

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: B. Newell, Chief Administrative Officer
DATE: July 12, 2021
RE: Temporary Use Permit – Electoral Area “A”

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)

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.

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).

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 1st to October 31st.
- 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 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.

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- 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.

Administrative Recommendation:

THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be approved.

Options:

1. THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be approved.
2. THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be approved with the following conditions:
 - i) *TBD*
3. THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be denied.

Respectfully submitted:

Fiona Titley

Fiona Titley, Planner I

Endorsed By:

CG

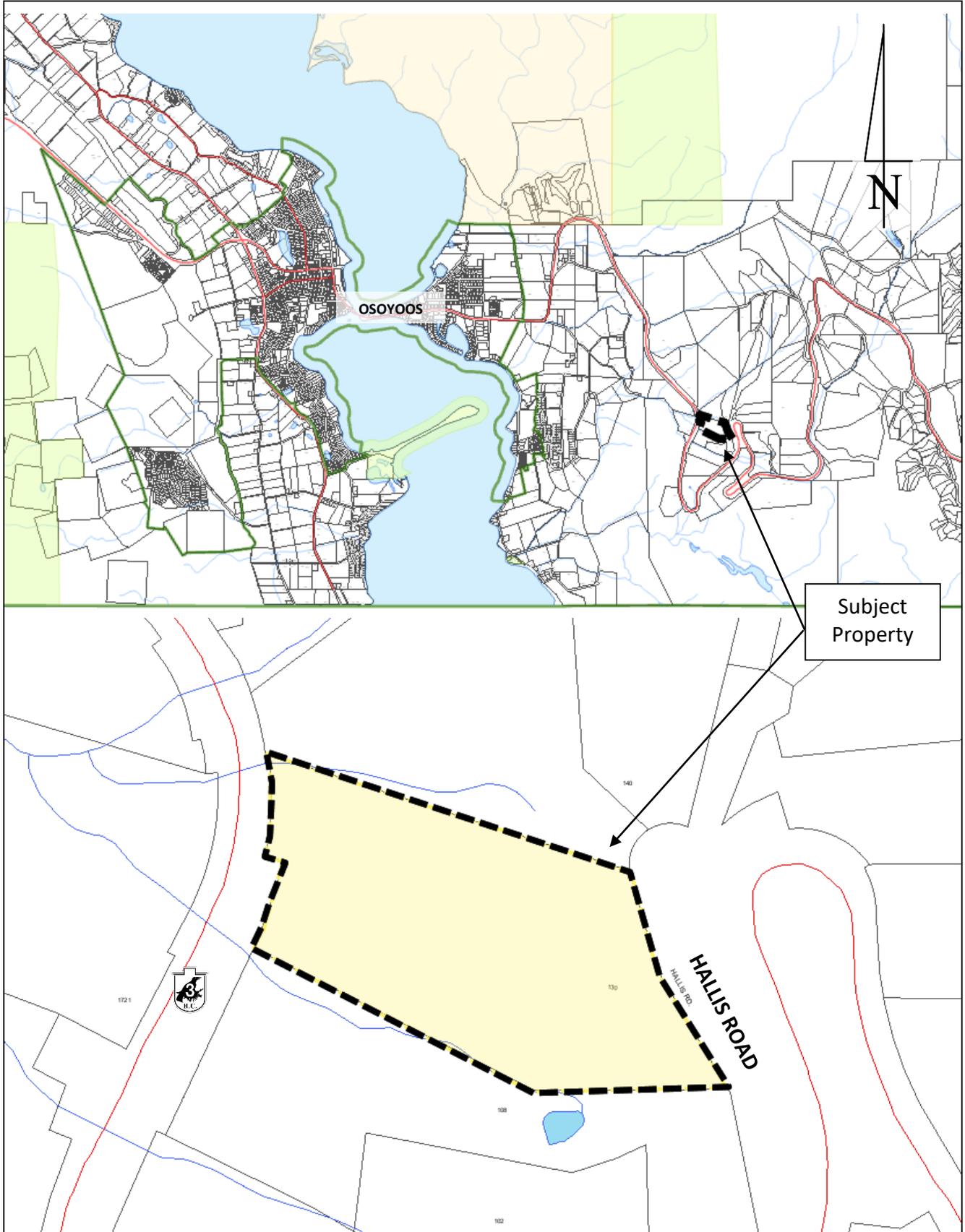
C. Garrish, Planning Manager

Attachments: No. 1 – Context Maps

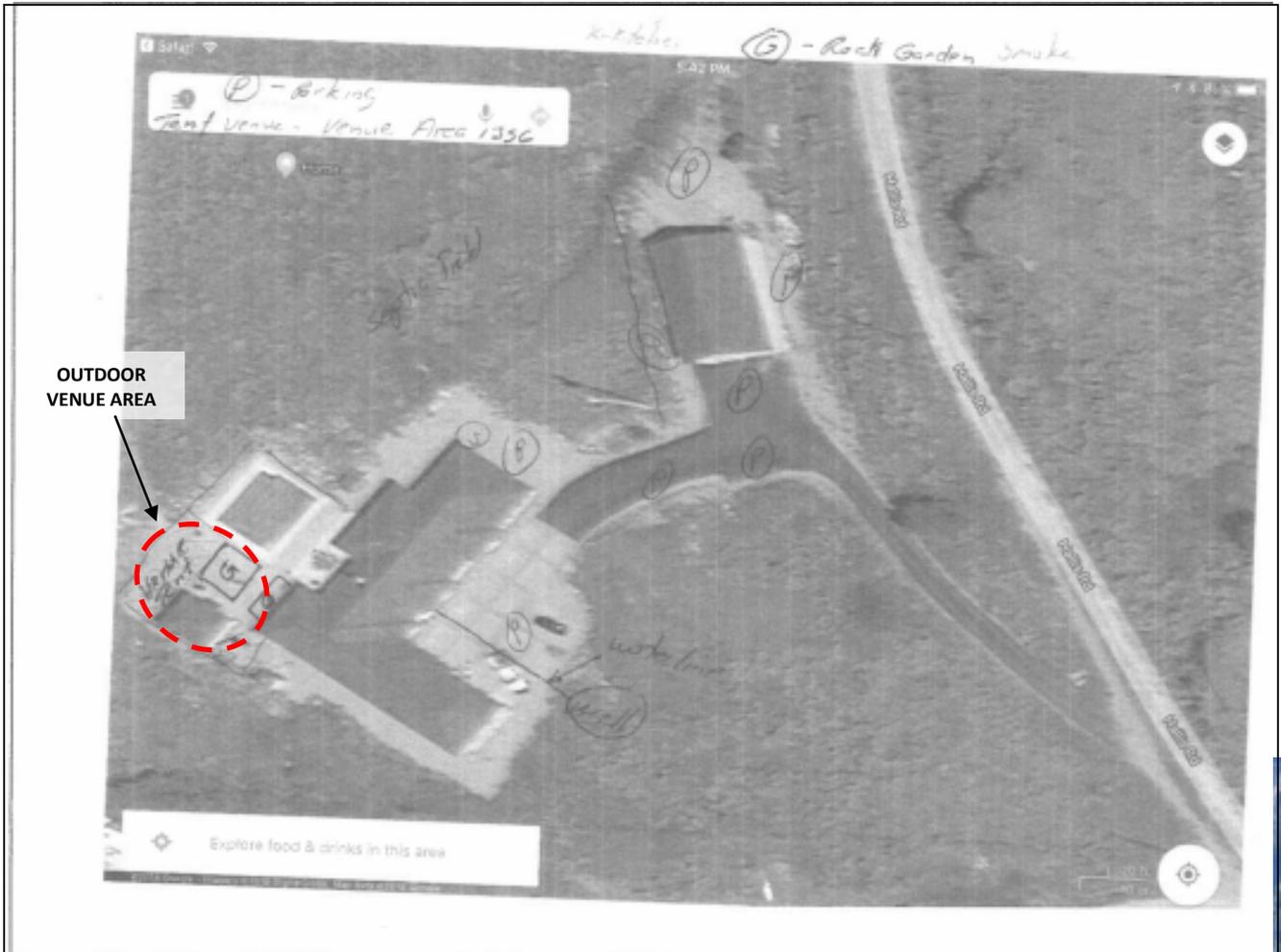
No. 2 – Applicant’s Site Plan

No. 3 – Applicant’s Fire Management Plan

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 – Applicant’s Fire Management Plan

Prepared by Ron Burk (retired Fire Chief), dated September 26, 2018

Fire plan for The Look Out

The manager/ owner is Robert Burk 250-485-7082

- This is an out door venue
- The property is fire smart designed, with rock around the entire perimeter, stucco siding, and concrete roof to prevent ground fire spread.
- The entire event area is concrete and paving stone.
- Occupant load 100 guests
- Anarchist Mountain Volunteer Fire Dept protected Owner is a retired Fire Chief with 1041 NFPA fire instructor level 1 and 2, and has 29 years fire fighting experience .

Venue fire fighting equipment

- 1 1/2” forestry hose connected to electric pump with 25000 gal water supply at the rear of house 100’ of garden hose on the left side of the house near the BBQ , Pizza Oven, and Grill.
- 50’ of garden hose on the right side of house beside the smoking area.
- 100’ garden hose at the front of house.
- 4 gallons of Barricade fire fighting foam with nozzle to connect to garden hose.
- Several ABC dry chemical fire extinguishers located in the house, shop, and gazebo.
- The house has smoke detectors as per BC building code.

Emergency Procedures In case of fire

- -leave area immediately,
- sound the alarm , instruct staff to escort guests to safety.
- -dial 911 to notify Anarchist Mountain Fire Dept -ensure all quests are out of danger -if fire is controllable, attack with fire fighting equipment until Fire Dept arrives.
- -do not allow quests to put themselves in a dangerous situation.

Related duties and hazards

- Do not permit combustible material to accumulate in quantities or locations that would constitute a fire hazard.
- Keep driveway clear to allow fire dept access -Maintain the fire protection equipment in good operating condition at all times.
- If medical emergency occurs, call 911 to notify B.C. ambulance and Fire Dept.
- Inform quest smoking is only allowed in smoking area , on the side of house.(which is concrete paving stone) Absolutely no smoking in other areas.
- No fire works permitted