

COMMITTEE REPORT



Date: February 13, 2020

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Development Planning Department (TC)

Application: A19-0019 and FH19-0007 **Owner:** Nirmal and Rimplejeet Dhaliwal

Address: 3455 Rose Road **Applicant:** Nirmal and Rimplejeet Dhaliwal

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

1.0 Purpose

To consider a non-adhering residential use permit application to allow temporary farm help housing to accommodate 18 seasonal farm workers on the property located at 3455 Rose Road.

2.0 Proposal

2.1 Background

The subject property is a 26.2-acre (10.6ha) property, with 11 acres of apples, 8 acres of cherries, 4 acres of peaches and 1.5 acres of prunes. The property is located on Rose Road, within the Southeast Kelowna Sector. The property is accessible from Rose Road, and borders Pooley Road in the North.

The property is owned and farmed by the applicants. The applicant owns and operates four additional parcels, and leases another 10-acre parcel, for a total of 82 acres of farm land. There is room to house 18 farm workers at the applicants 3455 Rose Road property.

There are three accessory structures on Western portion of the property constructed without permits: an ATCO Trailer, a mobile home, and one suite located in an accessory building used for storage. These structures all have been previously used to house temporary workers under the Seasonal Agricultural Workers Program (SAWP). These structures are near the principal building to limit the residential footprint.

2.2 Project Description

The proposal is to bring three existing dwellings: an ATCO trailer, a mobile home and a suite into conformance. These three units will house up to 18 seasonal farm workers.

The following approvals are required for this proposal:

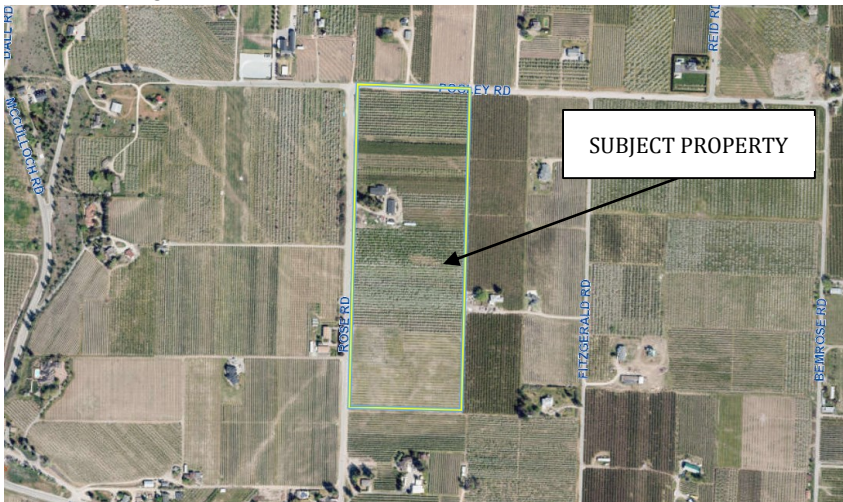
1. Non-Adhering Residential Use Permit (A19-0019) – Owners within the Agricultural Land Reserve (ALR) are required to obtain approval from the Agricultural Land Commission (ALC) for dwellings used for Temporary Farm Help.
2. Farm Worker Housing Permit (FH19-0007) – A Temporary Farm Worker Housing (TFWH) permit must be approved by Council confirming the proposal meets the City of Kelowna regulations related to temporary farm worker housing.

The 18 seasonal farm workers will be in three different sleeping areas. The first is the mobile home, which is 79.7m² in size and has three bedrooms with a communal kitchen, bathroom and living space. The second unit is the ATCO trailer unit, which is 71.3m² in size, with two bedrooms and a communal kitchen, bathroom and living space. The final sleeping area is a suite connected to the storage and cooler area. This space is 72.2m² and has two bedrooms with a communal kitchen and bathroom. These three sleeping units are within the residential footprint, limiting the impacts of the orchard and they are located South of the primary dwelling. The attached site plan shows the layout of the accessory buildings and temporary farm worker housing.

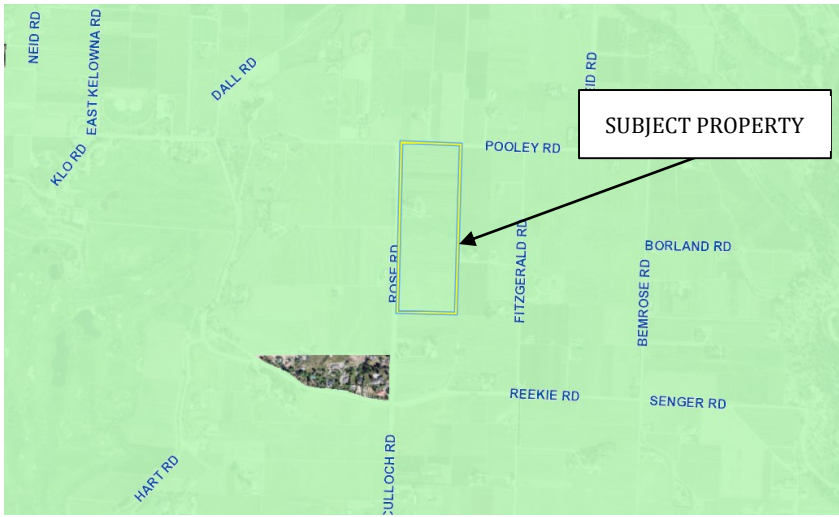
2.3 Site Context

The subject property is located a corner lot on Rose Road and Pooley Road in Southeast Kelowna. The property is approximately 300m from the four way stop at the intersection of McCulloch Road, Reekie Road and Rose Road. The parcel is accessible from Rose Road and is a rectangular shape. The property is zoned A1 – Agriculture 1 and is designated Resource Protection Area (REP) in the City's Official Community Plan (OCP). The property is located within the Agricultural Land Reserve (ALR).

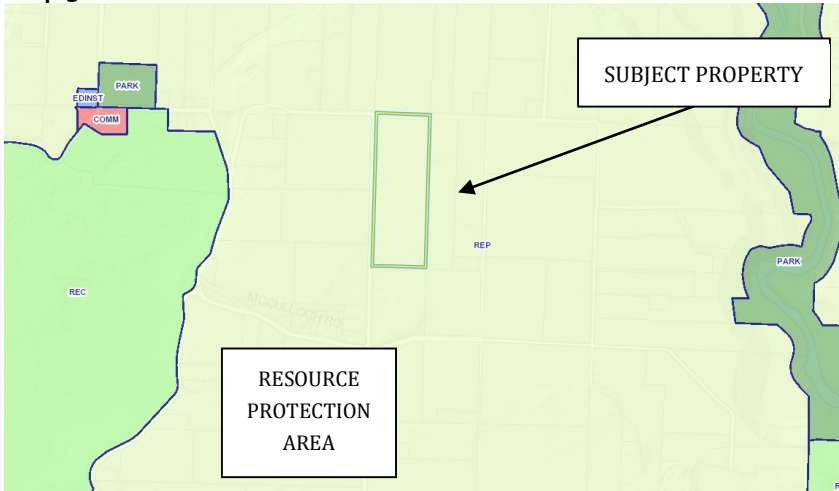
Map 1 – Subject Property: 3455 Rose Road



Map 2 – Agricultural Land Reserve



Map 3 – Future Land Use



2.4 Neighbourhood Context

The subject property lies within the Southeast Kelowna City sector. The surrounding area is predominantly agricultural lands, within the Agricultural Land Reserve. There are a small number of rural residential properties, as well as Harvest and Orchard Greens Golf Courses to the West.

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

Table 1: Zoning and Land Use of Adjacent Property

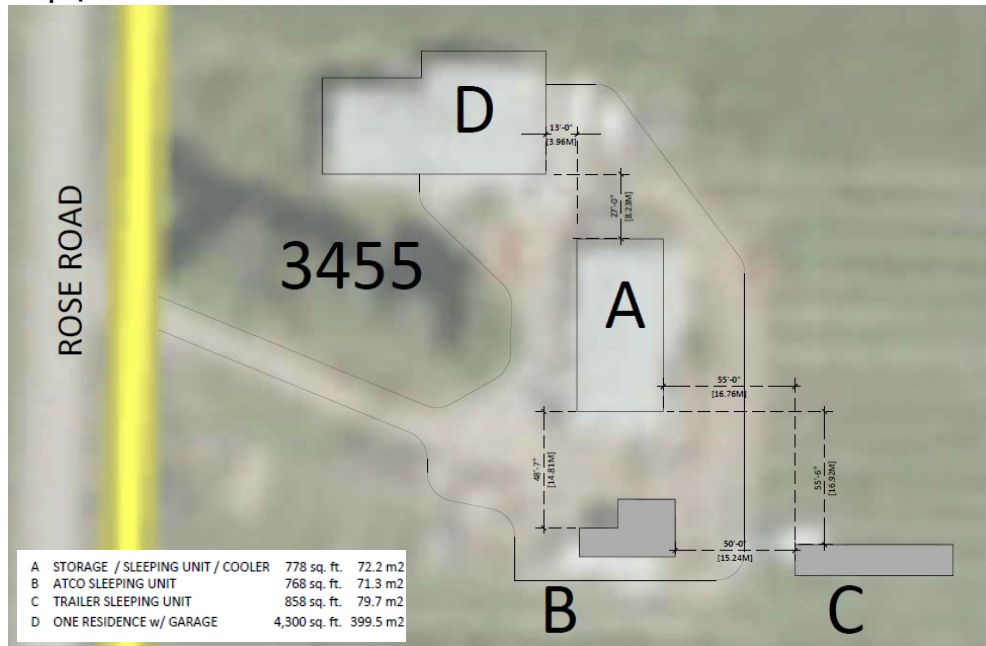
Direction	Zoning	ALR	Land Use
North	A1 – Agriculture 1	Yes	Agriculture
South	A1 – Agriculture 1	Yes	Agriculture
East	A1 – Agriculture 1	Yes	Agriculture
West	A1 – Agriculture 1	Yes	Agriculture

2.5 Agricultural Land Use

The subject property has approximately 24.5 acres of land in use for agricultural activities including:

- 11 acres of apples
- 8 acres of cherries
- 4 acres of peaches
- 1.5 acres of prunes

Map 4 – Site Plan



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. A19-0003 and FH19-0012
- 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.

The existing housing meets the needs of the farming operation and is in an area of the property that minimizes the residential impact to the active and future agriculture.

Report prepared by: Tyler Caswell, Planner I

Reviewed / Approved for Inclusion by: Alex Kondor, Acting Approving Officer/Agricultural Planning Manager

Attachments:

Attachment A: Site Plan

Attachment B: Non-Adhering Residential Use – ALC Application