

# REPORT TO COUNCIL

## NON-ADHERING RESIDENTIAL USE



**Date:** August 14, 2023  
**To:** Council  
**From:** City Manager  
**Address:** 2015 Walburn Road  
**File No.:** A23-0003

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### 1.0 Recommendation

THAT Agricultural Land Reserve Application No. A23-0003 for Lot 2, Section 13, Township 26, ODYD, Plan 4119, Except Plans 20534 and 34516 located at 2015 Walburn 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.

### 2.0 Purpose

To support an application to the Agricultural Land Commission for a Non-Adhering Residential Use to allow temporary farm worker housing for 4 seasonal farm workers on the subject property.

### 3.0 Development Planning

Staff recommend support for the proposed Non-Adhering Residential Use Permit application and that it be forwarded onto the Agricultural Land Commission for consideration. The proposal is to convert an existing accessory building which was once a single family dwelling into Temporary Farm Worker Housing.

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. The property has been owned by the Boparai family since 2015 and was purchased from the Regier family which owned and operated the farm for over 80 years. Brian Regier currently lives in the mobile home on the property with the Boparai family in the newly constructed single family dwelling. The property has 8.4 acres of cherries in production and is anticipated to need 4 seasonal workers to help with farm operations.

### 4.0 Site Context & Background

The subject property is located in the Belgo area near Black Mountain. The Future Land Use is R-AGR – Rural Agriculture and Resource is zoned A1 – Agriculture and it is within the Agricultural Land Reserve. The proposed housing would be 3 bedrooms and 1,165 ft<sup>2</sup> in size with an attached workshop and small office space. The property is approximately 13.4 acres (5.5 ha) in size. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture	Agriculture
East	A1 - Agriculture	Agriculture
South	RR2 – Rural Residential 2	Residential
West	A1 - Agriculture	Agriculture

**Subject Property Map: 2015 Walburn**



**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 8.1.1 Protect Agricultural Land	<p>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.</p> <p><i>The principle use on the subject property is agriculture.</i></p>
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>

	<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>The property has 8.4 acres of cherries in production and has provided a Professional Agrologists report demonstrating the need for seasonal workers.</i></p>

**6.o Application Chronology**

Application Accepted: January 27, 2023  
 Public Information Session: n/a  
 Neighbourhood Notification Summary Received: n/a

**Report prepared by:** Wesley Miles, Planner Specialist  
**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 – Site Plan  
 Attachment B – Agrologist Report