# Agricultural Advisory Committee AGENDA



Thursday, October 14, 2021 6:00 pm Council Chamber City Hall, 1435 Water Street

**Pages** 

#### 1. Call to Order

#### THE CHAIR WILL CALL THE MEETING TO ORDER:

- (a) The purpose of this Meeting is to consider certain Development Applications as noted on this meeting Agenda.
- (b) The Reports to Committee concerning the subject development applications are available on the City's website at <a href="https://www.kelowna.ca">www.kelowna.ca</a>.
- (c) All representations to the Agricultural Advisory Committee form part of the public record.
- (d) As an Advisory Committee of Council, the Agricultural Advisory Comittee will make a recommendation of support or non-support for each application as part of the public process. City Council will consider the application at a future date and, depending on the nature of the file, will make a decision or a recommendation to the Agricultural Land Commission.
- (e) In accordance with the Order of the Provincial Health Officer on Gatherings and Events, the City is required to collect the first and last name and telephone number or email address of everyone attending a Council meeting, public hearing, or Council Committee meeting. this information will be kept by the City for 30 days in case there is a need for contact tracing on the part of the medical health officer. If the information is not required for that purpose it will be destroyed after 30 days.

We appreciate your cooperation in meeting this requirement.

2. Minutes 3-5

Approve Minutes of the Meeting of September 9, 2021.

3. Applications for Consideration

#### 3.1. Pooley Road 3700, A21-0012 - Jealous Fruits Ltd. Inc. No. 1282068

To consider a non-adhering residential use permit to allow temporary farm help housing to accommodate 48 seasonal farm workers on the subject property.

- 4. ALC Decisions Update
- 5. New Business
- 6. Next Meeting

November 18, 2021

7. Termination of Meeting



# Agricultural Advisory Committee Minutes

Date:

Thursday, September 9, 2021

Time:

6:00 pm

Location:

Council Chamber

City Hall, 1435 Water Street

Members Present

Members Absent

Domenic Rampone, Derek Brown (Alternate)

Members Attending

Virtually

John Janmaat (Chair), Yvonne Herbison (Vice Chair), Aura Rose

Avi Gill, Keith Duhaime, Pete Spencer (Alternate), Jill Worboys

Staff Present

Wesley Miles, Planner Specialist; Tyler Caswell, Planner I; Clint McKenzie,

Legislative Coordinator (Confidential)

#### Call to Order

The Chair called the meeting to order at 6:02 p.m.

Opening remarks by the Chair regarding conduct of the meeting were read.

#### 2. Minutes

Moved By Yvonne Herbison /Seconded By Derek Brown

THAT the Minutes of the August 12, 2021 Agricultural Advisory Committee meeting be adopted.

Carried

#### 3. Applications for Consideration

#### 3.1 Valley Rd 355-357, A21-0004, Dilbag Singh Brar & Sarabjeet Kaur Brar

Staff displayed a PowerPoint presentation summarizing the application responded to questions from the Committee.

#### Carl Withler, Applicant's Agent:

- -Confirmed the owners currently farm in the Keremeos area and are working towards Kelowna being their home base in the future
- -Owner's confirm they would agree to a restrictive covenant limiting rentals to farm workers.
- -Responded to questions from the Committee.

Confirmed a perimeter fence has been established and peaches and grapes are being planted.

#### Staff:

- -Responded to guestions from Council.
- -Confirmed the secondary house falls under current ALC policies. New ALC policy does not take effect until December 31, 2021.

Staff confirmed restrictive covenants go with the land in perpetuity and cannot be approved for a certain period of time.

- Committee requests that Council consider a restrictive covenant on the property to

Applicant's response

- Confirmed temporary farm worker housing instead of market housing to be continued to be used primary residence.

#### Moved By Domenic/Seconded By Yvonne Herbison

THAT the Committee recommends that Council approve a non-adhering residential use permit for the conversion of an existing accessory building into a living space for the owners, farm manager and temporary farm workers.

<u>Carried</u> Opposed – Aura Rose

#### **Anedotal Comments**

- Recommend to Council that a restrictive covenant be required to limit rental housing on the subject property to farm workers.
- The Committee has concerns regarding the primary residence remaining a rental property and would like to see a timeline of three years maximum to review the proposed plan for the owners to move into the primary residence.

#### 4. ALC Decisions – Update

- -There were no ALC updates.
- The ALC has notified City staff that they are conducting site visits on current applications but have no formal decisions at this time.

#### 5. New Business

Domenic Rampone:

-Requested the appointment of a nonvoting member on the committee from the Ministry of Agriculture.

#### Moved By Domenic Rampone/Seconded By Aura Rose

THAT the Committee recommends to Council the appointment of a nonvoting member to the Agriculture Advisory Committee from the Ministry of Agriculture.

Carried

#### Staff:

-Provided an update on membership and presented Keith Duhaime's resignation letter.

#### Moved By Aura/Seconded By Yvonne

THAT alternate member Derek Brown be recommended to Council as a full time member.

**Carried** 

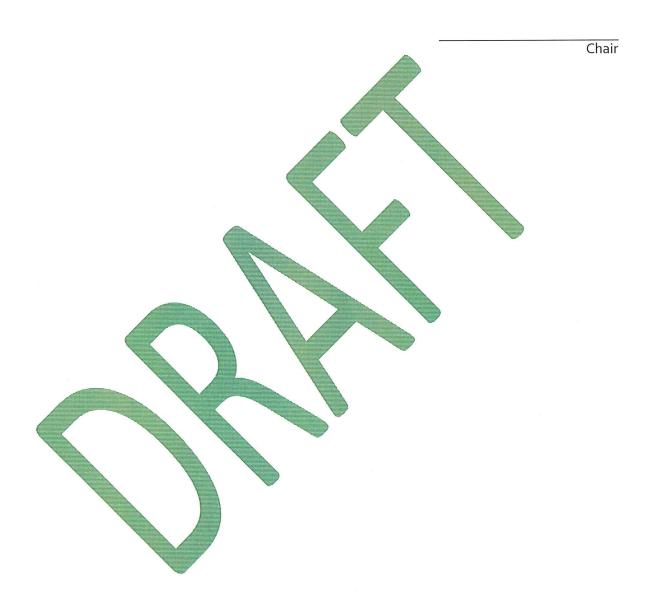
- -Advised the Committee on the changes to the ALC Act which come into effect December 31, 2021.
- -Staff will be reviewing the changes and how they will be implemented this fall.
- -Responded to questions from the Committee.
- -Information will be sent out to the Committee on minimum required size of agriculturally zoned properties that allow for a secondary residence.

#### 6. Next Meeting

The next Committee meeting has been scheduled for October 14, 2021.

#### 7. Termination of Meeting

The Chair declared the meeting terminated at 6:50 p.m.



#### **COMMITTEE REPORT**



Date: October 14<sup>th</sup>, 2021

**RIM No.** 1210-21

**To:** Agricultural Advisory Committee (AAC)

From: Development Planning Department

Application: A21-0012 Owner: Jealous Fruits Ltd., Inc. No.

1282068

Address: 3700 Pooley Road Applicant: Kent-Macpherson

Subject: Application to the ALC for a Non-Adhering Residential Use Permit for Temporary Farm

Worker Housing

**Existing OCP Designation:** REP – Resource Protection Area

Existing Zone: A1 – Agriculture 1

Agricultural Land Reserve: Yes

#### 1.0 Purpose

To consider a non-adhering residential use permit to allow temporary farm help housing to accommodate 48 seasonal farm workers on the subject property.

#### 2.0 Proposal

#### 2.1 Background

The subject property is 47.17 acres (19.9ha) in size and is located on the corner of Pooley Road and Bemrose Road within the Southeast Kelowna OCP Sector. The property has been cleared and planted for over 50 years with 12.2ha of the property being a cherry orchard. There was a history packing plant located on site. The owners currently have 12 workers on the adjacent property to the North (3710 Pooley Road), which would push them to the maximum 60 workers allowed within the SE Kelowna OCP Sector.

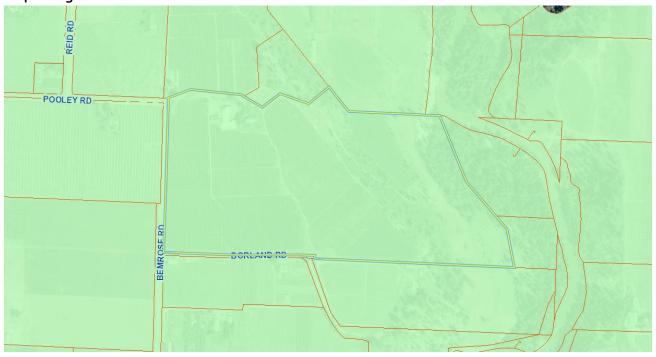
#### 2.2 Project Description

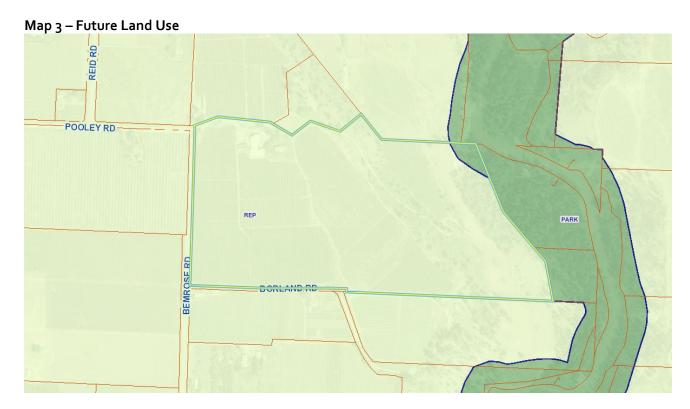
The applicant is seeking approvals to allow for two drill camp style dormitories (of 6 trailers each) to accommodate 48 seasonal farm workers. The workers will prune, spray, and harvest the subject property, as well as work on other properties in the Okanagan that are owned by Jealous Fruits. The farm workers will be located near the road and the footprint is anticipated to be 0.25ha of land. The two dorms are 19m x 22m and will be a combined footprint of 836m². The proposed housing will be placed on steel skids to reduce the impact on farmable land.

Map 1 - Neighbourhood



Map 2 — Agricultural Land Reserve





#### 2.3 Neighbourhood Context

The subject property lies within the Southeast Kelowna OCP Sector. The surrounding area is entirely agricultural lands, within the Agricultural Land Reserve. The area to the West is a park along Mission Creek.

Zoning and land uses adjacent to the property are as follows:

Table 1: Zoning and Land Use of Adjacent Property

Direction	Zoning	ALR	Land Use
North	A1 – Agriculture 1	Yes	Agriculture
South	A1 – Agriculture 1	Yes	Agriculture
East	A1 – Agriculture 1	Yes	Mission Creek Park
West	A1 – Agriculture 1	Yes	Agriculture

#### 3.0 Development Planning

The proposed temporary farm worker accommodation meets the regulations of the Zoning Bylaw. The proposal is also consistent with the Ministry of Agriculture standards for temporary farm worker accommodation.

The City of Kelowna Official Community Plan (OCP) policy on Farm Help Housing states accommodation for farm help on the same agricultural parcel will be considered only where:

• Agriculture is the principal use on the parcel;

- The applicant demonstrates that the additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall operation of the farm. The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary; and,
- TFWH (e.g., bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.

The Farm Protection Development Permit Guidelines state to design TFWH such that:

- TFWH should use all existing dwellings within the farm unit, prior to building new temporary farm worker housing, unless the existing dwellings are used for a use consistent with the Agriculture Land Commission Act. Alternatively, the existing dwellings on the farm unit must be removed, decommissioned to an approved use, or demolished including decommissioning the existing septic system, prior to the authorization of a new temporary farm worker housing structure.
- TFWH footprint should be contiguous with the residential footprint (i.e., Homeplate) and / or within 50 metres of the road and/or located to maximize agricultural potential and limit negative impacts on the farm parcel.
- TFWH should have a minimum 3.0-metre-wide vegetated buffer for screening to adjacent property lines and between the TFWH and active farming areas.

The City of Kelowna Agriculture Plan recommends to:

• Allow TFWH, as permitted by City of Kelowna Bylaw. TFWH, as permitted by the City of Kelowna, should be allowed. The 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.

In keeping with the Ministry of Agriculture's Guide to Bylaw Development in Farming Areas and the City's policy for Temporary Farm Worker Housing, Community Planning Staff recommend the registration of Section 219 Restrictive Covenants which state:

- The TFWH shall be used for temporary farm workers only;
- The owner will remove the TFWH if the farm operation changes such that it is no longer required;
- The dwellings will only be used for farm workers for a maximum of eight (8) months of the year;
- The maximum number of accommodations permitted on this farm unit within this City sector is 60 workers; and,
- The TFWH building footprint is a maximum of 0.3ha.

**Report prepared by:** Tyler Caswell, Planner I

**Reviewed By:** Dean Strachan, Community Planning & Development Manager

#### Attachments:

Attachment A – ALC Non-Adhering Residential Use Application Attachment B – Site Plan

Attachment C – Landscape Plan Attachment D – Photographs Attachment E – Ministry of Agriculture Memo

# Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 63489

**Application Status:** Under LG Review **Applicant:** JEALOUS FRUITS LTD.

**Agent:** Kent-Macpherson

Local Government: City of Kelowna

**Local Government Date of Receipt:** 07/16/2021

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Adhering Residential Use - Additional Residence for Farm Use

**Proposal:** To build two (2) drill camp style dormitories (of 6 trailers each) to accommodate ~48 seasonal farm workers to support the existing cherry orchard on the properties (2 contiguous titles). This temporary

farm worker housing will impacting ~0.25 ha of ALR.

#### **Agent Information**

Agent: Kent-Macpherson

Mailing Address: 304-1708 Dolphin Ave Kelowna, BC V1Y 9S4 Canada

**Primary Phone:** (250) 763-2236

Email: jhettinga@kent-macpherson.com

#### **Parcel Information**

#### Parcel(s) Under Application

1. Ownership Type: Fee Simple Parcel Identifier: 031-090-249

Legal Description: LOT C SECTIONS 11 AND 14 TOWNSHIP 26 OSOYOOS DIVISION

YALE DISTRICT PLAN EPP98515

Parcel Area: 19.9 ha

Civic Address: 3700 Pooley Road, Kelowna

**Date of Purchase:** 04/14/2018 **Farm Classification:** Yes

**Owners** 

1. Name: JEALOUS FRUITS LTD.

**Address:** 

7980 Highway 97 North

Kelowna, BC V4V 1T3 Canada

Phone: (250) 766-5393

Email: david@jealousfruits.com

#### Ownership or Interest in Other Lands Within This Community

1. **Ownership Type:** Fee Simple **Parcel Identifier:** 012-296-660

Owner with Parcel Interest: JEALOUS FRUITS LTD.

Parcel Area: 4.1 ha

Land Use Type: Agricultural/Farm Interest Type: Partial Ownership

2. Ownership Type: Fee Simple Parcel Identifier: 012-296-643

Owner with Parcel Interest: JEALOUS FRUITS LTD.

Parcel Area: 4.1 ha

Land Use Type: Agricultural/Farm Interest Type: Partial Ownership

3. Ownership Type: Fee Simple Parcel Identifier: 003-919-447

Owner with Parcel Interest: JEALOUS FRUITS LTD.

Parcel Area: 3.5 ha

Land Use Type: Agricultural/Farm Interest Type: Partial Ownership

4. Ownership Type: Fee Simple Parcel Identifier: 011-344-385

Owner with Parcel Interest: JEALOUS FRUITS LTD.

Parcel Area: 10.9 ha

Land Use Type: Agricultural/Farm Interest Type: Partial Ownership

5. Ownership Type: Fee Simple Parcel Identifier: 004-566-238

Owner with Parcel Interest: JEALOUS FRUITS LTD.

Parcel Area: 19.6 ha

Land Use Type: Agricultural/Farm Interest Type: Registered Lease

6. **Ownership Type:** Fee Simple **Parcel Identifier:** 004-566-246

Owner with Parcel Interest: JEALOUS FRUITS LTD.

Parcel Area: 8.4 ha

Land Use Type: Agricultural/Farm Interest Type: Registered Lease

7. **Ownership Type:** Fee Simple **Parcel Identifier:** 003-621-634

Owner with Parcel Interest: JEALOUS FRUITS LTD.

Parcel Area: 4.1 ha

Land Use Type: Agricultural/Farm Interest Type: Registered Lease

8. Ownership Type: Fee Simple Parcel Identifier: 011-844-493

Owner with Parcel Interest: JEALOUS FRUITS LTD.

Parcel Area: 3.5 ha

Land Use Type: Agricultural/Farm **Interest Type:** Registered Lease

**ATTACHMENT** Α This forms part of application # A21-0012 City of Kelowna Planner

TC

Initials

9. Ownership Type: Fee Simple Parcel Identifier: 023-482-770

Owner with Parcel Interest: JEALOUS FRUITS LTD.

Parcel Area: 1.5 ha

Land Use Type: Agricultural/Farm **Interest Type:** Unregistered Lease

10. Ownership Type: Fee Simple Parcel Identifier: 011-507-039

Owner with Parcel Interest: JEALOUS FRUITS LTD.

Parcel Area: 1.5 ha

Land Use Type: Agricultural/Farm **Interest Type:** Unregistered Lease

11. Ownership Type: Fee Simple Parcel Identifier: 023-482-842

Owner with Parcel Interest: JEALOUS FRUITS LTD.

Parcel Area: 2.5 ha

Land Use Type: Agricultural/Farm **Interest Type:** Unregistered Lease

12. Ownership Type: Fee Simple Parcel Identifier: 011-506-903

Owner with Parcel Interest: JEALOUS FRUITS LTD.

Parcel Area: 3.8 ha

Land Use Type: Agricultural/Farm **Interest Type:** Unregistered Lease

13. Ownership Type: Fee Simple Parcel Identifier: 023-239-638

Owner with Parcel Interest: JEALOUS FRUITS LTD.

Parcel Area: 7.7 ha

Land Use Type: Agricultural/Farm **Interest Type:** Unregistered Lease

14. Ownership Type: Fee Simple Parcel Identifier: 003-268-993

Owner with Parcel Interest: JEALOUS FRUITS LTD.

Parcel Area: 8.1 ha

Land Use Type: Agricultural/Farm **Interest Type:** Unregistered Lease

15. Ownership Type: Fee Simple Parcel Identifier: 004-713-982

Owner with Parcel Interest: JEALOUS FRUITS LTD.

Parcel Area: 11.7 ha

Land Use Type: Agricultural/Farm **Interest Type:** Unregistered Lease

16. Ownership Type: Fee Simple

Parcel Identifier: 030-944-988

Owner with Parcel Interest: JEALOUS FRUITS LTD.

Parcel Area: 9.3 ha

Land Use Type: Agricultural/Farm Interest Type: Unregistered Lease

This forms part of application
# A21-0012

City of

Planner Initials

TC Kelowna

DEVELOPMENT PLANNING

Α

**ATTACHMENT** 

17. **Ownership Type:** Fee Simple **Parcel Identifier:** 013-786-733

Owner with Parcel Interest: JEALOUS FRUITS LTD.

Parcel Area: 3.2 ha

Land Use Type: Agricultural/Farm Interest Type: Unregistered Lease

18. **Ownership Type:** Fee Simple **Parcel Identifier:** 030-555-787

Owner with Parcel Interest: JEALOUS FRUITS LTD.

Parcel Area: 61.3 ha

Land Use Type: Agricultural/Farm Interest Type: Full Ownership

19. **Ownership Type:** Fee Simple **Parcel Identifier:** 031-090-222

Owner with Parcel Interest: JEALOUS FRUITS LTD.

Parcel Area: 4.7 ha

Land Use Type: Agricultural/Farm Interest Type: Full Ownership

#### **Current Use of Parcels Under Application**

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s). 12.2 ha Cherry Orchard

#### 2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

26 ha cleared and planted for over 50 years Historic packing plant located on site Fully irrigated and fenced

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

There is no current non-agricultural use on this property.

#### **Adjacent Land Uses**

#### North

Land Use Type: Agricultural/Farm

Specify Activity: Orchard

#### East

Land Use Type: Unused

**Specify Activity:** Mission Creek

#### South

Land Use Type: Agricultural/Farm

Specify Activity: Orchard

#### West

Land Use Type: Agricultural/Farm

Specify Activity: Orchard

# ATTACHMENT A This forms part of application # A21-0012 City of Planner Initials TC Kelowna DEVELOPMENT PLANNING

#### **Proposal**

#### 1. What is the purpose of the proposal?

To build two (2) drill camp style dormitories (of 6 trailers each) to accommodate ~48 seasonal farm workers to support the existing cherry orchard on the properties (2 contiguous titles). This temporary farm worker housing will impacting ~0.25 ha of ALR.

# 2. Describe the necessity for an additional residence for farm use and how it will support agriculture in the short or long term.

The accommodation will house seasonal workers to prune, spray, harvest, etc the farm that the dorms will be place on (~60 acres) in addition, they will work on surrounding cherry farms that Jealous Fruits either owns or leases.

Cherries are a labour intensive crop that cannot be farmed without workers, that are not available locally. Building accommodations and hiring seasonal workers is critical to ensure these farmlands are used to their full productive capacity.

Additionally, the proposed farm worker housing is built on steel skids to reduce the impact on the ALR lands.

We have no alternative accommodation, and rental accommodation is not a viable option in the peak of the Interior's tourism season.

# 3. Describe the size, type and number, as well as occupancy of all residential structures currently located on the property.

There is currently a single dorm that accommodates 12 workers on this site (adjacent title). In addition, there is a small house and cabin on the property that were part of the original farm.

### 4. What is the total floor area of the proposed additional residence in square metres? $836 m^2$

#### 5. Describe the rationale for the proposed location of the additional residence.

The northwest corner of the subject site is low lying and requires the least amount of disturbance for utilities to service the dorms. The location also provides adequate drainage for the necessary septic fields, and produces the lowest quality fruit on the existing farm. Additionally, this area will require the fewest fruit trees from being removed.

- **6. What is the total area of infrastructure necessary to support the additional residence?** Each of the two dorms are 19m x 22m for a combined footprint of 836 sq m. The total area including landscape buffer, recreational area and septic fields is 0.25 ha.
- 7. Do you need to import any fill to construct the additional residence or infrastructure? No

#### **Applicant Attachments**

- Agent Agreement-Kent-Macpherson
- Proposal Sketch-63489
  Other correspondence or file information-Landscape Plan
- Site Photo-Site Photos
- Certificate of Title-031-090-249

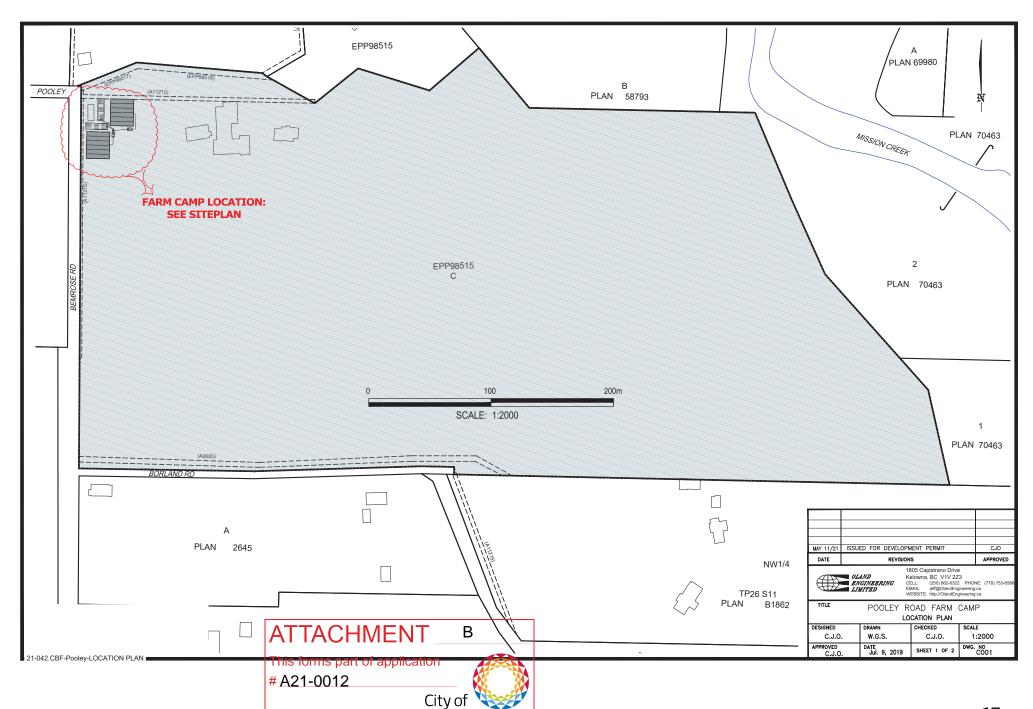
ATTACH	MENT A
This forms part # A21-0012	of application
Planner Initials	City of <b>Kelowna</b> DEVELOPMENT PLANNING

#### **ALC Attachments**

None.

#### **Decisions**

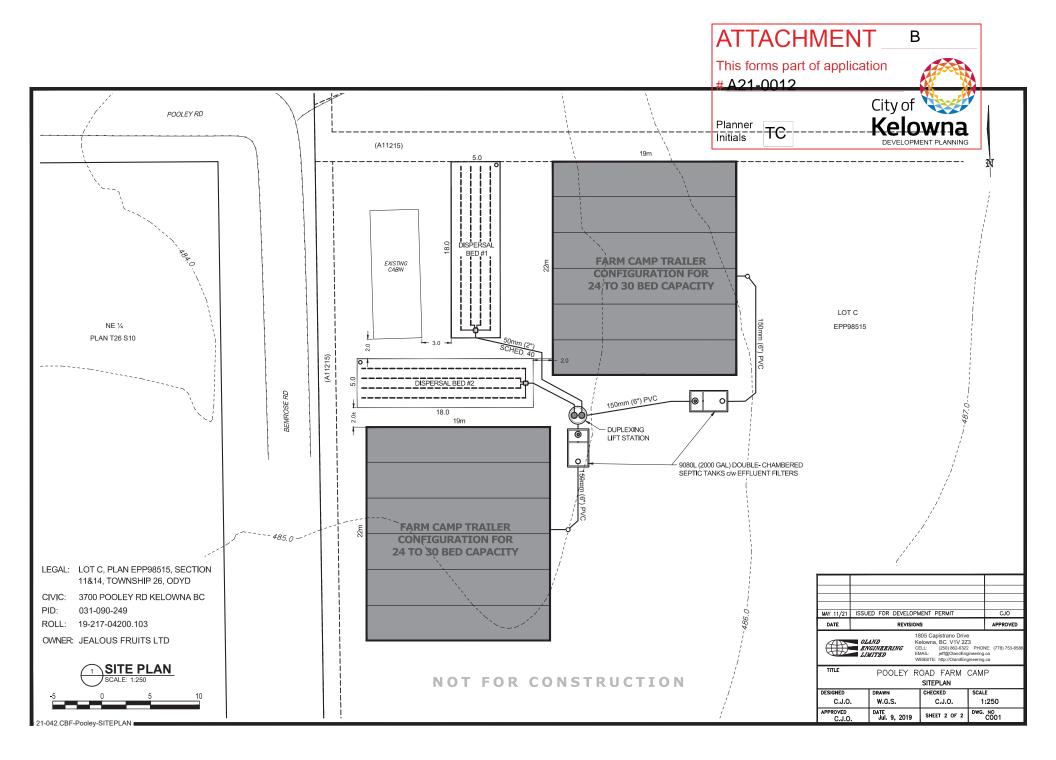
None.



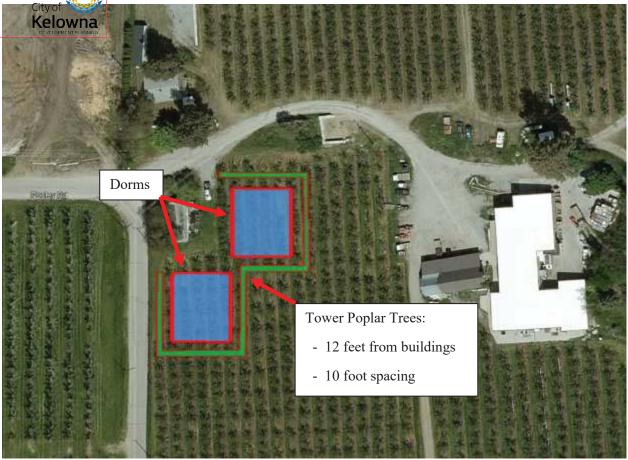
Planner

Initials

TC

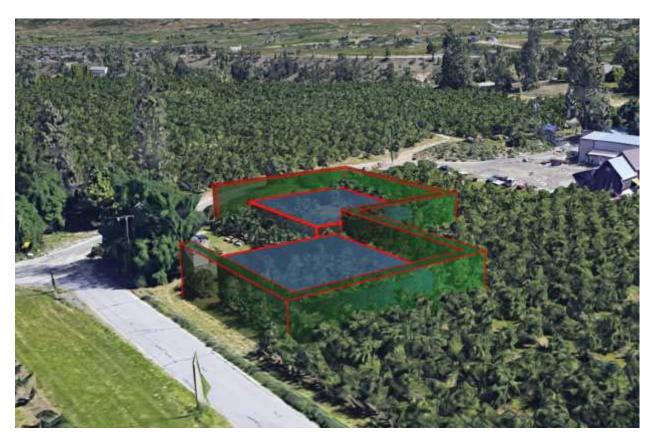






























September 3, 2021

File No: 0280-30

Local Government File No: A21-0012

City of Kelowna 1435 Water Street Kelowna, BC V1Y 1J4

Via E-mail: planninginfo@kelowna.ca

Dear City of Kelowna planning staff:

#### Re: Non-Adhering Residential Use, 3700 Pooley Road, Parcel Identifier: 031-090-249

Thank you for providing the Ministry of Agriculture, Food and Fisheries staff the opportunity to comment on the proposed non-adhering residential use application. From an agricultural perspective, we offer the following comments on the materials provided:

- The applicant wishes to house Temporary Farm Workers (TFW) that are part of the federal Seasonal Agricultural Worker Program (SAWP) on-site to support cherry production on multiple properties. Cherries are a labour-intensive crop which require a significant number of people for a property of 19.9 ha in size. The applicant owns or leases 19 other properties in the region in addition to this one.
- The applicant proposes to build two drill camp style dormitories of six trailers each for this purpose. The trailers will be built upon skids instead of permanent foundations and can therefore be removed if no longer required.
- The trailers will be located at the corner of the lot which will minimize the impact of the housing on the productive area of the parcel. It does appear, though, that some cherry trees will need to be removed in order to provide room for the housing and septic systems.
- The total floor area of the trailers will be 836 m² which works out to more than 17 m² per worker. This is more than the 10 m² maximum useable floor area per worker recommended by the Minister's Bylaw Standard for Temporary Farm Worker Housing (TFWH) in the <u>Guide for Bylaw Development in Farming Areas</u>; however, the TFWH Standard was developed in 2009 and is due for a review. Covid-19 has posed significant challenges with regard to housing of SAWP workers in such a way as to achieve good public health outcomes. The applicants may be attempting to address public health issues by providing more space for each worker.

Telephone: 250 861-7211 Toll Free: 1 888 332-3352 Web Address: http://gov.bc.ca/agri/

- Suitable housing is a requirement of the SAWP program.
- Based on the information provided, the proposal appears reasonable based upon the crop, scale, and location.

If you have any questions, please contact us directly by email or phone.

Sincerely,

Alison Fox, P.Ag. Land Use Agrologist Ministry of Agriculture, Food and Fisheries

Alison.Fox@gov.bc.ca (778) 666-0566

allian fox

Cc: Sara Huber, ALC

Chris Zabek, P.Ag. Regional Agrologist Ministry of Agriculture, Food and Fisheries Chris.Zabek@gov.bc.ca (250) 861-7680

Chris Sabele

