
To: Mayor and Council
From: Paul Gipps, CAO
Meeting Date: March 4, 2025
Meeting Type: Regular Council Meeting

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

Title: Temporary Use Permit | TUP00086 | 12474 Oyama Road
Description: To authorize outdoor storage of landscaping and snow equipment at 12474 Oyama Road

RECOMMENDATION

THAT Temporary Use Permit TUP00086 (Attachment A) for property located at 12474 Oyama Road (Lot 2, Sec 23 and 26, Twp 20, ODYD, Plan 22945 Except Plan 25990, PID: 002-317-257) to allow the temporary land use of outdoor storage to a maximum of 1,375m² (as shown on Attachment B) for landscaping and snow equipment be approved for a 3-year term expiring on March 4, 2028.

AND THAT the business owner secure a business location in an area zoned appropriately for outdoor storage prior to the expiry of TUP00086.

EXECUTIVE SUMMARY

An application to renew a Temporary Use Permit (TUP) was submitted on September 17, 2021, and was deemed complete on November 26, 2024. Due to the delay in submitting required documentation, the application is for a new TUP, not a renewal.

The applicant seeks to obtain a Temporary Use Permit to authorize the outdoor storage of landscaping and snow equipment, thereby allowing an existing business to continue operations at 12474 Oyama Road. This site is situated on the east side of Wood Lake.

The applicant proposes to expand the Temporary Use Permit area from the current 279 m² (3,000 sq ft - Attachment C) to 586 m² (6,308 sq ft - Attachment D). However, staff are recommending the area be 1,375m² based on the full size of the parking area.

Staff support the TUP, including the proposed expansion for the following reasons:

- There have been no Bylaw complaints since the last Temporary Use Permit was issued on October 2, 2018.
- Neighbourhood consultation conducted by the applicant in the week of January 14, 2025 revealed no concerns.
- No written feedback has been received, as of February 24, 2025, as a result of the posted development notice sign and newspaper advertisements.
- The local business is experiencing growth, and the additional space will facilitate further expansion.
- The additional space is primarily required in the winter for snowplow trucks and equipment during the winter months (November to February). During the summer months, the crew leaders take many trucks and trailers home.

BACKGROUND

Summary Information			
Application Type	Temporary Use Permit		
File Number:	TUP00086	Roll Number:	02892.033
Proponent:	STARK, JAN L	Owner(s):	STARK, JAN L
Legal Description:	Lot 2 Sections 23 And 26 Township 20 Osoyoos Division Yale District Plan 22945 Except Plan 25990		
PID	002-317-257		
Civic Address:	12474 OYAMA ROAD, LAKE COUNTRY, BC V4V 2A3		
OCP Designation:	Rural Residential		
Zoning Designation:	RR2 - Rural Residential 2		
Land Use Contract	No		
ALR:	No		
Parcel Size:	1.45 Hectares (3.6 Acres)		
Water Supply:	Oyama Lake		
Sewer:	On-site Sewage Disposal		
Site Summary:		Zoning:	Use:
	<i>North:</i>	A1 Agriculture 1	Agriculture and residential
	<i>East:</i>	RR2 Rural Residential	Residential
	<i>South:</i>	RR2 Rural Residential	Residential
	<i>West:</i>	RR2 Rural Residential	Residential

The applicant has maintained a valid Business Licence for a home occupation since 2015. The company holds several local contracts, including with School District 23 in both Kelowna and Lake Country, as well as with other businesses and strata corporations. Despite the company's growth, the applicant notes that additional time and further expansion are necessary before securing a commercially zoned property for their business.

A Description Letter submitted by the applicant is attached as Attachment E.

DISCUSSION/ANALYSIS

In 2018, the District issued a Temporary Use Permit (TP2018-006), subject to the conditions outlined in the original permit. The permit authorized outdoor storage for an area of 279 m² (3,000 sq ft), as shown on Attachment C.

Site Description:

- The property spans 1.45 hectares (3.6 acres).
- The east side of the property fronting Oyama Road is relatively flat, while the western portion slopes downward with a west-facing aspect.
- An existing berm across the property's frontage shields the visibility of the outdoor storage TUP area.
- The property includes a single-family dwelling and an accessory building.

The existing business grew considerably as they moved into snow-clearing services. During the TUP application review, staff identified no concerns with the proposal, including an increase in area (from 279m² to 586m², as shown on Attachments C and D) used for outdoor storage to accommodate additional snow-clearing vehicles and equipment. Prior to the 2018 TUP, the business employed 10-15 individuals; since then, the applicants workforce has grown to 15-20 employees.

Staff is not concerned about the business growing to 15-20 employees, as the employees do not work from this location. Nor is there concern regarding the use of Oyama Road, provided that the applicant keeps all business vehicles and equipment on-site (within their property). There are additional areas on the property used for their business storage (Attachment B).

The applicant has indicated that other areas of the property are used for storing personal items, such as RVs and boats (see Attachment C, areas to the south and north-west of house). The Zoning Bylaw (s.5.3) specifically prohibits more than two RVs outdoors per residential lot. The applicant has indicated that these issues will be addressed. There is also temporary storage of building materials on the property while they rebuild their house.

Staff support the temporary use of this property for outdoor storage for a business, but it is recommended that the long term solution for this business would be to relocate to the Lake Country Business Park. A draft Temporary Use Permit is attached as Attachment A for Council's review of the permit conditions.

As per 497 of the *Local Government Act*, a Temporary Use Permit can be issued for up to 3 years with the option to renew the permit for one additional 3 year term. After these terms have expired, a new application would be required.

FINANCIAL IMPLICATIONS

None Budget Previously Approved Other (see below)

COMMUNICATION

This application was referred to internal departments and external agencies on February 10, 2023. Based on the initial application, staff recommended changes to the proposed plan. The engineering referral comments required an Access Permit. This permit is ready for issuance subject to TUP approval.

As per the requirements of the Development Approval Procedure Bylaw 1227, 2024, the applicants were required to complete Neighborhood Consultation. During the week of January 14, 2025, the applicant personally delivered notices to 10 properties within a 100-meter radius and mailed three letters to non-local addresses. Additionally, they spoke with the neighbors, who expressed no objections to the application.

As per section 494 of the *Local Government Act* and Development Approval Procedures Bylaw 1227, a Development Notice Sign was posted on February 7, 2025. Additionally, staff placed advertisements in the Lake Country Calendar for two consecutive weeks leading up to the March 4, 2025 Council meeting.

ALTERNATE RECOMMENDATIONS

- A. THAT Temporary Use Permit TUP00086 for property located at 12474 Oyama Road (Lot 2, Sec 23 and 26, Twp 20, ODYD, Plan 22945 Except Plan 25990, PID: 002-317-257) to allow the temporary land use of outdoor storage to a maximum of 279m² (as shown on Attachment C) for landscaping and snow equipment be approved for a 2-year term expiring on March 4, 2027.

AND THAT the business owner secure a business location in an area zoned appropriately for outdoor storage prior to the expiry of TUP00086.

- B. THAT Temporary Use Permit TUP00086 for property located at 12474 Oyama Road (Lot 2, Sec 23 and 26, Twp 20, ODYD, Plan 22945 Except Plan 25990, PID: 002-317-257) to allow the temporary land use of outdoor storage to a maximum of 279m² (as shown on Attachment C) for landscaping and snow equipment be approved for a 3-year term expiring on March 4, 2028.

AND THAT the business owner secure a business location in an area zoned appropriately for outdoor storage prior to the expiry of TUP00086.

- C. THAT Temporary Use Permit TUP00086 for property located at 12474 Oyama Road (Lot 2, Sec 23 and 26, Twp 20, ODYD, Plan 22945 Except Plan 25990, PID: 002-317-257) to allow the temporary land use of outdoor storage to a maximum of 586m² (as shown on Attachment D)for landscaping and snow equipment be approved for a 3-year term expiring on March 4, 2028.

AND THAT the business owner secure a business location in an area zoned appropriately for outdoor storage prior to the expiry of TUP00086.

- D. THAT Temporary Use Permit TUP00086 for property located at 12474 Oyama Road (Lot 2, Section 23, and 26, Township 20, ODYD, Plan22945 Except Plan 25990, PID: 002-317-257) to allow the temporary land use of outdoor storage of landscaping and snow equipment be denied.
- E. THAT Temporary Use Permit TUP00086 for property located at 12474 Oyama Road (Lot 2, Section 23, and 26, Township 20, ODYD, Plan22945 Except Plan 25990, PID: 002-317-257) to allow the temporary land use of outdoor storage of landscaping and snow equipment be deferred pending additional information as identified by Council.

Respectfully Submitted.

Jason Tran, Planner

Report Approval Details

Document Title:	Temporary Use Permit - TUP00086 - 12474 Oyama Road.docx
Attachments:	<ul style="list-style-type: none"> - Attachment A - TUP00086 - DRAFT Permit.pdf - Attachment B - TUP00086 - 1375 m2 or 14,800 sq ft.pdf - Attachment C - TUP00086 - 279 m2 or 3000 sq ft.pdf - Attachment D - TUP00086 - 586 m2 or 6308 sq ft.pdf - Attachment E - TUP00086 - Description Letter - Feb. 11-25.pdf
Final Approval Date:	Feb 27, 2025

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

Carie Liefke, Manager of Current Planning - Feb 25, 2025 - 10:49 AM

Jeremy Frick, Director of Development Approvals - Feb 27, 2025 - 9:04 AM

Steven Gubbels, Development Engineering Manager - Feb 27, 2025 - 9:40 AM

Reyna Seabrook, Director of Corporate Services - Feb 27, 2025 - 10:32 AM

Task assigned to Paul Gipps, Chief Administrative Officer was completed by workflow administrator Reyna Seabrook, Director of Corporate Services

Paul Gipps, Chief Administrative Officer - Feb 27, 2025 - 10:55 AM

Makayla Ablitt, Legislative & FOI Coordinator - Feb 27, 2025 - 11:29 AM