

REPORT TO COUNCIL



Date: January 22, 2018

RIM No. 1210-24

To: City Manager

From: Community Planning Department (KB)

Application: FH17-0001

Owner: Stewart Brothers Winery Ltd.,
Inc. No. BC1040444

Address: 4500 Stewart Road West

Applicant: Protech Consulting 2012 (Grant
Maddock)

Subject: Farm Help Development Permit Application

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Council authorizes the issuance of Farm Help Development Permit No. FH17-0001 for Lot 2 Section 32 Township 29 ODYD Plan 3093 Except Plan KAP58804, located at 4500 Stewart Road West, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. Landscaping to be provided on the land be in accordance with Schedule "B";
3. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;
4. Registration of a Section 219 Restrictive Covenant restricting the use of the Temporary Farm Worker Housing to a maximum of twenty-two (22) farm employees only, and to a maximum occupation of ten (10) months of the year;
5. Registration of a Section 219 Restrictive Covenant restricting the use of the Temporary Farm Worker Housing to Temporary Farm Workers only;
6. Registration of a Section 219 Restrictive Covenant on all parcels within the farm unit in the City sector restricting the total number of temporary farm worker housing to sixty (60);

AND THAT Council's consideration of this Farm Help Development Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated January 22, 2018;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To consider a request for a Farm Help Development Permit for two proposed temporary residences on non-permanent foundations to accommodate 22 temporary agricultural workers on the subject property.

3.0 Community Planning

Community Planning Staff support the application to construct two temporary dwellings to house 22 temporary agricultural workers at 4500 Stewart Road West. The application complies with City of Kelowna and Ministry of Agriculture policy for Temporary Farm Worker Housing (TFWH) and is also consistent with the Official Community Plan Policy 5.34.2:

Temporary farm worker housing (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.

The applicants have provided Community Planning Staff with copies of federal farm worker contracts and a vineyard planting plan demonstrating the need for the farm worker housing is justified. In addition, the proposal locates the TFWH on unfarmed land that has not been planted and is within a contiguous homeplate on the property, which is consistent with the City of Kelowna Farm Protection Development Permit Guidelines. The application meets other regulations, policies and guidelines for TFWH, and the proposed siting and landscaping is designed to limit the impact on agricultural land.

The Agricultural Land Commission, as well as the Ministry of Agriculture's Guide to Bylaw Development in Farming Areas, advises that temporary farm workers should be housed in temporary structures. This application complies with these standards. Further, Temporary Farm Worker Housing needs to meet the Guidelines for the Provisions of Seasonal Housing for Migrant Farm Workers in British Columbia, which details the occupancy calculations and minimum amount washroom, laundry and cooking facilities that should be provided. The applicant has submitted trailer layouts to demonstrate that these minimum standards can be met (see Schedule "A").

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 TFWH will only be used for farm workers for a specified limited number of months during the year (typically a maximum of eight months); and
- a total maximum of 60 TFWH accommodation is permitted on this farm unit within this City sector.

If supported by Council, a building permit will be required for the structures and related infrastructure elements covered by this application.

4.0 Proposal

4.1 Background

Temporary Farm Worker Housing Regulations

In 2017, Council adopted new regulations for TFWH following consultation with the Ministry of Agriculture, the farming industry, and the public. The regulations were intended to address concerns related to:

- Potential misuse of farm worker housing;
- Loss of agricultural land;
- Changes to the agricultural landscape;
- Increased demands on municipal infrastructure; and
- A perceived 'detachment' of the workers having no connection to the community.

The new regulations allow farmers to have accommodations for up to 40 temporary farm workers on parcels less than 8 ha and up to 60 temporary farm workers for parcels 8 ha or greater on farm units within each City sector. This enables farmers to have multiple TFWH locations within the City.

Seasonal Agricultural Workers Program

The Federal Government has recognized that there is a shortage of farm workers throughout Canada. As part of the Seasonal Agricultural Workers Program (SAWP) the owner must provide accommodation for their foreign workers. Seasonal dwellings for farm help are considered a 'farm use'¹ by the Agricultural Land Commission. According to the Ministry of Agriculture, seasonal worker housing should be communal and temporary in nature, with shared kitchens, and conform to SAWP / BC Agriculture Council standards.

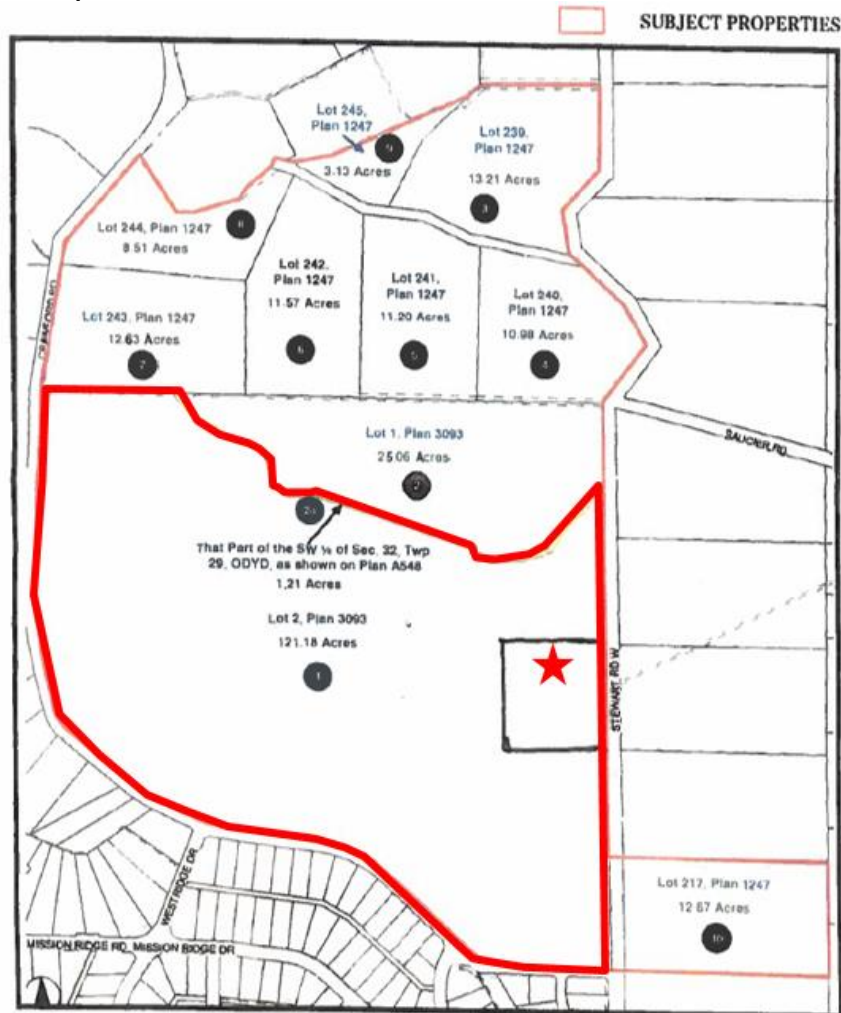
Subject Proposal

The owners, Stewart Brothers Winery Ltd. farm 4500 Steward Rd West, and nine immediately surrounding properties (the "Farm Unit"), in Southeast Kelowna. Combined, there are a total of 218.9 acres owned or controlled by Stewart Brothers Winery Ltd. in this immediate area, as shown on Map 1. On these properties, 25 acres are currently planted with mature vineyards and in 2017 40 additional acres were planted. In the next three years an additional 30 acres are proposed to be planted per year, and the remaining land area is planned on being planted in 2022. The 22 workers proposed to be housed on the subject property would mainly work at the properties on-site, but there may be some overlap with additional vineyards in West Kelowna. The owners have made significant investment over the past 18 months to improve the farming capability of the property, which was formerly used as the Stewart Brothers Nursery Site.

The owners are currently proceeding with master site development plans for a future winery processing facility, on-site retail and food services for the subject property. The owners will continue to work with Planning Department Staff and will submit for a Farm Protection Development Permit once plans are completed.

¹ Province of BC, 2002, Agricultural Land Commission Act – Agricultural Land Reserve Use, Subdivision and Procedure Regulation – Part 2.

Map 1 – Properties owned or controlled by Stewart Brothers Winery Ltd. surrounding 4500 Stewart Road West that make up the Farm Unit



4.2 Project Description

The application is for 22 Temporary Farm Workers to be housed in temporary structures on non-permanent foundations. The accommodation is proposed to be placed on the east portion of the property, which access off Stewart Road West. It is in close proximity to an existing office and warehouse building (see Map 2 for the proposed location). Each trailer includes six bedrooms (to accommodate 11 workers in each trailer), a shared kitchen, sitting area, washroom and laundry facilities. It is anticipated that the TFWH would be occupied between March and October annually.

The application includes a landscape plan, which provides a buffer between the TFWH and the vineyard. This plan includes a three metre wide buffer with a variety of native tree and shrub species. The landscape buffer would surround the trailers on the north, east and west sides, as shown on Map 2.

Map 2 – Proposed Temporary Farm Worker Housing Layout



4.3 Site and Neighbourhood Context

The subject property is within the Southeast Kelowna Sector of the City according to the Official Community Plan. The property is zoned A1 – Agriculture 1 and the Future Land Use is REP – Resource Protection. It is outside of the City’s Permanent Growth Boundary and is fully located within the Agricultural Land Reserve (ALR). The subject property, where the TFWH would be located, is approximately 121 acres. The surrounding parcels that make up this farm unit, include approximately an additional 100 acres (218.9 acres total).

Parcel Summary – 4500 Stewart Road West:

Parcel Size: 49.04 ha (121.18 acres)

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

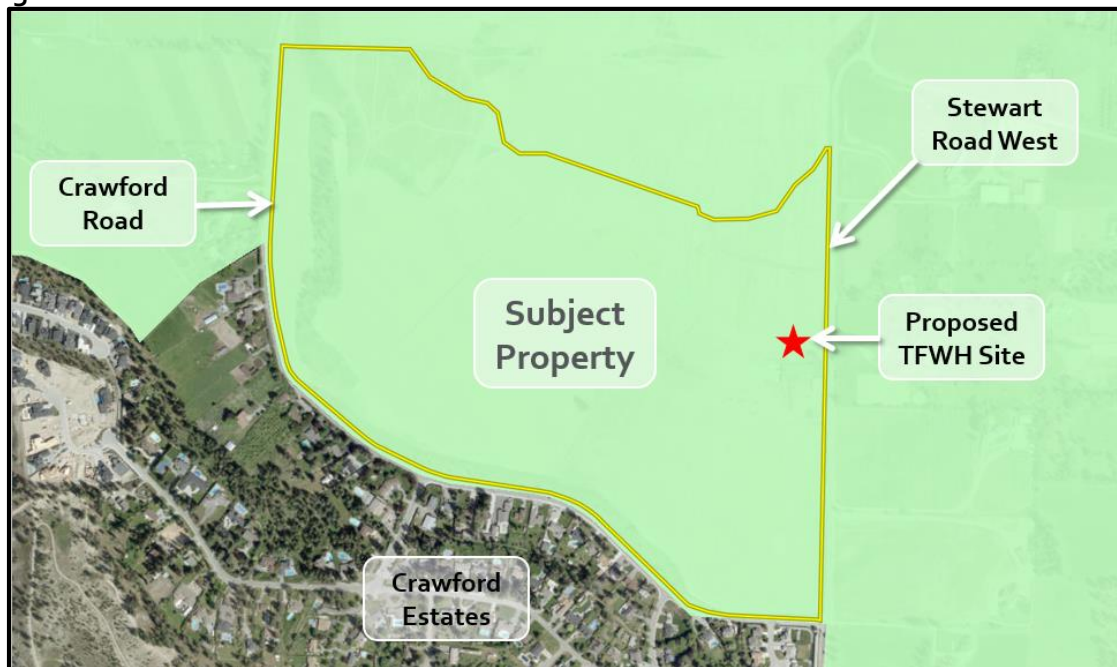
Table 1: Zoning and Land Use of Adjacent Property

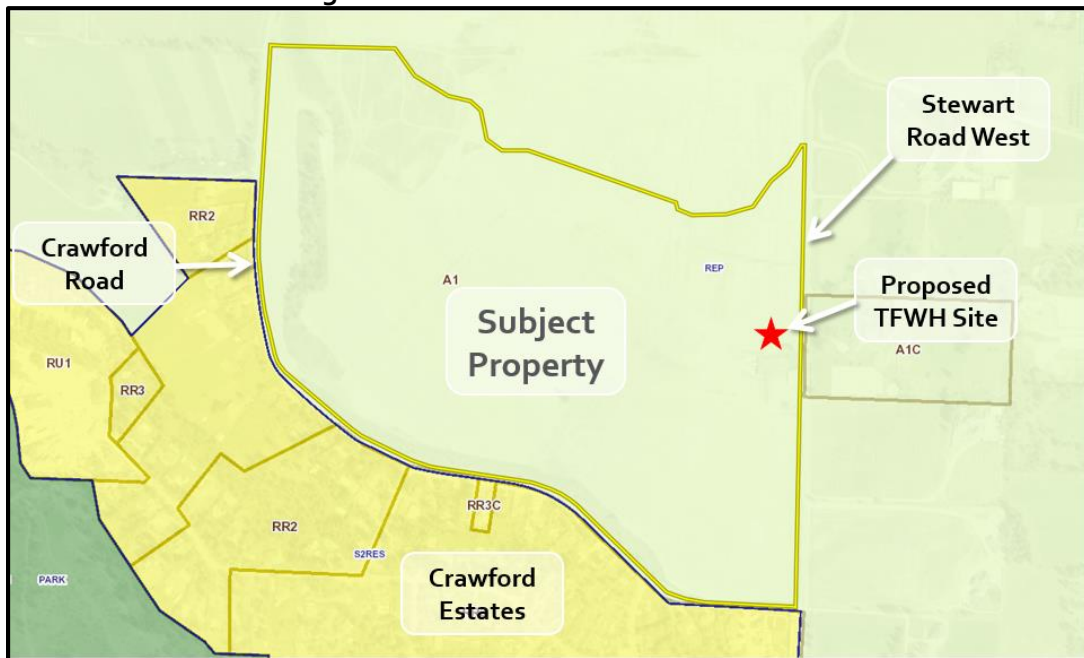
Direction	Zoning	ALR	Land Use
North	A1 – Agriculture 1	Yes	Agriculture
South	RR2 – Rural Residential 2 RR3 - Rural Residential 3 RR3C - Rural Residential 3 with Carriage House	No	Residential
East	A1 – Agriculture 1 A1C - Agriculture 1 with Carriage House	Yes	Agriculture / Residential
West	A1 – Agriculture 1 RR2 - Rural Residential 2	No/ Yes	Agriculture

Map 3 - Subject Property Map



Map 4 - Agricultural Land Reserve



Map 5 – Future Land Use and Zoning

4.4 Neighbourhood Notification

As staff understand it, neighbourhood notification was completed by the applicant in accordance with Council Policy #367. On lands located outside of the Permanent Growth Boundary neighbourhood notification within a 300 metre radius was required. For lands within the permanent growth boundary, primarily those within the Crawford Estates neighbourhood, notification within a 50 metre radius was required.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5 – Development Process - Agricultural Land Use Policies:

Objective 5.33 Protect and enhance local agriculture

Policy 5.33.1 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.

Objective 5.34 Preserve productive agricultural land

Policy 5.34.2 Farm Help Housing - Accommodation for farm help on the same agricultural parcel will be considered only where:

- agriculture is the principal use on the parcel, and
- 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.

Temporary farm worker housing (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.

Policy 5.34.3 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.

Chapter 15 - Farm Protection Development Permit Guidelines:

Guideline 1.2 Homeplate - On agricultural lands, where appropriate, locate all buildings and structures, including farm help housing and farm retail sales, within a contiguous area (i.e. homeplate). Exceptions may be permitted where the buildings or structures are for farm use only.

Guideline 1.8 Temporary Farm Worker Housing – Design temporary farm worker housing such that:

- Temporary farm worker housing 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.
- Temporary farm worker housing 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.
- Temporary farm worker housing should have a minimum three metre wide vegetated buffer for screening to adjacent property lines and between the temporary farm worker housing and active farming areas.

5.2 Ministry of Agriculture

Purpose and goals for TFWH and associated bylaw standards:

- Meet the needs of the agriculture industry;
- Minimize the residential impact of TFWH in the agricultural area;
- Minimize loss and / or fragmentation of agricultural land due to TFWH; and
- Minimize the risk of TFWH being used for non-farm purposes.

6.0 Technical Comments

6.1 Building & Permitting Department

- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

- See Attachment “A” City of Kelowna Memorandum

6.3 Fire Department

- A fire alarm shall be installed, as per BCBC 2012 Division B section 3.2.4.1(j) in a residential occupancy with sleeping accommodation for more than 10 persons. Requirements of section 9.10.19 Smoke Alarms of the BCBC 2012 are to be met where less than 10 will be accommodated.
- CO Alarms shall be installed should there be gas fuelled appliances installed.
- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. Should a hydrant be required on this property, it shall be private.
- A visible address must be posted as per City of Kelowna Bylaws.
- Should a fire alarm be required, A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD or DVD to facilitate Fire Department pre-planning for this structure. The fire safety plan should clearly detail the unique requirements for this structure .
- Fire Department access is to be met as per BCBC.
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- Contact Fire Prevention Branch for fire extinguisher requirements and placement.

6.4 Interior Health Authority

It is my understanding the housing will be serviced by community water and an onsite sewerage system. Interior Health has no objections to this proposal; however note the following:

It appears the proposed housing footprint is small and contained. This is important for the long-term ability of the farmland to produce food. Interior Health has an interest in the protection of farmland to support local agricultural capacity because it is a key aspect of local healthy food systems.

In addition, from an environmental public health perspective the following legislation applies:

- Industrial Camps Regulation - Prescribes the minimum housing standards which must be met.
- Sewerage System Regulation - Prescribes a Record of Sewerage System must be filed by an Authorized Person.

I suggest workers not be allowed to occupy the proposed housing until the City of Kelowna has received confirmation the requirements of the above legislation have been satisfied.

6.5 Southeast Kelowna Irrigation District (SEKID)

SEKID has reviewed the above referenced application and the following requirements must be met to meet requirements for water servicing:

1. The application calls for the construction of two farm help accommodations each approximately 1,300 ft² in area. A Capital Expenditure charge of \$5,000.00 must be paid for each building.
2. It is proposed the buildings be serviced from the existing domestic service located adjacent to the building site on Stewart Road West, so no additional water services are required.
3. All water use in the buildings must be metered. As it appears water will be connected in-line with the building to the west serviced from a connection to the building to the east, one water meter in the east building should be adequate to meter all water use in both buildings. If this is not the case, a second water meter may be required for the second building. An application fee of \$450.00 must be paid. This fee covers the costs of one 5/8" water meter. It is the applicant's responsibility to have the water meter installed in the building. Please contact the district office to arrange to pick up the meter at the appropriate time.
4. A new account fee of \$20.00 must be paid.

All fees must be paid prior to SEKID issuing a water letter indicating the applicant has satisfied the requirements for water servicing.

7.0 Application Chronology

Date of Application Received: October 24, 2017
Date Public Notification Completed: January 12, 2018

Agricultural Advisory Committee January 11, 2018

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on January 11, 2018 and the following recommendations were passed:

THAT the Agricultural Advisory Committee recommends that Council support Farm Help Development Permit Application No. FH17-0001 for Lot 2, Section 32, Township 29, ODYD, Plan 3093 except Plan KAP58804, located at 4500 Stewart Road West, for Temporary Farm Worker Housing for 22 Temporary Farm Workers.

Carried - Moved by Keith Duhaime/Seconded by Dominic Rampone

ANECOTAL COMMENTS:

The Agricultural Advisory Committee commended the applicant for working with City staff to ensure that the City's policies and the Agricultural Land Commission's policies were adhered to. The Committee noted that the application provided for good buffering, the use of non-permanent foundations and that the size of the farm supports the need for temporary farm workers.

Report prepared by: Kimberly Brunet, Planner

Reviewed by: Ryan Smith, Community Planning Department Manager

Approved for Inclusion:

Attachments:

Draft Farm Help Development Permit No. FH17-0001
Attachment "A" – City of Kelowna Memorandum
Schedule "A" – Site Plan, Site Servicing Plan and Trailer Layout
Schedule "B" – Landscape Plan
Schedule "C" – Site Photos