

REPORT TO COUNCIL



Date: January 10th, 2022

To: Council

From: City Manager

Department: Development Planning

Application: A21-0014 **Owner:** Lakhwinder Singh Brar & Paramjit Kaur Brar

Address: 815 Webster Road **Applicant:** Lakhwinder Brar

Subject: Non-Adhering Residential Use Permit Application

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Agriculture Land Reserve Application No. A21-0014 for The East 11 Chains of Lot 3 Measured Along the North Boundary Thereof by the Full Depth of Said Lot; Section 25 Township 26 ODYD Plan 603 Except Plans B797, C.B. 157 and B4993 located at 815 Webster 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 Council directs Staff to forward the subject application to the Agricultural Land Commission for consideration.

2.0 Purpose

To consider an application to the Agricultural Land Commission for a Non-Adhering Residential Use Permit application to allow for the conversion of an existing single-family dwelling into temporary farm worker housing.

3.0 Development Planning

Staff support the Non-Adhering Residential Use Permit Application to allow for the conversion of the existing single-family dwelling into temporary farm worker housing. The City's Agriculture Plan, the Official Community Plan and Zoning Bylaw support the conversion of existing dwellings into Temporary Farm Worker Housing if agriculture is the principal use and the owner demonstrates the need for farm employees. However, there are concerns with the introduction of a new permanent structure on site, which would be hard to revert to farmable land if the seasonal workers were no longer required. Should the applicant be supported by Council and the ALC, a Building Permit and covenant registration would be required to allow for the conversion.

4.0 Proposal

4.1 Project Description

The subject property is a 9.16acres (3.71ha) in size and is located on Webster Road within the Rutland OCP Sector. The applicant has indicated that the property laid empty for over 15 years, until they purchased it in February 2019. The property was cleaned, cultivated, and irrigated by the owners. The property now has 8 acres of cherry's, which was planted in May 2020. The subject property currently has one single-family two-bedroom dwelling on it.

The non-adhering residential use permit application is to convert the existing single-family dwelling into temporary farm worker housing. The owners are seeking 5 (five) seasonal workers to help with the maintenance of the existing agriculture and the cherry orchard. The owners farm 11.4ha of land on other properties. The home is 111.48m² (1,200ft²) and has two bedrooms. The owners are planning on building a new home on site and want to use the existing structure to accommodate seasonal farm workers. The proposed new single-family dwelling will be on the NW corner of the property and is proposed to be 350m² in size.

4.2 Site Context

The subject property lies within the Rutland OCP Sector. The surrounding area is a mix of single-family dwellings, townhouses, and agricultural lands (within the ALR).

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM ₃ – Low Density Multiple Housing & RU ₁ – Large Lot Housing	Townhouse / Single-Family Dwelling
East	A ₁ – Agriculture 1	Agriculture
South	A ₁ – Agriculture 1	Agriculture
West	RU ₁ – Large Lot Housing	Single-Family Dwelling(s)

Subject Property Map: 815 Webster Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

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.

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, Development Planning Staff recommend the registration of Section 219 Restrictive Covenants which state:

- The TFWH shall be used for temporary farm workers only;
- 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.

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 B, Development Engineering Memorandum.

7.0 Application Chronology

Date of Application Accepted: November 1st, 2021

Date Public Consultation Completed: N/A

Agricultural Advisory Committee December 9th, 2021

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on December 9th, 2021 and the following recommendations were passed:

THAT the Committee recommends that Council support the application for a non-adhering residential use permit located at 815 Webster Road.

Anecdotal comments from the Agricultural Advisory Committee (AAC) are that the application is consistent with the regulations for Temporary Farm Workers.

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: ALC Non-Farm Use Application

Attachment B: Development Engineering Memo

Attachment C: Site Plan / Floor Plan

Attachment D: Ministry of Agriculture