



**REGIONAL DISTRICT OF CENTRAL OKANAGAN  
REGULAR BOARD MEETING  
AGENDA  
8:30 am**

Thursday, July 18, 2019  
Woodhaven Board Room  
1450 K.L.O. Road, Kelowna, BC

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**Pages**

**1. CALL TO ORDER**

**2. ADDITION OF LATE ITEMS**

**3. ADOPTION OF THE AGENDA**

*(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

Recommended Motion:

THAT the agenda be adopted.

**4. ADOPTION OF MINUTES**

**4.1 Regional Board Meeting Minutes - June 24, 2019**

1 - 7

*(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

Recommended Motion:

THAT the Regional Board meeting minutes of June 24, 2019 be adopted.

**5. COMMUNITY SERVICES**

**5.1 FrontCounter BC Referral Application - Sugar Loaf Mountain Recreation Trail**

8 - 15

Central Okanagan West Electoral Area

*(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

Recommended Motion:

**THAT** the Regional Board conditionally support FrontCounter BC referral application No. 272516 for the issuance of an indefinite license for Crown land tenure to construct, rehabilitate, and/or maintain a recreation site or trail, and to legally designate Crown land as a recreation site at Sugarloaf Mountain subject to the following being met:

- Follow Best Management Practices to protect source water;
- Ensure that pit toilets comply with the *B.C. Sewerage System Regulation*; and,
- Any proposed construction, repair, and/or maintenance of the recreation site(s) that falls within the scope of the B.C. Building Code requires a building permit from the Regional District of Central Okanagan.

## **5.2 First Reading - Zoning Amendment Bylaw No. 871-251**

16 - 28

For S & K Sandher (owners) to amend Zoning Bylaw No. 871, 2000 to permit temporary farm worker housing (Z18/06) Central Okanagan East Electoral Area

*(Custom Vote - Electoral Areas and Kelowna Fringe Area - Simple Majority - 1 Director, 1 Vote - Unweighted)*

Recommended Motion:

**THAT** Zoning Amendment Bylaw No. 871-251 be given first reading;

**AND THAT** scheduling of a Public Hearing be withheld pending receipt of the following:

- A draft covenant restricting the individual sale of neighbouring parcels owned by S. & P. Sandher and/or S. Sundher Orchards Ltd.
- A draft covenant prohibiting new Temporary Agricultural Worker Dwellings and Accommodation on neighbouring parcels owned by S. & P. Sandher and/or S. Sundher Orchards Ltd.
- Written confirmation that a covenant which achieves Zoning Bylaw No. 871, Section 3.25.9 requirements will be registered prior to final adoption on the subject property.

## **6. NEW BUSINESS**

### **6.1 Rise & Report from the Governance & Service Committee Meeting of July 18, 2019**

#### **6.1.1 Development of the Okanagan Lake Protection Strategy (Phase 1) Support in Principle**

*(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

6.1.2 Emergency Preparedness Service Bylaws

6.1.2.1 Regional District of Central Okanagan Emergency Preparedness Service Establishment Amendment Bylaw No. 1443, 2019,

***1st, 2nd and 3rd Readings***

*(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

6.1.2.2 Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019

***1st, 2nd and 3rd Readings and Adoption***

*(All Directors - Unweighted Corporate Vote - LGA 208.1, 214 (b)-2/3 votes cast)*

6.1.3 2019 Communication Plan - Approval to update RDCO logo

*(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

6.1.4 Regional Board Strategic Priorities

*(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

6.1.5 Other Recommendations

7. **DIRECTOR ITEMS**

8. **ADJOURN IN CAMERA**

*(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

Recommended Motion:

THAT pursuant to Section 90 (c) of the Community Charter the Regional Board adjourn and convene to an 'In-Camera' session to discuss:

- labour relations or other employee relations.

**Minutes of the *REGIONAL BOARD MEETING* of the Regional District of Central Okanagan held at the Regional District offices, 1450 KLO Road, Kelowna, B.C. on Monday, June 24, 2019**

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- Directors: J. Baker (District of Lake Country)  
M. Bartyik (Central Okanagan East Electoral Area)  
C. Basran (City of Kelowna)  
W. Carson (Central Okanagan West Electoral Area)  
M. DeHart (City of Kelowna)  
G. Given (City of Kelowna)  
S. Johnston (City of West Kelowna)  
G. Milsom (City of West Kelowna)  
B. Sieben (City of Kelowna)  
L. Stack (City of Kelowna)  
L. Wooldridge (City of Kelowna)  
T. Konek (Westbank First Nation)
- Absent: C. Fortin (District of Peachland)  
C. Hodge (City of Kelowna)
- Staff: M. Rilkoff, Deputy Chief Administrative Officer  
T. Cashin, Director of Community Services  
D. Dudzik, Environmental Planner  
J. Foster, Communications Manager  
C. Griffiths, Director of Economic Development  
B. Lange, Planner  
D. Komaike, Director of Engineering Services  
M. Kopp, Director of Parks Services  
M. Drouin, Manager - Corporate Services (recording secretary)

**1. CALL TO ORDER**

Chair Given called the meeting to order at 7:00 p.m.

The meeting is being held on the traditional territory of the Syilx/Okanagan Peoples.

**2. ADDITION OF LATE ITEMS**

There were no late items for the agenda.

**3. ADOPTION OF THE AGENDA**

*(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

**#126/19 WOOLDRIDGE/BARTYIK**

THAT the agenda be adopted.

CARRIED Unanimously

**4. ADOPTION OF MINUTES**

- 4.1 Regional Board Meeting Minutes – June 13, 2019 *(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

**#127/19** MILSOM/WOOLDRIDGE

THAT the Regional Board meeting minutes of June 13, 2019 be adopted.

CARRIED Unanimously

**5. CORRESPONDENCE**

- 5.1 Okanagan Basin Water Board Meeting Highlights – June 7, 2019  
*(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

**#128/19** BAKER/BARTYIK

THAT the Okanagan Basin Water Board meeting highlights of June 7, 2019 be received for information.

CARRIED Unanimously

- 5.2 Dan Albas, MP Letter, regarding a private members bill proposing an amendment to the Criminal Code "evidence that the offender, in committing the offence, took advantage of the fact that the place where the offence was committed was under a lawful evacuation order or was experiencing a natural disaster or other emergency".  
*(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

**#129/19** CARSON/BARTYIK

THAT the Regional Board receive Dan Albas, MP letter of June 10, 2019 regarding private members Bill C-447 and approve forwarding a letter of support for the Bill.

CARRIED Unanimously

**6. CORPORATE SERVICES**

- 6.1 Request to Extend RDCO Noise Bylaw No. 403 - Construction Hours Maple Reinders Constructors for the purpose of constructing the Peachland Water Treatment Plant *(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

*Director Basran arrived at 7:05 p.m.*

A request for an exemption from the Regional District's Noise Bylaw No. 403, as amended, by Maple Reinders for the purpose of constructing Peachland's Water Treatment Plant was received June 7<sup>th</sup>. As the boundary expansion into Peachland for these lands has not yet been approved by the Province the request remains with the Regional District.

**#130/19**      MILSOM/STACK

THAT the Regional Board approve Maple Reinders Constructors Ltd. request to begin work on the District of Peachland's Water Treatment Plant at 6:00 a.m. and that the extension remain in effect until December 31, 2019.

CARRIED Unanimously

**7.      FINANCIAL SERVICES**

7.1      2018 Statement of Financial Information Disclosures (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

Staff report dated June 19, 2019 outlined the financial information schedules as required under the *Financial Information Act*.

**#131/19**      DEHART/BAKER

THAT the Board approve the 2018 Schedules required under the Financial Information Act and its regulations including:

- Schedule of Board Remuneration
- Schedule of Employee Remuneration
- Schedule of Payments to Suppliers
- Statement of Severance Agreements
- Schedule of Guarantee and Indemnity Agreements

CARRIED Unanimously

**8.      COMMUNITY SERVICES**

8.1      Development Variance Permit Application for P. & B. Uppal (owners), to vary Zoning Bylaw No. 871 by allowing a reduction to the minimum front setback for temporary farm worker accommodation. Located adjacent to Lakha Road (VP-19-03) Central Okanagan East Electoral Area (*Custom Vote - Electoral Areas and Kelowna Fringe Area, 1 Director, 1 Vote*)

Staff report outlined the request to vary setbacks to accommodate the location of existing Temporary Agricultural Worker Dwellings and Accommodation.

Staff outlined the application and referral comments.

Chair asked if there is anyone in the gallery who deems their property affected by the variance.

- The applicant addressed the Board noting that fees have been paid multiple times (ie: Temporary Use Permits). No opposition to the resolution.
- A. Finamore, Norwood Road – questioned whether an applicant needs to apply yearly for a permit? *Response:* Temporary Use Permits are for a three year period. Variances are permanent.
- S. Cullen, 2850 Old Vernon Road – expressed concern how many temporary farm workers are on the property and sewage concerns.
  - The applicant noted 14 workers are on the site. Sewage is approved by Interior Health. Sewage disposal is a septic tank.
  - Staff noted there is a valid building permit for the site. The number of workers on site is determined by what is being grown on the property and the intensity of use. The building has been on site for approximately six years. There was no opposition received to the variance.

**#132/19**      **SIEBEN/STACK**

THAT Development Variance Permit Application VP-19-03 to vary the following sections of Zoning Bylaw No. 871 be approved based on the Surveyor's Certificate dated February 28, 2019, by Vector Geomatics Land Surveying Ltd.:

- Section 3.25.6 by allowing a reduction of the minimum parcel line setback for a Temporary Agricultural Worker Dwellings and Accommodation from 15.0 m (49.2 ft) to 1.15 m (3.8 ft).
- Section 3.25.7 by allowing an increase in the maximum setback of a Temporary Agricultural Worker Dwellings and Accommodation building from a principal residence from 15.0 m (49.2 ft) to 32.44 m (106.4ft).

**CARRIED** Unanimously

**#133/19**      **BARTYIK/BASRAN**

THAT the Regional Board does not approve a refund of the Development Applications Procedures Bylaw No. 944's Development Variance Application Fee.

**CARRIED** Unanimously

- 8.2 Development Variance Permit Application for R. & C. Denison (owners), to vary Zoning Bylaw No. 871 by allowing an increase in the maximum height for an existing accessory structure, located adjacent to Westside Road. (VP- 19-04) Central Okanagan West Electoral Area (*Custom Vote - Electoral Areas and West Kelowna Fringe Area, 1 Director, 1 Vote*)

Staff report outlined the variance to allow an increase of the maximum accessory building height of an existing accessory building.

Staff reviewed the application. No opposition to the application has been received.

Chair to ask if there is anyone in the gallery who deems their property affected by the variance. There was no-one.

**#134/19** CARSON/JOHNSTON

THAT the Regional Board approve Development Variance Permit Application VP- 19-04 to vary the Provision of Part 6, Section 6.3.14.2 of Zoning Bylaw No. 871 by allowing an increase of the maximum accessory building height from 5.0 m (16.4 ft.) to 7.6 m (24.93 ft.), based on the Survey Certificate prepared by AllTerra Land Surveying Ltd. dated April 3, 2019.

CARRIED Unanimously

- 8.3 Land Use Contract Amendment Bylaw No. 247-4, for the Regional District of Central Okanagan (applicant) to discharge Land Use Contract No. 247 in its entirety. (Z19/01) Located within the Scotty Creek subdivision in the Ellison area. Central Okanagan East Electoral Area (*Custom Vote - Electoral Areas and Kelowna Fringe Area - 1 Director, 1 Vote*)

Staff report outlined the requirement to discharge Land Use Contracts throughout the Regional District. This application is for LUC No. 247 (Scotty Creek Subdivision).

Staff outlined the application and amendment.

**#135/19** BARTYIK/CARSON

THAT Land Use Contract Amendment Bylaw No. 247-04 receive first reading.

CARRIED Unanimously



- 8.3.1 Zoning Amendment Bylaw No. 871-252 for the above to zone the subject properties to Single Detached Housing (R1), Park and Open Space (P1) and Institutional and Assembly (P2) (Z19/01) Central Okanagan East Electoral Area (*Custom Vote - Electoral Areas and Kelowna Fringe Area - 1 Director, 1 Vote*)

**#136/19**      BARTYIK/CARSON

THAT Zoning Amendment Bylaw No. 871-252 receive first reading;

AND FURTHER THAT Application Z19/01 be scheduled for a Public Hearing.

CARRIED Unanimously

**9.      PARK SERVICES**

- 9.1      Woodhaven Nature Conservancy UBC/RDCO MOU and Lease Renewal 3-Year MOU for the delivery of an Artist-in-Residence Program and a 3-Year Lease Agreement for the delivery of an Artist-in-Residence Program with a portion of Woodhaven Nature Conservancy Regional Park (*All Directors - Weighted Vote - Simple Majority - LGA 210.2*)

Staff report dated June 14, 2019 outlined the renewal for a 3-Year Memorandum of Understanding and Lease Agreement for delivery of the UBC-Okanagan Artist-in-Residence program (amendment the program will run for three years).

**#137/19**      BAKER/WOOLDRIDGE

THAT the Regional Board approve the renewal of the Memorandum of Understanding with the University of British Columbia for a three-year term from June 2019 – 2022 for the delivery of an Artist-in-Residence Program within a portion of Woodhaven Nature Conservancy Regional Park located at 969 Raymer Road.

CARRIED Unanimously

**#138/19**      BAKER/WOOLDRIDGE

THAT the Regional Board approve the renewal of the Lease Agreement for a three-year term from June 2019 – 2022 with the University of British Columbia for the delivery of an Artist-in-Residence Program within a portion of Woodhaven Nature Conservancy Regional Park located at 969 Raymer Road as described in Schedule 'A' of the Lease Agreement attached to this report.

CARRIED Unanimously

**10. NEW BUSINESS**

No new business.

**11. DIRECTOR ITEMS**

No items requiring board consideration.

**12. ADJOURN IN CAMERA**

*(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

**#139/19 BAKER/BARTYIK**

THAT pursuant to Section 90 (e) (i) of the Community Charter the Regional Board adjourn and convene to an 'In-Camera' session to discuss:

- Disposition of land or improvements
- Receipt of advice that is subject to solicitor-client privilege

CARRIED Unanimously

There being no further business the meeting was adjourned at 7:55 p.m.

**CERTIFIED TO BE TRUE AND CORRECT**

\_\_\_\_\_  
G. Given (Chair)

\_\_\_\_\_  
M. Rilkoff (Deputy Chief Administrative Officer)

# Regional Board Report

**TO:** Regional Board

**FROM:** Todd Cashin  
Director of Community Services

**DATE:** July 18, 2019

**SUBJECT:** FrontCounter BC Referral Application – Sugarloaf Mountain Recreation Trail  
RDCO File: CL-19-03 / FrontCounter BC File: No. 272516

**Voting Entitlement:** *All Directors – Unweighted Corporate Vote – Simple Majority – LGA 208.1*

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**Purpose:** To consider a FrontCounter BC referral application for Crown land tenure to develop recreation facilities at Sugarloaf Mountain Recreation Trail.

## Executive Summary:

The Recreation Site and Trails Branch of the Ministry of Forests is proposing to construct, rehabilitate and maintain a recreation site and trails, and to legally designate Crown land as a recreation site at Sugarloaf Mountain with authorization under Sections 56 and 57 of the *Forest and Range Practices Act*. The site will include approximately 3.61km of hiking trails and is located adjacent to Westside Road and North of Killiney Beach in Electoral Area West.

Jurisdiction for approving the application lies with the Province of BC. There is no formal regional district public notification process required for Crown land referral applications.

## RECOMMENDATION:

**THAT** the Regional Board conditionally support FrontCounter BC referral application No. 272516 for the issuance of an indefinite license for Crown land tenure to construct, rehabilitate, and/or maintain a recreation site or trail, and to legally designate Crown land as a recreation site at Sugarloaf Mountain subject to the following being met:

- Follow Best Management Practices to protect source water;
- Ensure that pit toilets comply with the *B.C. Sewerage System Regulation*; and,
- Any proposed construction, repair, and/or maintenance of the recreation site(s) that falls within the scope of the B.C. Building Code requires a building permit from the Regional District of Central Okanagan.

Respectfully Submitted:



Todd Cashin  
Director of Community Services

Approved for Board's Consideration



Brian Reardon, CAO

*Prepared by: Alex Costin, Environmental Planning Technician Student*

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### Implications of Recommendation:

Strategic Plan:	Conditionally supporting the referral application complies with 2015-2018 Strategic Priorities Plan, Strategic Priority 4: Promote responsible environmental protection.
Policy:	<p>Conditionally supporting the referral application complies with Regional Growth Strategy Bylaw No. 1336:</p> <ul style="list-style-type: none"> <li>• Policy 3.2.4.5: “Promote community health and safety through investments in education, recreation, health, community development, social support, civic design, environmental design, maintenance and economic development”;</li> <li>• Policy 3.2.8: “The Region’s natural ecosystems will continue to face development pressures and it will be important for the Region to manage growth to balance the human need for resources, recreation, enjoyment and aesthetics with the need to protect, conserve and restore natural areas and biodiversity”; and,</li> <li>• Policy 3.2.10.7: “Support the assessment of the social and economic benefits of arts, culture, tourism, and recreation amenities in decision on land use”.</li> </ul>
Official Community Plan:	<p>Conditionally supporting the referral application is consistent with the following policies of the Rural Westside Official Community Plan Bylaw No. 1274:</p> <ul style="list-style-type: none"> <li>• 3.2.2 (5) Continue to advocate protection of Environmentally Sensitive Areas on Crown land through the Okanagan-Shuswap Land and Resource Management Plan process;</li> <li>• 3.2.2 (6) Continue to pursue the implementation of the wildlife strategies through the objectives and policies in the Westside Road Parks Preplan (1996).</li> </ul>

### Background:

The Ministry of Forests, Lands, Natural Resource Operations, and Rural Development proposes to construct, rehabilitate, and/or maintain a recreation site or trail, and to legally designate Crown land as a recreation site at the Sugarloaf Mountain Recreation Trail (REC169008) with Authorization under Sections 56 or 57 of the *Forest and Range Practices Act*.

Sugarloaf Mountain Recreation Trail is a popular 3.61km round-trip hike that offers views of Okanagan Lake and the surrounding area. The trail is located adjacent to Westside Road and is North of Killiney Beach in the Rural Westside. Furthermore, the Sugarloaf Mountain trail is in the immediate vicinity of Evelyn Recreation Site and campground. Trail users continue to access the site via Westside Road and 2.5 kilometres up Sugarloaf Mountain Forest Service Road.

### Proposal:

The purpose of this Crown land application is to designate the Sugarloaf Mountain Recreation Site (+/- 48 hectares / 3.61km of hiking trail) as Parks and Recreation Facilities to ensure proper maintenance of the existing use. The application indicates that there are no plans for further development or rehabilitation at this time; however, improvements may be made in the future such as installment of signage, kiosks, picnic tables, and outhouses to Provincial standard.

### Site Context:

The subject area is located outside of an Official Community Plan; therefore, Development Permit Area designations are not applicable.

#### **Additional Information:**

**Applicant:** Ministry of Forests, Lands, Natural Resource Operations, and Rural Development (Recreation Sites and Trails Branch)  
**Legal:** Unsurveyed Crown land in the vicinity of District Lot 3789, ODYD  
**Area Size:** +/- 48 hectares (3.61km of hiking trail)  
**Future Designation:** Resource and Crown Lands  
**Existing Use:** Existing recreational uses (i.e. hiking trails)  
**Surrounding Uses:** Crown Land  
**A.L.R.:** Not within the A.L.R.  
**Fire Protection:** Not within an established Fire Protection Area

#### **RDCO TECHNICAL COMMENTS:**

**Planning Services** staff recommends support of the referral application as the recreation site intends to bring current uses into compliance with Provincial regulations. The proposed recreation site is located outside of RDCO prescribed development permit areas, as such; activities associated with the use of the recreation site should be monitored to ensure there are no negative environmental impacts.

**Parks Services** staff supports the referral application as this will formalize the existing recreation trail and provide opportunities for linear trail connectivity to adjacent Crown land recreational areas, parks, and trails in the vicinity. The proposal is in keeping with the policies of the Rural Westside Official Community Plan, the Westside Road Parks Preplan, and the Okanagan-Shuswap Land Resource Management Plan with regard to the protection of Sugarloaf Mountain.

**Inspections Services** staff advises that any future proposed construction, repair, and/or maintenance that falls within the scope of the B.C. Building Code will require a building permit from the Regional District of Central Okanagan.

**RDCO Environmental Advisory Commission** recommends support of the proposed referral application as presented.

#### **AGENCY REFERRALS:**

**Interior Health Authority** staff advises the use of pit toilets must comply with the *B.C. Sewerage System Regulation*. IHA staff further recommends that the activities within the watershed minimize impact to drinking water and ensure that the proposal is in compliance with the *Drinking Water Protection Act*.

**Unaffected Agencies** include the District of Lake Country, District of Peachland, City of Kelowna, City of West Kelowna, BC Hydro, Shaw Cable, Telus, Fortis B.C., and the Ministry of Transportation and Infrastructure.

**Unaffected RDCO departments** include Engineering Services and Fire Services.

**External Implications:**

Jurisdiction for approving the application lies with the Province of BC. FrontCounter BC did not advertise this application; it is noted that no formal RDCO notification process is required for Crown land referrals.

**Alternative Recommendation:**

**THAT** the Regional Board not support FrontCounter BC referral application No. 272516.

***Considerations not applicable to this report:***

- *General*
- *Organizational*
- *Financial*
- *Legal/Statutory Authority*

**Attachment(s):**

- Appendix 'A' – Subject Area & General Location Maps
- Appendix 'B' – Sugarloaf Mountain Recreation Site Photos




## SUBJECT AREA MAP

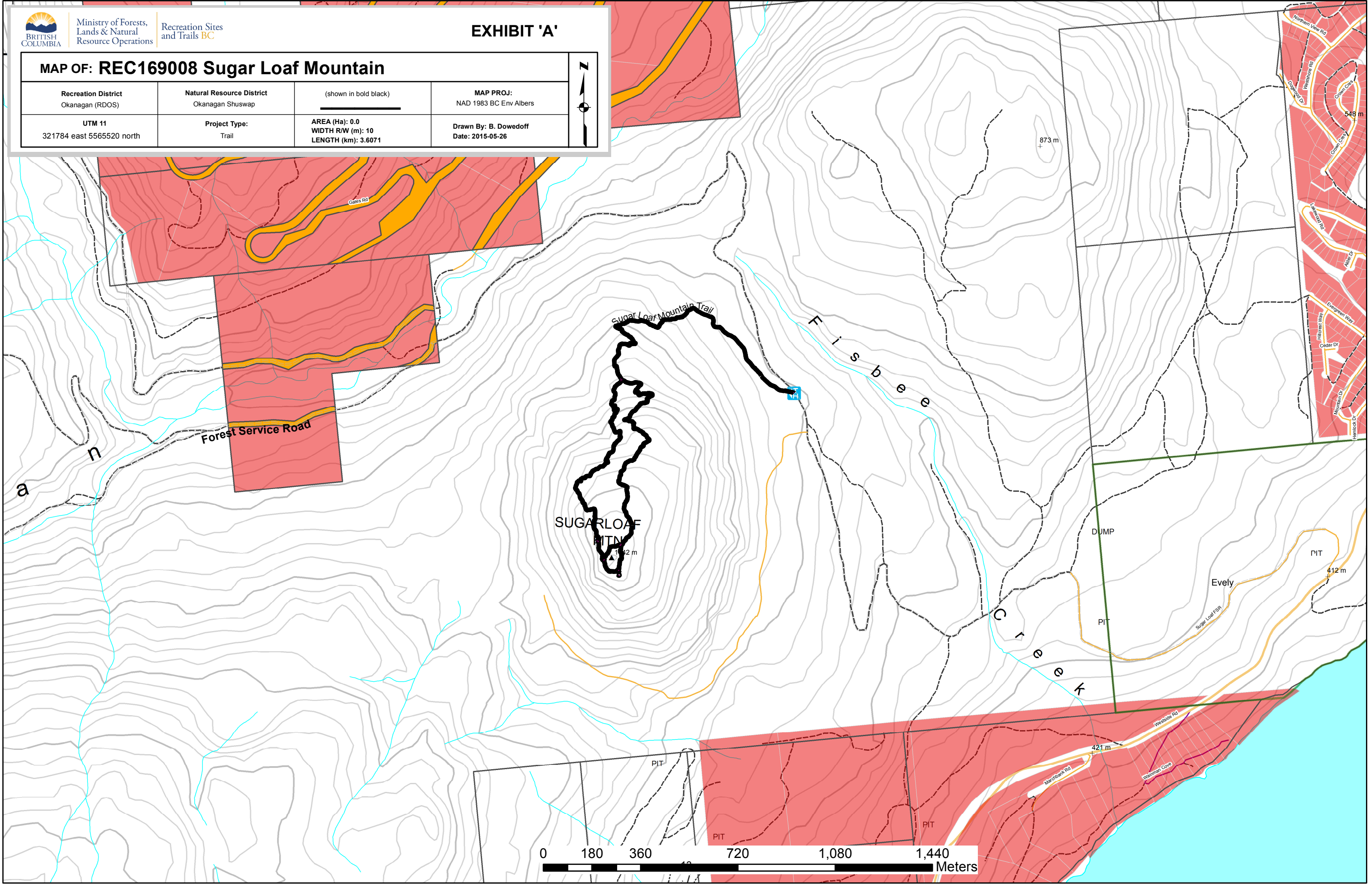






MAP OF: REC169008 Sugar Loaf Mountain

Recreation District Okanagan (RDOS)	Natural Resource District Okanagan Shuswap	(shown in bold black) 	MAP PROJ: NAD 1983 BC Env Albers
UTM 11 321784 east 5565520 north	Project Type: Trail	AREA (Ha): 0.0 WIDTH R/W (m): 10 LENGTH (km): 3.6071	Drawn By: B. Dowdoff Date: 2015-05-26







## Sugar Loaf Mountain Trail

### Legend

0 11.74 23.48 km

1: 577,791

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Datum: NAD83

Projection: WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

### Key Map of British Columbia







Sugar Loaf Mountain Trail – Retrieved from  
[https://www.hikingaddiction.ca/trails/viewtrail.php?trail\\_id=124](https://www.hikingaddiction.ca/trails/viewtrail.php?trail_id=124)



Sugar Loaf Mountain Trail Lookout – Retrieved from  
[https://www.hikingaddiction.ca/trails/viewtrail.php?trail\\_id=124](https://www.hikingaddiction.ca/trails/viewtrail.php?trail_id=124)



# Regional Board Report

**TO:** Regional Board

**FROM:** Todd Cashin  
Director of Community Services

**DATE:** July 29, 2019

**SUBJECT:** Zoning Amendment Bylaw No. 871-251  
Application Z18/06 S. & P. Sandher (Owners)  
4401 Old Vernon Road - Central Okanagan East Electoral Area

**Voting Entitlement:** *Custom Vote - Electoral Areas & Kelowna Area – 1 Director, 1 Vote*

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**Purpose:** To seek Board approval for first reading of Zoning Amendment Bylaw No. 871-251 and establish conditions prior to scheduling a public hearing.

## **Executive Summary:**

The subject property, a part of a large agricultural operation which utilizes migrant farm workers, currently provides accommodation for approximately 102 farm workers on-site. This allows for operational efficiencies as well as social benefits for workers. The owners previously received conditional approvals in 2013 and 2016 (File: TUP-13-01) to permit temporary farm worker housing (TFWH) on the subject property. The TFWH were placed on the property prior to the Regional District's current Temporary Farm Worker Dwelling and Accommodation regulations. The TUP is expiring in 2019 and is not eligible for renewal; therefore, the owners are requesting a site-specific rezoning to legitimize the TFWH use on a go forward basis.

Regional District policies recognize the need for seasonal farm worker housing, support the retention of large continuous blocks of agricultural land, and further seek to protect the supply of agricultural land.

No agency concerns have been identified at this time. Water and septic servicing have received the necessary approvals. Any correspondence received from the public will be provided to the Board as part of a future public hearing report.

## **RECOMMENDATION:**

**THAT** Zoning Amendment Bylaw No. 871-251 be given first reading;

**AND THAT** scheduling of a Public Hearing be withheld pending receipt of the following:

- A draft covenant restricting the individual sale of neighbouring parcels owned by S. & P. Sandher and/or S. Sundher Orchards Ltd.
- A draft covenant prohibiting new Temporary Agricultural Worker Dwellings and Accommodation on neighbouring parcels owned by S. & P. Sandher and/or S. Sundher Orchards Ltd.
- Written confirmation that a covenant which achieves Zoning Bylaw No. 871, Section 3.25.9 requirements will be registered prior to final adoption on the subject property.

Respectfully Submitted:



Todd Cashin  
Director of Community Services

*Prepared by: Janelle Taylor, Planner*

Approved for Board's Consideration



Brian Reardon, CAO

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### Implications of Recommendation:

Strategic Plan:	Granting first reading to the amendment bylaw meets the 2015-2018 Strategic Priorities Plan, Strategic Priority #3: Nurture Responsible Growth and Development.
Policy:	Granting first reading to the amendment bylaw complies with: <ul style="list-style-type: none"><li>• Regional Growth Strategy Bylaw No. 1336 goals and policies.</li><li>• Agricultural Plan objectives.</li><li>• Ellison OCP Bylaw No. 1124 policies.</li></ul>
Legal/Statutory Authority:	Granting first reading to the amendment bylaws is in compliance with Local Government Act, Section 479.

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### Background:

#### Proposal:

The subject property forms part of a large agricultural operation specializing in apple and cherry production that spans just over 500 acres of owned and leased properties located in the North and Central Okanagan. Migrant farm workers are a necessary part of the operation. The agricultural property includes accommodation for approximately 102 farm workers on-site, which allows for operational efficiency of a centralized site to coordinate and transport workers, plus the social benefit of common housing.

The following is an overview of the accommodation provided on-site:

- 24 temporary farm worker housing (TFWH) located within three atco trailers (~1300ft<sup>2</sup>),
- 18 TFWH located within an accessory home/agricultural dwelling (~2,034 ft<sup>2</sup>), and
- 60 TFWH located within a residential lodge (~5180 ft<sup>2</sup>).

The photo on the next page identifies the buildings that comprise the temporary farm worker housing.



### History:

The owners previously received conditional approvals in 2013 and 2016 (File: TUP-13-01) to permit temporary farm worker housing (TFWH) on the subject property. These applications were precipitated due to ongoing difficulties faced by the landowners with respect to securing suitable TFWH. At the time, Zoning Bylaw No. 871 did not have provisions to allow TFWH.

On March 28, 2014, the Regional Board adopted a Zoning Bylaw text amendment to allow TFWH on properties subject to a specific list of conditions and requirements (Section 3.25 attached). The accessory home/agricultural dwelling, lodge and three atco trailers were placed on the property prior to the Regional District's current Temporary Farm Worker Dwelling and Accommodation regulations. The TUP is expiring in 2019 and not eligible for a renewal; therefore, the applicant is requesting a site-specific rezoning to recognize the TFWH use occurring.

The TFWH does not achieve the following RDCO Zoning Bylaw No. 871, Section 3.25 Temporary Agricultural Worker Dwellings and Accommodation regulations:

- The maximum building gross floor area on the property utilized for TFWH is greater than 250m<sup>2</sup>.
- The minimum setback from a parcel line is less than 15.0 m.
- The maximum setback from the principal building is greater than 15.0 m.
- Two of the structures have permanent foundations.

### Servicing:

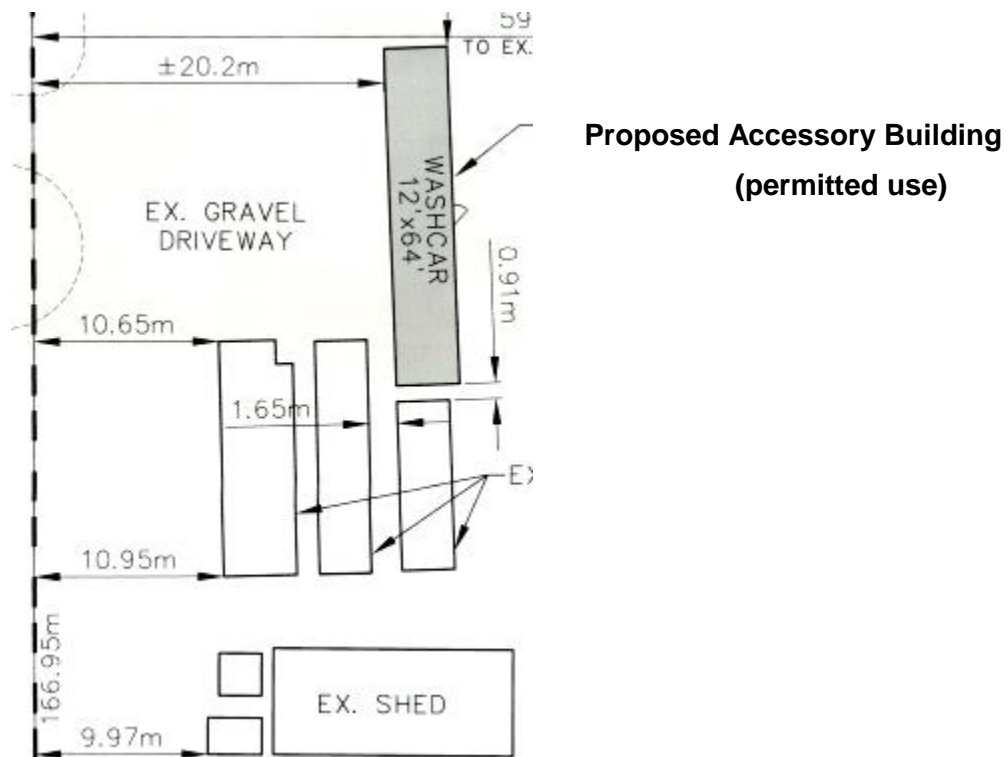
#### Water

Glenmore Ellison Improvement District provides the property with potable water. GEID has indicated that the owner has satisfied all requirements for the existing TFWH.

#### Sewerage Disposal

Through the building permit process, RDCO is in receipt of on-site sewerage disposal system information which confirms that the buildings are adequately serviced.

Currently, the 24 workers who reside in the 3 atco trailers use the washroom facilities located within the residential lodge; however, under direction from the Seasonal Agricultural Worker Program, the owners have submitted a Building Permit Application (File No. 19/092) to install a washroom facility adjacent to the 3 atco trailers for the workers' use. The proposed accessory building (non-residential) is a permitted use and has received approval from the Agricultural Land Commission and a Registered Onsite Wastewater Practitioner.



#### Seasonal Agricultural Worker Program:

The property owners have submitted the annual declaration for 2019 that they participate in the Government of Canada's Seasonal Agricultural Worker Program.

#### Regional Temporary Farm Worker Housing Regulation Review:

Regional District staff has worked collaboratively with Provincial agencies and member municipalities to review the Central Okanagan region's TFWH regulations with the intent of developing a consistent approach. Subsequent to the regional initiative commencing, the City of Kelowna adopted new TFWH regulations in 2017. RDCO, District of Lake Country, City of West Kelowna, and City of Kelowna jointly hosted an industry stakeholder workshop regarding farm worker housing April 2018; after which the City of West Kelowna adopted their new TFWH regulations.

It was anticipated that the Regional Board would consider bylaw revisions to Zoning Bylaw No. 871 by the end of 2018; however, the Province's Bill 52 – 2018: Agricultural Land Commission Amendment Act received Royal Assent on November 27, 2018. Bill 52 and the corresponding Agricultural Land Reserve General Regulation and Agricultural Land Reserve Use Regulation (approved February 22, 2019) brought about changes to residential uses occurring within the Agricultural Land Reserve, which affect TFWH.

In recognition that the Agricultural Land Commission changes affect TFWH, further review is required prior to staff recommending Zoning Bylaw No. 871 changes. The re-evaluation of Zoning Bylaw No. 871 TFWH regulations has been scheduled for the third quarter of 2019.

#### **Agricultural Plan:**

The Regional District's Agricultural Plan (approved June 2005) recognizes the need for seasonal farm worker housing in the region and includes a recommendation to explore options for providing a regulatory context to permit this use.

#### **Ellison Official Community Plan Bylaw No. 1124:**

- Policy No. 14.2.11 Support the retention of large continuous blocks of agricultural land and discourage fragmentation.

#### **Regional Growth Strategy Bylaw No. 1336:**

The Central Okanagan has strong agricultural roots and this sector has been important in defining the region and its growth pattern. With changes in population, pressures of development, increased climate impacts, water pressures, and more focus on local food production for sustainability, these changes have raised more awareness on food systems from cultivating and planting to consumption to the compost heap, and back again.

Today, food policies appear on the agenda of dozens of municipal governments across North America and beyond. Future planning can help ensure food systems are adequately addressed in growth management decisions.

- The goal of Our Food: To support a regional food system that is healthy, resilient and sustainable.
- Policy No. 3.2.5.7: Protect the supply of agricultural land and promote agricultural viability.

#### **Site Context:**

The property is located in the Ellison Area. Servicing includes the Ellison Fire Protection Area, on-site sewerage disposal system and water is provided by the Glenmore Ellison Improvement District. In accordance with the Ellison Official Community Plan Bylaw No. 1124, the property is not affected by Development Permit Areas.

#### **Additional Information:**

<b>Owners/Applicants:</b>	S. & P. Sandher
<b>Legal Description:</b>	Lot D, Plan KAP63914, DL 121 & 122, ODYD
<b>Address:</b>	4401 Old Vernon Road
<b>Lot Size:</b>	+/- 4.0 ha (9.91 acres)
<b>Zone:</b>	A1 Agricultural
<b>Official Community Plan Designation:</b>	Agriculture
<b>Sewage Disposal:</b>	Septic system
<b>Water Purveyor:</b>	Glenmore Ellison Improvement District
<b>Existing Use:</b>	Agricultural
<b>Surrounding Uses:</b>	<b>North:</b> Agriculture <b>South:</b> Agriculture <b>East:</b> Agriculture <b>West:</b> Agriculture
<b>A.L.R.:</b>	Within the A.L.R.
<b>Fire Protection:</b>	Within the Ellison Fire Protection Area

**RDCO TECHNICAL COMMENTS:**

**Agricultural Advisory Commission** supports the application as presented.

The AAC appreciates that the accommodations have been consolidated into one area of the farm and does not disturb neighbours.

**Inspection Services** staff indicates that all TFWH has received approved building permits.

**Fire Services** staff notes no concerns as the building permit process ensures the accommodations achieve fire code.

**Bylaw Enforcement** staff advises that no complaints have been received.

**Planning Services** staff indicates that at time of considering the Temporary Use Permit (TUP-13-01), there was potential that RDCO's future Zoning Bylaw regulations may not fit the TFWH occurring on the subject property and the owners would be required to pursue alternative options, such as applying for a site-specific zoning amendment.

The owners are utilizing buildings with permanent foundations which were constructed with building permits prior to the 2014 RDCO TFWH regulations coming into effect. The three atco trailers are on non-permanent foundations, which also have building permits.

As the TFWH is organized in a manner that allows for operational efficiency of a centralized site to coordinate and transport workers, plus the social benefit of common housing, it is proposed that a covenant be registered on the titles of the surrounding agricultural lands owned by the property owners to not permit new TFWH to be constructed on those properties.

Furthermore, to protect the retention of large continuous blocks of agricultural land, it is recommended that a covenant restricting the individual sale of 4381/4395 Old Vernon Road, 4401 Old Vernon Road, 4475 Old Vernon Road, and 4240 Black Road be registered on the properties' titles.

RDCO staff reviewed the above-noted covenants with the property owners in the spring of 2019. The covenants should be registered prior to final adoption of the amendment bylaw.

**AGENCY REFERRAL COMMENTS:**

**Agricultural Land Commission** indicates that an application for Non-Adhering Residential Use is not required as the landowners have existing valid building permits and the structures have been approved and existed on the property prior to the new regulations. Provided there is no expansion, the TFWH would be permitted without the need to make an application.

While not a part of this application, the ALC notes that the proposed washroom facilities (Building Permit Application No. 19/092) would be considered a necessary structure and ancillary services; therefore, no application to the ALC is required for the washroom/shower trailer to service the existing TFWH.

**Ministry of Agriculture** staff provides the following comments for consideration:

- MOA staff supports the development of seasonal farm worker accommodation appropriate to the farm operation's agricultural activity.
- The MOA's 'Guide for Bylaw Development in Farming Areas' (Bylaw Guide) provides guidelines approved by the Minister for local governments when developing their bylaws regarding farm areas.
- In order to maximize the greatest long term potential for agriculture in the area, it is important to maintain the most optimal configuration of contiguous, productive land.



**Glenmore-Ellison Improvement District** advises that the owner has satisfied all requirements GEID requested for the existing TFWH. GEID does not have any concerns with the proposed zoning amendment.

**FortisBC** advises that there are primary distribution facilities along Old Vernon Road and Black Road. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights were required. Otherwise, FortisBC has no concerns.

**Unaffected Agencies** include BC Hydro, City of Kelowna, Interior Health Authority, Ministry of Transportation and Infrastructure.

**Unaffected RDCO Departments** include Parks Services and Environmental Services.

### **External Implications:**

In accordance with Development Applications Procedures Bylaw No. 944, a Notice of Application Sign has been posted. Any correspondence received from the public will be provided to the Board as part of a future public hearing report.

### **Alternative Recommendation:**

**THAT** Zoning Amendment Bylaw No. 871-251 not be given first reading.

### ***Considerations not applicable to this report:***

- *Financial*
- *Organizational*
- *General*

### **Attachment(s):**

- Zoning Amendment Bylaw No. 871-251
- Subject Property & Orthophoto Maps
- Site Improvement Survey, dated June 5, 2019
- Zoning Bylaw No. 871, Section 3.25

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**REGIONAL DISTRICT OF CENTRAL OKANAGAN**

**BYLAW NO. 871-251**

**A Bylaw to Amend Regional District of Central Okanagan Zoning Bylaw 871, 2000**

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WHEREAS the Regional Board of the Regional District of Central Okanagan is desirous of amending Zoning Bylaw No. 871, 2000 under the provisions of the Local Government Act.

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in an open meeting enacts as follows:

1. **This bylaw may be cited as Regional District of Central Okanagan Zoning Amendment Bylaw No. 871-251.**
2. **That the Regional District of Central Okanagan Zoning Bylaw No. 871, 2000 is hereby AMENDED by the following and forms a part of this bylaw:**
  - 2.1 Amending **PART 3 General Regulations**, Section 3.25 - Temporary Agricultural Worker Dwellings and Accommodation
    - 2.1.1 Subsection 2 by **ADDING** "2.1 Except for Lot D, Plan KAP63914, DL 121 & 122, ODYD which is permitted a maximum building gross floor area of 791 m<sup>2</sup> (8,514 sq. ft)."
    - 2.1.2 Subsection 5 by **ADDING** "5.1 Except for Lot D, Plan KAP63914, DL 121 & 122, ODYD which is permitted to use dwellings existing prior to March 28, 2014."
    - 2.1.3 Subsection 6 by **ADDING** "6.1 Except for Lot D, Plan KAP63914, DL 121 & 122, ODYD which is permitted to site Temporary Agricultural Worker Dwellings and Accommodation buildings in accordance with the Site Improvement Survey, dated June 5, 2019, by Bret M. Christensen."
    - 2.1.4 Subsection 7 by **ADDING** "7.1 Except for Lot D, Plan KAP63914, DL 121 & 122, ODYD which is permitted to site Temporary Agricultural Worker Dwellings and Accommodation buildings in accordance with the Site Improvement Survey, dated June 5, 2019, by Bret M. Christensen."

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_

PUBLIC HEARING HELD PURSUANT TO THE LOCAL GOVERNMENT ACT this \_\_\_\_\_  
day of \_\_\_\_\_

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Zoning Bylaw No. 871-251 as read  
a third time by the Regional District of Central Okanagan the \_\_\_\_\_ day of \_\_\_\_\_

Dated at Kelowna, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Zoning Bylaw No. 871-251 which  
was Adopted by the Regional District of Central Okanagan on the \_\_\_\_\_ day of \_\_\_\_\_

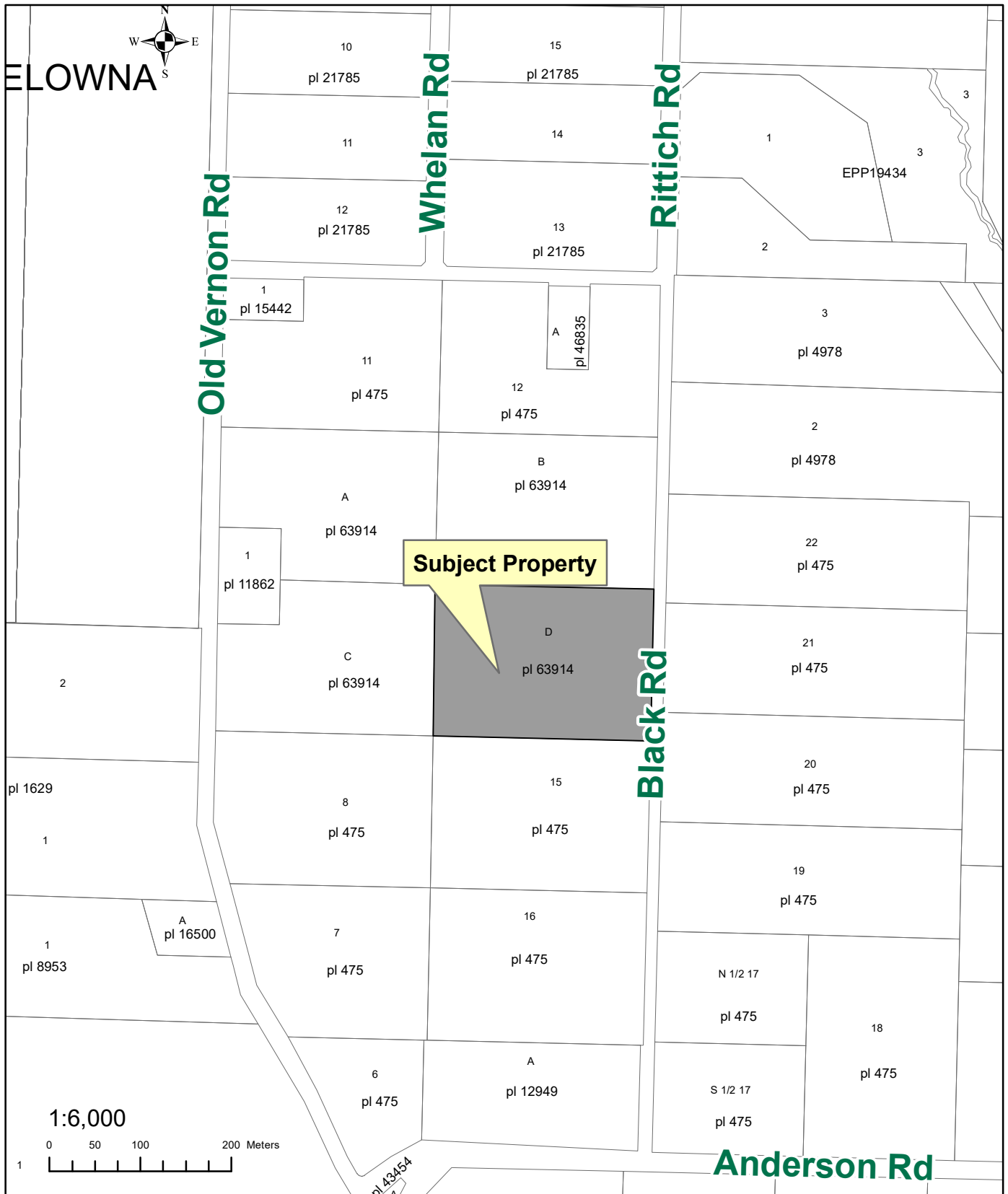
\_\_\_\_\_

Dated at Kelowna, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Director of Corporate Services

H:\Planning\3360-Zoning\20-Applications\2018\Z18-06 S. Sandher (Orchards Ltd)\Bylaws & Maps\Bylaw 871-251.docx

# SUBJECT PROPERTY



File: Z18/06

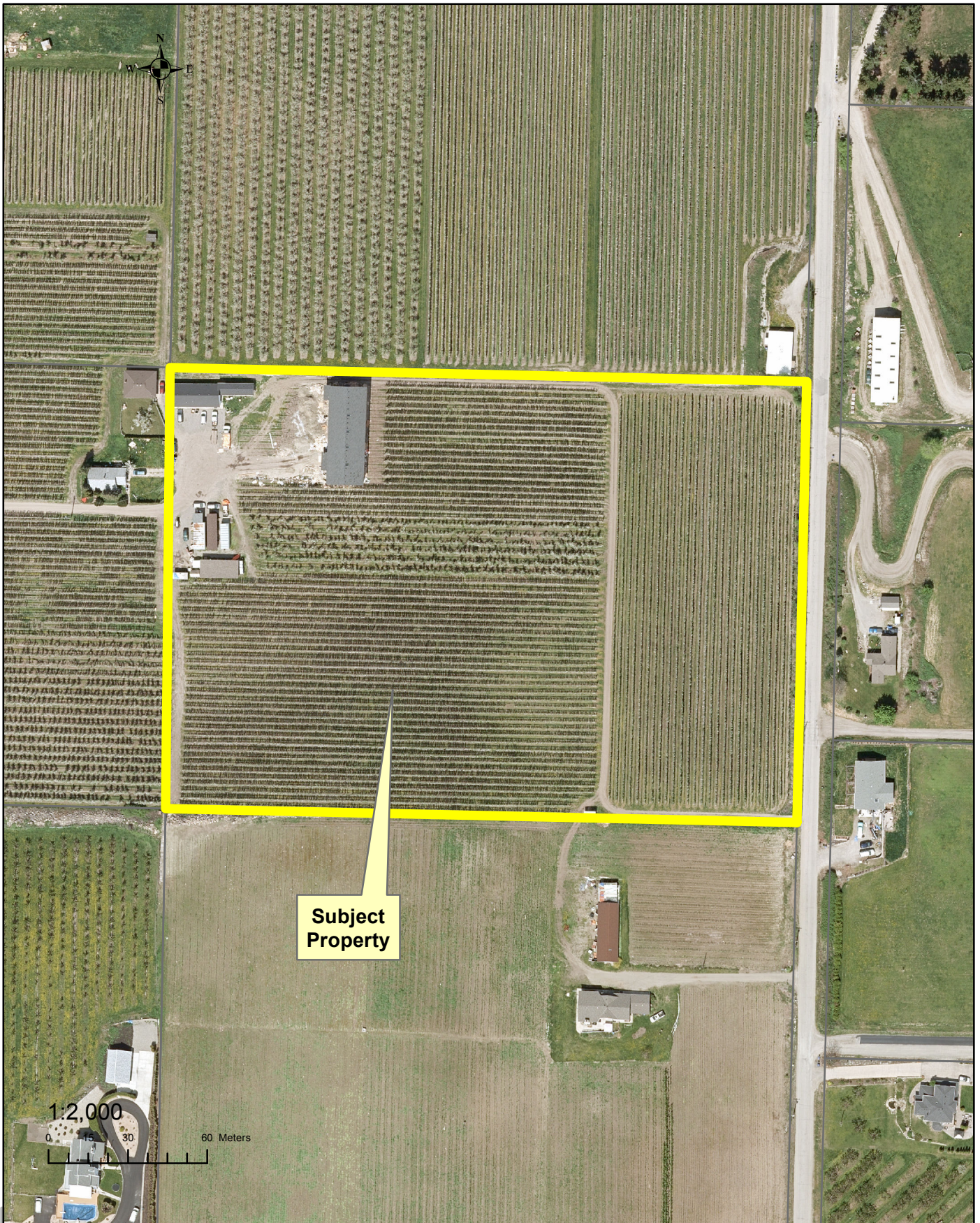
Drawn by: CA

Date: July 8, 2019

Lot D, ODYD, Plan KAP63914, DL 121 & DL 122



# ORTHOPHOTO





# SITE IMPROVEMENT SURVEY

Survey Performed on the

15th

day of

May

, 20

19

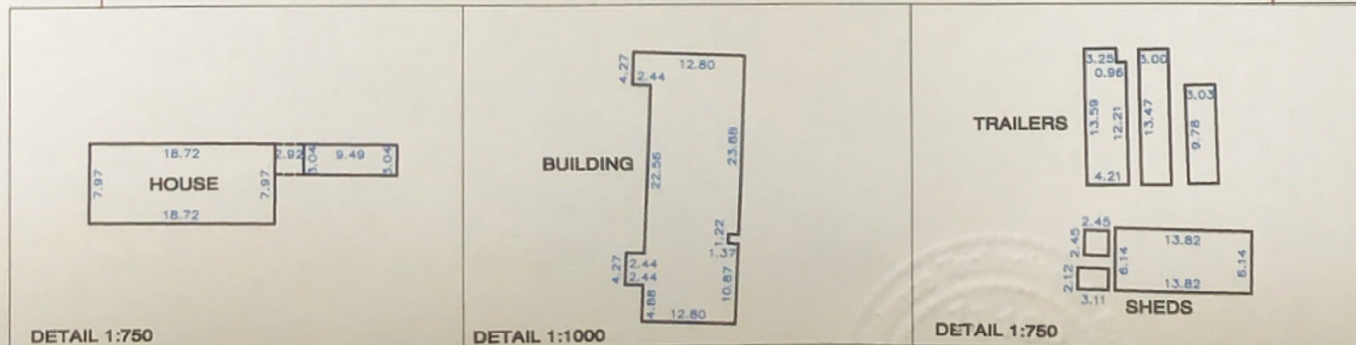
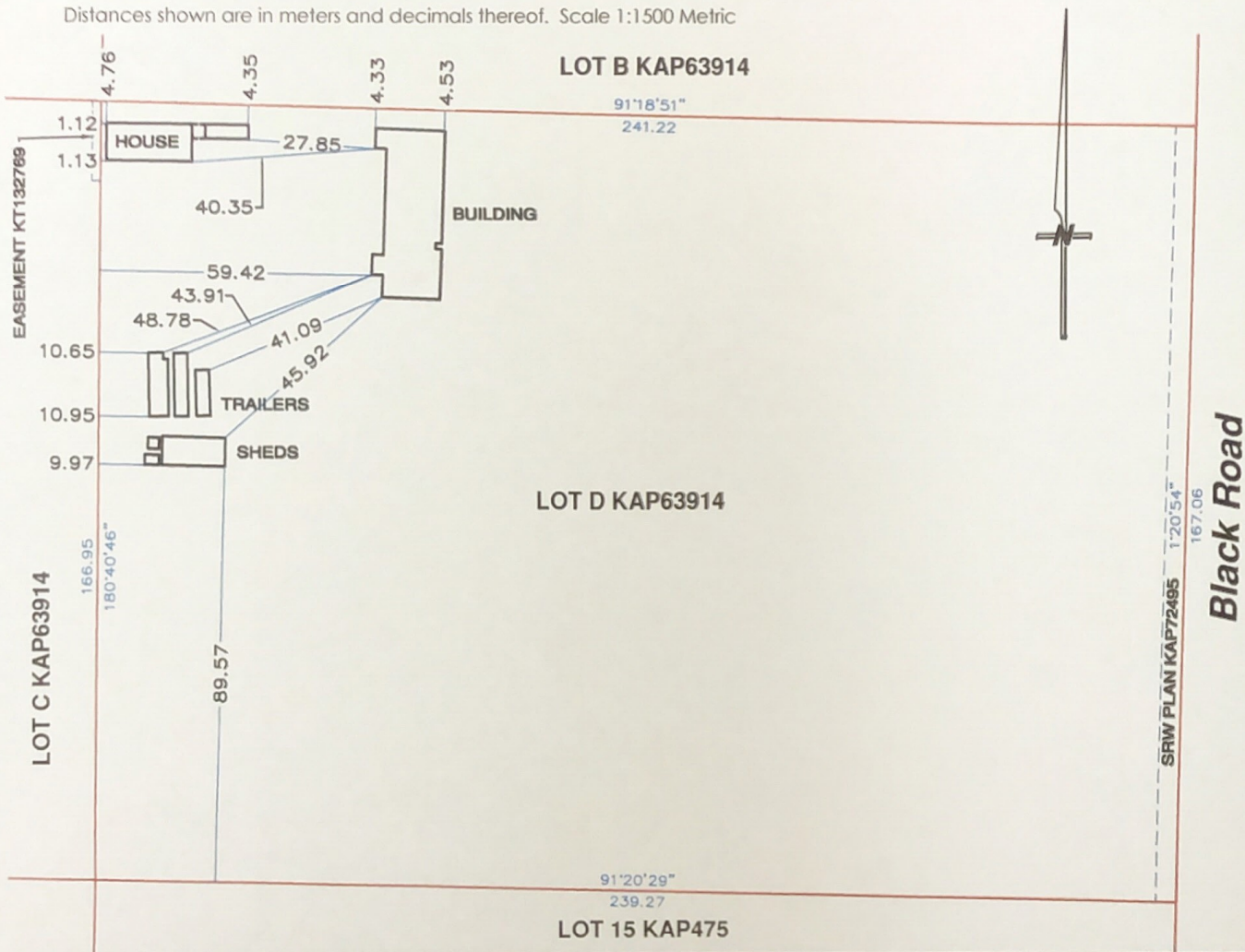
Legal Description

Lot D, District Lots 121 & 122, O.D.Y.D., Plan KAP63914

Civic Address

4401 Old Vernon Road, Kelowna, BC

Distances shown are in meters and decimals thereof. Scale 1:1500 Metric



I Bret Christensen hereby declare that the dimensions shown on this drawing are accurate and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.  
This document is not valid unless originally signed and sealed.  
This plan is prepared for mortgage purposes and/or building inspections and is not to be used to establish legal boundaries.

this 10th day of JUNE, 20 19

Bret M. Christensen ASCT, RSIS

### 3.25 Temporary Agricultural Worker Dwellings and Accommodation

*Temporary Agricultural Worker Dwellings* and Accommodation are subject to the following regulations:

1. A minimum *parcel* size of 3.8 ha (9.4 acres) is required to permit a *Temporary Agricultural Worker Dwellings* and Accommodation.
2. The *Temporary Agricultural Worker Dwellings* and Accommodation shall be limited to a maximum *building gross floor area* of 186 m<sup>2</sup> (2002.1 sq. ft.), except that where the owner of a farm operation can document by ownership records or copies of leases registered in the Land Title Office that the farm operation is at least 40 ha (98.8 acres) in size, a maximum *building gross floor area* of 250 m<sup>2</sup> (2,691.0 sq. ft.) for *Temporary Agricultural Worker Dwellings* and Accommodation per farm operation shall be permitted.
3. The *Temporary Agricultural Worker Dwellings* and Accommodation shall be used for the temporary accommodation of seasonal agricultural workers who are employed by the owner of the *parcel* to work in the owner's agricultural operation.
4. The parcel upon which the accommodation is located is classified as a "farm" under the Assessment Act.
5. A *Temporary Agricultural Worker Dwellings* and Accommodation is a *building* or *manufactured home* placed on a temporary foundation or footings with no basement.
6. The required minimum *setback* of a *Temporary Agricultural Worker Dwellings* and Accommodation *building* from any *parcel line* is 15.0 m (49.2 sq. ft.).
7. The required maximum *setback* of a *Temporary Agricultural Worker Dwellings* and Accommodation *building* from a principal residence is 15.0 m (49.2 ft.).
8. One parking space for every 30.0 m<sup>2</sup> (322.9 sq. ft.) of *gross floor area* of a *Temporary Agricultural Worker Dwellings* and Accommodation is required in addition to those required for the principal dwelling.
9. The owner of the *parcel* shall enter into a restrictive covenant, under the Land Title Act, with the Regional District of Central Okanagan, that states:
  - 9.1 A statutory declaration shall be filled out with local government annually stating the *building* will only be used for *Temporary Agricultural Worker Dwellings* and Accommodation for a specified period of time;
  - 9.2 only used by temporary farm workers and that the owner will remove or decommission the housing if vacant for two consecutive years;
  - 9.3 the *Temporary Agricultural Worker Dwellings* and Accommodation applies to farms registered with a Federal and/or Provincial seasonal agricultural workers program or is for the accommodation of workers employed by those farms.