent Property

Table 1: Zoning of Adjacent Property

Direction	Zoning Designation	Land Use	ALR
North	A1 – Agriculture 1 A1 – Agriculture 1	Agricultural Single Family Residential	No
West	A1 – Agriculture 1	Orchard	Yes
South	P3 – Parks & Open Space	Golf Driving Range	Yes
East	A1 – Agriculture 1 A1 – Agriculture 1	Agricultural Single Family Residential	Yes

3.0 Compliance

The following criteria and achievement indicator reflect the proposed site plan and proposed land use.

3.1 City of Kelowna Agricultural Policies

CRITERIA	OFFICIAL COMMUNITY PLAN GOALS & POLICIES	ACHIEVES
Protect Agricultural Land	Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.	✓
Homeplating	Locate buildings and structures, including farm help housing and farm retail sales area and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage. The goal should be to maximize use of existing infrastructure and reduce impacts on productive agricultural lands.	X
Urban Uses	Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.	X
Farm Protection Development Permit Guidelines	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.	X
Non-Farm Uses	Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses: <ul style="list-style-type: none"> • Are consistent with the Zoning Bylaw & OCP • Provide significant benefits to local agriculture • Can be accommodated using existing infrastructure • Minimize impacts on productive agricultural lands • Will not preclude future use of the lands for agriculture • Will not harm adjacent farm operations 	X X ✓ ✓ ✓ ✓
	CITY OF KELOWNA STRATEGIC PLAN	
Protect Agricultural Land	Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.	✓

3.2 City of Kelowna Zoning Bylaw No. 8000

Table 1: Development Criteria

CRITERIA	A1 (Agricultural) ZONE REQUIREMENTS	ACHIEVES
Minimum front yard setback	6.0 m	✓
Minimum Rear Yard	10.0 m except it is 3.0 m for accessory buildings	✓
Maximum Site Coverage	10% for residential development (inclusive of agri-tourist accommodation), 35% for agricultural structures and 75% for greenhouses	✓
Land Use	Agriculture Specific to the application, Agriculture means the farming and agricultural practices as outlined in the Agricultural Land Commission Permitted uses.	X

3.3 Agricultural Land Commission regulation

CRITERIA	ALC REQUIREMENTS	ACHIEVES
Farm Retail Sales if	All of the farm product offered for sale is produced on the farm on which the retail sales are taking place, or	X
	The total area, both indoors and outdoors, used for the retail sales of all products does not exceed 300 m ² and if at least 50% of that retail sales area is limited to the sale of farm products produced. As Such: the maximum area for retail sales area of non-farm product is 150 m ²	X
<i>A Non-Farm Use application is required as the applicant is proposing a non-farm product retail sales area from the permitted 150 m² to the proposed 1,025 m² (.25 acre). Over 6 times the permitted area.</i>		

4.0 Community Planning

Council is seeking a recommendation from the AAC with respect to the requested ALC Non-Farm Use application. The AAC should consider the proposed form of the use of the land and the potential positive and negative impacts of these operations on agriculture. The AAC should consider these requests relative to City policies identified in sections 2.5 – 2.7 of this report.

The AAC may also wish to recommend mitigation measures or requirements to the proposed operation to ensure that the impacts to agriculture are minimized as appropriate. Conditions may be stipulated both through the Development Permit and also on an annual basis as a part of a business license renewal.

Report prepared by: Tracey Hillis, Planner

Reviewed by: Todd Cashin, Suburban and Rural Planning Manager

Attachments:

Attachment A – Policies

Attachment B - Proposed Site Plan

Attachment C – Historic Aerial Photographs

Attachment D – Technical Comments

ATTACHMENT A - Policies



Subject: Address

4.1 City of Kelowna Agriculture Plan (1998)

ALR Application Criteria¹

Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.

1.1 City of Kelowna Strategic Plan

Objective²: Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

Action towards this objective³: Evaluate the effectiveness of City policies and bylaws in preserving agricultural lands.

1.3 Kelowna Official Community Plan (OCP)

Land Use Designation Definitions

Resource Protection Area⁴

Generally land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses.

Permanent Growth boundary⁵

Lands within the permanent growth boundary may be considered for urban uses within the 20 year planning horizon ending 2030. Lands outside the permanent growth boundary will not be supported for urban uses.

Chapter 5 – Development Process

Objective 5.3 Focus development to designated growth areas.

¹ City of Kelowna Agriculture Plan. 1998. P. 130.

² City of Kelowna Strategic Plan. 2004. P. 7.

³ City of Kelowna Strategic Plan. 2004. P. 29.

⁴ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.2.

⁵ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.6.

Policy .1 Permanent Growth Boundary⁶. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Support development of property outside the Permanent Growth Boundary for more intensive uses only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council's specific amendment of this policy. Resource Protection Area designated properties not in the ALR and outside the Permanent Growth Boundary will not be supported for subdivision below parcel sizes of 4.0 ha (10 acres). The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

Agricultural Land Use Policies

Objective 5.33 Protect and enhance local agriculture⁷.

Policy .1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy .2 ALR Exclusions. The City of Kelowna will not forward ALR exclusion applications to the ALC except in extraordinary circumstances where such exclusion is otherwise consistent with the goals, objectives and other policies of this OCP. Soil capability alone should not be used as justification for exclusion.

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

1.4 Agricultural Land Commission Act (ALCA)

Purposes of the commission – Section 6 of the ALCA

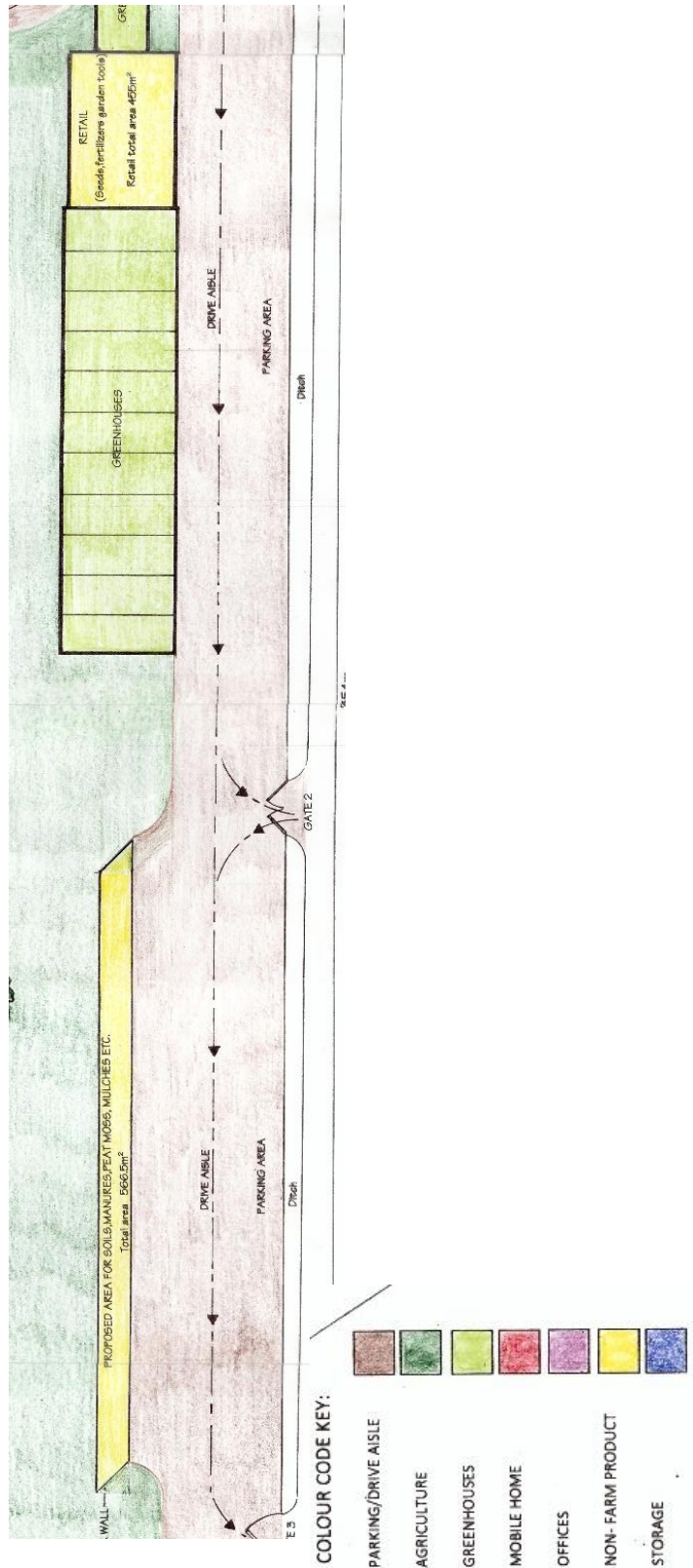
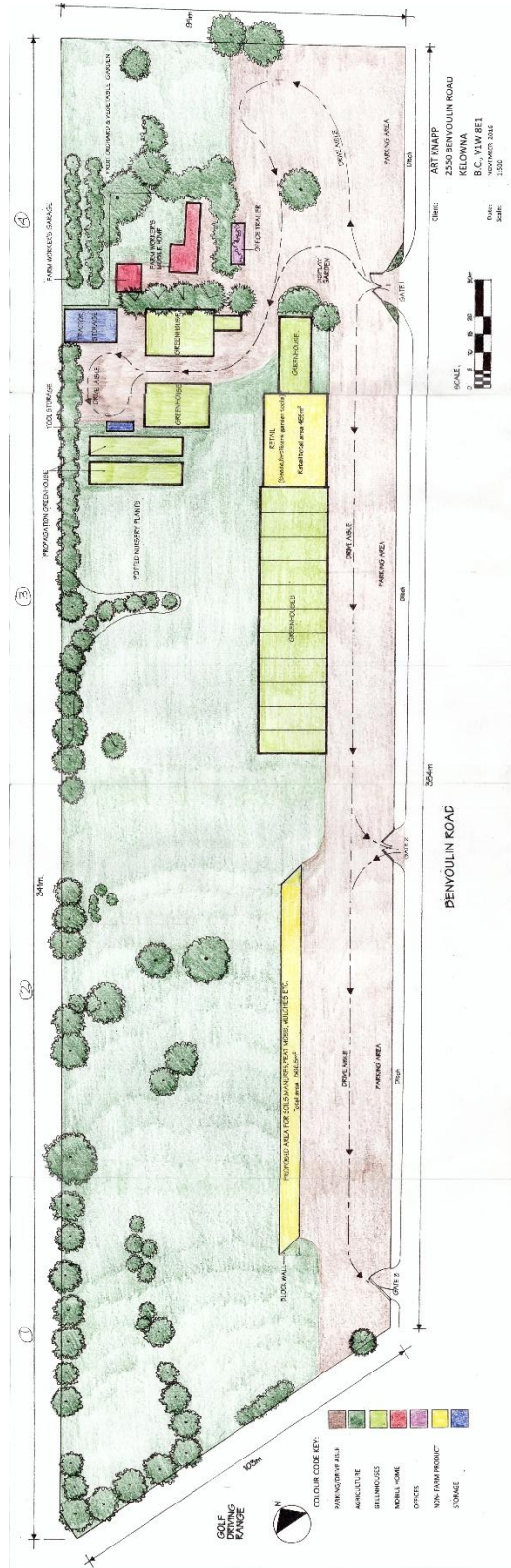
The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

⁶ City of Kelowna 2030 Official Community Plan. Development Process Chapter. P. 5.2.

⁷ City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35.

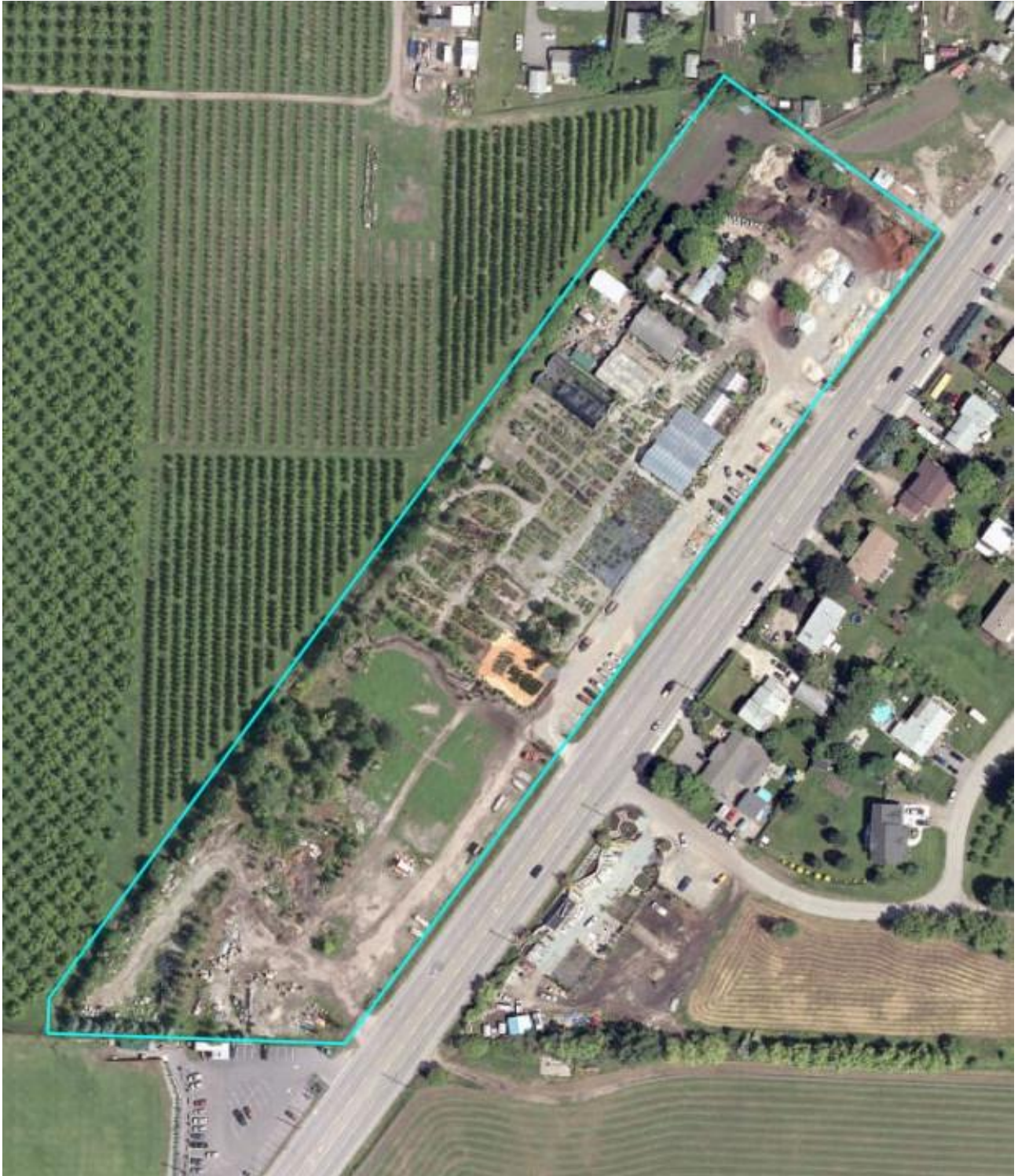
ATTACHMENT B – Proposed Site Plan



ATTACHMENT C – 2003 Aerial Photograph



ATTACHMENT C – 2015 Aerial Photograph



ATTACHMENT D – Technical Comments



Subject: 2550 Benvoulin Road

4.2 Development Engineering Department

Development Engineering will review and prepare a comprehensive report at the time of City Development Permit, and if and when the Agricultural Land Commission agrees with this proposal.

Potential access requirements as per City Bylaw will need to be addressed at the time of City Development Permit. Bylaw No. 7900 permits a maximum of one driveway per property frontage.

Agricultural Advisory Committee

Minutes

Date: Thursday, December 8, 2016
Location: Knox Mountain Meeting Room (#4A)
City Hall, 1435 Water Street

Committee Members Present: John Janmaat (Chair), Ed Schiller, Keith Duhaime, Tarsem Goraya, Yvonne Herbison and Jill Worboys

Committee Members Absent: Domenic Rampone, Jeff Ricketts (Alternate) and Kevin Daniels (Alternate)

Staff Present: Suburban & Rural Planning Manager, Todd Cashin; Planner, Melanie Steppuhn; and FOI-Legislative Coordinator, Sandi Horning

1. Call to Order

The Chair called the meeting to order at 6:17 p.m.

Opening remarks by the Chair regarding conduct of the meeting were read.

2. Minutes

Moved by Tarsem Goraya/Seconded by Yvonne Herbison

THAT the Minutes of the September 8, 2016 Agricultural Advisory Committee meeting be adopted;

AND THAT the Minutes of the October 13, 2016 Agricultural Advisory Committee meeting be adopted.

Carried

3. Agricultural Land Commission Decisions

3.1 3665 Hart Road

Staff:

- Provided an update regarding the Agricultural Land Commission's decision with respect to 3665 Hart Road. The Agricultural Land Commission provided a resolution for support of the lot line adjustment.
- Displayed the subject property map on the overhead and noted the lot line adjustments that would be occurring.

4. Old Business

4.1 Agricultural Plan Update – Engagement

Staff:

- Displayed a PowerPoint presentation entitled Agriculture Plan Update Draft Action Plan Discussion.
- Reminded that Committee Members that all of the 'actions' are draft. A more detailed review will occur during the plan development and all actions may not be in the draft plan. Actions that will take priority will include those where the City has a role.
- Advised that a resolution from the Committee will be required in order to move the actions forward for Plan consideration.
- The actions being discussed during this meeting are in addition to those proposed at Committee's October 13, 2016 meeting.
- Looking for Committee comments/feedback on the additional proposed actions:
 - o Does the City play a role?
 - o Do they link to the Plan's vision?
 - o Are the actions feasible?
- Reviewed the additional actions in conjunction with the seven (7) Themes and responded to questions from the Committee Members.

AAC Discussion:

- Had a discussion regarding how to fine-tune the business license process.
- Suggested mirroring the BC Assessment process for farm assessments.
- Had a discussion regarding the additional actions under the seven (7) Themes.

Moved by Yvonne Herbison/Seconded by Tarsem Goraya

THAT the Agricultural Advisory Committee recommends that Council consider adding "Agricultural Liaison Services" as a recommended action to the Agricultural Plan Update.

Carried

Anecdotal Comments:

The Agricultural Advisory Committee suggested that a link be provided on the City's website that would direct the public to an agricultural information portal.

Moved by Keith Duhaime/Seconded by Ed Schiller

THAT the Agricultural Advisory Committee recommends that Council consider adding the following recommended actions to the Agricultural Plan Update:

- Zoning compliance for business licenses on agricultural properties.

Carried

Anecdotal Comments:

The Agricultural Advisory Committee suggested that a review of the City's process when a business license is issued be completed. The Committee recommends that there be no automatic renewal of business licenses on agricultural lands. A process should be put in place to ensure that the property complies with the City's zoning requirements prior to the business license being renewed.

Moved by Yvonne Herbison/Seconded by Pete Spencer

THAT the Agricultural Advisory Committee recommends that Council consider adding "Farm Residential Footprint (Homeplate)" to the recommended action to the Agricultural Plan Update:

- Farm residential footprint (homeplate).

Carried

Anecdotal Comments:

The Agricultural Advisory Committee suggested that the City should investigate restricting house size and the homeplate where the footprint is located on the property.

Moved by Keith Duhaime/Seconded by Yvonne Herbison

THAT the Agricultural Advisory Committee recommends that Council adopt Theme 1 - Harnessing and stewarding the bio-physical environment: taking advantage of great soil and sun, while minimizing water use and waste, with the following recommended actions:

- Support and promote sustainable production methods;
- Undertake a governance study, ideally by a third party, to determine how agricultural water users can best be served by either the current irrigation district, by a City water provider, a hybrid, or something else;
- Develop an Agricultural Water Plan for the City;
- Promote and support OKSIR and push for similar initiatives for other pests;
- Support an update to the noxious weed bylaw to ensure that the replacement noxious plants is done with pollinator-friendly species;
- Support an update to the noxious weed bylaw to include "noxious organisms" such as insects, diseases, animals and other potential pests;

- Work with fruit growers and experts on appropriate trees to distribute in urban areas (i.e. urban use and RV Park use of fruit trees for aesthetic purposes can spread pests and diseases into the farming areas);
- Ensure adequate water supply for farming (include a reference to water quantity, not just pricing);
- Support work being undertaken by OBWB and/or the BC CAI to model climate change impacts on water availability for the farming community (e.g. provide OCP and zoning buildout numbers for GIS modelling);
- Limit or restrict the sale of cedar hedging within the city as they are especially heavy water feeders;
- Update the soil deposit and removal bylaw, and include reference to composting;
- Include an action regarding the need for education of the public around existing bylaws;
- Provide leadership around best management practices for mulching (e.g. use mulch in city landscaping activities);
- Ensure that water restriction/drought level messaging is consistent across jurisdictions in the region;
- Support the creation of a regional composting facility for yard waste and food scraps; and
- Support the work that is being done in regional air quality plan (smoke reduction).

Carried

Moved by Yvonne Herbison/Seconded by Tarsem Goraya

THAT the Agricultural Advisory Committee recommends that Council adopt Theme 2 - Increasing consumer awareness and support for local agriculture: introducing Kelowna farms to residents and visitors alike, with the following recommended actions:

- Continue to support YLW programs such as Farm to Flight and expanded services at the airport such as a new restaurant in the departure lounge that will serve local apples, beer, and wine;
- Work with the BC Farmers Market Association on an expanded market strategy and investigate options for pocket markets;
- Work with the BC Farmers Market Association to determine what infrastructure is needed in order to find a better, permanent, year-round market location. Tourism Kelowna is also interested in a more consistent and permanent location for the market;
- Work with Tourism Kelowna to facilitate agricultural events (festivals, open houses, cycle tours, etc.);
- Increase public education of farming practices and what crops are being produced through signage;
- Developing a resource registry of farmers willing to go to schools or host school groups on their farms; and
- Investigate making multi-family shared gardens mandatory in new developments for urban agriculture through DCCs or amenity benefit tools.

Carried

Moved by Pete Spencer/Seconded by Keith Duhaime

THAT the Agricultural Advisory Committee recommends that Council adopt Theme 3 - Managing urban and rural growth & development: keeping non-farm uses off the ALR, with the following recommended actions:

- Work with YLW to determine how the impacts of ALR exclusion, for airport expansion, could be offset by creating benefits to the agricultural sector (e.g. provide topsoil to other farms, create on-site storage and warehousing for distribution by airplane, etc.);
- Clarify what are allowable activities on agricultural land (e.g. ensure that buildings for storage, non-soil bound agriculture is not taking up too much land);
- Include farmers in discussions regarding roadway changes and provide opportunities for farmers to apply for roadway changes;
- Create a public service initiative that includes messaging (e.g. website, social media, printed signs) to educate non-farming residents about what to expect month-to-month in terms of agricultural activities;
- Use signs to promote when spraying is occurring (e.g. please respect that farming is an industrial activity).
- Target those purchasing land in the ALR/A1 or near the ALR/A1 to educate them about normal farm practices. This could include information at point of sale (e.g. covenant or disclosure agreement to acknowledge agricultural activities and the Right to Farm Act);
- Plan traffic calming measures and transportation corridors such that they do not bisect agricultural communities; and
- Develop restrictions on new developments next to farming to include buffers and other edge planning tools.

Carried

Moved by Yvonne Herbison/Seconded by Keith Duhaime

THAT the Agricultural Advisory Committee recommends that Council adopt Theme 4 - Supporting economic development of the agricultural sector: creating farms that create a profit, with the following recommended actions:

- Investigate options for DCCs for temporary farm worker housing;
- Support the concept of developing a cooperative food hub;
- Determine what the best role is for the City regarding agri-tourism (e.g. develop a strategy; clarify allowable uses, etc.);
- Provide a staff point-person (agricultural champion or extension staff) for farmers at the City level in planning and possibly engineering/infrastructure services. This could be an agrologist;
- Collaborate with OK College, UBCO and community farm groups on incubator farm and restaurants concepts; and
- Investigate ways to facilitate long-term leases on agricultural lands.

Carried

Moved by Tarsem Goraya/Seconded by Pete Spencer

THAT the Agricultural Advisory Committee recommends that Council adopt Theme 5 - Bridging existing gaps in the food system: getting local food onto local plates, with the following recommended actions:

- Support the Kelowna Okanagan Food Hub Initiative;
- Make grant programs accessible to food security and agricultural organizations that are registered societies but do not necessarily have charitable status;
- Partner with the Kelowna farmers market to plan a food hub;
- Include community pasture possibilities or leased public land for farming;
- Encourage people to farm in urban areas (e.g. zoning to encourage bee keeping and urban chickens);
- Conduct soil testing and publish results to identify where food could/should be grown in the City;
- Work with the airport to identify food storage opportunities for producers wishing to distribute products through YLW; and
- Facilitate education around economic viability of farming on small, urban lots.

Carried

Moved by Ed Schiller/Seconded by Keith Duhaime

THAT the Agricultural Advisory Committee recommends that Council adopt Theme 6 - Planning for farm succession: making sure that retirement of the farmer doesn't mean retirement of the farm, with the following recommended actions:

- Encourage production on under-utilized land;
- Match tax rates with land production activities: Tax higher rates for under-utilized land instead of lower farm rates;
- Ensure options for keeping farm families on the farm exist;
- Lobby Provincial and Federal governments to support agriculture;
- Support new farmers by supporting the Central Okanagan Land Trust and partner with them to explore if and how agricultural land could be included as part of the trust;
- Promote business aspects of running a farm.

Carried

Moved by Keith Duhaime/Seconded by Yvonne Herbison

THAT the Agricultural Advisory Committee recommends that Council adopt Theme 7 - Aligning local policies and regulations with the Agriculture Plan Update-'s vision: providing clear direction for decision-makers and landowners, with the following recommended actions:

- Provide information on who people can talk to about farming issues;
- Provide recognition that the expansion of YLW, as identified in the 2045 Airport Masterplan, will require the exclusion of ALR parcels;

- Support a third party review of irrigation districts and the city water provider(s) to determine what type of water governance best serves agricultural users (must consider cost, health standards, and agricultural needs);
- Ensure that water and agriculture is written into plans and bylaws (in particular if irrigation districts are amalgamated);
- Consider developing a drought management and response plan (e.g. as West Kelowna has done);
- Look to regional approach to address some issues;
- Provide support for NGOs that are working in the areas of food security and agriculture;
- Adopt effective procedures for enforcement of policies and regulations to support the Agriculture plan and ensure enforcement is appropriately resourced; and
- Recognize the benefit of agricultural lands to the community and investigate eco-system services;

AND THAT the Agricultural Advisory Committee recommends that Council move the following recommendation action under Theme 1 - Harnessing and stewarding the bio-physical environment: taking advantage of great soil and sun, while minimizing water use and waste:

- Investigate options for addressing mule deer.

Carried

Staff:

- Advised of the next steps in the Agricultural Plan Update process.

5. Next Meeting

The next Committee meeting has been tentatively scheduled for January 12, 2017.

The Chair advised that he will be out of the country for the next few months and therefore will not be able to attend upcoming Committee meetings.

Staff advised that the Committee will need to appoint a Chair and Vice-Chair for 2017. The Chair confirmed that he will let his name stand as Committee Chairperson.

Moved by Pete Spencer/Seconded by Tarsem Goraya

THAT the Agricultural Advisory Committee authorizes John Janmaat to be absent for three (3) or more consecutive meetings without forfeiting his appointment.

Carried

6. Termination of Meeting

The Chair declared the meeting terminated at 8:32 p.m.

John Janmaat, Chair

/slh

DRAFT

COMMITTEE REPORT



Date: February 9, 2017

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (MS/TG)

Application: TA16-0015; TA16-0016 and OCP16-0022

Subject: Temporary Farm Worker Housing (TFWH) – Text Amendment, Revised Draft Policy

1.0 Purpose

To provide policy for temporary farm worker housing that meets the needs of farmers, which adheres to provincial standards, in conjunction with a consistent regional approach.

2.0 Proposal

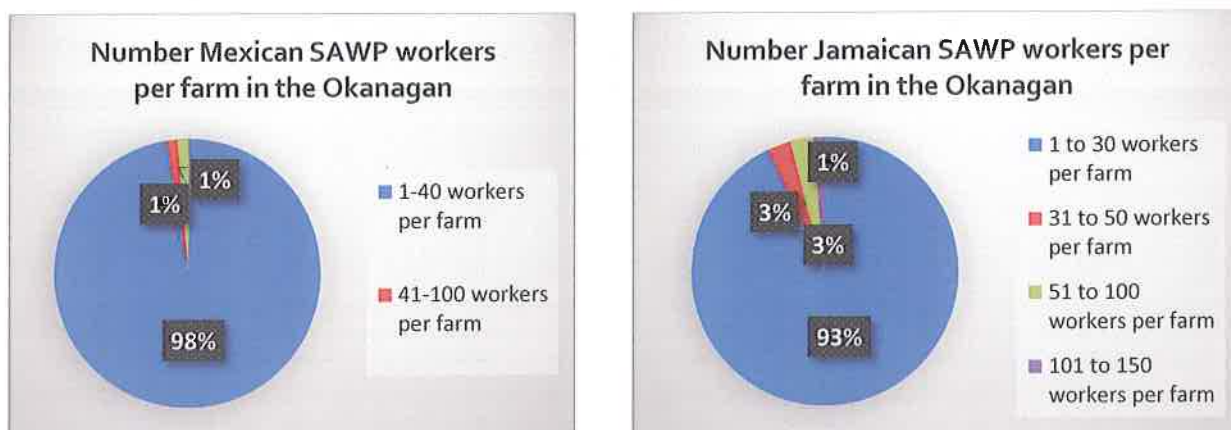
2.1 Background

The Agricultural Advisory Committee (AAC) and Council were consulted on preliminary TFWH policies. Since then, staff have further consulted with the BC Fruit Growers Association (BCFGA), the Mexican Consulate, the Jamaica Liaison Service, and the Ministry of Agriculture. From this consultation, new information has become available which has led to a revision of proposed policy.

Based on data from the Mexican Consulate and Jamaica Liaison Service, in 2016, farmers in the Okanagan hired 2085 Mexican and 707 Jamaican workers through the federal Seasonal Agricultural Workers Program (SAWP)¹. When examining the distribution of workers it was discovered that over 93 per cent of Okanagan farms have less than 40 workers per farm as illustrated in Figure 1. Further investigation found that in 2016, only 3 Kelowna farms had more than 40 Mexican SAWP workers, and only 4 Kelowna farms had more than 30 Jamaican SAWP workers.

Based on feedback from the AAC, Council and other agencies, staff collaborated further with other Central Okanagan municipalities and the Ministry of Agriculture to refine the temporary farm worker policy. The District of Peachland has not participated in the process due to the limited ALR land and need for TFWH in their region.

¹ Personal Communication Consulada General de Mexico en Vancouver SAWP Coordinator and Deputy Chief Liaison Officer, Jamaica Liaison Service

Figure 1: Distribution of SAWP workers per Okanagan Farm

Note: The method for reporting data varies between the Mexican and Jamaican SAWP coordinators²

While some of the draft policies have changed since the AAC's initial review, the overall intent remains the same: to reduce the footprint on farm land and minimize the risk of TFWH being used for non-farm purposes. Further, the updated draft policies remain consistent with the Ministry of Agriculture Guide to Bylaw Development in Farming Areas³.

The draft policies address temporary farm worker housing only. Applications for housing for relatives or additional housing for full time farm employees are addressed through different policies.

2.2 Policy Description

The proposed regulations have the following objectives:

1. Minimize footprint on farm land;
2. Uses existing dwellings within the Farm Unit as a first option wherever possible;
3. Requires new TFWH to be temporary structures on non-permanent foundations;
4. Addresses dwellings on all properties within the Farm Unit which includes leased properties;
5. Addresses buffers to adjacent properties; and
6. Measurable

Major changes to the draft temporary farm worker policy that was presented to the AAC last fall are illustrated in Table 1.

² Personal Communication Consulada General de Mexico en Vancouver SAWP Coordinator and Deputy Chief Liaison Officer, Jamaica Liaison Service

³ Ministry of Agriculture, 2015. Guide for Bylaw Development in Farming Areas.

Table 1 – Changes to Draft Temporary Farm Worker Housing Policy

Bylaw	Initial draft policy	Revised draft policy
Official Community Plan	none	As a first option, farm help housing should be located within the Permanent Growth Boundary providing access to amenities for workers.
Zoning Bylaw	Structure(s) to accommodate a maximum of forty TFW for farm units less than or equal to 30 ha. For those farm units greater than 30 ha, structure(s) can accommodate a maximum of 1.34 TFW per one ha of land within the farm unit.	Structure(s) to accommodate a maximum of 40 TFW
	TFWH occupied from March 1 to October 31	TFWH occupancy allowed during the farm unit's growing, harvesting and pruning periods to a maximum of 8 months/year which will be filed in an annual statutory declaration.
	Percentage of TFWH footprint may not exceed five per cent of the parcel size and may not exceed 0.25 ha.	TFWH footprint may not exceed 0.20 ha
Development Application Procedures Bylaw	Issuance or Refusal of Temporary Farm Worker Housing Permits	Issuance of Temporary Farm Worker Housing Permits
	none	General housekeeping amendments to align the Bylaw with Zoning Bylaw, Development Application Fees Bylaw, and current City structure.

2.3 Next Steps

Following the AAC meeting, staff will present the draft policies to Council in a morning workshop session near the end of February. After consulting with Council, the policy will then be forwarded to Council in an afternoon session of Council in early April for first reading.

The City of Kelowna and Regional District of Central Okanagan plan to undergo the process for adoption of the policies in a similar timeline. The District of Lake Country and City of West Kelowna will consider the proposed policy as part of their future reviews of their Zoning Bylaws.

It should be noted that there are differences between the City and RDCO proposed policies due to the differences in staff resources, current processes and urban/rural scenarios. The overall intent of the draft regulations, however, is the same.

3.0 Community Planning

The text amendment represents a consistent regulation for migrant farm worker housing. Staff have collaborated with staff from RDCO member municipalities, Ministry of Agriculture and the Agriculture Land Commission to review the Central Okanagan region's migrant farm worker housing regulations with the intent of creating a set of regulations for Temporary Farm Worker Housing (TFWH), consistent with the Ministry of Agriculture Guide to Bylaw Development in Farming Areas⁴.

Report prepared by:

Tracy Guidi, Sustainability Coordinator

Melanie Steppuhn, Land Use Planner

Reviewed by:



Todd Cashin, Suburban and Rural Planning Manager

Attachments:

Attachment A – City of Kelowna Policies

OCP16-0022 – Schedule A – Table of Proposed Changes to the OCP

TA16-0015 - Schedule B – Table of Proposed Changes to the Zoning Bylaw

TA16-0016 - Schedule C – Table of Proposed Changes to the Development Applications Procedures Bylaw

Ministry of Agriculture Letter of Support (Sept. 9, 2016)

Comparative Regulations from other BC Municipalities

⁴ Ministry of Agriculture, 2015. Guide for Bylaw Development in Farming Areas.

Attachment A - Policies



Subject: Temporary Farm Worker Housing

Kelowna Official Community Plan (OCP)

Agricultural Land Use Policies

Objective 5.33 Protect and enhance local agriculture⁵.

Policy .1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Objective 5.34 Preserve Productive Agricultural Land

Farm Help Housing⁶

Generally Farm Help Housing. Accommodation for farm help on the same agricultural parcel will be considered only where:

- agriculture is the principal use on the parcel, and
- the applicant demonstrates that the additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall operation of the farm. The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary.

Temporary farm worker housing (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.

Farm Protection Development Permit Guidelines⁷

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;

⁵ City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35.

⁶ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.2.

⁷ City of Kelowna 2030 Official Community Plan. Chapter 15 Farm Protection Development Permit Guidelines. p. 15.4

SCHEDULE A - OCP16-0022

OCP16-0022 - DRAFT

List of Amendments to Official Community Plan Bylaw No. 10500 for Temporary Farm Worker Housing

No.	Section	Existing	Proposed	Explanation
1	Chapter 5 - Development Processes Revise policy 5.34.2 to replace the words agricultural parcel with farm unit.	<p>Farm Help Housing. Accommodation for farm help on the same agricultural parcel will be considered only where:</p> <ul style="list-style-type: none"> • agriculture is the principal use on the parcel, and • the applicant demonstrates that the additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall operation of the farm. The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary. <p>Temporary farm worker housing (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.</p>	<p>Farm Help Housing. As a first option, farm help housing should be located within the Permanent Growth Boundary providing access to amenities for workers. Accommodation for farm help on the same farm unit will be considered only where:</p> <ul style="list-style-type: none"> • agriculture is the principal use on the parcel, and • the applicant demonstrates that the additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall operation of the farm. The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary. <p>Temporary farm worker housing (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.</p>	<p>Replace the words 'agricultural parcel' with 'farm unit' to be consistent with Zoning Bylaw. Add statement to encourage farm help housing to be within Permanent Growth Boundary.</p>
2	Chapter 15 - Farm Protection	1) Any development located on Agricultural Lands before:	1) Any development located on Agricultural Lands before:	Remove agri-tourist accommodation to be consistent

SCHEDULE A - OCP16-0022

	Development Permit Guidelines	<p>a. Subdivision of land; b. A Building Permit, Soil Permit, or alteration of land associated with the following uses: i. agri-tourism; ii. agri-tourist accommodation; iii. agricultural dwellings, additional; iv. secondary suite (within an accessory building or structure); v. utility services, minor impact; vi. wineries and cideries; vii. greenhouses and plant nurseries; viii. agricultural and garden stands; ix. temporary farm worker housing.</p>	<p>a. Subdivision of land; b. A Building Permit, Soil Permit, or alteration of land associated with the following uses: i. agri-tourism; ii. agricultural dwellings, additional; iii. secondary suite (within an accessory building or structure); iv. utility services, minor impact; v. wineries and cideries; vi. greenhouses and plant nurseries; vii. agricultural and garden stands; viii. temporary farm worker housing.</p>	<p>with Zoning Bylaw amendment to prohibit the use of Agri-tourist accommodation within the A1 zone. (received third reading at August 23, 2016 Council meeting).</p>
3	<p>Chapter15 - Farm Protection Development Permit Guidelines</p> <p>Add new guideline under 1.7 and label it 1.8</p>		<p>Design temporary farm worker housing such that:</p> <ul style="list-style-type: none"> • 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 	<p>Addition of policy on where temporary farm worker housing should be located, the type of buffer required as well as using existing dwellings first prior to construction of new temporary farm worker housing.</p>

SCHEDULE A - OCP16-0022

			<p>the existing septic system, prior to the authorization of a new temporary farm worker housing structure.</p> <ul style="list-style-type: none"> • Temporary farm worker housing footprint should be contiguous with the farm residential footprint (i.e. homeplate) and / or within 50 metres of the road. • 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. 	
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SCHEDULE B - TA16-0015

Zoning Bylaw No. 8000

List of Amendments to Zoning Bylaw No. 8000 for Temporary Farm Worker Housing

No.	Section	Existing	Proposed	Explanation
1	Replace in Section 2 Interpretation, 2.3 General Definitions	AGRICULTURAL DWELLINGS, ADDITIONAL means any dwelling on a bona fide agricultural operation that is used to house full-time permanent or seasonal farm workers employed on the same site as the agricultural operation only. This may include but is not limited to single detached houses, mobile homes , or bunkhouses.	AGRICULTURAL DWELLING(S), ADDITIONAL means any dwelling on a bona fide agricultural operation that is used to house full-time permanent or temporary farm workers employed on the farm unit . This may include but is not limited to single detached houses, mobile homes , or bunkhouses.	Replaced the words "on the same site" with farm unit so the definition is consistent with temporary farm worker(s) . Replaced seasonal farm workers with temporary farm workers for consistency.
2	Add to Section 2 Interpretation, 2.3 General Definitions		FARM RESIDENTIAL FOOTPRINT means the portion of a lot that includes all structures, landscaping, driveways and parking areas associated with the principal dwelling, including but not limited to the principal dwelling, mobile home for family, home based business (minor, major and rural) , accessory structures including garage and storage, recreation areas (including pools and sport courts), and outdoor living areas. Structures not included in the farm residential footprint are agricultural structures , including greenhouses,	Introduction of a new definition consistent with Ministry of Agriculture "Guide for Bylaw Development in Farming Areas."

SCHEDULE B - TA16-0015

			agricultural and garden stands and those structures associated with the temporary farm worker housing footprint.	
3	Add to Section 2 Interpretation, 2.3 General Definitions		<p>FARM UNIT means one or more contiguous or non-contiguous parcels, that may be owned, rented or leased, within City limits, which forms and is managed as a single farm.</p> <p>ON-FARM PROCESSING means the undertaking of processes, including mixing, drying, canning, size reduction, fermentation, heat treatments, cold treatments, chemical treatments, and biological treatments on a farm unit to:</p> <ul style="list-style-type: none"> • Prepare value added products from farm products to sell, or • Prepare feed for livestock, poultry, farmed game, located on the farm <p>But excludes on-farm composting, on-farm soil preparation, and on-farm soilless medium production.</p>	Introduction of a new definition consistent with Ministry of Agriculture "Guide for Bylaw Development in Farming Areas."
4	Add to Section 2 Interpretation, 2.3 General Definitions		<p>TEMPORARY FARM WORKER(S) means an individual or individuals who carry out agricultural work on a temporary and seasonal basis on a farm unit.</p>	Introduction of a new definition consistent with Ministry of Agriculture "Guide for Bylaw Development in Farming Areas."
5	Add to Section 2 Interpretation, 2.3 General Definitions			Introduction of a new definition consistent with Ministry of Agriculture "Guide for Bylaw Development in Farming Areas."

SCHEDULE B - TA16-0015

6	Add to Section 2 Interpretation, 2.3 General Definitions		TEMPORARY FARM WORKER HOUSING (TFWH) means a dwelling to temporarily accommodate temporary farm worker(s) , which is accessory to a farm unit , that is used to provide spaces for cooking, sanitary, living and sleeping.	Introduction of a new definition consistent with Ministry of Agriculture "Guide for Bylaw Development in Farming Areas."
7	Add to Section 2 Interpretation, 2.3 General Definitions		TEMPORARY FARM WORKER HOUSING (TFWH) FOOTPRINT means the portion of a lot that includes all structures, driveways and parking areas associated with the temporary farm worker housing , including but not limited to structures for cooking, sanitary, living and sleeping. The footprint does not include the vegetated buffer.	Definition modified from farm residential footprint to distinguish the area used for temporary farm worker housing .
8	Add to Section 9 Specific Use Regulations		9.13 Temporary Farm Worker Housing	Addition of category to specific use regulations for temporary farm worker housing .
9	Add to Section 9 Specific Use Regulations, 9.13 Temporary Farm Worker Housing		9.13.1 The following requirements must be met prior to the issuance of a permit for a temporary Farm Worker Housing structure: (a) Farm Classification for the parcel, as determined by the <i>BC Assessment Act</i> . (b) Minimum parcel size is 3.8 ha. (c) The need for temporary farm worker housing onsite to house temporary farm workers must be	Addition of specific use regulations outlining the conditions that must be met for temporary farm worker housing .

SCHEDULE B - TA16-0015

			<p>demonstrated through documentation such as a contract with the federal government worker program, such as the Seasonal Agricultural Worker Program, farm receipts and / or previous employment records, and/or a farm plan prepared by a professional agrologist.</p> <p>(d) New TFWH structures shall include a communal kitchen.</p> <p>(e) The TFWH shall be occupied only during the farm unit's growing, harvesting and pruning periods. .</p> <p>(f) A statutory declaration must be filed with the City of Kelowna annually, by January 31st, stating that the building will be used only for TFWH and specify the time(s) of year when the TFWH will be occupied. The specified period of time may be no greater than eight months of that calendar year.</p> <p>(g) If the temporary farm worker housing is vacant for two consecutive growing seasons, the owner will remove, at their expense, any temporary structures for temporary</p>	
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SCHEDULE B - TA16-0015

			farm worker housing, and remove or decommission any existing buildings that had been repurposed for temporary farm worker housing purposes, by December 31 st of the second year of vacancy.	
10	Add to Section 9 Specific Use Regulations, 9.13 Temporary Farm Worker Housing		9.13.2 TFWH Footprint Size (a) TFWH footprint may not exceed 0.20 ha.	Addition of specific use regulations for temporary farm worker housing footprint size.
11	Add to Section 9 Specific Use Regulations, 9.13 Temporary Farm Worker Housing		9.13.3 TEMPORARY FARMWORKER ALLOCATION (a) Structure(s) to accommodate a maximum of forty temporary farm workers per farm unit. (b) Farm units with greenhouses and/or on-farm processing structures may increase allowable number of workers by 1 worker per each 1000 m2 of greenhouse and/or on-farm processing structures. (c) Where a farm unit comprises of multiple parcels of land, TFWH may be clustered on a single parcel, subject to: i. A restrictive covenant be registered on all other parcels of the	Addition of specific use regulations for the number of temporary farm workers .

SCHEDULE B - TA16-0015

			<p>farm unit restricting the development of further TFWH on said parcels, and transferring the allocation of TFWH to the parcel being developed with TFWH.</p>	
12	<p>Replace in Section 11 Agriculture Zones 11.1.3 Secondary Uses</p>	<p>(a) agricultural dwellings, additional</p>	<p>(a) agricultural dwelling(s), additional</p>	<p>Update the word to match with revised definition.</p>
13	<p>Add to Section 11 Agriculture Zones 11.1.4 Buildings and Structures Permitted</p>		<p>(f) TFWH may be in one of the following structure types:</p> <ul style="list-style-type: none"> i. Existing structure with a Building Permit that was approved at least 2 years prior to TFWH application, to be converted into TFWH, on the parcel within the farm unit. ii. New TFWH must be in temporary structures on non-permanent foundations, such that it is designed to be removed by a truck or vehicle. 	<p>Regulations for type of structures permitted for TFWH.</p>

SCHEDULE C - TA16-0016

Procedures Bylaw No. 10540 - DRAFT				
List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing				
No.	Section	Existing Text	Proposed Text	Explanation
1	Update wording in section 1.3.7	An application for an Additional Dwelling for Farm Employee Permit	An application for a Temporary Farm Worker Housing Permit	
2	Add to 1.4 Definitions		'Community Planning' means the City of Kelowna's Community Planning Department.	Consistent with re-organization
3	Remove from 1.4 Definitions	'Land Use Management' means the City of Kelowna's Land Use Management Department;	'Land Use Management' means the City of Kelowna's Land Use Management Department;	Consistent with re-organization
4	Replace all instances in Zoning Bylaw	'Land Use Management'	'Community Planning'	Consistent with re-organization
5	Replace all instances in Zoning Bylaw	'Director of Land Use Management'	'Department Manager, Community Planning'	Consistent with re-organization. Note: the definition for Department Manager, Community Planning was added during a previous revision, and Director of Land Use Management definition was removed during a previous revision.
6	Remove from Section 1.4.1 Definitions	'Additional Dwelling for Farm Employee Permit' means a permit authorized by Section 15(1) of the Community Charter for the accommodation of a full-time employee or employees paid to work on a farm operation.	'Additional Dwelling for Farm Employee Permit' means a permit authorized by Section 15(1) of the Community Charter for the accommodation of a full-time employee or employees paid to work on a farm operation.	Remove additional dwelling for farm employee permit.
7	Add to Section 1.4.1 Definitions		'Agricultural Advisory Committee' means an advisory committee established by Council.	No definition in bylaw.

SCHEDULE C - TA16-0016

Procedures Bylaw No. 10540 - DRAFT				
List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing				
No.	Section	Existing Text	Proposed Text	Explanation
8	Add to Section 1.4.1 Definitions		<p>'Temporary Farm Worker Housing Permit Minor Direct' means a permit authorized by Section 15 (1) of the Community Charter, issued by the Department Manager, Community Planning that applies to development that meets the following criteria:</p> <ul style="list-style-type: none"> • Is for eight or fewer sleeping units in one or more Temporary farm worker agricultural dwellings; and • Is consistent with the applicable guidelines and policies of the Official Community Plan and regulations of the Zoning Bylaw. 	No definition in bylaw. Wording is consistent with Development Application Fees Bylaw.
9	Section 1.4.1 Definitions		<p>'Temporary Farm Worker Housing Permit Major' means a permit authorized by Section 15(1) of the <i>Community Charter</i> for the accommodation of an employee(s) paid to work on a farm for less than eight months per calendar year.</p>	No definition in bylaw. Wording is consistent with Development Application Fees Bylaw.
10	Revise 2.1.2 in Section 2.1 Making Application	<p>2.1.2 Application Requirements and Processing</p> <p>h) An Application for an Additional Dwelling for Farm Employee Permit will be made and processed substantially in accordance with Schedule '9' of this bylaw.</p>	<p>2.1.2 Application Requirements and Processing</p> <p>h) An Application for a Temporary Farm Worker Housing Permit will be made and processed substantially in accordance with Schedule '9' of this bylaw.</p>	Replace Additional Dwelling for Farm Employee Permit with Temporary Farm Worker Housing Permit
11	Replace wording Section 2.3.4 Delegation of Authority	<p>2.3.4 Issuance or Refusal of Additional Dwelling for Farm Employee Permits</p> <p>The powers of Council under Section 15(1) of the <i>Community Charter</i> to issue, to refuse, to amend and to set conditions for permits for the placement of dwellings for the accommodation of farm help, in</p>	<p>2.3.4 Issuance of Temporary Farm Worker Housing Permits</p> <p>The powers of Council under Section 15(1) of the <i>Community Charter</i> to issue, to amend and to set conditions for permits for the placement of dwellings for the accommodation of Temporary farm workers, in accordance with the <i>Agricultural Land Commission Act</i> and Regulations.</p>	Replace Additional Dwelling for Farm Employee Permit with Temporary Farm Worker Housing Permit; remove words 'farm help'; and remove the words "to refuse" as Council cannot refuse

SCHEDULE C - TA16-0016

Procedures Bylaw No. 10540 - DRAFT				
List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing				
No.	Section	Existing Text	Proposed Text	Explanation
12	Add to Section 2.4.2 's)' and Renumber 't) Development Approval Information	s) Any other topic in relation to which the Director of Land Use Management considers the proposed activity or development impacts the jurisdiction of the City	s) Agricultural impacts, including, but not limited to a soils assessment; t) Any other topic in relation to which the Department Manager, Community Planning considers the proposed activity or development impacts the jurisdiction of the City .	an application for up to 40 temporary farm workers as Kelowna is a Farm Bylaw community.
13	Rename schedule 9	Schedule '9' Applications for Additional Dwelling for Farm Employee Permits	Schedule '9' Applications for Temporary Farm Worker Housing Permits	
14	Replace Schedule '9' Applications for Additional Dwelling for Farm Employee Permits with Schedule '9' Applications for Permanent Farm Worker Housing Permits	This information is meant as a general guide only and is not regarded as the right to development approval if the steps indicated are followed. 1.0 APPLICATION REQUIREMENTS The following information will be required to accompany an application for an Additional Dwelling for Farm Employee Permit under this Bylaw: 1.1 State of Title, printed within ninety (90) days before making application, for all properties subject of the application; 1.2 Owner's Authorization (where required); 1.3 Project Rationale outlining the justification for the additional farm help in relation to the agricultural	This information is meant as a general guide only and is not regarded as the right to development approval if the steps indicated are followed. 1.0 TEMPORARY FARM WORKER HOUSING PERMIT MINOR DIRECT 1.1 Restriction on Delegation. As a restriction on Section 2.3.4, the Department Manager, Community Planning may only issue or amend Temporary Farm Worker Housing Permits that meet the following criteria: <ul style="list-style-type: none"> The Permit is consistent with OCP DP Guidelines; The Permit authorizes eight (8) or fewer sleeping units; and No variances to the Zoning Bylaw are required. 	Update wording to reflect Permanent Farm Worker Housing Permit

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Procedures Bylaw No. 10540 - DRAFT													
List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing													
No.	Section	Existing Text	Proposed Text										
		activities, including maps, as necessary.	Explanations										
		<p>2.0 PROCESSING PROCEDURES</p> <p>An Additional Dwelling for Farm Employee Permit application submitted in accordance with this bylaw will be processed as follows:</p> <p>2.1 Upon receipt of an application package submitted to the City in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.</p> <p>2.2 Land Use Management will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. One Window Staff will open a file only upon a complete submission package.</p> <p>2.3 Land Use Management will refer the application to all applicable City departments, government and external agencies.</p> <p>2.4 Land Use Management will evaluate the proposal for compliance with relevant City bylaws and policies and relevant provincial regulations, which include but is not limited to Agricultural Land Reserve Use, Subdivision and Procedure Regulation.</p> <p>2.5 Relevant technical comments will be incorporated into a staff report for</p>	<p>Applications not eligible for issuance or amendment by the Department Manager, Community Planning must be considered by Council.</p> <p>1.2 Application Requirements</p> <p>a) The following information listed in Schedule ‘1’ of this bylaw will be required to accompany an application for a Temporary Farm Worker Housing Permit Minor Direct under this bylaw:</p> <table><tr><td>(a) Application Form</td><td>(g) Photographs</td></tr><tr><td>(b) State of Title Certificate</td><td>(i) Site Plan</td></tr><tr><td>(c) Owner’s Authorization form (if applicable)</td><td>(j) Floor Plans</td></tr><tr><td>(d) Site Profile or Site Profile Waiver</td><td>(k) Elevation Drawings</td></tr><tr><td>(f) Project Rationale</td><td>(m) Landscape Plan</td></tr></table> <p>b) Additional information may be required by the Department Manager, Community Planning to evaluate adequately and to issue or deny a Permit, in accordance with Section 2.4 of this bylaw.</p> <p>1.3 Processing Procedures</p> <p>A Temporary Farm Worker Housing Permit Minor Direct application</p>	(a) Application Form	(g) Photographs	(b) State of Title Certificate	(i) Site Plan	(c) Owner’s Authorization form (if applicable)	(j) Floor Plans	(d) Site Profile or Site Profile Waiver	(k) Elevation Drawings	(f) Project Rationale	(m) Landscape Plan
(a) Application Form	(g) Photographs												
(b) State of Title Certificate	(i) Site Plan												
(c) Owner’s Authorization form (if applicable)	(j) Floor Plans												
(d) Site Profile or Site Profile Waiver	(k) Elevation Drawings												
(f) Project Rationale	(m) Landscape Plan												

SCHEDULE C - TA16-0016

Procedures Bylaw No. 10540 - DRAFT			
List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing			
No.	Section	Existing Text	Proposed Text
		<p>consideration by the Director of Land Use Management.</p> <p>2.6 Land Use Management will notify the applicant in writing of the decision of the Director of Land Use Management.</p> <p>2.7 If authorized for issuance by the Director of Land Use Management, staff will prepare the required Additional Dwelling for Farm Employee Permit, related schedules and required covenants for signature.</p>	<p>submitted in accordance with this bylaw will be processed as follows:</p> <p>a) Upon receipt of an application package submitted in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.</p> <p>b) Community Planning will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. One Window Staff will open a file only once a complete package has been submitted.</p> <p>c) Community Planning will refer the application to all applicable City departments.</p> <p>d) Community Planning will evaluate the proposal for compliance with relevant City bylaws and policies.</p> <p>e) Relevant technical comments will be incorporated into a staff report for consideration by the Department Manager, Community Planning.</p> <p>f) Community Planning will notify the applicant in writing of the decision of the Department Manager, Community Planning.</p> <p>g) If authorized for issuance by the Department Manager, Community Planning, staff will prepare the required Permit and related schedules for signature, and obtain</p>

SCHEDULE C - TA16-0016

Procedures Bylaw No. 10540 - DRAFT													
List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing													
No.	Section	Existing Text	Proposed Text										
			<div>the required Landscape Bonding, pursuant to Section 2.8 of this bylaw.</div> <div>h) Upon sign-off of the Permit by the Department Manager, Community Planning and receipt of the related bonding, the Permit will be issued and then registered on the State of Title.</div> <div>2.0 TEMPORARY FARM WORKER HOUSING PERMIT MAJOR</div> <div>2.1 Application Requirements</div> <div>a) The following information listed in Schedule ‘1’ of this bylaw will be required to accompany an application for a Temporary Farm Worker Housing Permit Major under this Bylaw:</div> <table><tr><td>(a) Application Form</td><td>(g) Photographs</td></tr><tr><td>(b) State of Title Certificate</td><td>(i) Site Plan</td></tr><tr><td>(c) Owner’s Authorization form (if applicable)</td><td>(j) Floor Plans</td></tr><tr><td>(d) Site Profile or Site Profile Waiver</td><td>(k) Elevation Drawings</td></tr><tr><td>(f) Project Rationale</td><td>(m) Landscape Plan</td></tr></table> <div>b) Additional information may be required the Department Manager,</div>	(a) Application Form	(g) Photographs	(b) State of Title Certificate	(i) Site Plan	(c) Owner’s Authorization form (if applicable)	(j) Floor Plans	(d) Site Profile or Site Profile Waiver	(k) Elevation Drawings	(f) Project Rationale	(m) Landscape Plan
(a) Application Form	(g) Photographs												
(b) State of Title Certificate	(i) Site Plan												
(c) Owner’s Authorization form (if applicable)	(j) Floor Plans												
(d) Site Profile or Site Profile Waiver	(k) Elevation Drawings												
(f) Project Rationale	(m) Landscape Plan												
			Explanation										

SCHEDULE C - TA16-0016

Procedures Bylaw No. 10540 - DRAFT			
List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing			
No.	Section	Existing Text	Proposed Text
			<p>Community Planning to evaluate adequately and to make a recommendation to Council concerning a Permit, in accordance with Section 2.4 of this bylaw.</p> <p>2.2 Processing Procedures A Temporary Farm Worker Housing Permit application submitted in accordance with this Bylaw will be processed as follows:</p> <ul style="list-style-type: none"> a) Upon receipt of an application package submitted in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant. b) Community Planning will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. Staff will open a file only upon a complete submission package. c) Community Planning will refer the application to all applicable City departments, and government and external agencies. d) Community Planning will evaluate the proposal for compliance with relevant City bylaws and policies. e) The applicant will undertake the form(s) of public notification and

SCHEDULE C - TA16-0016

Procedures Bylaw No. 10540 - DRAFT			
List of Amendments to Development Application Procedures Bylaw No. 10540 for Temporary Farm Worker Housing			
No.	Section	Existing Text	Proposed Text
			<p>consultation required in accordance with Section 4 of this bylaw</p> <p>f) Community Planning will prepare a staff report and refer the application to the Agricultural Advisory Committee.</p> <p>g) The applicant is encouraged to attend the meeting of the Agricultural Advisory Committee at which the Permit application is being reviewed.</p> <p>h) Upon receipt of the recommendation of the Agricultural Advisory Committee and the comments of other referral agencies, Community Planning staff will prepare a staff report and draft Permit for review by Council.</p> <p>i) Staff of the Office of the City Clerk will notify the applicant in writing of the decision of Council.</p> <p>j) If authorized for issuance by Council, Community Planning staff will prepare the required Permit and related schedules for signature, and obtain the required Bonding, pursuant to Section 2.8 of this bylaw.</p> <p>Upon sign-off of the Permit by the Department Manager, Community Planning and receipt of the related bonding, the Permit will be issued and then registered.</p>



September 9, 2016

File: 0280-20

Ref: 184951

Tracy Guidi
Sustainability Coordinator
City of Kelowna, BC
tguidi@kelowna.ca

RE: Okanagan regional approach to Temporary Farm Worker Housing local government bylaws

Dear Ms. Guidi:

Thank you for providing a final opportunity to review the draft Temporary Farm Worker Housing bylaw provisions dated August 12, 2016 which were prepared by City of Kelowna staff and other Central Okanagan local government staff.

Ministry of Agriculture staff acknowledge the effort involved in co-ordinating a regional approach to temporary farm worker housing and recognize the potential benefits for both local governments and the farming community. Temporary Farm Worker Housing is an important and complex issue involving multiple levels of government which affects farmers, local governments and the public. Ministry staff are encouraged with the initiative being taken by the working group and appreciate having had the opportunity to participate in the formulation of the draft bylaw provisions.

Ministry staff have reviewed the August 12, 2016 version of the draft bylaw provisions and are of the opinion that they are consistent with the intention of the Minister's Bylaw Standard on Temporary Farm Worker Housing. If you have any questions or require any further assistance through the bylaw approval process, please continue to engage with Ministry staff.

Sincerely,

Joan Easton
Executive Director

pc: Brenda Lennox, Senior Manager, Strengthening Farming Unit, Ministry of Agriculture

TABLE 2: Summary of Local Government Regulations for TFWH

Local Government	Minimum Farm Size	Minimum Lot Size	Maximum Workers per Farm Operation	Maximum Floor Area per Farm Operation	Minimum Setbacks	Occupancy Time Limits	Other Conditions
Abbotsford Zoning Bylaw S.210.10 <i>Accessory Seasonal Employee Residential Use</i>	3.8 ha = A1 8 ha = A2	3.8 ha	Not specified	200 m ² (2153 ft ²) if farm <40 ha 300 m ² (3,229 ft ²) if farm >40 ha	9 m from exterior II 3 m from interior II 15 m from watercourse	Specified on statutory declaration	<ul style="list-style-type: none"> Lot classified as "farm" under <i>B.C. Assessment Act</i> Berry or vegetable only TFWH must be on same lot as owner's home Adult member of owner's immediate family works full-time on the farm Remove if no longer needed
Delta Zoning Bylaw, 2750 Ap. 2008 (<i>Migrant Farm Worker Housing</i>) Bylaw No. 6600 S.501-510	8 ha	4 ha	42 max	420 m ²	6 m from front & ext lot lines 15 m from other lot lines 30 m from dwelling on adjacent lot	Specified on statutory declaration	<ul style="list-style-type: none"> Lot classified as "farm" under <i>B.C. Assessment Act</i> Workers must be hired through HRSDC foreign worker program Restrictive covenant Homeplate
Langley Township Zoning Bylaw 2500 S.201.3 <i>Temporary Farm Accommodation</i>	4 ha	4 ha	10 persons /4 ha 40 max	400 m ²		April 1 – Nov. 30	<ul style="list-style-type: none"> Lot is operated as a bona fide farm Must be occupied by an employee of the owner
Maple Ridge <i>Accessory Employee Residential Use</i>	1.7 – 2 ha	1.7 – 2 ha	Not specified	279 m ² or 10% lot area, whichever is less	3 m from any residence	Not specified	<ul style="list-style-type: none"> Restrictive covenant
Pitt Meadows Zoning Bylaw 1250 S. 7.1.14 <i>Seasonal Farm Accommodation</i>	2 ha	2 ha	10 persons/4 ha 40 workers max	400 m ² (10 m ² per employee)	30 m from residences on adjacent lots ¹	April 1 – Nov. 30	<ul style="list-style-type: none"> Lot classified as "farm" under <i>B.C. Assessment Act</i>
<i>Accessory Seasonal Employee Residential Use</i>	8 ha based (cumulative area of all lots provided lots are contiguous)	4.05 ha	10 persons/4 ha 40 workers max up to 40 ha 150 workers max on agl holding of 40.5+ ha 250 workers max on agl holding of 405+ ha 60 persons max per building 1 building / lot	400 m ² (13.01 m ² per employee)	500 m from any other TFWH	Specified on statutory declaration	<ul style="list-style-type: none"> Lot classified as "farm" under <i>B.C. Assessment Act</i> Berry or horticulture only Restrictive covenant \$25,000 deposit TFWH on same lot as owner's home and a member of the owner's immediate family is employed full time on farm Owner enters into housing agreement with PM
Richmond OCP Bylaw 7100 & Zoning Bylaw 5300 <i>Seasonal Farm Labour Accommodation</i>	8.09 ha (20 ac)	8.09 ha (20 ac)	30 max	300 m ² (3,229 ft ²)	Same as other farm dwellings	10 months in any 12 month period	<ul style="list-style-type: none"> Lot classified as 'farm' under <i>BC Assessment Act</i> Rezoning required 1 building/ farm operation Manufactured dwelling only, remove if not needed