

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** July 20, 2023  
**RE:** Temporary Use Permit Application – Electoral Area “H” (H2023.016-TUP)

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## Administrative Recommendation:

**THAT Temporary Use Permit No. H2023.016-TUP, to allow a tourist accommodation use at 175 Towers Road, Eastgate, be approved up to December 31, 2024**

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Legal: Lot 30, Plan KAP20249, District Lot 902, YDYD Folio: H-00794.245  
OCP: Small Holdings (SH) Zone: Small Holdings Four (SH4)

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## Proposed Development:

To operate a vacation rental use on the subject property through the issuance of a Temporary Use Permit (TUP).

The applicant is proposing to operate the vacation rental use year-round (e.g. January 1<sup>st</sup> to December 31<sup>st</sup>) and to accommodate up to 10 patrons.

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

*Our family consists of 19 people when we include our 4 adult children, their partners and our Grandchildren and our parents ... Our home comfortably accommodates 16 people ...*

*[We] are proposing the use of the property as a vacation rental property for other families to enjoy. We will continue to use the property as a second residence and vacation home for our family as the primary use of the property and because it is situated so close to our work and home in Abbotsford, we plan to be at the property almost weekly.*

*Because this property is also our second home, it is extremely important to us that other guests who may enjoy the home behave in a way that respects our space, our neighbours and the environment.*

*Therefore, we will ensure we have screened those who apply to stay and ensure we are inviting the guests that we would feel comfortable having in our home.*

## Site Context:

The property is 1,484 m<sup>2</sup> in area and is situated on the east side of Towers Road abutting the Similkameen River. The parcel is comprised of a cabin, two c-can storage containers and accessory structures.

The surrounding pattern of development is generally characterised by similar residential development to the north and west and the Similkameen River to the south and east.

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**Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on May 5, 1970.

Available Regional District records indicate that a building permits for a Garage & workshop (1981), Convert to Cabin (1990), and Addition to Single Family Dwelling (2007) have previously been issued for this property. BC Assessment has classified the property as “Residential” (Class 01).

**Official Community Plan:**

Under the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, the subject property is currently designated Small Holdings (SH), and is the subject of a Watercourse Development Permit (WDP) designation.

Section 21.3.4 of Electoral Area “H” OCP Bylaw 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.

**Zoning Bylaw:**

Under the Electoral Area “H” Zoning Bylaw No. 2498, 2012, the property is currently zoned Small Holdings Four (SH4) which permits single detached dwelling as a principal use.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Similkameen River and is subject to the floodplain regulations in the zoning bylaw.

**Bylaw Enforcement:**

The Regional District has received written complaints regarding parking on the street, noise, security concerns, guests trespassing on other properties; attractants being left which attract wildlife (bears, coyotes etc.); year round vacation rental use without a TUP; and the alleged rental of an accessory building (shed).

**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.

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**Analysis:**

The proposed use is “tourist accommodation” (e.g. temporary accommodation for the travelling public) and not a “vacation rental”. This is because a “vacation rental” use is premised on a dwelling unit being occupied as the “permanent domicile of a person or persons; or the occasional or seasonal occupancy or ... by an owner who has a permanent domicile elsewhere ...”, and is not applicable in this instance. Rather, the tourist accommodation is proposed to occur throughout the calendar year and to be the principal use of the dwelling unit.

Accordingly, the application has been assessed as a tourist commercial use (NOTE: the Electoral Area “H” OCP Bylaw, unlike the Okanagan Electoral Area OCPs, does not currently contain any supportive policies regarding vacation rentals).

This assessment includes consideration of the OCP objectives for commercial uses, such as providing small-scale commercial activities servicing the needs of tourists and ensuring commercial development is in scale with and appropriate to the character of the rural community and its natural environment.

A supporting OCP policy includes considering commercial development proposals that reflect the needs of the local community and the anticipated demand from the traveling public.

Against this criteria, the existence of Eastgate as a community is tied to the recreational opportunities that were created in the area following the establishment of Manning Park and construction of the Hope-Princeton Highway in the 1940s.

As such, Eastgate is not that different from Apex Mountain in that many people do travel to the community on a short-term basis to participate in nearby, outdoor recreation opportunities and the provision of short-term accommodation within the community is seen to be supportive of this.

As it relates to the provision of off-street parking, the applicant has indicated that six (6) parking spaces would be provided within the driveway, which would satisfy the minimum parking requirement for this use. Further the impact on the natural environment and neighbouring uses is minimized by being contained within an existing building.

Of concern is the provision of adequate waste water disposal on the property to support the proposed use. Administration relies on the professional reliance model for septic system assessment. The applicant has provided a letter signed the Registered Professional Engineer who designed the system which states that “the existing septic system is adequate to handle the effluent generated by 10 people for seasonal short-term rental usage”.

Conversely, feedback received from Interior Health Authority (IHA) cautions that the Engineers report may only be considering the proposed use of the property in terms of if the sewerage system as designed can accommodate up to 10 people at one time and may not be considering the long-term sustainability of the on-site servicing of the parcel.

Specifically, IHA states that “[given] the quite small size of the parcel (in terms of onsite servicing) and the proximity of the river, and possibly to drinking water wells too, it would likely be difficult to find a back-up sewerage disposal area on the subject parcel in the future if/when the existing system fails.”

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**Summary:**

For the reasons outlined above, administration is supportive of the proposed use being trialed on a temporary “one season” basis and is recommending that the TUP be approved to.

**Alternatives:**

1. THAT Temporary Use Permit No. H2023.016-TUP, to allow a tourist accommodation at 175 Towers Road, Eastgate, be denied.

**Respectfully submitted:**

*Fiona Titley*

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Fiona Titley, Planner II

**Endorsed By:**

*CG*

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C. Garrish, Senior Manager of Planning

**Attachments:** No. 1 – Agency Referral List  
No. 2 – Applicants 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. H2023.016-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"/>	Eastgate Fire Department		

Attachment No. 3 – Aerial Photo





Attachment No. 4 – Applicants Site Photo

