

# REPORT TO COUNCIL



**Date:** May 28, 2018

**RIM No.** 1210-24

**To:** City Manager

**From:** Community Planning Department (LB)

**Application:** FH18-0001

**Owner:**

Geen Family Holdings Ltd., Inc.  
No. BC1054713

**Address:** 4085 & 4133 Shanks Road

**Applicant:**

Coral Beach Farms Ltd.

**Subject:** Temporary Farm Worker Housing Permit

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: A1 – Agriculture 1

---

## 1.0 Recommendation

THAT final adoption of Zoning Bylaw Text Amending Bylaw No. 11551 be considered by Council;

AND THAT Council authorizes the issuance of Temporary Farm Worker Housing Permit No. FH18-0001 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, subject to the following:

1. The dimensions and siting of the buildings and structures to be constructed on the land be in accordance with Schedule "A";
2. Landscaping to be provided on the land in accordance with Schedule "B";
3. The applicant be required to post with the City a Landscape Performance Security deposit in the form of an Irrevocable 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 accommodation for temporary farm workers only, to a maximum of one hundred and forty (140) temporary farm workers, and to a maximum occupation of ten (10) months of the year;
5. Registration of a Section 219 Restrictive Covenant on all parcels owned or leased by the farmer in the McKinley City Sector restricting the total number of temporary farm worker housing to one hundred and forty (140) on those parcels; and
6. Registration of a Section 219 Restrictive Covenant on the farm unit parcels prohibiting the parcels from being sold or otherwise transferred separately; and

7. Registration of an easement on the farm unit parcels allowing reciprocal access for utilities (water, sanitary and drainage) and access.

## 2.0 Purpose

To consider a Temporary Farm Worker Housing Permit for temporary farm worker housing and associated facilities to accommodate up to 140 temporary farm workers.

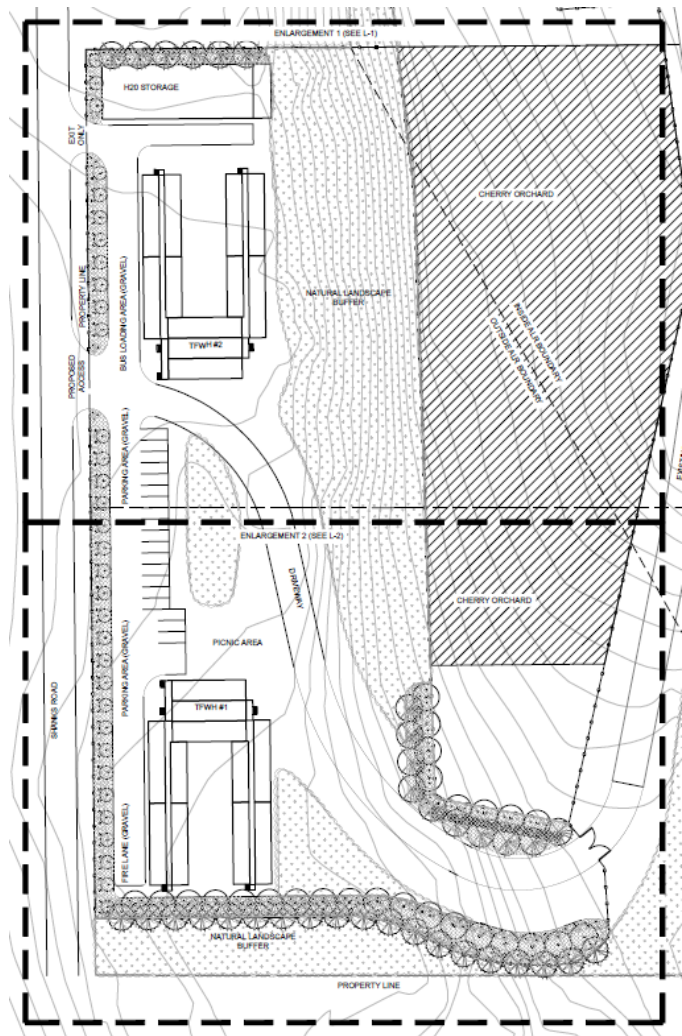
## 3.0 Community Planning

Community Planning staff support the Temporary Farm Worker Housing Permit for the site layout and landscaping associated with temporary farm worker housing (TFWH) for a maximum of 140 temporary farm workers on the subject properties. The TFWH is located outside of the Agricultural Land Reserve (ALR) and follows principles for farm residential footprints / homeplating, including locating the TFWH close to the road within a contiguous area, and providing a minimum 3 m landscaped buffer. The siting and landscaping are consistent with Farm Protection Development Permit Guideline 1.8 regarding TFWH.

More specifically, the applicant is retaining existing natural areas along the eastern and southern boundaries of the TFWH area, and supplementing with additional planting of trees and shrubs to mitigate potential impacts to adjacent properties and separate the TFWH from the remainder of the site. A deer fence and gate on the internal road also delineate the TFWH from the remainder of the site to the east. The north and west property lines will also have 3 m landscape buffers and some berming to reduce visual impacts. The overall site plan, including landscaping, is shown to the right.

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. This is further addressed through the requirement to register a restrictive covenant on the properties limiting the use of the TFWH to temporary farm workers only and for a maximum of ten months of the year.

The property owner is also required to register a restrictive covenant to prohibit the properties within the farm unit from being sold separately, and an easement to allow utilities and access across properties. By sharing facilities and infrastructure across the properties, impacts to agricultural land are minimized. The farm unit includes 4085 Shanks Road, 4133 Shanks Road and 7980 Highway 97 N, and connects the TFWH use with the orchards and future cherry packing facility.



## 4.0 Proposal

### 4.1 Background

In February 2018, Council considered a site specific text amendment to allow TFWH to accommodate a maximum of 140 temporary farm workers and a TFWH footprint of 0.70 ha on the subject properties. The additional temporary farm workers are needed to support the applicant's substantial cherry growing operations in Kelowna and across the Central Okanagan, North Okanagan and Thompson regions. This site was selected because of its central location for the company's broader operations, ability to place TFWH outside of the ALR, and the future cherry packing facility planned for the property to the north.

Council gave third reading to Zoning Bylaw Text Amending Bylaw No. 11551 on February 20, 2018. The applicant has now satisfied the conditions of bylaw adoption, including servicing requirements and approval from the Ministry of Transportation and Infrastructure.

### 4.2 Project Description

The application is for the site layout and landscaping associated with TFWH for up to 140 temporary farm workers in a footprint of approximately 0.70 ha. The TFWH will be in temporary structures (trailers) on non-permanent foundations, and associated facilities include a water reservoir, parking, outdoor areas and landscaping. The TFWH footprint will be located entirely outside of the ALR with access from Shanks Road.

The housing will be in two groups of trailers, with one dormitory on each property. Each dormitory will have 70 beds plus common space with kitchen, laundry and seating facilities. Parking and picnic areas will be between the two dormitory sites. A water reservoir and pump station for domestic use, irrigation and fire flow will be 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.

Existing mature trees along the eastern and southern boundaries of the TFWH area will be retained as buffers to the orchard and the property to the south. In addition, landscape buffers will be planted around the TFWH. The buffers will be 3 m to 6 m in width and planted with a variety of native tree and shrub species, including ponderosa pine, Douglas fir, holly, and lilac.

### 4.3 Site Context

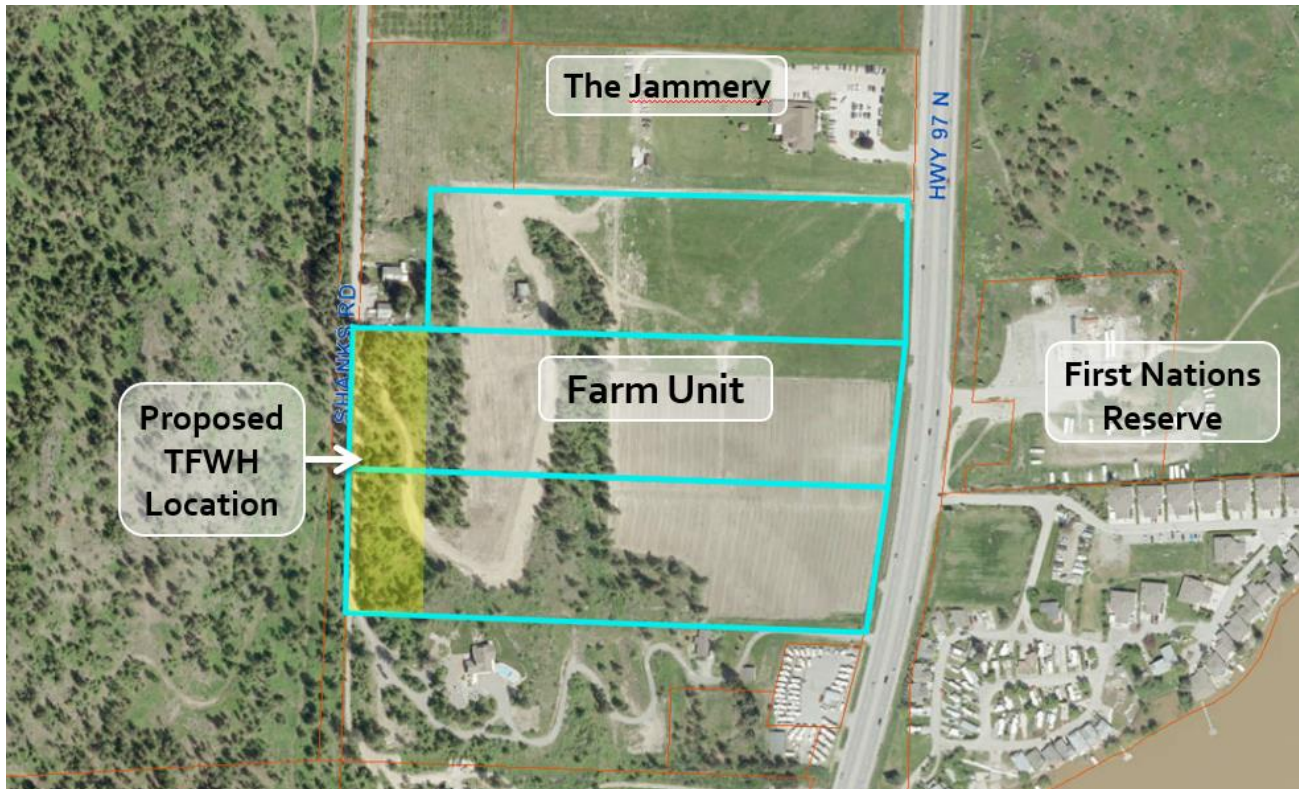
The subject properties are within the City's McKinley Sector and are outside of the Permanent Growth Boundary. The majority of the site is within the ALR, with the western portion, where the TFWH will be located, outside of the ALR. The site has two prominent benches in the west, with a grade change of roughly 50 m over the site to the lowest elevation along Highway 97 N.

Approximately 3.6 ha (9 ac) of the subject properties were planted with sweet cherries in spring 2017. Along with the two subject properties, a third property immediately to the north at 7980 Highway 97 N make up this farm unit, with a total of 11.4 ha (28.2 acres). While it does not form part of this application, Coral Beach Farms is also planning to construct a cherry packing facility at 7980 Highway 97 N to accommodate the company's growth.

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:

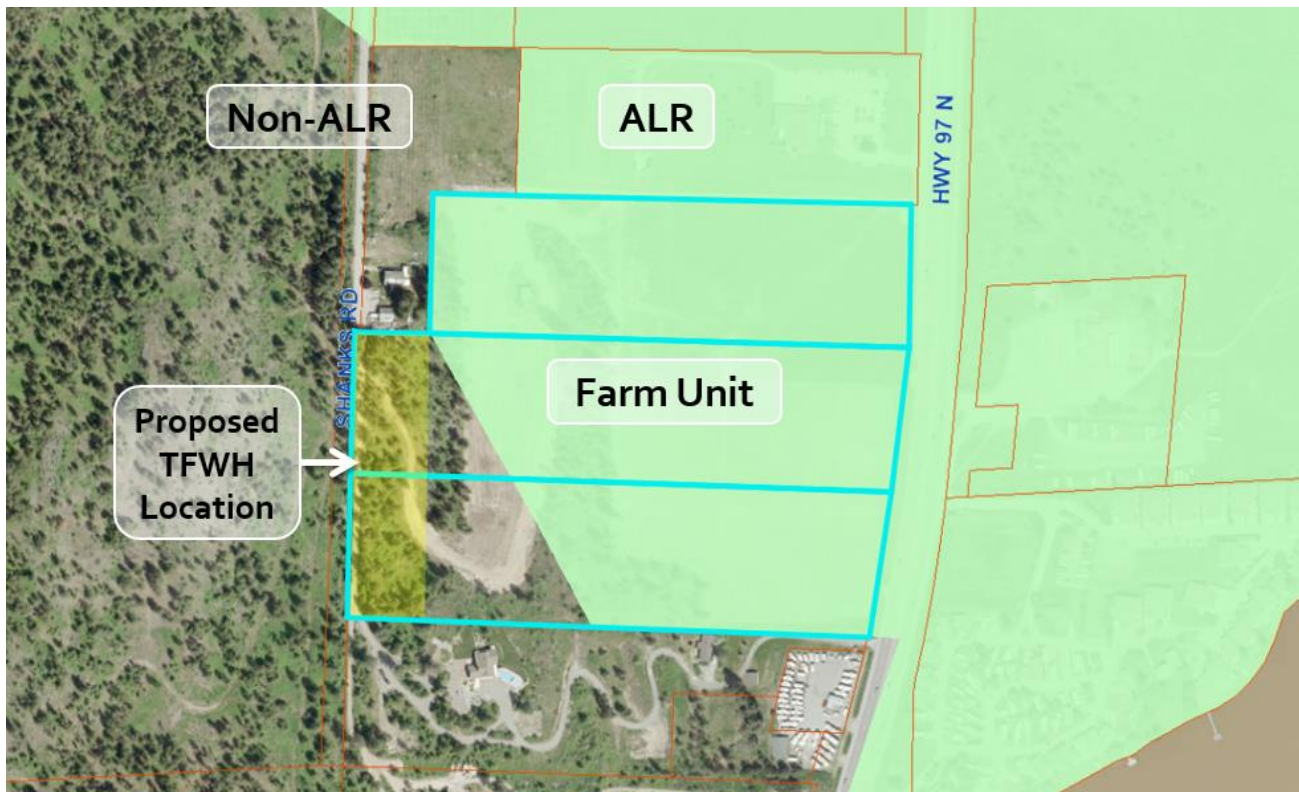
Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Agriculture / agri-business (The Jammery) Residential
East	First Nations Reserve	Residential / outdoor storage
South	A1c – Agriculture 1 with Carriage House	Residential
West	A1 – Agriculture 1	Agriculture / natural open space

**Map 1: Subject Properties**





Map 2: Agricultural Land Reserve Boundary



## 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	A <sub>1</sub> ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Maximum Site Coverage (residential development)	10%	2.5%
Maximum Height	9.5 m / 2 ½ storeys	3.7 m
Minimum Front Yard	6.0 m	6.0 m
Minimum Side Yard (south)	3.0 m	20.0 m
Minimum Side Yard (north)	3.0 m	3.5 m
Minimum Rear Yard	10.0 m	Not applicable (double fronting lot)

## 5.0 Current Development Policies

## 5.1 Kelowna Official Community Plan (OCP)

## 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

- All requirements captured under site-specific text amendment TA18-0001.

### 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

- Receipt of Record of Sewerage System provided.

6.4 Ministry of Agriculture

- 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.

6.5 Ministry of Transportation and Infrastructure

- Approved Bylaw No. 11551.

**7.0 Application Chronology**

Date of Application Received:	October 18, 2017
Date Public Consultation Completed:	December 11, 2017
Date of Agricultural Advisory Committee:	January 11, 2018
Date of Public Hearing:	February 20, 2018

**Agricultural Advisory Committee**

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, Community Planning Supervisor

**Reviewed by:** Ryan Smith, Community Planning Department Manager

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

**Attachments:**

Draft Temporary Farm Worker Housing Permit No. FH18-0001

Schedule A: Site Plan

Schedule B: Landscape Plan