

REPORT TO COUNCIL

ALR APPLICATION



Date: January 13, 2025
To: Council
From: City Manager
Address: 2360 Saucier Rd
File No.: A24-0013 / FH24-0002
Zone: A1 – Agriculture

1.0 Recommendation

THAT Agricultural Land Reserve Application No. A24-0013 for Lot 2 District Lot 359 ODYD Plan 17157 Except Plan 39252 located at 2360 Saucier 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 Worker Housing Permit No. FH24-0002 for Lot 2 District Lot 359 ODYD Plan 17157 Except Plan 39252, located at 2360 Saucier Rd, Kelowna, BC subject to the following:

1. Approval by the Agricultural Land Commission of Non-Adhering Residential Use Permit Application No. A24-0013;
2. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
3. A vegetated buffer is provided for screening adjacent property lines and between the temporary farm worker housing and active farming areas in accordance with Schedule "B";
4. The applicant is required to post the City a Landscape Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscape buffer, as determined by a professional landscaper;
5. 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 no 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 0.3 ha.

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 to allow Temporary Farm Worker Housing to accommodate 18 seasonal workers on the subject property.

3.0 Development Planning

Staff support the application for Temporary Farm Worker Housing (TFWH) for up to 18 agricultural workers on the subject property. The proposed temporary farm worker accommodation meets the regulations of the Zoning Bylaw, and it is also consistent with the Ministry of Agriculture standards for temporary farm worker accommodation.

The proposal complies with the City of Kelowna OCP policies for TFWH. Agriculture is the principal use on the parcel. The applicant has demonstrated that the scale of farm and nursery operations are 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 is 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.

If the Non-Adhering Residential Use Permit Application 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.

4.0 Subject Property & Background

4.1 Subject Property Map



The subject property is located on Saucier Rd near the intersection with Wallace Hill Rd in Southeast Kelowna. The surrounding area is primarily agriculture and rural residential lots.

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

Orientation	Zoning	ALR	Land Use
North	A1 – Agriculture	Yes	Rural Residential
East	A1 – Agriculture	Yes	Agriculture
South	A1 – Agriculture	Yes	Agriculture
West	A1 – Agriculture	Yes	Rural Residential

5.0 Project Description

The subject property is 6.03 ha (14.9 acre) in size and is located on Saucier Rd. The applicant is seeking permission for eighteen (18) seasonal farm workers to work in the operations relating to the on-site nursery business. The applicant has indicated that there are high demands during the peak growing season, and rapid response times and flexibility are required to maintain plant health and productivity. As the workers are currently being housed in off-site locations, the centralized farm worker housing will allow for more agricultural productivity. The nursery includes cultivation and sale of a wide variety of plants and trees.

The application 18 seasonal workers will be housed in six portable trailers. These units will include bedrooms, storage, dining room, washrooms, laundry and a communal kitchen and will be in operation for between 7-9 months. These units are roughly 343 m² in size and are located in the SE corner of the property in an area of least impact to the agricultural operations. There are two dwellings on-site, the first is a residential home that is occupied by tenants and the second is a mobile home that is used for site management and wholesale operations.

The nursery includes the sale of landscaping products and non-farm use products that are brought from off-site location, which exceed the 150 m² area allotted for the sale of these products identified in the Zoning Bylaw and Agricultural Land Reserve (ALR) Use Regulation. The operation will be required to come into conformance with the ALC’s regulations and the Zoning Bylaw or a non-farm use application is required to be submitted.

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

	<p>consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary.</p> <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>
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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.

7.0 Application Chronology

Application Accepted: October 4th, 2024
Neighbour Notification Received: N/A

8.0 Agricultural Advisory Committee

Agricultural Advisory Committee December 12, 2024

THAT the committee recommend that Council support the application (A24-0013) to the Agricultural Land Commission (ALC) to allow a non-adhering residential use permit to allow for temporary farm help housing to accommodate eighteen (18) seasonal farm workers on the subject property.

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on December 12, 2024, and the following recommendations were passed:

Anecdotal comments include that the Committee noted the importance of ensuring the applicant follows through with building the landscaping works described in the application as it provides an important buffer between the farming activity and the housing.

Report prepared by: Tyler Caswell, Planner Specialist
Reviewed by: Dean Strachan, 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. 102070
Attachment B – Ministry of Agriculture Memo
Attachment C – Draft Development Permit - FH24-0002
Schedule A: Site Plan & Floor Plans
Schedule B: Landscape Plan

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