

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** J. Zaffino, Chief Administrative Officer  
**DATE:** July 4, 2024  
**RE:** Temporary Use Permit Application – Electoral Area “H” (H2023.025-TUP)

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## Administrative Recommendation:

**THAT Temporary Use Permit No. H2023.025-TUP, to allow vacation rental use at 108 Missezula Lake Road be approved.**

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Legal: Lot 16, Plan KAP29782, District Lot 1909, KDYD Folio: H-01033.625

OCP: Low Density Residential (LR) Zone: Residential Single Family One (RS1)

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## Proposed Development:

This application is seeking to allow 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:

*Our family is requesting a permit for a vacation rental use of our family cabin. We built this place in the early 90's. As of the past few years, the responsibility of maintaining the building and increasing of bills, we have come to the conclusion that this is a good way for us to keep up with costs. Our goal is not to over rent our place, but to cover our costs. We have found this to be achievable with a limited number of rentals per season.*

## Site Context:

The subject property is approximately 1238 m<sup>2</sup> in area and is situated on the south side of Missezula Lake Road approximately 575 metres south of Missezula Lake and approximately 30 km north of the Town of Princeton. It is understood that the parcel is comprised of a single detached dwelling, garage and accessory structure.

The surrounding pattern of development is generally characterised by similarly sized residential parcels that have been developed with single detached dwellings, as well as vacant large holdings and resource area parcels to the south.

## 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 12, 1979, while available Regional District records indicate that a building permits for a garage (2005) and a cabin (1990) have previously been issued for this property.

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Under the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, the subject property is currently designated Low Density Residential (LR).

Section 21.3.4 of Electoral Area “H” OCP Bylaw establishes the following criteria in evaluating a Temporary Use Permit application:

- The use must be clearly temporary or seasonal in nature;
- Compatibility of the proposal with adjacent uses;
- Impact of the proposed uses on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas;
- Intensity of the proposed use;
- Opportunity to conduct the proposed use on land elsewhere in the community; and
- The remedial measures to be carried out to mitigate any damage to the natural environment as result of the temporary use.

Under the Electoral Area “H” Zoning Bylaw No. 2498, 2012, the property is currently zoned Residential Single Family One (RS1) which permits a single detached dwelling as a permitted principal use.

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 Electoral Area “H” OCP Bylaw, unlike the Okanagan Valley Electoral Area OCPs, does not include policies supporting vacation rental uses through the issuance of TUPs.

However, the intent of the Regional District’s “Vacation Rental Temporary Use Permit Policy”, and supportive OCP policies is to allow for a new vacation rental use to operate for one “season” to determine if such a use is appropriate at a particular location.

Following the initial “season”, the Board would then have the opportunity to determine whether it is appropriate to renew the permit.

Accordingly, other Electoral Area OCPs include policies supporting vacation rental uses in lands designated Residential, which state that the Regional District Board supports the provision of paid accommodation for visitors through the short-term rental of residences provided that community and neighbourhood residential needs and other land use needs can be addressed.

OCP Policies

To facilitate the review of vacation rental proposals, the Okanagan Valley OCPs also contain evaluation criteria against which these proposals can be assessed:

- capability of accommodating on-site domestic water and sewage disposal;
- mitigating measures such as screening and fencing;
- provision of adequate off-street parking;

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- confirmation that the structure proposed complies with the BC Building Code; and
  - benefits that such accommodation may provide to the community.

Administration considers these OCP policies to be representative of the Regional District Board's current policy direction regarding the regulation of vacation rental uses and has reviewed the proposal accordingly.

In this instance, a health and safety inspection of the dwelling has been completed and all deficiencies have been addressed. The applicant has also indicated that three parking spaces are to be provided on-site.

In considering the TUP evaluation criteria in Section 21.3.4 of the Area "H" OCP Bylaw, administration notes that the proposed vacation rental use is seasonal in nature, is not intensive, and will not impact the natural environment.

#### Sewage Disposal

As proof of adequate septic, the applicant has provided an application to the Ministry of Health for a permit to construct a sewage disposal system dated May 15, 1983. The applicant has also provided a septic cleaning receipt from 2018 indicating the system was in "good condition" at this time.

Administration does not consider these documents to provide adequate confirmation of the system's current capacity to accommodate a three bedroom, six guest vacation rental use.

For this reason, Administration is recommending that if the proposal is approved, a condition of the permit should require the submission of a letter from a Registered Onsite Wastewater Practitioner confirming the system has adequate capacity, and that this be provided within 6 months (e.g. by January 4, 2025).

The applicant has confirmed that this condition is agreeable and that proof of septic will be provided if required as a condition of approval by the Regional District Board.

#### Alternative

Administration recognizes that the Electoral Area "H" OCP does not include policies speaking to authorizing vacation rental uses through the issuance of TUPs and that community consultation regarding the appropriateness, desirability or compatibility of this use class in Area "H" has not previously been undertaken.

For this reason, Administration recognises that the Regional District Board's historical approach to regulating vacation rental uses in the Okanagan Valley Electoral Areas may not reflect the Board's preferences for regulating vacation rental uses in Area "H".

#### Summary

In summary, Administration considers the proposed temporary use to generally align with the Regional District's approach to regulating vacation rental uses in other Electoral Areas.

For this reason, Administration is recommending approval, subject to proof of adequate on-site septic being provided within 6 months.

#### **Alternatives:**

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1. THAT the Board of Directors approve Temporary Use Permit No. H2023.025-TUP without conditions requiring proof of adequate sewage disposal; or
  2. THAT the Board of Directors deny Temporary Use Permit No. H2023.025-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 – Aerial Photo

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Temporary Use Permit No. H2023.030-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 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"/>	X Irrigation District / improvement Districts / etc.
<input checked="" type="checkbox"/>	Missezula Lake Fire Department		

Attachment No. 2 – Aerial Photo

