

# Report to Council



**Date:** March 6, 2017  
**File:** 1210-24  
**To:** City Manager  
**From:** Community Planning and Strategic Investments (TG/MS)  
**Subject:** Temporary Farm Worker Housing (TFWH) – Revised Draft Policy

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## **Recommendation:**

THAT Council receives for information, the report from Community Planning and Strategic Investments dated March 6, 2017, outlining revised draft policy for Temporary Farm Worker Housing in Kelowna;

AND THAT Council directs staff to prepare the amendments to the Official Community Plan Bylaw No. 1500 as described in the Community Planning and Strategic Investments report dated March 6, 2017;

AND THAT Council directs staff to prepare the amendments to Zoning Bylaw No. 8000 as described in the Community Planning and Strategic Investments report dated March 6, 2017;

AND FURTHER THAT Council directs staff to prepare the amendments to the Development Application Procedures Bylaw No. 10540 as described in the Community Planning and Strategic Investments report dated March 6, 2017.

## **Purpose:**

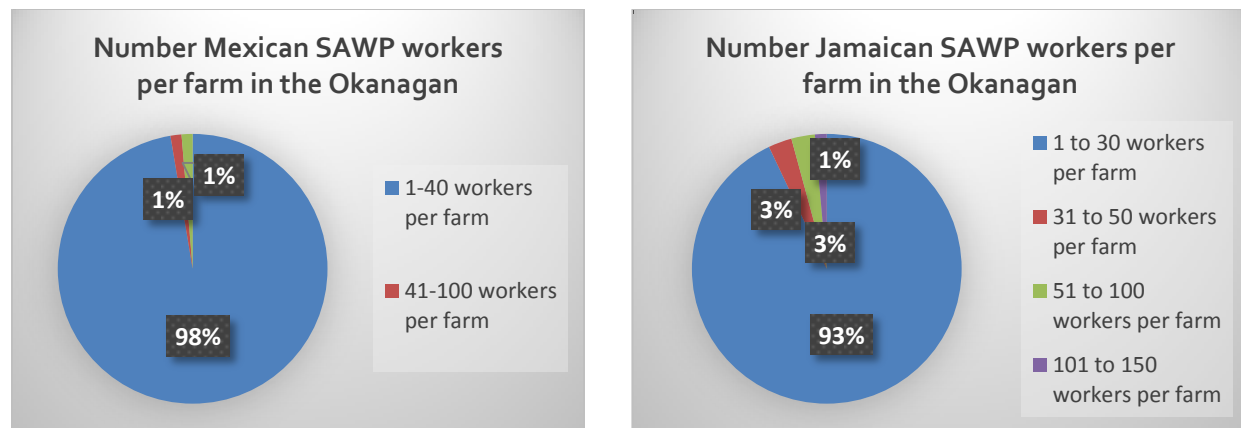
To provide updates to temporary farm worker housing policy that meets the needs of farmers, which adheres to provincial standards and provides a consistent approach across the Central Okanagan.

## **Background:**

On October 31, 2016 Council was consulted on preliminary temporary farm worker housing (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. During this consultation, new information has become available which has led to a revision of the 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)<sup>1</sup>. 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.

**Figure 1: Distribution of SAWP workers per Okanagan Farm**



*Note: The method for reporting data varies between the Mexican and Jamaican SAWP coordinators<sup>2</sup>*

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.

While some of the draft policies have been modified since Council's initial review, the overall intent remains the consistent: to reduce the TFWH 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 Areas<sup>3</sup>.

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.

### **Proposed Policy:**

The proposed regulations have the following objectives:

1. Minimize footprint on farm land;
2. Use existing dwellings within the farm unit as a first option wherever possible;
3. Require new TFWH to be temporary structures on non-permanent foundations;
4. Addresses dwellings on all properties within the farm unit which includes leased properties;

<sup>1</sup> Personal Communication Consulado General de Mexico en Vancouver SAWP Coordinator and Deputy Chief Liaison Officer, Jamaica Liaison Service

<sup>2</sup> Personal Communication Consulado General de Mexico en Vancouver SAWP Coordinator and Deputy Chief Liaison Officer, Jamaica Liaison Service

<sup>3</sup> Ministry of Agriculture, 2015. Guide for Bylaw Development in Farming Areas.

5. Ensure appropriate buffers to adjacent properties; and
6. Measurable (e.g. number of workers, season of use, temporary farm worker housing footprint)

Changes to the draft temporary farm worker policy that was presented to Council last fall are illustrated in Table 1.

### Next Steps:

The City of Kelowna and Regional District of Central Okanagan will be undergoing the referral process for the proposed policies concurrently. The District of Lake Country and City of West Kelowna will consider the proposed policy as part of future reviews of their Zoning Bylaws.

**Table 1 – Changes to Draft Temporary Farm Worker Housing Policy**

<b>Bylaw</b>	<b>Initial draft policy</b>	<b>Revised draft policy</b>
<b>Official Community Plan</b>	none	As a first option, farm help housing should be located within the Permanent Growth Boundary providing access to amenities for workers.
<b>Zoning Bylaw</b>	Farm Residential Footprint	Residential Footprint
	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
<b>Development Application Procedures Bylaw</b>	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.

It should be noted that there are differences between the City of Kelowna and Regional District of Central Okanagan policies due to the differences in staff resources, current processes and urban/rural scenarios. The biggest difference noted is that the Regional District has put all the policy within their Zoning Bylaw, while the City of Kelowna has policy amongst three documents (OCP, Zoning and

Procedures Bylaws) to allow for flexibility. The overall intent of the draft regulations, however, remains the same.

**Internal Circulation:**

Divisional Director, Community Planning and Real Estate  
Policy and Planning Department Manager  
Community Planning Department Manager  
Divisional Director, Communications and Information Services  
Divisional Director, Corporate and Protective Services  
Building and Permitting Manager  
Long Range Planning Manager

**Legal/Statutory Authority:**

Local Government Act Part 14, Division 4 – Official Community Plans and Division 5 – Zoning Bylaws

**Legal/Statutory Procedural Requirements:**

Local Government Act Section 475 specifies that a local government must, during the development, repeal or amendment of an official community plan, provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. This consultation is in addition to a required public hearing.

**Existing Policy:**

*OCP Policy 5.33.1 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.<sup>4</sup>

*OCP Policy 5.34.2 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 he 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.<sup>5</sup>

*Farm Protection DP Guidelines*

Guideline 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.<sup>6</sup>

**External Agency/Public Comments:**

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<sup>4</sup> City of Kelowna 2030 Official Community Plan, Chapter 5: Development Process, page 5.35

<sup>5</sup> City of Kelowna 2030 Official Community Plan, Chapter 5: Development Process, page 5.36

<sup>6</sup> City of Kelowna Official Community Plan, Chapter 15: Farm Protection DP Guidelines, page 15.3

City of Kelowna staff collaborated with staff from Regional District of Central Okanagan, City of West Kelowna, District of Lake Country, Ministry of Agriculture and Agriculture Land Commission to develop the proposed policies and regulations.

*Agriculture Advisory Committee: February 9, 2017*

The draft Temporary Farm Worker Housing policies were reviewed by the Agriculture Advisory Committee at the meeting held on February 9, 2017 and the following recommendations were passed:

Moved By Jeff Ricketts/Seconded By Ed Schiller

THAT the Agricultural Advisory Committee recommends that Council lobby the Ministry of Agriculture to reduce the allowable parcel size for temporary farm worker housing from 3.8 hectares to 2.0 hectares in order to reflect what is actually happening in the agriculture industry.

Carried

Moved By Domenic Rampone/Seconded By Pete Spencer

THAT the Agricultural Advisory Committee recommends that Council encourage the Regional District of Central Okanagan and the City of West Kelowna to join Kelowna in lobbying the Ministry of Agriculture to lowering the minimum parcel size for Temporary Farm Worker Housing from 4.0 ha to 2.0 ha.

Carried

Moved By Domenic Rampone/Seconded By Pete Spencer

THAT the Agricultural Advisory Committee recommends that Council support the draft policies for temporary farm worker housing that meets the needs of farmers, which adheres to provincial standards, in conjunction with a consistent regional approach, as presented by staff on February 9, 2017.

The application files for the required OCP, Zoning and Development Application Procedure Bylaw amendments have been referred to the following organizations for comment:

- |   |  |
|---|--|
| • Interior Health                       | • Black Mountain Irrigation District     |
| • Regional District of Central Okanagan | • South East Kelowna Irrigation District |
| • Ministry of Agriculture               | • Glenmore Ellison Improvement District  |
| • Ministry of Transportation            | • Rutland Water Works                    |

**Communications Comments:**

The requirement for consultation under Section 475 of the Local Government Act will be addressed prior to staff bringing the amendments forward to Council for first reading by advertising twice in the Kelowna Daily Courier and posting information about the amendments on the City's website, on the Official Community Plan webpage.

**Considerations not applicable to this report:**

**Financial/Budgetary Considerations:**

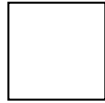
**Personnel Implications:**  
**Alternate Recommendation:**

][Submitted by:

T. Guidi, Sustainability Coordinator

M. Stepphun, Planner Specialist

**Approved for inclusion:**



TC

cc:

Divisional Director, Community Planning and Real Estate  
Policy and Planning Department Manager  
Community Planning Department Manager  
Divisional Director, Communications and Information Services  
Divisional Director, Corporate and Protective Services  
Building and Permitting Manager  
Long Range Planning Manager  
Regional District of Central Okanagan, Ron Fralick  
City of West Kelowna, Brent Magnan  
District of Lake Country, Mark Koch  
District of Peachland, Cory Gain

Attachments:

Schedule A: OCP16-0022 List of Amendments to OCP Bylaw No. 10500 for TFWH  
Schedule B: TA16-0015 List of Amendments to Zoning Bylaw No. 8000 for TFWH  
Schedule C: TA16-0016 List of Amendments to Development Application Procedures Bylaw No. 10540 for TFWH  
Schedule D: Ministry of Agriculture Support Letter  
Schedule E: Agriculture Land Commission Support Letter  
Schedule F: Comments from Interior Health