

## Information to Supplement Temporary Use Permit Application

**Legal Description:** Lot 5, DL2450s, SDYD, Plan KAP51250

**Owners:** Elaine Majeau and Grant Lyver

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### Location of Subject Property

The subject property is located within Electoral Area 'A' and is situated on the south side of 246<sup>th</sup> Avenue which is also known as Road 22. The subject property is approximately 5.1 hectares in area and is approximately 250 meters east of Highway 97. The location of the subject property is noted below in Illustration 1.

### *Illustration 1: Location Map*



## Background

On behalf of the owners, McElhanney made an application to the Regional District of Okanagan-Similkameen (RDOS) on September 14, 2017 for a Temporary Use Permit (TUP) to allow for the temporary storage of RVs and boats along the southern portion of the subject property.

A2016 TUP – 109 was subsequently approved by the RDOS on January 4<sup>th</sup>, 2018 and set to expire on January 4<sup>th</sup>, 2021. Section 492 and 497 (2) of the Local Government Act allows a municipality to grant a TUP to an owner for a period of up to three years, prior to the expiry of the permit, the owner may apply for one extension for an additional three years.

We have contacted the RDOS staff regarding any complaints or issues that may have been expressed over the past three years regarding the boat storage use and RDOS staff have confirmed that throughout the duration of the permit there have not been any complaints regarding the temporary use. The owner has maintained a 1.8 metre high fence and has not exceeded the maximum of 20 spaces as outlined in TUP 109. A copy of TUP 109 is been included as **Attachment 1**.

The information contained below was previously submitted to the Advisory Planning Commission (APC) and RDOS to assist in the approval of TUP 109. The information is still applicable, valid and can be relied on in the consideration of the requested TUP extension.

## Existing Structures and Land Use

The property presently contains a single-family dwelling and a manufactured home, and contains a shop which provides indoor and outdoor covered storage for tools and equipment. The shop also includes a small upper level living quarters for relatives and contains numerous outbuildings for farm and yard use. There is a man-made pond located on the north-east side of the property.

The south half of the property is used for agriculture with hay grown on the property when the land is not wet from high ground water.

**Illustration 2: Site Structures, Features, and Land Uses**



The low elevation of the land results in a high ground water table, and therefore the south portion of the property floods during the spring freshet and may continue well into the summer. This wet ground condition makes agriculture on the property very unpredictable from year to year, and agriculture cannot be relied on as a reliable revenue source. The low elevation of the land also creates alkali conditions which are worse on some areas of the property than others, which further limits agricultural possibilities and capability. The land is not within ALR due to its poor agricultural capability but the property is designated Agriculture in

the OCP and is zoned Agriculture 1 (AG1) in the Area 'A' Zoning Bylaw. Structures, site features and land uses on the property are shown on Illustration 2.

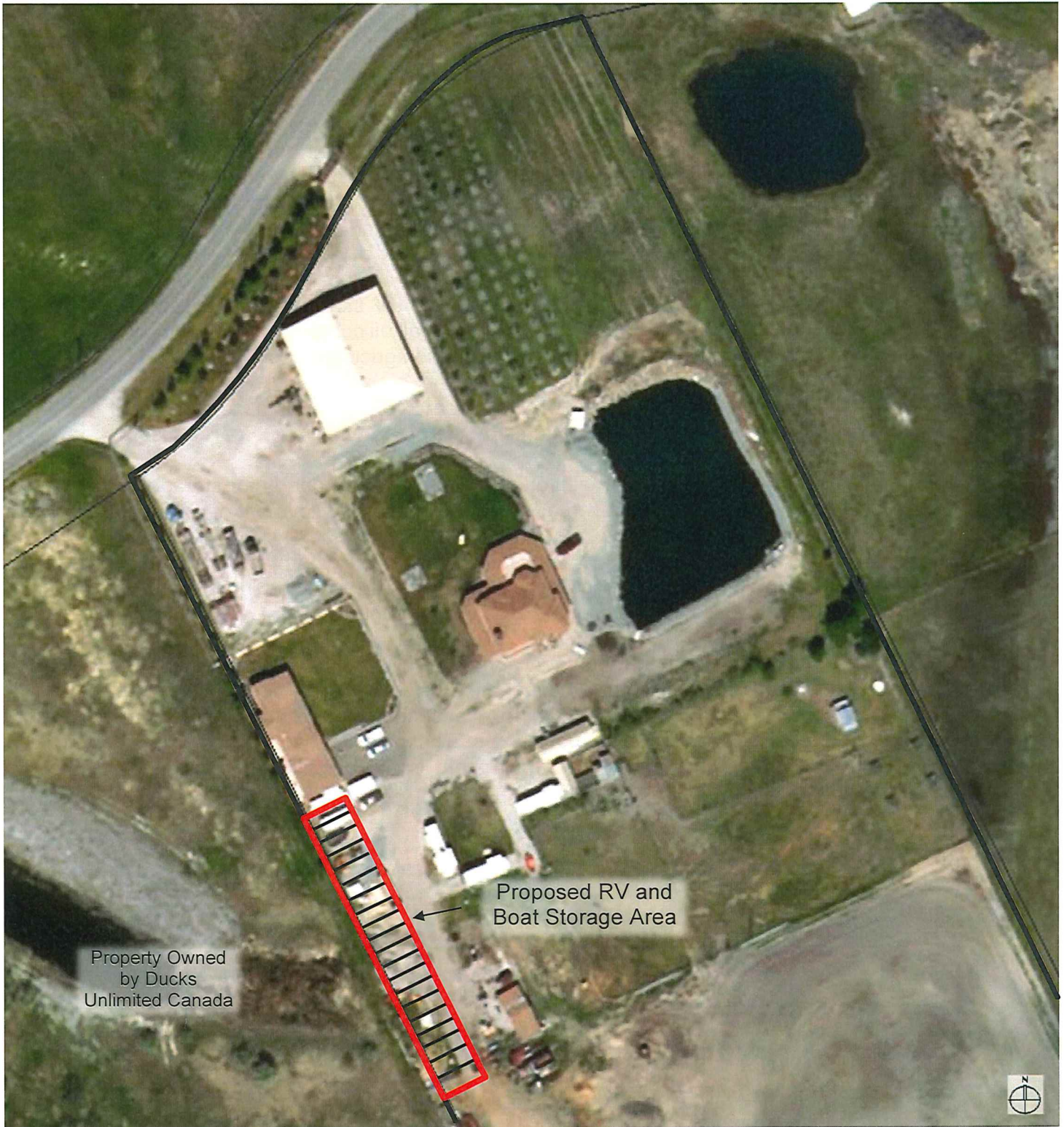
### **Proposed Development**

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 meters long to accommodate seasonal storage of recreation vehicles (campers / fifth wheel trailers) and boats. The location of the RV storage area on the property that has occurred for the past three years is noted on Illustration 3.

The goal of the extension of the Temporary Use Permit would be to demonstrate that the small-scale RV storage operation would not negatively impact on the use and enjoyment of any adjacent or surrounding properties and would not have a negative visual impact on the public travelling on 246<sup>th</sup> Avenue (Road 22). The initial thinking was that after the 3 year "trial period" the owners would feel comfortable in submitting a site-specific rezoning application to request an RV storage land use be added to the list of permitted uses. However given the recent events surrounding the global pandemic and general uncertainty the owners preferred approach would be an additional 3 year extension. This provides the owners with some added flexibility during these difficult times to continue generating a modest revenue without the complexities of going through the rezoning process.

The intended users of the proposed RV storage area would include residents of the "Cottages" on Osoyoos lake who want to store their boat or RV on the site for the time they are not used. This would not be considered long term storage but rather seasonal, convenient storage for local residents' boats and RVs. The proposed location of the RV storage area on the property is shown in Illustration 3.

**Illustration 3: Proposed RV Storage Area**



## Supporting Rationale

The following provides supporting information and rationale for the issuance of a Temporary Use Permit for a small RV and boat storage operation.

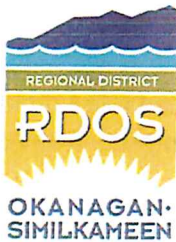
1. Agricultural potential on the property is limited due to the low elevation of the land which results in a very high water table which creates annual flooding, which occasionally precludes agriculture on the south portion of the property for most the year. The agricultural uses in the AG1 zone do not allow a sustainable economic return on land that is not suited for agricultural use. The requested additional RV and boat storage use will utilize land which is not suitable for agriculture and will help subsidize the farm income.
2. The land on which the proposed small scale RV storage is to occur does not have agricultural potential due to its high alkali content, so the proposed RV and boat storage use will not diminish the agricultural ability of the land.
3. The area is approximately 100 meters from 246<sup>th</sup> Avenue and is screened from public view by other structures on the property.
4. The proposed use of a small portion of the subject property for storage of RVs and boats will not adversely affect the use and enjoyment of adjacent or surrounding properties.
5. The area of land proposed to be used for the RV and boat storage represents less than 0.1% of the area of the property.
6. RV storage has operated in accordance with TUP requirements and conditions, including the maintenance of 1.8 metre fence and not exceeding a 20 vehicle maximum. No concerns or issues have been expressed to RDOS over past years. The past 3 year track record of responsible compliance with requirement is an indication of next three years of for TUP.

Report Prepared By:



Brad D. Elenko, MCIP RPP





# TEMPORARY USE PERMIT

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FILE NO.: A2016.109-TUP

OWNER: Grant & Elaine Lyver  
8705 Road 22  
Oliver, BC, V0H-1T1

AGENT: Brad Elenko  
McElhanney Consulting Services Ltd.  
290 Nanaimo Avenue West  
Penticton, BC, V2A-1N5

## GENERAL CONDITIONS

1. This Temporary Use Permit is issued subject to compliance with all of the bylaws of the Regional District of Okanagan-Similkameen applicable thereto, except as specifically varied or supplemented by this Permit.
2. The land described shall be developed strictly in accordance with the terms and conditions of this Permit, and any plans and specifications attached to this Permit which shall form a part thereof.
3. Where there is a conflict between the text of the permit and permit drawings or figures, the drawings or figures shall govern the matter.
4. This Temporary Use Permit is not a Building Permit.

## APPLICABILITY

5. This Temporary Use Permit applies to, and only to, those lands, including any and all buildings, structures and other development thereon, within the Regional District as shown on Schedules 'A' and 'B', and described below:

Legal Description: Lot 5, Plan KAP51250, District Lot 2450S, SDYD

Civic Address/location: 8715 Road 22

Parcel Identifier (PID): 018-557-279 Folio: A-06372.050

## TEMPORARY USE

6. In accordance with Section 16.0 of the Electoral Area "A" Official Community Plan Bylaw No. 2450, 2008, the land specified in Section 5 may be used for:

- (a) "outdoor storage", which is defined as meaning the storage of trailers and recreational vehicles (including campers) in the open air where such storage of equipment does not involve the erection of permanent structures; and

**CONDITIONS OF TEMPORARY USE**

- 7. The use of the land for an "outdoor storage" use is subject to the following conditions:
  - (a) the location and operation of the "outdoor storage" use shall not occur beyond the area shown outlined in a red dashed line on Schedule 'B';
  - (b) the "outdoor storage" use shall be screened from adjacent properties by a screen not less than 1.8 metres in height;
  - (c) the "outdoor storage" use shall not exceed a maximum of 20 spaces for the storage of trailers, boats, recreational vehicles and other vehicles;

**COVENANT REQUIREMENTS**

- 8. Not applicable.

**SECURITY REQUIREMENTS**

- 9. Not applicable.

**EXPIRY OF PERMIT**

- 10. This Permit shall expire on January 4, 2021.

Authorising resolution passed by Regional Board on 4<sup>th</sup> day of January, 2018.

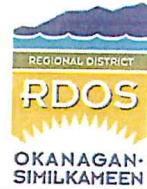
  
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B. Newell, Chief Administrative Officer



# Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

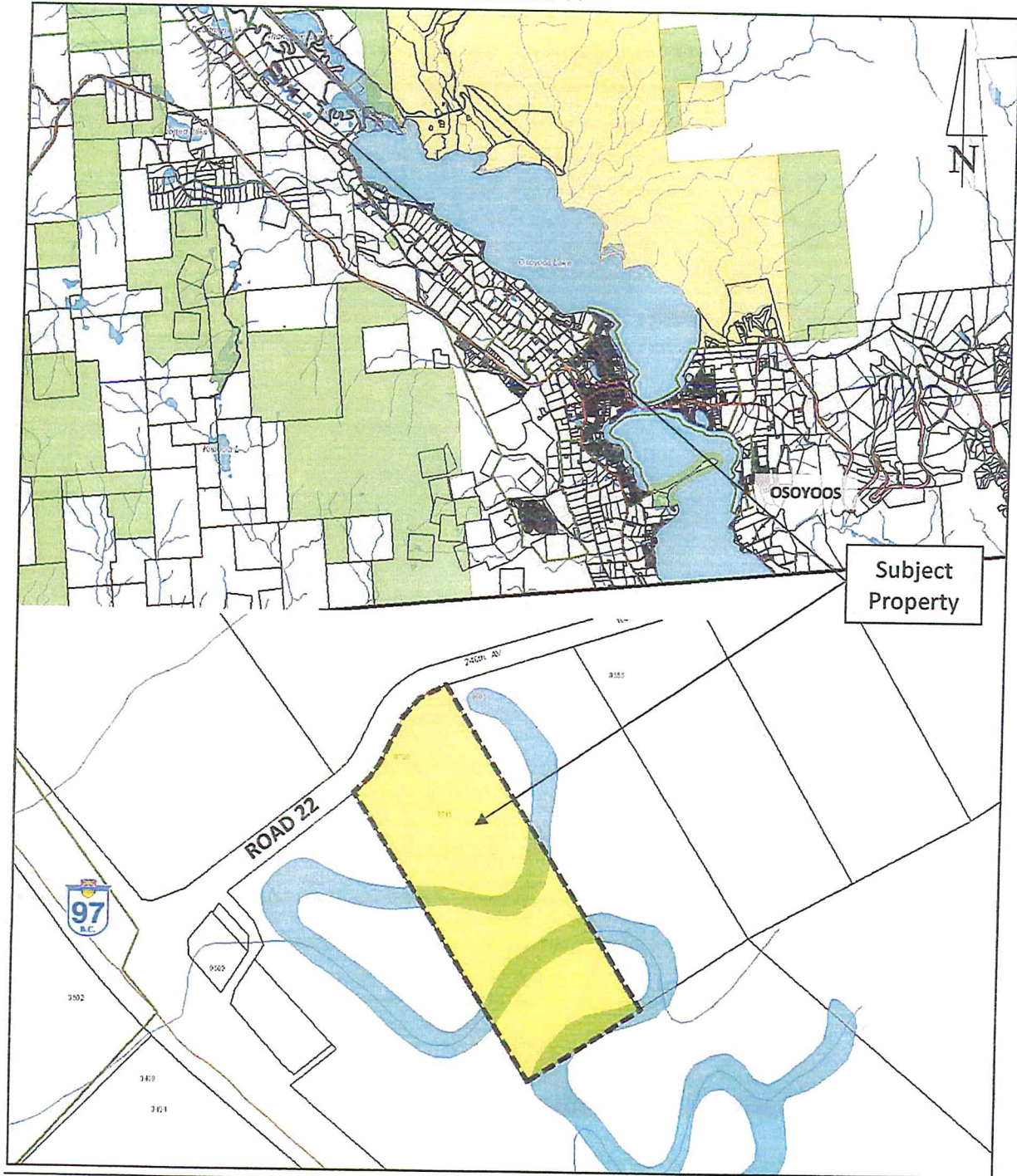
Telephone: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Temporary Use Permit

File No. A2016.109-TUP

Schedule 'A'



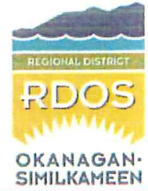
Temporary Use Permit No. A2016.109-TUP

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# Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

Telephone: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Temporary Use Permit

File No. A2016.109-TUP

Schedule 'B'

