

AGENDA ITEM NO: 11.3.3

MEETING DATE: April 4, 2023

STAFF REPORT – COVER SHEET

SUBJECT: Sharon & Robert Holburn
Temporary Use Permit / 7442 Allison
Place DATE: March 27, 2023

DEPARTMENT: Planning
TUP00210 PREPARED BY: Stacy Thoreson / sw

1. SUMMARY OF ISSUE:


The applicant wishes to operate a group home, for up to two persons and two employees at a time, within the RS-GRA (Geologically Restricted Area) Zoned subject property. As the RS-GRA Zone does not permit this use, a Temporary Use Permit (TUP) is required.

After three years, a renewal of the TUP will be required to continue to use the site for an additional three years.

A TUP can be renewed only once. After which, rezoning or relocation to an appropriate zone is recommended or a new TUP application must be submitted.

2. RECOMMENDATION:

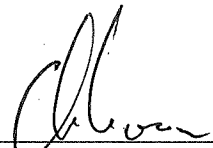
Recommendation that, Council approve the issuance of Temporary Use Permit (TUP00210), with respect to property located at 7442 Allison Place, subject to the recommendations as stipulated within the draft Temporary Use Permit.



Gillian Villeneuve
Director of Planning

**3. CHIEF ADMINISTRATIVE OFFICER'S
RECOMMENDATION/COMMENTS:**

Supports recommendation.



Chris Crosman
Chief Administrative Officer

STAFF REPORT ON TEMPORARY USE PERMIT TUP00210

PREPARED BY: Stacy Thoreson DATE: March 27, 2023

POSITION: Senior Planner DEPARTMENT: Planning

1. DEFINITION OF ISSUE:

The applicant wishes to operate a group home, for up to two persons and two employees at a time, within the RS-GRA (Geologically Restricted Area) Zoned subject property. As the RS-GRA Zone does not permit this use, a Temporary Use Permit (TUP) is required.

After three years, a renewal of the TUP will be required to continue to use the site for an additional three years.

A TUP can be renewed only once. After which, rezoning or relocation to an appropriate zone is recommended or a new TUP application must be submitted.

2. BACKGROUND:

The subject property is located at the end of Allison Place, located off of Panorama Drive within the Panorama/Ridgeview Subdivision. A portion of the subject property (where the house is located) and surrounding area were recently rezoned from an SR (Suburban Residential) Zone to an RS-GRA Zone in order to protect development from geological hazards in the area (where there is evidence of ground movement). As the area is subject to the occurrence or high susceptibility of geological hazards, a portion of the subject property and surrounding area are also designated as "No Build Area" in the Eastern Hillside Comprehensive Area Plan (EHCAP).

As outlined in the EHCAP, appropriate uses for properties that are designated within the "No Build Area" include existing residential uses. No new construction or reconstruction of the existing homes is permitted. Accessory Home Occupation (AHO) use is not permitted in the RS-GRA Zone so as to support the City's intent of preventing further investment in this area.

In 2022, the proponent applied for a Temporary Use Permit (TUP) to operate a group home for up to ten persons, including two employees, within the subject property. At the Public Hearing of January 18, 2022, Council considered the application and referred it back to staff to clarify Provincial licensing and qualifications of the proposed facility staff.

At the meeting on February 1, 2022, Council approved the TUP once the applicant confirmed they had made application for the required Community Care Facility Licence through Fraser Health, which is required to provide housing and hospitality services plus three or more prescribed services to three or more persons not related to the operator by blood or marriage. While the licence

application was in progress, the applicant requested to provide restricted services to not more than two persons, which does not require additional licensing through Fraser Health.

To ensure the required licenses were issued in advance of operation, the following conditions were included in the approved TUP:

- A City of Chilliwack Business Licence be applied for and issued; and,
- A Community Care Facility Licence be obtained from Fraser Health to provide housing and hospitality services plus three or more prescribed services to three or more persons not related by blood or marriage, within six months of issuance of TUP00195.

Since that time, the applicant did not obtain the required licencing from Fraser Health within the six month timeframe of the issued TUP. As such, the TUP is no longer valid and a new TUP is required for any business use of the property.

The applicant advises there are currently two children in care within the property, which does not require additional licencing from Fraser Health. Two children have been in care within the subject property since the time of approval of the previous TUP. However, as the original TUP is no longer valid, a new TUP is required.

3. PROPOSAL:

In the revised proposal, the business ("Touching Hearts Family Services") requests to continue the operation of a group home for up to two persons, plus up to two employees at a time. As the RS-GRA Zone does not permit Accessory Home Occupations, a TUP application is required. The applicant plans to carry-out all business activity within the existing dwelling and proposes no new development or alterations to the dwelling.

4. FACTORS:

4.1 2040 Official Community Plan (OCP) / Land Use

OCP: "No Build Area" of the EHCAP.

Land Use: Single detached dwelling and detached garage

4.2 Neighbourhood Character

The subject property is located within the Panorama/Ridgeview Subdivision. Properties to the north and east are similar-sized lots containing single residential dwellings within the RS-GRA Zone and with similar sized properties located within the SR Zone to the east and south.

As the City is the owner of the property and the proposed business can be accommodated within the existing dwelling, without further construction or development, the request to provide

residential support services within the existing single residential dwelling is supportable in this location.

4.3 Technical Issues

Floodplain:	The subject property is not located within the floodplain.
Watercourses:	The subject property is affected by a Class "A" watercourse, "Patterson Road Creek", requiring a minimum 30m riparian setback. No new development or alterations to the existing dwelling are proposed.
Geotechnical Issues:	The subject property is within the geotechnical "red" and "orange" areas, which indicates a significant or moderate identified or suspected hazard as a result of a steep slope.

5. CONDITIONS OF ISSUANCE OF TEMPORARY USE PERMIT

The terms and conditions listed below and included within the draft TUP are intended to ensure the facility stays compatible with the surrounding properties. Staff are recommending the following conditions:

1. The business use of the lands shall consist of a group home for up to two persons and two employees at a time.

6. RECOMMENDATION & SUBSTANTIATION:

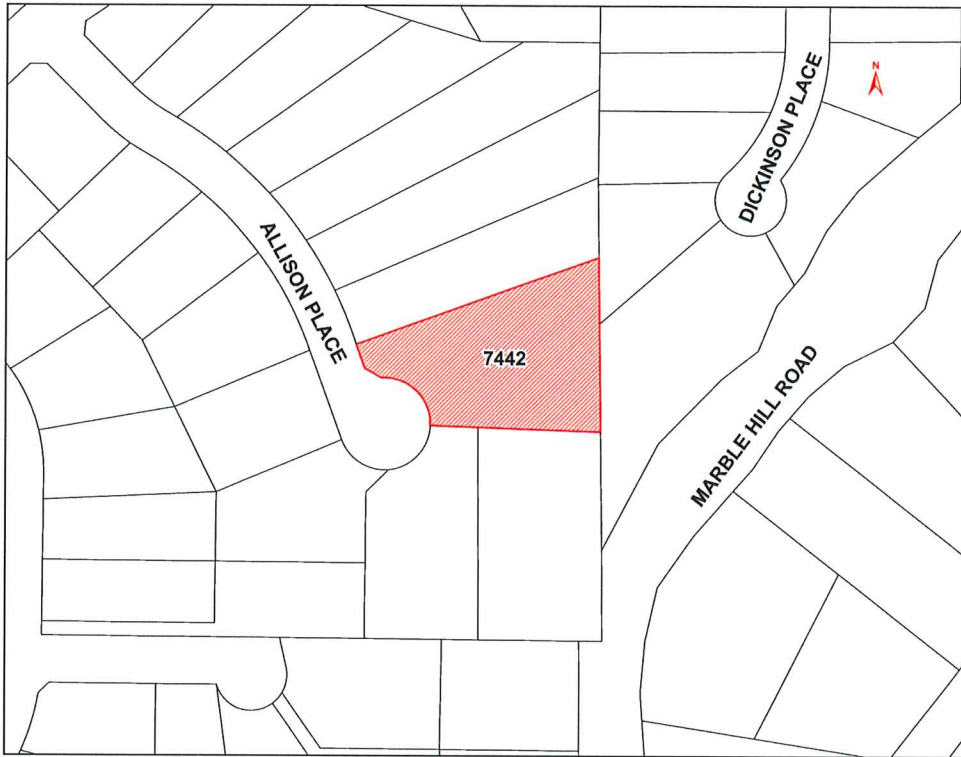
Recommendation:

Recommendation that, Council approve the issuance of Temporary Use Permit (TUP00210), with respect to property located at 7442 Allison Place, subject to the recommendations as stipulated within the draft Temporary Use Permit.

Substantiation:

The revised and reduced proposal is not anticipated to have a negative affect on the surrounding area. Approval of this TUP will allow the current use of the property (two persons in care and up to two staff), which has been in place since February, 2022 without record of complaint, to continue for a period of up to three years with potential renewal for an additional three years.

Location Map



Ortho Photo

