

CITY OF KELOWNA

BYLAW NO. 11375

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

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 amended 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 for the accommodation of an employee(s) paid to work for no greater than 10 months per calendar year; 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 no greater than ten 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 'g' of this bylaw."
- And replaced with:
- "h) An Application for a **Temporary Farm Worker Housing Permit** will be made and processed substantially in accordance with Schedule 'g' 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 'g' – Applications for Additional Dwelling for Farm Employee Permits be deleted in its entirety that reads:

"Schedule 'g'

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 'g' 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.

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:

- Upon receipt of an application package submitted in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.
- 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.
- Community Planning** will refer the application to all applicable City departments.
- Community Planning** will evaluate the proposal for compliance with relevant City bylaws and policies.
- Relevant technical comments will be incorporated into a staff report for consideration by the **Department Manager, Community Planning**.
- Community Planning** will notify the applicant in writing of the decision of the **Department Manager, Community Planning**.
- 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.
- 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.

2.0 TEMPORARY 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 10th day of April, 2017.

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

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk