

**To:** Mayor and Council  
**From:** Paul Gipps, CAO

**Meeting Date:** August 19, 2025  
**Meeting Type:** Regular Council Meeting

**Prepared by:** Sheeja Vimalan, Planner

**Department:** Planning and Development

**Title:** Temporary Use Permit | TUP00112 | Lot A, Okanagan Centre Road West

**Description:** Application to allow a trailer temporarily on a residential lot

### RECOMMENDATION

THAT Temporary Use Permit TUP00112 (Attachment A to the report dated August 19, 2025) for the property at LOT A DISTRICT LOT 5216 AND SECTION 17 TOWNSHIP 20 OSOYOOS DIVISION YALE DISTRICT PLAN 40587 (PID: 012-757-306) to consider allowing a trailer on a residential lot be approved for up to 3- year term expiring on May 31, 2028; AND THAT prior to adoption, the applicant enters into an agreement that the trailer will be removed with the expiry of TUP00112, with no ability to renew it.

### EXECUTIVE SUMMARY

The application is for a new Temporary Use Permit (TUP), and the applicant seeks to obtain a TUP to allow a trailer on a residential lot.

The subject property (0.09 ha/0.22 ac) is zoned RU1 – Small-Scale Multiple Housing, is within the Lake Riparian Area setback and Natural Environmental Development Permit Area and is accessible by Okanagan Centre Road West and Okanagan Lake.

The District noticed the use of the property as non-confirming and therefore a Temporary Use Permit (TUP) for a maximum period of three (3) years would provide enough time for the family to remove the trailer from the property, subject to the conditions in the draft permit (attachment A).

Staff recommend authorizing the recreation use, including a trailer, on the subject property through a Temporary Use Permit for a maximum period of three years with no ability to renew, and subject to the trailer being removed before the expiry of TUP. Staff will also confirm that the sewage disposal system remains functional and has had the appropriate approvals granted.

### BACKGROUND

Application Information			
<b>Application Type</b>	Temporary Use Permit	<b>Application Date:</b>	May 30, 2025
<b>Applicant:</b>	D. Corinne Dolman	<b>Owner:</b>	D. Corinne Dolman
<b>Application Description</b>	Request to allow a trailer on a residential lot for three-year time period only.		

Property Information: General	
<b>Folio/Roll #:</b>	2689.092
<b>Legal Description</b>	LOT A DISTRICT LOT 5216 AND SECTION 17 TOWNSHIP 20 OSOYOOS DIVISION YALE DISTRICT PLAN 40587
<b>PID</b>	012-757-306
<b>Civic Address:</b>	Lot A, Okanagan Centre Road West
Property Information: Land Use	
<b>OCP Designation:</b>	Urban Residential

<b>Zoning Designation:</b>	RU1-Small-Scale Multiple Housing	
<b>Land Use Contract</b>	n/a	
<b>ALR:</b>	n/a	
<b>Parcel Size:</b>	~0.09 ha/ 0.22vac	
<b>Development Permit Areas:</b>	Natural Environmental and Lakes Riparian Area	
<b>Adjacent Land Summary:</b>	<b>Zoning:</b>	<b>Use:</b>
<i>North:</i>	RU1 – Small-Scale Multiple Housing	Residential
<i>East:</i>	C2 – Neighbourhood Commercial	Commercial & Fourth St.
<i>South:</i>	Public Property	Lake Access
<i>West:</i>	Okanagan Lake	Dock & Lake

Property Information: Infrastructure and Development Engineering	
<b>Road Network</b>	Minor connector
<b>Driveway Access</b>	On file
<b>Water Supply:</b>	Municipal (source: Beaver Lake/Okanagan Lake)
<b>Sewer:</b>	Private – on-site septic
<b>Drainage / Stormwater</b>	Ditch drainage
<b>Comments:</b>	N/A

## ANALYSIS

### Background

The subject property (0.09 ha/0.22 ac) and is situated on the east side of Okanagan Lake. The property is accessible by Okanagan Centre Road W and Okanagan Lake (Attachment B).

Since 1981, the property has been used for recreational purposes, with a trailer and dock. The property has approved connections for electrical, septic, water, driveway access and a license for private mooring purposes for the dock. The use of a trailer on the property does not conform with the permitted residential uses allowed for this property.

The District has sent notification to remove the trailer from the property, and recommended the owner apply for a Temporary Use Permit subject to remove the trailer within the permit timeframe and not requesting a renewal of the permit.

The proponent has agreed to the recommendation and has requested that Council consider a TUP for a three-year period to allow the family time to plan for future use of the property. The applicant confirms that they would ensure that the trailer is removed from the property.

### Local Government Act

A Temporary Use Permit is regulated under the Local Government Act (Division 8) and permits a use that is not permitted in a zone to be allowed on a temporary basis for a period of up to 3 years, and with the ability to request an extension for an additional 3 year term (s.497-Local Government Act). The issuance of a TUP is at the discretion of Council.

Section 493 (2) *A temporary use permit may do one or more of the following:*

- (a) allow a use not permitted by a zoning bylaw;*
- (b) specify conditions under which the temporary use may be carried on;*
- (c) allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.*

*(3) If a local government delegates the power to issue a temporary use permit under this section, the owner of land that is subject to the decision of the delegate is entitled to have the local government reconsider the matter.*

Section 497 (1) *The owner of land in respect of which a temporary use permit has been issued has the right to put the land to the use described in the permit until the earlier of the following:*

- (a) the date that the permit expires;  
 (b) 3 years after the permit was issued.

#### Official Community Plan

- The current Future Land Use Designation in the Official Community Plan (OCP) is Urban
- The subject property is within the Lake Riparian Area setback and Natural Environmental Development Permit Area
- The OCP (s.23.6.1) includes provisions regarding the consideration of a Temporary Use Permit to allow for land use not permitted by the applicable Zoning Bylaw to occur on a specified property, in accordance with the following policies:
  - 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.*

#### Zoning Bylaw

The subject property is zoned RU1 – Small-Scale Multiple Housing. The RU1 zone permits ..... for residential purposes; a campsite is not a permitted use, and a recreational vehicle is not permitted to be used as a dwelling unit.

RECREATIONAL VEHICLE means a transportable conveyance that may be registered as a vehicle by the Ministry of Transportation intended as a temporary accommodation for travel, vacation, or recreational use and includes travel trailers, motorized homes, slide-in campers, chassis-mounted campers, boats, all-terrain vehicles, snowmobiles and tent trailers but not including manufactured homes.

DWELLING UNIT means accommodation providing sleeping rooms, washrooms, and a kitchen intended for domestic use, and used or intended to be used permanently for a household. A dwelling may include only one room which, due to its design, plumbing, equipment and furnishings, may be used primarily as a kitchen; additional kitchens and wet bar facilities will be permitted in accordance with Section 3.3 General Definitions. This use does not include a room in a hotel or a motel, and does not include recreational vehicles. A secondary suite and an accessory suite are each considered a dwelling unit.

#### Temporary Use Permit (TUP) Rationale:

The applicant would have to meet all conditions as set out in the TUP. Staff recommend the following conditions:

- a maximum three years with no ability to renew it expiring on May 31, 2028
- the applicant is to provide an undertaking that they will remove the trailer before the TUP expires, and they will relinquish any legal claim that they have a legal non-conforming right to continue using the trailer on the property.
- Issuing a TUP would:
  - provide a flexible, lower-impact alternative to permanent rezoning,

- allow the family with enough time to plan for the future use of the property.
- Denial of the TUP could impact the District's approach to communications and agreements with the family on the temporary use of the property.

District staff are supportive of the proposed temporary use as it integrates livability within the facility currently existing at the site, and would allow for the temporary extension of a long standing non-permitted use while the family plans for redevelopment of the property.

#### **FINANCIAL IMPLICATIONS**

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

#### **COMMUNICATION**

- The Planning Department has prepared the appropriate letter/signage and landowner notifications prior to the application being presented to Council for consideration. Any comments received from the notification would be forwarded to Council for consideration.
- As per the *Local Government Act* (s.494) and the Development Approvals Procedure Bylaw, neighbourhood consultation, a development notice sign has been installed on the property, notice has been advertised in the local newspaper, and letters have been sent out to neighbouring property owners and tenants within 100m of the subject property.

#### **ALTERNATE RESOLUTION OPTION(S)**

1. THAT Temporary Use Permit TUP00112 (Attachment A to the report dated August 19, 2025) for the property at LOT A DISTRICT LOT 5216 AND SECTION 17 TOWNSHIP 20 OSOYOOS DIVISION YALE DISTRICT PLAN 40587 (PID: 012-757-306) to consider allowing a trailer on a residential lot for a maximum of three years, not be approved.
2. THAT Temporary Use Permit TUP00112 (Attachment A to the report dated August 19, 2025) for the property at LOT A DISTRICT LOT 5216 AND SECTION 17 TOWNSHIP 20 OSOYOOS DIVISION YALE DISTRICT PLAN 40587 (PID: 012-757-306) to consider allowing a trailer on a residential lot for a maximum of three years, be deferred pending receipt of additional information as identified by Council.

Respectfully Submitted,  
**Sheeja Vimalan, Planner**

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**Report Approval Details**

Document Title:	Temporary Use Permit -TUP00112 - Lot A District Lot 5216.docx
Attachments:	- Attachment A-TUP00112-Draft-a.pdf - Attachment B-TUP00112-Location Map and Orthophoto.pdf
Final Approval Date:	Aug 13, 2025

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

**Steven Gubbels, Development Engineering Manager - Aug 8, 2025 - 1:51 PM**

**Carie Liefke, Manager of Current Planning - Aug 8, 2025 - 1:53 PM**

**Jeremy Frick, Director of Development Approvals - Aug 11, 2025 - 11:25 AM**

**Reyna Seabrook, Director of Corporate Services - Aug 11, 2025 - 4:15 PM**

**Paul Gipps, Chief Administrative Officer - Aug 13, 2025 - 4:30 PM**

**Makayla Ablitt, Manager of Corporate Administration - Aug 13, 2025 - 5:07 PM**