

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** January 19, 2023  
**RE:** Temporary Use Permit Application – Electoral Area “I” (I2022.021-TUP)

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### Administrative Recommendation:

**THAT Temporary Use Permit No. I2022.021-TUP, to allow outdoor storage use at 1146 Highway 3A Twin Lakes, be denied.**

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Legal: Lot 1, Plan KAP11044, District Lot 228S, SDYD Folio: I-02341.000

OCP: Commercial (C) Zone: General Commercial (C1) & Service Commercial (CS1)

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### Proposed Development:

This application is to allow storage of manufactured homes on a portion of the property through a Temporary Use Permit (TUP) for a period of three (3) years. The area of the property proposed to be used for the temporary use is the subject of a “month to month” lease and the temporary use will consist of “temporary storage of manufactured homes.”

### Site Context:

The subject property is 5.5 ha in area and is situated on the north side of Highway 3A approximately 9.5km southwest from Kaleden. The parcel is comprised of a service station and retail store. The surrounding pattern of development is generally characterised by rural holdings, resource areas and a golf course.

### Background:

The property was created by December 1, 1960, while available Regional District records indicate that a building permit for an addition to the retail store (2006) has previously been issued for this property. BC Assessment has classified the property as part “Residential” (Class 01) and part “Business and Other” (Class 06).

### OCP Bylaw:

The property is designated Commercial (C) 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 TUP application:

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

#### Zoning Bylaw:

The property is split-zoned General Commercial (C1) and Service Commercial (CS1). The area proposed for temporary use is zoned General Commercial (C1), which allows a variety of commercial principle uses (e.g. outdoor market, retail store).

#### Application History:

**December 15, 2016** - TUP No. D2016.094-TUP allowing for a sales display area for agricultural trailers and equipment was approved.

**November 21, 2019** - The renewal of the TUP for the display and sales of trailers and equipment was approved. This permit expired on November 21, 2022.

The proposed use will be required to obtain a Controlled Access permit from the Ministry of Transportation and Infrastructure (MoTI), pursuant to Section 62 of the *Transportation Act*.

#### **Public Process:**

On November 2, 2022, a Public Information Meeting (PIM) was held electronically via Webex and was not attended by any members of the public.

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:**

TUPs are generally to be used to provide for temporary approval of transitional uses, or uses where it is premature to decide rezoning and long term land use patterns. Additionally, the OCP states that TUPs should not be considered a substitute for rezoning.

The continued authorization of outdoor storage through a TUP is inconsistent with the policy directions provided for in the OCP — “not [to be] considered a substitute for a rezoning” — and the property owner either needs to either cease the use or formalize it through a rezoning. The property owner has had, through the previously approved TUPs, the benefit of 6 years to trial an outdoor storage use at this location and determine if it is appropriate.

It is also noted that the previous TUPs authorized an “agricultural implement and trailer sales” use allowing for the display and sales of agricultural trailers and equipment, which is a commercial use under the Zoning Bylaw. The current proposal is for an outdoor storage use, which is considered an industrial use and increases the intensity of the use occurring on the site.

Since the first TUP for outdoor storage was issued in 2016, the Electoral Area “I” Official Community Plan (OCP) Bylaw has been reviewed and updated. As a result, the OCP Bylaw currently contains

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policy statements that generally speak to encouraging industrial uses to locate in Okanagan Falls, which has infrastructure and amenities better suited to accommodate such uses. The outdoor storage use on the property has been sited immediately adjacent to Highway 3A, which is a major thoroughfare into the South Okanagan and acts as a 'gateway' into Twin Lakes and the broader region.

The OCP seeks to limit commercial development adjacent to the highway and this policy direction is applicable to outdoor storage because it has the potential to create a visual impact.

Summary:

The proposed use is not clearly temporary in nature and would be more appropriately addressed through a rezoning application.

**Alternatives:**

1. THAT Temporary Use Permit No. I2022.021-TUP be approved:

**Respectfully submitted:**

*Ben Kent*

Benjamin Kent, Planner I

**Endorsed By:**



C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List

No. 2 – Aerial Photo

No. 3 – Site Photo – Market and Service Station (Google Streetview – 2018)

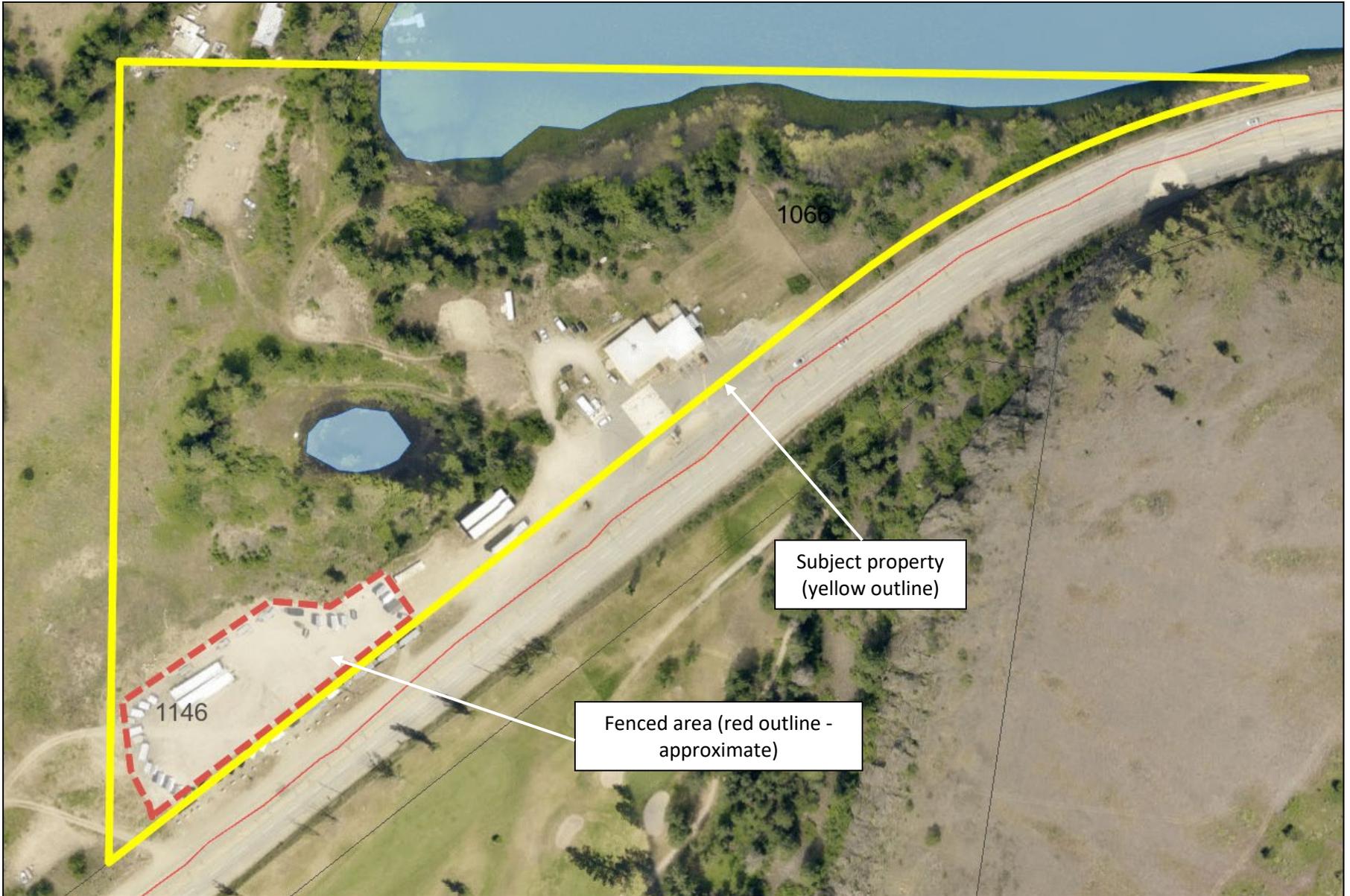
No. 4 – Site Photo – Proposed Outdoor Storage Area (Google Streetview – 2018)

Attachment No. 1 – Agency Referral List

Referrals to be sent to the following agencies as highlighted with a , prior to the Board considering adoption of Temporary Use Permit No. I2022.021-TUP.

|                                     |   |                                     |  |
|-------------------------------------|---|-------------------------------------|--|
| <input type="checkbox"/>            | Agricultural Land Commission (ALC)  | <input checked="" 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 checked="" 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   |                                     |  |

Attachment No. 2 – Aerial Photo



Subject property  
(yellow outline)

Fenced area (red outline -  
approximate)

Attachment No. 3 – Site Photo – Market and Service Station (Google Streetview – 2018)



Attachment No. 4 – Site Photo – Proposed Outdoor Storage Area (Google Streetview – 2018)

