



CITY OF WEST KELOWNA

MINUTES OF THE AGRICULTURAL ADVISORY COMMITTEE MEETING

Thursday, December 3, 2020
COUNCIL CHAMBERS
2760 CAMERON ROAD, WEST KELOWNA, BC

MEMBERS PRESENT: Jan Bath, Chair
Sheri Paynter
Serina Penner, Vice Chair
Graham Pierce

MEMBERS ABSENT: Colin Cruickshank

Staff Present: Chris Oliver, Planner III
Stirling Scory, Planner II - Long Range
Jayden Riley, Planner II
Hailey Rilkoff, Planner II (via Teams)
Natasha Patricelli, Recording Secretary
Brandon Mayne, Service Desk Technician

1. CALL THE AGRICULTURAL ADVISORY COMMITTEE MEETING TO ORDER

The meeting was called to order at 5:02 p.m.

This meeting was open to the public. In accordance with COVID-19 protocols, a viewing area that could accommodate three members of the public was available.

2. INTRODUCTION OF LATE ITEMS

2.1 Recruitment (Item 10.1)

3. ADOPTION OF AGENDA

THAT the agenda be adopted as amended.

CARRIED UNANIMOUSLY

4. ADOPTION OF MINUTES

4.1 Minutes of the Agricultural Advisory Committee meeting held October 1, 2020 in the City of West Kelowna Council Chambers

THAT the minutes of the Agricultural Advisory Committee meeting held October 1, 2020 in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

5. PRESENTATIONS

5.1 Mayor Milsom

Mayor Milsom came to the meeting to thank the committee for volunteering their time and the work that has been done, on behalf of the City and the community. He thanked the members for the years they have worked on the committee. The effort and committee input is very much appreciated. Thank you very much.

Question from the Chair: Does Council go through the committee minutes? Are there things that could be done better? Mayor Milsom responded that Council values the input and pays attention to the committees. It would be helpful to have more of a connection between Council and the committee members. We appreciate the work that has been done and we look forward to responses and recommendations from our committees.

6. DELEGATIONS

7. UNFINISHED BUSINESS

8. REFERRALS

8.1 P 20-01, West Kelowna Community Vision (Phase 1 OCP Review)

Highlights of the presentation include:

- Community Visioning - one of Councils Strategic Priorities 2020-2022;
- March 2020: Initially planned to start Community Engagement;
- June 2020: Redesigned project and launched engagement (in context of COVID-19 physical distancing requirements);
- Current Official Community Plan was reviewed and updated in 2011;
- Visioning is the first step of the OCP update:
 - Community Visioning process;
 - Options;
 - Draft Policy and Mapping;
 - Final OCP Bylaw;

- Process timeline - gathered feedback during the listening phase, currently in the building our community vision phase and looking at what we heard, next step is preparing and finalizing the draft vision;
- Engagement summary and appendices prepared during Phase 1 are currently on our website;
- Snapshot of round 1 engagement activities include - vision postcards, weekly photo contests, stakeholder workshops, kids activity books, main questionnaire and weekly topic questionnaires;
- Council and staff wanted to know who participated - majority were full time residents, next was work or shop in the City of West Kelowna;
- Duration of time they've lived in West Kelowna - majority was 21+ years and next was 1-5 year demographics;
- Tracked neighbourhood participation - well represented across the community. Glenrosa, Smith Creek and South Boucherie were under represented;
- Age of participants was tracked - youth and over 75 demographics were under represented;
- Draft vision document still looking for feedback;
- Draft vision statement as an overview for the next 20 years;
- Draft vision document contains five foundational elements - our people, our connectivity, our adaptability, our prosperity and our places;
- Twenty key directions include: overview of what we heard, what we see in 2040 and signs of success;

Round 2 Engagement

- Key activity: online feedback forms;
- Choose your own adventure - feedback time varies from five minutes to a few hours. Online and paper versions available;
- Key activity: online workshops were held on December 1 and December 2 - since they've passed it was recommended to complete the online circles instead;
- Key activity: youth activities
 - Partnering with Mt. Boucherie Secondary School for youth engagement;
 - Adapted materials focused for youth,
 - Collaboration to tailor materials for in-school opportunities;

- Outreach - electric sign set up in different areas in the community;
- Closing Round 2 Engagement on December 18;
- Early to mid February will be a final draft vision to Council;
- Final resolutions from Council and Council committees in mid February;
- AAC can help through feedback, word of mouth, and sharing with personal and professional networks.

Highlights of the discussion include:

- Given the challenges of COVID, is the visioning team satisfied with the participation? Yes, although we would like as much feedback as possible. Currently we have higher participation rates than Kelowna for their visioning exercise. This round is a bit lower engagement right now which is a bit more of a time commitment.
- Appreciate the inclusive language that is used in the vision. Positive language throughout;
- Huge task, good read and really well done. 5 key elements makes it easier to comprehend.

8.2 A 20-02, Home Site Severance, 3536 Paynter Road

Highlights of the presentation include:

- 3536 Paynter Road;
- 26,227 sq. m (6.5 acres);
- Westbank neighbourhood;
- Zoning: Agriculture (A1);
- Located within the ALR;
- Existing single detached home and accessory building (encroachment);
- Hillside DPA at rear of parcel;
- Not currently used for agriculture;

Proposal

- To subdivide a 1 acre (4,000 sq. m.) homesite from the 6.5 acre (26,227 sq. m.) parcel to allow for the owner to age in place with the proceeds of the sale of the remainder lot;

Legislative Requirements

Agricultural Land Commission Act

- Requires subdivision application under S.25 of the *Agricultural Land Commission Act*;
- Must be authorized by Local Government to proceed to the Commission;

ALC Guidelines for Homesite Severance Applications:

1. Applicant must have owned the property since December 21, 1972;
2. No HSS application has been previously submitted for the subject property;
3. Applicant shows legitimate intention to sell remainder;
4. Existing home site is compatible with surrounding character;
5. Remainder is suitable configuration and size that will constitute an agricultural parcel;
6. The home site is not to be sold for 5 years, except in the case of death of the owner;
7. If approved by the commission, local governments and Approving Officers are encouraged to handle the application under **S. 514 of the LGA** insofar as compliance with local bylaws;

Local Government Act (S.514) - Subdivision for a Family Member

- Allows the Approving Officer to approve subdivision of land that would otherwise be prevented from subdivision by a bylaw establishing minimum parcel size;
 - Various conditions apply;
- As it is, it does not meet minimal parcel area;
- S.514(6) states that any parcel created under this section must be at least 1 ha unless a smaller area, in no case less than 2,500 sq. m., is approved by the medical health officer for septic;
 - Proposed HSS parcel = 0.4 ha (4,000 sq. m.)
 - Approval by medical health officer will be required;

Local Government Act (S.512) - Minimum Frontage

- Requires that a parcel created by a subdivision must have a minimum frontage that is the greater of:
 - 10% of the perimeter of the lot that fronts the highway, and
 - The minimum frontage that the local government may, by bylaw, provide;

- Local Government may exempt, according to S.512(3);

Policy and Bylaw Review

Zoning Bylaw No. 0154

- A1 Zone requires minimum 30 m frontage or 10% of the perimeter of the lot, whichever is greater;
- Subject property would require 69 m of frontage to meeting the 10% regulation;

Official Community Plan Bylaw No. 0100

- Agricultural Land Use Designation Policy:
 - Discourage proliferation of non-farm residential development or use, except as provided for by the Homesite Severance Policy within that ALR;

Zoning Bylaw No. 0154

- A1 zone required minimum parcel area of 4 ha (40,000 sq. m.);
- Agriculture and single detached dwelling permitted;

Agricultural Plan

- Goals:
 1. Expand community knowledge and understanding of agriculture;
 2. Pursue diversification and expansion of the agricultural industry;
 3. Create a viable and sustainable community by encouraging conversation and environmentally sound practices;

Referral Responses

Ministry of Agriculture

- No clear benefit to agriculture;
- Previous homesite created prior to ALR;
- Recommend registering covenant to limit future dwelling construction to the front parcel boundary to preserve productive agriculture area;

Development Engineering, Building Departments

- Flagged minimum parcel frontage - exemption required;;
- Application will go to Council for consideration;

- Additional comments related to future subdivisions and servicing requirements;

Key Consideration for AAC

- Specific comments would be appreciated should the AAC have any concerns with the proposal so that they may be further investigated prior to staff providing recommendation to Council for their consideration;
- 3 approval stages:
 - Should Council authorize the homesite severance application to proceed to the ALC for consideration, and the application is subsequently approved by the ALC, the applicant will then be required to apply for subdivision with the City;
 - Conditions may be applied at any approval stage.

Highlights of the discussion include:

- The real farmable part of the parcel is the front of the property, recommendation would be to put the house on the back of the property on the hillside;
- Ministry of agriculture is recommending in the front northwest of the lot;
- It is a hillside DP area but a single detached dwelling could be built and leave the remaining land for agriculture;
- Home Site Severance can only be provided once? The ALC Act permits 1 homesite severance per parcel; This property was subdivided once before but prior to the ALR;
- Hard time supporting these kinds of severances, the ALR was brought in to prevent these types of things;
- From a farming perspective, it would be easier for a farmer to take over the property as it is with everything there already. New farmers will not have the money to invest in buying a farm and building a house;
- Homesite severance is for people to purchase land before the ALR came into play;
- Believe in this application because it means the family can stay on the property and afford to live out their life there;
- Would have been more helpful, had they provided more context with the previous severance and the other farmed property,
- Hard time going against someone who purchased the property before these rules came into place without letting them have a fair opportunity;

- Subdivision itself doesn't meet bylaw requirements;
- We have to look at the parcel without sentiment;
- Not losing farmable land but you will because you need to build another home on this property;
- From a land use perspective, it might be time to sell the whole package.
- Is there a way to put a covenant on it so that a future house could be built on the hillside? Not at this stage, can recommend that council establish that condition as they authorize it to proceed to the ALC. It can be brought forward to the subdivision application if they are successful at the ALC level;
- Why limit someone to saying where it can be built;
- Recommendation for Council to consider best agricultural lot placement if this is to move forward;
- The AAC supported the Guidas farm home site severance;
- Easily arable land would be lost;
- If you owned the land pre ALR you should have the opportunity to have a fair shot to ask for this;
- This application has a number of other hurdles regardless of whether the ALC approves it;
- Disagree on the premise of the precedence setting;
- The ALC was brought in because this type of situation was happening.

It was moved and seconded

THAT the AAC support the home site severance and request that the home placement covenant be more thoughtfully considered based on the properties farmable land.

CARRIED; Serina Penner opposed

9. CORRESPONDENCE AND INFORMATION ITEMS

9.1 Short Term Rental Regulations

Highlights of the presentation include:

- Draft regulations for Short Term Rentals;
- September 29, 2020 Council directed staff to prepare DRAFT Regulation program for Short Term Rentals;
- Council asked that regulations be based on regionally consistent practices;

- Council asked that the public be engaged prior to bylaw amendments;
- Council identified enhanced and proactive enforcement should be included in the program;

Zoning Bylaw

- Currently prohibits vacation rentals (short term - less than 30 days) in all Zones;
- Agri-tourism Accommodations permitted in A1 - Agriculture Zone;
- Bed and Breakfast permitted in Agriculture (A1), Rural Residential (RU1 - RU5) and Residential (R1 and R1L) Zones;
- Key difference with a Bed and Breakfast is the expectation that the operator/host is on-site during a guest's stay;
- Bed and Breakfast regulations at a glance:
 - Permitted within a Single Detached Dwelling;
 - Not permitted on properties with a Secondary Suite or Carriage House;
 - Up to 4 Guest Rooms (No more than 8 guests);
 - Operator must be the occupant of the Single Detached Dwelling;
 - Multiple bookings are permitted so different parties could book each room;
 - Parking requirements on-site;
 - Business Licence is required;
- Agri-Tourist Accommodation Regulations at a glance:
 - Permitted within a Single Detached Dwelling;
 - All or part of the parcel shall be classified as farm;
 - Occupancy is based on the parcel size;
 - No regulation for who can operate an agri-tourist accommodation;
 - Multiple bookings are permitted;
 - Parking requirements on-site;
 - Business Licence is required;

Regional Practices

- Reviewed regulations that have been adopted or are under consideration in other municipalities;

- Regional Municipalities include: Kelowna, Lake Country and Penticton;
- Other BC Municipalities include: Gibsons, Nelson, Pemberton, Squamish and Tofino;
- Consistent regulation components include:
 - Requiring a business license;
 - Principal residence requirement for operator;
 - Requiring on-site parking;
 - Maximum occupancies (# of bedrooms/# of guests);

Guiding Principles

- Short Term Rentals regulation guided by regional goals, current context in West Kelowna and previous discussions with Council;
- Guiding Principles:
 1. Mitigate Negative Neighbourhood Impacts;
 2. Protect Long Term Rentals;
 3. Recognize Important of Short Terms Rentals for Tourism;
 4. Comprehensive Licensing, Compliance and Enforcement;

Proposed Short Term Rental Regulations

- Proposed to be permitted in Rural Residential (RU1 - RU5) and Residential (R1 and R1L) Zones;
- Not within A1 or ALR, but adjacent to farm land;
- It's proposed that Short Term Rentals:
 - Are only permitted in Single Detached Dwellings;
 - Must be operated by the occupant of the dwelling;
 - Have a maximum occupancy of 6 guests (3 bedrooms);
 - Require off-street parking (1 space per 2 bedrooms);
- Snapshot of Proposed Short Term Rental Regulations:
 - Permitted within a Single Detached Dwelling;
 - Not permitted on properties with a Secondary Suite or Carriage House;
 - Up to 3 Guest Rooms (No more than 6 guests);

- Operator must be the occupant of the Single Detached Dwelling;
- Only 1 booking at a time permitted;
- Parking requirements on-site;
- Business Licence is required;
- Proposing a new definition for this use in our Zoning Bylaw and Business Licensing Bylaw;
- Short Term Rental means the accessory use of a single detached dwelling, or a portion of it, that provides temporary accommodation for paying guests for a period of less than 30 days, but does not include Bed and Breakfast.
- Bed and Breakfast key differences:
 - The expectation that a B&B is hosted by the operator;
 - There may be multiple bookings at a B&B; and
 - B&B's maximum occupancy is 8 guests (up to 4 rooms);

Business Licencing

- Business Licence Required: fee to be determined with goal to offset program costs;
- Required Permissions: Proof of Owner Consent and/or Strata Permission;
- Proof of Principal Residence: Through Homeowner Grant, Drivers Licence, or Government Records;
- Annual Self Evaluation Safety Audit: Initial Licencing Inspection by Fire Department;
- Identified Local Contact: To respond to issues while operator is away;
- Good Neighbour Agreement: Signed by operator to acknowledge expected code of conduct;
- Short Term Rental Operators Must:
 - Operate only within a licenced dwelling;
 - Display their licence number;
 - Display the fire safety plan;
 - Only one booking at a time;

Public & Stakeholder Engagement

- Gather feedback and provide a lens from residents;

- Neighbourhood Associations will be invited to participate;
- Community and Industry stakeholders have been identified;
- All three Council Committees will be engaged for comments;
- Ongoing input from internal departments will be required;
- Council provided a resolution at their November 24 meeting, "THAT Council consider and resolve to direct staff to further engage the community and stakeholders on the proposed Short Term Rental program as outlined in this report".
- Online Questionnaire launched on November 30 to ask:
 - What did we get right? Do the proposed regulations and regionally consistent practices and guiding principles work for our community and what needs a little more editing?;
- Questionnaire is available for community feedback until January 3, 2021;
- Website is: westkelowncity.ca/shorttermrentals;

Next Steps:

- Public & Stakeholder Engagement - November 30, 2020 to January 3, 2021;
- Review of engagement results - January 2021;
- Refinement of proposed regulations - January/February 2021;
- Bylaw Amendments - Starting February 2021;
 - 1st and 2nd Reading;
 - Public Hearing;
 - 3rd Reading;
 - Adoption;
- Not proposed on farmland but adjacent to farmland;
- Encouraged to share with your network or anyone who would be interested or impacted by this.

Highlights of the discussion include:

- Why can't Short Term Rentals be in a house with a secondary suite? The current proposed regulations, the first guiding principle was to mitigate neighbourhood impacts and to do so requires limiting density. Second guiding principle was to protect long term rentals - preserved within the long term rental pool.

- If you have a fruit stand or a winery they would welcome the additional guests close to you, wouldn't be an over negative impact to farm uses, more people may be exposed to tractors which they would probably know before they arrive.
- Would like more time to go through the details of the bylaw.
- Engagement is live until January 3, 2021 and then staff will review the results of the questionnaire.
- Opportunity in the new year to review the refinements.

10. OTHER BUSINESS

10.1 Recruitment

Key date for those wishing to make an application to participate as an AAC member, the deadline is December 11, 2020 at 4:30.

Application form is available on the City of West Kelowna website.

Applications will go to Council for their consideration and selection.

First AAC meeting may be in February 2021 - where we would adopt the schedule and approve the Chair and Vice Chair.

The committee feels that more members would be appreciated. There is value to more voices to form better decisions.

11. ADJOURNMENT OF THE MEETING

The meeting adjourned at 6:15 p.m.

CHAIR

RECORDING SECRETARY