# CITY OF KELOWNA

# BYLAW NO. 11375

# Amendment No. 5 to Development Applications Procedures Bylaw No. 10540

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The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Development Applications Procedures Bylaw No. 10540 be amended as follows:

1. THAT **Section 1 – Introduction**, 1.3 **Scope**, 1.3.7 be deleted that reads "An application for an **Additional Dwelling for Farm Employee Permit"** and replaced with "An application for a **Temporary Farm Worker Housing Permit";**

2. AND THAT **Section 1 – Introduction**, 1.4 **Definitions, 1.4.1** be ameded by:

   a) adding a new definition in its appropriate location for '**Agricultural Advisory Committee**' that reads:

      "'**Agricultural Advisory Committee'** means an advisory committee established by **Council**."

   b) adding a new definition in its appropriate location for '**Community Planning**' that reads:

      **'Community Planning'** means the City of Kelowna's Community Planning Department.";

   c) adding a new definition in its appropriate location for '**Temporary Farm Worker Housing Permit, Minor Direct**' that reads:

      "'**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:
      - 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**."

   d) adding a new definition in its appropriate location for '**Temporary Farm worker Housing Permit, Major Direct**' that reads:

      "'**Temporary Farm Worker Housing Permit Major'** means a permit authorized by Section 15(1) of the *Community Charter* for the accommodation of an employee(s) paid to work on a farm for less than eight months per calendar year."

   e) deleting the definition for "**Additional Dwelling for Farm Employee Permit**" that reads:

      **"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."

   f) deleting all references to "**Director of Land Use Management**" and replacing it with "**Department Manager, Community Planning**";

g) deleting the definition for '**Land Use Management'** that reads "**Land Use Management'** means the **City** of Kelowna's Land Use Management Department;"

h) deleting all references to '**Land Use Management'** and replacing it with '**Community Planning'**;

3. AND THAT **Section 2 – General Provisions, 2.1 Making Application, 2.1.2 Application Requirements and Processing** (h) be deleted that reads:

"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."

And replaced it with:

"h) An Application for a **Temporary Farm Worker Housing Permit** will be made and processed substantially in accordance with Schedule '9' of this bylaw."

4. AND THAT **Section 2 – General Provisions, 2.3 Delegation of Authority, 2.3.4 Issuance or Refusal of Additional Dwelling for Farm Employee Permits** be deleted that reads:

"**2.3.4 Issuance or Refusal of Additional Dwelling for Farm Employee Permits**
The powers of **Council** under Section 15(1) of the *Community Charter* to issue, to refuse, to amend and to set conditions for permits for the placement of dwellings for the accommodation of farm help, in accordance with the *Agricultural Land Commission Act* and Regulations."

And replaced with:

"**2.3.4 Issuance of Temporary Farm Worker Housing Permits**
The powers of **Council** under Section 15(1) of the *Community Charter* 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 *Agricultural Land Commission Act* and Regulations."

5. AND THAT **Section 2 – General Provisions, 2.4 Development Approval Information, 2.4.2 (s)** be deleted that reads:

"(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."**

And replaced with:

"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**."

6. AND THAT Schedule '9' – Applications for Additional Dwelling for Farm Employee Permits be deleted in its entirety that reads:

# "Schedule '9'
## Applications for Additional Dwelling for Farm Employee 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 activities, including maps, as necessary.

## 2.0 PROCESSING PROCEDURES

An **Additional Dwelling for Farm Employee Permit** application submitted in accordance with this bylaw will be processed as follows:

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.

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.

2.3 **Land Use Management** will refer the application to all applicable **City** departments, government and external agencies.

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.

2.5 Relevant technical comments will be incorporated into a staff report for consideration by the **Director of Land Use Management**.

2.6 **Land Use Management** will notify the applicant in writing of the decision of the **Director of Land Use Management**.

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."

And replaced with:

# "Schedule '9'
# Applications for Temporary 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.

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### 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:

- 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.

Applications not eligible for issuance or amendment by the **Department Manager, Community Planning** must be considered by **Council.**

**1.2 Application Requirements**

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:

| | |
|---|---|
| (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 |

b) Additional information may be required by the **Department Manager, Community Planning** to evaluate adequately and to issue a Permit, in accordance with Section 2.4 of this bylaw.

**1.3 Processing Procedures**

A **Temporary Farm Worker Housing Permit Minor Direct** application submitted in accordance with this bylaw will be processed as follows:

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. One Window Staff will open a file only once a complete package has been submitted.
c) **Community Planning** will refer the application to all applicable City departments.
d) **Community Planning** will evaluate the proposal for compliance with relevant City bylaws and policies.
e) Relevant technical comments will be incorporated into a staff report for consideration by the **Department Manager, Community Planning**.
f) **Community Planning** will notify the applicant in writing of the decision of the **Department Manager, Community Planning**.
g) If authorized for issuance by the **Department Manager, Community Planning**, staff will prepare the required Permit and related schedules for signature, and obtain the required Landscape Bonding, pursuant to Section 2.8 of this bylaw.
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.

**2.0TEMPORARY FARM WORKER HOUSING PERMIT MAJOR**

**2.1 Application Requirements**

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:

| | |
|---|---|
| (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 |

b) Additional information may be required the **Department Manager, Community Planning** to evaluate adequately and to make a recommendation to **Council** concerning a Permit, in accordance with Section 2.4 of this bylaw.

**2.2 Processing Procedures**

A **Temporary Farm Worker Housing Permit** application submitted in accordance with this Bylaw will be processed as follows:

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 consultation required in accordance with Section 4 of this bylaw
f) **Community Planning** will prepare a staff report and refer the application to the **Agricultural Advisory Committee**.
g) The applicant is encouraged to attend the meeting of the **Agricultural Advisory Committee** at which the Permit application is being reviewed.
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**.
i) Staff of the **Office of the City Clerk** will notify the applicant in writing of the decision of **Council**.
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.

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."

7. This bylaw may be cited for all purposes as "Bylaw No. 11375, being Amendment No. 5 to Development Applications Procedures Bylaw No. 10540."

8. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Approved by the Minister of Agriculture this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk