

To: Mayor and Council
From: Paul Gipps, CAO
Meeting Date: November 19, 2024
Meeting Type: Regular Council Meeting

Prepared by: Jason Tran, Planner
Department: Planning and Development

Title: Temporary Use Permit | TUP00105 | 15660 Oyama Road
Description: To authorize outdoor and indoor storage of recreational vehicles, one residential security operator unit, minor service (with restrictions), and boat sales for up to three years.

RECOMMENDATION

THAT Temporary Use Permit TUP00105 (Attachment A to the report dated November 19, 2024) for the property at 15660 Oyama Road (Roll 1878000; PID 009-973-656) to allow the temporary land use of outdoor and indoor storage of recreational vehicles, one residential security operator unit, boat sales, and minor service (with restrictions) be approved.

EXECUTIVE SUMMARY

The application is a Temporary Use Permit (TUP) to allow the existing boat storage and service business on the subject property, and an expansion of the business to include boat sales, for three years (until September 4, 2027).

The District has not received any complaints regarding the business or the property within the past three years. Staff have no concerns with adding the new use of boat sale to the Temporary Use Permit and recommend the issuance of the Temporary Use Permit with similar terms and conditions as the previously issued permit in 2022.

BACKGROUND

The subject property is located adjacent to Oyama and Trask Roads within the urban containment boundary. It is 1.4 ha (3.46 acres) in size and relatively flat. The site has one building surrounded by grass and two paved areas on the north and west sides of the building (Attachment 'B' and 'C').

Previously, the property functioned as a fruit packing house. To support the adaptive reuse of the existing buildings, the District issued two temporary use permits to authorize recreational vehicles storage and service on the subject property (Table 2). Additionally, Council renewed the second temporary use permit in 2022.

TABLE 1: PROPERTY INFORMATION

Property Information			
Application Type	Temporary Use Permit		
File Number:	TUP00105	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:
North:	RU1 – Small-Scale Multiple Housing	Residential
East:	P2 – Administration, Public Services and Assembly RU1 - Small-Scale Multiple Housing	Fire Hall & Residential
South:	Road & P1 – Public Park & Open Space	Park
West:	Road & P2 – Administration, Public Services and Assembly	Oyama Community Club

TABLE 2: 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

DISCUSSION/ANALYSIS

Under the Local Government Act, a Temporary Use Permit can only be issued 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.

Application Overview

The applicant had requested that the property be rezoned and permitted to connect to the community sewer system located in Oyama. In September 2024, staff requested that Council provide feedback on the proposed expansion of commercial uses on the subject property; Council passed resolution 2024-09-175:

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 new Temporary Use Permit application to regulate the short-term use of the parcel for boat sales and storage.

As such, this Temporary Use Permit application requests that recreational vehicle storage, sale and service business be permitted on the subject property for three years (until September 4, 2027). The owner would like to consolidate two businesses (the Kelowna boat sales and the Lake Country boat storage and service) to this one location at 15660 Oyama Rd in Lake Country. The business in Lake Country would offer the additional use of boat sales, which would trigger a building permit for the change in occupancy (from an 'F' to a 'D' classification). Attachment 'D' provides a site plan and elevation drawing of the property. The proposed additional use (boat sales) would require a building permit.

Official Community Plan

The Official Community Plan (OCP) designates the property as Mixed-Use Commercial.

The property is serviced with municipal water and a private on-site septic. Because this area in Oyama is not currently serviced by municipal sewer, Temporary Use Permits were previously approved to authorize recreational vehicle 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).

Zoning Bylaw

The Zoning Bylaw assigns C2 – Neighbourhood Commercial zoning. This zone does not conform with the OCP designation.

The C2 zone aims to provide an area for the range of services needed daily by residents within their neighbourhood. Recreational vehicle storage & boat sales are not permitted in the C2 zone; therefore, a Temporary Use Permit is necessary to allow these uses.

COMMUNICATION

This application was referred to internal departments and external agencies, and comments were provided.

DLC Economic Staff: Support the application as the Oyama Community needs commercial offerings like this business.

DLC Fire Services Staff: The ownership is conducting business in an older structure that has required maintenance; they have proactively worked with the fire department to maintain/increase safety within the structure. The fire department has no additional comments on this temporary use permit.

DLC Building Staff: Building permit(s) would be required for the change of use. Building would support the continued use of the security operator unit within the building. Building would not support an RV being used for a security operator unit as this would set a precedent for others to use an RV as a dwelling.

DLC Bylaw Staff: no active files regarding this property.

DLC Engineering Staff: access to the property may be reviewed to ensure it meets approach and sightline requirements.

As per the *Local Government Act* and the Development Approvals Procedure Bylaw, neighbourhood consultation, 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 100m (Attachment 'E') of the subject property.

OPTIONS

Should Council not concur with the staff recommendation, the following resolutions could be considered:

- A. THAT Temporary Use Permit TUP00105 (Attachment A to the report dated November 19, 2024) for the property at 15660 Oyama Road (Roll 1878000; PID 009-973-656) to allow the temporary land use of outdoor and indoor storage of recreational vehicles, one residential security operator unit, boat sales, and minor service (with restrictions) be denied and the file be closed.
- B. THAT Temporary Use Permit TUP00105 (Attachment A to the report dated November 19, 2024) for the property at 15660 Oyama Road (Roll 1878000; PID 009-973-656) to allow the temporary land use of outdoor and indoor storage of recreational vehicles, one residential security operator unit, boat sales, and minor service (with restrictions) be deferred pending receipt of additional information as identified by Council.

Respectfully Submitted,
Jason Tran, Planner

Report Approval Details

Document Title:	Temporary Use Permit - TUP00105 - 15660 Oyama Road - New App.docx
Attachments:	<ul style="list-style-type: none"> - Attachment A - TUP00105 -Draft Temporary Use Permit.pdf - Attachment B - TUP00105 - Location Map.pdf - Attachment C - TUP00105 - Drone View.pdf - Attachment D - TUP00105 - Conceptual Site Plan and Elevation.pdf - Attachment E - TUP00105 - Notification Map of 100m.pdf
Final Approval Date:	Nov 13, 2024

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

Carie Liefke, Manager of Current Planning - Nov 12, 2024 - 1:27 PM

Brian Zurek, Manager of Planning - Nov 12, 2024 - 2:49 PM

Greg Price, Manager of Building and Bylaw Services - Nov 12, 2024 - 3:14 PM

Steven Gubbels, Development Engineering Manager - Nov 12, 2024 - 4:44 PM

Matthew Salmon, Infrastructure & Development Engineering Director - Nov 12, 2024 - 4:54 PM

Jeremy Frick, Director of Development Approvals - Nov 13, 2024 - 8:05 AM

Reyna Seabrook, Director of Corporate Services - Nov 13, 2024 - 9:09 AM

Paul Gipps, Chief Administrative Officer - Nov 13, 2024 - 12:18 PM