



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: August 23, 2022

From: Dallas Arcangel, Planner II

File No: TUP 18-04.01

Subject: **TUP 18-04.01, Temporary Use Permit Renewal, 3275 Shetler Drive**

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### RECOMMENDATION

**THAT** Council approve the issuance of a Temporary Use Permit renewal (TUP 18-04.01) to permit a woodworking shop at 3275 Shetler Drive (Lot B, DL 804, ODYD, Plan KAP64016) for a period of three (3) years subject to the conditions of the attached permit (Attachment 1).

### STRATEGIC AREA(S) OF FOCUS

**Economic Development and Prosperity:** We will work with our partners on the Westside and throughout the region to advocate for and support efforts aimed at helping West Kelowna businesses prosper. With a focus on the future, we will advance opportunities to expand our economy, increase employment, and develop the community in ways that contribute towards prosperity for all.

### BACKGROUND

In 2018, the applicant submitted an application for a Temporary Use Permit (TUP 18-04) for a lumber resawing operation in the A1 Zone, which is not a permitted use. At that time a concurrent non-farm use application (A 18-03) was submitted to the Agricultural Land Commission (ALC) to permit the use within the Agricultural Land Reserve (ALR). Both applications were supported by the City and the ALC.

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#### PROPERTY DETAILS

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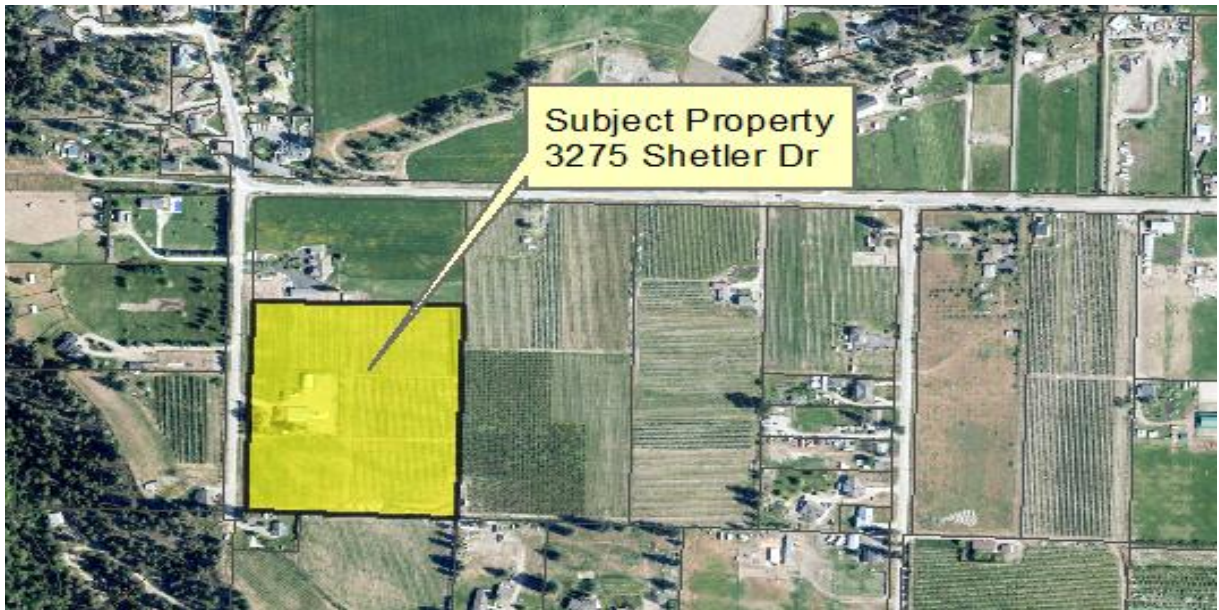
<b>Address</b>	3275 Shetler Road		
<b>PID</b>	024-452-963		
<b>Folio</b>	36413334.201		
<b>Lot Size</b>	10.922 acres (44,199.8 m <sup>2</sup> )		
<b>Owner</b>	Abraham Robert Janse	<b>Agent</b>	Robert Janse
<b>Current Zoning</b>	A1 (Agricultural Zone)	<b>Proposed Zoning</b>	N/A
<b>Current OCP</b>	Agricultural	<b>Proposed OCP</b>	Agricultural

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## ADJACENT ZONING & LAND USES

<b>North</b>	<b>^</b>	A1 Agricultural Zone
<b>East</b>	<b>&gt;</b>	A1 Agricultural Zone
<b>West</b>	<b>&lt;</b>	A1 Agricultural Zone
<b>South</b>	<b>v</b>	A1 Agricultural Zone

## NEIGHBOURHOOD MAP



## PROPERTY MAP



## **DISCUSSION**

### **Legislative Requirements**

Council has the authority under section 493 (2) of the *Local Government Act* to issue a Temporary Use Permit (TUP) to allow a use that is not permitted in the applicable zoning bylaw. Under section 497 (1) of the *Local Government Act*, Council may allow the temporary use on a property for up to three years, subject to renewal only once.

### **Proposal**

The applicant is proposing to extend their permit for lumber resawing as a use on an agricultural parcel. The outside resawing equipment is no longer required and the woodwork activity is now limited to the workshop. Lumber is brought in as a truckload of lifts which are stored in the yard. Lifts are stored in the garage, processed, boxed, palletized and shipped when a truckload is complete.

### **Applicant's Rationale**

The farm was seeded in 2020 to produce hay bales for horse feed and was a major investment for the applicant. As the fields are getting established, the applicant produces small runs of wooden planters for Gormans for additional income. The production will be scaled down to one or two employees and less volume overall. The applicant said he still needs the planter production for a few more years to make the farm viable.

The applicant has provided a rationale and a proposal summary describing their intentions with respect to the TUP (Attachment 2) and includes the following:

- This temporary use will not affect any of the current agricultural operations on the property which consists of 9.5 acres seeded in 2020 which produces over 850 hay bales in 2021;
- All woodworking activity to manufacture the planter boxes will be contained inside the building on the top floor of 275 m<sup>2</sup> of floor area;
- The approval of this use will employ 1 to 2 employees and produce less volume than previous years and helps to add income to the agricultural activities;
- Hours of operation are from Monday to Friday between 8:00 a.m. to 5:00 p.m.;
- The owner intends to operate for only a few more years in order to make the farm viable; and
- The Agricultural Land Commission has approved the temporary use (A 18-03) on June 6, 2018. This use was further supported by Council in an application for temporary use (TUP 18-04) on June 28, 2018.

### **Policy and Bylaw Review**

#### Official Community Plan No. 0100

The subject property is located within the City of West Kelowna's Agricultural Precinct and has an Agricultural Land Use Designation within the Official Community Plan (OCP). The OCP policies for this designation are primarily concerned with the preservation of agricultural activities on agricultural land parcels. They also seek to support the diversification of the

agricultural economy. However, the policies that seek to diversify the agricultural economy are aimed toward encouraging activities that are ancillary to farm production (i.e. retail sales, agri-tourism, small restaurants, etc.). As such, an activity that may be complementary but not related to farm production is not clearly addressed under agricultural policies in the OCP.

In addition, the Official Community Plan's Economic Sustainability policies broadly address the diversification of uses on agricultural properties that could suitably:

- Support agricultural land-owners by exploring opportunities to support agri-business and related enterprises, and;
- Improving agricultural incomes.

#### Zoning Bylaw No. 0154

The subject property is within the Agricultural Zone (A1) which accommodates agricultural activities and related activities that are within the Agricultural Land Reserve (ALR). The temporary use of woodworking is not consistent with the permitted uses for the A1 zone and will be only a small operation in conjunction with the overall agricultural activities.

#### Agricultural Plan

One of the main objectives of the City of West Kelowna's Agricultural Plan is to mitigate farmer/non-farmer conflicts while also respecting the protection of "normal farm practices".

Under the *Farm Practices Protection (Right to Farm) Act*, the proposed use would not be considered a "normal farm practice". However, the ALC considers a number of noise nuisances to be permissible under normal farming practice with the Agricultural Land Reserve, including (but not limited to):

- The operation of cultivation equipment;
- Pest management (i.e. using propane cannons to deter birds from crops), and;
- Crop maintenance and management.

Similar to the Economic Sustainability policies within the OCP, the Agricultural Plan encourages innovative secondary activities that contribute to farm income. The lumber resawing operation to produce wood planter boxes could be considered a complementary secondary activity that generates additional income to supplement the applicant's income while the crops become established.

#### Agricultural Land Commission

The ALC's Agricultural Land Reserve Use, Subdivision, and Procedures Regulation permits "timber production, harvesting, silviculture and forest protection" as well as the "operation of a temporary sawmill if at least 50% of the volume of timber is harvested from the farm or parcel on which the sawmill is located." As the trees being processed are neither grown on nor harvested from the parcel, the subject property does not meet the criteria to consider the re-manufacturing of wood products. The previous ALC Non-Farm Use approval has been reviewed and is still valid; no additional ALC approval is required as part of this renewal.

## REFERRAL COMMENTS

Staff have reviewed the Bylaw history and noted that there have not been any complaints since the original TUP 18-03 was issued on December 11, 2018.

## COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
December 11, 2018	<b>THAT</b> Council approve the issuance of a Temporary Use Permit (File: TUP 18-04.01) to permit a workshop structure for woodworking at 3275 Shetler Drive for a period of three (3) years subject to the conditions of the attached permit.	C438/18

## CONCLUSION

It is recommended that Council approve the renewal of the TUP as the scale of the proposal has been reduced, there have been no complaints since the permit was approved in 2018 and the woodworking provides a secondary source of income for the farmer which is supported by policies in the OCP and Agricultural Plan.

## REVIEWED BY

Chris Oliver, Planning Supervisor

Brent Magnan, Director of Development Approvals.

Corinne Boback, Legislative Services Manager

## APPROVED FOR THE AGENDA BY

Paul Gipps CAO

Powerpoint: Yes ☒ No ☐

## Attachments:

- 1) Temporary Use Permit TUP 18-04.01
- 2) Applicant rationale