

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: January 23, 2020
RE: Temporary Use Permit Application — Electoral Area “C”

Administrative Recommendation:

THAT the Board of Directors approve Temporary Use Permit No. C2019.012-TUP.

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

Owner: Leif and Clihoe and Dana Nielsen Applicant: Dana Nielsen Folio: C01963.005

Civic: 166 Sundial Road Legal: Lot 8, Plan 7333, District Lot 158, SDYD

OCP: Low Density Residential (LR) Zoning: Residential Single Family Two (RS2)

Proposed Development:

This application seeks continuation of a short-term vacation rental use previously authorized under Temporary Use Permit (TUP) No. C2015.014-TUP and No. C2016.103-TUP. The temporary use permit is to authorize the operation of a short-term vacation rental use at the subject property, for a three-year term from January 1, 2020 to December 31, 2022.

Site Context:

The subject parcel is approximately 1,227 m² in area, is situated on the north side of Sundial Road and abuts by Vaseux Lake along its rear boundary. The property is seen to be comprised of a single detached dwelling.

The surrounding pattern of development is characterised by low density residential parcels and three tourist commercial zoned properties along the lake foreshore, and agricultural land (in the Agricultural Land Reserve) on the south side of Sundial Road.

Background:

The subject property was created by a subdivision plan deposited in the Land Title Office in Kamloops on December 28, 1955, while available Regional District records indicate that a Building Permit has previously been issued for a single detached dwelling (1999).

At its meeting of August 20, 2015, the Regional District Board resolved to approve TUP application No. C2015.014-TUP and subsequently resolved to renew this permit, as TUP No. C2016.103-TUP, at its meeting of December 15, 2016. The current permit is due to expire on December 31, 2019.

In support of the previous TUP applications, the previous owner provided a Health & Safety Inspection (May 2015) and a Letter of Certification from a ROWP regarding the septic system filed with IHA (June 2009).

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the property is designated Low Density Residential (LR) and is also the subject of a Watercourse Development Permit (WDP) Area and Protection of Farming Development Permit Area designations.

Section 20.2 of the Electoral Area “C” OCP Bylaw contains the objective to consider allowing on-going short-term vacation rental uses on properties designated Residential through the issuance of Temporary Use Permits.

Section 22.3.4 of Electoral Area “C” OCP Bylaw contains criteria in evaluating a temporary use permit application. Section 22.5 and 22.6 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 (April 1st-October 31st);
- Posting of information within vacation rental;
- Maximum number of bedrooms (8);
- Maximum occupancy (16);
- Minimum number of on-site parking stalls (8);
- Prohibition of camping or use of RVs or accessory buildings for vacation rental occupancy; and
- Providing TUP and contact information to neighbours.

Under the Electoral Area “C” Zoning Bylaw No. 2453, 2008, the property is currently zoned Residential Single Family Two (RS2) which only allows for single detached dwellings as a principal use.

The subject property has been assessed as “residential” (Class 01) and is within the floodplain associated with Vaseux Lake.

Public Process:

A Public Information Meeting was held on December 17, 2019, at the Oliver Community Centre and was attended by the applicant and no members of the public.

This item was referred to the Electoral Area “C” Advisory Planning Commission (APC) in the December 17, 2019 meeting agenda; however, the meeting was cancelled due to lack of quorum.

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until the commencement of the regular Board meeting. Any comments will be on the agenda as separate item.

In accordance with Section 2.3 of Schedule ‘5’ of the Development Procedures Bylaw, this proposal has been referred to the external agencies listed in Attachment No. 1. Comments received from this referral are included as a separate item on the Board’s Agenda.

Analysis:

In assessing this proposal, Administration notes that there have been no recorded complaints received in relation to the operation of this vacation rental use since issuance of the TUP in 2015.

The applicant has indicated that there have been no changes to the use since the permit was issued in 2015 (i.e. the use remains limited to eight bedrooms and sixteen paying guests between April 1st and October 31st). However, ownership of the property has changed.

While it is recognised that the Electoral Area “C” OCP Bylaw, contains a number of specific criteria against which vacation rental TUPs are to be assessed (i.e. septic capacity, screening, health & safety assessment and on-site vehicle parking provisions), this criteria was previously considered by the Board when it approved TUP No. C2015.014-TUP in 2015.

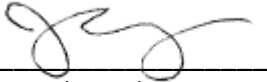
Further, the Electoral Area “C” OCP Bylaw recognizes “on-going” vacation rental uses through temporary use permits.

Accordingly, and in light of the absence of any change to the use or received complaints regarding its operation, Administration supports the continuation of a vacation rental use through a temporary use permit for a further three years (to December 31, 2022), provided the TUP includes the same conditions as the previously issued TUPs.

Alternative:

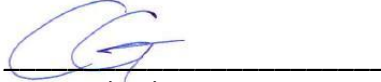
1. That the Board deny Temporary Use Permit No. C2019.012-TUP.

Respectfully submitted:



J. Peachey, Planner I

Endorsed by:



C. Garrish, Planning Manager

Endorsed by:



B. Dollevoet, GM of Development Services

Attachments: No. 1 – Agency Referral List

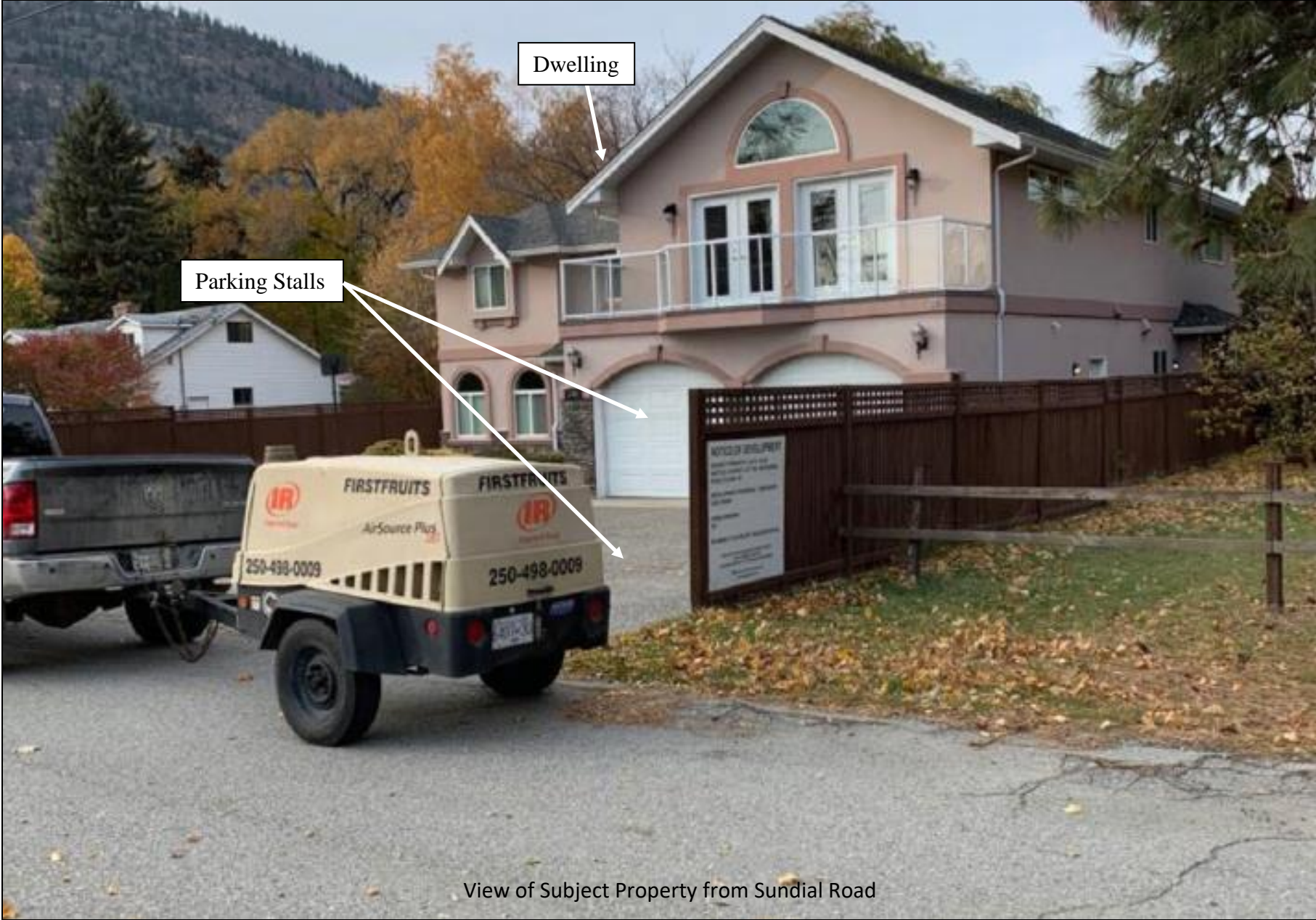
No. 2 – Site Photo (May 2019)

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , prior to Board consideration of TUP No. C2019.012-TUP:

<input checked="" 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 checked="" 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 checked="" type="checkbox"/>	Ministry of Environment & Climate Change Strategy	<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 checked="" 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 checked="" 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"/>	Oliver Fire Department		

Attachment No. 2 – Applicant’s Site Photo (November 2019)



View of Subject Property from Sundial Road