

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** August 4, 2022  
**RE:** Temporary Use Permit Application – Electoral Area “I” (I2022.010-TUP)

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### **Administrative Recommendation:**

**THAT Temporary Use Permit No. I2022.010-TUP, to allow for a campground use on Crown land adjacent 928 Pineview Drive, be approved.**

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Legal: various lots, District Lot 3757, SDYD      Folio: I-01676.000  
OCP: Parks, Recreation and Trails (PR)      Zone: Parks & Natural Environment Zones (PR)

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### **Proposed Development:**

This application is seeking to renew an existing Temporary Use Permit (TUP) related to the operation of campground comprised of approximately 26 serviced campsites and related facilities (i.e washroom, garbage containers, parking areas and recreation facilities) over an approximately 0.96 Hectare (ha) area of crown land.

The current permit allows for the use of a 591 metre section of the former CPR right-of-way which bisects the Banbury Green Campground property, but which excludes a 2 metre wide section over which the Regional District has a separate License of Occupation from the province for trail purposes.

In support of this proposal, the applicant has stated that “Under this renewed License of Occupation, we will continue to offer free access to our washrooms in addition to washroom cleaning services at no charge to the government. We will also continue to provide trail maintenance as we do now.”

### **Site Context:**

The subject property is 1.7 ha in area and is situated on the east side of Pineview Road on the west side of Skaha Lake between Kaleden and Penticton. Part of the parcel is currently being utilised for trail purposes by the Regional District and has also been developed to a campground use by the adjacent property owner.

The surrounding pattern of development is generally characterised by agricultural operations and a campground to the west of Skaha Lake.

### **Background:**

The current boundaries of the property were created on May 12, 1932, in order to raise title to land being utilised by the CPR for the purposes of a railway line serving Okanagan Falls from Penticton. It is understood that use of this line was discontinued in 1989, that the rail was removed shortly thereafter and that the province purchased the Skaha Lake section in 1995.

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The adjacent Banbury Green Campground commenced operation in 1985 following the successful rezoning of the property from Agriculture Residential (AR) to Tourist Commercial (CT-1A). The more recent occupation of the former CPR right-of-way for the purposes of vehicle access and site improvements (i.e. campground spaces, washroom facilities, etc.) is thought to have occurred sometime in the past 10-15 years. In addition, any riparian area impacts and disturbance is believed to have occurred prior to establishment of RAR.

The Regional District approved Temporary Use Permit No. D2016.015-TUP in 2016 for three (3) years and approved Temporary Use Permit No. I2019.004-TUP in 2019 for an additional three (3) years.

Under the Electoral Area "I" Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Parks, Recreation and Trails (PR).

Section 23.3.4 of Electoral Area "I" OCP Bylaw establishes the following criteria in evaluating a Temporary Use Permit application:

- The use must be clearly temporary or seasonal in nature;
- Compatibility of the proposal with adjacent uses;
- 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.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Parks & Natural Environment Zones (PR) which allows for parks, outdoor recreation, and cemetery as principal permitted uses.

**Public Process:**

On July 13, 2022, a Public Information Meeting (PIM) was Online through Webex and was attended by approximately one (1) member of the public.

At its meeting of July 20, 2022, the Electoral Area "I" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved, subject to the following conditions;

- i) The applicant considers installing warning signage for cyclists and motor vehicles at the intersection of the access road and KVR trail

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:**

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The use of this Crown land for campground purposes does not appear to have adversely impacted the public's use of the trail network that bisects the land, or resulted in the submission of any written complaints to the Regional District.

Further, the applicant will continue to maintain and make available to the public the improvements they have constructed on Crown land (i.e. washrooms) as well as amenity areas on their adjacent private property (i.e. common picnic areas).

The current License of Occupation will be expiring with the current TUP. However, a request has been made to the Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) in order to renew a License of Occupation for another 5 year term.

At some future point, the applicant will likely have to pursue a transition plan during the term of a TUP to cease the use and restore the land.

**Alternatives:**

1. THAT the Board of Directors deny Temporary Use Permit No. I2022.010-TUP; or

**Respectfully submitted:**

*Colin Martin*

Colin Martin, Planning Services Clerk

**Endorsed By:**



C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List

No. 2 – Applicant's Site Plan

No. 3 – Site Photo (2019)

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Temporary Use Permit No. I2022.010-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 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 checked="" type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Ecosystem Section)	<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch)
<input type="checkbox"/>	Town of Princeton	<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 checked="" 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 checked="" type="checkbox"/>	Kaleden Irrigation District
<input type="checkbox"/>		<input type="checkbox"/>	Public Works (Water Areas C, D, E, F; Sewer Area D)

Attachment No. 2 – Applicant’s Site Plan





Attachment No. 3 – Site Photos (2019)



Subject Area  
(APPROXIMATE)