

# Agricultural Advisory Committee

## AGENDA



Thursday, March 10, 2022

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](http://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.

(e) 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. Applications for Consideration

#### 2.1. Hart Rd 3845 - A21-0010 - Khela Orchards

3 - 36

To consider a non-adhering residential use permit to convert an existing accessory building into temporary farm worker housing to accommodate 60 seasonal farm workers.

### 3. Minutes

37 - 39

Approve Minutes of the Meeting of December 9, 2021.

### 4. ALC Decisions - Update

5. **New Business**

6. **Next Meeting**

April 14, 2022

7. **Termination of Meeting**

# COMMITTEE REPORT



**Date:** March 10, 2022

**RIM No.** 1210-21

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

**From:** Development Planning Department (MS)

**Application:** A21-0010 **Owner:** Khela Orchards

**Address:** 3845 Hart Rd **Applicant:** Carl Withlier

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

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## 1.0 Purpose

To consider a non-adhering residential use permit to convert an existing accessory building into temporary farm worker housing to accommodate 60 seasonal farm workers.

## 2.0 Proposal

### 2.1 Background

The subject property is 28.91 acres (11.70 hectares) and located on Hart Road and Grieve Road. The subject parcel is used for cherry farming, while the applicants operate on a total of 250 acres worth of properties in Kelowna and Lake Country that produce cherries. The subject property currently a single-family dwelling.

### 2.2 Project Description

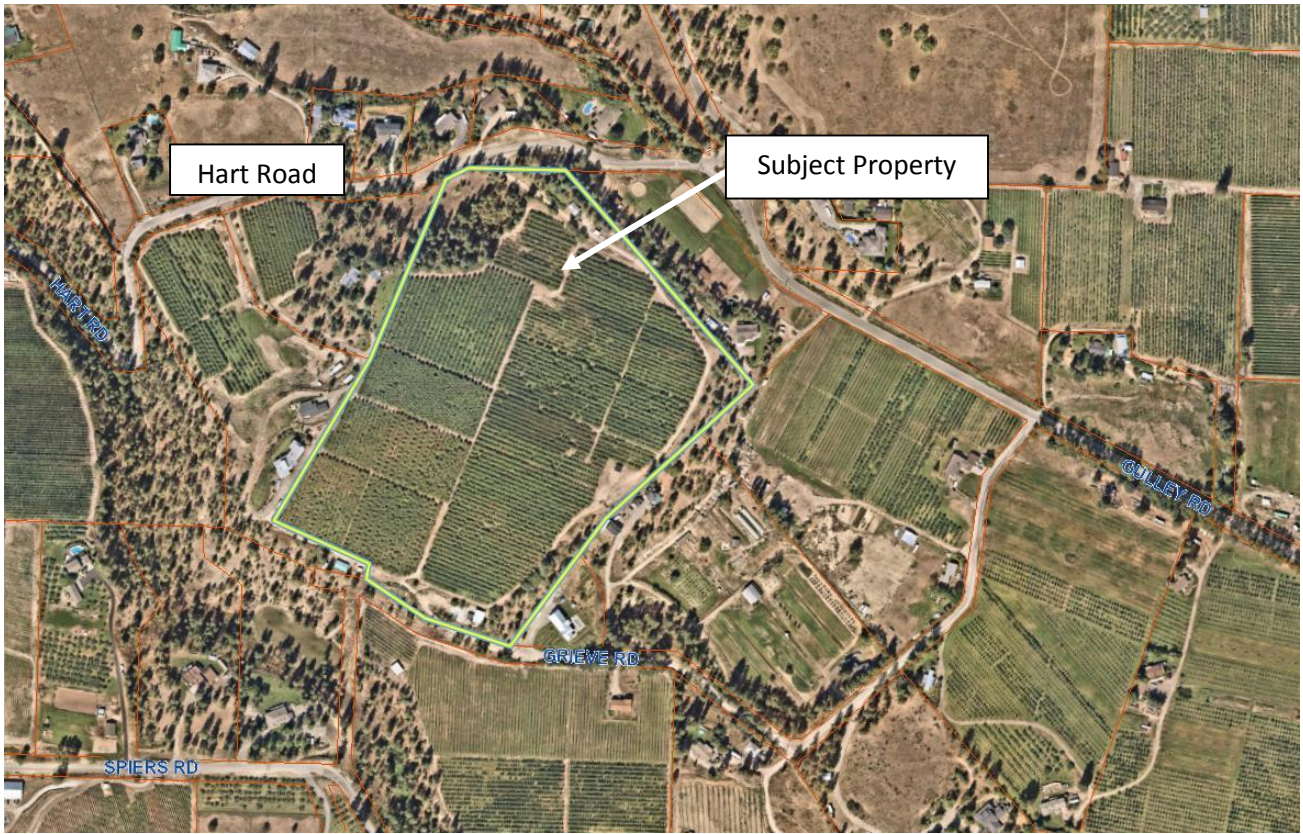
The application is to construct temporary farm worker housing to accommodate 60 seasonal workers . The owners are seeking seasonal agricultural workers to help with the maintenance and planting on their 27 acre orchard and their other properties. The proposed building would have 200 m<sup>2</sup> in gross floor area, and one storey in height. The proposed building will contain bedrooms, a kitchen, laundry facilities and common recreation rooms.

### Site Context

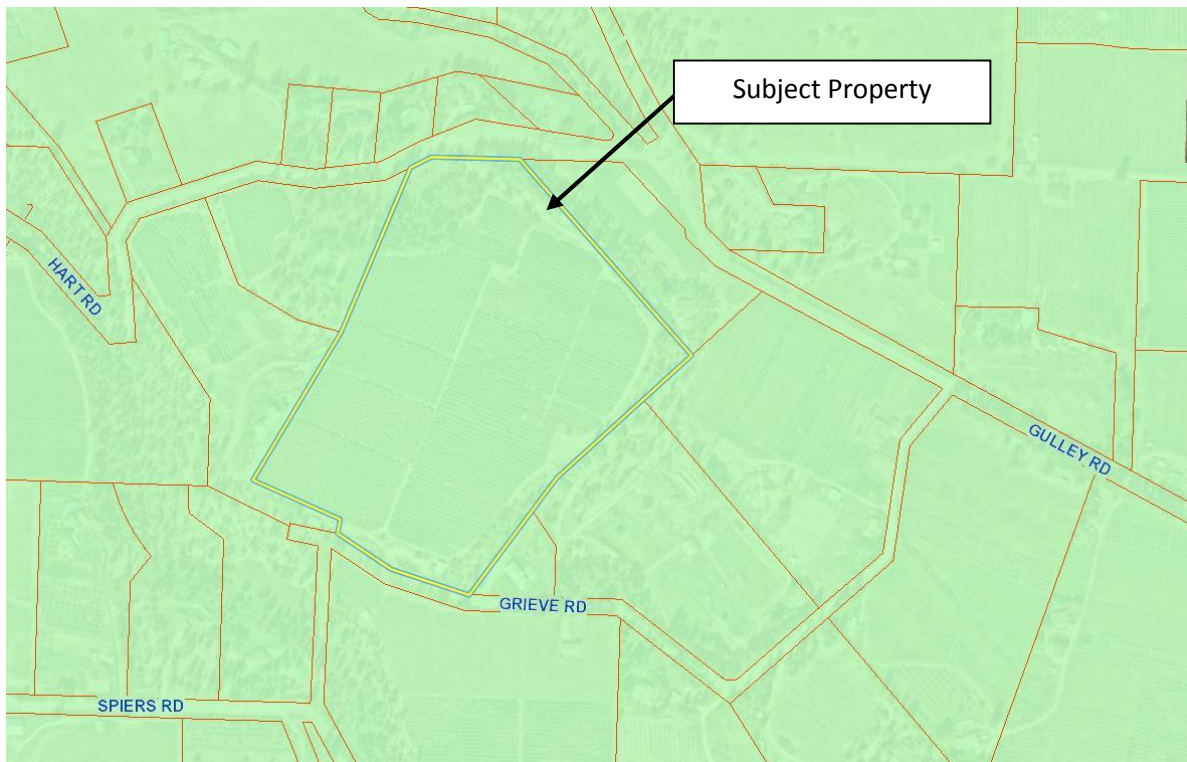
Parcel Summary – 1789 Munson Road:

Parcel Size: 2.49 ha (6.15 acres)  
Elevation: 352.0 to 350.25 metres above sea level (masl) (approx.)

Map 1 - Neighbourhood

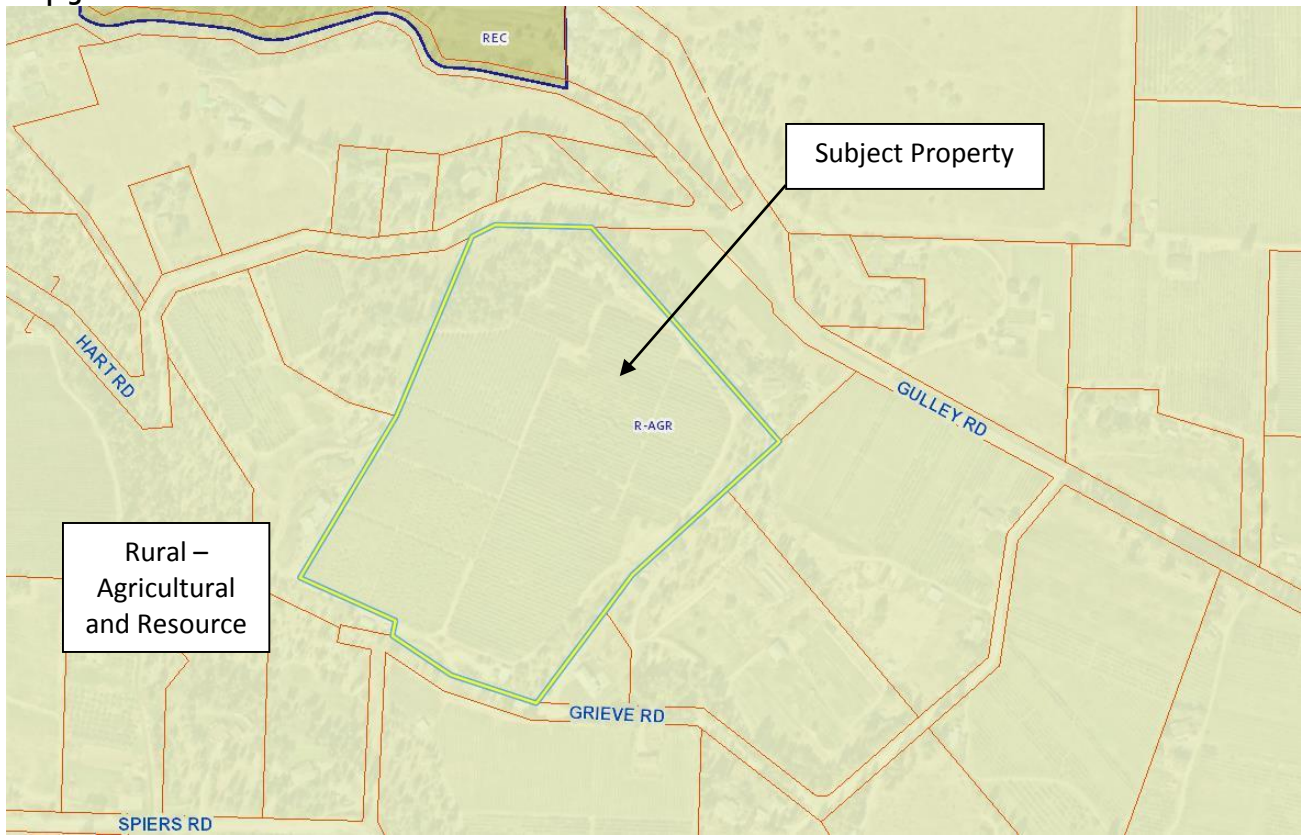


Map 2 – Agricultural Land Reserve





**Map 3 – Future Land Use**



**2.3 Neighbourhood Context**

The subject is located on Hart Road and has a future land use of Rural – Agriculture and Resource and is Zoned A1 - Agricultural. 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 – Agricultural	Yes	Agriculture
South	A1 – Agricultural	Yes	Agriculture
East	A1 – Agricultural	Yes	Agriculture
West	A1 – Agricultural	Yes	Agriculture

### 3.0 Community 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 – Floor Plan

Attachment D – Development Engineering Memo

Attachment E – Ministry of Agriculture

# SCHEDULE A - Policies



Subject: Address

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## 3.1 City of Kelowna Agriculture Plan (1998)

### ALR Application Criteria<sup>1</sup>

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

**Objective<sup>2</sup>: Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.**

Action towards this objective<sup>3</sup>: 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 Area<sup>4</sup>**

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 boundary<sup>5</sup>**

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 Boundary<sup>6</sup>.** 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

<sup>1</sup> City of Kelowna Agriculture Plan. 1998. P. 130.

<sup>2</sup> City of Kelowna Strategic Plan. 2004. P. 7.

<sup>3</sup> City of Kelowna Strategic Plan. 2004. P. 29.

<sup>4</sup> City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.2.

<sup>5</sup> City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.6.

<sup>6</sup> City of Kelowna 2030 Official Community Plan. Development Process Chapter. P. 5.2.



uses **only** to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption 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 agriculture<sup>7</sup>.**

**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.

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

# SCHEDULE B – Technical Comments



**Subject:** ADDRESS – APPLICATION TYPE

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## 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.

This forms part of application

# A21-0010

Planner  
Initials

GA



# Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 63476

**Application Status:** Under LG Review

**Applicant:** Khela Orchards

**Agent:** Carl Withler

**Local Government:** City of Kelowna

**Local Government Date of Receipt:** 07/05/2021

**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:** House 60 TFW currently in the SAWP program

## Agent Information

**Agent:** Carl Withler

**Mailing Address:**

2612 Woodland Cres.

Kelowna, BC

v1w 2R4

Canada

**Primary Phone:** (250) 870-2137

**Email:** withler@shaw.ca

## Parcel Information

### Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

**Parcel Identifier:** 028-135-351

**Legal Description:** LOT 3 SECTIONS 3 AND 4 TOWNSHIP 26 OSOYOOS DIVISION YALE  
DISTRICT PLAN KAP90274

**Parcel Area:** 13 ha

**Civic Address:** 3845 hart Road, Kelowna

**Date of Purchase:** 04/29/2019

**Farm Classification:** Yes

## Ownership or Interest in Other Lands Within This Community

1. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 016-767-721  
**Owner with Parcel Interest:** Khela Orchards  
**Parcel Area:** 22 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).**  
*Late season cherry production.*
2. **Quantify and describe in detail all agricultural improvements made to the parcel(s).**  
*Equipment shed and farm manager trailer*
3. **Quantify and describe all non-agricultural uses that currently take place on the parcel(s).**  
*27 acres of high value cherry production.*

## Adjacent Land Uses

### North

**Land Use Type:** Transportation/Utilities  
**Specify Activity:** Hart Road

### East

**Land Use Type:** Agricultural/Farm  
**Specify Activity:** cherry production

### South

**Land Use Type:** Agricultural/Farm  
**Specify Activity:** cherry production

### West

**Land Use Type:** Transportation/Utilities  
**Specify Activity:** Hart Road

## Proposal

1. **What is the purpose of the proposal?**  
*House 60 TFW currently in the SAWP program*
2. **Describe the necessity for an additional residence for farm use and how it will support agriculture in the short or long term.**  
*Housing is a requirement of the SAWP program and on-site housing is preferred to reduce travel time to work sites.*



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

*A farm managers trailer (registered on title) is on the property currently.*

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

*200 m<sup>2</sup>*

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

*The site is not farmable due to extremely sandy soils, steep terrain and standing yellow pine on site.*

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

*.2 ha per City of Kelowna farm footprint bylaw.*

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

*No*

### **Applicant Attachments**

- Agent Agreement-Carl Withler
- Proposal Sketch-63476
- Other correspondence or file information-lot plan
- Certificate of Title-028-135-351

### **ALC Attachments**

None.

### **Decisions**

None.

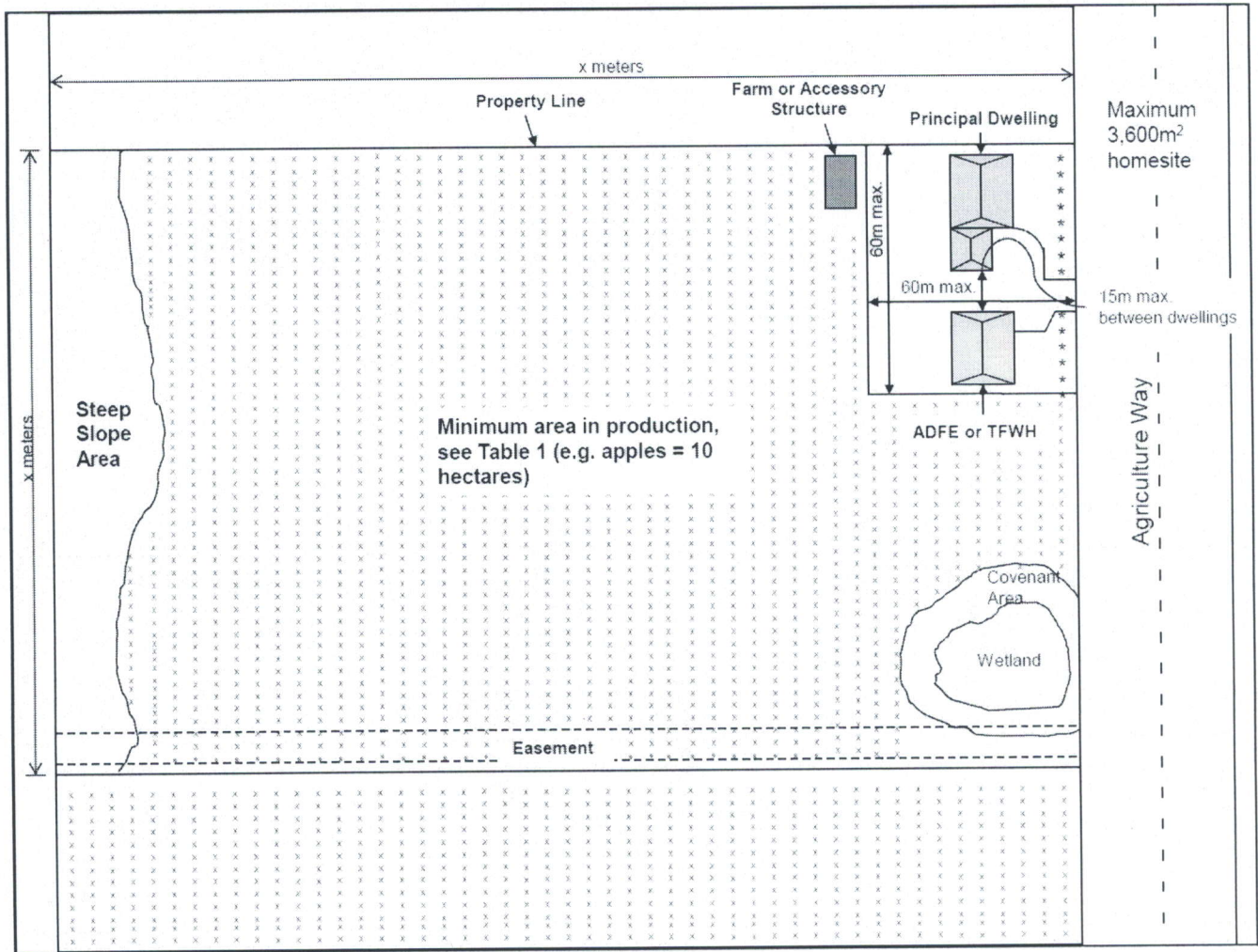
## Appendix 6: Temporary Farm Worker Housing Criteria (TFWH)

1. TFWH should be provided as “bunkhouse” style accommodation which is very minimalist in nature.
2. New TFWH should be in an existing building, or a manufactured home. Housing should be constructed or manufactured in a manner that makes it easily movable from one location to another for residential use or offsite if the housing is no longer required.
3. Housing is to be provided on a temporary foundation (no concrete footings) and no basement permitted.
4. Housing must be located on a declared home plate. A home plate must be contained within a contiguous area no greater than 3,600 m<sup>2</sup> including those portions of existing farmhouses and their associated ancillary farm residential that are located more than 60 metres from the front, interior, rear or exterior property lines. Consideration will be given where a hardship (e.g. topography or agricultural viability) can be demonstrated.
5. Total useable floor area should be in the range of 7.44 m<sup>2</sup> minimum and 10 m<sup>2</sup> maximum. Total useable floor area does not include washrooms, laundry rooms, mechanical rooms, or storage rooms.
6. Sleeping areas must be a minimum of 8.5 m<sup>3</sup> per person.

The following recommendations are consistent with the Federal Seasonal Agricultural Worker Program (SAWP):

1. One washbasin for every seven occupants.
2. One shower for every ten occupants.
3. One toilet facility for every ten occupants.
4. At least one laundering machine in good working order for every fifteen bunks or the equivalent.
5. One unit (2 burners) stove or hot plate for every four workers.
6. One refrigerator unit for every six workers.

Appendix 3: Sample Site Plan (Required for Both ADFE and TFWH Requests)



**ATTACHMENT B**

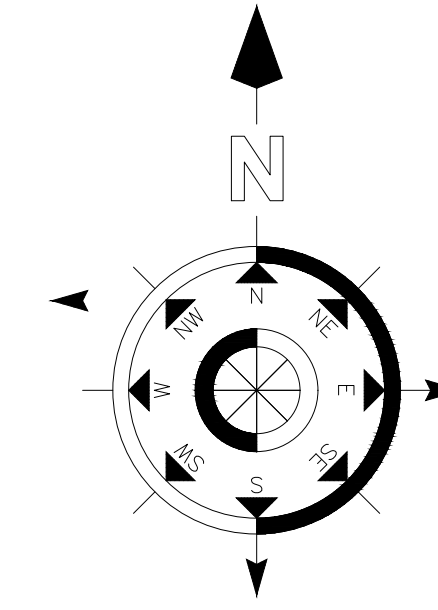
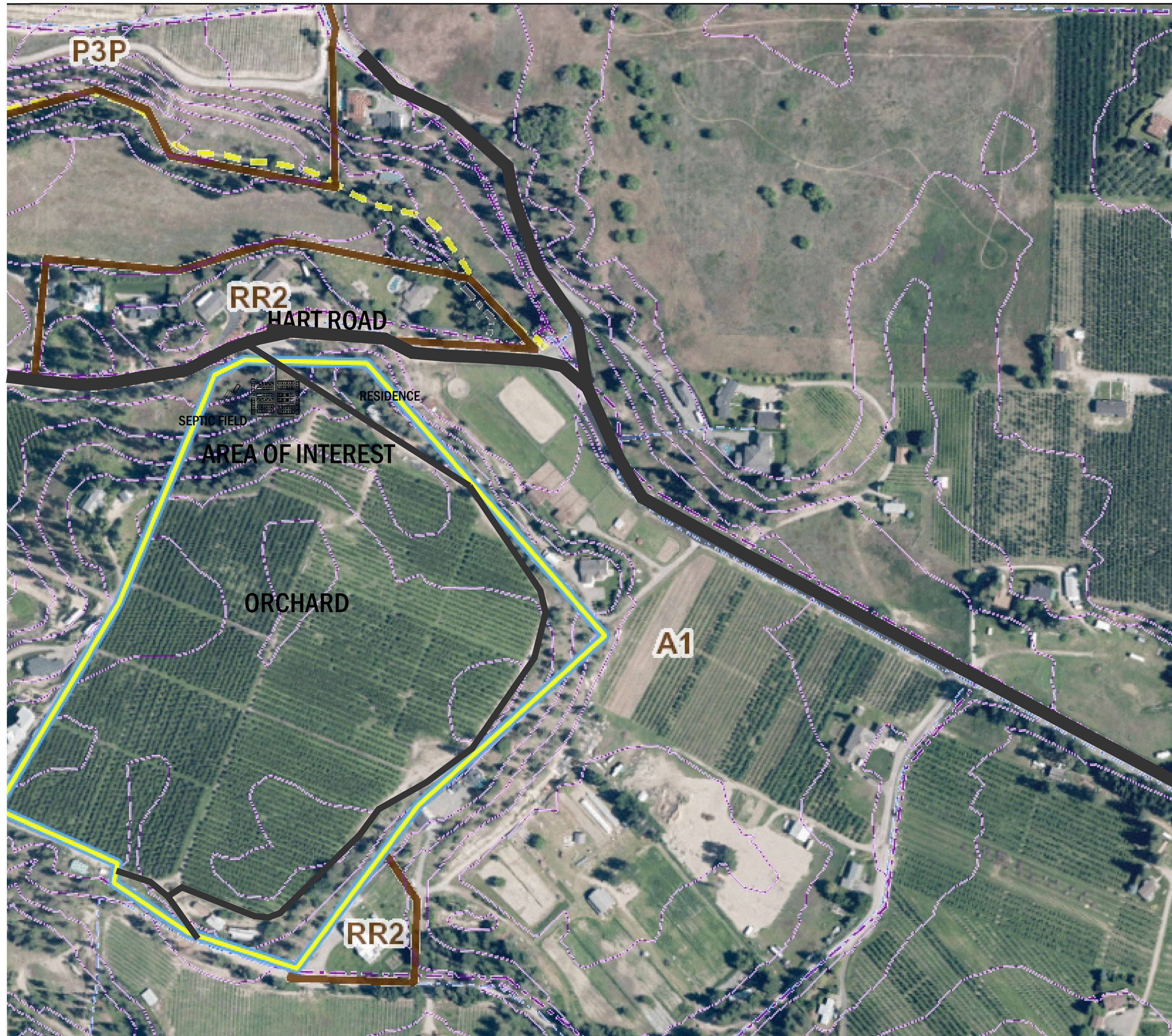
This forms part of application  
**# A21-0010**

Planner Initials **GA**

City of **Kelowna**  
 DEVELOPMENT PLANNING







MUNICIPAL ADDRESS  
 3845 HART ROAD  
 KELOWNA, B.C.  
 V1W-4B2

LEGAL ADDRESS  
 LOT 3 BLOCK  
 PLAN KAP 90274  
 KID 728799  
 PID 028-135-351

28.91 Acres / 11.70 Ha.

**3845 HART ROAD**

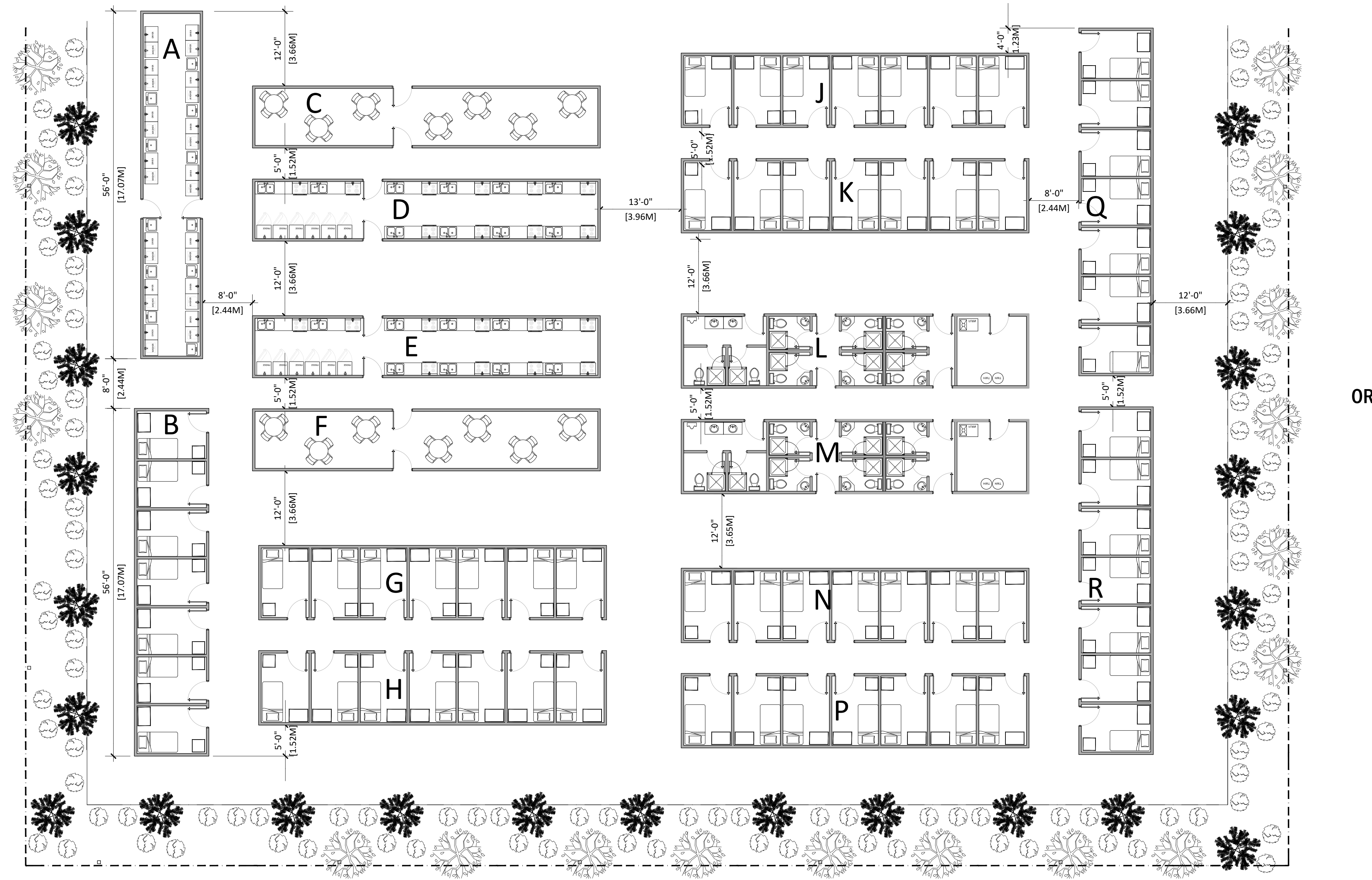
No.	Type	Per Unit	Per Unit	Total Amount
4	12' SLEEPING UNIT	672 sq. ft.	62.4 m2	2,688 sq. ft. 249.7 m2
3	10' SLEEPING UNIT	560 sq. ft.	52.0 m2	1,680 sq. ft. 156.0 m2
2	12' KITCHEN	672 sq. ft.	62.4 m2	1,344 sq. ft. 124.8 m2
2	12' WASHROOM	672 sq. ft.	62.4 m2	1,344 sq. ft. 124.8 m2
2	10' RECREATIONAL	560 sq. ft.	52.0 m2	1,120 sq. ft. 104.0 m2
1	10' LAUNDRY UNIT	560 sq. ft.	52.0 m2	560 sq. ft. 52.0 m2
				<b>8,736 sq. ft. 811.6 m2</b>

DATE				NO.				BY				REVISION			
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<p align="center"> <b>HOLDEN'S            DRAUGHTING &amp; DESIGN</b>  <small>832 SAUCIER AVENUE            KELOWNA, B.C.            V1Y-6A3</small>  <small>Phone: 250.868.0962            Fax: 250.868.0962            Email: h.holden@shaw.ca</small> </p>															
<p align="center"> <small>PROJECT</small>  <b>HART ROAD ORCHARD</b>  <b>3845 HART ROAD</b>  <b>KELOWNA, B.C. V1W-4B2</b> </p>															
<p align="center"> <small>SHEET TITLE</small>  <b>SITE PLAN &amp; NOTATION</b> </p>															
DRAWN		RAH		SHEET NO.		A 1		CHECKED		R.G.		SCALE		DATE	
												Oct. 25, 21		Rev. 0	



3845 HART ROAD

ATTACHMENT C  
 This forms part of application  
 # A21-0010  
 City of Kelowna  
 DEVELOPMENT PLANNING  
 Planner Initials GA



TRAILER DESIGNATION

- A 3.66 m x 17.0 m 12'-0" x 56'-0" LAUNDRY
- B 3.66 m x 17.0 m 12'-0" x 56'-0" SLEEPER
- C 3.0 m x 17.0 m 10'-0" x 56'-0" RECREATIONAL
- D 3.0 m x 17.0 m 10'-0" x 56'-0" KITCHEN
- E 3.66 m x 17.0 m 12'-0" x 56'-0" KITCHEN
- F 3.66 m x 17.0 m 12'-0" x 56'-0" RECREATIONAL
- G 3.0 m x 17.0 m 10'-0" x 56'-0" SLEEPER
- H 3.66 m x 17.0 m 12'-0" x 56'-0" SLEEPER
- J 3.66 m x 17.0 m 12'-0" x 56'-0" SLEEPER
- K 3.66 m x 17.0 m 12'-0" x 56'-0" SLEEPER
- L 3.0 m x 17.0 m 10'-0" x 56'-0" WASHROOM
- M 3.0 m x 17.0 m 10'-0" x 56'-0" WASHROOM
- N 3.66 m x 17.0 m 12'-0" x 56'-0" SLEEPER
- P 3.66 m x 17.0 m 12'-0" x 56'-0" SLEEPER
- Q 3.0 m x 17.0 m 10'-0" x 56'-0" SLEEPER
- R 3.0 m x 17.0 m 10'-0" x 56'-0" SLEEPER

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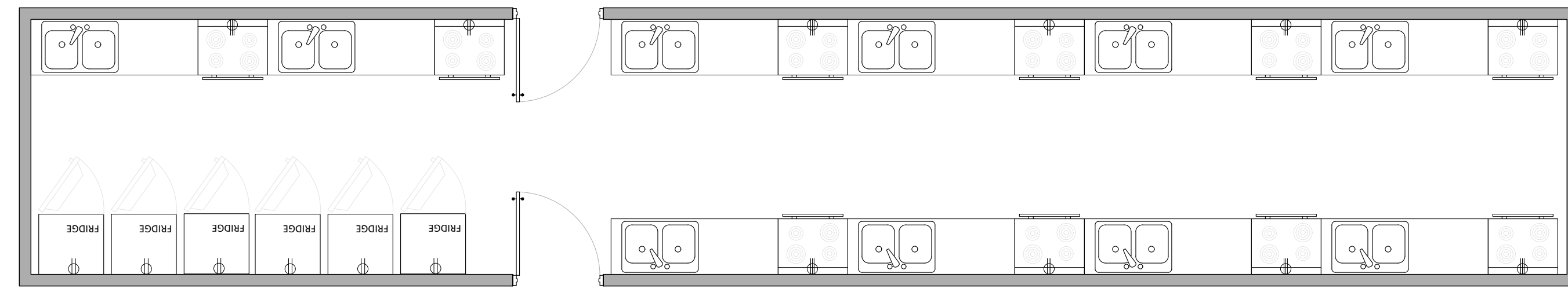
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 Fax: 250.868.0962  
 H.D.D. Email: r.holden@shaw.ca

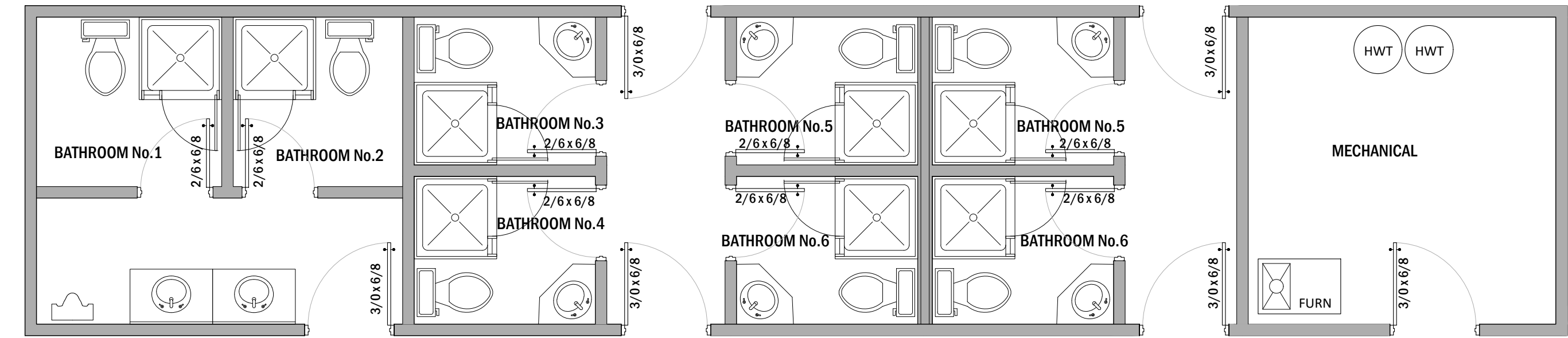
PROJECT  
 HART ROAD ORCHARD  
 3845 HART ROAD  
 KELOWNA, B.C. V1W-4B2

SHEET TITLE  
 UNIT TRAILER CONFIGURATION

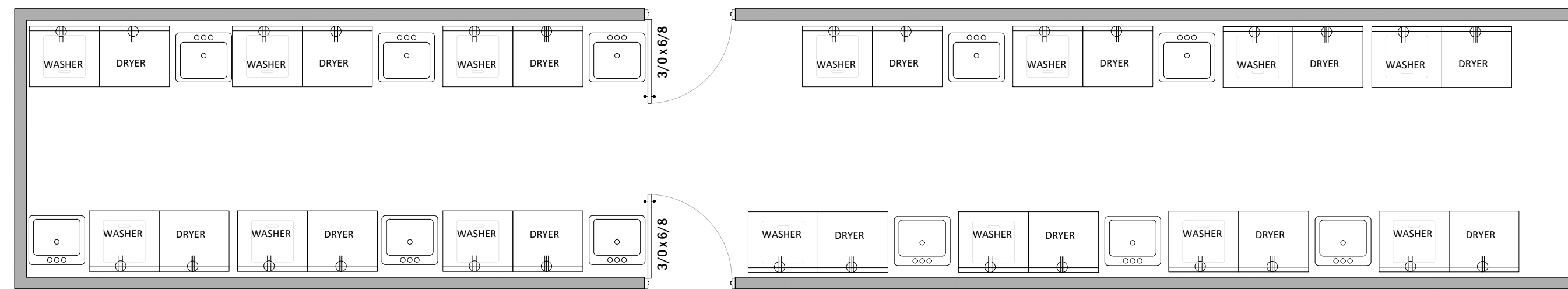
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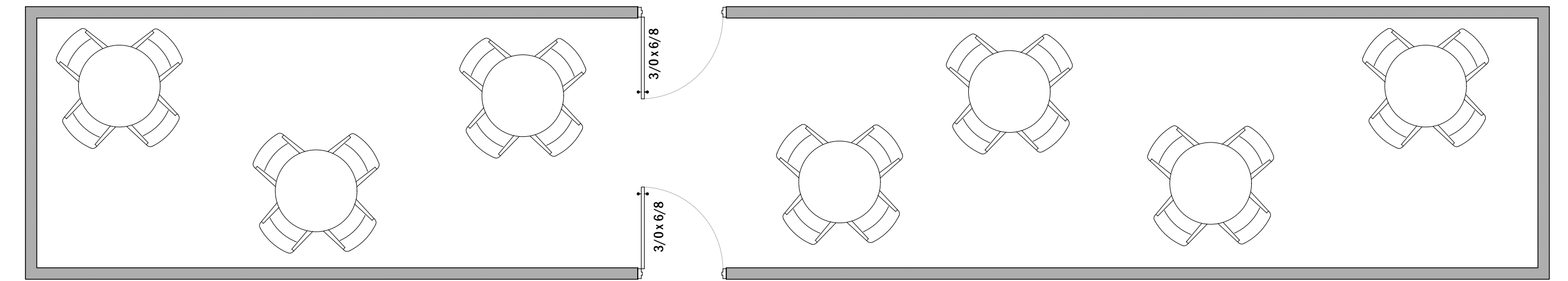
KITCHEN UNIT (2)



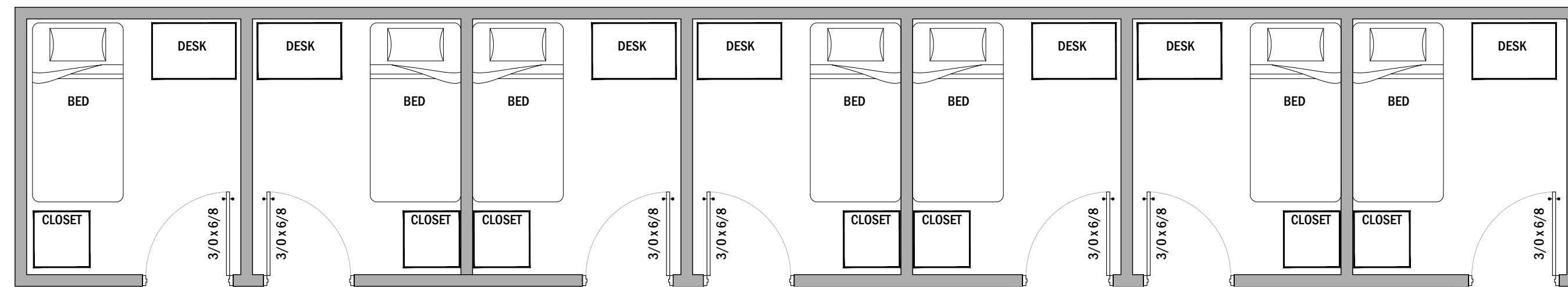
WASHROOM UNIT (2)



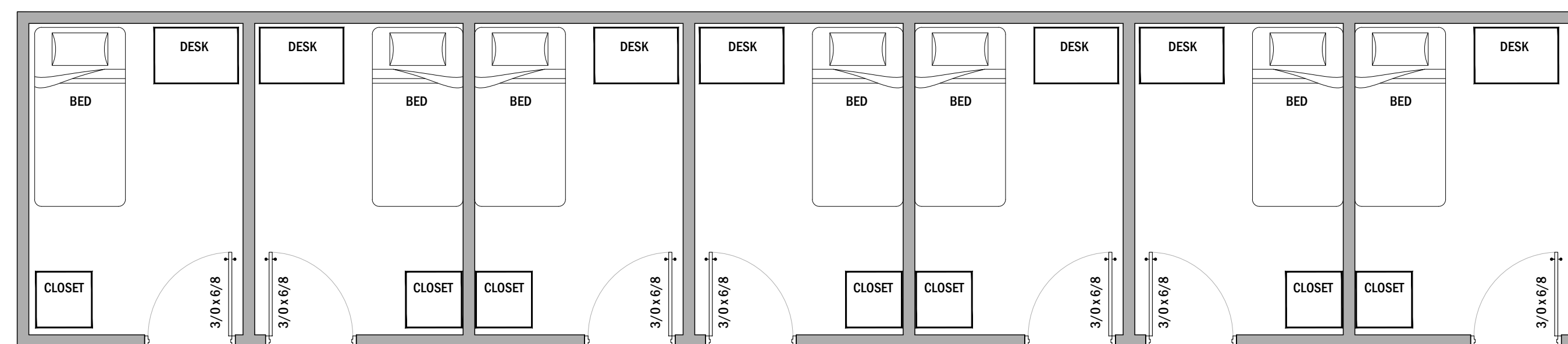
LAUNDRY UNIT (1)



RECREATIONAL UNIT (2)



SLEEPER UNIT (3)



SLEEPER UNIT (4)

DATE	NO.	BY	REVISION

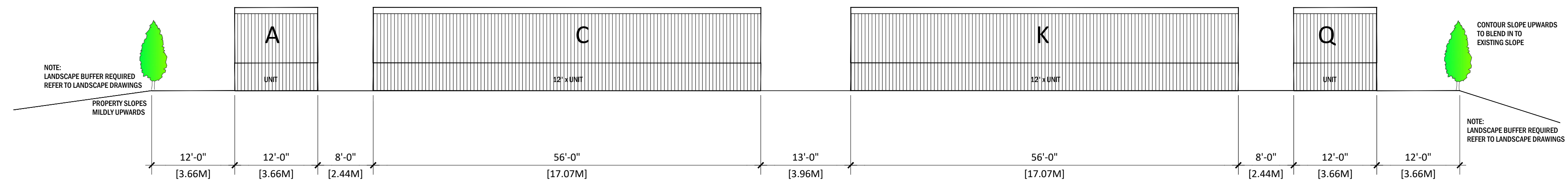
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H.D.D.

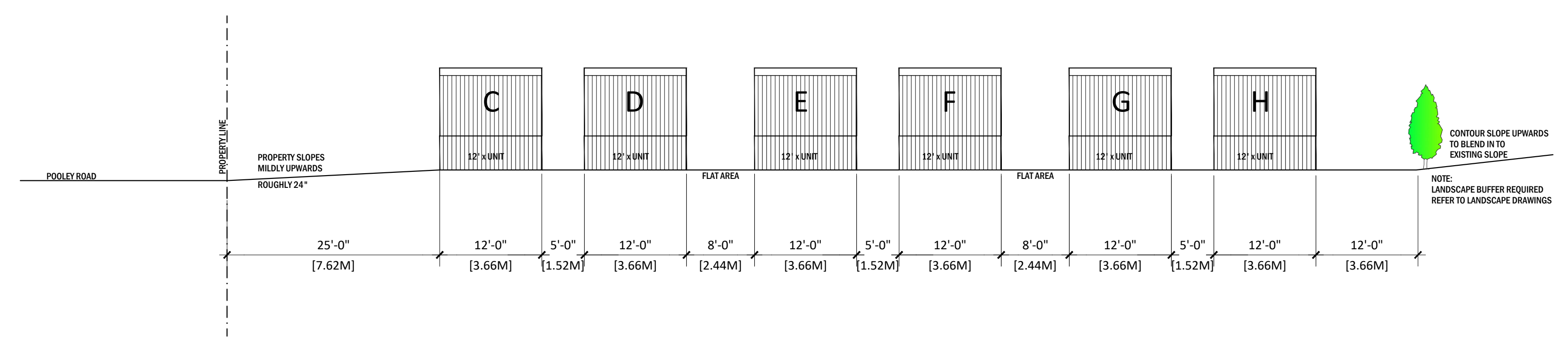
PROJECT  
**HART ROAD ORCHARD**  
3845 HART ROAD  
KELOWNA, B.C. V1W-4B2

SHEET TITLE  
**UNIT FLOOR PLANS**

DRAWN	RAH	SHEET NO.	<b>A 3</b>
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SCALE			
DATE	Oct. 25, 21		



LONGITUDINAL ELEVATION



CROSS SECTIONAL ELEVATION

DATE	NO.	BY	REVISION

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Fax: 250.868.0962  
H.D.D. Email: r.holden@shaw.ca

PROJECT  
**HART ROAD ORCHARD**  
3845 HART ROAD  
KELOWNA, B.C. V1W-4B2

SHEET TITLE  
**SITE ELEVATIONS**

DRAWN	RAH	SHEET NO.	<b>A 4</b>
CHECKED	R.G.	Rev. 0	
SCALE			
DATE	Oct. 25, 21		



D.1: Solid Wood Fence  
 All posts and rails shall be rough sawn of "No. 1 Structural" grade, pressure treated with a wood preservative non-toxic to surrounding plant material, in accordance with CSA Standard O80.2 and compatible with staining requirements below. Stain to match fence boards.

All fence boards and planks shall be rough sawn of "Quality Fencing" grade, finished with penetrating stain with preservative, conforming to CGSB Standards 1-GP145M and 204M, applied to all surfaces prior to installation and on any cuts thereafter.

Line posts shall be minimum 8.0 ft. in length and at least (standard) 4"x 4".

Corner posts shall be minimum 8.0 ft. in length and at least (standard) 6"x 6".

Fence rails (min. 3) shall be maximum 7.5 ft. in length and at least (standard) 2"x 4".

Cap rails shall be at least (standard) 2"x 6". Cant to drain.

The finished height of opaque fencing shall be at least 6.0 ft.

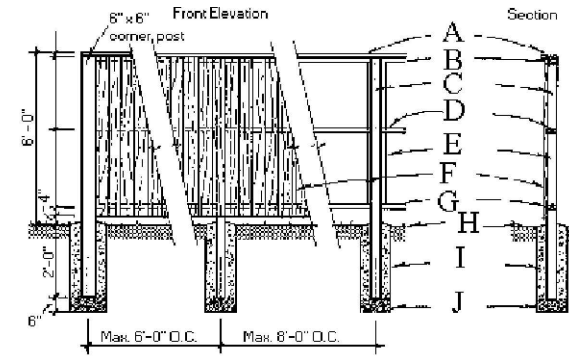
All nails used in fence construction shall meet the following specifications:

- 8.1 Minimum gauge of nails used - #9, common in post/rail connections
- 8.2 Minimum gauge of nails used - #11.5, common in rail/fence board connections
- 8.3 Galvanized - CSA G164

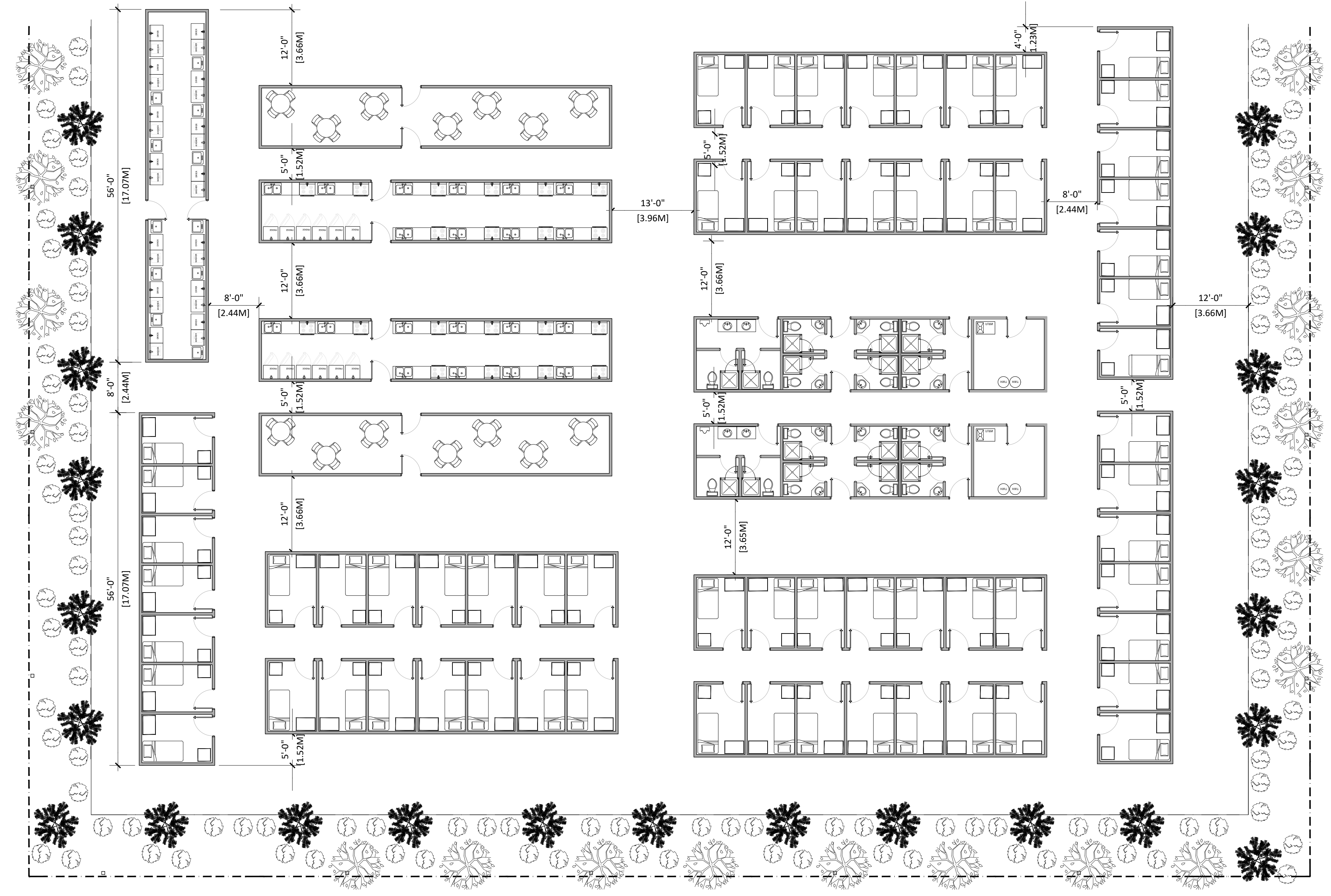
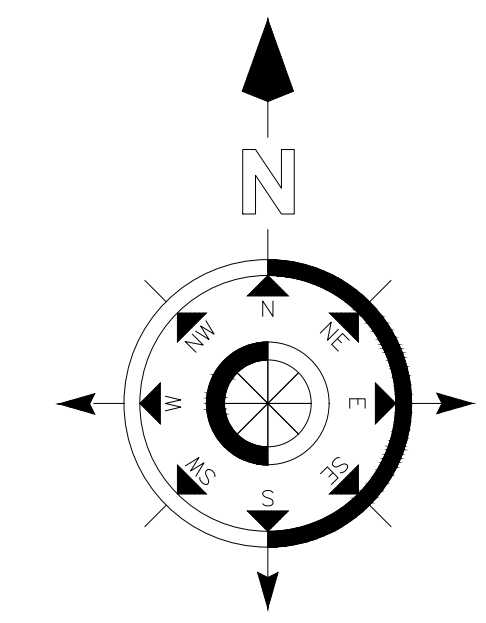
Line posts shall be placed no more than 8.0 ft. o.c. and be firmly anchored in the soil to a depth of not less than 2.0 ft.

The fence shall be constructed in accordance with these specifications and details which forms part of these specification.

- A - 2" x 6" cap rail
- B - 2" x 4" top rail
- C - 4" x 4" post
- D - 2" x 4" middle rail
- E - 2" x 4" side support
- F - 1" x 6" fence boards
- G - 2" x 4" bottom rail
- H - finished grade
- I - compacted fill
- J - drain rock



**DRIVEWAY**

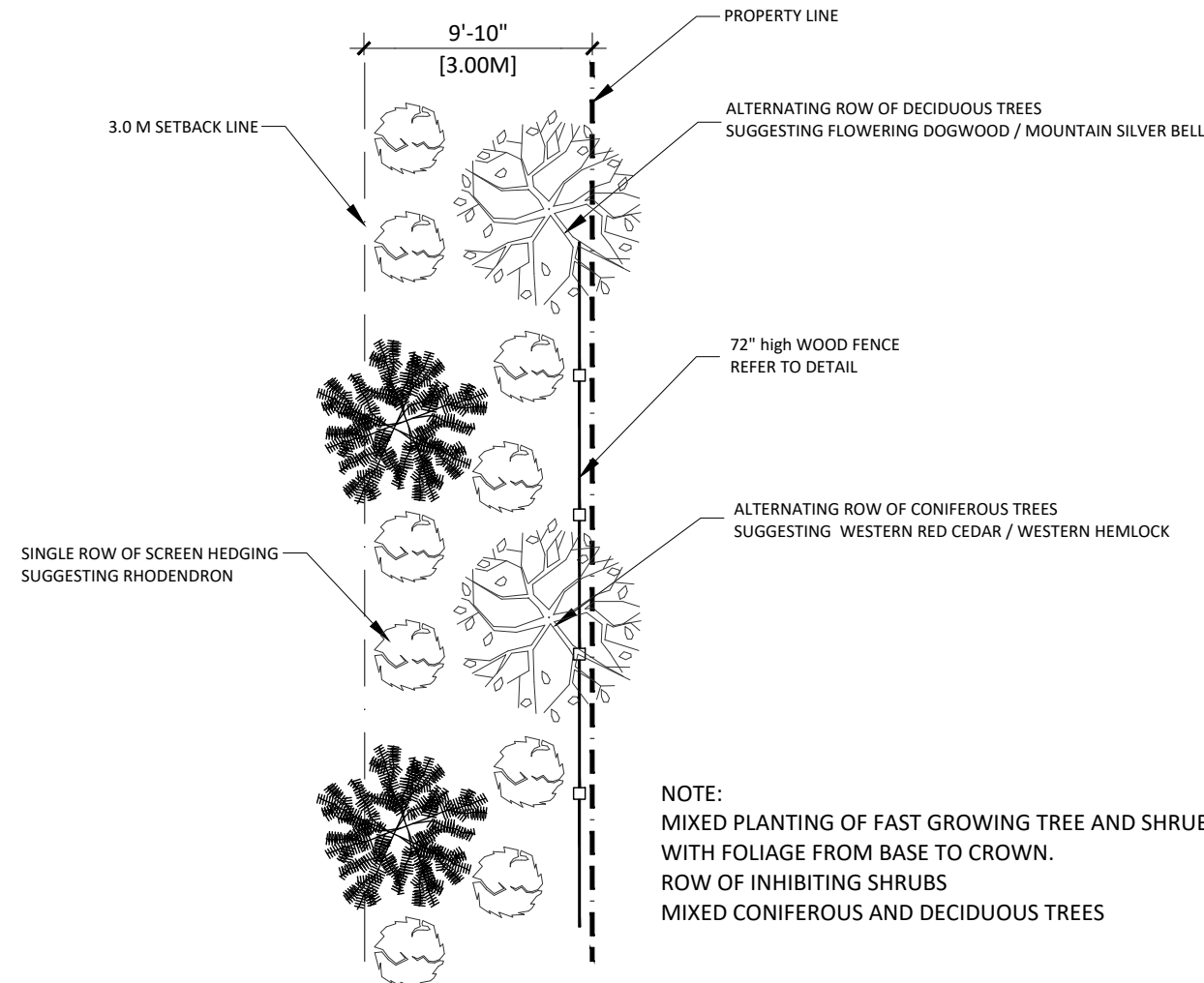


**ORCHARD**

**ORCHARD**

**SEPTIC SYSTEM**

**ORCHARD**



NOTE:  
 MIXED PLANTING OF FAST GROWING TREE AND SHRUB SPECIES WITH FOLIAGE FROM BASE TO CROWN.  
 ROW OF INHIBITING SHRUBS  
 MIXED CONIFEROUS AND DECIDUOUS TREES

DATE	NO.	BY	REVISION
<small>Copyright Reserved.            This drawing is an instrument of service for the specified project. The drawing and design are the exclusive property of the designer and may not be used in whole or in part without written consent. Their name must appear on any reproduction of the whole or in part of this drawing. Please check and verify all critical details and dimensions prior to the start of construction, and contact the owner and designer if any clarification is required. Written dimensions take precedence over scaled dimensions. <b>DO NOT SCALE THESE DRAWINGS.</b></small>			
PROJECT			
HART ROAD ORCHARD 3845 HART ROAD KELOWNA, B.C. V1W-4B2			
SHEET TITLE			
LANDSCAPE PLAN			
DRAWN	RAH		SHEET NO.
CHECKED	R.G.		<b>L 1</b>
SCALE			Rev. 0
DATE	Oct. 25, 21		



# CITY OF KELOWNA MEMORANDUM

**Date:** September 1, 2021  
**File No.:** A21-0010  
**To:** Land Use Planning Manager (WM)  
**From:** Development Engineering Manager (RO)  
**Subject:** 3845 Hart Road                      Lot 3 Plan KAP90274                      ALC application

**ATTACHMENT**                      D

This forms part of application  
# A21-0010

Planner Initials                      GA

City of Kelowna  
DEVELOPMENT PLANNING



Development Engineering has the following comments at this point in time with regard to this application for Non-Adhering Residential Use – New Residence for Farm Use for 60 TFW

**Potential requirements are provided for information only and are subject to the policies in effect at the time when a formal building permit application is made by the owners.**

1. Domestic water and fire protection.

- a) Our records indicate that the subject property is provided with three 19mm domestic service. and two 50mm non-portable irrigation services.
- b) On-site servicing including the utilisation of existing or proposed services as well as fire protection will be reviewed by Building & Permitting.
- c) A Work Order Agreement is required with the property owner and the City to facilitate any service connection upgrades.
- d) Payment is to be made prior to issuance of a building permit.
- e) Meters with double check valve assemblies are required for all services.

2. Sanitary Sewer.

- a) This subject parcel is currently not within the City sewer service area. Sanitary sewage is presently handled by an on-site sewage disposal system.
- b) Existing and proposed on-site servicing upgrades will be reviewed by the Interior Health Authority and Building & Permitting.

\_\_\_\_\_  
Ryan O’Sullivan  
Development Engineering Manager  
JF



September 3, 2021

File No: 0280-30

Local Government File No: A21-0010

City of Kelowna

1435 Water Street

Kelowna, BC V1Y 1J4

Via E-mail: [planninginfo@kelowna.ca](mailto:planninginfo@kelowna.ca)

Dear City of Kelowna planning staff:

**Re: Non-Adhering Residential Use, 3845 Hart Road, Parcel Identifier: 028-135-351**

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 up to 60 temporary foreign workers (TFW) in the seasonal agricultural worker program (SAWP) on-site to support cherry production.
- The proposed site for the housing is not under production.
- Suitable housing is a requirement of the SAWP program. We note that the application states the housing will have a total floor area of 200 m<sup>2</sup>. This is well below the 10 m<sup>2</sup> maximum useable floor area per worker recommended by the Minister’s Bylaw Standard for Temporary Farm Worker Housing found in the Guide for Bylaw Development in Farming Areas; however, it may not be large enough to meet the guidelines set out by the Western Agriculture Labour Initiative (<https://walicanada.ca/wp-content/uploads/2020/11/TFW-Housing-inspection-guide-V20-3-October-2020.pdf>). We recommend that the applicant review this to ensure that the housing will be adequate for the number of workers proposed to be housed, as the housing will need to pass an inspection.
- The application does not specify the type of housing proposed; however, if it will be in trailers that could be removed when no longer required, then based on the information provided the proposal appears reasonable based upon the crop, scale, and location of the operation.

ATTACHMENT E

This forms part of application  
# A21-0010

Planner  
Initials

GA



City of  
Kelowna

DEVELOPMENT PLANNING

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: Sara Huber, Regional Planner, ALC





A21-0010

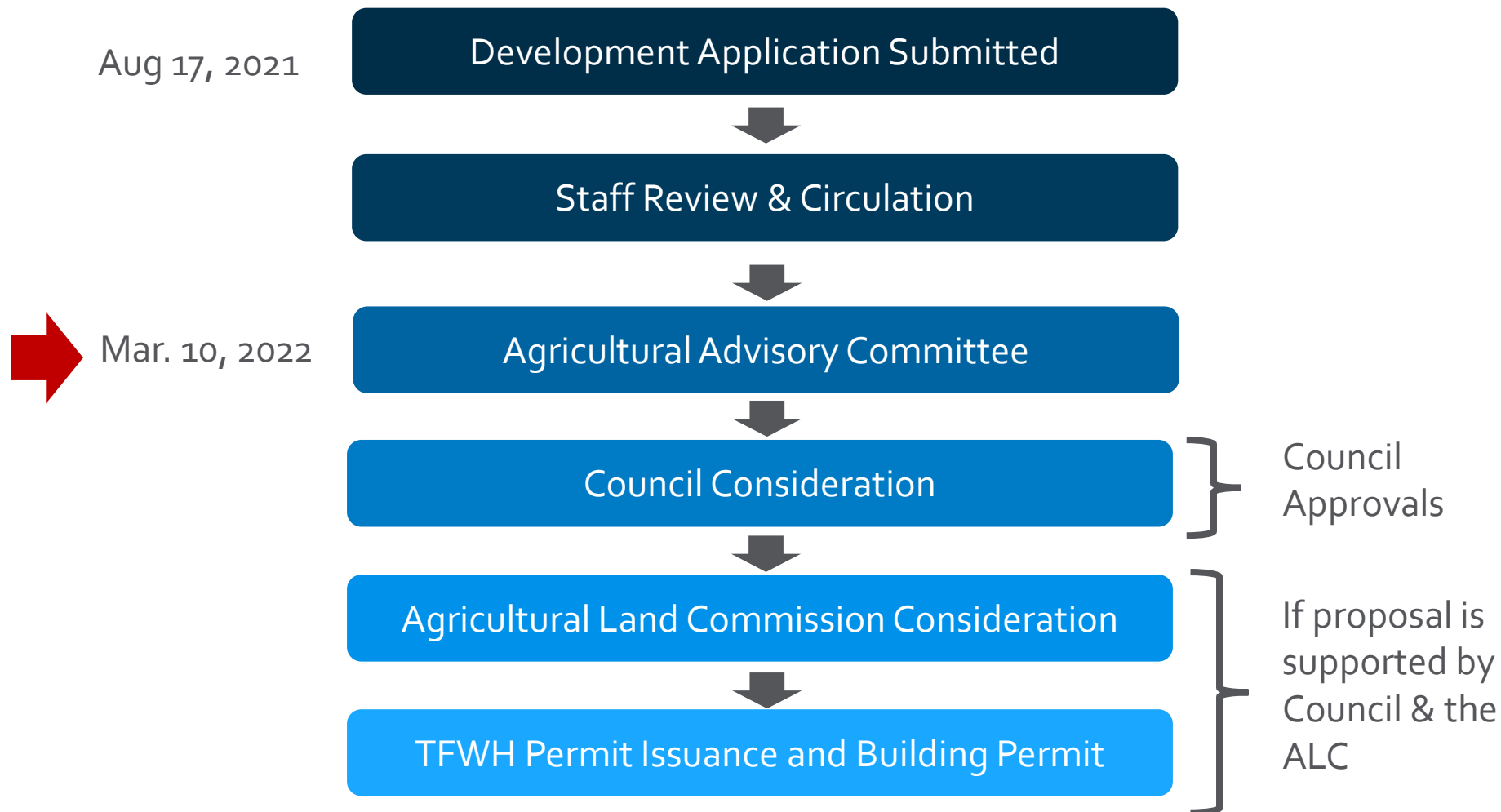
3845 Hart Road

ALR Application for Non-Adhering Residential Use Permit

# Proposal

- ▶ To support an application to the Agricultural Land Commission for a non-adhering residential use permit application for Temporary Farm Worker Housing.

# Development Process



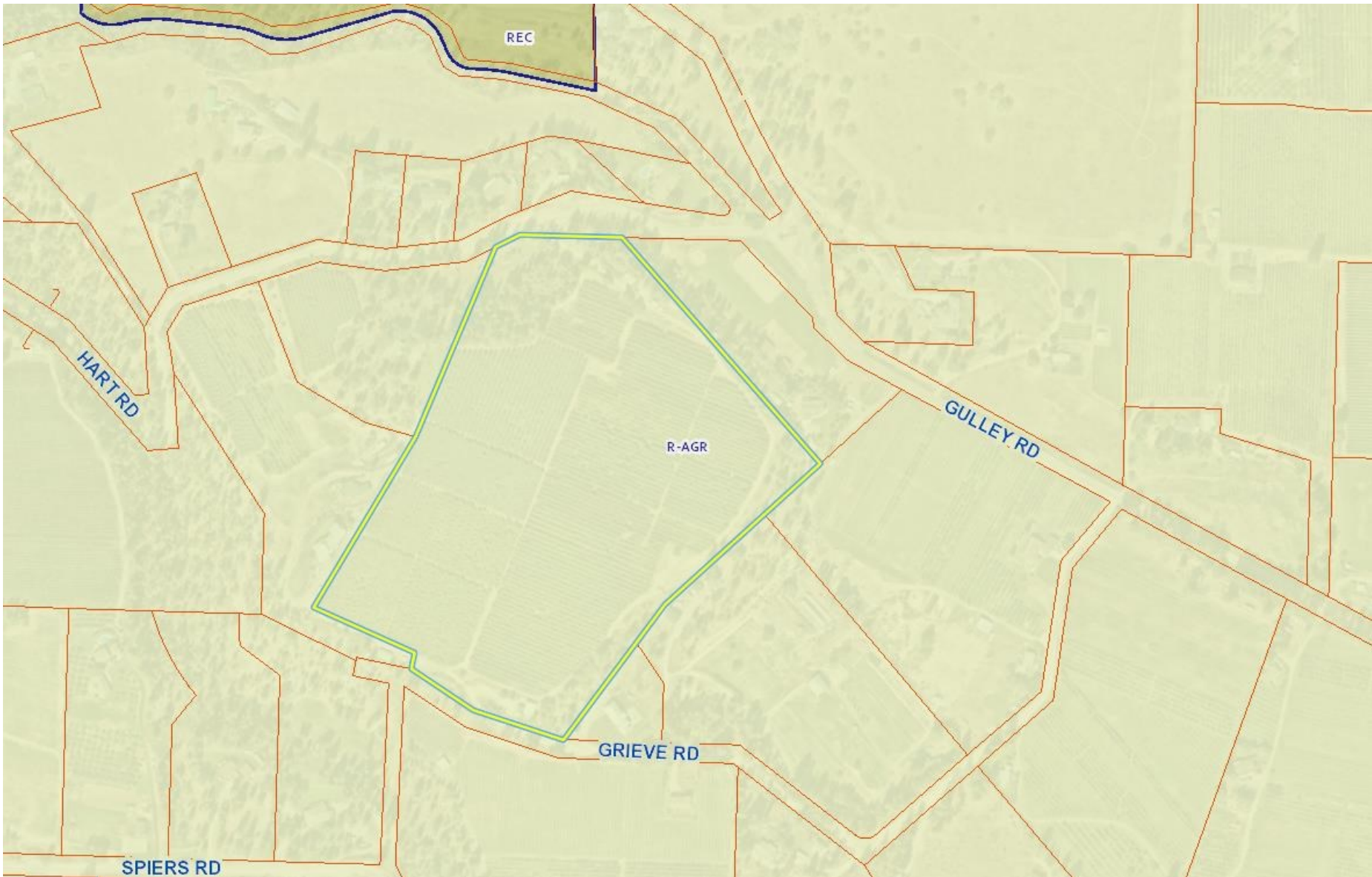


# Context Map

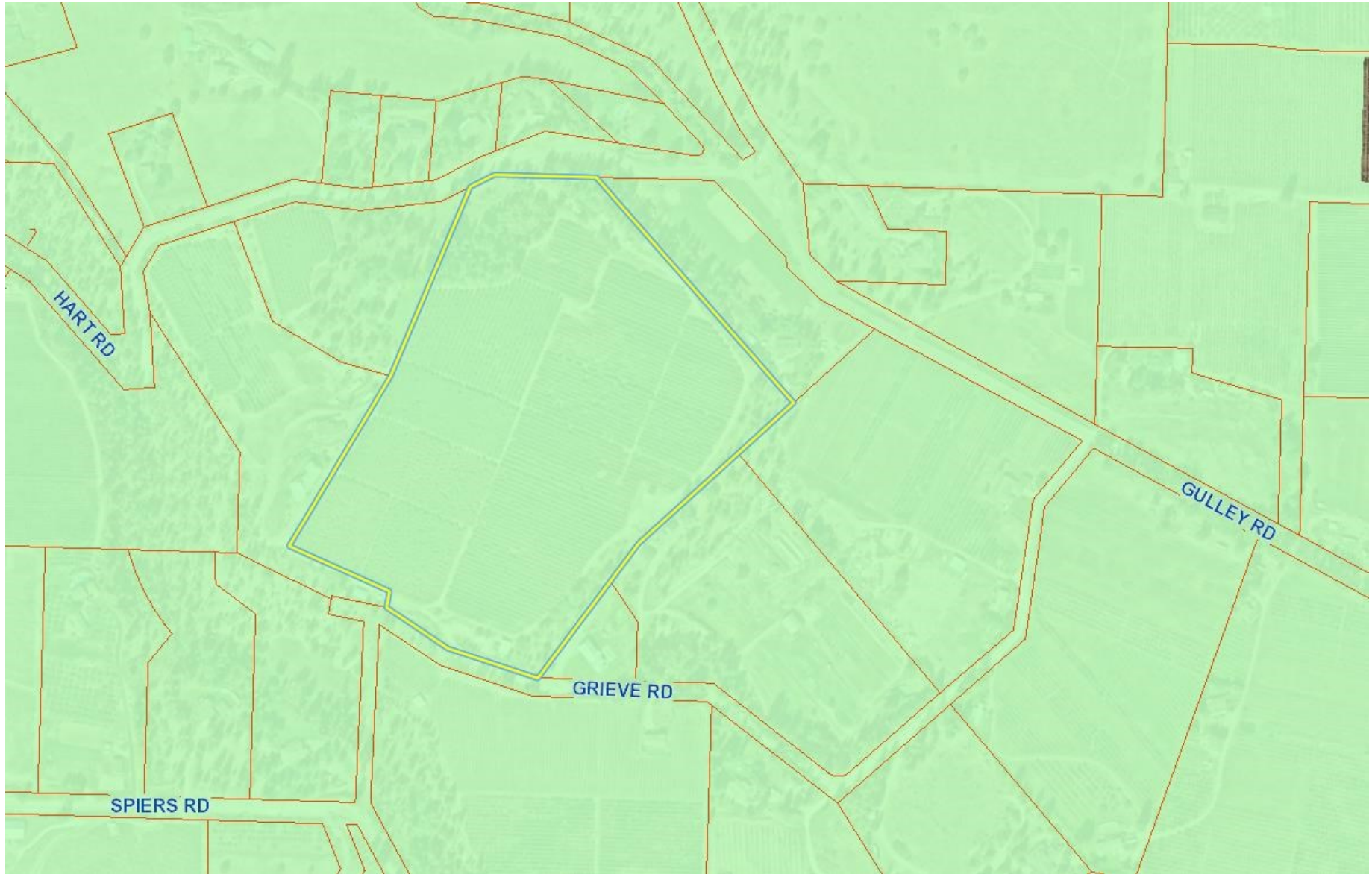




# OCP Future Land Use / Zoning



# Agricultural Land Reserve

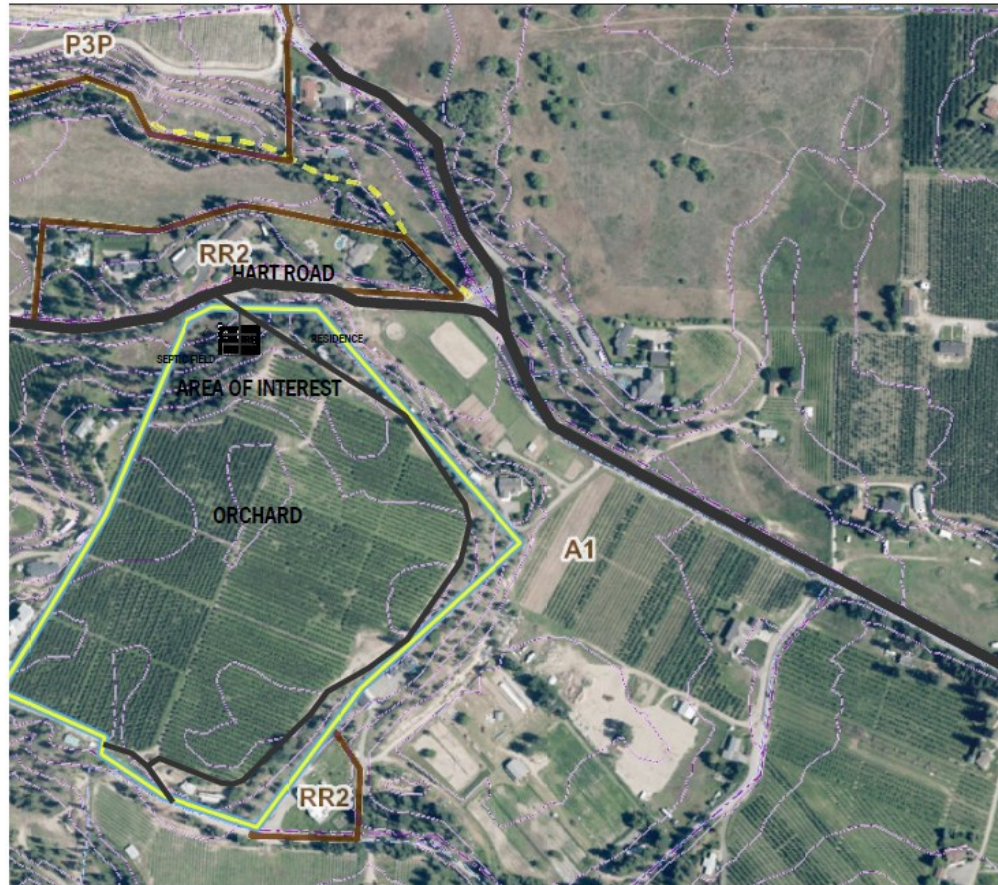


# Project Details

- ▶ The application is to construct temporary farm worker housing to accommodate 60 seasonal workers
- ▶ The owners are seeking seasonal agricultural workers to help with the maintenance and planting on their 27 acre orchard and their other properties
- ▶ The proposed building is 200m<sup>2</sup> in gross floor area and 1 storey in height



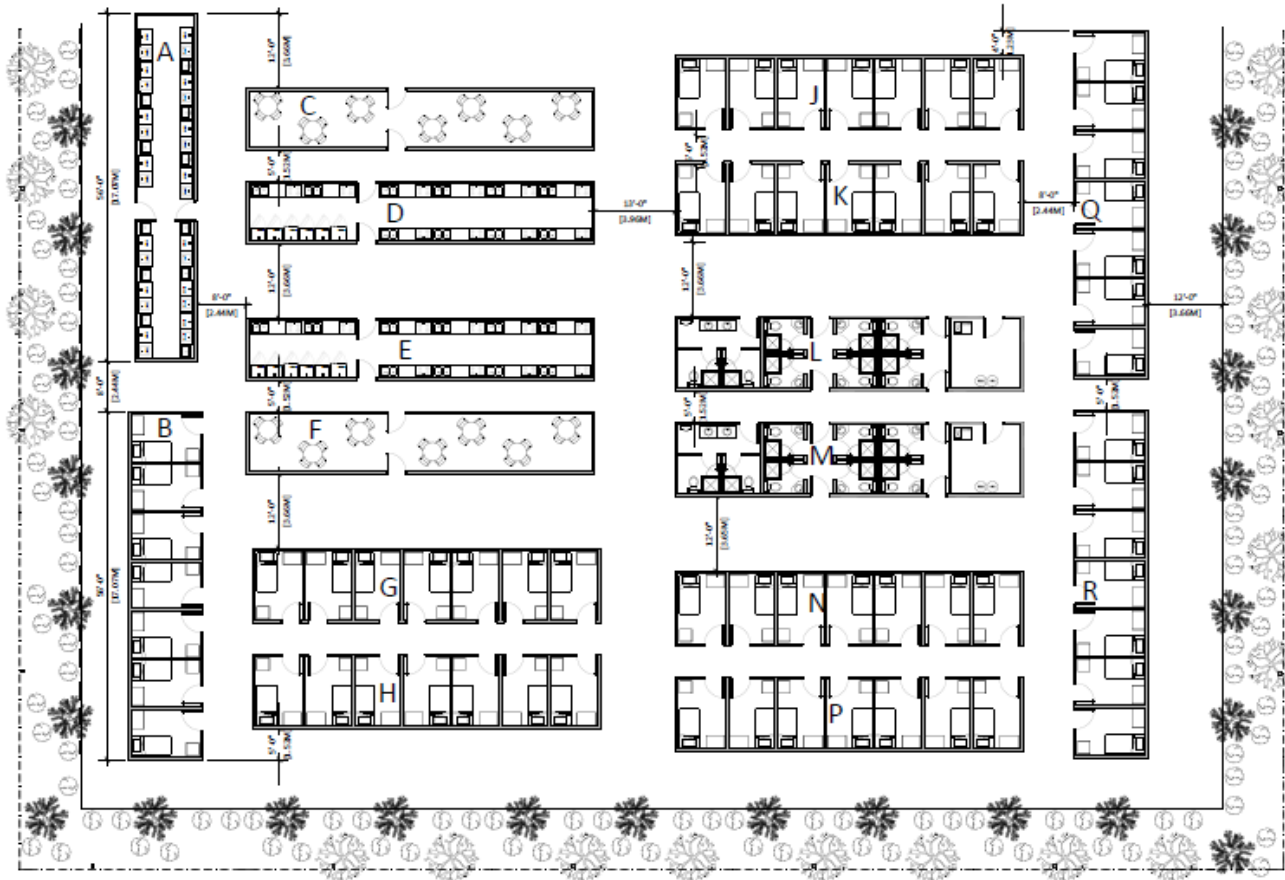
# Site Plan



3845 HART ROAD

# Floor Plans

3845 HART ROAD



ORCHARD

# Development Policy: Zoning Bylaw

Regulation	Meets
Minimum farm unit size: 3.8 ha	<input checked="" type="checkbox"/>
New TFWH structures must include a communal kitchen	<input checked="" type="checkbox"/>
Only occupied during growing, harvesting and pruning periods	<input checked="" type="checkbox"/>
Occupied no more than 10 months of a calendar year	<input checked="" type="checkbox"/>
Maximum TFWH footprint: 0.30 ha for maximum of 60 workers	<input checked="" type="checkbox"/>
Maximum temporary farm workers per city sector: 60	<input checked="" type="checkbox"/>



# Development Policy: OCP Policies & Permit Guidelines

Policy / Guideline	Meets
Agriculture is the principal use on the parcel	<input checked="" type="checkbox"/>
Scale of farm operation is large enough that permanent help is deemed necessary	<input checked="" type="checkbox"/>
TFWH on non-permanent foundations where the need for farm worker housing is justified	<input type="checkbox"/>
Building footprint within 50 m of the road or located to maximize agricultural potential and limit negative impacts on the farm parcel	<input checked="" type="checkbox"/>
Minimum 3 m wide vegetated buffer for screening to adjacent property lines and between TFWH and active farming	<input type="checkbox"/>

# AAC Recommendation

- ▶ Request for AAC to provide a recommendation for Council of either support or non-support
- ▶ Application will be forwarded to ALC should Council support it



## *Conclusion of Staff Remarks*

## Agricultural Advisory Committee Minutes

Date: Thursday, December 9, 2021  
Location: Council Chamber  
City Hall, 1435 Water Street

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

Members Participating Remotely Avi Gill

Members Absent Domenic Rampone, Jill Worboys

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

### 1. Call to Order

The Chair called the meeting to order at 6:01 p.m.

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

### 2. Minutes

Moved By Aura Rose/Seconded by Derek Brown

THAT the Minutes of the November 18, 2022 Agricultural Advisory Committee meeting be adopted.

Carried

### 3. Applications for Consideration

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

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

James Calissi, East Kelowna Rd, Applicant Agent:

- Responded to questions from the Committee.
- Spoke to the number of bedrooms and bathrooms in the proposed TFW building.
- Staff responded to questions from the Committee.
- Confirmed there will be 14 workers housed at the site.

Staff confirmed 75 square feet is required per worker for residency in the Temporary Farm Workers program.

Moved By Yvonne Herbison/Seconded By Avi Gill

THAT the Committee recommends that Council support the application for a non-adhering residential use permit.

**Carried**  
Derek Brown, John Janmaat - Opposed

Anedotal Comments:

- Application should include Information on other associated properties being farmed when an application is being based on those properties. This will assist in ensuring the limited number of workers follows the TFW program.
- A secondary dwelling should be rented either for family or farm help.
- Ensure that farm worker housing is compliant with federal, provincial and municipal farm worker requirements.
- This application highlights the Committee's concerns with rental housing on agricultural land as income generating properties in contravention with ALC and City of Kelowna policies.

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

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

Lakhwinder Sing, Applicant

- Spoke to the second driveway and access.
- Responded to questions from the Committee.

Moved by Aura Rose/Seconded By Derek Brown

THAT the Committee recommends that Council support the application for a non-adhering residential use permit.

**Carried**

Anedotal Comments:

- Consistent with the regulations for Temporary Farm Workers.

**3.3 Regulatory Options for Second Dwellings in the ALR**

- Staff displayed a PowerPoint Presentation summarizing the options to regulate second dwellings on properties within the ALR with regulations coming into effect December 31, 2021 and responded to questions from the Committee.
- Confirmed approximately 1000 properties could be eligible to build a second residence on the agriculturally zoned properties.
- The Province has indicated any residential uses will be acceptable for the second dwelling.

Moved By Aura Rose/Seconded By Yvonne Herbsion

THAT second residences not be supported on agriculturally zoned land.

**Carried**

Anedotal Comments:

- Creates opportunities for conflict as it adversely impacts land values leading to changes that do not encourage farming improvements to the land.
- Goes against the objectives of the OCP of densifying and reducing urban sprawl in the community.
- Not allowing secondary residences still allows the ability to suite a farming residence and provide rental income without increasing the building footprint on arable land. There are options for rental income already on farmland.
- Secondary residence approval is not a solution for farmers. The Ministry should be encouraged to reflect how best to help farmers and not focus on changes that benefit "land owners".
- The Committee recognizes that bonafide farmers have challenges.

**4. ALC Decisions - Update**

The application for the Kelowna Christian School on Benvoulin Road was approved by the ALC without any conditions.

**5. New Business**

No new business.

**6. Next Meeting**

The next Committee meeting has been scheduled for January 20, 2021.

**7. Termination of Meeting**

The Chair declared the meeting terminated at 7:58 p.m.

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Chair

DRAFT