

## ADMINISTRATIVE REPORT



**TO:** Advisory Planning Commission  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** June 8, 2021  
**RE:** Temporary Use Permit – Electoral Area “D”

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**Purpose:** To allow for a short-term vacation rental use through issuance of a TUP.

**Owners:** Dmytro and Marina Vinnik      **Agent:** n/a      **Folio:** D-06801.030

**Civic:** 152 Christie Mountain Lane      **Legal:** Lot 29, Plan KAP51283, District Lot 2710, SDYD

**OCP:** Small Holdings (SH)      **Zoning:** Site Specific Small Holdings 5 (SH5s)

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### **Proposed Development:**

This application is seeking to authorize the operation of a short-term vacation rental use of a three-bedroom dwelling on the subject property for a one “full season” term to expire on December 31, 2022, through the issuance of a Temporary Use Permit (TUP).

In support of this proposal, the applicant has stated that the “reason for the purposed temporary use: to benefit our family and the local community by bringing in much needed attention and recognition to the latter. We believe that community-based tourism encourages the conservation of wildlife, pride within the community and protection of community resources. The income generated from tourism is likely to stay within the local destination”.

### **Site Context:**

The subject property is approximately 0.336 ha in area and is situated on the east side of Christie Mountain Lane. 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 abutting undeveloped parkland.

### **Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on January 17, 1994, while available Regional District records indicate that a building permit for a single detached dwelling (1994) has previously been issued for this property.

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Small Holdings (SH), and is the subject of a Hillside Development Permit Area designation.

Although Section 10.3.9 Rural Holdings, Policies-General, includes vacation rental policies that support the provision of paid accommodation for visitors through the short term rental of residences

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provided that community and neighbourhood residential needs and other land use needs can be addressed, it also states “in the areas...generally known as Heritage Hills, Lakeshore Highlands and Skaha Estates, the short-term rental of residences is generally discouraged”.

Section 23.0 of Electoral Area “D” 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.

Section 23.2.4 of Electoral Area “D” OCP Bylaw contains criteria in evaluating a temporary use permit application. Section 23.2.5 and 23.2.6 specify conditions for temporary use permits and short-term vacation rentals respectively. Conditions specific to short-term vacation rentals are summarized as:

- a) *The provision of screening or fencing in order to address potential impacts or to address neighbour privacy issues;*
- b) *The provision of the manager or owner’s contact information, as well as a copy of any issued TUP, to each neighbour whose property is located within 100 metres of the subject property;*
- c) *The availability or accessibility by telephone of the manager or owner;*
- d) *The posting of information for the property (i.e. noise, fire safety, location, garbage, septic system care, pet control);*
- e) *Maximum accommodation (occupancy of two per bedroom, up to 10 persons)*
- f) *Provision of one parking space per bedroom*
- g) *Prohibition of RV use or camping;*
- h) *Confirmation of minimum standard for health and safety; and*
- i) *Other requirements, as appropriate*

Under the Electoral Area “D” Zoning Bylaw No. 2455, 2008, the property is currently zoned Site Specific Small Holdings Five (SH5s) which permits single detached dwellings as a principal use.

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

### **Analysis:**

In considering this proposal, Administration notes that the subject parcel is located in Heritage Hills and the Electoral Area “D” OCP Bylaw generally discourages vacation rental uses in Heritage Hills, Lakeshore Highlands and Skaha Estates.

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In this instance, there are no unique circumstances that would distinguish this parcel or dwelling from other properties in the area. As such, not supporting a vacation rental use at this location would be consistent with Section 10.3.9 which generally discourages short term rentals within Heritage Hills.

Without the benefit of supportive policies for a vacation rental use, Administration considers there to be ample opportunities to conduct a vacation rental use elsewhere in the community (i.e. in residential and rural holdings areas that are supported for vacation rental uses under the Electoral Area "D" OCP Bylaw), which is contrary to the evaluation criteria for TUPs under Section 23.3.4(e).

Although a letter from a Registered On-site Wastewater Practitioner (ROWP) has been provided, it states that "provisions must be made throughout the renting process to ensure that only a single family occupies the dwelling at any time".

Without a ROWP letter stating the on-site septic system is capable of handling the proposed use of 3-bedrooms/6-person occupancy, Administration has concerns that the existing on-site septic system may not be capable of supporting the proposed use.

Conversely, Administration recognises that, in support of the proposal, a vacation rental is considered a seasonal use (i.e. May-October), is located outside of designated environmentally sensitive areas, is contained within an existing dwelling and is seen in other areas as generally compatible with residential uses.

Further, the applicant has provided a site plan indicating adequate parking (3 on-site parking stalls).

In addition, the applicant has not been provided with the opportunity to operate a vacation rental successfully and prove compatibility with the adjacent uses.

In summary, Administration does not support the use of this 3-bedroom dwelling for a vacation rental use, as such uses are discouraged in the Heritage Hills area.

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**Administrative Recommendation:**

**THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be denied.**

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**Options:**

1. THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be approved.
2. THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be approved with the following conditions:
  - i) *TBD*
3. THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be denied.

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**Respectfully submitted:**



JoAnn Peachey, Planner I

**Endorsed By:**



C. Garrish, Planning Manager

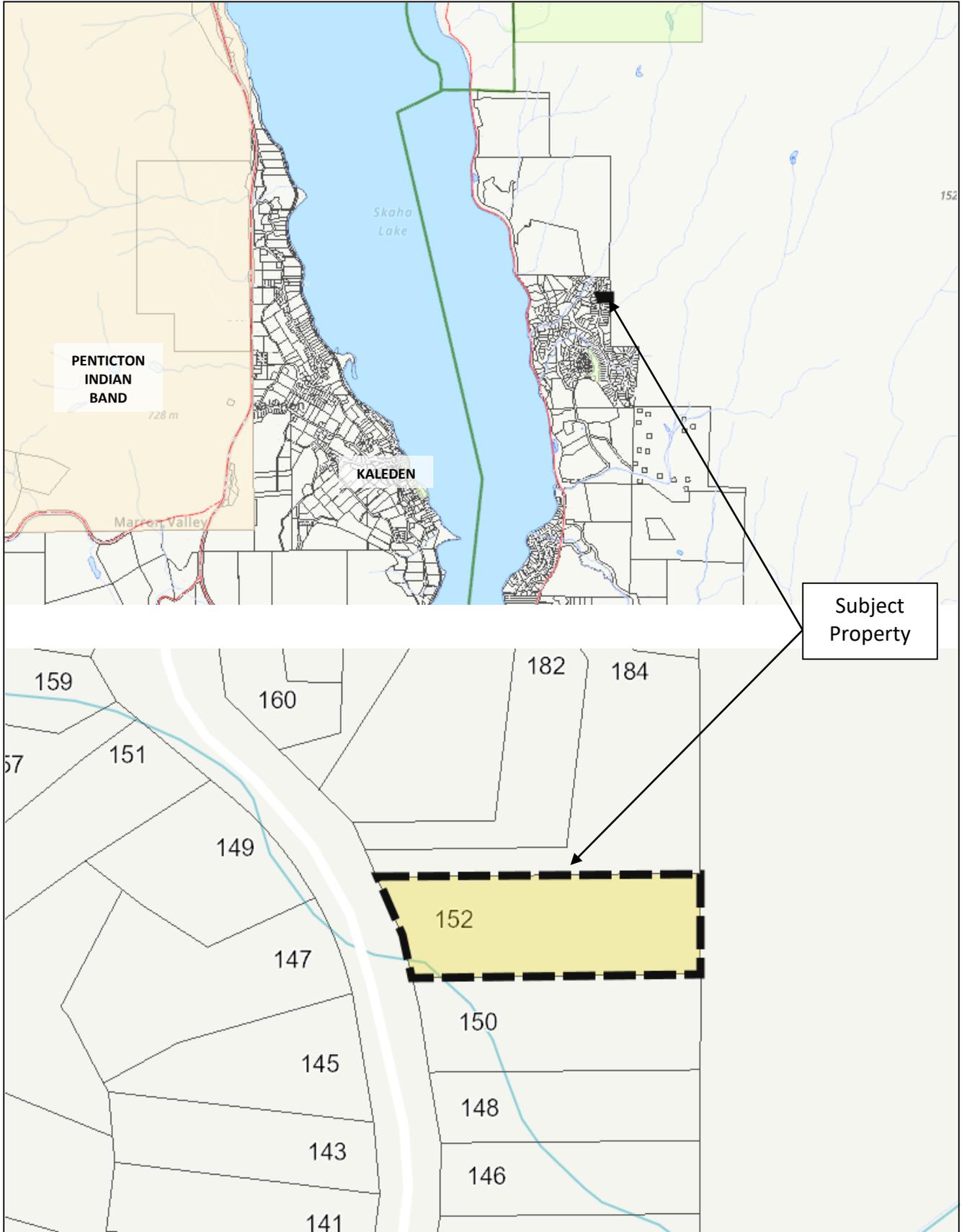
Attachments: No. 1 – Context Maps

No. 2 – Applicant’s Site Plan

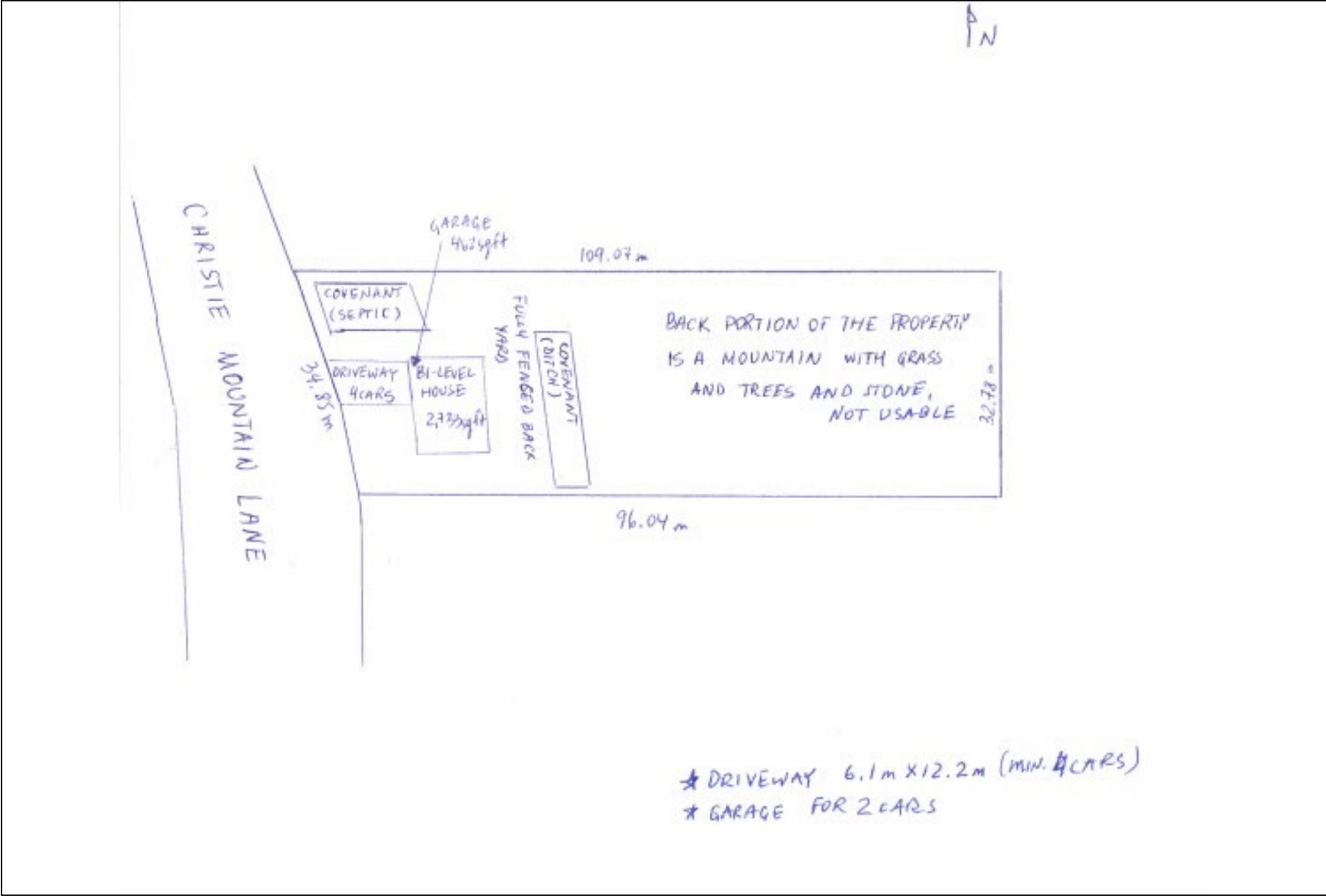
No. 3 – Applicant’s Building Elevations

No. 4 – Applicant’s Site Photo

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 – Applicant’s Floor Plan



Attachment No. 4 – Applicant’s Site Photo (April 2021)

