

COMMITTEE REPORT



Date: June 13th, 2024
To: Agricultural Advisory Committee
From: Development Planning Department
Address: 1758-1760 KLO Road
File No.: A24-0006 / FH24-0001
Zone: A1 – Agriculture

1.0 Purpose

To consider an application to the Agricultural Land Commission (ALC) for a non-adhering residential use permit to allow for temporary farm help housing to accommodate four (4) seasonal farm workers on the subject property.

2.0 Development Planning

The subject property is 2.52 ha (6.23 acre) in size and is located on KLO Rd. The applicant is seeking permission for four (4) seasonal farm workers to help during the harvest season, as the on-site farm retail stand sells produce picked daily. The workers will live in the existing four-bedroom ATCO trailer (165 m² in size) at the North end of the property.

The owners converted the previous hay field into a vegetable farm and installed underground irrigation in 2022. The subject property has an active Business License for the KLO Farm Market, which sells items grown on the subject property, as well as from the other 5.93 ha of agricultural land that is farmed/owned by the same owners.

If the proposal is approved by Council and the Agricultural Land Commission, a covenant is required to be registered on title indicating that the unit can only be used for farm workers for a maximum of 10 (ten) months and the unit will be removed if the workers are no longer required. A vegetative buffer is required to be planted to separate the active agriculture from the workers' accommodation.

3.0 Subject Property & Background

3.1 Site Context

The subject property is located on KLO Rd near the intersection with Benvoulin Rd. The surrounding area is a mix of agricultural land, commercial, residential, and park land.

Zoning and land use adjacent to the property are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture	Park
East	A1 – Agriculture	Agriculture
South	RU1 – Large Lot Housing	Single-Detached Dwelling(s)
West	A1 – Agriculture	Rural Residential

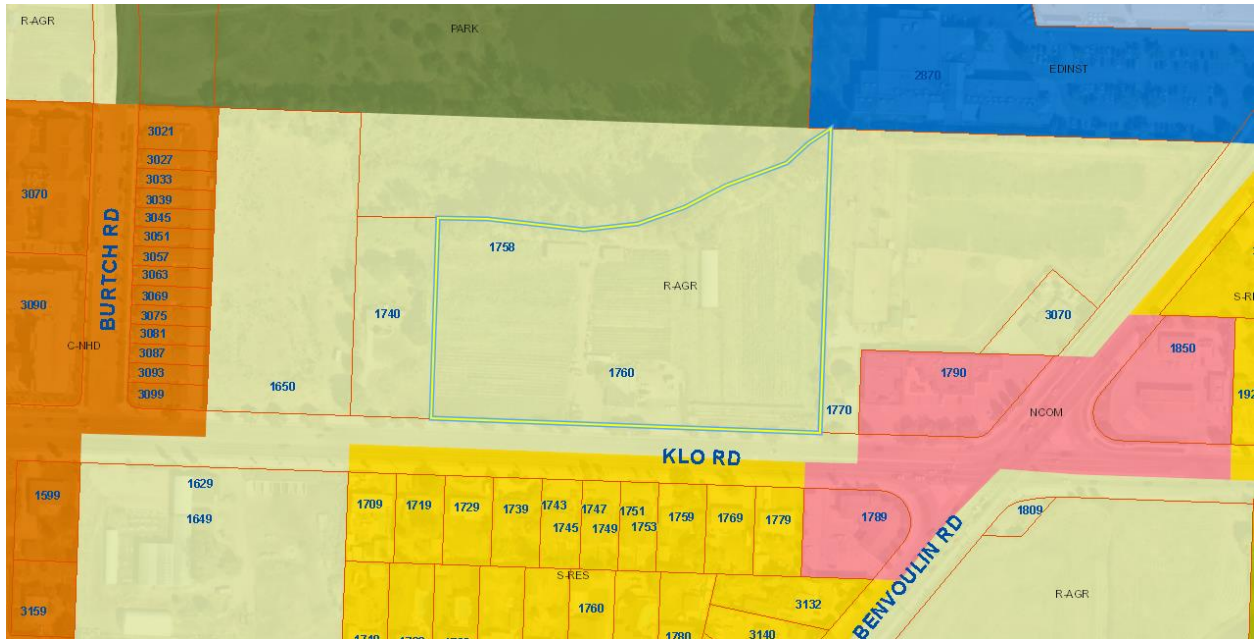
Subject Property Map



ALR Map



Future Land Use Map



4.0 Current Development Policies

The proposed temporary 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.

4.1 Kelowna Official Community Plan (OCP)

Objective 8.1. Protect and preserve agricultural land and its capability.	
<p>Policy 8.1.9. Farm Help Housing.</p>	<p>As a first option, encourage farm help housing to be located within the Permanent Growth Boundary, providing amenity 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"> • 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. <p>Temporary farm worker housing, such as a bunkhouse accommodation on non-permanent foundations, is the preferred solution where farm worker housing is justified.</p> <p><i>The property is not in the Permanent Growth Boundary, but the farm unit is to work on the subject property, which has agriculture as the principal use.</i></p>

The OCP 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.
- TFWH should have a minimum 3.0-metre-wide vegetated buffer for screening to adjacent property lines and between the TFWH and active farming areas.

4.2 The City of Kelowna Agriculture Plan:

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.

4.3 Ministry of Agriculture's Guide to Bylaw Development in Farming Areas:

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 ten (10) 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.

Report prepared by: Tyler Caswell, Planner II
Reviewed by: Dean Strachan, Community Planning and Development Manager
Approved for Inclusion: Nola Kilmartin, Development Planning Department Manager

Attachments:

Attachment A – ALC Application File No. 100048

Attachment B – Conceptual Drawing Package

Attachment C – Environmental Farm Plan

Attachment D – Ministry of Agriculture Memo