

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: March 16, 2023
RE: Temporary Use Permit Application – Electoral Area “F” (F2023.002-TUP)

Administrative Recommendation:

THAT Temporary Use Permit No. F2023.002-TUP, to allow the temporary storage of one mobile vendor trailer at 2217 West Bench Drive, be denied.

Legal: Lot 1, Plan KAP26033, District Lot 5076, ODYD Folio: F-07395.000

OCP: Small Holdings (SH) Zone: Small Holdings West Bench (SH5)

Proposed Development:

This application is seeking to store one (1) mobile vendor trailer on the subject property through the issuance of a Temporary Use Permit (TUP).

In support of this proposal, the applicant has stated that “storing the mobile vendor trailer at home between events, the refrigerators and freezers can be kept powered to protect food stock. It will also allow routine sanitizing, maintenance, and repairs that are not possible at a storage lot.”

Site Context:

The subject property is approximately 3,241 m² in area and is situated on the east side of West Bench Drive and approximately 1km west of Okanagan Lake. It is understood that the parcel is comprised of a single detached dwelling and garage.

The surrounding pattern of development is generally characterised by parkland to the west and similarly sized residential parcels that have been development with single detached dwellings to the northeast, east, south and southwest.

Background:

The current boundaries of the subject property were created on May 30, 1975, while available Regional District records indicate that a building permits for a single family dwelling (1975), garage (1982), convert port (1988), addition to garage (2000), addition to single family dwelling (2016), renovation to dwelling (2019 and 2022).

Under the Electoral Area “F” Official Community Plan (OCP) the subject property is currently designated Small Holdings (SH), and is the subject of a Watercourse Development Permit (WDP) Area designation.

Section 22.3.4 of Electoral Area “F” OCP Bylaw establishes the following criteria in evaluating a Temporary Use Permit application:

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- 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 Okanagan Valley Zoning Bylaw the property is currently zoned Small Holdings West Bench (SH5) which allows for “single detached dwelling” as a principal permitted use and “home occupation” as a permitted accessory use.

The subject property is within the Moderate to High constraint zones in the West Bench Geotechnical Report and BC Assessment has classified the property as “Residential” (Class 01).

The property has been the subject of complaints from 2016 to 2022. The complaints were related to the untidy and unsightly appearance of the property in addition to parking and storage of two mobile vendor trailers. The untidy appearance was mainly due to the construction of an addition and associated materials. This aspect of enforcement was closed in November 2022.

In addition, enforcement was undertaken relating to the storage of two mobile vendor trailers in 2016. Enforcement ceased and was reactivated a number of times as the trailers were removed and then brought back on the property periodically. In May 2022, the owners secured an alternate storage facility for the trailers and the enforcement file was closed. One of the trailers has since been sold and the other trailer is the subject of this TUP application.

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 increased industrialization of West Bench has been an on-going issue and was highlighted as a concern during the preparation of the current Electoral Area “F” Official Community Plan in 2016-18.

For this reason, subsequent amendments were undertaken to the zoning bylaw in order to clarify that a number of light industrial type uses, such as “mobile vendors” and outdoor storage of materials were not permitted in the West Bench (e.g. as a form of “home occupation”).

Previous enforcement actions related to the storage of mobile vending units at the subject property were subsequently resolved through the relocation of the units off-site.

While it is recognized that the applicant is not intending to operate the unit from the subject property (e.g. by offering prepared foods for sale to the public), the proposed storage and maintenance of the unit runs counter to the “home occupation” and “home industry” regulations that were clarified in 2019.

Other options are available to the applicant such as relocating to different private storage facilities which may better accommodate their needs in relation to this mobile vending unit.

Alternative:

The applicant is requesting only a temporary approval in order to locate the unit at their residence which will facilitate their operation of the unit as a business. This includes improved access to the unit outside of regular business hours (e.g. storage when returning from a night event), and ease of restocking, both of which have proven challenging at the existing off-site storage facility that the applicant uses.

The applicant has also confirmed that the mobile vending unit they are seeking to store on their property does not have an engine and it will not be used to offer food or retail products for sale from the property.

The applicant has also requested a temporary permit to undertake this use, but have not yet indicated what the plans are for 2026 (e.g. ceasing the use or relocating the unit elsewhere).

Alternatives:

1. THAT the Board of Directors approve Temporary Use Permit No. F2023.002-TUP.

Respectfully submitted:

Fiona Titley

Fiona Titley, Planner II

Endorsed By:

CG

C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List

No. 2 – Aerial Photo

No. 3 – Site Photos

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , prior to Board considering adoption of Temporary Use Permit F2023.002-TUP:

<input 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 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 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 type="checkbox"/>	X Irrigation District / improvement Districts / etc.
<input checked="" type="checkbox"/>	Penticton Fire Department	<input type="checkbox"/>	

Attachment No. 2 – Aerial Photo



Attachment No. 3 – Site Photos

