

Lauri Feindell

From: Peters, Jonathan <Jonathan.Peters@fortisbc.com>
Sent: September 24, 2021 8:35 AM
To: Planning
Cc: Referrals
Subject: Referral: Temporary Use Permit - Vacation Rental Renewal - 3180 McKay Road
Attachments: Referral Sheet E2021.022-TUP 3180 McKay Road.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,

With respect to the above noted file, FortisBC Energy Inc. (Gas) has reviewed the subject proposal and has no objections or concerns.

If you have any questions or concerns, please do not hesitate to ask!

Thank you,

If you have any questions feel free to reach out to me.

Jonathan Peters, ASCT, BSc | Planning & Design Technologist 2
Kelowna, BC



W: 250-868-4552

Email: jonathan.peters@fortisbc.com

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Lauri Feindell

From: Abenante, Thomas <Thomas.Abenante@fortisbc.com>
Sent: September 24, 2021 10:34 AM
To: Planning
Cc: Peters, Jonathan
Subject: FW: Referral: Temporary Use Permit - Vacation Rental Renewal - 3180 McKay Road
Attachments: Referral Sheet E2021.022-TUP 3180 McKay Road.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,
With respect to the above noted file, FortisBC Energy Inc. (Gas) has reviewed the subject proposal and has no objections or concerns.

Thank you,

Thomas Abenante, ASCT | Planning & Design Technologist (Gas)
Kelowna, B.C.



W: 250-868-4518

Email: thomas.abenante@fortisbc.com

From: Referrals <Referrals@fortisbc.com>
Sent: Wednesday, September 22, 2021 3:59 PM
To: Abenante, Thomas <Thomas.Abenante@fortisbc.com>; Peters, Jonathan <Jonathan.Peters@fortisbc.com>
Subject: Referral: Temporary Use Permit - Vacation Rental Renewal - 3180 McKay Road

Property Referral: 2021-1657

Hi Thomas and Jonathan

Please review the attached / below and provide your comments directly to planning@rdos.bc.ca by **Oct 14, 2021**.

If FortisBC Energy Inc. is affected, please copy referrals@fortisbc.com in on your response so that we may update our records.

Thank you,

Mai Farmer
Property Services Assistant
Property Services
Phone 604-576-7010 x57010



Lauri Feindell

From: Huber, Sara ALC:EX <Sara.Huber@gov.bc.ca>
Sent: September 24, 2021 1:13 PM
To: Planning
Cc: Gyug, Philip AFF:EX
Subject: 51176m2 - ALC Response to RDOS TUP E2021-022
Attachments: 51176m2 - RDOS TUP E2021-022.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Danielle,

Please find attached the Agricultural Land Commission's response with respect to RDOS TUP E2021-022.

The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any Orders of the Commission.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Sara Huber, Regional Planner
Agricultural Land Commission (ALC)
Email: Sara.Huber@gov.bc.ca
Phone: 236-468-3258



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000 | Fax: 604 660-7033

September 24, 2021

Reply to the attention of Sara Huber
ALC Inquiry: 51176
Local Government File: E2021.022-TUP

Danielle DeVries
Planner 1, RDOS
planning@rdos.bc.ca

Re: Regional District of Okanagan Similkameen Temporary Use Permit No. E2021.022-TUP

Thank you for forwarding a draft copy of Regional District of Okanagan Similkameen (RDOS) Temporary Use Permit E2021.022-TUP (the "TUP") for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the TUP is consistent with the purposes of the *ALC Act*, the Agricultural Land Reserve (ALR) General Regulation, the ALR Use Regulation, and any decisions of the ALC.

The TUP proposes to renew a TUP which will expire on October 31, 2021 for the operation of a short-term vacation rental in an accessory dwelling on the property identified as 3180 and 3260 McKay Road, Naramata; PID: 018-787-762 (the "Property") for up to four guests in two bedrooms from May to October each year.

ALC File History:

In 1992, the Commission refused an application to exclude the Property from the ALR (Application 26607; Resolution #760/1992), citing the prime agricultural capability of the majority of the land, and the negative impact exclusion may have on adjacent orchards and the agricultural community in general.

In 2018, ALC staff responded to a referral for a TUP for a short-term vacation rental in the principal dwelling (or what was believed to be the principal dwelling) on the Property (RDOS File: E2018.165; ALC File: 51176). ALC staff had no objection to the TUP citing that the ALC does not regulate the tenure of the principal dwelling.

ALC Staff Comments:

ALC staff note that the current referral applies to the accessory dwelling as opposed to the principal dwelling. While the ALC does not regulate the tenure of the principal dwelling, presently in the ALR, the additional residence may only be a manufactured home that is occupied by the owner or the owner's immediate family.

ALC staff are unclear as to the status of the accessory dwelling. Until further information is available, ALC staff do not support the issuance of the TUP.


The ALC strives to provide a detailed response to all referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any decisions of the Commission.

This response does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

If you have any questions about the above comments, please contact the undersigned at 236-468-3258 or by e-mail (Sara.Huber@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Sara Huber, Regional Planner

Enclosure: Referral of RDOS E2021-022-ZONE

CC: Ministry of Agriculture - Attention: Philip Gyug (Philip.Gyug@gov.bc.ca)

51176m2

RESPONSE SUMMARY

TEMPORARY USE PERMIT NO. E2021.022-TUP

Approval Recommended for Reasons
Outlined Below

Interests Unaffected

Approval Recommended Subject to
Conditions Below

Approval Not Recommended
Due to Reasons Outlined Below

See attached letter.

Signature: 

Signed By: Tanya Osborne

Agency: Interior Health

Title: Community Health Facilitator

Date: Oct 4, 2021



Interior Health

October 4, 2021

Danielle DeVries, Planner
Regional District of Okanagan-Similkameen
101 Martin Street
Penticton, BC, V2A-5J9

Sent via email: planning@rdos.bc.ca

Danielle DeVries:

RE: File E2021.022-ZONE: 3180 & 3260 McKay Road: Lot 2, Plan KAP52397, District Lot 210, SDYD

Thank you for the opportunity to provide comments on this application. It is our understanding that the above referenced application seeks re-approval for a Temporary Use Permit (TUP) to allow the subject property to continue to be used as a short-term vacation rental from May 1st to October 31st. This referral has been reviewed from a Healthy Community Development perspective. The following comments are for your consideration:

Housing is a key determinant of health. It has a significant influence on our physical and mental health, social well-being, and indirectly influences many other determinants of health such as income, early childhood development, educational opportunities, and access to health services. Healthy housing is attainable, stable, high quality, and in a location and community that meets our needs and supports health and well-being.

While this vacation rental can contribute to the property owner's income and support tourism through accommodation for the travelling public, it also reduces the availability of long-term housing units available in the community. It is important to balance long term housing needs with support for visitors and economic opportunity. As noted in the RDOS 2020 Housing Needs Assessment, there is an acute shortage of long-term rental availability.

We suggest that this TUP not be re-approved without the applicant first demonstrating that long term rental option is not feasible. If this is not possible, another mitigating measure is for the property to be available for longer term rental from Nov 1st – April 30th, rather than being vacant during that time.

Interior Health is committed to improving the health and wellness of all by working collaboratively with local governments and community partners to create policies and environments that support good health.

We recognize and acknowledge that we are collectively gathered on the traditional, ancestral, and unceded territories of the seven Interior Region First Nations, where we live, learn, collaborate, and work together. This region is also home to 15 Chartered Métis Communities. It is with humility that we continue to strengthen our relationships with First Nation, Métis, and Inuit peoples across the Interior.



Interior Health

Should you have any questions about the information provided above, please don't hesitate to call or email – my contact information can be found on the bottom of this letter.

Sincerely,

Tanya Osborne, BAHS
Healthy Communities

We recognize and acknowledge that we are collectively gathered on the traditional, ancestral, and unceded territories of the seven Interior Region First Nations, where we live, learn, collaborate, and work together. This region is also home to 15 Chartered Métis Communities. It is with humility that we continue to strengthen our relationships with First Nation, Métis, and Inuit peoples across the Interior.