

Letter of Intent

To: Mr. Shengxu Li
Community Planner, Planning & Buildings Department, City of Brandon

From: Brendan Salakoh, RPP, MCIP
Principal, Landmark Planning and Design

Date: March 25th, 2021

RE: **1550 Richmond Avenue E – Variance Application**

1.0 Introduction

Landmark Planning & Design Inc. is pleased to submit this variance application of the behalf of Paul's Hauling Ltd. respecting the above noted site. Paul's Hauling is requesting permissions to accommodate the ongoing seasonal use (and potential future expansion) of an existing bunkhouse setup at the subject site (1550 Richmond Avenue E in Brandon, MB), generally to be used for 6 weeks each year. The City of Brandon Planning Department has previously issued Temporary Use permits for the existing trailers.

Over the past 8 months, the City of Brandon and Landmark Planning and Design have been working together to come up with a potential long-term solution to accommodate the noted use. Based on these ongoing discussions, it was decided that the best approach forward would be a variance application, to be described in detail in section 5.0 of this Letter of Intent.

2.0 Description of Operation

Twice each year, Paul's Hauling provides agricultural services that involve 84 Anhydrous Ammonia (NH₃) trailers running 7 days per week for a three-week period in May and October. Approximately 45 drivers are involved in the seasonal operation. About 30 drivers return seasonally from the East Coast with the remainder coming from Alberta, Saskatchewan, Manitoba, and Ontario. The primary repair shop for Paul's Hauling tractors and trailers is in Brandon. The shop is open 7 days a week during this period and runs three shifts per day.

The purpose of the 3-week operation is to provide NH₃ to local farm fields, where the product is applied together with seed. This operation is critical to Manitoba farmers and agricultural producers, as well as to the province's agricultural sector as a whole. **This operation has been described as a 'sprint season' resembling an Indy 500 start**, where time and efficiency are fundamentally important to the success of the operation. For the operation to be successful, every piece of equipment needs to be moving at peak efficiency in a very short period of time. The process starts and ends within a very short period of the overall year (i.e. 21 days occurring twice within 365 days of the year).

The current scenario for drivers is that they sleep in their tractors – for most, the tractors are outfitted with small but comfortable accommodations. There is a hotspot for WIFI service and an electrified area providing power for each tractor. If the driver's tractor is in the shop, the driver can use a room located immediately adjacent to the truck parking area. In this case, the driver drops the tractor at the shop and walks back to the camp on site. Once the tractor is repaired, it is returned to the line-up ready for their use. The drivers have immediate access to the structure for meals, washrooms, and showers. The shop and office are immediately accessible for the driver and vice versa. This total arrangement relies on access by foot to numerous facilities within close proximity in order to maximize comfort and efficiency during the 'sprint' season'.

At the start of the day during the 'sprint season', it is critical that the driver have all facilities available to them. This includes:

- Having a breakfast provided between 5:00am to 6:00am
- Washrooms and facilities
- Dispatch orders to let them know where they are going
- A tractor repaired and ready to go
- A lunch packed for their day

Housing the 45 drivers off-site therefore is not as simple as it might appear, since all of the required services cannot be moved off-site without substantially compromising the efficiency of sprint season.

To date, the seasonal camp housed two people per room. The owner advises that this was a consistent complaint of the drivers. In 2020 each room was to be provided as a single room. The intent is to eventually add two more trailers at some point in the future, with single rooms only, such that up to 24 people could stay in the camp. This arrangement would provide increased flexibility to the shop for repairing units and provide the drivers a better quality day-to-day work condition by offering a chance to be out of the bunk when possible – overall, a more accommodating plan for a driver coming in from a further distance.

4.0 Zoning Review and Jurisdictional Scan Highlights

The subject site has *IG-Industrial General Zoning* and is thus restricted to the provisions of that zone as outlined in the *City of Brandon Zoning By-Law 7124*. The *IG Zone* is intended to accommodate a range of industrial uses which may emit limited amounts of odour, dust, noise, etc. (see **Appendix A**). A initial review of the Zoning By-law did not reveal any existing mechanism to allow for the provision of temporary on-site worker accommodations within any of the industrial zones in the current by-law. The by-law does not make provision for hotel/motel uses in the Industrial Zones.

A jurisdictional scan of other Canadian zoning and policy documents did reveal precedents related to temporary accommodation of workers on-site. Many examples related specifically to seasonal agricultural employment, especially in the lower mainland and Okanagan regions of British Columbia and temperate areas of southwestern Ontario. Due to the major influxes of temporary

agricultural labour in these areas, and the key economic role of these industries, there are various zoning and policy mechanisms utilized to ensure the safe provision of on-site accommodations.

Most intensive resource developments that house workers on-site are located in rural/remote/un-organized locations and may not be reflected in local zoning by-laws. However, many Provincial governments have prepared sets of guidelines for such “camp” developments outlining standards, best-practices, and characteristics.

An analysis of worker accommodations from western Canada suggests the idea of temporarily accommodating workers on-site for resource, agricultural and industrial uses is not without precedent. The existing Paul’s Hauling site presents a relatively unique scenario since it requires on-site worker accommodations for the reasons described, which are considered ‘seasonal’ but not ‘temporary’ since the use is established on site and used every year, twice per year.

5.0 Variance Application Request

The current operation of temporary worker accommodation at the Paul’s Hauling site during ‘sprint season’ appears effective and is understood to have functioned without incident to date. While off-site accommodation options exist (e.g. hotel stays) or could be created (e.g. create off-site camp), such options are seen to compromise both the success of the seasonal operation (and its contribution to the local economy), as well as reduce the quality of work life of the workers.

The existing (and proposed) operation illustrates a possible exception or unique circumstance that could be recognized and legitimized through the zoning process. Such considerations include:

- The use is established, and has been functioning via temporary permissions for seven years. The period is lengthy enough so as to draw reasonable conclusions about the benefit or impacts of such a use;
- There have been no safety or health related incidents over the period and there do not appear to be any unmanageable risks to workers or the general public;
- There has been benefit to the local and regional economy by allowing this use;
- There is a benefit to the quality of work life to the workers;
- The use is temporary, though ‘permanent’ given that it is anticipated to be used every year, twice per year (unlike other temporary uses, such as events or carnivals); and,
- There is no evident impact to any other parcel of land, landowner, or resident that would result or has resulted from this use.

Our request is to vary the provisions of Section 41 of the City of Brandon Zoning By-law (No. 7124) in order to permit temporary worker accommodations to continue indefinitely, or as per the maximum allowable under the Planning Act. Specifically, we’d request to vary provisions 41(a) (in order to allow for a temporary use for a purpose other than those listed in sub-clauses (1), (2), and (3)) and 41 (d) (in order to preclude the temporary use from being removed after 1 month).

If you have any questions or require additional information, please contact the undersigned at 204-453-8008. We thank you for your consideration in this matter, and we look forward to meeting with City of Brandon representatives on this file.

Sincerely,



Brendan Salakoh, RPP, MCIP

LANDMARK PLANNING & DESIGN INC

Letter of Authorization

Date: March 16, 2021

To: City of Brandon
Development Services
638 Princess Ave
Brandon, MB
R7A 0P3

RE: 1515 Richmond Avenue East
(civic address or legal description of property)

I (We) hereby give authorization to:
Landmark Planning & Design (Applicant's name) to apply for a permit
(building/development/other) for the above address.

Registered Owner(s) on the Current Status of Title or Certificate of Title:

Rod Corbett on behalf of Paul's Hauling Ltd.
Name (Print)


Name (Signed)

March 12, 2021
Date

Name (Print)

Name (Signed)

Date

Name (Print)

Name (Signed)

Date

Name (Print)

Name (Signed)

Date

Staff Initials and Date