

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: December 21, 2023
RE: Temporary Use Permit Application – Electoral Area “H” (H2023.031-TUP)

Administrative Recommendation:

THAT Temporary Use Permit No. H2023.031-TUP, to allow vacation rental use at 221 Prospect Drive be approved.

Legal: Lot 47, Plan KAP29782, District Lot 1909, KDYD Folio: H-01033.810

OCP: Low Density Residential (LR) Zone: Residential Single Family One (RS1)

Proposed Development:

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

In support of this proposal, the applicant has stated, amongst other things, the following:

- *This beautiful cabin and property was purchased, like many others in the area, as a family vacation home to be used in all seasons.*
- *We have been and intend to continue to visit the property on weekends and vacation time with our two young children as often as possible.*
- *Part of this family vision is to have our future generations visiting this cabin and area. Due to financial costs, we hope to supplement the cost of ownership of this property with short term vacation rentals.*
- *Because we intend to continue to personally use the property for our family as often as possible, we will be taking extensive precautions to protect our property, neighbors, community and environment. This includes formal identification documentation/checks, reviews, rating and systems with specific factors ensuring highest quality respectful renters participate in our vision.*
- *The final stages of our future vision would be to phase out vacation rentals once we reach a reasonable cost stabilization (mortgage, tax, maintenance, etc.).*

Site Context:

The subject property is approximately 3,134 m² ha in area and is situated on the south side of Prospect Road approximately 90 metres south of Missezula Lake and 31km north of Princeton. It is understood that the parcel is comprised of a cabin and a lagoon.

The surrounding pattern of development is generally characterised by a lagoon and a large resource area land to the west and similarly sized residential parcels that have been development with single detached dwellings to the north, east 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 March 12, 1979, while available Regional District records indicate that a building permit for foundation and a prefabricated home (1993) have previously been issued for this property.

Under the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject property is currently designated Low Density Residential (LR), and is the subject of a Watercourse Development Permit (WDP) Area designation.

Section 21.3.4 of the OCP 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.

The Electoral Area “H” OCP does not currently contain criteria for evaluating a vacation rental temporary use permit application. However, the other Electoral Area OCPs contain policies supportive the use of a residence for short term vacation rental use through the issuance of a temporary use permit and specify conditions for temporary use permits and short-term vacation rentals respectively including conditions to limit or require the following:

- Period of use (May-October);
- Posting of information within vacation rental;
- Maximum number of bedrooms (3);
- Maximum occupancy (6);
- Minimum number of on-site parking stalls (3);
- Prohibition of camping or use of RVs or accessory buildings for vacation rental occupancy;
- Providing TUP and contact information to neighbours.

Under the Electoral Area “H” Zoning Bylaw No. 2498, 2012, the property is currently zoned Residential Single Family One (RS1) which permits a single detached dwelling as a principal use, with bed and breakfast operations as a secondary use. The property is within the floodplain associated with

Missezula Lake and is subject to the floodplain regulations in the zoning bylaw. BC Assessment has classified the property as “Residential” (Class 01).

The subject property is within the Missezula Lake Fire Service Area which is a volunteer fire department. The Town of Princeton serves as the principal service and commercial centre for the community, which does not possess its own fire hall, hospital, garbage collection, public buildings or commercial uses.

The Regional District has received written complaints regarding “the operation of a vacation rental without permit”.

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 response to the criteria contained in section 21.3.4 of the OCP, the proposed use is seasonal in nature (May to October) and is not intensive in scale. The impact on the natural environment and neighbouring uses is minimized by being contained within an existing building.

The applicant submitted a letter of compliance from a Professional Engineer (P.Eng) stating that he is “confident that the existing sewerage system is functioning as required for the intended use.”

Prospect Drive is a cul-de-sac (dead end). As it relates to the provision of off-street parking, the applicant has indicated that three (3) parking spaces would be provided within the driveway, which satisfies the minimum parking requirements for the proposed use.

In addition, a health and safety inspection has been completed and no deficiencies were identified.

While the Electoral Area “H” OCP does not currently contain vacation rental policies, in general the intent of the Regional District’s “Vacation Rental Temporary Use Permit Policy” and supportive OCP policies are to allow for a vacation rental use to operate for one “season” to determine if such a use is appropriate, compatible, or viable at a particular location.

Following the initial “season”, the Board would then have the opportunity to determine whether it would be appropriate to allow for renewal of the permit.

Alternative:

The option to deny the requested permit is available to the Board.

Alternatives:

1. THAT the Board of Directors deny Temporary Use Permit No. H2023.031-TUP.

Respectfully submitted:



Fiona Titley, Planner II

Endorsed By:



C. Garrish, Senior Manager of Planning

Attachments:

- No. 1 – Agency Referral List
- No. 2 – Site Photo

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Temporary Use Permit No. H2023.026-TUP:

<input type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" type="checkbox"/>	Fortis
<input checked="" 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"/>	X Irrigation District / improvement Districts / etc.
<input checked="" type="checkbox"/>	Missezula Lake Fire Department		

Attachment No. 2 – Applicant’s Site Photo

