



COUNCIL REPORT

To: Paul Gipps, CAO

Date: August 23, 2022

From: Chris French, Planner I

File No: A 22-02

Subject: **A 22-02; Agricultural Land Commission; 3910 Brown Road**

RECOMMENDATION

THAT Council support the Non-Adhering Residential Use application to install a temporary farm worker dwelling in the Agricultural Land Reserve for the property at 3910 Brown Road (Lot 4, DL 807, ODYD, Except Plan EPP24835) for a period of four years; and

THAT Council direct staff to forward the application to the Agricultural Land Commission for consideration.

STRATEGIC AREA(S) OF FOCUS

Council's 2022 Strategic Priorities – Economic Growth and Prosperity

BACKGROUND

The subject property is located in the Westbank Centre neighbourhood at 3910 Brown Road and is currently developed with a vineyard. The property is zoned A1 – Agricultural Zone and is located in the Agricultural Land Reserve (ALR). The property slopes downward to the west before it is bisected by Glen Canyon Regional Park, with part of the parcel located on the other side of the park in the Goats Peak/Gellatly area. The applicant has submitted a Non-Adhering Residential Use application to install a temporary farm worker dwelling which requires authorization from the local government to proceed to the Agricultural Land Commission for consideration. This application is included in this report as *Attachment 1*.

PROPERTY DETAILS			
Address	3910 Brown Road		
PID	011-295-201		
Folio	36413390.000		
Lot Size	124,522 m ² (30.8 acres)		
Owner	Lorval Developments Ltd	Agent	Jasan Grozell

Current Zoning	A1 – Agricultural Zone	Proposed Zoning	N/A
Current OCP	Agriculture	Proposed OCP	N/A
Current Use	Agriculture	Proposed Use	Agriculture
Development Permit Areas	Hillside, Sensitive Terrestrial Ecosystem, Aquatic Ecosystem		
Hazards	None		
Agricultural Land Reserve	Yes		

ADJACENT ZONING & LAND USES

North	^	R5 – Westbank Centre Multiple Residential Zone
East	>	A1 – Agricultural Zone
West	<	P1 – Parks and Open Space Zone
South	v	A1 – Agricultural Zone

NEIGHBOURHOOD MAP



PROPERTY MAP



Legislative Requirements

Section 25 of the *Agricultural Land Commission Act*, requires and that non-adhering use applications in the ALR may not proceed to the Commission unless authorized by a resolution of the local government if the proposal applies to land that is zoned by bylaw to permit farm use.

DISCUSSION

Proposal

The applicant is proposing to install temporary farm worker housing in a mobile home on the subject property as shown in the site plan in *Attachment 2*. The dwelling will be used to house up to four temporary farm workers over the next four growing seasons.

The mobile home is already located on the property but is not currently occupied. The mobile home will be connected to water but will dispose of wastewater via a septic field. The applicant has provided a report from a Registered Onsite Wastewater Practitioner (ROWP) with approval for septic disposal capacity.



Figure 1: Mobile home currently being stored on the property that will be used to house temporary farm workers.

Applicant's Rationale

The vineyard was planted in the Fall of 2020. Workers are required on site to perform pruning, tying, shoot thinning, suckering, irrigation, aeration, trimming, tucking, leaf removal, crop thinning, harvesting, repair of equipment and fences, and winterizing. At the end of these four growing seasons, the vines will be established and not require as much care and the home will be removed.

POLICY AND BYLAW REVIEW

Zoning Bylaw No. 0154

Part 8 of the City's Zoning Bylaw No. 0154 governs the general regulations and zoning pertaining to agricultural zones. Part 8 lists temporary agricultural worker dwellings as a

permitted use, while modular and mobile homes are permitted buildings. Section 3.19 outlines specific regulations for temporary agricultural worker dwellings including building form and character, gross floor area and connection to municipal services. Section 3.19 also outlines the maximum amount of time that temporary farm worker dwellings may be occupied. Semi-permanent buildings such as the mobile home proposed in the application may be occupied up to 10 months in a calendar year. All requirements and regulations have been met in the Zoning Bylaw.

ALC Policy L-26 – Non-Adhering Residential Use Applications

The Agricultural Land Commission requires local governments to review Non-Adhering Residential Use proposals in detail, but approval of these applications is delegated to the Commission's CEO. The Agricultural Land Commission's (ALC) Policy L-26 contains a series of principal decision-making considerations with respect to Non-Adhering Residential Use Applications. Staff have interpreted these considerations to have been satisfied. In particular, the applicant has entered a contract with S&B Dhaliwal Inc. who have been approved to employ seasonal farm workers, the dwelling can be moved from one location to another and reflects agricultural activity, and the total residential footprint for each worker housing space is not more than 35 m² per worker. While staff have interpreted these considerations to have been satisfied in the application, the ALC will ultimately decide if the proposal is approved.

TECHNICAL AND REFERRAL REVIEW

Agricultural Advisory Committee (AAC)

The City's AAC considered the application at their July 6th, 2022 meeting. The committee discussed several items including the intent for pursuing a Non-Adhering Residential Use application and inquired why they wanted the building for only four years if they wanted to extend the duration of the vineyard. At the meeting, the Committee passed the following resolution and recommendation for City Council consideration:

"THAT the Agricultural Advisory Committee recommend support for file A 22-02, Non-Adhering Residential Use Application, 3910 Brown Road."

Ministry of Agriculture

Similar to the items discussed at the AAC meeting, the Ministry of Agriculture highlighted that it was not clear from the application that a Non-Adhering Residential Use application was necessary as there are no other buildings on the subject property. The mobile home has an area less than 500 m² and could therefore be considered the principal residence. The Ministry asked if there was any intent to develop both a primary and secondary residence on the property. The applicant has confirmed that there is no intention to develop a primary residence on the property.

Fire Department

A fire hydrant is located along the eastern property line in close proximity to the entrance to the property. The fence running along the eastern property line is within 1m of the fire hydrant. Section 3.12 of the City's Fire Rescue Establishment Bylaw No. 0114 requires

that a 1 metre clearance is required around each fire hydrant or standpipe. The applicant has confirmed that they will move the fence to provide a 1 metre radius of clearance around the hydrant once they have been approved for a Municipal Highways Permit.

Landscaping

The property is located at the entrance to an Agricultural Precinct as designated by the City's Official Community Plan No. 0100. Agricultural Precinct Policy 3 in the OCP recommends actions to buffer rural and agricultural lands from adjacent urban residential developments as part of development proposals where appropriate. As the property is adjacent to an urban residential area, buffering in the form of landscape screening at the north end of the mobile home will be installed by the applicant.

Additional landscaping may be considered along the eastern envelope running along Brown Road should the applicant intend to make this residence permanent. This agricultural precinct has become a hub for tourism in West Kelowna in recent years with businesses across the road and in nearby Westbank Centre. Additional landscaping may contribute to the character of the area.

07 ODYD PLAN 1568

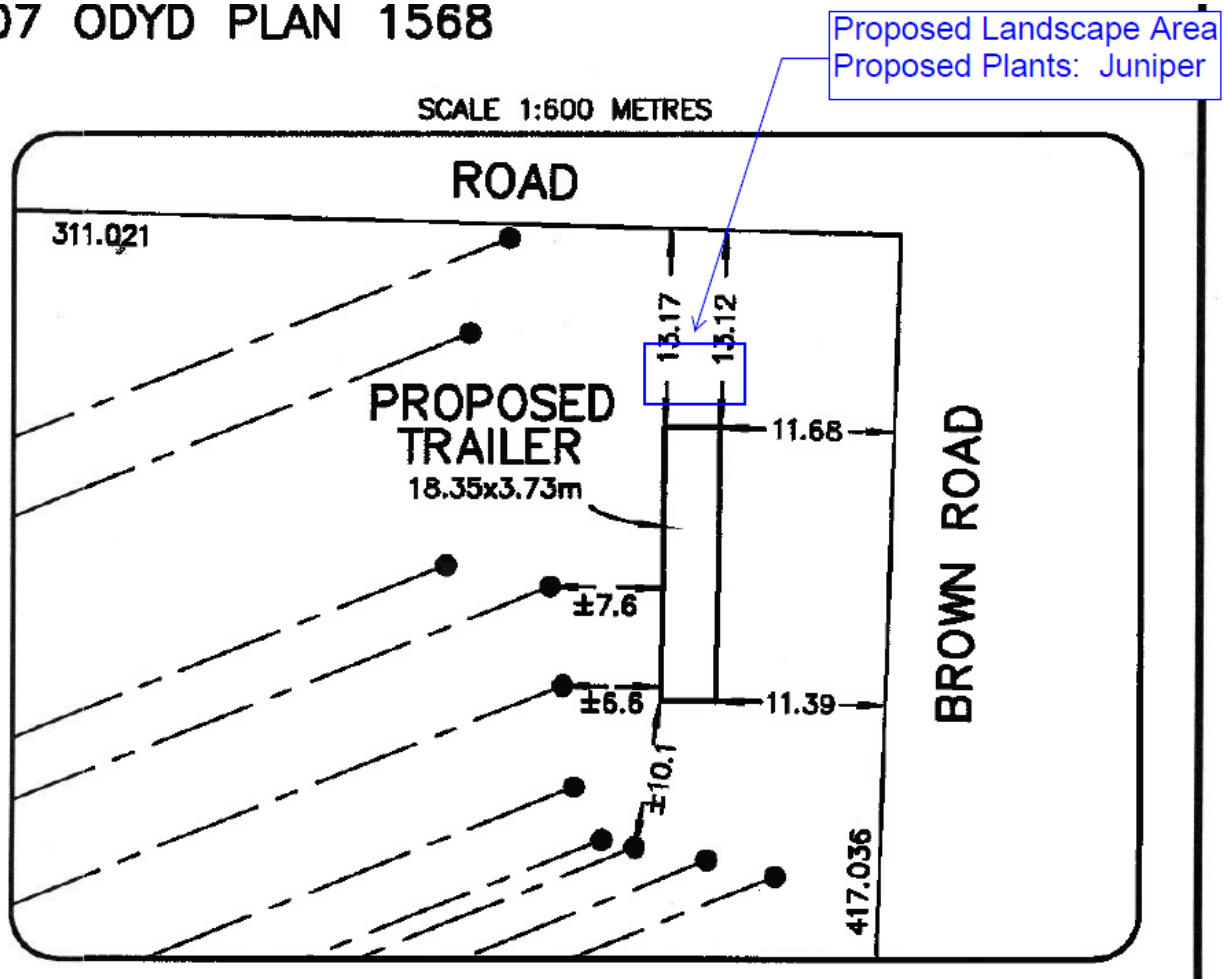


Figure 2: Proposed landscaping as submitted by the applicant.

CONCLUSION

Staff recommend that Council support the proposed Non-Adhering Residential Use application and forward it to the Agricultural Land Commission for consideration. The proposal to install temporary farm worker housing on the property for agricultural purposes is in line with the Zoning Bylaw, Official Community Plan and ALC Policy L-26. In addition, the applicant is installing landscaping to screen the mobile home to buffer the new dwelling from adjacent urban residences in nearby Westbank Centre. The proposed temporary farm worker housing will support the successful cultivation of grapes to be used in wine making and contribute to further growth in the wine industry in West Kelowna.

Alternate Recommendations:

1. **THAT** Council direct staff to forward the application to the Agricultural Land Commission for formal consideration.

Should Council choose this recommendation, a local government report will be sent to the ALC advising that Council does not wish to support or deny the application. By forwarding the application, Council is deferring to the ALC for a formal decision.

2. **THAT** Council not support the Non-Adhering Residential Use application to install a temporary farm worker dwelling in the Agricultural Land Reserve for 3910 Brown Road (Lot 4, DL 807, ODYD, Except Plan EPP24835; and

THAT Council direct staff to close the file.

Should Council choose this recommendation, the file will be closed and the ALC will be advised that the application did not receive a recommendation to proceed. The applicant would need to wait six months before submitting a revised application.

REVIEWED BY

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes No

Attachments:

1. ALC Application
2. Site Plan