

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** September 22, 2022  
**RE:** Temporary Use Permit Application – Electoral Area “D” (D2022.015-TUP)

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### **Administrative Recommendation:**

**That Temporary Use Permit No. D2022.015-TUP, to allow a vacation rental use at 3136 Vaseux Lake Crescent, be approved.**

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Legal: Lot 10, Plan KAP11377, Sublot 15, DL2710, SDYD      Folio: D-06773.000

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

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### **Proposed Development:**

This application is seeking to allow the operation of a short-term vacation rental use in 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 “Tenants must read rules laid out by the owners which include house use as private with no parties or large gatherings, no recreational vehicles, large shed /workshed is not allowed to be used by tenants (locked). A note with fire escape, septic responsibilities and warnings is also clearly available and discussed upon arrival.”

### **Site Context:**

The subject property is approximately 948 m<sup>2</sup> in area and is situated on the west side of Vaseux Lake Crescent, abutting Vaseux Lake to the east. It is understood that the parcel is comprised of a single detached dwelling, two storage sheds, a children’s playhouse and a workshop/shed.

The surrounding pattern of development is generally characterised by similarly sized residential parcels that have been development with single detached dwellings bordered by Vaseux Lake to the east.

### **Background:**

The boundaries of the property were created on July 3, 1961, while available Regional District records indicate that a building permit for a hobby/workshop (1998) has previously been issued.

The property is designated Low Density Residential (LR) and is the subject of a Watercourse Development Permit (WDP) designation and is also identified as an Important Ecosystem Area.

The Area “D” OCP 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.

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The property is zoned Low Density Residential Two (RS2) which permits a single detached dwelling as a principle use and allows for a “bed and breakfast operation” as a secondary use.

The property is within the floodplain associated with Vaseux Lake, BC Assessment has classified the property as “Residential” (Class 01) and a Temporary Use Permit application to allow a vacation rental use at the subject property was previously refused May 5, 2022.

**Public Process:**

On August 10, 2022, a Public Information Meeting (PIM) was held electronically via Webex and was attended by approximately fourteen (14) members of the public.

At its meeting of August 18, 2022, the Electoral Area “D” Advisory Planning Commission (APC) failed to make a recommendation.

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:**

The Area “D” OCP includes supportive policy for vacation rental uses in residential areas and outlines a number of criteria against which the board will consider such a use. The proposed use is seasonal in nature (May-October) and is not intensive in scale. The impact on the natural environment and neighbouring uses is minimized by being contained within an existing building and parking area on the parcel.

The applicant has submitted a septic assessment letter signed by a Registered Onsite Wastewater Practitioner certifying that the sewerage system is adequate to handle the proposed change in use. Further, a Health and Safety Inspection was completed on March 18, 2022 and no deficiencies were identified.

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 inappropriate, incompatible, or unviable at a particular location and, if so, to allow for the permit to lapse or not be renewed within a relatively short period.

**Alternatives:**

1. THAT the Board of Directors deny Temporary Use Permit No. D2022.015-TUP.

**Respectfully submitted:**

*Fiona Titley*

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Fiona Titley, Planner II

**Endorsed By:**

*CG*

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C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List

No. 2 – Site Photo

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Temporary Use Permit No. D2022.005-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 checked="" type="checkbox"/>	Vaseux Lake improvement Districts
<input checked="" type="checkbox"/>	Okanagan Falls Fire Department		

Attachment No. 4 – Site Photo (March 2022)

