

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** J. Zaffino, Chief Administrative Officer  
**DATE:** October 3, 2024  
**RE:** Temporary Use Permit Application – Electoral Area “A” (A2024.017-TUP)

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## Administrative Recommendation:

**THAT Temporary Use Permit No. A2024.017-TUP, to allow vacation rental use at #3-8401 120<sup>th</sup> Avenue, be approved.**

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Legal: Strata Lot 3, Plan EPS2860, District Lot 2450S, SDYD Folio: A-06024.503  
OCP: Low Density Residential (LR) Zone: Low Density Residential Three (RS3)

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## 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 that “we are homeowners that built our dream retirement home which completed in July 2021. We have since been faced with growing financial challenges primarily due to high interest rates and a slowing economy. As both my husband’s business and mine face economic challenges we are faced with no other option than to rent our home out.”

## Site Context:

The subject property is approximately 859 m<sup>2</sup> in area and is situated on the southeastern side of 120<sup>th</sup> Avenue, on the western shore of Osoyoos Lake. The property is approximately 1 km from the boundary of the Town of Osoyoos. It is understood that the parcel is comprised of one single detached dwelling.

The surrounding pattern of development is generally characterised by similarly sized residential parcels that have been developed with single detached dwellings along the beach, within the strata development. Southwest of the property is primarily comprised of agriculturally zoned properties.

## Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on August 14, 2019, while available Regional District records indicate that a building permit for a single detached dwelling (2021) has previously been issued for this property.

Under the Electoral Area “A” Official Community Plan (OCP) Bylaw No. 2905, 2021, the subject property is currently designated Low Density Residential (LR), and is the subject of a Watercourse Development Permit (WDP) Area designations.

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Section 22.3.4 of Electoral Area “A” OCP Bylaw contains criteria for evaluating a temporary use permit application. Section 22.3.5 and 22.3.6 specify conditions for temporary use permits and short-term vacation rentals respectively.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Three (RS3) which includes single detached dwelling as a permitted principal use, and is further within the floodplain associated with Osoyoos Lake at Section 8.0 of the bylaw.

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

**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 notes that the Electoral Area “A” OCP contains supportive policies for vacation rental uses and establishes criteria to assess these uses. These criteria include the provision of adequate water and sewage disposal, the provision of adequate off-street parking and confirmation that the structure complies with the BC Building Code.

In this instance the proposed vacation rental use is to take place between May 1<sup>st</sup> and October 31<sup>st</sup> allowing a maximum of four (4) bedrooms to be occupied by a maximum of eight (8) guests. The vacation rental use is to take place in the single detached dwelling where a Health and Safety inspection was completed on August 13, 2024.

A parking plan has been provided indicating that the required four (4) off-street parking spaces have been provided and the property is connected to community sewer system.

The proposed vacation rental use is seen to be of a similar scale and intensity to the existing single detached dwelling. For this reason, the proposal is seen to have a low likelihood of adversely impacting adjacent uses, or neighbourhood and community residential needs.

Conversely, Administration recognises that limitations on commercial operations like vacation rentals are intended to ensure intrusive or intensive tourist accommodation is not introduced into residential neighbourhoods.

However, the intent of RDOS vacation rental policies is to allow for a new vacation rental use to operate for one “season” to determine if such a use is inappropriate, incompatible, or unviable at a particular location and, if so, to allow for the permit to lapse, or not be renewed within a relatively short period.

In summary, Administration supports approval of the requested temporary use permit.

**Financial Implications:**

Financial implications have been considered and none were found.

**Communication Strategy:**

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The proposed temporary use permit (TUP) has been notified in accordance with the requirements of the *Local Government Act* as well as the Regional District's Development Procedures Bylaw No. 2500, 2011.

**Alternatives:**

1. THAT the Board of Directors deny Temporary Use Permit No. A2024.017-TUP.

**Respectfully submitted:**

Colin Martin

Colin Martin, Planner I

**Endorsed By:**



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Agency Referral List

No. 2 – Applicant's Site Plan

No. 3 – Applicant's Floor Plan

No. 4 – Site Photo (Near Map, 2024)

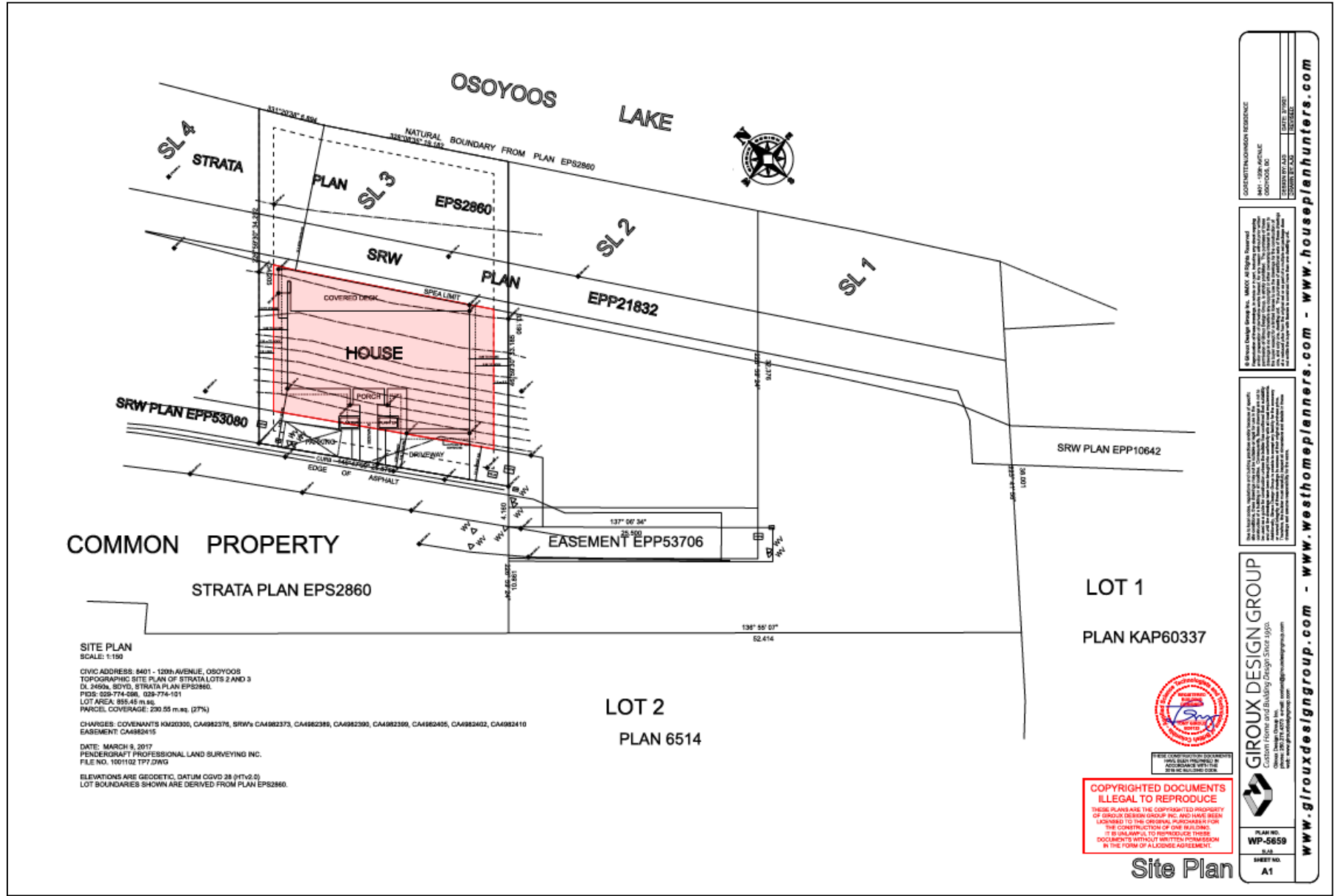
Attachment No. 1 – Agency Referral List

Referrals to be sent to the following agencies as highlighted with a , prior to the Board considering adoption of Temporary Use Permit No. A2024.017-TUP.

<input type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" 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 checked="" 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 checked="" 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"/>	Osoyoos Fire Department	<input type="checkbox"/>	



Attachment No. 2 – Applicant's Site Plan



**SITE PLAN**  
 SCALE: 1:150  
 CIVIC ADDRESS: 8401 - 120th AVENUE, OSOYOOS  
 TOPOGRAPHIC SITE PLAN OF STRATA LOTS 2 AND 3  
 DL 24598, OSOYO, STRATA PLAN EPS2860.  
 PID: 028-774-086, 028-774-101  
 LOT AREA: 885.45 m<sup>2</sup>  
 PARCELS COVERAGE: 230.55 m<sup>2</sup> (27%)  
 CHARGES: COVENANTS KM20300, CM6982376, SRW's CM4823373, CM4862385, CM6982390, CM4862369, CM4862405, CM6982402, CM4862410  
 EASEMENT: CM4862415  
 DATE: MARCH 9, 2017  
 PENDERGRAFT PROFESSIONAL LAND SURVEYING INC.  
 FILE NO. 1001102 TP7.DWG  
 ELEVATIONS ARE GEODETIC, DATUM CGVD 28 (HTV2.0)  
 LOT BOUNDARIES SHOWN ARE DERIVED FROM PLAN EPS2860.

LOT 1  
 PLAN KAP60337

LOT 2  
 PLAN 6514

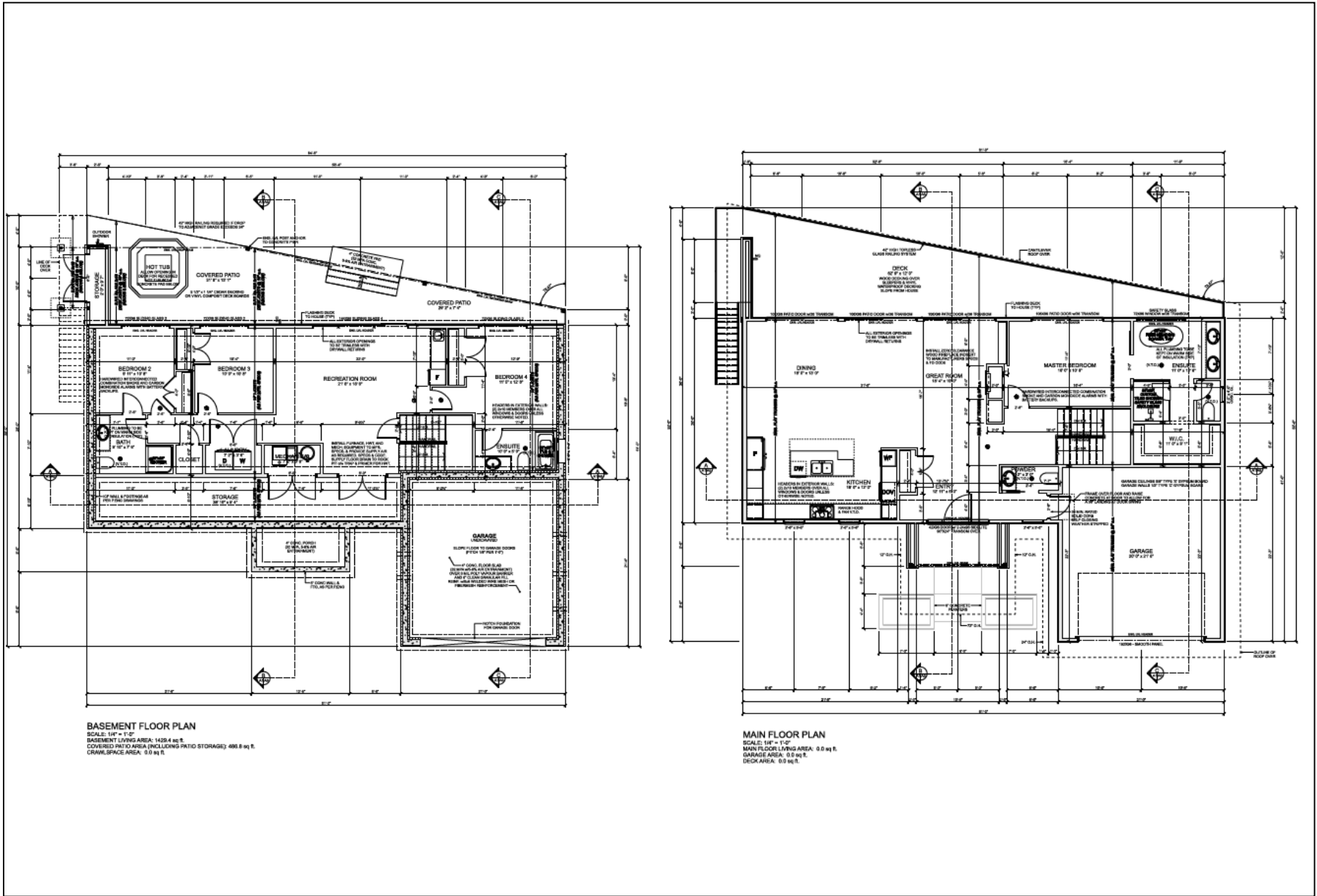
  
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 SHEET NO.  
**A1**

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Site Plan

# Attachment No. 3 – Applicant’s Floor Plan



Attachment No. 4 – Site Photo (Nearmap, 2024)

