

# Agricultural Land Commission Referral Application A-21-04

Regional District of Central Okanagan Board Meeting  
March 28, 2022

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1450 K.L.O. Road  
Kelowna, BC, V1W 3Z4  
rdco.com

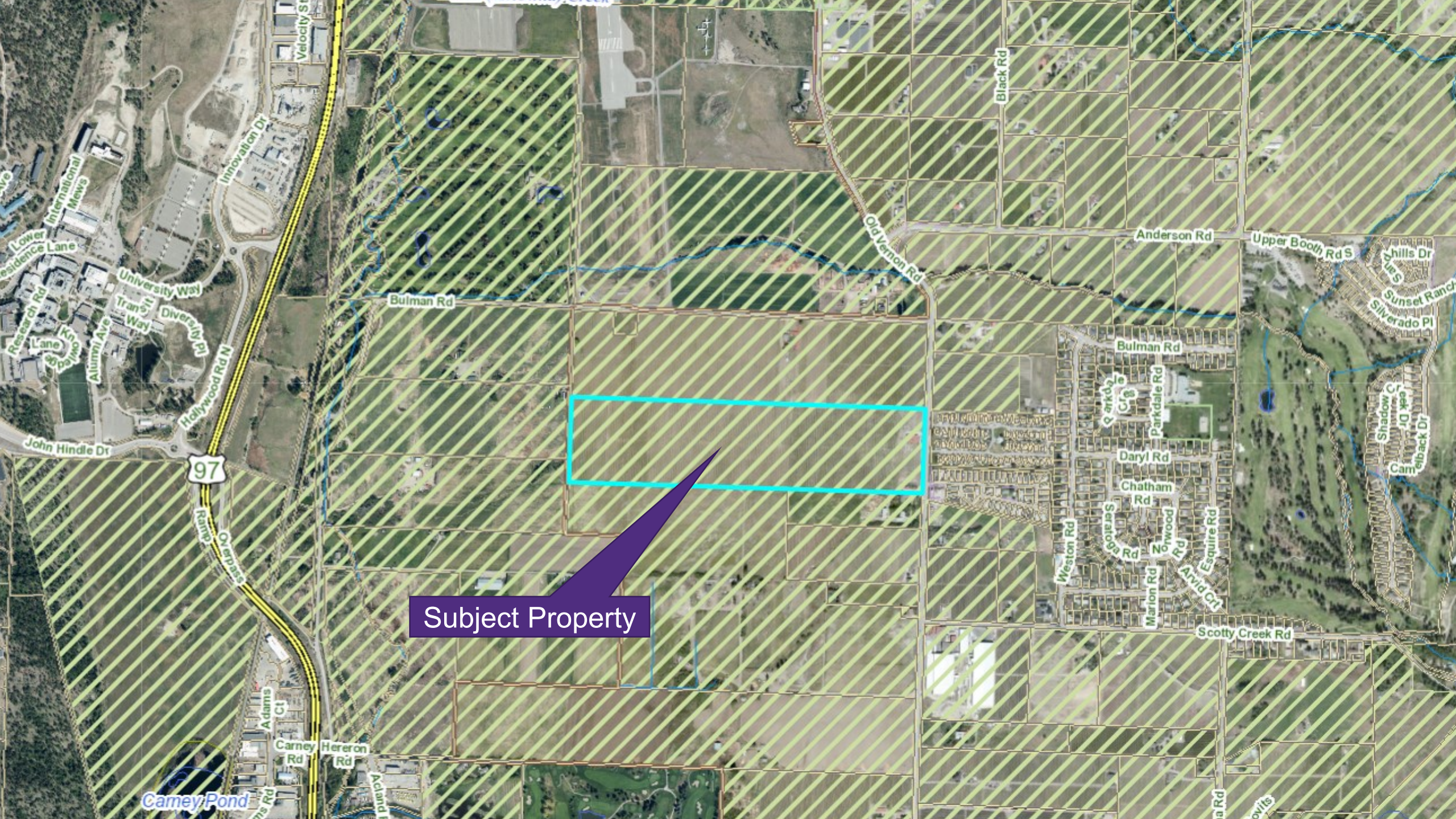


# Purpose

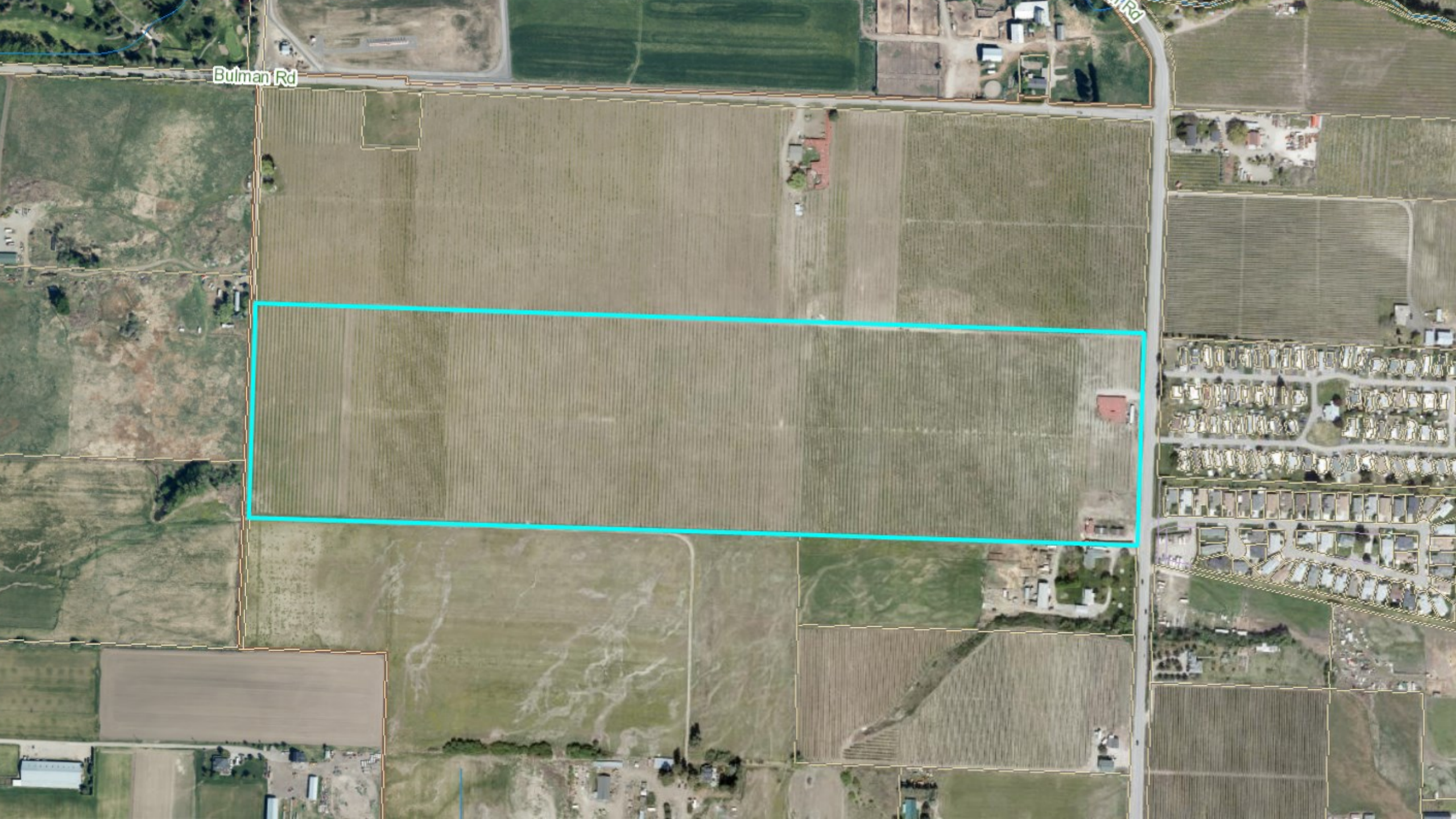
- To consider a change to an Agricultural Land Commission referral application to permit a Non-Adhering Residential Use to use a portion of the property for temporary farm worker housing



Subject Property



Subject Property



Bulman Rd

Rd

# Background

- Second time this application is being presented
  - Regional Board approval – January 13, 2022
- Location change: Bulman Road to Old Vernon Road



Bulman Rd

Old Vernon Rd

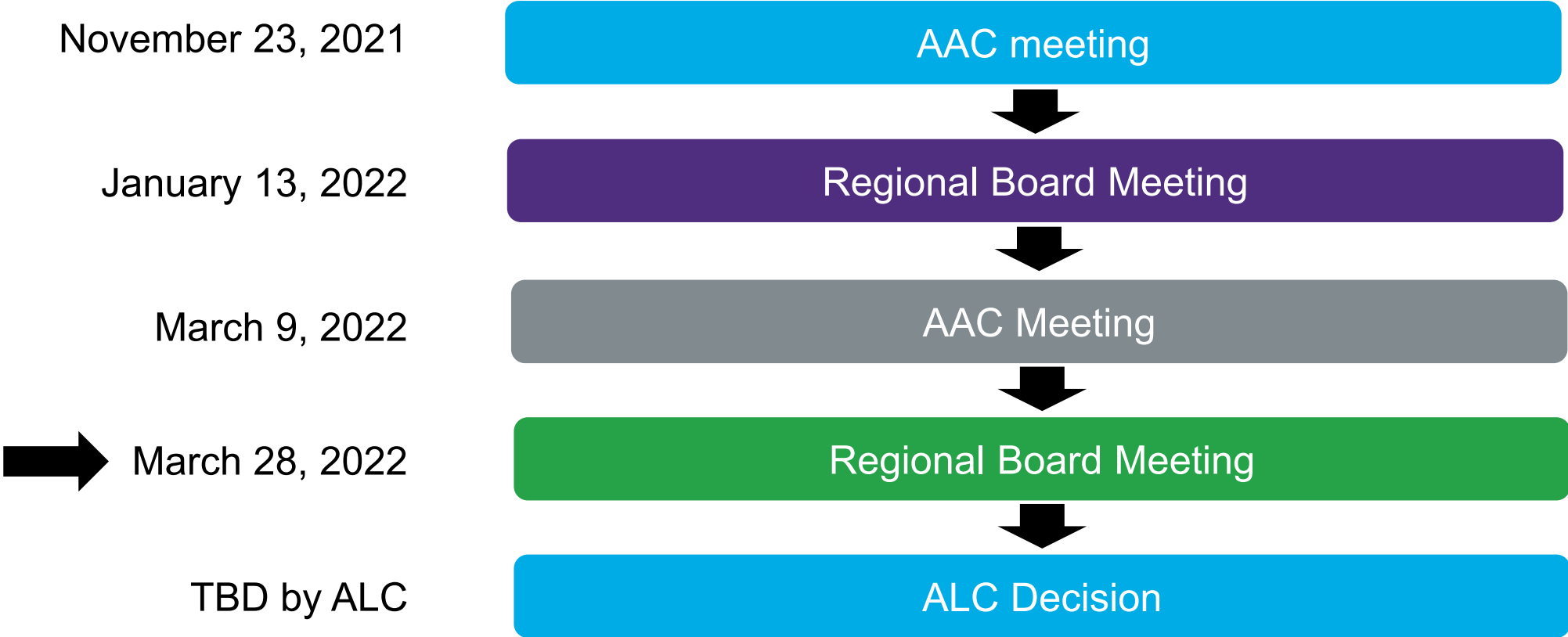


Previous Proposed Location



New Proposed Location

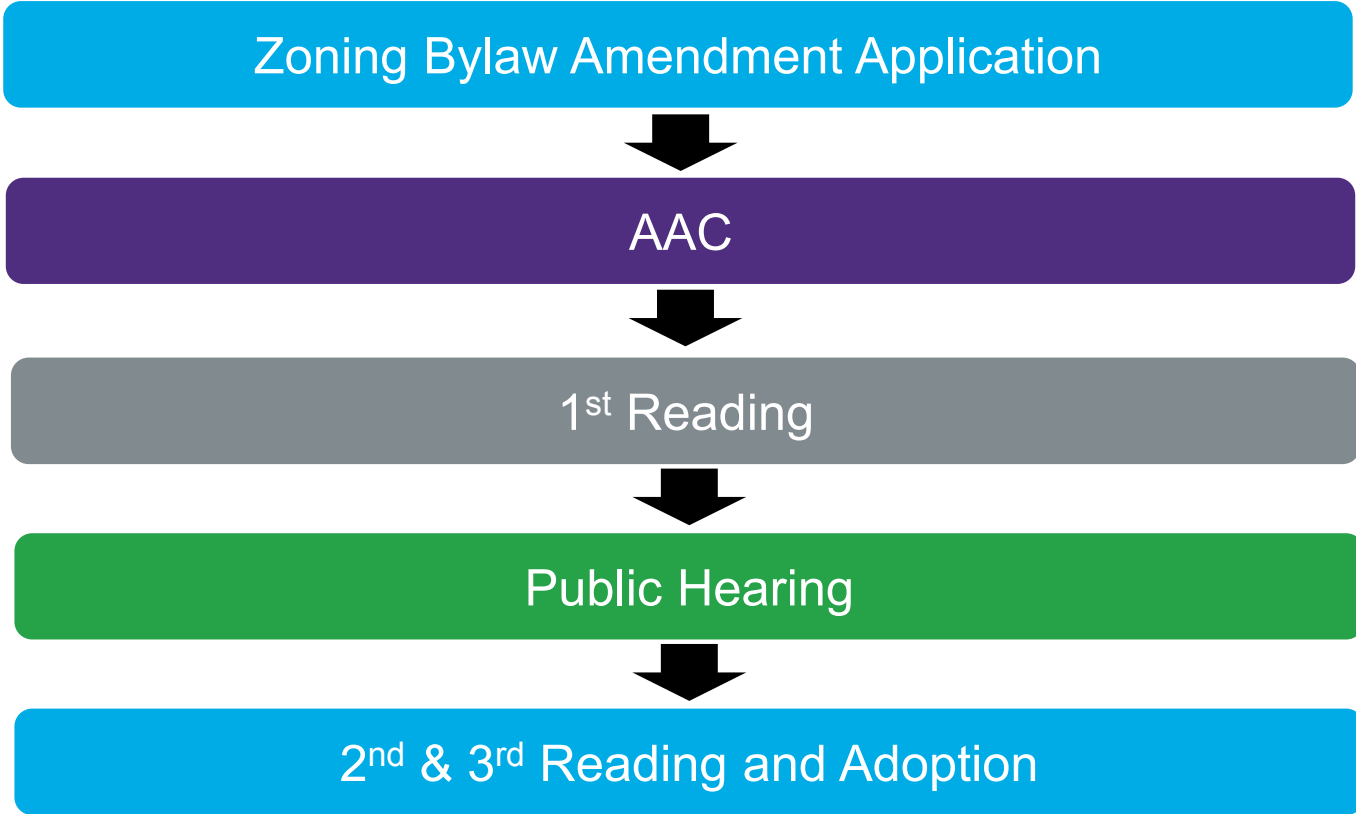
# Background





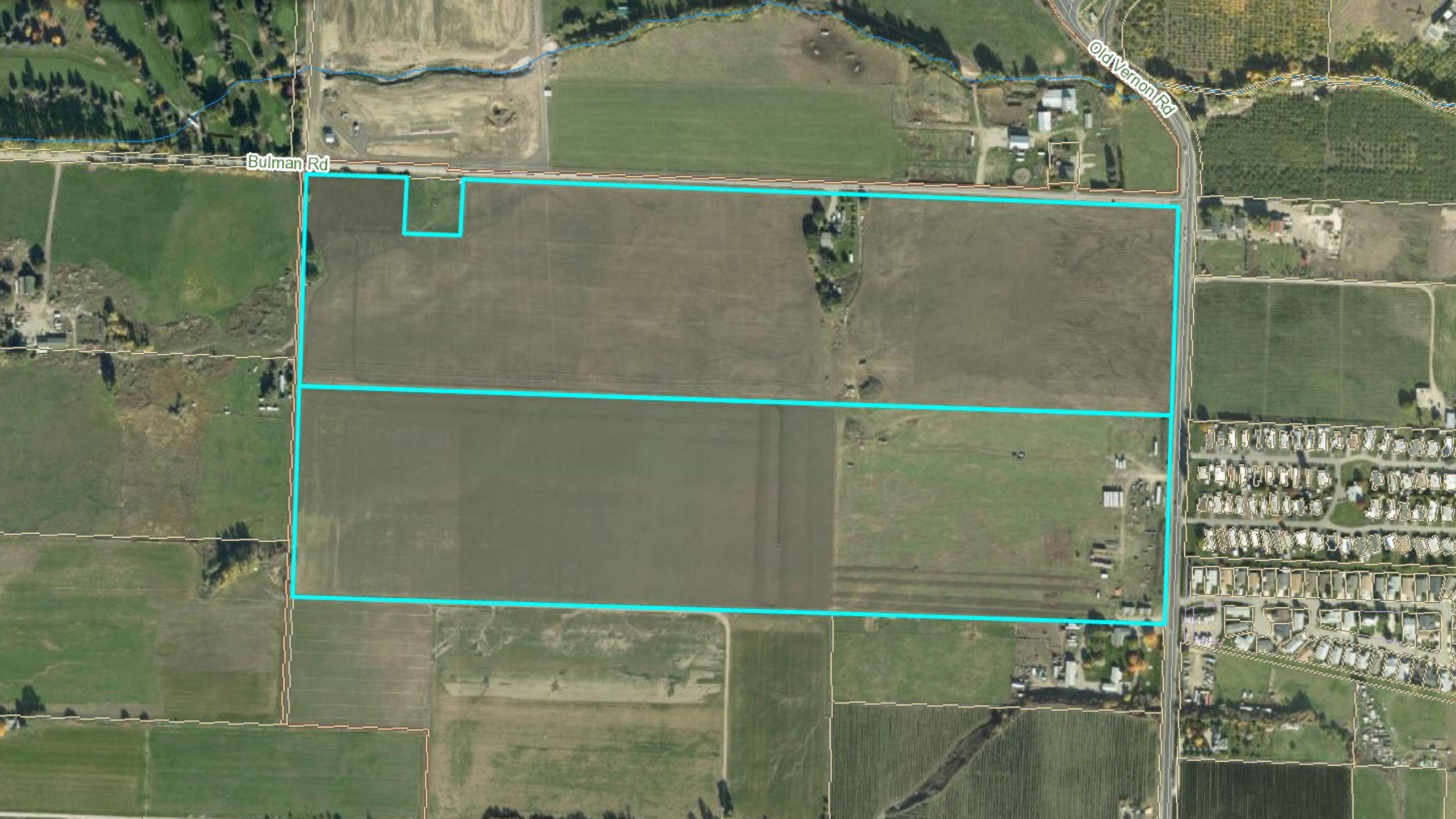
# Background

After ALC approval



# Background

- 300-hectare farm operation
- 310 temporary farm workers



Bulman Rd

Old Vernon Rd

# Background

- The subject property contains:
  - Four small dwellings (red)
  - Trailer for TFWH (blue)



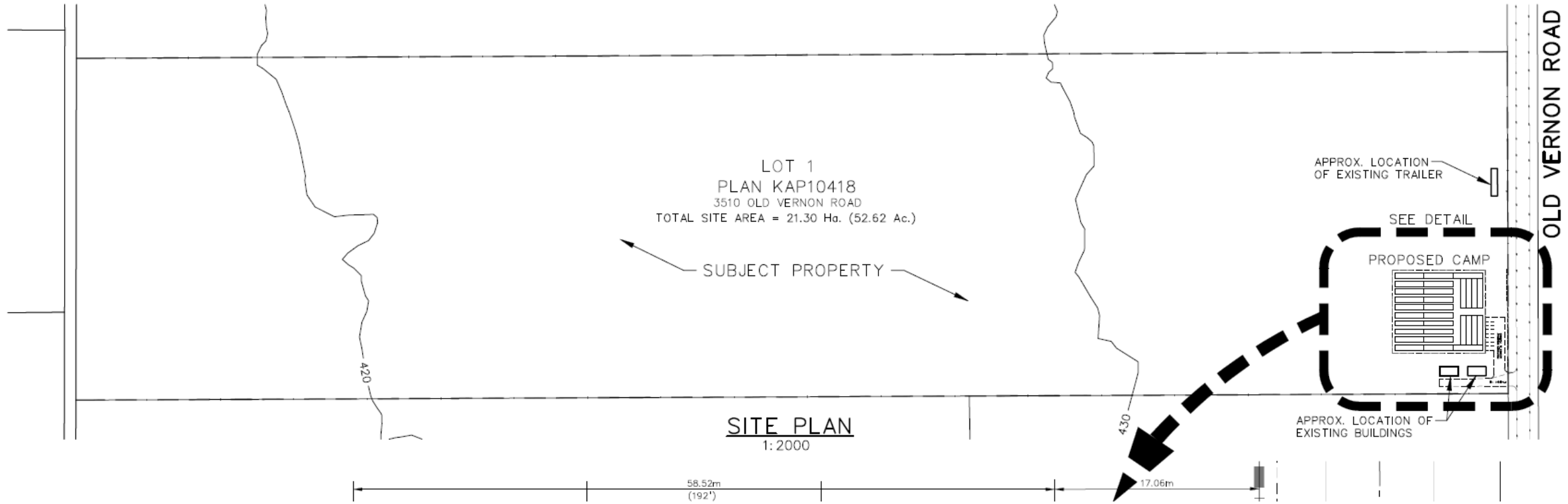


2  
ORCHARD  
S.S.  
IER  
S LTD



# Proposal

- Temporary Farm Worker Housing for 120 temporary farm workers under the Seasonal Agricultural Worker Program

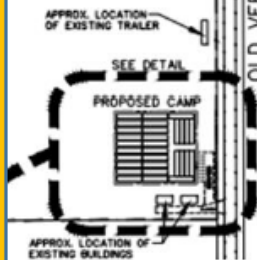
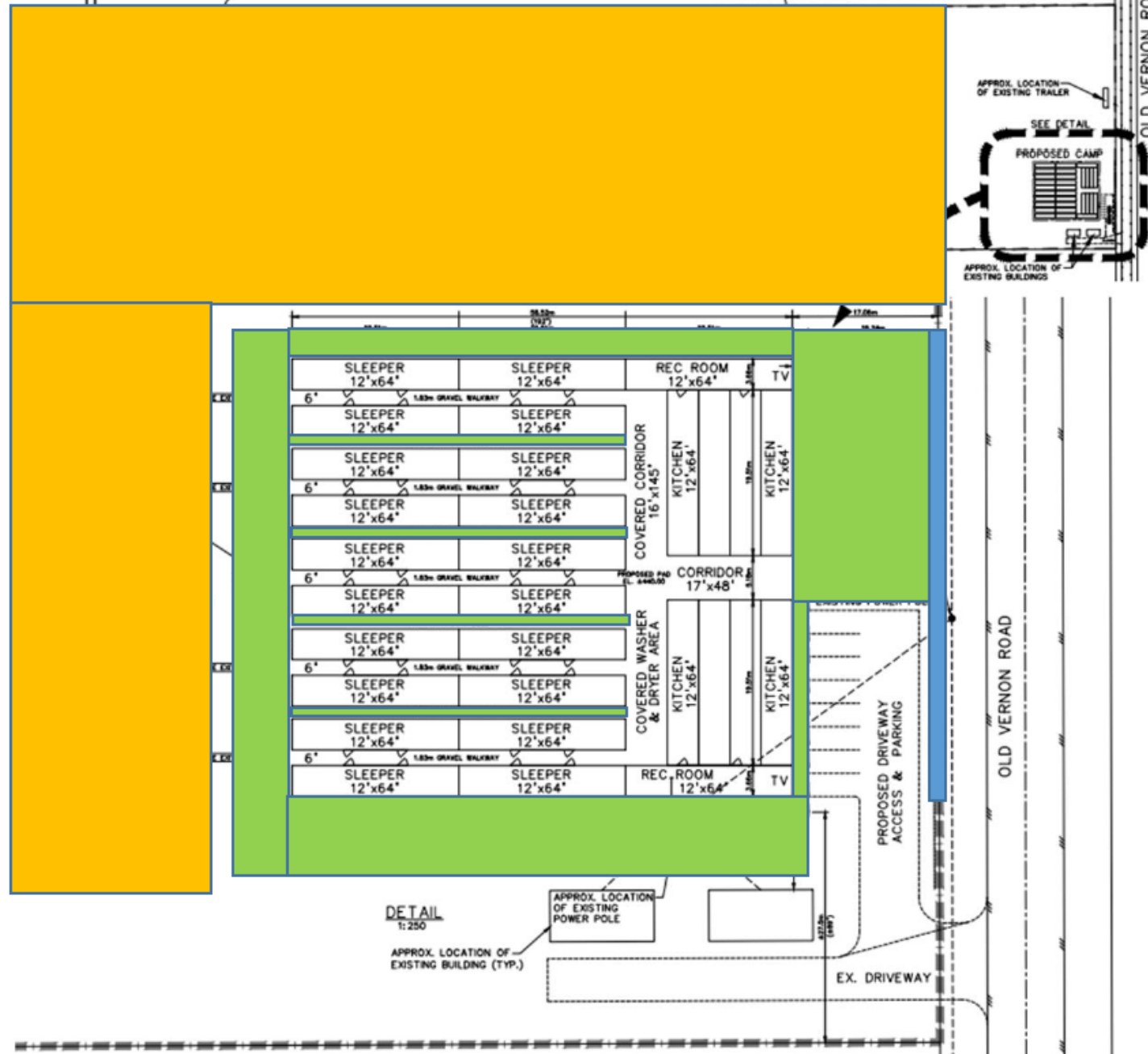






# Proposal

- Additional 1695 m<sup>2</sup> outdoor amenity space
- 8 parking spaces
- Fence adjacent to Old Vernon Road



**LEGAL DESCRIPTION**

PROPOSED DEVELOPMENT OF LOT 1,  
PLAN KAP10418, SECTIONS 11 & 12,  
TOWNSHIP 23, O.D.Y.D.

PID: 001-525-662  
CIVIC ADDRESS: 3510 OLD VERNON ROAD

**LEGEND**

- PROPOSED GRADE OR DITCH
- PRE-DEVELOPMENT CONTOUR (5.0m INTERVAL)
- POST-DEVELOPMENT DRAINAGE VECTOR (8 GRADE)
- SPOT ELEVATIONS
- ROCK PIT LOCATOR AND ELEVATION OF EX. GROUND
- 100 YR. FLOOD ROUTE ( SURFACE )

**DRAINAGE NOTES**

1. ROOF LEADERS TO DISCHARGE ON SPLASH PADS OR TO ROCKPITS.
2. TOP OF FILL OR CUT TO MEET EXISTING GROUND ELEVATIONS AT PROPERTY LINES OF ADJACENT PROPERTIES.
3. GENERAL CONTRACTOR IS RESPONSIBLE FOR FINE LOT GRADING WHICH MAY INCLUDE DRAINAGE SWALES, LANDSCAPING AND IRRIGATED BOULEVARDES.

- fence
- outdoor amenity
- cherry orchard

DETAIL  
1:250

APPROX. LOCATION OF EXISTING BUILDING (TYP.)

APPROX. LOCATION OF EXISTING POWER POLE

EX. DRIVEWAY

OLD VERNON ROAD



5573-E

8076







5673-C







# Proposal

- Proximity to public transit routes
- Proximity to work locations
- Minimized building footprint on a single site
- 120 workers reasonable for 40 ha of cherries

# Agrologist Report

- 120 temporary farm workers is reasonable
- Location is an efficient use of land within the ALR

# Servicing

- Black Mountain Irrigation District
- Proposed Septic System
- Within the Ellison Fire Protection Area
- FortisBC

# Seasonal Agricultural Worker Program

- Federal program
- Maximum 8 months per year
- Ensure safe working and living conditions for workers

# Agricultural Land Commission

- ALR Use Regulations do not have provisions for TFWH
- All TFWH proposals require a Non-Adhering Residential Use application

# Regional Growth Strategy

- Our Land, Our Economy, and Our Food
  - Protect ALR land and supporting uses
  - Promote employment and investment
  - Support sustainable agricultural activities
  - Enhance local agriculture and food systems
  - Promote food production and agricultural viability
  
- **RGS policies support the application**

# Agricultural Plan

- Recognizes the need for seasonal farm worker housing
- **Agricultural Plan policies support the application**

# Ellison Official Community Plan

- Activities that contribute to farming income
- Retention of large continuous blocks of agricultural land
  
- **OCP policies support the application**



# Zoning Bylaw

- Building GFA exceeds 250 m<sup>2</sup>
- Less than the 89 parking spaces required
- **Zoning Bylaw Amendment required**

# Temporary Farm Worker Housing Regulation Review

- Regulations last amended in 2012
- Do not reflect current best practices

# Airport Regulations

- Approval from the airport is not required
- Transport Canada recommends no residential development within the NEF 30 contour
- Airport Master Plan recommends no residential development within the NEF 25 contour

# NEF Contours 2025 and 2045

Open in Acrobat



- 2045 Noise Exposure Forecast - Most Demanding Expansion Scenario
- 2025 Noise Exposure Forecast - Prepared for Master Plan 2025

# Inspection Services

- Building Permit required
- Technical requirements:
  - Architect approval for BC Building Code
  - Fire Code compliance
  - IHA approval of sewerage disposal system
  - BMID confirmation of water service

# Agricultural Advisory Commission

- **Supports the application**

# Ministry of Agriculture, Food and Fisheries

- Cherries are labour intensive
- Minimized impact on agricultural land
- Area per worker is greater than the recommended 10m<sup>2</sup>
- Proposal is reasonable given the crop, scale and location

# Ministry of Transportation and Infrastructure

- Issued permits for:
  - Commercial Access
  - Installation of fence
  
- No concerns



# Interior Health Authority

- Ensure quality of housing and onsite amenities
- Support services for workers
- Safe and reliable transportation for workers
- Comply with provincial regulations

# Black Mountain Irrigation District

- No concerns
- Connect to water service at Old Vernon Road
- Water Letter
  - Application to BMID
  - Deposit paid to BMID

# Public Input

- Received letters and a petition in opposition
- Concerns regarding:
  - Safety and security
  - Traffic impacts
  - Visual impacts
  - Property values

# Summary

- TFWH for 120 temporary farm workers
- Supported by the RGS, Agricultural Plan and OCP
- Does not align with the Zoning Bylaw
- Technical requirements addressed at BP stage

# Summary

- Support from AAC and MOAFF
- IHA provides recommendations
- BMID outlines requirements for water service
- Letters and petition in opposition received from public

# Recommendation #1

**THAT** the following resolution adopted by the Regional Board on January 13, 2022, be rescinded:

“**THAT** the Regional Board support Agricultural Land Commission referral application A-21-04 for applicant S. Sundher Orchards Ltd. located at 3782 Old Vernon Road, on the condition that the applicant seek approval of a Zoning Bylaw Amendment by the Regional Board to allow temporary farm worker housing as outlined in the report from the Director of Community Services dated January 13, 2021;

**AND THAT** the Regional Board directs staff to forward the application to the Agricultural Land Commission.”

# Recommendation #2

**THAT** the Regional Board support the updated Agricultural Land Commission referral application A-21-04 for applicant S. Sundher Orchards Ltd. located at 3510 Old Vernon Road, on the condition that the applicant seek approval of a Zoning Bylaw Amendment by the Regional Board to allow temporary farm worker housing as outlined in the report from the Director of Community Services dated March 28, 2022;

**AND THAT** the Regional Board directs staff to forward the application to the Agricultural Land Commission.



Bulman Rd

Rd