

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: February 22, 2024
RE: Temporary Use Permit Application – Electoral Area “D” (D2024.002-TUP)

Administrative Recommendation:

THAT Temporary Use Permit No. D2024.002-TUP, to renew an existing permit for the operation of a vacation rental use at 4633 Peach Crescent, be approved.

Legal: Lot 13, Plan KAP16460, District Lot 374, SDYD Folio: D-00998.068

OCP: Low Density Residential (LR) Zone: Low Density Residential Two (RS2)

Proposed Development:

This application is seeking to renew an existing permit for the operation of 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 that “Last year was my first season with the permit and now I am requesting a renewal for a 3 year time period. Nothing has changed in terms of the property’s number of bedrooms, health and safety, etc.”

Site Context:

The subject property is approximately 1,080 m² in area and is situated at the end of Peach Crescent. It is understood that the parcel is comprised of a single detached dwelling and a detached garage.

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

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on July 6, 2022 while available Regional District records indicate that building permits have been issued for a mobile home (1974), an addition to a mobile home (1975), a porch (1979), the demolition of a single wide trailer (2009), and a single family dwelling (2009).

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Low Density Residential (LR) and is the subject of a Watercourse Development Permit (WDP) Area.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Two (RS2) which permits “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 Shuttleworth Creek.

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

On April 20, 2023 the Regional District Board resolved to approve D2023.008-TUP, which authorized a two-bedroom vacation rental use on the subject property for one season, to expire on December 31, 2023.

Public Process:

Adjacent property owners will have received notification of this application with written comments being accepted up until February 15, 2024. 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 “D” OCP includes policies supporting the ongoing vacation rental use of residential parcels through the issuance of temporary use permits.

The Area “D” OCP also outlines criteria against which the board will consider such a use, and these criteria were previously considered by the Board when it approved TUP No. D2023.008-TUP.

The intent of the Regional District’s Vacation Rental Temporary Use Permit Policy is to allow for a new vacation rental use to operate for one season to determine if such a use is appropriate at that particular location.

Accordingly, where a vacation rental use has been determined to be appropriate, this policy allows for the temporary use permit to be renewed or reissued for a maximum period of three years.

No bylaw enforcement complaints have been received related to the operation of this vacation rental and the proposed use remains unchanged since the previous approval in 2023.

Alternative

Conversely, limitations on commercial operations like vacation rentals are intended to ensure that intrusive or intensive tourist accommodation is not introduced into residential neighbourhoods.

Summary

In Summary, it is recommended that the requested variances be approved.

Alternatives:

1. THAT the Board of Directors deny Temporary Use Permit No. D2024.002-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 – Site Photo
- No. 3 – Aerial Photo

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , prior to the Board consideration of Temporary Use Permit No. D2024.002-TUP:

<input type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" 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 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"/>	Irrigation District / improvement Districts / etc.
<input checked="" type="checkbox"/>	Okanagan Falls Volunteer Fire Department	<input type="checkbox"/>	

Attachment No. 2 – Site Photo (Street View – 2023)



Attachment No. 3 – Aerial Photo

