

PUBLIC NOTICE

Temporary Use Permit



NOTICE OF TEMPORARY USE PERMIT TUP23-01: 3048 Hot Springs Road

Date & Time: June 12, 2023 at 7:00 pm

Location: 7170 Cheam Avenue, Agassiz, BC
or kentbc.ca (registration for live stream required)

Land Use Proposal: A Temporary Use Permit application was received from John and Jacquie Zuidhof to temporarily use an existing dwelling unit on 3048 Hot Springs Road as a resort lodge. The resort lodge use will be limited to 6 guest bedrooms, 18 guests, and 6 parking spaces.

For More Information

Contact Lisa Beaulieu,
Director of Development Services
(604) 796-2235
mlbeaulieu@kentbc.ca

View Draft Documents

Copies of the draft documents and all background materials will be available for viewing on-line at kentbc.ca and in the front foyer at Municipal Hall, 7170 Cheam Avenue, from June 2, 2023 to June 12, 2023 during regular office hours of 8:30 am to 4:30 pm Monday to Friday.

Send Your Comments

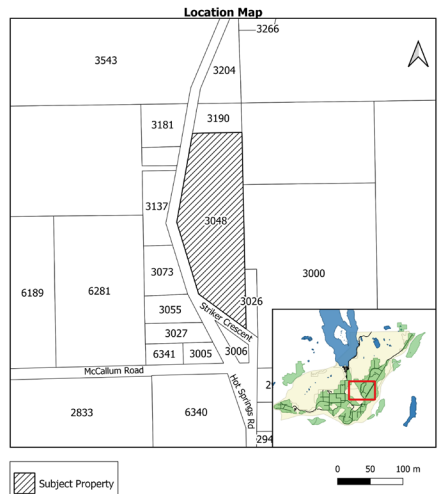
Email: mlbeaulieu@kentbc.ca

Mail: Director of Development Services

District of Kent
PO Box 70
Agassiz, BC V0M 1A0

All comments will be distributed to Council. Comments must be received by 12:30 pm, June 12, 2023.

Subject Land





REPORT TO COUNCIL

DATE: June 1, 2023 **FILE:** TUP23-01
FROM: M. Lisa Beaulieu, A-Director of Development Services
PREPARED BY: Bronwen Verigan, Planner II
SUBJECT: Temporary Use Permit – 3048 Hot Springs Road

RECOMMENDATION:

THAT Council considers approving Temporary Use Permit 23-01 to allow an existing dwelling unit to be used as resort lodge at 3048 Hot Springs Road.

BACKGROUND:

Applicant/Owner: John and Jacquie Zuidhof

Proposal: To temporarily use the existing dwelling unit on the property as a resort lodge. The resort lodge use will be limited to a maximum of 6 bedrooms, 18 guests, and 6 guest parking spaces.

Civic Address: 3048 Hot Springs Road

Legal Description: Lot 4 Except: Parcel "A" (Reference Plan 15191), Section 36 Township 3 Range 29 West of the Sixth Meridian New Westminster District Plan 6986

OCP: Residential - Rural

Zoning: Rural Residential 2 (RR2)

Lot Size: 1.75 Hectare (4.32 Acres)

ALR: Not within the ALR

Site Description: The property is an irregular shape containing mostly (80%±) hillside (foot of Bear Mountain) with a portion of flat land (20%±). The flat portion of the land contains a dwelling unit, an accessory dwelling unit, and two accessory buildings (sheds).

Surrounding Uses: North: Rural Residential 2 (RR2)
South: Striker Crescent and Rural Residential 2 (RR2)
East: Rural Residential 2 (RR2) and Resource Management (MR)
West: Hot Springs Road and Rural Residential 2 (RR2)

CAO
 Regular Agenda Date _____
 In Camera Agenda Place _____
 Public Hearing Other _____

DISCUSSION:

1.0 Overview of Proposed Use

The property owners have been operating a form of a short-term rental business on the property for the past 10 years. With the adoption of the District's short-term rental (STR) regulations in 2019, the property owners were notified of the new STR regulations and options for compliance.

As their ideal accommodation business exceeds the maximum number of bedrooms (5), guests (10), and parking (4) permitted for a short-term rental, the owners have applied to temporarily use the existing dwelling unit as a resort lodge.

Resort Lodge Use

Kent's *Zoning Bylaw* defines a resort lodge as follows:

Resort lodge means a building containing commercial guest accommodation units in which the total number of units does not exceed 20; may contain common indoor and outdoor assembly areas, restaurant, lounge, and an office for resort lodge administration.

A resort lodge use requires 1 parking space for each sleeping unit or dwelling unit.

Proposed TUP Conditions on Resort Lodge Use

The resort lodge use would be limited to the maximum of:

- 6 bedrooms
- 18 guests
- 6 guest parking spaces

2.0 Rationale

- The property owners have been operating a form of a short-term rental business for the past ten years without complaints from neighbours. The property owners currently live in the accessory dwelling unit on the property.
- The property is 1.75 Hectare (4.32 Acres) with approximately 50 metres between the proposed resort lodge use area and the closest residence on a neighbouring property.
- The owners have uncertainty about continuing the business in the long term and found rezoning their property to an existing tourist accommodation zone would significantly increase their property taxes. As the owners do not intend to take full advantage of a tourist accommodation zone at this time, their proposed operations in this zone would be unfeasible. This TUP will provide more time for the owners to decide on their future business plans and the opportunity for the District to observe the temporary use.

- The resort lodge use would be limited to a maximum of 6 bedrooms, 18 guests, and 6 guest parking spaces.
- The temporary use of the dwelling unit as a resort lodge will have little or no impact on the future use of the subject property as the dwelling unit is existing and minimal, if any, changes are required to accommodate this TUP.
- The property can easily accommodate the off-street parking requirements for a resort lodge, 1 parking space for each sleeping unit or dwelling unit.

Given the reasoning above, a recommendation is presented for Council to consider approving the temporary use permit.

Table 1 highlights the District of Kent Official Community Plan policies related to the proposed use for a temporary resort Lodge on rural residential designated land.

| Table 1. District of Kent Official Community Plan Policies | | |
|---|----------|--|
| Policy Section | # | Policy |
| Residential Rural Policies | 3 | The rural residential area in the vicinity of East Else Road/Ashton Road/ <u>Hot Springs Road</u> may be considered for future expansion as a mixed-use area subject to more detailed study. |
| General Commercial Policies | 3 | Support and promote new and innovative forms of commercial businesses and activities oriented toward growing recreation/tourism. |
| Parks, Recreation, and Open Space Policies | 19 | Support recreational tourism as a way to combine recreational and economic development pursuits. |
| Social Well-Being Policies | 12 | Economic development shall be encouraged in order to create more job opportunities and reduce unemployment in the area. |

3.0 Terms and Conditions of Temporary Use Permit

A copy of the proposed Temporary Use Permit is attached as Appendix C. The following terms and conditions are specified in the permit:

1. This permit is to allow the temporary use of the existing dwelling unit as a resort lodge limited to a maximum of 6 bedrooms, 18 guests, and 6 guest parking spaces.
2. Upon expiration of the permit, the permit holder may apply for a one time only thirty-six (36) month extension. At the time of expiry following the thirty-six (36) month extension the applicant / owner shall cease the specified use on the property.

ENVIRONMENTAL CONSIDERATIONS:

Impacts from the proposed use are not expected to be significantly more than a residential use.

BUDGETARY CONSIDERATIONS:

The applicant has paid the required Temporary Use Permit fees.

POLICY CONSIDERATIONS:

A Temporary Use Permit (TUP) is a tool to allow an interim use that does not comply with the Zoning Bylaw. As per the *Local Government Act*, the TUP may be issued for a maximum of three years and may only be renewed once for an additional three years.

The Temporary Use Permit will be conducted in accordance with Section 494 and 503 of the *Local Government Act* and *District of Kent Procedure Bylaw No. 1194*.

Public Notice:

- Letters of notice were mailed to property owners within 100 metres of the property on June 1, 2023.
- A public notice ad was published in the Agassiz-Harrison Observer on June 2, 2023.

ALTERNATIVES/OPTIONS:

- 1) Recommend Council support the Temporary Use Permit.
- 2) Recommend Council not support the Temporary Use Permit.
- 3) Request further information.

ATTACHMENTS:

- 1) Appendix A: Location Map
- 2) Appendix B: Aerial Photo
- 3) Appendix C: Temporary Use Permit 23-01

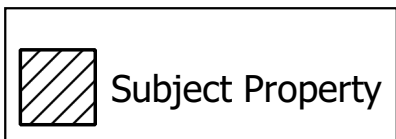
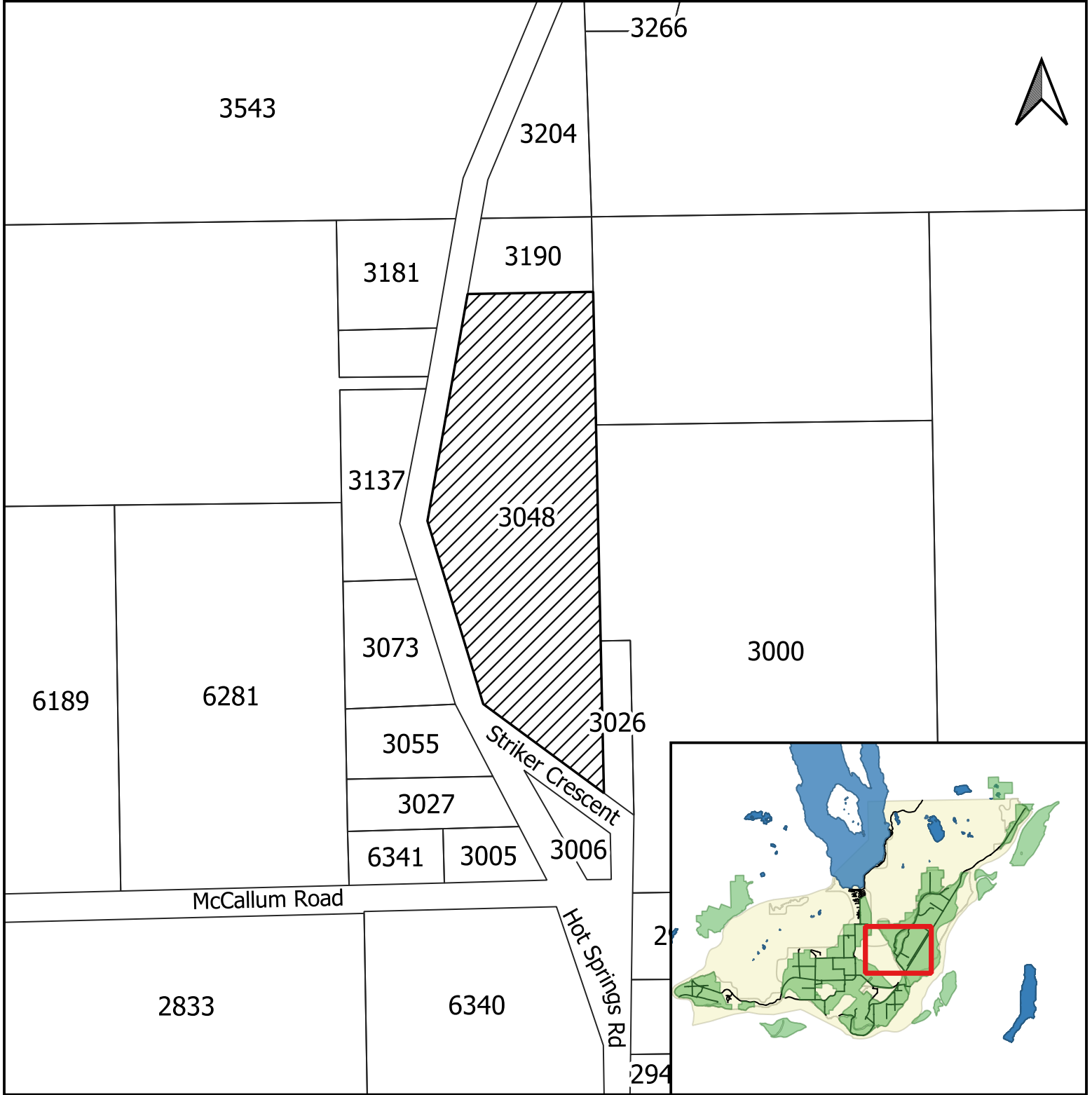
Reviewed and Approved for
consideration

Approved for submission by

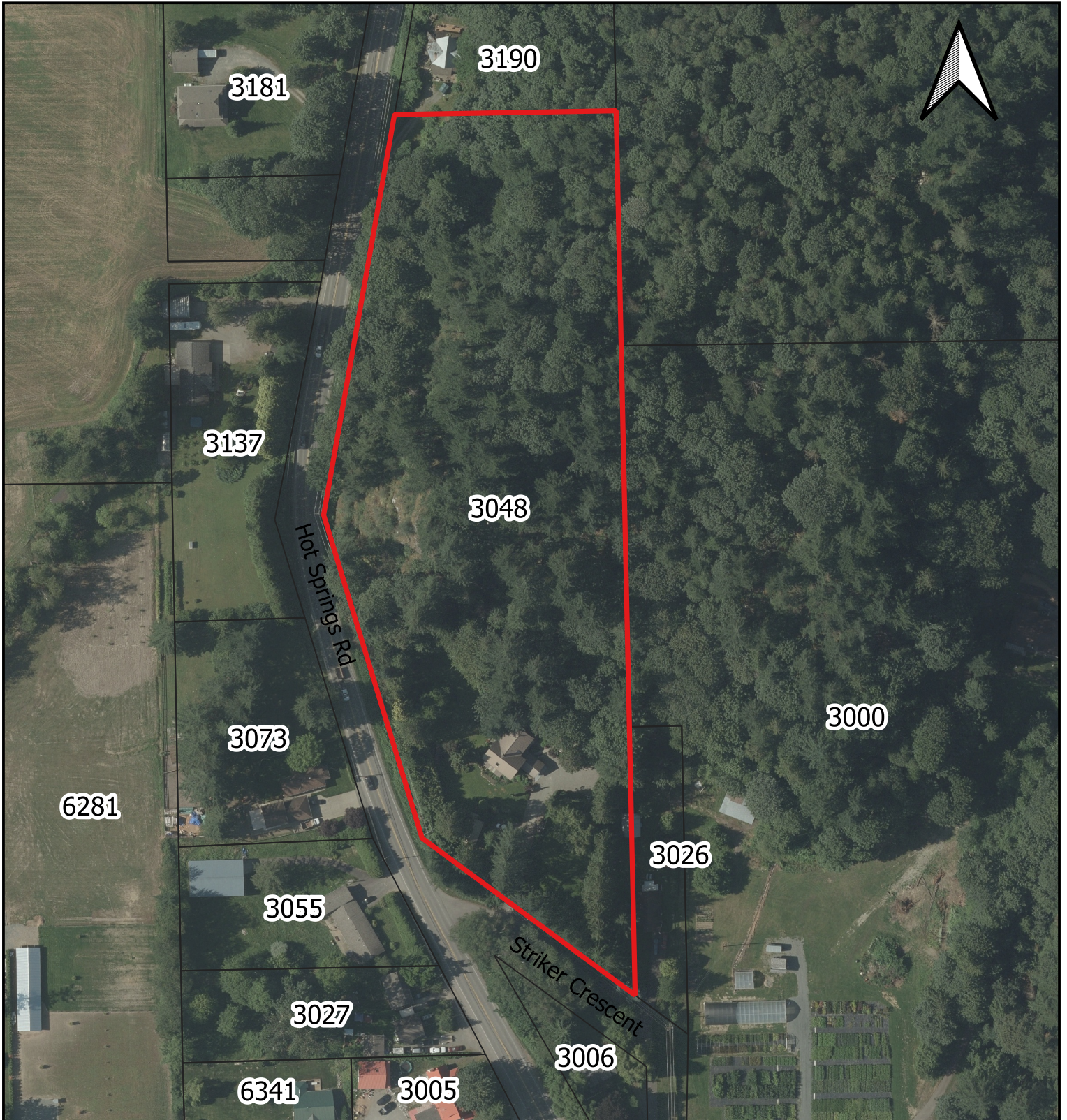
M. Lisa Beaulieu,
A-Director of Development Services

Wallace Mah,
Chief Administrative Officer

Location Map



Aerial Photo



Subject Property

0 50 100 m





**NOTICE OF PERMIT
LOCAL GOVERNMENT ACT (PART 14)**

TO: Registrar of Title
New Westminster

P.I.D.: 005-404-045
Folio: 5240-14064

TAKE NOTICE that the land described below is subject of a permit issued by the District of Kent.

PARTICULARS OF PERMIT

Permit Description

- (a) Type of Permit: Temporary Use Permit – TUP23-01
(b) Statutory Authority: S. 493 Local Government Act

Legal Description of Lands Affected:

Lot 4 Except: Parcel "A" (Reference Plan 15191), Section 36 Township 3 Range 29 West of the Sixth Meridian New Westminster District Plan 6986

Issue Date: _____

Expiry Date (if any): _____
(for Temporary Use Permit Only)

TAKE NOTICE that in the case of a Temporary Use Permit you are hereby authorized to cancel the notation of the filing of this notice against the title to the land affected by it on or after the expiry date specified above without further application from us and we consent to a cancellation of the notation on the basis of effluxion of time.

Date:

DISTRICT OF KENT

BY: _____
Wallace Mah
Chief Administrative Officer

APPENDIX 1

1. This Temporary Use Permit is issued pursuant to Section 493 of the Local Government Act.
2. A Temporary Use Permit shall not vary the existing land use as noted in Zoning Bylaw No. 1219, 2001.
3. Nothing in this permit shall waive the developer's obligation to ensure that the temporary use complies in every way with statutes, regulations, requirements, covenants and licences applicable to the undertaking.
4. Nothing in this permit shall in any way relieve the developer's obligation to comply with all regulations for provision and protection of on-site uses pursuant to the Health Act, the Fire Services Act, the Electrical Energy Inspection Act, Ministry of Environment, Federal Department of Fisheries and Oceans, Ministry of Energy and Mines and any other provincial statutes.
6. If the holder of this permit does not commence the operations / works with respect to which the permit was issued within one (1) year from the date of this permit, this permit shall lapse.



DISTRICT OF KENT

TEMPORARY USE PERMIT

Permit No.: TUP23-01
Issued To: John and Jacquie Zuidhof
Address: 3048 Hot Springs Rd. Agassiz, BC

PID: 005-404-045
Folio No.: 5240-14064

The lands affected by this permit are shown on Schedule 'A' attached, which forms an integral part of this Permit and are legally described as the whole of/or portion of:

Lot 4 Except: Parcel "A" (Reference Plan 15191), Section 36 Township 3 Range 29 West of the Sixth Meridian New Westminster District Plan 6986

List of Attachments:

Schedule 'A' – Location Map

TERMS AND CONDITIONS OF PERMIT:

WHEREAS THE ABOVE DESCRIBED LAND IS ZONED Rural Residential (RR2) pursuant to Zoning Bylaw No.1219, 2001 and subsequent amendments and a resort lodge use of the property is prohibited; and

WHEREAS Section 493 of the Local Government Act authorizes the District to issue a Temporary Use Permit, this Temporary Use Permit allows the applicant/owner to conduct a resort lodge use on the subject property – see Schedule 'A' attached which forms part of this permit for thirty-six (36) months from the date of issue as per the following:

1. This permit is to allow the temporary use of the existing dwelling unit on 3048 Hot Springs Road as a resort lodge limited to a maximum of 6 bedrooms, 18 guests and 6 guest parking spaces.
2. Upon expiration of the permit, the permit holder may apply for a one time only thirty-six (36) month extension. At the time of expiry following the thirty-six (36) month extension the applicant / owner shall cease the specified use on the property.

| | | | |
|------------------|-----|---|-----|
| Security Posted: | (a) | an irrevocable letter of credit in the amount of \$ | N/A |
| | or | (b) the deposit of the following specified security: \$ | N/A |

Note: The District of Kent shall file a notice of this permit in the Land Title Office stating that the land described in the notice is subject to Temporary Use Permit No.23-01. The notice shall take the form of Appendix 1 attached hereto.

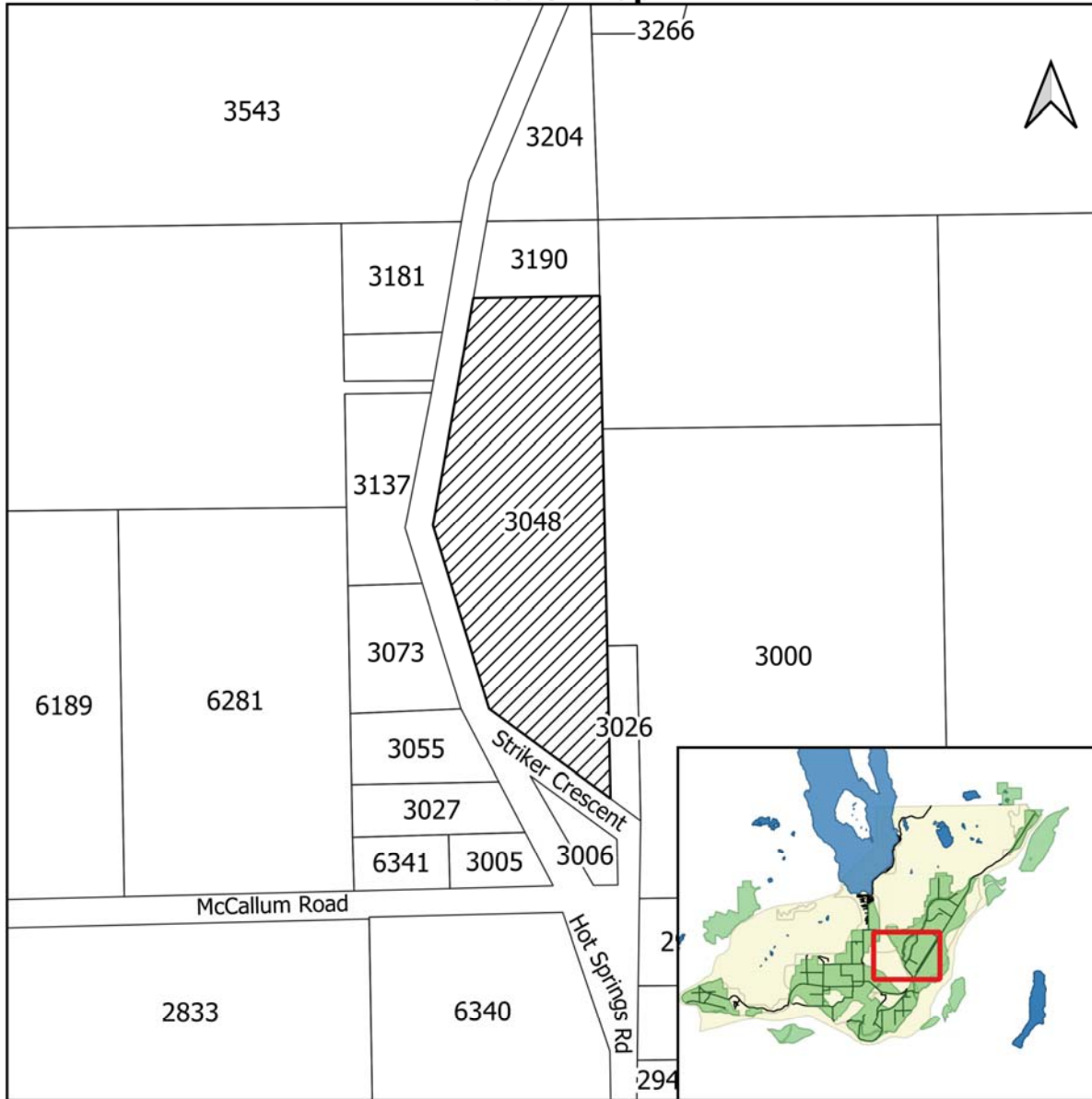
AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE CORPORATION
OF THE DISTRICT OF KENT ON THE DAY OF


Wallace Mah
Chief Administrative Officer

THIS IS NOT A BUILDING PERMIT

SCHEDULE 'A' – TUP23-01

Location Map



 Subject Property

0 50 100 m

