

COMMITTEE REPORT



Date: March 11th, 2021

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Development Planning Department

Application: A20-0004 / FH20-0004 **Owner:** 1035617 BC Ltd., Inc. No. 1035617

Address: 3201 Pooley Road **Applicant:** Jagdeep Gill

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

Existing OCP Designation: REP – Resource Protection

Existing Zone: A1 – Agriculture 1

Agricultural Land Reserve: Yes

1.0 Purpose

To consider a non-adhering residential use permit to allow temporary farm help housing to accommodate 60 seasonal farm workers on the subject property.

2.0 Proposal

2.1 Background

The subject property is 20.26 acres (8.2ha) property. The property is located on the corner of Pooley Road and Rose Road, within the Southeast Kelowna OCP Sector. The property used to be an apple orchard; however, these were removed with the development of a new packing facility. The applicant has replanted the remaining land with cherry trees. There are no other dwellings on the property and is currently two accesses off Rose Road, and this application would ask for a third access onto Pooley Road.

In 2019, a Farm Development Permit (DP19-0186) was approved for the subject property, which allowed the construction of a new agricultural accessory building to be used for cold storage, fruit processing and packing facility with office space on the subject property. The building subsequently received a Building Permit (BP62264) to allow for the construction, which met all regulations and bylaws. This two-storey packing facility is 5,934.8m² in size, including office space. The need for this facility was because the applicant and applicant's family own and lease several agricultural properties, mostly within the South Okanagan, where they grow apples, cherries, peaches, nectarines and grapes. They have a total of 883 acres of active farmland.

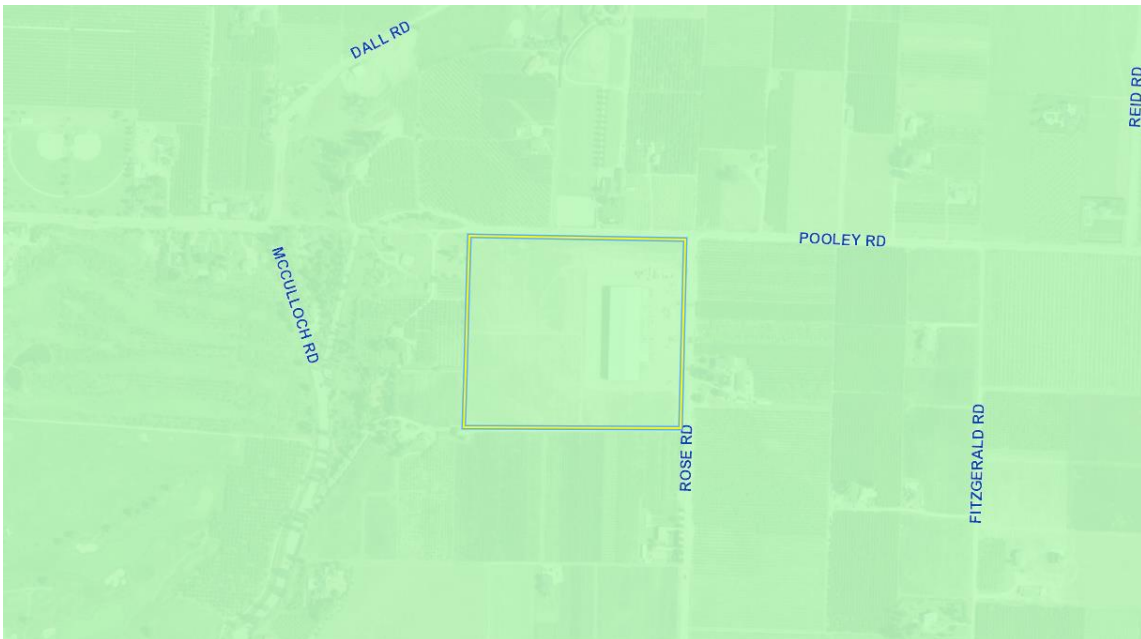
2.2 Project Description

The applicant is seeking approvals to accommodate 60 seasonal workers on the property. The workers will help with packing cherries in the packing facility and work on orchards throughout Kelowna. They will be transferred to other farms with a farm vehicle. There are 16 total units proposed (9 sleeper, 2 washroom, 2 recreational, 2 kitchen, and 1 laundry), for a total floor area of 1913.6m². The total area of infrastructure will be approximately 2,700m² (0.27ha) in size, which does not exceed the maximum allowable 0.3ha footprint. The applicant is proposing to provide each worker with their own room and bed, which is different than a shared space or bunk houses that are typically provided as part of the SAWP.

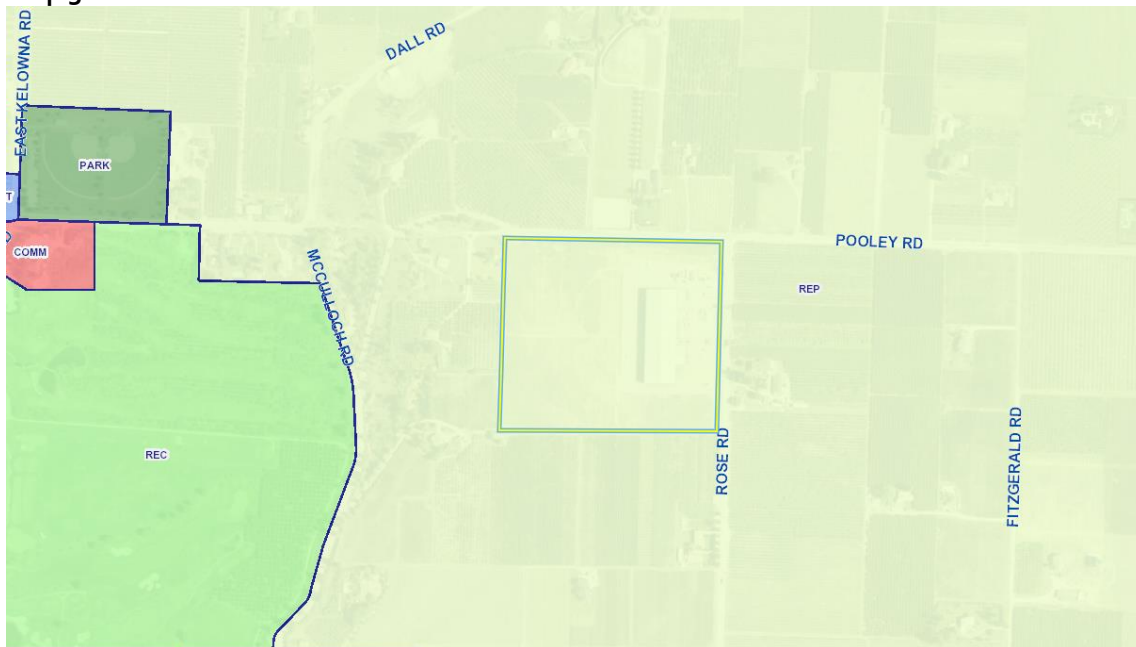
Map 1 – Context Map



Map 2 – Agricultural Land Reserve



Map 3 – Future Land Use



2.3 Neighbourhood Context

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

Zoning and land uses 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 / Winery
South	A1 – Agriculture 1	Yes	Agriculture
East	A1 – Agriculture 1	Yes	Agriculture
West	A1 – Agriculture 1	Yes	Agriculture

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.
- 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 by: Dean Strachan, Community Planning & Development Manager

Attachments:

Attachment A – ALC Non-Adhering Residential Use Application

Attachment B – Site Plan

Attachment C – Floor Plan

Attachment D – Elevation

Attachment E – Landscape Plan

Attachment F – Applicant's Rationale

Attachment G – Interior Health

Attachment H – Development Engineering Department

Attachment I – Ministry of Agriculture