

Agricultural Advisory Committee

AGENDA



Thursday, December 9, 2021

6:00 pm

Virtual Meeting - Teams

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 www.kelowna.ca.

(c) All representations to the Agricultural Advisory Committee form part of the public record.

(d) As an Advisory Committee of Council, the Agricultural Advisory Committee 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.

In accordance with the most recent Provincial Health Officer Order regarding face coverings, a mask or face covering must be worn in the gallery of Council Chambers except when presenting to Council.

We appreciate your cooperation in meeting this requirement.

2. Minutes

3 - 4

Approve Minutes of the Meeting of November 18, 2021

3. Applications for Consideration

3.1. 3223 - 3257 Reid Rd, A21-0011 - Partap Singh and Satvinder Kaur Shergill

5 - 29

To consider a non-adhering residential use permit to all the conversion of an existing accessory building into temporary farm worker housing to accommodate 18 seasonal farm workers.

- 3.2. 815 Webster Rd, A21-0014 - Lakhwinder Sing & Paramjit Kaur Brar** 30 - 44

To consider a non-adhering residential use permit for the conversion of an existing single-family dwelling into temporary farm worker housing.
- 3.3. Regulatory Options for Second Dwellings in the ALR** 45 - 51

To consider options to regulate second dwellings on properties within the ALR.
- 4. ALC Decisions - Update**
- 5. New Business**
- 6. Next Meeting**

January 13, 2022
- 7. Termination of Meeting**

Agricultural Advisory Committee Minutes

Date: Thursday, November 18, 2021
Location: Council Chamber
City Hall, 1435 Water Street

Members Present John Janmaat (Chair)*, Yvonne Herbison (Vice Chair), Aura Rose, Domenic Rampone, Derek Brown

Members Absent Avi Gill, Jill Worboys

Staff Present Wesley Miles, Planner Specialist; Tyler Caswell, Planner I; Clint McKenzie, Legislative Coordinator (Confidential)

(* Denotes partial attendance.)

1. Call to Order

The Vice Chair called the meeting to order at 6:07 p.m.

Opening remarks by the Vice Chair regarding conduct of the meeting were read and the criteria for evaluating applications.

2. Minutes

Moved By Domenic Rampone/Seconded By Derek Brown

THAT the Minutes of the October 14, 2021 Agricultural Advisory Committee meeting be adopted.

Carried

The Chair arrived and presided over the meeting at 6:13 p.m.

3. Applications for Consideration

3.1 3850 Swamp Rd, A21-0008 - Christine and Kevin Schmidt

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

Staff:

- Confirmed the setback distance from Mission Creek.
- Spoke to the clean fill monitoring.
- Provided an overview of the ministry non-farm use application process.

Applicant Karl Withler

- Provided an overview of the application.
- Spoke to the drop sampling to confirm non contaminants in the field with stage one testing.
- Confident that the fill is clean and ready for agricultural purposes.
- Spoke to the dyke setback from Mission Creek.
- Confirmed the majority of the fill is coming from the Truswell area and the Swamp road traffic circle construction project.

Owner, Kevin Schmidt:

-Owner provided an overview of experience with applications and reasons why they were not applied for ahead of time.

Confirmed they have not been paid for the fill onsite.

Staff provided information on how compliance is ensured.

Moved By Domenic Rampone/Seconded By Yvonne Herbison

THAT the Committee recommends that Council request permission from the Agricultural Land Commission (ALC) to allow for a Non-Farm Use to place up to 23,500 cubic meters of fill on the property to reclaim for agriculture, under Section 20(3) of the Agricultural Land Commission Act.

Carried

Anecdotal comments:

-Request that measures be taken to ensure the fill meets agricultural requirements.

4. ALC Decisions - Update

Site visits were conducted but no resolutions have been forwarded to date.

5. New Business

The staff report to Council requesting nonvoting representation from the Ministry of Agriculture is in progress.

The update to the Committee regarding housing on ALR land is currently being reviewed by other departments for further input prior to presenting to the Committee.

The City application to the ALC for the transit exchange in Rutland has been submitted. ALC staff have requested more technical detail. A site visit is anticipated in the near future.

The Culinary Institute at Summerhill Winery has not received a resolution yet from ALC.

6. Next Meeting

The next Committee meeting has been scheduled for December 9, 2021.

7. Termination of Meeting

The Chair declared the meeting terminated at 6:39 p.m.

 Chair

COMMITTEE REPORT



Date: December 9, 2021

RIM No. 1210-21

To: Agricultural Advisory Committee

From: Development Planning Department

Application: A21-0011 **Owner:** Partap S. and Satvinder K. Shergill

Address: 3223-3257 Reid Rd **Applicant:** Satvinder K. Shergill

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

Existing OCP Designation: REP – Resource Protection

Existing Zone: A1 – Agriculture 1

Agricultural Land Reserve: Yes

1.0 Purpose

To consider a non-adhering residential use permit to all the conversion of an existing accessory building into temporary farm worker housing to accommodate 18 seasonal farm workers.

2.0 Proposal

2.1 Background

The subject property is 14.3 acres (5.8 hectares) and located on Reid Road, at the intersection with East Kelowna Road. The subject parcel is used for cherry farming, while the applicants operate on a total of 51 acres of 5 neighbouring properties that produce apples and cherries. The subject property currently has two single-family dwellings. The applicant has indicated that they are both being rented out.

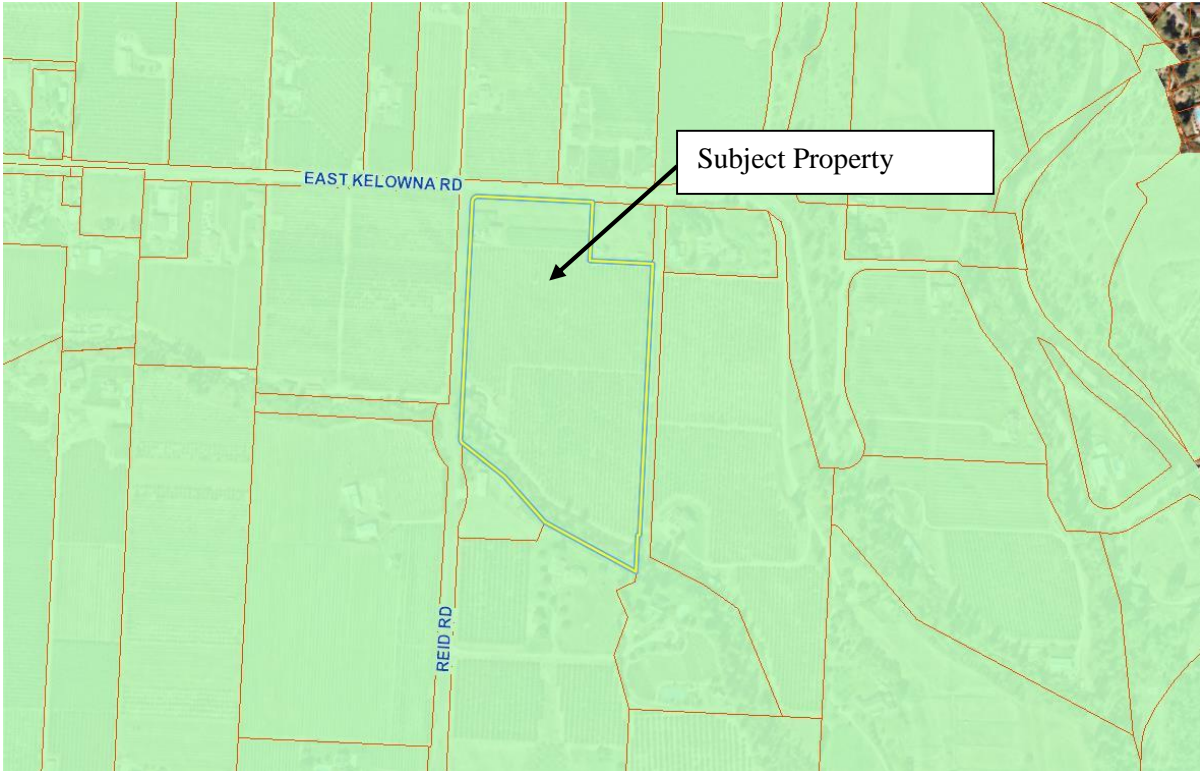
2.2 Project Description

The application is to convert the existing farm building into temporary farm worker housing to accommodate 18 seasonal workers. The owners are seeking seasonal agricultural workers to help with the maintenance and planting on their 51 acres of orchard throughout five properites. The subject accessory building being converted is 102m² in size, and one storey in height. The converted building will contain bedrooms, a kitchen and laundry facilities. The applicant has provided an Agrologist Report (Attachment B) that offers a positive recommendation that the amount of farming on the property requires seasonal agriculture workers.

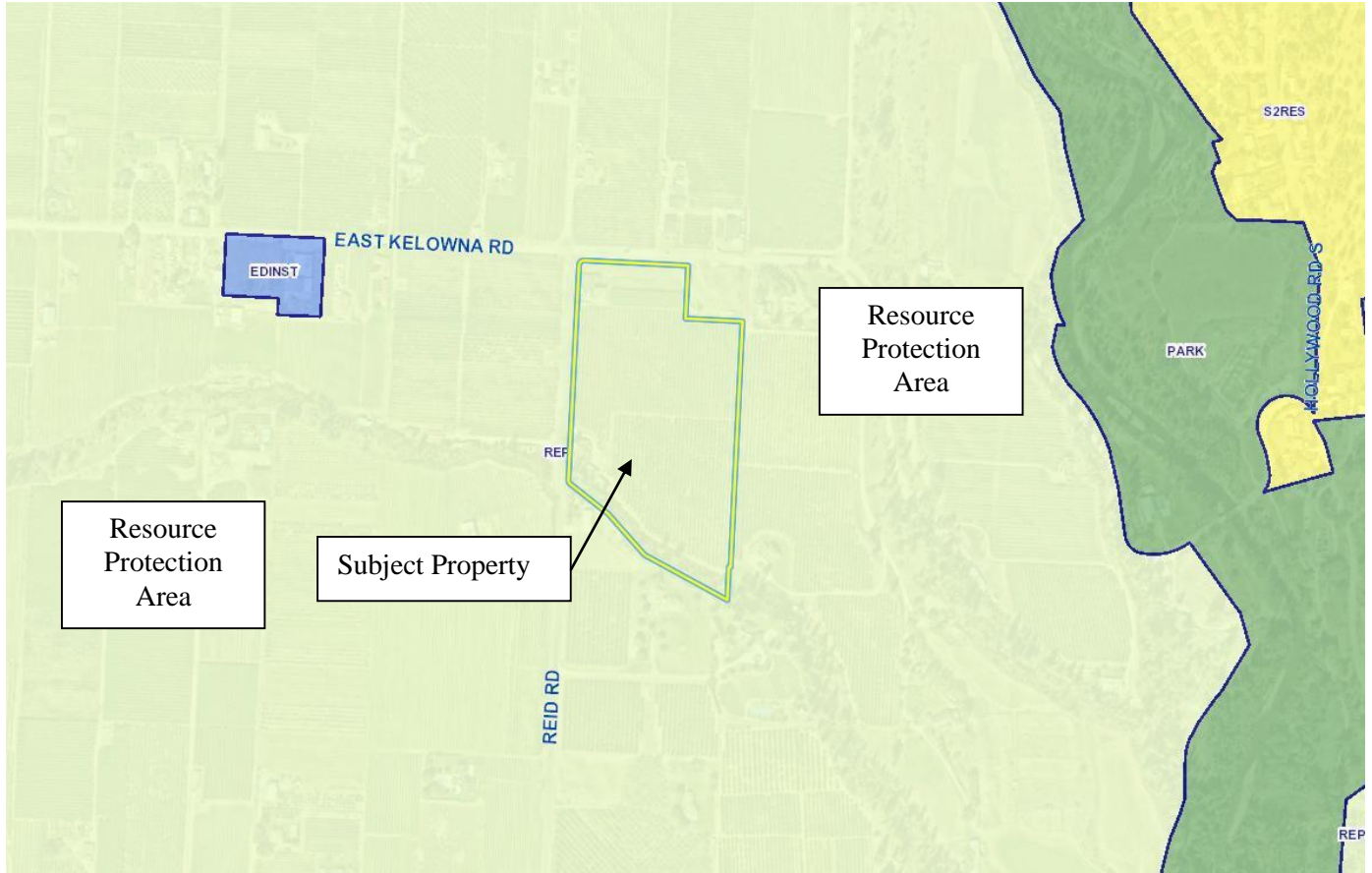
Map 1 - Neighbourhood



Map 2 – Agricultural Land Reserve



Map 3 – Future Land Use



2.3 Neighbourhood Context

The subject property lies within the Southeast Kelowna OCP Sector. The surrounding area is primarily agricultural land within the Agricultural Land Reserve.

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	Agriculture
West	A1 – Agriculture 1	Yes	Agriculture

3.0 Development Planning

The City’s Agriculture Plan, the Official Community Plan and Zoning Bylaw support the conversion of existing dwellings into Temporary Farm Worker Housing if agriculture is the principal use and the owner

demonstrates the need for farm employees. However, there is concern with precedence of renting out the multiple existing houses while converting an accessory building into temporary farm worker housing.

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.

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.

Zoning Bylaw recommends that the following requirements are met prior to issuance for a Temporary Farm Worker Housing (TFWH) structure:

- Farm Classification for the parcel, as determined by the BC Assessment Act.
- Minimum farm unit size is 3.8 ha.
- The need for temporary farm worker housing onsite to house temporary farm workers must be demonstrated through documentation such as a contract with the federal government through a migrant worker program, such as the Seasonal Agricultural Worker Program, farm receipts and / or previous employment records, and/or a farm plan prepared by a professional agrologist.
- New TFWH structures shall include a communal kitchen.
- The TFWH shall be occupied only during the farm unit's growing, harvesting and pruning periods.
- A statutory declaration must be filed with the City of Kelowna annually, by January 31st, stating that the building will be used only for TFWH and specify the time(s) of year when the TFWH will be occupied. The specified period of time may be no greater than ten months of that calendar year.
- If the temporary farm worker housing is vacant for two consecutive growing seasons, the owner will remove, at their expense, any temporary structures for temporary farm worker housing, and remove or decommission any existing buildings that had been repurposed for temporary farm worker housing purposes, by December 31st of the second year of vacancy.

Report prepared by: Graham Allison, 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 – Agrologist Report

Attachment D – Site Photographs

SCHEDULE A - Policies



Subject: Address

3.1 City of Kelowna Agriculture Plan (1998)

ALR Application Criteria¹

Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.

1.1 City of Kelowna Strategic Plan

Objective²: Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

Action towards this objective³: Evaluate the effectiveness of City policies and bylaws in preserving agricultural lands.

1.3 Kelowna Official Community Plan (OCP)

Land Use Designation Definitions

Resource Protection Area⁴

Generally land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses.

Permanent Growth boundary⁵

Lands within the permanent growth boundary may be considered for urban uses within the 20 year planning horizon ending 2030. Lands outside the permanent growth boundary will not be supported for urban uses.

Chapter 5 – Development Process

Objective 5.3 Focus development to designated growth areas.

Policy .1 Permanent Growth Boundary⁶. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Support development of property outside the Permanent Growth Boundary for more intensive uses **only** to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption

¹ City of Kelowna Agriculture Plan. 1998. P. 130.

² City of Kelowna Strategic Plan. 2004. P. 7.

³ City of Kelowna Strategic Plan. 2004. P. 29.

⁴ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.2.

⁵ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.6.

⁶ City of Kelowna 2030 Official Community Plan. Development Process Chapter. P. 5.2.

of OCP Bylaw 10500, except as per Council's specific amendment of this policy. Resource Protection Area designated properties not in the ALR and outside the Permanent Growth Boundary will not be supported for subdivision below parcel sizes of 4.0 ha (10 acres). The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

Agricultural Land Use Policies

Objective 5.33 Protect and enhance local agriculture⁷.

Policy .1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy .2 ALR Exclusions. The City of Kelowna will not forward ALR exclusion applications to the ALC except in extraordinary circumstances where such exclusion is otherwise consistent with the goals, objectives and other policies of this OCP. Soil capability alone should not be used as justification for exclusion.

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

1.4 Agricultural Land Commission Act (ALCA)

Purposes of the commission – Section 6 of the ALCA

The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

⁷ City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35.

SCHEDULE B – Technical Comments



Subject: ADDRESS – APPLICATION TYPE

3.2 Development Engineering Department

Development Engineering has no comments at this point in time with regard to this application, however, a comprehensive report will be provided at the time of development application submission when the Agricultural Land Commission agrees to the proposed activity on the subject property.

3.3 Southeast Kelowna Irrigation District (SEKID)

SEKID has no comments or objections to the above referenced file.

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 63567
Application Status: Under LG Review
Applicant: Satvinder Shergill
Agent: Satvinder Shergill
Local Government: City of Kelowna
Local Government Date of Receipt: 07/21/2021

ATTACHMENT <u> </u> A
This forms part of application # <u>A21-0011</u>
Planner Initials GA
 City of Kelowna DEVELOPMENT PLANNING

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: We are applying for the proposal in order to allow us to house our foreign farm workers. We need a large number of foreign workers since we have 5 properties that we farm (3 owned and 2 lease). A successful proposal will allow us to obtain the foreign workers we require and house them in a space that is cognizant of COVID-19 distancing requirements and that meets all WALI foreign worker housing requirements. We would like to note that we are not putting up any new building or structure - we are just renovating the inside of a previously built farm building such that it will be a safe, suitable foreign worker house that meets all BC requirements.

Agent Information

Agent: Satvinder Shergill
Mailing Address:
3775 East Kelowna Road
Kelowna, BC
V1W 4H1
Canada
Primary Phone: (250) 801-1887
Email: s_shergill23@hotmail.ca

Parcel Information

Parcel(s) Under Application

- Ownership Type:** Fee Simple
Parcel Identifier: 026-105-624
Legal Description: LOT B SECTION 15 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN KAP76792
Parcel Area: 5.8 ha
Civic Address: 3223 Reid Road, Kelowna BC V1W4H1
Date of Purchase: 04/16/2014
Farm Classification: Yes
Owners

Ownership or Interest in Other Lands Within This Community

1. **Ownership Type:** Fee Simple
Parcel Identifier: 012-643-416
Owner with Parcel Interest: Satvinder Shergill
Parcel Area: 6.2 ha
Land Use Type: Agricultural/Farm
Interest Type: Full Ownership

2. **Ownership Type:** Fee Simple
Parcel Identifier: 010-359-231
Owner with Parcel Interest: Satvinder Shergill
Parcel Area: 3.9 ha
Land Use Type: Agricultural/Farm
Interest Type: Full Ownership

3. **Ownership Type:** Fee Simple
Parcel Identifier: 012-149-382
Owner with Parcel Interest: Satvinder Shergill
Parcel Area: 4.1 ha
Land Use Type: Agricultural/Farm
Interest Type: Unregistered Lease

4. **Ownership Type:** Fee Simple
Parcel Identifier: 023-710-012
Owner with Parcel Interest: Satvinder Shergill
Parcel Area: 5.2 ha
Land Use Type: Agricultural/Farm
Interest Type: Unregistered Lease

Current Use of Parcels Under Application

1. **Quantify and describe in detail all agriculture that currently takes place on the parcel(s).**
PID: 026-105-624: 93% cherry crop.
2. **Quantify and describe in detail all agricultural improvements made to the parcel(s).**
Irrigation on 13.5 acres, Planted 13.5 acres
3. **Quantify and describe all non-agricultural uses that currently take place on the parcel(s).**
Two residential houses - no other non-agricultural activity

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: Cherry farm

East

Land Use Type: Agricultural/Farm
Specify Activity: Cherry farm

South

Land Use Type: Agricultural/Farm
Specify Activity: Cherry farm

West

Land Use Type: Agricultural/Farm
Specify Activity: Cherry farm

Proposal

1. What is the purpose of the proposal?

We are applying for the proposal in order to allow us to house our foreign farm workers. We need a large number of foreign workers since we have 5 properties that we farm (3 owned and 2 lease). A successful proposal will allow us to obtain the foreign workers we require and house them in a space that is cognizant of COVID-19 distancing requirements and that meets all WALI foreign worker housing requirements. We would like to note that we are not putting up any new building or structure - we are just renovating the inside of a previously built farm building such that it will be a safe, suitable foreign worker house that meets all BC requirements.

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

We need the additional residence to house our workers for our cherry farms. The additional residence is exclusively for foreign workers. It will support our agriculture in the short and long term as we will be able to provide housing to the large number of foreign workers that we require to run our 5 owned and leased farms. The space will very clearly be made exclusively for foreign workers and will not be a rental property (built with multiple kitchens distanced from each other in the same space). The additional residence is necessary for our farming. This proposal preserves the agricultural land as we aren't putting up any new building.

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

*There are two existing residential structures on the property.
One is a 3200 square foot residential home rental property - occupied by tenants.
The other is a 4400 square foot residential home rental property - occupied by tenants.*

4. What is the total floor area of the proposed additional residence in square metres?

102 m²

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

The rationale for the proposed location of the additional residence is that it is already a building previously built from when we acquired the property. The foundation is already there. There is also already septic to the building and it already contained a kitchen, bathroom, and 3 rooms. All we are doing is renovating the inside to meet the WALI foreign worker housing standards. We are adding extra kitchens so the foreign workers can cook with distancing standards and adding in an extra bathroom. No new structure or building of any kind is being built. The size, integrity, and continuity of the land as agriculture land will not be compromised in any way - in fact, it only supports the agriculture by allowing us to use a previously built building as residence to support our farming.

6. What is the total area of infrastructure necessary to support the additional residence?

Absolutely NO new infrastructure is required. There is already septic, driveway, parking, etc. Total area of infrastructure necessary to support the additional residence is zero (0).

All we are doing is renovating the structure to meet safe housing requirements.

7. Do you need to import any fill to construct the additional residence or infrastructure?

No

Applicant Attachments

- Agent Agreement-Satvinder Shergill
- Proposal Sketch-63567
- Certificate of Title-026-105-624

ALC Attachments

None.

Decisions

None.

CHERRY FARM

EAST KELOWNA ROAD

EAST



House

3223

3675

House

751

REID ROAD

CHERRY FARM

PID 026-105-624
LOT B SECTION 15 Township 26
OSOYOOS Division Vale District Plan
SUBJECT PROPERTY KAP76792

CHERRY FARM

House

3257

CHERRY FARM

Proposed residence = 102m²
(no impact on agricultural land - cherry farm starts here)

HILL

Driveway

279

House

PRIVATE DRIVEWAY

CHERRY FARM

CHERRY FARM

HILL

House

3775

House

ATTACHMENT B
 This forms part of application # A21-0011
 City of Kelowna DEVELOPMENT PLANNING
 Planner Initials GA

AGROLOGY REPORT

3257 Reid Road and adjoining properties, Kelowna, British Columbia

Prepared for:

Partap Singh Shergill
3775 East Kelowna Road
Kelowna, British Columbia

October 8th, 2021

Prepared by:

James Calissi,
B.Sc., M.Sc., P.Ag.

Calissi Farms Inc.
3810 East Kelowna Road
Kelowna, BC
V1W 4H2

ATTACHMENT	C
This forms part of application	
# A21-0011	
Planner Initials	GA
 City of Kelowna DEVELOPMENT PLANNING	

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Scope

Partap Shergill has engaged Mr. James Calissi P.Ag of Calissi Farms Inc. to prepare a Professional Agrologist’s Report to describe the agricultural operations in application for farm workers accommodations.

From this, Calissi Farms Inc. proposes to examine the soil characteristics and climate, agricultural capability of the land. An estimate of the number of workers required for the operations is included.

Site Description:

The property is located along the lower bench of East Kelowna, in the city of Kelowna. The operations consist of 4 orchards:

3795 East Kelowna Road	8 Acres	Apples	Full production	Leased
	4 Acres	Cherries	25% of full production	Leased
3775 East Kelowna Road	15 Acres	Cherries	25% of full production	Owned
3913 East Kelowna Road	5 Acres	Cherries	Non-producing	Owned
	4 Acres	Apples	Full production	Owned
3257 Reid Road	<u>15 Acres</u>	Cherries	25% of full production	Owned
Total	51 Acres			

The operations consist of 51 acres of orchard. The later property located at 3257 Reid road is where the worker housing is located. It is important to note that 3795 East Kelowna Road, 3775 East Kelowna Road and 3257 Reid road are located side-by-side. 3913 East Kelowna road is ½ kilometer distance from the other three properties.

The lands are surrounded by orchards and vineyards. Apples and cherries are the predominant crops in the region, and have been for the past 100 years.

Aerial Photograph of 3257 Reid Road



Soils

The soils are predominantly classified as 100% Rutland Soils

Rutland Soils

Rutland soils occupy significant areas throughout the Okanagan valley. Topography is usually level to gently sloping although some terrace scarps are extremely sloping.

The parent material of Rutland soils is a moderately coarse textured veneer between 10 and 25 cm thick, which overlies gravelly and stony, very coarse textured glaciofluvial deposits. Surface soil textures are dominantly sandy loam or loamy sand which subsurface and subsoil textures are sand or gravelly sand. Stones and cobbles are also common. Rutland soils are classified as Orthic Dark Brown. They are rapidly drained, rapidly pervious, have slow surface runoff and low water holding capacity.

The main agricultural limitation are gravelly and stoney textures, rapid permeability and low water holding capacity. Tree fruits and grapes are presently grown in most cultivated and irrigated areas.

Climate

The climate for agriculture is considered class 5A due to aridity. The climate for agriculture with irrigation is considered class 1c, with 2,060 to 2,225 growing degree days above 5 degrees Celsius, this greater than 150 frost free days.

Land Capacity for Sweet Cherry Production

There are adequate frost free days and heat units to produce long season sweet cherry cultivars such as Staccato and Sentential. Minimum winter temperatures are not an issue, since there is adequate air drainage.

Irrigation is required to produce a marketable crop. Micro-sprinkler technology has been used in the Okanagan for over 35 years and is well suited to cherry production.

Estimate of Labour Requirements

The major labour requirement for this farm is cherry harvest labour. The cherry operations encompass 39 acres. Assuming 4 different varieties, the fruit would need to be harvested in a 3 week period. Assuming 20,000 lbs per acre of full production and the fact that one worker can harvest 500 to 1000 lbs of cherries per day.

$20,000 \text{ lbs} \times 39 \text{ acres} / 21 \text{ days} = 37,000 \text{ lbs per day}$

Therefore 37 to 72 workers would be required to harvest the cherry crop.

At this state of production, the orchards are at 25% production and 9 to 18 workers would be required in the 2022 season.

Worker Housing

The worker housing under construction at 3257 Reid road is approximately 30 x 60 feet and repurposes an older existing structure. The building has been completely refurbished, including a large kitchen area and laundry. It has the capacity to house 18 workers. Transit is approximately one kilometer away.

Worker Housing at 3257 Reid Road



References

1. Soils Map of the Okanagan and Similkameen Valleys. Map 82E.083 British Columbia Ministry of Environment.
2. Climate Capability for Agriculture. Kelowna. British Columbia Ministry of Environment.



ATTACHMENT D

This forms part of application
A21-0011

Planner
Initials **GA**



City of
Kelowna
DEVELOPMENT PLANNING









COMMITTEE REPORT



Date: December 9th, 2021

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Development Planning Department

Application: A21-0014 **Owner:** Lakhwinder Singh Brar & Paramjit Kaur Brar

Address: 815 Webster Road **Applicant:** Lakhwinder Brar

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

Existing OCP Designation: REP – Resource Protection

Existing Zone: A1 – Agriculture 1

Agricultural Land Reserve: Yes

1.0 Purpose

To consider a non-adhering residential use permit for the conversion of an existing single-family dwelling into temporary farm worker housing.

2.0 Proposal

2.1 Background

The subject property is a 9.16acres (3.71ha) in size and is located on Webster Road within the Rutland OCP Sector. The applicant has indicated that the property laid empty for over 15 years, until they purchased it in February 2019. They cleaned up the property, cultivated it and irrigated it. The property now has 8 acres of cherry's, which was planted in May 2020. The subject property currently has one single-family two-bedroom dwelling on it.

2.2 Project Description

The non-adhering residential use permit application is to convert the existing single-family dwelling into temporary farm worker housing. The owners are seeking 5 (five) seasonal workers to help with the maintenance of the existing agriculture and the cherry orchard. The owners farm 11.4ha of land on other properties.

The home is 111.48m² (1,200ft²) and has two bedrooms. The owners are planning on building a new home on site and want to use the existing structure to accommodate seasonal farm workers. The proposed new single-family dwelling will be on the NW corner of the property and is proposed to be 350m² in size.

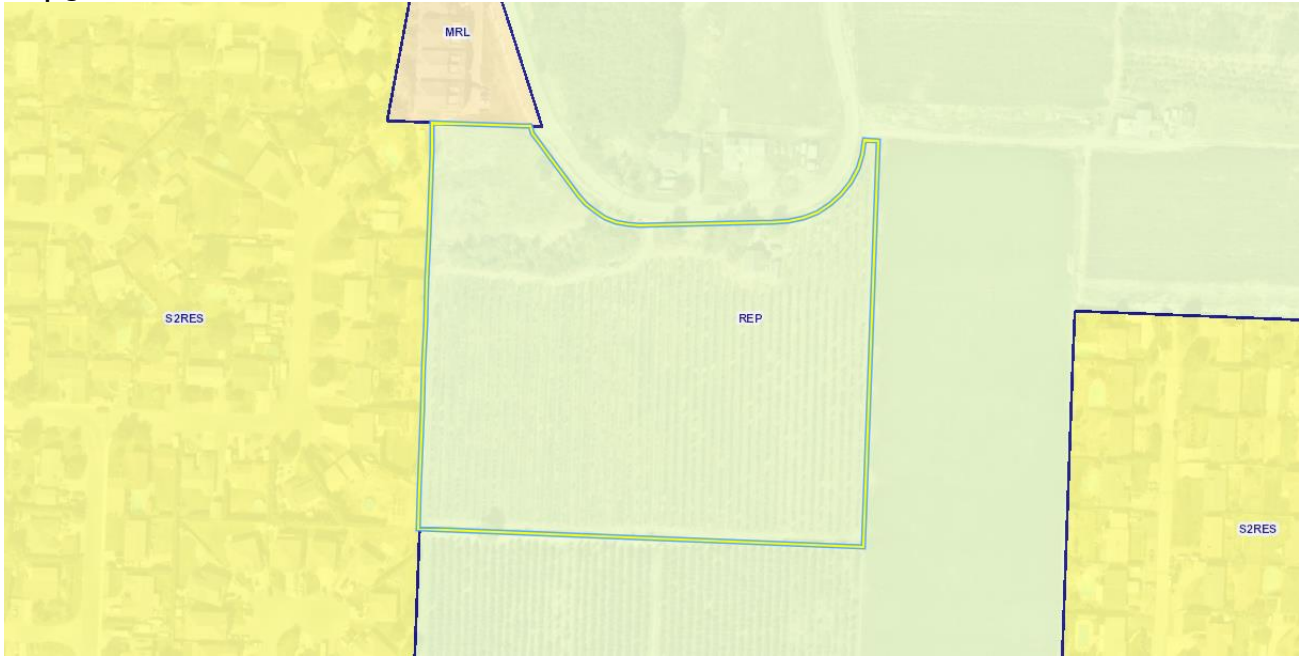
Map 1 - Neighbourhood



Map 2 – Agricultural Land Reserve



Map 3 – Future Land Use



2.3 Neighbourhood Context

The subject property lies within the Rutland OCP Sector. The surrounding area is a mix of single-family dwellings, townhouses, and agricultural lands (within the ALR).

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	RM3 – Low Density Multiple Housing & RU1 – Large Lot Housing	No / Yes	Townhouse / Single-Family Dwelling
South	A1 – Agriculture 1	Yes	Agriculture
East	A1 – Agriculture 1 / Land Use Contract	Yes	Agriculture
West	RU1 – Large Lot Housing	Yes	Single-Family Dwelling(s)

3.0 Development Planning

The City’s Agriculture Plan, the Official Community Plan and Zoning Bylaw support the conversion of existing dwellings into Temporary Farm Worker Housing if agriculture is the principal use and the owner demonstrates the need for farm employees. However, there are concerns with the introduction of a new permanent structure on site, which would be hard to revert back to farmable land if the seasonal workers were no longer required.

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.

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.

Zoning Bylaw recommends that the following requirements are met prior to issuance for a Temporary Farm Worker Housing (TFWH) structure:

- Farm Classification for the parcel, as determined by the BC Assessment Act.
- Minimum farm unit size is 3.8 ha.
- The need for temporary farm worker housing onsite to house temporary farm workers must be demonstrated through documentation such as a contract with the federal government through a

migrant worker program, such as the Seasonal Agricultural Worker Program, farm receipts and / or previous employment records, and/or a farm plan prepared by a professional agrologist.

- New TFWH structures shall include a communal kitchen.
- The TFWH shall be occupied only during the farm unit's growing, harvesting and pruning periods.
- A statutory declaration must be filed with the City of Kelowna annually, by January 31st, stating that the building will be used only for TFWH and specify the time(s) of year when the TFWH will be occupied. The specified period of time may be no greater than ten months of that calendar year.
- If the temporary farm worker housing is vacant for two consecutive growing seasons, the owner will remove, at their expense, any temporary structures for temporary farm worker housing, and remove or decommission any existing buildings that had been repurposed for temporary farm worker housing purposes, by December 31st of the second year of vacancy.

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 – Floor Plan

Attachment D – Development Engineering Memo

Attachment E – Ministry of Agriculture

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 62356

Application Status: Under LG Review

Applicant: LAKHWINDER BRAR

Agent: lakhwinder brar

Local Government: City of Kelowna

Local Government Date of Receipt: 04/03/2021

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: we wanted to use existing old house for farm workers and build new home for our self

Agent Information

Agent: lakhwinder brar

Mailing Address:

815 webster rd

kelowna, BC

V1P 1C1

Canada

Primary Phone: (250) 212-2224

Email: brar7272@hotmail.com

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 012-175-897

Legal Description: THE E 11 CHS OF L 3 MEAS ALONG THE NORTH BDY NOW BY THE FULL DEPTH OF SAID L SEC 25 TP 26 OSOYOOS DIVISION YALE DISTRICT PL 603 EXC PLS B797 CB 157 & B4993

Parcel Area: 3.8 ha

Civic Address: 815 webster rd

Date of Purchase: 02/09/2019

Farm Classification: Yes

Owners

Ownership or Interest in Other Lands Within This Community

1. **Ownership Type:** Fee Simple
Parcel Identifier: 012-108-472
Owner with Parcel Interest: LAKHWINDER BRAR
Parcel Area: 3.2 ha
Land Use Type: Agricultural/Farm
Interest Type: Full Ownership

2. **Ownership Type:** Fee Simple
Parcel Identifier: 012-108-464
Owner with Parcel Interest: LAKHWINDER BRAR
Parcel Area: 4 ha
Land Use Type: Agricultural/Farm
Interest Type: Registered Lease

3. **Ownership Type:** Fee Simple
Parcel Identifier: 012-574-121
Owner with Parcel Interest: LAKHWINDER BRAR
Parcel Area: 4.2 ha
Land Use Type: Agricultural/Farm
Interest Type: Registered Lease

Current Use of Parcels Under Application

1. **Quantify and describe in detail all agriculture that currently takes place on the parcel(s).**
cherry orchard over 8 acres are planted into cherry orchard
2. **Quantify and describe in detail all agricultural improvements made to the parcel(s).**
this land was sitting empty for over 15 years. we purchased this parcel in February 2019. we cleaned up lot of garbage around five 40 foot garbage containers and cultivated. new automatic irrigation system was installed in spring 2019. we planted over 8 acre cherry orchard in may 2020.
3. **Quantify and describe all non-agricultural uses that currently take place on the parcel(s).**
small two bedroom house

Adjacent Land Uses

North

Land Use Type: Residential
Specify Activity: town houses

East

Land Use Type: Agricultural/Farm
Specify Activity: hay field

South



Land Use Type: Agricultural/Farm
Specify Activity: cherry orchard

West

Land Use Type: Residential
Specify Activity: single family houses

Proposal

1. What is the purpose of the proposal?

we wanted to use existing old house for farm workers and build new home for our self

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

we are young couple with two kids got into farming 5 years ago. we are trying to grow our farming operation. to do so we required to hire some temporary foreign workers. we wanted to use that old house for accommodation for TFW. more labour force will help us to run the farm properly.

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

1200 sq feet two bedroom house

4. What is the total floor area of the proposed additional residence in square metres?

350 m²

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

there are around 3/4 of acre on north west corner land that are too steep to do any farming can be used for new resident. it will not impact farm operation caused that section is naturally subdivided by small ravine

6. What is the total area of infrastructure necessary to support the additional residence?

it can be built right close to Webster rd. all the services are close to site include sewer, water and gas. there are row of town houses built right upto the north west corner property line. it will required around 600 sq meter to built this house

7. Do you need to import any fill to construct the additional residence or infrastructure?

No

Applicant Attachments

- Agent Agreement-lakhwinder brar
- Proposal Sketch-62356
- Certificate of Title-012-175-897

ALC Attachments

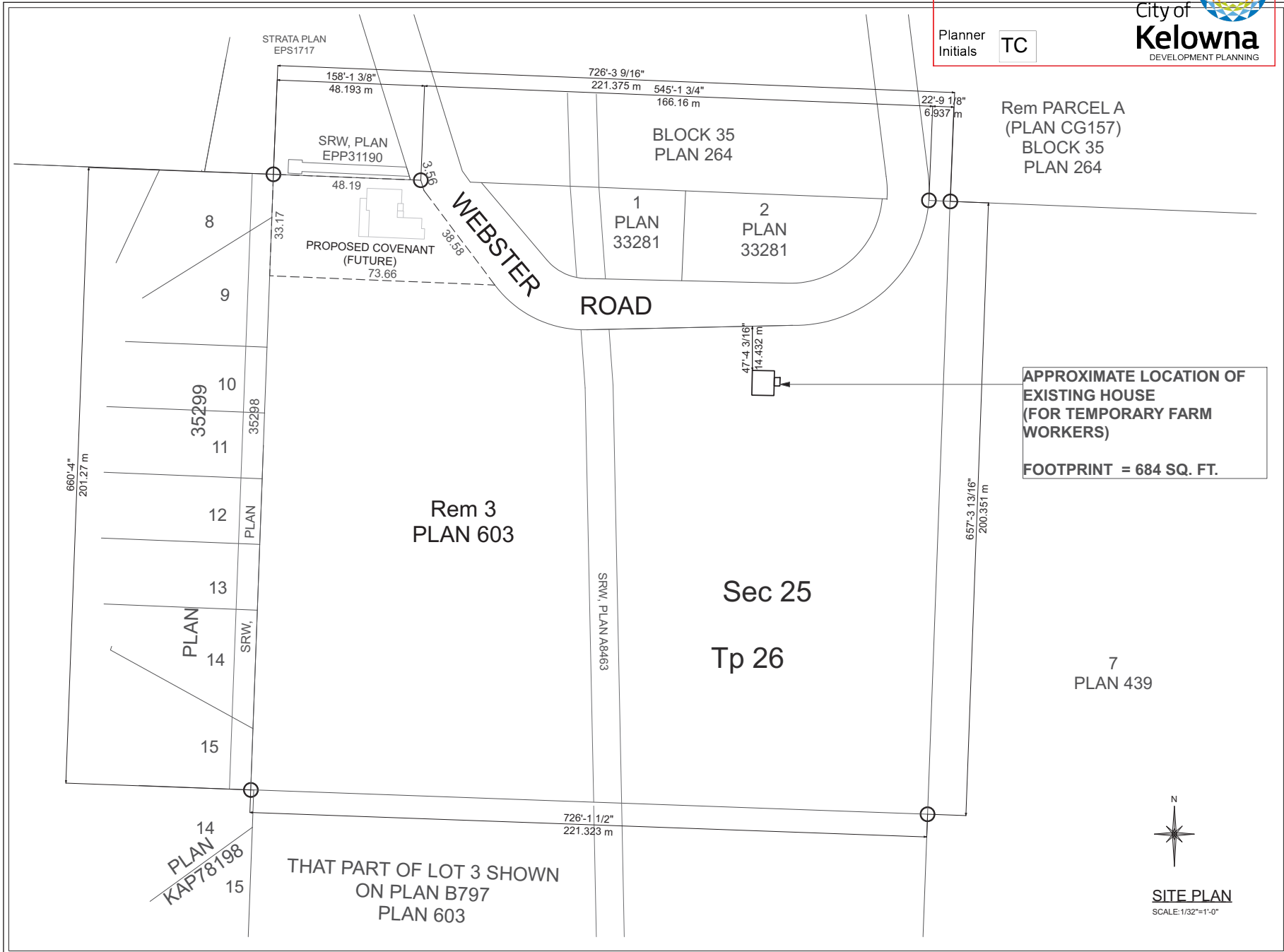
None.

Decisions

None.



924 CAMSTON AVE
KELOWNA, BC
PHONE: 778.365.4421
reception@zioladesign.com
www.zioladesign.com



APPROXIMATE LOCATION OF
EXISTING HOUSE
(FOR TEMPORARY FARM
WORKERS)

FOOTPRINT = 684 SQ. FT.



SITE PLAN
SCALE: 1/32"=1'-0"

**815 WEBSTER RD.
KELOWNA, BC**

PROJECT TITLE	
TITLE	
SCALE	
ISSUE DATE	
OCT-27-2021	
PROJECT NUMBER	DRAWING NUMBER
Z-121	1.1
SHEET	
1 OF 1	

cherry orchard

Back Side

90'



Left side

Right side

30'

Front

815 Webster
Kelowna
BC

ATTACHMENT C

This forms part of application
A21-0014



City of
Kelowna
DEVELOPMENT PLANNING

Planner
Initials **TC**

~~815~~ Webster Rd

CITY OF KELOWNA
MEMORANDUM

Date: November 15, 2021
File No.: A21-0014
To: Land Use Planning (TC)
From: Development Engineering Manager (RO)
Subject: 815 Webster Rd Non-Adhering Residential

The Development Engineering Branch has the following comments with regards to this application for a Non-Adhering Residential Use Permit to allow the conversion of the existing dwelling into farm worker accommodation for three seasonal workers.

All works and servicing requirements will be applicable at time of Building Permit Application for construction of new building. The Development Technician for this file will be Sarah Kelly, skelly@kelowna.ca.

1. General

- a. The following requirements are valid for two (2) years from the reference date of this memo, or until the application/PLR has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- b. The subject lot is within the ALR and subject to review by the Agricultural Land Commission.
- c. There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

2. Domestic water and fire protection.

- a. The subject lot is within the Black Mountain Irrigation District (BMID) water service area. The developer is required to make satisfactory arrangements with BMID for all water and fire protection-related issues. All charges for service connection and upgrading costs, as well as any costs to decommission existing services, shall be the responsibility of the developer.
- b. Provide an adequately sized domestic water and fire protection system complete with an individual lot connection. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw No. 7900.

ATTACHMENT D

This forms part of application
A21-0014

Planner
Initials

TC



**City of
Kelowna**
DEVELOPMENT PLANNING



3. Sanitary Sewer Service

- a. This subject parcel is currently not within the City service area. Sanitary sewage is presently handled by an on-site sewage disposal system. The existing on-site system are not shown on the submitted Site Plan.
- b. The applicant's consulting engineer will determine the requirements of the on-site disposal system that will support the proposed use. Existing and proposed on-site servicing will require review and approval by the Interior Health Authority and Building & Permitting.

4. Storm Drainage

- a. The developer must engage a consulting civil engineer to provide a stormwater management plan for the site, which meets the requirements of the Subdivision, Development, and Servicing Bylaw No. 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and recommendations for onsite drainage containment and disposal systems.
- b. An Erosion and Sediment Control Plan is to be prepared by a Professional Engineer proficient in the field of erosion and sediment control. The plan is to be prepared as per section 3.14 of Schedule 4 of Bylaw 7900. If a line item for ESC is not included in the Engineer's cost estimate for off-site work, then an additional 3% will be added to the performance security based on the total off-site construction estimate.

5. Road Improvements and Site Access

- a. Webster Rd is included in the 20 Year Major Roads Network as a 2-Lane Collector and must be upgraded to a rural standard (SS-R5) along the frontage of the subject property. Required upgrading must include road widening, addition of 1.5m paved and 1.5m gravel shoulders, guard rails or safety barriers as necessary along steep section, boulevard restoration, storm drainage ditch, pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- b. Only one driveway access, with a maximum of 6m, is permitted per lot. Include shared access for both buildings on site plan.

6. Electric Power and Telecommunication Services

- a. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.
- b. If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

7. Geotechnical Study

- a. At the time of Building Permit application the applicant is required to provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below:

NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.

- b. The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.
 - i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - ii. Site suitability for development.
 - iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - iv. Any special requirements for construction of roads, utilities, and building structures.
 - v. Recommendations for items that should be included in a Restrictive Covenant.
 - vi. Recommendations for roof drains, perimeter drains, and septic tank effluent on the site.
 - vii. Recommendations for erosion and sedimentation controls for water and wind.
 - viii. Any items required in other sections of this document.

8. Road Dedications

- a. A road dedication will be required along the full frontage of the subject lot to achieve a future, SS-R5, 2-Lane Collector 20m ROW. The dedication required varies along the property line, approximately 1.25m to 3m, and is to be confirmed by a BCLS.

9. Design and Construction

- a. Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b. Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.



- c. Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d. A “Consulting Engineering Confirmation Letter” (City document ‘C’) must be completed prior to submission of any designs.
- e. Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City’s Works & Utilities Department. The design drawings must first be “Issued for Construction” by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

10. Servicing Agreement for Works and Services

- a. A Servicing Agreement is required for all offsite works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant’s Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b. Part 3, “Security for Works and Services”, of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

11. Charges and Fees

- a. Development Cost Charges (DCC’s) are payable.
- b. Fees per the “Development Application Fees Bylaw” include:
 - i. Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - ii. Engineering and Inspection Fee: 3.5% of frontage upgrades (plus GST).

Ryan O’Sullivan

Ryan O’Sullivan
Development Engineering Manager

SK



ATTACHMENT **E**

This forms part of application
A21-0014

Planner Initials TC



City of **Kelowna**
DEVELOPMENT PLANNING

November 19, 2021

File No: 0280-30
Local Government File No: A21-0014

City of Kelowna Planning Staff
City of Kelowna
Via E-mail: planninginfo@kelowna.ca

Dear City of Kelowna planning staff:

Re: Non-Adhering Residential Use, 815 Webster Road, Parcel Identifier: 012-175-897

Thank you for providing 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 convert an existing house of approximately 111 m² into Temporary Farm Worker (TFW) housing to support eight+ acres of cherry production. Cherries are an intensive crop which require significant labour.
- The applicant further wishes to construct a new residence of 350 m² for his family.
- It is unclear how many TFWs will be housed in the dwelling. It is also unclear if the applicant has TFW housing on other farm properties in the community.
- The proposed location for the new house is close to Webster Road and appears to minimize the impact of the housing on the productive area of the parcel.

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



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

cc: Shannon Lambie, ALC

COMMITTEE REPORT



Date: December 9, 2021
RIM No. 1210-21
To: Agricultural Advisory Committee (AAC)
From: Development Planning Department
Subject: Regulatory Options for Second Dwellings in the ALR

1.0 Purpose

To consider options to regulate second dwellings on properties within the ALR.

2.0 Proposal

2.1 Background

On July 12th, 2021, the Province of BC introduced new legislation to allow increased housing flexibility within the ALR, which is intended to help both farmer and non-farmers support families and businesses. Effective December 31st, 2021, the new ALR Use Regulation permits property owners in the ALR to have an additional residence (e.g. carriage house, garden suite, manufactured home, etc.) conditional upon the size of the principal dwelling and the size of the property as outline below, without an application to the Agricultural Land Commission (ALC). Proposals that deviate from these restrictions will continue to be required to submit a Non-Adhering Residential Use Permit Application to the ALC.

- For properties up to 40ha and that have a principal dwelling that is less than 500m², a 90m² additional residence is permitted.
- For properties that are over 40ha, a second residence up to 186m² is permitted. There are conditions associated with the size of the principal dwelling.

The Provincial intent is that the additional residence can be used for several purposes including rental (long or short term), agri-tourism accommodation, family, or farm-help. There is no longer a requirement that the additional residence must be used by the landowner or immediate family members.

As the ALR Use Regulation allows local governments to regulate or prohibit residential uses within the ALR, provided that those regulations are not more permissive, a decision needs to be made on if and how these new regulations will be applied in Kelowna.

2.2 Residential Housing Regulations in Kelowna

On ALR properties, the City's current Zoning Bylaw regulations permit one principal dwelling up to 500m² (as defined by the ALC), which may include a secondary suite. A mobile home (9.0m wide) for immediate

family members is also permitted if the owner resides on the same lot. The mobile home must be removed when it is no longer occupied and the land is to be restored to a condition suitable for agricultural use.

Standard Development Regulations for setbacks, site coverage and height of dwellings apply. This Development Regulations within the A1 – Agriculture 1 zone can be seen below:

Use	Gross Floor Area	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Height
Single-Family Dwelling	500m ²	6.0m	3.0m	10.0m	9.5m or 2 ½ storeys
Mobile Home	300m ² / max. 9.0m wide	6.0m	3.0m	10.0m	4.8m

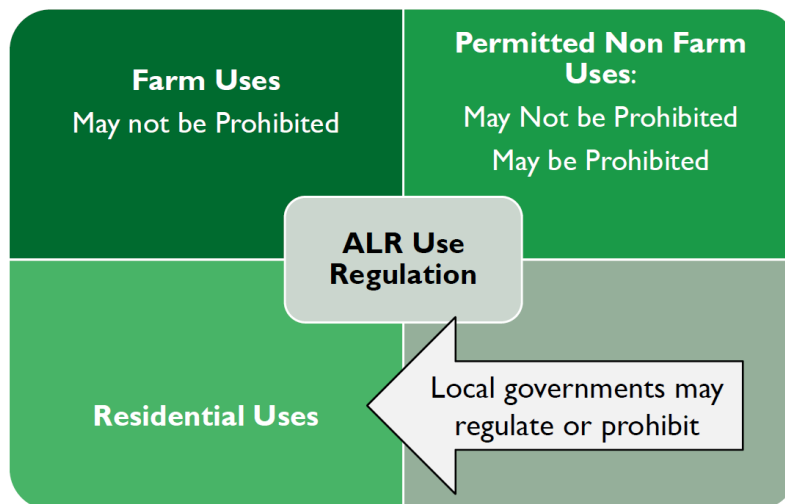
To best follow the policies of the ALC and Ministry of Agriculture, in regard to preserving agriculture and homeplating, Staff require a Farm Residential Footprint Covenant to be placed on Title for any new residential development. This covenant outlines a 2,000m² (0.2ha) area for residential uses, with an additional 1,000m² (0.1ha) for a mobile home. All new residential development will have to be contained within the defined covenant area. The mobile home must also be on a non-permanent foundation without basement excavation, and to qualify, the owner must also live on the same lot.

Property owners that vary from these regulations must apply for an ALC Non-Adhering Residential Use Permit Application, which is reviewed by Staff, the Agricultural Advisory Committee (AAC) and Council. If supported, the application is forwarded to the ALC for the final decision.

With the recent changes to the ALC regulations, grandfathering is permitted for any homes lawfully constructed by December 31st and they may retain in their size and footprint. For any manufactured home, they are not limited to owner or immediate family member after December 31st, 2021 but must stay same size and footprint.

2.3 Existing Considerations for Secondary Residences

Residential uses within the ALR are different than farm uses because local governments have the ability to decide how they want to regulate them.



There are several regulations the City has in place through policy or bylaws that can help formulate the City of Kelowna's approach to the new residential regulations.

Okanagan Basin Water Board (OBWB) - 1.0 Hectare Policy

The City's Zoning Bylaw and Subdivision, Development & Servicing Bylaw as well as the Okanagan Basin Water Board's Policies do not support the development of carriage houses on lots less than 1.0 hectare that rely on on-site sewage disposal. Since 2014, the Okanagan Basin Water Board (OBWB) has required grant recipients, including the City of Kelowna, to have bylaws in place restricting carriage houses to properties greater than 1.0 hectare or to properties with community sewer connections. As per the OBWB Sewage Facilities Assistance Grants' Terms of Reference, OBWB will only fund sewage infrastructure applications in communities that comply with its 1.0 Hectare Policy.

This policy has been built into the Zoning Bylaw under **Section 9.5b.3a**:

A carriage house shall be connected to a community sanitary sewer unless the lot is at least 1.0 ha and meets the requirements of the City and the Medical Health Officer for septic disposal capacity.

Since the ALC's new regulations for second dwellings would fall under the same size requirements, the OBWB 1.0 ha policy should be implemented to avoid conflict with any future funding opportunities.

Farm Residential Footprint Covenant

As mentioned in Section 2.2, the City of Kelowna requires Farm Residential Footprint covenants for all new residential buildings including additions to principal dwellings (exceeding 30m²) and mobile homes. This Farm Residential Footprint covenant allows the Approving Officer more discretion when permitting new residential development. The goal is to limit the residential driveway access to one, as well as create a defined Homeplate, so residential uses are spread throughout the site. This regulation has been defined in the Zoning Bylaw under **Section 11.1.6c**:

For lots 0.4ha and greater, a residential footprint must be registered on title for a residential development triggered by a Farm Protection Development Permit. The maximum residential footprint is 2,000m². A second residential footprint up to 1,000m² may be registered for a mobile home for immediate family members.

If a new residential policy allowing second dwellings is adopted, it would be sensible to adjust the above bylaw to require the Farm Residential Footprint covenant for all new residential development. The second dwelling would be required to be in a contiguous area with the principal dwelling and would instruct against having residential uses spread across the property.

Total Number of ALR Properties Affected

A GIS analysis of the City shows that there are 1946 properties that are either wholly or partially within the ALR. Total number of properties by size are as follows:

Property size	Number of properties
Less than 1 ha	617
1 ha to 40 ha	1296
Greater than 40 ha	33

Further GIS analysis showed that of the properties that are greater than one hectare, 299 parcels have two or more dwelling units (a dwelling unit can be a suite in a principal dwelling or it can be a separate secondary dwelling). The 2014 Provincial Agricultural Land Use Inventory showed that of the parcels greater than 1 ha, 173 of these had 2 or more homes on the property. This means that should the City choose to amend its bylaws to allow for some degree of increased residential flexibility, approximately 1000 parcels could be affected.

2.4 Regulatory Options

With the recent changes to the ALC Act and associated regulations, Staff are considering the following options to regulate secondary residences in the ALR. Staff outline three options below:

Option 1: Adopt new ALR regulations

The first option would be to permit additional residences in accordance with ALR Use Regulations for properties greater than 1.0ha in size. This would allow property owners to have 500m² principal dwelling with a secondary suite, as well as the 90m² additional residence. For properties over 40 ha, they would be permitted to build a second residence that is 186m². This would allow all of the housing forms permitted within the ALC regulations:

- Carriage Homes (garden suite or guest house)
- Accommodation above an existing structure
- Manufactured homes

This would allow property owners to have an increase in housing flexibility including rental income or small temporary farm worker residences without application to the ALC, however, this would be an increase in density outside of the Permanent Growth Boundary. There are also concerns that the additional residence may affect agricultural potential on the properties.

Option 2: Adopt some of the new ALR Regulations, with restrictions

This option would be to permit additional residences for properties greater than 1.0ha up to 90m² when the principal dwelling is less than 500m² regardless of the property size. This would allow only one secondary suite, either a secondary suite or an additional residence.

This would allow consistent regulations for all ALR properties and would be consistent with carriage house regulations for all zones. This would also allow for greater housing flexibility, however, the additional residence may affect agricultural potential and the residents may not be located near services and amenities in the City's urban centres.

Option 3: Restrict Second Residences

This option would restrict second residences to only allow for a principle dwelling with secondary suite.

This would potentially preserve agricultural capability on the land, however, it would be less permissive for property owners as it is now. This would allow for no opportunity for residential flexibility (including TFWH) unless approved through a site specific Text Amendment Application.

4.0 Development Planning

The upcoming change in provincial legislation is intended to support farmers and land owners within the ALR. The proposed housing flexibility would allow for a greater number of options for housing farming families, and farm workers.

Staff are aware that increasing residential densities outside of the Permanent Growth Boundary and in our agricultural areas will not meet several objectives outlined in the City's Official Community Plan (OCP) and Agricultural Plan. However, Staff also understand that allowing a second residence would allow aging in place or a home for immediate family members, and also could help new property owners with the increasing costs of owning a property. In addition to allowing options for farm workers which is in increasing demand for local agricultural producers and agricultural businesses. Potential impacts to agricultural land and capability from these changes can be partially mitigated through existing processes and regulations including the City's Farm Residential Footprint requirements. Limiting the development footprint of residential uses reduces the impact to productive agricultural lands.

Staff are seeking a recommendation from the Agricultural Advisory Committee to present options to Council regarding secondary residences in the ALR.

Report Prepared by: Tyler Caswell, Planner
Wesley Miles, Planner Specialist

Reviewed by: Dean Strachan, Community Planning and Development Manager

Attachments:
Attachment A – City of Kelowna Policies

2030 Official Community Plan

- Objective 5.3 Focus development to designated growth areas
 - Policy .1 Permanent Growth Boundary (PGB). Establish a PGB as identified on Map 4.1 and Map 5.2. Lands outside the PGB will not be supported for urban or intensive uses with the exception of the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500 or, for Agri-Business designated sites. Lands outside the PGB will not be supported for any further parcelization. The PGB may be reviewed as part of the next major OCP update.

- Objective 5.33 Protect and enhance local agriculture
 - Policy .1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.
 - Policy .2 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

- Objective 5.34 Preserve productive agricultural land
 - Policy .1. Secondary Suites. Encourage secondary suites on agricultural land to be located within a permitted principal dwelling.
 - Policy .3 Homeplating. Locate buildings and structures, including farm help housing and farm retail sales area and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage. The goal should be to maximize use of existing infrastructure and reduce impacts on productive agricultural lands.

- Objective 10.3 Support the creation of affordable and safe rental, non-market and/or special needs housing.
 - Policy .1. Housing availability. Support the provision of housing for all members of the community, including those in core housing or requiring special needs housing (transitional, age in place, emergency or shelter).

2040 Official Community Plan (Not Adopted)

- Rural Lands. Rural Lands are located outside of the Permanent Growth Boundary and are mostly composed of agricultural lands and natural areas. Small pockets of residential neighbourhoods are also included in these areas; however, they are not signaled for growth. Protection of these agricultural and natural lands is the top priority in this district.

- Rural – Agricultural and Resource (R-AGR). Supported Uses and Typologies. Lands within the Rural – Agricultural and Resource designation will be

supported for agricultural and resource uses but will not be supported for urban development or for uses that could have a negative impact on agriculture.

- Objective 8.1 Protect and preserve agricultural land and its capability.
 - Policy 8.1.1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.
 - Policy 8.1.4 Urban Uses. Direct urban uses to lands within the Permanent Growth Boundary, to minimize development and speculative pressure on agricultural land.
 - Policy 8.1.8 Secondary Suites. Secondary suites on ALR lands must be located within a permitted principal dwelling.
 - Policy 8.1.10 Homeplating. Locate buildings and structures, including farm help housing and farm retail sales areas and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage.

- Objective 8.4 Stop urban sprawl into Rural Lands.
 - Policy 8.4.1 Intensification of Rural Lands. Do not support urban uses on lands outside the Permanent Growth Boundary except for as permitted by the 2040 OCP Future Land Use Designations in place as of initial adoption of the 2040 OCP Bylaw.
 - Policy 8.4.3 Housing in Agricultural Areas. Discourage additional residential development (both expansions and new developments) in areas surrounded by ALR and non-ALR agricultural lands. Secondary suites may be permitted in a permitted primary dwelling. Carriage houses may be considered on Rural Residential lands where the property is 1.0 hectares or greater and where proposal is consistent with the Farm Protection Guidelines outlined in Chapter 22: Farm Protection Development Permit Area.

2017 Agriculture Plan

- Theme 1: Strengthening local policies and actions to protect agriculture
 - Action 1.1a Restrict additional density outside the Permanent Growth Boundary
 - Action 1.3a Review and amend the A1 zone to ensure compliance.
 - Action 1.3c Revise policy for mobile homes on farmland occupied by owner's immediate family.
 - Action 1.3d Remove "carriage house" as a permitted use within the A1 zone.

ATTACHMENT		A
This forms part of application		
# _____		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING