

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: B. Newell, Chief Administrative Officer
DATE: June 13, 2022
RE: Temporary Use Permit – Electoral Area “A”

Purpose: To allow for a secondary dwelling in the form of a mobile home. **Folio:** A-05956.010
Civic: 16435 87th Street **Legal:** Lot 1, Plan KAP61867, District Lot 2450S, SDYD
OCP: Small Holdings (SH) **Zone:** Small Holdings One (SH1)

Proposed Development:

This application is seeking to renew a temporary use permit to allow for the use of a mobile home as an accessory dwelling on the subject property, which is less than 4.0 ha in size.

Specifically, it is being proposed to continue to use a 532 ft² mobile home as accommodation for the applicants to provide care for an elderly parent who is currently residing in the existing principal dwelling on the subject property.

In support of this proposal, the applicant has stated that “we are caregivers for [one of the property owners]... who needs help with her daily needs. When the situation changes the mobile home will be removed. We are trying to keep her in her own home.”

Site Context:

The subject property is approximately 2,022 m² (~0.2 ha) in area and is situated on the western corner of 87th Street and 164th Street, on the western shore of Osoyoos Lake, about 2.7 km west of the town of Osoyoos. It is understood that the parcel is comprised of a single detached dwelling and the subject mobile home.

The surrounding pattern of development is generally characterised by low density residential development and agricultural lands south of 89th Street.

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 19, 1998, while available Regional District records indicate that a building permit was issued in 2016 for the placement of the mobile home.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Small Holdings One (SH1) which permits “single detached dwelling” as a principal use, and “accessory dwelling, subject to Section 7.2” as an accessory use.

Section 7.2.7 of the Zoning Bylaw permits the use of a mobile home (i.e., a manufactured home certified as being constructed to the Canadian Standards Association Z240 Mobile Home Series Standard) as an accessory dwelling on parcels greater than 4.0 ha.

As the parcel is only approximately 0.2 ha in size, the use of a mobile home as an accessory dwelling is not permitted and requires either a rezoning or issuance of a temporary use permit.

Under the Electoral Area “A” Official Community Plan (OCP) Bylaw No. 2905, 2021, the subject property is currently designated Small Holdings (SH), and is the subject of a Watercourse Development Permit (WDP) Area Designation. A WDP was previously issued in [YEAR] for the placement of the subject mobile home.

Section 22.3.4 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.

The Regional District has previously issued temporary use permits for the use of the subject mobile home in [2016 and 2019] (Temporary Use Permit Nos. A2019.005-TUP and A2016.048-TUP, respectively).

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Osoyoos Lake.

The property is situated within the Agricultural Land Reserve (ALR) and BC Assessment has classed the subject property as “Residential” (Class 01).

Analysis:

In considering this renewal, it should be noted that the applicant has indicated they are continuing to use the mobile home while acting as caregivers for their elderly relative living in the principal dwelling.

In addition, there have been no recorded complaints received in relation to the existing use during the terms of Temporary Use Permits A2016.048-TUP and A2019.005-TUP.

The criteria for evaluating temporary use permit applications under Section 22.3.4 of the OCP Bylaw, were previously considered by the Board when it approved Temporary Use Permits A2016.048-TUP in 2016 and A2019.005-TUP in 2019.

It should be noted that the justification for an accessory dwelling in the form of a mobile home on the subject parcel is in response to a temporary need while the applicants provide care to their elderly relative.

A mobile home would support the temporary nature of the permit. It would provide accommodation for a limited time and can be relocated from the property with relative ease when it is no longer needed.

Conversely, although the use of the mobile home as a caretaker's residence is compatible with the residential use in the surrounding area, it is a different built form than the surrounding one to two-store single detached dwellings in the neighbourhood.

Other options, such as the construction of a secondary suite (which is permitted within the SH1 zone subject to certain conditions), are seen to be available to the applicants. However, in a previous application, it was stated that the construction of a secondary suite while acting as caregivers for their relative was not a viable option.

In summary, as there have been no change to the personal circumstances used to justify the need for a mobile home at this location and no complaints have been received, Administration supports the renewal of this permit for a further three years.

Administrative Recommendation:

THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be approved.

Options:

1. THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be approved.
2. THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be approved with the following conditions:
 - i) *TBD*
3. THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be denied.

Respectfully submitted:

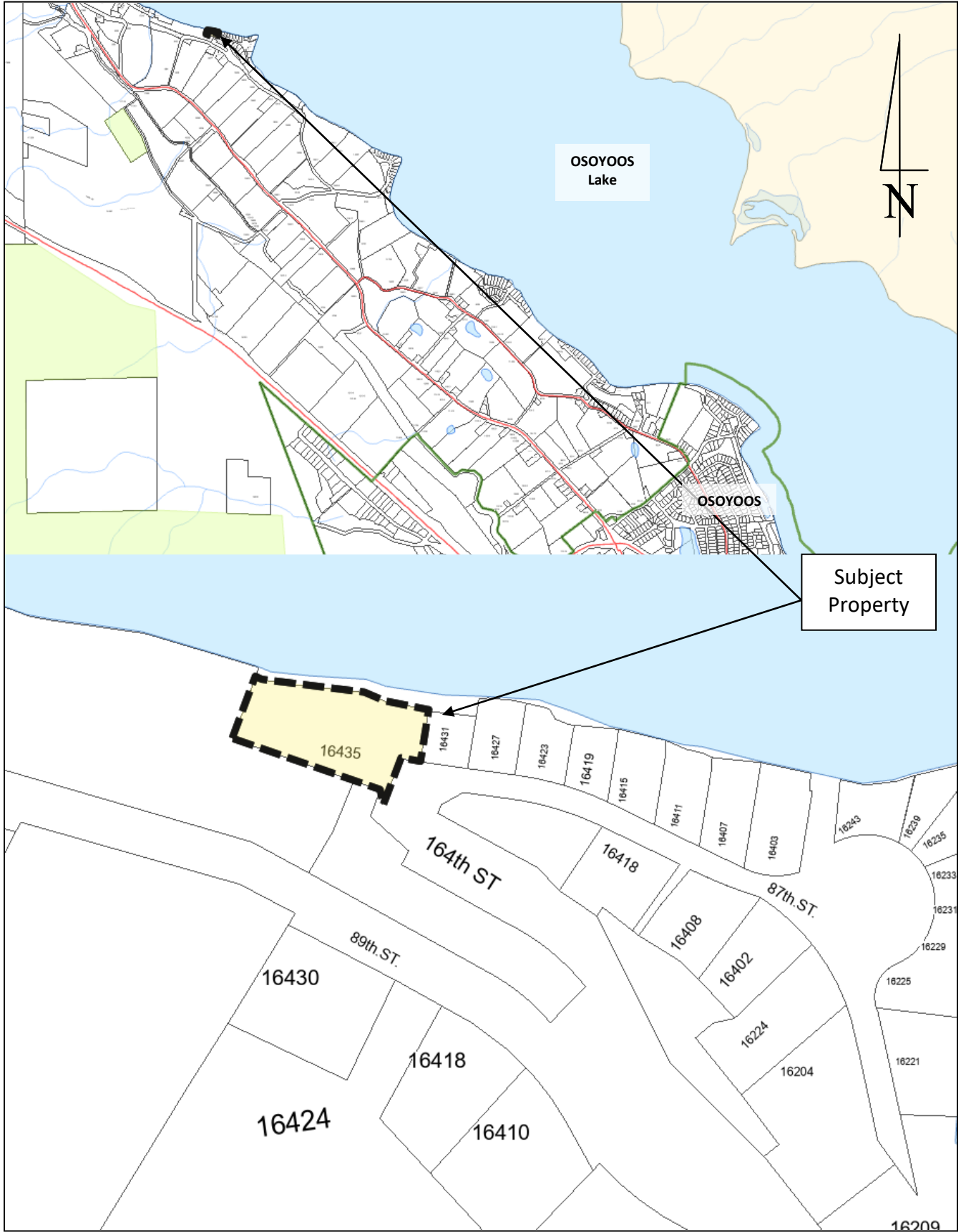
Colin Martin
Colin Martin, Planning Services Clerk

Endorsed By:


C. Garrish, Planning Manager

Attachments: No. 1 – Context Maps
No. 2 – Photo (May 2019)
No. 3 – Building Permit Site Plan

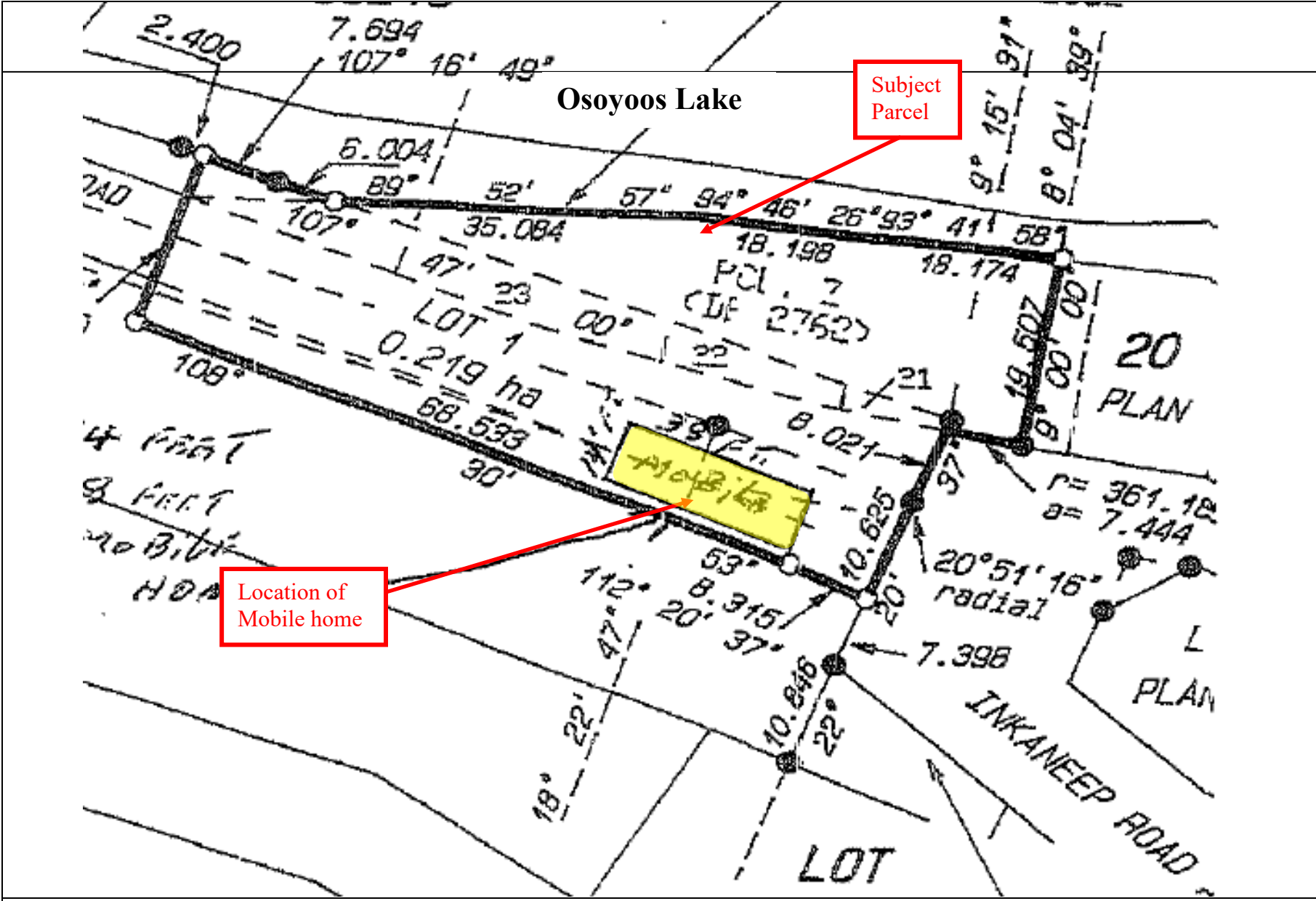
Attachment No. 1 – Context Maps



Attachment No. 2 – Photo (May 2019)



Attachment No. 3 – Building Permit Site Plan



Location of Mobile home

Subject Parcel