

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: June 2, 2022
RE: Temporary Use Permit Application – Electoral Area “C” (C2022.007-TUP)

Administrative Recommendation:

THAT the Board of Directors approve Temporary Use Permit No. C2022.007-TUP.

Purpose: To allow for the retention of a 72 m² industrial worker accommodation unit. Folio: C-06519.050

Civic: 211 Road 18 Legal: Lot 2, District Lot 2450S, SDYD, Plan 21397

OCP: Agriculture (AG) Zone: Agriculture One (AG1)

Proposed Development:

This application is proposing to retain a 72 m² industrial worker accommodation unit on the subject property for farm labour housing through the issuance of a Temporary Use Permit (TUP).

The applicant is requesting a TUP with a validity period of three (3) years, with the intent to apply for renewal upon expiration.

In support of this proposal, the applicant has stated that “the housing will only be used for our farm workers”.

Site Context:

The subject property is approximately 3.6 ha in area and is situated on the south side of Road 18, and between the Okanagan River Channel to the west and the Okanagan River to the east. It is understood that the parcel is comprised of the subject industrial worker accommodation unit (i.e., a 12' x 64' “Jack and Jill” dormitory unit).

The surrounding pattern of development is generally characterised by agricultural production.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on May 20, 1971, while available Regional District records indicate that building permits for the placement of a single wide mobile home (1995) and the demolition of a mobile home (2022).

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is currently designated Agriculture (AG), and is the subject of a Watercourse Development Permit (WDP) Area. No WDP has been issued for the placement of the accommodation unit. A WDP will be required in order to obtain a building permit for the structure.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Agriculture One (AG1), which permits for “accessory dwellings” based on parcel size.

Under Section 10.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Okanagan River and the Okanagan River Channel.

The property has been the subject of a Stop Work Notice for the removal of a mobile home and placement of a manufactured building (i.e., the subject industrial worker accommodation unit).

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

Public Process:

On May 17, 2022, a Public Information Meeting (PIM) was held at the Oliver Community Centre at 6359 Park Drive and was not attended by any members of the public.

At its meeting of May 17, 2022, the Electoral Area “C” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved.

Adjacent property owners will have received notification of this application with written comments being accepted up until one (1) week prior to the Board’s regular meeting at which the application is to be considered. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

In considering this proposal, Administration notes that the industrial worker accommodation unit does not meet the Zoning Bylaw’s definition of a “single detached dwelling” or “mobile home”, which would otherwise be permitted as a principal use within the AG1 zone, as it is neither certified as being constructed to the Canadian Standards Association A277 Standard or Canadian Standards Association Z240 Mobile Home Series Standard.

The Electoral Area “C” OCP Bylaw contains policy supportive of additional dwellings within the Agricultural (AG) designation where they are used to support agricultural activities and purposes (e.g., workers’ housing) (Section 9.3.20).

It is understood that the intention of the industrial worker accommodation is to house up to four farm labourers (depending on season and crops planted), who would be working on the property owners’ farm unit which is comprised of five parcels and amounting to 45 acres of agricultural land.

The agent has submitted that, in addition to the subject property, the property owners operate the properties located at 208 & 226 Road 1, 303 Road 17, and 555 Testalinden Place, as part of their farm operation. The properties produce various agricultural products, including tree fruits (apples and cherries), onions, and melons.

Administration notes that of the farm unit parcels, the properties at 226 Road 1, 555 Testalinden Place, and 303 Road 17 contain existing dwellings:

- 226 Road 1: the agent’s house;
- 555 Testalinden Place: a house occupied by a long-term tenant that is not involved in the farm operation;

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- 303 Road 17: the property owners' house and a house occupied by the manager of an aquaculture facility located on the property.

In this regard, the agent has noted that there are no suitable accommodations for the proposed farm labourers.

The agent has submitted a positive Labour Market Impact Assessment (LMIA) for two farm labourers through the Seasonal Agricultural Workers Program (SAWP), expiring on December 15, 2022. It is understood that the farm labourers would occupy the accommodation unit from February through November and be involved in planting, weeding, harvesting, sorting and packaging crops.

With respect to the impact of the accommodation unit on the agricultural productivity and capability of the land, it is noted that the existing accommodation unit is 72 m² in size and is placed on temporary foundations, with no basement. Further, based on a desktop review of available aerial imagery, the accommodation appears to be sited in a previously disturbed portion of the property.

Alternative:

Conversely, Administration notes that there is an existing dwelling on one of the farm parcels owned by the property owners (555 Testalinden Place) which is currently being rented to a long-term tenant who is not involved with the farm operation.

Administration is generally concerned with the cumulative impact of residential uses on agricultural lands, and notes that existing dwellings should be prioritized as accommodation options, where possible, to mitigate such impacts.

Summary:

In summary, given the small size, temporary nature, and siting of the accommodation unit in a previously disturbed area not under active agricultural production, Administration finds that the industrial workers accommodation unit would not have significant impacts on the agricultural productivity and capability of the property.

Alternatives:

1. THAT the Board of Directors deny Temporary Use Permit No. C2022.007-TUP

Respectfully submitted:



Shannon Duong, Planner I

Endorsed By:



C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List

No. 2 – Aerial Photo

No. 3 – Photo of Accommodation Unit 1

No. 4 – Photo of Accommodation Unit 2

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding draft Temporary Use Permit C2022.007-TUP:

<input checked="" type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" type="checkbox"/>	Fortis
<input checked="" type="checkbox"/>	Interior Health Authority (IHA)	<input type="checkbox"/>	City of Penticton
<input checked="" type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	District of Summerland
<input type="checkbox"/>	Ministry of Energy, Mines & Petroleum Resources	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Municipal Affairs & Housing	<input type="checkbox"/>	Town of Osoyoos
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Ecosystem Section)	<input type="checkbox"/>	Town of Princeton
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch)	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology	<input type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input type="checkbox"/>	Ministry of Transportation and Infrastructure	<input type="checkbox"/>	Penticton Indian Band (PIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Osoyoos Indian Band (OIB)
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Upper Similkameen Indian Band (USIB)
<input type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	Lower Similkameen Indian Band (LSIB)
<input type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Canadian Wildlife Services
<input type="checkbox"/>	Kootenay Boundary Regional District	<input type="checkbox"/>	OK Falls Irrigation District
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Kaleden Irrigation District
<input type="checkbox"/>	Fraser Valley Regional District	<input type="checkbox"/>	X Irrigation District / improvement Districts / etc.
<input checked="" type="checkbox"/>	Oliver Fire Department	<input type="checkbox"/>	Public Works (Water Areas C, D, E, F; Sewer Area D)

Attachment No. 2 – Aerial Photo



Attachment No. 3 – Photo of Accommodation Unit 1



Attachment No. 4 – Photo of Accommodation Unit 2

