
MEETING TYPE: Regular Council Meeting
MEETING DATE: January 17, 2023
AUTHOR: Trevor Empey, Planner
DEPARTMENT: Planning and Development
ITEM TITLE: Temporary Use Permit (TP2021-003) Application – 4355 McCoubrey Rd.
DESCRIPTION: To authorize horse riding on the subject property temporarily for a 3-year period.

QUESTION

Does Council support approval for a Temporary Use Permit to authorize horse riding for groups of up to 50 people at 4355 McCoubrey Road?

OPTIONS

- A. THAT Temporary Use Permit TP2021-003 for property located at 4355 McCoubrey Rd., legally described as Lot 103 Section 13 Township 20 ODYD Plan 521 Except Plan KAP54680, Roll No. 2184865 to allow the temporary land use of horse-riding be approved.
- B. THAT TP2021-003 for property located at 4355 McCoubrey Rd., legally described as Lot 103 Section 13 Township 20 ODYD Plan 521 Except Plan KAP54680 Roll No. 2184865 to allow the temporary land use of horse riding be denied.
- C. THAT TP2021-003 for property located at 4355 McCoubrey Rd., legally described as Lot 103 Section 13 Township 20 ODYD Plan 521 Except Plan KAP54680 Roll No. 2184865 to allow the temporary land use of horse riding be deferred pending additional information as identified by Council.

EXECUTIVE SUMMARY

This Temporary Use Permit (TUP) application by Love Reins/Adult and Teen Challenge Society of BC (the applicant) would allow horse-riding on the subject property to support the addiction recovery program of Adult and Teen Challenge Okanagan. Additionally, the TUP would allow the applicant to provide local youth and families with related equestrian experiences.

The subject property is large and located in a rural setting. The proposed temporary land use would be consistent with the character of the local area.

District staff have no concerns regarding the Temporary Use Permit application.

As required under section 494 of the Local Government Act, public notification occurred between January 6-17, 2023.

BACKGROUND/HISTORY

Under section 493 of the Local Government Act, a Council may issue a Temporary Use Permit on a parcel of land to allow a use not permitted by the Zoning Bylaw. A TUP can only be issued for up to 3 years, with the possibility of one extension for an additional 3 years. After these terms have expired, a new application would be required should the applicant wish to continue the temporary use.

On October 18, 2021 the applicant (Love Reins/Teen Challenge Society of BC) applied for a Temporary Use Permit (TP2021-003) for the subject property. If approved by Council, the permit would be valid until January 17, 2026. Following referrals to internal and external departments and agencies, District staff summarized feedback received

in a Comprehensive Letter to the applicant on November 14, 2022. Referral comments and the applicant's response were incorporated into the draft terms and conditions of the Temporary Use Permit.

Table 1: Property Information

Property Information		
Application Type	Temporary Use Permit	
File Number:	TP2021-003	
Folio Number:	2184865	
Legal Description:	Lot 103 Section 13 Township 20 ODYD Plan 521 Except Plan KAP54680	
PID	012-274-658	
Civic Address:	4355 McCoubrey Road	
OCP Designation:	Urban Residential / Parkland Conservation	
Zoning Designation:	RR1 – Rural Residential 1	
Land Use Contract	No	
ALR:	No	
Covenants	Yes – CA2295459 -- Residential lot creation is limited to not larger than 0.20 hectares (0.5 ac) in size on the Transferor's lands	
Parcel Size:	4.26 hectares / 10.521 acres	
DP Area(s):	Natural Environment, Hillside, GHG Reduction and Resource Conservation	
Water Supply:	DLC	
Sewer:	Private	
Adjacent Properties:	Zoning:	Use:
<i>North:</i>	RR2 – Rural Residential 2	Vacant
<i>East:</i>	RR1 – Rural Residential 1	Single Family Dwelling
<i>South:</i>	Municipal Boundary – City of Kelowna	
<i>West:</i>	RR2 – Rural Residential 2	Single Family Dwelling

SITE CONTEXT

The subject property is a large rural parcel at the end of McCoubrey Road and borders the City of Kelowna municipal boundary (Map 1). The property is 4.26 hectares in size (10.5 acres) and is relatively flat with an inclined driveway off of McCoubrey Rd (Map 2). The applicant's site plan identified the following on the subject property:

- Single family dwelling (tiny home) – No Building Permit issued by District of Lake Country;
- Shop;
- Semi-truck trailer;
- Future barn/shelter location.

The surrounding properties include two large RR1 - Rural Residential 1 zoned lots along Glenmore Rd (east of subject property), RU1 - Single Family Housing and a RR2 – Rural Residential zoned properties (west of the subject property) that currently include single family dwellings and permitted accessory structures.

MAP 1: LOCATION MAP



MAP 2: ORTHOPHOTO



CHRONOLOGY

Date (Y-M-D)	Event
2021-10-18	Temporary Use Permit Application Submitted
2022-08-18	Application sent for Internal/External Referrals
2022-11-14	Comprehensive Letter Issued to Applicant
2022-12-14	Site Visit
2023-06-01	Public Notification Undertaken

DISCUSSION/ANALYSIS

The subject property is large and rural in nature. The District's RR1 zoning permits stables and kennels, but the zone does not permit horse riding as a secondary use on the subject property. Therefore, the applicant is requesting a Temporary Use Permit to allow for horse riding in conjunction with programs provided by Adult and Teen Challenge BC. Additionally, the TUP would allow applicant to provide equestrian experiences to local families and youth on the subject property.

The application does not propose to construct any structures to support the proposed temporary land use on the subject lands at this time. District staff did not have any major concerns with the proposal.

Although not tied to this Temporary Use Permit application, there is an existing residential dwelling (tiny home) constructed without permits on the subject property. Planning staff notified the District's Bylaw department to work with the landowner to bring this structure into compliance with applicable District Bylaws.

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 RR1—Rural Residential. The purpose of this zone is to provide for residential development, and complementary uses, on larger lots in areas of high natural amenity and rural services. The uses under this zone do not permit horse riding lessons.

Subdivision and Development Servicing Bylaw:

The Subdivision and Development Servicing Bylaw does not apply to this application as no construction of structures is proposed at this time.

IMPACT ON INFRASTRUCTURE OR MUNICIPAL SERVICES

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

COMMENTS FROM INTERNAL DEPT. AND EXTERNAL AGENCIES, COMMITTEES AND STAKEHOLDERS

The following comments were provided by internal District departments and Interior Health:

- Building Department outlined that no Building Permit was issued by the District for the existing dwelling.
- The applicant's site plan identified a location for a potential barn on the subject property. Building Department staff noted that the proposed barn/structure may be required to be designed as a Part 3 assembly building depending upon proposed use and to confer with a building designer. No barn/structure development is being proposed as part of this Temporary Use application.
- District Planning staff requested clarification on how the existing dwelling is currently used and if it will be used as part of any equestrian or associated activities.
- The applicant confirmed on November 30, 2022 that the dwelling will not be used in any way as part of the Temporary Use Permit application.
- Interior Health outlined follow-up questions regarding how the privy/portable toilets would be serviced and if a Registered Onsite Wastewater Practitioner (ROWP) had reviewed the sewage disposal for capacity.
- Interior Health also recommended that the applicant use 1-7 portable toilets on the subject property and that handwashing stations be provided and appropriate waste disposal after group lunches on the subject property be provided.

RESPONSE TO COMPREHENSIVE LETTER

In response to the issued Comprehensive Letter, the applicant outlined that the current privy is serviced and maintained by volunteers who oversee property maintenance and if a portable toilet is required, the applicant would ensure appropriate servicing occurs. The applicant also outlined that it is likely only groups of 20 will attend the for horse-riding sessions at a time. The applicant noted that a hand hygiene station is already existing in privy located on the subject property and that winter roadway clearance occurs regularly although it is unlikely that horse riding will occur during winter months.

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 50 metres of the subject property.

CONDITIONS

To support meeting comments by Interior Health with respect to washroom facilities, staff recommend that one portable toilet be required on the subject property as a condition of this Temporary Use Permit. This will ensure access to a professionally maintained privy and provides more washroom facilities for larger groups as needed.

ANALYSIS OF OPTIONS FOR CONSIDERATION

OPTION A: If Council approves the Temporary Use Permit application, the applicant will be permitted to offer horse riding on the subject property to support programs offered by Adult and Teen Challenge BC/Love Reins;

OPTION B: If Council denies the Temporary Use Permit application, the applicant will not be permitted to offer horse riding on the subject property to support programs offered by Adult and Teen Challenge BC/Love Reins;

OPTION C: If Council postpones decision on the application, staff will work with the applicant to ensure any additional information is provided. The application would return for Council's consideration when appropriate.

Respectfully Submitted,
Trevor Empey, Planner

Report Approval Details

Document Title:	Temporary Use Permit Application - TP2021-003.docx
Attachments:	- Attachment A - Draft Temporary Use Permit .docx - Attachment B - Project Proposal.pdf
Final Approval Date:	Jan 9, 2023

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

Brian Zurek, Manager of Planning - Jan 6, 2023 - 4:33 PM

Jared Kassel, Director of Planning & Development - Jan 8, 2023 - 10:14 AM

Tanya Garost, Chief Administrative Officer - Jan 9, 2023 - 12:40 PM