

COMMITTEE REPORT



Date: October 14th, 2021

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Development Planning Department

Application: A21-0012 **Owner:** Jealous Fruits Ltd., Inc. No. 1282068

Address: 3700 Pooley Road **Applicant:** Kent-Macpherson

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

Existing OCP Designation: REP – Resource Protection Area

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 48 seasonal farm workers on the subject property.

2.0 Proposal

2.1 Background

The subject property is 47.17 acres (19.9ha) in size and is located on the corner of Pooley Road and Bemrose Road within the Southeast Kelowna OCP Sector. The property has been cleared and planted for over 50 years with 12.2ha of the property being a cherry orchard. There was a history packing plant located on site. The owners currently have 12 workers on the adjacent property to the North (3710 Pooley Road), which would push them to the maximum 60 workers allowed within the SE Kelowna OCP Sector.

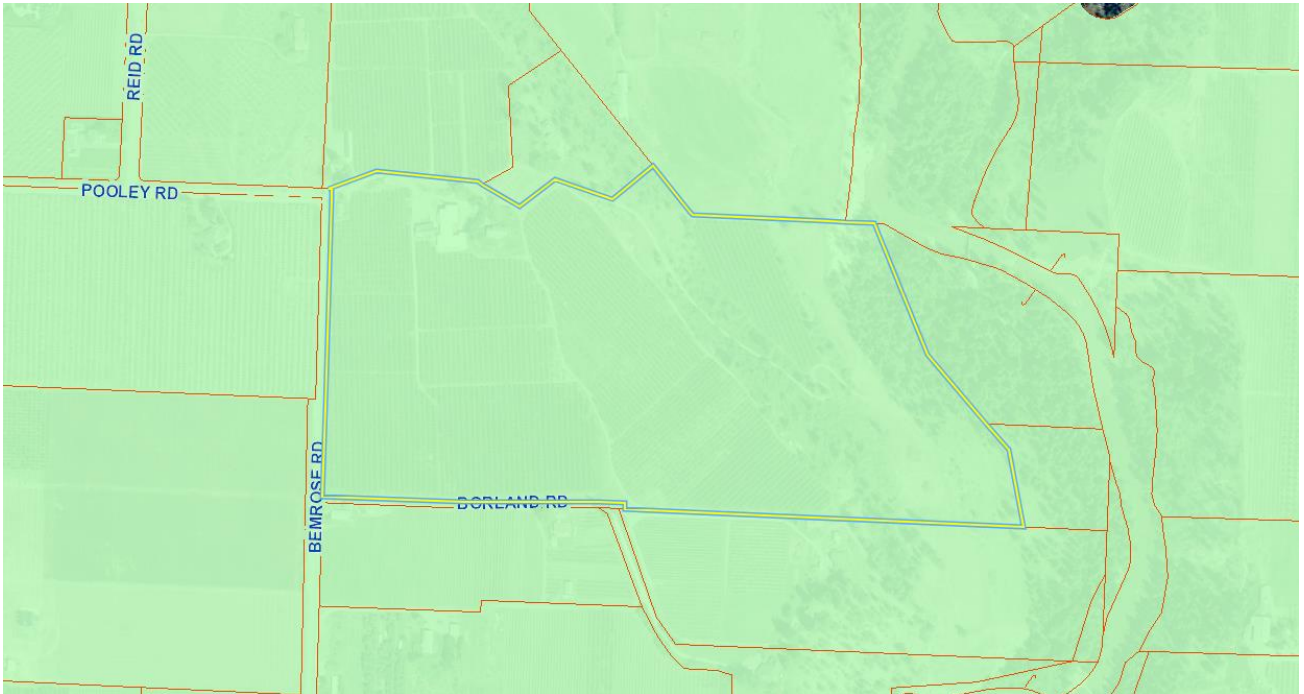
2.2 Project Description

The applicant is seeking approvals to allow for two drill camp style dormitories (of 6 trailers each) to accommodate 48 seasonal farm workers. The workers will prune, spray, and harvest the subject property, as well as work on other properties in the Okanagan that are owned by Jealous Fruits. The farm workers will be located near the road and the footprint is anticipated to be 0.25ha of land. The two dorms are 19m x 22m and will be a combined footprint of 836m². The proposed housing will be placed on steel skids to reduce the impact on farmable land.

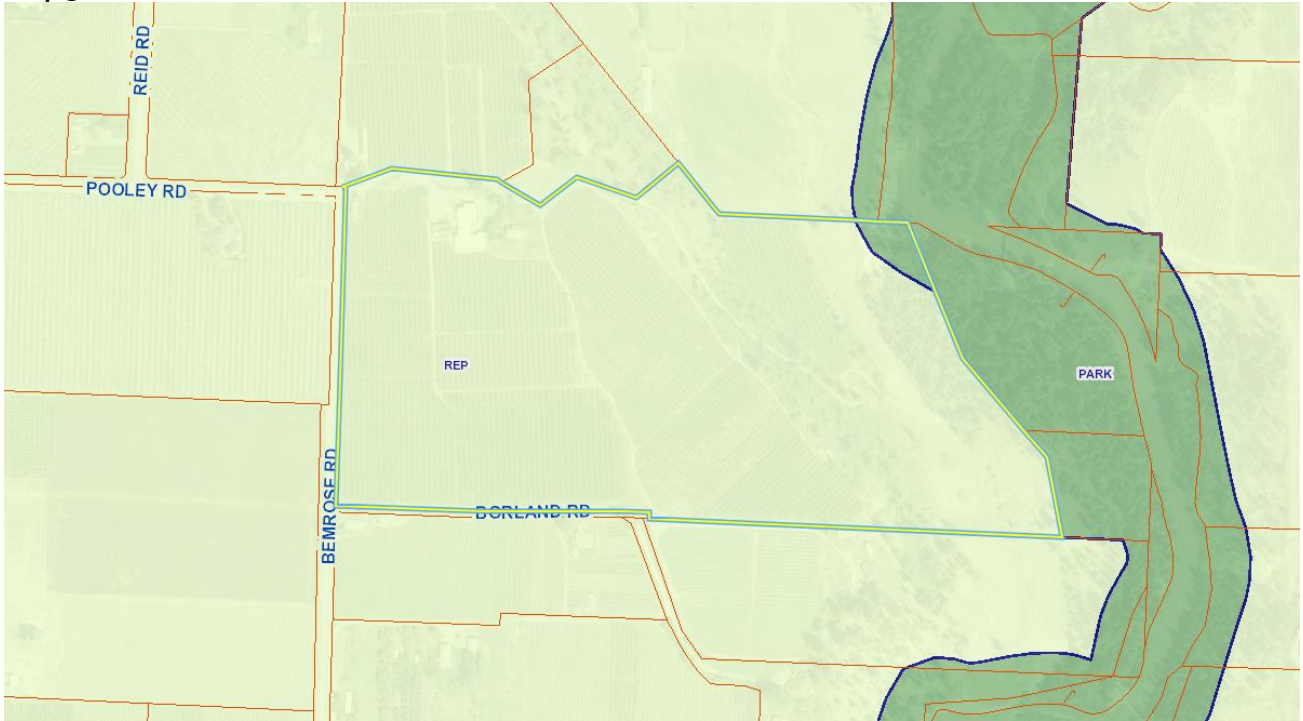
Map 1 - Neighbourhood



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 entirely agricultural lands, within the Agricultural Land Reserve. The area to the West is a park along Mission Creek.

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
South	A1 – Agriculture 1	Yes	Agriculture
East	A1 – Agriculture 1	Yes	Mission Creek Park
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.

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 – Landscape Plan

Attachment D – Photographs

Attachment E – Ministry of Agriculture Memo