

Report to Council



Date: July 11, 2016
To: City Manager
From: Suburban & Rural Planning Manager
Subject: Update on Agricultural Planning Initiatives

Recommendation:

THAT Council receives, for information, the report from the Suburban & Rural Planning Manager dated July 11, 2016 with respect to Agricultural Planning Initiatives.

Purpose:

To provide Council with a status update on agricultural planning initiatives.

Background:

Over the first half of 2016, staff in Community Planning have been working on a number of key agricultural planning initiatives:

- Agricultural Compliance & Enforcement Strategy
- Carriage Houses on Agricultural Land (A1c)
- Temporary Farm Worker Housing
- Weddings & Special Events on Agricultural Lands
- Agri-tourism Accommodation (A1t)

Agricultural Compliance & Enforcement Strategy

The Agricultural Compliance and Enforcement Strategy outlines the City's approach to its compliance goals, ranging from assisting property owners in understanding their obligations to comply with legislative requirements on agricultural lands and extends to monitoring compliance, performing inspection activities to the various tools available to respond to non-compliance.

The first phase of this initiative focused on the Benvoulin Corridor which was identified as a priority area for enforcement by staff and supported by Council. This was the first area targeted for enhanced enforcement and staff have had initial success in working with landowners to ensure bylaw compliance.

Carriage Houses on Agricultural Land (A1c)

In January 2014, the Okanagan Basin Water Board updated their Sewage Grants Policy. This policy requires grant recipients (including the City of Kelowna) to update their bylaws to exclude development of accessory dwellings (carriage houses) on lots less than one hectare that rely on on-site sewage disposal.

Staff have prepared bylaw amendments clarifying the one hectare requirement for carriage houses on lots not connected to sewer and are prepared to bring forward text amendments for Council's consideration.

Temporary Farm Worker Housing

Community Planning staff have organized a working group from the Agricultural Land Commission, Ministry of Agriculture, District of Lake Country, City of West Kelowna and Regional District of Central Okanagan to work on revisions to Temporary Farm Worker Housing (TFWH) policy and thereby provide a more regional approach to TFWH for farm operations.

The Ministry of Agriculture's Guide to Bylaw Development in Farming Areas, advises that temporary farm workers should be housed in temporary structures and further states that: *The TFWH should be either an existing building or a manufactured home, constructed or manufactured to be moved from one place to another, and to be used for residential use, installed on a temporary foundation with no basement.*

TFWH remains an issue in the community and is time consuming for staff resources. Staff continue to meet with members of the public and the farming community regarding both the use and misuse of TFWH on agricultural land in the City. It is clear that a number of residents are impacted by this land use and farm operators eagerly await clear direction on this matter.

In coordination with regional partners, staff have prepared bylaw and policy amendments clarifying the approach for TFWH and are prepared to bring forward text amendments for Council's consideration.

Weddings & Special Events on Agricultural Lands

Wedding and commercial assembly activities are not a permitted use in the A1 zone under the City's Zoning Bylaw and remain an issue in the community and a time consuming file for staff resources. Staff continue to meet with members of the public and the farming community regarding both the use and misuse of commercial assemblies on agricultural land in the City. It is clear that a number of residents are impacted by this land use and farm operators eagerly await a resolution on this matter.

In September, the Ministry of Agriculture prepared a discussion paper to seek local government input into a draft Minister's Bylaw Standard to assist local government bylaw development regulating agri-tourism, agri-tourism accommodation and farm retail sales in the Agricultural Land Reserve. The discussion paper states that: *commercial weddings (and any other commercial assembly activity)' are a non-farm use in the Agricultural Land Reserve.*

The document further outlines that: *Agri-tourism uses and activities only augment a farmer's regular farm income, rather than exceed or replace it.*

As staff understand it, provincial staff are currently preparing revisions for the Minister's approval. Once approved, the changes will be incorporated in the guide pursuant to Section 916 of the *Local Government Act*. Once completed, staff intend to prepare updates to associated policy and bylaws amendments for Council's consideration.

Agri-tourism Accommodation (A1t)

Agri-tourist accommodation is a *permitted non-farm use* in the Agricultural Land Reserve (ALR) according to the ALR Use, Subdivision and Procedure Regulation. While the use is a *permitted non-farm use* by the Agricultural Land Commission (ALC), the activity is not designated as a *farm use* and therefore may be regulated or prohibited by a local government bylaw.

In our community, the A1t is the zone which allows agri-tourism accommodation and the City currently regulates this use by allowing agri-tourist accommodation as a secondary use if the accommodation is associated with an agri-tourism activity. However, this use is expected to be subordinate and secondary to the principal agriculture use.

Agri-tourist accommodation, and more specifically RV parks, remain an issue in the community and a significant time consuming file for City resources. Staff continue to meet with members of the public and the farming community regarding the misuse of farm land and the number of residents that are impacted by this land use.

Based on Council direction, staff will prepare updates to policy and bylaws regarding agri-tourism accommodation and the A1t zone.

Legal/Statutory Authority:

Section 479 of the Local Government Act allows the City of Kelowna to adopt a Zoning Bylaw regulating land uses within the city. Where property being zoned is within the Agricultural Land Reserve, the bylaw must comply with the ALC Act, Regulations and Policies.

All actions being undertaken by staff comply with the relevant bylaw and senior government requirements.

Personnel Implications:

The Agricultural Planning initiatives have been staff intensive involving Agricultural Land Commission and Ministry of Agriculture staff, as well as, Community Planning and Bylaw Enforcement staff.

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements:

Communications Comments:

External Agency/Public Comments:

Existing Policy:

Financial/Budgetary Considerations:

Submitted by:

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