

# REPORT TO COUNCIL



**Date:** April 11, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** A21-0011 / FH21-0004      **Owner:** Partap S. and Satvinder K. Shergill

**Address:** 3223-3257 Reid Rd      **Applicant:** Satvinder K. Shergill

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

**Existing OCP Designation:** R-AGR - Rural - Agricultural & Resource

**Existing Zone:** A1 - Agriculture

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## 1.0 Recommendation

THAT Agricultural Land Reserve Application No. A21-0011 for Lot B Section 15 Township 26 ODYD Plan KAP76792 located at 3223-3257 Reid Rd, 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 Working Housing Permit No. FH21-0004 for Lot B Section 15 Township 26 ODYD Plan KAP76792 located at 3223-3257 Reid Rd, Kelowna, BC subject to the following:

1. Approval by the Agricultural Land Commission of Non-Adhering Residential Use Permit Application A21-0011;
2. The dimensions and siting of the building to be constructed on the land in accordance with Schedule A;
3. 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 not 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 support an application to the Agricultural Land Commission for a Non-Adhering Residential Use Permit application to allow Temporary Farm Worker Housing to accommodate 18 seasonal workers on the subject property.

## 3.0 Development Planning

Staff support the application for Temporary Farm Worker Housing (TFWH) for up to 18 seasonal agricultural workers on the subject property. The proposed 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 proposed application complies with the City of Kelowna Official Community Plan (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 will be 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 14.3 acres (5.8 hectares) and located on Reid Road, at the intersection with East Kelowna Road. The subject parcel is used for cherry farming, while the applicants operate on a total of 51 acres of 5 neighbouring properties that produce apples and cherries. The subject property currently has two single-family dwellings. The applicant has indicated that they are both being rented out.

### 4.2 Project Description

The application is to convert the existing farm building into temporary farm worker housing to accommodate 18 seasonal workers. The owners are seeking seasonal agricultural workers to help with the maintenance and planting on their 51 acres of orchard throughout five properites. The subject accessory building being converted is 102m<sup>2</sup> in size, and one storey in height. The applicant has indicated that the converted building will contain bedrooms, a kitchen and laundry facilities. The applicant has provided an Agrologist Report (Attachment B) that offers a positive recommendation that the amount of farming on the property requires seasonal agriculture workers.

### 4.3 Site Context

The subject property lies within the Southeast Kelowna OCP Sector. The surrounding area is primarily agricultural land within the Agricultural Land Reserve.

Zoning and land uses adjacent to the property are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture	Agriculture
East	A1 – Agriculture	Agriculture
South	A1 – Agriculture	Agriculture
West	A1 – Agriculture	Agriculture

**Subject Property Map:**



**5.0 Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

**Kelowna 2040 – Official Community Plan Policy Template**

<b>Objective 8.1 Protect and preserve agricultural land and its capability (Chapter 8: Rural Lands)</b>	
Policy 8.1.1. Protect Agricultural Land.	Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.
Policy 8.1.g. Farm Help Housing.	As a first option, encourage farm help housing to be located within the Permanent Growth Boundary, providing access to amenities for workers. As a second option, accommodation for farm help on agricultural land on the same farm unit, where approved by the ALC, will be considered only when: <ul style="list-style-type: none"> <li>• Agriculture is the principal use on the parcel; and</li> </ul>

	<ul style="list-style-type: none"><li>• The applicant demonstrates that on-site housing for farm workers is necessary for 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.</li></ul>
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**6.0 Application Chronology**

Date of Application Received: August 17, 2021

Date Public Consultation Completed: January 14, 2022

Agricultural Advisory Committee December 9, 2021

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

THAT the Committee recommends that Council support the application for a nonadhering residential use permit.

**Report prepared by:** Graham Allison, 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:**

Schedule A: Site Plan / Floor Plan

Attachment A: ALC Non-Adhering Residential Use Application

Attachment B: Development Engineering Memorandum

Attachment C: Agrologist Report

Attachment D: Draft Temporary Farm Working Housing Permit (FH21-0004)