

To: Mayor and Council
From: Paul Gipps, CAO

Meeting Date: July 8, 2025
Meeting Type: Regular Council Meeting

Prepared by: Jason Tran, Planner

Department: Planning and Development

Title: Temporary Use Permit | TUP00107 | 5550 Todd Road
Description: Application to allow a welding and fabrication business out of an existing accessory building on an RLP – Rural Large Parcel 1.

RECOMMENDATION

THAT Temporary Use Permit TUP00107 (Attachment A in the Report to Council dated July 8, 2025) for the property at 5550 Todd Road, legally described as Lot 1 Section 6 Township 10 Osoyoos Division Yale District Plan Kap53967, (PID: 019-115-504), to allow a welding and fabrication business within an existing accessory building, be approved.

AND THAT prior to issuance of Temporary Use Permit TUP00107 an application for a Driveway Access Permit be submitted to the District of Lake Country for review.

EXECUTIVE SUMMARY

This Temporary Use Permit (TUP) application seeks Council's approval to operate a welding and fabrication business from an existing accessory building located at 5550 Todd Road (see Attachment C – Location Map).

If granted, this permit would likely be the final authorization requested by the applicant prior to retirement. The proposal aligns with the relevant policies outlined in the Official Community Plan (OCP).

As there have been no recorded bylaw complaints associated with the property, staff supports the issuance of this TUP to allow the proposed business activity for another three years.

BACKGROUND

| Application Information | | | |
|--------------------------------|---|--------------------------|--|
| Application Type | Temporary Use Permit | Application Date: | Jan 29, 2025 |
| Applicant: | Gudmundson, Paul E. & Rees, Pamella F. | Owner: | Gudmundson, Paul E. & Rees, Pamella F. |
| Application Description | Request to allow a welding and fabrication business out of an existing accessory building on an RLP – Rural Large Parcel 1. | | |

| Property Information: General | |
|-------------------------------|--|
| Folio/Roll #: | 01535.633 |
| Legal Description | Lot 1 Section 6 Township 10 ODYD Plan KAP53967 |
| PID | 019-115-504 |
| Civic Address: | 5550 Todd Rd, Lake Country BC V4V 2C8 |

| Property Information: Land Use | |
|--------------------------------|----------------------------|
| OCP Designation: | Rural |
| Zoning Designation: | RLP - Rural Large Parcel 1 |
| Land Use Contract | No |
| ALR: | No |

| | | |
|----------------------------------|---------------------------------------|-------------|
| Parcel Size: | 4.09 Hectares (10.131 acres) | |
| Development Permit Areas: | Erosion & Natural Environment | |
| Adjacent Land Summary: | Zoning: | Use: |
| <i>North:</i> | RLPO; Rural Large Property Oyama Road | Residential |
| <i>East:</i> | RLPO; Rural Large Property Oyama Road | Residential |
| <i>South:</i> | RLP; Rural Large Property | Residential |
| <i>West:</i> | A1; Agriculture 1 | Agriculture |

| Property Information: Infrastructure and Development Engineering | |
|--|--|
| Road Network | Rural Local |
| Driveway Access | Permit will be required |
| Water Supply: | Municipal (source: Oyama Lake) |
| Sewer: | Private – on-site septic |
| Drainage / Stormwater | Open Ditch |
| Comments: | Access permit required as driveway is from an unmaintained unopened road right of way. |

ANALYSIS

Site and Application Overview – TUP00107

- The subject property (4.09 Hectares / 10.131 acres) is zoned RLP – Rural Large Parcel 1 and is accessible by Todd Road. Under Zoning Bylaw 561, 2007, welding and fabrication are listed as prohibited uses and activities within a Rural Home Occupation.
- The owner has benefited from multiple previous Temporary Use Permits, including TP2011-008, TP2011-008-REN, TP2015-005 and TP2015-005-REN (Expired on 16th day of July 2022). There are no recorded bylaw complaints associated with the property. Based on the conversation with the applicant, his intention for this TUP would be the last application before retiring.
- The subject property is developed with a residence, a 720 m² (7,750 ft²) accessory building, and a secondary accessory building measuring 303.2 m² (3,264 ft²).
- The applicant has indicated that all welding takes place within an accessory building (303.2 m² or 3,264 ft²) that is both insulated and located near the interior of the property to minimize noise. Allowing a metal fabricating and welding business as a temporary use permit would support local businesses as outlined in the applicant's rationale letter (Attachment B).
- The property is located on Todd Road and is adjacent to three residentially developed lots. The site features moderate topography.
- The property is zoned RLP1 – Rural Large Parcel, intended for rural areas with limited servicing and no expectation of intensified development in the near future. (Attachment D – Ortho Photo Map)
- Industrial-zoned land remains in limited supply within the District.

Official Community Plan

- The current Future Land Use Designation in the Official Community Plan (OCP) is Rural.
- An OCP amendment would be required to redesignate the land to Industrial, however, the OCP does allow for Temporary Use Permits to be granted by Council.
- Official Community Plan policies include:
 - a) *The District will consider the issuance of a Temporary Use Permit provided that the proposed use:*
 - *Is temporary or seasonal.*
 - *Not be noxious or undesirable because of smoke, noise, vibration, dirt, glare, odour, radiation, electrical interference or an offensive trade within the meaning of the Health Act, as amended from time to time.*
 - *Have no negative impact on adjacent lands.*
 - *Create no significant increase in the level or demand for services.*
 - *Not permanently alter the site upon which it is located.*

- b) *The District may apply any conditions to the permit, including but not limited to: the hours of operation, square footage, appearance, screening, site rehabilitation or clean up, or any other matters deemed appropriate by Council.*
- c) *Temporary Use Permits may be issued for a period of up to three years, and may be renewed once for a second period of up to three years.*
- d) *Temporary Use Permits may be issued in all areas of the District.*

The chart below evaluates the proposal in the context of the Official Community Plan requirements for Temporary Use Permits.

| Requirement | Y | N | N/A | Notes |
|---|---|---|-----|--|
| Is the use Temporary or Seasonal? | ✓ | | | Use can be terminated at any time. |
| Is the use not noxious or undesirable? | | ✓ | | Welding is generally seen as an undesirable use, as identified in prohibited uses and activities associated with Rural Home Occupations. |
| Does the use avoid a negative impact on adjacent lands? | ✓ | | | Surrounding land uses are agricultural or rural. The accessory building is located on the interior of the property to reduce noise. |
| Does the use maintain the site's original state? | ✓ | | | The accessory building is pre-existing and activities take place within the shop. |

- The OCP indicates in Section 23.6 that home based businesses may be facilitated by temporary use permits, provided that they do not impact or change the character of the neighbourhood, require any servicing beyond residential standards or are a noxious use.
- Section 19.1, the OCP indicates in the absence of available industrial land, local entrepreneurs have located businesses on their own property.

Zoning Bylaw

- The District allows Temporary Use Permits for a land use not permitted by the applicable Zoning Bylaw to occur on a specified property.
- The District has historically used Temporary Use Permits to accommodate long-standing businesses in residential areas which are not compliant with the Zoning Bylaw, but nonetheless have historical ties to the area.
- The District has used Temporary Use Permits to enable local businesses to continue operating from a site while the owner attempts to find a suitable location.
- In Section 10.6.7. – Specific Use Regulations areas larger than 1 hectare are deemed Rural Home Occupations and identify “Welding and Fabricating” as a prohibited use and activity.
- Due to this prohibited use, either a Temporary Use Permit, or an OCP and zoning bylaw amendment (to I1 – General Industrial or I3 – Heavy Industrial) would be required in order for the use to continue on the property.
- Due to the location of the property, and as the owner likely plans to retire following the expiration of this Temporary Use Permit, staff do not support proceeding with an Official Community Plan amendment or rezoning amendment.
- Staff support the requested Temporary Use Permit.

Temporary Use Permit (TUP) Rationale:

- Issuing a TUP would:
 - allow the business to continue operating under defined conditions for a limited term,
 - allow the business to continue to contribute to the local economy, and
 - provide a flexible, lower-impact alternative to permanent rezoning,

- Denial of the TUP would result in the closure of a local business that has operated in good standing since 2011.

District staff support the proposed temporary use permit on the subject property.

FINANCIAL IMPLICATIONS

☒ None ☐ Budget Previously Approved ☐ Other (see below)

COMMUNICATION

- This application was referred to internal departments, and comments were provided and shared with the applicant through the Comprehensive Letter.
- Engineering: Access Driveway permit will be required as access to the accessory building is from an unopened and unmaintained road right of way.
- Protective Services: Change-of-Use permit may be required (through the Building Department).
- Building: A Change of Use permit is not required.
- The Planning Department has prepared the appropriate letter/signage and landowner notifications prior to the application being presented to Council for consideration.

ALTERNATE RESOLUTION OPTION(S)

1. THAT Temporary Use Permit TUP00107 (Attachment A in the Report to Council dated July 8, 2025) for the property at 5550 Todd Road, legally described as Lot 1 Section 6 Township 10 Osoyoos Division Yale District Plan Kap53967 (PID: 019-115-504), to allow a welding and fabrication business out of an existing accessory building, not be approved.
2. THAT Temporary Use Permit TUP00107 (Attachment A in the Report to Council dated July 8, 2025) for the property at 5550 Todd Road, legally described as Lot 1 Section 6 Township 10 Osoyoos Division Yale District Plan Kap53967 (PID: 019-115-504), to allow a welding and fabrication business out of an existing accessory building, be deferred pending receipt of additional information as identified by Council.

Respectfully Submitted,
Jason Tran, Planner

Report Approval Details

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|----------------------|---|
| Document Title: | TUP00107 - 5550 Todd Road - Temporary Use Permit - Council Report.docx |
| Attachments: | - Attachment A - TUP00107 - Draft Temporary Use Permit.pdf - Attachment B - TUP00107 - Business Description.pdf - Attachment C - TUP00107 - Location Map.pdf - Attachment D - TUP00107 - Ortho Photo Map.pdf |
| Final Approval Date: | Jul 2, 2025 |

This report and all of its attachments were approved and signed as outlined below:

Carie Liefke, Manager of Current Planning - Jun 27, 2025 - 12:42 PM

Steven Gubbels, Development Engineering Manager - Jun 27, 2025 - 1:25 PM

Greg Price, Manager of Building and Bylaw Services - Jun 27, 2025 - 1:53 PM

Jeremy Frick, Director of Development Approvals - Jun 30, 2025 - 10:44 AM

Reyna Seabrook, Director of Corporate Services - Jun 30, 2025 - 11:56 AM

Paul Gipps, Chief Administrative Officer - Jul 2, 2025 - 8:11 AM

Makayla Ablitt, Legislative & FOI Coordinator - Jul 2, 2025 - 9:30 AM