

REPORT TO COUNCIL



Date: September 19, 2022

To: Council

From: City Manager

Department: Development Planning Department

Application: A22-0004 / FH22-0006 **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 for Temporary Farm Worker Housing

Existing OCP Designation: R-AGR – Rural – Agricultural and Resource

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

That Agricultural Land Reserve Application No. A22-0004 for Lot 1, Section 5, Township 26, ODYD, Plan EPP95434, located at 1989 Ward Road, Kelowna, BC for a Non-Adhering Residential Use pursuant to Section 25 of the *Agricultural Land Commission Act*, be supported by Council;

AND THAT 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. FH22-0006 for Lot 1, Section 5, Township 26, ODYD, Plan EPP95434, located at 1989 Ward 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 be in accordance with Schedule A;
3. 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 B;
4. The applicant is required to post to the City a Landscape Security deposit in the form of a "Letter of Credit" in the amount of 12.5% of the estimated value of the landscape buffer, as determined by a professional landscaper;
5. 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 they are no 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.

Purpose

To support an application to the Agricultural Land Commission for a Non-Adhering Residential Use to allow temporary farm worker housing to accommodate 24 seasonal farm workers on the subject property.

2.0 Development Planning

Staff support the Non-Adhering Residential Use application to allow temporary farm worker housing to accommodate 24 seasonal farm workers on the subject property. The proposed farm worker accommodation meets the regulations of the Zoning Bylaw and is consistent with the Ministry of Agriculture standards.

The proposal complies with the City of Kelowna Official Community (OCP) Plan policies for farm worker housing. The principal use on the subject property is agriculture and the scale of farm operations is large enough to require farm employees. The proposed housing will be on non-permanent foundations, located to minimize negative impacts on agriculture, and will be provided a minimum 3 m wide vegetated buffer.

3.0 Proposal

3.1 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 on a portion of the property that is not used for agricultural purposes. The owner already has 6 temporary farm workers on another property (3296 McCulloch Road) who would be accommodated on the subject property once this project is constructed.

The temporary farm workers would help with planting, pruning, and picking cherries on 17.72 ha (43.78 ac) that is owned and farmed by the property owner:

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

3.2 Site Context

The subject property is located on Ward Road, west of Spiers Road, in Southeast Kelowna. The subject property currently contains farm equipment storage buildings only, with no residential uses presently located on the property. The subject and surrounding properties in all directions are within the Agricultural Land Reserve, designated R-AGR – Rural – Agricultural and Resource, and zoned A1 – Agriculture.

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: 1989 Ward Road



4.0 Current Development Policies

Objective 8.1 Protect and preserve agricultural land and its capability	
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. <i>The principal use on the subject property is agriculture.</i>
Policy 8.1.9 Farm Help Housing	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: <ul style="list-style-type: none"> • Agriculture is the principal use on the parcel; and • 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.

	<i>The proposed temporary farm worker housing is located on a parcel which is principally used for agriculture, is necessary for the operation of the farm, and consists bunkhouse accommodation on non-permanent foundations.</i>
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5.0 Application Chronology

Date of Application Received: July 14, 2022
Date Public Consultation Completed: July 14, 2022
Agricultural Advisory Committee August 11, 2022

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on August 11, 2022 and the following recommendations were passed:

THAT the Committee recommends that Council support the application to consider a non-adhering residential use permit on the subject property, 1989 Ward Road.

Anecdotal Comments:

- The Committee acknowledges there is now farm housing that is available for rent and it will be used for other domestic farm workers versus being rented out as market rental properties.
- The committee would like to confirm that there are 24 workers being applied for not sixty.
- Staff confirmed the Council report will reflect 24.

Report prepared by: Mark Tanner, Planner II
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: Draft Temporary Farm Worker Housing Permit (FH22-0006)
 - Schedule A: Site Plan and Floor Plans
 - Schedule B: Landscape Plan