

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 8, 2021
RE: Temporary Use Permit Application – Electoral Area “E”

Administrative Recommendation:

THAT Temporary Use Permit No. E2021.012-TUP to permit a tourist cabin containing kitchen facilities on the Chute Lake Lodge property at 9540 Chute Lake Road be approved.

Proposed Development:

This application is seeking to permit a tourist cabin containing kitchen facilities on the Chute Lake Lodge property at 9540 Chute Lake Road, through the issuance of a Temporary Use Permit (TUP), to be valid for 3 years.

In support of this proposal, the applicant has stated that:

We plan to build one all season cabin this year that is a two bedroom with full bathroom and kitchen facilities. The cabin is situated on the private property ... There is a public demand for high end cabin rentals and we plan to build 5 of these on the private property. We do not know how successful this concept will be post Covid and want to construct one unit now as we have already purchased the materials. We have submitted a rezoning and community plan amendment combination in conjunction with this temporary use permit application. We need to build this summer and fall before the winter snow comes to test the market.

Site Context:

The subject property is approximately 17.7 ha in area and is situated on the west side of Chute Lake Road. It is understood that the parcel is comprised of a tourist accommodation, including existing cabins, lodge and various accessory structures.

The surrounding pattern of development is generally characterised by undeveloped forested lands.

Background:

It is unknown when the property was created, while available Regional District records indicate that building permits have not previously been issued for this property.

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject property is currently designated Commercial Tourist (CT).

Section 22.3 of Electoral Area “E” 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;

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- 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.

Under the Electoral Area “E” Zoning Bylaw No. No. 2459, 2008, the property is currently zoned Tourist Commercial (CT1), which provides for tourist accommodations and tourist cabins.

Tourist cabin normally excludes kitchen facilities, and is defined in the bylaw as “the use of land for a detached building containing a maximum of one sleeping unit used exclusively for tourist accommodation for the temporary accommodation of the traveling public, and may include washroom facilities.”

BC Assessment has classified the property as part “Residential” (Class 01), part “Business” (Class 06) and part “Recreation” (Class 09).

The applicant has also been in discussions with the RDOS about a potential future rezoning and OCP amendment for the entirety of Chute Lake Lodge, which includes the subject property and additional surrounding lands. The general purpose of this would be to formalize Chute Lake Lodge and facilitate future expansion, as indicated future use on the concept plan provided.

Public Process:

On June 17, 2021, a Public Information Meeting (PIM) was held electronically and was attended by approximately no members of the public.

At its meeting of June 14, 2021, the Electoral Area “E” 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 regarding the proposal being accepted until the commencement of the regular Board meeting. Any comments will be on the agenda as separate item.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Analysis:

In considering this proposal, Administration notes that the Chute Lake Lodge has a lengthy history of providing commercial tourist accommodations and recreational opportunities to the public, which predates the Regional District’s existence.

Through extensive meetings and site visits, it is also apparent to Administration that the applicant’s intent is to continue to operate Chute Lake Lodge as a commercial tourist accommodation, which is an allowable use under its existing CT1 zone.

It is highly unlikely that a cabin in this location would be utilized as a long-term residence, given the well-established commercial nature of Chute Lake Lodge and precedence of providing short-term tourist accommodations and recreational opportunities to the public for several decades.

It is also noted that the lodge and proposed cabin are in a remote location, with the adjacent neighbouring property being forested Crown land.

In terms of impact of the proposed uses on the natural environment, Administration notes that the cabin would not be located in an Environmentally Sensitive Development Permit Area, and that a single cabin would not pose a significant impact on the local environment.

In addition, the applicant has a documented history of stewardship, investing significant personal time and resources to clean up and remediate the subject property and adjacent Crown lands since purchasing the lodge.

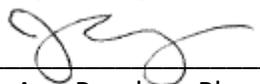
Conversely, Administration recognises that the definition for “cabin” in the Electoral Area “E” Zoning Bylaw No. 2459, 2008 does not allow for a kitchen facility. The reason for this is to distinguish between cabins and residences, and to ensure a use which is intended as a short-term commercial accommodation does not evolve into a long-term residence.

In summary, Administration supports the application, and recommends that the APC recommends to the RDOS Board of Directors that the proposed temporary use be approved.

Alternatives:

1. THAT the Board of Directors deny Temporary Use Permit No. E2021.012-TUP; or
2. THAT the Board of Directors defer consideration of Temporary Use Permit No. E2021.012-TUP for the following reasons:
 - i) *TBD*

Respectfully submitted:



JoAnn Peachey, Planner I

Endorsed By:



C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List
No. 2 – Applicant’s Site Photo

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Temporary Use Permit No. E2021.012-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 checked="" type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Ecosystem Section)	<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 checked="" 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"/>	X Irrigation District / improvement Districts / etc.
<input checked="" type="checkbox"/>	Naramata Volunteer Fire Department		

Attachment No. 2 – Applicant’s Site Photo

