



Regional Board Report

Request for Decision

Approved for Board Consideration

A handwritten signature in black ink, appearing to read "Brian Reardon".

Brian Reardon, CAO

To: Regional Board

From: Todd Cashin, Director of Community Services

Date: June 27, 2022

Subject: Temporary Use Permit (TUP-22-02)
Robert Renner c/o Kristin Aasen (agent)
4690 Trepanier Road

Voting Entitlement: Custom Vote – Electoral Area West, West Kelowna, and Peachland Fringe Areas
– 1 Director, 1 Vote

Purpose: To consider the issuance of a Temporary Use Permit to permit a 40 site campground and an outdoor storage facility for recreational vehicles.

Executive Summary:

A Temporary Use Permit has been requested to allow a seasonal campground consisting of 40 campsites and an outdoor storage facility for the purpose of storing recreational vehicles.

In accordance with the *Local Government Act*, the applicant is requesting a three-year permit. It is the intent of the applicant to obtain approval and start the business at the proposed location under a temporary basis to explore whether a permanent remedy through submission and approval of an OCP amendment and rezoning application would be viable in the future.

At time of writing this report, ten letters of opposition have been received. Conditions of the Temporary Use Permit are derived from comments received from referral agencies, professional reports and the applicant's proposal.

Recommendation(s):

THAT the Temporary Use Permit TUP-22-02 for 4690 Trepanier Road to operate a campground and outdoor storage facility business to take place on part of the South ½ of the South ½ of District Lot 484, ODYD, Except Plans KAP45900 and KAP74941, be permitted for three years subject to the following conditions:

- Conditions Prior to Issuance
 - Ministry of Environment and Climate Change Strategy approval for an amendment to the Section 16 *Land Act* designation (Tenure 3404754);
 - Construction of a septic system to the specifications of the ROWP report prepared by Jim Ripley, Registered Onsite Wastewater Practitioner;

- Building Permit issuance for the proposed upgrades required to the washroom facility;
- Development Permit issuance if determined necessary through the Building Permit;
- Submission of an Evacuation Plan to the satisfaction of the RDCO Fire Services Manager;
- If archaeological material is encountered during development, all activities must cease immediately, and the Archaeology Branch shall be contacted for direction;
- Water License shall be amended to reflect the proposed use;
- Issuance of a RDCO Business License; and
- Receipt of a security deposit in the amount of \$5,000.00 to ensure compliance of the conditions of the Temporary Use Permit.
- Conditions of Operation:
 - Adherence to the Wildfire Hazard Mitigation Report prepared by Swanson Forestry Services;
 - Maximum of 40 campsites as shown on the site plan (dated on February 22, 2022);
 - Operate between March and October;
 - Campsite occupancy is limited for periods to a maximum of one week;
 - Quiet hours after 10:00 pm;
 - Limit operational area to area show in site plan (dated February 22, 2022);
 - Outdoor storage is limited to the 1.15-acre area shown on the site plan (dated February 22, 2022); and
 - No new permanent structures.

AND FURTHER THAT the Temporary Use Permit shall expire exactly 3 years after the date of Temporary Use Permit issuance, and all uses temporarily authorized by the Permit shall cease upon expiry of the Permit, unless otherwise authorized.

Respectfully Submitted:



Todd Cashin
Director of Community Services

Prepared by: Michael Czarny, Senior Planner

Attachments:

- Orthophoto map
 - Site Plan
 - Description of Temporary Use Permit
 - Professional Reports
 - Letters of Opposition
 - Regional Board Presentation
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Strategic Plan Alignment:

Priorities: Economic Development

Values: Transparency

Background:

The subject property is developed with two mobile homes and a separate washroom facility. One of the mobile homes is rented to a long-term tenant and the other is used by the applicant. Structures are serviced by wells on the property. The Ministry of Transportation and Infrastructure (MOTI) previously used a 1.15-acre portion of the subject property for storage which is currently vacant and located on the southern portion of the property. The applicant has submitted a subdivision application to subdivide the subject property into three lots, which is currently in progress. Through the subdivision process, a Development Permit will be required.

Proposal:

The applicant is requesting a Temporary Use Permit (TUP) at the subject property to operate a campground (2.1 hectares) and outdoor storage facility (0.5 hectares). The campground will have a maximum of 40 campsites, a small recreation area, and will operate for 8 months of the year between March to October. The mobile home occupied by the applicant would be used as an office for the campground. The campsites would not have services (power, water, or septic), rather guests would use the existing washroom facility. The applicant has submitted a report from a Registered Onsite Wastewater Practitioner to update the current onsite septic system servicing the existing washroom facility. Additionally, the complete record of sewerage has been submitted to Interior Health Authority. Apart from upgrades to the washroom facility, no new permanent structures are proposed as part of the proposal.

The outdoor storage facility will be limited to the area previously used for storage by MOTI. The area is fenced and has existing access. The applicant indicated that the intended use of this storage area would be for seasonal storage of patrons' recreational vehicles without accommodation. An approved Temporary Use Permit would allow these uses on the subject property for a period of three years.

Professional Reports:

A Wildfire Hazard Assessment and Mitigation Report submitted with the application indicates there is a moderate wildfire threat rating for the area south of Trepanier Road where the proposal is located. The reports indicate that the campground area has been cleaned and the outdoor storage area has been completely cleared. To further reduce wildfire risk, the mitigation report recommends creating a 10-metre fuel modified space around all buildings (FireSmart Priority Zone 1), a 30-metre space around buildings for regular maintenance and pruning (FireSmart Priority Zone 2), and for the remainder of the property: remove dead and unhealthy trees, remove coarse woody debris, remove ladder fuels.

Regional Growth Strategy No. 1336:

Policies from the Regional Growth Strategy are applicable the TUP application:

- Policy No. 3.2.1.3 Support the protection of the rural areas that offer a rural lifestyle choice.
- Policy No. 3.2.2.11 Promote land development patterns that support a diverse regional economy.
- Policy No. 3.2.8.7 Protect natural environments, parks and water systems, as these systems are essential to the quality of life in the Okanagan that support active and healthy lifestyles.

Brent Road and Trepanier Official Community Plan No. 1303:

Policies from the Brent Road and Trepanier Official Community Plan are applicable to the TUP application including polices regarding the rural residential future land use designation:

- Lands within this designation are large rural properties with minimal services and some limitations consisting of a 4-ha minimum lot size.
- This designation is intended for areas supporting rural residential development.
- Lands within this designation are intended for rural residential use. Agricultural uses are also permitted in these rural areas.
- Home based businesses are supported within this designation as an important employment opportunity, provided the use does not conflict with the predominant residential or rural land uses.

As these policies are not reflective of campgrounds or outdoor storage facilities, a Temporary Use Permit is required to allow these uses.

The OCP stipulates that Temporary Use Permit to allow specific land uses to occur for a short period of time and may be considered by the Regional Board. Conditions applied to the permit may include, but are not limited to the buildings being used, the area of use, the hours of use, appearance, site rehabilitation, and the holding of a security bond by the Regional District to ensure compliance. Consideration of this permit is based upon the following general conditions:

- The use must be clearly temporary or seasonal in nature,
- The temporary use should not create an unacceptable level of negative impact on surrounding permanent uses; and
- In the case of the discovery of a use already underway that does not conform with Zoning Bylaw No. 871, there is either an undertaking to initiate a rezoning application under Zoning Bylaw No. 871; or, an outline provided of when and how the temporary use in that location will be concluded.

The proposed use is temporary in nature as it is seasonal and for a period of a three-years. The applicant has confirmed if they find the business viable, a permanent solution will be desired in the future.

Zoning Bylaw No. 871:

The subject property is zoned Rural 1 (RU1) which does not permit campgrounds or outdoor storage facilities. As the proposed uses are not permitted, a Temporary Use Permit is necessary to allow these uses.

Building Bylaw No. 835:

Section 9.5 and Section 14 of Building Bylaw No. 835 speak to requirements for campgrounds. A Building Permit is required for site services for campgrounds however, since the proposed campground does not have any services, a Building Permit would only be required for washroom facility construction.

Regional Evacuation Planning Framework:

The Regional Evacuation Planning Framework was received by the Regional Board on April 14, 2022. The Framework provides an overview of the main hazards throughout the region and identifies

neighbourhoods with the highest level of risk completed on this date. The Framework identifies the Trepanier community as an area of interest as it is adjacent to a wildfire interface area and contains only one method of egress out of the community.

Site Context:

The site is located adjacent to Highway 97C within Central Okanagan West Electoral Area. The property is bisected by both Trepanier Creek and Trepanier Road. The subject property is approximately 29.7 hectares (75.3 acres) in size, of this total, approximately 2.6 hectares (6.4 acres) are proposed for the operation of the business. The subject property is affected by a number of Development Permit Areas in the Brent Road and Trepanier OCP. The part of the subject property being proposed as a campground is only affected by Wildfire Development Permit Area, which may require an approved Development Permit prior to any disturbance or development on the property.

Additional Information:

Owners:	Robert Timothy Renner, Lorinda Diane Shmyr, Joe Manuel Lima, Bernadette Ann Lima, Debra Lynn Paget
Agent:	Kristin Aasen
Legal Description:	The South ½ of the South ½ of District Lot 484, ODYD, Except Plans KAP45900 and KAP74941
Address:	4690 Trepanier Road
Lot Size:	+/- 29.7 hectares (75.3 acres)
Area of Land Affected:	+/- 2.6 hectares (6.4 acres)
OCP Designation:	Rural Residential
Zoning:	RU1 Rural 1
Water Supply:	Private water source
Sewage Disposal:	Septic system
Existing Use:	Residential
Surrounding Uses:	North: Rural Residential and Crown Land South: Highway 97 East: Crown Land West: Rural Residential, Private Recreation
ALR:	Not within the ALR
Fire Protection:	Not within a Fire Protection Area

RDCO TECHNICAL COMMENTS:

Fire Services staff advise that the applicant must adhere to recommendations contained in the Wildfire Hazard Mitigation Report as well as FireSmart Principles. Staff additionally recommend that the applicant provide an evacuation plan and subsequent approval to the satisfaction of the Manager of Fire Services. Any proposed buildings and structures associated with the proposal must meet or exceed the BC Fire Code. Additionally, staff note that the subject property is outside RDCO Fire Protection Areas so initial responses to wildfires would be provided by BC Wildfire Service.

Engineering Services advise that the Trepanier Ditch Users water system is located on or nearby the subject property. Engineering Services staff note that this water system supplies a number of private properties on Trepanier Road (downstream of the subject property) including the Star Place community water system. Staff note that earthworks, services upgrades or any changes to the Trepanier Ditch Users water system have the ability to potentially impact downstream water users, Trepanier Creek and ultimately Okanagan Lake.

Inspection Services staff advise that a Building Permit is required for buildings, structures, and site servicing for campgrounds as per Building Bylaw No. 835.

Unaffected RDCO Departments include Engineering Services, and Parks Services.

AGENCY REFERRAL COMMENTS:

Advisory Planning Committee supports the application with the condition that a consulting archaeologist be retained to review the proposal and subject property prior to any disturbance. Additionally, the APC expressed concerns regarding traffic and safety, gravel truck routes, grey water dumping, garbage, and detrimental effects to the environment and Trepanier Creek.

Ministry of Forests, Lands, Natural Resource Operations and Rural Development (Okanagan Shuswap District Lands Team) staff comment that the subject property is located in an area under a Section 16 Land Reserve (Tenure 3404754) which recommends that no disruption or further development of this parcel take place. This Section 16 was established for the Ministry of Environment, the proponent is encouraged to seek the support of the new Ministry of Environment and Climate Change Strategy.

If the proponent is successful in having the Section 16 amended to allow the proposed activities, they should be aware that any work "in and about a stream" will require a Water Sustainability Act application. This includes but is not limited to erosion protection, bridges spanning creeks, and pathways along creeks.

Interior Health Authority staff comment that if the campsite is proposing to provide water to the public, the water must be from an approved source. The applicant is advised to contact Interior Health's Small Water Team early in the approval process to determine whether or not approval or permitting is required to supply water from the washrooms to the public.

Further the applicant should ensure that the existing washroom facilities and sewerage system was designed to handle the wastewater flows from the proposed 40 campsites. An authorized person can assess the existing system and advise whether or not the current design is suitable for the proposal. If the current system cannot handle the additional flow, required repairs or amendments should be completed on the system to ensure it does not create a health hazard.

If Sani-dump services are not offered onsite, campers may have to travel long distances to be able to empty their RV wastewater tanks. Given this, IHA staff are concerned that some campers may choose to release the contents of their RV wastewater tanks inappropriately.

District of Peachland staff comment that a wildfire hazard assessment should be required, and that any mitigation prescription be completed prior to any construction occurring on site. The Peachland Fire and Rescue Service do not respond to fires in this area.

With regards to servicing, it is noted that sanitary waste will be discharged into an existing septic system. With the load on the existing system being dramatically increased, there are concerns about potential contamination of Trepanier Creek and ultimately Okanagan Lake. It is known that the "Trepanier Ditch Users" (a local small water system) have their intake structure located within the subject property, not the District of Peachland as suggested by the applicant. This intake, besides supplying a number of private properties along Trepanier Road, also supplies water to the Star Place water system.

Further downstream, there are a number of properties with active water licenses that are potentially pulling water from shallow wells or even creek surface water sources. Similarly, any sanitary waste

entering the waterways would have a deleterious effect on any flora or fauna within the area. Further to that point, the District of Peachland requests that no Sani-dump be installed on site.

With regards to use, the District of Peachland has concerns about the potential for long-term camping or permanent dwellings being established on site. Staff request that the RDCO considers a TUP condition to restrict the maximum duration of campground stays to one week.

Ministry of Forests, Lands, Natural Resource Operations and Rural Development (Archaeological Branch) staff comment that according to Provincial records, there are no known archaeological sites recorded on the subject property. However, archaeological potential modelling for the area indicates there is high potential for previously unidentified archaeological sites to exist on the property. If land-altering activities are planned for the subject property, a Provincial heritage permit is not required prior to commencement of those activities. Therefore, the Archaeology Branch strongly recommends engaging an eligible consulting archaeologist prior to any land-altering activities.

Ministry of Transportation and Infrastructure staff have no concerns for the proposal and have issued a temporary commercial access permit.

BC Hydro has overhead works in the area that may be affected, and we may require rights for our works. BC Hydro will prepare the Right of Way documents for execution by the owner. Once the documents have been executed and returned, BC Hydro will register the Right of Way at the Land Title Office.

Considerations:

External:	<p>In accordance with provisions of the <i>Local Government Act</i>, notice of the application was published in the local newspaper. Furthermore, Notice of Application signs were posted, and notification forwarded to all property owners located within 100 metres of the subject property in accordance with the Development Applications Procedures Bylaw No 944.</p> <p>At time of writing this report, staff have received ten letters of opposition.</p>
Legal/Statutory Authority:	<p>Part 14, Division 8 of the <i>Local Government Act</i> states that a local government may issue a temporary use permit which may allow a use not permitted by a zoning bylaw, specify conditions under which the temporary use may be carried on, and/or allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. The permit may be issued for up to three years with the option of one renewal for an additional three years. Furthermore, a local government may require security to guarantee the performance of the terms of the permit.</p>
Financial	<p>In accordance with Section 496 of the <i>Local Government Act</i>, a security must be provided to the RDCO in the amount of \$5,000 to ensure compliance with the conditions of the Temporary Use Permit.</p>

Alternate Recommendation

THAT the Regional Board defer consideration of Temporary Use Permit Application No. TUP-22-02 for the property located at 4690 Trepanier Road to allow the applicant to address the following outstanding conditions:

- Ministry of Environment and Climate Change Strategy approval for an amendment to the Section 16 *Land Act* designation (Tenure 3404754);
- Submission of an Evacuation Plan to the satisfaction of the RDCO Fire Services Manager; and
- Water License shall be amended to reflect the proposed use.

AND THAT staff report back to the Regional Board at a future meeting with an updated application for consideration;

AND FURTHER THAT public notification for the updated application be undertaken prior to board consideration.

Considerations not applicable:

- Organizational
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