

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: B. Newell, Chief Administrative Officer
DATE: February 28, 2022
RE: Official Community Plan (OCP) Amendment – Farm Worker Housing Policies

Purpose:

The Regional District is proposing amendments to the Electoral Area “A”, “C”, “D”, “E”, “F”, “H”, and “I” Official Community Plan (OCP) Bylaws to establish decision-making criteria and conditions with respect to the issuance of Temporary Use Permits (TUP) for temporary farm worker accommodation. The amendments would also introduce an associated consistent supporting policy statement that aligns with the Board’s position on temporary farm worker accommodation.

Background:

At present, the Electoral Area OCP bylaws present a mix of policy directions regarding the provision of accommodation specifically for farm labourers.

In Electoral Area “C”, support is expressed for the establishment of “housing for year round farm help and seasonal farm workers”, while in Electoral Area “D” the Plan speaks to restricting the development of dwellings in the Agricultural Land Reserve (ALR) to single farm residences in order to avoid “a situation that encourages a proliferation of non-farm residential development.”

In Electoral Area “E”, the Plan speaks to supporting secondary dwelling applications in the ALR that are “reflective of the views of the farming community”, while the Electoral Area “F” & “I” Plans speak to supporting “second dwellings within the ALR where they are used to support agricultural activities and purposes (e.g., workers’ housing).” Both the Electoral Area “A” & “H” Plans are silent on the matter.

In support of these policy directions, all of the Electoral Area zoning bylaws contain flexible provisions for the development of accessory dwellings on Rural zoned parcels:

This zoning regulation was revised in 2017 as part of the Agriculture Zone Update and attempted to respond to federal government requirements mandating certain accommodation standards (i.e. floor area) for its foreign

farm worker program. Prior to 2017, the floor area allowances for accessory dwellings could not be combined to make a larger dwelling unit.

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
Less than 8.0 ha	1	125 m ²
8.0 ha to 11.9 ha	2	250 m ²
12.0 ha to 15.9 ha	3	375 m ²
Greater than 16.0 ha	4	500 m ²

Federal Seasonal Agricultural Worker Program (SAWP):

In late 2020 and early 2021, the Regional District received a number of referrals from the Agricultural Land Commission (ALC) regarding proposals seeking approval for accessory dwellings that exceeded current zoning regulations.

It is understood that these proposals were related to eligibility requirements comprised within the federal government's Seasonal Agricultural Worker Program (SAWP); specifically:

Employers must provide TFWs [temporary farm workers] with adequate, suitable and affordable housing as defined by Canada Mortgage and Housing Corporation. Housing may be located on the farm or off-site. Employers must ensure that the occupancy rate for each unit does not exceed the maximum allowable occupancy rate. Employers must also ensure that sufficient accommodation is available for all TFWs. They also need to guarantee the number of accommodation places per approved housing from the date of arrival to the date of departure.

While the Board was generally supportive of these applications, Administration's recommendations were informed by the existing zoning regulations and spoke against the proposals.

Temporary Use Permits:

In order to ensure the Regional District's bylaws are reflective of the Board's position on the provision of accommodation for farm labour, Administration has prepared a policy proposal regarding the use of Temporary Use Permits (TUPs) that is similar to the approach previously applied by the Board to vacation rentals.

Section 493 of the *Local Government Act* authorizes local governments to issue temporary use permits, which may do one or more of the following:

- (a) allow a use not permitted by a zoning bylaw;*
- (b) specify conditions under which the temporary use may be carried on;*
- (c) allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.*

Analysis:

As farm worker accommodation is not explicitly permitted in any zone across the Regional District Electoral Areas, a temporary use permit may be issued in order to permit the use, subject to certain conditions, for a specified length of time.

Given the potential impact that the construction of buildings or structures may have on the long-term viability of agricultural land, a temporary use permit is seen to provide an avenue for the Regional District to assess the initial and continued need for farm worker accommodation and the impact of the accommodation use on the land.

In order to assess whether a proposal to construct or place farm worker accommodation is appropriate, it is being proposed that the Board adopt standardized decision-making criteria through the introduction of a new policy statement under the "Agriculture" section of Electoral Area OCP bylaws.

Establishing clear, standardized criteria would provide clarity in terms of the types of supporting information which should be included with temporary use permit applications for farm worker accommodation. This could include information regarding the current farm operation, proposed

number and roles of farm labourers, and the proposed nature of the accommodation units (i.e., siting, infrastructure, permanency, etc.).

In order to mitigate the impacts of residential uses on agricultural parcels, Administration further proposes that the Board establish conditions to ensure that accommodation units are constructed or placed in such a way where they are temporary and/or may be easily removed from the property should the farm worker accommodation use cease.

Additionally, it is being proposed that the Board establish certain conditions which may be applied to temporary use permits to ensure that they are restricted to farm worker accommodation use only.

For reference purposes, the amendment bylaw that would introduce such policies is attached to this report.


Administrative Recommendation:

THAT the APC recommends to the RDOS Board of Directors that the policies contained within Amendment Bylaw No. 2956, 2022, be supported.

Options:

1. THAT the APC recommends to the RDOS Board of Directors that the policies contained within Amendment Bylaw No. 2956, 2022, be supported.
2. THAT the APC recommends to the RDOS Board of Directors that the policies contained within Amendment Bylaw No. 2956, 2022, be amended as follows:
 - i) *TBD*
3. THAT the APC recommends to the RDOS Board of Directors that the policies contained within Amendment Bylaw No. 2956, 2022, not be supported.

Respectfully submitted:



Shannon Duong, Planner I

Endorsed By:



C. Garrish, Planning Manager

Attachments: No. 1 – Previous ALC Referrals

Attachment No. 1 – Previous ALC Referrals

Electoral Area	Address	Proposal	Property Size	Number of Existing Dwellings	Administrative Recommendation	Board Decision
Electoral Area "C"	105 Park Rill	to construct a 156 m ² dwelling for farm worker housing	8.5 ha	1 single detached dwelling 1 accessory dwelling	to not "authorize" the application to proceed to the ALC	to authorize the application to proceed to the ALC
	7622 Highway 97	to construct farm worker housing	3.1 ha	1 single detached dwelling	to not "authorize" the application to proceed to the ALC	to "authorize" the application to proceed to the ALC
	376 Road 6	to construct a 256 m ² dwelling for farm worker housing	4.5 ha	1 single detached dwelling	to not "authorize" the application to proceed to the ALC	to "authorize" the application to proceed to the ALC
	363/373 Road 14	to construct a 39 m ² dwelling for farm worker housing	4.1 ha	1 single detached dwelling 1 accessory dwelling	to not "authorize" the application to proceed to the ALC	to not "authorize" the application to proceed to the ALC
	300 Road 20	to construct a 256 m ² dwelling for farm worker housing	4 ha	1 mobile home	to not "authorize" the application to proceed to the ALC	to "authorize" the application to proceed to the ALC

	5475 Sumac St	To construct a 335 m ² dwelling for farm worker housing	2.8 ha	1 single detached dwelling	to not “authorize” the application to proceed to the ALC	to “authorize” the application to proceed to the ALC
Electoral Area “E”	945 Old Main Rd	to remove and replace an existing farmhouse, service building and accessory dwelling located above the service building; a new 140 m ² accessory dwelling would be constructed above the new service buildings for farm worker housing	4.07 ha	1 single detached dwelling 1 accessory dwelling	to “authorize” the application to proceed to the ALC	to “authorize” the application to proceed to the ALC
	2185 Naramata Rd	to convert a vineyard worker cleanup space into a residence for a vineyard worker	2.5 ha	1 single detached dwelling	to “authorize” the application to proceed to the ALC	to “authorize” the application to proceed to the ALC
Electoral Area “H”	1029 Highway 5A	to construct accommodation above a barn for farm worker housing	9.58 ha	1 single detached dwelling	to “authorize” the application to proceed to the ALC	to “authorize” the application to proceed to the ALC