

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** J. Zaffino, Chief Administrative Officer  
**DATE:** December 7, 2023  
**RE:** Temporary Use Permit Application – Electoral Area “E” (E2024.031-TUP)

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## **Administrative Recommendation:**

**THAT Temporary Use Permit No. E2024.031-TUP, to allow a vacation rental use at 3260 McKay Road, be approved.**

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Legal: Lot 2, Plan KAP52397, District Lot 210, SDYD      Folio: E-02212.020  
OCP: Agriculture (AG)      Zone: Agriculture (AG1)

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## **Proposed Development:**

This application is seeking to renew an existing permit for a vacation rental use on the property through the issuance of a Temporary Use Permit (TUP).

While the applicant has not provided a rationale in support of this proposal, the applicant has summarized the proposal as the renewal of an existing vacation rental (VRBO), to operate from May-October.

## **Site Context:**

The subject property is approximately 4.2 ha in area and is situated on the east side of McKay Road and west side of Robinson Avenue. It is understood that the parcel is comprised of a single detached dwelling, accessory dwelling, farm building, and vineyards.

The surrounding pattern of development is generally characterised by agriculture to the north and south, with a mix of low density residential and rural-residential uses to the east and west.

## **Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office. The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on June 7, 1994 while available Regional District records indicate that building permits for the two dwellings (1994, 1995) have been issued for this property.

Under the Electoral Area “E” Official Community Plan Bylaw No. 3010, 2023, the subject property is currently designated Agriculture (AG) and is the subject of Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations.

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Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Agriculture One (AG1), which lists single detached dwelling as a permitted principal use and “accessory dwelling” as a permitted accessory use.

The property is located within the Agricultural Land Reserve (ALR).

BC Assessment has classified the property as part “Residential” (Class 01) and part “Farm” (Class 09).

Temporary Use Permits have previously been issued for this property in 2017, 2018 and 2021 to authorize the subject 2-bedroom, 4-guest vacation rental use in the accessory dwelling. No bylaw enforcement complaints related to the vacation rental have been received by the Regional District.

**Public Process:**

Adjacent property owners received notification of this application with written comments being accepted up until October 9, 2024. All comments received are included as a separate item on the Board’s Agenda.

**Analysis:**

In considering this proposal, Administration notes that the intent of the Regional District Board’s Vacation Rental Temporary Use Permit Policy is to determine if “a vacation rental use is inappropriate, incompatible or unviable at a particular location”.

Where a vacation rental has been deemed inappropriate, the Board Policy further directs that “a permit may be allowed to lapse or not renewed...within a relatively short period”.

Administration notes that the proposed use has been operated seasonally since 2017 and that no bylaw enforcement complaints have been received related to the vacation rental.

Further, there have been no changes to the proposed use and for this reason, Administration maintains its previous analysis that the proposed use aligns with the vacation rental policies in the Electoral Area “E” OCP.

Summary

The proposed use is consistent with the Board’s Vacation Rental Temporary Use Permit policy and the Electoral Area “E” Official Community Plan. For this reason, Administration recommends that the Temporary Use Permit application be approved.

**Financial Implications:**

Financial implications have been considered and none were found.

**Communication Strategy:**

The proposed Temporary Use Permit (TUP) has been notified in accordance with the requirements of the *Local Government Act* as well as the Regional District’s Development Procedures Bylaw No. 2500, 2011.

**Alternatives:**

1. THAT the Board of Directors deny Temporary Use Permit No. E2024.031-TUP.

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**Respectfully submitted:**

*Ben Kent*

Ben Kent

**Endorsed By:**



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Agency Referral List

No. 2 – Aerial Photo

No. 3 – Site Photo

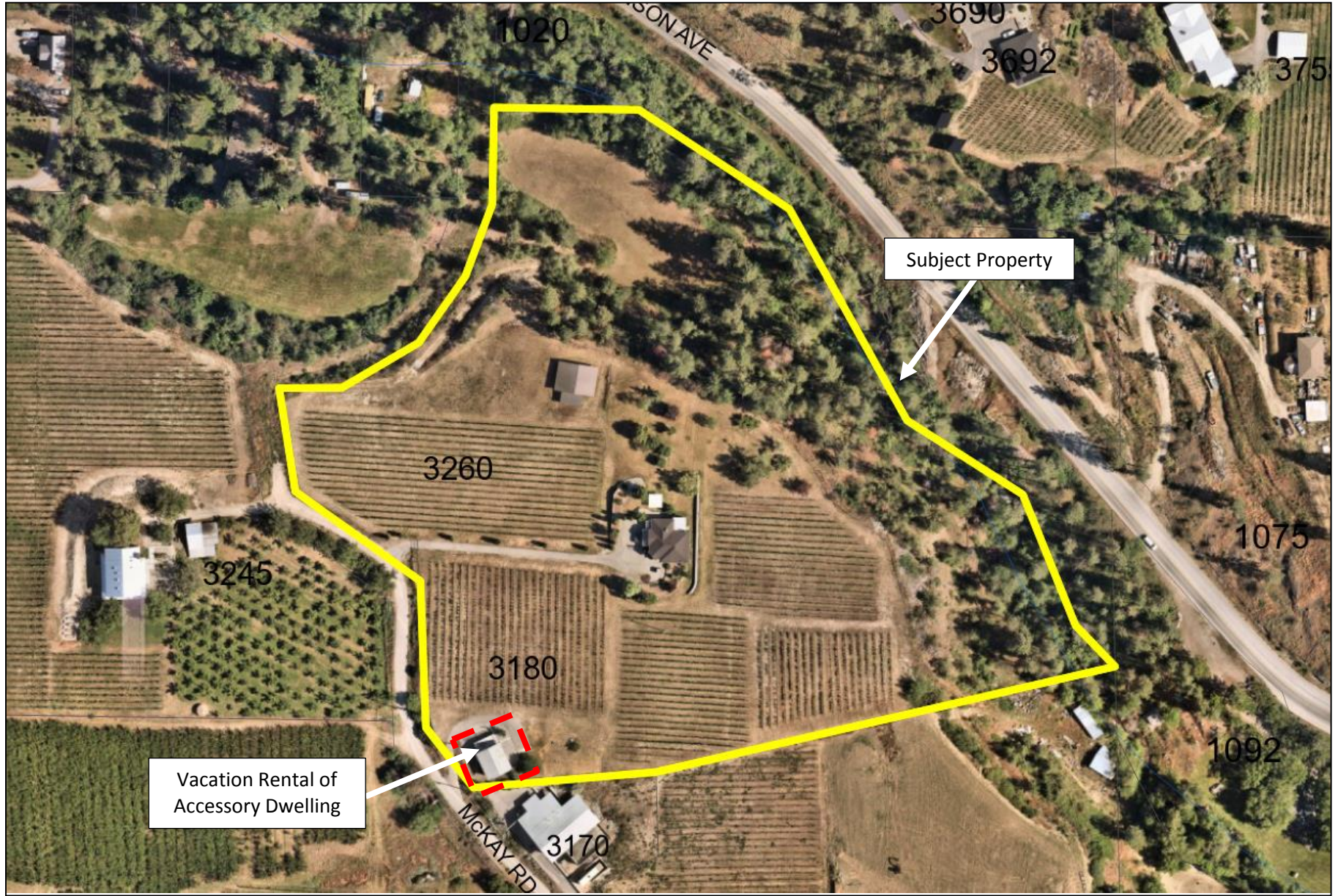
Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Temporary Use Permit No. E2024.031-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 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 Volunteer Fire Department	<input type="checkbox"/>	



Attachment No. 2 – Aerial Photo





Attachment No. 3 – Site Photo (Google Street View – 2023)

