

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** March 2, 2023

**RE:** Temporary Use Permit Application – Electoral Area “A” (A2022.032-TUP)

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### Administrative Recommendation:

**THAT Temporary Use Permit No. A2022.032-TUP, to allow a vacation rental use at 10230 81<sup>st</sup> Street, be approved.**

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Legal: Lot 1, Plan EPP87173, District Lot 2450S, SDYD Folio: A-06047.050

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

*We recently completed the construction of our house at 10230 81st Street in Osoyoos (October 2022). The house is designed with 2 structures: a west and lake facing structure comprised of 2 bedrooms and 2 bathrooms and a north facing structure facing the vineyards with one bedroom and one bathroom. The purpose of the north facing suite (“the secondary suite”) is twofold:*

- 1. To provide a comfortable and private place for family and friends staying with us. We have relatives living in other countries who are planning to come and visit us for extended periods of time.*
- 2. To be rented out when not occupied by friends and family so that we can generate some revenue to help with mortgage payments and the rising cost of living.*

### Site Context:

The subject property is approximately 1,515 m<sup>2</sup> in area and is situated on the south side of 81<sup>st</sup> Street and approximately 400 metres from the boundary with Town of Osoyoos. It is understood that the parcel is comprised of a single detached dwelling containing a secondary suite.

The surrounding pattern of development is generally characterised by agriculture and similarly sized residential parcels that have been developed 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 October 30, 2018, while available Regional District records

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indicate that building permits for a single detached dwelling (2021) and a retaining wall (2022) have 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).

Section 22.3.4 of Electoral Area “A” OCP Bylaw contains criteria in 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 lists single detached dwelling as a permitted principal use and accessory dwelling as a permitted accessory use.

The subject property is connected to community water and community sewer and BC Assessment has classified it as “Residential” (Class 01).

#### **Public Process:**

On February 8, 2023, a Public Information Meeting (PIM) was held electronically via Webex and was attended by approximately 2 members of the public.

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 will be located within a secondary suite constructed in 2021 and Final Occupancy has previously been granted for the secondary suite confirming compliance with the BC Building Code.

Adequate on-site parking is already provided for this secondary suite and the subject property is adequately serviced by community water and sewer.

The proposed vacation rental use is seen to be of a similar scale and intensity to the existing secondary suite. 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.

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

**Alternatives:**

1. THAT the Board of Directors deny Temporary Use Permit No. A2022.032-TUP.

**Respectfully submitted:**

*Ben Kent*

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Ben Kent, Planner I

**Endorsed By:**



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C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List  
No. 2 – Aerial Photo  
No. 3 – Applicant's Site Photo

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Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a ☒, regarding Temporary Use Permit A2022.032-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 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 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 – Aerial Photo





Attachment No. 3 – Applicant's Site Photo



Secondary suite to be  
used for vacation rental