

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: September 5, 2024
RE: Temporary Use Permit Application – Electoral Area “E” (E2024.013-TUP)

Administrative Recommendation:

THAT Temporary Use Permit No. E2024.013-TUP, to allow vacation rental use at 1135 McPhee Road be approved.

Legal: Lot 2, Plan KAP17934, District Lot 207, SDYD Folio: E-02093.010
OCP: Low Density Residential (LR) Zone: Low Density Residential Three (RS3)

Proposed Development:

This application is seeking to allow for a vacation rental use to take place within the principal dwelling on the subject property through the issuance of a Temporary Use Permit (TUP).

In support of this proposal, the applicant has stated that “For the first time in more than 30 years we don’t have kids or pets as dependents... so we plan to travel more... As hosts ourselves, we have 4 years of experience (2015-2019) as Superhosts on AirBnB and have found when guests arrive and have been physically introduced to a rental property they are likely to be considerate neighbours.”

Site Context:

The subject property is approximately 1,103 m² in area and is situated on the north side of McPhee Road, approximately 2.5 km north from the boundary with the City of Penticton. It is understood that the parcel is comprised of a single detached dwelling.

The surrounding pattern of development is generally characterised by similarly sized residential parcels that have been development with single detached dwellings and agriculturally developed properties.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on March 15, 1968, while available Regional District records indicate that a building permit for an addition (1982) has previously been issued for this property.

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 3010, 2023, the subject property is currently designated Low Density Residential (LR).

Section 22.3.4 of Electoral Area “E” OCP Bylaw contains criteria in evaluating a Temporary Use Permit application. Sections 22.3.6 and 11.6.2 specify conditions for temporary use permits and short-term vacation rentals respectively.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Three (RS3) which includes single detached dwelling as a permitted use.

The property is within the Agricultural Land Reserve (ALR). Despite this, Section 23(1) (Exceptions) of the *Agricultural Land Commission Act*, states that restrictions on the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the *Land Registry Act* (1960), less than 2.0 acres (0.81 ha) in area.

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

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:

In considering this proposal, Administration notes that the proposed vacation rental renewal is to be temporary and seasonal, as it will operate between the months of July 1st and December 31st.

The vacation rental use is to take place on the property and will allow for a maximum of two (2) bedrooms to be rented out and a maximum of four (4) guests per visit. As the proposed use is limited to the property, it is not expected to negatively impact the environment. Moreover the property is not within an Environmentally Sensitive or Watercourse Development Permit Area; therefore, impacts on the environment are limited.

The applicant has provided a parking plan confirming that the two required parking spaces are available on the property. They have also provided confirmation from a Professional Engineer that the existing sewerage system is sufficient for the proposed vacation rental use.

A Temporary Use Permit (TUP) was previously issued in 2023 for a vacation rental and during the period it was operating no bylaw enforcement issues or complaints were recorded.

A Health and Safety Inspection was completed on May 16, 2023, and indicated that no concerns were noted.

It has been noted that the vacation rental use will be managed by a neighbour while the owners are away. This will include meeting and greeting guests and making themselves available in the event of an emergency.

The property is almost entirely surrounded by trees and has a fence on the eastern property line, providing screening and privacy both for potential guests and neighbouring property owners.

In summary, the proposed temporary use generally satisfies the evaluation criteria in the Area “E” OCP and is seen to be consistent with the Regional District Board’s “Vacation Rental Temporary Use Policy”. For these reasons, administration is recommending approval.

Alternatives:

1. THAT the Board of Directors deny Temporary Use Permit No. E2024.013-TUP.

Respectfully submitted:

Colin Martin

Colin Martin, Planner I

Attachments: No. 1 – Agency Referral List

No. 2 – Applicant’s Site Plan

No. 3 – Site Photo

Attachment No. 1 – Agency Referral List

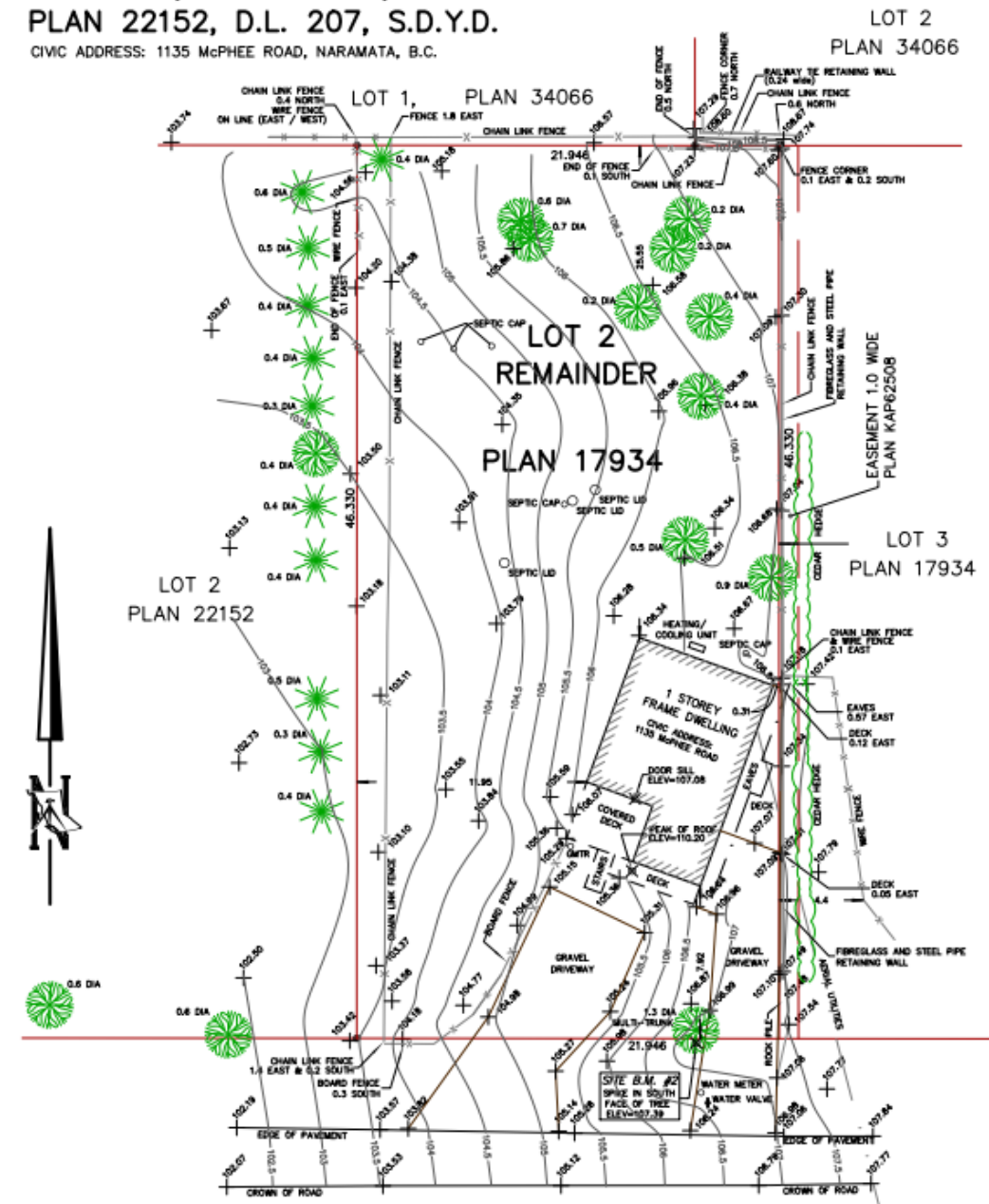
Referrals to be sent to the following agencies as highlighted with a , prior to the Board considering adoption of Temporary Use Permit No. E2024.013-TUP.

<input checked="" 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 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 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"/>	Naramata Fire Department	<input type="checkbox"/>	

Attachment No. 2 – Applicant’s Site Plan

**PLAN SHOWING TOPOGRAPHICAL INFORMATION
ON LOT 2, PLAN 17934, EXCEPT
PLAN 22152, D.L. 207, S.D.Y.D.**

CIVIC ADDRESS: 1135 McPHEE ROAD, NARAMATA, B.C.



SITE B.M. #1
TOP SPINDLE OF FIRE HYDRANT
SOUTHEAST CORNER OF MCPHEE ROAD
AND NARAMATA ROAD
ELEV=100.00 (ASSUMED)
LOCATION
NOT TO SCALE

DIMENSIONS ON THIS PLAN ARE SHOWN ACCORDING TO REGISTERED LAND TITLE OFFICE RECORDS.

SCALE 1:200

5 4 3 2 1 0 5 10 metres

ALL DIMENSIONS ARE IN METRES AND DECIMALS THEREOF UNLESS OTHERWISE NOTED

LEGEND AND NOTES

- DENOTES EXISTING ELEVATION
- DENOTES CONIFEROUS TREE WITH DIAMETER
- DENOTES DECIDUOUS TREE WITH DIAMETER
- DENOTES GAS METER
- DENOTES OFFICIAL IRON POST AT LOT CORNER FOUND

THIS INFORMATION SHOWN ON THIS PLAN IS BASED ON FIELD WORK COMPLETED THIS 19th DAY OF OCTOBER, 2020

STEVEN J. BUZKIEWICH
PROFESSIONAL LAND SURVEYOR
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PENTICTON, B.C.
Phone: (250)492-0559 Fax: (250)492-9851
FILE 20-106 DWG. 20-106TP FB.#216 PG.#80-85

Attachment No. 3 – Site Photo (Google Earth, 2024)

