

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: October 5, 2023
RE: Temporary Use Permit Application – Electoral Area “C” (C2023.018-TUP)

Administrative Recommendation:

THAT Temporary Use Permit No. C2023.018-TUP, to allow a temporary farm worker accommodation unit at 5535 Highway 97, be approved.

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|---|------------------------------------|
| <u>Legal:</u> Lot 158, Plan KAP1728, District Lot 2450S, SDYD | <u>Folio:</u> C-05465.000 |
| <u>OCP:</u> Agriculture (AG) | <u>Zone:</u> Agriculture One (AG1) |

Proposed Development:

To formalize a 60.2 m² structure for temporary farm worker accommodation unit 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 “every year I get seasonal workers for the farm operation and due to a shortage of accommodation I need more space to accommodate workers.”

Site Context:

The property is 4.1 ha in area and is situated on the southeast side of Highway 97 and is approximately 800m south of the boundary of the Town of Oliver. The parcel is comprised of one principal dwelling, one accessory dwelling used for housing temporary farm workers and a commercial kitchen/fruit stand with the remainder of the property under agricultural production.

The surrounding pattern of development is generally characterised by similarly sized agricultural parcels.

Background:

The property was created on May 25, 1921, while available Regional District records indicate that a building permit for a fruit stand (2016) has previously been issued for this property.

BC Assessment has classified the property as part “Residential” (Class 01), and part “Farm” (Class 09).

Land Use Bylaws:

The property is designated Agriculture (AG), which speaks to supporting “the temporary siting of a dwelling unit for farm labour that does not comply with zoning regulations where permitted by a Temporary Use Permit.” It is currently zoned Agriculture One (AG1) which permits “accessory dwellings” based on parcel size.

The temporary farm worker accommodation unit does not meet the Zoning Bylaw's definition of a "single detached dwelling" or "mobile home", as it is neither certified as being constructed to the Canadian Standards Association A277 (Modular Home) Standard or Z240 (Mobile Home) Standard. The bylaw permits one (1) accessory dwelling with a maximum floor area of 125 m² in area on parcels less than 8.0 ha in area.

Bylaw Enforcement:

The property has been the subject of a Stop Work Notice for on December 1, 2022 for the placement of a manufactured home without a building permit on the property.

Agricultural Land Commission:

The property is within the Agricultural Land Reserve (ALR) and the Agricultural Land Commission previously approved a Non-Adhearing Residential Use – Additional Residence for Farm Use application on June 12, 2023 for the siting of a 60 m² trailer to house an additional four (4) temporary farm workers.

Public Process:

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:

The Electoral Area "C" OCP supports additional dwellings within the Agricultural designation where they are used to support agricultural activities and purposes (e.g., workers' housing) (Section 9.3.20).

The intention of the temporary farm worker accommodation unit is to house an additional four (4) temporary farm workers registered in a federal temporary worker program for a total of fourteen (14) workers on the property. The property owners are understood to have 4 additional properties totaling 12.8 ha. The applicant has submitted that the farm worker accommodation will be used to house seasonal farmworkers during high production times of the year.

With respect to the impact of the accommodation unit on the agricultural productivity and capability of the land, the existing accommodation unit is 60.2 m² in size and is placed on temporary foundations, with no basement. The accommodation unit is located in an area not being used for agricultural purposes, with driveway access, and clustered with other existing buildings. In this regard, the siting of the unit is not seen to remove lands from agricultural production

In summary, given the small size, temporary nature, and siting of the accommodation unit in an area not under active agricultural production, the proposal is consistent with the applicable OCP policies and the temporary farm worker accommodation unit would not have significant impacts on the agricultural productivity and capability of the property.

Alternatives:

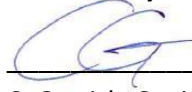
1. THAT Temporary Use Permit No. C2023.018-TUP, to allow a temporary farm worker accommodation unit at 5535 Highway 97, be denied.

Respectfully submitted:

Colin Martin

Colin Martin, Planning Technician

Endorsed By:



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Agency Referral List

No. 2 – Site Photo (Google Earth)

No. 3 – Aerial Imagery

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Temporary Use Permit C2023.018-TUP:

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| <input checked="" type="checkbox"/> | Agricultural Land Commission (ALC) | <input 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 checked="" type="checkbox"/> | Town of Oliver |
| <input type="checkbox"/> | Ministry of Municipal Affairs & Housing | <input type="checkbox"/> | Town of Osoyoos |
| <input type="checkbox"/> | Ministry of Lands, Water and Resource Stewardship | <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"/> | ONA / PIB / OIB / USIB / LSIB (via NationsConnect) |
| <input type="checkbox"/> | Ministry of Transportation and Infrastructure | <input type="checkbox"/> | Environment Canada |
| <input type="checkbox"/> | Integrated Land Management Bureau | <input type="checkbox"/> | Fisheries and Oceans Canada |
| <input type="checkbox"/> | BC Parks | <input type="checkbox"/> | Canadian Wildlife Services |
| <input type="checkbox"/> | School District #53 (Areas A, B, C, D & G) | <input type="checkbox"/> | OK Falls Irrigation District |
| <input type="checkbox"/> | School District #58 (Area H) | <input type="checkbox"/> | Kaleden Irrigation District |
| <input type="checkbox"/> | School District #67 (Areas D, E, F, I) | <input type="checkbox"/> | Vaseux Lake Irrigation District |
| <input type="checkbox"/> | Keremeos Irrigation District | <input checked="" type="checkbox"/> | Oliver Fire Department |
| <input type="checkbox"/> | Central Okanagan Regional District | <input type="checkbox"/> | Kootenay Boundary Regional District |
| <input type="checkbox"/> | Thompson Nicola Regional District | <input type="checkbox"/> | Fraser Valley Regional District |

Attachment No. 2 – Site Photo (Google Earth)



Attachment No. 3 – Aerial Imagery

