

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: February 20, 2025

RE: Agricultural Land Commission Referral (Non-Farm Use) – Electoral Area “A” (A2025.001-ALC)

Administrative Recommendation:

THAT the RDOS Board “authorize” the application to allow a vacation rental use in an accessory dwelling as a non-farm use on the parcel located at 10105 12th Avenue (Lot 613, Plan KAP1950, District Lot 2450S, SDYD) to proceed to the Agricultural Land Commission.

Purpose: To allow non-farm use (vacation rental)

Folio: A-06265.200

Civic: 10105 12th Avenue Legal: Lot 613, Plan KAP1950, DL 2450S, SDYD

Zone: Agriculture One (AG1)

Proposed Development:

An application has been submitted to the Agricultural Land Commission (ALC) under Section 20 of the *Agricultural Land Commission Act* (the Act), and referred to the Regional District, in order to allow for a vacation rental as a non-farm use within the Agricultural Land Reserve (ALR).

Specifically, the applicant is seeking the Commission’s approval to allow for vacation rental use in the existing accessory dwelling on the property.

Statutory Requirements:

Under Section 34.1(2) of the *Agricultural Land Commission Act*, the Regional District of Okanagan-Similkameen (RDOS) must “review the application, and ... forward to the commission the application together with [its] comments and recommendations”, unless Section 25(3) applies wherein the Board has the ability to refuse to “authorise” an application.

Under Section 25(3) of the Act, formal “authorization” by the Regional District Board is only required for applications that apply to land that is zoned by bylaw to permit farm use, or requires an amendment to an official community plan or a zoning bylaw.

In this instance, Section 25(3) is seen to apply as the property is zoned by bylaw to permit [an] “agricultural” or “farm use” and an amendment to the Electoral Area “A” Official Community Plan and Zoning Bylaw will be required in order for the development to proceed.

Site Context:

The subject property is approximately 2.1 ha in area and is situated on the south side of 12th Avenue, approximately 1,000 m from south of the boundary with the Town of Osoyoos. It is understood that

the parcel is comprised of a single detached dwelling, various accessory structures and agricultural land.

The surrounding pattern of development is generally characterised by Agricultural land parcels that have been developed with single detached dwellings.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on July 28, 2024, while BC Assessment has classified the property as “Residential” (Class 01), and part “Farm” (Class 09).

Available Regional District records indicate that a building permit for an accessory structure (farm building) was previously issued in 2020 and, more recently, a building permit has been issued to allow for the conversion of this structure into an accessory dwelling.

Under the Electoral Area “A” Official Community Plan (OCP) Bylaw No. 2905, 2021, the subject property is currently designated Agriculture (AG), an objective of which is to “protect the agricultural land base of the Plan Area including associated farming, orchards, vineyards, ranching, and associated value-added activities.” A supporting OPC policy includes support for “the agricultural and rural economy by encouraging secondary, value-added uses such as agritourism ...”

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Agriculture One (AG1) which allows for a single detached dwelling or mobile home and one (1) accessory dwelling, but does not allow for a “vacation rental” use.

Bylaw Enforcement:

The property has been the subject of a Stop Work Notice for “for operating a vacation rental without first obtaining a TUP”.

Analysis:

In considering this proposal, Administration notes that an objective of the Agriculture (AG) designation includes support for the agricultural and rural economy by encouraging secondary, value-added uses such as limited forms tourist accommodation.

This is further supported by the zoning bylaw, which currently allows for bed and breakfast (B&B) operations and agri-tourism accommodation units (subject to certain regulations) as permitted accessory uses.

As “vacation rentals” are seen to be a similar type of use (e.g. akin to a B&B), they are generally seen to be consistent with this policy and regulatory approach, on the proviso that the dwelling units being utilized are not otherwise intended for farm labour employed on the farm unit.

Administration also recognizes that “vacation rental” uses in the agricultural zones can draw tourists to rural areas and provide a form of accommodation that may not be available in an urban centre or in a residential neighbourhood (where “vacation rental” uses typically occur) and is unlikely to conflict with adjacent land uses (e.g. agricultural and residential).

In this instance, it is also noted that the structure to be utilized for the vacation rental use already exists, is understood to have not previously been used for farm labour purposes (e.g. it was originally permitted as an accessory structure), the area of the property currently under cultivation is only

approximately 2.0 ha and unlikely to require additional farm labour, and this proposal will not result in the further alienation of agricultural land.

Alternative:

Conversely, Administration recognises that the intent of allowing additional dwelling units on an agriculturally zoned parcel is generally to allow for either farm labour housing (including the attraction of skilled labour related to the winery industry) as well as family and/or multi-generational housing (e.g. to allow aging in-place and succession planning).

A secondary, and less acknowledged outcome is to provide for a certain degree of residential occupancy in rural areas that may otherwise have limited housing options (NOTE: Administration is aware that the purpose of the ALR is not to provide a land bank for residential development). This can have the added benefit of providing a steady, supplemental income for the farm operation when additional housing units exist and are un-needed for farm labour purposes.

Regarding this later consideration, the conversion of such dwelling units to short-term tourist accommodation purposes may be detrimental to accommodating future farm labour or meeting local housing needs.

Summary:

In summary, and given the characteristics of the subject property, its history of agricultural production (e.g. small cultivatable area) as well as the consistency of the proposed use with other short-term rental accommodation uses permitted by zoning, Administration is supportive of this application proceeding to the ALC for its consideration.

As an aside, should the ALC support this non-farm use application, the property owner will be required to obtain a TUP from the Regional District prior to undertaking the vacation rental use.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

No communication strategy is proposed as the Regional District has been referred this application by the Agricultural Land Commission (ALC), and the Commission is seeking the Regional District's input on compliance with applicable land use bylaws. The Administration considers any communication required in relation to this proposal to be within the purview and responsibility of the ALC.

Alternatives:

1. THAT the RDOS Board not "authorize" the application to allow for a vacation rental in an accessory dwelling on the parcel located at 10105 12th Ave (Lot 613, Plan KAP1950, District Lot 2450S, SDYD) to proceed to the Agricultural Land Commission.

Respectfully submitted:

Tharini Prakash

Tharini Prakash
Planning Technician

Endorsed By:



C. Garrish
Senior Manager of Planning

Endorsed By:



A. Fillion
Managing Director, Dev. & Infrastructure

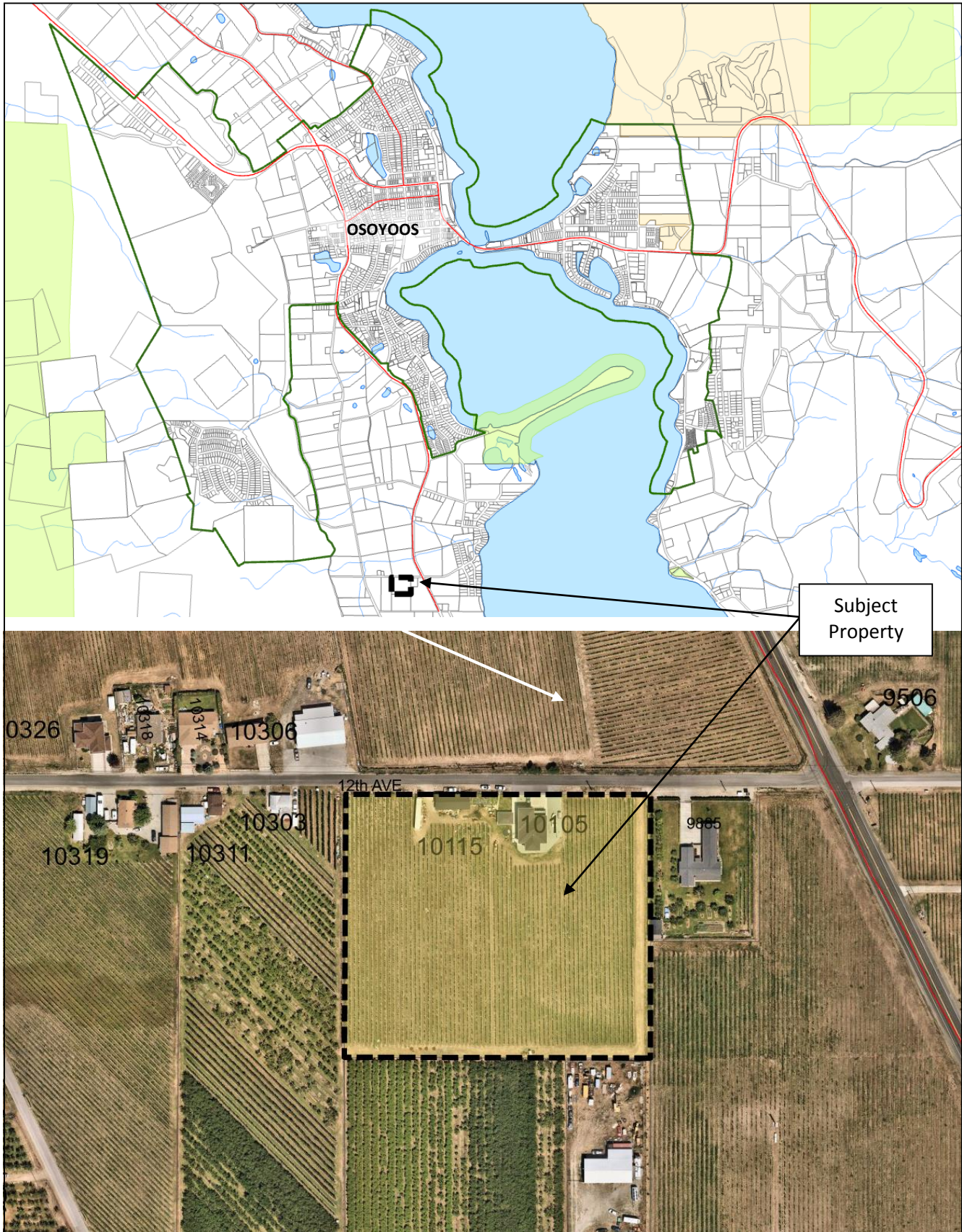
Attachments: No. 1 – Context Maps

No. 2 – Applicant's Site Plan

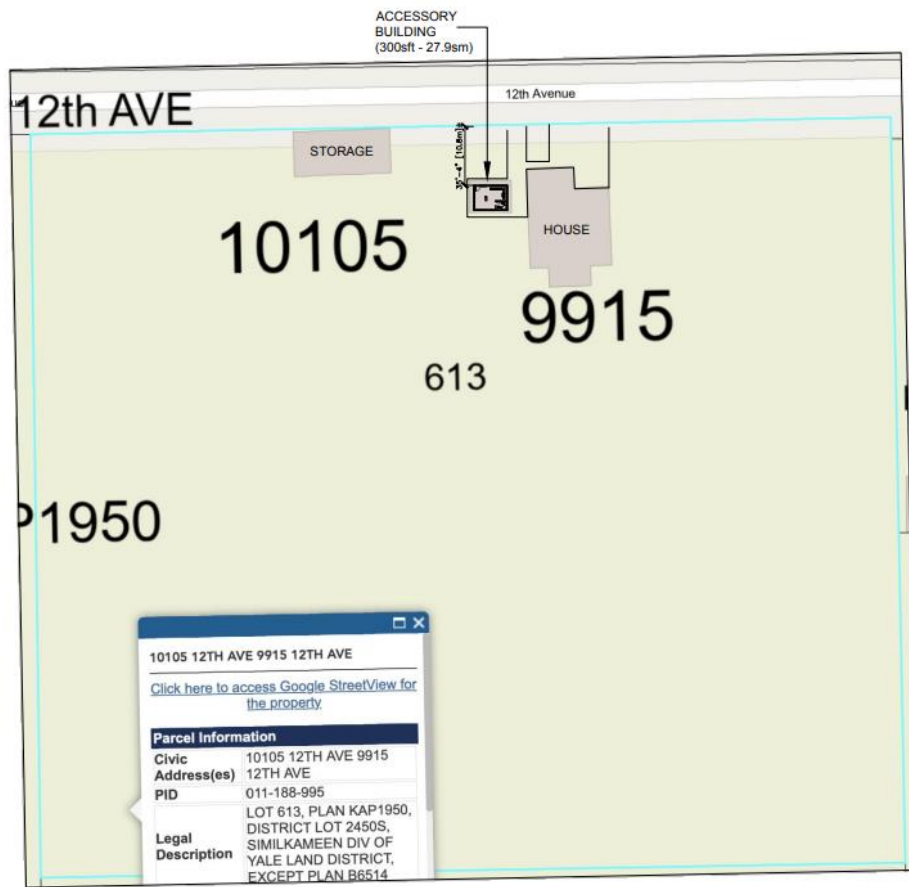
No. 3 – Applicant's Building Plan

No. 4 – Site Photos

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant's Site Plan



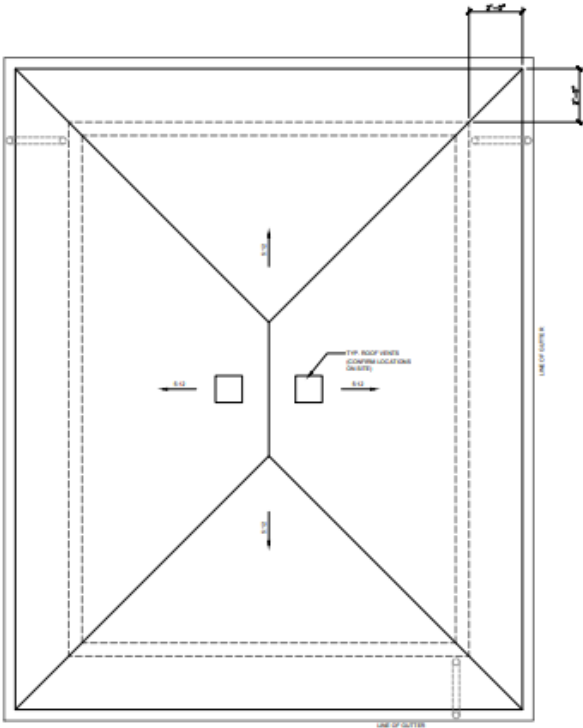
1 SITE PLAN
A2.01 1/8" = 1'-0"

defined by lines
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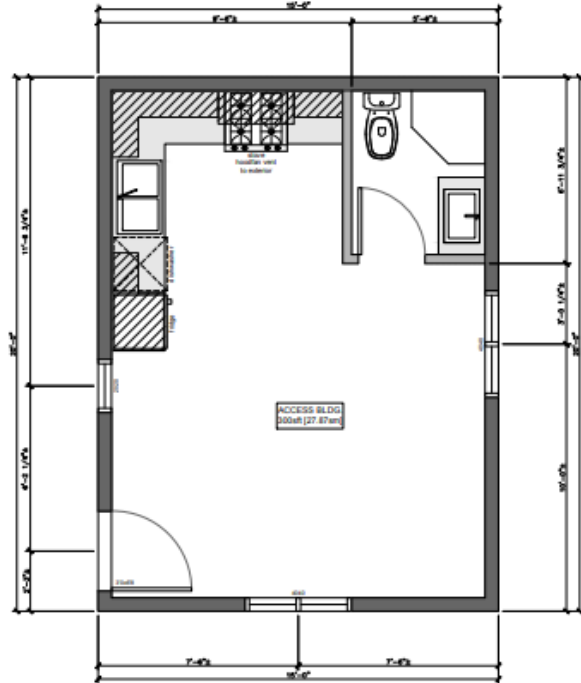


PROJECT
ACCESSORY BLDG.
STUDIO
10105 - 12th AVE, OSDYCOOS BC
DRAWING NUMBER
A2.01
DRAWINGS ARE NOT TO BE SCALED
ALL DIMENSIONS TO BE VERIFIED ON JOB
DRAWING TITLE
SITE PLAN
No. DATE REVISION
01 2024-08-28 Issued for Permit
DATE: 2024-08-28
JOB #: 24-105
SCALE: AS SHOWN
DRAWN: PH
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Attachment No. 3 – Applicant's Building Plan



ROOF PLAN
SCALE: 1/2" = 1'-0"



FLOOR PLAN
SCALE: 1/2" = 1'-0"

defined by lines
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PROJECT
**ACCESSORY BLDG.
STUDIO**
10155 - 126 AVE, CHICAGO, IL
DRAWING NUMBER

A3.01

DRAWINGS ARE NOT TO BE SCALED
ALL DIMENSIONS TO BE VERIFIED ON JOB

FLOOR & ROOF PLAN

No.	DATE	REVISION
01	2024-08-26	Issued for Permit
DATE	2024-08-26	
JOB #	24-199	
SCALE	AS SHOWN	
DRAWN BY	PM	

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Attachment No. 4 – Site Photo

