

REPORT TO COUNCIL



Date: April 25, 2016
RIM No. 1210-24
To: City Manager
From: Community Planning Department (MS)
Application: FH15-0004 **Owner:** GP Sandher Holdings Ltd.
Address: 1610 Swainson Road **Applicant:** Biri Sandher
Sukhwinderjit Sandher
Subject: Farm Help Permit
Existing OCP Designation: Resource Protection Area
Existing Zone: A1 - Agriculture 1

1.0 Recommendation

THAT Council authorize the issuance of Development Permit No. FH15-0004 for *Lot 1 Plan KAP77945, Section 25 and 30 and Section 27, TWP 27, ODYD, located at 1610 Swainson Road, Kelowna, BC* for 1610 Swainson Road, Kelowna, BC.

2.0 Purpose

To consider a request for a farm help permit for proposed temporary residences on non-permanent foundations to accommodate 60 temporary agricultural workers on the subject property.

3.0 Community Planning Department

Staff supports the application to construct temporary dwellings to house 60 temporary farm workers at 1610 Swainson Road.

The Agricultural Land Commission, as well as the Ministry of Agriculture's Guide to Bylaw Development in Farming Areas¹, advises that temporary farm workers should be housed in temporary structures. This application complies with these standards.

In addition, the application complies with the provincial standards for Temporary Farm Worker Housing (TFWH) in that it:

- a) *Meets the needs of the agriculture industry;*
- b) *Minimizes the residential impact of TFWH in the agricultural area;*
- c) *Minimizes the loss and/or fragmentation of agricultural land due to TFWH; and*
- d) *Minimizes the risk of TFWH being used for non-farm purposes.*

¹ BC Min. Of Ag., 2015. Guide for Bylaw Development in Farming Areas, (Revised 2015).

http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/agricultural-land-and-environment/strengthening-farming/local-government-bylaw-standards/840000-1_guide_for_bylaw_development_in_farming_areas.pdf

The TFWH is located on unused land that is challenging to farm and close to the road, reducing the impact on the existing orchard. A landscape plan has been provided that provides a vegetated buffer along the road and along the north property line, to mitigate visual and privacy concerns.

4.0 Proposal

4.1 Background

In July 2015, the applicants applied to Council for two permanent bunkhouses to house 80 farm workers at 1090 McKenzie Road, in addition to the 48 workers currently permitted on the property, for a total of 128 farm workers proposed on that parcel. Council refused the request, due to concerns regarding the:

- total number of workers on one parcel; and the
- permanent nature of the dwellings requested.

As a result of the 2015 decision, the applicants have brought forward this application for TFWH in temporary structures at 1610 Swainson Road.

Their requirement for the TFWH is increasing, as the operation's cherry and apple trees grow to maturity. Through the federal Seasonal Agricultural Worker Program (SAWP), the applicants have applied for 250 foreign workers this year, for which they need to find accommodation. The owners farm approximately 213 ha (526 acres) throughout the North Okanagan, Lake Country, and the Central Okanagan.

Staff understands that the applicants have other properties that house temporary workers. In 2014, Council approved a Farm Help Housing Permit to house 21 temporary workers at 1240 Latta Road. In 2007, staff approved a fourplex for farm worker housing at 2775 Dunster Road, in addition to the 48 workers permitted at 1090 McKenzie Road.

4.2 Project Description

The proposed trailer accommodation for 60 workers is to be placed on an unfarmed corner of the subject property. (See below, and attached Layout Plan). The proposal includes:

- six sleeper trailers;
- two kitchen / dining trailers;
- a washroom trailer; and a
- recreation room trailer.

The plan includes a three metre wide landscape buffer, with fast growing birch and cottonwood trees, as well as native shrubs. The proposal complies with zoning regulations, including:

- 6 metre front yard setback;
- 3 metre side yard setback; and a
- 3 metre landscaped buffer along Swainson Road and north property line.

Francis Brook

Francis Brook, and a series of associated wetlands upstream and downstream of the project site, lie across Swainson Road south of the site. Requirements to avoid erosion and impacts to Francis Brook and associated wetlands will be part of the farm help permit. These will include:

- Any oversteepened banks must be recontoured to 2H:1V slope maximum;
- Banks must be seeded for stabilization;
- Silt fence must be established to prevent erosion to watercourses; and

- The ditch must be fully restored along Swainson Road (and second access closed).

Swainson Road

Swainson Road is not currently scheduled for upgrades in the City of Kelowna current capital plan. However, the applicant will be required to undertake the following:

- Road Usage Permit to address any traffic interruptions and potential road spillage;
- The alignment of the existing driveway will remain unchanged;
- The informal driveway will be decommissioned and returned to a ditch; and
- Erosion and sediment control measures will be required.

4.3 Foreign Farm Workers in Canada

The SAWP Program, together with the BC Agriculture Council, establishes standards for housing foreign farm workers. The housing is required to be inspected twice per year by an accredited inspector for the SAWP program, once prior to arrival of the workers, and once during the season. A condition of this Farm Help Permit is that the housing complies with SAWP / BC Agriculture Council standards.

4.4 Legislative Context and Agricultural Land Commission

Ministry of Agriculture has developed guidelines for Temporary Farm Worker Housing for local governments through the Guide for Bylaw Development in Farming Areas in the ALR² (the Bylaw Guide). The goals and objectives of regulating TFWH include:

- e) *Meeting the needs of the agriculture industry;*
- f) *Minimizing the residential impact of TFWH in the agricultural area;*
- g) *Minimizing loss and/or fragmentation of agricultural land due to TFWH; and*
- h) *Minimizing the risk of TFWH being used for non-farm purposes.*

The *Guide for Bylaw Development in Farming Areas in the ALR*³ states that:

The TFWH should be either an existing building or a manufactured home, constructed or manufactured to be moved from one place to another, and to be used for residential use, installed on a temporary foundation with no basement.

Staff are currently undergoing a Temporary Farm Worker Housing Bylaw Review together with a working group of staff from other local governments in the Central Okanagan. A key item of TFWH in these discussions have been that the structures should be temporary. This is currently a requirement of the TFWH Regulations within the Regional District of the Central Okanagan Bylaw.

The Bylaw Guide states that a Farm Residential Footprint may apply to TFWH. The proposal complies with the following standards, that the TFWH is:

- within 60 metres of a road; and
- located on lower capability ALR lands.

² BC Min. Of Ag., 2015. Guide for Bylaw Development in Farming Areas, (Revised 2015).
http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/agricultural-land-and-environment/strengthening-farming/local-government-bylaw-standards/840000-1_guide_for_bylaw_development_in_farming_areas.pdf

³ BC Min. Of Ag., 2015. Guide for Bylaw Development in Farming Areas, (Revised 2015).
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The Bylaw Guide states that a local government may require the following:

- Annual Statutory Declaration that states 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);
- A Restrictive Covenant that states the TFWH shall be used for temporary farm workers only, and that the owner will remove the TFWH if the farm operation changes such that it is no longer required; and
- A deposit sufficient to remove the TFWH *or* the cost of removal can be recovered by local government through taxes applied to the property.

4.5 Site Context

The subject property is an agricultural property of approximately 6.0 ha hectares (14.8 acres) in the Rutland Sector of the City and is in the Agricultural Land Reserve (ALR). The subject property is one of over 93 hectares (230 acres) farmed by the applicant in Kelowna, with approximately 213 ha (526 acres) farmed through the North and Central Okanagan. The subject property is fully planted in apples.

The subject property zoning and land uses are shown in table and maps below.

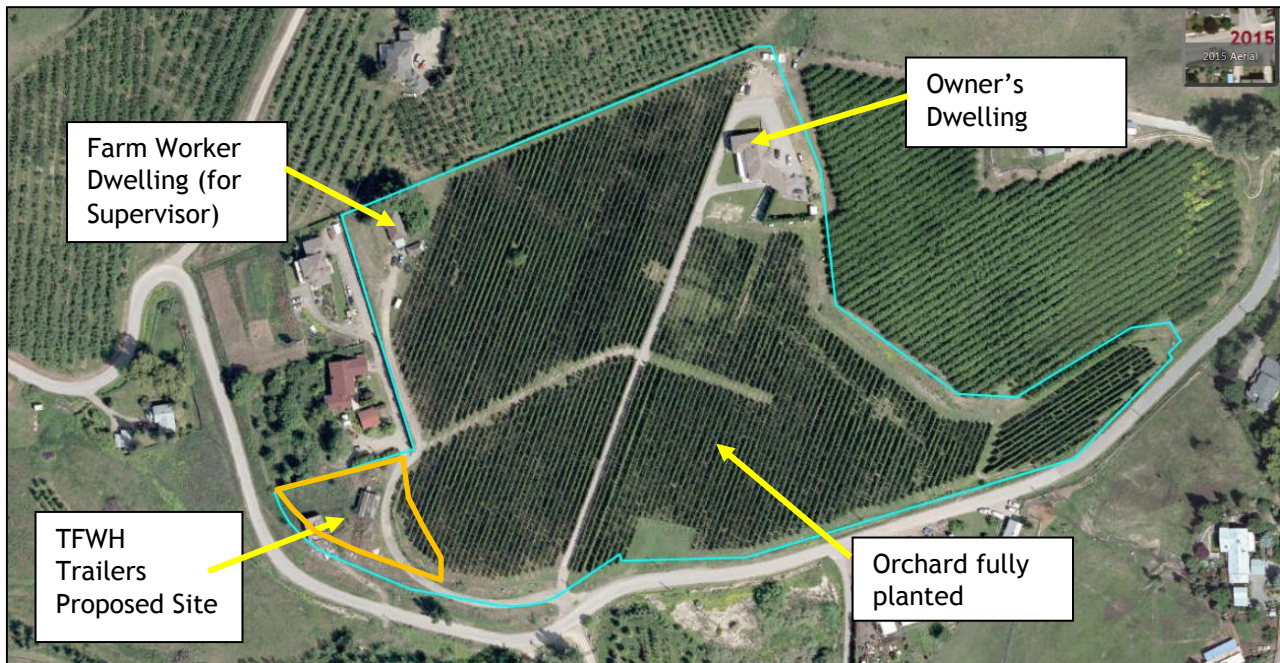
Table 1: Zoning and Land Use of Adjacent Property

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>	<i>ALR</i>
North	A1 - Agriculture 1	Agricultural	Yes
West	A1 - Agriculture 1 / RR2 - Rural Residential 2	Agricultural / Rural Residential	Yes
South	A1 - Agriculture 1 / RR1 - Rural Residential 1	Agricultural / Rural Residential	Yes
East	A1 - Agriculture 1	Agricultural	Yes

4.6 Public Consultation

Public consultation was undertaken by the applicants in accordance to Council Policy #367. For a TFWH application, this requires neighbourhood notification, outside the Permanent Growth Boundary, of a 300 metre radius of the subject property.

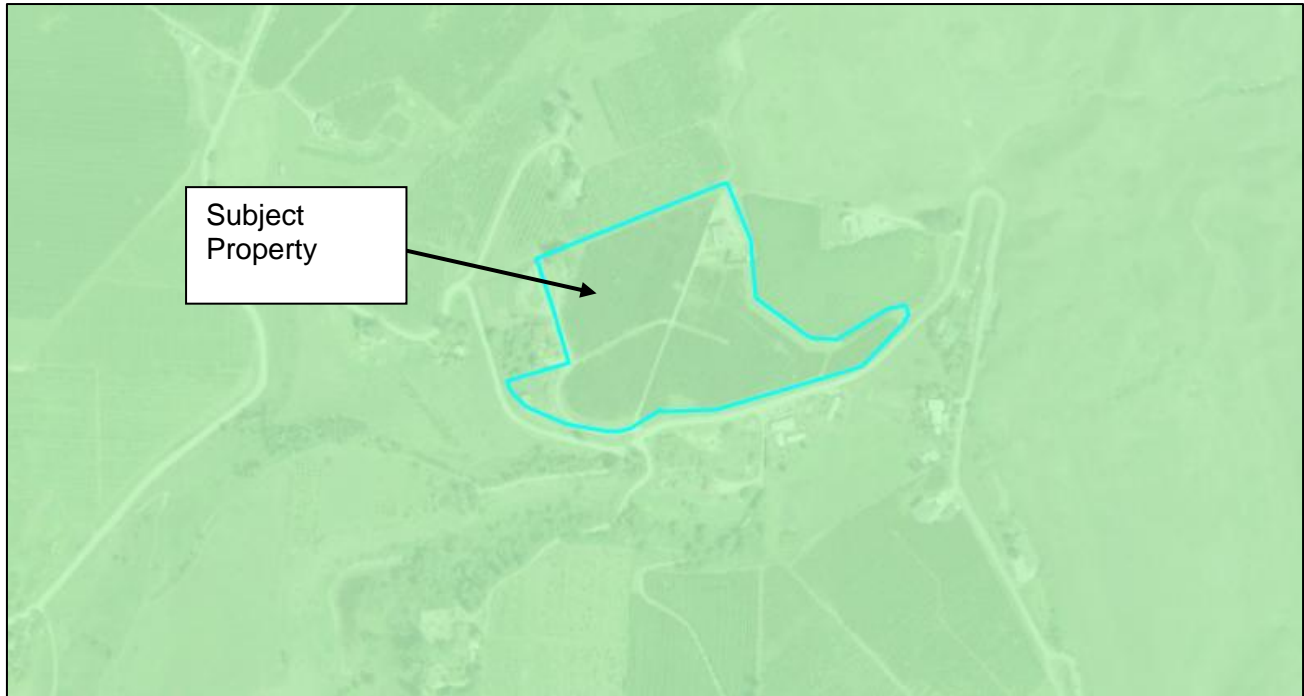
Map 1 - Subject Property (2015)



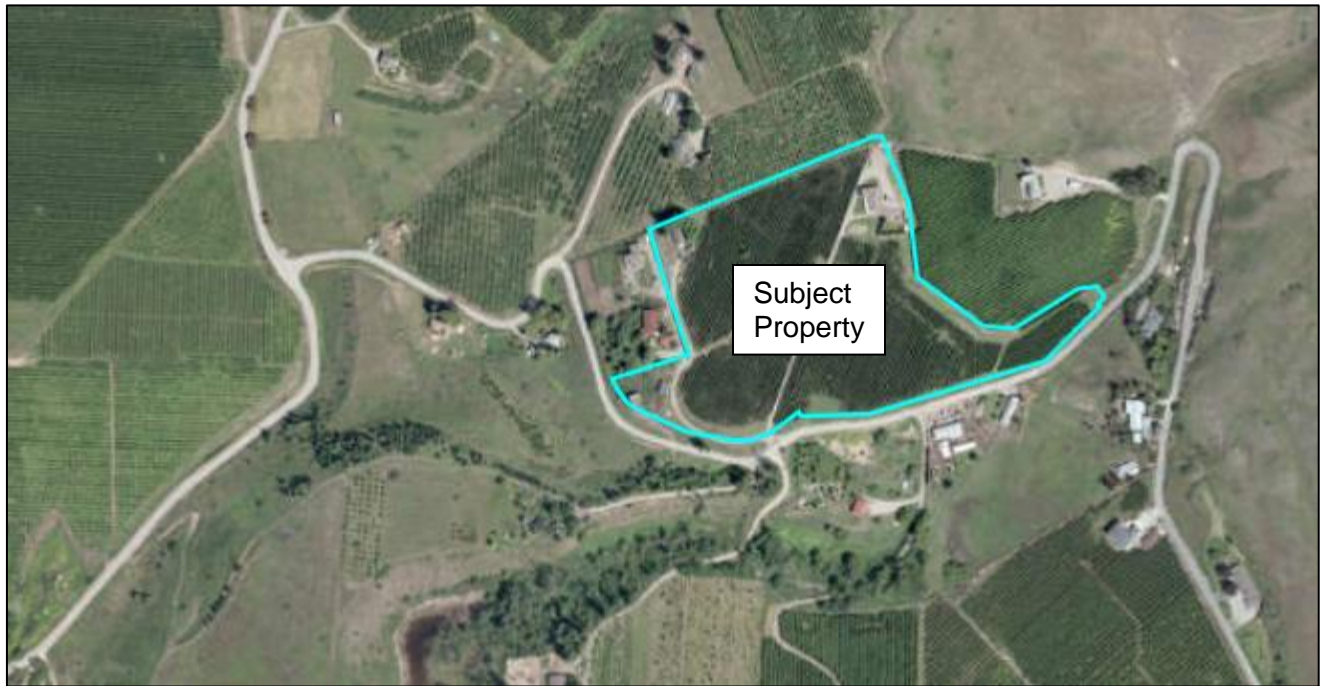
Map 2 - Easements (2015)



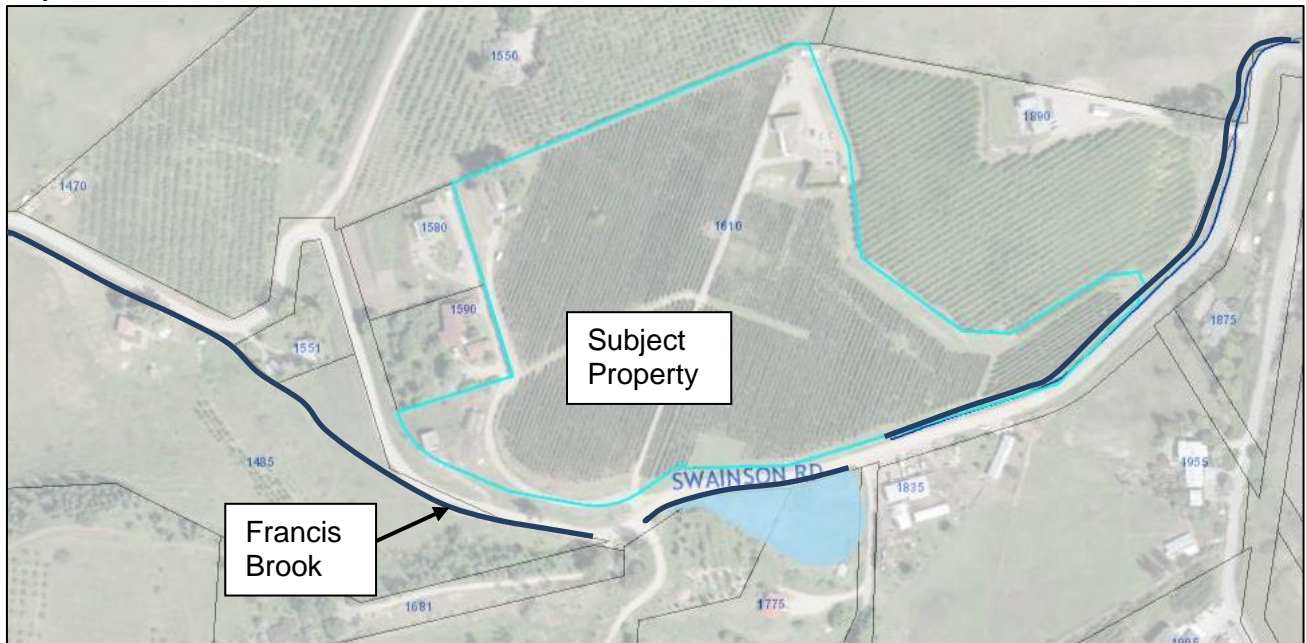
Map 3 - ALR Map



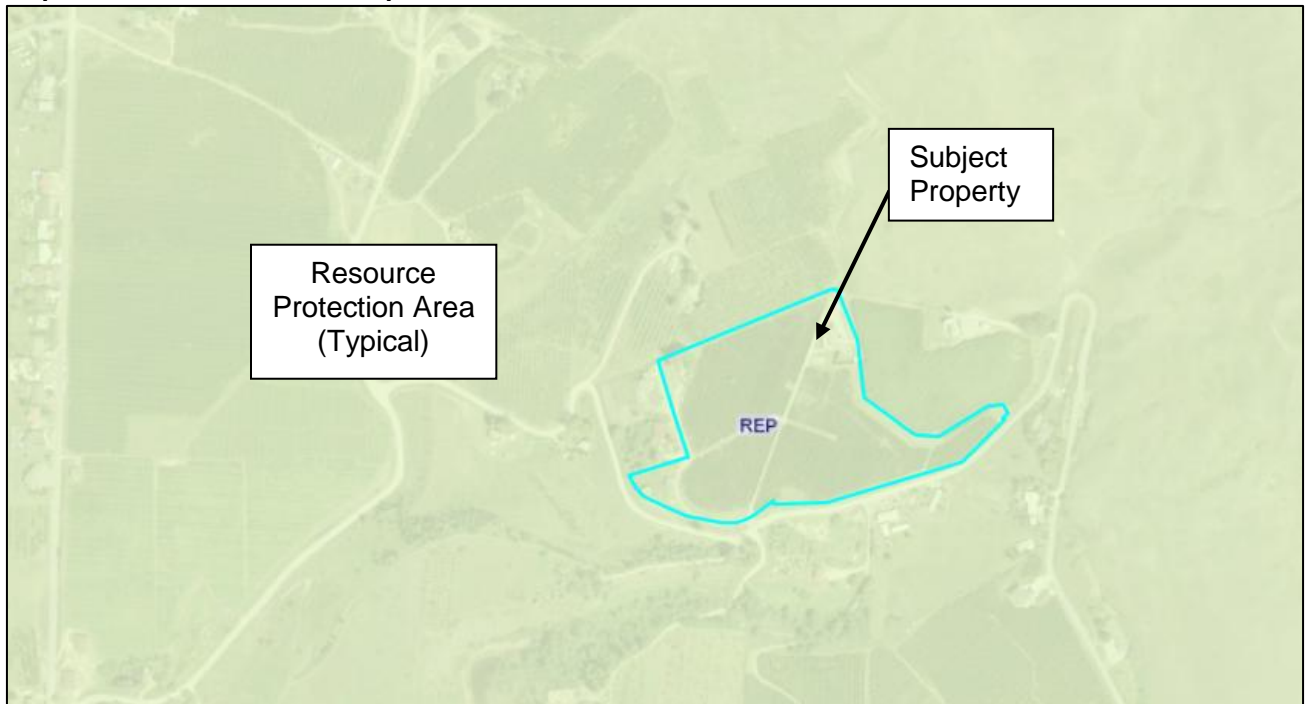
Map 4 - Neighbourhood Context



Map 5 - Watercourses



Map 6 - Future Land Use Map



5.0 Official Community Plan

The City of Kelowna Official Community Plan identifies the objective of homeplating for farm worker housing.

Objective 5.34 Preserve productive agricultural land⁴.

Policy .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.

6.0 Technical Comments

6.1 Black Mountain Irrigation District (BMID)

A water letter from BMID has been obtained.

6.2 Fortis BC

There are primary distribution facilities along Swainson Road and within the boundary of the subject property. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.

6.3 Fire Department

- A fire alarm shall be installed, as per BCBC 2012 Division B section 9.10.18.2 in a residential occupancy with sleeping accommodation for more than 10 persons. As indicated there will be 5 trailers housing 60 people. Requirements of section 9.10.19 Smoke Alarms of the BCBC 2012 are to be met in the smaller trailers accommodating less than 10 people. The definitions as provided indicate the manufactured homes should normally conform to the National Building Code.
- 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.
- Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. entrance. Kurt's Lock & Safe at 100A - 1021 Ellis Street, Kelowna is the approved supplier for flush mount lock boxes.
- 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.

⁴ City of Kelowna 2030 Official Community Plan: Greening Our Future (2011)

7.0 Application Chronology

Application Received	September 30, 2015
Geotechnical Schedule B Received	January 6, 2016
Grading Plans and Revised Site Plan Received	February 4, 2016
Landscape Plan Received	March 6, 2016
BMID Water Letter Received	April 6, 2016
Public Consultation Received	April 12, 2016

Report prepared by:

Melanie Steppuhn, Planner Specialist

Reviewed by:



Ryan Smith, Community Planning Manager

Approved for Inclusion:



Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Development Engineering Memo - Revised (March 30, 2016)
Site Photos
FH15-0004 - Permit - Draft
Site Layout and Grading Plan
Landscape Plan