

MEETING TYPE: Regular Council Meeting
MEETING DATE: September 3, 2024
AUTHOR: Jason Tran, Planner
DEPARTMENT: Planning and Development
ITEM TITLE: Request for Feedback | 15660 Oyama Road
DESCRIPTION: To seek Council direction on the proposed expansion of commercial uses

PURPOSE

To seek Council direction on a proposed expansion of commercial uses for the property at 15660 Oyama Road.

RECOMMENDATION

THAT staff be directed to work with the owner of the property at 15660 Oyama Road (Roll No. 01878.000 PID: 009-973-656) to process a Zoning Bylaw amendment application to regulate the long-term use of the parcel for boat sales and storage.

EXECUTIVE SUMMARY

Temporary Use Permits authorize the current boat storage and service business on the subject property. The owner would like to continue operating the business and to expand the services offered to include boat sales.

Council would be required to authorize the proposed use on the subject property. Staff are seeking direction from Council on how to proceed. Should Council support the long-term use of the parcel for boat sales and storage, staff recommend that Council direct staff to work with the owner on a Direct Control zone to authorize the proposed development.

BACKGROUND/HISTORY

The subject property is located in the Oyama Ward of the District and contained within the Urban containment Boundary. The Official Community Plan designates the property Mixed-Use Commercial, and the Zoning Bylaw assigns C2 – Neighbourhood Commercial zoning.

Previously, the property functioned as a fruit packing house. To support the adaptive reuse of the existing buildings, the District has issued two temporary use permits to authorize boat storage and service on the subject property. Additionally, Council renewed the second temporary use permit in 2022.

The property is serviced with municipal water and a private on-site sewer. Because Oyama is not currently serviced by municipal sewer, Temporary Use Permits were proposed previously to authorize boat storage on the subject property on a short-term basis due in part to policy (OCP) and regulation (Subdivision Development Servicing Bylaw) directing development to be connected to urban services (municipal water and sanitary sewer).

TABLE 1: TEMPORARY USE PERMIT HISTORY

| History of Temporary Use Permits at the subject property | | |
|--|--------------------------|---------------------------|
| First TUP | Second TUP | Renewal of the second TUP |
| TP2017-001 | TP2018-001 | TP2018-001-REN |
| Issued on Sept. 20, 2017 | Issued on Oct. 9, 2019 | Issued on Aug. 17, 2022 |
| Expired on May 2, 2020 | Expired on Sept. 4, 2021 | Expired on Sept. 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.

TABLE 2: PROPERTY SUMMARY

| Summary Information | | | |
|-------------------------------|---|--|-------------------------|
| Application Type | Request Council for direction | | |
| File Number: | TP2018-001-REN | Folio/Roll #: | 01878.000 |
| 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 - Neighbour Commercial | | |
| Land Use Contract | No | | |
| ALR: | No | | |
| Parcel Size: | 1.4 ha (3.46 acres) | | |
| Development Permit Area(s): | Agricultural and Commercial | | |
| Water Supply: | District | | |
| Sewer: | On-Site | | |
| 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 |

DISCUSSION/ANALYSIS

The owner of the subject property operates a boat storage and service business authorized by the existing Temporary Use Permit. The owner proposes to continue operating the business and expand the services to include boat sales. The owner must seek authorization from Council to continue and expand the existing business.

TABLE 3: FUTURE LAND USE AND ZONING OPTIONS

| | Option A | Option B | Option C |
|---------------------------------|---|--|---|
| OCP Future Land Use | Mixed Used Commercial | | Service Commercial |
| Zoning | Direct Control | Temporary Use Permit | Service Commercial |
| Application requirements | OCP & Zoning Amendment Applications | Temporary Use Permit Application | OCP & Zoning Amendment Applications |
| Staff Comments | Existing future land use and Direct Control Zone greatest potential for policy and regulatory alignment | Proposed uses are not intended to be temporary | Proposal does not align with OCP Oyama Neighbourhood policy |

Option A would retain the existing Mixed Use Commercial land use designation but ask Council to consider a new Direct Control zone to guide the future development of the subject property through targeted regulations. Should Council wish to support the proposed use on the parcel in the long-term, staff recommend a Direct Control zone.

Option B would retain the existing Mixed Use Commercial land use designation but ask Council to consider a new Temporary Use Permit. Staff do not recommend a Temporary Use Permit to continue the pattern of regulating land use through short-term controls; however, should Council not support the owner's proposal to expand the existing

commercial business on the subject property (through a Direct Control zone), Council could consider issuing a Temporary Use Permit for a limited period to allow the owner to relocate the existing business to another location.

Option C was proposed by the owner. Staff do not support amending the OCP and Zoning Bylaw to Service Commercial as the proposal would not be consistent with the OCP.

Staff are seeking direction from Council.

APPLICABLE LEGISLATION, BYLAWS AND POLICY

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."

Official Community Plan (OCP):

Section 18.2 contains policies related to Mixed Use Commercial Designation.

Section 18.4 contains policies related to Serviced Commercial Designation.

Section 23.5 contains policies related to Direct Control Zones and Comprehensive Development Zones.

Section 23.6 contains policies related to Temporary Use Permits.

Zoning Bylaw 561, 2007:

The property is zoned C2 – Neighbourhood Commercial.

Subdivision and Development Servicing Bylaw:

The Subdivision and Development Servicing Bylaw would be apply through a Building Permit.

IMPACT ON INFRASTRUCTURE, SERVICES AND STAFF CAPACITY

Impact on infrastructure or municipal services associated with this application would be evaluated through an application process.

FINANCIAL IMPLICATIONS

- None Budget Previously Approved Other (see below)

CONSULTATION

Staff have not received a formal application for the redevelopment of the subject property. No consultation has been completed.

COMMUNICATIONS

Staff have not received a formal application for the redevelopment of the subject property. No communications have been completed.

ALIGNMENT WITH COUNCIL STRATEGIC PRIORITIES

- Support Opportunities to Diversify Lake Country's Tax Base

ALIGNMENT WITH MASTER PLANS

- | | |
|---|--|
| <input type="checkbox"/> Agricultural Plan | <input type="checkbox"/> Official Community Plan |
| <input type="checkbox"/> Climate Action Charter | <input type="checkbox"/> Parks & Recreation Master Plan 2019 |
| <input type="checkbox"/> Housing Needs Report | <input type="checkbox"/> Sanitary Sewer System Map |

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- | | |
|--|--|
| <input type="checkbox"/> Liquid Waste Management Plan Stage 1/2 Report | <input type="checkbox"/> Transit Future Plan-Central Okanagan Region-DRAFT |
| <input type="checkbox"/> McCoubrey Plateau Area Structure Plan | <input type="checkbox"/> Transportation for Tomorrow |
| <input type="checkbox"/> Mobility Master Plan | <input type="checkbox"/> Water Master Plan |

OPTIONS

- A. THAT staff be directed to work with the owner of the property at 15660 Oyama Road (Roll No. 01878.000 PID: 009-973-656) to process a Zoning Bylaw amendment application to regulate the long-term use of the parcel for boat sales and storage.
- B. THAT staff be directed to work with the owner of the property at 15660 Oyama Road (Roll No. 01878.000 PID: 009-973-656) to process a Temporary Use Permit application for a limited period to allow the owner to relocate the existing business to another location.

Respectfully Submitted,
Jason Tran, Planner

Report Approval Details

| | |
|----------------------|--|
| Document Title: | Requesting Council Feedback - 15660 Oyama Road - Future Use of the Property.docx |
| Attachments: | - Attachment A – 15660 Oyama Road- Description of the OCP and Zoning Request.pdf - Attachment B - 15660 Oyama Road - Drone View.pdf - Attachment C - 15660 Oyama Road - Signed Permit TP2018-001-REN.pdf |
| Final Approval Date: | Aug 29, 2024 |

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

Brian Zurek, Manager of Planning - Aug 28, 2024 - 4:38 PM

Matthew Salmon, Infrastructure & Development Engineering Director - Aug 28, 2024 - 4:48 PM

Jeremy Frick, Director of Planning & Development - Aug 28, 2024 - 4:55 PM

Reyna Seabrook, Director of Corporate Services - Aug 28, 2024 - 7:45 PM

Paul Gipps, Chief Administrative Officer - Aug 29, 2024 - 7:42 AM