

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: March 2, 2023

RE: Temporary Use Permit Application – Electoral Area “D” (D2022.020-TUP)

Administrative Recommendation:

THAT Temporary Use Permit No. D2022.020-TUP, to permit a vacation rental use at 2238 Sun Valley Way, be approved.

Purpose: To allow for a vacation rental use. Folio: D-02508.270

Civic: 2238 Sun Valley Way Legal: Lot 8, District Lot 2710, SDYD, Plan 31636

OCP: Agriculture (AG) Zone: Agriculture One (AG1)

Proposed Development:

This application is seeking to operate a vacation rental within the principal dwelling unit *and* secondary suite on the subject property through the issuance of a Temporary Use Permit (TUP).

In support of this proposal, the applicant has stated that “there is a great demand for agritourism housing and the use of this property is designed to provide greater tourist accommodation in the Okanagan Falls area.”

Site Context:

The subject property is approximately 4.06 ha in area and is situated on the west side of Sun Valley Way. It is understood that the parcel is comprised of a single detached dwelling with a secondary suite, two accessory buildings (i.e., storage sheds), and 2.5 acres of planted vineyard.

The surrounding pattern of development is generally characterised by similarly sized agricultural and rural residential parcels.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on February 18, 1981, while available Regional District records indicate that building permits have been issued for a single detached dwelling (1994) and swimming pool (1995).

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Agriculture (AG) and the Bylaw contains criteria to be used when evaluating a temporary use permit application.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Agriculture One (AG1) which permits “single detached dwelling” as a principal use and “secondary suite, subject to Section 7.9” as an accessory use.

A Health and Safety Inspection was completed on October 21, 2022, and the identified issues were confirmed as having been resolved as of January 18, 2023.

The property is within the Agricultural Land Reserve (ALR) and has been classified as part “Residential” (Class 01) and part “Farm” (Class 09) by BC Assessment.

Public Process:

On January 11, 2023, a Public Information Meeting (PIM) was held online via Webex and was attended by approximately two (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 vacation rental use will be seasonal in nature (May - 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 has submitted correspondence with a Registered On-Site Wastewater Professional (ROWP) indicating that the existing system is not capable of accommodating an eight person occupancy. The applicant noted that the system would be upgraded and later provided documentation confirming that a Record of Sewerage System has been filed for the upgraded sewerage system as of January 19, 2023.

Given the larger parcel sizes in the vicinity and the location of the property in a predominantly agricultural area, it is unlikely that the proposed vacation rental use would disrupt uses on adjacent properties. It is also noted that the applicant has submitted a site plan which shows provision of adequate on-site parking.

Alternative:

Conversely, Administration is generally concerned by the conversion of dwelling units on agricultural parcels for use by short-term tourists. The loss of such units impacts the ability to accommodate farm workers and creates pressure to develop additional housing on agricultural lands elsewhere.

Recognizing that the ALR is considered an “industrial zone” for agriculture by the province, Administration is further concerned with the introduction of amenity-oriented uses that may conflict with surrounding farm operations. However, a Temporary Use Permit provides a means of trialing the proposed vacation rental use to assess its compatibility with the surrounding area.


Summary:

In light of the comments above, the proposal is seen to be consistent with the vacation rental and temporary use permit assessment criteria under the OCP Bylaw.

Alternatives:

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1. THAT the Board of Directors deny Temporary Use Permit No. D2022.020-TUP.

Respectfully submitted:


Shannon Duong, Planner II

Endorsed By:


C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List

No. 2 – Site Photo (Google Streetview – 2012)

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a ☒, regarding Temporary Use Permit No. D2022.020-TUP:

<input checked="" 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 checked="" 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 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"/>	X Irrigation District / improvement Districts / etc.
<input checked="" type="checkbox"/>	Okanagan Falls Volunteer Fire Department	<input type="checkbox"/>	Public Works (Water Areas C, D, E, F; Sewer Area D)

Attachment No. 2 – Site Photo (Google Streetview – 2012)

