

REPORT TO COUNCIL



Date: July 11, 2022

To: Council

From: City Manager

Department: Development Planning

Application: FH22-0005 & A21-0010 **Owner:** Khela Orchards Ltd., Inc. No. 1194108

Address: 3845 Hart Road **Applicant:** Carl Withler

Subject: Application to the ALC for Non-Adhering Residential Use Permit for Temporary Farm Worker Housing

Existing OCP Designation: R-AGR - Rural - Agricultural & Resource

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Agricultural Land Reserve Appeal No. A21-0010 for Lot 3 Sections 3 And 4 Township 26 ODYD Plan KAP90274 located at 3845 Hart Road 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;

AND THAT Council authorizes the issuance of Temporary Farm Working Housing Permit No. FH22-0005 for Lot 3 Sections 3 And 4 Township 26 ODYD Plan KAP90274 located at 3845 Hart Rd, Kelowna, BC subject to the following:

1. Approval by the Agricultural Land Commission of Non-Adhering Residential Use Permit Application A21-0010;
2. The dimensions and siting of the building to be constructed on the land in accordance with Schedule A;
3. 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 if they are not 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 0.3ha.

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

2.0 Purpose

To support an application to the Agricultural Land Commission for a Non-Adhering Residential Use Permit application to allow Temporary Farm Worker Housing to accommodate 60 seasonal workers on the subject property.

3.0 Development Planning

Staff support the application for Temporary Farm Worker Housing (TFWH) for up to 60 seasonal agricultural workers on the subject property. The proposed 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.

The proposed application complies with the City of Kelowna Official Community Plan (OCP) policies of TFWH requirements. Agriculture is the principal use on the parcel. The applicant has demonstrated that the scale of farm operations is large enough and necessary to accommodate farm employees whose residence on the farm property is considered critical to the overall operation of the farm. The proposed housing will be on non-permanent foundations which is the preferred solution where the need for farm worker housing is justified and is in an area of the property that minimizes the residential impact to agriculture.

4.0 Proposal

4.1 Background

The subject property is 28.91 acres (11.70 hectares) and located on Hart Road and Grieve Road. The subject parcel is used for cherry farming, while the applicants operate on a total of 250 acres worth of properties in Kelowna and Lake Country that produce cherries. The subject property currently contains a farm manager's trailer.

4.2 Project Description

The application is to construct temporary farm worker housing to accommodate 60 seasonal workers. The owners are seeking seasonal agricultural workers to help with the maintenance and planting on their 27 acre cherry farm and their other properties. The proposed housing would consist of sleeper trailers as well as recreational, laundry, and kitchen facilities. The total footprint of the farmworker housing would be 200 m².

4.3 Site Context

The subject property is located between Hart Road and Grieve Road. The surrounding area is primarily agricultural land within the Agricultural Land Reserve.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture	Agriculture
East	A1 – Agriculture	Agriculture
South	A1 – Agriculture	Agriculture
West	A1 – Agriculture	Agriculture

Subject Property Map:



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Kelowna 2040 – Official Community Plan Policy Template

Objective 8.1 Protect and preserve agricultural land and its capability (Chapter 8: Rural Lands)	
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.
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.
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6.o Application Chronology

Date of Application Received: August 17, 2021
Date Public Consultation Completed: May 12, 2022
Agricultural Advisory Committee March 10, 2022

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on March 10, 2022 and the following recommendations were passed:

THAT the Committee recommends that Council support the application for a nonadhering residential use permit.

Report prepared by: Graham Allison, Planner I
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:

- Schedule A: Site Plan / Floor Plan
- Attachment A: ALC Non-Adhering Residential Use Application
- Attachment B: Development Engineering Memorandum
- Attachment C: Draft Temporary Farm Working Housing Permit (FH22-0005)
- Attachment D: Ministry of Agriculture