

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: February 4, 2021
RE: Temporary Use Permit Application – Electoral Area “A”

Administrative Recommendation:

THAT the Board of Directors deny Temporary Use Permit No. A2020.010-TUP

Purpose: To allow for continuation of an “outdoor storage” use through issuance of a TUP.

Owners: Elaine Majeau / Paul Lyver Agent: McElhanney, Inc. Folio: A-06372.050

Civic: 8715 Road 22 Legal: Lot 5, Plan KAP51250, District Lot 2450s, SDYD

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

Proposed Development:

This application is seeking to allow commercial “outdoor storage” use on the subject property through the renewal of a Temporary Use Permit (TUP).

In support of this proposal, the applicant has stated that “the proposal is to continue to provide a row of outdoor RV storage sites that would be approximately 3.2 m wide and approximately 8 metres long to accommodate seasonal storage of recreation vehicles (campers/fifth wheel trailers) and boats.”

Site Context:

The subject property is approximately 5.11 ha in area and is situated on the south side of Road 22 approximately 400 metres from the intersection with Highway 97 (Fruitvale Way). It is understood that the parcel is comprised of a single detached dwelling, mobile home, a shop with living quarters, various accessory structures, a hay field and the subject outdoor storage area.

The surrounding pattern of development is generally characterised by environmentally sensitive conservation areas and former oxbows, and similarly sized agricultural lands along Road 22.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on January 11, 1994, while available Regional District records indicate that a building permits for a mobile home (2000), single detached dwelling (2009), mobile home relocation (2009), and renovations (2012).

Under the Electoral Area “A” Official Community Plan (OCP) Bylaw No. 2450, 2008, the subject property is currently designated Agriculture (AG), and is the subject of a Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations.

Section 17.3.4 of Electoral Area “A” OCP Bylaw establishes the following criteria in evaluating a Temporary Use Permit application:

- The use must be clearly temporary or seasonal in nature;
- Compatibility of the proposal with adjacent uses;
- Impact of the proposed uses on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas;
- Intensity of the proposed use;
- Opportunity to conduct the proposed use on land elsewhere in the community; and
- The remedial measures to be carried out to mitigate any damage to the natural environment as result of the temporary use.

Under the Electoral Area “A” Zoning Bylaw No. 2451, 2008, the property is currently zoned Agriculture One (AG1) which does not permit “outdoor storage” (“outdoor storage” is only a permitted principal use in the General Industrial (I1) zone).

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with the Okanagan River and BC Assessment has classified the property as part “Residential” (Class 01) and part “Farm” (Class 09).

Public Process:

On January 13, 2021, a Public Information Meeting (PIM) was held electronically via Webex and was attended by no members of the public.

At its meeting of January 11, 2021, the Electoral Area “A” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be denied.

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until the commencement of the regular Board meeting. Any comments will be on the agenda as separate item.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Analysis:

In considering this proposal, Administration notes the continuation of the outdoor storage use at this location fails to meet the TUP evaluation criteria outlined in the Electoral Area “A” OCP Bylaw and is considered inconsistent with the agricultural designation and values of the parcel.

Unlike vacation rentals, the Electoral Area “A” OCP Bylaw does not contain supportive policy for the ongoing use of temporary use permits for “outdoor storage” and temporary use permits are not considered a substitute for a rezoning application (Section 17.2.3).

Given the proposed use is intended to be permanent (not temporary), and occur throughout the year (not seasonal), a rezoning application is considered the appropriate avenue for evaluating this use.

Further, the proposed “outdoor storage” use can be conducted elsewhere and there are no unique circumstances that necessitate operations at this location, contrary to Section 17.3.4(e).

“Outdoor storage” as a commercial business is more suitably located within the Town of Osoyoos, Town of Oliver and the Osoyoos Indian Band industrial park where services and amenities are more readily available.

Further, the continuation of a general industrial use on agricultural lands undermines the RGS and Electoral Area “A” OCP Bylaw’s objectives to direct such development to existing industrial areas and urban areas with servicing.

In assessing the appropriateness of the use at this location, an “outdoor storage” business contravenes policy for its Agriculture designation, as the proposal does not maximize productive farm activity (Section 6.3.14) and does not preserve agricultural land with continuing value for agriculture for current and future production (Section 6.2.1).

In response to the applicant’s claim that “agricultural potential on the property is limited”, it is noted that the parcel has farm status, currently supports active farm operations, and has been identified by the Ministry of Agriculture to have “good agricultural capability” and “potential for forage, vegetable and possibly strawberry production”.

The “outdoor storage” area remains visually prominent and is easily viewed from Highway 97 (Attachment No. 3), as screening from adjacent properties has not been provided (Attachment No. 4).

It should also be noted that of a commercial storage business may not be compatible with adjacent uses (Section 17.3.4(b)), due to the ecologically sensitive nature of the abutting conservation area parcel.

Conversely, Administration recognises that the Regional District Board has previously supported “outdoor storage” under A2016.109-TUP and there have been no formal complaints during the duration of this TUP.

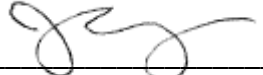
Although the applicant has also noted the general uncertainty of the global pandemic as a reason for the owners seeking a TUP without the “complexities of going through a rezoning process”, Administration considers three years of continuous operation to be ample time for the property owners to assess the viability of their business and prepare a rezoning application.

In summary, Administration does not support the continuation of a commercial “outdoor storage” use on the subject parcel and recommends that the temporary use permit not be renewed.

Alternatives:

1. THAT the Board of Directors approve Temporary Use Permit No. A2020.010-TUP; or
2. THAT the Board of Directors defer consideration of Temporary Use Permit No. A2020.010-TUP for the following reasons:
 - i) *TBD*

Respectfully submitted:



JoAnn Peachey, Planner I

Endorsed By:



C. Garrish, Planning Manager

Attachments:

- No. 1 – Agency Referral List
- No. 2 – Site Photo (November 2020)
- No. 3 – Site Photo (January 2021)
- No. 4 – Site Photo (November 2020)

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding A2020.010-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 checked="" type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Ecosystem Section)	<input type="checkbox"/>	Town of Princeton
<input checked="" 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 checked="" 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 checked="" type="checkbox"/>	Ministry of Environment
<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 checked="" 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 type="checkbox"/>	XXXX Volunteer Fire Department	<input checked="" type="checkbox"/>	Ducks Unlimited

Attachment No. 2 – Site Photo (November 2020)



Attachment No. 3 – Site Photo (January 2021)



View from Highway 97

Attachment No. 3 – Site Photo (November 2020)

