

# REPORT TO COUNCIL



**Date:** June 13<sup>th</sup> 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**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:** R-AGR – Rural – Agricultural and Resource

**Existing Zone:** A1 – Agriculture 1

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## 1.0 Recommendation

THAT Agriculture Land Reserve Appeal No. A22-0002 for Lot 3 Sections 7 and 18 Township 27 ODYD Plan 2037 Except Plan 10570, located at 2570 Gallagher 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 Worker Housing Permit No. FH22-0003 for Lot 3 Sections 7 and 18 Township 27 ODYD Plan 2037 Except Plan 10570 located at 2570 Gallagher Road, Kelowna, BC subject to the following:

1. Approval by the Agricultural Land Commission of Non-Adhering Residential Use Permit Application A22-0002;
2. The dimensions and siting of the building to be constructed on the land in accordance with Schedule A;
3. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule B;
4. A vegetated buffer is provided for screening adjacent property lines and between the temporary farm worker housing and active farming areas in accordance with Schedule C;

5. The applicant is required to post the City a Landscape Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscape buffer, as determined by a professional landscaper;
6. 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 0.3 ha.

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 to allow Temporary Farm Worker Housing to accommodate 35 seasonal workers on the subject property.

## **3.0 Development Planning**

Staff support the application for Temporary Farm Worker Housing (TFWH) for up to 35 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 Project Description**

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.

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.

4.2 Site 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.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Agriculture
East	A1 – Agriculture 1	Agriculture / Rural Residential
South	A1 – Agriculture 1	Agriculture / Rural Residential
West	A1 – Agriculture 1	Agriculture

**Subject Property Map: 2570 Gallagher Road**



**5.0 Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

<b>Objective 8.1 – Protect and preserve agricultural land and its capability.</b>	
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 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> <p>Temporary farm working housing, such as bunkhouse accommodation on non-permanent foundations, is the preferred solution where farm worker housing is justified.</p> <p><i>Providing TFWH within the Permanent Growth Boundary is not viable for the majority of farmers, so the proposed on-site bunkhouse accommodation meets the intent of the OCP, Zoning Bylaw and Agricultural Plan.</i></p>

**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 Received: February 2<sup>nd</sup>, 2022

Date Public Consultation Completed: March 18, 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:

Anecdotal comments include that the Committee recognizes the competition for trailer units from the oil field and its impact on the ag industry and it is a concern for temporary farm worker accommodations. The Committee appreciates the effort to ensure the impact on agricultural land has been minimized, however, they have concern that the project moved forward before approval took place and that it is an ongoing problem with compliance, where applicants are asking for forgiveness with little consequence. There is additional concern with the precedent that approvals like this set and the Committee encourage the City to consider way to sanction applications that do not stick to the process. Finally, they want to ensure the applicant adheres to the required landscape buffering.

**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-Adhering Residential Use Application  
Attachment B: Development Engineering Memorandum  
Attachment C: Draft Temporary Farm Working Housing Permit (FH21-0003)  
Schedule A: Site Plan  
Schedule B: Elevation Drawings  
Schedule C: Landscape Plan