



TO: Planning & Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: January 21, 2021

RE: Building Bylaw No. 2805, 2018 – Regulation of Metal Storage Containers (Siting Permits)

Administrative Recommendation:

THAT an amendment to the Building Bylaw No. 2805, 2018, to revise the requirements for a Siting Permit for metal storage containers not be initiated.

Proposed Development:

The purpose of this report is to seek direction from the Board regarding the current requirement in the Regional District’s Building Bylaw No. 2805, 2018, for a “Siting Permit” to place a metal storage container on a property.

Background:

At its meeting of May 29, 2018, the Regional District Board adopted *Building Bylaw No. 2805, 2018*, and which repealed, effective July 1, 2019, *Building Regulation Bylaw No. 2333, 2005*.

Amongst other things, Building Bylaw No. 2805, 2018, introduced a regulation allowing a Building Official to “issue a building permit for the erection or placement of a portable self-contained container” (e.g. a “Siting Permit”). In accordance with Section 10.64 of the bylaw, an application for a Siting Permit is to include the following:

- (a) *Plans and supporting documents showing the location and building height of the building or structure on the parcel;*
- (b) *Plans and supporting documents showing construction details of the building or structure;*
- (c) *A statement by the owner indicating the intended use;*
- (d) *Plans and supporting documents showing the proposed parking and loading space (if applicable)*

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Under the Regional District’s *Fees and Charges Bylaw No. 2877, 2020*, the application fee for a Siting Permit is currently \$150.00.

Since July 1, 2019, approximately 5 Siting Permits have been issued by the Regional District specifically for the placement of metal storage containers, with an additional 9 building permits for metal storage containers that had modifications (e.g. roofs, frame additions, use other than storage such as office).

At its meeting January 7, 2021, the Board resolved to defer consideration of 3rd reading of the Regional District of Okanagan-Similkameen Storage Container Regulations Zoning Amendment Bylaw No. 2895, pending a discussion of the Siting Permit requirements in Building Bylaw No. 2805, 2018.

Analysis:

The rationale for introducing “Siting Permit” requirements for metal storage containers into the current Building Bylaw was primarily as a tool for proactive, effective and efficient bylaw enforcement.

Historically, the absence of a permit requirement to place a metal storage container on a property meant it was not uncommon for these types of structures to be placed in parcel line setback areas or development permit areas (e.g. watercourse and environmentally sensitive).

Moreover, enforcement was dependent upon the submission of a formal written complaint or observed infraction to the Regional District, resulting in retroactive enforcement of the land use bylaws.

Administration maintains its previously stated position in regards to retroactive enforcement; that it is an undesirable, time consuming and costly approach to enforcement that generally requires prolonged correspondence with property owner(s), involvement of legal counsel and potential injunctive action through the court system.

A Siting Permit requirement addresses these by ensuring that compliance with the applicable land use bylaws is established prior to the placement of a metal storage container. From an enforcement perspective, if no health or safety issue or damage to environment exists, the Building Bylaw allows placement of a notice against the property title and avoids the need for injunctive action through the court system – which is a more cost effective means of enforcement.

More importantly, Administration is concerned that the potential removal of Siting Permit requirements from the Building Bylaw will undermine the effectiveness of the new zoning regulations for metal storage containers found within Amendment Bylaw No. 2895, and would appear to run counter to the direction provided by the Board on March 5, 2020, to introduce these zoning regulations.

Since the implementation of the Siting Permit requirement on July 1, 2019, Administration has only been taking active enforcement where there is a direct contravention of zoning regulations, a complaint is received, or modifications have been made and observed which affect the structural integrity of the container. This has resulted in approximately 10 enforcement files for storage containers, of which 2 related only to siting. The other 8 file related to modifications such as roofs, or alterations to the storage container, which required a regular building permit.

Conversely, the option to remove the Siting Permit requirement for metal storage containers from the Building Bylaw No. 2805, 2018, is available to the Board (NOTE: this will not affect the enforcement action related to steel storage containers which require a regular building permit).

The option of re-visiting the \$150.00 fee for a Siting Permit is also available to the Board (e.g. reduce the fee to \$50 or \$100), however, Administration is concerned that this would run counter to the separate direction recently provided by the Board to increase the fees associated with Building Permit applications.

Alternatives:

1. THAT an amendment to the Building Bylaw No. 2805, 2018, be initiated to revise the requirements for a Siting Permit for metal storage containers, specifically:

a) *TBD*


2. THAT an amendment to the Building Bylaw No. 2805, 2018, to revise the requirements for a Siting Permit for metal storage containers be deferred, pending:

a) *TBD*

Respectfully submitted:



C. Garrish
Planning Manager



L. Miller
Manager of Building & Bylaw Enforcement Services