

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: January 18, 2024
RE: Temporary Use Permit Application – Electoral Area “H” (2023.030-TUP)

Administrative Recommendation:

THAT Temporary Use Permit No. H2023.030-TUP, to allow vacation rental use at 155 Airstrip Road, Eastgate, be approved.

Legal: Lot 2, Plan KAP20249, District Lot 902, SDYD, Except Plan KAP78405 Folio: H-00794.105

OCP: Small Holdings (SH) Zone: Small Holdings Four (SH4)

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) for one “season”, with an operational period of November 1st – February 1st and June 1st – August 31st.

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

We intend to use the cabin for our own pleasure and with how beautiful the area is we decided to share this with others ... Our family intends to continue to use the cabin during the year, we have multiple adult children and between all of us we will be using it often. On the weeks we are not available we would like to share our experiences with others and let others rent our space. We are planning on rent it out during the busier seasons which would be November-February and June-August ... We will provide all neighboring houses with all our contact information in case any problems do arise, we are not far away and will be monitoring peoples stays as needed. As we are only just over an hour away and we will be coming up in between all stays for regular maintenance and upkeep as well as cleaning.”

Site Context:

The subject property is approximately 1675 m² in area and is situated on the east side of Airstrip Road approximately 93 m west of the Similkameen River. It is understood that the parcel is comprised of a single detached dwelling and garage.

The surrounding pattern of development is generally characterised by similarly sized residential parcels that have been development with single detached dwellings.

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, while available Regional District records indicate

that building permits for an addition to a single family dwelling (2012), garage (2017) and addition of covered deck to a garage (2018) have previously been issued for this property.

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) Area 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.

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

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

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 “H” OCP Bylaw, unlike the Okanagan Electoral Area OCPs, does not currently contain supportive policies for vacation rental uses. However, administration understands the intent of the Regional District Board’s “Vacation Rental Temporary Use Permit Policy”, and supportive OCP policies in other electoral areas is to allow for new vacation rental uses 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 may choose to renew the permit, or if the use is deemed too intrusive or intensive for the particular location, the Board may choose to allow the permit to lapse.

Accordingly, the Okanagan Electoral Area OCPs include policies stating that the Regional District Board supports the provision of paid accommodation for visitors through the short-term rental of residences in lands designated Residential, provided that community and neighbourhood residential needs and other land use needs can be addressed.

The Okanagan OCPs also contain evaluation criteria against which temporary use permit applications for vacation rental uses can be assessed:

- 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; and,
- benefits that such accommodation may provide to the community.

Regarding off-street parking, the applicant has indicated that three (3) parking spaces will be provided within the driveway, which satisfies the minimum parking requirement for this use.

Regarding impacts to the natural environment and neighbouring uses, the proposed use is contained within an existing building, which is seen to minimize potential impacts.

The applicant has provided a receipt from a recent pumping of the on-site septic system and a copy of the original permit to construct the septic system to demonstrate capability of accommodating on-site septic disposal.

However, the septic permit does not speak to the number of bedrooms that the septic system can support. The applicant has indicated that “the companies [they contacted] are unable to write up a new certificate without digging up the [existing] septic system”.

A Health and Safety Inspection was completed and all deficiencies have been addressed.

Alternative

Conversely, administration recognizes that the Electoral Area “H” Official Community Plan does not currently include policies that contemplate vacation rental uses, and for this reason the policies in the Okanagan OCPs *may* not reflect the Board’s preferences for vacation rental uses in Electoral Area “H”.

In summary, the proposed temporary use generally satisfies the temporary use permit criteria applied in the Okanagan Electoral Area OCPs and is seen to be consistent with the Regional District Board’s “Vacation Rental Temporary Use Permit Policy”. For these reasons, administration is recommending approval.

Alternatives:

1. THAT the Board of Directors deny Temporary Use Permit No. H2023.030-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
- No. 3 – 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. H2023.030-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. 2 – Aerial Photo



Attachment No. 3 – Site Photo

