

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** February 2, 2023

**RE:** Temporary Use Permit Application – Electoral Area “E” (E2022.028-TUP)

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### Administrative Recommendation:

**THAT Temporary Use Permit No. E2022.028-TUP, to allow a vacation rental use at 3180 Bartlett Road be approved.**

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<u>Legal:</u>	Lot 2, Plan KAP47279, District Lot 210, SDYD	<u>Folio:</u> E-02200.011
<u>OCP:</u>	Low Density Residential (LR)	<u>Zone:</u> Low Density Residential Three (RS3)

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### Proposed Development:

This application is seeking to renew an existing Temporary Use Permit (TUP) authorizing the operation of a vacation rental use in the single detached dwelling on the subject property.

In support of this proposal, the applicant has stated that “it is our intention to offer the main residence only as a vacation rental for visitors who frequent the Naramata for purposes of tourism or work when we are not using the property during the allowed range of May 1 through October 31”.

### Site Context:

The subject property is approximately 1,054 m<sup>2</sup> in area and is situated on the east side of Bartlett Road in Naramata. It is understood that the parcel is comprised of a single detached dwelling and a pool.

The surrounding pattern of development is generally characterised by similarly sized residential parcels that have been development 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 2, 1992, while available Regional District records indicate that a building permits for Single Family Dwelling (1994) and a Pool (2015) have previously been issued for this property.

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject property is currently designated Low Density Residential (LR), and is not the subject a development permit, but is designated as possessing a geologival classification of “Limited or no hazard of slumps and slides.”

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Section 22.3.4 of Electoral Area “E” OCP Bylaw contains the objective to consider allowing on-going short-term vacation rentals use on properties designated Residential through the issuance of Temporary Use Permits. Supportive Policy and criteria are contained in Section 11.6 and speaks to ensuring that community and neighbourhood residential needs and other land uses needs can be addressed. the following criteria in evaluating a Temporary Use Permit application:

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Three (RS3) which Permits “Single detached dwelling” as a principal use.

The property is not within the Agricultural Land Reserve (ALR) and has been classified as “Residential” (Class 01) by BC Assessment.

**Enforcement:**

The Regional District has previously received numerous noise complaints regarding the use of the subject property as a vacation rental (e.g. July 14 & 17, Aug 8, 9 & 13 and September 5 & 8, 2022), however, in each instance the Bylaw Enforcement Officer attended the site and concluded that there were no noise violations and closed the file.

**Application History:**

At its meeting of August 19, 2021, the Board approved the operation of a vacation rental use on the subject property through TUP No. E2021.018-TUP, which expired on December 31, 2022.

At its meeting of January 19, 2023, the Board resolved to defer consideration of this application to its meeting of February 2, 2023.

**Public Process:**

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:**

In considering this proposal, Administration notes that there have been no actionable complaints received in relation to the operation of this vacation rental use that required further action by Bylaw Enforcement (e.g. ticketing) and that the use remains unchanged from that previously approved by the Board in 2021.

While Administration is aware of a history of complaints being submitted in relation to the use of the property as a vacation rental, these complaints were deemed to be without merit and not pursued further.

While it is recognized that the Electoral Area “E” OCP contains a number of specific criteria against which vacation rental TUPs are to be assessed (i.e. septic capacity, screening, and on-site vehicle parking provisions), these criteria were previously considered by the Board when it approved the earliest TUPs for this property.

Further, the Electoral Area “E” OCP generally supports vacation rentals in residential areas, and contains objectives which include allowing “on-going” vacation rental uses through the issuance of Temporary Use Permits. For these reasons, administration is recommending approval.

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**Alternatives:**

1. THAT the Board of Directors deny Temporary Use Permit No. E2022.028-TUP.

**Respectfully submitted:**

Colin Martin

Colin Martin, Planning Technician

**Endorsed By:**

A handwritten signature in blue ink, appearing to be 'CG', written over a horizontal line.

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. E2022.028-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 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 checked="" 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 – Site Photo (Google Streetview)

