

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Interim Chief Administrative Officer
DATE: November 16, 2023
RE: Temporary Use Permit Application Extension Request - Electoral Area "C" (C2022.022-TUP)

Administrative Recommendation:

THAT Temporary Use Permit Application No. C2022.022-TUP, for an "outdoor storage" use and residential occupancy of recreational vehicles (RVs) at 380 Wilson Mountain Road, be closed as incomplete.

Purpose: To allow for an outdoor storage use, the residential/commercial use of one recreational vehicle, and the residential use of one additional recreational vehicle.

Folio: C-03456.100 Civic: 380 Wilson Mountain Road

Legal: District Lot 548, SDYD, Surveyed as 'White Swan' Mineral Claim Not Included Within District Lot 331S, SDYD Except Road on Plan 34109

Proposed Development:

The applicant for Temporary Use Permit Application No. C2022.022-TUP is seeking an extension to May 16, 2024, in order to provide an environmental assessment.

In support of this request, the applicant has stated the following:

[the Qualified Environmental Professional (QEP)] did attend the property in March to view and [assess]; he relayed to me that he felt confident in the success of [my] application ...

I had called him numerous times since his visit to the property; he promised a report on numerous occasions but has not fulfilled the required fiduciary duty; As of the 16th of October, I spoke with [the QEP] in regards to the time limit set by the RDOS. He requested a copy of what correspondence had been forwarded to myself by the RDOS ...

Since Oct 16 I have called multiple times with no response; As of today, I have not had a return call nor correspondence from [the QEP]; If I do not hear back from [the QEP] in the next week I will be left no choice but to lay a complaint to his superiors and find a new agent to review the assessment.

Background:

Under Section 3.11 (Lapse of Application) of the Regional District's Development Procedures Bylaw No. 2500, 2011, if an application is one (1) year old or older and has been inactive for a period of six (6) months the application will be deemed to be abandoned and will be closed.

In this instance, a Temporary Use Permit (TUP) application was submitted to the Regional District on October 5, 2022, in order to formalize the residential use of one recreational vehicle, and the residential/commercial (i.e., security/office) use of another recreational vehicle. The application also request the use of a portion of property for the purpose of commercial outdoor “wet” storage of boats and recreational vehicles.

On November 17, 2022, the Regional District delivered a request for additional information to the applicant, specifically the submission of “an environmental assessment drafted by a Qualified environmental Professional (QEP) which assess the suitability of the area identified for the proposed “outdoor storage” use, and outlines appropriate mitigation measures, if necessary”.

As the request for additional information was made late in 2022, Administration indicated to the applicant that it was amenable to a deadline of April 7, 2023, for the environmental assessment to be submitted to the Regional District.

On April 4, 2023, a QEP contacted the Regional District to advise that they had been retained by the applicant to complete the environmental assessment (NOTE: as of November 7, 2023, the Regional District has yet to receive an environmental assessment).

Application Extension:

Under Section 3.11.3 of the Development Procedures Bylaw, “upon written request by the applicant prior to the lapse of the application, the Board may extend the deadline for a period of six (6) months by passing a resolution to that affect.”

On October 20, 2023, the applicant submitted a formal request to the Regional District seeking a 6-month extension in order to provide the outstanding environmental assessment.

Application Fee / Refund:

Under Section 4.2 (Refund of Application Fees) of the Development Procedures Bylaw “if an application is incomplete or withdrawn prior to formal assessment by staff, 80% of the application fee shall be refunded.”

Should this Temporary Use Permit application be closed on the basis that it is incomplete, the applicant would be entitled to a refund of \$1,000.00 of their \$1,250.00 application fee.

Bylaw Enforcement:

The Regional District has received written complaints regarding the occupation of multiple recreational vehicles on the property.

Analysis:

In considering this request, Administration is concerned that the delay in submitting the requested information appears to be an issue between the applicant and their qualified environmental professional (QEP), and it is not clear when, or if this can be resolved and if a 6-month extension will be sufficient.

Administration is further concerned that this application is related to an enforcement action and that on-going delays in the processing of the TUP application is allowing for the continued use of the subject property in contravention of the zoning bylaw.

NOTE: Administration does not continue with enforcement action while a land use application that seeks to formalize an authorized use is being processed and is pending Board consideration. This is in order to avoid the use of staff time and financial resources on a matter that the Board may ultimately resolve to approve.

For this reason, Administration is recommending against the requested extension, that the file be closed, an applicable refund be issued and the applicant be encouraged to re-submit a land use application at such time as they have all the information requested by the Regional District.

Given that the file is enforcement-driven, should the file be closed, it would return to the Regional District's Bylaw Enforcement staff for enforcement action to re-commence (if necessary).

Alternative:

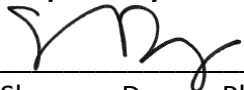
Providing an extension *may* allow the current QEP to complete their environmental assessment or allow time for the applicant to hire a new QEP (if necessary) to undertake the required site assessment.

It should be noted that given the upcoming winter conditions, an environmental assessment is unlikely to be completed until Spring 2024.

Alternatives:

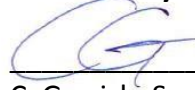
1. THAT Temporary Use Permit Application No. C2022.022-TUP, for an "outdoor storage" use and residential occupancy of recreational vehicles (RVs) at 380 Wilson Mountain Road, be extended until May 16, 2024, in order for the applicant to submit an environmental assessment.

Respectfully submitted:



Shannon Duong, Planner II

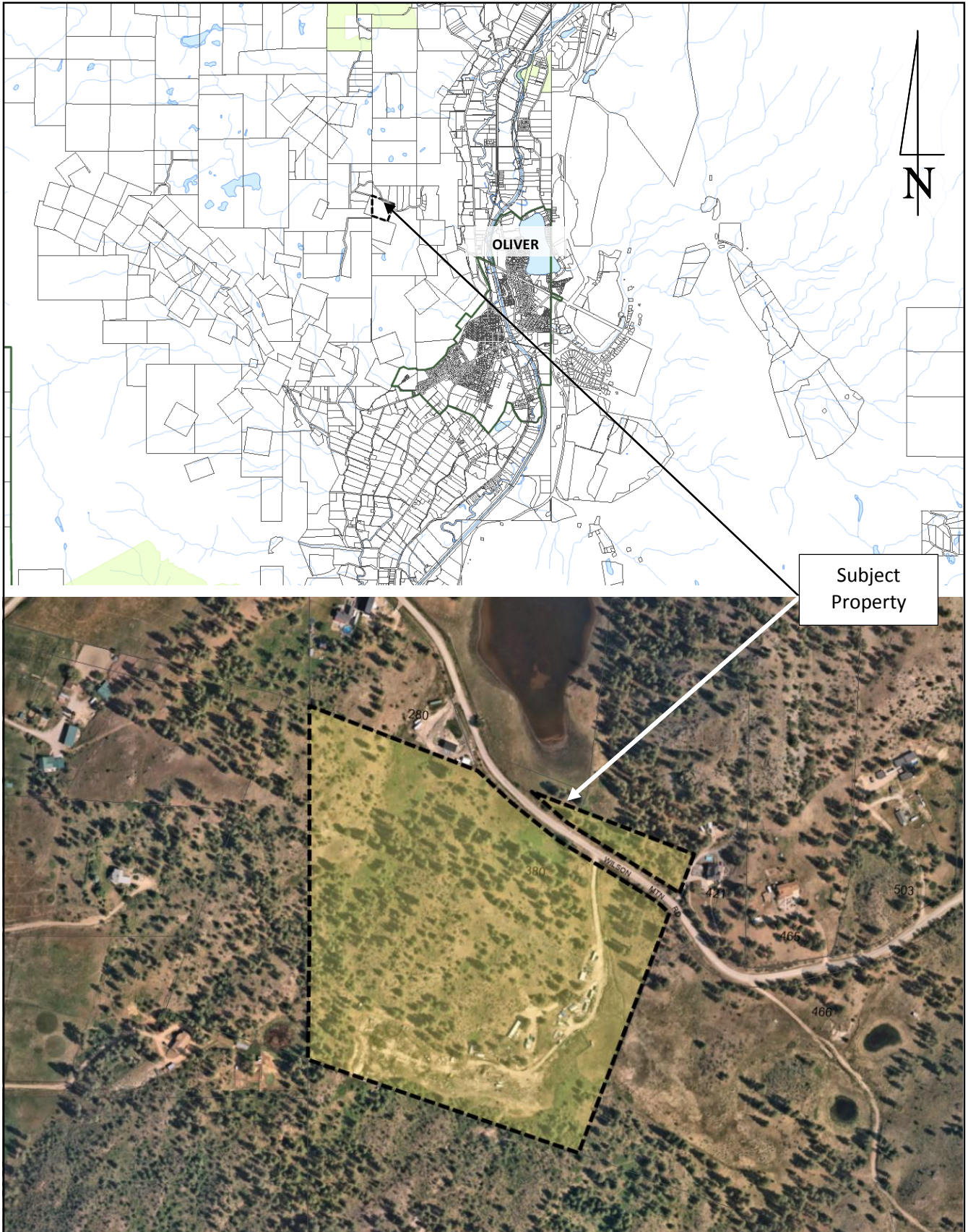
Endorsed By:



C. Garrish, Senior Manager of Planning

- Attachments: No. 1 – Context Maps
No. 2 – Applicant's Site Plan
No. 3 – Applicant's Parking Plan
No. 4 – Site Photo
No. 5 – Aerial Imagery (2023)

Attachment No. 1 – Context Maps



Subject
Property

Attachment No. 2 – Applicant's Site Plan



Attachment No. 3 – Applicant's Parking Plan



File No: C2022.022-TUP

Attachment No. 4 – Site Photo



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Attachment No. 5 – Aerial Imagery (2023)



File No: C2022.022-TUP