



# Regional Board Report

**TO:** Regional Board

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

**DATE:** April 11, 2019

**SUBJECT:** Extension Request for Application File No. Z15/03  
Zoning Amendment Bylaw No. 871-229 (B. & H. Khun Khun)  
Lot 2, Section 12, Township 23, ODYD, Plan 19835  
3370 Old Vernon Road, Central Okanagan East Electoral Area

**Voting Entitlement:** *Custom Vote – Electoral Areas, Kelowna Fringe Areas – 1 Director, 1 Vote*

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**Purpose:** To consider a request for a one-year extension for Application File No. Z15/03 (Zoning Amendment Bylaw No. 871-229).

## Executive Summary:

Over the past two years, provincial agencies, member municipalities, and Regional District staff have been working collaboratively to develop a regional Temporary Farm Worker Housing approach.

Given the purpose of the proposed bylaw amendment, the RDCO's intent to propose updated regulations and the recent Agricultural Land Commission's changes to residential uses, a one-year extension for the application has been requested.

This is the fourth extension request for this application. The re-evaluation of Zoning Bylaw No. 871 TFWH regulations has been scheduled for the third quarter of 2019.

## RECOMMENDATION:

**THAT** the Regional Board approve a one-year extension for Zoning Amendment Bylaw No. 871-229 (Application File No. Z15/03).

Respectfully Submitted:

A handwritten signature in black ink, appearing to read 'Todd Cashin'.

Todd Cashin  
Director of Community Services

Approved for Board's Consideration

A handwritten signature in black ink, appearing to read 'Brian Reardon'.

Brian Reardon, CAO

*Prepared by: Janelle Taylor, Planner*

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**Implications of Recommendation:**

**Policy:** Approval of the extension complies with Development Applications Procedures Bylaw No.944

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**Background:**Application

To date, the amending bylaw has not been considered by the Regional Board. The owners previously received conditional approvals in 2008 & 2012 (Files: TCUP-08-05 & TUP-12-01) 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 subject to a specific list of conditions and requirements (Section 3.25 attached). Subsequent to the bylaw change, RDCO staff was made aware that the use occurring on the subject parcel did not comply with the regulations outlined in the Zoning Bylaw, which precipitated Application File No. Z15/03.

During the processing of Application File No. Z15/03, it came to Regional District staff's attention that there is a need for a regional approach to TFWH. In recognition of the regional work that was underway, Planning staff placed Application File No. Z15/03 on hold and the Regional Board has subsequently granted three extension requests.

Should the Regional Board adopt changes to Zoning Bylaw No. 871, the TFWH occurring on the subject property will be re-evaluated with the updated regulations and it will be determined whether a development application is required.

Regional TFWH Approach

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.

**Development Applications Procedures Bylaw No. 944:**

Applications that have not been approved or rejected within 12 months after the application date will be of no force and effect. Unless the Regional Board passes a resolution to extend the deadline up to one year, a new application will be required in order to proceed.

**Organizational/Financial Issues:**

RDCO Planning Section is processing the extension request on behalf of the owners/applicants.

**Alternative Recommendation:**

Planning staff does not propose an alternative recommendation on this matter and has no concerns with the granting of a fourth one-year extension.

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

- *Strategic Plan*
- *General*
- *Organizational*
- *Financial*
- *Legal/Statutory Authority*
- *External Implications*

**Attachment(s):**

- Schedule 'A' & Orthophoto Maps
- Zoning Bylaw No. 871, Section 3.25