

REPORT TO COUNCIL

ALR APPLICATION



Date: July 8, 2024
To: Council
From: City Manager
Address: 1758-1760 KLO Rd
File No.: A24-0006
Zone: A1 – Agriculture

1.0 Recommendation

THAT Agricultural Land Reserve Application No. A24-0006 for Lot 2 District Lot 131 ODYD Plan EPP51229, located at 1758-1760 KLO Rd, Kelowna, BC for a Non-Adhering Residential Use Permit pursuant to Section 25 of the *Agricultural Land Commission Act*, be supported by Council;

AND THAT the 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 Permit to allow for temporary farm help housing to accommodate four (4) seasonal farm workers on the subject property and to allow a seasonal food truck to operate as part of the farm retail stand operations.

3.0 Development Planning

Staff support the application for Temporary Farm Worker Housing (TFWH) for up to four seasonal agricultural workers on the subject property. The proposed temporary farm worker accommodation meets the regulations of the Zoning Bylaw and it is consistent with the Ministry of Agriculture standard for temporary farm worker accommodation.

The proposal complies with the City of Kelowna OCP policies for TFWH. Agriculture is the principal use of the parcel, and the scale of the farm operation is large enough to accommodate farm employees. The proposed housing is on a non-permanent foundation, which is considered the preferred solution where the need for farm workers housing is justified. It is in an area at the north end of the property that minimizes the residential impact to agriculture. The four seasonal workers will be housed in one ATCO trailer, and all of the workers will have their own private bedroom. The unit also includes a kitchen, laundry area, living room and multiple bathrooms. There are no other residences on the subject property. If the application receives support from Council and the ALC, a TFWH Permit will be required. The application will include a landscape plan, which provides buffering between the TFWH and the active agriculture.

Staff also support the request to have a seasonal food truck, which would be part of their day-to-day farm retail stand operations. The non-permanent and seasonal nature of the food truck won't have impacts on the agricultural capability and farming operations.

4.0 Subject Property & Background

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

4.1 Subject Property Map



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

5.0 Project Description

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 site, as well as from the other 5.93 ha of agricultural land that is farmed/owned by the same owners. The owners have also indicated that they would like a seasonal food truck to operate as part of their day-to-day farm retail stand operations.

Since the proposal is for eight or fewer seasonal workers, the Temporary Farm Worker Housing Permit is delegated to staff. This will be considered by staff if the non-adhering residential use permit is approved by Council and the Agricultural Land Commission. As part of the Permit process, 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.

6.0 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.

6.1 Kelowna Official Community Plan (OCP)

Objective 8.1. Protect and preserve agricultural land and its capability.	
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 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 workers are 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.

6.2 The City of Kelowna Agriculture Plan:

Allow TFWH, as permitted by City of Kelowna Bylaw. 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.

6.3 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.

7.0 **Application Chronology**

Application Accepted: March 5, 2024
Neighbour Notification Received: N/A

8.0 **Agricultural Advisory Committee**

Agricultural Advisory Committee June 13, 2024

THAT the Committee recommends that Council support the 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.

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on June 13, 2024, and the following recommendations were passed:

Anecdotal comments include that the Committee encourages the City to ensure the landscape buffer is planted by the applicant within a reasonable time frame. The permit was reactionary and done after the structure was installed.

Report prepared by: Tyler Caswell, Planner II
Reviewed by: Dean Strachan, Community & Development Planning Manager
Reviewed by: Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning, Climate Action & Development Services

Attachments:

Attachment A – ALC Application File No. 100048
Attachment B – Conceptual Drawing Package
Attachment C – Ministry of Agriculture Memo

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.