

REPORT TO COUNCIL



Date: February 5, 2018

RIM No. 1250-04

To: City Manager

From: Community Planning Department (LB)

Application: TA18-0001

Owner: Geen Family Holdings Ltd., Inc.
No. BC1054713

Address: 4085 & 4133 Shanks Rd

Applicant: Cody Walsh

Subject: Text Amendment Application

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Zoning Bylaw Text Amendment No. TA18-0001 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Community Planning Department dated February 5, 2018 for Lot 20 Section 34 Township 23 ODYD Plan 500 Except Plan KAP45154 located at 4085 Shanks Road, Kelowna, BC and for Lot 19 Section 34 Township 23 ODYD Plan 500 Except Plan KAP45154 located at 4133 Shanks Road, Kelowna, BC be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zoning Bylaw Text Amending Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated February 5, 2018;

AND THAT final adoption of the Zoning Bylaw Text Amending Bylaw be considered subsequent to approval from the Ministry of Transportation and Infrastructure;

AND FURTHER THAT final adoption of the Zoning Bylaw Text Amending Bylaw be considered in conjunction with Council's consideration of a Farm Help Development Permit for the subject properties.

2.0 Purpose

To consider a site specific text amendment to allow temporary farm worker housing to accommodate a maximum of 140 temporary farm workers and to allow a temporary farm worker housing footprint of 0.70 ha on the subject properties, and to consider a text amendment to renumber Section 9.11 Micro Suite Housing to Section 9.14.

3.0 Community Planning

Community Planning staff support the proposed text amendment to the Zoning Bylaw to allow temporary farm worker housing (TFWH) for a maximum of 140 temporary farm workers and to increase the maximum TFWH footprint to 0.70 ha on the subject properties. 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 and to mitigate potential impacts of a large TFWH use.

Company Operations

Coral Beach Farms, the cherry growing company owned and operated by the property owners (the Geen family), has 68.8 ha (170 acres) of land in the City of Kelowna, with an additional 368.3 ha (910 acres) across the Central Okanagan, North Okanagan, and Thompson regions. The scale of its operations demand significant labour resources in the growing, harvesting and pruning seasons. Although the orchards currently planted on the subject site do not warrant 140 farm workers, several site features contribute to its viability for this use:

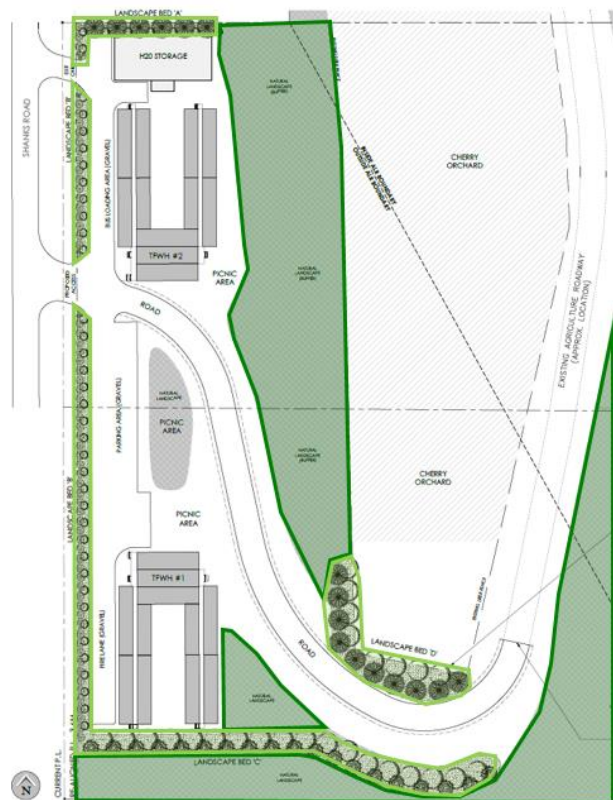
- Central location for the company's broader operations;
- Access to Highway 97 and transit service; and
- Ability to place TFWH outside of the Agricultural Land Reserve (ALR).

Furthermore, a new cherry packing facility planned for the north portion of the site would increase labour needs in this location.

Site Layout & TFWH Objectives

The proposal generally meets the Ministry of Agriculture's objectives for TFWH and the City's related policies to protect agricultural land. The needs of the agriculture industry are met through the provision of housing for temporary farm workers on a site that serves their widespread operations. The residential impact of TFWH and loss of agricultural land are minimized by siting the TFWH outside of the ALR and following principles for farm residential footprints / homeplating, including locating the TFWH close to the road within a contiguous area, and providing a landscaped buffer. The potential for the TFWH to be used for non-farm purposes is minimized through the use of temporary structures (i.e. trailers) on non-permanent foundations that can be removed if no longer needed.

Access for the TFWH will be from Shanks Road, and the site is expected to have access to Highway 97 North in association with the future cherry packing facility. Shanks Road will be upgraded to a rural local road standard along the subject properties and to the City of Kelowna boundary to the north. BC Transit Route 23 connecting Kelowna with Lake Country also runs along Highway 97 adjacent to the property.



The Farm Help Development Permit application shows the proposed location and layout of the TFWH, including a landscape plan. The siting and landscaping help to mitigate potential impacts on adjacent properties, with natural / or and newly planted landscaped buffers proposed around the TFWH area.

Development Permit & Restrictions

Should Council choose to support the site specific text amendment, a Farm Help Development Permit would be brought forward for Council's consideration at a later date. In keeping with the Ministry of Agriculture's Guide to Bylaw Development in Farming Areas and the City's regulations for TFWH, the property owner would be required to register Section 219 restrictive covenants on title that generally state:

- The TFWH will 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 number of months of the year (typically a maximum of eight, though may be increased to ten); and
- The maximum number of TFWH accommodation permitted on this farm unit within this City sector.

Public Notification

As staff understand it, the applicant completed neighbourhood notification in accordance with Council Policy No. 367 and has been in contact with nearby residents and property owners regarding the proposal.

Housekeeping Amendment

In preparing the site specific text amendment, staff noted that Section 9.11 Micro Suite Housing should be numbered Section 9.14, as it follows Section 9.13 Temporary Farm Worker Housing in the Zoning Bylaw. Staff recommend support of a housekeeping amendment to renumber it to Section 9.14 Micro Suite Housing.

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. It was acknowledged at the time that applications for structures to accommodate more temporary farm workers per sector would require a site specific text amendment with a demonstrated need for the added housing. Additional restrictions on use, siting, types of structures and other components of TFWH are found in the Zoning Bylaw and in policies and guidelines in the Official Community Plan.

Subject Proposal

The owners of the subject properties own and operate Coral Beach Farms Ltd., a cherry growing company based in Lake Country. The company currently has 271.1 ha (670 acres) of cherries planted with an additional 165.9 ha (410 acres) planned by 2020. Most of the land owned or leased by the company is in the Central and North Okanagan, with 68.8 ha (170 acres) within the City of Kelowna. The cherries are currently packed at the company's facility in Carr's Landing.

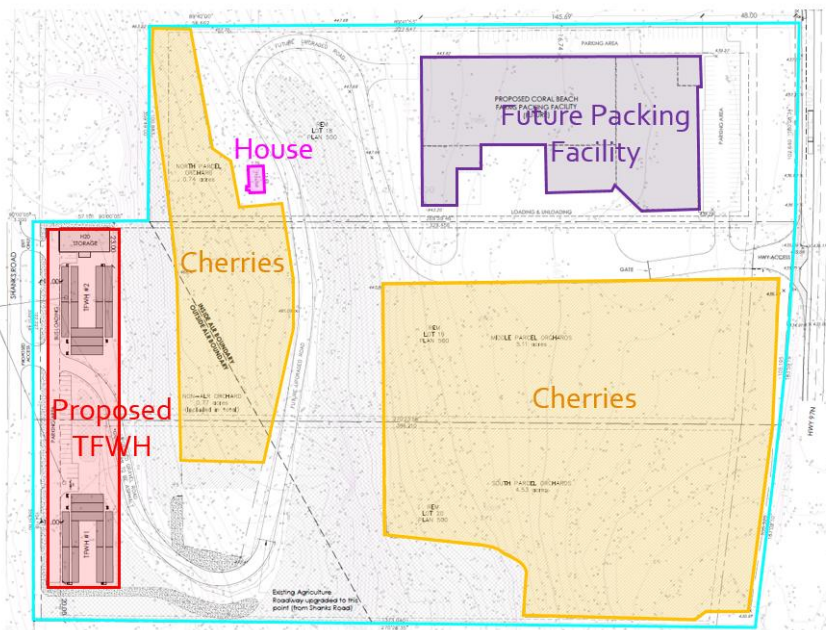
Coral Beach Farms employs 800 to 900 staff in the peak summer season, 40 to 80 staff in the shoulder seasons, and 15 staff year round. By 2020 the company expects to employ over 1,000 staff. Approximately 60% of seasonal staff are brought in under the Seasonal Agricultural Workers Program (SAWP) from Mexico and Jamaica, with the remainder primarily being international backpackers and out-of-province Canadians. Across the Okanagan the company currently has 410 beds for SAWP staff plus another 350 beds of rented accommodation.

On the subject properties, 3.6 ha (9 ac) were planted with sweet cherries in spring 2017. A future cherry packing facility is being considered for the northernmost property at 7980 Highway 97 North to accommodate the company's growth. A Development Permit application will be submitted for that facility at a later date.

4.2 Project Description

The application is for 140 beds for TFWH in temporary structures on non-permanent foundations. A site specific text amendment is required to allow more beds than permitted in the Zoning Bylaw, as well as a larger TFWH footprint. A Farm Help Development Permit application has also been submitted showing the proposed siting, layout, landscaping, and access.

The TFWH and associated facilities will be located entirely outside of the Agricultural Land Reserve (ALR) in the west portions of the properties, with access from Shanks Road. The housing will be in two groups of trailers with 70 beds on each property plus common space with kitchen, laundry and seating facilities. Parking and picnic areas will be located between the two dormitory sites. A water reservoir and pump station for domestic use, irrigation and fire flow will be located in the northwest corner of 4133 Shanks Road. Septic tanks will be adjacent to each dormitory with septic fields down the slope to the east.



In addition to the treed areas, which would remain as natural buffers to the orchard and the property to the south, landscape buffers will be planted around the TFWH area. The buffers will be 3 m to 6 m in width with a variety of native tree and shrub species.

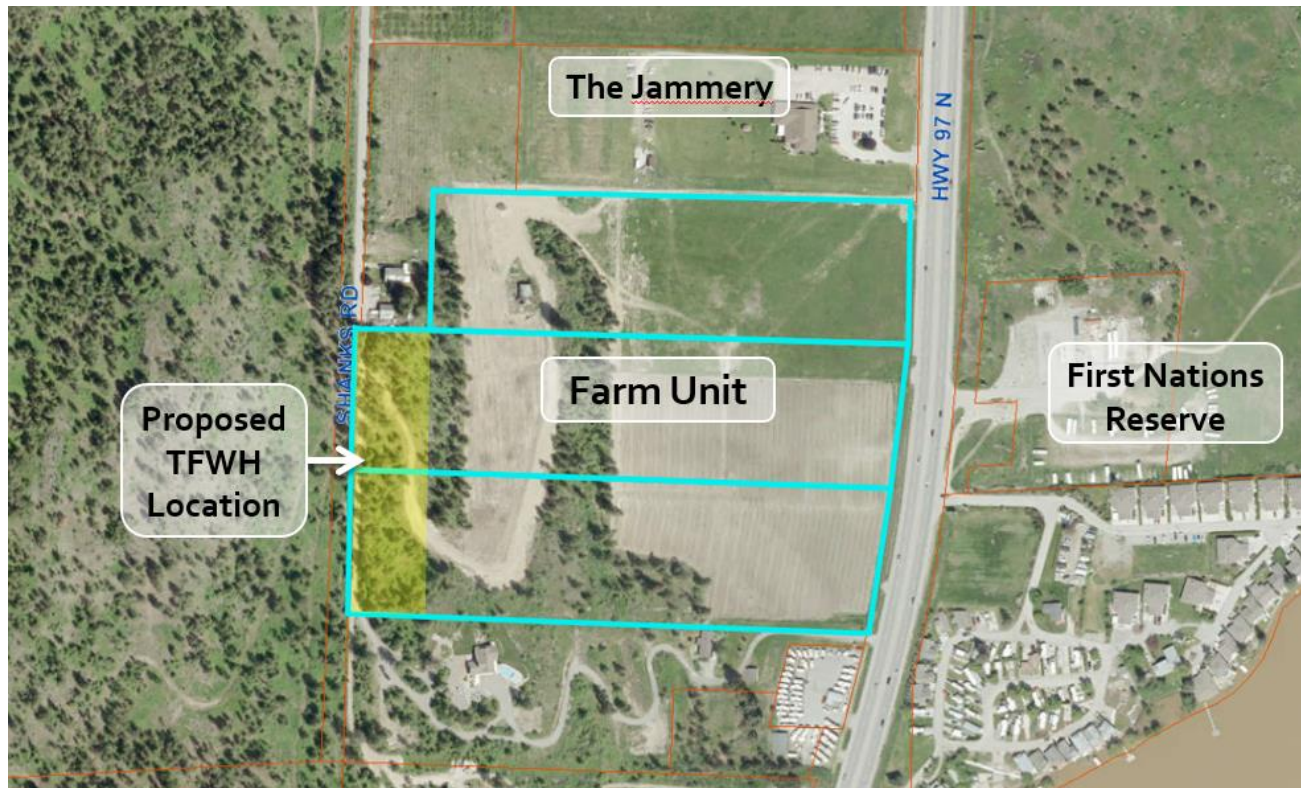
4.3 Site Context

The subject properties are within the City's McKinley Sector and are outside of the Permanent Growth Boundary. The majority of the site is within the ALR, with the western portions, where the TFWH is proposed, outside of the ALR. Along with the two properties where the TFWH will be located, a third property immediately to the north make up this farm unit, with a total of 11.4 ha (28.2 acres).

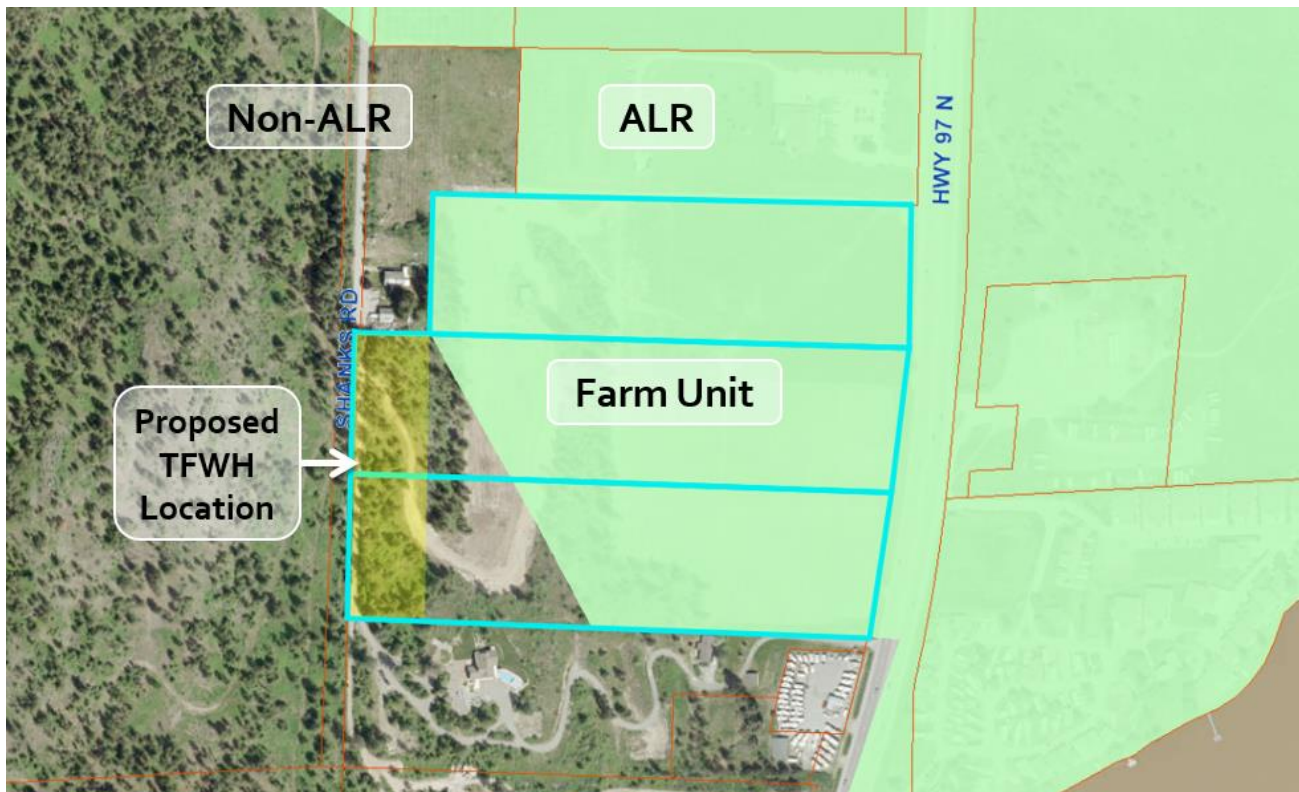
The surrounding area includes land both in and outside of the ALR, with agricultural, residential and some business uses. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Agriculture / agri-business (The Jammery) Residential
East	First Nations Reserve	Residential / outdoor storage
South	A1c – Agriculture 1 with Carriage House	Residential
West	A1 – Agriculture 1	Agriculture / natural open space

Map 1: Subject Properties



Map 2: Agricultural Land Reserve Boundary



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

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 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 Design temporary farm working 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 3 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 Development Engineering Department

- See attached memorandum in Schedule "A".

6.2 Fire Department

- Fire Department access is to be met as per BCBC 3.2.5.
- Fire Department connection is to be unobstructed within 45 m of a fire hydrant.
- Dumpster / refuse container must be 3 m from structures or overhangs.

6.3 Interior Health Authority

- See attached letter in Attachment A.

6.4 Ministry of Agriculture

- Some clear benefits for this agriculture operation to consolidate TFWH in a location which is also in close proximity to the future proposed packing plant is positive.
- Locating TFWH on portions of parcels 4085 & 4133 Shanks Rd that are outside ALR is supported, agriculture productivity at the proposed location will be lower due to both terrain & soils. The non-ALR site with some existing buffers & natural terrain separation is ideal. Pro-actively addressing appropriate buffers between the TFWH & adjacent home is advised.
- The size & scale of Coral Beach Farms allows for flexibility & management options that help maximize agriculture production as a farm unit. Compromises that support farm function are generally supported, the challenge is to include measures to protect future agricultural use of individual lots.

7.0 Application Chronology

Date of Complete Application Received: October 18, 2017
Date Public Consultation Submitted: December 11, 2017

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. FH18-0001 for the properties located at 4085 and 4133 Shanks Road, Kelowna, BC for temporary farm worker housing for 140 temporary farm workers.

Carried – Moved by Keith Duhaime / Seconded by Dominic Rampone

Anecdotal 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 operations supports the need for the large number of temporary farm workers. It was also noted by the Committee that subject property is close to transportation.

Report Prepared by: Laura Bentley, Planner Specialist

Reviewed by: Ryan Smith, Community Planning Department Manager

Approved for Inclusion: Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Schedule "A": City of Kelowna Memorandum
Attachment A: Interior Health Letter
Attachment B: Applicant Letter of Rationale
Attachment C: Proposed Plans
Attachment D: Site Photos