

## ADMINISTRATIVE REPORT



**TO:** Advisory Planning Commission

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** June 15, 2021

**RE:** Temporary Use Permit – Electoral Area “C”  
594 Green Lake Road (C-07164.000)

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### **Proposed Development:**

This application is seeking to allow a vacation rental use of a single detached dwelling on the subject property through the issuance of a Temporary Use Permit (TUP).

In support of this proposal, the applicant has stated that the “land will remain as vineyard/rural residential, and 4-bedroom house will be used as a vacation rental...the rental will offer many amenities that can’t be found in hotels ...”

### **Site Context:**

The subject property is 85.5 ha in area and is situated on the west side of Green Lake Road. It is understood that the parcel is comprised of a single detached dwelling, vineyard and various accessory structures (swimming pool, shed).

The surrounding pattern of development is generally characterised by the White Lake Grasslands Protection Area to the north, west and south and agricultural parcels containing a mix of active farming and residences to the east.

### **Background:**

It is unknown when the current boundaries of the subject property were created by a Plan of Subdivision, while available Regional District records indicate that a building permit for a house (2003) and pool (2004) have previously been issued for this property.

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is currently designated Agriculture (AG).

Section 20.3.4 of Electoral Area “C” 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.
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Section 20.3.5 and 20.3.6 specify conditions for temporary use permits and short-term vacation rentals respectively. Conditions specific to short-term vacation rentals are summarized as:

- a) The provision of screening or fencing in order to address potential impacts or to address neighbour privacy issues;*
- b) The provision of the manager or owner's contact information, as well as a copy of any issued TUP, to each neighbour whose property is located within 100 metres of the subject property;*
- c) The availability or accessibility by telephone of the manager or owner;*
- d) The posting of information for the property (i.e. noise, fire safety, location, garbage, septic system care, pet control);*
- e) Maximum accommodation (occupancy of two per bedroom, up to 10 persons)*
- f) Provision of one parking space per bedroom*
- g) Prohibition of RV use or camping;*
- h) Confirmation of minimum standard for health and safety; and*
- i) Other requirements, as appropriate*

The APC is asked to be aware that the applicant has applied for a Health and Safety Inspection and is in the process of arranging inspection with the Regional District's Building Inspection staff.

The applicant has also been requested to provide a letter prepared by a Registered On-site Wastewater Practitioner (ROWP) to confirm on-site septic capability. Both of which will be completed before this item is reviewed by the Board.

Under the Electoral Area "C" Zoning Bylaw No. 2453, 2008, the property is currently zoned Agriculture Two (AG2) which, among other uses, allows for single detached dwellings as a principal use, with "bed and breakfast operations" as a secondary use.

The property is partially within the Agricultural Land Reserve (ALR); however, the ALC does not regulate tenure of a principal residence which has received all necessary permits.

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

#### **Analysis:**

In considering this proposal, Administration notes that the proposed vacation rental use does not remove any land from agricultural production and is proposed to be used in conjunction with the principal dwelling on site.

There are no proposed changes to the portion of land currently farmed as a vineyard.

In response to the criteria contained in Section 20.0 of the Electoral Area "C" OCP bylaw, the proposed use is seasonal in nature (May-September) and is not intensive in scale. The impact on the natural environment and neighbouring uses is minimized by being contained within an existing building and parking area on the parcel.

Conversely, the addition of uses within an agricultural area that are more commercial in nature can pose potential land use conflicts with agricultural operations. By allowing additional uses to occur, the

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primary use of the property or surrounding properties as agricultural land can become threatened through the introduction of competing interests.

However, changing the duration of stay within an existing dwelling unit is not anticipated to introduce any land use conflicts that would not be present if the dwelling were used for residential purposes. For the reasons listed above, Administration supports approval of the temporary use permit under the following conditions:

- Period of use (May-September);
- Posting of information within vacation rental;
- Maximum number of bedrooms (4);
- Maximum occupancy (8);
- Minimum number of on-site parking stalls (4);
- Prohibition of camping or use of RVs or accessory buildings for vacation rental occupancy;
- Providing TUP and contact information to neighbours;
- Vacation rental operator and guests adhere to provincial health order during the Provincial State of Emergency for COVID-19;
- Confirmation from an Registered On-site Wastewater Practitioner (ROWP) of the on-site septic system being sufficient to support a four bedroom vacation rental use; and
- Successful completion of a health and safety inspection.

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**Administrative Recommendation:**

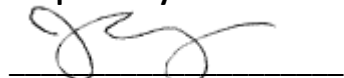
**THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be approved.**

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**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:**



JoAnn Peachey, Planner I

**Endorsed By:**



C. Garrish, Planning Manager

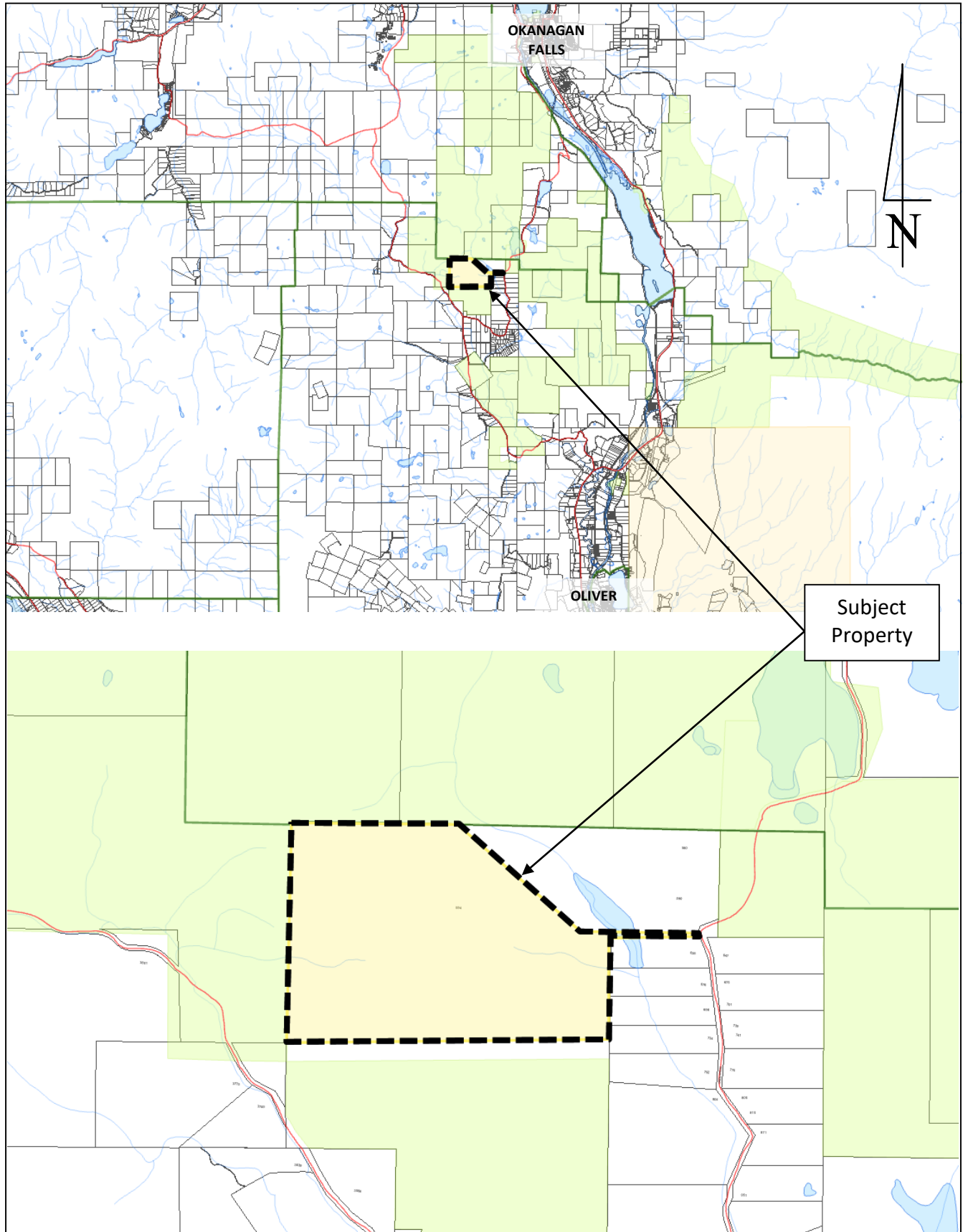
Attachments: No. 1 – Context Maps

No. 2 – Applicant's Site Plan

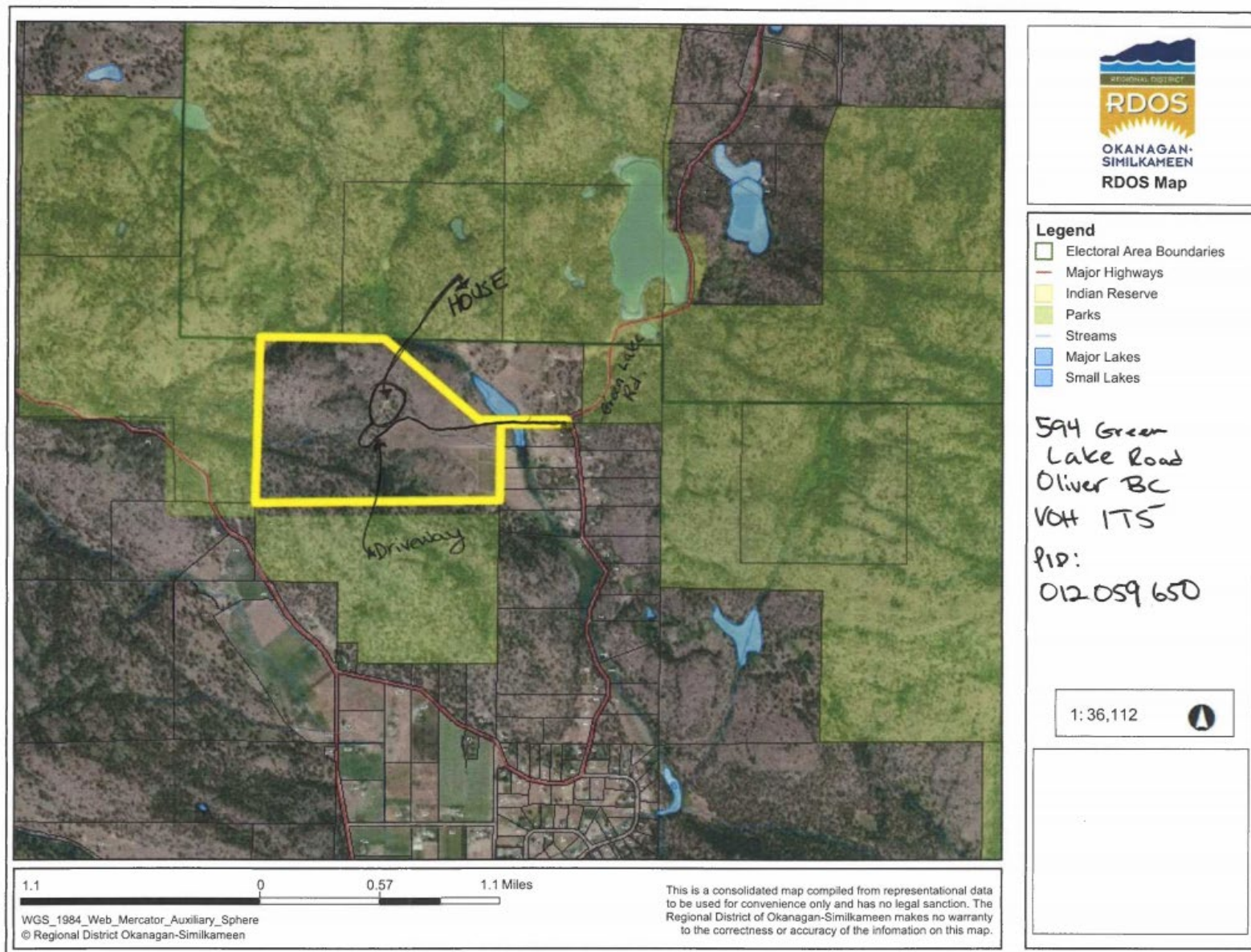
No. 3 – Applicant's Parking Plan

No. 4 – Site Photo (Google Earth)

Attachment No. 1 – Context Maps



## Attachment No. 2 – Applicant's Site Plan



### Attachment No. 3 – Applicant's Parking Plan



Attachment No. 4 – Site Photo (Google Earth)

