

## ADMINISTRATIVE REPORT



**TTO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** August 19, 2021  
**RE:** Temporary Use Permit Application – Electoral Area “A”

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### **Administrative Recommendation:**

**THAT the Board of Directors approve Temporary Use Permit No. A2021.016-TUP**

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Purpose: to renew an existing TUP for an “outdoor commercial event venue”. Folio: A-06748.375

Civic: 130 Hallis Road Legal: Lot 4, Plan KAP38225, Sublot 2, District Lot 2709, SDYD

OCP: Large Holdings (LH) Zone: Large Holdings One (LH1)

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### **Proposed Development:**

This application is seeking approval for the renewal of a Temporary Use Permit (TUP) No. A2018.135-TUP, which authorizes the operation of an “Outdoor Commercial Event Venue” on the subject property.

Specifically, the applicant is proposing to continue the use of outdoor space with tents and gazebo, all located outside that can be rented to hold an event of up to 100 people. The applicant states that music will be turned down by 11 pm (NOTE: there is no noise bylaw in Electoral Area “A”).

In support of this proposal, the applicant has stated that “we are an LGBTQ friendly venue (Common question asked, they have been refused at several venues. As the owner and host I will be present at all weddings to insure no problems occurs, noise levels are adhered to. As a retired Fire Chief, firefighter and Emt-A I am capable of handling an emergency.”

### **Site Context:**

The subject property is approximately 5.28 ha in area and is situated on the west side of Hallis Road, just east of highway 3, approximately 2.7 km east of the Town of Osoyoos. It is understood that the parcel is comprised of a single family dwelling, accessory structure, gazebo and pool on the eastern edge of the property, with the rest of parcel being comprised of vacant land. .

The surrounding pattern of development is generally characterised by similar sized large rural properties.

### **Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on June 18, 1987, while available Regional District records indicate that building permits for a single family Dwelling (2007), an accessory building (2007), a pool (2009) and a gazebo (2009) have previously been issued for this property.

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Under the Electoral Area “A” Official Community Plan (OCP) Bylaw No. 2905,2021, the subject property is currently designated Large Holdings (LH), and is the subject of Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations.

Under the Electoral Area “A” Zoning Bylaw No. 2451, 2008, the property is currently zoned Large Holdings One (LH1) which does not permit the operation of a commercial events venue.

Section 22.3.4 of Electoral Area “A” OCP Bylaw establishes the following criteria in evaluating a Temporary Use Permit application:

- The use must be clearly temporary or seasonal in nature;
- Compatibility of the proposal with adjacent uses;
- Impact of the proposed uses on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas;
- Intensity of the proposed use;
- Opportunity to conduct the proposed use on land elsewhere in the community; and
- The remedial measures to be carried out to mitigate any damage to the natural environment as result of the temporary use.

BC Assessment has classified the property as “Residential” (Class 01).

**Public Process:**

On August 15, 2021, a Public Information Meeting (PIM) was held electronically and was attended by no members of the public (as well as the property owner and Area Director).

At its meeting of August 12, 2021, the Electoral Area “A” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved.

Adjacent property owners will have received notification of this application with written comments being accepted up until one (1) week prior to the Board’s regular meeting at which the application is to be considered. All comments received are included as a separate item on the Board’s Agenda.

**Analysis:**

In assessing this proposal, Administration notes that there have been no recorded complaints received in relation to the operation of the outdoor commercial events venue use since issuance of the TUP and the applicant has indicated that there have been no changes to the use since the permit was issued in 2018 and the ownership remains unchanged.

Administration further notes that the 2018 permit was to be for a period of 3 years in order to determine the viability of the use, however COVID has greatly impacted that, and as a result the applicant is seeking a renewal.

- Administration further maintains its previously stated support for the proposed use on the basis that: The proposed use is clearly seasonal in nature, as it will be only operating from May 1<sup>st</sup> to October 31<sup>st</sup>.
- In terms of compatibility, there aren’t any other commercial facilities in the area; however, the nearby properties are all fairly large (4 ha +) and the subject property is located near Highway

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3. Compatibility may be considered more an element of managing noise and off street parking, which can be done through a Temporary Use Permit.

- Parking spaces have been calculated to be adequate for the 20 spaces required for the maximum number of 100 people. The applicant has shown the areas where parking will be located on the property.
- Impact on natural environment – no permanent structures are being proposed, the use is limited to areas already developed and outside of the ESDP area. As the subject property is not within a community sanitary service area, the on-site sewage disposal will need to be dealt with through the use of portable toilet facilities, except for one required universally accessible washroom that will be located within the single detached dwelling. In accordance with the Building Code, the number of water closets required depends on the number of people attending an event and will be outlined in the Permit.
- In terms of buildings and structures, the proposed use will not be intensifying through new development; however, the intensity of use relates to the number of events and numbers of people arriving for each event. The applicant states that on average, an event would be for 50 – 80 people, and that they are proposing only one event a week as a maximum.
- The proposed use is unique within the immediate neighbourhood, although there are numerous venues in and around Osoyoos to host an outdoor event.
- As the site where the proposed use is to take place is currently already developed there would not be any additional damage to the natural environment. Fire risk is a potential concern, and the applicant has submitted a Fire Management Plan outlining the equipment available on site and methods of preventing and extinguishing any fires.

Accordingly, and in light of the absence of any change to the use or received complaints regarding its operation, Administration supports the continuation of an Outdoor Commercial Event use.

Temporary Use Permits may be renewed once only for a period not exceeding 3 years. Accordingly, the applicant is encouraged to seek a rezoning in the next 3 years, before the renewed permit expires if they wish to continue operating the outdoor commercial events venue beyond the terms of the temporary use permit.

**Alternatives:**

1. THAT the Board of Directors deny Temporary Use Permit No. A2021.016-TUP; or
2. THAT the Board of Directors defer consideration of Temporary Use Permit No. A2021.016-TUP for the following reasons:
  - i) *TBD*

**Respectfully submitted:**

  
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Fiona Titley, Planner I

**Endorsed By:**

  
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C. Garrish, Planning Manager

**Attachments:**

No. 1 – Agency Referral List  
No. 2 – Site Photo  
(Google Street View – 2018)

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a ☑, prior to Board consideration of TUP No. A2020.016-TUP:

<input type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" type="checkbox"/>	Fortis
<input checked="" type="checkbox"/>	Interior Health Authority (IHA)	<input type="checkbox"/>	City of Penticton
<input type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	District of Summerland
<input type="checkbox"/>	Ministry of Energy, Mines & Petroleum Resources	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Municipal Affairs & Housing	<input type="checkbox"/>	Town of Osoyoos
<input type="checkbox"/>	Ministry of Environment & Climate Change Strategy	<input type="checkbox"/>	Town of Princeton
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch)	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology	<input type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input type="checkbox"/>	Ministry of Transportation and Infrastructure	<input type="checkbox"/>	Penticton Indian Band (PIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Osoyoos Indian Band (OIB)
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Upper Similkameen Indian Band (USIB)
<input type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	Lower Similkameen Indian Band (LSIB)
<input type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Canadian Wildlife Services
<input type="checkbox"/>	Kootenay Boundary Regional District	<input type="checkbox"/>	OK Falls Irrigation District
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Kaleden Irrigation District
<input type="checkbox"/>	Fraser Valley Regional District	<input type="checkbox"/>	Irrigation District / improvement Districts / etc.
<input checked="" type="checkbox"/>	Anarchist Mountain Fire Department		

Attachment No. 2 – Site Photo (Google Street View - 2018)

