

ADMINISTRATIVE REPORT



TO: Planning & Development Committee
FROM: B. Newell, Chief Administrative Officer
DATE: February 3, 2022
RE: OCP Bylaw Amendments – Electoral Areas “A”, “C”, “D”, “E”, “F”, “H”, & “I” (X2022.001-ZONE)

Administrative Recommendation:

THAT Bylaw No. 2569, 2022, being a bylaw to amend the Electoral Area “A”, “C”, “D”, “E”, “F”, “H”, and “I” Official Community Plans to include policy statements regarding the issuance of Temporary Use Permits for temporary farm worker accommodation, be initiated.

Purpose:

The purpose of the proposed amendments to the Electoral Area “A”, “C”, “D”, “E”, “F”, “H”, and “I” Official Community Plan (OCP) Bylaws is to include policy statements which outline decision-making criteria with respect to the issuance of Temporary Use Permits (TUP) for temporary farm worker accommodation.

Background:

At present, the Electoral Area OCP bylaws present a mix of policy directions regarding the provision of accommodation 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:

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

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.

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, Administrative Reports 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, A policy regarding the use of Temporary Use Permits (TUPs) that is similar to the approach previously applied by the Board to vacation rentals is proposed.

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:

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 minimize the impact of the accommodation use on the land by requiring that over-sized structures be easily removable.

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, it is further proposed 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.

Conversely, given the variation in the current policy statements in the Electoral Area OCP Bylaws which speak to farm worker accommodation, the Board may choose to maintain the status quo.

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

Alternatives:

1. Maintain current policies.

Respectfully submitted:



Shannon Duong, Planner I

Endorsed By:



C. Garrish, Planning Manager