

REPORT TO COUNCIL



Date: October 24, 2016

RIM No. 1210-24

To: City Manager

From: Community Planning Department (MS)

Application: FH16-0002 **Owner:** Manjinder Khela
Hardeep Khela

Address: 1380 Latta Road **Applicant:** Hardeep Khela

Subject: Farm Help Development Permit to allow Temporary Farm Worker Housing for 40 Temporary Farm Workers

Existing OCP Designation: Resource Protection Area (REP)

Existing Zone: A1 - Agriculture 1

1.0 Recommendation

THAT Council authorizes the issuance of Farm Help Development Permit No. FH16-0002 for TWP 27 ODYD Plan KAP91485 Except Plan KAP92999, located at 1380 Latta Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The applicant be required to post with the City a Security deposit in the amount of \$20,000 for a Delayed Decommissioning Bond for the removal of the trailers should they not require the Temporary Farm Workers for two consecutive growing seasons, by December 31st of the second year; and
3. That the occupancy of the Temporary Farm Worker Housing be for no more than 8 months per calendar year;

AND THAT Council's consideration of this Farm Help Development Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated (October 24, 2016);

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To consider the application for Temporary Farm Worker Housing for up to 40 Temporary Farm Workers in trailers.

3.0 Community Planning

Staff supports the application for farm worker housing for up to 40 Temporary Farm Workers in trailers on the subject property. The application complies with City of Kelowna and Ministry of Agriculture policy for Temporary Farm Worker Housing (TFWH) and is also consistent with the Official Community Plan Policy 5.34.2:

Temporary farm worker housing (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.¹

In addition, the proposal:

- Locates the TFWH on unfarmed land that has not been planted for some time, (since at least 1959); and
- The applicants have provided federal farm worker contracts demonstrating the need for the workers.

In addition, staff have been working with staff from the Regional District of the Central Okanagan, the District of Lake Country, and the City of West Kelowna on a regional approach to regulate Temporary Farm Worker Housing. Key elements of this approach is the use of temporary structures, the use of less valuable farm land, and providing a landscape buffer around the units. The Agricultural Land Commission and the Ministry of Agriculture have been consulted through this regional initiative. Staff notes that this proposal is consistent with the regional draft policies that staff has undertaken to date.

4.0 Proposal

4.1 Background

The Federal Government has recognized that there is a shortage of farm workers throughout Canada. As part of the Seasonal Agricultural Workers Program (SAWP) the owner must provide accommodation for their foreign workers. Seasonal dwellings for farm help are considered a 'farm use'² by the Agricultural Land Commission. According to the Ministry of Agriculture, seasonal worker housing should be communal and temporary in nature, with shared kitchens, and conform to SAWP / BC Agriculture Council standards.

The applicants are orchardists that farm 16 parcels, owned and leased, from Oliver to Lake Country. The Kelowna farm unit includes seven parcels within the City, with an area of over 48 ha (125 acres). The request is for 40 Temporary Farm Workers to be housed in temporary structures on non-permanent foundations (trailers). The location on the site is not currently planted. (See attached plan.)

¹ City of Kelowna Official Community Plan, Policy 5.34.2 (Development Process Chapter).

² Province of BC, 2002, Agricultural Land Commission Act – Agricultural Land Reserve Use, Subdivision and Procedure Regulation – Part 2.

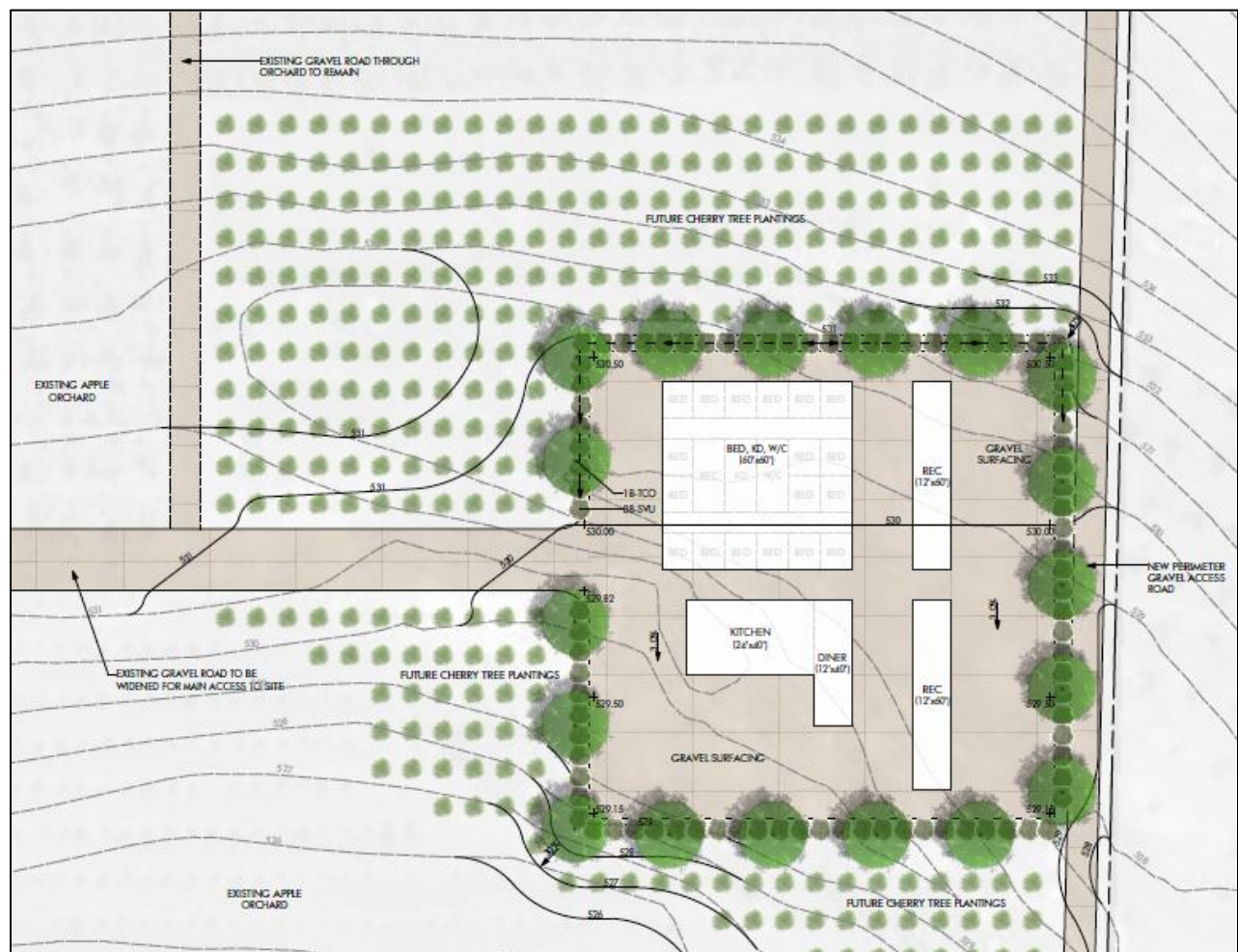
4.2 Project Description

The proposed trailer accommodation for 40 workers is to be placed on an unfarmed portion of the subject property. (See below, and attached Layout Plan). The proposal includes:

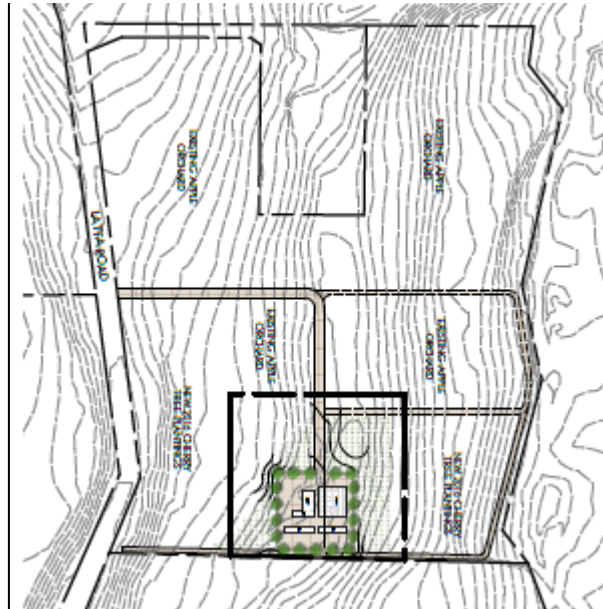
- one sleeper / washroom trailer;
- one kitchen / dining trailer; and
- two recreation room trailers.

The plan includes a three metre wide landscape buffer, with proposed plantings to the south property line and all around the TFWH. A landscape bond is proposed to be included in the permit. The closest neighbouring residence is 300 metres to the southwest and there are no other structures on the property.

Map 1 - Temporary Farm Worker Housing Layout



Map 2 - Temporary Farm Worker Housing Site Plan



4.3 Site Context

The property is within the Rutland Sector of the City according to the Official Community Plan.

Parcel Summary - 1380 Latta Road:

Parcel Size: 7.61 ha (18.81 acres)

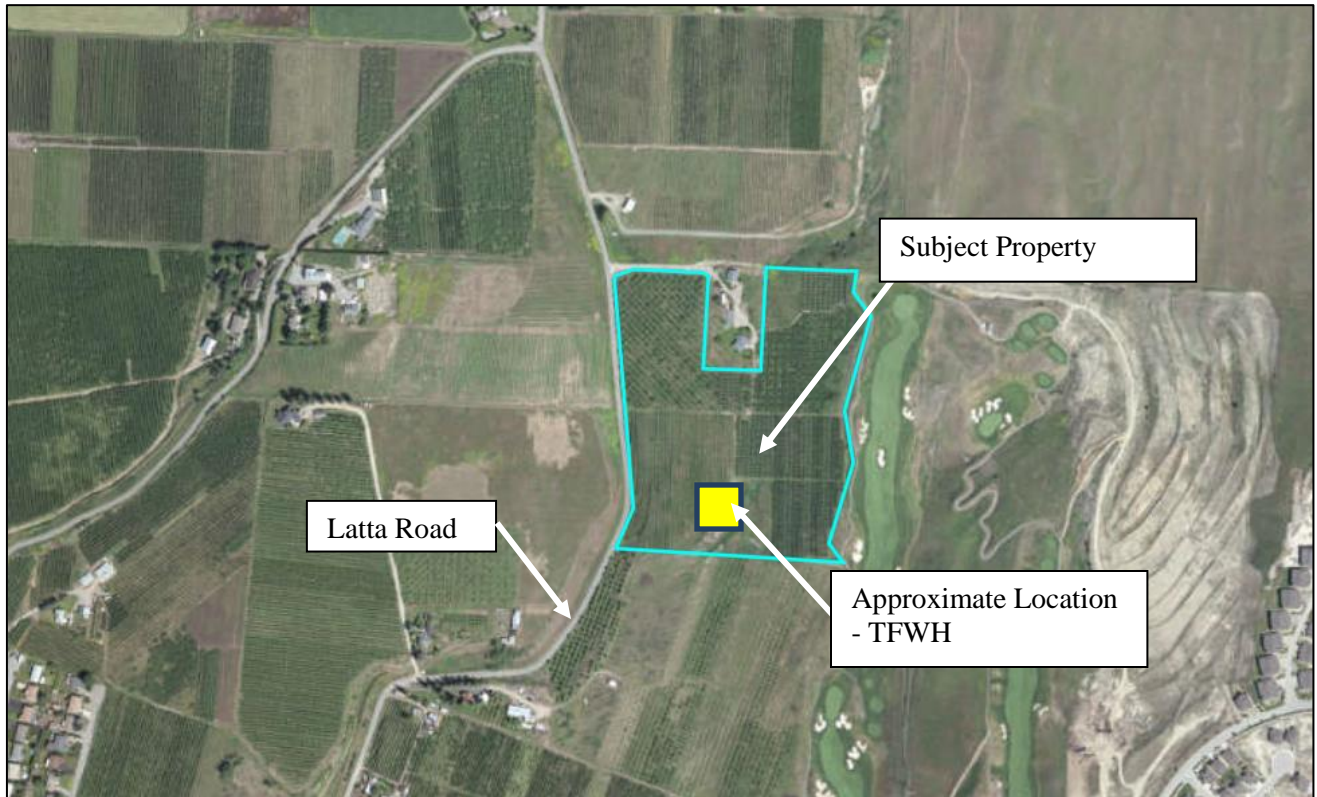
Elevation: 512 to 550 metres above sea level (masl) (approx.)

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

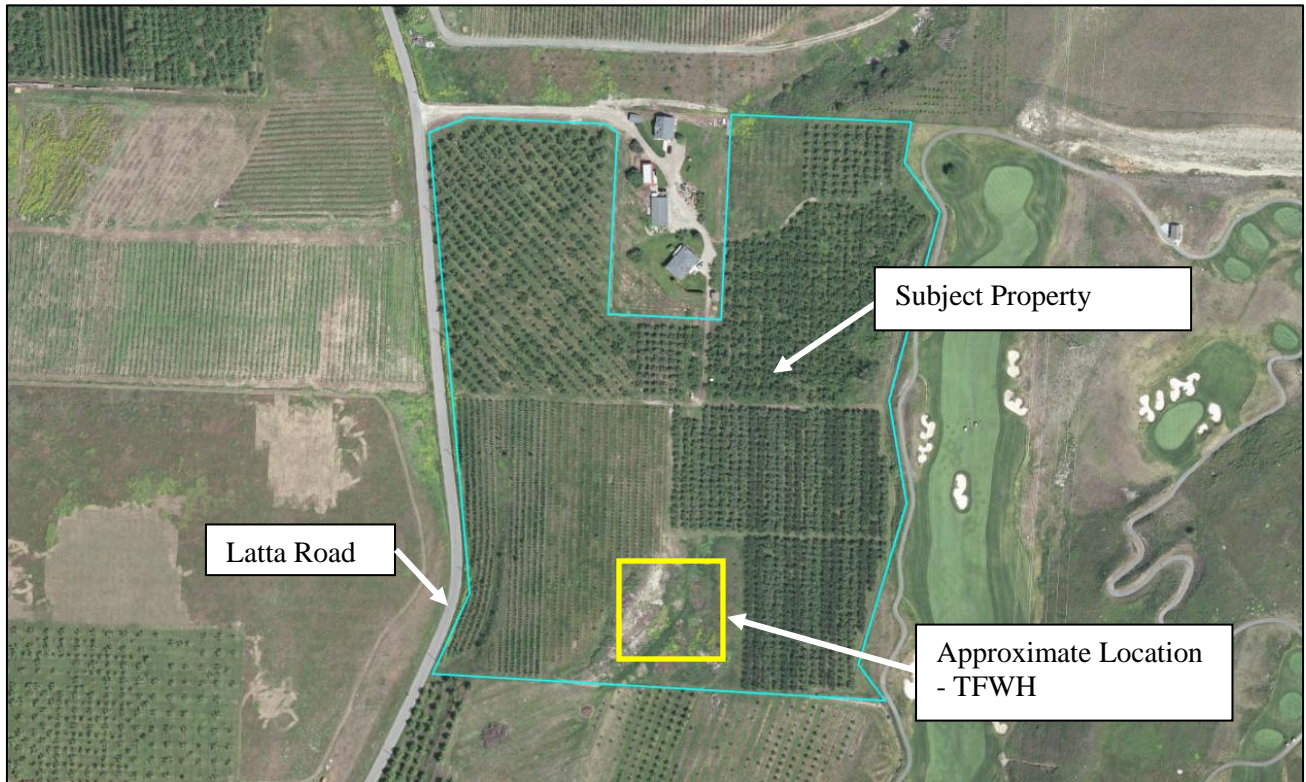
Table 1: Zoning and Land Use of Adjacent Property

| Direction | Zoning | ALR | Land Use |
|-----------|---|-----|-------------|
| North | Agriculture (RDCO) | Yes | Agriculture |
| South | A1 - Agriculture 1 | Yes | Agriculture |
| East | CD6 - Comprehensive Residential Golf Course | Yes | Golf Course |
| West | A1 - Agriculture 1 | Yes | Agriculture |

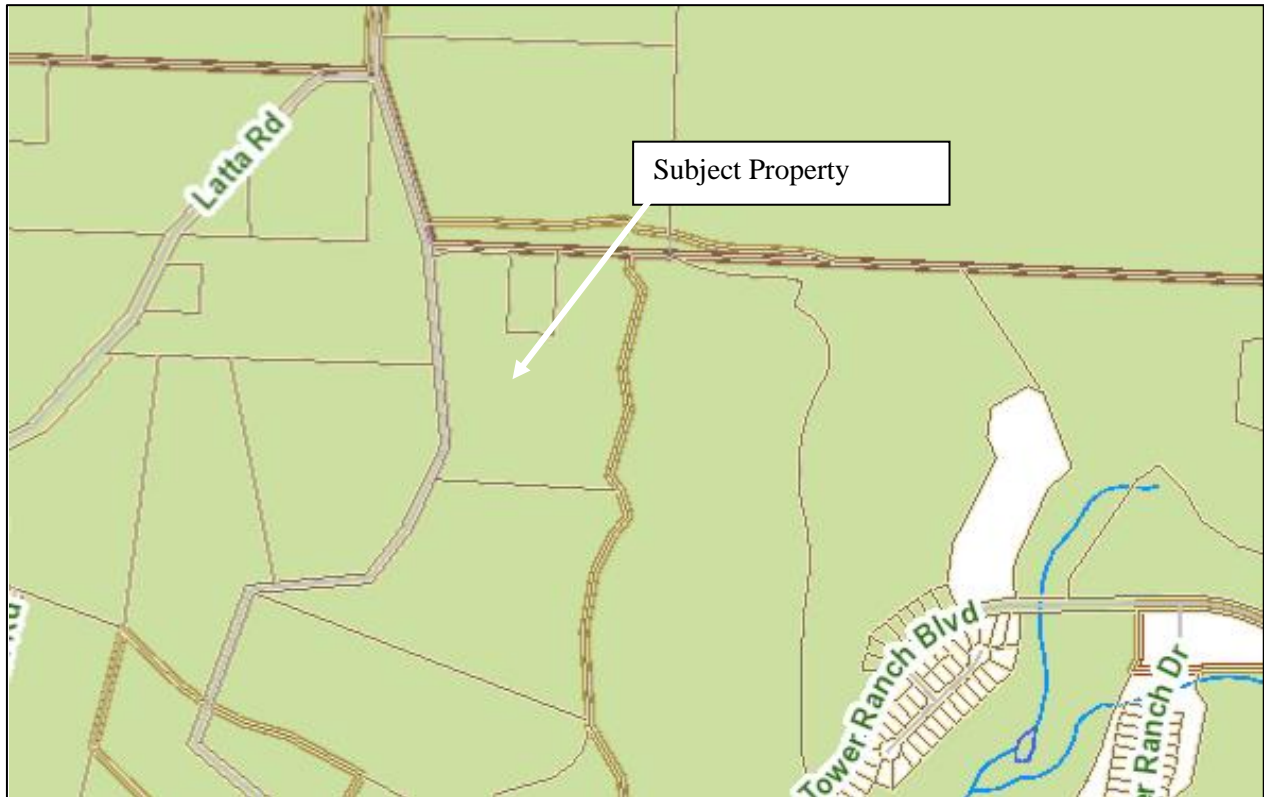
Map 3 - Subject Property Map



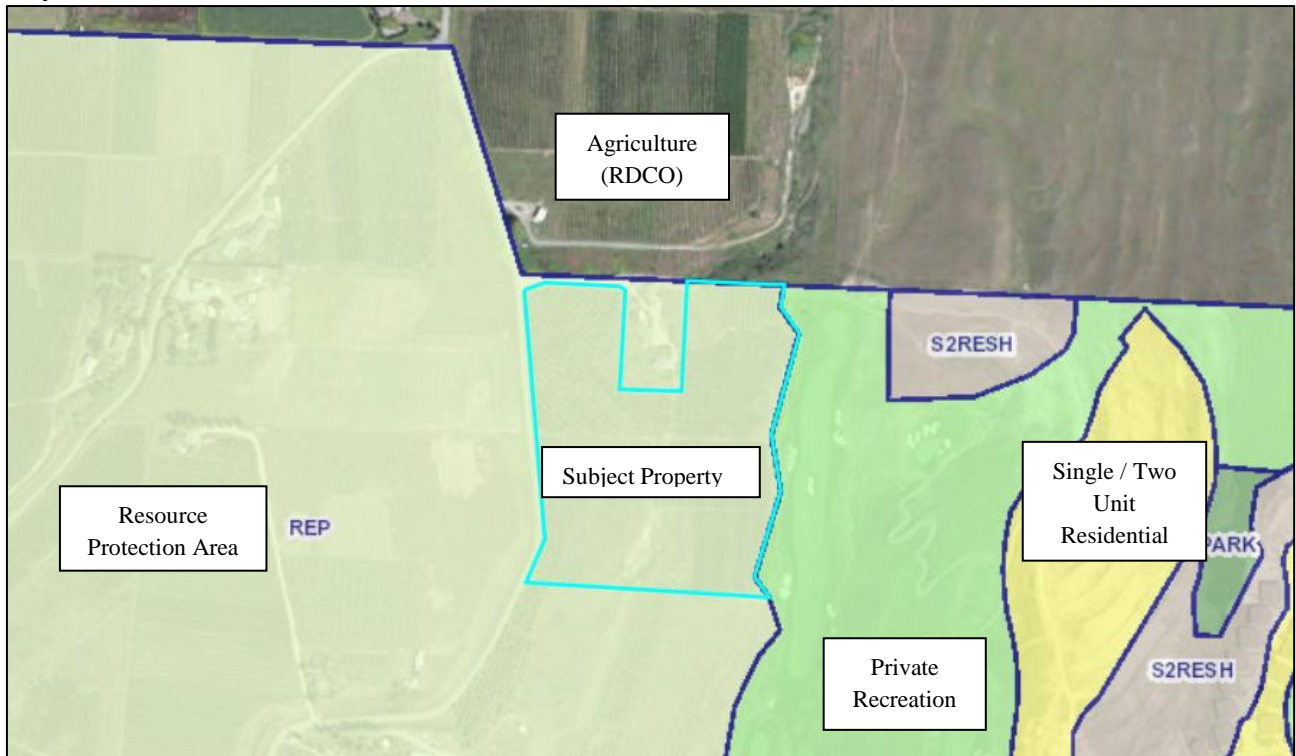
Map 4 - Approximate Location of TFWH



Map 4 - Agricultural Land Reserve



Map 5 - Future Land Use



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Protect and Enhance Local Agriculture.³

Policy .1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy .2 Farm Help Housing. Accommodation for farm help on the same agricultural parcel will be considered only where:

- agriculture is the principal use on the parcel, and
- 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.

Temporary farm worker housing (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.

Policy .3 Homeplating. Locate buildings and structures, including farm help housing and farm retail sales area and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage. The goal should be to maximize use of existing infrastructure.

5.2 Ministry of Agriculture Guide to Bylaw Development in Farming Areas

The Agricultural Land Commission, as well as the Ministry of Agriculture's Guide to Bylaw Development in Farming Areas⁴, advises that temporary farm workers should be housed in temporary structures. This application complies with these standards.

Ministry of Agriculture guidelines for *Regulating Temporary Farm Worker Housing in the ALR*⁵ states that a maximum number of 40 workers per farm for orchards and vineyards is permissible.

In addition, the application complies with the provincial standards for Temporary Farm Worker Housing (TFWH) in that it:

- a) *Meets the needs of the agriculture industry;*
- b) *Minimizes the residential impact of TFWH in the agricultural area;*
- c) *Minimizes the loss and/or fragmentation of agricultural land due to TFWH; and*
- d) *Minimizes the risk of TFWH being used for non-farm purposes.*

³ City of Kelowna Official Community Plan, Policy 5.33.1 (Development Process Chapter).

⁴ BC Min. Of Ag., 2015. Guide for Bylaw Development in Farming Areas, (Revised 2015).

⁵ Min. Of Ag., 2009. Regulating Temporary Farm Worker Housing in the ALR – Discussion Paper and Standards, Sustainable Agriculture Management Branch.

The Bylaw Guide states that a local government may require the following:

- A Restrictive Covenant that states:
 - 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; and
 - the TFWH will only be used for farm workers for a specified limited number of months during the year (typically a maximum of eight months).
- A deposit sufficient to remove the TFWH *or* the cost of removal can be recovered by local government through taxes applied to the property.

6.0 Public Notification

Staff understands that the applicant has conducted neighbourhood notification for the project in accordance with Council Policy 367. This includes providing a project description and drawing package for all neighbours within 300 metres of the property, as well as contact information for the applicant and City staff. Staff received one phone call of concern within the notification area, and one phone call of concern from outside of the notification area.

7.0 Technical Comments

7.1 Building & Permitting Department

Full Plan check for Building Code related issues will be done at time of Building Permit applications.

7.2 Development Engineering Department

The Development Engineering comments regarding this application to permit additional accommodations to ultimately house 40 seasonal workers on the subject property are noted below.

1. General.

This application does not trigger any off-site infrastructure upgrades.

2. Wastewater.

There is no municipal sewer infrastructure fronting this property. The on-site treatment and disposal of wastewater is under the jurisdiction of the Public Health Officer.

3. Domestic Water.

The subject property is located within the Black Mountain Irrigation District (BMID) all fees and upgrades must be addressed directly with BMID.

7.3 Fire Department

Fire protection requirements in accordance with the BC Building Code is required.

7.4 Interior Health Authority

The subject parcel is not serviced by community water or sewer systems. As such, from a health perspective the following legislation will apply to this proposal:

- Industrial Camps Regulation - Prescribes the minimum housing standards which must be met.
- Sewerage System Regulation - Prescribes any buildings in which domestic sewage is produced must be connected to the sanitary sewer system or a sewerage system. See IH Onsite Sewerage webpage for more information.
- Drinking Water Protection Act and Regulation - Prescribes requirements for domestic water system.
- Food Premises Regulation - Prescribes requirements for food preparation.

This application not be approved until the City of Kelowna has received confirmation the requirements of the above legislation have been satisfied. Please have the owners contact hbe@interiorhealth.ca for information and an explanation of how to begin these processes.

7.5 Irrigation District

It should be noted the hydrant coverage near the subject property is not adequate for the fire flow required. The closest hydrant to the property is located more than 250m north of the property. BMID water distribution system has sufficient hydraulic capacity to supply the required fire flow of 100l/s at the south property line and requires a hydrant be installed at this location. The costs and other associated fees and charges resulting from water service to this proposed development will be born by the applicant.

8.0 Application Chronology

Application Received: May 10, 2016

Agricultural Advisory Committee June 9, 2016

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on June 9, 2016 and the following recommendations were passed:

Moved By Keith Duhaime /Seconded By Domenic Rampone

THAT the Agricultural Advisory Committee recommends that Council support Application No. FH16-0002 for "Temporary Farm Worker Housing" at 1380 Latta Road in order to provide temporary housing for 40 temporary farm workers.

Carried

ANECTDOTAL COMMENT:

The Agricultural Advisory Committee supported this application for "Temporary Farm Worker Housing" on this property and commented that this proposal is using low quality land to erect the trailers as well as using a small footprint. The Agricultural Advisory Committee would recommend a covenant, bond or agreement to ensure that should the farm operation cease or change, the Temporary Farm Worker accommodation be removed from the property. The Committee recognizes that the application is conforming with policies and guidelines.

Public Consultation Completed: August 17, 2016

Circulation Comments Completed: October 3, 2016

Report prepared by:

Melanie Steppuhn, Land Use Planner

Reviewed by:

☐

Todd Cashin, Subdivision, Suburban and Rural Planning
Manager

Reviewed by

Approved for Inclusion:

☐

Ryan Smith, Community Planning Department Manager

Attachments:

Draft Farm Help Permit
Schedule A - Site / Landscape Plan
Schedule B - Covenant