

Supplementary Information

Temporary Use Permit Application

LOT 1 DISTRICT LOT 2450S SIMILKAMEEN DIVISION YALE DISTRICT PLAN 4172
5622 SAWMILL ROAD, OLIVER, B.C.
PID: 010-608-907

PURPOSE

The purpose of this application is to request that a CSA Z240 certified RV be allowed to be continued to be used as a residence for an onsite caretaker/manager for the storage business on the subject property until a decision has been made by the ALC on an ALR subdivision and non-farm use application for the property.

INTRODUCTION AND BACKGROUND

Location

The subject property is located at 5622 Sawmill Road, within Area 'C' of the Regional District of Okanagan Similkameen and is approximately 0.75 km south of the Town of Oliver as shown in Illustration 1.

Illustration 1: Site Location



Site Features

The property is approximately 2.6 ha. (6.35 ac.) in size and is irregular in shape and denoted by the red dashed line in Illustration 2. The property is bound on its south and west sides by a steep escarpment which rises approximately 15 meters in height above the subject property which occupies approximately 0.9 ha. of land. The remainder of the property is relatively flat. Historically, the south and west sides of the property at the bottom of the escarpment were wet due to the high water-table, but fill has been placed in these areas over the past many decades to eliminate the wet areas. The property is within the Agricultural Land Reserve.

Illustration 2: Site Features



Historic and Present Use of the Property

The subject property has a long history of industrial uses dating back to the early 1900s when the Kettle Valley Railroad (KVR) built a rail line over the property and included a rail siding for loading / unloading of rail cars. During this era, a building was erected on the property to serve as a shipping and receiving dock to load and unload rail cars. The existing metal shed / structure which is presently on the subject property is the original structure built as the shipping and receiving building and dock.

After the KVR tracks were removed from the property in the late 1970's / early 1980's, the property was used for several commercial / industrial uses including a regional bulk fuel storage and distribution depot in the 1970's and 1980's and an auto storage and auto wrecking yard through the 1990's and until early 2000's. The auto storage and auto wrecking yard ceased operation around 2007 and from that time until 2018, the property remained vacant.

The current owners acquired the property in 2017, and in accordance and compliance with the RDOS Industrial-1 zoning of the property, they began to operate an outdoor boat and RV storage business. As the current business is the storage of RVs and boats, an onsite caretaker was deemed necessary to monitor activity on the site and provide a deterrent to theft and vandalism from the site during evening hours. A caretaker presently resides on the property in a CSA Z240 certified recreation vehicle. The RV is connected to a septic system and potable water is provided to the dwelling from a well. An accessory dwelling is permitted within the I1 zone.

A complaint was lodged to the Agricultural Land Commission about the use of the ALR property for non-farm use and the ALC has ruled that the non-farm use cannot continue. The owner is now pursuing the submission of an ALR subdivision / non-farm use application similar to what the ALC previously approved by in 2008.

Surrounding Land Uses

As noted on Illustration 2, the land use adjacent to the west side of the subject property is agricultural and is located on the top of an escarpment that separates the subject property from the adjacent west farm properties. The lands adjacent to the north side of the subject property include two small parcels that are two acres or less in area, and beyond those two properties, the lands are used for agricultural purposes. The east side of the subject property is adjacent to Sawmill Road and the properties east of Sawmill Road include farm parcels and small rural parcels used for residential purposes.

PROPOSED TEMPORARY USE REQUEST

Although an accessory dwelling is allowed within the I1 zone, an RV is not permitted to be used as dwelling in accordance with section 1.10.2 of the Okanagan Valley Zoning Bylaw 2800. The owners of the property were not aware of this provision in the Zoning Bylaw. The practical request is to allow the temporary use of the RV as an accessory dwelling for the purpose of on-site security and management of the RV storage business. As the owner is making an application to the Agricultural Land Commission to allow for a previously approved subdivision and industrial use of the land, it is the intention that the temporary use of the RV as a dwelling for on-site security and management of the RV storage business only occur until the ALC renders a decision on the new application.

The practical request is to allow an existing RV on the property to be used as an accessory dwelling for the purpose of on-site security and management of the RV storage business for interim period of time. However, the RDOS planning staff have advised the actual request for the Temporary Use Permit is to allow for a 3 year period of time an existing RV located on the property to be used for residential use.

If the ALR application is approved, the use of the RV as a dwelling for the on-site security and manager will be discontinued and the RV would be removed and replaced with an approved dwelling unit. If the application is denied, the use of the RV as a dwelling for the on-site security and manager would be discontinued as the use of the property for RV and boat storage may need to terminate.

TIME PERIOD FOR TEMPORARY USE

The time period for the temporary use would be the 3-year period offered by the Temporary Use Permit or a less time being the date which a decision on the ALC application is rendered plus 6 months. Once the ALC decision is rendered, it seems reasonable to allow the on-site caretaker a 6-month period to find alternate accommodation.

REASON / RATIONALE FOR THE PROPOSED TEMPORARY USE REQUEST

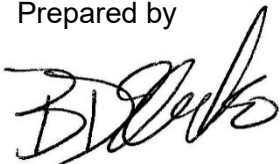
With the future use of the property unknown and pending the outcome of a new ALC application, it is not reasonable for the on-site manager / caretaker to acquire a manufactured home for placement on the property. Also, the owner was advised that if an alternate dwelling was placed on the property a new septic system may have to be constructed. With the future of RV and boat storage business unknown, the request for the Temporary Use Permit would allow the business to operate as it has with the on-site

manager / caretaker residing in a RV, avoiding the significant expense of acquiring a manufactured home and potentially having to construct another septic system. This cost would be significant considering it may have to be removed if the business is forced to close due to a negative ALC decision.

SUMMARY

1. The current use of the RV for an on-site manager/caretaker was not a willful act to disregard the provisions of the zoning bylaw but rather was an oversight and the owners were simply not aware that on-site manager/caretaker dwelling could not occur within an RV.
2. If there was surety that the RV boat and storage business would remain in business, measures would be taken to provide an approved dwelling as the on-site manager/caretaker would be a long-term requirement. The uncertainty due to the ALC's decision only requires the on-site manager/caretaker to be present temporarily, until a decision on the new ALR application is made by the ALC.
3. Due to the nature of business, on-site management and security is necessary. Requiring the owner to purchase a manufactured home and construct a new septic system will place a considerable financial burden on the owner, as the use of the dwelling will only be needed for a temporary period.

Prepared by



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