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**MEETING TYPE:** Regular Council Meeting  
**MEETING DATE:** Tuesday, September 06, 2022  
**AUTHOR:** Tamera Cameron, Manager of Planning  
**DEPARTMENT:** Planning and Development  
**ITEM TITLE:** Temporary Use Permit – TP2022-002 – 10303 Bottom Wood Lake Road  
**DESCRIPTION:** To allow the continued operation of Little Owl Academy, a Care Facility, Major for an additional three years.

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## QUESTION

Does Council support the issuance of a Temporary Use Permit application to allow Little Owl Academy (a Care Facility, Major) to continue operating for an additional three years at 10303 Bottom Wood Lake Road?

## OPTIONS

- A. THAT TP2022-002 for property located at 10303 Bottom Wood Lake Road, Roll 2312404, to allow a Care Facility, Major be approved.
- B. THAT TP2022-002 for property located at 10303 Bottom Wood Lake Road, Roll 2312404, to allow a Care Facility, Major be denied.
- C. THAT TP2022-002 for property located at 10303 Bottom Wood Lake Road, Roll 2312404, to allow a Care Facility, Major be deferred pending receipt of additional information as identified by Council.

## EXECUTIVE SUMMARY

The proposal is for a Temporary Use Permit to allow Little Owl Academy to operate a Care Centre, Major (childcare facility) for up to 25 children on the subject property. The proposal includes indoor space in the old golf course clubhouse building and outdoor recreational space for a playground. Two previous approvals were granted for a Temporary Use Permit for the childcare facility, which has operated in this location since 2016. As the previous Temporary Use Permit expired as of June 4, 2022, Little Owl Academy is applying for a new Temporary Use Permit, which would allow them to operate for another 3 years. The proposal has not changed from what was previously approved by Council.

## BACKGROUND/HISTORY

A childcare facility (considered a Care Centre, Major in the Zoning Bylaw) has been operating on the property since 2016. In 2016, Lake Country Adventure Centre applied for a Temporary Use Permit (TUP) to allow a Care Centre, Major on the property as the use is not permitted under the existing P1 – Public Park and Open Space zone. Council approved the TUP for a 3-year term. In 2019, Little Owl Academy, a different childcare provider, applied for a renewal of the Temporary Use Permit to continue operating the childcare centre. However, during the pandemic, the facility closed. As of June 4<sup>th</sup>, 2022 the TUP expired. Little Owl Academy is now reopening and is applying for another TUP application to allow them to continue operating at this location. Approval of the TUP application is required before Interior Health Authority can grant a childcare licence.

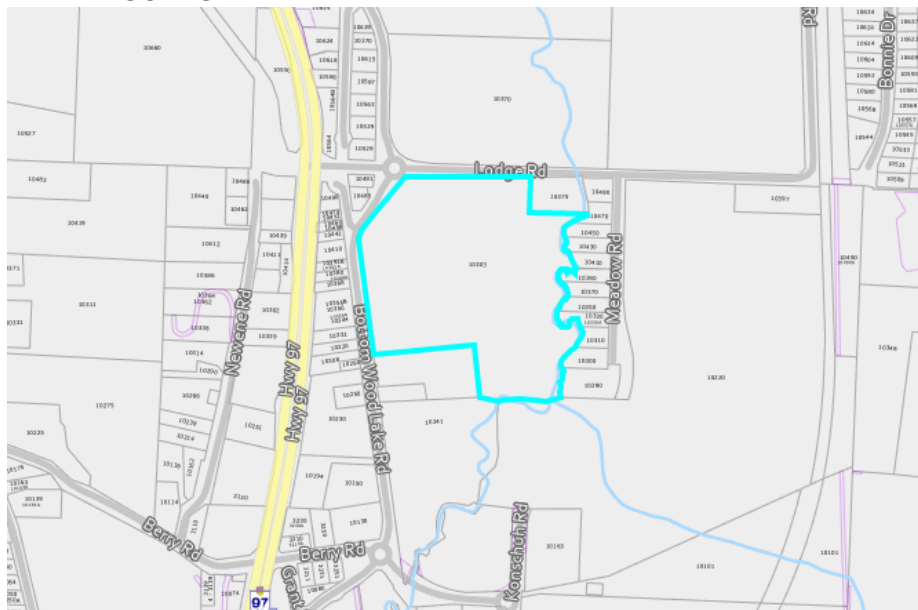
The subject property is in the Agricultural Land Reserve; however, the Agricultural Land Commission has permitted the childcare centre to operate within the community rental spaces that were approved in 2014 under the condition that they do not expand the use further.

PROPERTY INFORMATION			
Civic Address:	10303 Bottom Wood Lake Road		
Roll Number:	2312404		
Legal Description:	PID: 007-094-701 Lot 2 Section 10 Township 20 ODYD Plan 4073 Except Plan 26148 and Plan EPP17253		
Applicant:	Amanda Worms	Owner(s):	School District 23 (Central Okanagan)
OCP Designation:	Parkland and Conservation		
Zoning Designation:	P1 – Public Park and Open Space		
Land Use Contract:	No		
ALR:	Yes		
Parcel Size:	7.49 Hectares (18.512 acres)		
DP Area(s):	N/A		
Water Supply:	Municipal		
Sewer:	Municipal		
Site Context:	Zoning:	Use:	
North:	A1 - Agriculture 1	Residential/Agriculture	
East:	RU1 - Single Family Housing	Residential	
South:	P2 - Administration, Public Service and Assembly A1 - Agriculture 1	George Elliot High School Agriculture	
West:	RM2 - Low Density Row Housing RM5 - Medium Density Multiple Housing P2 - Administration, Public Service and Assembly	Residential  BC Ambulance Service	

## SITE CONTEXT

The subject property is the former Lake Country golf course and is owned by School District 23. The proposed childcare facility is located within the main building, which is the former golf course club house that now offers community rental spaces. The property is within the Agricultural Land Reserve.

## MAP 1: LOCATION MAP





**MAP 2: ORTHOPHOTO****SITE PHOTO**

**CHRONOLOGY**

Date	Event
2022-06-04	TP2016-001-REN expired.
2022-06-27	Application submission
2022-08-22	Proposal review and site visit.

**DISCUSSION/ANALYSIS**

A childcare facility has been operating on the property since 2016, except for a closure during the pandemic. A TUP is required to allow Little Owl Academy to continue to operate at this location as the P1 zone does not allow the use class Care Centre, Major.

The proposal remains the same as what was approved in the previous Temporary Use Permit. The proposal includes childcare for 25 children, ages three years to school age from 7:30 am to 6:00 pm. The business provides indoor and outdoor recreational activities as part of the childcare facility. The indoor component is contained within a portion of the existing main building on site. The outdoor playground is intended to be an adventure-based playground: the applicant has stated that the playground area is to remain nature based, leaving the area largely untouched. This involves nets in the treed area, a small zip line with a dismountable platform, and a 12" bed of bark mulch on the ground, under the net. As there is no significant disruption or alteration of existing vegetation or trees, no other permit is being required.

There is a significant demand for childcare spaces within the District. This facility would continue to benefit the local community in this regard. If approved, the TUP would be issued for up to three years.

**APPLICABLE LEGISLATION AND POLICIES****Local Government Act**

Section 493 – A local government is permitted to issue a Temporary Use Permit that allows a use not permitted under the existing zoning bylaw.

- Temporary Use Permits may include conditions under which the use may occur and may regulate the construction of buildings and structures in relation to the temporary use.
- These permits may be issued for a period of up to 3 years and may be renewed only once for up to an additional 3-year period.

Given this application has already been approved for one Temporary Use Permit and one 3-year renewal, the applicant must apply for a new Temporary Use Permit.

**Official Community Plan**

OCP policies of Council related to Healthy Communities include: “encouraging the provision of an abundance of child care services for families.”

According to the Council policies in the OCP, Temporary Use Permits will be considered provided that the use:

- Is temporary or seasonal in nature;
- Not be noxious or undesirable because of smoke, noise, vibration, dirt, glare, odor, radiation, electrical interference or an offensive trade within the meaning of the Health Act;
- Has no negative impact on adjacent lands;
- Creates no significant increase in the level or demand for services;
- Does not permanently alter the site upon which it is located.

**Zoning Bylaw**

The property is zoned P1 – Public Park and Open Space, which does not allow for the Care Facility, Major use. Care Facility, Major means “an establishment licensed as required under the *Community Care and Assisted Living Act* intended to provide care, educational services, and supervision for children or adults during the day or evening, and may include limited overnight accommodation to accommodate shift workers. This use includes group day care

centres intended for 26 or more patrons, out-of-school centres, and drop-in centres. This also includes care centre, minor and care centre, intermediate.”

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

There is no anticipated impact on infrastructure or municipal services.

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

Regular staff time has been used to process this application.

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

Agricultural Land Commission: The ALC has no objection to the continued use of the community rental space for the childcare centre, provided there is no further expansion. Should further expansion be required, an application for non-farm use is required to be submitted in order to contemplate the use.

Building Division: No concerns

Protective Services Department: No concerns

Engineering and Environmental Services: No concerns

#### **CONSULTATION AND COMMUNICATION**

As per the *Local Government Act* and the Development Application Procedures Bylaw, development notice signs have been installed on the property and letters have been sent out to neighbouring properties (owners and tenants) within 50m. Additionally, a notice was published in the local newspaper.

#### **ANALYSIS OF OPTIONS FOR CONSIDERATION**

OPTION A: If Council approves the Temporary Use Permit application, Little Owl Academy will be able to continue its operations at this location.

OPTION B: If Council denies the Temporary Use Permit application, Little Owl Academy will not be able to continue its operations at this location. The childcare facility would need to find an alternative location within the community with zoning that allows for a Care Facility, Major. As childcare space is already limited within the region, denying the Temporary Use Permit would further limit access to childcare for Lake Country residents.

OPTION C: If Council defers the application pending receipt of additional information, staff will work with the applicant to ensure the required information is submitted. Once the information is received, staff will bring the application back to Council for consideration. This option would delay the reopening of the childcare facility.

Respectfully Submitted,  
Tamera Cameron, Manager of Planning

#### **This report has been prepared in collaboration with:**

Sid Smith, Senior Engineering Technician	<b>SS</b>
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#### **This report has been prepared on consultation with the following:**

Tanya Garost, Chief Administrative Officer	<b>TG</b>
Jared Kassel, Director of Planning and Development	<b>JK</b>

#### **Attachments**

A.	Draft Temporary Use Permit
B.	Proposal Description

# 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 # TP2022-002  
FOLIO # 2312404  
ZONING DESIGNATION: P1 – Public Park and Open Space  
ISSUED TO: The Board of Education of School District No.23 (Central Okanagan)  
SITE ADDRESS: 10303 Bottom Wood Lake Road  
LEGAL DESCRIPTION: Lot 2, Section 10, Township 20, ODYD, Plan 4073 Except Plan 26148 and Plan EPP17253  
PARCEL IDENTIFIER: 007-094-701

### 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 Permit TP2022-002 for Lot 2, Section 10, Township 20, ODYD, Plan 4073 Except Plan 26148 and Plan EPP17253 at 10303 Bottom Wood Lake Road is approved allowing the use class Care Centre, Major, subject to the following conditions:

- a) Development and business operations shall be conducted in compliance with the provisions of the District's bylaws including 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) Uses allowed under this permit are limited to those uses listed below:
  - i) Care Centre, Major
- c) The allowed use remains within the general area indicated on Schedule "A".



- d) This permit, issued as per Section 493 of the *Local Government Act*, is valid from the approval date to the expiry dated indicated below;
- e) 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 (unless a subsequent permit renewal has been obtained).

## 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 OR A  
CERTIFICATE TO COMMENCE  
CONSTRUCTION.**

## 3. APPROVALS

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

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

## 4. EXPIRY

Temporary Permit TP2022-002 expires on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

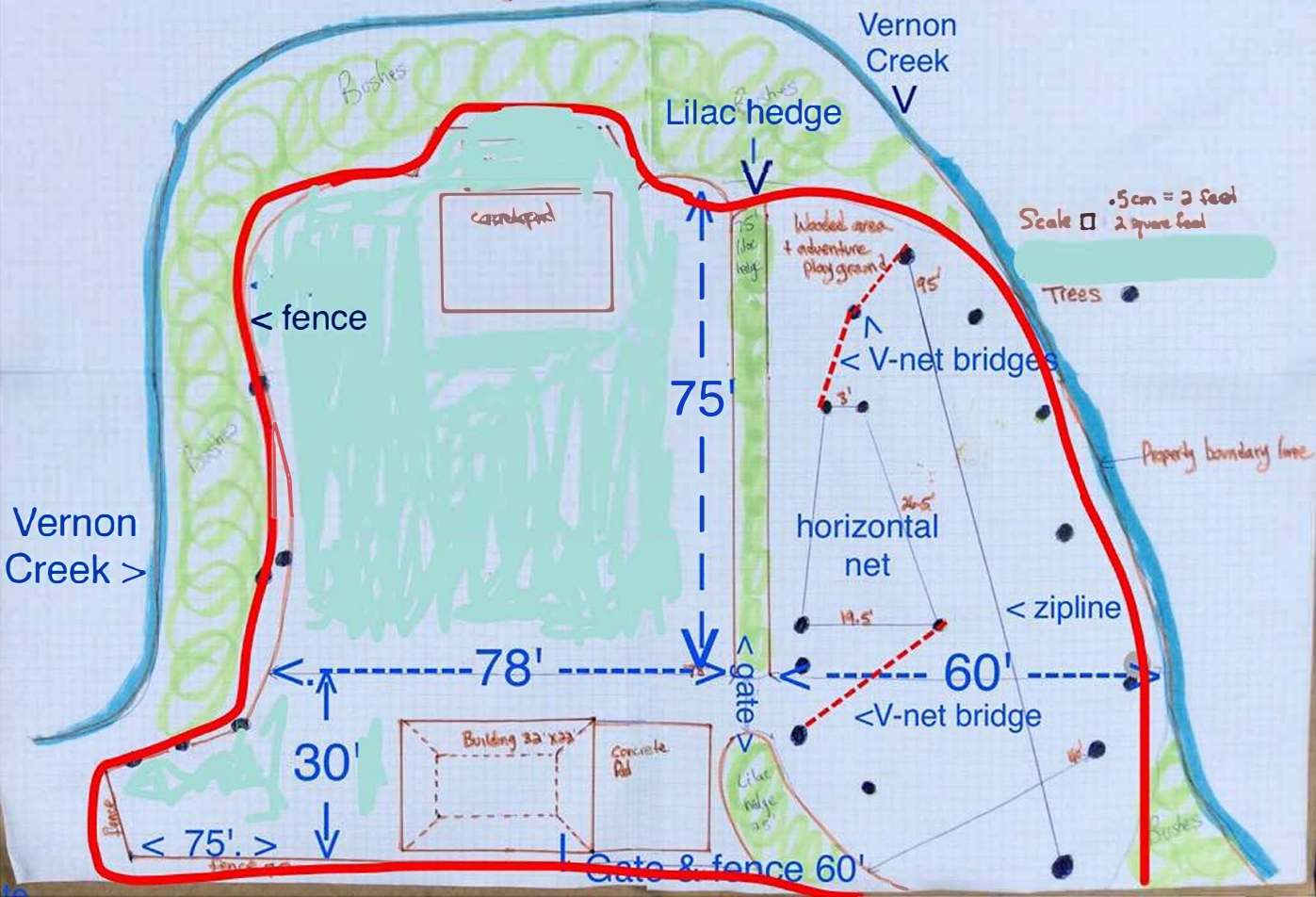
\_\_\_\_\_  
Corporate Officer  
Reyna Seabrook





# Little Owl Academy

Playground



## Attachment B: Proposal Description

T02016-001-REN

### **Little Owl Academy- Lake Country**

Little Owl Academy is a Licensed Child care provider operating at 10303 Bottom Wood Lake Road, Lake Country. Our operating hours are from 7:30am to 6:00pm. This facility is licensed for 25 children between the ages of 2.5-5years. We will employ 5 new Staff in this location and are hoping to hire mostly Lake Country Residents. Our Parent fees vary with Government subsidies but posted rates for this facility are \$1080 before the Child Care Fee Reduction and Affordable Child Care Benefit.

In the Fall of 2018, Little Owl Academy began a journey to update and enhance it's vision, philosophy and programming. As a team, we are working individually and collectively to align all aspects of our ECE practice, programs and services with our updated vision and philosophy. It is a continuous journey and one that we are excited to be on with educators, families, children and the broader community in the areas we serve.

### **Little Owl Academy's Vision**

To be an exceptional place for educators to teach, children to thrive and community to grow.

### **Our Philosophy**

At Little Owl Academy, supporting children's independence, creativity and individuality is at the heart of our philosophy. We believe in seeing, respecting and supporting children, as well as our educators, for who they are. We are a mixed philosophy program — bringing together the best practices from multiple early childhood education philosophies — Montessori, Reggio and Traditional ECE. We are also influenced by the British Columbia Early Learning Framework.

We believe that community matters – community in our classrooms, in our programs, among our families and in the broader field of early learning and care. We also believe in supporting the local community around us.

Every day we . . .

encourage independence and creativity in young children from the very beginning.

are responsive to each child's individuality and the unique needs of their family because we believe this is essential in the provision of high quality early learning and care experiences.

bring together the best of the best in early childhood education approaches from Montessori, Reggio and Traditional ECE.

support early learning through play, creative opportunities and exceptional educational experiences.

use a strength-based approach to support and encourage our educators, our children and our families.



**ECE A 9:00am 6:00pm 2:00pm**

**Daily Schedule**

7:30am –8:00am

Door are open for children to arrive

8:00am- 9:30am

Indoor Exploration and Free Play

9:00 am- 9:20am

Group time

9:20am-9:40am Hand washing/

Bathroom break

9:40-10:15 am Snack offered (two types of fruit plus grain provided by Little Owl Academy)

10:15am – 10:30am Transitioning to Outdoor

Play in small groups

10:30am – 12:00pm Outdoor

Exploration and Free Play

12:00pm -12:15pm Transition back in doors and wash hands

12:15pm – 1:00pm Lunch time

(children bring their own)

1:00pm – 2:30pm Rest and relaxation (windows darkened, restful music, quiet activities for children awake on their nap mats)

2:30pm –3:00pm – As children begin to wake, children are encouraged to use the washroom and wash hands before proceeding outside



- Developmentally appropriate games and rhymes
- Phonics activities
- Read aloud stories
- Quiet music for rest
- Yoga

#### Outdoor Exploration

The Little Owl Academy yard has been designed specifically to foster outdoor learning experiences that support and develop children's gross motor skills, curiosity, creativity, controlled risky play and so much more.

In our outdoor environment you will find items such as

- Hoola hoops
- skipping ropes
- Sandbox, buckets, shovels, funnels
- Balance Beams, wooden stumps
- Tricycles, dump trucks, backhoes
- magnifying glasses, sorting trays, clip boards
- Outdoor Art Easel and open ended art materials
- Bubbles
- Parachute
- Balls for bouncing and kicking
- Water play in warm weather
- Snow play in winter

#### Meal times

- Transition songs while children wash hands for mealtime
- Educators present, engaging with children, monitoring for safety, and modelling appropriate behaviours and interactions
- Reading or preparing for next transition when children are finished eating

#### Rest time

- Children can have books on their nap mat to help prepare them for rest
- A story is read before lights are dimmed
- Music is played for children to sleep to
- Those that do not sleep are resting with book or quiet stuffed animal
- Teachers take turns rubbing backs and soothing children to sleep

**Development** Educators are expected to have a thorough knowledge and understanding of how to support and encourage children's development. Educators





- Throwing
- Riding

#### Fine Motor

- Dressing
- Eating
- Tool Use
- Drawing

#### Music and Movement

Children will have many chances to move, dance, and shake with songs and movement games designed to provide growth in all areas of their development. We integrate yoga throughout the child's day as they learn body awareness and control, stretching, relaxation, and breathing activities. We also incorporate other forms of movement with our gross body play equipment.

Communication, Language, Literacy Development is supported through:

- Singing
- poetry
- rhymes
- story retelling
- show and share
- opportunity to ask and answer questions about variety of topics throughout the day
- interaction with peers and teachers
- building phonological awareness
- letter recognition
- reading aloud
- using descriptive language -expanding vocabulary

#### Diversity

We will learn about a variety of cultures and invite families to participate in these discoveries and celebrations. There will be opportunities year-round for families to educate and share what is special to them in their culture.

