

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission

FROM: B. Newell, Chief Administrative Officer

DATE: March 16, 2022

RE: Temporary Use Permit – Electoral Area “I”

Purpose: To allow for a vacation rental use in the secondary suite. Folio: I-01486.000

Civic: 235 Linden Avenue Legal: Lot A, Plan KAP2198, District Lot 104S, SDYD

OCP: Agriculture (AG) Zone: Agriculture One (AG1)

Proposed Development:

This application is seeking to for a vacation rental use in the secondary suite on the subject property through the issuance of a Temporary Use Permit (TUP).

In support of this proposal, the applicant has stated that “[we] will not host for people looking for a place to throw parties ... we have friends and families from Europe who are looking forward visiting Canada.”

Site Context:

The subject property is approximately 1.4 ha in area and is situated on the east side of Linden Avenue. It is approximately 10 km south of the border with the City of Penticton and approximately 0.5 km west of Skaha Lake.

It is understood that the parcel is comprised of a single detached dwelling.

The surrounding pattern of development is generally characterised by similarly sized agricultural parcels to the south and residential parcels to the north that have been developed with single detached dwellings.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on June 24, 1929, while available Regional District records indicate that a building permit for a single-family dwelling has previously been issued for this property.

Under the Electoral Area “I” Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Agriculture (AG), and is the subject of a Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations on its northern edge.

Under the Electoral Area “I” Zoning Bylaw No. 2457, 2008, the property is currently zoned Agriculture One (AG1) which allows for a single detached dwelling and secondary suite on the property.

The property is within the Agricultural Land Reserve (ALR) and has been classified as “Residential” (Class 01) by BC Assessment.

File No: I2021.028-TUP

Analysis:

In considering this proposal, Administration notes that the proposed vacation rental use is on a parcel of land historically used for residential purposes and does not remove any land from agricultural production.

In response to the criteria outlined in Section 23 of the OCP Bylaw, 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.

Additionally, the applicant has submitted a letter from a Registered Onsite Wastewater Practitioner confirming that the septic system is capable of supporting the proposed vacation rental in addition to the full-time residential use of the dwelling.

Although the Health and Safety Inspection identified certain deficiencies, the applicant is working to address those concerns.

Conversely, the use of an agricultural area for relatively commercial purposes can pose potential land use conflicts with agricultural operations. However, changing the duration of stay within an existing dwelling unit is not anticipated to introduce any land use conflicts that would not be present if the dwelling were used for residential purposes.

Further, 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.

For the reasons listed above, Administration supports approval of the temporary use permit under the following conditions:

- Period of use (May-October);
- Posting of information within vacation rental;
- Maximum number of bedrooms (2);
- Maximum occupancy (4);
- Minimum number of on-site parking stalls (2);
- Prohibition of camping or use of RVs or accessory buildings for vacation rental occupancy;
- Providing TUP and contact information to neighbours;
- Vacation rental operator and guests adhere to provincial health order during the Provincial State of Emergency for COVID-19; and
- Successful completion of a health and safety inspection.

Administrative Recommendation:

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

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.

Respectfully submitted:

Nikita Kheterpal

Nikita Kheterpal, Planner I

Endorsed By:



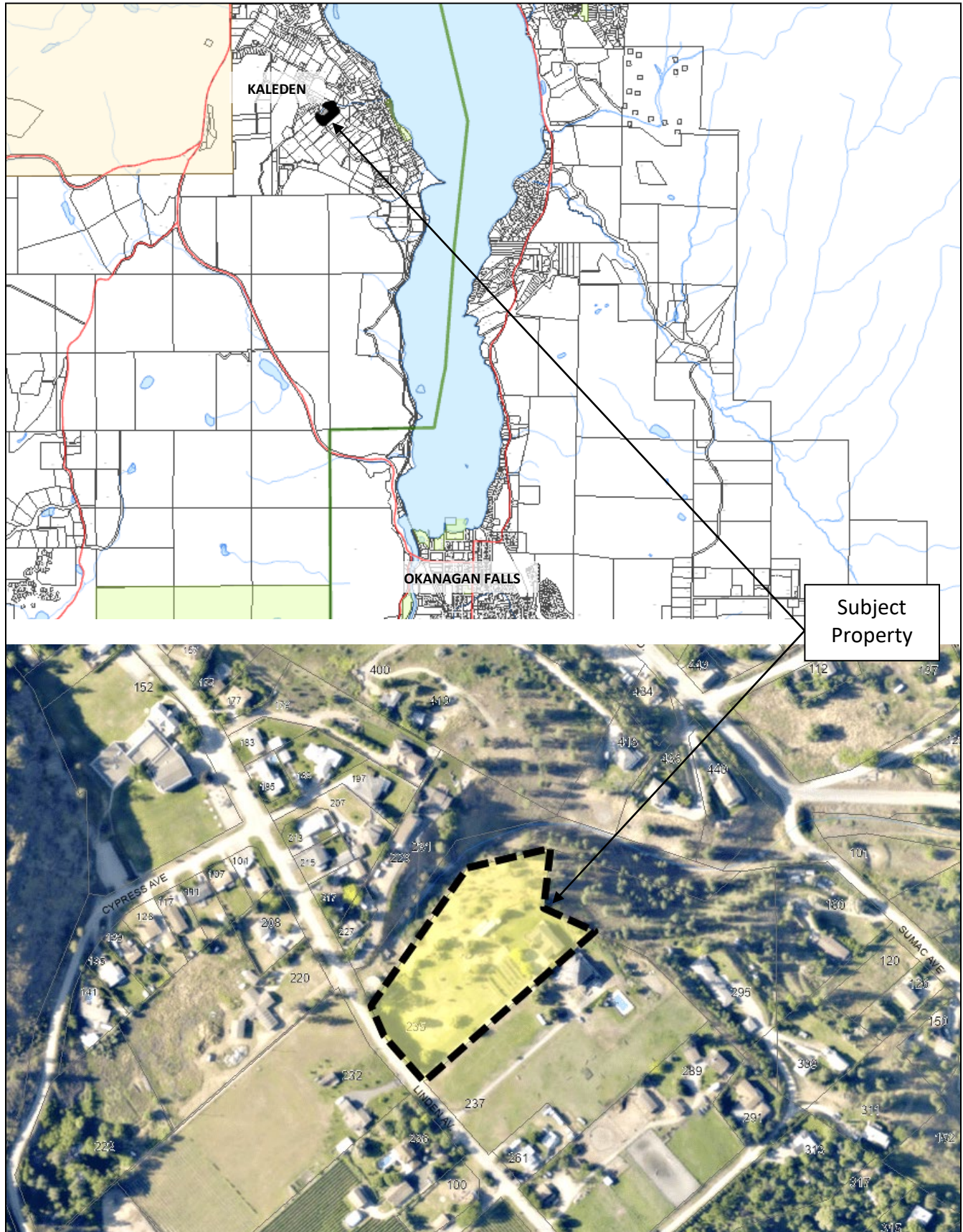
C. Garrish, Planning Manager

Attachments: No. 1 – Context Maps

No. 2 – Applicant's Site Plan

No. 3 – Applicant's Floor Plan

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant's Site Plan



Parking for the vacation rental

Attachment No. 3 – Applicant's Floor Plan

