

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: September 22, 2022
RE: Temporary Use Permit Application – Electoral Area “D” (D2022.016-TUP)

Administrative Recommendation:

THAT Temporary Use Permit No. D2022.016-TUP, to allow vacation rental use at 2155 Carmi Road, be approved.

Legal: Lot 17, Plan KAP31786, District Lot 2710, SDYD Folio: D-06788.410

OCP: Large Holdings (LH) Zone: Large Holdings One Site Specific (LH1s)

Proposed Development:

This application is seeking to allow a vacation rental use within an accessory building on the subject property through the issuance of a Temporary Use Permit (TUP).

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

We have no changes to our previous Temporary Permits, all aspects of our business remain the same. The same 2 rooms hosting 2 per room May to October. We only have the rooms booked when we are home, on site. On our last application we submitted 20 letters from our direct neighbours on Carmi Road supporting our BNB, some whom also use our units for their family members. I hope this explains that we plan to carry on our business as usual bringing many affluent guests to our area visiting our restaurants and tourist attractions.

Site Context:

The subject property is approximately 4.06 ha in area and is situated on the west side of Carmi Road and approximately 700 metres from the City of Penticton. It is understood that the parcel is comprised of a single detached dwelling and a garage that has been converted into 2 guest suites.

The surrounding pattern of development is generally characterised by similarly sized large holdings 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 April 22, 1981, while available Regional District records indicate that building permits for a single family dwelling (1995), a swimming pool and retaining wall (2011), an addition to the single family dwelling (2012), a garage (2012) and a garage conversion to 2 guest suites (2019) have previously been issued for this property.

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Large Holdings (LH), and is the subject of Hillside Development Permit (HDP) and Environmentally Sensitive Development Permit (ESDP) Area designations.

Section 23 of Electoral Area “D” OCP Bylaw contains criteria in evaluating a temporary use permit application. Section 23.2.5 and 23.2.6 specify conditions for temporary use permits and short-term vacation rentals respectively. The previously issued TUPs for the subject property included conditions to limit or require the following:

- Period of use (May-October);
- Posting of information within vacation rental;
- Maximum number of bedrooms (2);
- Maximum occupancy (4);
- Minimum number of on-site parking stalls (2);
- Prohibition of camping or use of RVs or accessory buildings for vacation rental occupancy;
- Providing TUP and contact information to neighbours.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Large Holdings One Site Specific (LH1s) which allows a single detached dwelling as a principle use and allows for a bed and breakfast operation and an accessory dwelling as accessory uses.

BC Assessment has classified the property as Residential (Class 01).

Temporary Use Permit applications submitted in 2018 and 2019 to allow a vacation rental use at the subject property were previously approved by the Regional District Board.

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:

There have been no recorded complaints received in relation to the operation of this vacation rental use. The applicant has indicated that there have been no changes to the use since the permit was first issued in January 2019 (i.e the use remains limited to 2 bedrooms and 4 paying guests from May 1st to October 31st) and ownership remains the same.

While it is recognized that the Electoral Area “D” OCP Bylaw No. 2603, 2013 contains a number of specific criteria against which vacation rental TUPs are to be assessed (i.e. septic capacity, screening, and on-site vehicle parking provisions), these criteria were previously considered by the Board when it approved TUP No. D2018.177-TUP and D2019.006-TUP.

Further, Electoral Area “D” OCP Bylaw contains objectives which include allowing “on-going” vacation rental uses through the issuance of Temporary Use Permits.

Alternatives:

1. THAT the Board of Directors deny Temporary Use Permit No. D2022.016-TUP.

Respectfully submitted:

Ben Kent
Ben Kent, Planner I

Endorsed By:


C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List
No. 2 – Applicant’s Site Photo

Attachment No. 1 – Agency Referral List

Referrals to be sent to the following agencies as highlighted with a , prior to the Board considering adoption of Temporary Use Permit No. D2022.016-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 checked="" 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 type="checkbox"/>	Volunteer Fire Department	<input type="checkbox"/>	Public Works (Water Areas C, D, E, F; Sewer Area D)

Attachment No. 2 – Applicant’s Site Photos (2019)



Location of accessory building subject to Temporary Use Permit for vacation rental.

