

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** December 15, 2022  
**RE:** Temporary Use Permit Application – Electoral Area “I” (I2019.013-TUP)

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## **Administrative Recommendation:**

**THAT Temporary Use Permit No. I2022.025-TUP, to allow a vacation rental at 110 Ponderosa Avenue in Kaleden, be approved.**

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Legal: Lot A, Plan KAP51112, District Lot 105S, SDYD Folio: I-01419.101

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

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## **Proposed Development:**

This application is seeking to renew a Temporary Use Permit (TUP) authorizing the operation of a short-term vacation rental use of a three bedroom dwelling at 110 Ponderosa Avenue for a period of up to three years.

In support of this proposal, the applicant has stated that there have been “no changes from previous permit.”

## **Site Context:**

The subject property is approximately 1,636 m<sup>2</sup> in area and is situated on the corner of Lakehill Road and Ponderosa Avenue, north of Pioneer Park. It is understood that the parcel is comprised of a single detached dwelling.

The surrounding pattern of development is characterised by low density residential parcels west of Ponderosa Avenue and park and commercial lands along the foreshore of Skaha Lake.

## **Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on December 15, 1993, while available Regional District records indicate that a building permits for Single Family Dwelling (1995) was previously issued for this property.

Under the Electoral Area “I” Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Low Density Residential (LR).

Section 23.0 of the Electoral Area “I” OCP Bylaw contains the objective to consider allowing on-going short-term vacation rental uses on properties designated Residential through the issuance of Temporary Use Permits. Supportive policy and criteria are contained at Section 11.7 and speak to ensuring that community and neighbourhood residential needs and other land use needs can be addressed.

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Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Two (RS2) which allows for a single detached dwelling as a principal use.

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

At its meeting of February 6, 2020, the Regional District Board approved TUP No. I2019.013-TUP, which authorized a “vacation rental” to operate at the subject property for a three-year term expiring on December 31, 2022.

**Enforcement:**

The Regional District previously received written complaints regarding the operation of a “vacation rental” use outside of the permitted months of May 1<sup>st</sup> to October 31<sup>st</sup>.

It was subsequently determined that the rental of the property that was occurring was “residential” (e.g. for a period greater than 30 days) and permitted by zoning. The enforcement file was subsequently closed.

**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 bylaw infractions on this property and the proposed vacation rental use remains unchanged from that previously approved in 2020.

While it is recognized that the Electoral Area “I” OCP 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. I2019.013-TUP.

Further, the Electoral Area “I” OCP generally supports vacation rentals in residential areas, and contains objectives which include allowing “on-going” vacation rental uses through the issuance of Temporary Use Permits.

**Alternatives:**

1. THAT Temporary Use Permit No. I2022.025-TUP be denied.

**Respectfully submitted:**

*Fiona Titley*

Fiona Titley, Planner II

**Endorsed By:**

*CG*

C. Garrish, Planning Manager

**Attachments:**

- No. 1 – Agency Referral List
- No. 2 – Aerial Photo
- No. 3 – Applicant’s Site Photo (Oct. 2022)

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , prior to Board consideration of TUP No. I2012.025-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 Environment & Climate Change Strategy	<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 checked="" type="checkbox"/>	Kaleden Irrigation District
<input type="checkbox"/>	Fraser Valley Regional District	<input type="checkbox"/>	Irrigation District / improvement Districts / etc.
<input checked="" type="checkbox"/>	Kaleden Fire Department		

Attachment No. 2 – Aerial Photo



Attachment No. 3 – Site Photo (October 2022)

