



District of Summerland
Agricultural Advisory Committee
Meeting Agenda

Thursday July 21st, 2016 at 9:00 a.m.
Council Chambers
Municipal Hall - 13211 Henry Avenue, Summerland, BC

1. Call to Order

2. Adoption of Minutes

2.1. Adoption of Minutes

Recommendation:

THAT the Agricultural Advisory Committee meeting minutes dated May 26th 2016 be adopted

3. New Business

3.1 Child Care Centres as Home Occupations on Agricultural Land

4. Next Meeting Date

5. Adjourn



DISTRICT OF SUMMERLAND

MINUTES OF THE Agricultural Advisory Committee
HELD AT DISTRICT OF SUMMERLAND
COUNCIL CHAMBERS
13211 HENRY AVENUE, SUMMERLAND, BC
ON Thursday, May 26, 2016

MEMBERS PRESENT: Denise MacDonald, Julie Sardinha, Gary Strachan, Cher Watkins, Frank Kappel, Erin Carlson

Absent: Nil

Staff Present: Ian McIntosh, Director of Development Services
Alex Kondor, Development Planner
Alison Peatt, Environmental Planner
Jeremy Denegar, Director of Corporate Services

1. **CALL THE MEETING TO ORDER:**

The meeting was called to order at 9:02 a.m.

2. **ADOPTION OF MINUTES**

Moved and Seconded,

THAT the Agricultural Advisory Committee meeting minutes dated April 29, 2016 be adopted.
Carried.

3. **BUSINESS**

New irrigation water rates

- Staff presented the new irrigation rates to the group
- Explained that the Agricultural Rate Bylaw was adopted May 11, 2016
- Tiered charges once a 800mm threshold is reached
- Asked for the AAC's assistance in getting the word out to the agricultural community
- The committee asked about categories
- Questioned the rate increase for greenhouses
- Staff indicated there is no more irrigation role due to the tiered rate system.
- AAC identified issues with owners getting the bills, but the lease holder not being relayed the new billing information. Is there a way that the lessor can get the information electronically?
- Discussion around the different soil types affecting water use
- Is there a possibility to send out mock bills showing the \$ amounts
- AAC asked if there is an upper limit for billing acreage
- AAC questioned whether this is revenue neutral?
- AAC asked if new rates supported by Water Committee
- Discussion around if water is being wasted then users should get a big bill.
- The committee questioned what will happen to small properties with no meter.

Prairie Valley Land Use

- Staff presented the issues
- Potential residential area next to Deer Ridge
- Crown Land is subject to First Nations issues
- Discussion around adding property to the ALR with environmental conditions
- Could it be zoned for Agricultural but with Development Permit sensitivity? Possibly
- Could the property be sold if made available for agricultural. Should benefit all not just a few
- Some committee members do not believe agriculture is the highest and best use in this case.
 - Maybe a recreational use would be better
 - Maybe recreational use beyond McLennan Road
- Can crown land be purchased?
- Maybe agricultural with Development parameters
 - Maybe demonstration agricultural operation
- Cost prohibitive as small parcels
- Farming is not the best use for red & orange access
 - Should be protected
 - Doesn't support expansion of housing and Deer Ridge housing
- Is there any potential for a solar farm?
- Would preservation zoning prohibit solar farming? Likely
- Too much parkland. Is that what all parties want to do now?

Recommendation:

Moved THAT

Withdrawn with agreement of seconder

ADJOURN

The meeting adjourned at 10:15 a.m.

Certified Correct:

Chair

Corporate Officer



THE CORPORATION OF THE
DISTRICT OF SUMMERLAND
AAC REPORT

DATE: July 18th 2016
TO: Agricultural Advisory Committee
FROM: Ian McIntosh, Director of Development Services
SUBJECT: Child Care Centres as Home Occupations on Agricultural Land

PURPOSE:

To get the Agricultural Advisory Committee's (AAC) recommendation on a zoning bylaw amendment to allow child care centre, minor to operate on agriculturally zoned land.

BACKGROUND and DISCUSSION:

Zoning Bylaw

Currently, the District's Zoning Bylaw allows for 'Child Care Centre, Minor' in almost all residential zones as an accessory use but does not include this use in the agricultural zones. 'Child Care Centre, minor' is defined as:

The Use of a Dwelling unit for the care of not more than eight (8) children, according to the Child Care Licensing Regulation under the Community Care and Assisted Living Act.

The Zoning Bylaw also has several specific regulations for 'child care centre, minor' including:

- (a) the centre has successfully completed a fire and safety inspection relative to the requirements of the BC Building Code;*
- (b) the centre meets the regulations of the Ministry of Health for on-site waste water disposal in cases where connection to the community's sanitary sewer is not possible;*
- (c) the centre is licensed in accordance with the District's Business License Bylaw as well as with the applicable provincial ministry;*
and
- (d) the centre can provide an on-site drop off area which would avoid the Use of the Abutting Highway right-of-way for picking up and dropping off children.*

The Zoning Bylaw does allow for Home Occupations on Agricultural Land as defined below which specifically excludes Child Care Centres:

An occupation, Business, or professional practice conducted for remuneration and contained entirely within a Dwelling or its Accessory Buildings which is clearly subordinate to the Principal Use

*as a Dwelling and where the proprietor is also a resident of the Dwelling where the Home Occupation occurs. This does **not include** Uses such as Automotive & Equipment Repair Shops, Autobody Repair Shops, Eating & Drinking Establishments, Commercial Kennels, Veterinary Clinics, Animal Shelters, Group Homes, **Child Care Centres** or Health Services.*

Specific Use regulations for Home Occupations are found in Section 7.6 of the Zoning Bylaw and are attached to this report as Schedule “A”.

Agricultural Land Commission (ALC)

The ALC allows for 'home occupations' on ALR land. In January of 2016 a policy was issued by the ALC clarifying home occupation use in the ALR this document is attached to this report as Schedule “B”. As stated in the attached document home occupations are allowed as non-farm uses unless prohibited by a local government. For the purposes of the ALC a home occupation does not include day care facilities where more than 8 persons are served at one-time. As noted above 'Child Care Centre, Minor' is the use of a dwelling unit for the care of not more than eight (8) children therefore this is allowed as a non-farm use home occupation in the context of the ALC Act.

Other Considerations

The reason that both the ALC and Zoning Bylaw limit home occupations and child care centre, minors to 8 or less children is due to the licencing requirements of the 'Child Care Licencing Regulations' which imposes an employee to child ratio of 1 to 8 children.

The District has one child care centre, minor currently operating without incident on Agricultural Land (Rent-a-Mom) which was permitted prior to the 1999 and 2011 Zoning Bylaws. District staff have a request from a property owner to operate a Child Care Centre, Minor (daycare) under on an agricultural property. To accommodate this staff are proposing to add 'Child Care Centre, Minor' as an accessory use in the Agricultural Zones (A1 and A2).

The Agricultural Plan is silent on the issue of home occupations in the ALR. The current buffering requirements are limited to the interface between agricultural lands and urban lands. There is no intent to buffer accessory uses within agricultural areas.

CONCLUSION:

The issue under consideration is whether the 'child care centre, minor' (daycare) use should be allowed on land that is zoned Agricultural and located in the ALR. In the context of the ALC the use of a dwelling for the care of 8 or less children is permitted and is considered to be a home occupation. In the context the District's Zoning Bylaw 'Child Care Centre, Minors' are considered to be a specific accessory use that has its own set of specific regulations.

Staff are proposing a 'house-keeping' amendment which would allow child care centre, minors as defined by the Zoning Bylaw to operate on agricultural land

subject to the specific use regulations stated in the Zoning Bylaw for 'Child, Care Centre, Minors'.

OPTIONS:

The options for the AAC include:

1. Suggest child care centre's (minor) should be allowed in the A1 and A2 zone.
2. Recommend that child care centre's (minor) are not allowed in the A1 and A1 zone.
3. Refer the item back to staff for further consideration.
4. Suggest other options.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'I. McIntosh', written over a horizontal line.

Ian McIntosh
Director of Development Services

Schedule A – Home Occupation Regulations

7.6 Home Occupations

7.6.1 *Home Occupations* within the *District* shall be divided into the following categories:

- (a) *Home Occupation* - Type 1;
- (b) *Home Occupation* - Type 2; and
- (c) *Home Occupation* - Type 3.

7.6.2 All *Home Occupation* categories, where permitted in this Bylaw as an *Accessory Use*, shall comply with the following regulations:

- (a) the *Home Occupation* shall not change the principal character or external appearance of the *Dwelling* or its *Accessory Buildings* (where permitted);
- (b) the *Home Occupation* shall have no external indication that the *Dwelling* or its *Accessory Buildings* (where permitted) are used for a purpose other than its *Principal Use*, except for signage which is regulated under the *District's* Signage Bylaw 2000-451;
- (c) the *Home Occupation* shall have no external storage or display of materials, equipment, or finished products;
- (d) the *Home Occupation* shall not create, at anytime, a nuisance from noise, vibration, smoke, dust, odour, heat, glare, electrical or radio disturbance;
- (e) the *Home Occupation* shall not generate vehicle traffic or parking needs in excess of that permitted for and customary to the *Principal Use* of the property;
- (f) all parking for the *Home Occupation* must be provided within the site on which the *Home Occupation* is located; and
- (g) all *Home Occupations* must be licensed in accordance with the *District's* Business Licensing Bylaw.

7.6.3 *Home Occupation* - Type 1

- (a) In addition to the regulations outlined in Section 7.6.2 of this Bylaw, *Home Occupations* -Type 1 must comply with the following:
 - (i) the *Home Occupation* - Type 1 shall be conducted within the interior of the *Dwelling* and be confined to the *Use* of a phone and the keeping of records. The *Use* of *Accessory Buildings* for any portion of the *Business* is prohibited;
 - (ii) only residents of the *Dwelling* shall be engaged in the *Home Occupation* - Type 1;
 - (iii) the *Home Occupation* - Type 1 shall not generate any clients to the *Dwelling*;
 - (iv) the *Home Occupation* - Type 1 is restricted to no more than 25 percent of the floor area of the *Dwelling* up to a maximum area of 20.0m²;
 - (v) the *Home Occupation* - Type 1 shall not include any goods displayed, stored or sold from the *Dwelling*;
 - (vi) the *Home Occupation* - Type 1 shall not include a commercial vehicle larger than 5,600 kg gross vehicle weight parked on or about the site where the *Business* is licensed to operate; and
 - (vii) the signage for *Home Occupation* – Type 1 shall be in conformance with the District of Summerland Signage Bylaw 2000-451.


7.6.4 *Home Occupation* - Type 2

- (a) In addition to the regulations outlined in [Section 7.6.2](#) of this Bylaw, *Home Occupations* - Type 2 must comply with the following:

- (i) the *Home Occupation* - Type 2 shall be conducted within the interior of the *Dwelling* and/or one *Accessory Building*;
- (ii) only one person other than residents of the *Dwelling* shall be engaged in the *Home Occupation* - Type 2;
- (iii) the *Home Occupation* - Type 2 is restricted to no more than 25 percent of the floor area of the *Dwelling* or *Accessory Building* up to a maximum combined area of 50.0m²;
- (iv) a *Home Occupation* - Type 2 shall not include any retail sales from the property other than those goods constituting the finished product of the *Business*. Meat cutting and wrapping operations shall be restricted to properties having a minimum *Lot Area* of 0.40 hectares;
- (v) a *Home Occupation* - Type 2 shall not include a commercial vehicle larger than 5,600 kg gross vehicle weight parked on or about the site where the *Business* is licensed to operate;
- (vi) the *Home Occupation* - Type 2 shall not generate more than two clients at any given time to the site where the *Business* is licensed to operate; and
- (vii) the signage for *Home Occupation* - Type 2 shall be in conformance with the District of Summerland Signage Bylaw 2000-451.

7.6.5 Home Occupation - Type 3

- (a) In addition to the regulations outlined in [Section 7.6.2](#) of this Bylaw, *Home Occupations* - type 3 must comply with the following:
 - (i) the *Home Occupation* - Type 3 shall be conducted within the interior of the *Dwelling* and/or one *Accessory Building* on a *Lot* having a minimum *Lot* size of 0.8 ha;
 - (ii) no more than two persons other than the residents of the principal *Dwelling* shall be engaged in the *Home Occupation* - Type 3;
 - (iii) the *Home Occupation* - Type 3 is restricted to a maximum floor area of the *Dwelling* and/or the *Accessory Building* of 100m²;
 - (iv) a *Home Occupation* - Type 3 shall not include any retail sales from the property other than those goods constituting the finished product of the *Business*;
 - (v) the *Home Occupation* - Type 3 shall not affect the *Use* of the land for agricultural purposes for properties located in the *Agricultural Land Reserve*; and
 - (vi) the signage for *Home Occupation* – Type 3 shall be in accordance with the District of Summerland Signage Bylaw 2000-451.

 <p data-bbox="289 390 483 443">Agricultural Land Commission Act</p>	<p data-bbox="1019 262 1170 327" style="text-align: right;">Policy #7 January 2016</p> <p data-bbox="558 340 1133 399" style="text-align: center;">ACTIVITIES DESIGNATED AS A PERMITTED NON-FARM USE: HOME OCCUPATION USE IN THE ALR</p>
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This policy is intended to assist in the interpretation of the [Agricultural Land Commission Act](#), 2002, including amendments as of September 2014, (the "ALCA") and BC Regulation 171/2002 ([Agricultural Land Reserve Use, Subdivision and Procedure Regulation](#)), including amendments as of June 2015, (the "Regulation"). In case of ambiguity or inconsistency, the ALCA and Regulation will govern.

REFERENCE:

Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Reg. 171/2002), Section 3(1)(c).

- 3(1) *The following non-farm uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by a law of the applicable treaty first nation government:*
- (c) *a home occupation use, that is accessory to a dwelling, of not more than 100 m² or such other area as specified in a local government bylaw for the area in which the parcel is located.*

INTERPRETATION:

The Regulation allows as a non-farm use a home occupation use on a legal parcel in the Agricultural Land Reserve ("ALR"), up to a maximum area of 100 m². Alternatively the Regulation provides for this use with the maximum floor area for the use established by a local government bylaw for the area in which the parcel is located. In other words, the local government bylaw requirement for the maximum floor area for home occupation use applies, where a bylaw is in place for land in the area in which the parcel is located. Local government bylaws may also regulate hours of operation, number of employees, parking etc.

The home occupation use must be accessory to the residential or farm use of the property. The local government bylaw may determine whether the use is confined to a dwelling, accessory building or both, or whether limited outside areas may be used. Additional local requirements that are in force may also need to be met.

For home occupation use in the ALR, there is no requirement that the parcel has farm classification under the [Assessment Act](#).

Home occupation use may be more specifically defined and regulated in a local government bylaw. For Agricultural Land Commission ("the Commission") purposes a home occupation use does not include the following facilities, where more than 8 persons or clients are served or accommodated at one time:

- ❖ Day care facilities
- ❖ Preschool or other educational facilities
- ❖ Group homes

- ❖ Health and community care facilities

Home occupation use does not include a restaurant or other food or beverage service facility of any size.

TERMS:

home occupation means a use that is accessory to a residential use of a property where a resident carries on a profession or occupation that is clearly incidental to the primary use of the land and, for ALC purposes, is entirely contained within a dwelling or a building accessory to a dwelling except for such businesses that require a small area of outside space from time to time.

Unless defined in this policy, terms used herein will have the meanings given to them in the ALCA or the Regulation.