# CITY OF KELOWNA

# BYLAW NO. 11374
## TA16-0015 – Temporary Farm Worker Housing Amendments

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000, **Section 2 – Interpretation, 2.3 General Definitions,** be amended by deleting the definition for **AGRICULTURAL DWELLINGS, ADDITIONAL** that reads:

   **"AGRICULTURAL DWELLINGS, ADDITIONAL** means any **dwelling** on a bona fide agricultural operation that is used to house full-time permanent or seasonal farm workers employed on the same site as the agricultural operation only. This may include but is not limited to single detached houses, **mobile homes**, or bunkhouses."

   and replace it with a new definition as follows:

   **"AGRICULTURAL DWELLING(S), ADDITIONAL** means any **dwelling** on a bona fide agricultural operation that is used to house full-time permanent or **temporary farm workers** employed on the **farm unit**. This may include but is not limited to single detached houses, **mobile homes**, or bunkhouses."

2. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 2 – Interpretation, 2.3 General Definitions,** be amended by adding a new definition for:

   a) **FARM UNIT** in its appropriate location that reads:

   **"FARM UNIT** means one or more contiguous or non-contiguous parcels, that may be owned, rented or leased, within City limits, which forms and is managed as a single farm."

   b) **ON-FARM PROCESSING** in its appropriate location that reads:

   "**ON-FARM PROCESSING** means the undertaking of processes, including grading, packing, mixing, drying, canning, size reduction, fermentation, heat treatments, cold treatments, chemical treatments, and biological treatments on a **farm unit** to:
   - Prepare value added products from farm products to sell, or
   - Prepare feed for livestock, poultry, farmed game, located on the farm
   But excludes on-farm composting, on-farm soil preparation, and on-farm soilless medium production."

   c) **RESIDENTIAL FOOTPRINT** in its appropriate location that reads:

   **"RESIDENTIAL FOOTPRINT** means the portion of a lot that includes all structures, landscaping, driveways and parking areas associated with the principal **dwelling**, including but not limited to the principal **dwelling, mobile home** for family, **home based business (minor, major and rural)**, accessory structures including garage and storage, recreation areas (including pools and sport courts), and outdoor living areas. Structures not included in the **residential footprint** are **agricultural structures**, including **greenhouses**, **agricultural and garden stands** and those structures associated with the **temporary farm worker housing footprint**."

d) **TEMPORARY FARM WORKER(S)** in its appropriate location that reads:

"**TEMPORARY FARM WORKER(S)** means an individual or individuals who carry out agricultural work on a temporary and seasonal basis on a **farm unit**."

e) **TEMPORARY FARM WORKER HOUSING (TFWH)** in its appropriate location that reads:

"**TEMPORARY FARM WORKER HOUSING (TFWH)** means a dwelling to temporarily accommodate **temporary farm worker(s)**, which is accessory to a **farm unit**, that is used to provide space for cooking, sanitary, living and sleeping."

f) **TEMPORARY FARM WORKER HOUSING (TFWH) FOOTPRINT** in its appropriate location that reads:

"**TEMPORARY FARM WORKER HOUSING (TFWH) FOOTPRINT** means the portion of a lot that includes all structures, driveways and parking areas associated with the **temporary farm worker housing,** including but not limited to structures for cooking, sanitary, living and sleeping. The footprint does not include the vegetated buffer."

3. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 9 – Specific Use Regulations,** be amended by adding a new section **9.13 Temporary Farm Worker Housing** as follows:

"**9.13 Temporary Farm Worker Housing**

9.13.1     The following requirements must be met prior to the issuance of a permit for a **Temporary Farm Worker Housing (TFWH)** structure:

(a)     Farm Classification for the parcel, as determined by the *BC Assessment Act*.

(b)     Minimum farm unit size is 3.8 ha.

(c)     The need for **temporary farm worker housing** onsite to house **temporary farm workers** must be demonstrated through documentation such as a contract with the federal government through a migrant worker program, such as the Seasonal Agricultural Worker Program, farm receipts and / or previous employment records, and/or a farm plan prepared by a professional agrologist.

(d)     New **TFWH** structures shall include a communal kitchen.

(e)     The **TFWH** shall be occupied only during the **farm u**nit's growing, harvesting and pruning periods.

(f)     A statutory declaration must be filed with the City of Kelowna annually, by January 31st, stating that the building will be used only for **TFWH** and specify the time(s) of year when the **TFWH** will be occupied.  The specified period of time may be no greater than ten months of that calendar year."

(g)     If the **temporary farm worker housing** is vacant for two consecutive growing seasons, the owner will remove, at their expense, any temporary structures for **temporary farm worker housing**, and remove or decommission any existing buildings that had been repurposed for **temporary farm worker housing** purposes, by December 31st of the second year of vacancy.

9.13.2    **TFWH** Footprint Size

a)    **TFWH footprint** may not exceed 0.20 ha for **structure(s)** to accommodate a maximum of forty **temporary farmworkers** and may not exceed 0.30 ha for **structure(s)** to accommodate a maximum of sixty **temporary farm workers**."

9.13.3    **TEMPORARY FARMWORKER ALLOCATION**

(a)    **Structure(s)** to accommodate a maximum of **forty temporary farm workers** per each city sector as identified on **Official Community Plan** Map 5.4 for parcels up to eight hectares.  For parcels eight hectares or more, **structure(s)** to accommodate a maximum of sixty **temporary farm workers** per each city sector as identified on **Official Community Plan** Map 5.4.

(b)    **Farm units** with **greenhouses** and/or **on-farm processing** structures may increase allowable number of workers by 1 worker per each 1000 m2 of **greenhouse** and/or **on-farm processing** structures.

(c)    Where a **farm unit** comprises multiple parcels of land, a restrictive covenant shall be registered on all **farm unit** parcels within the same sector of the **temporary farm worker housing** as identified on **Official Community Plan** Map 5.4 restricting the development of further **TFWH** on said parcels within that sector.

4.  AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 11 – Agricultural Zones,** be amended by:

a)    Deleting "**agricultural dwellings additional**" in section 11.1.3 Secondary Uses and replacing it with "**agricultural dwelling(s) additional**"; and

b)    Adding a new subparagraph (f) to **Section 11.1.4 Buildings and Structures Permitted** that reads:

"f) **TFWH** may be in one of the following structure types:

i.    Existing **structure** with a Building Permit that was approved at least 2 years prior to **TFWH** application, to be converted into **TFWH**, on the parcel within the **farm unit**.

ii.    New **TFWH** must be in temporary **structures** on non-permanent foundations, such that it is designed to be removed by a truck or vehicle.  Concrete pads or foundations are not permitted."

5.  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 time by the Municipal Council this   10th day of April, 2017.

Considered at a Public Hearing on the 2nd day of  May, 2017.

Amended at first reading by the Municipal Council this  19th day of June, 2017.

Re-Considered at a Public Hearing on the 11th day of July 2017.

Read a second and third time by the Municipal Council this 11<sup>th</sup> day of July 2017.

Approved under the Transportation Act this 17<sup>th</sup> day of July, 2017.

_____Blaine Garrison_____
(Approving Officer-Ministry of Transportation)

Approved by the Ministry of Agriculutre this 24<sup>th</sup> day of August, 2017.

Adopted by the Municipal Council of the City of Kelowna this

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                                                                                                          Mayor

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                                                                                                       City Clerk