

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: B. Newell, Chief Administrative Officer
DATE: July 20, 2022
RE: Temporary Use Permit – Electoral Area “1”

Purpose: To allow an existing campground use on Crown land.

Legal: Various lots, District Lot 3757, SDYD Civic: N/A Folio: I-01676.000

OCP: Parks, Recreation and Trails (PR) Zone: Parks & Natural Environment Zones (PR)

Proposed Development:

This application is seeking to renew an existing Temporary Use Permit (TUP) related to the operation of campground use comprising of approximately 26 serviced campsites and related facilities (i.e. washroom, garbage containers, parking areas and recreation facilities) over an approximately 0.96 Hectare (ha) area of crown land.

The current permit allows for the use of an approximately 591 metre section of the former CPR right-of-way which bisects the Banbury Green Campground property, but which excludes a 2 metre wide section over which the Regional District has a separate License of Occupation from the province for trail purposes.

In support of this proposal, the applicant has stated that “Under this renewed License of Occupation, we will continue to offer free access to our washrooms in addition to washroom cleaning services at no charge to the government. We will also continue to provide trail maintenance as we do now.”

Site Context:

The subject property is approximately 1.7 ha in area and is situated on the east side of Pineview Road on the west side of Skaha Lake between Kaleden and Penticton. Part of the parcel is currently being utilised for trail purposes by the Regional District and has also been developed to a campground use by the adjacent property owner.

The surrounding pattern of development is generally characterised by agricultural operations and a campground use to the west of Skaha Lake.

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 12, 1932, in order to raise title to land being utilised by the CPR for the purposes of a railway line serving Okanagan Falls from Penticton. It is understood that use of this line was discontinued in 1989, that the rail was removed shortly thereafter and that the province purchased the Skaha Lake section in 1995.

The adjacent Banbury Green Campground is understood to have commenced operation in 1985 following the successful rezoning of the property from Agriculture Residential (AR) to Tourist Commercial (CT-1A). The more recent occupation of the former CPR right-of-way for the purposes of vehicle access and site improvements (i.e. campground spaces, washroom facilities, etc.) is thought to have occurred sometime in the past 10-15 years. In addition, any riparian area impacts and disturbance is believed to have occurred prior to establishment of RAR.

The Regional District Board approved Temporary Use Permit No. D2016.015-TUP in 2016 for three (3) years and approved Temporary Use Permit No. I2019.004-TUP in 2019 for an additional three (3) years.

Under the Electoral Area "I" Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Parks, Recreation and Trails (PR).

Section 23.3.4 of Electoral Area "I" 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 Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Parks & Natural Environment Zones (PR) which allows for parks, outdoor recreation, and cemetery as principal permitted uses.

Analysis:

In considering this proposal, Administration notes that the use of this Crown land for campground purposes does not appear to have adversely impacted the public's use of the trail network that bisects the land, or resulted in the submission of any written complaints to the Regional District.

It is Administration's further understanding that the applicant will continue to offer to maintain and make available to the public the improvements they have constructed on Crown land (i.e. washrooms) as well as amenity areas on their adjacent private property (i.e. common picnic areas).

The current License of Occupation will be expiring with the current TUP. However, a request has been made to the Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) in order to renew a License of Occupation for another 5 year term.

Conversely, Administration recognises that a TUP is "to provide for temporary approval of transitional uses, or uses where uncertainty exists respecting appropriateness or viability of the use, and where it is premature to decide rezoning and long term land use patterns."

Accordingly, the applicant is encouraged to seek a long-term solution to the current situation by either commencing a transition plan during the term of the renewal period to cease the use and restore the land, or seeking a Crown grant from the province in order to obtain title to the land and consolidate it within the title of the Banbury Green Campground.

Due to the current zoning of the land, if the applicant is successful in obtaining title, a rezoning application would be required as “campground” is not a permitted use in the PR Zone.

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:

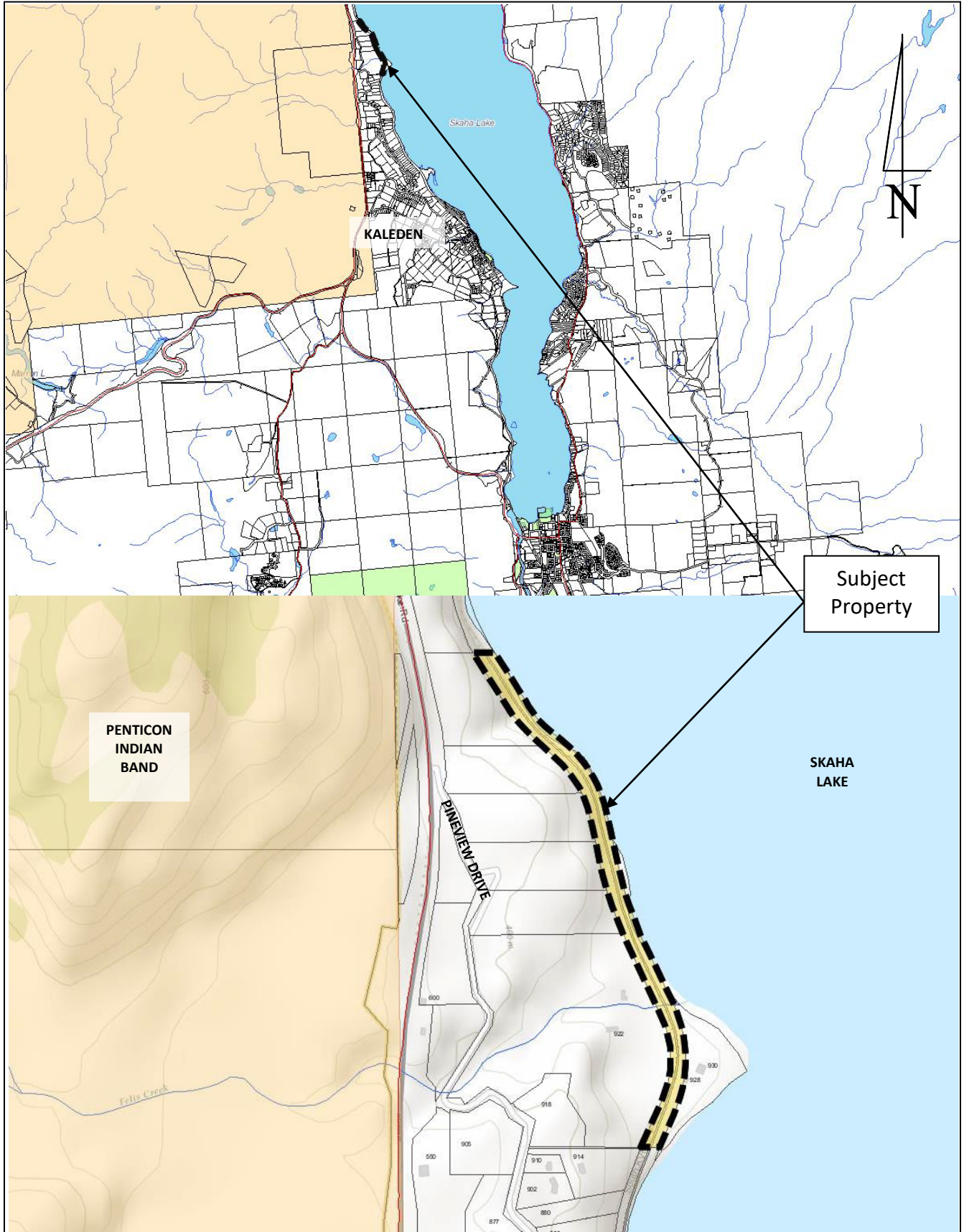
Colin Martin
Colin Martin, Planning Services Clerk

Endorsed By:


C. Garrish, Planning Manager

Attachments: No. 1 – Context Maps
No. 2 – Applicant’s Site Plan
No. 3 – Site Photos (2019)

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant's Site Plan



Attachment No. 3 – Site Photos (2019)

