

COMMITTEE REPORT



Date: August 11, 2022

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Development Planning Department (MS)

Application: A22-0004 **Owner:** Gill Family Orchards Inc., Inc. No. BC1159244

Address: 1989 Ward 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

1.0 Purpose

To consider a non-adhering residential use permit to allow temporary farm help housing to accommodate 24 seasonal farm workers on the subject property.

2.0 Proposal

2.1 Background

The subject property is 9.27 ha (22.9 ac) in size and is located on Ward Road in Southeast Kelowna. The applicant is seeking seasonal farm workers to help with planting, pruning, and picking cherries on 17.72 ha (43.78 acres) of land that is owned and farmed by the property owner. The subject property contains farm equipment storage buildings only, with no existing residential uses. The property owner currently has 6 seasonal farm workers that reside on another property within the sector (3296 McCulloch Road) who will be accommodated on the subject property once this project is constructed.

2.2 Project Description

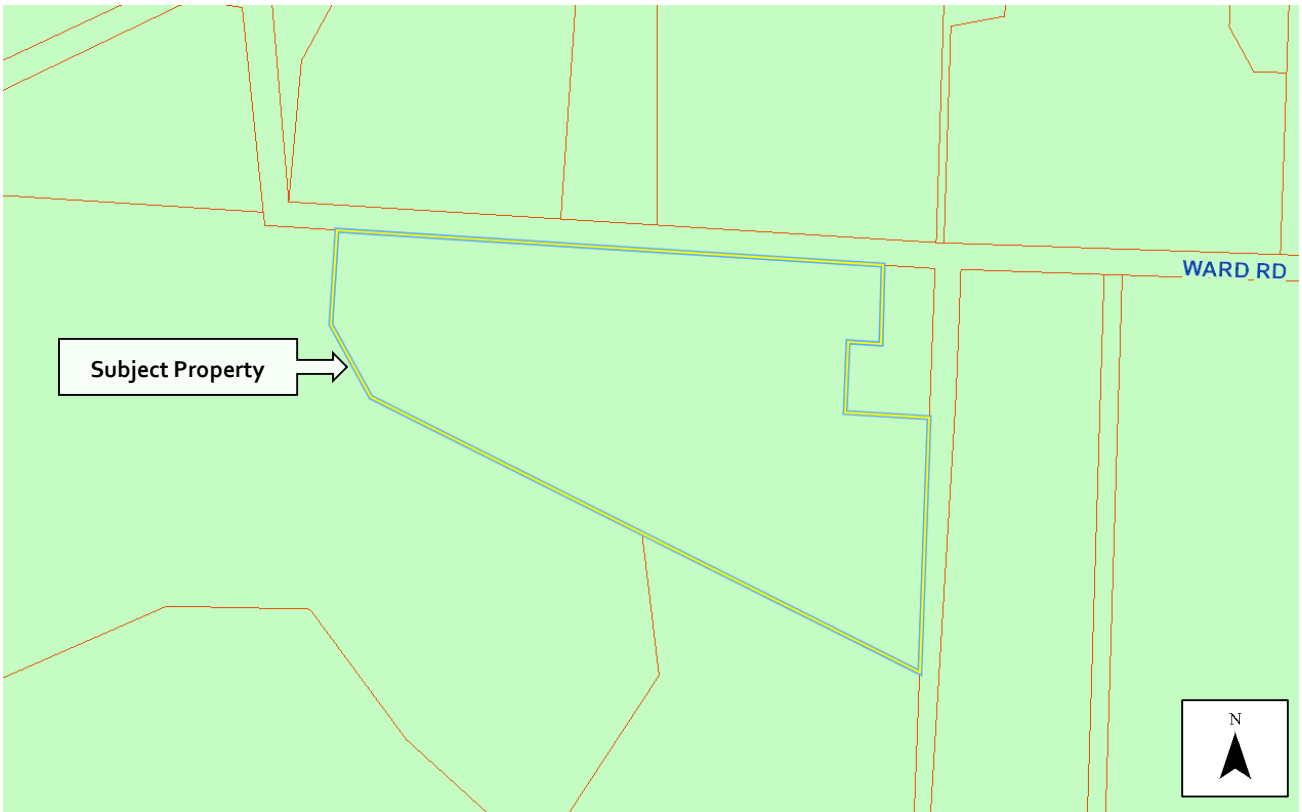
The applicant is proposing to place prefabricated trailer units on blocks on the subject property to accommodate 24 seasonal farm workers. The gross floor area of the trailers would be 419 m² (4510 ft²). The temporary farm worker housing would be located near Ward Road in a portion of the property that is not currently used for agricultural purposes. The workers would help with planting, pruning, and picking cherries on the subject property and two other nearby properties belonging to the property owner:

- 1989 Ward Road (9.27 ha / 22.9 ac)
- 3254 McCulloch Road (4.34 ha / 10.72 ac)
- 3571 Bemrose Road (4.11 ha / 10.16 ac)

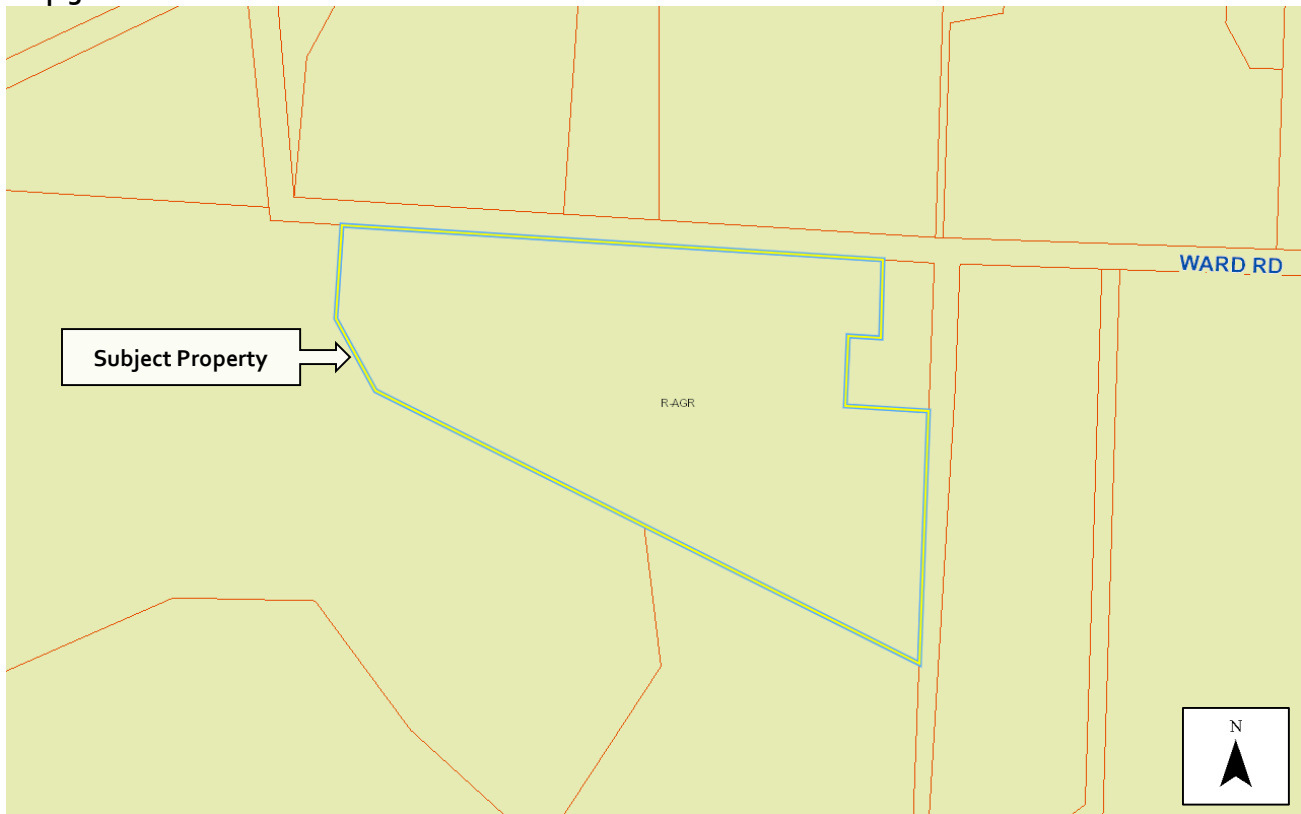
Map 1 - Neighbourhood



Map 2 - Agricultural Land Reserve



Map 3 – Future Land Use



2.3 Neighbourhood Context

The subject property lies within Southeast Kelowna. The surrounding area consists entirely of agricultural lands which are within the Agricultural Land Reserve.

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
East	A1 – Agriculture 1	Yes	Agriculture
West	A1 – Agriculture 1	Yes	Agriculture

3.0 Development Planning

The proposed temporary worker housing meets the regulations of the Zoning Bylaw and generally complies with the policies of the Official Community Plan, Farm Protection Development Permit Guidelines, and Agriculture Plan.

The City of Kelowna Official Community Plan (OCP) Policy on Farm Help Housing states that accommodation for farm help on the same agricultural parcel will only be considered where:

- Agriculture is the principal use on the parcel;

- 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.
- Temporary farm worker housing, such as bunkhouse accommodation on non-permanent foundations, is the preferred solution where farm worker housing is justified.

The Farm Protection Development Permit Guidelines state that Temporary Farm Worker Housing should be designed so that:

- All existing dwellings within the farm unit should be utilized prior to building new temporary farm worker housing, unless the existing dwellings are for a use consistent with the Agricultural 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.
- The temporary farm worker housing footprint should be contiguous with the residential footprint (i.e. Homeplate) and/or within 60 metres of the road and/or located to maximize the agricultural potential and limit negative impacts on the farm parcel.
- Establish a minimum 3 metre wide vegetated buffer for screening to adjacent property lines and between the temporary farm worker housing and active farming areas.

The City of Kelowna Agriculture Plan recommends to:

- Allow a Temporary Farm Worker Housing, as permitted by City of Kelowna bylaw. Temporary Farm Worker Housing, 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 for cooking, sanitary, living and sleeping. The footprint does not include the vegetated buffer.

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 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 0.3 ha.

Report prepared by: Mark Tanner, Planner II

Reviewed by: Dean Strachan, Community Planning & Development Manager

Attachments:

Attachment A: ALC Non-Adhering Residential Use Application

Attachment B: Drawing Package