

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: October 5, 2023
RE: Temporary Use Permit Application – Electoral Area “C” (C2023.024-TUP)

Administrative Recommendation:

THAT Temporary Use Permit No. C2023.024-TUP, to allow a temporary farm worker accommodation unit at 7226 Island Road, be approved.

Legal: Parcel A on Plan B7217, Block A of Lot 68, District Lot 2450S, SDYD, Plan 2030 Folio: C-05341.000
OCP: Agriculture (AG) Zone: Agriculture One (AG1)

Proposed Development:

To formalize a 72 m² temporary farm worker accommodation unit for farm labour housing.

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] land is leased to Wild Harvest Inc. aka Sagebrush Nursery for the growing of native shrubs, perennials and trees. Area is roughly 4 acres. The remainder is personal gardens and living areas.*
- *I'm in need of reliable full time labourers. Housing is hard to secure to help with receiving an accepted application. Having a temporary worker residence will help my business meet its goals.*

Site Context:

The property is 3.2 ha in area and is situated in the southwest corner of the intersection of Island Road and Park Rill Road. The parcel is comprised of a 90.5 m² single detached dwelling, a woodshed, and the temporary farm worker accommodation unit (on a temporary foundation). A workshop is also currently being constructed.

The property also contains a greenhouse and a chicken coop. Approximately 4.0 acres of the property is being used for the production of native shrubs, perennials and trees.

The surrounding pattern of development is generally characterised by agricultural development and associated residential use.

Background:

The property was created on August 5, 1953, while available Regional District records indicate that farm building exemptions were approved for a farm equipment storage building/shop (2022).

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

Land Use Bylaws:

The property is currently 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.” The property is also the subject of a Watercourse Development Permit (WDP) Area designation, however, agricultural uses are exempt from the need for a permit.

It is zoned Agriculture One (AG1) which permits “accessory dwellings” based on parcel size.

In this instance, the temporary farm 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 (Modular Home) Standard or Z240 (Mobile Home) Standard.

Bylaw Enforcement:

The property has previously been the subject of Stop Work Notices for constructing a shed larger than 107 m² and a greenhouse without building permits in 2018, but not in relation to the current structure.

Agricultural Land Commission:

The property is within the Agricultural Land Reserve (ALR) and Section 34.3(1)(c)(i) of the *ALR Use Regulation* allows for one principal residence with a floor area of up to 500 m² and one additional residence with a floor area of up to 90 m² on properties less than 40 ha in area. As the subject temporary farm worker accommodation unit is less than 90 m², ALC approval is not required for its placement and use.

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 Area “C” OCP supports 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).

The intention of the temporary farm worker accommodation unit is to house up to four farm labourers, who would be working on the property owners’ farm unit which is comprised of the subject property as well as two leased parcels (7556 & 7510 Island Road), amounting to approximately 14 acres of agricultural land.

The applicant has indicated that they have not previously brought in temporary farm workers in the past; however, they are planning on applying for temporary farm workers through the federal government (e.g., via the Seasonal Agricultural Workers Program) in Fall 2023.

With respect to the impact of the accommodation unit on the agricultural productivity and capability of the land, the existing accommodation unit is 72 m² in size and is placed on temporary foundations,

with no basement. The accommodation unit is located in an area that allegedly had not been very fertile, 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. C2023.024-TUP, to allow a temporary farm worker accommodation at 7226 Island Rd, be denied.

Respectfully submitted:



Shannon Duong, Planner II

Endorsed By:



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Agency Referral List

No. 2 – Aerial Photo (2023)

No. 3 – Site Photo (2023)

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Temporary Use Permit No. C2023.024-TUP.

<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 Public Works Department
<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 checked="" type="checkbox"/>	Oliver Fire Department

Attachment No. 2 – Aerial Photo (2023)



Attachment No. 3 – Site Photo (2023)

