

# REPORT TO COUNCIL



**Date:** June 15<sup>th</sup>, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

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

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

**Subject:** Application for a Non-Adhering Residential Use Permit for Temporary Farm Worker Housing

**Existing OCP Designation:** REP – Resource Protection Area

**Existing Zone:** A1 – Agriculture 1

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## 1.0 Recommendation

THAT Agricultural Land Reserve Appeal No. A19-0019 for Lot 4 Section 10 Township 26 ODYD Plan 355 located at 3455 Rose Road, Kelowna, BC for a Non-Adhering Residential Use Permit pursuant to Section 25 of the Agricultural Land Commission Act, be supported by Council;

AND THAT the Council directs Staff to forward the subject application to the Agricultural Land Commission for consideration;

AND THAT Council authorizes the issuance of Temporary Farm Worker Housing Permit no. FH19-0007 Lot 4, Section 10, Township 26, ODYD, Plan 355 located at 3455 Rose Road, Kelowna, BC subject to the following:

1. Approval by the Agricultural Land Commission of Non-Adhering Residential Use Permit Application A19-0019;
2. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule A;
3. A vegetated buffer is provided for screening adjacent property lines and between the temporary farm worker housing and active farming areas in accordance with Schedule B;
4. The applicant be required to post the City a Landscape Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscape buffer, as determined by a professional landscaper;
5. Registration of a Section 219 restrictive covenant on the Title that states;

- a. The dwellings will be used for temporary farm workers only;
- b. The owner will remove the dwellings if the farm operation changes such that if they are no longer required;
- c. The dwellings will only be used for farm workers for a maximum of ten (10) months of the year;
- d. The maximum number of accommodations permitted on this farm unit within this City sector is 60 workers; and,
- e. The temporary farm worker housing building footprint is a maximum of 0.3ha.

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

## 2.0 Purpose

To consider an application to the Agricultural Land Commission for a Non-Adhering Residential Use Permit application to allow Temporary Farm Worker Housing to accommodate 24 seasonal farm workers on the subject property.

## 3.0 Development Planning

Development Planning Staff support the application for Temporary Farm Worker Housing (TFWH) for up to 24 agricultural workers on the subject property. 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 proposal application complies with the City of Kelowna OCP policies of TFWH requirements. Agriculture is the principal use on the parcel. The applicant has demonstrated that the scale of farm operations is large enough and necessary to accommodate farm employees whose residence on the farm property is considered critical to the overall operation of the farm. The proposed housing is on non-permanent foundations which is the preferred solution where the need for farm worker housing is justified and is in an area of the property that minimizes the residential impact to agriculture.

## 4.0 Proposal

### 4.1 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 farmland. There is room to house 24 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). The additional mobile home will be constructed with permits before being used

to house temporary farm workers. These structures are placed near to the principal building to limit the residential footprint.

#### 4.2 Project Description

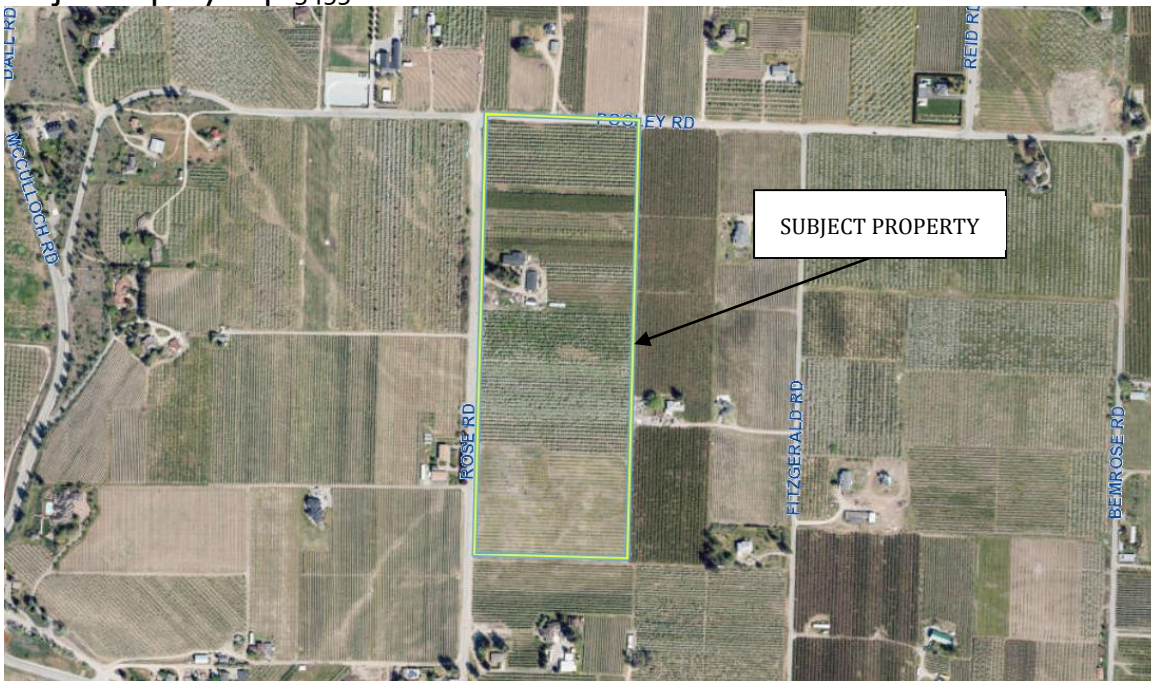
The proposal is to sleep 24 seasonal farm workers in four different sleeping areas. The first and second sleeping areas are in two mobile homes, which are both 79.7m<sup>2</sup> (857.88 ft<sup>2</sup>) in size and have three bedrooms with a communal kitchen, bathroom and living space. The third unit is the ATCO trailer unit, which is 71.3m<sup>2</sup> (767.47 ft<sup>2</sup>) 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 72.2m<sup>2</sup> (777.15 ft<sup>2</sup>) and has two bedrooms with a communal kitchen and bathroom. These four 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.

In accordance with the City of Kelowna Farm Protection Development Permit Guidelines, the application includes a landscape plan, which provides a buffer between the TFWH and the active agriculture land surrounding the housing. This vegetative buffer will be 3.0m wide and be planted with numerous cedars separating the four sleeping units with the active agriculture.

#### 4.3 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).

**Subject Property Map:** 3455 Rose Road



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

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

### Chapter 15 – Farm Protection Development Permit Guidelines

Design TFWH such that:

- TFWH should use all existing dwellings within the farm unit, prior to building new TFWH, 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 TFWH 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.
- TFWH should have a minimum 3 metre wide vegetated buffer for screening to adjacent property lines and between the TFWH and active farming areas.

### 5.2 City of Kelowna Agriculture Plan

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 TFWH, including but not limited to structures for cooking, sanitary, living and sleeping. The footprint does not include the vegetated buffer.

**6.0 Technical Comments**

**6.1 Development Engineering Department**

6.1.1 See Attachment Schedule B, Development Engineering Memorandum

**7.0 Application Chronology**

Date of Application Received: December 4<sup>th</sup>, 2019

Date Public Consultation Completed: January 29<sup>th</sup>, 2020

Agricultural Advisory Committee February 13<sup>th</sup>, 2020

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on February 13<sup>th</sup>, 2020 and the following recommendations were passed:

THAT the Agricultural Advisory Committee recommends to Council that the non-adhering residential use permit application to allow temporary farm worker housing on the subject property located at 3455 Rose Road be approved.

**Report prepared by:** Tyler Caswell, Planner I

**Reviewed by:** Dean Strachan, Community Planning & Development Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

**Attachments:**

Schedule A: Site Plan

Schedule B: Landscape Plan

Attachment A: ALC Non-Adhering Residential Use Application

Attachment B: Development Engineering Memorandum

Attachment C: Draft Temporary Farm Worker Housing Permit