

# REPORT TO COUNCIL



**Date:** May 30, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** A22-0001/FH22-0004      **Owner:** William and Maria Kitsch

**Address:** 2830 East Kelowna Road      **Applicant:** Willam and Maria Kitsch

**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 1

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## 1.0 Recommendation

THAT Agricultural Land Reserve Application No. A22-0001 for Lot A Section 16 Township 26 ODYD Plan 32982 Except Plan KAP71228 located at 2830 East Kelowna 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;

AND THAT Council authorizes the issuance of Temporary Farm Working Housing Permit No. FH22-0004 for for Lot A Section 16 Township 26 ODYD Plan 32982 Except Plan KAP71228 located at 2830 East Kelowna Road, Kelowna, BC subject to the following:

1. Approval by the Agricultural Land Commission of Non-Adhering Residential Use Permit Application A22-0004;
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 2 seasonal workers on the subject property.

## **3.0 Development Planning**

Staff support the application for Temporary Farm Worker Housing (TFWH) for up to 2 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 20.0 acres (8.1 hectares) and located on East Kelowna Road, near the intersection with Dunster Road. The subject parcel is used as a vineyard for pinot noir grapes, while the applicants operate on a total of 41.7 acres across 3 properties. The subject property currently has two single-family dwellings.

### **4.2 Project Description**

The applicant is proposing to move an existing house on the subject property and construct an addition to accommodate 2 seasonal farm workers. The house is currently sited in a location where the applicants have been permitted to construct a winery. The existing house is currently used to accommodate 2 seasonal farm workers, and will house an additional 2 workers after the relocation and addition are completed. The existing house contains 2 bedrooms, one bathroom and a kitchen. The proposed addition would contain an additional bedroom. The house with the proposed addition would move to an unplanted area, tie into the existing septic system, and have a footprint of 85 m<sup>2</sup>.

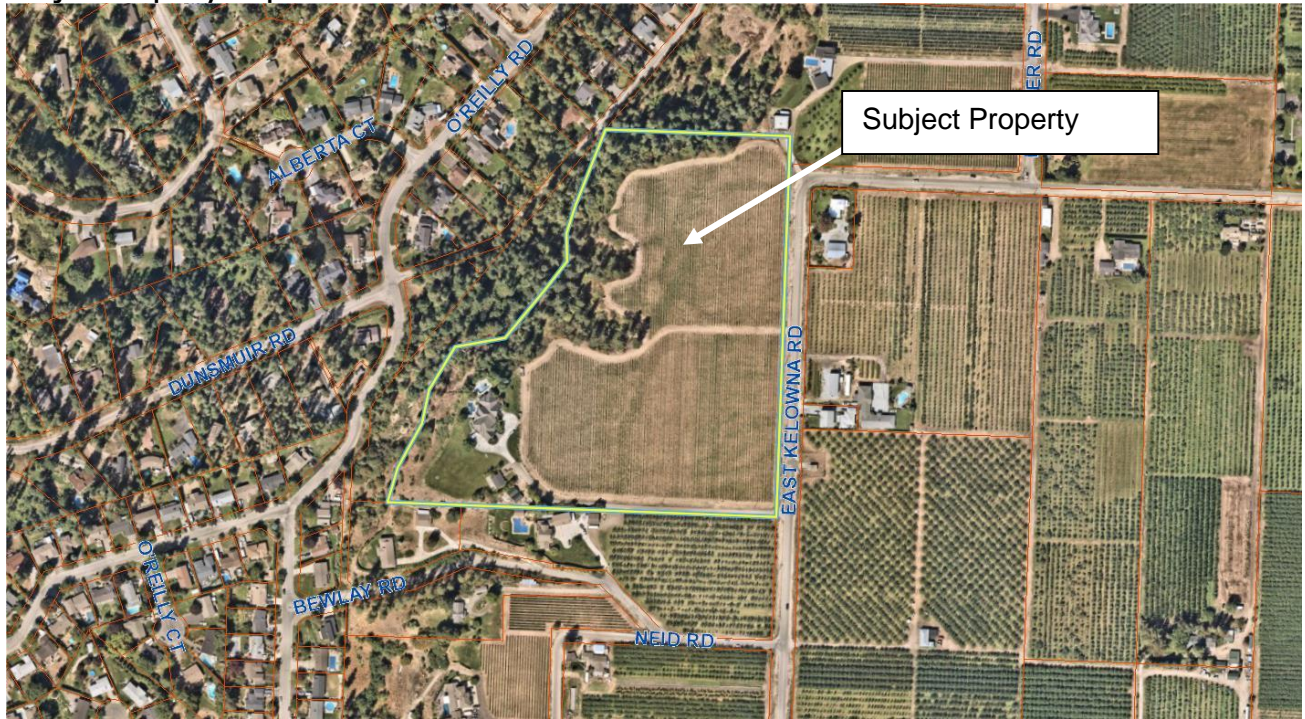
### **4.3 Site Context**

The subject property is located between Hart Road and Grieve Road. The surrounding area is primarily agricultural land within the Agricultural Land Reserve.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Agriculture
East	A1 – Agriculture 1	Agriculture
South	A1 – Agriculture 1	Agriculture
West	A1 – Agriculture 1	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 8.1.9. Farm Help Housing.	<p>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:</p> <ul style="list-style-type: none"> <li>• Agriculture is the principal use on the parcel; and</li> <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>

## 6.o Application Chronology

Date of Application Received: January 31, 2022  
Agricultural Advisory Committee April 14, 2022

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on April 14, 2022 and the following recommendations were passed:

THAT the Committee recommends that Council support the application for a non-adhering 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: Draft Temporary Farm Working Housing Permit (FH22-0004)

Attachment D: Applicant's Rationale