ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: April 1, 2021

RE: Temporary Use Permit Application – Electoral Area "C"

Administrative Recommendation:

THAT Temporary Use Permit No. C2021.003-TUP, to allow for temporary farm labour housing in ALR lands, be approved.

Purpose:	To allow for temporary farm labour housing in ALR lands.		
Owners:	Ravinder & Swaranjit Chahal	Agent: NA	Folio: C-05245.000
Civic:	430 Pinehill Road, Oliver	Legal: Lot 25, Plan KAP1729, District Lot 2450S, SDYD	
OCP:	Agriculture (AG)	Zoning: Agriculture One (AG1)	

Proposed Development:

This application is seeking to allow for temporary farm labour housing on the subject property through the issuance of a Temporary Use Permit (TUP).

In support of this proposal, the applicant has stated that "the need for foreign working housing, this is the most central location for all of the grape farming and ground crops that this farm has in various location in the south Okanagan."

Site Context:

The subject property is approximately 3.1 ha in area and is situated on the west side of Highway 97. It is understood that the parcel is comprised of a single detached dwelling and various accessory structures.

The surrounding pattern of development is generally characterised by agricultural operations to the north, west and east side (across Highway 97) and small lots zoned AG1 to the south.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on May 26, 1921, while available Regional District records indicate that a building permit for Single Family Dwelling (1974) have previously been issued for this property.

Under the Electoral Area "C" Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is designated as Agriculture (AG). Under the Electoral Area "C" OCP Bylaw policies for Agriculture-designated lands the Board "supports establishing housing for year round farm help and seasonal farm workers" (Section 9.3.20).

Under Section 6.5 – Growth Management of the Electoral Area "C" OCP Bylaw, the Board "will direct growth to designated Primary and Rural Growth Areas, by discouraging the re-designation or re-zoning of land that permits residential uses outside of the Rural Growth Area containment boundaries" (Section 6.5.2) and "directs residential development away from designated Agricultural AG areas" (Section 6.5.7).

Under the Electoral Area "C" Zoning Bylaw No. 2453, 2008, the property is currently zoned Agriculture One Zone (AG1) which allows for maximum number of two (2) dwellings (one principal and one accessory) for parcels less than 8.0 ha in size.

The property has been the subject of an enforcement for installing a non-conforming sign on subject parcel is within the Agricultural Land Reserve (ALR) and is classified as "Residential" (Class 01), and "Farm" (Class 09) by BC Assessment.

On December 2, 2020, a referral for non-adhering residential use application was referred to the Regional District by the Agricultural Land Commission (ALC), in order to allow temporary farm workers housing for upto ten (10) farm labours on subject parcel.

At its meeting on December 17, 2020, the Regional District Board resolved to authorize the application to proceed to ALC for their determination.

Subsequently, on January 25, 2021, ALC approved the non-adhering residential use application with conditions that:

- *Siting of the moveable modular home in accordance with Schedule A of this decision;*
- *The Property retain farm classification under the BC Assessment Act;*
- *The registration of a restrictive covenant prior to placement of the TFWH, stating that the TFWH will only be used by temporary farm workers in accordance with this decision, and that the owner will remove the TFWH and restore the land to conditions suitable for agricultural use if the TFWH is vacant for two consecutive years;*
- *Submission of a Financial Security for the amount of $10,000 prior to placement of the TFWH, which some or all may be used by the Commission as a penalty should the Applicant fail to remove the TFWH if it is not being used as stipulated in the Proposal or is vacant for two consecutive years; and,*

Approval for the non-farm use is granted for the sole benefit of Swaranjit Singh Chahal and Ravinder Kaur Chahal and is non-transferable.

Public Process:

On March 15, 2021, a Public Information Meeting (PIM) was held electronically and was attended by approximately no member of the public.

At its meeting of March 16, 2021, the Electoral Area "C" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved, subject to conditions mentioned in the Temporary Use Permit.

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until the commencement of the regular Board meeting. Any comments will be on the agenda as separate item.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Analysis:

In considering this proposal, Administration notes that the Electoral Area "C" OCP Bylaw speaks to supporting "housing for year round farm help and seasonal farm workers" (e.g. farm labour housing).

In this instance, the applicant has substantiated the need for migrant farm worker housing as they farm subject parcel (2.8 ha) in addition to three (3) other agricultural parcels owned by the applicant/owner of the subject parcel. Approval of subject application will assist the landowner in securing affordable housing for temporary farm workers required for the management and operation of farm-land.

Administration notes that the siting and placement of the temporary farm labour housing will minimize the residential impacts on agricultural lands taking into consideration topography, agricultural capability, access and clustering of residential structures on site.

Administration further notes that impacts on the farm and surrounding farm operations is minimal as the use will occur in an area with limited cultivation on the property. In addition, this application has been supported (in past) by key agencies including Area "C" Advisory Planning Committee, Regional District Board (December 17, 2020), and the Agricultural Land Commission.

In issuing a Temporary Use Permit, the Regional District may specify conditions according to which the proposed use may be conducted. In this instance, ALC has imposed conditions on the use of proposed dwelling(s) (See background). Given that the significant concerns are already dealt by ALC, Administration recommends the "temporary farm workers housing" use of the land be subject to the following conditions:

- the maximum gross floor area of all farm worker housing shall be 167.0 m^2; and
- the maximum number of sleeping units for all farm worker housing shall not exceed 10.

Conversely, the addition of uses within an agricultural area that are non-farm uses in nature can pose potential land use conflicts with agricultural operations. By allowing additional uses to occur, the primary use of the property or surrounding properties as agricultural land can become threatened through the introduction of competing interests.

In summary, the subject proposal is "temporary" in nature and aligns with OCP policies for supporting farm labour housing in ALR lands

Alternatives:

1. THAT the Board of Directors deny Temporary Use Permit No. C2021.003-TUP; or
2. THAT the Board of Directors defer consideration of Temporary Use Permit No. C2021.003-TUP for the following reasons:

   i) TBD

Respectfully submitted:

R. Gadoya

Rushi Gadoya, Planning Technician

Endorsed By:

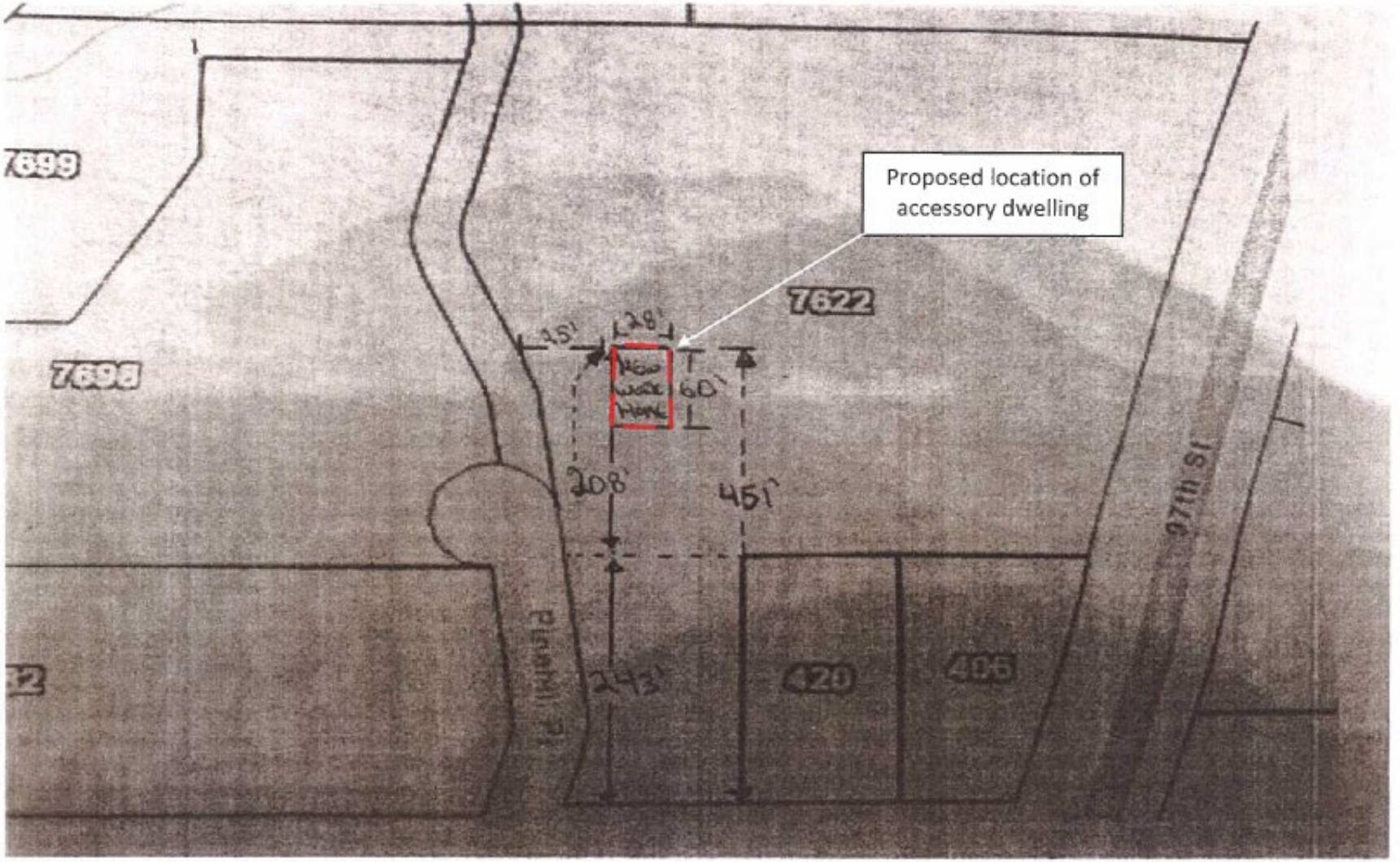
C. Garrish, Planning Manager

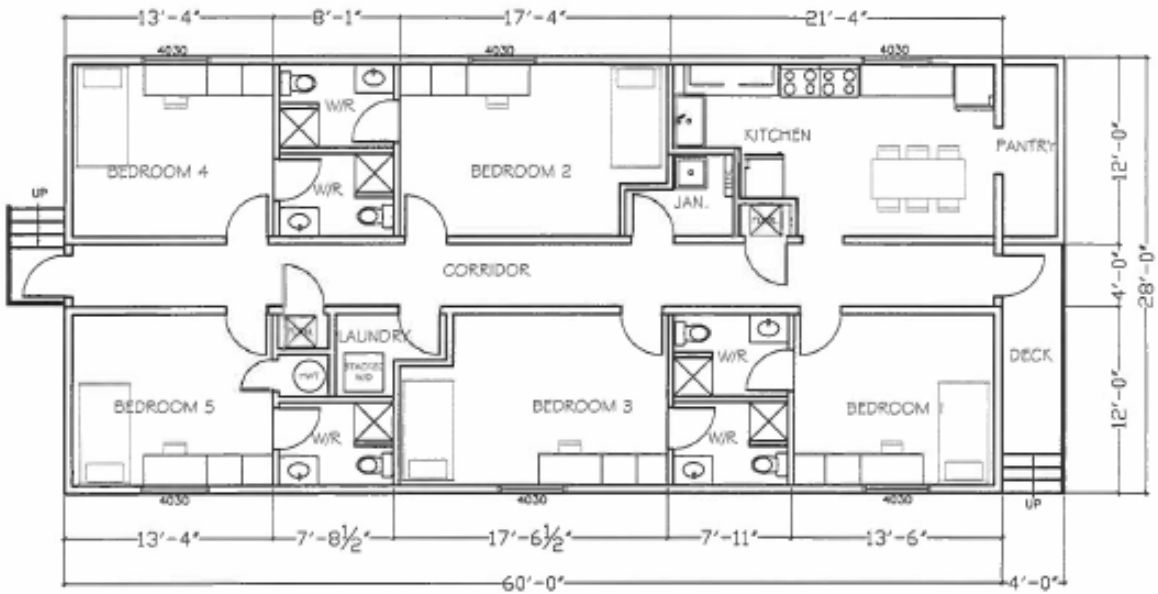
Attachments: No. 1 – Agency Referral List

No. 2 – Applicant's Site Plan

No. 3 – Site Photo

Attachment No. 1 – Applicant's Site Plan




13'-4"
8'-1"
17'-4"
21'-4"
4030
W/R
BEDROOM 4
BEDROOM 2
KITCHEN
PANTRY
JAN.
UP
CORRIDOR
LAUNDRY
STACKED W/D
DECK
BEDROOM 5
BEDROOM 3
BEDROOM 1
12'-0"
4'-0"
28'-0"
13'-4"
7'-8½"
17'-6½"
7'-11"
13'-6"
60'-0"
4'-0"

Attachment No. 3 – Site Photo