



# REGIONAL DISTRICT OF CENTRAL KOOTENAY

## Board Report

**Date of Report:** December 24, 2018  
**Date & Type of Meeting:** January 17, 2019 Choose Meeting Type Here  
**Author:** Kristin Aasen, Planner  
**Subject:** AGRICULTURAL PLANNING POLICY REVIEW  
**File:** 10\5200\20\AG AGRICULTURAL POLICY REVIEW

### SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to recommend bylaw amendments from the Agricultural Policy Review Project for Electoral Areas A, B and C.

### SECTION 2: BACKGROUND / ANALYSIS

The objectives of the project include aligning the Zoning Bylaws for Electoral Areas A, B and C with:

1. Recent changes to the BC *Agricultural Land Reserve Use, Procedure and Subdivision Regulation*
2. Revised Ministry of Agriculture “Guide for Bylaw Development in Farming Areas” (standards and best practices for developing bylaws in farming areas)
3. Implementation of the RDCK Agricultural Area Plan
4. Using Agricultural Land Use Inventory data to inform decision making.

**The Board last reviewed this project at the meeting of August 16, 2018 and resolved:**

- To proceed with First Reading of amendments to the Electoral Area A, B and C Comprehensive Land Use Bylaws.
- Directed staff to hold the Public Hearing after the November 15, 2018 Board meeting.
- Directed staff to prepare:
  - A policy for considering farmworker housing in the Agricultural Land Reserve.
  - A policy for enabling beekeeping in residential areas.

**A Public Hearing was held on December 5, 2018.**

Please refer to Attachment A for the Public Hearing minutes.

The project has progressed in accordance with the following work plan:

Milestones	Activity	Timeline	Completed?
Phase 1:	• Approval of Project work plan	June - Sept	yes
Scoping	• Research and review of background documents	2017	yes
Phase 2:	• Analysis of options – discussion paper	Oct 17- Jan 18	yes
Analysis and engagement	• Engage internal & external stakeholders	Feb - June	yes
	• Creston Valley Agricultural Commission meeting	2018	yes
Phase 3:	• Media release; social media	June - Sept	yes
Alternatives	• Community survey (online and paper)	2018	yes
	• Develop proposed bylaw and policy amendments	August 2018	yes
Phase 4:	• Board Report and bylaw amendments	Aug 2018	yes
Regulation	• CVAAC and Director engagement	Nov 2018	yes
	• Internal and external referrals	Nov 2018	yes
	• Public hearing	Dec 2018	yes
	• Bylaw adoption	Jan 2018	underway

Staff drafted a discussion paper highlighting key policy areas, which was used as the basis for engaging stakeholders. Through the process, staff engaged the following organizations through in-person and phone interviews, workshops, email and formal bylaw referral (see Attachment B for referral responses):

- Creston Valley Agricultural Advisory Commission
- Fields Forward – a food and agriculture initiative in the Creston region
- Ministry of Agriculture
- Agricultural Land Commission
- Town of Creston Development Services
- Kootenay Boundary Farm Advisors
- Electoral Area A and C Advisory Planning Commission
- First Nations with traditional territories in Electoral Areas A, B and C
- RDCK Bylaw Enforcement, Building Inspection and Sustainability
- Ministry of Transportation and Infrastructure
- Interior Health Authority
- Ministry of Environment
- Impacted Irrigation Districts

Other community members were engaged through the following:

- Community survey – open from July to September 2018 – results appended as Attachment C. The project budget enabled a survey participation incentive to enter into a draw for \$100 gift certificate to a local garden supply store
- Project website, traditional and social media
- Project booth at Creston Valley Fall Fair
- Community Open House hosted prior to the Public Hearing

### SECTION 3: DETAILED ANALYSIS

#### a. Financial Considerations – Cost and Resource Allocations:

<b>Included in Financial Plan:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>Financial Plan Amendment:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<b>Debt Bylaw Required:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>Public/Gov't Approvals req'd:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

The project budget is \$500 for community and stakeholder meetings, workshops, advertising and printing. A \$100 incentive was offered for participation in the community survey. This is in addition to approximately 250 hours of staff time.

#### b. Legislative Considerations (Applicable Policies and/or Bylaws):

The anticipated outcome is Zoning Bylaw amendments for Electoral Areas A, B and C.

#### c. Environmental Considerations:

Amending the 'keeping of farm animal' provisions to enable beekeeping may assist in slowing or reversing the decline of these key pollinators for fruit and forage crops.

#### d. Social Considerations:

Stakeholder and community engagement indicated support for the proposals (see community survey results in Attachment C).

#### e. Economic Considerations:

An objective of the project is to enable additional income generating opportunities for farmers.

**f. Communication Considerations:**

Staff used the RDCK website, social and traditional media to encourage public participation in the community survey. Staff also engaged Creston area staff and provided flyers encouraging survey participation at the RDCK office and Creston Community Complex. A Community Information Session was held prior to the public hearing to enable further education and dialogue.

**g. Staffing/Departmental Work Plan Considerations:**

Staff time will be required for potential bylaw adoption and initiating the implementation phase; including engaging staff and developing beekeeping and farmworker housing policies.

**h. Board Strategic Plan/Priorities Considerations:**

Food security and agriculture was a Board priority; this project was included in the Planning Services Work Plan for 2018.

**SECTION 4: OPTIONS & PROS / CONS**

The policy areas under review are optional changes to follow best practices for farming areas and implementing RDCK agricultural initiatives or requirements to be consistent with the *Agricultural Land Reserve Use, Procedure and Subdivision Regulation* ('the Regulation'). 'Farm uses' under the Regulation may not be prohibited by a local government bylaw; 'permitted uses' under the Regulation may be enabled by local governments.

The community survey is indicating at least 80 percent support for the proposed policy changes. There were over 100 responses – please refer to Attachment C for the results.

1. Required amendments:

**Farm product processing**

The storing, packing, preparing and processing of farm products in the ALR is considered a farm use provided at least 50% of the farm product is produced (i.e. grown or raised) on the farm or feed required for farm production purposes. Regulatory changes enable the 50% threshold to be derived from other farms of a cooperative association to which the owner of the farm belongs.

Board direction:

- Enabled accessory farm product processing in accordance with the ALR Regulation
- Enabled below 50% threshold for products originating from other farms in the RDCK (subject to non-farm use approval by the Agricultural Land Commission). Enabled processing above 50% for farm product from another parcel in the RDCK or a farm operation with farm status. This would require non-farm use approval by the Agricultural Land Commission (ALC), but would save a farmer the second step of applying to rezone the property.
- Deferred to overall site coverage rather than specifying maximum floor area for processing use.
- Removed the DPA for 'Small Scale Food Processing Area' as it adds cost and delays for producers. The DPA may also be considered redundant as the guidelines cite the existing regulatory requirements of other jurisdictions without adding any new guidance.

Implications:

- Expanded processing opportunities and income generation for farmers.
- Compliance with new ALR Regulations.
- If definitions are aligned with the ALR Regulation, the bylaws may remain current through future regulatory changes. The absence of articulating definitions in the bylaw means that staff and the public would need to search ALC documents for bylaw interpretations. Although this may be cumbersome, the ALC has produced policy statements which readily articulate their legislation

and regulation in an easy to understand format and includes more information than may practically be included in a zoning bylaw.

- Permitting processing as a principal use may enable a farmer with multiple holdings to process on one parcel where there is no agricultural production. There is some risk to this approach as separate parcels may be sold separately, rendering a processing facility non-conforming. Processing should be accessory to agriculture to ensure the primacy of agricultural production.
- ALUI data and stakeholder feedback did not reveal that processing is a significant land use in the area. Staff does not anticipate non-conforming implications.

## 2. Farm retail sales

The ALR Regulation enables 'farm retail sales' in the ALR. If all products originate or are produced on the farm on which the sales are taking place, there are no limitations for the retail sales area. If farm or non-farm products offered for sale originate elsewhere, at least 50% of the retail sales area must be used for the sale of farm product produced on that farm or by a co-operative association to which the farmer belongs. If there are non-farm sales occurring, the total retail sales area for all products, both farm and off-farm in origin must not exceed 300 m<sup>2</sup>. The farm may be comprised of one or several parcels of land owned or operated by a farmer as a farm business.

Board direction:

- Enabled accessory farm retail sales as in accordance with the ALR Regulation.
- Deferred to overall site coverage and ALR provisions rather than specifying maximum floor area for retail sales.

Implications:

- Expanded retail and income opportunities for farmers.
- Compliance with ALR regulation.
- Definitions should point to ALR Regulation to ensure that the bylaw remains current through later updates. Bylaw interpretation implications same as for farm product processing.

## 3. Agri-tourism accommodation

Agri-tourism accommodation is a temporary use by tourists in conjunction with agricultural uses and farm activities. Agri-tourism accommodation use must not change the character of the principal farming use and must have no negative impact on agricultural activity on the farm or nearby farms. Agri-tourism accommodation is permitted provided all of the following criteria are met:

- All or part of the parcel is classified as 'farm'. If the assessment changes, the use is no longer permitted.
- Must be 10 or fewer sleeping units including seasonal campsites, seasonal cabins or short term use of bedrooms.
- The total developed area for this use including buildings, landscaping and access (driveways and parking) must be less than 5% of the total parcel area.

Seasonal campsites are undeveloped sites where tents and RVs may be temporarily located and where no individual sewage disposal, water or electrical hook-ups are provided. Communal sanitary and washing facilities may be provided, however no other permanent facilities are permitted (such as administration offices, supply stores or laundry facilities). There may not be any permanent structures or hard surfaces (i.e. pavement or concrete pads). RV parks with full servicing and amenities require an application for non-farm use. Bed and breakfast use (up to 4 bedrooms) does not require farm

status.

Board direction:

- Amended agri-tourism accommodation regulations to align with ALR Regulation.
- Enabled seasonal campsites without requiring any specific siting provisions. Because this use requires farm status, farmers may determine the best siting for such uses.
- Agri-tourism accommodation to be sited within the farm residential footprint.

Implications

- Compliance with ALR regulation.
- Enabling a 'seasonal cabin' use may introduce serious enforcement challenges. Seasonal cabins may be converted to a residential use over time and would no longer be permitted if a property's farm status lapsed.
- Data from ALUI, stakeholder engagement and community survey indicate that there are few agri-tourism accommodation operations. Staff has not identified any operation that this may render non-conforming.
- The community has not requested cabins be permitted as tourist accommodation in the ALR, so this use is not recommended by staff.

#### **4. Accommodation for farm help**

The ALC regulation does not establish limits for farm help accommodation, but all residences must be necessary for farm use. Local government must be provided with evidence that there is a legitimate need for an additional residence for farm help accommodation. The parcel should have 'farm' classification under the *Assessment Act*, as well as the size and type of farm operation and other relevant factors. Automatically permitting a second residence for farm help on a specified size of parcel is not an appropriate determination under the ALC Act.

Implications:

- Staff does not have specific figures for implications on farmers. Unfortunately the ALUI data did not capture housing specifically for farmworkers. Informal Building Department statistics indicate that this type of housing is limited. Feedback from the CVAAC and the community indicates that many farms use 'mobile home for relative' for farmworker housing.
- There have been 3 applications for farmworker housing over the past few years: one was for a rebuild of a residence that was destroyed by fire and a third is currently under construction.

Recommendations:

- Define 'accommodation for farm help' as a dwelling unit that is accessory to a farm business used for the residential accommodation of a farmworker permanently employed full-time in that farm business.
- Include regulations requiring farm classification, minimum lot size and minimum duration of the farm business.
- Develop policy to be endorsed by the Board requiring:
  - Proof of need demonstrated when applying for a building permit – A "Farm Report" should include: Description of farm operation, rationale for farm worker housing, acres in production, crop type, future predictions (leased land included), livestock – type and quantity, other farm activities (i.e. processing, market), labour requirements, number of full time and part-time employees, hours of employment per week, employment record; pay stubs or proof of employment presented upon request.

- Other conditions, such as requiring a financial deposit to ensure removal or decommissioning if the housing ceases to be required for farm purposes.

Optional amendments:

**1. Temporary Farm Worker Housing**

Temporary Farm Worker Housing (TFWH) means accommodation that is used solely for the purpose of providing cooking, sanitary and sleeping facilities to house temporary farm workers as necessary for the agricultural labour needs of a farm operation. The Ministry of Agriculture Bylaw Standards indicate that TFWH should not occur in a new building, but rather an existing building or temporary structure designed to be moved from one place to another and installed on a temporary foundation, such as a manufactured home.

Board direction:

- “Temporary Farm Worker Housing” use enabled subject to a camping operation in tents or recreation vehicles only that is used solely for the purpose of providing accommodation to temporarily house farm workers for the agricultural labour needs of a farm and includes washing and bathing facilities.
- Included in the farm residential footprint.

Implications:

- This type of housing may only be required in Electoral Area B, where there is a demonstrated short term labour demand for tree fruit harvesting.

**2. Accommodation above an existing dwelling on a farm**

This housing option was enabled by recent changes to the ALR Regulation, and may be enabled by local government. Currently one single family dwelling and secondary suite are allowed on an ALR parcel. A manufactured home (up to a maximum width of 9 metres/ ‘double-wide’) is also permitted to be occupied by the property owner’s immediate family only. If a property has farm status, a farmer (landowner of a parcel with farm tax status) may now instead choose to construct a ‘accommodation’ that is less than 90m<sup>2</sup> and a single level constructed above ‘an existing building on a farm.’ There is no restriction on who can occupy the additional dwelling (i.e. family, renter, farm workers), but the ‘existing building’ must have been constructed or under construction by June 15, 2015.

Board direction:

- Enabled this use in all agricultural zones.

Implications:

- Enabling this option would provide flexibility for farmers to choose an alternate housing type without any restrictions on occupancy.
- There is some risk that the farm status may lapse. Staff considers this risk low to impacting farmland, as a new ‘carriage house’ or ‘garage suite’ would not be grounds for further subdivision.
- This housing option may have a reduced impact on farmland than a manufactured home, as it would be restricted to an existing building footprint.

**3. Minimum lot size for commodity**

Minimum lot size for a specific commodity should not be required in the ALR. Concerns regarding specific commodities can be addressed by meeting other criteria such as adequate setbacks, lot coverage, and adherence to normal farm practices and environmental standards established through

legislation (Environmental Management Act, Integrated Pest Management Act, and Public Health Act). In that way, a wider range of options for agricultural activities is possible.

Board direction:

- Removed minimum lot size for MMPF.
- Updated keeping of farm animals to those enacted in the Area G Land Use Bylaw.
- Included beekeeping in the definition of 'farm animals.'
- Directed Staff to develop a Board policy to establish requirements for beekeeping in residential areas.

Implications:

- Compliance with ALR Act and best practices.
- Expanded animal rearing opportunities for farmers.
- Expanded animal rearing opportunities for homesteaders and hobby farms. May include further provisions to ensure basic animal welfare and reduce nuisance impacts for neighbours.
- Enabling beekeeping may encourage an expansion of these key pollinators. Bees play a pivotal role in the production of most fruit and forage crops, and are currently in decline at a local and global scale.

#### **4. Siting and size of residential development**

The siting of residential uses on agricultural land can negatively affect long-term agricultural potential. Residential uses can alienate arable land and can restrict the placement of future farm buildings and confined livestock areas, as well as render cropping and manoeuvring farm equipment more difficult and inefficient. Homes sited deep into a lot not only can affect the long-term agricultural potential of the property and of neighbouring properties, but also require lengthy driveways, consuming even more agricultural land.

The Board should note that in late 2018, the Provincial Government advanced regulations to introduce a maximum residential dwelling floor area of 500 square meters. This regulation would be in addition to an overall farm residential footprint.

Board direction:

- Established a farm residential footprint of 2000 m<sup>2</sup> for a dwelling unit plus 1000m<sup>2</sup> for additional permitted dwelling units.
- Smaller lots to be subject to overall site coverage.

Implications:

- Minimizing the impact of residential development on farm practices and productivity in farming areas.
- Directing the largest residential uses in a community to non-farming areas.
- Minimizing loss and/or fragmentation of farmland due to residential uses.
- Minimizing the impact of residential uses on increasing costs of farmland.

#### **5. Subdivision in the ALR**

The Agricultural Land Use Inventory (ALUI) demonstrated that farming areas are heavily parcelized and have an oversupply of small lots which are underutilized for farming. The smaller the lot, the less likely it will be farmed and instead used for residential purposes. The residential impacts on farming

are generally greater with smaller parcels due to the increased lot coverage and reduced separation distances between farms and neighbouring residences. A large number of small lots results in a significant number of non-farm residents in farm areas. These residents may have little or no interest in farming and can actively impede farm development and operations by complaining about typical farm odour, noise and dust. In BC, farmers make up only 1.5% of the population and as a result farmers are a minority - even in the ALR they may be outnumbered by as much as five to one.

Board direction:

- Removed reduction of minimum lot area where there are two or more dwellings for parcels with agricultural zoning.
- Removed additional reduction in minimum lot area regulation specifically for agricultural zones.
- Increased the minimum lot size for each zone for parcels outside the ALR to reduce potential conflicts with adjacent agricultural operations as follows:

Zone	ALR minimum lot size (ha)	Min lot size outside the ALR (ha)	Recommended lot size
AG1	4	2	4
AG2	8	2	4
AG3	60	2	8
AG (Area A)	3	2	3

Implications:

- Minimum lot sizes for the purposes of subdivision should be the same in each zone, whether a parcel is in the ALR or not. A smaller lot size encourages landowners to apply to have their land removed from the ALR.
- Zoning Bylaws allow a reduction in minimum lot size where a property has two residences which pre-date the bylaw. This encourages fragmentation of the ALR and erodes the potential for farmers to use additional housing as rental income or for farm help.
- Zoning Bylaws currently enable an additional reduction in minimum lot sizes specifically for Agricultural zones. This exemption has no benefit to agriculture

## 6. Zoning for local/ regional food markets/ production

The Agricultural Area Plan recommended expanding local market opportunities for regional food, increased access to local food and heightened awareness of regional food.

Board direction:

- Enabled horticulture, cold storage and farmers markets in commercial and tourist zones. Staff have not recommended food processing be permitted in commercial zones as there are no form and character Development Permit Areas for Commercial development in Electoral Areas A, B and C.

Implications:

- Expanded processing, production and marketing opportunities on non arable lands.

## 7. “Housekeeping” amendments (for clarity)

Board direction:

- Reworded setback from ALR boundary for clarity:

*Buildings and structures shall be setback a minimum of ten (10) metres from lot lines adjacent to the Agricultural Land Reserve boundary.*

- Examined setback requirements from ALR boundary for clarity.  
*On all lots adjacent to land zoned 'agricultural', a minimum of a ten (10) metre setback shall be required from any portion of the Agricultural Land Reserve boundary.*

**Recommendation:**

First reading of the proposed amendments occurred in August of 2018, in anticipation of further revisions to the proposals following the Public Hearing. As such, minor amendments can be made to the Comprehensive Land use Bylaw Amendments at Second Reading.

**Option One**

In accordance with the referral comments and input received at the Public Hearing, Staff recommend the Board proceed with the following revisions to the bylaws, and proceed with adoption (please refer to Attachment D, E and F for the Bylaw Amendments):

- According to the recommendations of the Creston Valley Agricultural Advisory Commission, a definition of temporary was included to clarify maximum time duration for tourist accommodation and temporary farmworker housing.
- Increase setback from the ALR boundary from 10 meters to 15 meters, in accordance with the recommendation of the Ministry of Agriculture Agriologist. This is less than the recommended 30 metre setback from the ALR boundary for residential uses and 15 metre setback from the ALR boundary for non-residential uses (such as industrial, commercial or passive recreation), as the broader community was not consulted on this comment received in late November.
- Reduce farm residential footprint for a second dwelling from 1000 square meters to 500 square meters, except for Electoral Area C AG3, which typically is allocated to very large lots.
- Amend the definition of 'Agri-tourism' to align with the definition under the ALR Regulation. This type of use is very specific to a list of activities, including corn-mazes and harvest festivals.

**Option Two**

THAT no further action be taken with respect to Electoral Area A Comprehensive Land Use Bylaw Amendment Bylaw No. 2636, 2018, Electoral Area B Comprehensive Land Use Bylaw Amendment Bylaw No. 2637, 2018 or Electoral Area C Comprehensive Land Use Bylaw Amendment Bylaw No. 2638, 2018.

**SECTION 5: RECOMMENDATIONS**

1. That the Electoral Area A Comprehensive Land Use Bylaw Amendment Bylaw No. 2636, 2018, being a bylaw to amend Electoral Area A Comprehensive Land Use Bylaw No. 2315, 2013 be read a SECOND and THIRD time by content.
2. That the Electoral Area A Comprehensive Land Use Bylaw Amendment Bylaw No. 2636, 2018, being a bylaw to amend Electoral Area A Comprehensive Land Use Bylaw No. 2315, 2013 be ADOPTED and the Chair and Corporate Officer be authorized to sign the same.

3. That the Electoral Area B Comprehensive Land Use Bylaw Amendment Bylaw No. 2637, 2018, being a bylaw to amend Electoral Area B Comprehensive Land Use Bylaw No. 2316, 2013 be read a SECOND and THIRD time by content.
4. That the Electoral Area B Comprehensive Land Use Bylaw Amendment Bylaw No. 2637, 2018, being a bylaw to amend Electoral Area B Comprehensive Land Use Bylaw No. 2316, 2013 be ADOPTED and the Chair and Corporate Officer be authorized to sign the same.
5. That the Electoral Area C Comprehensive Land Use Bylaw Amendment Bylaw No. 2638, 2018, being a bylaw to amend Electoral Area C Comprehensive Land Use Bylaw No. 2317, 2013 be read a SECOND and THIRD time by content.
6. That the Electoral Area C Comprehensive Land Use Bylaw Amendment Bylaw No. 2638, 2018, being a bylaw to amend Electoral Area C Comprehensive Land Use Bylaw No. 2317, 2013 be ADOPTED and the Chair and Corporate Officer be authorized to sign the same.

Respectfully submitted,

Signature: *Kristin Aasen*  
Name: Kristin Aasen, Planner

**CONCURRENCE**

**Initials:**

Planning Manager  
General Manager of Development Services  
Chief Administrative Officer

- Attachment A** – Public Hearing minutes
- Attachment B** – Referral responses
- Attachment C** – Community survey results (last 2 questions open ended/ administrative)
- Attachment D** – Electoral Area ‘A’ Amendment Bylaw No. 2636
- Attachment E** – Electoral Area ‘B’ Amendment Bylaw No. 2637
- Attachment F** – Electoral Area ‘C’ Amendment Bylaw No. 2638