

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: October 3, 2024
RE: Temporary Use Permit Application – Electoral Area “C” (C2022.022-TUP)

Administrative Recommendation:

THAT the applicant’s request for a six month extension until April 3, 2025 to obtain required approvals from the Ministry of Water, Land, and Resource Stewardship be refused;
AND THAT Temporary Use Permit No. C2022.022-TUP, to allow an “outdoor storage” use and residential occupancy of two recreational vehicles (RVs) at 380 Wilson Mountain Road, be denied.

Legal: District Lot 548, SDYD, Surveyed as ‘White Swan’ Mineral Claim, Folio: C-03456.100
Not Included Within District Lot 331S, SDYD, Except Road on Plan 34109

OCP: Large Holdings (LH) / Resource Area (RA) Zone: Large Holdings One (LH1) / Resource Area (RA)

Purpose:

The purpose of this report is to seek direction from the Regional District Board regarding a request from the applicant for a six-month extension (i.e., until April 3, 2025) to obtain the necessary approvals from the Ministry of Water, Land, and Resource Stewardship to carry out the proposed outdoor storage use.

In support of this request, the applicant has stated that “we are in the process of disputing the fine we received from the Natural Resource Officer and have not yet received a date as to a hearing. We would like to extend the application until we have had a chance to go to court.”

Site Context:

The subject property is approximately 11.6 ha in area, with the northeast corner of the property being bisected by Wilson Mountain Road. It is understood that the parcel is comprised of the subject recreational vehicles, and recent aerial imagery further indicates the presence of numerous accessory structures (see Attachment No. 1). Comparisons of aerial imagery from May 2023 and June 2024 indicate that additional structures have been placed on the property. It is unclear what the nature of these structures is.

An approximately 0.87 ha portion of the property has already been cleared and prepared for the proposed outdoor storage use, not including a previously disturbed area associated with a mine road.

The surrounding pattern of development is generally characterised by large lot rural residential use, with Resource Area (RA) parcels to the south and southeast being generally undeveloped.

Background:

Previous Board Consideration

At its meeting of November 16, 2023, the Regional District Board considered a request to extend their application in order to provide an outstanding environmental assessment (originally requested on November 17, 2022).

On November 14, 2023 (following the publication of the November 16, 2023 Board Meeting Agenda, and prior to the meeting), the applicant's Qualified Environmental Professional (QEP) submitted the required environmental assessment to the Regional District.

The Board subsequently resolved to postpone consideration of the Temporary Use Permit application until staff have reviewed [the] additional information.

Administration has since reviewed the submitted the environmental assessment, and following correspondence between staff and the QEP, an updated December 5, 2023 version of the environmental assessment was provided to staff.

Most recently, at its meeting of January 4, 2024, the Regional District Board resolved that the application remain active until July 4, 2024 in order for the applicant to obtain necessary approvals from the Provincial government.

Electoral Area "C" Official Community Plan Bylaw No. 2452, 2008

Under the Electoral Area "C" Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property contains lands designated as Environmentally Sensitive Development Permit (ESDP) and Watercourse Development Permit (WDP) Areas.

An ESDP and a WDP have not been issued for the development, and will be required regardless of the outcome of the application in order to formalize the land disturbance.

While a WDP for the land disturbance would ordinarily require the approval of the Province under the Riparian Areas Protection Regulation (RAPR), the earthworks have already taken place without the necessary Ministerial approvals.

Water Sustainability Act

Section 11 of the *Water Sustainability Act* requires authorizations from the Province in order to make changes in and about a stream. The Act defines a "stream" to mean a natural watercourse or a natural source of water supply which includes ponds and wetlands.

The applicant has not obtained the necessary authorizations from the Province under the *Water Sustainability Act*.

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:

As previously indicated in the previous January 4, 2024 Administrative Report, in reviewing the December 5, 2023 environmental assessment submitted by the applicant's Qualified Environmental

Professional, Administration was made aware that the applicant has not obtained the necessary authorizations for working in and around a water feature under the *Water Sustainability Act*.

The Ministry of Water, Land and Resource Stewardship has previously provided a letter in response to a referral distributed in relation to this application, and is included as part of this agenda.

As previously noted, the proposed outdoor storage use requires approvals from senior levels of government (i.e., the Ministry of Water, Land, and Resource Stewardship); as such, the Ministry's determination with respect to the proposed use would ultimately impact the ability of the Regional District to issue the proposed Temporary Use Permit.

As of the date in which this report was written, the Ministry has not come to a determination as it relates to the previously completed earthworks and proposed future use of the area for outdoor storage purposes.

In considering the applicant's extension request, it is noted that the application has been with the Regional District for nearly two years, with two extensions having been granted previously to provide required information (i.e., an environmental assessment, and required Provincial approvals).

Furthermore, it is uncertain what the Ministry's timeline will be to come to a final determination, and whether the Ministry will authorize the previous earthworks and proposed use of the cleared lands for outdoor storage uses.

For this reason, Administration is recommending that the extension request be refused, and that the Temporary Use Permit application be denied.

Should the file be closed, the applicant may re-apply for the Temporary Use Permit upon obtaining the Ministry's authorization for the proposed use. In accordance with Section 3.12.1, re-application for a permit that has been refused by the Board shall not be considered within a twelve month period immediately following the date of refusal; however, the applicant may submit a written request to the Board to waive this provision should the Ministry provide an approval within twelve months.

Financial Implications:

Financial implications have been considered and none were found.

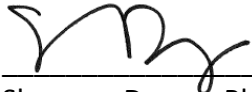
Communication Strategy:

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 the applicant be provided an extension until April 3, 2025 to obtain required approvals from the Ministry of Water, Land, and Resource Stewardship;
2. THAT Temporary Use Permit No. C2022.022-TUP, to allow an "outdoor storage" use and residential occupancy of two recreational vehicles (RVs) at 380 Wilson Mountain Road, be approved.

Respectfully submitted:



Shannon Duong, Planner II

Endorsed By:



C. Garrish, Senior Manager of Planning

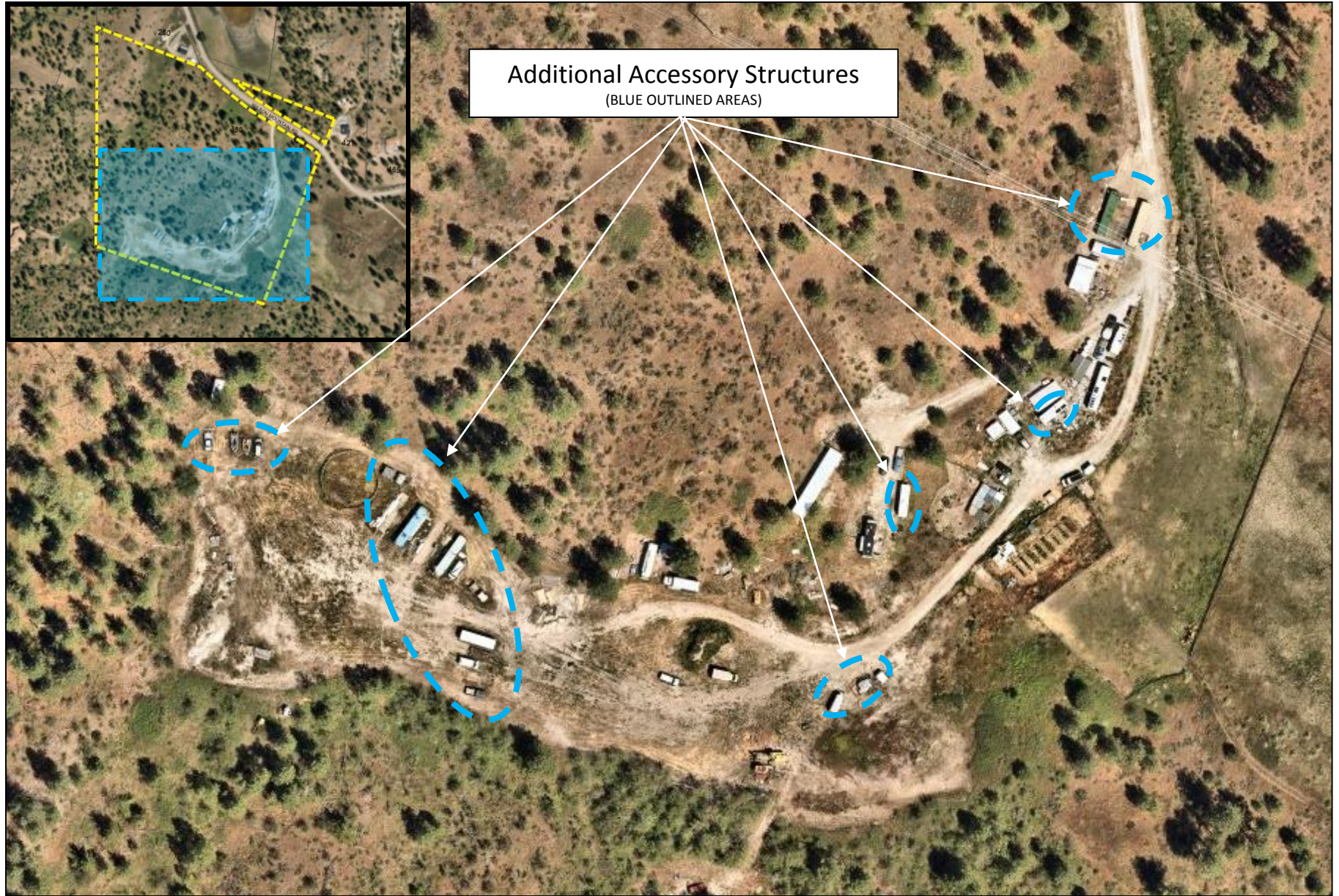
Attachments: No. 1 – Aerial Imagery (June 2024)

No. 2 – Aerial Imagery (May 2023)

No. 3 – Comparison of Waterbodies (2016 vs. 2023)

No. 4 – Site Photo (2023)

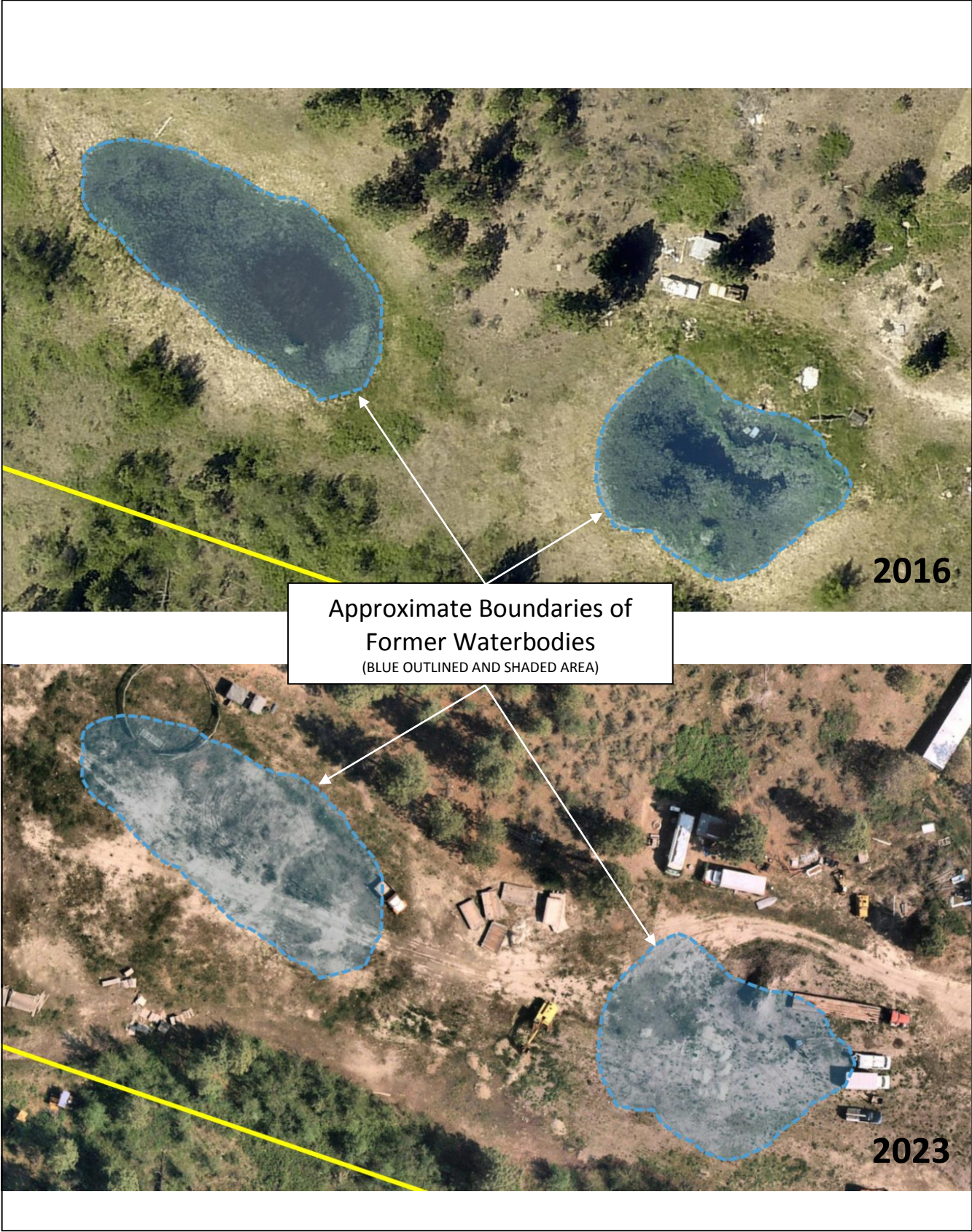
Attachment No. 1 – Aerial Imagery (June 2024)



Attachment No. 2 – Aerial Imagery (May 2023)



Attachment No. 3 – Comparison of Waterbodies (2016 vs. 2023)



Attachment No. 4 – Site Photo (2023)

