

Agricultural Advisory Committee

AGENDA



Thursday, April 14, 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.

(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.

2. Minutes

3 - 4

Approve Minutes of the Meeting of March 10, 2022.

3. Applications for Consideration

3.1. East Kelowna Road 2830 - A22-0001 - William & Maria Kitsch

5 - 34

To consider an application to move an existing house on the subject property and construct an addition to accommodate 2 seasonal farm workers.

3.2. Gallagher Rd 2570 - A22-0002 - Parmjeet Singh Gurm & Gurjit Kaur Gurm

35 - 53

To consider a non-adhering residential use permit to allow temporary farm help housing to accommodate 35 seasonal farm workers on the subject property.

4. ALC Decisions - Update

5. **New Business**

6. **Next Meeting**

May 12, 2022

7. **Termination of Meeting**

Agricultural Advisory Committee Minutes

Date:	Thursday, March 10, 2022
Time:	6:00 pm
Location:	Virtual Meeting - Teams
Members Present	John Janmaat (Chair), Yvonne Herbison (Vice Chair), Derek Brown, Chris Zabek
Members Participating Remotely	Aura Rose
Members Absent	Domenic Rampone, Jill Worboys, Avi Gill
Staff Present	Wesley Miles, Planner Specialist; Tyler Caswell, Planner I; Graham Allison, Planner 1; Clint McKenzie, Legislative Coordinator (Confidential)

1. **Call to Order**

The Chair called the meeting to order at 6:00 p.m.

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

The Chair welcomed Chris Zabek as a new nonvoting committee member from the Ministry of Agriculture.

2. **Minutes**

Moved By Derek Brown/Seconded by Yvonne Herbison

THAT the Minutes of the December 9, 2021 Agricultural Advisory Committee meeting be adopted.

Carried

3. **Applications for Consideration**

3.1 **Hart Rd 3845 - A21-0010 - Khela Orchards**

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

Carl Withler, East Kelowna Rd, Applicant Agent:

- Responded to questions from the Committee.
- Spoke to the structures on the site confirming only one residence.
- Workers will move from more than just the application site.
- The applicant also has TFWH at another site in North Glenmore.
- The site is easy in and out for bus transportation.
- Reviewed the building structure.

Staff responded to questions from the Committee.

Anecdotal Comments:

-The Committee requests that applications indicate the existing status of all residences that are on all properties owned by an applicant.

Moved by Derek Brown/Seconded from Yvonne Herbison

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

Carried

4. ALC Decisions - Update

There are no updates.

5. New Business

Staff outlined the changes to the Terms of reference that were endorsed by Council back in January.

Discussed ensued regarding the recent Ministry of Agriculture workshop.

Staff gave an update on the second resident policy that will be coming forward from the ALC.

6. Next Meeting

The next Committee meeting has been scheduled for April 14, 2022.

7. Termination of Meeting

The Chair declared the meeting terminated at 6:35 pm.

Chair

COMMITTEE REPORT



Date: April 14, 2021

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Development Planning Department

Application: A22-0001 **Owner:** William and Maria Kitsch

Address: 2830 East Kelowna Rd **Applicant:** William and Maria Kitsch

Subject: Application to the ALC for

1.0 Purpose

To consider an application to move an existing house on the subject property and construct an addition to accommodate 2 seasonal farm workers.

2.0 Proposal

2.1 Background

The subject property is 20.0 acres (8.1 hectares) and located on East Kelowna Road, near the intersection with Dunster Road. The subject parcel is used as a vineyard for pinot noir grapes, while the applicants operate on a total of 41.7 acres across 3 properties. The subject property currently has two single-family dwellings.

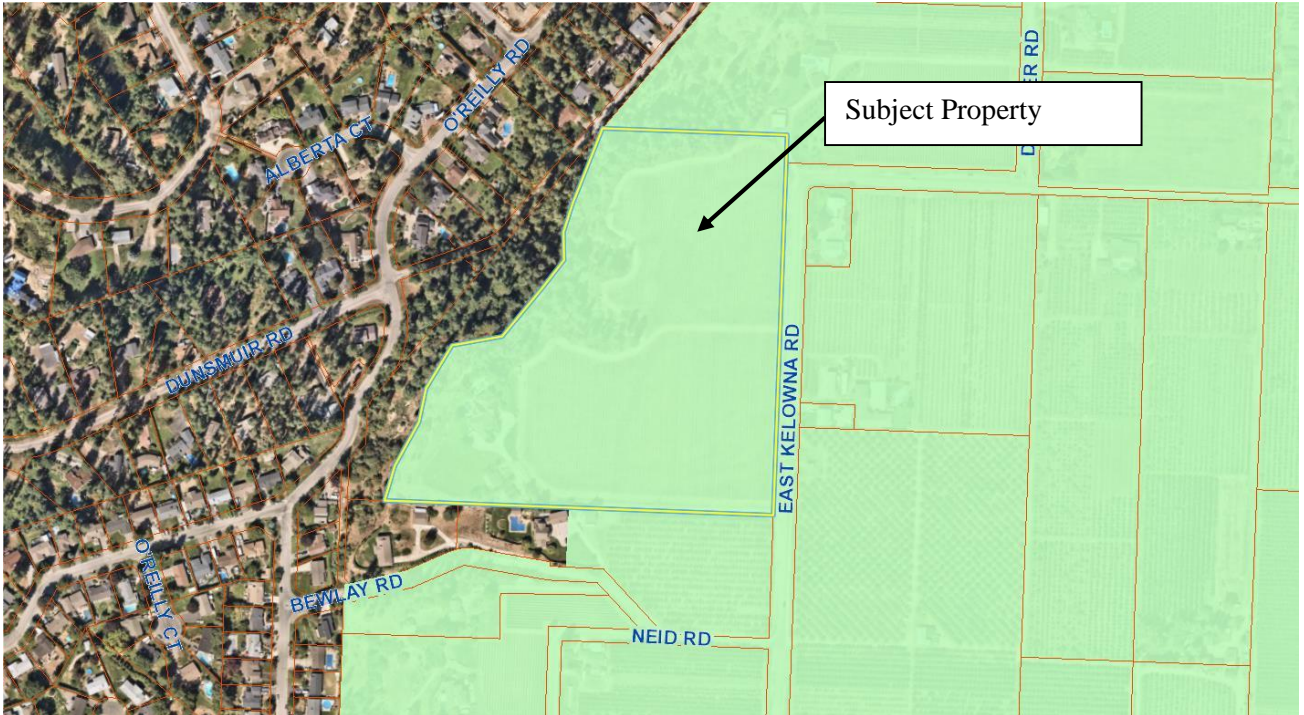
2.2 Project Description

The applicant is proposing to move an existing house on the subject property and construct an addition to accommodate 2 seasonal farm workers. The house is currently sited in a location where the applicants have been permitted to construct a winery. The existing house is currently used to accommodate 2 seasonal farm workers, and will house an additional 2 workers after the relocation and addition are completed. The existing house contains 2 bedrooms, one bathroom and a kitchen. The proposed addition would contain an additional bedroom. The house with the proposed addition would move to an unplanted area, tie into the existing septic system, and have a footprint of 85 m².

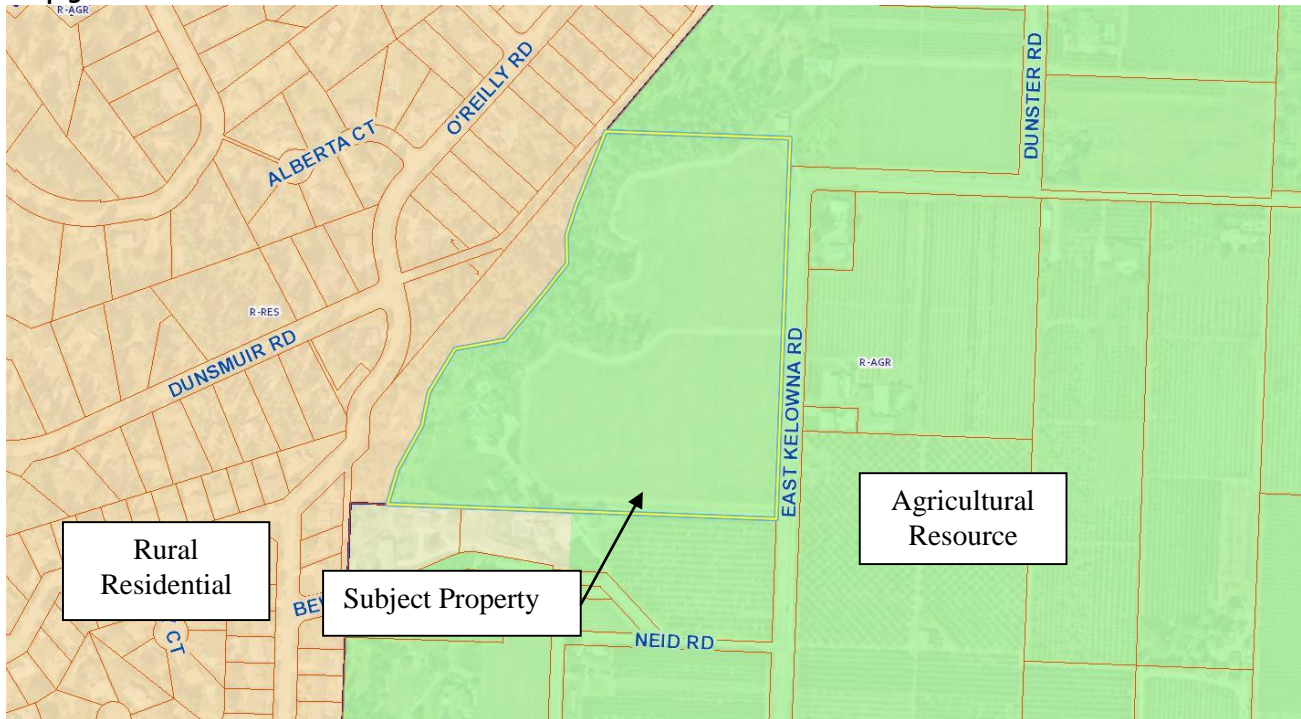
Map 1 - Neighbourhood



Map 2 - Agricultural Land Reserve



Map 3 – Future Land Use



2.3 Neighbourhood Context

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	RR1 – Rural Residential 1	No	Park / Natural Area

3.0 Community Planning

4.0 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 – Applicant's Package

Attachment D – Site Photographs

SCHEDULE A - Policies



Subject: 2830 East Kelowna Rd

4.1 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.

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.

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 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.

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

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

SCHEDULE B – Technical Comments



Subject: 2830 East Kelowna Rd – Non-Adhering Residential Use

4.2 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.

4.3 Southeast Kelowna Irrigation District (SEKID)

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

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 64025

Application Status: Under LG Review

Applicant: Maria Kitsch , Trent Kitsch

Agent: Maria Kitsch

Local Government: City of Kelowna

Local Government Date of Receipt: 10/25/2021

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: Purchased by us in Nov 2018, the property came with a small 2 bedroom home (768sq ft and surface area) and the principal residence (3,700 surface area, 6,500 sq ft). We have applied for and been granted permission to build a winery but the location of the small home is at the spot that makes the most sense for the winery (not arable, close to wastewater, driveway access already exists etc). Because the small home is original, the municipality doesn't have permits for it. This proposal is to request permission to KEEP and MOVE the small home to a new location on the property that is also not farmed. Site plan and home layout included in attachments. Second consideration also being requested to allow a 12x12 bedroom to be added to the footprint of the small home, bringing it to 914sq ft if approved. The addition of this room would allow us to house sufficient workers for our vineyards.

Agent Information

Agent: Maria Kitsch

Mailing Address:

2830 East Kelowna Rd

Kelowna, BC

V1W 4H5

Canada

Primary Phone: (778) 821-1955

Email: ria.kitsch@gmail.com

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 003-268-993

Legal Description: Lot A Plan KAP32982 Section 16 Township 26 Land District 41 Except Plan KAP71228

Parcel Area: 8.1 ha

Civic Address: 2830 East Kelowna Rd

Date of Purchase: 11/05/2018

Farm Classification: Yes

Owners

1. **Name:** Maria Kitsch

Address:

2830 East Kelowna Rd

Kelowna, BC
V1W 4H5
Canada
Phone: (778) 821-1955
Email: ria.kitsch@gmail.com

2. **Name:** Trent Kitsch
Address:
2830 East Kelowna Rd
Kelowna, BC
V1W 4H5
Canada
Phone: (250) 317-5140
Email: trent@kitschwines.ca
-

Ownership or Interest in Other Lands Within This Community

1. **Ownership Type:** Fee Simple
Parcel Identifier: 025-418-726
Owner with Parcel Interest: Maria Kitsch
Parcel Area: 1.3 ha
Land Use Type: Residential
Interest Type: Partial Ownership
-

2. **Ownership Type:** Fee Simple
Parcel Identifier: 005-266-980
Owner with Parcel Interest: Maria Kitsch
Parcel Area: 7.5 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).**
11.5 acres are farmed, all in Pinot Noir grapes. The original two-bedroom home is used for Foreign Workers. The paved area is used to crush grapes into juice which is fermented offsite at the family's licensed location nearby. We have 5 chickens who are often let free range in the vineyard, the eggs are used for personal consumption only.

2. **Quantify and describe in detail all agricultural improvements made to the parcel(s).**
3 acres of planted area was added Spring 2020 (originally was 8.5 acres of cherries).

3. **Quantify and describe all non-agricultural uses that currently take place on the parcel(s).**
We (the owners) reside at the property in a home who's footprint area is 3,700sq ft. We are a family of 4 with 2 dogs.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: Orchard and wine grapes

East

Land Use Type: Agricultural/Farm

Specify Activity: Orchard

South

Land Use Type: Agricultural/Farm

Specify Activity: Orchard

West

Land Use Type: Residential

Specify Activity: 3 acre empty lot on a subdivision

Proposal

1. What is the purpose of the proposal?

Purchased by us in Nov 2018, the property came with a small 2 bedroom home (768sq ft and surface area) and the principal residence (3,700 surface area, 6,500 sq ft). We have applied for and been granted permission to build a winery but the location of the small home is at the spot that makes the most sense for the winery (not arable, close to wastewater, driveway access already exists etc). Because the small home is original, the municipality doesn't have permits for it. This proposal is to request permission to KEEP and MOVE the small home to a new location on the property that is also not farmed. Site plan and home layout included in attachments. Second consideration also being requested to allow a 12x12 bedroom to be added to the footprint of the small home, bringing it to 914sq ft if approved. The addition of this room would allow us to house sufficient workers for our vineyards.

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

Farmed area is currently 11.5 acres on property and 10.25 leased nearby (where wine is currently manufactured). By MOVING the current farm worker house, we can have a purpose-built wine manufacturing facility on owned property rather than leased property (currently operating out of a residential garage) and grow our volume to match our growing vineyard footprint. By KEEPING the current farm worker house on this property, we can house a couple of workers that come in from Mexico (currently bringing in 2 women April-Oct annually). Our application also includes a potential expansion of 144sq ft to the farm worker house for 1 more bedroom to house 2 more workers (1 worker per 5 acres of vineyard is an industry average, meaning we need at least 4 to farm our 21.75 acres combined), putting the total sq ft at 914 if expansion is approved.

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

House #1 - original farm house, 2 bedrooms, 1 bathroom, 768sq ft. Used to house two temporary foreign workers annually from April - Oct.

House #2 - Residential home built 2007. 5 bedrooms, 5 bathrooms. Lot coverage of 3,700 sq ft. 3 storeys, total square footage of 6,500. Used to house our family of 4.

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

85 m²

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

New location is similar to current: both are grassy, non-planted, near edge of property, have vehicle access, are near services and tie-ins. The current location of the farm worker house is on the big grassy area that has been approved by the ALR for building a winery. We are applying so that we keep the farm

worker accommodation which is hard to find and expensive in Kelowna without impacting the farmed area while also giving the winery the best chance for efficient operations. Farm workers have proven to be essential in today's labour market.

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

The proposed location already has vehicle access and access to services and tie in to the existing septic. The only need will be a concrete slab for the foundation that is the dimension of the home (768 ft² if the same, 914ft² if additional bedroom is approved).

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

No

Applicant Attachments

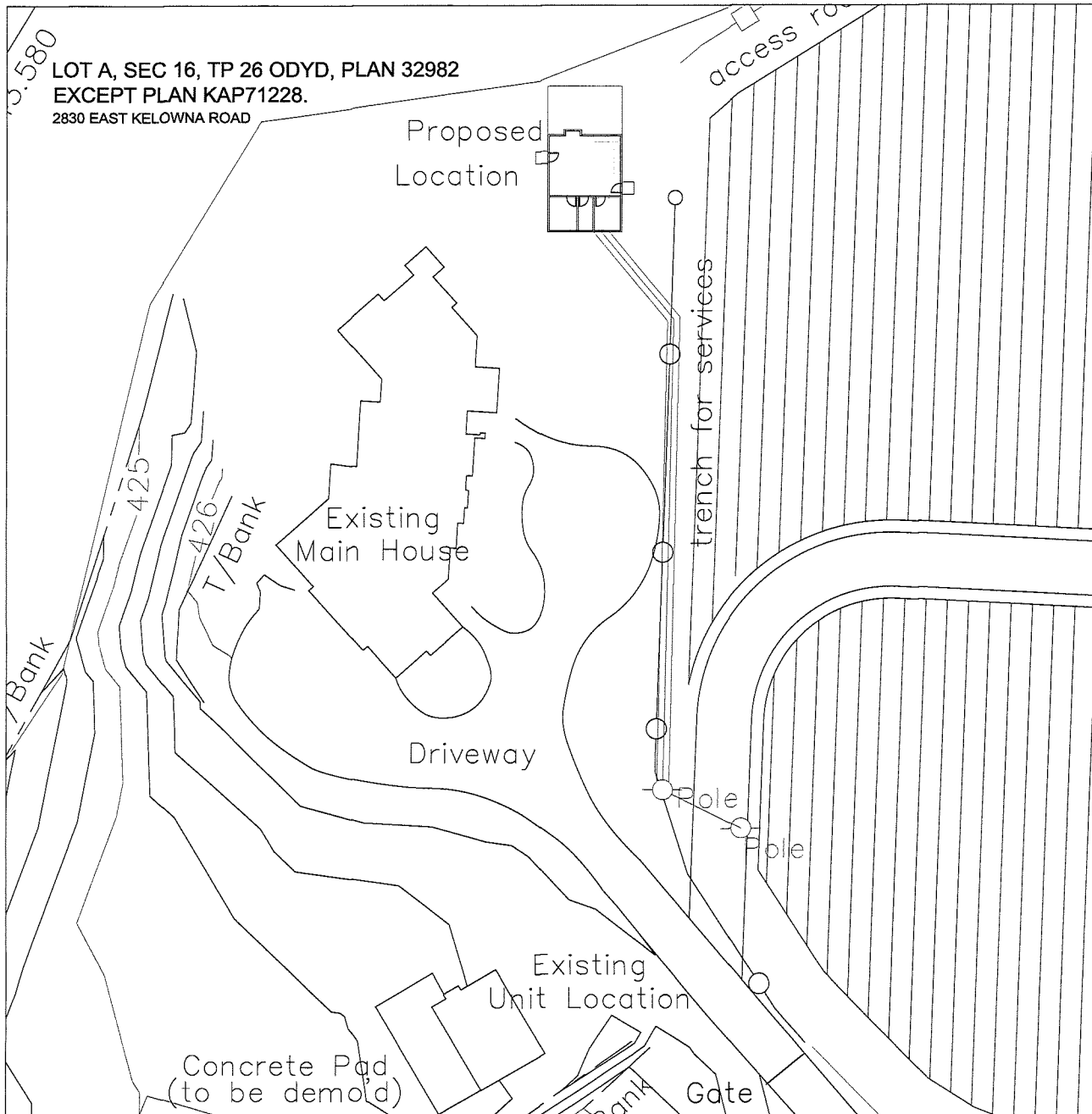
- Agent Agreement-Maria Kitsch
- Proposal Sketch-64025
- Other correspondence or file information-Letter of Rationale and photos
- Other correspondence or file information-Farm house drawing
- Certificate of Title-003-268-993

ALC Attachments

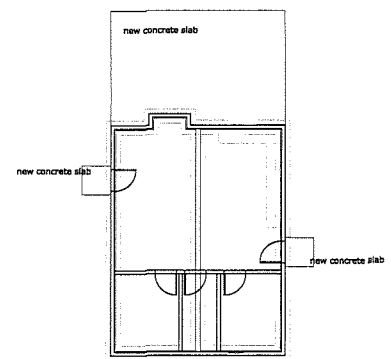
None.

Decisions

None.



LOT A, SEC 16, TP 26 ODYD, PLAN 32982
EXCEPT PLAN KAP71228.
2830 EAST KELOWNA ROAD



PROPOSED FLOOR PLAN
1/8" = 1'-0"
new foundation to match existing, ensure 24" of frost protection with R10 insulation

233 BERNARD AVENUE
KELOWNA, B.C.
V1Y 6K2
TEL: 250.862.2004
EMAIL: info@mjma.ca



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No.	Date	Revisions
01	2023.03.28	Issued for building permit

Project Title
**KITSCH WINES
AGRICULTURAL WORKER
HOUSE RELOCATION**

KELOWNA BC
Drawing Number

A0.00

DRAWINGS ARE NOT TO BE SCALED.
ALL DIMENSIONS SHALL BE TAKEN FROM THIS

Drawing Title
**PROPOSED
SITE PLAN**
1/16" = 1'-0"

Date	
Job No.	
Scale	AS SHOWN
Drawn	
Checked	

ATTACHMENT B

This forms part of application
A22-0001

Planner Initials **GA**

Maria (Ria) and Trent Kitsch
2830 East Kelowna Rd
Kelowna, BC, V1W 4H5

ATTACHMENT C

This forms part of application
A22-0001

Planner Initials **GA**

City of **Kelowna**
DEVELOPMENT PLANNING



October 22, 2021

Agricultural Land Commission
201 - 4940 Canada Way
Burnaby, BC, V5G 4K6

Re: Non-Adhering Residential Use Permit, Relocation of Farm Worker House
Subject Property: 2830 East Kelowna Rd, Kelowna BC

Timeline

- Unknown: Original 2 bedroom, 1 bathroom home built (768ft²)
- 2006: 5 bedroom, 5 bathroom home built (3,700 surface area, 6,400 living area)
- November 2018: Property purchased by current owners
- May 2020: 11.5 acres of vineyard planted (including 3.5 acres of previously unplanted area)
- September 2020: ALC approves winery production building on property (Application 59612)
- Summer 2021: ALC announces they will be in support for secondary residences for farm workers

Supporting Information:

The owners of the subject property also own a winery (Kitsch Wines Ltd.) which operates nearby at 3330 Neid Road where 10.25ac more of vines are leased and managed.

In vineyard management, a rule of thumb is 1 worker per 5 acres of vines. The combination of the two vineyards = 21.75 acres and would therefore warrant about 4 workers (2 workers for each site).

The applicants were very pleased to have been granted permission to build a winery at the subject property, but after considering the design, they realized they were going to lose a very valuable asset: the existing farm worker home. In the last year, many other winery locations have been discussed and vetted with architects, geotech and the municipality but it has been confirmed that the approved location is where the winery should go due to area availability and access to roads and services without using arable land. When the ALC announced recently that small farm worker houses would be approved, the applicants decided to make this application.

The existing farm worker home is original, the municipality doesn't have permits for it, but it was renovated prior to 2018 and in great condition. This proposal is to request permission to KEEP and MOVE the small home to a new location on the property that is also not farmed - photos below and site plan attached to application.

Additional consideration also being requested is to allow a 12x12 bedroom to be added to the footprint of the small home, bringing it to 914sq ft, if approved. The addition of this room would allow applicants to house sufficient workers for our vineyards.

The farmed area is currently 11.5 acres on property and 10.25 acres leased nearby (where wine is currently manufactured). By MOVING the current farm worker house, we can have a purpose-built wine manufacturing facility on owned property rather than leased property (currently operating out of a residential garage) and grow our volume to match our growing vineyard footprint. By KEEPING the current farm worker house on this property, we can house the workers that come in from Mexico (currently bringing in 2 women April-Oct annually). Our application also includes a potential expansion of 144sq ft to the farm worker house for 1 more 12x12 bedroom which would allow for 2 more workers (1 worker per 5 acres of vineyard is an industry average, meaning we need at least 4 to farm our 21.75 acres combined), putting the total sq ft at 914 if expansion is approved.

The rationale for moving the small home is the new location is like the current: both are grassy, non-planted, near edge of property, have vehicle access, are near services and tie-ins. The current location of the farm worker house is on the big grassy area that has been approved by the ALR for building a winery. We are applying so that we keep the farm worker accommodation which is hard to find and expensive in Kelowna without impacting the farmed area while also giving the winery the best chance for efficient operations.

The proposed location already has vehicle access and access to services and tie into the existing septic. The only need will be a concrete slab for the foundation that is the dimension of the home (768 ft² if the same, 914ft² if 1 additional bedroom is approved).

In summary, we would like to move the small home approx. 275 feet to another non-farmed area on the property and add one more bedroom, if approved. The reason for moving is it would allow us to build the ALR approved winery where the home currently sits and keep the temporary foreign worker housing.

See Site Photos below



Above: View facing Southwest, showing existing farm house (RV parked in front) and big grassy area where wine production building is proposed and approved by ALR.



Above: View facing Northeast. You can see the back of the farm worker house in it's current location and it's general size. Vineyard is in background as well as a bit of the roofline of the main single family home.



Above: View facing South. RV is parked in front of farm worker house in its existing location in the distance. This photo is taken where new location is proposed. Fence will be taken down and ring road is on other side around the edge of the vineyard. (don't mind the grass, that was for irrigation repairs). The main single family residence is also visible.



Above: View facing North. Future farm worker house proposed location, tucked right up to trees and fence line. The side of the family home facing this area has virtually no windows so the privacy of both homes will be intact. The septic is located under the grass closer to the family home.



A22-0001

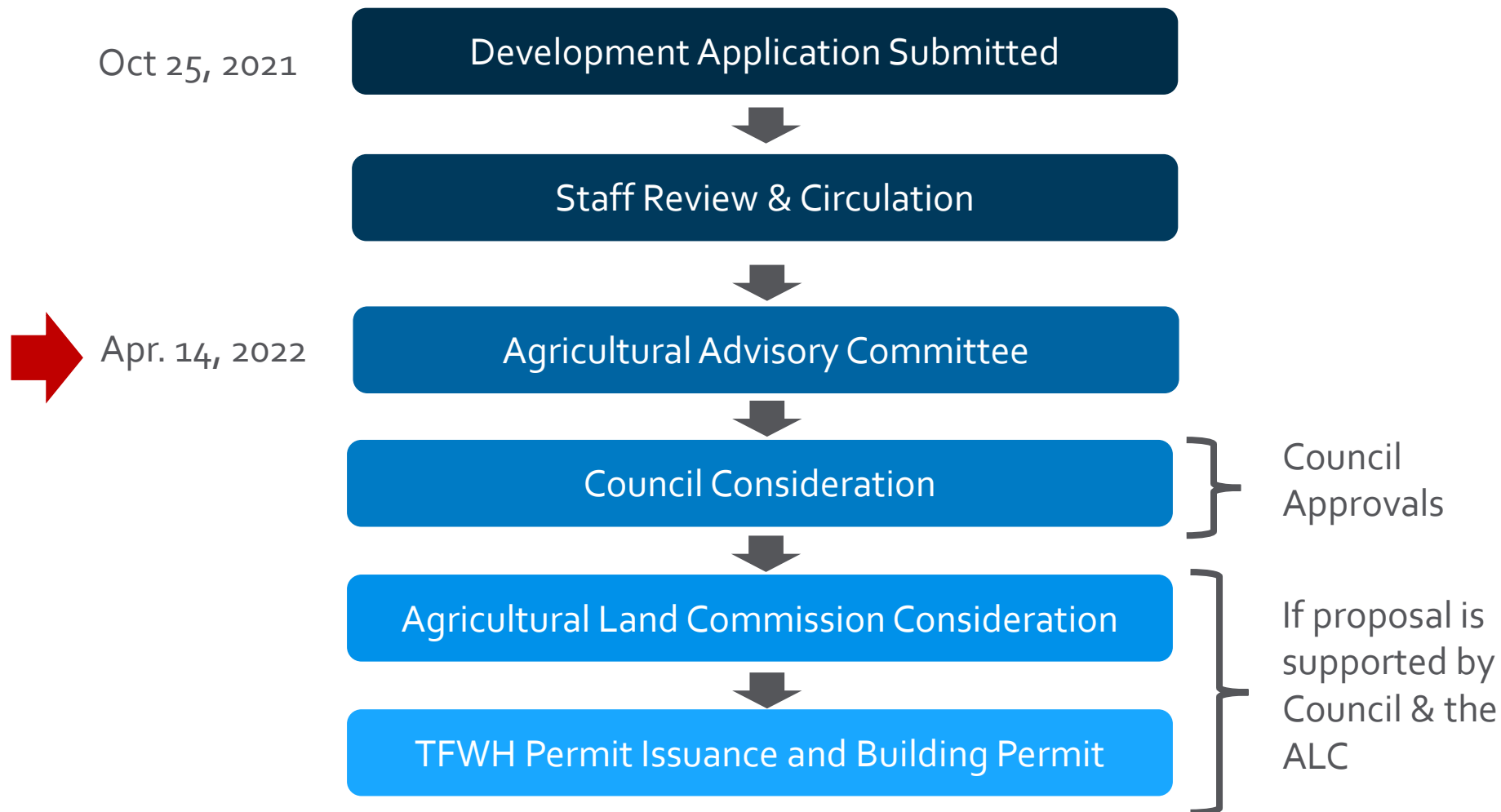
2830 East Kelowna Road

ALR Application for Non-Adhering Residential Use Permit

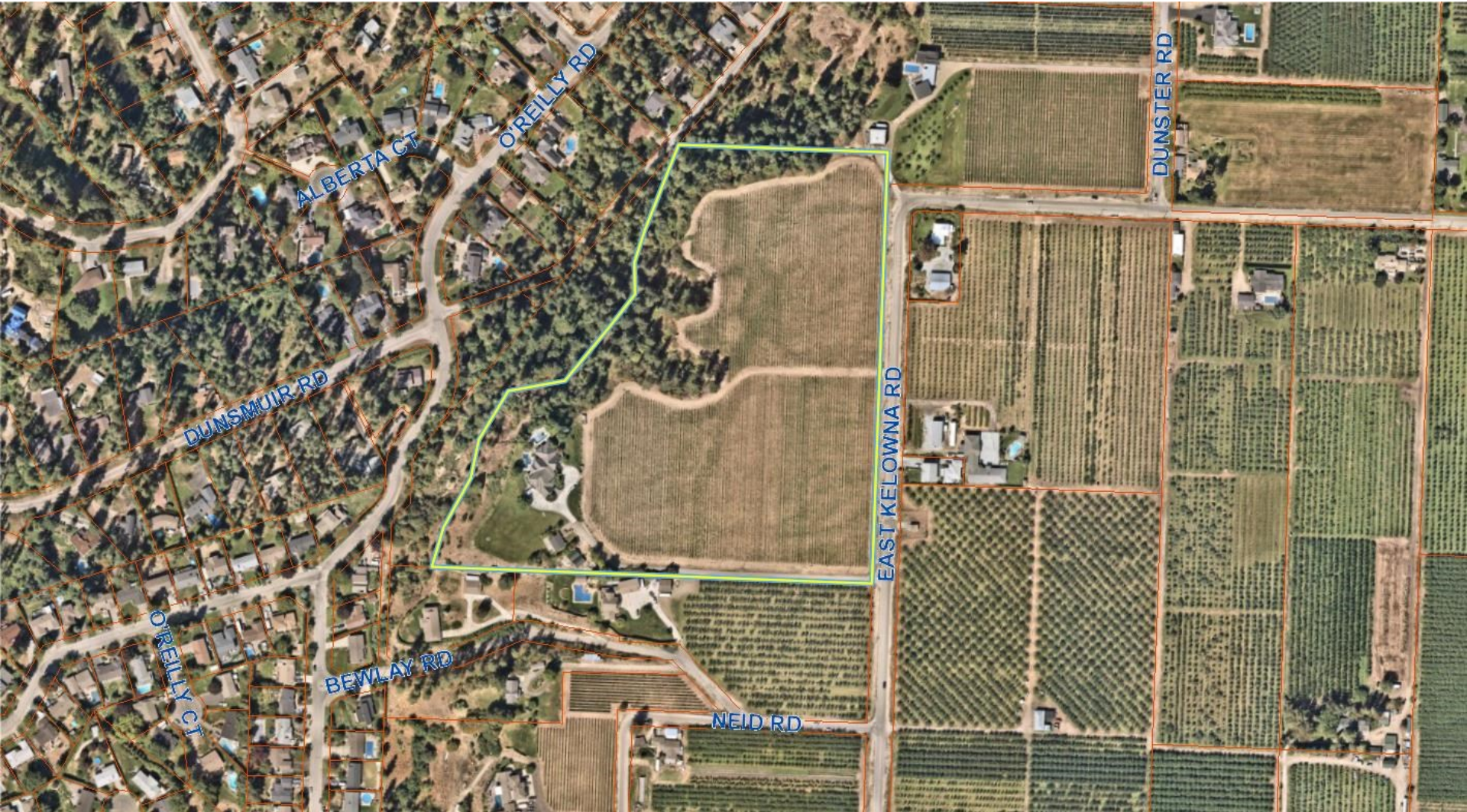
Proposal

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

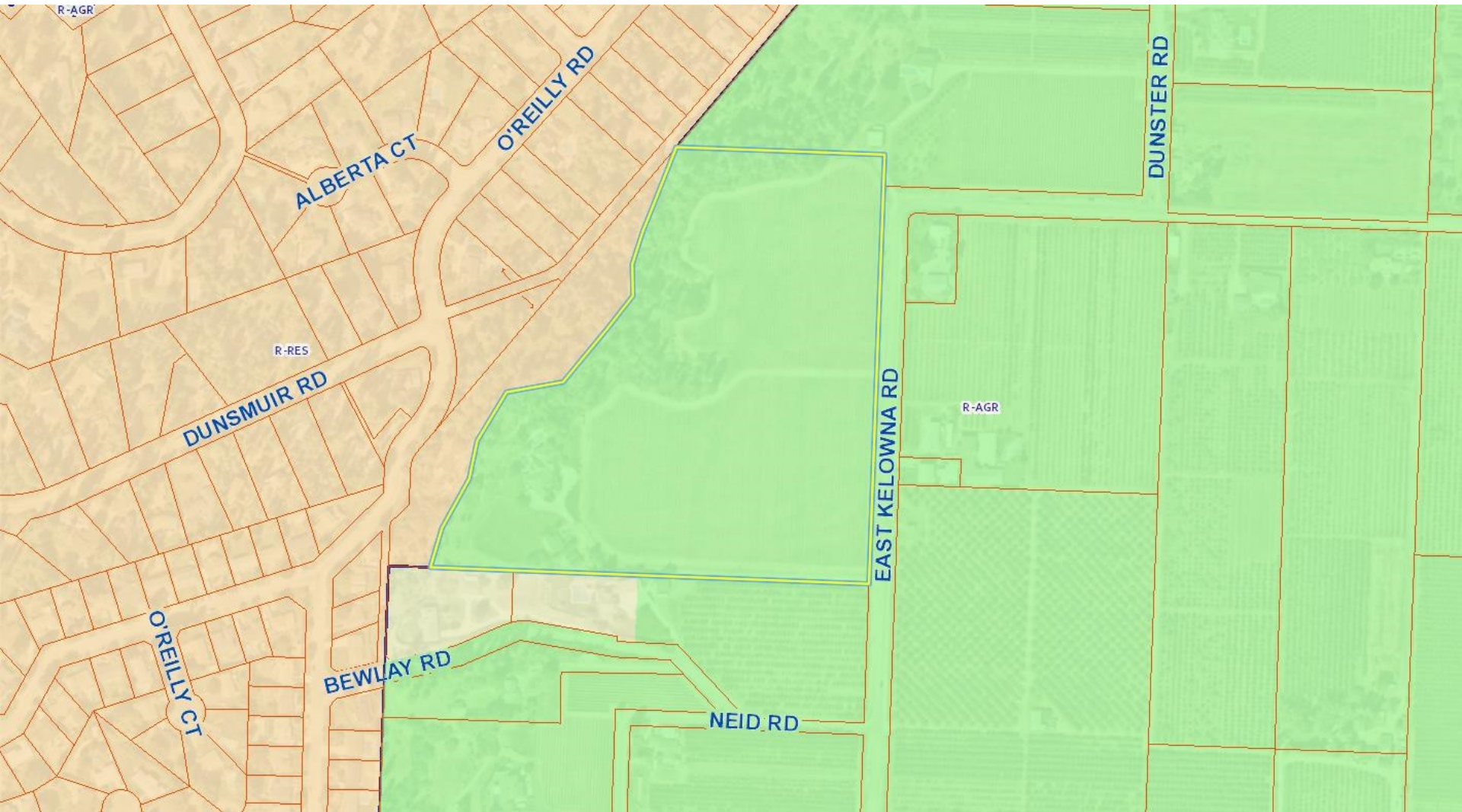
Development Process



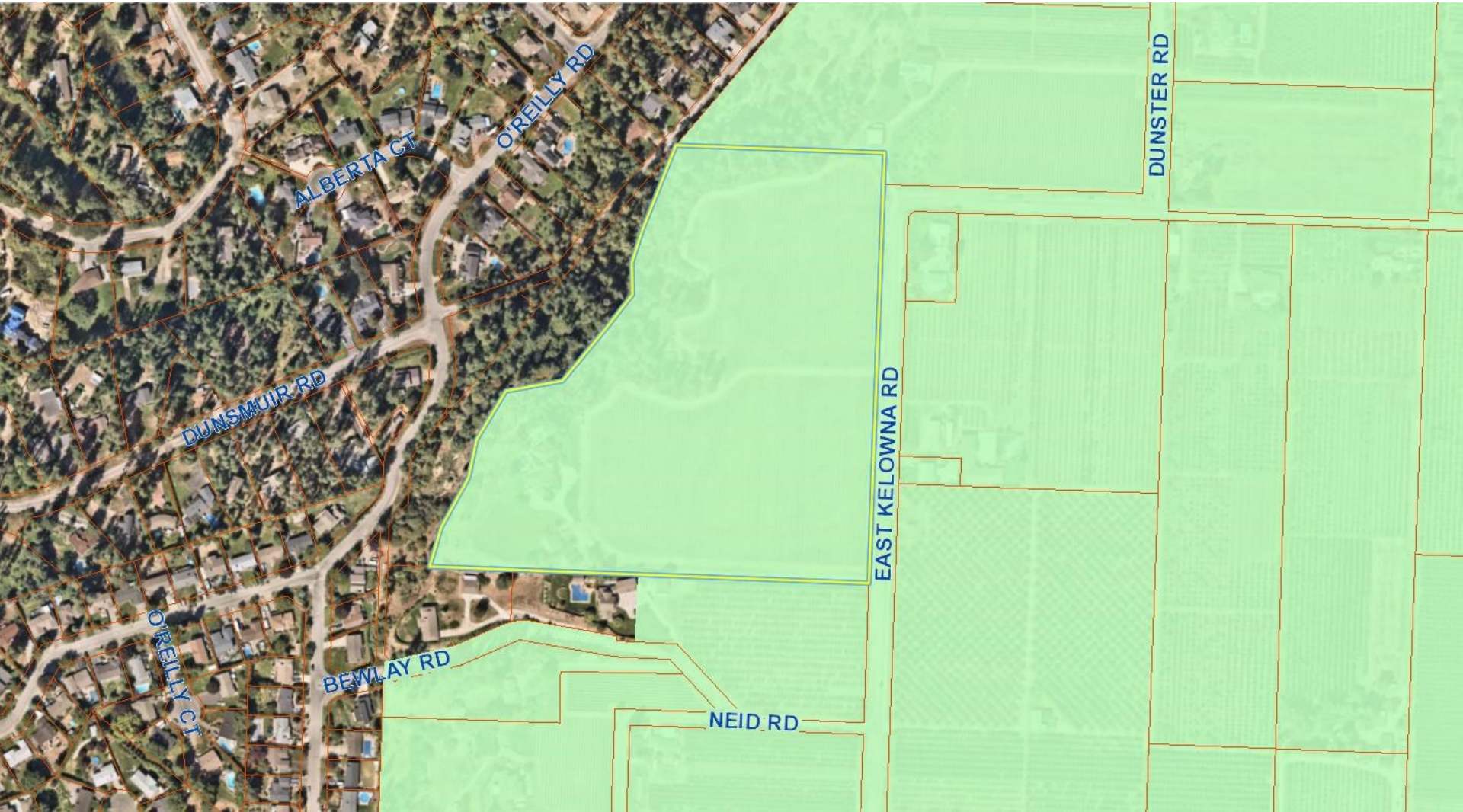
Context Map



OCP Future Land Use / Zoning



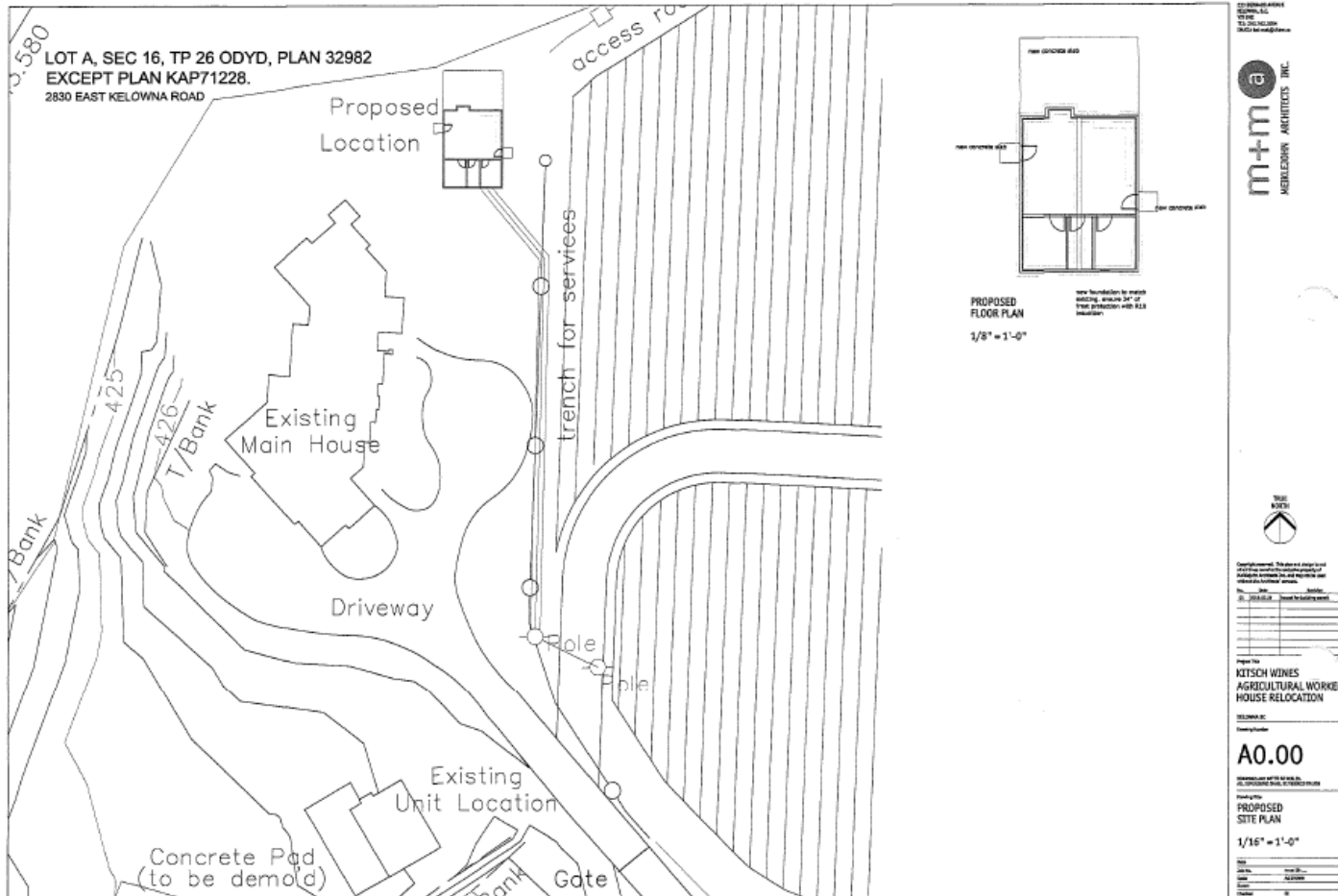
Agricultural Land Reserve



Project Details

- ▶ The applicant is proposing to move an existing house on the subject property and construct an addition to accommodate 2 seasonal farm workers.
- ▶ The existing house is currently used to accommodate 2 seasonal farm workers, and will house an additional 2 workers after the relocation and addition are completed.
- ▶ The proposed addition would make the building 85m² in gross floor area and 1 storey in height.

Site Plan



Site Photos

▶ Existing House



▶ Proposed Location



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 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

COMMITTEE REPORT



Date: April 14th, 2022

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Development Planning Department (MS)

Application: A22-0002 / FH22-0003 **Owner:** Parmjeet Singh Gurm & Gurjit Kaur Gurm

Address: 2570 Gallagher Road **Applicant:** Carl Withler

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

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: A1 – Agriculture 1

Agricultural Land Reserve: Yes

1.0 Purpose

To consider a non-adhering residential use permit to allow temporary farm help housing to accommodate 35 seasonal farm workers on the subject property.

2.0 Proposal

2.1 Background

The subject property is 40.2 acre (16.27ha) in size and is located on Gallagher Road within the Belgo – Black Mountain OCP Sector. The applicant is seeking seasonal farm workers to help with planting, pruning, and picking cherries on the existing orchard. There is currently a mobile home on the property and a farm-residential footprint covenant on Title, which would allow the construction of a new single-family dwelling. The property owner does not have any other properties in Kelowna and has one additional agricultural property in Vernon.

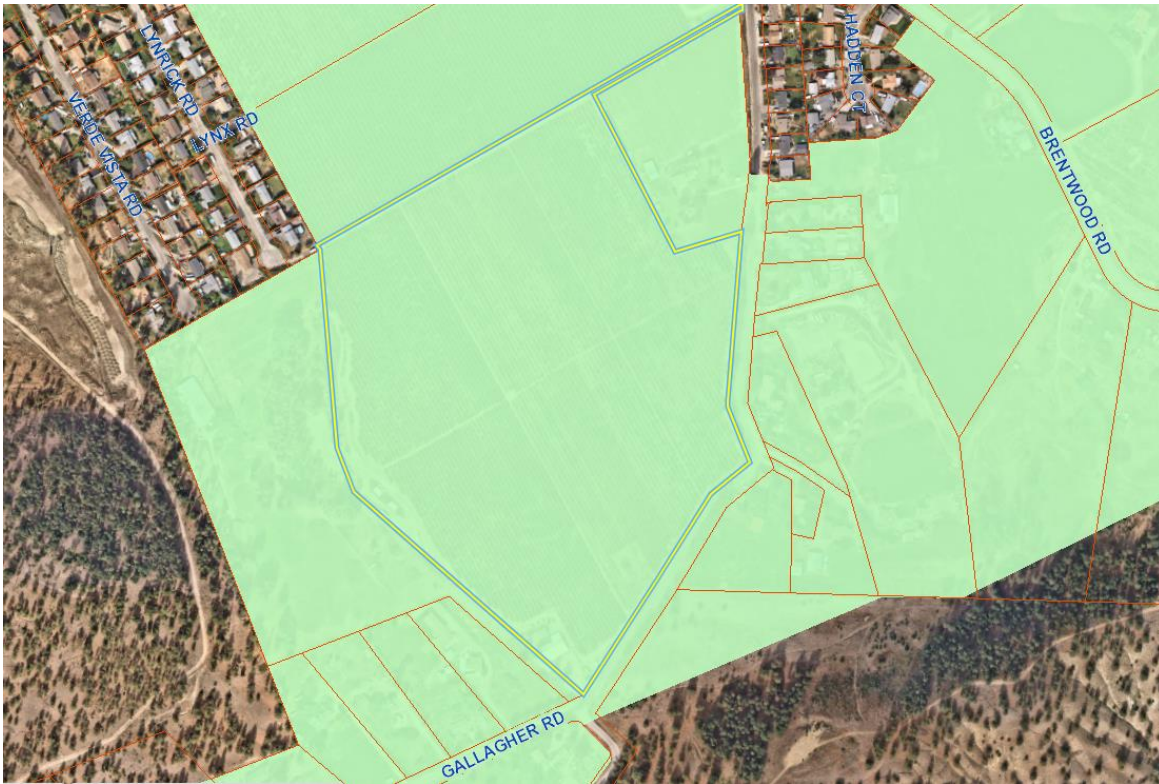
2.2 Project Description

The applicant is seeking approvals to allow for one single-wide mobile home to accommodate 35 seasonal farm workers. The trailer is proposed to be 8.84m x 67.07m (592.7m²) and has 35 individual rooms. The farm workers will be located near the road and the footprint is anticipated to be 0.2ha of land. A vegetative buffer is required to be planted to separate the active agriculture with the workers accommodation.

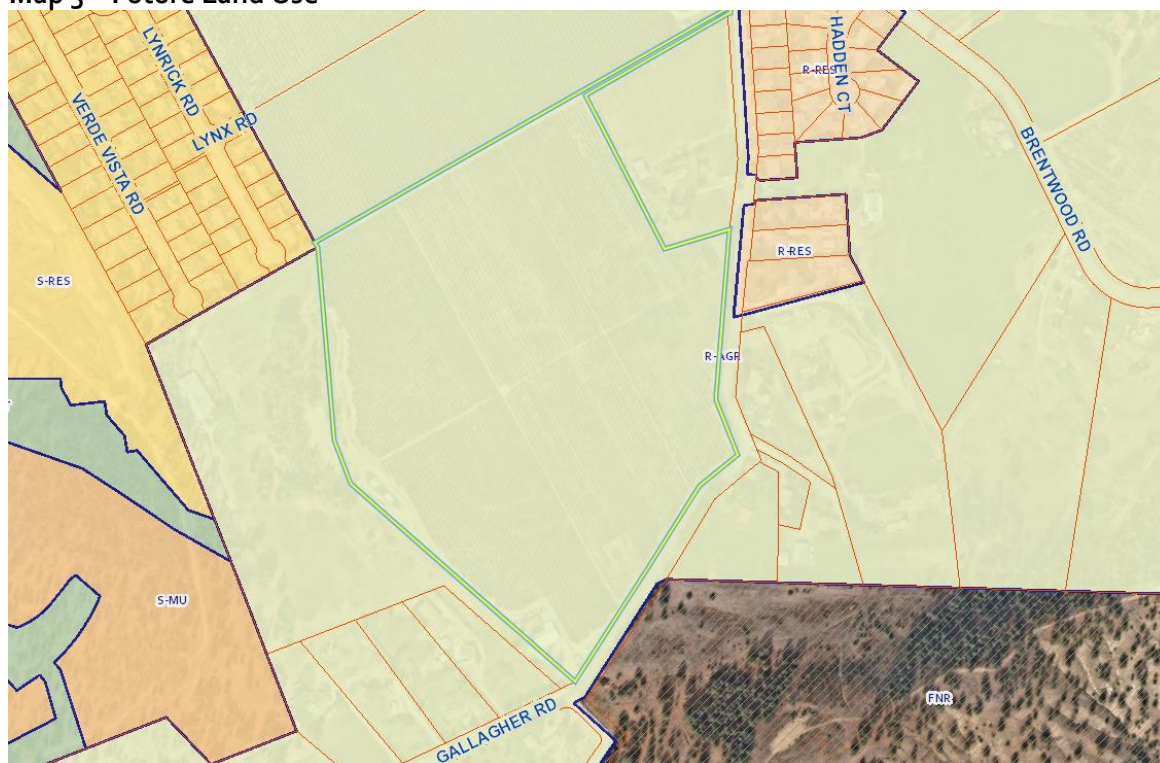
Map 1 - Neighbourhood



Map 2 – Agricultural Land Reserve



Map 3 – Future Land Use



2.3 Neighbourhood Context

The subject property lies within the Belgo-Black Mountain OCP Sector. The surrounding area is primarily agricultural lands within the ALR and FNR land to the East.

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 / Rural Residential
East	A1 – Agriculture 1 / RR3 – Rural Residential 3	Yes	Agriculture / Rural Residential
West	A1 – Agriculture 1	Yes	Agriculture

3.0 Development Planning

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

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

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

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

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

The City of Kelowna Agriculture Plan recommends to:

- Allow TFWH, as permitted by City of Kelowna Bylaw. TFWH, as permitted by the City of Kelowna, should be allowed. The TFWH footprint means the portion of a lot that includes all structures, driveways and parking areas associated with the temporary farm worker housing, including but not limited to structures.

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

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

Report prepared by: Tyler Caswell, Planner I

Reviewed By: Dean Strachan, Community Planning & Development Manager

Attachments:

Attachment A – ALC Non-Adhering Residential Use Application

Attachment B – Site Plan

Attachment C – Septic Field Location

Attachment D – Floor Plan

Attachment E – Renderings



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 63252

Application Status: Under LG Review

Applicant:

Agent: Green Spark Consulting

Local Government: City of Kelowna

Local Government Date of Receipt: 05/28/2021

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 TFW's to plant, prune and pick cherries.

Agent Information

Agent: Green Spark Consulting

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: 011-264-748

Legal Description: Lot 3 Plan KAP2037 Section 7&18 Township 27 Land District 41 Except Plan 10570

Parcel Area: 18 ha

Civic Address: 2570 Gallagher Road, Kelowna, B.C.

Date of Purchase: 05/01/2004

Farm Classification: Yes

Owners

1. **Name:**

Address:

Phone:

Email:

Current Use of Parcels Under Application

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

Fully producing cherry orchard

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

Planted and functioning cherry orchard

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

Cherry production

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: cherries

East

Land Use Type: Agricultural/Farm

Specify Activity: pasture

South

Land Use Type: Transportation/Utilities

Specify Activity: Gallagher road

West

Land Use Type: Agricultural/Farm

Specify Activity: pasture

Proposal

1. What is the purpose of the proposal?

House TFW's to plant, prune and pick cherries.

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

Steady labour is needed to continue high quality cherry production.

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

Single wide mobile home.

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

200 m²

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

It is near Gallagher road, services are available and away from neighbouring residences.

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

50m

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

No

Applicant Attachments

- Agent Agreement-Green Spark Consulting
- Proposal Sketch-63252
- Site Photo-rough sketch of TFW location
- Certificate of Title-011-264-748

ALC Attachments

None.

Decisions

None.

ATTACHMENT	A
This forms part of application # A22-0002	
Planner Initials	TC
 City of Kelowna DEVELOPMENT PLANNING	

ATTACHMENT B

This forms part of application

A22-0002



City of
Kelowna
DEVELOPMENT PLANNING

Planner
Initials **TC**



PROPOSED BUILDING DETAIL
Scale 1:1000



PROPOSED BUILDING DETAIL

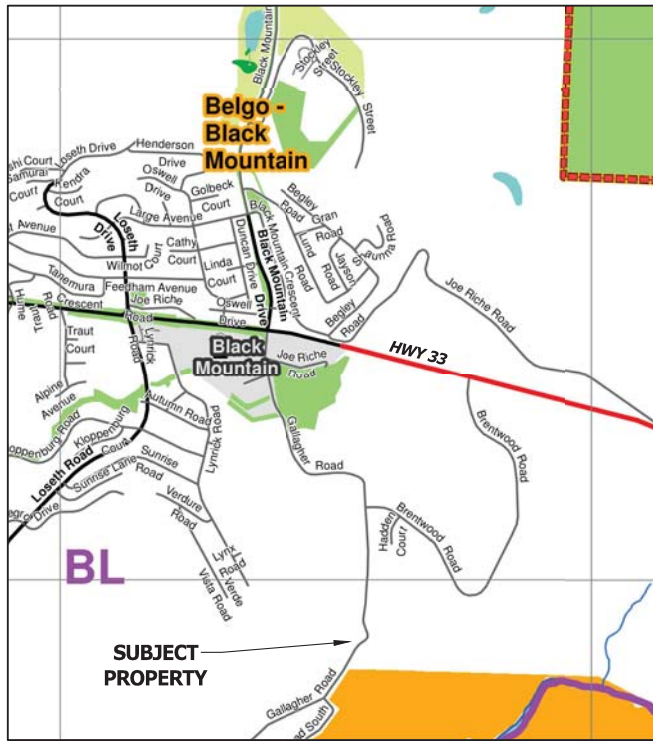
Existing building locations derived from City of Kelowna Satellite imagery.

TITLE:
**SKETCH PLAN OF LOT 3, SEC. 7&18, T.P. 27,
O.D.Y.D., PLAN 2037 EXCEPT PLAN 10570
(2570 Gallagher Road, Kelowna)**

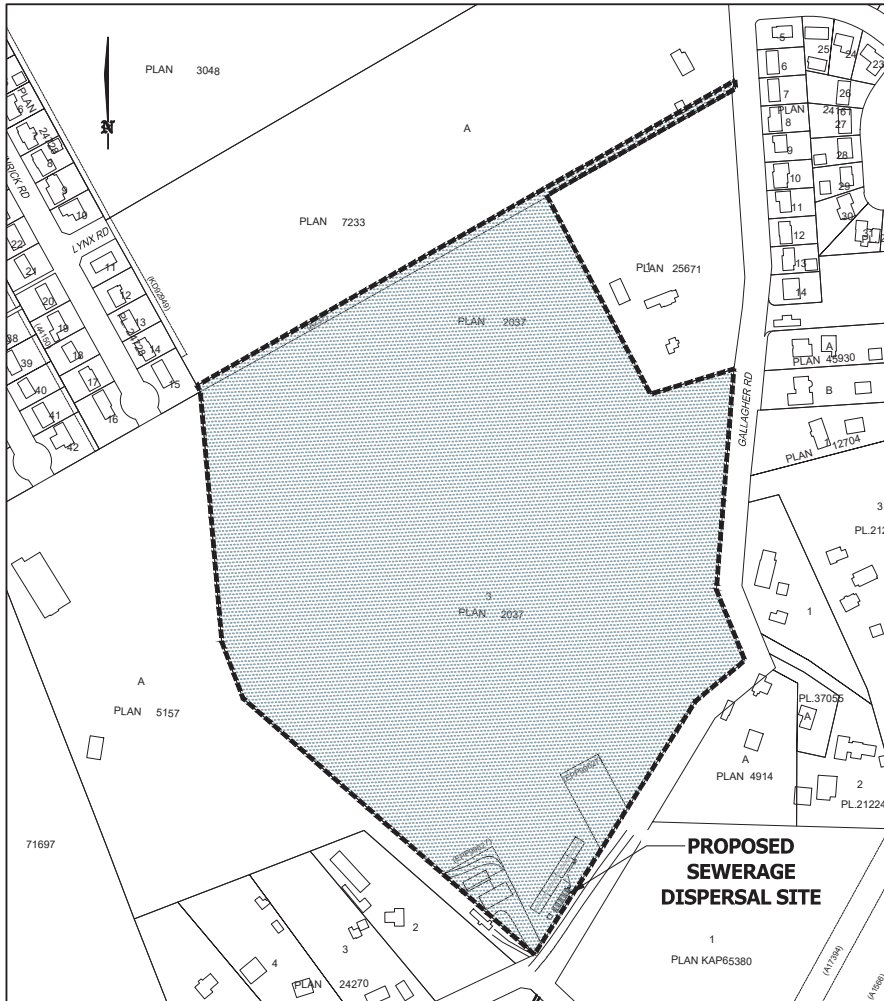
DRAWN BY:
RUNNALLS DENBY
british columbia land surveyors
259A Lawrence Avenue Phone: (250)763-7322
Kelowna, B.C. V1Y 6L2 Fax: (250)763-4413
Email: rob@runnallsdenby.com

CLIENT:
PARMJEET GURM

SCALE:	1:2000 (17"x22")
DATE:	16/12/2021
DWG:	16298 SKETCH
FILE No:	16298
REV.	0



KEYPLAN



LOCATION PLAN

SCALE 1:6000

**ON-SITE SEWERAGE SYSTEM FOR:
2570 GALLAGHER ROAD KELOWNA BC**

LEGAL: LOT 3, PLAN KAP2037, SECTION 7&18,
TOWNSHIP 27, ODYD, EXCEPT PLAN
10570, MANUFACTURED HOME REG.
#22921

CIVIC: 2570 GALLAGHER ROAD KELOWNA BC

PID: 011-264-748

ROLL: 19-217-06841.000

OWNER: GURJIT & PARMJEET GURM

NOTES:

1. THE SEPTIC & GREASE TRAP TANKS SHALL BE LOCATED TO PROVIDE A MIN. FALL OF 1/8" PER FOOT IN ALL BUILDING SEWER DRAINS AND PLACED ON UNDISTURBED NATIVE SOIL.
2. ROOF AND SITE DRAINAGE SHOULD BE DIVERTED AWAY FROM TANK AND FIELD AREA.
3. THE TANKS SHALL BE INSPECTED AND PUMPED EVERY 3 TO 5 YEARS, DEPENDING ON CAMP OCCUPANCY.
4. THE DISPOSAL FIELD SHALL BE COVERED TO PROVIDE A MIN. 2% GRADE FOR SURFACE DRAINAGE AND BE PROPERLY SEEDING AND MAINTAINED.
5. THE SITE IS LIKELY TO REMAIN SUITABLE FOR ON-SITE DISPOSAL INDEFINITELY SUBJECT TO PROPER OPERATION, MAINTENANCE, AND PARTS REPLACEMENT.
6. WATER-SAVING DEVICES AND PRACTICES SHOULD BE IMPLEMENTED.
7. A GARBORATOR SHOULD NOT BE USED WITH THIS SEPTIC SYSTEM.
8. THE OUTLET FILTER SHOULD BE INSPECTED QUARTERLY OR AS EXPERIENCE DICTATES.
9. BACKWASH FROM WATER TREATMENT OR SOFTENING SYSTEMS SHOULD NOT BE DISCHARGED TO THIS SEWERAGE SYSTEM.

ISSUED FOR REVIEW

DATE: Dec. 11, 2021

ISSUED FOR CONSTRUCTION

DATE: _____

ASBUILT INSPECTION

DATE: _____

DRAWN BY: W.G.S.

DATE: Dec. 11, 2021



1805 Capistrano Drive
Kelowna, BC V1V 2Z3
CELL: (250) 862-6322 PHONE: (778) 753-6586
EMAIL: jeff@OlandEngineering.ca
WEBSITE: http://OlandEngineering.ca

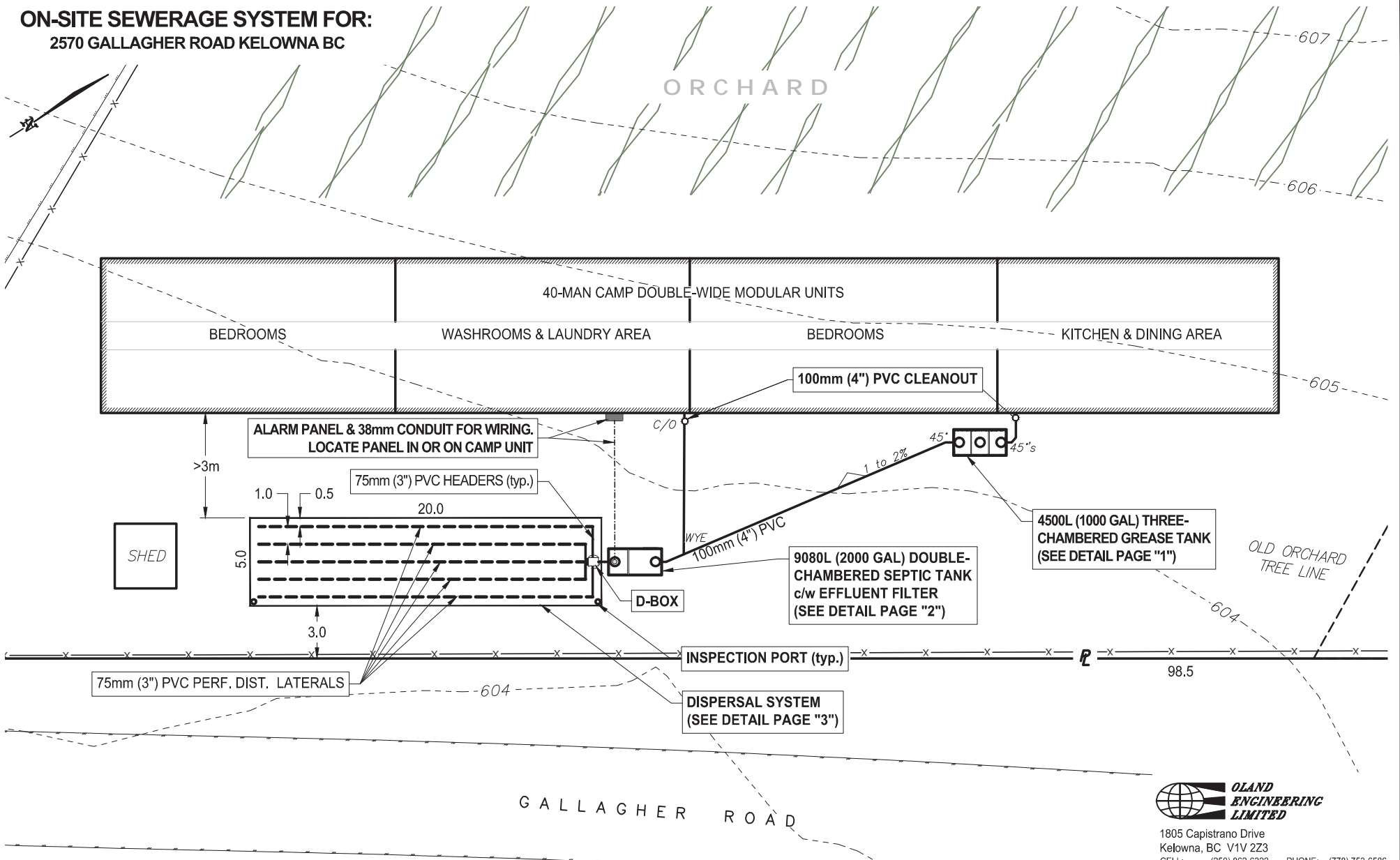
ATTACHMENT C
This forms part of application
A22-0002

Planner Initials **TC**

C. JEFFREY OLAND, P.ENG.

ON-SITE SEWERAGE SYSTEM FOR:
2570 GALLAGHER ROAD KELOWNA BC

ORCHARD



OLAND ENGINEERING LIMITED
 1805 Capistrano Drive
 Kelowna, BC V1V 2Z3
 CELL: (250) 862-6322 PHONE: (778) 753-6586
 EMAIL: jeff@OlandEngineering.ca
 WEBSITE: http://OlandEngineering.ca

ATTACHMENT C

This forms part of application
 # A22-0002

Planner Initials **TC**

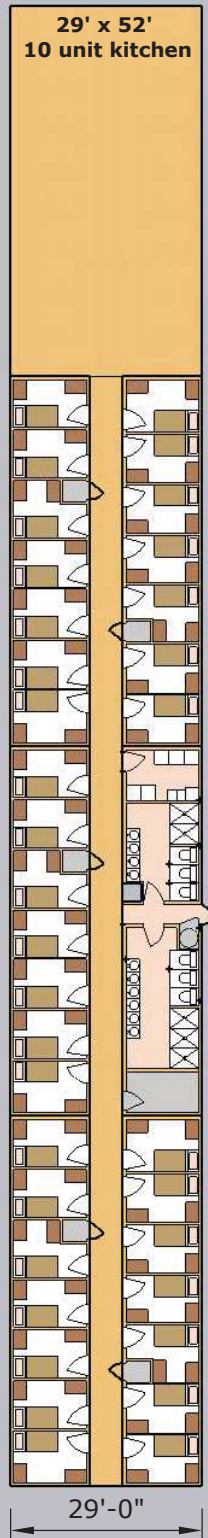
City of Kelowna
 DEVELOPMENT PLANNING

C. JEFFREY OLAND, P.ENG

1 SITE PLAN
 SCALE: 1:300



40 MAN CAMP/KITCHEN



- 35 Bedrooms in 5 Sleepers
- Laundry Room
- 6 Showers
- 6 Toilets
- 10 sinks

ATTACHMENT D

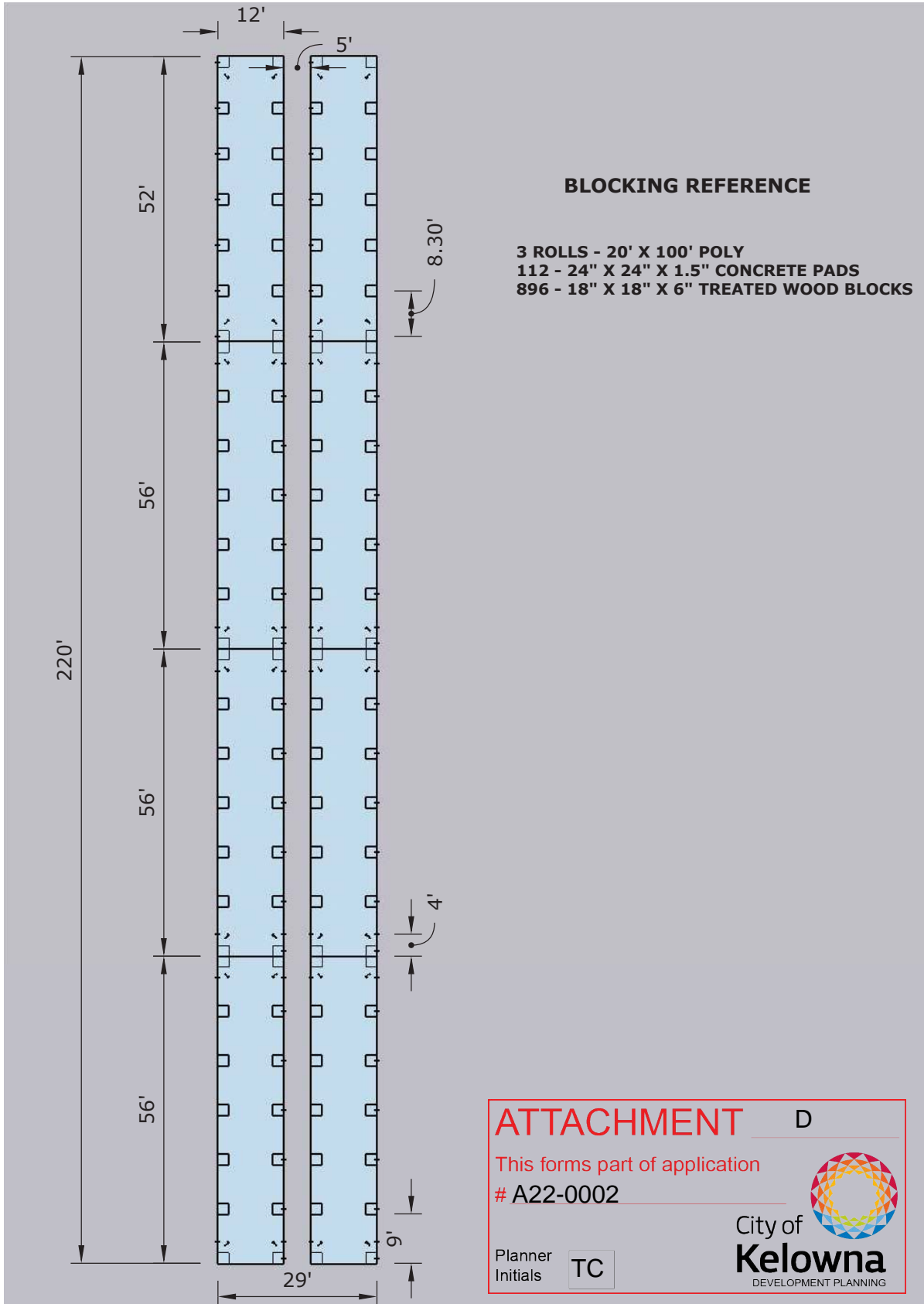
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A22-0002

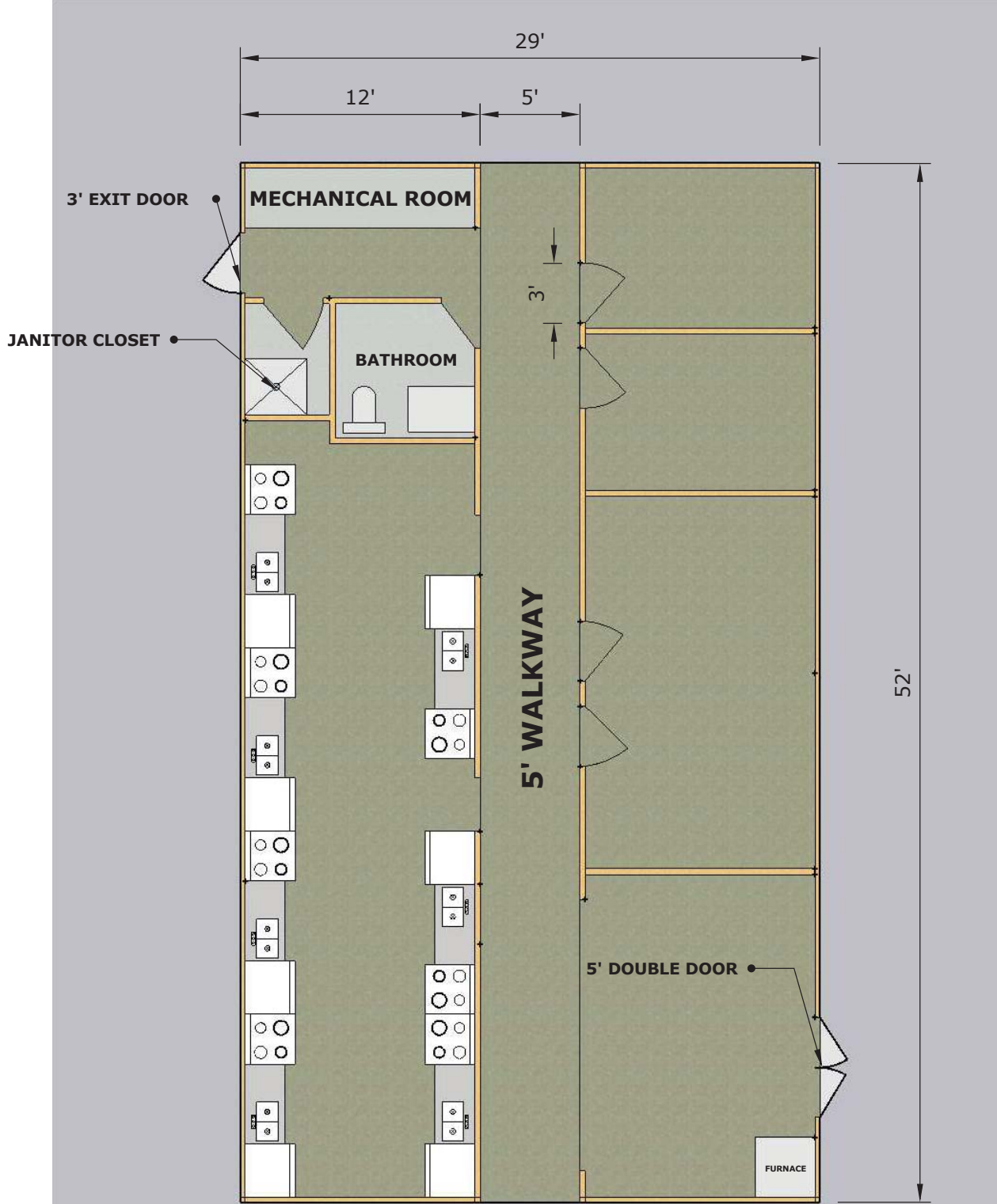
Planner
Initials TC



HAPPY GURM CAMP

Blocking/Tie down Layout





ATTACHMENT D

This forms part of application
A22-0002



City of
Kelowna
DEVELOPMENT PLANNING

Planner Initials **TC**

ATTACHMENT **E**

This forms part of application
A22-0002

Planner
Initials **TC**



City of
Kelowna
DEVELOPMENT PLANNING



ATTACHMENT E

This forms part of application
A22-0002

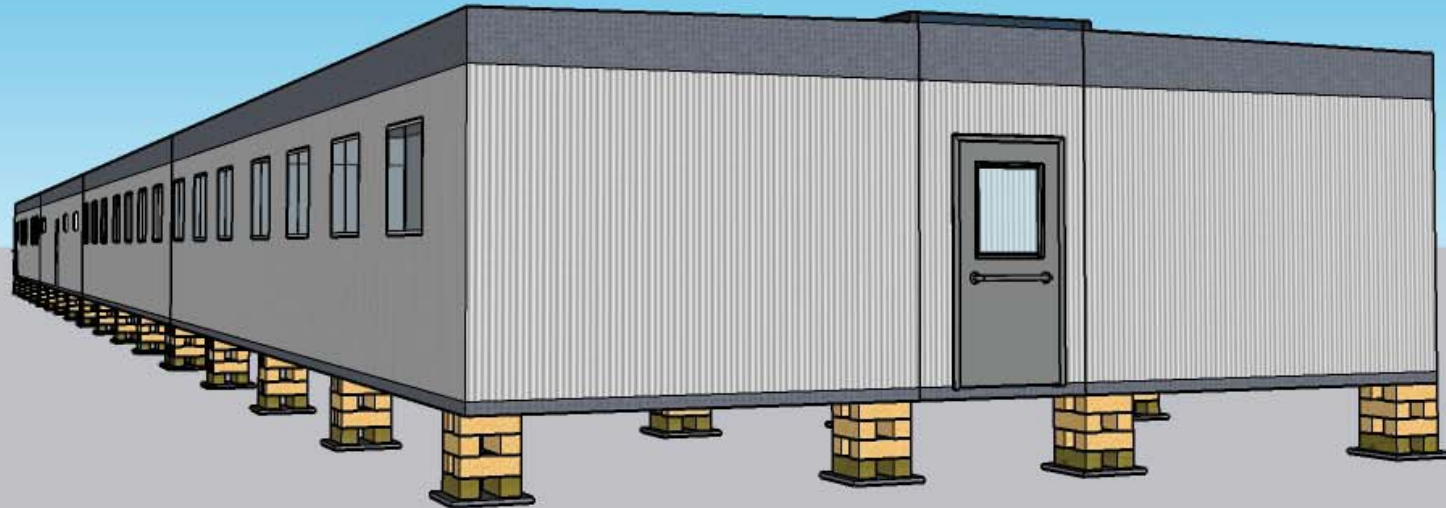
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Initials TC



ATTACHMENT E

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A22-0002

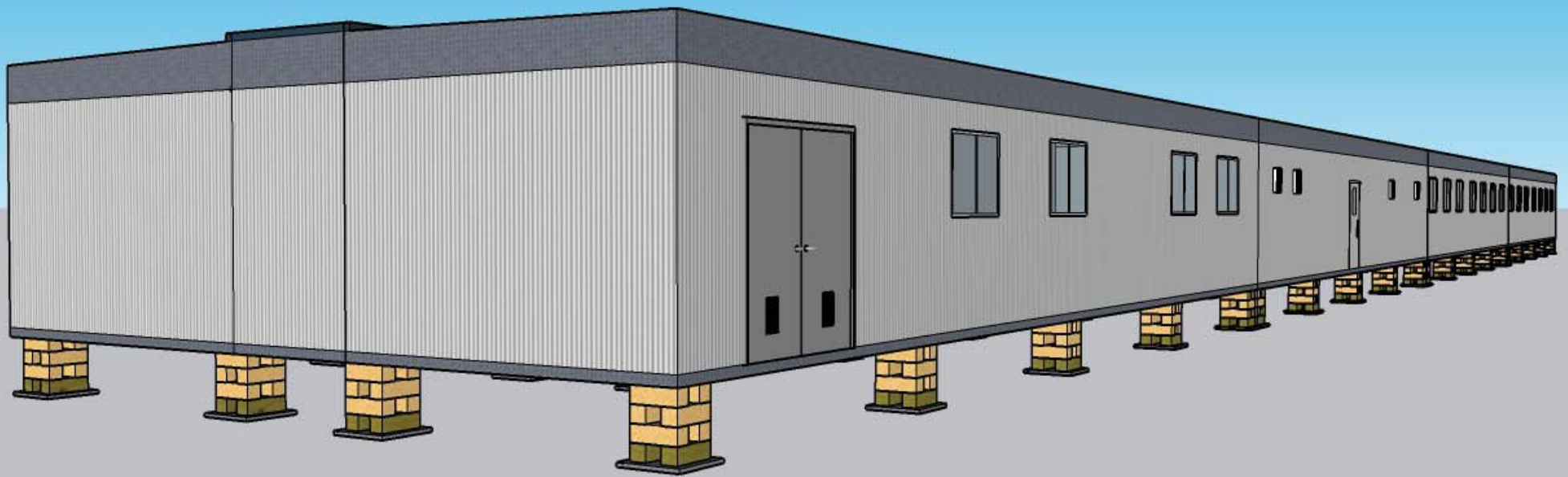
Planner
Initials **TC**



ATTACHMENT E

This forms part of application
A22-0002

Planner
Initials TC



ATTACHMENT E

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A22-0002

Planner
Initials TC

