

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: March 6, 2025

RE: Agricultural Land Commission Referral (Non-Adhering Residential Use) – Electoral Area “C” (C2024.008-ALC)

Administrative Recommendation:

THAT the RDOS Board not “authorize” the application for a “non-adhering residential use – Additional Residence for Farm Use at 4315 Highway 97 (Lot 309, Plan KAP1790, District Lot 2450S, SDYD) to proceed to the Agricultural Land Commission.

Purpose: To allow for an additional single detached dwelling to be used for temporary worker accommodation.

Civic: 4315 Highway 97

Legal: Lot 309, Plan KAP1790, District Lot 2450S, SDYD

Folio: C-05753.000

Zone: Agriculture One (AG1)

Proposed Development:

An application to the Agricultural Land Commission (ALC) under Section 20.1(2) of the *Agricultural Land Commission Act* (the Act) has been referred to the Regional District, in order to allow an additional 166 m² single detached dwelling on a parcel of land within the Agricultural Land Reserve (ALR).

Specifically, the applicant is seeking the Commission’s approval to allow for the demolition of the existing dwelling and the construction of a new dwelling unit to be used for farm labour.

In support of this proposal, the applicant has stated that “the structure will support farming needs for foreign temporary workers. The building will replace existing building that is deemed uninhabitable. We will be using the building for 6-8 field workers with appropriate living kitchen and bathroom provisions.”

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 Zoning Bylaw will be required in order for the development to proceed.

Site Context:

The subject property is approximately 4.47 ha in area and is situated on the northeast side of highway 97, and is approximately 6.5 km south from the boundary with the Town of Oliver.

It is understood that the parcel is comprised of one (1) single detached dwelling and two (2) two accessory dwellings with the remainder of the parcel under agricultural production.

The surrounding pattern of development is generally characterised by similarly sized agricultural parcels that have been development with single detached dwellings and farms.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on November 15, 1921, while available Regional District records indicate that a building permits for a garage (2009), an addition to the house (2009), and a new single detached dwelling (1996) have previously been issued for this property.

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is currently designated Agriculture (AG), an objective of which is “to encourage the agricultural sector’s improvement ...” and is supported by a policy that:

Supports the temporary siting of a dwelling unit for farm labour that does not comply with zoning regulations where permitted by a Temporary Use Permit.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Agriculture One (AG1) which includes single detached dwelling as a permitted principal use, a maximum of one principal dwelling and one secondary suite or accessory dwelling based on the parcel area.

The subject property has currently has a single detached dwelling and two accessory dwellings, which puts it over the maximum density permitted by zoning. It is understood that a fire has damaged one of the accessory dwellings beyond repair.

Under Section 10.0 (Floodplain Regulations) of the Zoning Bylaw, a portion of the subject property is within the floodplain associated with Okanagan River and any future development within the floodplain will be required to meet the floodplain regulations.

The property is within the Agricultural Land Reserve (ALR) and BC Assessment has classified the property as part “Residential” (Class 01), and part “Farm” (Class 09).

Analysis:

Administration notes that the allowance for accessory dwellings on agriculturally zoned parcels is generally to ensure, amongst other things, that accommodation is available for required farm labour.

The Regional District’s land use bylaws reflect this by increasing the number and size of accessory dwellings by parcel size, recognizing that larger operations will require more units for farm labour.

This is supported by the Electoral Area “C” OCP, which “supports establishing housing for year round farm help and seasonal farm workers”, and using temporary use permits (TUP) to increase the supply of housing on an “as-needed” basis.

In considering this proposal, Administration notes that a total of three (3) dwelling units have already been constructed on the subject property and that this exceeds the density allowed by the ALC as well as the Regional District.

The cumulative impact of dwelling development on farm land owned by the applicant is a concern there *may* already be sufficient dwelling units on other parcels owned by the applicant to accommodate the labour requirements (NOTE: the applicant owns the adjacent parcel at 4293 Highway 97, which comprises a further two dwelling units).

While the applicant is indicating that the proposed new dwelling unit will replace an existing dwelling (e.g. no net increase in density), the OCP Bylaw speaks to encouraging additional dwellings that exceed the density permitted by zoning being in the form of temporary accommodation units (e.g. not placed on a permanent foundation).

Moreover, temporary accommodation for farm labour is encouraged to be clustered within the existing developed footprint of a farming operation. In this instance, it is being proposed to site the new dwelling unit away from other developed parts of the property, albeit one previously occupied by the fire damaged dwelling.

Alternative:

Conversely, Administration recognises that there *may* be a necessity to supply additional farm labour housing to accommodate the expansion of the applicant’s agricultural production.

Summary:

In summary, the proposed permanent dwelling is seen to be inconsistent with the OCP and Zoning due to the size, permanence, and number of dwellings currently on the property and, for these reasons, Administration is recommending that the application not proceed to the ALC.

As an aside, should the Board “authorize this application to proceed to the ALC and it is subsequently approved by the Commission, the property owner will be required to obtain an zoning bylaw amendment approved by the Regional District prior to undertaking the 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. Administration considers any communication required in relation to this proposal to be within the purview and responsibility of the ALC.

Alternative:

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1. That the RDOS Board “authorize” the application to allow for an additional single detached dwelling on the parcel located at 4315 Highway 97 (Lot 309, Plan KAP1790, District Lot 2450S, SDYD) to proceed to the Agricultural Land Commission.

Respectfully submitted:

Colin Martin


Colin Martin
Planner I

Endorsed By:



C. Garrish
Senior Manager of Planning

Endorsed By:



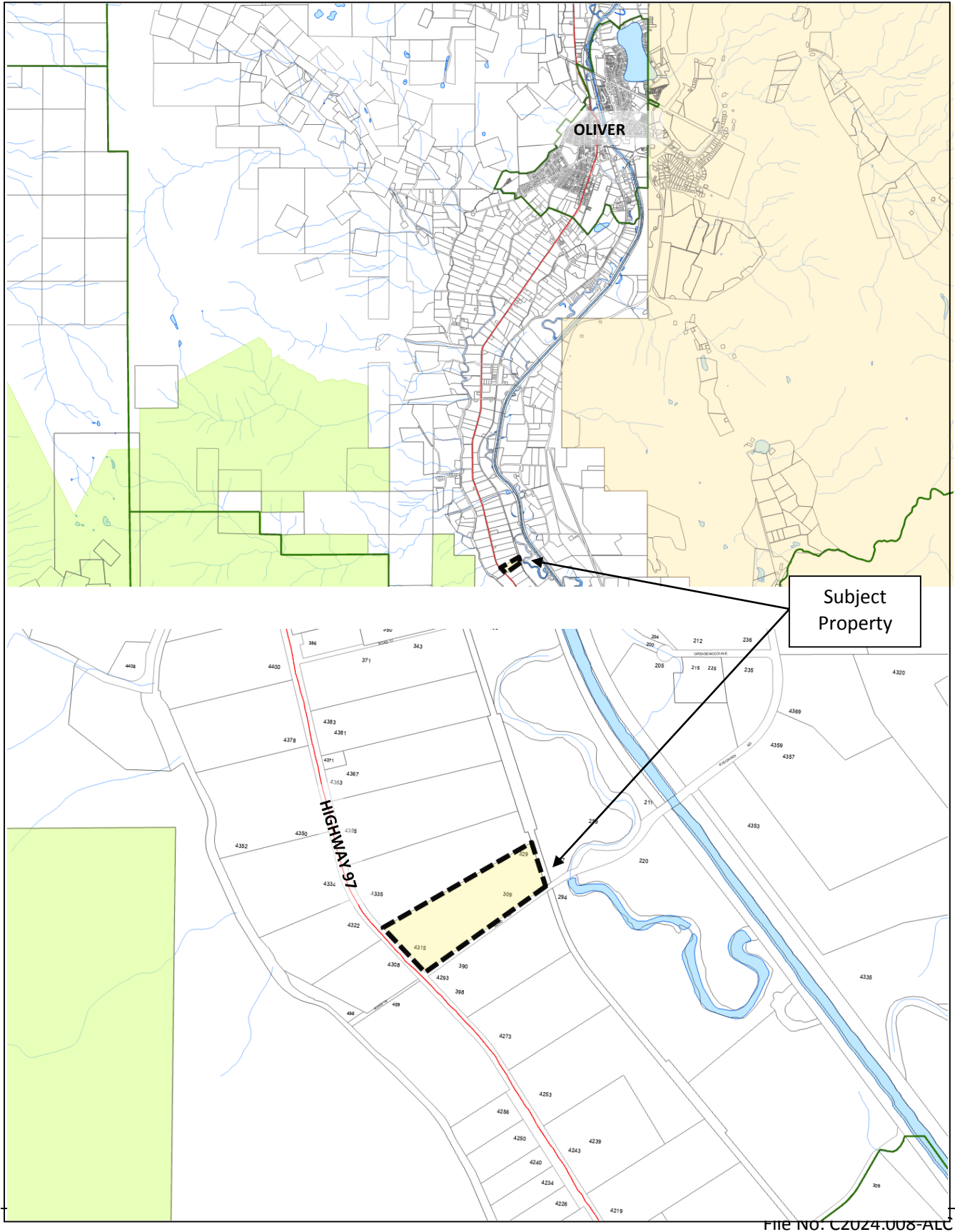
A. Fillion
Managing Director, Dev. & Infrastructure

Attachments: No. 1 – Context Maps

No. 2 – Applicant’s Site Plan

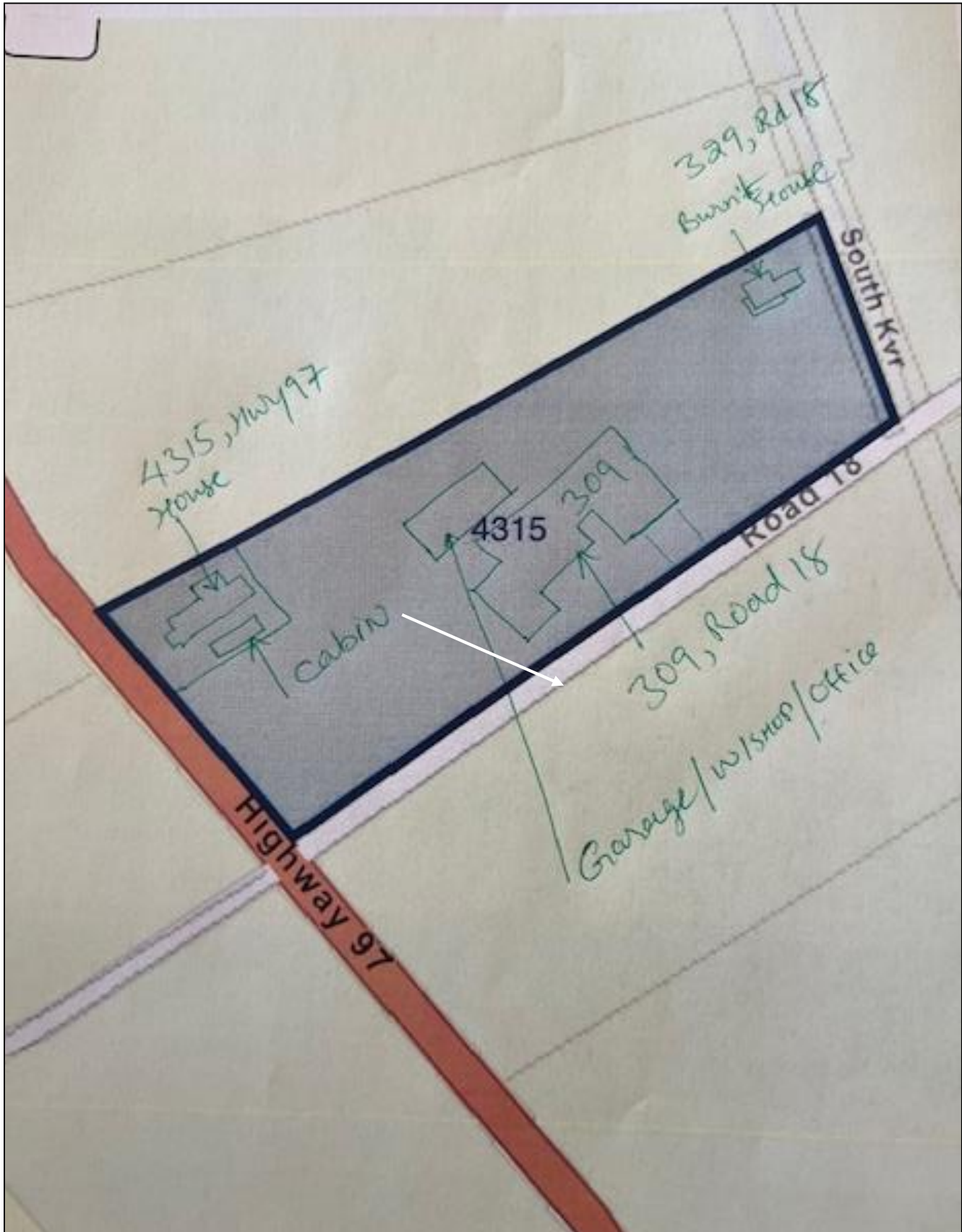
No. 3 – Site Photo

Attachment No. 1 – Context Maps



FILE NO: C2024.008-ALC

Attachment No. 2 – Applicant's Site Plan



Attachment No. 3 – Site Photo

