



# Regional Board Report

## Request for Decision

**To:** Regional Board

**From:** Director of Community Services

**Date:** February 2, 2023

**Subject:** Temporary Use Permit (TUP-22-03)  
Myra Canyon Lodge, R & K von Andrian-Werburg (owner/applicant)  
Lot A, Plan KAP64676, Section 26, Township 29, Similkameen Div of Yale Land District  
4675 June Springs Rd, Central Okanagan East Electoral Area

**Voting Entitlement:** *Custom Vote – Electoral Area East & Kelowna Fringe Area – Electoral Area Directors, Kelowna - 1 Director, 1 Vote*

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**Purpose:** To consider the issuance of a Temporary Use Permit for the property, to allow four self-contained suites for short term occupancy within the single-family home.

### Executive Summary:

Myra Canyon Lodge has operated on a seasonal basis as a bed and breakfast, licensed within the RDCO since 2012. A recent business license update inspection revealed that various renovations had been undertaken, adding four kitchens to create a series of self-contained suites within the lodge. These renovations mean that the lodge's accommodations no longer meet the RDCO Zoning Bylaw definition of a *bed and breakfast*, or any other use permitted within the RDCO's RU2 zone.

The four existing self-contained suites include a total of seven bedrooms with a maximum occupancy of 16 guests. To legalise the operations, the owner must receive a Temporary Use Permit (TUP), Building Permits for the renovations, an updated RDCO Business License, and certification of the onsite wastewater system for its intended use.

Staff note that the business license for Myra Canyon Lodge is currently on hold and advise that if a TUP is approved, a Building Code Analysis will be required to ensure the building is sufficiently designed for its commercial use. At the time of writing this report, ten letters of support have been received from neighbouring property owners.

### Recommendations:

**THAT** the Regional Board issue a Temporary Use Permit TUP-22-03 for Myra Canyon Lodge to permit four self-contained suites for short term occupancy within the single-family home at Lot A, Plan KAP64676, Section 26, Township 29, Similkameen Div of Yale Land District (the Subject Property), subject to:

Conditions prior to issuance:

- A Professional of Record must be retained to conduct a Code Review of the entire building, its proposed use and occupancy. The review must be submitted to the Regional District of Central Okanagan prior to any continued use of the guest accommodations;
- The owners must complete all required building upgrades as identified by the Code Review, or by Regional District of Central Okanagan Inspection Services;
- Building Permits for any existing renovations or required upgrades are to be issued by the Regional District of Central Okanagan prior to any continued use of the guest accommodations;
- The owners must satisfy the Regional District of Central Okanagan Fire Services regarding fire protection measures and an evacuation plan for the property;
- The property owners must demonstrate compliance with the South Slopes Official Community Plan's Wildfire Development Permit Guidelines, and register a restrictive covenant on the property title to ensure that future property owners are aware of, and obligated to adhere to, wildfire risk and fuel hazard reduction measures;
- An Authorized Person under the BC Sewerage System Regulation must be retained to assess and certify the onsite wastewater system to the satisfaction of Interior Health; and,
- A current Regional District of Central Okanagan Business License will be obtained.

Operational conditions:

- During the term of the Temporary Use Permit the layout of guest accommodations must remain consistent with the floor plans prepared by iGuide, dated January 20, 2022;
- The maximum length of stay in guest suites will be one month;
- The business will be operated only from spring to fall each year; and,
- The Regional District of Central Okanagan may revoke the Temporary Use Permit at any time if the aforementioned conditions are not met.

**AND THAT** the Temporary Use Permit shall expire on February 2, 2026, and all uses temporarily authorized by the Permit shall cease upon expiry of the Permit, unless otherwise authorized.

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*Respectfully submitted by: Shaun O'Dea, Planner*

Approved by:



Todd Cashin  
Director of Community Services

- Attachment(s):
1. Orthophoto Map
  2. Site Plan
  3. Floor Plans
  4. Support Letters and Map
  5. Zoning Bylaw No. 871, Section 3.23 Bed and Breakfast
  6. Zoning Bylaw No. 871, Section 6.2 Rural 2 Zone
  7. South Slopes Official Community Plan Bylaw No. 1304, Section 11
  8. Regional Board Presentation Slides

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### Strategic Plan Alignment:

Priorities: Economic Development, Sustainable Communities

Values: Good Governance

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### Background:

The principal building at 4675 June Springs Rd is a 487m<sup>2</sup> (5,240 sq.ft.) single-family home. The original portion of the home was built in 2008 and a large extension was added in 2011. Since 2012 the property has been operated as Myra Canyon Lodge, a seasonal bed and breakfast licensed within the RDCO.

During a site visit to reissue the Business License in September 2022, RDCO Inspections staff noted that kitchens had been installed, creating four self contained suites. The resulting lodge or hotel style accommodation does not align with the uses permitted within the RU2 zone. Staff directed the owner to either decommission or seek land use approval for the suites, and if approved, then address Building Code concerns and other matters relating to the commercial use of the building.

### Proposal:

The applicant is seeking a TUP to grant land-use approval for the four existing self-contained suites for up to three years, so that they may be used as short term accommodations. No additional construction is proposed. The owners' residence and the suites are configured as follows;

	<b>Bedrooms</b>	<b>Maximum guests</b>	<b>Area</b>
<b>Owner suite</b>	4 + bonus room and den	n/a	143m <sup>2</sup> (1540 sq.ft.)
<b>Deer suite</b>	2	4	75m <sup>2</sup> (813 sq.ft.)
<b>Bear suite</b>	2 + loft area	6	91m <sup>2</sup> (985 sq.ft.)
<b>Bird suite</b>	2 + loft area	4	40m <sup>2</sup> (429 sq.ft.)
<b>Eagles nest studio</b>	1	2	40m <sup>2</sup> (434 sq.ft.)

### Rationale:

The unpermitted kitchens were added during the COVID19 pandemic. The owner's rationale is that these renovations were made to better cater to the market, and to guests' expectations, by creating self contained suites where guests could manage their contact with others more effectively.

The Subject Property is currently for sale and the owners would like to temporarily legalize the current operations to give prospective buyers an assurance of business viability. The rationale for a TUP application, rather than an OCP and Zoning amendment (which would permanently alter the permitted use of the property), is that the owner hopes to allow buyers develop a proposal for a permanent solution that is more specific to their vision for the property.

If the TUP application, and/or future OCP and Zoning amendment applications are rejected, the owners would need to decommission the kitchens and return to a bed and breakfast use that meets the RU2 zone requirements.

### RELEVANT POLICY AND REGULATIONS:

#### RDCO Regional Growth Strategy Bylaw No. 1336

The following Regional Growth Strategy policies are applicable to this proposal:

## Our Governance

Policy 7: *Support the assessment of the social and economic benefits of arts, culture, tourism, and recreation amenities in decision on land use.*

**South Slopes Official Community Plan Bylaw No. 1304**

The following OCP objectives, policies and guidelines are applicable to this proposal:

## Section 4: Future Land Use and Land Use Designations

Objective 2: *Protect the rural character of South Slopes.*

Policy 18: *Home based businesses are supported within this designation as an important employment opportunity, provided the use does not conflict with the predominant residential or rural land uses.*

## Section 7: Commercial Uses, Working Lands and Economic Development

Policy 3: *Support tourism and related businesses in South Slopes that complement the existing parks and their permitted low-impact (non-motorized) uses.*

## Section 12: Development Permit Areas and Development Approval Information

The property is within the South Slopes OCP Wildfire Interface Development Permit Area. Through the building permit process the owners must register a restrictive covenant on the title to ensure that wildfire hazard reduction measures are adhered to on the property.

**Zoning Bylaw No. 871**

The following zoning regulations are applicable to this proposal:

## Section 3.23: Bed and Breakfast Accommodation

RDCO's bed and breakfast regulations allow for up to four *guest rooms* within the single-family home (which must be occupied by the proprietor). Guest rooms, as defined in Part 15 of the bylaw, must not contain cooking facilities. Each guest room in a Bed and Breakfast may be up to 30m<sup>2</sup>, with a maximum total guest occupancy of eight people.

**Site Context:**

This 4.86 ha. (12 acre) parcel is the southernmost private property on June Springs Rd, before entering Myra-Bellevue Provincial Park. Other private properties in the vicinity are also zoned RU2 which typically allows for a range of rural residential, agricultural, home industry, and limited resource management uses.

The subject property has sufficient parking for the single-family dwelling and guest accommodations, with one parking space required per sleeping unit.

**Additional Information:**

<b>Owner/Applicant:</b>	Rudolf and Kathrin von Andrian-Werburg
<b>Address:</b>	4675 June Springs Rd.
<b>Legal Descriptions:</b>	Lot A, Plan KAP64676, Section 26, Township 29, Similkameen Div of Yale Land District
<b>Lot Size:</b>	4.86 ha (12.014 acres)
<b>OCP Designation:</b>	Rural Residential
<b>Existing Use:</b>	Single Family Dwelling / Bed and breakfast (RU2)
<b>Surrounding Uses:</b>	<b>North:</b> Rural 2 (RU2) <b>South:</b> Myra-Bellevue Provincial Park (RU1) <b>East:</b> Myra-Bellevue Provincial Park

	<b>West:</b> Rural 2 (RU2)
<b>ALR:</b>	Outside of the ALR
<b>Fire Protection:</b>	June Springs Fire Protection Area
<b>Water Supply:</b>	Private (well)
<b>Wastewater Disposal:</b>	On-site wastewater disposal

### **RDCO TECHNICAL COMMENTS:**

**Inspection Services** staff advise that, as the building in its current form and use is a commercial type occupancy, it may require a range of improvements, including but not limited to;

- alarm systems;
- fire suppression systems;
- improved access, roadways and staging areas for fire fighting vehicles;
- fire separations; and
- adequate water supply for firefighting.

These requirements may not be possible to fulfill given the current state of the building's construction, its location and other limiting technical considerations.

Staff recommend that the current owners retain a Professional Architect to act as the Professional of Record to perform a Code Review of the building including its occupancy, and submit this review to our office for review prior to business license issuance or any continued use of the operations.

### **AGENCY REFERRAL COMMENTS:**

**Interior Health** advises that they have on file a Record of Sewerage System (2011) and a Letter of Certification (2013) for the property. The system was designed for a 7-bedroom bed and breakfast and the identified renovations may have added considerable additional sewage volume to the daily flow of the building. They recommend that an Authorized Person assess the septic system to determine if it is designed appropriately and has adequate capacity to handle the potential additional flows.

**FortisBC** has no immediate concerns or requests for additional land rights, however there may be additional land rights requested if changes to the existing FortisBC Electric services are required.

### **Considerations:**

**External:** In accordance with the Development Applications Procedures Bylaw No. 944, notices were sent to property owners within 100m of the subject property on January 16, 2023. A Notice of Application Sign was posted at the property on January 18, 2023 and an advertisement was published in the Capital News on January 19, 2023. Any responses received from these notifications will be provided to the Board for their consideration.

The applicant has independently approached neighbouring property owners and received ten letters of support for this proposal.

**Organizational:** Section 11 of the RDCO's South Slopes Official Community Plan Bylaw #1304 specifies that TUPs may be considered throughout the plan area in all OCP designations at the discretion of the Regional Board.

Legal/Statutory Authority: Part 14, Division 8 of the Local Government Act states that a local government may issue a TUP to allow a use not permitted by a zoning bylaw, specify conditions under which the temporary use may be carried on, and regulate the construction of buildings or structures in respect of the use for which the permit is issued. The permit may be issued for up to three years with the option of one renewal for an additional three years. Furthermore, a local government may require security to guarantee the performance of the terms of the permit.

Alternate Recommendation: **THAT** the Temporary Use Permit application for four self-contained suites for short term occupancy within the single-family at Lot A, Plan KAP64676, Section 26, Township 29, Similkameen Div of Yale Land District, be denied.

**AND THAT** the applicant be directed to decommission any renovations that have not received a Regional District of Central Okanagan Building Permit, so that any and all future use is consistent with the permitted use of the property.

Considerations not applicable:

- Financial

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**Approved for Agenda**



**Brian Reardon, CAO**