

# ADMINISTRATIVE REPORT



**TO:** Advisory Planning Commission  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 17, 2022  
**RE:** Temporary Use Permit – Electoral Area “C”

---

Purpose: To allow for a vacation rental use Folio: C-05419.020  
Civic: 5607 Cactus Street Legal: Lot 2, Plan KAP68288, District Lot 2450S, SDYD  
OCP: Small Holdings (SH) Zone: Small Holdings One (SH1)

---

## **Proposed Development:**

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

In support of this proposal, the applicant has stated that the proposed temporary use is for “Airbnb rental income [from] Mast 1<sup>st</sup> to October 31<sup>st</sup> [in a] suite and deck [with] one parking spot”.

## **Site Context:**

The subject property is approximately 2,619 m<sup>2</sup> in area and is situated on the southwest side of Cactus Street, approximately 150 metres from the border with the Town of Oliver. It is understood that the parcel is comprised of a principle dwelling and accessory building with a sleeping unit and washroom.

The surrounding pattern of development is generally characterised by larger agricultural properties to the northwest and mixed use commercial, industrial, and tourism to the east.

## **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 18, 2001. Available Regional District records indicate that a building permits for the principle dwelling (2001), and addition to the garage (2011 & 2019) have been issued for this property.

The addition to the garage was permitted as a hobby room with no washroom or sleeping unit, and it was subsequently converted into a suite by previous owners.

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is currently designated Small Holdings (SH), and is not the subject of development permit area designations.

Section 20.0 of Electoral Area “C” OCP Bylaw contains criteria in evaluating a temporary use permit application. Section 20.3.4 and 20.3.6 specify conditions for temporary use permits and short-term vacation rentals respectively. The previously issued TUPs for the subject property included conditions to limit or require the following:

- 
- Period of use (May-October);
  - Posting of information within vacation rental;
  - Maximum number of bedrooms (1);
  - Maximum occupancy (2);
  - Minimum number of on-site parking stalls (1);
  - Prohibition of camping or use of RVs or accessory buildings for vacation rental occupancy;
  - Providing TUP and contact information to neighbours.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Small Holdings One (SH1) which allows for a principle dwelling and accessory dwelling on the parcel only if there is a connection to community sewer. Since the property is on a septic system and it is under 1 hectare in size, an accessory dwelling is not currently permitted on the parcel under section 7.2.4.

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

#### **Analysis:**

In considering this proposal, Administration is concerned that the space proposed for the vacation rental is an illegal, non-conforming sleeping unit and not a residential dwelling unit. Using this space would not meet the intent of allowing vacation rentals in a residential neighbourhood.

Namely, that a “vacation rental” means “**the use of a residential dwelling unit** [emphasis added] for the temporary commercial accommodation of paying guests for a period of less than one month.”

The space noted as a suite in the floor plan (attachment no. 3) was originally permitted and subsequently built as a hobby room addition to an existing detached garage (“accessory building”). A vacation rental use is not permitted in an accessory building due to such structures not being constructed to residential (habitable) standards.

In addition, as the subject property is less than 1.0 ha in area and not connected to a community sewer, an “accessory dwelling” is not permitted by the zoning bylaw. Allowing “accessory dwellings” on such parcels potentially jeopardizes the Regional District’s eligibility for infrastructure grant funding (e.g. Okanagan Falls Sewer Treatment Plant and Osoyoos Lake Northwest Sewer Extension).

Other options are also seen to be available to the property owner, such as operating the “vacation rental” from the principal dwelling unit, or constructing a legal secondary suite within the footprint of the principal dwelling and operating the “vacation rental” from this unit. (NOTE: secondary suites connected to a septic system on parcels less than 1.0 ha in area are permitted by the zoning bylaw and do not jeopardize grant funding eligibility).

Conversely, Administration is aware that the Board has previously supported innovative tourist accommodation proposals in the Upper Carmi area (Electoral Area “D”) and that the current proposal will cater to tourists seeking a unique experience.

In summary, however, the zoning bylaw specifies that a vacation rental use must be located in a dwelling unit. The proposed space is not permitted as a dwelling unit; therefore Administration cannot support the application for a vacation rental use.

---

If the TUP is denied, then the shower, tub, and sleeping unit are not permitted in the accessory building under Section 7.1.3 of the zoning bylaw and will be required to be decommissioned through a building permit.

---

**Administrative Recommendation:**

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

---

**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:**

  
\_\_\_\_\_  
Danielle DeVries, Planner I

**Endorsed By:**

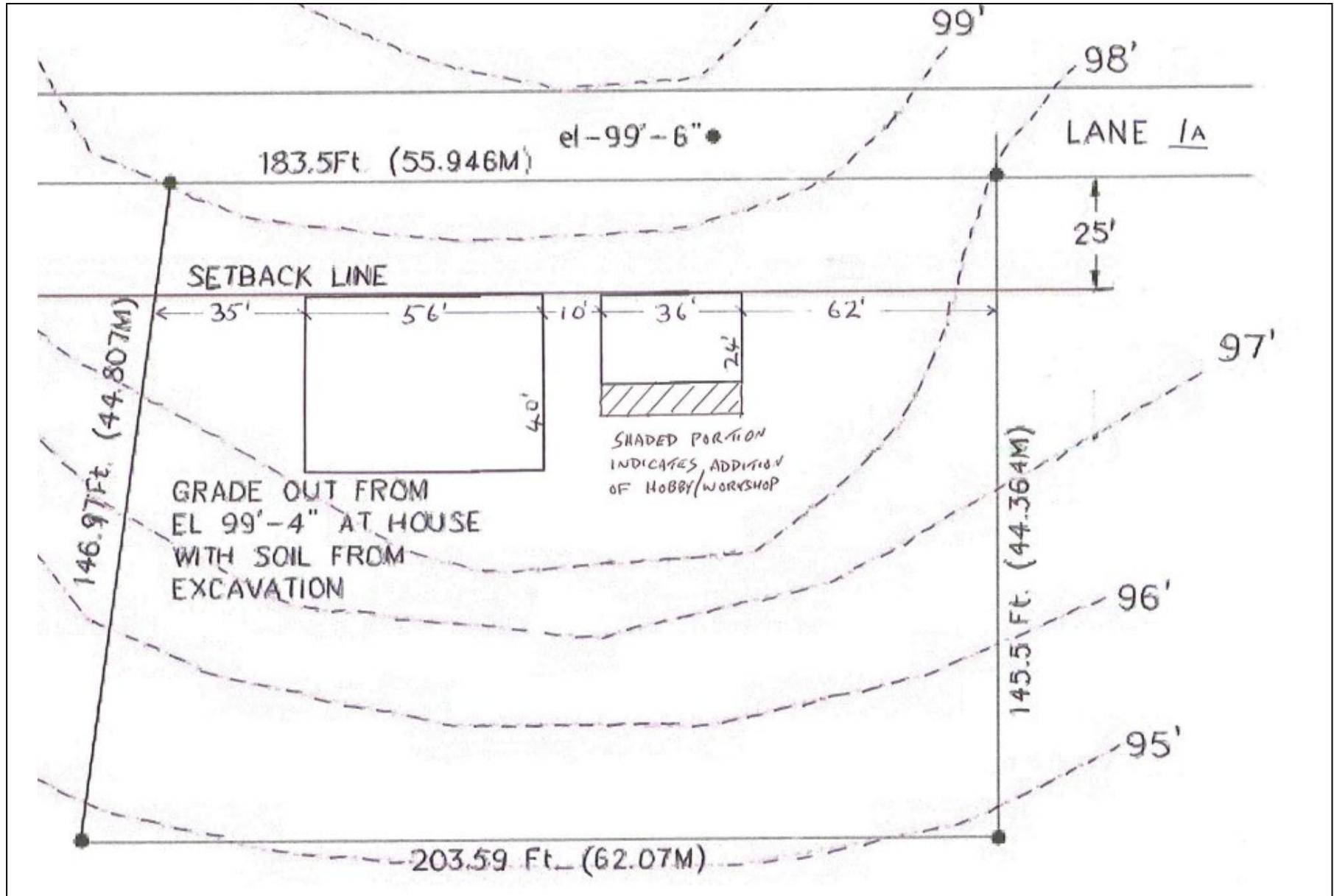
  
\_\_\_\_\_  
C. Garrish, Planning Manager

- Attachments:** No. 1 – Context Maps  
No. 2 – Applicant’s Site Plan  
No. 3 – Applicant’s Floor Plan  
No. 4 – Site Photo

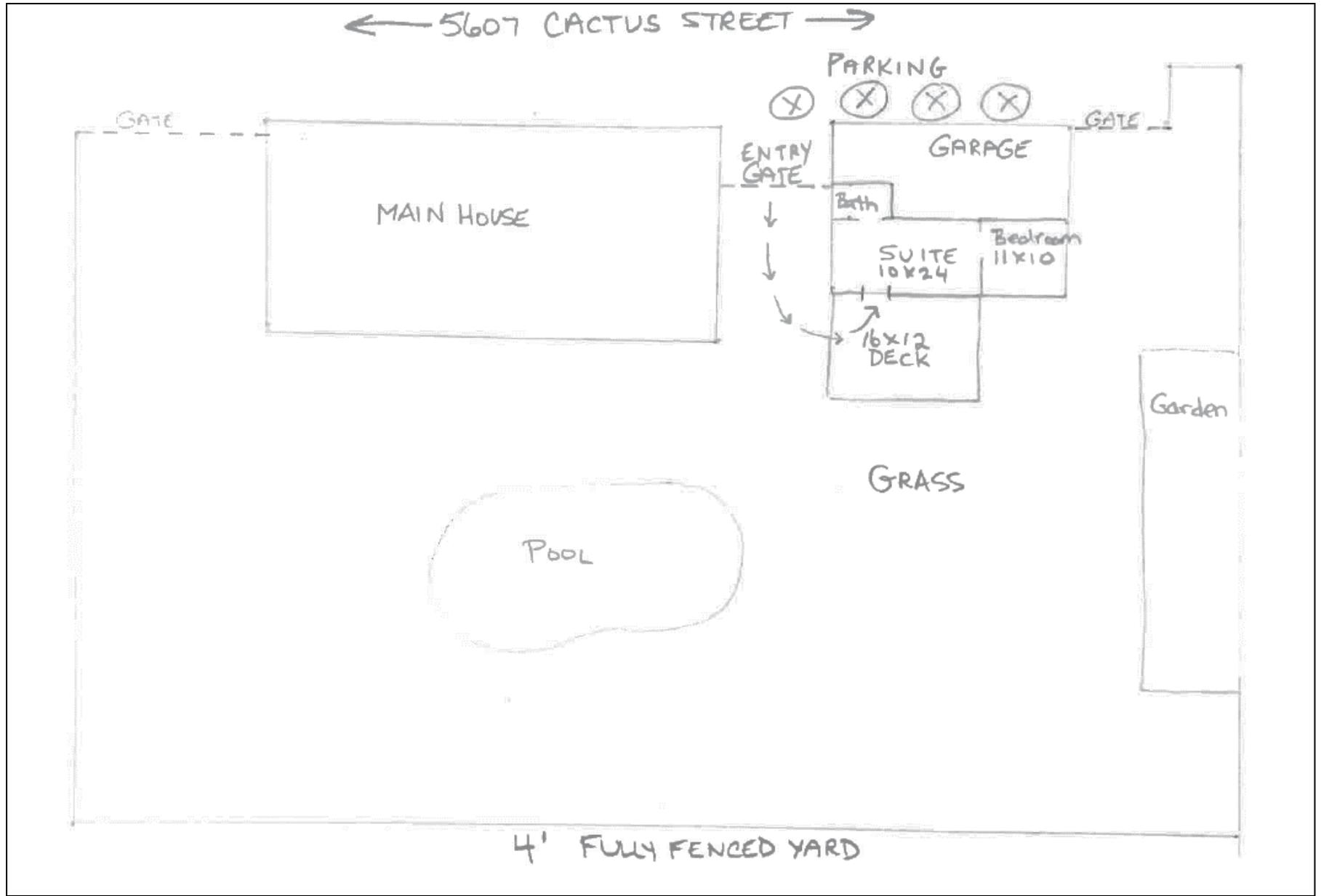
Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant's Site Plan



Attachment No. 3 – Applicant's Floor Plan



Attachment No. 4 – Site Photo

