
MEETING TYPE: 2
MEETING DATE: Tuesday, November 15, 2022
AUTHOR: Jason Tran, Planner
DEPARTMENT: Planning and Development
ITEM TITLE: Non-Adhering Residential Use Application – ALR2021-005 – Lot B Okanagan Centre Road East
DESCRIPTION: Temporary Farm Worker Accommodation for 30 Farm Workers

QUESTION

Does Council think that the proposal to construct temporary farm worker accommodation for 30 workers is an acceptable use of Agricultural Land Reserve (ALR) land and that it is needed to support agriculture?

OPTIONS

- A. THAT Non-Adhering Residential Use Application ALR2021-005 for Lot B Okanagan Centre Road East legally described as Lot B Section 10 Township 20 Osoyoos Division Yale District Plan 12891 to allow temporary farm worker accommodation for 30 workers be supported.
- B. THAT Non-Adhering Residential Use Application ALR2021-005 for Lot B Okanagan Centre Road East legally described as Lot B Section 10 Township 20 Osoyoos Division Yale District Plan 12891 to allow temporary farm worker accommodation for 30 workers be supported;
AND THAT Council recommends that a vegetative buffer be planted between the orchard and the temporary farm worker housing to protect farm workers from spray drift, with plantings selected based on Integrated Pest Management best practices.
- C. THAT Non-Adhering Residential Use Application ALR2021-005 for Lot B Okanagan Centre Road East legally described as Lot B Section 10 Township 20 Osoyoos Division Yale District Plan 12891 to allow temporary farm worker accommodation for 30 workers not be supported.

EXECUTIVE SUMMARY

The subject property is in active agricultural production and is used primarily as a cherry orchard. There are no existing buildings. The applicant proposes 30 sleeping units for temporary farm workers within four buildings and a sewage collection and pump system is proposed to the east of the temporary farm worker housing. Vegetative buffering to protective neighbouring properties and temporary farm workers from spray drift is proposed along the north, west, and east property boundaries per the recommendations of the agrologist and the Agricultural Advisory Committee.

BACKGROUND/HISTORY

The application is a Non-Adhering Residential Use Application, which is required by the Agricultural Land Commission (ALC) to allow temporary farm worker housing to be placed on land in the Agricultural Land Reserve. The ALC is requesting that Council provide a recommendation that they will consider in their final deliberations.

The applicant and his family have lived and farmed in Lake Country and Kelowna since 2004. According to the submitted Farm Plan, *“At this time, the family owns, or leases a total of 38.16 acres and are dedicated to the production of high-quality cherries and apples. All properties have farm status, are within the ALR and are in full*

production except where the family has taken advantage of the replant program and there has been conversion of older apple varieties to high quality cherries."

Additionally, the applicant has participated in the federal Seasonal Agriculture Worker Program for the last five years. As the applicant is shifting the farm business from apple production to intensive cherry production, the applicant needs additional farm help as 25 acres of cherry orchard in their farm unit is anticipated to come into production shortly.

At the April 4, 2017 Regular Council Meeting, Council made the following resolution:

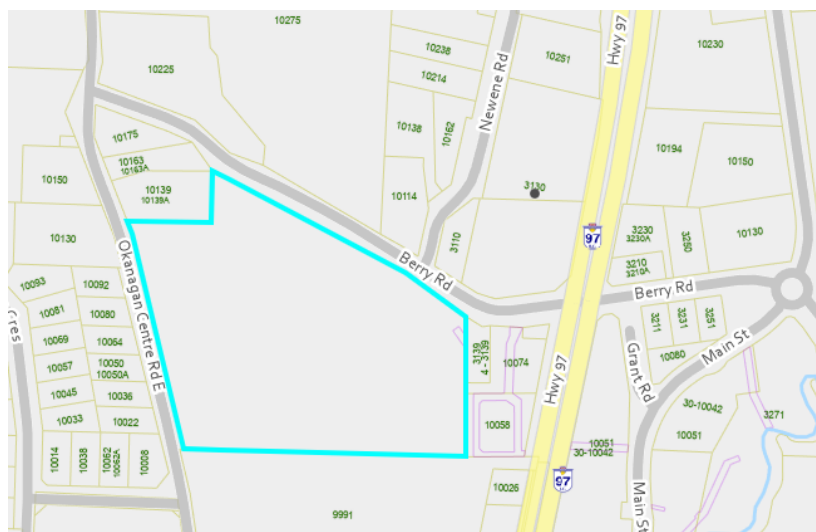
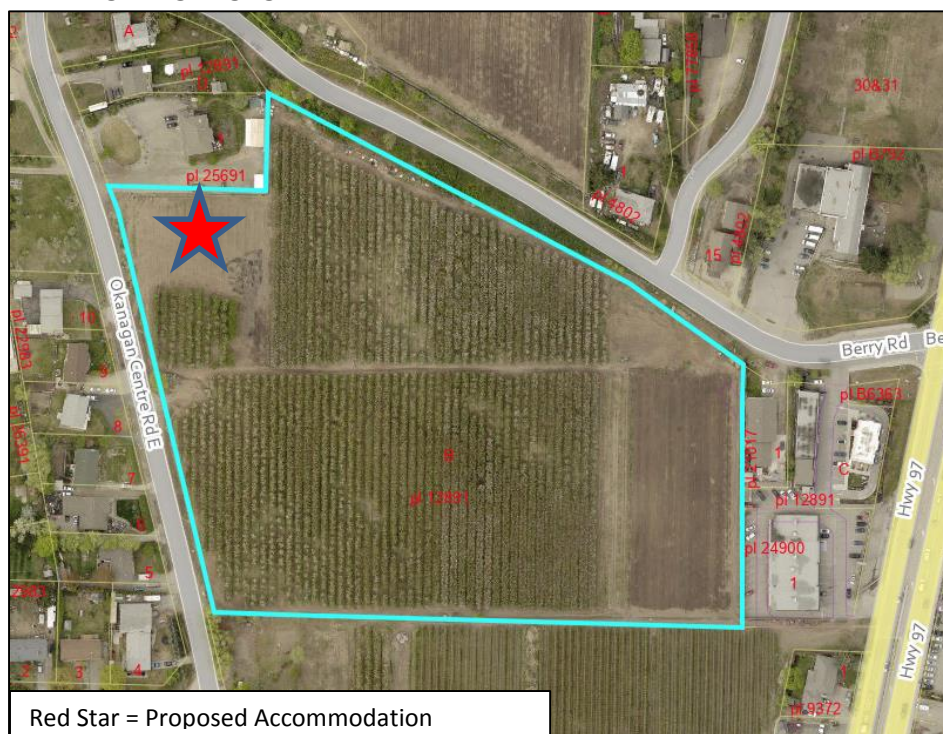
THAT staff be directed to review the Ministry of Agriculture: Guide to Regulating Temporary Farm Worker Housing in the ALR, to determine the appropriate bylaw application in the District of Lake Country, with an effort to have consistent and supportive bylaws for agriculture.

Staff will be reviewing the approach to temporary farm worker housing in conjunction with an upcoming project to implement the Agriculture Plan, which includes reviewing the Agriculture 1 (A1) zone in the Zoning Bylaw to align with the goals and objectives of the Agriculture Plan.

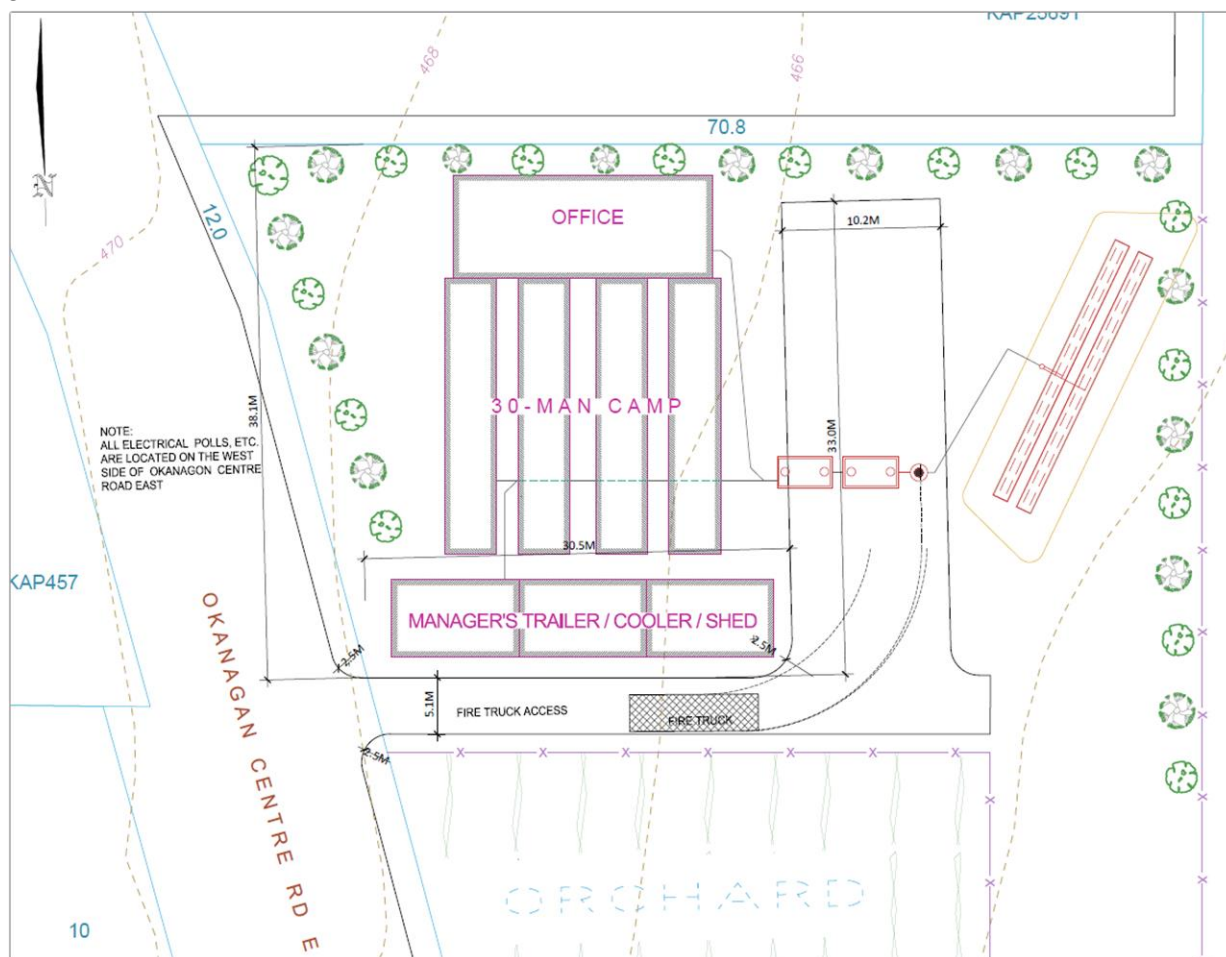
Summary Information			
Application Type	Agricultural Land Reserve		
File Number:	ALR2021-005	Roll #:	2378000
Legal Description:	Lot B Section 10 Township 20 Osoyoos Division Yale District Plan 12891		
PID	009-338-225		
Civic Address:	Lot B Okanagan Centre Road East		
OCP Designation:	Agricultural		
Zoning Designation:	A1 - Agriculture 1		
Land Use Contract	No		
ALR:	Yes		
Parcel Size:	11.66 acres (4.7 ha)		
Development Permit Area(s):	N/A		
Water Supply:	Municipal - Beaver Lake		
Sewer:	On-site septic system		
Site Summary:	Zoning:	Use:	
<i>North:</i>	A1 - Agriculture 1	Tree Fruits (vacant)	
<i>East:</i>	RU6 – Two Dwelling Housing, C1 – Town Centre Commercial, C9 – Tourist Commercial	Mixed use	
<i>South:</i>	RR2 – Rural Residential 2	Residential (acreage)	
<i>West:</i>	RU1 – Single Family Housing	Residential	

SITE CONTEXT

The subject property is in active agricultural production with a cherry orchard. There are no buildings currently located on site. A mix of smaller residential properties and larger agricultural properties within the ALR are located to the north, west and south. Commercial properties within the Town Centre abut the property to the west. The property is within walking distance of commercial businesses and other services within the Town Centre and is located on a bus route.

MAP 1: LOCATION MAP

MAP 2: ORTHOPHOTO


SITE PLAN



SITE PHOTOS



View looking east at the proposed farm worker accommodation site



View north – shows proposed farm worker accommodation site and adjacent property

CHRONOLOGY:

<i>Date:</i>	<i>Event:</i>
2021-05-18	Application submission
2022-05-09	Internal and external referrals sent
2022-06-13	Applicant submitted an Agrologist Report
2022-06-14	Applicant submitted a Farm Plan
2022-08-15	AAC consideration of application. AAC made the following resolution: <i>THAT the ALR application {ALR2021-005} be supported subject to the following conditions: the applicant provide a 3m vegetated buffer on the east side of the temporary farm worker accommodation to protect workers from spray drift.</i>
2022-09-16	Comprehensive Letter was sent to the applicant
2022-09-26	Applicant submitted a revised Agrologist's Report and Farm Plan
2022-10-08	Applicant submitted a revised site plan

DISCUSSION/ANALYSIS

Proposed Development

The applicant is applying for temporary farm worker housing to house 30 temporary farm workers to help the Sumal family with their cherry orchard and another 25 acres coming into production in their farm unit in 2023. Those workers are part of the federal Seasonal Agricultural Worker Program and will help plant, prune, pick and pack cherries. The farm workers will live on the property for six months annually, typically between April and September.

The proposed location for the farm worker accommodation is within a cleared area on the property. The applicant proposes an on-site sewage system with a pump, collection, and dispersal system to the east of the buildings. Per the Agrologist Report, this site was considered the best option due to its proximity to Okanagan Centre Road East for access purposes and because the soil at this location "is extremely sandy and does not retain water or nutrients well, making crop loads light compared to other portions of the orchard."

The applicant also proposes to build four additional buildings that are not the subject of this application: an office, a manager trailer, a cherry cooler, and a shed.

Proposed Number of Workers:

The proposed 30 sleeping units comply with the District Zoning Bylaw under Agriculture – A1, which limits the number of sleeping units to a ratio of up to 10 sleeping units per hectare of farmland. The maximum number of sleeping units permitted on this property per the Zoning Bylaw is 47.

According to the Agrologist report, the applicant is using the industry standard for farm worker accommodation for cherry orchards, which is approximately 1 worker/acre in peak production. The industry standard is less than what the District's Zoning Bylaw allows. Given the total area of agricultural land under production that the Sumal family owns within the District of Lake Country (see Table 1), the Agrologist report concludes that "the request for 30 TFW's [temporary farm workers] housed on site is well within reason".

Table 1

Property 1 (subject property)	Property 2	Property 3	Property 4
Lot B Okanagan Centre East Road (home farm and owned in DLC)	12002 Bond Road (long term leased in DLC)	4391 Shanks Road (owned in DLC)	4295 Shanks Road (owned in Kelowna but just down the road from Property 3)
4.7 ha (11.66 acres)	3.0 ha (7.5 acres)	4.0 ha (9.8 acres)	3.7 ha (9.2 acres)
Cherry	Cherry	Cherry	Replant block into full production in 2023
Total of 15.44 ha (38.16 acres) of farm production with all four properties			

Over time, there have been different approaches to temporary farm worker housing in the District in terms of whether farm workers can work on multiple properties within a single farm unit. On closer examination of the District's Zoning Bylaw, staff concluded that, while the buildings used for temporary farm worker housing must be for workers employed on the same site as the farm operation, farm workers are not precluded from also working on other lands within the same farm unit.

Health and Safety of Farm Workers

Based on the site plan and the Agrologist Report, the applicants should take actions to protect temporary farm workers and adjoining neighbours from spray drift. The Agrologist Report recommends (but is not limited to) the following actions:

1. "Communicating clearly, how, where and when spray activities will take place.
2. Calibrating spray equipment regularly to ensure correct patterning and droplet size.
3. Reducing sprayer pressure to limit drift.
4. Using aerated nozzles on sprayers.
5. Spraying when winds push drift into orchard rather than away.
6. Spraying in winds less than described on label.
7. Stop spraying when winds exceed label descriptions.
8. Placing temporary or permanent screening/vegetation between orchard and Temporary Farm Worker Housing."

Vegetative buffering is proposed along the west, north, and east boundaries of the property per the Agrologist's and Agricultural Advisory Committee's recommendation. The buffering will serve the dual purpose of protecting farm workers and neighbouring properties from spray drift and providing some visual screening of the buildings from the road. The Agrologist Report recommends using the list of plants suggested by the Ministry of Agriculture in the *Guide to Edge Planning: Promoting Compatibility Along Agricultural – Urban Edges*.

APPLICABLE LEGISLATION AND POLICIES

Official Community Plan (OCP)

The proposed development meets the following OCP policies:

- 14.1.3 (f) Support additional dwellings on farmland only when the farm warrants full-time help.
- 14.3 The District of Lake Country is committed to working with the Agricultural Land Commission to support their objective of protecting farmland throughout British Columbia. All development on lands designated as Agricultural must respect the policies of the Agricultural Land Commission.

Agriculture Plan

Goal 2 in the Agriculture Plan is to support agriculture throughout government process, policy, and regulation. The following related actions are intended to support this goal:

- Identify potential areas where specific farm-friendly neighbourhood development standards could be appropriate (e.g. along the urban containment boundary, ALR edge).

The proposal is to efficiently accommodate the temporary farm workers within one site located near the Town Centre rather than requiring the applicant to split the workers between all the properties within his farm unit.

Zoning Bylaw

The proposed development meets all Zoning Bylaw regulations.

Subdivision and Development Servicing Bylaw: Subdivision and Development Servicing Bylaw provisions will be applicable at time of building permit application.

IMPACT ON INFRASTRUCTURE OR MUNICIPAL SERVICES

The proposed temporary farm worker housing triggers site servicing requirements in the Subdivision and Development Servicing Bylaw. The servicing requirements for A1 – Agriculture 1 zoned lands include:

- Cash-in-lieu for highway and walkway improvements;
- Use of a water source (well or surface source);
- Provision of an on-site sewerage system designed and constructed by a qualified professional in accordance with the Sewerage System Regulation of the BC *Public Health Act*;
- Storm drainage system;
- Drainage, sediment, and erosion control plan; and
- Overhead utilities (hydro, telephone, cable).

IMPACT ON STAFF CAPACITY AND FINANCIAL RESOURCES

Regular staff time was used in the processing of this application.

COMMENTS FROM EXTERNAL AGENCIES, COMMITTEES AND STAKEHOLDERS

Interior Health Authority: From a healthy community planning perspective we have no concerns with the proposed use on the subject parcel. However, please note that the following regulations and requirements will/may apply depending on the specifics of the development:

1. Industrial Camps Regulation

Prescribes the minimum housing standards which must be met including provision of sanitary facilities. Approval prior to constructing or operating is not required. However, it is the responsibility of the owner/operator to comply with this legislation. Interior Health does investigate complaints of health hazards and will enforce these requirements.

2. Sewerage System Regulation

Prescribes that any buildings in which domestic sewage is produced must be connected to the community sanitary sewer system or a sewerage system. Any construction or alterations to a sewerage system must be done by an Authorized Person under this regulation. See Sewerage, Subdivisions & Healthier Industries | IH (interiorhealth.ca) for more information.

3. Food Premises Regulation

Prescribes requirements for storing, preparing, selling food. If food preparation facilities are provided for workers to prepare their own meals, then this regulation would not apply. However, if the owner/operator stores and/or prepares food for workers then this regulation would apply. See Food Premises | Businesses | IH (interiorhealth.ca).

Agricultural Advisory Committee:

At the AAC meeting on August 15, 2022, the AAC provided the following resolution:

THAT the ALR application (ALR2021-005) be supported subject to the following conditions: the applicant provide a 3m vegetated buffer on the east side of the temporary farm worker accommodation to protect workers from spray drift.

The applicant has implemented the AAC's recommendation as shown on his site plan.

CONSULTATION AND COMMUNICATION

Public consultation is not a legislative requirement for ALC applications and is not a requirement in the Development Approval Procedures Bylaw.

ANALYSIS OF OPTIONS FOR CONSIDERATION

OPTION A: If Council supports the application, the proposal will be forwarded to the ALC for their consideration. If the ALC approves the application, the applicant may be able to install the accommodation in time for the 2023 season.

OPTION B: If Council supports the application, the proposal will be forwarded to the ALC for their consideration. If the ALC approves the application, the applicant may be able to install the accommodation in time for the 2023 season. A vegetative buffer planted between the orchard and the temporary farm worker housing is considered best practice to protect workers from spray drift. If the ALC agrees, they can make the buffer a condition of approval.

OPTION C: If Council does not support the application, the applicant will not be able to build the temporary farm worker housing. The applicant will need to find another option to meet his labour needs on the subject property. This may include options such as reducing the number of workers proposed and reapplying or using workers housed on other properties.

Respectfully Submitted,
Jason Tran, Planner

Report Approval Details

Document Title:	ALR2021-005 - LOT B OKANAGAN CENTRE ROAD EAST - NON-ADHERING RESIDENTIAL USE.docx
Attachments:	<ul style="list-style-type: none">- Attachment A - ALR Application Package.pdf- Attachment B - Site Plan.pdf- Attachment C - Farm Plan.pdf- Attachment D - Agrologist Report.pdf
Final Approval Date:	Nov 7, 2022

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

No Signature found

Brian Zurek, Manager of Planning - Nov 4, 2022 - 4:37 PM

Jared Kassel, Director of Planning & Development - Nov 5, 2022 - 7:19 PM

Tanya Garost, Chief Administrative Officer - Nov 7, 2022 - 3:18 PM