

1. January 11, 2018 AAC Agenda

Documents:

[JANUARY 11, 2018 AAC AGENDA.PDF](#)



## CITY OF WEST KELOWNA

AGENDA FOR THE  
AGRICULTURAL ADVISORY COMMITTEE MEETING TO BE HELD AT  
THE CITY OF WEST KELOWNA COUNCIL CHAMBERS,  
2760 CAMERON ROAD, WEST KELOWNA, BC  
ON THURSDAY, JANUARY 11, 2018 COMMENCING AT 5:00 P.M.

1. **CALL THE REGULAR AGRICULTURAL ADVISORY COMMITTEE MEETING TO ORDER:**
2. **ADOPTION OF AGENDA:**
  - Appointment of Chair
  - Appointment of Vice Chair
3. **ADOPTION OF MINUTES:**
  - (a) Minutes of the Agricultural Advisory Committee Meeting held Thursday, December 7, 2017 at the City of West Kelowna Council Chambers. Pg. 3
4. **PRESENTATIONS:**
5. **AGRICULTURAL REFERRALS: Presented by City Planner**
  - (a) Z 17-07, Zoning Bylaw Amendment, 2211 Campbell Road, Blackmun Bay Pg. 11
6. **INFORMATION ONLY:**
7. **CORRESPONDENCE:**
  - (a) Letter from Corrine Roesler, Acting Director, Strengthening Farming Program, Re. Agricultural Advisory Committee Workshops, Save The Date Pg. 15
8. **OTHER BUSINESS:**
  - 9.1 Issues Identification (Standing Item)
9. **ADJOURNMENT OF THE REGULAR MEETING:**

The next Agricultural Advisory Committee meeting will be held in City of West Kelowna council Chambers on February 1, 2018





## CITY OF WEST KELOWNA

### MINUTES OF THE AGRICULTURAL ADVISORY COMMITTEE HELD AT THE CITY OF WEST KELOWNA COUNCIL CHAMBERS, THURSDAY, DECEMBER 7, 2017

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#### **PRESENT:**

Members: Jan Bath, Chair  
Colin Cruickshank  
Sherri Paynter  
Serina Penner

Absent: Graham Pierce

Staff: Nancy Henderson, GM of Development Services  
Dallas Clowes, Senior Planner  
Jaleen Rousseau, Planner  
Chris Oliver, Planner  
Darin Schaal, Planner  
Philippa Harding, Secretary

#### 1. **CALL THE REGULAR AGRICULTURAL ADVISORY COMMITTEE MEETING TO ORDER:**

The meeting was called to order at 5:00pm.

#### 2. **ADOPTION OF AGENDA**

Item 4(a) was moved to follow Item 5(b).  
Items 5(b) was moved to follow Item 5(c).

It was moved and seconded:

**THAT** the agenda be adopted as amended.

The motion carried unanimously.

#### 3. **ADOPTION OF MINUTES**

It was moved and seconded:

**THAT** the minutes of the Agricultural Advisory Committee held Thursday, October 5, 2017 at the City of West Kelowna Council Chambers be adopted.

The motion carried unanimously.

4.

**PRESENTATIONS:**

- Item 4(a) was moved to follow Item 5(b).

5.

**AGRICULTURAL REFERRALS**

(a) ALR Non-Farm Use Application (A17-06), 2950 Ourtoland Road

Highlights of the presentation by the Planner include:

- The subject property is located in the Lakeview Village Neighbourhood, 0.25 km west of the Wine Route;
- There are residential parcels to the west and north and agricultural parcels to the east and south;
- At 14.33 acres in size the subject property is vacant and the western edge of the parcel is sloped;
- The OCP designation is Agricultural and zoned Agricultural A1 located within the ALR;
- Originally the property was 14.7 ha with 8.5 ha in the ALR;
- In 1992 a request was made to remove 4.9 ha of the upper bench of the subject property from the ALR for the development of a residential subdivision;
- Initially the request was denied but a subsequent application was approved with a covenant put in place identifying an acceptable building location in the northwest corner;
- The proposal is to remove the covenant to allow for residential construction in a location where the terrain is not as steep and to add the allowable use of a carriage house for the property;
- The intent of the carriage house is for the applicants newly retired parents to live in;
- Total estimated area of the proposed single family dwelling, the parents dwelling, workshop and surrounding is 1300.6 square metres;
- The subject property is connected to community water, not connected to sewer, and a storm pipe runs along the southern portion of the parcel.

Highlights of the discussion include:

- The covenant was in place when the current owner purchased the property;
- The covenant is a condition of exclusion of a section of the property from the ALR in 1993;
- A carriage house is permitted by the City of West Kelowna bylaws, but must be approved by the ALC as a Non-Farm use;
- The applicant has not asked for an agricultural worker dwelling;
- The location of the covenant was most likely selected for the lack of impact on agricultural suitable land and due to the proximity to Trevor Drive;

- The flatter areas that have been selected by the applicant as potential home sites are better for agricultural than the more sloped area identified by the covenant;
- The sloped area is very buildable.

It was moved and seconded:

**THAT** the AAC does not support this application as presented as the subject property was purchased with the covenant in place and the identified sloped area is suitable for a residence.

The motion carried unanimously.

(c) Zoning Bylaw Amendment (Z 17-15), 811 Douglas Road

Highlights of the presentation by the Planner include:

- The 4006 m<sup>2</sup> property is 400 m from the Boucherie Road/Douglas Road intersection;
- Designated Single Family Residential and zoned Large Parcel Single Detached Residential (R1L);
- To the north are Single Detached Residential (R1) and Agricultural (A1) zoned parcels, Single Detached Residential (R1) to the east and Agricultural (A1) zoning to the south (Mt. Boucherie Winery);
- The proposal is to rezone from Large Parcel Single Detached Residential (R1L) to Single Detached Residential (R1);
- The proposal is intended to facilitate a future three-lot subdivision;
- Both zones allow for a buffer to reduce the required agricultural setback of 15 m to 9 m with a Level 1 buffer;
- The applicant proposes to provide a modified Level 1 agricultural buffer to reduce the setback to the adjacent agricultural lands to 9.0 m;
- The modified buffer allows an existing area planted with grape vines to remain within the buffer area.

Highlights of the discussion include:

- The applicant is not asking for a reduction of the existing buffer;
- Would like to keep the existing grape vines, so the buffer is modified;
- The urban/agricultural conflicts need to be considered in these situations;
- The intent is not to densify right up to the edge of the farm land.

It was moved and seconded:

**THAT** the AAC support the proposal as presented with the modified landscape buffer noting concern of urban densification beside agricultural land.

The motion carried unanimously.

(b) Zoning Bylaw Amendment (Z 17-13), Agricultural Worker Dwellings

Highlights of the presentation by the Planner include:

- In August 2017 a delegation came before Council regarding bylaw enforcement and illegal issues regarding temporary agricultural worker dwellings;
- In October Council directed staff to review the regulations after a report presented outlining the City's and the Province's regulations for temporary agricultural worker dwelling;
- The ALC regulations do not permit local governments to approve more than one residence on a parcel of land unless necessary for farm use, but the ALC Act does not limit the total number of residences for farm help per parcel, though they must be necessary for farm use;
- BC Agriculture Council (BCAC) created guidelines intended to assist farmers, housing inspectors and local governments in assessing suitability of housing for workers;
- In 2015 a regional initiative was established to collaborate and develop regional standards for temporary agricultural worker dwellings;
- The OCP, under Agricultural Actions, says to ensure that the housing permitted in the A1-Agricultural Zone is only permitted on lands with provincial farm classification;
- The Agricultural Plan encourages temporary, non-permanent housing for seasonal workers that conforms to the guidelines set out by the BCAC;
- Current zoning regulations for permanent agricultural worker dwellings include:
  - Demonstrate need through a letter from Min Ag AND from farm classification through BC Assessment
  - Dwelling only permitted on parcel where agricultural use is taking place
  - Maximum size is 140 m<sup>2</sup> (1507 ft<sup>2</sup>) or 75% of the principal dwelling, whichever is less
  - Maximum number regulated by parcel size
    - Parcels smaller than 3.8 ha = 0 dwellings
    - Parcels 3.8 ha but less than 7.6 ha = 1 dwelling
    - Parcels larger than 7.6 ha = 2 dwellings
  - Connection to community sewer is required (unless approval is received from a ROWP);
- Current zoning regulations for temporary agricultural worker dwellings include:
  - Demonstrate need through a letter from Min Ag OR from farm classification through BC Assessment
  - Building types permitted: permanent buildings (cabins or bunkhouses), semi-permanent buildings (mobile homes), or temporary accommodation (tents or rvs)
  - Dwelling only permitted on parcel where agricultural use is taking place

- Dwellings shall not be occupied longer than 8 months in 1 calendar year
- Maximum size is 100 m<sup>2</sup> (1076 ft<sup>2</sup>)
- Maximum number regulated by parcel size (for permanent and semi-permanent buildings only):
  - Parcels smaller than 3.8 ha = 0 dwellings
  - Parcels 3.8 ha but less than 7.6 ha = 1 dwelling
  - Parcels larger than 7.6 ha = 2 dwellings
- Connection to community sewer is required (unless approval is received from a ROWP) for permanent buildings only;
- Some changes made in 2014 include:
  - Permanent agricultural worker dwellings renamed from “accessory homes” to clarify these dwellings were only meant for agricultural workers
  - Requirement to demonstrate need for workers
    - Letter from Ministry of Agriculture and/or Farm Class through BC Assessment
  - Allowable size of temporary agricultural worker dwellings increased from 50 m<sup>2</sup> to 100 m<sup>2</sup> (50m<sup>2</sup> deemed too limiting)
  - Permissible occupied time of temporary agricultural worker dwellings increased from 180 days in a calendar year to 8 months in a calendar year (more flexibility)
  - Notation removed from bylaw indicating that tents or rv’s for itinerant workers must provide sanitary facilities as required by the health region (as per legal advice, notations do not form part of bylaw, requirements by health region only apply in certain circumstances).

Highlights of the discussion surrounding questions presented by the planner include:

1. Should tents and RV’s be included in the list of permissible building types to house temporary agricultural workers?
  - Tent and RV accommodation is acceptable but adequate bathroom facilities must be provided;
  - Workers will arrive with their own tents as they move from farm to farm;
  - Many parcels/farm operations are too small for permanent structures and tents/rv’s provide additional options for farm operators;
  - Bathrooms and showers must be available and should be regulated into the City’s bylaws;
  - Perhaps a time limit on tents so permanent “tent cities” don’t pop up;
  - A limited number of farmers are taking advantage and ruining the situation for others, so only a few current problem properties;
  - There needs to be some authority to remove or move the tents;
  - Enforcement would be difficult.



2. Should there be a provision in the zoning bylaw to require washroom/bathing facilities when workers are housing in tents/rv's?

- Washroom/bathing facilities must be provided and regulated, if not, tents and rv's should not be permitted.

3. Should there be a provision in the zoning bylaw to limit the number of tents/rvs per parcel/farm unit?

- There are likely only one or two farms on the Westside involved in the Federal program that brings in 40 or more foreign workers (as demonstrated through initial consultations with the Mexican and Jamaican consulates);
- Housing workers on one parcel while they work on plots scattered through the City is a current practice;
- Limiting the number to a maximum of 40 workers may be fair if there are separate regulations for larger operations;
- Byland's has approximately 85 workers;
- Domestic and local workers are not regulated under the Federal program which applies only to Mexico and certain Caribbean countries.

4. Maximum number of workers – Should there be a provision in the zoning bylaw to limit the number of permitted agricultural workers per dwelling and/or farm unit?

- See discussion under question 3.

5. Should there be a provision in the zoning bylaw regarding minimum/maximum setbacks of tents/rv's from property lines and/or existing residential dwellings?

- The Good Neighbour bylaw is applicable regarding upkeep of the property (i.e. unsightly premises), but is judged comparing farm to farm, not to residential standards;
- Setback is not an issue;
- Do not want more rules to hinder operations;
- Many existing structures on agricultural land are built right on the border of the property.

6. Should there be a provision for operators of temporary agricultural worker dwellings to notify the City of their intent to operate and/or the manner in which they operate? (i.e. annual statutory declarations?)

- Having to notify the City each year could potentially be too much, maybe one notification that stays in effect until workers are no longer needed;
- Who would regulate and enforce to be sure of compliance;

- Many occasions the actual number of temporary workers is not known in advance and varies year to year as well as throughout the season;
- Administration and enforcement may not be possible;
- If fines involved, could unpaid fines be applied to property tax to help enforcement;
- Farms currently in operation would be lawful non-conforming, so would not work to regulate existing offenders;
- It may help the City and farmers with the urban conflict, being able to look up and inform any concerned citizens that it is permitted and temporary.

7. Should business licenses be required for the operation of temporary agricultural worker dwellings?

- Would not accomplish anything;
- This would just be another requirement and payment for farmers to make;
- A lot of regulation for all to deal with one or two problem areas;
- Would not be received well by the farming community.

8. Are there any other items that the AAC would like reviewed with regard to temporary agricultural worker dwellings?

- The length of time temporary dwellings can be occupied needs to be longer than 8 months to draw the best workers and to comply with Federal programs which enables workers to stay for longer periods;
- The needs of agriculture are changing which also requires longer time frame;
- A standard time for all would be ideal.
- Many of the regulations are not realistic for our topography, for example parcel size requirements in the provincial regulations;
- Some farms have many parcels active with the workers living on one and travelling where needed;
- Trailers are good as they can be moved.

9. Would the AAC be willing to appoint a member to represent the AAC at the January 24, 2018 stakeholder workshop?

- Serina Penner volunteered to attend the workshop as representative;
- Other members will be invited to attend.

4. **PRESENTATIONS:**

(a) Facilitated Discussion

Nancy Henderson, General Manager of Development Services

The discussion with the General Manager of Development Services was cancelled.

6. **INFORMATION ONLY ITEMS**

7. **CORRESPONDENCE**

8. **OTHER BUSINESS**

(a) Draft 2018 AAC Meeting Schedule

It was moved and seconded:

**THAT** the AAC adopt the 2018 AAC meeting schedule as presented.

The motion carried unanimously.

9. **ADJOURNMENT OF MEETING**

The meeting adjourned at 6:50 PM.

**CERTIFIED CORRECT**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary



# DEVELOPMENT REVIEW REFERRAL – 2<sup>nd</sup> Submission

**REFERRAL TYPE:** OCP and Zoning Amendment

**FILE NO:** Z 17-07

**REFERRAL ISSUED:** Dec 7, 2017  ORIGINAL APPLICATION REFERRAL

**COMMENTS DUE BY:** Dec 19, 2017  REVISED APPLICATION REFERRAL

THIS DEVELOPMENT APPLICATION HAS BEEN REFERRED TO THE FOLLOWING:

Inter-Departmental	Agencies	Local Governments	Provincial Ministries	For Information only
<input checked="" type="checkbox"/> Development Review Committee	<input checked="" type="checkbox"/> B.C. Hydro	<input checked="" type="checkbox"/> Westbank First Nation	<input checked="" type="checkbox"/> Agricultural Land Commission	<input checked="" type="checkbox"/> Mayor and Council
<input checked="" type="checkbox"/> Building	<input checked="" type="checkbox"/> Interior Health Auth.	<input type="checkbox"/> District of Peachland	<input checked="" type="checkbox"/> Min. of Environment	<input checked="" type="checkbox"/> AAC
<input type="checkbox"/> Finance	<input checked="" type="checkbox"/> SD No. 23	<input checked="" type="checkbox"/> Regional District of Central Okanagan	<input checked="" type="checkbox"/> Min. of Transportation and Infrastructure (via eDAS)	<input type="checkbox"/> SNAC - Westside
<input type="checkbox"/> Bylaw Enforcement	<input checked="" type="checkbox"/> Shaw Cable	<input type="checkbox"/> City of Kelowna (Policy/Planning)	<input checked="" type="checkbox"/> Min. of Forests, Lands & Natural Resource Operations	<input checked="" type="checkbox"/> EDC
<input checked="" type="checkbox"/> Dev. Engineering	<input checked="" type="checkbox"/> Telus		<input checked="" type="checkbox"/> Min. of Agriculture	<input checked="" type="checkbox"/> Casa Loma Residents Association
<input checked="" type="checkbox"/> Engineering	<input checked="" type="checkbox"/> BC Transit		<input checked="" type="checkbox"/> Archaeology Branch (Min. of Forests, Lands & Natural Resource Operations)	<input type="checkbox"/> RCMP
<input checked="" type="checkbox"/> Watt Consulting (c/o T. Baumgartner)	<input checked="" type="checkbox"/> Fortis BC		<input type="checkbox"/> Ministry of Energy, Mines and Petroleum Resources	<input type="checkbox"/> AEL/HMC Road Maintenance
<input checked="" type="checkbox"/> Parks				<input type="checkbox"/> Canada Post
<input checked="" type="checkbox"/> Fire				
<input checked="" type="checkbox"/> Economic Development Office (EDO)				

**CWK OFFICE USE ONLY**

**File Manager:** Carla Eaton

**Support/Technical Staff:** Cathy Snow

**DRC Meeting Date:**

This application is scheduled for discussion at the Internal Development Review Committee meeting as noted:

**December 20, 2017**

Applicant attending?

Yes

No

**Background Information:**

**File No:**

Z 17-07

**Property Size:**

7.09 Ha (17.521 ac)

**Location:**

2211 CAMPBELL RD

**Current Zoning:**

A1 Agricultural

**Legal:**

All that portion of DL 522, Group 1, ODYD, more particularly described as follows: Commencing at the NW corner of said DL; Thence south 11 chains 61 links more or less along the westerly boundary; thence easterly parallel to the northerly boundary to Okanagan Lake, thence following the shore line of said lake in a north easterly direction to the north east corner of said DL 522; thence westerly along the north boundary to the point of commencement and containing by a measurement 16 acres more or less.

**Owner:**

1087032 BC LTD

**OCP Designation:**

Agricultural

**Agent:**

IBI Group, Stephen Shawcross

**Related Files:**

A 11-04

**DESCRIPTION/OVERVIEW:**

**Background:**

This is a referral for a REVISED OCP and Zoning Amendment application. The first referral was sent out on April 25, 2017. The new submission includes a response to the City's Comprehensive Review Letter and Summary of the Stakeholder Engagement process since the first submission, as well as revisions to the following plans/reports:

- Site Plan (building footprint/revised marina design/relocated tourism cabins/removed beach and floating play structure/reduced parking area on agricultural lands)
- Draft CD8 Zone
- Traffic Impact Assessment
- Functional Servicing Report
- Environmental Assessment
- Archeological Assessment
- Stormwater Management Report
- Geotechnical Report

These reports and plans have been provided for your information from the following link:

<https://ln.sync.com/dl/405558e90/5mkix7g6-r6ca25qn-xxuy2jvu-u6cycfyk>

**Proposal:**

Proposal to amend the Official Community Plan designation of Agricultural to include Medium Density Multiple Family Tourist Commercial and to rezone from Agricultural (A1) to Comprehensive Development Zone (CD8). The proposed mixed use CD8 zone includes orchard with supporting agricultural facilities (agricultural equipment storage, managers quarters, restaurant, farm retail shop, winery); a marina complex and boat launch; and a mixed use area with various housing typologies (townhouses and apartment buildings) and hotel.

**Comments:**

Should you require any further information, or are unable to provide comments prior to the aforementioned comments due date, please contact the undersigned.

Carla Eaton  
Planner III

**Development Services**

2760 Cameron Road, West Kelowna, BC V1Z 2T6

Telephone: 778-797-8830

Fax: 778-797-1001

Email: [Carla.Eaton@westkelownacity.ca](mailto:Carla.Eaton@westkelownacity.ca)



# SUBJECT PROPERTY: Z 17-07

Subject Property  
2211 Campbell Road



File: Z 17-07

Legal Description: All that portion of DL 522, Group 1, ODYD, more particularly described as follows: Commencing at the NW corner of said DL; Thence south 11 chains 61 links more or less along the westerly boudary; thence easterly parallel to the northerly boundary to okanagan lake, thence following the shore line of said lake in a north easterly direction to the north east corner of said DL 522; thence westerly long the north boundary to the point of commencement and containing by a measurement 16 acres more or less.

## LEGEND

- Subject Property
- Zoning Boundary
- Parcels



1:2,325

Date: 24/03/2017





December 14, 2017

Dear Agricultural Advisory Committee Chair,

Re: Save the date for

**Agricultural Advisory Committee Workshops**

Langley – Wednesday, February 21 2018 or

Kelowna – Tuesday, February 27 2018

(9:30 am to 4:00 pm)

The Ministry of Agriculture invites you to the eighth biennial Agricultural Advisory Committee (AAC) Workshops. For spring 2018, we are offering two regional events in Langley and Kelowna. Both are free and lunch is provided. Please choose only one to attend, depending on which is most convenient. Full event and registration details will be sent to you and your local government officials and staff in early January.

The workshops bring AAC members together from across the regions and the province to meet and discuss relevant agricultural issues. These sessions are useful to all communities, even those who do not yet have an AAC but are considering beginning an Agricultural Area Plan process.

A complete list of proceedings from AAC workshops held in recent years is available on our website:

<https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/agricultural-land-and-environment/strengthening-farming/agricultural-advisory-committees>.

Previous workshops have invigorated AAC members, generated new ideas, and helped AACs continue to offer effective advice and support to their councils, boards and local trust committees.

**Please save the date and watch for complete details in the coming month.** If you have any questions in the interim please contact our land use planner, Gregory Bartle directly at [Gregory.Bartle@gov.bc.ca](mailto:Gregory.Bartle@gov.bc.ca) or 250.387.9687 (toll free 1.888.221.7141).

I look forward to seeing your representatives at the workshop.

Yours truly,

Corrine Roesler  
Acting Director, Strengthening Farming Program