

To: Mayor and Council
From: Paul Gipps, CAO

Meeting Date: June 17, 2025
Meeting Type: Regular Council Meeting

Prepared by: Jason Tran, Planner

Department: Planning and Development

Title: Temporary Use Permit | TUP00110 | 14405 East Hill Road

Description: Application to allow agri-tourism accommodation for an Agri-Tourism business on a property in the Agricultural Land Reserve.

RECOMMENDATION

THAT Temporary Use Permit TUP00110 (Attachment A in the Report to Council dated June 17, 2025) for the property at 14405 East Hill Road (PID: 011-159-278), to allow agri-tourism accommodation for an Agri-Tourism business, be approved.

EXECUTIVE SUMMARY

The applicant proposes a Temporary Use Permit (TUP) authorizing short term rental (agri-tourism) accommodation associated with an Agri-Tourism business on the subject property. The addition of short term rental accommodation will educate the visitors in the region as per their rationale letter (Attachment B).

The subject property (11.25 ha/27.8 ac) is zoned A1 – Agriculture, within the Agricultural Land Reserve (ALR) and is accessible by East Hill Road.

Staff recommend authorizing short term rental accommodation for an Agri-Tourism business through a Temporary Use Permit on the subject property.

BACKGROUND

Application Information			
Application Type	Temporary Use Permit	Application Date:	2025-04-23
Applicant:	Kevin Frederiksen	Owner:	Kevin Frederiksen
Application Description	Request to allow short term rental accommodation for an Agri-Tourism business on a property in the Agricultural Land Reserve.		

Property Information: General	
Folio/Roll #:	09237.000
Legal Description	LOT 69, PLAN KAP808, SECTION 36, TOWNSHIP 20, OSOYOOS DIV OF YALE LAND DISTRICT, DISTRICT LOT 7, EXCEPT PLAN 975
PID	011-159-278
Civic Address:	14405 East Hill Road
Property Information: Land Use	
OCP Designation:	Agricultural
Zoning Designation:	A1– Agriculture 1
Land Use Contract	n/a
ALR:	Yes
Parcel Size:	11.25 ha/27.8 ac

Development Permit Areas:	Natural Environment	
Adjacent Land Summary:	Zoning:	Use:
<i>North:</i>	A1 - Agriculture 1	Agriculture & Residential
<i>East:</i>	RLPO – Rural Large Parcel Oyama Road	Agriculture & Residential
<i>South:</i>	A1 - Agriculture 1	Agriculture & Residential
<i>West:</i>	A1 - Agriculture 1	Agriculture & Residential

Property Information: Infrastructure and Development Engineering	
Road Network	Private driveway in unopened/unmaintained District right-of-way
Driveway Access	A2021-176 Permit on file
Water Supply:	Municipal (source: Oyama Lake) Domestic and Irrigation connections
Sewer:	Private – on-site septic
Drainage / Stormwater	None
Comments:	The proposed change of use and additional traffic from heavy vehicles (RVs) will require a review of the access and access permit and possibly an upgrade to the road. The current road is unopened and unmaintained. Driveway Access conditions have been included in the draft TUP.

ANALYSIS

The applicant has proposed using an existing house with two bedrooms, and two RV spaces (Attachment C) for agri-tourism accommodation in accordance with the regulations set out by the Agricultural Land Commission (ALC). The applicant has requested that a Temporary Use Permit be issued, rather than requesting that the property be rezoned to A1ta – Agriculture 1 (Agri-Tourism Accommodation).

The proposal includes a Heritage Exhibit for the Agri-Tourism activity. The Oyama flume was established in 1910 and ran water from Oyama Lake to the Orchards below until 1968; part of the original flume still exists on the property today. The guests will be provided with information on how irrigation worked from 1910 to 1968 in the Oyama area.

To help supplement the farm operation, the applicant would like to use the existing 1104 sq ft manufactured home, placed on the property in 2021, for short term rental accommodation (agri-tourism accommodation). The floor plan includes a kitchen, dining area, living room, two washrooms, laundry room and two bedrooms. The applicant has also requested two RV areas to be used for agri-tourism accommodation. The intention is for the RVs to stay short term and there would be no sewage hookup. The RVs will need to discharge their sewage waste off-site at a proper location, and this will be a condition of the TUP.

The proposal would use additional ALR land for the two RV sites. However, the property mostly consists of Level 6 soils (low quality soils) for Agricultural Capability per the BC Soil Information Finder Tool website. (Attachment E)

As per Zoning Bylaw #561 Section 10.15, the proposed use (agri-tourism accommodation) is prohibited in A1 – Agriculture 1 zone. While the applicant could have applied to rezone the property to A1ta – Agri-Tourism Accommodation, they have requested a temporary use permit (TUP) instead to allow for a trial run of the use. The TUP proposal is consistent with the *Local Government Act (s. 493)*, the District's Official Community Plan (OCP) section 23.6 and section 7 of the ALC Information Bulletin 06: Tourist and Agri-Tourism Accommodation (Attachment D) in the ALR.

Official Community Plan compliance with the following Council' policies	
Section 14.1.3 Policy: i.	Allow farm agri-tourism or agri-business initiatives to occur in accordance with Agricultural Land Commission policies.

Section 14.1.9 Policy h.	Encourage agri-tourism as an additional income generator for farmers.
Section 14.6	Agri-tourism provides an opportunity for farm operators to diversify their revenue base. The District recognizes the importance of providing agriculturalists an opportunity to develop agri-tourism businesses on active farms as a means of assisting farmers and promoting local tourism. Agri-tourism uses could include on-farm campsites, agriculturally-themed bed and breakfasts along with other on farm activities intended to entertain, accommodate and educate tourists.
TUP Section 23.6 & 23.6.1	<p>a. The District will consider the issuance of a Temporary Use Permit provided the proposed use:</p> <ul style="list-style-type: none"> i. is temporary or seasonal; ii. not be noxious or undesirable because of smoke, noise, vibration, dirt, glare, odour, radiation, electrical interference or an offensive trade within the meaning of the Health Act, as amended from time to time; iii. have no negative impact on adjacent lands; iv. create no significant increase in the level or demand for services; v. not permanently alter the site upon which it is located. <p>b. The District may apply any conditions to the permit, including but not limited to the hours of operation, square footage, appearance, screening, site rehabilitation or clean up, or any other matters deemed appropriate by Council.</p> <p>c. Temporary Use Permits may be issued for a period of up to three years and may be renewed once for a second period of up to three years.</p> <p>d. Temporary Use Permits may be issued in all areas of the District.</p>

As noted, the typical process would be to request to rezone to A1ta – Agriculture 1 (Agri-Tourism Accommodation), but after discussions with staff, they have opted to apply for a TUP instead. For these types of uses, a TUP can be a better route than going straight to rezoning for the following reasons:

- **Flexibility and Trial Period:** A TUP allows the applicant to test the viability of agri-tourism accommodation without committing to permanent rezoning. This trial period helps assess the impact on the land and community before making long-term changes.
- **Simplified Process:** Obtaining a TUP is generally faster and less complex than rezoning, which involves extensive reviews and public hearings. This streamlined process can save time and resources.
- **Compliance with Regulations:** Agri-tourism accommodation is permitted by the Agricultural Land Commission (ALC) despite the Province's limitations on short-term vacation rentals. A TUP ensures compliance with these regulations while providing the necessary flexibility.
- **Community Feedback:** A TUP allows for community input and feedback during the trial period, which can be invaluable in making informed decisions about future rezoning.

District staff are supportive of the proposed Temporary Use Permit adheres to the OCP objectives and policies. The proposal complies with ALC policies and regulations for short term rental accommodation.

DEVELOPMENT REGULATIONS		
CRITERIA	A1 Zone	PROPOSAL
Site Coverage (residential & accessory building and agri-tourism accommodation)	10%	No Change
Site Coverage (agri-tourism accommodation)	5%	1.87%

Agri-Tourism Accommodation sleeping units (A1ta only)	(>6.0 ha) 10 sleeping units	4 sleeping units (half of what is permitted under A1ta)
Height	9.5 metres or 2 ½ storeys	1 storeys
Min. Front Yard (West)	6.0 metres	>15 metres
Min. Side Yard (North)	15 metres for agri-tourism accommodation	>15 metres (to existing building)
Min. Side Yard (South)	15 metres for agri-tourism accommodation	>162 metres
Min. Rear Yard (East)	15 metres for agri-tourism accommodation	>487 metres
Landscaping	A1 Zone	PROPOSAL
Front	Level 1 Buffer: No specific guidelines for the design of the landscape buffer	Using existing landscaping around the building and on the property
Sides	Level 1 Buffer: No specific guidelines for the design of the landscape buffer	Using existing landscaping around the building and on the property
Rear	Level 1 Buffer: No specific guidelines for the design of the landscape buffer	Using existing landscaping around the building and on the property

PARKING REGULATIONS		
CRITERIA	A1 ZONE REQUIREMENTS	PROPOSAL
Total Required Vehicle Parking	1 per sleeping unit	There are plenty of spaces on the property for parking. Staff have no concern.

FINANCIAL IMPLICATIONS

- None
 Budget Previously Approved
 Other (see below)

COMMUNICATION

- This application was circulated for comments:
 - Engineering noted that the property is accessed from an unopened and unmaintained section of road right of way. Several properties use this right of way for access; these property owners are wholly responsible for the construction, maintenance and repair of the driveway access. Conditions have been included in the draft TUP related to the use of the driveway access for the proposed agri-tourism accommodation.
 - Building has a concern about short term rental and RV sewage hook-up. The RVs will not be hooking to any on-site sewage system. This will be a condition of the TUP.
 - Protective Services' comments will be addressed during the Building permit and/or business license stage.
- The applicant completed a Neighbour Consultation earlier and prior to Council Meeting.
- The Planning Department prepared the appropriate letter/signage and landowner notifications prior to approval.
- The application was referred to the Agricultural Advisory Committee, where the following motion was carried unanimously:

THAT Temporary Use Permit TUP00110 for the property located at 14405 East Hill Road, to allow short term rental accommodation (agri-tourism accommodation) for an Agri-Tourism business, be supported.

ALTERNATE RECOMMENDATION(S)

1. THAT Temporary Use Permit TUP00110 (Attachment A in the Report to Council dated June 17, 2025) for the property at 14405 East Hill Road (PID: 011-159-278), to allow short term rental accommodation for an Agri-Tourism business, not be approved.
2. THAT Temporary Use Permit TUP00110 (Attachment A in the Report to Council dated June 17, 2025) for the property at 14405 East Hill Road (PID: 011-159-278), to allow short term rental accommodation for an Agri-Tourism business, be deferred pending receipt of additional information as identified by Council.

Respectfully Submitted,
Jason Tran, Planner

Report Approval Details

Document Title:	TUP00110 - 14405 East Hill Road - Temporary Use Permit - Council Report.docx
Attachments:	<ul style="list-style-type: none"> - Attachment A - TUP00110-Draft Temporary Use Permit.docx - Attachment B - TUP00110 - Rationale Letter_Redacted.pdf - Attachment C - TUP00110 - Location and Site Plan.pdf - Attachment D - TUP00110 - ALC Info Bulletin 06.pdf - Attachment E - TUP00110 - Soil Info Finder Tool.pdf
Final Approval Date:	Jun 12, 2025

This report and all of its attachments were approved and signed as outlined below:

Steven Gubbels, Development Engineering Manager - Jun 6, 2025 - 11:19 AM

Matthew Salmon, Infrastructure & Development Engineering Director - Jun 10, 2025 - 9:56 AM

Carie Liefke, Manager of Current Planning - Jun 10, 2025 - 11:55 AM

Jeremy Frick, Director of Development Approvals - Jun 10, 2025 - 2:14 PM

Reyna Seabrook, Director of Corporate Services - Jun 10, 2025 - 2:33 PM

Paul Gipps, Chief Administrative Officer - Jun 11, 2025 - 8:42 PM

Makayla Ablitt, Legislative & FOI Coordinator - Jun 12, 2025 - 7:25 AM