

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: October 3, 2024
RE: Temporary Use Permit Application – Electoral Area “C” (C2024.018-TUP)

Administrative Recommendation:

THAT Temporary Use Permit No. C2024.018-TUP, to allow an accessory use on a vacant parcel at 680 Wilson Mountain Road, be approved.

Legal: Lot 1, Plan KAP79573, District Lot 918S, SDYD Folio: C-04225.290

OCP: Small Holdings (SH) Zone: Small Holdings Two Site Specific (SH2s)

Proposed Development:

This application is seeking an allowance of an accessory dwelling in the form of a garage/barn prior to the construction of a principal use on the subject property through the issuance of a Temporary Use Permit (TUP).

In support of this proposal, the applicant has stated that:

The primary reasons for starting the accessory building construction prior to the dwelling are as follows:

- *Creates a place for protected storage of construction equipment & supplies*
- *Creates an area sheltered from the elements for construction workers and personnel*
- *Allows the landowner to store some of their belongings on site, alleviating the need for paid off-site storage.*

Site Context:

The subject property is approximately 15.79 ha in area and is situated on the west side of Wilson Mountain Road and is approximately 1.0 km from the boundary with the Town of Oliver. It is understood that the parcel is vacant.

The surrounding pattern of development is generally characterised by similarly sized residential parcels along Wilson Mountain Road to the west, which have been developed with single detached dwellings, and larger Resource Area zoned properties in all other directions.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on November 15, 2005, while available Regional District records

indicate that building permits have not previously been issued for this property. BC Assessment has classified the property as “Residential” (Class 01).

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is currently designated Small Holdings (SH), and is the subject of an Environmentally Sensitive Development Permit (ESDP) Area designation. An ESDP No. C2024.023-ESDP was approved by the Regional District on August 9, 2024, for the placement of an accessory structure on the property.

Section 20.3.4 of Electoral Area “C” OCP Bylaw establishes criteria in evaluating a Temporary Use Permit application, including:

- 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 No. 2800, 2022, the property is currently zoned Small Holdings Two Site Specific (SH2s) which permits for “accessory building or structures”, subject to a principal use being established (e.g. single detached dwelling).

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:

In considering this proposal, Administration notes that the zoning bylaw requires a principal building to be built on the property prior to, or in conjunction with, construction of an accessory building to ensure that the property is being used for its intended purpose (e.g. residential and not commercial or industrial storage).

While the construction of a building intended for the storage of construction materials and tools suggests a possible use of the property for industrial purposes (e.g. “outdoor storage”, “service industry establishment” or contractor’s yard) inconsistent with the current rural-residential zoning (SH2s), Administration recognized that the applicant has indicated that this is required in order to facilitate the establishment of a permitted principal use (e.g. “single detached dwelling”).

In light of the criteria to be used to assess a temporary use and the applicant’s stated intention to begin construction on the principal dwelling before the expiry of the requested TUP, Administration is supportive of the requested permit.

In the event that a principal dwelling unit is not established on the property within the timeframe of the TUP (including any renewal), continued use of the accessory structure for storage purposes would become contrary to the zoning bylaw and subject to enforcement action.

Alternative:

Conversely, Administration considers that other options are available to the applicant including a specific allowance in the zoning bylaw for the temporary placement of a metal storage container on a property during construction. Specifically, Section 6.7.1(d) of the zoning bylaw states:

one (1) metal storage container may be used for temporary storage ... during construction in any zone, provided that a valid building permit has been issued authorizing construction of a building or structure.

Summary:

In summary, Administration considers the requested temporary use to be generally consistent with the temporary use permit evaluation criteria and unlikely to result in significant negative impacts. For these reasons, administration is recommending approval.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

The proposed temporary use permit (TUP) has been notified in accordance with the requirements of the *Local Government Act* as well as the Regional District's Development Procedures Bylaw No. 2500, 2011.

Alternatives:

1. THAT Temporary Use Permit No. C2024.018-TUP be denied.

Respectfully submitted:

Colin Martin

Colin Martin, Planner I

Endorsed By:



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Agency Referral List

No. 2 – Aerial Photo

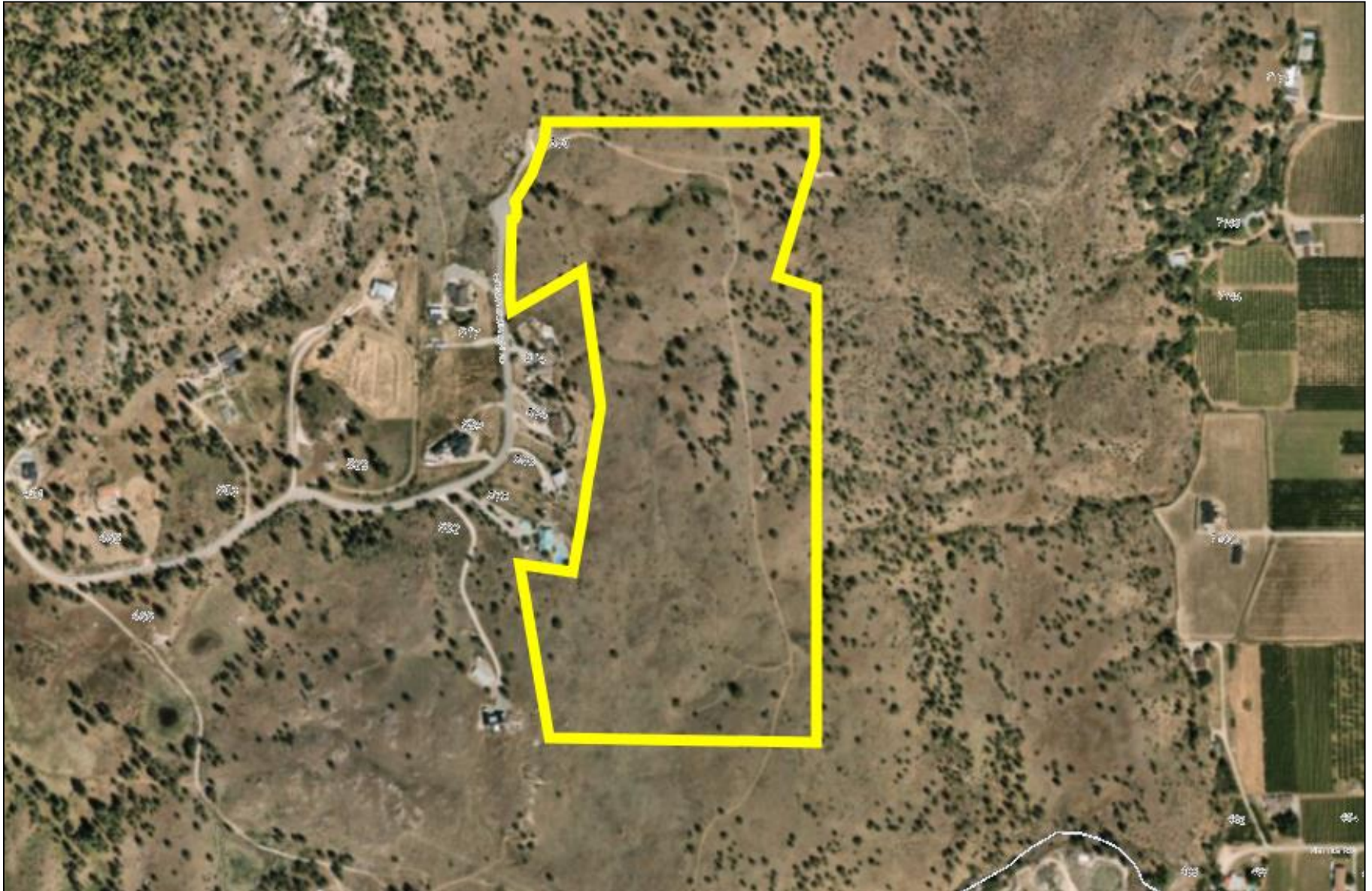
No. 3 – Site Photo (Google Streetview)

Attachment No. 1 – Agency Referral List

Referrals to be sent to the following agencies as highlighted with a , prior to the Board considering adoption of Temporary Use Permit No. C2024.018-TUP.

<input type="checkbox"/>	Agricultural Land Commission (ALC)	<input type="checkbox"/>	Fortis
<input 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 checked="" 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 checked="" 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"/>	Irrigation District / improvement Districts / etc.
<input checked="" type="checkbox"/>	Oliver Fire Department	<input type="checkbox"/>	

Attachment No. 2 – Aerial Photo



Attachment No. 3 – Site Photo (Google Streetview)

