

# COMMITTEE REPORT



**Date:** April 14<sup>th</sup>, 2022

**RIM No.** 1210-21

**To:** Agricultural Advisory Committee (AAC)

**From:** Development Planning Department (MS)

**Application:** A22-0002 / FH22-0003      **Owner:** Parmjeet Singh Gurm & Gurjit Kaur Gurm

**Address:** 2570 Gallagher Road      **Applicant:** Carl Withler

**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

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## 1.0 Purpose

To consider a non-adhering residential use permit to allow temporary farm help housing to accommodate 35 seasonal farm workers on the subject property.

## 2.0 Proposal

### 2.1 Background

The subject property is 40.2 acre (16.27ha) in size and is located on Gallagher Road within the Belgo – Black Mountain OCP Sector. The applicant is seeking seasonal farm workers to help with planting, pruning, and picking cherries on the existing orchard. There is currently a mobile home on the property and a farm-residential footprint covenant on Title, which would allow the construction of a new single-family dwelling. The property owner does not have any other properties in Kelowna and has one additional agricultural property in Vernon.

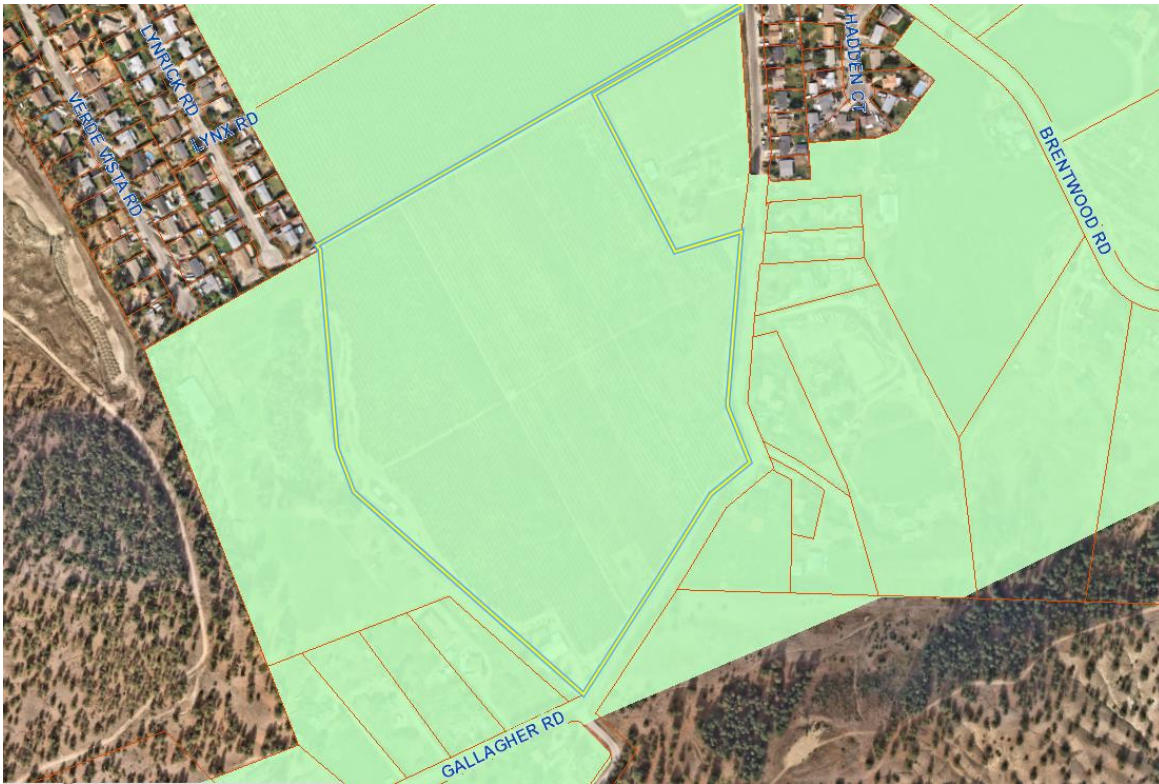
### 2.2 Project Description

The applicant is seeking approvals to allow for one single-wide mobile home to accommodate 35 seasonal farm workers. The trailer is proposed to be 8.84m x 67.07m (592.7m<sup>2</sup>) and has 35 individual rooms. The farm workers will be located near the road and the footprint is anticipated to be 0.2ha of land. A vegetative buffer is required to be planted to separate the active agriculture with the workers accommodation.

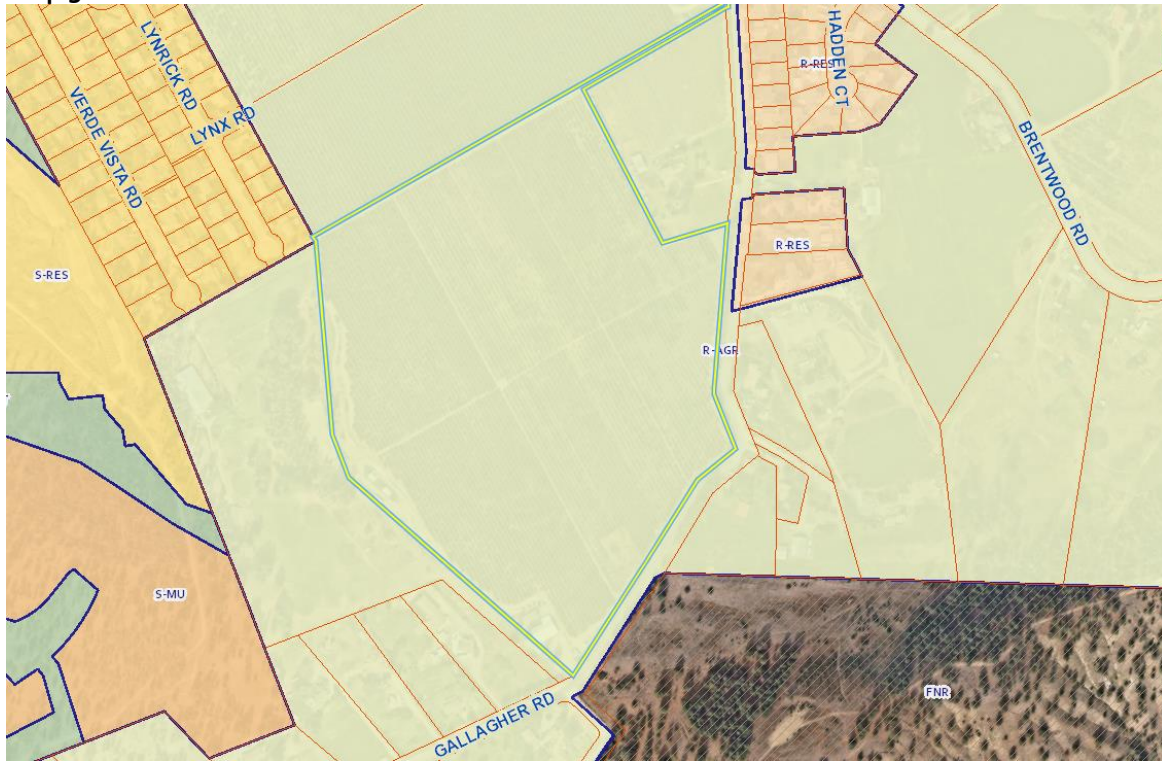
Map 1 - Neighbourhood



Map 2 – Agricultural Land Reserve



**Map 3 – Future Land Use**



**2.3 Neighbourhood Context**

The subject property lies within the Belgo-Black Mountain OCP Sector. The surrounding area is primarily agricultural lands within the ALR and FNR land to the East.

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 / Rural Residential
East	A1 – Agriculture 1 / RR3 – Rural Residential 3	Yes	Agriculture / Rural Residential
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 – Septic Field Location

Attachment D – Floor Plan

Attachment E – Renderings