

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: B. Newell, Chief Administrative Officer
DATE: February 16, 2021
RE: Temporary Use Permit Application — Electoral Area “C”

Purpose: To allow for continuation of a short-term vacation rental use through renewal of a TUP

Owner: Andrew Peller Limited **Applicant:** Patricia Leslie **Folio:** C-06577.460

Civic: 553 Tinhorn Creek Road **Legal:** Lot C, Plan KAP87895, District Lot 2450S, SDYD

OCP: Agriculture (AG) **Zoning:** Agriculture Two Zone (AG2)

Proposal:

This application seeks approval for the renewal of Temporary Use Permit No. C2019.014-TUP, which authorizes the operation of a short-term vacation rental use of a three-bedroom dwelling for a three-year term to expire on December 31, 2023.

Site Context:

The subject parcel is approximately 1.007 ha in area, is situated on the west side of Tinhorn Creek Road. Tinhorn Creek Vineyards is located on the parcel to the south. The property is seen to be comprised of a single detached dwelling, swimming pool, and a small planted area farmed in conjunction with the abutting parcel (vineyard).

The surrounding pattern of development is characterised by agriculture.

Background:

The subject property was created by a subdivision plan deposited in the Land Title Office in Kamloops on November 12, 2008, while available Regional District records indicate that no Building Permits have previously been issued.

At its meeting of March 5, 2020, the Regional District Board resolved to approve TUP application No. 2019.014-TUP, subject to the following condition: that all deficiencies identified in the health and safety inspection are corrected by the applicant and inspected by an RDOS Building Official, prior to issuance.

On June 3, 2020, an RDOS Building Official conducted an inspection and advised that all deficiencies were corrected.

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2458, 2008, the property is designated Agriculture (AG) and the subject parcel, with exception of the homesite, is identified as Important Ecosystem.

Section 9.3.14 of Electoral Area “C” OCP Bylaw speaks to preserving and protecting the existing agricultural land base in rural Oliver but also to supporting property owners being able to diversify

and enhance uses secondary to agricultural uses (i.e. “bed and breakfast operations” and other “value-added” uses such as agri-tourism).

Section 22.3 of Electoral Area “C” OCP Bylaw contains criteria in evaluating a temporary use permit application. Section 20.3.5 and Section 20.3.6 specify conditions for temporary use permits and short-term vacation rentals respectively. The previously issued TUP for the subject property included conditions to limit or require the following:

- Period of use (April-October);
- Posting of information within vacation rental;
- Maximum number of bedrooms (3);
- Maximum occupancy (6);
- Minimum number of on-site parking stalls (3);
- Prohibition of camping or use of RVs or accessory buildings for vacation rental occupancy;
- Providing TUP and contact information to neighbours; and
- Correcting deficiencies identified in health and safety inspection.

Under the Electoral Area “C” Zoning Bylaw No. 2453, 2008, the property is currently zoned Agriculture Two Zone (AG2) which only allows for single detached dwellings as a principal use.

The property is also situated within the Agricultural Land Reserve (ALR) and, under Section 34 (Tourist Accommodation) of the *Agricultural Land Reserve Use Regulation*, “the use of agricultural land for providing accommodation for tourists is permitted in a principal residence that is a pre-existing residential structure”, if the number of bedrooms does not exceed 4 and accommodation is provided on a short-term basis only.

The subject property has been assessed as “residential” (Class 01) and “farm” (Class 09).

Analysis:

In assessing this proposal, Administration notes that there have been no recorded complaints received in relation to the operation of this vacation rental use since issuance of the TUP and the applicant has indicated that there have been no changes to the use since the permit was issued in 2020 (i.e. the use remains limited to three (3) bedrooms and six (6) paying guests between April 1st and October 31st) and ownership remains unchanged.

While it is recognised that the Electoral Area “C” OCP Bylaw, contains a number of specific criteria against which vacation rental TUPs are to be assessed (i.e. septic capacity, screening, health & safety assessment and on-site vehicle parking provisions), this criteria was previously considered by the Board when it approved TUP No. A2019.014-TUP in 2020.

It should be noted that the Electoral Area “C” OCP Bylaw recognizes “on-going” vacation rental uses through temporary use permits; however, properties designated Residential are the only specified benefactors of this policy.

Although Agricultural designated properties are not specifically contemplated for “on-going” vacation rental uses, vacation rentals are seasonal and temporary in nature, as the terms of the permit specify a portion of the year in which such a use can occur and the single detached dwelling is used for remainder of the year in accordance with the Zoning Bylaw (i.e. for residential use).

As such, continuation of a temporary use permit for a vacation rental use is considered consistent with the administration of other vacation rentals in Area "C".

Accordingly, and in light of the absence of any change to the use or received complaints regarding its operation, Administration supports the continuation of a vacation rental use through a temporary use permit for a further three years (to December 31, 2023), provided the TUP includes the same conditions as the previously issued TUP.

Conversely, the addition of uses within an agricultural area that are more commercial in nature can pose potential land use conflicts with agricultural operations. By allowing additional uses to occur, the primary use of the property or surrounding properties as agricultural land can become threatened through the introduction of competing interests.

However, changing the duration of stay within an existing dwelling unit is not anticipated to introduce any land use conflicts that would not be present if the dwelling were used for residential purposes.

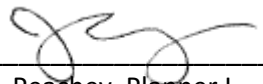
Administrative Recommendation:

THAT the APC recommends to the RDOS Board that the proposed temporary use be approved.

Options:

1. THAT the APC recommends to the RDOS Board that the proposed temporary use be approved.
2. THAT the APC recommends to the RDOS Board that the proposed temporary use be approved with the following conditions:
 - i) *TBD*
3. That the APC recommends to the RDOS Board that the proposed temporary use be denied.

Respectfully submitted:



J. Peachey, Planner I

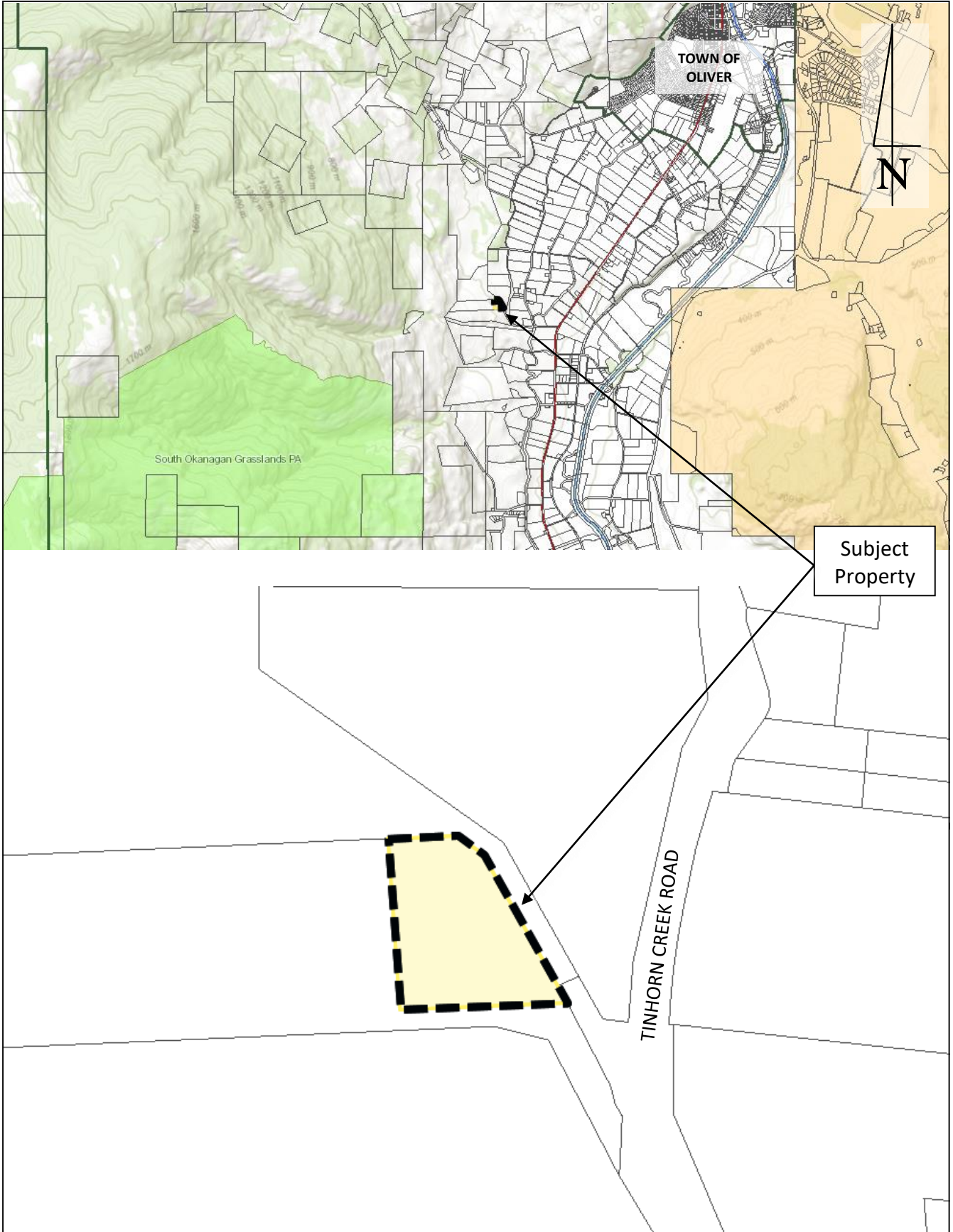
Endorsed by:



C. Garrish, Planning Manager

- Attachments:**
- No. 1 – Context Maps
 - No. 2 – Applicant's Site Plan
 - No. 3 – Applicant's Floor Plan (Lower Level)
 - No. 4 – Applicant's Floor Plan (Upper Level)
 - No. 5 – Site Photo (Google Earth)

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant's Site Plan

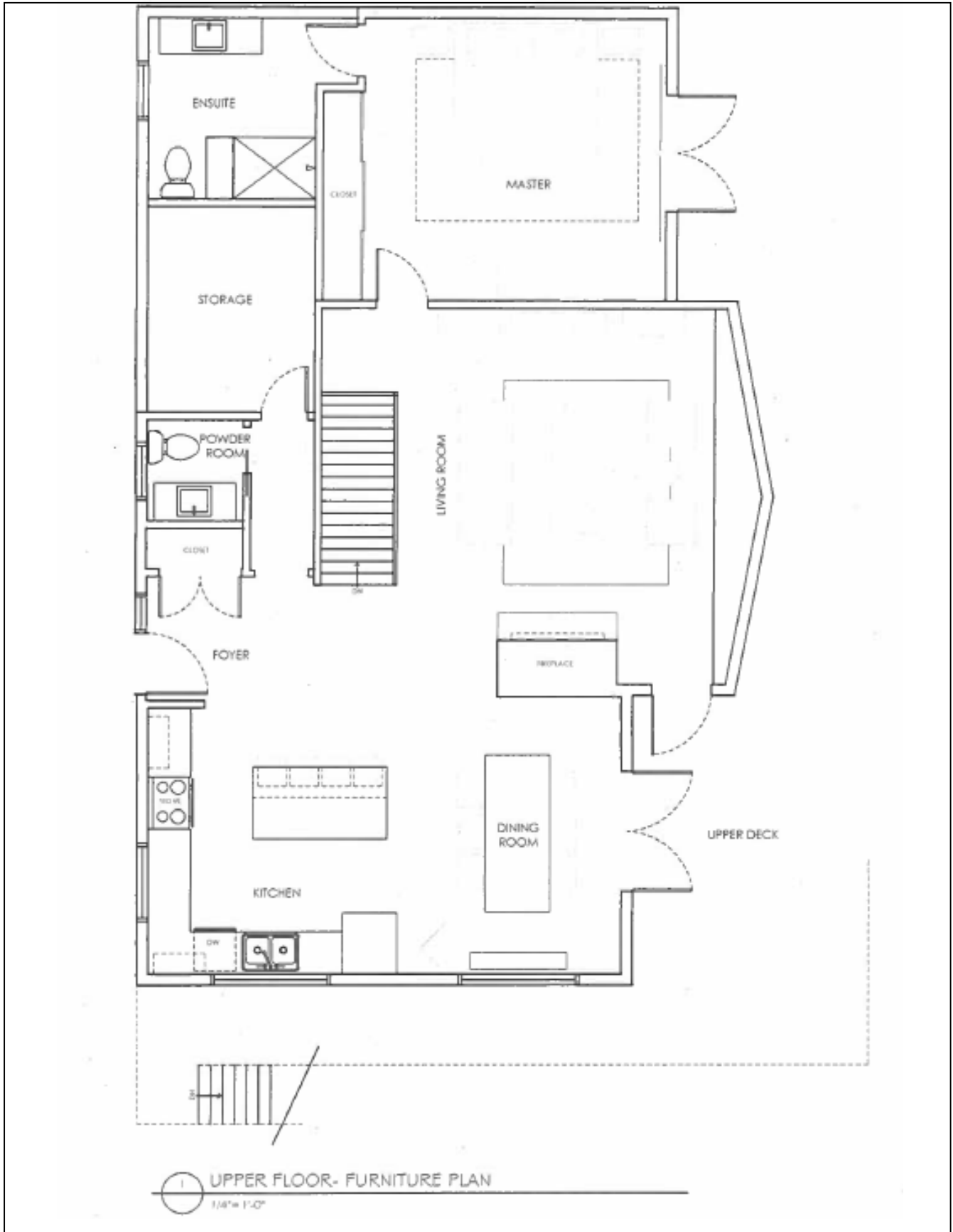


Attachment No. 3 – Applicant's Floor Plan (Lower Floor)



LOWER FLOOR- FURNITURE PLAN
1/4" = 1'-0"

Attachment No. 4 – Applicant's Floor Plan (Upper Floor)



Attachment No. 5 –Photo (Google Earth)

