



COUNCIL REPORT
Development Services
For the May 28, 2019 Council Meeting

DATE: May 23, 2019 File No. TUP 15-02.01

TO: Jim Zaffino, CAO

FROM: Hailey Rilkoff, Planner I

RE: Application: Temporary Use Permit, Renewal (TUP 15-02.01)
Legal: Lot 2, DL 3111, ODYD, Plan EPP34034 (Access by easement only see LB457738, LB457740 and LB457742))
Address: 728 Petterson Road
Owners: Blair Savege & Michelle Martens
Agent: N/A

RECOMMENDED MOTION:

THAT Council renew the Temporary Use Permit (TUP 15-02.01) to allow a secondary dwelling in the form of a mobile home on the subject property at 728 Petterson Road (Lot 2, DL 3111, ODYD, Plan EPP34034 (Access by easement only see LB457738, LB457740 and LB457742)) for a period of three years subject to the conditions outlined in the attached Permit.

RATIONALE:

The following considerations provide rationale for the recommended motion:

- The secondary dwelling is unlikely to create an unacceptable level of negative impact on surrounding permanent uses given the rural nature and size of the parcels in the area;
- The secondary dwelling is temporary—there is no permanent structure or foundation required—and it will be removed when no longer needed; and
- There have been no complaints to Bylaw Enforcement since the TUP was originally issued.

LEGISLATIVE REQUIREMENTS:

Section 493 of the *Local Government Act* gives Council the authority to issue a Temporary Use Permit (TUP) to allow a use that is not permitted in the applicable zoning regulations. A TUP may allow a use on a property for up to three years and specify conditions under which the use may be carried out. A TUP may be extended once for a period of up to three years at the discretion of Council.

BACKGROUND:

The renewal of the Temporary Use Permit (TUP 15-02.01) is for the use of a secondary dwelling in the form of a mobile home on the subject property. TUP 15-02 was first issued on October 30, 2015 and expired on October 30, 2018. The temporary use renewal request is to allow the continued use of a separate residence for family member in need of short-term care.

Location and Surrounding Uses

The subject property is located in Rose Valley, approximately four kilometres north of the intersection of Parkinson Road and Bear Creek Road (*Attachment 2*). The parcel is 4.4 hectares in area (~10 acres) and, although it has frontage on Petterson Road, the primary access to the dwelling is obtained via easement through the four parcels of land to the west. There is an existing house and pool located on the southern portion of the property. The surrounding land uses include (*Attachment 3*):

- Forest Resource (F1) to the north;
- Rural Residential Large Parcel (RU4) to the east and west;
- Agricultural (A1) to the east (not in the ALR); and
- Rural Residential Large Parcel (RU4) to the south.

Proposal

The applicant has submitted a letter that outlines the request to continue the use of the temporary mobile home (*Attachment 4*).

POLICY AND BYLAW REVIEW:

Official Community Plan Bylaw No. 0100

The Official Community Plan (OCP) outlines that a TUP may be considered throughout the City based on several guidelines. Among these guidelines it is noted that:

- The use must be clearly temporary or seasonal in nature; and
- The use must not create an unacceptable level of negative impact on surrounding permanent uses.

The large, rural parcel is located in four Development Permit Areas (DPAs): Hillside; Sensitive Terrestrial Ecosystem; Aquatic Ecosystem; and Wildfire Interface. The only DPA applicable to the proposal is the Wildfire Interface (DPA 7).

In accordance with *S.4.8, DPA 7 – Exemptions, Item 3* of the OCP, the Wildfire Interface DPA is considered to be adequately addressed for this application as part of the original application, a wildfire hazard (building) covenant was registered on title to ensure building materials are FireSmart.

Zoning Bylaw No. 0154

The subject property is zoned Rural Residential Large Parcel (RU4). The maximum density permitted in the RU4 zone is one single detached dwelling or one modular home per parcel. The existing CAN/CSA Z240 is classified as a mobile home, which is not a permitted use in the RU4 zone. This use is only permitted in the Manufactured Home Residential (R1M) zone and the Manufactured Home Park (RMP) zone.

TECHNICAL REVIEW:

The subject property is not connected to municipal water and sewer servicing. The mobile home was connected to the existing well water system and a new, small septic system was installed upon approval of the original TUP. The system, including the mobile home, will need to be removed at the termination of the TUP.

Interior Health

Interior Health reviewed the original application from their regulatory perspective on water supply and septic system and no objections were noted.

Advisory Planning Commission

The Advisory Planning Commission has not considered this application for renewal of the TUP.

PUBLIC NOTIFICATION:

A Notice of Application Sign has been installed on the subject property. There is no required public notification process for a TUP renewal under the *Local Government Act*; thus, there has been no formal correspondence as part of the renewal.


Since the issuance of the TUP, there have been no complaints to Bylaw Enforcement about the mobile home at 728 Petterson Road.


ALTERNATE MOTIONS:

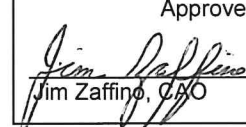
1. **THAT** Council renew the Temporary Use Permit (TUP 15-02.01) to allow a secondary dwelling in the form of a mobile home on the subject property at 728 Petterson Road (Lot 2, DL 3111, ODYD, Plan EPP34034 (Access by easement only see LB457738, LB457740 and LB457742)) for a period of [one or two years] subject to the conditions outlined in the attached Permit.
2. **THAT** Council deny the renewal of the Temporary Use Permit (TUP 15-02.01) to allow a secondary dwelling in the form of a mobile home on the subject property at 728 Petterson Road (Lot 2, DL 3111, ODYD, Plan EPP34034 (Access by easement only see LB457738, LB457740 and LB457742)).

Respectfully submitted,


Hailey Rilko
Planner I


Nancy Henderson
GM of Development Services


Brent Magnan
Planning Manager

Approved for Agenda	
 Jim Zaffino, CAO	May 23, 2019 Date

Powerpoint: Yes ☒ No ☐

Attachments:

1. TUP 15-02.01
2. Context Map
3. Subject Property Map
4. Site Plan
5. Applicant Rationale Letter
6. Existing Site Photos

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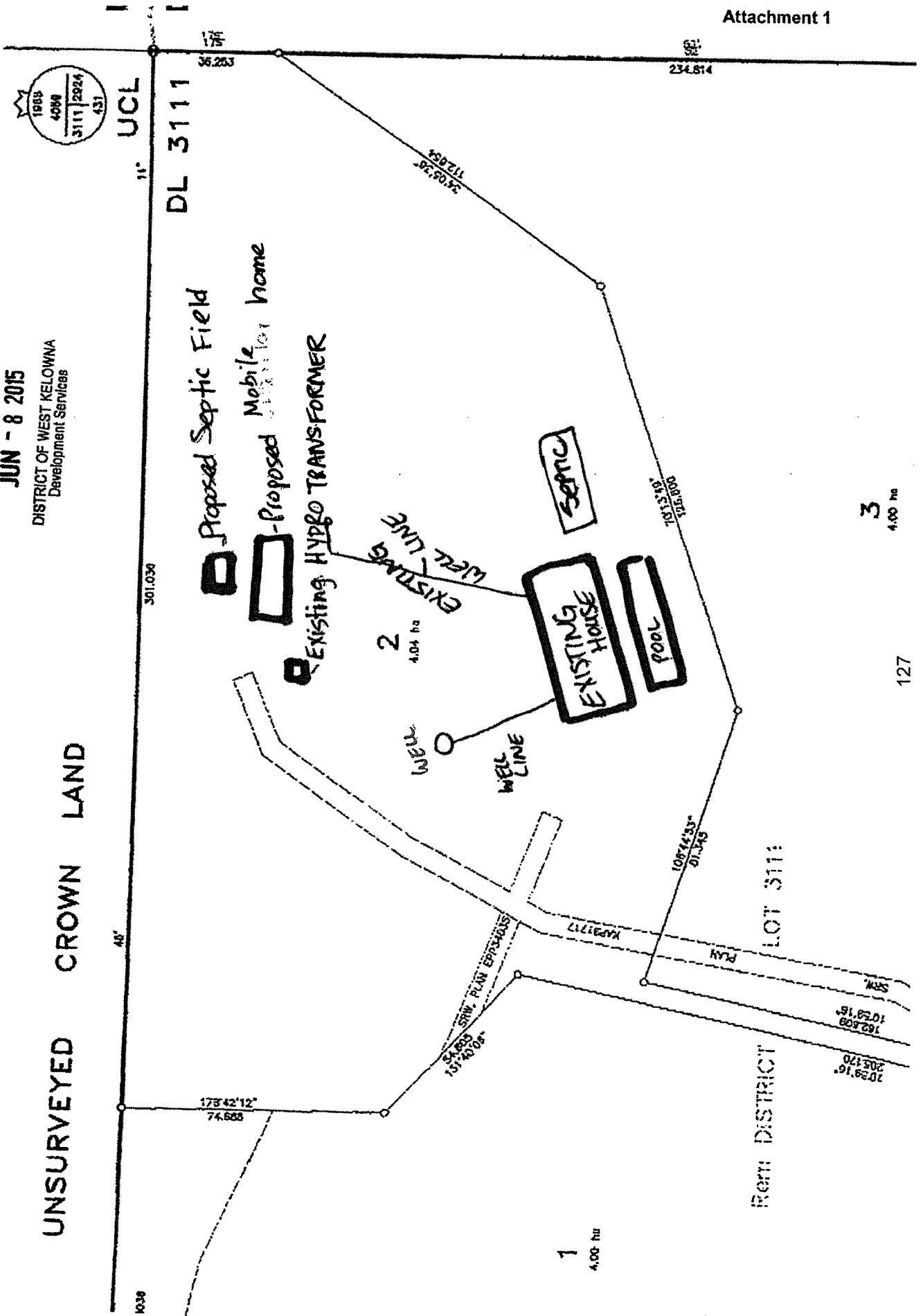
To: Michelle Martens
728 Petterson Road
West Kelowna, BC V1Z 3T6

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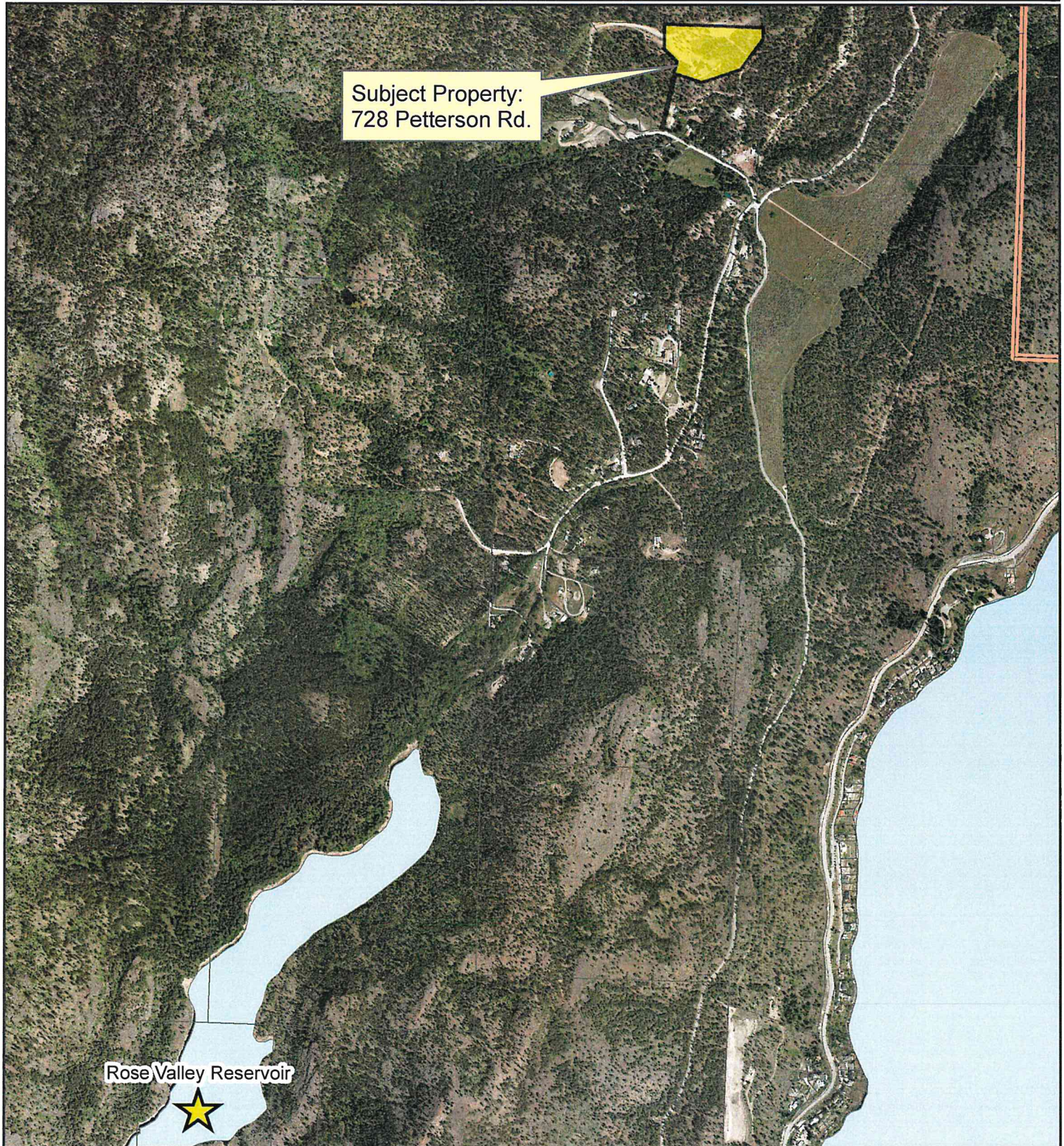
DISTRICT OF WEST KELOWNA
Development Services





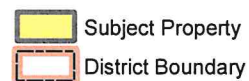
WEST
KELOWNA

CONTEXT MAP: TUP 15-02.01



File: TUP 15-02.01

Legal Description: Lot 2, DL 3111, ODYD, Plan EPP34034



Date: 12/06/2015

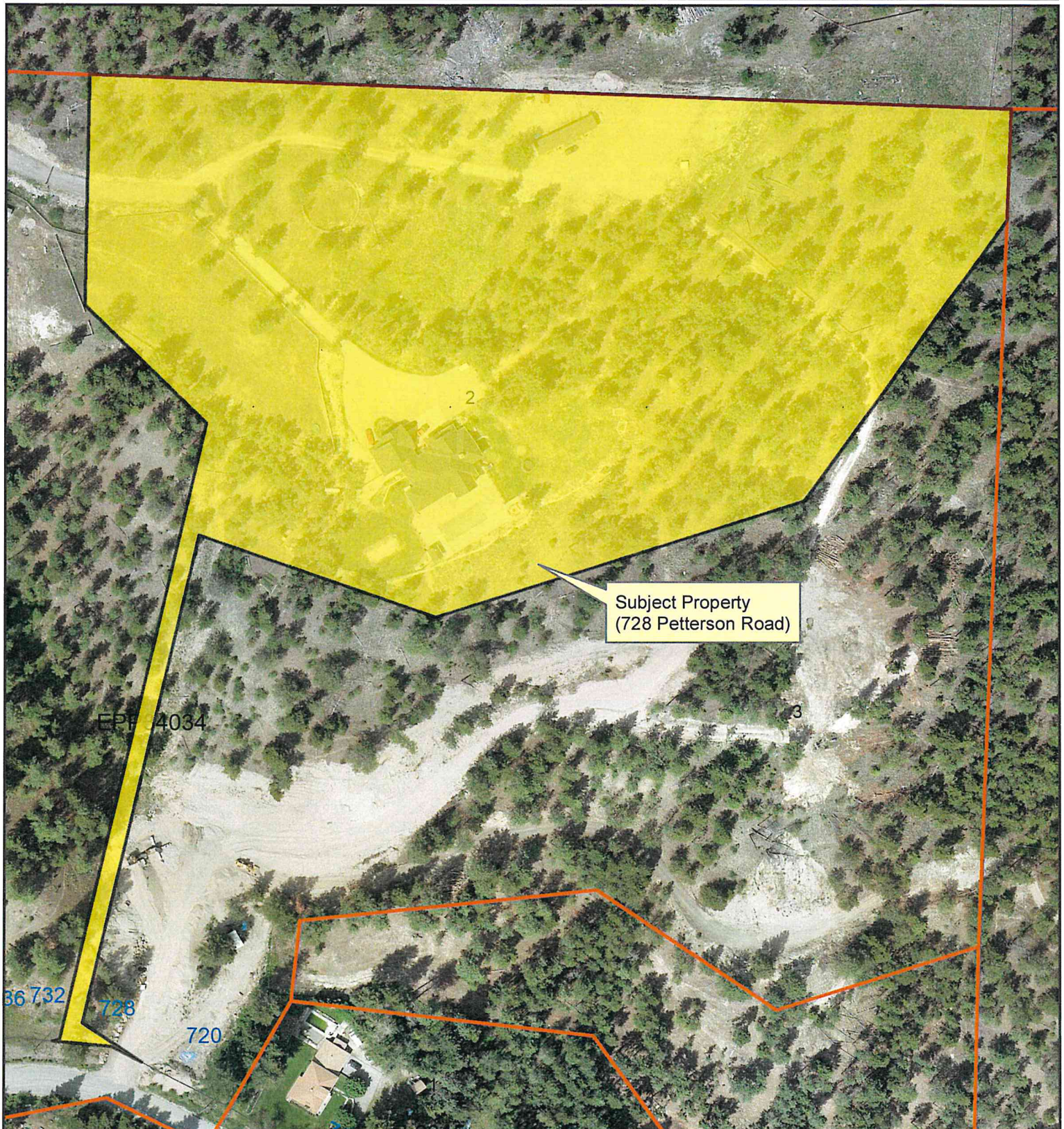
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CITY OF
WEST
KELOWNA

SUBJECT PROPERTY: TUP 15-02.01



File: TUP 15-02.01

Legal Description: District Lot 3111, ODYD Except Plans 9045, 25440, 33201, 35740, KA{70770, KAP78771 and KAP89366

LEGEND

- Subject Property
- Zoning Boundary
- Parcels

0 25 50 100 Metres

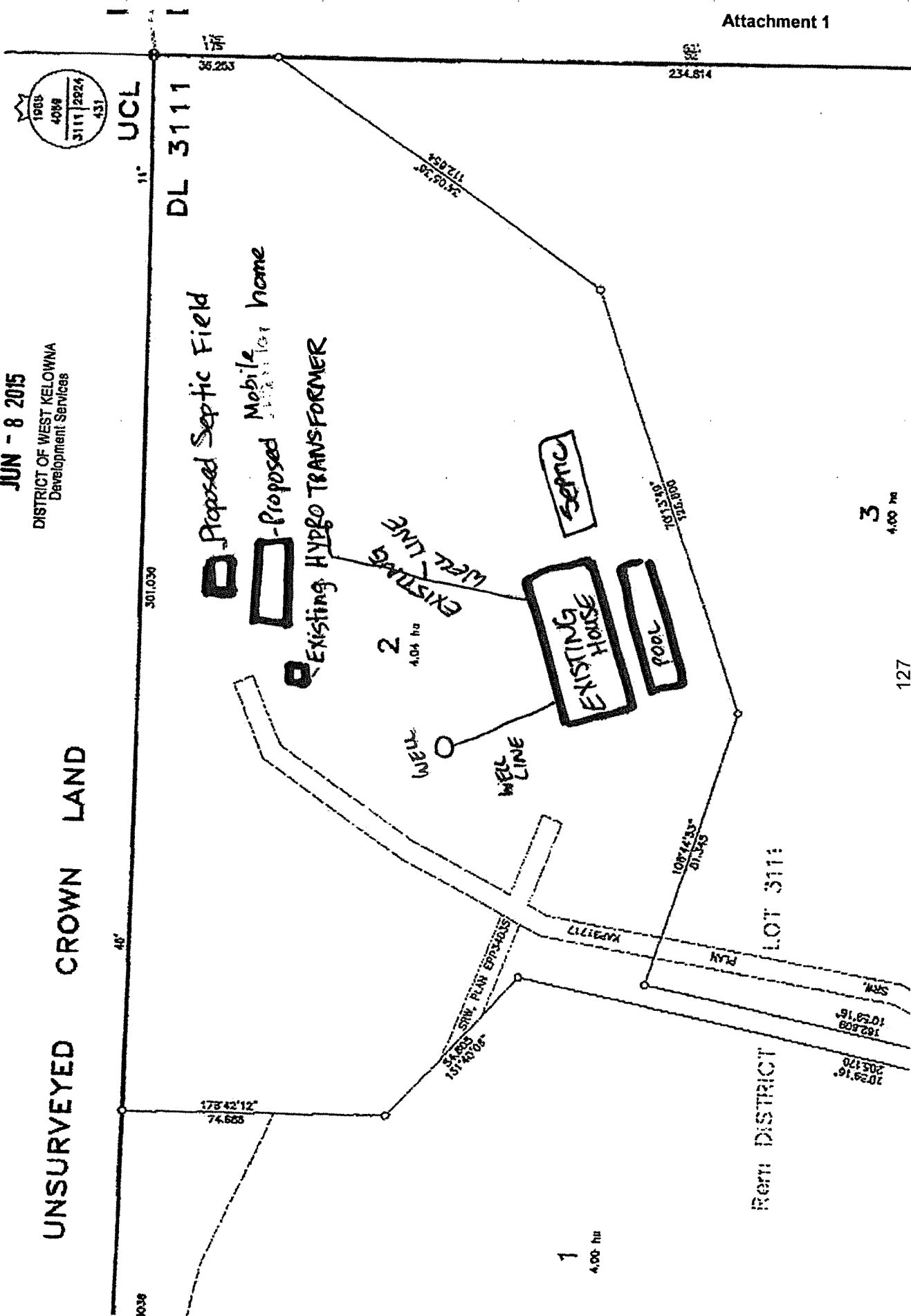
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JUN - 8 2015

DISTRICT OF WEST KELOWNA
Development Services

UNSURVEYED CROWN LAND



g. Proposal Summary

After the granting of TUP 15-02 in October, 2015, I proceeded with the plan as outlined to council in purchasing and placing a manufacture home on my property for my mother, Lorraine Martens. She was diagnosed [REDACTED]

[REDACTED] I am a single parent of two school aged children, and cannot provide a safe environment for my mother in my home. Her prognosis, at time of diagnosis, was approximately 2 years. However, with her current treatment, [REDACTED], she has achieved stability with her illness, but not remission. We continue to ensure she is cared for, and support her as she battles this disease. It would be dire to her treatment and her health to move at this time. It is my hope that council will grant a renewal of the TUP 15-02 to allow my mother to continue residing on my property, in a safe environment close to her only support.

I Project Outline

The manufactured home has been placed on my property as indicated in my original application, and as per the specifics of the building permit. We did not pour a cement pad, and opted to use temporary footings on a pre existing gravel pad. Two sets of wooden steps, one at each entrance, were constructed by the company we bought the manufactured home from, resting on the gravel pad. No carport or garage has been constructed, and a temporary, portable cover is assembled in front for parking. This is also resting on the gravel pad.

A small, simple septic field was installed, and to the best of my knowledge, it can be simply deconstructed and filled in when no longer needed. The mobile home is connected to the hydro box that was existing at the site, and to the water line existing at the site, connected to the existing well that services my home.

I have no plans to keep the manufactured home on my property after it is no longer needed for my mother. There are no landscaping, or permanent buildings or fixtures, other than the septic field. The manufactured home is not visible from the road, nor is it visible to neighbours. There has been no increase in traffic. There were no changes made to the land to prepare for the trailer, as the area had been cleared years before when we first built the house I currently live in. When my mother is no longer with us, the manufactured home will be sold, and moved. The septic field will be dismantled by the company that built it, and the site will be exactly as it was prior to the manufactured home being placed on it.

Attachment 6. Existing Site Photos – Received via Email March 2, 2019

