

To: Mayor and Council
From: Paul Gipps, CAO

Meeting Date: May 20, 2025
Meeting Type: Regular Council Meeting

Prepared by: Jason Tran, Planner
Department: Planning and Development

Title: Agricultural Land Reserve | ALR00195 | 12192 Oceola Road
Description: To permit 79 temporary farm worker housing units within 17 trailers within the Agricultural Land Reserve.

RECOMMENDATION

THAT Non-adhering Residential Use application ALR00195 for property at 12192 Oceola Road, (PID 010-562-605) to allow temporary farm worker housing within 17 trailers be supported;
AND THAT Non-adhering Residential Use application ALR00195 be forwarded to the Agricultural Land Commission.

EXECUTIVE SUMMARY

The subject property is zoned A1—Agriculture and is located within the Agricultural Land Reserve (ALR). The property fronts on Oceola Road, and is currently being used as a fruit orchard. The application (Attachment A) proposes 17 temporary trailers to provide accommodation for 79 temporary farm workers. The proposed location is at the southeast of the property (Attachment C).

The applicant owns eight properties within Lake Country, comprising approximately 43 hectares of land. A professional agrologist (Attachment B) has determined 12192 Oceola Road to be the most suitable location within the applicants Lake Country farm unit for the proposed farm worker accommodation site. The proposed site plan estimated that approximately 200 orchard trees would be removed to accommodate the 17 trailers.

The proposal is consistent with the District's Official Community Plan (OCP), the secondary use of the Zoning Bylaw A1 - Agriculture 1 and Provincial legislation, including the *Agricultural Land Commission Act*.

The application went twice before the Agricultural Advisory Committee (AAC) with staff support at the March 10 and April 14, 2025 meetings. The AAC was not able to provide a recommendation to Council regarding the application.

Staff support this non-adhering residential use application and recommend that it be forwarded to the Agricultural Land Commission for adjudication.

BACKGROUND

Application Information			
Application Type	ALC Non-adhering Residential Use for Temporary Farm Worker Housing	Application Date:	Feb 6, 2025
Applicant:	Greenspark Consulting Ltd	Owner:	Khela Orchards Ltd
Application Description	To permit 79 temporary farm worker housing units within 17 trailers within the Agriculture Land Reserve		

Property Information: General		
Folio/Roll #:	02827.000	
Legal Description	Lot 1 Section 22 Osoyoos Div Of Yale Land District Plan Kap4291 Township 20	
PID	010-562-605	
Civic Address:	12192 Oceola Rd	
Property Information: Land Use		
OCP Designation:	Agricultural	
Zoning Designation:	A1 – Agriculture 1	
Land Use Contract	n/a	
ALR:	Yes	
Parcel Size:	7.89 ha/ 19.53 ac	
Development Permit Areas:	Natural Environment and Drainage Hazard	
Adjacent Land Summary:	Zoning:	Use:
North:	A1 – Agriculture 1	Agriculture
East:	A1 – Agriculture 1, RM4 – Low Density Multiple Housing, P2 – Administration, Public Service and Assembly	Agriculture, Multiple Dwelling Housing, Religious Assemblies
South:	A1 – Agriculture 1	Agriculture
West:	A1 – Agriculture 1	Agriculture

Property Information: Infrastructure and Development Engineering	
Road Network	Oceola Road – Major Collector
Driveway Access	Driveway access permit required at time of Building Permit application. 2 existing accesses from Oceola Road
Water Supply:	Municipal water, for domestic use, is available at the property line adjacent to Oceola Road.
Sewer:	Municipal sewer is available at the property line along Oceola Road
Drainage / Stormwater	Storm water system improvements may be required along the Oceola Road frontage.
Comments:	Infrastructure and Development Engineering is able to support this application if the servicing requirements can be met.

ANALYSIS

As per section 20.1 of the *Agricultural Land Commission Act*, the owner has submitted a non-adhering residential use application (Attachment A) to the Agricultural Land Commission (ALC) to request permission to place 17 temporary trailers on the property for seasonal farm workers on the subject property. An application to the ALC, and ALC approval, are requirements to place the temporary trailers for the seasonal farm workers.

The applicant owns approximately 43 hectares (8 parcels) of agricultural land within the District of Lake Country. An agrologist's report (Attachment B) has been submitted in support of this application to remove low producing orchard trees from the south-east corner of the property to accommodate 79 seasonal farm workers (Attachments C and D). The proposal includes 17 trailers, consisting of 11 sleeping trailers, two washroom trailers, two kitchen trailers, one laundry and one rec trailer (Attachment E); a three metre wide landscape buffer (Attachment F) would surround the accommodation site. The applicant went beyond the requirement of the landscape buffer to screen and deter agricultural spray onto the proposed site (no buffer required; 3.0m buffer proposed).

The property has farm status from BC Assessment.

The ALC policy L-26 (Attachment G) for Non-Adhering Residential Use in the ALR, applies to seasonal accommodation facilities for temporary farm workers. If Council decides to forward this application to the ALC, then the ALC would review the application in detail in accordance with ALC legislation and Policy L-26.

Official Community Plan

The property is within the OCP Agricultural designation and is within the ALR.

The property falls within the District's Natural Environment Development Permit Areas (DPA); however, a Development Permit would not be required as it corresponds to the following OCP exemption (s.21.9.a):

A Development Permit will not be required if the development consists of the following:

- a. *Land is no longer considered environmentally sensitive due to the loss of environmental features, functions and conditions as a result of a previously approved development.*

The property falls within the District's Drainage Development Permit Areas (DPA); however, a Development Permit would not be required as it corresponds to the following OCP exemption (s.21.3.5.e.):

A Development Permit will not be required if the development consists of the following:

- e. *For property that is within the ALR and/or zoned for agricultural use, activities limited to those indicated as normal farm practices as defined in the Farm Practices Protection (Right to Farm) Act where the subject area has been previously altered for agricultural purposes.*

District staff support the proposed seasonal accommodation proposal as it is consistent with the OCP's Agricultural goal (s.14.1.1): Protect and enhance the agricultural sector within the District of Lake Country.

Zoning Bylaw

The property is an A1 – Agriculture Zone; seasonal accommodation for farm help is permitted as a Secondary Use on land, which is classified as a "farm" as per the *Assessment Act*; this property has farm status.

Further to that, the building plan complies with the following seasonal accommodation facilities regulation in the zoning bylaw:

Section 15.1.5(d) seasonal accommodation facilities to satisfy demand for seasonal farm help on parcels classified as "farm" for assessment purposes. Seasonal accommodations:

- *must include no more than 15m² (150 ft²) of private space per sleeping unit*
- *must include shared cooking and washroom facilities*
- *must not be placed on a permanent foundation*
- *may be built to a ratio of up to 10 sleeping units per hectare of farmland*

The applicant submitted Trailer Plans (Attachment E) to demonstrate the layout of facilities to be provided. A landscape plan (Attachment F) with a native or drought-tolerant planting list. The Attachment D shows the proposed setbacks on a plan, and it complied with the A1 zone.

District staff support the proposed seasonal accommodation proposal as it complies with the zoning regulations in the A1 – Agriculture 1 zone.

DEVELOPMENT REGULATIONS		
CRITERIA	A1 Zone	PROPOSAL
Site Coverage	35%	3.48%
Height	9.5 metres or 2 ½ storeys	1 storeys
Density	10 sleeping units per hectare of farmland	79 (7.89 ha)
Min. Front Yard (East)	6.0 metres	6.0 metres
Min. Side Yard (North)	3.0 metres	5.0 metres
Min. Side Yard (South)	3.0 metres	8.0 metres
Min. Rear Yard (West)	10.0 metres	10.0 metres +

Landscaping	A1 Zone	PROPOSAL
Front	Level 1: no specific guidelines for the design of the landscape buffer	3.0 metres vegetative buffer and a chain link fence
Sides	Level 1: no specific guidelines for the design of the landscape buffer	3.0 metres vegetative buffer and a chain link fence
Rear	Level 1: no specific guidelines for the design of the landscape buffer	3.0 metres vegetative buffer and a chain link fence

Agricultural Advisory Committee (AAC)

Staff presented the application to the AAC on March 10, 2025 where the AAC made a motion to defer the application until the next meeting subject to the applicant providing the following information for review:

1. A map of all properties, within Lake Country, farmed by the applicant.
2. Analysis of all properties owned by the applicant in Lake Country to indicate that the subject property is the best location for temporary farm workers housing.
3. Confirmation of the number of farm laborers needed for the applicant's properties in Lake Country.
4. A revised site plan including a buffering plan and planting list for the temporary farm workers housing.

At the following AAC meeting held on April 14, 2025, staff presented the updated application with the additional information provided by the applicant. The AAC members discussed the application, with some members in support of the proposal and other members not in favour as they did not believe the application met the requirements set forth in the AAC Terms of Reference. The Committee put forward a motion of support for consideration; the motion failed with a tie vote. The AAC did not put any further motions forward for consideration.

Servicing Considerations

Municipal sewer and water run along Oceola Road. A water service for the Temporary Farm Worker Housing would be necessary; the water would be for domestic use only. The District distribution system does not currently have adequate capacity to supply agricultural water to properties in this area. A connection to the municipal sewer system would be required.

Storm water is currently managed adjacent to Oceola Road using an open ditch. At the time of building permit application, the developer may be required to provide improvements to the storm water system.

The property currently has two accesses from Oceola Road. The District is unlikely to permit the farm worker housing to utilize the existing access at the Southeast corner of the property as shown on the plan. There is another existing access at the Northwest corner of the property that is better suited for this proposed use. Access will need to be addressed at the time of building permit.

At the time of building permit application, a Works and Services application would also be necessary. Requirements for the works and services would be as outlined in the District of Lake Country Subdivision and Development Servicing Bylaw 1121, 2020. While the property is not currently adequately serviced, the Infrastructure and Development Engineering Department is able to support this application if the servicing requirements outlined herein are met.

FINANCIAL IMPLICATIONS

☒ None ☐ Budget Previously Approved ☐ Other (see below)

COMMUNICATION

- This application was referred to internal departments and comments were provided and shared with the applicant.

ALTERNATE RECOMMENDATION(S)

1. THAT Non-adhering Residential Use application ALR00195 for property at 12192 Oceola Road, (PID 010-562-605) to allow temporary farm worker housing within 17 trailers not be supported;
AND THAT Non-adhering Residential Use application ALR00195 be forwarded to the Agricultural Land Commission.
2. THAT Non-adhering Residential Use application ALR00195 for property at 12192 Oceola Road, (PID 010-562-605) to allow temporary farm worker housing within 17 trailers not be supported;
AND THAT Non-adhering Residential Use application ALR00195 not be forwarded to the Agricultural Land Commission.
3. THAT Non-adhering Residential Use application ALR00195 for property at 12192 Oceola Road, (PID 010-562-605) to allow 79 temporary farm worker housing units within 17 trailers be deferred pending receipt of additional information identified by Council.

Respectfully Submitted,
Jason Tran, Planner

Report Approval Details

Document Title:	Agricultural Land Reserve - ALR00195 - 12192 Ocoola Road - Council Report.docx
Attachments:	<ul style="list-style-type: none"> - Attachment A - ALR00195 - ALC Application.pdf - Attachment B - ALR00195 - Agrologist Report.pdf - Attachment C - ALR00195 - Farm Unit, Location and Site Plan.pdf - Attachment D - ALR00195 - Setbacks Plan.pdf - Attachment E - ALR00195 - Trailer Plans.pdf - Attachment F - ALR00195 - Landscape Plan.pdf - Attachment G - ALR00195 - ALC Policy L-26.pdf
Final Approval Date:	Apr 29, 2025

This report and all of its attachments were approved and signed as outlined below:

Carie Liefke, Manager of Current Planning - Apr 25, 2025 - 3:06 PM

Steven Gubbels, Development Engineering Manager - Apr 25, 2025 - 3:12 PM

Jeremy Frick, Director of Development Approvals - Apr 28, 2025 - 6:16 AM

Reyna Seabrook, Director of Corporate Services - Apr 28, 2025 - 10:53 AM

Paul Gipps, Chief Administrative Officer - Apr 29, 2025 - 8:24 AM

Makayla Ablitt, Legislative & FOI Coordinator - Apr 29, 2025 - 9:33 AM