

# REPORT TO COUNCIL



**Date:** June 29, 2012  
**File:** 0160-20  
**To:** City Manager  
**From:** Greg Sauer, Environment & Land Use Planner  
**Subject:** Authority to approve additional dwellings for farm employees on Agricultural Land Reserve (ALR) lands.

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## **Recommendation:**

THAT Council Policy No. 03, being Agricultural Land Reserve (A.L.R.) Appeals, be revised as outlined in the Report from the Environment & Land Use Planner dated June 29, 2012.

## **Purpose:**

To consider proposed revisions to current Council Policy with respect to ALR appeals such that all requests for additional dwellings for farm employees be directed to the ALC for "Non-Farm Use" consideration. The proposed policy revision would not apply to a single principal residence, secondary suite within a single family dwelling, or manufactured home for use by a member of the owner's immediate family (as permitted by the Agricultural Land Commission (ALC) Act and Agricultural Land Reserve Use, Subdivision and Procedure Regulation),

## **Background:**

The City of Kelowna is currently undertaking a broad review of development application processing. Key principles and outcomes of the review are to ensure among other things that:

1. Policies and regulations are clear and are clearly communicated;
2. Policies and regulations are consistently applied;
3. An outcome is achieved in a timely manner; and
4. An outcome is predictable for both the City and the customer.

A review of the processing of applications for additional dwellings on agricultural land for farm employees suggests that the current process is neither efficient, nor achieving desirable outcomes which are clearly understood by customers.

A key consideration is Agricultural Land Commission Act, Section 18 which states (see attached):

*Unless permitted by this Act, the regulations or the terms imposed in an order of the commission,*

*(a) a local government, or an authority, a board or another agency established by it or a person or an agency that enters into an agreement under the Local Services Act may not*

*(ii) approve more than one residence on a parcel of land unless the additional residences are necessary for farm use.*

While the ALC Act has authorized local government to approve more than one residence, the only criteria provided to local governments to adjudicate was that the parcel "should have 'farm' classification under the Assessment Act". The lack of guidance has likely led to B.C.

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municipalities, including the City of Kelowna, authorizing additional residences which would not qualify.

The preservation of agricultural land is both a Provincial and civic objective. There are a number of reasons to be concerned about the provision of non-essential additional dwellings on agricultural land including, but not limited to:

- increased value of agricultural land from such “improvements”<sup>1</sup>;
- cumulative loss of viable agricultural land due to residential development; and
- locating non-farm residents in rural areas is inconsistent with City plans and policies<sup>2</sup> which direct future development to areas intended for densification where services exist.

Staff do, however, recognize that farm operations are unique when compared to other businesses and industries. Each farm operation is unique in terms of its size and operation and each query must be considered on its own merits which creates a unique set of challenges.

### Determining Need for Additional Dwellings

Since taking over the approvals of additional dwellings for farm employees in 2008, LUM staff have endeavored to ensure a timely, consistent and equitable approvals process which reflected the intent and expectations of the Commission and the ALC Act.

In an effort to be consistent with ALC policy, City staff turned to the Ministry of Agriculture for guidance. Ministry staff referred City staff to a document entitled “Draft Criteria for Determining the Need for Additional Dwellings for Farm Employees” which was produced by Ministry staff circa 2000. The document provides a set of criteria with respect to “minimum established levels of operation” (e.g. planted area) for an array of agricultural operations (see attached). The document also proposes as criteria whether or not alternative accommodation is available in close proximity, and what unique circumstances (e.g. split shifts, or extended hours on a regular basis) justify the onsite housing. The “draft criteria” have provided a more objective and consistent assessment of “need”.

Where the “need” for an additional dwelling is established with relative clarity, the dwelling is authorized by City staff. In those cases where “need” is not immediately evident, applicants are directed to apply to the ALC for “Non-Farm Use”. This direction is consistent with ALC Policy #9 which states: *“If there is any doubt with respect to need, an application under Section 20 (3) of the Act for permission for a non-farm use is required”* (see attached).

### Non-Farm Use Application

While the use of these criteria has improved the processing from a land use perspective, staff are consistently challenged by the lack of endorsed criteria and from historical approvals that would not meet today’s requirements. A further implication is that the staff time spent processing these requests can be excessive and with no fees to offset these human resources.

To achieve the goals and objectives identified earlier, staff have identified the ALC “Non-Farm Use” application as the preferred solution. By eliminating the City’s application for Additional Dwelling for Farm Employee Permit, the ALC application becomes the standard approach for all future applicants. The approach is thereby more straightforward and easier to communicate to

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<sup>1</sup> It is often the case that the existing dwelling becomes the additional dwelling and a new dwelling is constructed as the principal dwelling.

<sup>2</sup> E.g. Official Community Plan “Goals for a Sustainable Future” include “1. Contain Urban Growth. Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres (Chapter 1; p. 1.3).

applicants. The ALC application also utilizes expertise of the City's Agricultural Advisory Committee (AAC) and provides Council an opportunity to make a recommendation to the ALC.

The proposed change would not affect single principal residences, secondary suites within a single family dwelling, or manufactured homes for use by a member of the owner's immediate family. The approach will also not impact requests for temporary farm worker housing.

Given that relatively few requests for additional dwellings for farm employees are received in any given year, staff anticipate that the proposed change will have minimal impact on the agricultural community. The revised approach is, however, expected to enhance consistency and transparency and ultimately improve land use decision making. A further perceived benefit of this approach is further demonstration of the City's ongoing commitment to Provincial Policy to protect agricultural land and ensure the City's credibility. Maintaining our good standing will help to facilitate future negotiations with the ALC.

**Internal Circulation:**

Office of the City Clerk

**Legal/Statutory Authority:**

Agricultural Land Commission Act

**Existing Policy:**

Council Policy 03 - Agricultural Land Reserve (A.L.R.) Appeals (Resolution: R375/10/04/26)

**Financial/Budgetary Considerations:**

The current processing of farm help dwelling applications has no associated cost to the applicant, despite the fact that processing these applications often demands extensive staff time.

The proposed approach will see the City retain \$300 per application, with the remainder of the \$600 application fee remitted to the ALC. The \$600 application fee is low when compared to other application fees which require a similar level of processing.

**Personnel Implications:**

The current approach is often inefficient and may not result in a clear and desirable outcome. Further, while the impact on staff time may be negligible (positive or negative), the processing of applications should be much more transparent and consistent.

The proposed approach will include consideration by the City's AAC and Council. Overall, the requests are relatively few and should not add excessive burden to either.

**External Agency/Public Comments:**

**1. Agricultural Advisory Committee**

The proposed ALR Referrals policy was reviewed by the AAC at the June 14, 2012 meeting and the following recommendation was passed:

**THAT** the AAC support the amendment to Council Policy 03 - Agricultural Land Reserve Appeals, proposed by the City of Kelowna as presented.

**2. Agricultural Land Commission - See attached letter dated May 23, 2012.**

**Considerations not applicable to this report:**

**Legal/Statutory Procedural Requirements:**

**Communications Comments:**

**Alternate Recommendation:**

Submitted by:



G. Sauer, Environment & Land Use Planner

Approved for inclusion:



Shelley Gambacort, Director, Land Use Management

**Attachments:**

ALC Policy #9 (1 page)

Council Policy 03 - Agricultural Land Reserve (A.L.R.) Appeals (1 page)

Draft Criteria for Determining the Need for Additional Dwellings for Farm Employees (10 pages)


ALC Correspondence (1 page)

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 <b>Agricultural Land Commission Act</b>	<p style="text-align: right;"><b>Policy #9 March 2003</b></p> <p style="text-align: center;"><b>ADDITIONAL RESIDENCES FOR FARM USE</b></p>
<p><i>This policy provides advice to assist in the interpretation of the Agricultural Land Commission Act, 2002 and Regulation. In case of ambiguity or inconsistency, the Act and Regulation will govern.</i></p>	

#### REFERENCE:

*Agricultural Land Commission Act, 2002, Section 18*

- 18** *Unless permitted by this Act, the regulations or the terms imposed in an order of the commission,*
- (a) a local government, or an authority, a board or another agency established by it or a person or an agency that enters into an agreement under the Local Services Act may not*
  - (ii) approve more than one residence on a parcel of land unless the additional residences are necessary for farm use*

#### INTERPRETATION:

The Act and Agricultural Land Reserve Use, Subdivision and Procedure Regulation do not set a limit on the number of additional residences for farm help per parcel, but all residences must be necessary for farm use. However, see Section 3 (1) (b) of the Regulation which permits a 'manufactured home' for family members of the owner. This Section also permits a secondary suite within a residence. See Commission Policy "Permitted Uses in the ALR: Residential Uses".

Local government must be convinced that there is a legitimate need for an additional residence for farm help. One criteria is that the parcel should have 'farm' classification under the *Assessment Act*. In coming to a determination, a local government should consider the size and type of farm operation and other relevant factors. To help determine the need and evaluate the size and type of farm operation, a permitting officer may wish to obtain advice and direction from staff of:

- a) the Ministry of Agriculture, Food and Fisheries
- b) the Agricultural Land Commission.

Local government bylaws should not necessarily be the basis for making a determination about the necessity for farm help. Some bylaws may automatically permit a second residence on a specified size of parcel in the ALR. This is not an appropriate determination under the Act and should not be used as the basis for issuing a building permit for an additional residence for farm help. Some local governments have adopted detailed guidelines as a basis for determining legitimacy of a request for additional residences for farm help, in which a threshold for different types of agricultural operations is specified. In these instances, it may be appropriate to consider these as factors in interpreting Section 18 of the Act.

If there is any doubt with respect to need, an application under Section 20 (3) of the Act for permission for a non-farm use is required.



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# Council Policy

## Agricultural Land Reserve (A.L.R.) ~~Appeals~~ Referrals

APPROVED April 5, 1977

RESOLUTION: R375/10/04/26

REPLACING: R871/98/11/02; R720/1995/0 7/24; R1147/1987/10/06; R332/1986/03/25; R-1977/04/05

DATE OF LAST REVIEW: April 2010, June 2012

1. THAT Agricultural Land Reserve appeals be presented for consideration at meetings of the Municipal Council.
- 1-2. THAT with the exception of those dwellings permitted by Agricultural Land Reserve Use, Subdivision and Procedure Regulation (Section 3 (1) (b) as amended or replaced from time to time), all approvals for Agricultural Dwellings, Additional for full-time farm workers in the Agricultural Land Reserve require a "Non-Farm Use" application to the Agricultural Land Commission. This Policy does not apply to Temporary Farm Worker Housing.
- 2-3. THAT Municipal Council include in all resolutions involving Agricultural Land Reserve applications, a motion to forward or not to forward the subject application to the Agricultural Land ~~Reserve~~-Commission.
4. THAT all Agricultural Land Reserve appeals sent to the Agricultural Land ~~Reserve~~-Commission include the recorded vote of Council.

### REASON FOR POLICY

To establish a procedure for handling ALR appeals.

### LEGISLATIVE AUTHORITY

Agricultural Land Commission Act.

### PROCEDURE FOR IMPLEMENTATION

Applications processed to Council through Land Use Management.

MINISTRY OF AGRICULTURE

# Draft Criteria for Determining the Need for an Additional Dwelling for a Farm Employee (ADFE)

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**By: Karen Thomas & Barry Smith (Ministry of Agriculture)**

**Date: Unknown**

**Notice to Reader – As of April 2010 this document had not progressed beyond a draft discussion paper. That said, according to Carl Withler, Resource Stewardship Agrologist with the MOA, the MOA stands behind this work for discussion purposes and is freely distributing it to municipalities for decision making purposes. (Greg Sauer, April 8, 2010).**

The **draft** criteria for determining the need for an additional dwelling for a farm employee (adfe) are presented as follows:

- a list of criteria are outlined that could be used to help determine eligibility for an additional dwelling for a farm employee; these criteria could serve as a checklist.
- Table 1 contains guidelines for minimum established levels of operation. There may be circumstances when an applicant does not meet the minimum lot size criterion, but can still justify the need for an additional dwelling. These guidelines could be used to help determine whether the operation is large enough to warrant an additional dwelling.
- If it is decided that the applicant is eligible for an additional dwelling, then the criteria in Table 2 can be used to guide the establishment of the additional dwelling. Controlling the size and placement of the additional dwelling will have a significant impact on protecting the long term agricultural integrity of the parcel.

Any words that are italicized in the tables are defined.



## 1 The criteria

### 1.1 Definitions & terms

To help clarify what is meant in the following pages, a list of definitions is provided below.

**Additional Dwelling for Farm Employee**

means a *building* located on a lot with *farm class*, that is accessory to the *principal dwelling* and is for the accommodation of an employee or employees paid to work on a *farm operation*.

**Building**

means any *structure*, wholly or partially enclosed by a roof or roofs, supported by walls, columns, or posts.

**Farm Class**

means a lot that is classified as “farm” under the *BC Assessment Act*, as amended or replaced from time to time.

**Full Time**

means paid labour conducted in the time period of 35 hours per week averaged over each month for a period of 12 months.

**Principal Dwelling**

means the main *building* used to accommodate a *resident*.

**Farm Operation**

as defined under the *Farm Practices Protection (Right to Farm) Act*

**Resident**

means a person who establishes a permanent home in a place.

**Structure**

means any construction fixed to, supported by, or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing of a lot.

**1 person equivalent employed at a full time level**

means the amount of *full time* work that would be conducted by the equivalent of one person.

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## 1.2 Step 1 - Determining eligibility for an ADFE

The following four criteria can be used to determine the need for an additional dwelling. As a suggestion, start with criterion 1 and follow through chronologically. Use these criteria as guidelines and adapt them according to your local circumstances. A flow chart version is included in Appendix 1, page 7.

### 1. Farm Class

Is the farm assessed as a farm and does it qualify for *farm class*? If 'Yes', go to 2.

### 2. Number and Type of Farm Workers

Is there a certain level of employment already taking place on the farm or ranch?

For example, is there at least a *1 person equivalent employed at a full time level* in the *farm operation* where the occupant of the *principal dwelling* is employed the majority of the time in the operation? Evidence could be supplied by a T-4 slip or by an accountant's letter stating that the incomes of the occupant of the *principal dwelling* and of the ADFE are generated from the *farm operation*.

If the specified employment level is met, go to 3.

### 3. Proximity to Residential Area / Work Duration / Commodity Time Sensitivity

Is alternative accommodation available nearby?

For example, can the farm employee live within 20 km of the *farm operation*? Or does the *farm operation* require the employee to be present on split shifts or extended hours on a regular basis - Commodities that may require supervision or attention throughout a 24 hour period are most likely livestock and greenhouse operations.

If there is no alternative accommodation within the specified distance OR the employee must regularly be present on split shifts or extended hours, go to 4.

### 4. Minimum Lot Size (MLS)

Is the parcel large enough to demand the attention and labours of an additional dwelling?  
8 ha is an MLS commonly considered to be large enough in many areas of BC\*.

The MLS of 8 ha is suggested for *farm operations* with livestock as their primary commodity. There may be cases where the lot size of the applicant is smaller than the set MLS, but the level of operation could still warrant the need for an additional dwelling for a farm employee. Table 1, page 7 offers some guidelines you may want to follow to help determine whether the livestock operation is large enough to warrant an ADFE.

For farm operations with crops as their primary commodity, a single MLS requirement has not been applied. Rather, suggested minimum established levels of operation are provided for each crop type in Table 1, page 8.

If the specified MLS is met and the previous three criteria have been satisfied, the applicant is eligible for an additional dwelling.

*\*If the MLS for subdivision is set higher in your area, you may wish to consider altering the lot size restriction accordingly.*

### Other reasons

The four criteria listed above should, in most cases, be enough to determine whether the applicant legitimately needs an additional dwelling. If the applicant does not meet these criteria, but offers other reasons to justify his/her need for an additional dwelling, and you are uncertain whether these reasons are acceptable, consult with MAFF or LRC staff. They could help to confirm whether the type of farming conducted is labour intensive and likely to require an employee living on the subject lot within an additional dwelling.

**Draft Criteria for determining the need for ADFEs**

**TABLE 1: Minimum Established Levels of Operation - Guidelines**

Farm Type		Minimum Established Level of Operation
<b>LIVESTOCK</b>		
Beef	(a) cow-calf	150 at one time, not including stock under 6 months of age
	(b) cattle grazing, or raising stock over 6 months of age	150 at one time, not including stock under 6 months of age
	(c) beef feedlot	400 at one time
	(d) veal	100 at one time
Dairy Cows		80 milking or dry, including all stock over 6 months of age
Farmed Game	Bison	150 at one time, not including stock under 6 months of age
	Fallow Deer	250 at one time, not including stock under 6 months of age
	Reindeer	200 at one time, not including stock under 6 months of age
Fur	Mink	2,000 breeding females at one time
Goats		300 milking or dry, including all stock over 3-4 months of age
Horses	(a) breeding	20 brood mares and 3 standing stallions
	(b) other than breeding, or combined operations	40 horses
Llama/Alpaca		60 llamas/alpacas, not including stock under 6 months of age
Pork	(a) farrow to wean	210 sows at one time
	(b) farrow to finish	150 sows at one time
	(c) finishing	5,000 hogs at one time
Poultry	(a) chicken broiler	100,000 birds per cycle
	(b) chicken broiler breeder	35,000 birds per cycle including replacement stock
	(c) chicken layer	40,000 laying birds per cycle including replacement stock
	(d) tom turkey	40,000 birds per year
	(e) heavy hens	40,000 birds per year
	(f) broiler turkey	40,000 birds per year
	(g) game birds	20,000 birds per cycle
	(h) squab	2,000 breeder pairs at one time
Sheep	(a) meat	400 including all stock over 3-4 months of age
	(b) dairy	300 milking or dry, including all stock over 3-4 months of age

Draft Criteria for determining the need for ADFEs

Farm Type		Minimum Established Level of Operation
<b>CROPS</b>		
Berries	Blueberries	16 ha planted in harvestable blueberries
	Cranberries	12 ha planted in cranberries
	Raspberries / Strawberries	16 ha planted in raspberries / strawberries
Forage	(a) Hay - irrigated production (b) Hay - dryland production	60-80 ha or 700-900 tonnes of hay equivalent 160 ha or 800 tonnes of hay equivalent
Grain		500 ha in production
Grapes		10 ha planted in harvestable grapes
Greenhouses	See ornamentals and vegetables	
Mushrooms		3200 m <sup>2</sup> of bed area
Nurseries	(a) propagating house	4000 m <sup>2</sup>
	(b) container stock	2 ha in production
	(c) field grown	8 ha in production
Ornamentals	(a) field grown	8 ha in production
	(b) greenhouse grown	6000 - 8000 m <sup>2</sup>
Tree Fruits	Apple	10 ha in production
	Cherry	6-7 ha in production
Vegetables	(a) field grown potatoes	20 ha in production
	(b) other field crops	16 ha in production
	(c) greenhouse grown	20,000 - 25,000 m <sup>2</sup>

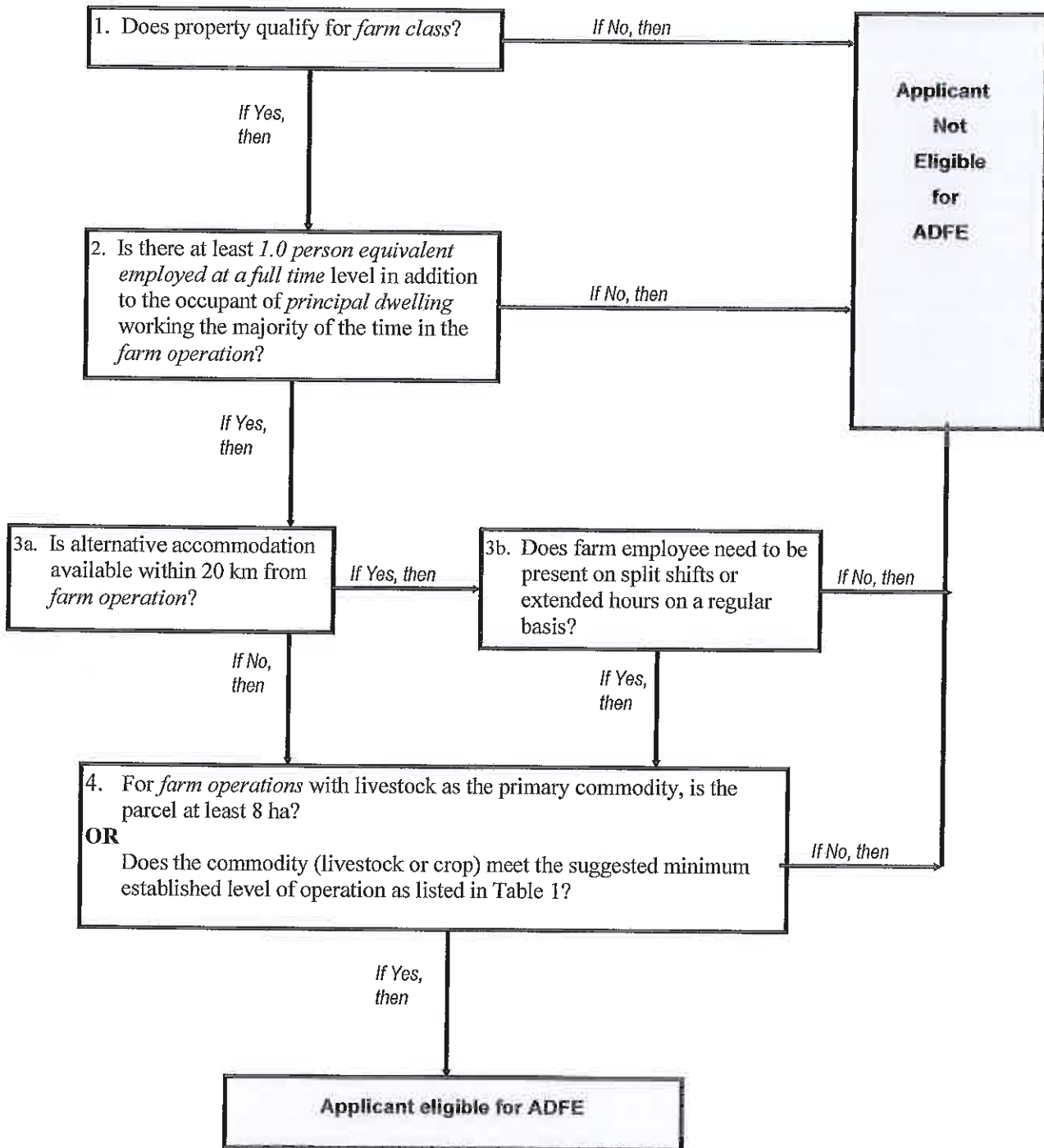
### 1.3 Step 2 - Establishing an ADFE

If an applicant is eligible for an additional dwelling, use the criteria in Table 2 to establish the parameters for the development of the dwelling.

**TABLE 2: Establishment Criteria**

<b>Statutory Declaration of Legitimacy</b>	Owner of <i>farm operation</i> /lot must sign a statutory declaration that the additional dwelling is needed for part/full-time help in the operation.
<b># of Dwellings</b>	< 40 ha lot = 1 ADFE per lot 40 + ha lot = 2 ADFE per lot <b>Notes:</b> 1. <i>Variation may be needed for areas that have large ranching operations.</i>
<b>Dwelling Size</b>	Maximum 150 m <sup>2</sup> foot print.
<b>Dwelling Location</b>	ADFE must be: <ul style="list-style-type: none"> <li>• on same lot as <i>principal dwelling</i></li> <li>• separate from <i>principal dwelling</i></li> <li>• 15 m or less from <i>principal dwelling</i>, or</li> <li>• within a farm home plate of 60 m x 60 m maximum</li> </ul> <b>Notes:</b> 1. <i>A farm home plate could be defined as the site area of an ADFE plus the associated farm residential facilities.</i> 2. <i>A farm home plate must be contained within a contiguous area no greater than 3600 m<sup>2</sup> including those portions of existing farmhouses and their associated ancillary farm residential that are located more than 60 m from the front, interior, rear or exterior property lines.</i>

Appendix 1 - A process for determining the need for an ADFE



## **Appendix 2 - Bylaws & plans examined - local government & other agencies**

### Lower Mainland

1. City of Abbotsford - Zoning Bylaw No. 250-96, 1996.
2. District of Chilliwack - Zoning Bylaw No. 1841, 1993.
3. The Corporation of Delta - Zoning Bylaw No. 2750, 1977.
4. Dewdney-Alouette Regional District - Land Use and Subdivision Regulation Bylaw No. 559-1992 for Electoral Areas B, C, D, E.
5. Dewdney-Alouette Regional District - Zoning Bylaw No. 311-1982 for Electoral Area A (Pitt Polder).
6. Fraser Valley Regional District - OCP Bylaw No. 400 1982 for Electoral Area E.
7. District of Kent - Zoning Bylaw No. 780, 1980.
8. Township of Langley - Zoning Bylaw No. 2500, 1987.
9. District of Maple Ridge - Zoning Bylaw 1985.
10. District of Mission - Consolidated Zoning Bylaw August 1993.
11. District of Pitt Meadows - Zoning Bylaw No. 1250, 1992.
12. District of Popkum - Draft OCP 1998.
13. City of Richmond - Zoning and Development Bylaw No. 5300, 1995.
14. City of Surrey - Zoning Bylaw No.12000, 1993.

### Vancouver Island

15. Campbell River - Zoning Bylaw No. 1404, 1991.
16. Comox Valley (Comox Strathcona Regional District) - Zoning Bylaw 1986.
17. Cowichan Valley Regional District Area 'C' - Zoning Bylaw No. 1405, 1992.
18. North Cowichan - Zoning Bylaw.
19. West Cowichan - OCP.
20. District of Central Saanich - Zoning Bylaw No. 1037, 1992.
21. District of North Saanich - Zoning Bylaw.

### Southern Interior

22. Cariboo Regional District - Zoning Bylaw No. 1000.
23. Central Kootenay Regional District, Creston Valley - Zoning Bylaw 1989.
24. Columbia Shuswap Regional District, Salmon Valley - Zoning Bylaw No. 2500.
25. Columbia Shuswap Regional District, South Shuswap - Zoning Bylaw No. 701.
26. City of Kelowna - Zoning Bylaw No. 8000, 1998.
27. Kootenay Boundary Regional District, Electoral Area A - Zoning Bylaw No. 984.

28. Central Okanagan Regional District - Zoning Bylaw.
29. North Okanagan Regional District - Zoning Bylaw No. 725.
30. Okanagan Similkameen Regional District, Electoral Area A - Zoning Bylaw No. 1749, 1997.
31. Okanagan Similkameen Regional District, Electoral Area C - Zoning Bylaw No. 1776, 1997.
32. Okanagan Similkameen Regional District, Electoral Area E - Zoning Bylaw No. 1556, 1995.
33. Okanagan Similkameen Regional District, Electoral Area H - Zoning Bylaw No. 1725, 1997.
34. City of Penticton - Zoning Bylaw.
35. District of Salmon Arm - Zoning Bylaw No. 2303, 1995.
36. Township of Spallumacheen - Zoning Bylaw No. 1400.
37. District of Summerland - Draft Zoning Bylaw 1998.
38. Thompson-Nicola Regional District - Zoning Bylaw No. 940, 1994.

#### North Central

39. Bulkley-Nechako Regional District - Zoning Bylaw 1993, No. 700.
40. Fraser-Fort George Regional District, Robson Valley-Canoe - Draft OCP Bylaw No., 1999, Schedule A.
41. Peace River-Liard Regional District, Dawson Creek - Zoning Bylaw No. 479, 1986.
42. Peace River Regional District - Zoning Bylaw No. 1000, 1996.

#### Other Local Governments

1. Region of Ottawa Carleton, Ontario
2. County of Huron (Township of East Wawanosh), Ontario
3. Regional Municipality of Niagra, Ontario

#### Other Agencies

1. BC Land Reserve Commission
2. Ministry of Agriculture and Rural Affairs, Ontario
3. Oregon State – Land Conservation and Development Department





**Agricultural Land Commission**  
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May 23, 2012

Reply to the attention of Martin Collins  
File: 81500-30/50/SDWE Second Dwellings

Greg Sauer  
Environment and Land Use Planner  
City of Kelowna  
1435 Water St  
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**Re: Additional Dwellings for Farm Help**

Thank you for the referral and request for comments about a proposed change in City of Kelowna policy to require all requests for additional (second or third) single family dwellings on ALR properties to be forwarded to the Agricultural Land Commission for adjudication through an application process. The applications would be submitted under Section 20(3) – for non-farm uses as per the *Agricultural Land Commission Act (ALC Act)*.

This is to advise that notwithstanding the authority provided to local government for dwellings in the ALR, as per Section 18 of the *ALC Act*, there is no objection to this change in City policy. The Commission is aware of the difficulties faced by City staff to appropriately adjudicate requests for additional dwellings; in particular the problem of maintaining consistent agricultural expertise within the City of Kelowna staff, and of the uniqueness of each property owner's circumstance.

The Commission is very concerned about the proliferation of dwellings on ALR properties throughout the province and concurs with City of Kelowna staff analysis that additional dwellings can result in the erosion of the agricultural resource, raises expectations of future subdivision, and potentially increases the price of agricultural parcels beyond which can be supported by a bona fide farmer.

The Commission would also welcome the opportunity for City Council and the City of Kelowna Agricultural Advisory Committee to provide their comments on second dwelling applications.

Thank you for the opportunity to comment. If you have any questions about the above, please contact this office.

Yours truly

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink that reads 'Martin Collins'.

Martin Collins, Regional Planner