

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

**Meeting Date:** October 7, 2025  
**Meeting Type:** Regular Council Meeting

**Prepared by:** Sheeja Vimalan, Planner

**Department:** Planning and Development

**Title:** Temporary Use Permit & Non-farm Use | TUP00114 & ALR00196 | 15792 Sawmill Road  
**Description:** Application to allow the seasonal boat storage temporarily in an existing building within the Agricultural Land Reserve.

**RECOMMENDATION**

THAT Temporary Use Permit TUP00114 (Attachment A to the report dated October 7, 2025) for the property located at 15792 Sawmill Road, legally described as LOT B SECTION 12 TOWNSHIP 14 AND OF DISTRICT LOT 4934 OSOYOOS DIVISION YALE DISTRICT KAP78489; PID: 026-339-102, to allow a seasonal boat storage business in an existing building, be approved for a 3-year term;  
AND THAT Non-Farm Use application ALR00196 be forwarded to the Agricultural Land Commission.

**EXECUTIVE SUMMARY**

The applicant proposes a Temporary Use Permit (TUP) to authorize a seasonal boat storage business in an existing concrete and steel building on the property which is located within the Agricultural Land Reserve. The proposed non-farm use is temporary and non-disruptive. The proposed temporary use would generate additional income to support future agricultural operations on the property.

The owner is actively developing agricultural opportunities on the property, including cattle operations and preparations for a future orchard, and expects implementation of a Farm Status shortly. In addition to the agricultural activities, the property is home to a small home-based business which specializes in sales, service and the installation of boat lifts.

Staff recommend approving the seasonal boat storage business within an existing building on the subject property through a Temporary Use Permit, provided that the landowner can receive authorization from the ALC for a non-farm use.

**BACKGROUND**

Application Information			
<b>Application Type</b>	Temporary Use Permit	<b>Application Date:</b>	July 30, 2025
<b>Applicant:</b>	Phil Wilson	<b>Owner:</b>	Phil Wilson
<b>Application Description</b>	Request to allow the seasonal storage of boats in the existing concrete and steel building on a property in the Agricultural Land Reserve.		

Property Information: General	
<b>Folio/Roll #:</b>	01916.246
<b>Legal Description</b>	LOT B SECTION 12 TOWNSHIP 14 AND OF DISTRICT LOT 4934 OSOYOOS DIVISION YALE DISTRICT KAP78489
<b>PID</b>	026-339-102
<b>Civic Address:</b>	15792 Sawmill Rd.

Property Information: Land Use		
<b>OCP Designation:</b>	Agricultural	
<b>Zoning Designation:</b>	A1– Agriculture 1	
<b>Land Use Contract</b>	n/a	
<b>ALR:</b>	Yes	
<b>Parcel Size:</b>	~ 4.9 ha/12.18 ac	
<b>Development Permit Areas:</b>	Natural Environment & Drainage Hazard	
<b>Adjacent Land Summary:</b>	<b>Zoning:</b>	<b>Use:</b>
<i>North:</i>	A1 – Agriculture 1, Road	Agriculture, Road
<i>East:</i>	I3 – Heavy Industrial	Industry
<i>South:</i>	A1 – Agriculture 1	Agriculture
<i>West:</i>	A1 – Agriculture 1	Agriculture

Property Information: Infrastructure and Development Engineering	
<b>Road Network</b>	Rural road
<b>Driveway Access</b>	Access permit on file
<b>Water Supply:</b>	Private - On-site well
<b>Sewer:</b>	Private – on-site septic
<b>Drainage / Stormwater</b>	Ditch drainage
<b>Comments:</b>	N/A

## ANALYSIS

This Temporary Use Permit application and an Agricultural Land Reserve Application have been submitted to secure a non-farm use for seasonal (September - April) boat storage within an existing building on the property located at 15792 Sawmill Road (Attachment B). The property is (4.9 ha/12.18 ac) and is zoned Agriculture (A1).

The property is developed for agricultural use and includes a residence (237m<sup>2</sup>) with a suite, a steel workshop (226m<sup>2</sup>), and a concrete and steel accessory building (1046m<sup>2</sup>) (Attachment C). The applicant has indicated that the workshop is for personal and farm equipment, and the accessory building is unusable for agricultural activities in its current condition (unheated, uninsulated). In addition, the property hosts a small home-based business (Lake Country Dock and Marine LTD.) which primarily operates off-site and occupies less than 100m<sup>2</sup> within the workshop; this business has minimal impacts on the agricultural use of property. The owner has also been actively developing the agricultural potential of the property since acquiring it in 2021; this includes a cattle operation and preparing 2 acres of land for an orchard (including site grading, fencing, drainage and irrigation).

The applicant has provided a rationale letter (Attachment D) and an ALR application (Attachment E). The owner indicates that the proposed boat storage business would financially support agricultural operations underway on the property and confirms that the proposed temporary use would be fully seasonal, reversible and would be within the existing structure only. The remainder of the property would remain in agricultural use with no loss of soil or site integrity. The applicant has indicated that the boat storage would not disrupt farming operations and would have minimal impact on neighbors or traffic. Additionally, the applicant has stated that the business would not use the Oyama boat launch at any time and no servicing or sales of boats would occur at the property. The letter also explains that a past bylaw infraction, related to unauthorized fill, is being corrected; they are actively restoring the land to agricultural standards and staff have confirmed this with the provincial authorities.

While the applicant has indicated that the proposed boat storage business would not impact traffic, the business model does not foresee significant traffic impacting the community with a seasonal increase in traffic (autumn and spring) when boats are being brought to or removed from the site. It is not expected that the increase in traffic would be disruptive to the neighbourhood.

The proposal requests a three-year permit, with the option to renew, pending Agricultural Land Commission (ALC) approval for the concurrent Non-Fram Use application. The ALC staff stated that the ALC will review the proposal and

application materials and make a decision once the application has been forwarded to the ALC by Council resolution from the local government.

District staff are supportive of the Temporary Use Permit if permitted by the ALC through a non-farm application process and adheres to the OCP objectives and policies.

#### Local Government Act

As per section 493 – 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.

#### Agricultural Land Commission Act and ALR Use Regulation

The proposed use of the accessory building (1046m<sup>2</sup>) exceeds the 100m<sup>2</sup> home occupation limit set by ALC, and therefore a non-farm use application must be submitted and approved by the ALC prior to the property being used for boat storage purposes.

*ALC Act, Section 20 – Non-farm use of land within the agricultural land reserve*

- (1) A person must not use agricultural land for a non-farm use unless permitted under section 25 or 45 or the regulations.
- (2) A person may apply to the commission for permission under section 25 for a non-farm use of agricultural land if the person
  - (a) is an owner of the agricultural land, or
  - (b) has a right of entry, granted under an enactment, to the agricultural land.

*ALR Use Regulation, Section 24 – Home Occupation Use*

- (1) The use of agricultural land for a commercial or similar use within a structure is permitted, but may be prohibited as described in section 20 (*ALR Use Regulation*) if all of the following conditions are met:
  - (a) the structure is accessory to and located on the same parcel as a residence;
  - (b) the structure occupies an area that does not exceed
    - i. the limit specified in an applicable local government enactment or First Nation government law, or
    - ii. if subparagraph (i) does not apply, 100 m<sup>2</sup>.

#### Official Community Plan

Section 23.6 contains policies related to Temporary Use permits. The policies are as follows:

- (a) The District will consider the issuance of a Temporary Use Permit provided the proposed use:
  - i. is temporary or seasonal;
  - ii. 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;
  - iii. have no negative impact on adjacent lands;
  - iv. create no significant increase in the level or demand for services;
  - v. 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.

This application contemplates the storage of boats, which would include the gas and oil in the boats. The draft permit (Attachment A) includes a term that specifically prevents the storage of hazardous or flammable materials; this term is in regard to the storage of various hazardous materials (i.e. oil drums, jerry cans, etc.) not potentially hazardous materials within specific items. While boats can be drained of these potentially hazardous liquids, it is not a standard practice to drain the boats prior to storage (as seals, etc. would dry out). The building is a steel, non-combustible building and therefore there is minimal concern regarding fire spread. Additionally, the boats would be stored on a

concrete floor and therefore should any spills occur, they could be cleaned up without causing environmental damage. At the time of business license, building and fire requirements will be considered, and any necessary upgrades will need to be completed.

The proposed temporary use (boat storage) meets the criteria as outlined in the OCP.

Zoning Bylaw 561,2007 Consolidated 2025-02-04

A rural home occupation is a permitted use on parcels zoned A1-Agriculture 1 provided that it is located within the principal dwelling or accessory building on lots 1 hectare or more in size (section 10.6). However, the home occupation is limited to 100m<sup>2</sup> of indoor space and 50m<sup>2</sup> of screened outdoor space. The proposed boat storage business is proposed to use the existing structure, which is 1046m<sup>2</sup>, therefore not permitted as a home occupation. This TUP application has been requested to allow the additional indoor space.

Agricultural Advisory Committee

The application did not refer to the District's Agricultural Advisory Committee (AAC) as the proposal is for a temporary use within an existing building and therefore is expected to have little to no impact on agricultural activities on the property.

**FINANCIAL IMPLICATIONS**

None       Budget Previously Approved       Other (see below)

**COMMUNICATION**

- The owner conducted neighborhood consultation within a radius of 100m of the subject property.
- This application was referred to internal departments and comments are included in this report.
- Temporary Use Permit public notices were posted on the District's 'Public Notices' web page.
- The ALC provided comments that they will adjudicate the application once a Council resolution has been received.
- The Planning Department prepared the appropriate letter/signage and landowner notifications required prior to Council consideration of this application.

**ALTERNATE RESOLUTION OPTION(S)**

1. THAT Temporary Use Permit TUP00114 (Attachment A to the report dated October 7, 2025) for the property located at 15792 Sawmill Road, legally described as LOT B SECTION 12 TOWNSHIP 14 AND OF DISTRICT LOT 4934 OSOYOOS DIVISION YALE DISTRICT KAP78489; PID: 026-339-102, to allow a seasonal boat storage business in an existing building, not be supported;  
AND THAT Non-Farm Use application ALR00196 not be forwarded to the Agricultural Land Commission.
2. THAT Temporary Use Permit TUP00114 (Attachment A to the report dated October 7, 2025) for the property located at 15792 Sawmill Road, legally described as LOT B SECTION 12 TOWNSHIP 14 AND OF DISTRICT LOT 4934 OSOYOOS DIVISION YALE DISTRICT KAP78489; PID: 026-339-102, to allow a seasonal boat storage business in an existing building, be deferred pending receipt of additional information as identified by Council.

Respectfully Submitted,  
**Sheeja Vimalan, Planner**

## Report Approval Details

Document Title:	TUP00114 and ALR00196 - Non-Farm Use - 15792 Sawmill Rd.docx
Attachments:	<ul style="list-style-type: none"> <li>- Attachment A-TUP00114 - Draft TUP.pdf</li> <li>- Attachment B-TUP00114 - Location Map and Orthophoto.pdf</li> <li>- Attachment C-TUP00114 - Site Plan.pdf</li> <li>- Attachment D-TUP00114 - Rationale.pdf</li> <li>- Attachment E-TUP00114 - ALC Application.pdf</li> </ul>
Final Approval Date:	Oct 2, 2025

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

**Greg Price, Manager of Building and Bylaw Services - Oct 1, 2025 - 4:30 PM**

**Matthew Salmon, Infrastructure & Development Engineering Director - Oct 1, 2025 - 4:57 PM**

**Carie Liefke, Manager of Current Planning - Oct 2, 2025 - 8:27 AM**

**No Signature found**

**Jeremy Frick, Director of Development Approvals - Oct 2, 2025 - 10:00 AM**

**Reyna Seabrook, Director of Corporate Services - Oct 2, 2025 - 10:07 AM**

**Paul Gipps, Chief Administrative Officer - Oct 2, 2025 - 1:31 PM**

**Makayla Ablitt, Manager of Corporate Administration - Oct 2, 2025 - 3:26 PM**