

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** J. Zaffino, Chief Administrative Officer  
**DATE:** July 25, 2024  
**RE:** Temporary Use Permit Application – Electoral Area “C” (C2024.011-TUP)

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## Administrative Recommendation:

**THAT Temporary Use Permit No. C2024.011-TUP, to allow a vacation rental use at 503 Wilson Mountain Road, be approved.**

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Legal: Lot C, Plan 918S, District Lot 34109, SDYD      Folio: C-04225.220  
OCP: Large Holdings (LH)      Zone: Large Holdings One (LH1)

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## Proposed Development:

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

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

- *We plan to Air B&B the 2nd dwelling during times of no extended family or friends visiting.*
- *Available to our extended family and friends first, when not in use to be used as an Air B&B for tourist to enjoy wine/cycling country.*
- *We don't foresee any limitations due to our larger parcel of land, we have ample parking for guests, and no close proximity neighbours to disturb. (although we won't tolerate unruly people in any form).*

## Site Context:

The subject property is approximately 4.35 ha in area and is situated on the north side of Wilson Mountain Road. It is understood that the parcel is comprised of a single detached dwelling, an accessory dwelling and various accessory structures.

The surrounding pattern of development is generally characterised by similarly sized rural residential parcels that have been developed with single detached dwellings to the east and west, and large resource area parcels to the north and south.

## Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on June 22, 1983, while available Regional District records indicate that building permits have been issued for moving a mobile home (1990), placing a modular home (1992), a horse barn (1994), a single detached dwelling and pool (2021), an accessory dwelling (2021), a garage (2021), and moving a modular home to another location in the Regional District (2021).

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Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is currently designated Large Holdings (LH), and is the subject of an Environmentally Sensitive Development Permit (ESDP) Area designation.

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

#### General TUP Criteria

Section 20.3.4 of Electoral Area “C” OCP Bylaw establishes the following criteria in evaluating a Temporary Use Permit (TUP) 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.

#### Vacation Rental Criteria

In addition to the general TUP evaluation criteria at Section 20.3.4 of the OCP, Section 11.6.2 specifies criteria the Regional District Board may use to assess vacation rental proposals respectively:

- capability of accommodating on-site domestic water and sewage disposal
- mitigating measures such as screening and fencing
- provision of adequate off-street parking
- confirmation that the structure proposed complies with the BC Building Code
- benefits that such accommodation may provide to the community.

#### Application History

At its meeting of May 5, 2022, the Regional District Board approved Temporary Use Permit No. C2022.006-TUP, which authorized a vacation rental use on the subject property with a permit expiry date of December 31, 2022.

The vacation rental use authorized by this previous permit was identical to the current proposal and the proposed use has not changed materially in the interim. As the previous permit lapsed, there is currently no permit to ‘renew’ or ‘re-issue’ and for this reason the application has been processed as a new vacation rental proposal.

Despite this, administration considers this proposal to be a de-facto renewal of the previous vacation rental TUP and for this reason a 3-year permit term is proposed in accordance with the Regional District Board’s *Vacation Rental Temporary Use Permit Policy*.

#### Zoning

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Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Large Holdings One (LH1) which permits “single detached dwelling” as a permitted principal use and “accessory dwelling” as a permitted accessory use.

**Public Process:**

Adjacent property owners will have received notification of this application with written comments being accepted up until one (1) week prior to the Board’s regular meeting at which the application is to be considered. All comments received are included as a separate item on the Board’s Agenda.

**Analysis:**

In considering this proposal, Administration continues to support the analysis previously provided for Permit No. C2022.006-TUP.

Namely, that the proposed use is seasonal in nature, is not intensive in scale and is unlikely to impact the natural environment or neighbouring uses.

Regarding the vacation rental criteria in the Area “C” OCP, the applicant has provided adequate off-street parking, proof of adequate sewage disposal and confirmation that the structure complies with the Building Code.

Summary

In summary, administration considers the proposal to be a de-facto renewal of previously issued Permit No. C2022.006-TUP. As there have been no material changes to the proposed vacation rental and no complaints received in relation to this use, administration is recommending that the proposed temporary use be approved.

**Alternatives:**

1. THAT the Board of Directors deny Temporary Use Permit No. C2024.011-TUP.

**Respectfully submitted:**

*Ben Kent*

Ben Kent, Planner II

**Endorsed By:**



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Agency Referral List

No. 2 – Aerial Photo

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Temporary Use Permit Application No. C2024.011-TUP.

<input type="checkbox"/>	Agricultural Land Commission (ALC)	<input type="checkbox"/>	Fortis
<input 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 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 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"/>	Irrigation District / improvement Districts / etc.
<input checked="" type="checkbox"/>	Oliver Fire Department	<input type="checkbox"/>	Public Works (Water Areas C, D, E, F; Sewer Area D)

Attachment No. 2 – Aerial Photo

