

REPORT TO COUNCIL



Date: April 12, 2021

To: Council

From: City Manager

Department: Development Planning Department

Application: A21-0002

Owner: Parminder and Kulwant Hans

Address: 1454 Teasdale Road

Applicant: Lauren Mason - Nudigz Contractors Ltd.

Subject: Non-Adhering Residential Use Permit

Existing OCP Designation: REP- Resource Protection Area

Existing Zone: A1 – Agriculture 1 Zone

1.0 Recommendation

THAT Agricultural Land Reserve Appeal No. A21-0002 for Lot A, Section 23, Township 26, ODYD, Plan 4697 Except Plans H12752 and KAP78750 located at 1454 Teasdale 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.

2.0 Purpose

To consider an ALR Non-Adhering Residential Use Permit to allow for proposed temporary residences on non-permanent foundations to accommodate five (5) temporary agricultural workers on the subject property.

3.0 Development Planning

Staff support the application for temporary farm worker housing for a maximum of five agriculture workers on the subject property. The proposed temporary farm worker accommodation meets the regulations of the City's Zoning Bylaw and guidelines stated in Official Community Plan. The proposal is also consistent with Ministry of Agriculture standards for temporary farm worker accommodation. Specifically, the proposed accommodation is on non-permanent foundations which is the preferred solution where the need for farm worker housing is justified. The proposed housing meets the needs of the farming operation and is located in an area of the property that minimizes the residential impact to agriculture.

4.0 Proposal

4.1 Background

The subject site is a 16.7 acre agricultural property located at 1454 Teasdale Road in the Rutland neighborhood. The majority of the lot (Approximately 15.5 acres) is planted to grapes. There is an existing 1,500sqft single family dwelling on the property which is being used for orchard management. The applicants state that they require housing for 5 temporary farm workers to farm the property which cannot be housed in the existing dwelling. The applicants are also farming several other properties within Kelowna the only temporary farm worker housing they are currently providing is for 4 workers in the existing single detached house on the subject property.

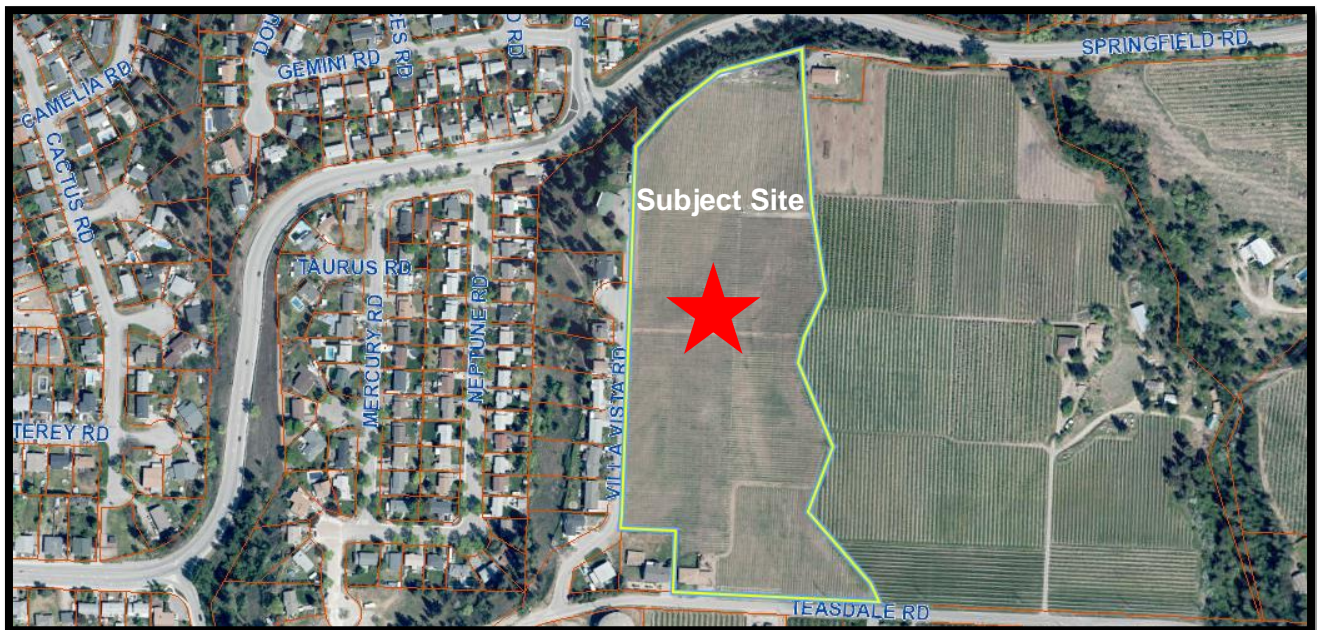
4.2 Project Description

The proposal is to place a modular building near the existing single detached house to house 5 workers as shown on the attached site plan. The proposal is consistent with the City of Kelowna regulations related to temporary farm worker housing (TFWH). Specifically the proposed building is a modular building to be placed on a non-permanent foundation and the proposed temporary farm worker housing is located in an area contiguous with the existing residential footprint meant to maximize agricultural potential and limit negative impacts on the farm parcel.

4.3 Site Context

The subject site is located in the Agricultural Land Reserve. The property is zoned A1 – Agriculture and designated REP- Resource Protection Area in the City's Official Community Plan. Most of the area surrounding the property is within the ALR and zoned for agriculture. There is an existing residential neighborhood zoned RU1 – Large Lot Residential to the west of the subject site.

Subject Property Map:



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

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.
- 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.

Chapter 15 Farm Protection Development Permit Guidelines.

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 City of Kelowna Agriculture Plan

- Allow Temporary Farm Worker Housing, as permitted by City of Kelowna bylaw. Temporary Farm Worker Housing, 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 for cooking, sanitary, living and sleeping. The footprint does not include the vegetated buffer.

6.0 Technical Comments

6.1 Development Engineering Department

- See Development Engineering Memorandum (attached)

6.2 Ministry of Agriculture

- Ministry staff have no objection to this application proceeding to the Agricultural Land Commission (ALC) for the following reasons:
 - The proposed housing is on a larger (16.7 acre) lot and is planted to more than 15 acres of grapes;
 - The housing is relatively small in size and is proposed to be on a compact footprint close to the road and close to the principal dwelling;
 - The housing appears to consist of a mobile home or trailer which could easily be removed when no longer required;
 - The applicant is clearly attempting to address public health issues by providing each worker with their own bedroom and bathroom space; and

7.0 Application Chronology

Date of Application Received: January 14th 2021
Agricultural Advisory Committee March 11th 2021

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on March 11th 2021 and the following recommendations were passed:

THAT the Committee recommend to Council to **support** a non-adhering residential use permit to allow temporary farm help housing to accommodate 5 seasonal workers on the subject property.

Report prepared by: Alex Kondor, Planner Specialist

Reviewed by: Dean Strachan, Community Planning & Development Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Site Plan and Floor Plans

Attachment B: Non-Adhering Residential Use Permit Application

Attachment C: Development Engineering Memorandum