



**Staff Report**  
**Application # T – 37623**  
**Applicant: Gurjit and Sukhvinder Jhaji**  
**Agent: Fiona Forshaw**  
**Location: north of Vernon, East of Swan Lake**

**DATE RECEIVED:** August 17, 2007

**DATE PREPARED:** October 24, 2007

**TO:** Chair and Commissioners – Okanagan Panel

**FROM:** Brandy Ridout, Land Use Planner

**PROPOSAL:** To operate a Child Care Centre in two existing dwellings on the 8.1 ha subject property. Approximately 90 children (Regional District information indicates that the applicant is applying for 70 day care spaces within a development footprint of 0.6 ha) ranging in age from infants to after school care would be accommodated in the structures.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

**Local Government:**

Regional District of North Okanagan (RDNO)

**Legal Description of Property:**

PID: 011-087-145

Lot 17, Section 9 and 10, Township 8, Osoyoos Division of Yale District, Plan 1867

**Purchase Date:**

December 2006

**Location of Property:**

5958 and 5960 Old Kamloops Road

**Size of Property:**

8 ha (The entire property is in the ALR).

**BACKGROUND INFORMATION (continued):**

**Present use of the Property:**

Two homes, two shops, vacant land, pasture land (that has remnants of orchard uses) is gently sloping until it meets the base of a steep rocky hillside.

**Surrounding Land Uses:**

**WEST:** Non ALR hillside  
**SOUTH:** Small Orchard on 5 ha parcel in the ALR  
**EAST:** Old Kamloops Road, ALR farmland beyond – 3 ha - 4 ha parcels  
**NORTH:** 8 ha ALR parcel with a green house operation

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82L.024  
The majority of the property is identified as having prime dominant ratings.

**Official Community Plan and Designation:**

OCP: Bylaw No. 1708 (2003 Designation: Agricultural/Major Road

**Zoning Bylaw and Designation:**

Zoning: Bylaw No. 1888 (2003 Designation: Zoned Country Residential  
Minimum Lot Size: 2.0 ha

**PREVIOUS APPLICATIONS:**

**Application #06475-0**

**Applicant:** R & H James  
**Decision Date:** June 7, 1978  
**Proposal:** To construct a second dwelling for the landowner's son.  
**Decision:** Refused. Upon reconsideration the Commission did allow a new residence, subject to the existing residence being removed within 2 months.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**RDNO Board:** Authorized the application for submission subject to there being a plan attached to the application and approved by staff confirming the maximum area of the site required to allow the daycare use.

**STAFF COMMENTS:**

- The proposed facility could conflict with adjoining farm uses, particularly the use of chemical sprays and the use of outdoor play areas by children.
- Local traffic would likely increase substantially.
- Should the child care facility succeed, it is possible that additional expansion might be contemplated. However, no substantive changes to existing buildings and yards are currently contemplated.
- There is little, if any precedent for this type of use in the ALR.
- Two dwellings were expressly refused by the Commission in 1978.
- If the use is permitted and licenses are achieved, it would be unlikely that this property would ever revert to primarily agricultural uses, as how the property is perceived would likely be permanently altered.


**STAFF COMMENTS (continued):**

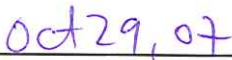
- The landowner indicates that he intends to farm the property, and no farmland is intended to be altered as a result of the proposal.
- There is substantial public support for the proposed facility due to an apparent shortage of child care spaces in the North Okanagan. Letters of support have been received from the local MLA, Tom Christensen, the Social Planning Council for the North Okanagan, and the Okanagan College Early Childhood Education program. Form letters (14) in support of the proposal have been received from neighborhood residents.
- Regional District staff believe that the location of the facility is unsuitable due to its remote location and necessity for motor vehicle access. Staff suggest that a more suitable location would be within the urban area of Vernon.

**ATTACHMENTS:**

- ALR Base Map 82L/06 (1:50,000)
- ALR Airphoto (1:10,000)
- Sketch plan

**END OF REPORT**

  
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**Signature**

  
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**Date**