

COMMITTEE REPORT



Date: December 9th, 2021

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Development Planning Department

Application: A21-0014 **Owner:** Lakhwinder Singh Brar & Paramjit Kaur Brar

Address: 815 Webster Road **Applicant:** Lakhwinder Brar

Subject: Application to the ALC for a Non-Adhering Residential Use Permit

Existing OCP Designation: REP – Resource Protection

Existing Zone: A1 – Agriculture 1

Agricultural Land Reserve: Yes

1.0 Purpose

To consider a non-adhering residential use permit for the conversion of an existing single-family dwelling into temporary farm worker housing.

2.0 Proposal

2.1 Background

The subject property is a 9.16acres (3.71ha) in size and is located on Webster Road within the Rutland OCP Sector. The applicant has indicated that the property laid empty for over 15 years, until they purchased it in February 2019. They cleaned up the property, cultivated it and irrigated it. The property now has 8 acres of cherry's, which was planted in May 2020. The subject property currently has one single-family two-bedroom dwelling on it.

2.2 Project Description

The non-adhering residential use permit application is to convert the existing single-family dwelling into temporary farm worker housing. The owners are seeking 5 (five) seasonal workers to help with the maintenance of the existing agriculture and the cherry orchard. The owners farm 11.4ha of land on other properties.

The home is 111.48m² (1,200ft²) and has two bedrooms. The owners are planning on building a new home on site and want to use the existing structure to accommodate seasonal farm workers. The proposed new single-family dwelling will be on the NW corner of the property and is proposed to be 350m² in size.

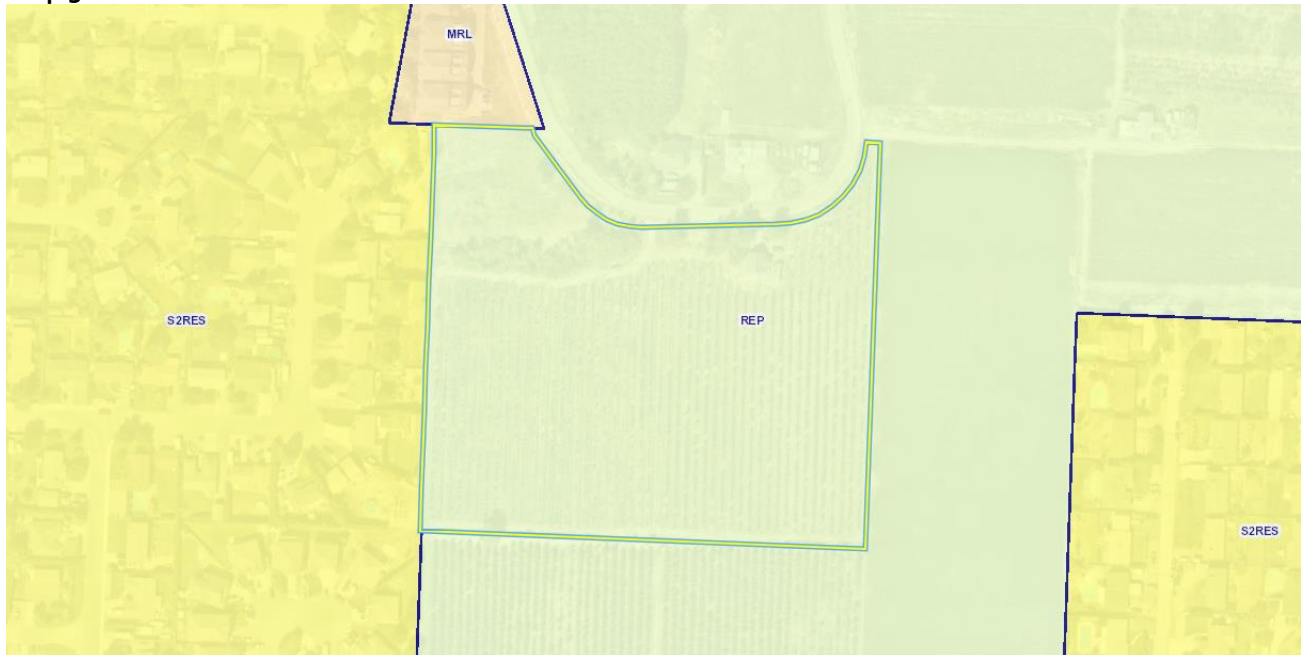
Map 1 - Neighbourhood



Map 2 – Agricultural Land Reserve



Map 3 – Future Land Use



2.3 Neighbourhood Context

The subject property lies within the Rutland OCP Sector. The surrounding area is a mix of single-family dwellings, townhouses, and agricultural lands (within the ALR).

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	RM3 – Low Density Multiple Housing & RU1 – Large Lot Housing	No / Yes	Townhouse / Single-Family Dwelling
South	A1 – Agriculture 1	Yes	Agriculture
East	A1 – Agriculture 1 / Land Use Contract	Yes	Agriculture
West	RU1 – Large Lot Housing	Yes	Single-Family Dwelling(s)

3.0 Development Planning

The City’s Agriculture Plan, the Official Community Plan and Zoning Bylaw support the conversion of existing dwellings into Temporary Farm Worker Housing if agriculture is the principal use and the owner demonstrates the need for farm employees. However, there are concerns with the introduction of a new permanent structure on site, which would be hard to revert back to farmable land if the seasonal workers were no longer required.

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.

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.

Zoning Bylaw recommends that the following requirements are met prior to issuance for a Temporary Farm Worker Housing (TFWH) structure:

- Farm Classification for the parcel, as determined by the BC Assessment Act.
- Minimum farm unit size is 3.8 ha.
- The need for temporary farm worker housing onsite to house temporary farm workers must be demonstrated through documentation such as a contract with the federal government through a

migrant worker program, such as the Seasonal Agricultural Worker Program, farm receipts and / or previous employment records, and/or a farm plan prepared by a professional agrologist.

- New TFWH structures shall include a communal kitchen.
- The TFWH shall be occupied only during the farm unit's growing, harvesting and pruning periods.
- A statutory declaration must be filed with the City of Kelowna annually, by January 31st, stating that the building will be used only for TFWH and specify the time(s) of year when the TFWH will be occupied. The specified period of time may be no greater than ten months of that calendar year.
- If the temporary farm worker housing is vacant for two consecutive growing seasons, the owner will remove, at their expense, any temporary structures for temporary farm worker housing, and remove or decommission any existing buildings that had been repurposed for temporary farm worker housing purposes, by December 31st of the second year of vacancy.

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 – Floor Plan

Attachment D – Development Engineering Memo

Attachment E – Ministry of Agriculture