

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: October 06, 2022
RE: Temporary Use Permit Application – Electoral Area “C” (C2022.018-TUP)

Administrative Recommendation:

THAT Temporary Use Permit No. C2022.018-TUP, to allow the use of a Park Model trailer as a temporary accessory dwelling at 8026 Highway 97 be denied.

<u>Legal:</u> Lot 2, Block A, Plan KAP1819, District Lot 2450S, SDYD	<u>Folio:</u> C-05193.000
<u>OCP:</u> Agriculture (AG)	<u>Zone:</u> Agriculture One (AG1)

Proposed Development:

This application is seeking approval to formalize the use of a Park Model as an accessory dwelling unit in order to provide accommodation for an elderly relative (parent) on the subject property through the issuance of a Temporary Use Permit (TUP).

In support of this proposal, the applicant has stated that “the application is made in order to provide a safe and happy home for my 90-year-old father to live in...the residence will certainly be temporary, as once my dad passes, it will be sold off as part of his estate...”

Site Context:

The subject property is 3.2 ha in area and is situated on the North side of Highway 97 approximately 45m west of the Okanagan River Channel and 2.8km north of the Town of Oliver. The parcel is comprised of a single detached dwelling, a Park Model trailer (the subject of this application), a farm storage building, chicken coop, two animal shelters, and active farm land (alfalfa, orchard, etc.).

The surrounding pattern of development is generally characterised by similar agriculture one parcels and the Okanagan River Channel to the east.

Background:

The property was created on May 4, 1922, while available Regional District records indicate that a building permit for a Single Family dwelling (1981) has been issued.

The property is designated Agriculture (AG) and the following criteria has been set for evaluating a Temporary Use Permit application:

- The use must be clearly temporary or seasonal in nature;
 - Compatibility of the proposal with adjacent uses;
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- 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 property is zoned Agriculture One (AG1) which permits one principal dwelling and accessory dwelling with a maximum gross floor area of 125.0 m². The property is within the floodplain associated with Okanagan River Channel.

The property has been the subject of a Stop Work Notice for the placement of a Z241 Park Model Trailer in contravention of the Zoning Bylaw. The property is within the Agricultural Land Reserve (ALR) and has been assessed as part “Farm” and part “Residential” by BC Assessment.

Public Process:

At its meeting of September 12, 2022, the Electoral Area “C” Advisory Planning Commission (APC) did not achieve quorum.

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:

Local governments usually advocate for the types of dwelling units permitted through either the Zoning Bylaw or a temporary use permit to uphold the public interest as it relates to health and safety standards for occupants (e.g. adequate ventilation, heating, etc.) as well as environmental health (e.g. proper sewage disposal).

Trailers do not meet the standards established in the Building Code for a permanent residential use, they can’t be inspected or certified and the health and safety of occupants for year-round residential use may be compromised.

Other options are available to the applicant, namely the development of a secondary suite in the existing principal dwelling, or the construction of an accessory dwelling as this is permitted by the zoning bylaw and would be subject to building inspection requirements to ensure compliance with the BC Building Code.

The trailer is located on an existing RV pad on the property which has connections for septic and well water, although it is not known if the existing septic system has the capacity to support the additional volume of wastewater from the trailer.

Should the application be approved, authorization of a trailer as an accessory dwelling unit through a TUP will ensure that the vehicle is not retained on the property permanently.

Alternative:

THAT Temporary Use Permit No. C2022.018-TUP be approved.

Respectfully submitted:

Fiona Titley

Fiona Titley, Planner II

Endorsed By:

CG

C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List

No. 2 – Site Photo (September 2022)

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Temporary Use Permit No. C2022.018-TUP:

<input checked="" 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 checked="" 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"/>	Vaseux Lake improvement Districts
<input checked="" type="checkbox"/>	Oliver Fire Department		

Attachment No. 2 – Site Photo (September 2021)

