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**MEETING TYPE:** Regular Council Meeting  
**MEETING DATE:** Tuesday, August 16, 2022  
**AUTHOR:** Jason Tran, Planner  
**DEPARTMENT:** Planning and Development  
**ITEM TITLE:** Temporary Use Permit Renewal – TP2018-001-REN – 15660 Oyama Road  
**DESCRIPTION:** To authorize the continuation of outdoor storage of recreational vehicles, indoor storage of recreational vehicles, one residential security operator unit, and minor service (with restrictions) for three years.

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### QUESTION

Does Council support the 3-year renewal of the Temporary Use Permit to allow outdoor storage of recreational vehicles, indoor storage of recreational vehicles, one residential security operator unit, and minor service (with restrictions) at 15660 Oyama Road until September 4, 2024?

### OPTIONS

- A. THAT TP2018-001-REN for property located at 15660 Oyama Road – Roll 1878000 to allow the temporary land use of outdoor storage of recreational vehicles, indoor storage of recreational vehicles, one residential security operator unit, and minor service (with restrictions) be approved.
- B. THAT TP2018-001-REN for property located at 15660 Oyama Road – Roll 1878000 to allow the temporary land use of outdoor storage of recreational vehicles, indoor storage of recreational vehicles, one residential security operator unit, and minor service (with restrictions) be denied.
- C. THAT TP2018-001-REN for property located at 15660 Oyama Road – Roll 1878000 to allow the temporary land use of outdoor storage of recreational vehicles, indoor storage of recreational vehicles, one residential security operator unit, and minor service (with restrictions) be deferred pending additional information as identified by Council.

### EXECUTIVE SUMMARY

The application is a Temporary Use Permit renewal request to allow the Oyama Yacht Club use to continue for an additional three years (until September 4, 2024).

The applicant is requesting the same Temporary Use Permit with the same conditions as the previously issued permit.

The District has not received any formal complaints regarding the business or the property within the past three years. Staff has no concerns with renewing the Temporary Use Permit as the term and conditions remained the same as the previously issued Temporary Use Permit in 2018.

### BACKGROUND/HISTORY

Council approved the first Temporary Use Permit for the land use on May 2, 2017 (TP2017-001) for the subject property. Council approved a second Temporary Use Permit for the land use on September 4, 2018 (TP2018-001) for the subject property. The expiry date was September 4, 2021. The applicant is now applying for a renewal of the second Temporary Use Permit (TP2018-001-REN). The renewal application was received on June 11, 2021, before expiry. If approved by Council, the permit will be valid until September 4, 2024.

Under the *Local Government Act*, a Temporary Use Permit can only be issued once for up to 3 years, with the possibility of one extension of up to 3 years. After these terms have expired, a new application is required should the applicant wish to continue the temporary use.

| Summary Information           |   |                         |         |
|-------------------------------|---|-------------------------|---------|
| Application Type              | Temporary Use Permit Renewal  |                         |         |
| File Number:                  | TP2018-001-REN  | Folio/Roll #:           | 1878000 |
| Legal Description:            | LOT 1 SECTION 11 TOWNSHIP 14 OSOYOOS DIVISION YALE DISTRICT PLAN 3087 |                         |         |
| PID                           | 009-973-656   |                         |         |
| Civic Address:                | 15660 Oyama Road  |                         |         |
| OCP Designation:              | Mixed Use Commercial  |                         |         |
| Zoning Designation:           | C2  |                         |         |
| Land Use Contract             | No  |                         |         |
| ALR:                          | No  |                         |         |
| Parcel Size:                  | 1.4 ha (3.46 acres)   |                         |         |
| Development Permit Area(s):   | Agricultural, Greenhouse Gas Reduction and Resource Conservation      |                         |         |
| Water Supply:                 | District  |                         |         |
| Sewer:                        | On-Site Disposal  |                         |         |
| Number of Building(s) on Site | 1   |                         |         |
| Site Summary:                 | Zoning:   | Use:                    |         |
| <i>North:</i>                 | RU1 – Single Family Housing   | Residential             |         |
| <i>East:</i>                  | P2 & RU1 – Administration, Public Services and Assembly               | Fire Hall & Residential |         |
| <i>South:</i>                 | P1 – Public Park & Open Space   | Park                    |         |
| <i>West:</i>                  | Road & P2 – Administration, Public Services and Assembly              | Oyama Community Club    |         |

## SITE CONTEXT

The property is 1.4 ha in size (3.46 acres) and is relatively flat. There is a large storage warehouse for recreational vehicles. The site has one building surrounded by grass and two paved areas on the north and west sides of the building. The previous permit allowed the storage of recreational vehicles outside the building, but only on the paved areas.

The surrounding properties include residential to the north, Oyama Fire Hall & residential to the east, Rail Trail park to the south and the Oyama Community Club to the west.

MAP 1: LOCATION MAP



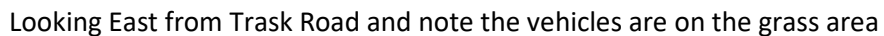
MAP 2: ORTHOPHOTO







**SITE PHOTO (MAY 27, 2022):**





## GOOGLE STREET VIEW 2021:



## CHRONOLOGY

| Date (Y-M-D) | Event  |
|--------------|--|
| 2018-09-04   | Council approval of TP2018-001                           |
| 2021-08-31   | Application submission for the renewal of TP2018-001-REN |
| 2022-05-27   | 1 <sup>st</sup> Site Inspection by Staff                 |
| 2022-06-02   | 2 <sup>nd</sup> Site Inspection by Staff                 |
| 2022-06-10   | Internal & External Referrals sent out                   |

## DISCUSSION/ANALYSIS

The applicant has had a Temporary Use Permit for the Oyama Yacht Club since September 20<sup>th</sup>, 2017. The applicant is requesting a renewal of the Temporary Use Permit, which would allow the applicant to use the land for outdoor storage of recreational vehicles, indoor storage of recreational vehicles, one residential security operator unit, and minor service (with restrictions) until September 4, 2024. The permit contains the same conditions as previously approved:

1. Development and business operations shall be conducted in compliance with the provisions of the District's various bylaws including Nuisance Bylaw 857, 2013, Business Licensing Bylaw 1000, 2017, Signage Regulation Bylaw 501, 2004, and Zoning Bylaw 561, 2007 except as explicitly varied or supplemented by the terms of this permit. subsequent permits, amendments(s) and/or development variance permits;
2. Minor Service includes: draining of plugs, battery disconnect and reconnect, battery charging, cleaning of interior and exterior, waxing, minor upholstery work and other minor work to ensure that the boats are in safe working order;
3. Outdoor Storage is restricted to the area shown on Schedule 'A' attached to and forming part of this Permit;
4. Indoor Storage is restricted to 2,640 lineal feet of Recreational Vehicle. In the case of Recreational Vehicles on a trailer the length of the trailer will be used for the calculation;
5. That any Recreational Vehicle that is stored which has propane will have the propane removed and stored in accordance with the BC Fire Code.
6. The Residential Security Operator Unit is restricted to one Recreational Vehicle on the site;
7. The operator will be required to take the stored Recreational Vehicles to a local boat launch for use. Individual owners of recreational marine vehicles kept in storage are not permitted to take their own recreational marine vehicles from the property for use unless a contract for storage has been cancelled or the service is no longer being provided;
8. That no storage of Recreational Vehicles occurs on the foreshore or on buoys within lake(s) without prior written approval from the District;
9. Failure to adhere to the conditions contained within this permit can result in the termination of the permit.
10. This permit, issued as per Section 493 of the Local Government Act is valid for one 3 period and, upon application and subsequent approval by Council, may be extended for only one additional period up to 3 years in duration;
11. At the end of the term of this permit all uses on this property must revert back to uses permitted under the zoning bylaw of the day.

The District has not received formal complaints regarding the business or the property in the past three years.

During the review, Staff noticed additional vehicles sitting on the grass. During the first site inspection on May 27, 2022, Staff confirmed more recreational vehicles were parked on the grass areas, which are not allowed under the permit conditions (see site photos above).

After the first site inspection, Staff notified the applicant about the concern of vehicles parking on the grass. The applicant assured Staff that by June 2, 2022 (the second inspection), all of the recreational vehicles parked on the grass would be removed. Staff returned to the site on June 2 and confirmed this was the case. Staff has no further concerns regarding this issue.

## APPLICABLE LEGISLATION AND POLICIES

### Local Government Act

Section 493(2) states: "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."

A Temporary Use Permit may also require land to be restored to a specific condition by a specific date. Section 496 states that a local government may require security to guarantee the performance of the terms of the permit. And section 925 allows security to be taken by the local government for landscaping, unsafe conditions, and damage to the natural environment. Temporary Use Permits may be issued for up to 3 years, and the permit may be renewed once only.

#### Official Community Plan (OCP):

Section 23.6 contains policies related to Temporary Use Permits. These policies state that a Temporary Use Permit will be considered provided that the 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.
- 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.

#### Zoning Bylaw 561, 2007:

The property is zoned C2 – Neighbourhood Commercial. This zone aims to provide an area for the range of services needed daily by residents within their neighbourhoods. Recreational vehicle storage is not permitted in the C2 zone; therefore, a Temporary Use Permit is required to allow the use.

#### Subdivision and Development Servicing Bylaw:

The Subdivision and Development Servicing Bylaw does not apply to this application as no construction of dwellings is being proposed.

#### Nuisance Bylaw 857, 2013:

Section 6.3 states: “No owner or occupier of property shall cause or permit a visual nuisance on their premises.”

No complaints have been received to date regarding any concerns about unsightly premises on the subject property.

### **IMPACT ON INFRASTRUCTURE OR MUNICIPAL SERVICES**

There is no impact on infrastructure or municipal services associated with this application.

### **IMPACT ON STAFF CAPACITY AND FINANCIAL RESOURCES**

Regular staff time has been used to process the application.

### **COMMENTS FROM EXTERNAL AGENCIES, COMMITTEES AND STAKEHOLDERS**

The following external agencies replied with “No concerns” for the referral of the renewal of TP2018-001:

- Alto Utilities
- Shaw
- BC Transit
- TELUS
- Agricultural Land Commission

### **CONSULTATION AND COMMUNICATION**

As per the *Local Government Act* and the Development Application Procedures Bylaw, a development notice sign has been installed on the property, a notice has been advertised in the local newspaper, and letters have been sent out to neighbouring property owners and tenants within 50m of the subject property.

## ANALYSIS OF OPTIONS FOR CONSIDERATION

OPTION A: If Council approves the Temporary Use Permit Renewal, the applicant will be able to continue using the land for outdoor storage of recreational vehicles, indoor storage of recreational vehicles, one residential security operator unit, and minor service (with restrictions).

OPTION B: If Council denies the Temporary Use Permit Renewal, the applicant must immediately stop any business activities relating to the Oyama Yacht Club.

OPTION C: If Council postpones decision on the application, Staff will work with the applicant to ensure the additional information is provided. The application will return for Council's consideration at the next possible meeting.

Respectfully Submitted,

Jason Tran,  
Planner  
Planning and Development Department

**This report has been prepared in collaboration with:** *(author to list names and titles of collaborators)*

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**This report has been prepared on consultation with the following:**

*(author to request inclusion of initials to show concurrence)*

|  |           |
|--|-----------|
| Tanya Garost, Chief Administrative Officer         | <b>TG</b> |
| Jared Kassel, Director of Planning and Development | <b>JK</b> |
| Tamera Cameron, Manager of Planning                | <b>TC</b> |

### Attachments

|    |  |
|----|--|
| A. | Draft Renewal of Temporary Use Permit (TP2018-001-REN) |
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# Attachment A: Draft Temporary Use Permit



## Temporary Use Permit

**District of Lake Country**  
10150 Bottom Wood Lake Road  
Lake Country, BC V4V 2M1  
t: 250-766-6674 f: 250-766-0200  
lakecountry.bc.ca

**APPROVED ISSUANCE OF** ☐ TEMPORARY USE PERMIT (pursuant to Sec. 493 of the Local Government Act)

PERMIT # TP2018-001-REN  
FOLIO # 1878000  
ZONING DESIGNATION: C2 – Neighbourhood Commercial  
ISSUED TO: 1117479 B.C. Ltd. and Dan Koziak  
SITE ADDRESS: 15660 Oyama Road  
LEGAL DESCRIPTION: Lot 1, Section 11, Township 14, Osoyoos Division Yale District, Plan 3087  
PARCEL IDENTIFIER: 009-973-656

### SCOPE OF APPROVAL

This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

Applicants for Temporary Permits should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of all Municipal Bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which have not been identified as required Variances by the applicant or Municipal staff.

If any term or condition of this permit is for any reason held to be invalid by a decision or a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this permit.

### 1. TERMS AND CONDITIONS

Temporary Use Permit TP2018-001-REN for 15660 Oyama Road legally described as Lot 1, Section 11, Township 14, Osoyoos Division Yale District, Plan 3087 is approved allowing for **Indoor Storage, Outdoor Storage, One Residential Security Operator Unit and Minor Service (with restrictions)** of recreational vehicles, subject to the following conditions:

- a) Development and business operations shall be conducted in compliance with the provisions of the District's various bylaws including Nuisance Bylaw 857, 2013, Business Licensing Bylaw 1000, 2017, Signage Regulation Bylaw 501, 2004, and Zoning Bylaw 561, 2007 except as explicitly varied or supplemented by the terms of this permit. subsequent permits, amendments(s) and/or development variance permits;
- b) Minor Service includes: draining of plugs, battery disconnect and reconnect, battery charging, cleaning of interior and exterior, waxing, minor upholstery work and other minor work to ensure that the boats are in safe working order;
- c) Outdoor Storage is restricted to the area shown on **Schedule 'A'** attached to and forming part of this Permit;

- d) Indoor Storage is restricted to 2,640 lineal feet of Recreational Vehicle. In the case of Recreational Vehicles on a trailer the length of the trailer will be used for the calculation;
- e) That any Recreational Vehicle that is stored which has propane will have the propane removed and stored in accordance with the BC Fire Code;
- f) The Residential Security Operator Unit is restricted to one Recreational Vehicle on the site;
- g) The operator will be required to take the stored Recreational Vehicles to a local boat launch for use. Individual owners of recreational marine vehicles kept in storage are not permitted to take their own recreational marine vehicles from the property for use unless a contract for storage has been cancelled or the service is no longer being provided;
- h) That no storage of Recreational Vehicles occurs on the foreshore or on buoys within the lake(s) without prior written approval from the District;
- i) Failure to adhere to the conditions contained within this permit can result in the termination of the permit;
- j) This permit, issued as per Section 493 of the Local Government Act is valid for one 3 periods and, upon application and subsequent approval by Council, may be extended for only one additional period up to 3 years in duration;
- k) At the end of the term of this permit all uses on this property must revert back to uses permitted under the zoning bylaw of the day.

## 2. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms, conditions and provisions of this Permit and any plans and specifications attached to shall form a part hereof.

This permit is not transferrable unless specifically permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

**THIS IS NOT A BUILDING PERMIT**

## 3. APPROVALS

Authorizing resolutions passed by the Council on the \_\_\_\_ day of August, 2022.

Issued by the Corporate Officer of the District of Lake Country this \_\_\_\_ day of August, 2022.

## 4. EXPIRY

**Temporary Permit TP2018-001-REN expires on the 4<sup>th</sup> day of September 2024.**

\_\_\_\_\_  
Corporate Officer, Reyna Seabrook



This forms part of development

Date .....

Signature .....