

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** March 16, 2023  
**RE:** Temporary Use Permit Application – Electoral Area “I” (I2023.001-TUP)

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### Administrative Recommendation:

**THAT Temporary Use Permit No. I2023.001-TUP, to allow for the construction of an accessory building prior to the establishment of a principal use on the property at 143 Taggart Crescent be approved.**

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Legal: Lot 6, District Lo 411, SDYD, Plan KAP30396 Except Plan 34757 Folio: I-02778.300

OCP: Small Holdings (SH) Zone: Small Holdings One (SH1)

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### Proposed Development:

This application is seeking to permit the construction of an accessory building (i.e., a detached garage) on the subject property prior to establishment of a principal use through the issuance of a Temporary Use Permit (TUP).

In support of this proposal, the applicant has stated:

- The proposed temporary use for constructing a new garage shelter is to use it as temporary storage of personal belongings in transition to our new property. Since the initial purchase, there are no existing shelters or buildings to protect personal belongings including tools, vehicles or construction equipment and the current owners do not reside on the property. The construction of a new garage is requested to temporarily store these belongings until such time that the main house can be built.*
- The time for proposed temporary use of the garage as a storage unit is 3-years. It will not be leased during this period. The entire garage floor plan (1472 sq ft) will be dedicated to personal storage only, with no public service. The garage will not have services during this time, except for electrical utilities. There will not be any source of HVAC services.*

### Site Context:

The subject property is approximately 3.6 ha in area and is situated at the end of Taggart Crescent. It is understood that the parcel is currently vacant.

The surrounding pattern of development is generally characterised by rural residential development.

### Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on October 25, 1979, while available Regional District records

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indicate that building permit have previously been issued for the relocation of a mobile home (1984) and the demolition of three structures (2021).

A restrictive covenant is registered on the Certificate of Title of the subject property, which restricts the construction of habitable dwellings on a majority of the property (see Attachment No. 2).

Under the Electoral Area “I” Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Small Holdings (SH), and is the subject of Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations.

Section 23.3.4 of Electoral Area “I” OCP Bylaw establishes the following criteria in evaluating a Temporary Use Permit application.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Small Holdings One (SH1) which permits “accessory building or structure, subject to Section 7.1” as an accessory use.

BC Assessment has classified the property as “Residential” (Class 01).

**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:**

In considering this proposal, Administration notes that the Okanagan Valley Zoning Bylaw requires a principal use (i.e., a single detached dwelling) to be established on a property prior to, or in conjunction with, the establishment of an accessory use (i.e., an accessory building). This ensures that the property is being used for the purpose which it is zoned for.

The Small Holdings One (SH1) zoning which applies to this property specifies a single permitted principal use, being a single detached dwelling. In this regard, the property is zoned for the primary purpose of residential use.

In this case, it is understood that the property owners are from out-of-town and are taking a phased approach to selling both their out-of-province business and residence and transitioning to the subject property. As such, the proposed garage would be used as a temporary storage space for personal belongings prior to the construction of a new single detached dwelling on the currently vacant property.

Alternative:

Conversely, Administration recognises that the Zoning Bylaw is clear in that an accessory use must be subordinate, customarily incidental, and exclusively devoted to a principal use in existence on the same parcel. The use of the property for storage purposes is not in keeping with its SH1 zoning.

If issued, the proposed Temporary Use Permit (TUP) would be valid for a period of three years, and the expectation would be that construction on their proposed single detached dwelling will have substantially commenced during that timeframe. The Board may wish to impose such a condition on the issuance of the permit to ensure that a principal use is established.

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Summary:

Administration is supportive of the application on the basis that construction of a single detached dwelling will have substantially started during the three-year term of the TUP.

**Alternative:**

1. THAT the Board of Directors deny Temporary Use Permit No. I2023.001-TUP

**Respectfully submitted:**

  
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Shannon Duong, Planner II

**Endorsed By:**

  
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C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Temporary Use Permit No. I2023.001-TUP.

<input type="checkbox"/>	Agricultural Land Commission (ALC)	<input type="checkbox"/>	Fortis
<input 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 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"/>	Irrigation District / improvement Districts / etc.
<input type="checkbox"/>	Volunteer Fire Department	<input type="checkbox"/>	

**No Affected Agencies.**